

CURRENT PERIODICAL SERIES

PUBLICATION NO: 2575

TITLE: FEDERAL REGISTER
(Includes Index)
(Includes CFR)

VOLUME: 43

ISSUES: 22-32

PAGES: 4245-6758

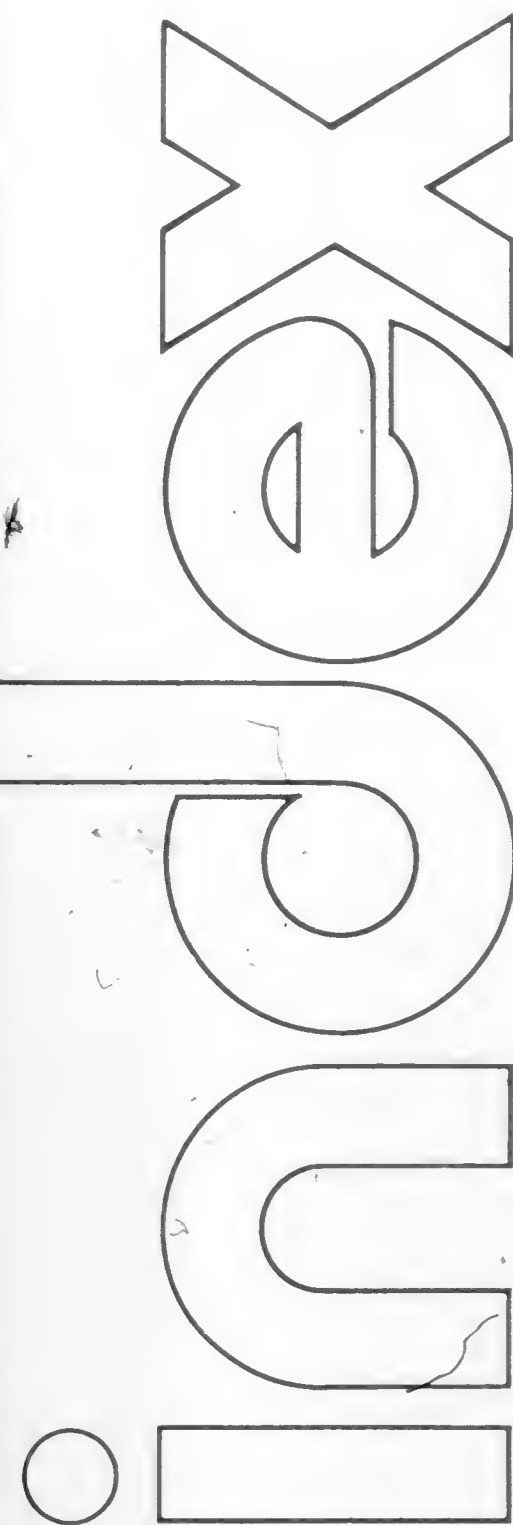
DATE: February 1 - February 15, 1978
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February 1978

Volume 43—Numbers 22-40

Pages 4245-8246



This INDEX is based on a consolidation of contents entries appearing in this month's issues of the FEDERAL REGISTER together with broad subject references. It is published monthly, quarterly, and annually.

A general index to the entire Code of Federal Regulations, the CFR INDEX, is revised as of July 1 each year.

Numerical Finding Aids. The LSA, a cumulative list of CFR sections affected, is published monthly and is cumulated for 12 months, keyed to the revision dates of the various CFR volumes.

All FEDERAL REGISTER publications are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

This publication was prepared under the editorial direction of Rose Steinmen, with Judie Craine as Chief Editor.

INQUIRIES may be made to the Finding Aids Unit at area code 202-523-5227.

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INQUIRIES AND SUGGESTIONS

This publication was prepared under the editorial direction of Robert E. Lewis assisted by Rose Steinman, with Loren Myers and Carol Blanchard as Chief Editors. INQUIRIES, telephone 202-523-5227.

SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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(Parts 150-999)	4.25	Jan. 1, 1977
(Part 1000-End)	3.00	Jan. 1, 1977
17	6.75	April 1, 1977
18 (Parts 1-149)	4.25	April 1, 1977
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19	5.75	April 1, 1977
20 (Parts 1-399)	3.25	April 1, 1977
(Parts 400-499)	5.00	April 1, 1977
(Part 500-End)	4.00	April 1, 1977
21 (Parts 1-99)	3.25	April 1, 1977
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22	4.50	April 1, 1977
23	5.50	April 1, 1977
24 (Parts 0-499)	5.00	April 1, 1977
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25	4.50	April 1, 1977
26 (Part 1 §§ 1.0-1.169)	4.75	April 1, 1977
(§§ 1.170-1.300)	4.00	April 1, 1977
(§§ 1.301-1.400)	3.75	April 1, 1977
(§§ 1.401-1.500)	4.00	April 1, 1977
(§§ 1.501-1.640)	4.00	April 1, 1977
(§§ 1.641-1.850)	4.35	April 1, 1977

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Title	Price	Revision Date
26 (Con) (Part 1 §§ 1.851-1.1200) -----	\$5.25	April 1, 1977
(§§ 1.1201-End) -----	6.75	April 1, 1977
(Part 2-29) -----	4.50	April 1, 1977
(Parts 30-39) -----	4.35	April 1, 1977
(Parts 40-299) -----	4.50	April 1, 1977
(Parts 300-499) -----	4.35	April 1, 1977
(Parts 500-599) -----	3.15	April 1, 1974*
(Part 600-End) -----	2.40	April 1, 1977
27 -----	7.00	April 1, 1977
28 -----	4.25	July 1, 1977
29 (Parts 0-499) -----	5.75	July 1, 1977
(Parts 500-1899) -----	5.50	July 1, 1976
(Parts 1900-1919) -----	6.00	July 1, 1977
(Part 1920-End) -----	4.50	July 1, 1977
30 -----	6.00	July 1, 1977
31 -----	5.65	July 1, 1976
32 (Parts 1-39) (V.I) -----	4.75	July 1, 1976
(V.II) -----	7.50	July 1, 1976
(V.III) -----	5.25	July 1, 1976
(Parts 40-399) -----	6.50	July 1, 1976
(Parts 400-589) -----	5.00	July 1, 1977
(Parts 590-699) -----	4.00	July 1, 1977
(Parts 700-799) -----	7.85	July 1, 1976
(Parts 800-999) -----	6.05	July 1, 1976
(Parts 1000-1399) -----	2.75	July 1, 1977
(Parts 1400-1599) -----	4.25	July 1, 1977
(Part 1600-End) -----	2.75	July 1, 1977
32A -----	3.75	July 1, 1977
33 (Parts 1-199) -----	7.00	July 1, 1977
(Part 200-End) -----	5.30	July 1, 1977
34 -----	1.70	July 1, 1977
35 -----	4.00	July 1, 1977
36 -----	4.50	July 1, 1977
37 -----	3.00	July 1, 1977
38 -----	7.20	July 1, 1976
39 -----	3.50	July 1, 1977
40 (Parts 0-49) -----	4.25	July 1, 1977
(Parts 50-59) -----	5.75	July 1, 1977
(Parts 60-99) -----	5.00	July 1, 1977
(Parts 100-399) -----	4.75	July 1, 1977
(Part 400-End) -----	5.75	July 1, 1977
41 (Chapters 1-2) -----	5.25	July 1, 1977
(Chapters 3-6) -----	5.90	July 1, 1976
(Chapter 7) -----	2.75	July 1, 1977
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(Chapter 9) -----	5.00	July 1, 1977
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(Chapters 19-100) -----	4.50	July 1, 1977
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42 -----	5.95	Oct. 1, 1976
43 (Parts 1-999) -----	4.00	Oct. 1, 1977
(Parts 1000-End), 44 (44 Reserved) -----	6.00	Oct. 1, 1976
45 (Parts 1-99) -----	3.45	Oct. 1, 1976
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(Parts 200-499) -----	3.15	Oct. 1, 1976
(Part 500-End) -----	6.40	Oct. 1, 1976
46 (Parts 1-29) -----	2.15	Oct. 1, 1976
(Parts 30-40) -----	3.25	Oct. 1, 1977
(Parts 41-69) -----	4.00	Oct. 1, 1976

*No amendments to this volume were promulgated in the FEDERAL REGISTER in the 1975-1976 revision period. The CFR volume issued in 1974 should be retained.

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46 (Con.) (Parts 70-89) -----	\$3.25	Oct. 1, 1977
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(Parts 140-165) -----	4.00	Oct. 1, 1976
(Parts 166-199) -----	2.65	Oct. 1, 1976
(Part 200-End) -----	7.25	Oct. 1, 1976
47 (Parts 0-19) -----	3.80	Oct. 1, 1976
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(Parts 70-79) -----	4.90	Oct. 1, 1976
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49 (Parts 1-99) -----	3.00	Oct. 1, 1977
(Parts 100-199) -----	6.50	Dec. 31, 1976
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(Parts 1000-1199) -----	3.95	Oct. 1, 1976
(Parts 1200-1299) -----	7.40	Oct. 1, 1976
(Part 1300-End) -----	3.60	Oct. 1, 1976
50 -----	4.20	Oct. 1, 1976
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1955.116 (a) (2) (v) (C) added; (b) (1), (3) (i) (B), (4) (iii) and (iv) revised 3699
1955.117 (a) (1), (b) (1), (d) (4) and (6) introductory text, (d) (6) (i) and (e) (4) revised; (e) (7) removed; (e) (5) and (6) redesignated as (e) (6) and (7); (a) (2) (iii) and new (e) (5) added 3699
1955.118 (c) (3), (e) (2) and (f) revised 3700
1980.60 (b) revised 1291
1980.444 Revised 7978
1980.451 Undesignated text following (k) amended 7978

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2045 (Subchapter S) Added; Part redesignated from 1815 and revised 3694
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103.3 (a) amended 5356
103.7 (b) (1) amended 5356
235.1 (f) (1a) added 3994
238.3 (b) amended 3995

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72.2 Revised 3701
72.3 Revised 3701
73.1a (f) added 1063
(e) (7) and (8) added 4591
(g) added 5796
78.20 Revised 4592
78.21 Revised 4593
78.22 Revised 4594
94.15 Added 4595
101.5 (m) and (n) added 3701
113.36 (f) revised 7610
113.251 Heading amended; (a) (2) revised 1479
114.14 (a) (1), and (b) introductory text and (1) revised 1479

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381.196 (b) amended 8117

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94 1962, 6234
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0.735-42 (e) amended	1929
2 Heading revised	6921
2.1 Amended	6921
2.104 (b) (3) (i) amended	7210
2 Appendix A amended	7210
9.108 (c) corrected	10
20.203 (c) (6) (i) corrected	2167
(c) (6) and (7) approval; eff. 3-14-78	5357
20.403 (a) (4) amended	2719
30 Heading revised	6921
30.1 Amended	6921
30.3 Amended	6921
30.4 Introductory text, (b), (i), and (q) amended	6921
30.5 Amended	6921
30.6 Amended	6921
30.11 (a) amended; footnote removed	6921
30.12 Amended	6921
30.13 Amended	6921
30.14 (a) and (c) amended	6921
30.15 (a) (10) added	2387
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30.16 Amended	6921
30.18 (c) and (d) amended	6921
30.19 (a) and (b) amended	6921
30.20 (a) and (b) amended	6921
30.31 Amended	6922
30.32 (d) amended	6922
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30.34 Nomenclature change; (c) amended	6922
30.39 Amended	6922
30.41 (b) (6) redesignated as (b) (7); new (b) (6) added	6922
30.51 Nomenclature change; (a) and (c) amended; (c) (2) removed	6922
30.53 Amended	6922
30.54 (a), (b) (1) and (2) amended; (b) (3) and (4) removed	6922
30.55 (c) and (e) (1) amended; (e) (2) and (3) removed	6922
30.61 (a) amended	6922
31 Heading revised	6922
31.2 Amended	6922
31.5 (b) and (c) (7) amended	6922
31.7 (a) and (d) amended	6922
31.8 (b) and (c) (2) amended	6922
31.10 (a) amended	6922
32 Heading revised	6922
32.1 (a) amended	6922
32.14 Heading, introductory text, and (b) (6) amended	6922
32.15 (d) amended	6922
32.16 Heading and text amended	6922
32.17 Heading, introductory text, and (c) (1) amended	6922
32.18 Introductory text amended	6922
32.22 Heading, (a) introductory text and (a) (2) (x) amended	6923
32.25 Heading, (b) and (c) amended	6923
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32.29 Heading, (b) and (c) amended	6923
32.40 Introductory text amended	6923
32.51 Heading, (a) introductory text, and (3) (iii) and footnote 1 amended	6923
32.52 Introductory text amended	6923
32.53 Heading and introductory text amended	6923
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32.57 Heading and introductory text amended	6923
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32.61 Heading and introductory text amended	6923
32.62 Introductory text removed	6923
33 Heading revised	6923
33.11 (a), (b), and (c) amended	6923
35.100 (c) (3) (ix) amended; (c) (3) (x) added	2167
(c) (3) (x) amended; (c) (3) (xi) added	4972
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40 Heading revised	6923
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40.21 Amended	6923
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40.25 (b) amended; (d) (5) removed	6923
40.31 (a) amended	6924
40.32 Introductory text amended	6924
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40.35 (a) designation removed; (a) (1) through (5) redesignated as (a) through (e); introductory text and new (b) (1) amended	6924
40.41 (c) and (e) amended	6924
40.45 Amended	6924
40.51 (b) (6) redesignated as (b) (7); new (b) (6) added	6924
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40.90 Section and undesignated heading removed	6924
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50.10 (a) amended	6924
50.21 Introductory text amended	6924
50.22 (a) designation removed; text amended	6924
50.38 Amended	6924
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23.1043 (b) revised; (a) (1) and (d) amended	2319
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373.2 (b) introductory text revised; (c) (2) (vi) added	7312
373.3 Introductory text and (d) (2) revised	7312
373.4 Introductory text and (c) (2) revised	7312
373.7 (b), (d) (1) (ii) (e), (2) (ii), and (3) (ii) revised	7313
379.4 (e) redesignated as (f); new (e) added	7313
379 Supplement No. 2 added	7313
385.4 (a) revised	7314
386.6 (a) and (c) introductory text revised	7314
399.1 (a) amended	7314

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806.14 (b) and (g) (1) (iii) corrected	2169	
806.15 (d) (2) corrected	2169	
Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce		
931 Added; final regulations	7550	
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0.18 (b) (4) amended	754	
(b) (11) removed	6579	
2.34 Revised	3089	
Corrected	4972	
3.25 (f) revised	3089	
3.61 (a) amended	754	
(c) amended	6580	
4.9 (b) (10) and (14) amended	754	
(b) (25) revised	1937	
4.11 (a) (1) (iv) (B) revised	5802	
4.15 (c) (1) revised	1937	
13 Amended	2388,	
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195 Removed	954	
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Chapter II—Consumer Product Safety Commission		
1012.5 (b) (1) (ii) (H) and (b) (2) (ii) (J) added	5804	
1012.6 (c) (1) (ii) amended	5804	
1401.4 Statement following (c) added	7983	
1615.1 (e) revised; (g) removed	4853	
1615.3 (a) revised; (b) (3) removed	4853	
1615.4 (a), (b) (2), (c) (1) and (3), (c) (4) (iv) and (vi), (d) (2) (i) and (ii), (d) (3) (i) (A) and (b) (3), (g) (2) (i) and (3) revised	4853	
1615.31 (e) (1) (iii) revised	4855	
1616.4 (c) (2) (ii) revised	4855	
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1.3 (z) revised	42750
1.8 Removed	23993
1.9 Revised	23993
1.10 (a) revised	23993
1.10a Added	23993
1.10b Revised	23993
1.10c Revised	23993
1.10d Revised	23994
1.14 Revised	23994
Form 3-R revised	†1325
1.47 Added	42751
1.48 Revised	42752
15.03 (a) Revised	25485
32.3 (b) (1) (ii) amended	61831
140.71 Added	39033
147.3 (b) (5) (ii) correctly designated	42851
155.2 (c) and (e) interpretations	35004

Chapter II—Securities and Exchange Commission

200.30-1 (d) (10) added	62128
(d) (7) revised	†4254
200.30-3 (a) (25) added	30835
(a) (4) revised	36250
(a) (26) added	40903
200.30-5 (b-1) added	†755
(b-1) corrected	†3258
(a) (6) revised	†3557
200.30-6 (a) (4) added	54531
200.30-11 (d) redesignated as (e); new (d) added	56727
200.80 (c) (1) and (2); (d) (2), (6) (ii), and (9) (ii) revised	40189
(c) (1) (ii) corrected	44807
(e) (4) revised	56727
200.308 (a) (2) and (b) (1) revised	40190
200.309 (e) (2) amended	40190
200.310 Amended	40190
Revised	56727
200.735-4 (b) (5) revised;	
(b) (7) added	30834
203.7 (a) revised	37809
210.3-16 (t) (1) (i) (C) (v) (a) to (iv) amended; (t) (G) added	27880
(q) revised	44809
210.3-17 (c) corrected	54935
210.5-02 Corrected	54935
210.5-04 Schedule I revised	46513
210.6-03 Corrected	54935
210.9-05 (a) corrected	54935
210.11-02 Corrected	54935
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210.12-08 Footnote 3 corrected	54935
210.12-12 Footnote 1 corrected	54935
210.12-33 Footnote 5 corrected	54935
211 Interpretative releases	28999,
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230.132 Added	†2392
230.264 Added	54531
230.458 Removed	35829
231 Interpretative releases	22139,
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239.11 Effective date note added	40900
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Form S-1 amended	65565, 65566
239.16b Form S-8 amended	65566
239.18 Effective date note added	40900
Form S-11 effective date stayed to 4-30-78	41406
239.26 Amended	22140
Form S-7 amended	65566
240.3a12-6 Added	†2392
240.10b-10 Added	25323
(b) introductory text revised	60734
240.11Ac1-1 Added; eff. 5-1-78	†4350
240.12h-2 (b) revised	†2392
240.13a-13 Revised	24064
(c) (1) revised	27880
(c) (1) revised; eff. 12-25-79	54532
240.13b-1 Removed	24065
240.13d-1—240.13d-2 Effective date stayed to 4-30-78	41406
240.13d-1 Effective date note and superseded text added	40900
240.13d-2 Effective date note and superseded text added	40900
240.13d-3 Effective date note and superseded text added	40900
Effective date stayed in part to 4-30-78	41406
240.13d-4 Effective date note and superseded text added	40900
Effective date stayed to 4-30-78	41406
240.13d-5—240.13d-7 Effective date stayed to 4-30-78	41406
240.13d-5 Effective date note added	40901

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240.13d-6 Effective date note added	40901
240.13d-7 Effective date note added	40901
240.13d-101 Amended	38347
Effective date note and superseded text added	40901
Schedule 13D effective date stayed to 4-30-78	41406
240.13d-102 Effective date note added	40901
Form 13D-5 effective date stayed to 4-30-78	41406
240.14a-3 (b)(9) revised	24064
(d) text revised; (d) Note 1 revised; (d) Note 3 added	35955
(b)(6) revised	65566
240.14a-101 Effective date note and superseded text added	40901
Schedule 14A effective date stayed to 4-30-78	41406
Schedule 14A amended	65566
240.14a-102 Effective date note and superseded text added	40902
Schedule 14B effective date stayed to 4-30-78	41406
240.14b-1 Added	35955
240.14c-3 (a)(9) revised	24064
(a)(6) revised	65566
240.14c-101 Schedule 14C effective date stayed to 4-30-78	41406
240.14d-100 Added	38348
240.15Ab-1 Removed	36415
240.15Ag-1 Removed	36415
240.15c2-11 (f)(4)(T) republished; effective date extended to 7-31-77	27881
(f)(4)(T) revised; extension of time to 1-31-78	39090
(f)(4)(T) effective date confirmed	†4254
240.15c3-1 (c)(2)(vi)(E) revised	19127
(c)(2)(iv)(C) and (f) revised; (c)(2)(vi)(M) and (f)(3)(iii) amended	23800
(b)(2), (c)(2)(iv)(B), (E), (vi)(M), (xii) and (xiii), and (f)(3)(iii) revised	27223
(a)(6)(ii) and (c)(2)(x)(a)(7) and (B)(1) revised; (a)(6)(v) and (7) added	31776
(c)(2)(vi)(E) revised	31780
(c)(2)(iv)(C) and (f)(1) revised	38902
(c)(2)(vi)(M) and (f)(3)(iii) amended	38903
240.15c3-1a (c)(8) revised	27224
240.15c3-1d (b)(11) added	31778
240.15c3-3 (d)(4) added	23790
Comment date extended	35643
240.15c3-3a Revised	27224
240.15d-13 Revised	24065
(c)(1) revised	27880
(c)(1) revised; eff. 12-25-79	54532
240.16b-3 (e)(2) and (3) Revised	33285
240.17a-3 (a)(14) added	40903
240.17a-4 (b)(8) introductory text revised; (b)(9) added	23787
(e)(4) added	40903
(e)(4) corrected	42851
(i) added	47552
240.17a-5 (a)(2)(i) through (iii) and (3), (b)(1), (c)(2) introductory text and (3), (d)(1)(iii) and (2) revised	23787
(e)(1)(i), (2), (4) introductory text and (4)(iii)(B) through (F), (f)(2), (g)(1)(iv) and (3) revised; (b)(6) added	23787
(g)(1)(iv) effective date extended to 1-1-78 in part	35643
240.17a-10 (a), (b), and (d) revised	23789
240.17a-11 (a), (b)(1) and (2) revised; (b)(4) added	23789
240.17a-13 (b)(5) revised	23790
240.17a-19 Revised	23790
240.17a-20 Revised	23790
240.17f-1 (a), (b), (e) and part of (d) eff. 10-3-77; remaining text eff. 1-2-78	32534
(b)(1)(i), (2), and (4) revised; (f) added	40903
Revised	41025
240.17Ac2-1(T) Added	65573
240.17Ac3-1 Added	44984
240.17Ad-1—240.17Ad-7 Added	32411
240.17Ad-5 (e) added	62129
240.19c-1 Revised	†1328
240.19d-1 Added	36415
240.19d-2 Added	36416
240.19d-3 Added	36417
240.19h-1 Added	36417
241 Interpretative releases	31780, 33282, 43058
Effective date at 8-26-77 removed	46047
Interpretative releases	†6060
249.210 Effective date note added	40902
Form 10 effective date stayed to 4-30-78	41406
Form 10 amended	65566

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249.310 Effective date note added	40902
Form 10-K effective date stayed to 4-30-78	41406
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249.312 Form 12-K removed	24065
249.504k Added	47553
249.617 Revised	23790
Heading Revised	63887
249.618 Removed	23790
249.636 Removed	23790
249.1200 Amended	40904, 41027
249b.100 Form TA-1 amended	65574
249b.101 Added	44984
251 Interpretative releases	33282
259.5s Form U5S amended	24253
Form U5S Technical correction	26204
270.2a-5 Added	41406
270.3c-4 Added	†2393
270.24e-2 Added	31782
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270.24f-1 (b)(3) revised	58403
270.24f-2 Added	58402
271 Interpretative releases	28999, 33282, 42196, 43058, 44810, 45294
Effective date at 8-26-77 removed	46047
Interpretative releases	47553, 51570
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275.206(3)-2 Added	29301
275.206A-1(T) Revised	21770
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1	18246, 23614, 27166, 31740, 32261, 39036, 42767, 44742, 46043, 54837, 55538, 56344, 58542, 62147, 63427, 63899
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1.32 (b) revised	40191
2.9 (b) amended	30612
2.12 Amended	30612
2.13 (b) amended	30612
2.17 Rehearing applications denied	27575
2.60 (c) revised	30612
2.67 Amended	30612
2.67a (a)(1)(i) and (ii), and (a)(2) revised	30612
2.79 (e) amended; (g)(1)(viii) and (2)(vii) through (xiii) added; (g)(1) introductory text, (2)(v) and (vi) and (3), and (h)(1) revised	†5371
(j) redesignated as (k); new (j) added	†5371
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2.100 (f) added	53600
3.3 Revised	17449
3.4 Revised	17449
(d)(14) added	†6765
3.5 (b)(2) revised	17449
(e) added	†6765
3.6 Revised	17450
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3.102 Removed	17450
3.105 Footnote 1 revised	17451
3.106 Amended	17451
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3.114 (c) revised	17451
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3.117 Revised	17451
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3.142 (a) (48) parallel reporting extension of time to Dec. 1978	54936
3.162 Amended	17451
3.163 Amended	17451
3.164—3.168 Amended	17451
3.170 (a) (30) added	17451
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3.186 Revised	17451
3.201—3.211 (Subpart C) Redesignated as 3c.1—3c.11 (Subpart A) and editorial changes	17451
3.221—3.231 (Subpart D) Redesignated as 3c.101—3c.111 (Subpart B) and editorial changes	17451
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5.1 Revised	40191
6.1 Revised	40191
16.6 (f) removed	40191
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33.3 Amended	30613
34.3 Amended	30613
35 Petition denied	41277
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35.13 (b) (4) (iii) amended	30155, 30613
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35.22 (a) revised; (b) redesignated as (e) and amended; new (b) through (d) added	30155, 39661
(b) (5) amended	39661
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154.38 (d) (5) (i) revised; (d) (5) (ii) redesignated as (d) (5) (v) and revised; new (d) (ii) through (iv) added	30157
(d) (4) amended; (c) introductory text and (c) (1) removed	30615
154.63 (f) amended	30159, 30615
154.92 (a) amended	41276
154.94 (b) revised	41276
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Prior order confirmed	37970
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Rehearing application denied	47827
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Prior order confirmed	37970
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Rehearing application denied	47827
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260 Prior order confirmed	37970
Petitions denied	39661
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304.2 Revised	65146
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304.100 Revised	65147
304.101 Revised	65147
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10.59 (f) amended	43358
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18.4 Effective date postponed to 8-22-77	21785
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184.1555 Added.....	48336
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189.180 (b) revised.....	56729
189.220—189.280 (Subpart D) Heading redesignated as (Subpart C).....	56729
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193.235 (b) and (c) redesignated as (c) and (d) and revised; new (b) added.....	58739
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193.380 (d) redesignated as (e); new (d) added.....	59852
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290.35 Redesignated as 291.501 and revised	46698	(b) table revised	59855
291.501 Redesignated from 290.35 and revised	46698	(b) table corrected	61255
291.505 Redesignated from 310.505 and revised	46698	436.103 (a) table amended	18058
(b) (1) (vi) added	†6940	436.105 (b) table amended	27228
310.201 (a) (7) removed	36994	(a) and (b) tables amended	59856
310.304 (b) amended	46710	436.202 (a), (b), and (d) revised	29857
310.501 (a) revised; eff. 4-3-78	†4220	(b) corrected	31449
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310.502 Revised	23777	436.205 (b) and (c) tables revised	59856
(b) (1) corrected	25854	436.214 Added	59857
(c) corrected	35155	436.316 Added	59857
310.505 Redesignated as 291.505 and revised	46698	436.319 Added	27228
310.507 Added	63387	440.9a Heading, (a) (1) introductory text and (x) amended	59857
310.510 Added	41376	440.13a Heading, (a) (1) introductory text and (vii) amended	59857
310.511 Added	37542	440.15 Heading, (a) (1) introductory text and (3) (i) and (b) (5) amended; (a) (1) (v) revised	59857
(b) corrected	43061	440.19 Heading, (a) (1) introductory text and (viii) amended	59857
310.515 Added	37641	440.19a Heading, (a) (1) introductory text and (x) amended; (a) (2) revised	59857
Effective date extended to 10-18-77	45304	440.25 Heading amended	59857
314.110 (d) revised; (e) added	60739	440.29 Heading revised; (a) (1) introductory text, (v), (vi), and (3) (i) and (b) (5) amended	59857
320.22 (c) redesignated as (c) (1); (c) (2) and (3) added	42311	440.29a Heading, (a) (1) introductory text, (vii), and (viii), (3) (i) and (b) (7) amended; (d) and (e) correctly designated; new (e) corrected	†2393
330.10 (a) (5) (i), (ii) and (iii), (6) (i), (ii) and (iii), and (12) revised; (a) (13) added	19141	440.36a Heading, (a) (1) introductory text and (vii), (a) (3) (i) and (b) (7) amended	59858
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369.21 Amended	22033, 36994	440.41a Hearing, (a) (1) introductory text and (viii), (a) (3) (i) and (b) (3) amended	59858
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429.55 (b) introductory text, (b) (1) (i), (2) (ii), (3) (ii), (4), (5), (6) (ii), (7), (8), and (9) revised	27227	440.49a Heading, (a) (1) introductory text and (vii), (a) (3) (i) and (b) (7) amended	59858
(b) (10) added	64342		
430.4 (a) (44) added	44223		
430.5 (a) (60) and (b) (60) added	44223		
(a) (1) (ii) and (b) (1) (ii) removed; (a) (1) (iii), (b) (1) (iii) and (x) revised	59854		
430.6 (b) (62) added	44223		
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430.20 (b) (2) corrected	19142		
432.1 (b) revised	44225		
436.20 (c) (14) added	27228		

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440.65a Removed	59859	440.160 Removed	59863
440.66 Removed	59859	440.166 Removed	59863
440.69 Heading, (a) (1) introductory text and (vi), (a) (3) (i), (b) (1) introductory text and (i) and (b) (6) amended	59859	440.169 Heading revised	59863
440.71 Revised	59859	440.169a Heading, (a) (1), (2), (3) (i) (a) and (ii) (a), (b) (1) and (b) (1) (i) amended	59863
440.73 Revised	59859	440.169b Heading, (a) (1) introductory text and (3) (i) (a) and (ii) (a), (b) (1) introductory text and (i) amended	59863
440.74a Revised	59860	440.171 Revised	59863
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440.115b Heading, (a) (1), (2), (3) (i) (a) and (ii) (a) amended	59861	440.173c Added	59865
440.119 Heading revised	59861	440.173d Added	59865
440.119a Heading, (a) (1), (2) (3) (i) (a) and (ii) (a) amended	59861	440.174 Removed	59865
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440.119b Heading, (a) (1), (2), (3) (i) (a) and (ii) (a) amended	59861	440.180a Revised	59865
440.129 Heading, (a) (1) and (3) (ii) (a) amended; (a) (3) (i) (a) revised	59861	(a) (2) corrected	†3705
440.141 Heading revised	59862	440.180b Removed	59866
440.141a Heading and (a) (1) amended; (a) (2) and (3) (i) (a) revised	59862	440.180c Revised	59866
440.141b Heading, (a) (1) and (3) (ii) (a) amended; (a) (2) and (3) (i) (a) revised	59862	440.180d Removed	59866
440.141c Heading, (a) (1) and (3) (ii) (a) amended; (a) (2) and (3) (i) (a) revised	59862	440.180e Removed	59866
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440.149a Heading, (a) (1) and (3) (ii) (a) amended; (a) (2) and (3) (i) (a) revised	59862	440.180g Added	59867
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		440.213 Heading and text amended	59867
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		440.219b Heading, (a) (1) and (3) (i) (a) and (ii) (a) amended; (a) (2) revised	59867
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		440.229a Heading and text amended	59867
		440.229b Heading, (a) (1) and (3) (ii) (a) and (b) (4) amended; (a) (3) (i) (a) revised	59867

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440.241 Heading, (a) (1) and (3) (ii) (a) amended; (a) (2) and (3) (i) (a) revised	59868	
440.249 Heading, (a) (1) and (3) (ii) (a) amended; (a) (2) and (3) (i) (a) revised	59868	
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440.563 (Subpart F) Removed	59872	
440.1080a-440.1081a (Subpart K) Added	59872	
440.1081a (b) (3) corrected	†2393	
442.11a (a) (1) (vi) and (3) (ii) (b) (1) revised	18059	
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444.170a Removed	21275	
444.270a Revised	21275	
444.270b Revised	21275	
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444.270c Removed	21276	
444.342d (a) (1) amended; note removed	37975	
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444.540a Removed	58740	
444.570 Removed	21276	
444.570a Removed	21276	
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444.570d (a) (1) amended	18059	
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448.13a Heading, (a) (1) introductory text and (a) (3) (i) revised; (a) (1) (vii) and (b) (7) added	27230	
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450.24 (b) (4) (ii) amended	43063	
452.10 (b) (4) revised	38564	
452.110a (a) (1) and (3) (i) (b) and (b) (2) revised	59068	
452.125a (a) (1) and (3) (i) (b) revised; (b) (3) removed	29858	
452.135a (a) (1) amended; (a) (3) (i) (b) and (b) (2) revised	59068	
455.90a Added	44224	
455.390 Added	44224	
460 Authority citation added; eff. dates 12-22-77 and 5-22-78	59873	
500.46 Added	33725	
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500.80-500.98 (Subpart E) Comment time extended	24254	

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502 Correctly cited	24254	522.562 (b) amended	36995
502.19 Correctly cited	24254	Technical correction	40904
505.10 Amended	22033	522.740 (b) revised	41855
Technical correction	31449	522.784 (c) (1) through (4) amended; footnote added	60140
509 Revised	52821	522.970 Added	39103
510.413 Added	44226	522.1044 Revised	†1942
510.455 (e) (1) through (5) revised	23149	Technical correction	†4976
510.515 (b) (29) added; (b) (39) removed; (c) table amended	18614	522.1066 Added	28535
510.600 (c) (1) and (2) amended	18060, 18061, 19861, 21771, 25854, 29858, 31450, 36995, 40904, 41854, 54534, 56111, 63388, 63773	522.1081 Revised	58167
514.111 (a) (10) comment time extended	24254	522.1183 Revised	53955
514.200 (b) and (c) redesignated as (c) and (d); new (b) added	†1941	522.1235 (c) (1) amended	20817
520.100c Added	41855	522.1372 (b) amended	36995
520.182 (c) (1), (2), (3), and (4) amended; footnote added	65151	Technical correction	40904
520.580 (c) (1) revised	33726	522.1662a (b) (3) (ii) (c) added	32229
520.622a (a) revised	†4601	(g) added	37544
(a) (1) and (3) (iii) corrected	†6940	522.1680 (b) amended	37544
520.622c Added	23600	522.1698 Added	31450
Revised	†6941	(b) amended	36995
520.784 (c) (1) through (4) amended; footnote added	60140	Technical correction	40904
520.905 Added	59069	522.2063 (c) (1) through (4) amended; footnote added	61256
520.1120a (f) (2) revised	47192	522.2150 (b) amended	36995
(f) (2) (i) corrected; (c) amended	61255	Technical correction	40904
(f) (2) (i) corrected	†1941	522.2483 Added	†4976
520.1120b (c) amended	61255	524.920 (c) (5) (i) revised	58741
520.1320 Revised	61255	524.1301 (b) amended	36995
520.1560 Added	19143	Technical correction	40904
520.1560a Added	19143	524.1484h Added	63388
520.1560b Added	19861	526.1590 Added	38565
520.1720a (g) (2) revised; (h) removed	41855	539.15 (Subpart A) Added	64342
Revised	44227	539.170 (a) (1) (ii) and (iii), and (4) (i), and (b) (2), (3), and (4) revised; (b) (1) amended	21276
520.1804 Added	†6941	Heading corrected	29003
520.1840 (c) (2) revised; (c) (3) added	41854	539.310 (a) (1) (ii) and (iii), (4) (i) and (b) revised	27239
520.1900 Revised	61594	540.103a (a) (1) and (b) (1) (ii) amended	49454
(b) revised	63773	Technical correction	61256
520.2043 Revised	28534	540.103c Added	†4601
520.2150 (b) amended	36995	540.153 Removed	23150
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520.2160 (b) and (d) (2) revised	42312	540.163 Removed	23150
520.2260a Removed	29003	540.166 Removed	23150
520.2645 Added	†4975	540.174b Removed	†6942
522.281 (c) (1), (2), (3), and (4) amended; footnote added	65151	540.174c Removed	23150
		540.180 Removed	23150
		540.180a Removed	23150
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540.274e	Removed	23150
540.274f	Removed	23150
540.280	Removed	23150
540.281a	Removed	23150
540.380a	(a) (1) amended	19861
540.815	Added	64343
540.874a	Revised	†8134
540.881	Removed	23150
544.170a	Revised	21276
544.170b	(a) (1) and (4) (i) amended; (b) (2) and (3) revised	21277
544.173a	(a) (1) and (4) (iii) (a) (1), and (b) (1) (i) amended; (a) (4) (ii) (a) and (b), (iii) (b), and (b) (2) and (3) revised	21277
544.173b	(a) (1) amended; (a) (4) (ii) (b) and (iii) (b), and (b) revised	21277
544.173c	(a) (1) and (b) (1) amended; (a) (2) introductory text and (3), and (b) (2), (3) and (4) revised	21278
544.173d	(a) (1) amended; (a) (4) (ii) (a) and (b), and (b) (2) revised	21278
544.173e	(a) (1), and (4) (ii) (a) and (b), and (iii) (b), and (b) (1) (i) and (2) revised	21278
544.211a	(a) (1), (2), (3) and (4), and (b) (3) and (4) amended	21278
544.211b	(a) (1) (ii) and (v), (3), and (4) (ii) (a), (iii) (b) and (c) and (vi) (b) and (b) (3) revised	21278
544.274	(a) (4) (ii) (a) amended	21279
544.370a	Revised	21279
544.370b	(a) (1) and (4) (ii) (b) and (iii) (b) and (b) revised	21279
544.373a	Revised	21279
544.373b	(a) (1), (a) (4) (iii) (b), (b) (2), (b) (1) (iii), and introductory texts of (b) (1) (i), (iv), and (iv) (a) revised	21280
544.973b	(b) (2) revised	21281
546.110c	Footnote 1 added	44227
546.180g	Added	54801
546.180h	Added	54801
	(a) (3) (i) amended	61256
548.110	(a) (1), (4) (ii) (a), (b), and (iii) (b), and (b) (1) and (2) revised	27239
548.111	(a), (b) (1), (2), and (3) (ii) revised	27239
548.112a	(a) (1) amended; (b) (1) introductory text and (b) (2) and (3) revised	27240
548.112b	(a) (3) (i) introductory text, (b) (2) and (3) revised	27240
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	(a) (1) and (c) (3) (i) (b) corrected	47192
548.112c	(b) (2) revised	27240
548.112d	(a) (1) amended; (a) (4) (ii) (b) and (b) revised	27240
	Revised	38565
	(b) (1) (ii) and (c) (3) (i) (b) corrected	47192
548.113	Heading, (a) (1) and (3) (ii) (a) and (b), (b) and (c) revised	27240
548.114	Heading, (a), (b), and (c) (1) and (3) revised	27240
548.212	Revised	27241
548.310a	Revised	27241
548.310b	Revised	27242
548.313a	Revised	27242
548.313b	Heading revised; (a) introductory text, (a) (2) (i) and (b) amended	27243
548.314a	Heading and (a) revised	27243
548.314b	Heading, (a), (b), and (c) (1) revised	27243
555.110a	(c) (1) (ii) revised	29859
	(c) (1) (ii) corrected	35155
555.110c	(c) (2) revised	64622
556.70	Revised	18614
556.347	Revised	61257
556.445	Added	56729
556.450	Removed	18619
558	Technical correction	32770
558.15	(g) (1) table amended	18060, 18061
	(g) (1) and (2) tables amended	18614, 18619
558.55	(c) revised; (e) (2) table amended	18615
	(e) (2) (ii) table corrected	36995
	(e) (1) introductory text, (i) (b), and (ii) (b) revised	†4006
558.58	(c) added; (e) (1) introductory text revised and table amended	18616
	(a) added; (e) (1) table amended	21771

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(e) (1) (iii) table amended	38567	(f) (2) removed	18618
(e) (1) table corrected	41856	(b) (51) added	25855
558.60 (c) added	18617	(b) (11) revised	54802
558.62 (c) added; (e) (2) (iii) and (iv) redesignated as (e) (2) (v) and (vi); new (e) (2) (iii) and (iv) added	18617	(b) (52) added	56111
558.76 (c) revised; (e) (1) table amended; (e) (3) revised	18617	(b) (53) added	†4977
(e) (3) (iii) corrected	36995	558.630 (b) (3) revised	49454
558.78 (e) (1) (i) and (ii) tables and (a) (1) amended	18061	558.680 (c) added; (e) (1) table amended	18618
(c) revised; (e) (3) (iii) and (iv) redesignated as (e) (3) (v) and (vii); new (e) (3) (iii), (iv) and (vi) added	18617	(e) (2) added	20817
558.95 (e) (1) (viii) and (ix) added	20817	(e) (1) (ii) corrected	36995
558.120 (c) added	18617	561.55 Added	18620
558.126 (e) introductory text revised	18617	Amended	†2629
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558.274 (c) and (e) (2) added	18618	(a) corrected	41279
558.311 (e) revised	37545	561.253 (b) (1) and (2) removed; (a) (1) and (2) redesignated as (a) and (b); (c) redesignated as (e) and revised; (c) and (d) added	58739
(e) introductory text revised; table amended	61257	(a) (1) amended	†2630
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558.460 (d) added; (f) (2) (v) redesignated as (f) (2) (vi); new (f) (2) (v), (vii), (viii), (ix) and (x) added	18618	570.38 (d) added	55207
(f) (2) (vii) removed	36995	(d) effective date corrected	62130
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888	21206, 22704, 24279, 55826
	†6402, 6631, 6632
1908	29692
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	Page		Page
1917	17684-17697	221.24	Revised 41116
18232-18240	25441-25444	221.26	Revised 41116
31280	31772-31280	221.28	Revised 41116
31708-31719	31952-31960	221.63	Revised 28539
34480	34618-34648	231.5	Revised †6227
36088-36109	36388-36397	231.16	(i) through (o) added †6227
36407	36641-36644	231.22	(c) revised †6227
38299	38525-38544	231.23	(a) revised †6227
43718-43727	44148-44157	231.51	Revised †6228
44917	45121-45130	231.52	Revised †6228
49005-49013	49586-49593	231.53	Revised †6228
53780	54082-54107	231.54	Revised †6228
55229	55706-55724	252.12	Revised 40904
55874-55877	56235-56246	256.3	(b) revised †4257
57140	58660-58664	256.11-256.21	(Subpart B) Added 31451
58868-58870	59197-59210	258	Added 58744
60420-60429	60670-60678	258.5	Revised 40905
61816	61952-61963	259	Added †2394
63342-63351	64276-64284	261.4	(b) (3) and (d) (3) revised 43977
64545			
	*2735		
3372-3400	3575-3594		
6102	6104-6110		
6252	6250		
6260			
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1923	29692		
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1932	22900		
2205	64371		

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs,
Department of the Interior

11.304	(g) revised	46518
11.305	(n) revised	46518
12	Revised	21282
43n	Added	26652
43n.4	Revised	33286
114	Added	32230
141.22	Revised	40194
177	Existing text designated as Subpart A	63394
177.100-177.114	(Subpart B) Added	63395
183.1	(k) and (l) added	†8135
183.2	(f) added	†8135
183.3	Revised	†8135
183.6	(a), (b), and (c) revised	†8135
183.9	Revised	†8135
183.10	Revised	†8136
183.11	(a) and (b) revised	†8136
183.18	(e) revised	†8136
183.19	(a) and (b) revised	†8136
183.20	(c) and (d) revised	†8137
183.44	Revised	†8137
191	Revised	30362
192-201	Removed	30367
219	Added	22141

221.24	Revised	41116
221.26	Revised	41116
221.28	Revised	41116
221.63	Revised	28539
231.5	Revised	†6227
231.16	(i) through (o) added	†6227
231.22	(c) revised	†6227
231.23	(a) revised	†6227
231.51	Revised	†6228
231.52	Revised	†6228
231.53	Revised	†6228
231.54	Revised	†6228
252.12	Revised	40904
256.3	(b) revised	†4257
256.11-256.21	(Subpart B) Added	31451
258	Added	58744
258.5	Revised	40905
259	Added	†2394
261.4	(b) (3) and (d) (3) revised	43977

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11		42694
33		†5528
34		55229
36		55231
54		48890
113		30647, 41435
171		†2408
172	18093, 37018	42695
173	18083	42695
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182	18083	42695
183	18083	42695
221		22902, 30867
231		62394
258		27609, 28552
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TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service,
Department of the Treasury

1.21-1	(n) amended	64694
1.62	Removed	54947
1.62-1	(c) (16) added	54947
1.78-1	(a), (e) (1) and (f) amended	20130
	(f) revised	30497
	(f) corrected	32536
1.103-8	(a) (1) (i) amended	54285
1.165	Removed	63411
1.165-1	(e) revised	63411
1.165-7	(a) (1) amended	63411
1.165-11	(b) (2) and (3), (c), and (d) revised	63411
1.167(a)-12	(e) (2) and (3) revised	58934

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1.367-1	Removed	65155	
	Comment time extended	†7245	
1.401	Removed	42320	
1.401-0	Added	42320	
1.401(a)	Removed	42320	
1.401(a)-11	(f) amended	53956	
1.401(a)-13	Added; eff. 1-1-76	†6943	
1.401(a)-19	Added	42320	
1.401(b)	Removed	42320	
1.404(a)	Removed	42321	
1.404(a)-8	Revised	42321	
1.404(b)	Removed	42321	
1.404(c)	Removed	42321	
1.404(d)	Removed	42321	
1.404(e)	Removed	42321	
1.406-1	Added	42321	
1.407-1	Added	42323	
1.410(a)-1-(a)-6	Added	47193	
1.410(a)-5	(c) correctly designated as (d)	57123	
1.410	(a)-6 Heading corrected	†2721	
1.410(b)-1	Added	47197	
1.410(d)-1	Added	47198	
1.411(a)-1	Added	42324	
1.411(a)-2	Added	42325	
1.411(a)-3	Added	42325	
1.411(a)-4	Added	42326	
1.411(a)-5	Added	42327	
1.411(a)-6	Added	42328	
1.411(a)-7	Added	42329	
1.411(a)-8	Added	42333	
1.411(a)-9	Added	42333	
1.411(b)-1	Added	42334	
1.411(c)-1	Added	42338	
1.411(d)-1	Added	42339	
1.411(d)-2	Added	42339	
1.411(d)-3	Added	42340	
1.413-1	Added	42340	
	(b) added	47198	
1.413-2	Added	42340	
	(b) added	47198	
1.451	Removed	64624	
1.451-6	(a) (1) amended	64624	
1.451-7	Added	64624	
1.535-3	(c) amended	64694	
1.585-1	Added; eff. 7-11-69	†3109	
1.585-2	Added; eff. 7-11-69	†3109	
	(e) (3) (i) corrected	†6766	
1.585-3	Added; eff. 7-11-68	†3113	
1.585-4	Added; eff. 7-11-69	†3114	
1.612-3	(b) (3) revised	63641	
1.613-2	(c) (2) amended	24263	
1.613A-1-1.613A-7	Added	24264	
1.801-8	(g) amended	42341	
1.804-2	(d) (1) (iv) revised	64694	
	Correctly designated; (d) (1) (iv) corrected; eff. 12-31-74 in part	†2169	
	Correctly designated	†4603	
1.805-7	(b) (3) and (4) revised; (b) (5) added	42341	
	(b) (4) revised; (c) and (d) removed	†1065	
1.901-3	(b) (2) (i), (ii), and (d) amended	20130	
1.902	(b), (c) (1) (A), (d) and historical note revised; (c) (1) (B) amended	20124	
1.902-1	Revised	20125	
	(a) (2) amended	30497	
1.902-2	Removed	20129	
	Redesignated from 1.902-4; (a), (b) and (c) amended; new (d) added	20130	
1.902-3	Removed	20129	
1.902-4	Redesignated as 1.902-2; (a) (b) and (c) amended; new (d) added	20130	
1.902-5	Removed	20130	
1.904-1	(a) (1) and (b) (1) revised	30497	
	(a) (1) corrected	32536	
1.904-2	(a) revised	30497	
1.904-3	(e) revised	30497	
1.904-4	Heading, (a) (1), (d) (1), and (e) (2) (i) (b) revised; (a) (3), (4), and (5) redesignated as (a) (4), (5), and (6); new (a) (3) added; (e) (1) (iv) and (e) (2) (iii) amended	30497	
	(d) (1) (i) (b), (ii) (b) and (iii) (b) corrected	32536	
1.904-5	Added	30499	
	(b) (1) (i) (B), (ii) (A), (ii) (B), (iii) (C), (b) (1) (v) and (2) (ii) and (c) corrected	32536	
1.954-2	(d) (2) (ii) and (iii) and (e) (2) revised	34875	
1.960-1	(b) (4) and (h) amended	20130	
1.960-3	(a) amended	20130	
1.971	Removed; eff. after 12-31-71	†6603	
1.971-1	(a) (1) amended; eff. after 12-31-71	†6603	
1.993	Removed	55454	
1.993-1-1.993-7	Technical correction	61595	
1.993-1	Added	55454	
	(h) and (j) (2) corrected	60910	
1.993-2	Added	55459	
	Correctly designated; (a) (5) corrected	60910	

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1.993-3 Added	55461
(g) incorrectly amended	55469
(a) amended; (f)(1) revised;	
(g) redesignated as (i);	
new (g) and (h) added	57309
(a)(7) correctly designated	60910
1.993-4 Added	55464
(a)(2)(vi) amended	57311
(a)(4) and (e)(6) corrected	60910
1.993-5 Added	55467
(a)(2) and (b)(1)(ii) cor-	
rected	60911
1.993-6 Added	55468
1.993-7 Added	55468
1.1081-4 (g) amended	58935
1.1082-3 (c)(2) amended	58935
1.1410(a)-6 Correctly desig-	
nated	57123
1.1552-1 (a)(2)(ii)(i) revised	64694
1.1561 Removed	64694
1.1561-0 Added	64694
1.1561-1 Redesignated as 1.1561-	
1A and revised; new 1.1561-1	
added	64694
1.1561-2 Redesignated as 1.1561-	
2A and revised; new 1.1561-2	
added	64695
1.1561-3 Redesignated as 1.1561-	
3A and revised; new 1.1561-3	
added	64697
(b) corrected	†4603
1.1561-1A Redesignated from	
1.1561-1 and revised	64698
(b) corrected; eff. 12-31-74	
in part	†2169
1.1561-2A Redesignated from	
1.1561-2 and revised	64699
(a)(4) corrected	†4603
1.1561-3A Redesignated from	
1.1561-3 and revised	64701
(a) corrected	†4603
1.1562 Historical note revised	64702
1.1562-0 Added	64702
1.6011 Removed; eff. after 12-	
31-71	†6603
1.6011-2 Added; eff. after 12-31-	
71	†6603
1.6012 (a)(6) added; historical	
note revised	57312
Authority citation corrected	†2721
1.6012-6 Added	57312
(a)(1) revised	†2721
1.6031-1 (e)(1)(ii) amended	33726
1.6035-1 (a)(2) amended	58935
1.6044-5 (c)(1) revised	64690
1.6060-1 Added	59966
1.6071-1 (b) revised; eff. after	
12-31-71	†6604
1.6072 Removed; eff. after 12-	
31-71	†6604
1.6072-2 (e) redesignated as (f);	
new (e) added; eff. after 12-	
31-77	†6604
1.6081-1 (a) amended; eff. after	
12-31-71	†6604
1.6081-3 (e) added; eff. after 12-	
31-71	†6604
1.6091-2 (d)(1) and (2) revised	33726
1.6107-1 Added	59967
1.6109 Removed	59967
1.6109-2 Added	59967
1.6694-1 Added	59968
1.6694-2 Added	59969
1.6695-1 Added	59969
7.0 (a) table amended	18276, 64625
7.48-2 (b)(1) and (5) amended	19479
7.48-3 Added	47828
Technical correction	56605
7.190-1 Added	17871
Filing date corrected	19479
Hearing	26204
7.190-2 Added	17871
Filing date corrected	19479
Hearing	26204
7.190-3 Added	17873
Filing date corrected	19479
Hearing	26204
7.191-1 Added	18276
7.367-1 Added	33287
Redesignated as 7.367(a)-1 and	
revised	65155
Comment time extended	†7245
7.367-2 Added	33288
7.367(a)-1 Redesignated from	
7.367-1 and revised	65155
Comment time extended	†7245
7.367(b)-1—7.367(b)-12 Added	65157
Comment time extended	†7245
7.367(c)-1 Added	65163
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7.367(c)-2 Added	65163
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7.465-1 Added	42197
7.465-2 Added	42197
7.465-3 Added	42198
7.465-4 Added	42198
7.465-5 Added	42198
7.1023(h)-1 Added	39104
7.6041-1 (a) and (b) revised	33286
9.2 Added	42198

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11.402(e)(4)(A)-1 Added	27882
11.412(c)(1)-1 Added	39383
Corrected	41856
11.412(c)(1)-2 Added	39383
Corrected	41856
11.415(c)(4)-1 (b)(1) and (2)	
revised	20297
(b)(1) through (3) revised	†1065
20.6091-1 (a)(2) revised	33726
25.6001-1 (b) amended	58935
25.6091-1 (b) amended	33726
31.3121(k)-1 (c)(4) amended	17874
31.3401(a)-1 (b)(8)(ii)(a) and	
(b) revised; (b)(8)(ii)(c)	
and (d) redesignated as (b)	
(8)(ii)(d) and (e); new (b)	
(8)(ii)(c) added	33728
31.3401(a)(13)-1 (b) amended	33729
31.3401(a)(14)-1 Revised	33730
31.3401(a)(15)-1 Revised	33730
31.6091-1 (e)(1) and (2) re-	
vised	33727
33 Removed	17874
Added	24047
34 Added	21107
41.0-3 Revised	42856
41.4481 Removed	42856
41.4481-1 (b), (c)(1) and (2),	
and (d) amended	42856
41.4482(a) Removed	42856
41.4482(b) Removed	42856
41.4482(c) Removed	42856
41.4482(c)-1 (b) amended	42856
41.6156 Removed	42856
41.6156-1 (f) revised	42856
46.6091-1 (e)(1) and (2) re-	
vised	33727
48.4061(a)-2 (c)(2) introduc-	
tory text, (i) and (ii)	
amended	58935
48.6091-1 (e)(1) and (2) re-	
vised	33727
49.6091-1 (e)(1) and (2) re-	
vised	33727
53.4942(a)-2 (c)(4)(i)(b) added	24265
53.4942(a)-3 (c)(2)(i) and (iv)	
revised	24265
53.4943-1—53.4943-11 (Subpart	
D) Revised	46285
53.4943-1 Amended	34500
53.4943-2 (a)(1) and (b) re-	
vised	34500
53.4943-3 (a), (b)(1), (2), (3),	
and (4)(i), (c)(2), (3), and	
(4) revised; (d) amended	34501
53.4943-4 Revised	34503
53.4943-5 Revised	34508
53.4943-6 Revised	34514
53.4943-7 Added	34515
53.4943-8 Redesignated at 53.-	
4943-9 and amended; new	
53.4943-8 redesignated from	
53.4943-7 and revised	34515
53.4943-9 Redesignated as 53.-	
4943-10 and amended; new	
53.4943-9 redesignated from	
53.4943-8 and (a)(3) added;	
(c) revised	34516
53.4943-10 Redesignated as 53.-	
4943-11 and revised; new 53.-	
4943-10 redesignated from	
53.4943-9 and (a), (c), and	
(d) revised	34516
53.4943-11 Redesignated from	
53.4943-10 and revised	34516
53.4945-1 (d)(1) introductory	
text amended; (d)(3) added	64625
53.6091-1 (c) amended	33727
54.4975-6 Added	32385, 33730
(a)(6) corrected	37810
(a)(6) corrected; eff. after 12-	
31-74	†4604
54.4975-7 Added	44391
54.4975-11 Added	44393
54.4975-12 Added	44394
54.4975-14 Added	27882
Technical correction	31159
54.4975-15 Added	32388, 33730
141.4975-11 Added	44394
141.4975-14 Superseded by	
54.4975-14	27882
Technical correction	31159
154.2-1 (d)(2) revised; (d)(3)	
and (4) amended	58935
301.6011 Removed; eff. after 12-	
31-71	†6604
301.6072 Removed; eff. after 12-	
31-71	†6604
301.6091-1 (b)(1) and (2) amend-	
ed	33727
301.6110 Redesignated as 301.-	
6111	63412
301.6110-1—301.6110-7 Added	63412
301.6111 Redesignated from 301.-	
6110	63412
301.6211-1 (a) amended	35956
301.6402-2 (f)(2) revised	22143
301.6501(g) Removed; eff. after	
12-31-71	†6604
301.6501(g)-1 (c) added; eff.	
after 12-31-71	†6604
301.6653-1 (c)(1) revised	35956
301.6686-1 Added; eff. after 12-	
31-71	†6604
301.7701-1 (c) amended	55612
301.7701-2 Heading amended;	
(a)(5) and (h) removed	55612

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301.7701-15 Redesignated as 301.7701-16 and revised; new 301.7701-15 added	59971
301.7701-16 Redesignated from 301.7701-15 and revised	59971
403.1 Amended	64344
403.2 Amended	64344
403.25 Amended	64344
403.26 (a) (4) amended	64344
403.57 (d) amended	64344
404.6048-1 Added	41856
404.6060-1 Removed	59972
404.6103(a)-2 Revised	58936
404.6103(c)-1 Added	19144
Revised	63419
404.6103(j) (1)-1 (b) and (d) revised	63420
404.6103(j) (2)-1 Revised	63421
404.6107-1 Removed	59972
404.6109-1 Removed	59972
404.6694-1 Added	17453
(a) and (b) corrected	19479
Removed	59972
404.6695-1 Removed	59972
404.6695-2 Added	17454
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404.7701-1 Added	17454
Removed	59972
601.105 (b) (5) (vi) (f) amended	34280
601.106 (d) (2) (i) and (g) (1) revised; (d) (1), (d) (2) (ii), (f) (5), and (f) (8) amended	46519
(d) (2) (ii) corrected	48336
601.108 Heading revised; (a) amended	46519
601.201 (e) (1) revised; (e) (2) and (16) amended	34280
(e) (2) amended; (e) (19) revised	46519
(e) (19) corrected	48336
601.202 (c) (4) and (5) revised	46520
601.204 (d) amended	34280
601.402 (a) (3) amended	58935
601.702 (f) (3) (i) and (4) (i) revised; (f) (3) (ii) amended	46520
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1.501—1.640	24279, 26437, 38919

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Chapter I—Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury	
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173.33 Revised	44758
173.34 (a) and (b) revised	44758
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Amended; effective date postponed to 5-12-77	22144
178.125 (a), (b), and (d) through (h) headings and authority citation added; (c) revised; (g) nomenclature change	41117
(c) (1) (vi) table corrected	43833
181.1 (c) revised; effective date postponed to 5-12-77	22144
181.11 Amended; effective date postponed to 5-12-77	22144
181.22 Revised; effective date postponed to 5-12-77	22144
181.26 Revised; effective date postponed to 5-12-77	22144
181.30 Revised; effective date postponed to 5-12-77	22144
181.41 (a) (1) corrected	20818
(a) revised; effective date postponed to 5-12-77	22144
181.45 Revised; effective date postponed to 5-12-77	22144
181.105 (g) added; effective date postponed to 5-12-77	22144
181.106 (a) revised; effective date postponed to 5-12-77	22144
181.108 Revised; effective date postponed to 5-12-77	22144
181.109 Revised; effective date postponed to 5-12-77	22144
181.122 (a) corrected	20818
(a) revised; (f) added; effective date postponed to 5-12-77	22144

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181.123 (a) revised; (f) added; effective date postponed to 5-12-77	22144	201.460 Revised	44766
181.124 (a) revised; (g) added; effective date postponed to 5-12-77	22144	201.464 Revised	44766
181.125 (c) corrected	20818	201.465 Revised	44766
(a), (b), and (c) revised; effective date postponed to 5-12-77	22144	201.466 Revised	44766
181.126 (c) and (f) revised; effective date postponed to 5-12-77	22144	201.470 (c) revised	44766
181.130 Added; effective date postponed to 5-12-77	22144	201.470c Revised	44766
181.141 (a) (5) corrected	20818	201.470f Revised	44767
Revised; effective date postponed to 5-12-77	22144	201.470h Revised	44767
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194.231 Revised	44759	201.470q (d) revised	44767
194.233 Revised	44759	201.487 Revised	44768
194.237 Revised	44759	201.507 Revised	44768
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3.359 Added; eff. 10-14-76		†4424
3.808 (a) and (b) (1) introductory text revised		†4423
8.0 (b) (2) revised		62367
8a.1 (a), (c), and (e) revised; (h) removed		43835
8a.2 (a), (b) (1), (4), (5), (6) and (8) revised; (b) (9) and (c) added		43835
8a.3 Revised		43835
8a.4 (b), (c) and (d) revised		43836
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13.401 Removed		41410
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14.500 Revised		41410
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14.502 Revised		41411
14.503 Revised		41411
14.504 Revised		41411
14.505 Added		41411
14.507 Added		41411
14.514 Revised		41411
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14.583 Redesignated as 14.563 and revised		41413
14.600 (a) and (b) introductory text and (b) (1) revised		41414
14.601 Revised		41414
14.602 Revised		41414
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14.603 (a) revised		41414
14.604 Revised		41414
14.605 Revised		41415
14.606 (a) revised		41415
14.607 Introductory text, (a) and (b) revised		41415
14.608 Revised		41416
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14.609 Revised		41416
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14.615 (b) and (c) revised		41417
14.616 (b) revised		41418
14.617 (a) revised		41418
14.618 (a), (b), and (c) revised		41418
14.619 Undesignated center heading and section added		41418
14.620 (b) through (e) revised		41418
14.626 (a) (2) revised		41419
14.627 Introductory text, (a), and (c) revised		41419
14.628 Revised		41419
14.629 (a) and (b) (1) and (4) revised		41419
14.630 Revised		41420
14.632 Redesignated from 14.635 and revised		41420
14.633 Redesignated from 14.636 and revised		41420
14.634 Redesignated from 14.637 and revised		41420
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14.660 Redesignated from 14.663 and revised		41421
14.663 Redesignated as 14.660 and revised		41421
14.664 Revised		41421
14.665 (a) introductory text and (3), and (c) revised		41421
14.666 Revised		41422
14.667 (a) (2), and (4) revised		41422
14.668 (b) (2) revised		41422
14.700—14.709 Undesignated center heading and sections added		41422
17.50d Revised		55212
17.261 Revised		54804
17.262 Revised		54804
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17.285 Revised		54805
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17.287 Revised		54805
17.290 Revised		54806
18.3 (d) added		60144
21.1045 (f) revised		34517
21.4001 (c) (1) revised		†3707
21.4005 (a) (1) and (2), (b), (c), and (e) revised; (f) added		†3707
21.4233 (a) (1) revised		49454
21.4234 (d) (2) revised		49455
21.4235 (h) and (i) added		49455
21.4237 Heading, (a) introductory text and (d) revised; (h) and (i) added		49455
21.4255 (d) and (e) revised; (f) added		†3909
21.4272 (f) and (g) revised		49455
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		†1631
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233.1 (b) (1) and (b) (2) note amended		43836
241 Heading revised		59082
241.1 (c) removed		59082
243.2 (g) removed; (h) and (i) redesignated as (g) and (h)		33722
247 Added		59032
248 Added		59085
259.1 (a) amended; (b), (c), and (d) redesignated as (c), (d), and (e); new (b) added		58170
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265.8 (b) (3) amended		63170
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3.300—3.307 (Subpart C) Appendix D revised		62136
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3.306 (d) (3) and (4) added; heading, (f) and (g) revised	62135
3.307 Added	62135
3.308 Added	†1339
3.607 (d) revised; (e) added; (f) added	62137
20.1 Revised	†1340
20.2 (a), (b) (1), and (f) revised	†1340
20.3 (h) amended	†1340
20.5 (d) through (g) and (n) revised; (o) added	†1340
20.8 (a) (2) and (3), (b) (1), (2), and (3), (d), and (e) revised	†1341
30 Authority citation revised	56051
30.101 (c) revised	56051
30.305-2 (a) (3), (4), and (14) revised; (a) (15) and (16) added	56051
30.305-5 (a) revised	56051
30.515 Existing text designated as (a); new (b) added	56051
33 Interim regulations; effective date extended to 3-1-78	53600
35.300-35.340 Text and undesignated center heading removed	56051
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35.605-1 (c) and (d) revised	†1494
35.613 (b) revised; (d) redesignated as (e); new (d) added	†1494
35.626-2 (a) revised	†1494
35.700-35.744 Text and undesignated center heading added	56052
35.850-35.880 (Subpart D) Revised	†7426
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35.910-2 Revised	†1598
35.910-7 Added	†1598
40.110 (d) revised	56056
40.115 Revised	56056
40.115-2 (b) revised	56056
40.115-3 (c) revised	56056
40.115-4 (b) revised	56056
40.115-5 Existing text designated as (a); (b) added	56057
40.115-6 Revised	56057
40.115-7 Removed	56057
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40.115-9 Removed	56057
40.115-10 Removed	56057
40.120 Revised	56057
40.120-1 Removed	56057
40.120-2 Removed	56057
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40.125-1 Revised	56057
40.125-2 (c) revised	56057
40.130 (b) revised	56057
40.135-1 (a) (1) revised; (c) added	56057
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45.145 Amended	56058
52.21 (b) (7), (c) (2), and (c) (3) (i), (v) (a), and (vi) (a) revised; (b) (8) and (9) added; (b) (8) corrected	57461
52.50 (c) (17) added	59500
(c) (16) added	44235
52.120 (c) (11) added	55811
(c) (9), (10), and (11) redesignated as (12), (14), and (15); new (9), (10), (11), and (13) added	36999
52.125 (d) through (g) removed; (h) added	46926
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52.126 (b) introductory text and (a) revised	†6945
52.130 (d) added	46926
52.131 Table amended; footnote (b) revised; (f) removed	†761
52.220 (c) (24) (iii) (B) and (ix) (A), (27) (iv) (A), (29) (ii) through (v), (30) (vi) (C) and (ix), (31) (v) (B) (vi) through (xii), (32) (iii), and (35) (i) through (iv) added	37977
(c) (35) (viii) (A) added	39664
(c) (19) removed	40695
(c) (21) (xiii) (A), (24) (x) (A), (25) (v) (A), (29) (vi) (A), (31) (xlii) (A), and (35) (iii) (B) added	41121
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(c) (35) (v) (A) added	53962
(c) (35) (i) (A) added	53963
(c) (35) (x) (A) and (37) (ii) (A) added	56113
(c) (25) (vii), (26) (xiv) (A), and (35) (xi) (A) added	56606
(C) (21) (ix) (B), (24) (v) (B) through (vii) (B), (x) (B), (26) (iv) (B), (viii) (B), (xiii) (B), (xvi) (A), (31) (xvi) (A) and (B), (xvii) (A), (32) (iii) (B), (35) (vi) (B), (ix) (A), (xii) (B), (xiv) (A), through (xvii) (A), (37) (i) (B), (iv) (A), (v) (A), and (39) (i) (A) through (iv) (A) added	†3277
(c) (35) (vii) (A) added	†3279
52.224 (a) (8) added	41122
(a) (1) (ii), (2) (v), (4) (ii) and (5) (ii) and (iv) through (ix), and (6) added	42225
(a) (9) (i) added	56606
52.225 (b) (i) through (x), (c) (3) (v), (d) (1), (2), (4), and (5) revised; (c) (3) (vi) and (vii) removed	37977
52.226 (b) added	42225
(b) (9) (i) revised	47556
(b) (4) (ii) added	†3279
52.231 Reinstated	40695
Revised	42225
(a) (2) (ii) revised	47557
52.234 (a) (4) added	41122
(a) (2) (ii) added	42226
52.236 Added	39664
52.246 (b) (2) added	41122
(b) revised	42226
52.252 (b) (2) added	41122
(b) revised	42226
52.253 (b) (2) added	41122
52.254 (a) (1) (ii) through (v) and (2) added	42226
52.269 (b) (1) (i) and (ii) added	42226
52.271 Added	†3277
52.272 Added	42226
52.273 (a) (2) added	41122
(a) (3) (ii) revised	47557
(a) (3) (i) (A) added	53962
(a) (1) (i) (A) added	53963
(a) (5) (i) added	56606
52.276 Added	56606
52.277 Added	56606
52.470 (c) (7) revised	49812
52.520, (c) (17) added	57125
52.676 (b) (6) added	58173
52.720 (c) (12) added	39665
52.770 (c) (12) revised; (c) (16) added	34518
52.771 (c) revised	34519
52.795 (b) added	34519
52.920 (c) (11) added	†3361
52.931 (c) added	†3361
52.970 (c) (6) added	37000
(c) (7) added	37549
52.980 Added	37549
52.1120 (c) (8) revised	35834
(c) (6) revised	42218
(c) (12) added	44236
(c) (15) revised	54417
Technical correction	†1070
52.1126 (e) revised	35834
(f) added	42218
(d) added	44236
(d) revised	†1795
52.1131 (a) corrected	37978
52.1224 (b) (5) added; eff. 10-6-77	†10
52.1234 (c) added; eff. 10-6-77	†10
52.1382 (c) added	40697
52.1470 (c) (6) through (9) revised; (c) (11) added	†1342
(c) (10) added	†3278
52.1473 (a) amended; (c) removed	†1342
52.1474 (a) removed	†3278
52.1477 Removed	†1343
52.1484 Added	†1343
52.1486 Added	†1343
52.1487 Added	†1343
52.1620 (c) (9) added	53963
52.1633 Removed	53963
52.1670 (c) (33) added	43079
(c) (34) added	56607
(c) (35) added	58520
(c) (36) added	61453
52.1685 Removed	58520
52.1686 Removed	58520
52.1820 (c) (8) added	37550
(c) (9) added	55471
52.1830 Table amended	37551
52.1870 (c) (13) added	†4259
(c) (12) added	†4611

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52.1920 (c) (8) added	39389
(c) (9) added	55472
(c) (10) added	63782
52.1926 Removed	39389
52.1931 Added	63782
52.2054 Added	54417
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52.2233 (c) added	36456
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52.2283 (a), (b) (1), (2), (3) and (4), and (c) revised	37380
52.2285 Revised	37380
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52.2289 Revised	37382
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52.2292 Removed	37383
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52.2295 Removed	37384
52.2296 Revised	37384
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52.2420 (c) (13) and (14) added	58406
52.2435 (h) added	58406
52.2486 (q) added	38355
52.2489 (i) added	38355
52.2770 (c) (9) added	†4016
52.2780 (b) revised	†4016
55.570 (a) (1) (iii), (iv), (vi), and (vii) revised	56608
55.1520 Removed	41282
60 Authority citation revised	41424
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60.4 (b) (FF) revised	37387
(b) (BB) revised	44545
(b) (ZZ) added	46304
(b) (BBB) revised	62137
(b) (Y) added; eff. 10-6-77	†10
(b) (S) added	†3361
(b) (I) revised	†6771
60.7 Authority citation added	41424
60.8 Authority citation added	41424
(c) revised	57126
60.9 Authority citation added	41424
60.10 Authority citation added	41424
60.11 Authority citation added	41424
60.13 Authority citation added	41424
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60.24 (g) authority citation added	41424
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60.42 (a) (2) revised	61537
60.45 (f) (4) (iii) and (iv) and (5) corrected; (f) (4) (v) revised	41122
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60.46 Authority citation added	41424
60.50 Revised	37936
60.53 Authority citation added	41424
60.54 Authority citation added	41424
60.60 Revised	37936
60.63 Authority citation added	41424
60.64 Authority citation added	41424
60.70 Revised	37936
60.73 Authority citation added	41424
60.74 Authority citation added	41424
60.80 Revised	37936
60.84 Authority citation added	41424
60.85 Authority citation added	41424
60.90 Revised	37936
60.93 Authority citation added	41424
60.100 Revised	37937
60.102 (a) (2) effective date corrected to 6-24-77	38178
(a) (2) corrected	39389
60.105 (e) (1) effective date corrected to 6-24-77	38178
(e) (1) corrected	39389
Authority citation added	41424
60.106 (e) effective date corrected to 6-24-77	38178
Authority citation added	41424
60.110 Revised	37937
60.113 Authority citation added	41424
60.120 Revised	37937
60.123 Authority citation added	41424
60.130 Revised	37937
60.133 Authority citation added	41424
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60.144 Authority citation added	41424
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60.153 Authority citation added	41424
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60.154 Authority citation added	41424
60.160 Revised	37937
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60.166 Authority citation added	41424
60.170 Revised	37937
60.175 Authority citation added	41424
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60.204 Authority citation added	41424
60.210 Revised	37937
60.213 Authority citation added	41424
60.214 Authority citation added	41424
60.220 Revised	37938
60.223 Authority citation added	41424
60.224 Authority citation added	41424
60.230 Revised	37938
60.233 Authority citation added	41424
60.234 Authority citation added	41424
60.240 Revised	37938
60.243 Authority citation added	41424
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60.250 Revised	37938
(b) corrected	44812
60.253 Authority citation added	41424
60.254 Authority citation added	41424
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60.264 Authority citation added	41424
60.265 Authority citation added	41424
60.266 Authority citation added	41424
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60.273 Authority citation added	41424
60.274 Authority citation added	41424
60.275 Authority citation added	41424
60.280—60.285 (Subpart BB) Added	†7572
60 Appendixes A through D authority citations added	41424
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61 Authority citation revised	41424
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61.04 (b) (FF) revised	37387
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61.09 Authority citation added	41424
61.10 Authority citation added	41424
61.12 Authority citation added	41424
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61.53 Authority citation added	41424
61.54 Authority citation added	41424
61.55 Authority citation added	41424
61.67 Authority citation added	41424
61.68 Authority citation added	41424
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61.70 Authority citation added	41424
61.71 Authority citation added	41424
61.104 (b) (S) added	†3361
61 Appendixes A and B authority citation added	41424
73.658 (k) Note 1 revised	†7431
80.7 (a) and (a) (1) introductory texts and (a) (1) (i) amended; (a) (2) revised	45307
80.23 (b) (2) (viii) added	45307
85.001—85.076-35 (Subpart A) Removed	36457
85.101—85.176-1 (Subpart B) Removed	36457
85.201—85.276-35 (Subpart C) Removed	36457
85.301—85.376-39 (Subpart D) Removed	36457
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85.1504 (a) (1) revised	36456
85.1601 (a) (3) revised	36457
85.1602 (a) (1) revised	36457
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85.1802 (a) amended	36456
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85 Appendixes I through VI removed	36457
86.077-2 (a) revised	45135
86.078-3 (a) revised	45135
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86.079-2 Amended	45135
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(a) (2) (i) corrected	46927
86.079-11 Added	45136
86.079-21 Revised	45136
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86.108-79 Added	45651
86.113-78 (b) (2) and (3) amendeded; (b) (2) and (3) tables revised	45651
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Chapter 114—Department of the Interior		
114-25.303 Added		39978
114-26.501—114-26.501-53 (Subpart 114-26.5) Revised		†761
114-38.5500—114-38.5512 (Subpart 114-38.55) Revised		55894
114-60.300 Amended		42857
114-60.303 (b) and (c) removed; (d) redesignated as (b) and republished		42857
114-60.901 (b)(1) amended		42857
114-60.902 (a)(2) amended		42857
114-60.1000 Revised		56329
114-60.1001 Revised		56329
114-60.1002 (a) (1) and (2) added		42857
114-60 Appendix A revised		56329
Chapter 114—Proposed Rules:		
114-50		†5391
Chapter 128—Justice Property Management Regulations		
128-48 Added		†3279
128-50 Added		†3281
Title 41—Proposed Rules:		
In this title only see under specific chapters.		

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TITLE 42—PUBLIC HEALTH		Page
Chapter I—Public Health Service, Department of Health, Education, and Welfare		
1	Removed	+2877
5	Added	+1587
Appendixes A through G added		+1588
23.110—23.121	(Subpart B) Removed	+2877
33	Removed	+2877
35.61—35.66	(Subpart E) Added	60742
36.301—36.360	(Subpart J) Added	59646
36.351	(b) (2) (i) corrected	61861
50.301—50.310	(Subpart C) Added	+4570
	Republished	+4832
51	Heading revised	+2878
51.1—51.9	(Subpart A) Removed	+2878
51a.301—51a.321	(Subpart C) Added	63568
51c	Authority citation revised	+5352
51c.302	(a) amended	60418
51c.501	Revised	+5352
51c.502	Revised	+5352
51c.503	(a) (7) (vii) amended	+5352
51c.504	(c) (3) (ii) amended	+5352
51d	Revised	56249
52h	Added; eff. 10-1-77	+7864
54a.102	Revised	60403
56	Revised	60409
56.801	(Subpart H) Added	+5353
56b	Removed	+2878
57	Heading revised	+2878
57.701—57.718	(Subpart H) Removed	+2878
57.1101—57.1114	(Subpart L) Removed	+2878
57.1301—57.1312	(Subpart N) Removed	+2878
57.1601—57.1614	(Subpart Q) Removed	+2878
57.2401—57.2414	(Subpart Y) Added	60883
57.2601—57.2613	(Subpart AA) Removed	+2878
57.2801—57.2812	(Subpart CC) Removed	+2878
57.3101—57.3115	(Subpart FF) Added	59500
58	Removed	+2878
66	Revised	63390
66.106	Heading correctly added	+1498
110.301—110.305	(Subpart C) Revised	+6021
110.401—110.407	(Subpart D) Revised	+6021
Chapter IV—Health Care Financing Administration, Department of Health, Education, and Welfare		
110.501—110.508	(Subpart E) Revised	+6021
122.1	(o) (1) amended	+1253
122.106	(c) revised	62270
122.109	(b) (2) (i) and (ii) amended; (b) (3) (i) revised	+1253
124	Added	62270
Chapter IV—Health Care Financing Administration, Department of Health, Education, and Welfare		
405	Nomenclature changes	65113
	Technical correction	+6605
405.101	(a) and (b) revised	+4428
405.120	(d) (1) removed	+4428
405.141	Removed	+4428
405.142	Removed	+4428
405.144	Removed	+4428
405.145	Removed	+4428
405.152	(b) revised	+4429
405.156	Removed	+4429
405.157	Introductory text revised	+4429
405.158	(b) removed	+4429
405.175	Removed	+4429
405.205	(b) footnote removed	+4429
405.212	(b) removed	+4429
405.213	(a) revised; (b) removed	+4429
405.214	(a) removed	+4429
405.221	(a), (b), and (e) removed	+4429
405.223	(a) (1) and (2) removed; (d) revised	+4429
405.224	Removed	+4429
405.230	(b) revised	+4429
405.231	(k) revised	+4429
405.240	(d) (1) and (e) removed; (d) (2) revised	+4430
405.249	(a) (2) revised	+4430
405.310	(c) revised; (m) removed	+4430
405.428	(a) and (c) removed	+4430
405.502	(e) revised	65178
405.504	(a) (1) removed	+4430
405.541	Added	65178
405.542	Added	65179
405.543	Added	65180
405.544	Added	65180
405.609	(a) introductory text revised	+4430
405.1028	(k) and (1) added; eff. 11-24-78	+7985
405.1626	Removed	+4430
405.1627	(b) (1) removed	+4430
405.1631	Removed	+4430

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405.1632	(d) removed	+4430
405.1660	(a) revised	+4430
405.1672	(a) revised	+4430
405.2001	(a) and (b) introductory text revised; (b) (5) removed	+5826
405.2002	Revised	+5826
405.2003	Revised	+5827
405.2004	(c) (2) amended; (c) (3) removed	+5827
405.2005	(a) (1) and (2) revised	+5827
405.2006	Removed	+5827
405.2007	Revised	+5827
405.2008	Removed	+5827
405.2009	Removed	+5827
405.2010	Removed	+5827
405.2011	Removed	+5827
405.2012	Removed	+5827
405.2025	(a) (1) amended	+5827
405.2050	(b) (1) (ii) amended; (b) (1) (iii) revised; (b) (1) (iv) added	+5823
405.2056	(b), (c), and (d) revised	+5827
405.2057	Removed	+5828
446	Nomenclature changes	65116
446.10	(Subpart A) Heading added; section heading revised	60564
446.150—446.185	(Subpart B) Added	60564
448	Nomenclature changes	65116
	Technical correction	+6605
448.1	(c) (4) revised	+7986
448.10	(b) (2) (iv) revised	+7986
448.60	(a) (2) and (3) (iv) revised	+7986
449	Nomenclature changes	65117
	Technical correction	+6605
449.10	(a) (11) added	64345
	(a) (6) (iii), (b) (16) (ii) and (iii) (A) and (C) revised	+7986
449.82	Revised	+5828
449.100—449.109	(Subpart A) Added	+4580
	Republished	+4842
450	Nomenclature changes	65119
	Technical correction	+6605
450.23	(a) (1) introductory text, (i) and (iv) amended	+7986
450.30	Clarification	+4861
450.80	(a) (8) and (d) added	+3120
450.120	(Subpart B) Removed	60566
450.310	(Subpart D) Added	+3120
452	Nomenclature changes	65120
460	Nomenclature changes	65121
TITLE 43—PUBLIC LANDS: INTERIOR		
Subtitle A—Office of the Secretary of the Interior		
4.242	(h) revised	+5514
4.290	Revised	+5514
4.296	Revised	+5514
4.513	Amended	+2724
4.560a	Added	+2724
4.561	Revised	+2725
4.561a	Added	+2725
4.562	(c) and (d) added	+2725
4.564	Added	+2725
17.1	Amended	+4259
17.3	(a), (b) (1) and (2) amended	+4259
17.11	(a) amended	+4259
20	Appendixes C through F revised	+1072

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Title 43, Subtitle A—Continued		Page
31 Added	54806	
31.11 (a) revised	57462	
33 Heading and note added	62913, 65181	
Chapter I—Bureau of Reclamation, Department of the Interior		
423 Effective date extension clarified	56508	
424 Added	60144	
Chapter II—Bureau of Land Management, Department of the Interior		
2653.4 (c) filing date extended	64119	
2920.0-5 (e) removed; eff. 3-27-77	†7870	
2924.1—2924.3-1 (Subpart 2924) Removed; eff. 3-27-77	†7870	
3301.7 Added	†3893	
3301.8 Added	†3895	
3302.2 (a) revised	53963	
3305a.4 Revised	53964	
3521.3-2 (a) designated as (a) (1); (a) (2) added	64346	
3523.1-3 Added	64346	
3526.0-1—3526.3-2 (Subpart 3526) Added	64346	
6263.0-1—6263.5 (Subpart 6263) Added; eff. 3-27-77	†7870	
Public Land Orders		
5187 Amended by PLO 5627	63170	
5608 Revoked by PLO 5630	†3709	
5627	63170	
5628	63422	
5629	63423	
5630	*3709	
Title 43—Proposed Rules:		
4	54434	
26	54314	
426	55625 56139, 57142, 59763, 59889	
2720	57862	
2800	62505	
3300	56960	
4100	60109, 63437	
	†1108	
TITLE 45—PUBLIC WELFARE		
Subtitle A—Department of Health, Education, and Welfare, General Administration		
12 Revised	59843	
12.3 (c) corrected	61263	
12.9 (d) corrected	61263	
19.4 Revised	57317	
46.102 (c) revised	†1759	
46.203 (b) and (c) revised	†1759	
46.204 (b) removed; (c) through (e) redesignated as (b) through (d); new (b) amended	†1759	
46.209 (a) and (b) revised	†1759	
73a Revised	†7619	
85 Added	†2136	
Chapter I—Office of Education, Department of Health, Education, and Welfare		
100a.10 (a) (11) and (26) revised	53828	
100a.16 (a) (40) added	†1765	
100b.10 (f) revised	53828	
100c.1 (f) revised	53828	
102 Removed	56506	
103 Removed	56506	
104 Added	53828	
104.3 (b) corrected; (e) removed; (f), (g), and (h) redesignated as (e), (f), and (g)	†3909	
105 Added	53852	
105.603 (e) corrected	†3909	
105 Appendix A corrected	†3909	
115.64 Added	65524	
115.65 Revised	65526	
115 Appendix amended	65526	
116d Hearings announced	56608	
118 Guidelines removed	†2630	
121a.5 (b) (9) revised	65083	
121a.540 Added	65083	
121a.541 Added	65083	
121a.542 Added	65083	
121a.543 Added	65083	
121a.702 (a) (2) removed	65083	
121a Appendix A amended	65084	
124 Guidelines removed	†2630	
126 Removed	56506	
136 Added	64840	
145 Removed	56506	
150 Removed	56506	
151 Removed	56506	
153 Revised	57288	
162 Appendix A removed	†2630	
163 Added	61227	
163a Added	61229	
167 Removed	56506	
168.71—168.83 (Subpart H) Added	64567	
168.75 (b) (7) corrected	†6230	
168.76 (b) (1) (iii), (2) and (6) corrected	†6230	

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168.80 (b) correctly designated and corrected; (c) (1) and (2) corrected	†6230	
168.81 (b) (2) (ii) corrected	†6230	
171.3 (c) revised	63575	
171.4—171.9 Redesignated as 171.5—171.10; new 171.4 added	63575	
172 Added	†7530	
174 Removed	56506	
178 Removed	56506	
Added	61045	
181 Removed	56506	
189.11 (b) revised	57638	
189.13 (b) revised	57638	
189.14 Revised	57638	
189.16 (a) (2) and (b) (1) revised	57639	
189.21 (b) (9) revised	57639	
190.31—190.39 (Subpart C) Appendix removed	†2631	
190.32a (c), (e), and (f) revised; eff. 7-1-78 to 6-30-79	†3911	
190.33 (b) (1) revised; eff. 7-1-78 to 6-30-79	†3911	
190.35 (a) (2) revised; eff. 7-1-78 to 6-30-79	†3912	
190.39 (a) (5) and (c) added; eff. 7-1-78 to 6-30-79	†3912	
190.41—190.48 (Subpart D) Appendix removed	†2631	
190.43 (b) (1) revised; eff. 7-1-78 to 6-30-79	†3912	
190.48 (a) (6) and (c) added; eff. 7-1-78 to 6-30-79	†3912	
190.51 (Subpart E) Appendix removed	†2631	
197 Added	†1765	
198 Added	61234	
Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare		
205.40 (b) (2) (iv) and (d) revised	†2631	
205.202 (a) amended; (b) (4) removed	60566	
206.10 (a) (1) and (2) (i) revised	†6950	
225.2 Amended	60566	
228 Effective date 1-31-77 in part	61268	
228.20 (a) revised	61267	
228.26 (a) revised; (i) redesignated as 228.30(c)	61267	
228.29 (a) and (b) revised	†4019	
228.29-a Added	†4020	
228.30 Revised	61267	
228.33 (g) introductory text and (9), (h) introductory text and (10), and (i) revised	†4020	
228.39 Correctly added	61267	
228.42 (c) and (d) revised	61267	
(c) (2) effective date in part 9-7-76 to 9-30-77	61269	
228.51 (c) revised	61267	
228.52 Effective date in part 7-1-76 to 9-30-77	61269	
228.61 (a) (1) through (3) and (b) through (d) revised	61267	
228.70 (d) effective date in part 10-1-75	61268	
228.92 Added	†4582	
Republished	†4844	
228.100 Revised	61268	
229 Added	†4020	
232.12 Revised	†2176	
232.13 Added	†2176	
250.30 (d) (2) revised	54420	
Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health, Education, and Welfare		
302.31 Revised	†2180	
302.52 Introductory text, (a) and (b) revised	55818	
Chapter VI—National Science Foundation		
614.4 Revised	55619	
Chapter IX—Administration on Aging, Department of Health, Education, and Welfare		
Chapter IX Removed	59086	
901 Redesignated as Part 1320 and revised	59086, 59216	
903 Redesignated as Part 1321 and revised	59086, 59217	
904 Redesignated as Part 1322 and revised	59086, 59228	
905 Redesignated as Part 1323 and revised	59086, 59229	
908 Removed	59086, 59212	
909 Redesignated as Part 1324 and revised	59086, 59230,	
910 Redesignated as Part 1325 and revised	59086, 59236	
911 Redesignated as Part 1326 and revised	59086, 59238	

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Chapter X—Community Services Administration

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1061.32-1 — 1061.32-4 (Subpart) Added	55187
1068.25-1 — 1068.25-2 (Subpart) Added	53600
1068.30-1 — 1068.30-4 (Subpart) Added	63171
1069.3-1 — 1069.3-6 (Subpart) Revised	59505
Heading corrected	61861
1069.8-5 (e) interpretation removed prior to eff. date; new interpretation added	57693

Chapter XII—ACTION

1224 Added	54286
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Chapter XIII—Office of Human Development Services, Department of Health, Education, and Welfare

1300 (Subchapter A) Added	59087
1301-1304 (Subchapter B) Added	59087
1301 Removed	†2632
1320-1326 (Subchapter C) Added	59087, 59212
1320 Redesignated from Part 901 and revised	59086, 59216
1321 Redesignated from Part 903 and revised	59086, 59217
1322 Redesignated from Part 904 and revised	59086, 59228
1323 Redesignated from Part 905 and revised	59086, 59229
1324 Redesignated from Part 909 and revised	59086, 59230
1325 Redesignated from Part 910 and revised	59086, 59236
1326 Redesignated from Part 911 and revised	59086, 59238
1336 (Subchapter D) Added	59087
1336.51 (f) revised	62138
1340 (Subchapter E) Added	59087
1350-1351 (Subchapter F) Added	59087
1355 (Subchapter G) Added	59087
1361-1370 (Subchapter H) Added	59087
1385-1387 (Subchapter I) Added	59087
1390-1397 (Subchapter J) Added	59087
1398 (Subchapter K) Added	59087

Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

1451.5 Revised	†2878
1451.6 (c) revised	†2879
1451.7 Revised	†2879

1470.2 (c) removed	63173
1470.3 Amended	63173
1470.5 Revised	63174
1470.7 (b) (1) (iii) revised	63174
1470.9 (a) (1) and (4) revised	63174
1470 Appendix removed	63174
1480 Added	59848

Chapter XVIII—Harry S. Truman Scholarship Foundation

1801 Revised	64298
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Chapter XIX—National Commission on the Observance of International Women's Year

1901 Added	57128
1905 Added	57128

Title 45—Proposed Rules:

5b	60573
16	†1968
46	†1050
121h	†8228
128	†1892, 2899
137	†1895, 2899
139	†1898, 2899
173	60574
175	53982
179	54926
185	61402
	†1968, 4839
201	†7672
204	†7672
205	62718, 63651, 64649
	†2899, 7672
213	†7672
1061	60432
1067	62506
1068	57698
1069	57699
1321	61479
1351	†1363, 7600
1430	†8234
1601	†4269
1606	†16
1622	†1807
1623	†19

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

1.01 (b) (1) (iii) revised; (b) (1) (iv) added; (b) (3) amended	†4431
1.25 (a) amended	†4431
2.20-5 (b) revised	56331
4.03-5 Amended	61200
4.03-40 Amended	61200
4.40-1—4.40-35 (Subpart 4.40) Added	61200

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5.01-1 (b) amended	†4431
5.01-5 (a) and (b) amended	†4431
5.02-10 (a) amended	†4431
5.02-15 (a) amended	†4431
5.13-5 (a) amended	†4431
5.20-1 (a) amended	†4431
5.20-40 (a) amended	†4431
5.20-140 (e) amended	†4431
5.30-3 (a) and (b) amended	†4431
5.30-15 (a) and (b) revised	†6779
5.30-35 Added	†6779
7 Heading correctly added	63174
7.3 Added	†3562
7.95 Corrected	63174
24.10-25 (a) (1) revised	56331
30.01-5 (e) (1) amended	63643
32.15-1 (a) revised; note added	56331
32.15-3 (b) amended	56331
32.15-5 (a) revised; note added	56331
35.01-30 Revised	56331
70.05-3 (f) revised	63643
77.17-5 (a) amended	56331
77.20-1 Revised; note added	56331
78.07-13 Removed	63643
90.05-1 (c) revised	63643
97.07-13 Removed	63643
110.15-117 (a) (1) revised	56331
148.01-1 (e) revised	63643
148.02-5 Revised	63643
153.1—153.12 (Subpart A) Table 1 corrected	56608
153.372 Corrected	57126
Introductory text corrected	57962
167.65-3 Revised	56332
175.05-1 (g) removed	63643
182.20-22 (a) revised; (a-1) added	63175
184.15-10 (a) designation removed; text amended	56332
185.15-3 Removed	63643
188.05-1 (a) table correctly amended; footnotes 10, 11, and 12 added	†968
195.20-15 (a) designated removed; text amended	56332
196.07-13 Removed	63643

Chapter II—Maritime Administration, Department of Commerce

222.2 Heading and (a) (2) revised	60567
251.1 Appendix No. 3 added	†1622
252.20 Heading revised; (a) and (b) redesignated as (a) (1) and (2); new (a) heading added; (c) introductory text and (1) through (4) redesignated as (a) (3) introduc-	

tory text and (i) through (iv) (d) heading and (1) through (3) redesignated as (a) (4) heading and (i) through (iii); new (b) added	†4858
280 Revised	61461
Comment time extended	†9, 4260
310.2 (a) revised; eff. 11-12-77	†9
310.3 (b) (2) revised; eff. 11-12-77	†9
310.12 Article 1 revised; Article 2 amended; eff. 11-12-77	†9
350.2 Amended	†1943
350.4 (b) amended	†1943
350.5 (b) (7) added	†1943
381.2 (b) (4) added	57126
381.7 Added	57126

Chapter IV—Federal Maritime Commission

502.32 (b) revised	54291
(b) (1) and (2) corrected	55818
507 Added	62916
Suspended	†3361
507.1 Revised	†3362
507.4 (d) revised	†3563
528.1 Amended	†7319
531 Revised	54813
Authority citation revised	60912
Note added	64685
531.2 (l) corrected	60912
(o) corrected; (q) correctly designated	60913
531.3 (a), (c) (2) and (3), (f), (j), and (p) corrected; (i) (A) through (F) renumbered (1) through (6)	60913
531.5 (a) (6), (b) (1) and (b) (8) (xv) (B) corrected	60913
531.6 (g) corrected	60913
531.8 (c) corrected	60913
531.9 (c) corrected	60913
531.10 (b) (5) and (d) introductory texts, (b) (5) (i) and (d) (2) corrected	60913
531.11 (c) corrected	60913
531.14 (a) and (d) corrected	60913
531.16 (a) corrected	60913
531.17 (a) (2) (i), (b) (1), (c) (1), and (e) corrected	60913
531.18 (e) (2) corrected	60913
531.19 (d) and (e) corrected	60913
533.1 Amended	64686
536 Revised	59267
536.0 (b) corrected	61047
536.1(a) (3) and (4) added; (b) 1(i) corrected	61047
(a) (4) corrected; (a) (5) added	62372

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536.2 (g) and (k) corrected.....	61047
536.3 (l) and (n) corrected.....	61047
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536.5 (d) (12) and (19) corrected.....	61047
536.9 (c) corrected.....	61047
536.10 (b) (2) corrected.....	61047
536.14 (a) corrected.....	61047
536.15 (c) corrected.....	61047
543 Note added.....	55087
Title 46—Proposed Rules:	
54.....	58712, 59763
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0.12 (j) revised.....	+8140
0.92 (i) added.....	54823
0.101 Revised.....	54823
0.102 Added.....	54823
Revised.....	59754
0.288 (v) revised.....	56507
(x) amended; (y) added.....	62918
0.403 Revised.....	63788
1.4 (c) and (d) revised.....	63788
1.251 (a) redesignated as (a) (1); (a) (2) added; (e) amended.....	56508
1.952 (b) amended.....	+7323
1.1305 (a) (6) (iii) and (iv) amended; (a) (6) (v) added; (a) (7) revised.....	59755
1.1311 Note added.....	59850
2.106 Table amended; footnotes 273 and 287 revised; footnotes 213 and 287A removed; footnotes 367A and 367B added.....	58409
Table amended; footnote NG116 added.....	59977
Footnote NG 13 removed.....	62002
Table amended; footnote NG 117 added.....	64897
Table amended.....	+2879
17.4 (f) amended.....	54823
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(a) corrected.....	56608, 57127
17.10 Heading and introductory text amended.....	54824
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17.21 (a) amended.....	54824
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17.24 Heading, introductory text and (a) amended.....	54824
17.25 Heading, (a) introductory text, (1) and (2) amended; (a) (3) revised.....	54824
17.26 Heading, (a) introductory text, (1) and (2) amended; (a) (3) revised.....	54824
17.27 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised.....	54824
17.28 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised.....	54824
17.29 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised.....	54824
17.30 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised.....	54824
17.31 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised.....	54825
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17.32 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised.....	54825
17.33 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised.....	54825
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17.36 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised.....	54825
17.37 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised.....	54825
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17.39 Heading, introductory text (b), (c) (1) and (2) amended.....	54826
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17.54 Revised.....	54826
21.31 (e) introductory text and (1) revised.....	+1498
21.44 (b) (2) revised.....	55818
21.508 (a) revised.....	+8140
63.54 Note 2 revised.....	+3563
64.601 (b) Note 2 amended.....	+3563
68.2 Revised.....	64688
68.302 (f) corrected.....	55819
68.310 (f) corrected.....	55819
68.312 (c) (2) and Table 1 corrected.....	55819
73.35 Note 11 added.....	62920
73.50 (a) (2) corrected.....	+4022
73.51 (a) and (e) (1) revised.....	61863
73.52 Revised.....	61863
73.56 (a) note removed; (d) added; effective date postponed to 3-1-78.....	55620
(d) note corrected.....	59087
(d) note revised.....	+8141
73.69 (d) (3) and (5) corrected.....	+4022
73.202 (b) table amended.....	54421, 57690, 58180, 58752, 60567, 60743, 62139, 63889, 64348, 64627
(b) table amended.....	+1499-1501, 2880, 3363, 4612-4616, 5000, 5515, 6606
(b) technical correction.....	+2880
73.240 Note 11 added.....	62920
73.267 (a) (2) and (b) (1) revised.....	61863
73.313 (d) introductory text amended; (d) (1), (2), (3), and undesignated text added.....	+8142
73.504 (a) table amended.....	54421
73.567 (a) (2) and (b) (1) introductory text and (2) revised.....	61863
73.606 (b) table amended.....	54420, 57963, 58752, 63176
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73.636 Note 11 added.....	62920
73.642 (c) revised.....	54827
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73.689 (a) (2) (ii), (b) (1) and (2) (i) revised.....	61863
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73.933 (b) (8) revised.....	58751
73.936 (d) (3) amended.....	58751
73.937 (d) (3) amended.....	58751
74.601 (d) revised.....	+1949
74.602 (a) and (h) introductory texts revised; (i) removed.....	+1950
74.603 (a) revised.....	+1950
74.604 (a) revised.....	+1950
74.631 (d) and (g) revised.....	+1950
74.632 (e) revised.....	+1950
74.634 (a) (1) revised.....	+1950
74.635 (a) (1) and (5) removed; (a) (4) revised.....	+1950
74.637 (a) revised.....	+1951
74.651 (a) (3) and (c) revised.....	+1951
74.661 (c) revised.....	+1951
74.665 (a), (b), (c), (f), and (g) revised.....	+1951
74.682 (f) removed.....	+1951
74.701 (a) and (b) revised.....	+1951
74.731 (b) revised.....	+1951
74.734 (a) (6) added.....	+1951
74.750 Heading and (c) (1) revised; (d) redesignated as (e) and introductory text and (1) revised; new (d) added; (f) through (i) removed.....	+1951
74.752 Added.....	+1952
74.761 Revised.....	+1952
74.766 (b) redesignated as (c) and revised; new (b) added.....	+1952
74.784 (c) revised.....	+1952
74.1266 Revised.....	56742
76.7 (c) (3) revised.....	64688
76.9 Added.....	56507
76.31 Commissioner's statement.....	56332
76.225 Removed.....	64349
78.1 Revised.....	+1952
78.3 Revised.....	+1952
78.5 (a) text and (b) revised.....	+1953
78.11 (a), (c), (d) introductory text and (2), and (e) and (f) introductory texts revised.....	+1953
78.15 (c) revised.....	61864
78.18 (a) introductory text and (b) revised.....	+1953
78.19 (e) (2) revised.....	61864
78.53 (a) introductory text revised; (b) removed.....	61864
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78.61 (a) revised; (e) and (f) added.....	+4617
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81.204	(c) revised	63890	89.523	(d) revised	+5833
81.303	(e) added	+5378	89.525	(e) table amended; (f) (25) added	+5833
81.304	(a) table amended; (b) (6) added	+5378		(f) (25) corrected	+7432
81.356	(b) (11) revised	58409	89.655	(c) revised	+6784
	(a) table amended; (b) (2) added	64897	91.103	(b) introductory text revised	+6784
81.358	(a) revised	64628		(a) and (b) (5) revised	+7434
81.361	(a) amended	+1624, 8143	91.104	(c) introductory text revised; (f) added	+6785
81.368	(b) revised	58410	91.105	(d), (e), and (f) revised; (i) added	+6785
81.901—81.906	(Subpart S) Added	+5378	91.114	(f) (3) revised	54827
81	Appendix added	60145		(f) (3) effective date corrected	57964
	Appendix corrected	62373	91.121	Added	+6785
	Appendix corrected	+2395		Revised	+7435
83.106	(a) revised	57963	91.152	(i) added	+7435
83.178	(f) added	+6092	91.154	(b) revised	+7435
83.201	(b) revised	58410, 63644	91.354	(a) table amended; (b) (17) added	59977
83.223	Revised	58410		(a) table amended	63890
83.233	Revised	58410	91.504	(a) table amended; (b) (15) added	59977
83.351	(a) introductory text revised	64628		(a) table amended	63890
	(a) table amended; (b) (12) added	64897	91.554	(a) table amended; (b) (18) added	59978
	(a) table amended; (b) (73), (74), and (75) added	+1624		(b) (50) revised	+4261
	(a) table corrected	+3563	93.103	(b) introductory text revised	+6785
83.352	(a) revised	58410		(a) and (b) (5) revised	+7435
83.353	Revised	58410	93.104	(c) introductory text revised; (f) added	+6785
83.359	Table amended	64897	93.105	(d), (e), and (f) revised; (i) added	+6785
83.360	(a) amended	+1624		(i) added	+6786
83.363	(c) added	64689	93.121	Added	+7435
83.366	(h) and (j) revised	58410		Revised	+7435
83.813	(a) (3) revised	+4261	93.152	(f) added	+7435
83.815	(a) (4) added	+4261	93.154	(b) revised	+7435
83	Appendix added	60145	93.402	(b) amended	59978
	Appendix corrected	62373	94.63	(b) introductory text revised	+1625
	Appendix corrected	+2395	94.65	(g) revised	+1625
87.115	(g) revised	54421	95.59	(a) revised	+7435
87.183	(dd) correctly added	54552	95.71	Revised	+7435
87.251	(b) revised	+1505	97.3	(n) (3) revised	57690
89.105	(d) introductory text and (a) revised; (f) added	+6784		(i) revised; (m) amended; eff. date stayed as of 11-4-77	58753
	(a) and (d) (5) revised	+7434		(c) and (i) revised	+7323
89.107	(c) introductory text revised; (f) added	+6784	97.7	(d) revised; eff. date stayed as of 11-4-77	58753
89.109	(d) revised; (k) added	+6784	97.40	(d) and (e) removed; (c) revised; eff. date stayed as of 11-4-77	58753
89.121	Added	+6784		Waiver	+7319
	(d) revised	+7434		(b), (c), and (d) revised	+7323
89.153	(i) added	+6784			
	(j) added	+7434			

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(a) and (b) revised; (d) and (f) removed; (e) and (g) redesignated as (d) and (e); new (d) revised	+7323	97.110 Removed; eff. date stayed as of 11-4-77	58753
97.43 Revised; eff. date stayed as of 11-4-77	58753	97.111 Removed; eff. date stayed as of 11-4-77	58753
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97.51 Revised	+7323	Waiver	+7319
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97.61 (a) amended	57690		
(a) and (c) revised; (d) added; eff. date stayed as of 11-4-77	58753		
97.63 Revised; eff. date stayed as of 11-4-77	58753		
97.67 (c) revised	57690		
(c) revised; eff. date stayed as of 11-4-77	58753		
97.82 Redesignated from 97.83; eff. date stayed as of 11-4-77	58753		
97.83 Redesignated as 97.82; new 97.83 redesignated from 97.85; eff. date stayed as of 11-4-77	58753		
97.84 (d) revised	57691		
Redesignated from 97.87 and (c), (d), and (e) revised; eff. date stayed as of 11-4-77	58753		
97.85 Redesignated as 97.83; new 97.85 added; eff. date stayed as of 11-4-77	58753		
97.86 Added; eff. date stayed as of 11-4-77	58753		
97.87 Redesignated as 97.84 and (c), (d), and (e) revised; eff. date stayed as of 11-4-77	58753		
97.88 (a) revised	57691		
Heading, (a), (b), (c), and (e) revised; eff. date stayed as of 11-4-77	58753		
Waiver	+7319		
97.89 (c) and (d) removed; eff. date stayed as of 11-4-77	58753		
97.95 (a)(1) revised; eff. date stayed as of 11-4-77	58753		
Heading, (a)(1) and (2) revised	+7324		
97.103 (c)(5) removed; (c) and (e) introductory texts, (c)(1) through (4), (d), and (e)(1) through (5) revised; (f) redesignated as (g); (e)(6) and (7) and new (f) added; eff. date stayed as of 11-4-77	58753		

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1	59889
2	+3402
13	54577, 56346, 63184
61	54578
64	+3596
67	+7672
68	53647, 61876
73	+4646, 5011
	58186
	54435,
	54578, 54843, 55105-55107, 55109,
	56346, 57695-57698, 57974-57977,
	58187-58189, 58417, 58768, 58769,
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	63913 64379, 64649, 64914
	+1510-
	1516, 1970, 2413, 3402, 3403, 3405, 3407,
	3597, 4076, 4647, 6111-6113, 6633, 6635,
	6636, 7329, 7330
76	60180
	+3598, 5012
78	+7334
81	58770
83	54436
87	62508
	+3408, 7990
89	+6822
91	+6272, 6822
93	+6822
95	55902, 59893
	+6822
97	56346
	+7332

TITLE 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

1.46 (n)(10) and (x) added	61865
(n)(11) added	+5515
1.53 Revised; eff. 9-23-77	+5516
1.64 Revised	58754
1 Appendix A amended	58754
Appendix A amended	+5834
71.5 (b) revised	56610

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Bureau, Department of Transportation

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172.101 Table amended	57965
172.506 Revised	58523
(c) corrected	†970
173.8 (a) revised	†6786
173.34 (e) (13) (i) and (iii) revised; (e) (13) (v) added	63644
(e) (13) (v) corrected	64628
173.54 Revised	57965
173.65 (a) (3) added; (d) revised	57965
173.89 Revised	57965
173.107 (d) (2) added	57965
173.113 (a) (1) revised	58937
173.119 (m) (2) and (8) revised	57966
(a) (28) added	58937
173.135 (a) (10) added	58937
173.139 (a) (6) revised	58937
173.154 (a) (3) and (4) added	57966
173.157 (b) (3) revised	57966
173.182 (c) (4) revised	57966
173.204 (a) (4) revised	58937
173.206 (a) (13) added	57966
(a) (2) revised	58937
173.217 (a) (8) added	57966
173.221 (a) (9) revised	57966
173.223 (a) (5) revised	58938
173.249 (a) (7) revised; (a) (13) added	58938
173.253 (a) (6) revised	58938
173.256 (a) (7) added	58938
173.266 (b) and (c) introductory texts and (d) and (e) revised	58524
173.269 (a) (6) added	58938
173.272 (i) (22) revised	57966
173.287 (b) (8) added	58938
173.306 (d) (4) added	57966
173.346 (a) (12) revised	57967
173.365 (a) (14) revised	58938
173.375 (a) (2) added	58938
173.377 (b) (5) revised; (j) added	58938
173.850 (a) (7) added	57967
173.1025 Revised	57967
176.80 (b) revised	57967
177.804 Added	†4859
178.44-23 (a) (4) revised	63645
178.118-6 (a) footnote 3 revised	61465
179.14 (a) (3) added	61465
(a) (4) and (5) added	†7436
179.105-6 (d) (1) and (2) revised	†7437

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179.105-7 Revised	†2181
192.13 (a) revised	60148
192.14 Added	60148
192.313 (a) (4) (ii) revised	60148
192.452 Added	60148
192.619 (a) (2) (ii) table revised	60148
195.5 Added	†6788
195.212 (b) (3) (ii) revised	60149
195.402 (d) revised	†6788

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209 Added	56741
209.9 Correctly designated	62920
209.115 (e) corrected	59755
209 Appendix A added	†7438
221.13 (a) revised	62004
221.15 (a) and (d) revised	62004
221 Appendix A added	62004
228 Authority citation revised	†3124
228.5 Amended	†3124
228.7 (a) introductory text revised; (c) added	†3124
228.11 (a) (5) added	†3124
228.19 (a) revised	†3124
228.21 Revised	†3124
233.11 Revised	†7438
255.7 (d) (2) and (3) revised	62005
Technical correction	†1091
266 Added	†860
268.17 Corrected	55212
268.21 (b) (6) corrected	55212
268.31 (d) (1) and (3) corrected	55212

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386.13 (b) and (d) revised	53965
386.14 (b) revised	53965
386.35 Revised	53965
386.36 Revised	53965
386.38 Revised	53965
386.40 (a) revised	53965
386.49 Added	53966
391.47 (b) (9) and (10) added; (d) revised	53966
392.6 Policy statement	†7622
394.9 (a) revised	61866
395.8 (a) amended	58530
395.9 Added	58527

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501.8 (i) (2) and (j) added	58531
510 Added	64629
Comment time extended	†5516
527 Added	53946
527.11 (a) (2) revised	64119
537 Added	62383
553.21 Revised	58949
553.35 Revised	58949
571.109 Appendix A amended	56333
Appendix A amended	62387
Appendix A corrected	†4859, 4860
571.121 Std. No. 121 interpretation	†6093
571.205 Std. No. 205 amended	64630
571.208 Std. No. 208 amended	61466
571.222 Std. No. 222 amended	61470

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Chapter VIII—National Transportation Safety Board

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(a) Forms corrected	64349
1003.2 Forms amended	62489
1003.3 (b) Forms amended	62489
1006.1-1006.4 Removed	†972
1011 Added	65181
1011.7 Added	†1091
(d) revised; (f) added	†7438
1033.1084 (e) revised	†4432
1033.1171 (g) revised	61269
1033.1182 (h) revised; eff. 1-15-78 to 7-15-78	†2395
1033.1188 (e) revised	55819
1033.1200 (d) revised; eff. 12-15-77 to 6-15-78	63788
1033.1210 (h) revised	†4433
1033.1211 (e) revised	57691
1033.1231 (f) revised	†762
1033.1234 Revised; eff. 10-10-77 to 3-31-78	55212
Revised; eff. 11-5-77 to 3-31-78	58411
Revised; eff. 12-1-77 to 3-31-78	61597
1033.1237 (g) revised	61269

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1033.1242 (e) revised	†4432
1033.1247 (d) revised; eff. 1-31-78 to 7-31-78	†4617
1033.1249 (g) revised; eff. 11-15-77 to 6-15-78	59386
1033.1254 (f) revised	54293
1033.1262 (f) revised; eff. 10-31-77 to 4-30-78	57318
1033.1267 (g) revised; eff. 2-15-78 to 8-15-78	†7324
1033.1269 (c) revised	54294
1033.1270 (c) revised	†2725
1033.1272 (e) revised; eff. 2-15-78 to 8-15-78	†7324
1033.1273 (l) revised; eff. 10-31-77 to 12-15-77	57317
(l) revised; eff. 12-15-77 to 3-15-78	63789
Removed	†6951
1033.1275 (f) revised; eff. 1-15-78 to 7-15-78	†2396
1033.1276 Added; eff. 10-1-77 to 1-31-78	53601
(f) revised	†4433
1033.1277 Added	54292
1033.1278 Added	54293
Added; eff. 9-30-77 to 11-30-77	55213
1033.1280 Added; eff. 10-4-77 to 11-30-77	54828
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1033.1281 Added; eff. 10-10-77 to 11-30-77	55214
1033.1282 Added; eff. 10-18-77 to 2-15-78	56128
(e) revised; eff. 2-15-78 to 8-15-78	†7325
1033.1283 Added	57691
(e) revised; eff. 12-15-77 to 2-15-78	63645
1033.1284 Added	58950
1033.1285 Added	59278
1033.1286 Added; eff. 11-15-77 to 5-31-78	59503
Removed	62006
1033.1287 Added	63176
1033.1288 Added	62926
1033.1289 Added	63423
1033.1290 Added	63891
1033.1291 Added	†972
1033.1292 Added; eff. 12-30-77 to 1-31-78	†971
1033.1293 Added; eff. 12-30-77 to 1-31-78	†1092
1033.1294 Added; eff. 1-3-78 to 6-30-78	†1093

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1033.1296 Added		+3125
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1033.1298 Added		+3710
1033.1299 Added		+3710
Revised		+6789
1033.1300 Added		+5834
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1033.1301 Added; eff. 2-15-78 to 3-31-78		+7326
1033.1302 Added; eff. 2-17-78 to 2-24-78		+7623
1033.1303 Added; eff. 2-23-78 to 3-31-78		+8143
1036.2 Table revised		+1954
1036.7 Revised		+5835
Technical correction		+8143
1047 Form BOP-102 revised		+2399
1047.20 Revised		+2397
1047.21 Revised		+2398
1047.22 Revised		+2398
1047.23 Revised		+2398
1056 Introduction		+3125
1056.15 Revised		+763
1059 Added		+972
1080.1279 Added; eff. 10-3 to 10-15-77		54553
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1090.5 Removed; new 1090.5 redesignated from 1090.6		57127
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1090.6 Redesignated as 1090.5; new 1090.6 redesignated from 1090.7		57127
1090.7 Redesignated as 1090.6; new 1090.7 redesignated from 1090.8		57127
1090.8 Redesignated as 1090.7		57127
1091 Added		53602
1100.225 (f) order		+3711
1100.247 (f) (2) revised		62489
(c) Caption summary format changes		+2632
1102 Revised		53603
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1102.1 Amended		+1799
1104.22 (a) designation removed		56333
1109.15 (b) (2) (ii) revised		62139
1109.25 Added		+5836
1121.11 (o) added		+7624
1121.24 Amended		+7624
1121.32 (d) (1) amended		+7624
1121.38 (b) (2) (i) and (e) amended		+7624
1121.40 (c) (2) amended		+7625
1121.41—1121.46 Revised		+7625
1121.47 Added		+7637
1125 Revised		+1692
Comment time extended		+3364
Interpretations		+4261
1127 Interpretations		62921
Revised		+1716
Comment time extended		+3364
1130.1 (b) revised		+3564
1131.2 Amended		64350
1131.5 (b) (2) and (3) (ii) amended		65184
(a) revised; (b) (2) and (3) (ii) amended		+1626
1132.5 (b) revised		56334
1134.1 (b) revised		+3565
1134.6 (b) revised		+3565
1134.50 (b) revised		+3565
(b) corrected; footnotes 3 and 4 redesignated as 1 and 2		+6789
1201 (Subpart A) Amended		56610
Amended		64350
(Subpart A) effective date stayed		+1799
Technical correction		+3126
1201.900—1201.950 (Subpart B) Revised		+1733
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1202 Amended		56612, 64351
1203 Removed		+2726
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1206 Amended		56613, 64351
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1210 Amended		56616, 64352
1211 Amended		62006
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1241 Corporate disclosure clarification		+4617
1241.11 Effective date stayed		+1799
Technical correction		+3126
1241.12 Effective date stayed		+1799
Technical correction		+3126
1241.31 Removed		+2726
1242 Revised		+7640
1243.1—1243.3 Effective date stayed		+1799
Technical correction		+3126
1249 Revised		53626
Corporate disclosure clarification		+4617

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1250 Corporate disclosure clarification		+4617
1251 Corporate disclosure clarification		+4617
1252 Revised		55620
1300.4 (e) removed		+972
1300.32 Added		65185
1304.4 (k) removed		+972
1306.100 (b) (2) and (c) (3) revised		63892, 64352
1306.101 (b) (2) and (c) (3) revised		64353
1307.27 (k) (3) removed		+972
1307.100 (b) (2) and (c) (3) revised		63892, 64353
1307.101 (b) (2) and (c) (3) revised		64354
1308.4 (k) removed		+972
1309.6 Removed		+972
1310 Eff. 10-5-77		+3365
1310.1 (c) (5) added		63424
1310.5 (i) (4) added		63424
1310.15 (e) added		54553
1310.28 (i) (2) and (4) revised		64350
171		+1369
172		+7449
173		+983, 1369, 3598
174		+983
177		+983
178		+983, 2741
179		+3598
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266		+8162
391		+1108
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393		+20
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10.13 Revised		59358
17.11 (i) amended		58755, 58758, 60745
(i) corrected		+968
(i) amended		+3715,
		4028, 4621, 6233
17.41 Added		+6233
17.44 (d) added		+3715
17.95 (d) amended		58756, 58758
(e) corrected		59755
(e) amended		+3715
(d) amended		+4025
(c) amended		+4621
20.101—20.107 (Subpart K) Interpretation		+1093
20.105 (d) amended		54554,
		59829, 61270
(f) interpretation		+1799
20.108 Amended		53627, 55820
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21.29 (k) amended		+968
25.44 Added		64120
26.34 Amended		56616
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27.11 Revised		56954
32.11 Amended		55216, 57693, 59279
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		56128, 57692, 58531, 59278, 59387
32.21 Amended		55216
32.22 Amended		54829,
		55215, 55216, 56748—56750
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651.8 (a) (2) and (3) revised;		652 Added	59948
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(a) (2) Amended	+778	652.8 (a) revised	65188
(a) (2), (3) and (4) eff. date		(a) revised	+4029
extended 2-15-78 to 3-31-78	+6094		
651.11 (e) amended; eff. 1-1-78		Title 50—Proposed Rules:	
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(a) and (b) revised	+778	57492, 60579, 60765, 61290, 64382,	65209, 65213
(e) eff. date extended 2-15-78			+2193, 4872
to 3-31-78	+6094	20	59987, 61878, 63437
651.12 Revised; eff. 1-1-78 to			+6275
2-14-78	65187	26	56627
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651 Appendix A removed; eff.		216	58419, 60185
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Table 1 is presently in the Finding Aids volume revised as of Jan. 1, 1976. Additions from January 1976 through June 1977 are in the June 1977 LSA (List of CFR Sections Affected).

In order to determine the Federal Register page numbers of the parallel CFR citations, consult the List of CFR Sections Affected above.

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	45 Part 1224	5576	32 Part 65
553	10 Parts 1, 71, 110	6011	32 Part 763
	15 Part 807	7430	15 Part 377
	16 Part 1201	8010	32 Part 143
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- USDA—AGRICULTURE DEPARTMENT
AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FSQS—Food Safety and Quality Service
FS—Forest Service
PSA—Packers and Stockyards Administration
- RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service
COMMERCE—COMMERCE DEPARTMENT
Census—Census Bureau
EDA—Economic Development Administration
ITA—Industry and Trade Administration
MA—Maritime Administration
MBE—Minority Business Enterprise Office
NBS—National Bureau of Standards
NFPCA—National Fire Prevention and Control Administration
NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIS—National Technical Information Service
PTO—Patent and Trademark Office
USTS—United States Travel Service
- DOD—DEFENSE DEPARTMENT
AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DIA—Defense Intelligence Agency
DLA—Defense Logistics Agency
Engineers—Engineers Corps
Navy—Navy Department
DOE—ENERGY DEPARTMENT
ERA—Economic Regulatory Administration
EIA—Energy Information Administration
ERO—Energy Research Office
ETO—Energy Technology Office
FERC—Federal Energy Regulatory Commission
HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT
ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
CDC—Center for Disease Control

FEDERAL REGISTER

FDA—Food and Drug Administration
HCFA—Health Care Financing Administration
HDSO—Human Development Services Office
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Office of Education
PHS—Public Health Service
RSA—Rehabilitation Services Administration
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CARF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD—Community Planning and Development, Office of Assistant Secretary
FDAA—Federal Disaster Assistance Administration
FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office
NCA—New Communities Administration
NCDC—New Community Development Corporation
NVACP—Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Bureau of Indian Affairs
BLM—Bureau of Land Management
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Office of Hearings and Appeals
Reclamation—Reclamation Bureau
SMRE—Surface Mining Reclamation and Enforcement Office

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration
NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics
BRB—Benefits Review Board
ESA—Employment Standards Administration
ETA—Employment and Training Administration

FCCPO—Federal Contract Compliance Programs Office
LMSEO—Labor Management Standards Enforcement Office
OSHA—Occupational Safety and Health Administration
P&WBP—Pension and Welfare Benefit Programs
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHWA—Federal Highway Administration
FRA—Federal Railroad Administration
MTB—Materials Transportation Bureau
NHTSA—National Highway Traffic Safety Administration
OHMO—Office of Hazardous Materials Operations
OPSO—Office of Pipeline Safety Operations
SLS—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service
Mint—Mint Bureau
PDB—Public Debt Bureau
RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

ATBCB—Architectural and Transportation Barriers Compliance Board
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CFTC—Commodity Futures Trading Commission
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSA—Community Services Administration
CSC—Civil Service Commission
CSC/FPRAC—Federal Prevailing Rate Advisory Committee
EEOC—Equal Employment Opportunity Commission
EXIMBANK—Export-Import Bank of the U.S.

EPA—Environmental Protection Agency
ESSA—Endangered Species Scientific Authority
ERDA—Energy Research and Development Administration
FCC—Federal Communications Commission
FCSC—Foreign Claims Settlement Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FEC—Federal Election Commission
FHLBB—Federal Home Loan Bank Board
FMC—Federal Maritime Commission
FPC—Federal Power Commission
FRS—Federal Reserve System
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/ADTS—Automated Data and Telecommunications Service
GSA/FPA—Federal Preparedness Agency
GSA/FSS—Federal Supply Service
GSA/NARS—National Archives and Records Service
GSA/PBS—Public Buildings Service
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel (Coal Mine Health and Safety)
ITC—International Trade Commission
LSC—Legal Services Corporation
NACEO—National Advisory Council on Economic Opportunity
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
NFAH/NEA—National Endowment for the Arts
NFAH/NEH—National Endowment for the Humanities
NLRB—National Labor Relations Board
NRC—Nuclear Regulatory Commission
NSF—National Science Foundation
NTSB—National Transportation Safety Board
OFR—Office of the Federal Register
OMB—Office of Management and Budget
OPIC—Overseas Private Investment Corporation
PADC—Pennsylvania Avenue Development Corporation
PRC—Postal Rate Commission
PS—Postal Service
RB—Renegotiation Board
RRB—Railroad Retirement Board
ROAP—Reorganization, Office of Assistant to President
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration
WRC—Water Resources Council

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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Service-Alaskan Trade 53601; 10-3-77
Justice/Parole—Paroling, recommitting and
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12-20-77
USDA/FNS—Special milk program for children;
National School Lunch, School Breakfast or
Child Care Food Program 1059; 1-6-78

WHITE HOUSE CONFERENCE ON BALANCED NATIONAL GROWTH AND ECONOMIC DEVELOPMENT

Washington, D.C., 2-1-78.. 61527; 12-5-77

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losis—vaccinated female calves; com-
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Commodity Credit Corporation—
Tobacco loan program; flue cured tobacco
acreage limitations; comments by
2-8-78..... 1351; 1-9-78
Farmers Home Administration—
Guaranteed loan programs; inspections;
comments by 2-8-78 1291; 1-9-78
Loans to Indian Tribes and Tribal Corpora-
tions; comments by 2-6-78 1098;
1-6-78
Real estate and chattel properties; man-
agement; comments by 2-8-78 .. 1290;
1-9-78

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fishery management plan; comments by
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12-23-77

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Economic Regulatory Administration—
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2-6-78..... 64902; 12-29-77

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signals to improve safety communications
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cies; comments by 2-9-78 62508;
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posed establishment of monograph;
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Over-the-counter drugs; establishment of a
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1-6-78

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quirements; comments by 2-8-78.
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presidential documents

4245

[3195-01]

Title 3—The President

Memorandum of January 27, 1978

Determination Under Section 202(a) of the Trade Act; High Carbon Ferrochromium

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, January 27, 1978.

Pursuant to Section 202(b)(1) of the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC) dated December 1, 1977, concerning the results of its investigation of a petition for import relief filed by the Committee of Producers of High Carbon Ferrochromium on behalf of the domestic industry producing ferrochromium, containing over 3% by weight of carbon, provided for in item 607.31 of the Tariff Schedules of the United States.

After considering all relevant aspects of the case, including those set forth in Section 202(c) of the Trade Act of 1974, I have determined that provision of import relief is not in the national economic interest of the United States.

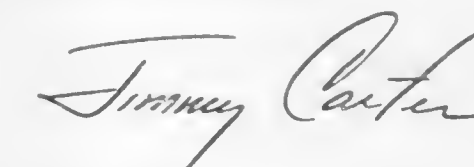
I have determined that the imposition of import relief would not be an effective means to promote adjustment in the industry since the dominant firm in the domestic industry now supplies over half of all domestic production and utilizes one of the world's largest, most technologically advanced furnaces. The other domestic producers, which now operate technologically obsolete furnaces, are unlikely to modernize their facilities.

Import relief would substantially increase costs for domestic stainless steel producers by raising prices of high carbon ferrochrome, low carbon ferrochrome, stainless steel scrap and chrome ore. Increased costs are estimated to be \$27 million per year based on the USITC recommendation. In view of the quotas on stainless steel imports, such increases would be likely to be passed through to consumers of stainless steel. In a time when we are striving to control inflation, this cost is too high.

Provision of import relief is unlikely to induce substantial production or employment gains for the domestic industry producing these articles. The Department of Labor has informed me that prospect of further layoffs in the industry during 1978 are doubtful and employment prospects of those workers already laid off are considered "fair" because the stainless steel industry is expected to maintain an adequate level of demand in the coming year.

The Trade Act of 1974 requires that the President consider the effect of increased import restraints on the international economic interests of the United States. The provision of import relief to the American producers of high carbon ferrochromium would entitle Brazil, the Republic of South Africa, Yugoslavia, other major supplier countries whose exports are affected to request compensatory tariff reductions. If compensation is not provided, the affected countries could retaliate by increasing their restrictions on products which American firms export.

This determination is to be published in the FEDERAL REGISTER.



[FR Doc. 78-2920 Filed 1-30-78; 4:09 pm]

FEDERAL REGISTER, VOL. 43, NO. 22—WEDNESDAY, FEBRUARY 1, 1978

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[1505-01]

Title 1—General Provisions
CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER
CFR CHECKLIST
1976/1977 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1976 and 1977. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a Checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the Cumulative List of CFR Sections Affected, which is revised monthly.

The rate for subscription service to all revised volumes issued for 1977 is \$350 domestic, \$75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1977):

Title	Price
1.....	\$1.65
2 [Reserved].....	3.00
3.....	3.25
4.....	4.70
5.....	5.30
6.....	4.20
7 Parts:	5.20
0-45.....	5.80
46-51.....	6.10
52.....	4.10
53-209.....	1.80
210-699.....	4.25
700-749.....	2.40
750-899.....	2.50
900-944.....	4.25
945-980.....	4.40
981-999.....	3.20
1000-1059.....	4.20
1060-1119.....	7.25
1120-1199.....	4.20
1200-1499.....	7.25
1500-end.....	6.80
8.....	2.60
9.....	6.80
10 Parts:	4.40
0-199.....	4.60
200-end.....	2.30
11 (Rev. 5/1/77) Parts:	7.40
1-299.....	7.30
300-end.....	4.20
12 Parts:	6.00
1-59.....	5.10
60-199.....	6.20
200-1199.....	2.20
1200-end.....	

Title	Price
15.....	5.35
16 Parts:	
0-149.....	5.50
150-999.....	4.25
1000-end.....	3.00

CFR Unit (Rev. as of April 1, 1977):

17.....	6.75
18 Parts:	
1-149.....	4.25
150-end.....	4.00
19.....	5.75
20 Parts:	
0-399.....	3.25
400-499.....	5.00
500-end.....	4.00
21 Parts:	
1-99.....	3.25
100-199.....	4.75
200-299.....	2.10
300-499.....	5.00
500-599.....	4.00
600-1299.....	3.50
1300-end.....	4.25
22.....	4.50
23.....	5.50
24 Parts:	
0-499.....	5.00
500-end.....	5.25
25.....	4.50
26 Parts:	
1 (§§ 1.0-1.169).....	4.75
1 (§§ 1.170-1.300).....	4.00
1 (§§ 1.301-1.400).....	3.75
1 (§§ 1.401-1.500).....	4.00
1 (§§ 1.501-1.640).....	4.00
1 (§§ 1.641-1.850).....	4.35
1 (§§ 1.851-1.1200).....	5.25
1 (§§ 1.1201-end).....	6.75
2-29.....	4.50
30-39.....	4.35
40-299.....	4.50
300-499.....	4.35
600-end.....	2.40
27.....	7.00

CFR Unit (Rev. as of July 1, 1977):

28 Parts:	
0-499.....	5.75
1920-end.....	4.50
30.....	6.00
32 Parts:	
1-39 (V. I) (Rev. 7/1/78).....	4.75
(V. II) (Rev. 7/1/76).....	7.50
(V. III) (Rev. 7/1/76).....	5.25
400-589.....	5.00
590-899.....	4.00
1000-1399.....	2.75
1400-1599.....	4.25
1600-end.....	2.75
32A.....	3.75
33 Parts:	
1-199.....	7.00
34.....	1.70
35.....	4.00
36.....	4.50
37.....	3.00
39.....	3.50
40 Parts:	
0-49.....	4.25
50-59.....	5.75
60-99.....	5.00
100-399.....	4.75
400-end.....	5.75
41 Chapters:	
1-2.....	5.25
7.....	2.75
8.....	2.30
9 (Rev. 9/26/77).....	5.00

Title	Price
19-100.....	4.50
101-end.....	5.75

CFR Unit (Rev. as of Oct. 1, 1976):

42.....	5.95
43 Parts:	
1-999.....	3.10
1000-end.....	6.00
44 [Reserved] Parts:	
1-99.....	3.45
100-199.....	10.00
200-499.....	3.15
500-end.....	6.40
46 Parts:	
1-29.....	2.15
30-40.....	2.20
41-69.....	4.00
70-89.....	2.10
90-109.....	1.95
110-139.....	1.90
140-165.....	4.00
166-199.....	2.65
200-end.....	7.25
47 Parts:	
0-19.....	3.80
20-69.....	5.00
70-79.....	4.90
80-end.....	6.20
48 [Reserved] Parts:	
1-99.....	2.05
100-199 (Rev. 12/31/76).....	6.50
200-999.....	7.55
1000-1199.....	3.95
1200-1299.....	7.40
1300-end.....	3.60
50.....	4.20

[3410-08]

Title 7—Agriculture
CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 85]

PART 401—FEDERAL CROP INSURANCE

Support—Regulations for the 1969 and Succeeding Crop Years

CORN ENDORSEMENT

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is amending its regulations by combining the elements of the programs relating to corn endorsement (grain and silage), corn-silage endorsement, and corn endorsement with production guarantees in bushels of grain and tons of silage. By this action, the Corporation's corn crop insurance program is made simpler and more effective administratively. This regulation also removes several restric-

tions to provide more benefits to the policyholders under the program.

EFFECTIVE DATE: October 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation hereby establishes a new section to Title 7, Part 401, of the Code of Federal Regulations to be known as 7 CFR § 401.154 The Corn Endorsement. This section combines three other sections dealing with the provisions of Corn Crop Insurance; 7 CFR § 401.142 The Corn Endorsement (Grain and Silage), appearing in the FEDERAL REGISTER on September 7, 1968 (33 FR 12721), § 401.143 The Corn-Silage Endorsement, appearing in the FEDERAL REGISTER on September 6, 1968 (33 FR 12670), and § 401.151 The Corn Endorsement (Grain and Silage) with production guarantees in bushels of grain and tons of silage, appearing in the FEDERAL REGISTER on November 10, 1975 (40 FR 52339). These sections are hereby deleted and reserved and all amendments thereto (Nos. 18, 19, 23, 36, 53, and 71) are superseded by this Amendment No. 85 to the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years (7 CFR § 401.154 The Corn Endorsement). By combining the elements of the three previous regulations, the Corporation's corn crop insurance program is made simpler and more effective administratively. The provisions contained in this Amendment No. 85 remove several restrictions to provide more benefit to the policyholder. In view of this, the Corporation has found and determined that inasmuch as this Amendment No. 85 removes several restrictions to benefit the policyholder, and that reissuance of the Corn Endorsement to each policyholder, along with many other administrative details to be attended to prior to December 15, 1977, would consume more time than would be available if the procedure for notice and public participation were followed prior to the issuance of this Amendment No. 85 as a final rule, that this amendment is hereby issued without compliance with such procedure. However, in the spirit of the public policy set forth in 5 U.S.C. 553 (b) and (c), interested persons may submit written comments, views, and suggestions to the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, within 30 days from the effective date of this amendment. Material thus submitted

will be evaluated and acted upon in the same manner as if this document were a proposal.

Pursuant to the authority contained in the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), as amended, the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years, effective with the 1978 crop year, are amended by deleting and reserving § 401.142, § 401.143, and § 401.151 of Title 7 of the Code of Federal Regulations, and by adding a new § 401.154 to read as follows:

§ 401.154 The Corn Endorsement.

(a) *Insured crop.* The crop insured shall be field corn planted for harvest as grain or silage and silage-type corn only where a silage guarantee is shown on the county actuarial table (hereinafter called "actuarial table"). Insurance may attach only by written agreement with the Corporation on corn which is planted for the development or production of hybrid seed.

(b) *Production guarantee.* Where the insured crop is field corn, the grain guarantee per acre shown on the actuarial table shall be reduced by the lesser of 6 bushels or 20 percent for any unharvested acreage; where the insured crop is silage-type corn, the silage guarantee per acre shown on the actuarial table shall be reduced by the lesser of 1 ton or 20 percent for any unharvested acreage.

(c) *Insurance period.* Insurance on insured acreage shall attach at the time the corn is planted and shall cease in the same calendar year as follows: The earliest of (1) final adjustment of a loss, (2) harvest, or (3) December 10 in all states except North Dakota (where insurance ceases October 31); *Provided*, That where the actuarial table shows both a grain and a silage guarantee, insurance shall remain in effect no later than September 30 on any acreage of silage-type corn or any acreage of field corn harvested for silage, and any loss of production of such corn occurring thereafter shall be regarded as lost from an uninsured cause.

(d) *Additional notice of loss requirements.* (1) In addition to the requirements of section 8 of the policy, if any acreage intended for harvest as silage has been damaged to the extent that a loss is probable, the insured shall give written notice to the Corporation as follows: (i) Where the actuarial table shows only a grain guarantee, and the insured desires to harvest any acreage for silage, the insured shall give notice before the start of harvest of such acreage. (ii) Where the actuarial table shows both a grain and a silage guarantee, the insured shall give notice prior to harvest if it will not be possible to determine the harvested production, or prior to October 1 for unharvested acreage of silage-type corn or field corn intended for silage.

(2) The Corporation reserves the right to reject any claim for loss if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

(e) *Claims for loss.* (1) Any claim for loss on an insurance unit (hereinafter called "unit") shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(2) It shall be a condition precedent to the payment of any loss that the insured: (i) Establish the production of the insured corn on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (ii) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(3) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (i) multiplying the insured acreage of corn on the unit by the applicable guarantee per acre, and multiplying such result by the applicable price for computing indemnities, which product shall be the dollar amount of insurance for the unit, (ii) subtracting therefrom the dollar amount obtained by multiplying the total production to be counted for the unit by the applicable price for computing indemnities, and (iii) multiplying the result obtained in step (ii) by the insured share: *Provided*, That if the insured fails to report all of the insurable acreage or share for the unit, the amount of loss shall be determined with respect to all of the insurable acreage and share, and in such case, if the premium computed on the basis of the insurable acreage and share exceeds the premium computed on the acreage and share shown on the acreage report, the amount of loss shall be reduced proportionately. Where the actuarial table shows only a grain guarantee, all production and appraisals shall be determined in bushels. Where the actuarial table shows both a grain and a silage guarantee, the production and appraisals shall be determined in bushels or tons, depending upon whether the acreage is harvested for grain or silage, except that the production and appraisals of silage-type corn shall be in tons. Where a unit contains acreage to which both a grain and a silage guarantee apply, the dollar amount of insurance and dollar amount of the production to be counted shall be determined separately for each portion and then added together

to determine the total amount for the unit.

(4) The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all harvested production and any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the total production to be counted on any acreage shall be as follows for the conditions described: (i) The greater of the appraised production or 50 percent of the guarantee for any acreage which, with the consent of the Corporation, is planted before harvest of corn becomes general in the current crop year to any other crop insurable on such acreage under the regulations of the Corporation (excluding small grains normally maturing for harvest in the following calendar year). (ii) Not less than the applicable guarantee for any acreage which is abandoned, put to another use without prior written consent of the Corporation, or damaged solely by an uninsured cause.

(5) If the insured intends to harvest any acreage for silage and gives notice pursuant to section 4 of this endorsement: (i) Where the actuarial table shows only a grain guarantee, the Corporation will appraise the production in bushels of grain. (ii) Where the actuarial table shows both a grain and a silage guarantee, the Corporation will appraise the production in tons of silage only if the harvested production could not be determined, and such appraisal of field corn will be used in computing the amount of loss only if such corn is actually harvested for silage. When an appraisal of production is required, the Corporation will make such appraisal before harvest starts; but, if unable to do so, the insured may harvest the acreage, provided that representative areas are left unharvested for a Corporation appraisal.

(6) The Corporation reserves the right to determine the amount of production of unharvested corn on the basis of field appraisals immediately after the end of the insurance period.

(7) Notwithstanding the provisions of subsection (d) of this section, in determining the production to count when the production was damaged by an insurable cause occurring within the insurance period, the total production of grain produced shall be reduced as follows: (i) 0.6 percent if the moisture is 16 percent; 1.2 percent for each full percent of moisture in excess of 16 percent up to and including 30 percent; and 2 percent for each full percent of moisture in excess of 30 percent up to and including 40 percent. (ii) If the moisture is over 40 per-

cent, or the test weight is below 40 pounds per bushel, the percent of the production to be counted shall be that agreed upon by the Corporation and the insured or, in the absence of agreement, as determined by the Corporation: *Provided, however*, That for harvested production, the percent of the production to be counted shall not be less than 25 percent.

(8) Where the actuarial table shows both a grain and a silage guarantee, the Corporation has the right to increase the silage production or tonnage appraisals of corn which is harvested for silage after the normal silage-harvesting period to reflect the normal moisture content of silage.

(f) *Meaning of terms.* For the purpose of corn insurance, the terms:

(1) "Harvest" means removing the grain from the stalk either by hand or machine or cutting the corn for the purpose of livestock feed.

(2) "Silage" means corn harvested by severing the stalk from the land and chopping the stalk and the ear for the purpose of livestock feed.

(g) *Cancellation and termination for indebtedness dates.* For each year of the contract, the cancellation date is December 31, and the termination date for indebtedness is, by states, as follows: Florida, Georgia, Louisiana—March 31; California, Mississippi, North Carolina, North Dakota, Virginia—April 15; Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania—April 30; all other states—April 25. These dates are those immediately preceding the beginning of the crop year for which the cancellation or termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The Federal Crop Insurance Corporation has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Approved by the Board of Directors on October 27, 1977.

Effective: October 31, 1977.

PETER F. COLE,
Secretary, Federal
Crop Insurance Corporation.

Approved: January 25, 1978.

BOB BERGLAND,
Secretary.

(FR Doc. 78-2750 Filed 1-31-78; 8:45 am)

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

(Docket No. AO-269-A6)

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Order Amending the Order, as Amended

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal marketing agreement and order, as amended, covering California dates, to improve procedural operations and program effectiveness. The changes are on proposals submitted by the California Date Administrative Committee, the group established under the program to administer its terms and provisions, and were considered at a public hearing last March.

EFFECTIVE DATES: All changes are effective March 15, 1978, except the amendment of § 987.72(a) which is effective October 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued February 18, 1977; published February 23, 1977 (42 FR 10695). Notice of Recommended Decision—Issued September 6, 1977; published September 12, 1977 (42 FR 45680). Final Decision—Issued December 16, 1977; published December 22, 1977 (42 FR 64122).

Date growers voted to amend their order in a referendum conducted by mail ballot December 19, 1977—January 9, 1978. One of the amendatory changes revises volume regulation provisions so the order can respond to market conditions more effectively. Since the inception of the program in 1955, the export and product markets have grown in importance and a mechanism to protect these markets from excess supplies may be needed in the future.

Another revision recognizes changes which have occurred in the date industry's structure affecting representation. Membership still will include producers and handlers, but producer membership no longer will include producers who handle dates or be apportioned between cooperative date producers and date producers who do not belong to cooperatives. Producers who handle dates and date handlers who do not produce dates will be covered under the term "producer-handler". At the same time, Committee membership will be increased from eight to nine.

Other changes: (1) Permit a handler to move dates to storage for his own account in any county adjoining the area of production free from regulatory requirements; (2) lengthen committee members' terms from one year to two; (3) provide for a polling place and allow absentee ballots for nomination of Committee members; (4) authorize the committee to include a consumer consultant on its staff; (5) make other minor changes in Committee voting procedures and changes in procedures for filling vacancies; and (6) make minor changes in assessment and record-keeping provisions.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto. Except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein, all of said prior findings and determinations are hereby ratified and affirmed.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed further amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, Calif.

Upon the basis of the record it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order, as amended, and as hereby further amended, regulates the handling of domestic dates produced or packed in Riverside County, Calif., in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to

¹ The marketing agreement as amended was filed as a part of the original document.

subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of domestic dates in the production area covered by the order, as amended, and as hereby further amended, which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of domestic dates produced or packed in the production area as defined in the marketing order, as amended, and as hereby further amended, is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

(b) *Additional findings.* The effective date of the amendatory change made in § 987.72(a) should be delayed beyond March 15, 1978, the effective date of the rest of the amendatory provisions. The change in § 987.72(a) would subject utility dates used in product outlets to assessments for program activities. The current 1977-78 crop year began October 1 and an assessment was fixed by the Secretary at a rate to provide adequate funds for the Committee's authorized expenses this year. No useful purpose would be served by making utility dates subject to assessments during the current crop year. They should not be assessed until next crop year. Therefore, the amendatory provisions in § 987.72(a) should not become effective until October 1, 1978, the beginning of the 1978-79 crop year.

(c) *Determinations.* It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Domestic Dates Produced or Packed in Riverside County, California" upon which the aforesaid public hearing was held has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dates covered by the said order, as amended, and as hereby further amended) who, during the period October 1, 1976, through September 30, 1977, handled not less than 50 percent of the volume of such dates covered by the said order, as amended, and as hereby further amended; and

(2) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who during the period October 1, 1976, through September 30, 1977 (which has been deemed a representative period), have been engaged in the production for market of Deglet Noor, Zahidi, Halawy, and Khadrawy varieties of domestic dates produced or packed in Riverside County, Calif.,

such producers having also produced for market at least two-thirds of the volume of such commodity represented in the referendum.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of domestic dates produced or packed in Riverside County, Calif., shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended, as follows:

1. Section 987.6 is amended to read:

§ 987.6 Crop year.

"Crop year" means the 12-month period beginning October 1 of each year and ending September 30 of the following year.

§ 987.8 [Amended]

2. Section 987.8 is amended by deleting reference to "§ 987.22" and substitute "§ 987.21".

§ 987.9 [Amended]

3. Section 987.9 is amended by deleting that part of the provision starting with "the counties of San Bernardino" through "as handling" and substitute "or counties adjoining the area of production, shall not be considered handling. The Committee, with the approval of the Secretary, may establish monitoring procedures for storage of dates in Orange, San Diego, and Yuma Counties."

4. Section 987.11 is amended to read:

§ 987.11 Trade demand.

"Trade demand" means those quantities of marketable dates which the Committee finds are required to satisfy the need for dates in specific outlets in which marketable dates are handled.

5. Section 987.12 is revised to read:

§ 987.12 Marketable dates.

"Marketable dates" means those dates which are certified as equal to or higher than the applicable minimum grade and size requirements in effect pursuant to § 987.39, and any additional applicable requirements in effect pursuant to § 987.40. Marketable dates shall include but not be limited to the following:

(a) *DAC dates.* DAC dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety for handling in the United States and Canada.

(b) *Dates for further processing.* Dates for further processing (FP) are marketable whole dates acquired by one handler from another handler

that are certified as meeting the same grade and size requirements for DAC dates, with the exception of moisture requirements, and such identification requirements applicable to FP dates that are established by the Committee, with the approval of the Secretary, for any specific variety.

(c) *Export dates.* Export dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and identification requirements established by the Committee, with the approval of the Secretary, for a specific variety, to be handled in export to any country or group of countries with the exception of Canada. The Committee may establish different requirements for different countries.

(d) *Product dates.* Product dates are marketable dates that are inspected and certified as meeting the applicable grade and size requirements for dates to be handled in such forms as rings, chunks, pieces, butter, macerate, paste, or any other forms which the Committee deems appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates.

6. Section 987.13 is amended to read:

§ 987.13 Free dates.

"Free dates" means dates of any variety that are at the time of certification destined for consumption in whole or pitted form in the United States and Canada (and such other countries as the Committee determines are likely to acquire them at prices reasonably comparable with prices received domestically) and which are free to be handled pursuant to any free percentage established by the Secretary in accordance with § 987.44.

§§ 987.9, 987.15, 987.47, 987.56, 987.57 and 987.64 [Amended]

7. Sections 987.9, 987.15, 987.47, 987.56, 987.57, and 987.64 are amended by substituting "utility dates" in lieu of "substandard dates."

§ 987.16 [Amended]

8. Section 987.16 as amended by deleting the words "section 798 of the Agricultural Code" and inserting in lieu thereof "Title 3, Group 4, Article 24, section 1434 of the Food and Agricultural Code."

9. Section 987.21 is revised to read:

§ 987.21 Establishment and membership.

A California Date Administrative committee consisting of nine members is hereby established to administer the terms and conditions of this part. For each member there shall be an alternate member and the provisions of this part applicable to the number, nomination, qualification and selection of members shall apply in like

manner to alternate members. Three of the members, referred to in this part as "producer members", shall be producers or officers or employees of producers, and shall not be handlers, or directors, officers, or employees exercising a supervisory or managerial function of a handler. The six remaining members, referred to in this part as "producer-handlers", shall be selected from (1) handlers, or directors, officers or employees of a handler, or (2) producers who are also handlers or directors, officers, or employees exercising a supervisory or managerial function of a handler. The Committee, with the approval of the Secretary, may issue rules and regulations covering matters of eligibility for producer members, or revising the composition of the Committee prescribed in this section if it no longer is representative following a substantial change in the industry.

§ 987.22 [Deleted]

10. Section 987.22 is deleted.

11. Section 987.23 is revised to read:

§ 987.23 Term of office.

The term of office for members and alternate members shall be 2 years beginning August 1, except such term may be shorter if the Committee composition is changed in the interim pursuant to § 987.21. Each member and alternate member shall, unless otherwise ordered by the Secretary, continue to serve until his successor has been selected and has qualified.

12. Section 987.24 is revised to read:

§ 987.24 Nomination and selection.

(a) Nomination for members and alternate members of the Committee shall be made not later than June 15 of every other year.

(b) Opportunity shall be provided producers and handlers to nominate individuals to serve on the Committee by establishing a day for polling and also for casting absentee ballots. Persons will only be able to vote in nominations for the group in which they would be qualified to serve on the Committee, and shall nominate the applicable number of individuals for the positions prescribed pursuant to § 987.21. Each producer, regardless of the number and locations of his date gardens, voting in the nominations for producer members and producer alternate members, shall be entitled to one vote for each member and alternate member position to be filled. The individual receiving the highest number of votes for a position shall be the nominee. Each person voting in the nominations for producer-handler members and producer-handler alternate members, shall be given the opportunity to vote for one member and one alternate member position. His ballot shall be weighted by the pounds of dates he

had certified as marketable dates, from the beginning of the then current crop year through April which he produced in his own gardens or acquired from other producers. The individual receiving the highest weighted vote for a producer-handler position shall be the nominee. The Committee, with the approval of the Secretary, may issue rules and regulations on the manner in which nominees for a position may be obtained, polling, balloting, absentee ballots, and the weighting of votes for producer-handler positions when the Committee is restructured during a term of office.

(c) In the event that nominees for all available positions are not provided by the aforesaid procedure, the then current Committee may recommend nominees for the unfilled positions.

(d) Promptly after each election, the Committee shall report to the Secretary the results thereof, including the eligibility of the nominees, and any other information requested by the Secretary. The Secretary shall select members and alternate members on the basis of representation provided in § 987.21 from nominations made pursuant to this subpart, or from other eligible persons. If nominations are not made within the time and manner prescribed herein, the Secretary may, without regard to nominations, select the members and alternate members on the basis of representation provided in § 987.21.

13. Section 987.26 is amended to read:

§ 987.26 Vacancies.

In the event of any vacancy occasioned by the failure to qualify, declination to serve, removal, resignation, disqualification, or death of any person nominated to serve on the Committee, or any member or alternate member selected by the Secretary, the Committee shall promptly submit its recommendation to the Secretary of a nominee eligible to serve in accordance with the requirements specified for the group in § 987.21. If the vacancy is for a member position, the Committee shall recommend appointment of the alternate member if that person is willing to serve in that position. If the Committee's recommendation is not submitted within 30 calendar days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, and the selection shall be made on the basis of representation provided in § 987.21.

§ 987.27 [Amended]

14. Section 987.27 is amended by deleting from the second sentence the words "(producers or handlers as the case may be) they represent" and substitute instead "he represents".

15. Section 987.30 is amended by adding a new paragraph (h) to read:

§ 987.30 Duties.

(h) To furnish the Committee viewpoints of the consumer, the Committee may utilize a consumer consultant. The consumer consultant shall have no financial interest in the date industry and shall receive no compensation, however, such person shall be reimbursed for necessary expenses attendant to those assignments that the Committee has given prior support and approval.

16. Section 987.31 (a), (c), (d), (e) and (f) are amended to read:

§ 987.31 Procedure.

(a) A majority of the Committee shall constitute a quorum.

(b) . . .

(c) For any decision of the Committee to be valid, a concurring vote of at least five members is required, except as follows:

(1) In matters relating to restructuring Committee composition pursuant to § 987.21, concurrence by at least eight members is required;

(2) In matters relating to establishment, modification and application of free and restricted percentages pursuant to §§ 987.44 and 987.46, concurrence by at least seven members is required; and

(3) In matters relating to recommendation of any program of paid advertising or major program of market promotion pursuant to § 987.33, concurrence by at least six members is required.

(d) At all assembled meetings each vote shall be cast in person.

(e) The Committee may vote upon any proposition by mail, or telephone when confirmed in writing within 2 weeks, or telegram, upon due notice and full and identical explanation to all members, including alternates acting as members, but any such action shall not be considered valid unless unanimously approved.

(f) If the total number of members of the Committee is changed pursuant to § 987.21, the minimum voting requirements shall be in the same ratio to the revised total number of members, as nearly as practicable, as the minimum voting requirements prescribed in paragraph (c) of this section are to nine.

§ 987.33 [Amended]

17. Section 987.33 is amended by deleting the third sentence.

18. Section 987.34 is revised to read:

§ 987.34 Development.

As early as practicable, but no later than October 31, the Committee shall

prepare and submit to the Secretary, a report setting forth its marketing policy, including data on which it is based, by variety, for regulation of dates in the crop year.

(a) The committee shall consider such factors as: (1) The estimated production of dates during the crop year; (2) the estimated production of DAC dates, export dates, and product dates; (3) the handler carryin on October 1 of dates of those qualities; (4) the estimated trade demand in each outlet during the crop year; and (5) the desirable carryout, by outlet.

(b) If dates to be handled as free dates are not synonymous with those to be handled in DAC outlets, the Committee shall consider such additional factors as: (1) The supply of marketable dates that will be available from the estimated production, and from the October 1 carryin, that could be used as free dates, and (2) the estimated trade demand for free dates during the current crop year, and the desirable carryout for free dates.

(c) The Committee shall submit its recommendation as to grade, size, and container regulations and its recommendation whether free and restricted percentages should be established and if so, the free and restricted percentages and the appropriate withholding factor.

19. A new § 987.38 is added to read as follows:

§ 987.38 Handlers of record.

Each crop year but no later than October 10 for continuing handlers and prior to handling dates in the case of new handlers, any person desiring to handle dates shall submit a report to the Committee on a form prescribed by it containing the following information with respect to all dates which such person expects to handle:

(a) The name and address of each producer;

(b) The location of each date garden; and

(c) The acreage and estimated current season's production thereon.

Those reports required to be filed by October 10 shall reflect producers who are signed up with the handlers as of October 1 of the then current crop year. The Committee, with the approval of the Secretary, may issue rules and regulations to carry out the provisions of this section.

20. The first and third sentences in § 987.39 are amended to read:

§ 987.39 The establishment of minimum standards.

In order to effectuate the declared policy of the act, all dates handled as marketable dates shall meet the requirements of U.S. Grade C, or if for further processing, U.S. Grade C (Dry) of the effective U.S. Standards for

Grades of Dates, 7 CFR 52.1001: *Provided*, That the Secretary, may upon recommendation of the Committee, prescribe other minimum standards of grades and sizes for marketable dates of any variety to be handled in any designated outlet. . . . The provisions hereof relating to minimum standards of grades and sizes for marketable dates and inspection requirements, within the meaning of section 2(3) of the act, and any other provisions relating to the administration and enforcement thereof shall continue in effect irrespective of whether the season average price to producers for dates is or is not in excess of the parity level specified in section 2(1) of the act. . . .

21. The first and last sentences in § 987.40 are amended to read:

§ 987.40 Additional grade or size regulations.

Whenever the Committee deems it advisable to establish grade or size requirements for any variety of dates, in addition to the minimum standard provided pursuant to § 987.39, to govern dates of such variety to be handled in any designated outlet or to be withheld to meet withholding obligation, or both, it shall recommend to the Secretary requirements as to grade based on the effective United States Standards for Grades of Dates or any modification thereof, and such size requirements as it may deem appropriate. . . . On and after the effective date no handler shall handle dates of such variety in any designated outlet or withhold such dates to meet withholding obligation except in accordance with such regulations.

22. Section 987.43 is added to read:

§ 987.43 Outlets and specifications for marketable dates.

Marketable dates shall not be handled or otherwise disposed of except as provided in this subpart. This shall not preclude dates of better grades or sizes being handled or otherwise disposed of in any outlet established for dates of lesser grades or sizes. The Committee, with the approval of the Secretary, may modify the designations specified in § 987.12 to reflect new major outlets and regulatory requirements needed because of changes in marketing conditions. Marketable dates shall include but not be limited to the following: DAC dates, Dates for further processing, Export dates, and Product dates.

23. Section 987.44 is amended "by revising the first sentence of paragraph (a)" to read:

§ 987.44 Free and restricted percentages.

(a) Whenever the Committee finds that the available supply of marketable dates of applicable grade and size available to supply the trade demand

for free dates of any variety is likely to be excessive, and that limiting the volume of marketable dates to be handled as free dates through establishment of free and restricted percentages applicable to such variety of such dates would tend to effectuate the declared policy of the act, it shall recommend such percentages to the Secretary. . . .

§ 987.45 [Amended]

24. Section 987.45 is amended as follows:

In paragraph (a) delete the part of the first sentence that reads "or for further processing" and insert in lieu thereof; "as free dates (including those for further processing that are to be handled as free dates)".

In paragraph (b) after the word "handled" in the last sentence, insert "as free dates (including those for further processing that were handled as free dates)".

In paragraph (c) insert the word "free" before the word "dates" where that word appears in the first sentence, the fourth sentence and the fifth sentence.

In paragraphs (d) and (f) wherever "restricted obligation" or "restricted obligations" appear, substitute the words "withholding obligation" or "withholding obligations", as applicable.

In the first sentence of paragraph (e), delete the words "from handling".

§ 987.46 [Amended]

25. Section 987.46 is amended as follows:

In the first sentence after the words "trade demand" and "available supply" insert the words, respectively, "for free dates" and "of marketable dates of applicable grade and size". In the second sentence before the word "dates" insert the word "free".

§ 987.50 [Amended]

26. Section 987.50 is amended as follows:

Insert the word "free" before the word "dates" wherever that word appears in this section.

§ 987.54 [Deleted]

27. Section 987.54 is deleted.

28. Section 987.55 is revised to read:

§ 987.55 Outlets for restricted dates.

Restricted dates may be disposed of only through exportation to such countries as the Committee may approve or by diversion in product outlets described in § 987.43 which the Committee concludes to be appropriate and which will result in dates moving into consumption in a form other than that of whole or pitted dates. To facilitate sales and promote orderly marketing of any variety of restricted dates handled in export, the

Committee may participate in or negotiate for handlers, the sale of such dates to meet all or a substantial part of the needs of the particular country, and, in connection with each such sale, the Committee shall extend to all handlers an opportunity to participate therein and shall distribute the returns therefrom to participating handlers according to their respective contributions of dates. The Committee, with the approval of the Secretary, may prescribe rules and regulations governing the opportunity to participate in such sales. The provisions of this section shall not preclude restricted dates being disposed of in outlets for utility and cull dates prescribed in § 987.56.

§ 987.56 [Amended]

29. Section 987.56 is amended by deleting from the first sentence the phrase "concludes are noncompetitive with the outlets for free and restricted dates", and insert in lieu thereof "with the approval of the Secretary, may specify".

30. Section 987.57 is amended by revising the title and the first sentence thereof to read:

§ 987.57 Approved manufacturers or feeders.

Diversion of dates pursuant to § 987.55 or § 987.56 shall be accomplished only by such persons (which may include handlers) as are approved manufacturers or feeders. . . .

31. Section 987.61 is revised to read:

§ 987.61 Reports of handler carryover.

Each handler shall file each year with the Committee written reports of his carryover of dates as of March 1, October 1, and at such other times as the Committee may prescribe: *Provided*, That during those seasons when volume regulations are established by the Secretary, the handler shall file an additional report on his January 1 carryover. Such reports shall be filed within 10 days of the date of the carryover. These reporting dates specified may be changed, upon recommendation of the Committee, together with substantiation of the need therefore, with the approval of the Secretary.

32. Section 987.64 is revised to read:

§ 987.64 Reports on disposition of restricted, other marketable, utility, and cull dates.

Each handler disposing of any dates pursuant to §§ 987.55 and 987.56 shall promptly thereafter report such disposition to the Committee in such form as the Committee may prescribe.

§ 987.68 [Amended]

33. Section 987.68 is amended by changing the third sentence to read: "All handlers shall establish and maintain complete records which accurately

ly show the quantity of dates handled, disposed of, and withheld".

34. Section 987.72 is amended by changing the first sentence of paragraph (a) to read:

§ 987.72 Assessments.

(a) *Requirement for payment.* Each handler shall pay to the Committee upon demand, on all dates he has certified as meeting the requirements for marketable dates and utility dates utilized in product outlets including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f), his pro rata share of all expenses which the Secretary finds are reasonable and likely to be incurred by the Committee during each crop year. Should the condition arise wherein the utility portion of dates handled in certain other outlets should not be, in the opinion of the Committee, subject to the payment of assessments on that portion, the Committee may recommend and the Secretary approve by rulemaking, such exclusion. . . .

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Effective date: All changes are effective March 1, 1978, except the amendment of § 987.72(a) which becomes effective October 1, 1978.

Signed at Washington, D.C., on January 26, 1978.

JERRY C. HILL,
Deputy Assistant Secretary.

[FR Doc. 78-2731 Filed 1-31-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM

[Docket No. R-0141]

PART 265—RULES REGARDING DELEGATION
OF AUTHORITY

Divestiture of Bank Shares

AGENCY: Board of Governors of the
Federal Reserve System.

ACTION: Final rule.

SUMMARY: In order to expedite and facilitate performance of certain of its functions, the Board of Governors has delegated to each Federal Reserve Bank the authority to grant extensions of the two-year time period within which a company or bank must dispose of bank shares acquired in satisfaction of a debt previously contracted.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION
CONTACT:

Robert E. Mannion, Associate Gen-

eral Counsel, 202-452-3274, or Jennifer J. Johnson, Attorney, 202-452-3584, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Federal Reserve Reform Act, which was signed by the President on November 16, 1977, amended section 2(a)(5)(D), and 3(a) of the Bank Holding Company Act (12 U.S.C. 1841(a)(5)(D), 1842(a)) by granting the Board the authority to extend the time period within which a company or bank must dispose of bank shares acquired in satisfaction of a debt previously contracted. The Board has, by the instant amendment, delegated its authority in this regard to the Federal Reserve Banks.

The provisions of 5 U.S.C. 553 relating to notice and public participation and deferred effective date are not followed in connection with the adoption of this amendment because the change involved herein is procedural in nature and does not constitute a substantive rule subject to the requirements of such section. The amendment is effective immediately.

In order to accomplish this delegation, 12 CFR Part 265 is amended by adding new § 265.2(f)(37) to read as follows:

§ 265.2 Specific functions delegated to Board Employees and to Federal Reserve Banks.

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district, or under subparagraph (25) of this paragraph as to its offices:

(37) Under the provisions of section 2(a)(5)(D) and 3(a) of the Bank Holding Company Act (12 U.S.C. 1841(a)(5)(D), 1842(a)), to extend the time within which a company or a bank must divest itself of bank shares acquired in satisfaction of a debt previously contracted.

Board of Governors of the Federal Reserve System, January 25, 1978.

THEODORE E. ALLISON,
Secretary of the Board.
[FR Doc. 78-2736 Filed 1-31-78; 8:45 am]

RULES AND REGULATIONS

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-1441]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority to Director of Division of Corporation Finance

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its rules governing the delegation of authority to the Director of its Division of Corporation Finance. The new amendment authorizes the Director to grant exemptive orders with respect to applications for exemption from the registration, reporting, proxy and insider trading provisions of the Securities Exchange Act of 1934. Such authority, limited to applications which appear to the Director to be routine in nature and not requiring a hearing, will reduce the processing time for these applications.

EFFECTIVE DATE: January 17, 1978.
FOR FURTHER INFORMATION CONTACT:

Barry Genkin, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-7969.

SUPPLEMENTARY INFORMATION: The Commission today announced the amendment, effective immediately, of its rules governing delegation of authority to the Director of the Division of Corporation Finance (17 CFR 200.30-1) with respect to the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. 94-29 (June 4, 1975)).

Section 12(h) of the Exchange Act establishes a procedure whereby interested persons may file applications for exemption from the registration, reporting, proxy and insider trading provisions of that Act. Inasmuch as many applications filed under this section are routine in nature, and do not involve policy considerations or novel questions, it is not necessary for the Commission to consider each application on an individual basis. Accordingly, authority is being delegated to the Director to grant exemptive orders with respect to such applications.

17 CFR 200.30-1(d)(7) already delegates to the Director authority to issue notices of applications for exemptions under section 12(h) of the Exchange Act.

To accomplish the additional delegation of authority, the Commission hereby amends 17 CFR 200.30-1(d)(7) to read as follows:

§ 200.30-1 Delegation of authority to the Director of the Division of Corporation Finance.

(d) * * *

(7) to issue notices of applications for exemptions and to grant exemptive orders under section 12(h) of the Act (15 U.S.C. 78(h)).

The Commission finds that the foregoing action relates solely to agency management and personnel and, accordingly, that notice and prior publication for comment under the Administrative Procedure Act (5 U.S.C. 553) are not necessary. This action, taken pursuant to Pub. L. 87-592, 76 Stat. 394 (15 U.S.C. 78d-2), becomes effective immediately.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 26, 1978.
[FR Doc. 78-2725 Filed 1-31-78; 8:45 am]

[8010-01]

[Release No. 14413]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Expiration of Temporary Amendment

JANUARY 25, 1978.

AGENCY: Securities and Exchange Commission.

ACTION: Expiration of temporary amendment.

SUMMARY: The Securities and Exchange Commission today announced that it does not intend to extend beyond its scheduled expiration date of January 31, 1978, the temporary exemption in Securities Exchange Act Rule 15c2-11(f)(4)(T), 17 CFR 240.15c2-11(f)(4)(T), which facilitates the operation of a weekly quotation service for securities traded over-the-counter.

CONTACT PERSON FOR MORE INFORMATION:

David B. Bliss, Division of Market Regulations, Securities and Exchange Commission 20549, 202-755-2946.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2717 Filed 1-31-78; 8:45 am]

RULES AND REGULATIONS

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-38]

PART 162—INSPECTION, SEARCH, AND SEIZURE

PART 171—FINES, PENALTIES, AND FORFEITURES

Specified Information

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the Customs Regulations to provide that certain specified information shall be set forth in notices of fine, penalty, or forfeiture incurred and in prepenalty notices which are issued by the Customs Service. Notices occasionally have been unclear because of a lack of specific information as to the alleged violations on which liability is based. The purpose of this amendment is to enable the notified parties to make an informed response to the notices.

EFFECTIVE DATE: March 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard M. Belanger, Attorney, Regulations and Legal Publications Division, United States Customs Service, 1301 Constitution Avenue Washington, D.C. 20229, 202-566-8237.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 162.31(a) of the Customs Regulations (19 CFR 162.31(a)) provides that written notice of any fine or penalty incurred, as well as of any liability to forfeiture, shall be given to each party that the facts of record indicate has an interest in the claim or seized property. The notice shall also inform each interested party of his right to apply for relief under section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), or any other applicable statute authorizing remission or mitigation of penalties, or remission of forfeitures, in accordance with Part 171 of the Customs Regulations (19 CFR Part 171). One purpose of the notice of fine, penalty, or forfeiture is to give interested parties the opportunity to petition for relief.

Section 171.1(b) of the Customs Regulations (19 CFR 171.1(b)) provides that prior to the issuance of a claim for forfeiture value in excess of \$25,000 for violation of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), with respect to the entry, or attempted entry, of merchandise, the district director shall give a written notice to the specified party of his

intention to issue such a claim. The notice shall contain a description of the merchandise and shall set forth the circumstances of entry or attempted entry, specifying the provisions of law alleged to have been violated and describing the acts or omissions on which the liability is based. The purpose of the prepenalty notice procedure is to give parties against whom Customs intends to issue a claim for forfeiture value for violation of 19 U.S.C. 1592 an opportunity to respond to the allegations prior to the issuance of the claim.

In order that parties might properly present their reasons why a claim for forfeiture value should not be issued for an alleged violation of 19 U.S.C. 1592, or why relief should be granted from any fine, penalty, or forfeiture incurred, it is desirable to specify the contents of the prepenalty notice and of the notice of fine, penalty, or forfeiture. Accordingly, both notices will contain the provisions of law alleged to have been violated and a description of the specific acts or omissions forming the basis of the alleged violations. If the alleged violations involve the entry or attempted entry of merchandise, both notices will also contain a description of the merchandise, the circumstances of entry or attempted entry, and the identity of each entry. In addition, if the alleged violations involve a loss of revenue, both notices will contain the total loss of revenue and how it was computed. The notices will also contain the loss of revenue attributable to each entry, if it is readily susceptible to calculation.

Inasmuch as these amendments benefit the public by providing specific information necessary to enable a party to respond to actions taken by the Customs Service, notice and public procedure thereon is found to be unnecessary.

DRAFTING INFORMATION

The principal author of this document was Richard M. Belanger, Attorney, Regulations and Legal Publications Division of the Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in developing the document, both on matters of substance and style.

AMENDMENTS TO THE REGULATIONS

Parts 162 and 171 of the Customs Regulations (19 CFR Parts 162, 171) are amended in the following manner: Section 162.31 is amended by redesignating present paragraph (b) as paragraph (c), and by adding a new paragraph (b) to read as follows:

§ 162.31 Notice of fine, penalty, or forfeiture incurred.

(b) *Contents of notice.* The notice shall contain the following:

- (1) The provisions of law alleged to have been violated;
- (2) A description of the specific acts or omissions forming the basis of the alleged violations;
- (3) If the alleged violations involve the entry or attempted entry of merchandise,
 - (i) A description of the merchandise and the circumstances of its entry or attempted entry; and
 - (ii) The identity of each entry, if specific entries are involved; and
- (4) If the alleged violations involve a loss of revenue,
 - (i) The total loss of revenue and how it was computed; and
 - (ii) The loss of revenue attributable to each entry, if readily susceptible to calculation.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

The second sentence of paragraph (b)(1) of § 171.1 is amended to read as follows:

§ 171.1 Special procedures for certain liabilities incurred under section 592, Tariff Act of 1930, as amended.

(b) *Prepenalty notice procedure.*—(1) *Issuance of prepenalty notice.* * * * The notice shall set forth the information required by section 162.31(b) of this chapter. * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: January 18, 1978.

BETTE B. ANDERSON,
Under Secretary
of the Treasury.

[FR Doc. 78-2843 Filed 1-31-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-501]

PART 2205—FEDERAL DISASTER ASSISTANCE

Individual and Family Grant Program

AGENCY: Federal Disaster Assistance Administration.

ACTION: Interim rule.

SUMMARY: This rule revises the eligibility criteria for the Individual and Family Grant Program to conform to the August 25, 1977 agreement between Farmers Home Administration

(FmHA) and the Small Business Administration (SBA) which permits either FmHA or SBA to make housing or personal property loans in a major disaster when farmers have suffered production and farm losses as well as housing and personal property losses.

EFFECTIVE DATE: February 1, 1978.
COMMENTS DUE: March 3, 1978.

ADDRESS: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

C. T. Babcock, Federal Disaster Assistance Administration, Room B-133, 451 Seventh Street SW., Washington, D.C. 20410, 202-634-7860.

SUPPLEMENTARY INFORMATION: This rule updates and revises that currently published at 24 CFR 2205.48 (c)(1)(i)(A) and (c)(1)(ii). Pub. L. 94-305 amended the Small Business Act, and authorized SBA to assist small businesses engaged in farming and related activities under all of its programs including its physical and economic injury loan programs. On August 25, 1977 FmHA and SBA entered into a memorandum of understanding pertaining to disaster type loan assistance. This memorandum is aimed at improving and expanding, to the extent possible, the delivery of financial assistance to the agricultural segment of the country. One of the areas addressed is that of the farmer who has suffered housing and personal property losses. In this instance, it was agreed that when a farmer, rancher, or person engaged in aquaculture has suffered production and farm losses, as well as housing and personal property losses, either FmHA or SBA may make loans for those losses. This change necessitates a change in the eligibility criteria for the Individual and Family Grant Program to recognize that farmers, ranchers, and aquaculturists may now apply to SBA for loan assistance as well as to FmHA. The eligibility criteria specifies that a grant applicant must apply to available governmental disaster assistance programs before his eligibility for a grant is determined. Since both the FmHA and the SBA loan programs are considered governmental disaster assistance programs, under the current regulation, a farmer, rancher, or aquaculturist would have to apply to both programs before their eligibility for grant assistance could be determined.

Since the FmHA and SBA loan programs provide similar assistance, and since the eligibility criteria are also similar, FDAA has determined that a denial of loan assistance from either program (with one exception noted in § 2205.48(c)(1)(ii)) provides sufficient

basis on which to determine eligibility for the Individual and Family Grant Program. This decision requires two changes to § 2205.48(c). First, at the end of subparagraph (c)(1)(i)(A) the following language is added: "(except as provided for in subparagraph (c)(1)(ii) below)". Second, subparagraph (c)(1)(ii) is revised to read as follows:

(ii) Farmers, ranchers and persons engaged in aquaculture must apply to either the Farmers Home Administration (FmHA) or the Small Business Administration (SBA) for loan assistance, and obtain a denial of such assistance from either FmHA or SBA before they may be considered eligible for a grant under this section. If applicants for FmHA loan assistance are unable to obtain such assistance because in FmHA's determination, they are able to obtain necessary credit from other sources, they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's Emergency Loan program.

In order to insure that farmers, ranchers and aquaculturists receive maximum benefits as provided by the Disaster Relief Act of 1974, and more specifically Section 408, Individual and Family Grant Programs, at the earliest practicable date, FDAA has determined that it is in the public interest to publish these changes as interim regulations effective February 1, 1978. However, interested parties and government agencies are encouraged to submit written comments, suggestions data or arguments regarding this rule-making to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All submissions received on or before March 3, 1978, will be evaluated and acted upon in the same manner as if this document were a proposal. All comments shall be available for inspection at the Office of the Rules Docket Clerk.

With the concurrence of the appropriate Departmental officials, the Administrator has issued a Finding of Inapplicability of Environmental Impact concerning this rule, in accordance with Section 102 of the National Environmental Policy Act of 1969 and the procedures in HUD Handbook 1390.1 (38 FR 19182). It is the position of the signatories to this finding that this rule in itself has no significant impact on the human environment. Copies of this finding may be inspected or obtained at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, § 2205.48(c) is amended to read as follows:

§ 2205.18 Individual and family grants.

(c) *National eligibility criteria.* In administering the Individual and Family Grant Program, a State shall determine the eligibility of an individual or family for a grant to meet a necessary expense or serious need in accordance with the following criteria.

(1) *General.* (i) In order to qualify for a grant under this section, an individual or family representative must certify:

(A) That application has been made to other available governmental disaster assistance programs for assistance to meet a necessary expense or serious need and that neither he nor any member of his family has been determined to be qualified for such assistance or, for demonstrated reasons, any assistance received has not satisfied any such necessary expense or serious need (except as provided for in paragraph (c)(1)(ii) of this section).

(B) That with respect to the specific necessary expense or serious need or portion thereof for which application is made, neither he, nor to the best of his knowledge, any member of his family, has previously received or refused assistance from other means.

(C) That should the individual or family receive a grant and assistance from other means later becomes available to meet the necessary expense or serious need, the individual or family shall refund to the State that part of the grant for which assistance from other means has been received.

(ii) Farmers, ranchers, and persons engaged in aquaculture must apply to either the Farmers Home Administration (FmHA) or the Small Business Administration (SBA) for loan assistance, and obtain a denial of such assistance from either FmHA or SBA before they may be considered eligible for a grant under this section. If applicants for FmHA loan assistance are unable to obtain such assistance because, in FmHA's determination, they are able to obtain necessary credit from other sources, they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's Emergency Loan Program.

(iii) Individuals or families who incurred a necessary expense or serious need in the major disaster area may be eligible for assistance under this section without regard to their residency in the major disaster area or within the State in which the major disaster had been declared.

(Sec 408, Pub. L. 93-288, 88 Stat. 156 (42 U.S.C. 5178); E.O. 11795 as amended by E.O. 11910, 39 FR 25939; Delegation of Authority, 29 FR 28227.)

NOTE.—The Federal Disaster Assistance Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact

statement under Executive Order 11821 and OMB Circular A-107.

Issued at Washington, D.C., January 24, 1978.

WILLIAM H. WILCOX,
Administrator, Federal Disaster
Assistance Administration.
[FR Doc. 78-2803 Filed 1-31-78; 8:45 am.]

[4310-02]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS,
DEPARTMENT OF THE INTERIOR

SUBCHAPTER W—MISCELLANEOUS ACTIVITIES

PART 256—OFF-RESERVATION TREATY
FISHING AMENDMENT

Identification Cards

JANUARY 20, 1978.

AGENCY: Bureau of Indian Affairs,
Department of the Interior.

ACTION: Amendment of § 256.3 and
waiver of 30-day effective date.

SUMMARY: The purpose of this amendment is to extend the deadline for issuing temporary identification cards to tribal members to be used in connection with treaty fishing rights. This extension is necessary to allow eligible tribal members to receive needed identification cards.

EFFECTIVE DATE: These regulations shall become effective February 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Ulyses S. St. Arnold, Hunting and Fishing Rights Specialist, Office of Trust Responsibilities, Bureau of Indian Affairs, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20245, 202-343-8018.

SUPPLEMENTARY INFORMATION: The primary author of this document is: Ulyses S. St. Arnold, Hunting and Fishing Rights Specialist, Office of Trust Responsibilities, Bureau of Indian Affairs, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20245, 202-343-8018.

Beginning on p. 24183 of June 5, 1975, FEDERAL REGISTER (40 FR 24183), there was published a notice of final rulemaking. Since this revision extends a deadline for issuing temporary identification cards to tribal members to be used in connection with treaty fishing rights, advance notice and public procedure thereon would delay extension of the deadline for issuing the identification cards and is deemed contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in 5 U.S.C. 553(b)(3)(A)(i)(II).

Since this revision extends the deadline to allow tribal members to receive needed identification cards, the 30-day deferred effective date is dispensed with under the exception provided in 5 U.S.C. (d)(1)(1970).

Section 256.3 of Subchapter W, Chapter I, Title 25 of the Code of Federal Regulations is hereby amended by revising paragraph (b) to read as follows:

§ 256.3 Identification cards.

(b) No such card shall be issued to any Indian who is not on the official membership roll of the tribe which has been approved by the Secretary of the Interior. *Provided*, That until December 31, 1980, a temporary card may be issued to any member of a tribe not having an approved current membership roll who submits evidence of his entitlement thereto satisfactory to the issuing officer and, in the case of a tribally issued card, to the countersigning officer. Any Indian claiming to have been wrongfully denied a card may appeal the decision in accordance with Part 2 of this chapter.

NOTE.—The Bureau of Indian Affairs has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

FORREST J. GERARD,
Assistant Secretary—
Indian Affairs.

[FR Doc. 78-2766 Filed 1-31-78; 8:45 am.]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION
AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION
OF IMPLEMENTATION PLANS

Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action approves a revision to the Ohio State Implementation Plan (SIP) submitted by the Governor of Ohio on October 17, 1975, and supplemented on November 17, 1976 and June 1, 1977. The revision exempts two units at Columbus and Southern Ohio Electric Co.'s Pickaway Generating Station (CSOE) from Ohio SIP regulations which control particulate matter emissions. Approval is conditioned on the nonsimultaneous operation of these units and their sched-

uled retirement on or before October 1, 1980. The supporting documentation demonstrates that this SIP revision will not interfere with attainment and maintenance of National Ambient Air Quality Standards for particulate matter.

EFFECTIVE DATE: February 1, 1978.
FOR FURTHER INFORMATION CONTACT:

Patricia Springer, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn, Chicago, Ill. 60604, 312-353-2205.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

On October 17, 1975, the Governor of the State of Ohio submitted to the Regional Administrator, Region V, a Consent and Abatement Order for CSOE as a proposed revision to the SIP. The Order, which was signed by the Director of the Ohio Environmental Protection Agency and CSOE on April 4, 1975, involves the applicable compliance schedules for several CSOE units and an exemption for two units at Pickaway Generating Station.

The need to consider revision of the SIP to include the Order's terms for most of CSOE's units was mooted by the Regional Administrator's approval on September 23, 1976 of an extension of the attainment date for primary and secondary National Ambient Air Quality Standards (NAAQS) for suspended particulate matter to April 15, 1977 (41 FR 41691). Only Pickaway units 3 and 4 (boilers 7 and 8) remain the subject of the SIP revision request.

For units 3 and 4 (boilers 7 and 8) at Pickaway Generating Station, the Consent Order reads as follows: "No control strategy required, provided use of both boilers is discontinued as soon as possible, consistent with load demand but no later than October 1, 1980." This provision of the Consent Order exempts units 3 and 4 (boilers 7 and 8) from compliance with Ohio regulation AP-3-11 (emissions of particulate matter from fuel-burning equipment) and AP-3-07 (visible air contaminants).

In support of the revision request, the Governor submitted on November 17, 1976, an air quality dispersion modeling analysis employing the MAX24 model and air quality monitoring data for 1974 and part of 1975. Upon review of the support materials, Region V determined that the exemption of the two Pickaway units, so long as the units are not operated simultaneously, will not interfere with the attainment and maintenance of the NAAQS for particulate matter.

In response to Region V's concern that an adequate public hearing in accordance with 40 CFR 51.4 had not

been conducted, the State noticed and held a public hearing on the Consent and Abatement Order on March 16, 1977, and submitted the required certification on June 1, 1977.

The revision was proposed as rule-making and comment solicited on September 21, 1977 (42 FR 47564). The Regional Administrator stated in the proposal that any approval would be conditioned upon the nonsimultaneous operation of the units. In response, CSOE submitted a comment that a nonsimultaneous mode of operation was its understanding of the terms of the Order. In order to avoid any ambiguity in the terms of the Order, the revision specifies the intended condition.

Further, on December 15, 1977, Region V requested the opinion of the Ohio Attorney General's Office regarding the legally and enforceability of the Consent Order in light of several decisions of the Ohio Environmental Board of Review (EBR). The Ohio Attorney General's Office, by letter dated December 20, 1977, has determined that the Consent Order involved herein was legally adopted as a matter of State law and is, therefore, enforceable as required by 40 CFR 51.22.

II. PUBLIC COMMENTS

In response to the proposed revision, two comments were received. Columbus and Southern Ohio Electric, as noted above, clarified its understanding of the terms of the Consent Order and the Ohio Environmental Council (OEC), through its counsel, commented that the Administrator should disapprove the revision. The OEC supplemented its comment on December 23, 1977. The OEC stated the following reasons for disapproval: The station is too close to a non-attainment area for particulates; the public hearing was inadequate; the Consent Order does not meet the requirements of section 113(d) of the Clean Air Act; and the Order was not authorized under State law. As is set forth below, the OEC's comments would not justify disapproval of the revision and accordingly, the revision has been approved under section 110(a)(3) of the Clean Air Act and 40 CFR Part 51.

A. NEAR NONATTAINMENT AREA

OEC states that Franklin County (Columbus, Ohio), which is contiguous to Pickaway County (where the Pickaway Generating Station is located) is a nonattainment area for particulates and that this should preclude exempting the CSOE sources from particulate controls. As demonstrated by the dispersion modeling analysis, the emissions from Pickaway Units 3 and 4 (boilers 7 and 8) will not interfere with the attainment and maintenance of the NAAQS for particulates

in the area around the station or in the Columbus, Ohio nonattainment area.

B. ADEQUACY OF PUBLIC HEARING

OEC states that the public hearing held on March 16, 1977 was "pro forma" since the Order which is the subject of the revision had already been signed and, therefore, the hearing does not meet the requirements of the Clean Air Act, as amended. Section 110(a)(3) requires that any revision approved by the Administrator must be adopted by the State after reasonable notice and public hearings. That requirement, as interpreted by the Agency in regulations, has been met here; moreover, the OEC had an opportunity under State law to participate in the proceedings which led to the issuance of the Order and, in fact, counsel for OEC did participate.

EPA regulations provide that one or more public hearings must be held on any discretionary revision pursuant to § 51.6(d) of Title 40, Code of Federal Regulations, prior to submission to the Administrator, as opposed to mandatory revisions pursuant to § 51.6(a), which must have public hearings prior to adoption by the State. See 40 CFR 51.4(a). The Consent and Abatement Order submitted by the State in this case is a § 51.6(d) revision. Therefore, the public hearing held March 16, 1977, prior to the final submittal to the Administrator on June 1, 1977, meets the requirements of section 110(a)(3) and 40 CFR 51.4.

The hearing required by section 110(a)(3) as outlined in 40 CFR 51.4(b) must include: reasonable notice of at least 30 days in prominent advertisement in the Region, announcing the date, time, and place of the hearing; availability of the revision for public inspection in at least one location in the Region where the affected source is located; notification to the Administrator and to affected local air pollution agencies. The State must make and retain a record of the hearing and must submit with the revision a certification that the hearing required by § 51.4(a) has been held in accordance with the notice requirements of § 51.4(b). All of these requirements have been met, as documented by the June 1, 1977 submission. The hearing meets all the requirements of 40 CFR 51.4.

In addition to the reasonable notice and public hearing provided by the March 16, 1977 hearing, the public and, in particular, counsel for the OEC, have participated in the decision-making which resulted in the Consent and Abatement Order. The CSOE Order was issued following lengthy adjudication proceedings in which several utilities and citizens, including Northern Ohio Lung Association (NOLA), contested variances and

operating permits issued by the Director of Environmental Protection in May of 1973. Moreover, counsel for OEC, who represented NOLA in these proceedings, also appealed the Findings and Orders of the Director to the Environmental Board of Review on January 13, 1975.¹

C. APPLICABILITY OF SECTION 113(D)

OEC's contention that the revision (State Consent Order) must meet the requirements of section 113(d) of the Clean Air Act, 42 U.S.C. 7413, is misplaced. Section 113(d), which was added by section 112 of the Clean Air Act Amendments of 1977, Pub. L. No. 95-95, 91 Stat. 705, is designed to authorize the issuance of delayed compliance orders to sources that are not in compliance and cannot come into compliance by the SIP attainment date. The section is not intended to authorize orders which will change the emission limitation of the sources or, as here, exempt the source from compliance with emission limitations. Such actions must be taken through SIP revisions under section 110(a)(3) of the act.

The State has the authority under section 110(a)(3) of the act to revise the SIP at any time, as long as the revision will not interfere with the attainment and maintenance of the NAAQS. As the Supreme Court stated in *Train v. NRDC*, 421 U.S. 60 (1975), the State may change the mix of emission limitations in any fashion it wants, as long as the NAAQS are met.

The 1977 Amendments to the Clean Air Act have not altered the State's authority to revise the SIP under section 110(a)(3). The support documentation supplied by the State in this case demonstrates that the exemption of the two Pickaway units will not interfere with attainment and maintenance of the NAAQS. The revision is, therefore, properly within the authority of the State under section 110(a)(3).

D. THE LEGALITY OF THE SIP REVISION REQUEST UNDER STATE LAW

OEC also commented that the terms of the Consent Order are not authorized.

¹The Ohio Revised Code and Ohio EPA rules and regulations provide that anyone aggrieved or adversely affected by the issuance of a variance may object and become a party in the subsequent adjudication hearing. See ORC § 3745.07. In addition, any person may intervene in an adjudication hearing (OEPA Rule OAC 3745-47-15), or may informally present views during the course of the hearing under Rule OAC 3745-47-21. Appeal from the order of the Director may be taken to the Environmental Board of Review (ORC § 3745.04). Orders of the EBR are appealable to the Court of Appeals of Franklin County. See ORC § 3745.081 Notice of the Director's actions is required by ORC § 3745.07.

rized under either the Clean Air Act or Ohio State law. However, as is explained above, the OEC comment is misplaced, since it is based on a misunderstanding of the effect of the Order and the SIP revision.

OEC argued that the State does not have the authority under Ohio law to issue an Order that extends the compliance date for a noncomplying source beyond the attainment date of the plan, citing *Cleveland Electric Illuminating and Northern Ohio Lung Association v. Williams*, Case Nos. 76AP-929 and 934 (Franklin County Court of Appeals, December 8, 1977). The terms of the Consent Order for the sources subject to the Order and this SIP revision do not delay the compliance date for the sources beyond the attainment date as OEC contends. Rather, the Order and the SIP revision exempt the sources from any emission limitations based on the finding that such an exemption will not affect the attainment and maintenance of the NAAQS. The State has that authority under section 110(a)(3) and the court decision cited by the OEC recognizes the State's authority to revise the SIP in such a situation.

In addition, the OEC commented that under State law, Consent Orders cannot be issued and that, therefore, issuance of the Order is not a proper basis for a SIP revision under section 110(a)(3). The December 23, 1977 letter from the Ohio Attorney General's Office discussed each of the administrative decisions which might be interpreted as supporting OEC's position and concluded that State law did not preclude the Agency from considering the Consent Order as a proper request for a SIP revision. The Agency has reviewed both the opinion from the Attorney General's Office and the legal arguments presented by the OEC and has concluded that a sufficient basis for rejecting the opinion of the Attorney General's Office has not been presented. Moreover, the Agency has concluded that there is no basis, as the OEC argues, for rejecting the opinion from the Attorney General's Office because the Attorney General's Office represents the Director of the Ohio Environmental Protection Agency.

III. REQUEST FOR A STAY

The OEC requested that if the Administrator approves this revision, he stay the regulation pending determination of a petition for review. Since the OEC presumably has not determined if it will file a petition to review this approval under section 307 of the Clean Air Act, a stay of the regulation would be inappropriate. OEC may request a stay after a petition is filed, if one is filed; however, based on the comments presented by OEC, a stay would appear to be inappropriate.

OEC has had at least two opportunities to voice its objections to the revision and its comments would not justify staying the relaxation of the Ohio regulations. Therefore, OEC's request for an administrative stay is denied.

IV. THE EFFECTIVE DATE

Section 553(d) of the Administrative Procedure Act requires that a rule will not be effective for thirty days following publication. However, a rule which grants or recognizes an exemption or relieves a restriction is specifically exempted from compliance with the 30-day rule. See 5 U.S.C. 553(d)(1). The revision in this case "relieves a restriction" and is, therefore, effective upon publication (February 1, 1978).

V. APPROVAL OF THE SIP REVISION

After review of all public comments and the supporting material to the revision, the Administrator has determined that the revision meets the requirements of section 110(a)(3) of the Clean Air Act and EPA regulations contained in 40 CFR 51.6. The revision is legally enforceable, will not interfere with attainment or maintenance of the NAAQS and has been subjected to reasonable notice and public hearing; accordingly, the revision is approved.

Part 51 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart kk—Ohio

1. Section 52.1870 is amended by adding new paragraph (c)(13) as follows:

§ 52.1870 Identification of plan.

(c) The revisions listed below were submitted on the dates specified.

(13) Consent and Abatement Order regarding Columbus and Southern Ohio Electric Company's Pickaway Units 3 and 4, submitted by Governor on October 17, 1975, supplemented on November 17, 1976 and June 1, 1977.

2. Section 52.1880 is amended by adding new paragraph (b) as follows:

§ 52.1880 Control strategies: particulate matter.

(b) In Pickaway County, Columbus and Southern Ohio Electric Company, or any subsequent owner or operator of the Pickaway Generating Station, shall not operate simultaneously Units 3 and 4 (boilers 7 and 8) at any time. These units will terminate operation no later than October 1, 1980.

(42 U.S.C. 7410.)

Dated: January 26, 1978.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-2800 Filed 1-31-78; 8:45 am]

[4310-10]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 17—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF THE INTERIOR—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sex Discrimination

AGENCY: Office for Equal Opportunity, Department of the Interior.

ACTION: Final rule.

SUMMARY: This final rule amends regulations concerning sex discrimination by deleting the word "sex" from wherever it appears therein. These amendments are made to clarify that Title VI does not provide authority to prohibit discrimination on the basis of sex. Although other authority is cited in the present regulations, it has been determined to set forth the requirements with regard to nondiscrimination on the basis of sex in a separate regulation.

EFFECTIVE DATE: March 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William H. Hunter, Acting Assistant Director, Office of the Secretary, Office for Equal Opportunity, Title VI Division, Department of the Interior, telephone No. 202-343-4331.

SUPPLEMENTARY INFORMATION: The primary author of this document is Melvin C. Fowler, Equal Opportunity Specialist, Office of the Secretary, Office for Equal Opportunity, Title VI Division, Department of the Interior, telephone No. 202-343-6335.

Accordingly, 43 CFR Part 17 is amended as follows:

§ 17.1 [Amended]

Section 17.1 is amended by deleting the word "sex."

§ 17.3 [Amended]

Section 17.3(a) (b)(1) and (b)(2) are amended by deleting the word "sex."

§ 17.11 [Amended]

Section 17.11(a) is amended by deleting the word "sex."

(Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1.)

JAMES A. JOSEPH,
Under Secretary.

JANUARY 24, 1978.

[FR Doc. 78-2775 Filed 1-31-78; 8:45 am]

[3510-03]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION,
DEPARTMENT OF COMMERCESUBCHAPTER C—REGULATIONS AFFECTING
SUBSIDIZED VESSELS AND OPERATORSPART 280—LIMITATIONS ON THE AWARD
AND PAYMENT OF OPERATING DIFFERENTIAL
SUBSIDY FOR LINER OPERATORS

Further Extension of Comment Period

AGENCY: Maritime Administration,
Department of Commerce.

ACTION: Further Extension of Com-
ment Period.

SUMMARY: By notice published in
the FEDERAL REGISTER on December 5,
1977 (42 FR 61460) the Maritime Sub-
sidy Board/Assistant Secretary of
Commerce for Maritime Affairs adopt-
ed interim regulations, to become ef-
fective January 1, 1978, revising regu-
lations for limitations on the award
and payment of operating differential
subsidy for liner operators. Written
comments were invited to be submit-
ted by December 30, 1977. By notice
published in the FEDERAL REGISTER on
January 3, 1978 (43 FR 8) the time in
which to submit comments was ex-
tended to January 31, 1978. A request
has now been received for a further
extension of time to submit comments,
and is hereby granted until February
15, 1978.

DATE: Written comments are due on
or before February 15, 1978.

ADDRESS: Submit (in triplicate) to
Maritime Administration, Department
of Commerce, Room 3099-B, Washing-
ton, D.C. 20230.

FOR FURTHER INFORMATION
CONTACT:

James S. Dawson, Jr., Secretary,
Maritime Subsidy Board/Maritime
Administration, Washington, D.C.
20230, telephone 202-377-2188.

Dated: January 26, 1978.

By order of the Maritime Subsidy
Board/Assistant Secretary for Mari-
time Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-2706 Filed 1-31-78; 8:45 am]

RULES AND REGULATIONS

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS
COMMISSION

[Docket No. 19665; FCC 78-29]

PART 83—STATIONS ON SHIPBOARD IN THE
MARITIME SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

Providing Frequencies, Standards and Proce-
dures for On-Board Communications in the
Industrial and Maritime Mobile Services

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: These amendments will
provide frequencies, standards, and
procedures for on-board communica-
tions in the Industrial and Maritime
Mobile Services. These amendments
are being made in response to requests
from industry in regard to eligibility
requirements and points of communi-
cation pertaining to on-board commu-
nications. The purpose of these
amendments is to clarify existing regu-
lations.

EFFECTIVE DATE: March 6, 1978.

ADDRESS: Federal Communications
Commission, Washington, D.C.

FOR FURTHER INFORMATION
CONTACT:

Walter E. Weaver, Safety and Spe-
cial Radio Services Bureau, 202-632-
7197.

SUPPLEMENTARY INFORMATION:

Adopted: January 17, 1978.

Released: January 27, 1978.

In the matter of amendments of
Parts 2, 81, 83, and 91—to provide fre-
quencies, standards and procedures for
on-board communications in the In-
dustrial and Maritime Mobile Services;
memorandum opinion and order.

1. The Commission released its First
Report and Order (FCC 73-884) in the
instant proceeding on September 6,
1973, which was published in the FE-
DERAL REGISTER on September 12, 1973
(38 FR 25177).

2. Petitions for reconsideration were
filed, on October 10, 1973, by the Cen-
tral Committee on Communication Faci-
lities of the American Petroleum In-
stitute (API) and, on October 12,
1973, by the American Institute of
Merchant Shipping (AIMS). With
regard to the rule changes as set forth
in the Appendix to the First Report
and Order, API requested amendment
of the supplemental eligibility require-
ments (section 83.813(a)(3)), and, in
Part 91, the distance separating the
transmitter control point (a hand car-
ried mobile unit) and the radiating
portion of the antenna (section

91.554(b)(50)). AIMS, in their petition,
requested expansion of the permitted
uses of on-board communications (sec-
tion 83.815).

3. With regard to section
83.813(a)(3), API points out that as
presently worded this subparagraph
does not accommodate those practical
situations where both the parent and
subsidiary corporations are barred
from holding their own authorization.
Further, API points out that the Com-
mission has consistently provided in
the rules special provisions permitting
any qualified "member" of a corporate
"family" to obtain a station authoriza-
tion allowing it to provide the actual
user entity with a nonprofit radio
communication service. We concur
that section 83.813(a)(3) can be inter-
preted in the manner described by
API, however, such was not our intent.
On the other hand, the amendment
proposed by API would fulfill our
intent, and, at the same time, provide
the clarification requested by API. We
are, therefore, amending section
83.813(a)(3), as set forth in the at-
tached Appendix, to include the added
provision suggested by API.

4. With regard to section 83.815,
AIMS requests amendment to clarify
or to include in the rules provision
permitting the use of on-board com-
munications while engaged in the ma-
neuvering of cargo barges (lighters) in
the vicinity of an anchored ship. While
the Final Report of RTCM Special
Committee 62¹ did not provide for this
usage, neither did it recommend that
it not be permitted. It is our view
that this is a valid and proper use of
on-board communications and are,
therefore, adding a new subparagraph
(4) to section 83.815(a) to permit its
use, as set forth in the attached Ap-
pendix.

5. AIMS also recommends amend-
ment of Section 83.815 to permit the
use of on-board communications for
bunkering, or while vessels are secured
together, and requests that we recon-
sider the provisions of that section.
special Committee 62¹ strongly op-
posed the use of on-board facilities for
communication between shore based
personnel for the loading and unload-
ing of cargo from vessels moored to a
dock. It was the view of SC 62 that
such communications were primarily a
land based service, rather than a mari-
time mobile service. On the basis that
bunkering of vessels usually occurs
while the vessel is moored to a dock,
we believe it is appropriate to catego-
rize the requested usage as primarily
shore-based. As a primarily shore

¹The Radio Technical Commission for
Marine Services, an Industry/Government
advisory group, established SC 62 to con-
sider "On-Board Communications". SC 62's
work extended over a period of 3 years. Its
final report is dated January 18, 1973.

based operation, it is not properly a
part of the maritime mobile service
and, therefore, should be excluded.
Further, it was the view of SC 62 that
communications of a vessel to vessel
(intership) nature should not be on
on-board channels, but should be han-
dled on VHF channels allocated to the
maritime mobile service and currently
available under Part 83 of the FCC
Rules. Accordingly, we are not per-
suaded that communications for bun-
kering or while vessels are secured to-
gether should be permitted on the on-
board channels and they are, there-
fore, denied.

6. We turn now to API's petition
that we reconsider the wording of sec-
tion 91.554(b)(50)² as it pertains to the
distance separating (a) the transmitter
control point (hand carried mobile
unit in this case) from (b) the radiat-
ing portion of the antenna. API ex-
presses the view that limiting the sepa-
ration between these two points to 10
feet is totally impractical and suggests
that the last sentence of section
91.554(b)(50) be modified to apply the
10 feet to antenna height above the
highest working deck. We concur and
have, therefore, amended the con-
cerned sentence of section
91.554(b)(50) to reflect that change, as
set forth below.

7. In view of the foregoing, it is or-
dered, That pursuant to the authority
contained in sections 4(i) and 303 (a),
(b), (c), (d), (e), (f), and (r) of the com-
munications Act of 1934, as amended,
Parts 83 and 91 of the commission's
rules, are amended, effective March 6,
1978, as set forth below.

8. It is further ordered, That the Pe-
titions for Reconsideration submitted
by the Central committee on Commu-
nication Facilities of the American Pe-
troleum Institute and the American
Institute of Merchant Shipping are
granted to the extent set forth herein
and are denied in all other respects.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,

Secretary.

Parts 83 and 91 of Chapter I of Title
47 of the Code of Federal Regulations
are amended as follows:

1. In § 83.813, paragraph (a)(3) is
amended to read as follows:

§ 83.813 Supplemental eligibility require-
ments.

(a) * * *

(3) A corporation proposing to fur-
nish a nonprofit radio communications
service to its parent corporation, to an-
other subsidiary of the same parent,

²API refers, correctly, to subparagraph
(49) of section 91.554(b), since that is the
designation set forth in the First Report
and Order. However, this designation was
later corrected, as now set forth in Part 91,
to subparagraph (50).

RULES AND REGULATIONS

or to its own subsidiary where the
party to be served is the owner or op-
erator of the vessel aboard which the
on-board station is to be installed and
operated.

2. In § 83.815, a new paragraph (a)(4)
is added to read as follows:

§ 83.815 Points of communication.

(a) * * *

(4) In the immediate vicinity of the
same vessel for operational communi-
cations while engaged in the maneu-
vering of vessel cargo barges and light-
ers.

3. In § 91.554, paragraph (b)(50) is
amended to read as follows:

§ 91.554 Frequencies available.

(b) * * *

(50) Frequencies subject to this as-
signment limitation are herein consid-
ered collectively for use for communi-
cations concerned with cargo handling
from a dock, or cargo handling facili-
ty, to a vessel alongside. Any number
of the frequencies may be authorized
to one licensee for the purpose. Mobile
relay stations may be temporarily in-
stalled at or in the vicinity of a dock
or cargo handling facility and used
when a vessel is alongside the dock or
cargo handling facility.

Mobile relay (MHz): 457.525, 457.550,
457.575, and 457.600.
Mobile (MHz): 467.750, 467.775, 467.800, and
467.825.

For single frequency simplex: 457.525,
457.550, 457.575, and 457.600 MHz.
The effective radiated power (ERP) on
any frequency shall not exceed 2
watts. The center of the radiating
system of the on-board repeater an-
tenna shall be located no more than
ten (10) feet above the vessel's highest
working deck.

[FR Doc. 78-2728 Filed 1-31-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE
COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1125—STANDARDS FOR DETERMINING
RAIL SERVICE CONTINUATION SUBSIDIES IN
THE NORTHEAST-MIDWEST REGION OF THE
UNITED STATES

Interpretations of Standards

AGENCY: Rail Services Planning
Office, Interstate Commerce Commis-
sion.

ACTION: Publication of interpreta-
tions.

SUMMARY: Pursuant to § 1125.1(e) of
Title 49 of the Code of Federal Regu-
lations, the Rail Services Planning
Office is publishing three interpreta-
tions of its Regional Freight Stan-
dards as amended through May 10,
1977. Each interpretation gives the
date it was issued.

FOR FURTHER INFORMATION
CONTACT:

James R. Wells, Chief, Cost Evalua-
tion Branch, Rail Services Planning
Office, Interstate Commerce Commis-
sion, 1900 L Street NW., Wash-
ington, D.C. 20036, area code 202-
254-7552.

INTERPRETATION No. 1 ISSUED

MARCH 3, 1977.

On February 14, 1977, the Commonwealth
of Virginia requested the Rail Services Plan-
ning Office (the Office) to issue an interpre-
tation of § 1125.1(d) of the Standards, as
amended on December 16, 1976 (41 FR
55686). The request states:

It is our interpretation and understand-
ing that this Section provides that the
subsidizer must be notified within the
first ten (10) months of the contract year
that the actual costs will exceed the esti-
mated costs by more than fifteen (15) per-
cent before any adjustment is allowed on
the first year's payments. If the subsidizer
is notified of such excessive costs after the
first ten months of the contract year, the
excess is allowed only as an adjustment to
the second year's payments.

An examination of the history of
§ 1125.1(d) makes it clear that the Virginia
interpretation is correct. The original provi-
sion, which was promulgated January 8,
1975 (40 FR 1624), read in pertinent part as
follows:

The final payment will be adjusted
based on data related to the subsidy
period. Where an adjustment results in an
increase in the estimated subsidy pay-
ment, the amount of such increase in
excess of 15 percent of the estimated pay-
ment shall be treated as a carryover avoid-
able cost in the subsequent subsidy year.

This provision established a ceiling to the
subsidy payment for a given year; the ad-
justment could not exceed 15 percent of the
estimated payment. However, after review-
ing petitions for reconsideration, the Office
changed its approach concluding that
"the necessity for a fixed ceiling is not
as important as the Office originally be-
lieved it to be." (40 FR 14187). Conse-
quently, the Office amended the subsection by
adding the following language to the last
sentence: "unless the railroad notifies the
subsidizer that the estimate will be exceed-
ed by more than 15 percent in one of the
first three quarterly Financial Status Re-
ports, required (by § 1125.9(f)), or the in-
crease results from an expense preapproved
by the subsidizer." The Standards required
that quarterly reports be filed within 30
days after the end of each quarter of the
subsidy year. Thus, the third quarterly
report would be submitted at the end of the
first ten months of the subsidy period.

In the discussion which was published
with the amendment, the Office stated:

This modification will assure that the subsidizer is kept informed of the financial status of the line and will provide timely information either to secure the additional funds or to minimize the losses. It will also provide a means to cover expenses that were not anticipated but which both parties agree are necessary to the continued operation of the line. (40 FR 14187).

On December 16, 1976, the Office issued a number of amendments to the standards. In what it classified as a "technical amendment", the Office changed the requirement that the notification in § 1125.1(d) be contained in "one of the first three quarterly Financial Status Reports" and reworded the provision to read that the notification must be "based on the data contained in one of the Financial Status Reports issued during the first ten months of the subsidy year." (41 FR 55690). The change was made because, by contract, the Consolidated Rail Corporation (ConRail) has agreed to issue monthly reports in lieu of quarterly reports. Although the amended standard does not specify that the notification must be contained in one of the monthly reports submitted in the first ten months, the clear intent is that the notification must be made within that period, either in one of the reports itself or separately.

INTERPRETATION NO. 2 ISSUED

MARCH 11, 1977.

On January 16, 1977, the Hillsdale county Railway Company, Inc. (Hillsdale) requested the Rail Services Planning Office (the Office) to clarify several sections of the Standards. The following interpretations are issued in response to that request. The issues are addressed in the order in which they were presented.

The State of Michigan Department of Highways and Transportation has submitted a reply to the Hillsdale request, and, by separate letter, has requested clarification of the proper application of the amendment to § 1125.5(1) Administrative costs, which was issued December 16, 1976 (41 FR 55686). The issues raised by the State have been given full consideration by the Office in its resolution of the issues raised by Hillsdale.

1. *Section 1125.4 Revenue attributable to the rail properties.* Hillsdale requests a clarification as to how to treat certain interest income. Michigan states that the interest involved comes from three sources: interest on cash received upon issuance of stock; interest on an interline savings account; and interest on an operating savings account. The interest earned on the first and third accounts, capital and operations savings, is a result of the owner's investment and should not be included in the computation of the subsidy payment. Interest on the second account, the interline savings account, represents interest earned on money which is not Hillsdale's but is merely being held by Hillsdale pending its transfer to another line. This income should be included in the subsidy calculation as revenue attributable to the rail property and should be reported under § 1125.4(d) Account 143—miscellaneous. This interest income will offset operating expenses and reduce the amount of the subsidy.

Hillsdale points out that, if income of this kind is attributable to the rail properties, then it should also be utilized in the computation of management and administrative fees. The Office agrees. To the extent that this interest income increases revenues, it

will also increase any management or administrative fee calculated as a percentage of those revenues.

2. *Section 1125.5 Avoidable costs of providing service.* Hillsdale has raised three questions regarding costs includable in this section. First, Hillsdale requests confirmation of its interpretation that reimbursement of travel and subsistence costs of outside consultants are avoidable costs and reimbursable by the subsidizer. The Office agrees that reasonable travel and subsistence costs are allowable; however, it would urge that an estimate of any such costs be included in the estimated subsidy calculation. This approach would insure that the subsidizer was aware that such costs might be incurred and would also make it less likely that the inclusion of the actual costs at the end of the subsidy year would increase the estimated subsidy payment by more than the 15 percent limit.

Second, Hillsdale requests confirmation of its interpretation that travel and subsistence reimbursements and reasonable relocation allowances for selected key management personnel are avoidable costs and reimbursable by the subsidizer. Michigan objects to the inclusion of such costs and states that one of the criteria in selecting Hillsdale as designated operator was that "... the company, including its management team, would be located at the principle business site, at no cost to the State." The Office believes that this is a question of contractual intent which must be resolved by the parties. The parties may agree to include any of these costs as avoidable costs of providing the service; whether or not such agreement was reached in the instant case is not a question for the Office to decide.

In cases where the parties do agree to include such costs in the subsidy calculation, the Office would urge the railroad to include an estimate of the costs in the estimated subsidy calculation for the same reasons specified above with regard to costs of consultants.

Third, Hillsdale requests a clarification as to whether certain preoperating activities, which it terms "essential to compliance with the April 1, 1976, start-up date", were reimbursable avoidable costs. The costs, all of which were incurred after Hillsdale's selection as designated operator and before the start-up of operations, included such activities as coordination meetings with ConRail personnel and rail users; preparation of tariff adoption notices; establishment of divisions; establishment of an accounting system; preparation of wages, bills, and other documents; preparation of employee timetables and rule books; development of an operating organization and staff, including recruitment of personnel; execution of operating and other agreements with other railroads and States; execution of agreements with the AAR and tariff publishing agents; preparation of locomotives for revenue service; review of legal documents; coordination with the ICC; and arranging for an adequate supply of rolling stock for the start-up of operations. Michigan's position is that, unless otherwise stated in the operating agreement, costs incurred prior to the date of agreement are nonreimbursable. The Office agrees with Michigan. Start-up costs are not avoidable costs of providing service; they are includable only to the extent that the subsidizer agrees to pay for them. Michigan further notes that preoperating costs which could be considered as avoidable costs under the operating agree-

ment have been charged to the appropriate expense account for the current period, whereas the charges designated as "Organizational Costs" and "Preoperating Expenses" have been set up as assets and subsequently amortized and charged off as avoidable costs of the operation. This treatment of "Organizational Costs" and "Preoperating Expenses" is not in accord with the standards and is unjustified, unless specifically agreed to by the subsidizer.

3. *Subsection 1125.5(1) Administrative costs.* Hillsdale notes, in its request, that it has expended a considerable sum to develop computer programs, accounting systems, procedures, and contract preparation in order to provide the reports necessary to administer the financial requirements under the subsidy contracts. Hillsdale submits that it is entitled to an administrative fee, in addition to reimbursement of such expenses, to reflect a return on the investment made in one-time start-up fees and expenses. Michigan, in its separate request for a clarification of this subsection's application, states that specific costs were included in the operating agreement with Hillsdale in lieu of providing for an administrative fee.

The administrative fee is included in the Standards to compensate the operating railroad for certain costs of administration not included elsewhere in the Standards. If the parties to an operating agreement agree to include such costs on an actual basis in the computation of the subsidy payment, the operator is not entitled to an additional flat fee based on a percentage of revenues. Furthermore, the administrative fee is not intended to serve as a return on investment in start-up fees and expenses.

4. *Subsection 1125.5(k) Off-branch costs.* Hillsdale's request for clarification of this provision results from the fact that the line which Hillsdale operates is located partially in Michigan and partially in Indiana. Hillsdale considers the Michigan and Indiana portions of the line to be two different segments and seeks clarification of the method for determining off-branch costs for each segment. They also raise the question of whether a portion of the revenue associated with the overhead Indiana traffic should be allocated on a formula basis to the Michigan line segment. Michigan concurs with Hillsdale's request for clarification and asks that it be extended to cover the method of allocating all costs between the two segments. The Office does not believe that the line should be considered as two separate segments; consequently, no off-branch costs are involved. Hillsdale notes that Michigan has proposed a formula for allocating expenses, but Hillsdale does not believe the Michigan proposal to be in conformity with the standards. The Office has not reviewed the Michigan proposal; however, the Office does believe that Michigan, Indiana, and Hillsdale should agree upon a formula for allocating the costs of the subsidized operation of this line between Indiana and Michigan. The Office will provide assistance, if desired.

5. *Paragraph 1125.5(j) Freight train car costs.* Hillsdale is participating in an interline repair program for freight-train cars, revenues from which offset its costs and could, conceivably, produce a net profit. Hillsdale requests an interpretation as to the proper method for handling any profits from such a program. Michigan states that such activity is an integral part of the operation of the subsidized line and, as such, both the revenue and costs should be recog-

nized in computing the subsidy. Because of its interpretation, Michigan further concludes that the revenue from this operation should be included in the determination of the management fee. Michigan is incorrect. Any revenues from the operation of an interline repair program should be credited against the cost of freight train car repairs. Any profits from the operation of the interline repair program should be used, therefore, to reduce other operating expenses and should not be considered as revenue attributable to operation of the line. Therefore, such profits should not be included in the computation of the management or administrative fees.

INTERPRETATION NO. 3 ISSUED

JANUARY 6, 1978.

By letter dated November 1, 1977, Glenn L. Downing, representing the Kankakee, Beaverville & Southern Railroad Co. (KB&S), requested the Rail Services Planning Office to interpret § 1125.5(s) "Termination Costs" as it relates to a proposed agreement between KB&S and the Arrowhead & Southern Co. for the leasing of locomotives and servicing facilities. The lease proposal specifies a three year term for locomotives and a five year term for servicing facilities. It would obligate KB&S to make the remaining lease payments in the event

the lease is cancelled by it prior to the end of the three and five year terms. KB&S inquires whether such a lump sum payment would constitute "Termination Costs" within the meaning of § 1125.5(s) of the Standards.

By letter dated December 5, 1977, KB&S advised RSPO that the lease proposal for locomotives has been revised to eliminate the provision requiring it to pay all remaining lease payments in the event the lease is cancelled at its request. The new lease proposal authorizes KB&S to sublease the locomotives and in any event permits it to cancel the locomotive lease on six months notice to the Arrowhead & Southern Co. KB&S requests an interpretation of § 1125.5(s) "Termination Costs" as it applies to the lease for servicing facilities and described in its November 1, 1977, letter and the modified locomotive lease as described in its December 5, 1977, letter.

Based upon the KB&S presentations and our informal communications with representatives of KB&S, the prospective subsidizer (Illinois DOT), and FRA, the Office concludes that the lease provisions in question appear to be consistent with § 1125.5(s). This standard views as avoidable "the actual costs reasonably and necessarily incurred as a result of terminating service to the subsidized branch."

The key provision of the standard is the phrase "reasonably and necessarily incurred." The servicing facilities are necessary to the subsidized operations and as fixed facilities are unlikely to be usable for other purposes and the lease payment for these facilities is relatively inconsequential. Therefore, the Office believes it reasonable to specify such payments for the remainder of the lease as termination costs in the event of cancellation.

The locomotive lease as modified appears fair to both parties. It enables KB&S to terminate service without undue financial hardship by authorizing it to sublease the locomotives and also affords the lessor a reasonable time (6 months) to secure another lease arrangement. Costs incurred by KB&S in cancelling this leasing arrangement would also appear consistent with § 1125.5(s).

As indicated the Illinois DOT was contacted concerning this matter but did not file a formal reply.

By the Commission, Rail Services Planning Office.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2820 Filed 1-31-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release Nos. 33-5901, 34-14419, 35-20398, IC-10104; File S7-733]

QUALIFICATIONS OF ACCOUNTANTS

Extension of Comment Period

AGENCY: Securities and Exchange Commission.

ACTION: Extension of public comment period for proposed rule.

SUMMARY: The Commission extends the public comment period with respect to a proposed rule pertaining to the effect of litigation on the independence of accountants until March 3, 1978.

DATE: Comments must be received on or before March 3, 1978.

ADDRESS: Comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection (File No S7-733).

FOR FURTHER INFORMATION CONTACT:

Robert R. Love, 202-755-1773, or Edward R. Cheramy, 202-376-8020, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In Release Nos. 33-5888, 34-1463, 35-20314 and IC-10060 (December 13, 1977) (42 FR 64311), the Commission published for comment a proposed amendment to Rule 2-01 of Regulation S-X (17 CFR 210.2-01). Qualifications of accountants, that specifies situations involving litigation that would adversely affect the independence of the public accountant involved in the litigation. The Commission stated that the public comment period would expire on January 31, 1978.

It has come to the Commission's attention that certain interested members of the public may require more time to complete their consideration of the proposal in order to respond to the Commission's solicitation of comments. The Commission has determined that it is appropriate in the public interest to allow additional time

for the consideration of these proposals. Accordingly, the Commission hereby extends the period for public comment on the proposed amendment to Rule 2-01 of Regulation S-X from January 31, 1978 to March 3, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 26, 1978.

[FR Doc. 78-2770 Filed 1-31-78; 8:45 am]

[4310-31]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 270]

GEOTHERMAL RESOURCES OPERATIONS

Public, Acquired, and Withdrawn Lands

AGENCY: U.S. Geological Survey, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise regulations concerning geothermal resources operations on public, acquired, and withdrawn lands to permit the construction and operation of geothermal steam power facilities on Federal lands leased for geothermal resources. The revision authorizes the Area Geothermal Supervisor to approve the construction of these facilities and to supervise their operation. The proposal also sets forth the procedural requirements which the operator of a proposed facility must satisfy in order to obtain the Supervisor's approval to construct and operate that facility.

DATE: Comments must be received on or before March 20, 1978.

ADDRESSES: Interested persons are invited to participate in the evaluation of the proposed revision by identifying the subject matter and submitting written comments, suggestions, or objections to the Chief, Conservation Division, U.S. Geological Survey, National Center (650), 12201 Sunrise Valley Drive, Reston, Va. 22092. Comments received will be available for public inspection in the Conservation Division on regular working days from 8 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. Billy J. Shoger, Conservation Division, U.S. Geological Survey, Na-

tional Center (620), 12202 Sunrise Valley Drive, Reston, Va. 22092, 703-860-7535 (commercial), 928-7535 (FTS).

SUPPLEMENTARY INFORMATION: The primary author of these proposed revised regulations is Mr. Billy J. Shoger, Petroleum Engineer, U.S. Geological Survey, phone 703-860-7535.

The revision is proposed pursuant to the authority vested in the Secretary of the Interior by the Geothermal Steam Act of December 24, 1970 (30 U.S.C. 1001-1025).

The present geothermal operating regulations (Title 30 CFR Part 270) for leased Federal lands provide for drilling, producing, measurement, and payment of royalties, but do not contain procedures that would permit the construction and operation of geothermal steam power facilities on Federal lands leased for geothermal resources. Several of the Federal geothermal leases are nearing the stage at which the lessees will be capable of utilizing the discovered resources to power a facility for the generation of electricity or other beneficial use. The siting of these facilities is necessary to assure the orderly and timely development of Federal geothermal leases. Moreover, geothermal steam power facilities are needed for research and demonstration projects for the purpose of improving present technology as well as developing new methods of application to assure the efficient utilization of geothermal resources in this country.

The revised regulations will permit the Geological Survey's Area Geothermal Supervisor to approve the construction and operation of "Individual Well Facilities," "Research and Demonstration Facilities," and "Power Plant Facilities" on leased Federal land and to supervise operations for the utilization of geothermal resources. "Power Plant Facilities" will also require a license in accordance with Title 43 CFR Part 3250, which is being promulgated by the Bureau of Land Management.

As proposed, Title 30 CFR Part 270 would be modified as follows:

1. By revising § 270.1 to read:

§ 270.1 Purpose and authority.

The Geothermal Steam Act enacted on December 24, 1970 (30 U.S.C. 1001-1025), referred to in this part as "the Act," authorizes the Secretary of the Interior to prescribe rules and regulations applicable to operations conduct-

ed under a lease granted pursuant to the Act, and for the development, conservation, and utilization of geothermal steam and associated geothermal resources, the prevention of waste, the protection of the public interest, and the protection of water quality and other environmental qualities. The regulations in this part shall be administered by the Director through the Chief, Conservation Division, or his duly appointed representative.

2. By revising paragraph (c) of § 270.2 and adding paragraphs (r), (s), (t), (u), (v), and (w) to read:

§ 270.2 Definitions.

(c) "Area of Operations" means that area of the leased lands which is required for exploration, development, production, and utilization operations, and which is delineated on a map or plat that is made a part of the appropriate approved plan of operations or utilization. It encompasses the area generally needed for wells, flowlines, separators, surge tanks, drill pads, mud pits, workshops, powerplants, and other such facilities used on a lease for geothermal resources exploration, development, production, and utilization operations.

(p)-(q) [Reserved]

(r) "Individual Well Facility" means an electric power generating facility of not more than 10-megawatt net capacity located on a Federal geothermal lease and for which energy is supplied by a single well.

(s) "Research and Demonstration Facility" means a facility of not more than 20-megawatt net capacity located on a Federal geothermal lease for which the energy is supplied by one or more wells and which is utilized exclusively for the research and demonstration of applications in the development of geothermal resources during a project life of not more than 5 years.

(t) "Power Plant Facility" means any power generating facility, as defined in 43 CFR Subpart 3250, other than an Individual Well Facility or a Research and Demonstration Facility.

(u) "Utilization Facility Site" means that portion of an area of operations for which a plan of utilization filed pursuant to 30 CFR 270.34-1 has been approved for the siting of an Individual Well Facility, Research and Demonstration Facility, or Power Plant Facility, including appurtenant structures.

(v) "Facility Operator" means the lessee or the individual, corporation, association, or municipality designated by a lessee as the operator of any facility for the utilization of geothermal resources.

(w) "Joint Facility Operating Agreement" means an agreement between a lessee and another party for the siting,

construction, and operation of power generation facilities for the utilization of geothermal steam and associated geothermal resources produced from the lessee's geothermal lease or leases.

3. By revising § 270.10 to read:

§ 270.10 Jurisdiction.

Drilling, production, construction, and operation of any facility for the utilization of geothermal resources, handling and measurement of production, determination and collection of royalty, and, in general, all operations conducted on a geothermal lease are subject to the regulations in this part and the applicable regulations contained in 43 CFR Group 3200. These operations are subject to the jurisdiction of the Supervisor for the area in which the leased lands are situated.

4. By revising § 270.11 to read:

§ 270.11 General functions.

The Supervisor is authorized and directed to carry out the provisions of this part. The Supervisor will require compliance with the terms of geothermal leases, with the regulations in this part, the applicable regulations in 43 CFR Group 3200, and with the applicable statutes. The Supervisor shall act on all applications, requests, and notices required in this part. In executing the functions under this part, the Supervisor shall assure that all permitted operations, within the area of operations, conform to the best practice and are conducted in a manner that protects the deposits of the leased lands and results in the maximum ultimate recovery and proper utilization of geothermal resources, with minimum waste. The Supervisor shall also assure that all permitted operations are consistent with the principles of the use of the lands for other purposes and the protection of the environment. As conditions in one area may vary widely from conditions in another area, the regulations in this part are intended to be general in nature. Detailed procedures hereunder in any particular area will be covered by GRO Orders. The requirements to be set forth in GRO Orders relating to surface resources or uses will be coordinated with the appropriate land management agency. The Supervisor may issue oral orders to govern lease operations, but such orders shall be confirmed in writing by the Supervisor as promptly as possible. The Supervisor may issue other orders and rules to govern the development, method for production, and the utilization of a deposit, field, or area. Prior to the issuance of GRO Orders, other orders and rules, or the approval of any plan of operation, the Supervisor shall consult with and receive comments from appropriate Federal and State agencies, lessees, operators, and other interested parties.

6. By adding after § 270.34 a new subsection §§ 270.34-1 to read:

§ 270.34-1 Plan of utilization.

At any time after acquisition of a lease, the lessee or the designated facility operator may conduct preliminary soil tests or studies necessary for determining the site(s) most suitable for the construction of a proposed facility. Site investigations involving trenching or the construction of additional roads will require the prior written approval of the Supervisor and the appropriate surface managing agency. Prior to commencing any site preparation, road construction, or facility construction, unless already authorized under an approved plan of operation, the lessee or facility operator shall submit in triplicate a plan of utilization and obtain the prior approval of the Supervisor and the appropriate land management agency. A plan of

Before permitting operations to be commenced on the leased lands, the Supervisor shall determine if the lease is in good standing; and whether the applicant is authorized to conduct the proposed operations; has filed an acceptable bond; and has, when required by the regulations of this part, an approved plan of operation and/or plan of utilization, notice of intent, sundry notice, or other appropriate permit application.

5. By redesignating the existing paragraph in § 270.31 as (a) and adding a new paragraph (b) to read:

§ 270.31 Designation of operator or agent.

(b) In all cases where an individual well facility, research and demonstration facility, or power plant facility is to be operated by other than the lessee, the lessee shall, for each proposed facility, submit in triplicate to the Supervisor, in a manner or in a form approved by the Supervisor, a "designation of facility operator" and three copies of the joint facility operating agreement between the lessee and the facility operator. Such designation, upon acceptance by the Supervisor, will authorize the facility operator to enter upon the proposed facility site and related sites and to conduct thereon, in accordance with 30 CFR 270.34-1, such preliminary geologic and soil studies as are appropriate for the planning and design of a power plant or other facilities necessary for the utilization of geothermal resources. A designated operator may also construct and operate such facilities as have been approved under a plan of operation or utilization and for which a permit has been issued pursuant to the regulations in this part and, if a power plant facility, for which a license has been issued in accordance with 43 CFR Part 3250.

6. By adding after § 270.34 a new subsection §§ 270.34-1 to read:

§ 270.34-1 Plan of utilization.

At any time after acquisition of a lease, the lessee or the designated facility operator may conduct preliminary soil tests or studies necessary for determining the site(s) most suitable for the construction of a proposed facility. Site investigations involving trenching or the construction of additional roads will require the prior written approval of the Supervisor and the appropriate surface managing agency. Prior to commencing any site preparation, road construction, or facility construction, unless already authorized under an approved plan of operation, the lessee or facility operator shall submit in triplicate a plan of utilization and obtain the prior approval of the Supervisor and the appropriate land management agency. A plan of

utilization shall include, as appropriate:

(a) A description and/or plans for all proposed structures and facilities (other than proprietary data which may be submitted under 30 CFR 270.71-1) to be constructed, erected, or located on the facility site, including other support facilities or ancillary equipment. This portion of the plan should include:

(1) A contour map showing facility location(s);

(2) A description of the purpose and operation of each facility;

(3) A schematic flow diagram;

(4) The plan for architectural landscaping;

(5) A startup date and the schedule of construction;

(6) The planned safety provisions for emergency shutdown to protect public health and safety and for protection of the environment, including a schedule for the testing and maintenance of safety devices; and

(7) The manpower coverage to be provided during the operation of the facility.

(b) A copy of any site evaluation studies, soil reports, core logs, or laboratory reports which have been prepared for the site(s).

(c) A description of any additional tests, studies, or surveys which are planned to assess the geologic suitability of the site(s). Separate approval of any such tests, studies, or surveys may be granted by the Supervisor prior to approval of the overall plan of utilization.

(d) A map showing the existing and planned access and lateral roads and the source of road building material.

(e) The source and quality of the water supply.

(f) The identification of other areas of potential surface disturbance.

(g) The methods for disposing of waste water, solid wastes, and noncondensable gases.

(h) A narrative statement describing, as applicable, the proposed measures to be taken in protecting the environment including, but not limited to, the prevention or control of (1) fires, (2) soil erosion, (3) pollution of the surface or groundwater, (4) damage to fish and wildlife or other natural resources, (5) air and noise pollution, and (6) hazards to public health and safety during normal operations. This portion of the plan should also detail the procedures to be followed in complying with existing Federal requirements and pertinent State and local standards.

(i) The provisions made for monitoring facility-operations to assure continuing compliance with applicable noise, air, and water quality standards and regulations under this part, and for other potential environmental impacts identified by the Supervisor.

The lessee shall be responsible for the monitoring of readily identifiable localized environmental impacts associated with specific activities that are under control of the lessee.

(j) Any additional information or data which the Supervisor may require in support of the plan of utilization.

In addition to a plan of utilization, the Supervisor may also require, as appropriate, the submission and approval of a plan of operation that conforms to the requirements of 30 CFR 270.34.

7. By revising § 270.42 to read:

§ 270.42 Noise abatement.

The lessee shall minimize noise during exploration, development, production, and utilization operations. The welfare of the operating personnel and the public must not be affected as a consequence of the noise created by expanding gases. The method and degree of noise abatement shall be as prescribed or approved by the Supervisor.

8. By redesignating the existing paragraph in § 270.50 as (a) and by adding a new paragraph (b) to read:

§ 270.50 Royalty payments.

(b) With respect to the pilot operation or testing of facilities permitted pursuant to 30 CFR 270.71-1(a) or (b), the Supervisor, in accordance with the provisions of 30 U.S.C. 1012, may waive, suspend, or reduce the royalty obligation for a period not to exceed 120 days of net operation upon application therefor. No form of relief from the royalty requirements of a lease will be granted in the absence of an application therefor, and a determination by the Supervisor that such action (1) would be in the interest of conservation, (2) would encourage the greatest ultimate recovery of geothermal resources, and (3) is necessary to promote development or to insure that the lease can be operated successfully under the lease terms. Each application for relief hereunder shall be filed in triplicate with the Supervisor and, as minimum, must (i) identify the facility, its location, and the facility operator; (ii) provide the serial number(s) of the lease(s) from which the geothermal resources are produced and the name(s) of the current lessee(s) and/or operator(s); (iii) contain the number and location of each well which will be utilized during the pilot operation or testing of facilities and the estimated daily volume of geothermal resources to be produced from each well; (iv) furnish a detailed statement of the estimated costs associated with the pilot or testing operations; and (v) supply other appropriate documentation to support the contention that relief from the royalty require-

ments of the lease could be granted in accordance with the provisions of 30 U.S.C. 1012, as set forth in the preceding paragraph.

9. By adding after § 270.71 a new subsection § 270.71-1 to read:

§ 270.71-1 Application for utilization permit.

(a) A permit to construct and operate a individual well facility of not more than 10-megawatt net capacity, including necessary related on-lease transmission facilities and substations, must be obtained from the Supervisor prior to commencing surface disturbing activities related to the construction and operation of each individual well facility. The application for a permit must be filed in triplicate with the supervisor and must state the location of the principal facility and all related sites by distance in meters and direction from the nearest section or tract lines, as shown on the official plat of survey or protracted surveys, and the elevation of the ground level at these sites. The application must be accompanied by a proposed plan of utilization as required by 30 CFR 270.34-1. Permits granted under this subsection will satisfy the requirements of 43 CFR Part 3250.

(b) A permit to construct and operate an on-lease research and demonstration facility (involving one or more wells) for an electrical generating plant of not more than 20-megawatt net capacity, including necessary related on-lease transmission facilities or substations in which power generated may be dissipated into a dummy load or similar device or sold for beneficial use, must be obtained from the Supervisor prior to commencing any surface disturbing activities related to the construction or operation of each on-lease research and demonstration facility. Applications submitted to the supervisor for a permit to construct and operate an on-lease research and demonstration facility shall be filed in triplicate and shall be accompanied by a plan of utilization as required by 30 CFR 270.34-1. Any permit issued shall be for a term of not more than 5 years. Permits granted under this subsection will satisfy the requirements of 43 CFR Part 3250. However, the continued beneficial use of an on-lease research and demonstration facility beyond the term provided by a permit, or the conversion of the facility to a power plant facility at any time during the permit period, will require that a license be obtained from the Authorized Officer pursuant to 43 CFR Part 3250.

(c) The siting of a power plant facility, other than as provided in (a) or (b) of this section, will require a license issued by the Authorized Officer pursuant to 43 CFR Part 3250. A permit to construct and operate a power plant

facility licensed under provisions of 43 CFR Part 3250 must also be obtained from the Supervisor prior to commencing any surface disturbing activities related to the construction or operation of the facility. The application for a permit shall be filed in triplicate with the Supervisor.

(d) Each application filed with the Supervisor for a permit to construct and operate a facility, as set forth in (a), (b), or (c) of this section, shall specifically identify the type of facility contemplated, the method of operation, and shall include:

(1) Designs, plans, and specifications for all improvements to be constructed or located at the principal facility site and at related facility sites in sufficient detail to permit a technical review for the purpose of determining that operational and design safety factors are adequate and that there will be compliance with all applicable regulatory requirements;

(2) An operating plan for the facility setting forth the procedures and standards pursuant to which the facility will be operated;

(3) The manner of metering facility input and output to determine plant performance and, when appropriate, to assure the proper calculation of the royalty value due;

(4) A schedule for the installation and pre-startup of the generating units or other facilities and, if applicable, for the commencement of operations for the commercial production of geothermal resources; and

(5) Any additional pertinent information or data which the Supervisor may require for the proper consideration of the application.

(e) Except as permitted by the lease access provisions, off-lease transmission facilities (lines and substations) and roads or pipelines located on Federal surface, shall require appropriate permits issued by the Authorized Officer pursuant to 43 CFR Part 3250 or other applicable regulations.

(f) When the construction and operation of a facility requires licensing or permitting by other Federal or State agencies prior to the commencement of these activities, three copies of each such permit and/or license shall be submitted.

10. By adding after § 270.74 a new subsection § 270.74-1 to read:

§ 270.74-1 Monthly report of facility operations.

A report of operations for each individual well facility, research and demonstration facility, or power plant facility, must be made by the facility operator for each calendar month beginning with the month in which operations are first commenced. The report must be filed in duplicate with the Supervisor on or before the last day of the month following the month

for which the report is filed, unless an extension of time for filing is specifically granted by the Supervisor in writing.

(a) For each electrical power generation facility, the report shall show for each calendar month:

(1) The lease serial number(s) or the unit or communitization agreement number covering the lands from which the steam or water was produced and utilized in the power plant;

(2) The number of kilowatt hours (gross and net output) of electricity generated during such month and the value;

(3) The quantities (mass) of geothermal fluids entering the plant and the average intake temperature and pressure;

(4) The quantity of water utilized from sources other than the produced geothermal resources;

(5) The total quantities (mass), temperature, and pressure of the plant effluent (waste water); and

(6) A detailed statement as to the reason or reasons for any suspension of electric power generation during the month.

NOTE.—It has been determined that the revision of Title 30 CFR Part 270 does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852).

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring the preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 24, 1978.

CECIL D. ANDRUS,
Secretary.

[FR Doc. 78-2786 Filed 1-31-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 52]

[FRL 850-1]

APPROVAL AND FROMULATION OF
IMPLEMENTATION PLANS

Revisions to the Imperial County Air Pollution Control District's Rules and Regulations in State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rule-making.

SUMMARY: Revisions to the Imperial County Air Pollution Control District's (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for

the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted up to March 3, 1978.

ADDRESS: Comments may be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations: Imperial County Air Pollution Control District, 940 West Main Street, El Centro, Calif. 95814; Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rules and regulations on November 4, 1977:

REGULATION I—GENERAL PROVISIONS

Rule
100—Title.
101—Definitions.
102—Public Records.
103—Inspection of Public Records.
104—Violations.
105—Enforcement.
106—Abatement.
107—Land Use.
108—Inspections.
109—Source Sampling.
110—Stack Monitoring.
113—Circumvention.
114—Severability Clause.
115—Legal Application.

REGULATION III—FEES

301—Permit Fees.
302—Fee Schedules.
303—Analysis Fees.
304—Technical Reports—Charges For.
305—Hearing Board Fees.

REGULATION IV—PROHIBITIONS

401—Opacity of Emissions.
402—Exceptions.
403—Quantity of Emissions.
404—Dust and Fumes.
405—Sulfur Compounds.
406—Disposal of Solid and Liquid Wastes.
407—Nuisances.
408—Frost Protection and Orchard Heaters.
409—Incinerators.
410—Scavenger Plants.
411—Sulfur Recovery Units.
412—Sulfur Acid Units.
413—Storage of Petroleum Products.

PROPOSED RULES

[6560-01]

[40 CFR Part 52]

[FRL 850-21]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Rules and Regulations of El Dorado County Air Pollution Control District in State of California

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The El Dorado County Air Pollution Control District (APCD) has adopted changes to its rules and regulations. The revisions have been submitted to the U.S. Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). The intended effect of the revisions is to update the rules and regulations, and to correct certain deficiencies in the SIP. The EPA invites public comments on these proposed rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to March 3, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air & Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations: El Dorado County Air Pollution Control District, 2850 Cold Springs Road, Placerville, Calif. 95667; California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814; Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: The ARB submitted to EPA on behalf of the El Dorado County APCD on November 4, 1977 proposed revisions to the following rules:

Rule 102—Definitions.
Rule 201—Coverage.
Rule 203—Exceptions (to Rule 202, Visible Emissions).
Rule 205—Nuisance.
Rule 206(B)—Pathological Incineration.
Rule 207—Particulate Matter.
Rule 208—Orchard or Citrus Heaters.
Rule 210(B)—Total Reduced Sulfur.

Rule 213—Storage of Petroleum Products.
Rule 215—Abrasive Blasting.
Rule 216—Enforcement.
Rule 217—Existing Sources.
Rule 217-49—District-Wide Coverage.
Rule 217-50—Visible Emissions.
Rule 217-51—Exceptions to Rule 217-50.
Rule 217-52—Nuisance.
Rule 217-53—Exceptions to Rule 217-52.
Rule 217-54—Particulate Matter.
Rule 217-55—Dust and Condensed Fumes.
Rule 217-56—Specific Contaminants.
Rule 217-1—Title.
Rule 217-2—Definitions.
Rule 217-3—Standard Conditions.
Rule 302—Exceptions to Rule 301 (Open Outdoor Fires).
Rule 303—Burning Permits.
Rule 314—Exceptions to Rule 303.
Rule 307—Exceptions to Rule 306 (No-burn days).
Rule 308—Agricultural Burning Reports.
Rule 314—Exceptions to rule 313 (Minimum Drying Times).
Rule 319—Open Burning of Wood Waste on Property Where Grown.
Rule 320—Right-of-Way Clearing and Levee, Ditch and Reservoir Maintenance Burning.
Rule 321—Hazard Reduction Burning.
Rule 322—Mechanized Burners.
Rule 324—Penalty.
Rule 402—Authority to Inspect.
Rule 404—Upset Conditions, Breakdown or Scheduled Maintenance.
Rule 407—Circumvention.
Rule 409—Public Records.
Rule 507—Provision of Sampling and Testing Facilities.
Rule 603—Hearing Board Fees.
Rule 700—Applicable Articles of the health and Safety Code.
Rule 703—Contents of Petition.
Rule 710—Notice of Public Hearing.

In addition, a rule on new source review was also submitted. It will be addressed in another FEDERAL REGISTER notice.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the proposed regulations as SIP revisions. The Regional Administrator hereby issues this notice setting forth these revisions as proposed rulemaking and advises the public that interested parties may participate by submitting written comments to the EPA Region IX Office. Comments received on or before March 3, 1978, will be considered, and made available for public inspection at the EPA Regional Office and the EPA Public Information Reference Unit.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7601(a)).)

Dated: January 6, 1978.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc. 78-2825 Filed 1-31-78; 8:45 am]

414—Oil-Effluent Water Separator.
415—Gasoline Loading from Tank Trucks and Trailers.
416—Gasoline Specifications.
417—Organic Solvents.
418—Disposal and Evaporation of Solvents.
419—Reduction of Animal Matter.
420—Livestock Feed Yards.
421—Open Burning.
422—Open Burning of Food Waste.
423—Exceptions.

REGULATION V—PROCEEDINGS BEFORE HEARING BOARD

501—General.
502—Petitions.
503—Contents of Petitions.
504—Petitions for Variances.
505—Supplemental Information.
506—Matters Initiated by Control Officer or Hearing Board.
507—Answers.
508—Withdrawal of Application.
509—Handling Preliminary Matters.
510—Time and Place of Hearing.
511—Notice of Hearing.
512—Continuances.
513—Record of Proceedings.
514—Evidence.
515—Official Notice.
516—Decisions.

REGULATION VII—AGRICULTURAL BURNING

701—Definitions.
702—Prohibitions.
703—Cotton Gin Waste Burning.
704—Exceptions.
705—Range Improvement Burning.
706—Penalty Clause.

In addition, regulations were submitted concerning new source review and emergency episodes. These regulations will be considered in separate FEDERAL REGISTER actions.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including those deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

Comments received on or before March 3, 1978, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Unit.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7601(a)).)

Dated: December 21, 1977.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc. 78-2824 Filed 1-31-78; 8:45 am]

PROPOSED RULES

[6820-35]

LEGAL SERVICES CORPORATION

[45 CFR Part 1601]

CORPORATION'S BY-LAWS

Amendments

AGENCY: Legal Services Corporation.
ACTION: Proposed Amendments to By-Laws.

SUMMARY: Section 1601.44 of the Corporation's By-Laws, 45 CFR 1601.44, provides that the By-Laws may be amended by a vote of a majority of the Directors in office and requires, when feasible, that the proposed amendment shall have been published in the FEDERAL REGISTER at least thirty days before the meeting. Pursuant to this Section, the Legal Services Corporation hereby publishes notice that its Board of Directors will consider certain proposed amendments at the March 3-4, 1978 meeting.

DATE: Comments should be received by March 2, 1978.

ADDRESS: Send comments to Office of General Counsel, Legal Services Corporation, 733 15th Street NW., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT:

Stephen S. Walters, 733 Fifteenth Street NW., Suite 700, Washington, D.C. 20005, 202-376-5113.

SUPPLEMENTAL INFORMATION:

AMENDMENTS TO THE BY-LAWS

The following amendments to the By-Laws are necessary to conform to the requirements of the Government in the Sunshine Act:

1. The final sentence of § 1601.15(a) should be revised to read as follows:

§ 1601.15 Regular meetings.

(a) . . . Notice of the place of regular meeting should be mailed to each Director at least fifteen days before the date of the meeting, unless a majority of the members determines that Corporation business requires a meeting on fewer than fifteen days notice. In that event, notice shall be mailed at the earliest practicable time.

2. The second sentence of this section should be revised to read as follows:

§ 1601.16 Special meetings.

. . . Notice of any such meeting shall be mailed to each Director at least fifteen days before the date on which the meeting is to be held, unless a majority of the members determines that Corporation business requires a meeting on fewer than fifteen days

notice. In that event, notice shall be mailed at the earliest practicable time. . . .

3. This section should be revised to read as follows:

§ 1601.18 Agenda.

For each regular and special meeting, the Chairman of the Board or the Presidents of the Corporation shall cause to be prepared an agenda of matters to be discussed at the meeting, and shall mail the agenda to all Directors with the notice required by §§ 1601.15 and 1601.16. Any matters appearing on the agenda which the Chairman of the Board or the President believes should be discussed in an executive session in accordance with § 1601.22 shall be so noted.

4. This section should be revised to read as follows:

§ 1601.19 General notice.

(a) General notice of any meeting of the Board shall be given at least seven days before the meeting, unless a majority of the Directors determines by a recorded vote that Corporation business requires a meeting on fewer than seven days notice. In that event, general notice shall be given at the earliest practicable time.

(b) General notice shall include: (1) The time, place, and subject matter of the meeting; (2) whether the meeting or a portion thereof will be closed to public observation; and, (3), the name and telephone number of a person designated to respond to requests for information about the meeting. Changes in the information contained in a general notice may be made pursuant to the Corporation's Regulations implementing 5 U.S.C. 552b. Notice of such change shall be given in the manner prescribed by this Section and at the earliest practicable time.

(c) General notice shall be posted at the offices of the Corporation in an area to which the public has access and filed for publication in the FEDERAL REGISTER. Reasonable effort shall be made to send the notice to the Chairman of each State Advisory Council appointed pursuant to Section 1004(f) of the Act and to every recipient.

(d) Failure to give general notice in accordance with this section shall not affect the validity of Board action at any meeting.

5. This section should be revised to read as follows:

§ 1601.22 Public meetings; executive sessions.

All meetings of the Board shall be open to the public unless a majority of the members determines by a recorded vote that consideration of a specific matter should be closed to public observation pursuant to the Corporation's regulations implementing 5

U.S.C. 552b. That part of the meeting closed to the public shall be known as an executive session. The Chairman of the meeting shall announce the subject of the executive session prior thereto.

6. The final sentence of paragraph (a) is deleted and paragraphs (b) and (c) of this section should be revised to read as follows:

§ 1601.27 Committee procedures.

(b) Notice of a Committee meeting shall be provided to members of the Committee in the manner required for notice of special meetings of the Board by Sections 1601.16 and 1601.17(a). Notice may be waived in the manner described in Section 1601.17(b). The agenda for the meeting shall be prepared in accordance with Section 1601.18, and general notice of the meeting shall be given in accordance with Section 1601.19.

(c) All meetings of a Committee shall be open to the public unless a majority of the members of the Committee determines by a recorded vote that consideration of specific matter shall be closed to the public pursuant to the Corporation's regulations implementing 5 U.S.C. 552b.

STEPHEN S. WALTERS,
Deputy General Counsel,
Legal Services Corporation.

[FR Doc. 78-2799 Filed 1-31-78; 8:45 am]

[3510-03]

DEPARTMENT OF COMMERCE

Maritime Administration

[45 CFR Part 283]

CONSERVATIVE DIVIDEND POLICY

Amendment of Standards for Dividend Declarations; Extension of Comment Period

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Proposed rulemaking.

SUMMARY: In FR Doc. 78-316, appearing in the FEDERAL REGISTER on January 9, 1978 (43 FR 1363) notice was given that the Maritime Subsidy Board, Maritime Administration, proposes to amend regulations concerning conservative dividend policy, to make more appropriate for the marine industry the financial requirements which an operator of vessels receiving operating-differential subsidy must satisfy before declaring a dividend.

Interested parties were invited to file written comments on the proposed amendments with the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, on or before February 15, 1978.

Upon request made and good cause shown by Waterman Steamship Corp.,

PROPOSED RULES

the date for submission of comments is hereby extended to close of business on March 15, 1978.

DATE: Comments must be received, in triplicate, on or before March 15, 1978.

ADDRESS: Secretary, Maritime Subsidy Board, Washington, D.C. 20230.

Dated: January 26, 1978.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-2705 Filed 1-31-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A564]

CALIFORNIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following California Counties as a result of extremely high winds accompanied by duststorms December 20 and 21, 1977: Humboldt; Kern; San Diego.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph VB, including the recommendation of Governor Edmund G. Brown, Jr., that such designation be made.

Applications for emergency loans must be received by this Department no later than July 24, 1978, for physical losses and January 23, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of January 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.
[FR Doc. 78-2790 Filed 1-31-78; 8:45 am]

[3410-07]

[Designation No. A560]

TENNESSEE

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Tennessee Counties as a result of drought during periods ranging from May 1 through September 15, 1977, in

Bradley, Gibson, Hardin, Polk, and Shelby Counties; also excessive rainfall October 15 through November 30, 1977, in Shelby Counties; and a flood October 1 and 2, 1977, in Johnson County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph VB, including the recommendation of Governor Ray Blanton that such designation be made.

Applications for emergency loans must be received by this department no later than July 19, 1978, for physical losses and January 18, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of January 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.
[FR Doc. 78-2791 Filed 1-31-78; 8:45 am]

[3410-07]

[Designation No. A563]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of drought July 15 through December 15, 1977, and hailstorms June 25, June 28, and October 21 and 22, 1977, in Hall County; and drought May 1 through September 15, 1977, in Walker County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph VB, including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than July 20, 1978, for physical losses and January 19, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of January 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.
[FR Doc. 78-2792 Filed 1-31-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 78-1-116]

PROCEEDINGS

Orders

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of January, 1978.

In the matter of Phoenix-Des Moines/Milwaukee route proceeding, Docket 28800; improved authority to Wichita Case, Docket 28848; Additional Dallas/Fort Worth-Kansas City Nonstop Case, Docket 28778; Sacramento-Denver Nonstop Case, Docket 28961; Memphis-Twin Cities/Milwaukee Case, Docket 29186; and Greenville/Spartanburg Washington/New York Subpart M Case, Docket 24778, Docket 28308.

A full public hearing having been held in the above-captioned proceedings, and the Board having issued its opinion containing its findings, conclusions and decision which is attached to and made a part of this order.

It is ordered that: 1. Amended certificates of public convenience and necessity in the forms attached be issued to Hughes Air Corp. d.b.a. Hughes Airwest for Route 76, to Frontier Airlines, Route 73, and to Southern Airways, for Route 98;

Opinion and certificates filed with the Office of the Federal Register. Copies may be obtained from Civil Aeronautics Board, Washington, D.C. 20428.

2. The certificates shall be signed on behalf of the Board by its Secretary, shall have affixed the seal of the Board, and, subject to the extension of their effective dates in accordance with the provisions of the certificates, shall be effective 60 days after the date of service of this order, *Provided*, That the continuing effectiveness of the authority granted here shall be conditioned upon the timely payment of such license fees as may be to be prescribed by the Board;

3. The temporary certificates issued to Frontier Airlines by Order 77-6-27 and to Southern Airways by Order 77-10-1 shall be cancelled upon the effective date of the certificates issued to these carriers here;

4. Interested parties are invited: To show cause why the Board should not issue an order making final the tentative findings and conclusions contained in the attached opinion that would; (a) require the sharing of net profits in subsidy-ineligible Category II without offsetting segmental losses in Category I; and (b) give Ozark Airlines' conditional authority in the Phoenix-Des Moines/Milwaukee markets;

5. Any interested person having objections to the issuance of an order making final any of the proposed findings and conclusions set forth in paragraph 4 shall, within 21 days after service of this order, file with the Board, and serve upon all parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support these objections;

6. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised before further action is taken by the Board; and

7. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board will proceed to enter an order in accordance with the tentative findings and conclusions set forth here.

8. Except to the extent otherwise indicated, all applications, petitions, motions and requests are denied or dismissed.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A

HUGHES AIR CORP.

List of Certificated Operations Ineligible for Subsidy—Category I

1. Flight stages to and from the following points: Lake Tahoe, Reno (when served as an intermediate point between Lake Tahoe and another point in California or Nevada), Tucson, all points in Mexico.

II. Operations between Las Vegas and Orange County-Santa Ana-Anaheim.

III. Turnaround operations between Los Angeles and Indio-Palm Springs.

IV. Nonstop operations between the following pairs of points:

Boise—Las Vegas, Phoenix, Portland, Pullman-Moscow, Salt Lake City, Seattle-Tacoma, Spokane.

Burbank—Las Vegas, Phoenix, Salt Lake City.

Cedar City—Las Vegas.

Eureka-Arcata—Los Angeles-Ontario.

Fresno—Phoenix.

Grand Canyon—Las Vegas.

Indio-Palm Springs—Las Vegas, Orange County-Santa Ana-Anaheim, San Diego.

Las Vegas—Los Angeles-Ontario, Oakland, Salt Lake City, San Diego, Spokane.

Los Angeles-Ontario—Pasco-Kennewick-Richland, Red Bluff-Redding, Salt Lake City, San Diego, San Francisco, Twin Falls, Yakima.

Medford—Oakland, San Francisco.

Monterey-Salinas—Phoenix.

Oakland—Phoenix.

Pasco-Kennewick-Richland—San Francisco.

Phoenix—San Jose, Spokane.

Portland—Reno, Salt Lake City, San Francisco, Seattle-Tacoma.

Reno—Seattle-Tacoma.

Salt Lake City—Seattle-Tacoma, Spokane.

San Francisco—Yakima.

Seattle-Tacoma—Spokane.

List of Certificated Operations Ineligible for Subsidy—Category II

I. Nonstop operations between the following pairs of points:

Des Moines—Milwaukee, Phoenix.

Milwaukee—Phoenix.

APPENDIX

FRONTIER AIRLINES, INC.

List of Operations Ineligible for Subsidy—Category I

1. Flight states to and from the following points: Bozeman, Chicago, Las Vegas, Memphis, Missoula, West Yellowstone.

2. Nonstop operations between the following pairs of points:

Albuquerque—Dallas/Ft. Worth, Salt Lake City, Phoenix, Winslow.

Amarillo—Fayetteville.

Billings—Great Falls, Salt Lake City.

Colorado Springs—St. Louis, Salt Lake City.

Cortez—Denver.

Dallas/Ft. Worth—Denver, Fayetteville.

Ft. Leonard Wood, Kansas City, Joplin.

Oklahoma City, Ponca City, Salt Lake City.

Stillwater, Grand Junction.

Denver—Billings, Casper, Jackson, Kansas City, Lawton/Ft. Sill, Oklahoma City.

Omaha, Phoenix, St. Louis, Salt Lake City, Tulsa.

Durango—Gunnison.

Kansas City—Manhattan, Omaha, St. Louis.

Lawton/Ft. Sill—Tulsa.

Lincoln—Phoenix, St. Louis.

Little Rock—Oklahoma City.

Oklahoma City—Salt Lake City.

Omaha—Phoenix.

List of Operations Ineligible for Subsidy—Category II

1. Nonstop operations between the following pairs of points: Denver—Sacramento.

APPENDIX C

SOUTHERN AIRWAYS, INC.

List of Certificated Operations Ineligible for Subsidy—Category

Flight stages to or from the following points: Chicago, Miami/Fort Lauderdale, New York/Newark, Orlando, St. Louis, Tallahassee, Washington, Detroit. Operations over segment 7.

Nonstop operations between the following pairs of points:

Atlanta—Chattanooga, Jackson/Vicksburg, Mobile/Pasqua, Nashville.

Birmingham—Columbia, Jackson/Vicksburg, Jacksonville, Mobile/Pasqua, Nashville.

Bristol/Kingsport/Johnson City—Memphis.

Charleston—Charlotte, Chattanooga, Jackson/Vicksburg, Memphis, New Orleans.

Charlotte—Chattanooga, Columbia.

Chattanooga—Columbia, Greenville/Spartanburg, Memphis, Nashville.

Columbia—Jackson/Vicksburg, Memphis, New Orleans.

Dothan—Jacksonville.

Eglin Air Force Base—Jacksonville.

Huntsville—New Orleans.

Jacksonville—Memphis, Montgomery.

Panama City.

Knoxville—Memphis.

Memphis—New Orleans.

Mobile—New Orleans.

List of Certificated Operations Ineligible for Subsidy—Category II

Nonstop operations between the following pairs of points:

New York—Greenville/Spartanburg.

Washington—Greenville/Spartanburg.

[FR Doc. 78-2813 Filed 1-31-78; 8:45 am]

[6320-01]

[Docket No. 31946]

SINGAPORE AIRLINES LTD.

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 28, 1978, at 10 a.m. (local time) in Room 1003 Hearing Room B, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before February 21, 1978.

WILLIAM H. DAPPER,

Administrative Law Judge.

[FR Doc. 78-2787 Filed 1-31-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

MARINE MAMMALS

Issuance of a Permit

On November 2, 1977, notice was published in the FEDERAL REGISTER (42 FR 57334), that an application had been filed with the National Marine Fisheries Service by Dr. Murray L. Johnson and Mr. Steven J. Jeffries, Puget Sound Museum of Natural History, University of Puget Sound, Tacoma, Wash. 98416, to take by killing 130 and to capture, mark, tag, and release 200 harbor seals (*Phoca vitulina richardii*), for the purposes of scientific research.

Notice is hereby given that on January 18, 1978, and as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Dr. Murray L. Johnson and Mr. Steven J. Jeffries, to take the above named species, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Wash. 98109.

Dated: January 18, 1978.

ROLAND FINCH,

Acting Deputy Assistant

Director for Fisheries Management.

[FR Doc. 78-2794 Filed 1-31-78; 8:45 am]

[3510-22]

MARINE MAMMALS

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to import marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: (a) Name: Hubbs-Sea World Research Institute, Dr. William E. Evans, Director; (b) Address: 1700 South Shores Road, San Diego, Calif. 92109.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Leopard seals (*Hydrurga leptonyx*), 6.

4. Type of Activity: To import beached/stranded animals.

5. Location of Activity: Beached/stranded animals maintained by the Taronga Zoo, New South Wales, Australia.

6. Period of Activity: Two (2) years.

The arrangements and facilities for transporting and maintaining the

marine mammals requested in the above described application have been inspected by a licensed veterinarian who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 3, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: January 27, 1978.

ROLAND FINCH,

Acting Deputy Assistant Director

for Fisheries Management, National Marine Fisheries Service.

[FR Doc. 78-2796 Filed 1-31-78; 8:45 am]

[3510-22]

MARINE MAMMALS

Modification of Permit

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Public Display Permit No. 127 issued to Mr. W. L. E. de Alwis, Director, National Zoological Gardens of Sri Lanka, Anagarika Dharmapala Mawatha, Dehiwala, Sri Lanka (Ceylon) on February 4, 1976 (41 FR 6756) is modified in the following manner:

Section B-4 has been changed to read, "This Permit is valid with respect to the taking authorized herein until December 31, 1978.

This modification is effective on February 1, 1978. The Permit, as modified, is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: January 13, 1978.

WINFRED H. MEIBOHM,

Associate Director, National

Marine Fisheries Service.

[FR Doc. 78-2795 Filed 1-31-78; 8:45 am]

[3510-22]

PACIFIC FISHERY MANAGEMENT COUNCIL'S SQUID ADVISORY SUBPANEL

Public Meeting

A meeting of the Pacific Fishery Management Council's Squid Advisory Subpanel, established under Section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will be held on Wednesday, February 22, 1978, at the California Department of Fish and Game offices located at 350 Golden Shores, Long Beach, Calif. The meeting will convene at 10 a.m. and adjourn about 5 p.m.

Proposed agenda: Discussion of options for managing *Loligo opalescens*, *Dosidicus gigas*, and other squid species, to be implemented in March 1979.

The Squid Advisory Subpanel meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 Southwest Mill Street, Second Floor, Portland, Ore. 97201. Telephone: 503-221-6352.

Dated: January 27, 1978.

WINFRED H. MEIBOHM,

Associate Director, National

Marine Fisheries Service.

[FR Doc. 78-2773 Filed 1-31-78; 8:45 am]

[3510-22]

PACIFIC FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE AND SALMON ADVISORY PANEL

Public Meeting With Partially Closed Session

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, as amended, notice is hereby given of a meeting of the Pacific Fishery Management Council established by Section 302(a) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and its Scientific and Statistical Commit-

tee and Salmon Advisory Panel, both established under Section 302(g) of the Act.

The Council meeting will take place Thursday and Friday, February 16-17, 1978, at the Cosmopolitan Motor Hotel located at 1030 Northeast Union, Portland, Ore.

The Scientific and Statistical Committee will meet on Wednesday and Thursday, February 15-16, 1978, and the Salmon Advisory Panel will meet on Wednesday, February 15, 1978, also at the Cosmopolitan Motor Hotel in Portland, Ore.

The Salmon Advisory Panel will meet at 8 a.m. and adjourn about 5 p.m. on February 15. The proposed agenda for the Panel is as follows:

FEBRUARY 15

1. Consideration of salmon management plans.

The Scientific and Statistical Committee will meet at 1 p.m. and adjourn about 5 p.m. on February 15. The Committee will tentatively reconvene, dependent on Council developments, at 8 a.m. and adjourn about 5 p.m. on February 16. The proposed agenda for the Committee is as follows:

FEBRUARY 15-16

1. Consideration of development of fishery management plans.
2. Organization of the Council, including fishery advisory panel and management development teams, and operational procedural matters.
3. Other Committee business.

The Pacific Fishery Management Council will convene at 10 a.m. and adjourn about 5 p.m. on February 16. The Council will reconvene at 8 a.m. and adjourn about 5 p.m. on February 17. The meeting may be extended or shortened depending on progress on the agenda. The proposed agenda is as follows:

FEBRUARY 16

1. Closed 2-hour session (8 a.m. to 10 a.m.) to discuss classified material on the status of current maritime boundary and resource negotiations between the United States and Canada.
2. Organization of the Council, including its staff, advisory panels, and committees, and operational and procedural matters.
3. Consideration of reports from ad hoc committees.
4. Review of communications from other agencies and organizations.

FEBRUARY 17

1. Consideration of fishery management plans under development.

The Salmon Advisory Panel and SSC meeting will be open to the public, as will all but the first agenda item of the Council meeting. For more information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 Southwest Mill Street, Second Floor, Portland, Ore. 97201. Telephone: 503-221-6352.

The closed session of the Council is planned for the early morning of the

first day, February 16, from 8 a.m. through 10 a.m. to hear and discuss Department of State security classified material on the status of current maritime boundary and resource negotiation between the United States and Canada. Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined, on January 27, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.

Dated: January 27, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

(FR Doc. 78-2797 Filed 1-31-78; 8:45 am)

[3510-04]

National Technical Information Service GOVERNMENT-OWNED INVENTIONS Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for \$4 (\$8 outside North American Continent). Requests for copies of patent applications must include the patent application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be di-

rected to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Informa-
tion Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/
JACP, Washington, D.C. 20314

Patent application 833,788: Boundary Layer Scoop for the Enhancement of Coanda Effect Flow Deflection over a Wing/Flap Surface; filed Sept. 16, 1977.

Patent application 840,334: Potential Troughs for Charge Transfer Devices; filed Oct. 7, 1977.

Patent application 840,353: RF Excited Mercury Laser Lamp; filed Oct. 7, 1977.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,988,178: Method for Preparing Superconductors; filed Nov. 29, 1974; patented Oct. 26, 1976; not available NTIS.

Patent 3,994,279: Solar Collector with Improved Thermal Concentration; filed July 24, 1975; patented Nov. 30, 1976; not available NTIS.

Patent 3,995,485: Dry, Portable Calorimeter for Nondestructive Measurement of the Activity of Nuclear Fuel; filed Oct. 20, 1975; patented Dec. 7, 1976; not available NTIS.

Patent 4,009,614: Apparatus for Monitoring Two-Phase Flow; filed Dec. 19, 1975; patented Mar. 1, 1977; not available NTIS.

Patent 4,012,282: Multiple Lead Seal Assembly for a Liquid-Metal-Cooled Fast-Breeder Nuclear Reactor; filed May 17, 1976; patented Mar. 15, 1977; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 745,758: Stable Alkaline Zinc Electrode; filed Nov. 29, 1976.

Patent application 822,475: Non-Linear Acoustic Transducer; filed Aug. 8, 1977.

Patent application 828,809: Composite Video Signal Field Recognition Circuit; filed Aug. 29, 1977.

Patent application 829,542: Optical Photoemissive Detector and Photomultiplier; filed Aug. 31, 1977.

(FR Doc. 78-2847 Filed 1-31-78; 8:45 am)

[3510-17]

DEPARTMENT OF COMMERCE

Office of the Secretary

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Final Watch Quota Allocation Rules

AGENCY: Industry and Trade Administration, Bureau of Trade Regulation.

ACTION: Final watch quota allocation rules.

SUMMARY: Pursuant to §303.3 of Title 15 of the Code of Federal Regu-

lations, the Secretaries of Commerce and the Interior published in the FEDERAL REGISTER dated December 21, 1977, proposed rules for the allocation of watch quotas under Pub. L. 890-805 (42 FR 63923 et seq.).

The proposed rules set forth the criteria and formulae which the Secretaries intend to use in calculating quota allocations for calendar year 1978, and propose new entrant provisions for Guam and American Samoa. A copy of the proposed rules was sent to each watch quota holder on December 15, 1977. Interested parties were invited to provide comments on or before December 29, 1977. The Secretaries have considered the single comment received (discussed below in Supplementary Information) and hereby publish the rules in final form.

DATE: These rules are effective January 26, 1978.

FOR ADDITIONAL INFORMATION CONTACT:

Mr. Richard M. Seppa, who can be reached by telephone on 202-377-2925.

SUPPLEMENTARY INFORMATION: No watch quota firm offered comments on the proposed rules. However, an association which has among its members some firms with territorial subsidiaries expressed the view that, while a step in the right direction, the proposal would do little to increase the economic benefits to the insular possessions and do nothing to stop the competitive advantage enjoyed by insular watch quota firms utilizing certain low-cost movements, the assembly of which generates insignificant insular labor. The party contended that unless the Departments refrained from reallocating quota earned but unused by firms assembling higher-cost movements requiring significant insular labor input, the proposed allocation formula would not curb the increased use of the disruptive low-cost movements.

The Departments have fully considered the comment received and have concluded it provides insufficient reason to modify the rules as proposed. The reasons for the Departments' conclusions follow:

1. Watch assembly firms contribute to the insular economies in two primary ways, (i) wages paid to permanent residents and (ii) corporate income tax payments. By increasing by 10 percent the amount of quota to be allocated on the basis of these two factors and reducing by an equal percentage the amount of quota to be allocated on the basis of the firms' shipments the preceding year, firms which produce movements requiring high local labor content and firms making meaningful income tax contributions will be eligible for a larger percentage of the 1978 quota. Given an adequate demand for

insular watches, the allocation formula offers the prospect of increased economic benefits for the insular economies.

2. According to industry sources, the market for conventional watches has stabilized. Also, domestic consumption of watches is expected to turn out lower in 1977 than the preceding year and this will decrease the total amount of quota available in 1978 for allocation to insular firms. These two circumstances should diminish the amount of quota available on reallocation.

3. Pursuant to §303.5(b) of title 15 of the Code of Federal Regulations (42 FR 62907 et seq.), the Secretaries are authorized to reallocate unutilized quota "in a manner which . . . is best suited to contribute to the economy of the territories" taking into account "the nature of the producer's present assembly operations and any other factors which, in the judgment of the Secretaries, bear on the well-being and established character of the industry and thereby on the economy of the territory." Moreover, §303.9(b) provides that if unutilized quota becomes available, the Secretaries are not required to reallocate it or set it aside for new firms if that is "deemed in the best interest of territories and the established industry."

The Departments are of the view that if circumstances warrant, they have sufficient authority under present regulations to deal with the stated concerns of the commenting party at the reallocation stage by exercising the options contained in §303.9(b) or by taking one or a combination of other steps such as limiting reallocations to firms then (i) assembling movements having a minimum number of discrete components, (ii) performing certain alternative assembly operations or (iii) making a specified average wage contribution per movement assembled.

References to Form DIB-334P in Section 4 of the proposed rules are modified to read "Form ITA-334P" to reflect the redesignation of the Domestic and International Business Administration as the Industry and Trade Administration.

Accordingly, the proposed rules are published below, without substantive change, as final rules.

SECTION 1. (Virgin Islands and Guam) Pursuant to 15 CFR Part 303.5(a)(2) the annual quotas for calendar year 1978 for the Virgin Islands and Guam will be allocated on the basis of (1) the number of units assembled in the territory and entered by each producer duty-free into the customs territory of the United States during calendar year 1977, (2) the dollar amount of wages, up to a maximum of \$14,000 per person, paid by such producer in the territory whose pay was attribut-

able to the producer's Headnote 3(a) watch assembly operation, and (3) the total dollar amount of income taxes paid by such producer during calendar year 1977 attributable to its Headnote 3(a) watch assembly operations, excluding penalty payments and less any income tax refunds and subsidies paid by the Territorial government to such producer during calendar year 1977.

In making allocations under this formula, a weight of 25 percent will be assigned to Headnote 3(a) shipment history, a weight of 55 percent will be assigned to wages paid as specified above, and a weight of 20 percent will be assigned to the total dollar amount of income taxes paid during calendar year 1977 and attributable to Headnote 3(a) watch assembly operations, with the exclusions and deductions specified above.

SEC. 2. Applications from new firms are invited for the calendar year 1978 American Samoa quota, because the sole recipient in the territory has advised the departments that it would discontinue operations by the end of calendar year 1977. Due to the limited size of the American Samoa quota, the Departments will allocate that quota to the single firm which offers the best prospect of making a meaningful long-term contribution to the economy of the territory. See section 4 below, for application procedures.

SEC. 3. Applications from new firms are invited for 150,000 units of the calendar year 1978 Guam quota, because of the low level of quota utilization in the territory during 1977.

SEC. 4. Applicants for new entrant quotas in Guam or American Samoa must complete applicable sections of Form ITA 334P (formerly DIB-334P), copies of which may be obtained from the Statutory Import Programs Staff, Room 6694, U.S. Department of Commerce, Washington, D.C. 20230, and must provide such additional information as the Secretaries may require (15 CFR 303.5(b)). Detailed instructions for completing ITA-334P will be provided by the Statutory Import Programs Staff together with copies of the application form.

SEC. 5. If the Secretaries determine with respect to the new entrant provisions for quotas in Guam or in American Samoa that no application has been received by March 1, 1978, proposing a sufficient number of assembly operations or otherwise offering the prospect of a meaningful contribution to the territorial economy, the Secretaries shall notify each applicant of the specific deficiencies and may issue a new invitation or extend the date for revised applications or applications from other new firms. In the event that any or all of the new entrant quota in Guam is not allocated under this provision, the quota involved will be treated in accordance

with procedures set forth in 15 CFR 303.5(b) (42 FR 62907 et seq.).

Any new firm which is selected to receive a quota will be required to comply with specified conditions and applicable rules of the Departments and with United States Customs Service regulations regarding assembly operations which must be performed in the insular possession under General Headnote 3(a), Tariff Schedules of the United States, as well as with the general requirements of the Territorial government regarding the establishment and conduct of a business.

Dated: January 26, 1978.

RUTH VAN CLEVE,
Director, Office of Territorial Affairs,
U.S. Department of the Interior.

[FR Doc. 78-2737 Filed 1-31-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

NEW OFFICIAL AUTHORIZED TO ISSUE EXPORT VISAS AND CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS FROM THE REPUBLIC OF KOREA

JANUARY 26, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Authorizing Kim Chul Su to issue visas and certifications for exempt cotton, wool and man-made fiber textile products exported from the Republic of Korea to the United States, replacing Park Yong Dow.

SUMMARY: On May 25, 1972, a letter dated May 18, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs was published in the FEDERAL REGISTER (37 FR 10605), prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States, for which the Republic of Korea had not issued a visa. A further letter, dated August 22, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER on August 29, 1973 (38 FR 23357) and established an administrative mechanism to exempt from the limitations of the bilateral agreement between the Governments of the United States and the Republic of Korea certain textile products which have been certified for exemption by

the Government of the Republic of Korea.

One of the requirements is that the visas and certifications for exemption include the signature of an official designated by the Government of the Republic of Korea. The Government of the Republic of Korea has informed the Government of the United States that, effective on January 1, 1978, Kim Chul Su, Chief of the Quota Management Division, Ministry of Commerce and Industry, is the official authorized to issue export visas and certifications for exempt items, replacing Park Yong Dow. Goods covered by visas and certifications issued by Park Yong Dow before January 1, 1978, will not be denied entry. A facsimile of the signature of Kim Chul Su is filed as part of the original document with the Office of the FEDERAL REGISTER.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

EDWARD GOTTFRIED,
Acting Chairman, Committee for the Implementation of Textile Agreements.

The sample of visa stamp for textile export quota to U. S. A.



Visa stamp

Sign stamp

Visa stamp

Sign stamp

The sample of visa stamp for non quota item to U. S. A.

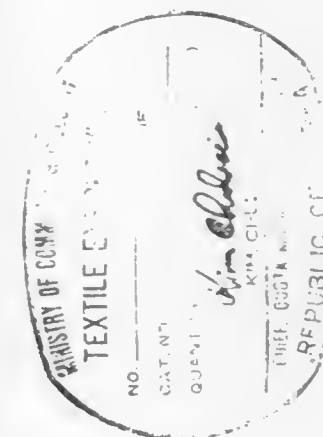


Visa stamp

Sign stamp

Visa stamp

Sign stamp



Visa & sign stamp

Steel stamp

Visa & sign stamp

Steel stamp



COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington,
D.C. 20229

JANUARY 26, 1978.

DEAR MR. COMMISSIONER: This letter further amends, but does not cancel, the directive of May 19, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, effective 30 days after publication of notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products, produced or manufactured in the Republic of Korea for which the Republic of Korea had not issued a visa. It also further amends, but does not cancel, the directive of August 22, 1973, which established a mechanism to exempt from the levels of the bilateral agreement between the Governments of the United States and the Republic of Korea, certain textile products which have been certified for exemption by the Government of the Republic of Korea.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 23, 1977, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, the directives of May 19, 1972, and August 22, 1973, as previously amended, are hereby further amended to authorize Kim Chul Su to issue visas and certifications for exempt cotton, wool, and man-made fiber textile products exported from the Republic of Korea, effective on January 1, 1978, replacing Park Yong Dow. Goods covered by visas and certifications issued by Park Yong Dow before January 1, 1978, shall not be denied entry.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

EDWARD GOTTFRIED,
Acting Chairman, Committee for the
Implementation of Textile Agree-
ments.

[FR Doc. 78-2757 Filed 1-31-78; 8:45 am]

NOTICES

[3810-71]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE
PANEL ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on February 22-23, 1978, at the Pentagon, Washington, D.C. sessions of the meeting will commence at 8:30 a.m. and terminate at 5:30 p.m. on both days. All sessions will be closed to the public.

The agenda will consist of matters required by Executive Order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive Order, including discussions of U.S. Navy plans, force structure, program initiatives, and selected items of intelligence. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in Section 552b(c)(1) of Title 5, United States Code.

For further information concerning this meeting, contact Commander William A. Armbruster, USN, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Boulevard, Room 405, Arlington, Va. 22209. Phone OX 4-3191.

Dated: January 27, 1978.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy,
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-2748 Filed 1-31-78; 8:45 am]

[3810-71]

REGIONAL DISCHARGE REVIEW SYSTEM

Suspension of Hearings

In FR Doc. 75-27207, published on October 9, 1975, 40 FR 47524, the Department of the Navy published notice that, beginning in November 1975, the Naval Discharge Review Board (NDRB) would convene and conduct hearings for a number of days each quarter in announced locations. The NDRB itinerary for November 1977 through April 1978 was published in FR Doc. 77-32728, on November 11, 1977, 42 FR 58779. That notice further provided that the itinerary remained subject to modification if necessary.

Due to the reconsideration requirements mandated by Pub. L. 95-126 and the limited personnel resources avail-

able to the Board, it is necessary to modify the previously announced NDRB itinerary. Accordingly, NDRB traveling operations subsequent to completion of the February 1978 schedule will be temporarily suspended. Projected completion of the reconsideration requirements mandated by Pub. L. 95-126 should enable traveling operations to be resumed in or about June 1978. No scheduled hearings are affected by this suspension. For further information concerning the NDRB, contact:

Capt. J. G. Shaw, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 905, 801 North Randolph Street, Arlington, Va. 22203; telephone No. 202-692-4881.

Dated: January 27, 1978.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy,
Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 78-2749 Filed 1-31-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ISSUANCE OF DECISIONS AND ORDER BY THE
OFFICE OF ADMINISTRATIVE REVIEW

Week of November 7 Through November 11,
1977

Notice is hereby given that during the week of November 7 through November 11, 1977, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Atlantic Richfield Co., Los Angeles, Calif.,
DFA-0013, Freedom of Information

The Atlantic Richfield Co. (Arco) appealed from a partial denial by the FEA Information Access Officer of a request for information submitted under the Freedom of Information Act (the Act). In its request, Arco sought the disclosure of documents relating to the FEA transfer pricing program. The Information Access Officer identified seven documents which were within the scope of Arco's request but declined to release any of them on the grounds that the documents were exempt from mandatory public disclosure under section 552(b)(5) of the Act. He determined that the documents were recommendatory in nature and consisted of opinions which are part of the process by which governmental decisions and policies are formulated. On appeal, the DOE determined that this determination was correct except for certain factual material contained in two documents which was segrega-

ble from the other portions which consisted of policy analysis and recommendations. The DOE also determined that the public interest would be served if additional portions of two other documents were released. The Arco appeal was therefore granted in part and denied in part.

Consumers Fuel Co., Martinsburg, W. Va.,
FRA-1309, Refined Products

Consumers Fuel Co., Inc. (Consumers), filed an appeal from a remedial order which FEA Region III issued to the firm on April 28, 1977. The remedial order found that during the period November 6, 1973, through July 16, 1974, Consumers sold kerosene and fuel oil at prices which exceeded the maximum price levels permitted in 10 CFR 212.93(a). Therefore, the remedial order directed Consumers to refund overcharges of \$17,547, plus interest, to its customers. In considering the firm's appeal, the DOE determined that Consumers failed to present any material during the course of the proceeding which would support its allegation that the firm's sales of No. 2 fuel oil to its transport load customers were improperly treated in the remedial order. The DOE also determined that Consumers' assertion that the remedial order made no provision for the firm's increased cost of business operations constituted a contention that the underlying price regulations were invalid and was therefore irrelevant to the appeal proceeding. Finally the DOE noted that the financial material which Consumers submitted failed to demonstrate that the firm would experience any significant difficulty in refunding the overcharges. Accordingly, the Consumers appeal was denied.

Cotten, Day & Doyle, Washington, D.C.,
DFA-0009, Freedom of Information

The law firm of Cotten, Day & Doyle (Cotten) appealed from partial denial by the FEA Information Access Officer of a request for information which the firm submitted under the Freedom of Information Act (the Act). In its request for information, Cotten sought a copy of a letter which was submitted to the FEA Office of Exceptions and Appeals by the Guam Oil & Refining Co. (Gorco) in response to a request by the FEA in Case No. FEE-4105. The Information Access Officer released a copy of the letter to Cotten but deleted certain portions on the basis that they contained confidential commercial information which is exempt from disclosure under section 552(b)(4) of the Act. The information deleted consisted of: (i) A description of a contract between Gorco and the U.S. Defense Fuel Supply Center (DFSC), and (ii) the volumes and compositions of certain feedstocks which Gorco utilized in its refinery between 1970 and 1976. In considering Cotten's appeal, the DOE determined that the information concerning the Gorco/DFSC contract which the Information Access Officer withheld had been previously disclosed to the public. The DOE concluded that the information was therefore not confidential under section 552(b)(4) of the Act and should be released to Cotten. With respect to the feedstock volumes which were deleted from the Gorco letter, the DOE determined that this data was sensitive commercial information, the release of which is likely to result in substantial harm to Gorco's competitive position. The DOE therefore concluded that this information was properly withheld under section 552(b)(4) of the Act. Cotten's appeal was accordingly granted in part and denied in part.

NOTICES

Wilson Oil Co., Wabasha, Minn., FRA-1442,
Refined Products

The Wilson Oil Co. (Wilson) appealed from a remedial order which FEA Region V issued to the firm on August 10, 1977. In the remedial order, Region V found that during the period November 1, 1973, through August 31, 1974, Wilson sold motor gasoline and heating oil at prices which exceeded the maximum permissible price levels computed in accordance with 10 CFR 212.93. On the basis of these findings, the FEA ordered Wilson to refund overcharges of \$23,999, plus interest, to its customers. In its appeal, Wilson contended that the remedial order had incorrectly utilized a single, firmwide computation for the purpose of calculating the firm's May 15, 1973, weighted average cost of product in inventory and its current weighted average cost of product in inventory. In this connection, Wilson maintained that it operated two retail outlets which were historically distinct and have maintained separate inventories as well as separate financial and accounting records since 1966. Wilson therefore claimed that its inventory costs should have been calculated separately for these two outlets. In considering the firm's contention, the DOE observed that Wilson's retail outlets comprised a single firm under section 212.31 of the Mandatory Petroleum Price Regulations, which defines a firm as "a parent and the consolidated or unconsolidated entities (if any) which it directly or indirectly controls." Moreover, prior to May 1, 1976, section 212.92 required a firm to calculate its cost of product in inventory on the basis of one firmwide computation, regardless of whether the firm had historically maintained separate inventories at various regional or local supply distribution centers. Consequently, the DOE concluded that the separate inventory computations which Wilson made during the period in which the violation occurred were not permissible practices. The DOE also found that the assessment of interest on the overcharges was appropriate in order to fully compensate Wilson's customers for the excessive amounts which they paid. Since Wilson failed to demonstrate that the remedial order was erroneous in fact or law or was arbitrary or capricious, the firm's appeal was denied.

REQUESTS FOR EXCEPTION

A & N Producing Services, Inc., Jackson, Miss., FFE-4478 Crude Oil

A & N Producing Services, Inc. (A&N), filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted would result in an extension of the exception relief previously granted to the firm and thereby permit it to continue to sell 100 percent of the crude oil produced from the USA well No. 2 lease (USA well) at upper tier ceiling prices. In considering A&N's exception request, the DOE found that the costs incurred in operating the USA well were continuing to increase and that, in the absence of exception relief, the working interests would therefore lack an incentive to produce crude oil from the property. In view of this situation and on the basis of the actual operating data which A&N has presented for the previous 6 months, the DOE concluded that the working interest owners should be permitted to sell at upper tier ceiling prices 56.8513 percent of the crude oil produced on their behalf from the USA well during the 6-month period ending April 30, 1978.

Gennuso's Service, Fresno, Calif., FEE-4140,
Motor Gasoline

Gennuso's Service filed an application for exception from the provisions of 10 CFR 211.9 which, if granted, would result in the termination of the firm's supplier/purchaser relationship with its base period supplier of motor gasoline, the Red Triangle Oil Co. (Red Triangle), and the assignment of a major oil company as the firm's new supplier. Gennuso's Service asserted that it was experiencing difficulties as a result of Red Triangle's refusal since January 1, 1977, to accept the Gulf Oil Corp. credit card as payment for motor gasoline. Gennuso's Service further contended that local representatives of three major oil companies which offer use of their credit cards to their dealers were all unwilling to supply Gennuso's Service with motor gasoline on a long-term basis. In considering the exception request, the DOE concluded that Gennuso's Service failed to demonstrate that its inability to utilize a credit card issued by a major oil company was in any way attributable to the requirements of the DOE regulatory program. The application for exception submitted by Gennuso's Service was accordingly denied.

B. J. Hickman, Kimball, Nebr., FEE-4126,
Crude Oil

B. J. Hickman (Hickman) filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Houtby "J" sand unit (the Houtby unit) located in Kimball, Nebr., at upper tier ceiling prices. In considering the exception application, the DOE found that the cost of producing crude oil from the Houtby unit had increased significantly since 1973 to a level where those costs now exceed the revenues which the firm may realize from the sale of the crude oil at lower tier ceiling price levels. The DOE concluded that under the circumstances, Hickman does not have an incentive to continue producing crude oil from the Houtby unit. The DOE also concluded that it was unlikely that the crude oil in the reservoir underlying the unit would be recovered by any other firm in the absence of exception relief. On the basis of precedents involving similar factual situations, the DOE concluded that the application of the lower tier ceiling price rule resulted in a gross inequity to Hickman. Accordingly, on the basis of the operating data which had been submitted for the unit's most recently completed fiscal period, Hickman was granted exception relief which permits him to sell at upper tier ceiling prices 34.55 percent of the crude oil produced and sold from the Houtby unit for the benefit of the working interest owners.

Martha Jackson, Kermit, Tex., FEE-4058,
Crude Oil

Martha Jackson filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted, would permit Jackson to sell her share of the crude oil produced from the Lum Daugherty "B" lease (the lease) during the period from February 1 through May 31, 1976, at upper tier ceiling prices. In considering the exception application, the DOE found that Jackson had convincingly demonstrated that she had attempted to certify the lease as a stripper well property in accordance with the provisions of 10 CFR 212.131. The DOE therefore concluded that the purchaser of the crude oil should have

paid upper tier ceiling prices for the crude oil involved. In addition, the DOE found that Jackson, a widow living on a fixed income, would experience a financial hardship unless the purchaser of the crude oil paid her the difference between the lower tier and upper tier prices for the crude oil involved. Accordingly, the exception application was granted and the purchaser was directed to pay this sum to Jackson.

Rickelson Oil and Gas Co., Tulsa, Okla., FEE-3597, Crude Oil

Rickelson Oil & Gas Co. (Rickelson) filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell additional quantities of crude oil produced from the Rosa Washington No. 3 well (the Washington well) located in Pottawatomie County, Okla., at upper tier ceiling prices to supplement the exception relief granted in Rickelson Oil & Gas Co., 3 FEA Par. 83.217 (June 7, 1976). In its exception application Rickelson stated that the relief granted in the June 7 decision was insufficient to alleviate the gross inequity which was found to exist. In considering the request, the DOE determined that the actual capital investment necessary to repair the Washington well was substantially greater than that originally projected as a result of the fact that the firm had encountered unanticipated several holes in the well casing. The DOE also found that the firm had significantly underestimated operating expenses for the Washington well. As a result of these forecasting errors, the DOE concluded that if Rickelson were to continue to produce crude oil from the Washington well, the revenues which it would realize from the sale of the crude oil would not afford the firm the 15 percent return on its investment. Exception relief was therefore approved which permits the firm to sell at upper tier ceiling prices an additional portion of the crude oil produced for the benefit of the working interest owners from the Washington well during the remaining life of the investment project.

S&W Engine Supply Co., Oklahoma City, Okla., FEE-4357, Crude Oil

S&W Engine Supply Co. filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Baker Townsend lease located in Oklahoma County, Okla., at upper tier ceiling prices. In considering the exception request, the DOE found that S&W's operating costs had increased to the point where the firm no longer had an economic incentive to continue the production of crude oil from the Baker Townsend lease. The DOE also determined that if S&W abandoned its operations at the Baker Townsend lease, a substantial quantity of domestic crude oil would not be recovered. On the basis of criteria applied in previous decisions, the DOE determined that S&W should be permitted to sell 70.23 percent of the crude oil produced from the Baker Townsend lease for the benefit of the working interest owner at upper tier ceiling prices.

Skelton Operating Co., Inc., Jackson, Miss., FEE-4407, Crude Oil

Skelton Operating Co., Inc., filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted would permit Skelton to sell the crude oil produced from the Lee Beard No. 2

well (the No. 2 well) at upper tier ceiling prices. In considering the exception application, the DOE found that the No. 2 well had generated substantial operating profits for the working interest owners during the 12-month fiscal period June 1, 1976, through May 31, 1977, and that in the absence of any evidence to the contrary, the material which Skelton had submitted indicated that the No. 2 well would remain an economically viable operation even in the absence of exception relief. The DOE also found that Skelton had not submitted any data to indicate that the crude oil reserves underlying the No. 2 well could not be recovered from neighboring properties. Therefore, the DOE concluded that Skelton had failed to establish that the application of the lower-tier ceiling price rule adversely affected the economic incentive of the working interest owners to produce crude oil from the No. 2 well. Accordingly, the exception application was denied.

Tenneco Oil Co., Houston, Tex., FEE-4788, Crude Oil

Tenneco Oil Co. (Tenneco) filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted would permit Tenneco to sell a percentage of the crude oil produced from the South Coast unit, located in St. Mary Parish, La., at upper tier ceiling prices. In considering the Tenneco exception request, the DOE found that operating costs at the South Coast unit had increased to the point where they exceeded the revenues which the firm received from the sale of crude oil at lower tier ceiling prices. Consequently the DOE determined that Tenneco had no economic incentive to continue its operations at the South Coast unit in the absence of exception relief. The DOE also found that the abandonment of the South Coast unit would result in the loss of significant quantities of otherwise recoverable crude oil. Since the mandatory petroleum price regulations were not intended to result in a reduction in the supply of domestic crude oil, the DOE concluded that exception relief should be granted to Tenneco in order to provide the firm with a sufficient economic incentive to continue its production operations. On the basis of the operating data submitted by Tenneco and previous precedents involving similar factual situations, the DOE concluded that the firm should be permitted to sell at upper tier ceiling prices 47.62 percent of the crude oil produced from the South Coast unit for the benefit of the working interest owners for a 6-month period.

Texas Oil & Gas Corp., Dallas, Tex., FEE-4401, Crude Oil

Texas Oil & Gas Corp. (TXO) filed an application for exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would have permitted the firm to sell the crude oil produced from the Pete Rydolph lease (the Rydolph lease) at upper tier ceiling prices. In considering the exception application, the DOE determined that the costs of producing crude oil from the Rydolph lease have increased significantly since 1973, and, as a result of these increased costs, TXO's costs of production now exceed the prices which the firm is permitted to charge for the crude oil produced from the Rydolph lease. Consequently, the DOE concluded that TXO does not have an economic incentive to continue to operate the Rydolph lease. The DOE also found that there would be little possibility that

the recoverable crude oil from the reservoir underlying the lease would be produced by another firm in the absence of exception relief. On the basis of precedents involving similar factual situations, the DOE concluded that the applications of the lower tier ceiling price resulted in a gross inequity to TXO. Accordingly, on the basis of the operating data which the firm submitted for its most recently completed fiscal period, TXO was granted exception relief which permits the firm sell at upper tier ceiling prices 7.11 percent of the crude oil produced and sold for the benefit of the working interest owners from the Pete Rydolph lease.

Whitco, Inc., Dallas, Tex., FEE-4777, Motor Gasoline

Whitco, Inc., filed an application for an extension of exception relief from the provisions of 10 CFR 211.25 (the supplier substitution rule) which the FEA had previously granted to the firm. The previous decision and order directed the Regional Administrator of FEA Region VI to determine whether Whitco would experience a serious hardship of gross inequity in the absence of additional exception relief and to recommend whether the exception relief previously granted to Whitco should be extended. On the basis of the new material submitted by Whitco in this proceeding and the recommendations of the Regional Administrator, the DOE determined that Whitco would continue to experience a serious hardship and a gross inequity in the absence of exception relief. Accordingly, the exception relief previously granted to the firm was extended through December 31, 1977.

4-Way Grocery, Molalla, Ore., FEE-4284, Motor Gasoline

The 4-Way Grocery (4-Way) filed an application for exception from the provisions of 10 CFR 211.9 which, if granted, would result in the termination of its relationship with its base period supplier of motor gasoline, the Stein Oil Co. (Stein), and the assignment of the Union Oil Co. of California (Union) as 4-Way's current supplier. 4-Way stated that it has been purchasing all of its motor gasoline supplies from Union under terms of a contract which only requires Union to make surplus motor gasoline available to 4-Way. 4-Way claimed that in the event of a serious shortage of motor gasoline, Union would have no surplus motor gasoline and 4-Way would be unable to obtain adequate volumes of product from Union. In considering 4-Way's exception request, the DOE found that the firm was currently operating on a profitable basis and its claim that it might in the foreseeable future be prevented from obtaining adequate supplies of surplus motor gasoline from Union was speculative. On the basis of precedents established in a number of previous decisions, the DOE concluded that 4-Way had failed to demonstrate that its adherence to the provisions of the mandatory petroleum-allocation regulations was likely to cause it to experience any serious hardship or gross inequity. The firm's application for exception was accordingly denied.

PETITIONS FOR SPECIAL REDRESS

Clark Oil & Refining Corp., Milwaukee, Wis., DSG-0003; DES-0009, Motor Gasoline

Clark Oil & Refining Corp. (Clark) filed a petition for special redress which, if granted, would have resulted in the issuance of an order quashing a subpoena that DOE

Region V issued to the firm on August 12, 1977. Clark also requested a stay of the provisions of the subpoena pending a final determination on its petition. In considering the Clark petition, the DOE noted that section 205.8(h)(4) of the DOE regulations sets forth criteria governing the review by the Office of Administrative Review of a petition in which a firm seeks to quash a subpoena. That section provides that a preliminary review of the petition will be made in order to determine whether a reasonable probability exists that the petitioner will be able to satisfy the criteria for relief. If the Office of Administrative Review determines that a petition might satisfy those criteria, the petition will be considered on its merits. On the other hand, if the determination is made that the petition fails to meet this threshold standard, the petition will be dismissed. See 41 FR 55322 (December 20, 1976). The DOE reviewed the contention which Clark advanced in its petition and concluded that Clark had failed to demonstrate that an immediate review was warranted to correct substantial errors of law, to prevent substantial injury to legal rights, or to cure a gross abuse of administrative discretion. The Clark petition was therefore dismissed and its application for stay was denied.

Gulf Oil Corp., Los Angeles, Calif., DSG-0001; DES-0004, Motor Gasoline

On November 5, 1976, the FEA Office of Regulatory Programs issued a determination granting Gulf Oil Corp.'s request for termination of its regulatory obligation to maintain supplier/purchaser relationships for the sale of motor gasoline in northern California, northern Nevada, Oregon, and Washington. That order was subsequently appealed, and on March 30, 1977, the FEA Office of Exceptions and Appeals issued a decision and order in which it remanded the November 5 order to the FEA Office of Regulatory Programs for additional findings. In the March 30 decision, the FEA found that the November 5 order failed to sufficiently consider the possible adverse impact which Gulf's withdrawal might have on the distributors and marketers previously supplied by Gulf and on competition in the affected marketing area. Accordingly, the November 5 order was remanded for additional findings regarding the adverse impact which the termination of Gulf's supply obligation could have. In the interim, Gulf was required to maintain its base period supplier/purchaser relationships in the affected area to those firms which had challenged the November 5 order. On October 12, 1977, Gulf filed an application for stay and petition for special redress with the Office of Administrative Review of the Department of Energy, and those submissions were consolidated for consideration in this proceeding. In its submission, Gulf requested that the DOE vacate the stay of the November 5 order and authorize Gulf to discontinue supplying motor gasoline to all of its base period purchasers in the Pacific Northwest. Gulf contended that in the event its request for stay were denied, it would experience an irreparable injury and incur a more immediate hardship than the firms which Gulf is presently required to supply. In response to this claim, the DOE found that Gulf had failed to demonstrate that a termination of its remaining base period supply obligations in the Pacific Northwest would not have an adverse impact on its purchasers in that area, and that until such a determination was made by the DOE, it would be con-

trary to the principles which the FEA set forth in the March 30 decision and inequitable to the potentially aggrieved firms if Gulf's request for stay were granted. In addition, the DOE noted that Gulf had also failed to demonstrate that a denial of its stay request would result in an irreparable injury to the firm. Therefore, Gulf's request for stay was denied. However, the DOE found that the Office of Fuels Regulations had been provided an ample opportunity to issue an amended version of the November 5 order with respect to Gulf's request for withdrawal, and that continued delay was unnecessarily detrimental to Gulf's interest. Consequently the DOE determined that all necessary steps should be taken by the DOE Office of Fuels Regulations so that a final determination would be issued in this matter within 45 days.

REQUESTS FOR STAY

Gas del Oro, Inc.; Gas del Oro International, Inc.; El Dorado Marketing Co. of Laredo, Houston, Tex., FES-1478, Natural Gas Liquid Products

Gas del Oro, Inc., Gas del Oro International, Inc., and El Dorado Marketing Co. of Laredo (Gas del Oro) requested a stay of an order approving exception relief for the Ozona gas processing plant (Ozona) on May 27, 1977. If its request were approved, the DOE Office of Administrative Review would stay the implementation of that order pending the determination of an appeal filed by Gas del Oro to rescind all price increases imposed upon Gas del Oro by Ozona pursuant to the provisions of the May 27 order, and direct Ozona to refund to Gas del Oro all revenues obtained by Ozona by virtue of those price increases. Gas del Oro contended that the financial data on which the FEA relied in issuing the May 27 order differed from data which Gas del Oro obtained from the Texas Railroad Commission, and that the data relied upon by FEA also overstated certain nonproduct costs associated with Ozona's production of natural gas liquids and natural gas liquid products. As a result, Gas del Oro claimed that the level of exception relief granted to Ozona in the May 27 order was excessive. In considering the stay request, the DOE found that Gas del Oro had failed to make a prima facie showing that there exists a substantial likelihood of success on the merits of its appeal because considerable controversy existed regarding the facts of the case. In addition, the DOE determined that the firm had failed to show that it would suffer an irreparable injury, since it had not submitted any financial data whatsoever in its application for stay to demonstrate that it would be damaged by the increased prices for natural gas liquids and natural gas liquid products which Ozona was permitted to charge Gas del Oro under the May 27 decision and order. The firm's application for stay was accordingly denied.

National Helium Corp., Liberal, Kans., DES-0010, Natural Gas Liquid Products

National Helium Corp. (NHC) requested that the provisions of 10 CFR, Part 212, Subpart K, be stayed in order to permit the firm to increase its prices for natural gas liquids and products to the extent specified in a proposed decision and order which the FEA issued to the firm on September 30, 1977. The stay, if granted, would have remained in effect during the period of time in which the DOE was considering a final determination with respect to NHC's statement of objections to the September 30, 1977, proposed decision. In considering NHC's application for stay, the DOE found that NHC had provided no financial data for any other information which demonstrated that the firm would experience an irreparable injury in the absence of a stay. The DOE also determined that NHC had failed to demonstrate that it satisfied any of the other criteria for the approval of a stay. Accordingly, NHC's application for stay was denied.

REQUEST FOR MODIFICATION OR RESCISSION
Univar Corp., Seattle, Wash., FMR-0117, Reporting Requirements

Univar Corp. filed an application for modification of an FEA notice which had been published in the FEDERAL REGISTER on December 16, 1976. That notice identified Univar as a corporation which had consumed at least 1 trillion BTUs of energy during 1975, and was therefore among the 50 most energy-consuming firms in SIC Code 20 (41 FR 54977, December 16, 1976). As a result of that notice, Univar is required to participate in a reporting program under the provisions of section 375 of the Energy Policy and Conservation Act (EPCA). In considering Univar's request, the DOE found that as a result of the termination of certain production activities in SIC Code 20 for the 1978 fiscal year would be substantially less than the amount of energy consumed in 1975 by all reporting firms in SIC Code 20. In addition, the DOE found that Univar's sales revenues in SIC Code 20 for the 1978 fiscal year would be reduced by approximately 27 percent. Consequently, the DOE determined that Univar had experienced "significantly changed circumstances" and concluded that the firm should be relieved of the obligation to report energy consumption data to the DOE under the provisions of section 375 of the EPCA.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued decisions and orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exceptions granted permit the firms involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases:

Company	Case No.	Plant	Amount of price increase (dollars in gallons)
Continental Oil Co.	FEE-4584	Edmond	\$0.0092
	FEE-4585	Frulla	.0052
	FEE-4586	Gillis	.0129
	FEE-4587	Grand Chevier	Denied
	FEE-4588	Hennessey	Denied
	FEE-4589	Nueces River	Denied
	FEE-4590	O'Keene	.005

Company	Case No.	Plant	Amount of price increase (dollars in gallons)
Oetly Oil Co.	FEE-4419	Bay Springs	.0546
	FEE-4420	Cameron	.0475
	FEE-4421	Eunice	.0175
	FEE-4422	Fulley	.0054
	FEE-4423	Hollywood	.0131
	FEE-4424	Marlow	.1009
	FEE-4425	Medicine Lodge	Denied
	FEE-4426	Red Fish Bay	Denied
	FEE-4427	Schafer	.0346
	FEE-4428	Spearman	.0142
Monsanto Co.	FEE-4429	Velma	.0223
	FEE-4430	Venice	.0055
	FEE-4322	Adena	.0451
	FEE-4323	Como	.0372
	FEE-4324	Diamond "M"	.0096
	FEE-4325	Dollarhide	.0162
	FEE-4326	Gillette	.0346
	FEE-4328	Pickler	.0246
	FEE-4329	Spivey	.0119
	FEE-4330	Indian Basin	Denied
Standard Oil Co. (Indiana)	FEE-4551	Levelland	.0082
	FEE-4552	Luby	.0308
	FEE-4553	North Cowden	.0114
	FEE-4554	Old Ocean	.0134
	FEE-4606	Burnell-North Pettus	.0235
	FEE-4607	South Gillock	.0503
	FEE-4608	South Manchester	.0271
	FEE-4609	South Pecan	.0209
	FEE-4610	Thibodaux	.0356
	FEE-4659	Deaver Creek	.0119
	FEE-4660	Kinsler	Denied
	FEE-4661	Midland Farms	.0189
	FEE-4662	Pecola	.0190
	FEE-4663	South Fullerton	.0126
	FEE-4795	Slaughter	.0084

SUMMARY DECISIONS

The following firms filed applications for stay of remedial orders which had been issued to them by the DOE. In considering the stay requests, the DOE referred to a recent Decision in *Rickelson Oil & Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a remedial order will generally be stayed pending the determination of an appeal unless it appeared that the public interest required immediate compliance with the remedial order. Since the record in these cases did not indicate that the public interest required immediate compliance with the remedial order, the DOE granted the requests for stay pending consideration of the appeals.

Har-Ken Oil Co., Inc., Owensburg, Ky., DRS-0028

Paul M. Terada, Palo Alto Calif., DRS-0012

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

"Stix" Gas Co., Inc., Denton, Tex., FEE-4658
Williams Energy Co., Tulsa, Okla., FEE-4408

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a

commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of
Administrative Review.

JANUARY 25, 1978.

[FR Doc. 78-2742 Filed 1-31-78; 8:45 am]

[3128-01]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with Section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of the following meeting:

A meeting of the Industry Working Party (IWP) to the International Energy Agency (IEA) will be held on February 7 and 8, 1978, at the offices of Exxon Corp., 1251 Avenue of the Americas, New York, N.Y., beginning at 9 a.m. on February 7. The agenda is as follows:

1. Discussion of the status of the Standing Group on the Oil Market (SOM) and IWP activities.
2. Discussion of SOM proposal for addition of "Purchases From Other Companies" to Crude Oil Cost Reporting System.
3. Discussion of new SOM proposals for additions to historical financial information reporting system.
4. Preparation of documents for forwarding IWP advice to the SOM on the results of Items 2 and 3.

5. Arrangements for reporting to SOM and future meeting plans.
6. Discussion of future IWP procedures and Chairmanship.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.
Issued in Washington, D.C., January 26, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

[FR Doc. 78-2743 Filed 1-31-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

[ERA Docket No. WAPA 78-1]

CENTRAL VALLEY PROJECT, WESTERN AREA POWER ADMINISTRATION

Amendment to Notice of Intent To Act on Proposal for Interim Rates

On January 17, 1978, the Department of Energy issued a Notice of Intent to Act on Proposal for Interim Rates for the Central Valley Project, Western Area Power Administration, 43 FR 3158 (January 23, 1978). The Notice invited interested parties to submit written comments relevant to the proposed interim rates by February 22, 1978.

Section 501(c)(1) of the Department of Energy Organization Act, Pub. L. 95-91, requires that an opportunity for the oral presentation of views, data, and arguments be provided if the Secretary of energy "determines that a substantial issue of fact or law exists or that such rule, regulation, or order is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses . . .". While there has not been such a Secretarial determination, DOE wishes to afford interested parties the opportunity to make oral presentations relevant to the proposed interim rates.

The DOE, therefore, hereby amends the January 17, 1978, Notice, 43 FR 3158 (January 23, 1978), by advising the public that an opportunity for an oral presentation will be afforded upon request. Any person who has an interest in this matter or is a representative of a group or class of persons that has an interest in it, may make a written request for an opportunity to make an oral presentation at a public hearing. Such a request can be mailed or hand delivered to: Office of Regulations Management, Box RH, Department of Energy, 2000 M Street NW., Room 2214, Washington, D.C. 20461, and must be received before 4:30 p.m., e.s.t., February 15, 1978. The request shall state the name of the person making the request, identify the interest represented and if appropriate, state why he or she is a proper repre-

sentative of a group or class of persons that has such an interest, give a concise summary of the proposed oral presentation, and give a telephone number where the person may be contacted.

The public hearing will be held in Room 1140, Federal Building, 2800 Cottage Way, Sacramento, Calif., on February 27, 1978, at 9:30 a.m., and will be continued if necessary.

DOE reserves the right to select the persons to be heard and to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited based on the number of persons requesting to be heard.

It is not contemplated that the public hearing will be adjudicative in nature. A DOE official will be designated to preside at the hearing and any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding official. Each person selected to be heard will be notified by DOE before 4:30 p.m., e.s.t., on February 21, 1978.

Interested persons who wish to submit written comments are reminded that such comments are due on or before February 22, 1978, as provided in the original Notice published in the FEDERAL REGISTER on January 23, 1978 (43 FR 3158).

The hearing record will be available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Issued in Washington, D.C., January 26, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Util-
ity Systems, Economic Regula-
tory Administration.

[FR Doc. 78-2740 Filed 1-31-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. G-6296, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES

JANUARY 24, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications

This notice does not provide for consolidation for hearing of the several matters covered herein.

and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 22, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon

the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-6296 C 12/15/77	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co. Certain acreage located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of sec. 11, T26S, R37E, Lea County, N. Mex. (limited to the Leonard Queen South and Penrose Formations).	(¹)	14.65
G-11637 C 1/9/78	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Langley Mattox Field, Lea County, N. Mex.	(¹)	14.65
G-11637 C 1/9/78	Gulf Oil Corp.	do.	(¹)	14.65
G-13633 D 1/11/78	Pennzoil Producing Co., P.O. Box 2907, Houston, Tex. 77001.	Coastal States Gas Producing Co., Hidalgo Field, Hidalgo County, Tex.	Contract termination.	
C174-528 C 1/9/78	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., J.B. Tubbs Wells Nos. 131 and 138, Sand Hills Field, Crane County, Tex.	(¹)	14.65
C175-16 C 1/10/78	Exxon Corp.	Columbia Gas Transmission Corp., Grand Isle, Block 16 Field, offshore Louisiana.	(¹)	15.025
C175-25 C 1/13/78	Arkla Exploration Co., P.O. Box 21734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., Sun Oil Co.'s Olinkraft "A" No. 1 Well, sec. 23, T21N R11W, Ivan Field, Bossier and Webster Parishes, La.	(¹)	15.025
C178-288 B 12/9/77	Maguire Oil Co., 4200 First National Bank Bldg., Dallas, Tex. 75202.	Aminco USA, Alfalfa & Major Co., Oklahoma.	Selling direct to Panhandle Eastern to allow applicant to collect area rate for gas.	(¹) 15.025
C178-290 A 12/30/77	Alminex U.S.A., Inc., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., South Marsh Island Area, Blocks 243 and 244, offshore Louisiana.		
C178-291 B 1/6/78	B. R. Polk, Inc., Tom W. Klos, Land Department, First National Center, Oklahoma City, Okla. 73102.	Cities Service Gas Co., Depleted, Eureka, Grant County, Okla.		
C178-292 A 1/6/78	Dorchester Exploration, Inc., 1100 Midland National Bank Tower, Midland, Tex. 79701.	Northern Natural Gas Co., Horsecreek NW. (Morrow Lo) Field, Schoenhals No. 1 Well, Lipscomb County, Tex.	(¹)	14.73
C178-294 G-16671 B 1/9/78	Eugene Richardson, (successor in interest to Dorchester Gas Producing Co.), P.O. Box 367, White Deer, Tex. 79097.	Northern Natural Gas Co., sec. 26, Block 7, I. & G.N. Survey, Carson County, Tex.	Depleted.	
C178-295 B 1/9/78	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Northern Natural Gas Co., Kiowa Creek Field, Lipscomb County, Tex.	Depleted, plugged and abandoned.	

NOTICES

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI78-298 CI70-228 B 1/9/78 CI78-297 A 1/10/78	Highland Resources, Inc., 800 San Jacinto Bldg., Houston, Tex. 77002. Bethlehem Steel Corp., Bethlehem, Pa. 18016.	Trunkline Gas Co., North Lake Misere Field, Cam- eron Parish, La. Transcontinental Gas Pipe Line Corp., east one-half (E½) of Block 148 and the Southwest Quarter (SW¼) of Block 149, South Timbalier Area, Federal Domain, offshore Louisiana.	Nonproduction and all leases expired. (¹)	15.025
CI78-298 A 1/10/78	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Tucker "II" No. 1 Well in the Panoma Council Grove Field, Grant County, Kans.	(¹)	14.65
CI78-299 A 1/11/78	Pennzoil Producing Co., P.O. Box 2987, Houston, Tex. 77001.	United Gas Pipe Line Co., Hidalgo Field, Hidalgo County, Tex.	(¹)	14.73
CI78-300 B 1/12/78	Sabine Oil Industries, Inc., 801 First National Bldg., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., West Clearlake Field, Beaver County, Okla.	Applicant is filing because Casinghead gas production has ceased.	
CI78-301 B 1/12/78	F. J. Spaeth d.b.a. Spa En- terprises; Geological Ex- ploration Co., a Texas corporation wholly owned by Mr. F. J. Spaeth, (successor in all interest of F. J. Spaeth d.b.a. Spa Enterprises), 101 Bramlette Bldg., Longview, Tex. 75601.	Lone Star Gas Co., a divi- sion of Enserch Corp., Henderson Field, Rusk County, Tex.	(¹)	
CI78-303 A 1/12/78	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., High Island A-388 Field, offshore Loui- siana.	(¹)	15.025
CI78-304 A 1/12/78	Shell Oil Co.	Natural Gas Pipeline Co. of America, Vermilion Area, Block 339, OCS-G-2090 and Block 340, OCS-G- 2091, offshore Louisiana.	(¹)	15.025
CI78-305 A 1/13/78	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Trunkline Gas Co., High Island Block A-350 and West Cameron Block 833, offshore Texas/Louisiana.	(¹)	14.65 15.025
CI78-306 A 1/13/78	Kewanee Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Columbia Gas Transmission Corp., Farnsworth "A" and Woofert leases locat- ed in Troy District, Ollmer County, W. Va.	(¹)	14.85
CI78-307 A 1/18/78	Northern Natural Gas Pro- ducing Co., 3 Greenway Plaza East, suite 800, Houston, Tex. 77046.	Northwest Pipeline Corp. Certain acreage in the Baxter Pass, South Field, Garfield County, Colo.	(¹)	14.73
CI78-308 A 1/18/78	Transocean Oil, Inc., 1700 First City East Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co. Dakota formation under- lying the Northeast Quar- ter (NE¼), sec. 31, T24N, R3W, Rio Arriba County, N. Mex.	(¹)	14.73
CI78-309 A 1/18/78	Southland Royalty Co., 1800 First National Bldg., Forth Worth, Tex. 76102.	Panhandle Eastern Pipe Line Co., Tonkawa and Chester Formations from the Buckland No. 1-8 Well located in sec. 8, T25N, R15W and from the Buck- land No. 7-81 Well located in sec. 9, T25N, R15W, Woods County, Okla.	(¹)	14.65
CI78-310 A 1/17/78	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Southern Natural Gas Co., Casinghead gas in Block 288, main pass area, east addition, offshore Louisi- ana.	(¹)	15.025
CI78-311 A 1/17/78	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartles- ville, Okla. 74004.	Southern Natural Gas Co., Kerr-McGee, et al., State lease No. 1230, Well No. 1 (Phillips State lease 1230, Well No. 8) located in Block 38, Breton Sound Area, Plaquemines Parish, La.	(¹)	15.025
CI78-312 D 1/17/78	Hellar Drilling Co., Inc., 710 Petroleum Bldg., Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc. Simpson Formation produced from performations of 4,058 ft to 4,065 ft in the Sulter No. 1 Well located in the Northwest Quarter (NW¼) of sec. 12, T24S, R15W, Stafford County, Kans.	Depleted.	

FEDERAL REGISTER, VOL. 43, NO. 22—WEDNESDAY, FEBRUARY 1, 1978

NOTICES

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI78-313 A 1/18/78	Ashland Exploration, Inc., P.O. Box 1503, Houston, Tex. 77001.	Cities Service Gas Co., Fitz- mann No. 1-6 Well, locat- ed in sec. 6, T28N, R3E, Kay County, Okla.	(¹)	14.65
CI78-314 A 1/18/78	Enserch Exploration, Inc., 1817 Wood St., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, Blocks A-327 and A-332, High Island Area, east addition, south extension, offshore Texas.	(¹)	14.65
CI78-315 A 1/18/78	Enserch Exploration, Inc.	Natural Gas Pipeline Co. of America, Block A-511, High Island Area, east ad- dition, south extension, offshore Texas.	(¹)	14.65

¹ Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
² Applicant is filing under supplemental Casinghead Gas contract dated Oct. 5, 1977.
³ Applicant is filing under supplemental Casinghead Gas contract dated Dec. 15, 1977.
⁴ Applicant is filing under supplemental Casinghead Gas contract dated Oct. 17, 1977.
⁵ Applicant is filing under gas purchase contract dated Dec. 15, 1977.
⁶ Applicant filed to reflect its sale from interstate to intrastate due to Lone Star's realignment of its system from interstate to intrastate as authorized by Commission order of Dec. 18, 1972, in docket No. CP70-313.
⁷ Applicant agrees to accept an initial rate determined in accordance with opinion No. 749.

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

(PF-88; FRL 850-3)

PESTICIDE PETITION

Filing

FMC Corp., Agricultural Chemical Division, 2000 Market Street, Philadelphia, Pa. 19103, has submitted a petition (PP 8F2034) to the Environmental Protection Agency (EPA) which proposes that 40 CFR 180 be amended be establishing a tolerance for residues of the insecticide permethrin (3-phenoxypheyl) methyl (±) cis-trans-3-(2,2-dichloroethylethyl) - 2,2 - di-methyl-cyclopropanecarboxylate in or on the raw agricultural commodities cottonseed at 0.5 part per million and milk, fat, meat and meat by-products of cattle, horses and sheep at 0.05 part per million. The proposed analytical method for determining residues is by gas chromatographic procedure using electron capture and/or electrolytic conductivity. Notice of this submission is given pursuant to the provisions of Section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the FEDERAL REGISTER Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 17, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by

telephone at 202-426-9425. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: January 26, 1978.

HERBERT S. HARRISON,
Acting Director,
Registration Division.

[FR Doc. 78-2793 Filed 1-31-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM
PHILADELPHIA NATIONAL CORP.Proposed Acquisition of Colonial Mortgage
Service Co. Associates, Inc.

Philadelphia National Corp., Philadelphia, Pa., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire, through a wholly-owned subsidiary known as Colonial Mortgage Service, Inc., Philadelphia, Pa., all of the voting shares of Colonial Mortgage Service Co. Associates, Inc., Kensington, Md. Notice of the application was published on December 12, December 7, and December 6, 1977, in The Washington Post, The Baltimore Sun and the Virginia Pilot-Ledger Star, respectively, newspapers circulated in Washington, D.C., Baltimore, Md., and Virginia Beach, Va., respectively.

Applicant states that the proposed subsidiary would engage in the activi-

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ties of originating FHA, VA and conventional residential mortgage loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 20, 1978.

Board of Governors of the Federal Reserve System, January 24, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-2733 Filed 1-31-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

INDIAN EDUCATION

Acceptance of Nominations for Membership on the National Advisory Council on Indian Education; Closing Date

Introduction. In accordance with 20 U.S.C. 1221g, "National Advisory Council on Indian Education," announcement is hereby made that the Commissioner of Education will accept nominations for Indians and Alaska Natives, as defined below, in order to make recommendations of individuals to the President of the United States for membership on the National Advisory Council on Indian Education. The National Advisory Council on Indian Education consists of fifteen (15) members who are Indians and Alaska Natives appointed by the President. Such appointments shall be made by the President from lists of nominees furnished, from time to time, by

Indian tribes and organizations, and shall represent diverse geographic areas of the country.

(Pub. L. 92-318, section 442(a), 20 U.S.C. 1221g(a).)

Nominations submitted to the Commissioner of Education by Indian tribes and organizations must be received no later than March 31, 1978. Nominations are being requested in order to make recommendations for five (5) membership positions, which will be vacated in the fall of 1978. Each Presidential appointment will be for a term of three years ending September 29, 1981.

(20 U.S.C. 1233b(a)(1).)

2. Functions of the Council. The Council is directed to: (a) Submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner of the Office of Indian Education;

(20 U.S.C. 1221f(a).)

(b) Advise the Commissioner of Education with respect to the administration (including the development of regulations and administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (Pub. L. 81-874) and section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (both as added by Title IV of Pub. L. 92-318), and with respect to adequate funding thereof;

(c) Review applications for assistance under Title III of the Act of September 30, 1950 (Pub. L. 81-874), section 810 of Title VIII of the Elementary and Secondary Education Act of 1965, and section 314 of the Adult Education Act (all as added by Title IV of Pub. L. 92-318), and make recommendations to the Commissioner with respect to their approval;

(d) Evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(e) Provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(f) Assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (Pub. L. 81-874) (as added by Title IV, Part A, of Pub. L. 92-318); and

(g) Submit to the Congress not later than June 30 of each year a report on its activities, which shall include any recommendations it may deem neces-

sary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such programs.

(Pub. L. 92-318, section 442(b) 20 U.S.C. 1221g(b); 20 U.S.C. 1233b(a)(2).)

3. Nomination review procedure. The Deputy Commissioner for Indian Education will gather members of the Office of Indian Education staff to screen nominations received and address appropriate criteria including those set out below. Lists of primary and alternate recommended individuals will be compiled as a result of this session and will be forwarded to the Commissioner of Education for review. These lists will be accompanied by a listing of all individuals nominated.

The Commissioner of Education will make recommendations to the Secretary of Health, Education, and Welfare and forward primary and alternate lists of recommended nominees for the Secretary's review, which will be accompanied by the complete listing of all individuals nominated.

The Secretary of Health, Education, and Welfare will then forward his recommendations and the complete list of all nominations received to the President of the United States for necessary action.

4. Definition. "Indian" means any individual who (a) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (b) is considered by the Secretary of the Interior to be an Indian for any purpose, or (c) is an Eskimo or Aleut or other Alaska Native.

(Pub. L. 92-318, section 453, 20 U.S.C. 1221h.)

5. Nominations. Nominations submitted to the Commissioner of Education should be made according to the following categories: (a) Professional educators, (b) laypersons involved in education, (c) students, and (d) individuals with other than education experience.

Nominations from the category of professional educators, particularly those individuals with expertise in the areas of early childhood, elementary, vocational, special, and adult education, will be stressed for this year's recommendations by the Commissioner of Education, but nominations from all categories will be accepted. Also, nominations of women and Indians representing urban areas are encouraged this year in order to maintain a

balance with the remaining Council members. The categories are explained further below.

Nomination categories. (a) Individuals with active experience as professionals in the areas of early childhood, elementary, secondary, higher, special, vocational, and adult education, for example: teachers/professors, administrators, specialists (e.g., curriculum, language, math, etc.), counselors, researchers, or other education professionals.

(b) Individuals with active experience as laypersons involved with education, for example: school board members, Parent/Teacher Association members, parents of school-age children, or those with other lay involvement.

(c) An Indian student who is a college student or who has reached his or her junior year of high school at the time of nomination.

(d) Individuals who do not have education experience and preferably those individuals who have experience in a field involving Indian affairs.

6. Recommendations. Dependent upon the nominations received, it is anticipated that the five recommended nominees will all be from the category of professional educators, in order to maintain a balance with the remaining Council members. Attempts will be made to recommend individuals representing diverse geographic areas of the country, particularly from those areas with large Indian populations. Also dependent upon the nominations received, it is anticipated that four of the five recommended nominees will be from urban areas and that at least three of the five recommended nominees will be women. The Deputy Commissioner for Indian Education will consider the following factors in selecting individuals to be recommended for appointment: Indian education experience; general education experience; education expertise in the areas of early childhood, elementary, vocational, special, and adult education; education background; previous council or committee experience; honors and awards received; and organizational memberships. Nominees will also be considered on the basis of their knowledge of and experience with both local community and national issues.

7. Nomination procedure. Nominations submitted to the Commissioner of Education must be submitted on Office of Education Form OE-543, which may be obtained by writing or calling the Office of Indian Education, U.S. Office of Education, FOB-6, Room 2177, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-8060.

A. Nominations sent by mail. A nomination sent by mail should be addressed as above. A nomination sent by mail will be considered to be re-

ceived on time by the Office of Indian Education if:

(1) The nomination was sent by registered or certified mail not later than March 27, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The nomination is received on or before the closing date by either the Department of Health, Education, and Welfare, or the Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner of Education will rely on the time date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. Hand-delivered nominations. A nomination to be hand delivered must be taken to the Office of Indian Education, Room 2177, Federal Office Building Six, 400 Maryland Avenue SW., Washington, D.C. Hand-delivered nominations will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Nominations will not be accepted after 4 p.m. on the closing date.

8. Incomplete forms. Incomplete forms will be returned to the nominating Indian tribe or organization accompanied by a checklist detailing information necessary for completion. Completed forms must be received by the Office of Indian Education no later than March 31, 1978 or not later than fifteen (15) days after the date on the checklist in order to be considered for recommendation by the Commissioner.

Dated: January 26, 1978.

ERNEST L. BOYER,
Commissioner, of Education.

[FR Doc. 78-2755 Filed 1-31-78; 8:45 am]

[4110-02]

STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM—ADVANCED INSTITUTIONAL DEVELOPMENT PROGRAM

Extension of Closing Date for Receipt of Applications

Notice is given that the January 26, 1978, deadline for filing applications under the Strengthening Developing Institutions—Advanced Program as authorized by section 304 of Title III of the Higher Education Act of 1965, as amended (20 U.S.C. 1054), published in the FEDERAL REGISTER on November 28, 1977, is extended to February 8, 1978.

A. Application forms and information: Further information and application forms may be obtained from the

Advanced Institutional Development Branch, Division of Institutional Development, Bureau of Higher and Continuing Education, Office of Education, 400 Maryland Avenue SW. (Regional Office Building 3, Room 3058), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

B. Applications sent by mail: An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: Advanced 13.454A, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 3, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. Hand-delivered applications: An application to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. (Washington, D.C. time), except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

D. Program information: In formulating proposals, potential applicants should be aware of the amount of funds available for the Advanced Institutional Development Program for fiscal year 1978. A total of \$68,000,000 is requested and will be distributed as follows:

The program will award approximately 20 to 26 new grants to four-year developing colleges and universities and approximately 9 to 12 new grants to two-year developing colleges.

The grants will range in size from \$1,000,000 to \$3,500,000 and will cover a period of three to five years. Applications for new grants will be accepted from (1) institutions not currently in the program and (2) grantees whose grants expire on or before December 31, 1978. All grants will be new awards; no funds are reserved for continuation awards.

The above statement with regard to the expected distribution of funds is basically for informational purposes and does not bind the Office of Education except as may be required by the applicable statute and regulation.

E. For further information contact: Dr. Anita F. Allen, Chief Advanced Institutional Development Branch, Division of Institutional Development, Bureau of Higher and Continuing Education, 7th and D Streets SW., Washington, D.C. 20202, Telephone 202-245-9754.

F. Applicable regulations: The regulations applicable to this program are the Strengthening Developing Institutions Program Regulations (45 CFR Part 169) and the Office of Education General Provisions Regulations (45 CFR Part 100a).

(20 U.S.C. 1054)

(Catalog of Federal Domestic Assistance No. 13.454A: Strengthening Developing Institutions)

Dated: January 30, 1978.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc. 78-2886 Filed 1-31-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(F-14909-A)

ALASKA

Publication: Alaska Native Claims Selection

On January 13, 1964, pursuant to section 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1970)), the State of Alaska filed general purposes grant selection applications for the following lands:

Serial No.	Township	Umat Meridian, Alaska
F-031814	T. 10 N., R. 4 E., all, excluding any lands lying within Naval Petroleum Reserve No. 4.	
F-031823	T. 10 N., R. 5 E., all, excluding any land lying within Naval Petroleum Reserve No. 4.	
F-031813	T. 11 N., R. 4 E., all, excluding any lands lying within Naval Petroleum Reserve No. 4.	
F-031812	T. 12 N., R. 4 E., all, excluding any lands lying within Naval Petroleum Reserve No. 4.	

The above then unsurveyed and were tentatively approved to the State by decision dated November 23, 1964. By decisions dated February 7 and 19, and April 10, 1969, the tentative approvals were modified to conform the acreage to that shown on the official plats of survey.

On June 16, 1972, the State amended each of the above applications to include all unpatented lands in each township selected which included those lands withdrawn by Executive Order 3797-A, dated February 27, 1923, as amended, establishing what is now known as the National Petroleum Reserve in Alaska. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select vacant, unappropriated and unreserved public lands in Alaska.

Therefore, in view of the above, the following State selection applications must be and are hereby rejected as to those lands lying within the National Petroleum Reserve in Alaska as follows:

Serial No.	Legal description	Acres
F-031814	T. 10 N., R. 4 E., tracts B and C, all.	21,768.08
F-031823	T. 10 N., R. 5 E., tracts B and C, all.	3,052.57
F-031813	T. 11 N., R. 4 E., tract B, all.	14,079.50
F-031812	T. 12 N., R. 4 E., tract B, all.	5,020.94
	Aggregating 43,921.17 acres.	

On November 15, 1973, Kuugpik Corp., Inc., for the Native village of Nooksut (Nuiqsut, Nuiqsat), filed selection application F-014909-A under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)) for the surface estate of certain lands in the Nooksut area including lands within the subject State selections.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by section 11(a). Section 11(a)(2) further withdrew for possible selection by the Native corporation those lands within the townships described in section 11(a)(1) that had been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act. Section 12(a) further provided, however, that no village corporation may select more than 69,120 acres from lands withdrawn by section 11(a)(2).

The lands described below were properly selected by Kuugpik Corp., Inc. in village selection application F-14909-A pursuant to section 12(a)(1) of the act. Accordingly, the following State selection applications, filed on January 13, 1964, as amended, must be and are hereby rejected and tentative

approvals granted November 23, 1964, as modified, are hereby rescinded as to the lands described below:

Serial No.	Description
F-031814	T. 10 N., R. 4 E., all those portions of Tract "A" within (protracted) sections 2 and 11; All that portion of Tract "D" within (protracted) section 13. Containing approximately 195 acres.
F-031823	T. 10 N., R. 5 E., all those portions of Tract "A" within (protracted) sections 17, 18, 20, and 29. Containing approximately 1,433 acres.
F-031813	T. 11 N., R. 4 E., all those portions of Tract "A" within (protracted) sections 3, 10, 14, 15, 16, 22, 23, 26, 27, 34, and 35. Tract C, all. Containing approximately 3,642.43 acres.
F-031812	T. 12 N., R. 4 E., all those portions of Tract "A" within (protracted) sections 5 through 9, 16, 17, 20, and 21. Containing approximately 3,157 acres. Aggregating approximately 8,427.43 acres.

Further action on the above State selection applications as to those lands not rejected herein will be taken at a later date.

The total amount of State selected lands rejected to permit the conveyance hereinbelow approved totals approximately 8,427.43 acres, which is less than the 69,120 acres available for selection pursuant to section 12(a)(1) of the Alaska Native Claims Settlement Act.

As to the lands described below, the application submitted by Kuugpik Corp., Inc., as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 43,020 acres, is considered proper for acquisition by Kuugpik Corp., Inc., and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

Serial No.	Description
F-031814	T. 10 N., R. 4 E., all those portions of Tract "A" within (protracted) sections 2, east of the highest high water mark on the western bank of the Nechelek Channel of the Colville River; All that portion of Tract "A" within (protracted) section 11; All that portion of Tract "D" within (protracted) section 13. Containing approximately 52 acres.

PARAGRAPH C

UMIAT MERIDIAN, ALASKA

T. 10 N., R. 5 E., All that portion of Tract "A" within the N $\frac{1}{4}$ of (protracted) section 17; All that portion of Tract "A" within (protracted) section 18. Containing approximately 679 acres.

T. 11 N., R. 4 E., That portion of Tract "A" more particularly described as (protracted): Secs. 3, 10, 14, and 23, all those portions east of the highest high water mark on the western bank of the Nechelek Channel of the Colville River. Containing approximately 87 acres.

T. 12 N., R. 4 E., That portion of Tract "A" more particularly described as (protracted): Sec. 5, all that portion north of the highest high water mark on the southern bank of the Nechelek Channel of the Colville River. Containing approximately 5 acres. Aggregating approximately 823 acres.

PARAGRAPH B

UMIAT MERIDIAN, ALASKA

T. 10 N., R. 4 E., Tract "C", and those portions of Tracts "A" and "B" more particularly described as (protracted): Sec. 2, all those portions lying west of the highest high water mark on the western bank of the Nechelek Channel of the Colville River. Containing approximately 621 acres.

T. 10 N., R. 5 E., All that portion of Tract "A" within the S $\frac{1}{4}$ of (protracted) section 17; All those portions of Tract "B" within (protracted) sections 17, 18, 20 and 29; All those portions of Tract "A" within (protracted) sections 20 and 29. Containing approximately 1,856 acres.

T. 11 N., R. 4 E., Those portions of Tracts "A" and "B" more particularly described as (protracted): Sec. 3, all that portion west of the highest high water mark on the western bank of the Nechelek Channel of the Colville River; Secs. 4 and 9, all; Secs. 10 and 14, all that portion west of the highest high water mark on the western bank of the Nechelek Channel of the Colville River; Secs. 15 and 16, all; Secs. 22 and 23, all; Secs. 26 and 27, all; Secs. 34 and 35, all; Tract C, all. Containing approximately 8,233 acres.

T. 12 N., R. 4 E., Those portions of Tracts "A" and "B" more particularly described as (protracted): Sec. 5 (fractional), all that portion south of the highest high water mark on the southern bank of the Nechelek Channel of the Colville River; Secs. 6, 7 and 8 (fractional), all; Secs. 9 and 16, all; Secs. 17, 20, 21, 28, and 34 (fractional), all. Containing approximately 4,049 acres. Aggregating approximately 14,759 acres.

T. 10 N., R. 4 E., All those portions of Tract "B" within (protracted) sections 11, 13, 14, and 24. Containing approximately 2,527 acres.

T. 10 N., R. 5 E., All those portions of Tract "B" within (protracted) sections 19, 30, and 31. Containing approximately 1,860 acres.

T. 12 N., R. 4 E., All those portions of Tract "B" within (protracted) sections 19, 29, 30, 31, 32, and 33. Containing approximately 2,629 acres.

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 12 N., R. 2 E., Sec. 1 (fractional), all. Containing approximately 615 acres.

T. 12 N., R. 2 E., Sec. 1 (fractional) all. Containing approximately 615 acres.

T. 12 N., R. 3 E. (fractional), All. Containing approximately 18,232 acres.

T. 13 N., R. 2 E. (fractional), All. Containing approximately 1,575 acres. Aggregating approximately 27,438 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975d;

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file F-14909-EE, are reserved to the United States and subject to further regulation thereby:

(a) (EIN 1 C3, D1) An easement for an existing access trail fifty (50) feet in width from the coast in section 36, T. 13 N., R. 2 E., Umat Meridian, southerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(b) (EIN 4 C3, D1, L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the

entire bed of the Colville River from the south boundary of T. 10 N., R. 5 E., Umat Meridian, to its mouth on the Nechelek Channel of the Colville River from its source to Harrison Bay. Purpose is to provide for public use of waters having highly significant present recreational use.

(c) (EIN 5 C3, C5, D1, D9) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

(d) (EIN 10 C4) An easement for a secondary airstrip one thousand (1,000) feet in width and six thousand (6,000) feet in length on the site of the existing airstrip at Nooksut located in section 18, T. 10 N., R. 5 E., Umat Meridian. The site easement is minimum for public safety. Purpose is to provide access to public waters and to public lands and mineral resources in National Petroleum Reserve in Alaska.

(e) (EIN 11 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

(f) (EIN 12 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during period of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements shall require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

(g) In addition to the foregoing, the United States incorporates by reference the agreement of May 14, 1974, between the United States Department of the Navy, Arctic Slope Regional Corporation, Kuugpik Corp., Inc., and three other Native village corporations, and reserves those easements necessary to implement said agreement. A copy of the agreement is located in Bureau of Land Management file F-14909-EE.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

4. The terms and conditions of the agreement dated August 6, 1976 between the Secretary of the Interior, Arctic Slope Regional Corp., Kuugpik Corp., Inc. and the seven other Arctic Slope village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Kuugpik Corp., Inc., serialized F-14909-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Kuugpik Corp., Inc., is entitled to conveyance of 115,200 acres of land selected pursuant to section 12(a) of the Alaska Native Claims Settlement Act. Upon this initial conveyance of the 43,020 acres described herein, a total of approximately 72,180 acres will remain to be conveyed to the corporation before the village reaches full 12(a) entitlement. The remaining entitlement will be conveyed at a later date.

Pursuant to section 14(f) of the Alaska Native Claims Settlement Act conveyance of the subsurface estate of the lands described in paragraph A above shall be granted to the Arctic Slope Regional Corp. when conveyance is granted to Kuugpik Corp., Inc., for the surface estate, and shall be subject to the same conditions as the surface conveyance. The lands described in paragraph B above are considered to be involved in the National Petroleum Reserve in Alaska (NPR-A) boundary dispute; conveyance of the subsurface estate of the portion of these lands which actually lie outside

NPR-A will be issued to the Arctic Slope Regional Corp., pursuant to section 14(f) of the Alaska Native Claims Settlement Act, when a final determination of the boundary has been made. It should be noted that no conveyance will be issued to the Arctic Slope Regional Corp. for the subsurface estate of the lands described in paragraph C, which lie within NPR-A. Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that when a village corporation selects the surface estate to lands within this reserve, the regional corporation may make in lieu selections of the subsurface estate, in an equal acreage, from other lands withdrawn by subsection 11(a) of the act; therefore, Arctic Slope Regional Corp. is entitled to approximately 27,438 acres in lieu subsurface estate, which equals the acreage in paragraph C to be conveyed to Kuugpik Corp., Inc. Additional in lieu lands equal in acreage to those in paragraph B, if any, which are determined to lie within NPR-A will also be conveyed to Arctic Slope Regional Corp. at a later date.

No determination of navigability or tidal influence affecting the inland water bodies within the lands herein described is necessary as the lands were withdrawn by Public Land Order No. 82 (43 FR 1796, February 3, 1943) when the Alaska Statehood Act of July 7, 1958 was passed (see 72 Stat. 339, 343; 48 U.S.C. Ch. 2, sec. 6(m) (1970)); therefore, the lands beneath tidal or navigable water bodies did not vest in the State pursuant to the Submerged Lands Act of May 22, 1953 (67 Stat. 29, 32, section 5; 43 U.S.C. Ch. 29, 1313(a) (1970)).

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until March 3, 1978, to file an appeal.

3. Any party known or unknown who may claim a property interest which is

adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claim Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and the requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

If an appeal is taken, the adverse parties to be served are:

Kuugpik Corp., Inc., Noolksut (Nuiqsut), Alaska 99724.
Arctic Slope Regional Corp., P.O. Box 129, Barrow, Alaska 99723.
State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

(FR Doc. 78-2739 Filed 1-30-78; 8:45 am)

[4310-84]

(M 34079-A)

MONTANA

Application

JANUARY 24, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 185 (1970 Supplement V), Kansas-Nebaska Natural Gas Co., Inc., has applied for a natural gas pipeline right-of-way across Federal lands within the following sections:

PRINCIPAL MERIDIAN, MONTANA

T. 36 N., R. 30 E.,
Secs. 1, 10, 11, 14, 15, and 23.
T. 37 N., R. 30 E.,
Secs. 2, 3, 11, 12, 13, 14, 18, 19, 25, 26, 28, 30, 32, 33, and 35.
T. 32 N., R. 31 E.,
Secs. 1, 2, 11, 23, 25, 26, 35, and 36.
T. 33 N., R. 31 E.,
Secs. 2, 3, 11, 12, and 13.
T. 34 N., R. 31 E.,
Secs. 1, 2, 3, 12, 13, 22, 23, 24, 25, 26, and 35.
T. 35 N., R. 31 E.,
Secs. 10, 11, 14, 23, 24, and 26.
T. 36 N., R. 31 E.,
Secs. 2, 3, 5, 6, 7, 10, 11, 15, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, and 30.
T. 37 N., R. 31 E.,
Secs. 4, 5, 6, 7, 8, 9, 10, 14, 15, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, 33, and 34.
T. 30 N., R. 32 E.,
Secs. 2, 10, 11, 12, and 15.
T. 31 N., R. 32 E.,
Secs. 5, 10, 15, and 24.
T. 32 N., R. 32 E.,
Sec. 6.
T. 33 N., R. 32 E.,
Secs. 3, 4, 7, 8, 9, 10, 14, 18, 19, 20, 23, and 26.
T. 34 N., R. 32 E.,
Secs. 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 21, 27, 28, 30, 33, and 34.

[4310-84]

(NM 32513, 32603, 32604, 32605, and 32606)

NEW MEXICO

Applications

JANUARY 23, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 N., R. 3 W.,
Sec. 31, NE¼NE¼.
T. 29 N., R. 7 W.,
Sec. 4, SW¼SE¼.
T. 31 N., R. 10 W.,
Sec. 14, lots 3 and 4.
T. 31 N., R. 11 W.,
Sec. 4, lots 9, 10, and NW¼SE¼.

These pipelines will convey natural gas across 0.730 of a mile of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

MARIE D. LARRAGOITE,
Acting Chief, Branch of
Lands and Minerals Operations.

(FR Doc. 78-2754 Filed 1-31-78; 8:45 am)

[4310-70]

National Park Service

CONSULTING COMMITTEE TO THE NATIONAL SURVEY OF HISTORIC SITES AND BUILDINGS

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Consulting Committee to the National Survey of Historic Sites and Buildings will be held at 9 a.m. e.s.t., on March 3, 1978, in Conference Room 7000-A in the Department of the Interior Building, Washington, D.C.

The purpose of the Consulting Committee is to review and evaluate studies of potential national historic landmarks prepared by the National Survey. The Committee's evaluation is the initial screening of potential historic landmarks. Its recommendations are forwarded to the National Park System Advisory board for a final review.

T. 35 N., R. 32 E.,
Secs. 17, 20, 31, and 32.
T. 31 N., R. 33 E.,
Secs. 3, 8, 10, 17, 18, and 19.
T. 31 N., R. 35 E.,
Secs. 30, 31, and 32.

The pipelines will convey natural gas across approximately 86 miles of Federal land in Phillips and Valley Counties, Mont. It will consist of 69 miles of 4-inch pipe, 15 miles of 6-inch line, and 2 miles of 8-inch line.

The purpose of this notice is to inform the public that the Bureau will proceed with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, Drawer 1160, Lewis-town, Mont. 59457.

ROLAND F. LEE,
Chief, Branch of
Lands and Minerals Operations.

(FR Doc. 78-2752 Filed 1-31-78; 8:45 am)

[4310-84]

(NM 32430 and 32431)

NEW MEXICO

Applications

JANUARY 24, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Co. of New Mexico has applied for four 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 10 W.,
Sec. 1, lot 2.
T. 28 N., R. 10 W.,
Sec. 26, W¼NW¼ and NW¼SW¼;
Sec. 28, NW¼NE¼ and E¼NW¼;
Sec. 35, SW¼NE¼ and SE¼NW¼;
Sec. 36, E¼SW¼ and SW¼SE¼.

These pipelines will convey natural gas across 1.898 miles of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

MARIE D. LARRAGOITE,
Acting Chief, Branch of
Lands and Minerals Operations.

(FR Doc. 78-2753 Filed 1-31-78; 8:45 am)

The members of the Consulting Committee are:

Dr. Richard H. Howland (Chairman), Washington, D.C.
Mr. James Biddle, Washington, D.C.
Dr. Walter L. Creese, Urbana, Ill.
Maj. Gen. John W. Huston, Washington, D.C.
Mr. Herbert E. Kahler, Alexandria, Va.
Mr. Charles E. Lee, Columbia, S.C.
Dr. Henry A. Millon, Cambridge, Mass.
Prof. Frederick D. Nichols, Charlottesville, Va.
Dr. Glenn Porter, Wilmington, Del.
Dr. Dorothy Porter, Washington, D.C.

The subjects that are to be evaluated are:

1. A partial revision of two subthemes on Alaska, "Alaska Aboriginal Culture," and "Alaska History."
2. A segment of the subtheme "Architecture."
3. Special studies of the following properties:
 - (a) Kent State, May 4, 1970, site, Kent, Ohio.
 - (b) Central of Georgia Railroad Shops, Savannah, Ga.
 - (c) Falls of the Chattahoochee Hydroelectric Development, Columbus, Ga.
 - (d) Jackson Ward Historic District, Richmond, Va.

The meeting will be open to the public. However, facilities and space for accommodating the public are limited. It is expected that not more than 10 persons will be able to attend the sessions. Any member of the public may file with the Consulting Committee a written statement on the subjects to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Mr. George F. Emery, Chief, Historic Sites Survey Division, 202-523-5295. Minutes of the meeting will be available for public inspection six weeks after the meeting in the office of the Chief, Historic Sites Survey Division, National Park Service, Department of the Interior, Washington, D.C. 20240.

Dated: January 24, 1978.

WILLIAM J. MURTAGH,
Acting Chief, Office of Archeology and Historic Preservation.

(FR Doc. 78-2721 Filed 1-31-78; 8:45 am)

[7020-02]

INTERNATIONAL TRADE COMMISSION

(Investigation No. 337-TA-31)

CERTAIN STEEL TOY VEHICLES

Notice and Order Concerning Procedure for Commission Determination and Action

Notice is hereby given that—

1. The Commission will hold a hearing beginning at 10 a.m., e.s.t., Monday, March 20, 1978, in the Commission's Hearing Room, 701 E Street NW., Washington, D.C., for the purposes of (1) hearing oral argument on the recommended determination of the presiding officer, concerning whether there is a violation of section 337 of the Tariff Act of 1930; (2) hearing oral argument concerning appropriate relief in the event the Commission determines that there is a violation of section 337 and determines that there should be relief; and (3) receiving information and hearing oral argument, as provided for in § 210.14(a) of the Commission's Rules of Practice and Procedure (19 CFR Part 210), concerning bonding and the public interest factors set forth in section 337 (d) and (f) of the Tariff Act, which the Commission is to consider in the event it determines that there is a violation of section 337 and determines that there should be relief. The latter two proceedings are legislative in character, and therefore the hearing on remedy, bonding, and the public interest will not be subject to the requirements of 5 U.S.C. 556, 557. These phases of the hearing will be conducted in accordance with § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11). All these matters are being heard all on the same day in order that this investigation may be completed within the time limits prescribed by section 337.

Parties and agencies wishing to make oral argument with respect to the recommended determination shall be limited in each oral argument to no more than 30 minutes, 10 minutes of which may be reserved by the staff and complainant for rebuttal.

For the purpose of the part of the hearing on relief, bonding, and the public interest factors, parties, interested persons, and agencies will be limited to no more than 15 minutes for making presentations. Participants will be permitted an additional 5 minutes for closing arguments after all the presentations have been concluded. Participants with similar interests may be required to share time. The Commission Investigative Staff will be separately allotted the full time available to a party.

Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington no later than noon, February 3, 1978. Requests should indicate the part of the hearing (i.e., with respect to the recommended determination; relief; bonding; or the public interest factors or any combination of them) in which the requesting person desires to participate. Issues of law or fact based on the record certified to the Commission may be filed with the Commission.

2. Briefs concerning exceptions to the recommended determination may be filed by any party or agency. Complainant's brief shall be filed not later than the close of business, Monday, February 13, 1978, respondent's brief and brief of the Commission investigative staff, shall be filed not later than the close of business, Tuesday, February 28, 1978; and complainant's reply brief, if any, shall be filed not later than Thursday, March 9, 1978. The Commission Investigative Staff is here being required to brief at the same time as the Respondent because their views closely parallel each other. This order of briefing will enhance the adversary opportunities and thereby presumably produce the most useful briefing in this case. We do not suggest by this order that the staff has lost its independent status in this or any other case. Briefs shall be served on all parties of record on the date they are filed. The cover of complainant's brief shall be blue; respondent's brief, red; Commission investigative staff's brief, green; and any reply briefs, gray. Concerned Government agencies may file briefs on any issue related to the recommended decision in the same style and at the same time as the Commission investigative staff. Parties, persons and agencies are encouraged to consolidate their briefing where their positions are the same and to refer to the record.

3. Written comments and information are encouraged by any party, interested person, Government agency, or Government concerning relief, bonding, and the public interest factors set forth in section 337(d) and (f) of the Tariff Act of 1930, as amended (19 U.S.C. 1337), which the Commission is to consider in the event it determines that there should be relief. Such comments and information shall be filed with the Secretary in one original and ten copies on the dates set forth below, and the comments and information shall thereafter be available for inspection and copying by any person, except as respects in camera comments and information, which are to be treated as described below.

Comments and information on remedy, bonding and public interest will be as follows: Complainant shall file a detailed proposed Commission action, including a determination of bonding, on or before Monday, February 12, 1978. Complainant shall, at the same time, file such comment and information as it has respecting the effect of its proposed Commission actions upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States and U.S. consumers (the "public interest" factors). Thereafter, on or before Febru-

ary 28, 1978, any person, agency, or government may file written comments on and information pertaining to alternatives (if any) to the proposed Commission action and whether any Commission action ought or ought not to be taken after consideration of the effect of the action upon the public interest factors.

A request for in camera treatment of such comments and information must include a full statement of the reasons for granting in camera treatment. The Commission will then either accept such information in camera, or it will return the information.

Notice of the Commission's institution of the investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19933).

By order of the Commission.

Issued: January 27, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-2798 Filed 1-31-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

NIE AND NSF COLLABORATION IN RESEARCH ON COGNITIVE PROCESSES AND THE STRUCTURE OF KNOWLEDGE IN SCIENCE AND MATHEMATICS

Important Notice No. 70, dated January 5, 1978, announced that the National Science Foundation (NSF) and the National Institute of Education (NIE) are cooperating in a program of research to improve instruction in science and mathematics. The two agencies have established procedures for collaborative administration of this program, including the review of proposals seeking support for such research.

The program seeks to increase significantly the understanding of the cognitive processes, structures, or principles of importance in learning science or mathematics. Support will therefore be provided, on a competitive basis, for projects which combine all of the following:

- A focus upon learning-activities appropriate for students in the age range from elementary school to introductory college level. (Instruction at the advanced undergraduate and graduate level is excluded. However, instruction in settings outside the conventional school environment is included in the intent of this program.)
- The efforts of investigators who are experts in science or mathematics with the efforts of investigators who study human cognition. (It is expected that one or more of the investigators will have experience in instruction at the appropriate level or that an additional collaborator will bring that expertise to the project.)

-An emphasis upon cognitive processes or structures involved in learning a substantial segment of science or mathematics.

Proposals eligible for the new program might address any of a wide variety of research problems. The following list is meant to be illustrative only:

- Learning of important scientific or mathematical bodies of knowledge, including their use in problem solving;
- The cognitive representation of scientific or mathematical knowledge;
- Innovative approaches to the testing of such learning;
- The effects of instructional activities, especially, the interaction of such activities with the underlying concepts and/or strategies used to acquire such knowledge;
- Studies investigating the similarities and differences among (1) scientific and mathematical knowledge as it is formally structured by experts in those fields, (2) cognitive representations of that knowledge in experts and novices, and (3) the structure of that knowledge as it is presented in instruction;
- Individual and group differences (including sex differences) in cognitive processing, interests, social and cultural backgrounds, and how these affect optimal instructional strategies for attaining and using scientific or mathematical knowledge;
- Instructional strategies, suitable for use in technologically assisted instruction in science or mathematics, based on cognitive and instructional theory;
- Effects of alternative modes of representation—writing, visual and kinesthetic imagery, etc.—upon the learning of scientific concepts.

A prospective applicant should submit a preliminary proposal for analysis and comment prior to submitting a formal proposal; however, a formal proposal may be submitted without a preliminary proposal. There are no fixed limits upon the cost or duration of a proposed project, but exceptional justification is required for support exceeding \$150,000 or 24 months. Each preliminary proposal should provide a ten-page narrative which includes brief summaries of:

- The questions addressed.
- What is already known that is pertinent to the questions and to the proposed research.
- The importance of the proposed research to the learning of science and mathematics.
- The procedures that would be followed.
- The facilities and other resources available to the project.
- The qualifications of the proposed investigators, with respect to the specific subject matter, cognitive science, and instructional experience.

-Expected costs for personnel, equipment, materials and supplies, and other functions, including indirect costs.

The deadline for the receipt of preliminary proposals is March 1, 1978. Ten (10) copies of each such proposal must contain the following information:

- Descriptive Title of Project (maximum: 12 words);
- Name of Institution; City, State and Zip Code;
- Proposed Project Director (one only); Title, Department, address and telephone (include area code for Office and Home);
- Discipline(s) involved in project;
- Level of education (e.g. elementary, grade 4-6, introductory college);
- Proposed starting date of Project;
- Proposed duration of project: (number of months);
- Total \$ support requested from NIE-NSF;
- Indicate if proposal has been or will be submitted in whole or in part to other possible sponsors, including NIE, NSF, or other Federal agencies. (Such information will not prejudice the review).
- Signature of Proposed Project Director and signature of Authorizing Official (Authorizing Official's signature is optional).
- Date of Submission:

These proposals should be mailed to:

Joint NIE-NSF Research Program, Science Education Directorate, National Science Foundation, Washington, D.C. 20550.

The signature of the official who is authorized to execute grant applications for the institution is not required for a preliminary proposal, at least insofar as NSF and NIE are concerned.

The program operates on a fiscal year which begins on October 1 and ends on September 30. Awards will be announced as early as possible, but probably not prior to late September in any given year. The results of the NIE-NSF review of a preliminary proposal will be provided to the proposer by April 15, and will include a recommendation for or against the preparation of a formal proposal, together with the requirements of a formal proposal and the criteria by which each will be reviewed.

Anyone who needs additional information concerning this program should address the inquiry to one of the two individuals listed below:

Susan F. Chipman, NIE Associate, Learning Division, National Institute of Education, Washington, D.C. 20208 (Telephone: 202-254-5766).

Erik D. McWilliams, Program Manager, Science Education Development and Re-

search, National Science Foundation, Washington, D.C. 20550 (telephone: 202-282-7900).

M. REBECCA WINKLER,
Acting Committee
Management Officer.

JANUARY 25, 1978.

[FR Doc. 78-2494 Filed 1-31-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS (ECCS)

Meeting

The ACRS Subcommittee on Emergency Core Cooling will hold a meeting on February 16, 1978 in Room 1046, 1717 H Street NW., Washington, D.C. 20555, to discuss the Westinghouse WRB-1 Critical Heat Transfer Correlation, the Westinghouse Improved Thermal Design Procedures, Transient Tests conducted at the Peach Bottom Nuclear Plant by General Electric, and a review of work being done on ECCS pump reliability and vortex control and sump design. Other matters of current interest to the ECCS Subcommittee and consultants may also be reported on by the NRC Staff.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

THURSDAY, FEBRUARY 16, 1978

8:30 A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear

presentations by and hold discussions with representatives of the NRC Staff, the Westinghouse Electric Corp., and their consultants, pertinent to the above topics. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Andrew L. Bates, telephone 202-634-1919, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: January 27, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-2829 Filed 1-31-78; 8:45 am]

[7590-01]

CAMERA COVERAGE OF HEARINGS BEFORE ATOMIC SAFETY AND LICENSING BOARDS AND ATOMIC SAFETY AND LICENSING APPEAL BOARDS

General Statement of Policy

The Nuclear Regulatory Commission has considered requests from television stations and newspapers to permit the use of cameras during proceedings before Atomic Safety and Licensing Boards and Atomic Safety and Licensing Appeal Boards. In the past the NRC has permitted cameras to be used only before and after adjudicatory sessions and during recesses. The Commission has decided that, on a trial basis, it will permit the use of television and still cameras by accredited news media under certain conditions. Cameras may be used by news media during hearings and related public proceedings before Atomic Safety and Licensing Boards and Atomic Safety and Licensing Appeal Boards provided they do not require additional lighting beyond that required for the conduct of the proceeding and are stationed at a fixed position within the hearing room throughout the course of the proceeding. It will continue to be the practice of the hearing and appeal

boards to use Federal or State court rooms when these facilities are available and in such cases the policy of those courts in regard to the use of cameras will be observed.

The Commission plans to reassess this policy in about six months after its hearing and appeal boards have had sufficient experience with camera coverage to determine whether it can be carried out without disruption to the proceeding or unacceptable distraction to the participants.

Dated at Washington, D.C., this 27th day of January 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHIL,
Secretary of the Commission.

[FR Doc. 78-2893 Filed 1-31-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 23, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Exploratory Study of Scientific Activities of Science and Engineering Faculty at a Large, Public Nondoctoral College, single time, science faculty at a college, Laverne V. Collins, 395-3214.

DEPARTMENT OF AGRICULTURE

Departmental and other Meat Marketing Channel Pilot Study (St. Louis Area), single time, meat packers, processors and wholesalers, Ellett, C. A., 395-6132, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF COMMERCE

Bureau of Census:

Supplementary Questionnaire for American Indians—1980 Census Dress Rehearsal (Part of the 1980 Decennial Census), D-15(X), single time, Indian households on reservations in conventional area, Reese, B. F., 395-3211, Office of Federal Statistical Policy and Standard.

Enumeration Status Reinterview—1980 Census Dress Rehearsal, D-160(X), single time, units classified "vacant," Laverne V. Collins, 395-3214, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Public Health Service, Application for National Health Service Corps Scholarship, on occasion, health professional students scholarship application, Richard Elisinger, 395-3214.

Office of Education, ESAA Human Relations Project Characteristics Questionnaire, OE-561-5, single time, school district ESAA project directors, Human Resources Division, Laverne V. Collins, 395-3532.

Public Health Service, Role of Artificial Sweeteners in Bladder Cancer, single time, individuals in five States and four metropolitan areas, Richard Elisinger, 395-3214.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Annual Report on Methods of Dealing with Questions of Recipient Fraud, SSA-4110, annually, State welfare agencies, Human Resources Division, 395-3532.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Request for Cancellation of Loan on Ground of Permanent and Total Disability and Medical Report, OE 1172, OE 1172-1, on occasion, students in IHE's and medical doctors, Laverne V. Collins, 395-3214.

Food and Drug Administration, Medical Responsibility Statement for Use of Methadone in a Treatment Program, FD 2633, on occasion, physicians employed by methadone clinics, Richard Elisinger, 395-3214.

Social Security Administration, Monthly Statistical Report on Recipients and Payments Under State Administered, State Assistance Programs for Aged, Blind, and Disabled, SSA 9741, monthly, 26 State welfare agencies, Lowry, R. L. 395-3772, Office of Federal Statistical Policy and Standard.

DEPARTMENT OF LABOR

Bureau of Labor Statistics:

Expenditures for Employee Compensation, 1978, BLS 2868, annually, private nonfarm establishments, Strasser, A. 395-6132, Office of Federal Statistical Policy and Standard.

Survey of Tax Officials; Property Tax Records Questionnaire (CP1), 2921.40

2921.43, annually, 350 taxing jurisdictions, Strasser, A. 395-6132, Ellett, C. A.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc. 78-2845 Filed 1-31-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14358; File No. SR-Amex-77-30]

AMERICAN STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 3, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. (the "Amex"), proposes to rescind its rule 182. This provision currently requires Amex members who specialize in stocks, voting trust certificates or other securities admitted to dealings on the Amex pursuant to extensions of unlisted trading privileges to deposit with the Amex at least one share, certificate or receipt as to every such issue. Securities thus deposited are held in the name of a nominee designated by the Exchange and are deemed to be the absolute property of the Exchange so long as a member continues to act as specialist in the issue(s).

AMEX'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

Rule 182 was originally adopted to enable the Exchange to obtain current financial and operating information concerning issuers whose shares are admitted to unlisted trading privileges. However, since these issuers must now be registered with the Commission under section 12 of the Exchange Act and are therefore required to file periodic information under section 13 of the Act, the maintenance of the nominee account established under rule 182 is no longer necessary.

Rescission of rule 182 would remove a requirement which the Exchange has determined serves no regulatory purpose. As such the Amex cites section 6(b)(5) of the Act as statutory basis for the proposed rescission. Section 6(b)(5) provides, among other things, that the rules of a national se-

curities exchange not be designed to regulate matters unrelated to the purposes of the Act or administration of a particular exchange.

The Amex states that no comments were solicited or received with respect to the proposed rule change.

Further, the Amex asserts that no burden on competition will be imposed by the proposed rescission of rule 182.

By March 8, 1978, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by February 22, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 9, 1978.

[FR Doc. 78-2719 Filed 1-31-78; 8:45 am]

[8010-01]

[Sr-CBOE-77-18; Rel. No. 14404]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 23, 1978.

In the matter of Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Ill. 60604.

On December 1, 1977, the Chicago Board Options Exchange, Inc., filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and rule 19b-4 thereunder, copies of a proposed rule change. This

filing was amended on December 2, 1977. The purposes of the proposed rule change are to submit to the vote of the membership the terms and conditions of future membership offerings, and to withdraw an offering of Exchange memberships which commenced in April 1977 as to those which were unsold as of August 29, 1977. The proposed rule change is consistent with section 6(c)(7) of the Act which provides inter alia that the rules of the exchange should assure a fair representation of its members in the administration of its affairs. As to those memberships which by this proposal would be withdrawn, section 6(c)(4) of the Act permits an exchange to decrease the number of memberships in such exchange. However, an exchange is prohibited from decreasing the number of memberships below such number in effect on May 1, 1975, or the date such exchange was registered with the Commission, whichever is later. The proposed rule change would not violate that statutory provision.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 14235, (December 8, 1977)) and by publication in the FEDERAL REGISTER (42 FR 63496 (December 16, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on December 1, 1977, be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2710 Filed 1-31-78; 8:45 am]

[8010-01]

[Release No. 14411]

ESTABLISHMENT OF NATIONAL CLEARANCE AND SETTLEMENT SYSTEM

Hearing and Request for Comments

JANUARY 25, 1978.

The Securities and Exchange Commission announced today that it will hold public hearings beginning March 7, 1978 on the matters discussed herein. Persons who wish to submit written comments on these matters should do so by March 15, 1978.

BACKGROUND AND INTRODUCTION

In March 1976, National Securities Clearing Corp. ("NSCC") filed with the Commission an application for registration as a clearing agency pursuant to section 17A of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78q-1, as amended by the Securities Acts Amendments of 1975 (the "1975 Amendments"), and Rule 17Ab2-1 thereunder, 17 CFR 240.17Ab2-1. NSCC's application contemplated that NSCC would perform the clearing and settlement operations then performed by the American Stock Exchange Clearing Corp. ("ASECC"), National Clearing Corp. ("NCC") and Stock Clearing Corp. ("SCC").

The Commission instituted proceedings pursuant to section 19(a)(1) of the Act to determine whether to grant or deny registration.¹ These proceedings included public hearings on June 16, 17, and 18, 1976.

Based upon the hearings, a review of comments from interested persons, and the analysis of economic and other data prepared by its staff, the Commission tentatively concluded that the registration of NSCC would be a positive and useful step in the development of a national system for the clearance and settlement of securities transactions ("National System"). The Commission announced on November 3, 1976, that it was considering the approval of the NSCC application subject to four conditions and requested public comments thereon.² After considering comments received, the Commission, on January 13, 1977, announced it had determined to permit provisional registration by NSCC based upon its conclusion that NSCC's registration, subject to certain conditions specified in its order,³ would be "an essential step toward the establishment, at an early date, of a comprehensive network of linked clearance and settlement systems and branch facilities with the national scope, efficiencies and safeguards envisioned by Congress in enacting the 1975 Amendments."⁴ NSCC was prohibited, however, from operating as an

integrated system the clearing and settlement systems then operated by ASECC, SCC and NCC—referred to as Phase II—Until each of the conditions had been met.⁵ NSCC indicated its belief that Phase II could be initiated within 120 days of the date NSCC's registration was granted. The Commission's Order also set forth the Commission's views on the minimum capabilities of a National System.⁶

In granting NSCC's registration on a provisional basis, the Commission indicated its intention "to monitor closely the effects" of its decision and "if necessary, substantially modify or reverse that decision."⁷ The Commission also reserved the right to "modify any part of the conditions prior to the initiation of Phase II operations if the

¹The conditions to the Order provided that prior to the commencement of Phase II NSCC should have:

(i) Established full interfaces with each of the Midwest Clearing Corp. ("MCC"); Pacific Clearing Corp. ("PCC"); and Stock Clearing Corp. of Philadelphia ("SCCP") and appropriate links with Boston Stock Exchange Clearing Corp. ("BSECC") and TAD Depository Corp. ("TADDC") and offered to operate each interface and link under agreements which would provide that the parties to the interface or link would not charge each other for interface movements or charge their participants either an interface fee or any fee which would operate as an interface fee;

(ii) Provided, at cost, efficient facilities, and cooperated with brokers and dealers and other registered clearing agencies in the development of alternative means, through which brokers and dealers may compare, either directly or through an agent, transactions eligible for comparison at NSCC, and enabled its participants to effect comparison, clearance and settlement of New York Stock Exchange, Inc. ("NYSE"), American Stock Exchange, Inc. ("Amex") and over-the-counter ("OTC") transactions through the NSCC branch network;

(iii) Begun operating existing NCC branch facilities so that those facilities, and any other branch facilities established by NSCC, provide, at a minimum, the same level of service provided through the facilities to NSCC participants to participants in any other registered clearing agency which agrees to use any of the facilities and to defray a portion of any such facility's operating costs equal to such clearing agency's proportionate use of the facility; and

(iv) Furnished without charge to any registered clearing agency which requested them computer programs for the performance of trade comparison for OTC transactions between the registered clearing agency's participants and made arrangements for any other registered clearing agency which is willing to do so to compare all OTC transactions between participants in different registered clearing agencies, without charge to such registered clearing agencies, or, if no other registered clearing agency is willing to do so, undertaken to compare all such transactions without charge to registered clearing agencies. Id., 117-118.

²Id., 21-30.

³Id., 111.

⁴ASECC, NCC and SCC were wholly-owned subsidiaries of the American Stock Exchange, Inc., the National Association of Securities Dealers, Inc., and the New York Stock Exchange, Inc., respectively.

⁵The Commission gave public notice of the institution of proceedings in Securities Exchange Act Release No. 12489 (May 28, 1976), 41 FR 23255 (June 9, 1976).

⁶Securities Exchange Act Release No. 12954 (November 3, 1976), 41 FR 49721 (November 10, 1976).

⁷Securities Exchange Act Release No. 13163 (January 13, 1977), 42 FR 3916 (January 21, 1977) (hereinafter "the Order").

⁸Id., 5.

Commission determines that NSCC's satisfaction of the conditions is being delayed by other persons or that such action is necessary or appropriate to carry out the purposes of the Act."⁸

Subsequent to the issuance of the Order, Bradford National Clearing Corp. ("BNCC") and Bradford Securities Processing Services, Inc. ("BSPS") sought review of the Order in the United States Court of Appeals for the District of Columbia Circuit. NSCC, among others, intervened in the lawsuit, which is still pending.

During the one-year period since NSCC was granted registration, some but not all of the conditions have been satisfied. Specifically, interfaces for the clearance of OTC transactions have not been established with MCC or SCCP, the branch facilities operations have not begun, and an appropriate link has not been developed with TADDC.⁹

MATTERS TO BE EXAMINED DURING THE HEARINGS

In order to fulfill its responsibilities under the Act, the Commission has determined to receive, in a public forum, data, views and arguments on the events which have taken place during the past year in the clearance and settlement area and the problems which are impeding the development of an efficient, competitive National System. In particular, the Commission intends to examine the progress that has been made toward satisfaction of the conditions to NSCC's registration, whether the conditions to NSCC's registration are having their intended effect, and whether modifications to the Commission's Order and the conditions contained therein may be necessary. Data and views also will be solicited on whether there currently are geographic differences in the costs of engaging in business as a broker or dealer which make inappropriate geographic mutualization of charges for clearing and settlement services.

Finally, the Commission intends to receive testimony from persons who believe that the registration of NSCC has not furthered progress toward a National System and to what steps they perceive to be necessary or appropriate at this time to facilitate the establishment of a National System in a manner which furthers the objectives of the Act.

INFORMATION PERTAINING TO PUBLIC HEARINGS

Public hearings on the foregoing matters, pursuant to the provisions of Sections 2, 17A, 19, 21, 22, and 23 of the Act, will commence at 10 a.m.,

⁹Id., 112.

¹⁰The Commission does not intend to indicate any prejudgment as to the reasons these conditions have not been satisfied.

Tuesday, March 7, 1978, in Room 776 at the Headquarters Office of the Commission, 500 North Capitol Street, Washington, D.C. 20549 and continue thereafter at such times and places as the officers named herein may determine. Persons appearing at the hearings will be permitted to give a brief oral presentation addressing the issues of their choice pertaining to the establishment of a National System. The Commission intends to question persons appearing at the hearings concerning the above-mentioned issues, and, in order to allow sufficient time for the Commission's inquiries, initial oral presentations may not exceed fifteen minutes. Participants in the hearings, however, may submit more extensive written statements at least four days before their appearance. All oral statements from witnesses will be taken under oath or affirmation.

For the purpose of these hearings it is ordered that, Andrew M. Klein, Sheldon Rappaport, Roger D. Blanc, Harry F. Day, Robert J. Millstone, and Harry Melamed be, and hereby are, designated hearing officers to preside over such hearings, to administer oaths and affirmations, to subpoena witnesses, to compel their attendance, to take evidence, to require the production of any books, papers and other records deemed relevant or material to the inquiry and to perform such other duties in connection therewith as prescribed by law.

Any interested person who wishes to appear at the hearings should notify Robert J. Millstone at 202-755-8777 by Friday, February 24, 1978. Persons who plan to make a prepared statement should submit 25 copies of their statement not later than four business days in advance of their scheduled date of appearance.

Prior to or during the hearings, any person may submit written questions to be directed to a particular witness or group of witnesses; but the presiding hearing officer will determine in his sole discretion whether or to what extent to direct those questions to any witness.

A list of witnesses, setting forth the time of their scheduled appearances, will be published in the SEC News Digest.

REQUEST FOR COMMENTS

Interested persons are invited to submit written comments by March 15, 1978. Six copies of each comment letter should be submitted addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. 600-15. All such communications will be placed in the file and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2718 Filed 1-31-78; 8:45 am]

[8010-01]

[File No. 81-280; Administrative Proceeding File No. 3-5367]

FORD INTERNATIONAL CAPITAL CORP.

Application and Opportunity for Hearing

JANUARY 24, 1978.

Notice is hereby given that Ford International Capital Corp. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order exempting the Applicant from the provisions of section 13 of that Act.

Section 13 of the 1934 Act provides that every issuer of a security registered pursuant to section 12 of that Act, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, such information and documents as the Commission shall require to keep reasonably current the information included in the registration statement, and such annual and quarterly reports the Commission may prescribe.

Section 12(h) of the 1934 Act empowers the commission to exempt, in whole or in part, any issuer or class of issuers from the periodic reporting provisions of section 13 of the 1934 Act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1. The Applicant is a wholly-owned subsidiary of Ford Motor Co. ("Ford") and operates as an overseas financing vehicle for Ford and its subsidiaries.

2. The Applicant's 5 percent Convertible Guaranteed Debentures due 1983 (the "Debentures") are the only class of securities issued by the Applicant which is registered under the 1934 Act. The debentures are listed on the New York Stock Exchange where no trading transactions have occurred since they were admitted to trading in 1968.

3. The Debentures were issued under conditions reasonably designed to prevent their distribution in the United States, its territories or possessions, or to citizens, nationals or residents thereof.

4. The Debentures are unconditionally guaranteed as to principal and interest by Ford.

5. The Debentureholders can be fully informed as to their investment by the reports required to be filed by Ford pursuant to section 13 of the 1934 Act.

In the absence of an exemption, Applicant is required to file annual and periodic reports with the Commission pursuant to section 13 of the 1934 Act. Applicant believes that its request for an order exempting it from the provisions of section 13 of the 1934 Act is appropriate in view of the fact that the Debentures are unconditionally guaranteed by Ford and it is the reports of that company in which investors will be primarily interested. Additionally, there has been no trading activity in the Debentures on the New York Stock Exchange since they were admitted to trading in 1968.

For a more detailed statement of the information presented, all persons are referred to the application which may be examined at the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C.

Notice is further given that any interested person, not later than February 20, 1978, may submit to the Commission in writing his view or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2711 Filed 1-31-78; 8:45 am]

[3010-01]

[Rel. No. 20396; 70-6108]

INDIANA & MICHIGAN ELECTRIC CO.

Mortgage Amendments Related to Proposed Issuance and Sale at Competitive Bidding of First Mortgage Bonds

JANUARY 26, 1978.

Notice is hereby given that Indiana & Michigan Electric Co. ("I&M"),

2101 Spy Run Avenue, Fort Wayne, Ind. 46801, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed with this Commission an amendment to its application-declaration previously filed in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(b) and 12(c) of the Act and Rules 42 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amendment to the application-declaration, which is summarized below, for a complete statement of the new matter related to the proposed transactions.

By previous notice issued in this proceeding (HCAR No. 20377) it was stated that I&M proposed to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to \$100,000,000 aggregate principal amount of its first mortgage bonds of a new series ("Bonds") and up to 1,600,000 shares of a new series of its cumulative preferred stock, par value \$25 per share.

By amendment filed in this proceeding it is stated that I&M also proposes, in connection with the issuance and sale of the Bonds, to amend the provisions of Section 111 of its Mortgage and Deed of Trust, dated as of June 1, 1939, made by it to Irving Trust Co. and Frederick G. Herbst, as supplemented and amended, to facilitate the amendment of the Mortgage at a future date (i) to delete the third paragraph of Part II of Section 20 of the Mortgage (the requirement that I&M annually satisfy through the deposit of cash or bonds, or the certification of property additions, the amount by which expenditures for repairs, maintenance and replacements falls to equal 15% of base operating revenues, as defined), and/or (ii) to delete the fourth paragraph of Section 26 of the Mortgage, which provides that no bonds shall be authenticated, nor funded cash withdrawn, nor funded property released, nor credit be taken on the basis of any property additions subject to prior liens where the property additions so used and related amounts, would exceed 15% of the total amount of bonds authenticated under the Mortgage.

I&M also proposes to change the amount of the Applicable Percentage specified in Part II(a) of Section 20 of the Mortgage from 2.25% to 2.95%, such change to become effective on the date when the Mortgage shall be amended to delete the provisions of the third paragraph of Part II of Section 20, and to continue at 2.95% until another change in such percentage shall be authorized or approved by this Commission under the Act.

Notice is further given that any interested person may, not later than

February 17, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2744 Filed 1-31-78; 8:45 am]

[8010-01]

INDIANA & MICHIGAN POWER CO.

[Rel. No. 20397; 70-6088]

Proposed Issuance and Sale of First Mortgage Bonds to Institutional Investors; Request for Exception From Competitive Bidding

JANUARY 26, 1978.

Notice is hereby given that Indiana & Michigan Power Co. ("Power"), P.O. Box 458, Bridgman, Mich. 49106, an electric generating subsidiary company of Indiana & Michigan Electric Co. ("Electric"), an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(c) of the Act and Rules 42(b)(2) and 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Power, a Michigan corporation, was organized on April 20, 1941, to acquire,

complete the construction of, and operate the Donald C. Cook Nuclear Plant ("Cook Plant"), a nuclear fueled steam electric generating station situated along the shore of Lake Michigan near Bridgman, Mich. It was originally intended that these facilities be built and operated by Electric. By order issued August 23, 1971 (HCAR No. 17247), the Commission approved their transfer from Electric to Power. The Cook Plant is to consist of two 1,100,000 kilowatt generating units, the first of which was placed in commercial operation on August 23, 1975, and the second of which is scheduled to be placed in commercial operation during 1978 or later.

To finance the purchase and to complete construction, Power issued and had outstanding as of September 30, 1977, the following securities:

	In thousands of dollars	Percent
Long-term debt:		
First mortgage bonds	\$70,271	7.7
Notes payable to banks	345,000	37.8
Subordinated notes payable to electric	89,000	7.6
Total	484,271	53.0
Common stock equity	429,444	47.0
Total capitalization	913,715	100.0

The proposed financing would refund the Bank Notes with the proceeds from the sale of up to \$300,000,000 of Power's First Mortgage Bonds.

All the common stock is owned by Electric, which is Power's sole customer. Power has entered into a Capital Funds Agreement with Electric which requires Electric to maintain the equity capital portion of Power at no less than 35 percent of its capitalization. They have also entered a Power Agreement pursuant to which Power makes available to Electric all of the power (and the energy associated therewith) available at the Cook Plant and Electric pays to Power amounts at least sufficient to enable Power to pay its operating expenses and expenses related to payment of its indebtedness and taxes, regardless of the energy actually supplied.

\$300,000,000 of the Bank Notes, issued under a Bank Loan Agreement, as amended, mature on September 30, 1980, and bear interest at a rate equal to one-half of one percent plus the prime commercial loan rate of Manufacturers Hanover Trust Co. ("Manufacturers") from time to time in effect. The remaining Bank Notes were issued pursuant to a further amendment of the Bank Loan Agreement, which provides that an additional \$75,000,000 of Bank Notes may be sold. These Bank Notes mature on September

ber 30, 1980, and bear interest at a rate per annum equal to 115 percent of the prime commercial loan rate of Manufacturers in effect from time to time, and as to which Power does not plan to maintain any compensating balances.

The sale of the \$75,000,000 of principal amount of first mortgage bonds, a 10% Series due 1984, was authorized by Commission order of December 4, 1975 (HCAR No. 19282). They were sold at competitive bidding and are secured by a Mortgage and Deed of Trust ("Mortgage"), dated December 1, 1975, to Manufacturers, as Trustee.

Power now proposes to issue and sell up to \$300,000,000 principal amount of First Mortgage Bonds (or "Bonds"), to be issued in one or more series, the terms of which will be determined by negotiation. It is expected that the Bonds will have maturities of not less than 20 years nor more than 30 years and will have cash sinking fund provisions designed to retire the Bonds by their maturities. It is stated that the issuance of the Bonds by Power will be effected in compliance with all applicable indenture, charter and other standards relating to such Bonds. The proceeds of the Bonds will be deposited in the construction fund under the Mortgage, and withdrawn by Power by application to the Trustee under the Mortgage and the certification of construction costs. Funds so withdrawn from the construction fund will be used or applied by Power to prepay, or to reimburse its treasury for funds expended to prepay, without penalty or premium, Notes under the Bank Loan Agreement, and for construction, it being anticipated that substantially all of the funds so withdrawn will be applied to the prepayment of Notes.

It is stated that because the Cook Plant is nuclear fueled, a series of inspections by governmental officials, occasional design changes, and licensing procedures create uncertainties which, in light of the amount of First Mortgage Bonds which will be necessary for Power to issue to refund all the Notes, make it economically advantageous for Power to arrange for refinancing the Notes on a basis that would minimize the impact on its financing program of unexpected developments in the nuclear licensing field or in the completion of the construction of Cook Plant Unit No. 2. Power states that although it has not approached any financial institution, Power believes that funds for investment in debt securities such as the Bonds are currently available from certain life insurance companies and other financial institutions, although there are some indications that this condition may be changing. Power believes that if funds from such sources are in fact available to Power on favorable terms in 1978, it would be desirable for Power to utilize such sources of capital for the refunding in 1978 of its Notes through the issuance and sale of First Mortgage Bonds. Such a step would enable Power to complete the construction of Unit No. 2 in the Cook Plant, and complete necessary licensing procedures, during the course of the sale of the First Mortgage Bonds, and would minimize the amount of the refunding which would otherwise be necessary in 1979 and the early part of 1980 at then prevailing interest rates. Power believes that it would not be practicable under existing market conditions to sell at competitive bidding a single series of First Mortgage Bonds in an amount as large as \$300,000,000. It is reluctant to embark in a series of partial refundings. It fears that the intervention of adverse market conditions, or temporary difficulties in the nuclear licensing field during the course of such an effort might have an inordinate adverse effect on the entire financing program.

Under the foregoing circumstances, Power requests an exemption from the competitive bidding requirements of paragraph (b) of Rule 50 under the Act. Power proposes, if the authorization herein requested is granted, to request the assistance of Blyth Eastman Dillon & Co. Inc. and possibly one or more other investment banking firms, in identifying potential institutional purchasers of the refunding Bonds and with respect to the terms required to effect sales of such bonds to such purchasers. Any compensation to be paid by Power to any such investment banking firm for such service would be subject, prior to the payment thereof, to authorization by the Commission.

Fees and expenses to be incurred in connection with the proposed transaction, including any compensation to be paid to investment banking firms, will be supplied by amendment. It is stated that the proposed issuance and sale of the Bonds is possibly subject to the jurisdiction of the Michigan Public Service Commission and that no other state commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 17, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the

above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2745 Filed 1-31-78; 8:45 am]

[8010-01]

[811-2002; Rel. No. 10102]

NEWTON SELECT FUND, INC.

Filing of Application for an Order Declaring That Company Has Ceased To Be Investment Company

JANUARY 25, 1978.

In the matter of Newton Select Fund, Inc., 733 North Van Buren Street, Milwaukee, Wis., 53202.

Notice is hereby given that Newton Select Fund, Inc. ("Applicant"), a Maryland corporation registered as an open-end, diversified, management company under the Investment Company Act of 1940 ("Act"), filed an application on January 3, 1978, pursuant to Section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized under Maryland law on November 3, 1969, under the name Ziegler Select Fund, Inc., and adopted its present name on January 30, 1976. Applicant filed a Notification of Registration pursuant to Section 8(a) of the Act on January 14, 1970 and subsequently filed Registration Statements pursuant to Section 8(b) of the Act and Section 5 of the Securities Act of 1933 on September 24, 1970. Applicant further states that at a special meeting of shareholders of Applicant held on November 4, 1977, shareholders voted to exchange all of Applicant's assets for shares of common stock of Newton Income Fund, Inc. ("Income"), also an invest-

ment company registered under the Act, pursuant to an Agreement and Plan of Reorganization ("Agreement") whereunder such shares of Income would be distributed pro rata to Applicant's stockholders and Applicant would be liquidated and dissolved. Applicant states that such exchange and distribution occurred on November 16, 1977, at which time Applicant and Income filed Articles of Transfer with the State Department of Assessments and Taxation of Maryland as required by the Maryland General Corporation law. Applicant states that it intends to file Articles of Dissolution with the Maryland State Department of Assessments and Taxation in order to effect its dissolution.

Applicant states that as a result of the foregoing, it has no stockholders. Applicant further represents that it has no liabilities and no assets other than cash in the amount of approximately \$74,000 which Applicant retained pursuant to the Agreement for the purposes of paying expenses incurred by Income in selling certain of Applicant's portfolio securities which did not conform to Income's investment objective, expenses incurred in consummating the Agreement, operating expenses through November 15, 1977, and a cash dividend payable to Applicant's stockholders of record as of November 14, 1977. Applicant states that all of the amounts so retained have been or will be applied for the purposes indicated and have not, and will not be, invested in any securities.

Section 8(f) of the Act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than February 21, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as

of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.
(FR Doc. 78-2712 Filed 1-31-78; 8:45 am)

[8010-01]

(SR-NYSE-77-29; Rel. No. 14414)

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 25, 1978.

In the matter of New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.

On November 14, 1977, the New York Stock Exchange, Inc., filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to conform its treatment of convertible or exchangeable securities with Regulation T for purposes of options margin requirements and to permit its members to establish non-purpose loan accounts to the extent allowed by Regulation T.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14267 (December 13, 1977)) and by publication in the FEDERAL REGISTER (42 FR 63982 (December 21, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.
(FR Doc. 78-2713 Filed 1-27-78; 8:45 am)

[8010-01]

(SR-NYSE-77-31; Rel. No. 14410)

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

JANUARY 24, 1978.

In the matter of New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y. 10005.

On November 17, 1977, the New York Stock Exchange, Inc. ("NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change. The proposed rule change rescinds NYSE Rule 357, which required members and member organizations to keep on file for two weeks all communications sent and received over private wires. Rule 357 was determined to be superfluous since Securities Exchange Act Rule 17a-4(b)(4) requires all exchange members, brokers, and dealers to maintain originals of all communications received and copies of all communications sent relating to their business as exchange members, brokers, and dealers for three years.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14259 (December 12, 1977)) and by publication in the FEDERAL REGISTER (42 FR 63978 (December 21, 1977)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Sections 6 and 17 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.
(FR Doc. 78-2714 Filed 1-31-78; 8:45 am)

[8010-01]

(Release No. 34-14412; File No. SR-NYSE-77-33)

NEW YORK STOCK EXCHANGE, INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that the above-men-

tioned self-regulatory organization filed with the Securities and Exchange Commission a proposed new rule 129 on November 17, 1977, and a resolution implementing such rule on January 19, 1978.

TEXT OF PROPOSED RULE CHANGE AND RESOLUTION

The text of proposed new rule 129 is as follows:

The Board may from time to time impose such charge or charges on members and member organizations as it shall deem appropriate to reimburse the Exchange, in whole or in part, for regulatory oversight services provided the membership by the Exchange; *Provided, however*, that any such charge shall be measured as required by section 10 of article X of the constitution.

The text of the resolution implementing proposed new rule 129 is as follows:

Resolved, That pursuant to rule 129, a charge of 12 cents be imposed upon members and member organizations for each round-lot purchase and each round-lot sale in equity securities or in rights or warrants to purchase equity securities executed on the New York Stock Exchange; and it is

Further resolved, That payments of such charge to a qualified clearing agency which has entered into an agreement with the Exchange for the collection by such agency of such fees from its participants shall be recognized as constituting payment of the charge imposed by this resolution.

STATEMENT OF BASIS AND PURPOSE

The purpose of proposed new rule 129 is to authorize the Exchange to collect a fee for each round-lot buy and sell order executed on the floor, and to reimburse the Exchange, in whole or in part, for regulatory oversight services that the Exchange provides to its members. The proposed rule does not specify an amount or base for such charge, but leaves the matter to the Exchange's Board of Directors. The board has adopted by resolution a fee of \$0.12 to implement proposed new rule 129.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE AND RESOLUTION

The proposed new rule relates to section 6(b)(5) of the Securities Exchange Act of 1934, as amended, in that it would foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

The resolution is consistent with section 6(b)(4) of the Act in that the fee equitably allocates among the membership the cost of regulatory oversight services the Exchange provides to its membership. The \$0.12 fee

would be assessed for all transactions executed on the Exchange whether cleared and settled "over-the-window" or through any qualified clearing agency. The proposal would permit a qualified clearing agency, by prior agreement, to collect the fee from its participants and reimburse the Exchange.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS ON PROPOSED RULE CHANGE

The Exchange has not solicited comments regarding the proposed new rule and has received none.

BURDEN ON COMPETITION

The Exchange does not believe that the new proposed rule will impose any burden on competition.

By March 8, 1978, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such new proposed rule, or

(B) Institute proceedings to determine whether the new proposed rule should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by February 22, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 25, 1978.
(FR Doc. 78-2720 Filed 1-31-78; 8:45 am)

[8010-01]

(Release No. 34-14389; File No. SR-OCC-77-14)

OPTIONS CLEARING CORP.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15

U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 27, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The rule change effects technical amendments to the Clearing Corporation's by-laws and rules to establish the office of chairman as chief executive officer of the Corporation.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide for the office of chairman of the Corporation. The chairman will be the chief executive officer and management director of the Corporation.

The proposed rule change contributes to the public interest and the protection of investors by providing for more effective governance of the self-regulatory organization.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change imposes any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file sixty copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within 21 days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 18, 1978.

[FR Doc. 78-2746 Filed 1-31-78; 8:45 am]

[8010-01]

[Release No. 34-14390; File No. SR-PCC-77-21]

PACIFIC CLEARING CORP.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on December 23, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change establishes a new schedule of rates to be charged by Pacific Clearing Corp. ("PCC"). Under this new schedule of rates PCC would make separate charges, based on number of shares per trade submitted, for trade recording and comparison and for clearance and settlement. Charges for these services are, in general, reduced pursuant to the new rate schedule. The new rate schedule increases charges related to the physical handling of certificates and the manual processing of activity. Tables setting forth the new rate schedule and the existing rate schedule are attached hereto as Exhibit No. 1.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is designed to simplify PCC's schedule of rates and to make PCC's schedule of rates more competitive with rates charged or proposed to be charged by other clearing agencies. In the proposed schedule of rates PCC would make separate, and readily calculable, charges for trade recording and comparison and for clearance and settlement. In situations where PCC performs only trade recording and comparison, or only clearance and settlement, and another clearing agency provides the other service, PCC would charge only for the service performed. The new schedule's principal charges (for trade recording and comparison and for clearance and settlement) are based on total number of shares submitted. Thus the firm submitting a large number of trades for trade recording and comparison and/or for

clearance and settlement, would pay neither more nor less per share for these services than a firm submitting a relatively small number of trades for trade recording and comparison and/or clearance and settlement.

The new schedule of rates accomplishes the equitable allocation of reasonable dues, fees, and other charges among the participants in PCC. In addition, the new schedule of rates, by separating the charges for trade recording and comparison and the charges for clearance and settlement, facilitates interface between clearing agencies at reasonable cost and thus contributes to the removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments have neither been solicited nor received from members or participants regarding the proposed rule change.

PCC believes that the proposed rule change imposes no burden on competition. By making PCC's rates more easily understood and more competitive, the new schedule of rates may be expected to increase competition in the provision of clearance and settlement services.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 18, 1978.

EXHIBIT NO. 1—CLEARING RATES—NEW SCHEDULE

DUES

Monthly dues, \$100

TRANSACTION CHARGE

Recording and comparison, \$0.05 per 100 shares (minimum \$0.05, maximum \$10).
Clearance and settlement, \$0.12 per 100 shares (minimum \$0.12, maximum \$12).

Bond Transactions

Recording and comparison, \$0.03 per \$1,000 (minimum \$0.03, maximum \$3).
Clearance and settlement, \$0.07 per \$1,000 (minimum \$0.07, maximum \$7).

PHYSICAL ACTIVITY

Delivery by request to participant, \$1.50 per item.
Receipt of securities from participant, \$0.80 per item.

Transfer (from participant's position), \$1.50 (postage and insurance included) (plus out of pocket).

Transfer (accommodation), \$3 (plus out of pocket).

Transfer (legal), \$10 (plus out of pocket).

OTHER

Data processing keypunch, \$0.10 per item.
Dividends, \$0.25 per entry.
Buy-ins, \$5 per item submitted.
Advisories, \$0.15 per item submitted.
Mail clearing, \$0.15 per trade (minimum \$50, maximum \$1,500 per month).
Securities collection (SCD), \$6 per item (plus out of pocket).

CLEARING RATES—EXISTING SCHEDULE

DUES

Monthly dues, \$40.

TRANSACTION CHARGE

Trade recording and comparison, clearance and settlement, (A) 10 cents per PSE trade, 20 cents per other trade; + (B) 3 cents per \$1,000 value (with a minimum of 10 cents and up to a maximum of \$3); + (C) 14 cents per \$1,000 value net settlement (with a minimum of 30 cents and up to a maximum of \$7).

Trade recording and comparison clearance and settlement (bonds), 10 cents per \$1,000 (with a minimum of 50 cents and up to a maximum of \$5).

PHYSICAL ACTIVITY

Delivery by request to participant, \$1.50 per item.
Receipt of securities from participant, no charge.

Transfer (from participant's position), \$1.50 (postage and insurance included).
Transfer (accommodation), \$2.50.

Transfer (legal), \$6 (except legal deposits, for which no charge is made).

OTHER

Data processing keypunch, no charge.
Dividends, no charge.

[6010-01]

[Rel. No. 14409; File No. 1-6884]

PACIFIC RESOURCES, INC.

Order Amending Effective Date of Withdrawal From Listing and Registration and Extending Exemption of Certain Persons and Securities From the Provisions of Rule 17a-15

JANUARY 23, 1978.

On June 22, 1977, we approved the application of Pacific Resources, Inc. ("PRI"), to withdraw its securities from listing and registration on the Pacific Stock Exchange, Inc. ("PSE"). We prescribed as a term of that delisting that it not become effective until the time of our determination with respect to the PSE's application for unlisted trading privileges in PRI common stock, but in no event later than 120 days after June 22, 1977. On October 20, 1977, we amended the effective date of the delisting by extending it to November 21, 1977. That date was extended again on November 21 until January 23, 1978.

We found that the initial delay in the effective date of the delisting and the extension until January 23, 1978, were necessary for two reasons. First, a temporary disruption in trading in PRI stock on the PSE would result in a lessening of potential competition among dealers and between exchange markets and markets other than exchange markets during any interim period after delisting, but before unlisted trading privileges are (if at all) granted. Second, we initially had noted that if the delisting were effective immediately, PRI stock would not be marginable for a period of several months until it was included on the Federal Reserve Board's "List of OTC Margin Stocks."

¹See Securities Exchange Act Rel. No. 13657 (June 22, 1977); 42 FR 33398 (June 30, 1977).

²The PSE filed an application, pursuant to section 12(f)(1)(C) of the Securities Exchange Act of 1934, for unlisted trading privileges in PRI stock on March 25, 1977, in response to PRI's application to withdraw that security from listing and registration on the PSE (filed March 23, 1977). Concurrently with our order withdrawing PRI stock from listing, we ordered a hearing on the PSE application. See, Securities Exchange Act Rel. No. 13658 (June 22, 1977); 42 FR 33402 (June 30, 1977).

³See Securities Exchange Act Rel. No. 14078 (October 20, 1977); 42 FR 56824 (October 28, 1977).

⁴See Securities Exchange Act Rel. No. 14195 (November 21, 1977); 42 FR 61100 (December 1, 1977).

⁵The maintenance of credit, extended before a security ceases to be marginable, would not be affected by the delisting of that security (section 220.7(b) of regulation T (12 CFR 220.7(b))). The extension of new credit, however, would be prohibited under those circumstances, until the security was included on the Federal Reserve Board's "List of OTC Margin Stocks."

Our ultimate determination on the PSE application for unlisted trading privileges in PRI stock involves the consideration of several major policy issues including, among others, whether sufficient progress has been made toward the development of a national market system to satisfy the standards of section 12(f)(2), whether the progress contemplated by Congress in adopting that section is met by PSE's rescission of its off-board trading rules as they apply to transactions in PRI common stock, whether that progress and the statutory goals of eliminating unnecessary burdens on competition are satisfied by existing communications facilities and provisions for access between the PSE and over the counter ("OTC") markets, and whether last sale reporting of all PRI stock transactions would be appropriate should unlisted trading privileges be granted.

We have not yet resolved these issues insofar as they arise with respect to our consideration of the PSE application for unlisted trading privileges and, accordingly, we have been unable to complete our deliberations concerning the hearing on that application. We believe, however, that the purposes of the Act, particularly those which encourage competition among dealers acting as market makers in a security and between markets in that security, make it appropriate for us to permit the existing competition in PRI stock to continue during the interim period necessary for us to conclude our deliberations. Accordingly, for the reasons enunciated in the June 22 delisting order, and as stated above, we find it necessary to extend until March 24, 1978 the effective date of removal of PRI stock from listing and registration on the PSE.

PRI stock has been traded both on the PSE and OTC since issuance of our June 22 order. At that time was also exempted, for a period of up to 120 days, the National Association of Securities Dealers, Inc. ("NASD"), and all brokers and dealers from the reporting requirements of rule 17a-15 under the Securities Exchange Act of 1934 relating to last sale reports of OTC transactions in the common stock of PRI. The duration of that exemption was amended in our October 20 and November 21, 1977, orders to extend to January 23, 1978. Until we make a determination on the PSE's application for unlisted trading privileges in PRI stock, we believe that

⁶See, e.g., section 11A(a)(1)(C)(ii).

⁷The PSE has exempted from its off-board trading restrictions securities, such as PRI stock, which are both the subject of a delisting application and in which the PSE has applied for unlisted trading privileges. See, Securities Exchange Act Rel. No. 13656 (June 22, 1977); 42 FR 33400 (June 30, 1977).

there will be uncertainty as to whether real-time reporting in PRI stock will be required as a general matter and that a continued exemption from rule 17a-15 is appropriate.* We continue to believe it is not necessary in the public interest or for the protection of investors to require members of the PSE (who may trade PRI stock in the OTC market), and other brokers and dealers to develop and implement reporting procedures for transactions in this single security during the time before we make a determination as to the PSE's application. Accordingly, we have determined to, and hereby exempt, until March 24, 1978, the NASD and all brokers and dealers from the requirements of rule 17a-15 relating to last sale reports of OTC transactions in the common stock of PRI.*

Accordingly, it is hereby ordered, That our order of June 22, 1977 (as amended by our October 20 and November 21, 1977 orders), granting PRI's application to withdraw from listing and registration on the PSE be, and it hereby is, amended as set forth herein.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.
[FR Doc. 78-2715 Filed 1-31-78; 8:45 am]

[8010-01]

[70-5703; Rel. No. 20394]

SOUTHWESTERN ELECTRIC POWER CO.

Proposed Extension of Existing Authority To Engage in Fuel Exploration and Development Activities

JANUARY 24, 1978.

In the matter of Southwestern Electric Power Co., P.O. Box 21106, Shreveport La. 71156.

Notice is hereby given that Southwestern Electric Power Co. ("SWEPCO"), an electric utility subsidiary of Central and South West Corp. ("CSW"), a registered holding company, has filed post-effective amendments to its application-declaration, as amended, previously filed with this commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7, 9, and 10 of the Act and rule 50 promulgated thereunder as applicable

*If the unlisted trading privileges application of the PSE is denied, PRI stock will be traded solely OTC and, therefore, will not be subject to current reporting under rule 17a-15.

*This exemption does not prohibit those persons individually from complying voluntarily with rule 17a-15 as long as such broker or dealer complies with the rule in a uniform and consistent manner.

to the proposed transaction. All interested persons are referred to the application-declaration, as further amended by said post-effective amendments, which is summarized below, for a complete statement of the proposed transaction.

By order dated October 1, 1975 (HCAR No. 19194), SWEPCO was authorized to acquire interests in, and engage in, fuel exploration and development programs to the extent of a budgeted expenditure of \$8,750,000. The programs involved the acquisition and development of interests relating to oil, gas, coal, and lignite. Through June 30, 1977, SWEPCO added 2,782 net acres of oil and gas leasehold interests. Through September 26, 1977, SWEPCO had participated in the drilling of 56 wells; 28 of these were producing, 13 were shut-in pending completion of a pipeline and gathering system, 13 had been plugged and abandoned as dry or uneconomical to produce, 1 was being drilled and 1 was judged to have no potential for development. The 13 shut-in wells are in the South Carthage prospect in Panola County, Tex., pending completion of a pipeline and gathering system which will take the gas from the prospect to SWEPCO's Knox Lee generating station in Gregg County, Tex. Five gas wells in the Bienville Townsite and East Ada-West-Bryceland prospects and the oil well in the North Whelan prospect are not connected to SWEPCO's generating plants; the production from these wells is sold to nonaffiliates under short-term contracts. Five gas wells in the Castor prospect have been tied into a gathering system for sale of gas to a nonaffiliate under a short-term contract because the reserves developed by these wells were not sufficient to allow SWEPCO to tie them into its pipeline system. SWEPCO has farmed out its interest in the remainder of the Castor prospect.

SWEPCO states that the lignite exploration program has resulted in the discovery of substantial lignite reserves in eastern Texas and northern Louisiana. At December 31, 1977, SWEPCO had a 100 percent interest in 49,139 acres of lignite lease in eastern Texas and northern Louisiana. Drilling through December 1977 shows that the eastern Texas prospect involves 89,300,000 recoverable tons of lignite to SWEPCO's interest and that the northern Louisiana prospect involves 98,100,000 recoverable tons of lignite to SWEPCO's interest. A plan has been proposed for a joint interest effort by SWEPCO and other large owners on the prospect. SWEPCO also has an undivided 30 percent interest as tenant-in-common with the other CSW system operating utility subsidiaries in joint ventures involving, at June 30, 1977, 78,444 acres of lignite

leases on four prospects in eastern Texas.

SWEPCO states that it anticipates continuing oil, gas, and in the case of the 100 percent-owned east Texas and north Louisiana prospects, lignite exploration generally along the present lines, largely in or near its service territory. SWEPCO also proposes to participate in uranium exploration and development activities in conjunction with the other CSW operating companies. SWEPCO states that it hereby requests the Commission supplement and extend the authority granted it in HCAR No. 19194 to the extent of an additional budgeted amount not to exceed \$11,103,853 to be expended in its authorized fuel exploration and development programs during the period beginning January 1, 1978, and ending December 31, 1978. SWEPCO states that during this period it has budgeted up to \$3,067,500 to be expended on its wholly owned oil and gas interests, \$2,776,353 to be expended on its wholly owned Texas and Louisiana lignite interests and up to \$5,260,000 to be expended in lignite, coal, and uranium interests in which SWEPCO has a 30 percent interest as tenant-in-common with the other CSW operating subsidiaries. SWEPCO further states that of the amounts to be expended in concert with the other CSW operating subsidiaries, up to \$952,500 is budgeted for uranium exploration and development. SWEPCO states that the form and scope of the activities to be engaged in will be identical to those previously authorized in HCAR No. 19194.

SWEPCO states that, during the period covered by the prior order, it expended more than the amount authorized. SWEPCO further states that it recognizes that the authorization sought herein is solely for expenditures to be made in connection with duly authorized fuel exploration and development programs during 1978 and that any authorization granted herein does not constitute ratification of the expenditures incurred in the prior period.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction. It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at \$1,750.

Notice is further given that any interested person may, not later than February 17, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as further amended by said post-effective amendments, which he desires to controvert; or he may request that he be notified

if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendments or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.
[FR Doc. 78-2716 Filed 1-31-78 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0207]

PRODUCERS CAPITAL CORP.

Issuance of a License To Operate as a Small Business Investment Company

On July 25, 1977, a Notice was published in the FEDERAL REGISTER (42 FR 37889) stating that an application had been filed with the Small Business Administration (SBA) pursuant to section 107.102 of the Regulations governing small business investment companies (SBIC) for a license to operate as an SBIC by Producers Capital Corporation, 9777 Wilshire Boulevard, Beverly Hills, Calif. 90212.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts in regard thereto, SBA has issued License No. 09/09-0207 on January 19, 1978, to Producers Capital Corporation to operate as an SBIC.

(Catalog of Federal Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: January 24, 1978.

PETER F. MCNEISH,
Deputy Associate

Administrator for Investment.
[FR Doc. 78-2768 Filed 1-31-78; 8:45 am]

[8025-01]

[License No. 06/06-0175]

SMALL BUSINESS INVESTMENT CAPITAL, INC.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given, pursuant to section 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1977)), by the Small Business Administration (SBA) of a conflict of interest transaction between Small Business Investment Capital, Inc. (licensee), 10003 New Benton Highway, Little Rock, Ark. 72203, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 et seq.), and an associate.

The licensee was licensed by SBA on March 6, 1975. It is wholly owned by Shur-Valu Stamps, Inc., 10003 New Benton Highway, Little Rock, Ark. 72203, which in turn is owned approximately 45 percent by Affiliated Food Stores, Inc., a cooperative of retail grocers, and 55 percent by present and former members of the cooperative.

It is proposed that the licensee loan \$115,000 to Jim Huckaby for working capital and to purchase the inventory and equipment of a grocery store owned and operated by Huckaby's, Inc., a family corporation owned 70 percent by Will Huckaby and 10 percent each by his sons, Jim, Jess, and Donnie. Upon consummation of the purchase, Jim Huckaby will disassociate himself from Huckaby's, Inc., and surrender his 10-percent interest. The store to be purchased is one of seven owned by Huckaby's, Inc., and is located in Benton, Ark.

Jim Huckaby is a member of the board of directors of Affiliated Food Stores and Shur-Valu Stamps, Inc. Therefore, Mr. Huckaby is an associate of the licensee as defined by section 107.3(c) of the SBA rules and regulations. As such, the proposed financing would contravene the provisions of §107.1004(b)(1) of the regulations. Except where a written exemption may be granted by SBA in special instances in furtherance of the purposes of the Act, a licensee shall not, directly or indirectly, provide financing to any of its associates. SBA is considering a request for such exemption.

In addition, the Licensee has provided previous financial assistance to Huckaby's, Inc. According to the provisions of §121.3-2(a)(ii), Huckaby's, Inc., and the store owned by Jim Huckaby would be deemed affiliates. As such, the aggregate financial assistance would exceed the licensee's investment limit of \$150,000 (20 percent of the licensee's private capital) by ap-

proximately \$98,000. Since the business entities are to be independently owned and operated separate and apart from a family group, SBA is considering approval of the overline aspects of the proposed transaction.

Notice is further given that any person may, not later than February 16, 1978, submit to SBA, in writing, comments on the proposed transaction. Any such communication should be addressed to Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Benton and Little Rock, Ark.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 25, 1978.

PETER F. MCNEISH,
Deputy Associate
Administrator for Investment.
[FR Doc. 78-2769 Filed 1-31-78; 8:45 am]

[4910-62]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

PRIVACY ACT OF 1974

Systems of Records; Additions, Changes, and Deletions

The Department of Transportation herewith deletes nine systems of records, publishes two new proposed systems, and republishes one systems notice which has been substantially changed. In addition, editorial changes to five systems are published.

Any person or agency may submit written comments on the proposed systems to the Privacy Act Officer (TAD-20), Room 10319, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590. Comments must be received by March 6, 1978, to be considered.

If no comments are received, the proposed systems will become effective on March 1, 1978. If comments are received, the comments will be considered and where adopted, the system will be republished with the changes.

Issued in Washington, D.C., on January 27, 1978.

BROCK ADAMS,
Secretary of Transportation.

DELETIONS OF NOTICES

The following Notices of Systems of Records should be deleted from the Notices previously published by the Department and compiled in the FEDERAL REGISTER publication "Privacy Act Issuances, Annual Publication" Part IV, Volume 42, No. 181, September 19, 1977 (pages 47036-47151). The

reason for deletion is shown with each system listed:

DOT/SLS 150—File no longer required.
DOT/CG 512—Covered by CSC/Govt 2.
DOT/CG 531—File no longer maintained.
DOT/CG 590—Personal identifiers eliminated.
DOT/CG 521—No longer in use.
DOT/NHTSA 414—Committee was abolished.
DOT/NHTSA 418—Committee was abolished.
DOT/NHTSA 449—Consolidated with another program.
DOT/NHTSA 450—Combined with another system.

CHANGES TO SYSTEM NOTICES

DOT/OST 050, in the fourth line under System Location—Change to read: "Regional Administrators, Directors and Commanders of the" . . . Also add the word "commands" in line six so that it reads "district commands, and other filed offices of the Department."

DOT/CG 535, under Categories of Records in the System, change "25" to "75 dollars" so line three reads "cost more than 75 dollars."

NOTE.—The dollar sign cannot be used because it is a symbol for the linatron to paragraph.

DOT/CG 625, under Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System: Replace the entire paragraph beginning "application records" and ending "7 years then destroyed." by the following paragraph:

"Application files for nonselected officer candidate applicants are destroyed after six months and nonselected applicants for direct commission are destroyed after one year. Files for all selected applicants are placed in the selectee's officer personnel folder."

DOT/UMTA 175 in System Location change Region V to read: Regional Director, UMTA, 300 South Wacker Drive, Suite 1740, Chicago 60606.

DOT/FHWA 204, under System Location: and under System Manager(s) and Address: Change by dropping the period and adding the phrase "except Region 15, where there is none."

DOT/CG 622 is republished in total because of substantial changes:

System Number:
DOT/CG 622.

System Name:
Military training and Education Records. DOT/CG.

System Location:
Department of Transportation (DOT), United States Coast Guard

(CG), Commandant (G-PTE), 400 7th Street SW., Washington, D.C. 20590. Records are also located at District and Headquarters Units. See Appendix I for locations.

Categories of Individuals:

Coast Guard Military Personnel. (Commissioned Officers, Commissioned Warrant Officers, Cadets, and Enlisted Personnel.)

Categories of records:

General Service Correspondence Course, Off-Duty Education Records, Professional Training Records, Non-traditional Educational Support Records, Achievement and Aptitude Test Results, Academic Performance Records, Correspondence Course Rate Advancement Records, Military Performance Records, Admissions Processing Records, Grade Reporting Records, Cadet Academic Status Records, Transcript Maintenance Records, Cadet Discipline Status Records, Military Personnel Records, Military Training Schedules Records.

Routine uses:

Evaluation and measurement of training performance. Statistical summaries. Input to personnel records. Partial criteria for selection and admission to service/professional schools. Partial criteria for selection to postgraduate education programs. Criteria for admission to the Coast Guard. Criteria for retention in service schools. Criteria for promotion. The above information is used by authorized Coast Guard personnel in the performance of Official duties. See Prefatory Statement of General Routine Uses.

Policies and practices:

Storage:

File folders stored in file cabinets. Portions are stored on ADP equipment.

Retrievability:

Retrieved by name, rate, class number, cadet code number, and Social Security Number.

Safeguards:

Records are kept in file cabinets in offices that are locked during off-duty hours. Those records stored in ADP equipment may only be accessed through use of a user access code.

Retention and disposal:

Personal History, Service History and School Conduct and Military Performance records are kept for one year. Academic and Correspondence Course records are kept for five years. Aptitude and Achievement Test results, as a part of Training and Education records, are kept for five years.

Records are destroyed by mutilating, shredding, or burning.

System manager:

Chief, Office of Personnel, Department of Transportation, United States Coast Guard Headquarters, 400 7th Street SW., Washington, D.C. 20590.

Notification procedure:

Department of Transportation, United States Coast Guard Headquarters, Commandant (G-CMA) 400 7th Street SW., Washington, D.C. 20590. Written request must be signed by the individual.

Record access procedure:

Procedures may be obtained by writing to or visiting (G-CMA) at the address in "Notification Procedure", or by visiting the local activity where assigned for training. Prior written notification of personal visits is required to insure that the applicable record will be available. Proof of identity is required prior to release of records. A military identification card, driver's license, or similar document will be considered suitable identification.

Contesting record procedure:

Same as "Record Access Procedures."

Record source categories:

Official military personnel records, test results, instructors and supervisors.

Exemptions from certain provisions of the act:

Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(5), which provide, in part that investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified information may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(6), which provides, in part, that testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be withheld from disclosure to the extent that disclosure of these records would compromise the objectivity or fairness

of the testing or examination process. Portions of this system of records may be exempt from disclosure under the provisions of 5 U.S.C. 552a(k)(7), which provide, in part, that evaluation material used to determine potential for promotion in the armed services may be withheld from disclosure but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the government under an express promise that the identity of a source would be held in confidence, or, prior to the effective date of this section, under an implied promise that the identity of the source would be held in confidence.

NEW NOTICES OF SYSTEMS OF RECORDS

System number:

DOT/OST 061.

System name:

Records of Official Time Granted Employees for Performing Representational Functions.

System location:

All DOT locations.

Security classification:

None.

Categories of individuals covered by the system:

All employees representing other DOT employees, pursuant to such employees' right to representation under statute, regulation, executive order, or the terms of a collective bargaining agreement.

Categories of records in the system:

This system records the amount of official time granted to individuals to perform employee representational functions, and the purpose for which the official time was used.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in these records may be used:

1. By agency officials and officially recognized labor unions for review to assure that the use of official time is in accordance with applicable government/agency policy and regulations.
2. Preparation of analytical and statistical studies and reports.
3. See prefatory statement of general routine uses.

Policies and practices:

Storage:

Records are maintained in file folders, punch cards, magnetic tape, discs, or by other electronic means.

Retrievability:

These records are retrieved by name or by category of use.

Safeguards (access controls):

Access to and use of these records are limited to agency personnel whose official duties require such access, and to officially recognized labor unions with respect to employees within the units that they represent. Safeguards include locked buildings, guard service, and locked file cabinets. Statistical information from these records may be made available to other agencies or to the interested public.

Retention and disposal:

These records are destroyed after three years.

System manager and address:

The Personnel Officer of each DOT facility, or the Chief, Labor-Management Relations Division, Office of Personnel and Training, Office of the Assistant Secretary for Administration, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590.

Notification procedure:

Inquiries should be directed to the System Manager.

Record access procedure:

Contact or write to the System Manager for information on procedures for gaining access to records.

Contesting record procedures:

Contact or write the System Manager. Reasonably identify the record and specify the information to be contested.

Record source categories:

Federal employees and supervisors.

System number:

DOT/NHTSA 467.

System name:

Driver Programs Data System (DOT/NHTSA). Safe Performance Secondary School Driver Education Curriculum/Demonstration Project Analysis File.

System location:

Battelle-Columbus Laboratories (BCL), 505 King Avenue, Columbus, Ohio 43201.

Category of individuals covered by the system:

15-16 year old, non-licensed DeKalb County, Ga., High School student volunteers for Driver Education.

Categories of records in the system:

(a) DeKalb County School System Records:

(1) Student Entry Data consisting of name, DeKalb County student number, driver's license number, stu-

dent project number (a unique number assigned to each student participating in the project), birthdate, sex, high school, site, socioeconomic status index, term of instruction, driver's education groups Safe Performance Curriculum (SPC), Pre-Driver Licensing Curriculum (PDL), and Control Group.

(2) DeKalb County Student Master Data consisting of grade point average, address, schedule information, driver education teacher, driver education class, changes in student status, transferring schools within DeKalb County, leaving the DeKalb County School District.

(3) Driver Education Project Information consisting of driver education test scores, pretest, unit tests, skill tests, post test, result of driving habit survey(s).

(b) Driver History File consisting of student project number, cumulative number of points, name/date/length of suspensions, restrictions on driving, issue date of driver's license/learner's permit, exam date of driver's test, habitual offender/date, currently licensed, record of each citation; type of violation(s), date of violation, number of points for each violation, accident involved, license suspended/revoked.

(c) Accident History File consisting of citation to project person, one vehicle or multi-vehicle accident, pedestrian/bicyclist accident, date of accident, violations for this accident, type of accident, property damage/injury/fatality, number of injuries, number of fatalities, position in car of injured/dead, severity of injuries.

Authority:

Highway Safety Act of 1966, Section 403.

Routine uses:

Battelle-Columbus Laboratories at six month intervals will evaluate the effectiveness of Safe Performance Curriculum as a driver education program and report results to NHTSA program manager.

Policies and practices:

Storage:

The records are stored at Battelle-Columbus Laboratories (BCL) on magnetic tape and disk.

Retrievability:

The manual records are indexed by student project number to preclude the use of names. However, the automated records can also be retrieved by name, address, birthday and Georgia drivers license number.

Safeguards:

The contents of the collected data will not be available to any public source. Records are maintained in a

secure area with controlled access. In addition, access to the computer system is through the use of account numbers.

Retention and disposal:

All client data will be retained until project termination, at that time de-identified (ID number, DL number, and name removed) copies of the analysis file will be submitted to the Office of Driver and Pedestrian Programs, NHTSA, Washington, D.C., and to other research organizations specifically requesting the de-identified data, as per NHTSA approval.

System manager:

Departure of Transportation, Chief, Program and Demonstration Management Division, National Highway Traffic Safety Administration, Room 5130, 400 7th Street SW., Washington, D.C. 20590.

Notification procedure:

Inquiries should be directed to the System Manager.

Record access procedure:

Contact or write to the System Manager.

Contesting record procedures:

Initiate requests for changes to records by writing to Systems Manager.

Record source categories:

DeKalb County, Ga., school system records Georgia Department of Public Safety Driving Records.

[FR Doc. 78-2819 Filed 1-31-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 35; Rev. 7]

ASSOCIATE CHIEF, APPELLATE BRANCH OFFICE

Delegations of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The title of Assistant Chief, Appellate Branch Office, is changed to Associate Chief, Appellate Branch Office.

EFFECTIVE DATE: February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas H. Hall, CP:AP:PP, 1111 Constitution Avenue NW., Room 2324, Washington, D.C. 20224, Telephone No. 202-566-6131, (Not a toll-free telephone number).

NOTICES

AGREEMENTS AS DETERMINATIONS UNDER SECTION 1313(a)(4) OF THE INTERNAL REVENUE CODE OF 1954

Date of issue: January 25, 1978.

1. Pursuant to the authority granted to the Commissioner of Internal Revenue and District Directors by 26 CFR 301.7701-9 and 26 CFR 1.1313(a)-4, the authority to enter into agreements pursuant to section 1313(a)(4), Internal Revenue Code of 1954, relating to agreements treated as determinations, is hereby delegated to the following officials: (a) Assistant Regional Commissioners (Employee Plans and Exempt Organizations); (b) Assistant Regional Commissioners (Appellate); (c) Chiefs and Associate Chiefs of Appellate Branch Offices; (d) Director of International Operations; (e) Assistant District Directors; (f) Chiefs of Audit Divisions; and (g) Chiefs of Employee Plans and Exempt Organizations Divisions.

2. This authority may be redelegated only by District Directors and the Director of International Operations, who may redelegate to the Chief of Review Staff (or to the chief of Technical Branch where that position has been established); Chief of Conference Staff; to Revenue Agents and Tax Law Specialists (Reviewers or Conferees) not lower than GS-11 for field audit cases; and to Revenue Agents and Tax Technicians (Reviewers or Conferees) not lower than GS-9 for office audit cases.

3. This Order supersedes Delegation Order No. 35 (Rev. 6), issued January 13, 1975.

WILLIAM E. WILLIAMS,
Acting Commissioner.

JANUARY 16, 1978.

[FR Doc. 78-2805 Filed 1-31-78; 8:45 am]

[4830-01]

[Delegation Order No. 66, Rev. 6; Chief Counsel's Order No. 1031.2, Rev. 1]

ASSOCIATE CHIEF, APPELLATE BRANCH OFFICE

Delegations of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The title of Assistant Chief, Appellate Branch Office, is changed to Associate Chief, Appellate Branch Office.

EFFECTIVE DATE: February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas H. Hall, CP:AP:PP, 1111 Constitution Avenue NW., Room 2324, Washington, D.C. 20224, Telephone No. 202-566-6131 (not a toll-

free telephone number).

Date of issue: January 25, 1978.

AUTHORITIES OF REGIONAL APPELLATE DIVISION AND REGIONAL EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS DIVISION IN PROTESTED AND TAX COURT CASES

The authority vested in the Commissioner of Internal Revenue by 26 CFR 301.6020-1, 26 CFR 301.6201-1, 26 CFR 301.7701-9 and Treasury Department Order No. 150-37, is hereby delegated as follows:

1. (a) In each region the Regional Commissioner is authorized to represent the Commissioner in determining liability or qualification for the following types of cases not docketed in the United States Tax Court when the taxpayer does not agree with the determination made by the office of a District Director or by the office of the Director of International Operations and requests consideration by the Regional Appellate Division or the Regional Employee Plans and Exempt Organizations Division, or both:

(1) Except as excluded under paragraph 5 of this Order, liability for excise, employment, income, profits, estate and gift taxes; and

(2) Initial or continuing qualification under Subchapter D of Chapter 1 of the Internal Revenue Code of 1954.

(b) Except as provided in subparagraph (c), in each region the Assistant Regional Commissioner (Appellate), is authorized and each Chief and Associate Chief, Appellate Branch Office, is authorized to represent the Regional Commissioner in the determination of tax liability in any such case.

(c) In each region the Assistant Regional Commissioner (Employee Plans and Exempt Organizations) is authorized and the Executive Assistant to such Assistant Regional Commissioner is authorized to represent the Regional Commissioner in each case under the Internal Revenue Code of 1954 (and related statutory provisions) not docketed in the Tax Court:

(1) In which a taxpayer does not agree to the determination of liability for Chapter 42 or Chapter 43 excise taxes and certain income taxes as applicable to taxable private foundations, and section 4947 trusts, and under Code sections 507(c), 511, 527(f), or 1381(a)(1), made by the office of a Key District Director of Internal Revenue for Employee Plans and Exempt Organizations matters and requests consideration by the Regional Employee Plans and Exempt Organizations Division.

(2) In which an applicant does not agree to the determination of initial or continuing qualification under Subchapter D of Chapter 1 made by the office of a Key District Director of Internal Revenue for Employee Plans

and Exempt Organizations matters and requests consideration by the Regional Employee Plans and Exempt Organizations Division.

(d) The authorities delegated in this paragraph are subject to the exceptions set forth in paragraph 3 of this Order and they may not be redelegated.

2. (a) In conformity with the provisions of Delegation Order No. 60 (as revised), except as provided in subparagraph (b) following, in each income, excise, profits, estate, and gift tax case docketed in the United States Tax Court, the Assistant Regional Commissioner (Appellate) is authorized and each Chief and Associate Chief, Appellate Branch Office, is authorized to perform those functions delegated to the Regional Commissioner in that joint Order.

(b) With respect to cases docketed in the Tax Court under the Internal Revenue Code of 1954 and related statutory provisions, in each Chapter 42 or Chapter 43 excise tax case and in certain income tax cases, as applicable to taxable private foundations, and to section 4947 trusts, Code sections 507(c), 511, 527(f), or 1381(a)(1), and in each retirement plan qualification case under Subchapter D of Chapter 1, in each region the Assistant Regional Commissioner (Employee Plans and Exempt Organizations), is authorized and the Executive Assistant to such Assistant Regional Commissioner is authorized to perform those functions vested in the Regional Commissioner by Commissioner's Delegation Order No. 60 (as revised).

(c) The authorities delegated in this paragraph are subject to the exceptions set forth in paragraph 3 of this Order and may not be redelegated.

3. The authorities delegated to the Regional Commissioner do not include authority to:

(a) Eliminate the ad valorem fraud penalty in any case in which the penalty has been determined by the district office or service center office in connection with a tax year or period, or which is related to or affects such year or period, for which criminal prosecution against the taxpayer (or related taxpayer involving the same transaction) has been recommended to the Department of Justice for willful attempt to evade or defeat tax, or for willful failure to file a return, except upon the recommendation or concurrence of Counsel; or

(b) Act in any case in which a recommendation for criminal prosecution is pending, except with the concurrence of Counsel.

4. In any case not docketed in the Tax Court in which a statutory notice was issued by the office of a District Director or by the Director of International Operations, the Assistant Regional Commissioner (Appellate) or

the Assistant Regional Commissioner (Employee Plans and Exempt Organizations), as appropriate, may relinquish the requested jurisdiction by waiver to the office of that Director. No such waiver shall be made in any case in which criminal prosecution has been recommended and not finally disposed of; nor in any case in which the determination in the statutory notice includes the ad valorem fraud penalty. Notwithstanding any such waiver, upon filing of a petition with the Tax Court, jurisdiction shall revert in the Appellate Division and/or the Employee Plans and Exempt Organizations Division, as appropriate.

5. The excise and employment taxes subject to the provisions of this Order include any Federal excise or employment tax under the Internal Revenue Code of 1954, except any tax imposed by the following provisions or corresponding provisions of the Internal Revenue Code of 1939:

(a) Subtitle E; or

(b) Subchapter D, Chapter 78 of Subtitle F, insofar as it relates to alcohol and tobacco.

6. The authority to make and subscribe to a return under provisions of Code section 6020 is delegated to Appellate Appeals Officers and/or Employee Plans and Exempt Organizations Conferees, as appropriate.

7. While certain officials are delegated authority under subparagraphs 1(c) and 2(b) broad enough to determine all matters affecting proposed liabilities arising from application of the Code provisions referred to in those subparagraphs, it is contemplated that such officials will not usually determine substantial unrelated matters affecting tax liability but arising independently of the application of the said Code provisions. If, pursuant to this Order, two officials of different functions have determined separate matters in the same or a related case, either official may sign notices required by statute giving effect to the determinations of both.

8. The authorities contained in this Order are intended to supplement the authorities contained in Delegation Order No. 60 (as revised).

9. The authority delegated under this Order to Employee Plans and Exempt Organizations officials will apply only to those cases where a preliminary notice (30-day letter), notice of intent to disqualify, or proposed notice of revocation or modification is issued on or after the effective date of this Order. Regional Appellate Division officials will continue to determine the disposition of cases in which such notices were issued before such effective date.

10. This Order supersedes Commissioner's Delegation Order No. 66 (Rev.

5), Chief Counsel's Order No. 1031.2, dated September 14, 1977.

WILLIAM E. WILLIAMS,
Acting Commissioner.

JANUARY 16, 1978.

STUART E. SEIGEL,
Chief Counsel.

JANUARY 4, 1978.

[FR Doc. 78-2806 Filed 1-31-78; 8:45 am]

[4830-01]

[Delegation Order Nos. 75; Rev. 7]

ASSOCIATE CHIEF, APPELLATE BRANCH OFFICE

Delegations of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The title of Assistant Chief, Appellate Branch Office, is changed to Associate Chief, Appellate Branch Office. Delegation Order No. 75 is also revised to reflect authority of Appellate branch offices to consider offers in compromise involving wagering tax. The text of the delegation orders appears below.

EFFECTIVE DATE: February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas H. Hall, CP:AP:PP, 1111 Constitution Avenue, NW., Room 2324, Washington, D.C. 20224, Telephone No. 202-566-6131 (Not a Toll-Free telephone number).

AUTHORITY OF REGIONAL APPELLATE DIVISION IN OFFERS IN COMPROMISE

Date of issue: January 25, 1978.

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-25, dated June 1, 1953, as amended by Order No. 180, dated November 17, 1953, and Order No. 150-36, dated August 17, 1954, 26 CFR 301.7122-1 and 26 CFR 301.7701-9, it is hereby ordered:

1. Each Assistant Regional Commissioner (Appellate), and each Chief, Associate Chief, and Conferee-Special Assistant, Appellate Branch Office, is authorized to determine the disposition to be made of any offer in compromise submitted under the provisions of section 7122 of the Internal Revenue Code of 1954, in which (a) the proponent does not agree with the rejection or proposed rejection of the offer in the district office, the Office of International Operations, or a Service Center and requests regional Appellate Division consideration or (b) the liability was previously determined by a regional Appellate Division and the offer is based on doubt as to liability.

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 22—WEDNESDAY, FEBRUARY 1, 1978

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[No. 36771]

ARCHER DANIELS MIDLAND CO.

Petition for Declaratory Order; Rates on Corn
Meal for Human Consumption

JANUARY 20, 1978.

Pursuant to section 554(e) of the Administrative Procedure Act, 5 U.S.C. 554(e) in the exercise of the Commission's sound discretion, the I.C.C. plans to enter a declaratory order in the above entitled proceeding.

Archer Daniels Midland Co. (ADM) alleges that corn meal is a fungible commodity, stored in common bins, transported and handled identically whether its intended ultimate use is "For Human Consumption" or "Not For Human Consumption." However, items 1624 through 2848 in section 1 of Southwestern Lines Freight Tariff 182-K, I.C.C. 5278, provide for a lower level of rates on corn meal and flour under Column B when not prepared for human consumption than those that apply on the same products under Column A when the end use will be for human consumption.

ADM requests that the Commission "find this practice of two tier railroad rate pricing on identical commodities and dependent upon the ultimate and end use of the product to be an unjust and unreasonable and otherwise unlawful practice in violation of section 1(5)(b). An unjust discrimination and undue preference in violation of the National Transportation Policy. An unjust discrimination in violation of section 2 and 3(1), and in violation of Section 4."

The I.C.C. has granted ADM's petition for declaratory order and invites participation by interested parties on the tariff in question as it applies to the transportation of corn meal for or not for human consumption.

The proceeding will be handled under modified procedure in accordance with Rules 43 to 52, inclusive, of the Commission's General Rules of Practice. Statements of intent to participate are due within 10 days of this publication in the FEDERAL REGISTER and are to be sent to:

Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

As soon as practicable after that date, the Commission will serve a list of names and addresses of all persons upon whom service of an opening and reply statement shall be made.

DIRECTING MODIFIED PROCEDURE AND
ALLOWING INTERVENTION

On December 5, 1977, Archer Daniels Midland Co., filed a petition on

behalf of its subsidiary Tabor Milling Co., seeking a declaratory order pursuant to an order of the Circuit Court for the County of Clay, State of Missouri, Seventh Judicial Circuit in Case No. 52562, *Missouri-Kansas-Texas Railroad Co. v. Tabor Milling Co.*, dated November 23, 1977. The central issue in the suit for damages before that Court is the question of the lawfulness of the railroad involved maintaining lower rates on corn meal and flour under Column B of Items 1624 through 2848 in section 1 of Southwestern Lines Freight Tariff 182-K, I.C.C. 5278, when not for human consumption than those under Column A when for human consumption. Treatment under either rate is said to be identical.

The petition discloses a controversy warranting entry of a declaratory order by the Commission, pursuant to section 554(e) of the A.P.A.

Lincoln Grain, Inc., filed a petition to intervene December 5, 1977, alleging it is directly interested because it uses the tariff in controversy. There were no replies.

It is ordered: The petitions for declaratory order and intervention are granted.

The proceeding will be handled under modified procedure in accordance with Rules 43 to 52, inclusive, of the Commission's General Rules of Practice. Due dates for the filing and service of pleadings will be set after the service list is prepared.

A copy of this order and a notice for publication in the FEDERAL REGISTER attached hereto are to be served on petitioner, intervenor, and on Missouri-Kansas-Texas Railroad Co.

A copy of the notice is also to be delivered to the Director, Office of the Federal Register for publication.

Dated on January 20, 1978.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2782 Filed 1-31-78; 8:45 am]

[7035-01]

[No. 36792]

COAL-BELLE AYO, WYOMING TO COUNCIL
BLUFFS, IOWA
Incentive Rate

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Intention to File a Schedule Stating a Capital Incentive Rate on Coal from Belle Ayr, Wyo. to Council Bluffs, Iowa pursuant to Ex Parte No. 327.

SUMMARY: The filing of the notice of intention initiates the 180-day

period during which the Commission must determine the lawfulness of a proposed capital incentive rate schedule, as provided by Ex Parte No. 327, decided May 23, 1977. Any interested person seeking a hearing on the proposed rate must notify the Commission on or before February 23, 1978.

FOR FURTHER INFORMATION
CONTACT:

Janice M. Rosenak, Deputy Director, or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7656.

SUPPLEMENTARY INFORMATION: Burlington Northern Inc. proposes to establish a new rate for the transportation of coal in unit trains from Belle Ayr, Wyo., to Council Bluffs, Iowa.

The establishment of the new rate would require a total capital investment in excess of \$2 million by Burlington Northern Inc.

The railroad facilities to be augmented by such capital investment would consist of equipment for the proposed unit trains and necessary improvements in track structure.

The proposed duration of the proposed rate is a minimum of 5 years.

The name and address of the responsible carrier representative to whom inquiries and requests for documents relating to the proposal should be addressed is:

A. E. Michon, Assistant Vice President-Energy Division, Burlington Northern Inc., 176 East Fifth Street, St. Paul, Minn. 55101.

Copies of the proposed tariffs are available for public inspection in the Public Tariff File, Room 6217, of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2778 Filed 1-31-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 27, 1978.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. by February 16, 1978.

FSA No. 43495, The Atchison, Topeka and Santa Fe Railway Co.'s No. 111-A, export rates on wheat, from stations in Oklahoma, to Lake Charles, La., in Sup. 119 to its tariff 5655-J, I.C.C. 15193, to become effective February 25, 1978. Grounds for relief—motor truck and truck-barge competition.

FSA No. 43496, Traffic Executive Association-Eastern Railroads, Agent's E.R. No. 3063, rates filed pursuant to sections 15(8)(b) and 15(8)(c) of the Act on salt, be-

tween points in official territory, also, from Ojibway and Sarnia, Ont., Can., to points in official territory, in Sup. 149 to its tariff E-2009-1, I.C.C. C-1008, to become effective February 25, 1978. Grounds for relief—revised rates structure.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2779 Filed 1-31-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 46, under Revised Service
Order No. 1252]

REROUTING TRAFFIC

To all Railroads: In the the opinion of Joel E. Burns, Agent, the Grand Trunk Western Railroad Company is unable to transport traffic over its car ferry between Milwaukee, Wisconsin, and Muskegon, Michigan, because of defective boilers.

It is ordered, That: (a) The Grand Trunk Western Railroad Company, being unable to transport traffic over its car ferry between Milwaukee, Wisconsin, and Muskegon, Michigan, because of defective boilers, that line is hereby authorized to reroute and divert such traffic, via any available route, to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) Concurrence of receiving road to be obtained. The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure

of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 9:40 a.m., January 23, 1978.

(g) Expiration date. This order shall expire at 11:59 p.m., February 3, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 23, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-2781 Filed 1-31-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 45; Under Revised Service
Order No. 1252]

REROUTING TRAFFIC

To: The Chesapeake and Ohio Railway Co.: In the opinion of Joel E. Burns, Agent, The Chesapeake and Ohio Railway Co., is unable to transport traffic over its line between Lexington, Ky., and Louisville, Ky., because of a derailment and damage to a bridge at Louisville.

It is ordered, That: (a) Rerouting traffic. The Chesapeake and Ohio Railway Co., being unable to transport traffic over its line between Lexington, Ky., and Louisville, Ky., because of a derailment and damage to a bridge at Louisville, Ky., is authorized to divert or reroute such traffic over any available route to expedite the movement.

(b) Concurrence of receiving road to be obtained. The Chesapeake and Ohio Railway Co., in rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. The Chesapeake and Ohio Railway Co., when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said

Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 9:00 a.m., January 23, 1978.

(g) Expiration date. This order shall expire at 11:59 p.m., January 26, 1978, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads, subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 23, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-2780 Filed 1-31-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY
(OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and Section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
01015	A/S Rederiet Odjell: Bow Oak, Cypress, Bow Sailor, Bow Alecta.
01077	H. M. Wrangell & Co. A/S: Lars Meling.
01106	N.V. Stoomvaart-Maatschappij Oostzee: Leersum.
01185	Aksjeselskapet Kosmos: Jaraconda, Jara-sankoa.
01207	Interessentskapet Norbella: Norbella.
01262	Interessentskapet Bagru: Bagru.
01275	Overseas Freighters Corp.: Seaview.
01323	Manchester Liners Ltd.: Manchester Vanguard.

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NOTICES

Certificate No.	Owner/Operator and Vessels	Certificate No.	Owner/Operator and Vessels
01336	Aktieselskabet Borgestad: <i>Breim</i> .	08175	Gunther Schulz Schulaue Schiffahrts- kontor, Hamburg: <i>Aland</i> .
01485	Horizon Shipping Co., Ltd.: <i>Atlantic Ho- rizon</i> .	08458	Kommandittselskapet A/S Goodwill & Co.: <i>Royal Viking Sea</i> .
01574	Pearnley & Eger: <i>Fernbank</i> .	08465	Myrto Shipping Co. S.A.: <i>Myrto</i> .
01598	Sincerity Compania Naviera S.A.: <i>Sincer- ity</i> .	08480	Marmercante Armadora S.A.: <i>Glorious Colocotronis</i> .
01796	Compania de Navegacion Gaviota S.A.: <i>Suan</i> .	08617	Fairmont Enterprises Ltd.: <i>Trophy</i> .
01830	Cardon Tankers Corp.: <i>Fairfield Jason</i> .	08627	Terminales Maracaibo, C.A.: <i>Turquoise Bay</i> .
01880	Victoria Shipping Co., Inc.: <i>Van Fort</i> .	08888	Itel Hercules, Inc.: <i>Itel Hercules</i> .
01961	Marvenusto Cia. Nav. S.A.: <i>Conqueror Colocotronis</i> .	08986	Baring Shipping Co. S.A.: <i>Baring</i> .
01963	Mundo Maritimo S.A. of Panama: <i>Defi- ant Colocotronis</i> .	09337	Reefer Express Co. N.V.: <i>Iglo Express</i> .
02986	Aktiebolaget Transmarin: <i>Madeleine</i> .	09424	Armadora Maritima Guatemalteca, S.A.: <i>Peten II</i> .
01198	Peninsular & Oriental Steam Navigation Co.: <i>Strathnewton, Strathloyal, Strath- inch, Strathnairn, Strathnaver</i> .	09611	Bruce Bay Shipping Co. Ltd.: <i>Ocean Trader</i> .
02209	Flota Mercante Grancolobiana S.A.: <i>Ciudad de Armenia</i> .	09637	B. E. Williamson, Allen Thomas, George Pine, a partnership: <i>CC-212</i> .
02341	Koninklijke Nederlandsche Stoomboot Maatschappij B.V.: <i>Archimedes, Ares, Ceres, Soerades</i> .	09655	International Tanker, Ltd.: <i>Ocean Gen- tian</i> .
02458	The China Navigation Co., Ltd.: <i>Erisor</i> .	09792	United Fair Agencies Ltd.: <i>Union Reefer, Katharina</i> .
02551	Ellerman Lines Ltd.: <i>City of Athens</i> .	10061	Vlaevilla Armadora S.A. (Panama): <i>Joan- nis Colocotronis</i> .
02657	Partenreederij MS Britta Kruger Korre- spondentreeder Hans Kruger G.m.b.H.: <i>Britta Kruger</i> .	10096	Ruys Bulk Transport N.V.: <i>Maaskade, Maaskant, Maaskerk, Maaskroon</i> .
02721	Healy Tibbitts Construction Co.: <i>Mohawk</i> .	10200	Universal Steamship Co., Ltd.: <i>Euroasia Monarch</i> .
02859	Cosmos Marine Development Corp., Li- beria: <i>Cosmos Eitanin</i> .	10419	Armonikos Shipping Corp.: <i>Armonikos</i> .
02861	Naviera Bilbaina S.A.: <i>Eolo</i> .	10425	Tamarans Tankers Ltd.: <i>Eleira E</i> .
02893	Schellen Scheepvaart en Bevrachting N.V.: <i>Tell</i> .	10772	Flota Global S.A.: <i>Duke Albatross</i> .
03192	N.V. Zeederij Holland-Drente: <i>Inca</i> .	10806	Djirring Fret S.A.: <i>Fort Man</i> .
03289	Det Forenede Dampskibsselskab A/S: <i>Dana Hafnia</i> .	10874	Paloma Primera Shipping Co., S.A.: <i>Ga- sikara</i> .
03399	Audun Reksen Rederi A/S: <i>Arabonne</i> .	10895	Akropolis Shipping Corp. S.A.: <i>Captain George</i> .
03641	Hendy International Co.: <i>Atlantic Trader, Alaskan, Puerto Rican</i> .	10961	Reading & Bates Exploration Co.: <i>W. D. Kent</i> .
03993	Skaarup Shipping Corp.: <i>Lake Nipigon</i> .	10995	J. Damhof, Mr.: <i>Geziena</i> .
04171	Young Bros., Ltd.: <i>YB-24, YB-19</i> .	11002	Partenreederij MS Wera Jacob Korre- spondentreeder Ernest Jacob: <i>Wera Jacob</i> .
04173	Foss Launch & Tug Co.: <i>Foss 90</i> .	11034	Tithis Shipping Co. S.A.: <i>Scaptrust</i> .
04196	Otto Candies, Inc.: <i>ACH-13, OC-182</i> .	11060	Yellowstar Shipping & Trading Corp.: <i>Petrola XXX</i> .
04357	Nedlloyd Lijnen B.V.: <i>Batu, Nedlloyd Laarderkerk</i> .	11239	Partenreederij Nordic: <i>Nordic</i> .
04571	Cia Naviera Vascongada S.A.: <i>Adriana</i> .	11280	Ricky James, Inc.: <i>Ricky James</i> .
04803	Brent Towing Co., Inc.: <i>Arcadian 88</i> .	11724	Pentland Management Services Ltd.: <i>Pentland Moor, Pentland Glen</i> .
04840	Agis Maritime Corp.: <i>Buena Suerte</i> .	11756	Clio Shipping & Trading Corp. S.A.: <i>Pe- trala 60</i> .
04943	Academy Tankers, Inc.: <i>Thomas M</i> .	12099	Sword Shipping Co., S.A.: <i>Green Ray</i> .
05036	Companhia Nacional de Navegacao: <i>Belas</i> .	12131	Parimar S.A.: <i>Chapawal</i> .
05574	Williams Drilling Co., Inc.: <i>Williams Rig No. 2, Williams Rig No. 3, Williams Rig No. 5, Williams Rig No. 6, Wil- liams Rig No. 7, Williams Rig No. 8, Williams Rig No. 9, Williams Rig No. 11</i> .	12145	Chevron U.S.A. Inc.: <i>J. L. Hanna</i> .
05749	Delta Fishing Co.: <i>Diana Ysabel</i> .	12285	Shioyama Kohatsu K.K.: <i>Aden Maru</i> .
05767	Neptune Orient Lines Ltd.: <i>Neptune Jade, Neptune Amber</i> .	12632	Chelone Maritime Inc.: <i>Altican Unity</i> .
06038	Suomen Hoiviyalva Osakeyhtio—Finska Angeartygs Aktiebolaget: <i>Taurus</i> .	12693	Naviera Marifrigo, S.A.: <i>Arenal</i> .
06221	Seafares Co., Ltd.: <i>Zografonia Y</i> .	12851	Mie Kalun Kabushiki Kaisha: <i>Unique, Mie Maru No. 7</i> .
06422	A/S Finn Johnsen Rederi: <i>Alk</i> .	12863	Oil Transport Company (Saudi Arabia) Ltd.: <i>Esso Geneva</i> .
06775	Whitco (Marine Services) Ltd.: <i>Temple Arch</i> .	13058	Gulf Brownsville Shipping Ltd.: <i>Gas Pesien</i> .
06957	Crystal Kobus Inc.: <i>Crystal Kobus</i> .	13095	Kingston Shipping Co. Inc.: <i>Bunker</i> .
07091	Atlantor Navigation Ltd.: <i>Acpos</i> .	13096	Amherst Shipping Co. Inc.: <i>Trader</i> .
07276	Anglo-Pacific Line Ltd.: <i>Palau</i> .	13117	Iyo Kosen (Panama) S.A.: <i>Hillstar, Ryujin Maru</i> .
07304	Yhtyneet Paperitehtaat Osakeyhtio: <i>Val- keakoski</i> .	13173	Transocean Maritime Transport Inc.: <i>Oriental Endeavour</i> .
07366	Compagnie Maritime des Chargeurs Reunis: <i>Caprata, Cypria, Taboa, Tobago, Forbin</i> .	13227	Universal Bulk Carriers Ltd.: <i>Tzaneen</i> .
07417	Soberano Delmar S.A.: <i>Rosaria</i> .	13334	Global Gas Transport Inc.: <i>Global Gas</i> .
07432	Inversiones y finanzas barberena S.A.: <i>Fucsta</i> .	13335	Reliance Gas Transport Corp.: <i>Reliance Gas</i> .
07493	Ithaca Shipping Inc.: <i>Stolt Argo</i> .	13469	Capitol Maritime Inc., Monrovia: <i>Nent</i> .
07550	Erato Shipping Inc.: <i>Golden Pine, Amanda, World Commander, Eastern Mary, Pacific Jasmin, World Atlas</i> .		
07577	Atlantic-Mediterranean Shipping Corp.: <i>Medi-Sea</i> .		
07623	Hawaiian Tug & Barge Co., Ltd.: <i>HTB- 18</i> .		
07743	Yangming Marine Transport Corp.: <i>Jing Ming, Ji Ming, Chii Ming</i> .		
07855	Seahorse Navigation Co. Ltd.: <i>Navi Champion</i> .		
08123	Vall Tankships Ltd.: <i>Vall Star</i> .		

NOTICES

agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif. and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 11, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT NO. 10178-1.

FILING PARTY:

Howard A. Levy, Esquire, Suite 727,
17 Battery Place, New York, N.Y.
10004.

SUMMARY: Agreement No. 10178-1 is an agreement among the parties to the U.S. Gulf/North Europe Discussion Agreement to extend the duration of that agreement through March 1, 1980.

Dated: January 27, 1978.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-2784 Filed 1-31-78; 8:45 am]

[6730-01]

[Docket No. 78-2]

ORGANIC CHEMICALS (GLIDDEN-DURKEE) DIVISION OF SCM CORP. v. ATLANTRAFIK EXPRESS SERVICE

Filing of Complaint

Notice is hereby given that a complaint filed by Organic Chemicals (Glidden-Durkee) Division of SCM Corp. against Atlantrafik Express

Service was served January 26, 1978. The complaint alleges that respondent assessed rates on ocean freight which are unjust and unreasonable and are in violation of Section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before June 26, 1978. The hearing shall include oral testimony and cross examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-2785 Filed 1-31-78; 8:45 am]

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WEDNESDAY, FEBRUARY 1, 1978
PART II



SECURITIES AND
EXCHANGE
COMMISSION

DISSEMINATION OF
QUOTATIONS FOR
REPORTED SECURITIES

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14415; File No. S7-648]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Dissemination of Quotations for Reported Securities

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The rule requires all national securities exchanges and associations to establish procedures for collecting from their members bids, offers and quotation sizes with respect to reported securities, and for making such bids, offers, and sizes available to quotation vendors. It also requires that quotation information made available to vendors be "firm," subject to certain exceptions. The rule is intended to facilitate the prompt development of a composite quotation system, an integral component of a national market system.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission has announced the adoption of Rule 11Ac1-1 (17 CFR § 240.11Ac1-1) under the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)), governing dissemination of quotation information with respect to equity securities as to which last sale information is reported in the consolidated transaction reporting system (the "consolidated system") contemplated by Rule 17a-15 under the Act (17 CFR § 240.17a-15) ("reported securities"). The Rule is designed to facilitate the prompt development of a composite quotation system by improving the quality and reliability of quotation information made available by national securities exchanges ("exchanges") and third market makers.

The Rule, which will become effective on May 1, 1978, will require each exchange and third market maker (a "market center") to make available quotations (including size) in all reported securities in which that market center is making a market. In addition, quotations made available pursuant to the Rule will be required to be "firm," subject to certain exceptions.

I. BACKGROUND

In February 1972, in its Statement on the Future Structure of the Securities Markets, the Commission first identified a composite quotation system as an integral component of a national market system when it stated that:

... an essential step toward formation of a central market system is to make information on prices, volume and quotes for securities in all markets available to all investors, so that buyers and sellers of securities, wherever located, can make informed investment decisions and not pay more than the lowest price at which someone is willing to sell nor sell for less than the highest price at which a buyer is prepared to offer. Such a communications system would thus serve to link the now scattered markets for listed securities.¹

Following the publication of the Future Structure Statement, the Commission proposed Rule 17a-14 under the Act, which would have required each exchange and national securities association ("association") to make quotations of their members available to vendors.² Since that time, the Commission has pursued several alternative courses of action designed to establish a composite quotation system, including a proposal to require plans to be filed under Section 17(a) of the Act and an attempt to free competitive forces to bring about the development of such a system by removing barriers to the voluntary dissemination of quotation information.³

As noted by the Commission when it first proposed Rule 11Ac1-1 in 1976,⁴ private efforts at developing a composite quotation system have proven

largely unsuccessful. Exchange markets continue to disseminate bid and asked price data which do not represent "firm" quotations and no self-regulatory organization makes available data as to quotation sizes. These and other deficiencies, which are more fully discussed in the 1976 Release, have convinced the Commission that it should take affirmative steps to improve the quality of quotation information disseminated by the various market centers by adopting Rule 11Ac1-1 which will require exchanges and third market makers to make available "firm" quotations while allowing the private sector, without regulatory compulsion, to develop the means of consolidating those quotations.

The initial version of Rule 11Ac1-1, proposed in July 1976 (the "1976 Proposal"),⁵ would have required every exchange and association to establish and maintain procedures and mechanisms for collecting quotations in eligible securities⁶ from its specialists and third market makers and for making such quotations (and, if the specialist or third market maker desired, his quotation sizes) available to quotation vendors.⁷ Each specialist and third market maker would have been required to communicate his quotations promptly to his exchange or association in accordance with the exchange's or association's procedures.⁸

The 1976 Proposal would also have required that, subject to certain exceptions, all quotations made available pursuant to the Rule be "firm". In particular, the Rule would have provided that any specialist or third market maker presented with an order for the purchase or sale of an eligible security (other than the purchase and sale of an odd-lot) stand ready to execute a transaction in that security in any amount up to such specialist's or third market maker's published quotation size (i.e., his most recently communicated quotation size displayed by vendors or, in the event he had disseminated no quotation size, a normal unit of trading)⁹ at a price at least as favorable to the buyer or seller as the bid price or asked price comprising part of that specialist's or market maker's published quotation (i.e., his most recently communicated quota-

¹See id.

²The 1976 Proposal used the term "eligible security," which was defined as any security as to which last sale information is reported in the consolidated system. In the subsequent proposal and the Rule as adopted, the term "reported security" has been utilized and defined to limit the application of the Rule to equity securities reported in the consolidated system.

³1976 Proposal, paragraph (b)(1).

⁴1976 Proposal, paragraph (c)(1).

⁵See 1976 Proposal, paragraph (a)(8).

tion displayed by vendors at the time the order is presented)."

Two exceptions to "firmness" were provided in the 1976 Proposal. First, a specialist or third market maker would have been relieved of his obligation to effect transactions at his published quotation if, after dissemination of a published quotation and before presentation of an order, that specialist or third market maker had communicated a quotation to his exchange or association superseding his published quotation.¹⁰ Second, quotations of specialists and third market makers would not have been required to be "firm" for a period of three minutes following the execution of a transaction in the particular security involved on the floor of the specialist's exchange or by the third market maker (as the case may be) or following the report of a transaction in the security in the consolidated system (the "Three Minute Exception").¹¹

Commentators responding to the 1976 Proposal felt that the Rule as then proposed would cause certain operational difficulties with respect to the collection and dissemination of exchange quotations. These commentators argued that, under the collection procedures then proposed, exchange quotations either would not accurately reflect all buying and selling interest on an exchange floor (by only disseminating the specialists' quotation) or would subject the specialist to firmness obligations for bids or offers which were not made by him. Additionally, some commentators suggested that, during periods of unusual or active trading, an exchange's procedures for quotation collection might be inadequate. In response to these comments, the Commission republished the Rule, in June 1977, in substantially revised form (the "1977 Proposal").¹²

The 1977 Proposal, rather than limiting the collection of exchange quotations to specialists' bids and offers, would have required each exchange to collect, process and make available to quotation vendors the highest bid and lowest offer¹³ communicated at the location (or locations) designated for trading on the floor of that exchange by any "responsible broker or dealer" with respect to each reported security¹⁴ listed or admitted to unlisted trading privileges on that

¹⁰1976 Proposal, paragraph (c)(2). See id., paragraph (a)(10).

¹¹1976 Proposal, paragraph (c)(3)(ii).

¹²1976 Proposal, paragraphs (c)(3)(i) and (c)(5).

¹³Securities Exchange Act Release No. 13626 (June 14, 1977), 42 FR 32418 ("1977 Release"). In addition, the 1977 Proposal contained a number of technical changes in response to comments by interested parties. See 1977 Release 19-21, 42 FR 32418, 32420.

exchange. The term "responsible broker or dealer" was defined to include any member of an exchange who communicated to another member on the floor of that exchange a bid or offer for a reported security at the location (or locations) designated by the exchange for trading in that security. In the event two or more members had communicated a bid or offer at the same price, both such members would be deemed responsible brokers or dealers, subject to the rules of priority and precedence then in effect on that exchange.¹⁵ Thus, an exchange would have been responsible for making available a single quotation, not necessarily of any individual market participant such as a specialist, but rather reflecting the highest bid and lowest offer of any broker or dealer at the post.¹⁶

Under the 1977 Proposal, each bid or offer made available by an exchange to quotation vendors would have been accompanied by a quotation size, which would be either: (i) The number of shares or units of trading which the broker or dealer responsible for that bid or offer had specified for purposes of communication to quotation vendors that he would be willing to buy at the bid price or sell at the offer price comprising his bid or offer, or (ii) in the event no such number had been specified, a normal unit of trading.¹⁷ If the bid or offer made available by an exchange represented the bids or

¹⁴This requirement was limited to permit an exchange to exclude any bid or offer which was executed immediately after communication and any such bid or offer communicated by a responsible broker or dealer other than an exchange market maker which was cancelled or withdrawn if not executed immediately after communication. 1977 Proposal, paragraph (b)(2).

¹⁵See note 6 supra.

¹⁶1977 Proposal, paragraph (a)(3)(i). The 1977 Proposal would also have provided that, with respect to a bid or offer representing an order which had been transmitted from one member of that exchange to another member who undertook to act as agent with respect to the order, only the last member undertaking to act as agent with respect to the order would have been considered as the "responsible broker or dealer" for the bid or offer. Thus, for example, if an order had been given to a \$2 broker for execution or left with a specialist, only the \$2 broker or the specialist (and not the originating broker) would have been subject to the Rule's firmness obligations.

¹⁷Under the 1977 Proposal, each exchange would also have been responsible for establishing and maintaining procedures and mechanisms for ascertaining the identity of responsible brokers and dealers with respect to each bid and offer and would have been required, upon request of any member seeking to execute a transaction in reliance on the firmness requirements of the Rule, to disclose the identity of such responsible brokers and dealers to that member. 1977 Proposal, paragraph (b)(2).

¹⁸1977 Proposal, paragraph (a)(10).

offers of more than one responsible broker or dealer, the exchange would have been required to make available an aggregate quotation size with respect to such bid or offer (i.e., the sum of the quotation sizes of all responsible brokers or dealers with respect to such bid or offer).¹⁸

The firmness requirements and exceptions thereto for revised quotations and for intervening transactions and trade reports contained in the 1976 Proposal were retained in the 1977 Proposal. However, the exceptions to firmness were modified to allow an exchange member, seeking to execute a transaction in a security when the published bid or published offer for that security represented the bids or offers of two or more members, to effect transactions with all of such responsible brokers or dealers up to the published aggregate quotation size. Specifically, if an order to purchase or sell a reported security was presented for execution to a responsible broker or dealer on the floor of an exchange at a time when the published bid or published offer of such exchange represented bids or offers (as the case may be) of more than one responsible broker or dealer on that exchange, no such responsible broker or dealer would have been relieved of his execution responsibility under the Rule until the member seeking to execute the order had either completed his order (if the order was in size equal to or less than the published aggregate quotation size) or (if the order was in size greater than the published aggregate quotation size) the member had purchased or sold an amount of the security equal to such published quotation size regardless of any revised quotation or any intervening transaction or trade report.¹⁹

In addition, the 1977 Proposal would have provided a further exception to firmness during periods of unusual or active trading when an exchange's quotation collection procedures would not be adequate to monitor the flow of quotation information or a specialist would not be able to update his quotations on a timely basis (the "Unusual Market Exception"). Under this exception, if an exchange, pursuant to rules and regulations approved by the Commission under section 19(b)(2) of the Act, determined that the level of trading activity or the existence of unusual market conditions was such that the exchange was incapable of accurately collecting, processing and making

¹⁹1977 Proposal, paragraph (a)(12). The exchange would also have been responsible for keeping track of the quotation sizes of each broker or dealer and making that information available to a member seeking to effect a transaction in reliance on the firmness requirements of the Rule. 1977 Proposal, paragraph (b)(2).

²⁰1977 Proposal, paragraph (c)(4).

available to vendors the data required by the Rule, upon such exchange's notification to certain specified persons (including the Commission and each quotation vendor),²¹ the firmness obligations of responsible brokers and dealers of such exchange, as well as the obligation of the exchange to ascertain the identity and quotation size of each responsible broker and dealer and to make such information available to members, would be suspended. The suspension would continue until the exchange had determined that the unusual market activity or conditions had terminated and renotified those specified persons. During the pendency of the suspension, the exchange involved would still be required to continue, to the maximum extent practicable under the circumstances, to collect, process and make available to vendors bids, offers and quotation sizes of its members.²²

The 1977 Proposal did not significantly change the collection procedures and firmness requirements of the Rule for third market makers. Under the 1977 Proposal, each third market maker²³ would have been defined as a "responsible broker or dealer"²⁴ and would have been obligated to communicate his bids, offers, and quotation sizes to the association of which he was a member pursuant to collection procedures established by that association.²⁵ Such bids, offers, and quotations sizes would have been firm, subject to the same exceptions for revised quotations and intervening trade reports as contained in the 1976 Proposal.²⁶ Each association, in turn, would have been required, at all times last sale information with respect to reported securities was reported in the consolidated system, to collect, process, and make available to vendors the highest bid and lowest offer and quotation size of each responsible broker or dealer who was a member of that association and who was acting in the capacity of a third market maker.²⁷

In response to the publication of the 1977 Proposal, the Commission re-

²¹ 1977 Proposal, paragraph (a)(15).
²² 1977 Proposal, paragraph (b)(3).

²³ The 1977 Proposal changed the definition of "third market maker" to make clear that: (i) a market maker may also represent a customer's order as agent as part of a bid or offer disseminated pursuant to the Rule, and (ii) a market maker would not include any person acting solely in the capacity of a block positioner. See *id.*, paragraph (a)(1).

²⁴ 1977 Proposal, paragraph (a)(3)(ii).

²⁵ 1977 Proposal, paragraph (c)(1).

²⁶ 1977 Proposal, paragraphs (c)(2), (3), and (5).

²⁷ 1977 Proposal, paragraph (b)(1)(ii). However, this requirement was limited to permit an association to exclude any bid or offer which was executed immediately after communication or cancelled or withdrawn if not executed immediately after communication.

ceived comment letters from three vendors of market information, six exchanges, the National Association of Securities Dealers, Inc. ("NASD"), the Securities Industry Association, two broker-dealer firms, and the Council on Wage and Price Stability. The Commission has also considered comments and statements concerning quotation systems generally and Rule 11Ac1-1 specifically which were received in connection with the Commission's current proceeding under section 19(c) of the Act, considering amendment of exchange rules which limit or condition the ability of their members to effect transaction over-the-counter in listed securities and to consider the adoption of certain Commission rules to accompany any such action (the "Off-Board Proceeding").²⁸ Finally, the Commission has considered the views of the National Market Advisory Board ("NMAB") regarding a composite quotation system.²⁹ All of the comments and views received in response to the 1977 Proposal indicate that most of the mechanical and operational difficulties of the Rule had been resolved but that there was still some disagreement as to the basic regulatory approach of the Rule. After carefully considering these views and comments, the Commission has determined to retain the basic approach of the proposal and has adopted Rule 11Ac1-1 in substantially the same form as the 1977 Proposal, with the elimination, however, of the Three Minute Exception.

II. THE REVISED PROPOSAL

A. THREE MINUTE EXCEPTION

A number of commentators responding to both the 1977 and 1976 Proposals argued that the Three Minute Exception was both unnecessary, in light of actual trading conditions and recent technological developments permitting computer-generated quotations, and counterproductive because it would emasculate the firmness provisions of the Rule. Therefore, these commentators suggested that the quotation information disseminated pursuant to the Rule would be less useful for order routing decisions. One commentator also asserted that the Three Minute Exception would permit exchanges or third market makers to suspend making quotations available for lengthy periods of time during active markets.

The Three Minute Exception was originally included in the 1976 Proposal as a mechanism to assure that market makers were given sufficient

time to update their quotations following completion of a transaction or after receiving a trade report from another market center. The Commission recognized that the Exception would result in the dissemination of quotations which were less useful for order routing decisions than quotations which were firm unless altered prior to the receipt of an order; however, because the Commission was concerned that the Rule might cause operational difficulties, especially in active markets, the Three Minute Exception was included to ensure the efficient operation of the Rule. As a further mechanism for accommodating active exchange markets, the Commission also added the Unusual Market Exception in the 1977 Proposal. However, because the Commission believed that quotation information would be more useful if these exceptions were not provided, it specifically requested comment in the 1977 Release on the "feasibility of requiring bids and offers made available pursuant to the Rule to be firm under all circumstances (unless a revised bid or offer had been communicated to the relevant exchange or association prior to the receipt of an order)."³⁰

The Commission has concluded that the Three Minute Exception is not necessary to assure effective operation of the Rule because the exceptions for revised quotations and unusual market conditions should be adequate to accommodate even very active exchange markets.³¹ Accordingly, since quotation information not subject to such an exception will, in our view, be more reliable and may therefore be of greater benefit to brokers and dealers in their order routing decisions, the Commission has adopted Rule 11Ac1-1 without the Three Minute Exception.³²

²⁸ 1977 Release, *supra* note 13, at 25, 42 FR 32418, 32421.

²⁹ The comment letters of the Boston and Philadelphia Stock Exchanges and the NASD favored elimination of the Three Minute Exception. Additionally, two New York Stock Exchange, Inc. ("NYSE") specialists stated at the public hearings held in connection with the Off-Board Proceeding that the Three Minute Exception was not necessary to permit them to comply with the Rule. See Official Transcript of Proceedings Before the Securities and Exchange Commission, File No. 4-180, In the Matter of Off-Board Trading Rules at 397-398 and 599. Furthermore, officials of the NYSE and Pacific Stock Exchange, Inc. ("PSE"), which had initially advocated the Exception, have informally confirmed that those exchanges no longer felt the Exception was necessary. See Memorandum of Telephone Conversations in File S7-648.

³⁰ The Rule has also been revised to delete those provisions limiting the Three Minute Exception when two or more responsible brokers or dealers on an exchange had published bids or published offers at the same price. See 1977 Proposal, paragraph (c)(4).

³¹ See Securities Exchange Act Release No. 13662 (June 23, 1977), 42 FR 33510.

³² NMAB, "Next Steps to be Taken to Facilitate the Establishment of a National Market System," December 6, 1977, ("NMAB Report") 15-18.

Under the Rule as adopted, bids, offers, and quotation sizes are required to be firm subject only to exceptions for revised quotations and unusual or active market conditions. The exception for revised quotations has been altered slightly to prevent a responsible broker or dealer from being required to execute more than one order on the basis of his published bid or published offer, a possibility which would have been precluded by the Three Minute Exception. Thus, under the Rule as adopted, a responsible broker or dealer would be relieved of his obligation to effect transactions at his published bid or published offer if, (i) before an order is presented for execution, he has communicated to his exchange or association a revised bid or offer superseding his published bid or offer (a "revised bid or offer") or, (ii) at the time an order is presented, he is in the process of effecting a transaction in that security,³³ and, immediately after the completion of such transaction, he communicates a revised bid or offer to his exchange or association.³⁴ In these circumstances, the responsible broker or dealer will be obliged to effect a transaction at his revised bid or offer if the broker or dealer presenting the order so requests. A responsible broker or dealer will also be permitted to revise his published quotation size at any time prior to the presentation of an order or, if he is in the process of effecting a transaction in that reported security at the time an order is presented, immediately after completion of the transaction.³⁵ In that event, the responsible broker or dealer will be obliged to execute a transaction in any amount requested by the broker or dealer presenting the order up to the responsible broker or dealer's revised quotation size.

B. TECHNICAL CHANGES

In addition to the changes discussed above, the Commission has made several drafting and technical changes in the Rule:

1. The 1977 Proposal provided an exception from the collection and dissemination requirements imposed on exchanges and associations for any bid or offer which was executed immediately after communication and any bid or offer communicated by a responsible broker or dealer (other than an exchange specialist) which was cancelled or withdrawn if not executed immedi-

³³ A responsible broker or dealer should be deemed to be in the process of effecting a transaction from the moment an order is presented to him for execution until the completion of communication of all information necessary to complete the transaction.

³⁴ Rule 11Ac1-1(c)(3)(ii).

³⁵ Rule 11Ac1-1(c)(3)(i).

ately after communication.³⁶ Commentators argued that the 1977 Proposal treated exchange market makers differently from third market makers (by requiring an exchange to collect an exchange market maker's bid or offer which was cancelled or withdrawn if not executed immediately after communication) and urged that the Commission extend this exception to exchange market makers. Because the bids and offers of any market maker may be characterized as cancelled or withdrawn if not accepted immediately after communication, the Commission has concluded that, to avoid possible circumvention of the Rule and to provide uniformity of treatment between exchange specialists and third market makers, the part of the exception which would have permitted an exchange or association to exclude from collection bids or offers which were cancelled or withdrawn if not executed immediately after communication should not be available either to third market makers or exchange specialists.³⁷ This determination is consistent with the Commission's intent in providing this exception for "ephemeral" quotations in the 1977 Proposal; that is, that the Rule as adopted reflects the fact that certain non-specialist participants in exchange "crowds" make bids and offers which, while narrowing the exchange quotation for an instant in time, never in fact become part of the quoted market on the exchange because they are withdrawn immediately if not accepted.

2. The Rule has been revised to explicitly state that an association is required to make available to vendors the identity of each responsible broker or dealer whose quotations are being made available by that association.³⁸ This change in the Rule is necessary to assure that vendors receive sufficient information to enable their subscribers to respond to third market quotations in appropriate circumstances.

3. Under the 1977 Proposal, the Unusual Market Exception would have provided an exception to the firmness provisions of the Rule upon notification of certain "specified persons," including the Commission. In order to expedite notification procedures, the Rule has been revised to omit notification to the Commission although notice must still be provided to each quotation vendor, the processor of the consolidated system and, in the case of a security underlying exchange traded options, the processor for the Options Price Reporting Authority.³⁹

4. The Rule will become effective on May 1, 1978.⁴⁰ This effective date should provide sufficient time for ex-

³⁶ 1977 Proposal, paragraph (b)(2).

³⁷ See Rule 11Ac1-1(b)(2).

³⁸ Rule 11Ac1-1(b)(1)(ii).

³⁹ Rule 11Ac1-1(a)(15).

⁴⁰ Rule 11Ac1-1(e).

changes and associations to file the necessary rule proposals with the Commission and to modify their quotation collection and dissemination procedures in accordance with the Rule. Furthermore, it will provide additional time to vendors to modify their information systems to accommodate the display of quotation information (including sizes) from the various market centers.

III. ADDITIONAL ISSUES

The Commission has also considered a number of other issues raised by commentators.

A. MANDATORY PARTICIPATION

Both the 1976 and 1977 Proposals contemplated that each exchange would be required to collect and disseminate quotations in every reported security listed or admitted to unlisted trading privileges on the exchange and that each association would be required to collect and disseminate quotations in every reported security in which one of its members was acting as a third market maker. In turn, each exchange specialist and third market maker would have been required to promptly communicate to his exchange or association quotations representing a continuous two-sided market. In response to both Proposals, the Commission received comments which questioned whether the Rule should mandate participation by each exchange and third market maker (as opposed to permitting such participation on a voluntary basis), particularly in an environment in which (i) brokers could not automatically execute against published bids or offers, (ii) there was no Commission rule requiring brokers to route orders to the market displaying the best published bid or offer, and (iii) there was no requirement that vendors display quotations from every market center.

Some commentators argued that competitive forces should be the sole factor motivating brokers or dealers to make available firm quotations to vendors. These commentators cited the NASD's experience with NASDAQ, which provides for voluntary participation by over-the-counter market makers, as an example of a successful quotation system deriving exclusively from competitive forces. Other commentators asserted that, in the current market environment, there would be no economic benefit to be derived from communication of quotations in accordance with the Rule because orders would not be routed on the basis of displayed quotations. Therefore, according to one commentator,

"Additionally, the 1977 Proposal would have required an exchange under certain circumstances to collect bids and offers of other brokers and dealers in the 'crowd'."

the adoption of a rule which required participation by all third market makers would be "anti-competitive" because it would impose greater burdens on smaller market centers which cannot spread the costs of providing quotations over a large order flow and cannot charge vendors or subscribers for quotation information as is done by certain larger self-regulatory organizations." Thus, it was argued, particularly in the absence of increased order flow which might be derived from communication of quotations, a mandatory rule would act as a "barrier to new market makers" and would be a disincentive to existing third market makers. Finally, it was suggested that, if the Commission adopted a rule mandating the dissemination of quotations, the information made available pursuant to the Rule would not be as accurate (and hence as useful) as the information which would be disseminated pursuant to a voluntary rule.

The NMAB supported the view that the Rule should not require participation by all market centers:

Contrary to the requirement contained in proposed Rule 11Ac1-1, the Board is of the view that requiring market makers to include their quotations in the [composite quotation system] might impose equipment and personnel costs that would discourage many broker-dealers from making markets. The Board believes it likely that broker-dealers which make markets in a significant number of securities would enter quotations into the system for at least some of the securities in which they make markets, and that the degree to which market makers entered quotations into the system would depend on the degree to which the system was used in directing order flow. If the system did not influence the direction of order flow, it would seem unfair to require market makers to make expenditures that were unlikely to have any business purpose."

In reaching its decision to adopt Rule 11Ac1-1 in a form requiring dissemination of quotations for reported securities from all market centers, the Commission has carefully reviewed both the views of commentators who favor modification of the Rule to permit voluntary dissemination of quotations and the legislative history of Section 11A of the Act (particularly with respect to, among other things, Congressional expectations concerning a composite quotation system)."

"For example, both the NYSE and American Stock Exchange currently impose direct charges on vendor subscribers for receipt of quotation information from their exchanges.

"NMAB Report, supra note 29, at 17.

"Section 11A(a) of the Act [15 U.S.C. 78k-1(a)] derives from S. 249, the Senate version of the bill which was ultimately enacted as the Securities Acts Amendments of 1975 (the "1975 Amendments"). See Comm. of Conference, Report to Accompany S. 249, H.R. Rep. No. 94-229, 94th Cong., 1st Sess. 92 (1975). The Senate report accompanying

The Commission recognizes the legitimate concerns of some commentators concerning the costs of compliance with Rule 11Ac1-1 and the possibility that a composite quotation system may not exert a controlling influence on brokers' order routing decisions under current circumstances. Although the Commission cannot predict with certainty the effect quotation information disseminated pursuant to the Rule will have on brokers' decisions as to which of the several markets should be selected for execution of their customers' orders, the

S. 249 indicates that the bill consolidates five prior bills (including S. 2519, a bill containing provisions relating to the development of a national market system which was approved by the Senate in the 93rd Congress) and that the genesis of the legislation was the Securities Industry Study Report of the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs. Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, Report to Accompany S. 249, S. Rep. No. 94-75, 94th Cong., 1st Sess. 1 (1975) (the "Senate Report"). See Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, Securities Industry Study, S. Doc. No. 93-13, 93d Cong., 1st Sess. (1973) (the "Senate Securities Industry Study"). The Senate report accompanying S. 2519 and the Senate Securities Industry Study indicate a clear Congressional understanding that the Commission would use its powers to establish a comprehensive composite quotation system, including quotations from all market centers. The report accompanying S. 2519 indicates that one of the communications facilities which was not then in existence and which the bill was designed to give the Commission authority to mandate was a "system through which all current quotes for listed securities can be seen on any single unit on a comparable basis." Senate Comm. on Banking, Housing and Urban Affairs, Report to Accompany S. 2519, S. Rep. No. 93-865, 93d Cong., 2d Sess., 5-6 (1974) (emphasis added). The Senate Securities Industry Study also indicates that there was "no system through which all current quotes can be seen on a comparable basis. . . ." Senate Securities Industry Study at 97 (emphasis added).

In addition, the Senate Subcommittee was aware and noted in the Senate Securities Industry Study that the Commission had recently proposed Rule 17a-14 under the Act which would have required all exchanges and the NASD to make available quotations to vendors on a current and continuing basis. Id. at 101; see note 2 supra. In addition to its recognition of proposed Rule 17a-14, the Senate also cited in its Securities Industry Study the Commission's Policy Statement on the Structure of a Central Market System, Securities Exchange Act Release No. 10076 (March 29, 1973) (the "Policy Statement"). In the Policy Statement, the Commission specifically described the emerging "central market system" as envisioning the "disclosure of quotations from all markets." Future Structure Statement, supra note 1, at 8-9, 37 FR 5286, 5287 (emphasis added). See Policy Statement at 11, 15, 26, and 48.

Commission's expectations are that implementation of Rule 11Ac1-1, and the resultant general availability of relatively "firm" quotations and quotation sizes for reported securities, will have a favorable impact on brokers' order routing decisions and upon the changing nature of brokers' agency obligations to their customers. These expectations, however, do not constitute the sole basis for the Commission's decision to adopt Rule 11Ac1-1 in a form requiring participation by all market centers. Rather, the Commission considers the adoption of Rule 11Ac1-1 in this form as an appropriate step in facilitating the integration of all markets into a national market system, including assuring "the availability to brokers, dealers and investors of information with respect to quotations for . . . securities" and "the practicability of brokers executing investors' orders in the best market."

Thus, the Commission is convinced that the availability of "firm" quotations for reported securities, with size, from all market centers, is of considerable value to the markets generally and to participants in those markets, especially in the context of an evolving national market system." Moreover, quite apart from the general importance of quotation information to be disseminated pursuant to the Rule, the Commission believes that the adoption of the Rule in a form requiring participation by all market centers should spur brokers to make greater

"See Section 11A(a)(1)(C)(iii) and (iv) of the Act [15 U.S.C. 78k-1(a)(1)(C)(iii) and (iv)]. The language and legislative history of the 1975 Amendments indicate a clear Congressional determination that a comprehensive composite quotation system is an essential element of the emerging national market system and that Congress contemplated an active Commission role in its development. For example, the Senate Subcommittee on Securities stated in the Senate Report as follows: "In the securities markets, as in most other active markets, it is critical for those who trade to have access to accurate, up-to-the-second information as to the prices at which transactions in particular securities are taking place (i.e., last sale reports) and the prices at which other traders have expressed their willingness to buy and sell (i.e., quotations). For this reason, communications systems designed to provide automated dissemination of last sale and quotation information will form the heart of the national market system." Senate Report, supra note 44, at 9. See Subcomm. on Commerce and Finance of the House Comm. on Interstate and Foreign Commerce, Securities Industry Study, H.R. Rep. No. 92-1519, 92nd Cong., 2d Sess. 123-25 (1972); Senate Securities Industry Study, supra note 44, at 101-104.

"Similarly, in adopting Rule 17a-15 under the Act, the Commission was convinced of the value of providing comprehensive last sale information from all market centers. The Commission believes that quotation information will prove to be of at least equal value.

efforts to achieve best execution of their customers' orders and should foster increased competition in market making. Finally, the Commission is concerned that the failure to ensure the availability of quotation information from all market centers could jeopardize efforts to perfect the functioning of a composite quotation system. Such a failure also could distort the Commission's and the securities industry's perception of that system's impact on the behavior of market professionals and of the precise nature of those additional steps which must be taken, building upon experience with use of a composite quotation system, to perfect the mechanism of a national market system.

Although the Commission is aware that the cost burdens associated with compliance with the Rule (particularly the expenses associated with providing quotation information on a continuous basis) may be greater for some persons subject to the Rule than for others, these differences are, in large part, a direct function of the differing ways in which persons subject to the Rule have elected to conduct their businesses. In any event, the Commission has determined that those costs must be borne in order to advance the important purposes of the Act to be served by collecting and disseminating "firm" quotation information from all market centers.

The Commission believes that, until there has been some experience with a comprehensive composite quotation system, it is not possible to determine the precise impact which that system will have on order flow or upon the competitive opportunities and burdens which will be encountered by various market centers. The Commission is satisfied that the important purposes of the Act will be served by collecting and disseminating "firm" quotation information from all market centers and, accordingly, it is reluctant to sacrifice that opportunity because of a concern that some market centers might suffer a cost or competitive disadvantage. The Commission recognizes, however, that this concern is a real one and that some markets and market makers, particularly third market makers, may be subjected to cost burdens which are substantially disproportionate to the competitive benefits which they will obtain. Therefore, upon an appropriate showing, the Commission will be prepared to consider granting an exemption from the provisions of the Rule requiring the dissemination of quotation information so as to relieve unjustified burdens in a manner consistent with the purposes of the Act."

The Commission is aware that some persons required to provide quotations

"Rule 11Ac1-1(d). See discussion infra.

C. VENDOR REQUIREMENTS

Several commentators suggested that the Commission impose specific obligations on quotation vendors to display quotations from all market centers. The Commission agrees with these commentators that the general availability of quotation information from all markets and market makers by such vendors is a necessary prerequisite to the use of that information and is essential to the successful operation of the Rule. However, the Commission believes that adequate dissemination of quotation information will be achieved without specific vendor requirements formulated by the Commission. For example, it appears that prior to the effective date of the Rule at least one securities information system will be providing a montage of quotations (including sizes) from all market centers in all multiple-traded reported securities. Additionally, the Commission believes that competitive pressures will assure that each of the other vendors will eventually implement similar services or, at least, a best bid and asked display. The Commission will continue to monitor vendor progress in providing quotation information in a comprehensive and non-discriminatory manner and will reconsider its decision not to impose specific obligations on vendors if competitive pressures do not assure adequate dissemination and display of this information."

B. BEST EXECUTION

A number of commentators stated that, in their opinion, the adoption of Rule 11Ac1-1 would not significantly change brokers' order routing decisions unless the Commission also adopted a "best execution" rule. One commentator felt that such a rule should be general in nature, merely clarifying a broker's responsibilities as they exist today, and would exist after the adoption of Rule 11Ac1-1, while others appeared to be advocating a more specific rule which would require brokers to route orders to the market center displaying the best quotation.

The Commission does not believe it is appropriate, at this time, to promulgate a "best execution" rule. It has reached this conclusion because it does not believe it is reasonable, given the present structure of the securities markets, and presently available trading mechanisms, to require brokers under all circumstances to route their customers' orders to the market displaying the best quotation. However, since the Commission believes that adoption of Rule 11Ac1-1 will significantly improve the quality of quotation information available from all markets and market makers, the Commission expects brokers to give careful consideration to that information in making their order routing decisions. Because the Commission believes that a broker's existing fiduciary duty to his customer requires that he take cognizance of quotation information available through a composite quotation system in seeking best execution of his customer's order, it is not clear at this time that a more definitive Commission rule prescribing best execution standards is necessary to ensure adherence to appropriate principles of agency conduct by brokers.

D. MULTIPLE MARKET MAKERS

Although most commentators expressed agreement with the firmness provisions of the Rule, two commentators suggested that this aspect of the Rule had certain anticompetitive effects. These commentators argued that the competing market maker system, as employed on the Chicago Board Options Exchange, Inc. and the options trading floors of the Midwest Stock Exchange, Inc. and PSE, may be a prototype of the enhanced competitive environment envisioned by Congress in the passage of the 1975

"In this regard, the Commission notes that it expects that quotations will be displayed on a non-discriminatory basis (i.e., from all market centers) and that access to composite quotations will be provided in a manner which will allow recall of these quotations as readily as quotations from a single market. For example, if the consolidated system stock symbol and a single request key are utilized to obtain quotations from a particular market center, consolidated quotations must be available by use of the consolidated symbol and a single request key. In addition to the display of quotations and quotation sizes based upon information from all market centers, the Commission expects that vendors will also indicate to users when these quotations are not firm due to the Unusual Market Exception.

Amendments" and that a firm quotation rule would be unworkable in such an environment. Therefore, they argued that the adoption of Rule 11Ac1-1 would become an obstacle to other exchanges adopting such a competitive market maker system, and, in any event, that the Commission would have to exempt exchanges using this system from the operation of the Rule.

The Commission recognizes that compliance with Rule 11Ac1-1 may be more difficult in a multiple market maker exchange environment; however, no exchange currently utilizes such a system generally for trading in reported securities. Accordingly, it is not necessary at this time to consider modifying Rule 11Ac1-1 or altering its basic approach to collection of quotation information to take into account multiple market making in reported securities. However, the Commission wishes to clearly state its intent that the adoption of Rule 11Ac1-1 should not discourage competition among market makers and its commitment to give further consideration to the kinds of theoretical problems mentioned above should circumstances require further action to accommodate a large number of market makers on a single exchange floor.

E. SUITABILITY

Several commentators responded to an express request for comment made in a footnote to the 1977 Release regarding the applicability of standards of suitability and diligence.³⁰ The Commission confirmed in the footnote that the firmness provisions of the Rule (which would require a responsible broker or dealer to deal directly with any person belonging to a category of persons with which such broker or dealer customarily deals) were not intended to supersede or contravene rules governing suitability and diligence as to customer accounts.³¹ One commentator felt that this qualification of the firmness requirement would be more appropriately contained in the Rule, not in a footnote in a release. Another commentator questioned the applicability of suitability and customer diligence rules to several hypothetical situations and also expressed its view that the Rule should not require a responsible broker or dealer to transact business with another broker or dealer regardless of such responsible broker or dealer's

³⁰Both commentators noted, however, that Rule 11Ac1-1 as proposed would not be applicable to options trading. Rule 11Ac1-1 as adopted is not applicable to quotations in exchange-traded options.

³¹1977 Release, supra note 13, at 14 n. 16, 42 FR 32418, 32419.

³²See, e.g., Article III, Sec. 2 of the Rules of Fair Practice of the NASD and Rule 405 of the NYSE.

judgment as to the financial integrity of the other broker or dealer and his ability to deal in the size of the transaction in question.

The Commission continues to believe that the asserted concern that Rule 11Ac1-1 will force responsible brokers and dealers to transact business with financially unsound brokers or dealers has not been demonstrated to be a sufficient reason to amend the Rule. If such loss occurs, it would generally be limited to a risk of market loss for a short period of time. The infrequency and limited nature of such losses does not warrant the inclusion of a general exception to the firmness requirement of the Rule.

With respect to other persons who belong to a category of persons with whom a responsible broker or dealer customarily deals (and, therefore, who are entitled to require a responsible broker or dealer to effect a transaction at his published bid or published offer), the Commission notes that the phrase "customarily deals" connotes, among other things, that a responsible broker or dealer should not engage in a transaction with a customer when the broker's fiduciary responsibility, including principles of suitability and other obligations imposed on such brokers by law, would otherwise prohibit such a transaction.

F. ERRORS

One commentator noted that the 1977 Proposal would relieve a responsible broker or dealer from his firmness obligations if his published bid or offer as displayed by vendors was not the same as the bid or offer communicated by the responsible broker or dealer to his exchange or association due to some error in collection, transmission or display. This commentator stated that a responsible broker or dealer should also be relieved of firmness obligations when he has communicated an erroneous quotation to his exchange or association.

The Commission believes that responsible brokers and dealers should be held accountable for their own errors in order (i) to create incentive on the part of responsible brokers and dealers to accurately communicate their quotations and (ii) to avoid "backing away" by responsible brokers and dealers under the guise of erroneous quotations. Accordingly, the Rule has not been altered to provide a firmness exception for responsible brokers or dealers communicating erroneous quotations.

G. FEES

The Commission has again received comments concerning the rights

³³The Commission received similar comments in response to the 1976 Proposal and deleted a paragraph in that Proposal which would have permitted the imposition of fair

of exchanges and associations to charge vendors directly for receipt of quotation information and to impose certain contractual obligations on vendors. Rule 11Ac1-1 is not intended to define or recognize the right of an exchange or association to charge vendors for the receipt of quotation information; the Commission has not to date addressed that issue. The Commission notes that, under Section 11A(c)(1)(C) of the Act (15 U.S.C. 78k-1(c)(1)(C)), it continues to have authority to adopt rules and regulations designed to assure that all securities information processors may obtain quotation information from any exchange or association (or any executive processor) on fair and reasonable terms. The Commission expects that the vendors and self-regulatory organizations will resolve these matters satisfactorily without Commission intervention prior to the effective date of the Rule. However, the Commission will monitor the progress of these discussions to assure that compliance with the Rule and the other provisions of the Act are achieved and will take appropriate action if necessary.

H. UNUSUAL MARKET EXCEPTION

Only one commentator addressed the operation of the Unusual Market Exception and suggested that this exception commence upon a determination that unusual conditions exist, not at the time specified persons are notified. In addition, this commentator felt the Rule's requirement that such determination be made pursuant to rules approved by the Commission would not allow exchange officials sufficient discretion in utilizing the exception. Although the circumstances which justify the determination that unusual conditions exist would appear to impose burdens on responsible brokers and dealers from the moment these circumstances arise and, therefore, responsible brokers and dealers would be required to satisfy orders based upon quotations which may not be accurate or up to date from that time until completion of the notification procedure, the Commission believes that such a limited burden is necessary to assure prompt notification to the specified persons. The Commission has also revised the Rule to omit notification to the Commission, thereby expediting the notification process.³⁴ Moreover, during the period prior to notification it is unlikely that responsible brokers or dealers will be required to satisfy orders on the basis of their published bids or offers because the exception for revised quotations should assure that a and reasonable fees for use of quotation information. 1976 Proposal, paragraph (b)(3). See 1977 Release, supra note 13, at 21, 42 FR 32418, 32420.

³⁵See Rule 11Ac1-1(a)(15) and discussion supra.

responsible broker or dealer is not obliged to effect a transaction at a price which does not reflect the current market. In addition, if the Unusual Market Exception were to become operative prior to notification to vendors, displayed quotations would be misleading during such interim period.³⁴

The Commission believes it is necessary that exchange procedures utilized in making a determination that unusual market conditions exist be filed with the Commission under Section 19(b) of the Act to assure some uniformity between the various exchanges and to assure that the factors to be considered in reaching these determinations are consistent with the Commission's intent in providing the exception.

I. COST/BENEFIT ANALYSIS

In response to the 1976 Proposal, the Council on Wage and Price Stability (the "Council") submitted a lengthy comment questioning the cost/benefit of a rule such as Rule 11Ac1-1 and urging the Commission not to adopt such a rule in the absence of an analysis demonstrating that the benefits of the proposal would outweigh the costs associated with its implementation.³⁵ In the 1977 Release, the Commission stated its conclusion that the projected benefits of the Rule, although difficult to quantify, outweighed the anticipated costs to exchanges, associations and market professionals.³⁶ In addition, the Commission noted that affirmative Commission action in implementing a composite quotation system was justified by the overriding public interest in the widespread dissemination of quotation information and by the provisions of the Act directing the Commission to take action to facilitate the development of a national market system.³⁷

In response to the 1977 Proposal, the Council has requested the Commission to consider its comments submitted in response to the 1976 Proposal as applicable to the 1977 Proposal. The Commission has again considered the comments of the Council and continues to believe that the benefits provided by the Rule, particularly its role in facilitating the establishment of a national market system, outweigh the costs associated with implementation of the Rule. As an integral step in ac-

³⁸See note 49 supra, in which the Commission has indicated that it expects that information furnished by quotation vendors will indicate when this exception is in effect.

³⁹1977 Release, supra note 13, at 27, 42 FR 32418, 32421.

⁴⁰Id. at 27-30, 42 FR 32418, 32421-22.

⁴¹Comments of the Council on Wage and Price Stability on Eligible Securities, Dissemination of Quotations, October 6, 1976, in File No. S7-648.

complishing the statutory goal of the "linking of all markets . . . [to] foster efficiency, enhance competition, . . . and contribute to best execution" . . . of customers' orders, the Rule is justified even in the absence of inherently speculative efforts to quantify the cost and value of certain improvements in the quality of information which will result.

J. MISCELLANEOUS TECHNICAL COMMENTS

1. One commentator felt that the Rule should contain further standards refining the definition of "third market maker." The definition in the 1977 Proposal would have applied to any person who held himself out as willing to deal on a regular and continuous basis in amounts of less than block size. This commentator requested that the Commission provide standards for identifying those persons who are willing to deal on a regular and continuous basis and for determining "block size." The definition of third market maker contained in the Rule is similar to the definition of "market maker" contained in Section 3(a)(38) of the Act (15 U.S.C. 78c(a)(38)), and should be sufficiently clear to identify persons acting in that capacity. Since the amount of securities which constitutes a "block" will vary from issue to issue, depending in part upon the trading characteristics of the issue (e.g., price, volume and liquidity), a specific definition of that term would appear to be unduly rigid.

2. One commentator requested that the Commission further define the standards under which it would grant exemptions from the Rule. The exemptive provisions of the Rule are designed to exempt market centers which do not account for any significant trading in a reported securities or which would suffer economic burdens which are not justified by the purposes of the Act,³⁸ and to deal with other market structure developments.³⁹ The Commission believes that a broad exemptive provision is necessary to provide flexibility in those instances when application of the Rule would be inappropriate.

3. Another commentator has made a number of technical suggestions, most of which the Commission feels are beyond the intended scope of the Rule. In essence, this commentator suggested that the Commission man-

⁴²Section 11A(a)(1)(D) of the Act (15 U.S.C. 78k-1(a)(1)(D)).

⁴³See note 47 supra.

⁴⁴For example, it may be necessary to use the exemptive provisions of the Rule to accommodate the Regional Market System employed on a pilot basis by the Boston, Cincinnati, Midwest and Pacific Stock Exchanges in the event this system eventually reflects all buying and selling interest in those securities traded in the system at all participating exchanges.

date the specifications of communication linkages between self-regulatory organizations and vendors and that the Commission require exchanges and associations to name an exclusive processor of quotations and make available quotations in a manner which will reduce stress on vendor computer hardware.

When the Commission deferred further action on proposed Rule 17a-14 under the Act,⁴⁰ which would have permitted exchanges and associations to file plans for the collection and dissemination of quotations, similar to the plan required to be filed under Rule 17a-15 under the Act with respect to last sale reports, it determined that industry forces should be allowed to create the means of collection, dissemination and display of quotations without direct Commission action. The implication of this decision to defer action on Rule 17a-14 was that, if the industry, after sufficient time, had not taken reasonable steps in creating appropriate procedures and facilities, the Commission would once again consider direct intervention. However, steps taken to date indicate that the exchanges, associations and vendors are responding to this challenge. The Commission believes that any arrangement between all of the various exchanges and associations leading to centralized processing, sequencing and validation of quotation information would be beneficial and it encourages the exchanges and associations to pursue such arrangements. With respect to technical specifications governing the method of transmitting quotation information, the Commission believes that these matters should be addressed, at least initially, by the self-regulatory organizations and the vendors in keeping with the Commission's prior determination to rely upon the private sector to implement mechanisms for collection, dissemination and display of quotation information. The Commission sees no apparent utility in mandating these specifications and is confident that the vendors and self-regulatory organizations will satisfactorily resolve any problems which might impede the successful development of a composite quotation system.

IV. STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

The Securities and Exchange Commission hereby adopts Rule 11Ac1-1 [17 CFR § 240.11Ac1-1] pursuant to its authority under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)], and particularly Sections 2, 3, 6, 9, 10, 11A, 15, 15A, 17 and

⁴⁵See Securities Exchange Act Release No. 11288 (March 11, 1975) at 2, 40 FR 15015, 15016.

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23 thereof (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78k-1, 78o, 78o-3, 78q and 78w).

For the reasons expressed in this release, the Commission finds that the Rule does not impose any burden on competition which is neither necessary nor appropriate in furtherance of the purposes of the Act.

The text of Rule 11Ac1-1 is as follows:

§ 240.11Ac1-1 Dissemination of quotations for reported securities.

(a) *Definitions.* For purposes of this section, (1) The term "third market maker" shall mean any broker or dealer who holds himself out as being willing to buy and sell a reported security for his own account on a regular and continuous basis otherwise than on a national securities exchange in amounts of less than block size (including any such broker or dealer who also represents, as agent, orders to buy or sell reported securities on behalf of any other person and communicates bids and offers to a national securities association ("association") pursuant to this section on behalf of such other persons as well as for his own account).

(2) The term "exchange market maker" shall mean any member of a national securities exchange ("exchange") who is registered as a specialist or market maker pursuant to the rules and regulations of such exchange.

(3) The term "responsible broker or dealer" shall mean (i) When used with respect to bids or offers communicated on the floor of an exchange, any member of such exchange who communicates to another member on the floor of such exchange, at the location (or locations) designated by such exchange for trading in a reported security, a bid or offer for such reported security, as either principal or agent; *Provided, however,* That, in the event two or more members of an exchange have communicated on the floor of such exchange bids or offers for a reported security at the same price, each such member shall be considered a "responsible broker or dealer" with respect to that bid or offer, subject to the rules of priority and precedence then in effect on that exchange; and *further provided,* That with respect to a bid or offer which is transmitted from one member of an exchange to another such member who undertakes to represent such bid or offer on the floor of such exchange as agent, only the last such member who undertakes to represent such bid or offer as agent shall be considered the "responsible broker or dealer" with respect to that bid or offer; and

(ii) When used with respect to bids and offers communicated by a third market maker to another broker or dealer or to a customer otherwise than on an exchange, the third market,

maker communicating the bid or offer (regardless of whether such bid or offer is for his own account or on behalf of another person).

(4) The term "quotation vendor" shall mean any securities information processor engaged in the business of disseminating to brokers and dealers, on a real-time or current and continuing basis, bids and offers made available pursuant to this section, whether distributed through an electronic communications network or displayed on a terminal or other display device.

(5) The term "consolidated system" shall mean the consolidated transaction reporting system contemplated by § 240.17a-15 (Rule 17a-15 under the Act).

(6) The term "reported security" shall mean any equity security as to which last sale information is reported in the consolidated system.

(7) The term "make available," when used with respect to bids, offers, quotation sizes and aggregate quotation sizes supplied to quotation vendors by an exchange or association, shall mean to provide circuit connections at the premises of the exchange or association supplying such data, or at a common location determined by mutual agreement of the exchanges and associations, for the delivery of such data to quotation vendors.

(8) The terms "bid" and "offer" shall mean the bid price or the offer price most recently communicated by an exchange member or third market maker to any broker or dealer, or to any customer, at which he is willing to buy or sell a particular amount of a reported security, as either principal or agent, but shall not include indications of interest.

(9) The terms "published bid" and "published offer" shall mean the bid or offer (as the case may be) of a responsible broker or dealer for a reported security communicated by him to his exchange or association pursuant to this section and displayed by a quotation vendor on a terminal or other display device at the time an order is presented for execution to such responsible broker or dealer.

(10) The term "quotation size," when used with respect to a responsible broker's or dealer's bid or offer for a reported security, shall mean (i) the number of shares (or units of trading) of that reported security which such responsible broker or dealer has specified, for purposes of dissemination to quotation vendors, that he is willing to buy at the bid price or sell at the offer price comprising his bid or offer, as either principal or agent, or (ii) in the event such responsible broker or dealer has not so specified, a normal unit of trading for that reported security.

(11) The term "published quotation size" shall mean the quotation size of

a responsible broker or dealer communicated by him to his exchange or association pursuant to this section and displayed by a quotation vendor on a terminal or other display device at the time an order is presented for execution to such responsible broker or dealer.

(12) The term "aggregate quotation size" shall mean the sum of the quotation sizes of all responsible brokers or dealers who have communicated on the floor of an exchange bids or offers for a reported security at the same price.

(13) The term "published aggregate quotation size" shall mean the aggregate quotation size calculated by an exchange and displayed by a quotation vendor on a terminal or other display device at the time an order is presented for execution to a responsible broker or dealer.

(14) The term "odd-lot" shall mean an order for the purchase or sale of a reported security in an amount less than a normal unit of trading.

(15) The term "specified persons," when used in connection with any notification required to be provided pursuant to paragraphs (b)(3)(i) and (b)(3)(ii) of this section, shall mean: (i) Each quotation vendor; (ii) The processor for the consolidated system; and (iii) The processor for the Options Price Reporting Authority (in the case of a notification with respect to a reported security which is a class of securities underlying options admitted to trading on any exchange).

(b) *Dissemination requirements for exchanges and associations.* (1) Every exchange and association shall establish and maintain procedures and mechanisms for collecting bids, offers, quotation sizes and aggregate quotation sizes from responsible brokers or dealers who are members of such exchange or association (as the case may be), processing such bids, offers and sizes, and making such bids, offers and sizes available to quotation vendors, as follows:

(i) Every exchange shall, at all times such exchange is open for trading, collect, process and make available to quotation vendors the highest bid and the lowest offer communicated on the floor of that exchange (or, in the event such exchange maintains more than one trading floor, communicated on any of such floors) by any responsible broker or dealer (excluding any such bid or offer which is executed immediately after communication and any such bid or offer communicated by a responsible broker or dealer other than an exchange market maker which is cancelled or withdrawn if not executed immediately after communication) for each reported security listed or admitted to unlisted trading privileges on that exchange except during any period when trading in

that security has been suspended or halted, or prior to the commencement of trading in that security on any trading day, on that exchange;

(ii) Every association shall, at all times last sale information with respect to reported securities is reported in the consolidated system, collect, process and make available to quotation vendors the highest bid and lowest offer communicated otherwise than on the floor of an exchange by each member of such association acting in the capacity of a third market maker for a reported security and the identity of that member (excluding any such bid or offer which is executed immediately after communication), except during any period when over-the-counter trading in that security has been suspended; and

(iii) Every bid and offer made available to quotation vendors by an exchange or association pursuant to this section shall be accompanied by the quotation size or the aggregate quotation size (as the case may be) associated with it.

(2) Each exchange shall, with respect to each published bid and published offer representing a bid or offer of a member, establish and maintain procedures for ascertaining and disclosing to other members of that exchange, upon presentation of orders sought to be executed by them in reliance upon paragraph (c)(2) of this section, the identity of each responsible broker or dealer who made such bid or offer and the quotation size associated with it.

(3)(i) If, at any time an exchange is open for trading, such exchange determines, pursuant to rules and regulations approved by the Securities and Exchange Commission pursuant to Section 19(b)(2) of the Act, that the level of trading activity or the existence of unusual market conditions is such that the exchange is incapable of collecting, processing and making available to quotation vendors the data with respect to a reported security required to be made available pursuant to paragraph (b)(1) of this section in a manner which accurately reflects the current state of the market on the floor of such exchange, such exchange shall immediately notify all specified persons of that determination. Upon such notification, responsible brokers or dealers who are members of that exchange shall be relieved of their obligation under paragraph (c)(2) of this section and such exchange shall be relieved of its obligations under paragraphs (b)(1) and (2) of this section with respect to that security; *provided, however,* That such exchange shall continue, to the maximum extent practicable under the circumstances, to collect, process and

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make available to quotation vendors such data for that security in accordance with paragraph (b)(1) of this section.

(ii) During any period an exchange, or any responsible broker or dealer who is a member of that exchange, is relieved of any obligation imposed by this section with respect to any reported security by virtue of a notification made pursuant to paragraph (b)(3)(i) of this section, such exchange shall monitor the activity or conditions which formed the basis for such notification and shall immediately renotify all specified persons when that exchange is once again capable of collecting, processing and making available to quotation vendors the data with respect to that security required to be made available pursuant to paragraph (b)(1) of this section in a manner which accurately reflects the current state of the market on the floor of such exchange. Upon such renotification, any exchange or responsible broker or dealer which had been relieved of any obligation imposed by this section as a consequence of the prior notification shall again be subject to such obligation.

(4) Nothing in this section shall preclude any exchange or association from making available to quotation vendors indications of interest at any time or bids and offers with respect to a reported security at any time such exchange or association is not required to do so pursuant to paragraph (b)(1) of this section.

(c) *Obligations of responsible brokers and dealers.* (1) Every responsible broker or dealer shall promptly communicate to his exchange or association (as the case may be), pursuant to procedures established by that exchange or association, his bids, offers and quotation sizes.

(2) Subject to the provisions of paragraph (c)(3) of this section, every responsible broker or dealer shall be obligated to execute any order to buy or sell a reported security, other than an odd-lot order, presented to him by another broker or dealer, or any other person belonging to a category of persons with whom such responsible broker or dealer customarily deals, at a price at least as favorable to such buyer or seller as the bid price or offer price comprising such responsible broker's or dealer's published bid or published offer (exclusive of any commission, commission equivalent or differential customarily charged by such responsible broker or dealer in connection with execution of any such order) in any amount up to his published quotation size.

(3)(i) If, (A) prior to the presentation of an order for the purchase or sale of a reported security, a responsi-

ble broker or dealer has communicated to his exchange or association (as the case may be), pursuant to paragraph (c)(1) of this section, a quotation size superseding his published quotation size (a "revised quotation size"), or, (B) at the time an order for the purchase or sale of a reported security is presented, a responsible broker or dealer is in the process of effecting a transaction in such reported security, and, immediately after the completion of such transaction, he communicates to his exchange or association (as the case may be) a revised quotation size, such responsible broker or dealer shall not be obligated by paragraph (c)(2) of this section to purchase or sell a reported security in an amount greater than such revised quotation size.

(ii) No responsible broker or dealer shall be obligated to execute a transaction for any reported security as provided in paragraph (c)(2) of this section if, (A) before the order sought to be executed is presented, such responsible broker or dealer has communicated to his exchange or association (as the case may be) pursuant to paragraph (c)(1) of this section, a bid or offer superseding his published bid or published offer (a "revised bid or offer"); or (B) at the time the order sought to be executed is presented, such responsible broker or dealer is in the process of effecting a transaction in such reported security, and, immediately after the completion of such transaction, such responsible broker or dealer communicates to his exchange or association (as the case may be) pursuant to paragraph (c)(1) of this section, a revised bid or offer; *provided, however,* That such responsible broker or dealer shall nonetheless be obligated to execute any such order in such reported security as provided in paragraph (c)(2) of this section at his revised bid or offer in any amount up to his published quotation size or revised quotation size (as the case may be).

(d) *Exemptions.* The Commission may exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any responsible broker or dealer, exchange, or association if the Commission determines that such exemption is consistent with the public interest, the protection of investors and the removal of impediments to and perfection of the mechanism of a national market system.

(e) *Effective Date.* The effective date of this section shall be May 1, 1978.

(Secs. 2, 3, 6, 9, 10, 15, 17, 23, Pub. L. No. 78-291, 48 Stat. 881, 882, 885, 889, 891, 895, 897, 901, as amended by Secs. 2, 3, 4, 11, 14, 18, Pub. L. No. 94-29, 89 Stat. 97, 104, 121, 137, 155 (15 U.S.C. 78b, 78c, 78f, 78i, 78j, 78o, 78q, 78w, as amended by Pub. L. No. 94-29 (June

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4, 1975)); Sec. 1, Pub. L. No. 75-719, 52 Stat. 1070, as amended by Sec. 12, Pub. L. No. 94-29, 89 Stat. 127-131 (15 U.S.C. 78o-3, as amended by Pub. L. No. 94-29 (June 4, 1975)); Sec. 7, Pub. L. No. 94-29, 89 Stat. 111 (15 U.S.C. 78k-1).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 26, 1978.

[FR Doc. 78-2771 Filed 1-31-78; 8:45 am]

WEDNESDAY, FEBRUARY 1, 1978
PART III



SECURITIES AND EXCHANGE COMMISSION

DEVELOPMENT OF NATIONAL MARKET SYSTEM

Intent To Engage in Rulemaking

Registered
Proposed

[8010-01]

SECURITIES AND EXCHANGE
COMMISSION

[17 CFR Part 240]

(Release No. 34-14416; File No. S7-735)

DEVELOPMENT OF A NATIONAL MARKET
SYSTEMAGENCY: Securities and Exchange
Commission.ACTION: Notice of intent to engage in
rulemaking.SUMMARY: The Commission sets
forth its views as to those initiatives
which it believes must be taken over
the next year to facilitate the estab-
lishment of a national market system.
In addition, the Commission gives
notice of its intent to commence rule-
making, if necessary, to implement
those initiatives.

DATE: Not applicable.

ADDRESSES: Persons wishing to
submit written views, data and argu-
ments should file six copies thereof
with George A. Fitzsimmons, Secre-
tary, Securities and Exchange Com-
mission, Room 892, 500 North Capitol
Street, Washington, D.C. 20549. All
submissions should refer to File No.
S7-735 and will be available for public
inspection at the Commission's Public
Reference Room, Room 6101, 1100 L
Street NW., Washington, D.C.FOR FURTHER INFORMATION
CONTACT:John W. Osborn, Division of Market
Regulation, Securities and Exchange
Commission, 500 North Capitol
Street, Washington, D.C. 20549, 202-
755-8961.SUPPLEMENTARY INFORMATION: The purpose of this statement is to re-
iterate the Commission's continuing
commitment to achievement of a na-
tional market system for securities in
accordance with the goals directed to
be achieved by the Congress in the Se-
curities Exchange Act of 1934 (the
"Act"),¹ as amended by the Securities
Acts Amendments of 1975 (the "1975
Amendments").² The 1975 Amend-
ments establish as a purpose of the
Act the need "to remove impediments
to and perfect the mechanism of a na-
tional market system for securities,"³
and direct the Commission to "facili-
tate the establishment" of that
system.⁴ Specifically, Section 11A of
the Act states that:The Commission is directed . . . having
due regard for the public interest, the pro-tection of investors, and the maintenance of
fair and orderly markets, to use its author-
ity under [the Act] to facilitate the estab-
lishment of a national market system for se-
curities (which may include subsystems for
particular types of securities with unique
trading characteristics) in accordance with
the findings and to carry out the objectives
set forth in paragraph (1) of [Section
11A(a)].⁵Section 11A(a)(1) of the Act states
the Congressional findings that:(A) The securities markets are an impor-
tant national asset which must be preserved
and strengthened.(B) New data processing and communica-
tions techniques create the opportunity for
more efficient and effective market opera-
tions.(C) It is in the public interest and appro-
priate for the protection of investors and
the maintenance of fair and orderly mar-
kets to assure—(i) economically efficient execution of se-
curities transactions;(ii) fair competition among brokers and
dealers, among exchange markets, and be-
tween exchange markets and markets other
than exchange markets;(iii) the availability to brokers, dealers,
and investors of information with respect to
quotations for and transactions in securities;(iv) the practicability of brokers executing
investors' orders in the best market; and(v) an opportunity, consistent with the
provisions of clauses (i) and (iv) of this sub-
paragraph, for investors' orders to be ex-
ecuted without the participation of a dealer.
(D) The linking of all markets for qual-
ified securities through communication and
data processing facilities will foster effec-
tiveness, enhance competition, increase the in-
formation available to brokers, dealers and in-
vestors, facilitate the offsetting of investors'
orders, and contribute to best execution of
such orders.⁶This statement sets forth, in sum-
mary form, the Commission's views, as
to particular initiatives the Commis-
sion considers necessary to accelerate
implementation of a national market
system meeting the Congressional
findings and objectives stated above. It
is intended to apprise the securities in-
dustry, the Congress and the public of
those elements of a national market
system which the Commission believes
must be put in place in the immediate
future if the idea of a national market
system is to progress beyond the theo-
retical stage and become a functioning
reality. During the next year, to the
extent required, the Commission plans
to issue further statements more fully
analyzing the issues presented by each
of those elements in connection with
commencement of such rule-making as
the Commission may find necessary in
order to assure that development of
those elements proceeds in an orderly
fashion.

BACKGROUND

The following abbreviated history of
the development of the concept of a¹ 15 U.S.C. 78a et seq.² Pub. L. No. 94-29 (June 4, 1975).³ Section 2 of the Act [15 U.S.C. 78b].⁴ Section 11A(a)(2) of the Act [15 U.S.C.
78k-1(a)(2)].⁵ Id.⁶ Section 11A(a)(1) of the Act [15 U.S.C.
78k-1(a)(1)].national market system is provided to
place in perspective the particular
initiatives announced in this state-
ment.⁷The concept of a national market
system was first articulated in the
Commission's letter of transmittal ac-
companying its Institutional Investor
Study, submitted to Congress on
March 10, 1971.⁸ There the Commis-
sion stated that:[a] Major goal and ideal of the securities
market and the securities industry has been
the creation of a strong central market
system for securities of national impor-
tance, in which all buying and selling inter-
est in these securities could participate and
be represented under a competitive regime.⁹Following that statement, in October
1971, the Commission conducted hear-
ings focused on the existing structure
of the securities markets and ways of
improving it.¹⁰ These hearings culmi-
nated in the issuance of the Commis-
sion's Statement on the Future Struc-
ture of the Securities Markets
("Future Structure Statement") on
February 2, 1972.¹¹In the Future Structure Statement,
the Commission elaborated on the
goals of a national market system and
defined a central (national) market
system as:A system of communications by which the
various elements of the marketplace, be
they exchanges or over-the-counter mar-
kets, are tied together. It also includes a set
of rules governing the relationships which
will prevail among market participants.¹²The Future Structure Statement
outlined a number of structural prob-
lems adversely affecting the securities
markets and the Commission's views
as to appropriate resolution of those⁷ The particular references to and quota-
tions from prior Commission documents
concerning a national market system and
various Congressional documents forming
part of the legislative history of the 1975
Amendments cited in the following text do
not, of course, exhaust all source materials
relevant to the issues discussed.⁸ Institutional Investor Study Report,
H.R. Doc. No. 92-64, 92d Cong., 1st Sess., pt.
1, at xxiv-xxv (March 10, 1971) ("Transmit-
tal Letter").⁹ Id. at xxiv.¹⁰ In the Matter of the Structure, Oper-
ation and Regulation of the Securities Mar-
kets, File No. 4-147.¹¹ SEC, Statement of the securities and Ex-
change Commission on the future Structure
of the Securities Markets (1972), 37 FR
5286.¹² Id. at 8, 37 FR at 5287. See also SEC,
Policy Statement of the Securities and Ex-
change Commission on the Structure of a
Central Market System 11 (1973) ("Policy
Statement").problems. The broad parameters of
the market structure reforms the
Commission proposed as remedies to
those problems included: (i) implemen-
tation of a nationwide system for dis-
closure of market information de-
signed to make price and volume infor-
mation in all markets universally
available; (ii) elimination of artificial
impediments to dealing in the best
available markets created by exchange
rules or otherwise; (iii) establishment
of terms and conditions upon which
any qualified broker-dealer could ne-
gotiate access to all exchanges; and
(iv) integration of third market firms
and exchanges into a national market
system, subjecting them to appropri-
ate market responsibilities and other
regulatory requirements commensurate
with the benefits they would realize in
such a system.The Commission did not in the
Future Structure Statement set forth
a detailed plan for achievement of its
market structure goals; rather, the
Commission announced that it would
establish three advisory committees to
study and report to the Commission
their views as to the optimum means
of implementing the Commission's
policy objectives. Upon the completion
of the work of the three advisory com-
mittees,¹³ the Commission issued a
Policy Statement on the Structure of
a Central Market System on March 29,
1973,¹⁴ in which it provided a more de-
tailed statement of its policy objec-
tives and a possible plan for imple-
menting those objectives.The Policy Statement described how
a consolidated transaction reporting
system would operate and what rules
would be necessary to ensure that in-
formation disseminated through that
system would not be misleading. The
Policy Statement also elaborated on
the need for a system disclosing all
quotations in national market system
securities on a comprehensive basis,
describing the manner in which such a
system might function. Finally, the
Policy Statement concluded that off-
board trading rules of the various ex-
changes, particularly New York Stock
Exchange, Inc. ("NYSE") Rule 394
(now Rule 390), were incompatible
with a national market system and
would have to be rescinded at an ap-
propriate time.¹⁵¹³ The three advisory committees were the
Advisory Committee on Market Disclosure
("Disclosure Committee"), the Advisory
Committee on a Central Market System
("CMS Committee"), and the Advisory
Committee on Block Transactions ("Block
Committee"). Reports were received from
the Disclosure Committee on July 17 and
November 21, 1972, from the CMS Com-
mittee on October 11, 1972, and March 6, 1973,
and from the Block Committee on August 7,
1972.¹⁴ See Policy Statement, *supra* note 12.¹⁵ Id. at 61-64, 67. Of course, a primary
goal of a national market system is to cap-In addition to elaborating on the
principles set forth in the Future
Structure Statement, the Commis-
sion's Policy Statement articulated
two new proposals to govern trading
within a national market system: an
auction trading rule, which would pro-
vide price priority protection for all
public orders entered in a proposed
central electronic repository, and a
public preference rule, which would
accord preferential treatment to
public orders entered in the central
electronic repository by preventing se-
curities professionals acting as princi-
pal from competing for execution with
such orders unless such professionals
bettered public bids or offers entered
in that system.THE SECURITIES ACTS AMENDMENTS OF
1975Concurrent with the Commission's
initial formulation of policies concern-
ing development and implementation
of a national market system, the Con-
gress initiated its own study of the
competitive, legal and economic issues
facing the securities markets, the se-
curities industry and public investors in
the 1970's and beyond. Subcommittees
of both Houses of Congress held ex-
tensive hearings on market structure
questions and issued comprehensive
reports setting forth their conclusions
and recommendations.¹⁶ These conclu-
sions and recommendations formed
the basis of legislative proposals
which, after extensive hearings and
comment, were enacted into law as the
1975 Amendments.As noted above, the 1975 Amend-
ments contain an explicit statutory
commitment to the establishment of ature and reflect all buying and selling inter-
est in the securities traded in that system
from moment to moment (thus exposing all
buying interest to all selling interest) to the
maximum extent possible so that all orders
within the system can be satisfied in a
manner consonant with the principles ar-
ticulated by the Congress in Section 11A of
the Act. Depending upon the ultimate con-
figuration of the national market system,
that result could be sought by imposition of
a rule specifically confining trading in na-
tional market system securities to that
system. The Commission believes that such
a result could ensue in any event, however,
as the aggregate consequence of industry
use of the various communications and
other technological components of a nation-
al market system and adherence to a
common body of trading rules and princi-
ples governing the transaction of business in
securities included in that system.¹⁶ Subcommittee on Commerce and Fi-
nance of the House Committee on Inter-
state and Foreign Commerce, Securities In-
dustry Study, 92nd Cong., 2d Sess. 117-130
(Comm. Print, 1972); Subcommittee on Se-
curities of the Senate Committee on Bank-
ing, Housing and Urban Affairs, Securities
Industry Study, 93rd Cong., 1st Sess. 89-135
(Comm. Print, 1973) ("Senate Study").national market system. The legisla-
tive history of the 1975 Amendments
indicates a clear Congressional belief
that development of a national market
system is not only desirable but neces-
sary. For example, the Senate Com-
mittee on Banking, Housing and
Urban Affairs (the "Senate Commit-
tee") stated that:[t]he rapid attainment of a national market
system . . . is important . . . to assure that
the country maintains a strong, effective
and efficient capital raising and capital allo-
cating system in the years ahead.¹⁷Similarly, the House Committee on In-
terstate and Foreign Commerce de-
clared that:The purpose of this title is to insure that
our nation's capital markets continue to be
the best in existence. It does this by estab-
lishing a framework for a national market
system, in which all qualified persons
throughout our country may be linked to-
gether electronically so that they may com-
pete and may bring to the marketplace their
capital so as to make for broader, deeper
and more liquid capital markets.¹⁸For this reason, the 1975 Amendments
clarified and strengthened the Com-
mission's authority to advance the
achievement of such a system.In view of the Congressional belief
that it was "best to allow maximum
flexibility in working out specific de-
tails" of what should be elements of a
national market system, the 1975
Amendments neither defined the term
"national market system" nor mandat-
ed specified minimum components of
such a system.¹⁹ In this regard, the
Senate Committee stated in its report
on S. 249 regarding the national
market system provisions of that bill
(which were incorporated in the 1975
Amendments) that:The Committee considered mandating cer-
tain minimum components of the national
market system but rejected this approach.
The nation's securities markets are in dy-
namic change and in some respects are deli-
cate mechanisms; the sounder approach ap-
peared to the Committee, therefore, to be to
establish a statutory scheme clearly grant-
ing the Commission broad authority to over-
see the implementation, operation and regu-
lation of the national market system and at
the same time charging [the Commission]
with the clear responsibility to assure that
the system develops and operates in accor-
dance with Congressionally determined
goals and objectives.²⁰¹⁷ Senate Committee on Banking, Housing
and Urban Affairs, Report to Accompany S.
249, S. Rept. No. 94-75, 94th Cong., 1st Sess.
3 (1975) ("Senate Report").¹⁸ House Committee on Interstate and For-
eign Commerce, Report to Accompany H.R.
4111, H.R. Rept. No. 94-123, 94th Cong., 1st
Sess. 90 (1975) ("House Report").¹⁹ Senate Report, *supra* note 17, at 7.²⁰ Id. at 8-9; see also House Report, *supra*
note 18, at 50-51.

Congressional reluctance to specify minimum components of a national market system did not extend, however, to specification of the basic underlying principles which should govern the establishment of that system. First, a clear preference was expressed for auction trading principles. For example, the Senate Committee in its report on S. 249 stated that:

[W]ith respect to securities which are suitable for auction trading, the Committee believes every effort should be made to design the national market system in such a way that public investors in these securities receive the benefits and protections associated with auction-type trading."

The Senate Committee found that public investors could enjoy two important benefits when trading in an ideal auction-type market as opposed to a purely dealer market." First, limited price orders of investors would have to be satisfied before any transaction could be effected (i) at the same price by a specialist or other market maker for his own account or by the customer's broker for his proprietary account, or (ii) by any participant in that market at a price less favorable to the other party to the trade than the limit order price. Second, customers' market orders could, at least potentially, be executed against another public limit or market order at a better price than that currently being quoted by any dealer for his own account. The Senate Committee noted, however, that auction trading principles could not be perfected under existing circumstances because of fragmentation of the markets, particularly "the lack of a mechanism by which all buying and selling interest in a given security can be centralized and thus assure public investors best execution." Thus, the concept of implementing a nationwide system according price and time priority to all limit orders of public investors over all professional orders, regardless of where such limit orders originate or in what market center professional orders may be executed, received considerable support from the draftsmen of the 1975 Amendments.

The second major national market system principle supported by the Congress was that the types of securities qualified to be included in the national market system ("qualified securities") should depend primarily on their characteristics (e.g., trading volume, price and numbers of shareholders) rather than where they happen to be traded (i.e., on an exchange or over-the-counter). The

"Senate Report at 16.

"Id.

"Id. at 17.

Senate Committee, for example, stated that "the national market system has as its fundamental goal the elimination of fragmented markets for securities suitable for auction trading." Similarly, the Committee of Conference of both Houses of Congress (the "Conference Committee"), in explaining the final language of the 1975 Amendments, stated that "it is the intention of both Houses that all securities, other than exempted securities, be eligible to be qualified for trading in the national market system."

A third principle articulated by Congress as underlying the national market system concept was a refusal to achieve a nationwide centralized auction-type market for qualified securities involving abolition of over-the-counter trading in listed securities, unless the Commission found that "the maintenance or restoration of fair and orderly markets in such securities may not be assured through other lawful means" under the Act."

Thus the Senate Committee stated: The Committee has carefully evaluated all arguments that have been presented in support of abolishing the third market and found them unpersuasive. . . . [T]he Committee found that the dealers operating in the third market provide valuable competition to the specialists operating on the exchanges and that this competition enhances the total market making capacity for listed securities."

The Senate Committee further stated that:

The establishment of a national market system should end all concern over the possible inimical consequences of the third market to the fairness and orderliness of the markets for listed securities. Once trading in listed securities is centralized and subject to uniform trading principles, the distinction between trading on an exchange and trading off an exchange will lose much of its significance."

The Congress intended competitive forces, to the extent feasible, to shape the structure of the markets. The Senate Committee noted, however, that a major responsibility of the Commission had been, and continued to be, the creation of "a fair field of

competition." The impact of the 1975 Amendments, according to the Senate Committee, was to

more clearly identify this responsibility and clarify and strengthen the SEC's authority to carry it out. The objective would be to enhance competition and to allow economic forces, interacting within a fair regulatory field, to arrive at appropriate variations in practices and services. It would obviously be contrary to this purpose to compel elimination of differences between types of markets or types of firms that might be competition-enhancing."

The Conference Committee described the Commission's intended role as follows:

It is the intent of the conferees that the national market system evolve through the interplay of competitive forces as unnecessary regulatory restrictions are removed. The conferees expect, however, in those situations where competition may not be sufficient, such as the creation of a composite quotation system or a consolidated transaction reporting system, the Commission will use the powers granted to it in the 1975 Amendments to act promptly and effectively to ensure that the essential mechanisms of an integrated secondary trading system are put into place as rapidly as possible."

More recently, a joint report of the Subcommittee on Oversight and Investigations and the Subcommittee on Consumer Protection and Finance of the House Committee on Interstate and Foreign Commerce stated that "the evolutionary process [of developing a national market system] must be shepherded by the SEC which must step in when the pace of progress slackens and use the considerable authority Congress granted it."

PROGRESS TO DATE

The major problems to which the idea of a national market system is addressed are those arising from "market fragmentation," or the existence of multiple, geographically separated forums in which trading in the same security occurs, and from the institutionalization of the markets. These problems include, among others: (i) the need to perfect existing mechanisms for the disclosure of information concerning all completed transactions in multiply-traded securities; (ii) the absence of a comprehensive, composite quotation system displaying buying and selling interest in

"Id. at 8.

"Conference Report, supra note 25, at 92.

"Subcommittee on Oversight and Investigations and Subcommittee on Consumer Protection and Finance of the House Committee on Interstate and Foreign Commerce, Report on Oversight of the Functioning and Administration of the Securities Acts Amendments of 1975, Committee Print No. 95-27, 95th Cong., 1st Sess. 4 (1977) ("Oversight Report").

"Id.

"Committee of Conference, Report to Accompany S. 249, H.R. Rept. No. 94-249, 94th Cong., 1st Sess. 92 (1975) (emphasis added) ("Conference Report").

"Section 11A(c)(3) of the Act (15 U.S.C. 78k-1(c)(3)). Such a finding would be required to be made "on the record after notice and opportunity for hearing." Id.

"Senate Report, supra note 17, at 20. See also House Report, supra note 18, at 91. See generally Senate Study, supra note 16, at 126.

"Senate Report at 22.

those securities from all markets (whether on an exchange or over-the-counter); (iii) the inadequacy of existing means available to brokers for routing orders to and among markets in pursuit of the most favorable execution opportunities; (iv) the lack of a mechanism to provide nationwide agency limit order protection, affording time and price priority to such orders regardless of geographical location; (v) impediments to effective market-maker competition for orders of relatively small size; and (vi) the need to integrate block transactions more effectively into the normal course of securities trading.

Several important steps have already been taken to further the goals enunciated by the Commission and the objectives established by the Congress regarding a national market system. The Commission's short sale rules have been amended to extend their application to "third market" transactions." A uniform net capital rule, applicable to a broad segment of the securities industry, has been adopted," and anti-manipulative rules for all market centers are now in place." The exchanges and the National Association of Securities Dealers, Inc. ("NASD") have completed implementation of a consolidated transaction reporting system ("consolidated system") for certain exchange-traded securities, pursuant to Rule 17a-15 under the Act, designed to enable investors to make more informed judgments regarding which market centers offer the most advantageous prices at a particular time." With respect to quotation information, all exchange restrictions on the dissemination of such information have been eliminated," and the Commission has adopted a rule governing the dissemination of quotations from exchanges and third market makers."

The adoption of Rule 19b-3 under the Act, abolishing fixed rates of commission for transactions on exchanges, has permitted brokers to negotiate the cost of access to the various exchanges," and the exchanges them-

"Securities Exchange Act Release Nos. 11030 (September 27, 1974), 39 FR 35570, and 11468 (June 12, 1975), 40 FR 25442.

"Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795.

"See Securities Exchange Act Release No. 11942 (December 19, 1975) at 48, n. 155, 41 FR 4507, at 4519, n. 160.

"Securities Exchange Act Release No. 12138 (February 25, 1976).

"See Securities Exchange Act Release Nos. 11288 (March 11, 1975), 40 FR 15015, and 11406 (May 7, 1975), 40 FR 25645.

"Securities Exchange Act Release No. 14415 (January 26, 1978), — FR —.

"Securities Exchange Act Release No. 11203 (January 23, 1975), 40 FR 7394, Section 6(e) of the Act (15 U.S.C. 78e(c)), added by the 1975 Amendments, prohibits any exchange from imposing any schedule or fixing rates of commissions, allowances, discounts or other fees to be charged by its

members unless the Commission makes certain specified findings in accordance with the procedures specified in that section.

"For example, the Commission recently approved proposals by the NYSE and the American Stock Exchange, Inc. ("Amex") to permit leasing of seats. See Securities Exchange Act Release Nos. 14255 (December 12, 1977), 42 FR 63971, and 14256 (December 12, 1977), 42 FR 63974.

"See Securities Exchange Act Release Nos. 12717 (SR-Amex-76-17, August 19, 1976), 41 FR 36094, and 12859 (SR-NYSE-76-47, October 4, 1976), 41 FR 47121.

"Securities Exchange Act Release Nos. 11942 (December 19, 1975), 41 FR 4507, and 14325 (December 30, 1977), 43 FR 1327.

"To date, the NYSE, the Amex and the Boston ("BSE"), Philadelphia ("Phlx") and Pacific ("PSE") Stock Exchanges have agreed to participate in the linkage.

Finally, the securities industry has started to move forward in the development of market linkage systems. Under the sponsorship of the NYSE, work is proceeding on the implementation of an intermarket trading system ("ITS") linking the principal exchange markets." The ITS, scheduled to commence operation in a pilot phase in April 1978, is an electronic intermarket order routing facility which would permit orders for the purchase and sale of multiply-traded securities to be sent directly from one market center to another. A second market linkage initiative is the recently commenced pilot program for a regional market system ("RMS"). The RMS is an electronic trading system in which agency and principal limit orders may be entered and executed directly through the system by brokers and dealers participating in that system (currently members of the BSE, the PSE, and the Midwest ("MSE") and Cincinnati ("CSE") Stock Exchanges). The RMS provides a mechanism through which absolute price and time

members unless the Commission makes certain specified findings in accordance with the procedures specified in that section.

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priority for orders entered in that system can be secured." The RMS began pilot operations in November 1977 and now includes 36 issues.

THE COMMISSION'S FUTURE PLANS FOR FACILITATING ESTABLISHMENT OF A NATIONAL MARKET SYSTEM

Although the developments discussed above represent movement toward a national market system, the Commission is not satisfied with the rate at which concrete steps are being taken to link the markets, integrate order flow and enhance competition in the manner envisioned by the Congress when it enacted the 1975 Amendments. While the Commission believes that development of a national market system should remain essentially an evolutionary process, free of the rigidities inherent in any Commission attempt to dictate the ultimate configuration of that system, that development has been impeded by the inability of the several discrete segments of the securities industry to surmount the problems presented by the diversity of their interests and to settle upon a common course of action to implement the Congressional policy.

The adverse consequences of failing to achieve more rapid progress toward a national market system have become particularly apparent in the context of the Commission's pending proceeding concerning removal of exchange off-board trading restrictions." During the course of that proceeding, many elements of the securities industry, Members of Congress and representatives of American business have urged the Commission to assume a leadership role in developing a national market system in order to overcome the impediments to development of that system inherent in the diversity of the securities industry, so that the benefits to the markets, the professional trading community and the public which the Congress and the Commission have long believed would inure from that system might finally be secured. Commentators in that proceeding, for example, were virtually unanimous in the view that the risks which many believe would attend "re-

"As currently utilized, the RMS merely stores and displays orders based on price and time priorities; the self-regulatory organizations which make the RMS available to their members have not elected, at this time, to grant priority to orders in the RMS over other transactions occurring in their markets.

"See Securities Exchange Act Release No. 13662 (June 23, 1977), 42 FR 33510, proposing amendments to Rule 19c-1 (adopted on December 30, 1977) and proposing Rules 19c-2, 15c5-1(A), 15c5-1(B), 15c5-1(C) and 15c5-1(D) under the Act; see also File No. 4-180.

removal of the remaining off-board trading restrictions could be minimized by assuring more effective integration of the markets for securities presently covered by those restrictions by means of national market system mechanisms.

Continued uncertainty as to the mechanisms and principles upon which a national market system must be based, and the role the Commission will assume in shaping that system, is not in the best interests of the securities industry or the investing public. The Commission therefore has determined to set forth with some particularity its views as to those steps which it believes must be taken over the next year to facilitate development of the kind of national market system envisioned by the Congress and mandated by the 1975 Amendments.

1. *Composite Quotation System.* The Commission today announced adoption of Rule 11Ac1-1 under the Act, which is designed to facilitate the prompt development of a composite quotation system by improving the quality and reliability of quotation information made available to securities information vendors ("vendors") by exchanges and third market makers. Pursuant to the rule, beginning May 1, 1978, each self-regulatory organization will be obliged to collect and disseminate to vendors quotations and quotation sizes for all reported securities, i.e., those equity securities as to which last sale information is included in the consolidated system. Vendors, in turn, will be able to disseminate comprehensive quotation information from all market centers to the professional community and the public by means of their information retrieval devices. Prompt action by the self-regulatory organizations and securities information processors is necessary to implement Rule 11Ac1-1 by its effective date.

Quotations and quotation sizes will be required by the rule to be firm at the prices and in the amounts displayed, subject only to exceptions for revised quotations or quotation sizes and for unusual market conditions precluding dissemination of accurate quotation information. Thus, for the first time, relatively reliable and comprehensive information as to prices and sizes of quotations for all reported securities from all markets, whether on exchanges or over-the-counter, will be made available to market professionals and the public.

The Commission believes that the availability of comprehensive quotation information, a fundamental building block of the national market

*Securities Exchange Act Release No. 14415 (January 26, 1978). — FR —.

system, will improve both brokers' and public investors' knowledge of current prices at which reported securities can be bought or sold throughout the country. In turn, availability of this information should (i) lead to increased efforts by brokers to make informed order routing decisions from among the various competing market centers (in order to choose that particular market affording, at a particular point in time, the most favorable execution opportunities to their customers); (ii) foster improvements in existing methods of routing orders to all market centers; (iii) enhance fair competition among markets; and (iv) otherwise advance the objectives of a national market system specified by the Congress in Section 11A(a) of the Act.

2. *Market Linkage and Order Routing Systems.* The Commission intends to encourage and, if necessary, mandate the prompt development of comprehensive market linkage and order routing systems to permit the efficient transmission of orders (i) among the various markets for qualified securities, whether on an exchange or over-the-counter ("qualified markets"), and (ii) from brokers and dealers to all qualified markets. The Commission believes that communications and data processing facilities which link all qualified markets and permit orders in qualified securities to be transmitted promptly and efficiently from brokers or dealers to any qualified market, and from one such market to another, are necessary to increase the opportunities for brokers to secure best execution of their customers' orders, to ensure effective competition among qualified markets and to achieve the purposes of a national market system established by the Congress in Section 11A(a) of the Act.

Two types of facilities are needed, at a minimum, as mechanisms to link qualified markets effectively. The first is an intermarket order routing system, affording the kind of order and message transmittal capacity characteristic of the ITS. Such a system would permit orders for the purchase and sale of multiple-traded securities to be sent directly from any qualified market to another such market promptly and efficiently. The second type of facility needed is a universally available message switch, permitting any broker or dealer to route orders for the purchase or sale of qualified securities from its offices to any qualified market trading in that security. The Commission believes that the self-regulatory organizations should combine their efforts and take joint action forthwith in order to (i) make available to their members a single system for the prompt and efficient routing of orders for qualified securities directly from brokers' and

dealers' offices to any qualified market, and (ii) achieve a comprehensive linkage of all qualified markets in an efficient intermarket order routing system. The Commission, on the basis of its present knowledge, is not aware of any reason why both these facilities should not be implemented by September 30, 1978.

The need to develop and implement a new intermarket order routing system to link all qualified markets could be obviated if participation in the ITS market linkage currently under development were made available on a reasonable basis to all qualified markets and if all such markets joined that linkage. Similarly, there would be no need to develop a new message switch facility for the routing of orders from brokers' and dealers' offices to any qualified market if the existing order routing facility operated by the Securities Industry Automation Corporation ("SIAC") (and offered to members of the NYSE and the Amex to enable them to transmit their orders to the floors of those exchanges) were expanded to permit all qualified markets to receive orders in qualified securities and access to that facility were made generally available, on appropriate terms, to all brokers and dealers.

"The Commission is requesting each self-regulatory organization to inform the Commission, in writing, of their willingness to undertake this effort voluntarily and to commit to achievement of these systems by September 30, 1978. The Commission is also requesting those organizations to submit to the Commission, by April 15, 1978, a timetable of steps which they will take by specified dates to assure that these systems are implemented by September 30, 1978. Finally, the Commission will request that, if any self-regulatory organization believes that the implementation date which the Commission has proposed is unrealistic, that organization specify the reasons why that date cannot be met and suggest the earliest realistic alternative date.

"The Commission recognizes that inclusion in the ITS of over-the-counter market makers in qualified securities may pose special technical and regulatory problems but believes that, with the active involvement and assistance of the NASD, those problems can be overcome. The Commission is prepared to offer its assistance in resolving any issues which may prove to be obstacles to such an effort.

"The Commission recognizes that other persons may wish to develop and offer order routing systems similar (or perhaps superior) to the message switch currently operated by SIAC and the ITS. The reference to the ITS and the SIAC-operated message switch is intended only to illustrate the type of systems which can be developed without formal action by the Commission, not as an endorsement of those particular systems over others which might be developed by, for example, another self-regulatory organization and found more suitable for market linkage purposes by all self-regulatory organizations.

The Commission believes that all systems used to route orders to and among qualified markets should operate in a "neutral" fashion (i.e., they should permit brokers and dealers utilizing those systems to route orders to and among all such markets on a non-discriminatory basis). Order routing systems which are not "neutral" appear inconsistent with development of a national market system since, among other things, they may impede fair competition among qualified markets and function in a manner incompatible with broker adherence to principles of "best execution."

Should development of comprehensive, "neutral" order routing systems, linking all qualified markets and permitting brokers and dealers to route orders to any such market directly from their offices, not be undertaken voluntarily by the self-regulatory organizations, the Commission is prepared to initiate rulemaking to consider appropriate means of ensuring that result. Among the actions available to the Commission would be consideration of rules to (i) require brokers to demonstrate that they have given appropriate consideration to execution opportunities in all qualified markets in directing their customers' orders to any particular market; (ii) preclude brokers from using any automated means of directing orders in qualified securities to a particular qualified market unless those means afford the capacity for orders to be directed, on a nondiscriminatory basis, to any such market; and (iii) preclude any self-regulatory organization or any securities information processor from offering or providing to any broker or dealer any service or system by means of which orders in qualified securities may be routed electronically to one or more qualified markets unless that service or system permits users to route such orders to any qualified market and unless that service or system is made generally available, on appropriate terms, to any broker or dealer.

3. *Nationwide Limit Order Protection.* The Commission continues to believe that one of the basic principles upon which a national market system must be based is the assurance that all agency orders in qualified securities, regardless of location, receive the

*See Senate Report, supra note 17, at 104-105.

*Section 11A(a)(3)(B) of the Act [15 U.S.C. 78k-1(a)(3)(B)] also authorizes the Commission, in furtherance of the statutory directive to facilitate the establishment of a national market system, by rule or order, to authorize or require self-regulatory organizations to act jointly with respect to matters as to which they share authority under [the Act] in planning, developing, operating, or regulating a national market system (or a subsystem thereof) or one or more facilities thereof.

benefits of auction-type trading protections. To this end, the Commission believes the several self-regulatory organizations should take joint action promptly to develop and implement a central limit order file (the "Central File") for public agency orders to buy and sell qualified securities in specified amounts at specified prices ("public limit orders").

The objectives of a Central File are relatively simple: to make available a mechanism in which public limit orders can be entered and queued for execution in accordance with the auction trading principles of price and time priority and by means of which such orders can be assured of receiving an execution prior to the execution of any other order by a broker or dealer in any market at the same or an inferior price (determining that price by reference to the price required to be reported in the consolidated system pursuant to Rule 17a-15, in the event of a completed transaction). Public limit orders would assume their place in, and have an equal opportunity to achieve an execution throughout, that system without regard to the market or geographical location from which those orders were entered or in which other transactions required to yield priority to orders in the Central File were effected. Execution priority for orders entered in the Central File over all other orders would be required by rule. It currently appears that, for technological among other reasons, it may be appropriate to confine the capacity to execute against public limit orders in the Central File to persons performing market making functions in a qualified market. It does not seem necessary, however, to restrict the ability of brokers to enter, alter or withdraw public limit orders in or

*The Commission has received considerable comment in response to Securities Exchange Act Release No. 12159 (March 2, 1976), 41 FR 19274, concerning the concept of a composite limit order book. See File No. S7-619. It has also received the views of the National Market Advisory Board in this regard. See letter from the National Market Advisory Board to the Chairman and the Commissioners of the Securities and Exchange Commission, dated January 28, 1977.

*The Commission currently believes that, for purposes of the Central File, a "public limit order" should be defined as any limit order not for the proprietary account of a broker or dealer. It does not necessarily follow that all such orders, regardless of size, will be appropriate for inclusion in the Central File.

*It may be necessary, in this context, to revisit questions concerning "net trading" and "net printing" of principal transactions involving commission equivalents or similar transaction charges, mark-up or mark-downs. See Securities Exchange Act Release Nos. 12432 (May 12, 1976), and 12433 (May 12, 1976).

from the Central File. Finally, the Commission is not now aware of any compelling reason why information as to all public limit orders in the Central File should not be made publicly available on a current and continuous basis, at least in summarized form.

The Commission urges the self-regulatory organizations to prepare and submit to the Commission, preferably jointly, a plan or plans no later than September 30, 1978, contemplating the design, construction and operation of a Central File. However, should voluntary cooperation among such organizations to that end prove difficult, or involve undue delay, the Commission intends to commence rulemaking to consider the manner and timing of compulsory development of a Central File (including the question of whether that task should be assigned principally to a single self-regulatory organization).

The Commission is aware that there has been widespread controversy over the merits and implications of an electronic limit order book, and does not intend its determination to proceed with development of a Central File for public limit orders to be interpreted as a decision to force all auction trading into an electronic system with automatic execution capabilities.

4. *Off-Board Trading Restrictions.* The Commission has recently adopted amendments to Rule 19c-1 under the Act to expand the scope of that rule to require that members of exchanges be permitted to effect over-the-counter agency transactions in securities listed or admitted to unlisted trading privileges on an exchange with any other person not also represented as agent by that member (i.e., precluding only "in-house" agency cross transactions). In adopting those amendments, the Commission determined that expanding the scope of Rule 19c-1 in this manner would further the

*The Commission is requesting each self-regulatory organization to inform the Commission, in writing, by May 30, 1978, of its willingness to undertake joint development of a Central File in accordance with the principles indicated in the text, and steps which each has taken or will take towards that end.

*At the same time, the Commission notes that, with respect to the technology employed, the RMS linkage presently operated in a pilot phase by the MSE, PSE, CSE and BSE offers considerable promise as a basis for a comprehensive system establishing a national auction for qualified securities based on price and time priorities. It may be that the technology employed in the RMS, with appropriate modifications, could provide a basis on which a Central File could be developed.

*Securities Exchange Act Release No. 14325 (December 30, 1977), 43 FR 1327.

purposes of the Act by enhancing the practicability of brokers executing investors' orders in the best market and improving customers' ability to achieve the most economically efficient executions of their securities transactions."

The Commission has determined to defer further consideration of proposed Rule 19c-2 under the Act (which would eliminate remaining exchange restrictions on off-board principal and "in-house" agency cross transactions by exchange members in certain securities listed or admitted to unlisted trading on an exchange), and of the companion series of rule proposals concerning overreaching, until the Commission has had an opportunity to evaluate industry and self-regulatory organizations' responses to the national market system initiatives announced in this statement. The Commission plans to review progress made toward the various objectives of those initiatives in the context of further consideration of proposed Rule 19c-2 no later than September 30, 1978, with a view to ascertaining whether, among other things, the continued presence of restrictions on off-board principal transactions and "in-house" agency crosses is operating in any way as a disincentive to, or is otherwise impeding achievement of, those goals.

While the Commission has not yet concluded whether adoption of proposed Rule 19c-2 at this time must be deemed necessary or appropriate to conform exchange rules to the requirements of the Act or otherwise in furtherance of the Act's purposes, the Commission does not wish its determination to defer consideration of proposed Rule 19c-2 at this time to be perceived as indicating that the Commission is willing to postpone removal of off-board trading restrictions indefinitely or until further progress has been made toward implementation of any particular additional element of a national market system. To the contrary, the Commission has repeatedly expressed the view that the present restrictions must ultimately be eliminated, and remains concerned that retention of those restrictions, in addition to impeding competition, may retard achievement of a national market system.

Nevertheless, as noted above, many commentators in the Commission's proceedings with respect to off-board trading restrictions have made clear their belief that the risks they perceive as being associated with removal of those restrictions would diminish to the extent of meaningful progress toward implementation of a national market system. Therefore, prior to concluding its deliberations concern-

ing proposed Rule 19c-2, and establishing a definitive effective date for that rule, the Commission wishes to consider the responses to the national market system initiatives announced in this statement. Those responses also will clarify the need for collateral action to ensure an appropriate pattern of regulation for an environment in which exchange members are permitted to engage in off-board market making and other principal transactions in securities subject to proposed Rule 19c-2.

5. *Consolidated Transaction Reporting System.* Despite the success of the consolidated system as a mechanism for the collection and disclosure of last sale information from all markets for securities included in that system, the Commission believes that further refinements in the way last sale information is distributed and recalled for display are necessary to ensure that use and operation of the consolidated system are fully consistent with the purposes and objectives of a national market system.

Of particular concern to the Commission is the manner in which vendors currently provide for the recall of last sale data on information retrieval display devices. These vendors now permit information from the primary market by input of the letter (or combination of letters) used to identify the particular security involved in the consolidated system (the "consolidated system symbol") followed by depression of an information request key. In most cases, entry of additional letters or symbols (plus depression of the information request key) is required in order to recall consolidated last sale information or last sale data from any particular market other than the primary market.

To date, this practice has been permitted under a Commission interpretation of Rule 17a-15 issued in March 1975.⁴ In that release the Commission stated:

Vendors may use the consolidated tape ticker symbol (the old NYSE symbol in the case of an NYSE listed security) to interrogate for last sale information from the NYSE and some other symbol to interrogate for consolidated data. However, any symbol which differs from the consolidated tape symbol which is used to interrogate for consolidated data must be simple and easy for brokers and dealers to use."

The Commission has reconsidered that interpretative statement in light of its experience with the consolidated system and no longer believes that vendors should be permitted to program their information retrieval devices for the recall of consolidated data by use of any combination of letters or

symbols other than the consolidated system symbol. Current practice, with each vendor using a different combination for the recall of consolidated data (generally a more complicated routine than that used for the retrieval of data from the primary market), discourages use of consolidated information, has anticompetitive consequences for markets as to which last sale data may be recalled only by relatively more difficult and time consuming interrogation routines, and impedes progress toward a national market system. Consequently, the Commission believes vendors should modify their systems promptly to confine use of consolidated system symbols in their interrogation and display devices to the recall of consolidated last sale data.⁵

The Commission intends to take formal action with respect to its prior interpretive position regarding use of the consolidated system security symbols by market information vendors for interrogation purposes by April 30, 1978. At the same time, the Commission plans to consider further action with respect to (i) permitting, on an appropriate basis, retransmission of the entire stream of last sale information contained in Networks A and B of the consolidated system⁶ on a continuous basis by securities information processors other than SIAC, the current processor for the consolidated system; (ii) eliminating certain exceptions from the reporting obligations imposed by Rule 17a-15 under the Act now contained in the joint industry plan governing the consolidated system (the "joint plan"), particularly the exception for transactions effected in connection with special offerings; (iii) reforming the voting arrangements among the joint plan participants; and (iv) the propriety of allowing self-regulatory organizations to impose charges on securities information processors and subscribers to their services with respect to market information required to be disclosed by Commission rules.

6. *Qualified Securities.* The Commission intends to initiate a rulemaking proceeding not later than June 30, 1978, for the purpose of designating certain categories of securities as

"Of course, vendors who provide last sale information from individual market centers may use the consolidated system symbol as part of interrogation codes (adding whatever additional letters and symbols are necessary, on a non-discriminatory basis) for retrieving that information."

"Network A disseminates last sale reports of transactions executed in all reporting markets for securities listed on the NYSE, while Network B disseminates reports of transactions in securities listed on the Amex plus selected listings from other exchanges."

⁴ Securities Exchange Act Release No. 11317 (March 28, 1975), 40 FR 15461.

⁵ Id. at 5, 40 FR at 15462.

⁶ Id. at 7, 43 FR at 1328.

ADDITIONAL ISSUES

The program of Commission action on national market system matters outlined above is not intended to represent a comprehensive list of all matters requiring resolution bearing upon the evolution of the markets into a national market system. Indeed, certain of the Commission's contemplated actions will engender, or accelerate the need to resolve, a number of collateral problems. The following is a list of certain additional policy areas which the Commission anticipates will require consideration in conjunction with the program outlined above.

1. *Institutional trading prohibitions.* The Commission anticipates that, in the context of developing a national market system, and particularly in an environment permitting off-board principal activity by exchange members, it will be necessary to consider proposed rule changes by the NYSE and the Amex contemplating elimination of the prohibitions contained in NYSE Rule 113 and Amex Rule 190 regarding direct dealings with institutional customers. In addition, the Commission intends to consider the extent to which all market makers (whether exchange specialists or third market makers) should be limited in their ability to deal directly with companies for which they act as market makers, and with insiders of such companies.⁷ Finally, it may be necessary to review other regulations governing persons performing market making functions generally to determine whether changes are necessary in a national market system environment.

2. *Options.* The Commission is not yet prepared to determine what role standardized put and call option contracts should play in a national market system or the appropriate relationship which should exist between trading in equity securities underlying such options and trading in the options themselves.⁸ Organized trading in standardized options contracts is currently under review by the staff as part of a comprehensive study,⁹ and the Commission intends to await completion of that study before announcing any conclusions in this area.

those systems must be made available for trading in qualified securities which remain traded exclusively in the over-the-counter market.

⁷ NYSE and Amex specialists are prohibited by NYSE Rule 113 and Amex Rule 190 from accepting orders for the purchase or sale of any securities in which they are registered as specialists directly from the issuer or any officer, director or 10 percent shareholder of the issuer.

⁸ Currently, specialists on the regional exchanges and third market makers are permitted to effect such transactions, while specialists on the NYSE are not.

⁹ Securities Exchange Act Release No. 14056 (October 17, 1977), 42 FR 56706.

Among the issues which will be considered by the staff as part of the options study are the extent to which the market makers in all qualified markets should be permitted to effect at least certain types of transactions in options relating to underlying stocks for which they act as market makers. Conversely, the study will examine whether options and underlying stocks related to such options may be traded side-by-side at the same location, and whether persons should be permitted to act as a market maker in both an underlying stock and the related option under any circumstances.

3. *Governance and surveillance.* The need for changes in the functioning of the self-regulatory organizations to provide centralized governance of national market facilities and participants, as well as comprehensive and nationwide surveillance of market professionals, will have to be examined further. The Commission believes, however, that such questions can be deferred, at least for the time being, until greater progress has been made in achieving effective market linkages among the various market centers.

4. *Section 11(a).* The Commission is presently engaged in consideration of the issues raised by Section 11(a) of the Act [15 U.S.C. 78k(a)]. As amended by the 1975 Amendments, Section 11(a)(1) [15 U.S.C. 78k(a)(1)] prohibits, with certain specified exceptions (such as market making activities and transactions for the accounts of natural persons), any member of a national securities exchange from effecting any transaction on such exchange for its own account, the account of an associated person, or an account with respect to which the member or any of its associated persons exercises investment discretion.¹⁰ It has been asserted that if Section 11(a) were to be permitted to become effective on May 1, 1978, it would cause a significant and adverse restructuring of the securities industry, a result which it is asserted was unintended at the time of the passage of the 1975 Amendments. Moreover, with the elimination of fixed rates of commissions, many persons have questioned the need for such a provision.

Under Section 11(a), the Commission has broad authority to fashion either more flexible or more restrictive standards in light of changing conditions. The Commission has addressed certain interpretative issues under Section 11(a) and has pending

¹⁰ Section 11(a)(3) [15 U.S.C. 78k(a)(3)] of the Act provides that the prohibitions in Section 11(a)(1) do not apply before May 1, 1978, to transactions effected on an exchange by those who were members on May 1, 1975.

several rule proposals in this area." The interpretations and proposals have generated considerable public comment, and the Commission is currently considering whether further Commission action with respect to Section 11(a) is necessary or appropriate in the public interest and the protection of investors and, if so, what form that action should take.

5. *Clearance and settlement.* The prompt development of a national system for clearance and settlement is necessary not only to reduce costs for members of the securities industry, but also because of the impact of the clearance and settlement process on investors. Investors are affected in a significant way by the absence of a national clearance and settlement system. The cost of securities transaction processing is generally passed on to investors in commission rates charged in connection with securities transactions. The levels of commission rates, particularly with respect to small public investors, may play a part in determining their participation in the securities markets.

Although considerable progress has been made in the effort to create a national system for clearance and settlement, still more remains to be accomplished. For example, the Commission's approval of the registration of the National Securities Clearing Corporation ("NSCC") as a clearing agency in January 1977 was subject to the satisfaction of certain specified conditions contained in the order." During the past year, some, but not all, of these conditions have been satisfied. The Commission remains concerned with the rate of progress being made toward the development of a national system for clearance and settlement. The Commission has therefore determined, consistent with its responsibilities under the Act, to hold public hearings commencing March 7, 1978, to review the events which have occurred since the Commission's conditional approval of NSCC's registration" and the problems which are impeding the prompt development of an efficient, competitive national system for clearance and settlement."

*See Securities Exchange Act Release Nos. 12055 (January 27, 1976, 41 FR 8036, and 13388 (March 18, 1977), 42 FR 16746.

"See Securities Exchange Act Release No. 13163 (January 13, 1977), 42 FR 3916.

"The recent report of the House Oversight Committees suggested that the Commission, in part because of the failure of NSCC to meet the timetable contained in its conditional registration, should "contemplate revoking the conditional registration (of NSCC) and pursuing other means of achieving the national clearance and settlement system." Oversight Report, supra note 31, at 7-8.

The Commission views expressed herein are based upon the Commission's analysis of the materials and comments filed with the Commission in conjunction with the various requests for public comment issued to date on national market system questions and as part of the Commission's current proceedings on off-board trading rules and related matters, as well as its consideration of the views of the Advisory Committee on the Implementation of a National Market System (the Yearly Committee) and the National Market Advisory Board ("NMAB")."

The initiatives discussed in this statement contemplate achieving the objectives articulated by the Congress in the 1975 Amendments essentially by establishing mechanisms for the linking of existing market centers, and other market centers which may come into being, in an increasingly close and effective manner so as to avoid fragmentation of the markets and to coordinate the various market centers so that they will constitute, in combination, a national market system.

The Commission is aware, however, that proposals have been advanced to create a national market system on quite different assumptions and having quite different characteristics, and that there has been considerable discussion with respect to these possible alternatives. The first such concept would create a national market system essentially by modifying the existing "primary" markets, particularly the NYSE, so that substantially all orders would interact through the mechanisms of, or on the floor of, the "primary" market and all qualified broker-dealers, perhaps together with certain other organizations, would have access to that market on a non-discriminatory basis. The Commission has not sought to pursue this alternative because it is inconsistent with the concept of the national market system contemplated by the Congress in the 1975 Amendments. Moreover, there is a serious question as to whether such a national market system could operate satisfactorily in a country having the size and diversity of the United States.

A second alternative would be the creation of an electronic market system in which all orders, whether from public investors or from market makers, would be entered into a computer-based system and would be executed automatically in that system

"Securities Exchange Act Release No. 14411 (January 25, 1978), —FR—.

"See, e.g., NMAB, Next Steps to be Taken to Facilitate the Establishment of a National Market System, December 6, 1977.

on the basis of strict time and price priority. This type of proposal has been advanced with considerable conviction by responsible persons and, if perfected, would appear to have the potential for significant efficiencies in securities trading. Such a system, however, would have an impact upon existing market institutions which could properly be viewed as a fundamental change in the manner in which securities trading is now conducted, and it is difficult to foresee, and to provide against, the problems and difficulties which might arise. Consequently, the Commission has not espoused these proposals. In addition, the Commission believes that if a change of this magnitude is to be made, it probably should occur as a result of evolutionary forces in the markets rather than by Commission mandate.

This does not mean, however, that significant progress in the use of modern technology will not be important in meeting the goals of a national market system. To the contrary, as the initiatives discussed in this statement demonstrate, the effective linking of the markets in a national market system necessarily involves the increased use of such technology to achieve the benefits of that system envisioned by both the Commission and the Congress.

This statement represents the current views of the Commission on the steps which must be taken to facilitate the development of a national market system. The Commission recognizes that the nation's securities markets are constantly evolving, and that alternative means of achieving the goals of a national market system may be developed. The Commission also recognizes that each step in the process of creating a national market system may not further each of the purposes of the Act.

While the steps described in this statement represent the course of action the Commission has selected as the appropriate one for fulfillment of the national market system role assigned to it by the Congress in the 1975 Amendments, the Commission realizes that, as each step of the process of fusing the existing markets into a national market system is completed, and as the effects of each such step become realities (rather than prognostications), refinements and adjustments in succeeding steps will suggest themselves and become part of the Commission's program to achieve that system. The Commission therefore remains receptive to new steps designed to meet the statutory goals of a national market system (regardless of whether they are perfectly congruent with the particular means described in this release).

The Commission welcomes comments on any of the views expressed

herein from all interested persons. Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All comments should refer to File No. S7-735 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street NW., Washington, D.C.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 26, 1978.

IFR Doc. 78-2772 Filed 1-31-78; 8:45 am]

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Registered Property

WEDNESDAY, FEBRUARY 1, 1978
PART IV



ENVIRONMENTAL
PROTECTION
AGENCY

STATE HAZARDOUS
WASTE PROGRAMS

Proposed Guidelines

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 250]

[FRL 820-8]

STATE HAZARDOUS WASTE PROGRAMS

Proposed Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Proposed Guidelines.

SUMMARY: This rule sets out Guidelines for State hazardous waste management programs, including the substantive and procedural requirements for authorization of such State programs under the authority of Section 3006 of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580) ("the Act"). These Guidelines also prescribe the procedures by which States may apply for authorization, the procedures by which such authorization may be withdrawn, and the procedures by which EPA proposes to exercise oversight of such State programs as may be authorized under Section 3006.

DATES: All comments received on or before April 3, 1978 will be considered by the Agency before taking action on the proposed guidelines.

HEARING: Oral or written comments may be submitted at the public hearings on these proposed guidelines. Registration for each hearing will be held between 8:30 and 9 a.m. The hearings are scheduled for: March 9, 1978 at the Bourbon Orleans Ramada Inn, 717 Orleans St., New Orleans, La.; March 14 at the Marriott Motor Hotel, 2345 Commonwealth Ave., Newton, (Suburb of Boston) Mass.; and March 16 at the Seattle Convention Center (Nisqually Room), 305 Harrison St., Seattle, Wash. Requests to participate in the public hearings should be directed to: Mrs. Gerri Wyer, Public Participation Officer, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460, 202-755-9157.

ADDRESSES: Comments should be submitted to: Deputy Assistant Administrator for Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460. Communications should identify the regulatory docket or notice number, which is 3006 for these proposed guidelines.

The official record for this rulemaking is located in room 2111D U.S. Environmental Protection Agency, 401 "M" St. SW., Washington, D.C. 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT:

PROPOSED RULES

Mr. Dan Derkies, Hazardous Waste Management Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, Washington, D.C. 20460, 202-755-9190.

SUPPLEMENTARY INFORMATION: Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 (Pub. L. 94-580), creates a regulatory framework to control hazardous waste. Congress has found that such waste presents "special dangers to health and requires a greater degree of regulation than does non-hazardous solid waste" (Section 1002(b)(5)). Because of the seriousness of this waste problem, Congress intended that States develop programs to control it. In the event that a State does not choose to operate such a program, EPA is required to do so.

This rule is one of a series of seven being developed and proposed under Subtitle C to implement the hazardous waste management program. It is important to note the broad definition of solid waste (Section 1004(27)) which encompasses (with a few exceptions) garbage, refuse, sludges, and other discarded materials, including liquids, semisolids, and contained gases from both municipal and industrial sources. Hazardous wastes, which are a subset of all solid waste and will be defined by section 3001 regulations, have a particularly significant impact on public health and the environment.

Subtitle C creates a management control system which, for those wastes defined as hazardous, required "cradle-to-grave" cognizance, including appropriate monitoring, recordkeeping, and reporting throughout the system. Section 3001 requires EPA to define the criteria and methods for identifying and listing hazardous wastes. Those wastes which are identified as hazardous by these means are then included in the management control system constructed under Sections 3002-3006 and 3010. Those that are excluded will be subject to the requirements for non-hazardous solid waste being carried out by States under Subtitle D, under which open dumping is prohibited and environmentally acceptable practices are required. It is important that appropriate interconnections be established between Subtitle C and Subtitle D efforts.

Section 3002 addresses the standards applicable to generators. EPA's regulations under this section describe the classes of generators for whom some requirements may vary; for example, the Agency does not interpret the intent of Congress to include regulation of individual homeowners due to the small quantities of hazardous wastes which they may generate. Section 3002 also requires the creation of a manifest system which will track wastes from the point of generation to their ultimate disposition.

Section 3003 addresses standards affecting transporters of hazardous wastes to assure that wastes are carefully managed during the transport phase. The Agency is exploring opportunities for meshing closely with proposed and current DOT regulations to avoid duplication in this area.

Section 3004 addresses standards affecting owners and operators of hazardous waste storage, treatment, and disposal facilities. These standards define the levels of environmental protection to be achieved by these facilities and provide the criteria against which EPA (or State) officials will measure applications for permits. Facilities on a generator's property as well as off-site facilities are covered by these regulations and will require permits—generators and transporters who do not treat, store, or dispose of hazardous wastes do not need permits.

Section 3005 regulations describe the scope and coverage of the actual permit granting process for facility owners and operators. Requirements for the permit application as well as for the issuance and revocation process are defined by these regulations. Section 3005(c) provides for interim permits during the time period that the Agency or a State is reviewing the pending permit applications.

Section 3006 requires EPA to issue guidelines for State programs and procedures by which States may seek both full and interim authorization to carry out the hazardous waste program in lieu of the EPA-administered program.

Section 3010 regulations define procedures by which any person generating, transporting, owning or operating a facility for storage, treatment, and disposal of hazardous wastes must notify EPA of this activity within 90 days of promulgation of regulations defining a hazardous waste (Section 3001). EPA intends to make provision for States to be delegated this function upon application to the Administrator. It is significant to note that no hazardous waste subject to Subtitle C regulation may be legally transported, treated, stored, or disposed, nor may interim permits be issued, unless this timely notification is given to EPA or a designated State.

The Act calls for the Agency to promulgate final regulations by no later than April 1978 under all sections of Subtitle C. However, it is important for the regulated communities to understand that the regulations (Section 3001-3005) do not take effect until 6 months after promulgation (October 1978). Thus, there will be a time period after final promulgation during which public understanding of the regulations can be increased and those covered by the regulations can prepare to comply. During this same period, notifications required under Section

3010 may be submitted, and facility permit applications required under Section 3005 may be distributed for completion by applicants.

BACKGROUND OF THIS REGULATION

Section 3006(a) of the Solid Waste Disposal Act (42 U.S.C. 6926), as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580) directs the Agency to "... promulgate guidelines to assist States in the development of State hazardous waste programs." The proposed Guidelines have been developed in the course of considerable consultation with the States. Between March 22, 1977, and April 6, 1977, a series of six meetings was held throughout the United States at which EPA and the States discussed issues relevant to the Guidelines to be developed under Section 3006(a). Representatives from a total of 48 States participated in those meetings. A second series of meetings was held between June 23, 1977, and August 10, 1977, at which the first draft of these Guidelines was discussed with the States; a total of 47 States were represented at this second series. The proposed guidelines thus reflect the experience, comments, and opinions of State hazardous waste management people to the greatest extent possible.

Section 3006 describes two types of authorization: Section 3006(b) describes an authorization without fixed beginning dates, and of unlimited duration; while Section 3006(c) describes an "Interim" authorization "... for a 24-month period beginning on the date 6 months after the date required for promulgation of regulations under Sections 3002 through 3005" (April 21, 1978). These Guidelines distinguish the two by referring to the former as "full" authorization and to the latter as "interim" authorization.

The Act directs or authorizes "the Administrator" of EPA to discharge certain responsibilities and conduct certain activities with respect to hazardous waste management. The Administrator has delegated to each Regional Administrator those authorities and responsibilities related to Section 3006 in order to allow States to work with the appropriate Regional Administrator throughout the application and authorization process. The Guidelines therefore refer to the Regional Administrator in most cases; where the Guidelines refer to "the Administrator" the authority or decision referenced has not been delegated to the Regional Administrator.

MAJOR ISSUES CONSIDERED

The following discussion is presented to assist the reader in understanding the reasoning behind the development of the proposed guidelines. Only those portions of the guidelines which

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generated significant discussion in the public meetings and in response to the Advance Notice of Proposed Rulemaking are discussed here.

I. Authorization (3006b).

A. Full authorization.

(1) *Equivalency.*

(a) LEGISLATIVE AUTHORITY

Several States have enacted, or are now considering, hazardous waste management legislation. The Agency does not believe that every State must necessarily do so in order to receive authorization. Where the State has other statutory authority (i.e., water pollution legislation, public health legislation, etc.) which, in the opinion of the State and of the Agency, is sufficient to allow the administration and enforcement of a State hazardous waste program "equivalent" to that of EPA, the Agency will consider this element to be satisfied.

(b) PERMIT MECHANISM

Section 3005 of the Act requires anyone who owns or operates a facility which stores, treats, or disposes of hazardous wastes to have a permit. The Agency considers this requirement to be central to the administration and enforcement of the Act, and consequently believes that no State program can be "equivalent" to that of EPA without such an element. A few commenters felt that any control mechanism through which the State could achieve "equivalency in effect" should be allowed. However, EPA feels strongly that use of a document (e.g., permit or license) authorizing facility operation is necessary to achieve adequate control. The Federal legislation specifically requires that "permits" will be issued to those facilities that treat, store and dispose of hazardous waste where the Federal EPA is operating the program. Therefore, other control mechanisms, such as control by surveillance and penalty will not be acceptable for the purpose of authorizing the State program. Before these guidelines for State hazardous waste programs are promulgated, EPA will describe and resolve, or attempt to minimize, any possible overlaps between: (1) The State's issuance of permits to hazardous waste injection wells under the Underground Injection Control (UIC) program, which is administered under Part C of the Safe Drinking Water Act of 1974 (Pub. L. 93-532, 42 U.S.C. 300f, et seq.) and (2) the issuance of hazardous waste permits under the State's hazardous waste program.

(c) MANIFEST SYSTEM

Section 3002(5) of the Act requires the use of a manifest to ensure that hazardous wastes which leave the site of generation are taken only to stor-

age, treatment, or disposal facilities to which a permit has been issued. This requirement is reflected in the experience or expectations of several States which believe a manifest system to be an essential element in managing hazardous wastes, a belief which the Agency shares. The State will not be able to effectively control hazardous wastes by regulating only the treatment and disposal sites. The "cradle-to-grave" management concept, on which Subtitle C is based, includes the requirement that the regulatory agency know of the existence and movement of hazardous wastes throughout the life cycle of those wastes. This concept is intended to discourage clandestine and environmentally unsound practices. In addition, due to the substantial transportation of waste across State lines, a large majority of commenters considered a consistent or uniform manifest format to be necessary to make the entire waste tracking and control process work. This requirement may cause the few States which already have a manifest system to change their system, thus presenting some initial problems. However, the long-range benefits (i.e., simpler manifest data management) from this change will far outweigh these initial problems. Also, EPA expects to provide software and other "tools" to assist States in setting up such systems.

(d) IDENTIFICATION OF RESOURCES

In developing and implementing a State hazardous waste program, the States will need to estimate the resources needed in order to conduct a comprehensive hazardous waste management program. The Agency considers the requirement of adequate resources to be a necessity in defining an "equivalent State program" in order to properly administer and enforce the requirements of the Act. However, there was some uncertainty raised as to the way the phrase "adequate resources" should be defined in the guidelines (i.e., citing specific resources estimates or using a broad description of adequacy).

EPA believes that the guidelines should be written so as to allow the Regional Administrator the latitude necessary to assure himself that the State has the "adequate resources" to conduct the program. In this way, the individual characteristics of each State's bureaucracies and problems may be considered in evaluating its resource needs.

(2) *Consistency.* The second criterion for authorization of State programs under Section 3006(b) is that they be "... consistent with the Federal or State programs applicable in other States ..." Impartiality and equity dictate that the requirements and obligations imposed upon those

who manage hazardous wastes in one State not differ significantly from those imposed in other States, to avoid a condition which could give the regulated community in any State a competitive advantage. This issue is of special concern to those who conduct their activities in more than one State, and who should not be held to differing standards in different States.

The Agency believes that States which inhibit the movement of wastes into or through their jurisdictions vitiate the hazardous waste management programs of EPA and of other States. Effective hazardous waste management requires regional solutions, often involving treatment or disposal in a State other than the one in which the waste was generated. Bans on the importation of waste into one State may spur the establishment of similar bans in other States, leading to needless duplication of treatment and disposal capacity in many States, or to a shortfall of adequate facilities in other States. Artificially high standards could discriminate against or limit the movement of hazardous waste into the State and, concurrently, artificially cause wastes to move out of the State.

In the course of developing these guidelines, six options were identified which addressed the issue of free movement of hazardous wastes with respect to authorizing States to operate and enforce a hazardous waste management program in accordance with the provisions of section 3006(b) of the Act:

(1) Authorize only those States which allow the importation of hazardous wastes to permitted treatment, storage and disposal facilities. Legislative bans or artificially high standards would disqualify States from authorization.

(2) Same as Option 1, except that States with legislative bans or artificially high standards for disposal of hazardous wastes would still be authorized, as long as hazardous wastes are allowed to be imported to permitted treatment and storage facilities.

(3) Same as Option 1, except that the imposition of artificially high standards would not disqualify States from authorization.

(4) Petition Congress for a legislative amendment to abolish State hazardous wastes importation bans altogether or at least pre-empt them in those States where EPA administers the regulatory program. (This, of course, is not an exclusive alternative.)

(5) Take no action on the hazardous waste importation ban issue.

(6) Same as Option 1, except that States with existing legislative hazardous waste importation bans or artificially high standards would be authorized for a limited number of years beyond the 2-year "interim authorization". (The termination date of the al-

lowed phase-out period is to be July 1, 1984.)

It should be emphasized that EPA is convinced that importation bans can not be permitted to multiply and that such bans must sooner or later be eliminated one way or another. EPA strongly believes that the adequate management of hazardous wastes demands the free movement of wastes to whatever facility, or site can best treat or dispose of them. Restricting the movement of hazardous wastes goes directly against this philosophy and poses a real threat to the expansion of an environmentally sound industry as well as hampers the regionalization of waste management. In addition, if EPA fails to take the position in the Guidelines to preclude a State from assuming the Federal hazardous waste program if the State has a legislative hazardous waste importation ban, it may well result in the proliferation of such bans. Depending on the approach finally taken, this may result in the disqualification from full authorization of some States, a few of which may already have some form of a hazardous waste management program.

EPA has chosen to include option number six in the text of the proposed guidelines, but recognizes the possibility of using any one of the six options or a variant of one of these options in the final promulgation of these regulations. Comments and suggestions on the six options or any other possible courses of action are especially invited. The implications involved in the final choice of an option include tradeoffs between authorizing a maximum number of States and discouraging impediments to free movement of wastes. Comments on these tradeoffs are welcome.

ADEQUATE ENFORCEMENT

The third and final criterion to be evaluated by EPA in determining which States will be fully authorized is whether such programs provide adequate enforcement. This particular criterion was considered by all commenters to be one of the most important components of the hazardous waste program, a belief which the Agency shares. However, there were some major questions raised concerning the degree of specificity that the guidelines should take (i.e., guidelines citing specific enforcement requirements as compared with guidelines providing the Agency with discretion).

As was indicated earlier, under "Identification of Resources", EPA believes that the guidelines should be written so as to allow the Regional Administrator the flexibility necessary to assure himself that the State is proposing a surveillance and enforcement program which is adequate to conduct an effective hazardous waste program. Each State has its own characteristics

and problems, which should be evaluated on a State-by-State basis, necessitating individual evaluation of the surveillance and enforcement program.

B. PARTIAL AUTHORIZATION

In some cases, States which wish to take over the full hazardous waste program will have been unable to bring all components of the State program into compliance with 3006(b). These States may have been unable to obtain passage of needed legislation, or may lack adequate resources to carry out all program responsibilities. A number of States have indicated to EPA that, under these circumstances, they would wish to obtain at least the authorization to carry out those program responsibilities for which they have authority and resources, with EPA carrying out the remaining responsibilities.

Under Section 3006(b), EPA could allow States to receive partial authorization for selected major components of a full hazardous waste program, but only if the State meets the requirements of equivalency, consistency and enforceability for each such major component. For example, a State could perform permitting, surveillance, and enforcement for off-site disposal, treatment, and storage, while EPA carried out permitting, surveillance and enforcement for on-site operations; or States could run a permit program for all treatment, storage, and disposal facilities, both off-site and on-site, while EPA conducted the manifest system, etc.

However, there are problems with partial authorization. First, the regulated community has strenuously contended that a single entity should carry out the entire program in a given State, arguing that a sharing of responsibility would result in confusion and duplication of effort for the agencies, and greatly increased complexity for regulated firms. Second, the availability of partial authorization could encourage some States, although capable of qualifying for full authorization, to take over only selected program elements, leaving EPA with the most "controversial" and expensive segments and actually increasing the burden on the resources of the Regional Offices. Third, the delineation of responsibilities between the Region and the State would undoubtedly be a lengthy and difficult process. Finally, the existence of partial authorization could remove some of the incentive for strenuous State efforts toward full authorization.

Although these arguments against allowing States to apply for partial authorization are strong, EPA proposes to allow States to apply for partial authorization to allow as many States as possible to participate in the implementation of the hazardous waste pro-

gram. However, the availability of partial authorization will be limited. States will be permitted to apply for partial authorization only if State legislative authority does not exist for certain program components. The decision on granting partial authorization will rest with the Regional Office, in the course of its examination of the State's eligibility for full authorization under 3006(b). In all cases, the State and EPA hazardous waste programs, when taken together, must meet the substantive and procedural requirements of a fully authorized hazardous waste program.

II. INTERIM AUTHORIZATION 3006(c)

The Agency shall, if evidence submitted indicates that the State has a hazardous waste program "in existence" pursuant to State law by July 20, 1978 and the State program is substantially equivalent to the Federal program under Subtitle C, grant an interim authorization to the State to carry out such program in lieu of the Federal program for a 24-month period beginning on October 21, 1978. However, a State may only apply for interim authorization over a specified time period (July 20, 1978, to October 20, 1978) and may only operate the hazardous waste program, under interim authority, during the definite calendar period between October 21, 1978, through October 20, 1980.

(1) *Substantially equivalent.* In defining the interim program, the various elements and associated alternatives that were proposed as criteria for "substantially equivalent" are the same as those being considered by EPA in defining an "equivalent" State program. Since it is clear that Congress intended this interim period to provide a "grace" period to the States to develop a program suitable for full authorization, the major difference between "equivalent" and "substantially equivalent" is that the latter program may be limited in statutory and regulatory authority. Similarly, the degree of stringency of a given regulation within any element may, during this interim period, be less stringent than the Federal standards.

This temporary relaxation from strict "equivalence" to "substantial equivalence" and the corresponding latitude in degree of stringency for the interim period, EPA believes to be consistent with the intent of Congress to facilitate the entry by the maximum number of States into the interim hazardous waste management program, and ultimately, into a fully authorized program. EPA supports this viewpoint by structuring its policy so that the greater resources available to the States within each Region (some EPA Regions encompass 6 to 8 States) will be brought to bear on the implementation and enforcement of a hazardous

waste management program without straining the already limited resources of EPA. This approach should result in a greater degree of protection of public health and the environment than if EPA had to conduct the hazardous waste program in a large majority of States.

(2) *Authorization plan.* The Guidelines include a requirement that each State prepare an "authorization plan" as a condition of receiving interim authorization. The Agency considers the interim authorization step to be an opportunity for States which cannot yet qualify for full authorization to nevertheless establish their stewardship of the hazardous waste regulatory program during the period in which they are developing their programs. The Agency further believes that the intent of Congress was to have States which qualify for and accept interim authorization progress to full authorization in the two years allotted by Section 3006(c), and that by their doing so, the best interests of public health and the environment, EPA, the State and the regulated community will be served. The authorization plan is intended to assist this progress.

The authorization plan should be comparable to a "compliance schedule" under which the State and the Regional Administrator agree on what deficiencies exist in the State program (as compared with the requirements for full authorization); what corrective or perfecting measures are necessary; and, the proposed schedule for accomplishing the corrections.

RECOMMENDED ELEMENTS

The Agency believes that the three elements discussed below will contribute to an effective State hazardous waste management regulatory program, and are in keeping with the intent of the Act. They will not be required, however, for authorization under Section 3006(b) or Section 3006(c). These elements are: (1) Technical Assistance; (2) Inventory of Hazardous Wastes; and (3) Safeguarding of Confidential Information.

TECHNICAL ASSISTANCE

The experience of EPA and of those States which have begun developing hazardous waste management programs has strengthened the Agency's conviction that State Technical Assistance to the regulated community is useful and desirable. The State program should include assistance as well as deterrent aspects, and should offer the regulated community information on acceptable management options at the same time it discourages those which are unacceptable.

A Technical Assistance program should include the State's role of assisting the regulated community in complying with applicable require-

ments and regulations. The Agency will not require either of these types of Technical Assistance in assessing the equivalency of proposed State programs under Sections 3006(b) or 3006(c). The State however, should especially seek to provide the latter type of assistance since its failure to do so may increase the potential for incomplete or inadequate compliance by segments of the regulated community.

INVENTORY

Many States have conducted hazardous waste surveys over the past few years, gathering information on the types, quantities, locations, and dispositions of hazardous wastes within the State. The manifest system required under Section 3002 of the Act will allow the State to verify or upgrade this information or to begin to compile it. This information is an important and useful tool for the State, both for planning purposes and for use in administering and enforcing the hazardous waste regulatory program.

The Agency will not require this element in assessing the equivalency of a proposed State program for the purposes of Sections 3006(b) or 3006(c). The States are urged, nevertheless, to compile such data for use in developing their programs over both the short- and long-term.

SAFEGUARDING OF CONFIDENTIAL INFORMATION

The Freedom of Information Act (5 U.S.C. 552 *et seq.*) includes a provision under which trade secrets and certain other information may be exempted from public disclosure. The Agency believes that similar provisions in State "Privacy Acts" or "Public Records Acts" make a significant contribution to securing the confidence of the regulated community since this legislation assures that information submitted to the State regulatory agency will be adequately safeguarded. State legislation of this type will not be required for authorization under Section 3006(b) or 3006(c). States should be aware, nevertheless, that provisions for the safeguarding of confidential information are an important part of an effective State regulatory program, and that the protection of a "Privacy Act" or of similar legislation is essential to winning the confidence of the regulated community.

REPORTING REQUIREMENTS

Two types of reporting will take place under the proposed guidelines: (1) Hazardous waste management facilities will report to the State and (2) as a part of the oversight process, States will report quarterly to EPA. In either case, reporting requirements are of a small or negligible impact. In the first case, the impact of facilities

reporting to the States will be the same as reporting to EPA since the subject State programs must be equivalent to the Federal program. In the second case, the impact of States reporting quarterly to EPA is further minimized by allowing the States to combine the quarterly report with the grant review process where applicable.

ECONOMIC AND ENVIRONMENTAL IMPACTS

In accordance with Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 and EPA Policy as stipulated in 39 FR 37419, October 21, 1974 respectively, analyses of the economic and environmental impacts are being performed for the entirety of Subtitle C, Hazardous Waste Management, and are not completed as yet. Any additional economic impact on the public resulting from Section 3006 implementation can be expected to be negligible, since the subject State programs must be equivalent to the Federal program. These impacts can thus be assumed to be equivalent.

Dated: January 24, 1978.

DOUGLAS M. COSTLE,
Administrator

It is proposed to amend Title 40 by adding Part 250 consisting of new Subpart F to read as set forth below. Subparts A through E are reserved.

Subparts A-E [Reserved]

Subpart F—Guidelines for State Hazardous Waste Programs

Sec.

- 250.70 Scope and purpose.
- 250.71 Definitions.
- 250.72 Authorization (3006b).
- 250.73 Interim Authorization (3006c).
- 250.74 Federal oversight of authorized programs.
- 250.75 Application procedure.
- 250.76 Withdrawal of authorization.

AUTHORITY.—Sec. 3006, Pub. L. 94-580, 90 Stat. 2809 (42 U.S.C. 6926). Secs. 250.70, 250.72 (a)(1) and (a)(2) also issued under sec. 3009, Pub. L. 94-580, 90 Stat. 2812 (42 U.S.C. 6929).

§ 250.70 Scope and purpose.

(a) Section 3006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6926), requires the Administrator, after consultation with State authorities, to promulgate guidelines to assist States in the development of State hazardous waste programs.

(b) These guidelines describe the various provisions and capabilities a State hazardous waste program must have in order to qualify for authorization under section 3006(b) or section 3006(c), which provide that the State, in lieu of the Federal EPA, may administer and enforce the hazardous waste management regulatory pro-

gram established pursuant to Subtitle C of the Act. The guidelines also describe the substantive and procedural requirements for States applying for authorization, EPA's oversight of the State's hazardous waste program, and for the withdrawal of authorization pursuant to section 3006(e).

(c) In addition, section 3009 of the Act prohibits States from imposing any requirement which is "less stringent" than EPA's regulations under sections 3001 through 3005 of the Act, a prohibition which applies whether or not the State is authorized under section 3006.

§ 250.71 Definitions.

For the purposes of this part:

(a) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(b) The term "authorization" or "authorized" refers to a State which has an approved hazardous waste program under section 3006(b) or 3006(c) of the Act and §§ 250.72 and 250.73.

(c) The term "element" means a function of the State program which EPA considers necessary for a State hazardous waste program to be equivalent to that of EPA.

(d) The term "full authorization" refers to authorization of a State program which has met the substantive and procedural requirements of section 3006(b) of the Act and § 250.72(a).

(e) The term "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes.

(f) The term "interim authorization" refers to authorization by EPA of a State program which has met the substantive and procedural requirements of section 3006(c) of the Act and § 250.73.

(g) The term "oversight" refers to a continuing program of surveillance and review carried out by EPA to insure that each authorized State's hazardous waste management program remains in compliance with the requirements for authorization stated in this Part.

(h) The term "partial authorization" refers to authorization by EPA of a State program to administer and enforce selected program components of a fully authorized hazardous waste program while EPA carries out the remaining parts. In all cases, the combination of the State and EPA hazardous waste program shall meet the substantive and procedural requirements of section 3006(b) of the Act and § 250.72(a).

(i) The term "withdrawal" refers to the termination of authorization for a State hazardous waste program under section 3006(e) of the Act and § 250.76.

(j) The term "State" means any of the several States, and the District of

Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

§ 250.72 Authorization (3006b).

(a) **Full authorization.** This section describes the various provisions to be met and capabilities to be demonstrated by States seeking to apply to the Regional Administrator for full authorization. The Regional Administrator shall apply the criteria identified in § 250.72(a)(1) through § 250.72(a)(3) in determining whether the program of any State is "equivalent to" the Federal program, "consistent with" the Federal program and with those applicable in other States, and whether the State's program provides "adequate enforcement of compliance," as required by section 3006(b) of the Act. A negotiated Memorandum of Understanding, as described in § 250.74(a), is required for full authorization.

(1) **Equivalency.** The Regional Administrator shall measure the "equivalency" of a State program to the Federal program by determining whether the State program encompasses all of the following elements, and by assessing the adequacy of each for the administration and enforcement of a hazardous waste program: Legislative Authority; Published Regulations; Permit Mechanism; Manifest System; Identification of Resources; Interagency Delineation of Responsibilities (if appropriate to the applicant State); and Public Participation.

(i) **Legislative authority.** (A) A State seeking full authorization shall demonstrate legislative authority to provide the following program components: regulations governing hazardous waste generators, transporters and owners and operators of hazardous waste treatment, storage and disposal facilities, including the keeping of records and submittal of reports, and the establishment of monitoring practices; control of the treatment, storage and disposal of hazardous waste through a permit system or its equivalent; a waste tracking system (manifest system); the power to conduct inspections and take samples; and the power to institute enforcement proceedings against violators.

(B) The State legislative authority and regulatory program shall be applicable both to those hazardous wastes stored, treated or disposed of at the site of generation (so-called "on-site" management), and to those hazardous wastes shipped elsewhere for storage, treatment, or disposal.

(ii) **Published regulations.** The State may choose to publish its own regulations with respect to hazardous waste management, adopt the regulations promulgated by EPA under sections 3001 through 3005 of RCRA unchanged, or adapt EPA's regulations

to unique or unusual circumstances or conditions within the State. Where a State has existing regulations or proposes new regulations which are different from those of EPA, the Regional Administrator shall evaluate the published regulations of the State's Agencies for their equivalency to those of EPA. The State's regulation shall address the identification of hazardous waste and shall contain standards applicable to generators of hazardous waste, transporters of hazardous waste, and the owners and operators of hazardous waste treatment, storage and disposal facilities. State regulations may not impose any requirement which is "less stringent" than EPA's regulations under sections 3001 through 3005 of the Act.

(iii) **Permit mechanism.** A State seeking full authorization shall provide for a permit system applicable to facilities which treat, store, or dispose of hazardous wastes, which consists of an administrative and legal framework together with resources sufficient to: accept, process and review applications for permits; issue permits (with appropriate special conditions); monitor renewals and expirations of permits; monitor compliance with the terms and conditions of permits; enforce compliance with the terms and conditions of permits; and enforce against owners and operators who have not acquired permits. The Regional Administrator shall evaluate the systems of those applicant States where the term "permit," is not used in order to determine whether mechanisms such as "license," "letters of approval," "waste discharge requirements," or other control devices, regardless of terminology, satisfy the intent of the Act.

(iv) **Manifest system.** A State seeking full authorization shall demonstrate the administrative capability to oversee the waste transportation manifest system established under section 3002(5) of the Act. Such capability shall include the management of manifests involving both intrastate and interstate transportation of hazardous wastes. States seeking full authorization under these Guidelines shall agree to use the manifest format published by the Administrator in the FEDERAL REGISTER pursuant to Section 3002 in administering and enforcing their hazardous waste management programs, but may supplement that format as appropriate to meet specific requirements or needs.

(v) **Identification of resources.** The Regional Administrator shall evaluate the resources proposed by an applicant State to be applied to its hazardous waste management program in order to ascertain that the State is able to administer and enforce the program successfully. The Regional Administrator shall consider the following factors in evaluating the ade-

quacy of the State's proposed resources: (A) A comparison with levels of resources known to have been applied in other States of commensurate size, hazardous waste generation and disposal frequency; and (B) the adequacy of those resources in relation to the level of success of those other State programs. Consequently, State applications for full authorization under Section 3006(b) shall clearly identify the personnel and the monetary resources to be used to carry out each responsibility necessary to conduct a comprehensive hazardous waste management program.

(vi) **Interagency delineation.** A State seeking full authorization in which more than one agency is involved in the administration and enforcement of the State hazardous waste program shall explicitly delineate the responsibilities of each such agency which relate to hazardous waste management, and shall designate a "lead agency", for the purposes of these Guidelines, to facilitate communications between EPA and the agencies responsible for the State program, and to receive such grant funds as may be made available under section 3011 of the Act. This "lead agency" may be the same agency designated under 40 CFR Part 255, "Identification of Regions and Agencies for Solid Waste Management (Interim Guidelines)." The "lead agency" should provide for coordination with the State agency responsible for the regulation of injection wells under the Underground Injection Control (UIC) program administered under Part C of the Safe Drinking Water Act of 1974 (Pub. L. 93-532, 42 U.S.C. 300f, et seq.) unless the agency responsible for the UIC program is the same as the "lead agency" described above.

(vii) **Public participation.** A State seeking full authorization shall submit a public participation plan as part of the application which complies with the guidelines EPA has promulgated pursuant to section 7004(b) of the Act (40 CFR Part 249).

(2) **Consistency.** A State seeking full authorization shall demonstrate the "consistency" of its program with the Federal program or State programs applicable in other States in order for the State program to be authorized. Such States shall satisfy the requirements of both the free movement of hazardous wastes across State boundaries and the degree to which State standards may vary from those of EPA or of other States, except that States which violate these requirements on the date of promulgation of these guidelines may request a temporary suspension of this requirement. The Regional Administrator may grant a temporary suspension of this requirement for a period not to exceed July 1, 1984, upon a showing that the

State is working towards elimination of this violation. For purposes of this subpart, the phrase "... State programs applicable in other States ..." refers only to those programs which have received full authorization under section 3006(b) of the Act.

(i) **Free Movement of Hazardous Wastes.** (A) Any State program which includes a ban on the importation of hazardous wastes from other States which are destined for treatment, storage, or disposal facilities having hazardous waste permits under the State program will be deemed inconsistent for the purposes of section 3006(b). Therefore, the Regional Administrator shall not grant full authorization to a State program including such a ban.

(B) Any State program which applies one standard to hazardous wastes originating within its borders, and a different standard to hazardous wastes originating elsewhere, will be deemed inconsistent with the Federal program and with those programs applicable in other States. Therefore, the Regional Administrator shall not grant full authorization to such a State program.

(ii) **Dissimilar standards.** Where the proposed State program includes standards which are significantly different from the Federal standards, the Regional Administrator shall determine whether such State standards substantially impede the movement of hazardous wastes into or out of the State; and whether such State standards protect public health and the environment to substantially the same degree as do the Federal standards. If the Regional Administrator determines that such State standards do substantially impede the movement of hazardous wastes into or out of the State, then the State program is inconsistent for the purposes of section 3006(b), unless such standards protect public health and the environment to substantially the same degree as do the Federal standards. If the Regional Administrator does not authorize a State program due to this determination of inconsistency, the State may continue to operate its hazardous waste program in parallel with the Federal program.

(3) **Adequacy of enforcement.** A State seeking full authorization shall demonstrate that the enforcement provisions of the proposed State program are adequate, and that the State is able to administer and enforce its program successfully. The Regional Administrator shall consider the proposed State enforcement procedures, practices, and penalties, comparing them with those contained in the Act, and with those implemented by the Environmental Protection Agency for the Federal program in evaluating the adequacy of the State's proposed enforcement program. The Regional Administrator should employ the follow-

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ing criteria in regard to penalty assessment in evaluating the adequacy of enforcement of a State Program that legislation exists authorizing civil and criminal penalties with a deterrent value adequate to handle almost all enforcement actions and that the legislation provides that such penalties be sought in appropriate circumstances.

(b) *Partial authorization.* The Regional Administrator may authorize a State to administer and enforce selected components of a hazardous waste regulatory program as described in § 250.72(a)(1)(i) while retaining responsibility for such part or parts for which State legislative authority is absent. A negotiated Memorandum of Understanding as described in § 250.74(a) is required for partial authorization.

(1) *Application.* States may apply for partial authorization only if State legislative authority does not exist for certain program components. Partial authorization of the hazardous waste program may only be granted if such components meet the three criteria of equivalency, consistency, and enforceability. In all cases, the combination of the State and EPA hazardous waste program shall meet the substantive and procedural requirements of a full hazardous waste program described in § 250.72(a).

(2) *Duration.* Partial authorization shall be effective for a fixed duration, agreed upon mutually by the State and the Regional Administrator and not to exceed 5 years, and shall apply to complete and discrete components of the program from among those identified in § 250.72(a)(1)(i) of these Guidelines. At the end of the fixed period, the Regional Administrator shall determine whether to renew the partial authorization on the basis of a continued lack of State legislative authority; a good faith effort by the State to procure needed legislation; and a determination by the Regional Administrator that the program can be carried out more effectively by the EPA-State partnership than by EPA alone.

§ 250.73 Interim authorization (3006c).

Any State which has in existence a hazardous waste program pursuant to State law prior to July 20, 1978, may request interim authorization to carry out a hazardous waste management program which will be granted if such program is "substantially equivalent" to the Federal program. A negotiated Memorandum of Understanding as described in § 250.74(a) is required for interim authorization. The phrase "... in existence" requires that States seeking interim authorization have the legislative authority, effective as of July 20, 1978, to conduct their hazardous waste programs as described in § 250.73(b)(2) of these Guidelines.

(a) *Duration.* Interim authorization is only effective for the period from October 21, 1978, through October 21, 1980.

(b) *Substantial equivalency.* A State seeking interim authorization shall submit copies of the relevant legislation to the Regional Administrator together with evidence to demonstrate that the State is willing and able to conduct a successful hazardous waste program, which, at a minimum, complies with § 250.73 (b)(1) through (b)(5).

(1) *Authorization plan.* A State seeking interim authorization shall submit an "authorization plan" as part of its application. The authorization plan shall describe the additions or modifications necessary to qualify the State program for full authorization under Section 3006(b) by October 21, 1980, together with the schedule which the State proposes to achieve those additions or modifications. Failure to meet the schedule may be cause for withdrawal of interim authorization.

(2) *Legislative authority.* A State seeking interim authorization shall demonstrate legislative authority to control at least either on-site or off-site hazardous waste disposal facilities, including the authority to conduct inspections and institute enforcement proceedings. Legislative authority to control hazardous waste treatment or storage facilities is not required for interim authorization. The State Authorization Plan shall describe any changes which will be sought in State legislation in order to prepare the State for full authorization as described in § 250.72(a)(1)(i).

(3) *Identification of resources.* A State seeking interim authorization shall identify and commit adequate resources to carry out the minimal program described in § 250.73 (b)(4) and (b)(5). Evaluation of the resources proposed by the State will be at the discretion of the Regional Administrator. A level of resources which is necessary for the purposes of full authorization will not necessarily be required for interim authorization. The State Authorization Plan shall identify the resource levels which will be applied to hazardous waste management at both the beginning and end of the interim authorization period.

(4) *Permit mechanism.* A State seeking interim authorization shall demonstrate at a minimum the institutional and administrative capability to issue permits, licenses, letters of approval, or other control devices to those facilities for which State legislative authority exists. The State Authorization Plan shall describe any changes in the permit system which will be made during the 24-month period for which the interim authorization is effective, to enable the State to become eligible for full authorization.

(5) *Surveillance and enforcement.* (i) A State seeking interim authorization shall demonstrate a surveillance and enforcement program sufficient to carry out a minimal program as described in § 250.73(b)(5). Evaluation of the surveillance and enforcement program will be at the discretion of the Regional Administrator.

(ii) A surveillance and enforcement effort which is insufficient for full authorization may be sufficient for interim authorization. Where the State proposal provides for a surveillance and enforcement program which does not satisfy the requirements for full authorization, the State Authorization Plan must describe the activities, including those criteria described in § 250.72(a)(3) regarding penalty assessment, through which the State expects to become eligible for full authorization during the twenty-four month period for which the interim authorization is effective.

§ 250.74 Federal oversight of authorized programs.

After all other requirements have been satisfied and before receiving authorization under Section 3006(b) or Section 3006(c) of the Act, the State shall agree with the Regional Administrator on an oversight procedure which will allow EPA to monitor the State's hazardous waste program to ascertain that the program is being administered and enforced successfully in accordance with the Act. The oversight procedures shall become part of the Memorandum of Understanding required under § 250.74(a) of these Guidelines.

(a) *Memorandum of Understanding.* In order to receive authorization under Section 3006(b) or Section 3006(c) of the Act, a Memorandum of Understanding shall be negotiated between the State and the Regional Administrator. The Memorandum of Understanding shall describe in detail the oversight procedures to which the State and the Regional Administrator have agreed, and may include such other terms, conditions, or agreements as are relevant to the administration and enforcement of the State's hazardous waste regulatory program. At a minimum, the Memorandum of Understanding shall include the items described in § 250.74 (a)(1)-(a)(4).

(1) *Program evaluation.* The State shall allow EPA to review such State records, reports, or files as are relevant to the administration and enforcement of the State hazardous waste regulatory program no less than once in each fiscal year for which the State has received authorization under Section 3006(b) or 3006(c) of the Act. The program review may be scheduled so as to coincide with the annual grant mid-year review.

(2) *Review of permit applications.* The Memorandum of Understanding

shall specify the basis on which the Regional Administrator may select permit applications of the State for review. The Regional Administrator may review and comment to the State on up to ten (10) percent of the permit applications received by the State in each fiscal year for which the State has received authorization under Section 3006(b) or Section 3006(c) of the Act; the Regional Administrator and the State may agree to a lower percentage limitation where the Regional Administrator believes such an agreement to be useful.

(3) *Inspections.* The Memorandum of Understanding shall specify the basis on which the Regional Administrator may select facilities within the State where hazardous waste is generated, transported, stored, treated, or disposed for federal inspection. The Regional Administrator or his designee may conduct inspections of up to ten (10) percent of the generators, transporters, treaters, storers, and disposers in a State in each fiscal year for which the State has received authorization under Section 3006(b) or Section 3006(c) of the Act. The Regional Administrator and the State may agree to a lower percentage limitation where the Regional Administrator believes such an agreement to be useful. Except in the case of an imminent hazard within the meaning of Section 7003 of the Act, the Regional Administrator shall notify the State at least seven (7) calendar days before each such inspection and allow the State the opportunity to make the initial contact with the facility or site owners or operators. EPA shall give the State the opportunity to lead any inspection or visit conducted by EPA pursuant to this Subpart.

(4) *Reports.* The Memorandum of Understanding shall specify the frequency and content of such reports as are required to be submitted by the State to EPA, but in no event shall the frequency of such reports be less than once in each quarter of any fiscal year for which the State has received authorization under Section 3006(b) or Section 3006(c) of the Act. The content of such reports shall be specified in the Memorandum of Understanding and may be combined with grant reports where applicable.

(b) *Change in oversight requirements.* The oversight mechanism outlined above and agreed upon by a State and Region shall be binding on both parties except when the Regional Administrator has reason to believe that the State program is not in compliance with requirements of § 250.72 (a) and (b) or § 250.73 and all Subparts thereunder. In such a case, and after notice to the State, the Regional Administrator may institute such oversight procedures as he deems necessary to investigate the situation and,

PROPOSED RULES

where warranted, to insure a return to compliance.

§ 250.75 Application Procedure.

The State application shall include a narrative description of the State hazardous waste regulatory program. The State application shall provide information sufficient for the Regional Administrator to make a determination on the adequacy of the State's program. At a minimum, the following information shall be submitted: Application describing hazardous waste program as it relates to guidelines (full, partial, and interim authorization); Memorandum of Understanding describing oversight provisions (full, partial, and interim authorization); authorization plan describing deficiencies and planned milestones to achieve full authorization (interim authorization).

(a) *Public hearing.* After preparation of the draft application, the State shall give notice to all interested parties of the State's intention to seek authorization. Public notice shall be such that all interested parties will be given reasonable opportunity to comment on the draft application. Copies of the draft application shall be made available to the public for comment. Upon request, the State shall hold a public hearing to discuss the State's application to conduct the hazardous waste program. All interested parties will be given reasonable opportunity to present written or oral testimony on the State's application at the public hearing.

(b) *Submission of application to EPA.* After consideration of comments received from the public notice and public hearing, the State shall prepare a completed application, signed by the appropriate State official in charge of the designated lead agency, for submission to the Regional Administrator. (Three (3) copies of the final application shall be submitted.)

(c) *Notice and determination of findings.* Within 90 days following submission of a completed application for program authorization, the Regional Administrator shall issue a notice as to whether or not he expects such program to be authorized. Within 90 days following such notice and after opportunity for public hearing, the Regional Administrator shall publish his findings as to whether or not the State will be given authorization to operate the hazardous waste regulatory program. Public notice of the hearing, if held, will be such that all interested parties will be given reasonable opportunity to present written and oral testimony on the State's application at the public hearing.

§ 250.76 Withdrawal of authorization.

Section 3006(e) of the Act requires the Administrator to withdraw au-

thorization of such State program and establish a Federal program where the Administrator determines, after holding a public hearing, that the State program is not in compliance with the requirements of § 250.72 (a) and (b) or § 250.73. A Regional Administrator having reason to believe that a State is not administering or enforcing an authorized program in accordance with the Act, shall follow the procedure described in § 250.76 (a) through (d).

(a) *Notice to State of public hearing.* A Regional Administrator having reason to believe that a State is not administering or enforcing its authorized program in compliance with the requirements of Section 3006 and this Subpart, shall inform the State by registered mail of the specific areas of alleged noncompliance, and that a public hearing will be held to discuss withdrawal of the State's program as required under Section 3006(e) of the Act. If the State demonstrates to the Regional Administrator within 30 days of such notification that the State program is in compliance, the Regional Administrator shall take no further action toward withdrawal.

(b) *Public hearing.* Where the Regional Administrator still has reason to believe that the State is not in compliance 30 days after notification, a public hearing shall be scheduled not less than 60 days or more than 75 days following the initial notification date. All interested parties shall be given opportunity to present written and oral testimony on the withdrawal of the State's program at the public hearing.

(c) *Notice to State of findings.* Where the Regional Administrator determines the State program to be in compliance as a result of written or oral testimony presented at such public hearing, he shall take no further action toward withdrawal. Where he finds the State not to be in compliance, he shall notify the State by registered mail of specific deficiencies in the State program and of necessary remedial activities. Within 90 days of receipt of the above letter, the State shall either carry out the required remedial actions or the Regional Administrator shall withdraw authorization. If the State carries out the remedial actions, the Regional Administrator shall take no further action toward withdrawal.

(d) *Transfer plan.* Whenever any State chooses to relinquish authorization under Section 3006(b) or Section 3006(c), or whenever any State is required to relinquish such authorization through the withdrawal procedures under this Part, the State shall submit to EPA a plan for the orderly transfer of all information to EPA. Such plan shall be submitted not less than 30 days before the date such transfer is to be effected.

[FR Doc. 78-2701 Filed 1-31-78; 8:45 am]

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WEDNESDAY, FEBRUARY 1, 1978
PART V



THE PRESIDENT

RADIATION PROTECTION
GUIDANCE TO FEDERAL
AGENCIES FOR
DIAGNOSTIC X RAYS

Approval of Recommendations

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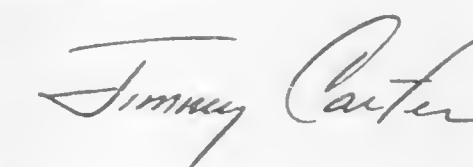
[3195-01]

Title 3—The President

Recommendations approved by the President January 26, 1978

Radiation Protection Guidance to Federal Agencies for Diagnostic X Rays

Recommendations 1 through 12 contained in the above¹ memorandum are approved for the guidance of Federal agencies; the Administrator and the Assistant Secretary for Health are directed to conduct programs, in accordance with their respective authorities and their Memorandum of Understanding (42 FR 5123), to interpret and clarify, as necessary, each of these recommendations in cooperation with affected Federal agencies; the Administrator is authorized to issue these interpretations and clarifications in the FEDERAL REGISTER; and this memorandum shall be published in the FEDERAL REGISTER.



Recommendations have been developed and are hereby transmitted for the guidance of Federal agencies in providing radiation protection for patients in the application of diagnostic x rays.

Executive Order 10831 and Public Law 86-373 (42 U.S.C. 2021(h)) charge the Administrator of the Environmental Protection Agency (EPA) to "...advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States." In addition, the Assistant Secretary for Health in the Department of Health, Education, and Welfare (HEW) has a variety of responsibilities under the Public Health Service Act (Sections 301, 310, 311, and 354-360(f)) and the Federal Food, Drug, and Cosmetic Act bearing on the setting of health care policy and the use of radiation in the healing arts. These responsibilities, which have been delegated to the Food and Drug Administration (FDA), include research and training concerning radiation hazards, the development and promulgation of recommendations for radiation users, advice to the States, information for the public, performance standards for electronic products that emit radiation, and regulations for the sale, distribution, and use of medical devices.

Because of the special responsibilities of HEW involving national health care policy, which Federal radiation guidance for diagnostic x rays may impact directly, the Administrator and the Assistant Secretary join in requesting your approval of these recommendations. In this regard, on January 18, 1977, the two Agencies entered into a Memorandum of Understanding (42 FR 5123), which provides for the future development, within each Agency's respective authorities, of radiation protection guidance and, when necessary, updating of such guidance for uses of radiation in the healing arts.

BACKGROUND

Information on the diagnostic use of x rays in medicine and potential controls that could be applied without compromising benefits have been reviewed, and scientists and professionals within and outside the Government have been consulted in developing these recommendations. In this regard, we have benefited from the effort begun by the National Academy of Sciences—National Research Council for the former Federal Radiation Council to evaluate, interpret, and advise with respect to new knowledge on radiation effects and sources of population exposure. The report of the NAS-NRC Committee on Biological Effects of Ionizing Radiation was issued in 1972. One of its significant findings was that "[m]edical diagnostic radiology accounts for at least 90% of the total man-made radiation dose to which the U.S. population is exposed." More importantly, the Committee recommended that "[m]edical radiation exposure can and should be reduced considerably by limiting its use to clinically indicated procedures utilizing efficient exposure techniques and optimal operation of radiation equipment."

It is widely recognized by medical practitioners, medical physicists, and other scientists concerned with radiation protection that exposure due to medical uses of ionizing radiation represents a significant and growing source of exposure for the U.S. population and is also one that can be reduced by good practice. The National Council on Radiation Protection and Measurements

¹In the original document Recommendations 1-12 preceded the statement of Presidential approval.

has concluded that whereas " there can be no rational means . . . to limit radiation exposure prescribed for patients for necessary and proper diagnostic or therapeutic purposes[.] . . steps can be taken to minimize unnecessary or medically unproductive radiation exposure. . . Advantage should be taken of any new technology or procedure that will significantly reduce unnecessary diagnostic or medical exposure, both in individual examinations and treatments, and in the adoption of group screening practices."

An Interagency Working Group on Medical Radiation was formed by the Administrator on July 5, 1974, to assist in developing proposed guidance for diagnostic x rays. The Interagency Working Group determined that it is desirable and possible to reduce exposure from the diagnostic use of x rays in Federal facilities by: (1) eliminating clinically unproductive examinations, (2) assuring the use of optimal technique when examinations are performed, and (3) requiring appropriate equipment to be used. As a result of this consensus a subcommittee on prescription was established to examine factors to eliminate clinically unproductive examinations. Another subcommittee on technique was formed to examine the second and to some extent the third subject area where it might not be regulated by FDA's x-ray equipment performance standards, which became effective August 1, 1974. The reports of these subcommittees were made available for comment (41 FR 10705 and 27998) prior to completion of the Interagency Working Group report.

Proposed recommendations based upon the report of the Interagency Working Group were published for public comment (42 FR 4884) on January 26, 1977. In addition, there has been extensive commentary and discussion between EPA and HEW, as well as formal review by Public Health Service and other affected Federal agencies. The comments received have been carefully considered and a complete record, including a response to comments, is available to the public from the Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

These recommendations were developed and reviewed in accordance with standard EPA procedures. Development of new or revised recommendations will be carried out under the Memorandum of Understanding referred to above, which provides also, when applicable, for the use of HEW procedures.

DISCUSSION

The most important factor in reducing radiation exposure is to avoid the prescription of clinically unproductive examinations. Appropriate prescription of x-ray examinations involves two major considerations: (1) the clinical decision to order a particular examination, and (2) the minimization of the number of radiographic views required in an examination. In particular, attention should be given to the qualifications of those who order examinations, the elimination of unproductive screening programs, and the use of appropriate clinical procedures to assure that unproductive views are not performed.

Although the largest savings in radiation exposure may be realized from avoiding the prescription of an unproductive x-ray examination, patient exposure can also be reduced by assuring that the examination is performed with good technique. The fundamental objective in performing an x-ray examination is to obtain optimum diagnostic information with minimum patient exposure. Achievement of this objective requires assurance that: (1) equipment is calibrated and properly functioning, (2) equipment is operated only by adequately qualified personnel, (3) the patient is appropriately prepared, and (4) technique factors that will minimize exposure are selected.

It has been demonstrated that the same technique factors used with different x-ray generators may produce widely varying patient exposures. Thus, the performance of x-ray equipment utilized for diagnostic x-ray procedures is an important factor in limiting patient and operator exposure. The Federal Diagnostic X-Ray Equipment Performance Standard (21 CFR Part 1020) requires that x-ray equipment manufactured after August 1, 1974, be certified by manufacturers to comply with radiation safety requirements issued by the FDA pursuant to the Radiation Control for Health and Safety Act of 1968 (P.L. 90-602). Utilization of medical and dental x-ray equipment that performs in accordance with the requirements of this performance standard by Federal health care facilities would provide a significant contribution to the minimization of patient exposure.

Without question the use of x rays in the healing arts provides large benefits to society through improved health care; thus, in developing guidance for radiation protection for diagnostic x rays it is essential to assure that benefits to patients from the use of medical and dental x rays are maintained. Medical personnel in both the Federal and the private sectors have been consulted and we are confident that these recommendations will neither interfere with the doctor-patient relationship nor impair the ability of Federal agencies to provide necessary radiologic services.

Appropriate follow-up and coordination with Federal agencies is also important to assure that these recommendations are implemented so as to maximize their effectiveness in reducing unnecessary radiation exposure, but at the same time to avoid any deleterious impact on the delivery of health care. The Memorandum of Understanding between EPA and HEW referred to above is designed to assure that the dual objectives of radiation protection and health care delivery are achieved in the implementation of this or any future radiation protection guidance applicable to the healing arts.

RECOMMENDATIONS

In view of the considerations presented above, the following recommendations are made for the guidance of Federal agencies in their conduct of radiation protection for diagnostic uses of x rays in the healing arts:

1. General radiographic or fluoroscopic examinations should be prescribed only by licensable Doctors of Medicine or Osteopathy or, for specified limited procedures, postgraduate physician trainees and qualified allied medical professionals under their direct supervision; specialized studies should be prescribed only by those physicians with expertise to evaluate examinations in the particular specialty. Exception for specified procedures may be made for dentists and podiatrists.

2. Prescription of x-ray studies should be for the purpose of obtaining diagnostic information, should be based on clinical evaluation of symptomatic patients, and should state the diagnostic objective and detail relevant medical history.

3. Routine or screening examinations, in which no prior clinical evaluation of the patient is made, should not be performed unless exception has been made for specified groups of people on

the basis of a careful consideration of the magnitude and medical benefit of the diagnostic yield, radiation risk, and economic and social factors. Examples of examinations that should not be routinely performed unless such exception is made are:

- chest and lower back x-ray examinations in routine physical examinations or as a routine requirement for employment,
- tuberculosis screening by chest radiography,
- chest x rays for routine hospital admission of patients under age 20 or lateral chest x-rays for patients under age 40 unless a clinical indication of chest disease exists,
- chest radiography in routine prenatal care, and
- mammography examinations of women under age 50 who neither exhibit symptoms nor have a personal or strong family history of breast cancer.

4. Prescription of x-ray examinations of pregnant or possibly pregnant patients should assure that medical consideration has been given to possible fetal exposure and appropriate protective measures are applied.

5. The number, sequence, and types of standard views for an examination should be clinically-oriented and kept to a minimum. Diagnosticians should closely monitor the performance of x-ray examinations and, where practicable, direct examinations to obtain the diagnostic objectives stated by clinicians through appropriate deletion, substitution, or addition of prescribed views. Technique protocols for performing medical and dental x-ray examinations should detail the operational procedures for all standard radiographic projections, patient preparation requirements, use of technique charts, and image receptor specifications.

6. X-ray equipment used in Federal facilities should meet the Federal Diagnostic X-Ray Equipment Performance Standard, or as a minimum for equipment manufactured prior to August 1, 1974, the Suggested State Regulations for Control of Radiation (40 FR 29749). General purpose fluoroscopy units should provide image-intensification; fluoroscopy units for nonradiology specialty use should have electronic image-holding features unless such use is demonstrated to be impracticable for the clinical use involved. Photofluorographic x-ray equipment should not be used for chest radiography.

7. X-ray facilities should have quality assurance programs designed to produce radiographs that satisfy diagnostic requirements with minimal patient exposure; such programs should contain material and equipment specifications, equipment calibration and preventive maintenance requirements, quality control of image processing, and operational procedures to reduce retake and duplicate examinations.

8. Operation of medical or dental x-ray equipment should be by individuals who have demonstrated proficiency to produce diagnostic quality radiographs with the minimum of exposure required; such proficiency should be assessed through national performance-oriented evaluation procedures or by didactic training and practical experience identical to, equivalent to, or greater than training programs and examination requirements of recognized credentialing organizations.

9. Proper collimation should be used to restrict the x-ray beam as much as practicable to the clinical area of interest and within the dimensions of the image receptor; shielding should be used to further limit the exposure of the fetus and the gonads of patients with reproductive potential (21 CFR Part 1000.50) when such exclusion does not interfere with the examination being conducted.

10. Technique appropriate to the equipment and materials available should be used to maintain exposure as low as is reasonably achievable without loss of requisite diagnostic information; measures should be undertaken to evaluate and reduce, where practicable, exposures for routine nonspecialty examinations which exceed the following Entrance Skin Exposure Guides (ESEG):

Examination (Projection)	ESEG (milliroentgens)*
Chest (P/A)	30
Skull (Lateral)	300
Abdomen (A/P)	750
Cervical Spine (A/P)	250
Thoracic Spine (A/P)	900
Full Spine (A/P)	300
Lumbo-Sacral Spine (A/P)	1000
Retrograde Pyelogram (A/P)	900
Feet (D/P)	270
Dental (Bitewing or Periapical)	700

*Entrance skin exposure determined by the Nationwide Evaluation of X-Ray Trends program for a patient having the following body part/thickness: head/15 cm, neck/13 cm, thorax/23 cm, abdomen/23 cm, and foot/8 cm.

11. X-ray examinations for dental purposes should be prescribed only by licensable Doctors of Dental Surgery or Dental Medicine or properly supervised postgraduate dentists on the basis of prior clinical evaluation or pertinent history; neither a full-mouth series nor bitewing radiographs should be used as a routine screening tool in the absence of clinical evaluation in preventive dental care. Exception may be made for justifiable forensic purposes.

12. Open-ended shielded position-indicating devices should be used with the paralleling technique to perform routine intra-oral radiography and should restrict the x-ray beam to as near the size of the image receptor as practicable.

It is expected that each Federal agency will use these recommendations as a basis upon which to develop detailed standards tailored to meet its particular requirements. In order to assure appropriate implementation of these recommendations, the Administrator and the Assistant Secretary for Health will cooperate in carrying out their respective functions in accordance with the Memorandum of Understanding (42 FR 5123). The necessary coordination will be conducted to achieve an effective Federal program, including periodic interpretation and clarification of each of

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THE PRESIDENT

the recommendations as required to reflect new information and changing technology. By so doing, it is expected that an achievable and reasonable reduction in x-ray exposure will be accomplished commensurate with a continuation of the vital benefits realized by the utilization of this important technology.

If the foregoing recommendations are approved by you as guidance for Federal agencies in providing radiation protection for patients in the application of diagnostic x-rays, it is further recommended that this memorandum be published in the FEDERAL REGISTER.

DOUGLAS M. COSTLE,
*Administrator,
Environmental Protection Agency.*

JULIUS B. RICHMOND, M.D.,
*Assistant Secretary for Health,
Department of Health, Education, and Welfare.*

[FR Doc. 78-2776 Filed 1-27-78; 3:31 pm]

Registered
Proprietor

WEDNESDAY, FEBRUARY 1, 1978
PART VI



DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT

Office of
Assistant Secretary
for Community Planning
and Development

COMMUNITY
DEVELOPMENT
BLOCK GRANTS

General Provisions, Allocation and
Distribution of Funds

[4210-01]

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-500]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

General Provisions, and Allocation and Distribution of Funds

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: This rule revises Subparts A and B of the regulations, governing the community development block grant program under Title I of the Housing and Community Development Act of 1974, as amended. Subpart A, which covers general provisions under which the program operates, and Subpart B, which covers the allocation and distribution of funds, are revised primarily to incorporate new or revised statutory language included in the Housing and Community Development Act of 1977.

EFFECTIVE DATE: February 1, 1978.
COMMENTS MUST BE RECEIVED ON OR BEFORE: March 3, 1978.

COMMENTS SHOULD BE ADDRESSED TO: Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION ON THE FOLLOWING SUBPARTS CONTACT:

Subpart A: David J. Pollack, Program Standards Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-6306.

Subpart B: James Broughman, Director, Data Systems and Statistics Division, Office of Management, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-6182.

SUPPLEMENTARY INFORMATION:

SUBPART A—GENERAL PROVISIONS

This Subpart has been revised primarily to incorporate changes in program objectives and definitions included in the Housing and Community Development Act of 1977 and to add a general waiver provision. In addition, certain technical and clarifying changes have been made. All changes to Subpart A are discussed in the following paragraphs.

RULES AND REGULATIONS

APPLICABILITY AND SCOPE

In § 570.1, the listing of programs replaced by the community development block grant program has been revised to delete reference to rehabilitation loans under section 312 of the Housing Act of 1964, since the 312 program has continued to receive funding authorizations. Also, former subsections (a) and (b) have been combined to improve readability, with no change in meaning intended.

OBJECTIVE AND PURPOSE OF PROGRAM

Two changes in § 570.2 have been made to reflect statutory amendments. A new specific objective of the program has been added at paragraph (a)(8), which is the alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or stagnating or declining tax base. Also, one of the program purposes, namely, fostering the undertaking of housing and community development activities in a coordinated and mutually supportive manner, has been expanded to show that it is intended to apply to Federal agencies and programs, as well as to communities.

DEFINITIONS

Changes have been made in the following current definitions to reflect statutory amendments: applicant; basic grant amount; city; discretionary grant; metropolitan city; unit of general local government; and urban county. The following new terms defined by the Housing and Community Development Act of 1977 have been added: age of housing; extent of growth lag; Indian tribe; and urban development action grant.

Beyond the changes and additions to definitions resulting from statutory amendments, other changes and additions have been made to clarify the meanings of certain key terms.

The definition of "low- and moderate-income families," which previously was identical to the definition of that term under the Section 8 housing assistance payments program, has been revised. This has been done to facilitate the identification of low- and moderate-income areas. The Section 8 definition, which provides for adjustments for smaller and larger families, is based on the assumption that the size of the family to be assisted is known. In cases where block grant funds are to be used to directly benefit specific families, for example, in a home rehabilitation program, the Section 8 definition is appropriate. However, where a project is designed to benefit a particular geographic area, for example, a neighborhood park project, family size adjustments are impracticable because data are not generally available on the income characteristics and size of each family residing in the area that will benefit from the project.

The definition of "low- and moderate-income persons" or "lower-income persons" has been revised to include unrelated individuals with lower incomes, in addition to members of lower-income families.

The term "low-income persons" has been added in order to help ensure that low- as well as moderate-income persons benefit from the use of block grant funds. The threshold of 50 percent of median income is the same as that for "very low-income families" used in the Section 8 housing assistance payments program.

The current definition of "population" has been revised to show that the total resident population will be based on U.S. Census Bureau data which has been updated since 1970. Editorial changes have also been made in the current definitions of "Community Development Program," "hold-harmless amount," and "identifiable segment of the total group of lower-income persons in the community," which are not intended to alter the effect of these definitions.

The current definition of "population" has been revised to show that the total resident population will be based on U.S. Census Bureau data which has been updated since 1970. Editorial changes have also been made in the current definitions of "Community Development Program," "hold-harmless amount," and "identifiable segment of the total group of lower-income persons in the community," which are not intended to alter the effect of these definitions.

WAIVERS

New § 570.4 has been added to permit more flexibility in the administration of the program by allowing the Secretary to waive any program requirement which is not required by law whenever it is determined that undue hardship will result from applying the requirement and where application of the requirement would adversely affect the purposes of the Act.

SUBPART B—ALLOCATION AND DISTRIBUTION OF FUNDS

This Subpart is revised primarily to implement changes in the fund allocation provisions that are a part of the reauthorization of the community development block grant program. The changes involve the criteria to be used to determine eligibility for grant entitlement, the timing associated with the allocation process, and the manner in which the distribution of funds is made. A summary of these changes and the section in which the changes are contained is outlined in the following.

BOUNDARY CHANGES

Section 570.100 is modified to clarify the timing limitations on the recognition of boundary changes among units of government for purposes of fund allocations. A change is also made to allow recognition of boundary changes creating less than five percent impact on population where such changes are recognized by the Office of Revenue Sharing.

ALLOCATION BETWEEN METROPOLITAN AND NON-METROPOLITAN AREAS

Section 570.101 is changed to make clear how the determination is to be made of the amounts to be used inside metropolitan areas versus nonmetropolitan areas.

BASIC GRANT AMOUNTS

Section 570.102 contains a number of changes:

(a) The introduction of a dual formula, and how it is used to determine the basic grant amounts for metropolitan cities and urban counties;

(b) The calculation of city and county ratios against the total of all metropolitan areas, (eliminating the step of an initial allocation to the sum of all metropolitan cities, or metropolitan cities and urban counties, as previously required); and

(c) The elimination of the "phase-in" provisions after Fiscal Year 1977.

HOLD-HARMLESS GRANTS

Section 570.103 continues to reflect the phasedown of hold-harmless beginning in Fiscal Year 1978 and being completed in 1980. The timing requirements for notification of waiver of hold-harmless entitlement are modified and clarified to show that waiver can be made only for one year at a time. Also, for Fiscal Year 1978 and 1979, when it appears likely there will be a shortfall of funds needed for hold-harmless inside metropolitan areas, provision is made to absorb such shortfalls through a pro rata reduction among individual entitlement amounts and the discretionary balance funds.

DISCRETIONARY GRANTS

Section 570.104 is modified to reflect a change in the determination of the size of the Secretary's Fund (three percent in lieu of two percent) as a result of adding two new purposes for which the fund is to be used (Indians and Technical Assistance). Note: Since Indians are to be given grants only from the Secretary's Fund beginning in Fiscal Year 1978, reference is made in other sections to the deletion of data for eligible Indian Tribes, where applicable, in allocating funds to urban counties and in allocating discretionary balance funds.) Changes are also made in the methods used to allocate discretionary balances:

(a) Metropolitan area balance funds are allocated by State in lieu of by metropolitan area; and

(b) A dual formula is used for allocating funds for both metropolitan area and nonmetropolitan area balances.

A further change is incorporated to require the exclusion of data for hold harmless communities on the basis of their entitlement for, rather than on

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Subpart A—General Provisions

§ 570.1 Applicability and scope.

(a) This Part covers policies and procedures applicable to community development block grants and loan guarantees on behalf of urban communities, authorized under Title I of the Housing and Community Development Act of 1974, as amended. Included are provisions relating to the roles and responsibilities of HUD and general local government with regard to the allocation and distribution of funds; eligible activities; application requirements; review criteria; and administrative and other program requirements.

(b) The community development block grant program replaces the following programs consolidated by the Act:

(1) Urban renewal (and neighborhood development programs) under Title I of the Housing Act of 1949;

(2) Model Cities under Title I of the Demonstration Cities and Metropolitan Development Act of 1966;

(3) Water and sewer facilities under section 702 of the Housing and Urban Development Act of 1965;

(4) Neighborhood facilities under section 703 of the Housing and Urban Development Act of 1965;

(5) Public facilities loans under Title II of the Housing Amendments of 1955; and

(6) Open space land under Title VII of the Housing Act of 1961.

§ 570.2 Objective and purpose of program.

(a) The primary objective of the Community Development Program is the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this primary objective, the Federal assistance provided in this Part is for the support of community development activities which are directed toward the following specific objectives:

(1) The elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income;

(2) The elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities;

(3) The conservation and expansion of the Nation's housing stock in order to provide a decent home and a suitable living environment for all persons, but principally those of low and moderate income;

(4) The expansion and improvement of the quantity and quality of commu-

their receipt of funds. (This is also reflected in § 570.102 concerning urban county formula computation.)

URBAN COUNTIES

Section 570.105 is modified to include a new criterion for determining urban county entitlement (population density, for certain counties).

REALLOCATION OF FUNDS

Section 570.107 is changed only to the extent of showing that reallocation also occurs for funds which, after they have been granted to a unit of government, are recaptured by the Department.

Section 570.108 is specifically deleted, as it is no longer applicable.

This revision is being published as an interim rule in order to implement statutory amendments in time to affect applications submitted early in Fiscal Year 1978. Interested persons are invited, however, to participate in the making of the final rule by submitting written comments or views on the amendments. Comments should be filed with the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All relevant comments received on or before the date specified above will be considered before adoption of the final rule. Copies of comments will be available for examination during business hours at the above address.

A Finding of Inapplicability with respect to Environmental Impact has been prepared in accordance with HUD Handbook 1390.1. In addition, a Finding of Inapplicability with respect to Economic Impact has also been prepared in accordance with Executive Order 11821. Copies of the findings are available for inspection and copying in the Office of the Rules Docket Clerk at the above address.

In consideration of the foregoing the Department revises 24 CFR Part 570 by revising Subparts A and B as follows:

I. The index to Subparts A and B is revised to read as follows:

Subpart A—General Provisions

- Sec.
570.1 Applicability and scope.
570.2 Objective and purpose of program.
570.3 Definitions.
570.4 Waivers.

Subpart B—Allocation and Distribution of Funds

- 570.100 General.
570.101 Allocation between metropolitan and nonmetropolitan areas.
570.102 Basic grant amounts.
570.103 Hold-harmless grants.
570.104 Funds for discretionary grants.
570.105 Qualification as urban county.
570.106 Qualification and submission dates.
570.107 Reallocation of funds.

II. Subpart A is revised to read as follows:

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nity services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities;

(5) A more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers;

(6) The reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income;

(7) The restoration and preservation of properties of special value for historic, architectural or esthetic reasons; and

(8) The alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or stagnating or declining tax base.

(b) It is also the purpose of this part to further the development of a national urban growth policy by consolidating a number of complex and overlapping programs of financial assistance to communities of varying sizes and needs into a consistent system of Federal aid which:

(1) Provides assistance on an annual basis, with maximum certainty and minimum delay, upon which communities can rely in their planning;

(2) Encourages community development activities which are consistent with comprehensive local and area-wide development planning;

(3) Furthers achievement of the national housing goal of a decent home and a suitable living environment for every American family; and

(4) Fosters the undertaking of housing and community development activities in a coordinated and mutually supportive manner by Federal agencies and programs, as well as by communities.

(c) It is intended that the Federal assistance made available hereunder not be utilized to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of such assistance.

§ 570.3 Definitions.

(a) "Act" means Title I of the Housing and Community Development Act of 1974, Pub. L. 93-383, as amended.

(b) "Applicant" means the State, unit of general local government, or Indian tribe which makes application pursuant to the provisions of this Part.

(c) "Basic grant amount" means the amount of funds which a metropolitan city or urban county is entitled to receive under this Part as determined by a dual formula, set forth in Subpart B, based on factors pertaining to population, extent of poverty, extent of housing overcrowding, extent of growth lag, and age of housing.

(d) "Chief executive officer" of a unit of general local government means the elected official, or the legally designated official, who has the primary responsibility for the conduct of that unit's governmental affairs. Examples of the "chief executive officer" of a unit of general local government are: The elected mayor of a municipality; the elected county executive of a county; the chairman of a county commission or board in a county that has no elected county executive; the official designated pursuant to law by the governing body of the unit of general local government; or the chairman, governor, chief, or president (as the case may be) of an Indian tribe or Alaskan native village.

(e) "City" means for purposes of basic grant and urban development action grant eligibility, (1) any unit of general local government which is classified as a municipality by the United States Bureau of the Census or (2) any other unit of general local government which is a town or township and which, in the determination of the Secretary, (i) possesses powers and performs functions comparable to those associated with municipalities, (ii) is closely settled and (iii) contains within its boundaries no incorporated places, as defined by the United States Bureau of the Census, which have not entered into cooperation agreements with such town or township for a period covering at least 3 years to undertake or to assist in the undertaking of essential community development and housing assistance activities, except that in fiscal year 1978 only such cooperation agreements may cover 1 or more years.

(f) "Community Development Program" means the annual program of projects and activities to be carried out by the applicant with funds provided under this Part and other resources, as described in Subpart D.

(g) "Discretionary grant" means a grant made from the Secretary's fund, from the transition and categorical program settlement fund, from the urban development action grant fund, or from the general purposes funds for metropolitan and nonmetropolitan areas as described more fully in § 570.104 (a), (b), (c), (1), and (c)(2), respectively.

(h) "Entitlement amount" means the amount to be received by a unit of general local government consisting of its basic grant amount and/or hold-harmless grant under § 570.102 and § 570.103.

(i) "Extent of housing overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled and published by the United States Bureau of the Census for 1970.

(j) "Extent of poverty" means the number of persons whose incomes are below the poverty level based on data compiled and published by the United States Bureau of the Census for 1970 and the latest reports of the Office of Management and Budget. For the purposes of this Part, the Secretary has determined that it is neither feasible nor appropriate to make adjustments at this time in the computations of "extent of poverty" for regional or area variations in income and cost of living.

(k) "Hold-Harmless amount" means the amount which represents the average past level of funds received by a unit of general local government under the consolidated programs cited in § 570.1(b) and under section 312 of the Housing Act of 1964 and which is used to determine the amount of the Hold-Harmless grant.

(l) "Hold-Harmless grant" means that amount of funds which a unit of general local government is entitled to receive in excess of its basic grant amount under § 570.103.

(m) "HUD" means the Department of Housing and Urban Development.

(n) "Identifiable segment of the total group of lower-income persons in the community" means female-headed households, and members of a minority group such as Negroes, Spanish-Americans, Orientals, American Indians and other groups normally identified by race, color, or national origin.

(o) "Low- and moderate-income families" or "lower-income families" means families whose incomes do not exceed 80 percent of the median family income of the metropolitan area, or in the case of families residing in nonmetropolitan areas, of all nonmetropolitan areas of the State. (In determining the income eligibility of individual low- and moderate-income or lower-income families to receive assistance through direct benefit activities under the block grant program, applicant may use the applicable income limits published by HUD for lower-income housing assistance under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).)

(p) "Low- and moderate-income persons" or "lower-income persons" means members of families whose incomes are within the income limits of lower-income families as defined in § 570.3(o). This term may, where appropriate, also include unrelated individuals, as defined by the U.S. Census Bureau, whose incomes do not exceed 80 percent of the median income of all unrelated individuals residing in the metropolitan area, or in the case of

unrelated individuals residing in nonmetropolitan areas, of all nonmetropolitan areas of the State.

(q) "Metropolitan area" means a standard metropolitan statistical area, as established by the Office of Management and Budget.

(r) "Metropolitan city" means (1) a city, within a metropolitan area, which is a central city of such area, as defined and used by the Office of Management and Budget, or (2) any other city, within a metropolitan area, which has a population of fifty thousand or more. Any city which has been classified as a metropolitan city because it has a population of at least fifty thousand will continue to be so classified until the next ensuing decennial census indicates that the population of such city is below fifty thousand.

(s) "Population" means the total resident population based on data compiled and published by the United States Bureau of the Census for 1970, which has been upgraded by the Bureau to reflect the changes resulting from Boundary and Annexation Survey, new incorporations, and consolidations of governments, pursuant to § 570.100, and which reflects changes resulting from the Bureau's latest population determination through its estimating technique using natural changes (birth and death) and net migration, and is referable to the same point or period in time.

(t) "Secretary" means the Secretary of Housing and Urban Development.

(u) "State" means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico.

(v) "Unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; Guam, the Virgin Islands, and American Samoa, or a general purpose political subdivision thereof; a combination of such political subdivisions recognized by the Secretary; the District of Columbia; and the Trust Territory of the Pacific Islands. Such term also includes a State or a local public body or agency (as defined in section 711 of the Housing and Urban Development Act of 1970), a community association, or other entity, which is approved by the Secretary for the purpose of providing public facilities or services to a new community as part of a program meeting the eligibility standards of Section 712 of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968.

(w) "Urban county" means any county within a metropolitan area which, pursuant to § 570.105, is authorized under State law to undertake essential community and housing assistance activities in its unincorporated areas, if any, which are not units of general local government, and (1) has a combined population of two hundred thousand or more (excluding the population of metropolitan cities and Indian tribes therein) in such unincorporated areas and in its included units of general local government (1) in which it has authority to undertake essential community development and housing assistance activities and which do not elect to have their population excluded or (ii) with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential community development and housing assistance activities, or (2) has a population in excess of one hundred thousand, a population density of five thousand persons per square mile, and contains within its boundaries no incorporated places as defined by the United States Bureau of the Census.

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(x) "Age of housing" means the number of existing year-round housing units constructed in 1939 or earlier, based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(y) "Extent of growth lag" means the number of persons who would have been residents in a metropolitan city or urban county, in excess of the current population of such metropolitan city or urban county, if such metropolitan city or urban county had a population growth rate, between 1960 and the date of the most recent population count referable to the same point of period in time, equal to the population growth rate for such period of all metropolitan cities.

(z) "Indian tribe" means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaska Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512).

(aa) "Urban development action grant" (UDAG) means a grant made from those funds specifically appropriated under § 570.104(f) for the support of severely distressed cities and urban counties, to help alleviate physical and economic deterioration through reclamation and through revitalization of communities, where such cities and urban counties require increased public and private assistance in addition to assistance otherwise made available under this title and other Federal assistance.

(bb) "Low-income persons" means members of families whose incomes do not exceed 50 percent of the median family income of the metropolitan area, or in the case of families residing

in nonmetropolitan areas, of all nonmetropolitan areas of the State. This term may, where appropriate, also include unrelated individuals, as defined by the U.S. Census Bureau, whose incomes do not exceed 50 percent of the median income of all unrelated individuals residing in the metropolitan area, or in the case of unrelated individuals residing in nonmetropolitan areas, of all nonmetropolitan areas of the State.

§ 570.4 Waivers.

The Secretary may waive any requirement of this Part not required by law whenever it is determined that undue hardship will result from applying the requirement and where application of the requirement would adversely affect the purposes of the Act.

III. Subpart B is revised to read as follows:

Subpart B—Allocation and Distribution of Funds

§ 570.100 General.

(a) This subpart describes the policies and procedures governing the determination of entitlement for eligible units of general local government to receive grants, the entitlement amounts, and the allocation of appropriated funds among the several distribution categories provided under Title I of the Housing and Community Development Act of 1974, as amended.

(b) In determining eligibility for a Basic Grant and in allocating funds under this subpart, current corporate status and geographic boundaries will be considered, in accordance with the following, to the extent such information was certified and available to the Bureau of the Census 90 days prior to the beginning of such fiscal year, and has been processed by Census at the time the allocation of funds is to be made each year:

(1) Incorporation of a community having a population of at least 50,000 based on the latest national census;

(2) Change in boundaries or annexations resulting in the population of the unit of general local government reaching or exceeding 50,000 based on the latest national census count;

(3) All changes in boundaries or annexations that have been accepted at such point in time for use by the Office of Revenue Sharing; and

(4) Designation or redesignation of Standard Metropolitan Statistical Areas by the Office of Management and Budget occurring not later than 90 days prior to the beginning of such fiscal year.

(c) The referenced population or national census count to be used in the determination of entitlements shall be the most recent decennial or mid-decade census; or the most recent updating of such censuses as represented

by the Bureau of the Census national population estimates, and shall use the latest geographic base resulting from Boundary and Annexation Surveys, new incorporations, and consolidations of governments available as previously specified.

§ 570.101 Allocation between metropolitan and nonmetropolitan areas.

Eighty percent of the funds appropriated each fiscal year for the purposes of this part, excluding the amounts specified below, will be allocated to metropolitan areas, with the balance of twenty percent allocated to nonmetropolitan areas, for community development block grants in metropolitan and nonmetropolitan areas, respectively. Funds to be excluded for this purpose are:

(a) *Metropolitan area "set-aside" fund.* \$50,000,000 for each of fiscal years 1975 and 1976, \$200,000,000 fiscal year 1977 (not more than 50 percent of which to be used for hold-harmless needs in metropolitan areas), \$350,000,000 fiscal year 1978 (not more than 50 percent for hold-harmless needs in metropolitan areas), \$265,000,000 for fiscal year 1979 (not more than \$25,000,000 for hold-harmless needs in metropolitan areas), and \$250,000,000 for fiscal year 1980 (none to be used for hold-harmless needs);

(b) *Transition/ categorical program settlement fund.* \$50,000,000 for each of fiscal years 1975 and 1976, and \$100,000,000 for each of fiscal years 1977, 1978, 1979, and 1980 to facilitate transition and categorical program settlements, pursuant to Section 103(b) of the Act;

(c) *Urban development action grants.* Funds authorized and appropriated for making Urban Development Action Grants under Subpart G; and

(d) *Secretary's fund.* An amount equal to two percent for fiscal years 1975, 1976, and 1977, and three percent for fiscal years 1978, 1979, and 1980 of the total funds authorized and appropriated for each fiscal year that remain after excluding those funds under paragraphs (a), (b), and (c) for that fiscal year.

§ 570.102 Basic grant amounts.

(a) *Metropolitan cities.* (1) Of the amount allocated to metropolitan areas pursuant to § 570.101, the Secretary will allocate to each metropolitan city an amount of funds which shall be the greater of an amount that bears the same ratio to the allocation for all metropolitan areas as either:

(i) The average of the ratios between:

(A) The population of that metropolitan city and the population of all metropolitan areas;

(B) The extent of poverty in that metropolitan city and the extent of poverty in all metropolitan areas; and

(C) The extent of housing overcrowding by units in that metropolitan city and the extent of housing overcrowding by units in all metropolitan areas; or

(ii) The average of the ratios between:

(A) The extent of growth lag in that metropolitan city and the extent of growth lag in all metropolitan cities;

(B) The extent of poverty in that metropolitan city and the extent of poverty in all metropolitan areas; and

(C) The age of housing in that metropolitan city and the age of housing in all metropolitan areas.

(2) In determining the average of ratios under paragraphs (a)(1)(i) of this section, the ratio involving the extent of poverty shall be counted twice, and each of the other ratios shall be counted once (.50+.25+.25=1.00); and in determining the average of ratios under paragraph (a)(1)(ii), the ratio involving the extent of growth lag shall be counted once, the ratio involving extent of poverty shall be counted one and one-half times, and the ratio involving the age of housing shall be counted two and one-half times (.20+.30+.50=1.00).

(3) The Secretary shall determine eligibility of towns or townships to be cities on the basis of information available from the U.S. Bureau of the Census with respect to population level, closeness of settlement, and presence of incorporated places within the boundaries of town or township, and on the basis of information provided by the town or township and its included units of government. In computing amounts for a metropolitan city that is a town or township containing incorporated places, there shall be excluded any such incorporated place which is entitled to receive a hold-harmless grant for that year pursuant to § 570.103 and has not waived such entitlement under § 570.103(e).

(b) *Urban counties.* (1) Of the amount allocated to metropolitan areas pursuant to § 570.101, the Secretary will allocate to each urban county an amount of funds which shall be the greater of an amount that bears the same ratio to the allocation for all metropolitan areas as either:

(i) The average of the ratios between:

(A) The population of the urban county and the population of all metropolitan areas;

(B) The extent of poverty in that urban county and the extent of poverty in all metropolitan areas; and

(C) The extent of housing overcrowding in the urban county and the extent of housing overcrowding in all metropolitan areas; or

(ii) The average of the ratios between:

(A) The extent of growth lag in that urban county and the extent of

growth lag in all metropolitan cities and urban counties;

(B) The extent of poverty in that urban county and the extent of poverty in all metropolitan areas; and

(C) The age of housing in that urban county and the age of housing in all metropolitan areas.

(2) In determining the average of ratios under paragraph (b)(1)(i) of this section, the ratio involving the extent of poverty shall be counted twice, and each of the other ratios will be counted once (.50+.25+.25=1.00); and in determining the average of ratios under paragraph (b)(1)(ii), the ratio involving the extent of growth lag shall be counted once, the ratio involving extent of poverty shall be counted one and one-half times, and the ratio involving the age of housing shall be counted two and one-half times (.20+.30+.50=1.00).

(3) In computing amounts or exclusions with respect to an urban county in any fiscal year there will be excluded any metropolitan city, any other unit of general local government located within the county which is entitled to receive a hold-harmless grant for that fiscal year pursuant to § 570.103 and has not waived such entitlement under § 570.103(e), any other unit of general local government the population of which has been excluded from the county's population as part of the urban county qualification process, pursuant to § 570.105, and any Indian tribes located within the county.

(4) In excluding the population, poverty, housing overcrowding, and age of housing data for units of general local government which are entitled to receive a hold-harmless grant from the computations in this paragraph, as required by paragraphs (a)(3) and (b)(3) of this section, the Secretary will exclude only two-thirds of such data for fiscal year 1978 and one-third of such data for fiscal year 1979. In fiscal year 1980 and in subsequent years, no such exclusion is to be made.

(c) *Phase-in provision.* With respect to funds approved for distribution to a metropolitan city or urban county during fiscal years 1975, 1976 and 1977, the basic grant amount of any such city or county as computed under paragraphs (a) and (b) will be adjusted only for such funds approved for distribution in fiscal years 1975, 1976 and 1977 if the amount so computed for the first year such funds are approved for distribution exceeds the city's or county's hold-harmless amount for that year as determined under § 570.103. The adjustments are made so that:

(1) The amount for the city's or county's first year does not exceed one-third of its full basic grant amount, or its hold-harmless amount, whichever is the greater;

(2) The amount for its second year does not exceed two-thirds of its full basic amount, or its hold-harmless amount, or the amount allowed under paragraph (c)(1) of this section, whichever is the greatest; and

(3) The amount for its third year does not exceed its full basic grant amount. The full basic grant amount as determined under § 570.102(a) and § 570.102(b) will be allocated to each metropolitan city and each urban county respectively for each of the fiscal years 1978, 1979, and 1980 regardless of their eligibility for or receipt of entitlement in preceding years and without regard to the application of the phase-in provision.

§ 570.103 Hold-harmless grants.

(a) *Metropolitan cities and urban counties.* Any metropolitan city or urban county having a hold-harmless amount, as calculated under paragraph (c) of this section, in any fiscal year which exceeds its basic grant amount for that year as computed under § 570.102 will be entitled to receive a hold-harmless grant. In addition to its basic grant. Except as provided in paragraph (d) of this section, the amount of the hold-harmless grant will be equal to the difference between the basic grant amount and the hold-harmless amount.

(b) *Other units of general local government.* Any other unit of general local government will be entitled to receive a hold-harmless grant if, during the five fiscal year period ending June 30, 1972 (or June 30, 1973, in the case of a locality which first received a grant for a neighborhood development program in that fiscal year), it had been carrying out one or more urban renewal projects, code enforcement programs, or neighborhood development programs under Title I of the Housing Act of 1949, or model cities programs under Title I of the Demonstration Cities and Metropolitan Development Act of 1966, under commitments for assistance entered into with HUD during that period. Except as provided in paragraph (d) of this section, such hold-harmless grant will equal the hold-harmless amount as computed under paragraph (c) of this section.

(c) *Calculation of hold-harmless amount.* (1) For each unit of general local government having entitlement for either a basic grant amount or a hold-harmless grant, the Secretary will calculate a hold-harmless amount for each of the first five fiscal years beginning with fiscal year 1975.

(2) The hold-harmless amount will be sum of:

(i) The annual average during the five fiscal years ending June 30, 1972, of:

(A) Commitments for grants for urban renewal (excluding neighbor-

hood development programs) under Part A of Title I of the Housing Act of 1949. For the purposes of this calculation, "commitments for grants" means any of the following conditions occurring during the five year base period:

(1) Funds reserved and not either cancelled or allocated;

(2) Funds reserved and allocated; and funds allocated which had not previously been reserved.

(B) Loans made for the purpose of rehabilitation of property under Section 312 of the Housing Act of 1964;

(C) Grants for open space land projects, including urban beautification and historic preservation, under Title VII of the Housing Act of 1961;

(D) Grants for water and sewer projects under Section 702 of the Housing and Urban Development Act of 1965;

(E) Grants for neighborhood facilities under Section 703 of the Housing and Urban Development Act of 1965; and

(F) Loans for public facilities under Title II of the Housing Amendments of 1955; and

(ii) The average annual grant for a neighborhood development program under Part B of Title I of the Housing Act of 1949 made during the five fiscal years ending June 30, 1972, or during Fiscal Year 1973 in the case where the initial grant for this purpose was made in that fiscal year; and

(iii) In the case of a unit of general local government having a model cities program which was funded or extended in Fiscal Year 1973 for a period ending after June 30, 1973, amounts based on the following percentages of the average annual grant made for the model cities program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 during fiscal years ending June 30, 1972:

(A) One hundred percent for each of a number of years, which, when combined with the number of funding years for which the unit of general local government has received grants prior to Fiscal Year 1975, equals five;

(B) Eighty percent for the year immediately following year five as determined in paragraph (c)(2)(iii)(A) of this section;

(C) Sixty percent for the year immediately following the year provided in paragraph (c)(2)(iii)(B) of this section; and

(D) Forty percent for the year immediately following the year provided in paragraph (c)(2)(iii)(C) of this section. For the purpose of calculating hold-harmless amounts, the average annual grant under paragraphs (c)(2)(ii) and (iii) of this section will be established by dividing the total amount of grants made to the unit of general local government by the number of months of program activity for which such grants were made and

multiplying the result by twelve. In calculating the hold-harmless amount, any portion of grants which were made as one-time payments for relocation costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) will be excluded. In calculating the average annual grant under paragraph (c)(2)(iii) of this section, the Secretary will exclude Planned Variations grants and grants for such other special purposes as relocation costs for Project Rehab in model cities programs. In attributing credit to metropolitan cities for grants or loans for the purpose of calculating the hold-harmless amount, the Secretary will be guided primarily by the location of the project, and, in addition, the identity of the local government which contracted for such grants or loans. Thus, where a county park authority received a grant to provide recreational facilities in a metropolitan city, the city would be credited with the grant in the hold-harmless calculation, and not the county.

(d) *Phase-out of hold-harmless.* (1) In determining the hold-harmless grant for fiscal years 1975, 1976, and 1977, the full hold-harmless amount calculated under paragraph (c) of this section will be used in accordance with paragraphs (a) and (b) of this section. In fiscal years 1978 and 1979, if the hold-harmless amount exceeds the basic grant amount for a locality in any such year, as computed under § 570.102, it will be reduced so that:

(i) In fiscal year 1978, the excess of the hold-harmless amount over the basic grant amount for that year will equal two-thirds of the difference between such hold-harmless and basic grant amounts; and

(ii) In fiscal year 1979, the excess of the hold-harmless amount over the basic grant amount for that year will equal one-third of the difference between such hold-harmless and basic grant amounts.

(2) In fiscal year 1980, no hold-harmless grants will be made.

(3) In determining the adjustments under paragraph (d)(1) of this section for units of general local government not qualifying for a basic grant, the provisions of paragraph (d)(1)(i) and (ii) of this section will be applied as though such units had entitlement to a basic grant amount of zero.

(e) *Waiver of hold-harmless.* Any unit of general local government qualifying for a hold-harmless grant in any fiscal year under the conditions contained in paragraph (b) of this section may, by November 15, of any such year, irrevocably waive its eligibility for a hold-harmless grant for a single year. Any such waiver under this subsection must be submitted to the Secretary in writing. In the case of such a waiver, the unit of general local gov-

ernment shall not be excluded in that year from the computations as otherwise required in § 570.102(b)(3) and § 570.104(c) (1) and (2) for such units of government having eligibility for hold-harmless grants.

(f) *Pro rata reduction.* In the event that the total amount of funds available for distribution in metropolitan areas under this Part in fiscal year 1978 and fiscal year 1979 is insufficient to meet all basic grant and hold-harmless entitlement needs in such metropolitan areas as provided pursuant to § 570.102(a) and (b), and § 570.103, and that funds are not otherwise appropriated to meet such deficiency, the Secretary shall meet the deficiency through a pro rata reduction of: All basic grant and hold-harmless entitlement amounts; General purpose funds for metropolitan areas under § 570.104(c)(1) (including metropolitan area "set aside" funds under § 570.101(a)); and General purpose funds for nonmetropolitan areas under § 570.104(c)(2). The amount of any such reduction shall be determined as follows for each such fiscal year:

(1) The amount allocated for use in meeting basic grant and hold-harmless entitlement amounts in metropolitan areas shall be determined as provided in § 570.101;

(2) The basic grant and hold-harmless entitlement amounts in metropolitan areas shall be determined as provided in § 570.102 and § 570.103;

(3) If the sum of all entitlement amounts, determined in paragraph (f)(2) of this section, exceeds the total amount available for meeting such entitlements, determined in paragraph (f)(1), of this section, the difference between such amounts shall be computed;

(4) The ratio of any such difference, determined in paragraph (f)(3) of this section, to the sum of all funds allocated for use in metropolitan and nonmetropolitan areas, including any metropolitan area "set-aside" funds but excluding the Secretary's fund, and funds for either the transition and categorical settlements or Urban Development Action Grants, shall be determined;

(5) The entitlement amount determined for each individual unit of government, in both metropolitan and nonmetropolitan areas, the amount determined to be available for general purpose discretionary grants in metropolitan areas (including any metropolitan area "set-aside" funds), and the amount determined to be available for general purpose discretionary grants in nonmetropolitan areas shall each be reduced by an amount bearing the same ratio to such total amount prior to reduction as the ratio determined in paragraph (f)(4) of this section; and

(6) In the case of general purpose discretionary funds for either metro-

politan or nonmetropolitan areas, any such reduction shall be made prior to the allocation of such funds among the States as provided in § 570.104(c)(1) and (c)(2).

§ 570.104 Funds for discretionary grants.

(a) *Secretary's fund.* From the amount appropriated for community development block grants each fiscal year, excluding funds described in § 570.101 (a), (b), and (c), HUD will determine an amount for each of the fiscal years 1975, 1976, and 1977 which is two percent (2%) and an amount for each of the fiscal years 1978, 1979, and 1980 which is three percent (3%) of such appropriated funds for use in making grants:

(1) In behalf of new communities approved under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968, or in behalf of new community projects assisted under Title X of the National Housing Act which meet eligibility standards set forth in Title VII of the Housing and Urban Development Act of 1970 and which were the subject of an application or preapplication under such title prior to January 14, 1975.

(2) To States and units of general local government which jointly apply for such funds for addressing problems that are areawide in scope;

(3) In Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands;

(4) To States and units of general local government for use in demonstrating innovative community development projects;

(5) To States, units of general local government, and Indian tribes for use in meeting emergency community development needs caused by federally recognized disasters as defined in § 570.407(a) (but not more than 25 percent for each of fiscal years 1975, 1976, and 1977, and 15 percent for each of fiscal years 1978, 1979, and 1980, of the total amount reserved and set aside in the Secretary's fund under this section for each such year will be used for this purpose);

(6) To States and units of general local government where HUD finds it necessary to correct inequities resulting from the allocation provisions of this subpart;

(7) To Indian tribes (all community development block grant assistance for Indian programs will come from the Secretary's fund); and

(8) To States, units of general local government, Indian tribes, or areawide planning organizations for the purpose of providing technical assistance in planning, developing, and administering assistance under this title. The Secretary may also provide such technical assistance under this paragraph directly or through contracts. Grants

from the Secretary's fund may be made in addition to any other community development block grants which may be made to the same recipient under this subpart.

(b) *Transition/categorical program settlement fund.* Using funds appropriated for each of the fiscal years 1975 through 1980 for this purpose as described in § 570.101(b), grants may be made to facilitate an orderly transition to the community development block grant program, and for financial settlement of projects and programs that were terminated and consolidated by this Act, primarily urban renewal projects, to units of general local government which require assistance that cannot be provided through the operation of the allocation provisions described in this subpart.

(c) *General purpose funds.*—(1) *Metropolitan areas.* Any portion of the amount allocated to metropolitan areas under § 570.101, which remains after the allocation of: Basic grant amounts to metropolitan cities and urban counties under § 570.102; Hold-harmless grants to which units of general local governments in metropolitan areas are entitled under § 570.103, and "set-aside" funds for that fiscal year as described under § 570.101(a) for each fiscal year 1975 through 1980 that are not used for hold-harmless, except as such remaining amount may be modified by pro rata reduction in § 570.103(b), will be allocated for grants to units of general local government, other than metropolitan cities and urban counties, and to States for use in metropolitan areas, allocating for the metropolitan area of each State the greater of an amount that bears the same ratio to the total amount for such areas of all States as either:

(i) The average of ratios between: (A) The population of the metropolitan area in that State and the population of the metropolitan areas of all States;

(B) The extent of poverty in the metropolitan area in that State and the extent of poverty in the metropolitan areas of all States; and

(C) The extent of housing overcrowding in the metropolitan area in that State and the extent of housing overcrowding in the metropolitan areas of all States; or

(ii) The average of the ratios between: (A) The age of housing in the metropolitan area in that State and the age of housing in the metropolitan areas of all States;

(B) The extent of poverty in the metropolitan area of that State and the extent of poverty in the metropolitan areas of all States; and

(C) The population of the metropolitan area in that State and the population of the metropolitan areas of all States. In determining the average of

ratios under paragraph (c)(1)(i) of this section, the ratio involving the extent of poverty shall be counted twice and each of the other ratios shall be counted once ($0.50 + 0.25 + 0.25 = 1.00$); and in determining the average of ratios under paragraph (c)(1)(ii), the ratios involving the age of housing shall be counted two and one-half times, the ratio involving the extent of poverty shall be counted one and one-half times, and the ratio involving population will be counted once ($0.50 + 0.30 + 0.20 = 1.00$). In computing these ratios for metropolitan areas, there will be excluded the demographic values for any metropolitan cities, any urban counties, any units of general local government which are entitled to hold-harmless grants under § 570.103(b), and any Indian tribes.

In order to compensate for the discrepancy between the total of the amounts to be allocated under this paragraph and the total amount of funds available for such purpose, the Secretary shall make a further pro rata reduction of each amount allocated to the metropolitan area in each State under this paragraph so that each State will be allocated an amount representing the same percentage of the total amount of funds available for such allocation as the percentage such State would have been allocated under this paragraph if the total amount of funds available for this purpose had equaled the total amount allocated to all States under this paragraph.

(2) *Nonmetropolitan areas.* Any portion of the amount allocated to nonmetropolitan areas under § 570.101 which remains after providing the allocation of hold-harmless grants to which units of general local government in nonmetropolitan areas are entitled under § 570.103(b), and except as such remaining amount may be modified by pro rata reduction in § 570.103(f), will be allocated for grants to units of general local government in nonmetropolitan areas or to States for use in nonmetropolitan areas, allocating for the nonmetropolitan areas of each State the greater of an amount which bears the same ratio to the total of that remaining amount as either:

(i) The average of ratios between: (A) The population of the nonmetropolitan area in that State and the population of the nonmetropolitan areas in all States;

(B) The extent of poverty in the nonmetropolitan area in that State and the extent of poverty in the nonmetropolitan areas in all States;

(C) The extent of housing overcrowding by units in the nonmetropolitan areas in that State and the extent of housing overcrowding by units in the nonmetropolitan areas in all States; or

(ii) The average ratios between: (A) The age of housing in the nonmetropolitan area in that State and the age of housing in the nonmetropolitan areas of all States;

(B) The extent of poverty in the nonmetropolitan area of that State and the extent of poverty in the nonmetropolitan areas of all States; and

(C) The population of the nonmetropolitan area of that State and the population of the nonmetropolitan areas of all States.

In determining the average of ratios under paragraph (c)(2)(i) of this section, the ratios involving the extent of poverty shall be counted twice, and each other ratio shall be counted once ($0.50 + 0.25 + 0.25 = 1.00$); and in determining the average of ratios under paragraph (c)(2)(ii), the ratio involving the age of housing shall be counted two and one-half times, the ratios involving the extent of poverty shall be counted one and one-half times, and the ratio involving population shall be counted once ($0.50 + 0.30 + 0.20 = 1.00$). In computing these ratios for nonmetropolitan areas, there will be excluded the demographic values for any units of general local government which are entitled to hold-harmless grants under § 570.103(b), and any Indian tribes. In order to compensate for the discrepancy between the total of the amounts to be allocated under this paragraph and the total of the amount of funds available for such purpose, the Secretary shall make a further pro rata reduction of each amount allocated to the nonmetropolitan areas in each State under this paragraph so that each State will be allocated an amount representing the same percentage of the total amount of funds available for such allocation as the percentage such State would have been allocated under this paragraph if the total amount of funds available for this purpose had equaled the total amount allocated to all States under this paragraph.

(d) *Exclusions of demographic values.* (1) In excluding the demographic values of population, poverty, housing overcrowding, and age of housing for units of general local government which are entitled to hold-harmless grants as required under paragraphs (c) (1) and (2) of this section, only two-thirds of such data will be excluded for fiscal year 1978 and one-third of such data for fiscal year 1979. In 1980 and subsequent years, no such exclusion is to be made. (2) The demographic values of population, poverty, housing overcrowding, and age of housing of all Indian tribes shall be excluded as part of any computations required by paragraphs (c) (1) and (2) of this section, whether or not they are entitled to hold-harmless grants. It is recognized that all such data on Indian tribes is not generally

available from the Bureau of the Census and that missing portions of data will have to be estimated. In accomplishing such estimates the Secretary may use such other related information available from reputable sources as may seem appropriate, regardless of the data's point or period of time, and shall use the best judgment possible in adjusting such data to reflect the same point or period of time as the overall data from which the Indian tribes are being deducted, so that such deductions shall not create an imbalance with that overall data.

(e) *Urban Development Actions Grants fund.* Using funds appropriated for each of the fiscal years 1978, 1979, and 1980 for such purpose, grants may be made to assist severely distressed cities and urban counties to provide supplemental assistance in alleviating excessive physical and economic deterioration. Such funds allotted shall not exceed \$400,000,000 for each of these fiscal years.

§ 570.105 Qualification as urban county.

(a) *Determination of qualification.* The Secretary will determine the qualifications of counties to receive entitlements as urban counties pursuant to § 570.102(b) upon receipt of applications from counties in a form and manner prescribed by HUD. The Secretary shall determine eligibility and applicable portions of each eligible county for purposes of fund allocation under § 570.102(b) on the basis of information available from the U.S. Bureau of Census with respect to population and other pertinent demographic characteristics, and based on information provided by the county and its included units of general local government.

(b) *Qualification as an urban county.* A county will qualify as an urban county if such county:

(1) (i) Is in a metropolitan area;

(ii) Is authorized under State law to undertake essential community development and housing assistance activities ("essential activities") in its unincorporated areas, if any, which are not units of general local government; and

(iii) Has either a combined population of 200,000 or more (excluding the population of metropolitan cities and Indian tribes therein) consisting of persons residing:

(A) In such unincorporated areas;

(B) In its included units of general local government in which it is authorized under State law to undertake essential activities (without the consent of the governing body of the locality, or upon the consent of the governing body of the locality and the county has received such consent) and which do not elect to be excluded from the county for purposes of participation in the block grant program; and

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(C) In its included units of general local government with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential activities. Such cooperation agreements may consist of the provision by the county of funds or services or both in pursuit of such essential activities; or

(2) Has a population in excess of 100,000, a population density of 5,000 persons per square mile, and contains within its boundaries no incorporated place as defined by the United States Bureau of Census.

(c) *Essential activities.* For purposes of this section, the term "essential activities" means community renewal and lower-income housing activities, specifically urban renewal and publicly assisted housing. In determining whether a county has the required powers, the Secretary will consider both its authority and, where applicable, the authority of its designated agency or agencies.

(d) *Opinion as to authority.* A county wishing to qualify as an urban county shall, at a time designated by HUD and in a form prescribed by HUD, describe its authority for undertaking essential activities. Such description shall include an opinion with respect to such authority by the appropriate legal officer of the county.

§ 570.106 Qualification and submission dates.

The Secretary will fix qualification and submission dates necessary to permit the computations and determinations required under this Subpart to be made in a timely manner and all

such computations and determinations will be final and conclusive.

§ 570.107 Reallocation of funds.

(a) *Metropolitan areas.* Any amounts allocated to a metropolitan city, urban county, or other unit of general local government for basic grants or hold-harmless grants in metropolitan areas in any fiscal year which are not applied for by the date fixed by the Secretary for that purpose, or which are disapproved by the Secretary as part of the application review or program monitoring processes, will be reallocated for use by the Secretary in making grants to States, metropolitan cities, urban counties, or other units of general local government; first, in any metropolitan area in the same State, and second, in any other metropolitan area. Any other amounts allocated to a State for use in its metropolitan areas for any fiscal year under § 570.104(c)(1) which the Secretary determines, on the basis of applications and other evidence available, are not likely to be fully obligated by the Secretary within a reasonable time, will be reallocated by the Secretary within such time period as to allow a reasonable expectation that such funds may be used for making grants to States, metropolitan cities, urban counties, and other units of general local government, in metropolitan areas in any State prior to the allocation of discretionary balance funds from the next ensuing fiscal year's appropriation.

(b) *Nonmetropolitan areas.* Any amounts allocated to a unit of general local government for any fiscal year for hold-harmless grants in a nonmetropolitan area which are not applied

for by the date fixed by the Secretary for that purpose, or which are disapproved by the Secretary as part of the application review or program monitoring processes, will be reallocated by the Secretary for use in making grants to units of general local government in nonmetropolitan areas in any State or to any State for use outside of metropolitan areas. Any other amounts allocated to nonmetropolitan areas of a State for any fiscal year under § 570.104(c)(2) which the Secretary determines, on the basis of application and other evidence available, are not likely to be fully obligated within a reasonable time, will be reallocated by the Secretary to allow a reasonable expectation that the funds may be used for making grants to units of general local government in nonmetropolitan areas of other States and to other States for use in nonmetropolitan areas prior to the allocation of discretionary balance funds from the next ensuing fiscal year's appropriation.

(c) *Policies governing reallocation.* Each fiscal year, HUD will publish the policies to be employed in the reallocation of funds for that year.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95-128); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., January 24, 1978.

ROBERT C. EMBRY, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc. 78-2765 Filed 1-31-78; 8:45 am]

WEDNESDAY, FEBRUARY 1, 1978
PART VII



OFFICE OF
MANAGEMENT
AND BUDGET

BUDGET RESCISSIONS
AND DEFERRALS
Cumulative Report

NOTICES

[3110-01]
OFFICE OF MANAGEMENT AND
BUDGET
BUDGET RESCISSIONS AND DEFERRALS
Cumulative Report

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report three proposals to rescind a total of \$55.3 million in budget authority previously provided by the Congress. In addition, I am reporting six new deferrals of budget authority totalling \$1,517.1 million and seven revisions to previously transmitted deferrals increasing the amount deferred by \$2.2 million in budget authority.

The rescission proposals affect the military assistance program, the Department of State's appropriation for contributions for international peace-

keeping activities, and the revolving fund of the Federal Home Loan Bank Board.

The new deferrals and revisions to existing deferrals involve programs of the Departments of Agriculture, Commerce, Health, Education, and Welfare, Justice, Labor, Transportation, the Treasury, and the Panama Canal Zone Government, the National Science Foundation, and the United States Information Agency.

The details of each rescission proposal and deferral are contained in the attached reports.

Jimmy Carter

THE WHITE HOUSE,
January 27, 1978.

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CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission No.	Item	Budget Authority	Deferral No.
R78-2	Funds Appropriated to the President: International Security Assistance Military assistance.....	40,200	D78-26C D78-27C
R78-3	Department of State: International Organizations and Conferences Contributions for international peace- keeping activities.....	5,000	
R78-4	Federal Home Loan Bank Board: Revolving fund.....	10,055	D78-56
Deferral No.	Subtotal, rescission proposals.....	55,255	D78-41A
D78-1A	Department of Agriculture: Foreign Agricultural Service Salaries and expenses (special foreign currency program).....	1,040	
D78-51	Department of Commerce: Economic Development Administration Economic development revolving fund.....	123,647	
D78-8A	National Oceanic and Atmospheric Administration Promote and develop fishery products and research pertaining to American fisheries.....	6,068	
D78-52	Department of Defense-Civil: Canal Zone Government Capital outlay.....	309	
D78-53	Department of Health, Education, and Welfare: Office of the Assistant Secretary for Health Scientific activities overseas (special foreign currency program).....	3,497	
D78-14A	Social Security Administration Limitation on salaries and expenses.....	13,865	
D78-54	Department of Justice: Law Enforcement Assistance Administration Salaries and expenses.....	2,668	
D78-55	Department of Labor: Employment and Training Administration Advances to the unemployment trust fund and other funds.....	1,380,114	
D78-23A	Department of Transportation: Federal Aviation Administration Civil supersonic aircraft development termination.....	148	

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Item	Budget Authority
Department of the Treasury: Office of Revenue Sharing Antirecession financial assistance fund... State and local government fiscal assistance trust fund.....	11,148 82,461
Other Independent Agencies: National Science Foundation Research and related activities..... United States Information Agency Salaries and expenses.....	6,900 1,653
Subtotal, deferrals.....	1,633,518
Total, rescission proposals and deferrals.....	1,688,773

SUMMARY OF SPECIAL MESSAGES
FOR FY 1978
(amounts in thousands of dollars)

Agency	Funds Appropriated to the President	Rescissions	Deferrals	New budget authority (P.L. 95-148)	Other budgetary resources	Total budgetary resources
International Security Assistance						
Appropriation title & symbol						
Military Assistance I/ 117/81080 and 1181080		55,255	1,517,135			
		---	2,183			
Effect of the fifth special message...		55,255	1,519,318			
Previous special messages.....		2,668	3,245,274			
Total amount proposed in special messages. (in 4 rescission proposals)		57,923	4,766,592			
			(in 56 deferrals)			
Amount proposed for rescission						40,200,000 2/

NOTE: All amounts listed represent budget authority except for \$5,117,000 consisting of two Department of the Treasury deferrals of outlays only (D78-50 and D78-28A).

NOTICES

In 1974, the Congress enacted Section 620(x) of the Foreign Assistance Act of 1961, as amended, which suspends all military assistance to the Government of Turkey "...until the President determines and certifies to the Congress that substantial progress toward agreement has been made regarding military forces in Cyprus...". Consequently, the amount previously planned for Turkey in FY 1978, \$48 million, was deferred pending a Presidential certification regarding Cyprus or enactment of legislation by Congress removing the Presidential certification requirements. An additional \$43 million for first-year levels in the Defense Cooperation Agreements with Greece and Turkey was deferred pending enactment by Congress of legislation approving these agreements. At the same time, an additional \$40.2 million was deferred while consideration was given to a proposal to rescind these funds.

Since the planned FY 1978 military assistance program of \$315.7 million authorized by law can be conducted without using the \$40.2 million portion of the deferral, it has now been determined that these funds will not be required to carry out the full objectives and scope of the program as authorized by law. Therefore, a rescission of this amount is proposed.

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R78-2

Estimated Effects:

There is no programmatic or budgetary effect of this rescission proposal since the planned FY 1978 program authorized by law can be accomplished without these funds.

Outlay Effect:

There is no outlay effect of this rescission because the funds could not be used if made available.

- 1/ This account is the subject of a deferral, D78-47.
- 2/ This amount was included in a deferral (D78-47) transmitted to the Congress on December 15, 1977.

TITLE I - FOREIGN ASSISTANCE ACT ACTIVITIES
FUNDS APPROPRIATED TO THE PRESIDENT

Military Assistance

Of the funds appropriated under this head in the Foreign Assistance and Related Programs Appropriations Act, 1978, \$40,200,000 are rescinded.

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R78-3

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 94-142

Agency Department of State	New budget authority	\$32,000,000
Bureau International Organizations and Conferences	Other budgetary resources	
Appropriation title & symbol	Total budgetary resources	32,000,000
Contributions for International Peacekeeping Activities	Amount proposed for rescission	\$ 5,000,000
1981124 1/		

OMB identification code: 19-1124-0-1-153

Legal authority (in addition to sec. 1012) ☒ Antideficiency Act

Grant program ☐ Yes ☒ No

Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year

Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification:

Public Law 94-17, approved June 19, 1975, "authorized to be appropriated to the Department of State such sums as may be necessary from time to time for payment by the United States of its share of the expenses of the United Nations peacekeeping forces in the Middle East, as apportioned by the United Nations in accordance with article 17 of the United Nations Charter, notwithstanding the limitation on contributions to international organizations contained in Public Law 94-142 (October 19, 1975) (P.L. 94-142). The 1978 Budget contained an estimate of \$32,000,000 for the U.S. share of these expenses to be paid from funds appropriated to the Department of State for fiscal year 1978. The foreign relations authorization act, fiscal year 1978 (Public Law 95-105, approved August 17, 1977), authorized the Department of State to appropriate such sums as may be necessary to be sufficient to authorize \$32,000,000 for "contributions for international peacekeeping activities."

The Department of State Appropriation Act, 1978 (Title I, Public Law 95-86, approved August 2, 1977) appropriated \$32,000,000 for fiscal year 1978 "for payments not otherwise provided for, by the United States for expenses of United Nations peacekeeping forces in the Middle East". From these funds the State Department will pay the U.S. assessed share (approximately 292) of the expenses of the United Nations Emergency Force (UNEF) in the Sinai and the United Nations Disengagement Observer Force (UNDOF) on the Golan Heights through October 24, 1978. The amount of the appropriation was based on the best estimate, at the time of congressional action, of the U.S. assessed share of the expenses of both peacekeeping forces for the twelve-month period ending as indicated above.

1/ This account was the subject of a similar rescission during FY 1977.

NOTICES

On December 2, 1977, the United Nations General Assembly approved a resolution which definitely established these peacekeeping budgets at substantially lower levels than anticipated, resulting in a U.S. assessment of \$27,000,000 rather than the \$32,000,000 appropriated. Accordingly, the President has determined that \$5,000,000 in budget authority will not be required to carry out the full objectives or scope of the program for which it is provided, and is proposing this amount for rescission.

Estimated Effects:

The proposed rescission will have no programmatic effects.

Outlay Effect:

There is no outlay effect from this rescission since the funds would not be used if made available.

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R78-3

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

Contributions for International Peacekeeping Activities

Of the funds appropriated under this head in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1978, \$5,000,000 are rescinded.

R78-4

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 94-142

Agency Federal Home Loan Bank Board	New budget authority	\$ 4,010,055,000
Bureau	Other budgetary resources	4,010,055,000
Appropriation title & symbol	Total budgetary resources	8,020,110,000
82X4035 Federal Home Loan Bank Board Revolving Fund	Amount proposed for rescission	\$ 10,055,000

OMB identification code: 82-4035-0-1-371

Legal authority (in addition to sec. 1012) ☒ Antideficiency Act

Grant program ☐ Yes ☒ No

Type of account or fund: ☐ Annual ☒ Multiple-year (expiration date) ☐ No-year

Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other Authority to borrow (P.L. 89-754, P.L. 91-126)

Justification:

Public Law 89-754, approved November 3, 1966, authorized the construction of a new headquarters building for the Federal Home Loan Bank Board with a limitation of \$13,200,000 on borrowing authority to finance the construction of the building. Public Law 91-136, approved November 26, 1969, increased the borrowing authority to \$21,400,000. Of this authorization, borrowing authority equal to \$11,555,000 was utilized along with assessments against the 12 Federal Home Loan Banks to finance construction. Major construction was completed and the building occupied by the Federal Home Loan Bank Board in December, 1977. Therefore, there is no longer any need for the unused borrowing authority, and a rescission of the remaining \$10,055,000 is proposed.

Estimated Effect:

The proposed rescission will have no programmatic or budgetary effects

Outlay Effect:

There is no outlay effect from this rescission proposal since the borrowing authority could not be used if made available.

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SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

FEDERAL HOME LOAN BANK BOARD

Of the borrowing authority authorized for use by the Federal Home Loan Bank Board pursuant to Sec. 1016 of Public Law 89-754, 80 Stat. 1293, and Public Law 91-126, 83 Stat. 240, for the purposes set forth in Public Law 89-754, 12 U.S.C. 1438(c), \$10,055,000 are rescinded.

This report revises Deferral No. D78-1 transmitted to the Congress on October 3, 1977, and printed as House Document 95-235.

The amount deferred for the Foreign Agricultural Service's Special foreign currency program is now \$1,040,178, an increase of \$2,250 over the amount previously deferred. This change reflects an adjustment in unobligated balances brought forward on October 1, 1977, from an estimated to an actual basis.

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Deferral No. D78-4A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1014(c) of P.L. 93-344

Agency U.S. Department of Agriculture Bureau Foreign Agricultural Service	New budget authority (P.L. 93-344) Other budgetary resources	\$ 1,793,178*
Appropriation title & symbol Salaries and expense Special Foreign Currency Program 1/	Total budgetary resources	1,793,178*
12X2901	Amount to be deferred: Part of year Entire year	\$ 1,040,178*
OMB identification code: 12-2901-0-1-352	Legal authority (in addition to sec. 1071) <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year (expiration date)		

Justification:
Title 12, Sec. 104 of P.L. 480, the Agricultural Trade Development and Assistance Act of 1954, authorizes the use of foreign currencies (acquired from the sale of U.S. farm products under Title I) to carry out programs for developing new markets for U.S. agricultural commodities. The funds appropriated are used to purchase excess foreign currencies and to carry out the program. The funds are available until expended, and each year is dependent upon the availability of the U.S.-owned currencies and the availability of foreign currencies. Current indications are that unobligated balances brought forward can be utilized more than 75% in FY 1978. This deferral action is taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies.

Estimated Effects:
No programmatic or budgetary impact results from this deferral action. Since the funds are used to purchase currencies already owned by the U.S., any outlays shown under this account would be offset by the receipt of a like amount in another account.

Outlay Effects:
There is no outlay effect of this deferral because the funds would not be used if made available.
1/ This account was the subject of a similar deferral during FY 1977.
* Revised from previous report.

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Deferral No. D78-51

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1014(c) of P.L. 93-344

Department of Commerce Economic Development Administration Economic Development Revolving Fund 13X4406	New budget authority (P.L. 93-344) Other budgetary resources	\$ 251,126,769
	Total budgetary resources	251,126,769
	Amount to be deferred: Part of year Entire year	\$ 123,646,769
OMB identification code: 13-4406-0-3-452	Legal authority (in addition to sec. 1071) <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other	
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input checked="" type="checkbox"/> Other—Fund balances	

Justification:
Title 11, Sec. 203 of P.L. 89-136, the Public Works and Economic Development Act of 1965, as amended, establishes an Economic Development Revolving Fund in the Treasury of the United States the contents of which are to be made available to the Secretary of Commerce for the purpose of extending financial assistance under Sec. 201 (public works and development facilities), Sec. 202 (business development loans and guarantees), and 403 (economic development districts) under the Act and for the payment of all obligations and expenditures arising in connection therewith.

The unobligated balance in the Economic Development Revolving Fund was \$199,636,769 on September 30, 1977 and is expected to be \$251,126,769 by the end of FY 1978. The balance accrues from principal and interest repayments from loans made under the Area Redevelopment Act and the Public Works and Economic Development Act. The Fund has not been utilized to date except for the payment of interest to the Treasury on the outstanding loan balance. This payment is estimated to be \$27,480,000 for this fiscal year.

EDA plans to utilize \$100 million of the unobligated balance in FY 1978 to guarantee loans made by the private sector primarily to steel firms, thereby enabling these firms to continue full scale operations and to modernize plants in areas of high or rising unemployment or where massive layoffs are threatened. The \$100 million represents a 20 percent reserve against most possible future defaults; the total value of loans guaranteed will be \$500 million.

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D78-51

4400

D78-8A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

The remaining \$123,646,769 of the estimated September 30, 1978 unobligated balance is proposed for deferral because there are currently no plans that have been approved for the effective use of this balance.

Estimated Effects:

This deferral would have no programmatic effect since no plan exists for the use of these funds.

Outlay Effect:

The approval of this deferral would have no effect on outlays in 1978 and 1979 assuming the funds would be used for loan guarantees, since funds would be dispersed only to cover defaults.

NOTICES

This report revises Deferral No. D78-8, transmitted to the Congress on October 3, 1977, and printed as House Document No. 95-235.

This revision reflects a net increase of \$639,094 in the amount to be deferred in fiscal year 1978 for the program to promote and develop fishery products and research pertaining to American Fisheries. The increase in the deferral is a result of an identical increase in the unobligated balance carried into fiscal year 1978 for this program. The actual unobligated balance that developed was \$2,328,932 rather than \$1,689,836.

FEDERAL REGISTER, VOL. 43, NO. 22—WEDNESDAY, FEBRUARY 1, 1978

Deferral No.: D78-8A

Report Pursuant to Section 1014(c) of P.L. 93-344

Agency: Department of Commerce	New Budget Authority (est.)	\$12,986,035
Bureau: National Oceanic and Atmospheric Administration	(7 U.S.C. 612c)	2,328,932*
Activity: Promotion and Research Pertaining to American Fisheries I/	Other Budgetary Resources	15,312,967*
1365139	Total Budgetary Resources	15,312,967*
	Amount to be deferred:	
	Part of year	\$-
	Entire year	6,067,967*
	Local authority (in addition to sec. 1013):	
13-5139-0-2-403	<input checked="" type="checkbox"/> Antideficiency Act	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Type of budget authority:	
	<input type="checkbox"/> Appropriation	
	<input type="checkbox"/> Contract authority	
	<input checked="" type="checkbox"/> Other 7 U.S.C. 612c	

Justification:

An amount equal to 30% of the gross receipts from custom duties on fishery products is appropriated for fishery products resources research and assessment and American fisheries resource management and development. These funds are appropriated to National Oceanic and Atmospheric Administration for the same purposes under the Operations, Research, and Facilities appropriation.

The amount being deferred, \$6,067,967 represents the excess amount of resources over the cost of currently planned program activities in FY 1978. Because no plans have been developed for use of these funds, they are requested for deferral at this time. The deferred funds are being reserved in accordance with the Antideficiency Act (31 U.S.C. 665). These funds could not be used effectively even if made available for obligation.

Estimated effects:

This deferral has no effect on the program as currently planned for FY 1978.

Outlay Effect:

There is no outlay effect of this deferral because the funds would not be used if made available.

I/ This account was the subject of a similar deferral during FY 1977.
*Revised from previous report.

Deferral No.: D78-52

Report Pursuant to Section 1014(c) of P.L. 93-344

Agency: Panama Canal Bureau: Canal Zone Government	New Budget Authority (P.L. 95-85)	2,110,000
Activity: Capital Outlay 38X0118	Other Budgetary Resources	1,747,160
	Total Budgetary Resources	3,857,160
	Amount to be deferred:	
	Part of year	\$-
	Entire year	309,000
	Local authority (in addition to sec. 1013):	
38-0118-0-1-806	<input checked="" type="checkbox"/> Antideficiency Act	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	Type of budget authority:	
	<input type="checkbox"/> Appropriation	
	<input type="checkbox"/> Contract authority	
	<input type="checkbox"/> Other	

Justification:

The capital outlay program of the Canal Zone Government is funded by appropriations made in the Department of Transportation and Related Agencies Appropriation Act of 1978 (Public Law 95-85) and similar Acts of previous years. These appropriations are available until expended. The \$309,000 proposed for deferral is intended to finance project inspections and other services by the Panama Canal Company which will not be completed in FY 1978. This deferral action is taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The deferral will insure that adequate funds are available for project inspection and other services in the next fiscal year.

Estimated Effects:

The amount deferred results from the current scheduling of the planned capital program and could not be used if made available in FY 1978. Thus, the deferral action has no programmatic or budgetary effect.

Outlay Effect:

There is no outlay effect from this deferral action since the funds could not be used if made available.

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FEDERAL REGISTER, VOL. 43, NO. 22—WEDNESDAY, FEBRUARY 1, 1978

D78-53

Deferral No: D78-53

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1014(c) of P.L. 93-344

Agency Department of Health, Education and Welfare Bureau Office of the Assistant Secretary of Health	New budget authority (P.L. 93-344-) Other budgetary resources Total budgetary resources	\$ 11,387,000 8,716,115 20,103,115
Appropriation title & symbol 75X1102--Scientific Activities Overseas (Special Foreign Currency Program)	Amount to be deferred: Part of year Entire year	\$ 3,597,000
OMB identification code: 75-1102-0-1-552	Legal authority (in addition to sec. 1014) <input checked="" type="checkbox"/> Antideficiency Act	
Grant, if any: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year <input checked="" type="checkbox"/> No-year	Expiration date	

JUSTIFICATION:

The Scientific Activities Overseas program of the Department of Health, Education, and Welfare is funded with appropriations which consist of excess foreign currencies owned by the United States. The currencies of Egypt, Burma, Guinea, India, and Pakistan held by the Treasury have been designated as in excess of normal U.S. needs. Funds for this program, which remain available until expended, are used for scientific research projects in these countries.

The amount of funds to be obligated during FY 1978 and the amount to be deferred to FY 1979 was determined after a careful review of the scientific needs of project proposals in the countries for which excess currency is available. The research projects in these countries that will contribute toward meeting U.S. scientific needs have been selected for funding in FY 1978 by HEW. The amount being deferred is excess to current program requirements and is being reserved for contingencies under provisions of the Antideficiency Act (31 U.S.C. 665).

☒ This account was the subject of a similar deferral in FY 1977.

Estimated Effects:

No programmatic or budgetary impact results from this action. This deferral reflects the budgetary resources that will remain available after meritorious scientific projects have been funded in FY 1978.

Outlay Effect:

There is no outlay effect of this deferral.

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FEDERAL REGISTER, VOL. 43, NO. 22--WEDNESDAY, FEBRUARY 1, 1978

D78-14A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report updates Deferral No. D78-14 transmitted to the Congress on October 3, 1977, and printed as House Document No. 95-235.

This supplementary report contains the revisions necessary to change the budget account under which this Social Security Administration deferral has been reported from the Limitation on Construction account to the Limitation on Salaries and expenses account. These revisions include changes to the appropriation title and symbol, the identification code, and the total budgetary resources for the account.

Deferral No: D78-14A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1014(c) of P.L. 93-344

Agency Department of Health, Education and Welfare Bureau Social Security Administration	New budget authority (P.L. 93-344-) Other budgetary resources Total budgetary resources	\$ 2,051,649,000* 22,065,828* 2,073,714,828*
Appropriation title & symbol Limitation on Salaries and expenses 1/* 75X8704*	Amount to be deferred: Part of year Entire year	\$ 13,865,200
OMB identification code: 20-8007-0-7-601	Legal authority (in addition to sec. 1014): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority	
Type of account or fund: <input type="checkbox"/> Annual <input type="checkbox"/> Multiple-year <input checked="" type="checkbox"/> No-year	Expiration date	

Justification: *

Funds provided for the construction activity (formerly the Limitation on Construction account) in the Limitation on Salaries and expenses of the Social Security Administration (SSA) remain available until expended in recognition of the long lead time between the provision of funds and their use in carrying out authorized construction projects. A total of \$13,865,200 is to be deferred for FY 1978. The amounts involved fall into two categories as discussed below.

District Office Projects

A balance of \$19,100,000 remains from funds appropriated since 1965 for district office construction projects. Of this amount, \$5,750,000 is planned for obligation in FY 1978 and \$13,350,000 is being deferred for obligation in subsequent years.

SSA has developed, with GSA and HEW, a new program for construction of district offices which will shorten the time required to construct new district offices. GSA has almost completed the prototype designs and site selection studies will begin for five offices in 1978. SSA will obligate about \$750,000 in 1978 for these offices. The remaining 1978 funds will be used to expand previously constructed district offices. The deferred funds will be needed in subsequent years to construct the five offices started in 1978, complete expansion of offices, and select sites and construct additional offices.

☒ These projects, then included in the "Limitation on Construction" account, were subject to a similar deferral during FY 1977.
* Revised from previous report.

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FEDERAL REGISTER, VOL. 43, NO. 22--WEDNESDAY, FEBRUARY 1, 1978

D78-14A

Deferral No. 1078-54

4404

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Justice	New budget authority (P.L. 93-344)	\$67,250,000
Bureau: Law Enforcement Assistance Administration	Other budgetary resources	165,614,240
Appropriation title & symbol: 15-0000-0-1-714	Total budgetary resources	812,864,240
Amount to be deferred: Part of year	Amount to be deferred: Part of year	\$ 2,668,000
Entire year	Entire year	
Legal authority (in addition to sec. 1013):	Legal authority (in addition to sec. 1013):	
<input type="checkbox"/> Antideficiency Act	<input type="checkbox"/> Antideficiency Act	
<input type="checkbox"/> Other	<input type="checkbox"/> Other	
Type of budget authority:	Type of budget authority:	
<input type="checkbox"/> Appropriation	<input checked="" type="checkbox"/> Appropriation	
<input type="checkbox"/> Contract authority	<input type="checkbox"/> Contract authority	
<input type="checkbox"/> Other	<input type="checkbox"/> Other	

Funds for Headquarters Construction

In 1977, the Congress approved the use of \$2.1 million previously authorized for district office construction for use in the headquarters construction activities. This amount was to cover General Services Administration (GSA) project management costs through completion in 1979 of the two headquarters buildings--the computer building in Knoxville and the Metro-East building in downtown Baltimore. These buildings are being constructed under the purchase contract method, but purchase contract funds do not cover project management, purchase contract costs, or the cost of the buildings. Since the Congress has indicated that GSA should pay only actual construction costs, GSA is billed directly for these charges. In FY 1978, \$606,800 will be obligated. The \$513,200 desired will be obligated in FY 1979 as construction of the buildings continues.

Estimated Effects:

The funds intended to be appropriated for obligation in FY 1978 will permit SSA to carry out its authorized construction program in an orderly manner. No currently planned construction would be delayed by this deferral.

Outlay Effect:

There is no outlay effect of this deferral because the funds could not be used if made available.

Justification:

Funds totaling \$2,668,000 of budget authority available until expended in the Law Enforcement Assistance Administration's (LEAA) Salaries and expenses account are being deferred pending Congressional approval and enactment of a transfer of these funds to other accounts in the Department of Justice. Both Houses of Congress have approved a transfer which is included in the conference version of the pending Supplemental Appropriations Act, 1978 (H.R. 9775). This deferral reports an extension in the withholding of these funds pending final Congressional action on the transfer.

These funds have been considered as candidates for transfer since they had been allocated to State and local governments but were not used by them. In these cases, which would result in LEAA for Federal application. The Department of Justice accounts that would receive the funds by transfer are Salaries and expenses, General Legal Activities, which is to receive \$1,445,000 and Salaries and expenses, Antitrust Division, which would receive \$1,223,000. Additional funds are needed for General Legal Activities to alleviate a serious backlog of cases involving monetary claims of the Government, white collar crime, corporate crime, etc., which are being handled by the Department of Justice. In raised funding for the Antitrust Division, the additional grant law workload resulting from the Antitrust Division's increased workload in complex antitrust litigation to administer the new antitrust enforcement grant program, and to maintain a computerized document retrieval system for the criminal law investigation related to ocean shipping.

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D78-54

Deferral No. D78-55

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: U.S. Department of Labor	New budget authority (P.L. 93-344)	\$ 1,980,114,000
Bureau: Employment and Training Administration	Other budgetary resources	1,980,114,000
Appropriation title & symbol: 15-0000-0-1-714	Total budgetary resources	1,980,114,000
Amount to be deferred: Part of year	Amount to be deferred: Part of year	\$ 1,380,114,000
Entire year	Entire year	
Legal authority (in addition to sec. 1013):	Legal authority (in addition to sec. 1013):	
<input checked="" type="checkbox"/> Antideficiency Act	<input checked="" type="checkbox"/> Antideficiency Act	
<input type="checkbox"/> Other	<input type="checkbox"/> Other	
Type of account or fund:	Type of account or fund:	
<input type="checkbox"/> Annual	<input checked="" type="checkbox"/> Multiple-year (September 30, 1978)	
<input type="checkbox"/> No-year	<input type="checkbox"/> No-year	

Justification:

P.L. 94-419 appropriated funds to this account to be used during fiscal years 1977 and 1978 to make advances to the Unemployment Trust Fund and to the Federal Unemployment Benefits and Allowances account whenever regularly available resources in those accounts are insufficient to pay unemployment compensation to individuals when due. Given the anticipated reduction in the unemployment rate, current indications are that a lesser amount than advanced will be needed for advances to the Unemployment Trust Fund and that no advances will be needed for the Federal Unemployment Benefits and Allowances account. Therefore, \$1,380,114,000 of unobligated balances are being reserved for use as needed during the remainder of FY 1978. It is determined that a portion of these funds will not be required for advances in FY 1978, a rescission will be proposed.

Estimated Effects:

This deferral action will have no effect on those covered by unemployment compensation as the funds are currently not expected to be needed for benefit or allowance payments. The funds will be released if subsequent events indicate that additional advances are necessary.

Outlay Effect:

There is no outlay effect of this deferral since the funds would not be used if made available.

1/ This account was the subject of a similar deferral in FY 1977.

The proposed transfer of funds had been submitted to the Congress as both a request for an appropriation transfer and (on September 23, 1977) a rescission proposal. The rescission proposal was made pursuant to a February 14, 1978, opinion of the Comptroller General to the effect that an action equivalent to a rescission occurs whenever it is the intention of the Administration to permanently withdraw funds from a program by requesting a transfer of budget authority. (Making a transfer request according to that view--seemed equivalent to a finding under section 1012 of the Impoundment Control Act that "budget authority will not be required to carry out the full objectives or scope of programs for which it is provided.") Accordingly, a finding requires a rescission proposal under section 1012. (Congressional action on the transfer request was not completed within the 45-day Congressional consideration period provided for rescission proposals.)

On October 28, 1977, the Comptroller General issued an opinion to the effect that "...the President should have proposed a deferral of the \$2,668 million in the LEAA account pending congressional action on the legislative request to transfer the funds." In a letter to the Acting Director of OMB, also dated October 28, 1977, GAO clarified its views regarding the relationship of transfers and rescissions. In the letter, GAO states that whether a rescission proposal or a deferral should accompany a transfer request depends on whether the funds to be transferred would or would not be needed if the transfer request was not approved by the Congress. According to GAO, a deferral report is appropriate if the funds would be used in the transferring account in the event that the Congress does not approve the transfer. If the funds would not be used in that circumstance, GAO believes that a rescission proposal should be submitted. The LEAA funds could be used in LEAA rather than be transferred. However, the uses for which the transfer is requested have a higher priority than the alternative uses in LEAA.

Estimated Effect:

LEAA funds allocated to State and local governments, but not used by them, will be transferred, providing that the transfer becomes law, for use in the Salaries and expenses accounts of General Legal Activities and the Antitrust Division.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's 1979 Budget:

1. Budget outlay estimate for FY 1978: 807.3
2. Outlay savings, if any, included in the budget outlay estimate: 0.3

Current Outlay Estimates for FY 1978:

3. Without deferral: 807.6
4. With deferral: 807.3
5. Current outlay savings (line 3 - line 4) 1/ 0.3

Outlay Savings for FY 1979 1/ 1.5

Outlay Savings for FY 1980 1/ 0.9

1/ The outlay savings shown here would be offset in an equal amount by outlay increases in the two accounts receiving the additional funds by transfer.

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D78-23A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. D78-23, transmitted to the Congress on October 3, 1977, and printed as House Document No. 93-215.

This revision reflects a change in the amount deferred from \$134,293 to \$148,123. This increase in the deferral results from an identical increase in the unobligated balance available to this program. The actual unobligated balance that developed was \$13,830 higher than originally estimated.

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Deferral No. D78-23A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1014 of P.L. 93-344

Agency: Department of Transportation Bureau: Federal Aviation Administration	New budget authority (P.L. 93-344) \$ 148,123*
Appropriation title & symbol Civil Supersonic Aircraft Development I/ Termination, 69X106	Other budgetary resources 148,123*
Civil Supersonic Aircraft Development, I/ 69X138	Total budgetary resources 148,123*
Civil Supersonic Aircraft Development, I/ 69X138	Amount to be deferred: Part of year \$ 148,123*
Civil Supersonic Aircraft Development, I/ 69X138	Entire year 148,123*
Civil Supersonic Aircraft Development, I/ 69X138	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act
Civil Supersonic Aircraft Development, I/ 69X138	<input type="checkbox"/> Other
Civil Supersonic Aircraft Development, I/ 69X138	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
Civil Supersonic Aircraft Development, I/ 69X138	<input type="checkbox"/> Contract authority
Civil Supersonic Aircraft Development, I/ 69X138	<input type="checkbox"/> Other

Coverage	Total Budgetary Resources *	Amount Deferred *
Civil Supersonic Aircraft Development	\$ 84,764	\$ 84,764
Termination, 69X106	63,359	63,359
Civil Supersonic Aircraft Development	148,123	148,123
Total	148,123	148,123

Justification:
This account finances the termination of the supersonic transport development program. The total cost of settlement of contractor claims and closeouts, airline refunds, completion of specifically designated technology programs, and necessary governmental administrative costs incidental to these activities is included. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Act of 1971 and 1972. Because of the difficulty in ending such a complex and massive undertaking, termination has taken a number of years. Settlement is being accomplished as quickly as possible consistent with the legitimate claims of the contractors and the protection of government interests.

Estimated Effects:
This deferral action has no programmatic or budgetary effect.

Outlay Effect:
There is no outlay effect of this deferral because the funds would not be used if made available.

1/ This account was the subject of a similar deferral during FY 1977.
* Revised from previous report.

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FEDERAL REGISTER, VOL. 43, NO. 22—WEDNESDAY, FEBRUARY 1, 1978

D78-26C

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of P.L. 93-344

This report revises Deferral No. D78-26B transmitted to the Congress on December 15, 1977, and printed as House Document No. 95-270.

This revision of a deferral for the Antirecession financial assistance fund in the Office of the Secretary of the Treasury increases the previously reported deferral from \$10,899,000 to \$11,148,000. This increase of \$249,000 results from waivers by various recipient jurisdictions of their grants.

Deferral No. D78-26C

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1014 of P.L. 93-344

Agency: Department of the Treasury Bureau: Office of the Secretary	New budget authority (P.L. 93-344) \$ 11,400,000,000
Appropriation title & symbol Antirecession Financial Assistance Fund 200/90106	Other budgetary resources 85,786,000*
Antirecession Financial Assistance Fund 200/90106	Total budgetary resources 11,485,786,000*
Antirecession Financial Assistance Fund 200/90106	Amount to be deferred: Part of year 4/ \$ 8,314,000*
Antirecession Financial Assistance Fund 200/90106	Entire year 4/ 2,614,000
Antirecession Financial Assistance Fund 200/90106	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act
Antirecession Financial Assistance Fund 200/90106	<input type="checkbox"/> Other
Antirecession Financial Assistance Fund 200/90106	Type of budget authority: <input checked="" type="checkbox"/> Appropriation
Antirecession Financial Assistance Fund 200/90106	<input type="checkbox"/> Contract authority
Antirecession Financial Assistance Fund 200/90106	<input type="checkbox"/> Other

Justification

This deferral represents the remaining portion of the transition quarter and FY 1977 appropriation, and a portion of the FY 1978 appropriation which the Secretary of the Treasury must hold in reserve to meet valid claims from State and local governments that past antirecession financial assistance payments to them were too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is re-allocating appropriations of entitlements of 3,000 governments for prior obligations to other governments. Accordingly, the Office of Economic Stimulus has withheld from the transition quarter, FY 1977, and the first quarter of FY 1978.

After adjusting for releases made to satisfy legitimate claims against the fund for prior entitlement periods, the cumulative unobligated reserve (the amount deferred) now totals \$21,148,000. The unobligated amount deferred in FY 1977 will be reduced whenever the Secretary determines that a lesser amount is needed to meet the unobligated liabilities against the fund. This reduction will be made by paying the additional amount to recipients as part of a regular distribution of the program.

1/ This account was the subject of a similar deferral during FY 1977.
2/ This account is the subject of another deferral, D78-50.
3/ The availability of the \$8,314,000 deferred for part of the year ends on this date. These funds will be made available in enough time to permit orderly obligation before their availability ends.
4/ These amounts do not agree with the latest SP 132. Adjustments, accounting for this difference, were made with OMB's approval in accordance with Section 46.4 of Circular A-119.
* Revised from previous report.

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SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D78-27B transmitted to the Congress on December 15, 1977, and printed as House Document No. 95-270.

This revision of a deferral for the State and local government fiscal assistance trust fund in the Office of the Secretary of the Treasury increases the previously reported deferral from \$81,732,000 to \$82,461,000. This increase of \$729,000 is the result of making a technical adjustment necessary to establish the correct amount of the deferral.

Estimated Effect

This action will postpone distribution of the amount of the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

*Outlay Effect (estimated in millions of dollars)

Comparison with President's FY 1977 Budget

- 1. Budget outlay estimate for FY 1978..... \$1,583.6
- 2. Outlay savings, if any, included in the budget outlay estimate..... 0.6

Current Outlay Estimates for FY 1978

- 3. Without deferral..... 1,586.2
- 4. With deferral..... 1,583.6
- 5. Current outlay savings (line 3 - line 4)..... 2.6

Outlay savings for FY 1978..... -2.6

*Revised from previous report.

NOTICES

DEFERRAL OF FUNDING AUTHORITY
Report Pursuant to Section 1014(c) of Public Law 93-344

Department of the Treasury	How budget authority (P.L. 95-119) is being used:	\$6,854,924,000
Office of the Secretary	Other budgetary resources	47,482,000
State and Local Government Fiscal Assistance Trust Fund 1/ 2/	Total budgetary resources	6,902,406,000*
20X8111	Amount to be deferred:	
	Part of year	5 12,414,000
	Entire year	70,047,000*

(2) Authority code: 20-8111-07-851
Type of authority: ☒ Antideficiency Act
☒ Other P.L. 92-512, P.L. 94-488 (Section 6)
Type of subject authority: ☒ Appropriation
☐ Contract authority
☐ Other
Expiration date: _____

The Secretary of the Treasury must hold in reserve an amount to meet valid claims from State and local governments that past general revenue sharing payments to them were too small. Because the total amount appropriated for all governments is fixed, the alternative to such a reserve is recurring reappropriations of entitlements of 39,170 governments for prior entitlement periods. Accordingly, the Office of Revenue Sharing withheld from obligation an amount equal to one-half of one percent of the amount appropriated for the entitlement period through FY 1975. In addition, one-half of one percent of the \$4,999,000 appropriated for general revenue sharing in the Economic Stimulus Appropriations Act, 1977 (Public Law 95-29), and the \$6,655 million in regular FY 1978 appropriations for general revenue sharing in Public Law 95-119 were also withheld from obligation.

After adjusting for releases made to satisfy legitimate claims against the fund for prior entitlement periods, the cumulative unobligated reserve (the amount deferred) now totals \$12.5 million. The unobligated amount of \$82.5 million retained in the Trust Fund will be further reduced whenever the Secretary determines the amount is adequate to meet foreseeable liabilities against the Trust Fund. The reduction will be made by paying the additional amount to recipients as part of a regular distribution of the program.

1/ This account is the subject of another deferral, D78-29.
2/ This account was the subject of a similar deferral during FY 1977.
* Revised from previous report.

Estimated Effects

This action will postpone distribution of the amount of the reserve until necessary adjustments and corrections have been identified. It will also avoid substantial confusion and complexities in the administration of the program.

*Outlay Effect (estimated in millions of dollars)

Comparison with President's FY 1979 Budget:

- 1. Budget outlay estimate for FY 1978..... \$6,825.9
- 2. Outlay savings, if any, included in the budget outlay estimate..... 70.0

Current Outlay Estimates for FY 1978

- 3. Without deferral..... 6,895.9
- 4. With deferral..... 6,825.9
- 5. Current outlay savings (line 3 - line 4)..... 70.0

Outlay savings for FY 1979..... -35.0

* Revised from previous report

NOTICES

D78-56 4410

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1014(c) of P.L. 95-119

Agency: National Science Foundation	New budget authority (P.L. 95-119)	\$ 283,200,000
Bureau:	Other budgetary resources	21,871,970
Appropriation title & symbol	Total budgetary resources	305,071,970
Research and Related Activities 1/		
49780100	Amount to be deferred:	\$
49870100	Part of year	6,900,000
	Entire year	
C.B. authorization code: 49-0100-0-1-251	Legal authority (in addition to sec. 1013)	
Grant program: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Antideficiency Act	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year (expiration date: September 30, 1979)	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification:

The funds deferred were appropriated in the Department of Housing and Urban Development--Independent Agencies Appropriation Act, 1978, for the National Science Foundation's (NSF) applied science and research applications program. The deferred amount of \$6,900,000 consists of a portion of the funds provided for several program elements. These elements include: social and behavioral sciences; physical, mathematical, and biological sciences; and three problem-oriented subelements--chemical threats to man and the environment, alternative biological sources of materials, and community water management. The NSF applied science and research applications program is undergoing an extensive review and reappraisal. This deferral action will ensure that the funds provided for these programs are prudently obligated. The funds are planned to be obligated in FY 1979.

Estimated Effects:

The deferral will result in a temporary slowing in the rate at which funds are obligated for the program elements of the applied science and research applications programs, as discussed above.

- 1/ This account is the subject of another deferral, D78-46.
2/ None of these funds are deferred.

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Outlay Effect: (estimated in millions of dollars)

Comparison with President's FY 1979 Budget:	
1. Budget outlay estimate for FY 1978.....	744.7
2. Outlay savings, if any, included in the budget outlay estimate.....	4.1
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3. Without deferral.....	748.8
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FEDERAL REGISTER, VOL. 43, NO. 22--WEDNESDAY, FEBRUARY 1, 1978

D78-41A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D78-41 transmitted to the Congress on October 3, 1977, and printed as House Document No. 95-235.

This revision of a deferral for the U.S. Information Agency increases the previously reported deferral from \$1,153,000 to \$1,653,000. This increase of \$500,000 results from a decrease of \$414,000 in the projected operating requirements of the program and an increase of \$86,000 in the unobligated balances carried into fiscal year 1978.

Deferral No: D78-41A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1014(c) of P.L. 93-344

Agency: U.S. Information Agency	New budget authority (P.L. 95-86)	\$ 2,057,000
Bureau:	Other budgetary resources	3,842,000*
Appropriation title & symbol	Total budgetary resources	10,899,000*
Salaries and Expenses (Special Foreign Currency Program) 1/		
67X0101	Amount to be deferred:	
	Part of year	\$
	Entire year	1,653,000*
C.B. authorization code: 67-0101-0-1-153	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year (expiration date:)		

Justification:

The United States Information Agency is authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), Reorganization Plan No. 8 of 1953, the National Defense Education Act of 1958 (20 U.S.C. 2651 et seq.), and Executive Order No. 11034 of June 25, 1962, as amended, to disseminate information abroad about the United States, its people, and its policies.

The Foreign Relations Authorization Act, Fiscal Year 1978 (Public Law 95-105, approved August 17, 1977) authorized to be appropriated for fiscal year 1978, \$269,286,000 for "Salaries and expenses" and "Salaries and expenses (special foreign currency program)" for USIA. The Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1978, (Public Law 95-86, approved August 3, 1977) appropriated \$7,057,000, to remain available until expended, for the "Salaries and expenses (special foreign currency program)" account. The account is used for payment of USIA local program expenses in U.S.-owned foreign currencies in those countries where the Department of the Treasury determines that the supply of local currency is in excess of the normal requirements of the U.S. Government. In fiscal year 1978, the "excess" currency countries are: Burma, Guinea, India, Pakistan, and Egypt. It was estimated in the 1978 Budget that additional budgetary resources of \$2,694,000 would be available for 1978 from prior year unobligated balances brought forward, recovery of prior year obligations, and anticipated reimbursements from other agencies. Thus, total obligations of \$9,755,000 were planned for 1978 in the 1978 Budget.

- 1/ This account was the subject of a similar deferral during FY 1977.
* Revised from previous report.

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D78-41A

It is now estimated that the 1978 beginning-of-year unobligated balance for this account, plus anticipated recoveries and reimbursements from other agencies, will amount to \$3,442,000, or \$1,144,000 more than the sum estimated in the 1978 Budget. The additional unobligated balances were realized primarily from program reductions in India and added recovery of prior year obligations. Other resource adjustments will further reduce requirements in 1978 by \$599,000 resulting in a total program of \$9,446,000. Since total availabilities of \$10,849,000 in this account for 1978 exceed program requirements by \$1,653,000, that amount has been deferred for the entire year. These funds will be available for use in 1979, reducing the need for new appropriations in 1979 accordingly.

These funds are being reserved in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects

None. The amount deferred could not be obligated before fiscal year 1979.

Outlay Effect

There is no outlay effect of this deferral, because the funds would not be obligated if made available.

[FR Doc. 78-2888 Filed 1-30-78; 2:43 pm]

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30-year Reference Volumes
Consolidated Indexes and Tables

Presidential Proclamations and Executive Orders

Consolidated subject indexes and tabular finding aids to Presidential proclamations, Executive orders, and certain other Presidential documents promulgated during a 30-year period (1936-1965) are now available in two separately bound volumes, published under Title 3 of the Code of Federal Regulations, priced as follows:

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Title 3, 1936-1965 Consolidated Tables..... \$5. 25

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Order from Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

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THURSDAY, FEBRUARY 2, 1978



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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended: 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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FEDERAL REGISTER, VOL. 43, NO. 23—THURSDAY, FEBRUARY 2, 1978

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

CUMULATIVE LIST OF PARTS AFFECTED DURING FEBRUARY

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[3195-01]

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PROCLAMATION 4548

National Defense Transportation Day and National Transportation Week, 1978

By the President of the United States of America

A Proclamation

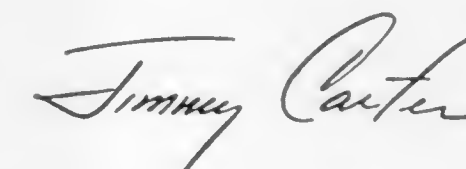
The United States is a Nation dependent on mobility. Transportation helps maintain our prosperity, ensure our national defense, and bind us together as a people. An efficient transportation network is important to maintain our quality of life and help our Nation conserve precious petroleum.

Recognizing the fundamental relationship between transportation and our Nation's welfare, the Congress has requested the President to proclaim annually the third Friday in May as National Defense Transportation Day and the week in which that day falls as National Transportation Week (71 Stat. 30, 36 U.S.C. 160; 76 Stat. 69, 36 U.S.C. 166).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Friday, May 19, 1978, as National Defense Transportation Day, and the week beginning May 14, 1978, as National Transportation Week.

I urge the Governors of our States and other appropriate officials, organizations concerned with transportation, and the people of the United States to join with the Department of Transportation in observing this day and week.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.



[FR Doc. 78-3030 Filed 1-31-78; 3:39 pm]

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THE PRESIDENT

4415

[3195-01]

Executive Order 12037

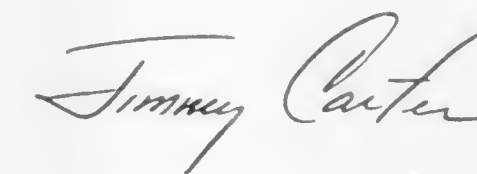
January 31, 1978

Exemption of G. Joseph Minetti From Mandatory Retirement

G. Joseph Minetti, Member, Civil Aeronautics Board, became subject to mandatory retirement for age on July 31, 1977, under the provisions of Section 8335 of Title 5 of the United States Code unless exempted by Executive Order. Mr. Minetti was exempted from mandatory retirement until September 30, 1977, by Executive Order No. 12006 of July 29, 1977, until October 31, 1977, by Executive Order No. 12011 of September 30, 1977, and until January 31, 1978, by Executive Order No. 12016 of October 31, 1977.

In my judgment, the public interest requires that G. Joseph Minetti continue to be exempted from such mandatory retirement.

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of Section 8335 of Title 5 of the United States Code, I hereby exempt G. Joseph Minetti from mandatory retirement until May 1, 1978.



THE WHITE HOUSE,
January 31, 1978.

[FR Doc. 78-3088 Filed 2-1-78; 10:43 am]

FEDERAL REGISTER, VOL. 43, NO. 23—THURSDAY, FEBRUARY 2, 1978

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 428, Amdt. 1; Navel Orange Reg. 429]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be ped to market during the period February 3-9, 1978, and increases the quantity of such oranges that may be so shipped during the period January 27-February 2, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective February 3, 1978, and the amendment is effective for the period January 27-February 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an

orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

The committee met on January 31, 1978 to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges continues at about the same level as during the past 2 weeks.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 907.729 Navel Orange Regulation 429.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 3, 1978, through February 9, 1978, are established as follows:

- (1) District 1: 949,000 cartons;
- (2) District 2: 351,000 cartons;
- (3) District 3: unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

Paragraphs (a) (1), (2), and (3) in § 907.728 Navel Orange Regulation 428 (43 FR 3543), is hereby amended to read:

§ 907.728 Navel Orange Regulation 428.

• • • • •

(a) • • •

- (1) District 1: 1,049,000 cartons;
- (2) District 2: 351,000 cartons;
- (3) District 3: unlimited movement.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: February 1, 1978.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-3114 Filed 2-1-78; 11:31 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER K—PROPERTY MANAGEMENT

[FmHA Instruction 1955-A]

PART 1955—REAL ESTATE AND CHATTEL PROPERTIES

Liquidation of Loans and Acquisition of Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation to remove reference to the top portion of Form FmHA 465-6 and to make editorial changes. Amendments result from the revision of Form FmHA 465-6, "Advice of Mortgaged Real Estate Acquired." The intended effect of this action is to amend references pertaining to closing instructions and allowable credit on acquired mortgaged real estate.

EFFECTIVE DATE: This amendment is effective February 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. R. M. Yates, 202-447-3752.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration amends §§ 1955.10 and 1955.15 of Subpart A, Part 1955 of Title 7 in the Code of Federal Regulations (41 FR 32698; 42 FR 44715). The amendments are editorial in nature pertaining specifically to changes in references resulting from the revision of form FmHA 465-6, "Advice of Mortgaged Real Estate Acquired," as noted in the

amendatory language preceding §§ 1955.10 and 1055.15.

It is the policy of this Department that rules relating to public property, loans, grants, benefits or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since they are basically editorial changes and any delay would be contrary to the public interest. Accordingly, §§ 1955.10 (h) and (j); 1955.15(d) (12), (15), and (17) as amended read as follows:

1. In § 1955.10, paragraph (h)(3) is amended to correct two references; paragraph (j)(2) is amended to delete reference to the top portion of Form FmHA 465-6; paragraphs (j) (3) and (4) are amended to correct typographical errors, to insert the title for Form FmHA 451-2, and to add a reference to Form FmHA 465-8, as follows:

§ 1955.10 Voluntary conveyance of real estate and related security.

(h) Closing of conveyance.

(3) Property insurance. Property insurance will be handled in accordance with § 1806.4(b) of this Chapter (FmHA Instruction 426.1, paragraph IV B). Ordinarily fidelity bond coverage will be dropped. However, in individual cases such as when a manager will continue to operate the facility under a management agreement contract in accordance with § 1955.63(a)(2) of FmHA Instruction 1955-B and will be handling a substantial amount of revenue, the State Director may require a performance bond as a contract provision.

(j) Indebtedness and inventory records.

(2) Completing Form FmHA 465-6, "Advice of Mortgaged Real Estate Acquired." Immediately after the transaction is closed in accordance with the closing instructions and the amount of credit to be allowed on the account is determined, the County Supervisor will complete and send Form FmHA 465-6 to the Finance Office with a copy to the State Director. The value of acquired real property entered into the inventory account in all cases will be the present market value. The County Supervisor will inventory and appraise acquired personal property and submit a list of this property to the Finance Office with Form FmHA 465-6.

(3) Leases. (i) The County Supervisor will send a copy of any assigned agriculture mineral, or other lease on the property to the Finance Office with Form FmHA 465-6. If an oral lease on the property or on a portion of it existed, a new lease will be executed in writing on Form FmHA 465-2, "Lease of Security Property," or other form approved by OGC. The lessee and the County Supervisor (for FmHA lessor) will execute the form. The County Supervisor will assign a number to the lease. This number for an individual will consist of the FmHA State and County Codes, the last digit of the fiscal year, and a sequential number beginning with 001, e.g. 48-71-6-001. Each fiscal year the sequential number will begin again with 001. For an organization or business it will be the FmHA State and County Code and Internal Revenue Service employer number. The County Supervisor will send a copy of the lease to the Finance Office. After assigning an advice number to Form FmHA 465-6, the Finance Office will advise the County Supervisor by memorandum, with a copy to the State Director, of such identification of the inventory property and lease.

(ii) The County Supervisor will collect payments due and payable after the Government inventory conveyance is closed and forward them to the Finance Office as miscellaneous collections in accordance with the Forms Manual Insert (FMI) for Form FmHA 451-2, "Schedule of Remittances." Receipts for collections made in accordance with this Subpart will be issued to: "Lease proceeds from property formerly owned by (borrower's name and case number) and leases to (name of lessee)."

(4) Satisfied account. The Finance Office or the County Supervisor, as appropriate, will stamp the borrower's note "Satisfied by surrender of security and release from liability," when the account is fully satisfied. The County Supervisor will release the lien of record and deliver the satisfied note and Form FmHA 465-8, "Release from Personal Liability," to the borrower.

2. In § 1955.15, paragraph (d)(12) is amended to delete reference to the top portion of Form FmHA 465-6; paragraph (d) (15) and (17) are amended to correct procedural references and typographical errors, as follows:

§ 1955.15 Foreclosure of loans secured by real estate. . . .

(d) Approval of foreclosure. . . .

(12) Completion of Form FmHA 465-6. If FmHA is the successful bidder at the foreclosure sale, the County Su-

pervisor will complete and forward Form FmHA 465-6 to the Finance Office. The form will be completed without waiting for the final report on acquired property from OGC and will be dated as of the day of the sale.

(15) Deficiency judgment. (i) If a deficiency judgment is obtained in accordance with paragraph (b)(2) of this section, the account will be classified as a judgment case and the County Supervisor will send Form FmHA 455-20, "Notice of Judgment," to the Finance Office. The account will be serviced in accordance with § 1930.49(e), Subpart A of Part 1930 of this Chapter. When action to obtain a deficiency judgment is pending at the time Form FmHA 465-6 is sent to the Finance Office, the action will be indicated on the form.

(ii) If a deficiency judgment is not obtained and the debt cannot be settled under Part 1864 of this Chapter (FmHA Instruction 456.1), the County Supervisor will submit Forms FmHA 404-1 and FmHA 450-10 to the Finance Office to reclassify the account to collection only in accordance with FmHA Instruction 404.1, available in all FmHA offices.

(17) Cancellation of foreclosure action. If the State Director determines that circumstances have changed and foreclosure is no longer necessary, the State Director may stop foreclosure and reinstate the loan account if the case has not been sent to OGC. If the case has been sent to OGC, the State Director may request OGC to stop foreclosure. The State Director will reinstate the loan account after being notified that foreclosure has been stopped. In either case, the borrower, County Supervisor, Finance Office, and OGC, if previously consulted, will be informed of any action taken.

(7 U.S.C. 1989, 42 U.S.C. 1480, 42 U.S.C. 2942, 5 U.S.C. 301, sec. 10 Pub. L. 93-357, 88 Stat. 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70, delegations of authority by Director, OEO, 29 FR 14764, 33 FR 9850.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 26, 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.
[FR Doc. 78-2968 Filed 2-1-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM

[Reg. Z; Docket Nos. R-0087, R-0093]

PART 226—TRUTH IN LENDING

Amendment to Regulation Z Concerning
Descriptive Billing Requirements

JANUARY 26, 1978.

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board hereby adopts an amendment to Regulation Z relating to descriptive billing of nonsale transactions, such as cash advance check transactions, on open end credit accounts. In lieu of disclosing the date of the cash advance check transaction or the date which appears on the document or instrument evidencing the transaction (if the customer signed the document or instrument), the amendment permits creditors to disclose the date of debiting the transaction to the customer's account, provided that the creditor treats any subsequent inquiry from the customer related to the transaction as a billing error and an erroneous billing under the provisions of the Fair Credit Billing Act. The purpose of the amendment is to facilitate compliance with the descriptive billing provisions of Regulation Z by creditors who have experienced operational difficulties in disclosing transaction dates, while assuring that customers may obtain, without cost, clarification as to the transaction to which a debiting date relates if there is difficulty in determining that information from a periodic statement which discloses only the debiting date. Under the amendment, creditors that disclose the debiting date must reasonably identify it as such. Creditors with the capability of disclosing the date of the transaction or the date which appears on the document or instrument evidencing the transaction (if the customer signed the document or instrument) are permitted to do so.

EFFECTIVE DATE: March 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3946.

SUPPLEMENTARY INFORMATION: Section 226.7(k)(3)(ii) of Regulation Z, which was to have become fully effective on October 28, 1977, would have

required, in connection with descriptive billing of nonsale credit transactions, that creditors disclose the date of the transaction or the date which appears on the document or instrument evidencing the transaction (if the customer signed the document or instrument). Prior to the effective date of § 226.7(k)(3)(ii), certain creditors petitioned the Board to provide an alternative to that requirement which would allow them to substitute for disclosure of the transaction date the date on which a nonsale credit transaction, particularly a cash advance check transaction, is debited to a customer's account. These creditors asserted that requiring disclosure of the transaction date or the date on the document would give rise to serious operational difficulties.

In response to the concerns and asserted difficulties engendered by § 226.7(k)(3)(ii), the Board suspended the effective date of that section of Regulation Z until March 28, 1978, and on October 4, 1977, published for comment (42 FR 53969) a proposed amendment to the regulation which it now adopts in final form.

This amendment to § 226.7(k)(3)(ii) permits creditors to disclose on their periodic descriptive billing statements the date on which a nonsale credit transaction is debited to a customer's account rather than the date of the transaction or the date on the document or instrument evidencing the transaction. If a creditor elects to disclose only the debiting date, it must treat any subsequent inquiry by a customer seeking clarification of a transaction as a billing error and an erroneous billing under the provisions of the Fair Credit Billing Act and Regulation Z. Upon receipt of such an inquiry, in proper written form, the creditor is required to resolve the error and to supply documentary evidence of the transaction whether or not the customer requests it, and the creditor is prohibited from collecting any finance charge or other charge that accrues in connection with the transaction as a result of the error.

Comments received by the Board tend to support the earlier assertions regarding the difficulty of capturing and disclosing a transaction date or the date appearing on the credit document for cash advance check transactions. Furthermore, commenters provided data which tend to confirm that cash advance transactions on open end accounts are relatively infrequent and substantially larger in amount than other transactions on such accounts. Therefore, the Board believes that adoption of the amendment to § 226.7(k)(3)(ii) will facilitate compliance with the regulation by creditors while not unduly hampering consumers' understanding of the transaction activity reflected on their periodic de-

scriptive billing statements. Because of the relative infrequency of cash advance transactions and the relatively large amounts involved in such transactions when compared with other transactions, the Board anticipates that consumers will, in most instances, be able to identify cash advance transactions from a description containing the debiting date and the other information required to be disclosed. In those instances where a creditor discloses the debiting date of a nonsale credit transaction rather than the date of the transaction or the date on the document evidencing the transaction and a customer has an inquiry regarding the transaction, the Board believes that the amended § 226.7(k)(3)(ii) will enable the customer to obtain sufficient information to clarify any questions he or she may have without incurring additional charges caused by a delay in paying due to an inability to identify the transaction.

The final sentence of the amendment to § 226.7(k)(3)(ii) provides that, "If the debiting date is disclosed, it must be reasonably identified as such on the periodic statement." Some comments received by the Board questioned the need for this requirement. The purpose of this provision is twofold: (1) to eliminate the possibility of confusion which might result when debiting dates for some transactions appear on a periodic statement on which transactions are identified by another date, such as the date of the transaction; and (2) to provide consumers with an indication as to the relevance of the date which is disclosed in connection with nonsale credit transactions on a periodic statement which discloses only the debiting dates of such transactions.

Therefore, pursuant to the authority granted in 15 U.S.C. § 1604 (1970), the Board hereby amends § 226.7(k)(3)(ii) of Regulation Z, 12 CFR Part 226, as follows (inasmuch as footnote 9(e) to § 226.7(k)(3)(ii) is unaffected by this amendment, the text of the footnote is not reproduced below):

§ 226.7 Open end credit accounts—specific disclosures.

(k)
(3)

(ii) A description of the transaction, which characterizes it as a cash advance, loan, overdraft loan, or other designation as appropriate, and which includes the amount of the transaction and the date of the transaction or the date which appears on the document or instrument evidencing the transaction (if the customer signed the document or instrument), or the date of debiting the amount to the account, provided that if only the debiting date is disclosed and the customer

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DRAFTING INFORMATION

submits a proper written notification of a billing error related to the transaction, the creditor shall treat such inquiry as a billing error under §§ 226.2(j) and 226.14, and as an erroneous billing under § 226.14(b), and shall supply documentary evidence of the transaction whether or not the customer requests it, within the time period allowed under § 226.14 for resolution of a billing error without charge to the customer. If the date of debiting is disclosed, it must be reasonably identified as such on the periodic statement.

By order of the Board of Governors,
January 25, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-2955 Filed 2-1-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 77-NW-30-AD, Amdt. 39-3132]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707-300/300B/300C/400 Series
Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment to Airworthiness Directive (AD) 78-01-04 Amdt. 39-3112 clarifies that inspections are to be conducted on the horizontal stabilizer center section.

EFFECTIVE DATE: March 1, 1978.

ADDRESSES: Boeing service bulletins specified in this directive may be obtained upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Harold N. Wantiez, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: AD 78-01-04 Amendment 39-3112, neglected to specify that the center section to be inspected is that of the horizontal stabilizer. The Amendment is amended to add "Horizontal Stabilizer" in the first sentence of the AD.

This AD was coordinated with the Boeing Co. and the operators through the Air Transport Association (ATA) prior to issuance.

The principal authors of this document are Harold N. Wantiez, Engineering and Manufacturing Branch, FAA Northwest Region, and Jonathan Howe, Regional Counsel, FAA Northwest Region.

Since this Amendment is for clarification purposes only, it is found that notice and public procedure thereon are impracticable and good cause exists for making this Amendment effective in less than 30 days.

ADOPTION OF THE AMENDMENT

Accordingly, § 39.13 of the Federal Aviation Regulation (14 CFR Part 39), Amendment 39-3112 is amended as follows: Change the first sentence of the AD to read "Visually inspect the horizontal stabilizer center section rear spar upper chord . . ."

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This Amendment becomes effective March 1, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring the preparation of an Economic Impact Statement under Executive Order 11949, and OMB Circular A107.

Issued in Seattle, Wash., on January 23, 1978.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 78-2758 Filed 2-1-78; 8:45 am]

[4910-13]

[Docket No. 77-EA-53; Amdt. 39-3111]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of effective date.

SUMMARY: On page 1295 of the FEDERAL REGISTER for January 9, 1978 (43

FR 1295) the agency published a rule AD 78-01-05 with an effective date of January 9, 1978, which would not comply with the 30-day notice requirement of Section 553(d) of the Administration Procedure Act, S.C. 553(d). The effective date is being corrected to allow for such 30-day notice.

CORRECTED EFFECTIVE DATE: February 9, 1978. Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by deleting the effective date of January 9, 1978, and inserting in lieu thereof February 9, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, N.Y., on January 19, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 78-2760 Filed 2-1-78; 8:45 am]

[4910-13]

[Docket No. 17564; Amdt. 39-3133]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation, Ltd., DH/BH/HS-125 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action published in the FEDERAL REGISTER and makes effective as to all persons an amendment to an existing airworthiness directive and a new airworthiness directive which were previously made effective as to known operators of certain Hawker Siddeley Avon Ltd., Model DH/BH/HS-125 series airplanes by individual telegrams dated December 1, 1977. The new AD requires repetitive dye penetrant inspections of the lugs of the flap outer hinge assembly fittings on DH/BH/HS-125 series airplanes for cracks and replacement of cracked fittings to prevent the possible loss of a flap. The amendment to the existing AD relieves those operators required to comply with the new AD from compliance with related provisions existing in the AD being amended. These actions were based on service experience.

DATES: Effective February 16, 1978, except with respect to certain persons specified in the body of the AD. Com-

pliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable telegraphic alert service bulletin 57-A54 dated November 16, 1977, may be obtained from: Hawker Siddeley Aviation, Inc., Suite 206, Blake Building, 1025 Connecticut Avenue NW., Washington, D.C. 20036, telephone 202-223-9350.

A copy of the telegraphic alert service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Pursuant to the authority delegated by the Administrator a new AD and an amendment to Amendment 39-1676 (38 FR 16348), AD 73-13-10, were adopted on December 1, 1977, and made effective immediately by telegram as to all known operators of certain Hawker Siddeley Aviation, Ltd., Model DH/BH/HS-125 series airplanes. AD 73-13-10 in part requires repetitive inspections of the fittings of the flap outer hinge assembly of Model DH/BH/HS-125 series airplanes for cracks using a magnifying glass. The AD also requires the replacement of cracked fittings unless specified conditions are met. After the issuance of AD 73-13-10 a number of additional cracked fittings were reported. Based on these reports the FAA determined that dye penetrant inspections of the fittings are necessary for improved crack detection and that continued operation with cracked fittings could lead to fitting failures and possible loss of a flap.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the new AD and the amendment to the existing AD effective immediately as to all known operators of Hawker Siddeley Model DH/BH/HS-125 series airplanes by individual telegrams. These conditions still exist and the new AD and the amendment to the existing AD are hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make them effective as to all persons.

DRAFTING INFORMATION

The principal authors of this document are F. Kelley, Flight Standards Service, and S. Podberesky, Office of the Chief Counsel.

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ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

1. By amending Amendment 39-1676 (38 FR 16348), AD 73-13-10, by adding a new paragraph (f) that reads: "(f) Paragraphs (b), (c), and (d) of this AD do not apply to airplanes required to comply with the new AD issued December 1, 1977, by telegram."

2. By adopting a new AD to read as follows:

HAWKER SIDDELEY AVIATION, LTD. Applies to Model DH/BH HS-125 series airplanes, all series up to and including the 600A S/N 256035, certificated in all categories.

Compliance is required as indicated. To prevent the possible loss of a flap, accomplish the following:

(a) Before further flight, unless already accomplished, except that the airplane may be flown in accordance with FAR 21.197 and FAR 21.199 to a base where the work can be accomplished, inspect the external surface of the lugs of the flap upper attachment fittings (P/N 25-WF 89A) and the flap lower hinge arm fittings (P/N 25-WF 87-8A or 25-WF 187-8A) for cracks using a dye penetrant method in accordance with the instructions contained in paragraph 3 of Hawker Siddeley Aviation, Ltd., telegraphic alert service bulletin 57-A54 dated November 16, 1977, or an FAA-approved equivalent.

(b) If a crack is found in any lug of either of the fittings, before further flight, replace the cracked fitting with a new part of the same part number and continue to inspect the area in accordance with paragraph (a) of this AD at intervals not to exceed 3 months from the last inspection.

(c) If no cracks are found in either of the fittings, re-protect and re-assemble the fittings and continue to inspect the area in accordance with paragraph (a) of this AD at intervals not to exceed 3 months from the last inspection.

This amendment is effective February 16, 1978, as to all persons except those persons to whom it was made immediately effective by the telegram dated December 1, 1977, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 24, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-2764 Filed 2-1-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-RM-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA, LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration and Designation of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters VOR federal airway identified as V-170 and designates VOR federal airway identified as V-344 in the vicinity of Aberdeen, S. Dak. This amendment improves air traffic service to the system users tgh more direct routings with charted radials, distances and minimum enroute altitudes.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On December 22, 1977, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter federal airway V-170 and to designate a federal airway (V-344) in the vicinity of Aberdeen, S. Dak. (42 FR 64128). Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. We received one response to the NPRM in which the commenter posed no objection to the proposal. Section 71.123 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 307).

THE RULE

This amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) adopts the airspace action proposed in the NPRM (42 FR 64128).

DRAFTING INFORMATION

The principal authors of this document are Mr. Richard Huff, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 307) is amended, effective 0901 G.m.t., March 23, 1978, as follows:

§ 71.123 [Amended]

In V-170 "From Aberdeen, S. Dak.," is deleted and "From Devils Lake, N. Dak., via Jamestown, N. Dak.; Aberdeen, S. Dak.," is substituted therefor. In addition, the following note is added: "That airspace 11,000 feet MSL and below is excluded between Jamestown VORTAC and the Devils Lake VORTAC during the time that the Devils Lake East Military Operations Area is activated by NOTAM."

"V-344 From Dupree, S. Dak., Aberdeen, S. Dak.; Fargo, N. Dak." is added.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 26, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.
[FR Doc. 78-2763 Filed 2-1-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-GL-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Homer, Ill., to accommodate a new NDB instrument approach procedure into the Homer Airport, Homer, Ill.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled

airspace in this area will be lowered from 1200' above ground to 700' above ground. The circumstance which created this action was a request from Homer Airport officials to provide that facility with instrument approach capability. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 56343 of the FEDERAL REGISTER dated October 25, 1977, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Homer, Ill. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 23, 1978, as follows:

In § 71.181 (43 FR 440), the following transition area is added:

HOMER, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Homer Airport (latitude 40°01'35" N., longitude 87°57'10" W.); and within 3 miles each side of the 151° bearing from the Homer Airport, extending from the 5-mile radius area to 8.5 miles southeast of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61, Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill., on January 19, 1978.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

[FR Doc. 78-2762 Filed 2-1-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-GL-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near Harrison, Ohio, to accommodate a new instrument approach procedure into the Harrison Ohio Municipal Airport.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1,200 feet above ground to 700 feet above ground. The circumstance which created this action was a request from Harrison Airport officials to provide that facility with instrument approach capability.

The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure

which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

DISCUSSION OF COMMENTS

On page 57970 of the FEDERAL REGISTER, dated November 7, 1977, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Harrison, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rulemaking.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective March 23, 1978, as follows:

In § 71.181 (43 FR 440), the following transition area is added:

HARRISON, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Harrison Airport (latitude 39°15'50" N., longitude 84°47'04" W.); Harrison, Ohio, and within 3.6 miles on each side of the 347° bearing from the airport reference point extending from the 5-mile radius to 9.5 miles north of the airport excluding that portion which overlies the Oxford, Ohio, transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61, Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill., on January 20, 1978.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

[FR Doc. 78-2761 Filed 2-1-78; 8:45 am]

[8320-01]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

PAYMENT OF AUTOMOBILE ALLOWANCE

AGENCY: Veterans' Administration.

ACTION: Final regulation.

SUMMARY: The Veterans' Administration is amending its regulation governing payment of the automobile allowance. The need for this amendment results from enactment of a new law. Prior to enactment of the new law, the automobile allowance was not payable based on disability incurred in or aggravated during service prior to September 16, 1940. Now the automobile allowance is payable to any veteran who incurred the requisite degree of disablement during any period of service. The effect of this change is to implement the new law.

EFFECTIVE DATE: This change is effective October 1, 1977, the effective date, set forth in Pub. L. 95-116, 91 Stat. 1062.

FOR FURTHER INFORMATION CONTACT:

T. H. Spindle (211B) 202-389-3005.

SUPPLEMENTARY INFORMATION: On page 59390 of the FEDERAL REGISTER of November 17, 1977, there was published a notice of proposed regulatory development to amend § 3.808 governing the payment of the automobile allowance.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation. No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Approved: January 25, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 3.808, paragraphs (a) and (b)(1) (introductory portion preceding subdivision (i)) are revised to read as follows:

§ 3.808 Automobiles or other conveyances; certification.

A certification of eligibility for financial assistance in the purchase of one automobile or other conveyance in an amount not exceeding \$3,300 (including all State, local, and other taxes where such are applicable and

included in the purchase price) and of basic entitlement to necessary adaptive equipment will be made where the claimant meets the requirements of paragraphs (a), (b) and (c) of this section.

(a) Service. The claimant must have had active military, naval or air service.

(b) Disability. (1) One of the following must exist and be the result of injury or disease incurred or aggravated during active military, naval or air service;

[FR Doc. 78-2809 Filed 2-1-78; 8:45 am]

[8320-01]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

FORMER MEMBERS OF ARMED FORCES OF CZECHOSLOVAKIA AND POLAND—ELIGIBILITY

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration is amending its regulations to provide authority for determining whether certain former members of the armed forces of Czechoslovakia and Poland are eligible for VA medical care. A new law directs the Veterans Administration to furnish hospital and domiciliary care and medical services to such persons who participated in armed conflict with an enemy of the United States and have been United States citizens for 10 years or more to the same extent as if they had served in the Armed Forces of the United States. This requires a determination of service connection for the condition for which treatment is claimed. The effect of this change is to provide authority to make determinations of service connection in claims for medical benefits under the law.

EFFECTIVE DATE: This VA Regulation is effective October 14, 1976, the effective date of Pub. L. 94-491.

FOR FURTHER INFORMATION CONTACT:

T. H. Spindle (211B), 202-389-3005.

SUPPLEMENTARY INFORMATION: On page 60167 of the FEDERAL REGISTER of November 25, 1977, there was published a notice of proposed regulatory development to issue § 3.359 which provides authority for determining whether certain former members of the armed forces of Czechoslovakia and Poland are eligible for VA medical care.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation. No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Approved: January 27, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In 38 CFR Chapter I, Part 3, § 3.359 is added to read as follows:

§ 3.359 Determination of service connection for former members of the armed forces of Czechoslovakia or Poland.

Rating boards will determine whether or not the condition for which treatment is claimed by former members of the Armed Forces of Czechoslovakia or Poland under 38 U.S.C. 109(c) is service connected. This determination will be made using the same criteria that applies to determinations of service connection based on service in the Armed Forces of the United States.

[FR Doc. 78-2910 Filed 2-1-78; 8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 187]

PART 1-9—PATENTS, DATA, AND COPYRIGHTS

Patents

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The Federal Procurement Regulations (FPR) are amended to provide for the use of Institutional Patent Agreements in contracts with universities and nonprofit organizations. The Committee on Intellectual Property and Information, Federal Coordinating Council for Science, Engineering, and Technology, recommended that universities and nonprofit organizations with satisfactory technology transfer programs be granted rights to inventions made under contracts with Federal agencies. Institutional Patent Agreements permit those institutions to retain the rights to inventions and related patents that result from such contracts.

EFFECTIVE DATE: March 20, 1978, but may be observed earlier.

FOR FURTHER INFORMATION CONTACT:

Phillip G. Read, Director of Federal

Procurement Regulations, 703-557-8947.

SUPPLEMENTARY INFORMATION: This amendment prescribes changes in §§ 1-9.107-4, 1-9.107-6, and 1-9.109-7 of the FPR.

The table of contents for subpart 1-9.1, Patents, is amended to change an item and add an item as follows:

Sec.
1-9.107-6 Clauses for domestic contracts (short form) and Institutional Patent Agreements.

1-9.109-7 Negotiation of Institutional Patent Agreements.

Subpart 1-9.1—Patents

Section 1-9.107-4 is amended to add paragraph (a)(6) as follows:

§ 1-9.107-4 Procedures.

(a) * * *

(6) In accordance with the language regarding exceptional circumstances in § 1-9.107-3(a) and/or the language regarding special situations in § 1-9.107-3(c), agencies may enter into Institutional Patent Agreements (see § 1-9.107-6(c)) with universities and nonprofit organizations having technology transfer programs meeting the criteria of § 1-9.109-7(b). The agreements permit those institutions, subject to certain conditions, to retain the entire right, title, and interest in inventions made in the course of their contracts. When such an agreement has been made with a university or nonprofit organization, it shall be made applicable to each contract with the institution in lieu of the Patent Rights clauses in § 1-9.107-5 and § 1-9.107-6, unless a determination has been made to exclude the contract from the agreement.

Section 1-9.107-6 is amended to change the title and add a new paragraph (c) as follows:

§ 1-9.107-6 Clauses for domestic contracts (short form) and Institutional Patent Agreements.

(c) *Patent Rights—Institutional Patent Agreement.* (1) When an agency has determined in accordance with § 1-9.109-7 that a university or a nonprofit organization should receive an agreement as authorized by § 1-9.107-4(a)(6), an agreement substantially as set forth in paragraph (c)(2) of this § 1-9.107-6 shall be used. The agreement shall be appropriately completed as indicated in the numbered notes appearing at the end of the agreement. Changes may be made in the agreement but shall be limited to changes required by applicable statutes or by special administrative needs. However, agencies shall endeavor to insure that

agreements continue to include at least the following features:

(i) A requirement for the prompt reporting of all inventions to the applicable agency along with an election of rights;

(ii) Reservation of all rights specified in § 1-9.107-3 (e) through (h);

(iii) A requirement that the institution make such inventions available on a nonexclusive basis except where the desired practical or commercial application has not been achieved or is not likely to be expeditiously achieved through licensing;

(iv) A condition limiting any exclusive license to a period not substantially greater than necessary to provide the incentive for bringing the invention to the point of practical or commercial application and to permit the licensee to recoup its costs and a reasonable profit thereon;

(v) A restriction that royalty charges be limited to what is reasonable under the circumstances or reasonable within the industry involved;

(vi) A requirement that the institution's royalty receipts, after payment of administrative costs and payments to inventors, be utilized for educational or research purposes;

(vii) A provision permitting the agency to exclude individual contracts from the operation of the agreement;

(viii) A requirement for progress reports after designated periods;

(ix) A prohibition against assignment of inventions without Government approval to persons or organizations, other than assignments to approved patent management organizations subject to all the conditions of this paragraph (c)(1); and

(x) A provision permitting the agreement to be terminated by either party upon 30 days written notice.

(2) The Institutional Patent Agreement prescribed for use is as follows:

INSTITUTIONAL PATENT AGREEMENT

This Agreement is made and entered into by and between the United States of America as represented by the _____ (1), hereinafter referred to as the "Agency," and _____ hereinafter referred to as the "Institution."

Whereas, in accordance with the President's Memorandum and Statement of Government Patent Policy dated August 23, 1971, and the provisions of 41 CFR 1-9.107-4(a)(6), it has been determined that the Institution has a technology transfer program meeting the criteria of 41 CFR 1-9.109-7 in that the Institution's patent policy as set forth in _____ (2), and its technology transfer practices have been reviewed and found acceptable; and

Whereas, the Institution is desirous of entering into an agreement whereby it may retain the entire right, title, and interest in and administer inventions made in the course of or under research supported by the Agency, subject to certain rights acquired by the Government;

Now, therefore, in consideration of the foregoing, the parties hereto agree as follows:

(a) *Scope of Agreement.* This Agreement defines the rights of the parties hereto regarding the allocation of rights in subject inventions made under contracts with the agency entered into after the execution of the Agreement except such contracts as may be specifically excluded by the Agency.

(b) *Definitions.* (1) "Subject Invention" means any invention or discovery of the Institution or its contractors conceived or first actually reduced to practice in the course of or under a contract with the Agency, and includes any art, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, and any variety of plant, which is or may be patentable under the patent Laws of the United States of America or any foreign country.

(2) "Contract" means any contract (agreement, grant, or other arrangement) (4) or subcontract thereunder of the agency entered into with or for the benefit of the Government, where a purpose of the contract is the conduct of experimental, developmental, or research work.

(3) "States and domestic municipal governments" means the States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, and any political subdivision and agencies thereof.

(4) "To bring to the point of practical application" means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine and under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(5) "Made," when used in relation to any invention or discovery, means the conception or first actual reduction to practice of such invention in the course of or under a contract.

(c) *Allocation of principal rights.* (1) The Institution may retain the entire right, title, and interest throughout the world or in any country thereof in and to each Subject Invention disclosed pursuant to paragraph (e), below, subject to the provisions of this Agreement. The Institution shall include with each Subject Invention disclosure an election whether it will retain the entire right, title, and interest in the invention throughout the world or in any country thereof subject to the rights acquired by the Government in paragraph (d) of the Agreement; *Provided* That the Institution may request an extension of the time for election.

(2) The Institution agrees to convey to the Government, upon request, the entire domestic right, title, and interest in any Subject Invention when the Institution:

(i) Does not elect under paragraph (c)(1) to retain such rights; or

(ii) Fails to have a United States Patent Application filed on the invention in accordance with paragraph (f)(1), or decides not to continue prosecution of such application; or

(iii) At any time no longer desires to retain title.

(3) The Institution agrees to convey to the Government, upon request, the entire right, title, and interest in any Subject Invention when the Institution:

(i) Does not elect under paragraph (c)(1) to retain such rights in the country; or

(ii) Fails to have a patent application filed in the country on the invention in accor-

dance with paragraph (f)(1) or decides not to continue prosecution of such application or to pay any maintenance fees covering the invention. To avoid forfeiture of the patent application or patent, the Institution shall notify the Agency not less than 60 days before the expiration period for any action required by the foreign patent office.

(4) A conveyance, requested pursuant to paragraphs (c)(2) or (3) of this Agreement, shall be made by delivering to the Agency duly executed instruments (prepared by the Agency) and such other papers as are deemed necessary to vest in the government the entire right, title, and interest to enable the Government to apply for and prosecute patent applications covering the invention in this or the foreign country, respectively, or otherwise establish Government ownership of such invention.

(d) *Minimum rights acquired by the Government.* (1) With respect to each Subject Invention to which the Institution retains principal or exclusive rights, the Institution:

(i) Hereby grants to the Government of the United States a nonexclusive, nontransferable, paid-up license to make, use, and sell each Subject Invention throughout the world by or on behalf of the Government of the United States (including any Government agency) and States and domestic municipal governments, unless the Agency determines after the invention has been identified that it would not be in the public interest to acquire the license for States and domestic municipal governments; and

(ii) Agrees, upon request of the Agency, to grant licenses to responsible applicants, on terms that are reasonable under the circumstances except:

(A) When the Institution, its licensee, or its assignee, demonstrates to the Government (1) that effective steps have been taken within three years after a patent issues on such invention to bring the invention to the point of practical application or (2) that the invention has been made available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why the principal or exclusive rights should be retained for a further period of time; or

(B) To the extent that the invention is required for public use by governmental regulations or as may be necessary to fulfill public health or safety needs, or for other public purposes stipulated in the applicable contract.

(2) Nothing contained in this paragraph (d) shall be deemed to grant to the Government any rights with respect to any invention other than a Subject Invention.

(e) *Invention identification, disclosures, and reports.* (1) The Institution shall furnish the Agency:

(i) A complete technical disclosure for each Subject Invention within 6 months after conception or first actual reduction to practice, whichever occurs first in the course of or under the contract, or within 6 months from the time a contractor of the Institution reports an invention to it pursuant to paragraph (h), but in any event prior to any on sale, public use, or publication of the invention known to the Institution. The disclosure shall identify the contract and inventor and shall be sufficiently complete in technical detail to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and, to the extent known, the physical, chemical, biological, or electrical characteristics of the invention.

(ii) Interim reports (5) for each contract at least every 12 months from the date of the contract listing Subject Inventions for the period and certifying that all Subject Inventions have been disclosed or that there are no such inventions.

(iii) An acceptable final report within 3 months after completion of the work under contract, listing all Subject Inventions or certifying that there were no such inventions.

(2) The Institution shall obtain patent agreements to effect the provisions of this Agreement, from all persons in its employ who perform any part of the work under any contract except nontechnical personnel, such as clerical employees and manual laborers.

(3) The Institution agrees that the Government may duplicate and disclose Subject Invention disclosures and, subject to paragraph (k), all other reports and papers furnished or required to be furnished pursuant to this Agreement. However, if the Institution is to file a patent application on a Subject Invention, the Agency agrees, upon written request of the Institution, to use its best efforts to withhold publication of such invention disclosures until a patent application is filed thereon, but in no event shall the Government or its employees be liable for any publication thereof.

(f) *Filing of domestic patent applications.* (1) With respect to each Subject Invention in which the Institution elects to retain domestic rights pursuant to paragraph (c)(1) of this Agreement, the Institution shall have a domestic patent application filed within 6 months after an election has been made pursuant to paragraph (c)(1) of this Agreement or such longer period as may be approved in writing by the Agency.

(2) For each Subject Invention on which a patent application is filed by or on behalf of the Institution, the Institution shall:

(i) Within 6 months after the filing, or within 6 months after submission of the invention disclosure if the patent application was filed prior to the contract, deliver to the Agency a duly executed and approved instrument on the form specified in Exhibit A which is attached hereto and made a part hereof;

(ii) Within 2 months after the filing, or within 2 months after submission of the invention disclosure if the patent application was filed prior to the contract, deliver to the Agency (A) a copy of the application as filed, including the filing date and serial number, and (B) a copy of an assignment from the inventor or inventors to the Institution of all right, title, and interest in the invention properly recorded in the United States Patent and Trademark Office;

(iii) Include the following statement, appropriately completed, in the second paragraph of the specification of the application and any patents issued on the Subject Invention, "The Government has rights in this invention pursuant to Contract(s) (or Grant(s)) No(s). _____ awarded by (identify the Agency or Agencies)";

(iv) Not less than 30 days before the expiration of the response period for any action required by the United States Patent and Trademark Office, notify the Agency of any decision not to continue the prosecution of the application and deliver to the Agency executed instruments granting the Government a power of attorney;

(v) Upon request, fully advise the Agency concerning all actions taken during the prosecution of any patent application and

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furnish copies of any relevant documents as requested; and

(vi) Provide the Agency with a copy of the patent within 2 months after a patent issues on the application.

(3) For each Subject Invention in which the Institution initially elects not to retain rights or requests an extension of the election period, the Institution shall inform the Agency promptly in writing of the date and identity of any on sale, public use, or publication of the invention which may constitute a statutory bar under 35 U.S.C. 102, which was authorized by or known to the Institution or any contemplated action of this nature.

(g) *Filing of foreign patent applications.* (1) With respect to each Subject Invention in which the Institution elects to retain principal rights in a foreign country pursuant to paragraph (c)(1) of this Agreement, the Institution shall have a patent application filed on the invention in that country, in accordance with applicable statutes and regulations, and within one of the following periods:

(i) Eight months from the date of a corresponding United States application filed by or on behalf of the Institution; or if such an application is not filed, 6 months from the date the invention is submitted in a disclosure pursuant to paragraph (e)(1) of this Agreement;

(ii) Six months from the date a license is granted by the Commissioner of Patents and Trademarks to file foreign applications when such filing has been previously prohibited by security reasons; or

(iii) Such longer periods as may be approved by the Agency.

(2) The Institution shall notify the Agency of foreign applications filed and, upon request, shall furnish an English version of the application without additional compensation.

(h) *Subcontracts.* (1) The Institution shall include the following clause in any subcontract where a purpose of that subcontract is the conduct of experimental, developmental, or research work, except when the subcontractor holds an Institutional Patent Agreement with the Agency or the subcontractor refuses as provided in (2) of this paragraph (h):

PATENTS RIGHTS

(a) The Contractor hereby agrees to furnish a complete technical disclosure to the _____ (Institution) within six months after any invention is conceived or first actually reduced to practice in the course of or under this contract (hereinafter referred to as "Subject Invention(s)") and, subject to (b), below, to assign all right, title, and interest in and to such invention to _____ (Institution) or its designee.

(b) At the time the Contractor reports any "Subject Invention" to _____ (Institution) the Contractor, at its option, may also report the invention to the Agency with which the Institution holds the prime contract and request the Agency to determine whether and on what terms the Contractor may retain principal rights in the invention in lieu of assigning it to _____ (Institution). Such determinations by the Agency shall be in accordance with the policies and procedures of 41 CFR 1-9.109-6 and/or applicable Agency regulations. Such determinations shall be final on both the Contractor and _____ (Institution). *Provided*, That the Contractor may elect not to accept the Agency determination and instead

assign all right, title, and interest in the invention to _____ (Institution) or its designee.

(c) In addition, the Contractor agrees to furnish the following materials, disclosures and reports:

(i) Upon request, such duly executed instruments (prepared by the _____ (Institution) or its designee) and such other papers as are deemed necessary to vest in the _____ (Institution) or its designee the rights granted under this clause and to enable the _____ (Institution) or its designee to apply for and prosecute any patent application, in any country, covering such invention.

(ii) A final report, prior to final settlement of this contract, listing all Subject Inventions or certifying that no inventions were conceived or first actually reduced to practice under the contract.

(d) The Contractor shall include in any subcontract a clause identical to this clause, if a purpose of the subcontract is experimental, developmental, or research work. If a Subcontractor refuses to accept this clause or if, in the opinion of the Contractor, this clause is inconsistent with the policy set forth in 41 CFR 1-9.107-3, the Contractor (i) shall promptly notify the Institution and (ii) shall not proceed with the subcontract without the written authorization of the Institution. It is understood that the Institution will seek direction from the (insert name of appropriate Agency).

(e) The contractor shall not be obligated to enforce the agreements of any Subcontractor hereunder relating to the obligations of the Subcontractor to the Government in regard to Subject Inventions.

[End of Clause]

(2) In the event of a refusal by a subcontractor to accept the clause specified in (h)(1) of this agreement, or if, in the opinion of the Institution, this clause is inconsistent with the policy set forth in 41 CFR 1-9.107-3, the Institution (i) shall promptly submit a written notice to the Agency setting forth reasons for the subcontractor's refusal and other pertinent information which may expedite disposition of the matter; and (ii) shall not proceed with the subcontract without the written authorization of the Agency.

(3) It is understood that the Government is a third party beneficiary of any subcontract clause granting rights to the Government in Subject Inventions, and the Institution hereby assigns to the Government all rights that it would have to enforce the subcontractor's obligations for the benefit of the Government with respect to Subject Inventions. The Institution shall not be obligated to enforce the agreements of any subcontractor hereunder relating to the obligations of the subcontractor to the Government in regard to Subject Inventions.

(4) Nothing in this Agreement is intended to preclude the Institution from granting a subcontractor rights or an option to rights in any inventions made by the subcontractor to the extent such rights are consistent with the provisions of this Agreement.

(i) *Administration of inventions in which the Institution elects to retain rights.* (1) The Institution shall administer those Subject Inventions to which it elects to retain title in the public interest and shall, except as provided in subsection (2), below, make them available through licensing on a non-exclusive, royalty-free, or reasonable royalty basis to all qualified applicants.

(2) The Institution may license a Subject Invention on an exclusive basis if it determines that an exclusive license is required in the public interest because (A) it is necessary as an incentive for development of the invention or (B) market conditions are such as to require licensing on an exclusive basis in order to bring the invention to the point of practical application. Any exclusive license issued by the Institution under a U.S. patent or patent application shall be for a limited period of time and such period shall not, unless otherwise approved by the Agency, exceed 5 years from the date of the first commercial sale or use in the United States of America of a product or process embodying the invention, or 8 years from the date of the exclusive license excepting that time before regulatory agencies necessary to obtain premarket clearance, whichever occurs first. Such license shall also provide that the licensee shall use all reasonable effort to effect introduction into the commercial market as soon as practicable, consistent with sound and reasonable business practices and judgment. Any extension of the maximum period of exclusivity shall be subject to approval of the Agency. Upon expiration of the period of exclusivity or any extension thereof, licenses shall be offered to all qualified applicants at a reasonable royalty rate not in excess of the exclusive license royalty rate.

(3) Royalties shall not normally be in excess of accepted trade practice.

(4) The Institution agrees to refund any amounts received as royalty charges on any Subject Invention in procurements for or on behalf of the Government and to provide for that refund in any instrument transferring rights to any party in the invention.

(5) The balance of the royalty income after payment of expenses, including payments to inventors, incidental to the administration of all inventions assigned to it pursuant to the provisions of this Agreement shall be utilized for the support of education or research.

(6) All licenses issued by the Institution to parties, other than the Government of the United States, under any patent application or patent on a Subject Invention shall be made expressly subject to the conditions of this Agreement. The Institution shall, upon request, promptly furnish copies of any license agreements to the Agency.

(j) *Patent Management Organizations.* The Institution shall not assign any Subject Invention to parties other than the Agency; except that, it may make such an assignment to the following patent management organizations— _____ (7)—or any other patent management organization if subsequently approved by the Agency. Any assignment to a patent management organization shall be made subject specifically to all the terms and conditions of this Agreement.

(k) *Reports on Development and Commercial Use.* The Institution shall provide a written annual report to the Agency on or before December 31st of each year covering the preceding year ending September 30th; regarding the status of development and commercial use that is being made or intended to be made of each Subject Invention left for administration to the Institution and the steps that have been taken by the Institution to bring the invention to the point of practical application. (8) Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received

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by the Institution, and such other data and information as the Agency may reasonably specify. To the extent data or information supplied to this section is considered by a licensee to be privileged or confidential and is so marked, the Agency agrees that, to the extent permitted by law, it will not disclose such information to persons outside the Government.

(l) *Reporting of Policy and Administrative Changes.* The Institution shall promptly notify the Agency of any significant changes in the information submitted by it in support of its request for an Institutional Patent Agreement; particularly, changes in its patent policies or its administrative capabilities.

(m) *Termination.* This Agreement may be terminated by either party upon 30 days written notice. Disposition of rights in and administration of inventions made under contracts subject to this Agreement will not be affected by such a termination; except that, in the event the Government terminates this Agreement because of a failure or refusal by the Institution to comply with any of its obligations under sections (e)(1), (f), (i), and (j) of this Agreement, the Agency has the right to require that the Institution's entire right, title, and interest in and to the particular invention with respect to which the breach occurred be assigned to the United States of America, as represented by the Agency.

(n) *Communications.* (9) Requests for Agency approvals, extensions, or similar actions and other correspondence required by this Agreement should be addressed to _____. Except where specifically provided otherwise in this Agreement, the _____ or his designee shall act as the point of authority within the Agency to grant such approvals, extensions, or take such other Agency actions as may be authorized in this Agreement.

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year below.

UNITED STATES OF AMERICA

By _____
Title _____
Date _____
(Corporate Seal.)

By _____
Title _____
Date _____
(Institution)

EXHIBIT A.—CONFIRMATORY INSTRUMENT
Application for: _____ (Title of Invention).
Inventor(s) _____
Serial No. _____ Contract (Grant) No. _____
Filing Date: _____ Institution _____

The invention identified above is a "Subject Invention" under _____ (Identify Institutional Patent Agreement number) to which contract (grant) No. _____ with _____ (specify Government agency) was subject.

This document is confirmatory of the paid-up license granted to the Government under this contract (grant) in this invention, patent application, and any resulting patent, and of all other rights acquired by the Government by the referenced Agreement. (10)

It is understood and agreed that this document does not preclude the Government from asserting rights under the provisions of said Agreement or of any other agreement between the Government and the Contractor, or any other rights of the Government with respect to the above-identified invention.

The Government is hereby granted an irrevocable power to inspect and make copies of the above-identified patent application.

Signed this _____ day of _____, 19____.

(Institution)

(Signature)

(Print or type name)

(Official title)
(End of Agreement)

(1) Insert name of Agency.

(2) Insert reference to Institution's official policy statements.

(3) Some agencies may wish to have the agreement apply to all Subject Inventions reported after the execution of the agreement, even where the contract was entered into prior to the agreement. In such cases, the following language may be substituted: "This Agreement defines the rights of the parties hereto regarding the allocation of rights in Subject Inventions reported after the execution of the Agreement, including contracts entered into prior to this Agreement, except such contracts as may be specifically excluded by the Agency."

Agencies using this language which wish to exclude any current contracts from the agreement should add a statement such as the following:

"This Agreement shall not apply to the following contracts: . . ."

(4) The bracketed language may be deleted but normally it is expected that Institutional Patent Agreements will apply to grants as well as contracts.

(5) Agencies may specify a form.

(6) Agencies may find it useful to include more detailed instructions here on the format of these reports and the persons to whom they should be supplied. The exact clause may have to be varied according to the agency's normal contract close-out procedures.

(7) If none are to be used, insert "none."

(8) Different dates may be substituted depending on the Agency's needs.

(9) Insert applicable addresses and offices.

(10) In accordance with Section (d)(1) of the Agreement, if the Agency has determined that a license for State and domestic municipal governments will not be obtained, the following should be added to the Confirmatory Instrument:

"The license granted to the Government does not include State and domestic municipal governments."

Section 1-9.109-7 is added as follows:

§ 1-9.109-7 Negotiation of institutional patent agreements.

(a) Information to be submitted by nonprofit organization. A nonprofit organization desiring to enter into an

Institutional Patent Agreement with an agency shall be required to provide the agency with the following information:

(1) General information concerning the organization including:

(i) A copy of the organization's Articles of Incorporation;

(ii) A statement of the organization's purpose and aims; and

(iii) A statement indicating the source of the organization's funds;

(2) A copy of the organization's established patent policy, together with the date and manner of its adoption;

(3) The name, title, address, and telephone number of the officer responsible for administration of patent and invention matters and a description of staffing in this area, including all offices which contribute to the organization's patent management capabilities;

(4) A description of the organization's procedures for (A) identifying and reporting inventions and (B) for the evaluation of such inventions for inclusion in the organization's promotional program;

(5) A copy of the agreement signed by employees engaged in research and development, indicating their obligation with regard to inventions conceived or for the first time reduced to practice in the course of their assigned duties;

(6) A copy of the invention report form or outline utilized for preparation of invention reports;

(7) A statement indicating whether the organization has an agreement with any patent management organizations or consultants and a copy of any such agreements;

(8) A description of the plans and intentions of the organization to bring inventions to the market place to which it retains title, including a description of the efforts typically undertaken by the organization to license its inventions;

(9) A description of the organization's past patent application and patent licensing activities, including the following:

(i) Number of inventions reported to the organization during each of the past 5 years;

(ii) Number of patent applications filed during each of the past 5 years;

(iii) Number of patents obtained during each of the past 5 years;

(iv) Number of exclusive licenses issued during each of the past 5 years;

(v) Number of nonexclusive licenses, other than those to sponsoring Federal agencies, issued during each of the past 5 years;

(vi) Gross royalty income during each of the past 5 years;

(vii) A general description of royalties charged, including minimum and maximum royalty rates;

(10) A list of subsidiary or affiliate organizations, which would be covered

by an agreement signed by the organization;

(11) If the organization is a subsidiary or affiliate organization, the name of the other organization and a description of the relationship;

(12) The amount of support from each Federal agency for research and development activities currently being administered by the organization;

(13) A statement of the organization's policies with respect to the sharing of royalties with employees; and

(14) A description of the uses made of any net income generated by the organization's patent management program.

(b) *Criteria for evaluation of a technology transfer program.* Before an Institutional Patent Agreement is entered into with a nonprofit organization, the organization shall have a technology transfer program which, as a minimum, shall include:

(1) An established patent policy which is consistent with the policy in § 1-9.107-3 and is administered on a continuous basis by an officer or an organization responsible to the organization;

(2) Agreements with employees requiring them to assign to the organization, its designee, or the Government any invention conceived or first actually reduced to practice in the course of or under Government contracts or assurance that such agreements will be obtained from employees prior to the assignment of employees to Government-supported research and development projects;

(3) Procedures for prompt invention identification and timely disclosure to the officer or organization administering the patent policy of the institution;

(4) Procedures for invention evaluation; and

(5) An active and effective promotional program for the licensing and marketing of inventions.

(c) *Federal Coordinating Council for Science, Engineering, and Technology List.* A list of organizations that have technology transfer programs meeting the criteria set forth in § 1-9.109-7(b), prepared by a subcommittee of the Committee on Intellectual Property and Information of the Federal Coordinating Council for Science, Engineering, and Technology, may be used in lieu of individual agency determinations of eligibility for Institutional Patent Agreements. However, the inclusion of an organization on the list will not preclude the agency from declining an application for an Institutional Patent Agreement. It is also expected that the list may be used by some agencies in connection with greater rights determinations or requests for the inclusion of clauses in contracts giving the nonprofit organization the first option to principal

rights in inventions made under the contract.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 20, 1978.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 78-2874 Filed 2-1-78; 8:45 am]

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Deletion of Obsolete Regulations

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: This rule deletes a number of obsolete regulations of the Medicare program and revokes a footnote which is no longer legally applicable. It is based on the policy of the Department to operate under a set of regulations which are clear, logical, and free of extraneous or incorrect material. Deletion of these obsolete regulations will remove the confusion and complexity they could cause a reader unfamiliar with their history.

DATE: This rule is effective on February 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Stanley Katz, Division Director, Medicare Bureau, Health Care Financing Administration, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-9319.

SUPPLEMENTARY INFORMATION: The regulations deleted by this rule are no longer needed for the operation of the Medicare program. They consist for the most part of requirements which: (1) Applied to claims for reimbursement for services provided more than 5 years ago; or (2) involved special eligibility provisions which have not been applicable for more than 5 years. The footnote which is revoked had noted the temporary nonenforcement of an eligibility provision based on an injunction. The provision has since been upheld by the Supreme Court and the footnote is now defunct.

This rule is one step the Department is taking as part of "Operation Common Sense," an effort to make its

regulations more understandable. Future efforts will include rewriting many of the regulations in clearer style, reorganizing them in a more logical arrangement, and continuing to delete provisions which are obsolete or no longer binding.

Because no policies or requirements are altered by these changes, the Department finds that there is a good cause to waive a Notice of Proposed Rulemaking and to make the amendments effective on February 2, 1978.

42 CFR Part 405 is amended as follows:

1. Section 405.101 is amended by vacating and reserving paragraph (a)(2) and deleting the reference to § 405.156 in paragraph (b):

§ 405.101 Hospital insurance benefits; general.

(a) An individual who meets the conditions for entitlement to hospital insurance benefits provided under Part A of title XVIII of the Act is eligible to have payment made on his behalf, or to him (for certain hospital services) subject to the conditions and limitations set out in this Part 405 and in the Act, for:

(1) Inpatient hospital services, post-hospital extended care services, and post-hospital home health services furnished to him during any month for which he meets such conditions for entitlement to hospital insurance benefits.

(2) [Vacated and reserved.]

(b) Except where payment may be made to the individual for certain hospital services (see § 405.157), payment for the services covered under the hospital insurance benefits program is made to the institution or agency eligible to receive payment rather than to the individual to whom the services are furnished.

2. Section 405.120 is amended by vacating and reserving paragraph (d)(1):

§ 405.120 Posthospital extended care services; scope of benefits.

(d) [Vacated and reserved.]

(1) [Vacated and reserved.]

3. Sections 405.141 through 405.145 are vacated and reserved:

§ 405.141 [Vacated and reserved.]

§ 405.142 [Vacated and reserved.]

§ 405.143 [Vacated and reserved.]

§ 405.144 [Vacated and reserved.]

§ 405.145 [Vacated and reserved.]

4. Paragraph (b) of § 405.152 is amended by deleting the clause in the

first sentence, "and outpatient hospital diagnostic services (furnished before April 1968—see § 405.145)," and by deleting the parenthetical sentence at the end of the paragraph:

§ 405.152 Payment for services furnished; nonparticipating hospital furnishing emergency services.

(b) For purposes of the hospital insurance benefits program, "emergency services" are those inpatient hospital services (see § 405.118) which are necessary to prevent the death or serious impairment of the health of the individual, and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital (see § 405.192) available and equipped to furnish such services.

5. Section 405.156 is vacated and reserved:

§ 405.156 [Vacated and reserved.]

6. Section 405.157 is amended by deleting the clause, "and for outpatient hospital diagnostic services furnished on or after January 1, 1968, and before April 1, 1968,":

§ 405.157 Payment to entitled individual for emergency services furnished after 1967.

An individual entitled to hospital insurance benefits (see § 403.102) may receive payment on the basis of an itemized hospital bill (see § 405.158) for inpatient hospital services furnished with respect to an admission to the hospital on or after January 1, 1968, if:

7. Section 405.158 is amended by vacating and reserving paragraph (b):

§ 405.158 Payment to entitled individual; determination of amount payable for services furnished by a non-participating hospital.

(b) [Vacated and reserved.]

(c) [Vacated and reserved.]

(d) [Vacated and reserved.]

(e) [Vacated and reserved.]

8. Section 405.175 is vacated and reserved:

§ 405.175 [Vacated and reserved.]

9. Section 405.205 is amended by revoking the footnote to paragraph (b):

§ 405.205 Eligibility requirements for enrollment.

(b) [Vacated and reserved.]

(c) [Vacated and reserved.]

(d) [Vacated and reserved.]

(e) [Vacated and reserved.]

10. Section 405.212 is amended by vacating and reserving paragraph (b):

§ 405.212 Individual enrollment; initial enrollment period.

(b) [Vacated and reserved.]

(c) [Vacated and reserved.]

(d) [Vacated and reserved.]

(e) [Vacated and reserved.]

(f) [Vacated and reserved.]

(g) [Vacated and reserved.]

(h) [Vacated and reserved.]

(i) [Vacated and reserved.]

(j) [Vacated and reserved.]

(k) [Vacated and reserved.]

(l) [Vacated and reserved.]

(m) [Vacated and reserved.]

(n) [Vacated and reserved.]

(o) [Vacated and reserved.]

(p) [Vacated and reserved.]

(q) [Vacated and reserved.]

(r) [Vacated and reserved.]

§ 405.212 Individual enrollment; initial enrollment period.

(b) [Vacated and reserved.]

(c) [Vacated and reserved.]

(d) [Vacated and reserved.]

(e) [Vacated and reserved.]

(f) [Vacated and reserved.]

(g) [Vacated and reserved.]

(h) [Vacated and reserved.]

(i) [Vacated and reserved.]

(j) [Vacated and reserved.]

(k) [Vacated and reserved.]

(l) [Vacated and reserved.]

(m) [Vacated and reserved.]

(n) [Vacated and reserved.]

(o) [Vacated and reserved.]

(p) [Vacated and reserved.]

(q) [Vacated and reserved.]

(r) [Vacated and reserved.]

(s) [Vacated and reserved.]

(t) [Vacated and reserved.]

(u) [Vacated and reserved.]

(v) [Vacated and reserved.]

(w) [Vacated and reserved.]

(x) [Vacated and reserved.]

(y) [Vacated and reserved.]

(z) [Vacated and reserved.]

(aa) [Vacated and reserved.]

(ab) [Vacated and reserved.]

(ac) [Vacated and reserved.]

(ad) [Vacated and reserved.]

(ae) [Vacated and reserved.]

(af) [Vacated and reserved.]

(ag) [Vacated and reserved.]

(ah) [Vacated and reserved.]

(ai) [Vacated and reserved.]

(aj) [Vacated and reserved.]

(ak) [Vacated and reserved.]

(al) [Vacated and reserved.]

(am) [Vacated and reserved.]

(an) [Vacated and reserved.]

(ao) [Vacated and reserved.]

(ap) [Vacated and reserved.]

(aq) [Vacated and reserved.]

(ar) [Vacated and reserved.]

individual's coverage pursuant to enrollment under a State agreement is terminated under the provisions of paragraph (c) of this section, such individual is deemed to have enrolled for supplementary medical insurance benefits in the initial enrollment period described in § 405.212 and his coverage period continues until terminated for his failure to pay premiums or by his written notice to the Administration that he wishes to terminate his supplementary medical insurance coverage, as provided in paragraphs (a) and (b) of this section. An individual who is enrolled under a State agreement but who ceases to be a member of the coverage group before his coverage begins is also deemed to have so enrolled and his coverage as an individual begins on the date his coverage under the agreement would have begun had he continued in the coverage group.

15. Section 405.224 is vacated and reserved:

§ 405.224 [Vacated and reserved.]

16. Paragraph (b) of § 405.230 is amended by deleting the last sentence:

§ 405.230 Supplementary medical insurance benefits.

(b) *Reimbursable expenses.* In order to be considered incurred expenses, expenses for physicians' services, home health services, and for other medical and health services covered under the supplementary medical insurance plan must be for services furnished to an individual during his coverage period. (See §§ 405.221 through 405.223.)

17. Paragraph (k) of § 405.231 is amended by deleting the parenthetical clause, "(with respect to outpatient hospital diagnostic services furnished before April 1, 1968, see § 405.141)":

§ 405.231 Medical and other health services; included items and services.

(k) After March 31, 1963, outpatient hospital diagnostic services including drugs and biologicals required in the performance of such services which are:

(1) Furnished to outpatients by a hospital (or by others under an arrangement made by a hospital); and

(2) Ordinarily furnished by such hospital (or under such arrangements) to its outpatients for the purposes of diagnostic study; and

18. Section 405.240 is amended by vacating and reserving paragraph (d)(1):

§ 405.240 [Vacated and reserved.]

(d) [Vacated and reserved.]

(e) [Vacated and reserved.]

(f) [Vacated and reserved.]

(g) [Vacated and reserved.]

(h) [Vacated and reserved.]

(i) [Vacated and reserved.]

(j) [Vacated and reserved.]

(k) [Vacated and reserved.]

(l) [Vacated and reserved.]

(m) [Vacated and reserved.]

(n) [Vacated and reserved.]

(o) [Vacated and reserved.]

(p) [Vacated and reserved.]

(q) [Vacated and reserved.]

(r) [Vacated and reserved.]

(s) [Vacated and reserved.]

(t) [Vacated and reserved.]

(u) [Vacated and reserved.]

(v) [Vacated and reserved.]

(w) [Vacated and reserved.]

(x) [Vacated and reserved.]

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changing "; and" at the end of paragraph (d)(2) to ".", and by vacating and reserving paragraph (e):

§ 405.240 Payment of supplementary medical insurance benefits; amounts payable.

(d)(1) [Vacated and reserved.]

(2) One hundred percent of the reasonable cost of home health services furnished by (or under arrangements made by) a participating home health agency for services furnished after December 31, 1972.

(e) [Vacated and reserved.]

19. Paragraph (a)(2) of § 405.249 is amended by deleting the second parenthetical remark:

§ 405.249 Payment to a nonparticipating hospital furnishing emergency outpatient services.

(a) . . .

(2) The services furnished are emergency outpatient services (see paragraph (b) of this section) furnished on or after April 1, 1968, to an individual who is enrolled under the supplementary medical insurance plan.

20. Section 405.310 is amended by changing the colon after the first parenthetical remark in paragraph (c) to a semicolon and deleting the material in the paragraph subsequent to it, and by vacating and reserving paragraph (m):

§ 405.310 Types of expenses not covered.

(c) . . .

(c) Eye examinations for the purpose of prescribing, fitting, or changing eyeglasses or contact lenses for refractive error only and procedures performed in the course of any eye examination to determine the refractive state of the eyes, whether performed by an ophthalmologist or other physician, or by an optometrist, and without regard to the reason for the performance of the refractive procedure (including all refractive procedures performed in connection with the diagnosis or treatment of an eye disease or injury, and prescribing or providing prosthetic lenses);

(m) [Vacated and reserved.]

21. Section 405.428 is amended by vacating and reserving paragraphs (a) and (c):

§ 405.428 Allowance in lieu of specific recognition of other costs.

(a) [Vacated and reserved.]

(c) [Vacated and reserved.]

22. Section 405.504 is amended by vacating and reserving paragraph (a)(1):

§ 405.504 Determining prevailing charges.

(a) Range of charges. (1) [Vacated and reserved.]

23. Paragraph (a) of § 405.609 is amended by deleting the first sentence, the limiting clause beginning the second sentence, and the words "also appropriately" in the second sentence:

§ 405.609 Allowable charges; whole blood costs.

(a) Hospital insurance program; allowable charges. A provider may in accordance with its customary practice charge the individual or other person for any of the first 3 pints of whole blood or equivalent quantities of packed red blood cells furnished in a spell of illness. Charges to the individual are subject to the following conditions:

24. Section 405.1626 is vacated and reserved:

§ 405.1626 [Vacated and reserved.]

25. Section 405.1627 is amended by vacating and reserving paragraph (b)(1):

§ 405.1627 Inpatient hospital services other than inpatient psychiatric or tuberculosis hospital services; certification and recertification for services furnished on or after January 3, 1968.

(b) Timing of certifications and recertifications. (1) [Vacated and reserved.]

26. Section 405.1631 is vacated and reserved:

§ 405.1631 [Vacated and reserved.]

27. Section 405.1632 is amended by vacating and reserving paragraph (d):

§ 405.1632 Post-hospital extended care services; certification and recertification.

(d) [Vacated and reserved.]

28. Paragraph (a) of § 405.1660 is amended by deleting the clause, "and outpatient hospital diagnostic services furnished before April 1, 1968 (see §§ 405.145 and 405.152)":

§ 405.1660 Payment on behalf of the individual; general.

(a) Hospital insurance benefits. Where an individual is entitled to hospital insurance benefits, payment based on reasonable cost is made on his behalf to a participating provider of services or in some cases to a non-participating hospital for emergency services or, effective with respect to certain services furnished on admissions after December 31, 1972, to certain hospitals (outside the United States) for covered inpatient hospital services (see §§ 405.116, 405.152, and 405.153), post-hospital extended care services (see § 405.125), post-hospital home health services (see § 405.131). Effective with respect to services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is included as "medical and other health services" under the supplementary medical insurance benefits plan.

29. Paragraph (a) of § 405.1672 is amended by deleting certain material and revising the remaining material in the paragraph to read as follows:

§ 405.1672 Individual's request for direct payment—General.

(a) Payment under the hospital insurance benefits program on the basis of an itemized bill may be made to the entitled individual (in amounts determined in accordance with § 405.158), where the hospital has not elected to receive payment for such services under the hospital insurance benefits program, for such a nonparticipating U.S. or foreign hospital's reasonable charges for covered inpatient hospital services (see §§ 405.153(o)(2) and 405.157).

(Sec. 1102, 1871, Social Security Act; 49 Stat. 647, as amended, and 79 Stat. 331; 42 U.S.C. 1302, and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.800 Medicare-Hospital Insurance; No. 13-801 Medicare-Supplementary Medical Insurance)

Dated: January 13, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: January 26, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.
[FR Doc. 78-2882 Filed 2-1-78; 8:45 am]

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[4910-14]

Title 46—Shipping

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

(CGD 77-059)

PART 1—ORGANIZATION, GENERAL COURSE AND METHODS GOVERNING MARINE SAFETY FUNCTIONS

PART 5—SUSPENSION AND REVOCATION PROCEEDINGS

Administrative Corrections, Additions and Deletions

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the regulations governing the procedures applicable to the public. Numerous errors and misprints exist in these regulations. This amendment makes the appropriate corrections, additions, and deletions. This amendment also reflects a redesignation of the office responsible for administering a specific program.

EFFECTIVE DATE: This amendment is effective on March 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marines Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Since this amendment is a matter relating to agency procedure it is exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A).

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Lieutenant Commander Robert J. O'Pezio, Project Manager, Office of Merchant Marine Safety, and Lieutenant William R. Kerivan, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Parts 1 and 5 of Title 46 of the Code of Federal Regulations are amended as follows:

1. Section 1.01 is amended by revising paragraph (b)(1)(iii); adding a new paragraph (b)(1)(iv); as follows: /

§ 1.01 Organization.

(b) . . .

(1) . . .

(iii) The Chief, Merchant Vessel Personnel Division, at Headquarters, under the direction of the Chief, Office of Merchant Marine Safety, administers the program for the enforce-

ment and development of prescribed merchant marine personnel standards, including but not limited to the licensing, certificating, shipment, and discharge of seamen.

(iv) The Chief, Marine Investigation Division, at Headquarters, under the direction of the Chief, Office of Merchant Marine Safety, administers the program of marine casualty investigation and the investigation and institution of proceedings looking to suspension and revocation under Title 46, U.S. Code, sections 239 and 239b, of licenses, certificates, and documents held by persons.

2. In § 1.01 paragraph (b)(3) by deleting the word "Treasury" and inserting the word "Transportation" in place thereof.

§ 1.25 [Amended]

3. § 1.25 paragraph (a) by deleting the number "137" and inserting the number "5" in place thereof.

§ 5.01-1 [Amended]

4. In § 5.01-1 paragraph (b) by deleting "Title 5, U.S. Code, sections 1001-1011," and inserting "5 U.S.C. 551, et seq." in place thereof.

§ 5.01-5 [Amended]

5. In § 5.01-5 paragraph (a) by inserting in the last sentence following "issued to" and before "person", the letter "a"; and in paragraph (b) by deleting in the first sentence the citation "339b" and inserting the citation "239b" in place thereof.

§ 5.02-10 [Amended]

6. In § 5.02-10 paragraph (a) by deleting "(5 U.S.C. 1001-1011)" and inserting "(5 U.S.C. 551, et seq.)" in place thereof.

§ 5.02-15 [Amended]

7. In § 5.02-15 paragraph (a) by deleting "(5 U.S.C. 1001-1011)" and inserting "(5 U.S.C. 551, et seq.)" in place thereof.

§ 5.13-5 [Amended]

8. In § 5.13-5 paragraph (a) by deleting the zip code "20226" and inserting the zip code "20590" in place thereof.

§ 5.20-1 [Amended]

9. In § 5.20-1 paragraph (a) by deleting "Title 5, U.S. Code, sections 1001-1011 inclusive" and inserting "5 U.S.C. 551, et seq." in place thereof.

§ 5.20-40 [Amended]

10. In § 5.20-40 paragraph (a) by deleting "(Form CG-719E)" and inserting "(Form CG-4363)" in place thereof.

§ 5.20-140 [Amended]

11. In § 5.20-140 paragraph (e) by deleting the citation "57.15" and inserting the citation "5.15-15" in place thereof.

§ 5.30-3 [Amended]

12. In § 5.30-3 paragraph (a) by inserting in the second sentence following "if no transcript was requested" and before "within 60 days of the date of effective service of the decision", a comma; and in paragraph (b) by deleting in the first sentence following "60-day period" and before "extension thereof" the word "of" and inserting the word "or" in place thereof.

(R.S. 4405, as amended, R.S. 4462, as amended, sec. 633, 63 Stat. 545 as amended, sec. 6(b), 80 Stat. 938 (46 U.S.C. 375, 416, 14 U.S.C. 633, 49 U.S.C. 1655(b)); 49 CFR 1.46(b).)

Dated: January 24, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-2907 Filed 2-1-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[Amdt. No. 12 to Service Order No. 1084]

Chicago, Rock Island & Pacific Railroad Co. W. M. Gibbons, Trustee, Authorized to Operate Over Tracks of Chicago & North Western Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 12 to Service Order No. 1084).

SUMMARY: Service Order No. 1084 authed the Chicago, Rock Island & Pacific to operate over a track abandoned by the Chicago & North Western Transportation Co. at McClelland, Iowa, for the purpose of continuing railroad service to a shipper located adjacent to that track. Amendment No. 12 extends Service Order No. 1084 to July 31, 1978.

DATES: Effective 11:59 p.m., January 31, 1978. Expires 11:59 p.m., July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone: 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., the 27th day of January 1978.

Upon further consideration of Service Order No. 1084 (36 FR 22063; 37 FR 12726, 28059; 38 FR 20840; 39 FR 3827, 27672; 40 FR 5162, 31939; 41 FR 4929, 31381; 42 FR 6371 and 38572), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1084 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1084 Service Order No. 1084.

(a) *Chicago, Rock Island & Pacific Railroad Co. W. M. Gibbons, Trustee, authorized to operate over tracks of Chicago and North Western Transportation Co.* . . .

(e) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1978.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2921 Filed 2-1-78 8:45 am]

[7035-01]

[Amdt. No. 5 to Service Order No. 1242]

PART 1033—CAR SERVICE

KANSAS CITY SOUTHERN RAILWAY CO. AUTHORIZED TO OPERATE OVER CERTAIN TRACKS OF SOUTHERN PACIFIC TRANSPORTATION CO.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 5 to Service Order No. 1242).

SUMMARY: Service Order No. 1242 authorizes the Kansas City Southern to operate over tracks of the Southern Pacific Transportation Co. at Lake Charles, La. The Kansas City Southern Railway's bridge over the Calcasieu River at Lake Charles is unserviceable because of failure of the machinery used to open and close the span, isolating a major industrial district served by the Kansas City Southern from the remainder of the system. Operation of Kansas City Southern trains over the parallel bridge of the Southern Pacific enables the Kansas City Southern to continue service to shippers served by the tracks disconnected from the remainder of the system by failure of the bridge operating mechanism. Amendment No. 5 extends Service Order No. 1242 for six months.

DATES: Effective 11:59 p.m., January 31, 1978. Expires 11:59 p.m., July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone: 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of January 1978.

Upon further consideration of Service Order No. 1242 (41 FR 18053, 31824, 48344; 42 FR 6584 and 39221), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1242 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1242 Service Order No. 1242.

(a) *The Kansas City Southern Railway Co. authorized to operate over tracks of Southern Pacific Transportation Co.* . . .

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1978.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2919 Filed 2-1-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to Service Order No. 1276]

PART 1033—CAR SERVICE

Michigan Interstate Railway Co. Authorized to Operate Portions of Former Ann Arbor

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1276).

SUMMARY: Service Order No. 1276 authorizes the Michigan Interstate Railway Co. (MI) to operate over the former Ann Arbor (AA) line between Ann Arbor, Mich., and Toledo, Ohio. The portion of the railroad west of Ann Arbor continue to be operated by the MI as designated operator for the State of Michigan. Operation by the MI over these tracks of the former AA between Ann Arbor and Toledo is necessary to continue essential rail service to shippers served by the line, and to maintain through connections with that portion between Ann Arbor and Frankfort.

DATES: Effective 11:59 p.m., January 31, 1978. Expires 11:59 p.m., July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone: 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of January 1978.

Upon further consideration of Service Order No. 1276 (42 FR 53601) and good cause appearing therefor:

It is ordered, That:

Service Order No. 1276 is amended by substituting the following paragraph (f) for paragraph (f) thereof:

§ 1033.1276 Service Order No. 1276.

(a) *Michigan Interstate Railway Co. authorized to operate portions of former Ann Arbor.* . . .

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1978.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2918 Filed 2-1-78; 8:45 am]

[7035-01]

[Service Order No. 1297-A]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1297-A).

SUMMARY: Service Order No. 1297 was issued setting forth railroad operating regulations for freight car movement. Because of massive snow drifts in several parts of the country, carrier compliance with the provisions of Service Order No. 1297 appear to be impossible to accomplish. Service Order No. 1297 is vacated.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of January 1978.

Upon further consideration of Service Order No. 1297, because of the adverse effect of severe blizzards

throughout a wide area of the country and for other good cause:

It is ordered, That:

§ 1033.1297 [Vacated]

Section 1033.1297 *Railroad Operating Regulations for Freight Car Movement* is vacated.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2917 Filed 2-1-78; 8:45 am]

[7035-01]

[Amdt. No. 7 to Rev. Service Order No. 1210]

PART 1033—CAR SERVICE

Providence & Worcester Co. Authorized To Operate Over Tracks of Consolidated Rail Corp., and Consolidated Rail Corp. Authorized To Operate Over Tracks of Providence & Worcester Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order.

SUMMARY: Abandonments by the former Penn Central have isolated two segments of the Consolidated Rail Corp.'s lines in Rhode Island, known as the Slatersville and Northam branches, from the remainder of the system. The Providence & Worcester Co. has the sole rail connections with these two ConRail branches. Revised Service Order No. 1210 authorizes the Providence & Worcester to operate these branches for the account of ConRail pending the Commission's approval of a joint operating contract. Amendment No. 7 extends Revised Service Order No. 1210 for 6 months.

DATES: Effective 11:59 p.m., January 31, 1978. Expires 11:59 p.m., July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washing-

ton, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of January 1978.

Upon further consideration of Revised Service Order No. 1210 (40 FR 7452, 19478; 41 FR 4929, 15414, 32430; 42 FR 6817 and 39221), and good cause appearing therefor:

It is ordered, That:

§ 1033.1210 Revised Service Order No. 1210 (Providence & Worcester Co., authorized to operate over tracks of Consolidated Rail Corp. and Consolidated Rail Corp. Authorized to operate over tracks of Providence & Worcester Co.) is amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., January 31, 1978.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2916 Filed 2-1-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Opening of Certain National Wildlife Refuges To Sport Fishing: North Carolina, South Carolina, Tennessee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to sport fish-

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ing of certain national wildlife refuges in North Carolina, South Carolina, and Tennessee is compat with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. The name of each affected refuge and the special regulations for each refuge are set forth below.

EFFECTIVE DATES: See the dates listed for each refuge under Supplementary Information below.

FOR FURTHER INFORMATION CONTACT:

Refuge Managers, as listed for each refuge under Supplementary Information below.

SUPPLEMENTARY INFORMATION:

MATTAMUSKEET NATIONAL WILDLIFE REFUGE

DATES: Sport fishing and bow fishing seasons extends from March 1, 1978 through November 1, 1978, except the following areas are open to bank fishing during the entire year: (a) State Highway 94 Causeway. (b) In the immediate vicinity of the Lake Landing Water Control Structure. (c) In the immediate vicinity of the Outfall Canal Water Control Structure at Mattamuskeet Lodge.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Mattamuskeet National Wildlife Refuge, Route 1, Box N-2, Swanquarter, N.C. 27885, telephone 919-926-4021.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Mattamuskeet National Wildlife Refuge, N.C., only on the areas designated by signs as being open to fishing.

These areas comprising 40,000 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Herring (alewife) dipping will be permitted from March 1 through May 15 from the canal banks and water control structures in the immediate vicinity of the following locations: (a) Waupoppin Canal control structure—from ½ hour before sunrise to ½ hour after sunset.

(b) Outfall Canal control structure—from ½ hour before sunrise to ½ hour after sunset.

(c) Lake landing control structure—except closed from sunset Sunday to sunrise Monday; sunset Tuesday to sunrise Wednesday; sunset Thursday to sunrise Friday.

(2) Boats and outboard motors permitted except in areas posted closed to motorboat use. Airboats are prohibited.

PEE DEE NATIONAL WILDLIFE REFUGE

DATES: Year-round on Brown Creek within 100 yards of Brown Creek Bridge on U.S. Highway 52; from April 1, 1978 through September 30, 1978 on Brown Creek within 100 yards of both Bennett Bridge on SR-1627 and lower Brown Creek Bridge on SR-1634; and from April 1, 1978 through September 30, 1978 on Sullivan Pond (Anson County), Little Pond (Anson County), Andrews Pond (Richmond County), and on the Pee Dee River (Anson and Richmond Counties) in areas designated by public fishing area signs.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Pee Dee National Wildlife Refuge, P.O. Box 780, Wadesboro, N.C. 28710, telephone 704-694-4424.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Pee Dee National Wildlife Refuge, N.C., only on the areas designated by signs as being open to fishing. These areas comprising 20 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions: (1) Fishing is permitted from sunrise to sunset.

(2) Only bank fishing is permitted.

(3) Parking is permitted only in those areas designated as being reserved for parking.

(4) No special refuge permit is required. State license must be carried on the person and exhibited to Federal or State officers upon request.

(5) Firearms, camping, open fires and night use are prohibited.

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

DATES: Year-round on the Black Creek Bridge areas on State Road 33, State Road 145, and U.S. Highway 1; from March 13, 1978 through October 7, 1978 on Martins Lake, and Pools, A, B, C, D, G, and H; and from March 13, 1978 through September 9, 1978 on Lakes 16 and 17, and Pools J and L.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Carolina Sandhills National Wildlife Refuge, Route 2, Box 130, McBee, S.C. 29101, Telephone 803-335-8401.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Carolina Sandhills National Wildlife Refuge, S.C., only on the areas designated by signs as being open to fishing. These areas comprising approximately 150 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions: (1) Fishing is permitted from official local sunrise until ½ hour after official local sunset.

(2) Unpowered boats and boats with electric motors are permitted only in Martins Lake and Lakes 16 and 17. Other type motors are prohibited. All other areas are open only for bank fishing within posted areas.

(3) Fish baskets, nets, set hooks, and troutlines are prohibited.

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

DATES: The sport fishing season on the refuge extends from March 15, 1978 through September 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Cape Romain National Wildlife Refuge, Awendaw, S.C. 29429, Telephone 803-928-3368.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Cape Romain National Wildlife Refuge, S.C., only on the areas designated by signs as being open to fishing. These areas comprising 610 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions: (1) Fishing is permitted during daylight hours only.

(2) Boats with electric motors are permitted. Other motors are prohibited.

(3) Boats must be removed from the refuge at the close of each day.

(4) Camping, littering, dogs, and weapons are prohibited.

Santee National Wildlife Refuge

DATES: Sport fishing shall be in accordance with applicable State regulations subject to the following exceptions: Cantey Bay, Black Bottom, and Savannah Branch are closed from November 1, 1978 to February 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Santee National

Wildlife Refuge, Box 158, Summerton, S.C. 29148, Telephone 803-478-2217.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Santee National Wildlife Refuge, S.C., only on the areas designated by signs as being open to fishing. These areas comprising approximately 12,000 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions: (1) Waters within all land units (Cuddo, Pine Island, Bluff, and Dingle Pond) are closed to fishing.

(2) The overnight mooring of boats on the refuge is prohibited.

CROSS CREEKS NATIONAL WILDLIFE REFUGE

DATES: The open season for Elk and South Cross Creek Reservoirs and the 15 smaller refuge ponds extends from April 1, 1978 through September 15, 1978. Sport fishing on Barkley Lake is open 24 hours per day, year round.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Cross Creeks National Wildlife Refuge, Route 1, Box 229, Dover, Tenn. 37058, Telephone 615-232-7477.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Cross Creeks National Wildlife Refuge, Tenn., only on the areas designated by signs as being open to fishing. These areas comprising 3,260 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions: (1) Fishing is permitted in designated areas from 30 minutes before sunrise to 30 minutes after sunset, except on Barkley Lake, which is open 24 hours per day.

(2) Outboard motor size is limited to 6 horsepower or less in Elk and South Cross Creek Reservoirs and the smaller impoundments. Motor size is not restricted on Barkley Lake.

(3) Methods of fishing the two reservoirs and impoundments are limited to rod and reel and/or pole and line.

(4) Overnight camping and/or overnight mooring of boats are prohibited on the refuge.

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(5) For their safety, fishermen must follow designated routes of travel while on the refuge, and use the parking areas as provided.

(6) All State regulations must be obeyed while fishing on refuge reservoirs as well as that portion of Barkley Lake within the refuge. Fishing license must be carried on the person to be exhibited to Federal or State Officers upon request. No special refuge permit is required.

HATCHIE NATIONAL WILDLIFE REFUGE

DATES: The sport fishing season on the refuge extends from April 1, 1978 through October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, Hatchie National Wildlife Refuge, 34 North Lafayette Street, Brownsville, Tenn. 38012, Telephone 901-772-0501.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Hatchie National Wildlife Refuge, Tenn., only on the areas designated by signs as being open to fishing. These areas comprising 150 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions: (1) Fishing is permitted during daylight hours only and overnight camping is prohibited. The refuge is closed to all use from 30 minutes past sunset until 30 minutes before sunrise.

(2) Boats powered with electric outboard motors are permitted. Gasoline motors are prohibited.

(3) Boats must be removed from refuge no later than November 7, 1978.

(4) Methods of fishing are limited to pole and line, or rod and reel, using natural or artificial baits. Setlines, jugs, etc. are not permitted.

(5) Vehicles may be used on refuge roads and trails to reach fishing areas, except those indicated by signs as closed.

(6) Footpaths may be used to reach all lakes from Hatchie River.

(7) Firearms are prohibited.

LAKE ISOM NATIONAL WILDLIFE REFUGE

DATES: The sport fishing season on the refuge extends from March 16, 1978 through September 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, P.O. Box 295, Sam-burg, Tenn. 38254, Telephone 901-538-2481.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Lake Isom National Wildlife Refuge, Tenn., only on the areas designated by signs as being open to fishing. These areas comprising 750 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Fishing with bows and arrows is prohibited at all times.

(2) Boats with motors of not more than 6 horsepower may be used.

(3) Public use of the refuge is limited to the hours between sunrise and sunset unless otherwise allowed by a refuge permit.

REELFOOT NATIONAL WILDLIFE REFUGE

DATES: The fishing season on that portion of the refuge located north of Upper Blue Basin extends from February 15, 1978 through October 23, 1978. The fishing season on that portion of the refuge located south of Upper Blue Basin extends from January 21, 1978 until the day preceding opening of the 1978 waterfowl season.

FOR FURTHER INFORMATION CONTACT:

Refuge Manager, P.O. Box 295, Sam-burg, Tenn. 38254, Telephone 901-538-2481.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Reelfoot National Wildlife Refuge, Tenn., only on the areas designated by signs as being open to fishing. These areas comprising 9,092 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 95067, Atlanta, Ga. 30347. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Fishing with bows and arrows is prohibited at all times.

(2) Boats with motors of not more than 10 horsepower may be used.

(3) Public use of the refuge is limited to the hours between sunrise and sunset unless otherwise allowed by a refuge permit.

RULES AND REGULATIONS

The provisions of this special regulation supplement the regulations which govern fishing on Wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: January 25, 1978.

WILLIAM C. HICKLING,
Area Manager.

[FR Doc. 78-2867 Filed 2-1-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-05]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1434]

1978 CROP HONEY PRICE SUPPORT PROGRAM

Proposed Rule

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Secretary of Agriculture is preparing to make determinations with respect to a price support program for the 1978 crop honey and the regulations to carry out the program. These determinations are to be made pursuant to the Agricultural Act of 1949, as amended. The program will enable producers to obtain price support on 1978 crop honey. Written comments are invited from interested persons.

DATES: Comments must be received on or before March 6, 1978, in order to be sure of consideration.

ADDRESS: Acting Director, Production Adjustment Division, ASCS, USDA, Room 3630 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Harry A. Sullivan (ASCS), 202-447-7951.

SUPPLEMENTARY INFORMATION:

A. *Price support program, color differentials and discounts for quality.* Title II of the Agricultural Act of 1949, as amended, authorizes and directs the Secretary to make available through loans, purchases or other operations, price support to producers of honey at a level which is not in excess of 90 percent nor less than 60 percent of the parity price thereof. Loan and purchase rates will be based on color, class and grade and will reflect market differentials under which honey is merchandised. Section 401(b) of the Act requires that, in determining a price support rate in excess of the minimum level prescribed for honey, consideration must be given to the supply of the commodity in relation to the demand thereof, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to

agriculture and the national economy, the ability to dispose of stocks acquired under a price support program, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

B. *Price support program availability dates.* Comments are invited with respect to the loan and purchase availability dates and to the loan maturity date for the 1978 crop honey.

C. *Detailed operating provisions.* Detailed operating provisions necessary to carry out the program on honey will be considered for the 1978 crop honey. Provisions of this kind may be found in the regulations providing terms and conditions for the current price support program in Part 1434 of Title 7 of the Code of Federal Regulations.

PROPOSED RULE

The Secretary of Agriculture is considering the following determinations for the 1978 crop honey:

A. Price support rates based on color differentials, class and grade.

B. Price support program availability dates.

C. Detailed operating provisions to carry out the program.

Prior to making these determinations, consideration will be given to any data, views and recommendations. All comments will be made available to the public at the office of the Acting Director, Production Adjustment Division, ASCS, USDA, during regular business hours (8:15 a.m. to 4:45 p.m.), Monday through Friday, in room 3630, South Building, 14th and Independence Avenue SW., Washington, D.C. (7 CFR 1.27(b)).

Signed at Washington, D.C., on January 26, 1978.

WELDON B. DENNY,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-2880 Filed 2-1-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-RM-02]

TRANSITION AREAS

Proposed Revocation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Gwinner, N. Dak., non-Federal, non-directional beacon (NDB) is proposed to be reclassified by the owner to a visual flight rules (VFR) navigational aid. Consequently, the instrument approach is proposed to be canceled negating the need for transitional areas.

DATE: Comments must be received on or before February 27, 1978.

ADDRESS: Send comments on the proposal to Chief, Air Traffic Division, Attn.: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph T. Taber, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM-537), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010, telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal

conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The Federal Aviation Administration is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke the transition areas at Gwinner, N. Dak. The owner of the non-Federal, non-directional beacon (NDB) at Gwinner, N. Dak., has requested that the NDB be reclassified as a VFR navigational aid and the instrument approach procedure be canceled. Consequently, the transition areas of controlled airspace are proposed to be revoked. Accordingly, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending § 71.181 so as to delete the following:

GWINNER, N. DAK.

That airspace extending upward from 700 feet above the surface within a 8.5-mile radius of the Gwinner Municipal Airport (latitude 46°13'10" N., longitude 97°38'27" W.); and that airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Gwinner Municipal Airport, and within 9.5 miles west and 4.5 miles east of the 167° T bearing from the Gwinner NDB (latitude 46°13'24" N., longitude 97°38'35" W.), extending from the 12-mile radius area to 18.5 miles south of the NDB; and from 5 miles west of the 017° bearing from the Gwinner NDB clockwise to 5 miles south of the 088° bearing from the NDB, extending from the 12-mile radius area to the boundary of the Fargo, N. Dak., transition area.

DRAFTING INFORMATION

The principal authors of this document are Mr. Joseph T. Taber, Air Traffic Division, and Mr. Daniel J.

Peterson, Office of the Regional Counsel, Rocky Mountain Region.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), sec. 8(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Issued in Aurora, Colo., on January 23, 1978.

M. M. MARTIN,
Director,
Rocky Mountain Region.

(FR Doc. 78-2767 Filed 2-1-78; 8:45 am)

[4910-13]

[14 CFR Part 121]

[Docket No. 17565; Notice No. 78-2]

CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Crewmember Qualifications: Operating Experience

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the requirement that if a certificate holder's approved training program includes a course of training in an airplane simulator, a pilot in command must be observed by an FAA inspector during at least one flight leg which includes a takeoff and landing. The FAA believes the current requirement for an FAA observer is not necessary on initial operating experience flights for qualifying pilots in command completing transition training. Accordingly, that requirement would be deleted by this proposal.

DATE: Comments must be received on or before March 1, 1978.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24), Docket No. 17565, 800 Independence Avenue SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24), 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before March 1, 1978, will be considered by the Administrator before taking action on the proposed rule. The proposal in this notice may be changed in the light of comments received. All comments received will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the Rules Docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to: Federal Aviation Administration, Office of Public Affairs, Attn.: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular 11-2 which describes the application procedures.

BACKGROUND

Section 121.434(c)(1)(ii) requires that a pilot in command be observed by an FAA inspector during at least one flight leg, which includes a takeoff and landing, while acquiring operating experience if the certificate holder uses a course of training in an airplane simulator, as provided in § 121.409(c), prior to serving as the pilot in command in Part 121 operations. The purpose of the current rule is to provide the FAA an opportunity to observe a pilot in the performance of his duties prior to his assuming pilot in command duties in Part 121 operations.

The current rule specifies that during the time that a qualifying pilot in command is acquiring operating experience, a check pilot who is serving as the pilot in command must occupy a pilot station. In the case of a transitioning pilot in command, the check pilot serving as pilot in command may occupy the observer's seat, if the transitioning pilot has made at least two takeoffs and landings in the type airplane used, and has satisfactorily demonstrated to the check pilot that he is

qualified to perform the duties of a pilot in command of that type of airplane.

The requirements in § 121.434(c)(1) for initial operating experience (IOE) flights for a pilot in command, that are observed by an FAA inspector, resulted from Amendment 121-55, published on January 3, 1970 (35 FR 84), an Amendment 121-91, published on May 27, 1972 (37 FR 10727). The purpose of these amendments was to update procedures for the approval and revision of training programs; to provide for more extensive use of airplane simulators in training; and to allow improvements in the operation of training programs and the quality of training. The FAA considered it necessary to require pilots in command to be observed by an FAA inspector during at least one flight leg of initial operating experience, which includes a takeoff and landing, if the certificate holder uses a course of training in an airplane simulator as provided in § 121.409(c). That requirement was set forth in Amendment 121-91, and has continued in effect until the present.

Based on FAA experience observing IOE flights since May 27, 1972, the agency believes that a combination of simulator/airplane training results in a pilot who is better trained than one trained only in the airplane. Simulators permit more concentrated training without waste of energy, time, and effort, and the trainees can be allowed to see and correct their mistakes without any detrimental effect on safety of flight. Therefore, the FAA believes that utilization of ground training devices, particularly aircraft simulators, adequately prepares a qualifying pilot in command for assumption of his duties since initial operating experience is gained with a check pilot.

The FAA further believes that due to the experience level of pilots in command who have gained line experience with the certificate holder in airplanes of the same group, as defined in § 121.400, it is unnecessary for it to continue to observe all IOE flights for qualifying pilots in command who are completing transition training. The FAA would, however, continue to observe a sufficient number of IOE flights by transitioning pilots in command to enable it to determine the effectiveness of the certificate holder's training program.

Therefore, it is proposed that the requirement for an inspector to observe at least one IOE flight with a takeoff and landing be deleted for a transitioning pilot in command gaining line operating experience, who has previously served in the same capacity in another airplane of the same group of airplanes.

DRAFTING INFORMATION

The principal authors of this document are Mr. Joe N. Cate, Jr., Flight

Standards Service, and Mr. Richard C. Beitel, Office of the Chief Counsel.

THE PROPOSED RULE

Accordingly, the Federal Aviation Administration proposes to amend Part 121 of the Federal Aviation Regulations by revising the first two sentences of § 121.434(c)(1)(ii) to read as follows:

§ 121.434 Operating experience.

(c) . . .
(1) . . .

(ii) In addition, if the certificate holder's approved training program includes a course of training in an airplane simulator under § 121.409(c), and a qualifying pilot in command is completing initial or upgrade training specified in § 121.424, be observed in the performance of prescribed duties by an FAA inspector during at least one flight leg which includes a takeoff and landing. During the time that a qualifying pilot in command is acquiring the operating experience in paragraph (c)(1)(i) and (ii), a check pilot who is also serving as the pilot in command must occupy a pilot station. . . .

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1345(a), 1421, 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 27, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

(FR Doc. 78-2957 Filed 2-1-78; 8:45 am)

[4910-14]

Coast Guard
[33 CFR Part 117]

[CGD 77-207]

PASSAIC RIVER, N.J.

Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The New Jersey Department of Transportation has requested the Coast Guard to consider revising the regulations governing the operation of the drawbridge (Stickel Memorial) across the Passaic River, mile 5.8, to require at least 8 hours notice

at all times. This change is being considered because of infrequent openings. The bridge owner will be relieved of the duty of open the bridge on signal at all times.

DATE: Comments must be received on or before March 6, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), the Third Coast Guard District, Governors Island, New York, N.Y. 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The statistical data submitted by the applicant appears to justify the requested change. In 1974 there were 12 openings; in 1975 there were 36 openings (16 for dredging operations); and in 1976 there were 6 openings.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new paragraph (j) to § 117.200 to read as follows:

Part 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.200 Newark Bay, Passaic and Hackensack Rivers, and their navigable tributaries; general regulations.

(j) *Route 280 (Stickel) Bridge, mile 5.8, Passaic River.* The draw shall open on signal if at least 8 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: January 27, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-2905 Filed 2-1-78; 8:45 am]

[4910-14]

[33 CFR Part 117]

[CGD 77-205]

LAKE CHAMPLAIN, N.Y.

Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Central Vermont Railway has requested the Coast Guard to consider revising the regulations governing their drawbridge across Missisquoi Bay, Lake Champlain, N.Y., mile 105.6, to permit more restrictive opening periods. This request is made because of limited openings during the periods concerned. The proposed rule would relieve the bridge owner of the duty to open the bridge on signal during these periods.

DATE: Comments must be received on or before March 6, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District, will forward any comments received with his recommenda-

tions to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

Statistical data submitted by the bridge owner indicated this change may be desirable. In 1975 there were 101 openings; 72 from 9 a.m. to 5 p.m.; 19 from 5 p.m. to 11 p.m.; and only 10 from 11 p.m. to 9 a.m. In 1976 there were 160 openings; 110 from 9 a.m. to 5 p.m.; 44 from 5 p.m. to 11 p.m.; and only 6 from 11 p.m. to 9 a.m.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.191(b) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.191 Navigable waters in the State of Vermont and their tributaries; bridges where constant attendance of drawtenders is not required.

(b) Lake Champlain; Missisquoi Bay, Central Vermont railroad bridge, mile 105.6.

(1) The draw shall open on signal from 9 a.m. to 5 p.m. from June 15 through September 15.

(2) The draw shall open on signal from 5 p.m. to 11 p.m. from June 15 through September 15 if at least 4 hours notice is given.

(3) The draw shall open on signal from September 16 through June 14 if at least 24 hours notice is given.

(4) Public vessels of the United States and Vermont Fish and Game vessels shall be passed through the closed draw as soon as possible at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: January 25, 1978.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.
[FR Doc. 78-2906 Filed 2-1-78; 8:45 am]

[4910-14]

[33 CFR Part 117]

[CGD 77-194]

BACK COVE, PORTLAND, MAINE

Drawbridge Operation Regulations

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Canadian National Railways has requested the Coast Guard to consider revising the regulations for their drawbridge across Back Cove, Portland, Maine, to require at least 24 hours notice for openings of the draw. The draw is presently required to open on signal from June 1 through September 30 from 8 a.m. to 12 midnight; at least 12 hours notice is required at all other times. This change is being considered because of infrequent openings. The bridge owner will be relieved of the duty to open the bridge on signal at all times.

DATE: Comments must be received on or before March 6, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (obr), First Coast Guard District, 150 Causeway Street, Boston, Mass. 02114.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, First Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Frank L.

Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

These amended regulations are proposed because of relatively few openings of the draw under the present regulations. From June 1, 1976, through September 30, 1976, from 8 a.m. to 12 midnight, 63 openings were made. This averages to approximately one opening every other day.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.20 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.20 Back Cove, Portland, Maine; Canadian National Railways bridge.

(a) The draw need not open for the passage of vessels unless at least 24 hours notice is given.

(b) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream side of the bridge in a position where it can be read easily at any time, a copy of the regulations of this section together with a notice stating how notice may be given.

(c) The signal for an opening of the draw shall be one long blast followed by one short blast of a whistle or horn.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: January 30, 1978.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.
[FR Doc. 78-2908 Filed 2-1-78; 8:45 am]

[3510-16]

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[37 CFR Part 2]

LATE FILED FEES FOR SECTION 8 AFFIDAVITS/DECLARATIONS AND NOTICES OF OPPOSITION IN TRADEMARK CASES

Proposed Rulemaking

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Proposed rulemaking.

SUMMARY: This notice invites written comment on a patent and Trade-

mark Office proposal to amend the rules of practice to permit the acceptance of late fees in connection with Notices of Opposition and affidavits or declarations under Section 8 of the Act of July 5, 1946, as amended. The proposed changes set out procedures for notifying parties of missing or deficient fees in connection with Section 8 affidavits/declarations and Notices of Opposition and provide for the acceptance of the appropriate fee within a designated time period upon payment of a service charge. Previously, it has been required to petition the Commissioner of Patents and Trademarks for acceptance of such late fees. These proposed rule changes will eliminate the need for petitioning the Commissioner.

DATE: Comments must be received on or before March 21, 1978.

ADDRESSES: Comments may be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231. All comments received will be available for public inspection in Room 11E10, Crystal Plaza, Building 3, 2021 Jefferson Davis Highway, Arlington, Va.

FOR FURTHER INFORMATION CONTACT:

J. Paul Williamson, Patent and Trademark Office, 703-557-2521.

SUPPLEMENTARY INFORMATION: A notice was published in the Official Gazette of the United States Patent and Trademark Office, 958 TMOG 6, on May 10, 1977, wherein the Commissioner solicited any views the public might have in connection with a proposal to amend the rules to accept late filed opposition fees and Section 8 affidavit fees without the necessity of petitioning the Commissioner or complying with § 2.148 of the Code of Federal Regulations. A total of six written comments were submitted, with five of the comments being favorable to the proposal. Full and careful consideration was given to each of the comments submitted before the following proposed rule changes were drafted. Those comments submitted in response to the Official Gazette notice need not be resubmitted and will be available for public inspection at the address noted above.

The purpose of the proposed changes is to provide a procedure within the Rules of Practice in Trademark Cases permitting the acceptance of late filed fees for oppositions and Section 8 affidavits or declarations without the need for petitioning the Commissioner for a waiver of the rules pursuant to § 2.148. Although the notice published in the Official Gazette on May 10, 1977 suggested that the proposed procedure might be extended to fees in connection with ex parte appeal cases, that application is

not being proposed at this time, but will be the subject of further study.

The proposed revision of § 2.1 is intended to obviate any conflict which might otherwise be created between those sections of Part 1 applicable to trademark cases and the proposed revisions and additions to the trademark rules set forth herein. In particular, this proposed revision would avoid direct conflict between § 1.22 and the proposed revisions of §§ 2.101(c) and 2.162(d).

Proposed § 2.6(g) sets forth the service fee to be charged in connection with the handling of late filed fees for Section 8 affidavits or declarations and oppositions. Designation of the fees for this service is made pursuant to the authority of the Commissioner under Section 31 of the Act of July 5, 1946, as amended, and § 1.21(v) of Title 37 of the Code of Federal Regulations.

All the comments received in connection with the notice appearing in the May 10, 1977 Official Gazette (958 TMOG 6) which addressed the question of a service fee favored the implementation of such a fee for the service of notifying persons of a fee deficiency and affording such persons an additional time for submitting the required fee. The nominal service fee is intended to recover the costs incurred by the Patent and Trademark Office in connection with this procedure of notifying persons of fee deficiencies and extending their time for payment.

Late Opposition Fees. Although decisional law, *Colgate-Palmolive Co. v. Brenner, Comr. of Pats.*, 148 USPQ 535 (S.D.N.Y. 1965) and *Marzall, Comr. of Pats. v. Libby, McNeill and Libby*, 89 USPQ 10 (D.C. Cir. 1951), has established that timely payment of the opposition fee may be excused by the Commissioner under Section 13 of the Act of July 5, 1946, as amended, the regulations governing such situations, i.e. § 1.22 and § 2.101(b) of Title 37 of the Code of Federal Regulations, require that payment be timely. Consequently, acceptance of late opposition fees has required a waiver of those rules under § 2.148. The standard of § 2.148 is arduous and is considered too rigid for certain situations like the fees noted above. It is believed that the fees are ministerial in nature and that substantive rights generally should not be immediately denied due to a failure to comply with a ministerial function. Therefore, it is proposed to revise the present procedure in a manner which will work toward the ends of justice while still supporting the orderly administration of the Office.

Proposed § 2.101(c) describes the procedure to be followed in the event that an insufficient fee or no fee is timely submitted in connection with an opposition. If a fee sufficient to cover the cost of opposing a single class in a reg-

istration is timely filed, then the procedure set forth in § 2.85(e) will be followed. If no fee is submitted, or if a fee sufficient to cover the cost of opposing a single class in a registration is not submitted within thirty days after publication of the mark to be opposed or within an extension of the time for filing an opposition, a notice of deficiency will be sent by this Office advising the potential opposer of the deficiency and setting a time period within which the deficiency and service charge must be filed. This procedure will obviate the need for petitioning the Commissioner in the first instance. Failure to comply within the time period set out in the notice of deficiency will result in the refusal of the opposition. Relief by way of petition to the Commissioner from such a refusal will require that the arduous standards of § 2.148 be satisfied.

The procedure set forth in § 2.85(e) will not be available to parties who submit a single fee (and the required service fee), or fees for less than all the classes of an application, in response to the above-identified notice of deficiency. In those situations, a party will be required to elect which class or classes it wishes to oppose.

Late Section 8 Fees. While Section 8 of the Act of July 5, 1946, as amended, does not require a fee and Section 31 of the Act has been held not to require timely filing of the fee in connection with a Section 8 affidavit or declaration, *In re Kleiner*, 185 USPQ 362 (Comr. Pat. 1975), §§ 1.22 and 2.162(d) of Title 37 of the Code of Federal Regulations require that the necessary fee be filed within the sixth year following registration. Consequently, acceptance of a late filed Section 8 fee has required a waiver of those rules by the Commissioner under § 2.148. For the same reasons stated above in connection with the late opposition fees, it is also proposed to revise the present procedures for handling late Section 8 fees.

The proposed revision of § 2.162(d) sets forth the procedure to be followed in the event that an insufficient fee or no fee is timely submitted in connection with a Section 8 affidavit or declaration. The procedure is identical to that in connection with the late opposition fee. Failure to comply within the time period set out in the notice of deficiency will result in the refusal of the affidavit or declaration. Again, relief by way of a petition to the Commissioner from such a refusal will require that the standards of § 2.148 be satisfied. Furthermore, it should again be noted that the § 2.85(e) procedure will not be available to a registrant after a fee is received in response to a notice of deficiency under this revised section.

Fees filed pursuant to a notice of deficiency will be considered appropriate

subject matter for use of the certificate of mailing procedure set out in § 1.8.

Notice is hereby given that pursuant to the authority contained in Section 41 of the Act of July 5, 1946 (60 Stat. 427, 15 U.S.C. 1123), as amended, the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations by revising §§ 2.1 and 2.162(d), and by adding §§ 2.6(g) and 2.101(c).

It is proposed to revise or add sections or paragraphs of sections as follows:

ATTENTION

The texts of the following proposed amendments are using ► arrows to indicate additions and [] brackets to indicate deletions.

1. By revising § 2.1 to read as follows:

§ 2.1 Sections of Part 1 applicable.

Sections 1.1 to 1.26 of this chapter are applicable to trademark cases except such parts thereof which specifically refer to patents ► and except § 1.22 to the extent that it is inconsistent with §§ 2.101(c) or 2.162(d) ►. Other sections of Part 1 incorporated by reference or referred to in particular sections of this part are also applicable to trademark cases.

2. By the addition of new paragraph (g) to § 2.6 to read as follows:

§ 2.6 Trademark fees.

► (g) For the special service of handling late filed fees in connection with an:

Affidavit or declaration under Section 8..... \$10
Opposition..... 25 ◄

3. By the addition of new paragraph (c) to section 2.101 to read as follows:

§ 2.101 Filing an opposition.

► (c) If no fee, or a fee insufficient to cover at least one class, is filed within thirty days after publication of the mark to be opposed or within an extension of the time for filing an opposition, the opposition will not be refused if the required fee(s) and service charge (see § 2.6(g)) are filed in the Patent and Trademark Office within the time limit set forth in the notification of this defect by the Office. In situations covered by this section, § 2.85(e) may not be utilized. ◄

4. By revising paragraph (d) of § 2.162 to read as follows:

§ 2.162 Requirements for affidavit or declaration during sixth year.

(d) Include the required fee for each class to which the affidavit or declaration pertains in the registration. ► If no fee, or a fee insufficient to cover at least one class, is filed before the expiration of the sixth year following the date of registration or of publication under Section 12(c) of the act, the affidavit or declaration will not be refused if the required fee(s) and service charge (see § 2.6(g)) are filed in the Patent and Trademark Office within the time limit set forth in the notification of this defect by the Office. In situations where a notice of deficiency is sent because no fee or a fee insufficient to cover at least one class, is filed, § 2.85(e) may not be utilized. ◄ If insufficient fees are included to cover all classes in the registration, the particular class or classes to which the affidavit or declaration pertains should be specified;

Dated: December 22, 1977.

LUTELLE F. PARKER,
Acting Commissioner of
Patents and Trademarks.

Approved:

JORDAN J. BARUCH,
Assistant Secretary for
Science and Technology.

[FR Doc. 78-2922 Filed 2-1-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 850-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Missouri: Proposed Disapproval of State-Issued Variances Submitted as Revisions to the Missouri State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: In order to satisfy the requirements of the Clean Air Act, The State of Missouri has submitted to the Environmental Protection Agency (EPA) a State Implementation Plan (SIP) for attainment and maintenance of national ambient air quality standards. Portions of the SIP have been approved by the Administrator of EPA and are now enforceable by EPA as Federal regulations. The State of Missouri has submitted as revisions to the State Implementation Plan a number of variance orders issued by the Missouri Air Conservation Commission (MACC) for sources found to be in violation of regulations which are part of

the approved SIP. Through this notice EPA proposes to disapprove variance orders issued by the MACC to City Utilities of Springfield, Mo. (James River Units 1, 2, and 3), Empire District Electric Co. (Asbury powerplant), Meremac Mining Co., Missouri Portland Cement Co. (Sugar Creek, Mo.), Missouri Service Co. (Sibley powerplant), and Noranda Aluminum, Inc.

DATE: Comments must be postmarked by no later than March 6, 1978.

ADDRESSES: (1) The schedules and evaluation reports are available for inspection at the Region VII Office of the Environmental Protection Agency, 1735 Baltimore, Kansas City, Mo. 64108; (2) comments should be sent to the Director, Enforcement Division, Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Mo. 64108.

FOR FURTHER INFORMATION CONTACT:

Michael J. Sanderson or Gale A. Wright, Enforcement Division, Legal Branch, EPA, Region VII, 1735 Baltimore, Kansas City, Mo. 64108, telephone 816-374-2576.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 24, 1972, pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the State of Missouri submitted to EPA an implementation plan for attainment and maintenance of national ambient air quality standards. The plan contained State statutes, State and local regulations, control strategies, and other information. On May 31, 1972 (37 FR 10875), the Administrator approved the Missouri SIP with specific exceptions. Since then, Missouri has submitted to EPA a number of revisions to the SIP, including revisions to the State legislative authority, revisions to State and local regulations for air pollution control, and variance orders issued by the MACC for sources found to be in violation of regulations contained in the approved SIP. The term variance is defined at 40 CFR 51.1(y) as the temporary deferral of a final compliance date for an individual source subject to an approved regulation, or a temporary change to an approved regulation as it applies to an individual source. Thus a variance does not revise a source's underlying obligations; rather it merely alters the time frame within which the obligation must be satisfied. All but one of the variances which are the subject of this notice contain a schedule for complying with the approved regulation and were thus reviewed as variances within the meaning of § 51.1(y). The Noranda variance on the other hand did not contain a schedule for compli-

ance and was reviewed as a permanent or indefinite relaxation of the approved regulation as will be explained more fully below.

Section 110(a)(2)(B) of the Clean Air Act (42 U.S.C. 7410(a)(2)(B)), provides that a State implementation plan, in order to be approvable, must include " * * * emission limitations, schedules, and timetables for compliance with such limitations, and such other measures as may be necessary to ensure attainment and maintenance of (national ambient air quality standards) * * * ". The SIP must set forth a control strategy which demonstrates that the emission limitations and other regulatory requirements contained in the plan provide for the degree of emission reduction necessary for attainment and maintenance of such national standards, including the degree of emission reduction necessary to offset emission increases that can reasonably be expected to result from projected growth of population, industrial activity, motor vehicle traffic, or other factors that may cause or contribute to increased emissions (40 CFR 51.12(a)). In areas where measured or estimated ambient levels are below the national secondary standard, the control strategy must demonstrate that the statutory and regulatory authority contained in the plan is adequate to prevent such ambient pollutant levels from exceeding the secondary standard (40 CFR 51.12(b)). The requirements of section 110(a)(2) of the Act, and 40 CFR 51.12 apply equally as well to any revision to the State implementation plan (see section 110(a) of the Act, and 40 CFR 51.6 and 51.34).

In seeking approval of an individual source variance or exemption as a plan revision, the State must demonstrate the adequacy of the overall control strategy as it may be affected by the proposed revision. This would require more than a demonstration that the emissions from the source will not cause a violation of the national standards. The demonstration must include, but would not necessarily be limited to, a consideration of measured or estimated ambient levels of a pollutant in the area affected by emission from the source, the impact of emissions from sources that have been approved for construction (or from other reasonably anticipated growth during the period of the compliance schedule) which is not reflected in current ambient data, and the impact of the proposed plan revision. For sources indefinitely or permanently exempted from the approved regulation, broader consideration must be given to reasonably expected growth. A more detailed explanation of the general criteria employed by the Agency in determining the adequacy of a control strategy demonstration is contained in the preamble to the proposed Part 51 regula-

tions relating to approval of variances as SIP revisions (40 FR 58317, December 16, 1975).

The variance orders which are the subject of this notice were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements in 40 CFR 51.4 and 51.6. The variance orders were submitted to EPA by the staff director, air quality program, Missouri Department of Natural Resources. A question has arisen regarding whether the staff director is duly authorized to submit revisions to the Missouri SIP on behalf of the Governor of Missouri. The Missouri attorney general's office has informally stated that the Missouri Department of Natural Resources has the inherent authority to submit such revisions to EPA, and EPA has previously approved SIP revisions submitted by the staff director. Notwithstanding, the variance orders proposed for disapproval in this notice are not approvable due to deficiencies in the accompanying control strategy demonstrations.

CITY UTILITIES OF SPRINGFIELD, MO.

On April 27, 1977, the MACC issued a variance order to City Utilities of Springfield, Mo., for James River powerplant, units 1, 2, and 3, allowing City Utilities to operate these units in violation of State regulations limiting the emission of particulate matter from fuel-burning equipment used for indirect heating and restricting the emission of visible air contaminants. The variance contains incremental dates for installing control equipment to meet the applicable regulations with a final compliance date for unit No. 3 of May 1, 1979, and a final compliance date for unit Nos. 1 and 2 of December 31, 1981. The variance order was submitted to EPA by the Missouri Department of Natural Resources on May 23, 1977, as a proposed revision to the State implementation plan. The variance cannot be approved under 40 CFR Part 51.6 because the accompanying control strategy does not demonstrate that the State implementation plan, as revised, will ensure attainment and maintenance of national ambient air quality standards (NAAQS) for particulate matter. The air quality modeling submitted to justify the revision does not adequately consider the impact of source emissions on areas in Springfield, Mo., where the NAAQS for particulate matter were exceeded during the calendar year 1976. The control strategy demonstration also failed to adequately consider reasonably anticipated growth in the area impacted by source emissions. The MDNR was notified of these deficiencies by letter dated November 4, 1977, and was provided an

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PROPOSED RULES

opportunity to present additional data in support of the proposed revision. The State has not submitted any additional data, and the proposed revision must therefore be disapproved.

EMPIRE DISTRICT ELECTRIC CO.

The MACC initially issued a variance order to Empire District Electric Co. for the Asbury powerplant, located near Joplin, Mo., on January 22, 1975, allowing the company to operate the facility in violation of State regulations limiting the emissions of particulate matter from the fuel burning equipment used for indirect heating and restricting the emission of visible air contaminants. The variance contained incremental dates for achieving compliance with the applicable regulations with a final compliance date of June 15, 1975. The variance was renewed by the MACC on February 25, 1976, extending the final compliance date to August 6, 1978. The variance was again renewed by the MACC on April 27, 1977, maintaining a final compliance date of August 6, 1978. The April 27, 1977, variance order was submitted to EPA by MDNR on May 23, 1977, as a proposed revision to the State implementation plan. The state has failed to adequately demonstrate that the State implementation plan, as revised, will insure attainment and maintenance of NAAQS for particulate matter. The control strategy demonstration failed to adequately consider measured or estimated ambient levels of particulate matter in the area affected by the source emissions, reasonably anticipated growth in the affected area, or emissions from other significant sources which may be impacting on the affected area. Due to these deficiencies in the control strategy demonstration, the proposed revision cannot be approved.

MEREMAC MINING CO.

On February 23, 1977, the MACC issued a variance order to Meremac Mining Co. allowing the company to operate furnace and cooler Nos. 1 through 5 at its Pea Ridge, Mo., facility in violation of State regulations restricting the emission of particulate matter from industrial processes. The variance contained incremental dates for achieving compliance with applicable regulations with final compliance dates of December 31, 1978, for furnace and cooler No. 1; December 31, 1978, for furnace and cooler Nos. 2 and 3; and December 31, 1979, for furnace and cooler Nos. 4 and 5. The variance order was submitted to EPA by MDNR on March 8, 1977, as a revision to the State implementation plan. The State has failed to demonstrate that the State implementation plan, as revised, will insure attainment and maintenance of NAAQS for particulate matter. The control strategy is defi-

cient in the same areas as the control strategy for Empire District Electric Co. (see comments above).

MISSOURI PORTLAND CEMENT CO.

The MACC initially issued a variance order to Missouri Portland Cement Co. for its Sugar Creek facility on July 28, 1976, allowing the company to operate the No. 1 clinker cooler in violation of State regulations restricting the emission of particulate matter from industrial processes and restricting the emission of visible air contaminants. The variance was renewed by the MACC on June 22, 1977. The June 22, 1977, variance, which contained incremental dates toward achieving compliance by May 1, 1978, was submitted to EPA by MDNR on July 11, 1977, as a revision to the State implementation plan. The State has failed to demonstrate that the State implementation plan, as revised, will insure attainment and maintenance of NAAQS for particulate matter. The control strategy did not adequately consider the impact of the source emissions on a monitoring site located approximately 1 1/2 miles from the plant which, on the basis of 1976 air quality data, was in violation of the primary annual NAAQS for particulate matter.

MISSOURI PUBLIC SERVICE CO.

The MACC initially issued a variance order to the Missouri Public Service Co. for its Sibley powerplant on February 23, 1977, allowing the company to operate unit Nos. 1, 2, and 3 in violation of State regulations limiting the emission of particulate matter from fuel-burning equipment used for indirect heating and restricting the emission of visible air contaminants. The Commission renewed the variance order on July 26, 1977. The July 26, 1977, variance order contained incremental dates for achieving compliance with the applicable regulations with final compliance dates of February 10, 1978, for unit No. 1; April 7, 1978, for unit No. 2; and October 10, 1977, for unit No. 3. The July 26 variance was submitted to EPA by MDNR on July 29, 1977. The State has failed to demonstrate that the State implementation plan, as revised, will insure attainment and maintenance of NAAQS for particulate matter. The control strategy is deficient in the same areas as the control strategy for Empire District Electric Co. (see comments above).

NORANDA ALUMINUM, INC.

On February 23, 1977, the MACC issued a variance order to Noranda Aluminum, Inc., for its plant at New Madrid, Mo. The variance allows continued operation of pot-line I and an associated carbon anode production facility in violation of State regulations

restricting the emission of particulate matter from industrial processes. The variance order contains a number of conditions including one which limits emissions from pot-line I and the associated carbon anode production facility to a defined level of current emissions plus 5 percent. The variance may be revoked by the Commission if the NAAQS for particulate matter are exceeded at any ambient monitoring station operated by Noranda or any ambient monitoring station operated by a Federal, State, or local governmental agency within an area where Noranda's emissions have a significant effect on ambient levels of particulate matter. Unless these conditions are violated and in the absence of a showing of other changed conditions which would justify a modification, revocation, or termination of the variance, the variance is automatically renewed on a year-to-year basis. Since the variance does not contain a schedule or any requirement for complying with the approved State regulation, the effect of the variance is to grant a permanent or indefinite relaxation of the source's underlying obligations in the SIP. The proposed SIP revision was thus reviewed as a permanent or indefinite relaxation of the approved regulation as it applies to the emission sources which are covered by the State-issued variance order. The control strategy demonstration, which consists primarily of the record of hearings held before the Missouri Air Conservation Commission, did not contain adequate air monitoring or air quality modeling data to demonstrate that the State implementation plan, as revised, will insure attainment and maintenance of NAAQS. The demonstration was particularly inadequate for the secondary 24-hour ambient air quality standard for particulate matter. Air monitoring data presented at the June 1976 hearing before the Missouri Air Conservation Commission showed violations of the 24-hour secondary standard in 1974 and 1976. Although questions were raised regarding the validity of the air quality data, the data raises serious questions and clearly fails to establish that the secondary 24-hour ambient air quality standard for particulate matter is being attained in the area affected by emissions from Noranda's facility at New Madrid. In the absence of conclusive monitoring data, diffusion modeling is required to demonstrate attainment and maintenance of the NAAQS, taking into account natural background levels. The diffusion modeling submitted in support of the Noranda variance did not utilize acceptable modeling techniques for predicting the 24-hour impact of point source emissions on the affected area, nor did it consider the effect of a 5-percent increase in emissions from pot-line I and

the associated carbon anode baking furnace. The control strategy also failed to adequately consider reasonable expected growth in the area. Pursuant to section 103 of the Clean Air Act Amendments of 1977, the Missouri Department of Natural Resources has recently identified the area surrounding Noranda's New Madrid facility as a nonattainment area for particulate matter. For these reasons, the proposed revision was determined to be unapprovable.

PUBLIC COMMENTS

Interested persons are invited to submit comments concerning the proposed action to the Regional Administrator, Attention: Director, Enforcement Division, 1735 Baltimore, Kansas City, Mo. 64108. Relevant comments received on or before March 6, 1978, will be considered. All comments received will be available for inspection during normal working hours at the EPA Region VII office.

AVAILABILITY OF DOCUMENTS

Copies of each of the variance orders and an evaluation report relative to each variance order are available at the Environmental Protection Agency, Regional Office, Region VII, Enforcement Division, 1735 Baltimore, Kansas City, Mo. 64108.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 7410).)

PROPOSED RULES

Dated: January 20, 1978.

KATHLEEN Q. CAMIN,
Regional Administrator,
Region VII.

Subpart AA—Missouri

1. In section 52.1335, the table in paragraph (b) is amended by adding the following:

§ 52.1335 Compliance schedules.

(b) * * *

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Source	Location	Regulation Involved (1)	Date adopted
City Utilities of Springfield, Mo., James River unit Nos. 1, 2, and 3.	Springfield.....	III (10 CSR 10-3.060) V (10 CSR 10-3.080)	Apr. 27, 1977.
Empire District Electric Co., Asbury powerplant.	Joplin.....	III (10 CSR 10-3.060) V (10 CSR 10-3.080)	Do.
Meremac Mining Co., furnace and cooler Nos. 1 through 5.	Pea Ridge.....	II (10 CSR 10-3.050)	Feb. 23, 1977.
Missouri Portland Cement Co., clinker cooler No. 1.	Sugar Creek.....	II (10 CSR 10-2.030) V (10 CSR 10-2.060)	June 22, 1977.
Missouri Public Service Co., Sibley powerplant, unit Nos. 1, 2, and 3.	Sibley.....	III (10 CSR 10-2.040) V (10 CSR 10-2.060)	July 26, 1977.
Noranda Aluminum, Inc., Pot-line and associated carbon anode baking facilities.	New Madrid.....	S-V (10 CSR 10-3.050)	Feb. 23, 1977.

(1) Effective July 1, 1976, the State of Missouri revised the numbering system for all air pollution control regulations throughout the State. The State air regulations are now contained in title 10, division 10 of the code of State regulations, designated 10 CSR 10. Since the new regulatory numbering system has not been formally submitted by the State to EPA as a revision to the Missouri implementation plan, the old regulation number has been cited with a reference to the corresponding new number indicated in parentheses.

[FR Doc. 78-2804 Filed 2-1-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6110-01]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON AGENCY DECISIONAL PROCESSES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Agency Decisional Processes of the Administrative Conference of the United States, to be held at 11 a.m., Friday, February 17, 1978, in the office of Ginsburg, Feldman and Bress, 1700 Pennsylvania Avenue NW., Suite 300, Washington, D.C.

The Committee will meet to discuss Professor Michael Baram's study of the use of cost-benefit analysis in federal energy regulation and Professor Edward Tomlinson's study of statutory time limits for agency action.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, D.C. 20037, at least 2 days in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meetings; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact David Pritzker, 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

JANUARY 27, 1978.

[FR Doc. 78-2846 Filed 2-1-78; 8:45 am]

[6110-01]

COMMITTEE ON GRANTS, BENEFITS AND CONTRACTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Grants, Benefits, and Contracts of the Administrative Conference of the United States, to be held at 1:30 p.m., March 1, 1978, in the library of the Administrative Confer-

ence, the Gelman Building, 2120 L Street NW., Suite 500, Washington, D.C.

The Committee will meet to consider proposed recommendations stemming from the recently completed study of the Social Security Administration Hearings System, done for the Social Security Administration by the National Center for Administrative Justice under the direction of Prof. Jerry L. Mashaw.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Jeffrey Lubbers, 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

JANUARY 27, 1978.

[FR Doc. 78-2889 Filed 2-1-78; 8:45 am]

[3410-02]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

U.S. GRAIN STANDARDS ACT

Registration and Recordkeeping

The following statements concerning the registration and recordkeeping provisions of the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) as amended October 21, 1976, by Pub. L. 94-582 (90 Stat. 2867), and as further amended September 29 1977, by Pub. L. 95-113 (91 Stat. 913), are published pursuant to section 3A of the Act for the information of persons subject to the provisions of the Act and of the public generally.

REGISTRATION

Section 17A of the Act directs that the Administrator of the Federal Grain Inspection Service shall provide by regulation for the registration, with specified exceptions, of all persons engaged in the business of buying grain for sale in foreign commerce and in the business of handling, weighing, or

transporting of grain for sale in foreign commerce. The Service will publish for comment in the FEDERAL REGISTER, proposed regulations that will establish procedures and guidelines for registration and a registration fee schedule. Until such regulations are finalized, there is no obligation to register under the Act.

RECORDKEEPING

Section 12(d) of the Act provides that grain merchandisers and elevator owners or operators who obtain official inspection of weighing services under the Act shall keep complete and accurate records for such period of time as the Administrator may, by regulation, prescribe for the purposes of the Act.

The Federal Grain Inspection Service will publish for comment in the FEDERAL REGISTER, proposed regulations that will identify the kind of records to be kept, the manner in which they shall be kept, and the types of businesses that will be required to keep them.

Until such regulations are finalized, the Service will consider merchandisers and elevator operators or owners in compliance with recordkeeping provisions so long as such persons permit representatives of the Secretary or Administrator to have access to, and to copy, at all reasonable times, the records which such persons normally maintain.

Dated: January 27, 1978.

D. R. GALLIART,
Acting Administrator.

[FR Doc. 78-2881 Filed 2-1-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

PEANUTS FARE INVESTIGATION

[Docket 30555]

Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, which was assigned to be held on February 7, 1978 at 9:30 a.m. (local time), in Room 1003, Hearing Room A, North Universal Building, 1875 Connecticut Avenue, Washington, D.C. 20428 (42 FR 65232, December 30, 1977) will be held on February 14, 1978

at 9:30 a.m. (local time) in Room 1003, Hearing Room A.

Dated at Washington, D.C., January 27, 1978.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc. 78-2902 Filed 2-1-78; 8:45 am]

[6320-01]

[Docket 31564; Order 78-1-120]

TRANSATLANTIC SUPER-APEX FARES

Order Vacating Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of January, 1978.

Transatlantic super-APEX fares proposed by various carriers

By Order 77-10-139, October 25, 1977, the Board suspended, pending investigation, super-APEX (advance-purchase excursion) fares proposed by Aeromexico de Mexico, S.A. (Aeromexico) for use between Miami, on the one hand, and Spain, on the other. The Board stated that it was suspending the fares because the United States had been unable to secure an ad hoc agreement with Mexico which would permit us to suspend the fares after they became effective, and in those circumstances, failure to suspend the fares before they became effective might foreclose any future action by this Government with regard to such fares.

The Department of State has now informed us that Mexico has signed an ad hoc agreement confirming the right of the United States to take action against the super-APEX fares after they became effective. Thus there is no reason for Aeromexico's fares to countries whose governments have signed appropriate ad hoc agreements, to remain under suspension, and this order will vacate our previous action in that respect.

Accordingly, pursuant to sections 102, 204(a), 403, 801 and 1002(j) of the Federal Aviation Act of 1958,

It is ordered that: 1. Order 77-10-139 is hereby vacated insofar as it suspends and investigates the \$350.00 Advance-Purchase Excursion Fare between Miami, Florida, and Madrid, Spain, and reference marks "C" and "D", applicable to Aeromexico de Mexico, published in Table 104 of Passenger Fares Tariff No. PF-4, CAB No. 44, issued by Air Tariffs Corp., Agent;

2. This order shall be submitted to the President¹ and shall be effective on January 26, 1978; and

3. Copies of this order shall be filed in the above tariff and served upon Aeromexico de Mexico, S.A. and the National Air Carrier Association.

¹This order was submitted to the President on January 20, 1978.

NOTICES

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-2903 Filed 2-1-78; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

CENSUS ADVISORY COMMITTEE OF THE AMERICAN STATISTICAL ASSOCIATION

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix I, 1976), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on March 2 and 3, 1978 at 9 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee of the American Statistical Association was established in 1919. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association.

The agenda for the March 2 meeting, which will adjourn at 6 p.m. is: (1) Topics of current interest at the Bureau of the Census, including staff changes and Bureau organization and major budget and program developments; (2) evaluation plans for the 1980 census; (3) issues in adjusting population counts; and (4) development of Committee recommendations.

The agenda for the March 3 meeting, which will adjourn at 12:30 p.m. is: (1) Committee discussion of recommendations; (2) progress report on computer-assisted telephone interviewing; (3) progress report on the revised business sample; (4) discussion on Census Bureau responses to prior Committee recommendations, status of specific Bureau activities, and Bureau activities described at earlier Committee meetings; and (5) Committee recommendations, plans, and agenda items for the next meeting.

The meeting will be open to the public, and a brief period will be set aside on March 3 for public comment.

²All Members concurred except Chairman Kahn who did not participate.

and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. James L. O'Brien, Assistant Chief, Statistical Research Division, Bureau of the Census, Room 3573, Federal Building 3, Suitland, Md. (Mail address: Washington, D.C. 20233). Telephone 301-763-5350.

Dated: January 30, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 78-2926 Filed 2-1-78; 8:45 am]

[3510-25]

Industry and Trade Administration

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will be held on Tuesday, February 21, 1978, at 10 a.m. in Room 4833, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.

- (3) Discussion of industrial robot performance criteria.
 (4) Discussion of dimensional inspection machine performance criteria.

EXECUTIVE SESSION

- (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under the Executive Order. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Numerically Controlled Machine Tool Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 1, 1977 (42 FR 5991).

NOTICES

Dated: January 28, 1978.

RAUER H. MEYER,
 Director, Office of Export Administration,
 Bureau of Trade Regulations, U.S. Department of Commerce.

[FR Doc. 78-2931 Filed 2-1-78; 8:45 am]

[3510-03]

Maritime Administration

[Docket No. S-593]

SUN TRANSPORT, INC.

Application

Notice is hereby given that Sun Transport, Inc., P.O. Box 280, Clayton, Del. 19703, has filed an application dated November 19, 1976, as amended, with the Maritime Subsidy Board (the Board), pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for an operating-differential subsidy contract, to expire December 31, 1978, unless extended, to operate the S/Ts *America Sun*, 80,735 deadweight tons (dwt), *Pennsylvania Sun*, 53,463 dwt and *Texas Sun*, 53,453 dwt, in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R., or other permissible ports of discharge.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessels named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the application and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before February 13, 1978, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject application, the purpose of such hearing will be to receive evidence relevant to (1) whether the application herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be operated in addition to the existing service or services, and if so, whether the service already provided by the vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS).)

Dated: January 30, 1978.

So ordered by the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
 Secretary.

[FR Doc. 78-2928 Filed 2-1-78; 8:45 am]

[3510-03]

[Docket No. S-589, Sub.-1]

COVE TRADING INC.

Amended Notice

A Notice was published in the FEDERAL REGISTER issue of January 23, 1978 (43 FR 3147) advising that Cove Trading Inc. requested certain written permissions pursuant to section 805(a) in connection with an application filed under the Merchant Marine Act, 1936, as amended, (the Act), for operating-differential subsidy (ODS) on the SS *Cove Trader* (formerly the *Transeaster*) with respect to bulk cargo carrying service in U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics. The following request for section 805(a) written permission was inadvertently omitted from the Notice, namely,

For Cove Shipping Inc., an affiliate of Trading, to operate the SS's *Mount Navigator*, *Mount Explorer*, and *Cove Communicator* in the domestic trade.

It will be necessary to extend to Cove Tankers Corporation, a subsidized operator in the grain trade to Russia and an affiliate of Trading, the foregoing written permission requested by Trading.

Such written permission is required under section 805(a) notwithstanding the fact that a voyage of the *Cove Trader* in the proposed service for which subsidy is sought on which the vessel engaged in domestic intercoastal or coastwise trade would not be eligible for subsidy.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on February 8, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Assistant Secretary for Maritime Affairs.

Dated: January 30, 1978.

JAMES S. DAWSON, Jr.,
 Secretary.

[FR Doc. 78-2929 Filed 2-1-78; 8:45 am]

[3510-03]

[Docket No. S-592]

PARTICIPATION BY VESSELS BUILT WITH CDS IN THE CARRIAGE OF ALASKAN OIL IN THE DOMESTIC TRADE

Application by Boston VLCC Tankers, Inc. VI

Notice is hereby given that an application has been filed on behalf of

NOTICES

[6730-01]

STATES STEAMSHIP CO.

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Extension of time.

SUMMARY: In FR Doc. 78-309, appearing in the FEDERAL REGISTER of January 6, 1978 (43 FR 1116) notice was given that with respect to the application of States Steamship Co. (States) for a twenty-year operating-differential subsidy agreement, the Maritime Subsidy Board had decided to extend an opportunity for interested parties to present their views on the section 601(a)(4) aspects of States' application, such comments to be considered separately from any consideration of the section 605(c) issues under Docket No. S-447.

Written comments were invited to be filed by February 3, 1978, with the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230. Replies to submitted comments were requested by close of business on March 6, 1978.

Upon request made and for good cause shown by States, the time for submission of comments is hereby extended to close of business March 20, 1978.

Any replies to submitted comments shall be filed by close of business on April 17, 1978.

Dated: January 30, 1978.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
 Secretary.

[FR Doc. 78-2927 Filed 2-1-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: (a) Name: Dr. Howard Gelberg; (b) Address: Department of Pathology, Cornell University, Ithaca, N.Y. 14853.

2. Type of permit: Scientific Research.

3. Name and number of animals: Harbor seals (*Phoca vitulina*), 5; harp seals (*Phoca groenlandica*), 40.

4. Type of activity: The harbor seals will be obtained from stranded animals currently kept at the New England Aquarium. The harp seals will be live captures available

Boston VLCC Tankers, Inc., VI (Boston VI), owners of the SS *Maryland*, and Atlantic Richfield Co. (Arco), charterers of the *Maryland*, for written permission under section 506 of the Merchant Marine Act, 1936, as amended, for the temporary employment of the vessel in the carriage of oil from Valdez, Alaska, to Balboa, Canal Zone.

The *Maryland* is a 265,000-deadweight-ton tanker, built with construction-differential subsidy, and is under time charter to Arco. Arco has received a request from the Standard Oil Co. of Ohio (Sohio) to subcharter the *Maryland* for a period of approximately six months in the Valdez/Balboa service, with initial loading at Valdez on or about April 1, 1978.

A previous application for the *Maryland* to engage in this service was published in the FEDERAL REGISTER issue of July 15, 1977 (42 FR 36542) in Docket No. S-564. No further action was taken by the Maritime Administration with regard to the application.

Interested parties may inspect Boston VI's current application in the Office of the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation who is a "competitor," as defined in section 250.2 of the regulations as set forth in Part 250 of Chapter II, Title 46, of the Code of Federal Regulations published in the FEDERAL REGISTER issue of June 29, 1977 (42 FR 33035), and desires to protest such application should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received by February 9, 1978. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Assistant Secretary for Maritime Affairs. Within five working days after the due date for the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests, of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance program No. 11.500 Construction-Differential Subsidies (CDS).)

By Order of the Assistant Secretary for Maritime Affairs.

Dated: January 30, 1978.

JAMES S. DAWSON, Jr.,
 Secretary.

[FR Doc. 78-2930 Filed 2-1-78; 8:45 am]

from the Canadian Government. These will be inoculated with a virus from tissue and body fluid specimens from harvested fur seals (*Callorhinus ursinus*) to study the mechanisms in disease production and transmission in seals. The animals will be held from 3-6 months then sacrificed.

5. Located to activity: Capture of harp seals from Magdalen Island, Canada.

6. Period of activity: 2 years.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written views or data, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 6, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Wash. 98109.
Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Mass. 01930.

Dated: January 19, 1978.

ROLAND F. SMITH,
Acting Assistant Director
for Fisheries Management.

[FR Doc. 78-2935 Filed 2-1-78; 8:45 am]

[3510-22]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that an Applicant has applied in due form for a Permit to take fur seals as authorized by the Fur Seal Act of 1966 (16 U.S.C. 1151-1187), and the Regulations Governing the Taking of Fur Seals (50 CFR Part 215).

1. Applicant: (a) Name—Mystic Marineland Aquarium; (b) Address—Mystic, Conn. 06355.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Northern fur seal (*Callorhinus ursinus*), 10.

4. Type of Activity: To take by capture.

5. Location of Activity: St. Paul Island, Alaska.

6. Period of Activity: 2 Yrs.

The arrangements and facilities for transporting and maintaining the

marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 6, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.
Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Wash. 98109.
Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Mass. 01930.

Dated: January 30, 1978.

ROLAND FINCH,
Acting Deputy Assistant Director
for Fisheries Management, National Marine Fisheries Service.

[FR Doc. 78-2933 Filed 2-1-78; 8:45 am]

[3510-22]

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: (a) Name—Marine Animal Productions; (b) Address—150 Debuys Road, Bifoxi, Miss.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenosed dolphins (*Tursiops truncatus*),

10; California sea lions (*Zalophus californianus*), 4.

4. Type of Activity: To take by capture.

5. Location of Activity: Sea lions/Channel Islands, dolphins/between Mobile Bay and mouth of Mississippi.

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 6, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: January 30, 1978.

ROLAND FINCH,
Acting Deputy Assistant Director
for Fisheries Management, National Marine Fisheries Service.

[FR Doc. 78-2934 Filed 2-1-78; 8:45 am]

[3510-22]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Meeting

The Mid-Atlantic Fishery Management Council, established under section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L.

94-265), will meet on March 8-9, 1978, at the Sheraton Airport Inn, Philadelphia International Airport, Philadelphia, Pa. 19153. The meeting starts at 9 a.m. on March 8 and will adjourn at about 3 p.m. on March 9.

PROPOSED AGENDA

(1) Butterfish; (2) Squid Management Plan; (3) Mackerel Management Plan; (4) Shark Management Plan; and (5) Administrative Matters.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Del. 19901, telephone 302-674-2331.

Dated: January 27, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-2818 Filed 2-1-78; 8:45 am]

[3510-22]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

A meeting of the Scientific and Statistical Committee of the New England Fishery Management Council, established under Section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will be held on February 22, 1978, from 9:30 a.m. to approximately 4:30 p.m., at the JFK Building, Room 2308, Government Center, Boston, Mass. The meeting may be extended or shortened depending on progress on the agenda.

PROPOSED AGENDA

(1) Development of whiting, silver hake, and scallop management plans; (2) report on Washington meeting on economic data needs; and (3) other business.

The meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Mr. Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, telephone 617-535-5450.

Dated: January 27, 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-2817 Filed 2-1-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

ANNOUNCING IMPORT RESTRAINT LEVELS UNDER NEW MULTIFIBER AGREEMENT WITH INDIA

JANUARY 27, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products from India during the twelve-month period beginning on January 1, 1978, pursuant to a new multifiber agreement.

SUMMARY: On December 30, 1977, the Governments of the United States and India exchanged notes establishing a new Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement for the period beginning on January 1, 1978 and extending through December 31, 1982. Under the terms of the agreement all categories are subject to consultation levels and to the aggregate and applicable group limits. Accordingly, in the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit imports for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in Categories 300-320, 400-429 and 600-627 (Group I); 330-369, 431-469 and 630-669 (Group II); and individual Categories 313, 315, 317, 319, 320, 360, 361, 362, 363, 369, 610 and 666 to the designated amounts during the twelve-month period beginning on January 1, 1978.

A description of the new textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: February 1, 1978.
FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

EDWARD GOTTFRIED,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,

Washington, D.C.

JANUARY 27, 1978.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, between the Governments of the United States and India, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on February 1, 1978, and for the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in India, in excess of the indicated levels of restraint:

Category	12-mo level of restraint ¹
300-320, 400-429 and 600-627	150,803,000 yd ² equivalent.
330-369, 431-469 and 630-669	35,403,000 yd ² equivalent.
313	50,000,000 yd ²
315	12,500,000 yd ²
317	24,000,000 yd ²
319	17,500,000 yd ²
320	45,000,000 yd ²
360	8,181,818 units.
361	1,612,903 units.
362	333,333 units.
363	20,000,000 units.
369	2,608,696 lb.
610	7,000,000 yd ²
666	256,410 lb.

¹The levels of restraint have not been adjusted to account for entries made during January 1978.

Cotton, wool and man-made fiber textile products in the foregoing categories that have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before February 1, 1978, shall not be denied entry under this directive.

Wool textile products in Categories 400-469 and man-made fiber textile products in Categories 600-669 that have been exported to the United States prior to January 1, 1978 shall not be subject to this directive.

Apparel products in Categories 330-359 which are accompanied by an elephant-shaped certification, shall be permitted entry up to a level of 3 million dozen during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978.

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 300-320 and 360-369 (formerly 1-38 and 64), 330-359 (formerly 39-63), and 360-369 (formerly 28-38 and 64), produced or manufactured in India and exported to the United States prior to January 1, 1978, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the fifteen-month period beginning on October 1, 1976 and extending through December 31, 1977. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

Apparel products in Categories 330-359 (formerly 39-63) which are accompanied by an elephant-shaped certification and exported to the United States prior to Janu-

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ary 1, 1978, shall, to the extent of any unfilled balances be charged against the amended level of restraint of 3,750,000 dozen established for such goods during the fifteen-month period which began on October 1, 1976. In the event that the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

With the exception of apparel products in Categories 330-359, which are accompanied by the elephant-shaped certification, the levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of December 30, 1977, between the Governments of the United States and India which provide, in part, that: (1) within the aggregate, group limits may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carry-forward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the *FEDERAL REGISTER* on January 4, 1978 (43 FR 884).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton, wool and man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *FEDERAL REGISTER*.

Sincerely,

EDWARD GOTTFRIED,
Acting Chairman, Committee for
the Implementation of Textile
Agreements.

[FR Doc. 78-2959 Filed 2-1-78; 8:45 am]

[6330-01]

COMMISSION OF FINE ARTS

VARIOUS PROJECTS AFFECTING APPEARANCE OF WASHINGTON, D.C.

Meeting

The Commission of Fine Arts will meet in open session on Thursday, March 2, 1978, at 10 a.m., in the Commission offices at 708 Jackson Place NW., Washington, D.C. 20006, to discuss various projects affecting the appearance of Washington, D.C. This meeting is a rescheduling of a meeting previously announced for February 28, 1978.

Inquiries regarding the agenda and requests to submit written or oral

statements should be addressed to Charles H. Atherton, Secretary, at the above address.

This notice amends notice published December 27, 1977, 42 FR 64651.

Signed in Washington, D.C., January 26, 1978.

CHARLES H. ATHERTON,
Secretary.

[FR Doc. 78-2848 Filed 2-1-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 25, 1978.

The USAF Scientific Advisory Board Strategic Panel will hold a meeting on March 13-14, 1978 from 8:30 a.m. to 4:30 p.m. at Headquarters, Aerospace Defense Command (ADCOM), Colorado Springs, Colo.

The Panel will meet with members of the staff to discuss classified R&D programs of significance to ADCOM.

The meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-2849 Filed 2-1-78; 8:45 am]

[3910-01]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 25, 1978.

The USAF Scientific Advisory Board Ad Hoc Committee on Defensive Chemical Systems will hold a meeting on March 2, 1978 from 10 a.m. to 2 p.m. at the U.S. Army Materiel Development and Readiness Command, Alexandria, Va.

The Committee will meet with members of the DARCOM staff to discuss classified R&D issues of mutual interest to the Army and the Air Force.

The meeting will be closed to the public in accordance with section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at 202-697-4648.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-2850 Filed 2-1-78; 8:45 am]

[3910-01]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JANUARY 25, 1978.

The USAF Scientific Advisory Board Division Advisory Group, Aeronautical Systems Division, will hold meetings on February 27, 1978 from 8:30 a.m. to 5 p.m. and on February 28, 1978, from 8:30 a.m. to 12 noon, at Wright-Patterson AFB, Ohio, in Room 105, Building 126, Area B.

The Division Advisory Group will receive unclassified briefings on the test results from the T-38 Engine Health Monitoring System (EHMS), plans for installation of EHMS on the A-10, and status of the program to develop an equivalent system for the F-15. These briefings will be open to the public.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-2851 Filed 2-1-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

CASES FILED WITH THE OFFICE OF ADMINISTRATIVE REVIEW

Week of January 13 through January 20, 1978

Notice is hereby given that during the week of January 13 through January 20, 1978, the appeals and applications for exception or other relief listed in Appendix to this Notice were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever

NOTICES

occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director, Office of
Administrative Review.

JANUARY 26, 1978

APPENDIX.—List of cases received by the Office of Administrative Review

Week of Jan. 13 through Jan. 20, 1978

Date	Name and location of applicant	Case No.	Type of submission
Jan. 13, 1978	Paul Findley, Washington, D.C. If granted: Resellers of gasoline (a combination of gasoline and alcohol) could reflect increased costs associated with purchasing the alcohol portion of the gasoline which they sell.	DST-0005	Request for temporary stay.
Do	Louisiana Crude Oil & Gas Co., Inc., New Orleans, La. If granted: The DOE region VI's Dec. 1, 1977, remedial order would be rescinded and Louisiana Crude Oil & Gas Co., Inc., would not be required to refund overcharges made on sales of crude oil produced from the lower Wilcox Zone sand unit A property and the State lease 988-A property.	DRA-0109	Appeal of DOE region VI's remedial order dated Dec. 1, 1977.
Jan. 16, 1978	C. H. Sprague & Son Co., Washington, D.C. If granted: The DOE region I's Nov. 7, 1977, remedial order would be rescinded and C. H. Sprague & Son Co. would not be required to refund overcharges made on sales of No. 6 fuel oil.	DRA-0111 and DRS-0111	Appeal of DOE region I's remedial order dated Nov. 7, 1977. Stay request.
Do	C. W. Culpepper, Oklahoma City, Okla. If granted: C. W. Culpepper would receive an adjustment to base production control levels for the Sanderson No. 1 well, sec. 23-18N-14W, Dewey County, Okla., for the month of January 1974.	DEE-0248	Exception to base production control levels (sec. 212.76).
Do	Lamar Oil Co., Lamar, Colo. If granted: The special report order issued to Lamar Oil Co. on Dec. 15, 1977, would be rescinded.	DSG-0011	Request for special redress.
Do	Romaco, Inc., Montgomery, Ala. If granted: The stay which the DOE granted to Romaco, Inc., on Dec. 16, 1977, would be extended for 30 days.	DES-0026	Request for stay.
Do	St. Petersburg Times, St. Petersburg, Fla. If granted: the DOE's Dec. 28, 1977, information request denial would be rescinded and the St. Petersburg Times would receive access to additional DOE data concerning Tauber Oil Co.'s sales to the Florida Power Corp.	DRA-0110	Appeal of DOE's information request denial dated Dec. 28, 1977.
Do	Standard Oil Co. of California, San Francisco, Calif. If granted: Standard Oil Co. of California would receive an extension of the exception relief which would permit it to increase its prices to reflect non-product cost increases in excess of \$0.005/gal for natural gas liquid products produced at the following plants: Gaviota, Getty-Cymric, Greeley System, Huntington Beach, Inglewood, Kermit, Lapeyrouse, Lisbon Valley, Marathon, SCLU, McKittick, Murphy Covote, Red Wash, Reserve-North Tejon, Swanson River, Torrance, Wilson Creek, and 32Z.	DXE-0459 through DXE-0462, DXE-0464 through DXE-0470, DXE-0472, DXE-0473, and DXE-0475 through DXE-0478.	Extension of exception relief granted in <i>Standard Oil Co. of California</i> , 4 FEA par. 83.259 (Dec. 14, 1976); <i>Standard Oil Co. of California</i> , case No. FFE-3989 (decided Apr. 4, 1977) (unreported decision); <i>Standard Oil Co. of California</i> , case Nos. FEE-3972 through FEE-3976 (decided Apr. 29, 1977) (unreported decisions); <i>Standard Oil Co. of California</i> , case No. FFE-4290 (decided June 24, 1977) (unreported decision).
Do	Standard Oil Co. of California, San Francisco, Calif. If granted: Standard Oil Co. of California would be permitted to increase its prices to reflect non-product cost increases in excess of \$0.005/gal for natural gas liquid products produced at the IC, Person, S. E. Marietta, and Torrance plants.	DEE-0463, DEE-0471, DEE-0474, and DEE-0476.	Price exception (sec. 212.165).
Jan. 17, 1978	Gala Gas Co., Eufaula, Ala. If granted: The provisions of the DOE region IV's Dec. 15, 1977, remedial order would be stayed pending a final determination of the firm's application for exception.	DRS-0027	Stay request.
Do	Getty Oil Co., Oklahoma City, Okla. If granted: Crude oil produced from Getty Oil Co.'s Ed Dillon No. 2 well located in Oklahoma County, Okla., would be sold at prices above the maximum level permitted under the mandatory petroleum price regulations.	DEE-0479	Price exception (sec. 212.73).
Do	Monsanto Co., Houston, Tex. If granted: The Monsanto Co. would receive an extension of the exception relief granted in the DOE's Aug. 26, 1977, decision and order and crude oil produced from the Milo No. 1 well and the State 16 No. 1 well would be sold at upper tier ceiling prices.	DXE-0481 and DXE-0482	Extension of exception relief granted in <i>Monsanto Co.</i> , 6 FEA par. 83.060 (Aug. 26, 1977).
Do	W. C. Siddens d.b.a. Prudential Oil Co., Lawrenceville, Ill. If granted: The DOE region VI's Jan. 5, 1978, remedial order would be rescinded and W. C. Siddens would not be required to refund overcharges made on sales of crude oil produced from the Kaho property.	DRA-0112	Appeal of DOE region VI's remedial order issued Jan. 5, 1978.

Date	Name and location of applicant	Case No.	Type of submission
Do	Southwestern Refining Co., Inc., Washington, D.C. If granted: Southwestern Refining Co., Inc., would be granted a stay of its obligation to purchase entitlements for the month of November 1977 pending a final determination of its application for exception which it intends to file.	DES-0483	Request for stay.
Do	W. F. Snakard, Inc., Wellston, Okla. If granted: The Thomas lease would be classified as a stripper well property.	DEE-0480	Price exception (sec. 212.73).
Jan. 18, 1978	Bodeaw Co., Dallas, Tex. If granted: Bodeaw Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Cotton Valley gas processing plant.	DEE-0484	Price exception (sec. 212.165).
Do	William P. Carr, Dallas, Tex. If granted: William P. Carr would receive an extension of the exception relief granted in the DOE's Nov. 16, 1977, decision and order and crude oil produced from the Stratmann lease located in Ellsworth County, Kans., would be sold at prices in excess of the maximum lawful selling price under sec. 212.73.	DXE-0484	Extension of exception relief granted in William P. Carr, 1 DOE par. (Nov. 16, 1977).
Do	Long Bros., Norphlet, Ark. If granted: The DOE region VI's Jan. 3, 1978, remedial order would be rescinded and Long Bros. would not be required to refund overcharges made on sales of crude oil.	DRA-0113	Appeal of DOE region VI's remedial order dated Jan. 3, 1978.
Do	Phillips Oil Operating Co., Enid, Okla. If granted: The DOE region VI's Dec. 20, 1977, remedial order would be rescinded and the Phillips Oil Operating Co. would not be required to refund overcharges made on sales of crude oil produced from the Cogswell, Pribil D, and State properties.	DRA-0114 and DRS-0114	Appeal of DOE region VI's remedial order dated Dec. 20, 1977. Stay request.
Do	Phillips Petroleum Co., Bartlesville, Okla. If granted: Phillips Petroleum Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at its Sanford, Sherman/Hansford, and Sneed plants.	DEE-0485 through DEE-0487	Price exception (sec. 212.165).
Jan. 19, 1978	Mobil Oil Corp., Chicago, Ill. If granted: DOE's assignment order would be rescinded and Mobil Oil Corp. would not be required to increase its base period volume of aviation gasoline supplied to Dyno Oil Co.	DEA-0115	Appeal of DOE's assignment order.
Do	Monsanto Co., Houston, Tex. If granted: Crude oil produced from the North Black Slough unit located in Burke County, N. Dak., would be sold at upper tier ceiling prices.	DEE-0490	Price exception (sec. 212.73).
Do	Mountain West Aviation, Aspen, Colo. If granted: Mountain West Aviation would be permitted to increase its prices for aviation fuel above the maximum levels allowed under the mandatory petroleum price regulations.	DEE-0489	Price exception (sec. 212.93).
Do	Neil M. Weatherly, Ada, Okla. If granted: Weatherly would be permitted to sell the crude oil produced from the J. G. Wade lease located in Coal County, Okla., at upper tier ceiling prices on a retroactive basis.	DEE-0492	Price exception (sec. 212.73).
Jan. 20, 1978	Charter Oil Co., Jacksonville, Fla. If granted: The Charter Oil Co. would receive an extension of the exception relief granted in the DOE's Oct. 19, 1977, decision and order which would reduce the firm's entitlement purchase obligations.	DXE-0491	Extension of exception relief granted in Charter Oil Co., 1 DOE par. 81,002 (Oct. 19, 1977).

NOTICES OF OBJECTIONS RECEIVED
Week of Jan. 13 through Jan. 20, 1978

Date	Name and location of applicant	Case No.
December 18, 1978	Twin-Tech Oil Co., Washington, D.C.	DXE-0069

[FR Doc. 78-2741 Filed 2-1-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ER78-104]

CENTRAL HUDSON GAS & ELECTRIC CORP.

Filing of Rate Schedule

JANUARY 26, 1978.

Take notice that Central Hudson Gas & Electric Corp. (Central Hudson) on January 16, 1978, tendered for filing as a supplement to its Rate Schedule FPC No. 22 a letter of notification dated November 21, 1977 from Central Hudson to New York State Electric & Gas Corp. Central Hudson states that this letter provides for an increase in the monthly operation and maintenance charge from \$1,746.54 to \$1,868.80 in accordance with article IV.2. of its Rate Schedule FPC No. 22. The increase is proposed to become effective January 1, 1978. According to Central Hudson, copies of the filing were served upon the New York State Electric & Gas Corp. and the Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this petition are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2897 Filed 2-1-78; 8:45 am]

[6740-02]

[Docket No. ER78-189]

KANSAS POWER & LIGHT

Proposed Changes in Rates and Charges

JANUARY 26, 1978.

Take notice that on January 17, 1978, the Kansas Power & Light Co. (Kansas) tendered for filing a newly

executed renewal contract dated January 5, 1978, with the city of Vermillion, Kans., for wholesale service to that community. Kansas states that this is a renewal of a similar contract dated October 3, 1967, and designated KPL Rate Schedule FPC No. 96. The proposed effective date is February 1, 1978, and Kansas requests that the Commission waive the notice requirements as allowed in section 35.11 of its regulations. According to Kansas, the net billing for the 12 months succeeding the proposed change in agreements was \$23,115.07. In addition, Kansas states that copies of the contract have been mailed to the city of Vermillion and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2898 Filed 2-1-78; 8:45 am]

[6740-02]

[Docket No. ER76-830]

MISSISSIPPI POWER & LIGHT CO.

Compliance Filing

JANUARY 26, 1978.

Take notice that Mississippi Power & Light Co. (Company) on December 2, 1977, tendered for filing, pursuant to Ordering Paragraph (D) of the Commission's Order Approving Settlement Agreement issued August 3, 1977, a compliance report showing monthly billing determinants and revenues under prior, present, and settlement rates, monthly settlement rate increase, the monthly revenue refund, and the monthly interest computation, together with a summary of such information for the total refund period.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before February 13, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2899 Filed 2-1-78; 8:45 am]

[6740-02]

[Docket No. ER78-186]

PACIFIC GAS & ELECTRIC CO.

*Proposed Tariff

JANUARY 26, 1978.

Take notice that on January 16, 1978, Pacific Gas & Electric Co. (PG&E) tendered for filing an agreement between PG&E and Sierra Pacific Power Co. (Sierra) dated December 9, 1977.

PG&E states that the agreement contains provisions under which either PG&E or Sierra will furnish emergency assistance to the other in the form of sales of capacity and energy under certain conditions. PG&E further states that said agreement provides for mutual assistance in the form of limited short-term service during an actual or threatened capacity or energy deficiency, and also for short-term economy energy. PG&E indicates that all forms of assistance provided for in the agreement will be made available to the requesting party only if the seller has sufficient capacity and energy to assure that commitments to its own customers will not be jeopardized.

PG&E further indicates that because of emergency situations that have already developed, PG&E has requested, pursuant to section 35.11 of the Commission's Regulations under the Federal Power Act that the prior notice requirement be waived, and

that the agreement be made retroactively effective to January 1, 1975.

According to PG&E copies of this filing have been sent to Sierra, the California Public Utilities Commission, and the Nevada Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2900 Filed 2-1-78; 8:45 am]

[6740-02]

[Docket No. RP74-41 (PGA78-2a); (DCA78-1)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

JANUARY 26, 1978

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on January 13, 1978, tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

To Be Effective January 1, 1978

Revised Thirty-sixth Revised Sheet No. 14
Revised Thirty-sixth Revised Sheet No. 14A
Revised Thirty-sixth Revised Sheet No. 14B
Revised Thirty-sixth Revised Sheet No. 14C
Revised Thirty-sixth Revised Sheet No. 14D

To Be Effective January 2, 1978

Second Revised Thirty-sixth Revised Sheet No. 14
Second Revised Thirty-sixth Revised Sheet No. 14A
Second Revised Thirty-sixth Revised Sheet No. 14B
Second Revised Thirty-sixth Revised Sheet No. 14C
Second Revised Thirty-sixth Revised Sheet No. 14D

By order issued December 30, 1977, the Commission accepted and suspended in part, for 1 day, Texas Eastern's November 17, 1977, PGA filing subject to modification by Texas Eastern due to a change in the rates of Texas Eastern's pipeline supplier, United Gas Pipeline Co. Also, by its December 30, 1977, order, the commission permitted

the tracking of all costs associated with the emergency purchases from Houston Pipe Line Co. incurred on August 31, 1977, and required Texas Eastern to defer the recovery of the remainder of the costs associated with that emergency purchase until its next semiannual PGA rate filing to be effective July 1, 1978.

The above-listed tariff sheets are filed in substitution for those tariff sheets filed by Texas Eastern on November 17, 1977, and are in compliance with the Commission's requirements, as stated in its order issued December 30, 1977.

Texas Eastern proposes January 1, 1978, and January 2, 1978, as the effective dates for the respective tariff sheets as set forth above.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 3, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-2901 Filed 2-1-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BANCORPORATION OF MONTANA

Acquisition of Bank

JANUARY 26, 1978.

Bancorporation of Montana, Great Falls, Mont., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Midstate Bank of Montana, Lewistown, Mont., a proposed de novo bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 21, 1978.

Board of Governors of the Federal Reserve System, January 25, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-2875 Filed 2-1-78; 8:45 am]

[6210-01]

CENTRAN CORP.

Proposal To Commence Operation of Investors Income Insurance Company

Centran Corporation, Cleveland, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to commence operation of Investors Income Insurance Co., Garland, Tex., an existing but presently dormant subsidiary. Notice of the application was published on November 23, 1977, in the Dallas Morning News, a newspaper circulated in the County of Dallas, Tex.; the Plain Dealer, a newspaper circulated in the County of Cuyahoga, Ohio; the Mansfield News-Journal, a newspaper circulated in Richland County, Ohio; the Loudonville Times, a newspaper circulated in Ashland County, Ohio; the Akron Beacon Journal, a newspaper circulated in Summit County, Ohio; and the Attica Hub, a newspaper circulated in Seneca County, Ohio.

Applicant states that the proposed subsidiary would engage in the activity of the underwriting as reinsurer of credit life insurance written at the request of the borrower in connection with consumer installment loans of the banking subsidiaries of applicant. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received

by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 21, 1978.

Board of Governors of the Federal Reserve System, January 25, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-2876 Filed 2-1-78; 8:45 am]

[6210-01]

CORWITH STATE BANCSHARES, INC.

Formation of Bank Holding Company

JANUARY 26, 1978.

Corwith State Bancshares, Inc., Corwith, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 91.4 percent of the voting shares of Corwith State Bank, Corwith, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than February 20, 1978.

Board of Governors of the Federal Reserve System, January 25, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-2877 Filed 2-1-78; 8:45 am]

[6210-01]

FIRST GRIDLEY BANCORPORATION, INC.

Formation of Bank Holding Company

First Gridley Bancorporation, Gridley, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First Bank & Trust Co. of Gridley, Gridley, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than February 22, 1978.

Board of Governors of the Federal Reserve System, January 26, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-2878 Filed 2-1-78; 8:45 am]

[6210-01]

MANKATO BANKSHARES, INC.

Formation of Bank Holding Company

Mankato Bankshares, Inc., Mankato, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 93.3 percent or more of the voting shares of First National Bank in Mankato, Mankato, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than February 22, 1978.

Board of Governors of the Federal Reserve System, January 26, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-2879 Filed 2-1-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

INDIAN EDUCATION—GRANTS TO NON-LOCAL EDUCATIONAL AGENCIES

Extension of Closing Date for Receipt of Applications

Notice is given that the January 27, 1978, deadline for filing applications under the Indian Education-Grants to Non-Local educational agencies published in the FEDERAL REGISTER on October 12, 1977, is extended to February 7, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.551, Washington, D.C. 20202. Applications for new awards must be received by the Office of Edu-

cation Application Control Center on or before the closing date. In order to be assured of consideration, non-competing continuation applications (multiple year awards made in Fiscal Year 1976 and Fiscal Year 1977) should be received on or before the closing date.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 3, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. HAND-DELIVERED APPLICATIONS

An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington D.C. time, except Saturdays, Sundays, or Federal holidays. Applications for new awards will not be accepted after 4 p.m. on the closing date.

C. PROGRAM INFORMATION

Applications are being accepted from schools located on or near reservations which are not local educational agencies, or have not been local educational agencies for more than three years. A non-local educational agency is defined in 45 CFR 186.2. Eligibility factors, found in 45 CFR 186.32(a) are: (1) Whether the governing body of the school or school system was selected by, is representatives of, and is solely responsible to the Indian tribe or Indian community which that school or school system serves; and (2) whether the governing body derives authority from such community to carry out such functions as: (i) Employing, managing, and terminating personnel; (ii) developing and revising curricula; (iii) establishing attendance, academic, and other relevant standards; (iv) developing and approving budgets; (v) establishing operational policies; and (vi) raising funds.

Section 303(b) authorizes the Commissioner to provide financial assistance to support applicants for programs designed to meet the special

educational needs of Indian students. Assistance may be used for the purposes of planning and developing elementary and secondary school programs and for meeting costs incurred in connection with the establishment, maintenance, and operation of such programs.

D. AWARDS

Applicants who received assistance last fiscal year for a project period of one year and eligible applicants for new grants will compete for funds appropriated by Congress. Applicants who wish to continue their multi-year programs will submit applications for continuations which will not compete against other applications for new awards. Approximately \$3,531,818 is available of which approximately \$3,380,000 will be for the continuation of present multi-year awards. Approximately two grant awards for an average amount of \$125,500 will be made for new grants, continuation of one year awards or expansions of multi-year awards.

This statement on the availability of funds does not bind the Office of Education to any particular pattern of distribution except as required by the Indian Education Act, applicable regulation and appropriations. Rather, actual figures may vary widely from those given.

E. FOR FURTHER INFORMATION AND FORMS CONTACT

Office of Indian Education, Division of Special Projects and Programs, Elementary and Secondary School Projects Branch, U.S. Office of Education, Room 2153, 400 Maryland Avenue SW., Washington, D.C. 20202.

F. APPLICABLE REGULATIONS

Awards under section 303(b) of the Indian Education Act will be subject to the requirements of the Act and to relevant provisions of 45 CFR Part 186. Assistance under this program is also subject to applicable provisions in 45 CFR Parts 100, 100a. Criteria for the selection of applications are contained in 45 CFR 100a.26(b) and in 45 CFR 186.33.

(20 U.S.C. 241bb(b).)

(Catalog of Federal Domestic Assistance Number 13.551, Indian Education-Grants to Non-Local Educational Agencies.)

Dated: January 31, 1978.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc. 78-2977 Filed 2-1-78; 8:45 am]

[4110-02]

SPECIAL PROGRAMS AND PROJECTS TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Extension of Closing Date for Receipt of Applications

Notice is given that the January 27, 1978, deadline for filing applications under the Special Programs and Projects to Improve Educational Opportunities for Indian Children, published in the FEDERAL REGISTER on October 12, 1977, is extended to February 7, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.535A or 13.535B, Washington, D.C. 20202. Applications for new awards must be received by the Office of Education Application Control Center on or before the closing date. In order to be assured of consideration, non-competing continuation applications (multiple year awards made in Fiscal Year 1976 and Fiscal Year 1977) should be received on or before the closing date.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 3, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. HAND DELIVERED APPLICATIONS

An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications for new awards will not be accepted after 4 p.m. on the closing date.

C. PROGRAM INFORMATION

Applications are being accepted from eligible applicants for purposes of the programs listed below. An eligible applicant may submit applications for one or more programs.

(1) *Subpart B Awards.* (CFDA No. 13.535A.) Pursuant to 45 CFR 187.11 of the regulations, State and local educational agencies; federally supported elementary and secondary schools for Indian children; and Indian tribes, Indian organizations, and Indian institutions may submit applications for grants to support planning, pilot, and demonstration projects for improving educational opportunities for Indian children. Criteria for this program are set forth in 45 CFR 187.12. Priorities are set forth in 45 CFR 187.13.

(2) *Subpart C Awards.* (CFDA No. 13.535A.) Pursuant to 45 CFR 187.21 of the regulations, State and local educational agencies, and tribal and other Indian community organizations may submit applications for programs to provide educational services to improve the educational opportunities for Indian children. Criteria for this program are set forth in 45 CFR 187.22. Priorities are set forth in 45 CFR 187.23.

(3) *Subpart D Awards.* (CFDA No. 13.535A.) Pursuant to 45 CFR 187.31 of the regulations, State and local educational agencies, and tribal and other Indian community organizations may submit applications for programs to provide exemplary programs and centers to improve the educational opportunities for Indian children. Criteria for this program are set forth in 45 CFR 187.32. Priorities are set forth in 45 CFR 187.33.

(4) *Subpart E Awards.* (CFDA No. 13.535A.) Pursuant to 45 CFR 187.41 of the regulations, public agencies and institutions, Indian tribes, Indian institutions, and Indian organizations may apply for assistance for dissemination, evaluation, and training and technical assistance programs. Criteria for this program are set forth in 45 CFR 187.42. Priorities are set forth in 45 CFR 187.43.

(5) *Subpart F Awards.* (CFDA No. 13.535B.) Pursuant to 45 CFR 187.51 of the regulations, institutions of higher education and State and local educational agencies in combination with institutions of higher education, may apply for grants to prepare persons to serve Indian children as teachers, teacher aides, social workers, or ancillary educational personnel, or to improve the qualifications of those persons serving Indian children in those capacities. Criteria for this program are set forth in 45 CFR 187.53. Priorities are set forth in 45 CFR 187.54.

(6) *Subpart G Awards.* (CFDA No. 13.535B.) Pursuant to 45 CFR 187.61

of the regulations, institutions of higher education, Indian tribes, and Indian organizations may apply for grants to prepare individuals for teaching in or administering special programs and projects designed to meet the special educational needs of Indian children; or to provide in-service training for persons already teaching in those programs and projects; or both. Criteria for this program are set forth in 45 CFR 187.63. Priorities are set forth in 45 CFR 187.64.

(7) *Subpart H Awards.* Indian Fellowship Program. (CFDA No. 13.569.) Applications for Subpart H, 45 CFR 187.71 are explained separately above.

(8) *Multiple year awards.* Under 45 CFR 187.6, applicants may submit applications for projects which will require more than one year for completion. Consideration will be given to providing support for projects of two or three years on a case-by-case basis. Where assistance is provided for multiple year projects, grant awards will be made for budget periods of one year with continuation awards made on a non-competitive basis subject to satisfactory performance as determined pursuant to 45 CFR 187.6(d) and the availability of funds in future fiscal years.

(9) *Availability of funds and estimated number and amount of awards.* The estimated total amount of funds which will be available for the above activities is \$13 million. Of this amount, approximately two-thirds or \$8.8 million has been committed to continue multiple year grants which began with Fiscal Year 1976 or 1977.

Based on a \$110,000 average grant it is estimated that, with the remainder of the Fiscal Year 1978 funds (\$4.2 million), approximately 38 new grants will be awarded.

This statement on the availability of funds does not bind the Office of Education to any particular pattern of distribution except as required by the Indian Education Act, applicable regulations, and appropriations. Rather, actual figures may vary widely from those given.

D. FOR FURTHER INFORMATION AND FORMS CONTACT

Office of Indian Education, Division of Special Projects and Programs, U.S. Office of Education, Room 2158, 400 Maryland Avenue SW., Washington, D.C. 20202.

E. APPLICABLE REGULATIONS

Awards under these programs will be subject to the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a, except 100a.26(b)) and subject to the Indian Education Act Part B program regulations (45 CFR 187) published in the FEDERAL REGISTER on June 28, 1977.

(Catalog of Federal Domestic Assistance Number 13.535, Special Programs and Projects to Improve Educational Opportunities for Indian Children.)

Dated: January 31, 1978.

ERNEST L. BOYER,
Commissioner of Education.
[FR Doc. 78-2976 Filed 2-1-78; 8:45 am]

[4110-02]

SPECIAL PROGRAMS RELATING TO ADULT INDIAN EDUCATION

Extension of Closing Date for Receipt of Applications

Notice is given that the January 31, 1978, deadline for filing applications under the Special Programs relating to Adult Indian Education published in the FEDERAL REGISTER on October 12, 1977, is extended to February 7, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.536, Washington, D.C. 20202. Applications for new awards must be received by the U.S. Office of Education Application Control Center on or before the closing date. In order to be assured of consideration, non-competing continuation applications (multiple year awards made in Fiscal Year 1977) should be received on or before the closing date.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 3, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

B. HAND-DELIVERED APPLICATIONS

An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets

SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time, except Saturdays, Sundays, or Federal holidays. Applications for new awards will not be accepted after 4:00 p.m. on the closing date.

C. PROGRAM INFORMATION

Applications are being accepted for the Adult Indian Education Program as described below.

(1) *Demonstration, basic literacy and high school equivalency, research and development, and dissemination and evaluation.* Applications are being accepted from State educational agencies; local educational agencies; and Indian tribes, institutions, and organizations for planning, pilot, and demonstration projects described in the following paragraphs of the regulations published in the FEDERAL REGISTER on June 28, 1977.

(i) *Demonstration, 45 CFR 188.5(a).* Projects to test and demonstrate the effectiveness of Adult Indian Education programs;

(ii) *Basic literacy and high school equivalency, 45 CFR 188.5(b).* Projects that establish and operate programs for basic literacy training and high school equivalency;

(iii) *Research and development, 45 CFR 188.5(c).* Projects to support a major research and development program to develop innovative and effective techniques for achieving literacy and high school equivalency; and

(iv) *Dissemination and evaluation, 45 CFR 188.5(e).* Projects for dissemination and evaluation of materials on Adult Indian Education.

Applications received in the areas described above will be evaluated against the criteria in § 188.15. Priority points will be awarded in accordance with § 188.17.

(2) *Basic surveys.* Applications are being accepted from State and local educational agencies; and Indian tribes, institutions, and organizations for basic surveys on the problems of illiteracy and lack of completion of high school on Indian reservations as described in 45 CFR 188.5(d), published in the FEDERAL REGISTER on June 28, 1977.

Applications received in this area will be evaluated against the criteria in § 188.15 (a), (c), (d), (e), and (f) plus the criteria in § 188.16. Priority points will be awarded in accordance with § 188.17.

(3) *Dissemination and evaluation.* Applications are being accepted from public agencies and institutions, and Indian tribes, institutions and organizations for projects which evaluate the effectiveness of federally assisted programs in which adult Indians may participate and disseminate information concerning adult Indian education as

described in 45 CFR 188.6, published in the FEDERAL REGISTER on June 28, 1977.

Applications received in this area will be evaluated against the criteria in § 188.15 (a), (c), (d), (e), and (f) plus the criteria in § 188.16. Priority points will be awarded in accordance with § 188.17.

(4) *Multiple year project grants.* Applicants may submit applications for projects which will require more than one year for completion as authorized by 45 CFR 188.11. Consideration will be given to providing support for projects of two to three years on a case-by-case basis. Where assistance is provided for multiple year project grants, grant awards will be made for a budget period of one year with continuation awards made on a non-competitive basis subject to satisfactory performance (as determined pursuant to 45 CFR 188.11(d)) and the availability of funds in future fiscal years.

(5) *Availability of funds and estimated number and amount of awards.* The estimated total amount of funds which will be available for the above activities is \$4,410,000. Of this amount, approximately \$621,639 has been committed to continue multiple year grants which began with Fiscal Year 1977. During Fiscal Year 1977, 167 applications were received under Subpart 188.15 with 51 grants awarded; 15 applications were received under Subpart 188.16 with 2 grants awarded. The approximate range of award amounts is from \$20,000 to \$100,000.

D. FOR FURTHER INFORMATION AND FORMS CONTACT

Division of Special Projects and Programs, Office of Indian Education, U.S. Office of Education, Room 2158, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-2975.

E. APPLICABLE REGULATIONS

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a, except 45 CFR 100a.26(b)) and the regulations for awarding Financial Assistance for the Improvement of Educational Opportunities for Adult Indians published in the FEDERAL REGISTER on June 28, 1977.

(20 U.S.C. 1211a.)

(Catalog of Federal Domestic Assistance Number 13.536, Special Programs relating to Adult Indian Education.)

Dated: January 31, 1978.

ERNEST L. BOYER,
Commissioner of Education.

(FR Doc. 78-2975 Filed 2-1-78; 8:45 am)

[4110-02]

VOCATIONAL EDUCATION TEACHER CERTIFICATION FELLOWSHIP PROGRAM

Extension of Closing Date for Individual Applications

Notice is given that the February 17, 1978, deadline for filing applications under the Vocational Education Teacher Certification Fellowship Program, as authorized by Part B, Subpart 2, Section 172 of the Education Amendments of 1976, Pub. L. 94-482 (20 U.S.C. 2402), published in the FEDERAL REGISTER on October 12, 1977, is extended to May 16, 1978.

(a) *Application forms and information.* Application forms are being prepared but are not yet available. We anticipate the application forms and program information packages will be ready for mailing on or about March 17, 1978. Application forms and program information packages will be sent to all previous requests received and to requests resulting from this notice.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

(b) *Applications sent by mail.* An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.578, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date.

An application sent by mail will be considered to have been received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than May 11, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service;

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail room in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

(c) *Hand-delivered applications.* An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays,

Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

(d) *Program information.* Applications are being accepted for the Vocational Education Teacher Certification Fellowship program. These include (a) receipt of individual applications for a fellowship award under the Vocational Education Teacher Certification Fellowship Program; and (b) advisement on the merits of an individual application from the State board for vocational education for the State in which the individual is a resident.

Potential applicants should be aware that approximately \$1,850,000 is available for the program for Fiscal Year 1978 to pay the cost of fellowship awards for the school year of 1978-1979. The estimated cost of each fellowship award is \$9,844 which includes the institutional allowance, individual stipend costs, and dependency allowance costs. All grants will be new awards. Vocational Education Teacher Certification Fellowships will be made for a period not to exceed 24 months. Fellowship payments to individuals after the first year (1978-1979) of the fellowship period (in case of awards made for a period exceeding twelve months) are subject to the continued availability of Federal funds, under section 172 of the Act.

(e) *Teaching fields in need of additional vocational education teachers.* A listing by State, of vocational fields in which there is a shortage of teachers, will be published in the FEDERAL REGISTER by March 1978, and will be included in the application package. The law requires that the Commissioner, to the maximum degree possible, award fellowships to applicants seeking certification in the areas of shortage listed.

(f) *State comment.* An additional copy of the application must be submitted to the State board for vocational education in the State in which the applicant resides on or before April 27, 1978. The State board for vocational education must review each application, collect advice as to the merits of each application, and forward all applications and statements of advice to: Teacher Certification Program (see address in paragraph (g) below), postmarked on or before May 11, 1978.

(g) *For further information and application packages contact:* Teacher Certification Program, Vocational Education Personnel Development, Division of Research and Demonstration, Bureau of Occupational and Adult Education, U.S. Office of Education (Room 5652, ROB No. 3), 400 Maryland Avenue SW., Washington, D.C. 20202.

(h) *Applicable regulations.* The regulations applicable to this program are the Office of Education General Provision Regulations (45 CFR Parts 100,

100a) and the Vocational Education Certification Fellowship Program Regulations (45 CFR Part 105 Sections 431-443) which are included in the application package.

(20 U.S.C. 2402; 45 CFR Part 105, Sections 431-443.)

Dated: January 27, 1978.

(Catalog of Federal Domestic Program No. 13.578, Vocational Education Teacher Certification Fellowship Program.)

ERNEST L. BOYER,
U.S. Commissioner of Education.

(FR Doc. 78-2887 Filed 2-1-78; 8:45 am)

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—
Federal Housing Commissioner

[Docket No. D-78-497]

CAMDEN, NEW JERSEY AREA OFFICE Continuation of Transfer of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: This notice continues for 180 days a previous withdrawal of certain Low Income Housing Program Authority from the Camden, N.J. Area Office with the result that the Newark Area Office will continue to exercise the authority for this program.

EFFECTIVE DATE: December 27, 1977.

SUPPLEMENTARY INFORMATION: On August 29, 1977 (42 FR 43455) the Secretary withdrew from the Camden, N.J. Area Office authority delegated (35 FR 16105, October 14, 1970 as amended 40 FR 39921, August 29, 1975) for the Section 8 Housing Assistance Payments Program insofar as it related to the New Jersey Housing Finance Agency. Responsibility for the Program throughout New Jersey was then assigned to the Newark Area Office. The objective was to achieve more consistency in administering the Program and to relieve imbalance between workload and staffing within these two offices. The transfer of responsibilities was adopted on a trial basis for 120 days.

We have decided that the transfer of authority should be continued and accordingly extend the transfer for an additional 180 days.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., January 24, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

(FR Doc. 78-2869 Filed 2-1-78; 8:45 am)

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-22389]

ALASKA

Proposed Withdrawal and Reservation of
Lands

JANUARY 23, 1978.

The U.S. Army, Corps of Engineers, on January 26, 1976, filed application, serial No. F-22389, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining and mineral leasing laws, subject to valid existing rights:

A tract of land in protracted section 28, T. 15 N., R. 19 E., Copper River Meridian, Alaska, more particularly described as follows: Commencing at the point of intersection of latitude 63°03'32.43" north and longitude 141°49'35.59" west (1927 NAD), which point is monumented by Corps of Engineers Brass Cap TD-2 Test Tower and located N. 31°18'19" W., 3,812 feet more or less, of Station 2478 + 93.3 (mile 1267.1) of the Alaska Highway; thence N. 71°40'25" E., 226.73 feet to the true point of beginning of this description; thence south 165 feet; thence west 330 feet; thence north 330 feet; thence east 330 feet; thence south 165 feet to the true point of beginning.

Containing 2.50 acres, more or less.

The applicant agency desires that the lands be withdrawn and reserved for continued use of the Beaver Creek radio relay site.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before February 27, 1978.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, on or before February 27, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will under-

take such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's, and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2750. The above-described lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of this proposed withdrawal shall terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

(FR Doc. 78-2853 Filed 2-1-78; 8:45 am)

[4310-84]

ARIZONA

Redelegation of Authority to Issue Free Use Permits and Material Sales

Under the provisions of Bureau Order No. 701, as amended, authority is hereby redelegated to the Area Managers administering the Phoenix, Lower Gila, and Kingman Resource Areas of the Phoenix District, Arizona, to issue Free Use Permits and Material Sales for material other than forest products not exceeding \$5,000, unless authority to make sales in greater amounts is delegated by the State Director (B.O. 701, Part III, Sec. 3.9(g)).

Dated: January 25, 1978.

WILLIAM K. BARKER,
District Manager.

[FR Doc. 78-2854 Filed 2-1-78; 8:45 am]

[4310-84]

CALIFORNIA

ORV Designation for Randsburg/Johannesburg
(Squaw Spring); Correction

In FR Doc. 78-4, appearing at page 799 in the FEDERAL REGISTER of Wednesday, January 4, 1978, paragraph 2 is corrected in the fifth line of that paragraph by deleting "San Bernardino Base and Meridian, California," and adding Mount Diablo Base and Meridian, California.

Dated: January 26, 1978.

GERALD E. HILLIER,
District Manager, Riverside.

[FR Doc. 78-2855 Filed 2-1-78; 8:45 am]

[4310-84]

COLORADO

Order Providing for Opening of Public Lands;
Correction

JANUARY 25, 1978.

Notice of opening of public lands appearing as FEDERAL REGISTER Document No. 78-217 in the issue for January 6, 1978, at pages 1138 and 1139 is hereby corrected as follows:

NEW MEXICO PRINCIPAL MERIDIAN

- T. 36 N., R. 7 W.,
Sec. 19: the metes and bounds description is corrected to read 20.177 chains instead of 20.177 chains;
T. 51 N., R. 9 W.,
Sec. 2, lots 1, 2 and 3 is corrected to read sec. 12, lots 1, 2, and 3;
T. 43 N., R. 10 W.,
In sec. 26, Mineral Survey 14438 is corrected to read Mineral Survey 1970, patent No. 14438, Willow Placer;
T. 47 N., R. 10 W.,
Sec. 11, W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ and
Sec. 14, SW $\frac{1}{4}$, are deleted in their entirety, having previously been opened to entry under the public land laws.

THOMAS HARDIN,
Chief, Branch of Adjudication.

[FR Doc. 78-2856 Filed 2-1-78; 8:45 am]

[4310-84]

[Serial No. I-9793]

IDAHO

Opportunity for Public Hearing and
Republication of Notice of Proposed
Withdrawal

The Bureau of Reclamation filed application Serial No. I-9793, on August 13, 1975, for a withdrawal in relation to the following described lands:

NOTICES

BOISE MERIDIAN

SAYLOR CREEK DAM AND RESERVOIR

- T. 8 S., R. 10 E.,
Sec. 7, All;
Sec. 8, All;
Sec. 9, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 14, All;
Sec. 15, S $\frac{1}{2}$;
Sec. 17, All;
Sec. 18, E $\frac{1}{2}$ E $\frac{1}{2}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 19, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Secs. 20-25 inclusive;
Sec. 26, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 27, All;
Sec. 28, All;
Sec. 29, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 34, NW $\frac{1}{4}$;
Sec. 35, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 8 S., R. 11 E.,
Sec. 18, lots 2,3,4, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, lots 1,2,3,4, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$;
Sec. 20, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, E $\frac{1}{2}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 33, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
T. 9 S., R. 11 E.,
Sec. 4, lots 2,3,4, S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 5, lots 1,2, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described aggregates 14,262.20 acres, more or less, in Owyhee County.

The applicant desires the land for a dam and reservoir site in which water could be stored for summer release to irrigate lands susceptible to irrigation under the potential Bruneau Division of the Southwest Idaho Water Development Project.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on September 29, 1975, page 44590, Volume No. 40, FR Doc. 75-25902.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, Notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724, on or before March 6, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual section 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the

pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before March 6, 1978.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, but not the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except for public hearing requests) in connection with the pending withdrawal application should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, 550 West Fort Street, Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2857 Filed 2-1-78; 8:45 am]

[4310-84]

IDAHO

Cadastral Survey Plot Filings: Correction

In FR Doc. 77-36434; filed December 21, 1977, appearing on page 64148 of the issue for December 22, 1977, the following correction should be made:

BOISE MERIDIAN, IDAHO

- T. 39 N., R. 1 W.
T. 15 N., R. 3 W.
T. 48 N., R. 3 W.

will be officially filed on February 28, 1978 instead of January 18, 1978.

ROSE GASTELL,
Chief, Branch of Records.

[FR Doc. 78-2890 Filed 2-1-78; 8:45 am]

[4310-84]

[OR 7281]

OREGON

Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934, 48 Stat. 1269, 1272, as amended and supplemented, 43 U.S.C. 315g (1970), the following lands have been reconveyed to the United States:

WILLAMETTE MERIDIAN

- T. 28 S., R. 41 E.,

Sec. 36.

- T. 29 S., R. 41 E.,
Sec. 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 36.

- T. 30 S., R. 41 E.,
Secs. 16 and 36.
T. 32 S., R. 41 E.,
Sec. 16; Sec. 36, N $\frac{1}{2}$.

- T. 33 S., R. 41 E.,
Sec. 16, N $\frac{1}{2}$;
T. 27 S., R. 42 E.,
Sec. 36, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$.

- T. 28 S., R. 42 E.,
Secs. 16 and 36.
T. 29 S., R. 42 E.,
Secs. 16 and 36.

- T. 30 S., R. 42 E.,
Sec. 16, W $\frac{1}{2}$;
T. 33 S., R. 42 E.,
Sec. 16.

- T. 34 S., R. 42 E.,
Sec. 36.
T. 27 S., R. 43 E.,
Sec. 16.

- T. 28 S., R. 43 E.,
Sec. 16; Sec. 36, Lots 1, 2, 3, and 4, W $\frac{1}{2}$ E $\frac{1}{2}$, and W $\frac{1}{2}$;
T. 29 S., R. 43 E.,
Secs. 16 and 36.

- T. 23 S., R. 44 E.,
Sec. 36.
T. 24 S., R. 44 E.,
Sec. 36, Lots 1, 2, 3, and 4, N $\frac{1}{2}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$.

- T. 25 S., R. 44 E.,
Sec. 36.
T. 26 S., R. 44 E.,
Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$; Sec. 36, N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$.

- T. 27 S., R. 44 E.,
Sec. 16, N $\frac{1}{2}$;
T. 28 S., R. 44 E.,
Sec. 36, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

- T. 29 S., R. 44 E.,
Sec. 36.
T. 33 S., R. 44 E.,
Sec. 3.

- Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$; Sec. 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 11, W $\frac{1}{2}$ SW $\frac{1}{4}$; Sec. 14, W $\frac{1}{2}$;

- Sec. 15;
Sec. 16.
T. 21 S., R. 45 E.,
Sec. 36.

- T. 22 S., R. 45 E.,
Secs. 16 and 36.
T. 23 S., R. 45 E.,
Secs. 16 and 36.

- T. 24 S., R. 45 E.,
Secs. 16 and 36.
T. 25 S., R. 45 E.,
Sec. 16;

- Sec. 36, lots 1, 2, 3, and 4, W $\frac{1}{2}$ E $\frac{1}{2}$, and W $\frac{1}{2}$;
T. 26 S., R. 45 E.,
Sec. 16;

- Sec. 36, lots 1 to 7, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
T. 29 S., R. 45 E.,
Sec. 16.

- T. 30 S., R. 45 E.,
Sec. 16, SE $\frac{1}{4}$ SE $\frac{1}{4}$, except that parcel of land containing 4.74 acres conveyed to the State of Oregon by deed recorded at Book 43, Page 28, State Record of Deeds.

- T. 21 S., R. 46 E.,
Sec. 16, S $\frac{1}{2}$ SE $\frac{1}{4}$;
T. 22 S., R. 46 E.,
Sec. 16.

- T. 23 S., R. 46 E., Secs. 16 and 36.
T. 24 S., R. 46 E.,
Sec. 16;

- Sec. 36, lots 1, 2, 3, and 4, N $\frac{1}{2}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
T. 25 S., R. 46 E.,
Sec. 36.

- Sec. 36, lots 1, 2, 3, and 4, N $\frac{1}{2}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
T. 25 S., R. 46 E.,
Sec. 36.

- T. 26 S., R. 46 E.,
Sec. 16;
Sec. 36, SE $\frac{1}{4}$ SE $\frac{1}{4}$, except that parcel of land containing 0.15 acre conveyed to the State of Oregon by deed recorded at Book 53, Page 309, State Records of Deeds, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$.

- T. 27 S., R. 46 E.,
Sec. 36, W $\frac{1}{2}$ SE $\frac{1}{4}$, except that parcel of land containing 9.25 acres conveyed to the State of Oregon by deed recorded at Book 43, Page 468, State Records of Deeds, and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

- T. 23 S., R. 47 E.,
Sec. 18, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

- The areas described aggregate, after making the aforesaid exceptions, 32,038.34 acres in Malheur County, Oreg.

2. The United States did not acquire any geothermal rights with the lands in T. 21 S., R. 45 E. and T. 21 S., R. 46 E.

3. All minerals in the following land were and continue to be in the United States ownership and are already open to operation of the mining laws (Ch. 2, Title 30 U.S.C.) and the mineral leasing laws:

WILLAMETTE MERIDIAN

- T. 33 S., R. 4 E.,
Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 4, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 9, NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$;
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, and SE $\frac{1}{4}$;
Sec. 11, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 14, W $\frac{1}{2}$;
Sec. 15.

4. The subject lands consist of widely scattered parcels located generally within a 1,500 square mile area between the Idaho border and the Owyhee River. Elevation ranges from 2,500 to 5,300 feet above sea level, and the topography is extremely variable ranging from generally flat to very steep and broken. Vegetation consists primarily of sagebrush and native grasses. In the past, the lands have been used for livestock grazing purposes, and they will be managed, together with adjoining public lands, for multiple use.

5. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands described in paragraph 1 hereof are hereby open (except as provided in paragraphs 2 and 3 hereof) to operation of the public land laws, including the mining laws (Ch. 2, title 30 U.S.C.) and the mineral leasing laws. All valid applications received at or prior to 10 a.m., March 6, 1978, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

6. Inquiries concerning the lands should be addressed to the Chief,

Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oreg. 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2858 Filed 2-1-78; 8:45 am]

[4310-84]

[Wyoming 61861]

WYOMING

Application

JANUARY 18, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Co. has filed an application for a right-of-way to construct two 3 inch pipelines for the purpose of transporting crude oil across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

- T. 47 N., R. 91 W.,
Sec. 18, lot 12, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 19, lots 9, 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 30, lot 5.

The pipelines will transport crude oil from an existing well in the NW $\frac{1}{4}$ of Section 19 to an existing pipeline in Section 30 and from wells in the SE $\frac{1}{4}$ Section 18 and NE $\frac{1}{4}$ Section 19 to an existing pipeline in the SW $\frac{1}{4}$ of Section 18, all within T. 47 N., R. 91 W., in Washakie County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2891 Filed 2-1-78; 8:45 am]

[4310-84]

[W-61913]

WYOMING

Application

JANUARY 23, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas. Co. of Oklahoma City, Okla., filed an appli-

cation for a right-of-way to construct a 4-inch natural gas pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 90 W.,
Sec. 14, W $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 22, E $\frac{1}{2}$ E $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 34, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The pipelines will transport natural gas from the Champlin 272-Amoco A-1 well located in the SW $\frac{1}{4}$ of Section 11, T. 21 N., R. 90 W., to connect with Colorado Interstate Gas Co.'s existing pipeline located in the N $\frac{1}{2}$ S $\frac{1}{2}$ of Section 34, T. 21 N., R. 90 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2859 Filed 2-1-78; 8:45 am]

[4310-84]

(Wyoming 62274)

WYOMING

Application

JANUARY 26, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Kansas-Nebraska Natural Gas Co., Inc., of Hastings, Nebr., has filed an application for a right-of-way to construct a 4 $\frac{1}{2}$ inch and 8 $\frac{1}{2}$ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 90 W.,
Sec. 6, Lots 2, 3, and 4;
T. 38 N., R. 91 W.,
Sec. 1, Lots 1 and 2;
Sec. 2, Lot 4;
Sec. 4, Lots 3 and 4;
Sec. 5, Lot 1.
T. 39 N., R. 91 W.,
Sec. 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 35, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$.

The pipelines will transport natural gas from points in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 32 and SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 35, T. 39 N., R. 91 W. to a point in the N $\frac{1}{2}$ NE $\frac{1}{4}$ sec. 6, T. 38 N., R. 90 W., Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2892 Filed 2-1-78; 8:45 am]

[4310-84]

(Wyoming 62289)

WYOMING

Application

JANUARY 25, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla., filed an application for a right-of-way to construct a 4 $\frac{1}{2}$ inch and a 6 $\frac{1}{2}$ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 92 W.,
Secs. 4, 5, 8, 9, 17, 18, and 19;
T. 22 N., R. 92 W.,
Secs. 30 and 32;
T. 22 N., R. 93 W.,
Sec. 24.

The proposed 4 $\frac{1}{2}$ inch pipeline will extend in a southeasterly direction from the Champlin 533-A1 well located in the SW $\frac{1}{4}$ of Section 13, T. 22 N., R. 93 W., Sweetwater County, Wyo. and will connect with Cities Service Gas Co.'s proposed 6 $\frac{1}{2}$ inch pipeline at the Monument Lake No. 2 well located in the SW $\frac{1}{4}$ of Section 9, T. 21 N., R. 92 W., Sweetwater County. The proposed 6 $\frac{1}{2}$ inch pipeline will then extend in a southwesterly direction to connect with Cities Service Gas Co. proposed 6 inch 5 Miles Gulch pipeline pending under serial number W-61090, located in the NW $\frac{1}{4}$ of Section 19, T. 21 N., R. 92 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address

and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2860 Filed 2-1-78; 8:45 am]

[4310-84]

(Wyoming 62292)

WYOMING

Application

JANUARY 24, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northern Utilities, Inc., of Casper, Wyo., filed an application for a right-of-way to construct a 16 inch pipeline adjacent and parallel to its existing right-of-way C-041555 to replace an existing 10 inch and 14 inch pipeline covered under right-of-way C-041555 for the purpose of transporting natural gas across the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 33 N., R. 90 W.,
Secs. 4, 5, and 6;
T. 33 N., R. 91 W.,
Secs. 1, 2, 3, 4, 5, 6, and 7;
T. 33 N., R. 92 W.,
Secs. 7, 8, 9, 10, 11, and 12;
T. 33 N., R. 93 W.,
Secs. 11, 12, 14, 15, and 17.

The proposed 16 inch pipeline will extend from a point in the NW $\frac{1}{4}$ of section 17, T. 33 N., R. 93 W., Fremont County to a point of connection on its Sand Draw-Casper Transmission line in lot 1, section 4, T. 33 N., R. 90 W., Fremont County.

Upon completion of the proposed 16 inch pipeline, the 10 inch and 14 inch pipelines being replaced will be abandoned and salvaged.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2861 Filed 2-1-78; 8:45 am]

[4310-84]

(Wyoming 62187)

WYOMING

Application

JANUARY 24, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., has filed an application for a right-of-way to construct an 8 $\frac{1}{2}$ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 90 W.,
Sec. 12, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

The pipeline will transport natural gas from wells located in the NW $\frac{1}{4}$ of Section 7 and the NE $\frac{1}{4}$ of Section 8, T. 38 N., R. 89 W., to an existing natural gas pipeline within NW $\frac{1}{4}$ of Section 12, T. 38 N., R. 90 W., Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2862 Filed 2-1-78; 8:45 am]

[4310-84]

(Wyoming 62238)

WYOMING

Application

JANUARY 25, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla., filed an application for a right-of-way to construct a 4 $\frac{1}{2}$ inch pipeline and install anodes for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 92 W.,
Sec. 2, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 9, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$.

The pipeline will transport natural gas from the Champlin 536 wellhead

located in the SW $\frac{1}{4}$ of section 1, T. 21 N., R. 92 W., in a southwesterly direction to connect with Cities Service Gas Co.'s proposed gathering line located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 9, T. 21 N., R. 92 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-2863 Filed 2-1-78; 8:45 am]

[4310-31]

Geological Survey

UTAH

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual 220.2.1. G, the following described lands are hereby defined as a known geothermal resources area, effective April 1, 1977:

(44) UTAH

Meadow-Hatton Known Geothermal
Resources Area

SALT LAKE MERIDIAN

T. 22 S., R. 6 W.,
Secs. 1, 14, and 22.
The area described aggregates 1,927 acres, more or less.

Dated: December 23, 1977.

GEORGE H. HORN,
Conservation Manager,
Central Region.

[FR Doc. 78-2864 Filed 2-1-78; 8:45 am]

[1410-03]

NATIONAL COMMISSION ON NEW
TECHNOLOGICAL USES OF COPY-
RIGHTED WORKS

MEETING

The National Commission on New Technological Uses of Copyrighted Works (CONTU) will hold its twentieth meeting on Thursday, February 16 and Friday, February 17, 1978, in New York City.

The meetings, which will be held at the Time-Life Building, eighth floor anteroom, Rockefeller Center, 1271 Avenue of the Americas, will convene at 10 a.m. both days.

The Commission will discuss the reports of its Subcommittees. The meetings are open to the public.

ARTHUR J. LEVINE,
Executive Director, National
Commission on New Techno-
logical Uses of Copyrighted
Works.

[FR Doc. 78-2865 Filed 2-1-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY
COMMISSION

[Docket Nos. 50-401, 50-402 and 50-403]

CAROLINA POWER & LIGHT CO.

Availability of Initial Decision of the Atomic Safety and Licensing Board for the Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4 and Issuance of Construction Permits

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in § 51.52(b)(3) of 10 CFR Part 51, notice is hereby given that an Initial Decision dated January 23, 1978, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of construction permits to the Carolina Power & Light Company for construction of the Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4 located about 20 miles southwest of Raleigh, N.C., in Wake and Chatham Counties, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Wake County Library, 104 Fayetteville Street, Raleigh, N.C. 27601.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Initial Decision is also being made available at the Office of Intergovernmental Relations, 116 West Jones Street, Raleigh, N.C. 27603 and at the Triangle J. Council of Governments, P.O. Box 12276, Research Triangle Park, Durham, N.C. 27709.

Based upon the record developed in the public hearing in the above captioned matter, the Initial Decision modified in certain respects the contents of the Revised Final Environmental Statement relating to the construction of the Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4, prepared by the Commission's Office of Nuclear Reactor Regulation. Pursuant

ant to the provisions of § 51.52(b)(3) of 10 CFR Part 51, the Revised Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Initial Decision are different from those contained in the Revised Final Environmental Statement, dated March 1974. As required by § 51.52(b)(3) of 10 CFR Part 51, a copy of the Initial Decision, which modifies the Revised Final Environmental Statement, has been transmitted to the Council on Environmental Quality and distributed to the Environmental Protection Agency and other interested agencies and persons in accordance with § 51.26(c) of 10 CFR Part 51.

Pursuant to the above mentioned Initial Decision, the Commission has issued Construction Permits Nos. CPPR-158, CPPR-159, CPPR-160 and CPPR-161 to the Carolina Power & Light Company for construction of four (4) pressurized nuclear reactors, known as the Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4, each designed to operate at a core power level of 2775 megawatts thermal with a net electrical output of approximately 900 megawatts.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

The Construction permits are effective as of their date of issuance. The earliest date for the completion of Unit 1 is June 1, 1983, the latest date for completion is June 1, 1984. The earliest date for the completion of Unit 2 is June 1, 1985, and the latest date for completion is June 1, 1986. The earliest date for the completion of Unit 3 is June 1, 1989, and the latest date for completion is June 1, 1990. The earliest date for the completion of Unit 4 is June 1, 1987, and the latest date for completion is June 1, 1988. Each permit shall expire on the latest date for completion of the facility.

In addition to the Initial Decision, copies of: (1) Construction Permit Nos. CPPR-158, CPPR-159, CPPR-160 and CPPR-161; (2) the report of the Advisory Committee on Reactor Safeguards dated August 19, 1977; (3) the Office of Nuclear Reactor Regulation's Safety Evaluation Report, dated December 22, 1972, and its four (4) supplements, dated April 27, 1973, May 6, 1974, July 30, 1977, and September 20, 1977, respectively; (4) the Preliminary Safety Analysis Report and amendments thereto; (5) the applicant's Revised Environmental

Report dated March 18, 1972 and supplements thereto; (6) the Draft Environmental Statement, dated November 1972; and (7) the Revised Final Environmental Statement, dated March 1974, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and at the Wake County Library, 104 Fayetteville Street, Raleigh, N.C. 27601. Copies of the Initial Decision and the Final Environmental Statement are also available for public inspection at the above clearinghouses in North Carolina.

Single copies of the Initial Decision by the Atomic Safety and Licensing Board, the construction permits, the Safety Evaluation Report and supplements thereto, and the Revised Final Environmental Statement may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md. this 27th day of January 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors
Branch No. 3, Division of Project Management.

[FR Doc. 78-2831 Filed 2-1-78; 8:45 am]

[7590-01]

[Docket No. PRM 50-19]

CONNECTICUT CITIZEN ACTION GROUP, ET AL.

Denial of Petition for Rule Making With Regard To Stationing a Full-Time Federal Employee in the Reactor's Control Room

Louis J. Sirico, Jr., Esquire, filed with the Nuclear Regulatory Commission a petition for rulemaking dated January 21, 1977, on behalf of the Connecticut Citizen Action Group, the Public Interest Research Group, Free Environment, the Iowa Public Interest Research Group, Citizens United for Responsible Energy, Iowa Federation of Women's Clubs, and the Good News General Store Cooperative, Requesting the Commission to amend its regulations in 10 CFR Part 50, "Licensing of Production and Utilization Facilities".

The petitioners requested the Commission to amend 10 CFR Part 50 to require that:

1. Nuclear reactors be located below ground level;
2. Nuclear reactors be housed in sealed buildings in which permanent heavy vacuums are maintained; and
3. A full-time Federal employee, with full authority to shut down the plant in case of any operational abnormality, always be present in a reactor's control room.

The petitioners stated that the requested amendments would conform to reactor safety proposals discussed in the recent presidential campaign and that, as an interim measure, the proposal set out in the petition would significantly increase the protection offered to the public.

A notice of filing of petition for rulemaking was published in the FEDERAL REGISTER on March 10, 1977 (42 FR 13365). The comment period expired May 9, 1977. Nine interested parties have submitted comments regarding part 3 of the petition (full-time Federal employee in the control room). None supported the petition.

It was noted in the March 10, 1977, FEDERAL REGISTER notice that in November 1976, the Commission staff undertook an assessment of the feasibility of instituting a program of full-time inspection at operating reactors. It was also stated that this assessment which contains an analysis of various alternatives for inspecting operating reactors, including as one of the alternatives the placement of a full-time NRC employee in the control room of each nuclear powerplant, was expected to be completed by mid-1977. This study, which was broadened to also include the inspection program at reactor sites under construction and during the testing phase prior to commercial operation, has been completed. The study concluded that the current inspection program can be improved by increasing NRC inspector presence on site and by increasing capabilities to perform independent verification.

After consideration of the results of this study of alternative inspection programs and their associated costs and benefits, the Commission decided to alter its inspection program. Based on this Commission decision and on the OMB-approved budget, an NRC resident inspector will be assigned to each site where there is an operating reactor and at selected construction sites. The NRC Regional Office will provide periodic technical support. There will be increased capability for independent verification of licensee actions.

The Commission has decided to deny the portion of the petition for rulemaking concerning stationing a full-time Federal employee in the reactor's control room with full authority to shut down the plant in case of any operational abnormality on the grounds that the current inspection program, which will be improved by increasing onsite presence and by increasing capabilities to perform independent verification.

¹Copies of the report entitled, "Study Report—NRC Inspection Alternatives" are available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

ification, adequately provides for fulfillment of NRC responsibilities with respect to audit and inspection of nuclear powerplants. The other portions of the petition are being handled separately.

A copy of the petition for rulemaking and copies of the letters of comment concerning the petition are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., this 30th day of January 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.
FR Doc. 78-2832 Filed 2-1-78; 8:45 am]

[7590-01]

[Docket No. 50-334]

DUQUESNE LIGHT CO. ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility Operating License No. DPR-66, issued to Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co. (the licensee), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pa. The amendment becomes effective as of its date of issuance.

The amendment revises the Technical Specifications to allow the use of improved Licensee Event Report and Monthly Operating Report formats, deletes the requirement for an Annual Operating Report, deletes the requirements concerning respiratory protection which are now stipulated in 10 CFR § 20.103, raises the reactor trip system interlock setpoint for the turbine impulse chamber pressure from 55 psia to 80 psia, and clarifies the intent of the Technical Specifications concerning the steam jet air ejector isolation valves to specify that these isolation valves may be opened during mode 4 of plant operation so that the containment air pressure is maintained subatmospheric during plant startups.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) the applications for amendment dated August 10, August 11, September 23, and November 23, 1977; (2) Amendment No. 12 to License No. DPR-66; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pa. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 20th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-2833 Filed 2-1-78; 8:45 am]

[7590-01]

[Docket No. 50-269]

DUKE POWER CO.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Duke Power Co. The relief relates to the inservice inspection (testing) program for the Oconee Nuclear Station, Units 1, located in Oconee County, S.C. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief is granted, on an interim basis, pending completion of our detailed review, from those inservice inspection and testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry, and materials of construction of components, because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see: (1) the request for relief dated October 1, 1976, and (2) the Commission's letter to the licensee dated January 18, 1978.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oconee County Library, 201 South Spring, Walhalla, S.C. 29691. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 18th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-2834 Filed 2-1-78; 8:45 am]

[7590-01]

[Docket No. 50-590]

GENERAL ELECTRIC CO.

Application for Consideration of Issuance of Facility Export License

Please take notice that General Electric Co., San Jose, Calif., has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a boiling water reactor with a thermal power level of 2,894 megawatts to Spain and that the issuance of this license is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that the export is within the scope of and consistent with the terms

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of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act and the Commission's regulations set forth in 10 CFR, Chapter 1, and

(b) The reactor proposed to be exported is a utilization facility as defined in the Act and the Commission's regulations.

Unless on or before March 3, 1978, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of International Programs may, upon the determinations and findings noted above, cause to be issued to General Electric Co. a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 19th day of January 1978.

For the Nuclear Regulatory Commission.

MICHAEL A. GUHIN,
Assistant Director, Export/
Import and International
Safeguards, Office of International Programs.

[FR Doc. 78-2835 Filed 2-1-78; 8:45 am]

[7590-01]

[Docket No. STN 50-484]

NORTHERN STATES POWER CO. ET AL.
(TYRONE ENERGY PARK, UNIT NO. 1)

Assignment of Atomic Safety and Licensing
Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Richard S. Salzman, Chairman
Michael C. Farrar
Dr. W. Reed Johnson

Dated: January 27, 1978.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.
[FR Doc. 78-2836 Filed 2-1-78; 8:45 am]

[7590-01]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment to Provisional
Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Provisional Operating License No. DPR-22, issued to Northern States Power Co. (the licensee), which revised the Technical Specifications for operations of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minn. The amendment is effective as of its date of issuance.

The amendment revised the existing Monticello Technical Specifications to incorporate fire protection specifications consistent with the Commission's requirements. These specifications are as suggested by the Commission with three exceptions taken by the licensee which the Commission's Staff has temporarily accepted pending its review and final resolution. The three exceptions relate to the reduction from five to three in the minimum number of on-site fire brigade members, valve position verification, and responsibility for training of fire protection personnel.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 31, 1977 and supplement thereto dated December 16, 1977, (2) the Commission's letters dated September 30, 1976 and November 25, 1977, (3) Amendment No. 33 to License No. DPR-22, and (4) the

Commission's related Safety Evaluation issued as an enclosure to the Commission's November 25, 1977 letter. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minn. 55401. A single copy of items (2), (3), and (4) above may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 25th day of January 1978.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors
Branch No. 2, Division of
Operating Reactors.

[FR Doc. 78-2837 Filed 2-1-78; 8:45 am]

[7590-01]

[Docket No. 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Proposed Issuance of Amendments to Facility
Operating Licenses

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to facility operating license No. DPR-56 issued to Philadelphia Electric Co., Public Service Electric & Gas Co., Delmarva Power & Light Co., and Atlantic City Electric Co. (the licensees), for operation of the Peach Bottom atomic power station, unit No. 3, located in Peach Bottom, York County, Pa.

The amendment would revise the provisions in the technical specifications to permit operation of Peach Bottom Atomic Power Station Unit No. 3 with a new fuel type during cycle 3 and to include technical specifications associated with the operating limits for the new fuel. The proposed amendment would also revise the technical specifications based on the results of the ECCS reevaluation for Peach Bottom unit No. 3 using the approved 10 CFR 50 Appendix K models as required by our March 11, 1977, exemption published in the FEDERAL REGISTER on March 21, 1977 (42 FR 15379).

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By March 6, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition

for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., Esquire, 1747 Pennsylvania Avenue NW., Washington, D.C. 20666, the attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitions relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applications for amendment dated August 30 and December 19, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126

Dated at Bethesda, Md., this 27th day of January 1978.

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For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-2838 Filed 2-1-78; 8:45 am]

[7590-01]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO., ET AL.

Proposed Issuance of Amendment to Facility
Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to facility operating license No. DPR-44, issued to Philadelphia Electric Co., Public Service Electric & Gas Co., Delmarva Power & Light Co., and Atlantic City Electric Co., (the licensee), for operation of the Peach Bottom atomic power station unit No. 2, located in York County, Pa.

The amendment would revise the provisions in the technical specifications relating to the maximum average planar linear heat generation rates (MAPLHGR) for the Peach Bottom unit No. 2 fuel. In response to the requirement of the order for modification of license and exemption granted to the licensee on March 11, 1977, the licensee has submitted on December 18, 1977, a reevaluation of the emergency core cooling system (ECCS) cooling performance. This reevaluation not only corrected the errors noted in the March 11, 1977, exemption but also included the effect of certain other recently approved changes in the ECCS evaluation models. If and when authorized, the amendment would permit a change, generally an increase, in authorized maximum average planar linear heat generation rate (MAPLHGR), and is the aspect of the amendment covered by this notice.

The Commission will act upon the amendments upon: (1) The completion of a safety evaluation by the Office of Nuclear Reactor Regulation; and (2) completion of the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By March 6, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license.

Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of §2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the

interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and section 2.714, and must be filed with the Secretary of the Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., Esquire, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applications for amendment dated December 19, 1977, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126.

Dated at Bethesda, Md., this 26th day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-2839 Filed 2-1-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its regulatory guide series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory guide 1.72, revision 1, "Spray Pond Piping Made from Fiberglass-reinforced Thermosetting Resin," describes a method acceptable to the NRC staff for implementing certain requirements with regard to the design, fabrication, and testing of fiberglass-reinforced thermosetting resin piping for spray pond applications in light-water-cooled reactors. The original issuance of this guide endorsed ASME boiler and pressure vessel code section X, "Fiberglass Reinforced Plastic Pressure Vessels." This revision was developed to endorse instead ASME boiler and pressure vessel code section III code case N-155, "Fiberglass Reinforced Thermosetting Resin Pipe," and also to reflect additional staff review.

Comments and suggestions in connection with: (1) Items for inclusion in guides currently being developed, or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Md., this 24th day of January 1978.

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For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.
[FR Doc. 78-2830 Filed 2-1-78; 8:45 am]

[7590-01]

(Docket No. 50-338)

VIRGINIA ELECTRIC & POWER CO., NORTH ANNA POWER STATION, UNIT NO. 1

Issuance of an Amendment to Facility Operating License

Notice is hereby given that pursuant to the initial decision of the Atomic Safety and Licensing Board, dated December 13, 1977, as modified by the Board order dated January 13, 1978, the Nuclear Regulatory Commission (the Commission) has issued amendment No. 1 to facility operating license No. NPF-4 to the Virginia Electric & Power Co. authorizing operation of the North Anna power station, unit No. 1 in a hot standby condition, in accordance with the provisions of the amended license and the technical specifications. The amended license is effective as of its date of issuance and shall expire on six months from said date, unless extended for good cause shown, or upon earlier issuance or denial of a subsequent licensing action. NPF-4 issued on November 26, 1977, authorized fuel loading and maintenance of the North Anna power station, unit No. 1 in an operational mode 5 condition (cold shutdown condition). The technical specifications were attached to the license as Appendix A—Radiological Technical Specifications, and Appendix B—Environmental Technical Specifications. The North Anna power station, unit No. 1, is a pressurized water nuclear reactor located at the licensee's site near Mineral in Louisa County, Va.

The initial decision as modified by the Board's order will be subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the initial decision as modified by the Board's order may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amended license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant

to 10 CFR Section 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action see a copy of: (1) the initial decision, dated December 13, 1977, as modified by the Board's order dated January 13, 1978; (2) amendment No. 1 to NPF-4 with page changes to Appendix A—Radiological technical Specifications, and Appendix B—Environmental Technical Specifications; (3) facility operating license No. NPF-4, complete with technical specifications (Appendices A and B); (4) the report of the Advisory Committee on Reactor Safeguards, dated January 17, 1977; (5) the Office of Nuclear Reactor Regulation's safety evaluation report dated June 4, 1976 and its eight supplements; (6) the final safety analysis report and amendments thereto; (7) the applicant's environmental report dated June 17, 1970, and supplements thereto; (8) the draft environmental statement dated December 12, 1972; and (9) the final environmental statement dated April 1973 and its addendum, dated November 1976. These documents are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, at the County Administrator's Office, Louisa County Courthouse, P.O. Box 27, Louisa, Va. 23093, and at the Alderman Library Manuscripts Department, University of Virginia, Charlottesville, Va. 22901. A copy of the amended license may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Copies of the safety evaluation and its supplements (Docket No. NUREG-0053) and the addendum to the final environmental statement (Document No. NUREG-0134) may be purchased, at current costs, from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 26th day of January 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors
Branch No. 3, Division of Project Management.

[FR Doc. 78-2840 Filed 2-1-78; 8:45 am]

[7590-01]

(Docket No. 50-589)

WESTINGHOUSE ELECTRIC CORP.

Application for Consideration of Issuance of Facility Export License

Please take notice that Westinghouse Electric Corp., Pittsburgh, Pa.,

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has submitted to the Nuclear Regulatory Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 3,002 megawatts to Spain and that the issuance of this license is under consideration by the Nuclear Regulatory Commission.

No license authorizing the proposed reactor export will be issued until the Nuclear Regulatory Commission determines that the export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to Section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Nuclear Regulatory Commission has found that:

(a) The application complies with the requirements of the Act and the Commission's regulations set forth in 10 CFR, Chapter I, and

(b) The reactor proposed to be exported is a utilization facility as defined in the Act and the Commission's regulations.

Unless on or before March 6, 1978, a request for a hearing is filed with the Nuclear Regulatory Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of the Office of International Programs may, upon the determinations and findings noted above, cause to be issued to Westinghouse Electric Corp. a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Nuclear Regulatory Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Md. this 19th day of January.

For the Nuclear Regulatory Commission.

MICHAEL A. GUHN,
Assistant Director, Export/
Import and International
Safeguards, Office of International Programs.

[FR Doc. 78-2841 Filed 2-1-78; 8:45 am]

[7590-01]

(Docket No. 50-305)

WISCONSIN PUBLIC SERVICE CORP., ET AL.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the

ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Wisconsin Public Service Corp. (the licensee). The relief relates to the inservice inspection (testing) program for the Kewaunee Nuclear Power Plant (the facility) located in Kewaunee County, Wis. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief is granted on an interim basis, pending completion of our detailed review from those inservice inspection and testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry, and materials of construction of components, because compliance would result in hardships or unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for relief dated July 18, 1977, and (2) the Commission's letter to the licensee dated January 18, 1978.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 18th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-2842 Filed 2-1-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

(N-AR 78-5)

ACCIDENT REPORT; SAFETY RECOMMENDATION RESPONSES

Availability and Receipt

Railroad/Highway Accident Report.—The National Transportation Safety Board announces that copies of its investigation report, No. NTSB-RHR-77-2, on the July 1, 1976, accident at Des Moines, Iowa, are now available. The accident occurred when a Chicago, Rock Island & Pacific Railroad Co. train collided with an automobile at Des Moines East 56th Street grade crossing. The car was struck broadside; the driver and her four children were killed instantly.

In determining the probable cause of this accident, the Safety Board recognizes that the automobile driver failed to stop short of the railroad track in response to the flashing signal lights and to determine if it was safe to cross the track—an often repeated failure of motorists at grade crossings. As a result of its investigation of this accident, the Safety Board on November 16 issued seven recommendations, Nos. H-77-25 through 31, to the National Safety Council, the Association of American Railroads, the National Highway Traffic Safety Administration, the Federal Highway Administration, the Federal Railroad Administration, the International Association of Chiefs of Police, and the Chicago, Rock Island & Pacific Railroad Co., respectively. (See 42 FR 60237, November 25, 1977.)

Recommendation H-77-25 to the National Safety Council asked the council to serve as a national focal point and coordinator for the total development, implementation, and evaluation of a nationwide "Operation Lifesaver" railroad/highway grade crossing safety program, this program to be undertaken with the full support and cooperation of all interested groups and agencies, especially those to whom the other recommendations were addressed, and the States.

The President of the National Safety Council on January 3 assured the Safety Board that it would accept the assignment as the umbrella organization for the development, implementation, and evaluation of a standard railroad-highway grade crossing education program, adding "... a concentrated effort to make the motoring public aware of this hazard is needed."

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation: A-77-68.—Letter of January 11 from the Federal Aviation Ad-

ministration concerns one of several recommendations issued by the Safety Board as a result of its investigation of the Southern Airways DC-9-31 accident at New Hope, Ga., April 4, 1977. The recommendation asked that FAA formulate rules and procedures for the timely dissemination by air traffic controllers of all available severe weather information to inbound and outbound flight crews in the terminal area. (42 FR 57577, November 3, 1977.)

FAA reports that in June it began work on a study to achieve a more effective method of collecting and disseminating weather information throughout the air traffic control system; a draft report, "Aviation Weather System Program Plan," is now being evaluated.

This document prepared by the Aviation Weather System Planning Team presents FAA plans for developing and implementing improvements to its current capability for providing hazardous and routine weather information to pilots and controllers. Hazardous weather is defined therein as weather conditions that pose an unacceptable threat to the flight of aircraft, FAA said.

The plan includes actions to review and modify existing procedures and the qualification of personnel responsible for analyzing and disseminating weather. As a result of this plan, an FAA task group is working on a program aimed specifically at disseminating weather data in terminal locations. The final plan for terminal severe weather advisories will include a means of delivery which would not derogate the controllers' primary responsibility, the separation of aircraft.

Highway: H-77-7 and 8.—Letter of January 13 from the National Park Service, U.S. Department of the Interior, responds to recommendations issued last August 11 concerning stone retaining walls of the George Washington Memorial Parkway. (42 FR 41679, August 18, 1977.)

The National Park Service reports that it has met with Federal Highway Administration officials and will develop, in consultation with FHWA, a number of roadside barrier designs suitable for park roads and parkways use. When designs are prepared which are esthetically pleasing, FHWA will be asked to crash test the designs and advise as to sufficiency from a safety standpoint. The new roadside barrier design(s) will then be specified for use when new roads are constructed, when existing inadequate barriers are replaced, or when new barriers are installed as a result of road inventories and safety studies.

The National Park Service further reports that arrangements are being made for FHWA's Region 15 Office to study safety improvements along certain sections of the George Washington Memorial Parkway immediately.

NOTE.—The above notice consists of summaries of Safety Board documents made available, and recommendation responses received, during the week preceding publication of the notice in the *FEDERAL REGISTER*. The accident report in its entirety is available to the general public; single copies are obtainable without charge while limited supplies last. Copies of the full text of the response letters and Board correspondence may be obtained at a cost of \$4 for service and 10 cents per page for reproduction. All requests must be in writing, identified by recommendation number and date of publication of this notice.

Multiple copies of the accident report may be purchased by writing to: National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

BARBARA J. BUSH,
Acting Federal Register
Liaison Officer.

JANUARY 30, 1978.

(FR Doc. 78-2936 Filed 2-1-78; 8:45 am)

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10105; 812-4106]

ARCS EQUITIES CORP.

Application for Order of Temporary Exemption

JANUARY 27, 1978.

Notice is hereby given that Arcs Equities Corp. ("applicant"), 850 Third Avenue, New York, N.Y. 10022, a New York corporation, has applied pursuant to sections 6(c) and 6(e) of the Investment Company Act of 1940 ("Act") for an order of the Commission temporarily exempting it from section 7 and certain other provisions of the Act. Applicant, in requesting such temporary exemption, has agreed that applicant and other persons in their transactions and relations with it shall be subject to all provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though applicant were a registered investment company, other than section 7 and the following: Section 8, subsection (a) of section 10; subsection (a)(4) of section 13; subsections (a), (f), (g) and (h) of section 17; section 18; section 23; section 30 (except subsection (f) thereof); section 31; and section 32 and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations, which are summarized below.

This request has been made as an amendment to an application filed by applicant and Federated Capital Management Associates, Inc. ("Federated") pursuant to sections 3(b)(2) and 6(c) of

the Act for an Order of the Commission declaring that they are not investment companies or, in the alternative, declaring that they are exempt from all provisions of the Act. Federated, a Delaware corporation, merged with applicant in January 1978. Section 3(b)(2) of the Act provides that the filing of an application thereunder shall exempt the applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such. The 60-day period of exemption provided in section 3(b)(2) expired on May 13, 1977. Applicant, which is not registered as an investment company under the Act, has asked that it be exempted, as requested, from May 13, 1977, until June 30, 1978, unless the Commission acts upon the application under section 3(b)(2) of the Act in the interim.

Applicant states that prior to the merger, Federated had been a wholly-owned subsidiary of applicant except for eight qualifying shares held by officers and directors of Federated. Applicant, through Federated, owned 748,643 shares of Common Stock of Bates Manufacturing Co., Inc. ("Bates"), which shares were acquired by the conversion of a Bates Debenture in October, 1974, into an aggregate of 592,592 shares of Bates Common Stock and by subsequent cash purchases. Bates, a Delaware corporation, is engaged through wholly-owned subsidiaries in the business of owning and leasing coal properties and in the processing and texturing of yarns for fabrics. As the result of the merger between applicant and Federated, applicant succeeded by operation of law to Federated's assets and business which consisted of cash and money market securities (approximately \$300,000) and the 748,643 shares of Bates Common Stock. The shares of Bates Common Stock, which amount to approximately 37 percent of the issued and outstanding shares of Bates, are pledged with Manufacturers Hanover Trust Co. ("Bank"), as security on a loan.

Applicant states that 85.4 percent of the issued and outstanding shares of its common stock are owned by four stockholder groups ("Control Group"). The remaining 14.6 percent of applicant's shares are widely held by approximately 500 shareholders. The Control Group also owns an aggregate of 235,200 shares of Bates Common Stock which represents 11.6 percent of the issued and outstanding Bates shares.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per

centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Applicant states that if the shares of Bates Common Stock are considered to be investment securities (as that term is defined in section 3(a)(3) of the Act) it may be deemed an investment company within the definition set forth in section 3(a)(3) of the Act.

Section 3(b)(2) of the Act excepts from the definition of an investment company in section 3(a)(3) of the Act any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses. Applicant submits that through its working control of Bates it is primarily engaged in the businesses conducted by Bates. Accordingly, applicant believes that it is entitled to an order of exemption pursuant to Section 3(b)(2) of the Act or, alternatively, pursuant to Section 6(c) of the Act.

Applicant states that since filing the application neither it nor Federated has entered into any transaction which would be prohibited under the Act.

On January 25, 1978, the Commission filed in the United States District Court of the District of Columbia a complaint in an action entitled *Securities and Exchange Commission v. Bates Manufacturing Company, Inc.* Applicant was also named as a defendant in that complaint. The Commission's complaint for injunctive and other equitable relief seeks, among other things, to enjoin applicant from certain alleged violations of the Securities Exchange Act of 1934 ("Exchange Act"), as amended, including sections 10(b), 13(a), 13(d), 14(a) and 14(e) thereof, and the rules and regulations promulgated thereunder. The alleged violations arose from (1) a previous tender offer made by applicant for its own shares of common stock and (2) reports and other documents filed by applicant under the Exchange Act relating to the securities of applicant and Bates. Simultaneous with the filing of the Commission's complaint, without admitting or denying the substantive allegations contained in the complaint of the Commission, applicant agreed to the entry against it of a final judgment of permanent injunction and other equitable relief ("Final Judgment") purportedly in order to avoid active litigation with the Commission which would involve substantial inconvenience and expense.

Applicant's Consent and Undertaking ("Consent"), which is incorporated in the Final Judgment, provides that

within thirty (30) days after entry of the Final Judgment applicant shall appoint two additional new independent Directors and establish an audit committee of the Board of Directors of applicant composed of such new independent Directors. Both the audit committee and the Board of Directors shall exist as constituted for at least five (5) years or until such time as applicant shall dispose of all or substantially all of its assets, liquidate or otherwise cease to exist. The audit committee, in addition to such other responsibilities as it may be assigned by the applicant's Board of Directors, shall have the responsibility, among other things, to review as to fairness to applicant and applicant's stockholders, and to recommend to the applicant's Board of Directors the approval or disapproval of the proposed sales or purchases of applicant's securities by applicant, the proposed transactions between applicant and Bates and any proposed transactions whereby applicant will be liquidated, dispose of all or substantially all of its assets or otherwise cease to exist.

As part of its Consent, applicant has granted to Bates on option to acquire one hundred thirty-five thousand (135,000) shares of Bates Common Stock from applicant at a price of thirty-one dollars (\$31.00) per share. The option is exercisable for eighty-five (85) days from the date of entry of the Final Judgment, or until such time as an Order is entered by the Commission temporarily exempting applicant from registration under the Act, whichever is later. The aforementioned option and option price were arrived at after lengthy negotiations with the Commission staff taking into account several factors such as (1) the relationship between Applicant and Bates and their respective activities and those of their controlling stockholders in effecting purchases of applicant's and Bates' securities; (2) the historical market price for shares of applicant's and Bates Common Stock; (3) all of the relevant facts and circumstances reviewed in connection with the investigation, including the fact that litigation with the Commission would involve substantial cost and expense to applicant and the fact that Adolf Marcus (a former Director of applicant) and Alexander Goren, both controlling stockholders of Applicant and individual parties to the investigation as well as named defendants in the Commission action, as part of their respective Consents, each have granted Bates an option, exercisable for eighty-five (85) days from the date of entry of their respective Final Judgment, or until such time as an Order is entered by the Commission temporarily exempting applicant from registration under the Act, whichever is later, to acquire 134,600 shares and 99,600

shares, respectively, of Bates Common Stock from Messrs. Marcus and Goren at a price of thirty-one dollars (\$31.00) per share. The option price is deemed by all of the parties to be in the best interests of applicant and its shareholders.

In the event Bates does not exercise the above mentioned option granted by applicant to Bates, applicant proposes to dispose of such number of the Bates shares covered by such option required to repay the indebtedness of applicant to the Bank and to meet applicant's other obligations on such terms as the Board of Directors of applicant shall deem appropriate and in the best interests of applicant and its stockholders. In the event of the liquidation of applicant, it is anticipated that the remaining shares of Bates Common Stock owned by applicant will be distributed to its stockholders on a pro rata basis.

Section 17(a) of the Act provides, in pertinent part, that it is unlawful for any affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, knowingly to purchase any security or other property from such registered company. Section 17(b) of the Act provides, however, that the Commission, upon application, shall exempt a transaction from such prohibition if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicant states that if applicant were deemed an investment company subject to registration under the Act, the option transaction with Bates would be an affiliated transaction subject to the provisions of section 17(a) of the Act. Applicant therefore requests an order of the Commission, pursuant to section 17(b) of the Act, exempting the option transaction from Section 17(a) of the Act in order that such transaction and the Consent may be effected.

Applicant states that it will complete the formulation of a Plan of Complete Liquidation and Dissolution, ("Plan"), cause the audit committee and applicant's Board of Directors to review and consider the Plan and effect the submission of the Plan to stockholders. Applicant's present Board of Directors believes that the liquidation of the assets of applicant and its dissolution pursuant to the Plan is the only proper course of action in furtherance of the interest of applicant and its stockholders. The audit committee will review the fairness of the Plan. Applicant represents that although

the new independent Directors have not yet been designated, it appears likely that they would confirm the action of the present Board of Directors in that the liquidation of applicant would appear to be the only proper course of action under existing circumstances. In the event the liquidation of applicant is completed by June 30, 1978, or earlier, applicant will withdraw its application under sections 3(b)(2) and 6(c) of the Act. Applicant represents that the temporary exemption from the provisions of section 7 of the Act is sought on the condition that the Plan is consummated by June 30, 1978.

Section 6(c) provide that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) provides that, if, in connection with any order under section 6 exempting any investment company from section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, a though such company were a registered investment company.

Notice is further given that any interested person may, not later than February 21, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing

is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2815 Filed 2-1-78; 8:45 am]

[8010-01]

[Release No. 14418; File Nos. SR-CBOE-77-28, SR-PSE-77-36]

CHICAGO BOARD OPTIONS EXCHANGE, INC.
AND PACIFIC STOCK EXCHANGE INC.

Order Extending Time Period Within Which the
Commission Is Required To Act on Proposed
Rule Changes

JANUARY 26, 1978.

In the matter of Chicago Board Options Exchange, Inc., La Salle at Jackson, Chicago, Ill. 60604, Pacific Stock Exchange Inc., 301 Pine Street, San Francisco, Calif. 94104, File Nos. SR-CBOE-77-28, SR-PSE-77-36.

The Chicago Board Options Exchange, Inc. ("CBOE") and Pacific Stock Exchange Inc. ("PSE") have filed, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(s)(b)(1), and Rule 19b-4 thereunder, 17 CFR 240.19b-4 the following rule proposals:

(1) SR-CBOE-77-28.
The proposed amendment to Rule 5.5 of the CBOE rules would provide for a closing rotation on the Exchange on the last day of trading in expiring options series commencing at 2 p.m. (c.s.t.) (3 p.m., e.s.t.).

SR-CBOE-77-28 was published in the FEDERAL REGISTER, 42 FR 63976, on December 12, 1977.

(2) SR-PSE-77-36.
The proposed amendment to Rule VI, Section 4(b) of the PSE rules would provide for a closing rotation on the Exchange on the last day of trading in expiring options series commencing at 12 p.m. (p.s.t.) (3 p.m., e.s.t.).

SR-PSE-77-36 was published in the FEDERAL REGISTER, 42 FR 63983, on December 12, 1977.

As a result of its preliminary review of the CBOE and PSE Rule proposals, the Commission believes additional time is needed to evaluate the data supplied to it by the Exchanges and believes that the proposals raise a number of substantial questions which require further consideration before any determination is made to approve the rule proposals or to institute proceedings, pursuant to Section 19(b)(2) of the Act, to determine whether they should be disapproved.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,

hereby extends to March 20, 1978 the time period within which the Commission must take action on the above-referenced proposed rule changes. The Commission is also extending the time period for comments on the proposed rule changes, and invites written submissions from all interested persons. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 by March 1, 1978.

Copies of all submissions, including the proposed rule changes, will be available for public inspection at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of the proposed rule change will also be available at the principal office of the MSE.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-2816 Filed 2-1-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 590]

ANTARCTIC MARINE LIVING RESOURCES

Meeting

The Department of State will hold a public meeting on Friday, February 10, 1978 at 2 p.m. to obtain preliminary, oral comments on the Department's draft environmental impact statement for a Possible Regime for Conservation of Antarctic Marine Living Resources. The meeting will be held in Room 1107 at the Department of State, 2201 C Street N.W., Washington, D.C.

The Department of State issued the draft environmental impact statement on February 1, pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969. The U.S. Government will be engaged in diplomatic discussions on the possible regime in 1978 in accordance with Article IX of the Antarctic Treaty and Recommendation IX-2 of the Ninth Antarctic Treaty Consultative Meeting.

Copies of the draft statement and information about the meeting may be obtained from Mr. William H. Mansfield, Office of Environmental Affairs, Department of State, Room 7820, Washington, D.C. 20520 (telephone 202-632-2418).

Dated: February 1, 1978.

ROBERT C. BREWSTER,
Deputy Assistant Secretary of
State for Oceans and International
Environmental and Scientific Affairs.

[FR Doc. 78-2895 Filed 2-1-78; 8:45 am]

[4710-01]

[Public Notice 589]

BUREAU OF OCEANS AND INTERNATIONAL
ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

Availability of Draft Environmental Impact
Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of State has prepared a draft environmental impact statement dated February 1, 1978, for a Possible Regime for Conservation of Antarctic Living Marine Resources. The possible regime will be the subject of diplomatic discussions in 1978 in accordance with Article IX of the Antarctic Treaty and Recommendation IX-2 of the Ninth Antarctic Treaty Consultative Meeting.

Copies of the draft environmental impact statement may be obtained by writing to William H. Mansfield, Office of Environmental Affairs, Department of State, Room 7820, Washington, D.C. 20520. Written comments on the proposed action should be submitted to Mr. Mansfield no later than March 20, 1978.

For the Secretary of State.

LINDSEY GRANT,
Deputy Assistant Secretary for
Environmental and Population
Affairs.

JANUARY 30, 1978.
[FR Doc. 78-2896 Filed 2-1-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

SHIP STRUCTURE SUBCOMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Ship Structure Subcommittee to be held Thursday, March 2, 1978, at Newport News Shipbuilding & Drydock Co., Newport News, Va., at 9:30 a.m. in the General Office Building (No. 520) and on Friday, March 3, 1978, at the Carteret Manufacturing Co., Morehead City, N.C., at 8:30 a.m. The agenda for this meeting is as follows: The progress of research projects under Ship Structure Committee sponsorship will be reviewed and discussed; the requirements for structural fire protection measures aboard vessels will be presented and methods of vessel construction to incorporate such measures will be discussed.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, LCDR T. H. Robinson, USCG, Secretary, Ship Structure Committee, U.S. Coast Guard Headquarters, Washington, D.C. 20590, 202-426-2205. Any member of the public may present a written statement to the Committee at any time.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc. 78-2904 Filed 2-1-78; 8:45 am]

[4910-06]

Federal Railroad Administration

[FRA Waiver Petition No. HS-78-1]

AMADOR CENTRAL RAILROAD CO.

Petition for Exemption From the Hours of
Service Act

The Amador Central Railroad has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours

RENEWALS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
1479-X	DOT-E 1479	Allied Chemical Corp., Morristown, N.J.; U.S. Department of Defense, Washington, D.C.	49 CFR 173.315(a)(1)	To ship nonflammable compressed gases in a specially designed cargo tank. (Mode 1.)
2709-X	DOT-E 2709	U.S. Department of Defense, Washington, D.C.	49 CFR 173.62, 177.834(L)(1)	To ship a class A explosive liquid in non-DOT specification drums. (Mode 1.)
3121-X	DOT-E 3121	do	49 CFR 173.366(a), 177.841(b)	To ship a certain Class A poisonous liquid in specially designed cargo tanks. (Mode 1.)
3302-X	DOT-E 3302	Air Products & Chemicals, Inc., Allentown, Pa.; Airco Industrial Gases, Murray Hill, N.J.	49 CFR 173.302, 175.3	To ship certain nonflammable, nonliquefied compressed gases in non-DOT specification sampling bottles (cylinders). (Modes 1, 2, 4.)
3307-P	DOT-E 3307	Oak Hill Parts, Inc., Oak Hill, Ohio; Explosives Inc., Pittsfield, Ill.	49 CFR 173.154, 173.182(c)	To become a party to exemption 3307. (See application No. 3307-X.) (Modes 1, 2, 3.)

of Service Act, as amended, 45 U.S.C. 61-64(b).

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-78-1, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before February 28, 1978, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C., on January 26, 1978.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 78-2812 Filed 2-1-78; 8:45 am]

[4910-60]

Materials Transportation Bureau

HAZARDOUS MATERIALS REGULATIONS

Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted December 1977. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo-vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

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NOTICES

RENEWALS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
3569-X	DOT-E 3569	Baroid Petroleum Services Division/NL, Houston, Tex.	49 CFR 173.246	To ship bromine trifluoride in a non-DOT specification non-refillable cylinder. (Modes 1, 2.)
3744-X	DOT-E 3744	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; FMC Corp., Philadelphia, Pa.; Thompson-Hayward Chemical Co., Kansas City, Kan.	49 CFR 173.266(b)(7)	To ship an oxidizer in DOT specification 21P fiber drum overpack with inside specification 2SL polyethylene container. (Modes 1, 2.)
3897-X	DOT-E 3897	Dow Chemical Co., Freeport, Tex.	49 CFR 173.139(a)(6), 173.34(e)(10)	To ship a flammable liquid in DOT specification 4BW240 cylinders. (Modes 1, 2.)
3966-X	DOT-E 3966	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.234, 173.236-3(a)	To ship a sodium nitrite in 3-ply multiwall paper bags complying with DOT specification 44B. (Modes 1, 2, 3.)
4282-X	DOT-E 4282	Hercules Inc., Wilmington, Del.	49 CFR 173.93(a), 173.182(c)	To ship a Class B explosive and oxidizer in a DOT specification MC-310 and MC-311 tank motor vehicle. (Mode 1.)
5022-X	DOT-E 5022	U.S. Department of Defense, Washington, D.C.	49 CFR 174.86, 174.104(d), 174.101(L)	To ship certain Class A and Class B explosives in temperature controlled equipment. (Modes 1, 2.)
5615-P	DOT-E 5615	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR part 173	To become a party to exemption 5615. (See application No. 5615-X.) (Modes 1, 2, 3.)
5923-X	DOT-E 5923	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.314	To ship certain flammable and nonflammable gases in DOT specification 106A500X and 110A500-W multiunit tank car tanks. (Modes 1, 2.)
5248-P	DOT-E 5248	General Electric Co., San Jose, Calif.; Rockwell International, Anaheim, Calif.	49 CFR 173.389(g), 175.3	To become a party to exemption 5248. (See application No. 5248-X.) (Modes 1, 2, 4, 5.)
5526-X	DOT-E 5526	Allied Chemical Corp., Morristown, N.J.; MC/B Chemical Co., Norwood, Ohio.	49 CFR Part 173	To ship certain hazardous materials in a DOT specification 1D or 1K packaging. (Modes 1, 2.)
5652-X	DOT-E 5652	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.247(a)(11), 173.315(a)(1)	To ship nonflammable compressed gases in a non-specification portable tank. (Mode 1.)
6039-P	DOT-E 6039	El Paso Products Co., Odessa, Tex.	49 CFR 172.101, 173.315(a)	To become a party to exemption 6039. (See application No. 6039-X.) (Mode 1.)
6068-X	DOT-E 6068	U.S. Department of Defense, Washington, D.C.	49 CFR 173.34(d), 173.302	To ship a nonflammable compressed gas in non-DOT specification pressure vessels. (Modes 1, 2, 4.)
6070-X	DOT-E 6070	Cities Service Co., Atlanta, Ga.	49 CFR 172.101, 173.273(a)(4)	To ship a certain corrosive liquid in a DOT specification 105A300W tank car tank. (Mode 2.)
6226-X	DOT-E 6226	Air Products and Chemicals, Inc., Allentown, Pa.	49 CFR 173.301(d)(4)	To ship flammable compressed gases in a unit consisting of DOT specification 8 or DOT specification 8AL cylinders. (Mode 1.)
6232-X	DOT-E 6232	U.S. Department of Defense, Washington, D.C.; McDonnell Douglas Corp.	49 CFR 172.101, 173.87, 173.102, 173.106, 173.176, 175.3	To ship certain mixed hazardous materials in a rucksack containing a DOT specification cylinder. (Modes 1, 3, 4.)
6258-P	DOT-E 6258	Mallinckrodt, Inc., St. Louis, Mo.	49 CFR 173.119(a)(23)	To become a party to exemption 6258. (See application No. 6258-X.) (Modes 1, 2.)
6427-X	DOT-E 6427	MC/B Manufacturing Chemists, Norwood, Ohio; Martin Marietta Chemicals, Charlotte, N.C.	49 CFR 173.193(a)(1)	To ship a flammable solid in a polyethylene bag overpacked in a DOT specification 21C fiber drum. (Mode 1.)
6468-X	DOT-E 6468	Martin Marietta Chemicals, Charlotte, N.C.	49 CFR 173.365	To ship a certain Class B poison in DOT specification MC-304 stainless steel cargo tanks. (Mode 1.)
6616-P	DOT-E 6616	Acoustics Inc., Charlotte, N.C.; Advanced Safety Systems, Inc., Woburn, Mass.; The Borrell-Bigby Co., Tampa, Fla.; E & M Sales, Inc., Englewood, Colo.; D. P. Facilities Inc., Ashland, Mass.; Fire Systems, Inc., White Plains, N.Y.; General Fire Equipment Co., Spokane, Wash.; W. E. Healey & Associates, Inc., Bloomfield Hills, Mich.; Interstate Welding Sales Corp., Marinette, Wis.; Jorgensen & Co., Fresno, Calif.; Wm. H. LaDew, Inc., Dallas, Tex.; Orr Safety Equipment Co., Louisville, Ky.; Pacific Fire Protection, Inc., Honolulu, Hawaii; Reliable Fire Equipment Co., Alsip, Ill.; Safety Systems, Roanoke, Va.; Safety Inc., St. Louis, Mo.; Texas Fire Equipment Co., Houston, Tex.; Universal Fire Equipment Co., Dallas, Tex.; Bill Winstead Enterprises Inc., Atlanta, Ga.	49 CFR 173.304(a)(11), 175.3	To become a party to exemption 6616. (See application No. 6616-X.) (Modes 1, 2, 3, 4, 5.)
6691-X	DOT-E 6691	Union Carbide Corp., Linde Div., Tarrytown, N.Y.	49 CFR 173.34(e)(15)(i)	To ship certain flammable and nonflammable compressed gases in DOT specification 3A or 3AA cylinders and cylinders marked ICC-3, 3A or 3AA over 35 years old. (Modes 1, 2, 3, 4, 5.)
6702-X	DOT-E 6702	Dow Chemical Co., Midland, Mich.	49 CFR 173.25, 173.242(a), 173.286(c), 175.3	To ship certain corrosive liquids in glass bottles overpacked in a DOT-12A fiberboard box. (Modes 1, 2, 3, 4.)
6735-X	DOT-E 6735	Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.252(g)	To ship bromine in a non-DOT specification cylinder constructed in accordance with the requirements of DOT specification 4B, 4BA or 4BW with certain exceptions. (Modes 1, 2, 3.)
6757-X	DOT-E 6757	Degussa Central Transport Dept., Frankfurt, West Germany; FMC Corp., Philadelphia, Pa.	49 CFR 173.266(f)(2)	To ship hydrogen peroxide in a non-DOT specification aluminum portable tank. (Modes 1, 3.)

NOTICES

RENEWALS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6806-P	DOT-E 6806	UTC Industrial Hygiene Lab., Hartford, Conn.	49 CFR 173.302(a), 175.3	To become a party to exemption 6806. (See application No. 6806-X.) (Mode 5.)
6838-X	DOT-E 6838	Air Cruisers Co., Belmar, N.J.	49 CFR 173.108(a), 175.3	To ship certain Class C explosives in a DOT specification 15A, 15B, 16A, 19A or 19B wooden box. (Modes 1, 3, 4, 5.)
6904-P	DOT-E 6904	Columbia Organic Chemicals Co., Columbia, S.C.	49 CFR 173.246(a), 175.3	To become a party to exemption 6904. (See application No. 6904-X.) (Modes 1, 3, 4.)
6927-X	DOT-E 6927	Dow Chemical Co., Midland, Mich.	49 CFR 173.353, 173.353a	To ship certain Class B poisonous liquids in a non-DOT specification portable container. (Modes 1, 3.)
6974-X	DOT-E 6974	Tavco, Inc., Chatsworth, Calif.	49 CFR 173.302(a)(1), 178.42	To ship certain nonliquefied compressed gases in steel cylinders in compliance with DOT specification 3E with certain exceptions. (Modes 1, 2, 4.)
6978-X	DOT-E 6978	North Texas LPG Corp.	49 CFR 173.315(a)(1), (c)(1)	To ship a flammable compressed gas in an MC-331 motor vehicle. (Mode 1.)
6986-X	DOT-E 6986	K and M Rubber Co., Elk Grove Village, Ill.	49 CFR Parts 173, 178.19	To manufacture, mark, and sell non-DOT specification reusable blow-molded polyethylene container for the shipment of certain corrosive liquids. (Modes 1, 2, 3.)
7010-X	DOT-E 7010	Dow Chemical Co., Midland, Mich.; Solchem, Inc., New York, N.Y.; Great Lakes Chemical Corp., El Dorado, Ark.	49 CFR 173.252(a)(4)	To ship bromine in a DOT specification MC-312/ISO type lead lined portable tank. (Modes 1, 3.)
7011-X	DOT-E 7011	Advanced Chemical Technology, City of Industry, Calif.	49 CFR 173.245b(a)(6)	To manufacture, mark, and sell non-DOT specification blow-molded high molecular weight polyethylene container for the shipment of corrosive materials solid. (Modes 1, 2, 3.)
7042-X	DOT-E 7042	Walter Kidde and Co., Inc., Belleville, N.J.	49 CFR 173.302(a)(1), 173.304(a), 175.3	To ship certain compressed gases in non-DOT specification seamless cylinders. (Modes 1, 2, 3, 4.)
7189-X	DOT-E 7189	Chugiak Aviation, Chugiak, Alaska; Northern Air Cargo, Anchorage, Alaska.	49 CFR 172.101, 175.30	To transport a flammable compressed gas in DOT specification 4BW240 cylinders or DOT specification 51 portable tanks. (Mode 4.)
7287-X	DOT-E 7257	Brewer Chemical Corp., Honolulu, Hawaii.	49 CFR 173.245, 173.249, 173.263	To ship certain corrosive liquids in non-DOT specification portable tanks. (Mode 3.)
7274-X	DOT-E 7274	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 172.101, 173.315(a)	To ship nonflammable gases in non-DOT specification "roll-on/roll-off" vacuum insulated portable tank. (Mode 3.)
7285-X	DOT-E 7285	Ugine Kuhlmann, Paris, France	49 CFR 173.315(a)	To ship certain nonflammable, liquefied compressed gases in a non-DOT specification portable inter-modal tank. (Modes 1, 2, 3.)
7465-X	DOT-E 7465	State of Alaska, Department of Public Works, Juneau, Alaska.	49 CFR Part 172, 173.304, 176.83, 49 CFR Part 176, Subpart H, 49 CFR 176.905(1)	To stow motor vehicles and liquefied petroleum gases in same compartment aboard passenger vessels. (Mode 3.)
7470-P	DOT-E 7470	National Zinc Co., Bartlesville, Okla.	49 CFR Part 173, 179.200-18(b)(1), 179.201-1(a), 179.201-7	To become a party to exemption 7470. (See application No. 7470-X.) (Mode 2.)
7584-P	DOT-E 7584	Eastern Mediterranean Co., London, England.	49 CFR 173.266	To become a party to exemption 7584. (See application No. 7584-X.) (Modes 1, 2, 3.)
7605-X	DOT-E 7605	General Dynamics, Fort Worth, Tex.	49 CFR 173.87, 173.101, 173.102, 173.113, 175.3, 176.83, 177.846	To ship rocket motors containing Class B and Class C explosive devices in an assembled condition. (Modes 1, 3, 4.)
7611-X	DOT-E 7611	Richmond Food Stores, Inc., Richmond, Va.	49 CFR 173.87, 173.101	To ship small arms ammunition in packages not presently authorized in 49 CFR 173.101(a). (Mode 1.)

NEW EXEMPTIONS

7727-N	DOT-E 7727	Albert O. Pollard Co., Wilmington, Del.	49 CFR 173.346, 173.28(m)	To ship a poisonous liquid in a DOT specification 17E drum. (Mode 1.)
7773-N	DOT-E 7773	Valley Chemical Co., Greenville, Miss.; Kerr-McGee Chemical Corp., Oklahoma City, Okla.	49 CFR 173.356, 173.359	To ship certain Poison B materials in a DOT specification MC-312 cargo tank. (Mode 1.)
7807-N	DOT-E 7806	The Environmental Protection Agency, Washington, D.C.	49 CFR 173.119(a)	To ship gasoline in a non-DOT specification tank. (Mode 1.)
7830-N	DOT-E 7830	Sea Containers, Hamilton, Bermuda.	49 CFR 173.119, 173.125, 173.245, 173.346, 173.630; 46 CFR 90.05-35	To ship certain hazardous materials in a non-DOT specification IMCO Type 2 insulated stainless steel portable tank. (Modes 1, 2, 3.)
7833-N	DOT-E 7833	Corning Glass Works, Corning, N.Y.	49 CFR 173.365(a)(2), Paragraph 1, Appendix B to 49 CFR Part 107	To ship a certain Poison B, solid in non-DOT specification 22 gauge unlined drum. (Mode 1.)
7845-N	DOT-E 7845	Livingston Copters, Inc., Juneau, Alaska.	49 CFR 172.101, 175.3, 175.30(a)(1), 175.85(b)	To transport a flammable gas in DOT specifications 4B240, 4BA240 and 4BW240 cylinders. (Mode 4.)
7848-N	DOT-E 7848	Contrans, Hamburg, West Germany.	49 CFR 173.119, 173.125, 173.245, 173.730; 46 CFR 90.05	To ship hazardous materials in a non-DOT specification stainless steel portable tank. (Modes 1, 2, 3.)
7850-N	DOT-E 7850	Suttons International Limited, London, England.	49 CFR 173.119, 173.125, 173.245, 173.346, 173.630; 46 CFR 90.05-35	To ship certain flammable liquids, corrosive liquids, combustible liquids and ORM-A commodities in a steel portable tank built in accordance with Section VIII of the ASME Code. (Modes 1, 2, 3.)
7864-N	DOT-E 7864	Mine Safety Appliances Co., Pittsburgh, Pa.	49 CFR 173.202	To ship a flammable solid in DOT specification 4BW240 cylinders. (Modes 1, 2, 3.)
7865-N	DOT-E 7865	Applied Equipment Co., Van Nuys, Calif.	49 CFR 173.302(a)(4), 176.3, 178.65	To manufacture, mark, and sell non-DOT specification steel cylinders for shipment of nitrogen. (Modes 1, 4.)

NOTICES

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
7870-N	DOT-E 7870	Explogiochi, S.p.A. Barberino Di Mugello, Italy.	49 CFR 173.100(p)	To ship toy caps in inner composite blister packages with plastic cover 0.005 in. thick overpacked in a non-DOT fiberboard box. (Modes 1, 2.)
7871-N	DOT-E 7871	Atlas Powder Co., Miami, Fla.	49 CFR 176.155(a)(4)	To waive the ten foot separation distance between steel portable magazines containing blasting caps and other hazardous materials. (Mode 3.)
7893-N	DOT-E 7893	Orval-Manutention, Paris, France; L'Air Liquide.	49 CFR 173.286	To ship hydrogen peroxide solution in a non-DOT specification stainless steel portable tank. (Modes 1, 2, 3.)

EMERGENCY EXEMPTION

EE6660-X	DOT-E 6660	Olin Corp., Stamford, Conn.	49 CFR 173.31(c), Footnote (a) to Table I.	To ship chlorine in a DOT specification 105A500W tank car tank overdue for retest. (Mode 2.)
EE7892-N	DOT-E 7892	Western Environmental Services, Portland, Oreg.	49 CFR Part 107, Appendix B, Paragraph (1), 173.190(b).	To ship a certain flammable solid in a steel dump truck. (Mode 1.)
EE7902-N	DOT-E 7902	Apache Powder Co., Benson, Ariz.; Atlas Powder Co., Dallas, Tex.; Austin Powder Co., Cleveland, Ohio; E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.; Ensign-Bickford Co., Simsbury, Conn.; Goex, Inc., Cleburne, Tex.; Hercules Inc., Wilmington, Del.; Ireco Chemicals, Salt Lake City, Utah; Sierra Chemical Co., Reno, Nev.; Trojan Div., IME Chemical Group, Inc., Allentown, Pa.	49 CFR Part 107, Appendix B, 172.504, 172.506.	To ship certain Class C explosives in motor vehicles placarded "DANGEROUS" instead of "FLAMMABLE". (Mode 1.)

DENIALS

- 6563-X.—Request by Mada Medical Products, Inc., Garfield, N.J.: To authorize cylinders having water capacities up to and including 140.34 cubic inches, denied December 15, 1977.
- 7431-X.—Request by Martin Marietta Chemicals, Charlotte, N.C.: To transport dinitrophenol, solid with at least 15-percent water added in DOT Specification 56 portable tanks, denied December 15, 1977.
- 7507-X.—Request by Witco Chemical Corp., Richmond, Calif.: To ship certain organic peroxides and organic peroxide solutions in a DOT Specification 12P fiberboard box with inside DOT Specification 2U polyethylene container, denied December 13, 1977 as being unnecessary. (HM-139 obviates the need.)
- 7514-X.—Request by Olin Corp., Stamford, Conn.: To ship an oxidizing material in polyethylene bottles overpacked in DOT Specification 12B fiberboard boxes, denied December 19, 1977 as being unnecessary. (Docket HM-139 obviates the need.)
- 7658-N.—Request by Spectro Industries, Inc., Jenkintown, Pa.: To ship ORM-D items on a fiberboard tray with entire tray shrink wrapped in a polyethylene film, denied December 9, 1977.
- 7704-N.—Request by Sylvania Inc., Needham Heights, Mass.: To ship lithium batteries containing metallic lithium, thionyl chloride or sulfuric chloride and a lithium salt, such as lithium tetrachloroaluminate, denied December 27, 1977.

- 7738-N.—Request by Mobil Chemical Co., Richmond, Va.: To ship phosphorus trichloride and phosphorus oxychloride in non-DOT Specification portable tanks, denied December 19, 1977.
- 7738-P.—Request by Tank Container International, Schaumburg, Ill.: To become a party to Exemption 7738-N to ship phosphorus trichloride and phosphorus oxychloride in non-DOT specification portable tanks, denied December 19, 1977.
- 7842-N.—Request by Chemetron Corp., La Porte, Tex.: To ship phosgene in DOT 106A500 multi-unit tank car tanks which have no certificate of construction or no inspector's report, denied December 14, 1977.
- 7844-N.—Request by Calspan Corp., Buffalo, N.Y.: To ship chemical kits containing 70 percent nitric acid, sulfuric acid, phosphoric acid, and solid sodium hydroxide pellets by passenger carrying aircraft, denied December 9, 1977.
- 7859-N.—Request by Degussa, Inc., Teterboro, N.J.: To ship oxidizers and cyanide solutions in non-DOT specification tanks, denied December 9, 1977.
- 7858-N.—Request by Degussa, Inc., Teterboro, N.J.: To ship a flammable liquid in a non-DOT specification portable tank, denied December 9, 1977.
- 7887-N.—Request by Estes Industries, Inc., Penrose, Colo.: To ship packages of toy propellant devices as an ORM-D material and excepted from labeling requirements, denied December 21, 1977.

WITHDRAWAL

- 7563-N.—Request by Polyscience Corp., Niles, Ill.: To ship chemical kits containing certain corrosive materials and certain other hazardous materials in glass bottles in the same outer shipping container, withdrawn December 15, 1977.

J. R. GROTHE,
Chief, Exemptions Branch,
Office of Hazardous Materials
Operations.

[FR Doc. 78-2582 Filed 2-1-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on February 24, 1978, at 1 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building-U.S. Courthouse, Room A-220, 110 9th Avenue South, Nashville, Tenn., conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Bodden

NOTICES

& Co. School of Tailoring & Designing, 582 Vance Avenue, Memphis, Tenn., should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: January 24, 1978.

R. S. BIELAK,
Director, VA Regional Office,
110 9th Avenue South, Nashville, Tenn.

[FR Doc. 78-2866 Filed 2-1-78; 8:45 am]

[8320-01]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on February 23, 1978, at 1 p.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Federal Building-U.S. Courthouse, Room A-220, 110 9th Avenue, South, Nashville, Tenn., conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in United Schools, Inc., Weisgarber Road at Casey Road, Knoxville, Tenn., should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place. This supersedes the notice previously published which scheduled the hearing on January 27, 1978.

Dated: January 27, 1978.

R. S. BIELAK,
Director, VA Regional Office,
110 9th Avenue, South, Nashville, Tenn.

[FR Doc. 78-2894 Filed 2-1-78; 8:45 am]

[7835-01]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 20, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with

the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1085), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 13, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any must refer to such letter-notices by number.

No. MC 13250 (Sub-No. E2) (correction and clarification), filed June 4, 1974, published in the FEDERAL REGISTER issue of August 21, 1975, and republished, as corrected and clarified, this issue. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Houston, Tex. 77002. Applicant's representative: James M. Doherty, P.O. Box 1945, Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Part I: (A) Machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, and (B) Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (1) between points in Alabama, on the one hand, and, on the other, those points in Kansas on and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 283 to junction U.S. Highway 36 and 183, thence along U.S. Highway 36 and 183 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Kansas State line;

(2) Between those points in Alabama on and south of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 90 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 5, thence along Alabama Highway 5 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Georgia State line, on the one hand, and, on the other, points in Kansas; (3) between those points in Alabama on and south of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 59, thence along Interstate Highway 59 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Alabama-Georgia State line, on the one hand, and, on the other, points in Oklahoma; (4) between points in Alabama, on the one hand, and, on the other, those points in Oklahoma on, south, and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 177 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 48, thence along Oklahoma Highway 48 to junction Oklahoma Highway 16, thence along Oklahoma Highway 16 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to junction Oklahoma Highway 83, thence along Oklahoma Highway 83 to the Kansas-Oklahoma State line (Texas*); (5) between those points in Arizona on and south of a line beginning at the Arizona-Nevada State line extending along Interstate Highway 10 to junction Interstate Highway 47, thence along Interstate Highway 47 to junction Arizona Highway 69, thence along Arizona Highway 69 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arizona-Nevada State line, on the one hand, and, on the other, points in Idaho (Nevada and Utah*); (6) Between points in Arapaho and Apache Counties, Ariz., on the one hand, and, on the other, points in Idaho (San Juan County, Utah*); (7) Between those points in Arizona on, south and west of a line beginning at the United States-Mexico International Boundary

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line extending along U.S. Highway 80 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction Arizona Highway 69, thence along Arizona Highway 69 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, on the one hand, and, on the other, those points in Utah on, north and west of a line beginning at the Arizona-Utah State line extending along Interstate Highway 15 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 28, thence along Utah Highway 28 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Utah-Colorado State line. (Nevada*). (8) Between those points in Arkansas on, south and west of a line beginning at the Oklahoma-Arkansas State line extending along Interstate Highway 40 to junction Arkansas Highway 23, thence along Arkansas Highway 23 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Arkansas Highway 27, thence along Arkansas Highway 27 to junction Arkansas Highway 26, thence along Arkansas Highway 26 to junction Arkansas Highway 19, thence along Arkansas Highway 19 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Florida (Texas*). (9) Between those points in Arkansas on, south and west of a line beginning at the Arkansas-Missouri State line extending along U.S. Highway 65 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to junction Arkansas Highway 4, thence along Arkansas Highway 4 to junction Arkansas Highway 81, thence along Arkansas Highway 81 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Pennsylvania. (Oklahoma and Texas*).

(10) Between points in Indiana, on the one hand, and, on the other, those points in Colorado on and south of a line beginning at the Colorado-Oklahoma State line extending along U.S. Highway 287 to junction Colorado Highway 101, thence along Colorado Highway 101 to junction U.S. Highway 50, thence along U.S. Highway 50 to

junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 9, thence along Colorado Highway 9 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 13, thence along Colorado Highway 13 to the Colorado-Wyoming State line. (Texas and Oklahoma*). (11) Between those points in Colorado on, west and south of a line beginning at the Wyoming-Colorado State line extending along Colorado Highway 127 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 9, thence along Colorado Highway 9 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 101, thence along Colorado Highway 101 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Oklahoma-Colorado State line, on the one hand, and, on the other, those points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along Interstate Highway 70 to the Missouri-Illinois State line. (Texas and Oklahoma*). (12) Between those points in Colorado on, north and west of a line beginning at the New Mexico-Colorado State line extending along Interstate Highway 25 to junction U.S. Highway 350, thence along U.S. Highway 350 to junction unnumbered highway, thence along unnumbered highway to junction Colorado Highway 96, thence along Colorado Highway 96 to the Colorado-Kansas State line, on the one hand, and, on the other, points in Oklahoma. (Texas*). (13) Between those points in Colorado on, south and west of a line beginning at the Colorado-Kansas State line extending along Interstate Highway 70 to junction Interstate Highway 36, thence along Interstate Highway 36 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Colorado Highway 125, thence along Colorado Highway 125 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in Pennsylvania. (Texas*). (14) From those points in Colorado on, south and west of a line beginning at the Colorado-Wyoming State line extending along Interstate Highway 25 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Kansas State line, to points in West Virginia. (Texas*).

(15) Between those points in Florida on and south of a line beginning at the Atlantic Ocean extending along U.S. Highway 90 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Gulf of Mexico, on the one hand,

and, on the other, those points in Missouri on, west, and south of a line beginning at the Missouri-Iowa State line extending along Interstate Highway 29 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction Missouri Highway 13, thence along Missouri Highway 13 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 43, thence along Missouri Highway 43 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Arkansas State line. (Texas and Oklahoma*). (16) Between points in Florida, on the one hand, and, on the other, those points in North Dakota on and west of a line beginning at the United States-Canada International Boundary line extending along U.S. Highway 83 to junction North Dakota Highway 6, thence along North Dakota Highway 6 to the North Dakota-South Dakota State line. (Texas and Colorado*). (17) Between those points in Georgia on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 29 to junction Georgia Highway 72, thence along Georgia Highway 72 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Oklahoma. (Texas*). (18) Between points in Georgia, on the one hand, and, on the other, those points in Oklahoma on, south and west of a line beginning at the Oklahoma-Arkansas State line extending along Oklahoma Highway 4 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to junction Oklahoma Highway 2, thence along Oklahoma Highway 2 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Muskogee Turnpike, thence along Muskogee Turnpike to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Kansas State line. (Texas*). (19) Between points in Idaho, on the one hand, and, on the other, those points in Missouri on and south of Interstate Highway 70. (Colorado, Texas and Oklahoma*). (20) Between those points in Idaho on and south of a line beginning at the Oregon-Idaho State line extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Idaho Highway 52, thence along Idaho Highway 52 to junction Idaho Highway 55, thence along Idaho Highway 55 to junction Idaho Highway 21, thence along Idaho Highway 21 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Montana State line, on the one hand, and, on the other, points in Pennsylvania

nia (Colorado, Oklahoma and Texas*). (21) Between those points in Idaho on and south of U.S. Highway 12, on the one hand, and, on the other, those points in Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line extending along Highway 70 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 590, thence along Pennsylvania Highway 590 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line. (Colorado and Texas*). (22) Between points in Illinois, on the one hand, and, on the other, those points in Kansas on and south of a line beginning at the Kansas-Missouri State line extending along Kansas Highway 26 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Colorado State line. (Oklahoma*). (23) Between points in Indiana, on the one hand, and, on the other, those points in Kansas on and south of a line beginning at the Missouri-Kansas State line extending along Kansas Highway 26 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 150, thence along Kansas Highway 150 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Colorado State line. (Oklahoma*). (24) Between those points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Nevada. (Oklahoma, Texas and Utah*). (25) Between points in Indiana, on the one hand, and, on the other, those points in Nevada, on, south, and west of a line beginning at the Nevada-Utah State line extending along U.S. Highway 50 to junction Nevada Highway 51, thence along Nevada Highway 51 to junction Interstate Highway 80,

thence along Interstate Highway 80 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 140, thence along Nevada Highway 140 to the Oregon-Nevada State line. (Oklahoma, Texas and Utah*). (26) Between those points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 28, thence along Indiana Highway 28 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Utah. (Oklahoma and Texas*).

(27) Between points in Indiana, on the one hand, and, on the other, those points in Utah on and south of U.S. Highway 40. (Oklahoma and Texas*). (28) Between points in Kansas, on the one hand, and, on the other, those points in Mississippi on and south of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 80 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Mississippi-Alabama State line. (Texas*). (29) Between those points in Kansas on and west of a line beginning at the Kansas-Oklahoma State line extending along Kansas Highway 25 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Nebraska State line, on the one hand, and, on the other, those points in Mississippi on and south of a line beginning at the Arkansas-Mississippi State line extending along Mississippi Highway 322 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 30, thence along Mississippi Highway 30 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction Mississippi Highway 2, thence along Mississippi Highway 2 to the Mississippi-Tennessee State line. (Texas*). (30) Between those points in Kansas, on, south, and east of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 77 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 14, thence along Kansas Highway 14 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, on the one hand, and, on the other, those

points in Nevada on and south of a line beginning at the Nevada-Utah State line extending along U.S. Highway 50 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nevada-California State line. (Texas and Utah*). (31) Between those points in Kansas on, south and east of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 77 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line, on the one hand, and, on the other, points in Oregon. (Texas and Utah*). (32) Between those points in Kansas on, south and east of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 156, thence along U.S. Highway 156 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 96, thence along Kansas Highway 96 to the Kansas-Colorado State line, on the one hand, and, on the other, those points in Washington on, south, and west of a line beginning at the Idaho-Washington State line extending along U.S. Highway 12 to junction Washington Highway 261, thence along Washington Highway 261 to junction Washington Highway 260, thence along Washington Highway 260 to junction Washington Highway 17, thence along Washington Highway 17 to junction Washington Highway 26, thence along Washington Highway 26 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 405, thence along Interstate Highway 405 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Canada International Boundary line. (Oklahoma, Texas, Colorado, and Utah*). (33) From those points in Kansas on, south, and west of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 75 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line, on the one hand, and, on the other, points in West Virginia. (Oklahoma*). (34) Between those points in Kentucky on, south, and west of a line beginning at the Kentucky-Illinois State line extending along U.S. Highway 45 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Interstate Highway 64, thence along Interstate Highway 64 to

junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-Virginia State line, on the one hand, and, on the other, those points in Wyoming on, south, and west of a line beginning at the Wyoming-Colorado State line extending along Wyoming Highway 789 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction unnumbered highway, thence along unnumbered highway to junction Wyoming Highway 220, thence along Wyoming Highway 220 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Montana State line. (Oklahoma and Texas*). (35) Between those points in Louisiana on, south, and west of a line beginning at the Gulf of Mexico extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Interstate Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line, on the one hand, and, on the other, those points in North Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along North Dakota Highway 3 to junction North Dakota Highway 13, thence along North Dakota Highway 13 to junction North Dakota Highway 30, thence along North Dakota Highway 30 to junction Interstate Highway 94, thence along Interstate Highway 94, to junction North Dakota Highway 36, thence along North Dakota Highway 36 to junction unnumbered highway, thence along unnumbered highway to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction North Dakota Highway 57, thence along North Dakota Highway 57 to junction North Dakota Highway 20, thence along North Dakota Highway 20 to junction North Dakota Highway 17, thence along North Dakota Highway 17 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the United States-Canada International Boundary line (Texas and Colorado*). (36) Between those points in Louisiana on, south and west of a line beginning at the Gulf of Mexico extending along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 165, thence

along U.S. Highway 165 to junction Louisiana Highway 143, thence along Louisiana Highway 143 to junction Louisiana Highway 551, thence along Louisiana Highway 551 to the Arkansas-Louisiana State line, on the one hand, and, on the other, those points in South Dakota on and west of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 183 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-North Dakota State line (Texas and Colorado*). (37) From those points in Louisiana on and west of a line beginning at the Gulf of Mexico and extending along Louisiana Highway 83 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 10, thence along Louisiana Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Louisiana Highway 9, thence along Louisiana Highway 9 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Louisiana-Arkansas State line, to those points in West Virginia on and west of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 19 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction West Virginia Highway 14, thence along West Virginia Highway 14 to the Ohio-West Virginia State line (Texas*). (38) Between those points in Mississippi on and south of a line beginning at the Mississippi-Tennessee State line extending along Mississippi Highway 2 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction Mississippi Highway 30, thence along Mississippi Highway 30 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 1, thence along Mississippi Highway 1 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line, on the one hand, and, on the other, points in Oklahoma on, south, and west of a line beginning at the Oklahoma-Arkansas State line extending along Oklahoma Highway 1 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 9, thence along Oklahoma Highway 9 to junction U.S. Highway 177, thence along U.S. Highway 177 to the Oklahoma-Kansas State line (Texas*). (39) Between points in Mississippi, on

the one hand, and, on the other, those points in Oklahoma on, south and west of a line beginning at the Arkansas-Oklahoma State line extending along U.S. Highway 70 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction Indian Nation Turnpike, thence along Indian Nation Turnpike to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 74, thence along Oklahoma Highway 74 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Oklahoma Highway 8, thence along Oklahoma Highway 8 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Oklahoma-Kansas State line (Texas*). (40) Between those points in Mississippi on and south of a line beginning at the Louisiana-Mississippi State line extending along U.S. Highway 82 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in Oklahoma (Texas*). (41) Between those points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Illinois State line, on the one hand, and, on the other, those points in Nevada on and south of a line beginning at the Utah-Nevada State line extending along U.S. Highway 50 to junction Nevada Highway 51, thence along Nevada Highway 51 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Nevada Highway 49, thence along Nevada Highway 49 to junction Nevada Highway 48, thence along Nevada Highway 48 to junction unnumbered highway, thence along unnumbered highway to the Nevada-California State line (Oklahoma, Texas, and Utah*). (42) Between those points in Missouri on and south of Interstate Highway 70, on the one hand, and, on the other, points in Utah (Oklahoma and Texas*). (43) Between those points in New Mexico on, south, and east of a line beginning at the Texas-New Mexico State line extending along Interstate Highway 10 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction New Mexico 13, thence along New Mexico Highway 13 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction New Mexico Highway 20, thence along New Mexico Highway 20 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 56, thence along U.S. Highway 56 to the New

Mexico-Texas State line, on the one hand, and, on the other, points in Montana (Texas*). (44) Between those points in Montana on and east of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 310 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction unnumbered highway, thence along unnumbered highway to junction Montana Highway 200, thence along Montana Highway 200 to junction Montana Highway 24, thence along Montana Highway 24 to junction Montana Highway 247, thence along Montana Highway 247 to the United States-Canada international boundary line, on the one hand, and, on the other, those points in New Mexico on, south, and east of a line beginning at the New Mexico-Texas State line extending along Interstate Highway 10 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 87 to the Texas-New Mexico State line (Texas*). (45) Between those points in Montana on, south, and east of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 89 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction unnumbered highway, thence along unnumbered highway to junction Montana Highway 24, thence along Montana Highway 24 to junction Montana Highway 247, thence along Montana Highway 247 to the United States-Canada International Boundary line, on the one hand, and, on the other, those points in Oregon on and west of a line beginning at the Oregon-Nevada State line extending along U.S. Highway 95 to junction Oregon Highway 78, thence along Oregon Highway 78 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Oregon Highway 27, thence along Oregon Highway 27 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction U.S. Highway 197, thence along U.S. Highway 197 to the Oregon-Washington State line (Wyoming*). (46) Between in Montana, on the one hand, and, on the other, points in Utah, on, west and north of a line beginning at the Utah-Wyoming State line extending along Utah Highway 150 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction Utah Highway 35, thence along Utah Highway 35 to junction Utah Highway 208, thence along Utah Highway 208 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Utah Highway 10, thence along Utah Highway 10 to junction Utah Highway 72, thence along Utah Highway 72 to junction Utah Highway 24, thence along Utah

Highway 24 to junction Utah Highway 12, thence along Utah Highway 12 to the Utah-Arizona State line (Idaho*). (47) Between those points in Montana on, south, and west of a line beginning at the United States-Canada International Boundary line extending along Montana Highway 247 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming Stateline, on the one hand, and, on the other, points in Utah (Idaho*). (48) Between those points in Nebraska on and west of U.S. Highway 83, on the one hand, and, on the other, points in Texas (Colorado*). (49) Between points in Nebraska, on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 385 to junction Texas Highway 152, thence along Texas Highway 152 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Texas Highway 18, thence along Texas Highway 18 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Texas Highway 170, thence along Texas Highway 170 to the United States-Mexico International Boundary Line (Colorado*). (50) Between those points in Nebraska on, north and west of a line beginning at the Nebraska-Colorado State line extending along Interstate Highway 80 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Iowa Stateline, on the one hand, and, on the other, points in Utah on, north, and west of a line beginning at the Utah-Wyoming State line extending along Utah Highway 39 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 189, thence along U.S. Highway 189 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line (Idaho*). (51) Between those points in Nevada on and east of a line beginning at the Nevada-Idaho State line extending along U.S. Highway 93 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Nevada Highway 46, thence along Nevada Highway 46 to junction U.S. Highway 50, thence to junction Nevada Highway 82, thence to junction Nevada Highway 8-A, thence to junction U.S. Highway 95, thence to junction Nevada Highway 29, thence to the Nevada-California State line, on the one hand, and, on the other, those points in Washington, on, east and north of a line beginning at the Washington-Oregon State line extending

along Washington Highway 11 to junction U.S. Highway 12, thence to junction Washington Highway 410, thence to junction Interstate Highway 5, thence to junction Interstate Highway 405, thence to junction Interstate Highway 5, thence along to the United States-Canada International Boundary line (Utah*). (52) Between those points in New Mexico on and south of U.S. Highway 66, on the one hand, and, on the other, those points in Oregon, on, south, and west of a line beginning at the Oregon-California State line extending along U.S. Highway 395 to junction U.S. Highway 20, thence to junction Oregon Highway 27, thence to junction U.S. Highway 26, thence to junction U.S. Highway 97, thence to junction U.S. Highway 197 to the Oregon-Washington State line (California*). (53) Between points in San Juan, Rio Arriba, and McKinley Counties, N.Mex., on the one hand, and, on the other, points in Oregon (San Juan County, Utah*). (54) Between those points in New Mexico on, south, and east of a line beginning at the New Mexico-Arizona State line extending along Interstate Highway 10 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 60, thence along to junction New Mexico Highway 3, thence to junction Interstate Highway 25, thence to the New Mexico-Colorado State line, on the one hand, and, on the other, those points in Wyoming on and north of a line beginning at the Idaho-Wyoming State line extending along Wyoming Highway 22 to junction U.S. Highway 187, thence to junction Wyoming Highway 28, thence to junction Wyoming Highway 739, thence to junction Wyoming Highway 136, thence to junction Interstate Highway 25, thence to junction U.S. Highway 20 to the Wyoming-Nebraska State line (Texas*). (55) Between points in North Dakota, on the one hand, and, on the other, points in Texas on, north, and West of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 62 to junction U.S. Highway 83, thence to junction Texas Highway 36, thence to junction U.S. Highway 283, thence to junction U.S. Highway 87, thence to junction U.S. Highway 281 to the United States-Mexico Boundary line (Colorado*). (56) Between those points in North Dakota on and west of U.S. Highway 83, on the one hand, and, on the other, points in Texas (Colorado*). (57) Between points in Pennsylvania, on the one hand, and, on the other, those points in Washington, on, south and west of a line beginning at the Washington-Oregon State line extending along Washington Highway 125 to junction U.S. Highway 12, thence to junction Washington Highway 14, thence to junction Interstate Highway

82, thence to junction Interstate Highway 90, thence to junction Interstate Highway 405, thence to junction Interstate Highway 5 to the United States-Canada International Boundary line (Texas and Utah*). (58) Between points in South Dakota, on the one hand, and, on the other, those points in Texas on, north and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. Highway 83, thence to junction U.S. Highway 84, thence to junction U.S. Highway 283, thence to junction U.S. Highway 87, thence to junction U.S. Highway 81 to the United States-Mexico International Boundary line (Colorado*). (59) Between those points in South Dakota on and west of U.S. Highway 83, on the one hand, and, on the other, points in Texas (Colorado*). (60) From those points in Wyoming on, south and west of a line beginning at the Montana-Wyoming State line extending along U.S. Highway 20 to junction Wyoming Highway 120, thence to junction U.S. Highway 26, thence to junction Interstate Highway 25, thence to junction U.S. Highway 85 to the Wyoming-Colorado State line, to those points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line extending along Interstate Highway 64 to junction U.S. Highway 21, thence to junction West Virginia 39 to the West Virginia-Virginia State line (Texas*). (61) Between those points in Georgia on and south of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 411 to junction Georgia Highway 20, thence to junction Georgia Highway 369, thence to junction U.S. Highway 129, thence to junction Georgia Highway 72, thence to the Georgia-South Carolina State line, on the one hand, and, on the other, those points in Kansas on and west of a line beginning at the Kansas-Oklahoma State line extending along U.S. Highway 77 to junction U.S. Highway 54, thence to junction U.S. Highway 81 to the Kansas-Nebraska State line (Texas*). (C) *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and related machinery parts and related contractors' materials and supplies when their transportation by said carrier of commodities which by reason of size or weight require special equipment; and (D) *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, (1) between points in Indiana, on the one hand, and, on the other, those points in Colorado on and south of a line beginning at the Colorado-Oklahoma State line extending along U.S. Highway 287 to junction Colorado Highway 101, thence to junction U.S. Highway

50, thence to junction U.S. Highway 85, thence to junction U.S. Highway 24, thence to junction Colorado Highway 9, thence to junction U.S. Highway 40, thence to junction Colorado Highway 13, to the Colorado-Wyoming State line (Texas*). (2) Between those points in Colorado on, west and south of a line beginning at the Colorado-Wyoming State line extending along Colorado Highway 13 to junction U.S. Highway 40, thence to junction Colorado Highway 9, thence to junction U.S. Highway 50, thence to junction Colorado Highway 101, thence to junction U.S. Highway 287 to the Oklahoma-Colorado State line, on the one hand, and, on the other, those points in Missouri on and south of Interstate Highway 70 (Texas*). (3) Between those points in Colorado on, north, and west of a line beginning at the Colorado-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 350, thence to junction unnumbered highway, thence to junction Colorado Highway 96, to the Colorado-Kansas State line, on the one hand, and, on the other, points in Oklahoma (Texas*). (4) Between points in Idaho, on the one hand, and, on the other, those points in Missouri on and south of Interstate Highway 70 (Utah or Colorado and Texas*). (5) Between points in Indiana, on the one hand, and, on the other, points in Nevada on, south and west of a line beginning at the Nevada-Utah State line extending along U.S. Highway 50 to junction Nevada Highway 51, thence to junction Interstate Highway 80, thence to junction U.S. Highway 95, thence to junction Nevada Highway 140, to the Nevada-Oregon State line (Texas and Utah*). (6) Between those points in Indiana on and south of a line beginning at the Illinois-Indiana State line, extending along U.S. Highway 40 to junction Indiana Highway 37, thence to junction Indiana Highway 28, to the Indiana-Ohio State line, on the one hand, and, on the other, points in Nevada (Texas and Utah*). (7) Beginning those points in Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to junction Indiana Highway 37, thence to junction Indiana Highway 32, thence to junction Indiana Highway 67, thence to junction Indiana Highway 28 to the Indiana-Ohio State line, on the one hand, and, on the other, points in Utah (Texas*). (8) Between points in Indiana, on the one hand, and, on the other, those points in Utah on and south of U.S. Highway 40 (Texas*).

(9) Between those points in Indiana on and south of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 67 to junction Indiana Highway 18, thence to junction Indiana Highway 25, thence to

junction Indiana Highway 26, to the Indiana-Illinois State line, on the one hand, and, on the other, those points in Washington, on, south, and west of a line beginning at the Oregon-Washington State line extending along Washington Highway 11 to junction U.S. Highway 12, thence to junction Interstate Highway 82, thence to junction Interstate Highway 90, thence to junction Interstate Highway 405, thence to junction Interstate Highway 5 to the United States-Canada International Boundary line (Texas and Utah*). (10) Between those points in Kansas on, south, and east of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 77 to junction Kansas Highway 9, thence to junction Kansas Highway 14, thence to junction U.S. Highway 156, thence to junction U.S. Highway 50, thence to the Kansas-Colorado State line, on the one hand, and, on the other, those points in Nevada on and south of a line beginning at the Nevada-Utah State line extending along U.S. Highway 50 to junction Interstate Highway 80, to the Nevada-California State line (Texas and Utah*). (11) Between those points in Kansas on, south, and east of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 77 to junction Kansas Highway 9, thence to junction U.S. Highway 81, thence to junction Interstate Highway 70, thence to junction U.S. Highway 156, thence to junction Kansas Highway 96 to the Kansas-Colorado State line, on the one hand, and, on the other, points in Oregon (Texas and Utah*). (12) Between those points in Kansas on, south, and east of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 156, thence to junction Kansas Highway 4, thence to junction U.S. Highway 183, thence to junction Kansas Highway 96, to the Kansas-Colorado State line, on the one hand, and, on the other, those points in Washington on, south, and west of a line beginning at the Idaho-Washington State line extending along U.S. Highway 12 to junction Washington Highway 261, thence to junction Washington Highway 260, thence to junction Washington Highway 17, thence to junction Washington Highway 26, thence to junction Interstate Highway 90, thence to junction Interstate Highway 405, thence to junction Interstate Highway 5 to the United States-Canada International Boundary line (Oklahoma, Texas, and Utah*). (13) Between those points in Missouri on and south of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 36 to junction U.S. Highway 63, thence to junction Interstate Highway 70 to the Missouri-Illinois State line, on the one hand, and, on the other, those points

in Nevada on and south of a line beginning at the Utah-Nevada State line extending along U.S. Highway 50 to junction Nevada Highway 51, thence to junction Interstate Highway 80, thence to junction Nevada Highway 49, thence to junction Nevada Highway 48, thence to junction unnumbered highway to the Nevada-California State line (Texas and Utah*). (14) Between those points in Missouri on and south of Interstate Highway 70, on the one hand, and, on the other, points in Utah (Texas*). (15) Between points in Nevada, on the one hand, and, on the other, those points in New Mexico on, south, and east of a line beginning at the Texas-New Mexico State line extending along Interstate Highway 10 to junction Interstate Highway 25, thence to junction U.S. Highway 380 to the New Mexico-Texas State line. (California*). (16) Between those points in Nevada on, south and west of a line beginning at the Nevada-Utah State line extending along U.S. Highway 50 to junction Nevada Highway 8A, thence to junction Interstate Highway 40, thence to junction U.S. Highway 95, thence to junction Nevada Highway 140 to the Nevada-Oregon State line, on the one hand, and, on the other, those points in New Mexico on, south, and west of a line beginning at the New Mexico-Texas State line extending along U.S. Highway 380 to junction Interstate Highway 85, to the New Mexico-Colorado State line (California*). (17) Between those points in Nevada on and east of a line beginning at the Idaho-Nevada State line extending along U.S. Highway 93 to junction Interstate Highway 40, thence to junction Nevada Highway 46, thence to junction U.S. Highway 50, thence to junction Nevada Highway 82, thence to junction Nevada Highway 8A, thence to junction U.S. Highway 95, thence to junction Nevada Highway 29 to the Nevada-California State line, on the one hand, and, on the other, those points in Washington on, east, and north of a line beginning at the Washington-Oregon State line extending along Washington Highway 11 to junction U.S. Highway 12, thence to junction Washington Highway 410, thence to junction Interstate Highway 5, thence to junction Interstate Highway 405, thence to junction Interstate Highway 5 to the United States-Canada International Boundary line (Utah*). (18) Between those points in New Mexico on and south of U.S. Highway 66, on the one hand, and, on the other, those points in Oregon on, south, and west of a line beginning at the Oregon-California State line extending along U.S. Highway 395 to junction U.S. Highway 20, thence to junction Oregon Highway 27, thence to junction U.S. Highway 26, thence to junction U.S. Highway 97, thence to

junction U.S. Highway 197 to the Oregon-Washington State line (California*).

(E) *Machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells, (1) between those points in Colorado on, north, and west of a line beginning at the Colorado-New Mexico State line extending along Interstate Highway 25 to junction U.S. Highway 350, thence to junction unnumbered highway, thence to junction Colorado Highway 96 to the Colorado-Kansas State line, on the one hand, and, on the other, points in Oklahoma (Texas*). (2) Between those points in Louisiana on, south, and west of a line beginning at the Gulf of Mexico extending along U.S. Highway 61 to junction U.S. Highway 190, thence to junction U.S. Highway 71, thence to junction U.S. Highway 165, thence to junction Interstate Highway 20, thence to junction U.S. Highway 167 to the Louisiana-Arkansas State line, on the one hand, and, on the other, those points in North Dakota on and west of a line beginning at the North Dakota-South Dakota State line extending along North Dakota Highway 3 to junction North Dakota Highway 13, thence to junction North Dakota Highway 30, thence to junction Interstate Highway 94, thence to junction North Dakota Highway 36, thence to junction unnumbered highway, thence to junction North Dakota Highway 200, thence to junction U.S. Highway 281, to junction North Dakota Highway 57, thence to junction North Dakota Highway 20, thence to junction North Dakota Highway 17, thence to junction North Dakota Highway 1 to the United States-Canada International Boundary line (Texas and Colorado*). (3) Between those points in Louisiana on, south, and west of a line beginning at the Gulf of Mexico extending along U.S. Highway 61 to junction U.S. Highway 190, thence to junction U.S. Highway 71, thence to junction U.S. Highway 165, thence to junction Louisiana Highway 143, thence to junction Louisiana Highway 551 to the Arkansas-Louisiana State line, on the one hand, and, on the other, those points in South Dakota on and west of a line beginning at the Nebraska-South Dakota State line extending along U.S. Highway 183 to junction Interstate Highway 90, thence to junction U.S. Highway 83 to the South Dakota-North Dakota State line (Texas and Colorado*). (4) Between points in Montana, on the one hand, and, on the other, those points in New Mexico on, south, and east of a line beginning at the Texas-New Mexico State line extending along Interstate Highway 10 to junction U.S. Highway 82, thence to junction New Mexico Highway 13, thence to junction U.S. Highway 285, thence to junction

tion New Mexico Highway 20, thence to junction U.S. Highway 84, thence to junction U.S. Highway 85, thence to junction U.S. Highway 56 to the New Mexico-Texas State line (Texas*). (5) Between those points in Montana on and east of a line beginning at the Wyoming-Montana State line extending along U.S. Highway 310 to junction Interstate Highway 94, thence to junction unnumbered highway, thence to junction Montana Highway 200, thence to junction Montana Highway 24, thence to junction Montana Highway 247, thence to the United States-Canada International Boundary line, on the one hand, and, on the other, those points in New Mexico on, south, and east of a line beginning at the New Mexico-Texas State line extending along Interstate Highway 10 to junction Interstate Highway 25, thence to junction U.S. Highway 56, thence to junction U.S. Highway 87 to the Texas-New Mexico State line (Texas*). (6) Between those points in Nebraska on and west of U.S. Highway 83, on the one hand, and, on the other, points in Texas (Colorado*). (7) Between points in Nebraska, on the one hand, and, on the other, those points in Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 385 to junction Texas Highway 152, thence to junction U.S. Highway 87, thence to junction U.S. Highway 80, thence to junction Texas Highway 18, thence to junction U.S. Highway 385, thence to Texas Highway 170 to the United States-Mexico International Boundary line (Colorado*). (8) Between those points in New Mexico on, south, and east of a line beginning at the New Mexico-Arizona State line extending along Interstate Highway 10 to junction Interstate Highway 25, thence to junction U.S. Highway 60, thence to junction New Mexico Highway 3, thence to junction Interstate Highway 25, thence to the New Mexico-Colorado State line, on the one hand, and, on the other, those points in Wyoming on and north of a line beginning at the Wyoming-Idaho State line extending along Wyoming Highway 22 to junction U.S. Highway 187, thence to junction Wyoming Highway 28, thence to junction Wyoming Highway 789, thence to junction 136, thence to junction Interstate Highway 25, thence to junction U.S. Highway 20 to the Wyoming-Nebraska State line (Texas*). (9) Between points in North Dakota, on the one hand, and, on the other, those points in Texas on, north and west of a line beginning at the Texas-Oklahoma State line extending along U.S. Highway 62 to junction U.S. Highway 83, thence to junction Texas Highway 36, thence to junction U.S. Highway 283, thence to junction U.S. Highway 87, thence to junction U.S. Highway 281 to the

United States-Mexico International Boundary line (Colorado*). (10) Between those points in North Dakota on and west of U.S. Highway 83, on the one hand, and, on the other, points in Texas (Colorado*).

(F) *Machinery and equipment* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials and supplies, (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job construction, plant (including refining, manufacturing, and processing) sites or storage sites, over irregular routes, between those points in New Mexico on, south, and east of a line beginning at the New Mexico-Arizona State line extending along Interstate Highway 10 to junction Interstate Highway 25, thence to junction U.S. Highway 60, thence to junction New Mexico Highway 3, thence to junction Interstate Highway 25, to the New Mexico-Colorado State line, on the one hand, and, on the other, those points in Wyoming on and north of a line beginning at the Wyoming-Idaho State line extending along Wyoming Highway 22 to junction U.S. Highway 187, thence to junction Wyoming Highway 28, thence to junction Wyoming Highway 789, thence to junction Wyoming Highway 136, thence to junction Interstate Highway 25, thence to junction U.S. Highway 20, to the Wyoming-Nebraska State line (Texas*).

Part II: (A) *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, and (B) *Earth drilling machinery and equipment*, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or

from holes or wells, over irregular routes. (1) Between points in Alabama, on the one hand, and, on the other, points in Arkansas on and west of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 79 to junction Interstate Highway 82, thence along Interstate Highway 82 to junction Arkansas Highway 19, thence along Arkansas Highway 19 to junction Arkansas Highway 24, thence along Arkansas Highway 24 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line. (Texas*). (2) Between points in Alabama on and south of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 84 to junction Alabama Highway 52, thence along Alabama Highway 52 to the Florida-Alabama State line, on the one hand, and, on the other, points in Missouri on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 71 and Interstate Highway 35 to the Missouri-Iowa State line. (Texas and Oklahoma*). (3) From points in Alabama to points in Nebraska on and west of a line beginning at the Colorado-Nebraska State line and extending along Nebraska Highway 27 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line. (Texas and Colorado*). (4) Between points in Alabama on and south of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 80 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 82 to the Nebraska-Kansas State line. (Texas and Colorado*).

(5) Between points in Alabama on and south of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 80 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the South Dakota-North Dakota State line and extending along U.S. Highway 83 to junction North Dakota Highway 31, thence along North Dakota Highway 31 to the North Dakota-Canada International Boundary line. (Texas and Colorado*).

(6) Between points in Alabama, on the one hand, and, on the other, points in South Dakota on and west of a line beginning at the South Dakota-North Dakota State line and extending along U.S. Highway 85, thence along U.S. Highway 85 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 385, thence along U.S. Highway 385 to the South Dakota-Nebraska State line. (Texas and Colorado*).

(7) Between points in Arizona on and west of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 95 to junction Arizona Highway 95, thence along Arizona Highway 95 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Nevada-Arizona State line, on the one hand, and, on the other, points in Colorado on, north and east of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 50 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line. (Nevada*).

(8) Between points in Arizona on and west of a line beginning at the Mexico-United States International Boundary line and extending along Arizona Highway 85 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 93, thence to County Road to junction U.S. Highway 66, thence along U.S. Highway 66 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arizona Highway 64, thence along Arizona Highway 64 to junction U.S. Highway 180, thence along U.S. Highway 180 to the Arizona-Utah State line, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the Colorado-Nebraska State line and extending along Nebraska Highway 19, to junction U.S. Highway 30, to junction U.S. Highway 26, thence to junction Nebraska Highway 61, to junction Nebraska Highway 2, thence along U.S. Highway 83 to the South Dakota-Nebraska State line. (Nevada and Colorado*).

(9) From points in Nebraska to points in Arizona on and west of a line beginning at Pierce Ferry, Ariz., and extending along County Road, to junction Interstate Highway 40, to junction U.S. Highway 66, to junction Arizona Highway 95, thence along Arizona Highway 95 to the International Boundary between United States and Mexico. (Nevada and Colorado*).

(10) Between points in Arizona, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 380 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to the Texas-New Mexico State line. (Texas*).

(11) Between points in Arizona on and west of a line beginning at the Arizona-Nevada State line and extending along Pierce Ferry Road to junction Interstate Highway 40, thence along

Interstate Highway 40 to junction Interstate Highway 17, thence along Interstate Highway 17 to junction Interstate Highway 10, thence along Interstate Highway 10 to Arizona Highway 83, thence along Arizona Highway 83 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in North Dakota. (Nevada*).

(12) Between points in Arizona on and west of a line beginning at the Arizona-Nevada State line, and extending along Arizona Highway 93 to junction Arizona Highway 69, thence along Arizona Highway 69 to junction Arizona Highway 85, thence along Arizona Highway 85 to junction U.S. Highway 89, thence along U.S. Highway 89 to Interstate Highway 17, thence along Interstate Highway 17 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in South Dakota. (Nevada*).

(13) From points in Wyoming to points in Arizona on and west of a line beginning at the Arizona-Nevada State line, and extending along Pierce Ferry Road to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Arizona Highway 71, thence along Arizona Highway 71 to junction U.S. Highway 60, thence along Little Dirt Road to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Arizona Highway 85, thence along Arizona Highway 85 to the United States-Mexico International Boundary line. (Nevada*).

(14) Between points in Arizona on and west of a line beginning at the Arizona-Nevada State line, and extending along Pierce Ferry Road to junction Interstate Highway 40, to junction U.S. Highway 89, to junction Arizona Highway 69, to junction Interstate Highway 10, to junction Arizona Highway 286 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Wyoming-Montana State line and extending along County Road to junction U.S. Highway 16, to junction Interstate Highway 25, to junction Wyoming Highway 220, to junction U.S. Highway 287, to junction Wyoming Highway 71, and to junction Wyoming Highway 70 to the Wyoming-Colorado State line. (Nevada*).

(15) Between points in Arkansas on, south and west of a line beginning at the Oklahoma-Arkansas State line and extending along Arkansas Highway 8, to junction Arkansas Highway 27, to junction Arkansas Highway 26, to junction Arkansas Highway 19, to junction U.S. Highway 70, to junction U.S. Highway 79, to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Georgia. (Texas*).

(16) From points in Illinois to points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line, and extending along Arkansas Highway 23 to junction U.S. Highway 71, to junction U.S. Highway 270, to junction Arkansas Highway 375, to junction Arkansas Highway 4, to junction U.S. Highway 70, to junction Arkansas Highway 24, to junction Arkansas Highway 4, to junction Arkansas Highway 29 to the Arkansas-Louisiana State line. (Oklahoma*).

(17) Between points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line and extending along Arkansas Highway 23, to junction Arkansas Highway 16, to junction Arkansas Highway 21, to junction Arkansas Highway 57, to junction Interstate Highway 30, to junction Arkansas Highway 19, to junction U.S. Highway 79 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Illinois on and north of a line beginning from the Illinois-Missouri State line, and extending along U.S. Highway 24, to junction Illinois Highway 125, to junction Illinois Highway 97, to junction Interstate Highway 72, to junction Interstate Highway 74 to the Illinois-Indiana State line. (Oklahoma*).

(18) Between points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line, and extending along Arkansas Highway 23, to junction Arkansas Highway 18, to junction Arkansas Highway 21, to junction Interstate Highway 40, to junction U.S. Highway 67, to junction Arkansas Highway 24, to junction U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 38 to junction U.S. Highway 40, to the Oklahoma-Ohio State line. (Oklahoma*).

(19) From points in Indiana to points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line, and extending along Arkansas Highway 23, to junction U.S. Highway 71, to junction U.S. Highway 270, to junction Arkansas Highway 27, to junction Arkansas Highway 19, to junction U.S. Highway 79 to the Arkansas-Louisiana State line. (Oklahoma*).

(20) Between points in Kentucky on and south of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 51, to junction U.S. Highway 62, to junction Kentucky Highway 15, to junction U.S. Highway 23 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Arkansas on and west of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 79, to

junction Arkansas Highway 19, to junction Arkansas Highway 27 to junction U.S. Highway 270, to junction U.S. Highway 71, to junction Arkansas Highway 23 to the Arkansas-Missouri State line. (Oklahoma*).

(21) Between points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line, and extending along U.S. Highway 71, to junction Arkansas Highway 41, to junction Arkansas Highway 32 to the Arkansas-Texas State line, on the one hand, and, on the other, points in Mississippi. (Texas*).

(22) Between points in Arkansas on, west and south of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40, to junction Arkansas Highway 27, thence along County Road 4 to junction Arkansas Highway 29 the Louisiana-Arkansas State line, on the one hand, and, on the other, points in Missouri on and north of a line beginning at the Arkansas-Missouri State line, and extending along U.S. Highway 65 to junction Interstate Highway 44 to the Illinois-Missouri State line. (Oklahoma*).

(23) Between points in Arkansas on and west of a line beginning at the Louisiana-Arkansas State line and extending along Arkansas Highway 29, to junction U.S. Highway 67, to junction Arkansas Highway 3, to junction U.S. Highway 270 to the Oklahoma-Arkansas State line, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the Kansas-Nebraska State line and extending along Nebraska Highway 61, to junction Nebraska Highway 2, to junction U.S. Highway 385 to the South Dakota-Nebraska State line. (Texas and Colorado*).

(24) Between points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line, and extending along U.S. Highway 67 to junction Arkansas Highway 135, to junction Arkansas Highway 1, to junction Arkansas Highway 54, to junction U.S. Highway 65, to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the International Boundary between United States and Canada and extending along U.S. Highway 83 to junction North Dakota Highway 48, to junction North Dakota Highway 200, to junction North Dakota Highway 49, to the South Dakota-North Dakota State line. (Texas and Colorado*).

(25) Between points in Arkansas on and west of a line beginning at the Louisiana-Arkansas State line, and extending along U.S. Highway 65, to junction Arkansas Highway 1, to junction Arkansas Highway 130, to junction Arkansas Highway 33, to junction Arkansas Highway 11, to junction U.S. Highway 67, to junction U.S. Highway 167, to junction U.S. Highway 63, to the Missouri-Arkansas State line, on

the one hand, and, on the other, points in South Dakota on and south of a line beginning at the Wyoming-South Dakota State line and extending along U.S. Highway 212 to junction Interstate Highway 90, to junction U.S. Highway 83 to the Nebraska-South Dakota State line. (Texas and Colorado*). (26) Between points in Arkansas on and south of a line beginning at the Texas-Arkansas State line, and extending along U.S. Highway 82 to the Mississippi-Arkansas State line, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Alabama-Tennessee State line and extending along Interstate Highway 65 to the Kentucky-Tennessee State line. (Louisiana*). (27) From points in Arkansas on and west of a line beginning at the Louisiana-Arkansas State line and extending along Arkansas Highway 29 to junction County Road 4, to junction U.S. Highway 70, to junction U.S. Highway 71, to junction Arkansas Highway 23 to the Missouri-Arkansas State line, to points in West Virginia. (Texas or Oklahoma*.)

(28) From points in Illinois to points in Colorado on and south of a line beginning at the New Mexico-Colorado State line, and extending Interstate Highway 25, to junction U.S. Highway 350, to junction U.S. Highway 50 to the Kansas-Colorado State line (Texas*). (29) Between points in Colorado on and south of a line beginning at the Oklahoma-Colorado State line and extending along U.S. Highway 287 to junction U.S. Highway 50 to the Colorado-Utah State line, on the one hand, and, on the other, points in Illinois on and south of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 74, to junction U.S. Highway 34 to the Missouri-Illinois State line (Texas*). (30) From points in Colorado to points in Kansas on and south of a line beginning at the Colorado-Oklahoma State line, and extending along U.S. Highway 270, to junction U.S. Highway 160, to junction U.S. Highway 183, to junction U.S. Highway 160, to junction Kansas Highway 44, to junction U.S. Highway 166 to the Kansas-Missouri State line (Texas*). (31) Between points in Colorado on and south of a line beginning at the New Mexico-Utah-Colorado State lines, and extending along U.S. Highway 160, to junction Colorado Highway 10, to junction U.S. Highway 50, to junction Colorado Highway 101, to junction U.S. Highway 287 to the Colorado-Kansas State line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Kansas-Oklahoma State line, and extending along U.S. Highway 54, to junction Kansas Highway 14, to junction

U.S. Highway 160, to junction Kansas Highway 96 to the Missouri-Kansas State line (Texas*). (32) From points in Colorado to points in New Mexico on and east of a line beginning at the Colorado-Oklahoma State line, and extending along New Mexico Highway 58, to junction U.S. Highway 120, to junction New Mexico Highway 102, to junction New Mexico Highway 39, to junction U.S. Highway 54, to junction New Mexico Highway 18, to junction New Mexico Highway 88, to junction New Mexico Highway 330, to junction New Mexico Highway 116, to junction New Mexico Highway 18, to junction U.S. Highway 82, to junction New Mexico Highway 24, to junction Ft. Bliss Road, to junction U.S. Highway 54, to junction U.S. Highway 82, to junction Interstate Highway 10, to junction New Mexico Highway 11, to the United States-Mexico International Boundary line (Texas*). (33) Between points in Colorado on and east of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 318, to junction U.S. Highway 40 to junction Colorado Highway 13, to junction Colorado Highway 132, to junction Colorado Highway 325, to junction Interstate Highway 70, to junction Interstate Highway 25, to junction Colorado Highway 94, to junction U.S. Highway 40, to the Colorado-Kansas State line, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, and extending along Colorado Highway 68, to junction U.S. Highway 56, to junction Colorado Highway 120, to junction Colorado Highway 65, to junction Colorado Highway 104, to junction Colorado Highway 129, to junction Interstate Highway 40, to junction U.S. Highway 84 to junction Colorado Highway 20, to junction U.S. Highway 285, to junction Colorado Highway 13, to junction U.S. Highway 82, to junction Interstate Highway 10, to junction Colorado Highway 11 to the United States-Mexico International Boundary line (Texas*). (34) Between points in Colorado on and east of a line beginning at the New Mexico-Colorado State line, and extending along Interstate Highway 25 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in Utah on and west of a line beginning at the Arizona-Utah State line, and extending along Utah Highway 21, to junction County Road 257, to junction Utah Highway 30, to junction Utah Highway 43 to the Utah-Idaho State line (Nevada*). (35) From points in Florida to points in Louisiana on and west of a line beginning at Creole, La., at the Gulf of Mexico and extending along Louisiana Highway 27, to junction Louisiana Highway 14, to junction

U.S. Highway 171, to junction Louisiana Highway 117, to junction Louisiana Highway 1, to junction Louisiana Highway 7, to the Arkansas-Louisiana State line (Texas*). (36) Between points in Florida on and south of a line beginning at the Gulf of Mexico (Clearwater, Fla.) and extending along Florida Highway 60, to junction U.S. Highway 17, to junction U.S. Highway 98, to junction U.S. Highway 27, to junction U.S. Highway 441, to the Atlantic Ocean (West Palm Beach, Fla.), on the one hand, and, on the other, points in Louisiana on and west of a line beginning at Vermillion Bay (Intracoastal, La.), and extending along Louisiana Highway 333 to junction Highway 82, to junction U.S. Highway 167, to junction U.S. Highway 165, to junction Louisiana Highway 143, to junction Louisiana Highway 33 to the Arkansas-Louisiana State line (Texas*). (37) Between points in Florida, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the Nebraska-Kansas State line, and extending along U.S. Highway 83, to junction Nebraska Highway 70, to the Nebraska-South Dakota State line (Texas and Colorado*). (38) Between points in Florida, on the one hand, and, on the other, points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 83, to junction U.S. Highway 14, to junction South Dakota Highway 20, to junction South Dakota Highway 47, to junction Interstate Highway 90, to the South Dakota-Nebraska State line (Texas and Colorado*). (39) From points in Georgia to points in Louisiana on and west of a line beginning at the Gulf of Mexico and extending along Louisiana Highway 27, to junction U.S. Highway 171, to junction Louisiana Highway 175, to junction U.S. Highway 71, to the Louisiana-Arkansas State line (Texas*). (40) Between points in Georgia, on the one hand, and, on the other, points in Louisiana on and west of a line beginning at the Gulf of Mexico and extending along Louisiana Highway 27 to junction Louisiana Highway 82, to junction U.S. Highway 171, to junction Louisiana Highway 175, to junction U.S. Highway 71, to the Louisiana-Arkansas State line (Texas*). (41) Between points in Georgia on and south of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 280 to the Alabama-Georgia State line, on the one hand, and, on the other, points in Missouri on and west of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 71, to junction Interstate Highway 35, to junction U.S. Highway 36, to junction U.S. Highway 136, to the Iowa-Missouri State line (Texas and Oklahoma*.)

(42) Between points in Georgia on and east of a line beginning at the Florida-Georgia State line and extending along Georgia Highway 89, to junction U.S. Highway 441, to junction U.S. Highway 84 to junction U.S. Highway 1, to the South Carolina-Georgia State line, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the Kansas-Nebraska State line and extending along Nebraska Highway 61 to the South Dakota-Nebraska State line (Texas and Colorado*). (43) From points in Georgia to points in North Dakota on and west of a line beginning at the South Dakota-North Dakota State line, and extending along U.S. Highway 85, to junction North Dakota Highway 200, to the Montana-North Dakota State line (Texas and Colorado*). (44) Between points in Georgia on and south of a line beginning at the South Carolina-Georgia State line and extending along Georgia Highway 80, to junction Georgia Highway 24, to junction Georgia Highway 22, to junction U.S. Highway 129, to junction U.S. Highway 80, to the Alabama-Georgia State line, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the South Dakota-North Dakota State line, and extending along U.S. Highway 12, to junction North Dakota Highway 22, to junction Interstate Highway 94, to junction U.S. Highway 85, to the United States-Canadian International Boundary line (Texas and Colorado*). (45) Between points in Georgia on, south, and west of a line beginning at the Georgia-Alabama State line, and extending along Georgia Highway 117 to junction Georgia Highway 48, to junction U.S. Highway 27, to junction Georgia Highway 140, to junction Georgia Highway 20, to junction Georgia Highway 324, to junction U.S. Highways 29, to U.S. Highway 78, to the Georgia-South Carolina State line, on the one hand, and, on the other, points in South Dakota on and west of a line beginning at the Nebraska-South Dakota State line, and extending along U.S. Highway 385, to junction South Dakota Highway 79, to junction Interstate Highway 90, to junction South Dakota Highway 34, to junction U.S. Highway 212, to the Wyoming-South Dakota State line (Texas and Colorado*). (46) Between points in Georgia on and south of a line beginning at the South Carolina-Georgia State line and extending along U.S. Highway 84 to the Georgia-Florida State line, on the one hand, and, on the other, points in South Dakota on and west of a line beginning at the Nebraska-South Dakota State line and extending along U.S. Highway 83, to junction U.S. Highway 18, to junction South Dakota Highway 63, to junction Interstate Highway 90, to junction South Dakota Highway 73

to the North Dakota-South Dakota State line (Texas and Colorado*). (47) Between points in Idaho, on the one hand, and, on the other, points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 70, to junction Illinois Highway 140, to junction Illinois Highway 3, to the Illinois-Missouri State line (Colorado and Texas and Oklahoma*). (48) Between points in Idaho, on the one hand, and, on the other, points in Indiana on and south of a line beginning at the Ohio-Indiana State line and extending along Indiana Highway 28, to junction U.S. Highway 35, to junction U.S. Highway 421, to the Indiana-Illinois State line (Colorado, Texas and Oklahoma*). (49) From points in Idaho to points in Kansas on and south of a line beginning at the Colorado-Kansas State line, and extending along U.S. Highway 54, to junction U.S. Highway 154, to junction U.S. Highway 56, to junction Kansas Highway 144, to junction U.S. Highway 160, to junction County Road, to the Missouri-Kansas State line (Colorado and Texas*). (50) Between points in Idaho on and south of a line beginning at the Oregon-Idaho State line, and extending along Interstate Highway 80N, to junction Idaho Highway 68, to junction U.S. Highway 20, to junction U.S. Highway 26, to the Idaho-Wyoming State line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50, to junction Kansas Highway 31, to junction U.S. Highway 169, to junction Kansas Highway 7, to junction Kansas Highway 135, to junction U.S. Highway 69, to junction Kansas Highway 52, to the Missouri-Kansas State line (Colorado and Texas*). (51) Between points in Idaho, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the Colorado-New Mexico State line and extending along Interstate Highway 25, to junction U.S. Highway 85, to junction New Mexico Highway 120, to junction Interstate Highway 40, to junction U.S. Highway 84, to junction U.S. Highway 285, to junction U.S. Highway 70, thence west along U.S. Highway 70, to junction County Road 65, to junction County Road 39, to junction County Road 20, to junction County Road 26, to County Road 11, to the United States-Mexico International Boundary line (Utah and Texas*). (52) Between points in Idaho on and east of a line beginning at the Montana-Idaho State line, and extending along Interstate Highway 15 to junction U.S. Highway 191, to the Utah-Idaho State line, on the one hand, and, on the other, points in Oregon on and west of a line beginning at the California-Oregon State line and extending along U.S.

Highway 199, to junction Interstate Highway 5, to junction Oregon Highway 221, to junction Oregon Highway 47, and County Road 202 to the Washington-Oregon State line (Utah*). (53) Between points in Idaho on and east of a line beginning at the Montana-Idaho State line and extending along Interstate Highway 15, to junction U.S. Highway 191, to the Utah-Idaho State line, on the one hand, and, on the other, points in Washington on and west of a line beginning at the Oregon-Washington State line, and extending along Interstate Highway 5 to the United States-Canadian International Boundary line (Utah*). (54) Between points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 50 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the Wyoming-Montana State line, and extending along U.S. Highway 287, to junction County Road 284, to junction U.S. Highway 87, to junction County Road 223, to the United States-Canadian International Boundary line (Oklahoma and Texas*). (55) From points in Illinois to points in Nevada on and south of a line beginning at the Nevada-Utah State line and extending along U.S. Highway 50 to the California-Nevada State line (Arizona, Oklahoma, and Texas or Utah, Texas, and Oklahoma*). (56) From points in Nevada to points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 114, to junction Interstate Highway 55, to junction U.S. Highway 24, to junction Illinois Highway 9, to the Iowa-Illinois State line (Arizona, Oklahoma, and Texas or Utah, Texas, and Oklahoma*.)

(57) Between points in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114, to junction Illinois Highway 17, to junction Illinois Highway 88, to junction Illinois Highway 78, to junction U.S. Highway 34 to the Illinois-Iowa State line, on the one hand, and, on the other, points in Nevada on, south, and west of a line beginning at the Idaho-Nevada State line and extending along U.S. Highway 95, to junction U.S. Highway 40, to junction U.S. Highway 8A, to junction U.S. Highway 50, to the Nevada-Utah State line (Arizona, Oklahoma, and Texas or Utah, Texas, and Oklahoma*). (58) From points in Illinois to points in Oregon on and south of a line beginning at the California-Oregon State line and extending along Oregon Highway 97 to junction Oregon Highway 205, to junction U.S. Highway 20, to junction U.S. Highway 395, to junction Oregon Highway 31, to junction Oregon Highway 138, to junction Oregon Highway

43, to U.S. Highway 101 to an unnumbered highway, to the Pacific Ocean near Coos Bay, Oreg. (California and Oklahoma*). (59) Between points in Oregon on and west of a line beginning at the California-Oregon State line, and extending along Oregon Highway 97, to junction Oregon Highway 26 to the Oregon-Washington State line, on the one hand, and, on the other, points in Illinois on and west of a line beginning at the Kentucky-Illinois State line, and extending along Illinois Highway 45, to junction Illinois Highway 460, to junction Interstate Highway 57, to junction Illinois Highway 64, to the Missouri-Illinois State line (California and Oklahoma*). (60) Between points in Illinois, on the one hand, and, on the other, points in Utah on and south of a line beginning at the Nevada-Utah State line, and extending along U.S. Highway 6, to junction Utah Highway 132, to junction U.S. Highway 89, to junction Utah Highway 96, to junction Utah Highway 33, to junction Utah Highway 88, to the Colorado-Utah State line (Oklahoma and Texas*). (61) Between points in Illinois on and south of a line beginning at the Indiana-Illinois State line, and extending along U.S. Highway 24 to the Illinois-Missouri State line and on the one hand, and, on the other, points in Washington, on, south, and west of a line beginning at the Canada-United States International Boundary line, and extending along Interstate Highway 5, to junction Interstate Highway 90, to junction Interstate Highway 82, to junction U.S. Highway 12, to junction Washington Highway 11, to the Oregon-Washington State line (Oklahoma, Texas, and Colorado*). (62) Between points in Illinois on and south of a line beginning at the Kentucky State line, and extending along Illinois Highway 13, to junction Illinois Highway 3, to the Illinois-Missouri State line, on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Wyoming-Montana State line, and extending along Wyoming Highway 120, to junction U.S. Highway 20, to junction U.S. Highway 26, to junction U.S. Highway 789, to junction U.S. Highway 287, to junction U.S. Highway 28, to junction U.S. Highway 187, to junction U.S. Highway 430, to the Wyoming-Colorado State line (Oklahoma and Texas*). (63) Between points in Indiana on and south of a line beginning at the Illinois-Indiana State line, and extending along U.S. Highway 50, to junction Indiana Highway 60, to junction Indiana Highway 56, to junction Indiana Highway 256, to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the Idaho-Montana State line and extending along U.S. Highway 93

to the Canada-United States International Boundary line (Oklahoma and Texas*). (64) From points in Indiana to points in Washington on, south, and west of a line beginning at the Oregon-Washington State line, and extending along Interstate Highway 5, to junction Washington Highway 4, to junction U.S. Highway 101, to the Pacific Ocean near Astoria, Wash. (Oklahoma, Texas, and Colorado*). (65) From points in Washington to points in Indiana on and south of a line beginning at the Indiana-Ohio State line, and extending along U.S. Highway 40 to junction Interstate Highway 70 to the Indiana-Illinois State line (Colorado, Texas, and Oklahoma*). (66) Between points in Indiana on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40, to junction Interstate Highway 70 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Washington on and south of a line beginning at the Idaho-Washington State line, and extending along Interstate Highway 90, to junction Interstate Highway 5, to junction Washington Highway 21, to junction Washington Highway 261, to junction U.S. Highway 12, to the Washington Highway 11, to the United States-Canada International Boundary line (Colorado, Texas, and Oklahoma*). (67) Between points in Indiana on, south, and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 41, thence to junction U.S. Highway 64 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Colorado-Wyoming State line, and extending along Wyoming Highway 430, to junction U.S. Highway 187, to junction Wyoming Highway 28, to junction Wyoming Highway 789, to junction Wyoming Highway 120, to the Wyoming-Montana State line (Texas and Oklahoma*). (68) Between points in Kansas on and west of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 281 to the Nebraska-Kansas State line, on the one hand, and, on the other, points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 66, to junction Missouri Highway 96, to junction Interstate Highway 44, to junction Missouri Highway 32, to junction Missouri Highway 72, to junction U.S. Highway 61, to the Illinois-Missouri State line (Oklahoma*). (69) From points in Montana to points in Kansas on, south, and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50, to junction U.S. Highway 154, to junction Kansas Highway 34 to the Kansas-Oklahoma State line (Texas*).

(70) Between points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50, to junction U.S. Highway 154, to junction U.S. Highway 54, to junction Kansas Highway 34, to junction Kansas Highway 96, to junction Kansas Highway 39, to the Missouri-Kansas State line, on the one hand, and, on the other, points in Montana on and north of a line beginning at the Idaho-Montana State line and extending along U.S. Highway 90, to junction Montana Highway 200, to junction U.S. Highway 87, to junction U.S. Highway 2, to the North Dakota-Montana State line (Texas*). (71) From Points in Utah to points in Kansas on and south of a line beginning at the Missouri-Kansas State line and extending along Interstate Highway 35, to junction U.S. Highway 35, to junction U.S. Highway 50, to junction U.S. Highway 56, to the Oklahoma-Kansas State line (Texas*). (72) Between points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 160, to junction U.S. Highway 56, to junction U.S. Highway 156, to junction Interstate Highway 70, to junction Kansas Highway 4, to junction U.S. Highway 59 and Kansas Highway 7, to the Missouri-Kansas State line, on the one hand, and, on the other, points in Utah on and south of a line beginning at the Colorado-Utah State line and extending along Interstate Highway 70, to junction Utah Highway 26, to junction Interstate Highway 15, to junction Utah Highway 26, to junction U.S. Highway 50, to the Nevada-Utah State line (Texas*). (73) From points in Wyoming to points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50, to junction U.S. Highway 154, to the Kansas-Missouri State line (Oklahoma and Texas*). (74) Between points in Wyoming on and south of a line beginning at the Utah-Wyoming State line and extending along U.S. Highway 80, to junction U.S. Highway 30, to junction Wyoming Highway 220, to junction U.S. Highway 25 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54, to junction Kansas Highway 96, to junction Kansas Highway 39, to the Kansas-Missouri State line (Oklahoma and Texas*). (75) Between points in Kentucky on and west of a line beginning at the Tennessee-Kentucky State line and extending along Kentucky Highway 90, to junction U.S. Highway 65, to the Indiana-Kentucky State line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the Wyoming-Mon-

tana State line and extending along U.S. Highway 287, to junction U.S. Highway 12, to junction Interstate Highway 90, to junction U.S. Highway 93, to the United States-Canadian International Boundary line (Texas and Oklahoma*). (76) From points in Montana to points in Kentucky on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 641, to junction U.S. Highway 60 to the Kentucky-Illinois State line (Oklahoma and Texas*). (77) Between points in Louisiana, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 83 to the South Dakota-Nebraska State line (Texas and Colorado*). (78) Between points in Louisiana on and west of a line beginning at the Arkansas-Louisiana State line and extending along Louisiana Highway 159, to junction Louisiana Highway 7, to junction U.S. Highway 71, to junction U.S. Highway 167, to junction U.S. Highway 90, to the Gulf of Mexico, on the one hand, and, on the other, points in Pennsylvania (Texas*). (79) From Points in Mississippi to points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 385 to the Colorado-Nebraska State line (Texas and Colorado*).

(80) Between points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80, to junction Interstate Highway 20 to the Louisiana-Mississippi State line, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line and extending along U.S. Highway 83 to the Kansas-Nebraska State line (Texas and Colorado*). (81) Between points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line, and extending along U.S. Highway 78, to junction Mississippi Highway 6, to junction Mississippi Highway 322, to junction Mississippi Highway 1, to the Mississippi-Arkansas State line, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the Canada-United States International Boundary line and extending along U.S. Highway 85, to junction North Dakota Highway 200, to junction North Dakota Highway 22, to the North Dakota-South Dakota State line (Texas and Colorado*). (82) Between points in Mississippi on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 90, to junction Interstate Highway 10, to junction Mississippi Highway 450, to junction Mississippi Highway 1055, to junction U.S. Highway 51, to junction

Interstate Highway 20, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the South Dakota-North Dakota State line and extending along County Road 3, to junction Interstate Highway 94, to junction U.S. Highway 281, to the North Dakota-Canada International Boundary line (Texas and Colorado*). (83) From points in Mississippi to points in South Dakota on and west of a line beginning at the Nebraska-South Dakota State line and extending along South Dakota Highway 73, to junction South Dakota Highway 40, Interstate Highway 90 to junction U.S. Highway 212, to the South Dakota-Wyoming State line (Texas and Colorado*). (84) Between points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along Interstate Highway 20 to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 83, to junction U.S. Highway 16, to the South Dakota-Nebraska State line (Texas and Colorado*). (85) Between points in Mississippi, on the one hand, and, on the other, points in Texas (points in Texas within 200 miles of Kilgore, Tex.*). (86) From points in Montana to points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 66, to junction U.S. Highway 60, to junction Missouri Highway 14, to junction Missouri Highway 76, to junction U.S. Highway 60, to junction Missouri Highway 142, to junction U.S. Highway 67, to the Arkansas-Missouri State line (Texas and Oklahoma*). (87) Between points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 54, to junction U.S. Highway 50, to junction U.S. Highway 66, to the Illinois-Missouri State line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the Canada-United States International Boundary line and extending along Interstate Highway 15 to the Idaho-Montana State line (Oklahoma and Texas*). (88) Between points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 66, to junction Interstate Highway 44, to junction Missouri Highway 174, to junction County Road, to junction Missouri Highway 14, to junction Missouri Highway 76, to junction U.S. Highway 60, to junction U.S. Highway 67, to the Arkansas-Missouri State line, on the one hand, and, on the other, points in Nebraska on and west of a line beginning at the Colorado-Nebraska State line and extending along

Nebraska Highway 19, to junction U.S. Highway 385, to junction U.S. Highway 26, to the Wyoming-Nebraska State line (Oklahoma, Texas, and Colorado*). (89) Between points in Missouri on and west of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 24, to junction Missouri Highway 291, to junction U.S. Highway 50, to junction Missouri Highway 13, to junction U.S. Highway 65, to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Pennsylvania (Oklahoma*). (90) From points in Missouri to points in Washington on and west of a line beginning at the Canada-United States International Boundary line, and extending along Interstate Highway 5, to junction Interstate Highway 90, to junction Interstate Highway 82, to junction U.S. Highway 12, to junction Washington Highway 14, to the Washington-Oregon State line (Texas and Utah*). (91) From points in Washington to points in Missouri on and south of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 54, to junction Missouri Highway 7, to junction Interstate Highway 44, to junction Missouri Highway 8, to junction Missouri Highway 32, to the Illinois-Missouri State line (Utah and Texas*).

(92) Between points in Missouri on and south of a line beginning at the Missouri-Kansas State line and extending along Missouri Highway 52, to junction U.S. Highway 54, to junction U.S. Highway 50 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Washington, on and west of a line beginning at the Canadian-United States International boundary line and extending along U.S. Highway 97, to junction Washington Highway 155, to junction Washington Highway 174, to junction Washington Highway 21, to junction Washington Highway 260, to junction Washington Highway 261, to junction U.S. Highway 12, to the Washington-Oregon State line (Texas and Utah*). (93) From points in Missouri on and west of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 71 and Alternate U.S. Highway 71 to the Missouri-Arkansas State line, to points in West Virginia on and east of a line beginning at the Virginia-West Virginia State line, and extending along U.S. Highway 21, to junction West Virginia Highway 12, to junction U.S. Highway 19, to junction U.S. Highway 119 to the Pennsylvania-West Virginia State line (Oklahoma*). (94) From points in Wyoming to points in Missouri on and south of a line beginning at the Kansas-Missouri State line, and extending along Interstate Highway 44, to junction U.S. Highway 60, to the Missouri-Illinois State line (Oklahoma

and Texas*). (95) between points in Missouri on and south of a line beginning at the Oklahoma-Missouri State line and extending along Interstate Highway 44, to junction Missouri Highway 60, to junction Missouri Highway 160, to junction Missouri Highway 60 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Wyoming on and south of a line beginning at the Wyoming-Utah State line and extending along U.S. Highway 30, to junction Interstate Highway 80 to the Wyoming-Nebraska State line (Oklahoma and Texas*). (96) From points in Washington to points in Montana on and south of a line beginning at the Wyoming-Montana State line and extending along U.S. Highway 310, to junction Interstate Highway 90, to junction U.S. Highway 212 to the Wyoming-Montana State line (Wyoming*). (97) Between points in Montana on and south of a line beginning at the Wyoming-Montana State line, and extending along U.S. Highway 89, to junction Interstate Highway 90, to junction U.S. Highway 191, to junction Montana Highway 19, to junction Montana Highway 200, to junction Montana Highway 24, to junction U.S. Highway 2, to the North Dakota-Montana State line, on the one hand, and, on the other, points in Washington on and west of a line beginning at the Canada-United States international boundary line, and extending along Interstate Highway 5 to the Oregon-Washington State line (Wyoming*). (98) From points in Montana on and west of a line beginning at the Canada-United States international boundary line and extending along U.S. Highway 89, to junction U.S. Highway 287, to junction Interstate Highway 90, to junction U.S. Highway 89, to the Montana-Wyoming State line, to points in West Virginia on and south of a line beginning at the West Virginia-Kentucky State line and extending along West Virginia State Highway 37, to junction West Virginia Highway 10, to junction West Virginia Highway 7, to junction U.S. Highway 119, to junction U.S. Highway 21, to junction West Virginia Highway 39, to junction West Virginia Highway 41, to junction West Virginia Highway 13, to junction U.S. Highway 218, to junction U.S. Highway 250, to the West Virginia-Virginia State line (Texas*). (99) Between points in Nebraska on and west of a line beginning at the Colorado-Nebraska State line and extending along Nebraska Highway 19, to junction U.S. Highway 385 to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in Oklahoma on, south and west of a line beginning at the Oklahoma-Arkansas State line and extending along Oklahoma Highway 33, to junction U.S. Highway 64, to junction U.S. Highway 270, to junction

tion Oklahoma Highway 136 to the Kansas-Oklahoma State line (Colorado and Texas*). (100) From points in Tennessee to points in Nebraska on and west of a line beginning at the Colorado-Nebraska State line and extending along U.S. Highway 385, to junction Interstate Highway 80, to junction U.S. Highway 26, to junction Nebraska Highway 92 to the Wyoming-Nebraska State line (Colorado, Oklahoma and Texas*). (101) Between points in Nebraska on and west of a line beginning at the Colorado-Nebraska State line and extending along U.S. Highway 385 to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Georgia-Tennessee State line, and extending along Tennessee Highway 60, to junction U.S. Highway 11, to junction U.S. Highway 411, to junction U.S. Highway 70 to the Kentucky-Tennessee State line (Colorado and Texas and Oklahoma*). (102) Between points in Nevada on and east of a line beginning at the Utah-Nevada State line, and extending along Nevada Highway 30, to junction U.S. Highway 40, to junction Alternate U.S. Highway 50, to junction U.S. Highway 93, to junction Interstate Highway 15 to the California-Nevada State line, on the one hand, and, on the other, points in Oregon (Utah*). (103) Between points in New Mexico on and south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 70, to junction Interstate Highway 10, to junction New Mexico Highway 11 to the United States-Mexico international boundary line, on the one hand, and, on the other, points in Utah (Texas*). (104) From points in North Dakota to points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line, and extending along U.S. Highway 283, to junction Oklahoma Highway 15 to the Texas-Oklahoma State line (Colorado and Texas*). (105) From points in Oklahoma to points in North Dakota on and west of a line beginning at the Canada-United States international boundary line and extending along North Dakota Highway 8, to junction North Dakota Highway 37, to junction North Dakota Highway 8 to the South Dakota-North Dakota State line (Texas and Colorado*). (106) Between points in North Dakota on and west of a line beginning at the Canada-United States boundary line and extending along U.S. Highway 83 to the North Dakota-South Dakota State line, on the one hand, and, on the other, points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line, and extending along U.S. Highway 81, to junction Oklahoma Highway 3, to junction Interstate Highway 35, to the Oklahoma-Texas State line (Colorado and

Texas*). (107) From points in Oklahoma to points in South Dakota on and west of a line beginning at the South Dakota-North Dakota State line and extending along South Dakota Highway 65, to junction U.S. Highway 212, to junction South Dakota Highway 63, to junction U.S. Highway 14, to junction South Dakota Highway 73 to the South Dakota-Nebraska State line (Texas and Colorado*). (108) From points in South Dakota to points in Oklahoma on and west of a line beginning at the South Dakota-Kansas State line, and extending along U.S. Highway 283, to junction Oklahoma Highway 15 to the Oklahoma-Texas State line (Texas and Colorado*). (109) Between points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 283, to junction U.S. Highway 60, to junction U.S. Highway 183, to junction Interstate Highway 40, to junction Oklahoma Highway 58, to junction Oklahoma Highway 152, to junction U.S. Highway 81, to junction Oklahoma Highway 39, to junction Interstate Highway 35, to the Oklahoma-Texas State line on the one hand, and, on the other, points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 83, to junction U.S. Highway 212, to junction South Dakota Highway 63, to junction U.S. Highway 18 and U.S. Highway 83 to the South Dakota-Nebraska State line (Texas and Colorado*). (110) Between points in North Dakota on and west of a line beginning at the North Dakota-South Dakota State line and extending along U.S. Highway 85, to junction South Dakota Highway 79, to junction U.S. Highway 385, to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in Tennessee on and south of a line beginning at the Arkansas-Tennessee State line and extending along Interstate Highway 40, to junction U.S. Highway 64, to junction U.S. Highway 43, to junction Tennessee Highway 99, to junction Interstate Highway 65, to junction Tennessee Highway 96, to junction U.S. Highway 70S, to junction U.S. Highway 70 to junction Interstate Highway 40, to junction Interstate Highway 81 to the Virginia-Tennessee State line (Colorado, Texas and Oklahoma*). (111) Between points in Utah on and north of a line beginning at the Utah-Nevada State line, and extending along Interstate Highway 80 to the Wyoming-Utah State line, on the one hand, and, on the other, points in Wyoming on and north of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 16, to junction U.S. Highway 14, to the South Dakota-Wyoming State line (Idaho*). (112) From points in Wash-

ington on and west of a line beginning at the Canada-United States international boundary line, and extending along Washington Highway 9, to junction U.S. Highway 97, to junction Washington Highway 17 to junction Interstate Highway 90, to junction Washington Highway 21, to junction Washington Highway 26, to junction Washington Highway 261, to junction U.S. Highway 12, to the Washington-Idaho State line, to points in West Virginia (Utah and Texas*).

(C) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, over irregular routes, (1) between points in Alaska on and east of a line beginning at the Cook Inlet and extending along Alaska Highway 1, to junction Alaska Highway 3, to junction Alaska Highway 2 to the United States-Canada international boundary line on the one hand, and, on the other, points in Illinois on and south of a line beginning at the Illinois-Iowa State line and extending along Illinois Highway 17, to the Illinois-Indiana State line (Oklahoma*).

(D) *Commodities*, the transportation of which, because of their size or weight, requires the use of special equipment, and related machinery parts and related contractor's materials and supplies when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment and

(E) *Self-propelled articles, each weighing 15,000 pounds or more*, related machinery, tools, parts, and supplies moving in connection therewith, (1) between points in Arizona, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the Texas-New Mexico State line, and extending along U.S. Highway 380, to junction New Mexico Highway 18 to the Texas-New Mexico State line (Texas*). (2) Between points in Arizona on and west of a line beginning at the Arizona-Nevada State line, and extending along Pierce Ferry Road, to junction U.S. Highway 93, to junction U.S. Highway 60, to junction Arizona Highway 71, to junction Arizona Highway 85, to junction Interstate Highway 10 to the United States-Mexico International Boundary line, on the one hand, and, on the other, points in North Dakota (California*). (3) Between points in Arizona on and west of a line beginning at the Arizona-

na-Nevada State line, and extending along Arizona Highway 93, to junction Arizona Highway 85, to junction U.S. Highway 89, to junction Interstate Highway 17 to the United States-Mexico international boundary line, on the one hand, and, on the other, points in South Dakota (California*). (4) From points in Arkansas to points in Montana on and west of a line beginning at the Idaho-Montana State line, and extending along Interstate Highway 15, to junction Interstate Highway 90, to junction U.S. Highway 93, to junction U.S. Highway 2 and County Road, to the Canada-United States international boundary line. (Texas and Arizona*).

(5) Between points in Arkansas on and west of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 167, to junction U.S. Highway 79, to junction U.S. Highway 65, to junction U.S. Highway 71, to junction Interstate Highway 40, to Arkansas Highway 23, to the Missouri-Arkansas State line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the Canada-United States international boundary line and extending along Interstate Highway 15, to junction U.S. Highway 91, to junction Interstate Highway 15 to the Idaho-Montana State line (Texas and Arizona*). (6) From points in Illinois to points in Colorado on and south of a line beginning at the New Mexico-Colorado State line and extending along Interstate Highway 25, to junction U.S. Highway 350 to junction U.S. Highway 50 to the Kansas-Colorado State line (Texas*). (7) Between points in Colorado on and south of a line beginning at the Oklahoma-Colorado State line and extending along U.S. Highway 287, to junction U.S. Highway 50 to the Colorado-Utah State line on the one hand, and, on the other, points in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 74, to junction U.S. Highway 34 to the Missouri-Illinois State line (Texas*). (8) From points in Colorado to points in Kansas on and south of a line beginning at the Kansas-Oklahoma State line, and extending along U.S. Highway 270, to junction U.S. Highway 160, to junction U.S. Highway 183, to junction U.S. Highway 160, to junction Colorado Highway 44 to junction U.S. Highway 166 to the Kansas-Missouri State line. (9) Between points in Colorado on and south of a line beginning at the New Mexico-Utah State line and extending along U.S. Highway 160, to junction Colorado Highway 10, to junction U.S. Highway 50, to junction Colorado Highway 101, to junction U.S. Highway 287 to the Colorado-Kansas State line, on the one hand, and, on the

other, points in Kansas on and south of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 54, to junction Kansas Highway 14, to junction U.S. Highway 160, to junction Kansas Highway 96 to the Missouri-Kansas State line (Texas*). (10) From points in Colorado to points in New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line and extending along New Mexico Highway 58, to junction U.S. Highway 56, to junction New Mexico Highway 102, to junction New Mexico Highway 39, to junction U.S. Highway 54, to junction New Mexico Highway 18, to junction New Mexico Highway 88, to junction New Mexico Highway 330, to junction New Mexico Highway 116, to junction New Mexico Highway 18, to junction U.S. Highway 82, to junction New Mexico Highway 24, to junction Ft. Blise Road, to junction U.S. Highway 54, to junction U.S. Highway 82, to junction Interstate Highway 10 to junction New Mexico Highway 11 to the United States-Mexico International Boundary line (Texas*). (11) Between points in Colorado on and east of a line beginning at the Colorado-Wyoming State line, and extending along Colorado Highway 318, to junction U.S. Highway 40, to junction Colorado Highway 13, to junction Colorado Highway 132, to junction Colorado Highway 325, to junction Interstate Highway 70, to junction Interstate Highway 25, to junction Colorado Highway 94, to junction U.S. Highway 40 to the Colorado-Kansas State line, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line and extending along New Mexico Highway 68, to junction U.S. Highway 56, to junction New Mexico Highway 120, to junction New Mexico Highway 65, to junction New Mexico Highway 104, to junction New Mexico Highway 129, to junction Interstate Highway 40, to junction U.S. Highway 84, to junction New Mexico Highway 20, to junction U.S. Highway 285, to junction New Mexico Highway 13, to junction U.S. Highway 82, to junction Interstate Highway 10, to junction New Mexico Highway 11 to the United States-Mexico international boundary line (Texas*). (12) Between points in Idaho, on the one hand, and, on the other, points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along Interstate Highway 70, to junction Illinois Highway 140, to junction Illinois Highway 3 to Grafton, Ill., to the Illinois-Missouri State line (Colorado and Texas*). (13) Between points in Idaho, on the one hand, and, on the other, points in Indiana on and south of a line beginning at the Ohio-Indiana

State line and extending along Indiana Highway 28, to junction U.S. Highway 35, to junction U.S. Highway 421, to the Indiana-Illinois State line (Colorado and Texas*). (14) From points in Idaho to points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 54, to junction U.S. Highway 154, to junction U.S. Highway 56, to junction Kansas Highway 144, to junction U.S. Highway 160 and to junction County Road, to the Missouri-Kansas State line (Colorado and Texas*). (15) Between points in Idaho on and south of a line beginning at the Oregon-Idaho State line and extending along Interstate Highway 80N, to junction Idaho Highway 68, to junction U.S. Highway 20, to junction U.S. Highway 26, to the Idaho-Wyoming State line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Colorado-Kansas State line, and extending along U.S. Highway 50, to junction Kansas Highway 31, to junction U.S. Highway 169, to junction Kansas Highway 7, to junction Kansas Highway 135, to junction U.S. Highway 69, to junction Kansas Highway 52 to the Missouri-Kansas State line (Colorado and Texas*). (16) From points in Idaho to points in Nevada on, south and east of a line beginning at the Nevada-California State line, and extending along Nevada Highway 10, to junction U.S. Highway 6, to junction U.S. Highway 93, to junction Alternate Highway 50 to the Nevada-Utah State line (Utah*). (17) From points in Nevada to points in Idaho on and east of a line beginning at the Idaho-Montana State line, and extending along U.S. Highway 93 to Alternate Highway 93, to Arco-Miniduka Road, to junction Idaho Highway 27 to the Idaho-Utah State line (Utah*).

(18) Between points in Idaho on and east of a line beginning at the Idaho-Washington State line and extending along U.S. Highway 95, to junction Idaho Highway 55, to junction Warm Lake Road, to junction Idaho Highway 21, to junction U.S. Highway 93, to junction Interstate Highway 80N, to junction Idaho Highway 27, on the one hand, and, on the other, points in Nevada on, south and east of a line beginning at the Nevada-California State line, and extending along U.S. Highway 50, to junction Nevada Highway 46, to junction Nevada Highway 11, to junction U.S. Highway 93, to the Nevada-Idaho State line. (Utah*). (19) Between points in New Mexico on and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 285, to junction U.S. Highway 70, to junction New Mexico Highway 88, to junction New Mexico Highway 18, to junction U.S. Highway 66, to the Texas-New Mexico

State line, on the one hand, and, on the other, points in Idaho. (Colorado and Texas*). (20) From points in Illinois to points in Nevada on and south of a line beginning at the Nevada-Utah State line and extending along U.S. Highway 50 to the California-Nevada State line (Arizona, Oklahoma, and Texas, or Utah, Texas, and Oklahoma*). (21) From points in Nevada to points in Illinois on and south of a line beginning at the Indiana-Illinois State line, and extending along Illinois Highway 114, to junction Interstate Highway 55, to junction U.S. Highway 24, to junction Illinois Highway 9, to the Iowa-Illinois State line (Arizona, Oklahoma, and Texas, or Utah, Texas, and Oklahoma*). (22) Between points in Illinois on and south of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114, to junction Illinois Highway 17, to junction Illinois Highway 88, to junction Illinois Highway 78, to junction U.S. Highway 34, to the Illinois-Iowa State line, on the one hand, and, on the other, points in Nevada on, south, and west of a line beginning at the Idaho-Nevada State line, and extending along U.S. Highway 95, to junction U.S. Highway 40, to junction U.S. Highway 8A, to junction U.S. Highway 50 to the Nevada-Utah State line (Arizona, Oklahoma, and Texas, or Utah, Texas, and Oklahoma*). (23) Between points in Illinois, on the one hand, and, on the other, points in Utah on and south of a line beginning at the Utah-Nevada State line, and extending along U.S. Highway 6 to junction Utah Highway 132, to junction U.S. Highway 89, to junction Utah Highway 31, to junction Utah Highway 96, to junction Utah Highway 33, to junction Utah Highway 88, to the Utah-Colorado State line (Oklahoma and Texas*). (24) Between points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to the Illinois-Missouri State line, on the one hand, and, on the other, points in Washington on, south, and west of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 5, to junction Interstate Highway 90, to junction Interstate Highway 82, to junction U.S. Highway 12, to junction Washington Highway 11 to the Oregon-Washington State line (Texas and Utah*). (25) From points in Utah to points in Kansas on and south of a line beginning at the Missouri-Kansas State line and extending along Interstate Highway 35, to junction U.S. Highway 50, to junction U.S. Highway 56 to the Oklahoma-Kansas State line (Texas*). (26) Between points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway

160, to junction U.S. Highway 56, to junction U.S. Highway 156, to junction Interstate Highway 70, to junction Kansas Highway 4, to junction U.S. Highway 59, to junction Kansas Highway 7 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Utah on and south of a line beginning at the Colorado-Utah State line, and extending along Interstate Highway 70 to junction Utah Highway 26, to junction Interstate Highway 15, to junction Utah Highway 26, to junction U.S. Highway 50 to the Nevada-Utah State line (Texas*). (27) From points in Louisiana to points in Montana on and west of a line beginning at the Wyoming-Montana State line, and extending along Interstate Highway 15, to junction U.S. Highway 87, to junction U.S. Highway 89, to the United States-Canada international Boundary line. (Texas and Arizona*). (28) Between points in Louisiana on and south of a line beginning at the Mississippi-Louisiana State line and extending along Louisiana Highway 28, to junction Louisiana Highway 1, to junction Louisiana Highway 8 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Montana on and west of a line beginning at the Wyoming-Montana State line, and extending along U.S. Highway 89, to junction U.S. Highway 87, to junction County Road, 222 to the United States-Canada international Boundary line (Texas and Arizona*). (29) Between points in Louisiana, on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Utah-Wyoming State line, and extending along Wyoming Highway 30, to junction U.S. Highway 30N, to junction Wyoming Highway 430 to the Colorado-Wyoming State line (Texas and Arizona*). (30) From points in Missouri to points in Washington on and west of a line beginning at the United States-Canada International Boundary line, and extending along Interstate Highway 5, to junction Interstate Highway 90, to junction Interstate Highway 82, to junction U.S. Highway 12, to junction Washington Highway 14 to the Washington-Oregon State line (Texas and Utah*). (31) From points in Washington to points in Missouri on and south of a line beginning at the Missouri-Kansas State line and extending along U.S. Highway 54, to junction Missouri Highway 7, to junction Interstate Highway 44, to junction Missouri Highway 8, to junction Missouri Highway 32 to the Missouri-Illinois State line (Utah and Texas*). (32) Between points in Missouri on and south of a line beginning at the Missouri-Kansas State line and extending along Missouri Highway 52, to junction U.S. Highway 54, to junction Missouri Highway 50 to the Missouri-Illinois State line,

on the one hand, and, on the other, points in Washington on and west of a line beginning at the Canada-United States International Boundary line, and extending along U.S. Highway 97, to junction Washington Highway 155, to junction Washington Highway 21, to junction Washington Highway 260, to junction Washington Highway 261, to junction U.S. Highway 12 to the Washington-Oregon State line (Texas and Utah*). (33) From points in Oklahoma to points in Montana on and west of a line beginning at the Canada-United States International Boundary line and extending along Montana Highway 17, to junction County Road, to junction U.S. Highway 2, to junction U.S. Highway 93 to the Idaho-Montana State line (Texas and Arizona*). (34) Between points in Montana on and west of a line beginning at the Canada-United States International Boundary line and extending along U.S. Highway 93, to junction Interstate Highway 15 to the Idaho-Montana State line, on the one hand, and, on the other, points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 281 to the Texas-Oklahoma State line (Arizona and Texas*). (35) Between points in Montana on, south, and west of a line beginning at the Montana-Wyoming State line and extending along Montana Highway 89, to junction Montana Highway 90, to junction Montana Highway 287, to junction Montana Highway 200, to junction U.S. Highway 12, to the Montana-Idaho State line, on the one hand, and, on the other, points in Texas on and west of a line beginning at the United States-Mexico International Boundary line, and extending along Montana Highway 385, to junction Montana Highway 285 to the Texas-New Mexico State line (Arizona*). (36) Between points in Nevada on, south, and west of a line beginning at the California-Nevada State line, and extending along Interstate Highway 80, to junction Alternate U.S. Highway 95, to junction Nevada Highway 50, to junction Nevada Highway 23, to junction Nevada Highway 80, to junction Nevada Highway 25, to junction U.S. Highway 93 to the Nevada-Arizona State line, on the one hand, and, on the other, points in North Dakota on, south and west of a line beginning at the Minnesota-North Dakota State line and extending along Interstate Highway 94, to junction U.S. Highway 52, to junction North Dakota Highway 8 to the Canada-United States International Boundary line (California*). Between points in Nevada on and east of a line beginning at the Utah-Nevada State line and extending along Nevada Highway 30, to junction U.S. Highway 40, to junction Alternate U.S. Highway 93, to junction Interstate

Highway 15 to the California-Nevada State line, on the one hand, and, on the other, points in Oregon (Utah*). (38) Between points in Nevada on and west of a line beginning at the Nevada-Oregon State line and extending along Nevada Highway 140, to junction Nevada Highway 48, to junction U.S. Highway 95, to junction U.S. Highway 50, to junction Nevada Highway 23, to junction Nevada Highway 89, to junction U.S. Highway 95, to junction Interstate Highway 15 to the Nevada-Arizona State line, on the one hand, and, on the other, points in South Dakota (California*). (39) Between points in New Mexico on, south and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 62 to junction U.S. Highway 285, to junction U.S. Highway 82, to junction New Mexico Highway 18, to junction New Mexico Highway 88, to junction New Mexico Highway 18, to junction U.S. Highway 54, to junction New Mexico Highway 39, to junction New Mexico Highway 102, to junction New Mexico Highway 120, to junction U.S. Highway 56, on the one hand, and, on the other, points in Utah on, south and west of a line beginning at the Colorado-Utah State line and extending along Utah Highway 46, to junction U.S. Highway 163, to junction U.S. Highway 50, to junction U.S. Highway 80, to junction Interstate Highway 80 to the Utah-Idaho State line (Texas*). (40) Between points in New Mexico on, east and south of a line beginning at the New Mexico-Arizona State line and extending along Interstate Highway 10, to junction U.S. Highway 70, to junction U.S. Highway 54, to junction New Mexico Highway 3, to junction U.S. Highway 85, to junction New Mexico-Colorado State line, on the one hand, and, on the other, points in Washington (Texas and Utah*). (41) Between points in North Dakota, on the one hand, and, on the other, points in Oregon on, south and west of a line beginning at the Pacific Ocean near Florence, Ore., and extending along Oregon Highway 126, to junction Oregon Highway 36, to junction Oregon Highway 99, to junction Oregon Highway 242, to junction U.S. Highway 20, to junction U.S. Highway 97, to junction Oregon Highway 13, to junction U.S. Highway 395, to the California-Oregon State line (California*). (42) Between points in Oregon on and south of a line beginning at the Pacific Ocean Coast and extending along Oregon Highway 42, to junction Interstate Highway 5, to junction Oregon Highway 227, to junction Oregon Highway 62, to junction U.S. Highway 97 to the California-Oregon State line, on the one hand, and, on the other, points in South Dakota on and south of a line beginning at the Wyoming-South Dakota State line and

extending along Interstate Highway 90 to junction South Dakota Highway 73 to the Nebraska-South Dakota State line (California*). (43) Between points in Texas on, south and west of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 285, to junction U.S. Highway 80, to junction Texas Highway 18, to junction Texas Highway 329, to junction U.S. Highway 67, to junction Texas Highway 137, to junction Interstate Highway 10, to junction U.S. Highway 181, to junction Texas Highway 36 to the Gulf of Mexico on the one hand, and, on the other, points in Wyoming on and west of a line beginning at the Montana-Wyoming State line and extending along U.S. Highway 310, to junction U.S. Highway 4A, to junction Wyoming Highway 120, to junction Wyoming Highway 789, to junction U.S. Highway 287, to junction Wyoming Highway 28, to junction U.S. Highway 187, to junction Wyoming Highway 430 to the Colorado-Wyoming State line (Arizona*).

(F) *Machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells, (1) between points in Arizona on, east and south of a line beginning at the U.S.-Mexico International Boundary line, and extending along U.S. Highway 80, to junction Interstate Highway 10, to the Arizona-New Mexico State line, on the one hand, and, on the other, points in Idaho on and north of a line beginning at the Idaho-Washington State line, and extending along U.S. Highway 10 to the Idaho-Montana State line (Texas and Wyoming*). (2) Between points in Arizona on and south of a line beginning at the Mexico-United States International Boundary line and extending along Arizona Highway 85, to junction Arizona Highway 86, to junction Arizona Highway 93, to junction Arizona Highway 287, to junction U.S. Highway 60 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in Montana on and east of a line beginning at the Canada-United States International Boundary line, and extending along Montana Highway 241, to junction Montana Highway 376, to junction U.S. Highway 191, to junction U.S. Highway 87, to junction U.S. Highway 90, to junction U.S. Highway 310, to the Wyoming-Montana State line (Texas*). (3) Between points in Arizona on and south of a line beginning at the Arizona-California State line, and extending along Interstate Highway 8, to junction Interstate Highway 10 to the Arizona-New Mexico State line, on the one hand, and, on the other, points in Nebraska on and north of a line beginning at the Nebraska-Iowa State line, and extending along Nebraska Highway 51, to junction U.S. Highway 81, to junction

Nebraska Highway 91, to junction U.S. Highway 281, to junction Nebraska Highway 22, to junction Nebraska Highway 70, to junction Interstate Highway 80 to the Nebraska-Colorado State line (Texas and Wyoming*). (4) Between points in Arizona, on the one hand, and, on the other, points in New Mexico on and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 380, to junction New Mexico Highway 18 to the Texas-New Mexico State line (Texas*). (5) Between points in Arizona on and east of a line beginning at the United States-Mexico International Boundary line and extending along Arizona Highway 286, to junction Interstate Highway 10, to junction U.S. Highway 666, to junction Arizona Highway 78, to the Arizona-New Mexico State line, on the one hand, and, on the other, points in Wyoming on and east of a line beginning at the Wyoming-Montana State line, and extending along Wyoming Highway 338, to junction Interstate Highway 90, to junction Interstate Highway 25, to junction Wyoming Highway 220, to junction Wyoming Highway 487, to junction Wyoming Highway 130, to junction Wyoming Highway 230, to the Colorado-Wyoming State line (Texas*). (6) From points in Wyoming to points in Arizona, on, south and east of a line beginning at the United States-Mexico International Boundary line, and extending along Fort Huachuca Road, to junction Interstate Highway 10 to the Arizona-New Mexico State line (Texas*). (7) Between points in Arkansas on and west of a line beginning at the Louisiana-Arkansas State line, and extending along Arkansas Highway 29, to junction U.S. Highway 67, to Arkansas Highway 3, to junction U.S. Highway 270, to the Oklahoma-Arkansas State line, on the one hand, and, on the other, points in Nebraska State on and west of a line beginning at the Kansas-Nebraska State line, and extending along Nebraska Highway 61, to junction Nebraska Highway 2, to junction U.S. Highway 385, to the South Dakota-Nebraska State line (Texas and Colorado*). (8) Between points in Arkansas on and west of a line beginning at the Missouri-Arkansas State line, and extending along U.S. Highway 67, to junction Arkansas Highway 135, to junction Arkansas Highway 1, to junction Arkansas Highway 54, to junction U.S. Highway 65, to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in North Dakota on and west of a line beginning at the Canada-United States International Boundary line, and extending along U.S. Highway 83, to junction North Dakota Highway 48, to junction North Dakota Highway 200, to junction North Dakota Highway 49, to the South Dakota-North Dakota

State line (Texas and Colorado*). (9) Between points in Arkansas on and west of a line beginning at the Louisiana-Arkansas State line, and extending along U.S. Highway 65, to junction Arkansas Highway 1, to junction Arkansas Highway 130, to junction Arkansas Highway 33, to junction Arkansas Highway 11, to junction U.S. Highway 167, to junction U.S. Highway 63 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in South Dakota on and south of a line beginning at the Wyoming-South Dakota State line, and extending along U.S. Highway 212, to junction Interstate Highway 90, to junction U.S. Highway 83 to the Nebraska-South Dakota State line (Texas and Colorado*). (10) Between points in California on and south of a line beginning at the Pacific Ocean at Lucia, Calif., and extending along California Highway B-14, to junction California Highway 198, to junction Interstate Highway 5, to junction California Highway 145, to junction California Highway 180, to junction U.S. Highway 395, to junction California Highway 168, to the California-Nevada State line, on the one hand, and, on the other, points in Montana on and east of a line beginning at the Montana-Wyoming State line, and extending along U.S. Highway 310, to junction U.S. Highway 10, to junction Montana Highway 228, to junction Montana Highway 200, to junction Montana Highway 24, to junction Montana Highway 249, to the United States-Canadian International Boundary line (Colorado*). (11) From points in Colorado to points in Kansas on and south of a line beginning at the Kansas-Oklahoma State line, and extending along U.S. Highway 270, to junction U.S. Highway 160, to junction U.S. Highway 183, to junction U.S. Highway 160, to junction Kansas Highway 44, to junction U.S. Highway 166 to the Kansas-Missouri State line (Texas*). (12) Between points in Colorado on and south of a line beginning at the New Mexico-Utah State line, and extending along U.S. Highway 160, to junction Colorado Highway 10, to junction U.S. Highway 50, to junction Colorado Highway 101, to junction U.S. Highway 287, to the Colorado-Kansas State line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Kansas-Oklahoma State line, and extending along U.S. Highway 54, to junction Kansas Highway 14, to junction U.S. Highway 160, to junction Kansas Highway 96 to the Missouri-Kansas State line (Texas*). (13) From points in Colorado to points in New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, and extending along New Mexico Highway 58, to junction U.S. Highway 56, to junction New Mexico Highway

120, to junction New Mexico Highway 102, to junction New Mexico Highway 39, to junction U.S. Highway 54, to junction New Mexico Highway 18, to junction New Mexico Highway 88, to junction New Mexico Highway 330, to junction New Mexico Highway 116, to junction New Mexico Highway 18, to junction U.S. Highway 82, to junction New Mexico Highway 24, to junction Fort Bliss Road, to junction U.S. Highway 54, to junction U.S. Highway 82, to junction Interstate Highway 10, to junction New Mexico Highway 11 to the United States-Mexico State International Boundary line (Texas*). (14) Between points in Colorado on and east of a line beginning at the Colorado-Wyoming State line and extending along Colorado Highway 318, to junction U.S. Highway 40, to junction Colorado Highway 13, to junction Colorado Highway 132, to junction Colorado Highway 325, to junction Interstate Highway 70, to junction Interstate Highway 25, to junction Colorado Highway 94, to junction U.S. Highway 40 to the Colorado-Kansas State line, on the one hand, and, on the other, points in New Mexico State line, and extending along New Mexico Highway 68, to junction U.S. Highway 56, to junction New Mexico Highway 120, to junction New Mexico Highway 65, to junction New Mexico Highway 104, to junction New Mexico Highway 129, to junction Interstate Highway 40, to junction U.S. Highway 84, to junction New Mexico Highway 20, to junction U.S. Highway 285, to junction New Mexico Highway 13, to junction U.S. Highway 82, to junction Interstate Highway 10, to junction New Mexico Highway 11, to the United States-Mexico International Boundary line (Texas*). (15) From points in Idaho to points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 54, to junction U.S. Highway 154, to junction U.S. Highway 56, to junction Kansas Highway 144, to junction U.S. Highway 160, to junction County Road, to the Missouri-Kansas State line (Colorado and Texas*). (16) Between points in Idaho on and south of a line beginning at the Oregon-Idaho State line, and extending along Interstate Highway 80N, to junction Idaho Highway 68, to junction U.S. Highway 20, to junction U.S. Highway 26 to the Idaho-Wyoming State line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Colorado-Kansas State line, and extending along U.S. Highway 50, to junction Kansas Highway 31, to junction U.S. Highway 169, to junction Kansas Highway 7, to junction Kansas Highway 136, to junction U.S. Highway 69, to junction Kansas Highway 52, to the Missouri-Kansas State line (Colorado and Texas*). (17) Between points in

New Mexico on and east of a line beginning at the New Mexico-Texas State line, and extending along U.S. Highway 285, to junction U.S. Highway 70, to junction New Mexico Highway 88, to junction New Mexico Highway 330, to junction New Mexico Highway 116, to junction New Mexico Highway 18, to the junction U.S. Highway 66 to the New Mexico-Texas State line, on the one hand, and, on the other, points in Idaho on, south and west of a line beginning at the Idaho-Wyoming State line, and extending along U.S. Highway 26, to junction U.S. Highway 30, to junction U.S. Highway 80, to junction Idaho Highway 55, to junction U.S. Highway 95, to junction U.S. Highway 12 to the Washington-Idaho State line (Colorado and Texas*). (18) From points in Montana to points in Kansas on, south, and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50, to junction U.S. Highway 154, to junction Kansas Highway 34 to the Kansas-Oklahoma State line (Texas*). (19) Between points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50, to junction U.S. Highway 154, to junction U.S. Highway 54, to junction Kansas Highway 34, to junction Kansas Highway 96, to junction Kansas Highway 39, to the Missouri-Kansas State line, on the one hand, and, on the other, points in Montana on and north of a line beginning at the Idaho-Montana State line, and extending along U.S. Highway 90, to junction Montana Highway 200, to junction U.S. Highway 87, to junction U.S. Highway 2 to the North Dakota-Montana State line (Texas*). (20) From points in Utah to points in Kansas on and south of a line beginning at the Missouri-Kansas State line, and extending along Interstate Highway 35, to junction U.S. Highway 50, to junction U.S. Highway 56 to the Oklahoma-Kansas State line (Texas*). (21) Between points in Kansas on and south of a line beginning at the Colorado-Kansas State line, and extending along U.S. Highway 160, to junction U.S. Highway 56, to junction U.S. Highway 156, to junction Interstate Highway 70, to junction Kansas Highway 4, to junction U.S. Highway 59, to junction Kansas Highway 7 to the Missouri-Kansas State line, on the one hand, and, on the other, points in Utah on and south of a line beginning at the Colorado-Utah State line, and extending along Interstate Highway 70, to junction Utah Highway 26, to junction Interstate Highway 15, to junction Utah Highway 26 to junction U.S. Highway 50 to the Nevada-Utah State line (Texas*). (22) From points in Wyoming to points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 50 to junction U.S. Highway 154 to the

Kansas-Missouri State line (Oklahoma and Texas*). (23) Between points in Wyoming on and south of a line beginning at the Utah-Wyoming State line and extending along U.S. Highway 80, to junction U.S. Highway 30, to junction Wyoming Highway 220 to junction U.S. Highway 25 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54, to junction Kansas Highway 96, to junction Kansas Highway 39 to the Kansas-Missouri State line (Oklahoma and Texas*). (24) Between points in Nebraska on and west of a line beginning at the Colorado-Nebraska State line, and extending along Nebraska Highway 19, to junction U.S. Highway 385 to the South Dakota-Nebraska State line, on the one hand, and, on the other, points in Oklahoma, on, south and west of a line beginning at the Arkansas-Oklahoma State line and extending along Oklahoma Highway 33, to junction U.S. Highway 64, to junction U.S. Highway 270, to junction Oklahoma Highway 136 to the Kansas-Oklahoma State line (Colorado and Texas*). (25) Between points in New Mexico on and south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 70 to junction Interstate Highway 10, to junction New Mexico Highway 11 to the United States-Mexico international boundary line, on the one hand, and, on the other, points in Utah (Texas*). (26) From points in North Dakota to points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line, and extending along U.S. Highway 283, to junction Oklahoma Highway 15 to the Oklahoma-Texas State line (Colorado and Texas*). (27) From points in Oklahoma to points in North Dakota on and west of a line beginning at the Canada-United States International Boundary line, and extending along North Dakota Highway 8, to junction North Dakota Highway 37, to junction North Dakota Highway 8, to the South Dakota-North Dakota State line (Texas and Colorado*). (28) Between points in North Dakota on and west of a line beginning at the Canada-United States International Boundary line, and extending along U.S. Highway 83 to the North Dakota-South Dakota State line, on the one hand, and, on the other, points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 80, to junction U.S. Highway 30, to junction Wyoming Highway 220, to junction U.S. Highway 25 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54, to junction

Dakota State line, and extending along South Dakota Highway 65, to junction U.S. Highway 212, to junction South Dakota Highway 62, to junction U.S. Highway 14, to junction South Dakota Highway 73 to the South Dakota-Nebraska State line (Texas and Colorado*). (30) From points in South Dakota to points in Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line, and extending along U.S. Highway 283, to junction Oklahoma Highway 15, to the Oklahoma-Texas State line (Texas and Colorado*). (31) Between points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, and extending along U.S. Highway 283, to junction U.S. Highway 60, to junction U.S. Highway 183, to junction Interstate Highway 40, to junction Oklahoma Highway 58, to junction Oklahoma Highway 152, to junction U.S. Highway 81, to junction Oklahoma Highway 39, to junction Interstate Highway 35 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in South Dakota on and west of a line beginning at the North Dakota-South Dakota State line, and extending along U.S. Highway 83 to junction U.S. Highway 212, to junction South Dakota Highway 63, to junction U.S. Highway 18, to junction U.S. Highway 83, to the South Dakota-Nebraska State line (Texas and Colorado*).

(G) *Machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials and supplies (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processings, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, over irregular routes, (1) from points in Wyoming to points in Kansas on and south of a line beginning at the Colorado-Kansas State line, and extending along U.S. Highway 50, to junction U.S. Highway 154, to the Kansas-Missouri State line, (Oklahoma and Texas*). (2) Between points in Wyoming on and south of a line beginning at the Utah-Wyoming State line and extending along U.S. Highway 80, to junction U.S. Highway 30, to junction Wyoming Highway 220, to junction U.S. Highway 25 to the Colorado-Wyoming State line, on the one hand, and, on the other, points in Kansas on and south of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 54, to junction

Kansas Highway 96, to junction Kansas Highway 39 to the Kansas-Missouri State line (Oklahoma and Texas*).

(H) *Commodities, the transportation of which, because of their size or weight, requires the use of special equipment (except boats), and related machinery parts and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment;* and (I) *Self-propelled vehicles, each weighing 15,000 pounds or more (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act, and vehicles moving in driveway service) and related machinery, tools, parts, and supplies moving in connection therewith (restricted to commodities which are transported on trailers), over irregular routes, (1) Between points in Idaho, on the one hand, and, on the other, points in Oregon and Washington (points in Idaho*); (J) *Iron and steel articles, as described in appendix V to the report of the Commission in Ex Parte No. 45, Descriptions in Motor Carrier Certificates, 61 MCC 209, over irregular routes, (1) from points in Arizona on and west of a line beginning at the Arizona-Utah State line, and extending along U.S. Highway 89, to junction Interstate Highway 17, to junction U.S. Highway 80 to the Arizona-California State line, to points in Arkansas on and north of a line beginning at the Arkansas-Oklahoma State line, and extending along Arkansas Highway 22, to junction Arkansas Highway 247, to junction U.S. Highway 64, to junction Interstate Highway 40 to the Arkansas-Tennessee State line. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (2) From points in Arizona on and west of a line beginning at the Arizona-Utah State line, and extending along U.S. Highway 89, to junction Interstate Highway 17, to junction U.S. Highway 80 to the Arizona-California State line, to points in Oklahoma on, north and east of a line beginning at the Arkansas-Oklahoma State line, and extending along U.S. Highway 64, to junction Interstate Highway 40, to junction Muskogee Turnpike, to junction U.S. Highway 75 to the Oklahoma-Kansas State line. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (3) From points in California on and north of Imperial and San Diego Counties, Calif., to points in Arkansas. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (4) From points in California on and north of Riverside and San Diego Counties, Calif., to points in Louisiana. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (5) From points in California on and north of San Diego**

and San Bernardino Counties, Calif., to points in Oklahoma. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (6) From points in California on and north of Santa Barbara, Ventura, San Bernardino and Los Angeles Counties, Calif., to points in Texas on and east of a line beginning at the Gulf of Mexico and extending along U.S. Highway 75, to junction U.S. Highway 290, to junction Texas Highway 6, to junction U.S. Highway 81, to junction U.S. Highway 287, to junction U.S. Highway 281 to the Texas-Oklahoma State line. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (7) From points in Nevada (except Clark County) to points in Oklahoma. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (8) From points in Nevada to points in Texas on and east of a line beginning at the Gulf of Mexico and extending along U.S. Highway 75, to junction U.S. Highway 290, to junction Texas Highway 6, to junction U.S. Highway 81, to junction U.S. Highway 287, to junction U.S. Highway 281 to the Texas-Oklahoma State line. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (9) From points in Oregon to points in Texas on and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 285, to junction U.S. Highway 80, to junction Texas Highway 17, to junction U.S. Highway 67, to the United States-Mexico international boundary line. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (10) From points in Idaho to points in Arkansas, Louisiana, Oklahoma, and Texas. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (11) From points in Nevada to points in Arkansas and Louisiana. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (12) From points in Oregon to points in Arkansas, Louisiana, and Oklahoma. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (13) From points in Washington to points in Arkansas, Louisiana, Oklahoma, and Texas. (The facilities of C.F. & I. Steel Corp. at or near Pueblo, Colo.)* (K) *Iron and steel articles, over irregular routes, (1) from Houston and Galveston, Tex., to points in Kansas and Mississippi (Bartown, Tex.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.*

NOTE.—The purpose of this republication is to correct the territorial description of Part I and to publish Part II previously omitted.

No. MC 114019 (Sub-No. E453), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by chain grocery stores, and supplies, machinery, fixtures, and equipment, incidental to the production, warehousing and sale thereof, (A) between points in the Chicago, Ill., Commercial zone and points in Illinois within 40 miles thereof on the one hand, and, on the other, Cincinnati, Dayton, Toledo, Cleveland, Akron, Columbus, Ohio; Detroit and Grand Rapids, Mich.; Ft. Wayne, Ind.; Louisville, Bellevue, and Covington, Ky.; Sparrows Point and Baltimore, Md.; New York; New Jersey; and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. (B) Between points in Iowa and Wisconsin on the one hand, and, on the other, Akron, Cincinnati, Dayton, Toledo, Cleveland, Columbus, Ohio; Detroit and Grand Rapids, Michigan; Ft. Wayne and Indianapolis, Ind.; Louisville, Bellevue, and Covington, Ky.; Sparrows Point and Baltimore, Md.; New York, N.Y.; and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway of Barrington-Elgin, Ill.; Louisville, Ky.*

No. MC 114019 (Sub-No. E454), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise other than malt beverages, as is dealt in by wholesale*

food business houses, and equipment, materials, and supplies used in conduct of such businesses, (1) between points in Wisconsin on the one hand, and, on the other, points in Indiana; Ohio; Pennsylvania; New York; Baltimore and Sparrows Point, Md.; and points in New Jersey within 30 miles of New York, N.Y., and points in Delaware, New Jersey, and Maryland within 30 miles of Philadelphia, Pa. (2) Between points in Iowa on, north, and west of a line beginning at the Minnesota-Wisconsin State line and extending south along U.S. Highway 63 to its junction with U.S. Highway 80, thence along west U.S. Highway 80 to the Nebraska-Iowa State line on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40. (3) Between points in Iowa on, north, and west of a line beginning at the Illinois-Iowa State line and extending west along U.S. Highway 34 to its junction U.S. Highway 35, thence south along U.S. Highway 35 to the Iowa-Missouri State line on the one hand, and, on the other, points in Ohio; Pennsylvania; New York; West Virginia; Baltimore, Md., points in New Jersey within 30 miles of New York, N.Y., and points in Maryland, Delaware, and New Jersey within 30 miles of Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 114019 (Sub-No. E455), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by chain grocery stores, and supplies, materials, and equipment, used in the conduct of such business, between points in that part of Wisconsin, on, north, and east of a line beginning at the Illinois-Wisconsin State line, thence north along Wisconsin Highway 104 to its junction with U.S. Highway 12, thence north along U.S. Highway 12 to its junction with Interstate Highway 94, thence north along U.S. Highway 94 to the Wisconsin-Minnesota State line on the one hand, and, on the other, St. Louis, Mo., and Carbondale, Ill.*

No. MC 114019 (Sub-No. E456), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by chain grocery stores, and supplies, machinery, fixtures, and equipment inci-*

dental to the production, warehousing, and sale thereof: (a) Between Green Bay, Madison, Milwaukee, Onalaska, and Oshkosh, Wis., on the one hand, and, on the other, Cincinnati, Akron, Cleveland, Columbus, Dayton, and Toledo, Ohio; Detroit and Grand Rapids, Mich.; Evansville, Indianapolis, and Ft. Wayne, Ind.; Louisville, Bellevue, and Covington, Ky.; Sparrows Point and Baltimore, Md.; New York, N.Y.; and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. (b) Between St. Louis, Mo., on the one hand, and, on the other, Madison, Green Bay, Milwaukee, and Oshkosh, Wis. (c) Between Peoria and Carbondale, Ill., on the one hand, and, on the other, Green Bay, Milwaukee, and Oshkosh, Wis. (d) Between Clinton, Iowa, on the one hand, and, on the other, Detroit and Grand Rapids, Mich.; Akron, Cincinnati, Cleveland, Columbus, and Dayton, Ohio; Ft. Wayne and Indianapolis, Ind.; Louisville, Bellevue, and Covington, Ky.; Sparrows Point and Baltimore, Md.; New York, N.Y.; and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. (e) From Detroit and Grand Rapids, Mich., to points in Wisconsin, Iowa, St. Louis, Mo., Peoria, and Carbondale, Ill. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 114019 (Sub-No. E457), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle,

over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, or food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from points in Michigan, to points in Iowa, St. Louis, Mo., Onalaska, Oshkosh, Madison, Green Bay, and Milwaukee, Wis. The purpose of this filing is to eliminate the gateway of Chicago, Ill.*

No. MC 114019 (Sub-No. E458), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale food business houses and in connection therewith, equipment, materials, and supplies used in the conduct of such business, from points in Michigan, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Chicago, Ill.*

No. MC 114019 (Sub-No. E460), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Edible oils and edible oil products, in containers, in vehicles equipped with mechanical refrigeration, and related advertising matter in mixed loads with the above specified commodities, from points in the States of Wisconsin and Iowa, to points in Connecticut, Delaware, Maine (except points in Aroostook, Penobscot, Piscataquis, and Waldo Counties), Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway to Chicago, Ill.*

No. MC 114019 (Sub-No. E461), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, as is dealt in by wholesale, retail and food business houses, and in connection therewith, equipment materials, and supplies used in the conduct of such business, (A) from points in Berrien County, Mich., to points in New York, Pennsylvania, and West Virginia, points in Bergen, Monmouth, Morris, and Somerset Counties, N.J., within 20 miles of New York, N.Y.,*

points in Hudson, Essex, Union, Passaic, Middlesex, Mercer, and Hunterdon Counties, N.J., points in that part of New Jersey, Delaware, and Maryland, which are within 30 miles of Philadelphia, Pa. and Sparrows Point and Baltimore, Md., (B) from points in Berrien, Cass, and Van Buren Counties, Mich., to New York points on and north and east of Interstate Highway 87 from the New Jersey-New York State line to its junction with New York Highway 5, thence along New York Highway 5 from said junction to its junction with New York Highway 30, thence from said junction to the Canadian border, and to points in New Jersey in the New York, N.Y., and Philadelphia, Pa., commercial zones, and Baltimore, Md. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 114019 (Sub-No. E462), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods, and foods not frozen*, when transported in the same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, (A) from points in Van Buren, Cass, and Berrien Counties, Mich., to points in Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, New Jersey (except points in the New York, N.Y., and Philadelphia, Pa. commercial zones), Delaware, points in that part of Maryland, on and east of U.S. Highway 15, beginning at the Pennsylvania-Maryland State line and extending south along U.S. Highway 15 to the Maryland-Virginia State line, points in that part of Virginia, on and east of U.S. Highway 340, beginning at the Maryland-Virginia State line, and extending south along U.S. Highway 340 to junction U.S. Highway 522, thence south along U.S. Highway 522 to junction Virginia Highway 231, thence south along Virginia Highway 231 to junction U.S. Highway 29, thence south along U.S. Highway 29 to junction Virginia Highway 56, thence south along Virginia Highway 56 to junction U.S. Highway 15, thence south along U.S. Highway 15 to the Virginia-North Carolina State line, and the District of Columbia, points in that part of New York on and east of Interstate Highway 87. (B) From points in Kalamazoo County, Mich., to points in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, points in Delaware and Maryland, and Virginia, east of the Chesapeake Bay, and points in Virginia located in and east of Isle of Wight, Nasmond, and York Counties, points in New York on and

east of Interstate Highway 87, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and Gary, Ind.

No. MC 114019 (Sub-No. E463), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such foodstuffs as is dealt in by wholesale, retail and food business houses*, (a) from points in Michigan, to points in Illinois, (b) from points in Illinois, to Detroit, Grand Rapids, St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich. The purpose of this filing is to eliminate the gateways of Gary, Ind., and Lansing, Ill.

No. MC 114019 (Sub-No. E477), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment), (1) from Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia on and north of U.S. Highway 50, and Pennsylvania; to points in Illinois, within 40 miles of Chicago, (2) from the warehouses and other storage facilities of the Colgate Palmolive Co. at Clarksville and Jeffersonville, Ind., to points in Indiana, in the Chicago, Ill., commercial zone, (3) from Lexington, Ind., to points in Indiana in the Chicago, Ill., commercial zone and points in Illinois, Wisconsin, and the Lower Peninsula of Michigan, (4) from Akron, Ohio, and points within 5 miles thereof, to Chicago, Ill., and points within 40 miles thereof. The purpose of this filing is to eliminate the gateways of Jeffersonville, Ind., Akron, Ohio, Gary, Ind., and Lansing, Ill.

No. MC 114019 (Sub-No. E478), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Insulating materials*, (1) from Chicago, Ill., to points in Iowa, Missouri, points in that part of Wisconsin, on, north and west of a line beginning at the Illinois-Wisconsin State line and extending north along Wisconsin Highway 69 to junction U.S. Highway 151, thence north along U.S. Highway 151 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay; points in that part of Indiana on and south of U.S. Highway 50; points in Kentucky; points in that part of Ohio, on, south and east of a line beginning at the Indiana-Ohio State line and extending east along U.S. Highway 50 to junction U.S. Highway 71, thence north along U.S. Highway 71 to junction Ohio Highway 13, thence north along Ohio Highway 13 to Lake Erie, thence Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York, on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. The purpose of this filing is to eliminate the gateway of Aurora, Ill.

No. MC 114019 (Sub-No. E480), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wire, wire fencing, and other iron and steel articles*, (1) from points in Cook County, Ill., and Lake County, Ind., to points in Wisconsin, within the area bounded on the east by U.S. Highway 45, on the north Wisconsin Highway 60, on the west by U.S. Highway 12 and Wisconsin Highway, and on the south by the Wisconsin-Illinois State line. *Roofing and siding, roof and siding materials and equipment, and insulating material*, (2) from points in

Cook County, Ill., and Lake County, Ind., to points in that part of Wisconsin on and bounded by a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 45 to junction Wisconsin Highway 100, thence along Wisconsin Highway 100 to junction Wisconsin Highway 32, thence along Wisconsin Highway 32 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 12, thence along U.S. Highway 12 to Madison, Wis., thence along Wisconsin Highway 69 to the Wisconsin-Illinois State line, and thence along the Wisconsin-Illinois State line to point of beginning. The purpose of this filing is to eliminate the gateways of Milwaukee, Wis. and Waukegan, Ill.

By THE COMMISSION.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-2823 Filed 2-1-78; 8:45 am]

[7035-01]

[Volume No. 56]

MOTOR CARRIER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

JANUARY 25, 1978.

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR §1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy

shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2202 (Sub-No. 547), filed: November 4, 1977. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Bigelow-Sanford, Inc., located at or near Lyerly, Ga., as an off-route point in connection with carrier's authorized regular route operation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 2202 (Sub-No. 548), filed: November 23, 1977. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309. Applicant's representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Newport, Tenn., as an off-route point in connection with carrier's authorized regular route operation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant

requests that it be held at Knoxville, Tenn., or Washington, D.C.

No. MC 2229 (Sub-No. 198), filed November 14, 1977. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, Tex. 75247. Applicant's representative: Jackie Hill, 3177 Irving Boulevard, Dallas, Tex. 75247. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and distribution facilities of National Presto Industries, Inc., located at or near Canton, Miss., as an off-route point in conjunction with applicant's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Jackson, Miss., or Washington, D.C.

No. MC 9153 (Sub-No. 5), filed: December 5, 1977. Applicant: J. R. CHRISTONI, INC., North Cherry Street Extension, Wallingford, Conn. 06492. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *tanks, heat exchangers, reactors and machinery* between Hainesport, N.J., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and New York.

NOTE.—If a hearing is deemed necessary applicant requests it be held at either Hartford, Conn., or Boston, Mass.

No. MC 11592 (Sub-No. 19), filed December 5, 1977. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365 Omaha, Nebr. 68107. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packing houses as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC, 209 and 766, from Omaha, Nebr., to Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Ten-

nessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, West Virginia, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr. or Washington, D.C.

No. MC 26377 (Sub-No. 20), filed December 5, 1977. Applicant: LEONARDO TRUCK LINES, Inc., 511 South 1st Street, Selah, Wash. 98932. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Ore. 97210. Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: (1) *Beer and wine*, from points in California to points in Yakima, Whatcom and Skagit Counties, Wash.; and (2) *wine*, from King and Yakima Counties, Wash., to points in California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Seattle, Wash.

No. MC 33641 (Sub-No. 131), filed December 5, 1977. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, Utah 84125. Applicant's representative: John Paul Fischer, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), serving the intermediate and off-route points of Fort Hall, Roberts, Ririe, Sugar City, Rexburg, Blackfoot, Shelley, Pirth, Bellevue, Halley, Ketchum, Sun Valley, Rigby, St. Anthony, Ashton, Aberdeen, and American Falls, Idaho, in connection with regular route service between Weiser, Idaho, and Brigham City, Utah, and between Montpelier, Idaho, and Pocatello, Idaho, under MC 33641 (Sub-No. 24) and between Pocatello, Idaho, and Afton, Wyo. under MC 33641 (Sub No. 47).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho, or Salt Lake City, Utah.

No. MC 42261 (Sub-No. 132) filed November 28, 1977. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, N.C., to points in Delaware, District of Columbia, Maryland, Virginia, and West Virginia; and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt

beverages, and returned empty malt beverage containers (except commodities in bulk), from points in Delaware, District of Columbia, Maryland, Virginia, and West Virginia, to Eden, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 45736 (Sub-No. 55), filed November 28, 1977. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street, NW., Washington, D.C. 20004. Authority sought to operate in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, in the transportation of: (1) *Petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk), and *filters*, from points in Marion County, Tenn., to points in Alabama, Arkansas, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia, restricted to traffic originating at points in Marion County, Tenn.; (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities named in part 1 above (except in bulk), from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky to Marion County, Tenn.; and (3) *petroleum and petroleum products, vehicle body sealer and/or sound deadener compound* (except in bulk), and *filters* from points in Ohio, Rhode Island, Pennsylvania, and West Virginia to points in Marion County, Tenn., restricted to traffic destined to Marion County, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 48221 (Sub-No. 13), filed November 18, 1977. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Avenue, Omaha, Nebr. 68107. Applicant's representative: Bruce A. Bullock, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Lyons, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 48441 (Sub-No. 15), filed November 28, 1977. Applicant: P.L. & M. EXPRESS, INC., P.O. Box 418, Streator, Ill. 61364. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pails or drums*, from Chicago, Ill., to points in Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 50069 (Sub-No. 527), filed December 5, 1977. Applicant: REFINERS TRANSPORT & TERMINAL CORP., 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Dublin, Ind., to points in Illinois.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 540), filed November 3, 1977. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper, fibreboard, strawboard, or pulpboard*, other than corrugated, from Carthage, Ind., to Rockford, Ill.; Chesterfield, Mo.; and Fidley, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 52704 (Sub-No. 160), filed November 28, 1977. Applicant: GLENN MCLENDON TRUCKING CO., INC., P.O. Drawer H, LaFayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, Ga. 30345. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, N.C., to points in Alabama, Florida, Georgia, Kentucky, South Carolina, and Tennessee; and (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk), from points in Alabama, Florida, Georgia, Kentucky, South Carolina, and Tennessee, to Eden, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Atlanta, Ga., or Washington, D.C.

No. MC 60014 (Sub-No. 65), filed December 1, 1977. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, Pa. 15146. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (1) from the facilities of the Gilman Paper Co. at Dudley (Laurens County), Ga., and at or near Blackshear (Pierce County), Ga., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and (2) from the plantsite of Gilman Paper Co. (Building Products Division), located at or near Middleburg (Clay County), Fla., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 61396 (Sub-No. 341), filed November 22, 1977. Applicant: HERMAN BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith II (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from (1) Kearney and Moberly, Mo., to points in Illinois; and (2) Conway, Hutchinson, Little River, and McPherson, Kans., to points in Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, Kentucky, New York, Pennsylvania, West Virginia, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 64808 (Sub-No. 31), filed December 5, 1977. Applicant: W. S. THOMAS TRANSFER, INC., 1854 Morgantown Avenue, Fairmont, W. Va. 26554. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, from Eden, N.C., to points in Alabama, Delaware, District of Columbia, Kentucky, Maryland, Tennessee, Virginia, and West Virginia; and (2) *materials,*

supplies and equipment used in the manufacture, sale and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk), from points in Alabama, Delaware, District of Columbia, Kentucky, Maryland, Tennessee, Virginia, and West Virginia to Eden, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held in Washington, D.C. or Milwaukee, Wis.

No. MC 64932 (Sub-No. 579), filed December 2, 1977. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic materials*, dry, in bulk, in tank vehicles, from Illiopolis, Ill., to points in Georgia, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Columbus, Ohio, or Washington, D.C.

No. MC 73165 (Sub-No. 423), filed November 21, 1977. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Birmingham, Ala. 35202. Applicant's representative: R. Cameron Rollins (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sheet Iron, Steel, Tin Plate, Iron, Steel, Pipe or Ducts, Elbows, Angles, Collars, Cows, Offsets, Shoes or Stackheads, Chimney Caps, Rubbish Burners, Dampers, Pans, Postal and Letter Boxes, Posts, Rain Proofs, Smoke Flues, Stove Beards, Stove Pipe Collars, Stove Shovels, Coal Hods, Tee Joints, Draft Regulators, Thimbles, Tern Plate, and Parts for Heating, and Cooling and Ventilating Equipment and Advertising Material* relative to and when moving with above named Commodities, from Camden, N.J., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 74321 (Sub-No. 140), filed December 23, 1977. Applicant: B. F. WALKER, INC., P.O. Box 17B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger, Steele Park, Suite 330, 50 South Steele Street, Denver, Colo. 80209. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, Lumber Products and Wood Products* from points in California to points in the United States in and East of North Dakota, South Dakota, Kansas, Oklahoma, Nebraska, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in San Francisco or Los Angeles, Calif.

No. MC 82492 (Sub-No. 171), filed December 1, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from Richmond and Kansas City, Mo., and points in their commercial zones to points in Indiana, Kentucky, Michigan, Ohio, those points in New York in and west of Allegany, Livingston, and Monroe Counties, and those points in Pennsylvania on and west of U.S. Highway 219.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 82841 (Sub-No. 218), filed December 5, 1977. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts* for irrigation systems, from Brooten, Minn., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at or near Brooten, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr. or Minneapolis, Minn.

No. MC 87109 (Sub-No. 25), filed November 29, 1977. Applicant: TIDEWATER INLAND EXPRESS, INC. d.b.a. T.I.E., Inc., Rehoboth Boulevard, Milford, Del. 19963. Applicant's representative: J. William Cain, Jr., 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving points in Accomack and Northampton Counties, Va. as off-route points, in connection with applicant's regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Salisbury, Md.

No. MC 94201 (Sub-No. 157), filed November 30, 1977. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga.

30316. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (Route 1): between New Orleans, La., and Atlanta, Ga.: (a) from New Orleans over U.S. Highway 90 and/or Interstate Highway 10 to Mobile, Ala., thence over U.S. Highway 31 and/or Interstate Highway 65 to Montgomery, Ala., thence over U.S. Highway 80 to junction U.S. Highway 29 to Tuskegee, Ala., thence over U.S. Highway 29 to Atlanta, Ga. (also from Montgomery, Ala. over Interstate 85 to Atlanta, Ga.), and return over the same route; and (b) from New Orleans, La. over U.S. Highway 11 to Birmingham, Ala. (also via Interstate 10 to junction Interstate 59, thence Interstate 59 to Birmingham), thence via U.S. Highway 78 and/or Interstate 20 to Atlanta, Ga., and return over the same route; (Route 2): between New Orleans, La., and Jacksonville, Fla.: from New Orleans, La. over U.S. Highway 90 and/or Interstate Highway 10 to Jacksonville, Fla., and return over the same route; (Route 3): between New Orleans, La., and Miami, Fla.: (a) from New Orleans, La. over U.S. Highway 90 and/or Interstate Highway 10 to Mobile, Ala., thence over U.S. Highway 98 to junction U.S. Highway 41, at or near Brooksville, Fla., thence over U.S. Highway 41 to Miami, Fla., and return over the same route; (b) from New Orleans, La. over Interstate Highway 10 to junction Interstate Highway 75, near Lake City, Fla., thence over Interstate Highway 75 to junction Florida Highway 44, near Wildwood, Fla., thence over Florida Highway 44 to junction U.S. Highway 27, at or near Leesburg, Fla., thence over U.S. Highway 27 to Miami, Fla., and return over the same route; and (c) from New Orleans, La. over U.S. Highway 90 to junction U.S. Highway 441, at or near Lake City, Fla., thence over U.S. Highway 441 to Miami, Fla., and return over the same route. Service, in connection with the above described routes, is requested to and from all intermediate and all off-route points in Alabama, Florida and Georgia.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held in New Orleans, La.

No. MC 95540 (Sub-No. 993), filed: November 18, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher, (same address as applicant). Authority

sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk), from the plant-site and storage facilities of Lorenz Packing, at Montgomery, Ala., to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota; and (2) *meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in section C of Appendix I, from the plant-site and storage facilities of Lorenz Packing, at Montgomery, Ala., to points in California, Arizona, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Montgomery or Birmingham, Ala., or Tampa, Fla.

No. MC 95540 (Sub-No. 994), filed December 5, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher, (same address as applicant). Authority to sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, confectionery and confectionery products* (except commodities in bulk, in tank vehicles) and (2) *Advertising and display materials*; in vehicles equipped with mechanical refrigeration, from the plant-site and/or warehouse facilities of E. J. Brach & Sons, located at or near Chicago, Ill., and Carol Stream, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee. Restricted to the transportation of traffic originating at the above named facilities and destined to the above named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Washington, D.C., or Tampa, Fla.

No. MC 100666 (Sub-No. 369), filed November 25, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board*, from Ashtabula, Ohio to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on a consolidated record with similar applications of Decato Bros., Inc.; Vance Trucking Co., Inc.; and Poole Truck Line, Inc., at Washington, D.C.

No. MC 100666 (Sub-No. 371), filed December 2, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings and connections and materials, supplies and accessories* used in the manufacture and installation thereof (except in bulk, in tank vehicles), between facilities utilized by Revintech, Inc. located at or near Vestal, N.Y., Anderson, S.C., and Springfield, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex., or Washington, D.C.

No. MC 103051 (Sub-No. 416), filed November 18, 1977. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Applicant requests authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank vehicles, from Tupelo, Miss., to points in Missouri, Kansas and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103051 (Sub-No. 417), filed December 5, 1977. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, Tenn. 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, animal oils, and blends thereof*, in bulk, in tank vehicles, from points in North Carolina to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Nashville, Tenn. or Atlanta, Ga.

No. MC 103993 (Sub-No. 914), filed December 5, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Ind. 46514. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trans-

porting: *Lumber, lumber products, pallets, pallet parts, and millwork*, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin, to points in the States of Alabama, Georgia, Louisiana, Mississippi, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 104149 (Sub-No. 199), filed November 28, 1977. Applicant: OSBORNE TRUCK LINE, INC., 515 North 31st Street, Birmingham, Ala. 35202. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va., 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Jacksonville, Fla., to points in Alabama.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala. Common control may be involved.

No. MC 105375 (Sub-No. 75), filed December 5, 1977. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Ave., Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr., 1680 Fourth Ave., Newport, Minn. 55055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Alexandria, Minn., to points in North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 105813 (Sub-No. 227), filed November 28, 1977. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 2009, Ocala, Fla. 32670. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products, frozen and non-frozen*, from Weslaco, Tex., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Dallas, or Brownsville, Tex. Common control may be involved.

No. MC 106839 (Sub-No. 7), filed November 15, 1977. Applicant: LARSEN MOTOR LINES, INC., 440 Erato Street, New Orleans, La. 70130. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier* over regular routes transporting: *Gen-*

eral commodities (except those of unusual value, classes A and B explosives, commodities in bulk, household goods and those requiring special equipment), (1) between New Orleans, and Lafayette, La.: From New Orleans, La. over business route, U.S. Highway 90 to Louisiana Highway 45, thence over Louisiana Highway 45 to Lafayette, La., and return over the same route, serving all intermediate points; and (2) between New Orleans, La. and the Louisiana State Penitentiary located at or near Angola, La.: From New Orleans, La. over U.S. Highway 61 and Interstate Highway 10 to Baton Rouge, La. thence over U.S. Highway 61 to Bains, La. and thence over Louisiana Highway 66, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New Orleans, La.

No. MC 107496 (Sub-No. 1116), filed December 2, 1977. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, Iowa 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Coal tar products*, in bulk, from Granite City, Ill., to points in Colorado, Wisconsin, Georgia, Oklahoma, New Mexico, South Carolina, Florida, North Carolina, Louisiana, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either St. Louis, Mo., or Chicago, Ill. Common control may also be involved.

No. MC 108207 (Sub-No. 472), filed November 25, 1977. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas, restricted to traffic originating at named origin, and destined to the named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Springfield, Mo. or Dallas, Tex.

No. MC108341 (Sub-No. 75), filed December 5, 1977. Applicant: MOSS TRUCKING CO., INC., 3027 N. Tryon St., P.O. Box 8409, Charlotte, N.C.

28208. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and materials, supplies and accessories* used in the installation thereof (except commodities in bulk), from the facilities of Panel Processing, Inc., located at or near Alpena and Coldwater, Mich. and Jacksonville, Tex. to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109533 (Sub-No. 100), filed December 5, 1977. Applicant: OVERNITE TRANSPORTATION CO. (a corporation), P.O. Box 1216, Richmond, Va. 23209. Applicant's representative: C. H. Swanson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Synthetic plastic granules or flakes*, in bulk, (except in tank vehicles): (1) Between Celriver, S.C., and Celco, Va., on the one hand, and, on the other, Kingsport, Tenn.; (2) between Celco, Va., on the one hand, and, on the other, Cumberland, Md.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests hearing be held at Kingsport, Tenn., or Washington, D.C.

No. MC 109537 (Sub-No. 4), filed December 1, 1977. Applicant: HERON TRANSFER CO., a corporation, 1026 Franklin Street, Salem, Ohio 44460. Applicant's representative: Paul F. Beery, 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes in the transportation of: (1) *Plumbing fixtures and fittings, equipment, and supplies*; (i) from Salem, Ohio, to points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 119 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line, and to points in Erie and Chataqua Counties, N.Y., and points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, Maryland, and Delaware, and (b) from New Castle, Pa., to points in Illinois, Indiana, Michigan, West Virginia, New Jersey, New York, Ohio, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, Massachusetts, Maryland, and Delaware.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 109649 (Sub-No. 23), filed December 9, 1977. Applicant: L.P. TRANSPORTATION, INC., Cross and Main Streets, Chester, N.Y. 10918. Applicant's representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of *Liquefied petroleum gas*, in bulk, from Buffalo, N.Y., to Paulsboro, N.J.

NOTE.—(1) If a hearing is deemed necessary, applicant requests it be held in New York, N.Y. (2) Common control may be involved. (3) Applicant has concurrently filed a Motion to dismiss the application upon the grounds that it duplicates its lead certificate.

No. MC 111401 (Sub-No. 507), filed November 21, 1977. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Petroleum, petroleum products, and liquid wax*, in bulk, in tank vehicles, from points in Oklahoma to points in Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 111545 (Sub-No. 241), filed November 3, 1977. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30065. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* from Springfield, Ohio, to points in California and points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, Iowa, and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Columbus, Ohio, or Washington, D.C.

No. MC 111545 (Sub-No. 244), filed November 25, 1977. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30065. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nuclear filtration equipment*, and (2) *parts, attachments, and accessories for (1) above*. From Hilliard, Ohio, to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, Iowa, and Minnesota (except Ohio).

NOTE.—If a hearing is deemed necessary, applicant requests it be held either in Columbus, Ohio, or Washington, D.C.

No. MC 111812 (Sub-No. 549), filed November 22, 1977. Applicant: MID-WEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in and distributed by manufacturers of toilet preparations, shampoos, cosmetics, and related health personal care and beauty aids from Englewood and Teterboro, N.J., to points in Florida and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in New York, N.Y.

No. MC 112822 (Sub-No. 440), filed November 25, 1977. Applicant: BRAY LINES INC., 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in containers (except in bulk), from Sabetha, Kans., to points in Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 113336 (Sub-No. 89), filed November 18, 1977. Applicant: PETROLEUM TRANSIT CO., INC., P.O. Box 921, Lumberton, N.C. 28358. Applicant's representative: David C. Venable, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, vehicle body sealer and sound deadener compound* (except in bulk) and *filters*, from points in Marion County, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Virginia, restricted to traffic originating at points in Marion County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Atlanta, Ga.

No. MC 113908 (Sub-No. 421), filed November 14, 1977. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S. Springfield, Mo., 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Alcoholic liquors, neutral spirits, distilled spirits, wine, and wine products*, in bulk (a) between points in Ohio, Massachusetts, Texas, Kentucky, Illinois, Louisiana, and Florida, on the one hand, and

on the other, points in Illinois, Louisiana, Virginia, Massachusetts, Michigan, Texas, Kentucky, Maryland, Indiana, South Carolina, and Florida; (b) between points in Maryland, New Jersey, New York, Pennsylvania, and Virginia, on the one hand, and, on the other, points in Illinois, Missouri, Pennsylvania, Michigan, New York, Ohio, New Jersey, Indiana, Virginia, South Carolina, and New Hampshire; (c) from points in Delaware to points in Illinois, Michigan, Missouri, and Virginia; (d) from points in Kentucky to points in Indiana, Montana, Pennsylvania, Missouri, California, and Washington; (e) from points in Kansas and Iowa to points in Illinois, Massachusetts, New York, Montana, South Carolina, Louisiana, and Kentucky; (f) from points in Florida, Georgia, Illinois, Iowa, Kansas, and Missouri to points in Missouri, Texas, Colorado, Oklahoma, Minnesota, Tennessee, Washington, North Carolina, Michigan, and New York; (g) between points in Virginia, New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Illinois, California, Michigan, Delaware, and Maryland; restricted, however, in (g) above to shipments moving in foreign commerce. (2) *Alcoholic liquors, neutral spirits, distilled spirits, and industrial alcohol*, in bulk from points in Atchison, Kans., to points in Arizona, Arkansas, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, Wyoming, Texas, and Oklahoma. (3) *Alcoholic liquors, neutral spirits, distilled spirits, vermouth, brandy, wine, wine products, fruit juice, fruit juice concentrates, and flavoring syrups*, in bulk (a) between points in California on the one hand, and, on the other, points and places in the United States except Alaska and Hawaii; (b) between points in Washington; (c) from points in Georgia to points in New York and Florida; (d) from points in Florida to points in Georgia, Illinois, Indiana, Louisiana, Maryland, Virginia, Connecticut, Rhode Island, Kansas, Pennsylvania, Mississippi, Alabama, New Jersey, New York, Ohio, Oregon, Wisconsin, and South Carolina; (e) from points in Washington to points in Oregon; (f) from points in Oregon and Wisconsin to points in Iowa; (g) from points in New York to points in Florida, Michigan, New Hampshire, New Jersey, New York, Ohio, and Pennsylvania; (h) between points in Michigan, on the one hand, and, on the other, points in Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, and Pennsylvania. (4) *Neutral spirits, distilled spirits, alcoholic liquors, fruit pomace, fruit juice, fruit juice concentrates, wine, wine products, and brandy*, in bulk between points in Arkansas, on the one hand, and, on the other, points in New York,

Pennsylvania, Michigan, South Carolina, Virginia, Georgia, Florida, California, Texas, and Arizona. (5) *Alcoholic liquors and flavoring syrups*, in bulk from ports of entry between the United States and the Republic of Mexico located in Texas, New Mexico, and Arizona to points in the United States. (6) *Grain neutral spirits, alcohol, and alcoholic liquors*, in bulk from ports of entry between the United States and Canada located in Michigan, New York, Pennsylvania, and Washington to points in California, Kentucky, Maine, Georgia, Minnesota, Illinois, New Jersey, Virginia, and Montana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 114045 (Sub-No. 486), filed November 14, 1977. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, D/FW Airport, Tex. 75261. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, drugs, medicines and toilet preparations, packing supplies, advertising matter and display materials related thereto*, in vehicles equipped with mechanical refrigeration; also, safety devices, from points in Massachusetts, Connecticut, New Jersey, New York, Pennsylvania, and West Virginia, to points in Oregon, California, Nevada, Texas, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114211 (Sub-No. 333), filed December 5, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as dealt in or used by agricultural equipment dealers, from Butler County, Iowa, to points in the United States (including Alaska, but excluding Hawaii), including all ports of entry between the United States and Canada; and (2) *equipment, materials, and supplies* used or useful in the manufacture and distribution of the above-described commodities, from points in the United States (including Alaska, but excluding Hawaii), including all points of entry on the International Boundary Line between the United States and Canada, to points in Butler County, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Waterloo, Iowa, or Des Moines, Iowa.

No. MC 114273 (Sub-No. 315), filed November 29, 1977. Applicant: CRST,

INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by hardware, discount and department stores and supermarkets (except in bulk, in tank vehicles) from the facilities of Action Industries, Inc., at Pittsburgh and Cheswick, Pa., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Restricted to traffic originating at the above-named facilities and destined to the above-named destinations.

NOTE.—[Applicant states that in its Sub 107 it is authorized to serve the supporting shipper to the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.] Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 114457 (Sub-No. 340), filed November 22, 1977. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment) from St. Paul, Minn., to points in Pennsylvania, Georgia, Mississippi, and New Jersey.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, or Minneapolis, Minn., or Chicago Ill.

No. MC 115162 (Sub-No. 396), filed November 28, 1977. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Post Office Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials*, supplies and accessories used in the manufacture and installation thereof (except in bulk, in tank vehicles) between the facilities utilized by Robintech Inc., at or near Anderson, S.C.; Springfield, Ky.; and Vestal, N.Y.; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 115311 (Sub-No. 250), filed November 22, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O.

Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniel, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, valves, hydrants and materials and supplies* used in the installation thereof, from the plantsite and storage facilities of Clow Corp., located at or near Buckhannon, W. Va., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 115311 (Sub-No. 255), filed November 28, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniel, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising matter*, from Eden, N.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, South Carolina, Tennessee, Texas, Virginia, West Virginia, and District of Columbia; (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of malt beverages, and *returned empty malt beverage containers* (except commodities in bulk), from points in Alabama, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, South Carolina, Tennessee, Texas, Virginia, West Virginia, and District of Columbia, to Eden, N.C.; and (3) *malt beverages and related advertising matter, materials, and supplies* (except commodities in bulk) used in the manufacture, sale, and distribution of malt beverages between Miller Brewing Company plants, located at Eden, N.C.; Fulton, N.Y.; Milwaukee, Wis.; and Fort Worth, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Raleigh, N.C.

No. MC 115413 (Sub-No. 1), filed November 29, 1977. Applicant: BLISS-FIELD TRUCK LINE, INC., 631 Depot St., Blissfield, Mich. 49228. Applicant's representative: Marion M. Emery, 6055 Flanders Rd. Sylvania, Ohio 43560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Ohio north and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to Delphos, Ohio, thence along U.S. High-

way 30N to Bucyrus, Ohio, and thence along Ohio Highway 4 to Sandusky, Ohio, including points on the highways specified, on the one hand, and, on the other Toledo, Ohio. Restricted to traffic originating or destined from or to points beyond the State of Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio.

No. MC 115730 (Sub-No. 40), filed November 4, 1977. Applicant: THE MICKOW CORP., P.O. Box 1774, 531 Southwest Sixth Street, Des Moines, Iowa 50306. Applicant's representative: Antonio Colacino, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in the transportation of *plastic pipe, fittings, valves, hydrants, and materials and supplies used in the installation thereof*, from the facilities of Clow Corp., located at or near Buckhannon, W. Va., to points in Iowa, Kansas, Nebraska, Colorado, Wisconsin, Illinois, Indiana, Missouri, North Dakota, South Dakota, Minnesota, Arkansas, Kentucky, Michigan, Ohio and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 115826 (Sub-No. 279), filed November 21, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: Howard Gore, P.O. Box 5088, Terminal Annex, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk, in tank vehicles); From points in Colorado to points in Arizona, California, Florida, Illinois, Indiana, Kansas, Massachusetts, Michigan, Minnesota, New Mexico, New York, North Dakota, Ohio and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Denver, Colo. Common control may be involved.

No. MC 117068 (Sub-No. 89), filed December 5, 1977. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC. P.O. Box 6418, North Highway 63, Rochester, Minn. 55901. Applicant's representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terminal tractors* between Lyons, Ill., on the one hand, and, on the other, points in the United States including Alaska (except Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill., or Washington, D.C.

No. MC 117883 (Sub-No. 224), filed November 25, 1977. Applicant:

SUBLER TRANSFER, INC., 100 Vista Drive, Versailles, Ohio 45380. Applicant's representative: Neil E. Hannan, P.O. Box 62, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts*, and articles distributed by meat packinghouses, as described in sections A, B and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by John Morrell & Co. at or near Estherville, Humboldt, and Sioux City, Iowa, and Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill. or, in the alternative, Washington, D.C.

No. MC 118142 (Sub-No. 165) filed December 5, 1977. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Brad T. Murphree, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (1) from Lawrenceburg, Ind., to Kansas City, Mo.; (2) from Frankfort and Bradstown, Ky., to Kansas City, Mo.; (3) from Lynchburg, Tenn., to Kansas City, Mo. Restricted against commodities in bulk, and further restricted to the transportation of shipments originating at the said points of origin and destined to the warehouse facilities of McKesson Wine & Spirits Co. in Kansas City, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans. or Kansas City, Mo.

No. MC 119226 (Sub-No. 100), filed November 25, 1977. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Plastics*, in bulk, in hopper-type vehicles from Indianapolis, Ind., to points in the United States on and east of U.S. Highway 85, including points in Utah.

NOTE.—Applicant is controlled by Ecoff Trucking, Inc., who holds contract carrier

authority under Docket No. MC 128161 and MC 128161 (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests that it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 119557 (Sub-No. 8), filed November 28, 1977. Applicant: HOWARD KAYLOR AND KENNETH L. STUART, a partnership, d.b.a. K & S TANKLINE, Drawer "R", Copperhill, Tenn. 37317. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Sulfur dioxide*, from Copperhill, Tenn., to points in Oklahoma and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 119789 (Sub-No. 393), filed November 22, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and chemicals* (except in bulk), over irregular routes, from Dayton, Ohio to points in Arizona, California, Colorado, Florida, Georgia, Missouri, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dayton, Ohio or Chicago, Ill.

No. MC 119789 (Sub-No. 396), filed December 8, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles* distributed by meat packinghouses (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 from the plantsite and warehouse facilities of Wilson Foods Corp. at Cedar Rapids, Cherokee, and Des Moines, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia. Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 119988 (Sub-No. 128), filed December 1, 1977. Applicant: GREAT

WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex., 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum shutters, louvers, and ventilating products*, from Jacksonville, Ark., to points in the United States (except Alaska and Hawaii); and (2) *Machinery, equipment, materials, and supplies*, used in the manufacture of the commodities specified in (1), from points in the United States (except Alaska and Hawaii), to Jacksonville, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., or Little Rock, Ark.

No. MC 119988 (Sub-No. 129), filed December 1, 1977. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex., 75901. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, and related advertising materials*, from New Orleans, La., to points in Mississippi and Arkansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jackson, Miss., or New Orleans, La.

No. MC 123972 (Sub-No. 14), filed December 8, 1977. Applicant: LEO J. UMERLEY, INC., 9812 Philadelphia Road, Baltimore, Md. 21237. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages, from White Marsh, Md., to points and places in North Carolina, under a continuing contract or contracts with Watkins Salt Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md. or Washington, D.C.

No. MC 124211 (Sub-No. 311), filed November 17, 1977. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Drugs, health care and personal care products, and toilet preparations*, from Jersey City and points in Hudson County, N.J., to points in the United States in and west of Michigan, Indiana, Kentucky, Tennessee, and Mississippi (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. Common control may be involved.

No. MC 124887 (Sub-No. 44), filed November 17, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes in the transportation of: *Precut log buildings, knocked down, and materials and supplies* used in the construction of such commodities, between Blountstown, Fla., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Illinois, Kentucky, Tennessee, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla., or Atlanta, Ga.

No. MC 125777 (Sub-No. 203), filed December 1, 1977. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the facilities of Cargill, Inc., at or near Clarksville, Ind. to points in Indiana and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Indianapolis, Ind. or Louisville, Ky.

No. MC 126118 (Sub-No. 59), filed December 5, 1977. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie, P.O. Box 81228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, and related advertising materials*, from Eden N.C. to points in the states of Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and West Virginia; (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk), from points in the States of Alabama, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and West Virginia to Eden, N.C.

NOTE.—Applicant holds contract carrier authority in No. MC 128375 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Lincoln, Nebr.

No. MC 127042 (Sub-No. 195), filed November 28, 1977. Applicant: ILAGEN, INC., P.O. Box 98 Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Denver, Colo., to points in California, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 128273 (Sub-No. 272), filed November 17, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces, household air conditioners, compactors, microwave ovens, commercial air conditioners, ranges, stoves, range hoods, glassware, cooling surface units, and other household appliances, and parts, and accessories* for household appliances, and equipment, materials, and supplies used in the manufacture and distribution of household or commercial appliances (except commodities in bulk, in tank vehicles), between Fayetteville, Tenn., on the one hand, and, on the other, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 128273 (Sub-No. 273), filed November 17, 1977. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coffee and coffee products, tea, freeze dried coffee, extract of, instant, soluble, dry in jars, packages or cartons, beverage preparation, liquid tea concentrates*, (except commodities in bulk, in tank vehicles), from Linden and Morris Plains, N.J., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota,

Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 128273 (Sub-No. 275), filed December 5, 1977. Applicant: MID-WESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, Kans. 66701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and equipment, materials and supplies used in the manufacture of printed matter* (except commodities in bulk, in tank vehicles), between Lancaster, Pa., and Old Saybrook, Conn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128940 (Sub-No. 31), filed December 1, 1977. Applicant: RICHARD A. CRAWFORD d.b.a., R.A. CRAWFORD TRUCKING SERVICE, P.O. Box 722, Adelphi, Md. 20783. Applicant's representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel press plates*; (a) From Odenton, Md. to York, S.C.; (b) from York, S.C. to Mishawaka, Ind.; (c) from Mishawaka, Ind. to Odenton, Md. (2) *Laminated plastic sheets and carpet backing and adhesives, materials and supplies* used in the application thereof, from Long Beach, Calif. to points in Arizona, California, Colorado, New Mexico, Oregon and Washington. (3) *Carpet backing* from Summerville, S.C. to points in California. Under a continuing contract or contracts with Exxon Chemical Co., U.S.A.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MC 133689 (Sub-No. 160), filed December 9, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A, B and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Estherville, Humboldt, and Sioux City, Iowa, and Sioux Falls, S. Dak., to

points in Alabama, Florida, Georgia, South Carolina, Tennessee, and North Carolina. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plantsite and storage facilities of John Morrell & Co. and destined to points on the above-named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

MC 134262 (Sub-No. 14), filed November 28, 1977. Applicant's Name: FARMERS FEED & SUPPLY TRANSPORTATION, INC., Boyden, Iowa 51234. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and animal feed ingredients* (except liquids in bulk), between points in Minnesota, South Dakota, Iowa, Nebraska, Kansas, Missouri, and Wisconsin, on the one hand, and, on the other, points in New Mexico, Arkansas, Michigan, Indiana, Ohio, Kentucky, Tennessee, Alabama, Georgia, and Florida. Restricted to a transportation service to be performed under a continuing contract, or contracts, with Farmers Feed & Supply, Inc., at Boyden, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

MC 134477 (Sub-No. 201), filed November 28, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach, 5 West Mendota Road, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of Wisconsin Beef Industries, Inc., at or near Eau Claire, Wis., to points in the United States (except Alaska and Hawaii), and (2) *materials and supplies* used in the manufacture of the commodities described in (1) above, and fresh meats (except commodities in bulk), from points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, to the plantsite and storage facilities of Wisconsin Beef Industries, Inc., located at or near Eau Claire, Wis. Restricted to the traffic

originating at the mentioned origins in (1) and (2) above and destined to the destinations named in (1) and (2) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

MC 134806 (Sub-No. 49), filed November 22, 1977. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Brattleboro, Vt. 05301. Applicant's attorney: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal alloy rings and forgings*, from points in San Bernardino County, Calif., to points in Connecticut, under a continuing contract or contracts, with Pratt & Whitney Aircraft Group Technologies Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 135236 (Sub-No. 24), filed November 22, 1977. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, Ind. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the plantsites of Champale, Inc., at Trenton, N.J., and Norfolk, Va., to points in Arizona, Arkansas, California, Idaho, Kansas, Mississippi, New Mexico, Utah, Wyoming, Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 136008 (Sub-No. 90), filed November 28, 1977. Applicant: JOE BROWN COMPANY, INC., P. O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, (in bulk, in dump vehicles) from points in Kansas, to points in Arkansas, Colorado, Missouri, Nebraska, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Kansas City, Mo.

No. MC 138157 (Sub-No. 51), filed November 25, 1977. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, Tenn. 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chatta-

nooga, Tenn. 37412. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, tools and accessories*, from Los Angeles, Calif., to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, Tennessee, North Carolina, and South Carolina. Restriction: Restricted to traffic originating at the facilities of the Allen Group, Inc., located at or near Los Angeles, Calif. Further restricted against the transportation of commodities in bulk in tank vehicles and commodities which by reason of size or weight require the use of special equipment.

NOTE.—Applicant holds pending contract carrier authority in MC 134150 (Sub-No. 12), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138415 (Sub-No. 16), filed December 5, 1977. Applicant: TRAILER EXPRESS, INC., Box 327 Topeka, Ind. 46571. Applicant's representative: Michael M. Yoder, Box 321, Topeka, Ind. 46571. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Minimotor homes and camping trailers*, from the plant site of Rockwood, Inc., located at or near Millerburg, Elkhart County, Ind., to points in the United States (except Alaska, Arizona, Colorado, Hawaii, Montana, Nevada, Oregon, Utah, and Washington), and (2) *Vans*, from the plant site of Rockwood, Inc., located at or near Goshen, Elkhart County, Ind., to points in the United States (except Alaska, Arizona, Colorado, Hawaii, Montana, Nevada, Oregon, Utah, and Washington), under a continuing contract or contracts with Rockwood, Inc., Millersburg, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Chicago, Ill., or Indianapolis, Ind.

No. MC 138512 (Sub-No. 23), filed December 5, 1977. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 477, Cudahy, Wis. 53110. Applicant's representative: Richard C. Alexander, Suite 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, and related barrels, containers, and racks*, between Bongards and Winsted, Minn., on the one hand, and, on the other, facilities utilized by L. D. Schreiber Cheese Co., Inc., at Carthage and Monett, Mo., and Logan, Utah; under a continuing contract, or contracts, with L. D. Schreiber Cheese Co., Inc., located at Green Bay, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 139487 (Sub-No. 3), filed November 25, 1977. Applicant: COBO, INC., Route 2, Box 78A, Round Rock, Tex. 78664. Applicant's representative: Harry F. Horak, room 109, 5001 Brentwood Stair Road, Fort Worth, Tex. 76112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *coal* from Ward, Tex. to the plant sites of Texas Industries, Inc., at or near Streetman, Tex. and Clodine, Tex., restricted to traffic having a prior movement by rail from points outside of Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Fort Worth or Dallas, Tex.

No. MC 139495 (Sub-No. 290), filed November 28, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* from Portland, Ore. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 292), filed November 6, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal conduit and gluminum strips* (except such commodities which, because of size or weight, require special equipment) from Los Angeles, Calif. to points in Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, and the District of Columbia; and (2) *scrap aluminum* from the destination States named in (1) above to the origin named in (1) above.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 140315 (Sub-No. 6), filed December 5, 1977. Applicant: DEES TRANSPORTATION, INC., P.O. Box 446, Worland, Wyo. 82401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Applicant seeks authority to operate

as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *nonalcoholic beverages* from Worland, Wyo. to points in Colorado.

NOTE.—If the Commission deems necessary, applicant requests that any oral hearing be held in Denver, Colo. or Washington, D.C.

No. MC 140678 (Sub-No. 4), filed November 22, 1977. Applicant: ROBERT PATRICK MCCARTHY, d.b.a. TRICO, P.O. Box 1319, Tulare, Calif. 93274. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer* in bulk, (a) from Lathrop, Calif. to points in Washington and Idaho; (b) from Soda Springs, Don and Kellogg, Idaho to points in California, Washington, and Oregon; (2) *potash*, in bulk, from Little Mountain and Wendover, Utah to points in California, Oregon, Washington, and Idaho; and (3) *Sulfate of ammonia*, in bulk, in side dump or end dump vehicles, from Geneva, Utah to Lathrop, Calif. under continuing contract or contracts with Occidental Chemical Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco or Fresno, Calif.

No. MC 141527 (Sub-No. 8), filed November 28, 1977. Applicant: D&D LUMBER CO., INC., 2146 Amity Hill Road, Statesville, N.C. 28677. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plantsites and shipping facilities of Lewittes Furniture Enterprises, Inc., at or near Taylorsville, N.C., to points in Illinois, Indiana, Iowa, Minnesota, Pennsylvania, and Wisconsin, under a continuing contract or contracts with Lewittes Furniture Enterprises, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 141532 (Sub-No. 15), filed November 17, 1977. Applicant: PACIFIC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, Wash. 98002. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, in the transportation of: *Aluminum or aluminum products*, between points in California, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Ore., or San Francisco, Calif.

No. MC 141532 (Sub-No. 16), filed November 18, 1977. Applicant: PACIF-

IC STATES TRANSPORT, INC., 35433 16th Avenue South, Federal Way, Wash. 98002. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, Wash. 98005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in appendix V, Ex Parte No. MC 45, Descriptions in Motor Carrier Certificates, 61 MCC 209 and 61 MCC 766, from Portland, Oreg., to Sparks, Nev.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Reno, Nev.

Docket MC 142059 (Sub-No. 14), filed December 5, 1977. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, Ill. 60436. Applicant's representative: Jack Riley, 1830 Mound Road, Joliet, Ill. 60436. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic foam articles* (except commodities in bulk), from Belvidere, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

MC 142062 (Sub-No.9), filed December 5, 1977. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62 Sellersburg, Ind. 47172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products*, and such other commodities as are manufactured or distributed by a manufacturer of aluminum products, from the facilities of Reynolds Metals Co. at or near Louisville, Ky., to points in Texas; and (2) *returned, refused or rejected shipments of the foregoing commodities, from points in Texas to the facilities of Reynolds Metals Co. at or near Louisville, Ky., under a continuing contract, or contracts, with Reynolds Metals Co.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 142065 (Sub-No. 10), filed November 3, 1977. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. DRAWER F, Mulberry, Ark. 72947. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority sought as a contract carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food ingredients* (except in bulk), in vehicles equipped with mechanical refrigeration—from Crozet, Va.—to points in New Jersey, New York, and Pennsylvania—

under a continuing contract or contracts with Morton Frozen Foods, Division of ITT Continental Baking Co., Inc., of Charlottesville, Va.

NOTE.—If oral hearing is deemed necessary, applicant requests that same be held at Richmond, Va., or Little Rock, Ark. Applicant holds pending common carrier authority in MC 142672 and Subs thereunder, therefore dual operation may be involved.

No. MC 142204 (Sub-No. 6), filed November 18, 1977. Applicant: ROBERT R. GUNVILLE, Star Route 2, Lot 27—Bob's Mobile, Iron Mountain, Mich. 49801. Applicant's representative: Michael S. Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bark, sawdust, wood pulp fines, screening, and any other wood refuse, for use as fuel, from points in Delta, Dickinson, Iron, Marquette, Menominee Counties, Mich., to points in Brown, Forrest, Florence, Marinette, Oconto, and Outagamie Counties, Wis.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Green Bay, Wis., or Chicago, Ill.

No. MC 142368 (Sub-No. 8), filed November 28, 1977. Applicant: DANNY HERMAN TRUCKING, INC., 15252 Valley Boulevard, City of Industry, Calif. 91744. Applicant's representative: William J. Monheim, 13710 East Whittier Boulevard, Ste. 203, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Beverage and dessert ingredients and preparations* between Bridgeton, Mo., and City of Industry, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 143151 (Sub-No. 3), filed November 17, 1977. Applicant: MICHIGAN CONTRACT CARRIER, INC., 7746 South Division Avenue, Grand Rapids, Mich. 49509. Applicant's representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Canned and preserved pickles, peppers, relish, mustard, and cauliflower*, between the plant sites and storage facilities of Pilgrim Farms, Inc., at Plymouth, Ind., and Benthelm, Mich. (which is located in Allegan County, Mich.) and points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, south of Highway U.S. 136, and points within the Chicago commercial zone, Indiana, that part of Iowa on and west of a line described as beginning at Keokuk, thence north

on Highway U.S. 218 to Cedar Rapids, thence north on Iowa Highway 150 to its junction with Highway U.S. 52, thence north to the Iowa-Minnesota border (except Keokuk and its commercial zone), Kentucky, Louisiana, that part of Michigan on and east of a line described as Highways 127 and 27 from the Ohio border to Mackinaw City (except Lansing and its commercial zone), Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, and Tennessee, under a continuing contract or contracts with Pilgrim Farms, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Grand Rapids or Lansing, Mich.

No. MC 143160 (Sub-No. 2), filed November 21, 1977. Applicant: JERRY INMAN TRUCKING, INC., Route 2, Box 43-A, Mounds, Okla. 74047. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Synthetic yarn*, from the facilities of Mid-America Yarn Mills, Inc., located at or near Pryor, Okla., to points in Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif., under a continuing contract or contracts with Mid-America Yarn Mills, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 143254 (Sub-No. 1), filed November 30, 1977. Applicant: BOSTON CONTRACT CARRIER, INC., P.O. Box 68, Brookline, Mass. 02167. Applicant's representative: Henry U. Snaveley, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: I. (a) *paper and paper products, ink, adding machines and computers, copying machines, and work processing units*, and (b) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (a) above, between the facilities of the Nashua Corp. at Merrimack and Nashua, N.H., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); and II. (a) *Tape*, and (b) *equipment, materials, and supplies* used in the manufacture and distribution of tape, between the facilities of the Nashua Corp. at Chicago, Ill., and Watervliet, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); restricted in I. and II. above (1) against the transportation of commodities in bulk, and (2) to the performance of a transportation service under a continuing contract or con-

tract with the Nashua Corp., of Nashua, N.H.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass., or Washington, D.C.

No. MC 143325 (Sub-No. 2), filed December 5, 1977. Applicant: THOMAS L. ROLLANS, P.O. Box 365, Bryant, Ariz. 72022. Applicant's representative: Don A. Smith, P.O. Box 43, 510 N. Greenwood, Fort Smith, Ariz. 72902. Authority sought to operate as a contract carrier by motor vehicle, over irregular routes, transporting: *Construction materials, including concrete blocks, building blocks, masonry joint reinforcing, and industrial sands*, from El Dorado, Pine Bluff, and Little Rock, Ark., to points in that part of Louisiana on and north of U.S. Highway 190, and points in that part of Mississippi north and west of a line beginning at the Mississippi-Tennessee State line and extending along Mississippi Highway 7 to junction U.S. Highway 51, then along U.S. Highway 51 to its junction with U.S. Highway 84, then along U.S. Highway 84 to the Mississippi-Louisiana State line; and returned shipments of the named commodities from the destination territory to the origin points, under a continuing contract, or contracts, with Arkhola Sand and Gravel Co., a Division of Ashland-Warren, Inc., of Fort Smith, Ark.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 143371 (Sub-No. 1), filed December 2, 1977. Applicant: JOHN M. PARSONS, South Green Street, Tuckerton, N.J. 08087. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats, meat by-products, frozen foods, and dairy products* from Philadelphia, Pa., to points in Atlantic, Cape May, and Ocean Counties, N.J., restricted to shipments picked up and delivered the same day.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Newark, N.J.

No. MC 143674 (Sub-No. 2), filed November 17, 1977. Applicant: CUONO CERCIELLO, d.b.a., C. Cerciello Trucking Co., 186 12th Street, Belford, N.J. 07118. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Asphalt paver, cement, lime, sand, stones, and gravel, and mortar and sand mixes* (except in bulk), from Gibbsboro, N.J., to points in Connecticut, Delaware, Maryland, New York,

and Pennsylvania under a continuing contract or contracts with G. & W. H. Corson, Inc., Home Crete Division.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 143730 (Sub-No. 2), filed November 16, 1977. Applicant: PENINSULA TRUCKING CO., INC., 705 Morehouse Drive, New Castle, Del. 19720. Applicant's representative: Richard M. Ochroch, 327 South 17th Street, Philadelphia, Pa. 19103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain drug and pharmaceutical business houses, and in connection therewith, equipment, materials, and supplies* used in the conduct of such business, between points in Connecticut, Delaware, Florida, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Virginia, under a continuing contract or contracts with R. Baylin Co., trading as Action Drug Co., at New Castle, Del.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.; Washington, D.C.; or Baltimore, Md.

No. MC 143745 (Sub-No. 1), filed December 5, 1977. Applicant: LEONARD O. APPLE, d.b.a.: APPLE'S TRANSPORT SERVICE, 11703 Gard Avenue, Norwalk, Calif. 90650. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Overhead sprinkler systems and components thereof*, from the plant facilities of Automatic Sprinkler Corp. of America located at or near Santa Fe Springs, Calif. to points in Arizona, Colorado, Nevada, New Mexico, Oregon, Texas, Utah, and Washington; and (2) *materials, equipment and supplies* used in the manufacture of overhead sprinkler systems, from points in the destination States in (1) above to the plant facilities of Automatic Sprinkler Corp. of America at Santa Fe Springs, Calif., under a continuing contract or contracts with Automatic Sprinkler Corp. of America, located at Santa Fe Springs, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 143871 (Sub-No. 2), filed December 9, 1977. Applicant: MS & SONS CORP., P.O. Box 334, Humboldt, Iowa 50548. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer materi-*

als, from Humboldt, Iowa to points in Colorado, Wisconsin, Illinois, Kansas, and points in Minnesota north of U.S. Highway 12.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 143903 (Sub-No. 1), filed December 2, 1977. Applicant: O'NEILL BROS. TRANSFER & STORAGE CO., 906 So. West Commercial Street, Peoria, Ill. 61602. Applicant's representative: Robert T. Lawley, 300 Reich Building, Springfield, Ill. 62701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *building materials*, (except in bulk), between (1) Peoria, Ill. on the one hand, and, on the other, Maryland Heights, Mo. and (2) from Peoria, Ill. to Cedar, Clinton, Des Moines, Henry, Johnson, Lee, Louisa, Muscatine, Scott, and Washington Counties, Iowa; and Clark County, Mo., under a continuing contract or contracts with Sequoia Supply, Inc., located at Peoria, Ill.

NOTE.—Applicant holds common carrier authority in No. MC-60506, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC 143940 (Sub-No. 1), filed November 22, 1977. Applicant: ANDERSON TRUCK & TERMINAL, INC., P.O. Box 157, Grand Saline, Tex. 75140. Applicant's representative: Wilburn L. Williamson, 280 National foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry Sulphur*, from the facilities of Agri-Sul, Inc., located at or near Minneola, Tex., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 114900, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 143945 (Sub-No. 3), filed December 2, 1977. Applicant: ARTRANSPO, INC., 2706 South Nelson Avenue, Arlington, Va. 22206. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Objects of art and such commodities as are displayed by museums and art galleries*, between points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 143945 (Sub-No. 3), filed December 2, 1977. Applicant: ARTRANSPO, INC., 2706 South Nelson Avenue, Arlington, Va. 22206. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Objects of art and such commodities as are displayed by museums and art galleries*, between points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 143945 (Sub-No. 3), filed December 2, 1977. Applicant: ARTRANSPO, INC., 2706 South Nelson Avenue, Arlington, Va. 22206. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Objects of art and such commodities as are displayed by museums and art galleries*, between points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 143945 (Sub-No. 3), filed December 2, 1977. Applicant: ARTRANSPO, INC., 2706 South Nelson Avenue, Arlington, Va. 22206. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Objects of art and such commodities as are displayed by museums and art galleries*, between points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

als, from Humboldt, Iowa to points in Colorado, Wisconsin, Illinois, Kansas, and points in Minnesota north of U.S. Highway 12.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 143903 (Sub-No. 1), filed December 2, 1977. Applicant: O'NEILL BROS. TRANSFER & STORAGE CO., 906 So. West Commercial Street, Peoria, Ill. 61602. Applicant's representative: Robert T. Lawley, 300 Reich Building, Springfield, Ill. 62701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *building materials*, (except in bulk), between (1) Peoria, Ill. on the one hand, and, on the other, Maryland Heights, Mo. and (2) from Peoria, Ill. to Cedar, Clinton, Des Moines, Henry, Johnson, Lee, Louisa, Muscatine, Scott, and Washington Counties, Iowa; and Clark County, Mo., under a continuing contract or contracts with Sequoia Supply, Inc., located at Peoria, Ill.

NOTE.—Applicant holds common carrier authority in No. MC-60506, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC 143940 (Sub-No. 1), filed November 22, 1977. Applicant: ANDERSON TRUCK & TERMINAL, INC., P.O. Box 157, Grand Saline, Tex. 75140. Applicant's representative: Wilburn L. Williamson, 280 National foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry Sulphur*, from the facilities of Agri-Sul, Inc., located at or near Minneola, Tex., to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 114900, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 143945 (Sub-No. 3), filed December 2, 1977. Applicant: ARTRANSPO, INC., 2706 South Nelson Avenue, Arlington, Va. 22206. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Objects of art and such commodities as are displayed by museums and art galleries*, between points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 143945 (Sub-No. 3), filed December 2, 1977. Applicant: ARTRANSPO, INC., 2706 South Nelson Avenue, Arlington, Va. 22206. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Objects of art and such commodities as are displayed by museums and art galleries*, between points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 143945 (Sub-No. 3), filed December 2, 1977. Applicant: ARTRANSPO, INC., 2706 South Nelson Avenue, Arlington, Va. 22206. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Objects of art and such commodities as are displayed by museums and art galleries*, between points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 143945 (Sub-No. 3), filed December 2, 1977. Applicant: ARTRANSPO, INC., 2706 South Nelson Avenue, Arlington, Va. 22206. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Objects of art and such commodities as are displayed by museums and art galleries*, between points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or New York, N.Y.

No. MC 144007, filed November 15, 1977. Applicant: LIFT TRUCK CARTAGE SERVICE, INC., 4422 Harrison, Kansas City, Mo. 64110. Applicant's attorney: Tom B. Kretsinger, 910 Brookfield Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Material handling systems*, between Kansas City, Mo., on the one hand, and, on the other, points in Kansas, Battle Creek, Mich., and Georgetown, Ky., under a continuing contract or contracts with Lift Truck Sales and Service, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 144042 (Sub-No. —), filed November 18, 1977. Applicant: HUNTER BROKERAGE, INC., 805 32nd Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Bradford E. Kistler, P.O. Box 82028 Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, and accessories* used in the installation thereof (except commodities in bulk, in tank vehicles, and plastic pipe and fittings used in or in connection with the discovery, development, distribution of natural gas and petroleum and their products and byproducts), from the facilities of Cresline Plastic Pipe Co., Inc. at Council Bluffs, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *Materials, supplies, and accessories* used in the manufacture and distribution of plastic pipe, plastic fittings, and accessories used in the installation thereof (except commodities in bulk, in tank vehicles), from points in the United States (except Alaska and Hawaii), to the facilities of Cresline Plastic Pipe Co., Inc. at Council Bluffs, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. Applicant holds contract carrier authority in MC 136817 Sub 3, therefore dual operations may be involved. Common control may also be involved.

No. MC 144073, filed December 5, 1977. Applicant: COMPUTER TRANSPORT OF GEORGIA, INC., 3914 Shirley Drive, SW., Atlanta, Ga. 30336. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Reproducing or copying machines, computers, verifiers, collators, sorters, receivers, and transmitters, printers, typewriters, X-ray equipment, and supplies, parts, and accessories* used in connection therewith, between Charleston, W. Va., on the one hand, and, on the other,

points in Carter, Elliott, Floyd, Greenup, Harlan, Johnson, Knott, Lawrence, Letcher, Magoffin, Martin, Morgan, and Pike Counties, Ky.; points in Adams, Athens, Brown, Gallia, Jackson, Lawrence, Meigs, Monroe, Pike, Scioto, and Washington Counties, Ohio; and points in Bland, Buchanan, Dickerson, Russell, Smyth, and Tazewell Counties, Va.; restricted to service performed under a continuing contract or contracts with Xerox Corp. of Arlington, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Columbus, Ohio.

No. MC 144102, filed December 9, 1977. Applicant: DEAKIN FINE ART TRANSPORT LIMITED, 2 Pape Avenue, Toronto, Ontario, Canada M4M 2V6. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Fine art objects, paintings, sculpture, and original works of art*, between ports of entry on the International Boundary line between the United States and Canada in New York and Michigan on the one hand and, on the other, points in Illinois, Maryland, Massachusetts, Michigan, New York, Ohio, Pennsylvania, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y.

No. MC 144143, filed December 9, 1977. Applicant: PORT TERMINAL TRANSPORTATION, INC., 37-39 George Street, Newark, N.J. 07105. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities as are dealt in by electronic equipment and supply stores*, between the facilities of Lafayette Radio Electronics Corp., at Syosset and Hauppauge, N.Y., on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, Missouri, New Jersey, Ohio, Pennsylvania, Virginia, Wisconsin, Minnesota, and Rhode Island, under a continuing contract or contracts with Lafayette Radio Electronics Corp., Syosset, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 144198, filed December 5, 1977. Applicant: T & J TRUCKING, INC., P.O. Box 238, Cheshire, Mass. 01225. Applicant's representative: David M. Marshall, 101 State Street, Suite 304, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over ir-

regular routes, in the transportation of: *Prestressed concrete products, and materials, supplies, and equipment* used in connection with the manufacture and distribution of such products between points in Berkshire County, Mass., on the one hand, and, on the other, points in the United States east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana under a continuing contract or contracts with Unistress Corp.

NOTE.—Dual operations may be involved in this proceeding. Applicant requests that if a hearing is deemed necessary it be held in Albany, N.Y., Hartford, Conn., or Boston, Mass.

No. MC 126620 (Sub-No. 4), filed November 15, 1977. Applicant: CALIFORNIA PARLOR CAR TOURS CO., a corporation, 1101 Van Ness Avenue, San Francisco, Calif. 94109. Applicant's representative: W. L. McCracken, Greyhound Tower, Phoenix, Ariz. 85077. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in special operations, in one-way and round trip sightseeing and pleasure tours: Between Los Angeles, Calif., and Las Vegas, Nev., from Los Angeles, Calif., over Interstate Highway 5 via Anaheim and San Juan Capistrano to San Diego, Calif., thence over Interstate Highway 15 via Escondido and San City to junction California Highway 74, thence over California Highway 74 via Hemet to junction California Highway 111 at Palm Desert, thence over California Highway 111 to Indio, Calif., thence return over California Highway 111 via Palm Desert and Palm Springs, Calif., to junction Interstate Highway 10, thence over Interstate Highway 10 to junction Interstate Highway 15, thence over Interstate Highway 15 via Barstow and Baker, Calif., to Las Vegas, Nev., serving the off-route point of Calico, Calif., and all intermediate points, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at Los Angeles, Calif., and Las Vegas, Nev.

No. MC 142069 (Sub-No. 1), filed December 5, 1977. Applicant: CAMIONETAS MODERNAS, a corporation, 1504 West 18th Street, Chicago, Ill. 60608. Applicant's representative: Anthony T. Thomas, 6017 Cermack Road, Cicero, Ill. 60650. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operation, in van vehicles, not to exceed fourteen seats, between Chicago, Ill., and Laredo, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 143194 (Sub-No. 2), filed November 18, 1977. Applicant: FRED H.

SCHULTZ CO., 1935 Pepper Avenue, Lincoln, Nebr. 68502. Applicant's representative: Fred H. Schultz (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers (who are train crews) and their baggage*, in special operations between Lincoln Nebr., and all points in Kansas, Iowa, and Missouri; and those points in South Dakota east of a line beginning at the North Dakota-South Dakota state line, thence over U.S. Highway 85 to its junction with U.S. Highway 385 south to the South Dakota-Nebraska State line; those points in Nebraska east of a line beginning at the South Dakota-Nebraska State line, thence over U.S. Highway 385 south to the Nebraska-Colorado State line; those points in Minnesota on and south of U.S. Highway 12, under continuing contract or contracts with Burlington Northern Railroad.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Omaha or Lincoln, Nebr.

No. MC 144006, filed November 4, 1977. Applicant: MAPLE RIDGE BUS SERVICE, LTD., 2622 Rogate Avenue, Coquitlam, British Columbia, Canada, V3K 5S4. Applicant's representative: Henry Winters, 15 South Grady Way, Suite 235, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in round trip charter or special operations, beginning and ending at those ports of entry on the United States-Canada boundary line located at or near Blaine, Lynden, and Sumas, Wash., and extending to points in Washington and Portland, Oreg., and return.

NOTE.—If hearing should be necessary, we request that it be held at Seattle, Wash.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

(PR Doc. 78-2821 Filed 2-1-78; 8:45 am)

[7035-01]

(Volume No. 57)

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

JANUARY 27, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOTICE

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket", "sub", and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protest shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 136258 (Sub-No. 3) M1 (Notice of Filing of Petition To Modify Certificate), filed December 9, 1977. Petitioner: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 9165, Savannah, Ga. 31402. Petitioner's representative: William Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Petitioner holds a *motor common carrier* certificate in MC 136285 (Sub-No. 3), issued September 30, 1977, authorizing transportation over irregular routes, of: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, and motor vehicles), in containers or in trailers, having an immediately prior or subsequent movement by water, between Charleston, S.C., Jacksonville, Fla., and Savannah, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee; *Empty containers, trailers and trailer chassis*, between points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. By the instant petition, petitioner seeks to change the restriction reading "in containers or in trailers", to "in or on containers or trailers". The restriction reading "having an immediately prior or subsequent movement by water", be changed to read, "having a prior or subsequent movement by water or rail". And that the restriction reading "commodities in bulk", be deleted and replaced by "the above authority is restricted against the transportation of commodities in bulk except in demountable containers".

¹Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

portation of commodities in bulk except in demountable containers".

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such pleading shall comply with Special Rule 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 107515 (Sub-No. 1071) (republication), filed April 22, 1977, published in the FEDERAL REGISTER issue of May 26, 1977, and republished this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. An Order of the Commission, Review Board No. 1, decided December 14, 1977, and served December 20, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meatpacking houses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from the facilities used by Superior Packing Co., Inc., at Ellensburg and Seattle, Wash., to points in Alabama, Georgia, Florida, Kentucky, Louisiana, New Jersey, North Carolina, South Carolina, Tennessee, Texas, and Virginia, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. The purpose of this republication is to indicate the addition of Georgia and Tennessee as

destination states in applicant's actual grant of authority.

No. MC 112595 (Sub-No. 68) (republication), filed February 17, 1977, published in the *FEDERAL REGISTER* issue of April 7, 1977, and republished this issue. Applicant: FORD BROTHERS, INC., Box 727, Ironton, Ohio 45638. Applicant's representative: James W. Muldoon, 50 West Broad Street, Suite 1815, Columbus, Ohio. An Order of the Commission, Review Board Number 4, decided December 16, 1977, and served December 21, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from Middletown, Ohio, to points in Illinois, Indiana, Kentucky, and Michigan; and (2) *propane*, in bulk, in tank vehicles from West Kankakee, Ill., and the Tod Hunter pipeline terminal facilities at or near Middletown, Ohio, to points in Indiana, and that applicant is fit, willing, and able properly to perform the service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the broadening of the origin in (2) above as "at or near Middletown, Ohio" in lieu of "and Middletown, Ohio".

No. MC 117686 (Sub-No. 178) (republication), filed July 20, 1977, published in the *FEDERAL REGISTER* issue of September 1, 1977, and republished this issue. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). An Order of the Commission, Review Board No. 2, decided December 6, 1977, and served December 20, 1977, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Clothing and wearing apparel*, and *component parts* used in the manufacture thereof, (except commodities in bulk), from Los Angeles, Calif., and Seattle, Wash., to Minneapolis, Minn.; (2) *clothing and wearing apparel*, *component parts* used in the manufacture thereof, and materials, supplies, and equipment used in manufacture and sale of clothing and wearing apparel, (except commodities in bulk), (a) from Hamilton and Guin, Ala., to Minneapolis, Minn., Memphis, Tenn., and Winfield, La.; (b) from Crossville, Tenn., to Minneapolis, Minn.; (c) from Memphis, Tenn., to points in California; (d) from Paris, Tex., to Memphis, Tenn., and Arkadel-

phia, Ark.; (e) from Winfield, La., to Memphis, Tenn.; (f) from Minneapolis, Minn., to points in Alabama, California, Georgia, and Washington; and (3) *yarn*, from Gastonia, Belmont, and Albermanle, N.C., and Thomaston, Ga., to Minneapolis, Minn., restricted in (1) above to the transportation of traffic having a prior movement by water and destined to the named destinations; restricted in (2) above to the transportation of traffic originating at the facilities of the Munsingwear Co. at the named origin points and destined to the named destinations; and also restricted in (3) above to the transportation of traffic destined to the named destination. The purpose of this republication is to indicate the restriction modifications.

No. MC 117820 (Sub-No. 13) (republication), filed May 23, 1977, published in the *FEDERAL REGISTER* issue of June 30, 1977, and republished this issue. Applicant: AURELIA TRUCKING CO., a corporation, 2136 Pine Grove Avenue, Port Huron, Mich. 48060. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102 Bloomfield Hills, Mich. 48013. An Order of the Commission, Review Board No. 3, decided December 27, 1977, and served January 18, 1978, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, in the transportation of: (1) *Frozen fruits and frozen berries*, from points in the Lower Peninsula of Michigan and points in Door, Kewaunee, and Brown Counties, Wis., to the facilities of Jen's, Inc. at or near Duluth, Minn.; (2) *foodstuffs*, (except in bulk, from the facilities of Jen's, Inc., at or near Duluth, Minn., to points in Ohio, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and Rhode Island, and the District of Columbia; and (3) *paper and paper products*, from the facilities of Northwest Paper Division of Potlatch Corp., at or near Brainerd and Cloquet, Minn., to points in Michigan (except Dewitt and points in Sanilac County), and points in Ohio (except Maumee); restricted in (1), (2), and (3) above to the transportation of shipments originating at the named origins and destined to the named destinations. The purpose of this republication is to add the facility of Northwest Paper Division of Potlatch Corp. at or near Brainerd, Minn. as an origin point.

No. MC 119741 (Sub-No. 65) (republication), filed February 10, 1977, published in *FEDERAL REGISTER* issue of April 7, 1977, and republished this issue. Applicant: GREEN FIELD

TRANSPORT CO., INC., 3225 Fifth Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: D. L. Robson, P.O. Box 1325, Fort Dodge, Iowa 50501. An Order of the Commission, Review Board No. 3, decided November 17, 1977, and served December 12, 1977, finds that the present and future public convenience and necessity require operations by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, in the transportation of *meats*, *meat products*, *meat byproducts* and articles distributed by meatpacking houses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Dubuque Packing Co., Inc., at or near Mankato, Kans., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin, and the District of Columbia, restricted to the transportation of shipments originating at the named origin and destined to the named destinations, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to include Indiana as a destination point which was inadvertently omitted in the previous publication.

No. MC 134484 (Sub-No. 11) (republication), filed March 3, 1977, published in the *FEDERAL REGISTER* issue of April 21, 1977, and republished this issue. Applicant: EDWARDS BROS., INC., 1875 North Holmes Avenue, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. An Order of the Commission, Review Board No. 2, decided December 19, 1977, and served January 3, 1978, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat*, in carcass form, from Toppenish, Wash., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, and Utah; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity description in applicant's actual grant of authority.

No. MC 138231 (Sub-No. 3) (republication), filed May 13, 1977, published

in the *FEDERAL REGISTER* issue of June 23, 1977, and republished this issue. Applicant: WILBUR CARTER, 401 St. Augustine Road, Valdosta, Ga. 30349. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. An Order of the Commission, Review Board No. 2, decided November 29, 1977, and served December 9, 1977, finds that operations by applicant will be consistent with the public interest, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, in the transportation of (1) *Furniture*, from Candler, N.C., and Huntsville, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Delaware, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia to Candler, N.C., and Huntsville, Ala., under a continuing contract, or contracts with Harris Pine Mills, of Pendleton, Ore. The purpose of this republication is to broaden the territorial description by adding the States of Delaware, Maryland, Virginia, and West Virginia.

No. MC 138564 (Sub-No. 1) (republication), filed April 16, 1976, published in the *FEDERAL REGISTER* issue of May 6, 1976 as Florida Docket No. 760290-CCT, and republished this issue. Applicant: DUVAL CARTAGE, INC., 321 North Lane Avenue, Jacksonville, Fla. 32205. Applicant's representative: Richard B. Austin, Suite 214, Palm Coast II Building, 5255 Northwest 87th Avenue, Miami, Fla. 33178. An Order of the Commission, Review Board No. 4, decided December 16, 1977, and served January 6, 1978, finds that applicant may conduct operations in interstate or foreign commerce within limits which do not exceed the scope of the intrastate operations for which applicant holds Certificate No. 1291 embraced in order dated September 14, 1977, issued by the Florida Public Service Commission, which authorizes operations as a common carrier by motor vehicle, solely within the State of Florida in the transportation of *General commodities* (except household goods as defined by the Commission; articles of unusual value, including performance of armored car services; articles which are injurious to other loadings; commodities in bulk, building and construction materials on flatbed trailers; and articles which, by reason of their size or weight, require specialized handling and equipment; commodities between military installations for the U.S. Government) between points in the city of Jacksonville. The purpose of this republication is to reflect applicant's actual grant of authority.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the *FEDERAL REGISTER* of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2473 (Sub-No. 17), filed November 22, 1977. Applicant: BUILD-

INGS TRANSFER CORP., INC., Green Needles Road, Lexington, N.C. 27292. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from Startex, Spartanburg, Rock Hill, Lancaster, Grace, Blacksburg, and Carlisle, S.C., and all points in that part of North Carolina included within the boundaries of a line extending 100 miles from Forsyth, Guilford, Davidson and Stokes Counties, N.C. (including points within those counties), to points in Union County, Pa. and those in that part of Pennsylvania bounded by a line beginning at the Pennsylvania-New Jersey State line and extending west along U.S. Highway 22 to junction U.S. Highway 15 near Harrisburg, Pa., thence north along U.S. Highway 15 to junction Interstate Highway 80 near New Columbia, Pa., thence east along Interstate Highway 80 to junction U.S. Highway 11 at or near Lime Ridge, Pa., thence northeast along U.S. Highway 11 to junction Pennsylvania Highway 309 at or near Kingston, Pa., thence north along Pennsylvania Highway 309 to junction U.S. Highway 6 at or near Dickson City, Pa., thence east along U.S. Highway 6 to the Pennsylvania-New Jersey State line and thence south along the Pennsylvania-New Jersey State line to point of beginning, including service to points on all highways specified except U.S. Highway 22.

NOTE.—Applicant states that the sole purpose of its application is to substitute a single line service for its existing joint-line operations. If a hearing is deemed necessary, applicant requests that it be held at either Charlotte, N.C., or Washington, D.C.

No. MC 13123 (Sub-No. 93), filed December 1, 1977. Applicant: WILSON FREIGHT CO., a corporation, 11353 Reed Hartman Highway, Cincinnati, Ohio 45241. Applicant's representative: Milton H. Bortz, 11353 Reed Hartman Highway, Cincinnati, Ohio 45241. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving the site of the Marble Hill nuclear generating station at or near Paynesville, Ind. as an off-route point in connection with carrier's otherwise authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Cincinnati, Ohio.

No. MC 18037 (Sub-No. 7), filed December 2, 1977. Applicant: CHAS. LEVY CIRCULATING CO., a corpora-

tion, 1200 North Branch Street, Chicago, Ill. 60622. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines*, from Brookfield, Wis., to Chicago, Ill., and points within its commercial zone, and South Bend, Ind., under a continuing contract, or contracts, with Newsweek, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 25869 (Sub-No. 136), filed December 5, 1977. Applicant: NOLTE BROS. TRUCK LINE, INC., 6217 Gilmore Avenue, P.O. Box 7184, South Omaha Station, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a motor *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is used or distributed by wholesale, retail, chain grocery, and food business houses (except commodities in bulk in tank vehicles), from the plantsite and storage facilities used by A. E. Staley Manufacturing Co. and subsidiaries or divisions within the Chicago, Ill. commercial zone, to points in Colorado and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 30844 (Sub-No. 597), filed November 25, 1977. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: John P. Rhodes, P.O. Box 5000 Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, petroleum products, vehicle body sealer and sound deadner compounds*, (except in bulk), and *filters*, from points in Marion County, Tenn., to points in and east of North Dakota, South Dakota, Colorado, Oklahoma, and Texas, and in and north of Missouri, Illinois, Indiana, Ohio, West Virginia and Virginia, restricted to traffic originating at points in Marion County, Tenn.; (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of the commodities named in (1) above, (except in bulk), from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia and Kentucky, to Marion County, Tenn., restricted to traffic destined to Marion County, Tenn.; and (3) *petroleum, petroleum products, vehicle body sealer, and sound deadner compounds* (except in bulk), and *filters*, from points in Ohio, New York,

Rhode Island, Pennsylvania and West Virginia, to points in Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC 35320 (Sub-No. 151) (correction), filed September 30, 1977, published in the FEDERAL REGISTER issue of November 25, 1977, and republished as corrected this issue. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Kenneth G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *General commodities* (except household goods as defined by the Commission), serving the plantsite and facilities of the Wal Mart Co., located at or near Searcy, Ark.

NOTE.—The purpose of this republication is to indicate the correct number as MC 35320 (Sub-No. 151), which was previously published as MC 35320 (Sub-No. 1512). If a hearing is deemed necessary, the applicant requests that it be held at either Little Rock, Ark., or Oklahoma City, Okla.

No. MC 43683 (Sub No. 31), filed December 1, 1977. Applicant: BAKER DRIVEAWAY CO., INC., 3999 East South Boulevard, Bloomfield Hills, Mich. 48013. Applicant's representative: S. S. Elsen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *New automobiles, new trucks, bodies, cabs, chassis, and unfinished automobiles* moving in secondary movements in truckaway and driveway service from Winston-Salem, N.C., to points in Georgia.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Detroit, Mich., or Washington, D.C.

No. MC 50866 (Sub-No. 8), filed December 7, 1977. Applicant: BURLINGAME TRUCK LINE, INC., R.R. 2 Scranton, Kans. 66537. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicles over irregular routes, transporting: *Dry feed and dry feed ingredients*, (except in tank vehicles), from Emporia, Kans., to points in Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 59150 (Sub-No. 110), filed December 2, 1977. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, composition shingles, rolled roofing, roofing cements, roofing asphalt* (except liquid), and *accessories* thereto, from Tuscaloosa, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Mississippi, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Birmingham, Ala.

No. MC 61440 (Sub-No. 161), filed December 7, 1977. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Aberdeen Manufacturing Co. and its subdivisions located at or near Kaufman, Tex., an off route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

No. MC 78118 (Sub-No. 36), filed December 2, 1977. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, (1) from Paint and Elk Townships, Clarion County, Pa., to points in Virginia, North Carolina, South Carolina, Georgia, and Florida, and that part of West Virginia on and north of U.S. Highway 50; (2) from the Borough of Knox, Clarion County, Borough of Marienville, Forest County, and the Borough of Parker, Armstrong County, Pa., to points in West Virginia on and north of U.S. Highway 50. Restricted to traffic originating at and destined to the above origins and destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 82492 (Sub-No. 170), filed November 23, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, frozen* (except commodities in

bulk), from the facilities of Green Giant Co. located at or near Belvidere, Ill., to points in Indiana, Kentucky, Michigan and Ohio. Restriction: Restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 87689 (Sub-No. 13), filed December 8, 1977. Applicant: INTERCITY TRUCK LINES LTD., 3033 Universal Drive, Mississauga, Ontario M8Z 5R3. Applicant's representative: John R. Davidson, Suite 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between the port of entry on the international boundary line between the U.S. and Canada located at or near Sweetgrass, Mont. and Great Falls, Mont., (2) from the port of entry on the international boundary line between the U.S. and Canada, located at or near Sweetgrass, Mont., over Interstate 15 and U.S. Highway 91 to Great Falls, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont. Common control may be involved.

No. MC 100666 (Sub-No. 370), filed December 7, 1977. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings and connections and materials, supplies and accessories* used in the manufacture and installation thereof (except in bulk, in tank vehicles), between facilities utilized by Robintech Inc. at or near Grinnell, Iowa; Rolla, Mo.; and Hillsboro, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 103993 (Sub-No. 912), filed December 7, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani, 28651 U.S. 20 West, Elkhart, Ind. 46514. Authority sought to operate as a *common carrier*, by

motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the facilities of Masonite Corp., Roofing Division, located at or near Meridian, Miss., to points in the United States in and east of the States of Wisconsin, Illinois, Kentucky, Tennessee and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 103993 (Sub-No. 915), filed December 6, 1977. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from the facilities of the Gilman Paper Co., at Dudley (Laurens County) Ga, at or near Blackshear (Pierce County), Ga. to points in Texas, Louisiana, Arkansas, Missouri, Illinois, Wisconsin, Michigan (lower peninsula), Indiana, Ohio, West Virginia, Maryland, Delaware, South Carolina, New Jersey, Pennsylvania and New York; and (2) from the plantsite of Gilman Paper Co., Building Products Division, at approximately eight (8) miles north of Middlebury (Clay County), Fla., to points in Georgia, Alabama, Mississippi, Louisiana, Texas, Arkansas, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, District of Columbia, Delaware, New Jersey, Pennsylvania and New York.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Jacksonville, Fla.

No. MC 104421 (Sub-No. 22), filed December 7, 1977. Applicant: ECONOLINES, INC., P.O. Box 623, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Roger W. Norris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank or hopper type vehicles), from points in Iowa (except Council Bluffs, Glenwood, Hospers, Sioux Center, and Sioux City), and Minnesota, to points in Burt County, Nebr. Restriction: The authority hereinabove is restricted to the transportation of shipments originating at the above-named origins.

NOTE.—Common control may be involved. If oral hearing is deemed necessary, the applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 105045 (Sub-No. 45), filed November 25, 1977. Applicant: R.L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery, equipment, and supplies, and parts of or for the above-specified machinery and equipment*, between points in Illinois, Indiana and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Chicago, Ill., or Washington, D.C.

No. MC 106074 (Sub-No. 56), filed December 5, 1977. Applicant: B AND P MOTOR LINES, INC., Oakland Road, P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass fiber, glass fiber rovings, yarn and strand, glass fiber mats and matting, glass fiber fabric, and glass fiber waste*, from South Lexington and West Shelby, N.C., to points in Texas.

NOTE.—Applicant holds contract carrier authority in No. MC 140842 sub 1, and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C. or Pittsburgh, Pa.

No. MC 106674 (Sub-No. 274), filed December 2, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and conduit and accessories* from points in Geneva County, Ala., to points in the United States in and east of Minnesota, Iowa, Missouri, Oklahoma, and Texas and (2) *materials, equipment and supplies used in the manufacture, distribution and sale of plastic pipe and conduit and accessories*, from the above named destination States, to points in Geneva County, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill., or Indianapolis, Ind.

No. MC 107002 (Sub-No. 524), filed November 23, 1977. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum prod-*

ucts, in bulk, in tank vehicles, from the facilities of Vulcan Asphalt Refining Co., located at or near Cordova, Ala., to points in Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 111045 (Sub-No. 148) (correction), filed September 29, 1977, published in the FEDERAL REGISTER issue of November 25, 1977, and republished as corrected this issue. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: L. W. Fincher (same address as applicant). Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank vehicles, from points in Washington County, Ala., to points in Florida, Louisiana, Tennessee, Arkansas, Alabama, Mississippi and Georgia.

NOTE.—The purpose of this correction is to indicate the addition of the State of Georgia, which was inadvertently omitted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C. Common control may be involved.

No. MC 111545 (Sub-No. 245), filed November 25, 1977. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30065. Applicant's representative: Robert E. Born (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Material handling equipment, and (2) parts, attachments, and accessories for commodities named in (1) above: From New Bremen, Ohio, to points in California and points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, Iowa and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held either in Columbus, Ohio or Washington, D.C.

No. MC 111812 (Sub-No. 542), filed November 3, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: David Peterson, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, frozen and not frozen from points in Kansas City, Kans.—Kansas City, Mo. commercial zone to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas

City, Missouri. Common control may be involved.

No. MC 111812 (Sub-No. 551), filed December 1, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in or used by retail stores (except commodities in bulk), between Des Moines, Iowa, on the one hand, and, on the other, points in California and Nevada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Des Moines, Iowa.

No. MC 112520 (Sub-No. 347), filed December 6, 1977. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum and Petroleum Products, in bulk, in tank vehicles, from points in Duval County, Fla., to points in Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 112593 (Sub-No. 21), filed November 25, 1977. Applicant: SIDNEY W. JOHNSON, d.b.a. Southwestern Film Service, 6767 Guadalupe Trail, NW., Albuquerque, New Mexico 87107. Applicant's representative: Thomas J. Burke, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80264. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Books, from Denver, Colo. to Albuquerque, New Mexico, and (2) Books and magazines, from Denver, Colo., to points in New Mexico, except Albuquerque.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in (1) Albuquerque, New Mexico; (2) Denver, Colo.

No. MC 112963 (Sub-No. 71), filed December 7, 1977. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy, 764 Boston Road, Pinehurst, Mass. 01866. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: plastics, dry, in bulk, from Pawtucket, R.I., to Elkton, Md., New Brunswick, N.J., Sycamore, Ill., Tarboro, N.C., Hazelhurst, Miss., Miami, Fla., and Westfield, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass. or Washington, D.C.

No. MC 112989 (Sub-No. 54) (correction), filed November 4, 1977, published in the FEDERAL REGISTER issue of December 29, 1977, and republished as corrected this issue. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, Oreg. 97405. Applicant's representative: John W. White, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Aluminum, aluminum products and supplies, materials and equipment used in the manufacture of aluminum and aluminum products (except in bulk), between the plantsites of Alumax, Inc. and its subsidiary and affiliated companies located at or near Casa Grande, Ariz.; Long Beach, Riverside, Santa Fe Springs, Visalia, Perris Valley, and Woodland, Calif.; Boise and Twin Falls, Idaho; Stayton, Oreg.; and Spokane and Ferndale, Wash., on the one hand, and, on the other, points in Montana, Idaho, Utah, Arizona, California, Nevada, Oregon, Washington, and ports of entry located on the International Boundary line between the United States and Canada located in Washington; and (2) zinc and zinc alloys (except in bulk), between the plantsites of Alumax, Inc. and its subsidiary and affiliated companies located at or near Long Beach, Calif., on the one hand, and, on the other, points in Montana, Idaho, Utah, Arizona, California, Nevada, Oregon, Washington, and ports of entry located on the International Boundary line between the United States and Canada, located in Washington.

NOTE.—The purpose of this application is to remove the restriction and indicate applicant intends to participate in traffic moving between Canada and the United States through ports of entry in Washington. If a hearing is deemed necessary, the applicant requests that it be held at either San Francisco, Calif. or Portland, Oreg.

No. MC 113271 (Sub-No. 43), filed December 2, 1977. Applicant: CHEMICAL TRANSPORT, P.O. Box 2644, Great Falls, Mont. 59403. Applicant's representative: Patrick W. Rice, P.O. Box 2644, Great Falls, Mont. 59403. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lime, and limestone products, in bulk, from ports of entry on the International Boundary line between the United States and Canada located at or near Oroville, Laurier and Nelway, Wash., to the plantsite of Western Nuclear, Inc. located near Wellpoint, Wash. (Restricted to traffic originating in the Provinces of Alberta and British Columbia).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Great Falls, or Billings, Mont.

No. MC 114273 (Sub-No. 311), filed November 25, 1977. Applicant: CRST,

INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum bus bar, foil, sheet, plate, and ingot from the plantsite and storage facilities of ALCOA at Riverdale, Iowa, to points in Indiana, Ohio, Michigan, Pennsylvania, New Jersey, New York, Maryland, Delaware, Virginia, and West Virginia.

NOTE.—The purpose of the instant application is to substitute single-line service for existing joint-line service. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Illinois or Washington, D.C.

No. MC 114273 (Sub-No. 313), filed November 28, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meal products, and meat by-products, and articles distributed by meat packinghouses as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk in tank vehicles), (1) from Dakota City, Nebr. to points in Indiana, Maryland, Michigan, Ohio and Virginia; (2) from Emporia, Kans. to points in Indiana, Michigan, and Ohio. Restricted in (1) and (2) above to traffic originating at the plantsites and storage facilities utilized by Iowa Beef Processors, Inc. and destined to the above-named points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 114552 (Sub-No. 144), filed December 7, 1977. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Crosssties, from points in Alabama, to points in and east of South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, and New York.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 114552 (Sub-No. 146), filed December 9, 1977. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority is sought to oper-

ate as a common carrier by motor vehicle, over irregular routes, transporting: (1) Composition board, from Coldwater, Mich., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) Materials, equipment and supplies used in the manufacture of composition board, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to Coldwater, Mich.

NOTE.—If an oral hearing is deemed necessary, applicant requests that it be held in Chicago, Ill. or Washington, D.C.

No. MC 114569 (Sub-No. 203), filed December 7, 1977. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, and meat byproducts and articles distributed by meat packinghouses, as described in section A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 69 MCC 209 and 766 (except commodities in bulk, hides, pet foods, or pet food ingredients), from the plantsite and storage facilities of John Morrell and Co. at or near Estherville, Humboldt, and Sioux City, Iowa; and Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Illinois or Washington D.C.

No. MC 114969 (Sub-No. 67), filed December 1, 1977. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, 1734 State Route 131, Milford, Ohio 45150. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquefied petroleum gas, in bulk, in tank vehicles, from Robinson, Ill. to points in Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115162 (Sub-No. 397), filed December 5, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber and composition board, from the facilities utilized by

MacMillan Bloedel Building Materials, located at or near Astabula, Ohio, to points in the United States in and east of Texas, Oklahoma, Missouri, Illinois, and Wisconsin.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC 115311 (Sub-No. 251), filed November 25, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Hydraulic brake fluid, cleaning compound, lubricating oil petroleum, windshield washer fluid, (except in bulk), from the plantsite and warehouse facilities of Quaker Supreme Chemical Corp. at Montgomery, Ala., to points in the United States in and east of Minnesota, Iowa, Kansas, Oklahoma and Texas and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montgomery, Ala., or Atlanta, Ga.

No. MC 115311 (Sub-No. 252), filed November 23, 1977. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: (1) Plastic articles (pads, tubing, netting), from the plant site and storage facilities of Conwed Corp., at Athens, Ga., to points in the United States in and east of Louisiana, Arkansas, Missouri, Illinois and Wisconsin; and (2) machinery, materials, equipment and supplies used in the manufacture, distribution and application or use of the commodities named above, from points in the destination States named in (1), to Athens, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115331 (Sub-No. 441), filed December 5, 1977. Applicant: TRUCK TRANSPORT INC., 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Lime, in bulk, from Springfield, Mo. to Wickliffe, Ky.; (2) pebble lime, in bulk, from Sequiota, Mo. to Hawesville, Ky.; and (3) fly ash, in bulk, from points in Pike County, Ind. to points in Illinois, Kentucky, Missouri, Arkansas and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115841 (Sub-No. 580), filed November 22, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: David C. Venable, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, petroleum products, vehicle body sealer and sound deadener compound* (except in bulk) and *filters*, from points in Marion County, Tenn., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at points in Marion County, Tenn.; (2) *materials, supplies and equipment* used in the manufacture, sale, and distribution of the commodities named in (1) above (except in bulk) from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky to Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.; and (3) *petroleum and petroleum products, vehicle body sealer and sound deadener compound* (except in bulk) and *filters* from points in Ohio, New York, Rhode Island, Pennsylvania, and West Virginia to Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Atlanta, Ga.

No. MC 117910 (Sub-No. 2), filed November 25, 1977. Applicant: W. H. FROH, INC., 57760 Main Boulevard, New Haven, Mich. 48048. Applicant's representative: Walter N. Bleneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Castings, foundry supplies and replacement parts* for foundry equipment, from points in Ohio, Indiana, Illinois and Wisconsin, to points in New Haven, Mich., under a continuing contract, or contracts with New Haven Foundry, Inc., of New Haven, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich. or Detroit, Mich.

No. MC 117940 (Sub-No. 246), filed December 9, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Cudahy Foods Co. at

Harrodsburg, Cynthiana, Russell Springs, and Tompkinsville, Ky., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. Restricted to traffic originating at named facilities and destined to named destinations.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Phoenix, Ariz. Applicant holds motor contract carrier authority in MC 114789, Sub No. 16 and other subs, therefore dual operations may be involved.

No. MC 118202 (Sub-No. 80), filed November 25, 1977. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Thomas J. Beener, Waterloo Savings Bank Building, Suite 340, West Park at Cedar, P.O. Box 5000, Waterloo, Iowa 50704. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds* (except in bulk) and *filters*, (1) from points in Marion County, Tenn., to points in Washington, Oregon, California, Nevada, Arizona, Texas, New Mexico, North Dakota, South Dakota, Nebraska, Minnesota, Wisconsin, Iowa, Missouri, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, Massachusetts, Connecticut, Vermont, Maine, Rhode Island, New Hampshire, New Jersey, restricted to traffic originating at points in Marion County, Tenn.; and (2) from points in Ohio, New York, Rhode Island, Pennsylvania and West Virginia, to points in Marion County, Tenn., restricted to traffic destined to points in Marion County, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 118535 (Sub-No. 109), filed December 6, 1977. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry medicinal health products and pesticides, animal and poultry feed and animal and poultry feed components* (except in bulk) and *advertising matter* related to such commodities, from Kansas City, Mo., to points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas; and (2) *animal and poultry medicinal health products and pesticides, animal and poultry feed components* (except in bulk) and *advertising matter* relat-

ed to such commodities, from Kansas City, Mo., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 118569 (Sub-No. 5), filed December 1, 1977. Applicant: HALBERG CONSTRUCTION & SUPPLY, INC., South 18th Avenue and Eight Street, Virginia, Minn. 55792. Applicant's representative: Robert F. Berger, 200 First National Bank Building, Virginia, Minn. 55792. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *commodities* (which because of size or weight require the use of special equipment or special handling), from Milwaukee County, Wis., to points in the Upper Peninsula or Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Duluth or Minneapolis, Minn.

No. MC 120909 (Sub-No. 3), filed December 1, 1977. Applicant: ISLAND CARTAGE CO., INC., 5801 South Cicero Avenue, Chicago, Ill. 60638. Applicant's representative: James R. Madler, 120 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* with no exceptions, between points in McHenry, Lake, DeKalb, Kane, Cook, DuPage, Kendall, Will, LaSalle, Grundy, Kankakee and Iroquois Counties, Ill., on the one hand, and, on the other, points in Illinois.

NOTE.—The purpose of this application is to convert applicant's certificate of registration to a certificate of public convenience and necessity. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 121281 (Sub-13), filed December 5, 1977. Applicant: BIG MAC TRUCKING CO., a corporation, 922 Maxine, P.O. Box 15069, Houston, Tex. 77020. Applicant's representative: Joe G. Fender, 711 Louisiana, 1150 Pennzoil Place, South Tower, Houston, Tex. 77002. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trusses, bars, joists and accessories* from the plantsite and facilities of Tex-Ark Joist Co. at or near Oak Haven, Ark. to points in Louisiana, Texas, Oklahoma, Colorado and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston or Dallas, Tex.

No. MC 121499 (Sub-No. 7), filed December 9, 1977. Applicant: WILLIAM HAYES LINES, INC., P.O. Box 610 Lebanon, Tenn. 37087. Applicant's representative: Walter Harwood, P.O. Box

15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment); Serving the site of Kmart Corp. Distribution Center in Coweta County, Ga. as an off-route point in connection with carrier's authorized regular routes.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 121654 (Sub-No. 9) (correction), filed October 14, 1977, published in the FEDERAL REGISTER issue of December 1, 1977, and republished as corrected this issue. Applicant: COASTAL TRANSPORT & TRADING CO., a corporation, P.O. Box 7438, Savannah, Ga. 31408. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Building materials, wood products and lumber* (except iron and steel articles), from Mobile and Baldwin Counties, Ala., all points in Louisiana, and all points in Mississippi on and south of U.S. Highway 84, to all points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska and Minnesota.

NOTE.—The purpose of this republication is to indicate the addition of "all" points in the territorial description. If a hearing is deemed necessary, applicant requests that it be held at New Orleans, La. Common control may be involved.

No. MC 123405 (Sub-No. 54), filed November 25, 1977. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Petroleum and petroleum products, vehicle body sealer and sound deadening compounds* (except in bulk) and *filters*, from points in Marion County, Tenn. to points in the United States (except Alaska and Hawaii), restricted to traffic originating at points in Marion County, Tenn.; 2. *Materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities named in part 1 above (except in bulk), from points in Ohio, West Virginia, Pennsylvania, Alabama, Georgia, Virginia, and Kentucky to Marion County, Tenn.; and 3. *Petroleum and petroleum products, vehicle body sealer and sound deadening compound* (except in bulk) and *filters*, from points in Ohio, New York, Rhode Island, Pennsylvania, West Virginia, to points in Marion County, Tenn., restricted to traffic destined to Marion County, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Harrisburg, Pa.

No. MC 124078 (Sub-No. 766), filed November 25, 1977. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard H. Pevette, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Spent phosphoric acid, liquid, in bulk*, from Carrollton, Franklin, LaGrange, and Newnan, Ga., to Natchez and Laurel, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Washington D.C.

No. MC 124078 (Sub-No. 767), filed December 7, 1977. Applicant: SCHWERMAN TRUCKING CO. (a corporation), 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski, P.O. Box 1601, Milwaukee, Wis. 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Flour*, in bulk, from Toledo, Ohio to Buffalo, N.Y.; Chicago, Ill.; Pittsburgh and Philadelphia, Pa.; Fair Lawn, N.J.; Richmond, Va., and Atlanta, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Toledo, Ohio. Common control may be involved.

No. MC 124692 (Sub-No. 186), filed November 28, 1977. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Mont. 59806. Applicant's representative: J. David Douglas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood systems, synthetic flooring systems, hardwood and synthetic flooring*, (2) *materials and supplies* used in the installation of the commodities in (1) above; and (3) *lumber, wood products and millwork*, from Dollar Bay, Mich., to points in Iowa, Missouri, Kansas, Oklahoma, New Mexico and Texas. Restricted to traffic originating in Dollar Bay, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 124887 (Sub-No. 46), filed December 1, 1977. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes in the transportation of: *Iron and steel articles*, from Darlington, S.C. to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky,

Louisiana, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, Tennessee, Texas and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Tallahassee, Fla. or Atlanta, Ga.

No. MC 126574 (Sub-No. 4), filed December 7, 1977. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC. 3818 Patterson Street, Greensboro, N.C. 27407. Applicant's representative: Peter R. Gilbert, 1725 K Street NW., Suite 303, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising materials*, and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of malt beverages, and returned empty malt beverage containers, (except commodities in bulk), between Eden, N.C., on the one hand, and, on the other, points in Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127042 (Sub-No. 198), filed December 5, 1977. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and except commodities in bulk, in tank vehicles). (1) from Ft. Dodge and Denison, Iowa; Emporia, Kans.; Luverne, Minn.; and Dakota City, Nebr., to points in Arizona, California, Idaho, Nevada, Oregon, Utah, Washington; and (2) from West Point, Nebr., to points in Idaho, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary applicant requests it be held in Omaha, Nebr.

No. MC 127550 (Sub-No. 6), filed December 9, 1977. Applicant: BOSCH TRUCKING CO., INC., 5600 South Washington Street, Bartonville, Ill. 61607. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy equipment, machinery, machines, and raw materials and parts* for use in the manufacture and distribution of heavy equipment, machinery, and engines; and (2) *office and maintenance supplies*, between the facilities of Caterpillar Tractor Co. located in Scott

County, Iowa, on the one hand, and, on the other, Rockford, and Itasca, Ill., and the facilities of Caterpillar Tractor Co. located at or near Aurora, Decatur, Peoria, Joliet, Mapleton, Morton, and Mossville, Ill., under a continuing contract or contracts with Caterpillar Tractor Co., restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128270 (Sub-No. 26), filed November 25, 1977. Applicant: RE-DIEHS INTERSTATE, INC., 1477 Ripley Street, Lake Station, Ind. 46405. Applicant's representative: Richard A. Kerwin, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles, and building and construction materials*, from the plantsites and warehouses utilized by Penn-Dixie Industries, Inc. and Penn-Dixie Steel Corp., Subsidiaries of said corporations located at or near Cicero, Elkhart, Fort Wayne, Kokomo and North Judson, Ind.; Detroit, Grand Rapids, Holland and Petoskey, Mich.; Blue Island, Chicago, Joliet, Ill.; Columbus and Toledo, Ohio; Centerville and Des Moines, Iowa; Milwaukee, Wis.; Denver, Colo.; Albuquerque, N. Mex.; Kingsport, Knoxville, and Richards City, Tenn. to points in Montana, Wyoming, Colorado, New Mexico, Texas, Louisiana, Arkansas, Oklahoma, Kansas, Iowa, Missouri, Nebraska, North Dakota, South Dakota, Minnesota, Ohio, Wisconsin, Illinois, Indiana, Michigan, Kentucky, and Tennessee. (2) *Raw materials, supplies and equipment* used in the manufacturing and distribution of iron and steel articles and building and construction materials from the above named destination States to the origins in (1) above.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128698 (Sub-No. 16), filed December 5, 1977. Applicant: ERDNER BROS., INC., Davidson Road, Swedesboro, N.J. 08085. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from the plant-site and storage facilities of Pepperidge Farm, Inc., located at or near Downers Grove, Ill., to points in Massachusetts, Connecticut, Pennsylvania, New York, New Jersey, Delaware and Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Washington, D.C.

No. MC 129032 (Sub-No. 41), filed December 2, 1977. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, P.O. Box 9667, Tulsa, Okla. Applicant's representative: John Paul Fisher, 256 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery, and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Kraft, Inc., at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, Tennessee, and Virginia, restricted to traffic originating at the above-named origin and destined to the above-named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or St. Louis, Mo. Common control may be involved.

No. MC 129613 (Sub-No. 26), filed November 22, 1977. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plastic articles and attachments, accessories and hardware therefor*, from Winchester, Va., to points in Michigan, Illinois, Indiana, Ohio, and Georgia, under a continuing contract or contracts with Rubbermaid Commercial Products, Inc.

NOTE.—Applicant holds motor common authority in MC 138000 and subs 30, 31, and 32 therefore; dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133189 (Sub-No. 11), filed November 25, 1977. Applicant: VANT TRANSFER, INC., 5075 Mulcare Drive, Minneapolis, Minn. 55421. Applicant's representative: James S. Holmes, 4610 IDS Center, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of *steel grinding balls*, from the plantsite and warehouse facility of Northstar Steel Co. located at or near Duluth, Minn. to points in Michigan, Wisconsin, Colorado, Montana, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or Duluth, Minn.

No. MC 133249 (Sub-No. 1), filed December 7, 1977. Applicant: PIONEER

TRUCKING CO., a corporation, 2010 Chicago Drive SW., Wyoming, Mich. 49509. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paper labels*, from Grand Rapids, Mich., to points in California, under continuing contract or contracts with Michigan Lithographing Co.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Detroit, Mich.

No. MC 133562 (Sub-No. 26), filed December 1, 1977. Applicant: HOLIDAY EXPRESS CORP., P.O. Box 115, Esterville, Iowa 51334. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Fargo and West Fargo, N. Dak. to points in California. Restriction: Restricted to the transportation of shipments originating at the plantsites and storage facilities of Flavorland Industries, Inc., at or near the above-described origins and destined to points in the above-named State, except when moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 133566 (Sub-No. 97), filed December 7, 1977. Applicant: GANG-LOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plant-site and storage facilities utilized by John Morrell & Co. at or near Sioux City, Iowa, Esterville, Iowa, Humboldt, Iowa, and Sioux Falls, S. Dak. to points in the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Restricted to traffic originating

at the above named origins and destined to points in the named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or New York, N.Y.

No. MC 133566 (Sub-No. 98), filed December 6, 1977. Applicant: GANG-LOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plant-site and storage facilities utilized by John Morrell & Co. at or near Sioux City, Iowa, Esterville, Iowa, Humboldt, Iowa, and Sioux Falls, S. Dak. to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic originating at the above named origins and destined to points in the named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or New York, N.Y.

No. MC 134467 (Sub-No. 26), filed December 5, 1977. Applicant: POLAR EXPRESS, INC., P.O. Box 845, Springdale, Ark. 75764. Applicant's representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products and synthetic cheeses* (except commodities in bulk) from the plant-site and storage facilities of or utilized by the L.D.S. Schreiber Cheese Co., Inc., in Jasper, Newton, Barry and Lawrence Counties of Missouri, to points in Indiana, Michigan, New Jersey, New York, Ohio, Pennsylvania, Maryland, West Virginia, and the District of Columbia, restricted to traffic originating at named origins and destined to named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark. or Green Bay, Wis.

No. MC 134547 (Sub-No. 6), filed December 7, 1977. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Boulevard, Dallas, Tex. 75212. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought

to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and materials and supplies* used in the installation and distribution thereof (except commodities in bulk), from the facilities of the Georgia-Pacific Corp. located at or near Acme, Tex., to points in New Mexico, under a continuing contract or contracts with Georgia-Pacific Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 134922 (Sub-No. 247), filed November 28, 1977. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Bob McAdams (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Portable ladders*, (a) wood ladders, (b) fiberglass ladders, (c) aluminum ladders, (d) mobile steel and aluminum platform ladders, and (e) special purpose ladders; (2) *fixed ladders*, (a) steel ladders, (b) aluminum ladders, and (c) fiberglass ladders; (3) *ladder accessories*; (4) *scaffolding*, (a) steel, and (b) aluminum; (5) *stages and planks*, (a) aluminum, and (b) wood; (6) *elevating work platforms*, (a) mobile telescoping platforms, (b) mobile scissor lift platforms, (c) mobile boom lift platforms, and (d) fork lift platforms; (7) *fall protection equipment*; (8) *ladder packs*; (9) *lumber, fabricated wood parts, and wood pallets*; (10) *steel materials, fabricated parts and hardware*; (11) *aluminum extrusions, fabricated parts and castings*; (12) *reinforced plastic pultrusions, and materials and plastic parts*, from Wooster, Ohio, to points in Arkansas, Louisiana, Texas, Oklahoma, Missouri, New Mexico, Arizona, California, Colorado, Utah, Nevada, Nebraska, Montana, Wyoming, Washington, Oregon, and Idaho, restricted against the transportation of commodities in bulk and those which because of size or weight require the use of special equipment.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Little Rock, Ark.

No. MC 135598 (Sub-No. 8) (correction), filed November 10, 1977, published in the FEDERAL REGISTER issue of December 22, 1977, and republished, as corrected, this issue. Applicant: SHARKEY TRANSPORTATION, INC., Post Office Box 3156, Quincy, Ill. 62301. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Milwaukee, Wis., to Quincy, Ill., and Burlington, Iowa; (2) *dry animal and poultry feed, animal and*

poultry tonics, insecticides (other than agricultural), and *livestock and poultry feeders*, from the plant site of Moorman Manufacturing Co., located at or near Alpha, Ill., to points in Wisconsin and Iowa. Restricted to traffic originating at the said plantsite and destined to the named States; (3) (a) *animal and poultry feeds and animal and poultry mineral mixes, animal and poultry tonics and medicines, dry earth paint, insecticides and premiums and advertising matter related to such products*, from Quincy, Ill., to points in Kentucky, Tennessee, and Alabama. Restricted to traffic originating at the plantsite and facilities of Moorman Manufacturing Co., located at Quincy, Ill., and destined to the States named herein; (b) *such ingredients as are used in animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, dry earth paint and insecticides, and bags and containers*; from points in Kentucky and Tennessee to the plantsite of Moorman Manufacturing Co. at Quincy, Ill.; (c) *livestock and poultry feeders and equipment*, from the plantsite of Moorman Manufacturing Co., located at Quincy, Ill., to points in Kentucky, Tennessee, and Alabama. Restricted to traffic originating at the plantsite of Moorman Manufacturing Co., located at Quincy, Ill., and destined to points in Kentucky, Tennessee, and Alabama.

NOTE.—Applicant presently holds permits to provide the service for which authority is sought herein in Docket No. MC 138314 and Subs. 2 and 3. This application is being filed so that all of the applicant's authority will be that of a common carrier. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. The purpose of this correction is to show the additional destination of Burlington, Iowa in part (1) above.

No. MC 135982 (Sub-No. 17), filed November 28, 1977. Applicant: S. L. HARRIS, d.b.a. P.B.I., Post Office Box 7130, Longview, Tex. 75601. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* and related advertising materials from Eden, N.C., to points in Alabama, Florida, Georgia, Kentucky, South Carolina, Louisiana, Mississippi, Tennessee, and Texas; (2) *materials, supplies, and equipment* used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers (except commodities in bulk), from points in Alabama, Florida, Georgia, Kentucky, South Carolina, Louisiana, Mississippi, Tennessee, and Texas, to Eden, N.C.; and (3) *malt beverages and*

related advertising materials, between Eden, N.C., and Fort Worth, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 136357 (Sub-No. 2), filed November 25, 1977. Applicant: BEST TRANSPORTATION CORP., River Street and South Washington Avenue, Scranton, Pa. 18505. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed matter* from Dunmore, Scranton, Bloomsburg, and Allentown, Pa., to points in New Jersey; Rhode Island; Connecticut; Massachusetts; Michigan; Illinois; New Hampshire; Vermont; Maine; New York; Indianapolis, Crawfordville, Bloomington, Fort Wayne, Hammond, Terre Haute, Ind.; Cincinnati, Ohio; Kingsport, Tenn.; and Lynchburg, Va.; and (2) *materials and supplies* used in the manufacture of printed matter, on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136371 (Sub-No. 28), filed November 30, 1977. Applicant: CONCORD TRUCKING CO., INC., 1 Scout Avenue, South Kearny, N.J. 07032. Applicant's representative: Steven J. Kalish, Suite 1105, 1750 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount department stores (except foodstuff and commodities in bulk), between the facilities of Charming Shoppes of Delaware, Inc., located at Cornwells Heights, Pa., on the one hand, and, on the other, points in Kentucky and South Carolina, under a continuing contract or contracts with Charming Shoppes of Delaware, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 136376 (Sub-No. 8), filed December 5, 1977. Applicant: MONT R. LYNCH, d.b.a. LYNCH TRUCKING, 1818 Elaine, Billings, Mont. 59102. Applicant's representative: G. Todd Baugh, Suite 805, Midland Bank Building, Billings, Mont. 59101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Carpeting*, from points in Georgia, to points in Montana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 136464 (Sub-No. 33), filed December 7, 1977. Applicant: CARO-

LINA WESTERN EXPRESS, INC., Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Zippers, thread, binding, lace, tape, webbing, ribbon, sewing aids, and materials and supplies used in the manufacture and sale thereof* between the facilities of Talon Division of Textron located at or near Meadville, Pa., and Charlotte, N.C., under a continuing contract, or contracts, with Talon Division of Textron, Inc., of Meadville, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. Applicant holds common carrier authority in No. MC 138635 (Sub-No. 16) and sub-numbers thereunder, therefore dual operations may be involved.

No. MC 138046 (Sub-No. 1), filed December 7, 1977. Applicant: JOHN S. GRIMES, INC., 890 Shorewood Drive, Median, Ohio, 44256. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Plastic products*, from Medina, Ohio, to points in Connecticut, Delaware, Massachusetts, Missouri, Iowa, New Jersey, Wisconsin, and Virginia; and (2) *materials and supplies* used in the manufacture and distribution of plastic products (except commodities in bulk), from points in Connecticut, Delaware, Massachusetts, Missouri, Iowa, New Jersey, Wisconsin, and Virginia to Medina, Ohio, under a continuing contract or contracts with Plastipak Packaging Division of Beatrie Foods Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus or Cleveland, Ohio, or Washington, D.C.

No. MC 138438 (Sub-No. 19), filed December 2, 1977. Applicant: D. M. BOWMAN, INC., Route 9, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsite of Washington Concrete Products, Division of General Industries, Inc., at or near Gainesville, Va., to points in Maryland and the District of Columbia.

NOTE.—Applicant has motor contract carrier authority pending in No. MC 117613 (Sub. 23); therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138635 (Sub-No. 46), filed December 6, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC.,

Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) which are at the time moving on bills of lading of freight forwarders operating pursuant to Part IV of the Interstate Commerce Act, (a) between points in California, Washington, Oregon, Nevada, Idaho, Utah, and Arizona, on the one hand, and, on the other points in Arkansas, Louisiana, Mississippi, Maryland, District of Columbia, Kentucky, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia; and (b) from points in California, to points in Washington and Oregon.

NOTE.—Applicant holds contract carrier authority in No. MC 138464 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, Calif.

No. MC 138875 (Sub-No. 67), filed December 6, 1977. Applicant: SHOE-MAKER TRUCKING CO. (a corporation), 11900 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, Idaho 83705. Authority sought to operate as a common carrier, over irregular routes, transporting: (1) *Fabricated pipe, control panels, and materials for nuclear energy systems*, (2) *materials and supplies* used in the fabrication and distribution of (1) above (except products in bulk in tank vehicles), (1) from the plantsite of Huico, Inc., located at or near Meridian, Idaho to points and places in the United States (including Alaska, but except Hawaii); (2) from points in the United States (including Alaska, but except Hawaii) to the plantsite of Huico, Inc., located at or near Meridian, Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise or Meridian, Idaho.

No. MC 139495 (Sub-No. 293), filed December 2, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dublin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food, cosmetic, drug, industrial, and scientific chemicals, and related laboratory instruments and kits* (except commodities in bulk, in tank vehicles), from the facilities of Mallinckrodt, Inc., located at or near

Paris, Ky., Decatur, Ill., and St. Louis, Mo., to points in Washington, Oregon, California, Texas, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139615 (Sub-No. 10) filed December 7, 1977. Applicant: DRS TRANSPORT, INC., P.O. Box 29, Oskaaloosa, Iowa 52577. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe tubing, fittings connections and materials, supplies, and accessories* used in the manufacture and installation thereof (except in bulk, in tank vehicles), between the facilities of, or utilized by, Robintech Inc. located at or near Grinnell, Iowa, Rolla, Mo., and Hillsboro, Tex., on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140829 (Sub No. 64) filed November 23, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative, William J. Hanlon, 55 Madison Ave., Morristown, N.J. 07960. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *meat, meat products and meat byproducts and articles* distributed by meat packing houses, as described in section A of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except commodities in bulk), from the plantsite and/or storage facilities utilized by Illini Beef Packers, Inc. at or near Joslin, Ill. Davenport, Iowa to points in the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the named origins and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC 136408 (Sub. 7) and subs thereunder; therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it to be held in Washington, D.C.

No. MC 141921 (Sub-No. 8) filed November 25, 1977. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, N.H. 03103. Applicant's representative: Harry C. Pappas (same address as applicant). Authority sought to operate

as a common carrier, by motor vehicle, over irregular routes, in the transportation of: *Meat, meat products, and meat byproducts, and articles* distributed by meat packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides, skins, and commodities in bulk), from the plantsite or warehouse facilities of the Sterling, Colorado Beef Co. at or near Sterling, Colo., to points in —, Wisconsin, Illinois, Kentucky, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Jersey, Maryland, Delaware and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 142517 (Sub-No. 2), filed December 1, 1977. Applicant: HOWARD DELIVERY SERVICE, INC., 5-270 General Motors Building, Detroit, Mich. 48202. Applicant's representative: Richard A. Mehley, 1000 16th Street NW., Washington, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *motor vehicle parts, components, materials and supplies* (except commodities in bulk) between Chicago, Ill., on the one hand, and, on the other, (1) points in Wisconsin on and south of a line extending from Wisconsin-Michigan boundary along U.S. Highway 8 to junction of U.S. Highway 45, then along U.S. Highway 45 to junction of Wisconsin Highway 64, then along Wisconsin Highway 64 to Wisconsin-Minnesota boundary, and (2) points in Indiana on and north of a line extending from Indiana-Ohio boundary along Indiana Highway 44 to junction of Indiana Highway 67, then along Indiana Highway 67 to junction with Indiana Highway 46, then along Indiana State Highway 46 to junction with Interstate Highway 70, then along Interstate Highway 70 to Indiana-Illinois boundary, under a continuing contract with General Motors Parts Division, General Motors Corp. of Flint, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held in either Washington, D.C., or Chicago, Ill.

No. MC 142672 (Sub-No. 8), filed November 3, 1977. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, Ark. 72747. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Batteries, electric, wet or dry*, (1) from Kankakee, Ill., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Iowa, Kansas, Louisiana, Mississippi,

Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Utah, and (2) from Fort Smith, Ark., to points in the United States (except Arkansas, Alaska and Hawaii). Restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Gould, Inc., of Langhorne, Pa.

NOTE.—Applicant holds contracts carrier authority in MC 142065 Subs 1 and 3 therefore dual operation may be involved. If a hearing is deemed necessary, applicant requests it to be held at Chicago, Ill. or Philadelphia, Pa.

No. MC 142733 (Sub-No. 3), filed December 5, 1977. Applicant: UNITED TRANSPORT, INC., 7225 Northwest 8th Street, Miami, Fla. 33136. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Applicant seek authority to operate as a contract carrier, over irregular routes in the transportation of Plantains, (1) from points in Florida, to points in New York, New Jersey, Illinois and California; (2) from points in Maryland, to points in New York, New Jersey, Illinois and California; and (3) from points in New York, to points in California, Illinois, and New Jersey, under a continuing contract or contracts in (1) through (3) above with Caribe Produce.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Miami, Fla.

No. MC 143085 (Sub-No. 1), filed December 5, 1977. Applicant: THE DANIEL CO. OF SPRINGFIELD (a corporation), 419 E. Kearney, Springfield, Mo. 65803. Applicant's representative: Bruce McCurry, 910 Plaza Towers, Springfield, Mo. 65804. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products and synthetic cheese*, (except commodities in bulk), from the plantsite and storage facilities of or utilized by the L.D. Schreiber Cheese Co., Inc. in Jasper, Newton, Barry and Lawrence Counties, Mo., to points in New Jersey, Maryland; and Pennsylvania on and east of U.S. Highway 15, restricted to transporting of traffic originating at named origins and destined to named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., or at Washington, D.C. Applicant holds contract carrier authority in MC 139274, therefore dual operations may be involved.

No. MC 143127 (Sub-No. 5), filed December 5, 1977. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a common carrier,

er, by motor vehicle, over irregular routes, transporting: *Canned goods*, (except frozen and in bulk), from Princeton and Hoopeston, Ill. to points in Ohio, Pennsylvania, New York, New Jersey, and Georgia.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138991 Sub. 2 and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y. or Chicago, Ill. Common control may be involved.

No. MC 143164 (Sub-No. 1), filed December 2, 1977. Applicant: DONNIE W. DICHARDSON, d.b.a. Island Courier, 303 Mariner's Cove, Hilton Head Island, S.C. 29928. Applicant's representative: Jack H. Biel, Post Office Box 5010, Hilton Head Island, S.C. 29928. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted against the transportation of packages or articles weighing in the aggregate more than fifty (50) pounds from one consignor to one consignee on any one day, between Hilton Head Island, S.C., on the one hand, and on the other, Savannah, Savannah Beach, Isle of Hope and Skidaway Island, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hilton Head, S.C.

No. MC 143390 (Sub-No. 1), filed December 7, 1977. Applicant: NORTHWEST TRANSPORT, INC., 508 North Street, Rice Lake, Wis. 54868. Applicant's representative: Richard C. Alexander, Suite 412, Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Duluth, Minn., to points in Ashland, Barron, Bayfield, Buffalo, Burnett, Chippewa, Douglas, Eau Claire, Iron, Pepin, Pierce, Polk, Price, Rusk, Dunn, St. Croix, Sawyer, Taylor, Trempealeau, and Washburn Counties, Wis., under a continuing contract or contracts with Cement Division, National Gypsum Co., located at Southfield, Mich., and Culter-Magner Co., located at Duluth, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 143482 (Sub-No. 2), filed December 5, 1977. Applicant: THOMAS D. SHOUP, R.D. 1, Strattanville, Pa. 16258. Applicant's representative: Henry Ray Pope III, 10 Grant Street, Clarion, Pa. 16214. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *coal*, in bulk, in dump vehicles, from points in Clarion Township (Clarion County), Pa.; and points in Strattanville Borough (Clarion County), Pa.; to Niagara

Mohawk at Dunkirk (Chautauqua County), N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Pittsburgh, Pa. or Washington, D.C.

No. MC 143609 (Sub-No. 1), filed December 2, 1977. Applicant: HJM TRANSPORT, INC., P.O. Box 967, Williston, N. Dak. 58801. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing houses*, as described in sections A and C of appendix 1 to the report in Descriptions in Motor Carrier certificates, 61 MCC 209 and 766 (except liquid commodities in bulk, in tank vehicles), between the plantsite and storage facilities of Williston Packing Co., Inc., located at or near Williston, N. Dak., on the one hand, and, on the other, points in Minnesota; Chicago, Ill.; Milwaukee, Wis.; Omaha, Nebr.; and Council Bluffs, Iowa, under a continuing contract or contracts with Williston Packing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Williston, N. Dak., or Minneapolis, Minn.

No. MC 143739 (Sub-No. 1), filed December 5, 1977. Applicant: SHURSON TRUCKING CO., a corporation, P.O. Box 147, New Richland, Minn. 56072. Applicant's representative: William L. Fairbanks, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and nonedible food products*, in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co., at Bettendorf, Iowa, to points in Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to traffic originating at the named origin and destined to the named destination States.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Chicago, Ill., or St. Paul, Minn.

No. 14371 (Sub-No. 2), filed December 5, 1977. Applicant: MOBILE HOME TRANSPORT, INC., 10 Rustic Parkway, Madison, Wis. 53711. Applicant's representative: Michael S. Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought: Applicant seeks authority to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Mobile homes, and materials and supplies used in the installation*

of mobile homes, in secondary movements, between Monroe, Wis., on the one hand, and, on the other, points in Illinois on, north and west of Interstate Highway 80, restricted to shipments originating and terminating in the described area.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Madison, Wis., or Chicago, Ill.

No. MC 143862 (Sub-No. 1), filed December 1, 1977. Applicant: HOME DELIVERY, INC., 1959 North Halsted Street, Chicago, Ill. 60614. Applicant's representative: James R. Madler, 120 West Madison Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture; new household appliances and new household articles*, from Elk Grove Village, Ill., to points in Jasper, Lake, LaPorte, Porter, Stark and St. Joseph Counties, Ind.; points in Berrien County, Mich.; and points in Kenosha and Walworth Counties, Wis., under a continuing contract or contracts with J. C. Penney Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 143899 (Sub-No. 3) (correction), filed October 31, 1977, published in the FEDERAL REGISTER issue of December 15, 1977, and republished as corrected this issue. Applicant: MAHLON SAUNDERS, doing business as SAUNDERS TRUCKING, 2715 Howbert Street, Colorado Springs, Colo. 80904. Applicant's representative: Raymond M. Kelley, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Nonalcoholic beverages in containers*, from the facilities of Columbine Beverage Co. in Denver, Colo. to Phoenix, Ariz., Albuquerque, N. Mex., Las Vegas, Nev., Amarillo, Tex., El Paso, Tex., and Salt Lake City, Utah; (2) *Pallets*, from Albuquerque, N. Mex., Amarillo and El Paso, Tex., to Muskegon, Okla., Sapulpa, Okla., and Palestine, Tex.; (3) *Glass bottles*, from Muskegon, Okla., Sapulpa, Okla., and Palestine, Tex., to the facilities of Columbine Beverage Co., in Denver, Colo.

NOTE.—The purpose of this correction is to indicate the addition of Palestine, Tex. in the territorial description in (2) and (3) above. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 143968 (Sub-No. 1), filed December 5, 1977. Applicant: DONAHUE TRUCKING, INC., 2211 Stewart Street, Des Moines, Iowa 50317. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Clay building face brick*, from Utica, Mo., to points in Iowa, restricted to service under a continuing contract or contracts with Sheffield Brick & Tile Co., at Sheffield, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Des Moines, Iowa.

No. MC 144008, filed November 14, 1977. Applicant: STORE TRANSFER & DELIVERY SERVICES, INC., 226 Mill Street, Poughkeepsie, N.Y. 12601. Applicant's representative: Ronald I. Shapss, 450 Seventh Avenue, New York, N.Y. 10001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as dealt in by retail department stores*, between New York, N.Y., on the one hand, and, on the other, points in Terre Haute, Ind., Columbia and Greenville, S.C., and Lexington and Richmond, Ky., under a continuing contract or contracts with Southern Dollar Stores, Inc., and Mercantile Stores, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 144061 (Sub-No. 1), filed December 1, 1977. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, N.J. 07481. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority is sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Powdered pollution control and stack emission additives; liquid pollution control and stack neutralizing additives; liquid pollution control combustion catalyst additives; and pollution control feeding equipment*: (1) Between the facilities of Apollo Chemical Corp., located at or near Whippany, N.J., on the one hand, and, on the other, points in the United States, except Alaska and Hawaii; (2) between the facilities of Apollo Chemical Corp., located at or near Marshall, Tex., on the one hand, and, on the other, points in the States of Arizona, California, Oregon, Washington, Nevada, Idaho, New Mexico, Montana, Oklahoma, Utah, Missouri, Illinois, Nebraska, Louisiana, and Florida; and *Raw materials used in the manufacture of powdered pollution control and stack emission additives; liquid pollution control and stack neutralizing additives; and liquid pollution control combustion catalyst additives*, from points in the United States (except Alaska and Hawaii) to the facilities of Apollo Chemical Corp., located at or near Whippany, N.J., and Marshall, Tex. Restriction: The above restricted to service under contract or continuing contracts with Apollo Chemical Corp. of Whippany, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 144066 (Sub-No. 1), filed December 9, 1977. Applicant: GORDON A. PADGETT TRUCKING, INC., 3206 Production Drive, Fairfield, Ohio 45014. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, in bulk, in dump vehicles, from the plantsites of American Materials Corp., in Butler County, Ohio, to points in Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 144071, filed December 1, 1977. Applicant: J. A. FRATE, INC., 755 Broadway, Crystal Lake, Ill. 60014. Applicant's representative: William H. Towle, 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Cook, Lake, Kane, and McHenry Counties, Ill. Restriction: The above authority is restricted to the transportation of shipments having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 144075, filed December 7, 1977. Applicant: INDUSTRIAL TRANSPORT, INC., 2301 East 65th Street, Cleveland, Ohio 44104. Applicant's representative: Henry U. Snavely, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, of: (1) *Sheet metal products* used in the manufacture and installation of heating and air-conditioning systems, and (2) *coil steel* (a) between the facilities of L B Cleveland, Inc., at Cleveland and Mount Vernon, Ohio, and (b) between the said facilities, on the one hand, and, on the other, points in Alabama, California, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, Wisconsin, Vermont, and Virginia, and the District of Columbia, restricted to a transportation service performed under a continuing contract or contracts with L B Cleveland, of Cleveland, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 144084, filed December 2, 1977. Applicant: DONALD E. FITZPATRICK, Sr., d.b.a. FITZPATRICK TRANSPORT, 9942 West Saint Charles Road, Sumner, Mich. 48889. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* from Toledo, Ohio to points in Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. or Washington, D.C.

No. MC 144140, filed November 4, 1977. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Citrus products* between points in Florida, restricted to traffic having a prior or subsequent movement by water or rail.

NOTE.—Applicant holds pending contract carrier authority in MC 104589 Sub. 3 and other subs thereunder therefore dual operations may be involved. Applicant states it is seeking conversion of existing contract authority to common. If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC 144140 (Sub-No. 1), filed November 25, 1977. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Foodstuffs*, from the facilities of Bruce Foods Corp. at or near Cade and Lozes, La., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, and Tennessee.

NOTE.—Applicant holds contract carrier authority in No. MC 104589 Sub. 31; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at New Orleans, La.

PASSENGERS

No. MC 115676 (Sub-No. 4), filed November 28, 1977. Applicant: CONWAY'S BUS SERVICE, INC., 3220 Mendon Road, Cumberland, R.I. 02864. Applicant's representative: Frank O. Lind, Jr., 2180 Mendon Road, Cumberland, R.I. 02864. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations in round-trip sightseeing and pleasure tours beginning and ending at Woonsocket, Cumberland, Lincoln, Central

Falls, Pawtucket, North Smithfield, and Smithfield, R.I.; Bellingham, Attleboro, North Attleboro, Wrentham, Plainville, and Uxbridge, Mass.; and extending to points in New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Florida, Mississippi, Louisiana, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Providence, R.I.; Boston, or Worcester, Mass.

No. MC 141820 (Sub-No. 1), filed December 7, 1977. Applicant: ROMAN RURAK, 319 Eckford Street, Brooklyn, N.Y. 11222. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special and charter operations (restricted to foreign visitors visiting the United States), beginning and ending in New York and extending to points in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, Virginia, Florida, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it to be held at New York, N.Y.

No. MC 144016, filed November 25, 1977. Applicant: WIDEMAN CHARTER SERVICE, 804 Burdine Road, Anderson, S.C. 29621. Applicant's representative: Richard Ruhle, 1200 South Main Street, P.O. Box 107, Anderson, S.C. 29622. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from Anderson County, S.C., to Birmingham, Ala.; Montgomery, Ala.; Orlando, Fla.; Atlanta, Ga.; Raleigh, N.C.; Chattanooga, Tenn.; and Knoxville, Tenn., passengers and their baggage in charter operations, on return.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Anderson, or Greenville, S.C.

No. MC 144092 (Sub-No. 1), filed November 28, 1977. Applicant: TRANSPORTATION ENTERPRISES, INC., 1135 Gunter, Austin, Tex. 78702. Applicant's representative: Dan Felts, P.O. Box 2207 Austin, Tex. 78768. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter and special operations, beginning and ending at points in Texas (except points in Cameron, Hidalgo, Starr, Willacy and Zapata Counties, Tex.), and extending to points in the United States (including Alaska but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Austin, Dallas, or Houston, Tex.

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BROKERS

No. MC 130469, filed December 20, 1977. Applicant: EXECUTIVE TRAVEL AGENCY, INC., 9041 Executive Park Drive, Suite 414, Knoxville, Tenn. 37919. Applicant's representative: Hubert A. Oxendine (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Knoxville, Tenn., to sell or offer to sell the transportation of *Passengers and their baggage*, in special and charter operations, by motor common carrier, beginning and ending at Knoxville, Tenn., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Knoxville, or Nashville, Tenn.

No. MC 130470, filed January 5, 1978. Applicant: JOSEPH FRIEND AND DORIS FRIEND, a partnership, d.b.a. FRIEND WORLD TRAVEL, 69-040 Highway 111, Cathedral City, Calif. 92234. Applicant's representative: Joseph Friend (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Cathedral City, Calif., to sell or offer to sell the transportation of: *Passengers and their baggage*, in charter operations by motor common carrier, between points in Arizona, California, Colorado, Idaho, Montana, Oregon, Nevada, New Mexico, Utah, Wyoming, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Palm Springs, Calif.

No. MC 130471, filed January 6, 1978. Applicant: GRAND DETOURS, INC., P.O. Box 143, Tenaflly, N.J. 07670. Applicant's representative: Fern Galant (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a broker at Tenaflly, N.J., to sell or offer to sell transportation of: *Passengers and their baggage*, in special and charter operations, in round trip, all expense day tour, by motor carrier, beginning and ending at Tenaflly, Englewood and Englewood Cliffs, N.J., and extending to points in Connecticut, Delaware, New York and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Newark, N.J. or New York, N.Y.

No. MC 130472, filed January 11, 1978. Applicant: EXCURSIONES PANAMERICANAS, INC., 35-47 Junction Boulevard, Corona, N.Y. 11368. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to engage in operation, in interstate commerce or foreign commerce, as a broker at Queens, Corona, N.Y., to sell

or offer to sell the transportation of: *Passengers and their baggage* in round trip, all expense tours, in special and charter operations by motor and rail carriers, beginning and ending at New York, N.Y. and points in Nassau, Suffolk, and Westchester Counties, N.Y.; Elizabeth, and Newark, N.J.; and points in Hudson County, N.J.; points in Fairfield County, Conn.; and points in Dade County, Fla., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at New York, N.Y. Common control may also be involved.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rule 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

MOTOR CARRIER OF PASSENGERS

No. MC-F-13468. Authority sought for control by BOISE-WINNEMUCCA STAGES, INC., 1105 La Pointe Street, Boise, Idaho 83706, of Northwestern Stage Lines, Inc., 1105 La Pointe Street, Boise, Idaho 83706 and for acquisition by A. J. Achabal and Shirley Achabal, both of 160 Appaloosa Drive, Boise, Idaho 83705, of control of such rights through the transaction. Applicant's representative: A. J. Achabal, 1105 La Pointe Street, Boise, Idaho. Operating rights sought to be controlled: *Passengers and their baggage, and express, newspapers, and mail*, in the same vehicle with passengers, as a common carrier, over regular routes between Boise, Idaho, and New Meadows, Idaho; serving the intermediate and off route points of Horse Shoe Bend, Cascade, McCall, Donnelly, Gardena, Arling, Macgregor, Banks, Lake Fork, and Smiths Ferry, Idaho, from Boise over Idaho Highway 44 to junction Idaho Highway 15, thence over Idaho Highway 15 to New Meadows, and return over the same route. Between New Meadows, Idaho, and Grangeville, Idaho; serving the inter-

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mediate and off route points of New Meadows, Black Bear, Riverside, Pollock, Riggins, Lucile, Slate Creek, and White Bird, Idaho; from New Meadows over U.S. Highway 95 to Grangeville, and return over the same route. Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, between Grangeville, Idaho and Lewiston, Idaho, serving all intermediate points, from Grangeville over U.S. Highway 95 to Lewiston, and return over the same route. Vendee is authorized to operate as a common carrier in all of the 48 States, and as a contract carrier in Idaho, Oregon, California, and Nevada. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13469. Authority sought for merger into PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, Ga., 30302, of the operating rights and properties of Financial Courier Corp., P.O. Box 3094, Winston-Salem, N.C. Financial Courier Corp. operates as a contract carrier, over irregular routes, under Docket No. MC 133683 and Sub-No. 4 thereof transporting: (a) *Such commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Asheville, Charlotte, Greenville, Raleigh, and Winston-Salem, N.C.; between Asheville, Charlotte, Greenville, Raleigh, and Winston-Salem, N.C. on the one hand, and, on the other, points in North Carolina, South Carolina, Virginia and points in Johnson, Sullivan, Hawkins, Hancock, Claiborne, Carter, Washington, Greene, Unicoi, Cocke, Sevier, Blount, Jefferson, Knox, Loudon, Anderson, Union, and Grainger Counties, Tenn., and Richmond and Columbia Counties, Ga. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts with banks and banking institutions, Wachovia Services, Inc., (b) *audit and data processing media and other business and governmental records*; (except as are used in the business of banks and banking institutions), between Asheville, Charlotte, Greenville, Raleigh, and Winston-Salem, N.C., and between Asheville, Charlotte, Greenville, Raleigh, and Winston-Salem, N.C., on the one hand, and, on the other, points in North Carolina, South Carolina, Virginia, and points in Johnson, Sullivan, Hawkins, Hancock, Claiborne, Carter, Washington, Greene, Unicoi, Cocke, Sevier, Blount, Jefferson, Knox, Loudon, Anderson, Union, and Grainger Counties, Tenn., and Richmond and Columbia Counties, Ga. Restriction: The operations authorized immediately above are limited to a

transportation service to be performed, under a continuing contract, or contracts with Wachovia Services, Inc., (c) *commercial papers, documents, written instruments, audit and data processing media, and business records* (except currency and negotiable securities), between Raleigh-Durham Airport at Greensboro, N.C., Smith Reynolds Airport at Winston-Salem, N.C., and Douglas Airport at Charlotte, N.C., on the one hand, and, points in North Carolina, on the other, between Tri-City Airport at Kingsport, Tenn., on the one hand, and, points in Johnson, Sullivan, Hawkins, Hancock, Claiborne, Carter, Washington, Greene, Unicoi, Cocke, Sevier, Blount, Jefferson, Knox, Loudon, Anderson, Union, and Grainger Counties, Tenn., and Washington County, Va., on the other, restricted to the transportation of shipment having an immediately prior or subsequent movement by air, under contract with banks and banking institutions, and Wachovia Services, Inc. Authority is also sought for Pony Express Courier Corp. to purchase the operating rights of Wells Fargo Armored Service Corp., Cosmopolitan Center, 6165 Barfield Road, Suite 200, Atlanta, Ga. 30328, issued in Docket No. MC 35807 (Sub-No. 63) authorizing service as a contract carrier, over irregular routes, of *commercial papers, documents, written instruments and accounting media*, between DeFuniak Springs, Fla., and Dothan, Ala., restricted to service performed under a continuing contract or contracts with First National Bank of Birmingham, Ala., and in Docket No. MC 35807 (Sub-No. 69) authorizing similar service in the transportation of *Checks, business papers, records, payroll checks, reports and audit and accounting media*, over irregular routes, between Hamden, Conn., and points in Ulster, Orange, and Dutchess Counties, N.Y., restricted to service performed for the accounts of Mid-Hudson Savings Bank, Rondout Savings Bank, Ellenville Saving Bank, Savings and Loan Association of Newburgh, and Northeast Data Co., Inc. Wells Fargo Armored Service Corp. holds authority under Docket No. MC 35807 and Sub-Nos. thereof to transport, over irregular routes, *coin, currency and other valuable articles* as a contract carrier from, to or between specified points or areas in Massachusetts, New York, Pennsylvania, New Jersey, Delaware, Louisiana, Mississippi, Florida, Alabama, Tennessee, Colorado, Georgia, North Carolina, Virginia, Kentucky, Texas, Oklahoma, Missouri, Arkansas, New Mexico, Arizona, Wyoming, Montana, North Dakota, South Dakota, Illinois, California, Minnesota, Oregon, Utah, Washington, Washington, D.C., South Carolina, Iowa, Nebraska, Connecticut, West Virginia, and Michigan, generally

under contract with banks, banking institutions, and General Services Administration. Pony Express Courier Corp., holds no permanent authority from this Commission. However, Baker Industries, Inc., 199 Cherry Hill Road, Parsippany, N.J. 07054, controls both Pony Express Courier Corp. and Wells Fargo Armored Service Corp. and joins in this application for authority to commonly control the two carriers and the operating rights and property sought to be acquired through the proposed transactions. Applicant's attorney: Harry J. Jordan, Esquire, Macdonal & McInerney, 1000 16th Street NW., Suite 502, Washington, D.C. 20036. Approval of the transaction will not result in dual operations, the splitting of any operating authority, or duplication of authorities. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13478. Authority sought for purchase by ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, N.Y. 13601, of a portion of the operating rights of Oneida Motor Express, Inc., Commercial Avenue, Carlstadt, N.J. 07072, and for acquisition by Charles J. Wilcox, Sr., also of 650 Cooper Street, Watertown, N.Y. 13601, of control of such rights through the purchase. Applicant's attorneys: Roy D. Pinsky (attorney for transferee), 345 South Warren Street, Syracuse, N.Y., and William Biederman (attorney for transferor), 371 Seventh Avenue, New York, N.Y. 10001. Operating rights sought to be transferred: *General commodities*, with exceptions as a common carrier, over regular routes between New York, N.Y., and Auburn, N.Y., serving the intermediate point of Syracuse, N.Y.; from New York via ferry, bridge, or tunnel to New Jersey, thence over U.S. Highway 22 to junction New Jersey Highway 69 to junction U.S. Highway 46 to junction U.S. Highway 611, thence over U.S. Highway 611 to Scranton, Pa., thence over U.S. Highway 11 via Binghamton, N.Y., to Syracuse, N.Y. and thence over New York Highway 5 to Auburn and return over the same route. Service is authorized to and from the off-route points of Chadwicks, Rome, Troy, Albion, Honoye Falls, Mount Morris, Medina and Phelps, N.Y. Vendee is authorized to operate as a common carrier in New York, New Jersey, Pennsylvania, Massachusetts, New Hampshire, and Vermont. Application has not been filed for temporary authority under section 210a(b), of the Act.

No. MC-F-13479. Authority sought for purchase by TRI-STATE MOTOR TRANSIT CO., P.O. Box 113 (business I-44), Joplin, Mo. 64801, a portion of the operating rights of O.N.C. Freight Systems, P.O. Box 10280 (260 Sheridan Ave.), Palo Alto, Calif. 94303. Ap-

plicant's attorneys: Max. G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112; and Joseph P. Ficurelli, P.O. Box 10280, Palo Alto, Calif. 94303. Operating rights sought to purchase: That portion of MC 71459 (Sub-No. 53) as follows: *Classes A, B, and C Explosives*, as a *common carrier*, over regular routes between intermediate and off-route points within 18 miles of Olympia, Wash., not including Olympia and not including those portions falling within 18 miles of Tacoma except to specifically include the right to serve the point of DuPont, on the one hand, and, on the other, intermediate, off-route and terminal points in Clallam, Jefferson and Kitsap Counties, Wash.; from Olympia, over U.S. Highway 101 to Quilcene, Wash., or from Olympia over U.S. Highway 101 to junction Washington Highway 3 (formerly portion Washington Highway 14), thence over Washington Highway 3, (formerly portion Washington Highways 14 and 21) to Bremerton, Wash., and return over the same routes. *Classes A, B, and C Explosives*, as a *common carrier*, over irregular routes between points within 18 miles of Olympia, Wash., not including Olympia and excluding that portion falling within 18 miles of Tacoma, but to include the specific right to serve DuPont, Wash., on the one hand, and, on the other, points in Clallam, Jefferson, and Kitsap Counties, Wash., with restrictions. Vendee is authorized to operate pursuant to Certificate No. MC 109397 as a *common carrier* in all states in the United States. Upon approval of the proposed transaction, Vendor will continue to operate the remaining portions of its authority. Application has not been filed for temporary authority under Section 210a(b).

NOTE.—MC 109397 (Sub-No. 386) is a directly related matter.

MOTOR CARRIER OF PASSENGERS

No. MC-F-13480. Authority sought for the purchase by RFK CHARTER COACHES, INC., 144 32d Street Drive, SE., Cedar Rapids, Iowa, 52403, of a portion of the operating rights and equipment of Sedalia-Marshall-Boonville Stage Line, Inc., 5805 Fleur Drive, Des Moines, Iowa, 50321, and for the acquisition by Thomas E. Fleckenstein, 2315 Ridgeway Drive SE., Cedar Rapids, Iowa, 52403, and Robert F. Kazimour, 1200 Norwood Drive, SE., Cedar Rapids, Iowa, 52403, of control of such rights and equipment through the purchase. Applicants' representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa. Operating rights sought to be transferred: *Passengers and their baggage, and express* in the same vehicle with passengers, as a *common carrier*, over regular routes, between Des Moines,

Iowa, and Manning, Iowa, serving the intermediate points of Clive, Waukee, Adel, Redfield, Linden, Panora, Bagley, and Coon Rapids, Iowa; and the off route points of Yale, Bayard, Dedham, and Templeton, Iowa, from Des Moines over U.S. Highway 6 to Redfield, Iowa, thence over Iowa Highway 292 to junction Iowa Highway 64, thence over Iowa Highway 64 to Panora, Iowa, thence over Iowa Highway 17 to junction Iowa Highway 141, and thence over Iowa Highway 141 to Manning, and return over the same route, with restrictions, between Des Moines, Iowa, and Sioux City, Iowa serving the intermediate points of Clive, Grimes, Dallas Center, Minburn, Perry, Dawson Junction, Jamailca, Bagley, Bayard, Coon Rapids, Dedham, Templeton, Manning, Manilla, Denison, Charter Oak, Ute, Mapleton, Smithland, Hanson Trading Post, and Holly Spring, Iowa; From Des Moines over Iowa Highway 64 to Junction U.S. Highway 169, thence over U.S. Highway 169 to junction Iowa Highway 141, thence over Iowa Highway 141 to junction Iowa Highway 342, thence over Iowa Highway 342 to Jamailca, Iowa, and return over Iowa Highway 342 to junction Iowa Highway 141, thence over Iowa Highway 141 to junction Iowa Highway 361, thence over Iowa Highway 361 to Bayard, Iowa, and return over Iowa Highway 361 to junction Iowa Highway 141, thence over Iowa Highway 141 to junction Iowa Highway 236, thence over Iowa Highway 236 to Templeton, Iowa, and return over Iowa Highway 236, to junction Iowa Highway 141, thence over Iowa Highway 141 to junction Iowa Highway 45, thence over Iowa Highway 45 to Manilla, Iowa, and return over Iowa Highway 45 to junction Iowa Highway 141, and thence over Iowa Highway 141 to Sioux City, and return over the same route. RFK Charter Coaches, Inc., holds no authority from this Commission. However, Thomas E. Fleckenstein who controls RFK Charter Coaches, Inc. is also the owner of Charter Coaches, Inc. Charter Coaches, Inc. is authorized to operate a *common carrier* in all the States in the United States except Alaska and Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13482. Authority sought for continuance in control by JAMES "JAKE" JACOBSSMA, 2600 Highway 75 North, Sioux City, Iowa, 51105 of (B) Jacobsma Transport, Inc., of 2600 Highway 75 North, Sioux City, Iowa, 51105 and (BB) Jacobsma Transportation, Inc., of 2600 Highway 75 North, Sioux City, Iowa, 51105 through stock ownership. Applicant's attorney: Brian K. Ridenour, P.O. Box 82028, Lincoln, Nebr., 68501. Operating rights sought to be controlled: (B) Jacobsma Trans-

port, Inc. of Sioux City: *Liquid fertilizer solutions*, as a *common carrier* over irregular routes from Owens, Iowa to points in Minnesota, Nebraska, and South Dakota; and *anhydrous ammonia*, as a *common carrier*, over irregular routes from the facilities of Gulf Central Pipeline at or near Spencer and Holstein, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota and South Dakota. Applications for said authority have been granted in MC 143024 (Sub-Nos. 1 and 2), but issuance of the certificates has been withheld pending section 5 approval of common control. Operating rights sought to be controlled, (BB) Jacobsma Transportation, Inc. of Sioux City: specified *iron, aluminum and steel items* from the plantsites of Sioux City Foundry Co., Sioux City, Iowa and South Sioux City, Nebr. to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota and *steel products* from the plantsite of Missouri Valley Steel Co., Sioux City, Iowa, to points in Kansas, Minnesota, Nebraska, North Dakota and South Dakota, all as more specifically described in MC 129830 (Sub-No. 2); specified *aluminum, iron and steel articles*, as a *common carrier* from the facilities of State Steel Supply Co., Sioux City, Iowa to points in Iowa, Minnesota, Kansas, Nebraska, South Dakota, North Dakota and Missouri and specified *iron, aluminum and steel articles*, as a *common carrier*, over irregular routes, from the facilities of Sioux City Foundry Co., Sioux City, Iowa and South Sioux City, Nebr., to points in Wyoming and Colorado, all as more specifically described in MC 129830 (Sub-No. 5); and *crushed and scrapped vehicles, implements and machinery*, as a *common carrier*, over irregular routes from points in Woodbury and Plymouth Counties, Iowa, Dakota County, Nebr. and Union and Dakota Counties, South Dakota to points in Minnesota, Illinois, Wisconsin and Missouri, and *aluminum, iron and steel articles*, as a *common carrier* over irregular routes from the plantsite and storage facilities of State Steel Supply Co., Sioux City, Iowa and Sioux City Foundry Co., Sioux City, Iowa and South Sioux City, Nebr. to points in Wisconsin and Illinois, all as more specifically described in MC 129830 (Sub-No. 7). Applicant, d.b.a. Jacobsma Transport Co., is authorized to operate as a *common carrier* of *liquid animal and poultry feed* over irregular routes between LeMars, Iowa and points in Iowa within 25 miles of LeMars, on the one hand, and, on the other, points in Minnesota, South Dakota, Nebraska, Illinois, Missouri, and Wisconsin and from Burlington, Wis. to points in South Dakota, Nebraska and Iowa as more specifically described in certificate MC 128808. Approval of continuance in control will not result

in dual operations or duplicating authority. Application has not been filed for temporary authority under section 210a(b). This application is not related to any pending or simultaneously filed application.

No. MC-F-13484. Authority sought for purchase by THE TRANSPORT CO., INC., 5505 Agnes, P.O. Box 4736, Corpus Christi, Tex. 78408, of a portion of the operating rights of Dixie Transport Co. of Texas, P.O. Box 5447, Beaumont, Tex. 77706, and for acquisition by Donald G. Majors, 6021 Marlow Lane, Oklahoma City, Okla., of control of such rights through the transaction. Applicant's attorneys: Mike Cotten, P.O. Box 1148, Austin, Tex. 78767, and Austin L. Hatchell, 1102 Perry-Brooks Building, Austin, Tex. 78701. Operating rights to be transferred: *Asphalt, in bulk*, in tank vehicles, as a *common carrier*, over irregular routes, from Port Arthur, Smith's Bluff and Chaison, Tex., to points in that part of Louisiana on and south of U.S. Highway 84; *Asphalt, in bulk*, as a *common carrier*, over irregular routes from Port Neches, Tex., to points in Louisiana, *Antifreeze preparations, glycols, glycol ethers, jet fuel anti-icing agents and motor fuel anti-knock compound, in bulk*, in tank vehicles as a *common carrier*, over irregular routes from the plantsite of Houston Chemical Co. located near Beaumont, Tex., to points in Arkansas, Mississippi, South Carolina, Louisiana (except Baton Rouge, Lake Charles, and New Orleans) and points in that part of Kentucky on and east of U.S. Highway 31-E, with restriction; *anhydrous ammonia, in bulk*, in tank vehicles, as a *common carrier*, over irregular routes from Beaumont, Tex., to points in Louisiana; *Petroleum and petroleum products, in bulk*, in tank vehicles, as a *common carrier*, over irregular routes from the plantsite at Gulf Oil Co.-U.S., located at West Port Arthur, Tex. to points in Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee, with restriction. Vendee is authorized in MC-104210 and subs to operate as a *common carrier* of *specified liquid commodities, in bulk*, in tank vehicles to, from and/or between specified points and/or described areas of Texas, Louisiana, Oklahoma, Kansas, Colorado and New Mexico. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-6741 (Sub-No. 8) is a directly related matter.

No. MC-F-13487. Authority sought for purchase by JACOBSSMA TRANSPORT, INC., OF SIOUX CITY, 2600 Highway 75 North, Sioux City, Iowa 51105, of the operating rights of (B) James "Jake" Jacobsma, d.b.a. Jacobsma Transport Co., 2600 Highway 75 North, Sioux City, Iowa 51105, and of a portion of the operating rights of (BB) Freddie Ahrenstorff, d.b.a. Ahrenstorff Transfer, P.O. Box 627, Lake Park, Iowa, 51347, and for acquisition by James "Jake" Jacobsma of control of the rights through the purchase. Applicants' attorney: Brian K. Ridenour, P.O. Box 82028, Lincoln, Nebr. 68501. Operating rights sought to be purchased from James "Jake" Jacobsma, d.b.a. Jacobsma Transport Co.: *Liquid animal and poultry feed*, as a *common carrier*, over irregular routes, between LeMars, Iowa, and points in Minnesota, South Dakota, Nebraska, Illinois, Missouri, and Wisconsin and from Burlington, Wis., to points in South Dakota, northern Nebraska and northwestern Iowa, as more specifically described in MC 128808. Operating rights sought to be purchased from Ahrenstorff Transfer: *fertilizers, insecticides, fungicides and herbicides*, as a *common carrier*, over irregular routes, from the facilities of Agrico Chemical Co. (formerly Gulf Oil Corp.), Blair, Nebr., to points in Wisconsin, Minnesota, Iowa, Missouri, Kansas, Illinois, Indiana, Michigan, Colorado, South Dakota, North Dakota, Wyoming, Montana, and Nebraska, and of *anhydrous ammonia* from Mapco, Inc., terminals at Whiting, Early, and Garner, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin as more fully described in MC 20729 (Sub-Nos. 9 and 12). Vendee currently holds no authority from the Commission but an affiliated company, Jacobsma Transportation Co., holds authority for the transportation as a *common carrier*, over irregular routes, of *iron, aluminum and steel articles* in the States of Kansas, Minne-

No. MC-F-13485. Authority sought for purchase by F. S. WILLEY COMPANY, INC., d.b.a. WILLEY'S EXPRESS, 28 Center Street, Laconia, N.H. 03246 of the operating rights of Red Ball Express, Inc., 370 West First Street, South Boston, Mass. 02127, and for acquisition by Floyd M. Willey, 28 Center Street, Laconia, N.H. 03246 and Frank M. Willey, 28 Center Street, La-

conia, N.H. 03246 of control of such rights through the purchase. Transferor's attorney: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Transferor's attorney: S. Harrison Kahn, Suite 733 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Operating rights sought to be purchased: *General commodities*, as a *common carrier*, between points in the State of Massachusetts, as more fully described in Certificate of Registration No. MC-85504 (Sub-No. 1). Vendee is authorized to operate as a *common carrier* in Massachusetts, New Hampshire and Vermont. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-6741 (Sub-No. 8) is a directly related matter.

No. MC-F-13488. Authority sought for purchase by COMMERCIAL TRANSPORTATION, INC., 2300 East Adams Avenue, Philadelphia, Pa. 19124, of a portion of the operating rights of North Penn Transfer, Inc., Box 230, Lansdale, Pa. 19446, and for acquisition by Anthony N. Coppola and Leon J. Coppola, both of 2300 East Adams Avenue, Philadelphia, Pa. 19124. Applicants' representative: John W. Fram, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Lansdale, Pa., and Washington, D.C., serving the intermediate points of Wilmington, Del., and Baltimore, Md., and serving those off-route points in New Castle County, Del., from Lansdale over Pennsylvania Highway 63 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 1, and thence over U.S. Highway 1 to Washington, and return over the same route. Vendee is authorized to operate as a *common carrier*, in New York, New Jersey, Pennsylvania, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13490. Authority sought for purchase by HYMAN FREIGHTWAYS, INC., 1745 University Avenue, P.O. Box 3393, St. Paul, Minn. 55165, of a portion of the operating rights of Keomah Truck Lines, Inc., 546 9th Avenue, East Oskaloosa, Iowa 52577, and for acquisition by Eugene Pikovsky, 1745 University Avenue, P.O. Box 3393, St. Paul, Minn. 55165, of control of such rights through the purchase. Applicant's attorneys: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, Minn. 55402, and Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes between Pella, Iowa, and Chicago, Ill.; *livestock* between Omaha, Neb., and Pella, Iowa; *farm machinery*, as a *common carrier* over irregular routes from Rockford, Moline, and Rock Island, Ill., to Des Moines, Iowa; *windmills and parts*, from Freeport, Ill., to Des Moines, Iowa; *boilers and pipe fit-*

sota, Nebraska, North Dakota, South Dakota, Iowa, Missouri, Wyoming, and Colorado as more specifically described in MC 129830 and subs thereto. Approval of the application will not result in dual operation or duplicating authority. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13488. Authority sought for purchase by COMMERCIAL TRANSPORTATION, INC., 2300 East Adams Avenue, Philadelphia, Pa. 19124, of a portion of the operating rights of North Penn Transfer, Inc., Box 230, Lansdale, Pa. 19446, and for acquisition by Anthony N. Coppola and Leon J. Coppola, both of 2300 East Adams Avenue, Philadelphia, Pa. 19124. Applicants' representative: John W. Fram, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier*, over regular routes, between Lansdale, Pa., and Washington, D.C., serving the intermediate points of Wilmington, Del., and Baltimore, Md., and serving those off-route points in New Castle County, Del., from Lansdale over Pennsylvania Highway 63 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 1, and thence over U.S. Highway 1 to Washington, and return over the same route. Vendee is authorized to operate as a *common carrier*, in New York, New Jersey, Pennsylvania, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13490. Authority sought for purchase by HYMAN FREIGHTWAYS, INC., 1745 University Avenue, P.O. Box 3393, St. Paul, Minn. 55165, of a portion of the operating rights of Keomah Truck Lines, Inc., 546 9th Avenue, East Oskaloosa, Iowa 52577, and for acquisition by Eugene Pikovsky, 1745 University Avenue, P.O. Box 3393, St. Paul, Minn. 55165, of control of such rights through the purchase. Applicant's attorneys: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, Minn. 55402, and Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Operating rights sought to be transferred: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes between Pella, Iowa, and Chicago, Ill.; *livestock* between Omaha, Neb., and Pella, Iowa; *farm machinery*, as a *common carrier* over irregular routes from Rockford, Moline, and Rock Island, Ill., to Des Moines, Iowa; *windmills and parts*, from Freeport, Ill., to Des Moines, Iowa; *boilers and pipe fit-*

tings from Kewanee, Ill., to Des Moines, Iowa; wire and steel products, from Sterling, Ill., to Des Moines, Iowa; wire nails and steel fencing from Crawfordsville, Ind., to Ottumwa, Boone, Fort Dodge, and Storm Lake, Iowa; iron castings from Pella, Iowa, to Peoria, Ill.; miner's safety fuses, from Chicago, Ill., to Knoxville, Iowa; livestock, between Pella, Iowa, and points within 20 miles of Pella on the one hand, and, on the other, St. Louis, Mo., and livestock, from Oskaloosa, Iowa, and points and places within 35 miles of Oskaloosa, to named points in Illinois. General commodities (with the usual exceptions), between Oskaloosa, Iowa, on the one hand, and, on the other, Chicago, East St. Louis, Rock Island, Moline, East Moline, and Silvis, Ill. Vendee is authorized to operate as a common carrier in North Dakota, South Dakota, Minnesota, Wisconsin, Missouri, Nebraska, Iowa, and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13501. Authority sought for control and merger by ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Avenue, Holliston, Mass. 01746 with Roberts Motor Express, Inc., North Road, Highland, N.Y. 12528, and for acquisition by S.T.L. Inc., also of 87 Jeffrey Ave., Holliston, Mass. 01746, of control of the rights and property through the merger. Applicants' representatives: Francis P. Barrett, Barrett & Barrett, 60 Adams Street, Milton, Mass. 021187 and Seymour Feinman, 532 Blooming Grove Turnpike, Newburgh, N.Y. 12550. Operating rights sought to be controlled and merged: Under Certificate of Registration No. MC 99084, General commodities, with exceptions, over regular routes as a common carrier, between Troy, N.Y., and New York, N.Y.; between Troy and Schenectady, N.Y.; with service from, to, and between all intermediate points and Albany, Greene, Orange, Sullivan and Ulster Counties, N.Y., and named off-route points as more fully described in said certificate. Transferee operates as a common carrier, over regular and irregular routes in the States of Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and the District of Columbia. S.J.T. Inc., holds no authority from the Commission. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC 108473 (Sub-No. 40) is a direct-related matter.

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with special rules 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 6741 (Sub-No. 8), filed January 9, 1978. Applicant: F. S. WILLEY CO., INC. d.b.a. WILLEY'S EXPRESS, 28 Center Street, Laconia, N.H. 03246. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, commodities in bulk and those commodities requiring special equipment), between points in Massachusetts.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a section 5(2) finance proceeding in Docket No. MC-F-13485, published in a previous section of this FEDERAL REGISTER issue. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 69116 (Sub-No. 198), filed January 19, 1978. Applicant: SPEC-TOR FREIGHT SYSTEM, INC., 1050 Kingery Highway, Bensenville, Ill. 60106. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes

A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading): (1) Between Lancaster, Pa., and Harrisburg, Pa., serving no intermediate points; from Lancaster over U.S. Highway 230 to Harrisburg, and return over the same route; (2) between Lancaster, Pa., and Philadelphia, Pa., serving all intermediate points and the off-route points of Morristown, Lansdowne, Marcus Hook, Chester, West Chester, Emigsville, Biglerville, McSherrytown, and Hanover, Pa.; from Lancaster over U.S. Highway 30 to Philadelphia, and return over the same route.

NOTE.—The purpose of this application is to eliminate the problem of the sale by Eastern of duplicate segments of highways, and is a matter directly related to a section 5(2) proceeding in No. MC-F-13438, published in the FEDERAL REGISTER issue of December 1, 1977. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108473 (Sub-No. 40), filed January 17, 1978. Applicant: ST. JOHNSBURY TRUCKING CO., INC., 87 Jeffrey Avenue, Holliston, Mass. 01746. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Troy, N.Y. and New York, N.Y.: (a) from Troy over the Menands Bridge to Menands, thence over N.Y. Highway 32 to Albany, thence over U.S. Highway 20 to the intersection of U.S. 9, thence over U.S. Highway 9 to New York City, and return over the same route; (b) from Troy over U.S. Highway 4 to intersection of U.S. Highway 4 and U.S. Highway 9; (c) from Troy as above to intersection of U.S. 20 and 9J; thence over N.Y. 9J to the intersection of U.S. 9 thence as above; (d) from Troy over N.Y. Highway 9D to Beacon, thence to New York as above; (e) from Troy over N.Y. 9H to the junction of U.S. 9 and N.H. Highway 9H at Bro Corners, thence as above to New York; (f) from Troy to Albany as above, thence over N.Y. 144 to New Baltimore, thence over unnumbered highway to West Coxsackie, thence over N.Y. 385 to Catskill, thence over bridge to New York 9G, thence over N.Y. 9G to the intersection with U.S. 9, thence over U.S. 9 to New York; (g) from Troy to Albany as above, thence over U.S. 9W to the mid Hudson and Bear Mountain Bridges, thence over said bridges to U.S. 9, thence to New York, N.Y. as above; (2) between Troy

and Schenectady, N.Y.; from Troy over N.Y. 7 to Schenectady and return over the same routes; (3) between Albany and Schenectady, N.Y.; from Albany over N.Y. Highway 5 to Schenectady and return over the same routes, serving all intermediate points, the counties of Albany, Greene, Orange, Sullivan, and Ulster as off-route points and New Rochelle, White Plains, Chatham, Philmont, Mellenville, Niverville, Stottville (Columbia County), Elmsford, Pelham (Westchester County), Illerton, New Hamburg, Stonewall, Wassaic, Wingdale (Dutchess County), Scotia (Schenectady County), Waterford (Saratoga County), Averill Park, Wynantskill (Rensselaer County) and Garrison (Putnam County), N.Y.

NOTE.—The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity and is a matter directly related to a section 5(2) proceeding in No. MC-F-13501 published in a previous section of this FEDERAL REGISTER issue. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass. or Albany, N.Y.

No. MC 109397 (Sub-No. 386), filed January 4, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo., 64801. Applicant's representative: Max G. Morgan, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Classes A, B, and C explosives, between points in Clallam, Jefferson, and Kitsap Counties, Wash., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Olympia, Wash. This is a gateway elimination request, and is a matter directly related to Tri-State Motor Transit Co. purchase (a portion) of O.N.C. Freight Systems, MC-F-13479, published in a previous section of this FEDERAL REGISTER issue.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS NOTICE

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this FEDERAL REGISTER notice.

Each applicant states that there will be no significant effect on the quality

of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 109095 (Deviation No. 13), ANDERSON MOTOR SERVICE, INC., 525 Ravensridge Drive, St. Louis, Mo. 63119, filed January 16, 1978. Carrier's representative: Joseph Rebman, 314 N. Broadway, St. Louis, Mo. 63102. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows, from Cincinnati, Ohio over Interstate Highway 71 to Cleveland, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio over U.S. Highway 50 to junction U.S. Highway 421 to Indianapolis, Ind., thence over Indiana Highway 67 to the Indiana-Ohio State line, thence over Ohio Highway 29 to St. Marys, Ohio, thence over U.S. Highway 33 to Wapakoneta, Ohio, thence over U.S. Highway 25 to Findlay, Ohio, thence over U.S. Highway 224 to Attica, Ohio, thence over Ohio Highway 4 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio and return, over the same route.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2822 Filed 2-1-78; 8:45 am]

[7035-01]

[Notice No. 580]

ASSIGNMENT OF HEARINGS

JANUARY 30, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 139482 (Sub 12), New Ulm Freight Lines, Inc., now assigned January 31, 1978, at Chicago, Ill., is cancelled, and application dismissed.

MC 78400 (Sub 53), Beaufort Transfer Co., now assigned February 13, 1978, at Jefferson City, Mo., is cancelled and reassigned to Sedalia, Mo., and will be held at the Ramada Inn, Highway 50 West.

MC 67121 (Sub 10), Harp Transportation Line, now being assigned February 22, 1978 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 124947 (Sub 61), Machinery Transports, Inc., now assigned February 2, 1978, at Washington, D.C., is cancelled. Section 5b appl. No. 1, Alaska Rail Water Association Agreement, now assigned March 7, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C. Fourth Section Order No. 20541, Sheet Steel, Chicago, Ill. to Fort Smith, Ark., now being assigned March 14, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C. I & SM 29710, General Increase, December 1977, C.S.M.F.T.A., now assigned March 7, 1978, at Washington, D.C., is cancelled—schedules cancelled.

MC 4966 (Sub 21), Jones Transfer Co., now being assigned March 6, 1978 (5 days), at Lansing, Mich., in a hearing room to be later designated.

MC 57298 (Sub 11), Union Bus Lines, Inc., now being assigned February 20, 1978 (5 days), at San Antonio, Tex., at the Holiday Inn-Northwest, 6023 Northwest Expressway, continued on March 13, 1978 (5 days), at Phoenix, Ariz., at the Holiday Inn-Central, 2247 East Van Buren, and continued March 20, 1978 (5 days), at Houston, Tex., at the Holiday Inn-Memorial, 2100 Memorial Drive.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-2914 Filed 2-1-78; 8:45 am]

[7035-01]

[Notice No. 289]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before March 6, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would pre-

clude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77195, filed January 4, 1978. Transferee: NORMAN PESTKA, 540 River Street, Ontonagon, Mich. 49953. Transferor: JOHN P. FONTANA, d.b.a. J & J TRANSPORT, 100 Florida Street, Laurium, Mich. 49913. Applicant's representative: John Boeschstein, 127 State Street, Hart, Mich. 49420. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC-116483 (Sub-No. 1), issued October 23, 1967: *Lumber, logs, wooden posts, and poles from points in Gogebic, Iron, Ontonagon, Baraga, and Houghton Counties, Mich. to points in Wisconsin and similar commodities from points in Menominee, Dickerson, Luce, Marquette, Alger, Keweenaw, Delta, Schoolcraft, Chippewa, and Mackinac Counties, Mich. to points in Wisconsin.* Applicant holds no Commission authority and does not seek section 210a(b) temporary authority.

No. MC-FC-77462, filed December 14, 1977. Transferee: PAUL D. SCHOMAKER, d.b.a. SCHOMAKER TRUCKING, 501 P Avenue, Milford, Iowa 51351. Transferor: Iowa Packers Xpress, Inc., P.O. Box 231, Spencer, Iowa 51301. Applicants' representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 115113 (Sub-No. 22), issued November 20, 1974, and superseded by certificate issued October 19, 1977, as follows: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses, as described in sections Q and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Banner Beef Co. at or near Hospers, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and the District of Columbia, with no transportation for compensation on return except as otherwise authorized.* Restrictions: The operations authorized herein are restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destination states. Transferee presently holds no author-

ity from this Commission. Application has been filed for temporary No. MC-FC-77462: authority under section 210a(b).

No. MC-FC-77473, filed December 28, 1977. Transferee: COMMERCIAL STORAGE & DISTRIBUTION CO., 432 Richmond Road, Texarkana, Tex. 75501. Transferor: Herrin Transfer & Warehouse Co., Inc., 1305 Marshall, Shreveport, La. 71164. Applicant's representative: Clifford L. Lawrence Jr., Esquire, P.O. Box 1661, Monroe, La. 71201. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 1414 and MC 1414 (Sub-No. 2) acquired by transferor pursuant to MC-FC-76810 which transferred the above authority to Mid-States Industries, Inc., who later changed its name to Herrin Transfer & Warehouse Co., Inc. The transaction in MC-FC-76810 was consummated on March 3, 1977. The authority to be transferred herein is as follows: *Household goods, between points and places in Louisiana, Arkansas, Texas, and Mississippi, and Household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between points in Louisiana, on the one hand, and, on the other, points in Oklahoma, Alabama, and Georgia, traversing Texas, Arkansas, and Mississippi for operating convenience only.* Transferee is presently authorized to operate as a common carrier under Certificate No. MC 128932. Application has not been filed for temporary authority under Section 210a(b).

Transferee: LEPRECHAUN LINES, INC., Route 32, P.O. Box 2628, Newburgh, N.Y., 12550. Transferor: Newburgh Beacon Bus Corp. (same address as transferee). Applicants' representative: J. G. Dall, Jr., P.O. Box 567, McLean, Va. 22101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 114755 (Sub-No. 1), issued July 20, 1972, as follows: *Passengers and their baggage, in the same vehicle with passengers, in charter operations, beginning and ending at Beacon, Beekman, Cornwall (except the United States Military Academy, at West Point, N.Y.), Dover, East Fishkill, Fishkill, LaGrange, Lloyd, Marlborough, the city of Newburgh, the Town of Newburgh, New Windsor, Pawling, Phillipstown, Plattekill, Putnam Valley, Union Vale, and Wappinger, N.Y., and extending to points in the United States (including Alaska but excluding Hawaii).* Transferee is presently authorized to operate as a common carrier under Certificate No. MC 112108 (Sub-No. 3). Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77483, filed December 27, 1977. Transferee: DATTCO

TOURS, INC., 583 South Street, New Britain, Conn. 06051. Transferor: The Graham Travel Co., 135 College Street, New Haven, Conn. 06502. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought for purchase by transferee of License No. MC 12658, issued May 19, 1958, authorizing the transportation of passengers and their baggage, in special or charter operations, in round-trip all-expense tours, beginning and ending at points in Fairfield, New Haven, and Hartford Counties, Conn., and extending to points in the United States. Transferee presently holds no authority from this Commission but is affiliated with Datto, Inc., a motor passenger carrier holding authority under MC 95466 and Subs thereto. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77488, filed January 3, 1978. Transferee: J. D. CARTON & SON, INC., 41 Watchung Avenue, Chatham, N.J. 07928. Transferor: Carton Moving & Storage Co. (same address as transferee). Applicant's representative: Thomas F. X. Foley, Esq., Colts Neck Professional Plaza, State Highway 34, Colts Neck, N.J. 07722. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 43161, issued December 13, 1973, as follows: *Household goods, between Newark, N.J. on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Connecticut, and Rhode Island, and between points in Essex, Bergen, Hudson, and Passaic Counties, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.* Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77509, filed January 16, 1978. Transferee: COWEN TRUCK LINES, INC., Route No. 2, Perrysville, Ohio 44864. Transferor: Robert H. Cowen, d.b.a. Cowen Truck Lines, Route No. 2, Perrysville, Ohio 44864. Applicant's representative: Boyd B. Ferris, Muldoon, Pemberton & Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 138555 (Sub-No. 2), issued April 1, 1974, as follows: *Materials, equipment, and supplies (except commodities in bulk), used in the manufacture of household appliances, between North Canton, Ohio, and Holly Springs, Miss.* Transferee presently holds no authority from this Commis-

sion. Application has not been filed for temporary authority under Section 210a(b).

NOTE.—By separate application filed concurrently herewith, under docket No. MC-FC-77510, transferee also seeks authority to purchase Permit No. MC 106608.

No. MC-FC-77510, filed January 16, 1978. Transferee: COWEN TRUCK LINES, INC., Route No. 2, Perrysville, Ohio 44864. Transferor: Wag Freight, Inc., 5260 Schario NW., Canton, Ohio 44718. Applicant's representative: A. Charles Tell, George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, Ohio 43215 and Boyd B. Ferris, Muldoon, Pemberton & Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC 106608, issued February 10, 1971, as follows: *Electrical household appliances and parts thereof, die castings, advertising matter, office furniture, supplies and equipment, and machinery, supplies, equipment, and materials used in the manufacture of electrical household appliances, electrical household appliance parts, and die castings, between North Canton, Ohio, and Chicago, Ill., serving no intermediate points, over a specified regular route.* Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

NOTE.—Robert H. Cowen, a controlling stockholder in transferee, also holds Permit No. MC 138555 (Sub-No. 2) and is seeking approval to transfer that authority to transferee in a separate application filed concurrently herewith under docket No. MC-FC-77509.

No. MC-FC-77516, filed January 18, 1978. Transferee: JACK M. GEMMER, d.b.a. GEMMER PARCEL DELIVERY, 60223 Bremen Highway, Mishawaka, Ind. 46544. Transferor: Jon Larrymore Swanson, d.b.a. Swanson Delivery Service, 63993 Madison Trail, Mishawaka, Ind. 46544. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit Numbers MC-134844 and MC-134844 (Sub-No. 2) issued June 10, 1971, and September 11, 1974, respectively, as follows: *Cosmetics, toilet preparations, advertising, and promotional products, from Mishawaka, Ind., to points in Elkhart, Fulton, Kosciusko, La Porte, Marshall, Starke, and St. Joseph Counties, Ind., and Toilet preparations, and advertising, and promotional products, from Mishawaka, Ind., to points in De Kalb, La Grange, Noble, Steuben, and Whitley Counties, Ind.* Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77519, filed January 20,

1978. Transferee: EDWARD S. DAVIS, WALTER E. DAVIS, a partnership, d.b.a. Couey Storage and Transfer Co., 427-47 N. Chestnut Street, Trinidad, Colo. 81082. Transferor: James R. Couey, Jr., d.b.a. Couey Storage and Transfer Co. 427-47 N. Chestnut Street, Trinidad, Colo. 81082. Applicants' representative: Edward S. Davis, 427 N. Chestnut Street, Trinidad, Colo. 81082. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC-3817 (Sub-No. 4), issued May 2, 1975, as follows: *General commodities, except Classes A and B explosives and household goods as defined by the Commission, between Trinidad, Colo., and Monument Lake, Colo., serving the intermediate points of Jansen, Sopris, Valdez, Segundo, Weston, and Stonewall, Colo., and the off-route points of Cokedale, Boncarbo, Tercio, and Whiskey Creek Pass, Colo., the site of the filter plant for the city of Trinidad, Colo., and points within two miles of Colorado Highway 12. From Trinidad over Colorado Highway 12 to Monument Lake, and return over the same route, transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).*

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-2913 Filed 2-1-78; 8:45 am)

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

Contents	Item
Commodity Futures Trading Commission	1-3
Federal Deposit Insurance Corporation	4
Federal Maritime Commission	5
International Trade Commission	6
Interstate Commerce Commission	7
Securities and Exchange Commission	8-10

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., February 3, 1978.

PLACE: Eighth Floor Conference Room, 2033 K Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-249-78 Filed 1-31-78; 3:40 pm]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., February 7, 1978.

PLACE: Fifth Floor Hearing Room, 2033 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Senior staff status report.
2. Policy Discussion of Issues raised by the four part Financial Rules proposals.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-250-78 Filed 1-30-78; 3:40 pm]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m., February 7, 1978.

PLACE: Fifth Floor Hearing Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matter dealing with registration of an individual as an associated person of a futures commission merchant.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-251-78 Filed 1-31-78; 3:40 pm]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 10:55 a.m. on January 28, 1978, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the deposit liabilities of First Bank of Macon County, Notasulga, Ala. which was closed by the Alabama Superintendent of Banks as of the close of business on January 26, 1978; (2) approve a resulting application from the newly chartered First Alabama Bank, N.A., Notasulga, Alabama, for consent to purchase assets of and assume the deposit liabilities of the closed bank; and (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction.

In calling the meeting, the Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest

did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by subsections (c)(8) and (c)(9)(A)(ii) thereof (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Dated: January 30, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-242-78 Filed 1-31-78; 8:52 am]

[6730-01]

FEDERAL MARITIME COMMISSION.

TIME AND DATE: February 8, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agreement No. 10168-1: Modification of Carol Lines Agreement to expand its scope to include ports or ports in the Caribbean.
2. Agreement No. DC-123: Joint employment by Matson Navigation Company and United States Lines of Adherence Group International as enforcement authority.
3. Agreement No. 10137-5: Modification of the Barber-Blue Sea Line Joint Service Agreement to permit the use of a different trade name and define "multi-purpose vessels".
4. Special Docket No. 528: *Juillard Alpha Liquor Co. v. Sea-Land Service, Inc.*—Consideration of initial decision.
5. Special Docket No. 529: *S. C. Sorensen v. Sea-Land Service, Inc.*—Consideration of initial decision.
6. Special Docket No. 532: *Pullman Kellogg v. Pacific WB Conference*—Consideration of initial decision.
7. Special Docket No. 533: *Catholic Relief Service v. Pacific WB Conference*—Consideration of initial decision.
8. Special Docket No. 534: *Cutler-Hammer Denver v. Lykes Bros. Steamship Co., Inc.*—Consideration of initial decision.
9. Informal Docket No. 359(1): *Durite Corporation, Ltd. v. Sea-Land Service, Inc.*—Consideration of the record.

Portion closed to the public:

1. Docket No. 77-31: *Chevron Chemical International, Inc. v. Barber Blue Sea Line*—Consideration of the record.

SUNSHINE ACT MEETINGS

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-245-78 Filed 1-31-78; 9:55 am]

[7020-02]

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, February 9, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary): (a) Trash pumps (Docket No. 482); (b) Roller units (Docket No. 484); (c) Locks (Docket No. 485).
5. Stainless steel pipe and tube (Inv. 337-TA-29)—vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-243-78 Filed 1-31-78; 8:52 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 10 a.m., Monday, February 6, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Special Open Conference.

MATTER TO BE CONSIDERED:

1. Recent Chicago Hearing of DOT on Midwestern railroads. (Briefing by RSPD Director Fitzwater and discussion.)
2. Impact of Winter Storms on Midwestern railroads. (Briefing by Bureau of Accounts and Operations and discussion.)

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone, 202-275-7252.

The Commission's professional staff will be available to brief news media

representatives on conference issues at the conclusion of the meeting.

[S-244-78 Filed 1-31-78; 8:52 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: January 27, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE: Thursday, February 2, 1978, 10 a.m.

STATUS: Open meeting.

PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING: Deletion of item to be considered. The following item will not be considered by the Commission at the open meeting on Thursday, February 2, 1978, at 10 a.m.:

Proposed transmittal of comments to the Office of Management and Budget ("OMB") expressing the views of the Commission on OMB's draft bill amending the Independent Offices Appropriations Act of 1952, which deals with fees charged by Federal agencies.

Chairman Williams, Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

JANUARY 30, 1978.

[S-246-78 Filed 1-31-78; 3:40 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: January 27, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE: Thursday, February 2, 1978, 10 a.m.

STATUS: Open meeting.

PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING: Additional items to be considered. The following items will be considered by the Commission at the open meeting on Thursday, February 2, 1978, at 10 a.m.:

1. Proposed transmittal of comments to the Office of Management and Budget and Senator Harrison A. Williams, Jr., concerning S. 2305, a bill to amend the Securities Act of 1933 by increasing the dollar limit in section 3(b).
2. Proposed transmittal of comments to the Office of Management and

Budget on a Small Business Administration ("SBA") draft bill to amend the Small Business Act to facilitate the sale of SBA-guaranteed obligations.

Chairman Williams, Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

JANUARY 30, 1978.

[S-247-78 Filed 1-31-78; 3:40 pm]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 6, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, February 7, 1978, at 10 a.m. and on Wednesday, February 8, 1978, immediately following the open meeting. Open meetings will be held on Wednesday, February 8, 1978, at 10 a.m. and on Thursday, February 9, 1978, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(B)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting on Tuesday, February 7, 1978, at 10 a.m., will be

Formal orders of investigation. Referral of investigative files to Federal, State, or Self-Regulatory authorities. Institution of injunctive actions. Settlement on injunctive actions. Settlement of administrative proceedings. Authorization of staff members to testify. Regulatory matters arising from or bearing enforcement implications. Other litigation matters.

The subject matter of the closed meeting on Wednesday, February 8, 1978, immediately following the open meeting, will be:

Opinions.

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SUNSHINE ACT MEETINGS

The subject matter of the open meeting on Wednesday, February 8, 1978, at 10 a.m., will be:

1. Consideration of the issuance of a release which (a) calls attention to issuers, attorneys, and accountants the recent enactment of the Foreign Corrupt Practices Act of 1977; (b) answers questions which have been raised most often by members of the public regarding the Act; and (c) solicits public comments on the need for further rulemaking, guidelines or interpretive releases.

2. Consideration of the issuance of a release which announces the withdrawal on a prospective basis a prior interpretation concerning the term "single employer" used in

section 3(a)(2) of the Securities Act of 1933, with respect to purposes of exemption from registration for interests in certain employee benefits plans.

3. Consideration of a request by Mr. Louis A. Brusati that the Commission review the Division of Corporation Finance's determination concerning two share-holder proposals submitted by Mr. Brusati to General Electric Co.

4. Consideration of proposed plan of reorganization filed by British American Utilities Corp. and North East Heat & Light Co.

5. Consideration of the issuance of a release announcing the Commission preliminary response to the recommendations of the Advisory Committee on Corporate Disclosure.

The subject matter of the open meeting scheduled for Thursday, February 9, 1978, at 2:30 p.m., will be:

The Commission will meet with representatives from the Investment Company Institute to discuss various issues concerning mutual funds.

FOR FURTHER INFORMATION CONTACT:

Elisse B. Walter at 202-376-8068 or Linda W. Jarett at 202-755-1271.

JANUARY 30, 1978.

[S-248-78 Filed 1-31-78; 3:40 pm]

THURSDAY, FEBRUARY 2, 1978
PART II



ENVIRONMENTAL PROTECTION AGENCY

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Selective Enforcement Auditing
Procedures

Registered
Federal

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 830-51]

PART 86—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Selective Enforcement Auditing Procedures

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency is making several minor clarifications and technical changes in the Selective Enforcement Auditing (SEA) regulations, published July 28, 1976 (41 FR 31472).

EFFECTIVE DATE: February 2, 1978.

EXPLANATION OF AMENDMENTS

Section	Changes	Reason
1. § 86.603(c).....	Vehicles are to be weighed only if required in test order.	Clarify weighing requirement.
2. § 86.605(a)(2)(v).....	Requires reporting of actual curb weight of test vehicles only if test order requires weighing.	Do.
3. § 86.607(i).....	Allow manufacturer to immediately ship vehicles which have passed test.	Eliminate unnecessary holding of vehicles.
4. § 86.608(c)(1)(i).....	Eliminate requirement that same mileage be accumulated on all test vehicles.	Unnecessary procedural requirement.
5. § 86.609 (a), (b), (c), (d)(3), (d)(4)(iii).....	Delete use of LMET's and change calculations to derive final deteriorated test results for comparison to emission standards.	Accommodate industry concern regarding differences between method used for SEA and certification for determining compliance with standards.
6. § 86.610 (a), (b).....	Same as for No. 5.....	Same as for No. 5.
§ 86.610(c).....	Discontinue test sample selection when batch sequence rejected.	Sample no longer required.
7. § 86.612 (f)(1)(ii), (g)(2).....	Same as for No. 5.....	Same as for No. 5.
8. § 86.613(b)(3).....	Eliminate interested parties from definition of "party."	Inadvertently included.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major regulation requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: January 23, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 86 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 86.603, the first sentence of paragraph (c) (41 FR 31483) is amended to read as follows:

§ 86.603 Test orders.

(c) The test order will specify the vehicle configuration selected for test-

RULES AND REGULATIONS

ADDRESS: Director, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Frank D. Slaveter, Chief, SEA Section, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street, Washington, D.C. 20460, 202-755-1572.

SUPPLEMENTARY INFORMATION: The Agency finds that good cause exists for omitting as unnecessary a notice of proposed rulemaking, public rulemaking procedure, and postponement of the effective date in the issuance of these amendments, in that: (1) the amendments primarily clarify the regulations, (2) they make nonsubstantive changes, and (3) they impose no additional burden on the regulated industry complying with the regulations. These amendments are described in the table below.

EXPLANATION OF AMENDMENTS

Section	Changes	Reason
1. § 86.603(c).....	Vehicles are to be weighed only if required in test order.	Clarify weighing requirement.
2. § 86.605(a)(2)(v).....	Requires reporting of actual curb weight of test vehicles only if test order requires weighing.	Do.
3. § 86.607(i).....	Allow manufacturer to immediately ship vehicles which have passed test.	Eliminate unnecessary holding of vehicles.
4. § 86.608(c)(1)(i).....	Eliminate requirement that same mileage be accumulated on all test vehicles.	Unnecessary procedural requirement.
5. § 86.609 (a), (b), (c), (d)(3), (d)(4)(iii).....	Delete use of LMET's and change calculations to derive final deteriorated test results for comparison to emission standards.	Accommodate industry concern regarding differences between method used for SEA and certification for determining compliance with standards.
6. § 86.610 (a), (b).....	Same as for No. 5.....	Same as for No. 5.
§ 86.610(c).....	Discontinue test sample selection when batch sequence rejected.	Sample no longer required.
7. § 86.612 (f)(1)(ii), (g)(2).....	Same as for No. 5.....	Same as for No. 5.
8. § 86.613(b)(3).....	Eliminate interested parties from definition of "party."	Inadvertently included.

ing, the manufacturer's plant or storage facility from which the vehicles must be selected, the time and location at which vehicles must be selected, the batch size, the manner in which vehicles must be selected from the batch, and whether test vehicles are to be weighed. . . .

2. In § 86.605, paragraph (a)(2)(v) (41 FR 31484) is revised to read as follows:

§ 86.605 Maintenance of records; submission of information.

.

(a)
(2)

(v) The drive wheel tire pressure for each test vehicle, the inertia weight

class and the actual curb weight for each test vehicle required to be weighed pursuant to a test order.

.

3. In § 86.607, paragraph (i) (FR 31485) is revised to read as follows:

§ 86.607 Sample selection.

.

(i) The manufacturer shall keep on hand all untested vehicles in the batch sample until the batch is accepted or rejected in accordance with § 86.610. The manufacturer may ship any tested vehicle which has not failed in accordance with § 86.610(a). However, once a manufacturer ships any vehicle from any batch sample, he relinquishes the prerogative to conduct retests as provided in § 86.608(i).

.

4. In § 86.608, paragraphs (c)(1) (41 FR 31485) and (i) (41 FR 31486) are revised to read as follows:

§ 86.608 Test procedures.

.

(c)
(1) Mileage accumulation may be performed in any manner the manufacturer desires.

.

(i) The manufacturer will be permitted to retest any test vehicle: *Provided*, That all vehicles selected for testing are tested the same number of times and that not more than three tests per vehicle are performed. The manufacturer may accumulate additional mileage before conducting a retest.

5. In § 86.609 the title and paragraphs (a), (b), (c), (d)(3), and (d)(4)(iii) (41 FR 31486) are amended to read as follows:

§ 86.609 Calculation and reporting of test results.

(a) Initial tests results shall be calculated following the method prescribed in Appendix IX or X, as appropriate, of this part and rounded in accordance with ASTM E29-67 to the number of places to the right of the decimal point indicated by expressing the appropriate emission standard to three significant figures.

(b) Final test results for each test vehicle shall be calculated by summing the initial test results derived in § 86.609(a) above for each test vehicle, dividing by the number of tests conducted on the vehicle, and rounding, in accordance with ASTM E29-67, to the same number of decimal places to

the right of the decimal point as the initial test results.

(c) The final deteriorated test results for each test vehicle shall be calculated by multiplying the final test results by the appropriate deterioration factor derived from the certification process for the engine family and model year to which the selected configuration belongs and rounded in accordance with ASTM E29-67 to two significant figures. For the purpose of this paragraph, if a deterioration factor as computed during the certification process is less than one, that deterioration factor shall be one.

(d)
(3) Deterioration factors for the selected configuration.

(4)
(iii) Test number, date, initial test results, final results and final deteriorated test results for all valid and invalid exhaust emission tests, and the reason for invalidation.

.

6. In § 86.610, paragraphs (a), (b) and (c) (41 FR 31486) are revised to read as follows:

§ 86.610 Acceptance and rejection of batches.

(a) A failed vehicle is one whose final deteriorated test result for one or more of the three exhaust pollutants when compared to the applicable emission standard for that pollutant, exceeds that standard.

(b) The batch from which a batch sample is selected will be accepted or rejected for each pollutant based upon the number of test vehicles in the batch sample with final deteriorated test results exceeding the applicable emission standards. A sufficient number of test samples of size determined by entering Appendix VIII, Table II at the appropriate code letter will be drawn from the batch sample and the vehicles tested until the cumulative number of vehicles whose final deteriorated test results exceed the emission standard for each pollutant is less than or equal to the acceptance number or greater than or equal to the rejection number appropriate for the cumulative number of vehicles tested. The acceptance and rejection numbers at the appropriate code letter in Appendix VIII, Table II will be used in determining whether the acceptance or rejection of a batch has occurred. Once a batch is accepted or rejected for a particular pollutant, the number of vehicles whose final deteriorated test results exceed the emission standard for that pollutant shall not be considered any further for the purposes of the audit of that batch.

(c) Test samples from the batch sample shall continue to be drawn and tested until a decision of acceptance or

rejection can be made with regard to each pollutant for the batch or until the batch sequence is rejected in accordance with § 86.611(a).

.

7. In § 86.612, paragraphs (f)(1)(ii) and (g)(2) (41 FR 31487) are amended to read as follows:

§ 86.612 Suspension and revocation of certificates of conformity.

.

(f)
(1)
(ii) demonstrate that the vehicle's final deteriorated test results conform to the applicable emission standards by retesting the vehicle in accordance with these regulations.

.

(g)
(2) Demonstrate that the vehicle configuration for which the certificate of conformity has been suspended does in fact comply with these regulations by testing vehicles from consecutively produced batches of that vehicle configuration at the plant or plants specified by the Administrator in accordance with § 86.610 and § 86.611 and the conditions specified in the initial test order. Except, That if the manufacturer elects to continue testing individual vehicles after suspension of a certificate, the certificate is reinstated for any vehicle actually determined to have its final deteriorated test results in conformance with the applicable emission standards through testing in accordance with the applicable test procedures: *Provided*, That the Administrator had not revoked the certificate pursuant to paragraph (e) above.

.

8. In § 86.613 paragraph (b)(3) (41 FR 31487) is amended to read as follows:

§ 86.613 Hearings on suspension and revocation of certificate of conformity.

.

(b)
(3) "Party" shall include the Agency and the manufacturer.

.

(Secs. 206, 208, 301(a), Clean Air Act, as amended (42 U.S.C. 7525, 7542, 7601(a), formerly 42 U.S.C. 1857f-5, 1857f-6, 1857g(a) which was reclassified by 91 Stat. 685 (Aug. 7, 1977)).)

[FR Doc. 78-2702 Filed 2-1-78; 8:45 am]

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8. In § 86.613 paragraph (b)(3) (41 FR 31487) is amended to read as follows:

§ 86.613 Hearings on suspension and revocation of certificate of conformity.

.

(b)
(3) "Party" shall include the Agency and the manufacturer.

.

(Secs. 206, 208, 301(a), Clean Air Act, as amended (42 U.S.C. 7525, 7542, 7601(a), formerly 42 U.S.C. 1857f-5, 1857f-6, 1857g(a) which was reclassified by 91 Stat. 685 (Aug. 7, 1977)).)

[FR Doc. 78-2702 Filed 2-1-78; 8:45 am]

.

8. In § 86.613 paragraph (b)(3) (41 FR 31487) is amended to read as follows:

§ 86.613 Hearings on suspension and revocation of certificate of conformity.

.

(b)
(3) "Party" shall include the Agency and the manufacturer.

.

(Secs. 206, 208, 301(a), Clean Air Act, as amended (42 U.S.C. 7525, 7542, 7601(a), formerly 42 U.S.C. 1857f-5, 1857f-6, 1857g(a) which was reclassified by 91 Stat. 685 (Aug. 7, 1977)).)

[FR Doc. 78-2702 Filed 2-1-78; 8:45 am]

fueled light-duty vehicles and light-duty trucks consistent with the test procedures in the certification regulations for exhaust emissions only.

The Agency finds good cause (1) for omitting as unnecessary a notice of proposed rulemaking and public rulemaking procedure, and (2) for making these changes effective upon publication, so that the changes will apply to production now underway. Two of the changes made by this notice clarify the regulations without changing

their substance or imposing any burden on the regulated industry. The other changes are required to make the SEA procedures consistent with the certification procedures, on which the public was provided opportunity to comment before they were adopted. Finally, the manufacturers have been aware of these planned changes for some time, and should not be burdened by the requirement that they comply immediately.

These amendments are described in the table below.

EXPLANATION OF AMENDMENTS

Section	Changes	Reason
1. § 86.608(a)	App. IX applies for 1977 vehicles and trucks and app. X applies for 1978 and later. Add provision for alternate test procedures.	Make SEA test procedures for 1978 and later vehicles and trucks consistent with those for certification.
2. App. IX	App. IX to apply to 1977 vehicles and trucks.	Clarify that app. IX applies to 1977 vehicles and trucks.
3. App. X	Add app. X	Test procedures for 1978 and later vehicles and trucks.

The following table summarizes the differences between the 1977 and 1978 test procedures.

1977 procedures (app. IX)	1978 procedures (app. X)	Change	Reason
II(a)(2) II(b)(3)(i) (41 FR 31493)	II(a)(2) II(b)(4)...	Add provision limiting commercial fuel to that which is available in the United States. Also add provision to allow usage of test fuel for mileage accumulation.	Clarification of intent.
II(b)(2) (41 FR 31493)	do	Add specifications for diesel fuel.	(1)
III(1)(iii) (41 FR 31493)	do	Add provision prohibiting slave evaporative canisters.	(1)
IV (41 FR 31493)	do	Delete provisions allowing use of slave fuel tanks. Add heat build procedure.	(1)
VI(e)(2) (41 FR 31494)	do	Delete details for alternate method of determining vehicle load horsepower. Reserve (I)(A) and (I)(B).	Outdated procedure.
VI, XV (41 FR 31495, 41 FR 31501)	VI (j) XIV	Add provisions to require measuring the actual driving distance on the rolls, and the appropriate changes in calculations of mass emissions.	(1)
VII, VIII, IX (41 FR 31495)	VII	Combine and update sections on transmission operations; make consistent with owner's manual.	(1)
X (41 FR 31495)	VIII	Make starting procedure consistent with owner's manual.	(1)
XII(a)(4) (41 FR 31499)	X	For system calibration, reference certification publication.	(1)
XIII(b) (11) and (13) (41 FR 31401)	XI(b) (11) and (13)	Delete time limit for ambient bag analysis....	(1)

* Consistency with certification regulations.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major regulation requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: January 23, 1978.

DOUGLAS COSTLE,
Administrator.

Part 86 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 86.608 paragraph (a) amended to read as follows:

§ 86.608 Test procedures.

(a) The prescribed test procedures are contained in Appendix IX for 1977 model year light-duty vehicles and light-duty trucks and in Appendix X for 1978 model year and later light-duty vehicles and light-duty trucks. The Administrator may, on the basis of a written application by a manufacturer, prescribe test procedures other than those set forth in these appendices for any motor vehicle which he determines is not susceptible to satis-

factory testing by the procedures set forth in these appendices.

2. By changing the title of Appendix IX to read as follows:

APPENDIX IX—SELECTIVE ENFORCEMENT AUDITING TEST PROCEDURES FOR 1977 MODEL YEAR LIGHT-DUTY VEHICLES AND LIGHT-DUTY TRUCKS

3. By adding Appendix X to read as follows:

APPENDIX X—SELECTIVE ENFORCEMENT AUDITING TEST PROCEDURES FOR 1978 AND LATER MODEL YEAR LIGHT-DUTY VEHICLES AND LIGHT-DUTY TRUCKS

I. TEST PROCEDURES

Vehicles shall be tested for conformity with following procedures:

(1) Gasoline-fueled vehicles:
(i) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sample continuously for subsequent analysis of specific components by prescribed analytical techniques. The test applies to vehicles equipped with catalytic or direct-flame afterburners, induction system modifications, or other systems or to uncontrolled vehicles and engines.

(ii) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip of 7.5 miles in an urban area. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to 40 CFR Part 86. A proportional part of the diluted exhaust emissions is collected continuously, for subsequent analysis, using a constant volume (variable dilution) sampler.

(2) Diesel vehicles:
(i) The test consists of prescribed sequences of fueling, parking, and operating conditions. The exhaust gases generated during vehicle operation are diluted with air and sampled continuously for analysis of Diesel exhaust hydrocarbons and subsequent analysis of other specific components by prescribed techniques. The test applies to vehicles equipped with catalytic or direct flame afterburners, other control systems or to uncontrolled vehicles and engines. All test phases are conducted within an ambient temperature range of 68 to 86° F.

(ii) The exhaust emission test is designed to determine hydrocarbon, carbon monoxide, and oxides of nitrogen mass emissions while simulating an average trip of 7.5 miles in an urban area. The test consists of engine startups and vehicle operation on a chassis dynamometer through a specified driving schedule, as described in Appendix I to 40 CFR Part 86. Using a constant volume (variable dilution) sampler, a proportional part of the diluted exhaust gas is analyzed continuously for hydrocarbons and an additional proportional part of the diluted exhaust gas is collected in bags for subsequent analysis of the other components.

II. FUEL SPECIFICATIONS

(a) Gasoline.
(1) Gasoline having the following specifications will be used by the Administrator in exhaust emission testing. Gasoline having

the following specifications of substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in testing.

Item designation	ASTM	Leaded	Unleaded
Octane, research, minimum	D2699	100	93
Pb. (organic), grams/U.S. gallon		1.4	0.00-0.05
Distillation range			
IBP, °F	D88	75-95	75-95
10 pct point °F	D88	120-135	120-135
50 pct point °F	D88	200-230	200-230
90 pct point °F	D88	300-325	300-325
EP, °F	D88	415	415
Sulfur, weight percent	D1268	0.10	.10
Phosphorus, grams/U.S. gallon		.01	.005
RVP, pounds	D323	8.7-9.2	8.7-9.2
Hydrocarbon composition			
Olefins, percent	D1319	10	10
Aromatics, percent	D1319	35	35
Saturates, percent	D1319	55	55

* Minimum.
* For testing at altitudes above 1,219 m (4,000 ft) the specified range is 75-105.
* For testing unrelated to evaporative emissions, the range is 8.0-9.2 lbs.
* For testing at altitudes above 1,219 m (4,000 ft) the specified range is 7.9-9.2.
* Maximum.
* Remainder.

(2) Gasoline representative of commercial gasoline which will be generally available in the United States through retail outlets shall be used in mileage accumulation. Emission test fuel meeting the specifications in (a)(1) of this section may be used for mileage accumulation.

(3) The specifications range of the gasoline used under paragraphs (a)(1) and (a)(2) of this section shall be recorded.

(b) Diesel fuel. (1) The diesel fuels employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The diesel fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, demerizer, antirust, pour depressant, dye, and dispersant.

(2) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing: The grade of diesel fuel recommended by the engine manufacturer commercially designated as "Type 2-D", shall be used.

Item	ASTM	Type 2-D
Cetane	D813	42-50
Distillation range	D86	
IBP, °F		340-400
10 pct point, °F		400-480
50 pct point, °F		470-540
90 pct point, °F		550-610
EP, °F		580-660
Gravity, °API	D287	33-37
Total sulfur, percent	D129 or D2822	0.2-0.5
Hydrocarbon composition	D1319	
Aromatics, pct		27
Paraffins, naphthenes, olefins		(1)
Flashpoint, °F	D93	130
Viscosity, centistokes	D445	2.0-3.2

* Minimum.
* Remainder.

(3) Diesel fuel meeting the following specifications, or substantially equivalent specifications approved by the Administrator, or testing fuel designated in paragraphs (b)(1) and (b)(2) of this section shall be used in mileage accumulation. The grade of diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2-D", shall be used.

Item	ASTM	Type 2-D
Cetane	D813	38-58
Distillation range		
90 pct point, °F	D86	430-630
Gravity, °API	D287	30-42
Total sulfur, pct.	D129 or D2822	0.2
Flashpoint, °F	D93	130
Viscosity, centistokes	D455	1.5-4.5

(4) Other petroleum distillate fuels may be used for testing and mileage accumulation provided they are commercially available in the U.S., and

(i) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be in customer service, and

(ii) Use of a fuel listed under paragraphs (b)(1), (b)(2), and (b)(3) of this section would have a detrimental effect on emissions or durability, and

(iii) Written approval from the Administrator of the fuel specifications was provided prior to the start of testing.

(5) The specification range of the fuels used under paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this section shall be recorded.

III. GASOLINE-FUELED VEHICLE PREPARATION

Gasoline-fueled vehicles to be tested in accordance with this appendix shall be prepared as follows:

(1)(i) Inspect the fuel system carefully to insure the absence of any leaks to the atmosphere of either liquid or vapor which might affect the accuracy of the test or the performance of the control system. Such inspection shall include the application of a pressure of 14.5 inches of water (plus or minus 0.5 inches of water) to the fuel system. The pressure should be applied and allowed to stabilize and the fuel system isolated from the pressure source. The fuel system may not lose more than 2 inches of water pressure in five minutes beginning with the isolation of the fuel system. Corrective action, if required, shall be performed in accordance with § 86.608(d) and be reported with the final test report under § 86.609(d).

(ii) Care should be exercised, in the application of any pressure tests, neither to purge nor load the evaporative emission control system.

(iii) The vehicle evaporative emission system may not be modified by component addition, deletion, or substitution during any Selective Enforcement Audit, except to comply with section IV(a)(2)(i)(A) of this appendix if approved by the Administrator in advance.

IV. VEHICLE PRECONDITIONING

(a) Gasoline fueled vehicles to be tested in accordance with this appendix shall be preconditioned as follows:

(1) Preconditioning.
(i) The fuel tank(s) shall be drained and filled with the specified test fuel (II(a)(1)) to 40 percent of nominal capacity, rounded to the nearest whole U.S. gallon.

(ii) The fuel added to the vehicle tank(s) shall have an initial temperature of no more than 86° F. The evaporative emission control system or device shall not be abnormally purged or loaded as a result of draining or filling the tank(s).

(iii) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the requirements of section V through XI of this appendix. The engine need not be cold when starting the run on the dynamometer and a single trip of 7.5 miles shall be made. Longer preconditioning may be permitted with advance approval of the Administrator. The test vehicle shall not be used to set dynamometer horsepower. During this operation the ambient temperature shall be between 68° F and 86° F.

(iv) Within 5 minutes of completion of preconditioning the vehicle shall be driven or removed from the dynamometer and parked. The vehicle shall be stored for not less than 11 hours and not more than 36 hours at a temperature between 68° F and 86° F prior to the start of the heat build.

(2) Heat build. (i) Vehicle preparation.

(A) Prepare the fuel tank(s) for recording the temperature of the prescribed test fuel at the approximate mid-volume of the fuel. Fuel temperature may be measured at other than mid-volume if approved in advance by the Administrator.

(B) The fuel tank of the test vehicle shall be drained and refilled with the specified test fuel to 40 percent of nominal capacity, rounded to the nearest whole U.S. gallon. The temperature of the fuel prior to delivery to the fuel tank shall be between 50° F and 60° F. Care should be exercised against abnormal loading of the evaporative emission control system as a result of fueling the tank.

(ii) Temperature recording system. Strip chart recorder(s) or automatic data processor shall be used to record ambient and vehicle fuel tank temperature during the heat build. The temperature recorder or data processor shall record the temperature at least once every minute. The recording system shall be capable of resolving time to ±15 seconds and capable of resolving temperature to ±0.75° F (0.42° C). The temperature recording system (recorder and sensor) shall have an accuracy of ±3° F (1.7° C). The recorder (data processor) shall have a time accuracy of ±15 seconds and a precision of ±15 seconds.

(iii) Test sequence.
(A) When the fuel temperature reaches 60±2° F, the fuel tank cap(s) shall be installed, and the fuel tank shall be heated in such a way that its temperature change conforms to the following function to within ±3° F (±1.6° C):

$$F = T + 0.4t$$

for SI units, $C = T + (2/9)t$

Where:

F=fuel temperature, °F
C=fuel temperature, °C
t=time since beginning of test, minutes.
T=initial temperature.

(B) After 60±2 minutes of heating, the fuel temperature rise shall be 24±1° F (±0.5° C). (C) The heat build ends after 60±2 minutes of heating.

(C) A wait of up to 60 minutes is permitted between the end of the heat build and the beginning of the cold start exhaust test.

(D) Ambient temperature during the heat build shall be between 68 and 86° F.

(b) Diesel vehicles to be tested in accordance with this appendix shall be preconditioned as follows:

(1) The fuel tank(s) of each test vehicle shall be drained and refilled with specified test fuel (II.(b) (1)), (2), (4) to 40 percent of nominal capacity, rounded to the nearest whole U.S. gallon.

(2) The test vehicle shall be placed on the dynamometer and operated over a simulated trip, according to the requirements of sections V through XI of this appendix. The engine need not be cold when starting the run on the dynamometer and a single trip of 7.5 miles shall be made. The test vehicle shall not be used to set dynamometer horsepower.

(3) Within 5 minutes of completion of preconditioning the vehicle shall be driven or removed from the dynamometer and parked. The vehicle shall be stored for not less than 12 hours at a temperature between 68° F and 86° F prior to the start of the dynamometer test.

V. DYNAMOMETER DRIVING SCHEDULE

(a) The dynamometer driving schedule to be followed consists of a nonrepetitive series of idle, acceleration, cruise, and deceleration modes of various time sequences and rates. The driving schedule is defined by a smooth transition through the speed vs. time relationship listed in Appendix I of 40 CFR Part 86. The time sequence begins upon starting the vehicle according to the startup procedure described in section VIII of this appendix.

(b) The speed tolerance at any given time on the dynamometer driving schedule prescribed in Appendix I or as plotted on a driver's aid chart approved by the Administrator, when conducted to meet the requirements of Section VI of this appendix, is defined by upper and lower limits. The upper limit is 2 m.p.h. higher than the highest point on the trace within 1 second of the given time. The lower limit is 2 m.p.h. lower than the lowest point on the trace within 1 second of the given time. Speed variations greater than the tolerances (such as occur when shifting manual transmission vehicles) are acceptable provided they occur for less than 2 seconds on any one occasion. Speeds lower than those prescribed are acceptable provided the vehicle is operated at maximum available power during such occurrences. Further, speed deviations from those prescribed due to stalling are acceptable provided the provisions of section VIII(e) are adhered to. When conducted to meet the requirements of section IV, the speed tolerance shall be as specified above, except that the upper and lower limits shall be 4 m.p.h.

VI. DYNAMOMETER PROCEDURE

(a) The dynamometer run consists of two tests, a "cold" start test after a minimum 12-hour soak (according to the provisions of section IV of this appendix) and a "hot" start test with a 10-minute soak between the two tests. Engine startup (with all accessories turned off), operation over the driving schedule, and engine shutdown make a complete cold start test. Engine startup and operation over the first .505 seconds of the driving schedule complete the hot start test. The exhaust emissions are diluted with air to a constant volume and a portion is sampled continuously during each phase. (Diesel hydrocarbons are analyzed continuously.) The composite (flow integrated) samples collected in bags are analyzed for

hydrocarbons (except Diesel), carbon monoxide, carbon dioxide, and oxides of nitrogen. A parallel sample of the dilution air is similarly analyzed for hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen.

(b) During dynamometer operation, a fixed speed cooling fan shall be positioned so as to direct cooling air to the vehicle in an appropriate manner with the engine compartment cover open. The fan capacity shall normally not exceed 5,300 c.f.m. If, however, the manufacturer can show that during field operation the vehicle receives additional cooling, the fan capacity may be increased or additional fans used if approved in advance by the Administrator. In the case of vehicles with front engine compartments, the fan(s) shall be squarely positioned between 8 and 12 inches in front of the cooling air inlets (grill). In the case of vehicles with rear engine compartments (or if special designs make the above impractical), the cooling fan(s) shall be placed in a position to provide sufficient air to maintain engine cooling.

(c) The vehicle shall be nearly level when tested in order to prevent abnormal fuel distribution.

(d) Flywheels, electrical, or other means of simulating inertia as shown in the following table shall be used. If the equivalent inertia specified is not available on the dynamometer being used, the next higher equivalent inertia (not to exceed 250 lbs.) available shall be used.

Loaded vehicle weight, pounds	Equivalent inertia weight, pounds	Road load power at 50 mi/h, horsepower
Up to 1,125	1,000	5.9
1,125 to 1,375	1,250	6.5
1,375 to 1,625	1,500	7.1
1,625 to 1,875	1,750	7.7
1,875 to 2,125	2,000	8.3
2,125 to 2,375	2,250	8.8
2,375 to 2,625	2,500	9.4
2,625 to 2,875	2,750	9.9
2,875 to 3,125	3,000	10.3
3,125 to 3,375	3,500	11.2
3,375 to 3,625	4,000	12.0
3,625 to 3,875	4,500	12.7
3,875 to 4,125	5,000	13.4
4,125 to 4,375	5,500	13.9
4,375 and above	5,500	14.4

(e) Power absorption unit adjustment.

(1) The power absorption unit shall be adjusted to reproduce road load power at 50 m.p.h. true speed. The indicated road load power setting shall take into account the dynamometer friction. The relationship between road load (absorbed) power and indicated road load power for a particular dynamometer shall be determined by the procedure outlined in Appendix II of 40 CFR Part 86 or other suitable means.

(2) The road load power listed in the table above shall be used or the vehicle manufacturer may determine the road load power by an alternate procedure requested by the manufacturer and approved in advance by the Administrator (such as the coastdown method).

(i) Gasoline-fueled vehicles:

- (A) [Reserved]
- (B) [Reserved]

(ii) Diesel vehicles:

(A) Measuring the fuel flow rate of a representative vehicle of the same equivalent weight class, when operated on a level road under balanced wind conditions at a true speed of 50 m.p.h., and

(B) Noting the dynamometer indicated road load horsepower setting required to reproduce that fuel flow rate when the same vehicle is operated on the dynamometer at a true speed of 50 m.p.h. The tests on the road and on the dynamometer shall be performed with the same vehicle ambient absolute pressure (usually barometric), i.e., within ± 5 mm. Hg.

(3) The road load power shall be adjusted according to the following if applicable: Where it is expected that more than 33 percent of the vehicles in an engine family will be equipped with air conditioning, the road load power listed above or as determined in paragraph (e)(2) of this section shall be increased by 10 percent when testing all vehicles within such engine family if those vehicles are intended to be offered with air conditioning in production.

(f) The vehicle speed (m.p.h.) as measured from the dynamometer rolls shall be used for all conditions. A speed v. time recording, as evidence of dynamometer test validity, shall be supplied on request of the Administrator.

NOTE.—When using a two-roll dynamometer a truer speed-time trace may be obtained by minimizing the rocking of the vehicle in the rolls. The rocking of the vehicle changes the tire rolling radius on each roll. The rocking may be minimized by restraining the vehicle horizontally (or nearly so) by using a cable and winch.

(g) The drive wheel tires may be inflated up to 45 psig in order to prevent tire damage. Slave tires may be substituted for the drive wheel tires in which the vehicle is equipped provided they are the same size. The drive wheel tire pressure shall be recorded.

(h) If the dynamometer has not been operated during the 2-hour period immediately preceding the test it shall be warmed up for 15 minutes by operating it at 30 m.p.h. using a nontest vehicle.

(i) If the dynamometer horsepower must be adjusted manually, it shall be set within 1 hour prior to the exhaust emissions test. The test vehicle shall not be used to make this adjustment. Dynamometers using automatic control of preselectable power settings may be set anytime prior to the beginning of the test.

(j) The driving distance as measured by counting the number of dynamometer roll or shaft revolutions, shall be determined for the transient cold start, stabilized cold start, and transient hot start phases of the test. The revolutions shall be measured on the same roll or shaft used for measuring the vehicle's speed.

(k) Practice runs over the prescribed driving schedule may be performed at test points, provided an emission sample is not taken, for the purpose of finding the minimum throttle action to maintain the proper speed-time relationship, or to permit sampling system adjustments.

VII. TRANSMISSIONS

(a) All test conditions, except as noted, shall be run according to the manufacturer's recommendation to the ultimate purchaser as detailed in the owner's manual.

(b) Vehicles equipped with free wheeling or overdrive shall be tested with these features operated according to the manufacturer's recommendations in the owner's manual.

(c) Idle modes shall be run with automatic transmission in "Drive" and the wheels

braked; manual transmissions shall be in gear with the clutch disengaged, except first idle (see section VIII).

(d) The vehicle shall be driven with minimum accelerator pedal movement to maintain the desired speed.

(e) Accelerations shall be driven smoothly according to the manufacturer's recommendation in the owner's manual. If the manufacturer does not recommend shift speeds in owner's manual, manual transmission vehicles shall be shifted as follows: A three-speed vehicle shall be shifted from first to second gear at 15 m.p.h. and from second to third gear at 25 m.p.h.; and four-speed vehicle shall be shifted from first to second gear at 15 m.p.h., from second to third gear at 25 m.p.h., and from third to fourth gear at 40 m.p.h.; a five-speed vehicle shall be shifted the same as a four-speed vehicle with the fifth gear used at the manufacturer's option. For manual transmissions, the operator shall release the accelerator pedal during each shift and accomplish the shift with minimum time. If the vehicle cannot accelerate at the specified rate, the vehicle shall be operated with the accelerator pedal fully depressed until the vehicle speed reaches the value prescribed for that time in the driving schedule.

(f) The deceleration modes shall be run in gear using brakes or accelerator pedal as necessary to maintain the desired speed. Manual transmission vehicles shall have the clutch engaged and shall not change gears from the previous mode. For those modes which decelerate to zero, manual transmission clutches shall be depressed when the speed drops below 15 m.p.h. (24.14 km/h), when engine roughness is evident, or when engine stalling is imminent.

(g) Downshifting is allowed at the beginning of or during a power mode in accordance with the manufacturer's recommendation in the owner's manual.

VIII. ENGINE STARTING AND RESTARTING

(a) Gasoline-fueled vehicles:

(1) The engine shall be started according to the manufacturer's recommended starting procedures as detailed in the owner's manual. The initial 20-second idle period shall begin when the engine starts.

(2) Choke operation:

(i) Vehicles equipped with automatic chokes shall be operated according to the instructions in the owner's manual including choke setting and "kick-down" from cold fast idle. The transmission shall be placed in gear 15 seconds after the engine is started.

If necessary, braking may be employed to keep the drive wheels from turning.

(ii) Vehicles equipped with manual chokes shall be operated according to the owner's manual. The transmission shall be placed in gear 15 seconds after the engine is started.

(3) The operator may use the choke, accelerator pedal, etc., where necessary to keep the engine running.

(4) If the owner's manual does not specify a warm engine starting procedure, the engine (automatic and manual choke engines) shall be started by depressing the accelerator pedal about half way and cranking the engine until it starts.

(b) Diesel vehicles. The engine shall be started according to the manufacturer's recommended starting procedures as detailed in the owner's manual. The initial 20-second idle period shall begin when the engine starts. The transmission shall be placed in gear 15 seconds after the engine is started. If necessary, braking may be employed to keep the drive wheels from turning.

(c) If the vehicle does not start after 10 seconds of cranking, cranking shall cease and the reason for failure to start shall be determined. The revolution counter on the constant volume sampler (and the hydrocarbon integrator when testing Diesel vehicles, see section XI) shall be turned off and the sample solenoid valves placed in the "dump" position during this diagnostic period. In addition, either the positive displacement pump should be turned off or the exhaust tube disconnected from the tailpipe during the diagnostic period. If failure to start is an operational error, the vehicle shall be rescheduled for testing.

(1) If failure to start occurs during the cold portion of the test and is caused by vehicle malfunction, corrective action of less than 30 minutes duration may be taken and the test continued. The sampling system shall be reactivated at the same time cranking begins. When the engine starts, the driving schedule timing sequence shall begin. If failure to start is caused by vehicle malfunction and the vehicle cannot be started, the test shall be voided, corrective action taken, and the vehicle rescheduled for testing. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(2) If a failure to start occurs during the hot start portion of the test and is caused by vehicle malfunction, the vehicle must be started within 1 minute of key on. The sampling system shall be reactivated at the same time cranking begins. When the

engine starts, the driving schedule timing sequence shall begin. If the vehicle cannot be started within 1 minute of key on, the test shall be voided, and corrective action taken, and the vehicle rescheduled for testing. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

(d) If the engine "false starts," the operator shall repeat the recommended starting procedure (such as resetting the choke, etc.).

(e) Stalling. (1) If the engine stalls during an idle period, the engine shall be restarted immediately and the test continued. If the engine cannot be started soon enough to allow the vehicle to follow the next acceleration as prescribed, the driving schedule indicator shall be stopped. When the vehicle restarts the driving schedule indicator shall be reactivated.

(2) If the engine stalls during some operating mode other than idle, the driving schedule indicator shall be stopped, the vehicle restarted, accelerated to the speed required at that point in the driving schedule and the test continued.

(3) If the vehicle will not restart within 1 minute, the test shall be voided, corrective action taken, and the vehicle rescheduled for test. The reason for the malfunction (if determined) and the corrective action taken shall be reported.

IX. SAMPLING AND ANALYTICAL SYSTEM (EXHAUST EMISSIONS)

(a) Gasoline-fueled vehicles. (1) Schematic drawings. The following figures (Figs. 1 and 2) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Since various configurations of the required components can produce accurate results, these schematic drawings are not to be interpreted literally and exact conformance is not mandatory. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(2) Component description (exhaust gas sampling system). The following components will be used in the exhaust gas sampling systems for testing under the regulations in this subpart. See Figure 1. Other types of constant volume samplers may be used if shown to yield equivalent results and if approved in advance by the Administrator.

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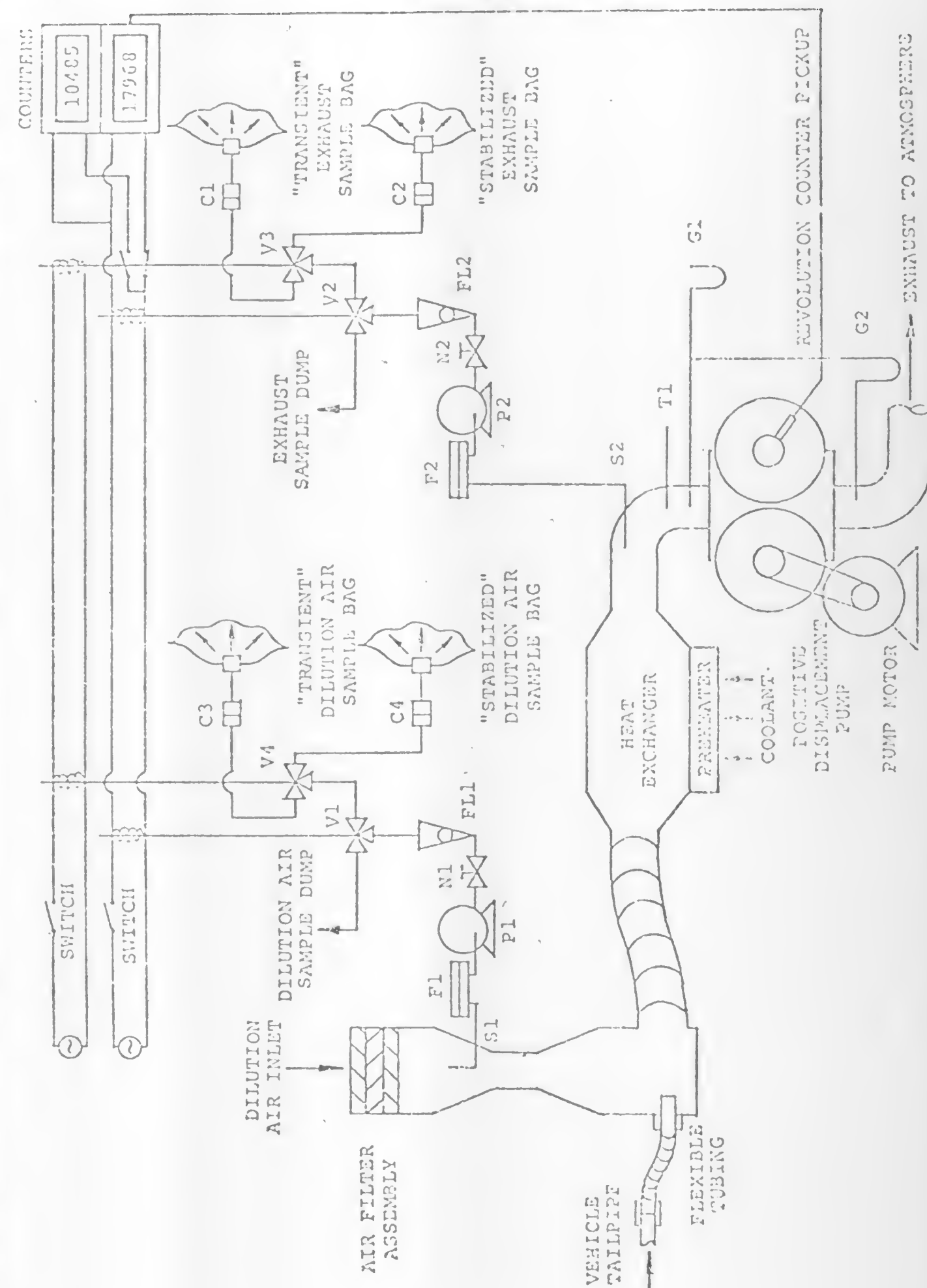
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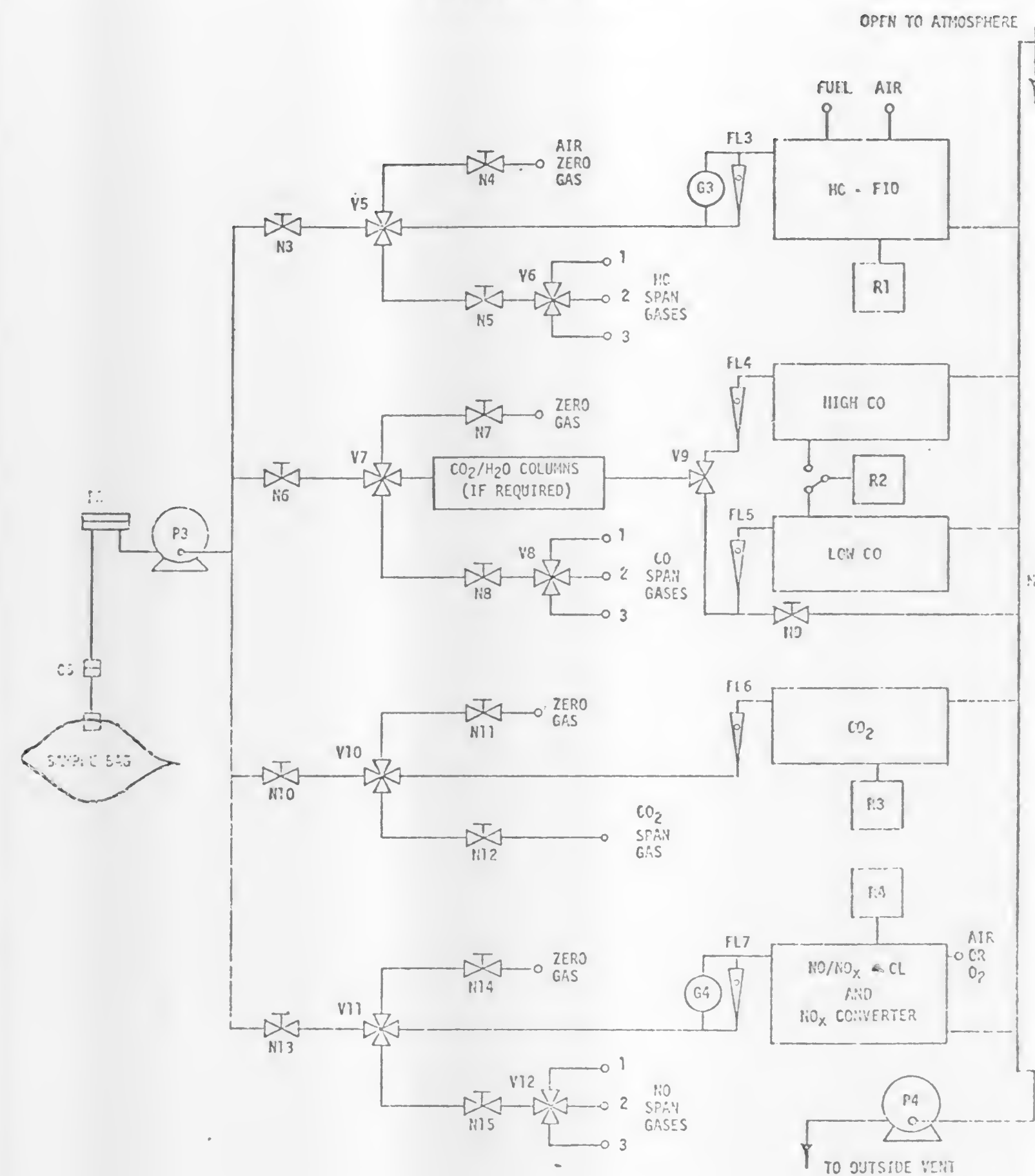
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(l) A dilution air filter assembly consisting of a particulate filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the airstream.

(li) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ± 5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerance of ± 1 inch of water will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

(lii) A heating system to preheat exchanger to within $\pm 10^\circ$ F of its operating temperature before the test begins.

(liv) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to $\pm 10^\circ$ F from the total test average as measured at a point immediately ahead of the positive displacement pump.

(v) A positive displacement pump in order to pump the dilute exhaust mixture. The pump capacity (300 to 350 c.f.m. if sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. (See Appendix III of 40 CFR Part 86 for one-flow calibration technique.) Other suitable calibration techniques may be used if approved in advance by the Administrator.

(vi) Temperature sensor (T1) with an accuracy of $\pm 2^\circ$ F to allow continuous recording of the temperature of the dilute exhaust mixture entering the positive displacement pump.

(vii) Gauge (G1) with an accuracy of ± 3 mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(viii) Gauge (G2) with an accuracy of ± 3 mm. Hg to measure the pressure increase across the positive displacement pump.

(ix) Sample probes (S1 and S2) pointed upstream to collect samples from the dilution airstream and the dilute exhaust mixture.

(x) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

(xi) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(xii) Flow control valves (N1 and N2) to

regulate flows to sample collection bags, at constant flow rates. The minimum sample flow rate shall be 10 c.f.h.

(xiii) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(xiv) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(xv) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shutoff on bag side to attach sample bags to sample system.

(xvi) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(xvii) Revolution counters to count the revolutions of the positive displacement pump while each test phase is in progress and samples are being collected.

(3) Component description (exhaust gas analytical system). The following components will be used in the exhaust gas analytical system for testing under the regulations in this part. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector (FID) analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis.

Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. (See figure 2.)

(i) Quick-connect leak-tight fitting (C5) to attach sample bags to analytical system.

(ii) Filter (F3) to remove any residual particulate matter from the collected sample.

(iii) Pump (P3) to transfer samples from the sample bags to the analyzers.

(iv) Selector valves (V5, V6, V7, V8, V9, V10, V11, and V12) for directing samples, span gases or zeroing gases to the analyzers.

(v) Flow control valves (N3, N4, N5, N6, N7, N8, N9, N10, N11, N12, N13, N14, and N15) to regulate the gas flow rates.

(vi) Flowmeters (FL3, FL4, FL5, FL6, and FL7) to indicate gas flow rates.

(vii) Pressure gauges (G3 and G4) to facilitate greater precision in setting and reading flowmeters.

(viii) Manifold (M1) to collect the expelled gases from the analyzers.

(ix) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the test room (optional).

(x) Analyzers to determine hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen concentrations. (See Section X(a).)

(xi) Sample conditioning column containing CaSO_4 or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

NOTE.—If CO instruments which are essentially free of CO, and water vapor interference are used, the use of the conditioning column may be deleted. A CO instrument will be considered to be essentially free of CO, and water vapor interference if its response to a mixture of 3 percent CO, and N_2 , which has been bubbled through water at room temperature ($68-86^\circ$ F), produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on instrument ranges above 300 ppm CO or less than 3 ppm on instrument ranges below 300 ppm CO.

(xii) Recorders (R1, R2, R3, and R4) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

(b) Diesel vehicles. (1) Schematic drawings. The following figures (Figs. 3, 4, and 5) are schematic drawings of the exhaust gas sampling and analytical systems which will be used for testing under the regulations in this part. Since various configurations of the required components can produce accurate results, these schematic drawings are not to be interpreted literally and exact conformance is not mandatory. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(2) Components description (exhaust gas sampling system). The following components will be used in the exhaust gas sampling system for testing under the regulations in this part (see Fig. 3). Other types of constant volume samplers may be used if shown to yield equivalent results, and if approved in advance by the Administrator.

(i) A dilution air filter assembly consisting of a particulate filter to remove solid matter from the dilution air and thus increase the life of the charcoal filter; a charcoal filter to reduce and stabilize the background hydrocarbon level; and a second particulate filter to remove charcoal particles from the air stream.

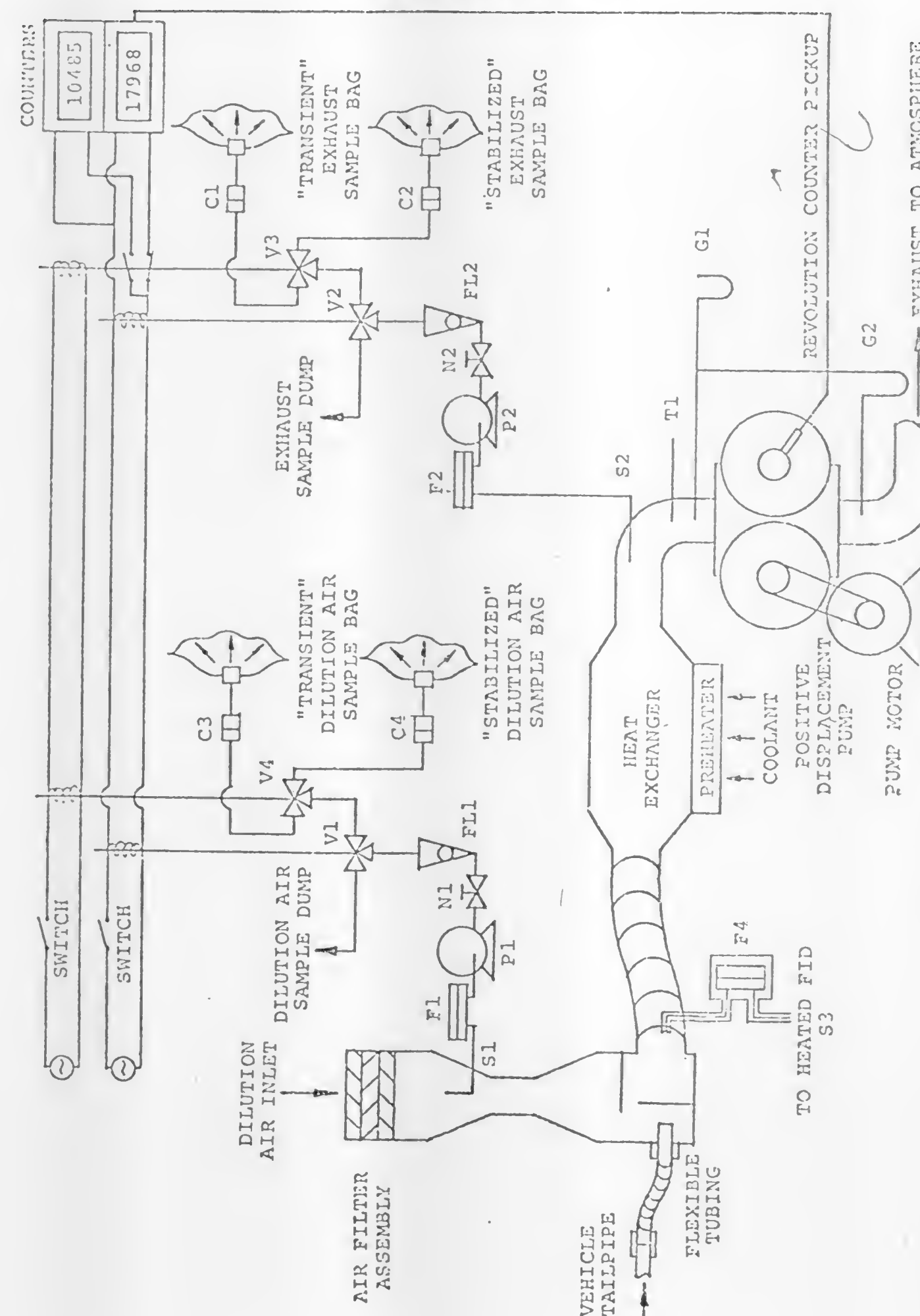


Figure 3 Exhaust Gas Sampling System

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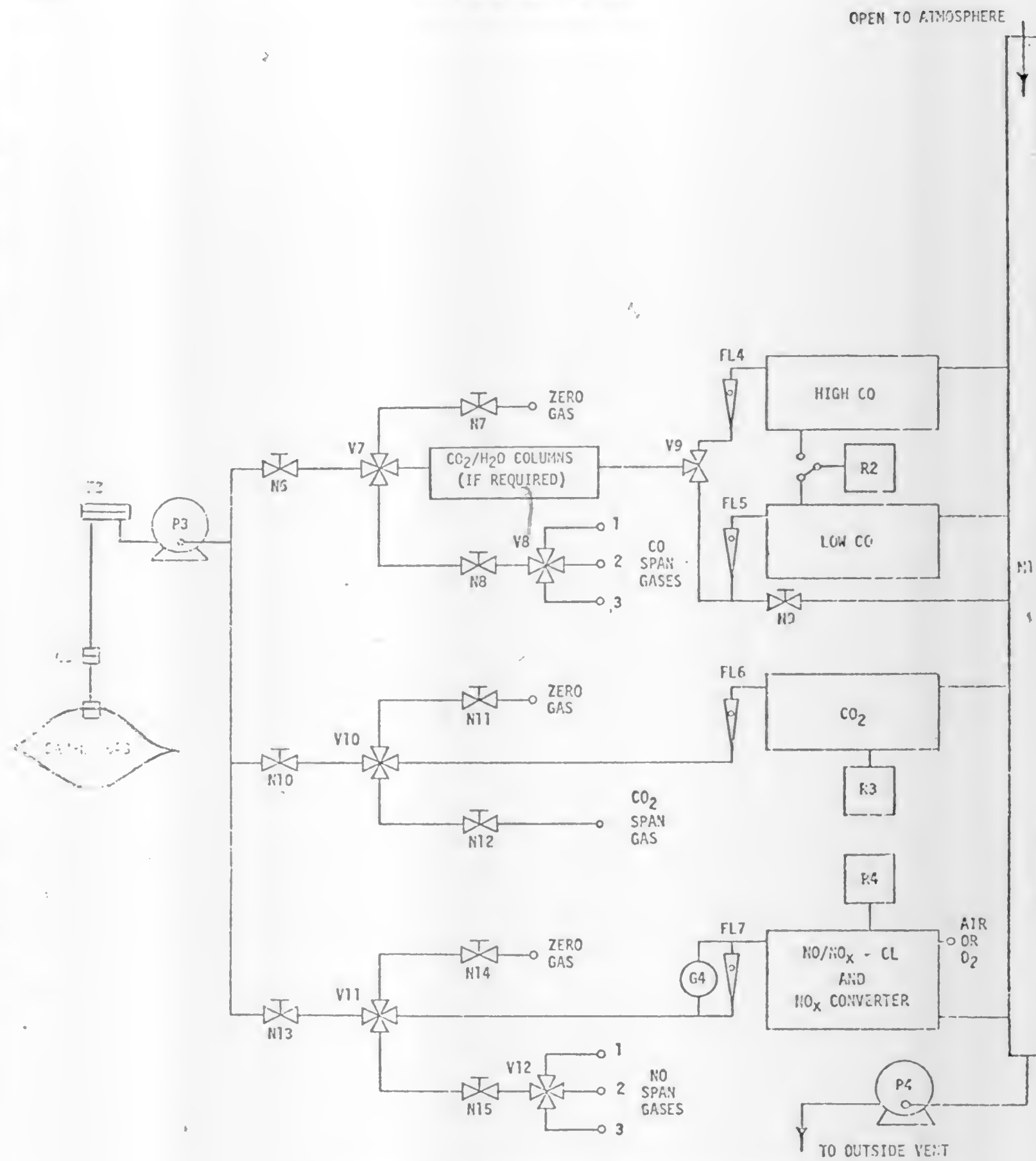


Figure 4 Exhaust Gas Analytical System

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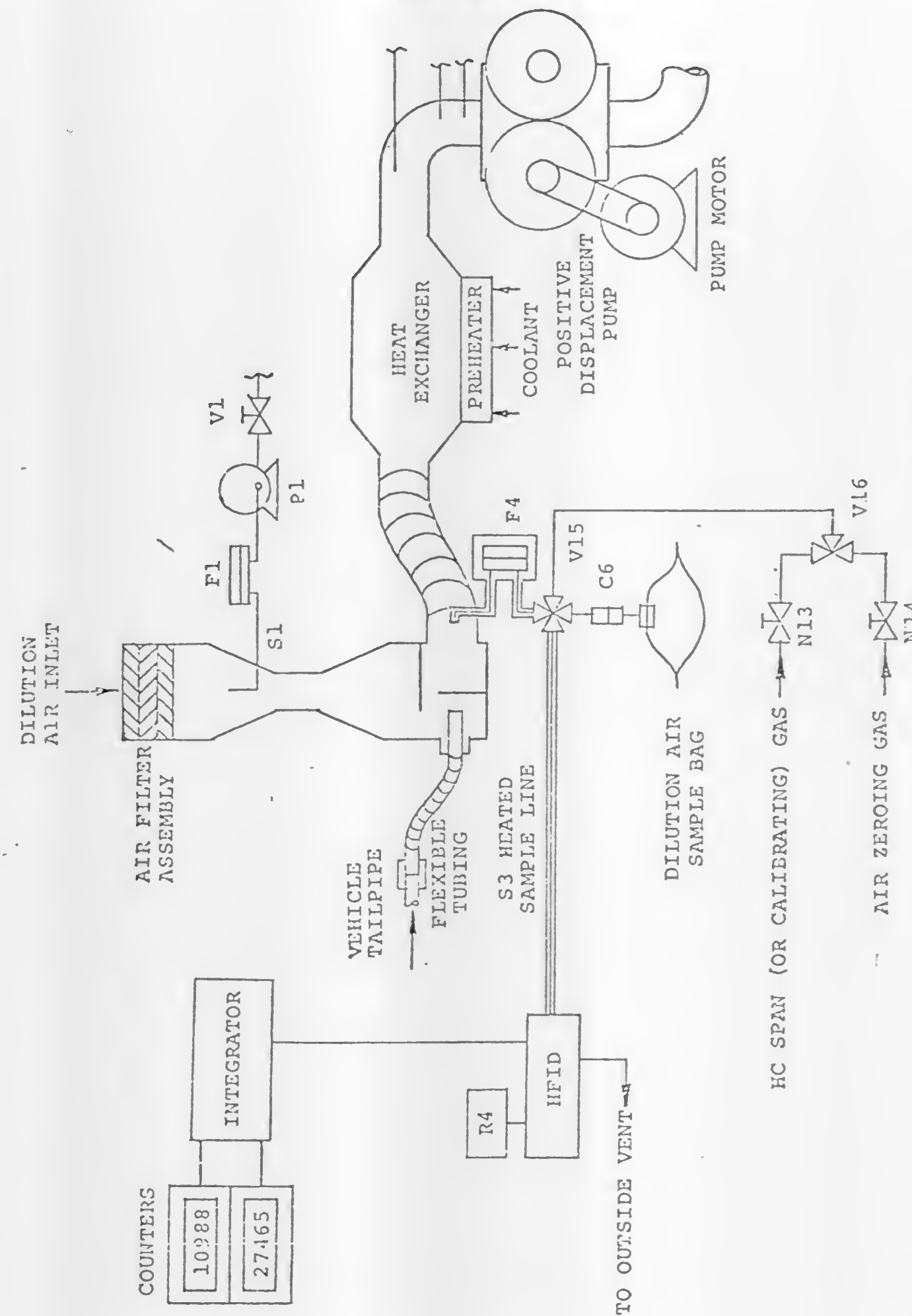


Figure 5 Diesel Hydrocarbon Continuous Analysis System

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(ii) A leak-tight connector and tube to the vehicle tailpipe. The tubing shall be sized and connected in such a manner that the static pressure variations in the vehicle tailpipe(s) remain within ± 5 inches of water of the static pressure variations measured during a dynamometer driving cycle with no connection to the tailpipe(s). Sampling systems capable of tolerance of ± 1 inch of water will be used by the Administrator if a written request by the manufacturer substantiates the need for this closer tolerance.

(iii) A heating system to preheat the heat exchanger to within $\pm 10^\circ$ F of its operating temperature before the test begins.

(iv) A heat exchanger capable of limiting the gas mixture temperature variation during the entire test to $\pm 10^\circ$ F from the total test average as measured from a point immediately in front of the positive displacement pump.

(v) A positive displacement pump in order to pump dilute exhaust mixture. The pump capacity (300 to 350 c.f.m. is sufficient for testing most vehicles) shall be large enough to virtually eliminate water condensation in the system. See Appendix III to 40 CFR 86 for one-flow calibration technique. Other suitable calibration techniques may be used if approved in advance by the Administrator.

(vi) Temperature sensor (TI) with an accuracy of $\pm 2^\circ$ F to allow continuous recording of the temperature of the dilute exhaust mixture entering the positive displacement pump.

(vii) Gauge (G1) with an accuracy of ± 3 mm. Hg to measure the pressure depression of the dilute exhaust mixture entering the positive displacement pump, relative to atmospheric pressure.

(viii) Gauge (G2) with an accuracy of ± 3 mm. Hg to measure the pressure increase across the positive displacement pump.

(ix) Sample probes (S1, S2, and S3) pointed upstream to collect samples from the dilution airstream and the dilute exhaust mixture. Additional sample probes may be used, for example, to obtain continuous concentration traces of the dilute exhaust stream. In such cases the sample flow rate, in standard cubic feet per test phase, must be added to the calculated dilute exhaust volume. The position of the sample probes in Figure 3 is pictorial only. The heated sample line (S3) between the sampling point and the analyzer shall be as short as possible.

(x) Filters (F1 and F2) to remove particulate matter from dilution air and dilute exhaust samples.

(xi) Pumps (P1 and P2) to pump the dilution air and dilute exhaust into their respective sample collection bags.

(xii) Flow control valves (N1 and N2) to regulate flows to sample collection bags, at constant flow rates. The minimum sample flow rate shall be 10 c.f.h.

(xiii) Flowmeters (FL1 and FL2) to insure, by visual observation, that constant flow rates are maintained throughout the test.

(xiv) Three-way solenoid valves (V1, V2, V3, and V4) to direct sample streams to either their respective bags or overboard.

(xv) Quick-connect, leak-tight fittings (C1, C2, C3, and C4) with automatic shutoff on bag side to attach sample bags to sample system.

(xvi) Sample collection bags for dilution air and exhaust samples of sufficient capacity so as not to impede sample flow.

(xvii) Revolution counters to count the revolutions of the positive displacement

pump while each test phase is in progress and samples are being collected.

(3) Component description (exhaust gas batch analytical system). The following components will be used in the exhaust gas batch analytical system for testing under the regulations in this part. The analytical system provides for the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared (NDIR) analysis and the determination of oxides of nitrogen concentrations by chemiluminescence (CL) analysis in dilute exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. (See Figure 4.)

(i) Quick-connect, leak-tight fitting (C5) to attach sample bags to analytical system.

(ii) Filter (F3) to remove any residual particulate matter from the collected sample.

(iii) Pump (P3) to transfer samples from the sample bags to the analyzers.

(iv) Selector valves (V7, V8, V9, V10, V11, and V12) for directing samples, span gases or zeroing gases to the analyzers.

(v) Flow control valves (N6, N7, N8, N9, N10, N11, N12, N13, N14, and N15) to regulate the gas flow rates.

(vi) Flowmeters (FL4, FL5, FL6, and FL7) to indicate gas flow rates.

(vii) Pressure gauge (G4) to facilitate greater precision in setting and reading flow rate.

(viii) Manifold (M1) to collect the expelled gases from the analyzers.

(ix) Pump (P4) to transfer expelled gases from the collection manifold to a vent external to the testroom (optional).

(x) Analyzers to determine carbon monoxide, carbon dioxide and oxides of nitrogen concentrations.

(xi) Sample conditioning column containing CaSO_4 or indicating silica gel to remove water vapor and containing ascarite to remove carbon dioxide from the CO analysis stream.

NOTE.—If CO instruments which are essentially free of CO, and water vapor interference are used, the use of the conditioning column may be deleted. A CO instrument will be considered to be essentially free of CO, and water vapor interference if its response to a mixture of 3 percent CO, in N₂, which has been bubbled through water at room temperature ($68^\circ\text{--}86^\circ\text{F}$) produces an equivalent CO response, as measured on the most sensitive CO range, which is less than 1 percent of full scale CO concentration on instrument ranges above 300 ppm CO or less than 3 ppm on instrument ranges below 300 ppm CO.

(xii) Recorders (R2, R3, and R4) or digital printers to provide permanent records of calibration, spanning and sample measurements; or in those facilities where computerized data acquisition systems are incorporated, the computer facility printout may be used.

(4) Component description (exhaust gas continuous analytical system). The following components will be used in the exhaust gas continuous analytical system for testing under the regulations in this part. This analytical system provides for the continuous determination of exhaust hydrocarbon concentration by heated flame ionization detector (HFID) analysis. Other types of analyzers may be used if shown to yield equivalent

results and if approved in advance by the Administrator. (See Figure 5.)

(i) Heated continuous sampling line (S3).

(ii) Heated filter (F4) to remove particulate matter from heated hydrocarbon sample.

(iii) Selector valves (V15 and V16) for directing the continuous dilute exhaust sample, dilution air bag sample, span or zeroing gases to the analyzers.

(iv) Quick-connect, leak-tight fitting (C6) to attach dilution air sample bag to analytical system.

(v) Heated hydrocarbon analyzer (HFID) complete with heated pump, filter, and flow control system. The response time of this instrument shall be less than 1 second for 90 percent of full scale response. Sample transport time from sampling point to inlet of instrument shall be less than 4 seconds. The sample line and filter shall be heated to a set point $\pm 10^\circ$ F ($\pm 5.6^\circ$ C) between 300° and 390° F (149° and 199° C).

(vi) Chart recorder (R4) and analog integrator with two readouts, or chart recorder (R4) and on-line digital computer for manual or electronic integration of analyzer output signal during the three operating phases of the test.

(vii) Flow control valves (N13 and N14) to regulate the gas flow rates.

X. SYSTEM CALIBRATION

For the procedures and specifications to calibrate the dynamometer, CVS and analytical systems see sections 40 CFR 86.118-78 through 86.126-78 and 86.114-78 in the June 28, 1977, FEDERAL REGISTER.

XI. DYNAMOMETER TEST RUNS

(a) The vehicle shall be allowed to stand with the engine turned off for a period of not less than 11 hours before the start of the test. The vehicle shall be stored prior to the emission tests in such a manner that precipitation (e.g., rain or dew) does not occur on the vehicle. The complete dynamometer test consists of a cold start drive of 7.5 miles and a hot start drive of 7.5 miles. The vehicle is allowed to stand on the dynamometer during the 10-minute test period between the cold and hot start test. The cold start test is divided into two periods. The first period, representing the cold start "transient" phase, terminates at the end of the deceleration which is scheduled to occur at 505 seconds into the driving schedule. The second period, representing the "stabilized" phase, consists of the remainder of driving schedule including engine shutdown. The hot start test similarly consists of two periods. The first period, representing the hot start "transient" phase, terminates at the same point in the driving schedule as the first phase of the cold start test. The second period of the hot start test, "stabilized" phase, is assumed to be identical to the second period of the cold start test. Therefore, the hot start test terminates after the first period (505 seconds) is run. During the tests the ambient temperature shall be between 68° and 86° F.

(b) The following steps shall be taken for each test. Several steps are described in terms of using a positive displacement pump. Similar operations appropriate to CFV should be followed by manufacturers utilizing this equipment.

(1) Place drive wheels of vehicles on dynamometer without starting engine.

(2) Open the vehicle engine compartment cover and start the cooling fan.

(3) With the sample solenoid valves in the "dump" position connect evacuated sample

collection bags to the dilute exhaust sample connectors and to the dilution air sample line connectors.

(4) Start the positive displacement pump (if not already on), the sample pumps, heated hydrocarbon analyzer recorder (Diesel only) and the temperature recorder. (The heat exchanger of the constant volume sampler, the Diesel hydrocarbon analyzer continuous sample line and filter, if applicable, should be preheated to their respective operating temperatures before the test begins.)

(5) Adjust the sample flow rates to the desired flow rate (minimum of 10 c.f.h.) and set the revolution counters to zero. Also set Diesel hydrocarbon integrator counters to zero, if applicable.

(6) Attach the flexible exhaust tube to the vehicle tailpipe(s).

(7) Simultaneously start the revolution counter for the positive displacement pump, position the sample solenoid valves to direct the sample flow into the "transient" exhaust sample bag and the "transient" dilution air sample bag, (turn on the Diesel hydrocarbon analyzer system integrator and mark the recorder chart, if applicable) and start cranking the engine.

(8) Fifteen seconds after the engine starts, place the transmission in gear.

(9) Twenty seconds after the engine starts, begin the initial vehicle acceleration of the driving schedule.

(10) Operate the vehicle according to the dynamometer driving schedule (see section V).

(11) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously switch the sample flows from the "transient" bags to the "stabilized" bags, switch off revolution counter No. 1 (and the Diesel hydrocarbon integrator chart) and start counter No. 2 (and the Diesel hydrocarbon integrator No. 2). Before the acceleration which is scheduled to occur at 510 seconds, record the measured roll or shaft revolutions and reset the counter or switch to a second counter. Disconnect the "transient" exhaust and dilution air sample bags and transfer them to the analytical systems. As soon as possible and in no case longer than 20 minutes after the end of sampling, process the exhaust sample according to section XII.

(12) Turn engine off 2 seconds after the end of the last deceleration (at 1,369 seconds).

(13) Five seconds after the engine stops running, simultaneously turn off revolution counter No. 2 (and the Diesel hydrocarbon integrator No. 2, mark the hydrocarbon recorder chart, if applicable) and position the sample solenoid valves to the "dump" position. Disconnect the "stabilized" exhaust and dilution air sample bags and transfer them to the analytical system. As soon as possible and in no case longer than 20 minutes after the end of sampling, process the exhaust sample according to section XII.

(14) Immediately after the end of the sample period turn off the cooling fan and close the engine compartment cover.

(15) Turn off the positive displacement pump or disconnect the exhaust tube from the tailpipe(s) of the vehicle.

(16) Repeat the steps in paragraphs (b)(2) through (10) of this section for the hot start test except only one evacuated sample bag is required for sampling exhaust gas and one for dilution air. The step in paragraph (b)(7) of this section shall begin between 9

and 11 minutes after the end of the sample period for the cold start test.

(17) At the end of the deceleration which is scheduled to occur at 505 seconds, simultaneously turn off the No. 1 revolution counter (and Diesel hydrocarbon integrator No. 1, mark the Diesel hydrocarbon recorder chart, if applicable) and position the sample solenoid valve to the "dump" position.

NOTE.—Engine shutdown is not part of the hot start test sample period. Record the measured roll or shaft revolutions.

(18) Disconnect the hot start "transient" exhaust and dilution air sample bags and transfer them to the analytical system. As soon as possible and in no case longer than 20 minutes after the end of this portion of the test process the exhaust sample according to section XII.

(19) Disconnect the exhaust tube from the vehicle tailpipe(s) and the vehicle may be removed from the dynamometer.

(20) The positive displacement pump may be turned off, if desired.

XII. HC, CO, CO₂, AND NO_x MEASUREMENTS

When testing Diesel vehicles allow the HC analyzer sample line and filter to heat to a set point $\pm 10^\circ$ F between 300° and 390° F. Allow a minimum of 20 minutes warmup for the HC analyzer and 2 hours for the CO, CO₂, and NO_x analyzer. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzers is placed in the standby position.) The following sequence of operations should be performed in conjunction with each series of measurements:

(a) Zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(b) Introduce span gases and set the CO and CO₂ analyzer gains, the HC analyzer sample capillary flow rate and the NO_x analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to 75 to 100 percent of full scale. If gain has shifted significantly on the CO or CO₂ analyzers, check tuning. If necessary, check calibration. Recheck after tests. Show actual concentrations on chart.

(c) Check zeros; repeat the procedure in paragraphs (a) and (b) of this section if required.

(d) Check flow rates and pressures.

(e) For Diesel vehicles continuously record (and integrate electronically, if desired) dilute hydrocarbon emission levels during test.

(f) Measure CO, CO₂, and NO_x concentrations of samples, also HC for gasoline-fueled vehicles. Care should be exercised to prevent moisture from condensing in the sample collection bag.

(g) Check zero and span points. If the difference is greater than 2 percent of full scale, repeat the procedure in paragraphs (a) through (g) of this section.

(h) Repeat the procedures for the sample bag analysis, paragraphs (a) through (g) of this section, to analyze the ambient bag.

XIII. CHART READING

(a) Gasoline-fueled light duty vehicles and light duty trucks:

(1) Determine the HC, CO, CO₂, and NO_x

concentrations of the dilution air and dilute exhaust sample bags from the instrument deflections or recordings making use of appropriate calibration charts.

(2) Determine the pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

(3) Determine the number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow venturi during each test phase would be the equivalent record for a CFV-CVS.

(4) Determine the driving distance for each of the three phases of the test, calculated from the measured roll of shaft revolutions.

(b) Diesel light duty vehicles and light duty trucks:

(1) Determine the HC, CO, CO₂, and NO_x concentrations of the dilution air and the CO, CO₂, and NO_x concentrations of the dilute exhaust sample bags from the instrument deflections, computer printouts, or recordings making use of appropriate calibration charts.

(2) Record integrated HC results, or manually integrate continuous chart. This chart provides a permanent record and can be graphically integrated if verification of the results of electronic integration is required.

(3) Determine the pressure of the mixture of exhaust and dilution air entering the CVS metering device, the pressure increase across the device, and the temperature at the inlet. The temperature may be recorded continuously or digitally to determine temperature variations.

(4) Determine the number of revolutions of the positive displacement pump accumulated during each test phase while exhaust samples are being collected. The number of standard cubic feet metered by a critical flow venturi during each phase would be the equivalent record for a CFV-CVS.

(5) Determine the driving distance for each of the three phases of the test, calculated from the measured roll of shaft revolutions.

XIV. CALCULATIONS

The individual reported test results shall be computed by use of the following formula:

(a) For light duty vehicles and light duty trucks:

$$Y_{wm} = 0.43((Y_{ct} + Y_s)/(D_{ct} + D_s)) + 0.57 \\ ((Y_{ht} + Y_s)/(D_{ht} + D_s))$$

Where:

Y_{wm} = Weighted mass emissions of each pollutant, i.e., HC, CO, NO_x, or CO₂, in grams per vehicle mile.

Y_{ct} = Mass emissions as calculated from the "transient" phase of the cold start test in grams per test phase.

Y_{ht} = Mass emissions as calculated from the "transient" phase of the hot start test in grams per test phase.

Y_s = Mass emissions as calculated from the "stabilized" phase of the cold start test, in grams per test phase.

D_{ct} = The measured driving distance from the "transient" phase of the cold start test in miles.

RULES AND REGULATIONS

Dht=The measured driving distance from the "transient" phase of the hot start test in miles.
Ds=The measured driving distance from the "stabilized" phase of the cold start test, in miles.

(b) The mass of each pollutant for each phase of both the cold start test and hot start test is determined from the following:

(1) Hydrocarbon mass:

$$HC_{mass} = V_{mix} \times \text{Density}_{HC} \times HC_{conc} / 1,000,000$$

(2) Oxides of nitrogen mass:

$$NO_{mass} = V_{mix} \times \text{Density}_{NO} \times (NO_{conc} / 1,000,000) \times KH$$

(3) Carbon monoxide mass:

$$CO_{mass} = V_{mix} \times \text{Density}_{CO} \times CO_{conc} / 1,000,000$$

(4) Carbon dioxide mass:

$$CO_{2mass} = V_{mix} \times \text{Density}_{CO_2} \times CO_{2conc} / 100$$

(c) Meaning of symbols:

(1) HC_{mass}=Hydrocarbon emissions, in grams per test phase.

Density_{HC}=Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in grams per cubic foot at 68° F and 760 mm. Hg pressure (16.33 gm./cu.ft.).

HC_{conc}=Hydrocarbon concentration of the dilute exhaust sample corrected for background, in p.p.m. carbon equivalent, i.e. equivalent propane $\times 3$.
HC_{conc}=HCE-HCd(1-1/DF).

Where:

HCE=Average hydrocarbon concentration of the dilute exhaust sample as measured from the sample bag or for Diesel, average hydrocarbon concentration of the dilute exhaust sample, as calculated from the integrated HC traces, in p.p.m. carbon equivalent.
HCd=Hydrocarbon concentration in the dilution air as measured in p.p.m. carbon equivalent.

(2) NO_{mass}=Oxides of nitrogen emissions, in grams per test phase.

Density_{NO}=Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in grams per cubic foot at 68° F and 760 mm. Hg pressure (54.16 gm./cu. ft.).

NO_{conc}=Oxides of nitrogen concentration of the dilute exhaust sample corrected for background, in p.p.m.
NO_{conc}=NO_e-NO_d(1-1/DF).

Where:

NO_e=Oxides of nitrogen concentration of the dilute exhaust sample as measured, in p.p.m.

(3) CO_{mass}=Carbon monoxide emissions, in grams per test phase.

Density_{CO}=Density of carbon monoxide in grams per cubic foot at 68° F and 760 mm. Hg pressure (32.97 gm./cu. ft.).

CO_{conc}=Carbon monoxide concentration of the dilute exhaust sample corrected for background, water vapor and CO₂ extraction, in p.p.m.
CO_{conc}=CO_e-COD(1-1/DF).

Where:

CO_e=Carbon monoxide concentration of the dilute exhaust sample volume corrected for water vapor and carbon dioxide extraction, in p.p.m. The calculation assumes the carbon to hydrogen ratio of the fuel is 1:1.85.
CO_e=(1-0.01925 CO_{2e}-0.000323R) CO_{em}.

Where:

CO_{em}=Carbon monoxide concentration of the dilute exhaust sample as measured in p.p.m.
CO_{2e}=Carbon dioxide concentration of the dilute exhaust sample, in mole percent.
R=Relative humidity of the dilution air, in percent.
CO_d=Carbon monoxide concentration of the dilution air corrected for water vapor extraction, in p.p.m.
CO_d=(1-0.000323R) CO_{dm}.

Where:

CO_{dm}=Carbon monoxide concentration of the dilution air sample as measured, in p.p.m.

NOTE.—If a CO instrument which meets the criteria specified in section XI(a)(3)(xi) or section XI(b)(3)(xi) is used and the conditioning column has been deleted, CO_{em} can be substituted directly for CO_e and CO_{dm} can be substituted directly for CO_d.

(4) CO_{2mass}=Carbon dioxide emissions, in grams per test phase.

Density_{CO₂}=Density of carbon dioxide is 51.85 g/ft³ (4.843 kg/M³), at 68° F (20° C) and 760 mm Hg (101.3 kPa) pressure.

CO_{2conc}=Carbon dioxide concentration of the dilute exhaust sample corrected for background, in percent.

$$CO_{2conc} = CO_{2e} - CO_{2d}(1-1/DF)$$

Where:

CO_{2d}=Carbon dioxide concentration of the dilution air as measured, in percent.

$$(5) DF = 13.4 / [CO_{2e} + (HCE + CO_e)10 - 4]$$

$$KH = 1 / [1 - 0.0047(H - 75)]$$

$$\text{for SI units} = 1 / [1 - 0.0329(H - 10.11)]$$

Where:

H=Absolute humidity in grains (grams) of water per pound (kilogram) of dry air.

$$H = [(43.478)Ra \times Pd] / [PB - (Pd \times Ra / 100)]$$

$$\text{for SI units, } H = [(6.211)Ra \times Pd] / [PB - (Pd \times Ra / 100)]$$

Ra=Relative humidity of the ambient air, in percent.

Pd=Saturated vapor pressure, in mm. Hg (kPa) at the ambient dry bulb temperature.

PB=Barometric pressure, in mm. Hg (kPa).

V_{mix}=Total dilute exhaust volume in cubic feet per test phase corrected to standard conditions (528 R) (293 K) and 760 mm. Hg (101.3 kPa).

For PDP-CVS, V_{mix} is:

$$V_{mix} = V_o \times N(PB - P_4) / 528 R / (760 \text{ mm. Hg}) (Tp)$$

for SI units,

$$V_{mix} = V_o \times N(PB - P_4) / (101.325 \text{ kPa}) (Tp)$$

Where:

V_o=Volume of gas pumped by the positive displacement pump, in cubic feet (m³) per revolution. This volume is dependent on the pressure differential across the positive displacement pump.

N=Number of revolutions of the positive displacement pump during the test phase while samples are being collected.

PB=Barometric pressure, in mm. Hg (kPa).

P₄=Pressure depression below atmospheric measured at the inlet to the positive displacement pump, in mm. Hg (kPa) (during an idle mode).

Tp=Average temperature of dilute exhaust entering positive displacement pump during test, R(K).

(d) Example calculation of mass emissions values:

(1) For the "transient" phase of the cold start test assume V_o=0.29344 cu. ft. per revolution; N=10,485; R=48.0 percent; Ra=48.2 percent; PB=762 mm. Hg; Pd=22.225 mm. Hg;

P₄=70 mm. Hg; Tp=570 R; HCE=105.8 p.p.m. carbon equivalent; NO_{2e}=11.2 p.p.m.; CO_{em}=306.6 p.p.m.; CO_{2e}=1.43 percent; HCD=12.1 p.p.m.; NO_{2d}=0.8 p.p.m.; CO_{dm}=15.3 p.p.m.

Then:

$$V_{mix} = (0.029344) (10,485) (762-70) / (528) / (760) (570) = 2595 \text{ cu. ft. per test phase.}$$

$$H = (43.478) (48.2) (22.225) / [762 - (22.225 \times 48.2 / 100)] = 62 \text{ grains of water per pound of dry air.}$$

$$KH = 1 / [1 - 0.0047(62 - 75)] = .9424.$$

$$CO_e = (1 - 0.01925(1.43) - 0.000323(48))306.6 = 293.4 \text{ p.p.m.}$$

$$CO_d = (1 - 0.000323(48))15.3 = 15.1 \text{ p.p.m.}$$

$$DF = 13.4 / 1.43 + (105.8 + 293.4) \times 10 - 4 = 9.116.$$

$$HC_{conc} = 105.8 - 12.1(1 - 1/9.116) = 95.03 \text{ p.p.m.}$$

$$HC_{mass} = (2595) (16.33) (95.03 / 1,000,000) = 4.027 \text{ grams per test phase.}$$

$$NO_{2conc} = 11.2 - 0.8(1 - 1/9.116) = 10.49 \text{ p.p.m.}$$

$$NO_{2mass} = (2595) (54.16) (10.49 / 1,000,000) (0.9424) = 1.389 \text{ grams per test phase.}$$

$$CO_{conc} = 293.4 - 15.1(1 - 1/9.116) = 280.0 \text{ p.p.m.}$$

$$CO_{2mass} = (2595) (32.97) (280 / 1,000,000) = 23.96 \text{ grams per test phase.}$$

$$CO_{2conc} = 1.43 - .032(1 - 1/9.116) = 1.402 \text{ percent.}$$

$$CO_{2mass} = (2595.0) (51.85) (1.402 / 100) = 1886 \text{ grams per test phase.}$$

(2) For the "stabilized" portion of the cold start test assume that similar calculations resulted in HC_{mass}=0.62 gram per test phase; NO_{2mass}=1.27 grams per test phase; and CO_{2mass}=5.98 grams per test phase.

(3) For the "transient" portion of the hot start test assume that similar calculations resulted in HC_{mass}=0.51 gram per test phase; NO_{2mass}=1.38 grams per test phase; and CO_{2mass}=5.01 grams per test phase; CO_{2mass}=1758 grams per test phase; Dht=3.598 miles.

(4) Weighted mass emission results:

$$HC_{wm} = 0.43 [(4.027 + 0.62) / (3.598 + 3.902)] + 0.57 [(0.51 + 0.62) / (3.598 + 3.902)] = 0.352 \text{ gram per vehicle mile.}$$

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$$NO_{2wm} = 0.43 [(1.389 + 1.27) / (3.598 + 3.902)] + 0.57 [(1.38 + 1.27) / (3.598 + 3.902)] = .354 \text{ gram per vehicle mile.}$$

$$CO_{wm} = 0.43 [(23.96 + 5.98) / (3.598 + 3.902)] + 0.57 [(5.01 + 5.98) / (3.598 + 3.902)] = 2.55 \text{ grams per vehicle mile.}$$

$$CO_{2wm} = 0.43 [(1886 + 2346) / (3.598 + 3.902)] + 0.57 [(1758 + 2346) / (3.598 + 3.902)] = 555 \text{ grams per vehicle mile.}$$

(Secs. 206, 208, 301(a), Clean Air Act, as amended (42 U.S.C. 7525, 7542, 7601(a), formerly (42 U.S.C. 1857f-5, 1857f-6, 1857g(a)) which was reclassified by 91 Stat. 685 (Aug. 7, 1977).)

[FR Doc. 78-2703 Filed 2-1-78; 8:45 am]

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THURSDAY, FEBRUARY 2, 1978
PART III



DEPARTMENT OF
HEALTH,
EDUCATION,
AND WELFARE

Public Health Service,
Health Care Financing
Administration and Office
of Human Development
Services

FEDERAL FINANCIAL
PARTICIPATION IN
EXPENDITURES FOR
ABORTIONS FUNDED
THROUGH VARIOUS
HEW PROGRAMS

Revised
Federal

[4110-85]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 50—POLICIES OF GENERAL APPLICABILITY

Abortions and Related Medical Services in Federally Assisted Programs of the Public Health Service

AGENCY: Public Health Service.

ACTION: Final rules.

SUMMARY: The Department is promulgating new rules to govern Federal financial participation in expenditures for abortions funded through various HEW programs. Three parallel sets of regulations are being promulgated. One set will apply to programs administered under title XIX of the Social Security Act, another to programs administered under title XX of that Act, and the third to programs and projects supported with funds appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service. These rules are necessary as a result of the enactment of Pub. L. 95-205. That statute imposes strict limitations upon Federal funding of abortions and requires that the Secretary "promptly issue regulations and establish procedures to insure that (the statute is) rigorously enforced." These regulations respond to that statutory directive and specify when Federal funds may be used to pay for abortions.

EFFECTIVE DATES: This regulation will be effective February 14, 1978. As explained in the preamble of 42 CFR Part 449 appearing in this issue at p. 4571, in providing Federal financial participation prior to the effective date of these regulations, the Department will accept any reasonable interpretation of the statutory provisions implemented by these regulations.

Notice of Proposed Rulemaking and a delayed effective date of 30 days have been waived because of the compelling need to provide immediate direction to States and Federal grantees as to those abortions which the Department will fund with its appropriations for fiscal year 1978, and to follow the dictates of Congress that the Department promptly issue regulations. Nevertheless, written comments or suggestions received on or before March 20, 1978, will be considered with a view to revising these regulations, and will be responded to by further publication in the FEDERAL REGISTER no later than May 3, 1978.

In commenting please refer to PCO-187-RC. Agencies and organizations are requested to submit comments in

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duplicate. Comments will be available for public inspection beginning approximately two weeks after publication in Room 722-H, of the Department's offices at 200 Independence Avenue SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 202-245-0950.

ADDRESS: Address comments to: Marilyn Martin, Public Health Service, Room 722H, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Marilyn L. Martin, Room 722H, Hubert Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, 202-245-7581.

SUPPLEMENTARY INFORMATION: For a preamble statement, which is being issued jointly by the Public Health Service, the Health Care Financing Administration, and the Administration for Public Services of the Office of Human Development Services, concerning conditions governing Federal funding of abortions, see 42 CFR Part 449 appearing in this issue at page 4571.

Part 50 is amended by adding a new Subpart C to read as set No. MC forth below:

Subpart C—Abortions and Related Medical Services in Federally Assisted Programs of the Public Health Service

- Sec.
- 50.301 Applicability.
 - 50.302 Definitions.
 - 50.303 General Rule.
 - 50.304 Life of the mother would be endangered.
 - 50.305 Severe and long-lasting damage to physical health.
 - 50.306 Rape and incest.
 - 50.307 Documentation needed by programs or projects.
 - 50.308 Drugs and devices and termination of ectopic pregnancies.
 - 50.309 Record keeping requirements.
 - 50.310 Confidentiality.

AUTHORITY: Sec. 101, Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.

§ 50.301 Applicability.

The provisions of this subpart are applicable to programs or projects for health services which are supported in whole or in part by Federal financial assistance, whether by grant or contract, appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service.

§ 50.302 Definitions.

As used in this subpart: (a) "Law enforcement agency" means an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction.

(b) "Medical procedures performed upon a victim of rape or incest" means any medical service, including an abortion, performed for the purpose of preventing or terminating a pregnancy arising out of an incident of rape or incest.

(c) "Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which he or she practices.

(d) "Public health service" means: (1) An agency of the United States or of a State or local government, that provides health or medical services; and (2) a "rural health clinic," as defined under section 1(d)(aa)(2) of Pub. L. 95-210, 91 Stat. 1485; except that any agency or facility whose principal function is the performance of abortions is specifically excluded from this definition.

§ 50.303 General Rule.

Federal financial participation is not available for the performance of an abortion in programs or projects to which this subpart applies except under circumstances described in §§ 50.304, 50.305, or 50.306.

§ 50.304 Life of the mother would be endangered.

Federal financial participation is available for the performance of an abortion when a physician has found, and so certified in writing to the program or project, that on the basis of his/her professional judgment, the life of the mother would be endangered if the fetus were carried to term.

§ 50.305 Severe and long-lasting damage to physical health.

Federal financial participation is available for the performance of an abortion when two physicians have found, and so certified in writing to the program or project, that on the basis of their professional judgment, severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

§ 50.306 Rape and incest.

Federal financial participation is available for medical procedures performed upon a victim of rape or incest if the program or project has received signed documentation from a law enforcement agency or public health service stating that: (a) The person upon whom the medical procedure was performed was reported, within 60 days of the incident, to have been the victim of an incident of rape or incest; and (b) the report included the name, address and signature of the person who reported the rape or incest. Federal financial participation is also available for the performance of abortions for victims of rape or incest under the circumstances described in §§ 50.304 and

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50.305 without regard to the requirements of the preceding sentence.

§ 50.307 Documentation needed by programs or projects.

Federal financial participation is unavailable for the performance of abortions or other medical procedures otherwise provided for under §§ 50.304, 50.305, and 50.306 if the program or project has paid without first having received the certifications and documentation specified in those sections.

§ 50.308 Drugs and devices and termination of ectopic pregnancies.

Federal financial participation is available with respect to the cost of drugs or devices to prevent implantation of the fertilized ovum, and for medical procedures necessary for the termination of an ectopic pregnancy.

§ 50.309 Record keeping requirements.

Programs or projects to which this subpart applies must maintain copies of the certifications and documentation specified in §§ 50.304, 50.305, and 50.306 for three years pursuant to the retention and custodial requirements for records at 45 CFR 74.20 et seq.

§ 50.310 Confidentiality.

Information in the records or in the possession of programs or projects which is acquired in connection with the requirements of this subpart may not be disclosed in a form which permits the identification of an individual without the individual's consent except as may be necessary for the health of the individual or as may be necessary for the Secretary to monitor the activities of those programs or projects. In any event, any disclosure shall be subject to appropriate safeguards which will minimize the likelihood of disclosures of personal information in identifiable form.

Dated: January 26, 1978.

JAMES F. DICKSON,
Acting Assistant
Secretary for Health.

Approved: January 26, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary, Department of Health,
Education, and Welfare.

[FR Doc. 78-2872 Filed 1-30-78; 2:15 pm]

[4110-35]

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 449—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Federal Financial Participation in State Claims for Abortions

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rules.

SUMMARY: The Department is promulgating new rules to govern Federal financial participation in expenditures for abortions funded through various HEW programs. Three parallel sets of regulations are being promulgated. One set will apply to programs administered under title XIX of the Social Security Act, another to programs administered under title XX of that Act, and the third to programs and projects supported with funds appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service. These rules are necessary as a result of the enactment of Pub. L. 95-205. That statute imposes strict limitations upon Federal funding of abortions and requires that the Secretary "promptly issue regulations and establish procedures to insure that (the statute is) rigorously enforced." These regulations respond to that statutory directive and specify when Federal funds may be used to pay for abortions.

EFFECTIVE DATE: The regulations will be effective February 14, 1978. As explained below, in providing Federal financial participation prior to the effective date of these regulations, the Department will accept any reasonable interpretation of the statutory provisions implemented by these regulations.

Notice of Proposed Rulemaking and a delayed effective date of 30 days have been waived because of the compelling need to provide immediate direction to States and Federal grantees as to which abortions the Department will fund with its appropriations for fiscal year 1978, and pursuant to the dictate of Congress that these regulations be issued promptly. Nevertheless, written comments or suggestions received on or before March 20, 1978, will be considered with a view to revising these regulations and will be responded to by further publication in the FEDERAL REGISTER no later than May 3, 1978. The Department's published response will indicate the extent to which, if at all, amendment of these regulations is in order in light of these comments.

In commenting please refer to PCO-187-RC. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection beginning approximately 2 weeks after publication, in Room 5225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 202-245-0950.

ADDRESS: Address Comments to:

Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare,

P.O. Box 2366, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Michael Cook, Room 4423, Switzer Building, 330 C Street SW., Washington, D.C. 20201, 202-245-0962 (HCFA).

SUPPLEMENTARY INFORMATION: On December 9, 1977, the President signed Pub. L. 95-205. That Act appropriates funds for the Department's programs from December 1, 1977, through September 30, 1978, or until enactment of an appropriation for any project or activity provided for therein, whichever occurs first. Section 101 of that Act contains language which succeeds section 209 of the Labor-HEW Appropriations Act of 1977, Pub. L. 94-439, which has popularly been referred to as the "Hyde amendment."

STATUTORY LANGUAGE

Section 101 of Pub. L. 95-205 provides, in part, that:

[N]one of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians.

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

PRIOR DEPARTMENT POLICY

Section 209 of Pub. L. 94-439, the Labor-HEW Appropriations Act of 1977, prohibited the Department from using any funds appropriated under that Act to pay for abortions "except where the life of the mother would be endangered if the fetus were carried to term." The Department was enjoined by a Federal District Court from enforcing section 209 in October, 1976, prior to its implementation. The injunction was dissolved on August 4, 1977, and the Department published a notice, 42 FR 40486 (August 10, 1977), specifying the method by which it would implement section 209.

The notice provided that: "the Department will provide Federal financial participation in the cost of abortions only where the attending physician, on the basis of his or her professional judgment, has certified that the abortion is necessary because the life of the mother would be endangered if the fetus were carried to term."

In addition, the notice indicated that the conference report to section 209 made clear that that section did not bar Federal funding for medical procedures necessary for the termination of an ectopic pregnancy, for drugs and devices to prevent the implantation of the fertilized ovum and for prompt treatment before the fact of pregnancy is established for victims of rape or incest.

Congress did not enact an HEW appropriations act for fiscal year 1978 by October 1, 1977, the end of the 1977 fiscal year. Congress did, however, enact two temporary resolutions which continued funding for the Department through November 30, 1977. These resolutions continued the limitations on Federal funding of abortions set forth in section 209.

Finally, on December 7, 1977, Congress enacted Pub. L. 95-205, which the President signed on December 9, 1977, providing funding for the Department through September 30, 1978. The Secretary issued a statement on December 10, 1977, which essentially restated the provisions on Federal funding of abortions contained in the Act, and indicated that the Office of the General Counsel would be preparing regulations to enforce these limitations. The Department transmitted that statement to all State Medicaid agencies, HEW Regional Offices, Public Health Service Hospitals and grantees, and State medical associations.

INTRODUCTION

These regulations have been drafted to implement the determinations of Congress with respect to the availability of Federal funds to pay for abortions. Congress has expressed its will in a statute, Pub. L. 95-205, and the Department's primary task in preparing these regulations has been to interpret that statute to implement congressional intent.

In construing Pub. L. 95-205, the Department has accorded maximum weight to the statutory language, for as the Supreme Court has noted, it is a cardinal principle of statutory construction that "[t]here is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give expression to its wishes. Often these words are sufficient in and of themselves to determine the purpose of the legislation. In such cases we have followed their plain meaning." *United States v. American Trucking Ass'n*, 310 U.S. 534, 543 (1940).

Examination of statutory language focuses primarily on its plain meaning, and in determining that meaning, the Department has been guided by so-called "intrinsic aids," such as the structure of the statute and the inferences that may be drawn from the

normal usages of grammar and composition. Intrinsic aids are recognized as valuable tools of construction. In the words of the most authoritative treatise on statutory construction, "[t]he use of intrinsic aids, by concentrating attention on the text of the law, thus appears to be most directly related to the object of deciding according to what the statute may be generally understood to mean." 2A Sutherland, "Statutory Construction" §47.01 (Sands ed. 1973).

The Department has also thoroughly studied the legislative history of Pub. L. 95-205, which includes 10 different versions of the statute passed by either the Senate or the House and over 225 pages of congressional debate over 6 months.

Unfortunately, the reports of the House and Senate committees to which 1978 fiscal year appropriations bills were referred contain virtually no discussion of the issue of Federal funding of abortions. Also, because House and Senate conferees were never able to agree on the abortion issue, there is no conference report interpreting the statutory language. Thus, there is no official expression of the collective understanding of even one house of the Congress as to the meaning of this statute, and an interpretation of the legislative history must be based solely on the debates and the different versions of the statute. Although these debates serve as a valuable indication of congressional intent, they are at times inconsistent or inconclusive.

Nonetheless, the Department has sought to determine congressional intent with the greatest of care, using the traditional methods of statutory construction.

OPINION OF THE ATTORNEY GENERAL

The Department recognizes that the question of Federal funding of abortions is a matter of great concern to the American people.

The Department wishes to ensure that the regulations implementing section 101 are consistent with the will of Congress. Accordingly, on January 24, 1978, the Secretary, by letter, requested the Honorable Griffin B. Bell, Attorney General of the United States, to review the legal validity of these regulations. The Secretary's letter stated:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

WASHINGTON, D.C. 20201

JANUARY 24, 1978.

Hon. GRIFFIN B. BELL,

Attorney General, Department of Justice, Washington, D.C. 20530

DEAR MR. ATTORNEY GENERAL: As you are aware, Congress recently enacted Pub. L. 95-205, which provides for appropriations for the Department of Health, Education,

and Welfare through the 1978 fiscal year and which contains certain restrictions upon the use of appropriated funds to pay for abortions.

Section 101 of Pub. L. 95-205 provides, in part, that "none of the funds provided for in [the HEW-Labor continuing resolution] shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians." In addition, section 101 provides that "[t]he Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced."

Enclosed is a copy of our final draft of the regulations implementing this statutory requirement. I understand that our legal staff has provided your staff, during the past several weeks, with an explanation of our interpretation of principal issues. Our views as to the legal basis and purpose of these regulations are expressed in the accompanying preamble.

In light of the importance of these rules, I would appreciate your formal opinion as to whether these rules comply with the statute. In particular, I would appreciate your opinion on the following questions of interpretation:

1. Do the "medical procedures" authorized for the victims of rape or incest include abortion?
2. Does the statute require this Department to specify through regulations what constitutes a "report," and, if so, has Congress indicated its intent on this issue?
3. Does the definition of "law enforcement agency" in the regulations properly reflect congressional intent?
4. Does the definition of "public health service" in the regulations properly reflect congressional intent?
5. Is the implementation in the regulations of the requirement that reporting be "prompt" consistent with the intent of Congress?
6. Are the procedures specified in the regulations to implement the reporting requirement consistent with the intent of Congress?

Because of the urgent necessity to give guidance to state agencies administering the Medicaid program and Public Health Service hospitals and grantees, I would greatly appreciate a prompt response.

Thank you for your assistance.

Sincerely,

JOSEPH A. CALIFANO, JR.

Enclosure.

The Attorney General responded to that request by letter of January 26, 1978. The Attorney General's letter states:

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D.C. 20530,

January 26, 1978.

Hon. JOSEPH A. CALIFANO, JR., Secretary of Health, Education, and Welfare, Washington, D.C.

MY DEAR MR. SECRETARY: You have asked for my opinion whether certain provisions

of your department's proposed regulations pertaining to federal funding of abortions with respect to victims of rape or incest are in conformity with the requirements of § 101 of Public Law No. 95-205, 91 Stat. 1461 (1977) (the "Act"), making further continuing Appropriations for fiscal year 1978, and for other purposes. Section 101 provides in part:

"[N]one of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians."

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

The Secretary shall promptly issue regulations and establish procedures to insure that the provisions of this section are rigorously enforced.

You have asked in particular for my opinion with respect to a series of questions relating to the scope of various terms and language in § 101.

At the outset I believe that some general observations are in order. As a rule, administrative regulations properly promulgated under statutory authority are presumed valid. *Grubbs v. Bulz*, 514 F. 2d 1323 (D.C. Cir. 1975); *United States v. Boyd*, 491 F. 2d 1163 (9th Cir. 1973). In order to sustain that presumption, an administrative officer exercising rulemaking powers delegated to him by Congress must adhere to two basic requirements: he must adopt regulations which are both reasonable and consistent with the intention of Congress as expressed by the statute. *United States v. Larrison*, 431 U.S. 864 (1977); *Manhattan General Equipment Co. v. C.I.R.*, 297 U.S. 129 (1936). Within that framework, an administrative officer such as yourself has broad discretion.

The legislative intention with respect to abortion regulations implementing § 101 of the Act is, however, difficult to discern. For the most part, neither the language of the section nor its legislative history provides clear answers to the questions you raise. The provisions of § 101 had their origin in the proposed HEW Appropriations Act for 1978. The reports of the House and Senate Appropriations Committees on that proposed act contain no discussion of Federal funding of abortions. The reports of the Conference Committee are equally unenlightening, as the conferees were unable to reach agreement on the abortion funding provisions of the proposed act. The final version of § 101 was a product of compromise on the floor of both houses. Consequently, the floor debates provide the only source of Congressional intent other than the language of the statute itself. But, those debates are contradictory and inconclusive in many respects. They do reveal, however,

*The paragraph in question appropriates funds for your department for fiscal year 1978.

that Congress intended to leave many matters of interpretation concerning § 101 to the sound discretion of the Secretary, rather than attempt a more detailed statutory scheme. See, e.g., 123 Cong. Rec. H12651 (daily ed. Dec. 6, 1977) (remarks of Representative Michel); id. S19397-19398 (remarks of Senator Magnuson). After carefully reviewing the language of the section, the floor debates, and the views you express in the preamble to the proposed regulations, I conclude that the provisions of the regulations about which you have inquired are in conformity with both the language and intent of the section. I shall turn now to your specific questions.

ABORTIONS AS MEDICAL PROCEDURES NECESSARY FOR VICTIMS OF RAPE OR INCEST

Both the structure of § 101 and the available legislative history support my view that abortions are included in the phrase "medical procedures necessary for the victims of rape or incest." The section contains a broad prohibition against Federal funding of abortions followed by three exceptions. The second of those exceptions is for medical procedures in cases of rape or incest. The logical interpretation of the language of the paragraph is that Federal funding of abortions is permissible in the three circumstances enumerated. Moreover, if the exception for medical procedures in cases of rape or incest does not include abortions, the phrase would be surplusage. Immediately following the exceptions in the section is a new paragraph which describes non-abortion services for which Federal funding is available. Thus, there would be no reason to place an exception for medical procedures in the preceding language if such procedures did not include abortions. While it is possible to argue that by adding the term "medical procedures" to the exception covering victims of rape or incest Congress must have intended something other than abortions, that argument clearly runs counter to the thrust of the floor debates.

The Senate made it abundantly clear that it understood medical procedures to include abortions. In floor discussions which took place immediately before Senate passage of the Act, Senator Brooke, the ranking Republican conferee, asserted:

"I want to make it crystal clear, and I want to make it certain for the record, as to what was intended by the Senate and, as I understand, what was intended by the House by their vote—because no other change was referred to in that debate—is that we are talking about medical procedures being abortions. Cong. Rec. S19441 (Dec. 7, 1977)."

Senator Magnuson, the floor manager for the Senate conferees, unequivocally concurred in that understanding. Cong. Rec. S19441-19442 (Dec. 7, 1977).

The debates in the House of Representatives also indicate that the members of that body understood medical procedures to include abortions. See, e.g., Cong. Rec. H12488 (Nov. 29, 1977) (remarks of Representative Conte); Cong. Rec. H12772, H12774 (Dec. 7, 1977) (remarks of Representative Hyde). The sole suggestion to the contrary in the debates appears in a colloquy between Representatives Michel and Volkmer. In response to questioning, Representative Michel asserted that medical procedures in

*All references hereafter are to volume 123 of the daily edition of the Record.

cases of rape or incest did not include abortions. Cong. Rec. H12652 (Dec. 6, 1977). Both earlier and later in the debates, however, Representative Michel made statements implicitly contradicting that assertion. Cong. Rec. H12170 (Nov. 3, 1977); H12652 (Dec. 6, 1977). It is therefore my opinion that the phrase "medical procedures necessary for the victims of rape or incest" used in § 101 includes abortions.

REPORTS OF INCIDENTS OF RAPE OR INCEST

The legislative history offers little guidance in interpreting the requirement that victims of rape and incest "report" the incidents to a law enforcement agency or public health service. Congress did not specify the form or content of the report except to indicate that the victim need not herself be the reporter. See Cong. Rec. S19237 (Nov. 29, 1977) (remarks of Senator Brooke); Cong. Rec. H12653 (Dec. 6, 1977) (colloquy between Representatives Volkmer and Michel). The basic concern of Congress in adopting a reporting requirement was to prevent fraudulent claims. See, e.g., Cong. Rec. H12489 (remarks of Representative Bonker). In my view, the reporting requirement in § 449.105(b) of the proposed regulations adequately reflects that concern and is compatible with Congressional intent.

DEFINITION OF LAW ENFORCEMENT AGENCY

The limited discussion of the term "law enforcement agency" in the floor debates does not suggest that Congress intended to ascribe a special meaning to the term. Cong. Rec. H10830 (Oct. 12, 1977); Cong. Rec. S19237 (Nov. 29, 1977). Section 449.101(a) of the proposed regulations defines the term as "an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction." This meaning appears to be within the common understanding of the term and its adoption is within the Secretary's discretion.

DEFINITION OF PUBLIC HEALTH SERVICE

Although the discussion of the term "public health service" in the floor debates is somewhat lengthier, the meaning intended for the term is nevertheless unclear. See, e.g., Cong. Rec. H12654 (Dec. 6, 1977) (remarks of Representative Flood). Section 449.101(d) of the proposed regulations provides the following definition:

"(1) an agency of the United States or of a State or local government, that provides health or medical services; and (2) a "rural health clinic", as defined under section 1(d)(aa)(2) of Pub. L. 95-210, 91 Stat. 1485, except that any agency or facility whose principal function is the performance of abortion is specifically excluded from this definition."

Since that definition can reasonably be accommodated within the statutory language, its adoption is within the Secretary's discretion.

REQUIREMENT OF PROMPT REPORTING

The requirement in § 101 that cases of rape and incest be "reported promptly" is open to differing interpretations. There was no agreement during the floor debates on the permissible time limits for making such reports. Proposals ranged from a few weeks to several months. See, e.g., Cong. Rec. S19397, S19398 (Dec. 6, 1977) (remarks of Senator Magnuson suggesting that a report

within 90 days would suffice); Cong. Rec. H12653 (statement of Representative Bonker that "prompt" is not as long as "3 or 4 or 5 weeks later"). Section 449.105 of the proposed regulations requires reports of cases of rape or incest "within 60 days of the incident." Since that requirement seems within the permissible meaning of the words "reported promptly" its adoption is within the Secretary's discretion.

PROCEDURES FOR IMPLEMENTING THE REPORTING REQUIREMENT

Section 449.106 of the proposed regulations specifies the procedure for enforcing the reporting requirement. It provides:

"Federal financial participation is unavailable in any expenditures for abortions or other medical procedures otherwise provided for under [the sections of the regulations] if the State agency has paid without first having received the certifications and documentations specified in those sections.

Neither the statute itself nor the legislative history indicates that Congress intended the Secretary to implement the reporting requirement in any particular manner. The only concern expressed was that the Secretary develop procedures to prevent fraudulent claims. See, e.g., Cong. Rec. H12652 (Dec. 6, 1977) (colloquy between Representatives Miller and Michel). In view of the absence of any congressional directive, it is my opinion that the method of implementing the reporting requirement in the proposed regulations is within the proper exercise of the Secretary's discretion.

In the final paragraph of § 101 Congress expressly directed the Secretary to promulgate regulations implementing its requirements. As the administrative officer charged with enforcement of the statute, the Secretary's construction of the section is entitled to great weight. The views expressed in his regulations need not be the only reasonable ones or the ones someone else might choose in order to be valid. *Udall v. Tallman* 380 U.S. 1 (1965). It is my opinion that the provisions of the proposed regulations discussed above are reasonable and consistent with the language and intent of the section, and that you are authorized to promulgate these regulations.

Yours sincerely,

GRIFFIN B. BELL,
Attorney General.

ANALYSIS

The following analysis explains the major issues covered by these regulations, including the requirements for Federal funding and the basis for each requirement.

GENERAL RULE

The regulations provide that Federal funds are not available to pay for abortions except in the three circumstances set forth in Pub. L. 95-205. The statute unequivocally provides that "none of the funds provided for in this paragraph shall be used to perform abortions except . . ." Since the prohibition on the use of funds is applicable to all of the Department's appropriated funds, the Department does not have statutory authority to fund any abortions other than those

specifically provided for under the following three exceptions set forth in this statute:

"where the life of the mother would be endangered if the fetus were carried to term;" "or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service;"

"or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians."

1. LIFE OF THE MOTHER WOULD BE ENDANGERED

The regulations provide that Federal funds will be available for the cost of abortions "when a physician has found, and so certified in writing . . . that on the basis of his/her professional judgment, the life of mother would be endangered if the fetus were carried to term." This section of the regulations essentially restates the statutory language and leaves to a physician the determination of whether a particular condition presents a life endangering circumstance. There are two reasons for leaving the determination to the discretion of a doctor.

First, Congress apparently intended that, in the absence of fraud, the physician's judgment would be conclusive. The life endangering exception in Pub. L. 95-205 is identical to the statutory exception contained in section 209 of the fiscal year 1977 HEW appropriations act. In implementing that provision, the Department left to physicians the determination whether a particular condition presents a life endangering circumstance. The Congress, in enacting section 101, did not indicate any disapproval of this interpretation. In fact, all evidence is to the contrary, since, as is discussed below, Congress clearly indicated that it expected physician judgment, in the absence of fraud, to operate conclusively under the very similar exception for severe and long-lasting physical health damage. The failure of Congress to question the manner in which HEW had previously implemented this exception, and its reenactment without change, should be understood as indicating congressional approval of the Department's interpretation. See, e.g., *Cammarano v. United States*, 358 U.S. 498, 508-09 (1959).

Second, as a practical matter, it would be virtually impossible to specify every possible medical circumstance that could endanger the life of a pregnant woman. Rather, this medical determination must be made in each case by a physician familiar with the entire medical history of the patient as well as her current condition. The regulations do require a physician to certify in writing to the State agency, program or project that in his

or her professional judgment the life of the mother would be endangered if the fetus were carried to term. The State agency, program or project may not pay for the abortion until it has received this certification. The purpose of the certification requirement is not to enable the Department to question physician judgment, but rather to ensure that physician judgment has in fact been exercised. This is the most efficient manner by which a State agency or a program or project—or the Department in conducting audits or other enforcement reviews—may ascertain that the statutory requirements for a claim for Federal financial participation in an abortion have been met. As such, it will aid the Department in complying with the congressional directive for rigorous enforcement of these rules.

2. SEVERE AND LONG-LASTING PHYSICAL HEALTH DAMAGE

The regulations also provide for Federal funding of abortions "when two physicians have found, and so certified . . . that on the basis of their professional judgment, severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term." These requirements essentially follow the statutory language. The regulations do not attempt to list each circumstance that might fall within this exception. Rather, as with the life endangering exception, the regulation leaves this determination to the physician, since it would be impossible to list every medical circumstance which would result in severe and long-lasting physical health damage if the pregnancy were carried to term.

The record of the congressional debates in both houses of Congress supports this interpretation. In explaining to the Senate the exception regarding severe and long-lasting physical health damage, Senator Brooke, the ranking minority conferee and one of the chief proponents of Federal funding of abortions stated:

We know, when we are talking about severe and long-lasting physical health damage, that *that is something that will be determined by a physician, because he is the only one who can determine that.* We are not in a position to determine what a severe and long-lasting physical health damage might be. It would be different from case to case. That is a medical determination that must be made. 123 Cong. Rec. S19442 (daily ed. Dec. 7, 1977) (emphasis supplied).

In the House, Representatives Hyde and Bauman, two chief proponents of strict limitations on Federal funding of abortions, objected to a prior version of section 101 which contained an exception for severe and long-lasting harm identical to the one enacted except that it omitted the "two physician" requirement.

MR. HYDE: The long and short of it is, whatever is serious, whatever is long lasting, is up to the doctor to decide. It can be a migraine headache or it could be varicose veins; it could be any condition that, in the doctor's medical judgment, is serious and would be long lasting. 123 Cong. Rec. H12653 (daily ed. Dec. 6, 1977) (emphasis supplied); and

MR. BAUMAN: As to the mothers health exception, it would be left up to the judgment of the doctor. Id. at H12773 (daily ed. Dec. 7, 1977) (emphasis supplied).

Based on the foregoing, the Department concluded that Congress intended that the determination as to severe and long-lasting physical health damage should be made by physicians.

This section of the regulations also requires that two physicians certify in writing that severe and long-lasting physical health damage would occur if the fetus were carried to term. As with the life endangering exception, the State agency, or program or project may not pay for the abortion without first having received this certification. This requirement provides the most efficient method by which the Department can monitor these determinations and comply with the statutory directive for rigorous enforcement.

3. MEDICAL PROCEDURES PERFORMED UPON VICTIMS OF RAPE OR INCEST

This section implements the third exception specified in section 101—medical procedures for victims of rape or incest. The regulations provide that Federal funding is available for "medical procedures performed upon a victim of rape or incest" provided that certain reporting requirements, explained later in the preamble at 3 (b), (c) and (d), are met.

(a) *Medical procedures.* The term "medical procedures performed upon a victim of rape or incest" is defined by these regulations to encompass "any medical service," including an abortion, performed for the purpose of preventing or terminating a pregnancy arising out of an incident of rape or incest." The Department has concluded, after a thorough analysis of the statutory language and the applicable legislative history, that Congress intended that the "medical procedures" authorized for the victims of rape or incest would include abortions.

The statutory language. As indicated earlier, statutory language is by far the most persuasive evidence of legislative intent. The language of section 101 of Pub. L. 95-205 plainly means that Congress intended to fund abortions for the victims of rape or incest.

The word "service" is placed in the definition to indicate that the term does not include drugs or devices which prevent implantation of the fertilized ovum. Federal funding for drugs or devices is permitted under another paragraph of the statute discussed below.

The statute specifies that "none of the funds provided in this paragraph shall be used to perform abortions except . . . for such medical procedures necessary for the victims of rape or incest, . . ." (Emphasis added.) "Medical procedures necessary for the victims of rape or incest" are thus explicitly authorized as one of three enumerated exceptions to the ban on funding for abortions and unless these procedures include abortions, it would make no sense for Congress to authorize their funding as an exception to the general ban on funding for abortions.

Moreover, the structure of the rest of the statute supports this conclusion. The placement of "medical procedures" as the second phrase in a series of three exceptions to the ban on the use of appropriated funds for abortions stands in instructive contrast to the sentence which follows the paragraph describing those exceptions. That sentence nowhere refers to abortions, but instead merely notes that "[n]or are payments prohibited" for drugs or devices or "for medical procedures necessary for the termination of an ectopic pregnancy." These items, grouped together in a separate sentence, are clearly not abortions, but are merely matters related to pregnancies as to which Congress meant to indicate that the abortion ban did not extend.

Had Congress intended that "medical procedures" for victims of rape and incest not include abortions but solely something different, the logic of ordinary English usage would have required the placement of the reference to the victims of rape or incest in the second paragraph, rather than in the paragraph describing the exceptions to the ban on funding for abortions.

The conference report to section 209 of the 1977 Labor-HEW Appropriations Act stated:

It is the intent of the Conferees to limit the financing of abortions under the Medicaid program to instances where the performance of an abortion is deemed by a physician to be of medical necessity and to prohibit payment for abortions as a method of family planning, or for emotional or social convenience. It is not our intent to preclude payment for abortions when the life of the woman is clearly endangered, as in the case of multiple sclerosis or renal disease, if the pregnancy were carried to term. Nor is it the intent of the Conferees to prohibit medical procedures necessary for the termination of an ectopic pregnancy or for the treatment of rape or incest victims; nor is it intended to prohibit the use of drugs or devices to prevent implantation of the fertilized ovum. H. Rep. No. 1555, 94th Cong., 2d Sess. 3 (1976) (emphasis added).

Commenting on the conference report in an opinion dated July 27, 1977, and addressed to the Secretary, the Attorney General contrasted the first two sentences, which "use[d] the word 'abortion,' describing generally

those which may be funded and those which may not," with the last sentence, in which the word "abortion" nowhere appeared. Based on this juxtaposition, and based on the conference committee's rejection of a proposal to include rape and incest among the enumerated exceptions, the Attorney General concluded in his opinion of July 27, 1977, that Congress did not intend that "medical procedures" for victims of rape or incest in the fiscal year 1977 appropriations statute include abortions.

As Congress considered the abortion matter for the 1978 fiscal year, it was fully aware of the Attorney General's interpretation of the fiscal year 1977 statute and conference report. See 123 Cong. Rec. H10130 (daily ed. Sept. 27, 1977) (remarks of Representative Conte). In addition, early versions of the abortion funding restriction that passed the House did not refer to rape or incest in the "exception" sentence, while Senate drafts did. Compare, e.g., House and Senate versions of October 12, 1977. In light of this history, it is clear to the Department that Congress was acutely aware of the significance of placing the reference to medical procedures for victims of rape and incest in the series of exceptions to the general ban on funding of abortions rather than in a separate and distinct sentence.

Accordingly, the placement in section 101 of the exception for funding for medical procedures for the victims of rape and incest clearly supports the conclusion that the plain meaning of the statute is that the phrase "medical procedures" includes abortions.

Furthermore, unless "medical procedures" is construed to include abortions, the reporting requirements in the case of rape or incest are difficult to explain. The statute provides that funding for medical procedures is available for the victims of rape or incest only "when such rape or incest has been reported promptly to a law enforcement agency or public health service." The legislative history is quite clear that the primary purpose of the reporting requirements was to prevent Federal funding of abortions except in those circumstances specified by Congress. See, e.g., 123 Cong. Rec. H12489, H12491, (daily ed. Nov. 29, 1977) (remarks of Representatives Bonker, Bauman, and Michel). Treatment other than abortions for rape or incest victims had been funded under the fiscal year 1977 appropriations statute, and there is no mention in the records that Congress had any evidence before it concerning fraudulent procurement of these non-abortion procedures. There would thus seem to be no reason for subjecting the "medical procedures" in Pub. L. 95-205 to the reporting requirements unless they included abortions.

RULES AND REGULATIONS

The legislative history. While the Department believes that it is clear from the plain meaning and the structure of the statute that the authorized medical procedures for victims of rape or incest include abortions, the vast preponderance of the debates also indicates that Congress intended the term "medical procedures" to encompass abortions.

The intent of the Senate is unmistakable. Thus, a colloquy between Senator Brooke, the ranking minority conferee and ranking minority member of Senate Appropriations Committee, and Senator Magnuson, the Acting Chairman of the Senate Appropriations Committee and floor manager of the appropriations language, reads in pertinent part:

MR. BROOKE: I want to make it crystal clear, and I want to make it certain for the record, as to what was intended by the Senate and, as I understand, what was intended by the House by their vote—because no other change was referred to in that debate—is that we are talking about medical procedures being abortions.

There is no doubt in my mind that medical procedures are abortions. . . .

So, there are major changes now as to what poor, indigent women would be eligible for medical abortions. If the woman is a victim of rape or incest, she is eligible under the conditions of the reporting provision . . .

We fully intend medical procedures to include again, abortions. So long as the rape or incest has been reported to a law enforcement agency or to a public health service, the woman is clearly eligible for a publicly funded abortion.

Am I correct about our intent, that medical procedures do include abortion? Is that the chairman's understanding?

MR. MAGNUSON: That is correct. I think we should make it clear to the Secretary, Mr. Califano, that we mean that a woman who is a victim of rape or incest may have an abortion as long as she reports the incident, and he should issue regulations . . . that will carry out that intent . . . 123 Cong. Rec. S19441-42 (daily ed., Dec. 7, 1977).

In addition to these remarks, Senate debates on virtually identical versions of section 101 contain many other instances in which Senators indicated that "medical procedures" included abortions. See 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977); *id.* at S 19239; *id.* at S 18583 (daily ed. November 3, 1977); *id.* at S 18586. In fact, there is a total absence from the records of debate in the Senate of even a single instance in which a Senator expressed a contrary view.

Records of the House debate also indicate, with one exception, that members of that body understood the phrase "such medical procedures necessary for the victims of rape or incest" to include abortions.

The phrase "medical procedures necessary for the victims of rape or

incest" first appeared in the version of the statute considered and passed by the Senate on November 3, 1977. See 123 Cong. Rec. S18584 (daily ed. Nov. 3, 1977). This proposal was submitted to the House later that day, whereupon Representative Mahon, the Chairman of the House Committee on Appropriations, who had negotiated this phrase with the Senate conferees and who was its proponent before the House, was questioned as to its meaning:

MR. VOLKMER: Mr. Speaker, in the language it says "except for medical procedures necessary for the victims of rape or incest." Would the medical procedures necessary for the victims of rape or incest include abortions? Would they necessarily include abortions?

MR. MAHON: This language excludes abortions "except for medical procedures necessary for the victims of rape or incest." That language it seems to me is a little bit fuzzy and at the same time not too bad.

MR. VOLKMER: Is the gentleman telling the House that it would not include abortions?

MR. MAHON: It could possibly include abortions, but the regulations would have to be promulgated and rigorously enforced by the HEW. 123 Cong. Rec. H12169 (daily ed. Nov. 3, 1977) (emphasis supplied).

Although somewhat tentative, Chairman Mahon's statement is inconsistent with the view that "medical procedures" could under no circumstances include abortions. That this language was perceived as permitting abortions for the victims of rape or incest is further established by the remarks in opposition to the Senate proposal by Representative Michel, the ranking minority House conferee and ranking Republican on the HEW-Labor Subcommittee of the House Appropriations Committee:

The Senate language does not include the words "forced rape," and thus could be interpreted to allow abortions on demand in cases of statutory rape. 123 Cong. Rec. H12170 (daily ed. Nov. 3, 1977). *Contra*, 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977) (remarks of Representative Michel indicating his view that "medical procedures" did not include abortions).

For this and other reasons, the House on November 3 rejected the version proffered by the Senate.

From the time of the first Senate proposal including the phrase "medical procedures necessary for the victims of rape or incest" in the paragraph describing the exceptions to the general ban on Federal funding of abortions until its passage of the appropriations act, its opponents in the House objected to including the phrase in the exceptions paragraph in part because they thought it would permit the funding of abortions. For example, earlier on the same day on which the House ultimately approved Pub. L. 95-205, it rejected language that was identical to the statute as

passed except for the words "when so determined by two physicians" at the end of the first sentence. Opposing the inclusion of "medical procedures" in the exceptions paragraph, Representative Hyde, perhaps one of the most active Members of the House opposing Federal funding of abortions, stated:

The other body has removed "forced" from the definition of rape and thus opens medical abortions to any woman under the age of consent . . . 123 Cong. Rec. H12772 (daily ed. Dec. 7, 1977).

A week earlier, commenting on identical language, Representative Hyde stated:

In the rape of an 18-year-old girl or a 17-year-old girl, depending upon what the statutory age is in a given State, she would get her abortion. If she becomes pregnant, she gets an abortion. There is no requirement of force, or anything else. Statutory rape is covered. She gets an abortion. 123 Cong. Rec. H12489 (daily ed. Nov. 29, 1977).

Similar criticism of this language was offered by Representatives Conte and Mahon. See 123 Cong. Rec. H12487, H12488 (daily ed. Nov. 29, 1977).

The sole instance in the debates of a direct expression by a Member of Congress that the phrase "medical procedures necessary for the victims of rape or incest" did not include abortions occurred during a colloquy between Representatives Michel and Volkmer:

MR. VOLKMER: . . . In the first sentence or the first phrase the word "abortion" is used providing that none of the funds be used except where the life of the mother would be endangered.

Then we say "or except for such medical procedures . . ." and there we use the term "medical procedures"; we do not use the word "abortion"; and therefore, the word "abortion" is not included in "medical procedures"; is that correct?

MR. MICHEL: That is correct.

MR. VOLKMER: Is it the gentleman's intention in presenting this amendment to the House that the words "medical procedures" as used in here, and where reference obviously is made to them, does not include the word "abortion"; is that correct?

MR. MICHEL: Yes. 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977) (emphasis supplied).

Representative Michel's statement must be accorded due weight, given his leadership role in the abortion dispute, but it contradicts, not only his earlier statement concerning the identical language on November 3, quoted above, but also additional statements made by Representative Michel during the debate of December 6. Thus, when asked by another Member to comment on the prompt reporting aspect of the rape or incest exception, Representative Michel stated:

Yes. At least in this gentleman's mind it certainly does, and of course that prompt

treatment is pretty much available today almost any place in the country. But "prompt" leaves itself open to a number of days. But let us face it. Pregnancy is a fact which cannot obviously be known until the raped victim has missed her first period. So it seems to me that "prompt" embraces a period that is at least in the 30-day range and still would be acceptable as prompt treatment and prompt reporting. 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977).

By making this statement, Representative Michel indicated that he would have permitted the performance of "medical procedures" after the fact of pregnancy is established. But it is precisely whether the fact of pregnancy has been established that distinguishes certain forms of treatment from abortions.

Given these differing statements, the record is unclear whether, in Representative Michel's view, "medical procedures" includes abortion. Even assuming, however, that Representative Michel was consistent throughout in his view that "medical procedures" did not include abortions, that view is insufficient to overcome the plain meaning of the statute, the unequivocal expression of intent by the Senate, and the remaining debate in the House.

For the foregoing reasons, the Department has concluded that Congress intended to permit the funding of abortions for the victims of rape or incest.

It should be noted that since Congress considered but dropped proposals that would have limited the availability of abortions to victims of "forced" rape, it is clear that Congress intended that funding would be available for abortions for the victims of statutory rape. See, e.g., 123 Cong. Rec. H12772 (daily ed. Dec. 7, 1977) (remarks of Representative Hyde).

Finally, the phrase "medical procedures performed upon a victim of rape or incest" does not encompass the use of drugs or devices to prevent the implantation of the fertilized ovum. (See 123 Cong. Rec. S19442 (daily ed. Dec. 7, 1977), and medical procedures necessary for the termination of an ectopic pregnancy. The statute explicitly provides . . . nor are payments prohibited (for those procedures)" (emphasis supplied), in a sentence separate from and following the one providing for the general prohibition against Federal funding of abortions and the exceptions thereto. These items are not

²After the law was passed by Congress and signed by the President, Members of both houses of Congress wrote the Department expressing their varying interpretations of the meaning of several statutory terms. It is well settled that such post-enactment expressions may not be considered as probative evidence of legislative intent. Cf. *Waterman S. S. Corp. v. United States*, 381 U.S. 252, 268-9 (1965), 2A Sutherland, Statutory Construction § 48.16 (Sands ed. 1973).

RULES AND REGULATIONS

abortions. Accordingly, a separate subsection of the regulations provides for Federal funding of these procedures.

Finally, it should be noted that a victim of rape or incest may obtain an abortion under the other two exceptions to the general funding ban without reporting the incident to a law enforcement agency or public health service.

(b) *Report to a law enforcement agency or public health service.* The regulations effectuate the statutory requirement that an incident of rape of incest must be reported to a law enforcement agency or to a public health service for Federal funding to be provided for an abortion under this exception. Federal funds will be made available only where the State agency, program or project has received, prior to payment for the abortion, signed documentation from a law enforcement agency or public health service certifying that the person upon whom the abortion was performed was reported, within the time period specified by the regulations, to have been a victim of rape of incest. These requirements are explained in greater detail below.

(i) *Who must report.* The incident of rape or incest need not be reported by the victim herself. The Department has concluded that Congress intended that anyone may report on behalf of the victim. First, the words of the statute allow for Federal funding of "medical procedures . . . when such rape or incest has been reported promptly to a law enforcement agency or public health service." Thus, the statute does not specify that the victim must report the incident of rape or incest.

Second, the congressional debates demonstrate that the ranking minority conferees of both Houses of Congress agreed that third parties could make the report. Senator Brooke stated:

Our language does not say who must make the report to the law enforcement agency or public health service or its equivalent. It is our intent that the report may be made by third parties, such as doctors, attorneys including, but not limited to legal services lawyers, rape center counselors, welfare agencies, poverty agencies or family members or relatives. Our only requirement here is that someone or some organization make the report to relevant authorities cited in the provision. 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977). See also 123 Cong. Rec. S19397 (daily ed. Dec. 6, 1977).

Similarly, Representative Michel engaged in the following colloquy with Representative Volkmer:

MR. VOLKMER: . . . As I read the amendment of the gentleman, I do not find any requirement in it that the young lady herself makes that report. I just find it needs to be reported, which to me, and tell me if this is right or not, it could be reported by anyone. It could be reported by a private family planning agency. It could be reported by a father, mother, sister, brother, friend, or anyone else, as I read the amendment; is that correct, first?

MR. MICHEL: Well, there is a significant stigma, no matter who reports it. If a raped victim is singled out by name and address, and I do not care who reports it, there has to be some stigma attached to that.

MR. VOLKMER: The language says only reported; it does not say by whom.

MR. MICHEL: No, it does not.

MR. VOLKMER: It could be anyone.

MR. MICHEL: The Department of HEW may want to tie this down by rules, that could be done.

MR. VOLKMER: . . . what is the gentleman's intention in that regard?

MR. MICHEL: I would not be one to force that particular victim as an individual to report. 123 Cong. Rec. H12653 (daily ed. Dec. 6, 1977).

(ii) *Law enforcement agency.* With respect to the meaning of law enforcement agency, the Congressional Record consists of statements of two members of Congress who described a law enforcement agency in the following manner:

MR. McCLORY: . . . the proper authorities . . . 123 Cong. Rec. H10830 (daily ed. Oct. 12, 1977);

MR. BROOKE: . . . [O]bviously a law enforcement agency includes the police—State, county or city. But it is not exclusively these organizations. Since we are dealing with women who are victims of attack, we do not want to pile trauma upon tragedy by forcing them to go through a process that is more geared to criminals than to people who deserve our greatest sympathy. If, for example, there is a human relations division within a police department, the report could be made through such an office. A police chaplain's office could be assigned the job of receiving reports. 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977).

In light of the clear language in the statute and the foregoing statements, the regulations define "law enforcement agency," as "an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction." The reference to "any part thereof" is to make it clear that the report may be given to a rape crisis center or chaplain's office which is part of or administered by a law enforcement agency. The reference to "general penal statutes" is intended to preclude reporting to a specialized law enforcement agency such as the Drug Enforcement Administration, Secret Service, or their State or local equivalents.

(iii) *Public Health Service.* The regulations define "public health service" primarily as "an agency of the United States or of a State or local government, that provides health or medical services . . ." The Department believes that this definition most closely comports with the intent of Congress; however, the Department acknowledges that what Congress meant by "public health service" is not entirely clear. The range of possibilities was

suggested by one Congressman as follows:

What in the world is that? Most Members know of an organization called the U.S. Public Health Service. Is that what is meant by this amendment? I cannot find out. Or does it mean that one could have a conversation with the public health nurse next door? . . . The language of this amendment is wide open to interpretation. It could mean anything you want it to mean. 123 Cong. Rec. H12654 (daily ed. Dec. 6, 1977) (remarks of Representative Flood).

The text of the statute offers substantial, although not conclusive, evidence that Congress intended that reporting be restricted to governmental entities. First, the phrase "public health service" is used along with "law enforcement agency," and it is a general rule of statutory construction that "the meaning of doubtful words may be determined by reference to their association with other associated words and phrases." 2A Sutherland, "Statutory Construction" §47.16 (Sands ed. 1973). Law enforcement agencies are by definition governmental entities, and the close association of the two statutory phrases suggests that Congress intended "public health service" to have a similar meaning. In addition, the close similarity of the statutory phrase with the United States Public Health Service suggests that Congress intended to limit reporting to the Public Health Service, its State and local analogues, and other governmental entities.

The legislative history with respect to this phrase is brief and inconclusive. Only two statements in the Senate shed any light on its meaning. The first, by Senator Brooke, describes the meaning of the term "a public health service or its equivalent" when that language was under consideration by the Senate:

We also want to tell HEW what we mean by a "public health service or its equivalent." A public health service is one that serves the public in the immediate local area, or over a wider region. It could be a Government service and in many areas likely would be. But where such Government service does not exist, we intend that the private sector equivalent of such service would be eligible to receive the relevant report. Thus, in addition to services funded from public moneys we also would include services funded by a combination of public and private moneys, or even moneys totally from the private sector, if that is the best "equivalent" that can be found.

Thus, authorized recipients of reports would include, but not be limited to, family planning organizations, health maintenance organizations, rape crisis centers, health and counseling centers run by local charitable organizations, special phone-in counseling services, or any kind of neighborhood or other health or counseling center for people with problems. 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977)

It should be emphasized that these statements were made in the context

of a proposed version of the statute containing the phrase "a public health service or its equivalent." Significantly, the phrase "or its equivalent" was ultimately deleted. The critical passage in Senator Brooke's statement thus is: "[b]ut where such Government service does not exist, we intend that the private sector equivalent of such service would be eligible to receive the relevant report." (Emphasis supplied.) With the deletion of the phrase "or its equivalent," the most reasonable inference would seem to be that the Senate intended that only governmental entities would be eligible to receive reports from the victims of rape or incest.

Discussion in the House as to the meaning of "public health service" tended to focus on the desire that the term not be so broad as to include abortion clinics. On November 29, 1977, Representative Michel in a colloquy with Representative Bauman indicated that medicare-financed abortion clinics should be excluded:

MR. BAUMAN: Mr. Speaker, if the gentleman will yield further, anyone can see the obvious conflict that exists in a medicare-financed abortion clinic, which makes most of its money from performing abortions, having the right to certify that these pregnancies were a result of rape or incest. Obviously, it would be almost an automatic act by people who have a patent conflict of interest and wish to perform the abortion and be paid. That certainly should not be the intent of the conferees.

MR. MICHEL: No, it should not. I would sincerely hope that they would be getting the message downtown and that lines would be drawn accordingly. 123 Cong. Rec. H12491 (daily ed. Nov. 29, 1977).

The only additional House legislative history of any significance on the issue of what constitutes a public health service consists of the following colloquy between Representatives Volkmer and Michel:

MR. VOLKMER: That is, what is a public health service? What does the gentleman mean by a public health service? Does that include family planning centers and others that could be referred to?

MR. MICHEL: In my judgment, it is every public health center that is funded to any degree by Federal funds.

MR. VOLKMER: To any degree by Federal funds?

MR. MICHEL: Yes.

MR. VOLKMER: What about State and local funds?

MR. MICHEL: I am talking about federally funded centers. The gentleman and I well know that in Cook County or Peoria County today they are taking care of situations that we are prohibiting here, but they feel a need locally to do it and if there are no Federal funds, I have no voice in it. I am not about to eliminate or restrict what they are doing.

MR. VOLKMER: But the receivers of the report can only be public health services that are partially or fully funded by the Federal Government?

MR. MICHEL: Yes, sir. 123 Cong. Rec. H12653 (daily ed. Dec. 6, 1977).

As this brief review of the legislative history indicates, what Congress meant by the term "public health service" is not entirely clear. Only two possibilities have any support in the legislative history—a definition limited to governmental entities or a definition limited to Federally funded entities. The language of the statute and the deletion of the phrase "or its equivalent" led the Department to conclude that Congress intended to entrust the reception of reports from the victims of rape or incest, an integral part of a statutory requirement intended to deter fraud, only to those agencies ultimately accountable to the political process. Accordingly, the definition of "public health service" in these regulations is restricted primarily to governmental entities that provide health services. These may include health department offices, public hospitals and clinics and facilities operated by the Public Health Service.

This definition also encompassed quasi-public corporations or authorities, such as the New York City Health and Hospital Corporation, that provide general medical services pursuant to a delegation of governmental authority by a State or local government or through a multi-jurisdiction compact.

The Department recognizes that in certain rural areas no appropriate governmental agency or facility may be available. In order to insure that a responsible entity will be accessible for purposes of receiving the required report, the definition includes rural health clinics, a term defined in recently enacted Pub. L. 95-210, 91 Stat. 1485, to mean Federally funded clinics in certain medically underserved rural areas.

The Department believes that this definition of "public health service" will not prevent necessary reporting. Since reporting need not be done in person by the victim, communication by mail to a law enforcement agency or public health service from a health facility where a rape or incest victim went for medical help should prevent any problems of inaccessibility.

Finally, because of several clear expressions in the congressional debates that abortion clinics cannot be considered proper facilities to receive reports of rape or incest, the definition of "public health service" specifically excludes any facility whose principal function is the performance of abortions. The Department believes that permitting reporting to abortion clinics would be inconsistent with the concept of rigorous enforcement.

(c) The requirement that rape or incest be "promptly" reported. Section 101 provides that Federal funding is available for "such medical procedures necessary for the victims of rape or

incest, when such rape or incest has been reported promptly . . ." (Emphasis supplied.) To implement this requirement, the regulations provide that the report must be filed within 60 days of the incident of incest or rape. The 60-day period is consistent with congressional intent and was arrived at by balancing the competing interest of providing sufficient time to permit victims of rape or incest to make reasoned decisions as to how and whether to report these incidents, with the necessity to protect against fraudulent reporting. Thus, in explaining this requirement, one Congressman commented:

The intent is to insure that innocent victims of rape will receive treatment with a minimum of difficulty, but that sufficient steps have been taken by the victims to demonstrate the fact of the rape. 123 Cong. Rec. H12489 (daily ed., Nov. 29, 1977) (remarks of Representative Bonker).

The records of the debates in Congress indicate that Congress was aware of both policies that are balanced in these regulations, but that the members had conflicting views as to what would constitute prompt reporting, varying from as little as two or three weeks, to 60 to 90 days, to "months."

In the Senate, Senators Magnuson, Brooke and Metzenbaum, engaged in the following colloquy:

MR. BROOKE: In addition, we also include the word "promptly," to provide that any reporting must be prompt. By this we do not mean hours; we mean a much longer period of time that is reasonable yet humane . . .

MR. METZENBAUM: In yielding to the House with respect to putting in the word "promptly," it seems to me that it opens the door to a wide variety of interpretations . . .

MR. METZENBAUM: Does the Senator from Massachusetts, therefore, interpret the word "promptly" to mean a number of weeks and possibly months after the traumatic experience has occurred, rather than a requirement to get on the telephone immediately after that kind of occurrence? I believe it does have relevance, and I would appreciate to some elaboration on the subject from the Senator from Massachusetts.

MR. BROOKE: Mr. President, I agree with the Senator from Ohio that the word "promptly" is subject to interpretation.

As I view it, "promptly" would mean a reasonable and humane period of time in which the rape or incest would be reported to a law enforcement agency or to a public health service; it might be reported by a parent or someone in behalf of that victim of rape or incest, or it could be reported by the victim.

We may be talking about children. As the distinguished Senator from Ohio well knows, it is a matter that concerns me deeply and concerns him and others deeply. We may be talking about young children, so we may be talking about the reporting of

the parent, where the child cannot be in a position to make that report promptly. It is not a question of hours, as I see it, but maybe days, weeks—a reasonable and humane period of time, whatever that may be considered.

MR. METZENBAUM: Possibly weeks and months.

MR. BROOKE: It could be, yes.

MR. MAGNUSON: I would not suggest that they wait months. As with any piece of legislation, you cannot spell out the time. We probably could say within 90 days or within 60 days or within the first part of the pregnancy. But we have to leave it up to the Department to make what we hope will be reasonable regulations to carry out what the word "promptly" means.

In reverse, I think it means that you cannot wait and wait and wait and all of a sudden show up some place and say, "I was raped," or, "Incest took place." You would have to do it within a reasonable time, with respect to the Department.

In this amendment, we go even further. We say:

The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

I think that would mean that they would interpret the word "promptly" not to apply to any length of time, but that it should be done, say, in 90 days, or say that was the middle figure, that it be before that time, not "promptly" after a long period of time. I am sure that is the way the regulations would read.

MR. BROOKE: I think a reasonable and humane period of time would be a fair period of time. I think there might be extenuating circumstances in certain cases which should be taken into consideration.

MR. MAGNUSON: Each case has to be taken into consideration.

MR. BROOKE: I can conceive of a case where there is an extenuating circumstance such as requiring a longer period of time, say, than the normal case. So I think that would be the intent of the language.

MR. METZENBAUM: I appreciate the assurances of the distinguished Senator from Massachusetts and the distinguished Senator from Washington that "promptly" in this sense in this legislation does not mean "promptly" as we normally think of it such as when we expect the Secretary of HEW to act promptly in issuing regulations. That is a different kind of promptness than that which we expect under these circumstances.

MR. BROOKE: I agree.

MR. MAGNUSON: I hope this will set an example for other regulations they have to issue down there. 123 Cong. Rec. S19397-98 (daily ed. Dec. 6, 1977). See also id. at S 19442 (daily ed. December 7, 1977).

A somewhat more restrictive view

had been stated by Senator Helms when he earlier had unsuccessfully introduced an amendment that would have required prompt reporting:

The word "promptly" before the word "reported" will eliminate the possibility that 2 or 3 months after the fact a supposed victim would claim to have been raped when, as a matter of fact, she had not. 123 Cong. Rec. S19238 (daily ed. Nov. 29, 1977).

The prevailing view in the House

was closer to that of Senator Helms. One representative, referring to the Senate colloquy on the meaning of

promptly, expressed apprehension that the Senate might consider the term to encompass months.

MR. BAUMAN: Then they [the Senators quoted above] went on to explain in their view months could pass and still lead to prompt reporting. In other words, this is a very large loophole, and this debate in the Senate could support a complete reversal of the attitude of the House when we desired a prompt reporting of when the rape occurred. Read what the Senate said. 123 Cong. Rec. H12772 (daily ed. Dec. 7, 1977).

In response to that remark, Representative Mahon related his belief that prompt was shorter than "months" and meant "reasonably quick."

MR. MAHON: Regardless of what may have been said by any Member of the other body and by any Member of this body, in plain English "prompt" means reasonably quick. It does not mean months, regardless of what anybody may have said. I do not accept everything I read in the Congressional Record. I know what the word "promptly" means, and I know that Mr. Califano, the Secretary of HEW, is a man of integrity, and he is required under the language in this proposal to promptly issue regulations to rigorously enforce the import of the resolution. So I would not be concerned about that matter. Id.

However, even after the Chairman's assurance to the contrary, Representative Bauman reiterated his fears that "prompt" could be interpreted to mean months after the occurrence of the rape:

. . . With the inclusion of the broadly interpreted "prompt reporting" months after the occurrence as the Members of the other body readily interpret it—and legislative history does play a part—we have another estimate. Id. at H 12773.

On the previous day, Representative Michel provided his view on the meaning of prompt reporting:

But "prompt" leaves itself open to a number of days. But let us face it. Pregnancy is a fact which cannot obviously be known until the raped victim has missed her first period. So it seems to me that "prompt" embraces a period that is at least in the 30-day range and still would be acceptable as prompt treatment and prompt reporting. 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977).

The significance of this comment is that it indicates this Member's belief that "prompt" encompasses at least a sufficiently lengthy period of time so as to permit the victim to know whether or not she is pregnant.

The only additional explanation of the meaning of "prompt" was a comment by Representative Bonker, on December 6, 1977 that:

It has to be reported promptly and that does not mean it can be done 3 or 4 or 5 weeks later and reported and thus qualify for a medicare abortion. Id. at H12653 (daily ed. Dec. 6, 1977).

In the face of these sharply conflicting expressions of Congress, the De-

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partment believes that a 60-day reporting period is within the middle range of the various time limits mentioned in the debates. More importantly, the Department believes that a 60-day reporting period accommodates both basic policies, of permitting access by eligible individuals while discouraging fraud, advanced in support of the promptness requirement.

(d) *The procedure for prompt reporting.* There is virtually no evidence as to what procedures Congress envisioned should be followed to implement the reporting requirements for the victims of rape or incest. The Department, in the absence of congressional guidance in formulating these requirements, has attempted to balance concerns for individual privacy with the statutory mandate that the Secretary shall "establish procedures to insure that the provisions of this section are rigorously enforced." The regulations require only that information necessary to confirm the fact that an incident of rape or incest has been reported to a law enforcement agency or public health service, be provided.

The regulations provide that Federal financial participation is available for medical procedures performed upon a victim of rape or incest if the appropriate State agency or program or project has received signed documentation from a law enforcement agency or public health service. The documentation must state that the person upon whom the medical procedure was performed was reported, within 60 days of the incident, to have been the victim of rape or incest and that the report included the name, address and signature of the person who reported the incident.

The regulations do not specify the manner in which reporting must be accomplished and do not require the reporting of any details concerning the underlying incident other than the name of the victim. However, it should be noted that the regulations require an official of the agency or service that received the report to certify in writing to the fact of prompt reporting. This may be done, for example, by inclusion in the certification of a statement that the rape or incest was promptly reported as required by the regulations or by a recitation of the date of the report to the law enforcement agency or public health service and the date of the incident of rape or incest.

In order to implement the requirement of rigorous enforcement, the regulations require that the relevant documentation must be received by the applicable State agency, program or project prior to payment to the provider of the abortion. In other words, no Federal funds may be expended for an abortion until the State agency, program or project has on hand the

requisite documentation. Providers, however, may perform abortions prior to the receipt of such documentation, but they do so at the risk of not receiving Federal reimbursement should such documentation subsequently not be forthcoming.

In addition, it must be noted that any person who knowingly submits a falsified claim for Federal funds, or who aids or abets in the submission of a falsified claim, may be subject to prosecution under section 1909(a) of the Social Security Act or another applicable provision of law.

4. RETENTION OF RECORDS

The regulations also require that the State agency, or the program or project maintain copies of all requisite documentation and certifications for the three year period specified in the maintenance of record requirements at 45 CFR 74.20. These records must be retained to facilitate audits and other enforcement reviews. However, in order to safeguard personal privacy, these records are subject to the safeguarding requirements specified in 45 CFR 205.50.

WAIVER OF PROPOSED REGULATIONS

Section 102 of Pub. L. 95-205 specifies that the statute governs the Department's appropriations effective as of December 1, 1977. Section 101 of that Act places specific limitations upon those abortions for which Federal funds are available. Accordingly, it is critical that States and other grantees be made aware of the instances in which Federal funding will be available as soon as possible. Moreover, Congress has dictated that these regulations must be issued promptly to enforce rigorously these limitations. For this reason, the Department has determined that there is good cause to waive notice and opportunity for public comment prior to issuing these regulations in final form, and to waive the normal requirement that 30 days elapse between publication of the regulations and effective date. However, comments will be received, as noted earlier, with the possibility of modifying the regulations in response to those comments.

EFFECTIVE DATE

These regulations will be effective February 14, 1978. The Department understands that a reasonable amount of time is necessary to make adjustments to comply with the reporting and record keeping procedures. The Department, however, believes that this can be done in substantially less time than the normal 30 days, given the minimal nature of the requirements imposed upon States and other grantees. The Department has concluded that a 12 day lead time is sufficient.

Part 449 is amended by adding a new Subpart A after § 449.82 to read as set forth below:

Subpart A—Federal Financial Participation in State Claims for Abortions

- 449.100 Applicability.
- 449.101 Definitions.
- 449.102 General rule.
- 449.103 Life of the mother would be endangered.
- 449.104 Severe and long-lasting damage to physical health.
- 449.105 Rape and incest.
- 449.106 Documentation needed by State agency.
- 449.107 Drugs and devices and termination of ectopic pregnancies.
- 449.108 Record keeping requirements.
- 449.109 Safeguarding requirements.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302); sec. 101 of Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.

Subpart A—Federal Financial Participation in State Claims for Abortions

§ 449.100 Applicability.

This subpart applies to programs administered under Title XIX of the Social Security Act.

§ 449.101 Definitions.

As used in this Subpart:

(a) "Law enforcement agency" means an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction.

(b) "Medical procedures performed upon a victim of rape or incest" means any medical service, including an abortion, performed for the purpose of preventing or terminating a pregnancy arising out of an incident of rape or incest.

(c) "Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which he or she practices.

(d) "Public health service" means: (1) An agency of the United States or of a State or local government, that provides health or medical services; and

(2) A "rural health clinic," as defined under section 1(d)(aa)(2) of Pub. L. 95-210, 91 Stat. 1485, except that any agency or facility whose principal function is the performance of abortions is specifically excluded from this definition.

(e) "State" means each of the fifty States of the United States, the District of Columbia, Guam, the Virgin Islands, Puerto Rico, and the Northern Mariana Islands.

§ 449.102 General rule.

Federal financial participation is not available in expenditures for an abortion except under circumstances described in §§ 449.103, 449.104, or § 449.105.

§ 449.103 Life of the mother would be endangered.

Federal financial participation is available in expenditures for an abortion when a physician has found, and so certified in writing to the applicable State agency, that on the basis of his/her professional judgment, the life of the mother would be endangered if the fetus were carried to term.

§ 449.104 Severe and long-lasting damage to physical health.

Federal financial participation is available in expenditures for an abortion when two physicians have found, and so certified in writing to the applicable State agency, that on the basis of their professional judgment, severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

§ 449.105 Rape and incest.

Federal financial participation is available in expenditures for medical procedures performed upon a victim of rape or incest if the State agency has received signed documentation from a law enforcement agency or public health service stating that: (a) The person upon whom the medical procedure was performed was reported, within 60 days of the incident, to have been the victim of an incident of rape or incest; and (b) the report included the name, address and signature of the person who reported the rape or incest. Federal financial participation is also available in expenditures for abortions for victims of rape or incest under the circumstances described in §§ 449.103 and 449.104 without regard to the requirements of the preceding sentence.

§ 449.106 Documentation needed by the State agency.

Federal financial participation is unavailable in any expenditures for abortions or other medical procedures otherwise provided for under §§ 449.103, 449.104, and 449.105 if the State agency has paid without first having received the certifications and documentation specified in those sections.

§ 449.107 Drugs and devices and termination of ectopic pregnancies.

Federal financial participation is available in expenditures for drugs or devices to prevent implantation of the fertilized ovum, and for medical procedures necessary for the termination of an ectopic pregnancy.

§ 449.108 Record keeping requirements.

State agencies must maintain copies of the certifications and documentation specified in §§ 449.103, 449.104 and 449.105 for 3 years pursuant to the retention and custodial requirements for records at 45 CFR 74.20 *et seq.*

§ 449.109 Safeguarding requirements.

State agencies must safeguard against improper disclosure of information contained in the certifications and documentation described in §§ 449.103, 449.104, and 449.105 pursuant to the requirements at 45 CFR 205.50(b).

(Catalog of Federal Domestic Assistance Program No. 13.714 Medical Assistance Program.)

Dated: January 26, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: January 26, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary, Department of Health,
Education, and Welfare.

[FR Doc. 78-2870 Filed 1-30-78; 2:16 pm]

[4110-12]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS); DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

Federal Financial Participation in State Claims for Abortions

AGENCY: Administration for Public Services (APS), Office for Human Development Services (OHDS), Department of Health, Education, and Welfare.

ACTION: Final rules.

SUMMARY: Department is promulgating new rules to govern Federal financial participation in expenditures for abortions funded through various HEW programs. Three parallel sets of regulations are being promulgated. One set will apply to programs administered under title XIX of the Social Security Act, another to programs administered under title XX of that Act, and the third to programs and projects supported with funds appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service. These rules are necessary as a result of the enactment of Pub. L. 95-205. That statute imposes strict limitations upon Federal funding of abortions and requires that the Secretary "promptly issue regulations and establish procedures to ensure that [the statute is] rigorously enforced." These regulations respond to that statutory directive and specify when Federal funds may be used to pay for abortions.

EFFECTIVE DATE: These regulations will be effective February 14, 1978. As explained in the preamble to

42 CFR Part 449 appearing in this issue at p. 4571 in providing Federal financial participation prior to the effective date of these regulations, the Department will accept any reasonable interpretation of the statutory provisions implemented by these regulations.

Notice of Proposed Rulemaking and a delayed effective date of 30 days have been waived because of the compelling need to provide immediate direction to States and Federal grantees as to those abortions which the Department will fund with its appropriations for fiscal year 1978, and to follow the dictates of Congress that the Department promptly issue regulations. Nevertheless, written comments or suggestions received on or before March 20, 1978, will be considered with a view to revising these regulations, and will be responded to by further publication in the FEDERAL REGISTER no later than May 3, 1978.

In commenting please refer to APS-3. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection beginning approximately 2 weeks after publication, in Room 2225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 202-245-9415.

ADDRESS: Address comments to: Commissioner, Administration for Public Services, Department of Health, Education, and Welfare, P.O. Box 1923, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Mrs. Johnnie U. Brooks, Room 2225, Switzer Building, 330 C Street SW., Washington, D.C. 20201, 202-245-9415.

SUPPLEMENTARY INFORMATION: For a preamble statement, which is being issued jointly by the Administration for Public Services of the Office of Human Development Services, the Public Health Service, and the Health Care Financing Administration, concerning conditions governing Federal funding of abortions, see 42 CFR Part 449 appearing in this issue at page 4571.

45 CFR 228 is revised as follows:

1. The Table of Contents for Subpart I is revised as follows:

Subpart I—General Provisions

- Sec. 228.90 Expenditures for which Federal financial participation is available.
- 228.91 Expenditures for which Federal financial participation is not available.
- 228.92 Federal Financial Participation in State Claims for Abortions.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302); and Sec. 101, Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.

2. Subpart I is revised to add a new § 228.92 as follows:

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§ 228.92 Federal Financial Participation in State Claims for Abortions.

Federal financial participation in
State claims for abortions is governed
by 42 CFR 449.100 through 449.109.

(Sec. 101, Pub. L. 95-205, 91 Stat. 1461, De-
cember 9, 1977.)

(Catalog of Federal Domestic Assistance
Program No. 13.771, Social Services for Low
Income and Public Assistance Recipients.)

Dated: January 26, 1978.

WARREN MASTER,
*Acting Assistant Secretary for
Human Development Services.*

Approved: January 26, 1978.

JOSEPH A. CALIFANO, Jr.,
*Secretary, Department of
Health, Education, and
Welfare.*

[FR Doc. 78-2871 Filed 1-30-78; 2:16 pm]

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Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.



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PROCLAMATION 4549

Save Your Vision Week, 1978

By the President of the United States of America

A Proclamation

Good vision is too important to be left to chance. Most of what we learn and do depends upon how well we can see. As one of our most valuable possessions, sight deserves our care and protection.

By learning the early warning signs of eye disease, practicing eye safety, and having regular eye examinations, we can prevent some of the most common forms of visual impairment and blindness. Many eye disorders can be corrected or alleviated with prompt professional care. By wearing protective eyeglasses or safety goggles in potentially hazardous situations on the job or at home, we can prevent many eye injuries. Regular eye examinations may also detect early signs of other serious health problems, such as diabetes or high blood pressure, long before symptoms appear.

To increase awareness of the importance of good vision and of ways to protect it, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629, 36 U.S.C. 169a), has requested the President to proclaim the first week of March of each year as Save Your Vision Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning March 5, 1978, as Save Your Vision Week. I urge all Americans to observe this period by learning what they can do to take care of their eyes and by practicing a few simple precautions to protect their sight. I invite the vision care professionals, the communications media, educators, and all public and private organizations which support sight conservation to participate in activities which will inform all Americans about the importance of eye care and encourage them to take steps to protect their vision.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.

Jimmy Carter

[FR Doc. 78-3206 Filed 2-2-78; 11:04 am]

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture; Correction

AGENCY: Civil Service Commission.

ACTION: Correction to Final Rule.

SUMMARY: This document corrects a final rule which appeared in 43 FR 3253, January 24, 1978, under subparagraph 213.3313(a)(42), which showed exception under Schedule C of one position of Assistant Sales Manager in the Office of the Secretary. This subparagraph is amended more clearly identify the organizational location of the position, which is Assistant Sales Manager to the General Sales Manager, Office of the Assistant Secretary for International Affairs and Commodity Programs.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3313(a)(42) is amended as set out below:

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* . . .

(42) One Assistant Sales Manager to the General Sales Manager, Office of the Assistant Secretary for International Affairs and Commodity Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,

*Executive Assistant to**the Commissioners.*

[FR Doc. 78-2938 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One Private Secretary to the Director of Communications is ex-

cepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(14) is added as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* . . .

(14) One Private Secretary to the Director of Communications,

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,

*Executive Assistant**to the Commissioners.*

[FR Doc. 78-2939 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Commerce; Correction

AGENCY: Civil Service Commission.

ACTION: Correction to compilation of regulations.

SUMMARY: This document corrects the compilation of regulations which appeared in 42 FR 65513, December 30, 1977, which, under § 213.3314 (a)(3), showed that there are one Confidential Assistant and two Private Secretaries to the Under Secretary. This subparagraph should show that there are one Confidential Assistant, one Special Atant, and two Private Secretaries to the Under Secretary because the position of Special Assistant was revoked in error.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(3) is amended as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* . . .

(3) One Confidential Assistant, one Special Assistant, and two Private Secretaries to the Under Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,

*Executive Assistant to the**Commissioners.*

[FR Doc. 78-2940 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Federal Home Loan Bank Board

AGENCY: Civil Service Commission.

ACTION: Final Rule.

SUMMARY: The following positions are excepted under Schedule C because they are confidential in nature: (1) one position of Secretary (Typing) to the Director, Office of Community Investment; and (2) one position of Assistant Congressional Liaison.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3354(p) and (q) are added as set out below:

§ 213.3354 Federal Home Loan Bank Board.

(p) One Secretary (Typing) to the Director, Office of Community Investment.

(q) Assistant Congressional Liaison.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,

*Executive Assistant**to the Commissioners.*

[FR Doc. 78-2942 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of the Interior

AGENCY: Civil Service Commission.

ACTION: Correction to final rule.

SUMMARY: In its document of December 27, 1978, 42 FR 64636, revoking 176 positions, the Commission revoked § 213.3312(1). On January 17, 1978, 43 FR 2377, the Commission published a correction saying § 213.3312(1) (1) through (4) were revoked in error. This corrects both of these documents.

EFFECTIVE DATE: February 3, 1978.
FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3312(1) should read as set out below:

§ 213.3312 Department of the Interior.

(1) Office of the Director of Territorial Affairs. (1)-(10) (Reserved).

(11) One Secretary to the High Commissioner of the Trust Territory.

(12) One Staff Assistant to the Director.

(5 U.S.C. 3301, 3302; EO 10577; 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,

Executive Assistant
to the Commissioners.

[FR Doc 78-2941 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Small Business Administration; Correction

AGENCY: Civil Service Commission.

ACTION: Correction to final rule.

SUMMARY: In 42 FR 64638, December 27, 1977, the following position was revoked in error: One Special Assistant to the Deputy Administrator of the Small Business Administration.

EFFECTIVE DATE: February 3, 1978.
FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.33) is amended as set out below:

§ 213.3332 Small Business Administration.

(1) Three Special Assistants to the Deputy Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,

Executive Assistant
to the Commissioners.

[FR Doc 78-2943 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

ACTION

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following positions in the Office of the Assistant Director for Legislative and Governmental Affairs are excepted under Schedule C because they are confidential in nature: Intergovernmental Affairs Officer, Legislative Officer (International Affairs), and Legislative Officer (Domestic Affairs).

EFFECTIVE DATE: February 3, 1978.
FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533

Accordingly, 5 CFR 213.3359 (z), (aa), (bb) are added to read as follows:

§ 213.3359 ACTION.

(z) One Intergovernmental Affairs Officer to the Assistant Director for Legislative and Governmental Affairs.

(aa) One Legislative Officer (International Affairs) to the Assistant Director for Legislative and Governmental Affairs.

(bb) One Legislative Officer (Domestic Affairs) to the Assistant Director for Legislative and Governmental Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,

Executive Assistant
to the Commissioners.

[FR Doc. 78-2937 Filed 2-2-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Transportation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Assistant Administrator for Airports Programs, Federal Aviation Administration, Department of Transportation because the position is confidential in nature.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

On Position Authority Contact, Dean Bollman, Civil Service Commission, 202-632-7676. On Position Authority Content Contact, Thomas M. McKenna, Chief, Executive

Staffing Branch, Department of Transportation, 202-426-4122.

Accordingly, 5 CFR 213.3394(h)(10) is added as set out below:

§ 213.3394 Department of Transportation.

(h) Federal Aviation Administration.

(10) Assistant Administrator for Airports Programs.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,

Executive Assistant
to the Commissioners.

[FR Doc. 78-2958 Filed 2-2-78; 8:45 am]

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 131]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period February 5 to 11, 1978. Such acts needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: February 5, 1978.
FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on January 31, 1978, to consider supply and market

conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is very similar to last week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.431 Lemon Regulation 131.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period February 5, 1978, through February 11, 1978, is established at 200,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: February 1, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 70-3139 Filed 2-2-78; 8:45 am]

[3410-02]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of onions grown in designated counties in South Texas to be inspected and meet minimum size and quality requirements. The regulation should pre orderly marketing of such onions by keeping less desirable qualities and sizes from being shipped to consumers.

EFFECTIVE DATE: March 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS,

U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959) regulate the handling of onions grown in designated counties of South Texas. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The South Texas Onion Committee, established under the order, is responsible for its local administration.

Notice of rulemaking was published in the December 7, 1977, FEDERAL REGISTER (42 FR 61867). Interested persons had until December 22 to file data, views, or comments. Two were received.

One comment was received from Mr. George Eisenberg of the Eisenberg Company, Inc., Omaha, Nebr., requesting that authority be provided for the disposition, diversion or resale of onions shipped to canners or freezers which fail to meet prescribed terms of trade. Authority for appropriate disposition of such onions already is provided under terms of the marketing order and the administrative rules of the committee. Such onions may be discarded or shipped to other bona fide canners or freezers, provided that handlers follow safeguard procedures prescribed by the committee.

The Bemis Company, Inc. of St. Louis, Mo., a bag manufacturer, requested authority for the use of its new bag which it indicated may exceed the maximum 33 inches allowed in the proposed handling regulation for such containers. Container dimensions are regulated under this program to encourage uniformity in containers and thereby improve efficiency in handling throughout market channels. Permitting the use of an additional bag, with dimensions exceeding the maximum proposed by the committee, would be inconsistent with the objective of container standardization.

This regulation is based upon recommendations made by the committee at its public meeting in Laredo, Tex., on October 26, 1977. The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1978 early spring crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin about March 6, 1978.

The grade and size requirements are similar to last season's and are designed to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels.

Thus, only onions that contain not more than 20 percent defects of U.S. No. 1 grade and are not packed or loaded on Sunday except for export may be shipped from March 6 through May 13, 1978. Again this season in

order to provide more orderly marketing from all districts, the inspection and container requirements are extended through June 10, 1978.

The container requirements prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, they do not preclude the use of containers customarily packed for the retail trade. The prohibition on packaging and loading onions on Sunday is intended principally to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings. Again this season handlers are permitted, with the approval of the committee, to grade, package, and load onions on Sunday for export, provided that they shut down packing and loading operations on the first working day after shipment for the same length of time as they operated on Sunday. This should prevent handlers who ship on Sunday for export from gaining a competitive advantage due to longer packing hours over handlers who do not have export orders.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 110 pounds of onions may be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling noncommercial quantities of onions.

The requirements with respect to special purpose shipments allow the shipment of onions for experimental purposes or the use of containers including bulk bins which have been the subject of test shipments during past seasons, and encourage exports by allowing the use of containers required for such purposes. Shipments for relief or charity are exempt since no useful purpose would be served by regulating such shipments.

Findings. After consideration of all relevant comments, including the proposal set forth in the notice, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The regulation is as follows:

§ 959.318 Handling regulation.

During the period March 6 through June 10, 1978, no handler may package or load onions on Sunday or handle any onions except red varieties, unless they comply with paragraphs (a) through (d) or (e) or (f) of this section. However, the requirements of paragraphs (a) and (b) and the Sunday prohibition shall terminate at 11:59 p.m. on May 13, 1978.

(a) Grade requirements. Not to exceed 20 percent defects of U.S. No. 1

grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. onion standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2 1/4 inches in diameter, and limited to whites only;

(2) "Repacker"—1 3/4 to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 3 1/4 inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(5) Tolerances for size in the U.S. onion standards shall apply except that for "repacker" and "medium" sizes not more than 20 percent, by weight, of onions in any lot may be larger than the maximum diameter specified. Application of tolerances in the U.S. onion standards shall apply.

(c) *Container requirements.* Excepts as provided in paragraph (f) of this section, only the following containers may be used:

(1) 25-pound bags, with an average net weight in any lot of not more than 27 1/2 pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with an average net weight in any lot of not more than 55 pounds per bag, and with outside dimensions not larger than 33 inches by 39 1/2 inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies or for export.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder, except pursuant to paragraphs (e) or (f)(3)(ii) of this section, unless an inspection certificate has been issued covering them and the certificate is valid at the time of shipment.

(2) No handler may transport by motor vehicle or cause such transportation of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document is surrendered upon request to authorities designated by the committee.

(3) For purposes of operation under this part, each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(4) Handlers shall pay assessments on all assessable onions according to the provisions of section 959.218.

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 110 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 110 pounds of onions.

(f) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2-, 3-, or 5-pound containers customarily packed for the retail trade, or 50-pound cartons, if they meet the grade, size, and inspection requirements of paragraphs (a), (b), and (d) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments. Shipments of 2-, 3-, and 5-pound containers and 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report to the committee the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled. Such report, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms, and at such times as it may prescribe. Each handler shall maintain records of such shipments pursuant to § 959.80(c), and the records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Experimental shipments.* (i) Upon approval of the committee, onions may be shipped in bulk bins with inside dimensions of 47 inches x 37 1/2 inches x 36 inches deep and having a volume of 59,440 cubic inches, or similar containers. Each container shall have a new perforated 2-mil polyethylene liner. Also, onions may be shipped in 40-pound cartons, but not to exceed 4,000 cartons. Such experimental shipments shall be exempt from paragraph (c) of this section but shall not exceed 10 percent of

a handler's total weekly onion shipments and shall be handled in accordance with safeguard provisions of § 959.54 and this paragraph. The receiver shall furnish the committee with a report on the arrival condition of each shipment.

(ii) Upon approval of the committee, onions may be shipped for other experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52, and 959.60, provided they are handled in accordance with safeguard provisions of § 959.54.

(4) *Export shipments.* (i) Upon approval of the committee, the prohibition against packaging or loading onions on any Sunday may be modified or suspended to permit the handling of onions for export, provided such handling complies with the procedures and safeguards specified by the committee.

(ii) Following approval, if the handler grades, packages, and ships onions for export on any Sunday, such handler shall on the first workday following shipment, cease all grading, packaging, and shipping operations for the same length of time as the handler operated on Sunday. Upon completion of such shipments, the handler shall report thereon as prescribed by the committee.

(iii) Export shipments shall also be exempt from all container requirements of this section.

(5) *Onions for charity, relief, canning, and freezing.* Onions for charity, relief, canning, and freezing shall be exempt from the requirements of paragraphs (a) through (d). Such onions shall be handled according to the provisions of § 959.126(b).

(6) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempt under paragraphs (e) or (f)(4) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1).

(g) *Definitions.* "U.S. onion standards" mean the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 2851.3195-2851.3209), or the U.S. Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types) (7 CFR 2851.2830-2851.2854), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U.S. No. 1" shall have the same meaning as set forth in these standards. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

(h) *Applicability to imports.* Onions imported during the period March 20 through May 13, 1978, will be in most direct competition with onions produced in south Texas and regulated

under marketing order No. 959, as amended. Therefore, under section 8e and section 980.117 "Import Regulations" (7 CFR 980.117) of the act such imported onions shall have not more than 20 percent defects of U.S. No. 1 grade and be at least 1 inch in diameter for white varieties and at least 1 1/4 inches in diameter for all other varieties. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Applications of tolerances in the U.S. Grade Standards shall apply to in-grade lots.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: January 30, 1978 to become effective March 6, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

(FR Doc. 78-2970 Filed 2-2-78; 8:45 am)

[3410-02]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK); DEPARTMENT OF AGRICULTURE

[Milk Order No. 139]

PART 1139—MILK IN THE LAKE MEAD MARKETING AREA

Order Suspending Certain Provision

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This order suspends the provision relating to the number of days that a dairy farmer must deliver milk to a pool supply plant during January and February maintain producer status with such plant during the following March-July period. Suspension of the provision was requested by a cooperative association to help it continue the association of its members' milk with the order. The suspension would apply during the months of March through July 1978.

DATE: Effective February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: Notice of proposed suspension—issued January 11, 1978, published January 17, 1978 (43 FR 2404).

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Lake Mead marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 2404) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March through July 1978 the provision § 1139.12(b)(5) of the order does not tend to effectuate the declared policy of the Act and is hereby suspended.

STATEMENT OF CONSIDERATION

The suspension makes inoperative for 1978 the requirement that at least 52 days' milk production of a dairy farmer be received at a pool supply plant during January and February if the farmer wishes to deliver milk to the same pool plant in the following March-July period and have it pooled under the order.

The suspension was requested by the Lake Mead Cooperative Association, which operates the only supply plant in the market. The cooperative indicated that without the suspension, a number of its producer-members who are now supplying pool distributing plants on a regular basis cannot be considered as producers during the forthcoming months of March through July if the milk of such members is delivered to the cooperative's supply plant.

The 52-day delivery requirement was intended to prevent the attachment of surplus milk supplies from other markets to the Lake Mead market through a pool supply plant that has automatic pool plant status. The cooperative's supply plant, which customarily qualifies for such status, failed, however, to do so for 1978. It thus must make monthly shipments to the market during March through July if it is to qualify for pooling during this period. Because of this, the 52-day requirement has no useful purpose this year. However, because this provision remains in the order, it may impede the orderly handling of milk at this supply plant under the changed operating situation. Accordingly, it is reasonable that the provision be suspended for the period of March through July 1978.

Views opposing the suspension that were filed by a proprietary handler who operates a pool distributing plant

do not provide a sufficient basis for denying the requested suspension. This handler objected to such action on the grounds that the basis for the 1975 decision to adopt the provision in question remains valid. However, as noted, the marketing situation relative to this issue has changed and the suspension is warranted under the changed circumstances.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that substantial quantities of milk of producers who regularly supply the fluid market otherwise could be excluded from the pool during the forthcoming months of March through July 1978.

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

§ 1139.12 [Partially suspended]

It is therefore ordered, That the aforesaid provisions of the order (paragraph (b)(5) of § 1139.12) are hereby suspended with respect to fluid milk marketings during the months of March through July 1978.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Effective date: February 3, 1978.

Signed at Washington, D.C., on: January 31, 1978.

JERRY C. HILL,
Deputy Assistant Secretary.

(FR Doc. 78-3046 Filed 2-2-78; 8:45 am)

[3410-05]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS [Amdt. No. 2]

PART 1425—COOPERATIVE MARKETING ASSOCIATIONS

Subpart—Eligibility Requirements for Price Support

Miscellaneous Amendments

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule amends the regulations which set forth the eligibility requirements which approved cooperative marketing clations must meet to obtain price support on behalf of their members. This amendment will specify 15 days as the period of time in which an approved cooperative, participating in a price support program, must distribute to its members proceeds received through CCC price support loans and purchases. The rule is needed for purposes of clarification. In addition, this rule changes the designation of responsibilities for administering the provisions of the regulations in this Part.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Charlie B. Robbins (ASCS), 202-447-4634, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: On Friday, October 7, 1977, a notice of proposed rulemaking was published in the FEDERAL REGISTER (42 FR 54566) announcing that the Commodity Credit Corporation was considering amending 7 CFR Part 1425, "Cooperative Marketing Associations, Eligibility Requirements for Price Support" to specify 15 days as the period of time in which an approved cooperative must distribute to its members proceeds received through CCC price support loans and purchases. Comments were solicited on the proposal and interested persons were given thirty (30) days to express their views. In addition, this amendment is changing the designation of offices having the responsibilities for administering the provisions of Part 1425. These changes of responsibility result from a reorganization within the Agricultural Stabilization and Conservation Service and do not require a notice of proposed rulemaking.

DISCUSSION OF COMMENTS

Nine comments were received. Six respondents objected to the proposal: Three indicated an exception should be made when there is an agreement between the cooperative and members providing for a deferred payment and three indicated that a 15-day period was not realistic and would be too restrictive. All comments received have been considered in connection with this final rule. After giving careful consideration to these comments, it has been determined that the arguments opposing the proposal were not valid reasons for not establishing a period of 15 days in which approved cooperatives must distribute to members loan and purchase proceeds received from CCC.

FINAL RULE

Accordingly, 7 CFR Part 1425 is amended as follows:

1. Paragraph (a) of section 1425.2 and paragraphs (a), (e) and (f) of section 1425.3 are amended to change the designation of responsibility resulting from administrative reorganization within ASCS. The amended paragraphs read as follows:

§ 1425.2 Administration

(a) *Responsibility.* The Price Support and Loan Division, ASCS, will administer the provisions of this subpart under the general direction and supervision of the Deputy Administrator, State and County Operations, in accordance with program provisions and policy determined by Commodity Credit Corporation. In the field, the provisions of this subpart will be administered by the State and county Agriculture Stabilization and Conservation committees, and where applicable, the Agricultural Stabilization and Conservation Service Commodity Office. As used in this Part, the term "CCC" means Commodity Credit Corporation and the term "ASCS" means the Agricultural Stabilization and Conservation Service.

§ 1425.3 Application.

(a) *Initial approval.* A cooperative which desires approval to obtain price support on any authorized 1977 and succeeding crop of a commodity shall submit an application for a determination of eligibility with respect to each of the commodities listed herein for which approval is sought. An application form and related questionnaire and a copy of the regulation appearing in this subpart may be obtained from the Director, Price Support and Loan Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. Inquiries relating to such documents should also be addressed to the Director, Price Support and Loan Division. Applications with respect to each of the commodities listed herein and supporting material shall be submitted on or before the applicable date listed below of the calendar year in which the cooperative requests approval to participate in the price support program for commodities marketed thereafter, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship.

Commodity	Date
Barley.....	June 1.
Corn.....	Oct. 1.
Cotton.....	Aug. 1.
Honey.....	July 1.
Oats.....	June 1.
Rice.....	Aug. 1.
Rye.....	June 1.

Commodity	Date
Sorghum.....	Oct. 1.
Soybeans.....	Sept. 1.
Wheat.....	June 1.

If price support program regulations for a commodity not listed herein require a cooperative to obtain approval under this subpart to be eligible for price support, the latest date for filing an application for approval with respect to such commodity shall be specified in such program regulations.

(e) *Annual information.* Annually, the Director, Price Support and Loan Division shall request an approved cooperative to furnish: (1) An audit report to include any accompanying notes, schedules, or exhibits, certified by a certified public accountant as fairly representing the financial condition of the cooperative.

(2) A statement showing the total capital interest in the cooperative and the total capital interest in the cooperative owned by inactive and non-members by each separate category.

(3) The names of any active producer members and member cooperatives who own in excess of 10 percent of the capital of the cooperative and the amount owned by each.

(4) The quantity of each commodity delivered to the cooperative for marketing and the portion thereof that was received from active members.

(5) The quantity of each commodity tendered to CCC for loan and the quantity redeemed.

(6) The quantity of each commodity tendered to CCC for purchase.

(f) *Current information.* An approved cooperative shall furnish to the Director, Price Support and Loan Division, immediately:

(1) Any changes in its articles of incorporation, bylaws, resolutions, or marketing agreement.

(2) Any changes in officers, directors, or principal employees and conflict of interest statements in accordance with 1425.8(d).

(3) Any change in pooling operations with an explanation of the change and why such change was necessary.

(4) Additional information as may be requested at any time in connection with its continued approval under this subpart.

2. Paragraph (a) of § 1425.14 is amended to establish a period of 15 days in which loan and purchase proceeds received from CCC must be distributed to members. The amended paragraph reads as follows:

§ 1425.14 Distribution of proceeds.

(a) *CCC loans and purchases.* If price support is obtained on any part of the commodity in a pool through CCC loans or purchases, the proceeds

therefrom shall be distributed to members participating in such pool on the basis of the quantity and quality of the commodity delivered by each member less any authorized charges for services performed by and/or paid for by the cooperative which are necessary to condition the commodity or otherwise make the commodity eligible for price support. Such proceeds shall be distributed within a period of 15 days from the date of receipt from CCC. However, if the cooperative has distributed initial advances to members in the eligible pool at the time it acquires the commodity and which advances equal not less than such proceeds less authorized charges, a further distribution shall not be required.

Signed at Washington, D.C., on January 27, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.
[FR Doc. 78-3003 Filed 2-2-78; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products

CHAPTER 1—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Chaves, Colfax, De Baca, Eddy, Guadalupe, Quay, and Union counties and all of Curry, Lea, and Roosevelt counties in New Mexico because of the existence of cattle scabies. Psoroptic cattle scabies was confirmed by Veterinary Services Laboratories in New Mexico. Therefore, in order to prevent the dissemination of cattle scabies it is necessary to quarantine the infested areas.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goats, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of Chaves, Colfax, De Baca, Eddy,

Guadalupe, Quay, and Union counties and all of Curry, Lea, and Roosevelt counties in New Mexico because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, in paragraph (e) relating to the State of New Mexico new paragraphs (e)(7) and (e)(8) are added to read:

§ 73.1a Notice of quarantine.

(e)

(7) That portion of Colfax and Union counties bounded by a line beginning at the junction of State Highway 72 and U.S. Highway 64-87 at Des Moines; thence, following State Highway 72 in a northwesterly direction approximately 7 miles to State Road 325 at Folsom; thence, following State Road 325 in a northeasterly direction to State Road 551; thence, following State Road 551 in a northerly direction to the New Mexico-Colorado State line; thence, following the New Mexico-Colorado State line in a westerly direction for approximately 17 miles to Meridian Line, R. 26 E. in Colfax county; thence, following Meridian Line, R. 26 E. in a southern direction approximately 15 miles to U.S. Highway 64-87; thence, following U.S. Highway 64-87 in an easterly direction for approximately 20 miles to its junction with State Highway 72 at Des Moines.

(8) That portion of Eddy, Chaves, De Baca, Guadalupe, and Quay counties, and all of Curry, Lea, and Roosevelt counties bounded by a line beginning at the junction of the New Mexico-Texas State line and U.S. Highway 285 in Eddy county; thence, following U.S. Highway 285 in a northwesterly direction approximately 130 miles to State Highway 20 in Chaves county; thence, following State Highway 20 in a northeasterly direction for approximately 46 miles to U.S. Highway 84 in De Baca county; thence, following U.S. Highway 84 in a northwesterly direction approximately 43 miles to Interstate Highway 40 in Guadalupe county; thence, following Interstate Highway 40 in an easterly direction approximately 100 miles to the New Mexico-Texas State line; thence following the New Mexico-Texas State line in a southern then western direction to its junction with U.S. Highway 285 in Eddy county.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of January 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-2801 Filed 2-2-78; 8:45 am]

[3410-34]

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

BRUCELLOSIS AREAS

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Animal and Plant Health Inspection Service is amending its Brucellosis regulations. These amendments update the Brucellosis regulations by providing the current status of various counties and States which have been designated Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, or Noncertified Areas for purposes of interstate movement of cattle and bison from such areas. This action is required because of the change in the Brucellosis status of the areas affected.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veteri-

nary Services, Hyattsville, Md., Room 805, 301-436-8713.

SUPPLEMENTARY INFORMATION: The amendments delete the following areas from the list of Modified Certified Brucellosis-Free Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Yuma County in Colorado; Gem County in Idaho; Crawford and Delaware Counties in Iowa; Deuel County in Nebraska; and Armstrong, Gillespie, Kendall, and Real Counties in Texas.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis-Free Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified brucellosis-free areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States:* Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States:* Alabama: Dale, Geneva.

Arkansas: Baxter, Bradley, Carroll, Cleveland, Columbia, Dallas, Drew, Fulton, Garland, Grant, Johnson, Marion, Monroe, Montgomery, Newton, Ouachita, Searcy, Sharp, Stone, Union, Woodruff.

Colorado: Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld, Yuma.

Florida: Baker, Bay Citrus, Dixie, Escambia, Franklin, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Santa Rosa, Seminole, St. Johns, Taylor, Wakulla, Walton, Washington.

Georgia: Appling, Atkinson, Bacon, Banks, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, De Kalb,

Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Jeff Davis, Johnson, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Screven, Stephens, Taylor, Toombs, Treutlen, Twiggs, Upson, Ware, Wayne, Wheeler, White, Wilkinson.

Idaho: Ada, Adams, Bear Lake, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Clark, Clearwater, Custer, Gem, Idaho, Kootenai, Latah, Lemhi, Lewis, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Valley, Washington.

Illinois: Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washinton, Wayne, White, Whiteside, Will, Williamson, Winnebago, Woodford.

Iowa: Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cherokee, Chickasaw, Clarke, Clay, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Plymouth, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas: Barber, Brown, Chase, Cheyenne, Clark, Comanche, Decatur, Doniphan, Edwards, Ellsworth, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Johnson, Kearny, Kingman, Kiowa, Lane, Logan, Marion, Marshall, Meade, Ness,

Norton, Pawnee, Phillips, Pottawattamie, Pratt, Rawlins, Republic, Riley, Rooks, Rush, Saline, Scott, Shawnee, Sheridan, Sherman, Smith, Stanton, Thomas, Trego, Wallace, Washington, Wichita.

Kentucky: Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi: Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri: Audrain, Dunklin, Gasconade, Hickory, Lewis, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

Nebraska: Deuel.

New Mexico: Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, Torrance.

South Dakota: Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee: Anderson, Blount, Campbell, Carter, Claiborne, Davidson, Fentress, Grainger, Greene, Hamblen, Hancock, Jefferson, Johnson, Knox, Lake, Lewis, Meigs, Morgan, Perry, Polk, Roane, Robertson, Scott, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren.

Texas: Armstrong, Brewster, Childress, Comal, Crane, Culberson, Ector, Gillespie, Glasscock, Gray, Hansford, Hartley, Hemphill, Hudspeth, Hutchinson, Irion, Jeff Davis, Kendall, Kerr, Kimble, Lipscomb, Llano, Loving, Martin, Mason, Menard, Midland, Moore, Newton, Ochiltree, Reagan, Real, Roberts, Schleicher, Sherman, Sterling, Sutton, Terrell, Val Verde, Ward, Winkler, Yoakum.

Utah: Beaver, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Vermont: Bennington, Caledonia, Essex, Grand Isle, Lamoille, Orange, Rutland, Washington, Windham, Windsor.

Wyoming: Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fre-

mont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico: Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guaynabo, Guayanilla, Hormigueros, Humacao, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States:* Alaska, Louisiana, Oklahoma.

(b) *Specific Counties Within States:*

Alabama: Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas: Arkansas, Ashley, Benton, Boone, Calhoun, Chicot, Clark, Clay, Cleburne, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Jefferson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Madison, Miller, Mississippi, Nevada, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White, Yell.

Colorado: Mesa.

Florida: Alachua, Bradford, Brevard, Broward, Calhoun, Charlotte, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, La-

fayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Lucie, Sarasota, Sumter, Suwanee, Union, Volusia.

Georgia: Baker, Baldwin, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Dawson, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Jones, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Schley, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Telfair, Terrell, Thomas, Tift, Towns, Troup, Turner, Union, Walker, Walton, Warren, Washington, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho: Bannock, Bingham, Bonneville, Caribou, Cassia, Elmore, Franklin, Fremont, Gooding, Jefferson, Jerome, Lincoln, Madison, Oneida, Teton, Twin Falls.

Illinois: Massac.

Iowa: Allamakee, Appanoose, Cerro Gordo, Clayton, Guthrie, Jefferson, Ringgold, Sac, Wayne.

Kansas: Allen, Anderson, Atchison, Barton, Bourbon, Butler, Chautauqua, Cherokee, Clay, Cloud, Coffey, Cowley, Crawford, Dickinson, Douglas, Elk, Ellis, Finney, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Jefferson, Jewell, Labette, Leavenworth, Lincoln, Linn, Lyon, McPherson, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Osage, Osborne, Ottawa, Reno, Rice, Russell, Sedgwick, Seward, Stafford, Stevens, Sumner, Wabauensee, Wilson, Woodson, Wyandotte.

Kentucky: Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski,

Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi: Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri: Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Calswell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, De Kalb, Dent, Douglas, Franklin, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Iron, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Miller, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

Nebraska: Adams, Antelope, Arthur, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Charry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Redwillow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, York.

New Mexico: Bernalillo, Chaves, Curry, De Baca, Eddy, Guadalupe,

Lea, Mora, Quay, Roosevelt, San Miguel, Union, Valencia.

South Dakota. Jones, Stanley.

Tennessee. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Cheatham, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, Decatur, DeKalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lauderdale, Lawrence, Lincoln, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Monroe, Montgomery, Moore, Obion, Overton, Pickett, Putnam, Rhea, Rutherford, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Warren, Washington, Wayne, Weakley, White, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McClellan, McMullen, Madison, Marlon, Matagorda, Maverick, Medina, Milam, Mills, Mitchell, Montague, Montgomery, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Scurry, Shackelford, Shelby, Smith, Somervell, Starr, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Young, Zapata, Zavala.

Utah. Box Elder, Cache.

Vermont. Addison, Chittenden, Franklin, Orleans.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Camuy, Carolina, Gurabo, Hatillo, Isabela, Las Piedras, Naguabo, Quebradillas, San Sebastian.

§ 78.22 Noncertified Areas.

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) *Entire States.* Yellowstone National Park.

(b) *Specific Counties Within States.* Florida. Okeechobee.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1285, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132, 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25.)

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of January 1978.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-2802 Filed 2-2-78; 8:45 am]

[3410-34]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Transiting of Animal Products and Materials Through the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: This document provides for the transiting of animal products and materials through the United States when such products or materials would otherwise be eligible for entry into the United States as restricted products or materials subject to special handling or processing at an approved establishment. In the absence of specific transiting provisions in the regulations, brokers, importers, exporters, and carriers have experienced many unusual problems and delays in the movement of restricted animal products and materials in foreign commerce when such animal products or materials are aboard transiting vessels or other means of conveyance which enter the United States. The effect of this amendment is to relieve existing barriers to foreign commerce associated with such movements by adding provisions to the regulations under which restricted animal products and materials may transit the United States.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. B. T. Deal, USDA, APHIS, VS, Room 824, Federal Building, Hyattsville, Md. 20782, 301-436-8379.

SUPPLEMENTARY INFORMATION: On June 17, 1977, there was published in the FEDERAL REGISTER (42 FR 30844) a notice of proposed rulemaking which would provide for the transiting of animal products and materials through the United States when such products or materials would otherwise be eligible for entry into the United States as restricted products or materials subject to special handling or processing at an approved establishment. No comments were received in response to publication of this proposal. However, the proposed regulations contained provision for notification to the Deputy Administrator of Veterinary Services prior to the proposed importation. This promulgation has

been altered to provide that notification shall be furnished to the Plant Protection and Quarantine Officer at the port of arrival. This change has been made because such officer will be responsible for the handling of the proposed shipment. Therefore, it appears reasonable to notify such Plant Protection and Quarantine Officer instead of the Deputy Administrator, Veterinary Services. Additionally, because of the aforementioned change, notification must only be made prior to the transiting rather than one day prior to entry. The one day period had been proposed to allow the Deputy Administrator time to contact the PPQ officer at the port of entry. However, since notice is to be furnished directly to the PPQ officer at the port of entry, notification must only be made prior to transiting.

Accordingly, new § 94.15 of the regulations (9 CFR 94.15) is added to read:

§ 94.15 Animal products and materials; movement and handling.

Any animal product or material which would be eligible for entry into the United States, as specified in the regulations in this part, may transit through the United States for immediate export if the following conditions are met:

(a) Notification of the transiting of such animal product or material must be made by the importer to the Plant Protection and Quarantine Officer at the United States port of arrival prior to such transiting, and

(b) The animal product or material transited shall be contained in a sealed, leakproof carrier or container which shall remain sealed while aboard the transporting carrier or other means of conveyance, or if the container or carrier in which such animal product or material is transported is offloaded in the United States for reshipment, it shall remain sealed at all times.

(Sec. 306, 46 Stat. 689, as amended; sec. 2, 32 Stat. 792, as amended (19 U.S.C. 1306; 21 U.S.C. 111); 37 FR 28464, 28477; 38 FR 19141.)

Insofar as the amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of disease, and in order to avoid unnecessary interference with foreign commerce it should be made effective immediately to be of maximum benefit to affected persons.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of January 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this

document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services.
[FR Doc. 78-2925 Filed 2-2-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE

[T.D. 78-36]

PART 162—INSPECTION, SEARCH, AND SEIZURE

Filing of Petitions for Relief

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule expands a district director's authority to grant an extension of time for filing a petition for relief from a fine, penalty, or forfeiture arising under the Customs or navigation laws. The regulations prescribe a 60-day period for filing a petition, with limited authority for a district director to extend the period if the person who is liable for a fine or penalty, or who has an interest in the property subject to forfeiture, is abroad or was abroad for 30 days or more of the filing period. By permitting the district director to extend the filing period for other good reasons of which he is aware, this rule continues the Customs policy of delegating decisionmaking authority to the level at which it can be most effectively exercised.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Marilyn Morrison, Entry Procedures and Penalties Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5746.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In pertinent part, section 162.32(a) of the Customs Regulations (19 CFR 162.32(a)) requires a person who is liable for a fine or penalty, or who has an interest in property subject to forfeiture, for any violation of the Customs or navigation laws to file a petition for relief within 60 days from the date that the notice of penalty is mailed. However, a district director may grant an extension of time for filing the petition if the person is outside the United States or was outside the United States for 30 days or more during the filing period. If a petition is

not filed within the 60-day period, the district director must refer the case to the United States attorney for the start of collection proceedings unless the Commissioner of Customs authorizes other action.

Because of the present limitations on a district director's authority to grant an extension of time for filing a petition, a request for such an extension usually must be referred to the Commissioner of Customs for decision, even though the district director is often in the best position to determine whether an extension of time is justified. Accordingly, section 162.32(a) of the Customs Regulations is being amended to increase the authority of a district director with respect to extensions of the filing period for petitions for relief. This amendment, which specifies additional situations in which a district director may act on a request for an extension of the filing period, does not affect the present authority of the Commissioner to grant an extension or to take any other action on a case.

DRAFTING INFORMATION

The principal author of the document is William G. Rosoff, Regulations and Legal Publications Division of the Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service participated in developing the document, both on matters of substance and style.

AMENDMENT TO THE REGULATIONS

This amendment is considered to be exempt from the notice requirements of 5 U.S.C. 553 because it solely concerns agency procedure.

Accordingly, section 162.32(a) of the Customs Regulations (19 CFR 162.32(a)) is amended to read as follows:

§ 162.32 Where petition for relief not filed.

(a) *Fines, penalties, and forfeitures.* If the person who is liable for a fine or penalty, or who has an interest in property subject to forfeiture, for any violation of the Customs or navigation laws fails to petition for relief in accordance with Part 171 of this chapter, or to pay or to arrange to pay the fine or penalty within 60 days from the date of mailing of the notice of violation as provided in section 162.31, the district director shall immediately refer the case to the U.S. attorney for judicial action unless the Commissioner of Customs expressly authorizes other action with respect to the case. However, if there is at least 1 year before the statute of limitations may be asserted as a defense, a district director may extend the time for filing a petition, upon the request of the person who is liable for a fine or penalty, or who has an interest in property subject to forfeiture, in the following situations:

1. The person is seriously ill or is otherwise incapacitated and is unable to prepare or to assist in the preparation of a petition.

2. The person is absent from the United States or was absent from the United States for 30 days or more during the 60-day filing period.

3. Necessary evidence or a necessary witness is not available through no fault of the person.

4. The case involves a complex legal or factual problem other than a classification, appraisal, or similar issue. Examples of the type of problem intended to be covered by this category are the need to examine voluminous records to learn the facts on which to base a petition or the need to determine legal responsibilities in a case involving numerous parties or numerous violations.

5. The existence of unusual circumstances, such as a fire or other disaster, affecting the business of the person which requires the full attention of that person in order to overcome the effects of the unusual circumstances.

6. Any other situation in which the district director determines that an extension of time for filing a petition is justified.

(R.S. 251, as amended; sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

G. R. DICKERSON,
Acting Commissioner
of Customs.

Approved: January 18, 1978.

BETTE B. ANDERSON,
Under Secretary
of the Treasury.

[FR Doc. 78-3013 Filed 2-2-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL [Docket No. 76N-0366]

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final Rule.

SUMMARY: The Commissioner of Food and Drugs is postponing the closing date for the provisional listing of lead acetate. The new closing date is February 28, 1978.

EFFECTIVE DATE: January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street, SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION:

The current closing date of January 31, 1978 for the provisional listing of lead acetate was established by regulation published in the FEDERAL REGISTER of November 4, 1977 (42 FR 57886). In the FEDERAL REGISTER of December 13, 1977 (42 FR 62497), the Commissioner proposed to postpone the closing date for lead acetate until April 30, 1979 to allow time for the petitioner for listing of the color additive to develop additional data on the likelihood of lead acetate being absorbed through the skin. On January 20, 1978, a comment was received on that proposal from the Environmental Defense Fund (EDF) which opposed the proposal. On January 27, 1978, a response to the EDF comment was received from Combe, Inc., a manufacturer of hair coloring preparations containing lead acetate.

The closing date for the provisional listing of lead acetate is being postponed to permit time to evaluate fully the EDF comment, Combe's response, and other pertinent scientific material. The Commissioner will issue a notice in the FEDERAL REGISTER on or before February 28, 1978, which will contain his conclusions about continued provisional listing for lead acetate.

The Commissioner concludes that notice and public procedure on this regulation are impracticable and contrary to the public interest and that good cause exists for issuing this postponement as a final order. This regulation, to be effective on January 31, 1978, will permit the uninterrupted use of the affected color additive until further action is taken. Therefore, in accordance with 5 U.S.C. 553(b) and (d) (1) and (3), this postponement is issued as a final regulation and is being made effective on January 31, 1978.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86-618; sec. 203, 74 Stat. 404-407 (21 U.S.C. 378 note)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 81 is amended in § 81.1. Provisional lists of color additives, by revising the entry for the closing date for the color additive lead acetate listed in paragraph (g) to read "February 28, 1978."

Effective date: January 31, 1978.
(Sec. 203, 74 Stat. 404-407 (21 U.S.C. note).)

Dated: January 31, 1978.

JOSEPH P. HILE,
Associate Commissioner for
Compliance.

[FR Doc. 78-3103 Filed 2-1-78; 11:15 am]

[4110-03]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 76P-0500]

PART 135—FROZEN DESSERTS

Standards of Identity for Frozen Desserts; Confirmation of Effective Date of One Provision, and Revocation of Certain Stayed Provisions

AGENCY: Food and Drug Administration.

ACTION: Final rule and revocation of stayed regulations.

SUMMARY: This document confirms the revision for reduction in milk fat and nonfat milk solids when bulky flavors are added to ice milk and revokes revised standards for use of certain safe and suitable milk-derived ingredients and establishment of minimum milk protein requirements. These actions are taken in response to objections to the revised standards for frozen desserts.

EFFECTIVE DATES: Provisions confirmed—July 1, 1979; provisions revoked February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Eugene T. McGarrah, Bureau of Foods (HFF-415), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1155.

SUPPLEMENTARY INFORMATION:

The Food and Drug Administration issued in the FEDERAL REGISTER of April 12, 1977 (42 FR 19127) a final regulation amending the identity standards for frozen desserts, primarily to: (1) Provide for full ingredient declaration of all the frozen desserts; (2) provide for the use of safe and suitable ingredients; and (3) provide for replacing the long-standing use of a nonfat milk solids minimum with a milk protein minimum. The regulation revised and reissued former 21 CFR 135.10, 135.20, 135.40, 135.65, 135.70, and 135.90 as 21 CFR 135.3, 135.110, 135.120, 135.140, and 135.160. Written objections and requests for a hearing were received. As a result of these objections, the Commissioner issued in the FEDERAL REGISTER of July 8, 1977 (42 FR 35152) a document confirming the effective date for the standard of identity for water ices and certain portions of the standards of identity for ice cream, frozen custard, ice milk, and sherbet. He stayed other portions of the ice cream, frozen custard, ice milk, and

sherbet standards pending the receipt and review of information he considered essential to make a final decision on the merits of granting requests for a hearing. He also provided an opportunity for all interested parties to submit more definitive data and information on the issues to which certain objections had been raised. With these data and information available, he stated that he would determine whether to grant or deny the requested hearing.

Pursuant to section 701(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 371(e)), the Commissioner has considered the objections and requests for a hearing, the supplemental information and data received in response to his July 8, 1977 regulation and other information that has become available. All the information and data considered are on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. The Commissioner's conclusions follow:

OBJECTIONS AND REQUEST FOR A HEARING

1. The effectiveness of the provision in the revised standard for reduction in milk solids when bulky flavors are added to ice milk (21 CFR 135.120(a)(2)), redesignated 135.120(a)(4) below) is confirmed.

The basis for the objection to this provision was that the standard before revision did not provide for a decrease in the milk solids content of ice milk when various amounts and kinds of bulky flavors are used to characterize ice milk. One comment urged that no allowance be made for bulky flavors in ice milk in order to prevent ice milk from being fraudulently sold as ice cream. No data or information to support this objection were submitted in response to the final regulation or to the Commissioner's July 8, 1977 document.

The Commissioner agrees that the former standard did not provide for the reduction objected to, but no supporting information has been forwarded to support the maintenance of a policy difference between ice milk and ice cream as it concerns bulky flavors. Ice cream manufacturing already makes allowance for bulky flavors, and the submissions provided no bases to support the assertion that the failure to make a similar allowance for bulky flavors in ice milk would help prevent fraud. Furthermore, the sale of ice milk as ice cream or some other different food would violate the act and would be subject to enforcement action. Therefore, the Commissioner concludes that this objection has not presented an issue of fact supported by data and information that warrants a hearing.

2. The provisions in the revised standards for the use of safe and suitable milk-derived ingredients and establishment of minimum milk protein requirements (as cited below) are revoked.

The agency has evaluated the information and data received in response to the July 8, 1977 request for information and has conducted its own studies, which have indicated that the revised standard could result in a reduction in nutrient levels in some frozen desserts. When it issued these standards, FDA did not expect that there would be measurable nutritional differences between ice cream made under the new standard and that made under the present one. But the agency's studies determined that under the new standard some ice cream formulations could have lesser amounts of some nutrients than under the current standard. For this reason, the Commissioner is revoking § 135.110(a)(1) (21 CFR 135.110(a)(1)) to the extent that it permits the use of safe and suitable milk-derived ingredients not specifically listed as permitted in former § 135.30 (c) and (e) (21 CFR 135.30 (c) and (e)). Therefore, former § 135.30 (c) and (e) are incorporated into § 135.110 as new paragraphs (b) and (c). Further, he is revoking § 135.110(a) (2) and (3) to the extent that they establish minimum milk protein requirements, and he is revoking § 135.110(b) (2) and (3), which specify the method of analysis for milk protein and PER. Therefore, from the former § 135.30 the nonfat milk solids requirements of paragraph (a), the whey limitation requirements of paragraph (c) and the caseinate limitation requirement of paragraph (e) are incorporated into § 135.110(a) (2) and (3), (b), and (c), respectively.

The Commissioner is revoking § 135.120(a)(2) (21 CFR 135.120(a)(2)) to the extent that it establishes minimum milk protein requirements. Therefore, the specific requirements of former § 135.40(b) with respect to total milk solids requirements and § 135.40(c) with respect to the caseinate limitation requirements are incorporated into § 135.120(a) (2) and (3), respectively.

The Commissioner also is revoking § 135.140(a)(1) (21 CFR 135.140(a)(1)) to the extent that it permits the use of safe and suitable milk-derived ingredients not specifically listed as permitted in former §§ 135.20 (c) and (e)(7) and 135.65 (c) and (e)(7). Therefore, former §§ 135.20 (c) and (e)(7) and 135.65 (c) and (e)(7) are incorporated into § 135.140 as new paragraphs (b) and (c). Further, he is revoking § 135.140(a)(2) with respect to the provisions for "nonfat milk-derived solids" and "milk-derived solids." Therefore, the requirements of former § 135.20(a) and § 135.65(a) with respect

to "nonfat milk solids" are incorporated into § 135.140(a)(2).

OTHER MATTERS

It is important to emphasize that the section requiring ingredient labeling is not being revoked and, as confirmed in the Commissioner's July 8, 1977 document, all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply.

The regulation will permit the use of safe and suitable ingredients, but only if the present requirements with respect to milkfat, nonfat milk solids, and source of dairy ingredients are satisfied, as sought in the objections. The Commissioner advises that vegetable proteins and other nondairy proteins would not be considered suitable ingredients and could not be used in ice cream because in ice cream the protein ingredients come from dairy sources.

The agency intends to examine further the larger issues raised by the ice cream standard debate, such as the concept that manufacturers can use "safe and suitable" ingredients instead of a strict recipe approach. The agency plans to hold hearings before the Commissioner as provided for in 21 CFR Part 15 later this year to gather public comment on this and related food-labeling issues. The information will help FDA decide on a new course of action, if needed, for the frozen dessert standard, particularly on the need to propose minimum nutrient requirements to assure that the use of "safe and suitable" ingredients will not reduce the nutrient levels of ice cream and related products. Any future changes in the frozen dessert standard will be made through a new rulemaking proceeding, after public notice, comments, and opportunity to file objections and request a hearing.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), notice is given that no objections raising substantial issues of fact requiring a hearing under section 701(e) of the act were received regarding § 135.120(a)(2) (21 CFR 135.120(a)(2)). Accordingly, the requests for a hearing on the objections regarding a reduction of milk solids when bulky flavors are added are denied. Further, certain provisions of Part 135 are revoked or amended as discussed in this preamble and reflected in the amendments below, thereby making a formal evidentiary public hearing, as provided for in 21 CFR Part 12, on these provisions unnecessary.

Part 135 is amended:

1. By revising § 135.110 to read as follows:

§ 135.110 Ice cream and frozen custard.

(a) *Description.* (1) Ice cream is a food produced by freezing, while stirring, a pasteurized mix consisting of one or more of the optional dairy ingredients specified in paragraph (b) of this section, and may contain one or more of the optional caseinates specified in paragraph (c) of this section subject to the conditions hereinafter set forth, and other safe and suitable nonmilk-derived ingredients; and excluding other food fats, except such as are natural components of flavoring ingredients used or are added in incidental amounts to accomplish specific functions. Ice cream is sweetened with nutritive carbohydrate sweeteners and may or may not be characterized by the addition of flavoring ingredients.

(2) Ice cream contains not less than 1.6 pounds of total solids to the gallon, and weighs not less than 4.5 pounds to the gallon. Ice cream contains not less than 10 percent milkfat, nor less than 10 percent nonfat milk solids, except that when it contains milkfat at 1 percent increments above the 10 percent minimum, it may contain the following milkfat-to-nonfat milk solids levels:

Percent milkfat	Minimum percent nonfat milk solids
10.....	10
11.....	9
12.....	8
13.....	7
14.....	6

Except that when one or more bulky flavors are used, the weights of milkfat and total milk solids are not less than 10 percent and 20 percent, respectively, of the remainder obtained by subtracting the weight of the bulky flavors from the weight of the finished food; but in no case is the weight of milkfat or total milk solids less than 8 percent and 16 percent, respectively, of the weight of the finished food. Except in the case of frozen custard, ice cream contains less than 1.4 percent egg yolk solids by weight of the food, exclusive of the weight of any bulky flavoring ingredients used. Frozen custard shall contain 1.4 percent egg yolk solids by weight of the finished food: *Provided, however*, That when bulky flavors are added the egg yolk solids content of frozen custard may be reduced in proportion to the amount by weight of the bulky flavors added, but in no case is the content of egg yolk solids in the finished food less than 1.12 percent. A product containing egg yolk solids in excess of 1.4 percent, the maximum set forth in this paragraph for ice cream, may be marketed if labeled as specified by paragraph (e)(1) of this section.

(3) When calculating the minimum amount of milkfat and nonfat milk solids required in the finished food, the solids of chocolate or cocoa used shall be considered a bulky flavoring

ingredient. In order to make allowance for additional sweetening ingredients needed when certain bulky ingredients are used, the weight of chocolate or cocoa solids used may be multiplied by 2.5; the weight of fruit or nuts used may be multiplied by 1.4; and the weight of partially or wholly dried fruits or fruit juices may be multiplied by appropriate factors to obtain the original weights before drying and this weight may be multiplied by 1.4.

(b) *Optional dairy ingredients.* The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, sweetened condensed milk, superheated condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, skim milk in concentrated or dried form which has been modified by treating the concentrated skim milk with calcium hydroxide and disodium phosphate, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Any concentrated cheese whey and dried cheese whey used contribute not more than 25 percent by weight of the total nonfat milk solids content of the finished food. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent, calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid. The modified skim milk, when adjusted with water to a total solids content of 9 percent is substantially free of lactic acid as determined by titration with

0.1N NaOH, and it has a pH value in the range of 8.0 to 8.3.

(c) *Optional caseinates.* The optional caseinates referred to in paragraph (a) of this section that may be added to ice cream mix containing not less than 20 percent total milk solids are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potassium caseinate, and sodium caseinate. Caseinate may be added in liquid or dry form, but must be free of excess alkali.

(d) *Methods of analysis.* Fat content shall be determined by the following methods contained in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th ed., 1975.¹

(1) Fat content shall be determined by the method: "Fat; Roese-Gottlieb Method—Official Final Action," section 16.228.

(2) [Reserved]

(e) *Nomenclature.* (1) The name of the food is "ice cream"; except that when the egg yolk solids content of the food is in excess of that specified for ice cream by paragraph (a) of this section, the name of the food is "frozen custard" or "french ice cream" or "french custard ice cream".

(2) (i) If the food contains no artificial flavor, the name on the principal display panel or panels of the label shall be accompanied by the common or usual name of the characterizing flavor, e.g., "vanilla", in letters not less than one-half the height of the letters used in the words "ice cream".

(ii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the natural flavor predominates, the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor, in letters not less than one-half the height of the letters used in the words "ice cream", followed by the word "flavored", in letters not less than one-half the height of the letters in the name of the characterizing flavor, e.g., "Vanilla flavored", or "Peach flavored", or "Vanilla flavored and Strawberry flavored".

(iii) If the food contains both a natural characterizing flavor and an artificial flavor simulating it, and if the artificial flavor predominates, or if artificial flavor is used alone the name on the principal display panel or panels of the label shall be accompanied by the common name of the characterizing flavor in letters not less than one-half the height of the letters used in the words "ice cream", preceded by "artificial" or "artificially flavored", in letters not less than one-half the

¹ Copies may be obtained from: Association of Official Analytical Chemists, Post Office Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

height of the letters in the name of the characterizing flavor, e.g., "artificial Vanilla", or "artificially flavored Strawberry" or "artificially flavored Vanilla and artificially flavored Strawberry".

(3)(i) If the food is subject to the requirements of paragraph (e)(2)(ii) of this section or if it contains any artificial flavor not simulating the characterizing flavor, the label shall also bear the words "artificial flavor added" or "artificial ——— flavor added", the blank being filled with the common name of the flavor simulated by the artificial flavor in letters of the same size and prominence as the words that precede and follow it.

(ii) Wherever the name of the characterizing flavor appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words prescribed by this paragraph shall immediately and conspicuously precede or follow such name, in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over: *Provided, however*, That where the characterizing flavor and a trademark or brand are presented together, other written, printed, or graphic matter that is a part of or is associated with the trademark or brand, may intervene if the required words are in such relationship with the trademark or brand as to be clearly related to the characterizing flavor: *And provided further*, That if the finished product contains more than one flavor of ice cream subject to the requirements of this paragraph, the statements required by this paragraph need appear only once in each statement of characterizing flavors present in such ice cream, e.g., "Vanilla flavored, Chocolate, and Strawberry flavored, artificial flavors added".

(4) If the food contains both a natural characterizing flavor and an artificial flavor simulating the characterizing flavor, any reference to the natural characterizing flavor shall, except as otherwise authorized by this paragraph, be accompanied by a reference to the artificial flavor, displayed with substantially equal prominence, e.g., "strawberry and artificial strawberry flavor".

(5) An artificial flavor simulating the characterizing flavor shall be deemed to predominate:

(i) In the case of vanilla beans or vanilla extract used in combination with vanillin if the amount of vanillin used

is greater than 1 ounce per unit of vanilla constituent, as that term is defined in § 169.3(c) of this chapter.

(ii) In the case of fruit or fruit juice used in combination with artificial fruit flavor, if the quantity of the fruit or fruit juice used is such that, in relation to the weight of the finished ice cream, the weight of the fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content) is less than 2 percent in the case of citrus ice cream, 6 percent in the case of berry or cherry ice cream, and 10 percent in the case of ice cream prepared with other fruits.

(iii) In the case of nut meats used in combination with artificial nut flavor, if the quantity of nut meats used is such that, in relation to the finished ice cream the weight of the nut meats is less than 2 percent.

(iv) In the case of two or more fruits or fruit juices, or nut meats, or both, used in combination with artificial flavors simulating the natural flavors and dispersed throughout the food, if the quantity of any fruit or fruit juice or nut meat is less than one-half the applicable percentage specified in paragraph (e)(5) (ii) or (iii) of this section. For example, if a combination ice cream contains less than 5 percent of bananas and less than 1 percent of almonds it would be "artificially flavored banana-almond ice cream". However, if it contains more than 5 percent of bananas and more than 1 percent of almonds it would be "banana-almond flavored ice cream".

(6) If two or more flavors of ice cream are distinctively combined in one package, e.g., "Neapolitan" ice cream, the applicable provisions of this paragraph shall govern each flavor of ice cream comprising the combination.

(f) *Label declaration.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter, except that sources of milkfat or milk solids not fat may be declared in descending order of predominance either by the use of all the terms "milkfat and nonfat milk" when one or any combination of two or more of the ingredients listed in § 101.4(b) (3), (4), (8), and (9) of this chapter are used or alternatively as permitted in § 101.4 of this chapter. Pursuant to section 402(k) of the Federal Food, Drug, and Cosmetic Act artificial color need not be declared in ice cream. Voluntary declaration of such color in ice cream is recommended.

2. By revising § 135.120 to read as follows:

§ 135.120 Ice milk.

(a) *Description.* Ice milk is the food prepared from the same ingredients

and in the same manner prescribed in § 135.110 for ice cream and complies with all the provisions of § 135.110 (including the requirements for label statement of optional ingredients), except that:

(1) Its content of milkfat is more than 2 percent but not more than 7 percent.

(2) Its content of total milk solids is not less than 11 percent.

(3) Caseinates may be added when the content of total milk solids is not less than 11 percent.

(4) The provision for reduction in milkfat and nonfat milk solids content from the addition of bulky flavors in § 135.110(a) applies, except that in no case will the milkfat content be less than 2 percent, nor the nonfat milk solids content be less than 7 percent. When the milkfat content increases in increments of 1 percent above the 2 percent minimum, it may contain the following milkfat-to-nonfat milk solids levels:

Percent milkfat	Minimum percent nonfat milk solids
2.....	9
3.....	8
4.....	7
5.....	6
6.....	5
7.....	4

(5) The quantity of food solids per gallon is not less than 1.3 pounds.

(6) When any artificial coloring is used in ice milk, directly or as a component of any other ingredient, the label shall bear the statement "artificially colored", "artificial coloring added", "with added artificial color", or "———, an artificial color added", the blank being filled in with the common or usual name of the artificial color; or in lieu thereof, in case the artificial color is a component of another ingredient, "——— artificially colored".

(7) If both artificial color and artificial flavoring are used, the label statements may be combined.

(b) *Nomenclature.* The name of the food is "ice milk".

3. By revising § 135.140 to read as follows:

§ 135.140 Sherbet.

(a) *Description.* (1) Sherbet is a food produced by freezing, while stirring, a pasteurized mix consisting of one or more of the optional dairy ingredients specified in paragraph (b) of this section, and may contain one or more of the optional caseinates specified in paragraph (c) of this section subject to the conditions hereinafter set forth, and other safe and suitable nonmilk-derived ingredients; and excluding other food fats, except such as are added in small amounts to accomplish specific functions or are natural components of flavoring ingredients used. Sherbet is sweetened with nutritive carbohydrate sweeteners and is char-

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acterized by the addition of one or more of the characterizing fruit ingredients specified in paragraph (b) of this section or one or more of the nonfruit-characterizing ingredients specified in paragraph (c) of this section.

(2) Sherbet weighs not less than 6 pounds to the gallon. The milkfat content is not less than 1 percent nor more than 2 percent, the nonfat milk-derived solids content not less than 1 percent, and the total milk or milk-derived solids content is not less than 2 percent nor more than 5 percent by weight of the finished food. Sherbet that is characterized by a fruit ingredient shall have a titratable acidity, calculated as lactic acid, of not less than 0.35 percent.

(b) *Optional dairy ingredients.* The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, dried cream, plastic cream (sometimes known as concentrated milk fat), butter, butter oil, milk, concentrated milk, evaporated milk, superheated condensed milk, sweetened condensed milk, dried milk, skim milk, concentrated skim milk, evaporated skim milk, condensed skim milk, superheated condensed skim milk, sweetened condensed skim milk, sweetened condensed part-skim milk, nonfat dry milk, sweet cream buttermilk, condensed sweet cream buttermilk, dried sweet cream buttermilk, skim milk that has been concentrated and from which part of the lactose has been removed by crystallization, concentrated cheese whey, and dried cheese whey. Water may be added, or water may be evaporated from the mix. The sweet cream buttermilk and the concentrated sweet cream buttermilk or dried sweet cream buttermilk, when adjusted with water to a total solids content of 8.5 percent, has a titratable acidity of not more than 0.17 percent, calculated as lactic acid. The term "milk" as used in this section means cow's milk. Dried cheese whey is uniformly light in color, free from brown and black scorched particles, and has an alkalinity of ash, not more than 225 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.16 percent calculated as lactic acid. Concentrated cheese whey has an alkalinity of ash, not more than 115 milliliters 0.1N HCl per 100 grams, a bacterial count of not more than 50,000 per gram, and, as adjusted with water to a total solids content of 6.5 percent, a titratable acidity of not more than 0.18 percent, calculated as lactic acid.

(c) *Optional caseinates.* The optional caseinates referred to in paragraph (a) of this section which may be added to sherbet mix are: Casein prepared by precipitation with gums, ammonium caseinate, calcium caseinate, potas-

sium caseinate, and sodium caseinate. Caseinates may be added in liquid or dry form, but must be free of excess alkali. Such caseinates are not considered to be milk solids.

(d) *Optional fruit-characterizing ingredients.* The optional fruit-characterizing ingredients referred to in paragraph (a) of this section are any mature fruit or the juice of any mature fruit. The fruit or fruit juice used may be fresh, frozen, canned, concentrated, or partially or wholly dried. The fruit may be thickened with pectin or other optional ingredients. The fruit is prepared by the removal of pits, seeds, skins, and cores, where such removal is usual in preparing that kind of fruit for consumption as fresh fruit. The fruit may be screened, crushed, or otherwise comminuted. It may be acidulated. In the case of concentrated fruit or fruit juices, from which part of the water is removed, substances contributing flavor volatilized during water removal may be condensed and reincorporated in the concentrated fruit or fruit juice. In the case of citrus fruits, the whole fruit, including the peel but excluding the seeds, may be used, and in the case of citrus juice or concentrated citrus juices, cold-pressed citrus oil may be added thereto in an amount not exceeding that which would have been obtained if the whole fruit had been used. The quantity of fruit ingredients used is such that, in relation to the weight of the finished sherbet, the weight of fruit or fruit juice, as the case may be (including water necessary to reconstitute partially or wholly dried fruits or fruit juices to their original moisture content), is not less than 2 percent in the case of citrus sherbets, 6 percent in the case of berry sherbets, and 10 percent in the case of sherbets prepared with other fruits. For the purpose of this section, tomatoes and rhubarb are considered as kinds of fruit.

(e) *Optional nonfruit characterizing ingredients.* The optional nonfruit characterizing ingredients referred to in paragraph (a) of this section include but are not limited to the following:

- (1) Ground spice or infusion of coffee or tea.
- (2) Chocolate or cocoa, including sirup.
- (3) Confectionery.
- (4) Distilled alcoholic beverage, including liqueurs or wine, in an amount not to exceed that required for flavoring the sherbet.
- (5) Any natural or artificial food flavoring (except any having a characteristic fruit or fruit-like flavor).

(f) *Nomenclature.* (1) The name of each sherbet is as follows:

(i) The name of each fruit sherbet is "— sherbet", the blank being filled in with the common name of the fruit

or fruits from which the fruit ingredients used are obtained. When the names of two or more fruits are included, such names shall be arranged in order of predominance, if any, by weight of the respective fruit ingredients used.

(ii) The name of each nonfruit sherbet is "— sherbet", the blank being filled in with the common or usual name or names of the characterizing flavor or flavors; for example, "peppermint", except that if the characterizing flavor used is vanilla, the name of the food is "— sherbet", the blank being filled in as specified by § 135.110(e) (2) and (5)(i).

(2) When the optional ingredients, artificial flavoring, or artificial coloring are used in sherbet, they shall be named on the label as follows:

(i) If the flavoring ingredient or ingredients consists exclusively of artificial flavoring, the label designation shall be "artificially flavored".

(ii) If the flavoring ingredients are a combination of natural and artificial flavors, the label designation shall be "artificial and natural flavoring added".

(iii) The label shall designate artificial coloring by the statement "artificially colored", "artificial coloring added", "with added artificial coloring", or "—, an artificial color added", the blank being filled in with the name of the artificial coloring used.

(g) *Characterizing flavor(s).* Wherever there appears on the label any representation as to the characterizing flavor or flavors of the food and such flavor or flavors consist in whole or in part of artificial flavoring, the statement required by paragraph (f)(2) (i) and (ii) of this section, as appropriate, shall immediately and conspicuously precede or follow such representation, without intervening written, printed, or graphic matter (except that the word "sherbet" may intervene) in a size reasonably related to the prominence of the name of the characterizing flavor and in any event the size of the type is not less than 6-point on packages containing less than 1 pint, not less than 8-point on packages containing at least 1 pint but less than one-half gallon, not less than 10-point on packages containing at least one-half gallon but less than 1 gallon, and not less than 12-point on packages containing 1 gallon or over.

(h) *Display of statements required by paragraph (f)(2).* Except as specified in paragraph (g) of this section, the statements required by paragraph (f)(2) of this section shall be set forth on the principal display panel or panels of the label with such prominence and conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(i) *Label declaration.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

Effective date: Compliance with the confirmed provision of this regulation, including any required labeling changes, may have begun on June 13, 1977, and all products initially introduced into interstate commerce on or after July 1, 1979, shall fully comply. As to the provisions hereby revoked, the effective date is February 3, 1978.

(Secs. 401, 701(e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)).)

Dated: January 30, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.
[FR Doc. 78-2967 Filed 2-2-78; 8:45 am]

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS
PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Diethylcarbamazine Citrate Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval for a new animal drug application (NADA) providing for use of an antitoxic tablet as an aid in treatment of ascarids in dogs and cats and prevention of heartworm disease in dogs. The application was filed by Philips Roxane, Inc.

EFFECTIVE DATE: February 3, 1978.
FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Philips Roxane, Inc., St. Joseph, Mo. 64502, filed an NADA (108-487V) providing for use of diethylcarbamazine citrate tablets as an aid in treatment of ascarids (*T. canis* and *T. leonina*) in dogs and cats and prevention of heartworm disease (*Dirofilaria immitis*) in dogs.

In accordance with the freedom of information regulations and § 514.11 (e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support the approval of this application is released publicly. The summary is available for public examination at

the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday, except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 520 is amended in § 520.622a by revising paragraph (a) to read as follows:

§ 520.622a Diethylcarbamazine citrate tablets.

(a) (1) *Specifications.* Each tablet contains 50, 200, or 400 milligrams of diethylcarbamazine citrate.

(2) *Sponsors.* See Nos. 000010 and 010042 in § 510.600(c) of this chapter.

(3) *Conditions of use—(i) Amount.* (a) 25 to 50 milligrams per pound of body weight as an aid in treatment of ascarid infections.

(b) 3 milligrams per pound of body weight daily for prevention of heartworm disease.

(ii) *Indications for use.* As an aid in treatment of ascarid (*Toxocara canis* and *Toxascaris leonina*) infections in dogs and cats; for prevention of heartworm disease (*Dirofilaria immitis*) in dogs.

(iii) *Limitations.* Tablets are administered orally or pulverized and given in the feed or water. For treatment of ascarids, a repeat dose should be given in 10 to 20 days to remove immature worms that may enter the intestine from the lungs after the first dose. Dogs with established heartworm infections should not receive the drug until they have been converted to a negative status by the use of adulticidal and microfilaricidal drugs. Inadvertent administration to heartworm infected dogs may cause adverse reactions due to pulmonary occlusion. Overdosage may cause emesis. For prevention of heartworm disease in heartworm endemic areas, administration of the drug should start at the beginning of mosquito activity and be continued daily throughout the mosquito season and for approximately a month thereafter. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: February 3, 1978.
(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 24, 1978.

FRED J. KINGMA,
Acting Director, Bureau of
Veterinary Medicine.
[FR Doc. 78-2826 Filed 2-2-78; 8:45 am]

[4110-03]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Amoxicillin Trihydrate Oral Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA) filed by Beecham Laboratories providing for use of an amoxicillin suspension for treatment of porcine colibacillosis in baby pigs.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Bristol, Tenn. 37620, filed an NADA (55-080V) providing for use of amoxicillin trihydrate oral suspension in treating porcine colibacillosis in pigs under 4 weeks of age.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) of the animal drug regulations, a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, Monday through Friday, from 9 a.m. to 4 p.m., except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 540 is amended by adding new § 540.103c to read as follows:

§ 540.103c Amoxicillin trihydrate oral suspension.

(a) *Requirements for certification—*

(1) *Standards of identity, strength, quality, and purity.* Amoxicillin trihydrate oral suspension is composed of amoxicillin trihydrate with a suitable and harmless preservative and gelling agent suspended in soybean oil base. The drug is packaged in a multiple-dose container incorporating a suitable dosing pump. Each 0.8-milliliter dose contains amoxicillin trihydrate equivalent to 40 milligrams of amoxicillin. Its potency is satisfactory if it is not less than 90 percent and not more

than 120 percent of the labeled amount of amoxicillin. Its moisture content is not more than 2 percent. It passes the identity test for amoxicillin. The amoxicillin trihydrate used conforms to the standards prescribed by § 440.3(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter. In addition, it shall be labeled "amoxicillin oral suspension."

(3) *Request for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) The results of tests and assays on:

(a) The amoxicillin trihydrate used in making the batch for potency, safety, moisture, pH, amoxicillin content, concordance, crystallinity, and identity.

(b) The batch for potency, moisture, and identity.

(ii) Samples required:

(a) The amoxicillin trihydrate used in making the batch: 12 packages, each containing approximately 300 milligrams.

(b) The batch: A minimum of eight immediate containers.

(b) *Tests and methods of assay—(1) Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Using the dosing pump, deliver one dose of the sample into a high-speed glass blender jar containing 1 milliliter of polysorbate 80 and sufficient 0.1 M potassium phosphate buffer, pH 8.0 (solution 3) to give a final volume of 500 milliliters. Blend for 3 to 5 minutes. Further dilute an aliquot of this stock solution with solution 3 to the reference concentration of 0.1 microgram of amoxicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place an accurately measured aliquot (5 pump doses are suggested) of the suspension into a separatory funnel containing 100 milliliters of petroleum ether and shake vigorously until homogeneous. Add 140 milliliters of distilled water and shake for 5 minutes. Allow the layers to separate, and drain the lower aqueous layer into a 250-milliliter volumetric flask. Repeat the extraction twice with 50-milliliter portions of distilled water, combining the second and third extracts with the first and diluting to volume with distilled water.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Amoxicillin identity.* Proceed as directed in § 436.311 of this chapter

preparing the sample solution as follows: Place 1.0 milliliter of the well shaken sample into a 50-milliliter volumetric flask. Bring to volume with a 4:1 solution of acetone and 0.1 N hydrochloric acid.

(c) *Conditions of marketing—(1) Specifications.* The drug conforms to the requirements of paragraph (a) of this section.

(2) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(3) *Related tolerances.* See § 556.510 of this chapter.

(4) *Conditions of use in swine—(1) Amount.* 40 milligrams once or twice a day orally using a dosing pump, not to exceed 5 days.

(ii) *Indications for use.* For treatment of pigs under 4 weeks of age for porcine colibacillosis caused by *Escherichia coli* susceptible to amoxicillin.

(iii) *Limitations.* Do not slaughter animals during treatment or for 15 days after latest treatment. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: February 3, 1978

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 24, 1978.

FRED J. KINGMA,

Acting Director, Bureau of

Veterinary Medicine.

[FR Doc. 78-2722 Filed 2-2-78; 8:45 am]

[4110-03]

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Sterile Ampicillin Trihydrate Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application (NADA), filed by Beecham Laboratories, providing for the use of sterile ampicillin trihydrate suspension for treating dogs for certain bacterial infections.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Bristol, Tenn. 37620, filed an NADA (55-079V) providing for the use of sterile ampicillin trihydrate suspension for treating dogs for bacterial infections of the respiratory tract and soft tissues when caused by susceptible organisms.

In accordance with the freedom of information regulations and § 514.11 (e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the Office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, Monday through Friday, 9 a.m. to 4 p.m., except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 540 is amended in § 540.207a by revising paragraphs (a) (1) and (c) to read as follows:

§ 540.207a Sterile ampicillin trihydrate suspension.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sterile ampicillin trihydrate suspension is ampicillin trihydrate in a suitable and harmless oil base. It may contain one or more suitable and harmless preservatives, antioxidants, and complexing or suspending agents. It contains, in each milliliter, an amount of ampicillin trihydrate equivalent to 150 or 200 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. It is sterile. Its moisture content is not more than 4.0 percent. The ampicillin trihydrate used conforms to the requirements of § 440.7a(a)(1) of this chapter.

(c) *Conditions of marketing—(1) Specifications.* Sterile ampicillin suspension contains 200 milligrams of ampicillin (as ampicillin trihydrate) per milliliter of nonaqueous vehicle and conforms to the requirements of paragraph (a) of this section.

(i) *Sponsor.* See No. 000003 in § 510.600(c) of this chapter.

(ii) *Related tolerances.* See § 556.40 of this chapter.

(iii) *Conditions of use—(a) In calves.* (1) Administer intramuscularly for the treatment of bacterial enteritis caused by *E. coli* susceptible to ampicillin.

(2) Administer at a dose of 3 milligrams per pound of body weight, once or twice daily, for up to 3 days.

(3) It is not for use in other animals raised for food production.

(4) Treated animals must not be slaughtered for food use during treatment or for 9 days after the last treatment.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(b) *In dogs.* (1) Administer intramuscularly for the treatment of respiratory tract infections due to *E. coli*, *Pseudomonas spp.*, *Proteus spp.*, *Staphylococcus spp.*, and *Streptococcus spp.*; tonsillitis due to *E. coli*, *Pseudomonas spp.*, *Streptococcus spp.*, and *Staphylococcus spp.*; generalized infections (septicemia) associated with abscesses, lacerations, and wounds due to *Staphylococcus spp.* and *Streptococcus spp.*

(2) Administer at a dose of 3 to 6 milligrams per pound of body weight once or twice daily until at least 48 hours after the animal's temperature has returned to normal and other signs of infection have subsided. Usual treatment is 3 to 5 days.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(c) *In cats.* (1) Administer intramuscularly or subcutaneously for the treatment of generalized infections (septicemia) associated with abscesses, lacerations, and wounds due to *Staphylococcus spp.*, *Streptococcus spp.*, and *Pasteurella spp.*

(2) Administer at a dose of 5 to 10 milligrams per pound of body weight once or twice daily until at least 48 hours after the animal's temperature has returned to normal and other signs of infection have subsided. Usual treatment is 3 to 5 days.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(d) *In swine.* (1) Administer intramuscularly for the treatment of bacterial enteritis (colibacillosis) caused by *E. coli* and bacterial pneumonia caused by *Pasteurella spp.* susceptible to ampicillin.

(2) Administer at a dose of 3 milligrams per pound of body weight, once or twice daily, for up to 3 days.

(3) Treated animals must not be slaughtered for food use during treatment or for 15 days after the last treatment.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Specifications.* The drug contains 150 milligrams of ampicillin (as ampicillin trihydrate) per milliliter of nonaqueous vehicle and conforms to the requirements of paragraph (a) of this section.

(i) *Sponsor.* See No. 000029 in § 510.600(c) of this chapter.

(ii) *Related tolerances.* See § 556.40 of this chapter.

(iii) *Conditions of use—(a) In dogs.* Administer at a dose of 3 to 5 milligrams of ampicillin per pound of body weight, once a day for up to 4 days.

(1) *Indications for use.* It is used in the treatment of bacterial infections

of the upper respiratory tract (tonsillitis) due to *Streptococcus spp.*, *Staphylococcus spp.*, *E. coli*, *Proteus spp.*, and *Pasteurella spp.*, and soft tissue infections (abscesses, lacerations, and wounds) due to *Staphylococcus spp.*, *Streptococcus spp.*, and *Escherichia coli*, when caused by susceptible organisms.

(2) *Limitations.* Administer intramuscularly. If continued treatment is indicated, oral dosage is recommended. As with all antibiotics, appropriate in vitro culturing and susceptibility tests of samples taken before treatment are recommended. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(b) [Reserved]

Effective date. This regulation is effective February 3, 1978.

(Sec. 512 (i) and (n), 82 Stat. 347, 350-351 (21 U.S.C. 360b (i) and (n)).)

Dated: January 24, 1978.

FRED J. KINGMA,
Acting Director, Bureau of
Veterinary Medicine.
[FR Doc. 78-2724 Filed 2-2-78; 8:45 am]

[1505-01]

Title 26—Internal Revenue
CHAPTER I—INTERNAL REVENUE SERVICE,
DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX
[T.D. 7528]

PART 1—INCOME TAX; TAXABLE YEARS
BEGINNING AFTER DECEMBER 31, 1953

Certain Controlled Corporations

Correction

In FR Doc. 78-36813, appearing at page 64690 in the issue of Wednesday, December 28, 1977, make the following changes:

1. On page 64692, the period at the end of the second line of § 1.1561-2(b)(3)(ii) should be deleted and a hyphen should be inserted between the words "par-lent" and "subsidiary" in the 20th line of Example (2) in paragraph (e).

2. On page 64693, first column, the first and second entries under "Corporation Y" should read, "1974 184/365 of \$24,900" and "1975 181/365 of \$20,700".

3. On page 64694, first column, the second line of the second amendment under paragraph 10 (in small print) should read, "letting '§ 1.151-2' in the last sentence and in—".

4. On page 64694, second column, the section heading designated "§ 1.801-2" should be designated "§ 1.804-2".

5. On page 64697, the next to last word in the eleventh line of § 1.1561-3(b) should read, "the".

6. On page 64700, first column, the comma in the ninth line of Example 1 in § 1.1561-2A(a)(4) should be a period and the eleventh line of Example 2 should read, "is an amount equal to \$12,500 (\$25,000 ÷ 2)."

7. On page 64701, first column, the 23rd and 24th lines of § 1.1561-3A(a) should read, "required to consent to the plan under paragraph (b)(1) of this section files the".

8. On page 64701, first column, the 32nd and 33rd lines of § 1.1561-3A(a) should read, "with paragraph (a)(1)(i) of § 1.1561-2A. (If a valid apportionment plan is adopted)".

[4830-01]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES
[T.D. 7491]

PART 54—PENSION, ETC., EXCISE TAXES

Exemptions for the Provision of Services or Office Space to Employee Benefit Plans, the Investment of Plan Assets in Bank Deposits, the Provision of Bank Ancillary Services to Plans, and the Transitional Rule for the Provision of Services to Plans

AGENCY: Internal Revenue Service, Treasury.

AN: Correction.

SUMMARY: This document contains a nonsubstantive correction to Treasury Decision 7491, published June 24, 1977.

EFFECTIVE DATE: The correction is effective for taxable years ending after December 31, 1974.

FOR FURTHER INFORMATION CONTACT:

David A. Rood of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3288, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On June 24, 1977, the FEDERAL REGISTER published a Treasury decision (42 FR 32384) containing Pension, Etc., Excise Tax Regulations (26 CFR Part 54) under section 4975 of the Internal Revenue Code of 1954. The full text of the regulations as adopted by the Treasury decision appears at 42 FR 32384. The text contains a "6" that should have been a "9". This document corrects that error.

DRAFTING INFORMATION

The author of this correction was David A. Rood of the Legislation and

Regulations Division of the Office of Chief Counsel, Internal Revenue Service.

CORRECTION OF TREASURY DECISION

Accordingly, FR Doc. 77-17894 (42 FR 32384) is amended on page 32386 by inserting "§ 54.4975-9 (c)(1)(ii)(B)" in place of "§ 54.4975-6 (c)(1)(ii)(B)" in Example 4 of § 54.4975-6 (a)(6).

Dated: January 30, 1978.

ROBERT A. BLEY,
Director, Legislation
and Regulations Division.

[FR Doc. 78-3044 Filed 2-2-78; 8:45 am]

[7600-01]

Title 29—Labor

CHAPTER XX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PART 2200—RULES OF PROCEDURE

Amendments to Procedural Rules

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Final rule.

SUMMARY: This notice is to advise of amendments to the procedural rules of the Occupational Safety and Health Review Commission, which are intended to simplify and clarify the review process of the Commission. The amendments are designed to assist employers appearing without the assistance of counsel.

The amendments also have as their purpose expediting cases, both at the hearing level, and review before the Commission, which involve challenges to periods of abatement under subsections 10 (b) or (c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659 (b) and (c)). Included are those cases where an employee or a representative of employees files a notice alleging the period of time fixed in a citation for the abatement of violations is unreasonable under section 10(c).

EFFECTIVE DATE: February 3, 1978.
FOR FURTHER INFORMATION CONTACT:

Thomas B. Flynn, Counsel for Appellate and Administrative Legal Services, Occupational Safety and Health Review Commission, 1825 K Street NW., Washington, D.C. 20006, 202-634-7971.

SUPPLEMENTARY INFORMATION: The Commission has become aware of some difficulties encountered by parties appearing without attorneys, and as a consequence is herein making adjustment to those procedural rules in areas where difficulty has been encountered. Particularly, the rules will now advise the public that an ag-

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grieved party must exhaust its administrative remedies by appeal to the Commission before seeking judicial review in court of an Administrative Law Judge's decision, and, in lieu of requiring precise citations to the record, the Commission rule is changed to observe that citations to the record would facilitate prompt review of the petition. This change is designed to relieve a possible burden on some employers and affected employees or their unions, if any, that in some cases might be considered oppressive, but at the same time to indicate clearly that precise citations would facilitate action on the petition.

Further changes are amendments to rules concerning petitions for modification of periods of abatement. The intent with respect to this amendment is to require that all petitions for modification of abatement periods or challenges to abatement periods by employees or representatives of employees will be expedited, both at the hearing level and on review by the full Commission, in order to avoid, whenever practicable, a lapse of the period of abatement before the matter is decided by the Commission.

Inasmuch as these are procedural rules, opportunity for public comment is unnecessary under 5 U.S.C. § 553. Also, since the changes should facilitate practice before the Commission, good cause is found to waive the 30-day delayed effective date otherwise required under 5 U.S.C. § 553.

Therefore, under the authority of section 12(g) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 661(f)), 29 CFR Part 2200 is amended as follows:

1. In § 2200.34, paragraph (d)(2) is revised to read as follows:

§ 2200.34 Petitions for modification of abatement.

(d) . . .
(2) The Commission shall docket and process such petitions as expedited proceedings as provided for in § 2200.101 of this Part.

2. In § 2200.35, a new paragraph (c) is added to read as follows:

§ 2200.35 Employee contests.

(c) All contests under this section shall be handled as expedited proceedings as provided for in § 2200.101 of this Part.

3. In § 2200.101, paragraph (a) is revised to read as follows:

§ 2200.101 Expedited proceeding.

(a) Upon application of any party or intervenor or upon his own motion,

any Commissioner may order an expedited proceeding. Contests arising under §§ 2200.34 and 2200.35 shall be placed on a special docket and treated as expedited proceedings before Administrative Law Judges. Cases arising under these sections which are directed for review before the Commission shall also be placed on a special docket for review, and shall be treated as expedited proceedings under this section.

4. In § 2200.91, paragraphs (a) and (b) are revised and a new paragraph (f) is added to read as follows:

§ 2200.91 Discretionary review; petitions for statements in opposition.

(a) A party aggrieved by the decision of a judge may submit a petition for discretionary review. An aggrieved party that fails to file a petition for such review by the Commission may be foreclosed from court review of any objection to the judge's decision. *Key-stone Roofing Co., Inc. v. Dunlop*, 539 F.2d 960 (3rd Cir. 1976).

(b) . . .
(c) A petition should contain a concise statement of each portion of the decision and order to which exception is taken and may be accompanied by a brief of points and authorities relied upon. The inclusion of precise citations to the record or legal authorities, as the case may be, will facilitate prompt review of the petition.

(d) . . .
(e) . . .
(f) An original and three copies of any petition or statement shall be filed with the Commission.

5. Section 2200.91a is revised to read as follows:

§ 2200.91a Review by the Commission.

(a) Review is a matter of sound discretion of a member of the Commission.

(b) In exercising discretion, a Commission member will consider assertions of the following:

(1) A finding of material fact is not supported by a preponderance of the evidence.

(2) The decision is contrary to law or to the duly promulgated rules or decisions of the Commission.

(3) A substantial question of law, abuse of discretion, or policy is involved.

(4) A prejudicial error of procedure was committed.

(c) When a petition for discretionary review is granted, review shall be limited to the issues specified in the petition, unless the order for review expressly provides differently.

(d) At any time within 30 days after the filing of a decision of a judge, a case may also be directed for review by a member upon his own motion upon

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any ground that could be raised by a party, but the issues would normally be limited to novel questions of law or policy or questions involving conflict in Administrative Law Judges' decisions. Any direction for review shall state the issues with particularity. Except in extraordinary circumstances, the Commission's power to review is limited to issues of law or fact raised by the parties in the proceedings below. (Sec. 12(g) Public Law 91-596, 84 Stat. 1603-1605 (29 U.S.C. 661(f)).)

Dated: January 30, 1978.

For the Commission.

RAY H. DARLING, JR.,
Executive Secretary.

[FR Doc. 78-2945 Filed 2-2-78; 8:45 am]

[3910-01]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888g—ORGANIZATIONAL AND REPRESENTATIONAL ACTIVITIES OF MILITARY PERSONNEL

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is adding a rule which establishes policies and guidelines for dealing with individuals and organizations whose objective is to organize or represent active duty military personnel, members of Reserve components on inactive duty training, civilian employees, individuals and groups, for the purpose of negotiation or collective bargaining over terms or conditions of military service. This rule is needed to provide uniform direction and guidance to officials in the Department of the Air Force and to insure fair, consistent treatment of members of the Air Force and individuals, groups, organizations and associations seeking to represent members of the Air Force for such negotiating or bargaining.

EFFECTIVE DATE: November 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Colonel Quentin W. Korte, Chief, Personnel Systems Plans Branch, Directorate of Personnel Plans, The Pentagon, Washington, D.C. 20330, 202-697-9821.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense published a final rule (DOD Directive 1354.1) in the FEDERAL REGISTER on October 14, 1977 (42 FR 55209) after asking for public comment by

publishing the proposed rule in the FEDERAL REGISTER on August 16, 1977 (42 FR 41306). By adding this new part 888g to Subchapter I, Chapter VII, of Title 32 in the CFR, the Department of the Air Force is implementing the DOD Directive and therefore has determined it unnecessary to invite public comment on this rule.

This rule is issued under the authority of sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

Accordingly, the new part will read as follows:

Sec.
888g.1 Purpose.
888g.2 Applicability.
888g.3 Policy on unionization of military personnel.
888g.4 Explanation of terms.
888g.5 Activities prohibited in the Air Force.
888g.6 Permissible activities.
888g.7 Responsibilities.
888g.8 Situational guidance.
888g.9 Military union incident, RCS HAF-DPX(AR) 7701.
888g.10 Guidelines for making determinations.
888g.11 Air Force installations where provisions of this part have been invoked by the Secretary of the Air Force.
888g.12 Organizations determined by the Secretary of the Air Force to present a clear danger to Air Force discipline, loyalty or obedience to lawful orders.
888g.13 Reporting format.
888g.14 Situational guidance for commanders.

AUTHORITY: Sec. 8012, 70A Stat. 488 (10 U.S.C. 8012).

§ 888g.1 Purpose.

This part establishes policies and guidelines for dealing with individuals and organizations whose objective is to organize or represent military members of the Air Force for the purpose of negotiation or collective bargaining over terms or conditions of military service, prohibits Air Force commanders and supervisors from engaging in negotiation or collective bargaining, and prohibits military personnel from engaging in strikes and other concerted activities, on-base recruitment, and active membership in organizations which would engage in such activities.

§ 888g.2 Applicability.

(a) This part does not modify or diminish the existing authority of commanders to control access to, or maintain good order and discipline on, military installations; nor does it change or lessen the obligations of commanders and supervisors pursuant to Executive Order 11491 with respect to organizations representing Department of the Air Force civilian employees.

(b) This part applies to all active duty military personnel, members of Reserve components on inactive duty training, civilian employees, and to individuals and groups entering, using or seeking to enter or use Air Force in-

stallations. Violations of the specific prohibitions of this part by military members of the Air Force may result in prosecution under the UCMJ or administrative action.

(c) This part implements DOD Directive 1354.1, Relationships With Organizations Which Seek to Represent Members of the Armed Forces in Negotiation or Collective Bargaining, October 6, 1977.

§ 888g.3 Policy on unionization of military personnel.

(a) The mission of the Air Force is to safeguard the security of the United States. The Air Force must be ready to execute its responsibilities in supporting that role with absolute reliability and immediate responsiveness. Essential to maintaining this state of readiness are the military requirements of control, discipline, and prompt obedience to lawful orders of command. The chain of command must remain unencumbered by outside influence or obstruction of authority.

(b) The Air Force recognizes the important contributions which organized labor has made to the social and economic development of our nation. Civilian labor unions are an integral part of everyday Air Force activities. However, the traditional union functions of collective or concerted actions would impair the control of Air Force commanders over military personnel so as to threaten the security of the United States. Air Force commanders could not maintain readiness, be responsive to contingency plans or accomplish their missions if required to bargain over their orders, consult over decisions, or be subject to collective actions of any sort.

(c) Any individual or organization which seeks to intrude on the relationship between commanders and military members of the Air Force in matters relating to mission accomplishment or terms or conditions of military service, presents a clear danger to discipline, loyalty, and obedience to lawful orders of command and such interference will not be permitted.

§ 888g.4 Explanation of terms.

(a) "Aid and abet" means to be present during the commission of any act prohibited by this regulation and to assist, command, counsel or otherwise encourage such an act.

(b) "Air Force installation" includes bases, stations, sites, aircraft and other facilities where Air Force personnel are assigned.

(c) "Civilian employee" includes Executive Schedule, Scientific and Technical, General Schedule, Wage Board, and Nonappropriated Fund employees of the Air Force.

(d) "Collective job-related action" means any activity by two or more persons that is intended to and does

obstruct or interfere with the performance of a military duty assignment.

(e) "Conspire" means to join or agree with one or more persons to commit any act prohibited by this part.

(f) "Installation commander" means the senior host wing or equivalent commander. Major commanders may designate the commander of a higher level organization to enforce the provisions of this part when two or more organizations of the host command are located at the same installation.

(g) "Military member" includes Air Force personnel on active duty or inactive duty training and members of the Air National Guard of the United States and United States Air Force Reserve while serving in a military capacity.

(h) "Negotiation or collective bargaining" is a process whereby a commander or supervisor, military or civilian, acting on behalf of the United States, engages in discussions with a military member or members of the Air Force (purporting to represent such members), or with an individual group, organization, or association purporting to represent such members, for the purpose of resolving bilaterally, terms or conditions of military service.

(i) "Solicit" means to use words or any other means to request, urge, advise, counsel, tempt or command another to commit any act prohibited by this part.

(j) "Terms or conditions of military service" means terms or conditions of military compensation or duty including but not limited to wages, rates of pay, duty hours, assignments, grievances, or disputes.

§ 888g.5 Activities prohibited in the Air Force.

(a) *Negotiation or Collective Bargaining.* Air Force commanders and supervisors will not engage in negotiation or collective bargaining.

(b) *Strikes and Other Concerted Activities.* Military members of the Air Force will not:

(1) Engage in any strike, slowdown, work stoppage, or other collective job-related action with respect to terms or conditions of military service, or

(2) Picket for the purpose of causing or coercing other military members of the Air Force to engage in a strike, slowdown, work stoppage, or other collective job-related action related to terms or conditions of military service.

(c) *Recruitment Efforts:*

(1) No person will conduct or attempt to conduct a demonstration, meeting, protest, march, or engage in or attempt to engage in speechmaking, picketing, leafleting, or other similar activity on an Air Force installation for the purpose of forming, recruiting military members for, or soliciting

money or services for any organization that:

(i) Engages or is substantially likely to engage in any activity prohibited by this part; or

(ii) Proposes or holds itself out as proposing to engage in negotiation or collective bargaining on behalf of military members of the Air Force; or

(iii) Proposes or holds itself out as proposing to represent military members of the Air Force to the military chain of command with respect to the terms or conditions of military service when such representation would interfere with the military chain of command; or

(iv) Solicits or aids and abets a violation of this regulation by a military member of the Air Force.

(2) No person will engage in any activity, including but not limited to individual contacts or the posting for public display of any poster, handbill or other writing, on any part of an Air Force installation if the activity or the material displayed constitutes or includes an invitation to collectively engage in an activity prohibited by this part.

(d) *Membership in Certain Organizations.* Military members of the Air Force will not become or remain members of an organization under the following conditions:

(1) After the Secretary of the Air Force determines in accordance with § 888g.10 that the organization presents a clear danger to discipline, loyalty or obedience to lawful orders; and

(2) The military members know the Secretary has made such determination, and

(3) The military members intend to promote the conduct upon which the determination is based, and

(4) The military members actively participate in activities of the organization.

(e) *General Prohibitions.* Military members of the Air Force will not attempt to engage in, or solicit the commission of, or conspire with, or aid and abet any person or organization in the commission of any act prohibited in this part.

§ 888g.6 Permissible activities.

This part does not prevent:

(a) Military members from presenting complaints or grievances over terms or conditions of military service through established military channels.

(b) Commanders or supervisors from giving due consideration to the views of military members presented individually or as a result of participation on command-sponsored or authorized advisory councils, committees, or organizations for the purpose of improving conditions or communications at the Air Force installation involved.

(c) Military members from petitioning Congress or communicating with any member of Congress.

(d) Military members from being represented by qualified counsel, whether or not retained by an organization on his or her behalf, in any judicial or administrative proceeding with respect to which there is a right to counsel of choice.

(e) Military members from joining or being a member of any organization which engages in representational activities with respect to terms or conditions of off-duty employment.

(f) Civilian employees from joining or being a member of any organization that engages in representational activities with respect to terms or conditions of civilian employment.

§ 888g.7 Responsibilities.

(a) The Secretary of the Air Force is responsible for making determinations as required by § 888g.5 (c)(2) and § 888g.5 (d) (1), and for the selective application of such determinations to particular Air Force installations on a case-by-case basis. Guidelines for making these determinations are contained in § 888g.10. Section 888g.11 lists those Air Force installations where selective application has been invoked by the Secretary of the Air Force. § 888g.12 lists those organizations which have been determined to present a clear danger to discipline, loyalty, or obedience to lawful orders of command.

(b) *Installation commanders:*

(1) Are responsible for enforcement of § 888g.5 (a), (b), (c)(1), and (e), which automatically apply to all personnel and § 888g.5 (c)(2) and (d)(1) after a determination is made by the Secretary of the Air Force.

(2) Will gather the facts and data needed by the Secretary of the Air Force to make determinations required by this part. The limitations on obtaining information on persons or organizations not affiliated with the Department of Defense imposed by Part 954 of this chapter will be strictly complied with.

(3) Will report through intermediate commanders to their major commander, with information to HQ USAF/DPXX/JACM, Pentagon, Washington, D.C., all incidents concerning requests for permission or attempts to engage in activities prohibited by this part. The checklist/form at § 888g.13 will be utilized for submitting these reports.

(4) Will post notices of the determinations made by the Secretary of the Air Force affecting their installation which clearly state:

(i) That the identified organization poses a clear danger to discipline, loyalty, or obedience to lawful orders, including the reason upon which the determination is based, and

(ii) That knowing, active membership in that organization by a military member with the intent to promote such prohibited conduct is not permitted.

(c) Intermediate commanders will resolve incidents or provide guidance to installation commanders as appropriate, or request assistance or additional guidance from HQ USAF/DPXX/JACM. HQ USAF/DPXX/JACM will be an information addressee on all correspondence and messages concerning activities addressed by this part and reports of guidance and action taken.

(d) HQ USAF/DPXX/JACM is the Air Staff focal point for activities related to this part, and will provide staff support to the Secretary of the Air Force in making determinations required by this part.

(e) Air Force officers and noncommissioned officers, especially unit commanders, senior enlisted advisors and first sergeants, are responsible for insuring that Air Force personnel are aware of the policies, rights and responsibilities expressed herein, and all personnel are responsible for assisting installation commanders in identifying incidents and/or conduct prohibited by this part.

§ 888g.8 Situational guidance.

To assist installation and intermediate commanders in dealing with activities prohibited by this part, guidance for typical situations is provided in § 888g.14. This guidance is for example only and is not intended to override the judgment of individual commanders or the advice of their staff judge advocates.

§ 888g.9 Military union incident, RCS HAF-DPX(AR) 7701.

The reports specified in § 888g.7(b)(3) will be furnished as required to HQ USAF/DPXX/JACM. The reports will be submitted by electrical message in the format of § 888g.13. During periods when MINIMIZE is imposed, commanders will consider the severity of the activity in approving electrical transmission.

§ 888g.10 Guidelines for making determinations.

This part requires that certain determinations be made on the basis of facts that exist at particular installations. The guidelines for making these determinations are:

(a) A person or organization poses a clear danger to the discipline, loyalty, or obedience to lawful orders when the person or organization, or any person on behalf of the organization, engages in, solicits, or aids and abets any act prohibited by this part, or violates or conspires to violate 18 U.S.C. 1382, or solicits or aids and abets a violation of Articles 82, 85, 86, 87, 89, 90, 91, 92, 94, 108, 109, 115, 116, 117 or 128 of the Uniform Code of Military Justice. In making this determination, the history and operations of the organization (including the constitution and bylaws, if any) or person in question may be evaluated along with evidence with respect to the conduct constituting a prohibited act. In addition, there must be sufficient evidence to support a conclusion that the person or organization is substantially likely to engage in a prohibited act.

(b) In determining whether commission of a prohibited act by individual members of an organization can be attributed to that organization, examples of factors which should be considered include: the frequency of such act; the position in the organization of persons committing such act; whether the commission of such act was known by the leadership of the organization; and whether the commission of such act was condemned or disavowed by the leadership of the organization.

(c) In determining whether individual contact or posting for public display of any poster, handbill, or other writing constitutes or includes an invitation to collectively engage in an act prohibited by this regulation, specific language of the conversation or written material will be considered. In the case of individual conversations, determinations will be sensitive to protection of First Amendment rights of free speech.

(d) In making the decision that a military member of the Air Force is an "active" member of the organization in question, membership must be more than merely nominal or passive. Normally a person can be considered an active member if he or she engages in certain kinds of conduct for the organization. This conduct includes solicitation or collection of dues, membership recruitment, distribution of lit-

erature, service as an officer of the organization, or frequent attendance at meetings or activities of the organization.

(e) In deciding that a military member knows about the prohibited conduct engaged in by the organization, such knowledge may be inferred if the notice specified in § 888g.7(b)(4) has been properly posted.

(f) In deciding that a military member intends to promote the prohibited conduct engaged in by the organization, his or her conduct and/or participation in the organizational activities which constitute active membership will be considered.

§ 888g.11 Air Force installations where provisions of this part have been invoked by the Secretary of the Air Force. [Reserved]

§ 888g.12 Organizations determined by the Secretary of the Air Force to present a clear danger to Air Force discipline, loyalty or obedience to lawful orders. [Reserved]

§ 888g.13 Reporting format.

Priority Message

To: Intermediate Commanders and Majcom.
Info: HQ USAF/DPXX/JACM.
Subject: Military Union Incident, RCS HAF-DPX(AR) 7701.

A. Name of installation.

B. Type of incident (request or attempt for negotiation or collective bargaining, strike or other concerted action, solicitation or request for recruitment, distribution of literature, active membership, or other prohibited activity).

C. Name(s) of individual(s) or organization.

D. Narrative statement of incident.

E. Brief summary of constitution, bylaws, statement of purpose submitted by the individual or organization, or other information and the source to provide sufficient data for SECAF determination.

F. Summary of commander's action.

Note 1: Information and data gathered on persons or organizations not affiliated with the Department of Defense will be in accordance with AFR 124-13.

Note 2: During periods when minimize is imposed, commanders will consider the severity of the activity before approving electrical transmission.

§ 888g.14 Situational guidance for commanders.

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RULES AND REGULATIONS

RULE	A	B	C	D
	If the incident concerns	and	then the installation commander	and
1	an individual or organization that claims to represent military members of the Air Force	the purpose is for negotiation or collective bargaining over terms or conditions of military service	advises the individual or organization that he or she is prohibited from negotiating or collectively bargaining over terms or conditions of military service	reports the incident IAW § 888g.13.
2	an individual or organization that requests permission to negotiate or collectively bargain on behalf of military members of the Air Force			denies the request and reports the incident IAW § 888g.13.
3	an individual or organization that attempts to negotiate or collectively bargain on behalf of military members of the Air Force			reports the incident IAW § 888g.13.
4	an organization that claims to represent military members of the Air Force threatens a strike, slowdown, work stoppage or other collective job-related action, or picket			
5	an organization that claims to represent military members of the Air Force engages in a strike, slowdown, work stoppage or other collective job-related action, or picket	the organization and military members have been advised that such activity by military personnel is prohibited	takes necessary action to return to normal operation	takes disciplinary action, when appropriate, against military members of the Air Force who engaged in prohibited activity, and reports incident IAW § 888g.13.
6	an individual or organization that pickets for the purpose of causing or coercing military members of the Air Force to engage in a strike, slowdown, work stoppage or other collective job-related action		takes necessary action to stop such activity on base	
7	an individual or organization that requests permission to conduct a demonstration, meeting or protest, or engage in speech-making, picketing or leafleting, or other such activity		denies the individual or organization access to the base and/or denies permission to conduct such activities	reports the incident IAW § 888g.13.
8		the organization proposes or holds itself out as proposing to engage in negotiation or collective bargaining on behalf of military members of the Air Force		

RULES AND REGULATIONS

RULE	A	B	C	D
	If the incident concerns	and	then the installation commander	and
9	an individual or organization that attempts to recruit military members of the Air Force on base for any organization	permission has not been requested	directs individuals or organizations to cease and desist and removes violators from the base	reports the incident IAW § 888g.13.
10		permission was previously requested but denied		takes disciplinary action, when appropriate, and reports incident IAW § 888g.13.
11	an individual or organization that conducts recruiting of military personnel for any organization and the method is by such techniques as individual contacts or posting of any poster, handbill or other writing for public display	such contact or posting constitutes or includes an invitation to engage in negotiation or collective bargaining, or a strike or other concerted action	denies access to the base or removes violators and prohibits further contact, posting or distribution of such material pending determination by SECAF (see note)	reports the incident IAW § 888g.13.
12		SECAF makes determination that the organization poses a clear danger to discipline, loyalty, or obedience to lawful orders	posts the notice required by paragraph 5b(4).	
13	an individual or organization that attempts on-base distribution of literature	permission has not been requested	halts distribution and reviews the literature to determine whether it constitutes a clear danger to discipline, loyalty or morale IAW AFR 35-15.	
14		the commander decides the material does not constitute a clear danger to discipline, loyalty or morale	permits distribution.	
15		the commander decides the material does constitute a clear danger to discipline, loyalty or morale	prohibits further distribution and advises distributor to cease and desist	reports the incident IAW § 888g.13.
16		permission to distribute was previously denied	halts further distribution, confiscates available literature, and removes violators from the base	
17	an individual or organization that distributes literature soliciting membership or promoting an organization which purports or proposes to represent military members in negotiation or collective bargaining	distribution is through the US Mail	takes no action	

A	B	C	D
16	a military member who asks about the legality of joining a union or other organization	advises member active membership is prohibited in organizations that violate AFR 30-24 when the member knows the organization engages in prohibited conduct and the member intends to promote such conduct	further advises member that it is permissible to belong to an organization which engages in representational activities with respect to terms or conditions of off-duty employment.
19	a military member who joins a labor organization for representation not related to off-duty employment	SECAF has not made a determination that the organization presents a clear danger to discipline, loyalty or obedience to lawful orders	gathers information on subject organization IAW AFR 124-13
20		SECAF has made determination that the organization poses a clear danger and enters it on atch 3	posts notice IAW § 888g. 7 (b) (4).
21		SECAF has made determination and Commander decides member knows determination has been made and is active participant in the organization's activities	takes disciplinary or administrative action, when appropriate.
22	a military member who already belongs to a labor organization for representation not related to off-duty employment	SECAF has not made a determination that the organization presents a clear danger to discipline, loyalty or obedience to lawful orders	gathers information on subject organization IAW AFR 124-13
23		SECAF has made determination that the organization poses a clear danger and enters it on atch 3	posts notice IAW § 888g. 7 (b) (4).
24		SECAF has made determination and Commander decides member knows determination has been made and is active participant in the organization's activities	takes disciplinary or administrative action, when appropriate.

NOTE: SECAF will make determination whether such individual or organization presents a clear danger to discipline, loyalty, or obedience to lawful orders of the Air Force. When SECAF makes affirmative determination and enters it on § 888g. 12, installation commander posts notice IAW § 888g. 7 (b) (4).

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 70-2868 Filed 2-2-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to announce the approval, with exceptions, of a revision to the Ohio State Implementation Plan which was submitted by the Governor of Ohio pursuant to section 110 of the Clean Air Act. The revision provides an enforceable strategy for the control of open burning.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION, CONTACT:

John A. Chicca, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2205.

SUPPLEMENTARY INFORMATION: On May 30, 1974, the Governor of Ohio submitted a set of regulations EP-12 -01 through -06, inclusive, to the Regional Administrator of the Environmental Protection Agency (EPA) for approval as revisions to the Ohio State Implementation Plan (SIP). These regulations were adopted by the State following public hearing in accordance with 40 CFR 51.4. The 1974 regulations rescinded the originally approved regulation AP-3-08 (39 FR 13539) which prohibited open burning for refuse disposal and salvage operations. These regulations were not acted on. On August 10, 1976, the Governor of Ohio submitted revised regulations EP-12 -01, -03, and -04, and specifically rescinded EP-12-06, to the Regional Administrator for approval as revisions to the Ohio SIP. These revised regulations were adopted by the State following public hearing in accordance with 40 CFR 51.4. These regulations were proposed in the FEDERAL REGISTER, Vol. 42, No. 88 on May 6, 1977. Any public comments submitted on or before June 6, 1977, were considered. Since the regulations became effective on June 21, 1976, in Ohio, an immediate effective date is appropriate.

In response to the May 6, 1977, FEDERAL REGISTER notice, EPA received only one comment. This was from Ohio EPA in response to our request for further clarification of EP-12-03(D)(1) and EP-12-04(D)(1) which allows open burning of hazardous or toxic materials where Ohio EPA determines that there is no practical alternate method of disposal. Upon review, it was determined that this section of the proposed revision be disapproved as part of the State Implementation Plan, particularly since Subtitle C, section 3004 of the "Resource Conservation and Recovery Act of 1976" calls for the U.S. Environmental Protection Agency to promulgate specific regulations by April 21, 1978, which will establish standards of performance for incinerators which will handle the treatment, storage and disposal of hazardous wastes. However, the remaining portion of the submitted regulations broadens the scope of the previous regulations and increases the stringency in restricted areas. After review of all relevant materials, the Administrator has determined that the proposed revision, with the above stated exceptions, is consistent with current EPA policies and goals set forth in the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act, as amended by the 1977 Amendments, and EPA regulations in 40 CFR Part 51 in that the proposed revision will not interfere with any applicable ambient air quality standards. Therefore, the Administrator is approving this proposed Ohio revision with the noted exceptions.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart kk—Ohio

1. Section 52.1870 is amended by adding a new paragraph (c)(12):

§ 52.1870 Identification of plan.

(c)...

(12) The Governor of Ohio submitted on May 30, 1974 and August 10, 1976, revisions to the Ohio Implementation Plan for the control of open burning.

2. Section 52.1880 is amended by adding a new paragraph (b) as follows:

§ 52.1880 Control strategy: Particulate matter.

(b) Ohio Regulation EP-12 (open burning) is disapproved insofar as EP-12-03(D)(1) and EP-12-04(D)(1) allow open burning of hazardous or toxic materials.

Dated: January 30, 1978.

DOUGLAS M. COSTLE,
Administrator.
[FR Doc. 78-2944 Filed 2-2-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20337; RM-2296]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Baxley, Sandersville and Sparta, Ga.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action herein assigns a class C FM channel to Baxley, Ga., as that community's first local full-time aural broadcast service. The channel would also furnish first and second FM as well as first and second nighttime aural service to By and the surrounding area.

EFFECTIVE DATE: March 17, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 30, 1978.

Released: February 2, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Baxley, Sandersville and Sparta, Ga.), Docket No. 20337, RM-2296.

(1) The Commission has before it (1) a Memorandum Opinion and Order and Further Notice of Proposed Rule Making denying a proposal by WHAB Radio, Inc. ("WHAB") to assign class C Channel 233 to Baxley, Ga., and proposing in its stead to assign Channel 240A, and (2) a Memorandum Opinion and Order and Order to Show Cause reversing the Commission's denial of the assignment of Channel 233 to Baxley, and reinstating WHAB's original class C proposal. In the latter document, Station WSNT-FM (Channel 232A), Sandersville, Ga., was ordered to show cause why it should not operate on Channel 228A in lieu of Channel 232A in the event Channel 233 was assigned to Baxley. Assignment of Channel 233 to Baxley also requires the substitution of Channel 244A for the unoccupied Channel 228A at Sparta, Ga.¹

¹ 42 FR 25342, adopted May 10, 1977.
² 42 FR 47568, adopted September 7, 1977.
³ The transmitter site for Channel 244A at Sparta would have to be located approximately 1.9 kilometers (1.2 miles) northeast of the community.

(2) Although the Commission agreed in the initial stages of this proceeding to explore the possibility of making a class C assignment, it pointed out that such a proposal was contrary to the Commission's usual policy of assigning a class A rather than a class C channel to a small community like Baxley. Consequently, the first Notice of Proposed Rule Making⁴ requested additional information from WHAB to justify a class C assignment. In response, WHAB contended that since no class A channels were available to assign to Baxley, a first local radio service could only be provided through the use of a class C channel. However, as a result of changes in the assignments made in other communities in another rule-making proceeding, a class A channel became available. With this in mind, WHAB's request for Channel 233 was denied, and the Further Notice proposed the assignment of Channel 240A instead.

(3) WHAB then requested in its comments that its original proposal of assigning Channel 233 to Baxley be reinstated on the grounds that special circumstances did exist which would make a class C channel a preferable assignment. WHAB submitted a *Roanoke Rapids-Anamosa*⁵ study which showed that a class C station would provide a first FM service and first aural service at night to 2,507 persons in an area of 430 square kilometers (165 square miles), and second such services to 23,843 persons in an area of 1,300 square kilometers (490 square miles), which a class A station would not provide. The preclusionary effect of the proposed assignment would not be an impediment since there are no communities with a population greater than 1,000 in the precluded areas. On the basis of this information, the Commission believed that the matter warranted further consideration. It therefore reversed its earlier decision and reinstated the original proposal of assigning Channel 233 to Baxley. In addition, an Order to Show Cause was issued to Station WSNT-FM for modification of its license in the event that, after consideration, the Channel 233 alternative was adopted for Baxley. To accommodate the Channel 233 proposal, the Sandersville station would have to move to Channel 228A.

(4) Radio Station WSNT, Inc. ("WSNT"), licensee of Station WSNT-FM (Channel 232A), Sandersville, Ga., filed comments in response to the Order to Show Cause. It stated that it would not request a hearing on the proposed modification of its license provided the following conditions were met:

⁴40 FR 4939, adopted January 21, 1975.
⁵*Roanoke Rapids, N.C.*, 9 FCC 2d 672 (1967), and *Anamosa, Iowa*, 46 FCC 2d 520 (1974).

(a) That subsequent to the construction of the class C facility and prior to obtaining operating authority, the permittee will reimburse WSNT for its expenses incurred in the modification of its license;

(b) That if additional engineering reports must be filed with the Commission in connection with the modification of its license, this expense (legal and engineering) will be borne by the class C permittee; and

(c) That WSNT would not be required to change its station's facilities prior to construction of the class C facility and the modification of WSNT's license would not be made effective until the class C station in Baxley is prepared to go on the air.

(5) It is the Commission's policy to allow and provide for reimbursement for the reasonable costs involved in the change of a station's channel assignment from the ultimately benefitting party. The equitable consideration dictates that WSNT should be reimbursed for such costs by WHAB, or other party, who may be granted a construction permit for the new Baxley FM assignment. WSNT has submitted a list of estimated expenses (engineering, advertising, printing and miscellaneous) for which it seeks reimbursement. Generally, the items mentioned (including (b) above) appear appropriate for reimbursement, though not necessarily in the amounts claimed. As we have regularly noted, this is a matter for negotiation between the parties involved. Assisted by the guidelines furnished in other similar cases, such as *Circleville, Ohio*, 8 FCC 2d 159 (1967), the appropriate costs making up the "reasonable" reimbursement figure are generally left to the good faith judgment of the parties eventually involved, subject to Commission approval in the event of a disagreement.

(6) WSNT also has requested that, if it is required to change over to operation on Channel 228A, the modification of its license be withheld until the class C station in Baxley is prepared to go on the air. The change in the assignment adopted herein will be made effective on the date specified below and the license of Station WSNT-FM will be modified accordingly. However, the station may continue to operate under its presently outstanding authorization on Channel 232A until the Baxley permittee is ready to operate on Channel 233, or it may effect the change at any time prior thereto if it should so desire.

(7) In view of the showing made by WHAB that first and second FM service as well as first and second nighttime aural service would be provided by a class C FM assignment as well as providing for a first full-time local broadcast service in Baxley, the Commission believes it would be in the

public interest to modify the license of the Sandersville station so that Channel 233 can be assigned to Baxley, Ga., and we make that assignment here.⁶

(8) Accordingly, pursuant to authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended: *It is ordered*, That effective March 17, 1978, the FM Table of Assignments (§ 73.202(b) of the Commission's rules) is amended with respect to the following communities:

City	Channel No
Baxley, Ga.	233
Sandersville, Ga.	228A
Sparta, Ga.	244A

(9) *It is further ordered*, That effective March 17, 1978, pursuant to section 316 of the Communications Act of 1934, as amended, the outstanding license held by Radio Station WSNT, Inc., for Station WSNT-FM, Sandersville, Ga., is modified to specify operation on Channel 228A in lieu of Channel 232A subject to the following conditions:

(a) The licensee shall inform the Commission in writing no later than the effective date herein of its acceptance of this modification.

(b) The licensee shall submit to the Commission by March 17, 1978, all necessary information complying with the applicable technical rules for modification of authorization to cover the operation of Station WSNT-FM on Channel 228A at Sandersville, Ga.

(c) The Commission will notify the licensee when a construction permit has been granted for the use of Channel 233 at Baxley, Ga. The licensee may continue to operate on Channel 232A under its outstanding authorization until the Baxley permittee is ready to operate on Channel 233 or it may effect the change to Channel 228A at any time prior thereto if it should so desire. Ten days prior to commencing operation on Channel 228A, the licensee shall submit the measurement data normally required in an application for an FM broadcast station license.

(d) The licensee shall not commence operation on Channel 228A until the Commission specifically authorizes it to do so.

(10) *It is further ordered*, That the Secretary of the Commission shall send a copy of this Report and Order by certified mail, return receipt requested, to Radio Station WSNT, Inc., Box 150 Sandersville, Ga. 31082, licensee of Station WSNT-FM, Sandersville, Ga.

(11) *It is further ordered*, That this proceeding is terminated.

⁶As noted, the vacant assignment at Sparta, Ga., also must be changed.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3019 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21460; RM-2913]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Burlington, Colo.;
Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a class C FM channel to Burlington, Colo., as that community's first FM channel. The assignment would provide for a station which could furnish a first local full-time broadcast service to the community in addition to providing service to people residing in sparsely populated areas.

EFFECTIVE DATE: March 17, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING
TERMINATED

Adopted: January 30, 1978.

Released: January 31, 1978.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Burlington, Colo.), Docket No. 21460, RM-2913.

1. The Commission herein considers the Notice of Proposed Rulemaking, adopted November 1, 1977, 42 FR 58187, in the above-captioned proceeding, instituted in response to a petition filed by KNAB, Inc. (petitioner), licensee of daytime-only Station KNAB, Burlington, Colo. The petition proposed the assignment of class C FM Channel 281 to Burlington, Colo. No oppositions were filed to the petition. Supporting comments were filed by petitioner in which it reaffirmed its intention to file an application for a construction permit to build a station, if the channel is assigned.

2. Burlington (pop. 2,828), seat of Kit Carson County (pop. 7,530),¹ is located approximately 240 kilometers (150 miles) east of Denver, Colo. Burlington is presently served by daytime-only AM Station KNAB, which is licensed to petitioner.

¹Population figures are taken from the 1970 U.S. Census.

3. Petitioner states that Burlington's population has increased 35 percent during the period between 1960-70. It notes that the community is the principal economic center of Kit Carson county. In support of its proposal, petitioner submitted information with respect to the need for a class C FM assignment in Burlington, to serve the large rural area a class A station could not reach.

4. Channel 281 can be assigned to Burlington, Colo., in conformity with the minimum distance separation requirements. The effect would be to preclude some otherwise possible assignments in 30 communities with populations greater than 1,000, 20² of which have no FM assignments or FM stations. However, petitioner has shown that class A channels are available for assignment to these communities.

5. Petitioner submitted a Roanoke Rapids, N.C., 9 FCC 2d 672 (1967), and Anamosa-Iowa City, Iowa, 46 FCC 2d 520 (1974), showing which indicates that a class C station operating with 27 kilowatts and antenna height of 197 meters (350 feet) a.a.t., would provide a first FM service to 2,331 people in an area of 2,450 square kilometers (945 square miles), a second FM service to 5,178 persons in a 2,850 square kilometer (1,098 square miles) area. A second nighttime aural service would be provided to 2,331 persons in an area of 2,450 square kilometers (945 square miles).

6. Ordinarily, a class A channel would be assigned to a community the size of Burlington. However, Channel 281 would provide for an FM station which could render significant first and second FM service as well as second nighttime aural service to sparsely populated areas. In light of this and since Burlington and Kit Carson county would receive its first full-time local aural broadcast service, we believe the public interest would be served by assigning Channel 281 to Burlington, Colo.

7. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

8. In light of the foregoing: *It is ordered*, That effective March 17, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is

²Colorado: Wray (pop. 1,953); Limon (1,814); Akron (1,775); Brush (3,377); Las Animas (3,148); Holyoke (1,640); Kansas: St. Francis (1,725); Tribune (1,013); Sharon Springs (1,012); Atwood (1,653); Oakley (2,327); Syracuse (1,720); Leoti (1,916); Nebraska: Benkelman (1,349); Imperial (1,589); Cambridge (1,145); Cozad (4,219); Gothenburg (3,154); Curtis (1,166); Grant (1,099).
Brush, Colo., and Cozad, Nebr., have AM stations.

amended with respect to the community listed below:

City and Channel No.

Burlington, Colo., 281.

9. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3022 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21458; RM-2951]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Falls City, Nebr.;
Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a first FM channel to Falls City, Nebr. The channel would provide for a first FM service and a second local aural broadcast outlet in Falls City.

EFFECTIVE DATE: March 17, 1978.

ADDRESS: Federal Communication Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING
TERMINATED

Adopted: January 30, 1978.

Released: January 31, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Falls City, Nebr.): Docket No. 21458, RM-2951.

1. On November 1, 1977, the Commission adopted a Notice of Proposed Rule Making, 42 FR 58188, proposing the assignment of Channel 237A to Falls City, Nebr., as that community's first FM assignment, at the request of Southeast Nebraska Broadcasting Company, Inc. (petitioner). Petitioner filed supporting comments reaffirming its intention to apply for a construction permit for a station to operate on Channel 237A, if assigned. No oppositions to the proposal were received.

2. Falls City (pop. 5,861), seat of Richardson County (pop. 12,277)¹ is

¹Population figures are taken from the 1970 U.S. Census.

RULES AND REGULATIONS

located approximately 137 kilometers (85 miles) south of Omaha, Nebr. Falls City presently receives local broadcast service from full-time AM station KTNC.

3. Petitioner states that Falls City's economic base is agriculture and industry, with several major manufacturing companies in or near Falls City producing such products as horse trailers, grain drying equipment, steel bins, etc. It asserts that industrial and other business development has and will continue to spur a growth in population. Petitioner has submitted sufficient information regarding social, governmental and economic factors which demonstrate Falls City's need for an FM channel assignment.

4. Upon careful consideration of the proposal herein, the Commission believes it would be in the public interest to assign Channel 237A to Falls City, Nebr. A demand has been shown for its use and it would provide the community with a first FM assignment in addition to a second local nighttime aural service. An FM station here would provide nighttime broadcast service to a larger area around Falls City which the local class IV AM station is unable to serve.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. In light of the foregoing: *It is ordered*, That effective March 17, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended with respect to the community listed below:

City and Channel No.

Falls City, Nebr., 237A.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3024 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21428; RM-2883]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Kearney, Nebr.;
Changes made in Table of Assignments

AGENCY: Federal Communication
Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a class C FM channel to Kearney, Nebr., as a second class C assign-

ment, and deletes an unoccupied and unapplied for class A assignment. The class C channel would provide for a station which could render substantial first and secondvice.

EFFECTIVE DATE: March 16, 1978.

ADDRESS: Federal Communications
Commission, Washington, D.C.

FOR FURTHER INFORMATION
CONTACT:

Mildred B. Nesterak, Broadcast
Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING
TERMINATED

Adopted: January 25, 1978.

Release: January 30, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Kearney, Nebr.), Docket No. 21428, RM-2883.

1. The Commission herein considers the Notice of Proposed Rulemaking, adopted October 26, 1977, 42 FR 57976, proposing the assignment of class C FM Channel 290 to Kearney, Nebr., and the deletion of Channel 272A. The Notice was issued in response to a request filed on behalf of Central Nebraska Broadcasting, Inc. (petitioner), licensee of AM Station KGFW (class IV), Kearney, Nebr. There were no oppositions filed to the proposal. Supporting comments were filed by petitioner in which it reaffirmed its intention to file an application for the channel, if assigned.

2. Kearney (pop. 19,181), seat of Buffalo county (pop. 31,222), is located in south central Nebraska, approximately 64 kilometers (40 miles) southwest of Grand Island, Nebr. It is served by daytime-only AM station KRNY, full-time AM station KGFW (licensed to petitioner), and station KRNY-FM (Channel 255).

3. Petitioner states that Kearney has had a rapid growth in the last 10-20 years with its population increasing 21 percent between 1960-1970. It notes that although Kearney is basically an agricultural community, it has attracted substantial industry over the years, and that the county's work force now numbers 16,020 persons. Petitioner has furnished sufficient information regarding social, governmental and economic factors which indicate its need for a second class C channel.

4. Channel 290 can be assigned to Kearney, Nebr., in conformity with the minimum distance separation requirements. Although 15 communi-

*Population figures are taken from the 1970 U.S. Census.

ties, which have populations greater than 2,000 and no local aural broadcast service, would be precluded as a result of the proposed assignment, alternate channels are available for assignment to these communities should the need arise. Petitioner's engineering analysis, using Roanoke Rapids, N.C., 9 FCC 2d 672 (1967), and Anamosa-Iowa City, Iowa, 46 FCC 2d 520 (1974), criteria, indicates that, if Channel 290 were assigned, an FM station operating with 100 kilowatts at 305 meters (1,000 feet) HAAT would provide a first FM service to 8,585 persons in an area of 1,549 square kilometers (597 square miles) and a second FM service to 33,646 persons in an area of 4,033 square kilometers (1,550 square miles). It would also provide a first nighttime aural service to 6,181 persons in a 1,055 square kilometers (400 square miles) area and a second nighttime aural service to 11,100 persons in a 3,471 square kilometers (1,350 square miles) area.

5. The proposed Channel 290 assignment would provide for an FM station which could render significant first and second FM as well as first and second nighttime aural service to substantial areas and populations. It would also provide a growing community an opportunity to develop a second local FM broadcast service. In light of this and since it has been shown that there are alternate channels available for assignment to the communities without local aural broadcast service located in the precluded area, we believe the public interest would be served by the proposed assignment. Since there appears to be no interest in the existing class A assignment, we will delete it, thus ending the intermixture of channels in Kearney, a step which would allow the channel to be utilized elsewhere.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

7. In view of the foregoing, *It is ordered*, That effective March 16, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, as regards Kearney, Nebr., is amended as follows:

City and Channel Nos.

Kearney, Nebr., 255, 290.

8. *It is further ordered*, That this proceeding is terminated.

*Nebraska: Orleans (pop. 2,439); Red Cloud (2,195); St. Paul (2,028); Minden (2,669); Gothenburg (3,154); Central City (2,813); Kansas: Hill City (2,071); Ellis (2,137); Wakeeney (2,334); Ellsworth (2,080); Smith Center (2,389); Oberlin (2,291); Horton (3,677); Plainville (2,667); Beloit (4,121).

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3023 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21461; RM-2950]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Warsaw, Mo.; Changes
Made in Table of Assignments

AGENCY: Federal Communications
Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a first class A FM channel to Warsaw, Mo. The channel would provide for a station that could render a first full-time aural broadcast service to the community.

EFFECTIVE DATE: March 16, 1978.

ADDRESSES: Federal Commu-
nications Commission, Washington, D.C.
20554.

FOR FURTHER INFORMATION
CONTACT:

Mildred B. Nesterak, Broadcast
Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING
TERMINATED

Adopted: January 25, 1978.

Released: January 31, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Warsaw, Mo.), Docket No. 21461, RM-2950.

1. On November 1, 1977, the Commission adopted a Notice of Proposed Rule Making, 42 FR 58768, proposing the assignment of Channel 249A to Warsaw, Mo., as its first FM assignment, at the request of Valkyrie Broadcasting, Inc. (petitioner). Petitioner filed supporting comments reaffirming its intention to file promptly for a construction permit, if the channel is assigned. No oppositions to the proposal were received.

2. Warsaw (pop. 1,423), seat of Benton county (pop. 9,695), is located approximately 53 kilometers (33 miles) south of Sedalia, Mo. There is no local aural broadcast service in Warsaw.

3. Petitioner states that there has been a 25.9 percent increase in the population of Warsaw between 1960-1970, and that Benton county's population has increased 11 percent during the same period. We are told that Benton county has a combination of industry, agriculture and other businesses. Petitioner has submitted infor-

*Population figures are taken from the 1970 U.S. Census.

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mation with respect to Warsaw and its need for a first FM channel assignment.

4. Upon careful consideration of the proposal, the Commission believes it would be in the public interest to assign FM Channel 249A to Warsaw, Mo. An interest has been shown for its use, and the assignment would provide for an FM station which could render a first local aural broadcast service to the community. The assignment can be made in conformity with the minimum distance separation requirements.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. In view of the foregoing, *It is ordered*, That effective March 16, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, as regards Warsaw, Mo., is amended as follows:

City and Channel No.

Warsaw, Mo., 249A.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3025 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21425; RM-2942]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Chatom, Ala.; Changes
Made in Table of Assignments

AGENCY: Federal Communications
Commission.

ACTION: Report and Order.

SUMMARY: Action herein assigns a class A FM channel to Chatom, Ala., as that community's first FM assignment. The channel will provide for a station which can render a first local aural broadcast service to Chatom.

EFFECTIVE DATE: March 16, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION
CONTACT:

Mildred B. Nesterak, Broadcast
Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING
TERMINATED

Adopted: January 25, 1978.

Released: January 31, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Chatom, Ala.), Docket No. 21425, RM-2942.

1. The Commission has under consideration a Notice of Proposed Rule Making, adopted October 25, 1977, 42 FR 57975, proposing the assignment of Channel 276A to Chatom, Ala., as a first FM assignment to that community. The Notice was issued in response to a petition filed by Washington County Broadcasters (petitioner). Petitioner filed supporting comments reaffirming its continuing interest and stating it will immediately apply for the channel, if assigned. No oppositions to the proposal were filed.

2. Chatom (pop. 1,059), seat of Washington county (pop. 16,241), is located approximately 84 kilometers (52 miles) north of Mobile, Ala. There is no local aural broadcast service in Chatom.

3. In support of its proposal, petitioner has submitted sufficient information with respect to Chatom and its need for a first FM channel assignment. Therefore, the Commission believes it would be in the public interest to assign Channel 276A to Chatom, Ala. A demand has been shown for its use, and it would provide the community with a first local aural broadcast service. It can be made without affecting any existing assignments and would be consistent with the applicable minimum spacing requirements, provided the transmitter site is located 3.2 kilometers (2 miles) east of the community.

5. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307 (b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. In view of the foregoing, *It is ordered*, That effective March 16, 1978, § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, is amended with respect to the city listed below:

City and Channel No.

Chatom, Ala., 276A.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3026 Filed 2-2-78; 8:45 am]

*Population figures are taken from the 1970 U.S. Census.

[6712-01]

[Docket No. 21429; RM-2940]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Berlin, Md.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first class A FM channel to Berlin, Md. The channel assignment would provide for a station which will furnish a first full-time local aural broadcast servto that community.

EFFECTIVE DATE: March 16, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 25, 1978.

Released: January 31, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Berlin, Md.), Docket No. 21429, RM-2940.

1. The Commission has under consideration its Notice of Proposed Rule Making, adopted October 26, 1977, 42 FR 57696, inviting comments on a proposal to assign channel 280A to Berlin, Md., as a first FM assignment to that community. Supporting comments were filed by petitioner, Musleradio, Inc. No oppositions were received.

2. Berlin (pop. 1,942), in Worcester County (pop. 24, 442), is located on Maryland's Eastern Shore, approximately 13 kilometers (8 miles) west of Ocean City, Md. Berlin has no local aural broadcast service. The proposed assignment can be made in conformance with the minimum distance separation requirements. Petitioner states that, if channel 280A is assigned to Berlin, it intends to apply for its use.

3. In support of its proposal, petitioner submitted information with respect to Berlin, and its need for a first local aural broadcast service. Petitioner asserts that Berlin has no local newspaper and is therefore in need of an outlet for local expression.

4. We believe that the public interest would be served by the assignment of

¹Population figures are taken from the 1970 U.S. Census.

channel 280A to Berlin, Md. A demand has been shown for its use and such an assignment would provide the community with a first full-time local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. Accordingly, it is ordered, That effective March 16, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended as it pertains to the community listed below:

City and Channel No.
Berlin, Md., 280A.

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307).)

FEDERAL COMMUNICATIONS
COMMISSION.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3029 Filed 2-2-78; 8:45 am]

[6712-01]

PART 78—CABLE TELEVISION RELAY SERVICE

Relaxing Certain Operating Requirements in the Cable Relay Service (CARS)

AGENCY: Federal Communications Commission.

ACTION: Editorial amendment.

SUMMARY: Mobile Cable Television Relay Service (CARS) stations are presently required to always have a first- or second-class radiotelephone operator on duty at the transmitter location. Under the revised rules, such mobile stations may be operated unattended provided certain requirements are satisfied. Also, in other situations, mobile stations may be operated by any person the licensee may designate.

DATES: Effective: February 13, 1978.

ADDRESS: Federal Communications Commission, 2025 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Stephen Yelverton, Chief, Microwave Branch, Cable Television Bureau, Federal Communications Commission, 2025 M Street NW., Washington, D.C. 20554, 202-254-3420.

Adopted: January 26, 1978.

Released: January 26, 1978.

Order. In the matter of: editorial amendment of Part 78 of the Commission's rules to Relax Certain Operating Requirements in the Cable Television Relay Service (CARS).

1. A review of the Cable Television Relay Service (CARS) Rules, as contained in Part 78 of the Commission's Rules and Regulations, has disclosed that certain operating requirements for mobile CARS stations can be properly relaxed.

2. Sections 78.53 and 78.61 of the Commission's Rules require that a first-class or second-class radiotelephone operator be on duty at the location of all mobile CARS stations. Upon review, it appears that these requirements can now be relaxed. In the last several years there have been significant advances in both microwave technology and in the uses of mobile microwave stations. We believe that it is now appropriate to relax our operating requirements so that the public may more fully benefit from these advances. Furthermore, these changes will allow a licensee to utilize its technical personnel more productively and will leave unchanged the licensee's ultimate responsibility for the proper operation of its equipment.

3. Section 78.53 is being amended to permit unattended operation of mobile CARS stations. While generally mobile CARS stations will be operated by a qualified operator, there are situations where an operator does not appear to be necessary. This requirement seems particularly burdensome when a mobile station is used for several consecutive days at one location. Under the amended rules, for example, once the microwave link is established back to the cable television system, the station may be operated unattended provided the requirements for unattended operation are satisfied.

4. Section 78.61 is being amended to permit any person the licensee may designate to operate mobile CARS stations in certain circumstances. Specifically, we are relaxing the operator requirements for low-powered mobile CARS stations and for mobile stations which are, for all practical purposes, operated in response to directions from a person at the receiving end of the microwave circuit. As amended, the rule will more closely align itself with the operator requirements for Television Auxiliary Broadcast Service stations, which are assigned channels in the same frequency band as CARS stations.

5. Authority for the attached amendments is contained in 47 U.S.C. 151, 152, 301, and 307; and in § 0.231(d) of the Commission's rules. Inasmuch as the amendments ordered are non-substantive editorial revisions of the Commission's rules and regulations, impose no new requirements, and are intended only to relax or clarify existing requirements, compliance with the prior notice, procedural and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, would serve no useful purpose and is unnecessary.

6. Accordingly, it is ordered, That effective February 13, 1978, Part 78 of the Commission's rules and regulations is amended as set forth below.

(Secs. 1, 2, 301, 307, 48 Stat., as amended, 1064, 1081, 1083; (47 U.S.C. 151, 152, 301, 307).)

FEDERAL COMMUNICATIONS
COMMISSION.
RICHARD D. LICHTWARDT,
Executive Director.

Part 78 of Chapter I Title 47 of the Code of Federal Regulations is amended in the following manner:

1. In § 78.53, the introductory language of paragraph (a) is amended to read as follows:

§ 78.53 Unattended operation.

(a) A CARS station may be operated unattended: *Provided*, That such operation is conducted in accordance with the conditions listed below: *And provided further*, That the Commission, in Washington, D.C., is notified at least 10 days prior to the beginning of unattended operation if such operation is not indicated on the station authorization.

2. In § 78.61, paragraph (a) is revised and paragraphs (e) and (f) are added.

§ 78.61 Operator requirements.

(a) Except in cases where a CARS station is operated unattended in accordance with § 78.53 or except as provided in other paragraphs of this section, a person holding a valid first- or second-class radiotelephone operator license shall be on duty at the place where the transmitting apparatus is located, in plain view and in actual charge of its operation or at a remote control point established pursuant to the provision of § 78.51, at all times when the station is in operation. Control and monitoring equipment at a remote control point shall be readily accessible and clearly visible to the operator at that position.

(e) CARS stations operating with nominal transmitter power of 250 milliwatts or less may be operated by any person whom the licensee shall designate. Pursuant to this provision, the designated person shall perform as the licensee's agent and proper operation of the station shall remain the licensee's responsibility.

(f) Mobile CARS stations operating with nominal transmitter power in excess of 250 milliwatts may be operated by any person whom the licensee shall designate: *Provided*, That a person holding a valid first- or second-class radiotelephone license is on duty at the receiving end of the circuit to supervise operation and to immediately

ly institute measures sufficient to assure prompt correction of any condition of improper operation that may be observed.

[FR Doc. 78-3020 Filed 2-2-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 3 to Service Order No. 1247]

PART 1033—CAR SERVICE

Bath and Hammondsport Railroad Co. Authorized To Operate Over Tracks of Consolidated Rail Corporation

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 3 to Service Order No. 1247).

SUMMARY: As the designated operator for the State of New York the Bath and Hammondsport Railroad operates the Wayland Branch of the former Erie-Lackawanna Railroad between Kanona, N.Y., and Wayland, N.Y. This line is separated from the Bath and Hammondsport's own line by 3 miles of Consolidated Rail Corporation trackage. Service Order No. 1247 authorizes the Bath and Hammondsport to operate over this Consolidated Rail Corporation trackage in order to transfer locomotives, cars, and crews between its own line and the Wayland Branch. Amendment No. 3 extends Service Order No. 1247 for 6 months.

DATES: Effective 11:59 p.m., January 31, 1978. Expires 11:59 p.m., July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

Service date: January 31, 1978.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 30th day of January, 1978.

Upon further consideration of Service Order No. 1247 (41 FR 29819; 42 FR 6370 and 39389), and good cause appearing therefor:

It is ordered, That:

Service Order No. 1247 is amended by substituting the following paragraph (d) for paragraph (d) thereof:

§ 1033.1247 Car Service Order 1247.

(a) Bath and Hammondsport Railroad Co. authorized to operate over tracks of Consolidated Rail Corporation.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., January 31, 1978.

(49 U.S.C. 1 (10-17).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3047 Filed 2-2-78; 8:45 am]

[7035-01]

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

PART 1241—ANNUAL, SPECIAL OR PERIODIC REPORTS

PART 1249—REPORTS OF MOTOR CARRIERS

PART 1250—REPORTS OF WATER CARRIERS

PART 1251—REPORTS OF FREIGHT FORWARDERS

[No. 36141]

Corporate Disclosure Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has clarified its corporate disclosure regulations. The clarifications were made in response to comment from carriers, and are intended to simplify application of the regulations.

EFFECTIVE DATE: March 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, Section of Rates, or Harvey Gobetz,

Assistant Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, phone 202-275-7693 or 275-7656.

SUPPLEMENTARY INFORMATION: In the first report in this proceeding, 354 ICC 27, 62-64, the Commission adopted corporate disclosure regulations, published at 42 FR p. 35853, July 7, 1977. The regulations require regulated carriers to disclose certain information in the annual reports which are filed with the Interstate Commerce Commission. Certain carrier interests filed petitions for reconsideration, and the Commission clarified the regulations in response to those petitions. The first clarification relates to part IA(4), which will not be interpreted as requiring respondent carriers to submit individual balance sheets and income statements for non-transportation subsidiaries of respondents or for nontransportation organizations controlled by joint ventures involved in by respondents.

The second clarification concerns part II D, which has been amended to read as follows:

A list of contracts, agreements, or other business arrangements aggregating \$50,000 entered into during the reporting period (other than compensation related to position with respondents) between the respondent and each officer and director listed in subparagraph A. Identify the parties, amounts, dates and product or service involved. In addition, provide the same information with respect to professional services for each firm, partnership, or organization with which the officer or director is affiliated.

This amendment is intended to reduce respondents' reporting burden.

Finally, part III was clarified to require that restrictive covenants only be filed once, with subsequent, annual statements to the effect that the restrictive covenants are unchanged. Should a restrictive covenant be amended, copies of the complete document incorporating the changes must be filed.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3045 Filed 2-2-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE,
DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED
WILDLIFE AND PLANTS

Listing of the Mona Boa and Mona Ground
Iguana as Threatened Species with Critical
Habitat

AGENCY: Fish and Wildlife Service,
Interior.

ACTION: Final rule.

SUMMARY: The Service determines the Mona' boa (*Epicrates monensis*

monensis) and Mona ground iguana (*Cyclura stejnegeri*) to be Threatened species. Thitation is being taken because of the threats of habitat modification and the effects of feral mammals on populations of these species, and provides Federal protection for the species and their habitat. The Mona boa and Mona ground iguana are known only from Mona Island, Commonwealth of Puerto Rico.

DATES: This rule becomes effective on March 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director-Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On May 26, 1977, the Service published a proposed rulemaking in the FEDERAL REGISTER (42 FR 27003-27007) advising that sufficient evidence was on file to support a determination that the Mona boa, Mona ground iguana, and Mona blind snake were Threatened species pursuant to the Endangered Species Act of 1973, 16 U.S.C. 1531 et seq. That proposal summarized the factors thought to be contributing to the likelihood that these reptiles could become Endangered within the foreseeable future, specified the prohibitions which would be applicable if such a determination were made, and solicited comments, suggestions, objections and factual information from any interested person. Section 4(b)(1)(A) of the Act requires that the governor of each State or Territory, within which a resident species of wildlife is known to occur, be notified and be provided 90 days to comment before any such species is determined to be a Threatened species or an Endangered species. A letter was sent to Governor Romero of the Commonwealth of Puerto Rico on June 1, 1977, notifying him of the proposed rulemaking for the Mona Island reptiles. On June 9, 1977, a memorandum was sent to the Service Directorate and affected Regional personnel, and letters were sent to other interested parties notifying them of the proposal and soliciting their comments and suggestions.

Official comments were received from Dr. Fred V. Soltero Harrington, Secretary of the Department of Natural Resources, representing the Commonwealth of Puerto Rico. Dr. Soltero emphasized that the estimated numbers of individuals of the proposed species are small and that classifying them as Threatened is a needed step for their survival. However, he indicated that their current status is probably the result of natural predators, rather than man's activities. This is especially true of the iguanas, whose eggs are eaten by wild pigs, wild cats, and rats, according to Dr. Soltero. Dr. Soltero further indicated that by declaring Mona and Monito Islands as Critical habitat, and thus preventing all human activity, the extinction of the proposed species might be hastened instead of avoided. Dr. Soltero then briefly reviewed the draft management plan for Mona which had been submitted to the Atlanta Regional Office of the Fish and Wildlife Service. Although he felt that the three species were in need of protection, the Secretary indicated that designation of Mona would prevent implementation of the Department of Natural Resources' management plan. Finally, Dr. Soltero pointed out that plans for a super port for oil tankers on Mona have now been abandoned so that Mona may be preserved as a natural area.

Section 4(b)(1)(C) of the Act requires that a summary of all comments and recommendations received be published in the FEDERAL REGISTER prior to adding any species to the List of Endangered and Threatened Wildlife and Plants.

In the May 26, 1977, FEDERAL REGISTER proposed rulemaking (42 FR 27003-27007) and associated June 6, 1977, Press Release, all interested parties were invited to submit factual reports or information which might contribute to the formulation of a final rulemaking.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

All public comments received during the period May 26, 1977, to October 27, 1977, were considered.

In addition to the comments received from Secretary Soltero, comments were received from nine individuals and representatives of various organizations.

Thomas A. Wiewandt (Cornell University) submitted a series of comments in response to the proposed rulemaking.

(1) Dr. Wiewandt stated that Mona is no longer under consideration as an oil super port. However, he pointed out that any development alternatives, including public recreation and tourism, could prove similarly devastating to the future of the reptiles if not accompanied by a carefully managed and planned management program. He further stated that unintentional human interference with iguana nesting is now a problem in some areas and can be expected to intensify.

(2) The presence of feral goats is a most important factor in the present or threatened destruction, modification, or curtailment of habitat or range. Goats are uncontrolled on

Mona and have been implicated as a main cause of habitat destruction on many islands in addition to Mona. If uncontrolled, little of Mona's native wildlife will pass unscathed.

(3) Rats are not interacting negatively with and snakes on Mona, although they are quite a problem on Monito. Feral pigs and cats are a threat to both species.

(4) While there are written regulations protecting Mona iguanas, no apparent system for their enforcement exists.

(5) Dr. Wiewandt agreed that the entire island should be designated as Critical Habitat for the three species proposed.

Finally, Dr. Wiewandt enclosed a copy of the conservation and management section of his recently completed doctoral dissertation on the Mona iguana which explores in detail the past and present threats to the habitat and iguana.

John Yntema (Frederiksted, St. Croix) responded to the proposal based on information contained in the Endangered Species Technical Bulletin. Mr. Yntema commented on the taxonomy and distribution of *Epicrates monensis* and supported a Threatened designation for the entire species, "Mona" boas having been also collected historically from St. Thomas and Tortola in the Virgin Islands. Apparently, *Epicrates monensis* has been collected in the Virgin Islands within the last 10 years. Mr. Yntema states that a determination of Critical Habitat on St. Thomas would be difficult since no one knows enough about the localities where boas occur on the island to make such a determination.

Mr. Yntema also commented on the taxonomic status of the Mona ground iguana, noting that some authors prefer to treat the *Cyclura* on Mona as a subspecies of the ground iguana on Hispaniola, *C. cornuta*. He supported a Threatened listing.

Finally, Mr. Yntema commented on the secretive nature of the Mona blind snake and stated that it might qualify as an Endangered species instead of a Threatened species.

F. Wayne King (New York Zoological Society) supported the proposed listing and Critical Habitat for the species on Mona. Dr. King indicated that such a listing would protect the habitat of the species on Mona, but that a program of feral animal control should also be undertaken to guarantee the survival of the boa and iguana.

Juan A. Rivero (University of Puerto Rico-Mayaguez) commented that unless considerable destruction or modification of the habitat occurred or is contemplated, the Mona ground iguana should not be considered Endangered. However, he did support protection locally by the Department of Natural Resources against unscrupulous hunters.

Dr. Rivero also noted the scarcity of the Mona blind snake but doubted that it needed protection. Its secretive habits make it hard to find. Finally, Dr. Rivero noted that the Mona boa is very scarce and may be considered Endangered. He referred to Dr. Wiewandt as being an authority on the Mona species and indicated that he would be able to give a clear picture of the status of Mona animals. Dr. Rivero included the last several pages of his forthcoming book "Amphibians and Reptiles of Puerto Rico" which deals with the status of amphibians and reptiles on Puerto Rico.

Richard Thomas (University of Puerto Rico-Rio Piedras) commented extensively on the blind snake on Mona, its biology, difficulty of capture, and recent specimen acquisitions. He concluded that, short of paving the island, the species should probably not be considered a Threatened species.

Dr. Thomas also noted the taxonomic questions previously mentioned by John Yntema. He indicated that there is evidence the the Mona ground iguana is Threatened. However, he felt that no one really has a clear idea of the populations of boas on Mona and that its status is unknown.

In summary, Dr. Thomas regarded *Typhlops* as not Threatened, the Mona ground iguana as Threatened, and the Mona boa as of unknown status but probably not Threatened.

William A. Butler (Environmental Defense Fund) supported the listing of the three species as Threatened and questioned, in light of impending development, whether an Endangered status might be more appropriate. He supported the proposed Critical Habitat.

Herbert A. Raffaele (San Juan, Puerto Rico) strongly supported the proposed listing of the three Mona reptiles as did James Lazell, Jr. (Massachusetts Audubon Society); neither added any new information.

Finally, T. D. Nicholson (Director, American Museum of Natural History) commented on the status and habits of the Mona blind snake. He suggested that the blind snake not be included in a final rulemaking because, in his opinion, it would make it increasingly difficult, if not impossible, for researchers to study it. No comments were made on the boa or ground iguana.

CONCLUSION

There is a difference of opinion among herpetologists with regard to the taxonomic status of both the boa and iguana. *Epicrates monensis monensis* is clearly the form specified in the proposed rulemaking. As such, this final rulemaking will use the trinomial to designate the Mona boa. Should information be received by the Service which indicates that the boa occurring

in the Virgin Islands, *Epicrates monensis granti*, requires Federal protection, then that information will be assessed and if warranted, a proposed rulemaking to list the subspecies as either Endangered or Threatened will be prepared. At this time, nothing is known about the status of *E. m. granti*. *Cyclura stejnegeri* will be retained to designate the Mona ground iguana based on comments by Dr. Wiewandt. Should scientific acceptance be eventually placed on the trinomial, *Cyclura cornuta stejnegeri*, then the prohibitions contained in this final rulemaking would apply to the form found only on Mona Island.

When the proposal to list the Mona reptiles as Threatened was drafted, there were current plans which called for the development of the island as a super port for oil tankers. As such, rather extensive modification of the island, including much paving, was anticipated. Since the proposal appeared in the FEDERAL REGISTER, the plans for the super port have been dropped, and Mona is being developed as a natural area by the Department of Natural Resources of the Commonwealth of Puerto Rico. As such, there no longer appears to be a threat to the Mona blind snake, since the proposed development will not involve much modification of the subsurface habitat where blind snakes live and increased recreational activity on Mona should have little effect on them. Consequently, the Mona blind snake, *Typhlops monensis*, will not be considered for a final Threatened status.

Although the extensive development expected as a result of super port construction will not now occur, the increased use of the island as a result of its being developed for recreation could have deleterious effects on some of Mona's fauna, especially with regard to nesting activity of the iguanas. Also, feral goats, cats, and pigs still pose serious threats to the Mona ground iguana and Mona' boa.

Although some individuals may believe an Endangered status is more befitting the boa, others think it deserves no protection. Also, the status of the ground iguana is questioned as being either Endangered or not Threatened. Although the threats to the boa and iguana are serious, especially from feral animals and the potential impacts from visitor use, they are not serious enough to place these species in danger of becoming extinct in the foreseeable future (i.e., Endangered). By the same token, unless feral mammal control is undertaken and visitor use controlled, especially during nesting season, these species could become Endangered. Therefore, the Service feels justified in retaining a Threatened status for both iguana and boa.

Recent activities by the Department of Natural Resources, such as the sta-

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tioning of uniformed officers with law enforcement powers on Mona, should provide a positive step toward the protection of the Iguana, already prescribed by law in Puerto Rico. The management plan currently under study by the Department of Natural Resources should go a long way toward the protection and preservation of Mona's unique fauna and flora.

After a thorough review and consideration of all the information available, the Director has determined that the Mona ground iguana and Mona boa are threatened with becoming Endangered throughout all or a significant portion of their range due to one or more of the factors described in Section 4(a) of the Act. This review amplifies and substantiates the description of those factors and are described as follows:

(1) *The present or threatened destruction, modification, or curtailment of its habitat or range.*—Although plans for an extensive super port have now been dropped, Mona is still being considered for recreational development. Unless tightly controlled in terms of areas and times of use, recreation could seriously alter the habitat vital to the Mona boa and Mona ground iguana. This is especially true with regard to the iguana, which nests primarily in areas desirable for their recreation potential and which is extremely sensitive to disturbance while nesting.

(2) *Overutilization for commercial, sporting, scientific, or educational purposes.*—This is probably not a major threat to the Mona reptiles. However, Mona boas and Mona ground iguanas are occasionally shot by hunters who come to the island to hunt the many species of introduced mammals. Protection as Threatened would serve to discourage such activity.

(3) *Disease or predation.*—Predation on the eggs, young, and adults of Mona reptiles by introduced mammals, primarily cats and pigs, have contributed to the scarcity of many species of native Mona animals, including the two species which are the subject of this final rulemaking.

(4) *The inadequacy of existing regulatory mechanisms.*—There are a few existing regulatory measures to protect the Mona ground iguana. No iguanas or their eggs may be killed or collected without a special permit from the Puerto Rico Department of Natural Resources, and public hunting is not allowed during iguana nesting season. There are no specific regulatory measures regarding the Mona boa.

(5) *Other natural or manmade factors affecting its continued existence.*—The presence of goats on Mona is a serious threat to the Mona iguana since they are known to compete with

the iguana in choice of foods, both being vegetarian. In addition, goats, pigs, and man are known to collapse iguana nests thus resulting in destruction of the egg clutch. This can be a serious problem in areas of concentrated nesting.

CRITICAL HABITAT

The Director has considered all comments and data submitted in response to the proposed determination of Critical Habitat for the Mona boa and Mona ground iguana (42 FR 27003-27007).

Based on this review, the Critical Habitat for the Mona boa (*Epicrates monensis monensis*) and Mona ground iguana (*Cyclura stejnegeri*) is determined to include the following area (exclusive of those existing man-made structures or settlements which are not necessary to the normal needs or survival of the species): (1) Mona Island, Commonwealth of Puerto Rico—entire island.

EFFECT OF THE RULEMAKING

Section 7 of the Act provides:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of the Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

The Director has prepared, in consultation with an ad hoc interagency committee, guidelines for Federal agencies for the application of Section 7 of the Act. In addition, proposed provisions for interagency cooperation were published on January 26, 1977, in the FEDERAL REGISTER (42 FR 4868-4875) to assist Federal agencies in complying with Section 7.

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. The regulations referred to above, which pertain to Endangered and Threatened species, are found at §§ 17.21 and 17.31 of Title 50 and are summarized below.

With respect to the Mona boa and Mona ground iguana in Puerto Rico, all prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR Part 17.21, would apply. These prohibitions, in part, would make it illegal

for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce this species. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412), codified in 50 CFR Part 17, provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

EFFECT INTERNATIONALLY

In addition to the protection provided by the Act, the Service will review the Mona boa and Mona ground iguana to determine whether they should be proposed to the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora for placement upon the appropriate Appendix(ices) to that Convention or whether they should be considered under other, appropriate international agreements.

NATIONAL ENVIRONMENTAL POLICY ACT

An environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. It addresses this action as it involves the Mona boa and Mona ground iguana. The assessment is the basis for a decision that this determination is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, 202-343-7814.

AUTHORITY

These amendments are issued under the authority of Sections 4 and 7 of the Endangered Species Act of 1973 (16 U.S.C. 1533, 1536).

REGULATIONS PROMULGATION

Accordingly, § 17.11 of Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. By adding the Mona boa and

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Mona ground iguana to the list, alphabetically, under "Reptiles" as indicated below:

§ 17.11 Endangered and threatened wildlife.

Species		Range					
Common name	Scientific name	Population	Known distribution	Portion	Status	When listed	Special rules
Reptiles							
Boa, Mona	<i>Epicrates monensis monensis</i>	NA	U.S.A. (Puerto Rico; Mona Island).	Entire...	T	33	NA
Iguana, Mona ground...	<i>Cyclura stejnegeri</i>	NA	do.....	do...	T	33	NA

§ 17.95 [Amended]

2. The Service amends § 17.95(c) by adding Critical Habitat of the Mona ground iguana after that of the giant anole as follows:

(c) *Reptiles.*

MONA GROUND IGUANA (*Cyclura stejnegeri*)
Commonwealth of Puerto Rico. Mona Island—entire island.



3. The Service also amends § 17.95(c) by adding Critical Habitat of the Mona boa after that of the Mona ground iguana as follows:

(c) *Reptiles.*

MONA BOA (*Epicrates monensis monensis*)
Commonwealth of Puerto Rico. Mona Island—entire island.



NOTE.—The Service has determined that this document does not contain a major action requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: January 25, 1978.

LYNN A. GREENWALT,
Director, Fish and
Wildlife Service.

(FR Doc 78-2844 Filed 2-2-78; 8:45 am)

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-30]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 225]

SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department is issuing these proposed regulations for the Summer Food Service Program for Children as required in section 13 of the National School Lunch Act, as amended. These proposed regulations deal with the areas of sponsor approval procedures, requirements for participation, food service requirements, food service management companies, and the free meal policy. They supplement interim program regulations issued by the Department effective on February 1, 1978. Together, these proposed regulations and the interim regulations form the basis for the implementation of the Program for the upcoming summer.

DATE: To be assured of consideration, comments must be received on or before February 24, 1978.

ADDRESS: Written comments should be sent to Mr. Henry S. Rodriguez, Acting Director, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. Copies of all written comments received will be available for inspection by the public during normal business hours in room 3300B Auditor's Building, 14th Street and Independence Avenue SW., Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Mr. John M. Heslin, Child Care and Summer Programs Division, Food and Nutrition Service, USDA, Washington, D.C. 20250, 202-447-9072.

SUPPLEMENTARY INFORMATION: The Summer Food Service Program for Children was created by an amendment of section 13 of the National School Lunch Act on October 7, 1975 (Pub. L. 94-105). That amendment provided for a Program of a two-year duration, to operate through the end of fiscal year 1977. With the enactment of Pub. L. 95-166, approved November 10, 1977, the Program has

been extended for an additional three years. The current legislation contains new provisions which provide for stronger administrative controls. Many of these provisions were contained in the Program regulations in effect last summer (42 FR 11811, March 1, 1977); others deal with issues not previously considered in Program legislation or regulations.

Effective February 1, 1978, the Department issued interim regulations covering several specific areas of Program administration and operations (43 FR 4038, January 31, 1978). As stated in the preamble to those regulations, the Department deemed it necessary to address a number of issues in interim rather than proposed regulations, since the actions required therein demand the immediate attention of the Department and States agencies. Because of this fact, it will be noted that, in order to fully evaluate these proposed regulations, it is necessary to examine them in conjunction with the interim regulations (e.g., the definition of terms used in the proposed regulations will be found in the interim).

The following prescribes the proposed changes in Program regulations not previously addressed in interim regulations:

GENERAL PURPOSE AND SCOPE

Previous Program regulations have encouraged the selection of sponsors which are established organizations, experienced in the administration of public service programs, based in the area which they serve and able to provide children with a cultural or recreational activity in addition to a food service. The Department continues to feel that this is an appropriate position since the addition of such organizational characteristics and activities should contribute to the stability of the sponsor's operation and help ensure that children are attracted to and remain with the sponsor's program. Based on the fact that the current law does not stipulate or even allude to these additional sponsor requirements, the Department is removing its reference to them from this section. While the Department still supports the idea of using this type of sponsor in the Program, and encourages State agencies to seek them out, it believes that State agencies may not deny an otherwise eligible sponsor because its program is limited to a food service.

ADMINISTRATION

As provided for in sections 13(i) and 13(n) of the Act, all State agencies must indicate to the Department their intentions either to administer or not to administer the Program by January 1 of each year. Under § 225.18(b), the Department is proposing a notification procedure it will follow any time it finds it necessary to assume the administration of the Program in any State. As proposed, the notification would state the reasons for such action and the State would have 30 days in which to respond. If the State chooses to respond, a final determination and notification would be sent to the State within 30 days of the State's response.

PROCEDURES FOR APPROVAL OF SPONSORS AND SITES

Section 13(a)(4) of the Act sets out a priority system to be used when more than one sponsor proposes to serve children in the same area. The system differs from that found in last year's regulations primarily in that local schools with a history of successful food service operations and former, successful sponsors are to be given prime consideration on an equal basis and, for the first time, specific consideration is to be given to sponsors which integrate the Program with Federal, State, or local employment and training programs. Otherwise eligible applicant sponsors which do not provide a year-round service to the community will still be allowed to participate under the conditions previously established for such sponsors (i.e., when a failure to do so would deny the Program to an eligible area or would result in a significant number of needy children not having reasonable access to the Program). The Department is proposing that these sponsors be limited to 50 sites since they frequently have limited administrative capacity and their participation should be used to "fill the gaps" rather than as a primary source for delivery of food services.

RESPONSIBILITIES OF STATE AGENCIES

Additional mandatory provisions of the contract between sponsors and food service management companies have been proposed. The new provisions include a requirement for food service management companies to have periodic inspections of their preparation facilities, inclusion of food

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specifications and a proposed acknowledgment by food service management companies of their awareness that meals delivered to nonapproved sites or delivered to approved sites outside of the delivery period or which do not meet requirements and specifications would not be paid for.

The interim regulations published January 31, 1978, contain standard audit provisions (§ 225.5(r)). The Department would like comments on amendment of that section in the final regulations which would allow State agencies to use statistical sampling procedures in the performance of audits and the settlement of claims.

REQUIREMENTS FOR PARTICIPATION

The basic sponsor eligibility criteria would be the same as in prior years. For the first time, the Act (section 13(a)(3)) specifically addresses this area, requiring Program sponsors to be those which are demonstrably capable, have not been deficient in prior years, operate a regularly scheduled food service for children or qualify as camps, and provide a year-round service to the community (under the conditions described above). Any sponsor which will earn more than \$50,000 in Program payments would be obliged to provide State agencies with copies of the management letter from its auditor or accountant. Formerly, sponsors were required to submit only letters of engagement with those individuals or firms. The Department believes that State agencies should have the opportunity to see the management letter in order to increase their awareness of the conditions under which the sponsor is operating and should take appropriate action when it appears that a sponsor requires assistance. Required provisions for the agreement between the State agency and sponsors would be increased. The agreement would allow camps to charge children for non-Program meals but the camps would have to serve identical meals to eligible and ineligible children. This would avoid the identification of children eligible for free meals.

Another provision would require each sponsor to issue a free meal policy statement which will be addressed further on. Audits of sponsors earning more than \$50,000 in Program payments could now be conducted by independent State and local government accountants or auditors, as well as by certified public accountants.

FOOD SERVICE REQUIREMENTS

Under Program regulations in effect in prior years, sponsors were allowed to serve supplemental food consisting of: (1) one-half pint of milk or 8 fluid ounces of full-strength fruit or vegetable juice or 1 cup of fruit or vegetable or an equivalent quantity of any combination thereof, and (2) one slice of

whole-grain or enriched bread or an equivalent quantity of other bread or cereal products. The proposed regulations would allow for a choice of two of four components which include: (1) one-half pint of fluid milk, (2) one ounce of meat or meat alternate, (3) eight fluid ounces of full-strength fruit or vegetable juice or one cup of fruit or vegetable, and (4) one slice of bread or an equivalent serving of a bread alternate. The Department feels that this proposed pattern is more beneficial in that it allows for more variety and, with the meat or meat alternate, could enhance the nutrient level of the supplement.

The meal components contained in the proposed regulations are, except for the proposed change above, similar to those found in previous Program regulations and in regulations governing the National School Lunch Program (7 CFR Part 210). The Department has recently proposed (42 FR 45328, September 9, 1977) that the meal pattern for lunches under the National School Lunch Program be revised to reflect the fact that allowable meat alternates, such as one egg and one-half cup of cooked dry beans or peas, are equal to one-half of two ounces of cooked lean meat on a nutritional equivalency basis. The National School Lunch proposal would allow such alternates to meet only one-half of the meat or meat alternate requirement. Because of the relationship between the meal patterns in both this Program and the National School Lunch Program, the Department would like comments on the use in this Program of the School Lunch Program meat alternate proposal.

FOOD SERVICE MANAGEMENT COMPANIES

Additional requirements have been proposed in the administration of this phase of Program operations. As provided for in interim regulations, food service management companies must register with each State in which they wish to operate under the Program. Food service management companies would not be allowed to subcontract for the total meal or for the assembly of the meal (section 13(1)(5) of the Act). State agencies would establish a standard form of contract. Public sponsors, sponsors contracting separately for the management of the Program and those which will earn less than \$10,000 in Program payments could use their existing or usual forms of contract if they get prior State agency approval of the form of contract they intend to use. This provision is proposed to provide for adequate administrative control and, at the same time, give consideration to unique circumstances, e.g., public sponsors frequently have well established, quite specific procurement practices and instruments; small spon-

sors might be unnecessarily burdened by a long, complex contract; and the usual contract for food service management companies does not deal with managing a food service as a separate function. As provided for in the Act (section 13(1)(5)), bids for food service for less than \$75,000 would not have to be accompanied by a bid bond and successful bidders whose bid does not exceed \$75,000 would not have to obtain a performance bond. This provision is intended to assist and encourage otherwise capable small businesses which have been or would be adversely affected by bonding requirements. The referenced section of the Act allows the Department to go as high as \$100,000 in setting this limit. The Department believes that the intent of the provision is best served by using the lower limit in that it would be more closely and more exclusively tied to the capabilities of small and minority-owned businesses. Participation by this type of business has been relatively limited in the past and therefore the Department welcomes any comment which would shed additional light in this area. Bid and performance bonds could be obtained from only those listed companies in the Department of the Treasury Circular 570.

PROCUREMENT PROVISIONS

The proposed procurement provisions are similar to those used last year. These provisions are consistent with those prescribed in the Office of Management and Budget Circulars A-102 and A-110.

FREE MEAL POLICY

The Department feels it is proper to establish a procedure for ensuring that sponsors develop a free meal policy statement. Sponsors which are eligible for reimbursement for all meals served to children would have to develop a policy statement advising that their meals will be served to all children without charge on a nondiscriminatory basis. Sponsors which qualify as camps, which are reimbursed only for meals served to children eligible for free or reduced price school meals and which charge separately for meals, must develop a more detailed statement covering eligibility criteria, collecting from paying children, conducting fair hearings, and avoiding identification of free meal recipients.

COMMENT PERIOD

As noted above, the Department is requiring that comments must be received prior to February 24, 1978, to be assured of consideration. This is a relatively short period of time but the Department believes that it is necessary since the enactment of the law

and the issuance of this proposed regulation occurred later than expected. The Department believes that it is essential to have final regulations and Program materials available as soon as possible in order for State agencies and sponsors to properly prepare for the upcoming summer.

Accordingly, the Department is proposing to adopt the provisions set forth below. "Reserved" sections are those already issued in the interim regulations. Upon expiration of the comment period, final regulations based upon both the interim and the proposed regulations will be published.

PART 225—SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Subpart A—General

- Sec.
225.1 General purpose and scope.
225.2 [Reserved]
225.3 Administration.

Subpart B—State Agency Provisions

- 225.4 Procedures for approval of sponsors and sites.
225.5 Responsibilities of State agencies.
225.6-225.8 [Reserved]

Subpart C—Sponsor Provisions

- 225.9 Requirements for participation.
225.10 Food service requirements.
225.11 Food service management companies.
225.12 Program payments.
225.13 Program payment procedures.
225.14 Claims against sponsors.

Subpart D—Miscellaneous Provisions

- 225.15 Procurement provisions.
225.16 Prohibitions.
225.17 Free meal policy.
225.18 Other provisions.
225.19 Program information.

AUTHORITY: Sec. 2, Pub. L. 95-166, 91 Stat. 1325 (42 U.S.C. 1761); sec. 7, Pub. L. 91-248, 84 Stat. 211 (42 U.S.C. 1759a).

Subpart A—General

§ 225.1 General purpose and scope.

This part announces the policies and prescribes the regulations under which the Secretary will carry out a Summer Food Service Program for Children to assist States through grants-in-aid to initiate, maintain and expand nonprofit food service programs for children during the summer months and at other approved times. The food service to be provided under the Program is similar to that provided under the National School Lunch and School Breakfast Programs and is intended to serve as a substitute for those programs for children who are on school vacation, except that it is primarily directed toward children from needy areas.

§ 225.2 [Reserved]

§ 225.3 Administration.

(b) Within the Department, FNS shall act on behalf of the Department

in the administration of the Program. Within FNS, CCSPD shall be responsible for Program administration.

(b) Within the States, responsibility for the administration of the Program shall be in the State agency, except that FNSRO shall administer the Program in any State where the State agency is not permitted by law or is otherwise unable to disburse Federal funds paid to it under the Program to any sponsor in the State. Each State agency shall notify the Department by each January 1 as to whether or not it intends to administer the Program.

(c) Each State agency desiring to take part in the Program shall enter into a written agreement with the Department for the administration of the Program in the State in accordance with the provisions of this part. Such agreement shall cover the operation of the Program during the period specified therein and may be extended by consent of both parties.

(d) When the Secretary determines that the State is not operating the Program in accordance with the provisions of this part, he shall, through FNSRO, assume the administration of the Program in the State as provided for in § 225.18(b).

(e) FNSRO shall, in the States in which it administers the Program, assume all responsibilities of State agencies set forth in this part.

Subpart B—State Agency Provisions

§ 225.4 Procedures for approval of sponsors and sites.

(a) The State agency shall determine the eligibility of applicant sponsors applying for participation in the Program in accordance with the applicant sponsor eligibility criteria outlined in § 225.9(a).

(b) The State agency shall not approve the application of any applicant sponsor, identifiable through its corporate or other organization or otherwise, as a sponsor which participated in the Program during any previous fiscal year and which was seriously deficient in its Program operations. In the event an applicant sponsor's application is denied, the State agency shall inform such applicant sponsor of the procedure to request a review of the denial. The official making the determination of denial must notify the applicant sponsor in writing stating all of the grounds on which the State agency based the denial. Serious deficiencies, which are grounds for nonapproval include, but are not limited to, any of the following:

- (1) Noncompliance with the applicable bid procedures and contract requirements of Program regulations;
- (2) The submission of false information to the State agency;
- (3) Failure to return to the State agency any start-up or advance pay-

ments which exceeded the amount earned for serving eligible meals, or failure to submit all Claims for Reimbursement in any prior year;

(4) Program violations at a significant proportion of the sites which include, but are not limited to, the following:

- (i) Noncompliance with the between meal time requirements;
- (ii) Failure to maintain adequate records;
- (iii) Failure to adjust meal orders to conform to variations in the number of participating children;
- (iv) The simultaneous service of more than one meal to each child;
- (v) The claiming of Program payments for meals not served to participating children;
- (vi) Service of a significant number of meals which did not include required quantities of all meal components;
- (vii) Excessive instances of off-site meal consumption; and
- (viii) Continued use of food service management companies that are in violation of health codes.

(c) Pending the outcome of a review of a denial of an application for Program participation, the State agency shall proceed to approve other applicants in accordance with its responsibilities under paragraph (h) of this section, without regard to the application under review.

(d) The State agency shall not approve the application of any applicant sponsor which submits fraudulent information of documentation when applying for Program participation or knowingly withholds information which may lead to the disapproval of its application. Complete information regarding the disapproval of an applicant sponsor on the basis of fraudulent submission of information shall be submitted by the State agency to OIG.

(e) The State agency shall develop, in accordance with the requirements of this part and such other guidance as may be furnished by the Department, a site information sheet, on which applicant sponsors shall provide, for each site, information to demonstrate or describe:

- (1) An organized and supervised system for serving meals to attending children;
- (2) The type or types of meals to be served and the times of service;
- (3) Arrangements, within acceptable standards prescribed by the State or local health authorities, for delivery and holding of meals until time of service, and if there are excess meals, arrangements for storing them until they are served;
- (4) Arrangements for food service during periods of inclement weather;
- (5) Access to a means of communication for making adjustments as needed

in the number of meals delivered in accordance with the number of children attending daily at each site;

(6) The geographic area to be served by the site;

(7) The percentage of children served by the site who are eligible for free or reduced price school meals;

(f) The State agency shall when evaluating proposed sites ensure that:

- (1) If not a camp, the proposed site serves an area in which poor economic conditions exist;
- (2) The number of meals, by type, proposed to be served to children at the site does not exceed the number of children residing in the area to be served, or if applicable, the number enrolled; and
- (3) The area which the site proposes to serve is not or will not be served in whole or in part by another site, unless it can be demonstrated to the satisfaction of the State agency that each site will serve children not served by any other site in the area and that the total number of meals, by type, served to children at all sites does not exceed the number of children residing in the area.

(g) The State agency shall not approve any applicant sponsor to operate more than 200 sites or to serve an average daily attendance of more than 50,000 children unless it can demonstrate to the satisfaction of the State agency that it has the capability of managing a program of that size. Applicant sponsors which qualify as camps shall be approved for reimbursement only for meals served free to children enrolled and eligible for free and reduced price school meals.

(h) The State agency shall use the following order of priority in approving sponsors to operate sites which propose to serve the same area or the same enrolled children:

- (1) Applicant sponsors which are public or nonprofit private schools which have demonstrated a successful food service and other applicant sponsors which have demonstrated successful Program performance in a prior year;
- (2) Applicant sponsors which propose to prepare meals at their own facilities or which operate only one site;
- (3) Applicant sponsors which propose to utilize local school food facilities for the preparation of meals, ability for successful Program operations; and
- (4) Applicant sponsors which plan to integrate the Program with Federal, State, or local employment or training programs.

(i) State agencies may approve the application of an otherwise eligible applicant sponsor which does not provide a year-round service to the community which it proposes to serve under the Program only if it is a residential camp, or a sponsor which provides a

food service for the children of migrant workers, or when a failure to do so would deny the Program to an area in which poor economic conditions exist, or if a significant number of needy children will not have reasonable access to the Program: *Provided, however*, That such an applicant sponsor shall not be approved to operate more than 50 sites. State agencies, when approving the applications of such applicant sponsors, shall take particular care to ensure that such applicant sponsors are timely in their Program planning and thoroughly prepared to assume and carry out all Program responsibilities.

§ 225.5 Responsibilities of State agencies.

(a)-(c) [Reserved]

(d) Accounting procedures for sponsors. Each State agency shall establish accounting procedures under which sponsors shall maintain and report the information required in this part. The system shall be such as to permit determination of the operating balances available to sponsors.

(e) *Payment of claims.* A State agency may make full or partial reimbursement upon receipt of a Claim for Reimbursement from a sponsor, but shall first make any necessary adjustments in payments.

(f) *Sponsor and food service management company contract.* Each State agency shall develop a standard form of contract for use by sponsors with food service management companies. The contract shall expressly and without exception provide that:

(1) The sponsor shall provide the food service management company with a list of State agency approved food service sites and shall notify the food service management company of all sites which have been approved or cancelled subsequent to the submission of the initial approved site list. Such notification shall be provided within the time limits mutually agreed upon in the contract;

(2) The food service management company shall maintain such records (supported by invoices, receipts or other evidence) as the sponsor will need to meet its responsibilities under this part, and shall report to the sponsor promptly at the end of each month, at a minimum;

(3) The food service management company shall have State or local health certification for the facility in which it proposes to prepare meals for use in the Program and it shall ensure that health and sanitation requirements are met at all times. In addition, the food service management company shall provide for meals which it prepares to be periodically inspected by the local health department or an independent agency to determine bacteria levels in the meals being served. Such levels shall conform to the stan-

dards which are applied by the local health authority with respect to the level of bacteria which may be present in meals served by other establishments in the locality. Results of such inspections shall be submitted to the sponsor and to the State agency;

(4) The meals served under the contract shall conform to the cycle menus and meal quality standards and food specifications approved by the State agency and upon which the bid was based;

(5) The books and records of the food service management company pertaining to the sponsor's food service operation shall be available for inspection and audit by representatives of the State agency, of the Department, and of the United States General Accounting Office at any reasonable time and place, for a period of 3 years from the date of receipt of final payment under the contract;

(6) The food service management company shall operate in accordance with current Program regulations;

(7) The food service management company shall not be paid for meals which are delivered to non-approved sites or for meals which are delivered to approved sites outside of the agreed upon delivery time, are spoiled or unwholesome at the time of delivery, or do not otherwise meet the meal requirements and meal quality standards and food specifications contained in the contract;

(8) Unitized meals shall be delivered in accordance with a delivery schedule prescribed in the contract;

(9) Increases and decreases in the number of meal orders may be made by the sponsor, as needed, within a prior notice period mutually agreed upon;

(10) All meals served under the Program shall meet the requirements of § 225.10; and

(11) Nonperformance shall subject the food service management company to specified sanctions.

(g) *Advance and start-up payment procedures.* Each State agency shall inform sponsors of the procedure whereby they may apply for advance net Program payments and advance administrative costs payments as provided for in § 225.9(d) and, where applicable, each State agency shall inform sponsors of the procedure whereby they may apply for start-up payments provided for in § 225.9(d).

(h)-(j) [Reserved]

(k) *Plentiful foods.* State agencies shall provide sponsors with information on foods available in plentiful supply, including those so designated by the Department.

(l) *Records and reports.* (1) Each State agency shall maintain current accounting records of its Program operations which will adequately identify funds authorizations, obligations,

unobligated balances, assets, liabilities, income, and expenditures for administrative costs and net Program costs. The records may be kept in their original form or on microfilm, and shall be retained for a period of three years after the date of submission of the final Financial Status Report, except that, if audit findings have not been resolved, the records shall be retained beyond the three-year period as long as required for the resolution of any issues raised by the audit. (2) No later than September 30 of each year, the State agency shall provide the Department with information on the scope of Program operations within the State. (3) Each State agency shall report information on the use of Program funds and on Program operations to FNS on forms provided by FNS, as instructed by FNS.

(m) *Investigations.* Each State agency shall promptly investigate complaints received or irregularities noted in connection with the operation of the Program, and shall take appropriate action to correct any irregularities. State agencies shall maintain on file all evidence relating to such investigations and actions. The Department may make investigations at the request of the State agency, or where the Department determines investigations are appropriate.

(n) *Commodity distribution information.* A list of sponsors which are to receive food commodities, with accompanying information on the average daily number of eligible meals to be served by such sponsors, shall be prepared not later than June 1 of each year by the State agency. Such a list shall contain only the names of sponsors which will prepare the meals to be served at their sites and the names of sponsors which have entered into an agreement with a school or school district for the preparation of meals to be served under the Program. If the State agency is other than the agency of the State which handles the distribution of food commodities donated by the Department, this information shall be forwarded to the agency of the State which handles the distribution of donated commodities. The State Agency shall be responsible for promptly revising the information to reflect additions or deletions of sponsors and for providing such adjustments in participation data as are determined necessary by the State agency. Availability of commodities for use by sponsors shall be summarized and announced by the State agency at an early date prior to the development of menu cycles.

(o) [Reserved]

(p) *Program materials.* Each State agency shall develop and make available in a timely manner all necessary Program materials so that applicant sponsors have sufficient time to adequately prepare for their participation in the Program.

(q) *Procurement provisions.* State agencies shall require sponsors to adhere to the procurement provisions set forth in § 225.15 in addition to any other procurement provisions contained in this part.

(r)-(u) [Reserved]

(v) *Bid opening monitoring.* Each State agency shall have a representative present at all procurement bid openings of sponsors which expect to receive more than \$100,000 in Program payments.

(w) *Sponsor certifications.* Each State agency shall require applicant sponsors submitting Program applications, site information sheets, Program agreements or Claims for Reimbursement, and sponsors requesting advance payments, to certify that the information submitted on these forms is true and correct and that the sponsor is aware that deliberate misrepresentation or withholding of information may result in prosecution under applicable State and Federal statutes.

(x) [Reserved]

(y) *Advance payment estimates.* Each State agency shall, when determining the amount of advance net Program payments to be made to each sponsor under § 225.13(d) (in the interim regulations), make the best possible estimate based on the amount requested by the sponsor and any other data available to the State agency.

(z) *Sponsor's budget approval process.* Each State agency shall, when approving an applicant sponsor's administrative budget, take into consideration the number of sites and children to be served as well as any other factors determined by the State agency and set forth in guidance provided by the Department, in order to assess the amount of administrative monies needed by a sponsor to effectively and efficiently operate under the Program.

§§ 225.6-225.8 [Reserved]

Support C—Sponsor Provisions

§ 225.9 Requirements for participation.

(a) No applicant sponsor shall be eligible to participate in the Program unless it:

(1) Demonstrates financial and administrative capability for Program operations and accepts final financial and administrative responsibility for total program operations at all sites at which it proposes to conduct a food service;

(2) Has not been seriously deficient in operating the Program in prior years;

(3) Will conduct a regularly scheduled food service for children from areas in which poor economic conditions exist or qualifies as a camp;

(4) Has adequate supervisory and operational personnel for overall monitoring and management of each site including adequate personnel to visit all sites at least once in the first week of operation under the Program and to promptly take such actions as are necessary to correct deficiencies found at the time of the initial visit, and to review food service operations at every site at least once during the first four weeks of Program operations, and thereafter to maintain a reasonable level of site monitoring;

(5) Provides an ongoing year-round service to the community which it proposes to serve under the Program as provided for in § 225.4(i);

(6) Has the capability of maintaining children on site while meals are consumed;

(7) Certifies that all sites have been visited and have the capability and the facilities for the meal service planned for the number of children anticipated to be served;

(8) Is a public or private nonprofit entity;

(9) If not a camp, provides documentation that its food service will serve children from an area in which poor economic conditions exist. If a camp, certifies that it will collect family size and income information to support its Claim for Reimbursement.

(10) Is not a summer school offering educational courses for credit, and therefore, eligible for meals under the National School Lunch and School Breakfast Programs (7 CFR Parts 210 and 220).

(b) Applicant sponsors shall make written application to the State agency for participation in the Program as sponsors. Such application shall be made on a timely basis in accordance with the requirements of § 225.5(i) (of the interim regulations).

(c) Each applicant sponsor shall submit, as part of the application, a site information sheet, as developed by the State agency, for each site where a food service operation is proposed.

(d) Applications shall include information in sufficient detail to enable the State agency to determine whether the applicant sponsor meets the criteria for participation in the Program as set forth in § 225.9(a) and the extent of the Program payments needed, including requests for advance payments and start-up payments, if applicable. In addition, all applicant sponsors must include a management plan for review and approval by the State agency. Such a plan shall include the applicant sponsor's administrative and operating budget, staffing and monitoring plan.

(e) Each applicant sponsor shall submit to the State agency, as part of the application for participation, a complete administrative budget for State agency review and approval. The budget shall contain the projected administrative expenses which a sponsor expects to incur during the operation of the Program, and shall include information in sufficient detail to enable the State agency to effectively determine the amount of administrative monies needed by a sponsor to effectively and efficiently operate under the Program. A sponsor's approved administrative budget shall be subject to subsequent review by the State agency for adjustments in projected administrative costs.

(f) Each applicant sponsor shall submit to the State agency, along with its application, a plan for and a synopsis of its invitation to bid for food service, if a bid is required under § 225.11 and a copy of its letter of engagement with a certified public accountant or an independent State or local government accountant if required under paragraph (j) of this section (in the interim regulations). In addition, the selected accountant shall, within the first two weeks of operation under the Program, submit a copy of the management letter to the sponsor and to the State agency.

(g) Each applicant sponsor, except a camp, shall submit, along with its site information sheet, documentation supporting the eligibility of each site as serving an area in which poor economic conditions exist. Camps shall submit with the site information sheet family size and income information which documents the number of children enrolled in each session whose family incomes meet the eligibility requirements for free or reduced price school meals. Information on each session must be submitted at least 14 calendar days prior to the opening of the session or at such time as specified by the State agency.

(h) Sponsors approved for participation in the Program shall enter into written agreements with the State agency, or, in those States in which FNSRO administers the Program, sponsors shall enter into written agreements with the Department. Such agreements shall provide that the sponsor shall:

(1) Operate a nonprofit food service during any period from May through September for children on school vacation or at some other time or times during the year for children on school vacation under a continuous school calendar system;

(2) Serve meals which meet the requirements and provisions set forth in § 225.10 during a period designated as the meal service period by the sponsor, and serve the same meals to all children;

(3) Serve meals without cost to all children, except that camps may charge for meals served to children who are not eligible for free or reduced price school meals;

(4) Issue a policy statement in accordance with § 225.17;

(5) Hold training sessions for its administrative and site personnel with regard to program duties and allow no site to operate until site personnel have attended such training sessions. Training of site personnel at a minimum shall include: Purpose of the program, site eligibility, recordkeeping, site operations, meal pattern requirements, and duties of a monitor. Each sponsor shall ensure that its administrative personnel attend State agency training provided to sponsors under § 225.5(o) (in the interim regulations); and sponsors shall provide training sessions throughout the summer to ensure that administrative and site personnel are thoroughly knowledgeable in all requisite areas of program administration and operation and are provided with sufficient information to enable them to carry out their program responsibilities;

(6) Provide for an audit to be performed by an independent certified public accountant or an independent State or local government accountant of its food service under any program agreement for which it may receive over \$50,000 in program payments and shall agree to submit to the State agency a copy of the letter of engagement with the accounting firm or individual which is to conduct the audit;

(7) Claim reimbursement only for the type or types of meals specified in the agreement and served to children at approved sites during the approved meal service period; except that camps shall claim reimbursement only for the type or types of meals specified in the agreement and served without charge to children who are eligible for free or reduced price school meals;

(8) Submit claims for reimbursement in accordance with procedures established by the State agency;

(9) Maintain, in the storage, preparation, and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations;

(10) Purchase, in as large quantities as may be efficiently utilized in the program, foods designated as plentiful by the State agency or the Department;

(11) Accept and use, in as large quantities as may be efficiently utilized in the program, such foods as may be offered as a donation by the Department;

(12) Have access to facilities necessary for storing, preparing and serving food;

(13) Maintain a financial management system as prescribed by the State agency;

(14) Maintain on file documentation of site visits in accordance with § 225.9(a)(4);

(15) Upon request, make all accounts and records pertaining to the program available to State, Federal, or other

authorized officials for audit or administrative review, at a reasonable time and place. Such records shall be retained for a period of three years after the end of the fiscal year to which they pertain, except that, if audit findings have not been resolved, the records shall be retained beyond the 3-year period as long as required for the resolution of any issues raised by the audit.

(l) Sponsors selected for participation in the program shall submit evidence to the State agency that they have advised the appropriate health department of their intention to provide a food service during a specific period at specific sites. Such evidence shall be in the form of a letter to the health department.

(j) [Reserved]

(k) Sponsors shall not claim reimbursement under Parts 210, 215, 220, or 226 of this chapter, or any other federally funded program for meals served under the program.

(l) Each sponsor shall, to the maximum extent feasible, utilize either its own food service facilities, or obtain meals from a school food service facility. If the sponsor obtains meals from a school food service facility the applicable requirements of this part shall be embodied in a written agreement between the sponsor and the school.

(m) Sponsors shall operate the food service in accordance with the provisions of this part and any instructions and handbooks issued by FNS under this part or by the State agency which are not inconsistent with the provisions of this part.

§ 225.10 Food service requirements.

(a) Except as otherwise provided in this section and any appendices to this part, each meal served in the Program shall contain, as a minimum, the indicated food components:

(1) A breakfast shall contain:

(i) One-half pint (1 cup) of milk as a beverage or on cereal or used in part for each purpose;

(ii) One-half cup serving of fruit or vegetable, or both, or full strength fruit or vegetable juice;

(iii) One slice of whole-grain or enriched bread; or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whichever is less, of whole-grain or enriched or fortified cereal, or an equivalent quantity of any combination of these foods.

(2) A lunch or supper shall contain:

(i) One-half pint (1 cup) of milk as a beverage.

(ii) Two ounces (edible portion as served) of cooked lean meat, poultry or fish; or two ounces of cheese; or one egg; or one cup of cooked dry beans or peas; or four tablespoons of peanut

butter; or an equivalent quantity of any combination of the above-listed foods. To be counted in meeting this requirement, these foods must be served as a main dish or in a main dish and one other menu item.

(iii) A three-fourths cup serving consisting of two or more vegetables or fruit, or both. Full-strength vegetable or fruit juice may be counted to meet not more than one-fourth cup of this requirement.

(iv) One slice of whole-grain or enriched bread, or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour.

(3) Supplemental food shall contain two of the following four components:

(i) One-half pint (1 cup) of milk.

(ii) One ounce of meat or meat alternate.

(iii) Eight fluid ounces of full strength fruit or vegetable juice (juices shall not be served when milk is served) or one cup of fruit or vegetable.

(iv) One slice of whole-grain or enriched bread, or an equivalent quantity of cornbread, biscuits, rolls, muffins, etc., made of whole-grain or enriched meal or flour; or three-fourths cup (volume) or one ounce (weight), whichever is less, of whole-grain or enriched or fortified cereal, or an equivalent quantity of any combination of these foods.

(b) The quantities of food specified in subparagraphs (1) and (2) of paragraph (a) are approximate amounts of food to serve 10 to 12 year-old boys and girls. Greater or lesser amounts of these foods may be served if participating children are older or younger and if the sponsor can demonstrate to the satisfaction of the State agency that it has the capability of controlling portion size so as to ensure that variations in portion size are in accordance with the age levels of the children served.

(c) If emergency conditions prevent a sponsor normally having a supply of milk from temporarily obtaining delivery, the State agency may approve the service of breakfasts, lunches, suppers, or supplemental food without milk during the emergency period.

(d) The inability of a sponsor to obtain a supply of milk on a continuing basis shall not bar it from participation in the Program. In such cases the State agency may approve the service of meals without milk, provided that an equivalent amount of canned, whole dry, or nonfat dry milk is used in the preparation of the components of all meals. In addition, the State agency may approve the use of nonfat dry milk by camps in meals served to children participating in camp-sponsored activities which make the service of fluid milk impracticable. Such authorization shall stipulate that nonfat

dry milk be reconstituted at normal dilution and under sanitary conditions consistent with State and local health regulations.

(e) In American Samoa, Guam, Puerto Rico, the Virgin Islands of the United States, the Trust Territory of the Pacific Islands and the Northern Marianas Islands, the following variations from the meal requirements are authorized: A serving of a starchy vegetable, such as yam, tanniers, yams, plantains, sweet potatoes, or a serving of enriched rice or enriched or whole-grain cereal products such as macaroni, dumplings or noodles may be substituted for the bread requirement.

(f) Substitutions may be made by sponsors in paragraph (a) of this section if individual participating children are unable, because of medical or other special dietary needs, to consume such food. Such substitutions shall be made only when supported by a statement from a recognized medical authority which includes recommended alternate foods. Such statements shall be kept on file by the sponsor.

(g) FNS may approve variations in the food components of the meals on an experimental or a continuing basis for any sponsor where there is evidence that such variations are nutritionally sound and are necessary to meet ethnic, religious, economic, or physical needs.

(h) Sponsors approved to serve children under 1 year of age shall be required to comply with the applicable meal patterns contained in the Child Care Food Program regulations (7 CFR Part 226).

§ 225.11 Food service management companies.

(a) Any sponsor may contract with a food service management company (or other commercial enterprise) for the preparation of unitized meals, with or without milk. Any sponsor may contract with a food service management company to operate its entire food service: *Provided, however*, That a sponsor that so employs a food service management company shall remain responsible for assuring that the food service operation is in conformity with its agreement with the State agency and all applicable provisions of this part. Sponsors may contract only with food service management companies registered with the State in which the sponsor will operate as provided for under § 225.5(u) (in the interim regulations). A food service management company entering into a contract with a sponsor under the Program shall not subcontract with only one company for the total meal, with or without milk, or for the assembly of the meal. Any sponsor entering into a contract with a food service management company shall use the standard form of contract established by its State

agency. For sponsors which are public institutions, sponsors desiring to contract only for the management of the Program, and sponsors whose contract with a food service management company will not exceed \$10,000, this may be their existing or usual form of contract if such form of contract has been submitted to and approved by the State agency. In any event, sponsors shall adhere to the procurement standards set forth in § 225.15. Each proposed additional provision to the established form of contract shall be submitted to the State agency for approval.

(1) In the absence of any State or local law, sponsors whose proposed contracts are subject to competitive bidding procedure shall, at a minimum, ensure that:

(i) All proposed contracts shall be publicly announced at least 14 days prior to the opening of bids;

(ii) The bids shall be publicly opened;

(iii) All bidders shall be notified at least 5 days prior to the opening of the bids of the time and place of the bid opening; and

(iv) The State agency is notified at least 15 days prior to the opening of the bids of the time and place of the bid opening.

(2) In addition, sponsors shall, at a minimum, when advertising for bids adhere to the following requirements:

(i) The invitation to bid shall not specify a minimum price;

(ii) The invitation to bid shall contain a cycle menu approved by the State agency upon which the bid shall be based;

(iii) The invitation to bid shall contain food specifications and meal quality standards developed by the State agency upon which the bid shall be based;

(iv) The invitation to bid shall not specify special meal requirements to meet ethnic or religious needs unless such special requirements are to meet the needs of the children to be served;

(v) Neither the invitation to bid nor the contract shall provide for loans or any other monetary benefit or term or condition to be made to sponsors by food service management companies;

(vi) Nonfood items shall be excluded from the invitation to bid, except where such items are essential to the conduct of the food service;

(vii) A copy of the health certification required in this section shall be submitted by the food service management company with each bid;

(viii) Sponsors shall submit to the State agency copies of all bids received and the reason for selecting the food service management company chosen;

(ix) All bids totaling \$100,000 or more shall be submitted to the State agency for approval before acceptance. All bids in an amount which exceeds

the lowest bid by more than two (2) cents per meal shall be submitted to the State agency for approval before acceptance. State agencies shall respond to such request for approval within 5 working days of receipt;

(x) Identical bids shall be awarded by lot.

(b) Copies of all contracts between sponsors and food service management companies, along with a certification of independent price determination, shall be submitted to the State agency prior to the beginning of Program operations.

(c) Each food service management company which submits a bid over \$75,000 under the Program shall obtain a bid bond in an amount not less than five (5) percent nor more than ten (10) percent, as determined by the sponsor, of the value of the contract for which the bid is made. A copy of the bid bond shall accompany each bid.

(d) Each food service management company which enters into a food service contract for over \$75,000 with a sponsor shall obtain a performance bond in an amount not less than ten (10) percent nor more than twenty-five (25) percent of the value of the contract, as determined by the State agency. Any food service management company which enters into more than one contract with any one sponsor shall obtain a performance bond covering all contracts if the aggregate amount of such contracts exceeds \$75,000. Sponsors shall require the food service management company to furnish a copy of the bond within ten (10) days of the awarding of the contract.

(e) Food service management companies shall obtain bid bonds and performance bonds only from surety companies listed in the current Department of the Treasury Circular 570.

(f) Failure by a sponsor to comply with the provisions of this section shall be sufficient grounds for the State agency to terminate participation by the sponsor in accordance with § 225.18(b).

§ 225.12 Program payments.

(a) Program payments shall be made to sponsors only after execution of and in accordance with the terms of the agreement with the State agency or the Department. No Program payments shall be made for meals served at a site before the sponsor has received written notification of approval for the site from the State agency.

(b) Reimbursement shall be made to camps only for meals served to children whose eligibility is documents on the basis of family size and income information. Any nonresidential camp reduced to less than four meals per day shall continue to receive reimbursement for only those meals served

to children eligible for free or reduced price school meals.

(c) [Reserved]

(d) Payment to a sponsor for administrative costs shall equal the full amount of administrative costs as approved in its budget by the State agency, except that a sponsor's approved administrative budget shall be subject to subsequent review by the State agency for adjustments in projected administrative costs if the sponsor's level of site participation or number of meals served to eligible children changes significantly: *Provided, however*, That a sponsor shall not receive payment for administrative costs in excess of its actual expenditures for approved administrative costs or the per meal administrative rates by type set forth in § 225.8(c) (in the interim regulations), for meals actually served to eligible children, whichever is less.

(e) [Reserved]

(f) The Secretary shall prescribe, by January 1 of each fiscal year, an adjustment to the nearest one-fourth cent in the reimbursement rates set forth in paragraph (e) of this section (in the interim regulations), to reflect changes for the preceding year ending November 30, in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor.

(g) Sponsors shall maintain accurate records to justify the net Program costs and administrative costs claimed. Sponsors who wish to claim only for the costs of obtaining food shall maintain accurate records to justify their food cost. In no instance shall Program payments for the costs of obtaining food exceed the per meal net Program payment rates.

(h) Sponsors shall plan for and prepare or order meals on the basis of participation trends, with the objective of providing only one meal per child at each meal service. Records of participation and of preparation or ordering of meals shall be maintained to demonstrate positive action toward this objective. In recognition of the fluctuation in participation levels which makes it difficult to precisely estimate the number of meals needed and to reduce the resultant waste, any excess meals that are prepared or ordered may be served to children and may be claimed for reimbursement unless the State agency determines that the sponsor has failed to plan and prepare or order meals with the objective of providing only one meal per child at each meal service. In monitoring the number of meals served at a site, the State agency shall withhold reimbursement for those meals served to children which exceed the number of children being served by the site when the State agency determines

that the sponsor has not complied with the provisions of this paragraph.

§ 225.13 Program payment procedures.

(a) To be reimbursed under this part, each sponsor shall submit to the State agency Claims for Reimbursement. Claims for Reimbursement shall be filed with the State agency monthly by the 10th day following the period of operations covered by the Claim but may be submitted more frequently, at the discretion of the State agency. Sponsors whose final period of operation is less than 10 days in duration shall submit a combined Claim covering the final period and the period immediately preceding the final period. Any Claim for Reimbursement not received by the State agency within 30 days after the close of the sponsor's food service operations shall be disqualified from payment, except where the State agency determines that the Claim has been filed late because of circumstances beyond the control of the sponsor. Appropriate payments may then be made if the Claim submitted by the sponsor is valid.

(b) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State agency to provide the required information for Program reports. In submitting a Claim for Reimbursement, in addition to the certification requirements set forth in § 225.5(w), each sponsor shall certify that records are available to support the Claim.

(c)-(g) [Reserved]

(h) Any prior net Program payment which is under dispute or which is part of a demand for recovery under § 225.14(a) or § 225.14(d) shall be deducted from any advance net Program payment; any prior administrative cost payment which is under dispute or which is part of a demand for recovery under § 225.14(a) or § 225.14(d) shall be deducted from any advance administrative costs payment.

(i) If the State agency has reason to believe that a sponsor will not be able to submit a valid Claim for Reimbursement covering the period for which advance net Program payments and advance administrative costs payments have been made, the subsequent month's advance net Program payment and advance administrative costs payment shall be withheld until such time as the State agency has received a valid claim. Program payments advanced to sponsors which are not subsequently deducted from a valid Claim for Reimbursement shall be paid upon demand to the State agency. Any interest earned on advance net Program payments and advance administrative costs payments shall be returned to the State agency for remittance to FNS.

§ 225.14 Claims against sponsors.

(a) State agencies shall disallow any portion of a Claim for Reimbursement and promptly recover any Program payment made to a sponsor that was not properly payable under this part. State agencies shall use their own procedures to disallow claims and recover overpayments already made. This shall include court actions, where appropriate. However, the State agency shall notify the sponsor of the reasons for any disallowance or demand, and allow the sponsor full opportunity to submit evidence on appeal as provided for in § 225.5(x) (in the interim regulations). If, in the determination of CCSPD, a State agency has acted in conformity with the provisions of this part and has made every reasonable effort to recover any overpayment, the State agency shall not be liable for failure to collect an overpayment.

(b) The State agency shall maintain all records pertaining to action taken under this section. Such records shall be retained for a period of 3 years after the date of the submission of the final Financial Status Report, except that, if audit findings have not been resolved, the records shall be retained beyond the 3-year period as long as required for the resolution of any issues raised in the audit.

(c) The amounts recovered by the State agency from sponsors may be utilized, first, to make Program payments to sponsors for the period for which the funds were initially available, and second, to repay any State funds expended in the payment of Claims for Reimbursement under the Program not otherwise repaid. Any amounts recovered which are not so utilized shall be returned to FNS in accordance with the requirements of this part.

(d) When FNSRO administers the Program with respect to sponsors and disallows a Claim for Reimbursement or a portion of a Claim, or makes a demand for refund of an alleged overpayment, it shall notify the sponsor of the reasons for such disallowance or demand, and the sponsor shall have full opportunity to submit evidence as provided for in § 225.5(x) (in the interim regulations) or to resubmit a Claim for any amount disallowed or demanded.

Subpart D—Miscellaneous Provisions

§ 225.15 Procurement provisions.

(a) This section provides standards for use by sponsors in establishing procedures for the procurement of supplies, goods, and other services with Program payments. These standards are furnished to insure that such goods and services are obtained in an effective manner and in compliance with the provisions of applicable Federal laws and Executive Orders.

(b) The standards contained in this section do not relieve the sponsor of the contractual responsibilities arising under its contracts. The sponsor is the responsible authority, without recourse to the State agency and the Department regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into under the Program. This includes but is not limited to: disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authorities as may have proper jurisdiction.

(c) Sponsors may use their own procurement regulations which reflect applicable State and local law, rules and regulations provided that procurements made with Program payments adhere to the provisions of Office of Management and Budget Circulars A-102 and A-110 and to the standards set forth, as follows:

(1) The sponsor shall maintain a code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending Program payments. The officers, employees, or agents of a sponsor shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors on their own behalf or for others. To the extent permissible by State or local laws, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the sponsor's officers, employees, or agents, or by contractors or their agents.

(2) All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. The sponsor shall be alert to organizational conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

(3) All sponsors shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(i) Proposed procurement actions shall be reviewed by sponsor's officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(ii) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured.

Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and, when so used, the specific features of the name brand which must be met by offerors should be clearly specified.

(iii) Positive efforts shall be made by the sponsors to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Program payments.

(iv) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the best interest of the programs involved. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(v) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (vi) below is necessary to accomplish sound procurement. However, procurements of \$10,000 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the sponsor, price and other factors considered. (Factors such as discounts, transportation costs, taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the sponsor. Any or all bids may be rejected when it is in the sponsor's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(vi) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the sponsor if:

(1) The public exigency will not permit the delay incident to advertising;

(2) The material or service to be procured is available from only one person or firm: (All contemplated sole source procurements where the aggregate expenditure is expected to exceed \$5,000 shall be referred to the State agency for prior approval);

(3) The aggregate amount involved does not exceed \$10,000;

(4) The contract is for personal or professional services, or for any service

to be rendered by a university, college or other educational institutions;

(5) No acceptable bids have been received after formal advertising;

(6) The purchases are for highly perishable materials, for material or services where the prices are established by law, if procured at the lowest applicable price for technical items or equipment requiring standardization and interchangeability of parts with existing, for experimental, developmental or research work, for supplies purchased for authorized resale, and for technical or specialized supplies requiring substantial initial investment for manufacture;

(7) Otherwise authorized by law, rules, or regulations. Notwithstanding the existence of circumstances justifying negotiations, competition shall be obtained to the maximum extent practicable.

(vii) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

(viii) Procurement records or files for purchases in amounts in excess of \$10,000 shall provide at least the following pertinent information: justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated.

(ix) A system for contract administration shall be maintained to assure contractual conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

(d) The sponsor shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts and subcontracts:

(1) Contracts shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.

(2) All contract amounts which are in excess of \$10,000 shall contain suitable provisions for termination by the sponsor, including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) All contracts awarded by sponsors and their contractors or subcon-

tractors having a value of more than \$10,000 shall contain a provision requiring compliance with Executive Order 11246, entitled "Equal Employment Opportunity", as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

(4) Contracts or agreements, the principal purpose of which is to create, develop, or improve products, processes or methods, or exploration into fields which directly concern public health safety, or welfare, or contracts in the fields of science or technology in which there has been little significant experience outside of work funded by Federal assistance, shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to the regulations issued by the Department and the sponsor. The contractor shall be advised as to the source of additional information regarding these matters.

(5) All negotiated contracts (except those of \$10,000 or less) awarded by effect, that the sponsor, the Department shall include a provision to the State agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audit, examination, excerpts, and transcriptions.

(6) Contracts and subcontracts of amounts in excess of \$100,000 shall contain a provision which requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the State agency and the Regional Office of the Environmental Protection Agency.

§ 225.16 Prohibitions.

(a) The value of benefits and assistance available under the Program shall not be considered as income or resources of recipients and their families for any purpose under Federal, State or local laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(b) Expenditure of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under the Act and a certification to this effect shall become part of the agreement provided for in § 225.3(c).

§ 225.17 Free meal policy.

(a) The State agency shall require each applicant sponsor to develop, at the time the applicant sponsor applies

for Program participation, a written policy statement concerning free meals to be used uniformly at all sites under its jurisdiction as required in this section. Applicant sponsors shall not be approved for participation unless the free meal policy statement has been approved.

(b) A sponsor which services all meals free to attending children shall develop a policy statement which consists of an assurance to the State agency that all children are served the same meals regardless of race, color, or national origin, and that there is no discrimination in the course of the food service.

(c) A camp which serves meals at no separate charge to attending children shall develop a policy statement which consists of an assurance to the State agency that all children are served the same meals at no separate charge, regardless of race, color, or national origin, and that there is no discrimination in the course of the food service.

(d) A camp which charges separately for meals shall develop a policy statement for determining eligibility for free meals which shall include the following:

(1) The specific criteria to be used in determining eligibility for free meals. The camp's standards of eligibility shall be in conformity with the State's family size and income standards for free and reduced price school meals.

(2) A description of the method or methods to be used in accepting applications from families for free meals.

(3) A description of the method or methods to be used to collect payments from those children paying the full price of the meal which will protect the anonymity of the children receiving a free meal.

(4) As assurance that the camp will establish a hearing procedure which provides: (i) a simple, publicly announced method for a family to make an oral or written request for a hearing; (ii) an opportunity for the family to be assisted or represented by an attorney or other person in presenting its appeal; (iii) an opportunity to examine, prior to and during the hearing, the documents and records presented to support the decision under appeal; (iv) that the hearing shall be held with reasonable promptness and convenience to the family and that adequate notice shall be given to the family as to the time and place of the hearing; (v) an opportunity for the family to present oral or documentary evidence and agreements supporting its position without undue interference; (vi) an opportunity for the family to question or refuse any testimony or other evidence and to confront and cross-examine any adverse witnesses; (vii) that the hearing shall be conducted and the decision made by a hearing official who did not par-

ticipate in making the decision under appeal; (viii) that the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record; (ix) that the family and any designated representatives shall be notified in writing of the decision of the hearing official; (x) that a written record shall be prepared with respect to each hearing, which shall include the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the family of the decision of the hearing official; and (xi) that such written record of each hearing shall be preserved for a period of three years and shall be available for examination by the family or its representatives at any reasonable time and place during such period.

(5) An assurance that there will be no identification of free meal recipients and no discrimination against any child on the basis of race, color, or national origin.

(e) The hearing procedure prescribed under paragraph (c)(4) of this section shall be followed when a camp challenges the eligibility of any child for a free meal. During the pendency of the challenge, the child shall continue to receive the free meal to which he is entitled under the eligibility standards announced by the camp based upon the information supplied in the application made by the family.

(f) Each sponsor shall make available on an annual basis to the information media serving the area from which the sponsor draws its attendance a public release announcing the availability of free meals to children. Each camp shall make available on an annual basis to all participants an announcement of the availability of free meals to children meeting the approved eligibility criteria. The public announcement must also state that meals are available to all children in attendance without regard to race, color, or national origin.

§ 225.18 Other provisions.

(a) *Grant closeout procedures.* Grant closeout procedures for the program shall be in accordance with attachment K of the Office of Management and Budget Circular A-110 (41 FR 32016, July 30, 1976), or attachment L of the Office of Management and Budget Circular A-102 (42 FR 45828, September 12, 1977), whichever is applicable.

(b) *Termination for cause.* The Department may terminate a State agency's participation in the program in whole, or in part, whenever it is determined that the State agency has failed to comply with the conditions of the

program. The Department shall promptly notify the State agency in writing of the termination and reasons for the termination, together with the effective date and shall allow the State 30 days to respond. In instances where the State does respond, the Department shall inform the State of its final determination no later than 30 days after the State responds. A State agency shall terminate a sponsor's participation in the program by written notice whenever it is determined by FNS or the State agency that the sponsor has failed to comply with the conditions of the program. When participation in the program has been terminated for cause, any funds paid to the State agency or a sponsor or any recoveries by FNS from the State agency or by the State agency from a sponsor shall be in accordance with the legal rights and liabilities of the parties.

(c) *Termination for convenience.* The Department and the State agency may terminate the State agency's participation in the program in whole, or in part, when both parties agree that the continuation of the program would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The State agency shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the State agency for the Federal share of the noncancellable obligations properly incurred by the State agency prior to termination. A State agency may terminate a sponsor's participation in accordance with this paragraph.

§ 225.19 Program information.

Persons desiring information concerning the program may write to the appropriate State agency or regional offices of FNS as indicated below:

(a) In the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont: New England Regional Office, FNS, U.S. Department of Agriculture, 34 Third Avenue, Burlington, Mass. 01803.

(b) In the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia: Mid-Atlantic Regional Office, FNS, U.S. Department of Agriculture, One Vahising Center, Robbinsville, N.J. 08691.

(c) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office,

FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, Ga. 30309.

(d) In the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin: Midwest Regional Office, FNS, U.S. Department of Agriculture, 536 South Clark Street, Chicago, Ill. 60605.

(e) In the States of Colorado, Iowa, Kansas, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming: Mountain Plains Regional Office, FNS, U.S. Department of Agriculture, 2420 West 26th Avenue, Room 430D, Denver Colo. 80211.

(f) In the States of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas: Southwest Regional Office, FNS, U.S. Department of Agriculture, 1100 Commerce Street, Room 5-C-30, Dallas, Tex. 75242.

(g) In the States of Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, Trust Territory of the Pacific Islands, the Northern Mariana Islands, and Washington: Western Regional Office, FNS, U.S. Department of Agriculture, 550 Kearny Street, Room 400, San Francisco, Calif. 94108.

(Catalog of Federal Domestic Assistance Programs No. 10.559.)

NOTE.—The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: February 1, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-3182 Filed 2-2-78; 9:15 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1700]

PROPOSED REQUIREMENTS FOR CHILD-RESISTANT PACKAGING

Acetaminophen Preparations

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes, under the Poison Prevention Packaging Act of 1970, to require child-resistant packaging for any preparation in a dosage form intended for oral administration that contains a total amount of more than one gram of acetaminophen in a single package. The Commission preliminarily finds that this special packaging requirement is required to protect children under 5 years of age from serious personal injury and serious illness resulting from ingesting such substance.

DATE: Written comments should be submitted on or before April 4, 1978.

The requirement is proposed to be effective 6 months after the final requirement is issued in the FEDERAL REGISTER as to products packaged after that date.

ADDRESSES: Written comments, preferably in five copies, should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All material which the Commission has that is relevant to this proceeding, including any comments that may be received on this proposal, may be seen in, or copies obtained from, the Office of the Secretary, Consumer Product Safety Commission, Third Floor, 1111 18th Street NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Fred J. Marozzi, Ph. D., Division of Safety Packaging and Scientific Coordination, Directorate for Engineering and Science, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6477.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Poison Prevention Packaging Act of 1970 (the "PPPA," 15 U.S.C. 1471-1476) authorizes the Commission to establish standards for the "special packaging" of any household substance if (1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance and (2) the special packaging is technically feasible, practicable, and appropriate for such substance. Special packaging is often referred to as "child-resistant packaging" and is defined as packaging that is (1) designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time, and (2) not difficult for normal adults to use properly. (It does not mean, however, packaging which all such children cannot open, or obtain a toxic or harmful amount from, within a reasonable time.) Under the PPPA, effectiveness standards have been established for special packaging (16 CFR 1700.15), as has a procedure for evaluating the effectiveness (§1700.20). Regulations have been issued requiring special packaging for a number of household products (§1700.14).

By a letter dated March 16, 1976 (Petition PP 76-9), Steven D. Steckel, Assistant Director for Pharmacy of Strong Memorial Hospital, Rochester, N.Y., requested that the Commission require that acetaminophen be packaged in child-resistant containers. He stated that acetaminophen, a commonly used substitute for aspirin, had taken over a major portion of the aspirin market and that it was "important to erase the concept that this medication is less toxic than aspirin in overdose." He also stated that a number of acetaminophen poisonings had been treated at Strong Memorial Hospital. (The Commission had already begun a study of this substance with the intent of targeting it for future regulatory action.)

Acetaminophen is an analgesic which is widely used as a substitute for aspirin. Although acetaminophen is effective when taken in its proper dosage, and is also valuable for those individuals who are sensitive or allergic to aspirin, many persons apparently believe that acetaminophen is safer than aspirin in overdose situations. However, ingestion of excessive amounts of acetaminophen can cause serious toxic effects.

Liver damage and deterioration of liver function are the major toxic effects of acute acetaminophen ingestions. The general sequence of events in cases resulting in failure of the liver is: (1) vomiting within the first few hours; (2) nausea, vomiting, loss of appetite, epigastric pain, and pallor for a few days; (3) abnormal values on liver function tests within two to four days; and (5) hepatic flap (postural disturbance associated with liver damage), fetor (offensive odor), and mental confusion, followed by coma and/or death within two to seven days. Liver damage is often not directly associated with acute acetaminophen ingestion due to the two to six day delay in the onset of symptoms. Within 24 hours of acetaminophen overdose in cases leading to hepatic failure, there are occasionally changes in clotting factors which may be fatal.

There are indications in the medical literature that all acute ingestions of acetaminophen produce some degree of liver damage, although the damage may be so mild that liver functions tests remain normal, in which case the damage can be discovered only by a liver biopsy. However, some cases of liver damage appear to be reversible without any evidence of necrosis.

In addition to liver damage, acute acetaminophen ingestion may result in the following symptoms: (1) esophageal and gastric erosions; (2) hypoglycemia and acidosis; (3) renal (kidney) failure; (4) cardiac arrhythmias (irregular heartbeat); and (5) rash. Acetaminophen may be metabolized somewhat differently by children than by adults. However, the significance of this as it relates to toxicity is not fully understood. Most of the reports in the medical literature concerning acute

acetaminophen ingestion involve adults, but the rate of acetaminophen elimination appears to be similar in adults and children.

NEED FOR SPECIAL PACKAGING

Data from the National Clearinghouse for Poison Control Centers for the period from 1969 to 1975 disclose 4819 reported ingestions of acetaminophen-containing products by children under 5 years of age. Typical symptoms included lethargy, nausea, vomiting, abdominal pain, gagging, diarrhea, crying, flushed skin, irritability, hypothermia, limpness, dizziness, tremors, headache, rash, ataxia, small reactive pupils, diaphoresis, fever, hypotension, slight tachycardia, decreased respiration, feeble pulse, hematuria, cyanosis, convulsions, and coma. One hundred and two cases required hospitalization, which was usually of unspecified duration (some cases were 1-2 days). Two of the 4819 cases resulted in death.

The Consumer Product Safety Commission's file of data from six Poison Control Centers on contract with the Commission shows that 212 of 5253 reported ingestions involved acetaminophen-containing products. None of these 212 ingestions resulted in hospitalization.

Data concerning death certificates on file with the Commission reveal one death to a three year old child as a result of acetaminophen ingestion. However, it is not known if this death was also reported in the data from the National Clearinghouse for Poison Control Centers.

The medical literature indicates that acute acetaminophen ingestions are relatively more toxic in humans than in animals. Consequently, the results of toxicity studies involving animals are not an accurate reflection of the toxicity of acetaminophen in humans.

Extrapolation of the toxicity levels that have been reported for adults may provide an indication of the toxic and lethal values for acetaminophen in children under 5 years of age. It is recognized that such extrapolations may not always be a true reflection of the toxicity of a product in children, since children may not metabolize and/or eliminate the product in a manner similar to adults. Nevertheless, as previously stated, acetaminophen, while it may be metabolized differently in children than adults, is eliminated at a similar rate.

Assuming a maximum weight of 16 kg. for a two year old child, an ingestion of 2 grams would constitute a dose of at least 125 mg./kg. of body weight. The medical literature, in general, reports that 10-15 grams of acetaminophen causes hepatotoxicity in adults and that 13-25 grams may result in death for an adult. Assuming an average adult weight of 70 kg., these values would indicate a mini-

mum toxic dose of approximately 140 mg./kg. of body weight and a minimum lethal level of approximately 190 mg./kg. A dose of 6 grams of acetaminophen has also been reported as producing hepatotoxicity in a 16 year old female. Assuming that this patient weighed 50 kg., extrapolation would yield a possible minimum toxic dose of 120 mg./kg. for a 10 kg. child. The death of an adult has been reported following an ingestion of 8.125 grams of acetaminophen. Assuming an average adult weight of 70 kg., an equivalent minimum lethal dose for a 10 kg. child could be as low as 1.2 grams. (Although this figure is close to the proposed level, it must be emphasized that it is based upon a highly unusual case compared to other reported fatalities.)

The literature also contains reports that there exists a likelihood of liver damage in a two year old child who has ingested more than 3 grams of acetaminophen and that an ingestion of 2 grams could produce hepatotoxicity in a two year old child.

Some of the cases mentioned above represent considerable deviations from the values generally recorded in the literature. However, these cases show that products containing levels of more than one gram of acetaminophen have the potential for producing serious injury or illness in children under five years of age. However, the available human experience data and the medical literature do not reveal any instance in which one gram or less of acetaminophen has caused serious injury or illness after an acute ingestion, nor do they indicate that such an amount has the potential to produce serious injury or illness.

In view of the reports in the medical literature and the data showing numerous ingestions by children, the Commission has preliminarily concluded that preparations containing more than 1 gram of acetaminophen in a single package are available to young children in or about the household and that a regulation requiring special packaging of such preparations is required to protect children under 5 years of age.

The Commission requested comments from the members of the Technical Advisory Committee for Poison Prevention Packaging on its possible proposal to require special packaging for products that contain more than one gram of acetaminophen in a single package. Ten of the Technical Advisory Committee members responded. All of those members indicated that child-resistant packaging should be required. Eight of the members concurred with the recommended level of one gram, while two of the members believed that a lower level should be established.

The Food and Drug Administration's Panel for Over The Counter Drugs

(Internal Analgesic, Antipyretic, and Antirheumatic Products) has also recommended the packaging of acetaminophen products in child-resistant packaging (see 42 FR 35368; July 8, 1977).

A more technical and more detailed discussion of the issues that are discussed above is contained in a memorandum from the Commission's Division of Safety Packaging and Scientific Coordination, dated September 30, 1977. This memorandum also contains specific references to relevant reports in the medical literature and is available from the Commission's Office of the Secretary.

TECHNICAL FEASIBILITY, PRACTICABILITY, AND APPROPRIATENESS

In issuing a standard for special packaging under the PPPA, the Commission is required by section 3(a)(2) of the PPPA to find that the special packaging is "technically feasible, practicable, and appropriate . . .".

A. *Technical feasibility.* Acetaminophen is marketed in tablets, powders, and capsules, and in various liquid formulations, and there are numerous package designs that meet the requirements of 16 CFR 1700.15(b) that are suitable for use with each form of this product.

Practicability. Because many existing designs suitable for use with the acetaminophen preparations that are the subject of the proposed regulation are currently being used in the special packaging of other drugs and dietary supplements, it is clear that special packaging for this product is practicable in that it is adaptable to modern mass production and assembly line techniques. The Commission conducted a survey in May 1977 of the affected industries and packaging manufacturers. Based on the survey and a December 16, 1977, "Preliminary Study of Sales and Packaging of Acetaminophen" prepared by the staff, the Commission anticipates no major supply or procurement problems for the packagers of acetaminophen-containing products or the manufacturers of child-resistant closure and capping equipment. In addition, there should be no serious problems experienced by manufacturers of the products in incorporating the child-resistant packaging features into their existing packaging lines. A more detailed discussion of the Commission's survey is found in a Commission staff memorandum dated October 4, 1977, from Charles J. Wilbur to Georg S. Maisel. Copies of this memorandum and the December 16, 1977, preliminary study may be obtained from the Office of the Secretary.

C. *Appropriateness.* As shown by the use of many existing suitable designs with other drug products, and since special packaging in many instances uses the same container, closure, and

liner materials currently used for acetaminophen products, special packaging is appropriate for acetaminophen since the packaging is available in forms that are not detrimental to the integrity of the substance and that do not interfere with its storage or use.

Accordingly, as required by section 3(a)(2) of the PPPA (15 U.S.C. 1472(a)(2)), the Commission preliminarily finds that special packaging for acetaminophen-containing preparations is technically feasible, practicable, and appropriate.

EFFECTIVE DATE

The PPPA provides that, except for good cause, no regulation shall take effect sooner than 180 days or later than one year from the date such regulation is issued. A Commission survey of the affected industry and packaging manufacturers, discussed above, indicates that a period of six months (180 days) from the issuance form the final regulation will be sufficient for the manufacturers of these preparations to obtain suitable child-resistant packaging and incorporate its use into their packaging lines. Accordingly, the proposed effective date is 180 days after the final regulation is issued in the FEDERAL REGISTER, as to all acetaminophen preparations packaged after the effective date.

CONCLUSION AND PROPOSAL

Therefore, having considered the available human experience data, the medical literature, and after consultation with the Technical Advisory Committee on Poison Prevention Packaging as required by sections 3 and 6 of the PPPA, the Commission concludes that the requirement for special packaging set forth below should be proposed. This action constitutes the final Commission action on petition PP 76-9.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, secs. 2(4), 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471(4), 1472, 1474) and under the authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission proposes to add a new paragraph (a)(16) to 16 CFR 1700.14, reading as follows (although unchanged, the introductory text of paragraph (a) is included below for context):

§ 1700.14 Substances requiring special packaging.

(a) . . .

(16) *Acetaminophen.* Preparations for human use in a dosage form intended for oral administration and containing in a single package a total

of more than one gram acetaminophen shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c).

Interested persons are invited to submit written data, views, or arguments regarding any aspect of the proposal on or before April 4, 1978. Comments submitted after this date will be considered to the extent practicable.

Comments should be accompanied, to the extent possible, by supporting data or documentation. Requests for confidentiality of documentation will be handled in accordance with the Freedom of Information Act as amended (5 U.S.C. 552), the Commission's regulations under that act (16 CFR Part 1015, issued February 22, 1977, at 42 FR 10490), and the provisions of section 6(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2055(a)(2)).

Written submissions and any accompanying data or materials should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be supported by a memorandum or brief.

Any comments that are received, and all other material which the Commission has that is relevant to this proceeding, may be seen in, or copies obtained from, the Office of the Secretary, Third Floor, 1111 18th Street NW., Washington, D.C. 20207.

Dated: January 31, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer
Product Safety Commission.

[FR Doc. 78-3032 Filed 2-2-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182, 184]

[Docket No. 77N-0259]

SUCCINIC ACID

Proposed Affirmation of GRAS Status as a
Direct Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of succinic acid as a direct human food ingredient. The safety of this ingredient has been evaluated pursuant to the comprehensive safety review being conducted by the agency. The proposal would list the ingredient as a direct food substance affirmed as GRAS.

DATES: Comments by April 4, 1978.

ADDRESS: Written comments (preferably in quadruplicate) on this pro-

posal may be sent to the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive study of human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of succinic acid has been evaluated. In accordance with provisions of § 170.35 (21 CFR 170.35), the commissioner proposes to affirm the GRAS status of this ingredient.

Succinic acid, 1,4-butanedioic acid, is a natural constituent of fresh meats, cheeses, and such vegetables as asparagus, beets, broccoli, rhubarb, and sauerkraut. Succinic acid is also being manufactured by the catalytic hydrogenation of maleic or fumaric acid, and has been prepared by aqueous alkali or acid hydrolysis of succinonitrile. It is reported to be added to foods as an acidulant and flavor enhancer.

Succinic acid is listed in § 182.1091 (21 CFR 182.1091) as GRAS for use in food as a miscellaneous and/or general purpose food additive, pursuant to regulations published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938).

A representative cross section of food manufacturers was surveyed to determine the specific foods in which succinic acid was used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to succinic acid added to food. The total amount used in 1970 was reported to be 638 pounds.

Succinic acid has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered: (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection and (13) processing. A total of 441 articles was reviewed, and 15 particularly pertinent reports have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Succinic acid is one of the dicarboxylic acids involved in the citric acid cycle. As one of the intermediates in this cycle, it may participate in the net synthesis of glucose and other sugars and fatty acids in animal tissue.

Succinic acid fed to phloridized dogs was converted to glucose. As the dose was increased, a smaller percentage was excreted in the urine as glucose, but antiketogenic and nitrogen sparing activity indicated its conversion to glucose before being oxidized. Stoehr fed 0.15 g of neutralized succinic acid to fasted young rats and noted a marked increase in liver glycogen four hours after feeding. When given by stomach tube to fasting rats with fatty livers, succinic acid and equivalent amounts of glucose were equally effective in reducing ketosis. The antiketogenic action of succinic acid in the intact organism was considered to be simply a result of its conversion to glucose. Ingestion of 10 to 50 g per day of free succinic acid by diabetic patients caused no antiketogenic activity when measured by the ketonuria, while in the normal fasting individual it was as antiketogenic as an equivalent amount of glucose.

Studies of the bioavailability of energy from various aliphatic chemicals added to the diets of experimental animals. Yoshida et al., found that succinic acid at the 5 percent dietary level was well utilized by rats. Sodium succinate produced a 22 percent hypoglycemic response when injected into rabbits. Urinary citric acid from fully grown rats was measured after oral administration of the sodium salts of various organic acids given in the ratio of 60 mg sodium per 100 g body weight. After sodium succinate was given (estimated to be about 150 mg succinate per 100 g of body weight), the 24 hour urine sample contained 4.16 mg of citric acid per ml as compared with 0.44 mg of citric acid per ml in rats given sodium carbonate, and 0.16 mg of citric acid per ml in control animals.

The minimum lethal dose of succinic acid injected subcutaneously into frogs was 2 g per kg body weight. Rabbits tolerated 0.54 g of succinic acid injected intravenously as an 0.5 N solution, or 1.63 g of 0.25 N solution per kg body weight. Rose gave rabbits 4.0 g (about 2 g per kg of body weight) of neutralized succinic acid subcutaneously as the sodium salt and concluded that the acid is not nephrotoxic in rabbits because of the rapid oxidation of succinic acid within the organism. Intraperitoneal injection of 4 g per kg body weight of succinic acid in Long-Evans rats was the maximum tolerated dose, which was defined as the dose at which 10 percent of the test animals died in 24 hours. The oral LD₅₀ of a mixture of succinic acid (63.3 percent) and magnesium phosphate (36.7 percent) in mice was 4562 mg per kg body weight. Albino rats, seven days old, were injected subcutaneously with 0.5 mg of succinic acid in sesame oil, and daily thereafter with increasing doses until they were receiving 2.0 mg per day at four weeks of age (estimated to be approximately 20 mg succinic acid per kg body weight per

day); this dosage was continued until the rats were 80 days old. Control animals received similar doses of sesame oil only. All the rats were weighed and measured weekly, and the times of hair appearance, tooth eruption, eye opening, and vaginal opening were recorded. There were no significant differences between the treated and the control animals except for a possible tendency toward delayed opening of the vagina in the test rats (57.2 days) compared with the controls (49.4 days).

In another series of experiments 0.05 ml of a 1:1000 solution of succinic acid (0.05 mg) was injected into the air sacs of fertile hen eggs on the tenth day of incubation. Control eggs were injected with phosphate buffer solution. No significant differences in weight and rate of development between the chicks of treated and control eggs were noted at hatching, and surviving chicks from treated eggs all developed to maturity without incident.

Single intraperitoneal injections of succinic acid, 4 g per kg body weight, had a sedative effect on the central nervous system and significantly increased brain dopamine in male Long-Evans rats. The mode of action was not determined. Sodium succinate (1 g per kg body weight) administered to rabbits (route not reported), shortened the duration of drug-induced sleep. The author suggested that succinic acid influences the duration of drug-induced sleep by increasing the excretion rate of the soporific.

No long-term toxicity tests with succinic acid have been reported.

Possible estrogenic properties of succinic acid were investigated in two-month-old ovariectomized rats. Daily subcutaneous injections of 5 mg of succinic acid (estimated to be approximately 31 mg per kg body weight per day) for 3 weeks did not change the typical diestrus vaginal smears.

Injection of 7.5 mg of sodium succinate hexahydrate into the yolk sacs of fertile hen eggs at 96 hours of incubation produced no discernible toxic or teratogenic effects in the embryos.

When the yolk sacs of chick embryos were injected simultaneously with sodium succinate hexahydrate and certain teratogens, the succinate decreased the teratogenicity of 3-acetylpyridine, 6-aminonicotinamide, and sulfanilamide, but potentiated the teratogenicity of insulin. The investigators suggested that the teratogens interfered with mitochondrial energy production and that high energy intermediates such as succinate, fed into the respiratory chain of the mitochondria and functioning as energy sources, can decrease the incidence and modify the degree of expression of malformations produced by specific teratogens.

The absorption of orally administered ferrous sulfate in human subjects increased in direct proportion to supplemental doses (30 to 100 mg) of succinic acid given orally and intravenously. Eighty-one subjects participated, 13 of whom were healthy volunteers, and 68 healthy, nonanemic persons who had served as blood donors for various periods of time but had received no iron supplementation. The investigators measured the fraction of absorbed iron utilized in hemoglobin formation and suggested that succinic acid increases intestinal mucosal cell metabolism which influenced the transfer of iron across the cell membranes. On

the other hand, when succinic acid was administered orally or intravenously to normal, adult subjects in single doses of 15 or 110 mg and in daily doses given for 10 days, no increase in the whole-body absorption or iron from oral doses of ferrous succinate was observed.

An incubated mixture of 100 mg of sodium succinate and 2 units of insulin, injected into rabbits' legs, decreased the hypoglycemic effect of insulin; however, simultaneous but separate injections of the two compounds produced little or no change in insulin activity compared with insulin alone.

No studies on possible carcinogenic or mutagenic effects of succinic acid were found by the Select Committee.

All the available safety information on succinic acid has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

Succinic acid occurs widely as a natural constituent of the plants and animals which are commonly used for human food. As one of the intermediary metabolites in the citric acid cycle, it may participate in the net synthesis of glucose and other sugars and fatty acids normally present in plant and animal tissue. At the level succinic acid occurs naturally in foods, there is no evidence that it is hazardous to man or animals. Moreover, experimental animals tolerate succinic acid in amounts equivalent to several g per kg of body weight. By contrast, a reasonable average daily intake of succinic acid added to foods is estimated to be less than 0.01 mg per day, a dosage that is orders of magni-

tude less than that required to elicit toxic signs in experimental animals.

There have been few scientific studies designed to explore possible untoward effects of succinic acid. However, the normal role of succinic acid as an intermediary metabolite in living organisms including man, is persuasive in favor of its safety.

It is the conclusion of the Select Committee that there is no evidence in the available information on succinic acid that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future. Based upon his own evaluation of all available information on succinic acid, including a mutagenic evaluation which was not available when the Select Committee formed its conclusion, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of this ingredient is justified.

Copies of the scientific literature review on succinic acid, the mutagenic evaluation, and the report of the Select Committee are available for review at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22151, as follows:

Title	Order	Price code	Price ¹
Succinic acid (scientific literature review).....	PB-223-860/AS	A03	\$4.00
Succinic acid (report of the select committee).....	PB-254-541/AS	A02	3.50
Succinic acid (mutagenic evaluation).....	PB-254-519/AS	A03	4.00

¹Price subject to change.

This proposed action does not affect the present use of succinic acid in pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 182 and 184 be amended as follows:

§ 182.1091 [Deleted]

1. In Part 182 by deleting § 182.1091 *Succinic acid*.

2. In Part 184 by adding a new § 184.1091 to read as follows:

§ 184.1091 Succinic acid.

(a) Succinic acid (C₄H₆O₄, CAS Reg. No. 110-15-6), also referred to as amber acid and ethylenesuccinic acid, is the chemical 1,4-butanedioic acid. It is commercially prepared by hydrogenation of maleic or fumaric acid. It can also be produced by aqueous alkali or acid hydrolysis of succinonitrile.

(b) The ingredient meets specifications of the Food Chemicals Codex, 2d Ed (1971).¹

(c) The ingredient is used as a flavor enhancer as defined in § 170.3(o)(11) of this chapter and pH control agent as defined in § 170.3(o)(23) of this chapter.

(d) The ingredient is used in food, in accordance with § 184.1(b)(1) of this chapter, at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.085 percent in condiments and relishes as defined in § 170.3(n)(8) of this chapter and 0.0065 percent in meat products as defined in § 170.3(n)(29) of this chapter.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those proposed herein. Any

¹Copies may be obtained from National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20037.

person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before April 4, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: January 25, 1978.

JOSEPH P. HILE,
Associate Commissioner
for Compliance.

(FR Doc. 78-2723 Filed 2-2-78; 8:45 am)

[4110-03]

[21 CFR Part 333]

(Docket No. 75N-0183)

OTC TOPICAL ANTIMICROBIAL PRODUCTS Extension of Time for Objections and Requests for Hearing

AGENCY: Food and Drug Administration.

ACTION: Thirty-day extension of time for objections and/or requests for hearing before the Commissioner.

SUMMARY: The Food and Drug Ad-

ministration is extending until March 6, 1978, the time for filing written objections and requests for hearing before the Commissioner on a proposal to establish conditions under which over-the-counter (OTC) topical antimicrobial drugs are generally recognized as safe and effective and not misbranded. The extension is granted in response to requests for additional time to study the proposal.

DATE: Written objections and/or requests for oral hearing before the Commissioner by March 6, 1978.

ADDRESS: Written objections and/or requests for hearing to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

William E. Gilbertson, Bureau of Drugs (HFD-510), Department of Health, Education, and Welfare, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 6, 1978 (43 FR 1210), the Commissioner of Food and Drugs issued a tentative final regulation containing a tentative final monograph which would establish conditions for the safety, effectiveness, and labeling of over-the-counter (OTC) products such as antibacterial soaps, surgical scrubs, skin cleaners and first-aid preparations. The tentative final monograph is based on the recommendations and findings of the OTC Antimicrobial I Panel and a proposal by the Commissioner of Food and Drugs, published in the FEDERAL REGISTER of September 13, 1974 (39 FR 33103), in accordance with the OTC drug review procedures in § 330.10(a)(7) (21 CFR 330.10(a)(7)). Interested persons were given until February 6, 1978 to file written objections and request an oral hearing before the Commissioner.

The agency has received requests from the Proprietary Association, The Soap and Detergent Association, Ferro Corp., Acme United Corp., Procter and Gamble Co., and Scientific and Regulatory Services to extend the time for objections and/or requests for hearing before the Commissioner. The requests have argued that the tentative final monograph is substantially changed from the Panel's recommended monograph and that nearly 3½ years have elapsed since the original proposal. The requests also note that major revisions have been proposed in labeling and that the required testing guidelines have been extensively modified. The requests for extension are on file in the office of the Hearing Clerk, Food and Drug Administration.

The Commissioner is persuaded that granting additional time for objections and requests for a hearing before the Commissioner is appropriate.

Accordingly, interested persons may file written objections and/or request an oral hearing before the Commissioner on this tentative order on or before March 6, 1978. Requests for an oral hearing must specify points to be covered and time requested. All objections and requests shall be submitted (in quintuplicate and identified with the Hearing Clerk docket number found in brackets in the heading of this document) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be accompanied by a memorandum or brief in support thereof. Objections and requests may be seen in the above-named office between 9 a.m. and 5 p.m., Monday through Friday. Any scheduled oral hearing will be announced in the FEDERAL REGISTER.

This action is taken under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701(a), 52 Stat. 1050-1053 as amended, 1055 (21 U.S.C. 352, 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: January 31, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

(FR Doc. 78-3102 Filed 2-1-78; 11:14 am)

[4110-03]

[21 CFR Part 500]

(Docket No. 76N-0286)

NEW ANIMAL DRUGS: BOVINE TEAT DIPS

Extension of Time for Filing Comments on
Proposed Rulemaking

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document further extends the comment period on a proposed rule concerning uses of bovine teat dips for an additional 90 days, as requested by the National Mastitis Council.

DATES: Comments by March 10, 1978.

ADDRESSES: Written comments to the Hearing Clerk (HFC-20), Room 4-65, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Howard Meyers, Bureau of Veterinary Medicine (HFV-214), Food and

Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION:

A proposed rule concerning uses of bovine test dips was published in the FEDERAL REGISTER of August 9, 1977 (42 FR 40217). The proposal provided 60 days, to October 11, 1977, for submission of comments regarding the proposal. An extension of time of 60 days to December 10, 1977 for the submission of comments was published in the FEDERAL REGISTER of September 30, 1977 (42 FR 52440). In a letter dated November 21, 1977 (on file with the Hearing Clerk, Food and Drug Administration) the National Mastitis Council, 910 17th Street NW., Washington, D.C. 20006, has requested that the comment period be extended an additional 90 days. The National Mastitis Council prepared and submitted extensive materials in response to the proposal. They stated, however, that after discussion of these materials, they appointed several committees to review additional items of serious concern. An additional extension would permit preparation of comments by these committees. Good reason therefore for appearing, the time for filing comments in this matter is further extended to March 10, 1978.

Interested persons may, on or before March 10, 1978, submit to the Hearing Clerk, Food and Drug Administration (address given above) written comments regarding the August 9 proposal on bovine test dips. Four copies of all comments shall be submitted, except that individuals may submit single copies, and the comments shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

This action is taken pursuant to the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and authority delegated to the Commissioner (21 CFR 5.1).

Dated: January 30, 1978.

WILLIAM F. RANDLOPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-3112 Filed 2-2-78; 8:45 am]

PROPOSED RULES

[1505-01]

[Docket No. 76P-0284]

[21CFR Part 701]

COSMETIC INGREDIENT LABELING

Recognition of New Sources for Names of Ingredients Adopted for Ingredient Labeling

Correction

In FR Doc. 77-31095, appearing at page 56757 in the issue for Friday, October 28, 1977, the Food and Drug Administration Docket number was left off and should appear as set forth in the heading above.

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-194-77]

DEFERRED TAX TREATMENT OF AMOUNTS OF COMPENSATORY PAYMENTS

Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the tax treatment of amounts of compensatory payments which are deferred under certain nonqualified compensation reduction plans or arrangements. The regulations would reflect a change in the Internal Revenue Service position relating to these plans or arrangements and provide the public with needed guidance.

DATES: Written comments and requests for a public hearing must be delivered or mailed by April 4, 1978. The amendments are proposed to be effective in the case of compensatory payments which the taxpayer has chosen to defer if the amount would have been payable, but for the taxpayer's exercise of the option to defer receipt, on or after March 6, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-194-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

William E. Mantle of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3734).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 61 of the Internal Revenue Code of 1954. The amendment is proposed in order to change the Internal Revenue Service position on certain nonqualified compensation reduction plans or arrangements and is to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

GENERAL RULE

The new regulation provides that if a taxpayer (whether or not an employee) (individually chooses to have payment of some portion of his current compensation or an amount of an increase in compensation deferred and paid in a later year, the amount will nevertheless be treated as received by the taxpayer in the earlier taxable year. The taxpayer's exercise of the option to defer payment must be under a plan or arrangement other than one described in sections 401(a), 403 (a) or (b), or 405(a) of the Internal Revenue Code of 1954 (relating respectively to qualified pension, profit-sharing, and stock bonus plans; taxation of employee annuities; and qualified bond purchase plans).

DEFINITION OF COMPENSATION

Under the proposed amendment, a taxpayer's compensation includes, in addition to basic or regular compensation fixed by contract, statute, or otherwise, a supplement, such as a bonus, and increases in basic or regular compensation.

EXCEPTION

An exception to the general rule is proposed to provide that it does not apply to the amount of any payment which the taxpayer has chosen to defer under an existing plan or arrangement if the amount would have been payable, but for the taxpayer's exercise of the option to defer receipt, before March 6, 1978.

EFFECT ON PRESENT IRS PUBLISHED POSITIONS

If this regulation is published as a Treasury decision, Rev. Rul. 67-449, 1967-2 C.B. 173, Rev. Rul. 68-86, 1968-1 C.B. 184, Rev. Rul. 69-650, 1969-2 C.B. 106, and Rev. Rul. 71-419, 1971-2 C.B. 220 would no longer be applied and present Service acquiescences in the decisions in *James F. Oates*, 18 T.C. 570 (1952) and *Ray S. Robinson*, 44 T.C. 20 (1965) would be reconsidered. Further, it would be necessary to

examine the facts and circumstances of cases similar to those described in several other published revenue rulings (such as Examples (1) and (3) of Rev. Rul. 60-31, 1960-1 C.B. 174, Rev. Rul. 68-99, 1968-1 C.B. 193, and Rev. Rul. 72-25, 1972-1 C.B. 127) to determine whether the deferral of payment of compensation was in fact at the individual option of the taxpayer who earned the compensation.

On September 7, 1977, the Service announced in IR-1881 that it had suspended the issuance of rulings dealing with the income tax treatment of certain non-qualified deferred compensation plans established by State and local governments and other employers pending completion of a review of this area. The plans reviewed permit the employee to individually elect to defer a portion of his or her salary. This proposed amendment represents conclusions reached as a result of this review.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was William E. Mantle of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed amendments to the regulations.—26 CFR Part 1 is amended by adding a new § 1.61-16 immediately after § 1.61-15. The new section reads as follows:

§ 1.61-16 Amounts payments of which are deferred under certain compensation reduction plans or arrangements.

(a) In general. Except as otherwise provided in paragraph (b) of this section, if under a plan or arrangement (other than a plan or arrangement described in sections 401(a), 403 (a), or (b), or 405(a)) payment of an amount of a taxpayer's basic or regular compensation fixed by contract, statute, or otherwise (or supplements to such compensation, such as bonuses, or increases in such compensation) is, at the taxpayer's individual option, de-

ferred to a taxable year later than that in which such amount would have been payable but for his exercise of such option, the amount shall be treated as received by the taxpayer in such earlier taxable year. For purposes of this paragraph, it is immaterial that the taxpayer's rights in the amount payment of which is so deferred become forfeitable by reason of his exercise of the option to defer payment.

(b) Exception. Paragraph (a) of this section shall not apply to an amount payment of which is deferred as described in paragraph (a) under a plan or arrangement in existence on February 3, 1978 if such amount would have been payable, but for the taxpayer's exercise of the option, at any time prior to March 6, 1978. For purposes of this paragraph, a plan or arrangement in existence on February 3, 1978 which is significantly amended after such date will be treated as a new plan as of the date of such amendment. Examples of significant amendments would be extension of coverage to an additional class of taxpayers or an increase in the maximum percentage of compensation subject to the taxpayer's option.

S. B. WOLFE,
Acting Commissioner
of Internal Revenue.

[FR Doc. 78-3041 Filed 1-31-78; 4:14 pm]

[4830-01]

[26 CFR Part 1]

[LR-95-77]

INCOME TAX

Reporting Requirements for Non-Qualified Stock Options; Public Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public Hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to reporting requirements for non-qualified stock options.

DATES: The public hearing will be held on March 20, 1978, beginning at 10 a.m. Outlines of oral comments must be delivered or mailed by March 10, 1978.

ADDRESS: The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224. Outlines of comments should be submitted to Commissioner, Internal Revenue Service, Attn: CC:LR:T (LR-95-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

PROPOSED RULES

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 83 of the Internal Revenue Code of 1954. These proposed regulations appeared in the FEDERAL REGISTER for September 20, 1977 (42 FR 47222).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 10, 1978. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-95-77), Washington, D.C. 20224. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees can not be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

ROBERT A. BLEY,
Director, Legislation and
Regulations Division.

[FR Doc. 78-3043 Filed 2-2-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 185]

EMERGENCY SCHOOL AID

AGENCY: Office of Education, HEW.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Emergency School Aid Act regulations for the purpose of governing the award of grants for the planning and operation of magnet schools, cooperative programs between local educational agencies and universities or businesses, and the planning of neutral site schools. These activities are authorized by amendments to the

Emergency School Aid Act contained in the Education Amendments of 1976.

DATES: Comments must be received on or before March 20, 1978. Public meetings will be held in four cities at the addresses listed below. The date and time for each meeting follow:

February 13, 1978, Washington, D.C., 9 a.m. to 1 p.m.

February 14, 1978, Cleveland, Ohio, 9 a.m. to 1 p.m.

February 15, 1978, Dallas, Tex., 9 a.m. to 1 p.m.

February 17, 1978, San Francisco, Calif., 9 a.m. to 1 p.m.

ADDRESSES: Comments should be addressed to Dr. Thomas W. Fagan, Room 2017, FOB-6, 400 Maryland Avenue SW., Washington, D.C. 20202. The public meetings will be held at the following locations:

Washington, D.C., Room 221, Martin Luther King Memorial Library, 901 G Street NW.

Cleveland, Ohio, Cleveland YWCA, Willey Room, 2d Floor, 3201 Euclid Avenue 44115.

Dallas, Tex., Human Systems, Inc., Executive Tower, Room 506, 3300 West Mockingbird 75235.

San Francisco, Calif., Far West Laboratory for Educational Research and Development, 1855 Folsom Street 94103.

FOR FURTHER INFORMATION CONTACT:

Dr. Thomas W. Fagan, 202-245-2465.

AUTHORITY.—Pursuant to the authority contained in the Emergency School Aid Act, Title VII of the Education Amendments of 1972 ("ESAA"; 20 U.S.C. 1601 et seq.) and, in particular, the 1976 amendments to that statute contained in section 321(c) of Pub. L. 94-482, the Commissioner (to whom the Assistant Secretary has delegated functions under ESAA) proposes to amend the regulations in 45 CFR Part 185.

SUPPLEMENTARY INFORMATION: On July 1, 1977, an interim final regulation (Subpart L of 45 CFR Part 185) was published in the FEDERAL REGISTER to govern the award of fiscal year 1977 grants for newly authorized activities (the planning and operation of magnet schools, cooperative programs between local educational agencies and universities or businesses, and the planning of neutral site schools). Considering the required time for public comment, it was apparent that a final regulation could not take effect, following proposed rulemaking procedures, in time to govern timely awards of assistance in that fiscal year. The interim final regulation was published with the understanding that the Office of Education would republish it as proposed rulemaking to allow for public comment.

One comment in response to the interim regulation was received. The commenter objected to the requirement that nonminority students constitute no less than 50 percent of the total enrollment of the magnet school. This suggestion was considered by the Office of Education and, for the rea-

sons set out below in connection with § 185.102(c), was not adopted in the proposed regulations.

At this time, the Commissioner republishes the interim regulations, with minor changes indicated below, as proposed rules and invites comment from the public.

DEFINITIONS

Definitions of some terms used in Subpart L are contained in existing regulations pertaining to the Emergency School Aid Act. See, in particular, § 185.02. However, § 185.101 in Subpart L contains definitions of certain terms used in that Subpart alone. The definitions of "magnet school" and "neutral site school" are taken from the 1976 amendments to the statute. The definition of a "special curriculum" required for a magnet school permits the award of a grant in connection with a school that offers a course of study embracing either special subject matter or a special teaching methodology. The "special curriculum" need not be unique. An applicant may seek funds in connection with more than one school offering the same curriculum, or schools offering different curricula, so long as the curriculum at each school is not generally available in the applicant's schools.

The definition of "special curriculum" excludes curricula designed solely for handicapped students or for students of limited English-speaking ability because students are assigned to these curricula by virtue of their special educational needs. In order to ensure that a magnet school is open to students of various ethnic and economic backgrounds, the definition of "special curriculum" also excludes one in which a student is unable to participate because of the student's limited English-speaking ability or limited financial resources. Finally, the definition excludes a curriculum which fails to provide for a participating student's meeting the requirements for completion of elementary or secondary education in the same period as other students enrolled in the applicant's schools. This provision is designed to ensure that a student's enrollment in a magnet school will result in no academic penalty either in the magnet school or in another school to which the student transfers after enrolling in the magnet school.

ELIGIBILITY

Section 185.102 sets out the eligibility requirements for a grant under Subpart L. It provides that only a local educational agency may apply for such a grant, and that the applicant must comply with the civil rights related limitations on eligibility applicable to any educational agency seeking ESAA assistance.

In the case of a grant to conduct educational programs in a magnet

school, there is a further eligibility requirement. Under the statute, this kind of grant may be used only in connection with a school or education center that offers a special curriculum "capable of attracting substantial numbers of students of different racial backgrounds" (20 U.S.C. 1619(9)). Section 185.102(c) requires that the enrollment of a magnet school include substantial numbers of students from different racial backgrounds 60 days after the beginning of the first school term during the project period. The purpose of this provision is to ensure that the curriculum of the school is truly capable of attracting a racially diverse student body, and thereby to ensure that grant funds are used for the purposes permitted by the statute. The Commissioner encourages applicants for magnet school grants to take the necessary steps to attract a racially diverse student body to each school before the beginning of the school term, and anticipates that applicants will be successful in this regard. However, the Commissioner recognizes that precise enrollment figures are difficult to ascertain before school opens, that some students enroll after that date, and that a limited number of students may be attracted to one school after first enrolling in another. For these reasons, he has determined that the capability of a curriculum to attract a racially diverse student body should be assessed 60 days after the beginning of the school term.

The experience of the Office of Education with the first group of magnet school applications has shown requests for equipment costs to be significant. To prevent the obligation of equipment funds in connection with a magnet school which fails to meet enrollment requirements, the interim regulation has been amended to preclude the obligation of more than one-half of equipment funds (where they exceed 10 percent of the grant award) until the school is found to meet enrollment requirements.

Under § 185.102(c), minority group students may constitute between 20 and 50 percent of the enrollment of a magnet school. If the applicant enrolls in its schools students from more than one minority group, the minority group enrollment of the magnet school must generally reflect the minority group enrollment in the applicant's schools as a whole. In establishing these requirements, the Commissioner has been guided, first, by the purposes of the Emergency School Aid Act set out at 20 U.S.C. 1601(b) and, in particular, 20 U.S.C. 1601(b)(2):

to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students.

In view of the purposes of the statute, the Commissioner has determined

that funds may not be used in connection with a minority group isolated school as that term is defined in the statute. (See 20 U.S.C. 1619(11) and § 185.02(g) of the ESAA regulations.) Therefore, the regulations establish a ceiling of 50 percent for the minority group enrollment in a magnet school.

In establishing a floor of 20 percent minority enrollment in a magnet school, the Commissioner has been guided by the views of experts in school desegregation. For example, Dr. Thomas Pettigrew, in testimony before Congress prior to the enactment of the ESAA, expressed his opinion that the optimum minority group enrollment in a school was not less than 20 percent. (Hearings before the Select Committee on Equal Educational Opportunity of the United States Senate on Equal Educational Opportunity, 91st Cong., 2d Sess., Pt. 2, at 769 (1970).) More recently, Dr. Charles V. Willie cited the same percentage figure as the lower limit of a sufficient minority group enrollment range. (Willie, "Racial Balance or Quality Education", 84 U. Chi. Sch. Rev. 319 (1976).)

The regulations require a recipient of a grant to conduct educational programs in a magnet school to report the enrollment of the school as of the 60th day after the beginning of the school term. If a racially diverse student body as described above has not been attracted to a school by that time, the grant is terminated insofar as it relates to that school.

AUTHORIZED ACTIVITIES

Section 185.103 sets out the activities for which funds awarded under Subpart L may be used. These activities fall into three major categories set out at 20 U.S.C. 1606(a) (13)-(15):

1. Planning and design of, and conduct of programs in, magnet schools;
2. The pairing of schools and programs with specific colleges and universities and with leading businesses; and
3. The development of plans for neutral site schools. These activities, like those under other ESAA programs, may be assisted only if they would not otherwise be funded and are designed to carry out the purposes of the statute. Limited repair and minor remodeling or alteration of existing facilities may be assisted in connection with activities otherwise authorized.

The interim regulation did not expressly provide that enrollment requirements applicable to projects to conduct educational programs in magnet schools also applied to projects to plan magnet schools. An amendment to the interim regulation makes it clear that the enrollment requirements apply to schools for which planning grants are made.

The regulations amplify each of the three major categories of authorized

activities. In the case of magnet schools, both educational and architectural planning, as well as related activities, may be assisted. The conduct of educational programs in a magnet school may also be assisted, so long as the applicant's fiscal effort per student for students enrolled in the magnet school will be no less than that for students enrolled in comparable schools. This restriction is designed to ensure that ESAA funds are not used as a substitute for non-Federal funds.

In the case of university/business cooperation, the regulations do not delimit the kinds of cooperative educational programs which may be assisted. However, taking into account the purposes of the statute, the Commissioner has determined that these programs must be designed to benefit students or staff in a magnet school, a school affected by a plan described in 20 U.S.C. 1605(a), or a minority group isolated school.

The regulations relating to neutral site planning distinguish between planning activities, which may be assisted, and activities that occur after planning has been completed, which may not. Activities may be assisted only in connection with a school planned to have the enrollment characteristics described above for a magnet school, and one which will be equally accessible to students from all racial groups.

APPLICATIONS AND FUNDING CRITERIA

Section 185.104 sets out the information and assurances required to be included in an application for a grant under Subpart L. It provides that an applicant under this Subpart must include enrollment data needed for the evaluation of its application, as well as the information required of local educational agencies under other ESAA programs.

Section 185.105 sets out objective criteria for use in evaluating applications for grants relating to magnet schools or university/business cooperation. The objective criteria are designed to measure the net change in minority group isolation in the applicant's schools over two periods. For fiscal year 1978 grants these periods are (1) fiscal year 1976 compared to fiscal year 1979 (when the assisted activities would be carried out), and (2) fiscal year 1978 compared to fiscal year 1979. The elimination, reduction, or prevention of isolation in the latter period has twice the weight of that in the former. Thus, the criteria emphasize the efficacy and comprehensiveness of the applicant's efforts to address minority group isolation, and the need arising from those efforts.

No applicant for fiscal year 1977 funds under Subpart L achieved a net change in minority group isolation

greater than 70.99 nor a score of more than 21 points on the basis of the criteria in § 185.105. Therefore, the interim regulation has been amended to provide for better discrimination among applicants in assigning points for the net change in isolation. No points are assigned for a change in isolation between 0 and 0.99. The lowest third of the scale provides for the greatest discrimination among applicants while less is needed in the middle and upper thirds of the scale.

Each application under Subpart L is also evaluated, in whole or in part, on the basis of other criteria. An application for a grant relating to magnet schools or university/business cooperation is evaluated on the basis of the educational criteria set out in § 185.106 as well as the objective criteria described above. An application for a grant relating to neutral site planning is evaluated only on the basis of the criteria set out in § 185.107.

Section 185.108 sets out the funding procedures for the award of grants under Subpart L. It provides for an annual reservation of a proportion of available funds for neutral site planning. Applications for grants relating to magnet schools or university/business cooperation are evaluated separately from applications for grants relating to neutral site planning. Awards are made to the highest ranking applicants in each of these two categories. However, in the case of applications for grants relating to magnet schools or university/business cooperation, the regulations provide for the award of at least five grants where a sufficient number of meritorious applications has been submitted. The purpose of this provision is to ensure that the needs of a number of applicants are met to some extent, and to provide a basis for evaluating the program.

OTHER PROVISIONS

Sections 185.109 and 185.110 incorporate the requirements for public and advisory committee participation and nonpublic school participation, respectively, that apply to any local educational agency seeking ESAA assistance.

NOTE.—The Commissioner has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Numbers 13.589—Magnet Schools, University/Business Cooperation, and 13.590—Neutral Site Planning.)

Accordingly, 45 CFR Part 185 is proposed to be amended as set forth below.

Dated: December 28, 1977.
ERNEST L. BOYER,
U.S. Commissioner of Education.
Approved: January 3, 1978.
PETER D. RELIC,
Acting Assistant Secretary for
Education.
Approved: January 27, 1978.
JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education,
and Welfare.

1. The Table of Contents is amended
by adding at the end thereof the fol-
lowing:

SUBPART L—MAGNET SCHOOLS, UNIVERSITY/BUSI-
NESS COOPERATION, AND NEUTRAL SITE PLAN-
NING

- 185.101 Definitions.
- 185.102 Eligibility.
- 185.103 Authorized activities.
- 185.104 Applications.
- 185.105 Objective criteria—magnet schools and university/business cooperation.
- 185.106 Educational criteria—magnet schools and university/business cooperation.
- 185.107 Neutral site planning criteria.
- 185.108 Funding procedures.
- 185.109 Public and advisory committee participation.
- 185.110 Nonpublic school participation.

2. A new Subpart L is added, as fol-
lows:

Subpart L—Magnet Schools, University/Busi-
ness Cooperation, and Neutral Site Planning

§ 185.101 Definitions.

The following definitions apply to
terms used in this subpart:

"Magnet school" means a school or
education center that offers a special
curriculum capable of attracting sub-
stantial numbers of students of differ-
ent racial backgrounds.

"Neutral site school" means a school
that is located so as to be accessible to
substantial numbers of students of dif-
ferent racial backgrounds.

"Special curriculum" means a course
of study embracing subject matter or a
teaching methodology that is not gen-
erally offered to students of the same
age or grade level, and in the same
local educational agency, as the stu-
dents to whom the special curriculum
is offered. This term does not in-
clude—

- (1) A course of study designed solely
for handicapped students or for stu-
dents of limited English-speaking abil-
ity; or
- (2) A course of study in which any
student is unable to participate be-
cause of his or her limited English-
speaking ability; or
- (3) A course of study in which any
student is unable to participate be-
cause of his or her limited financial re-
sources; or
- (4) A course of study which fails to
provide for a participating student's

meeting the requirements for comple-
tion of elementary or secondary educa-
tion in the same period as other stu-
dents enrolled in the applicant's
schools.

(20 U.S.C. 1603(d), 1619(9), 1619(12).)

§ 185.102 Eligibility.

(a) Any local educational agency
may apply for a grant under this sub-
part.

(20 U.S.C. 1603(d), HR Rep. No. 94-1701,
94th Cong., 2d Sess. 231 (1976).)

(b) The provisions of § 185.43 (limita-
tions on eligibility), § 185.44 (waivers
of ineligibility), and § 185.46 (determi-
nations of ineligibility prior to award
of assistance) apply to any local educa-
tional agency seeking a grant under
this subpart.

(20 U.S.C. 1603(d), 1605(d).)

(c) In the case of a grant for activi-
ties described in § 185.103(a) relating
to the conduct of educational pro-
grams in a magnet school, the Assis-
tant Secretary will consider the cur-
riculum of a magnet school to be capa-
ble of attracting substantial numbers
of students of different racial back-
grounds only if, 60 days after the be-
ginning of the first school term during
the project period, the enrollment of
the school meets the following re-
quirements:

(1) Minority group students consti-
tute no less than 20 percent and no
more than 50 percent of the enroll-
ment;

(2) The ratios of the number of stu-
dents from each minority group to the
total number of minority group stu-
dents enrolled in the magnet school
generally reflect the ratios among mi-
nority group students enrolled in all
the schools of the recipient; and

(3) No student has been compelled
to enroll in the magnet school, or to
enroll in another school after enroll-
ing in the magnet school.

If the enrollment of any school does
not meet these requirements, the As-
sistant Secretary shall terminate the
grant in accordance with § 185.45 inso-
far as it relates to that school.

(d) A recipient of a grant for activi-
ties described in § 185.103(a) relating
to the conduct of educational pro-
grams in a magnet school shall submit
to the Assistant Secretary a report
showing the number of nonminority
group students and the number of stu-
dents from each minority group who
were enrolled at each magnet school
to which the grant relates on the 60th
day after the beginning of the first
school term during the project period.
The recipient shall submit this report
within 75 days after the beginning of
that school term unless the Assistant
Secretary, for good cause shown, sets a
later date for submission.

(20 U.S.C. 1603(d), 1607(a)(13), 1619(9).)

§ 185.103 Authorized activities.

Funds awarded under this subpart
may be used for the activities de-
scribed in this section if those activi-
ties would not otherwise be funded
and if they are designed to carry out
the purposes described in § 185.01 (re-
lating, generally, to the elimination of
minority group segregation, discrimi-
nation, and isolation and the effects
thereof). No more than 10 percent of
the funds awarded under this subpart
may be used for the repair and minor
remodeling or alteration of facilities.

(a) *Magnet schools.* (1) Funds may be
used for the following three activities:

(i) The planning and design of one
or more magnet schools; as described
in § 185.102(c) (1), (2), and (3);

(ii) The conduct of educational pro-
grams in one or more magnet schools;
and

(iii) The repair and minor remodel-
ing or alteration (as defined in
§ 185.12(d) of existing school facilities
in connection with the conduct of edu-
cational programs in one or more
magnet schools.

(2) The planning and design of a
magnet school includes, but is not
limited to, the following activities:

(i) Planning and design of educa-
tional programs for the school;

(ii) Architectural design of new or
modified facilities to house the school;

(iii) Surveys and studies relating to
the establishment or improvement of
the school; and

(iv) Recruitment of students and
staff for the school.

(3) Where the cost of equipment (as
defined in § 185.02(c)) exceeds 10 per-
cent of funds awarded for the conduct
of educational programs in one or
more magnet schools, the recipient
may not obligate more than one-half
of the funds available for equipment
until the Assistant Secretary deter-
mines that each school to which the
equipment relates meets the enroll-
ment requirements set out in
§ 185.102(c) (1)-(3).

(4) The Assistant Secretary shall
award funds for the conduct of educa-
tional programs in a magnet school
only if the applicant's fiscal effort per
student for students enrolled at a
magnet school is no less than its fiscal
effort per student for students en-
rolled at all schools serving students of
the same age or grade level operated
by the applicant in the fiscal year for
which it seeks assistance under this
subpart. For the purpose of this sub-
paragraph, "fiscal effort per student"
means the expenditure for free public
education, including expenditures for
administration, instruction, atten-
dance and health services, pupil trans-
portation services, operation and
maintenance of plant, fixed charges,
and net expenditures to cover deficits

for food services and student body ac-
tivities (but not including expendi-
tures for community services, capital
outlay and debt service, or any expendi-
ture from funds granted under any
Federal program of assistance) divided
by the number of students with re-
spect to whom the computation is
made.

(b) *University/business cooperation.*
Funds may be used for—

(1) The conduct of educational pro-
grams by the applicant, in cooperation
with one or more colleges, universities,
or leading businesses, for the benefit
of students enrolled, or staff em-
ployed, in—

(i) A magnet school assisted under
this subpart;

(ii) A school affected by a plan or
project described in § 185.11 or
§ 185.31(a); or

(iii) A minority group isolated school
(as defined in § 185.02(g)); and

(2) The repair and minor remodeling
or alteration (as defined in § 185.12(d))
of facilities in connection with the
conduct of these educational pro-
grams.

(c) *Neutral site planning.* (1) Funds
may be used for the development of
plans for one or more neutral site
schools, including but not limited to
the following activities:

(i) Surveys and studies to determine
the location of the school;

(ii) Planning educational programs
for the school;

(iii) Architectural design of facilities
to house the school; and

(iv) The repair and minor remodel-
ing or alteration (as defined in
§ 185.12(d) of facilities in connection
with the development of plans for the
school.

(2) Funds may be used only in con-
nection with a school planned to have
the following characteristics:

(i) Minority group students will con-
stitute no less than 20 percent and no
more than 50 percent of the enroll-
ment of the school;

(ii) The ratios of the number of stu-
dents from each minority group to the
total number of minority group stu-
dents who will be enrolled in the
school generally reflect the ratios
among minority group students who
will be enrolled in all the schools of
the recipient; and

(iii) The school will be equally acces-
sible to nonminority group students
and students from each minority
group who will be enrolled in it.

(3) Funds may not be used for—

(i) The acquisition or improvement
of a site for the school;

(ii) The construction of facilities to
house the school;

(iii) The acquisition of equipment
for the school; or

(iv) Any activity related to the oper-
ation of the school.

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12)-(15),
1619 (10) and (12); 122 Cong. Rec. S16870,

S16872 (daily ed. Sept. 28, 1976), H11691,
H11699 (daily ed. Sept. 29, 1976).)

§ 185.104 Applications.

(a) An applicant for a grant under
this subpart shall include in its appli-
cation a description of the activities
for which it seeks assistance and the
information described in §§ 185.109
and 185.110.

(b) The provisions of § 185.13 (a)
through (n), relating to applications,
apply to any applicant for a grant
under this subpart. An applicant shall
include in its application the informa-
tion and assurances required by those
provisions.

(c) In the case of an application for a
grant to carry out activities described
in § 185.103 (a) or (b) relating to
magnet schools and university/busi-
ness co-operation respectively, the ap-
plicant shall include in its application
the information described in this para-
graph.

(1) Except as provided in subpara-
graph (2) of this paragraph, the appli-
cant shall include—

(i) The number of minority group
students and the total number of stu-
dents enrolled or to be enrolled in
each of its schools in the following
years:

(A) "Base year I" (meaning the third
fiscal year prior to the fiscal year for
which an applicant seeks assistance
under this subpart);

(B) "Base year II" (meaning the
fiscal year immediately prior to the
fiscal year for which an applicant
seeks assistance under this subpart);
and

(C) The "project year" (meaning the
fiscal year for which an applicant
seeks assistance under this subpart);
and

(ii) A description of the basis for its
enrollment projections for the project
year.

(2) (i) If an applicant is eligible for
assistance under this part under a
plan described in § 185.11(b)(3) or a
project described in § 185.11(d) and
chooses to rely on that plan or project
in its application for assistance under
this subpart, it shall include the
number of minority group students
and the total number of students who
would be enrolled, in the project year,
in each of its schools—

(A) If the plan or project were im-
plemented; and

(B) If the plan or project were not
implemented.

(ii) If the applicant chooses to rely
solely on that plan or project, it is not
required to include the information
described in subparagraph (1) of this
paragraph.

(d) Both an applicant for a grant
under this subpart and the Assistant
Secretary shall make the application
and all correspondence and other writ-
ten materials relating to it readily
available to the public.

(20 U.S.C. 1603(d), 1609 (a) and (b), 1612,
1605(d), 1228.)

§ 185.105 Objective criteria—magnet
schools and university/business coo-
peration.

(a) (1) In evaluating an application
for a grant under this subpart to carry
out activities described in § 185.103 (a)
or (b) relating to magnet schools and
university/business cooperation re-
spectively, the Assistant Secretary
shall assign the application up to 90
points for the net change in isolation
in the applicant's schools between
base year I and the project year, and
between base year II and the project
year. ("Base year I," "base year II,"
and "project year" are defined at
§ 185.104.)

(2) The Assistant Secretary shall
assign points for net change in isola-
tion on the basis of the procedure de-
scribed in this section.

(b) From the information required
to be included in an application under
§ 185.103(c), the minority group per-
centage of the enrollment of each of
the applicant's schools in base year I is
computed. The number of minority
group students enrolled in schools
within each percentage range in
Column A of Table I is determined.
The number of students in each per-
centage range is then multiplied by
the corresponding weight in Column B
of Table I. The resulting weighted
numbers are added. The sum is then
divided by the total number of minor-
ity group students enrolled in the ap-
plicant's schools for that year.

TABLE I

Column A, minority group percentage	Column B, Weight
95 or more	0.0
At least 90 but less than 95 .....	.1
At least 85 but less than 90 .....	.2
At least 80 but less than 85 .....	.3
At least 75 but less than 80 .....	.4
At least 70 but less than 75 .....	.5
At least 65 but less than 70 .....	.6
At least 60 but less than 65 .....	.7
At least 55 but less than 60 .....	.8
More than 50 but less than 55 .....	.9
50 or less	1.0

(c) The computation described in
paragraph (b) of the section is repeat-
ed using the number of minority
group students to be enrolled in the
applicant's schools in the project year.

(d) The result of the computation
for base year I is subtracted from the
result of the computation for the pro-
ject year to determine the net change
in isolation between base year I and
the project year. Using Table II, the
Assistant Secretary assigns the appli-
cation the number of points in
Column B which corresponds to the
applicant's net change in isolation in
Column A.

TABLE II

Column A, net change in isolation	Column B, points
96 to 100	30
91 to 95.99	29

TABLE II—Continued

Column A, net change in isolation	Column B, points
88 to 90.99	28
81 to 85.99	27
76 to 80.99	26
71 to 75.99	25
66 to 70.99	24
61 to 65.99	23
56 to 60.99	22
51 to 55.99	21
46 to 50.99	20
41 to 45.99	19
36 to 40.99	18
31 to 35.99	17
26 to 30.99	16
21 to 25.99	15
16 to 20.99	14
11 to 15.99	13
6 to 10.99	12
1 to 5.99	11
0 to 0.99	10
	9
	8
	7
	6
	5
	4
	3
	2
	1
	0

(e) The computation described in paragraph (b) of this section is repeated using the number of minority group students enrolled in the applicant's schools in base year II. The result of this computation is subtracted from the result of the computation for the project year to determine the net change in isolation between base year II and the project year. Using Table II, the Assistant Secretary assigns the application the number of points in Column B which corresponds to the applicant's net change in isolation in Column A multiplied by two.

(f) If the applicant relies on either a plan described in § 185.11(b)(3) or a project described in § 185.11(d), or both, and on the reduction or elimination of minority group isolation, the Assistant Secretary assigns the application points on the basis of the computations described in paragraphs (b) through (e) of this section using as project year data the enrollment data based on implementation of the plan or project.

(g) If the applicant relies solely on a plan described in § 185.11(b)(3) or a project described in § 185.11(d), or both, the Assistant Secretary assigns the application points on the basis of the computations described in paragraphs (b) through (e) of this section—

(1) Using as base year I and base year II data the enrollment data based on no implementation of the plan or project; and

(2) Using as project year data the enrollment data based on implementation of the plan or project.

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12)-(14), 1609(c) (1)-(4).)

§ 185.106 Educational criteria—magnet schools and university/business cooperation.

In evaluating an application for a grant under this subpart to carry out activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively, the Assistant Secretary shall assign the application up to 70 points on the basis of the following criteria:

(a) *Need assessment (10 points).* (1) The magnitude of the need for the activities proposed in the application (5 points); and

(2) The extent to which the need is supported by objective evidence (5 points).

(b) *Statement of objectives (10 points).* (1) The extent to which the applicant sets out specific, measurable objectives related to the need assessed (4 points);

(2) The extent to which the objectives realistically address the need assessed (3 points); and

(3) The extent to which the objectives were developed by persons with relevant experience and persons from all racial and ethnic populations to be served by the proposed activities (3 points).

(c) *Activities (36 points).*—(1) *Project design (24 points).* (i) The extent to which the proposed activities are unique (4 points);

(ii) The thoroughness of the applicant's planning for the proposed activities and the extent to which those activities will be coordinated with other efforts by the applicant to eliminate, reduce, or prevent minority group isolation (4 points);

(iii) The extent to which the proposed activities will promote interracial and intercultural contact and understanding (3 points);

(iv) The extent to which the proposed activities will meet the needs of individual students, including students of varying levels of achievement (4 points);

(v) The extent to which the proposed activities will reflect the interests of parents, students, and other members of the community (3 points);

(vi) The extent to which the curriculum to which the proposed activities relate includes materials pertinent to the racial and ethnic composition of the schools or community to be served (2 points);

(vii) The extent to which instruction in basic skills is integrated into the proposed activities (2 points); and

(viii) The extent to which the proposed activities provide for cooperative planning among teachers and other staff to meet the needs of individual students (2 points).

(2) *Staffing (6 points).* (i) The extent to which the applicant sets out an adequate staffing plan, including specific job responsibilities and provisions for

making maximum use of present staff capabilities (2 points);

(ii) The extent to which the proposed activities will be conducted by staff which reflect the racial and ethnic composition of the schools or community to be served (2 points);

(iii) The extent to which the proposed activities include necessary staff training (2 points).

(3) *Parent and Community Involvement (6 points).* (i) The extent to which the applicant will involve parents and students in carrying out the proposed activities, as by employing parents as instructional aides in the classroom and informing parents and students of progress made in carrying out the proposed activities (2 points);

(ii) The extent to which the applicant will involve in the proposed activities public and private agencies in the community which have previously been involved in activities related to the elimination, reduction, or prevention of minority group isolation (2 points); and

(iii) The extent to which the applicant delineates specific opportunities for the participation in the proposed activities of the advisory committee described in § 185.41 (2 points).

(d) *Management (8 points).* (1) The extent to which the amount of funds requested is of sufficient magnitude in relation to the number of participants to be served to give substantial promise of achieving the stated objectives, and is reasonable in relation to the expected benefits (2 points);

(2) The extent to which the applicant has made all possible efforts to minimize the amount of funds requested for the purchase of equipment to carry out the proposed activities (2 points);

(3) The extent to which the applicant sets out a detailed and realistic schedule of implementation (2 points); and

(4) The extent to which the applicant sets out a plan for meeting the logistical requirements for the proposed activities, including a description of adequate and conveniently available facilities and equipment (2 points).

(e) *Evaluation (6 points).* The extent to which the applicant sets out a format for objective, quantifiable measurement of the success of the proposed activities in achieving the stated objectives, including—

(1) A timetable for the compilation of data for evaluation and a method for continuing review of the proposed activities in the light of that data (2 points);

(2) A description of instruments to be used for evaluation of the proposed activities (and of the method for validating these instruments where necessary), or a description of the procedure to be employed in selecting these instruments (2 points); and

(3) Provisions for the comparison of evaluation results with norms, control group performance, results of other programs, or other external standards (2 points).

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12)-(14), 1609(c) (1), (2), (4), and (6).)

§ 185.107 Neutral site planning criteria.

In evaluating an application for a grant under this subpart to carry out activities described in § 185.103(c) relating to neutral site planning, the Assistant Secretary shall assign the application up to 100 points on the basis of the following criteria:

(a) *Need assessment (20 points).* (1) The magnitude of the need for the activities proposed in the application (10 points); and

(2) The extent to which the need is supported by objective evidence, including demographic data (10 points).

(b) *Statement of objectives (5 points).* (1) The extent to which the applicant sets out specific, measurable objectives related to the need assessed (2 points);

(2) The extent to which the objectives realistically address the need assessed (1 point); and

(3) The extent to which the objectives were developed by persons with relevant experience and persons from all racial and ethnic populations to be served by the proposed activities (2 points).

(c) *Activities (60 points).*—(1) *Project design (35 points).* (i) The extent to which the proposed activities will be coordinated with other efforts by the applicant to eliminate, reduce, or prevent minority group isolation (5 points);

(ii) The extent to which the proposed activities will be coordinated with the applicant's other planning activities, including those related to building use (5 points);

(iii) The extent to which the proposed activities will be coordinated with the planning activities of both other governmental agencies and the private sector to ensure that a neutral site school to which the proposed activities relate will have the characteristics described in § 185.103(c)(3) for an extended period (10 points);

(iv) The extent to which the proposed activities will assist in eliminating, reducing, or preventing minority group isolation in the schools of more than one local educational agency (5 points);

(v) The extent to which the proposed activities, including any educational planning activities, will reflect the interests of parents, students and other member of the community (5 points); and

(vi) The extent to which the applicant provides evidence of a commitment to implement any plan developed with assistance under this subpart (5 points).

(2) *Staffing (10 points).* (i) The extent to which the applicant sets out an adequate staffing plan, including specific job responsibilities and provisions for making maximum use of present staff capabilities (4 points);

(ii) The extent to which the proposed activities will be conducted by staff which reflect the racial and ethnic composition of the community to be served (3 points); and

(iii) The extent to which the proposed activities include necessary staff training (3 points).

(3) *Parent and community involvement (15 points).* (i) The extent to which the applicant will involve parents and students in carrying out the proposed activities (5 points);

(ii) The extent to which the applicant will involve in the proposed activities public and private agencies which have previously been involved in activities related to the elimination, reduction, or prevention of minority group isolation (5 points); and

(iii) The extent to which the applicant delineates specific opportunities for the participation in the proposed activities of the advisory committee described in § 185.41 (5 points).

(d) *Management (10 points).* (1) The extent to which the amount of funds requested is of sufficient magnitude in relation to the stated objectives to give substantial promise of achieving those objectives, and is reasonable in relation to the expected benefits (2 points);

(2) The extent to which the applicant has made all possible efforts to minimize the amount of funds requested for the purchase of equipment to carry out the proposed activities (2 points);

(3) The extent to which the applicant sets out a detailed and realistic schedule of implementation (2 points); and

(4) The extent to which the applicant sets out a plan for meeting the logistical requirements for the proposed activities, including a description of adequate and conveniently available facilities and equipment (4 points).

(e) *Evaluation (5 points).* The extent to which the applicant sets out a format for objective, quantifiable measurement of the success of the proposed activities in achieving the stated objectives, including—

(1) A timetable for the compilation of data for evaluation and a method for continuing review of the proposed activities in the light of that data (3 points); and

(2) A description of instruments to be used for evaluation of the proposed activities (and of the method for validating these instruments where necessary), or a description of the procedure to be employed in selecting these instruments (2 points).

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12) and (15), 1609(c) (1)-(4) and (6).)

§ 185.108 Funding procedures.

(a) The Assistant Secretary shall make any grant under this subpart from funds appropriated under section 704(d) of the Act. The Assistant Secretary will announce, by publication of a notice in the FEDERAL REGISTER:

(1) The amount of funds, if any, available for grants under this subpart in any fiscal year;

(2) The proportion of those funds which the Assistant Secretary will reserve for grants to carry out activities described in § 185.103(c) relating to neutral site planning;

(3) The project period for grants under this subpart; and

(4) The deadline for receipt of applications for these grants.

(b) (1) The Assistant Secretary shall separately evaluate applications for grants to carry out—

(i) Activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively; and

(ii) Activities described in § 185.103(c) relating to neutral site planning.

(2) The Assistant Secretary shall make grants to eligible applicants in each category on the basis of their ranking under the criteria in this subpart. However, the Assistant Secretary shall not be required to approve any application which contains proposed activities that afford insubstantial promise of achieving the purposes described in § 185.01, as measured by the criteria in this subpart.

(c) The Assistant Secretary shall fix the amount of each grant on the basis of the additional cost (as defined in § 185.13(a)(1)) of carrying out authorized activities. However, if in any fiscal year at least five applicants have submitted applications for grants to carry out activities described in § 185.103 (a) or (b) relating to magnet schools and university/business cooperation respectively, and if their applications are otherwise approvable, the Assistant Secretary shall make no fewer than five grants for those activities. If the amount needed to fund all authorized activities proposed by the five highest ranking applicants exceeds the amount of funds available, the Assistant Secretary shall reduce the amount of each grant by an equal proportion.

(d) The Assistant Secretary shall not finally disapprove in whole or in part an application for a grant under this subpart without first notifying the applicant of the specific reasons for disapproval and affording the applicant an appropriate opportunity to modify its application.

(20 U.S.C. 1601(b), 1603(d), 1606(a) (12)-(15), 1609(a)(4), 1609(c), 1609(d)(2), 1609(e).)

§ 185.109 Public and advisory committee participation.

The provisions of § 185.41 apply to any applicant for a grant under this

subpart. An applicant shall include in its application the information and assurances required by those provisions. (20 U.S.C. 1609(a)(2), 1609(a)(3), 1609(b).)

§ 185.110 Nonpublic school participation.

The provisions of § 185.42 apply to any applicant for a grant under this subpart. An applicant shall include in its application the information and assurances required by those provisions.

(20 U.S.C. 1609(a)(12), 1605(d), 1611(c).)
[FR Doc. 78-2911 Filed 2-2-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 67]

[Docket No. 21263; FCC 78-84]

JURISDICTIONAL SEPARATIONS

Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands

AGENCY: Federal Communications Commission.

ACTION: Joint Board Order, Docket No. 21263.

SUMMARY: The Federal-State Joint Board established to recommend what charges, if any, should be made to the NARUC-FCC Separations Manual to make it applicable to Alaska and Hawaii issues an order calling for the submission of various cost studies and institutes notice and comment procedures. The Joint Board will issue a supplemental order establishing dates for the filing of comments and replies.

DATES: Already completed cost studies shall be submitted by February 15, 1978, and remaining cost studies shall be submitted by April 1, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Francis L. Young, Common Carrier Bureau, 632-5550.

Adopted: January 24, 1978.

Released: January 31, 1978.

In the matter of integration of rates and services for the provision of communications by authorized common carriers between the United States mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands, Docket No. 21263, *Memorandum opinion and order*. See 42 FR 51628.

Adopted: January 24, 1978.

Released: January 31, 1978.

By the Federal State Joint Board.

1. In Memorandum Opinion and Order, FCC 77-658, released September 28, 1977, we instructed the Joint Board Staff to prepare recommendations concerning what information should be obtained to develop an adequate record in this proceeding. After considering various options, we have decided to adopt a two phase approach to this proceeding. Phase I will consist of data collection and Phase II will be a notice and comment procedure in which any participant may address what changes, if any, should be made to the existing NARUC-FCC Separations Manual to make it applicable to Alaska and Hawaii.

2. The appendices to this order contain the specific data requests of the Joint Board. These requests cover four time periods commencing prior to rate integration and ending after full implementation of rate integration. The historical data requested will enable the Joint Board participants to identify trends in traffic and revenue as a function of time and actual rates and settlements. The forecast data requested for the period after full rate integration will assist in the analysis of the compatibility of the existing NARUC-FCC Manual and any proposed changes to the Manual with full rate integration. This analysis will include a review of the financial effects upon operating companies and rate payers of the application of the existing manual and any proposed changes which may be advocated. The data requests should not be interpreted as any indication of a predetermination of what separations methodology(ies) should be recommended for Alaska and Hawaii. The information sought during the data collection phase of our efforts will assist our analysis of whatever separations proposals are advocated during the notice and comment phase of this proceeding. The data submitted shall consist of historical information and fully documented projections only. The submissions will be open for review and use by all parties in the preparation of comments in the second phase of this proceeding.

3. Parties are requested to submit data encompassing four time periods as well as any already completed cost studies. The first, Period A, is prior to Step I, rate integration; the second, Period B, March 29, 1976-June 30, 1977; the third, Period C, July 1, 1977-December 31, 1978; and the fourth, Period D, after the final step of rate integration. Cost companies should submit any already completed cost separations studies including materials.¹ Average schedule companies should submit annual financial statements, peg counts, and main station counts.

¹The documentation of cost studies should include: (1) The dollar amount in

each relevant separations cost category prior to and after the allocation to the jurisdictions—listed at the sub-category level indicated in Tables 1 and 2, Pages 14, 15 of the 1971 NARUC-FCC Separations Manual; (2) the allocative factors actually used (e.g., SPF, DEM, MMM, etc.); (3) the parameters and other data used to derive the allocative factors (e.g., MOU, CSR ratio, SLU, etc.); revenue data should be listed according to the relevant revenue categories indicated in Table 2, Page 15, of the Separations Manual.

Additional data requests are detailed in the appendices. Already completed cost studies shall be submitted by February 15, 1978 and any remaining studies shall be submitted by April 1, 1978. In the event all data cannot be submitted by April 1, 1978, the parties are requested to submit data available at that time and a schedule detailing when the remaining data will be submitted. This schedule shall include statements supporting the proposed dates for any remaining data request. In light of the extensive nature of these data requests, parties shall file an original and two copies of their submissions with the Secretary, Federal Communications Commission and one copy with each of the State Commission members of the Joint Board. Copies of the submissions will be available for inspection at the Federal Communications Commission. Participants who have filed a notice of intent to participate in the proceeding should specify what studies, if any, they wish to receive.

4. The Joint Board is also instituting a notice and comment procedure by which participants may advocate what changes, if any, should be made to the existing Separations Manual to make it applicable to Alaska and Hawaii. Since many of the participants in this proceeding will be generating information pursuant to our data requests, a pleading schedule shall be established by separate order. It must be emphasized that it is at this stage of the proceeding that the carriers may utilize their data submissions to advocate what changes, if any, should be made to the existing NARUC-FCC Separations Manual. Following analysis of the submissions, the data, comments and replies, the Joint Board will be in a position to determine what additional procedures will be required to conclude its activities in an expeditious manner.

5. Accordingly, it is ordered, That any completed studies required to meet the data requests set forth in paragraph 3, Appendix A and Appendix B shall be submitted on or before February 15, 1978, and any remaining studies shall be submitted by April 1, 1978;

6. It is further ordered, That all parties submitting data set forth in paragraph 3, Appendix A and Appendix B shall file an original and two copies of

all data with the Secretary, Federal Communications Commission and one copy with each of the State Commission members of this Joint Board. Copies of these filings shall be available for public inspection during regular business hours in the Commission's Reference Room at its headquarters at 1919 M Street NW., Washington, D.C.; and

7. It is further ordered, That a notice and comment procedure is instituted into the issue specified in paragraph 4 of this Memorandum Opinion and Order.

WILLIAM J. TRICARICO,
Secretary.

APPENDIX A—ALASKAN DATA REQUESTS

The following specific data are requested from American Telephone and Telegraph Company (AT&T), RCA Alaska Communications, Inc. (RCAA), and Local Operating Companies (LOC's) in Alaska. In addition, companies are requested to submit the same data on a calendar year basis where possible.

PERIOD A—(JANUARY 1, 1973 TO MARCH 28, 1976)

1. Alaska LOC's shall submit:
 - (a) Traffic: (1) Interstate, intrastate, and total toll—originating, terminating, and total, and (2) local exchange.¹
 - (b) Billed originating toll revenues and collect revenues; Interstate, intrastate, total.
 - (c) Revenues and earned rate of return: Interstate toll, intrastate toll, local and total.
2. RCAA shall submit:
 - (a) Traffic: (1) Interstate, intrastate, and total toll—originating, terminating, and total, and (2) local exchange.
 - (b) Toll service revenues (before and after settlement with LOC's): Interstate, intrastate, total.
 - (c) Investment and Revenue Requirements for toll facilities handling traffic between Alaska and the remaining States.
3. AT&T shall submit:
 - (a) Originating, terminating, and total interstate toll traffic. (Lower 48/Alaska; Alaska/lower 48) measured as in 1(a) above.
 - (b) Toll service revenues (before and after settlement with RCAA) from traffic in 3(a) above.
 - (c) Bell systemwide interstate toll service revenues.

PERIOD B—(MARCH 29, 1976 TO JULY 1, 1977)
All parties shall submit data on an annualized basis for this time period in the same format as Period A.

PERIOD C—(JULY 1, 1977 TO JANUARY 1, 1979)
All parties shall submit data on an annualized basis for the periods July 1, 1977 to December 31, 1977, and for January 1, 1978 to January 1, 1979. In the latter case projections should be used when necessary.

PERIOD D—(AFTER JANUARY 1, 1979)
All parties shall submit data on an annualized basis for the calendar years 1979, 1980, 1981. Since traffic and cost projections must necessarily be made, the bases for estimates should be well documented. Parties shall submit the same data requested for Periods A-C. The following specific requests apply to HTC for this Period D.

¹Measured by annual number of messages and hundred-call-seconds (ccs).

necessarily be made, the bases for estimates should be well documented. Parties shall submit the same data requested for Periods A-C. The following specific requests apply to the LOC's and RCAA for this period.

1. Revenues, revenue requirements, and earned rate of return—interstate toll, intrastate toll, local and total—based upon: (a) Pre-rate integration settlement ratios (Period A); (b) existing settlement ratios (Period C); and (c) the existing NARUC-FCC Separations Methodology.

2. A study showing the effects of (a) pre-rate integration settlement ratios; (b) existing settlement ratios; and (c) settlements based upon separations studies—upon the rates charged for local service and intrastate toll service.

APPENDIX B—HAWAIIAN DATA REQUESTS

The following data submissions shall be made by American Telephone and Telegraph Co. (AT&T) and Hawaiian Telephone Co. (HTC).

PERIOD A—(JANUARY 1, 1973 TO MARCH 28, 1976)

- Data shall be submitted for calendar years 1973, 1974, 1975 and calendar year 1976.
1. HTC shall submit:
 - (a) Traffic: (1) Interstate, intrastate, and total toll—originating, terminating, and total, and (2) local exchange.¹
 - (b) Billed originating toll revenues and collect revenues: Interstate, intrastate, total.
 - (c) Revenues and earned rate of return: Interstate toll, intrastate toll, local total.
 - (d) Investment and Revenue requirements for toll facilities handling traffic between Hawaii and continental United States.
 2. AT&T shall submit:
 - (a) Originating, terminating, and total interstate toll traffic—Mainland/Hawaii/Hawaii/Mainland—measured as in 1(a) above.
 - (b) Toll service revenues (before and after settlement) from traffic in 2(a) above.
 - (c) Bell systemwide interstate toll service revenues.
 - (d) Investment and Revenue requirements for toll facilities handling traffic between the mainland and Hawaii.

PERIOD B—(MARCH 29, 1976 TO JULY 1, 1977)

All parties shall submit data on an annualized basis for this time period. The Step I settlement ratio should be used for toll service revenue computations.

PERIOD C—(JULY 1, 1977 TO JANUARY 1, 1979)

All parties shall submit data on an annualized basis for the periods July 1, 1977 to December 31, 1977, and for January 1, 1978 to January 1, 1979. In the latter case projections should be used when necessary. The Step 2 settlement ratio should be used for toll service revenue computations.

PERIOD D—(AFTER 1979)

All parties shall submit on an annualized basis for the calendar years 1979, 1980, 1981. Since traffic, and cost projections must necessarily be made, the bases for estimates should be well documented. Parties shall submit the same data requested for Periods A-C. The following specific requests apply to HTC for this Period D.

1. Revenues, revenue requirements, and earned rate of return—interstate toll, intrastate toll, local and total—based upon: (a) Pre-rate integration settlement ratios (Period A); (b) existing settlement ratios (Period C); and (c) the existing NARUC-FCC Separations Manual (HTC only).

¹As measured by annual number of message and hundred-call-seconds (CCS).

state toll, local, and total—based upon: (a) Pre-rate integration settlement ratios (Period A); (b) existing settlement ratios (Period C); and (c) the existing NARUC-FCC Separations Manual (HTC only).

2. A study showing the effects of: (a) Pre-rate integration settlement ratios; (b) existing settlement ratios; and (c) settlements based upon separations studies—upon the rates charged for intrastate toll and local service.

In addition to the above, Hawaiian Telephone shall prepare and furnish the following studies showing the effects on it of applying the Separations plans utilized by the United States Independent Telephone Association (USITA) in its report on Results of Telephone Separations and Settlements Analysis, September 1976. These studies should be based upon the 1976 level of business and projected 1979 level.

- Case 1—Present NARUC separations procedures with Hawaiian Adjustments (Hawaiian Plan II).
- Case 2—Present NARUC-FCC separations procedures plus all local COE assigned on Ozark SPF.
- Case 3—Hawaiian Plan II plus all local COE assigned on Ozark SPF.
- Case 4—California plan.
- Case 5—Modified California plan; traffic sensitive local COE assigned on DEM.
- Case 6—New York Plan.
- Case 7—Modified New York Plan.
- Case 8—Subscriber plant assigned one-third (1/3) exchange, one-third (1/3) State toll and one-third (1/3) Interstate.
- Case 9—Subscriber plant assigned fifty-fifty (50-50) toll and exchange.
- Case 10—Effect of Case II with \$3 exchange rate credit allocated on rate message minute miles.
- Case 11—Effect of allocating subscriber plant on fifty-fifty (50-50) exchange and toll split.
- Case 12—Effect of excluding subscriber station plant in Case 11.

[FR Doc. 78-2969 Filed 2-2-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-28; FCC 78-62]

DIRECTIONAL AM STATIONS

Proposed Amendment of Rules and Regulations With Respect to Relative Phase Tolerance

AGENCY: Federal Communication Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes a change in the rules to require the relative phases of the antenna currents in the elements of noncritical, directional, AM broadcast antenna arrays be maintained within ± 3 degrees of licensed values. This requirement has been Commission policy for many years in connection with licensing, renewals, transfers, and enforcement.

PROPOSED RULES

DATES: Comments should be received on or before March 14, 1978, and reply comments on or before April 4, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Stanley Schmulowitz, Broadcast Bureau, 202-632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: January 25, 1978.

Released: February 1, 1978.

By the Commission: Commissioner Washburn absent.

In the matter of amendment of § 73.52 of the Commission's Rules and Regulations with respect to relative phase tolerance for directional AM stations.

1. The Commission herein proposes to amend § 73.52(b) of the rules to require the relative phases of the antenna currents in the elements of noncritical directional AM antenna arrays be maintained within ± 3 degrees of licensed values.¹ For many years it has been Commission policy to require the relative phases of the currents in the antenna elements to be within ± 3 degrees of specified values. However, the Commission's rules do not actually specify the accuracy within which the phases of the currents shall be maintained and only in instances where there are unusually rigid requirements for the protection of other stations does the station license specify the limits within which phase relationships are to be maintained.

2. The Commission's policy in effect establishes a ± 3 degrees tolerance in adjusting and maintaining the phase relationships of the antenna currents. For example, during program tests for new stations or for existing stations making certain modifications to their antenna systems, etc., operation within ± 3 degrees of specified phases must be demonstrated for 30 days and related data submitted to the Commission for this period. If operation within ± 3 degrees cannot be demonstrated, corrective action must be taken followed by another 30 day test period. The Commission also reviews license renewal applications for stations having directional antenna arrays to determine whether such stations are operating with relative phases within ± 3 degrees of specified values, and, if not, license renewal is deferred until corrective action is taken. License transfers are not authorized until excessive phase variations found during renewal or otherwise are corrected. Furthermore, it has been

¹A critical array is one which, for the protection of other stations, has a license-specified phase tolerance more stringent than ± 3 degrees.

Commission policy to issue appropriate notices to licensees bringing to their attention phase indications observed during station inspections which were in excess of 3 degrees from specified values. Finally, whenever changes to the antenna system occur which cause operation at variance from licensed values, including phase variations in excess of ± 3 degrees, it is necessary that special temporary authority (STA) be obtained for such operation pending corrective action or until authority is received to operate with changed parameters.

3. In Docket 18471 (FCC 69-185) adopted February 26, 1969, a rule was proposed to specify phase tolerance as follows:

Stations employing directional antenna systems must maintain the relative phase angles of the antenna currents in the elements of the system within 2 degrees of the values specified in the license or other instrument of authorization.

4. In its Report and Order in the above proceeding (adopted January 10, 1973, 38 FR 1913) there was considerable discussion concerning not only the appropriateness of a tolerance but also what the tolerance should be. Some commenting parties stated that changes in phase monitor indications may reflect not only actual changes in phase but also changes in the phase sampling system as well as the phase monitor. In its discussion the Commission stated:

In the light of the comments received, we will not now adopt a rule specifying a fixed permissible a fixed permissible phase deviation for stations with directional arrays. We think that phase tolerances ultimately should be set by the Commission * * *

The Commission further stated:

* * * The establishment by rule of a fixed tolerance for phase variations for all stations with directional antennas, with suitable provision for excessive deviations because of weather and other adverse conditions, is desirable in insuring that antennas do not drift out of adjustment because of aging or defective components, or are not misadjusted by station operators. Such a requirement would be fully consistent with the long standing Commission rule requiring the maintenance of current ratios within 5 percent of the values specified in the station license. If this approach were adopted, we think a tolerance of ± 3 degrees might be appropriate. Not only is the effect of a deviation of this amount approximately equivalent to a variation in current ratio of 5 percent, but it would appear, in the light of the comments, that under normal weather conditions reasonably stable directional antennas can operate within such a tolerance without frequent readjustments.

5. During the interval since the above proceeding was terminated, there have been two significant developments which affect the Commission's conclusions made in Docket 18471. First, as a result of another rule proposed and adopted in Docket 18471,

all stations utilizing directional arrays have been required to be equipped with a type approved antenna monitor since June 1, 1977. Additionally, as a result of action taken under Docket No. 19692 (see Report and Order adopted February 4, 1976, FCC 76-101, 41 FR 7399) Rules were promulgated which established requirements for the installation of sampling systems for antenna phase monitors. These rules which are set forth in § 73.68 of the rules state:

* * * After March 18, 1976, each new station issued a construction permit, each existing station issued a construction permit authorizing tower construction, and any existing station undertaking modification or reconstruction of its sampling system shall install a system meeting these requirements * * *

The rule further states:

In an instance where the sampling system of an existing station authorized before this date is patently of marginal construction, or where the performance of a directional antenna is found to be unsatisfactory, and this deficiency reasonably may be attributed, in whole or in part, to inadequacies in the antenna monitoring system, the Commission may require the reconstruction of the sampling system in accordance with these requirements.

6. In consideration of the developments discussed above, it is now evident that the arguments advanced in Docket No. 18471 for postponing the inclusion of a phase tolerance into the rules are no longer valid. As previously discussed, for several years it has been Commission policy for licensing purposes to require phases to be held within ± 3 degrees of the specified relative phases. Section 73.93(e) of the Commission's Rules pertaining to operator requirements alludes to a phase tolerance. As revealed in paragraph four above, the appropriateness of ± 3 degrees phase tolerance was thoroughly discussed in Docket No. 18471. Further mention of ± 3 degrees phase tolerance is made in the Report and Order in Docket No. 19692 wherein the Commission stated:

Generally, for stations not required by their authorizations to hold phase and current variations within restricted and specified limits, we believe that the decision as to whether to limit the differences in the relative length of sampling lines may be approached on the following basis. For the average array, the relative phases should be held ± 3 degrees approximately equivalent to a $\pm 5\%$ variation in current ratio which is a tolerance specified in our rules (§ 73.52(b)) * * *

7. Since Commission policy and the record previously established in the proceedings discussed herein above make clear the appropriateness of a ± 3 degree phase tolerance, it is proposed that § 73.52(b) of the Rules be amended as shown below. In proposing the ± 3 degree tolerance, we recognize that those stations which have not yet

installed sampling systems complying with subparagraphs 1 and 2 of § 73.68(a) of the Rules may suffer short term variations in phase, attributable to the sampling system, which exceed 3 degrees as a result of heavy rain, snow, icing, or abrupt and substantial changes in temperature. However, the Commission would review such variations critically and if deemed excessive or long term, the Commission could on a case-by-case basis require reconstruction of the sampling system in accordance with the requirements of that rule section.

8. Accordingly, pursuant to authority found in sections 1, 4 (i) and (o) and 303 (j) and (r) of the Communications Act of 1934, as amended, it is proposed to amend § 73.52(b) as set forth below.

9. Pursuant to applicable procedures set forth in section 1.415 of the Commission's Rules, interested persons

may file comments on or before March 14, 1978, and reply comments on or before April 4, 1978. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding.

10. In accordance with the provisions of section 1.419 of the Rules, an original and 5 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested persons during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C. 20554.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

In § 73.52, the headnote and paragraph (b) are amended to read as follows:

§ 73.52 Maintenance of antenna input power and directional antenna parameters.

(a) * * *

(b) In addition to maintaining antenna input power within the above limitations, each station employing a directional antenna shall maintain the indicated relative amplitudes of the antenna base currents and antenna monitor currents for the elements of the array within 5 percent and the indicated relative phase of the antenna currents within 3 degrees of the values specified in its license or other instrument of authorization, unless more stringent limits are specified therein.

(FR Doc. 78-3031 Filed 2-2-78; 8:45 am)

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6820-43]

ADVISORY COMMITTEE ON FEDERAL PAY

CONTINUATION OF COMMITTEE

Public Inquiry

This is to request any expressions from the public as to the desirability of continuation of the Advisory Committee on Federal Pay.

The Advisory Committee on Federal Pay was established by the Federal Pay Comparability Act of 1970. It consists of three experts on pay and labor relations who are Federal employees only for the time that they serve on this Committee. The Committee serves as an independent third party in advising the President on salary adjustments for Federal white-collar employees. In making its recommendations on pay increases for these Federal employees, the Committee considers pay in the private sector, the views of Federal employee organizations, government officials and pay experts.

Any comments should be sent in writing to the Advisory Committee on Federal Pay, Suite 205, 1730 K Street NW., Washington, D.C. 20006, by February 24. Any such communications will be incorporated in the report that the Advisory Committee makes to the Administrator of GSA.

JEROME M. ROSOW,
Chairman.

[FR Doc. 78-2951 Filed 2-2-78; 8:45 am]

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

SPECIFIC APPROVAL OF STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

The regulations in 9 CFR Part 78, as amended, contain restrictions on the interstate movement of cattle, other domestic animals, and bison to prevent the spread of brucellosis. This document lists certain stockyards and slaughtering establishments as specifically approved for purposes of the regulations, on the basis of a determination of their eligibility for such approval under § 78.25(b) of the regulations.

Pursuant to § 78.25(b) of the regulations (9 CFR 78.25(b)) under provisions of the Act of May 29, 1884, the

Act of February 2, 1903, and the Act of March 3, 1905, and amendments thereof, and the Act of July 2, 1962 (secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f) and delegations of authority thereunder (37 FR 28464, 28477; 38 FR 19141), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of §§ 78.7, 78.8, and 78.12a, of Title 9, Code of Federal Regulations, concerning brucellosis reactors, exposed cattle and cattle from quarantined areas, and for the purposes of § 78.11 of said Title 9, concerning cattle from herds of unknown status. The following slaughtering establishments not preceded by an asterisk are specifically approved for the purposes of § 78.11 only:

ALABAMA

Florence Frozen Foods, Florence
*R. L. Zeigler Company, Inc., Selma

ARKANSAS

*AR Valley Institutional Packing Company, Pine Bluff
*Broadway Packing Company, Inc., Jonesboro
*Clebune County Packing Company, Inc., Heber Springs
*Edwards Packing Company, Batesville
*Fox Slaughtering & Processing Company, Prairie View
*Hawthorne Packing Company, Hot Springs
*Hot Springs Packing Company, Hot Springs
*Hunt Packing Company, Pine Bluff
*J and J Beef Company, Inc., Searcy
*Kruse Packing Company, Inc., Alexander
*Massey Meat Company, Paragould
*Meachan Packing Company, Batesville
*Mhoon Beef Company, Fayetteville
*Miller Packing Company, Inc., Judsonia
*Mitchell Locker Plant, Sheridan
*Morrilton Packing Company, Inc., Morrilton
*Mountain View Custom Butchering, Mountain View
*Pocahontas Frozen Food Locker, Pocahontas
*Purcell Packing Company, Paragould
*Reeder Meat Company, Arkadelphia
*Russellville Packing Company, Inc., Russellville

*Rodman Wholesale Meats, Inc., North Little Rock
*Sheridan & Harold Freer dba/Freer Meats, Ivan
*Taylor Brothers Wholesale Meats, Gurdon
*Twin Lakes Packing Company, Gassville
*V.I.P. Foods, Pine Bluff
*White County Packing Inc., Searcy
*Wilf Packing Company, Pleasant Plains

FLORIDA

*Beall Packing House, Bonifay
*Bristol Meat Processing, Bristol
*Brooks Meat House, Vernon
*Chaires Circle "C" Beef, Tall
*Corbin 4 Point Packing House, Chipley
*Dilmore Meats, Cottontale
*Dozier School for Boys, Marianna
*Driggers & Son Meat Company, Jasper
*Easons Custom Cut Meat, Quincy
*Esto Meat Processors, Inc., Esto
*Florida Packing & Provision Company, Inc., Palatka
*Gates Meat Company, Quincy
*H. S. Camp and Sons, Ocala
*Johnstons Locker Plant, Monticello
*Jones Chambliss Company, Jacksonville
*Micklers Market, Ponte Vedra
*Nettles Sausage Company, Lake City
*Register Meat Company, Cottontale
*Simmons Meat Packing House, Vernon
*S & S Meat Packing, Green Cove Springs
*Stones Chipley Packing Company, Chipley
*Suber's Meat Plant, Quincy
*Suwannee Packing Company, Live Oak
*Taylor Industries of Santa Rosa County, Jay
*Thompsons Meat Supply, Inc., Pensacola
*Tri-City Market, Century
*Union Correctional Center, Ralford
*Valley Packing Company, McAlpin
*Wilkerson Sausage Company, Glendale

GEORGIA

*Dalton Slaughter House, Dalton
*North Georgia Meat Processing Company, Cohutta

IDAHO

Alpine Pac, Boise
*Bledsoe Packing Company, Rupert
*Boise Valley Packing, Eagle
*Bonds Meat Packing, Fruitland
*Bryant Packing Company, Burley
*Clark's For Shopping, Inc., Oakley
*Custom Packing, Inc., Pocatello
*Eden Cold Storage dba/Kenneth Hutchins, Eden
*Emmett Meat Company, Emmett
*Fred's Custom Butchery, Ucon
*Gem Meat Packing Company, Boise
*Genesee Meats, Genesee
*Gibson Brothers Meat, Burley
*Glenwood Custom Pack, Roberts
*Greenfield Packing, Meridian
*Goodby & Sons Meats, Inc., Sandpoint
*H' Boy Meat, Emmett
*Hillcrest Packing Company, Nampa
*Hoehns Custom Packing, Idaho Falls
*Hopkins Packing Company, Blackfoot
*Howard's Meats, Grangeville

*Hubbard Packing Company, Preston
*Hunters Pack, Driggs
*Johnson Meats, Kingston
*Johnston Brothers, Caldwell
*Jones Custom Meats, Rigby
*Marsh Valley Packing Company, Downey
*Mickelsen Pack, Inc., Blackfoot
*Mill Stream Pack, Malad
*Nampa Packing Company, Nampa
*Parr's Locker Storage, Wendell
*Peoples Quality Pack, Rupert
*P & H Custom Meats, Wilder
*R & J Market, Riggs
*Skow's Custom Cutting-Slaughter Plant, Lewiston
*Sonnen's Meats, Greencreek
*Tri "B" Meat Company, Idaho Falls
*Valley Meats, Stites
*Walton's Cow Palace, Soda Springs
*Y-J Food's Inc., Coeur d'Alene

ILLINOIS

*Bartlow Bros., Inc., Rushville
*Belermann Packing Company, Jerseyville
*Bergman Meat Packing Company, Pittsfield
*David's Frozen Food Center, Milford
*DeSchepper Packing Company, Milan
*Edgar County Locker, Paris
*Hansen Packing Company, Jerseyville
*Harmon Packing Company, Paris
*Hartlich Meat Processing Plant, Sainte Marie
*Hill Packing, Danville
*Humphrey Packing Co., Lawrenceville
*Jamison's Country Fresh Meats, Inc., Atwood
*Johannes Market, Quincy
*Jones Packing Company, Harvard
*Ed Kabrick Beef, Inc., Plainville
*Papineau Lockers, Papineau
*Parks Processing Plant, Warren
*Rock River Provision Company, Inc., Rock Falls
*Sellers Meat Processing, Palestine
*Streck Packing Company, Belleville
*Weyhaupt Bros. Packing Company, Belleville
*Young Packing Company, Danville
*Y and T Packing Company, Springfield

INDIANA

*Becher Brothers, Dale
*Bloomington Packing Company, Bloomington
*Brook Locker Plant, Inc., Brook
*Clark & Moore, Monticello
*Dewig Bros. Packing Company, Inc., Haubstadt
*Fisher Packing Company, Portland
*Gutzweller Packing Company, Jasper
*Harger's Inc., Hamilton
*Harlow Meat Market, Seymour
*Lengerich Meats Inc., Monroe
*Glen Manley Custom Butchering, Decatur
*Melcho Packing Company, Carlisle
*Merkley & Sons, Inc., Jasper
*Middlebury Cold Storage, Inc., Middlebury
*Miller Packing Company, Kokomo
*Mischler Packing, Lagrange
*Ossian Packing Company, Inc., Ossian
*Walter Price Abattoir, Inc., Plymouth
*Pride Packing Company, Inc., Terre Haute
*Roos Packing Company, Indianapolis
*Rose City Packing Company, Inc., Newcastile
*Rutzel Slaughter House, Aurora
*Schmitt Packing Company, Inc., Decatur
*Schuler Packing Company, Ferdinand
*Sinnott & Son Packing Company, Wadesville
*Spandal Meats, Clinton
*Standard Packing Company, Kokomo

NOTICES

*State Line Packing, Momence, Ill.
*Straub & Smith Packing Company, Indianapolis
*Top-of-Indiana Beef Company, Ft. Wayne
*Troy Packing Company, Inc., Indianapolis
*Vetter Meat Company, Kokomo
*Vielti Packing Company, Clinton
*Ward Packing Company, Monon
*Wilcox Inc., North Liberty
*Wolf's Processing Plant, New Albany
*Young Bros., Inc., Ladoga

LOUISIANA

*Autin Packing Company, Houma
*H. O. Berry Packing Company, Bastrop
*Circle "V" Meat Processing Plant, Abbeville
*Crawford Slaughter house, Covington
*L. A. Frey & Sons, Inc., Lafayette
*Harold's, Raceland
*Micelle's Meat Packer, Lake Charles
*Millwood Packing Company, Baton Rouge
*North LA Packing Company, Sarepta
*Ruston Processing Plant, Inc., Ruston
*Savoie's Meat Market, Lockport
*Shreveport Packing Company, Shreveport
*J. W. Strother, Oakdale
*Thompson Packers, Satsuma

MARYLAND

*Articare Locker Plant, Frederick
*A & W Country Meats, Inc., Taneytown
*Brook Meadow Provisions Corp., Hagerstown
*Burger, Ray S., Williamsport
*Buriner's Meats, Burkittsville
*Calvert Meats, Inc., Prince Frederick
*Greises Meats Inc., Cumberland
*Harsh, Sr., M.D., Williamsport
*Hemps, Inc., Jefferson
*Roy L. Hoffman & Sons, Inc., Hagerstown
*Martins Meats, Joppa
*Maurer & Miller Meats, Inc., Manchester
*Mt. Airy Locker Company, Mount Airy
*135 Meat Market Inc., Mt. Lake Park
*George G. Ruppertsberger & Sons, Inc., Baltimore
*Schmidt, A. W. and Son, Inc., Baltimore
*Shuffs Meats, Thurmont
*Shriver Meats, Emmitsburg
*Thompson's Food Market, Maryland Line

MICHIGAN

*Ada Beef Company, Ada
*Bay DeNoc Packing, Escanaba
*Bellefeul Brothers, Wilson
*Bob's Market, Cadillac
*Brady's Midway, Cassopolis
*Carltons Freezer Processing, Inc., Blissfield
*Charlotte Meats, Inc., Charlotte
*Custer Brothers #212, Nashville
*Mark DeBoer & Son Wholesale Beef Company, St. Johns
*Dowker Packing Company, Inc., Gaylord
*Dunleavy & Sons, Highland
*Eds Meat Processing, Union City
*Feldman Brothers, Detroit
*Fishers Custom Foods, Union
*Geukes Market, Middleville
*Bert Hazeckamp & Son, Muskegon
*Hillsdale County Meat, Waldron
*J & L Meats, Jonesville
*Kastel Slaughterhouse, Riga
*Keefer's Market, Morenci
*Kemp's Slaughterhouse, Milan
*Lake Superior Beef, Dafer
*L & J Slaughter, Lake City
*L & M Packing Company, Monroe
*Louie's Wholesale Meats, Traverse City
*Ludka Packing, Inc., Traverse City
*Maynard Packing Company, Port Huron
*Meats & Fruits by Anderson, Inc., Kalamazoo

*Milligans Packing Company, Parma
*Don Moors Farm Fresh Meats, Inc., Homer
*Mosherville Meat Processing, Jonesville
*Newsom's Slaughter House, Niles
*Reznik Packing, South Haven
*Rocheleau Meats, Cheboygan
*Rochester Packing Company, Rochester
*C. Roy & Son, Yale
*Salem Packing Company, Northville
*Hubert H. Smith Packing Company, Muskegon
*Snyder's Wholesale Beef, Fowler
*Stanley Packing Company, Marshall
*Tamaren Beef Company, Detroit
*Terrills Super Market, Marcellus
*Will and Son Meat Packers, Memphis
*Ray Weeks & Sons Company, Inc., Richmond
*Zimmermans Market, Marine City

MISSISSIPPI

*A & A Country Meat Packers, Pelahatchie
*Bryant's Meats, Inc., Taylorsville
*Calhoun County Processing Plant, Calhoun City
*Custom Butchering Company, Yazoo City
*Delta Packing Company, Inc., Meridian
*Ecu Meat Processing Plant, Ecu
*Ezell's Processing Plant, Union
*Hinds Junior College Cold Storage, Raymond
*Holmes County Cold Storage Company, Lexington
*Jackson Packing Company, Jackson
*Little Princess Foods, Inc., Forest
*McCoy's Meat Processing, Pontotoc
*Meridian Packing Company, Meridian
*Mosby's, Meridian
*Ormon Sausage Plant, Ellsville
*Owen Bros. Packing Company, Meridian
*Peebles & Peebles Slaughter Plant, Philadelphia
*Ponderosa Processing Plant, DeKalb
*River Route Packing Company, Dundee
*Sundown Ranch and Processing Plant, Grenada
*Winona Packing Company, Winona
*Wilson Slaughter House, Crystal Springs

NORTH CAROLINA

*Ashe Abattoir, West Jefferson
*Banks' Packing Company, Etowah
*A. L. Beck & Sons, Inc., Winston Salem
*Bladen Cold Storage, Inc., Elizabethtown
*James E. Bringle, Inc., Salisbury
*Bruns and Beach Meat, Morganton
*Caldwell's Meat Processing, Maiden
*Cool Springs Meat Processing, Statesville
*Frank Corriher, Landis
*Crawley & Higgins Abattoir, Morganton
*Disher Packing Company, Yadkinville
*Falcon Wholesale Meats, Falcon
*Gaston County Abattoir, Mt. Holly
*Harold McLaughlin, Mooresville
*Hudson Freezer Locker, Hudson
*Jenkins Foods, Shelby
*Key Packing Company, Robbins
*Ledford's Livestock Farm Slaughter Plant, Franklin
*Lincoln Frozen Foods, Lincolnton
*Marion Packing Company, Marion
*Matkins Meats, Gibsonville
*M at Processors, Inc., Maiden
*Micro Slaughter House, Micro
*Mount Airy Abattoir, Mount Airy
*Parker Meat Company, Vass
*Peacock Meat Company, Inc., Rocky Mount
*Price's Custom Meat, Hickory
*Quaker Brand Meats, Belvidere
*Rainbow Meat Products, Robersonville
*Sessoms Packing Company, Ahsokie
*Studer's Packing Company, Asheville

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NOTICES

*Southeastern Meat Processors, Inc., Whiteville
 *Stallings Whole Sale Meats, Elizabeth City
 *Stewart's Abattoir, Mt. Airy
 *Tabor City Freezers, Tabor City
 *Thomas Brothers Abattoir, North Wilkesboro
 *Town and Country Packing Company, Asheville
 *Walter Bradley Packing Company, Dillsboro
 *Ward's Slaughterhouse, Hendersonville
 *Wayne Mays Meat Processing, Taylorsville
 *White Packing Company, Salisbury
 *Z. B. Bullock, Inc., Rocky Mount

OHIO

*B.A.A.R. Inc. dba/Edgerton Locker Service, Edgerton
 *Merle Bishop dba/Bishop Locker & Abattoir Plant, Hamler
 *Busse & Sons, Inc., Fort Loramie
 *Caven's Meats, Inc., Conover
 *Cuyahoga Meat Company, Cleveland
 *DeLuca Slaughterhouse Establishment, Rayland
 *William Enos dba/Enos Meats, Cambridge
 *Gibson Packing Company, Zanesville
 *Samuel L. Gifford, Warren
 *Hall Bros., Inc., Olmsted Falls
 *Henderson Meats, Waterloo
 *Henry Packing Company, Perrysburg
 *Interstate Livestock, Inc., Oxford
 *Lancaster Meat Processing Co., Inc., Troy
 *Harold and Kenneth LePage dba/LePage Meats, Cambridge
 *Robert Lloyd dba/Lloyd's Packing Company, Youngstown
 *J. E. McConnell, David McConnell & Kenneth McConnell, Richmond
 *Emery Molnar, Jr.; Emery Molnar II and Daniel G., Molnar dba/Molnar Packing Company, Millbury
 *Mahan Packing Company, Bristolville
 *Edward B. Meloni dba/Meloni's Packing, Kinsman
 *Northmont Beef, Inc., Brookville
 *Joseph R. Nosse, Middlefield
 *J. D. Pacer Packing Company, Toledo
 *Gary Peden dba/Peden's Meats, Kinsman
 *Steve Polansky Market, Inc., Amherst
 *Preferred Meats, Inc., Sardinia
 *Pride of Lima Provision Co., Lima
 *Ragers Country Butcher Shop, Inc., Van Wert
 *Carl C. Rittberger Sr., Inc., Zanesville
 *Roberts Meats, Camden
 *Rockford Locker Service, Rockford
 *Routh Packing Co., Inc., Tiffin
 *St. Mary's Cooperative Locker Service, Swanton
 *Richard G. Sturgis & Charles R. Ralston dba/Sturgis Packing Company, Kenton
 *Superior Beef, Inc., Dayton
 *Suter's Meat Market, Greenville
 *Trenton Frozen Locker, Trenton
 *Valley Packing Co., Inc., Lansing
 *R. F. Vonderhaar dba/Vonderhaar Markets, Inc., Fort Recovery
 *Majorie Weber dba/Woodsfield Packing Company, Woodsfield
 *Werling and Son, Inc., Burkettsville
 *Winners Meat Farm, Greenville
 *Robert Winner Sons, Inc., Osgood
 *Zink Meat Products, Miamisburg

OKLAHOMA

*Abbott Processing Plant, Gracemont
 *A and J Meat Processing, Lawton
 *Anchor Packing Company, Tulsa
 *Apache Meat Processing, Inc., Apache
 *Arctic Locker Plant, Davis
 *Bauer & Son Slaughterhouse, Sand Springs

*Braden Packing Company, Ponca City
 *Joe S. Brown & Sons Packing Company, Tulsa
 *B.T.'s Packing Company, Chickasha
 *Burger Brothers Slaughterhouse, Oklahoma City
 *Cable Meat Center, Marlow
 *Calera Processing Plant, Calera
 *Canadian Valley Meat Company, Oklahoma City
 *C. H. Miller and Son Packing Company, Sapulpa
 *Clinton Packing Company, Clinton
 *Cosby's Meat Processing, Enid
 *Davis Packing Plant, Stigler
 *Banfield of Tulsa, Tulsa
 *Dudley Tucker Slaughterhouse, Durant
 *Enid Packing Company, Enid
 *Fairfax Packing Company, Fairfax
 *Fleannan and Son, Sand Springs
 *Ft. Cobb Locker, Ft. Cobb
 *Gibson Meat Company, Lawton
 *Harris Packing Company, Oklahoma City
 *Harymons Slaughter House, Tuttle
 *Minco Meat Company, Minco
 *Moore's Processing Plant, Antlers
 *Mountain View Meat Company, Stilwell
 *O'Brien Meat Company, Tulsa
 *R & S Packing Company, Tonkawa
 *Ralph Crane Packing Company, Perkins
 *Green County Smoke House, Tahlequah
 *Elmer Miller Packing Company, Covington
 *Okmulgee Packing Company, Okmulgee
 *Red Steer Processing Plant, Calumet
 *Sterling Meat Company, Sterling
 *Wickham Packing Company, Sapulpa
 *Woods Meat Processing Plant, Westville
 *W. R. Meat Company, Sulphur
 *Moore's Processing Plant, Durant

SOUTH CAROLINA

*Bishop Slaughterhouse, Ehrhardt
 *Blue Ridge Beef, Belton
 *Blue Ridge Beef Plant, Inc., Pageland
 *C. G. Burbage, N. Charleston
 *Carolina Abattoir, Columbia
 *Caughman Meat Plant, Lexington
 *Cheraw Packing Plant, Inc., Cheraw
 *Childress Poultry Company, Lauren
 *Conway Refrigerator and Locker Company, Conway
 *Cottingham Packing Company, Dillon
 *Count's Sausage Company, Prosperity
 *Cromer's Abattoir, Inman
 *Edgefield Locker Plant, Inc., Edgefield
 *Fountain Inn Frozen Food Plant, Inc., Fountain Inn
 *Gilliam Provision Company, Inc., Pelzer
 *G & W Packing Company, Hickory Grove
 *Hemingway Refrigerator and Locker Company, Hemingway
 *Holly Hill Locker Company, Holly Hill
 *Kimmerlin Meats, Inc., Orangeburg
 *Lancaster Frozen Foods, Inc., Lancaster
 *Loris Cold Storage, Inc., Loris
 *Lynn's Meat & Produce, Darlington
 *Marvin Meats, Inc., Hollywood
 *Mullins Food Processing Corp., Mullins
 *Nichols Cold Storage, Nichols
 *Oconee Abattoir, Seneca
 *Palmetto Meat & Packing Company, Inc., Moncks Corner
 *Ravenel Abattoir, Ravenel
 *R & R Meats, Walterboro
 *Richardson's Slaughter Plant, Gresham
 *Saluda Frozen Food Center, Saluda
 *South Carolina Department of Corrections, Columbia
 *Spartanburg Abattoir, Spartanburg
 *Sumter Frozen Foods, Inc., Sumter
 *Union Packing Company, Union
 *Vaughn Packing Company, Inc., Greer
 *Walker Farms Abattoir, Anderson

*Weinburg's Sausage Plant, Darlington
 *Williamsburg Packing Company, Florence
 *Winn's Locker Plant, Estill
 *Wright's Provision Company, Inc., Anderson

TEXAS

*Allen's Wholesale Meats, Incl. McKinney
 *Anderson Slaughtering & Processing, Inc., Sherman
 *Atlanta Locker Plant, Atlanta
 *Auge Packing Company, San Antonio
 *Berryhill Packing Company, Inc., Leveland
 *Burkes Quality Meats, Lufkin
 *Caddo Packing Company, Inc., Marshall
 *Graham Ice & Locker, Graham
 *Haley's Meats, Crowley
 *Hensley Packing Company, Denton
 *Kay Packing Company, Inc., Houston
 *Kleimann Meat Packing Company, Tomball
 *Morton Packing Company, Morton
 *Nemecok Brothers, West
 *Peveto Packing Company, Orange
 *Tyler Packing Company, Tyler
 *Zummo Meat Company, Beaumont

UTAH

*Dahl Brothers Packing Company, South Jordan
 *Double D. Pack Inc., Brigham City
 *Eliason Packing Company, Inc., Logan
 *Lower Packing Company, Smithfield
 *Dale T. Smith & Sons Meat Packing Company, Inc., Draper
 *Spanish Fork Packing Company, Spanish Fork

VIRGINIA

George H. Meyer Sons, Inc., Richmond
 *Lee Packing Company, Pennington Gap
 *McGuire Meats, Tazewell
 *Meixels Meat Packing, Chesapeake
 *Suffolk Packing Company, Inc., Suffolk

WISCONSIN

Bob's Country Market, Woodville
 *Buster's Cheese House, Turtle Lake
 *Central Packing Company, Sullivan
 *Clinton Packing Inc., Clinton
 *Coenen Packing Company, Appleton
 *Dreier's Meat Market, Black Creek
 *Faust, Henry & Sons, Mayville
 *Felders Meats, Belgium
 *Fennie Meat Plant, Colfax
 *Foss Locker Plant, Sparta
 *Green County Frozen Food, Monroe
 *Hagert's Locker Service, Siren
 *Harry Hanson's Meat Service, Franksville
 *Holland's Food and Locker Service, Juda
 *Holmen Locker Service, Holmen
 *Jay-Dee Cutting, Rosholt
 *Kimmes Hereford Farm, Superior
 *Lake Geneva Pack, Inc., Lake Geneva
 *Luck Meats and Locker Service, Luck
 *Marcelle's Meats, Wausau
 *Marchant Food, Inc., Brussels
 *Paulus Market, Cedarburg
 *Royal Meats, Watertown
 *Sawyer Farm & Meat Plant, Inc., East Troy
 *Schroedl's Market, Jefferson
 *Seymour Meat Processing, Peshtigo
 *J. Schamus Company, La Crosse
 *S & S Meats, Stoughton
 *Stemmerdink Livestock Company, Oostburg
 *Stricklers Market, New Glarus
 *Super Lockers, Inc., Amery
 *Tarlton Meat Products, Athelstane
 *Thomson Packing Company, Inc., West De Pere
 *Townsend-Piller Packing Company, Cumberland

NOTICES

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Weber's Processing Plant, Inc., Cuba City
 *Weinstein Packing Company, Superior
 *Wunderlich Packing Company, Sharon

WEST VIRGINIA

*Barnharts Beef & Pork, Hedgesville
 *Bluegrass Dressing Plant, Lewisburg
 *Camp Packing Company, Parkersburg
 *Chadwick Slaughterhouse, Wayne
 *Cloverdale Packing, Inc., Parkersburg
 *DeVault Meat Packing, So. Morgantown
 *Edens Slaughterhouse, Bills Creek
 *Edwards Custom Meats, Gallipolis Ferry
 *Fanchers Meats, Shinnston
 *Fotos and Company, Cranberry
 *Glaspell Meats, Shinnston
 *Greenbrier Foods d.b.a./Jeffries Slaughterhouse, Lewisburg
 *Harkers Customs Slaughtering, Fairview
 *Harris Meat Processing, Burlington
 *Hawse Food Market, Moorefield
 *Huffs Slaughtering, Delbarton
 *Hyde's Meat Market, Interprise
 *Independent Dressed Beef Company, Inc., Morgantown
 *Jones Custom Processing, Ona
 *Frank Kidwiler Butcher Shop, Harpers Ferry
 *Lambert Packing Company, Squire
 *Livengood Slaughter House, Centenary
 *Lubeck Meat Packing, Inc., Lubeck
 *L. M. McCown and Son, Charleston
 *McDaniel Custom Butchering, West Columbia
 *Martini Packing Company, Inc., Wheeling
 *Murphy's Slaughters, Volga
 *Nate Stuart and Son, Inc., Mt. Clare
 *Rolf Custom Slaughtering, Ona
 *Romney Slaughtering, Romney
 *Rush's Custom Slaughtering, Fairview
 *Smittle Packing, Paden City
 *Soloman's Market, Fairview
 *Spitznogle, Glen L., Slaughtering Establishment, Blacksville
 *S. S. Logan Packing Company, Huntington
 *Staggs Meat Market, Burlington
 *Steve Davis Custom Butchering, Fairview
 *Thompson Brothers, Brushy Fork
 *Vincent's Community Market, Shinnston
 *Virts Processing Plant, Bunker Hill
 *Wade Meat Processing, Morgantown
 *Wines Weston Meats, Weston
 *Winfield Custom Slaughtering, Winfield
 *E. G. Wolfe, Jr., Evans
 *Wooddell's Meats, Green Bank
 *Yoho's Slaughterhouse, Pleasant Valley
 *Young & Stout, Bridgeport
 *Zien Farm, Irish Ridge

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of §§ 78.7, 78.8, 78.12a, Title 9, Code of Federal Regulations, concerning brucellosis reactors, exposed cattle and cattle from quarantined areas, and for the purposes of §§ 78.9, 78.10, and 78.11 of said Title 9, concerning cattle not known to be affected with brucellosis, cattle from qualified herds, and cattle from herds of unknown status. The following stockyards not preceded by an asterisk are specifically approved for the purposes of §§ 78.9, 78.10, and 78.11 only:

ALABAMA

*Alabama Livestock Auction, Inc., Uniontown

*Arab Stockyards, Arab
 *Hamilton Stockyard, Inc., Hamilton
 *C. L. Chambers & Sons, Brundidge
 *Chatham Livestock Auction Co-operative, Chatham
 *Cherokee County Stockyard, Centre
 *Cleburne County Livestock Sales, Inc., Ranburne
 *Conecuh Stock, Evergreen
 *Cullman Stockyard, Cullman
 *Dadeville Stockyards, Inc., Dadeville
 *Dothan Livestock Auction, Inc., Dothan
 *Enterprise Livestock Auction, Inc., Enterprise
 *Escambia County Cooperative Inc., Brewton
 *Farmers Livestock Co-op, Elba
 *Farmers Cooperative Market, Inc., Frisco City
 *Farmers Cooperative Market, Inc., Opp
 *Fayette Stockyards, Inc., Fayette
 *Florence Trading Post, Florence
 *Geneva Stock Yards, Inc., Geneva
 *Gray & Sons Stockyard, Clanton
 *Headland Stockyards, Inc., Headland
 *Henry County Livestock Association, Inc., Abbeville
 *Hodges Stockyard, Inc., Montgomery
 *Hooper Stockyard, Inc., Montgomery
 *Kennamer Livestock Commission Company, Guntersville
 *Kennett-Murray Company, Montgomery
 *L. A. Roll & Son Cattle Co., Montgomery
 *Limestone County Stockyard, Inc., Athens
 *Linden Stockyard, Linden
 *Livingston Stockyard, Livingston
 *Louisville Livestock Company, Inc., Louisville
 *Madison County Livestock Company, Huntsville
 *Marion Stockyard, Inc., Marion
 *Northwest Alabama Livestock Association, Russellville
 *Pickens County Livestock Commission Company, Aliceville
 *Roanoke Stockyard, Inc., Roanoke
 *Robertsdale Livestock Auction, Inc., Robertsdale
 *Stokes & Brogden Stockyard, Inc., Andalusia
 *Triple S Stockyards, Inc., Montgomery
 *Valley Stockyard, Decatur
 *Wallace Livestock Auction, Inc., Ashville
 *West Alabama Stockyard, Eutaw
 *White's Livestock Auction, Morris
 *Winfield Livestock Commission Company, Winfield

ARIZONA

*Arizona Livestock Auction, Inc., Phoenix

ARKANSAS

*Allen Bros. Magnolia L/S Auction, Magnolia
 *Arkansas National Stockyards, Inc., Little Rock
 *Ash Flat Livestock Auction, Inc., Ash Flat
 *Atkins Livestock, Atkins
 *Batesville Livestock Auction, Inc., Batesville
 *Beebe Auction Company, Beebe
 *Bentonville Livestock Auction, Bentonville
 *Bob Gorden Livestock Auction, Mena
 *Boone County Livestock Auction, Harrison
 *Carroll County Livestock Auction, Berryville
 *Cattlemen's Livestock Market, Glenwood
 *Central Arkansas Auction, Morrilton
 *Clark County Livestock Auction Company, Arkadelphia
 *Cleburne County L/S Auction, Heber Springs
 *Corning Livestock Auction, Inc., Corning

*County Line Sale Barn, Inc., Ratcliff
 *Decatur L. S. Auction, Decatur
 *Drew County Auction Sale, Monticello
 *Eudora Livestock Auction Company, Eudora
 *Farmers Livestock Auction, Springdale
 *Farmers and Ranchers Livestock Auction, Mountain View
 *Farmers & Ranchers Livestock Auction, Inc., Batesville
 *Fulton County Auction, Salem
 *Glover Livestock Commission Company, Pine Bluff
 *Harrison Stockyard Auction, Inc., Harrison
 *Hope L/S Auction, Inc., Hope
 *Jonesboro Stockyard, Jonesboro
 *Lewis Livestock Auction, Conway
 *London Livestock Auction, London
 *McCracken Livestock Auction, Inc., Batesville
 *Montgomery county Auction, Mt. Ida
 *Montgomery Livestock Auction, Searcy
 *Mountain Home Livestock Auction, Inc., Mountain Home
 *Nettleton Stockyards, Jonesboro
 *North Arkansas Livestock Auction, Green Forest
 *Nuel Hill Livestock Auction, Batesville
 *Ola Livestock Auction, Ola
 *Paragould Livestock Auction, Paragould
 *Purcell Livestock, Purcell
 *Randolph County Livestock Auction, Pochontas
 *Reactor Auction Barn, Inc., Rector
 *Rex White Livestock Auction, Russellville
 *Saline-Ouachita Valley Commission Company, Warren
 *Scott County Livestock Auction, Waldron
 *Searcy County Auction Company, Marshall
 *Shantz Livestock Auction, North Little Rock
 *Siloam Springs Sale Barn, Siloam Springs
 *Van Buren County Auction, Clinton
 *Washington County Sales Company, Fayetteville

COLORADO

*Alamosa Auction, Alamosa
 *A. A. Blakley Livestock Commission Company, Inc., Denver
 *Basin Livestock Commission Company, Inc., Durango
 *Brush Livestock of Colorado, Inc., Brush
 *Burlington Livestock Market Center, Burlington
 *Burlington Producers Livestock Marketing Assn., Burlington
 *Calhan-Cash Auction Market, Calhan
 *Cortez Livestock Auction, Inc., Cortez
 *Delta Sales Yard, Delta
 *Elizabeth Livestock Auction, Elizabeth
 *Farmer & Rancher Livestock Commission Company, Fort Collins
 *Fowler Auction Company, Fowler
 *Greeley Producers Association, Greeley
 *Hotchkiss Sale Yard, Hotchkiss
 *Kay National Western Livestock Market, Inc., Denver
 *K & R Livestock Commission Company, Broomfield
 *LaJunta Livestock Commission Company, La Junta
 *Lamar Livestock Commission Company, Lamar
 *Limon Livestock Auction Company, Limon
 *Livestock Exchange, Inc., Brush
 *Longmont Sale Yard, Longmont
 *Monte Vista Livestock, Commission Company, Inc., Monte Vista
 *Ranchland Livestock Commission Company, Inc., Wray
 *Rifle Livestock, Inc., Rifle
 *Salida Livestock Sales, Inc., Salida

NOTICES

*Sterling Livestock Commission Company, Inc., Sterling
 *Stratton Livestock Marketing Center, Stratton
 *Tri-County Livestock Commission Company, Broomfield
 *Valley Livestock Auction, Grand Junction
 *Winter Livestock Commission Company, LaJunta
 *Yuma Livestock Auction, Yuma
 *Zavisian Livestock Auction, Pueblo
 *Valley Livestock Auction Company, Fruita

CONNECTICUT

Middlesex Livestock Auction, Durham
 North Franklin Commission Sale, North Franklin

DELAWARE

*Carroll's Sales, Inc., Felton

FLORIDA

Cattleman's Livestock Auction of Tampa, Inc., Tampa
 *Chipley Livestock Company, Chipley
 Columbia Livestock Market of Lake City, Inc., Lake City
 Interstate Livestock Auction Market, Seffner
 *Jacksonville Livestock Auction, Inc., Whitehouse
 *Jay Livestock Auction Market, Jay
 *Madison Livestock Auction Market, Inc., Madison
 Monticello Livestock Market, Inc., Monticello
 *Neel & Edwards Livestock Company, Quincy
 *Tindel Livestock Auction Market, Inc., Graceville, Ralford
 *West Florida Livestock Market, Inc., Marianna

GEORGIA

*Bainbridge Auction Market, Inc., Bainbridge
 *Carroll County Livestock Sales Barn, Carrollton
 *Columbus-Muscogee Livestock Auction, Inc., Columbus
 *Coosa Valley Livestock Company, Rome
 *Franklin County Livestock Market, Carnesville
 *Georgia Farmers Livestock, Cumming
 *Georgia Farm Products Sales Corp., Thompson
 *La Grange Stockyards, La Grange
 Lanierland Livestock Auction, Gainesville
 *North Georgia Farmers Livestock, Canton
 *Pierce County Stock Yard, Inc., Blackshear
 *Sam Simmons Livestock Commission Company, Cartersville
 *Seminole Livestock, Inc., Donalsonville
 Southwest Georgia Livestock Market, Inc., Camilla
 *Sumter County Livestock Assoc., Americus
 *Toccoa Livestock Auction, Toccoa
 *Valdosta Livestock Company, Valdosta
 *Wayne County Stockyard, Jesup
 *Wheeler Brothers Livestock Market, Eastonville

IDAHO

*Blackfoot Livestock Commission Company, Blackfoot
 *Boise Valley Livestock Commission Company, Caldwell
 *Bonners Ferry Livestock Inc., Bonners Ferry
 *Cache Valley Auction, Preston
 *Cattleman's Livestock Auction Inc. d.b.a./Treasure Valley Livestock Auction, Caldwell

*Coeur d'Alene Livestock, Inc., Coeur d'Alene
 *Cottonwood Sales Yard, Cottonwood
 Custer County Livestock Marketing Association, Mackay
 *Emmett Livestock Commission Company, Emmett
 *Gooding Livestock Commission Company, Inc., Gooding
 *Idaho Livestock Auction, Idaho Falls
 *Jerome Producer's Livestock, Jerome
 *Nampa Livestock Market, Inc., Nampa
 *Ranchers Auction Company, Inc., Twin Falls
 *Rexburg Livestock Auction, Inc., Rexburg
 *Salmon River Livestock market, Salmon
 *Shoshone Salesyard, Inc., Shoshone
 *Spencer Livestock Commission Company, Lewiston
 *Twin City Sales Yard, Inc., Lewiston
 *Twin Falls Livestock Commission Company, Twin Falls
 *Valley Livestock Commission Company, Rupert
 *Weiser Livestock Commission Company, Weiser

ILLINOIS

*Barnard Livestock Auction Market, Wayne City
 *Barry Livestock Marketing Center, Poca-tonia
 *Bloomington Livestock Commission Company, Bloomington
 *Breed's Livestock Sales, Elizabeth
 *Carthage Livestock Auction, Carthage
 *Chicago-Joliet Marketing Center, Inc., Joliet
 *Dameron Livestock Auction, Inc., Vienna
 *Danville Livestock Commission Company, Danville
 *Decker's Livestock Incorporated, Milford
 *DeWane Livestock Exchange, Belvidere
 *Greenville Livestock Inc., Greenville
 *Helmold Cattle Market, Brookport
 *Helmold Livestock Sales, El Paso
 *Illinois Auction Commission Company, Paris
 *Interstate Producers Livestock Association, Shelbyville
 *Jennings Sale Company, Macomb
 *Kankakee Livestock Company, Bourbonnais
 *Kewanee Sale Barn, Kewanee
 *Mercer County Livestock Auction, Viola
 *Paris Livestock Sales Company, Paris
 *Peoria Union Stockyards Company, Peoria
 *Rock Island Auction Sales, Inc., Rock Island
 *Harry Schrader Marketing Center, Dakota
 *St. Louis National Stockyards Company, National Stockyards
 *Winslow Marketing Center, Inc., Winslow
 *United Market Center, Inc., Goreville

INDIANA

*Boswell Salebarn, Boswell
 Central Carolina Livestock Market, Inc., Lugoff
 *Claypool Sales, Inc., Silver Lake
 *Delta Livestock Auction & Commission Company, Fort Wayne
 *Evansville Union Stockyards Company, Inc., Evansville
 *Henry County Livestock Auction, New Castle
 *Indianapolis Livestock Market, Indianapolis
 *Lowell Livestock Auction, Lowell
 *Owen & Monroe Company Feeder, Gosport
 *Producers Livestock Assn., Vincennes
 *Producers Marketing Association, Inc., Centerville

*Producers Marketing Association, Columbia City
 *Producers Marketing Association, W. Lafayette
 *Producers Marketing Association, Montpelier
 *Producers Marketing Association, Terre Haute
 *Reynolds Salebarn, Reynolds
 *Rochester Sale Barn, Rochester
 *Shipshewana Livestock Auction, Shipshewana
 *Star Sale Barn, Greensburg
 *Stoney Pike Salebarn, Logansport
 *Topeka Livestock Auction, Inc., Topeka
 *Valparaiso Community Salebarn, Valparaiso

IOWA

Ackley Sales Pavilion, Ackley
 Adams County Livestock Auction, Corning
 Adel Sales Pavilion, Adel
 Albia Sales Company, Inc., Albia
 Algona Livestock Auction & Exchange, Algona
 Anamosa Livestock Auction Sales, Anamosa
 Anita Livestock Auction Company, Anita
 Applington Livestock Sales Co., Inc., Applington
 Audubon County Livestock Exchange, Audubon
 Avoca Auction Co., Avoca
 Bedford Sales Co., Bedford
 *Belle Plaine Livestock Auction, Inc., Belle Plaine
 *Bingley Sale Co., Inc., Knoxville
 Bleil & Chapman Livestock Auction, Merville
 Bloomfield Livestock Market, Inc., Bloomfield
 Bradley Livestock Auction, Red Oak
 Carroll Livestock Sales, Carroll
 Cascade Sales Barn, Cascade
 Cedar Valley Livestock Exchange, Vinton
 Centerville Sales Company, Centerville
 *Central Iowa Stockyards, Webster City
 Chariton Sales, Inc., Chariton
 Clarinda Auction Co., Clarinda
 Phil Clark & Sons Sales Company, Knoxville
 Climbing Hill Stockyards, Climbing Hill
 Colfax Livestock Sales Company, Colfax
 Columbus Junction Livestock Market, Inc., Columbus Junction
 Coggon Livestock Sales Co., Coggon
 Cresco Livestock Market, Cresco
 Creston Auction Company, Creston
 Decorah Sales Commission, Decorah
 Denison Livestock Auction, Denison
 DeVries Auction, Buffalo Center
 *Dunlap Livestock Auction, Dunlap
 Dyersville Sales Barn, Dyersville
 Eddyville Sale Company, Eddyville
 Edgewood Sales Barn, Inc., Edgewood
 *Elkader Sales Barn, Elkader
 Fairfield Livestock Commission, Fairfield
 Farmers Auction Market, Eldora
 Farmers Livestock Action, Carroll
 Forest City Caw Palace/Jennings Bros. Inc., Forest City
 Greenfield Commission Sale, Inc., Greenfield
 Grinnell Livestock Exchange, Grinnell
 *Guthrie Stock Pavilion Company, Inc., Guthrie Center
 Hampton Auction Sales, Hampton
 Hawkeye Livestock Auction, Fairfax
 Hays Cattle Company, Ida Grove
 *Humeston Livestock Auction, Humeston
 Independence Sales Company, Inc., Independence
 Interstate Producers Livestock Association, Waukon

Iowa County Livestock Auction, Marengo
 Irwin Commission Company, Irwin
 Jake Zoot Livestock Company, Sheldon
 Jansma & Van Kley, Sioux Center
 Kalona Sales Barn, Inc., Kalona
 Keoco Auction Company, Sigourney
 *Keosauqua Sale Company, Inc., Keosauqua
 Kimballton Auction Company, Kimballton
 *Lamoni Livestock Sales Company, Lamoni
 LeMars Livestock Sales Company, LeMars
 Lenox Livestock Auction, Lenox
 Leon Sales, Leon
 Livestock Auction, Denison
 Lizer Livestock Auction, Inc., Gowrie
 Madison County Auction, Winterset
 Manning Livestock Auction, Manning
 Mapleton Livestock Sales Company, Mapleton
 Maquoketa Sales Company Inc., Maquoketa
 Massena Livestock Auction, Massena
 Mechanicsville Sale Barn, Mechanicsville
 Middletown Auction Sales, Inc., Middletown
 Monticello Sales Barn, Monticello
 Montezuma Sales Company, Inc., Montezuma
 Moorhead Auction Company, Moorhead
 Mount Ayr Livestock Market, Mount Ayr
 Northeast Iowa Sales Commission, Waukon
 North Iowa Livestock Exchange, Garner
 Mesvik Livestock Market, Spirit Lake
 *New Liberty Livestock Auction, New Liberty
 Northside Sales Company, Sibley
 Oelwein Dairy Sales, Oelwein
 Oelwein Livestock Exchange, Oelwein
 Ollie Livestock Exchange, Ollie
 Orient Sales Company, Inc., Orient
 Osceola Sales Company, Osceola
 Oskaloosa Livestock Inc., Oskaloosa
 Perry Sales Pavilion, Perry
 Petersen Sheep & Cattle Company, Inc., Spencer
 Riceville Sale Pavilion, Riceville
 Rock Valley Sales Co., Rock Valley
 Rubey Auction Company, Red Oak
 Russell Sales Co., Inc., Russell
 Sales Company of Hawarden, Inc., Hawarden
 Sheldon Livestock Sales Company, Sheldon
 Shenandoah Livestock Auction, Inc., Shenandoah
 *Sioux City Stockyards, Sioux City
 Spencer Dairy Cattle Exchange, Spencer
 Spencer Livestock Sales, Inc., Spencer
 Spencer North Y Auction, Inc., Spencer
 Stanton Livestock Auction Market, Stanton
 Storm Lake Auction Co., Storm Lake
 Story City Auction Sales, Story City
 Stuart Sales Company, Stuart
 *Tama Livestock Auction Inc., Tama
 Thielen Cattle Company, Harlan
 Thompson Livestock Commission Co., Inc., Davis City
 Tri-State Livestock Auction Company, Inc., Sioux Center
 Traer Auction Company, Inc., Traer
 United Livestock Auction Inc., Maquoketa
 Van's Calf Farm, Hospers
 Van Wyk Calf Farm, Le Mars
 Walitt Cattle Company, Sioux City
 Walker Sales Company, Walker
 *Wapello Livestock Sales, Inc., Wapello
 Washington Livestock Auction, Inc., Washington
 Waverly Sale Company, Waverly
 Wayland Livestock Auction Market, Wayland
 West Union Auction Exchange, West Union
 Winneshiek Co-op Sales Commission, Decorah
 Woodbury County Livestock Auction, Lawton

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*Allen County Livestock Auction, Gas City
 *Anderson County Sale Company, Garnett
 *Anthony Livestock Company, Anthony
 *Atchison Co. Auction Co., Inc., Atchison
 *Atwood Sale Barn, Atwood
 *Beloit Livestock Auction, Inc., Beloit
 *Caldwell Community Sale, Caldwell
 *Cedar Vale Sales Company, Cedar Vale
 *Central Livestock Corporation, South Hutchinson
 *Chandler Livestock Auction, Smith Center
 *Chanute Livestock Auction Company, Chanute
 *Circle "L" Livestock Sale, Liberal
 *Clay Center Livestock Company, Inc., Clay Center
 *Colfe County Livestock Market, Burlington
 *Coffeyville Livestock Sales Company, Inc., Coffeyville
 *Colby Livestock Auction, Inc., Colby
 *Coldwater Commission Company, Coldwater
 *Council Grove Livestock Commission Company, Council Grove
 *Dighton Livestock Auction, Dighton
 *Dodge City Livestock Commission Co., Inc., Dodge City
 *Douglass Livestock Commission Company, Douglass
 *El Dorado Livestock Auction, El Dorado
 *Emporia Livestock Sales Co., Inc., Emporia
 *Eureka Auction Sale, Eureka
 *Farmers and Ranchers Commission Company, Salina
 *Farmers Livestock Exchange, Inc., Wakarusa
 *Fort Scott Sale Company, Inc., Fort Scott
 *Franklin County Sale Company, Inc., Ottawa
 *Fredonia Livestock Sales Company, Inc., Fredonia
 *Garden City Sale Co., Inc., Garden City
 *Glasco Livestock Exchange, Glasco
 *Goodland Livestock Commission Co., Goodland
 *Great Bend Livestock Commission, Inc., Great Bend
 *G and V Cattle Company, Elkhart
 *Hansen Livestock Auction, Concordia
 *Hays Livestock Market Center, Hays
 *Herington Livestock Commission Company, Herington
 *Hiawatha Auction Co., Hiawatha
 *Hill City Sale Barn, Hill City
 *Hoxie Livestock Sales Company, Hoxie
 *Hutchinson Livestock Commission Company, Hutchinson
 *Holton Community Sale, Holton
 *Holton Livestock Exchange, Inc., Holton
 *Iola Community Sale, Iola
 *Junction City Livestock Sales, Junction City
 *Kingman Community Sale, Kingman
 *Kiowa Sales Company, Inc., Kiowa
 *Larned Livestock Market Center, Larned
 *Lawrence Livestock Sale Company, Inc., Lawrence
 *Manhattan Commission Company, Inc., Manhattan
 *Markato Livestock, Inc., Markato
 *Marysville Livestock Commission Company, Marysville
 *McKinley-Winter Livestock Commission Co., Inc., Dodge City
 *Medicine Lodge Sale Company, Inc., Medicine Lodge
 *Miami County Livestock Company, Inc., Paola, Kansas
 *Moline Auction Company, Inc., Moline
 *Norton Livestock Auction, Inc., Norton
 *Oakley Livestock Commission Co., Inc., Oakley

*Oberlin Livestock Commission Co., Inc., Oberlin
 *Onaga Livestock Commission Company, Onaga
 *Osborne Livestock Commission Co., Inc., Osborne
 *Overbrook Livestock Auction Overbrook
 *Parsons Livestock Auction Inc., Parsons
 *Phillipsburg Sales Co., Inc., Phillipsburg
 *Plainville Livestock Commission Company, Inc., Plainville
 *Pratt Livestock Commission Company, Pratt
 *Quinter Livestock Commission Co., Quinter
 *Reynolds Livestock Sales, Abilene
 *Rezac Livestock Commission Company, St. Marys
 *Rush County Livestock Sale, La Crosse
 *Russell Livestock Commission Company, Russell
 *Sabatha Livestock Auction, Sabatha
 *St. Francis Livestock Sales Company, St. Francis
 *Sylvan Sales Company, Inc., Sylvan Grove
 *Syracuse Sale Company, Syracuse
 *Turon Sales Company, Inc., Turon
 *Wakeeney Livestock Commission Co., Inc., Wakeeney
 *Wichita Union Stockyards, Wichita
 *Winfield Livestock Auction Co., Inc., Winfield
 *Zima Livestock Sales Company, Emmett

KENTUCKY

*Albany Stockyards, Albany
 *Blue Grass Stockyards Inc., Lexington
 R.B. Berry and Son Livestock Company, Inc., Clinton
 *Bowling Green Livestock Market, Inc., Bowling Green
 *Bourbon Stockyards Company, Inc., Louisville
 *Bourbon Livestock Center, Bowling Green
 *Boyle County Stockyards, Danville
 *Breckinridge County Livestock Center, Irvington
 Brown Livestock Company, Clinton
 *Bullitt County Stockyards, Shepherdsville
 *Burkesville Stockyard, Burkesville
 Carnes Livestock Market, Leitchfield
 *Catlettsburg Livestock Sales Company, Catlettsburg
 *Christian County Livestock Market, Inc., Hopkinsville
 *Clark County Livestock Market, Winchester
 *Clay-Wachs Stockyards, Lexington
 *Edmonton Livestock Market, Edmonton
 *Elizabethtown NFO Reload, Glendale
 *Farmers Commission Company, Tomkinsville
 *Farmers Livestock Market, London
 *Farmers Livestock Market, Mayfield
 *Farmers Livestock Market of Glasgow, Inc., Glasgow
 *Farmers Livestock Marketing Co-op, Russellville
 *Farmers Stockyard, Flemingsburg
 *Franklin-Simpson Livestock Company, Franklin
 *Garfield Auction Market, Garfield
 *Garrard Stockyards Company, Lancaster
 *Glasgow Livestock Market, Glasgow
 *Good Day Stockyards, Princeton
 *Graves County Livestock, Inc., Mayfield
 *Grayson County Stockyard Market, Inc., Leitchfield
 *Green County Stockyards, Greensburg
 *Hart County Livestock Market, Munfordville
 *Henry County Stockyard, Inc., Sulphur
 *Horse Cave Stockyard, Horse Cave
 *John M. Riley Livestock Market, Mayfield

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MAINE

Ben Tilton & Sons, Corinth
Crosman's Livestock Sales, Corinna

MARYLAND

*Aberdeen Sales Company, Inc., Aberdeen
*Baltimore Livestock Exchange, West Friendship
*Cumberland Stockyards, Inc., Cumberland
*Farmers Livestock Exchange, Inc., Boonsboro
Farmers Market and Auction, Charlotte Hall
*Four States Livestock Auction, Inc., Hagerstown
*Frederick Livestock, Frederick
*Friend's Stockyards, Inc., Accident
*Grantsville Community Auction, Inc., Grantsville
*Hunters Sale Barn, Inc., Rising Sun
*Harry Rudnick and Sons, Inc., Galena
*Western Maryland Stock Yards, Inc., Westminster
Woodsboro Livestock Sales, Woodsboro

MASSACHUSETTS

Farmer's Live Animal Market Exchange, Inc., (FLAME), Littleton
*Michelson's Livestock Commission Auction, Inc., South Easton
Northampton Coop. Auction Market, Whately

MICHIGAN

Andy Adams Sale Barn, Hillsdale
Coldwater Livestock Auction, Coldwater
Dundee Livestock Sale, Dundee
Houghton Beef Packers, Ionia
Michigan Livestock Exchange, Cassopolis
Napoleon Livestock Auction, Napoleon

MINNESOTA

Arends Sale Yard, Inc., Blue Earth
Benson Livestock Exchange, Benson
Canby Livestock Sale Company, Canby
East-Central Livestock Auction, Inc., Mora
Jim Erickson Livestock, Mabel
Farmers Livestock Auction Market, Caledonia
Ivanhoe NFO Collection Point, Ivanhoe
Kasson Livestock Exchange, Kasson
Lanesboro Sales Commission, Inc., Lanesboro
Lewiston Livestock Market, Lewiston
Long Prairie Livestock Auction Market, Long Prairie
Luverne Livestock Auction, Luverne
*Pipestone Livestock Auction, Pipestone
Rush City Livestock Market, Inc., Rush City
*St. Paul Union Stockyards, St. Paul
Spring Grove Livestock Exchange, Inc., Spring Grove
Spring Valley Sales Co., Inc., Spring Valley
Top Livestock Auction, Edgerton
Truman Livestock Sales, Truman
Zumbrota Livestock Auction Market, Inc., Zumbrota

MISSISSIPPI

*Alcorn County Stockyards, Corinth
*Askew's Buying Station, Edwards
*Baker Commission Company, Batesville
*Billingsley's Auction Sale, Inc., Senatobia
Booneville Commission Company, Booneville
*Carl's Commission Company, Pontotoc
*Cattle Incorporated, Hattiesburg
*Central Livestock Company, Brandon
*Central Mississippi Livestock Commission Company, Carthage
*Chickasaw Livestock Auction, Inc., Houston

*Cow Palace, Inc., McComb
*C & R Farms, Inc., Meridian
*Dixie Stockyards, Inc., Meridian
*East Mississippi Farmers Livestock Company, Philadelphia
*Farmers Auction Company, Mountain View
*Fairchild Livestock Sales, Inc., Hazlehurst
Fruitland Livestock Auction, Inc., Jackson
*George County Stockyard, Inc., Lucedale
*George Ford Stockyard, Pontotoc
*Glynn Robinson Stockyard, Inc., West Point
*Graves Livestock, Inc., Winona
*Grenada Livestock Exchange, Grenada
*Harrell Stockyard, Inc., Morton
*Jackson Union Stockyard, Inc. and Quinn Brothers Inc., Jackson
*Kosciusko Stockyard, Inc., Kosciusko
*Lipscomb Commission Company, Como
*Laurel Stockyard, Laurel
*Lexington Sales Company, Inc., Lexington
*Lincoln County Livestock Commission, Inc., Brookhaven
*Livestock Producers Association, Tyler-town
*Lum Commission Company, Vicksburg
*Meridian Order Buyers, Meridian
*Meridian Stockyards, Inc., Meridian
*Mid-Mississippi Livestock Company, Canton
*Mid-South Order Buyers, Jackson
*Mississippi Livestock Producers Association, Jackson
*M and W Cattle Company, Hattiesburg
*M and W Cattle Company, Starkville
*Natchez Stockyards, Inc., Natchez
*New Albany Sales Company, New Albany
*Oxford Livestock Market, Inc., Oxford
*Passbach Meats, Inc., Natchez
*Pontotoc Livestock Commission Company, Pontotoc
Prairie Livestock, Inc., West Point
*Ranchers & Farmers Livestock Commission Company, Macon
*Ranchers & Farmers Livestock Commission Company of Starkville, Starkville
*Ripley Sales Company, Ripley
*Ross Cattle Co., Inc., Terry
*S & A Livestock, Inc., Tupelo
*Smith Brothers Stockyard, Inc., Poplarville
*Southeast Mississippi Livestock Farmers Assn., Hattiesburg
*Southwest Livestock, Inc., Lorman
*Stockyard Beef Sales, Inc., Tupelo
*Stockyard Dairy Sales, Inc., Tupelo
*Stringer Sale Barn, Columbia
*Tablock Stockyards, Forest
*Tri-County Stockyards, Inc., Tupelo
*Tri-State Stockyards, Inc., Greenville
*Walnut Sales Company, Walnut
*Willbanks Stockyard, Carthage
*Winona Stockyard, Winona

MISSOURI

*Adair County Livestock Market Center, Kirksville
Alton Sale Company, Alton
*Ava Sales Company, Ava
*Beck and McCord Auction Company, Sikeston
Benton County Producers Association, Warsaw
Blansit Dairy Cattle Company, Inc., Ozark
Bob Franklin Sale Barn, Buffalo
Bollinger County Livestock Producers Association, Marble Hill
*Boonville Livestock Auction, Boonville
*Brookfield Livestock Auction, Inc., Brookfield
*Brunswick Sale Company, Brunswick
Buffalo Livestock Auction, Buffalo
*Cabool Livestock Market, Cabool
Callao NFO Collection Point, Callao

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*Callaway Stock Sales Company, Fulton
*W. R. Cantrell & Sons Sale Company, Archie
*Carrollton Livestock Auction, Carrollton
*Cassville Livestock Market, Inc., Cassville
*Cattlemen Auction Company, Inc., Humansville
*Central Livestock Market, Inc., Poplar Bluff
*Central Missouri Livestock Auction, Inc., Mexico
*Central Missouri Sales Company, Sedalia
*Central Ozarks Livestock Market, Inc., West Plains
*Charleston Auction Company, Charleston
*Chillicothe Livestock Market, Chillicothe
*Circle S Livestock Market, Stanberry
*City Scales, West Plains
*Clark County Sales Company, Kahoka
*Columbia Livestock Auction Market, Inc., Columbia
*Concordia Livestock Auction, Concordia
Dent County Livestock Improvement Association, Salem
*Downing Stockyards, Downing
*Edina Auction Market, Inc., Edina
*El Dorado Sales Company, El Dorado
Fair Play Livestock Auction, Fair Play
Farmers & Traders Commission Company, Inc., Palmyra
*Farmington Auction Market, Farmington
Five County Collection Center, Inc., Mountain Grove
4 Corners Collection Point (NFO), Hunnewell
Four State Livestock Auction Center, Inc., Diamond
Fortuna NFO Collection Point, Fortuna
Four Rivers Collection Point, Labadie
*Four-Square Markets, Inc., Marshall
*Franklin County Livestock Association, Sullivan
*Fredericktown Auction Company, Inc., Fredericktown
*Fruitland Livestock Auction, Inc., Jackson
*Gallatin Livestock Auction, Gallatin
Gasconade County Livestock Improvement Association, Owensville
Grant City Livestock Market, Grant City
*Green City Auction Market, Inc., Green City
Hayes Cattle Company, Chillicothe
Howard County NFO Collection Point, Armstrong
*Interstate Livestock Market, Inc., Bethany
Interstate Producers Livestock Association, Cuba
Interstate Producers Livestock Association, Perryville
Interstate Producers Livestock Association, Silva
*Ireland & Thorne Livestock market Center, Inc., Trenton
*Jack Sivils Sales Company, Inc., Butler
*Johnson County Livestock Market, Warrensburg
*Joplin Stockyards, Inc., Joplin
*Kahoka Sale Company, Inc., Kahoka
*Kansas City Stockyards Company, Kansas City
*Kelly Auction Service Livestock Sales, Mountain Grove
Kennett Sales Company, Inc., Kennett
Kingsville NFO Collection Point, Kingsville
*Kirkville Community Sale, Inc., Kirksville
Laclede County Livestock Association, Lebanon
LaMonte NFO Livestock, LaMonte
*Lewis County Auction Company, Lewis-town
*Lexington Livestock Auction, Lexington
*Licking Auction Sales, Licking
*Lindsay Livestock Auction, Inc., Lebanon

*Lockwood Community Sales, Lockwood
*Lolli Sale Pavilion, Macon
*Mansfield Livestock Auction, Inc., Mansfield
Maries County Livestock Producers Association, Vienna
*Marshall Livestock Auction, Marshall
Maysville NFO Collection Point, Amity
McDonald County Sale Company, Jane
Mercer County Producers Association, Princeton
*Mercer County Sale Company, Princeton
Meta Collection Point, Inc., Meta
MFA Livestock Association, Inc., Humansville
*Mid-West Livestock Auction, Inc., Milan
*Mid-West Livestock Market, Inc., Nevada
*Moberly Auction Company, Moberly
*Montgomery County Livestock Auction Company, Montgomery City
C. H. Moore & Son Livestock Yards, Memphis
*Mountain View Sales Company, Mountain View
*Nevada Livestock Auction Company, Inc., Nevada
*New Cambria Livestock Auction Market, New Cambria
NFO Collection Point, Memphis
*Odessa Community Sale, Odessa
*Olean Livestock Market, Inc., Olean
Oregon Livestock Sales Company, Oregon
Osage County Livestock Producers Association, Linn
*Palmyra Livestock Auction Market, Inc., Palmyra
*Pasley Auction Company, Osceola
Phelps County Livestock Improvement Association, St. James
*Pike County Livestock Market, Bowling Green
*Platte County Livestock Company, Platte City
*Poplar Bluff Sales Company, Inc., Poplar Bluff
*Potosi Livestock Market, Potosi
Charles Reed Livestock, Mountain Grove
Putnam County Livestock Marketing Association, Unionville
Puxico Stockyards & Auction Company, Puxico
Reynolds County Livestock Producers Association, Ellington
*Rich Hill Sales Company, Rich Hill
Richland Livestock, Richland
Ripley County Livestock Producers Association, Inc., Doniphan
Roberts Brothers Auction, Bolivar
Rock Port Sales Pavilion, Inc., Rock Port
*Saint Joseph Stockyards, St. Joseph
*Salem Auction, Salem
Savannah Sales Company, Savannah
*St. Clair Livestock Auction, St. Clair
*Scotland County Livestock Auction, Memphis
*Seaton Auction, Inc., Nixa
*Sedgewickville Auction Market, Inc., Sedgewickville
*Shelbina Auction Company, Shelbina
Sho-Me Feeder Pigs, Inc., Thayer
*South Central Livestock Market, Inc., Vienna
*Stewart Sale Pavilion, Cameron
St. James Auction Company, St. James
Ste. Genevieve Livestock Producers Association, Ste. Genevieve
*Summersville Livestock Market, Summersville
*Union Stockyards Company, Inc., Springfield
*Unionville Sale Company, Unionville
Van Meter Auction, Kingsville
*Versailles Auction Company, Versailles

Washington County Producers Association, Potosi
Warsaw Auction Company, Warsaw
Wayne County Livestock Producers Association, Greenville
Western Missouri Feeder Calf Association, Appleton City
Wheaton Livestock Auction, Wheaton
*Windsor Auction Company, Windsor

MONTANA

*Beaverhead Livestock Market, Inc., Dillon
*Billings Livestock Commission Company, Inc., Billings
*Bitterroot Livestock Market, Hamilton
*Glendive Livestock Sales Company, Glendive
*Kallispell Livestock Auction, Kallispell
*Livestock Auction, Inc., Baker
*Miles City Livestock Center, Miles City
*Missoula Livestock Auction Company, Missoula
*Montana Livestock Auction, Inc., Butte
*Public Auctions Yards, Billings
*Sidney Livestock Market Center, Sidney

NEBRASKA

*Ainsworth Livestock Market, Ainsworth
*Alma Livestock Commission Company, Alma
*Atkinson Livestock Market, Atkinson
*Bassett Livestock Auction, Bassett
*Beatrice 77 Livestock Sales Company, Beatrice
*Beatrice Sales Pavilion, Beatrice
*Blue Hill Livestock, Blue Hill
*Butte Livestock Market, Butte
*Chadron Sales Company, Inc., Chadron
*Chappell Livestock Auction, Chappell
*Columbus Sales Pavilion, Inc., Columbus
*Crawford Livestock Auction Market, Crawford
*Crete Livestock Market, Crete
Curtis Livestock Market, Curtis
*Fairbury Livestock Company, Fairbury
*Falls City Auction Company, Inc., Falls City
*Farmers Livestock Sales Company, Benkelman
*Gordon Livestock Auction Company, Gordon
*Grand Island Livestock Auction, Inc., Grand Island
*Hebron Livestock Commission Company, Hebron
*Holdrege Livestock Commission Company, Holdrege
*Humboldt Sale Barn, Humboldt
*Huss Platte Valley Auction, Inc., Kearney
*Imperial Auction Market, Imperial
*Kearney Livestock Commission Company, Inc., Kearney
*Kimball Livestock Auction Company, Kimball
*Laurel Livestock Sales Company, Laurel
*Lexington Livestock Market, Lexington
*Midwest Livestock Commission Company, Inc., McCook
Morris Livestock Auction, Plattsmouth
*Nebraska City Sale Barn Inc., Nebraska City
*Nebraska Livestock Market, Inc., Franklin
*Norfolk Livestock Market, Norfolk
*Ogallala Livestock Auction Market, Ogallala
*Omaha Livestock Market, Inc., Omaha
*O'Neill Livestock, Inc., O'Neill
*Oxford Livestock Commission Company, Oxford
*Pawnee Livestock Inc., Pawnee City
*Pender Livestock, Inc., Pender
Platte Valley Livestock Auction, Inc., Gering

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*Red Cloud Livestock Commission Co., Inc., Red Cloud
 *Scottsbluff Livestock Auction, Inc., Scottsbluff
 *Sheridan Livestock Commission Company, Rushville
 *Sioux County Livestock Auction, Harrison
 *Superior Livestock Commission Company, Inc., Superior
 *Sutton Livestock Commission Company, Sutton
 Syracuse Sales Pavilion, Inc., Syracuse
 *Tecomseh Livestock Market, Inc., Tecumseh
 *Tri-State Livestock Commission Company, McCook
 *Valentine Livestock Auction Co., Inc., Valentine
 *Verdigre Livestock Market, Verdigre
 *Wahoo Livestock Auction Company, Wahoo
 *West Point Sales Company, West Point
 *Wells Commission Co., Fremont
 *Western Livestock Auction Company, North Platte
 *York Livestock Sales Company, York

NEW JERSEY

*Community Livestock Auction, Woodstown
 *Jaeger's Livestock Auction Market, Sussex
 *Livestock Cooperative Auction Market Assn. of North Jersey, Inc., Hackettstown

NEW MEXICO

*Clovis Livestock Market, Clovis
 *Five States Livestock Auction, Clayton
 *Las Vegas Livestock Commission Company, Inc., Las Vegas
 *Lea County Livestock Market, Lovington
 *Portales Livestock Commission Company, Portales
 *Ranchers and Farmers Livestock Auction, Clovis
 *Roswell Livestock Auction company, Roswell
 *Socorro Livestock Market, Inc., Lemitar

NORTH CAROLINA

Benson Hog and Livestock Market, Benson
 Brite & Tatum Livestock Company, Elizabeth City
 Carolina Stockyards Company, Siler City
 Cattleman's Livestock Yard, Inc., Canton
 Carolina-Virginia Stockyard, Windsor
 Central Carolina Farmers Livestock Market, Hillsborough
 Dedmon's Livestock Yard, Shelby
 Farmers Cooperative Livestock Market, Lexington
 Farmers Livestock Barn, Kannapolis
 Farmers Livestock Exchange, Marshville
 D. F. Foust Livestock Auction Market, Greensboro
 Franklin Livestock Auction, Franklin
 Greenville Livestock Inc., Greenville
 Hickory Livestock and Commission Company, Hickory
 Iredell Livestock Company, Turnersburg
 J & P Livestock Company, Inc., Fairmont
 Kinston Stockyard, Kinston
 Gus Z. Lancaster Stockyards, Inc., Rocky Mount
 Lumberton Auction Company, Lumberton
 MCM Livestock, Inc., Whiteville
 Mountain Livestock Auction, Murphy
 Mount Airy Livestock Market, Mount Airy
 Norwood Stockyard, Inc., Norwood
 Oxford Livestock Market, Inc., Oxford
 Pates Stockyards, Inc., Pembroke
 Powell Livestock Company, Smithfield
 Reeves Livestock Inc., Rowland
 Riley's Livestock Market, North Wilkesboro
 Robeson Livestock Company, Inc., Rowland

Shelby Sales Barn, Shelby
 Union City Livestock Auction, Union City
 Union county Livestock Auction, Inc., Mineral Springs
 *Watauga County Livestock Market, Inc., Boone
 Western Carolina Livestock Market, Asheville
 West Jefferson Livestock Market, West Jefferson
 William A. Crofton Livestock, Lumberton

NORTH DAKOTA

*Ashley Livestock Sales Company, Ashley
 *Bowman Livestock Auction Market, Bowman
 *Carrington Livestock Sales, Inc., Carrington
 *Edgely Livestock Inc., Edgely
 *Ellendale Livestock Sales Company, Ellendale
 *Harvey Livestock Auction, Harvey
 *Hettinger Auction Market, Inc., Hettinger
 *Jamestown Livestock Sales, Jamestown
 *Kist Livestock Auction Company, Mandan
 *Lake Region Auction and Livestock Market, Inc., Devils Lake
 *Linton Livestock Sales, Inc., Linton
 *Lorenz Livestock Sales, Hazen
 *McQuade Livestock, Wahpeton
 *Minot Livestock Auction, Inc., Minot
 *Missouri Slope Livestock Auction, Inc., Bismarck
 *Napoleon Livestock Auction, Napoleon
 *Park River Livestock Exchange, Park River
 *Rugby Livestock Auction Market, Inc., Rugby
 *Stockmen's Livestock Exchange, Inc., Beulah
 *Stockmen's Livestock Exchange, Inc., Dickinson
 *Sitting bull Auction Company, Williston
 *Triple S Cattle Company, Inc., Valley City
 *Turtle Lake Livestock Sales, Inc., Turtle Lake
 *Uecker Livestock Yards, Inc., Hettinger
 *Union Stockyards Company of Fargo, West Fargo
 *Watford City Livestock Auction, Inc., Watford City
 *Western Livestock Company, Dickinson
 *Wishek Livestock Market, Inc., Wishek

OHIO

Athens Livestock Sales, Inc., Athens
 Barnesville Livestock, Barnesville
 Glenn Bircher dba/Carrollton Livestock, Carrollton
 Earl R. & Diane E. Carpenter dba/Bloomfield Livestock Auction, North Bloomfield
 Cincinnati Union Stockyard Co., Cincinnati
 Creston Livestock Sales, Inc., Creston
 Delta Livestock Auction & Commission Company, Delta
 Farmers Livestock Auction Co., Inc., Marietta
 Farmerstown Sale, Inc., Baltic
 Geauga Livestock Commission, Inc., Middlefield
 Granville Livestock Sales, Inc./W. Munson, Granville
 Richard L. Harshbarger dba/Degraff Livestock Sales, Degraff
 Kenton Farmers Marketing Co., Kenton
 Kidron Auction, Inc., Kidron
 Luginbill Bros., Inc., Archbold
 Luginbill Bros., Inc., Columbus
 Middendorf Inc. dba/Western Ohio Livestock, Celina
 Mt. Hope Auction, Div. Wayne Door Company, Mt. Hope
 Tri-State Farms, Inc., dba/Interstate Farmers Livestock Company, Oxford

Muskingum Livestock Sales Company, Zanesville
 William W. Osborne dba/Sugarcreek Livestock Auction, Sugarcreek
 Producers Livestock Association, Bucyrus
 Producers Livestock Association, Circleville
 Producers Livestock Association, Coshocton
 Producers Livestock Association, Findlay
 Producers Livestock Association, Hillsboro
 Producers Livestock Association, Lancaster
 Producers Livestock Association, Marysville
 Producers Livestock Association, Mount Vernon
 Producers Livestock Association, Springfield
 Producers Livestock Association, Wapakoneta
 Producers Livestock Association, Washington Court House
 Producers Livestock Association, Wilmington
 Scio Auction Market, Scio
 Glenn Shreve and Larry C. Shreve dba/Damascus Livestock Auction, Damascus
 Thomas J. Stewart & C. E. Johnson dba/Ohio Valley Livestock Company, Gallipolis
 Stockyards, Inc. dba/Champaign Livestock Sales, Urbana
 The Union Stock Yards Co., Hillsboro
 James H. Wilson & Thomas H. Wilson dba/Peoples Livestock Exchange, Greenville
 Woodsfield Livestock Sales, Inc., Woodsfield
 Zanesville Community Sales Co., Inc., Zanesville

OKLAHOMA

*Ada Livestock, Ada
 *Adair County Livestock Auction, Stilwell
 *Antlers Livestock, Antlers
 *Apache Livestock Sale, Apache
 *Ardmore Livestock Auction, Ardmore
 *Atoka Livestock, Atoka
 *The Beaver Livestock Sale, Beaver
 *Beeline Auction Yard, Glenpool
 *Blackwell Livestock Auction, Blackwell
 *Carnegie Livestock Auction, Carnegie
 *Chandler Auction Co., Inc., Chandler
 *Cherokee Sales Company, Cherokee
 *Clinton Livestock Auction, Clinton
 *Collinsville Livestock Exchange, Collinsville
 *Covington Commission Sales Co., Covington
 *Durant Livestock, Durant
 *Dewey Livestock Sale Inc., Dewey
 *Delaware County L/S Auction, Grove
 *Enid Livestock Market, Inc., Enid
 *Fairview Sale Barn, Fairview
 *Farmers and Ranchers Livestock Auction, Vinita
 *Farmers and Ranchers Stockyards, Comanche
 *Fort Smith Stockyards, West Fort Smith
 *Freeman Livestock Auction, Sulphur
 *Geary Livestock Auction, Geary
 *Hennessey Sale, Hennessey
 *Hobart Stockyards, Hobart
 *Holdenville Livestock, Holdenville
 *Holllis Livestock Commission Company, Holllis
 *Hugo Sales Commission Inc., Hugo
 *Idabel Livestock Auction, Idabel
 *Kay County Farm Center, Inc. dba/Tonkawa Auction Center, Tonkawa
 *Lawton Stockyards, Lawton
 *LeFlore County Livestock Auction, Wister
 *Locust Grove Sale, Locust Grove
 *Mangum Livestock Auction, Inc., Mangum
 *Marietta Livestock Auction, Marietta
 *Marlow Livestock Auction, Marlow
 *Maxson Sales Company, Welch
 *McAlester Union Livestock, McAlester

*Meeker Livestock Market, Meeker
 *Mid-America Stockyards, Bristow
 *Muskogee Stockyard, Muskogee
 *Newkirk Sales Company, Newkirk
 *Northeast Oklahoma Feeder Pig and Livestock Auction, Leach
 *Oklahoma Auction Yards, Hominy
 *Oklahoma National Stockyards Company, Oklahoma City
 *Okmulgee L/S Auction and Stockyard, Okmulgee
 *Panhandle Livestock Commission, Guymon
 *Pauls Valley Livestock, Pauls Valley
 *Pawnee Livestock Market Center, Inc., Pawnee
 *Perkins Y Livestock Auction, Inc., Perkins
 *Perry Livestock Center, Inc., Perry
 *Poor Boy Livestock Auction, Wyster
 *Pryor Stockman's Auction, Pryor
 *Purcell Livestock, Purcell
 *Ringling Livestock Auction, Ringling
 *Sallisaw Sale Barn, Sallisaw
 *Sayre Livestock Auction, Sayre
 *Selling Sales Association, Inc., Selling
 *Snyder Stockyards, Snyder
 *Splitter Auction, Inc., Prague
 *South Coffeyville L/S Market, Inc., South Coffeyville
 *Stigler Sale Barn, Stigler
 *Tahlequah Sale Barn, Tahlequah
 *Texhoma Livestock Commission Company, Inc., Texhoma
 *Tillman County Stockyards, Inc., Frederick
 *Triangle Livestock Company, Alva
 *Tulsa Stockyards, Tulsa
 *Tulsa Cow Palace, Tulsa
 *Watonga Livestock Commission, Inc., Watonga
 *Waurika Livestock Market, Waurika
 *Western Livestock Auction, Elk City
 *Woodward Livestock Auction Market, Inc., Woodward

PENNSYLVANIA

Belleville Livestock Market, Inc., Belleville
 Belknap Livestock Market, Inc., Dayton
 Edgar K. Black, Skippack
 K. M. Border, Dover
 Carlisle Livestock Market, Inc., Carlisle
 Cattle Sales, Inc. dba/Scenery Hill Stockyards, Scenery Hill
 Chambersburg Livestock Sales, Inc., Chambersburg
 Chesley's Sales, Inc., Northeast
 Cowanesque Valley Livestock Auction, Knoxville
 Wayne F. Craig & Sons, Shippensburg
 Danville Cattle Co., Inc., Danville
 Dewart Livestock Market, Dewart
 Eighty-Four Auction Sales, Inc., Eighty-Four
 Enon Valley Community Sales, Enon Valley
 Fayette Stockyard, Inc., Uniontown
 G & M Livestock Market, Inc., Duncansville
 Greencastle Livestock Market, Inc., Greencastle
 Green Dragon Livestock Sales, Ephrata
 Hickory Auction and Sales, Inc., Hickory
 Indiana Livestock Market, Inc., Indiana
 Jersey Shore Livestock, Inc., Jersey Shore
 Keister's Middleburg Auction Sales, Inc., Middleburg
 Lancaster Stockyards, Inc., Lancaster
 Lebanon Valley Livestock Market, Inc., Frederickburg
 Leesport Market & Auction, Inc., Leesport
 Meadville Livestock Auction, Saegertown
 Mercer Livestock Auction, Mercer
 C. Robert Miller, Watsonstown
 Morrison Cove Livestock Market, Martinsburg
 New Holland Sales Stables, Inc., New Holland

NOTICES

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New Wilmington Livestock Auction, Inc., New Wilmington
 Nicholson Sales Company, Nicholson
 Penns Valley Livestock Auction, Inc., Centre Hall
 Pennsylvania Livestock Auction, Inc., Waynesburg
 Quakertown Livestock Sale, Quakertown
 Sechrist Sales Company, Fawn Grove
 W. R. Sellers Livestock, Greencastle
 Thomasville Livestock Market, Inc., York-Tri-County Livestock Auction, Inc., Brockway
 Troy Sales Co-operative, Troy
 Valley Stock Yards, Inc., Athens
 Vintage Sales Stables, Inc., Paradise
 Wayne County Livestock Exchange, Inc., Homestead
 Welkert's Livestock, Fairfield
 Wyalusing Livestock Market, Wyalusing

SOUTH CAROLINA

P. L. Bruce Livestock Market, Greenville
 Central Carolina Livestock Market, Inc., Lugoff
 Chesnee Livestock Co., Chesnee
 Darlington Auction Market, Darlington
 Farmers County Line Stockyard, Andrews
 Farmers Livestock Market, Inc., Leesville
 Farmers Market, Estill
 Greenwood Livestock Market, Inc., Greenwood
 Herndon Stockyards, Inc., Ehrhardt
 Hutto Stockyards, Inc., Holly Hill
 Neeses Stockyards, Neeses
 Orangeburg Stockyards, Inc., Orangeburg
 Saluda County Stockyards, Inc., Saluda
 Spartanburg Livestock Yards, Spartanburg
 Springfield Stockyards, Inc., Springfield
 Taylor Stockyards, John C., Anderson
 Walterboro Stockyards Co., Inc., Walterboro
 York County Stockyards Sales, Inc., York

SOUTH DAKOTA

Burke Livestock Auction, Burke
 Canton Livestock Sales Company, Canton
 Chamberlain Livestock Sales, Inc., Chamberlain
 Corsica Livestock Sales Company, Corsica
 Gregory Livestock Auction Market, Gregory
 Kimball Livestock Exchange, Kimball
 Magness-Huron Livestock Exchange, Inc., Huron
 Martin Auction Co., Inc., Martin
 Sioux Falls Stockyards Company, Sioux Falls
 Stockman's Livestock Auction Company, Yankton
 Winner Livestock Auction Company, Winner
 Yankton Livestock Auction Market, Yankton

TENNESSEE

*Algood Stockyard, Algood
 *Athens Livestock Auction, Athens
 *Botts & Evans Livestock Company, Union City
 *Chattanooga Union, Chattanooga
 *Clarksville Livestock Company, Guthrie Pike
 *Clarksville Livestock Market, Clarksville
 *Cleveland Livestock Auction Co., Inc., Cleveland
 *Clinton Livestock Auction Co., Inc., Clinton
 *C & M Livestock Market, Jamestown
 *Coffee County Livestock Market, Manchester
 *Collierville Livestock Auction Company, Collierville
 *Collins Cattle Company, Obion

*Covington Sale Co., Covington
 *Crockett County Sales Co., Maury City
 *Cumberland City Stockyard, Cumberland City
 *De Kalb County Livestock Co., Alexandria
 *Dickson Livestock Center, Dickson
 *East Tennessee Livestock Center, Sweetwater
 *Farmers Auction, Fayetteville
 *Farmers Commission Company, Carthage
 *Farmers Livestock Exchange, Union City
 *Farmers Livestock Market, Inc., Greeneville
 *Gamaliel, Kentucky Livestock Auction Inc., Gamaliel
 *Giles County Stockyard, Pulaski
 *Greeneville Livestock Market, Inc., Greeneville
 *Hardin County Livestock Company, Savannah
 *Jackson County Commission, Gainesboro
 *Johnson City Livestock Market, Johnson City
 *Jonesboro Livestock Yards, Inc., Telford
 *Kingsport Livestock Auction Corp., Kingsport
 *Lawrence County Stockyard, Lawrenceburg
 *Lexington Sales Company, Lexington
 *Lewis County Stockyard, Hohenwald
 *Logan Livestock Co., Union City
 *Macon County Livestock Market, Lafayette
 *Middleton Sale Co., Middleton
 *McNairy County Stockyards, Selmer
 *Mid-South Livestock Commission Co., Columbia
 *Mid State Producers, Inc., Woodbury
 *Morristown Stockyard, Inc., Morristown
 *Murfreesboro Livestock Market, Murfreesboro
 *Newbern Sales Co., Inc., Newbern
 *New Tazewell Livestock, New Tazewell
 *North Central Livestock Center, Cross Plains
 *Oliver Livestock Company, Union City
 *Paris Livestock Commission Co., Paris
 *Peoples Livestock Market, Cookeville
 *Peoples Stockyard, Fayetteville
 *Plateau Livestock Exchange, Crossville
 *Pulaski Stockyards, Pulaski
 *Rogersville Livestock Market, Rogersville
 *Sampson & Maxwell Livestock Auction, Lewisburg
 *Sevier County Livestock Auction Market, Seymour
 *Scotts Hill Auction Company, Scotts Hill
 *Shelbyville Livestock Market, Shelbyville
 *Smith County Commission Co., Carthage
 *Smithville Stockyard, Smithville
 *Southern Livestock Auction Co., Columbia
 *South Memphis Stock Yards Co., Memphis
 *Southwestern Stockyards, Huntingdon
 *Sparta Livestock Company, Sparta
 *Tennessee Livestock Producers, Thompson Station
 *Tennessee Producers, Fayetteville
 *Thompson Livestock, Obion
 *Trenton Sales Co., Trenton
 *Tri-County Stockyards, McKenzie
 *Charles B. Davis and W. B. Lackey dba/Tri-State Livestock Commission Company, Inc., Chattanooga
 *Trenton County Livestock Market, Hartselle
 *Unionville Livestock Auction Co., Unionville
 *Union Stockyards, Inc., Knoxville
 *Warren County Livestock, McMinnville
 *Wilson County Livestock Market, Lebanon
 *Wilson Livestock Market, Newport
 *West Tenn Auction Co., Inc., Martin

TEXAS

*Abilene Auction, Abilene

NOTICES

*Amarillo Livestock Auction, Amarillo
 *Athens Livestock Market, Athens
 *Belton Livestock Auction, Belton
 *Bode's Livestock Commission, Milano
 *Bonham Livestock Market, Bonham
 *Bowie Livestock Commission, Inc., Bowie
 *Breckenridge Stockyards, Breckenridge
 *Brownwood Cattle Auction, Brownwood
 *Burleson Dairy Auction, Inc., Burleson
 *Caldwell Livestock Commission Company, Caldwell
 *Canyon Livestock Commission, Canyon
 *Cattlemen's, Palestine
 *Cattlemen's Livestock Commission Company, Paris
 *Center Auction Company, Inc., Center
 *Central Texas Livestock Market, Brownwood
 *Childress Livestock Auction, Childress
 *Coleman Livestock Auction, Coleman
 *Clarksville Livestock Exchange, Inc., Clarksville
 *O. L. Colley Livestock Market, Mt. Pleasant
 *Dalhart Auction Company, Dalhart
 *Decatur Auction Sale, Decatur
 *Denton Livestock Exchange, Inc., Denton
 *El Paso Livestock Auction Company, Inc., El Paso
 *Ennis Auction, Ennis
 *Fort Worth Stockyards Corp., Fort Worth
 *Gainesville Livestock Market, Inc., Gainesville
 *Graham Livestock Commission Co., Graham
 *Greenville Livestock Commission Company, Greenville
 *Haskell Livestock Auction, Haskell
 *Huntsville Auction Barn, Huntsville
 *Jacksonville Livestock Market, Inc., Jacksonville
 *J & J Livestock Commission Company, Texarkana
 *Johnson County Dairy Sale, Cleburne
 *Kirbyville Auction Barn, Kirbyville
 *Lampasas Auction, Inc., Lampasas
 *Livingston Livestock Auction Sale, Livingston
 *Llano Livestock Auction, Llano
 *Lone Star Livestock Commission Company, San Antonio
 *Longview Livestock Commission Company, Longview
 *Lubbock Stockyards, Lubbock
 *Lufkin Livestock Exchange, Lufkin
 *Madison County Livestock Commission, Madisonville
 *Mansfield Dairy Cattle Auction, Mansfield
 *Marshall Livestock Commission Company, Marshall
 *McDougal Livestock Auction Barn, Comanche
 *Meridian Livestock Auction, Meridian
 *Mineral Wells Stockyard Company, Mineral Wells
 *Moore's Livestock Commission Company, Inc., McKinney
 *Morris County Livestock Commission Company, Omaha
 *Muenster Livestock Auction Commission Company, Muenster
 *Nacogdoches County Livestock Arena, Inc., Nacogdoches
 *Olney Livestock Auction, Olney
 *Panola Livestock Commission Company, Carthage
 *Paris Livestock Commission Company, Paris
 *Patton Livestock, Inc., Nacogdoches
 *Pilot Point Livestock Commission Co., Inc., Pilot Point
 *Pittsburg Livestock Commission Co., Pittsburg,

*Port City Stockyards Co., Sealy
 *Producer's Livestock Auction Company, San Angelo
 *Quanah Livestock Commission Company, Quanah
 *Rains County Livestock Market, Emory
 *Ranchers & Farmers Livestock Market, Abilene
 *Seymour Livestock Auction, Seymour
 *Southwestern Livestock Market, Midland
 *Sulphur Springs Stock & Dairy Commission, Sulphur Springs
 *Terrell Livestock Market, Inc., Terrell
 *Texarkana Livestock Commission Co., Inc., Texarkana
 *Tulia Livestock Auction, Tulia
 *Vann-Roach Cattle Company, Inc., Fort Worth
 *Vernon Stockyards Company, Vernon
 *Waxahachie Livestock Commission Co., Inc., Waxahachie
 *Wellington Livestock Auction, Wellington
 *Wichita Livestock Auction, Wichita Falls
 *Wills Point Livestock Market, Wills Point
 *Winnsboro Livestock Market, Winnsboro
 *Wood County Livestock Commission Co., Mineola
 *Woodville Livestock Commission Company, Woodville

UTAH

*Producers Livestock Auction, North Salt Lake
 *Producers Salina Auction, Salina
 *Richfield Auction Company, Monroe
 *Smithfield Livestock Auction, Smithfield
 *Utah Livestock Commission Company, Roosevelt
 *Vernal Livestock Auction, Vernal
 *Weber Livestock Auction Company, Ogden

VERMONT

Addison County Commission Sales, E. Middlebury
 E. S. Crosby Inc., dba/Vergennes Commission Sales, Vergennes
 C. W. Gray and Sons, Inc., dba/East Thetford Commission Sale, East Thetford
 Orleans Commission Sale, Orleans
 Westminster Commission Sales, Inc., Westminster

VIRGINIA

*Abingdon Livestock Market, Inc., Abingdon
 *Albemarle Livestock Market, Charlottesville
 *Amherst County Livestock Market, Inc., Amherst
 *Blackstone Livestock Market, Blackstone
 *Christiansburg Livestock Market, Inc., Christiansburg
 *Galax Livestock Market, Inc., Galax
 *Farmers Livestock Exchange, Winchester
 *Farmers Livestock Market, Ewing
 *Farmers Livestock Market, Gate City
 *Farmers Livestock Market, Inc., Tazewell
 *Lee Farmers Livestock Market, Inc., Jonesville
 *Farmville Livestock Market, Inc., Farmville
 *Fauquier Livestock Exchange, Inc., Marshall
 *Fredericksburg Stockyards Company, Fredericksburg
 *Front Royal Livestock Sales, Inc., Front Royal
 *Leesburg Livestock Market, Inc., Leesburg
 *Lynchburg Livestock Market, Lynchburg
 *Madison Livestock Market, Inc., Madison Mills
 *Monterey Livestock Sales, Inc., Monterey
 *Nokesville Livestock Auction, Inc., Nokesville
 *Narrows Livestock Auction Market, Inc., Narrows

*Orange Livestock Market, Orange
 *Petersburg Livestock Market, Petersburg
 *Phenix Livestock Market, Phenix
 *Pulaski Livestock Market, Dublin
 *Richmond Union Stockyards, Richmond
 *Roanoke-Hollins Stockyard, Hollins
 *Roanoke Livestock Market, Roanoke
 *Rockingham Livestock Sales, Harrisonburg
 *Shanandoah Valley Livestock Sales, Harrisonburg
 *Smithfield Livestock Market, Inc., Smithfield
 *Southampton Livestock Sales, Inc., Courtland
 *South Boston Livestock Market, South Boston
 *South Hill Stockyard, South Hill
 *Southside Stockyards, Inc., Blackstone
 *Southside Stockyards, Inc., Petersburg
 *Staunton Union Stockyards, Inc., Staunton
 *Staunton Livestock Market, Staunton
 *Tappahannock Livestock Market, Inc., Tappahannock
 *Tri-State Livestock Market, Inc., Abingdon
 *Victoria Livestock Market, Victoria
 *Virginia-Carolina Livestock and Agricultural Market, Inc., Danville
 *Woodstock Livestock Market, Inc., Woodstock
 *Wytheville Livestock Market, Inc., Wytheville

WISCONSIN

*Belmont Livestock Market, Inc., Belmont
 *Benoit NFO Livestock Collection Point, Benoit
 *Bloomer Livestock Market, Inc., Bloomer
 *Bob Carey Cattle Company, Inc., Mineral Point
 *Clear Lake NFO Collection Point, Clear Lake
 *Ellsworth NFO Collection Point, Ellsworth
 *Equity Co-op Livestock Sales Assn., Altoona
 *Equity Co-op Livestock Sales Assn., Bonduel
 *Equity Co-op Livestock Sales Assn., Johnson Creek
 *Equity Co-op Livestock Sales Assn., Monroe
 *Equity Co-op Livestock Sales Assn., Richland Center
 *Equity Co-op Livestock Sales Assn., Sparta
 *Iowa County Livestock Market Corp., Dodgeville
 *Kuehne Livestock Auction Market, Seymour
 *Lewis Geurkink Dairy Cattle, Baldwin
 *Matthes Farms, Viola
 *Midwest Livestock Producers, Ettrich
 *Midwest Livestock Producers Co-op, Lomira
 *Midwest Livestock Producers Co-op, Marlon
 *Midwest Livestock Producers Co-op, Monticello
 *Midwest Livestock Producers Co-op, Shullsburg
 *Milwaukee Stockyards, Milwaukee
 *Peshigo Livestock Sales, Peshigo

WASHINGTON

*Chehalis Livestock Market, Chehalis
 *Davenport Livestock Marketing Center, Davenport
 *Prosser Commission Co., Prosser
 *Stockland Livestock Exchange, Inc., Spokane
 *Twin City Sale, Centralla
 *Vancouver Livestock Market, Inc., Camas
 *Walla Walla Livestock Auction, Walla Walla

WEST VIRGINIA

*Bluegrass Market, Inc., North Caldwell

NOTICES

*Blueridge Livestock Sales, Inc., Charles Town
 *Bridgeport Stockyards, Inc., Bridgeport
 *Buckhannon Stockyards, Buckhannon
 *Jackson County Livestock Market, Inc., Ripley
 *Livestock Exchange, Inc., dba/Alderson Livestock Market, Alderson
 *Mannington Livestock Sales, Inc., Mannington
 *Moundsville Livestock Auction Company, Moundsville
 *New River Livestock Market, Inc., Beckley
 *Ohio County Livestock Auction, Inc., West Alexander
 *Pocahontas Producers Cooperative Association, Marlinton
 *Pt. Pleasant Livestock Company, Inc., Point Pleasant
 *Randolph County Livestock Marketing Assn., Elkins
 *South Branch Stockyard, Inc., Moorefield
 *Spencer Livestock Exchange Company, Spencer
 *Terra Alta Stockyard, Inc., Terra Alta
 *United Livestock Sales, Parkersburg
 *Weston Livestock Sales Company, Inc., Weston

WYOMING

*Big Horn Livestock Exchange, Sheridan
 *Douglas Livestock Exchange, Douglas
 *Lander Livestock Auction, Lander
 *Lusk Livestock Exchange, Lusk
 *Nield Market, Afton
 *Powell Auction Market, Powell
 *Prosser Livestock Market, Inc., dba/Greybull Livestock Commission Co., Greybull

*Riverton Livestock Auction Co., Riverton
 *Stockgrowers Livestock Auction Co., Worland
 *Stockman's Livestock Auction, Torrington
 *Torrington Livestock Commission Co., Torrington

Effective date. The foregoing notice shall become effective February 3, 1978.

This action imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. The action should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary and contrary to the public interest, and good cause is found for making this action effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 25th day of January 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

E. A. SCHILF,
 Acting Deputy Administrator,
 Veterinary Services.
 (FR Doc. 78-2576 Filed 2-2-78; 8:45 am)

[3410-30]

Food and Nutrition Service

Aiken v. USDA

Implementation of Court Order

As a result of a court order issued in *Aiken v. USDA*, a telegram was sent to all State agencies on December 1, 1977, directing them to disregard Section 2313 of the Food Stamp Certification Handbook (FNS(FS) Instruction 732-1) insofar as it requires a collateral contact for certification pending verification and insofar as it limits the use of the certification pending verification procedure to one time during a six month period. The order also requires that USDA publish the text of the telegram in the FEDERAL REGISTER. In compliance with this order, and to assure that this information is available to all participating households and other affected persons, the text of the telegram sent to all State agencies is printed below.

Dated: January 27, 1978.

CAROL TUCKER FOFEMAN,
 Assistant Secretary.

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NOTICES

TELEGRAPHIC MESSAGE		SECURITY CLASSIFICATION	
NAME OF AGENCY	PRECEDENCE	ACTION	INFO
FOOD AND NUTRITION SERVICE			
ACCOUNTING CLASSIFICATION	DATE PREPARED	TYPE OF MESSAGE	
805-14	2/5-14	<input type="checkbox"/> JUDGE <input type="checkbox"/> ROOM <input type="checkbox"/> MULTIPLE ADDRESS	
FOR INFORMATION CALL	PHONE NUMBER		
NAME			
THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (in double spacing and all capital letters)			
TO:			
ONE-MONTH CERTIFICATION PENDING VERIFICATION, THE HOUSEHOLD MUST PROVIDE FULL VERIFICATION OF ITS CIRCUMSTANCES BEFORE THE STATE AGENCY GRANTS ANY FURTHER CERTIFICATION.			
TO COMPLY WITH THIS COURT ORDER STATE AGENCIES MUST IMMEDIATELY NOTIFY ALL LOCAL FOOD STAMP OFFICES OF THIS CHANGE IN POLICY TO TAKE EFFECT AT THE LOCAL LEVEL WITHIN 30 DAYS OF THE DATE OF THIS TELEGRAM AND ASSURE THAT ALL ELIGIBILITY WORKERS ARE FULLY AWARE OF THE CHANGE REGARDING CERTIFICATION PENDING VERIFICATION. WITHIN 30 DAYS OF THE DATE OF RECEIPT OF THIS TELEGRAM, STATE AGENCIES MUST MAIL TO FNS REGIONAL OFFICES A REPORT CONFIRMING THAT THE STATE AGENCY HAS SENT THE NOTICE REQUIRED BY THE TELEGRAM TO ALL LOCAL OFFICES, INDICATING THE DATE OR DATES SUCH NOTICE WAS SENT TO SUCH OFFICES, AND TRANSMITTING A COPY OF THE NOTICE SENT TO LOCAL OFFICES. IN ADDITION, STATE AGENCIES MUST IMMEDIATELY BEGIN THE ADMINISTRATIVE PROCEDURES NECESSARY TO AMEND THEIR FOOD STAMP MANUALS TO COMPLY WITH THE NEW POLICY. PAGE CHANGES MUST BE SUBMITTED TO FNS REGIONAL OFFICE FOR APPROVAL AS SOON AS POSSIBLE.			
PROCEDURES FOR GRANTING RETROACTIVE BENEFITS PURSUANT TO THE			
ORDER WILL BE FORTHCOMING			
ORDER WILL BE FORTHCOMING ORDER WILL BE FORTHCOMING ORDER WILL BE FORTHCOMING			
STANDARD FORM 14 PREP. AUGUST 1977 GSA FPMR (41 CFR) 101-11.6			

[FR Doc. 78-2789 Filed 2-2-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

TELEGRAPHIC MESSAGE		SECURITY CLASSIFICATION	
NAME OF AGENCY	PRECEDENCE	ACTION	INFO
FOOD AND NUTRITION SERVICE			
ACCOUNTING CLASSIFICATION	DATE PREPARED	TYPE OF MESSAGE	
805-14	11/16/77	<input type="checkbox"/> JUDGE <input type="checkbox"/> ROOM <input type="checkbox"/> MULTIPLE ADDRESS	
FOR INFORMATION CALL	PHONE NUMBER		
NAME			
THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (in double spacing and all capital letters)			
TO:			
ALL FNS ADMINISTRATIONS ALL STATE WELFARE COMMISSIONERS RE: Aiken v. USDA COURT SUIT			
A COURT ORDER ISSUED BY THE US DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA IN AIKEN V. USDA, ET AL., CIV. NO. 5-75-76 TUM, HAS ENJOINED USDA FROM ENFORCING THE PROVISIONS OF SECTION 2313 OF FNS (FS) INSTRUCTION 732-1 INsofar AS IT REQUIRES A COLLATERAL CONTACT FOR CERTIFICATION PENDING VERIFICATION AND INsofar AS IT LIMITS THE USE OF THE CERTIFICATION PENDING VERIFICATION PROCEDURE TO ONE TIME DURING A SIX-MONTH PERIOD. HENCEFORTH CERTIFICATION SHALL "BE MADE FOR 30 DAYS WITHOUT VERIFICATION OF ELIGIBILITY FACTORS WITH RESPECT ONLY TO HOUSEHOLDS WHICH REPORT AN INCOME SO LOW THAT THEY HAVE NO PURCHASE REQUIREMENT AND WHICH APPEAR, ON THE BASIS OF OTHER INFORMATION FURNISHED, TO BE ELIGIBLE FOR PARTICIPATION." (7 CFR 271.2(a)(2)(11)) THEREFORE, ELIGIBILITY WORKERS CAN NO LONGER REQUIRE A COLLATERAL CONTACT BEFORE GRANTING CERTIFICATION PENDING VERIFICATION TO HOUSEHOLDS ELIGIBLE FOR THIS PROVISION AND CAN NO LONGER LIMIT THE NUMBER OF TIMES A HOUSEHOLD MAY BE CERTIFIED PENDING VERIFICATION. HOWEVER, AFTER EACH			
STANDARD FORM 14 PREP. AUGUST 1977 GSA FPMR (41 CFR) 101-11.6			

[3410-15]

Rural Electrification Administration

CHUGACH ELECTRIC ASSOCIATION, INC.,
ANCHORAGE, ALASKA

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a request for financing from Chugach Electric Association, Inc., P.O. Box 3518, Anchorage, Alaska 99501. The statement covers a 67.8 MW simple cycle combustion turbine generating unit at Beluga, Alaska, one 60 MW steam turbine unit at Beluga along with waste heat boilers, an 18 MW gas turbine at Bernice Lake, a double circuit 230 kV line between Reed and the Chugach University Station, a 230 kV line between Point MacKenzie and Mule Creek, a 230 kV underwater cable across Knik Arm, a 230 kV line from Six Mile Creek to Junction, re-insulation of 138 kV transmission line to 230 kV between Point MacKenzie and Teeland, re-insulation of two parallel lines 44 miles long from 138 kV to 230 kV between Beluga and Point MacKenzie, removal of 26.5 miles of 115 kV line belonging to the Alaska Power Administration, and associated substations and switching facilities.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator, Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310 or at the borrower's address indicated above. Final action may be taken with respect to this matter after March 6, 1978.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 26th day of January, 1978.

DAVID A. HAMIL,
Administrator, Rural
Electrification Administration.

[FR Doc. 78-2873 Filed 2-2-78; 8:45 am]

NOTICES

[3410-34]

Office of the Secretary

TERMINATION OF THE DECLARATION OF
EMERGENCY BECAUSE OF THE SPREAD OF
HOG CHOLERA IN THE UNITED STATES

Whereas, on October 11, 1972, the Secretary of Agriculture did declare that the disease known as hog cholera existed in the United States constituting a real danger to producers, shippers, slaughterers, and others concerned with the livestock industry and to the National economy, and

Whereas, the Secretary of Agriculture did declare that an emergency existed and authorized the transfer of funds from other Agencies and Corporations of the Department to control and eradicate the disease wherever found, and

Whereas, the Department of Agriculture independently and in cooperation with States and political subdivisions thereof, along with farmers' associations, and similar organizations and individuals, did pursue a program to control and eradicate hog cholera in the United States, and

Whereas, there has not been a hog cholera outbreak in the United States since August 1, 1976,

Now, therefore, I hereby declare the emergency because of the spread of hog cholera terminated and further proclaim that the United States is now hog cholera free.

BOB BERGLAND,
Secretary of Agriculture.

JANUARY 31, 1978.

[FR Doc. 78-3033 Filed 2-2-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

COLORADO ADVISORY COMMITTEE

Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Colorado Advisory Committee (SAC) of the Commission originally scheduled February 16-18, 1978, FR Doc. 78-1916 on page 3147 of the FEDERAL REGISTER has been cancelled.

Dated at Washington, D.C., January 31, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-2974 Filed 2-2-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSIONGrant of Authority to Make a Noncareer
Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Director, Office of Field Services, Office of the Executive Director.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 78-3014 Filed 2-2-78; 8:45 am]

[6325-01]

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSIONRevocation of Authority To Make a Noncareer
Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service on a temporary basis the position of Executive Assistant to the Chair (Compliance and Enforcement), Office of the Chair.

For the U.S. Civil Service Commission.

JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 78-3015 Filed 2-2-78; 8:45 am]

[6325-01]

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSIONRevocation of Authority To Make a Noncareer
Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Chair (Systemic Program), Office of the Chair.

UNITED STATES CIVIL SERVICE
COMMISSION.

JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 78-3016 Filed 2-2-78; 8:45 am]

NOTICES

[6335-01]

COMMISSION ON CIVIL RIGHTS
NEW YORK ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee (SAC) of the Commission will convene at 8:30 a.m. on February 16, 1978 and will end at 4:30 p.m. on February 17, 1978 in the U.S. Customs Court House, 1 Federal Plaza, New York, N.Y.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss immigration policies and their impact on citizens and other persons.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., January 31, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-2973 Filed 2-2-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

DEPARTMENT OF LABOR

Revocation of Authority To Make a Noncareer
Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-2923 Filed 2-2-78; 8:45 am]

[6325-01]

UNITED STATES INFORMATION AGENCY

Grant of Authority to Make Noncareer
Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the United States Information Agency to fill by noncareer executive assignment in the excepted service the position of General Counsel.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-2924 Filed 2-2-78; 8:45 am]

[3510-25]

UNITED STATES DEPARTMENT OF
COMMERCE

Industry and Trade Administration

(File No. 23(72)-8)

HANS-JURGEN FILTER ET AL.

Order Conditionally Restoring Export
Privileges

In the matter of Hans-Jurgen Filter, Schollenhaldenstrasse 20, D-7100 Heilbronn; Petitioner; Peter Lorenz et al., Respondents.

Hans-Jurgen Filter, together with Peter Lorenz and affiliated companies, were denied all export privileges until May 31, 1990. 40 FR 29314 (July 11, 1975), 42 FR 10331 (Feb. 22, 1977). Filter petitioned for restoration of export privileges.

The Hearing Commissioner considered the petition for restoration. He remarked concerning the record evidence and the report by the director, Compliance Division, showing that petitioner-respondent fully cooperated with the government of the Federal Republic of Germany in its investigations and efforts to terminate unlawful export traffic with the U.S.S.R., that petitioner is now employed in a position where breach of the export regulation is most unlikely, that he has observed the terms and conditions of the 1975 denial order and is not now suspect. He is of the opinion that petitioner can be expected to faithfully observe all regulations if export privileges are extended to him. The Commissioner recommended restoration of export privileges subject to a reasonable period of probation.

I have considered the report and recommendations of the Commissioner. I find that restoration to export privileges subject to a period of probation is consistent with the purposes of the Export Administration Act of 1969, as amended, and the regulations issued thereunder, 15 CFR 368 et seq. Accordingly, it is ordered:

Respondent, Hans-Jurgen Filter, is restored to all U.S. export privileges subject, however, to a period of probation which shall extend to and expire on May 31, 1982. The terms of probation are that respondent shall faithfully comply with all U.S. export laws and regulations failing in which the Director, with or without prior notice, may revoke the probation and deny all export privileges for such period as is deemed appropriate.

This Order is effective immediately; it does not relieve Peter Lorenz et al. from the Denial Orders cited above.

Dated: January 27, 1978.

RAUER H. MEYER,
Director, Office of
Export Administration.

[FR Doc. 78-3004 Filed 2-2-78; 8:45 am]

[3510-25]

INTERNATIONAL FERTILITY RESEARCH
PROGRAMNotice of Decision on Application for Duty-Free
Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 77-00389. Applicant: International Fertility Research Program, Highway 54, Research Triangle park, N.C. 27709. Article: Tubal Ligation Applicators and Ligation Clips. Manufacturer: Gerhard HUG GmbH, West Germany. Intended use of article: The article is intended to be used for testing to determine extent of tubal occlusion, side effects including tissue rejection, change in menstrual patterns and pain and, most importantly efficacy in preventing pregnancy. In particular emphasis will be placed on comparison of mechanical (i.e., noncautery) methods of ligation including tubal rings and clips. The objectives of the studies are to show procedure complications such as immediate pain and post operative pain, ease of application on interval and post-partum patients, instrument dependability, blood loss, bowel injury, and instrument related morbidity and long term complications such as pregnancy, change in the menstrual patterns, other gynecological problems, or tissue reaction/rejection.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's use is in clinical research tests of several tubal ligation devices and procedures for ef-

fectiveness and safety. This type of study requires the specific design and construction of the article without the use of metal. The Department of Health, Education, and Welfare advises in its memorandum dated December 12, 1977 that (1) the specific design and construction of the article without the use of metal are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's planned comparative trials.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import
Programs Staff.

[FR Doc. 78-2987 Filed 2-2-78; 8:45 am]

[3510-25]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
Notice of Decision on Application for duty-free
entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Ave. NW., Washington, D.C. 20230.

Docket No. 77-00352. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: IMS-3F Ion Microprobe. Manufacturer: Cameca Instruments, France. Intended use of article: The article will be used to determine the trace element concentrations and isotopic ratios on small (1-10 μ) sample areas of natural minerals and ores and synthetic laboratory minerals. Experiments will be conducted to obtain an understanding of the processes governing geochemical distribution of the elements in terrestrial and lunar materials. In particular, the article will be used (a) to study the fine-scale (micron) distribution of trace elements (<10ppm) between coexisting phases (minerals), in natural and laboratory samples, and (b) fine scaled variations in isotopic ratio caused either by fractionation or radiogenic

processes. The article will also be used by graduate students doing Ph.D. thesis studies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a high (5000) mass resolution and the capability for direct-ion-imaging. The most closely comparable domestic instrument is the ion microprobe analyzer manufactured by Applied Research Laboratories (ARL). The domestic instrument does not provide the high (5000) mass resolution and the capability for direct-ion-imaging. The National Bureau of Standards advises in its memorandum dated December 19, 1977 that (1) both features of the article described above are pertinent to the applicant's intended uses and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

We, therefore, find that the ion microprobe analyzer manufactured by ARL is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-2988 Filed 2-2-78; 8:45 am]

[3510-25]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
LINCOLN LABORATORYNotice of Decision on Application for Duty-Free
Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Con-

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stitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00039. Applicant: MIT-Lincoln Laboratory, 244 Wood Street, Lexington, Mass. 02173. Article: Type CO.10.1 Carcinotron (Backward-Wave Oscillator) w/275 to 290 GHz Tuning Range and 100 MV Output. Manufacturer: Thomson CSF, France. Intended use of article: The article is intended to be used as a component of a submillimeter heterodyne radiometer being used for the purpose of carrying out laboratory demonstrations of the feasibility of observing rocket plumes at high altitudes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a 270 to 290 gigahertz frequency range. The National Bureau of Standards (NBS) advises in its memorandum dated January 8, 1978 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-2989 Filed 2-2-78; 8:45 am]

[3510-25]

MEMORIAL HOSPITAL, PAWTUCKET, R.I., ET
ALNotice of Consolidated Decision on Applica-
tions for Duty Free Entry of Electron Micro-
scopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5

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p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00005. Applicant: The Memorial Hospital, Prospect Street, Pawtucket, R.I. 02860. Article: Electron Microscope, Model HS-9 and accessories. Manufacturer: Perkin-Elmer, Japan. Intended use of article: The article is intended to be used in a study of the attachment of virus particles to specific site locations on the surface of cells. The majority of the work will be done with shadow casted replicas coupled with the examination of negatively stained materials. Application received by Commissioner of Customs: October 5, 1977. Article ordered: March 31, 1977.

Docket No. 78-00011. Applicant: The University of Texas System Cancer Center, M.D. Anderson Hosp. & Tumor Inst., Science Park, Research Div., Buescher State Park, P.O. Box 418, Smithville, Tex. 78957. Article: Electron Microscope, Model EM 201, Plate Camera and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in research directed toward identification of environmental carcinogens and elucidation of their mode of action at both the molecular and cellular levels. Some of the projects are as follows:

- (1) Cellular selection and its relationship to histopathological changes observed during carcinogenesis.
- (2) Metabolic alterations induced by chemical carcinogens.
- (3) Alterations in plasma membrane structure, dynamics and antigenic properties during carcinogenesis.
- (4) Virus-chemical carcinogen interactions.
- (5) Carcinogen-DNA interactions.
- (6) Detection of chemical carcinogen induced chromosome damage.
- (7) Changes in cell-to-cell association during carcinogenesis.
- (8) Toxic effects of chemical carcinogens.

In addition, the article will be used in the following routine applications: (1) Screening of cell cultures for contamination by mycoplasma; (2) determining the epithelial or mesenchymal origin of primary cell cultures; (3) assessment of cellular integrity following dispersion of solid tissues by enzymatic digestion; and (4) evaluation of the purity of preparations of subcellular organelles. Application received by Commissioner of Customs: October 12, 1977.

Docket No. 78-00014. Applicant: University of Arizona, College of Agriculture, Building No. 36, Tucson, Ariz. 85721. Article: Electron Microscope, Model H-500 including Dessicator Kit and Anti-contamination Device. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for the study of nematode ultra-

structure and development, the cytochemical localization of enzymes in plant and animal pathogens, taxonomic and structural studies of plant viruses and the influence of herbicides on microtubule and membrane formation in plants. Other uses include meat tenderization studies and collagen state in meat products. In addition, the article will be used in training graduate students in its use when this expertise will benefit their research program. The article will also be used in two courses in electron microscopy; one dealing with the techniques of electron microscopy and the other with pathological ultrastructure of plants and animals. Application received by Commissioner of Customs: October 12, 1977.

Docket No. 78-00022. Applicant: University of Illinois, Center for Electron Microscopy, 99 Bevier Hall, Urbana, Ill. 61801. Article: Electron Microscope, Model H-300 and Accessories. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used in research on the temperature sensitive mutants of Murine Leukemia Viruses, electron microscopic analysis of plasmids by a modification of the Klineschmidt technique and examination of freeze fracture replicas of colon chloroplasts in the intestine of notobiotic animals. The article will also be used as the primary teaching instrument in the advanced graduate level course "Transmission Electron Microscopy Laboratory, Biology/Chemistry 429." Application received by Commissioner of Customs: October 20, 1977. Article ordered: June 15, 1977.

Docket No. 78-00030. Applicant: The Medical College of Pennsylvania, 3300 Henry Avenue, Philadelphia, Pa. 19129. Article: Electron Microscope, Model JEM-100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of developing and regenerating brain and virus-infected cells. The ultrastructural changes of neurons during development and the ultrastructure modifications of single cells infected with virus will be studied. Experimental modifications of the developing and mature brain and drug treatments of virus-infected cells will be followed by study of the brain and cells with the article. The article will also be used to train graduate and medical students in the use of the electron microscope in the course "Anatomical Techniques in Biological Research." Application received by Commissioner of Customs: October 28, 1977.

Docket No. 78-00032. Applicant: University of Kentucky—Tobacco & Health Research Institute, Lexington, Ky. 40506. Article: Electron Microscope, Model EM 400. Manufacturer:

Philips Electronics Instrument NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of the ultrastructural aspects of the pathology of pulmonary tissues and for high resolution analysis of the ultrastructure of mitochondria and other cell organelles. Application received by Commissioner of Customs: October 31, 1977. Article ordered: August 26, 1977.

Docket No. 78-00033. Applicant: Mercy Hospital and Medical Center, 4077 Fifth Avenue, San Diego, Calif. 92103. Article: Electron Microscope, Model Corinth 500 and Accessories. Manufacturer: AEI Scientific Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used to examine human tissues as they relate to diagnostic electron microscopy. These will include a wide variety of neoplasms, liver, renal and muscle tissues. In addition, the instrument will be used to identify viral particles or inclusions from tissues or from tissue scrapings and exudates. Primarily, the properties of the tissues to be examined are those of normal and abnormal human cells, and extracellular material (usually products of cells). Ultrastructural features of cells in disease or neoplastic states in comparison to their normal state will be examined. The article will also be integrated in the pathology resident training program providing residents with an indepth knowledge of ultrastructural pathology in relation to diseases in general and diagnostic electron microscopy. Application received by Commissioner of Customs: October 31, 1977. Article ordered: October 12, 1977.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are in-

tended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.
[FR Doc. 78-2993 Filed 2-2-78; 8:45 am]

[3510-25]

NATIONAL RADIO ASTRONOMY
OBSERVATORYNotice of Decision on Application for Duty-Free
Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00395. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Blvd., Suite 100, Tucson, Ariz. 85705. Article: Repair of Klystron VRT-2124B6 SN70032. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver used in conjunction with a microwave antenna to measure the intensity, polarization frequency and direction of cosmic radiation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a frequency in the range between 140-170 gigahertz. The National Bureau of Standard (NBS) advises in its memorandum dated December 27, 1977 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or appa-

ratus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import
Programs Staff.
[FR Doc. 78-2990 Filed 2-2-78; 8:45 am]

[3510-25]

UNIVERSITY OF CHICAGO—ARGONNE

Notice of Decision on Application for Duty-Free
Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00002. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Carcinotron, Model CO4OB (Millimeter Backward Wave Oscillator). Manufacturer: Thomson-CSF, France. Intended use of article: The article is intended to be used in proton polarized target (PPT) facilities which are used to conduct high energy physics (HEP) research on the scattering produced by high energy K's and 0 etc., on a proton polarized target, i.e., material which has a large fraction of its protons pointing in the same direction. HEP experiments to be conducted will include the measurement of A and R and the scattering amplitudes and phases of weak resonances.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a 68.85 to 71.00 gigahertz frequency range. The National Bureau of Standards (NBS) advises in its memorandum dated December 9, 1977 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of

equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import
Programs Staff.
[FR Doc. 78-2991 Filed 2-2-78; 8:45 am]

[3510-25]

WASHINGTON UNIVERSITY SCHOOL OF
MEDICINE, ET ALNotice of Applications for Duty Free Entry of
Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before February 23, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00059. Applicant: Washington University—School of Medicine, 660 S. Euclid Avenue, St. Louis, Mo. 63110. Article: LKB 2128-010 Ultratome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section cells, tissues, and virus obtained from biopsy and autopsy of animals and humans and tissue cultures used in research of the cancer process. The experiments to be conducted will be quite varied; i.e., the role of various types of viral particles in oncogenesis, the cell-cell contact inhibition phenomenon, examination of tumor tissues, both biopsies and autopsies.

sy, for viral particles, general ultrastructural effects on a cell by various viral and other carcinogenic agents. The experiments will also include cytochemical and immunochemical studies to localize specific enzymatic and immunologic sites during the cancer process. The article will also be used for training faculty and graduate students. Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00060. Applicant: Chemical Industry Institute of Toxicology, 3800 Electronics Drive, Raleigh, N.C. 27604. Article: LKB 2250-041/PMV Cryo Microtome, Type 450 MP and Accessories. Manufacturer: PMV, Palmstiernas Mekaniska Verkstad AB, Sweden. Intended use of article: The article is intended to be used for investigations of autoradiographic drug and chemical distribution of whole animals as well as fetal distribution of teratogenic compounds; histochemical studies of hormone and enzyme localization in cells and tissues of large specimens; metabolism studies of drugs and toxic or carcinogenic environmental agents; gross morphology and light microscopy examination of whole human organs and animals to measure tumor metastasis. Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00084. Applicant: Albert Einstein College of Medicine of Yeshiva University/Kennedy Ctr. (502), 1410 Pelham Parkway, Bronx, N.Y. 10461. Article: JEM-100CX/SEG Electron Microscope, accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine surgically removed portions of the peripheral (PNS) and central nervous system (CNS) of experimental animals, as well as neural tissue cultures, intoxicated with a variety of chemicals and environmental pollutants (e.g., As and Pb). The objectives pursued in these scientific investigations include the definitive identification of specific ultrastructural changes brought about in vital cellular components of the PNS and CNS as a consequence of exposure to various neurotoxic agents. Another objective to be pursued involves localization and determination of the relative concentration of some of these agents in such altered neural tissues by energy dispersive x-ray microanalysis and related electron energy loss modalities. Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00085. Applicant: Eye and Ear Institute of Louisiana, 145 Elk Place, New Orleans, La. 70112. Article: LKB 8800A Ultratome III Ultramicrotome with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section animal human

and microbiological materials which have been embedded in hardened epoxy resins. Investigations will include ultrastructural studies on normal and pathologic animal and human tissues, cyto and histochemical studies on viral and subcellular organelle localization in cells and tissues, membrane interactions as host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00086. Applicant: Washington University, Department of Chemistry, St. Louis, Mo. 63130. Article: JNM-FX-100 High Resolution Fourier Transformation Multi-Nuclear Magnetic Resonance Spectrometer System. Manufacturer: JEOL Analytical Instruments Inc., Japan. Intended use of article: The article is intended to be used in conducting the following experiments: (i) routine observation of ¹H and ¹³C spectra, (ii) observation of a wide variety of other nuclei (¹⁹F, ³¹P, ¹⁵N, ³¹P, ¹³C, ¹⁹F, ³¹P, ¹⁵N, for example), (iii) measurement of relaxation parameters (T_1 and T_2) and (iv) special experiments (rapid spinning of solid samples at the "magic angle"). Application received by Commissioner of Customs: January 4, 1978.

Docket No. 78-00087. Applicant: University of Illinois at the Medical Center, Office of Business Affairs, P.O. Box 6998, Chicago, Ill. 60680. Article: Electron Microscope, Model H-300 and Accessories. Manufacturer: Hitachi, Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for a variety of research studies which include the following:

Synaptogenesis in the Trigeminal Mesencephalic Nucleus (Oral Anatomy).
Separation of Neurons and Glia by Density Gradient Centrifugation (Biology Chemistry).
Study of the Fine Structure of Pigment Cells During Development of the Chick Retina, with Emphasis of Differences between Nuclear and Peripheral Retinal Areas. (Anatomy).
Nucleolus and Nuclear Differentiation in the Oral Epithelium of Zink Deficient Rats. (Oral Pathology).
The Ultrastructure of Normal Primate Lung and Lung in Shock (Surgery).
The Ultrastructure of Nuclear Histones in Melanocytes and Melanoma (Surgery).

Neonatal and other Incremental Lines in Human Enamel (Oral Histology).
Study of the Fine Structure of Developing Neuromuscular Junctions in the Chick (Anatomy).
Dentinogenesis in Frog's Teeth (Oral Histology).
The Maturation of Rat Incisor Enamel (Oral Histology).
Fixation of Tissues by Metallizable Chloro-s-triazines (Oral Pathology).

Localization of Salivary Gland Virus Particles in SGV-Sensitive Cell Lines (Oral Pathology).

Search of Virus Particles from Spontaneously Transformed Normal Calvarium derived Tissue Culture Cells to Transplantable Neoplasms in Mice. (Oral Pathology).

Odontoblastic Process in Sclerotic end Formation. (Oral Histology).

DNA Synthesis in the Alloxan Diabetic Kidney (Anatomy).

Chemical and Physical Properties of Feline Leukemia and Sarcoma Virus (Pathology).

Fine Structural Aspects of Ganglion Cell Differentiation of Chick Retina (Anatomy).

In addition, the article will be used for training faculty, students and technical personnel who require EM capability for research. Application received by Commissioner of Customs: January 5, 1978.

Docket No. 78-00088. Applicant: University of Hawaii, Institute of Astronomy, 2680 Woodlawn Drive, Honolulu, Hawaii 96822. Article: Mechanical telescope. Manufacturer: Ingg. De Bartolomeis, Italy. Intended use of article: The article is intended to be used for basic astronomical research in the infrared region of the electromagnetic spectrum. The scientists and advanced students who use the article will obtain observational data which can be used to advance the general understanding of the solar system, stars, galaxies, and the cosmology of the universe. The initial research emphasis will be to conduct investigations of the planet Jupiter by the two Voyager spacecrafts in 1979. In addition, the article will be used part time for the University of Hawaii Physics and Astronomy graduate program. Application received by Commissioner of Customs: January 5, 1978.

Docket No. 78-00089. Applicant: University of California, Santa Barbara, 45517 Central Receiving, Santa Barbara, Calif. 93106. Article: LKB 8800A Ultratome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section neural tissue, principally tissue specimens from the retinas of a variety of vertebrates and some invertebrates. The experiments to be conducted will include ultrastructural studies on vertebrate photoreceptors and the process of outer segment renewal in mammalian cones; studies on the synaptology of the retina and brain of vertebrates; and some histochemical studies contemplated concerning enzyme localization within the pigment epithelium of the retina. The article will also be used in the training of undergraduate and graduate students in the techniques of light and electron microscopy in the course Biol-

ogy 199 and 596, Independent Studies in the Biological Sciences and Directed Reading and Research. Application received by Commissioner of Customs: January 5, 1978.

Docket No. 78-00090. Applicant: Washington University School of Medicine, Department of Pediatrics, St. Louis Children's Hospital, 500 South Kingshighway, P.O. Box 14871, St. Louis, Mo. 63178. Article: LKB 8800A Ultratome Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal and pathological animal tissues, cyto and histochemical studies on enzyme and subcellular organelle localization in cells and tissues, membrane interactions at host-parasite interfaces, and subcellular changes in cells induced by changes in their biochemical and physical environments. Human biopsy tissue removed at surgery will be examined to identify structural abnormalities useful in diagnosing disease states. The article will also be used in the courses: "Pediatric Neurology Research" and "Pathology Research (Bio 590)" to train students in the use and application of electron microscopy and to use the electron microscope in solving individual research problems. Application received by Commissioner of Customs: January 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Statutory Import Programs Staff.
(FR Doc. 78-2994 Filed 2-2-78; 8:45 am)

[3510-25]

WORCESTER POLYTECHNIC INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00318. Applicant: Worcester Polytechnic Institute/Alden Research Laboratory, 30 Shrewsbury Street, Holden, Mass. 01520. Article: Miniature Propeller Flowmeter. Manufacturer: Delft Hy-

draulics Laboratory, Netherlands. Intended use of Article: The article is intended to be used for measurement of current patterns specifically, investigations of spatial and temporal velocity variations of water flow having poor water quality. Typical experiments concern the influence of water currents on sediment transport, thermal plumes, fish behavior, coastal engineering and the design of various types of hydraulic structures. The article will be used by undergraduate students for special projects, thesis, and for research as part of graduates research assistantships.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a miniature size propeller (15 millimeter (mm) in diameter with a 50 mm pitch) and also provides 60 pulses per revolution with measurement up to 15 hertz, a calibrated velocity range of 2.5 to 120 centimeter per second (cm/sec), and operation in water with a conductivity ranging from 450 to 20,000 $\times 10^{-4}$ ohms⁻¹ cm⁻¹. The national Bureau of Standards advises in its memorandum dated November 17, 1977 that (1) the combination of specifications of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.
(FR Doc. 78-2992 Filed 2-2-78; 8:45 am)

[3510-03]

Maritime Administration

[Docket No. S-594]

PARTICIPATION BY VESSELS BUILT WITH CDS IN THE CARRIAGE OF ALASKAN OIL IN THE DOMESTIC TRADE

Notice of Application by Gulf Oil Corp.

Notice is hereby given that an application has been filed on behalf of Gulf Oil Corp. (Gulf Oil), owner of the SS

American Independence, for written permission under section 506 of the Merchant Marine Act, 1936, as amended, for the temporary employment of the vessel in the carriage of oil from Valdez, Alaska, to a point off the west coast of Panama.

The *American Independence* is a 265,000 dwt tanker, built with construction-differential subsidy, and is under time charter to Sohio Petroleum Co. (Sohio). Sohio intends to use the vessel in the Alaska-Panama trade for approximately 12 voyages during two six-month periods. The vessel is expected to arrive at Valdez, Alaska, on or about March 16, 1978, to commence Alaska service.

A previous application for the *American Independence* to engage in this service was published in the FEDERAL REGISTER issue of September 8, 1978 (42 FR 45018), in Docket No. S-576. At the request of Gulf Oil, no further action was taken on the application.

Interested parties may inspect Gulf Oil's application in the Office of the Secretary, Maritime Administration, Room 3099-B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation who is a "competitor," as defined in § 250.2 of the regulations as set forth in Part 250 of Chapter II, Title 46 of the Code of Federal Regulations published in the FEDERAL REGISTER issue of June 29, 1977 (42 FR 33035), and desires to protest such application should submit such protest in writing, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20230. Protests must be received by February 8, 1978. If a protest is received, the applicant will be advised of such protest by telephone or telegram and will be allowed three working days to respond in a manner acceptable to the Assistant Secretary for Maritime Affairs. Within five working days after the due date for the applicant's response, the Assistant Secretary will advise the applicant, as well as those submitting protests of the action taken, with a concise written explanation of such action. If no protest is received concerning the application, the Assistant Secretary will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.500 Construction-Differential Subsidies (CDS).)

By Order of the Assistant Secretary for Maritime Affairs.

Dated: February 1, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

(FR Doc. 78-3122 Filed 2-2-78; 8:45 am)

[3510-11]

Travel Service
TRAVEL ADVISORY BOARD
Rescheduled Meeting

On January 23, 1978, notice was given that the Travel Advisory Board would meet on February 24, 1978 (43 FR 3149). Notice is hereby given that the Travel Advisory Board meeting has been rescheduled for March 3, 1978, at 10 a.m., in Room 4830 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

A limited number of seats will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Sue Barbour, Travel Advisory Board Liaison Officer, the U.S. Travel Service, Room 1860, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4752, will respond to public requests for information about the meeting.

FABIAN CHAVEZ, JR.,
Assistant Secretary for Tourism,
Department of Commerce.

[FR Doc. 78-2960 Filed 2-2-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CHANGES IN OFFICIALS OF THE GOVERNMENT OF COLOMBIA AUTHORIZED TO ISSUE EXPORT VISAS AND CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS FROM COLOMBIA

JANUARY 31, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Two new officials of the Government of Colombia have been authorized to issue export visas and certifications for exempt cotton, wool, and man-made fiber textile products from Colombia.

SUMMARY: The Government of Colombia has notified the United States Government that Julia Emma de Buitrago and Martha Cecilia Munoz de Gomez are being added to the previously published list of officials who are authorized to issue export visas and certifications for exemption for cotton, wool and man-made fiber textile products exported to the United States from Colombia (See 42 F.R. 57334). A complete list of Colombian officials currently authorized to issue export visas and exempt certifications accompanies this notice.

EFFECTIVE DATE: January 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Judith L. McConahy, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On July 26, 1976, a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the FEDERAL REGISTER (41 F.R. 30707), which established an export visa requirement and certification for exemption of cotton, wool and man-made fiber textile products, produced or manufactured in Colombia, and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of Colombia. The Government of Colombia has requested that two new officials be recognized as authorized to issue export visas and certifications for exemption. The list that follows this notice includes the names of all Colombian officials currently authorized to issue export visas and certifications for exemption of cotton, wool and man-made fiber textile products exported to the United States.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

OFFICIALS AUTHORIZED BY THE GOVERNMENT OF COLOMBIA TO ISSUE EXPORT VISAS AND CERTIFICATIONS FOR EXEMPT TEXTILE PRODUCTS EXPORTED TO THE UNITED STATES

Soledad Acevedo Fonseca
Maria Cristina Acosta-Mesa
Maria Cristina Aguirre
Hernando Arciniegas-Serna
Julia Emma de Buitrago
Desideria Caceres Rondon
Silvio Castro Lamprea
Julian Contreras Trivino
Eduardo Forero-Peralta
Joaquin Gutierrez Isaza
Gloria Maria Lopez Naranjo
Dora Luz de Cobo
Martha Cecilia Munoz de Gomez
Jaime Neira Baena
Elizabeth Ordonez L.
Jaime Ospina Duque
Norma Parra-Cardona
Joffre Pelaez-Mejia
Manuel Arturo Posada Gutierrez
Rafaela Vergara Echavez
Enrique White Salazar

[FR Doc. 78-2995 Filed 2-2-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1978 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: February 3, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On September 16, 1977, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (42 FR 46570) of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following service is hereby added to Procurement List 1978:

SIC 7699, Repair & Maintenance of Electric Typewriters At the following locations:

1. Railroad Retirement Board, 844 North Rush Street, Chicago, Ill.
2. HEW, 300 South Wacker Drive, Chicago, Ill.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 78-3027 Filed 2-2-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

January 6 through January 13, 1978

Notice is hereby given that during the period January 6, 1978, through January 13, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of

the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays.

Dated: January 25, 1978.

MELVIN GOLDSTEIN,
Director, Office of
Administrative Review.

PROPOSED DECISIONS AND ORDERS

Atlantic Richfield Co., Ventura County, Calif., FEE-4104, crude oil

Atlantic Richfield Co. (Arco) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Arco to sell the crude oil which it produces from its offshore lease located on Rincon Island, in Ventura County, Calif., at upper tier ceiling prices. On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in Part.

Beacon Oil Co., Hanford, Calif., FEE-4459, crude oil

Beacon Oil Co. filed an Application for Exception from the provisions of 10 CFR 211.62 and 211.67. The exception request, if granted, would permit Beacon to include the crude oil which it blends with fuel oil in its "crude oil runs to stills" for purposes of the Old Oil Entitlements Program. On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Fords Brook, Inc., Allegheny County, N.Y., FEE-4834, crude oil

Fords Brook, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Fords Brook to sell all the crude oil which it produces from the Petre property at exempt prices. On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

International Retail Corp., Towson, Md., FEE-4838, motor gasoline

International Retail Corp. filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would assign Mobil Oil Co. as the new base period supplier of motor gasoline to the State of Delaware to replace the Texaco Oil Co. On January 12, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Johnson Oil Co., Inc., Battle Creek, Iowa, DOE-0390, propane

Johnson Oil Co., Inc. filed an Application for Exception. The request, if granted,

would relieve Johnson of the requirement that it file Form F315-M-O ("Monthly Survey of Propane Sales Volume to Ultimate Consumers"). On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

McGoldrick Oil Co., Shreveport, La., FEE-4798, crude oil

McGoldrick Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit McGoldrick to sell the crude oil it produces from six properties at upper tier ceiling prices. On January 13, 1978, the DOE issued a Proposed Decision and Order in which it denied the exception request with respect to five properties. However, the DOE determined that exception relief should be granted which permits McGoldrick to sell 100 percent of the crude oil produced for the benefit of the working interest owners from the Mamie West C-1 Unit at upper tier ceiling prices.

M. J. Mitchell, Dallas, Tex., DXE-0360, crude oil

M. J. Mitchell filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted to Mitchell and would permit Mitchell to sell certain quantities of the crude oil produced from the Mitchell State Minnelusa Sand Unit at upper tier ceiling prices. On January 13, 1978, the DOE issued a Proposed Decision and Order in which the DOE determined that the exception request be denied.

Stoltz, Wagner and Brown Oil and Gas Producers, Midland, Tex., DEE-0106, crude oil

Stoltz, Wagner and Brown Oil and Gas Producers filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Stoltz to sell the crude oil it produces from the Edna No. 1 Well and the Wanda No. 1 Well at upper tier ceiling prices. On January 13, 1978, the DOE issued a Proposed Decision and Order which determined that the Stoltz request should be granted in part with respect to the Edna No. 1 and the Wanda No. 1 wells.

NOTICES

Company	Case No.	Plant	Location	Amount of price increase (dollars per gallons)
Cities Service Co.	DXE-0278	Adair	Terry County, Tex.	\$.0383
Do	DXE-0279	Bluff	Roosevelt County, N. Mex.	.0913
Do	DXE-0281	Citronelle	Mobile County, Ala.	.0352
Do	DXE-0282	Garrett	Kay County, Okla.	.0448
Do	DXE-0283	Kimball	Kimball County, Nebr.	.0318
Do	DXE-0284	May	Kleberg, Tex.	.0574
Do	DXE-0285	Midway	Kingman County, Kans.	.0444
Do	DXE-0286	Moncrief	Franklin County, Tex.	.0482
Do	DXE-0287	Myrtle Springs	Van Zandt County, Tex.	.1088
Do	DXE-0288	Panola	Panola County, Tex.	.0358
Do	DXE-0289	Red Fish Bay	San Patricio, Tex.	.0091
Do	DXE-0290	Rio Grande	Starr County, Tex.	.0514
Do	DXE-0291	Robstown	Nueces County, Tex.	.0570
Do	DXE-0292	St. Amella	St. James Parish, La.	.0882
Do	DXE-0293	Selling	Dewey County, Okla.	Denied
Do	DXE-0294	West World	Crockett County, Tex.	.0434
Coastal States Gas Corp.	DXE-0243	Albany	Shackelford County, Tex.	.0494
Do	DXE-0244	Almeda	Harris County, Tex.	.0957
Do	DXE-0245	Bay City	Matagorda County, Tex.	.0071
Do	DXE-0246	Corpus Christi	Nueces County, Tex.	.0123
Do	DXE-0247	Freer	Webb County, Tex.	.0289
Do	DXE-0249	Mission	Hidalgo County, Tex.	.0115
Do	DXE-0250	San Antonio	Bexar County, Tex.	.0051
Getty Oil Co.	DXE-0208	Bay Springs	Jasper County, Miss.	.0228
Do	DXE-0209	Buena Vista Hills	Kern County, Calif.	.0227
Do	DXE-0210	Cameron	Cameron Parish, La.	.0555
Do	DXE-0211	Cymric	Kern County, Calif.	.0275
Do	DXE-0212	Dollarhide	Andrews County, Tex.	Denied
Do	DXE-0213	Kermitt	Winkler County, Tex.	.0148
Do	DXE-0214	Kettleman Hills	King County, Calif.	.0138
Do	DXE-0215	Marlow	Stevens County, Okla.	.1234
Do	DXE-0216	New Hope	Franklin County, Tex.	.0217
Do	DXE-0217	Normans	Bee County, Tex.	.0308
Do	DXE-0218	Old Ocean	Brazoria County, Tex.	.0198
Do	DXE-0219	Palacios	Matagorda County, Tex.	.0484
Do	DXE-0220	South Pecan Lake	Cameron Parish, La.	.0210
Do	DXE-0221	Stevens-Caldon	Kern County, Calif.	Denied
Do	DXE-0222	Ventura	Ventura County, Calif.	.0250
Do	DXE-0223	West Bernard	Warton County, Tex.	.0560
Do	DXE-0312	Azales	Midland County, Tex.	.0872
Gulf Oil	DXE-0313	Milfay	Creek County, Okla.	.0899
Do	DXE-0314	Sand Hills	Crane County, Tex.	.0494
Mobil Oil Corp.	DXE-0284	Union-Adena	Morgan County, Colo.	.0434
Do	DXE-0285	Bryans Mills	Cass County, Tex.	.0341
Do	DXE-0288	Cotton Valley	Webster Parish, La.	.0155
Do	DXE-0287	Cow Island	Vermilion Parish, La.	.0052
Do	DXE-0268	Elwood	Santa Barbara County, Calif.	.0187
Do	DXE-0269	Greeley	Kern County, Calif.	.0882
Do	DXE-0270	Hagist	Duval County, Tex.	.0105
Do	DXE-0271	Heyser	Victoria County, Tex.	.1534
Do	DXE-0272	Gulf Knox	Grady County, Okla.	.0154
Do	DXE-0273	Postle Hough	Texas County, Okla.	.0131
Do	DXE-0274	Putnam Oswego	Dewey County, Okla.	.0117
Do	DXE-0275	R. M. Stephens	Clallborne Parish, La.	.0183
Do	DXE-0276	Vanderbilt	Jackson County, Tex.	.0777
Do	DXE-0277	Wilcox	Lavaca County, Tex.	.0132
Ruth Anne Ashby Storey	DXE-0201	R. M. Stephens	Clallborne Parish, La.	.0253
Texaco, Inc.	DXE-0334	Apache	Caddo County, Okla.	.0182
Do	DXE-0335	Blessing	Matagorda County, Tex.	.0595
Do	DXE-0336	Delhi	Richland Parish, La.	.0088
Do	DXE-0337	Elmwood	Beaver County, Okla.	.0090
Do	DXE-0338	Houma	Terrebonne Parish, La.	.0183
Do	DXE-0339	Humble	Harris County, Tex.	.0211
Do	DXE-0340	Krotz Springs	St. Landry Parish, La.	.0234
Do	DXE-0341	Old Ocean	Brazoria County, Tex.	.0188
Do	DXE-0342	Paradis	St. Charles Parish, La.	.0081
Do	DXE-0343	Piedger	Brazoria County, Tex.	.0129
Do	DXE-0344	Wilcox	Lavaca County, Tex.	.0073
Do	DXE-0368	Coalinga Nose	Fresno County, Calif.	.0149
Do	DXE-0367	Headlee Cycling	Ector County, Tex.	.0109
Do	DXE-0368	Headlee Gas	Ector County, Tex.	.0501
Do	DXE-0369	Lamesa	Dawson County, Tex.	.0495
Do	DXE-0370	Lockridge	Ward County, Tex.	.0418
Do	DXE-0371	Mermentau	Acadia Parish, La.	.0121
Do	DXE-0372	North Cowden	Ector County, Tex.	.0082
Do	DXE-0373	Ozona	Crockett County, Tex.	.0092
Do	DXE-0374	Pampa	Gray County, Tex.	.0242
Do	DXE-0375	Toca	St. Bernard Parish, La.	

[FR Doc. 78-2971 Filed 2-2-78; 8:45 am]

NOTICES

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Proposed Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

[6560-1]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 847-7]

ADMINISTRATOR'S TOXIC SUBSTANCES ADVISORY COMMITTEE

Renewal

Pursuant to section 7(a) of the Office of Management and Budget Circular No. A-63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the Administrator's Toxic Substances Advisory Committee is in the public interest in connection with the performance of duties imposed on the Agency by law. The charter which continues the Administrator's Toxic Substances Advisory Committee through January 25, 1980, unless otherwise sooner terminated, will be filed at the Library of Congress.

DOUGLAS M. COSTLE,
Administrator.

JANUARY 25, 1978.

[FR Doc. 78-2946 Filed 2-2-78; 8:45 am]

[6560-01]

[FRL 850-5]

ANNUAL COMPREHENSIVE REVIEW OF EPA ADVISORY COMMITTEES

In the process of conducting the Agency's annual comprehensive review of Federal advisory committees, we are making provisions for open and public participation in the review process to the maximum extent consistent with an expeditious review. Therefore, the purpose of this notice is to seek public advice regarding EPA advisory committees, as listed below:

1. Administrator's Toxic Substances Advisory Committee.
2. Clean Air Scientific Advisory Committee.
3. Effluent Standards and Water Quality Information Advisory Committee.
4. FIFRA Scientific Advisory Panel.

5. Management Advisory Group to the Municipal Construction Division.

6. National Air Pollution Control Techniques Advisory Committee.

7. National Drinking Water Advisory Council.

8. Science Advisory Board.

9. State-Federal FIFRA Implementation Advisory Committee.

10. State-Federal Water Programs Advisory Committee.

In conducting the annual comprehensive review, a determination must be made regarding each committee as to whether: (1) The Agency has a compelling need for it; (2) the Committee's membership is truly balanced; and (3) the Committee has conducted its business as openly as possible consistent with the law and their mandate. In consideration of these three items, we hereby invite comments from interested members of the public on the need for and performance of EPA's advisory committees.

It is requested that individuals wishing to comment should submit their responses by February 17, 1978, to: Mrs. Mary Anne Beatty, Committee Management Officer, U.S. Environmental Protection Agency, Room 405-B Waterside Mall West (PM-213), 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0866.

Dated: January 21, 1978.

WILLIAM DRAYTON, JR.,
Assistant Administrator
for Planning and Management.

[FR Doc. 78-2947 Filed 2-2-78; 8:45 am]

[6560-01]

[FRL 851-3]

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Receipt

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from January 23, 1978, through January 27, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (March 20, 1978). The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

ing agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: January 31, 1978.

PETER L. COOK,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, room 307A, Washington, D.C. 20250, 202-447-6827.

FOREST SERVICE

Final

Eldorado National Forest, Timber Plan, several counties in California, January 23: Proposed is the implementation of the 10-year Eldorado National Forest Timber Management Plan. The plan summarizes the present timber situation, interprets policy on a local basis, identifies and classifies lands as to suitability for timber production and sets harvest priorities. Timber would be harvested from El Dorado, Amador, Placer, and Alpine Counties, with a feasible average yearly harvest ranging from 174.0 M Cunits to 207.4 M Cunits. Comments made by: USDA, EPA, COE, USDI, State and regional agencies, organizations, groups, and individuals. (ELR Order No. 80068.)

Superior National Forest, Proposed Land Exchange, St. Louis, Cook, and Lake Counties, Minn., January 25: Proposed is a land-for-land exchange of 7,093.72 acres of land held by Lake-Forest Enterprises, Inc., a land agent for Erie Mining Co., for 3,749.58 acres of land in the Superior National Forest, Erie Mining Co. proposes to dam a portion of the Upper Partridge River. The lands proposed for transfer to the National Forest are wild, undeveloped forest lands. The transfer would result in additional lake and river frontage, timber wolf habitat, and consolidation of public lands. Adverse effects include inundation of a forest environment. Comments made by: EPA, COE, USDA, FHWA, DOI, State and local agencies, concerned groups and individuals. (ELR Order No. 80076.)

Breitenbush Area. Geothermal Development, Marion and Linn Counties, Oreg., January 24: The proposed action is the leasing of national forest lands (Willamette and Mt. Hood National Forests) in the area known as the Breitenbush Known Geothermal Resource Area for Development of Geothermal Resources. The Known Geothermal Resource Area and lands covered by lease applications cover a total of 44,283 acres. Development of the lands will be subject to controls designed to minimize adverse impacts on visual, recreational, water, wildlife, soil, timber, and mineral materials resources (342 pages). Comments made by: EPA, DOI, ERDA, DOC, COE, FPC, HEW, HUD, USDA, State and local agencies, groups and individuals. (ELR Order No. 80075.)

SOIL CONSERVATION SERVICE

Final

Kickapoo Nations Watershed Project, Oklahoma and Lincoln Counties, Okla., January 24: Proposed is the implementation of the Kickapoo Nations Watershed Plan in Oklahoma and Lincoln Counties, Okla. The

project provides for flood prevention, municipal water supply, and recreation. The works of improvement include land treatment supplemented by 19 floodwater retarding structures, one flood water retarding—municipal water and recreation structure, and recreational facilities. Construction related impacts will result. Comments made by: DOD, DOC, HEW, DOI, EPA, FPC, State and local agencies. (ELR Order No. 80074.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Small Boat Harbor, Agat, Guam, U.S. Territory, January 25: The Agat Small Boat Harbor Project is a Federal and Territory-planned and funded project to evaluate present and future boating needs of the Island of Guam to develop effective and environmentally acceptable plans for harbor facilities to meet these needs. Six alternative plans were considered. Each alternative should attract islandwide boaters to the Agat Bay Area, encourage greater boat ownership among local residents, enhance recreational boating and sports and semicommercial fishing opportunities, and provide an indirect, long-range stimulus to the local economy. (ELR Order No. 80079.)

Final

Green Bay Harbor, Operation and Maintenance, Green Bay and Brown Counties, Wis., January 24: This statement proposes the continuation of operation and maintenance activities for the Green Bay Harbor in Wisconsin. It is anticipated that 1,200,000 cubic yards of sediment classified as unsuitable for unrestricted disposal by Region V, EPA will be removed during an 8-year period beginning 1978. A confined disposal facility for this dredged material, with an incorporated effluent filter, will be constructed on a 55 acre water site in Green Bay, approximately 800 feet off-shore of Bay Beach Park. Adverse impacts will be increased levels of air pollution and disturbance of wildlife (Chicago District). Comments made by: USDA, DOC, DOI, EPA, State and local agencies, groups, and individuals. (ELR Order No. 80070.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Walnut Grove Woods, Memphis, Shelby County, Tenn., January 24: Proposed is a subdivision approximately 900 acres located in East Shelby County, Tenn., along Wolf River east of Memphis City limits. It is proposed to develop the site in single-family, multifamily, commercial, and office uses, in accordance with existing zoning regulations. Adverse impacts include endangered species habitat; increased stormwater runoff; and increased noise levels and air quality. Five families would be displaced (HUD-RO4-EIS-77-17D). (ELR Order No. 80073.)

Countryside Subdivision, League City, Galveston County, Tex., January 24: Proposed is a development of 570 acres into a planned community composed of single-family homes located in Galveston County, Tex. The project is expected to be beneficial in transforming a large tract of land currently farmed into an urban community providing for League City's strong demand for housing. The population growth will inevitably result in the transition of some rural land to urban for approximately 5,800 people. Adverse impacts include increased loading of solid waste disposal sites, increased demand for fossil fuels through heavy dependence upon the automobile for transportation (HUD-RO6-EIS-78-20). (ELR Order No. 80069.)

Draft

Lakemeer Subdivision, Tenn., January 24: Proposed is a residential community on approximately 667 acres located northeast of Memphis, Tenn. Development plans include single-family, multifamily, and commercial land uses. Focal point of the development will be a 35-acre fishing lake surrounded by single-family lots with a 1.5 acre park to provide fishing and picnic areas. Adverse impacts include no endangered species habitat; noise levels and air quality generally remains within acceptable limits (HUD-RO4-EIS-77-16D). (ELR Order No. 80072.)

Pecan Grove Plantation Subdivision, Fort Bend County, Tex., January 27: The proposed action is for the HUD to accept for HUD-PHA Home Mortgage Insurance purposes under section 203(h) of the National Housing Act of 1934. Some 1400 acres of land located in the northeastern portion of Fort Bend County, Tex. It is proposed that this tract of land be developed into a subdivision composed primarily of single-family dwellings, approximately 4,300 units. The overall environmental impact is expected to be beneficial in that a large tract of land would be transformed into a residential subdivision. This project will provide housing for some 17,000 people (HUD-RO6-EIS-78-3D).

Cypress Point Subdivision, Harris County, Tex., January 27: Proposed is the development of 230 acres into a planned community composed of single-family homes with some commercial reserves in Harris County, Tex. The overall environmental impact of this project is expected to be beneficial in that it would transform a large tract of land, the majority of which is lying fallow, into a planned community. This development provides for the living and controlling of a wide range of life accommodations for approximately 3,700 people (HUD-RO6-EIS-78-5D). (ELR Order No. 80084.)

DEPARTMENT OF LABOR

Contact: Mr. David R. Bell, Chief, Office of Environmental and Economic Impact Assessment, Room N-3673, Washington, D.C. 20210, 202-523-7076.

Final

Benzene, Occupational Exposure Standard, January 27: Proposed is the regulation of employee exposure to benzene by setting a permissible exposure limit of 1 part benzene per million parts of air (1 ppm) as an 8-hour time-weighted average. The proposal also provides for employee exposure measurements, methods of compliance, protective clothing and equipment, medical surveillance, training, signs and labels, employ-

ee observation of monitoring, and record-keeping, beneficial impact on the workplace environment is anticipated. Comments made by: DOT, ERDA, HEW, DOL, State and local agencies, groups and individuals. (ELR Order No. 80082.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

Draft

Sundesert Nuclear Plant Units 1 and 2, Riverside County, Calif., January 27: This DEIS was prepared by the Nuclear Regulatory Commission, and the Department of the Interior. Proposed is the issuance of a construction permit to San Diego Gas & Electric Co. for construction of the Sundesert Nuclear Plants Units 1 and 2. The plant is located in Riverside County, Calif.; approximately 8.9 km (5.5 miles) west of the Colorado River and 25.7 km (15.9 miles) southwest of Blythe, Calif., and will employ two pressurized-water reactors (PWR's) to produce up to 2,785 megawatts thermal (MWT) for each unit (NUREG-0405). (ELR Order No. 80081.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Development Projects, Lihue Airport, Kauai County, Hawaii, January 25: Lihue Airport is located in the southeastern coast of the Island of Kauai, Kauai County, Hawaii, approximately 2 miles east of the town of Lihue. The basic objectives of the expansion development are to reduce the impact of aircraft operations on schools and residential areas to the south of the airport and to provide a highly desired precision instrument approach capability. (ELR Order No. 80078.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

TN-1, McMinnville to Sparta, Warren, Van Buren, and White Counties, Tenn., January 25: The proposed action consists of the construction of approximately 20 miles of State Route 1 from just east of McMinnville to Sparta; in Warren, White, and Van Buren Counties, Tenn. The proposed project extends northeasterly from a point at the end of the newly constructed section of TN-1, just west of the intersection of TN-1 and TN-30, to an eastern terminus at TN-111 near Sparta. The proposed highway is classified as a principal arterial in Tennessee's "1985 Statewide Functional Highway Classification Plan" and is planned as a four-lane facility (FHWA-TN-EIS-77-09-D). (ELR Order No. 80077.)

Final

Inner Loop, U.S. 54 to I-35W, Wichita, Sedgwick County, Ill., January 24: Proposed is the construction of a freeway with termini at U.S. 54 in the vicinity of Seneca Avenue and at 9th Street at I-35W in the city of Wichita, Kans. The project would provide a combination 4 to 6 lane, full control access facility with a design speed of 55 mph. Adverse effects include the acquisition

of 87 to 98 acres for right-of-way. From 331 to 540 dwelling units and from 69 to 76 businesses will be relocated (region 7). Comments made by: FEA, HUD, EPA, HEW, DOD, DOC, FPC, CEQ, DOT, State and local agencies, groups and individuals. (ELR Order No. 80071.)

LR 1061, Blair County, Pa., January 26: The proposed highway improvement consists of a 14.5 mile portion of L.R. 1060 (T.R. 220), located in Logan and Antis Townships, Pa., as part of the Appalachian development highway system. The project will displace a number of people and will result in increased noise and erosion. A 4(F) statement is included concerning a public park. Comments made by: USDA, DOC, DOT, EPA, FEA, HEW, State and local agencies. (ELR Order No. 80060.)

[FR Doc. 78-3036 Filed 2-2-78, 8:45 am]

[6560-01

[FRL 850-71

MODIFICATION OF SECONDARY TREATMENT REQUIREMENT

Public Meeting

The Environmental Protection Agency (EPA) will hold a public meeting on February 22, 1978 in San Francisco to receive comments on implementation of section 301(h) of the Federal Water Pollution Control Act as amended (section 44 of the Clean Water Act of 1977, Pub. L. 95-217). Section 301(h) authorizes EPA to modify the requirement of secondary treatment for BOD, suspended solids and pH in an existing discharge into marine waters from a publicly owned treatment works if certain criteria are met.

The Federal Water Pollution Control Act required publicly owned treatment works to provide secondary treatment of their wastewaters by July 1, 1977. Coastal publicly owned treatment works who discharge their wastewater through ocean outfalls have argued that the reduction of BOD, suspended solids and pH resulting from secondary treatment is not necessary to protect the marine environment because of the dilution achieved in some deep marine waters. Under amendments adopted by Congress in 1977, those publicly owned treatment works which can show that an existing deep marine discharge requires less than secondary treatment for BOD, suspended solids and pH may be eligible, after case-by-case review, for a modification of the requirement to provide secondary treatment.

The purpose of this meeting is to receive the public's views on how EPA should interpret and apply the statutory criteria which an applicant must meet in order to obtain a modification of the secondary treatment requirement. In order to modify the requirement for secondary treatment, an applicant, in an application filed prior to

September 24, 1978, must demonstrate to the satisfaction of the Administrator of EPA that eight criteria have been met. The eight statutory criteria are:

(1) There is an applicable water quality standard specific to the pollutant for which the modification is requested, which has been identified under section 304(a)(6) of this Act;

(2) Such modified requirements will not interfere with the attainment or maintenance of that water quality which assures protection of water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife, and allows recreational activities, in and on the water;

(3) The applicant has established a system for monitoring the impact of such discharge on a representative sample of aquatic biota, to the extent practicable;

(4) Such modified requirements will not result in any additional requirement on any other point or nonpoint source;

(5) All applicable pretreatment requirements for sources introducing waste into such treatment works will be enforced;

(6) To the extent practicable, the applicant has established a schedule of activities designed to eliminate the entrance of toxic pollutants from nonindustrial sources into such treatment works;

(7) There will be no new or substantially increased discharges from the point source of the pollutant to which the modification applies above that volume of discharge specified in the permit;

(8) Any funds available to the owner of such treatment works under title II of this Act will be used to achieve the degree of effluent reduction required by section 201 (b) and (g)(2)(A) or to carry out the requirements of this subsection.

Section 301(h) of the Federal Water Pollution Control Act applies only to "marine" discharges. The term "marine" discharge is defined as:

... a discharge into deep waters of the territorial sea or the waters of the contiguous zone, or into saline estuarine waters where there is strong tidal movement and other hydrological and geological characteristics which the Administrator determines necessary to allow compliance with paragraph (2) of this subsection, and section 101(a)(2) of this Act.

Subsection 101(a)(2) of the Act calls for achievement by 1983 of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water wherever attainable.

EPA is interested in receiving public comment on how the eight statutory criteria for a modification from the secondary treatment requirement

should be interpreted. A number of questions will arise in determining whether an applicant is eligible for consideration under section 301(h) and has made a satisfactory demonstration of compliance with the eight criteria. Public comment on the following questions of interpretation of the criteria would be particularly helpful in developing proposed regulations implementing section 301(h):

1. The first criteria (section 301(h)(1)) requires an applicable water quality standard specific to the pollutant (BOD, suspended solids and pH) for which the modification is requested. State water quality standards applicable to marine waters are often not in terms of BOD suspended solids, and pH. Should State water quality standards which regulate related or surrogate parameters, such as dissolved oxygen, turbidity, light transmission, etc., be used to show compliance?

2. Should the evaluation of water quality in the second criteria (section 301(h)(2)) consider only the impact of a discharge if a modification of the secondary treatment requirement is approved or should the evaluation compare the impact of the discharge if a modification is approved to the impact which would have resulted from secondary treatment?

3. In the second criteria (section 301(h)(2)), how should a "balanced, indigenous population" be defined? What methods should be used to determine that a balanced, indigenous population exists in marine waters?

4. Should the law be interpreted to require that the concentration of toxic pollutants (heavy metals, chlorinated hydrocarbons, etc.) in the discharge granted a modification be no greater than the concentration which would occur with secondary treatment?

5. Should compliance with the fifth criteria (section 301(h)(5)) require a publicly owned treatment works to have an enforceable pretreatment program at the time of the application?

6. Should the law be interpreted to require publicly owned treatment works which treat only domestic wastes to be evaluated differently than publicly owned treatment works which treat large amounts of industrial wastes?

This public meeting is being held prior to proposal of a regulation implementing section 301(h). To the extent possible, EPA will consider public comments made at the meeting, as well as written comments submitted prior to the meeting, in developing the proposed regulations. Any comments which are not considered prior to proposal will be considered in developing the final regulations.

The public meeting will be held on February 22 at 9:30 a.m. in the following location with registration beginning at 9 a.m.

EPA Region IX, Sixth Floor Conference Room, 215 Fremont, San Francisco, Calif. 94015.

If additional information on this public meeting is needed, please contact:

Richard Coddington, Deputy Director of the Water Division, EPA Region IX, 215 Fremont, San Francisco, Calif. 94105, 415-556-7686.

Information may also be obtained from:

Ms. Lisa Friedman, U.S. EPA, Office of General Counsel, Water Quality Division, Room 511, 401 M Street SW., Washington, D.C. 20460, 202-755-0753.

Persons wishing to make statements at the public meeting are requested to provide three copies of their statement. Written comments submitted prior to the public meeting should be sent in triplicate (if possible) to Lisa Friedman at the address listed above.

Dated: January 27, 1978.

SWEP T. DAVIS,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc. 78-2948 Filed 2-2-78; 8:45 am]

[6560-01]

[FRL 850-6; OPP-30000/25A]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing Ethylene Dibromide; Extension of Period for Submission of Rebuttal Evidence and Comments

On December 1, 1977, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide product containing the ingredient 1,2-dibromoethane. This notice was published in the FEDERAL REGISTER on December 14, 1977 (42 FR 63134). The regulations governing rebuttal presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause, an additional sixty (60) days may be granted in which such evidence may be submitted (40 CFR 162.11(a)(1)(i)).

A request for an additional 60 days in which to present evidence to the Agency has been received from one of the major registrants who was affected by the notice of presumption. The requester has specified a need for additional time to collect and analyze data and other information in order to adequately rebut and respond to the notice.

The Agency agrees that additional time would be beneficial for the sub-

mission of complete and accurate responses to the notice of presumption. Therefore, because good cause has been shown, all registrants, applicants for registration, and other interested persons shall have until April 3, 1978, to submit rebuttal evidence and other comments or information. Such evidence, comments or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/25A". Comments and information received on or before April 3, 1978, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after April 3, 1978, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the Office of Federal Register Section at the above address from 8:30 a.m. to 4 p.m. Monday through Friday. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Review, Room 447, East Tower, EPA, during the same hours.

Dated: January 27, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 78-2949 Filed 2-2-78; 8:45 am]

[6560-01]

[FRL 850-8]

TOXIC SUBSTANCES

Fully halogenated Chlorofluorocarbons;
Correction

In FR Doc. 78-920 appearing at page 1936 in the FEDERAL REGISTER of Friday, January 13, 1978, the fourth paragraph under "Supplementary Information" appearing on pages 1986 and 1987 is corrected in the fifth line of that paragraph by substituting the words "foamed polystyrene" for the word "styrofoam."

Dated: January 27, 1978.

STEVEN D. JELLINEK,
Assistant Administrator
for Toxic Substances.

[FR Doc. 78-2964 Filed 2-2-78; 8:45 am]

[6705-01]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 808]

FARM CREDIT ADMINISTRATION OFFICERS

Delegation of Authority to Act as Governor in the Event That the Governor is Absent or Not Able to Perform the Duties of His Office for any Other Reason (Revocation of FCA Order No. 804)

JANUARY 27, 1978.

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

- (1) Senior Deputy Governor;
- (2) Deputy Governor, Office of Supervision;
- (3) Deputy Governor and Chief Examiner;
- (4) Deputy Governor, Office of Administration;
- (5) Deputy Governor, Office of Finance and Research;
- (6) Chief of Staff of Senior Deputy Governor;
- (7) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on the above written date, and supersedes Farm Credit Administration Order No. 804, dated June 28, 1977 (42 FR 34365).

DONALD E. WILKINSON,
Governor,
Farm Credit Administration.

[FR Doc. 78-2996 Filed 2-2-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 895]

APPLICATIONS ACCEPTED FOR FILING

Common Carrier Services Information

JANUARY 30, 1978.

By the Chief, Common Carrier Bureau:

The applications listed herein have been found, upon initial review, to be acceptable for filing. The commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31

days following the date of this notice, except for radio applications not requiring a 30-day notice period (See § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

JANUARY 30, 1978.

Applications accepted for filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20617-CD-P-78 South Shore Radio-Telephone, Inc. (KTS201) C.P. for additional facilities to operate on 158.70 MHz at a new site described as location No. 4: Oak Brook Towers, Oak Brook, Ill.

20623-CD-P-78 Mobilefone Northwest (new), C.P. for a new 1-way signaling station to operate on 152.24 MHz to be located at Pendleton Airport, Pendleton, Ore.

20694-CD-P-78 Radiotelephone Owatonna, Inc. (new), C.P. for a new station to operate on 152.09 MHz to be located 3 miles south of U.S. highway 4, on County Road approximately 2 miles south of Meriden, Minn.

20696-CD-P-78 Professional Communications, Inc. (new), C.P. for a new 1-way signaling station to operate on 158.70 MHz to be located on Road No. 4, Carter Hill Road, Corry, Pa.

20697-CD-P/ML-78 Communications Specialists, Inc. d.b.a. Radio Telpage (KTS276) C.P. to relocate facilities operat-

ing on 158.70 MHz located at 124 Southgate Road, Dothan, Ala.

20698-CD-P-(2)78 Mobilphone-Paging Radio Corp. (KRS653) C.P. for additional facilities to operate on 72.64 MHz, Control at location No. 1: Palmouth Street, 300 yds from Ashby Street, Johnston, R.I.; and 158.70 MHz, base at a new site described as location No. 4: 2121 West Main Road Portsmouth, R.I.

20699-CD-P-78 General Telephone Co. of Indiana, Inc. (KSJ800) C.P. to change antenna system and relocate facilities operating on 152.54 MHz located at 2059 Crisman Road, Portage, Ind.

20700-CD-P-78 Electro-Craft, Inc. (KWU248) C.P. for additional facilities to operate on 152.24 MHz located at a new site described as location No. 2: Summit of Bald Mountain, 2.6 miles west of Lead, S. Dak.

20701-CD-P-78 Waco Communications, Inc. (KLF635) C.P. for additional facilities to operate on 152.24 MHz located at a new site described as location No. 2: 817 South First Street, Temple, Tex.

20702-CD-P-78 Summit Communications, Inc. (new), C.P. for a new station to operate on 152.12 MHz to be located 800 feet east of highway 231 at southern boundary of Rensselaer, Ind.

20704-CD-ML-78 Electro-Craft, Inc. (KOP323) Modification of license to change frequency from 152.09 MHz to 152.15 MHz.

20705-CD-P-78 Electro-Craft, Inc. (KOP323) C.P. for additional facilities to operate on 152.09 MHz located at a new site described as location No. 2: Summit of Bald Mountain 2.6 miles west of Lead, S. Dak.

20706-CD-P-78 Consolidated Telephone Co. (new), C.P. for a new 1-way signaling station to operate on 158.10 MHz to be located 10 miles northwest of Brainerd, Minn.

20707-CD-P-78 Comex, Inc. (KCC797) C.P. to change antenna system, replace transmitter and change frequency from 459.325 MHz to 72.70 MHz at location No. 1: Uncanoonuc Mountain, near Goffstown, N.H.

20708-CD-TC-(5)-78 Indiana Telephone Corp. consent to transfer of control from Helen E. Schultz, transferor, to Continental Telephone Corp., transferee. Stations: KSJ797, Seymour, Ind.; KSJ775, Madison, Ind.; KSJ798, Jasper, Ind.; KSJ799, Salem, Ind.; and KUS303, North Vernon, Ind.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

Wyoming

Commercial Communications, Inc. (New), 20146-CD-P-(6)-78.

David R. Williams d.b.a. Industrial Communications (New), 21986-CD-P-(6)-77.

OFFSHORE RADIO TELEPHONE SERVICE

50003-CG-P-78 The Offshore Telephone Co. (new), C.P. for a new subscriber station to operate on 492.450 MHz to be located 110 miles south of Patterson, La., block 364A, GM.

50004-CG-P-78 The Offshore Telephone Co. (new), C.P. for a new central office station to operate on 489.450 MHz to be located 100 miles south of Franklin, La., block 296B, GM.

50005-CG-P-78 The Offshore Telephone Co. (new), C.P. for a new central office station to operate on 489.400 MHz to be located 25 miles south of Grand Cheniere, La., block 48C, GM.

50006-CG-P-78 The Offshore Telephone Co. (new), C.P. for a new subscriber station to operate on 492.400 MHz to be located 47 miles south of Grand Cheniere, La., block 238A, GM.

50007-CG-P/ML-78 The Offshore Telephone Co. (WBX632), C.P. for additional facilities to operate on 488.425, 488.450, 488.475, 488.500, 488.525, 488.550, 488.575, 488.600, 488.625, 488.650, 488.675, & 488.700 MHz located within the territory of the grantee.

RURAL RADIO SERVICE

60090-CR-P/L-78 Mobile Radio System of San Jose, Inc. (new), C.P. for a new rural subscriber station to operate on 158.55MHz located at Dooherty Ridge Road off Skyline Boulevard, 3 1/4 miles north highway 9, California.

60091-CR-P/L-78 Mobile Radio System of San Jose, Inc. (new), C.P. for a new Rural subscriber station to operate on 158.55 MHz located on Long Ridge Road off Skyline Boulevard, 3 1/4 miles north of highway 9, California.

60092-CR-P/L-78 Mobile Radio System of San Jose, Inc. (new), C.P. for a new Rural Subscriber station to operate on 158.55 MHz located at Portola Heights Road off Skyline Boulevard, 3 1/4 miles north of highway 9, California.

60093-CR-P/L-78 Mobile Radio System of San Jose, Inc. (new), C.P. for a new rural subscriber station to operate on 158.55 MHz located at Portola Heights Road off Skyline Boulevard, 3 1/4 miles north of highway 9, California.

60094-CR-P-78 Copper Valley Telephone Cooperative, Inc. (new), C.P. for a new rural subscriber station to operate on 157.77 MHz located northeast of Valdez, at mile 35, Richardson Highway, Valdez, Ark.

60095-CR-P-78 Copper Valley Telephone Cooperative, Inc. (new), C.P. for a new central office station to operate on 152.51 MHz located northeast of Valdez, at mile 27, Richardson Highway, Valdez, Ark.

60098-CR-P/L-78 Continental Telephone Co. of the West (new), C.P. for a new rural subscriber station to operate on 157.77 MHz located at range 26E, township 32 south, section 33, Utah.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1112-CF-P-78 Roanoke & Botetourt Telephone Co. (new), Troutville Route 220 Daleville (Botetourt), Va. Lat. 37°25'03" N., Long. 79°53'51" W. C.P. for a new station on frequency 11055V MHz on azimuth 194.4 degrees toward Roanoke, Va.

1114-CF-P-78 Mountain States Telephone & Telegraph Co. (KXR20), 1326 Sheridan Avenue Cody (Park), Wyo. Lat. 44°31'33" N., Long. 109°03'38" W. C.P. to add a new point of communication on frequency 11075V MHz on azimuth 247.0 degrees toward Cody, passive reflector 2 to Cody passive reflector 3 on azimuth 35.2 degrees to Skytel, Wyo., on azimuth 260.8 degrees.

1115-CF-P-78 Same (new), Skytel 2.6 miles west of Wapiti (Park) Wyo. Lat. 44°27'31" N., Long. 109°29'16" W. C.P. for a new station on frequency 11525V MHz on azimuth 80.6 degrees toward Cody passive reflector 3 to Cody passive reflector 2 on azimuth 215.8 degrees to Cody, Wyo. on azimuth 66.9 degrees.

1124-CF-P-78 Chesapeake & Potomac Telephone Co. (KIX55), 224 Luck Avenue SW., Roanoke (Roanoke), Va. Lat. 37°16'09" N., Long. 79°56'42" W. C.P. to add a new point of communication on frequency 11265V MHz on azimuth 14.4 degrees toward Troutville, Va.

MAJOR AMENDMENT

2343-CF-P-77 Multipoint Television Distributors, Inc. (WCT 936) Keystone Peak, 15 miles west of Green Valley, Ariz. (Lat. 31°52'37" N., Long. 111°12'52" W.): Application amended to change transmit station name from Number One Radio, Inc. to that above; change receive station site and to change transmitter equipment—5945.2V MHz toward Tucson, Ariz.

CORRECTIONS

893-CF-P-78 South Central Bell Telephone Co. (KLT64), 314 Main Street Starkville (Oktibbeha), Miss. Lat. 33°27'48" N., Long. 88°48'42" W. Correct entry to read 6100.9H. All other particulars remain the same as reported on Public Notice No. 891, January 3, 1978.

[FR Doc. 78-2966 Filed 2-2-78; 8:45 am]

[6712-01]

[Docket No. 21310; RM-1847; RM-1984; RM-2742]

FM QUADRAPHONIC BROADCASTING: ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

Notice of Inquiry

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments to a Notice of Inquiry concerning FM quadrasonic broadcasting. Consumer Electronics Group of the Electronic Industries Association states the additional time is necessary so that it can prepare reply comments to comments which are extensive and highly technical.

DATE: Reply comments must be received on or before March 31, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTAL INFORMATION:

Adopted: January 25, 1978.

Released: January 31, 1978.

Order extending time for filing reply comments (43 FR 1542).

By the Chief, Broadcast Bureau: 1. On June 22, 1977, the Commission adopted a Notice of Inquiry in the above-entitled proceeding. The date for filing comments has expired and

the date for filing reply comments is presently January 30, 1978.¹

2. On January 17, 1978, counsel for the Consumer Electronics Group of the Electronic Industries Association ("EIA-CEG") requested a 90-day extension of time in which to file reply comments. Counsel states that even in the best of circumstances careful review of the 15 volumes of comments in this proceeding would require additional time in order to formulate reply comments. He adds that the problem has been aggravated because of the difficulty which EIA-CEG members and others are experiencing in their efforts to review the filed comments since the duplicate volumes in this docket are incomplete and the original volumes of comments are often unavailable because they have been removed for reproduction.

3. On the basis of the reasons represented in the above-mentioned request for extension of time, we are persuaded that some additional time is warranted in order to assure development of a sound and comprehensive record on which to base a final decision in this proceeding. However, because we have already granted two previous extensions, we believe sixty days is sufficient in which to complete the preparation of reply comments.

4. Accordingly, *It is ordered*, That the request for extension of time for filing reply comments submitted by the Consumer Electronics Group of the Electronic Industries Association is granted to the extent that the present deadline for filing reply comments is extended through March 31, 1978, and is denied in all other respects.

5. This action is taken pursuant to authority found in sections 4(i), 5(d) (1) and 303(r) of the Communications Act of 1934, as amended, and section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3028 Filed 2-2-78; 8:45 am]

[6712-01]

PERSONAL USE RADIO ADVISORY COMMITTEE

Meeting

The Personal Use Radio Advisory Committee (PURAC) will meet February 22 and 23, 1978, at the Sheraton International Inn, 11810 Sunrise Valley Drive, Reston, Va.

¹By Order released August 16, 1977 (Mimeo 87835), the dates for filing comments and reply comments were extended to December 16, 1977, and January 16, 1978, respectively. By Order released December 27, 1977 (Mimeo 93067), the dates for filing comments and reply comments were extended to December 28, 1977, and January 30, 1978, respectively.

The main purpose of the meeting will be to coordinate all the task area plans for their final reports to be completed before PURAC is dissolved in April.

A general meeting beginning at 9 a.m. February 22 will consider partial or preliminary reports from each of three task areas: General Mobile Radio Service, User Rule Compliance, and Local Interference. The remainder of the time will be devoted to task area meetings.

The general public is welcome to attend, but only PURAC members will be eligible to debate and vote.

Any PURAC member who is unable to attend may designate proxies with a signed statement identifying the member who will vote for him.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3021 Filed 2-2-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1881]

THELMA QUILLIAM d.b.a. AEROMARINE FORWARDING

Order of Revocation

The bond issued in favor of Thelma Quilliam d.b.a. Aeromarine Forwarding, 225 Harris Court, South San Francisco, Calif. 94080, FMC No. 1881, was cancelled effective January 27, 1978.

By letter dated December 30, 1977, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1881 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 27, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1881 issued to Thelma Quilliam d.b.a. Aeromarine Forwarding be returned to the commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License

No. 1881 be and is hereby revoked effective January 27, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Thelma Quilliam d.b.a. Aeromarine Forwarding.

LEROY F. FULLER,
Director, Bureau of
Certification and Licensing.
[FR Doc. 78-2956 Filed 2-2-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FIRST UNION BANCORPORATION

Proposed Retention of Ownership of St. Louis Union Trust Co.

First Union Bancorporation, St. Louis, Mo., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of St. Louis Union Trust Co., St. Louis, Mo., and indirect control of First Union Trust Co. in Kansas City, Kansas City, Mo. Notice of the application was published on December 23, 1977, in the St. Louis Globe-Democrat, a newspaper circulated in St. Louis, Mo., and on December 24, 1977, in the Kansas City Star, a newspaper circulated in Kansas City, Mo.

Applicant states that the proposed subsidiary would engage in the activities that may be performed by a trust company and investing funds for its own account in market instruments, including equity securities which do not include more than 5 percent of the outstanding voting shares of any company. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 23, 1978.

Board of Governors of the Federal Reserve System, January 27, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-2997 Filed 2-2-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of March 1978:

ALCOHOL TRAINING REVIEW COMMITTEE

Date and time: March 2-4; 9 a.m.
Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857.

Type of meeting: Open—March 2, 9 to 11 a.m. Closed—Otherwise.
Contact—Ms. Jeanne Trumble, Room 14C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1056.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, ADAMHA, relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism.

Agenda: From 9 a.m. to 11 a.m., March 2, the Committee will be open for reports and announcements to administrative and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S.C. Code and section 10(d) of (Pub. L. 92-463 (5 U.S.C. Appendix I)).

CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

Date and time: March 2-4; 9 a.m.
Place: Arlington Hyatt House, 1325 Wilson Boulevard, Arlington, Va. 22209.

Type of meeting: Open—March 2, 9 to 10 a.m. Closed—Otherwise.
Contact—Harriet German, Room 10C-05, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3367.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of

Mental Health relating to clinical research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m. to 10 a.m., March 2, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S.C. Code and section 10(d) of (Pub. L. 92-463 (5 U.S.C. Appendix I)).

EPIDEMIOLOGIC STUDIES REVIEW COMMITTEE

Date and time: March 7-8; 9 a.m.
Place: Maryland Room, Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, D.C. 20036.

Type of meeting: Open—March 7, 9 to 10 a.m. Closed—Otherwise.
Contact—Lavinia Walsh, Room 10C-09, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3774.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in the field of epidemiology and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 a.m. to 10 a.m., March 7, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S.C. Code and section 10(d) of (Pub. L. 92-463 (5 U.S.C. Appendix I)).

Substantive program information may be obtained from the contact person listed above. The NIAAA Information contact who will furnish summaries of the meeting and rosters of the Committee members is Mr. Harry Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4573.

Dated: January 30, 1978.

CAROLYN T. EVANS,
Committee Management Officer,
Alcohol, Drug Abuse, and
Mental Health Administration.

[FR Doc. 78-2963 filed 2-2-78; 8:45 am]

[4110-03]

Food and Drug Administration
[Docket No. 77P-0339]

INTERNATIONAL DIAGNOSTICS TECHNOLOGY

Panel Recommendation on Petition for
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Immunology Device Classification Panel that the Anti-DNA Antibody, Immunofluorescent Solid Phase and control (FIAX™ Anti-DNA Antibody Test) be reclassified from class III (Premarket Approval) to class II (Performance Standards). This recommendation was made after review of a reclassification petition filed by International Diagnostic Technology (IDT), Santa Clara, Calif. under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATE: Comments by March 6, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION
CONTACT:

Srikrishna Vadlamudi, Food and Drug Administration, Bureau of Medical Devices (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On September 14, 1976, International Diagnostic Technology (IDT), Santa Clara, Calif. submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intended to market a device the manufacturer calls the FIAx™ Anti-DNA Antibody Test. After reviewing the information in the premarket notification, the commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified in class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device

that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On July 18, 1977, International Diagnostic Technology (IDT) submitted a reclassification petition for the device under section 513(f)(2) of the act. On September 26, 1977, the Immunology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purposes of classification, the panel assigned to the device the name "Anti-DNA Antibody Test." The device is used for the detection and quantitation of Anti-DNA Antibodies in human serum or plasma. The presence of anti-DNA antibodies is an indication of Systemic Lupus Erythematosus (SLE), a tissue disorder characterized by skin eruptions, pain in the joints, fever, and other constitutional symptoms. A positive result from the use of this device indicates the need for further diagnosis for SLE.

SUMMARY OF THE REASONS FOR THE
RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.
2. Hazards to life or health may result when the device does not perform properly.
3. The test is based on a solid-phase immunoassay using a fluorescent label.
4. Immobilized DNA is reacted with Anti-DNA in diluted serum.
5. Anti-DNA attached to immobilized DNA is reacted with fluorescently labeled anti-human immunoglobulins.
6. A fluorescent label affixed to Anti-DNA is measured in a fluorometer.
7. It is possible to develop a standard or set of standards to control the safety or effectiveness of the device.

SUMMARY OF THE DATA ON WHICH THE
RECOMMENDATION IS BASED

The usefulness of the FIAx™ Anti-DNA Kit in the screening of patients with auto-immune diseases was investigated along with the FARR assay and Amersham/Searle kits. A comparison was also made for the usefulness of the device for therapeutic monitoring. To determine the safety and effectiveness of the device, it was used on

sera from 236 patients. An agreement (197 out of 236, or 84 percent) exists between the results obtained with FIAx™ Anti-DNA Antibody system and the reference methods FARR™ RIA non-kit assay and Amersham/Searle kits used for DNA antibody determination for Systemic Lupus Erythematosus (SLE). In addition, 19 samples that read negative by the two reference methods and positive by FIAx™ proved to be samples from SLE patients. Immunofluorometric quantitation of antibody activity to DNA in human serum or plasma has been demonstrated in the FIAx™ system to be equally as sensitive, specific, and precise as other commercially available devices.

RISKS TO HEALTH

The panel noted that there is a danger of erroneous results from the use of the FIAx™ Anti-DNA Kit owing to lack of specificity and sensitivity (resulting in false positives and false negatives). This may lead to misdiagnosis and unnecessary treatment or lack of treatment. Lack of specificity results when the Anti-DNA antibody cross-reacts with other proteins of the cell and plasma. Therefore, the panel recommended that the device be classified into class II and that a standard directed to the specificity and sensitivity of the device be developed. The panel recommended that development of this standard be a high priority.

RESTRICTIONS

The panel recommended that this device be used in conjunction with other methods of diagnosis, including other diagnostic tests, examination of medical history, and observation of symptoms.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: January 25, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-2709 Filed 2-2-78; 8:45 am]

[4110-03]

[Docket No. 77P-0151]

HOWMEDICA, INC.

Panel Recommendation on Petition for
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Gastroenterological and Urological Device Classification Panel that

the Night Drain Adaptor, Feather-Lite™ Urinary Diversion Pouch, Feather-Lite™ Semi-Disposable I.B. Pouch, and Ostomy Pouch not be reclassified from class III. (Premarket Approval) to class II (Performance Standards) or class I (General Controls). This recommendation was made after review of a reclassification petition filed by Howmedica, Inc., New York, N.Y., under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATES: Comments by March 6, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION
CONTACT:

Dennis J. Cotter, Bureau of Medical Devices (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

SUPPLEMENTARY INFORMATION: On August 13 and 27 and October 26, 1976, Howmedica, Inc., New York, N.Y., submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intended to market devices it calls (1) Ostomy Pouch, (2a) Feather-Lite™ Urinary Diversion Pouch, (2b) Feather-Lite™ Semi-Disposable I.B. Pouch, and (2c) Night Drain Adapter. After reviewing the information in the premarket notifications, the Commissioner of Food and Drugs determined that the devices are not substantially equivalent to any devices that were in commercial distribution before May 28, 1976; nor are the devices substantially equivalent to any devices placed in commercial distribution since that date and subsequently reclassified. The reason for this decision was the use of an arsenic-containing compound (10, 10'-oxybisphenarsine) as an additive to the vinyl plastics of which the devices are made. The additive is intended to inhibit microbial degradation of vinyl plastic materials. Upon this determination, these devices are automatically classified into class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act,

unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On June 9, 1977, Howmedica, Inc., submitted to FDA a reclassification petition for the devices under section 513(f)(2) of the act. On June 25, 1977, the Gastroenterological and Urological Device Classification Panel (panel) reviewed the petition and recommended that the devices not be reclassified into class II or class I.

To determine the proper classification of the devices, the panel considered the criteria in section 513(a)(1) of the act.

For the purposes of classification, the panel assigned to the devices the names (1) "pouch, colostomy" and (2) "bag, urinary, ileostomy (with or without adaptor)." A colostomy pouch is described as a medical device that is a bag used as a receptacle for collection of colostomy output, i.e., for collecting human waste in a patient who has had his or her large intestine surgically removed. This category will include ostomy pouches not otherwise classified. An ileostomy urinary bag (with or without adaptor) is described as a medical device in the shape of a bag that is affixed to the outside of the body in which waste from the ileum (small intestine) or urine is collected. It is used in cutaneous ureterostomies (to collect urine from the kidney after the ureter is surgically brought to the skin surface), cutaneous ileostomies (to collect contents of the small intestine after the small intestine or a special prosthesis is brought to the skin surface), and exteriorization of the bladder (to collect urine from the bladder after the ureter is surgically brought to the skin surface). The adaptor is used to connect a bag to a larger container when the patient is confined to bed. The panel recommended that all devices meeting these descriptions that require an arsenic-containing compound to be in direct contact with the body, and those substantially equivalent, remain in class III.

SUMMARY OF THE REASONS FOR THE
RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.
2. The device is potentially hazardous to life or good health when properly used.
3. The device is in physical contact with the body.
4. The device is not powered by a nonmanual external or internal source.
5. The material used for contact with the body is not biocompatible.
6. The device does have potential hazards that can be avoided by pro-

mulgation of Federal regulations applicable to the device.

7. The device may be potentially hazardous to a fetus and/or gonads.

SUMMARY OF THE DATA ON WHICH THE
RECOMMENDATION IS BASED

The panel recommended rejection of the petition for reclassification because insufficient data exist to support the safe use of the arsenic-containing compounds in the ostomy devices.

The panel and FDA staff had the following concerns about the experimental design and some of the studies submitted by Howmedica, Inc., in support of the petition for reclassification:

1a. Ileal content, urine, or urine substitutes of a physiological pH were not used for experiments in determining the leachability of arsenic from the material.

b. Extractability testing was not carried out at physiological temperatures.

2. The adequacy of informed consent, because the patient permission statement was too vague for the patients to appreciate possible risks from the product; the statement said that the material causes irritations, sensitization, or other types of pathology, but did not mention possible risk of cancer from the arsenic compound.

3a. One experiment result showed decreased sperm production in laboratory animals. Further investigations were not carried out.

b. Individuals responsible for the patient studies and the volunteers who participated in the studies may not have been informed of the decreased sperm production that had occurred in the laboratory animals.

4. For a dermatotoxicity test, the material was not rubbed into the skin of the laboratory animals, but was merely placed on the skin.

5. In one animal study, moderate to severe intraepithelial inflammatory infiltration (inflammation associated with deposit of material in tissue) with superficial necrosis (deterioration of surface bone tissue) was noted.

6. In one animal group tested, the incidence of test animal mortality increased when doses of the material applied to the skin were increased.

7. The potential for arsenic leaching from the material was not satisfactorily evaluated.

HAZARDS TO HEALTH

The panel expressed grave concern about the potential hazards presented by arsenic compounds, used in the product, that come in direct contact with the body because:

1. Ostomy bags are constantly in contact with the patient's skin.
2. Ileostomy patients may be in contact with the material for 40 to 50 years.
3. Arsenic is a known carcinogen and accumulates in the body. Prolonged

exposure to arsenic may cause cancer (especially skin cancer, although the possibility of cancer of the gastro-intestinal tract and the stoma (the opening established in the abdominal wall by colostomy and other surgery) is also to be considered).

4. The incidence of cancer due to physiological contact with arsenic may not be apparent for 5 or more years.

Dated: January 25, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-2708 Filed 2-2-78; 8:45 am]

[4110-03]

[Docket No. 77P-0341]

SYVA

Panel Recommendation on Petition for
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Clinical Toxicology Device Classification Panel that the EMIT™ Lidocaine Assay Kit be reclassified from class III (Premarket Approval) to class II (Performance Standards). This recommendation was made after review of a reclassification petition filed by Syva, Palo Alto, Calif., under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATE: Comments by March 6, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

S. K. Vadlamudi, Bureau of Medical Devices (HFK-440), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On April 19, 1977, Syva, Palo Alto, Calif., submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intended to market a device the manufacturer calls the "EMIT™ Lidocaine Assay Kit." After reviewing the information in the premarket notification,

the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified into class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On August 4, 1977, Syva submitted a reclassification petition for the device under section 513(f)(2) of the act. On October 6, 1977 the Clinical Toxicology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purpose of classification, the panel assigned to the device the name, "enzyme immunoassay, lidocaine" and described the device as a kit for enzyme immunoassay of serum or plasma. The device is used to detect the level of lidocaine in the human serum or plasma. Lidocaine is a drug used to treat irregular heartbeat, especially in the emergency treatment of heart failure; an excess of lidocaine can result in convulsions due to respiratory failure. If the use of this device indicates an excess of lidocaine, the physician will adjust the dosage prescribed for a patient.

SUMMARY OF THE REASONS FOR THE RECOMMENDATIONS

The panel made the following determinations in support of its recommendation: 1. The device is not an implant, nor is it life-sustaining or life-supporting.

2. The device is not potentially hazardous to life or good health when properly used.

3. The device is an in vitro diagnostic product. The device is used to quantitate the levels of lidocaine in human serum or plasma by enzyme immunoassay. A step-by-step protocol for use by the analyst has been included. The type of instrument to be used with the device has also been included. Performance data on accuracy, precision, and quantitation of interfering substances have been included. The device has

performance characteristics that should be maintained at a satisfactory level.

SUMMARY OF THE DATA ON WHICH THE RECOMMENDATION IS BASED

To determine the safety and effectiveness of the device, it was used in two clinical studies on a series of 142 samples of human sera. The same sera samples were run with a currently accepted methodology of gas liquid chromatography (GLC). The data showed that there is a good agreement from two field clinical studies and also from in-house studies. The panel believe that these studies adequately support the precision claims of the product. The coefficient of variation was .10. The sample-to-sample variation was found to be within an acceptable range. The cross-reactivity with other chemically related compounds was adequately quantitated.

RISKS TO HEALTH

The panel noted that there is a risk of erroneous results from the use of this device owing to lack of specificity and sensitivity. Erroneous results can lead to improper dosage of the patient, and an excess dosage can result in convulsions due to respiratory failure. The panel recommended that the device be classified into class II, that a standard be developed directed toward the specificity and sensitivity of the device, and that development of this standard be a high priority.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: January 26, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-2827 Filed 2-2-78; 8:45 am]

[4110-03]

[Docket No. 77N-0145]

X-OTAG PLUS TABLETS

Hearing on Refusal to Approve Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a formal evidentiary public hearing and a prehearing conference on factual issues on the proposed refusal to approve an abbreviated new drug application (ANDA) described below for a drug product for human use called X-OTag Plus, submitted by Cord Laboratories, Inc./Tutag Pharmaceuticals, Inc.

DATES: Prehearing conference March 6, 1978, beginning at 10 a.m. Written

notices of participation must be received by March 6, 1978.

ADDRESSES: The prehearing conference and hearing will be held in the FDA Hearing Room, Room 4A-35, 5600 Fishers Lane, Rockville, Md. 20857. Written notices of participation identified by the above-designated docket number should be submitted to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857 (to ease identification, the envelope containing the notice should be clearly labeled "X-OTag Plus Hearing").

FOR FURTHER INFORMATION CONTACT:

Tenny Neprud, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of April 29, 1977 (42 FR 21847), the Director of the Bureau of Drugs issued a notice of opportunity for hearing on a proposal to refuse approval of the abbreviated new drug application (ANDA 85-445) filed by Cord Laboratories, Inc./Tutag Pharmaceuticals, Inc., 2599 West Midway Boulevard, Broomfield, Colo. 80020 (hereinafter called Tutag) for the drug product X-OTag Plus Tablets (orphenadrine citrate 50 milligrams in combination with acetaminophen 325 milligrams) and for the abbreviated new drug application (ANDA 85-682) filed by Inwood Laboratories for the drug product Orphenesic. This notice pertains only to X-OTag Plus Tablets; the agency's conclusion on Orphenesic will be issued later.

On May 25, 1977, Tutag filed a request for a hearing, and on June 27, 1977 it submitted data and arguments in support of its request. The Commissioner of Food and Drugs has reviewed the submissions and has concluded that an evidentiary hearing should be held on the factual issues set out in this notice. The presiding officer at the hearing will be Administrative Law Judge Daniel J. Davidson. A prehearing conference is scheduled for March 6, 1978, in the FDA hearing room at the address given above. Parties to the hearing will be the Bureau of Drugs and Tutag.

The proposed factual issues set out in Tutag's hearing request illustrate a misconception of the purpose of an ANDA. Tutag apparently believes that an ANDA is something different from a new drug application (NDA). Tutag seems to argue that FDA, by authorizing use of an ANDA, is, in effect, declaring that the drug involved is "generally recognized as safe and effective" within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)), as long as

certain manufacturing and bioavailability data have been submitted. Such a declaration would, if the requirements of 21 U.S.C. 321(p)(2) had been met, make the drug in question not a "new drug," as defined by the statute. The Commissioner rejects this theory. While FDA's position on what an ANDA represents was stated clearly in the notice of opportunity for hearing, the Commissioner recognizes that one statement, made by FDA in the past, and quoted in the notice of opportunity for hearing herein, may have led to the confusion evidenced by Tutag's submission, i.e., that "an ANDA is appropriate only for those drugs which from a generic standpoint are generally recognized as safe and effective when they are properly labeled and manufactured." (42 FR 21851; April 29, 1977). This statement did not, however, as is clear from the context in which it is quoted, represent an agency position that approval of an ANDA was a declaration that the drug involved was "generally recognized as safe and effective." To the extent that the statement may be construed as supporting such a position, it is explicitly disavowed.

As stated in the notice of opportunity for hearing, an ANDA is a form of new drug application, which is deemed to include, by reference, safety and effectiveness data that have already been reviewed and found adequate. The Commissioner has not provided for and would not, within the limits of his statutory authority, be able to provide for, the approval of new drug applications that did not include, either physically or by reference, the safety and effectiveness data required by section 505 of the act (21 U.S.C. 355).

Should there be any further question on this point, it would be resolved by reference to the DESI (Drug Efficacy Study Implementation) notice, upon which approval of an ANDA would be based. In such notices (see, e.g., the notice concerning Norflex Tablets, in the FEDERAL REGISTER of March 11, 1974 (39 FR 9487)), the drugs involved are often declared to be "new drugs" even though those drugs are found to have evidence of effectiveness sufficient to justify approval of a new drug application, thus allowing use of an ANDA for those drugs (cf. *Weinberger v. Hynson, Westcott & Dunning, Inc.*, 412 U.S.C. 609, 631 (1973); "The Act is designed so that drugs on the market, unless exempt, will have mustered the requisite scientifically reliable evidence of effectiveness long before they are in a position to drop out of active regulation by ceasing to be a 'new drug'"). It would, of course, be anomalous for the agency, by approving an ANDA, to declare a drug not to be a new drug upon the basis of a FEDERAL REGISTER announcement that the drug was a new

drug. A DESI notice finding evidence of effectiveness, such as the one for Norflex Tablets relied upon by Tutag, is relevant only to this extent: It is a finding that a new drug application is appropriate for the particular drug involved in that notice, for the uses considered by that notice.

Accordingly, the Commissioner concludes that a hearing will be granted on the following factual issues, which reflect the statutory criteria, and are those that were identified in the notice of opportunity for hearing:

1. Whether the ANDA for X-OTag Plus contains adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof, as required by 21 U.S.C. 355(d)(1).

2. Whether the results of testing show that X-OTag Plus is safe for use under the conditions proposed in its proposed labeling, in accord with 21 U.S.C. 355(d)(2) and (4).

3. Whether, when evaluated on the basis of the information submitted as part of the ANDA and any other information before the Commissioner with respect to X-OTag Plus, there is substantial evidence, as defined in 21 U.S.C. 355(d) and 21 CFR 314.111(a)(5), that X-OTag Plus will have the effect it purports or is represented to have under its proposed conditions of use, pursuant to 21 U.S.C. 355(d)(5).

Since X-OTag Plus is a fixed-combination prescription drug for humans, its use may only be approved if the drug is found to comply with §300.50 (21 CFR 300.50). Accordingly, a fourth issue for this hearing is the following:

4. Whether each component of X-OTag Plus makes a contribution to the claimed effects and the dosage of each component (amount, frequency, duration) is such that the combination is safe and effective for a significant patient population requiring such concurrent therapy as defined in the labeling of the drug.

In the notice of opportunity for hearing, it was stated that, if a hearing were granted, any remaining issue about the approvability of the ANDA would be included in the notice of hearing. The review of the ANDA has been completed, and various additional deficiencies have been noted. Accordingly, the Commissioner identifies as additional issues for hearing the following:

5. Whether the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of X-OTag Plus are adequate to preserve its identity, strength, quality, and purity within the meaning of 21 U.S.C. 355(d)(3) and of applicable regulations.

6. Whether, based on a fair evaluation of all material facts, such labeling is false and misleading in any particular, within the meaning of 21 U.S.C. 355(d)(5) and of applicable regulations.

The deficiencies identified in this regard are stated in a letter to Tutag. If, as often with deficiencies of this type, Tutag can remedy the problems,

these issues will, of course, be made moot. The Commissioner encourages this type of amicable settlement, but recognizes Tutag's right to dispute these issues at the hearing if it desires.

The notice of opportunity for hearing included the issue of whether or not X-Otag Plus is a "new drug" within the meaning of 21 U.S.C. 321(p). Tutag did not request a hearing on this issue, stating specifically that the "new drug" issue "is not involved in this proceeding." Tutag cannot, of course, prevent the Commissioner from acting through an administrative proceeding to declare a drug to be a new drug, simply by refusing to acknowledge the Commissioner's doing so. Here there was a formal announcement in the FEDERAL REGISTER that the FDA was declaring X-Otag Plus to be a new drug; there was a specific notice of an opportunity for a hearing on this issue; and no request for a hearing was made. The Commissioner is, therefore, declaring X-Otag Plus to be a "new drug." This declaration is parallel to and consistent with the finding of the District Court for Colorado in *United States v. An Article of Drug . . . X-Otag Plus*, Civil Action Nos. 77-F-248, 77-F-719 (November 9, 1977), on appeal, No. 77-1946 (10th Cir.). The Commissioner's position is that a drug may be declared to be a new drug either by a Federal Court in a judicial enforcement proceeding or by the Commissioner through an administrative proceeding. X-Otag Plus is a rare example of a situation in which the same declaration has been made in both forums. In the normal course of events, there would be no administrative declaration of new drug status to follow a judicial finding on this issue. The Commissioner is incorporating into the record that supports his decision on X-Otag Plus's "new drug" status the transcript of the court's proceedings in Colorado. The Commissioner concludes that the transcript fully supports the conclusion that X-Otag Plus is a new drug.

Another result of the unique circumstances involved with X-Otag Plus is that in the enforcement proceeding much testimony and documentary evidence has already been presented on questions that will be relevant to the administrative hearing on the approvability of the ANDA for X-Otag Plus. The enforcement proceeding was before a United States District Judge, and the circumstances in which evidence was presented, and in which the opportunity to cross-examine and otherwise challenge that evidence was accorded, provided the parties procedural safeguards that are identical to those present in an FDA administrative hearing. The Commissioner has no desire to see a duplication of the court enforcement proceeding in the administrative hearing. He is there-

fore directing the Administrative Law Judge to incorporate in his hearing record, to be treated identically with evidence which the Administrative Law Judge himself receives at the hearing, the transcript of the court proceeding. Thus the parties will be allowed to rely upon any testimony introduced in the court proceeding, and the parties will not be expected, for example, to have the same witnesses testify to the same facts or opinions as were presented in the court proceeding.

The Administrative Law Judge will be expected to exclude any such testimony on the grounds that it is repetitious. There will, of course, be no bar to the presentation of the same witnesses as were used in the court proceeding, as long as their testimony does not repeat testimony previously given. Similarly, there will be no bar to the presentation of testimony that was ruled irrelevant or otherwise inadmissible by the Judge in the court proceeding. The Administrative Law Judge will, of course, be free to exclude any such testimony if he finds that it is not, for the purposes of this proceeding, admissible. Although certain testimony in the court proceeding will be irrelevant to the administrative proceeding, the parties will be free to point out the lack of relevance in arguments, whether presented orally or in writing, to the Administrative Law Judge.

Pursuant to § 12.85 (21 CFR 12.85), the Bureau of Drugs of FDA has filed with the Hearing Clerk a narrative statement setting forth its position on the issues for hearing and a summary of the types of evidence intended to be introduced in support of its position at the hearing. The Bureau has also filed with the Hearing Clerk copies of the ANDA, published studies, and all other data bearing on the issues raised herein.

Interested persons may obtain a copy of the narrative statement from the office of the Hearing Clerk, at the address given above. Such persons may also examine the data on X-Otag Plus at the office of the Hearing Clerk, from 9 a.m. to 4 p.m., Monday through Friday.

The hearing will be in the FDA Hearing Room on a date to be set at the prehearing conference. Written notices of participation must be filed with the Hearing Clerk, not later than March 6, 1978.

The hearing will be open to the public. Any participant may appear in person, or by or with counsel, or with other qualified representatives, and may be heard on matters relevant to the issues under consideration. Participants other than the Bureau of Drugs shall disclose data and information pursuant to § 12.85 by April 4, 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52

Stat. 1052-1053 as amended (21 U.S.C. 355)) and 21 CFR 314.200(g) and under authority delegated to him (21 CFR 5.1), the Commissioner orders that a public hearing be held on the issues set out in this notice.

Dated: January 30, 1978.

JOSEPH P. HILE,
Associate Commissioner for
Compliance.

[FR Doc. 78-2962 Filed 2-2-78; 8:45 am]

[4110-08]

National Institutes of Health

CARCINOGENESIS PROGRAM SCIENTIFIC REVIEW COMMITTEE

Amended Meeting

Notice is hereby given of a change in meeting date of the Carcinogenesis Program Scientific Review Committee, National Cancer Institute, February 9-10, 1978, which was published in the FEDERAL REGISTER on January 13, 1978, (43 FR 2008).

This meeting will now be held on February 10, 1978, only, in Room 4C18, Landow Building, 7910 Woodmont Avenue, Bethesda, Md. The meeting will be open to the public from 8:30 a.m. to 9 a.m. Attendance by the public will be limited to space available.

Dated: January 27, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-3082 Filed 2-2-78; 8:45 am]

[4110-02]

Office of Education

EMERGENCY SCHOOL AID ACT

Notice of Closing Date for Receipt of Applications for the Magnet Schools, University/Business Cooperation; Neutral Site Planning; and Special Compensatory Projects for Fiscal Year 1978

Under the authority of the Emergency School Aid Act ("ESAA"; Title VII of Pub. L. 92-318, as amended (20 U.S.C. 1601-1619)), the Commissioner of Education invites local educational agencies to submit applications for the following types of assistance.

1. Magnet Schools, University/Business Cooperation Projects
2. Neutral Site Planning Projects
3. Special Compensatory Projects

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information packages. Closing date: March 31, 1978.

A. *Applications sent by mail:* Applications sent by mail should be addressed to U.S. Office of Education, Application Control Center, Attention:

13.589 for Magnet Schools, University/Business Cooperation Projects; Attention: 13.590 for Neutral Site Planning Projects; and Attention: 13.532II for Special Compensatory Projects, Washington, D.C. 20202.

Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than March 27, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mailrooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare or the U.S. Office of Education.

B. *Hand-delivered applications:* An application to be hand delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C., time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms:* Information and application forms may be obtained from the Special Projects Branch, Equal Educational Opportunity Programs, 400 Maryland Avenue SW., Washington, D.C. 20202.

The Commissioner anticipates that a total of \$33,500,000 will be available to support projects solicited by this notice. Of this amount, \$750,000 will be reserved for neutral site planning activities, \$19,250,000 will be available for activities relating to magnet schools or university/business cooperation, and \$13,500,000 will be reserved for special compensatory projects.

D. *Project periods:* Grants made pursuant to this notice will be for activities starting no earlier than July 1, 1978, and ending no later than September 30, 1979, but in no case for more than a 12-month period.

E. *For further information contact:* Dr. Thomas W. Fagan, Chief, Special Projects Branch, Equal Educational

Opportunity Programs, 400 Maryland Avenue SW., Room 1017, Washington, D.C. 20202. Telephone 202-245-2465.

F. *Applicable regulations:* Grant awards made pursuant to this notice will be subject to the following regulations:

(1) Regulations relating generally to programs under the Emergency School Aid Act (45 CFR Part 185) and, in particular;

(i) Regulations relating to Magnet Schools, University/Business Cooperation and Neutral Site Planning, including any amendments to those regulations adopted pursuant to the notice of proposed rulemaking published in this issue of the FEDERAL REGISTER; and

(ii) Regulations for Special Compensatory Projects adopted pursuant to the notice of proposed rulemaking published in the FEDERAL REGISTER on December 2, 1977 (42 FR 61402); and

(2) The Office of Education general provisions regulations (45 CFR Parts 100, 100a and appendixes), except to the extent that those regulations are inconsistent with 45 CFR Part 185.

(20 U.S.C. 1601-1619.)

(Catalog of Federal Domestic Assistance No. 13.589—Magnet Schools, University/Business Cooperation; 13.590—Neutral Site Planning; and 13.532—Special Projects—Emergency School Aid.)

Dated: January 19, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.
[FR Doc. 78-2912 Filed 2-2-78; 8:45 am]

[4110-02]

GRADUATE AND PROFESSIONAL OPPORTUNITIES PROGRAM

Closing Date for Receipt of Applications for Fiscal Year 1978

Notice is hereby given that pursuant to the authority contained in Title IX, parts A and B, of the Higher Education Act of 1965, as amended, applications will be accepted from institutions of higher education for a fellowship allocation and/or institutional grant under the Graduate and Professional Opportunities Program. The purpose of this program is to provide opportunities for graduate or professional study, considering the need to serve underrepresented minority groups, through establishing or improving graduate and professional programs in institutions of higher education and providing fellowships for graduate and professional study for careers in which there is national need.

Closing date: April 21, 1978.

A. *Application forms and information:* Application forms are being prepared but are not yet available. We anticipate the application forms and pro-

gram information packages will be ready for mailing on or about February 17, 1978.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information packages.

B. *Applications sent by mail:* An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention 13.589, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date. In an effort to prevent the late arrival of applications due to unforeseen circumstances, the Office of Education suggests that applicants consider the use of registered or certified mail as explained below.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than April 17, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

C. *Hand-delivered applications:* An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

D. *State commission comments:* An application for an institutional grant shall provide assurances that the institution has notified the appropriate State Commission (established or designated under section 1202 of the Higher Education Act of 1965, as amended) and that the State Commission has been given the opportunity to offer recommendations on the application to the institution and to the Commissioner.

E. *Program information:* There is appropriated \$3.25 million for the two programs, which are new and have never been funded before. Of the total, \$2.75 million will be allocated to fund approximately 345 fellowships pursuant to Title IX-B, and \$500,000 will finance grants to 15 to 30 institutions of higher education pursuant to Title IX-A.

An institution may apply for a specific number of fellowships and/or an institutional grant. The single application form and instructions pertaining to both programs will be contained in the application package to be sent to all interested applicants.

F. For further information contact: Dr. Donald N. Bigelow, U.S. Office of Education, 400 Maryland Avenue SW., (ROB-3, Room 3060), Washington, D.C. 20202. Telephone 202-245-2347.

G. Applicable regulations: The regulations applicable to this program are the Office of Education General Provisions for Programs (45 CFR Part 100a) and the proposed regulations for Graduate and Professional Study Fellowships and Institutional Grants published on October 11, 1977, in the FEDERAL REGISTER (42 FR 54926) and included in the application package.

(20 U.S.C. 1134 et seq.)

(Catalog of Federal Domestic Assistance Number 13.580; Graduate and Professional Opportunities Program.)

Dated: January 27, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.
(FR Doc. 78-2972 Filed 2-2-78; 8:45 am)

[4110-02]

WOMEN'S EDUCATIONAL EQUITY ACT PROGRAM

Extension of Closing Date for Receipt of Applications

Notice is given that the January 12, 1978, deadline for filing new grants applications under the Women's Educational Equity Act Program published in the FEDERAL REGISTER on October 12, 1977, is extended to February 15, 1978. The closing date for continuation grants only remain April 14, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

(a) Applications sent by mail: An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.565A for general grants and 13.565B for small grants, Washington, D.C. 20202.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 10, 1978, for new grants, and April 10, 1978, for continuations, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the

Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

(b) Hand-delivered applications: An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications for new grants will not be accepted after 4 p.m. on the closing date.

(c) Program information: Applications for general and small grant awards for the Women's Educational Equity Act Program are being accepted from public agencies, private non-profit organizations, or individuals to promote educational equity for women under 45 CFR Part 160f. Applications for general grants are being accepted both from new applicants and from current multi-year grantees seeking continuations of their projects. Applications for new general and small grants must be received by the Application Control Center on or before the closing date. Continuation applications should be received by the Application Control Center on or before the closing date in order to be assured of consideration for funding.

In fiscal year 1978, \$8,085,000 will be available for approximately 30 small grants, 35 new general grants and 14 continuing projects. Small grants are not to exceed \$15,000 each; general grant awards will range from approximately \$35,000 to \$175,000, with the average award expected to be about \$95,000. It is expected that approximately one-half of all awards will be single-year grants, and one-half will be multi-year grants. Nothing in this paragraph is intended as a limitation binding the Office of Education to any particular pattern of distribution, except as may be required by statute or regulation.

(d) Preapplication: No preapplication will be required for fiscal year 1978.

(e) State comment: Concurrently with the submission of its application to the Commissioner, a local educational agency (LEA) must provide a copy of its application to the State educational agency (SEA) of the State in which the LEA is located. For verification of submission to the SEA, the LEA applicant must enclose in its application to the Office of Education a copy of the dated cover letter used to

forward a copy of its application to the SEA. An SEA wishing to submit advice and comment on any LEA application originating within its State may do so by forwarding that advice and comment to the Women's Program Staff (see address in paragraph (f) below). Advice and comments received from SEAs will be considered in reviewing applications if they are received no later than March 2, 1978, for LEA applications for new general and small grants, and no later than April 26, 1978, for LEA applications for continuation general grants.

(f) For further information and forms contact: Women's Program Staff, U.S. Office of Education, Room 2145, 400 Maryland Avenue SW., Washington, D.C. 20202. 202-245-2181.

(g) Applicable regulations: The regulations applicable to this program include (1) the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a) and (2) the Women's Educational Equity Act Program Regulations (45 CFR Part 160f, 42 FR 33005 (June 28, 1977)). (20 U.S.C. 1866)

(Catalog of Federal Domestic Assistance Number 13.565, Women's Educational Equity Act Program)

Dated: February 1, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.
(FR Doc. 78-3144 Filed 2-2-78; 11:06 am)

[4110-12]

Office of the Secretary

OFFICE OF THE DEPUTY UNDER SECRETARY FOR INTERGOVERNMENTAL AFFAIRS

Statement of Organization Functions, and Delegation of Authority

Part A, of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, has been amended to add a new Chapter ABC (Office of the Deputy Under Secretary for Intergovernmental Affairs). The new Statement reads as follows:

Section ABC.00—Mission. The Deputy Under Secretary for Intergovernmental Affairs serves as the principal advisor and Assistant to the Secretary and Under Secretary on intergovernmental affairs, with the responsibility for facilitating the coordination and implementation of Administration and Secretarial initiatives as they pertain to intergovernmental affairs at the Headquarters, region, State, local and community levels. The Deputy Under Secretary for Intergovernmental Affairs is the central point of reference in the Department for problems and questions involving these matters. The Deputy Under Secretary for Intergovernmental Affairs provides leadership, coordination, evaluation, and administrative direction to the Principal Regional Officials.

Section ABC.10—Organization. The Office of the Deputy Under Secretary for Intergovernmental Affairs is under the direction of and control of the Deputy Under Secretary for Intergovernmental Affairs, who reports directly to the Secretary and Under Secretary.

Section ABC.20—Functions. Deputy Under Secretary for Intergovernmental Affairs:

1. Undertakes a variety of assignments for the Secretary and Under Secretary in the area of intergovernmental affairs. As required, intervenes on behalf of the Secretary or Under Secretary on critical intergovernmental problems which are beyond the authority of the Principal Regional Officials (PRO) or which cross program/agency/department lines.

2. Advises on State and local impact of proposed Departmental action whether in legislation, regulation, or administrative decision.

3. Serves as the point of contact between the Principal Regional Officials and the Secretary and Under Secretary.

4. Responds to Secretarial initiatives having regional, State and local implications by directing the PROs to take specific actions and by advising as to emphasis to be placed on given activities.

5. Ensures a full and timely opportunity for the PROs to contribute to the planning, development and implementation of Department policies. Ensures the effective policy review of the intergovernmental concerns of the Principal Operating Components (POCs) and the regional offices.

6. Resolves intergovernmental problems and situations that cut across the POCs in the regions. Recommends actions to the Secretary and Under Secretary for resolving problems such as in-service and program integration and delivery, and assures appropriate implementation of cross-program policies in the regions.

7. Formulates and recommends Departmental policies on the delivery of services to States and communities. Provides advice on shaping HEW assistance to meet specific needs. Serves as a focal point for coordinated HEW efforts to deal with community problems as a whole.

8. Has primary responsibility to ensure consistency of approach, administration, and action of multi-agency programs as they impact on State and local governments. In this regard, provides policy leadership for the Department in several program areas with special intergovernmental focus: e.g., Intergovernmental Personnel Act, Joint Funding and Simplification Act, and Partnership Grant Program.

9. Represents the Secretary and Under Secretary in contacts with offi-

cials of other Federal agencies, Congressional committees, Members of Congress, officials of State and local governments, and non-governmental organizations in functions which cut across program lines. Strengthens relationships and collaborates with Governors, their key officials, county and city officials, and others on the effects of national goals and programs in health, education, and welfare.

10. Serves as liaison with the White House on matters of intergovernmental concern through the Assistant to the President for Intergovernmental Affairs.

Section ABC.30—Order of Succession. In the absence or disability of the Deputy Under Secretary for Intergovernmental Affairs, the Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs acts for him. In the absence or disability of both the Deputy Under Secretary and the Special Assistant, the Secretary or Under Secretary will designate the Acting Deputy Under Secretary for Intergovernmental Affairs.

Section ABC.40—Delegation of Authority. [Reserved]

Dated: January 23, 1978.

Approved:

JOSEPH A. CALIFANO, Jr.,
Secretary.

(FR Doc. 78-2985 Filed 2-2-78; 8:45 am)

[4110-12]

THE SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs, and activities of the Department on the status of women will meet on Tuesday, February 28, 1978 from 2 p.m. to 5 p.m., and from 7 p.m. to 10 p.m., and on Wednesday, March 1, 1978 from 9 a.m. to 3 p.m., in Room 705-A, HEW—Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. The agenda will include work projects and plans for 1978 activities.

Further information on the Committee may be obtained from: Susan C. Lubick, Executive Secretary, telephone 202-245-8454. These meetings are open to the public.

Dated: January 30, 1978.

SUSAN C. LUBICK,
Executive Secretary, Secretary's
Advisory Committee on the
Rights and Responsibilities of
Women.

(FR Doc. 78-2986 Filed 2-2-78; 8:45 am)

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(F-14870-B)

ALASKA

Native Claims Selection

On December 5, 1974, Kaktovik Inupiat Corp., for the Native village of Kaktovik, filed selection application F-14870-B under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)), for the surface estate of certain lands in the Kaktovik area.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title. In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 22,812 acres, is considered proper for acquisition by Kaktovik Inupiat Corp. and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 2 S., R. 24 E.,
Secs. 1 to 24, inclusive, all;
Secs. 29 to 32, inclusive, all. Containing approximately 17,692 acres.

T. 2 S., R. 23 E.,
Secs. 25 to 28, inclusive, all;
Secs. 33 to 36, inclusive, all. Containing approximately 5,120 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

2. A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975d;

3. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file F-14870-EE, are reserved to the United States and subject to further regulation thereby:

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a. (EIN 16 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

b. (EIN 17 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force. The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands.

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. ch. 2, sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section;

4. The terms and conditions of the agreement dated August 6, 1976, between the Secretary of the Interior, Arctic Slope Regional Corp., Kaktovik Inupiat Corp., and the seven other Arctic Slope village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Kaktovik Inupiat Corp., serialized F-14870-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Pursuant to section 14(f) of the Alaska Native Claims Settlement act, conveyance of the subsurface estate of the lands described herein shall be granted to Arctic Slope Regional Corp. when conveyance is granted to Kaktovik Inupiat Corp. for the surface estate, and shall be subject to the same conditions as the surface conveyance. Kaktovik Inupiat Corp. is entitled to conveyance of 92,160 acres of land selected pursuant to section 12(a) of the Alaska Native Claims

Settlement act. Upon conveyance of the 22,812 acres described herein, a total of approximately 88,592 acres, of which 65,774 acres lie within the Arctic National Wildlife Range, will have been conveyed to that corporation. The remaining entitlement will be conveyed at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service 15 if this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until March 6, 1978, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

If an appeal is taken, the adverse parties to be served are:

Kaktovik Inupiat Corp., P.O. Box 73, Kaktovik, Alaska 99747.

Arctic Slope Regional Corp., P.O. Box 129, Barrow, Alaska 99723.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-2954 Filed 2-2-78; 8:45 am]

[4310-84]

[F-14834-A]

ALASKA

Native Claims Selection

On December 28, 1973, Atkasook Corp., for the Native village of Atkasook, filed selection application F-14834-A under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)), for the surface estate of certain lands in the Atkasook area.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of

the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to section 12(a), aggregating approximately 2,300 acres, is considered proper for acquisition by Atkasook Corp. and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

UMIAT MERIDIAN, ALASKA (UNSURVEYED)

T. 13 N., R. 21 W.,

Secs. 19 and 20, those portions of tracts 1 and 2 of ANCSA 3(e) application F-22435 lying therein;

Secs. 29 to 32, inclusive, those portions of tract 2 of ANCSA 3(e) application F-22435 lying therein. Containing approximately 2,300 acres.

Upon conveyance of the above lands, all of sections 19, 20, and 29 through 32 will have been conveyed to Atkasook Corp.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

(1) A right-of-way thereon for ditches and canals constructed by the authority of the United States, as prescribed and directed by the act of August 30, 1890, 26 Stat. 391, 43 U.S.C. 945;

(2) A right-of-way thereon for the construction of railroads, telegraph, and telephone lines, as prescribed and directed by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975d;

(3) The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and

(4) Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement map in case file F-14834-EE, are reserved to the United States and subject to further regulation thereby:

(a) (EIN 1 C5, D1) An easement for an existing access trail fifty (50) feet in width through village lands to public lands to the north and south. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

(b) (EIN 3 C3, C5, D1, D9, L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high-water mark on all banks and an easement on the entire bed of Meade River. Purpose is to provide for public use of waters having highly significant present recreational use.

(c) (EIN 5 C5, D9) An easement for a campsite and a landing site for public access and safety on the site of the existing airstrip at Atkasook. Said easement is to be three thousand (3,000) feet in length and extending two hundred (200) feet northerly of and parallel to the centerline of the existing airstrip, and extending five hundred (500) feet southerly of and parallel to said

centerline. (Total dimensions of the easement are three thousand (3,000) feet by seven hundred (700) feet.)

(d) (EIN 6 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with right to do all things necessary in connection therewith.

(e) (EIN 7 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

(f) In addition to the foregoing, the United States incorporates by reference the agreement of May 14, 1974, between the United States Department of the Navy, Arctic Slope Regional Corp. and four Arctic Slope village corporations, and reserves those easements necessary to implement said agreement. A copy of the agreement is located in Bureau of Land Management file F-14834-EE.

The grant of lands shall be subject to:

(1) Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

(2) Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 43 U.S.C. ch. 2, sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

(3) Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

(4) The terms and conditions of the agreement of August 6, 1976, between the Secretary of the Interior, Arctic Slope Regional Corp., Atkasook Corp., and the seven other Arctic Slope village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in Bureau of Land Management easement case file for Atkasook Corp., serialized F-14834-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

[4310-84]

ALASKA

Native Claims Selection

On December 12, 1975, Sealaska Corp. filed applications under the provisions of section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 43 U.S.C. 1601), for certain lands in the Tongass National Forest, Alaska. The lands described below are, as of the date of filing, segregated subject to valid existing rights, from all forms of appropriation under the public land laws. The applications cover a portion of the subdivisions described below.

COPPER RIVER MERIDIAN (PROTRACTED)

Serial No.	Description	Approximate acreage	
AA-10439	T. 66 S., R. 87 E., in sec. 1.	74	
AA-10439	T. 65 S., R. 87 E., in sec. 36.	74	
AA-10440	T. 79 S., R. 96 E., in sec. 19.	9	
AA-10441	T. 79 S., R. 94 E., in sec. 17.	7	
AA-10442	T. 61 S., R. 83 E., in sec. 31.	25	
AA-10443	T. 82 S., R. 98 E., in sec. 11.	16	
AA-10444	T. 72 S., R. 89 E., in secs. 19 and 24.	17	
AA-10445	T. 79 S., R. 96 E., in sec. 5.	20	
AA-10446	T. 73 S., R. 84 E., in sec. 12.	12	
AA-10447	T. 74 S., R. 86 E., in sec. 31.	5	
AA-10448	T. 66 S., R. 86 E., in sec. 24.	3	
AA-10449	T. 66 S., R. 86 E., in sec. 24.	3	
AA-10450	T. 65 S., R. 85 E., in secs. 17 and 20.	108	
AA-10451	T. 82 S., R. 98 E., in sec. 11.	11	
AA-10452	T. 79 S., R. 94 E., in sec. 20.	2	
AA-10453	T. 66 S., R. 79 E., in sec. 26.	2	
AA-10454	T. 81 S., R. 84 E., in sec. 2.	26	
AA-10455	T. 70 S., R. 78 E., in sec. 33.	3.5	
AA-10456	T. 77 S., R. 85 E., in sec. 5.	0.5	
AA-10457	T. 77 S., R. 83 E., in sec. 19.	0.2	
AA-10458	T. 77 S., R. 85 E., in secs. 22, 23, 26, and 27.	80	
AA-10459	T. 77 S., R. 85 E., in sec. 32.	2	
AA-10460	T. 77 S., R. 85 E., in secs. 22 and 27.	13	
AA-10461	T. 61 S., R. 84 E., in secs. 1, 2, and 12.	176	
AA-10462	T. 83 S., R. 85 E., in sec. 14.	32	
AA-10463	T. 70 S., R. 79 E., in sec. 9.	8	
AA-10464	T. 68 S., R. 78 E., in sec. 36.	13	
AA-10465	T. 80 S., R. 87 E., in sec. 31.	86	
AA-10466	T. 80 S., R. 86 E., in secs. 36 and 31.	4.5	
AA-10466	T. 80 S., R. 87 E., in secs. 36 and 31.	4.5	
AA-10467	T. 81 S., R. 85 E., in secs. 27, 28 and 34.	76	
AA-10468	T. 69 S., R. 80 E., in sec. 16.	20	
AA-10469	T. 83 S., R. 89 E., in sec. 3.	10	

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-2952 Filed 2-2-78; 8:45 am]

COPPER RIVER MERIDIAN (PROTRACTED)—Continued

Serial No.	Description	Approximate acreage
AA-10470	T. 74 S., R. 76 E. in sec. 14.	14
AA-10471	T. 73 S., R. 78 E. in sec. 7.	5
AA-10472	T. 72 S., R. 78 E. in sec. 11.	26
AA-10473	T. 66 S., R. 77 E. in secs. 14 and 23.	18
AA-10474	T. 66 S., R. 77 E. in sec. 11.	5
AA-10475	T. 66 S., R. 77 E. in sec. 14.	6
AA-10476	T. 70 S., R. 79 E. in sec. 32.	0.5
AA-10477	T. 70 S., R. 79 E. in sec. 29.	3
AA-10478	T. 69 S., R. 79 E. in secs. 13 and 14.	33
AA-10479	T. 62 S., R. 73 E. in sec. 8.	10
AA-10480	T. 60 S., R. 71 E. in sec. 32.	5
AA-10481	T. 58 S., R. 73 E. in sec. 11.	11
AA-10482	T. 62 S., R. 72 E. in secs. 19 and 24.	31
AA-10483	T. 57 S., R. 71 E. in secs. 15 and 16.	9
AA-10484	T. 56 S., R. 63 E. in sec. 17.	14
AA-10485	T. 57 S., R. 73 E. in secs. 14 and 23.	3
AA-10486	T. 49 S., R. 62 E. in secs. 14 and 15.	10
AA-10487	T. 57 S., R. 71 E. in sec. 16.	1
AA-10488	T. 60 S., R. 65 E. in sec. 4.	9
AA-10489	T. 51 S., R. 59 E. in sec. 5.	19
AA-10490	T. 49 S., R. 58 E. in sec. 10.	3
AA-10491	T. 54 S., R. 63 E. in secs. 17 and 18.	15
AA-10492	T. 49 S., R. 58 E. in sec. 8.	2
AA-10493	T. 57 S., R. 71 E. in secs. 23 and 24.	9
AA-10494	T. 64 S., R. 72 E. in sec. 30.	13
AA-10495	T. 57 S., R. 64 E. in sec. 35.	6
AA-10496	T. 58 S., R. 69 E. in sec. 11.	7
AA-10497	T. 57 S., R. 71 E. in secs. 16 and 21.	32
AA-10498	T. 53 S., R. 60 E. in sec. 2.	28
AA-10499	T. 56 S., R. 71 E. in sec. 19.	1
AA-10500	T. 52 S., R. 60 E. in sec. 26.	2
AA-10501	T. 62 S., R. 72 E. in sec. 36.	2
AA-10502	T. 49 S., R. 58 E. in sec. 22.	7
AA-10503	T. 40 S., R. 65 E. in sec. 29.	14
AA-10504	T. 48 S., R. 65 E. in sec. 31.	9
AA-10505	T. 36 S., R. 63 E. in sec. 20.	7
AA-10506	T. 52 S., R. 68 E. in sec. 29.	10
AA-10507	T. 54 S., R. 68 E. in sec. 6.	6
AA-10508	T. 29 S., R. 58 E. in secs. 24 and 25.	79
AA-10509	T. 29 S., R. 59 E. in sec. 30.	4
AA-10510	T. 30 S., R. 58 E. in sec. 14.	10
AA-10511	T. 27 S., R. 59 E. in sec. 27.	22
AA-10512	T. 39 S., R. 69 E. in sec. 24.	

COPPER RIVER MERIDIAN (PROTRACTED)—Continued

Serial No.	Description	Approximate acreage
AA-10512	T. 29 S., R. 59 E. in sec. 30.	7
AA-10513	T. 51 S., R. 66 E. in sec. 7.	9
AA-10514	T. 47 S., R. 73 E. in sec. 26.	5
AA-10515	T. 50 S., R. 65 E. in sec. 22.	16
AA-10517	T. 46 S., R. 74 E. in secs. 29, 30, 31 and 32.	10
AA-10518	T. 42 S., R. 69 E. in sec. 19.	11
AA-10519	T. 52 S., R. 68 E. in secs. 29 and 30.	44
AA-10520	T. 53 S., R. 68 E. in sec. 21.	35
AA-10521	T. 30 S., R. 59 E. in sec. 29.	40
AA-10521	T. 30 S., R. 59 E. in secs. 19 and 20.	40
AA-10522	T. 42 S., R. 66 E. in secs. 2 and 35.	15
AA-10523	T. 42 S., R. 63 E. in sec. 20.	1
AA-10524	T. 42 S., R. 62 E. in sec. 9.	2
AA-10525	T. 42 S., R. 62 E. in sec. 14.	11
AA-10526	T. 44 S., R. 54 E. in sec. 35.	2.5
AA-10527	T. 42 S., R. 63 E. in sec. 3.	3
AA-10528	T. 42 S., R. 62 E. in sec. 8.	12
AA-10529	T. 23 S., R. 34 E. in sec. 21.	27
AA-10530	T. 32 S., R. 40 E. in sec. 11.	195
AA-10531	T. 22 S., R. 23 E. in secs. 20 and 29.	20
AA-10532	T. 25 S., R. 35 E. in sec. 31.	26
AA-10533	T. 25 S., R. 35 E. in sec. 29.	3
AA-10534	T. 28 S., R. 34 E. in secs. 23 and 26.	50

In accordance with Departmental regulation 43 CFR 2653.5(h), notice of these selections is being published once in the FEDERAL REGISTER and once a week for three (3) consecutive weeks, in the Southeast Alaska Empire, Juneau. Any party claiming a property interest in the selected lands may file their protest with the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. All protests must be filed on or before March 6, 1978.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-2952 Filed 2-2-78; 8:45 am]

[4310-84]

[Serial No. A 7950]

ARIZONA

Notice of Opportunity for Public Hearing and
Republication of Notice of Proposed With-
drawal, as Modified; Correction

In the December 22, 1977 FEDERAL REGISTER vol. 42, pages 64148-64149, Document No. 77-36430, the legal de-

scription in the New Water Mountain Area described as T. 4 N., R. 14 W., is corrected to read T. 4 N., R. 16 W.

Dated: January 26, 1978.

MARIO L. LOPEZ,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-2961 Filed 2-2-78; 8:45 am]

[4310-55]

Fish and Wildlife Service
ENDANGERED SPECIES PERMIT
Notice of Receipt of Application

Applicant: Executive Director, Texas Parks and Wildlife Department, 4200 Smith School Road, Austin, Tex. 78744.

The applicant requests a permit to conduct scientific research on the endangered species found to inhabit the state and Gulf coast of Texas. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1866. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 31, 1978.

FRED L. BOLWAHNN,
Acting Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-3012 Filed 2-2-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT
Notice of Receipt of Application

Applicant: Lilburn Randolph Shaw, General Delivery, Buford, Wy. 82052.

The applicant requests a permit to capture one immature peregrine falcon (*Falco peregrinus tundrius*) per year for hand raising and eventual release to the wild in order to enhance survival of the species.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1861. Interested

persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 31, 1978.

FRED L. BOLWAHNN,
Acting Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-3010 Filed 2-2-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT
Notice of receipt of Application

Applicant: Steven D. Rebeck, Box 24, Star Route, Dornsife, Pa. 17823.

The applicant wishes to apply for a captive self-sustaining population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR section 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1778. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 31, 1978.

FRED L. BOLWAHNN,
Acting Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-3011 Filed 2-2-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT
Notice of Receipt of Application

Applicant: W. E. Arrington, Inc., P.O. Box 881, Idaho Falls, Idaho 83401.

The applicant wishes to apply for a captive self-sustaining population permit authorizing the purchase and sale for propagation, those species of pheasants listed in 50 CFR section 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife

Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1816. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 31, 1978.

FRED L. BOLWAHNN,
Acting Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-3009 Filed 2-2-78; 8:45 am]

[4310-31]

Geological Survey
SAFETY AND POLLUTION-PREVENTION
STANDARDS PROGRAM

The comment period is extended to March 3, 1978, for the proposal that the U.S. Geological Survey adopt ANSI/ASME Generic Quality Assurance and Laboratory Accreditation Standards OCS-1-1977 and OCS-2-1977.

Several requests have been received to extend the February 2, 1978, due date for written comments on the proposed adoption of the above Standards as published in the FEDERAL REGISTER on January 3, 1978 (vol. 43, No. 1, FR 39).

In consideration of these requests and the relatively short comment period of the original Notice, the Geological Survey hereby extends the comment period to March 3, 1978.

W. A. RADLINSKI,
Acting Director.
[FR Doc. 78-3130 Filed 2-2-78; 8:45 am]

[4310-70]

National Park Service
BIG THICKET NATIONAL PRESERVE, TEX.

Availability of Proposed Plan for Visitor Use
and General Development Negative Declara-
tion

Proposals for the visitor use and general development of the Big Thicket National Preserve were outlined in a Workbook of Alternatives and discussed at four public workshops April 19 through 22, 1976, then further refined and presented in a Proposal/Assessment widely distributed and available for review and comment from January 24 to March 31, 1977.

The National Park Service has now prepared a plan which considers the past public involvement and review input and which is based on a sound planning process rationale. The plan is designed to implement measures soon that will serve both long and short-

term needs in preserving and protecting the fragile and widely scattered Preserve resources and at the same time provide for visitor use and enjoyment of the Preserve lands.

The plan describes locations for district offices and a visitor center/headquarters. It also lists the visitor use facilities proposed for each of the 12 units of the Preserve. An Analysis of Public comments received is included as Appendix A and proposed Special Regulations for the Preserve are Appendix B.

Copies of the plan will be sent to all persons, agencies and organizations that commented on the Proposal/Assessment and are available at the following locations: Big Thicket National Preserve, 6725 Eastex Freeway, P.O. Box 7408, Beaumont, Tex. 77706; Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, P.O. Box 728, Santa Fe, New Mexico 87501; and National Park Service, Room 10-G-3, Fritz G. Lanham Federal Center, 819 Taylor Street, Fort Worth, Tex. 76102. Copies of the Proposal/Assessment are also still available at the above locations.

It is the conclusion of the National Park Service that the plan outlined is not a major Federal action that will significantly affect the environment and the controversy of the issues has been mitigated through adjustments to the plan. It is also determined that the minor changes in the plan that were not described in the Proposal/Assessment do not require a revision in the Proposal/Assessment. More detailed plans and specifications will be prepared and the plan will be implemented as soon as possible. No environmental statement will be prepared. Anyone wishing to comment on the plan or on the proposed Special Regulations should address them to the Superintendent at the Beaumont address on or before March 6, 1978.

Dated: January 23, 1978.

JOHN E. COOK,
Regional Director Southwest
Region, National Park Service.
[FR Doc. 78-2983 Filed 2-2-78; 8:45 am]

[4310-70]

PROCUREMENT SPECIALIST, BOSTON
NATIONAL HISTORICAL PARK

Delegation of Authority Regarding Execution
of Contracts and Purchase Orders

2. Procurement Specialist. The Procurement Specialist, Boston National Historical Park may execute, approve and administer contracts not in excess of \$10,000 for supplies, equipment or services, excluding construction, in conformance with applicable regulations and statutory authority and sub-

ject to availability of appropriated funds. This authority may be exercised by the Procurement Specialist, in behalf of any area administered by the Superintendent, Boston National Historical Park.

(National Park Service Order No. 77 (38 FR 7478) as amended; North Atlantic Region Order No. 2 (77 FR 15330); Boston National Historical Park Order No. 1 (76 FR 35180).)

Dated: December 20, 1977.

HUGH D. GURNEY,
Superintendent,
Boston National Historical Park.
[FR Doc. 78-2981 Filed 2-2-78; 8:45 am]

[4310-70]

GATEWAY NATIONAL RECREATION AREA
ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 10 a.m. on Thursday, February 23, 1978, at Federal Hall, 26 Wall Street, New York, N.Y. The Commission was established by Pub. L. 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area. The members of the Commission are:

Marian Heiskell, Chairlady, New York, N.Y.
Archibald S. Alexander, Bernardsville, N.J.
John F. Haggerty, Forest Hills, N.Y.
Orin Lehman, New York, N.Y.
Gordon N. Litwin, Little Silver, N.J.
Terrence D. Moore, Newark, N.J.
Sheldon Pollack, New York, N.Y.
Barbara Reach, New York, N.Y.
Richard J. Sullivan, Hoboken, N.J.
Nathaniel Washington, Newark, N.J.
Joseph B. Williams, Brooklyn, N.Y.

The matters to be discussed at this meeting include: 1. Superintendent's report on General Administrative and Management matters.

2. Reports by standing Advisory Commission Sub-Committees.

3. Narrative of events and actions regarding storm damage at Sandy Hook Unit.

4. Assistant Superintendent, Co-op Activities report on the status and future of YACC and Job Corps programs at Gateway National Recreation Area.

5. Presentation by Harpers Ferry Center on the draft Interpretive Prospectus Plan.

6. New business.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any members of the public may file with the Commission a written

statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Herbert Cables, Superintendent, Gateway National Recreation Area, Headquarters, Building 69, Floyd Bennett Field, Brooklyn, N.Y. 11234, Area Code 212-252-9150. Minutes of the meeting will be available for inspection 4 weeks after the meeting at the Gateway National Recreation Area Headquarters Building.

Dated: January 26, 1978.

HERBERT S. CABLES, Jr.
Superintendent.
[FR Doc. 78-2984 Filed 2-2-78; 8:45 am]

[4310-70]

HERBERT HOOVER NATIONAL HISTORIC SITE,
IOWA

Boundary Clarification

There appeared in the FEDERAL REGISTER in Vol. 37, No. 160 on Thursday, August 17, 1972, a Notice of the Establishment of the Herbert Hoover National Historic Site. In that notice the area established was depicted on map numbered 43220.001C dated October, 1971, which map is on file in the administrative offices for the Herbert Hoover National Historic Site and in the offices of the National Park Service, Department of the Interior, Washington, D.C.

The exact boundaries of the area set out in map numbered 43220.001C have caused some problems in clarification.

Now, therefore, in order to clarify the authorized boundaries of the Herbert Hoover National Historic Site, the following description is published:

A portion of land in Sections 7 and 8, T 79 N, R 4 W of the 5th Prime Meridian, in Cedar County, in the state of Iowa, more particularly described as follows:

Commencing at a brass cap in concrete at the intersection of the centerlines of Main and Downey Streets, in the City of West Branch, Iowa, which marks the northwest corner of said Section 8; thence S 0°53'02" E, 119.70 feet along the centerline of Downey Street to the point of beginning; thence N 86°07'40" E, 33.05 feet to a point in the east right-of-way line of Downey Street marked by a standard NPS brass cap in concrete stamped BDY-31; thence N 89°05'46" E, 111.92 feet to a standard NPS aluminum monument stamped BDY-32; thence N 0°53'02" W, 85.00 feet to a point in the south right-of-way line of Main Street marked by a standard NPS brass cap in a concrete sidewalk, stamped BDY-33; thence N 89°05'46" E, 551.73 feet along said south right-of-way line of Main Street to a point in the east right-of-way line of Second Street marked by a standard NPS aluminum monument stamped BDY-1; thence S 1°00'56" E, 645.57 feet along the east right-of-way line of Second Street to a standard aluminum monument stamped BDY-2; thence S 88°58'27" W,

161.85 feet crossing Second Street and along the lot line between lots G and F, Block 3, Cameron Addition to the city of West Branch, to the northwest corner of Lot F marked by a standard NPS aluminum monument stamped BDY-3; thence S 1°00'56" E, 109.99 feet along the west line of said lot F to its southwest corner marked by a standard NPS aluminum monument stamped BDY-4; thence S 88°58'27" W, 205.57 feet along the south line of lot F, of said Block 3, marked by a standard NPS aluminum monument stamped BDY-5; thence S 0°52'45" E, 165.00 feet to a standard NPS aluminum monument stamped BDY-6; thence S 89°00'48" W, 8.91 feet to a standard NPS aluminum monument stamped BDY-7; thence S 0°56'55" E, 250.49 feet to a point in the centerline of First Street marked by a standard NPS brass cap in concrete stamped BDY-8; thence S 89°05'03" W, 157.35 feet along the lot line between lots 4 and 5, Block 31, Cameron Addition to the City of West Branch, to a standard NPS aluminum monument stamped BDY-9; thence S 0°53'00" E, 433.32 feet to a standard NPS aluminum monument stamped BDY-10; thence S 89°24'22" W, 164.99 feet to a point in the centerline of Downey Street which lies S 0°53'02" E, 1637.28 feet from said northwest corner of Section 8; thence continuing S 89°24'22" W, 65.00 feet to a standard NPS aluminum monument stamped BDY-11; thence S 0°56'18" E, 286.09 feet to a standard Iowa Department of Transportation iron rail marking the right-of-way line of Freeway I-80; thence S 28°53'30" W, 90.29 feet to a standard Iowa D.O.T. iron rail marking said right-of-way line; thence S 44°31'51" W, 520.75 feet to a standard Iowa D.O.T. iron rail marking said right-of-way line; thence Southwesterly 321.15 feet along a non-tangent curve concave northwesterly in said right-of-way line having a radius of 683.96 feet, through a central angle of 28°54'10", to a standard Iowa D.O.T. iron rail; thence S 86°37'27" W, 1029.44 feet along said non-tangent right-of-way line to a standard Iowa D.O.T. iron rail; thence westerly 751.78 feet along a non-tangent curve concave northerly in said right-of-way line having a radius of 5569.69 feet, through a central angle of 7°44'01", to a standard Iowa D.O.T. iron rail; thence N 84°20'12" W, 114.76 feet to a point in said non-tangent right-of-way line which lies N 0°57'32" W, 228.10 feet from the center of said Section 7; thence continuing N 84°20'12" W, 383.18 feet along said right-of-way line to a standard Iowa D.O.T. iron rail; thence westerly 312.69 feet along a non-tangent curve concave northerly in said right-of-way line having a radius of 5589.69 feet, through a central angle of 3°12'19", to a point from which a radial line bears N 13°51'25" E; thence N 0°57'32" W, 0.69 feet to a standard NPS aluminum monument stamped BDY-19; thence continuing N 0°57'32" W, 968.48 feet to a standard NPS aluminum monument stamped BDY-POL; thence continuing N 0°57'32" W, 1358.28 feet to a standard NPS aluminum monument stamped BDY-20; thence continuing N 0°57'32" W, 5.51 feet to a point in the southerly right-of-way line of State Highway No. 1; thence N 87°08'43" E, 571.43 feet along said southerly right-of-way line of State Highway No. 1 to a standard Iowa D.O.T. iron rail; thence continuing N 87°08'43" E, 113.88 feet along said right-of-way line to a point which lies

N 0°57'32" W, 44.84 feet from a standard NPS aluminum monument stamped BDY-21; thence N 88°27'16" E, 505.10 feet to a point which lies S 38°19'53" E, 2.18 feet from a standard NPS aluminum monument stamped BDY-22; thence S 38°14'26" E, 457.10 feet (through a 1/4" iron rod at 385.43 feet) to a standard NPS aluminum monument stamped BDY-23; thence N 87°21'51" E, 571.92 feet to a 3"x6" white stone buried 3 inches below ground; thence N 86°38'04" E, 290.73 feet to a standard NPS aluminum monument stamped BDY-25; thence N 89°57'34" E, 577.81 feet to a standard NPS aluminum monument stamped BDY-26 at the southwest corner of Block 45 of Steers Plat; thence N 1°15'03" W, 230.36 feet along the west line of said Block 45 to its northwest corner, marked by a standard NPS brass cap in concrete stamped BDY-27; thence N 88°30'53" E, 151.99 feet along the north line of said Block 45 to its northeast corner, marked by a standard NPS brass cap in concrete stamped BDY-28; thence N 64°33'17" E, 37.07 feet to a point in the back of curb line projected westerly, marked by a standard NPS brass cap in concrete stamped BDY-29; thence N 88°30'51" E, 202.99 feet along the back of curb on the north side of Wetherell Street to a point in the west right-of-way line of Downey Street marked by a standard brass cap in concrete stamped BDY-30; thence N 86°07'40" E, 33.04 feet to the point of beginning.

Dated: January 25, 1978.

WILLIAM J. WHALEN,
Director.
[FR Doc. 78-2982 Filed 2-2-78; 8:45 am]

[4310-70]

MINING PLAN OF OPERATION AT GLEN
CANYON NATIONAL RECREATION AREA

Availability

Notice is hereby given that pursuant to the provisions of section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of section 9.17 of 36 CFR Part 9, K. D. & R., Inc., has filed a plan of operations in support of proposed mining activities on lands embraced by mining claim locations within the Glen Canyon National Recreation Area. This plan is available for public inspection during normal business hours at the Glen Canyon National Recreation Area Headquarters, 333 North Navajo, Page, Ariz.

Dated: January 9, 1978.

TEMPLE A. REYNOLDS,
Superintendent, Glen Canyon
National Recreation Area.
[FR Doc. 78-2978 Filed 2-2-78; 8:45 am]

[4310-70]

[Order No. 4]

REDWOOD NATIONAL PARK, ADMINISTRATIVE
OFFICER AND PROCUREMENT ASSISTANT

Delegation of Authority Regarding Execution
of Contracts for Supplies, Equipment, or Services

SECTION 1. Administrative officer. The Administrative Officer may execute and approve contracts not in excess of \$50,000.00 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriated funds.

SEC. 2. Purchasing agent. The purchasing agent may execute and approve contracts not in excess of \$10,000.00 for supplies, equipment, or services, in conformity with applicable regulations and statutory authority, and subject to availability of appropriated funds.

SEC. 3. Revocations. This order supersedes Order No. 2, as published in Vol. 37 FR 125, dated June 11, 1972.

(National Park Service Order No. 77 (38 FR 7478) dated March 22, 1973, as amended; Order No. 7 (37 FR 6326) dated March 28, 1972, as amended; Order No. 3 (40 FR 230) dated November 28, 1975, as amended.)

Dated: December 21, 1977.

GEORGE VONDER LIPPE,
Superintendent,
Redwood National Park.

Dated: January 6, 1978.

HOWARD H. CHAPMAN,
Regional Director,
Western Region.
[FR Doc. 78-2980 Filed 2-2-78; 8:45 am]

[4310-70]

[Order No. 1, Amdt. 5]

SUPERINTENDENTS, ET AL., ROCKY MOUNTAIN
REGION

Delegation of Authority

Rocky Mountain Region Order No. 1, approved February 27, 1974, and published in the FEDERAL REGISTER of April 5, 1974 (39 FR 12369), as amended, sets forth in section 1 exceptions and restrictions on the authority delegated to Superintendents. This amendment adds paragraph (c) to read as follows:

SECTION 1. Superintendents * * * (c) Authority for assignment of incidental pilots.

Section 2 sets forth limitations on redelegations of authority. This amendment changes Section 2, paragraphs (c), (d), (e), and (g) to read as follows:

SEC. 2. Delegation * * * (c) Regional chief, branch of contracting. The regional chief, branch of contracting

may execute, approve, and administer contracts not in excess of \$200,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the regional chief, branch of contracting in behalf of any office or area for which the Rocky Mountain regional office serves as the field finance office.

(d) Regional contract specialist. The regional contract specialist may execute, approve and administer contracts not in excess of \$100,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Regional Contract Specialist in behalf of any office or area for which the Rocky Mountain Regional Office serves as the field finance office.

(e) Regional purchasing agents. The regional purchasing agents may execute, approve and administer contracts not in excess of \$50,000 for equipment, supplies, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Regional Purchasing Agents in behalf of any office or area for which the Rocky Mountain Regional Office serves as the field finance office.

(g) Field land acquisition officers. Field land acquisition officers and in-holding realty specialists are authorized to execute the land acquisition program in their assigned area, including contracting for acquisition of lands and related property and acceptance of offers to sell to or exchange with the United States, land or interest in lands, when the amount does not exceed \$250,000, and to approve claims for reimbursement under Pub. L. 91-646 when the amount does not exceed \$5,000. Said authority will be exercised in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478) as amended.)

Dated: November 29, 1977.

GLEN T. BEAN,
Acting Regional Director,
Rocky Mountain Region.

[FR Doc. 78-2979 Filed 2-2-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE
COMMISSION

[Investigation 337-TA-391]

CERTAIN LUGGAGE PRODUCTS

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in con-

nection with the above styled investigation at 10 a.m. on February 15, 1978, in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C. On or before February 14, 1978, the parties will have completed service of prehearing statements by order of the Presiding Officer. The purpose of this prehearing conference is to review such statements, complete the exchange of exhibits, and resolve any other necessary matters in preparation for the hearing.

Notice is also given that the hearing on complainant's temporary exclusion order request in this proceeding will commence at 10 a.m. on February 21, 1978, in the Hearing Room of the Administrative Law Judge, Room 610 Bicentennial Building, 600 E Street NW., Washington, D.C., and will continue daily until completed.

The Secretary shall serve a copy of this notice upon all parties of record, and shall publish this notice in the FEDERAL REGISTER.

Issued January 27, 1978.

DONALD K. DUVALL,
Presiding Officer.

[FR Doc. 78-3048 Filed 2-2-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate, or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is

likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 30th day of January 1978.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING JANUARY 27, 1978

Name of Applicant and Location of Enterprise	Principal Product or Activity
Sunshine Management, Chico, Calif.	Prepared food.
HMC Corp., Contoocook, N.H.	Sales and manufacture of sawmill machinery parts.
Retail Delivery Service, Inc., Dover, N.J.	Provide consolidated package delivery.
Simonton's Aluminum Products Co., Pennsboro, W. Va.	Manufacture of aluminum thermal windows, doors and carports.
Arthur E. and Shirley L. Thomas, Selinsgrove, Pa.	Producer of boneless beef, primal cuts, bolognas, sausages, and carcass beef.

Name of Applicant and Location of Enterprise	Principal Product or Activity
Park Center, Inc., Rainelle, W. Va.	Lease of rental property.
Kimba, Inc., Lansing, W. Va.	Motel.
Wheeling-Pittsburg Steel Corp.	Manufacture of tie plates, rail sections, and beam sections.
Brier Motor Inn, Inc., Lewisburg, W. Va.	Motel and restaurant complex.
Seymour R. and Bernard Kaplan, Montgomery County, Pa.	Nursing home.
Mountaineer Crawler Service, Inc., Lanark, W. Va.	Repair of tracks and undercarriages of crawler equipment and parts.
Skyline, Ltd. (tenant of town of Heath Springs) Heath Springs, S.C.	Manufacture of children's outdoorwear.
Dickerson Stores, Inc., Cochran, Ga.	Retailer of hardware.
ICF Corp., Fort Pierce, Fla.	Manufacture of sweater yarns.
Russell Oil Company, Inc., Booneville, Miss.	Bulk oil distributor.
E-Z Lounger, Inc., Booneville, Miss.	Furniture store.
Middle South Wood Preserving Co., Inc., Lenoir, Miss.	Treating of railroad cross-ties.
Gulf View Haven, Inc., Bay St. Louis, Miss.	Intermediate nursing service.
Dixie Ag Services, Inc., Rolling Fork and Valley Park, Miss.	Sales of tractors, parts, and farm supplies.
Formby's Refinishing Products, Inc., Olive Branch, Miss.	Manufacture and distribution of furniture care products, such as refinisher, paint remover, tung oil varnish, furniture cleaner, etc.
J. C. Long Fruit Co., Haines City, Fla.	Packaging of fresh fruit and produce.
West Kentucky Development, Inc., Murray, Ky.	Campground and related facilities.
Drexell W. Henry, Cumberland, Ky.	Supermarket.
Oconomowoc Canning Co., Oconomowoc, Cobb, DeForest, Waunakee, Merrill, Poyntette, Sun Prairie, Wis.	Processor of vegetables.
Stanley Harding, Jr., New Castle, Ind.	Saw mill and manufacture of prefabricated modular homes.
Ziegler Building Materials, Inc., Batesville, Ind.	Retail sale of lumber and building materials.
Barbara Ann Brunt, Monroe, Wis.	Community shopping center.
Coyote Truck Line, Inc., Westfield, Ind.	Transport of freight.
Pioneer Properties, Inc., Plover, Wis.	Motel.
Village Green Homes, Inc., Elms Green, Ind.	Manufacture of module homes and offices.
Snapp Electric Inc., Schofield, Wis.	Engineering and motor repair services and sales of new motors, lamps and supplies.
Holcomb Farm Center, Inc., Holcomb, Ill.	Processing and distribution of grain.
Walnut Grain Co., Walnut, Ill.	Drying and storage of grains.
Voyageur Hills Inn., Reddsburg, Wis.	Motel and restaurant.
Delawater Equipment, Rochester, Ind.	Sales of lawn, garden, farm equipment.
C. B. S. Homes (tenant of city of La Crescent), La Crescent, Minn.	Component-home manufacturing.
Bake-Rite Baking Co., Plover, Wis.	Manufacture of bakery products.
Marlin Mills, Inc., Marlin, Tex.	Manufacture of carpets and rugs.

after January 28, 1978, and that extended benefit periods will therefore end in all but 11 States on that date.

Therefore, supplementing the notice previously published, extended benefit periods will continue in effect after January 28, 1978, in the States of Alaska, Hawaii, Maine, Michigan, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, and Washington.

Signed at Washington, D. C., on January 30, 1978.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.
[FR Doc. 78-3050 Filed 2-2-78; 8:45 am]

[4510-28]

Office of the Secretary WORKER ADJUSTMENT ASSISTANCE Investigations Regarding Certifications of Eligibility

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or pro-

duction, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 12th day of January 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bond Stores, Inc. (workers)...	New Brunswick, N.J.	Dec. 22, 1977	Dec. 20, 1977	TA-W-2,919	Men's apparel.
Byron Clothing Mfg. Co., Inc. (workers).	Somerville, Mass.	Dec. 27, 1977	Dec. 19, 1977	TA-W-2,920	Men's coats, suits, jackets and rainwear.
Eagle Clothes, Inc. (Window Trimmers & Helpers Union).	Brooklyn, N.Y.	Dec. 20, 1977	Dec. 15, 1977	TA-W-2,921	Men's suits, sportcoats, and slacks.
Embassy Apparel, Inc. (ILGWU).	Glen Falls, N.Y.	Dec. 29, 1977	Dec. 20, 1977	TA-W-2,922	Single needle men's and ladies' shirts.
Fabric Fire Hose Co. (workers).	Sandy Hook, Conn.	Dec. 27, 1977	Dec. 19, 1977	TA-W-2,923	Plastic, rubber and fabric covered fire hoses.
Great Bay Sportswear, Inc. (ILGWU).	Camden, N.J.	Dec. 29, 1977	Dec. 22, 1977	TA-W-2,924	Women's sportswear.
Howard-Ripley Clothes Corp. (Window Trimmers & Helpers Union).	Brooklyn, N.Y.	Dec. 20, 1977	Dec. 15, 1977	TA-W-2,925	Men's suits, sportcoats and trousers.
McKeesport Connecting RR. (United Transportation Union).	McKeesport, Pa.	do.	do.	TA-W-2,926	Transports raw materials into and within the National Tube Works of U.S. Steel Corp.
Nelly Don, Inc. (workers)	Nevada, Mo.	Dec. 29, 1977	Dec. 10, 1977	TA-W-2,927	Women's apparel.
Uniroyal Tire Co., Division of Uniroyal, Inc. (URW).	Los Angeles, Calif.	Dec. 27, 1977	Dec. 22, 1977	TA-W-2,928	Radial passenger cars and trucks tires.
Vapor Late Laboratories (workers).	Woburn, Mass.	Dec. 30, 1977	Dec. 28, 1977	TA-W-2,929	Glass bushings, bulbs, and beads used in microwave ovens.
VI-Mil, Inc. (workers)	East Boston, Mass.	Dec. 22, 1977	Dec. 19, 1977	TA-W-2,930	Military outer clothing.
Wabash Transformer Division of Wabash Inc. (workers).	Farmington, MO	Dec. 27, 1977	Dec. 20, 1977	TA-W-2,931	Television transformers exclusively for Zenith Television.
Wheeling-Pittsburgh Corp. (workers).	Steel Louisville, Ky.	do.	Dec. 22, 1977	TA-W-2,932	District sales office.

[FR Doc. 78-2642 Filed 2-2-78; 8:45 am]

[4510-28]

WORKER ADJUSTMENT ASSISTANCE

Investigations Regarding Certifications of Eligibility

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision

thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such

request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 17th day of January 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Interlake, Inc., plant (USWA).	Riverdale, Ill.	Dec. 19, 1977	Dec. 19, 1977	TA-W-2,933	Flat rolled products and packaging materials and all other steel products.
Interlake, Inc., Works (USWA).	Newport and Wilder, Ky.	do	do	TA-W-2,934	All flat rolled products and all steel products.
Oregon Steel Mills, Division of Gilmore Steel Corporation (USWA).	Portland, Oreg.	Dec. 8, 1977	Dec. 6, 1977	TA-W-2,935	Steel plate.
Republic Steel Corp., Mahoning Valley District (USWA).	Youngstown, Ohio	Dec. 19, 1977	Dec. 15, 1977	TA-W-2,936	Carbon steel bars and all other steel products.
U.S. Steel Corporation, Gary Works (workers).	Gary, Ind.	Dec. 20, 1977	Dec. 17, 1977	TA-W-2,937	Industrial engineering of steel products.
Wheeling-Pittsburgh Steel Corp., Wheeling Fabricating Plant.	Wheeling, W.Va.	Dec. 22, 1977	Dec. 19, 1977	TA-W-2,938	Structural steel framing and utility buildings.

[FR Doc. 78-2646 Filed 2-2-78; 8:45 am]

[4510-28]

WORKER ADJUSTMENT ASSISTANCE

Investigations Regarding Certifications of Eligibility

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly

to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment As-

sistance, at the address shown below, not later than February 13, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 13, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 23d day of January 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bethlehem Steel Corp. (workers).	Cambridge, Mass.	Jan. 3, 1978	Dec. 29, 1977	TA-W-2,939	Steel reinforcing bars.
Bloomsburg Mills, Inc. (company), Lock Haven plant.	Lock Haven, Pa.	do	Dec. 27, 1977	TA-W-2,940	Woven apparel fabrics.
Consolidated Rail Corp., Martins Ferry yard office (workers).	Martins Ferry, Ohio	do	Dec. 28, 1977	TA-W-2,941	Transports steel freight from Wheeling-Pittsburgh plants nearby.
Dorado Fabrics, Inc. (workers).	Philadelphia, Pa.	do	Dec. 29, 1977	TA-W-2,942	Doubleknit fabrics.
GAF Corp., Felt Products Chemical Group, Franklin plant (workers).	Franklin, Mass.	Dec. 29, 1977	Dec. 22, 1977	TA-W-2,943	Pressed felt for consumer and industrial uses.
Leemar Corp. (ILGWU).	Camden, N.J.	do	do	TA-W-2,944	Dresses and ladies' sportswear.
Malden Knitting Mills, Inc. (workers).	Malden, Mass.	Jan. 9, 1978	Jan. 4, 1978	TA-W-2,945	Men's sweaters.
Northern Engineering Laboratories (workers).	Burlington, Wis.	Jan. 5, 1978	Dec. 31, 1977	TA-W-2,946	Quartz crystal units.

[FR Doc. 78-2647 Filed 2-2-78; 8:45 am]

[4510-27]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners, and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry

learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Bob Evans of Kentucky, Inc., Burkesville, Ky.; 10-30-77 to 10-29-78 (women's uniforms).

Continental Apparel Mfg. Co., Inc., De-Funiak Springs, Fla.; 10-24-77 to 10-23-78 (ladies' pants and blouses).

Crane Mfg. Co., Marionville, Mo.; 12-27-77 to 12-26-78 (ladies' and men's jeans).

Elder Mfg. Co., Webb City, Mo.; 10-31-77 to 10-30-78 (men's and boys' shirts).

R. Fox, Ltd., Belleville, Ill.; 11-28-77 to 11-27-78 (men's slacks).

Franklin Ferguson Co., Inc., Florala, Ala.; 12-19-77 to 12-18-78 (men's and boys' shirts).

McCreary Mfg. Co., Stearns, Ky.; 12-8-77 to 12-7-78 (men's shirts).

Monticello Mfg. Co., Inc., Monticello, Ky.; 12-8-77 to 12-7-78 (men's and boys' shirts).

Rector Sportswear Corp., Rector, Ark.; 11-15-77 to 11-14-78 (men's pants).

J. H. Rutter Rex Mfg. Co., Inc., New Orleans, La.; 10-12-77 to 10-11-78 (men's shirts and pants).

Saxon Trouser Mfg. Co., Scranton, Pa.; 9-25-77 to 9-24-78 (men's pants).

Stapleton Garment Co., Inc., Stapleton, Ga.; 9-23-77 to 9-22-78 (men's and boys' pants).

Sulcraft Mfg. Co., Inc., Dushore, Pa.; 10-25-77 to 10-24-78; 10 learners (men's and boys' pajamas).

Toll-Gate Garment Corp., Hamilton, Ala.; 10-13-77 to 10-12-78 (men's shirts).

Wyoming Valley Garment Co., Wilkes-Barre, Pa.; 11-8-77 to 11-7-78; 10 learners (men's pants).

The following new plants were issued certificates authorizing the number of learners indicated.

Limestone Clothing Corp., Limestone, Tenn.; 10-3-77 to 4-2-78; 15 learners for new plant (men's and women's pants).

Limestone Clothing Corp., Unicoi, Tenn.; 10-3-77 to 4-2-78; 15 learners for new plant (men's and women's pants).

The following certificate was issued under the knitted wear industry regulations (29 CFR 522.1 to 522.9, as amended and 522.30 to 522.35 and amended).

Junior Form Lingerie Corp., Boswell, Pa.; 10-11-77 to 10-10-78; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear and sleepwear).

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65 as amended).

Burnham-Edina Mfg. Co., Edina, Mo.; 11-8-77 to 11-7-78; 5 learners for normal labor turnover purposes (work gloves).

Each learner certificate has been issued upon the representations of the

employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before February 21, 1978.

Signed at Washington, D.C., this 31st day of January 1978.

ARTHUR H. KORN,
*Authorized Representative
of the Administrator.*

[FR Doc. 78-3049 Filed 2-2-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (78-4)]

NASA AEROSPACE SAFETY ADVISORY PANEL

Meeting

The Aerospace Safety Advisory Panel will meet on February 21, 1978, in Room 7002, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. The Panel will meet for administrative and housekeeping purposes to develop the years work plan and the individual areas of responsibility. The meeting is open to the public and will begin at 9 a.m. and continue until the task is completed. The seating capacity of the room is about 40 persons, including members and other participants. Visitors will be requested to sign a visitor's register.

The Panel is chartered by Congress "to review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall perform such other duties as the Administrator may request."

Pursuant to carrying out its statutory duties, the Panel reviews, evaluates, and advises on those program activities, systems, procedures, and management policies that contribute to risk and provide identification and assessment of these for management. Priority is given to those programs that involve the safety of manned flight.

Chairman of the Panel is Mr. Herbert Grier. The contact for further information is Carl R. Praktish, Executive Secretary, Aerospace Safety Advisory Panel, 400 Maryland Avenue SW.,

NOTICES

Washington, D.C. 20546. Phone: 202-755-8436.

KENNETH R. CHAPMAN,
*Associate Administrator for
External Relations.*

JANUARY 31, 1978.

[FR Doc. 78-3007 Filed 2-2-78; 8:45 am]

[7532-01]

NATIONAL COMMISSION ON NEIGHBORHOODS

MEETING

ACTION: Notice of meeting.

SUMMARY: This notice, required under the Federal Advisory Committee Act (5 U.S.C. Appendix I), announces a public meeting.

TIME AND DATE: 8 p.m. (eastern standard time) on Friday, February 17, 1978 and 9 a.m. (eastern standard time) on Saturday, February 18, 1978.

PLACE: (February 17 meeting) Bond Court Hotel, 777 St. Clair Avenue, Cleveland, Ohio, (February 18 meeting) Catholic Center, 1033 Superior Avenue, Cleveland, Ohio.

AGENDA:

February 17 Meeting:

1. Task Forces meet;
2. Task Forces report to Commission;
3. Staff Director's report; discussion of future field visits; and
4. General discussion.

February 18 Meeting:

1. Testimony by invited witnesses from community organizations, private sector, and local government; and
2. Open microphone period for comments from the audience.

STATUS: Open to the public.

CONTACT PERSON: Ms. Frances Phipps, Deputy Director, 202-632-5200.

JONATHAN STEIN,
Administrative Officer.

[FR Doc. 78-3125 Filed 2-2-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

VISUAL ARTS ADVISORY PANEL

Amended Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the meeting of the Visual Arts Advisory Panel (Policy) to the National Council on the Arts which was listed on page 2464 of Volume 43, Number 11, Tuesday, January 17, 1978, issue of the FEDERAL REGISTER is amended in the following way:

The meeting on February 2, 1978, from 9:30 a.m. to 5:30 p.m., was originally scheduled to meet in the Mandeville Suite of the University of California-San Diego. The meeting will now occur in Conference Room 111A of the Matthews Campus (Chancellor's Complex) of the University of California-San Diego, in La Jolla, Calif. The February 3, 1978, session of the meeting will not change: 9:30 a.m. to 5:30 p.m., in the Mandeville Suite of the Muir Campus of the University of California at San Diego, in La Jolla, Calif.

This meeting will be open to the public. The topic of discussion will be crafts policy.

Further information with reference to this meeting can be obtained from Mr. Robert Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

Dated: January 31, 1978.

ROBERT M. SIMS,
*Administrative Officer,
National Endowment for the Arts.*
[FR Doc. 78-3065 Filed 2-2-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

AD HOC ADVISORY GROUP FOR FUTURE SCIENTIFIC OCEAN DRILLING

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Advisory Group for Future Scientific Ocean Drilling.

Dates: February 21 and 22, 1978.

Time: February 21, 9 a.m. to 5 p.m.; February 22, 8:30 a.m. to 5 p.m.

Place: Room 642, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Part open—February 21—open; February 22—8:30 a.m. to 2:30 p.m.—open; February 22—2:30 p.m. to 5 p.m.—closed.

Contact person: Dr. Thomas A. Davies, Program Associate, Ocean Sediment Coring Program, Room 602, National Science Foundation, Washington, D.C. 20550, telephone 202-632-5849.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of advisory group: To evaluate the scientific merit of possible future programs of drilling, and alternatives to drilling, in the deep oceans for scientific purposes in the 1980's and to recommend the best future program with regard to the scientific priorities.

AGENDA

FEBRUARY 21, 1978 (OPEN)

9 a.m.—Introduction.

9:30 a.m.—Current Status of Deep Sea Drilling; Future Drilling Plans.

NOTICES

1:30 p.m.—Ocean Drilling in Relation to Other Initiatives.

FEBRUARY 22, 1978

8:30 a.m.—Ocean Drilling in Relation to Other Programs (open).

1:30 p.m.—General Discussion of Issues Relating to Future Deep Ocean Drilling for Scientific Purposes (open).

2:30 p.m.—Review and Evaluation of Proposal UCSD-0862 (closed).

Reason for closing: The proposal being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Acting Committee
Management Officer.*

JANUARY 31, 1978.

[FR Doc. 78-3055 Filed 2-2-78; 8:45 am]

[7555-01]

ADVISORY COMMITTEE FOR ATMOSPHERIC SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Atmospheric Sciences.

Date: February 23, 24, and 25, 1978.

Time: 9 a.m. to 5 p.m. each day.

Place: Room 543, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Open.

Contact person: Dr. Alan J. Grobecker, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation, Washington, D.C. 20550, telephone 202-634-1490.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of committee: The Advisory Committee for Atmospheric Sciences provides advice, recommendations, and oversight concerning support for research and research-related activities in the atmospheric sciences area.

AGENDA

FEBRUARY 23, 1978

9 a.m. to 11 a.m.—Staff Review of Climate Dynamics and GARP—Its State of Science and Research Opportunities, E. Bierly.

11 a.m. to 12 m.—Discussion of Research Opportunities, Committee.

1:30 p.m. to 3:30 p.m.—Staff Review of Mid-latitude Meteorology, Cloud Physics,

Storm Processes and, Tropospheric Chemistry—its State of Science and Research Opportunities, H. F. Eden

3:30 p.m. to 4:30 p.m.—Discussion of Research Opportunities, Committee.

FEBRUARY 24, 1978

9 a.m. to 11 a.m.—Staff Review of Upper Atmosphere Research (Solar Terrestrial, Magnetospheric Physics, Aeronomy and Stratospheric Chemistry)—its State of Science and Research Opportunities, H. F. Eden.

11 a.m. to 12 m.—Discussion of Research Opportunities, Committee.

1:30 p.m. to 4:30 p.m.—Organization of Advisory Committee Atmospheric Sciences Studies, Committee.

FEBRUARY 25, 1978

9 a.m. to 12 m.—Organization of Advisory Committee Atmospheric Sciences Studies (continued), Committee.

M. REBECCA WINKLER,
*Acting Committee
Management Officer.*

JANUARY 31, 1978.

[FR Doc. 78-3052 Filed 2-2-78; 8:45 am]

[7555-01]

ADVISORY COUNCIL STEERING COMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Steering Committee of the NSF Advisory Council.

Place: Room 536, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Date and time: February 23, 1978, 9 a.m. to 5 p.m.

Type of meeting: Open.

Contact person: Ms. Margaret Windus, Executive Secretary, NSF Advisory Council, National Science Foundation, Room 518, 1800 G Street NW., Washington, D.C. 20550, telephone 202-632-4384.

Purpose of steering committee: The purpose of the Steering Committee, composed of members of the NSF Advisory Council, is to assist the Chairperson and Foundation staff in planning Council activity and related matters not requiring the formation of a separate task group.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Agenda: To review with cognizant NSF staff the issues being studied by the four task groups and other issues of general concern.

M. REBECCA WINKLER,
*Acting Committee
Management Officer.*

JANUARY 31, 1978.

[FR Doc. 78-3051 Filed 2-2-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON LINGUISTICS OF THE ADVISORY COMMITTEE FOR BEHAVIORAL AND NEURAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

SUBCOMMITTEE ON LINGUISTICS OF THE ADVISORY COMMITTEE FOR BEHAVIORAL AND NEURAL SCIENCES

Date and time: February 23 and 24, 1978; 9 a.m. to 5 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Paul G. Chapin, Program Director, Linguistics Program, Room 320, National Science Foundation, Washington, D.C. 20550, telephone 202-254-6326.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in linguistics.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
*Acting Committee
Management Officer.*

JANUARY 31, 1978.

[FR Doc. 78-3054 Filed 2-2-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON SOCIOLOGY OF THE ADVISORY COMMITTEE FOR SOCIAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

SUBCOMMITTEE ON SOCIOLOGY OF THE ADVISORY COMMITTEE FOR SOCIAL SCIENCES

Date and time: February 23 and 24, 1978; 9 a.m. to 5 p.m. each day.

Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Roland J. Liebert, Program Director, Sociology Program, Room

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NOTICES

312, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4204.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in sociology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

JANUARY 31, 1978.
[FR Doc. 78-3053 Filed 2-2-78; 8:45 am]

[6820-40]

PRESIDENT'S COMMISSION ON
MENTAL HEALTH
MEETING

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following Presidential Commission meetings scheduled to assemble during the month of February 1978:

The President's Commission on Mental Health: February 17, 1978—9:30 a.m. to 5 p.m., February 18, 1978—9:30 a.m. to 5 p.m., New Executive Office Building, Room 2010, Pennsylvania and 17th Streets NW., Washington, D.C., open meeting.

Contact: Mary Ann Orlando, Special Assistant to the Chairman, President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500, telephone 202-456-7100.

Purpose: The President's Commission on Mental Health is a policy recommendation commission composed of 20 members representing a broad spectrum of interested and informed private citizens. The Commission was created by the President by Executive Order No. 11973 and was directed to identify the mental health needs of the nation. In particular, the Commission shall seek to identify: how the mentally ill, emotionally disturbed and mentally retarded are being served or underserved and who is affected by such underservice; projected needs for dealing with emotional stress during the next twenty-five years; ways the President, the Congress and the Federal Government may efficiently support the treatment of the underserved mentally ill, emotionally disturbed and mentally retarded; methods for coordinating a unified approach to all

mental health services; types of research the Federal Government should support to further prevention and treatment of mental illness and mental retardation; roles of various educational systems, volunteer agencies and other people-helping institutions can perform to minimize emotional disturbance; and what programs will cost, when the money should be spent and how the financing should be divided among Federal, State and local governments, and the private sector. The Commission shall conduct such public hearings, inquiries and studies as may be necessary, and shall submit a preliminary report to the President by September 1, 1977. A final report with recommendations and priorities shall be submitted to the President by April 1, 1978.

Agenda: This meeting will be open to the public. Agenda items include discussion of areas of service delivery, prevention, manpower and research, among others. Substantive program information may be obtained from: Mary Ann Orlando, Special Assistant to the Chairman, The President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500, telephone 202-456-7100.

Attendance by the public will be limited to space available.

Mary Ann Orlando will furnish upon request summaries of the meeting and a roster of the Commission. President's Commission on Mental Health, Room 121, Old Executive Office Building, Washington, D.C. 20500.

BENEDICT LATTERI,
Administrative Officer, President's Commission on Mental Health.

JANUARY 26, 1978.
[FR Doc. 78-2828 Filed 2-2-78; 8:45 am]

[7910-01]

RENEGOTIATION BOARD
CONTRACTING AUTHORITY

I. The Renegotiation Board hereby delegates to the Director, Office of Administration, authority to enter into, administer, and settle contracts in furtherance of the Board's duties and responsibilities and designates the Director, Office of Administration, as Contracting Officer of the Renegotiation Board.

II. This authority, including authority to designate successor contracting officers, may be redelegated.

III. This delegation is effective the date hereof until revoked.

Dated: January 26, 1978.

GOODWIN CHASE,
Chairman.

[FR Doc. 78-2965 Filed 2-2-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5285]

North Street Capital Corp.

Notice of Filing of Application for Approval of Conflict of Interest Transaction between Associates

Notice is hereby given the North Street Capital Corp., 250 North Street, White Plains, N.Y. 10625, a Federal licensee under section 301(d) of the Small Business Investment Act of 1958 as amended (Act), has filed an application pursuant to 13 CFR 107.1004 (1977) for approval of a conflict of interest transaction.

Licensee proposes to purchase a \$100,000, 10 percent, 10-year debenture of October Mountain Broadcasting Co. (OMBC), 224 Eagle Drive, Emerson, N.J. 07630. Licensee will also receive warrants to purchase 4 percent of OMBC's stock at \$18.18 per share. This is only part of a total financing of \$1,055,000 to be used to purchase radio station WOKO (AM), Albany, N.Y. and provide working capital for OMBC, the financial structure will be as follows:

	Amount	Percent of Potential corporation actual ownership ¹	(percent)
Antony B. Mason....	\$20,000	100	40
Syndicated Communications ²	200,000	.....	29
Witherspoon Development Corp. ³	100,000	.....	13
Minority Equity Capital Corp. ⁴	100,000	.....	5.96
Bancap Corp. ⁵	135,000	.....	8.04
Chemical Bank.....	400,000	.....	0
North Street Capital Corp. ⁶	100,000	.....	4

¹ SBA licensees. Form of investment is a 10 pct., 10-yr debenture with principal moratorium for 3 yr. Warrants for a total of 450 shares or 18 pct.

² Warrants exercisable at \$18.18/share. Total shares authorized 2,500.

³ 5 pct. cumulative participating preferred stock with warrants for 1,050 shares at \$18.18/share.

Mr. Antony B. Mason who was president of the licensee until October 15, 1977, is the president and sole stockholder of OMBC. Pursuant to the definition contained in section 107.3(g) of the regulations, Mr. Mason is considered to be an associate of the licensee.

Accordingly, the transaction falls within the purview of 13 CFR 107.1004 (1977) requiring prior written approval of the Small Business Administration.

Notice is further given that any interested person may not later than 15 days from the date of publication of this notice submit to SBA relevant comments on the proposed transaction. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small

Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in White Plains, N.Y. and Albany, N.Y.

(Catalog of Federal Domestic Assistance Program Number 59.011, Small Business Investment Companies.)

Dated: January 26, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-3018 Filed 2-2-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

JOINT RESEARCH COMMITTEE OF THE BOARD
FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Planning Project

The University of Missouri on behalf of the U.S. Agency for International Development and the Board for International Food and Agriculture is engaged in a planning project that will result in a recommended collaborative research program on sorghum/millet to be funded under Title XII of the International Development and Food Assistance Act of 1975.

The "Collaborative Research Support Program" approach will link institutions having common interests in organized programs of research on selected problems. Such a collaborative research program on a single problem area of common interest to the United States and several of the developing nations might involve one or more U.S. institutions, an international research center, and several developing nation agricultural universities or research centers.

The planning project, when completed in late February, will include recommendations for: a research program on sorghum and millet; participation institutions in the United States and developing countries which evidence interest in research on sorghum and millet; personnel who would be involved; budget requirements; and a legal entity which would be responsible for administering the project.

If desired, further information may be obtained from Dean Wendell McKinsey, College of Agriculture, University of Missouri-Columbia, Columbia, Mo. 65201.

CHARLES E. FRENCH,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 78-3005 Filed 2-2-78; 8:45 am]

NOTICES

[4710-02]

JOINT RESEARCH COMMITTEE OF THE BOARD
FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Planning Project

The Research Triangle Institute on behalf of the U.S. Agency for International Development is engaged in a planning project that will result in a recommended Collaborative Research Support Program on Small Ruminants to be funded under Title XII of the International Development and Food Assistance Act of 1975.

The "Collaborative Research Support Program" approach will link institutions having common interests in organized programs of research on selected problems. Such a collaborative research program on a single problem of common interest to the United States and several of the developing nations might involve one or more U.S. institutions, an international center; and several developing nation agricultural universities or research centers.

The planning project when completed in mid-April, will include recommendations for: research programs on small ruminants.

If desired, further information can be obtained from Dr. Paul Mulligan, Planning Project Leader, Research Triangle Institute, P.O. Box 12194, Research Triangle Park, N.C. 27709.

CHARLES E. FRENCH,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 78-3006 Filed 2-2-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

RAILROAD OPERATING RULES

Petitions for Waiver

As required by 45 U.S.C. 431(c), notice is hereby given that five railroads have submitted waiver petitions to the Federal Railroad Administration (FRA). Each petition requests that the railroad be granted a permanent waiver of compliance with certain safety standards contained in the Railroad Operating Rules (49 CFR Part 218).

The initial provisions for safety regulations concerning Railroad Operating Rules were issued by FRA on March 15, 1976. FRA subsequently issued additional provisions to these regulations on January 27, 1977 (42 FR 5056). These additional provisions require, in part, that railroads have certain carrier operating rules in

effect to protect railroad employees engaged in the operation of trains, locomotives, and other rolling equipment. These provisions became effective on August 1, 1977.

One of the carrier operating rules, that the FRA has required, prescribes the actions that a train crew must take to alert the crew of a following train that the track ahead of the following train is currently occupied. This provision of the FRA regulation is similar in some respects to Rule 99 of the Standard Code of Operating Rules of the Association of American Railroads. These protective measures also are commonly referred to in the railroad industry as "flagging" or providing "flag protection."

Each of the railroads identified below is seeking a waiver of compliance with one or more specific provisions of these standards. A brief description of the facts involved in each request as well as the particular regulatory provision involved has been provided.

Interested persons are invited to participate in these proceedings by submitting written data, views or comments. The FRA has not scheduled an opportunity or oral comment since the facts do not appear to warrant it. However, the FRA will provide an opportunity for oral comment if requested to do so by any interested party. Such requests must be in writing and must be submitted to FRA before February 10, 1978.

All communications concerning these petitions must identify the appropriate docket number (e.g., FRA Waiver Petition Docket No. RSOR-77-22) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before February 27, 1978 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered as far as practicable. Detailed information concerning each petition is on file with the Federal Railroad Administration and is available for examination by interested persons. Any comments received will also be on file. This material is available for examination during regular business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

[Waiver Petition Docket RSOR-77-22]

CHICAGO & NORTH WESTERN RAILROAD

The Chicago & North Western Railroad (CNW) seeks a permanent waiver of compliance with the provisions of § 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The CNW proposes to relieve the train crews of this flagging responsibility by plac-

4701

ing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The waiver sought by the CNW would be applicable to approximately 36 subdivisions on that railroad where only one train per day is normally operated. The CNW states that operations on these subdivisions have been conducted safely since 1965 using the operational approach proposed in the waiver request.

The CNW indicates that steps will be taken to assure the safety of operations if following movements do occur on these lines.

[Waiver Petition Docket RSOR-77-23]

BESSEMER & LAKE ERIE RAILROAD

The Bessemer & Lake Erie Railroad (B&LE) seeks a waiver of compliance with the provisions of § 218.37(a)(1)(iii) of the flag protection portion of the regulation. That section requires a railroad to have an operating rule which specifies the manner in which flag protection will be provided on that carrier.

The regulation also contains a provision that permits a railroad to utilize two block signals to protect the rear of a train instead of utilizing flag protection. The waiver requested by the B&LE seeks authority to use only one block signal to protect the rear of a train at two specific locations on that railroad.

The locations involved in the B&LE request are identified as Albion, Pa. and Bessemer, Pa. At both locations the B&LE has yard facilities that are connected to main line trackage where operations are conducted in accordance with the signal indications of a traffic control system. The design of these facilities and the method of operation is such that on many occasions departing freight trains will be required to stop on the mainline shortly after leaving the yard. In those instances the rear of the train will be protected by only one block signal rather than the two signals specified in § 218.37(a)(2).

The waiver sought by the B&LE would permit departing trains to stop at these two locations without requiring the crews on those trains to provide flag protection in accordance with the regulation. In support of this request the B&LE notes that all movements on the mainline, which would be to the rear of the stopped train, are governed by the carrier's rules for yard limits. Consequently, in the opinion of the B&LE the absence of flag protection will not impair the safety of train operations at these two locations.

[Waiver Petition Docket RSOR-77-27]

ILLINOIS CENTRAL GULF RAILROAD

The Illinois Central Gulf Railroad (ICG) seeks a permanent waiver of compliance with a portion of the provisions of § 218.37(a)(iii) of the flag protection portion of the regulation. That section requires in part that a crew member place two rail torpedoes on the track when establishing protection for his train.

The ICG seeks to prohibit the use of these rail torpedoes in its electrified suburban passenger operations in the Chicago area. The track over which these trains are operated is primarily located in densely populated urban and suburban areas. The use

of rail torpedoes in these localities creates a hazard to juveniles who attempt to detonate them. Furthermore, on some portions of this trackage, the railroad right-of-way is located on a median strip in the middle of the street. Detonation of rail torpedoes in those areas presents a hazard to people using nearby sidewalks.

The ICG, in an effort to reduce these hazards, had discontinued the use of rail torpedoes on these commuter lines. Consequently, the ICG indicates that granting their requested waiver would be consistent with railroad safety and in the public interest.

[Waiver Petition Docket RSOR-77-29]

INDIANA HARBOR BELT RAILROAD

The Indiana Harbor Belt Railroad (IHB) seeks a permanent waiver of compliance with a portion of the provisions of § 218.37(a)(iii) of the flag protection portion of the regulation. That section requires in part that a crew member place two rail torpedoes on the track when establishing protection for his train.

The IHB indicates that it is primarily a terminal and switching railroad and that its main line extends for approximately 40 miles. This main line trackage, which runs from Gary, Ind. to Franklin Park, Ill., is frequently surrounded by urban and suburban development areas. Consequently, if rail torpedoes are used by the IHB they will present a hazard to the people living in those areas.

The IHB states that it has restricted the use of these torpedoes because, at detonation, the debris and the noise present a real danger for pedestrians and children. In support of its request the IHB notes that its trains operate at a maximum speed of 40 miles per hour due to the congested area that is being operated through.

[Waiver Petition Docket RSOR-77-37]

MAINE CENTRAL RAILROAD

The Maine Central Railroad (MEC) seeks a permanent waiver of compliance with the provisions of § 218.37(a)(2)(iv) of the flag protection portion of the regulation. That section permits a railroad to relieve a train crew of the responsibility to provide flag protection for its train only by the issuance of a train order.

The MEC proposes to relieve the train crews of this flagging responsibility by placing special instructions in the railroad's timetables. These special instructions will advise all train crews of the fact that they have been relieved of the responsibility to provide flag protection on a given segment of trackage.

The waiver sought by the MEC would be applicable to two subdivisions on that railroad where only one train per day is normally operated. The MEC indicates that operations on the two subdivisions have been conducted safely since 1981 using the operational approach proposed in this waiver request.

The MEC states that if a second train is operated on these lines a train order is issued to require that flag protection be provided on that line.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n).

Issued in Washington, D.C. on January 30, 1978.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 78-2950 Filed 2-2-78; 8:45 am]

[4810-35]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 9]

INTEGON INDEMNITY CORP.

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$438,000 has been established for the company.

Name of Company, Business Address, and State in Which Incorporated

Integon Indemnity Corporation, 420 North Spruce Street, Winston-Salem, North Carolina 27102; North Carolina.

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

D. A. PAGLIAI,
Commissioner, Bureau of
Government Financial Operations.
JANUARY 30, 1978.

[FR Doc. 78-2998 Filed 2-2-78; 8:45 am]

[4830-01]

Internal Revenue Service

[Delegation Order No. 169]

DEPUTY COMMISSIONER, ASSISTANT COMMISSIONER (COMPLIANCE) AND ASSISTANT COMMISSIONER (INSPECTION)

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of authority.

SUMMARY: The authority of the Commissioner of Internal Revenue to

make determinations and to issue orders to compel testimony under a grant of immunity to an individual where warranted is being delegated to the Deputy Commissioner, Assistant Commissioner (Compliance) and Assistant Commissioner (Inspection). The immunity order must have the approval of the Attorney General. The text of the delegation order appears below.

EFFECTIVE DATE: January 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David E. Gaston, 1111 Constitution Avenue NW., Room 4523, Washington, D.C. 20224, 202-566-6645 (not toll free).

STUART E. SEIGEL,
Chief Counsel.

Subject: Authority for the issuance of immunity orders pursuant to 18 U.S.C. §§ 6002 and 6004 in proceedings arising under the laws administered by the Internal Revenue Service.

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-88, dated November 29, 1977, there is hereby delegated to the Deputy Commissioner, the Assistant Commissioner (Compliance) and the Assistant Commissioner (Inspection) the function under Title II of the Or-

ganized Crime Control Act of 1970 (18 U.S.C. § 6001, et seq; 84 Stat. 926), with the approval of the Attorney General, to make determinations and to issue the orders to compel the testimony under a grant of immunity of any individual who has been or may be called to testify or provide information at any proceeding before the Internal Revenue Service which such individual refuses to give or provide on the basis of his/her privilege against self-incrimination.

All requests for immunity must be referred to the Director, Criminal Tax Division, Office of the Chief Counsel, for review prior to referral to the Department of Justice.

This authority may not be redelegated.

Dated: January 27, 1978.

JEROME KURTZ,
Commissioner.

[FR Doc. 78-3042 Filed 2-2-78; 8:45 am]

[4810-22]

Office of the Secretary

"TRIGGER PRICE EXTRAS" FOR IMPORTED STEEL MILL PRODUCTS

Steel Reference Price Handbook

In the FEDERAL REGISTER of December 30, 1977, the Treasury Department

announced proposed rulemaking procedures with respect to regulations applicable to the information required to be filed at the time of importation of certain steel mill products (42 FR 65214). As was there indicated, the Secretary intends to implement a "trigger price mechanism" as recommended to, and approved by, the President. As part of these "trigger prices" are "extras" to be added to the base prices of the imported steel mill products. These "extras" pertain to specifications for width, thickness, chemistry, and surface preparation of the base product. Their addition to the appropriate base prices and importation costs (excluding duty) constitute the "trigger prices".

I am hereby announcing "extras" to be used in the trigger price mechanism for 16 of the 17 steel mill products for which base prices were published in the FEDERAL REGISTER of January 9, 1978 (43 FR 1463). These "extras" are based upon evidence made available to the Treasury Department by the Japanese Ministry of International Trade and Industry (MITI), as well as other information available to the Department.

ROBERT CARSWELL,
Deputy Secretary of the Treasury.

JANUARY 27, 1978.



January 1978

U.S. CUSTOMS SERVICE
OFFICE OF OPERATIONS
DUTY ASSESSMENT DIVISION

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

NOTICES

Please note that all prices given in the Steel Reference Price Handbook are in metric tons, the standard weight in international trade. Also, the numbering system consists of two parts: the AISI Category (e.g. Wire Rods - Commercial Quality AISI 1008 Category AISI 2) and sequential numbering of pages. As subsequent pages are published, they will be either new pages or replacements for the appropriate numbered page.

The terms "negotiable" or "subject to negotiation" refer to discussion of the price ranges which are appropriate to the practice in extras for steel products.

WIRE RODS - COMMERCIAL QUALITY	ASTM	1008	5.5m/m
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Category: All: 2

Tariff Schedule Number(s)	608.7000 - 0.1¢/lb.	608.7300 - 0.2¢/lb.
	608.7100 - 0.25¢/lb.	608.7500 - 0.375¢/lb.

Base Price per Metric Ton	\$265
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Charges to CIF	Ocean Freight	Handling	Interest
West Coast	\$25	\$ 3	\$ 6
Gulf Coast	26	5	7
Atlantic Coast	31	8	8
Great Lakes	45	4	10

insurance 1; of base price + extras + ocean freight

Heat Treatment
Regular Anneal - \$40/M.T.

Spherodize Anneal - \$60/M.T.

WIRE RODS - WELDING QUALITY - JIS G3503
SRWYLL equivalent 5.5m/m

Category: AISI	2	
Turiff Schedule Number(s)	608.7000 - 0.1¢/lb/ 608.7100 - 0.25¢/lb.	608.7300 - 0.2¢/lb. 608.7500 - 0.375¢/lb.

Base Price per Metric Ton	\$266
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	Charges to CIF	Ocean Freight	Handling	Interest
West Coast		\$ 5	\$ 3	\$ 6
Gulf Coast		26	5	7
Atlantic Coast		31	4	8
Great Lakes		45	4	10

$$\text{insurance} + \text{if of base price} + \text{excess} + \text{ocean freight}$$

Heat Treatment

Regular Annual - \$10/M.T.

Spherodize vineal - \$60/M.T.

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

2-3

WIRE RODS - HIGH CARBON - AISI 1065 (SPECIFIC) 5.5m/m

Category: VSI

Tariff Schedule Number(s)	608.7000-0.1¢/lb.	608.7300-0.2¢/lb.
	608.7100-0.25¢/lb.	608.7500-0.375¢/lb.

Base Price per Metric Ton	\$309
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Charges to Ctr	Ocean Freight	Handling	Interest
West Coast	\$25	\$ 3	\$ 7
Gulf Coast	20	5	9
Atlantic Coast	31	4	9
Great Lakes	15	4	11

Insurance 1k of base price + extras + ocean freight

Extras

Heat Treatment

Regular Anneal - \$40/M.T.

Spheroidize Anneal - \$60/M.T.

2-4

WIRE ROPS - COLD HEADING QUALITY - AISI 1038 (SPECIFIC) 12.7m/m

Category: AISI 2

Tariff Schedule Number(s)	608.7300 - 0.1¢/lb.	608.7300 - 0.2¢/lb.
	608.7100 - 0.25¢/lb.	608.7500 - 0.375¢/lb.

Base Price per Metric Ton	\$319
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	Charges to CIF	Ocean Freight	Handling	Interest
West Coast		\$5	\$ 3	\$ 7
Gulf Coast		26	5	9
Atlantic Coast		31	9	4
Great Lakes		45	4	11

Insurance 13 of base price + extras + ocean freight

Extras

Treatment

Regular Anneal - \$40/M.T.

Spherodize Anneal - \$60/M.T.

4705

4706

3-1

(2) Grade Extras (\$/M.T.)			
ASTM Grade	Web Thickness Thru 1-7/8	Inches Over 1-7/8 Thru 2-3/8	Over 2-3/8
A242	111	122	122
A588	111	89	89
A441	49		
A572	42	85	85
G50	49	89	89
G60	66	32	32
A36	0		
A690	77		

WIDE FLANGE BEAMS - ASTM A36	12" x 12"
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Category AISI 3
Tariff Schedule Number(s) 609.8015 0.1¢ per lb.

Base Price per Metric Ton \$259

Charges to CIF	Ocean Freight	Handling	Interest
West Coast \$27		\$ 3	\$ 5
Gulf Coast 30		5	-
Atlantic Coast 34		4	7
Great Lakes 47		4	9

Insurance 1% of base price + extras + ocean freight

Extras

1. Size Extras
2. Grade Extras
3. Cut Length Extras
4. Splitting Extras

NOTICES

3-2

WIDE FLANGE BEAMS

(1) Size Extras				
Series	Lbs./Foot	Extra-\$/M.T.	Series	Extra-\$/M.T.
4 x 4	13	40	14 x 12	78.84
5 x 5	16-18.9	35	14 x 14	87-136
6 x 4	8.5	51	14 x 16	142-426
6 x 6	12.16	40	14 x 16	455
6 x 6	15.5	26	14 x 16	500
6 x 6	20.25	18	14 x 16	550
8 x 4	10	42	14 x 16	605
8 x 4	13.15	30	14 x 16	665
8 x 5 1/2	17.20	21	14 x 16	730
8 x 6 1/2	24.28	15	14 x 16	780
8 x 8	31.64	11	16 x 7	36-50
10 x 4	11.5	56	16 x 8 1/2	58-78
10 x 4	15.19	31	16 x 11 1/2	88.96
10 x 5 3/4	21.29	18	18 x 6	35-40
10 x 8	33.45	11	18 x 7 1/2	45-60
10 x 10	49.112	5	18 x 8 3/4	64-85
12 x 4	14	39	18 x 11 3/4	96-114
12 x 4	16.5-22	32	21 x 6 1/2	44-49
12 x 6 1/2	27-36	13	21 x 8 1/2	55-73
12 x 8	40-50	7	21 x 9	82-96
12 x 10	53.58	5	21 x 13	112-142
12 x 12	65.190	N11	24 x 7	55-61
14 x 5	22.26	18	24 x 9	68-94
14 x 6 3/4	30-38	9	24 x 12	100-120
14 x 8	43-53	5	27 x 10	84-114
14 x 10	61-74	N11	30 x 10 1/2	99-132

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4-1

SHEET PILING - ASTM A328	ARCH WEB PDA-27
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Category AISI 4
Tariff Schedule Number(s) 609.96 0.1¢ per lb.

Base Price per Metric Ton \$292

Charges to CIF	Ocean Freight	Handling	Interest
West Coast \$27		\$ 3	\$ 6
Gulf Coast 30		5	7
Atlantic Coast 34		4	8
Great Lakes 47		4	10

Insurance 1% of base price + extras + ocean freight

Extras

1. Quality Extras
2. Shape Extras
3. Length Extras

4-2

EXTRA FOR SHEET PILING

USD PER MT

1. QUALITY	SY 30 (EQUIVALENT TO ASTM A-328) SY36 SY40 A690/MARINE TYPE	BASE + 10 + 20 + 85
2. SHAPE	F.FA ARCH WEB OTHERS (EQUIVALENT TO PDA-27) 214,235,238,245	+ 10 + 10 BASE + 10 SUBJECT TO NEGOTIATION
3. LENGTH	3M UNDER 3M TO UNDER 6M 6M & OVER	SUBJECT TO NEGOTIATION + 10 BASE + 10 SUBJECT TO NEGOTIATION
4. SURFACE TREATMENT (PROTECTIVE COATING)		SUBJECT TO NEGOTIATION
5. HANDLING HOLDS		SUBJECT TO NEGOTIATION
6. QUANTITY		NONE

NOTICES

4707

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4708

NOTICES

5-1

STEEL PLATES - ASTM A-36 1/2" x 80" x 240"

Category AISI 5

Tariff Schedule Number(s) 608.8410 7.5%
608.8415 7.5%
608.8720 8%

Base Price per Metric Ton \$266

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	\$25	\$ 3	\$ 6
Gulf Coast	25	5	8
Atlantic Coast	31	4	8
Great Lakes	40	4	10

Insurance 1% of base price + extras + ocean freight

Extras

- Width/Thickness Extra
- Specification Extra
- Other Extras

Killed AS78L1
Fine Grain AS78L2
Charpy Checker
Normalize Pickled & Oiled
Quench & Temper Out Length Extra
Normalize & Temper Others

STEEL PLATE

Thickness / Width	Up To 1/4"	From 1/4" up to 1/2"	From 1/2" up to 3/4"	From 3/4" up to 1"	From 1" up to 1 1/4"	From 1 1/4" up to 1 1/2"	From 1 1/2" up to 1 3/4"	From 1 3/4" up to 1 7/8"	From 1 7/8" up to 2"	From 2" up to 2 1/4"	From 2 1/4" up to 2 1/2"	From 2 1/2" up to 2 3/4"	From 2 3/4" up to 2 7/8"	From 2 7/8" up to 3"	From 3" up to 3 1/4"	From 3 1/4" up to 3 1/2"	From 3 1/2" up to 3 3/4"	From 3 3/4" up to 3 7/8"	From 3 7/8" up to 4"	From 4" up to 4 1/4"	From 4 1/4" up to 4 1/2"	From 4 1/2" up to 4 3/4"	From 4 3/4" up to 4 7/8"	From 4 7/8" up to 5"	From 5" up to 5 1/4"	From 5 1/4" up to 5 1/2"	From 5 1/2" up to 5 3/4"	From 5 3/4" up to 5 7/8"	From 5 7/8" up to 6"	From 6" up to 6 1/4"	From 6 1/4" up to 6 1/2"	From 6 1/2" up to 6 3/4"	From 6 3/4" up to 6 7/8"	From 6 7/8" up to 7"	From 7" up to 7 1/4"	From 7 1/4" up to 7 1/2"	From 7 1/2" up to 7 3/4"	From 7 3/4" up to 7 7/8"	From 7 7/8" up to 8"	From 8" up to 8 1/4"	From 8 1/4" up to 8 1/2"	From 8 1/2" up to 8 3/4"	From 8 3/4" up to 8 7/8"	From 8 7/8" up to 9"	From 9" up to 9 1/4"	From 9 1/4" up to 9 1/2"	From 9 1/2" up to 9 3/4"	From 9 3/4" up to 9 7/8"	From 9 7/8" up to 10"	From 10" up to 10 1/4"	From 10 1/4" up to 10 1/2"	From 10 1/2" up to 10 3/4"	From 10 3/4" up to 10 7/8"	From 10 7/8" up to 11"	From 11" up to 11 1/4"	From 11 1/4" up to 11 1/2"	From 11 1/2" up to 11 3/4"	From 11 3/4" up to 11 7/8"	From 11 7/8" up to 12"	From 12" up to 12 1/4"	From 12 1/4" up to 12 1/2"	From 12 1/2" up to 12 3/4"	From 12 3/4" up to 12 7/8"	From 12 7/8" up to 13"	From 13" up to 13 1/4"	From 13 1/4" up to 13 1/2"	From 13 1/2" up to 13 3/4"	From 13 3/4" up to 13 7/8"	From 13 7/8" up to 14"	From 14" up to 14 1/4"	From 14 1/4" up to 14 1/2"	From 14 1/2" up to 14 3/4"	From 14 3/4" up to 14 7/8"	From 14 7/8" up to 15"	From 15" up to 15 1/4"	From 15 1/4" up to 15 1/2"	From 15 1/2" up to 15 3/4"	From 15 3/4" up to 15 7/8"	From 15 7/8" up to 16"	From 16" up to 16 1/4"	From 16 1/4" up to 16 1/2"	From 16 1/2" up to 16 3/4"	From 16 3/4" up to 16 7/8"	From 16 7/8" up to 17"	From 17" up to 17 1/4"	From 17 1/4" up to 17 1/2"	From 17 1/2" up to 17 3/4"	From 17 3/4" up to 17 7/8"	From 17 7/8" up to 18"	From 18" up to 18 1/4"	From 18 1/4" up to 18 1/2"	From 18 1/2" up to 18 3/4"	From 18 3/4" up to 18 7/8"	From 18 7/8" up to 19"	From 19" up to 19 1/4"	From 19 1/4" up to 19 1/2"	From 19 1/2" up to 19 3/4"	From 19 3/4" up to 19 7/8"	From 19 7/8" up to 20"	From 20" up to 20 1/4"	From 20 1/4" up to 20 1/2"	From 20 1/2" up to 20 3/4"	From 20 3/4" up to 20 7/8"	From 20 7/8" up to 21"	From 21" up to 21 1/4"	From 21 1/4" up to 21 1/2"	From 21 1/2" up to 21 3/4"	From 21 3/4" up to 21 7/8"	From 21 7/8" up to 22"	From 22" up to 22 1/4"	From 22 1/4" up to 22 1/2"	From 22 1/2" up to 22 3/4"	From 22 3/4" up to 22 7/8"	From 22 7/8" up to 23"	From 23" up to 23 1/4"	From 23 1/4" up to 23 1/2"	From 23 1/2" up to 23 3/4"	From 23 3/4" up to 23 7/8"	From 23 7/8" up to 24"	From 24" up to 24 1/4"	From 24 1/4" up to 24 1/2"	From 24 1/2" up to 24 3/4"	From 24 3/4" up to 24 7/8"	From 24 7/8" up to 25"	From 25" up to 25 1/4"	From 25 1/4" up to 25 1/2"	From 25 1/2" up to 25 3/4"	From 25 3/4" up to 25 7/8"	From 25 7/8" up to 26"	From 26" up to 26 1/4"	From 26 1/4" up to 26 1/2"	From 26 1/2" up to 26 3/4"	From 26 3/4" up to 26 7/8"	From 26 7/8" up to 27"	From 27" up to 27 1/4"	From 27 1/4" up to 27 1/2"	From 27 1/2" up to 27 3/4"	From 27 3/4" up to 27 7/8"	From 27 7/8" up to 28"	From 28" up to 28 1/4"	From 28 1/4" up to 28 1/2"	From 28 1/2" up to 28 3/4"	From 28 3/4" up to 28 7/8"	From 28 7/8" up to 29"	From 29" up to 29 1/4"	From 29 1/4" up to 29 1/2"	From 29 1/2" up to 29 3/4"	From 29 3/4" up to 29 7/8"	From 29 7/8" up to 30"	From 30" up to 30 1/4"	From 30 1/4" up to 30 1/2"	From 30 1/2" up to 30 3/4"	From 30 3/4" up to 30 7/8"	From 30 7/8" up to 31"	From 31" up to 31 1/4"	From 31 1/4" up to 31 1/2"	From 31 1/2" up to 31 3/4"	From 31 3/4" up to 31 7/8"	From 31 7/8" up to 32"	From 32" up to 32 1/4"	From 32 1/4" up to 32 1/2"	From 32 1/2" up to 32 3/4"	From 32 3/4" up to 32 7/8"	From 32 7/8" up to 33"	From 33" up to 33 1/4"	From 33 1/4" up to 33 1/2"	From 33 1/2" up to 33 3/4"	From 33 3/4" up to 33 7/8"	From 33 7/8" up to 34"	From 34" up to 34 1/4"	From 34 1/4" up to 34 1/2"	From 34 1/2" up to 34 3/4"	From 34 3/4" up to 34 7/8"	From 34 7/8" up to 35"	From 35" up to 35 1/4"	From 35 1/4" up to 35 1/2"	From 35 1/2" up to 35 3/4"	From 35 3/4" up to 35 7/8"	From 35 7/8" up to 36"	From 36" up to 36 1/4"	From 36 1/4" up to 36 1/2"	From 36 1/2" up to 36 3/4"	From 36 3/4" up to 36 7/8"	From 36 7/8" up to 37"	From 37" up to 37 1/4"	From 37 1/4" up to 37 1/2"	From 37 1/2" up to 37 3/4"	From 37 3/4" up to 37 7/8"	From 37 7/8" up to 38"	From 38" up to 38 1/4"	From 38 1/4" up to 38 1/2"	From 38 1/2" up to 38 3/4"	From 38 3/4" up to 38 7/8"	From 38 7/8" up to 39"	From 39" up to 39 1/4"	From 39 1/4" up to 39 1/2"	From 39 1/2" up to 39 3/4"	From 39 3/4" up to 39 7/8"	From 39 7/8" up to 40"	From 40" up to 40 1/4"	From 40 1/4" up to 40 1/2"	From 40 1/2" up to 40 3/4"	From 40 3/4" up to 40 7/8"	From 40 7/8" up to 41"	From 41" up to 41 1/4"	From 41 1/4" up to 41 1/2"	From 41 1/2" up to 41 3/4"	From 41 3/4" up to 41 7/8"	From 41 7/8" up to 42"	From 42" up to 42 1/4"	From 42 1/4" up to 42 1/2"	From 42 1/2" up to 42 3/4"	From 42 3/4" up to 42 7/8"	From 42 7/8" up to 43"	From 43" up to 43 1/4"	From 43 1/4" up to 43 1/2"	From 43 1/2" up to 43 3/4"	From 43 3/4" up to 43 7/8"	From 43 7/8" up to 44"	From 44" up to 44 1/4"	From 44 1/4" up to 44 1/2"	From 44 1/2" up to 44 3/4"	From 44 3/4" up to 44 7/8"	From 44 7/8" up to 45"	From 45" up to 45 1/4"	From 45 1/4" up to 45 1/2"	From 45 1/2" up to 45 3/4"	From 45 3/4" up to 45 7/8"	From 45 7/8" up to 46"	From 46" up to 46 1/4"	From 46 1/4" up to 46 1/2"	From 46 1/2" up to 46 3/4"	From 46 3/4" up to 46 7/8"	From 46 7/8" up to 47"	From 47" up to 47 1/4"	From 47 1/4" up to 47 1/2"	From 47 1/2" up to 47 3/4"	From 47 3/4" up to 47 7/8"	From 47 7/8" up to 48"	From 48" up to 48 1/4"	From 48 1/4" up to 48 1/2"	From 48 1/2" up to 48 3/4"	From 48 3/4" up to 48 7/8"	From 48 7/8" up to 49"	From 49" up to 49 1/4"	From 49 1/4" up to 49 1/2"	From 49 1/2" up to 49 3/4"	From 49 3/4" up to 49 7/8"	From 49 7/8" up to 50"	From 50" up to 50 1/4"	From 50 1/4" up to 50 1/2"	From 50 1/2" up to 50 3/4"	From 50 3/4" up to 50 7/8"	From 50 7/8" up to 51"	From 51" up to 51 1/4"	From 51 1/4" up to 51 1/2"	From 51 1/2" up to 51 3/4"	From 51 3/4" up to 51 7/8"	From 51 7/8" up to 52"	From 52" up to 52 1/4"	From 52 1/4" up to 52 1/2"	From 52 1/2" up to 52 3/4"	From 52 3/4" up to 52 7/8"	From 52 7/8" up to 53"	From 53" up to 53 1/4"	From 53 1/4" up to 53 1/2"	From 53 1/2" up to 53 3/4"	From 53 3/4" up to 53 7/8"	From 53 7/8" up to 54"	From 54" up to 54 1/4"	From 54 1/4" up to 54 1/2"	From 54 1/2" up to 54 3/4"	From 54 3/4" up to 54 7/8"	From 54 7/8" up to 55"	From 55" up to 55 1/4"	From 55 1/4" up to 55 1/2"	From 55 1/2" up to 55 3/4"	From 55 3/4" up to 55 7/8"	From 55 7/8" up to 56"	From 56" up to 56 1/4"	From 56 1/4" up to 56 1/2"	From 56 1/2" up to 56 3/4"	From 56 3/4" up to 56 7/8"	From 56 7/8" up to 57"	From 57" up to 57 1/4"	From 57 1/4" up to 57 1/2"	From 57 1/2" up to 57 3/4"	From 57 3/4" up to 57 7/8"	From 57 7/8" up to 58"	From 58" up to 58 1/4"	From 58 1/4" up to 58 1/2"	From 58 1/2" up to 58 3/4"	From 58 3/4" up to 58 7/8"	From 58 7/8" up to 59"	From 59" up to 59 1/4"	From 59 1/4" up to 59 1/2"	From 59 1/2" up to 59 3/4"	From 59 3/4" up to 59 7/8"	From 59 7/8" up to 60"	From 60" up to 60 1/4"	From 60 1/4" up to 60 1/2"	From 60 1/2" up to 60 3/4"	From 60 3/4" up to 60 7/8"	From 60 7/8" up to 61"	From 61" up to 61 1/4"	From 61 1/4" up to 61 1/2"	From 61 1/2" up to 61 3/4"	From 61 3/4" up to 61 7/8"	From 61 7/8" up to 62"	From 62" up to 62 1/4"	From 62 1/4" up to 62 1/2"	From 62 1/2" up to 62 3/4"	From 62 3/4" up to 62 7/8"	From 62 7/8" up to 63"	From 63" up to 63 1/4"	From 63 1/4" up to 63 1/2"	From 63 1/2" up to 63 3/4"	From 63 3/4" up to 63 7/8"	From 63 7/8" up to 64"	From 64" up to 64 1/4"	From 64 1/4" up to 64 1/2"	From 64 1/2" up to 64 3/4"	From 64 3/4" up to 64 7/8"	From 64 7/8" up to 65"	From 65" up to 65 1/4"	From 65 1/4" up to 65 1/2"	From 65 1/2" up to 65 3/4"	From 65 3/4" up to 65 7/8"	From 65 7/8" up to 66"	From 66" up to 66 1/4"	From 66 1/4" up to 66 1/2"	From 66 1/2" up to 66 3/4"	From 66 3/4" up to 66 7/8"	From 66 7/8" up to 67"	From 67" up to 67 1/4"	From 67 1/4" up to 67 1/2"	From 67 1/2" up to 67 3/4"	From 67 3/4" up to 67 7/8"	From 67 7/8" up to 68"	From 68" up to 68 1/4"	From 68 1/4" up to 68 1/2"	From 68 1/2" up to 68 3/4"	From 68 3/4" up to 68 7/8"	From 68 7/8" up to 69"	From 69" up to 69 1/4"	From 69 1/4" up to 69 1/2"	From 69 1/2" up to 69 3/4"	From 69 3/4" up to 69 7/8"	From 69 7/8" up to 70"	From 70" up to 70 1/4"	From 70 1/4" up to 70 1/2"	From 70 1/2" up to 70 3/4"	From 70 3/4" up to 70 7/8"	From 70 7/8" up to 71"	From 71" up to 71 1/4"	From 71 1/4" up to 71 1/2"	From 71 1/2" up to 71 3/4"	From 71 3/4" up to 71 7/8"	From 71 7/8" up to 72"	From 72" up to 72 1/4"	From 72 1/4" up to 72 1/2"	From 72 1/2" up to 72 3/4"	From 72 3/4" up to 72 7/8"	From 72 7/8" up to 73"	From 73" up to 73 1/4"	From 73 1/4" up to 73 1/2"	From 73 1/2" up to 73 3/4"	From 73 3/4" up to 73 7/8"	From 73 7/8" up to 74"	From 74" up to 74 1/4"	From 74 1/4" up to 74 1/2"	From 74 1/2" up to 74 3/4"	From 74 3/4" up to 74 7/8"	From 74 7/8" up to 75"	From 75" up to 75 1/4"	From 75 1/4" up to 75 1/2"	From 75 1/2" up to 75 3/4"	From 75 3/4" up to 75 7/8"	From 75 7/8" up to 76"	From 76" up to 76 1/4"	From 76 1/4" up to 76 1/2"	From 76 1/2" up to 76 3/4"	From 76 3/4" up to 76 7/8"	From 76 7/8" up to 77"	From 77" up to 77 1/4"	From 77 1/4" up to 77 1/2"	From 77 1/2" up to 77 3/4"	From 77 3/4" up to 77 7/8"	From 77 7/8" up to 78"	From 78" up to 78 1/4"	From 78 1/4" up to 78 1/2"	From 78 1/2" up to 78 3/4"	From 78 3/4" up to 78 7/8"	From 78 7/8" up to 79"	From 79" up to 79 1/4"	From 79 1/4" up to 79 1/2"	From 79 1/2" up to 79 3/4"	From 79 3/4" up to 79 7/8"	From 79 7/8" up to 80"	From 80" up to 80 1/4"	From 80 1/4" up to 80 1/2"	From 80 1/2" up to 80 3/4"	From 80 3/4" up to 80 7/8"	From 80 7/8" up to 81"	From 81" up to 81 1/4"	From 81 1/4" up to 81 1/2"	From 81 1/2" up to 81 3/4"	From 81 3/4" up to 81 7/8"	From 81 7/8" up to 82"	From 82" up to 82 1/4"	From 82 1/4" up to 82 1/2"	From 82 1/2" up to 82 3/4"	From 82 3/4" up to 82 7/8"	From 82 7/8" up to 83"	From 83" up to 83 1/4"	From 83 1/4" up to 83 1/2"	From 83 1/2" up to 83 3/4"	From 83 3/4" up to 83 7/8"	From 83 7/8" up to 84"	From 84" up to 84 1/4"	From 84 1/4" up to 84 1/2"	From 84 1/2" up to 84 3/4"	From 84 3/4" up to 84 7/8"	From 84 7/8" up to 85"	From 85" up to 85 1/4"	From 85 1/4" up to 85 1/2"	From 85 1/2" up to 85 3/4"	From 85 3/4" up to 85 7/8"	From 85 7/8" up to 86"	From 86" up to 86 1/4"	From 86 1/4" up to 86 1/2"	From 86 1/2" up to 86 3/4"	From 86 3/4" up to 86 7/8"	From 86 7/8" up to 87"	From 87" up to 87 1/4"	From 87 1/4" up to 87 1/2"	From 87 1/2" up to 87 3/4"	From 87 3/4" up to 87 7/8"	From 87 7/8" up to 88"	From 88" up to 88 1/4"	From 88 1/4" up to 88 1/2"	From 88 1/2" up to 88 3/4"	From 88 3/4" up to 88 7/8"	From 88 7/8" up to 89"	From 89" up to 89 1/4"	From 89 1/4" up to 89 1/2"	From 89 1/2" up to 89 3/4"	From 89 3/4" up to 89 7/8"	From 89 7/8" up to 90"	From 90" up to 90 1/4"	From 90 1/4" up to 90 1/2"	From 90 1/2" up to 90 3/4"	From 90 3/4" up to 90 7/8"	From 90 7/8" up to 91"	From 91" up to 91 1/4"	From 91 1/4" up to 91 1/2"	From 91 1/2" up to 91 3/4"	From 91 3/4" up to 91 7/8"	From 91 7/8" up to 92"	From 92" up to 92 1/4"	From 92 1/4" up to 92 1/2"	From 92 1/2" up to 92 3/4"	From 92 3/4" up to 92 7/8"	From 92 7/8" up to 93"	From 93" up to 93 1/4"	From 93 1/4" up to 93 1/2"	From 93 1/2" up to 93 3/4"	From 93 3/4" up to 93 7/8"	From 93 7/8" up to 94"	From 94" up to 94 1/4"	From 94 1/4" up to 94 1/2"	From 94 1/2" up to 94 3/4"	From 94 3/4" up to 94 7/8"	From 94 7/8" up to 95"	From 95" up to 95 1/4"	From 95 1/4" up to 95 1/2"	From 95 1/2" up to 95 3/4"	From 95 3/4" up to 95 7/8"	From 95 7/8" up to 96"	From 96" up to 96 1/4"	From 96 1/4" up to 96 1/2"	From 96 1/2" up to 96 3/4"	From 96 3/4" up to 96 7/8"	From 96 7/8" up to 97"	From 97" up to 97 1/4"	From 97 1/4" up to 97 1/2"	From 97 1/2" up to 97 3/4"	From 97 3/4" up to 97 7/8"	From 97 7/8" up to 98"	From 98" up to 98 1/4"	From 98 1/4" up to 98 1/2"	From 98 1/2" up to 98 3/4"	From 98 3/4" up to 98 7/8"	From 98 7/8" up to 99"	From 99" up to 99 1/4"	From 99 1/4" up to 99 1/2"	From 99 1/2" up to 99 3/4"	From 99 3/4" up to 99 7/8"	From 99 7/8" up to 100"	From 100" up to 100 1/4"	From 100 1/4" up to 100 1/2"	From 100 1/2" up to 100 3/4"	From 100 3/4" up to 100 7/8"	From 100 7/8" up to 101"	From 101" up to 101 1/4"	From 101 1/4" up to 101 1/2"	From 101 1/2" up to 101 3/4"	From 101 3/4" up to 101 7/8"	From 101 7/8" up to 102"	From 102" up to 102 1/4"	From 102 1/4" up to 102 1/2"	From 102 1/2" up to 102 3/4"	From 102 3/4" up to 102 7/8"	From 102 7/8" up to 103"	From 103" up to 103 1/4"	From 103 1/4" up to 103 1/2"	From 103 1/2" up to 103 3/4"	From 103 3/4" up to 103 7/8"	From 103 7/8" up to 104"	From 104" up to 104 1/4"	From 104 1/4" up to 104 1/2"	From 104 1/2" up to 104 3/4"	From 104 3/4" up to 104 7/8"	From 104 7/8" up to 105"	From 105" up to 105 1/4"	From 105 1/4" up to 105 1/2"	From 105 1/2" up to 105 3/4"	From 105 3/4" up to 105 7/8"	From 105 7/8" up to 106"	From 106" up to 106 1/4"	From 106 1/4" up to 106 1
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Gr. A	over 5' up to 5' 1"	1.5
Gr. B	over 5' up to 5' 1"	1.5
Gr. C	over 5' up to 5' 1"	1.5
Gr. D	over 5' up to 5' 1"	1.5
Gr. E	over 5' up to 5' 1"	1.5
Gr. F	over 5' up to 5' 1"	1.5
Gr. G	over 5' up to 5' 1"	1.5
Gr. H	over 5' up to 5' 1"	1.5
Gr. I	over 5' up to 5' 1"	1.5
Gr. J	over 5' up to 5' 1"	1.5
Gr. K	over 5' up to 5' 1"	1.5
Gr. L	over 5' up to 5' 1"	1.5
Gr. M	over 5' up to 5' 1"	1.5
Gr. N	over 5' up to 5' 1"	1.5
Gr. O	over 5' up to 5' 1"	1.5
Gr. P	over 5' up to 5' 1"	1.5
Gr. Q	over 5' up to 5' 1"	1.5
Gr. R	over 5' up to 5' 1"	1.5
Gr. S	over 5' up to 5' 1"	1.5
Gr. T	over 5' up to 5' 1"	1.5
Gr. U	over 5' up to 5' 1"	1.5
Gr. V	over 5' up to 5' 1"	1.5
Gr. W	over 5' up to 5' 1"	1.5
Gr. X	over 5' up to 5' 1"	1.5
Gr. Y	over 5' up to 5' 1"	1.5
Gr. Z	over 5' up to 5' 1"	1.5
Gr. AA	over 5' up to 5' 1"	1.5
Gr. AB	over 5' up to 5' 1"	1.5
Gr. AC	over 5' up to 5' 1"	1.5
Gr. AD	over 5' up to 5' 1"	1.5
Gr. AE	over 5' up to 5' 1"	1.5
Gr. AF	over 5' up to 5' 1"	1.5
Gr. AG	over 5' up to 5' 1"	1.5
Gr. AH	over 5' up to 5' 1"	1.5
Gr. AI	over 5' up to 5' 1"	1.5
Gr. AJ	over 5' up to 5' 1"	1.5
Gr. AK	over 5' up to 5' 1"	1.5
Gr. AL	over 5' up to 5' 1"	1.5
Gr. AM	over 5' up to 5' 1"	1.5
Gr. AN	over 5' up to 5' 1"	1.5
Gr. AO	over 5' up to 5' 1"	1.5
Gr. AP	over 5' up to 5' 1"	1.5
Gr. AQ	over 5' up to 5' 1"	1.5
Gr. AR	over 5' up to 5' 1"	1.5
Gr. AS	over 5' up to 5' 1"	1.5
Gr. AT	over 5' up to 5' 1"	1.5
Gr. AU	over 5' up to 5' 1"	1.5
Gr. AV	over 5' up to 5' 1"	1.5
Gr. AW	over 5' up to 5' 1"	1.5
Gr. AX	over 5' up to 5' 1"	1.5
Gr. AY	over 5' up to 5' 1"	1.5
Gr. AZ	over 5' up to 5' 1"	1.5
Gr. BA	over 5' up to 5' 1"	1.5
Gr. BB	over 5' up to 5' 1"	1.5
Gr. BC	over 5' up to 5' 1"	1.5
Gr. BD	over 5' up to 5' 1"	1.5
Gr. BE	over 5' up to 5' 1"	1.5
Gr. BF	over 5' up to 5' 1"	1.5
Gr. BG	over 5' up to 5' 1"	1.5
Gr. BH	over 5' up to 5' 1"	1.5
Gr. BI	over 5' up to 5' 1"	1.5
Gr. BJ	over 5' up to 5' 1"	1.5
Gr. BK	over 5' up to 5' 1"	1.5
Gr. BL	over 5' up to 5' 1"	1.5
Gr. BM	over 5' up to 5' 1"	1.5
Gr. BN	over 5' up to 5' 1"	1.5
Gr. BO	over 5' up to 5' 1"	1.5
Gr. BP	over 5' up to 5' 1"	1.5
Gr. BQ	over 5' up to 5' 1"	1.5
Gr. BR	over 5' up to 5' 1"	1.5
Gr. BS	over 5' up to 5' 1"	1.5
Gr. BT	over 5' up to 5' 1"	1.5
Gr. BU	over 5' up to 5' 1"	1.5
Gr. BV	over 5' up to 5' 1"	1.5
Gr. BW	over 5' up to 5' 1"	1.5
Gr. BX	over 5' up to 5' 1"	1.5
Gr. BY	over 5' up to 5' 1"	1.5
Gr. BZ	over 5' up to 5' 1"	1.5
Gr. CA	over 5' up to 5' 1"	1.5
Gr. CB	over 5' up to 5' 1"	1.5
Gr. CC	over 5' up to 5' 1"	1.5
Gr. CD	over 5' up to 5' 1"	1.5
Gr. CE	over 5' up to 5' 1"	1.5
Gr. CF	over 5' up to 5' 1"	1.5
Gr. CG	over 5' up to 5' 1"	1.5
Gr. CH	over 5' up to 5' 1"	1.5
Gr. CI	over 5' up to 5' 1"	1.5
Gr. CJ	over 5' up to 5' 1"	1.5
Gr. CK	over 5' up to 5' 1"	1.5
Gr. CL	over 5' up to 5' 1"	1.5
Gr. CM	over 5' up to 5' 1"	1.5
Gr. CN	over 5' up to 5' 1"	1.5
Gr. CO	over 5' up to 5' 1"	1.5
Gr. CP	over 5' up to 5' 1"	1.5
Gr. CQ	over 5' up to 5' 1"	1.5
Gr. CR	over 5' up to 5' 1"	1.5
Gr. CS	over 5' up to 5' 1"	1.5
Gr. CT	over 5' up to 5' 1"	1.5
Gr. CU	over 5' up to 5' 1"	1.5
Gr. CV	over 5' up to 5' 1"	1.5
Gr. CW	over 5' up to 5' 1"	1.5
Gr. CX	over 5' up to 5' 1"	1.5
Gr. CY	over 5' up to 5' 1"	1.5
Gr. CZ	over 5' up to 5' 1"	1.5
Gr. DA	over 5' up to 5' 1"	1.5
Gr. DB	over 5' up to 5' 1"	1.5
Gr. DC	over 5' up to 5' 1"	1.5
Gr. DD	over 5' up to 5' 1"	1.5
Gr. DE	over 5' up to 5' 1"	1.5
Gr. DF	over 5' up to 5' 1"	1.5
Gr. DG	over 5' up to 5' 1"	1.5
Gr. DH	over 5' up to 5' 1"	1.5
Gr. DI	over 5' up to 5' 1"	1.5
Gr. DJ	over 5' up to 5' 1"	1.5
Gr. DK	over 5' up to 5' 1"	1.5
Gr. DL	over 5' up to 5' 1"	1.5
Gr. DM	over 5' up to 5' 1"	1.5
Gr. DN	over 5' up to 5' 1"	1.5
Gr. DO	over 5' up to 5' 1"	1.5
Gr. DP	over 5' up to 5' 1"	1.5
Gr. DQ	over 5' up to 5' 1"	1.5
Gr. DR	over 5' up to 5' 1"	1.5
Gr. DS	over 5' up to 5' 1"	1.5
Gr. DT	over 5' up to 5' 1"	1.5
Gr. DU	over 5' up to 5' 1"	1.5
Gr. DV	over 5' up to 5' 1"	1.5
Gr. DW	over 5' up to 5' 1"	1.5
Gr. DX	over 5' up to 5' 1"	1.5
Gr. DY	over 5' up to 5' 1"	1.5
Gr. DZ	over 5' up to 5' 1"	1.5
Gr. EA	over 5' up to 5' 1"	1.5
Gr. EB	over 5' up to 5' 1"	1.5
Gr. EC	over 5' up to 5' 1"	1.5
Gr. ED	over 5' up to 5' 1"	1.5
Gr. EE	over 5' up to 5' 1"	1.5
Gr. EF	over 5' up to 5' 1"	1.5
Gr. EG	over 5' up to 5' 1"	1.5
Gr. EH	over 5' up to 5' 1"	1.5
Gr. EI	over 5' up to 5' 1"	1.5
Gr. EJ	over 5' up to 5' 1"	1.5
Gr. EK	over 5' up to 5' 1"	1.5
Gr. EL	over 5' up to 5' 1"	1.5
Gr. EM	over 5' up to 5' 1"	1.5
Gr. EN	over 5' up to 5' 1"	1.5
Gr. EO	over 5' up to 5' 1"	1.5
Gr. EP	over 5' up to 5' 1"	1.5
Gr. EQ	over 5' up to 5' 1"	1.5
Gr. ER	over 5' up to 5' 1"	1.5
Gr. ES	over 5' up to 5' 1"	1.5
Gr. ET	over 5' up to 5' 1"	1.5
Gr. EU	over 5' up to 5' 1"	1.5
Gr. EV	over 5' up to 5' 1"	1.5
Gr. EW	over 5' up to 5' 1"	1.5
Gr. EX	over 5' up to 5' 1"	1.5
Gr. EY	over 5' up to 5' 1"	1.5
Gr. EZ	over 5' up to 5' 1"	1.5
Gr. FA	over 5' up to 5' 1"	1.5
Gr. FB	over 5' up to 5' 1"	1.5
Gr. FC	over 5' up to 5' 1"	1.5
Gr. FD	over 5' up to 5' 1"	1.5
Gr. FE	over 5' up to 5' 1"	1.5
Gr. FF	over 5' up to 5' 1"	1.5
Gr. FG	over 5' up to 5' 1"	1.5
Gr. FH	over 5' up to 5' 1"	1.5
Gr. FI	over 5' up to 5' 1"	1.5
Gr. FJ	over 5' up to 5' 1"	1.5
Gr. FK	over 5' up to 5' 1"	1.5
Gr. FL	over 5' up to 5' 1"	1.5
Gr. FM	over 5' up to 5' 1"	1.5
Gr. FN	over 5' up to 5' 1"	1.5
Gr. FO	over 5' up to 5' 1"	1.5
Gr. FP	over 5' up to 5' 1"	1.5
Gr. FQ	over 5' up to 5' 1"	1.5
Gr. FR	over 5' up to 5' 1"	1.5
Gr. FS	over 5' up to 5' 1"	1.5
Gr. FT	over 5' up to 5' 1"	1.5
Gr. FU	over 5' up to 5' 1"	1.5
Gr. FV	over 5' up to 5' 1"	1.5
Gr. FW	over 5' up to 5' 1"	1.5
Gr. FX	over 5' up to 5' 1"	1.5
Gr. FY	over 5' up to 5' 1"	1.5
Gr. FZ	over 5' up to 5' 1"	1.5
Gr. GA	over 5' up to 5' 1"	1.5
Gr. GB	over 5' up to 5' 1"	1.5
Gr. GC	over 5' up to 5' 1"	1.5
Gr. GD	over 5' up to 5' 1"	1.5
Gr. GE	over 5' up to 5' 1"	1.5
Gr. GF	over 5' up to 5' 1"	1.5
Gr. GG	over 5' up to 5' 1"	1.5
Gr. GH	over 5' up to 5' 1"	1.5
Gr. GI	over 5' up to 5' 1"	1.5
Gr. GJ	over 5' up to 5' 1"	1.5
Gr. GK	over 5' up to 5' 1"	1.5
Gr. GL	over 5' up to 5' 1"	1.5
Gr. GM	over 5' up to 5' 1"	1.5
Gr. GN	over 5' up to 5' 1"	1.5
Gr. GO	over 5' up to 5' 1"	1.5
Gr. GP	over 5' up to 5' 1"	1.5
Gr. GQ	over 5' up to 5' 1"	1.5
Gr. GR	over 5' up to 5' 1"	1.5
Gr. GS	over 5' up to 5' 1"	1.5
Gr. GT	over 5' up to 5' 1"	1.5
Gr. GU	over 5' up to 5' 1"	1.5
Gr. GV	over 5' up to 5' 1"	1.5
Gr. GW	over 5' up to 5' 1"	1.5
Gr. GX	over 5' up to 5' 1"	1.5
Gr. GY	over 5' up to 5' 1"	1.5
Gr. GZ	over 5' up to 5' 1"	1.5
Gr. HA	over 5' up to 5' 1"	1.5
Gr. HB	over 5' up to 5' 1"	1.5
Gr. HC	over 5' up to 5' 1"	1.5
Gr. HD	over 5' up to 5' 1"	1.5
Gr. HE	over 5' up to 5' 1"	1.5
Gr. HF	over 5' up to 5' 1"	1.5
Gr. HG	over 5' up to 5' 1"	1.5
Gr. HH	over 5' up to 5' 1"	1.5
Gr. HI	over 5' up to 5' 1"	1.5
Gr. HJ	over 5' up to 5' 1"	1.5
Gr. HK	over 5' up to 5' 1"	1.5
Gr. HL	over 5' up to 5' 1"	1.5
Gr. HM	over 5' up to 5' 1"	1.5
Gr. HN	over 5' up to 5' 1"	1.5
Gr. HO	over 5' up to 5' 1"	1.5
Gr. HP	over 5' up to 5' 1"	1.5
Gr. HQ	over 5' up to 5' 1"	1.5
Gr. HR	over 5' up to 5' 1"	1.5
Gr. HS	over 5' up to 5' 1"	1.5
Gr. HT	over 5' up to 5' 1"	1.5
Gr. HU	over 5' up to 5' 1"	1.5
Gr. HV	over 5' up to 5' 1"	1.5
Gr. HW	over 5' up to 5' 1"	1.5
Gr. HX	over 5' up to 5' 1"	1.5
Gr. HY	over 5' up to 5' 1"	1.5
Gr. HZ	over 5' up to 5' 1"	1.5
Gr. IA	over 5' up to 5' 1"	1.5
Gr. IB	over 5' up to 5' 1"	1.5
Gr. IC	over 5' up to 5' 1"	1.5
Gr. ID	over 5' up to 5' 1"	1.5
Gr. IE	over 5' up to 5' 1"	1.5
Gr. IF	over 5' up to 5' 1"	1.5
Gr. IG	over 5' up to 5' 1"	1.5
Gr. IH	over 5' up to 5' 1"	1.5
Gr. II	over 5' up to 5' 1"	1.5
Gr. IJ	over 5' up to 5' 1"	1.5
Gr. IK	over 5' up to 5' 1"	1.5
Gr. IL	over 5' up to 5' 1"	1.5
Gr. IM	over 5' up to 5' 1"	1.5
Gr. IN	over 5' up to 5' 1"	1.5
Gr. IO	over 5' up to 5' 1"	1.5
Gr. IP	over 5' up to 5' 1"	1.5
Gr. IQ	over 5' up to 5' 1"	1.5
Gr. IR	over 5' up to 5' 1"	1.5
Gr. IS	over 5' up to 5' 1"	1.5
Gr. IT	over 5' up to 5' 1"	1.5
Gr. IU	over 5' up to 5' 1"	1.5
Gr. IV	over 5' up to 5' 1"	1.5
Gr. IW	over 5' up to 5' 1"	1.5
Gr. IX	over 5' up to 5' 1"	1.5
Gr. IY	over 5' up to 5' 1"	1.5
Gr. IZ	over 5' up to 5' 1"	1.5
Gr. JA	over 5' up to 5' 1"	1.5
Gr. JB	over 5' up to 5' 1"	1.5
Gr. JC	over 5' up to 5' 1"	1.5
Gr. JD	over 5' up to 5' 1"	1.5
Gr. JE	over 5' up to 5' 1"	1.5
Gr. JF	over 5' up to 5' 1"	1.5
Gr. JG	over 5' up to 5' 1"	1.5
Gr. JH	over 5' up to 5' 1"	1.5
Gr. JI	over 5' up to 5' 1"	1.5
Gr. JJ	over 5' up to 5' 1"	1.5
Gr. JK	over 5' up to 5' 1"	1.5
Gr. JL	over 5' up to 5' 1"	1.5
Gr. JM	over 5' up to 5' 1"	1.5
Gr. JN	over 5' up to 5' 1"	1.5
Gr. JO	over 5' up to 5' 1"	1.5
Gr. JP	over 5' up to 5' 1"	1.5
Gr. JQ	over 5' up to 5' 1"	1.5
Gr. JR	over 5' up to 5' 1"	1.5
Gr. JS	over 5' up to 5' 1"	1.5
Gr. JT	over 5' up to 5' 1"	1.5
Gr. JU	over 5' up to 5' 1"	1.5
Gr. JV	over 5' up to 5' 1"	1.5
Gr. JW	over 5' up to 5' 1"	1.5
Gr. JX	over 5' up to 5' 1"	1.5
Gr. JY	over 5' up to 5' 1"	1.5
Gr. JZ	over 5' up to 5' 1"	1.5
Gr. KA	over 5' up to 5' 1"	1.5
Gr. KB	over 5' up to 5' 1"	1.5
Gr. KC	over 5' up to 5' 1"	1.5
Gr. KD	over 5' up to 5' 1"	1.5
Gr. KE	over 5' up to 5' 1"	1.5
Gr. KF	over 5' up to 5' 1"	1.5
Gr. KG	over 5' up to 5' 1"	1.5
Gr. KH	over 5' up to 5' 1"	1.5
Gr. KI	over 5' up to 5' 1"	1.5
Gr. KJ	over 5' up to 5' 1"	1.5
Gr. KK	over 5' up to 5' 1"	1.5
Gr. KL	over 5' up to 5' 1"	1.5
Gr. KM	over 5' up to 5' 1"	1.5
Gr. KN	over 5' up to 5' 1"	1.5
Gr. KO	over 5' up to 5' 1"	1.5
Gr. KP	over 5' up to 5' 1"	1.5
Gr. KQ	over 5' up to 5' 1"	1.5
Gr. KR	over 5' up to 5' 1"	1.5
Gr. KS	over 5' up to 5' 1"	1.5
Gr. KT	over 5' up to 5' 1"	1.5
Gr. KU	over 5' up to 5' 1"	1.5
Gr. KV	over 5' up to 5' 1"	1.5
Gr. KW	over 5' up to 5' 1"	1.5
Gr. KX	over 5' up to 5' 1"	1.5
Gr. KY	over 5' up to 5' 1"	1.5
Gr. KZ	over 5' up to 5' 1"	1.5
Gr. LA	over 5' up to 5' 1"	1.5
Gr. LB	over 5' up to 5' 1"	1.5
Gr. LC	over 5' up to 5' 1"	1.5
Gr. LD	over 5' up to 5' 1"	1.5
Gr. LE	over 5' up to 5' 1"	1.5
Gr. LF	over 5' up to 5' 1"	1.5
Gr. LG	over 5' up to 5' 1"	1.5
Gr. LH	over 5' up to 5' 1"	1.5
Gr. LI	over 5' up to 5' 1"	1.5
Gr. LJ	over 5' up to 5' 1"	1.5
Gr. LK	over 5' up to 5' 1"	1.5
Gr. LL	over 5' up to 5' 1"	1.5
Gr. LM	over 5' up to 5' 1"	1.5
Gr. LN	over 5' up to 5' 1"	1.5
Gr. LO	over 5' up to 5' 1"	1.5
Gr. LP	over 5' up to 5' 1"	1.5
Gr. LQ	over 5' up to 5' 1"	1.5
Gr. LR	over 5' up to 5' 1"	1.5
Gr. LS	over 5' up to 5' 1"	1.5
Gr. LT	over 5' up to 5' 1"	1.5
Gr. LU	over 5' up to 5' 1"	1.5
Gr. LV	over 5' up to 5' 1"	1.5
Gr. LW	over 5' up to 5' 1"	1.5
Gr. LX	over 5' up to 5' 1"	1.5
Gr. LY	over 5' up to 5' 1"	1.5
Gr. LZ	over 5' up to 5' 1"	1.5
Gr. MA	over 5' up to 5' 1"	1.5
Gr. MB	over 5' up to 5' 1"	1.5
Gr. MC	over 5' up to 5' 1"	1.5
Gr. MD	over 5' up to 5' 1"	1.5
Gr. ME	over 5' up to 5' 1"	1.5

2 - SPECIFICATION INTRA - P - 4 STEEL PLATE.

Specification	Thickness	S/M.T.
<u>S.M.T.</u>		
1545	--	70
4150	--	105
4140	--	110
4150	--	110
4340	--	215
5150	--	75
5160	--	75
6150	--	125
8015	--	150
8017	--	150
8020	--	155
9260	--	105
<u>UNT.</u>		
A5"81.2	from 1/2" up to 3"	40
A135 6		
A5"811		
9" or higher grid	from 3/4" up to 3"	15
10" or higher grid	from 3/4" up to 3"	25

3- OTHER LATRAS

Description	S/M.T.
Killed	20
Fine Grain	6
Charpy	
+40°F & up	
L	15
T	20
LG	25
Under +40°F	
L	20
T	25
LG	30
Normalize	70
Quench & Temper	120
Normalize & Temper	120
Checker	20
Pickled & Oiled	
up to 0.172" Thickness	20
Over 0.172" Thickness	15

STEEL PLATE

Description	S/N.T.
Cut Length Cap (up to 2" width)	
0.070" & Thinner	
from 21" up to 36" long	27
from 36" up to 48" long	21
from 48" thru 240" long	19
over 240" long	22
0.071" & Thicker	
from 21" up to 36" long	24
from 36" up to 48" long	17
from 48" thru 240" long	16
over 240" long	19

NOTICES

BLACK PLATE - ASTM A625-76, 0.0083" x 34" x COIL

Category A15i	22	
Tariff Schedule Number(s)		94
		608.81
		608.82
		88

Base Price per Metric Ton	\$373			
Charges to CIF		Ocean Freight	Handling	Interest
West Coast	\$23		\$ 3	\$ 8
Gulf Coast	23		5	10
Atlantic Coast	27		4	11
Great Lakes	35		4	13
Insurance 1% of base price + extras				Freight

Extras

1. Width Extras
2. Thickness Extras
3. Length Extras

4712

NOTICES

BLACK PLATE

22-2

WIDTH/THICKNESS EXTRAS (U.S. \$/M.T.)					
WIDTH/THICKNESS LBS.	Over 20" Thru 23"	Over 23" Thru 27.5"	Over 27.5" Thru 29"	Over 29" Thru 30.5"	Over 30.5"
75 0.0083"	N	42	29	8	Base
80 0.0088"	N	33	20	0	- 7
85 0.0094"	N	23	11	- 7	- 15
90 0.0099"	N	16	5	-13	- 20
95 0.0105"	N	9	- 1	-18	- 25
100 0.0110"	N	4	- 6	-22	- 28
103 0.0113"	N	2	- 8	-23	- 29
107 0.0118"	N	- 1	-11	-26	- 31
112 0.0123"	N	- 5	-14	-29	- 34
118 0.0130"	N	- 9	-17	-31	- 36
123 0.0135"	N	-11	-20	-33	- 37
128 0.0141"	N	-14	-22	-34	- 39

LENGTH EXTRA = US\$ 20/M.T.

OTHER EXTRAS = N

Key: N = Subject to negotiation
- (Minus sign) = Deduction from Base Price

23-1

ELECTROLYTIC TIN PLATE - SR-25/25 75L x 34" x C

Category AISI 23

Tariff Schedule Number(s) 608.9100 8%
608.9200 0.8¢ per lb.

Base Price per Metric Ton \$477

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	\$26	\$ 3	\$10
Gulf Coast	27	5	13
Atlantic Coast	34	4	13
Great Lakes	37	4	16

Insurance 1% of base price + extras + ocean freight

Extras

- A. Coating Extra
 - (1) Single Reduced ETP
 - (2) Double Reduced ETP
- B. Cut Length Extra
 - (1) Single Reduced ETP
 - (2) Double Reduced ETP
- C. Width Extra
 - (1) Single Reduced ETP
 - (2) Double Reduced ETP
- D. Quality Extras-ETP
 - (1) Type D, Single Reduced and Double Reduced
 - (2) Type K, A, or J Single Reduced and Double Reduced

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NOTICES

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23-2

EXTRAS for Electrolytic Tinplate & Tin Free Steel (U.S. \$ per M.T.)

A. Coating Extra & Base Weight Extra

(1) Single Reduced ETP

Coating	# 10	# 20	# 25	# 35	# 50	# 75	# 100	# 50/25	# 75/25	# 100/25	# 100/50	# 135/25
Base Weight												
70lbs	- 5	15	24	43	67	110	160	50	72	99	120	134
73lbs	- 18	0	9	27	51	91	139	34	55	81	101	115
75lbs	- 27	- 9	BASE	18	41	80	127	25	45	70	90	103
78lbs	- 34	- 17	- 6	9	31	69	114	16	35	59	78	91
80lbs	- 38	- 21	- 13	4	25	62	106	10	29	52	71	83
84lbs	- 44	- 28	- 20	- 4	17	43	94	2	20	43	61	73
85lbs	- 49	- 33	- 25	- 9	11	46	87	- 3	14	36	54	66
88lbs	- 54	- 39	- 31	- 16	3	37	77	- 10	7	28	45	56
90lbs	- 58	- 42	- 35	- 20	- 1	32	70	- 15	2	23	39	51
93lbs	- 62	- 47	- 40	- 26	- 7	25	62	- 20	- 4	16	32	43
95lbs	- 65	- 51	- 44	- 30	- 12	19	56	- 25	- 9	11	26	37
100lbs	- 70	- 57	- 50	- 37	- 20	10	45	- 32	- 17	2	17	27
103lbs	- 74	- 61	- 54	- 41	- 25	4	38	- 36	- 22	- 3	11	21
107lbs	- 77	- 64	- 58	- 46	- 30	- 2	30	- 41	- 27	- 9	5	14
112lbs	- 81	- 69	- 63	- 51	- 36	- 9	22	- 47	- 33	- 17	- 3	6
118lbs	- 86	- 75	- 69	- 58	- 43	- 18	11	- 54	- 41	- 25	- 12	- 4
123lbs	- 90	- 79	- 73	- 62	- 49	- 24	4	- 58	- 46	- 31	- 19	- 11
128lbs	- 92	- 81	- 76	- 66	- 52	- 29	- 2	- 62	- 50	- 35	- 24	- 16
135lbs	- 94	- 84	- 79	- 69	- 57	- 35	- 9	- 66	- 55	- 41	- 30	- 22

23-3

2

(2) Double Reduced ETP

Coating	# 10	# 20	# 25	# 35	# 50	# 75	# 100	# 50/25	# 75/25	# 100/25	# 100/50	# 135/25
Base Weight												
50lbs	- 13	14	21	54	88	147	217	64	94	132	161	181
53lbs	- 28	- 3	9	35	67	123	188	44	72	108	136	154
55lbs	- 39	- 14	- 2	23	53	108	171	32	59	93	120	138
60lbs	- 52	- 29	- 18	5	33	82	140	13	38	69	94	111
65lbs	- 62	- 41	- 31	- 10	16	62	115	- 3	20	49	72	87
70lbs	- 71	- 51	- 42	- 23	1	44	94	- 16	6	33	54	68
75lbs	- 77	- 59	- 50	- 32	- 9	30	77	- 25	- 5	20	39	53
80lbs	- 82	- 65	- 57	- 40	- 19	18	62	- 34	- 15	8	27	39
85lbs	- 87	- 71	- 63	- 47	- 27	8	49	- 41	- 24	- 2	16	28
90lbs	- 91	- 75	- 68	- 53	- 34	- 1	37	- 48	- 31	- 10	6	18
95lbs	- 97	- 83	- 76	- 62	- 44	- 13	24	- 57	- 41	- 21	- 6	5
100lbs	- 100	- 87	- 80	- 67	- 50	- 20	15	- 62	- 47	- 28	- 13	- 3

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NOTICES

23-4
3

(1) Single Reduced TFS		(4) Double Reduced TFS	
Base Weight		Base Weight	
70lbs	18	50lbs	18
73lbs	7	53lbs	5
75lbs	BASE	55lbs	3
78lbs	6	60lbs	14
80lbs	9	65lbs	22
83lbs	14	70lbs	29
85lbs	17	75lbs	33
88lbs	21	80lbs	38
90lbs	24	85lbs	41
93lbs	28	90lbs	44
95lbs	30	95lbs	49
100lbs	34	100lbs	52
103lbs	36		
107lbs	39		
112lbs	42		
118lbs	45		
123lbs	47		
128lbs	49		
135lbs	50		

23-5
4

B: Cut Length Extra			(2) Double Reduced		
(1) Single Reduced					
Base Weight	LTP	TFS	Base Weight	LTP	TFS
70lbs	24	21	50lbs	33	29
73lbs	23	20	53lbs	31	28
75lbs	22	20	55lbs	30	27
78lbs	21	19	60lbs	28	25
80lbs	21	18	65lbs	25	21
83lbs	20	18	70lbs	24	21
85lbs	19	17	75lbs	22	20
88lbs	19	17	80lbs	21	18
90lbs	18	16	85lbs	19	17
93lbs	18	16	90lbs	18	16
95lbs	17	15	95lbs	17	15
100lbs	16	14	100lbs	16	14
103lbs	16	14			
107lbs	15	14			
112lbs	15	13			
118lbs	14	12			
123lbs	14	12			
128lbs	13	11			
135lbs	12	11			

NOTICES

4715

23-5
4

B: Cut Length Extra			(2) Double Reduced		
(1) Single Reduced					
Base Weight	LTP	TFS	Base Weight	LTP	TFS
70lbs	24	21	50lbs	33	29
73lbs	23	20	53lbs	31	28
75lbs	22	20	55lbs	30	27
78lbs	21	19	60lbs	28	25
80lbs	21	18	65lbs	25	23
83lbs	20	18	70lbs	24	21
85lbs	19	17	75lbs	22	20
88lbs	19	17	80lbs	21	18
90lbs	18	16	85lbs	19	17
93lbs	18	16	90lbs	18	16
95lbs	17	15	95lbs	17	15
100lbs	16	14	100lbs	16	14
103lbs	16	14			
107lbs	15	14			
112lbs	15	13			
118lbs	14	12			
123lbs	14	12			
128lbs	13	11			
135lbs	12	11			

C: Width Extra									
(1) Single Reduced									
Base Weight	Under 26 inch		Over 26 inch		Over 27-1/2 inch		Over 29 inch		Over 30-1/2 inch
	LTP	TFS	LTP	TFS	LTP	TFS	LTP	TFS	
70lbs	40	62	45	40	31	27	8	7	Base
73lbs	67	60	43	38	29	26	8	7	
75lbs	66	58	42	37	29	25	7	7	
78lbs	64	56	40	36	29	24	7	6	
80lbs	64	55	39	35	27	24	7	6	
83lbs	59	53	38	33	26	23	7	6	
85lbs	58	51	37	31	25	22	7	6	
88lbs	56	50	36	32	24	22	6	6	
90lbs	55	49	35	31	24	21	6	5	
93lbs	51	47	34	30	23	20	6	5	
95lbs	52	46	33	29	22	20	6	5	
100lbs	47	41	21	28	21	19	5	5	
103lbs	43	42	30	27	21	18	5	5	
107lbs	46	41	29	26	20	18	5	4	
112lbs	44	39	28	25	19	17	5	4	
118lbs	42	37	26	24	18	16	5	4	
123lbs	40	35	25	22	17	15	4	4	
128lbs	38	34	24	22	17	15	4	4	
135lbs	36	32	23	20	16	14	4	3	

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NOTICES

23-6

C: Width Extra

(1) Single Reduced

Base Weight	Under 26 inch		Over 26 inch thru. 27-1/2 inch		Over 27-1/2 inch thru. 29 inch		Over 29 inch thru. 30-1/2 inch		Over 30-1/2 inch	
	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS
70lbs	70	62	45	40	31	27	8	7		
71lbs	67	60	43	38	29	26	8	7		
75lbs	66	58	42	37	29	25	7	7		
78lbs	63	56	40	36	27	24	7	6		
80lbs	61	55	39	35	27	24	7	6	Base	Base
83lbs	59	53	38	33	26	23	7	6		
85lbs	58	51	37	33	25	22	7	6		
88lbs	56	50	36	32	24	22	6	6		
90lbs	55	49	35	31	24	21	6	5		
93lbs	53	47	34	30	23	20	6	5		
95lbs	52	46	33	29	22	20	6	5		
100lbs	49	44	31	28	21	19	5	5		
103lbs	48	42	30	27	21	18	5	5		
107lbs	46	41	29	26	20	18	5	4		
112lbs	44	39	28	25	19	17	5	4		
118lbs	42	37	26	23	18	16	5	4		
123lbs	40	35	25	22	17	15	4	4		
128lbs	38	34	24	22	17	15	4	4		
135lbs	36	32	23	20	16	14	4	3		

(2) Double Reduced

Base Weight	Under 26 inch		Over 26 inch thru. 27-1/2 inch		Over 27-1/2 inch thru. 29 inch		Over 29 inch thru. 30-1/2 inch		Over 30-1/2 inch	
	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS
50lbs	99	88	63	56	43	38	11	10		
53lbs	93	83	59	53	41	36	11	9		
55lbs	90	80	57	51	39	35	10	9		
60lbs	82	73	52	47	36	32	9	8		
65lbs	76	67	46	43	33	29	9	8	Base	Base
70lbs	70	62	45	40	31	27	8	7		
75lbs	66	58	42	37	29	25	7	7		
80lbs	61	55	39	35	27	24	7	6		
85lbs	58	51	37	33	25	22	7	6		
90lbs	55	49	35	31	24	21	6	5		
95lbs	52	46	33	29	22	20	6	5		
100lbs	49	44	31	28	21	19	5	5		

NOTICES

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23-8

D: Quality Extra.

(1) Type D

Base Weight	1) Single Reduced	
	ETP	TFS
70lbs	34	30
73lbs	32	29
75lbs	31	28
78lbs	30	27
80lbs	29	26
83lbs	28	25
85lbs	28	24
88lbs	27	24
90lbs	26	24
93lbs	25	22
95lbs	25	22
100lbs	23	21
103lbs	23	20
107lbs	22	19
112lbs	21	18
118lbs	20	17
123lbs	19	17
128lbs	18	16
135lbs	17	15

2) Double Reduced

Base Weight	ETP	TFS
50lbs	47	42
53lbs	44	39
55lbs	43	38
60lbs	39	35
65lbs	36	32
70lbs	34	30
75lbs	32	28
80lbs	30	26
85lbs	28	24
90lbs	26	23
95lbs	25	22
100lbs	23	21

(2) Type K, A or J

1) Single Reduced

Base Weight	ETP
70lbs	22
73lbs	21
75lbs	21
78lbs	20
80lbs	19
83lbs	19
85lbs	18
88lbs	18
90lbs	17
93lbs	17
95lbs	16
100lbs	15
103lbs	15
107lbs	14
112lbs	14
118lbs	13
123lbs	12
128lbs	12
135lbs	11

2) Double Reduced

Base Weight	ETP
50lbs	31
53lbs	29
55lbs	28
60lbs	26
65lbs	24
70lbs	22
75lbs	21
80lbs	19
85lbs	18
90lbs	17
95lbs	16
100lbs	15

HOT ROLLED STEEL SHEETS - ASTM A569 0.121" x 48" x C

Category AISI 25

Tariff Schedule Number(s) 608.8440 - 7.5%
608.8742 - 8%

Base Price per Metric Ton \$231

Charges to CIF Ocean Freight Handling Interest

West Coast	\$23	\$ 3	\$ 5
Gulf Coast	23	5	7
Atlantic Coast	27	4	7
Great Lakes	35	4	9

Insurance 1% of base price + extras + ocean freight

Extras

- A. Width Thickness Extra
- B. P/O Extra on Pickled
- C. Other Extras
 - (1) Quality
 - (2) Structural
 - (3) Chemistry
 - (4) High Strength Carbon Steel
 - (5) High Strength Low Alloy Steel

4718

NOTICES

25-2
HOT ROLLED SHEETS

A- WIDTH/THICKNESS EXTRA (\$/M.T.)

Width/ Thickness (inches)	Over 12" Up to 24"	From 24" Thru 36"	Over 36" Thru 48"	Over 48" Thru 72"	Over 72" Thru 76"	Over 76" Thru 84"
Over 0.5		11 + N	11 + N	11 + N	11 + N	14 + N
From 0.312 thru 0.5	25	11	11	11	11	14
From 0.251 thru 0.3119	25	11	11	11	11	12
From 0.230 thru 0.2509	16	0	0	0	7	12
From 0.180 thru 0.2299	16	0	0	0	6	11
From 0.121 thru 0.1799	16	0	0	0	10	11 + N
From 0.081 thru 0.1209	16	12	7	0	10	
From 0.071 thru 0.0809	24	18	13	13	10 + N	
From 0.061 thru 0.0709	36	27	20	20		
From 0.0568 " 0.0609	39	30	29	20 + N		
From 0.0509 " 0.0567	39 + N	30 + N	29 + N	20 + N		

25-3
HOT ROLLED SHEETS

A- WIDTH/THICKNESS EXTRA (\$/M.T.)

Width/ Thickness (inches)	Over 12" Up to 24"	From 24" Thru 36"	Over 36" Thru 48"	Over 48" Thru 72"	Over 72" Thru 76"	Over 76" Thru 84"
Over 0.5		11 + N	11 + N	11 + N	11 + N	14 + N
From 0.312 thru 0.5	25	11	11	11	11	14
From 0.251 thru 0.3119	25	11	11	11	11	12
From 0.230 thru 0.2509	16	0	0	0	7	12
From 0.180 thru 0.2299	16	0	0	0	6	11
From 0.121 thru 0.1799	16	0	0	0	10	11 + N
From 0.081 thru 0.1209	16	12	7	0	10	
From 0.071 thru 0.0809	24	18	13	13	10 + N	
From 0.061 thru 0.0709	36	27	20	20		
From 0.0568 " 0.0609	39	30	29	20 + N		
From 0.0509 " 0.0567	39 + N	30 + N	29 + N	20 + N		

26-1

ELECTRICAL STEEL SHEETS - GRAIN ORIENTED - M-4 0.012" x 33" x C

Category AISI 26

Tariff Schedule Number(s) 608.8845 - 10%

25-4

N = Subject to Negotiation

B - P/O Extra on Pickled Thickness	\$/M.T.
0.172" & up	20
under 0.172"	13

C - Other Extras	\$/M.T.
1. Quality - Drawing Q-Rimmed Killed	10
2. Structural - A570 D/E	23
3. Chemistry (Carbon Range)	15
0.26% to 0.34%	
0.35% & up	23
4. High Strength Carbon Steel	23 + N
YP 45,000 to 50,000 P.S.I.	
YP 50,000 P.S.I. & up	10
5. High Strength Low Alloy Steel	10 + N
D - A607 - C45	23
50	26
55	40
D - COR-TEN A	60

NOTICES

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26-2

26-3 4720

EXTRA FOR ELECTRICAL STEEL

Grain Oriented Electrical Steel

(1) Grade Extra (M-4 = 100)

(Grade)	(Thickness)	(Grade Extra)
M-2H	(0.012")	103.0
M-3H	(0.012" and 0.012")	101.5
M-4H	(0.012" and 0.012")	100.0
M-5	(0.011")	100.0 (Base)
M-6	(0.012" and 0.014")	99.4
	(0.014")	99.9

(2) Surface Insulation Extras

Coating Extras are included in a base price.

(3) Packing Extra

N11

(4) Size Extra (Unit-US\$/M.T.)

Width/ Grade	Over 1" Thru 2"	Over 2" Thru 6"	Over 6" Thru 17"	Over 17" Thru 31"	31", 33", or 34"
M-2H	74.97	52.26	48.73	60.20	N11
M-3H	73.87	51.38	48.07	59.31	N11
M-4H	72.77	50.72	47.41	58.43	N11
M-5	72.77	50.72	47.41	58.43	N11
M-6	70.56	49.61	46.31	57.33	N11
	67.25	48.51	45.20	56.23	N11

NOTICES

ELECTRICAL STEEL SHEETS - NON-ORIENTED - M-45 0.018" x 36" x C

Category AISI 26

Tariff Schedule Number(s) 608.8945 - 103

Base Price per Metric Ton \$538

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	\$26	\$ 3	\$17
Gulf Coast	27	3	21
Atlantic Coast	33	4	22
Great Lakes	37	4	27

Insurance 1% of base price + extras + ocean freight

Extras

1. Grade Extra
2. Surface Insulation Extras
3. Packing Extra
4. Size Extra

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26-5

NON-ORIENTED ELECTRICAL STEEL

COLD ROLLED SHEETS - ASTM A366 1.0m/m x 48" x C

(1) Grade Extra (M-45 = 100)

	Fully-Processed	Semi-Processed
M-47	100.0 (Base)	94.7
M-45	105.2	100.0
M-43	117.7	105.3
M-36	123.0	118.0
M-27	128.2	123.5
M-22	133.1	128.7
M-19	139.6	-
M-15	-	-

(2) Surface Insulation Extras

Coating Extras are included in a base price.

(3) Packing Extra

N11

(4) Size Extra (Unit-US\$/M.T.)

Width/ Grade (Thickness)	Over 2" Thru 6"	Over 6" Thru 18"	Over 18" Thru 24"	Over 24" Thru 28"	Over 28" Thru 36"	Over 36" Thru 48"
22.25", 6.74 (.018"-.025")	30.87	25.36	30.69	7.72	8.11	16.54
25.626 (.022"-.0185")	45.20	39.69	54.02	22.05	14.33	30.87
27 (.0170")	61.74	56.23	70.56	38.59	30.87	47.41

NOTICES

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EXTRAS FOR COLD ROLLED STEEL SHEET

UNIT: US\$ PER M/T

GRADED ITEM 1.00
SPECIAL CLEANLINESS REQUIREMENT

• WIDTH & THICKNESS

Thickness, Inches	Width, Inches					
	24 < W < 36	36 < W < 45	45 < W < 60	60 < W < 63	63 < W < 72	72 < W < 84
0.097 < T < 0.125	24	18	10	19	24	24
0.083 < T < 0.097	24	18	8	16	24	24
0.064 < T < 0.083	20	18	4	12	20	20
0.054 < T < 0.064	20	14	0	8	20	20
0.038 < T < 0.054	22	14	0	14	26	26
0.028 < T < 0.038	36	28	16	20	32	32
0.019 < T < 0.028	52	47	39	45	47	47
0.014 < T < 0.019	69	65	57	59	59	59

• Widths under 24", - Inquire

• CUT LENGTH

Thickness, Inches	Width, Inches	Length, Inches					
		24 < L < 42	42 < L < 50	50 < L < 144	144 < L < 216	216 < L < 300	300 < L < 400
0.064 < T	24 < W < 72	22	21	19	17	19	21
0.028 < T < 0.064	24 < W < 72	20	19	17	20	22	22
0.019 < T < 0.028	24 < W < 72	23	22	20	20	22	22

• COIL WEIGHT

GROSS MAX 10,000 LBS & OVER NONE
GROSS MAX 10,000 LBS UNDER 2.00

• FINISH

CUTL NONE
COMMERCIAL BRIST 14.00
EMPOSSED NON GEOMETRIC 35.00
GEOMETRIC 45.00

NOTICES

• QUALITY NONE
CONCRETE 10.00
DEEP DRIVING 25.00
FULL HARD (TENSILE STRENGTH 8-11 MIN) NONE
1/4 HARD 12.00
1/2 HARD 12.00
STRUCTURAL (FRICTION) - CARBON STEEL 15.00
TWO PRIZE SIDES 15.00
CLASS 11 DISCOUNT (ONLY FOR THE USAGE OF UNIMPROVED AUTO PARTS) 9.00
• CEMENTITY 10.00
COPPER BEARING 8
RESISTED CORROSION 10.00
• COUNTRY EXTRA 2.00
10 8/7 < 2 < 10 5/7 2.00
• PREHEATED PLATE 8
• GEOMETRIC UNION WELDING 10.00
• CREEPS 4

N -- SUBJECT TO NEGOTIATION

ELECTRO GALVANIZED SHEETS - EGC-10G/M² 1.0m/m x 48" x C

Category AISI 27

Tariff Schedule Number(s) 608.94 - 9%
608.95 - 0.1¢ per lb. + 8%

Base Price per Metric Ton \$343

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	\$24	\$ 3	\$ 8
Gulf Coast	23	5	9
Atlantic Coast	27	4	10
Great Lakes	36	4	12

Insurance 1% of base price + extras + ocean freight

Extras

1. Thickness/Width
2. Length
3. Coating
4. Chemical Treatment
5. Quality
6. Packing
7. Others

EXTRAS FOR ELECTRO GALVANIZED SHEET

1. PRICE BASE

QUALITY: COMMERCIAL

SIZE : MSG 20 (.035" - .035") x .58" - .48" x COIL

COATING: 0.06 OZ/FT² on each side

Chemical Treatment: Phosphated

2. EXTRAS FOR OTHER THAN PRICE BASE PRODUCTS (UNIT: US\$ PER M/T)

(1) THICKNESS/WIDTH

THICKNESS INCHES	WIDTH (INCHES)					
	28 < W < 30	30 < W < 36	36 < W < 43	43 < W < 50	50 < W < 58	58 < W < 66
.057 and Thicker	4	0	-4	3		
.056 - .051	5	1	-3	4		
.050 - .045	6	2	-2	5		
.044 - .039	7	3	-1	6		
.038 - .034	8	4	Base	7		
.033 - .031	12	8	4	10		
.030 - .028	15	11	7	14		
.027 - .025	18	14	10	18		
.024 - .022	23	19	15	22		
.021 - .019	28	24	20			
.018 - .017	38	34	30			
.016 - .015	43	39	35			

NOTICES

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4724

GALVANIZED SHEET - ASTM A525C90 0.80/m x 48" x C

Category AISI 27
Tariff Schedule Number(s) 608.9430 - 9A
608.9530 - 0.14 per lb. + 8%

Base Price per Metric Ton \$345

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	\$24	\$3	\$8
Gulf Coast	25	5	9
Atlantic Coast	27	4	10
Great Lakes	36	4	12

Insurance 1% of base price + extras + ocean freight

Extras

1. Thickness/Width/Coating
2. Length
3. Packing
4. Finish
5. Quality
6. Quantity
7. Others

NOTICES

(2) LENGTH

60" $\leq L \leq 148"$ 15
L < 60" 17

(3) COATING

0.05 OZ/M² on each side

Base - 4

0.05 " - 6

0.01 " - 6

(4) Chemical Treatment

Phosphated

Chromated

Oiled

(5) Quality

Commercial

Drawing

Drawing, Special Killed

Physical (TS, YS, RBS, etc.)

(6) Packing

Coil 45T UNDER

Sheet 35T UNDER

(7) Others

Subject to Negotiation

Subject to Negotiation

Subject to Negotiation

Subject to Negotiation

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EXTRAS FOR GALVANIZED STEEL SHEET

1. PRICE BASE

SIZE GS23(C.03" - 0.05") x OVER 48" THROUGH 48" x COIL

COATING G50

QUALITY COMMERCIAL

2. EXTRAS FOR OTHER THAN PRICE BASE PRODUCTS (UNIT: US\$ PER M/T)

(1) THICKNESS/WIDTH/COATING

THICKNESS Inches	WIDTH (Inches)				COATING
	24" < L < 30"	30" < L < 36"	36" < L < 42"	42" < L < 48"	
.130 and Thicker	- 67	- 67	- 67	- 67	- 1
.129 - .115	- 55	- 55	- 55	- 55	- 1
.115 - .101	- 52	- 52	- 52	- 52	- 1
.100 - .086	- 49	- 49	- 49	- 49	- 1
.085 - .075	- 37	- 37	- 37	- 37	- 1
.074 - .057	- 35	- 35	- 35	- 35	- 1
.056 - .051	- 33	- 33	- 33	- 33	- 1
.050 - .035	- 24	- 24	- 24	- 24	- 1
.034 - .029	- 22	- 22	- 22	- 22	- 1
.028 - .023	- 18	- 18	- 18	- 18	- 1
.022 - .019	- 14	- 14	- 14	- 14	- 1
.018 - .017	- 4	- 4	- 4	- 4	- 1
.016	- 1	- 1	- 1	- 1	- 1
.015	- 1	- 1	- 1	- 1	- 1
.014	- 1	- 1	- 1	- 1	- 1
.013	- 1	- 1	- 1	- 1	- 1

WIDTH UNDER 24" Subject to negotiation

(2) LENGTH

THICKNESS Inches	LENGTH (Inches)			
	48" < L < 60"	60" < L < 72"	72" < L < 96"	96" < L < 120"
.029 and Thicker	10	7	11	14
.028 - .017	12	7	13	-
.016 - .013	14	7	-	-

(3) PACKING

	K2 SST	2.55% CUST	45TCK
COIL	-	4	Base
SHEET	S	Base	-

(4) FINISH

REGULAR SPANGLE	Base
MINIMUM SPANGLE	None
EXTRA SMOOTH	15
COIL SHEET	32

NOTICES

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TIN FREE STEEL SHEETS - SR 75L x 34" x C

QUALITY	Base
COMMERCIAL	Base
LOCK FORMING	None
DRAWING	10
DRAWING SPECIAL	15
STRUCTURAL	3
GRADE A	5
" B and C	5
" D and E	10

Category AISI 32

Tariff Schedule Number(s) 609.1700 - 9.5%

Base Price per Metric Ton \$413

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	\$26	\$ 3	\$ 9
Gulf Coast	27	5	12
Atlantic Coast	34	4	12
Great Lakes	37	4	15

Insurance 1% of base price + extras + ocean freight

Extras

- A. Base Weight Extra
- (3) Single Reduced TTS
- (4) Double Reduced TTS
- B. Out Length Extra
- (1) Single Reduced TTS
- (2) Double Reduced TTS
- C. Width Extra
- (1) Single Reduced TTS
- (2) Double Reduced TTS
- D. Quality Extras - TTS
- (1) Type D - Single Reduced and Double Reduced

SUBJECT TO NEGOTIATION

3. REMARKS

Above extra prices shall be charged according to the fluctuation of line price.

NOTICES

NOTICES

EXTRAS for Electrolytic Tinplate & Tin Free Steel (U.S. \$ per M/T)													
A. Coating Extra & Base Weight Extra													
(1) Single Reduced ETI													
Coating	# 10	# 20	# 25	# 35	# 50	# 75	# 100	# 50/25	# 75/25	# 100/25	# 100/50	# 135/25	
Base Weight													
70lbs	- 5	15	24	43	67	110	160	50	72	99	120	134	
74lbs	- 18	0	9	27	51	91	139	34	55	81	101	115	
78lbs	- 27	- 9	BASE	18	41	80	127	25	45	70	90	103	
80lbs	- 31	- 17	- 8	9	31	69	114	16	35	59	78	91	
84lbs	- 38	- 21	- 13	4	25	62	106	10	29	52	71	83	
88lbs	- 44	- 28	- 20	- 4	17	43	94	2	20	43	61	73	
89lbs	- 49	- 33	- 25	- 19	11	46	87	- 3	14	36	54	66	
89lbs	- 51	- 39	- 31	- 16	3	37	77	- 10	7	28	45	56	
90lbs	- 58	- 42	- 25	- 20	- 1	32	70	- 15	2	23	39	51	
93lbs	- 62	- 47	- 40	- 26	- 7	25	62	- 20	- 4	16	32	43	
95lbs	- 65	- 51	- 44	- 30	- 12	19	56	- 25	- 9	11	26	37	
100lbs	- 70	- 57	- 50	- 37	- 20	10	45	- 32	- 17	2	17	27	
103lbs	- 74	- 61	- 54	- 41	- 25	4	38	- 36	- 22	- 3	11	21	
107lbs	- 77	- 64	- 58	- 46	- 30	- 2	30	- 41	- 27	- 9	5	14	
110lbs	- 81	- 69	- 63	- 51	- 36	- 9	22	- 47	- 33	- 17	- 3	6	
118lbs	- 86	- 75	- 69	- 58	- 43	- 18	11	- 54	- 41	- 25	- 12	- 4	
123lbs	- 90	- 79	- 73	- 62	- 49	- 24	4	- 58	- 46	- 31	- 19	- 11	
128lbs	- 92	- 81	- 76	- 66	- 52	- 29	- 2	- 62	- 50	- 35	- 24	- 16	
135lbs	- 94	- 84	- 79	- 69	- 57	- 35	- 9	- 66	- 55	- 41	- 30	- 22	

(2) Double Reduced ETI													
Coating	# 10	# 20	# 25	# 35	# 50	# 75	# 100	# 50/25	# 75/25	# 100/25	# 100/50	# 135/25	
Base Weight													
50lbs	- 13	14	27	54	88	147	217	64	94	132	161	181	
53lbs	- 28	- 3	9	35	67	123	188	44	72	108	136	154	
55lbs	- 39	- 14	- 2	23	53	108	171	32	59	93	120	138	
60lbs	- 52	- 29	- 18	5	33	82	140	13	38	69	94	111	
63lbs	- 62	- 41	- 31	- 10	16	62	115	- 3	20	49	72	87	
70lbs	- 71	- 51	- 42	- 23	1	41	94	- 16	6	33	51	68	
75lbs	- 77	- 59	- 50	- 32	- 9	30	77	- 25	- 5	20	39	53	
80lbs	- 82	- 65	- 57	- 40	- 19	18	62	- 34	- 15	8	27	39	
85lbs	- 87	- 71	- 63	- 47	- 27	8	49	- 41	- 24	- 2	16	28	
90lbs	- 91	- 75	- 68	- 53	- 34	- 1	37	- 48	- 31	- 10	6	18	
95lbs	- 97	- 83	- 76	- 62	- 44	- 13	24	- 57	- 41	- 21	- 6	5	
100lbs	- 100	- 87	- 80	- 67	- 50	- 20	15	- 62	- 47	- 28	- 13	- 3	

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NOTICES

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3

(3) Single Reduced TFS		(4) Double Reduced TFS	
Base Weight		Base Weight	
70lbs	18	50lbs	18
73lbs	7	53lbs	5
75lbs	BASIC	55lbs	3
78lbs	6	60lbs	14
80lbs	9	65lbs	22
83lbs	14	70lbs	29
85lbs	17	75lbs	31
88lbs	21	80lbs	38
90lbs	24	85lbs	41
93lbs	28	90lbs	44
95lbs	30	95lbs	49
100lbs	34	100lbs	52
103lbs	36		
107lbs	39		
112lbs	42		
118lbs	45		
123lbs	47		
128lbs	49		
135lbs	50		

D: Cut Length Extra			(2) Double Reduced		
(1) Single Reduced					
Base Weight	ETP	TFS	Base Weight	ETP	TFS
70lbs	24	21	50lbs	31	29
73lbs	23	20	53lbs	31	28
75lbs	22	20	55lbs	30	27
78lbs	21	19	60lbs	28	25
80lbs	21	18	65lbs	25	21
83lbs	20	18	70lbs	24	21
85lbs	19	17	75lbs	22	20
88lbs	19	17	80lbs	21	18
90lbs	18	16	85lbs	19	17
93lbs	18	16	90lbs	18	16
95lbs	17	15	95lbs	17	15
100lbs	16	14	100lbs	16	14
103lbs	16	14			
107lbs	15	14			
112lbs	15	13			
118lbs	14	12			
123lbs	13	12			
128lbs	13	11			
135lbs	12	11			

NOTICES

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G: Width Extra										
(1) Single Reduced										
Base Weight	Under 26 inch		Over 26 inch thru. 27-1/2 inch		Over 27-1/2 inch thru. 29 inch		Over 29 inch thru. 30-1/2 inch		Over 30-1/2 inch thru. 32 inch	
	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS
70lbs	70	62	45	40	31	27	8	7	Base	Base
73lbs	67	60	43	38	29	26	8	7		
75lbs	66	58	42	37	29	25	7	7		
78lbs	63	56	40	36	27	24	7	6		
80lbs	61	55	39	35	27	24	7	6		
83lbs	59	53	38	33	26	23	7	6		
85lbs	58	51	37	33	25	22	7	6		
88lbs	56	50	36	32	24	22	6	6		
90lbs	55	49	35	31	24	21	6	5		
93lbs	53	47	34	30	23	20	6	5		
95lbs	52	46	33	29	22	20	6	5		
100lbs	49	44	31	28	21	19	5	5		
103lbs	48	42	30	27	21	18	5	5		
107lbs	46	41	29	26	20	18	5	4		
112lbs	44	39	28	25	19	17	5	4		
118lbs	42	37	26	23	18	16	5	4		
123lbs	40	35	25	22	17	15	4	4		
128lbs	38	34	24	22	17	15	4	4		
135lbs	36	32	23	20	16	14	4	3		

(2) Double Reduced										
Base Weight	Under 26 Inch		Over 26 inch thru. 27-1/2 inch		Over 27-1/2 inch thru. 29 inch		Over 29inch thru. 30-1/2 inch		Over 30-1/2 inch	
	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS	ETP	TFS
50lbs	99	88	63	56	43	38	11	10	Base	Base
53lbs	93	83	59	53	41	36	11	9		
55lbs	90	80	57	51	39	35	10	9		
60lbs	82	73	52	47	36	32	9	8		
65lbs	76	67	48	43	33	29	9	8		
70lbs	70	62	45	40	31	27	8	7		
75lbs	66	58	42	37	29	25	7	7		
80lbs	61	55	39	35	27	24	7	6		
85lbs	58	51	37	33	25	22	7	6		
90lbs	55	49	35	31	24	21	6	5		
95lbs	52	46	33	29	22	20	6	5		
100lbs	49	44	31	28	21	19	5	5		

D : Quality Extras

(1) Type D			(2) Type K, A or J		
1) Single Reduced			2) Double Reduced		
Base	ETP	TFS	Base	ETP	TFS
Weight			Weight		
70lbs	34	30	50lbs	47	42
73lbs	32	29	53lbs	44	39
75lbs	31	28	55lbs	43	38
78lbs	30	27	60lbs	39	35
80lbs	29	26	65lbs	36	32
83lbs	28	25	70lbs	34	30
85lbs	28	24	75lbs	32	28
88lbs	27	24	80lbs	30	26
90lbs	26	23	85lbs	28	24
93lbs	25	22	90lbs	26	23
95lbs	25	22	95lbs	25	22
100lbs	24	21	100lbs	23	21
103lbs	23	20			
107lbs	22	19			
112lbs	21	18			
118lbs	20	17			
123lbs	19	17			
128lbs	18	16			
135lbs	17	15			

[FR Doc. 78-2932 Filed 1-30-78; 4:40 pm]

[4510-20]
[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 78-11]

EMPLOYEE BENEFIT PLANS

Exemption from the Prohibitions Respecting a Transaction Involving the McCrone Employees Pension Plan

AGENCIES: Department of the Treasury/Internal Revenue Service, Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the McCrone Employees Pension Plan (the Plan) to sell certain plan assets to Walter C. McCrone Associates, Inc. (the Employer).

FOR FURTHER INFORMATION CONTACT:

Ivan Strasfeld of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: E:EP:PT:2) 202-566-3045. This not a toll free number.

SUPPLEMENTARY INFORMATION

On October 25, 1977, notice was published in the FEDERAL REGISTER (42 FR 56379) of the pendency before the Internal Revenue Service and the Department of Labor (the Agencies) of an exemption from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code and from the provisions of section 406(a) and 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act), for a transaction described in an application submitted by the Employer and the trustees of the Plan. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Agencies in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Internal Revenue Service (the Service). In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No public comments and no request for a hearing were received by the Service.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code and the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code and section 406(b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code and the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

EXEMPTION

In accordance with section 4975(c)(2) of the Code and section 408(a) of the Act and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and ERISA Proc. 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Agencies make the following determinations:

(a) The exemption is administratively feasible; (b) it is in the interests of the Plan and of the participants and beneficiaries; and (c) it is protective of the rights of participants and beneficiaries of the Plan.

Accordingly, the following exemption is hereby granted under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and ERISA Proc. 75-1 (40 FR 18471, April 28, 1975):

The taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code and restrictions of section 406(a) and 406(b) (1) and (2) of the Act shall not apply to a transaction involv-

ing the sale of the Plan's interest in a partnership known as 2820 South Michigan Co. to the Employer in exchange for interest bearing notes of the Employer, subject to the terms, conditions, and representations set forth in the application.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction consummated pursuant to the exemption.

Signed at Washington, D.C., this 26th day of January 1978.

IAN D. LANOFF,
Administrator for Pension and Welfare Benefit Programs,
Labor-Management Services Administration, U.S. Department of Labor.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

[FR Doc. 78-2727 Filed 2-2-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Docket Nos. AB 18 (Sub-No. 5) etc.]

CHESAPEAKE AND OHIO RAILROAD CO.

Railroad Services Abandonment

JANUARY 24, 1978.

Docket No. AB 18 (Sub-No. 5), Chesapeake and Ohio Railway Co., abandonment between Williamsburg and Elk Rapids, in Grand Traverse and Antrim Counties, Mich.; Docket No. AB 18 (Sub-No. 19), Chesapeake and Ohio Railway Co., abandonment portion Petoskey Subdivision between a point near Traverse City and Bay View, in Grand Traverse, Kalkaska, Antrim, Charlevoix and Emmet Counties, Mich.; Docket No. AB 18 (Sub-No. 20), Chesapeake and Ohio Railway Co., abandonment portion Traverse City and Petoskey Subdivisions between Manistee and Traverse City and the Northport Subdivision between Traverse City and Rennie, in Manistee, Benzie, Grand Traverse and Leelanau Counties, Mich.

The Notice to the Parties which accompanied the Draft Environmental Impact Statement (DEIS) prepared for this action indicated that the deadline for comments on the impact statement would be February 6, 1978.

In view of the fact that public notice of the availability of the DEIS was not published in the FEDERAL REGISTER until January 13, 1978, the comment date is now fixed at February 27, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3040 Filed 2-2-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 40, Admt. 1; Rev. S.O. No. 1252]

**CHICAGO, MILWAUKEE, ST. PAUL AND
PACIFIC RAILROAD CO.**

Rerouting of Traffic

Upon further consideration of I.C.C. Order No. 40 (Chicago, Milwaukee, St. Paul and Pacific Railroad Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 40 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date*. This order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,

Agent.

[FR Doc. 78-3038 Filed 2-2-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 47; Rev. S.O. No. 1252]

**CHICAGO, MILWAUKEE, ST. PAUL AND
PACIFIC RAILROAD CO.**

Rerouting of Traffic

In the opinion of Joel E. Burns, Agent, the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is unable to transport traffic currently over its line between Chicago, Ill., and Louisville, Ky., because of congestion caused by heavy snow.

It is ordered, That: (a) *Rerouting traffic*. The Chicago, Milwaukee, St. Paul and Pacific Railroad Co., being unable to transport traffic currently over its line between Chicago, Ill., and Louisville, Ky., because of congestion caused by heavy snow, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) Concurrence of receiving roads to be obtained. The railroad rerouting cars in accordance with this order

shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers*. Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or re-routed by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date*. This order shall become effective at 4:30 p.m., January 25, 1978.

(g) *Expiration date*. This order shall expire at 11:59 p.m., February 3, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 25, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,

Agent.

[FR Doc. 78-3037 Filed 2-2-78; 8:45 am]

[7035-01]

[Rule 19; Ex Parte No. 241; Exemption No. 143]

**EXEMPTION UNDER PROVISION OF
MANDATORY CAR SERVICE RULES**

It appearing, that because of adverse weather conditions in the Northeast, the return of empty boxcars to the Union Pacific Railroad Co. (UP) has been seriously hampered; that there is

a substantial need for boxcars for off-line loading in terminal switching service in the Fairfax Industrial District, located in Kansas City, Mo.; that the aforementioned delays in the return of boxcars owned by the UP has resulted in a shortage of UP cars in the Fairfax Industrial District; that the shippers in this district are unable to furnish adequate advance routing information for the UP and its connections to select suitable cars owned by other railroads for loading in compliance with Car Service Rules 1 and 2; that the preponderance of the loading in this district is eastward; that the UP has an ample supply of boxcars owned by lines operating in states east of the Fairfax Industrial District; and that although the shippers are unable to furnish specific advance routing data for specific shipments, the majority of the foreign cars loaded in the district will be or in the direction of the car owners and in compliance with Car Service Rules 1 and 2.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC-RER No. 405, issued by W. J. Trezise, or successive issues thereof as having mechanical designation "XM" may be loaded by shippers served by the UP in its Fairfax Industrial District in Kansas City, Mo., without regard to the requirements of Car Service Rules 1 and 2 subject to exceptions 1 to 4 inclusive, shown below.

It is further ordered, That other railroads receiving cars from the UP in terminal switching service, loaded by shippers in the aforementioned Fairfax Industrial District for line-haul movement via their lines, may accept forwarding instructions from such shippers without regard to the requirements of Car Service Rules 1 and 2.

EXCEPTIONS

1. Cars of Canadian or Mexican ownership.
2. Cars subject to a car relocation or car assistance directive issued by the Car Service Division, Association of American Railroads.
3. Cars with inside length of 59-ft. 8-in. or greater.
4. Cars owned by the following western railroads: The Denver and Rio Grande Western Railroad Co., Southern Pacific Transportation Co., The Western Pacific Railroad Co.

Effective January 26, 1978.

Expires February 28, 1978.

Issued at Washington, D.C., January 26, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,

Agent.

[FR Doc. 78-3036 Filed 2-2-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 31, 1978.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43497, Southwestern Freight Bureau, Agent's No. B-724, rates on phosphatic fertilizer solution, from Taft, La., to stations in Wyoming, in sup. 114 to its tariff 273-G, ICC 5188, to become effective March 2, 1978.

Grounds for relief—market competition; short-line distance formula and grouping.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3039 Filed 2-2-78; 8:45 am]

[7035-01]

**IRREGULAR-ROUTE MOTOR COMMON
CARRIERS OF PROPERTY**

Elimination of Gateway Applications

JANUARY 27, 1978.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before March 6, 1978. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119, MCC 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statement of protestant's interest in the proposal. No rebuttal statements will be accepted.

MC 31462 (Sub-No. 25G), filed December 29, 1977. Applicant: PARAMOUNT MOVERS, INC., 3164 Springfield Street, P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: JAMES W. HIGHTOWER, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes,

transporting: *Household goods*, as defined by the Commission: 1. Between points in New Mexico, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana (within 450 miles of Williston, N. Dak.), Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin. 2. Between points in Colorado, on the one hand, and, on the other, points in Montana (within 450 miles of Williston, N. Dak.). 3. Between points in Mississippi, on the one hand, and, on the other, points in District of Columbia, North Carolina, South Carolina, Tennessee, and Virginia. 4. Between points in Texas, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of: Bradley County, Ark.; Kiowa County, Okla. and points within 50 miles; Okmulgee County, Okla.; Cairo, Ill. and points within 25 miles; Gulfport, Miss. and points within 30 miles; Fort Wayne, Ind. and points in Indiana within 40 miles of Fort Wayne; Burlington, Iowa, and points within 50 miles; Houston, Tex., and points within 50 miles; Kansas City, Mo., and points within 30 miles; Alden, Minn., and points within 35 miles; points in North Dakota, within 200 miles of Williston; points in Tennessee; and points in Georgia.

NOTE.—This application is a gateway elimination request filed pursuant to the Commission's Policy Statement in Ex Parte No. 55 (Sub-No. 8), noticed in the FEDERAL REGISTER Issue December 9, 1974, and is related to MC-F-11952 published in the FEDERAL REGISTER of August 15, 1973.

If a hearing is deemed necessary, applicant requests that it be held at Dallas, Tex.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR Part 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 13, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gate-

way will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 8973 (Sub-No. E 196), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D. C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic hose in mixed loads with plastic pellets, in bulk, and material, equipment and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Passaic County, N.J., on the one hand, and, on the other, points in that part of Massachusetts on and east of a line beginning at the Vermont-Massachusetts State line with Massachusetts Highway 112, thence along Massachusetts Highway 112 to an unnumbered road at Colrain, thence along the road to Interstate Highway 91, thence along Interstate Highway 91 to Massachusetts Highway 10 at Northampton, thence along Massachusetts Highway 10 to the the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E 197), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic hose in mixed loads with plastic pellets, in bulk, and material, equipment and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Passaic County, N.J., on the one hand, and, on the other points in that part of New York on and north of a line beginning at Lake Ontario at the junction of New York Highway 3 thence along New York Highway 3 to junction New York Highway 86, thence along New York Highway 86 to junction New York Highway 73, thence along New York Highway 73 to an unnumbered road at its intersection with Interstate Highway 87, thence along the road through Moriah Center to Port Henry,

thence along New York Highway 9N to junction New York Highway 8, thence along New York Highway 8 to the Vermont-New York State line and also, points in that part of New York on and west of a line beginning at Lake Ontario at the junction of New York Highway 47 at or near Rochester, thence along New York Highway 47 to junction Interstate Highway 490, thence along Interstate Highway 490 to junction New York Highway 15, thence along New York Highway 15 to junction New York Highway 256, thence along New York Highway 256 to junction New York Highway 436, thence along New York Highway 436 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 19, thence along New York Highway 19 to junction New York Highway 417, thence along New York Highway 417 about four miles to an unnumbered road, thence along the road through Alma to the Pennsylvania-New York State line, and also points in that part of New York enclosed by a line beginning on the Long Island Sound with an unnamed road leading to Larchmont, thence along the road to Interstate Highway 95, thence along Interstate Highway 95 to Lincoln Avenue, thence along Lincoln Avenue to the Cross County Parkway, thence along the Parkway to Yonkers Avenue, thence along Yonkers Avenue to Ashburton Avenue, thence along Ashburton Avenue to the east bank of the Hudson River, thence along the river to 125th Street, thence along 125th Street to the Bronx County-Queens County boundary line, thence along the line to Interstate Highway 678, thence along Interstate Highway 678 to the Cross Island Parkway, to Interstate Highway 78, thence along Interstate Highway 78 to junction New York Highway 24, thence along New York Highway 24 to the Queens County-Nassau County boundary line, thence along the county line to the Atlantic Ocean.

The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E198), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and *material, equipment, and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Passaic County, N.J., on the one hand,

and, on the other, points in that part of Pennsylvania on and west of a line beginning on the New York-Pennsylvania State line with Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to junction Pennsylvania Highway 155, thence along Pennsylvania Highway 155 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 255, thence along Pennsylvania Highway 255 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 53, thence along Pennsylvania Highway 53 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Pennsylvania Highway 326, thence along Pennsylvania Highway 326 to the Maryland-Pennsylvania State line, and also that part of Pennsylvania on and south of a line beginning at the Pennsylvania-Maryland State line with U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 52, thence along Pennsylvania Highway 52 to junction Pennsylvania Highway 3, thence along Pennsylvania Highway 3 to junction U.S. Highway 1, thence along U.S. Highway 1 to Robbins Street, thence along Robbins Street, and across the Tacony-Palmyra Bridge to New Jersey. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E199), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and *material, equipment, and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Passaic County, N.J., on the one hand, and, on the other, points in that part of Vermont on, north and east of a line beginning on Lake Champlain along Vermont Highway 17, thence along Vermont Highway 17 to junction Vermont Highway 125, thence along Vermont Highway 125 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 107, thence along Vermont Highway 107 to junction Vermont Highway 12, thence along Vermont Highway 12 to junction Vermont Highway 106, thence along Vermont

Highway 106 to junction Vermont Highway 131, thence along Vermont Highway 131 to junction Vermont Highway 103, thence along Vermont Highway 103 to junction Vermont Highway 35, thence along Vermont Highway 35 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Massachusetts-Vermont State line. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E200), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and *material, equipment, and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Somerset County, N.J., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, and Wisconsin. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E201), filed December 17, 1977. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and *materials, equipment, and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Somerset County, N.J., on the one hand, and, on the other, points in that part of New York on and north of a line beginning on Lake Erie at Wanaquo, thence along an unnumbered road to U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 20A, thence along U.S. Highway 20A to junction New York Highway 39, thence along New York Highway 39 to junction U.S. Highway 20,

thence along U.S. Highway 20 to junction New York Highway 21, thence along New York Highway 21 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 14, thence along New York Highway 14 to junction New York Highway 104, thence along New York Highway 104 to junction New York Highway 69, thence along New York Highway 69 to an unnumbered road heading south at Jamison Corners, thence along New York Highway 49 to junction New York Highway 13, thence along New York Highway 13 to junction New York Highway 316, thence along New York Highway 316 to junction New York Highway 46, thence along New York Highway 46 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 234, thence along New York Highway 234 to junction New York Highway 26, thence along New York Highway 26 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 205, thence along New York Highway 205 to junction New York Highway 23, thence along New York Highway 23 to junction New York Highway 23A, thence along New York Highway 23A to junction New York Highway 42, thence along New York Highway 42 to junction New York Highway 28, thence along New York Highway 28 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 299, thence along New York Highway 299 to junction U.S. Highway 9, thence along U.S. Highway 9 to junction New York Highway 9D, thence along New York Highway 9D to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 9W, thence along U.S. Highway 9W to the New York-New Jersey State line, thence along the New Jersey-New York State line to Interstate Highway 95, thence along Interstate Highway 95 to the east bank of the Hudson River, thence along the east bank of the river to 125th Street, thence along 125th Street to Interstate Highway 278, thence along Interstate Highway 278 to junction New York Highway 25A, thence along New York Highway 25A to the Van Wyck Expressway, thence along the Expressway to junction New York Highway 24, thence along New York Highway 24 to the Meadowbrook State Parkway, thence along the parkway to Jones Inlet and the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 8973 (Sub-No. E202), filed December 17, 1976. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047.

Applicant's representative: E. Stephen Helsley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic hose*, in mixed loads with plastic pellets, in bulk, and *material, equipment, and supplies* used in the manufacture and sale of plastic articles (except those of unusual value, class A and B explosives, household goods, commodities in bulk, and commodities requiring special equipment), between points in Somerset County, N.J., on the one hand, and, on the other, points in that part of North Carolina on and south of a line beginning on the Virginia-North Carolina State line at North Carolina Highway 39, thence along North Carolina Highway 39 to junction North Carolina Highway 55, thence along North Carolina Highway 55 to junction North Carolina Highway 58, thence along North Carolina Highway 58 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction North Carolina Highway 97, thence along North Carolina Highway 97 to junction North Carolina Highway 125, thence along North Carolina Highway 125 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Albemarle Sound, thence along the south bank of the Sound to junction U.S. Highway 64, thence along U.S. Highway 64 to Whalebone and the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Ridgefield, N.J.

No. MC 83539 (Sub-No. E388), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *parts, materials, and supplies* thereof, when moving in connection with such commodities, between points in Florida, on the one hand, and, on the other, points in Missouri. Restriction: The service authorized here is subject to the following restrictions: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines, no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., any points in Kentucky, and any point in Illinois.

No. MC 83539 (Sub-No. E389), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's repre-

sentative: H. N. Cunningham III (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *parts thereof*, when moving in connection with such commodities, between: (a) Points in Florida in and west of Santa Rosa County, on the one hand, and, on the other, points in New Jersey; and (b) points in Florida in and west of Holmes, Washington, and Bay Counties, on the one hand, and, on the other, points in New Jersey in, north, and east of Hunterdon, Somerset, Middlesex, Monmouth, and Ocean Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., any point in Virginia, and any point in Pennsylvania.

No. MC 83539 (Sub-No. E391), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *parts thereof*, when moving in connection with such commodities, between points in Florida, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of Nashville, Tenn., and any point in Kentucky.

No. MC 83539 (Sub-No. E392), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and *parts thereof*, when moving in connection with such commodities, between: (a) Points in Florida in and west of Holmes, Washington, and Bay Counties, on the one hand, and, on the other, points in Pennsylvania, in, north, and west of Fulton, Huntingdon, Juniata, Perry, Dauphin, Lebanon, Berks, Lehigh, and Northampton Counties; (b) points in Florida in and west of Holmes, Washington, and Bay Counties, and in and south of Sarasota, DeSoto, Glades, and Palm Beach Counties, on the one hand, and, on the other, points in Pennsylvania in and west of Warren, Venango, Butler, Allegheny, Washington, and Green Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., and any point in Kentucky.

No. MC 83539 (Sub-No. E393), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between points in that part of Florida in and west of Holmes, Washington, and Bay Counties, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., Kentucky, and Philadelphia, Pa.

No. MC 83539 (Sub-No. E394), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between points in that part of Florida, in and west of Okaloosa County, on the one hand, and, on the other, points in that part of Virginia in and north and west of Prince William, Fauquier, Culpeper, Madison, Greene, Albemarle, Augusta, Rockbridge, Botetourt, Roanoke, Montgomery, Pulaski, Wythe, Smyth, and Washington Counties. The purpose of this filing is to eliminate the gateway of points within a 50-mile radius of Nashville, Tenn., and in Virginia.

No. MC 83539 (Sub-No. E395), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related contractors' materials and supplies when moving in connection with such commodities between points in Georgia, on the one hand, and, on the other, points in Iowa. Restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines; and no service shall be performed in the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of points

within a 50-mile radius of Nashville, Tenn., Kentucky, and Illinois.

No. MC 83539 (Sub-No. E396), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related contractors' materials and supplies when moving in connection with such commodities between points in Georgia in and west of Catoosa, Walker, Gordon, Bartow, Cherokee, Fulton, DeKalb, Henry, Butts, Monroe, Bibb, Houston, Dooly, Crisp, Turner, Tift, Berrien, and Lowndes Counties, on the one hand, and, on the other, points in New York in, west, and north of Lewis, Oneida, Oswego, Onondaga, Cayuga, Seneca, Yates, and Steuben Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., Kentucky, and Pennsylvania.

No. MC 83539 (Sub-No. E398), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between (a) points in Georgia in and west of Catoosa, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Randolph, Clay, Early, Miller, and Decatur Counties, on the one hand, and, on the other, points in Pennsylvania in and west of Bradford, Sullivan, Lycoming, Clinton, Centre, Blair, Cambria, and Somerset Counties and (b) points in Georgia in, west and south of Union, White, Hall, Jackson, Clarke, Oconee, Greene, Hancock, Washington, Johnson, Emanuel, Candler, Evans, Tattnall, Long, Wayne, and Glynn Counties, on the one hand, and, on the other, points in Erie County, Pa. The purpose of this filing is to eliminate the gateways of a 50-mile radius of Nashville, Tenn., and Kentucky.

No. MC 83539 (Sub-No. E399), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Commodities, the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between (a) points in Georgia in and west of Whitfield, Gordon, Pickens, Cherokee, Fulton, DeKalb, Henry, Butts, Monroe, Bibb, Houston, Dooly, Crisp, Turner, Tift, Berrien, and Lowndes Counties, on the one hand, and, on the other, points in West Virginia in and north of Ohio County, and (b) points in Georgia in and west of Whitfield, Walker, Chattooga, Floyd, Polk, Haralson, Carroll, Heard, Troup, Harris, Muscogee, Chattahoochee, Stewart, Randolph, Calhoun, Early, Miller, and Decatur Counties, on the one hand, and, on the other, points in West Virginia in, west, and north of Monongalia, Marion, Harrison, Doddridge, Gilmer, Calhoun, Roane, Kanawha, Putnam, and Cabell Counties. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Nashville, Tenn., and Kentucky.

No. MC 83539 (Sub-No. E400), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities between (a) points in Illinois in, east, and south of Henderson, Warren, Knox, Stark, Marshall, Putnam, La Salle, Kendall, Will, Du Page, and Cook Counties, on the one hand, and, on the other, points in Michigan in, east, and south of Marquette and Delta Counties, (b) points in Illinois, on the one hand, and, on the other, points in Michigan in, east, and south of Chippewa, Emmet, and Cheboygan Counties, and (c) points in Illinois in, east, and south of Adams, Brown, Cass, Menard, Logan, McLean, Livingston, La Salle, Kendall, Will, Du Page, and Cook Counties, on the one hand, and, on the other, points in Michigan. Restriction: The service authorized here is subject to the following restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 83539 (Sub-No. E401), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between points in Illinois, on the one hand, and, on the other, points in Ohio. Restriction: The service authorized here is subject to the following restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 83539 (Sub-No. E402), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, between points in Illinois, on the one hand, and, on the other, points in Rhode Island. Restriction: The service authorized here is subject to the following restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Indiana and Philadelphia, Pa.

No. MC 83539 (Sub-No. E404), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, between points in Illinois, on the one hand, and, on the other, points in Virginia. Restriction: The service authorized here is subject to the following restriction: no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 83539 (Sub-No. E405), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and parts thereof, when moving in

connection with such commodities, between points in Illinois, on the one hand, and, on the other, points in West Virginia. Restriction: The service authorized here is subject to the following restriction: no service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Indiana.

No. MC 83539 (Sub-No. E406), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related contractors' materials and supplies when moving in connection with such commodities, between points in Indiana, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of Pennsylvania.

No. MC 83539 (Sub-No. E407), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, between points in Indiana, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E427), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment and, parts thereof, between points in Louisiana, on the one hand, and, on the other, points in Ohio. Restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of Arkansas and Kentucky or Mississippi and Kentucky.

No. MC 83539 (Sub-No. E428), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same

as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, and related machinery, parts and related contractor's materials and supplies when moving in mixed load with such commodities between points in Maryland, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC 107064 (Sub-No. E320), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Farmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, and Motley Counties, Tex., and points on and west of U.S. Highway 83 in Wheeler, Collingsworth, Childress, and Cottle Counties, Tex., to points in California. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc., Castro County, Tex.

No. MC 107064 (Sub-No. E321), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in California, to points in Tennessee. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E322), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Texas on, south, and east of a line commencing at the Texas-Oklahoma State Line and extending along U.S. Highway 62 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to the Gulf of Mexico to points in Nevada on and south of U.S. Highway 50. The

purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E323), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Montana, to points in Texas on, south, and east of a line commencing at the Texas-Oklahoma State Line and extending along U.S. Highway 62 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E324), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Arkansas on and south of U.S. Highway 70 to points in Utah. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E325), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in California to points in Oklahoma (except points in Cimarron, Texas, and Beaver Counties, Okla.). The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E326), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Idaho to points in Louisiana. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E327), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Maryland to points in Utah in and south of Millard, Sevier, Wayne, and San Juan Counties, Utah. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E328), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, and Motley Counties, Tex., and points on and west of U.S. Highway 83 in Wheeler, Collingsworth, Childress, and Cottle Counties, Tex., to points in Montana. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E329), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and

potash), from points in Oldham, Potter, Carson, Gray, Deaf Smith, Randall, Armstrong, Donley, Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, and Motley Counties, Tex., and points on and west of U.S. Highway 83 in Wheeler, Collingsworth, Childress, and Cottle Counties, Tex., to points in Idaho. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc., and Castro County, Tex.

No. MC 107064 (Sub-No. E330), filed January 22, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oregon to points in Texas on, south, and east of a line commencing at the Texas-Oklahoma State Line and extending along U.S. Highway 62 to its intersection with U.S. Highway 83, thence along U.S. Highway 83 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Occidental Chemical Co., in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 114019 (Sub-No. E474), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration from points in the lower peninsula of Michigan to points in the State of Missouri. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Lafayette, Ind.

No. MC 114019 (Sub-No. E475), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale or retail food business houses and in connection therewith, equipment, materials and supplies used in the conduct of such business*, (a) Between points in the States of Wisconsin and Iowa, on the one hand, and, on the other, Toledo, Akron, Cleveland, Columbus, Dayton, Youngstown, Ohio and Louisville, Ky.; Sparrows Point and Baltimore, Md.,

New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at the Windsor Beach, N.Y., and extending along to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. (b) From Louisville, Ky., Akron, Cleveland, Columbus, Dayton, Toledo and Youngstown, Ohio, points in Ohio within 25 miles of each of such Ohio cities, Fort Wayne, Indianapolis, Muncie, South Bend and Terre Haute, Ind., and points in Indiana within 25 miles of each of such Indiana cities, Detroit, Flint and Grand Rapids, Mich., and points in Michigan within 25 miles of each of such Michigan cities, to points in Wisconsin and Iowa. The purpose of this filing is to eliminate the gateway Barrington, Ill.

No. MCH114019 (Sub-No. E476), filed December 20, 1976. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, raw and manufactured, (a) Between points in Ohio, Indiana, Pennsylvania, New York, and points in New Jersey within 30 miles of New York, N.Y. and Philadelphia, Pa., Baltimore, Md., and West Virginia on the one hand, and, on the other, points in Minnesota. (b) Between points in New York, and those in Pennsylvania and Ohio on and north of Interstate Highway 80 on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 63 from the Arkansas-Missouri State line to its junction with U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line. (c) Between points in Pennsylvania on and south of U.S. Highway 80 extending from the New Jersey-Pennsylvania State line to junction Interstate Highway 219, points in and east of Interstate Highway 219 to the Maryland-Pennsylvania State line, on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 54 to junction U.S. Highway 73 and thence along U.S. Highway 73 to junction Interstate Highway 60, thence along Interstate Highway 60 to the Kansas-Missouri State line, and those points in New Jersey within 30 miles of New York, N.Y. and Philadelphia, Pa. (d) Be-

tween points in Pennsylvania on and south and west of U.S. Highway 80 from the Ohio-Pennsylvania State line, to junction Interstate Highway 219, thence along Interstate Highway 219 to the Maryland-Pennsylvania State line on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 24 from the Illinois-Missouri State line to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line, and points in that part of New Jersey, Delaware, and Maryland which are within 30 miles of Philadelphia, Pa. (e) Between points within that portion of Ohio south of a line extending from Pennsylvania-Ohio State line along U.S. Highway 80 to junction Interstate Highway 13, thence south along Interstate Highway 13 to junction U.S. Highway 30, thence east along U.S. Highway 30 to the Ohio-Pennsylvania State line on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 24 from the Illinois-Missouri State line to junction U.S. Highway 63, thence south along U.S. Highway 63 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. (f) Between points in Ohio south of Interstate Highway 80 extending from the Indiana-Ohio State line to junction Interstate Highway 13, and points on and west of Interstate Highway 30, thence west along U.S. Highway 30 to the Ohio-Indiana State line on the one hand, and, on the other, points in Missouri on, west, and north of U.S. Highway 63 from the Iowa-Missouri State line, to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction Missouri Highway 18, thence along Missouri Highway 18 to the Kansas-Missouri State line. (g) Between points in Indiana on and north of U.S. Highway 30 on the one hand, and, on the other, points in Missouri on and west of U.S. Highway 63 from the Iowa-Missouri State line extending south to junction U.S. Highway 54 and points on and north of U.S. Highway 54 west of the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateways of Chicago, and Barrington, Ill. Muscatine, Iowa, and any point in Ohio.

No. MC 114211 (Sub-No. E547) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of February 5, 1975, and republished, as corrected, this issue. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier,

by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments*, between points in Ohio, West Virginia, Virginia, South Carolina, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Pennsylvania, New York, Massachusetts, Vermont, New Hampshire, Maine, and points in that part of North Carolina on and east of a line beginning at the Georgia-North Carolina State line, thence along U.S. Highway 64 to junction U.S. Highway 129, thence along U.S. Highway 129 to the North Carolina-Tennessee State line, and points in that part of Georgia on and east of a line beginning at the North Carolina-Georgia State line, thence along Georgia Highway 60 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 5, thence along Georgia Highway 5 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line, and points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 319 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Florida Highway 365, thence along Florida Highway 365 to Spring Creek, Fla., and points in that part of Tennessee on and east of a line beginning at the North Carolina-Tennessee State line, thence along U.S. Highway 129 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Tennessee-Kentucky State line, and points in that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Interstate Highway 75 to the Kentucky-Ohio State line, on the one hand, and, on the other, points in that part of Colorado on and south of a line beginning at the Nebraska-Colorado State line, thence along Interstate Highway 80S, to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

NOTE.—The purpose of this correction is to state the correct territorial description.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3035 Filed 2-2-78; 8:45 am]

[7035-01]

[Notice No. 7TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 25, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information. Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 184TA), filed January 5, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acoustical materials and accessories*, from Plainfield, Ill., to Kansas, Nebraska, New Mexico, Arizona, Utah, Washington, Colorado, Texas, Michigan, Iowa, Missouri, Minnesota, South Dakota, Florida, Alabama, and to ports of entry on the international boundary line between the United States and Canada in the States of Montana, Idaho and North Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

NOTICES

Supporting shipper(s): R. W. Capaul, President, Acoustiflex Corp., 811 Center Street, Plainfield, Ill. 60544. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 51146 (Sub-No. 556TA), filed January 3, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from the facilities of Volkmuth Printers at or near St. Cloud, Minn., to Harrisburg, Pa.; Jersey City, N.J.; and New York City, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Volkmuth Printers, P.O. Box 1007, St. Cloud, Minn. 56301 (Jerry Tomczik). Send protests to: Gall Daugherty, Transportation Assistant, Interstate Commerce Commission, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 558TA), filed January 5, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden door components and wooden door sections*, from Centralia, Wash., to the facilities of Baywood Manufacturing Co. at Green Bay, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Baywood Manufacturing Co., division of Bay Insulation Co., Inc., 1330 Elizabeth Street, Green Bay, Wis. 54308 (Arnold Schmidt). Send protests to: Gall Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 80443 (Sub-No. 9TA), filed January 5, 1978. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, Minn. 55113. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, moving in TOFC (trailer-on-flat-car) or COFC (container-on-flat-car) service, from Arlington, Minn., to Minneapolis, Minn., and its commercial zone,

for subsequent rail movement beyond, for 180 days. Supporting shipper(s): Big Stone Inc., Box 86, Chaska, Minn. 55318. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 95876 (Sub-No. 225TA), filed January 3, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 North Cooper Avenue, P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles and equipment, parts and accessories therefor, and paraphernalia*, used in connection with recreational vehicles and equipment, from Crosby, Minn., to points in the United States, restricted to traffic originating at the plantsite of Scorpion, Inc., at Crosby, Minn., for 180 days. Supporting shipper(s): Scorpion, Inc., P.O. Box 300, Crosby, Minn. 56441. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 105501 (Sub-No. 25TA), filed January 5, 1978. Applicant: TERMINAL WAREHOUSE CO., 1851 Radisson Road NE., Blaine, Minn. 55434. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, moving in TOFC (trailer-on-flat-car) or COFC (container-on-flat-car) service, from Arlington, Minn., to Minneapolis, Minn., and its commercial zone, for subsequent rail movement beyond, for 180 days. Supporting shippers(s): Big Stone Inc., Box 86, Chaska, Minn. 55318. Send protests to: Marion L. Cheney, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 108119 (Sub-No. 76TA), filed January 3, 1978. Applicant: E. L. MURPHY TRUCKING CO., 3303 Sibley Memorial Highway, Box 43010, St. Paul, Minn. 55164. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles and equipment; parts and accessories therefor; and paraphernalia*, used in connection with recreational vehicles

and equipment, from Crosby, Minn., to points in the United States, restricted to the transportation of traffic originating at the plantsite of Scorpion, Inc., at Crosby, Minn., for 180 days. Supporting shipper: Scorpion, Inc., P.O. Box 300, Crosby, Minn. 56441. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 14th Street, Minneapolis, Minn. 55401.

No. MC 111045 (Sub-No. 150TA), filed January 4, 1978. Applicant: REDWING CARRIERS, INC., P.O. Box 426, 7809 Palm River Road, Tampa, Fla. 33601. Applicant's representative: L. W. Fincher, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid rubber*, in bulk, in tank vehicles, from Moss Point, Miss., to St. Louis, Mo., for 180 days. There is no environmental impact involved in this application. Supporting shipper: Thiokol Corp., P.O. Box 517, Moss Point, Miss. 39563. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest 53d Terrace, Miami, Fla. 33166.

No. MC 111309 (Sub-No. 10TA) (Correction), filed November 29, 1977, published in the FEDERAL REGISTER issue of December 28, 1977, and republished as corrected this issue. Applicant: NEWPORT TRUCKING CORP., c/o Franklin Swersky, Suite 1803, 744 Broad Street, Newark, N.J. 07102. Applicant's representative: A. David Millner and Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*, in containers and empty containers, from the plantsite of Pepsi-Cola Metropolitan Bottling Co., at Teterboro, N.J., to points in Connecticut, Massachusetts, Rhode Island, New York, and Pennsylvania; (2) *new and used containers, closures and lids, and packaging materials*, from points in Pennsylvania, New York, Connecticut, New Jersey, and Massachusetts, to the plantsites of Pepsi-Cola Metropolitan Bottling Co., Inc., at Teterboro, N.J., Philadelphia, Pa., and Long Island City, N.Y.; (3) *carbonated beverages*, in containers, and *packaging materials*, from the plantsite of Pepsi-Cola Metropolitan Bottling Co., Inc., at Philadelphia, Pa., to points in Connecticut, Massachusetts, Rhode Island, New York, and New Jersey; and (4) *new and used containers, closures and lids, and packaging materials*, from points in Delaware, Connecticut, and New Jersey, to the plantsites of Pepsi-Cola Metropoli-

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tan Bottling Co., Inc., at Philadelphia, Pa., Teterboro, N.J., and Long Island City, Brooklyn, Bronx, and Mt. Vernon, N.Y., and to points in Massachusetts and Rhode Island, under a continuing contract with Pepsi-Cola Metropolitan Bottling Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days for operating authority. Supporting shipper: Pepsi-Cola Metropolitan Bottling Co., Inc., Purchase, N.Y. 10577. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007. The purpose of this republication is to correctly state the territorial description in Part (4) of the application.

No. MC 111401 (Sub-No. 509TA), filed January 5, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock, 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Maryland Heights, Mo., to points in Texas and New Mexico, for 180 days. Supporting shipper: Pennzoil Co., Box 808, Oil City, Pa. 16301. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, Okla. 73102.

No. MC 111729 (Sub-No. 723TA), filed December 19, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household and industrial cleaning products, toilet preparations, insect control products, air fresheners, brooms, brushes, mops, and advertising material, related thereto*, restricted against the transportation of shipments weighing in excess of 150 pounds, between points in Arizona, on traffic having a prior or subsequent out-of-state movement, for 180 days. Supporting shipper: Fuller Brush Co., Suite 520, 1000 Skokie Boulevard, Wilmette, Ill. 60091. Send protests to: Mrs. Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza Room 1807, New York, N.Y. 10007.

No. MC 112048 (Sub-No. 2TA), filed December 27, 1977. Applicant: SEEGER'S TRUCK LINE, INC., P.O. Box 392, Denver, Iowa 50622. Applicant's representative: Grant J. Merritt, 415 Peavey Building, 730 Second Avenue South, Minneapolis, Minn.

55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, and lumber used in wooden pallets and crating*, from Clarksville, Iowa, to points in Illinois, on, north, and west of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 34 to junction Illinois Highway 88, thence north along Illinois Highway 88 to junction U.S. Highway 52, and thence west along U.S. Highway 52 to the Illinois-Iowa State line, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Norton Lumber Co., P.O. Box 100, Clarksville, Iowa 50619. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 113843 (Sub-No. 247TA), filed December 27, 1977. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Shells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Napoleon, Ohio, to points in New Jersey (except Camden), New York, and Pennsylvania, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Campbell Soup Co., East Maumee Avenue, Napoleon, Ohio 43545. Send protests to: John Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, Mass. 02114.

No. MC 114115 (Sub-No. 28TA), filed December 30, 1977. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Boulevard, Detroit, Mich. 48217. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from the plantsite of Domtar, Inc., Sifto Salt Division, at or near St. Joseph, Mich., to points in Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sifto Salt, Division of Domtar, Inc., 9950 West Lawrence Avenue, Schiller Park, Ill. 60176, Otto Frana, Traffic Manager. Send protests to: Erma W. Gray, Secretary, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 114552 (Sub-No. 149TA), filed January 6, 1978. Applicant:

SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and construction materials* (except in bulk), from the facilities of Penn-Dixie Steel Corp., at or near Kokomo, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: Penn-Dixie Steel Corp., P.O. Box 744, Kokomo, Ind. 46901. Send protests to: Strotheld District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 115496 (Sub-No. 78TA), filed December 27, 1977. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Highway 23 South, Cochran, Ga. 31014. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and construction materials* (except in bulk), from the facilities of Penn-Dixie Steel Corp. at or near Kokomo, Ind., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Penn-Dixie Steel Corp., 1401 East Hoffer Street, P.O. Box 744, Kokomo, Ind. 46901. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 115975 (Sub-No. 26TA), filed December 27, 1977. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, Ill. 62095. Applicant's representative: Ernest A. Brooks, II, 411 North 7th Street, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum greases*, in bulk, in tank vehicles, from the plantsite and facilities of Mobile Oil Corp. located at or near Beaumont, Tex., to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, Ohio, Pennsylvania, South Carolina, West Virginia, and Wisconsin, under a continuing contract or contracts with Mobil Oil Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Phillip D. Cox, Supervisor—Rate, Routes and Regs., Mobil Oil Corp., 8350 North Central Expressway, Suite 522, Dallas, Tex. 75206. Send protests

to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701

No. MC 118866 (Sub-No. 11TA), filed January 6, 1978. Applicant: PAUL L. ZAMBERLAN & SONS, INC., P.O. Box 15, Lewis Run, Pa. 16738. Applicant's representative: Chester A. Zyblut, 1030 Fifteenth Street NW., Suite 366, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon steel pipe*, from Camden, N.J., and Baltimore, Md., to Bradford, Pa., for 180 days. Supporting shipper(s): Goodman Brothers, Inc., P.O. Box 176, Bradford, Pa. 16701. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 119789 (Sub-No. 413TA), filed January 6, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plastic*, in containers, in mechanically refrigerated equipment, from Houston, Tex., to Seattle, Wash.; Portland, Oreg.; Sacramento, Calif.; Minneapolis, Minn.; Niles, Mich.; St. Louis, Mo.; Pittsburgh, Pa.; and Buffalo, N.Y., for 180 days. Supporting shipper(s): Foam Systems, Co., P.O. Box 5347, Riverside, Calif. 92507. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 123048 (Sub-No. 383TA), filed January 4, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bus seats*, from Grand Rapids, Mich., to Woodlawn, Tex., for 180 days. Supporting shipper(s): A. M. General Corp., 13200 McKinley, Mishawaka, Ind. 46544 (Robert C. Sandburg). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124078 (Sub-No. 770TA), filed January 3, 1978. Applicant: SCHWERMANN TRUCKING CO., 611 South 2 Street, Milwaukee, Wis. 53246.

Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co., at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above mentioned plantsite, for 180 days. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. (J. J. Stefanec) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124078 (Sub-No. 771TA), filed January 6, 1978. Applicant: SCHWERMANN TRUCKING CO., 611 South 2 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Demopolis, Ala., to points in Louisiana and Tennessee, for 180 days. Supporting shipper(s): Citadel Cement Corp., 2700 Cumberland Parkway, Atlanta, Ga. 30339. (John W. Giannini) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124306 (Sub-No. 40TA), filed January 4, 1978. Applicant: KENAN TRANSPORT CO., INC., P.O. Box 2729, Chapel Hill, N.C. 27514. Applicant's representative: Richard A. Mehley, MacDonald & McInerney, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terephthalic acid*, in bulk, in tank vehicles and tote bins on rack trailers, from the plantsite of Hercofina at or near Wilmington, N.C., to Hopewell, Va., and points in Prince George and Chesterfield Counties, Va., for 180 days. Supporting shipper(s): Hercofina P.O. Box 327, Wilmington, N.C. 28402. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 124947 (Sub-No. 90TA), filed December 15, 1977. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister (same address as applicant). Authority sought to oper-

ate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard, plasterboard joint systems, and related products* used in the installation thereof, from Albuquerque, N. Mex. and its commercial zone to points in Tucson, Ariz.; and its commercial zone and Phoenix, Ariz.; and its commercial zone. Restricted to shipments originating at the plantsite of American Gypsum Co., at or near Albuquerque, N. Mex. for 180 days. Supporting shipper: American Gypsum Co. P.O. Box 6345, Albuquerque, N. Mex. 87107. Send protests to: Connie Stanley, Transportation Assistant, Rm. 240, Old P.O. & Courthouse Bldg. 215 N.W. 3rd St., Oklahoma City, Okla. 73102.

No. MC 125423 (Sub-No. 3TA) (Correction), filed October 17, 1977, published in the FEDERAL REGISTER issue of November 16, 1977, and republished as corrected this issue. Applicant: J. FRED SMITH, d.b.a. J. FRED SMITH TRUCKING CO., 112 Nichols Street, Danville, Ky. 40422. Applicant's representative: Robert H. Kinker, 314 W. Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between railroad facilities in Cincinnati, Ohio and its commercial zone, on the one hand, and, on the other, points in Adair, Anderson, Bath, Bourbon, Boyle, Casey, Clark, Fayette, Franklin, Garrard, Harrison, Jessamine, Knox, Laurel, Lincoln, Marion, Mercer, McCreary, Montgomery, Nicholas, Pulaski, Rockcastle, Russell, Scott, Shelby, Taylor, Washington, Whitley, and Woodford Counties, Ky.; (2) Between railroad facilities in Lexington, Ky., and Danville, Ky., and their Commercial Zones, on the one hand, and, on the other, points in Bath, Harrison, Montgomery, and Nicholas Counties, Ky.; and (3) Between railroad facilities in Louisville, Ky., and its commercial zone, on the one hand, and, on the other, points in Adair, Bath, Bourbon, Casey, Clark, Fayette, Franklin, Garrard, Harrison, Jessamine, Knox, Laurel, Lincoln, Marion, McCreary, Montgomery, Nicholas, Pulaski, Rockcastle, Russell, Scott, Shelby, Taylor, Washington, Whitley, and Woodford Counties, Ky.; (1), (2) and (3) above, is restricted to the transportation of shipments having a prior or subsequent movement by rail, for 180 days. Supporting shippers: There are approximately 10 statements of support attached to the application which may be examined at the field office named below. Send protests to: (Mrs.) Linda H. Sypher,

District Supervisor, Interstate Commerce Commission, 216 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505. The purpose of this republication is to include part (3) of the territorial description and to also include the restriction.

No. MC 128117 (Sub-No. 27TA), filed January 6, 1978. Applicant: NORTON-RAMSEY MOTOR LINES, INC., P.O. Box 896, Hickory, N.C. 28601. Applicant's representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, (except in bulk), from Supreme, La., to points and places in North Carolina, South Carolina, Virginia and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Southdown Sugars, Inc., Canal La Salle Building, Room 1821, P.O. Box 52, New Orleans, La. 70112. Send protests to: Terrell Price District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 128205 (Sub-No. 43TA), filed December 27, 1977. Applicant: BULK-MATIC TRANSPORT CO., 12000 S. Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Arnold L. Burke, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *lead oxide*, in bulk, from Brazil, Ind., to Chicago, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Oxide & Chemical Corp., Jeffery McKinney, Sales & Trucking, Box 423, Brazil, Ind. 47834. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 129394 (Sub-No. 7TA), filed January 3, 1978. Applicant: RONALD HACKENBERGER, d.b.a. RON'S TRUCKING SERVICE, Route 250 North, R.F.D. No. 3, Norwalk, Ohio 44857. Applicant's representative: Richard H. Brandon, 220 West Bridge Street, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Mercer County, Pa., to Huron, Ohio, under a continuing contract, or contracts, with Huron Lime Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Huron Lime Co., Huron, Ohio. Send protests to: Keith D. Warner District Supervisor, Bureau of Operations, Interstate

Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio. 43611.

No. MC 134402 (Sub-No. 2TA), filed January 3, 1978. Applicant: WILLIAMS TRUCK LINES, INC., P.O. Box 143, North Market Street, Audubon, Iowa 50025. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meal products and meal by-products*, (except hides and commodities in bulk), from the facilities utilized by Weinstein International Corp., and Iowa Pork Industries, Inc., in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin, to Los Angeles and Oakland, Calif.; Portland, Oreg., and Seattle, Wash., under a continuing contract, or contracts, with Weinstein International Corp., and Iowa Pork Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brad McAlister Director of Transportation, Weinstein International Corp., and Iowa Pork Industries, its subsidiary, 5738 Olson Highway, Minneapolis, Minn. 55422. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 136357 (Sub-No. 3TA), filed December 15, 1977. Applicant: BEST TRANSPORTATION CORP., South Washington Ave. and River St., Scranton, Pa. 18505. Applicant's representative: Joseph F. Hoary, 121 South Main St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter*, from Dunmore, Scranton, Bloomsburg, and Allentown, Pa., to points in the states of New Jersey, Rhode Island, Connecticut, Massachusetts, Michigan, Illinois, New Hampshire, Vermont, Maine, and New York; and Indianapolis, Crawfordsville, Bloomington, Fort Wayne, Hammond, and Terre Haute, Ind.; Cincinnati, Ohio, Kingsport, Tenn., and Lynchburg, Va.; and (2) *materials and supplies* used in the manufacture of printed matter, from points in the states of New Jersey, Rhode Island, Connecticut, Massachusetts, Michigan, Illinois, New Hampshire, Vermont, Maine, and New York; and Indianapolis, Crawfordsville, Bloomington, Fort Wayne, Hammond, and Terre Haute, Ind.; Cincinnati, Ohio; Lynchburg, Va., and Kingsport, Tenn.; to Dunmore, Scranton, Bloomsburg, and Allentown, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting

shipper: Haddon Craftsmen, Book Manufacturing Division of Intext, Ash St. and Syoming Ave., Scranton, Pa. 18509.

No. MC 138446 (Sub-No. 10TA), filed January 3, 1978. Applicant: MURRAY'S TRANSFER & STORAGE, INC., 1011 Floral Lane, Davenport, Iowa 52802. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Louisville, Ky., to points in Iowa and Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Flynn Beverage Co., 46th and Blackhawk Road, Rock Island, Ill. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 139112 (Sub-No. 15TA), filed January 4, 1978. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Above-ground swimming pools and plastic toys*, from Wilkes-Barre, Pa., to points in the United States (except Alaska and Hawaii), for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Muskin Corp., 400 East Thomas Street, Wilkes-Barre, Pa. 18705. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 139485 (Sub-No. 6TA), filed November 16, 1977. Applicant: TRANS CONTINENTAL CARRIERS, 169 East Liberty Avenue, Anahelm, Calif. 92803. Applicant's representative: David P. Christianson, 707 Wilshire Boulevard, Suite 1800, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel studding, hangers, joist, I/S or nails, or staples, I/S/N.O.I.; ceiling suspension grid systems; frames, door or windows, I/S, K/D; plastic or rubber channels 156950; aluminum channels, UNF; plasterboard, STL faced; frames, door or windows, aluminum K/D; paint, liquid; gypsum wallboard, laminated or not laminated in packages; registers or diffusers, air, item 26900 sub 5 iron and steel; light fixtures N.O.I. fluorescent without bulbs or fittings; panels or interior partitions or walls per MMFC item 35040; access or computer floor panels*

and hardware, from Medina County and Cuyahoga County, Ohio, to points in Wyoming, Montana, Oregon, Washington, California, Utah, Idaho, Nevada, Arizona, and New Mexico, under a continuing contract, or contracts, with Donn Products, Inc., located in Westlake, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Donn Products, Inc., 1000 Crocker Road, Westlake, Ohio 44145, Andrew Lamb, Office Manager. Send protests to: Edward Henry, 300 North Los Angeles Street, Room 1321, Los Angeles, Calif. 90012.

No. MC 139588 (Sub-No. 4TA), filed December 27, 1977. Applicant: GRANDVIEW ENTERPRISES, INC., 8265 North Borthwick Avenue, Portland, Ore. 97217. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23rd Avenue, Portland, Ore. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glazed and unglazed ceramic wall and floor tile, glazed and unglazed quarries, and mosaic*, from points in Ohio to Portland, Ore., and Tukwila, Wash., under a continuing contract or contracts with Uniq Distributing Co., Inc., from 180 days. Supporting shipper(s): Uniq Distributing Co., Inc., 3435 Southeast 17th, Portland, Ore. 97202; Tile, Inc., 3435 Southeast 17th, Portland, Ore. 97202. Send protests to: District Supervisor R. V. Dubay, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 139999 (Sub-No. 26TA), filed January 4, 1977. Applicant: RED-FEATHER FAST FREIGHT, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Arlyn L. Westergren, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, from Dodge City, Kans., to points in Arkansas, Colorado, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Max A. Kline, Traffic Manager, Hy Plains Dressed Beef, Inc., P.O. Box 539, Dodge City, Kans. 67801. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 140024 (Sub-No. 83TA) (correction), filed December 15, 1977, pub-

lished in the FEDERAL REGISTER issue of January 19, 1978, republished as corrected this issued. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Street, Commerce City, Colo. 80022. Applicant's representative: John F. DeCock, 5565 East 52nd Street, Commerce City, Colo. 80022. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pork, pork products, and pork by-products* (except commodities in bulk), from the plantsite and facilities of Sigman Meat Co., Inc., at or near Brush, Colo., to Fresno and Los Angeles, Calif., including points in the commercial zones thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sigman Meat Co., Inc., P.O. Box 364, Brush, Colo. 80723. Send protests to: District Supervisor, R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202. The purpose of this republication is restrictively amend the destination points.

No. MC 141097 (Sub-No. 12TA), filed November 14, 1977. Applicant: CAL-TEX, INC., P.O. Box 1678, 2300 Harbor Boulevard, Costa Mesa, Calif. 92626. Applicant's representative: Greg P. Steffire, 700 South Flower Street, Suite 17234, Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic, natural and composite yarn, synthetic, natural and composite fiber, and the materials, and supplies* used in the manufacture thereof, (A) from the plantsite and facilities of A. M. Smyre Manufacturing Co., located at or near Ranlo, Albemarle, and Gastonia, N.C., to points in California, Arkansas, and Oklahoma; and (B) from Foley, Ala.; Lowland, Tenn.; Pensacola, Fla.; Abbeville and Edgefield, S.C., to the facilities of A. M. Smyre Manufacturing Co., located at or near Ranlo, Albemarle, and Gastonia, N.C., and port of entry on the United States and Canadian boundary line located in Montana, Idaho, and Washington, under a continuing contract or contracts with A. M. Smyre Manufacturing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: A. M. Smyre Manufacturing Co., Ranlo, N.C., Travis W. Honeycutt, Agent. Send protests to: Edward Henry, 300 North Los Angeles Street, Room 1321, Los Angeles, Calif. 90012.

No. MC 141532 (Sub-No. 17TA), filed December 1, 1977. Applicant: PACIFIC STATES TRANSPORT, INC., 35433

16th Avenue South, Federal Way, Wash. 98003. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, Wash. 98055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe and pipe fittings, couplings, connections, and accessories* (except iron or steel and commodities which because of size and weight require the use of special equipment), from the plant or warehouse facilities of Armco Steel Corp. in Madera County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the above plants or warehouse sites and destined to points indicated above, and further restricted against the transportation of oilfield commodities as defined in Mercer-Extension-Oilfield Commodities, 74 MCC 459, for 180 days. Supporting shipper: Armco Steel Corp., C. W. Hall, Director of Transportation, 24 North Main Street, Middletown, Ohio 45043. Send protest to: District Supervisor Hugh H. Chaffee, Interstate Commerce Commission, Bureau of Operations, 858 Federal Building, Seattle, Wash. 98174.

No. MC 141804 (Sub-No. 93TA), filed January 5, 1978. Applicant: WESTERN EXPRESS, Division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, Tenn. 37072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milled talc*, in bags, from the facilities of Cyprus Industrial Minerals Co., at or near Three Forks, Mont., to the facilities of Thermofil, Inc., at or near Ypsilanti, Mich., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cyprus Industrial Minerals Co., 555 South Flower Street, Los Angeles, Calif. 90071. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142065 (Sub-No. 11TA), filed January 5, 1978. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, Ark. 72947. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, Ark. 72756. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed meats*, from Allen Township, at or near Quincy, Mich., to points in Alabama, Arizona, Kansas, Missouri, Oklahoma, Tennes-

see, and Texas, under a continuing contract, or contracts, with Peter Eckrich & Sons, Inc., of Fort Wayne, Ind., restricted to the transportation of traffic originating at the plantsite and facilities of Peter Eckrich & Sons, Inc., of Allen Township, at or near Quincy, Mich., for 180 days. Supporting shipper(s): Peter Eckrich & Sons, Inc., 3515 Hobson Road, P.O. Box 388, Fort Wayne, Ind. 46801. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 142929 (Sub-No. 1TA), filed January 3, 1978. Applicant: CHARLES F. YAGER, d.b.a. YAGER TRUCKING, 112 Goya Drive, Fairfield, Calif. 94533. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration, from Portland, Ore.; Tacoma, Quincy, and Walla Walla, Wash.; Twin Falls and Pocatello, Idaho, to Sacramento, Calif., under a continuing contract, or contracts, with Northern California Frozen Foods, Inc., for 180 days. Supporting shipper(s): Northern California Frozen Foods, Inc., 1724 10th Street, Sacramento, Calif. 95814. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main Street, Suite 500, San Francisco, Calif. 94105.

No. MC 143284 (Sub-No. 2TA), filed January 4, 1978. Applicant: IVAN WEHRLE, d.b.a. WEHRLE GRAIN CO., Box 314, Mulberry Grove, Ill. 62262. Applicant's representative: Robert T. Lawley, 300 Reich Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, from the facility of Ralston Purina Co., at or near Montgomery City, Mo., to the Ralston Purina Co. plantsite at or near Vandalia, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Daniel G. Eddy, Regional Traffic Manager, Ralston Purina Co., 335 South 8th Street, St. Louis, Mo. 63188. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 143286 (Sub-No. 1TA), filed December 14, 1977. Applicant: RAYMOND R. WITTROCK, 1409 19th Avenue, Waverly, Nebr. 68462. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:

Cranes, crane parts, and crane accessories, from the facilities of National Crane Corp. at or near Waverly, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *Materials, equipment and supplies*, used in the manufacture, production, and distribution of commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the facilities of National Crane Corp. at or near Waverly, Nebr. Restrictions: Restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to a transportation service to be performed under a continuing contract, or contracts, with National Crane Corp. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Larry G. Harville, Controller, National Industrial Park, Waverly, Nebr. 68462. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 143436 (Sub-No. 6TA), filed January 5, 1978. Applicant: CONTROLLED TEMPERATURE TRANSPORT, INC., 9049 Stonegate Road, Indianapolis, Ind. 46227. Applicant's representative: Stephen M. Gentry, 1500 Main Street, Speedway, Ind. 46224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds and related articles* in vehicles equipped with mechanical refrigeration, from the warehouse facilities of City Haul & Storage, Inc., located at or near Indianapolis, Ind., to points in Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Boyle-Midway, 5151 West 73d Street, Chicago, Ill. 60638. Send Protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 144094TA, filed December 16, 1977. Applicant: ALADDIN, INC., 215 Union Street, Hackensack, N.J. 07601. Applicant's representative: Edward F. Bowes, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hair cosmetics, shampoos, and conditioning caps*, from Englewood and Teterboro, N.J., to Los Angeles, City of Commerce, Fullerton, Santa Fe Springs, and Brisbane, Calif.; Sparks, Nev.; Omaha, Nebr.; Lawrence, Kans.; Dallas, Tex.; Chicago, Hillside, Itasca, and Vandalia, Ill.; Fort Wayne, Ind.; Detroit and Plymouth, Mich.; Maple Heights, Mayfield, and Stown,

Ohio; New Castle, Del.; Dumas, Ark.; Nashville and Memphis, Tenn.; Forest Park, Ga.; Jacksonville, Lakeland, and Miami, Fla., under a continuing contract with the Wella Corp., for 180 days. Supporting shipper: the Wella Corp., Director of Traffic, 524 Grand Avenue, Englewood, N.J. 07631. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144122TA, filed December 30, 1977. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, N.J. 07652. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), (1) between Hartford, Conn., Baltimore, Md., Boston, Mass., Albany and New York, N.Y. and Philadelphia and Pittsburgh, Pa., and their respective commercial zones, on the one hand, and, on the other, Los Angeles, Sacramento, San Diego, San Francisco, San Jose, Fresno, and Oakland, Calif., and (2) from Hartford, Conn., Baltimore, Md., Boston, Mass., Albany and New York, N.Y., and Philadelphia and Pittsburgh, Pa., and their respective commercial zones, to Phoenix and Tucson, Ariz., Reno, Nev., and Salt Lake City, Utah, and their respective commercial zones, restricted to the transportation of shipments (a) moving on freight forwarder bills of lading issued by Westransco Freight Co. and (b) moving in vehicles equipped with mechanical refrigeration, for 180 days. Supporting shipper(s): Westransco Freight Co., P.O. Box 54810, Los Angeles, Calif. 90054. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, N.J. 07102.

No. MC 144165TA, filed January 7, 1978. Applicant: ALAGA WHITFIELD LINES, INC., 1101 North Court Street, Montgomery, Ala. 36104. Applicant's representative: R. S. Richard, Capell, Howard, Knabe & Cobbs, P.A., P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pickles, olives, table syrups, cherries, peppers, onions, sauerkraut, fruit drinks, vegetable drinks, and similar food items and food products*, from the plantsite of Alaga Whitfield Foods, Inc., at or near Montgomery, Ala. to all points and places in the States of Alabama, Arkansas, Connecticut, Dela-

ware, District of Columbia, Florida, Georgia, Illinois, Iowa, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; and (2) *Ingredients* which are consumed in and form a part of the finished products enumerated in paragraph (1) hereinabove, together with articles and supplies used in the maintenance and operation of Alaga Whitfield Foods, Inc.'s plant at or near Montgomery, Ala., from all points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, to the plantsite of Alaga Whitfield Foods, Inc., at or near Montgomery, Ala. Restriction: Transportation performed pursuant to authority contained in paragraphs (1) and (2) hereinabove is restricted against the transportation of commodities in bulk in tank vehicles for 180 days. Supporting shipper(s): Alaga Whitfield Lines, Inc., 1101 North Court Street, Montgomery, Ala. 36104. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

PASSENGER APPLICATIONS

No. MC 143314 (Sub-No. 1TA), filed December 27, 1977. Applicant: AUTO-BUS LA SAPINIERE LTEE, 114 Angus Street, East Angus, Quebec, Canada JOB 1RO. Applicant's representative: W. Norman Charles, 80 Bay Street, P.O. Box 724 Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at ports of entry on the United States-Canada boundary line located at or near Champlain and Alexandria Bay, N.Y., and extending to points in Florida, for 180 days. Supporting shipper(s): Excursions Hayes Tours, 118 Angus Street, East Angus, Quebec, Canada. Eastern Township Residence, East Angus, Quebec, Canada. Send protests to: District Supervisor, Ross J. Seymour, Interstate Commerce Commission, 6 Loudon Street, Concord, N.H. 03301.

No. MC 144090TA, filed December 8, 1977. Applicant: RED LETTER

TRUCKING CO., 250 Mount Lebanon Boulevard, Pittsburgh, Pa. 15234. Applicant's representative: Stanley E. Levine, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and feed ingredients*, from Frankfort, Indianapolis, Logansport and Decatur, Ind.; Danville, Ill.; Bellevue, Delphos, Fosteria, Marion, and Perrysburg, Ohio; Blissfield and Hillsdale, Mich.; and Ports of Entry on the International Boundary Line between Canada and the United States on the Detroit River, restricted to international traffic, to points in Pennsylvania, points in Chataqua, Cattaraugus, and Erie Counties, N.Y., and points in Washington and Frederick Counties, Md. (2) *Fertilizer* from Maumee and Washington Court House, Ohio to the destination area described in (1) above, for 180 days. Supporting shipper(s): Jesse C. Stewart Co., 250 Mount Lebanon Boulevard, Pittsburgh, Pa. 15234. Send protests to: John J. England, Transportation Specialist, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 144158TA, filed January 5, 1978. Applicant: CALDWELL SCHOOL & CHARTER BUS CO., INC., P.O. Box 607, Route No. 8, Caldwell, Idaho 83605. Applicant's representative: Dean E. Miller, P.O. Box 640, 9th and Dearborn Streets, Caldwell, Idaho 83605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in special and charter party operations, in round trip tours, from, to and return, points in Canyon, Owyhee, Payette, and Washington Counties, Idaho and Malheur County, Oreg., to points in Oregon, Idaho, Washington, California, Nevada, and Utah, for 180 days. Applicant does not intend to tack or interline authority. Supporting shipper(s): There are approximately (31) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho. 83706.

No. MC 144164TA, filed January 3, 1978. Applicant: DONALD R. SPRAY, d.b.a. ELK RIVER LINES, 302 South Atlantic Street, Tullahoma, Tenn. 37388. Applicant's representative: Rick L. Moore, 300 North Jackson Street, Tullahoma, Tenn. 37388. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Passengers and their personal baggage*, in special and/or charter operation, from Tullahoma, Tenn., (along State Highway 55) to Manchester, Tenn., thence along Interstate 24 to Monteagle, Tenn.; Kimball, Tenn., and South Pittsburgh, Tenn., thence along State Highway 72 to Scottsboro, Ala., to the TVA Belafonte Nuclear Plant at Scottsboro, Ala., for 180 days. Supporting shipper(s): There are approximately (23) statements of support attached to the application which may be exam-

ined at the Interstate Commerce Commission in Washington, D. C., or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U. S. Court House, 801 Broadway, Nashville, Tenn. 37203.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3034 Filed 2-2-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

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	Item	
Consumer Product Safety Commission	1	will discuss strategy related to upcoming Congressional hearings on CPSC's authorization and budget.
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[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION.

TIME AND DATE: 9:30 a.m., February 9, 1978.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Partly Open; Partly Closed.

MATTERS TO BE CONSIDERED:

A. Open to the Public:

1. *Recommendation to Close Possible Substantial Product Hazard Case: Shelcor, Inc. vacuum baby bottles with glass liners, ID 77-7.*—Based upon its belief that no substantial risk of injury is associated with these bottles, the staff has recommended that the Commission close the substantial product hazard case, and not pursue a timeliness case.
2. *Exportation of Tris-treated Products that have been in Domestic Commerce.*—Richard Glmer, on behalf of the American Yarn Spinners Association, has asked the Commission's Directorate of Compliance and Enforcement to provide a statement of the Commission's enforcement intentions with respect to persons who export properly labeled Tris-containing fiber, yarn, fabrics or garments from original inventory or from recalled or returned articles. The staff has asked the Commission to approve a draft response to this request.
3. *Cellulose Home Insulation.*—The Commission will consider issues related to a possible proceeding to develop mandatory safety standards for cellulose home insulation. The Commission and staff discussed this matter at the February 2 briefing.

B. Closed to the Public (2 p.m.):

4. *Budget and Authorization Hearings.*—At this session, the Commission and staff

will discuss strategy related to upcoming Congressional hearings on CPSC's authorization and budget.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-262-78 Filed 2-1-78; 1:57 pm]

[6570-06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, February 7, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Parts open to the public:

1. Procedures for providing assistance in obtaining attorneys to parties who have filed charges of discrimination; Proposed Section 81 of Compliance Manual.
2. Revision of procedures for Commission approval of determinations on petitions to revoke or modify subpoenas, to reflect transfer of functions to the Office of the General Counsel.

Part closed to the public:

Litigation Authorization; General Counsel Recommendations: Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

Issued: January 31, 1978.

[S-254-78 Filed 2-1-78; 1:57 pm]

[6715-01]

AGENCY: FEDERAL ELECTION COMMISSION.

TIME AND DATE: Wednesday, February 8, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audits, Compliance, Personnel.

TIME AND DATE: Thursday, February 9, 1978 at 2 p.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

- I. Future meetings.
- II. Correction and approval of minutes.
- III. Advisory opinions: AO 1977-58, 1977-63, 1978-1, 1978-2.
- IV. Procedures on nonfilers: Part I.
- V. FEC Form 7.
- VI. FOIA regulations.
- VII. Status of Commissioner's Policy Statements.
- VIII. Classification actions.
- IX. Routine administrative matters. Communications sent to a candidate's campaign treasurer.
- X. Appropriations and budget. Questions on budget execution report.
- XI. Pending legislation.
- XII. Pending litigation—Questions on status report.
- XIII. Liaison with other Federal agencies.
- XIV. Questions on advisory opinion status sheet.

Portions closed to the public (executive session):

Any items continued from the executive session of February 8, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Friske, Press Officer, 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-264-78 Filed 2-1-78; 3:22 pm]

SUNSHINE ACT MEETINGS

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 3791, January 27, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 1, 1978, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

ER-0.—EL78-6, Illinois Power Co.
RP-3.—RP71-107 (Phase II) and RP72-127, Northern Natural Gas Co.

KENNETH F. PLUMB,
Secretary.

[S-258-78 Filed 2-1-78; 1:57 pm]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., February 8, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth P. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information, Room 1000.

GAS AGENDA—52ND MEETING, FEBRUARY 8, 1978, REGULAR MEETING (10 A.M.)

I. PRODUCER MATTERS

A. Producer sales

- CI-1.—Docket No. CP74-314, El Paso Natural Gas Co. Docket No. CP76-327, Northwest Pipeline Corp. Docket No. CI77-526, Sun Oil Co., et al.
- CI-2.—Reserved.
- CI-3.—Reserved.
- CI-4.—Reserved.

II. PIPELINE CERTIFICATE MATTERS

A. Pipeline certificates

- CP-1. Docket No. CP76-254, Michigan Consolidated Gas Co.
- CP-2. Docket No. CP77-479, Panhandle Eastern Pipe Line Co.
- CP-3. Docket No. CP77-525, United Gas Pipe Line Co. Docket No. CP77-528, Delhi Gas Pipeline Corp.
- CP-4. Docket No. CP78-70, McCulloch Interstate Gas Corp.

CP-5. Reserved.
CP-6. Reserved.
CP-7. Reserved.

B. Order No. 533 authorizations

- CP-8. Docket No. CP78-479, Transcontinental Gas Pipe Line Corp. Docket No. CP78-98, Texas Gas Transmission Corp.
- CP-9. Docket No. CP78-34, Transcontinental Gas Pipe Line Corp. Docket No. CP78-84, United Gas Pipe Line Co.
- CP-10. Docket Nos. CP78-77 and CP78-78, Transcontinental Gas Pipe Line Corp.
- CP-11. Docket No. CP78-112, Transcontinental Gas Pipe Line Corp., United Gas Pipe Line Co.
- CP-12. Reserved.
- CP-13. Reserved.
- CP-14. Reserved.

C. Liquefied natural gas

- CP-15. Docket No. CP71-264, Southern Energy Co.
- CP-16. Reserved.
- CP-17. Reserved.
- CP-18. Reserved.

D. Curtailment

- CP-19. Docket No. RP75-79, Lehigh Portland Cement Company v. Florida Gas Transmission Company.

GAS AGENDA—52ND MEETING, FEBRUARY 8, 1978, REGULAR MEETING

- CAG-1. Docket No. RP71-130, et al., Texas Eastern Transmission Corp.
- CAG-2. Docket Nos. RP72-133 and RP77-107 (PGA77-1A), United Gas Pipe Line Co.
- CAG-3. Docket No. CP77-630, Transcontinental Gas Pipe Line Corp. Docket No. CP78-36, Texas Gas Transmission Corp.
- CAG-4. Docket No. CP77-604, El Paso Natural Gas Co. Docket No. CP77-658, Transwestern Pipeline Co.
- CAG-5. Docket No. CP78-93, Cities Service Gas Co.
- CAG-6. Docket No. CP77-616, Texas Gas Transmission Corp.

POWER AGENDA—52ND MEETING, FEBRUARY 8, 1978, REGULAR MEETING

I. LICENSED PROJECT MATTERS

- P-1. Project No. 400, Colorado-Ute Electric Association, Inc.
- P-2. Docket No. E-9586, Northwestern Wisconsin Electric Co.

II. ELECTRIC RATE MATTERS

- ER-1. Docket Nos. E-8586 and E-8587, Public Service Co. of Indiana.
- ER-2. Docket Nos. ER76-209 and ER76-492, Metropolitan Edison Co.
- ER-3. Docket No. ER76-607, Pennsylvania Electric Co.
- ER-4. Docket Nos. ER78-78 and ER78-79, New England Power Co.
- ER-5. Docket No. EL78-5, Pacific Gas and Electric Co.
- ER-6. Docket No. ES78-8, El Paso Electric Co.

POWER AGENDA—52ND MEETING, FEBRUARY 8, 1978, REGULAR MEETING

- CAP-1. Lands withdrawn in project Nos. 220 and 691—Wyoming.
- CAP-2. Lands withdrawn in project Nos. 130, 253, 351, 630, and 997—Colorado.

KENNETH F. PLUMB,
Secretary.

[S-263-78 Filed 2-1-78; 3:22 pm]

[6210-01]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., February 6, 1978. The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Part of the meeting will be open, part will be closed.

MATTERS TO BE CONSIDERED:

Open portion:

Summary Agenda: Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. A proposed survey of bank holding company insurance activities.

Discussion Agenda:

1. Proposed statement to be presented to the Senate Committee on Banking, Housing, and Urban Affairs regarding the Federal Reserve System's budget.
2. Proposed guide to conduct for directors of Federal Reserve Banks and regulation to be issued, pursuant to 18 U.S.C. 208, regarding specific actions by such directors.
3. Any agenda items carried forward from a previously announced meeting.

Closed portion:

1. Proposed negotiation of a competitive purchase of computer equipment at the Federal Reserve Bank of Cleveland. This matter was originally announced for a meeting on January 30, 1978.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

[S-252-78 Filed 1-30-78; 8:45 am]

[6210-01]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11:30 a.m., Friday, January 27, 1978. The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS CONSIDERED: 1. Personnel appointments within the Board's staff.

4750-4782

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: January 27, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[S-253-78 Filed 1-30-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 43, January 25, 1978, Page No. 3472.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Friday, January 27, 1978.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the date of its previously announced meeting to Friday, February 3, 1978.

[S-255-78 Filed 2-1-78; 1:57 pm]

[6750-01]

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 7, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, February 7, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-256-78 Filed 2-1-78; 1:57 pm]

[6750-01]

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, February 8, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

SUNSHINE ACT MEETINGS

STATUS: Open.

MATTERS TO BE CONSIDERED: Interpretations of the Fair Credit Reporting Act.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message, 202-523-3806.

[S-257-78 Filed 2-1-78; 1:57 pm]

[7020-02]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 3341, January 24, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Friday, February 3, 1978.

CHANGES IN THE MEETING: Agenda Item No. 6 [GSP (Inv. TA-503(a)-4 and 332-90)—vote], previously announced as being open to the public, was closed to the public by a vote of a majority of the entire membership of the Commission.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-265-78 Filed 2-1-78; 3:36 pm]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, February 9, 1978 (NM-78-7).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Railroad Accident Report.—Head-on Collision of Two Greater Cleveland Regional Transit Authority Trains, Cleveland, Ohio, July 8, 1977.
2. Briefing by Managing Director on current management objectives.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming 202-472-6022.

[S-260-78 Filed 2-1-78; 1:57 pm]

[7910-01]

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, February 9, 1978; 9:30 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED:

Poloron Products, Inc. (consolidated).
Poloron Products of Pa., Inc.
Poloron Products of Miss., Inc.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: January 31, 1978.

GOODWIN CHASE,
Chairman.

[S-259-78 Filed 2-1-78; 1:57 pm]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATIONS OF PREVIOUS ANNOUNCEMENTS: January 27, 1978 (to be printed February 2, 1978).

STATUS: Open meetings.

PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING SCHEDULES:

The following item will not be considered at the open meeting scheduled for Thursday, February 2, 1978, at 10 a.m.:

Proposed transmittal of comments to Congressman John M. Murphy, Chairman of the House Committee of Merchant Marine and Fisheries, expressing the views of the Commission on H.R. 9819, Shipping Act Amendments of 1977.

The following additional item will be considered at the open meeting scheduled for Thursday, February 2, 1978, at 10 a.m.:

Request by Senate Committee on Governmental Affairs for data relating to the economic effects of competitive commission rates.

The following item has been rescheduled from the open meeting on Wednesday, February 8, 1978, at 10 a.m., to an open meeting to be held on Tuesday, February 14, 1978, at 10 a.m.:

Proposed preliminary response to the recommendations of the Advisory Committee on Corporate Disclosure.

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined that the above changes were necessary and that no earlier notice thereof was possible.

Dated: February 1, 1978.

[S-261-78 Filed 1-1-78; 1:57 pm]

FRIDAY, FEBRUARY 3, 1978
PART II



DEPARTMENT OF
HEALTH,
EDUCATION,
AND WELFARE

Public Health Service

NURSING SPECIAL
PROJECT GRANTS

Proposed Provisions

[4110-83]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

NURSING SPECIAL PROJECT GRANTS

Proposed Rulemaking

AGENCY: Public Health Service,
HEW.ACTION: Notice of proposed rulemak-
ing.

SUMMARY: The proposed regulations are to implement the Public Health Service Act, which provides that the Secretary may make grants to public and nonprofit private entities to meet the costs of special projects such as improving curricula of schools of nursing, increasing education opportunities for individuals from disadvantaged backgrounds, and providing continuing education for nurses. The proposed regulations revise the existing regulations to include changes made by the Nurse Training Act of 1975.

DATES: Comments must be received on or before March 6, 1978.

ADDRESSES: Written comments, preferably in triplicate, may be addressed to the Director, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Center Building, Room 4-22, Hyattsville, Md. 20782. All comments received will be available for public inspection and copying at the Office of Program Operations, Bureau of Health Manpower, at the above address, weekdays, (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Miss Edith Rathbun, Division of Nursing, Bureau of Health Manpower, Room 3-50, at the above address, phone 301-436-6684.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to revise Subpart T of Part 57, the regulations for nursing special project grants under the former section 805 of the Public Health Service Act. These grants are now authorized under section 820 of the Act. The Nurse Training Act of 1975 made changes in the several purposes for which these grants may be awarded and added two new purposes. The following features of the proposed regulations should be noted:

1. Section 57.1903(b) of the proposed regulation sets forth the purposes for which these grants may be made, as specified in section 820(a) of the Act.

PROPOSED RULES

2. Section 57.1904 of the proposed regulations sets forth the requirements for an approvable application.

3. With respect to projects to plan, develop, or establish a new nurse training program or programs of research in nurse training (§ 57.1903(b)(2)(i)), the proposed regulations require under § 57.1905(b) that the program to be planned, developed, or established must become operational (i.e., enroll students) within the period of grant support. The basis for this proposal is the Secretary's view based upon the Department's experience that it is a more productive use of Federal funds to support planning and/or developmental activities, which include establishment of an operating program as the end product, especially with limited funds available to carry out all of the purposes. The three-year project period should provide adequate time for a program to become operational.

4. Proposed § 57.1905(c) provides that for purposes of projects to increase nursing education opportunities for individuals from disadvantaged backgrounds, the grantee, in determining whether individuals are from disadvantaged backgrounds, may consider an individual to be from a disadvantaged background if the individual:

(a) Comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from a school of nursing; or

(b) Comes from a family with an annual income below a level based on low-income thresholds by family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and multiplied by a factor to be determined by the Secretary for adaptation to this program. The Secretary periodically will publish in the FEDERAL REGISTER such factor and income levels as adjusted.

5. With respect to projects relating to continuing education, retraining opportunities, and upgrading the skills of certain types of nursing personnel (§ 57.1903(b) (4), (5), and (7), respectively), the proposed regulations require that these projects (1) be designed to have wide applicability for the nursing profession and (2) have an enrollment not limited to employees of a single institution. The purpose of these restrictions is to assure that public funds be used to effect improvement in training for the nursing profession in general, as opposed to routine employee orientation and in-service training which is considered the responsibility of individual employers. (See § 57.1905 (d), (e), and (f).)

6. Section 57.1903(b) of the proposed regulations provides that one project eligible for support is a project to increase the supply or improve the dis-

tribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) to meet the health needs of the Nation. For this purpose, "nursing personnel who are bilingual" is proposed to be defined under § 57.1902 to mean nursing personnel with the ability to speak and understand, in addition to English, a language used by any major United States population group composed of individuals of limited English-speaking ability. In addition, "individuals of limited English-speaking ability" is proposed to be defined under § 57.1902(k) to mean "(1) individuals who were not born in the United States or whose native language is a language other than English, and (2) individuals who come from environments where a language other than English is dominant, and by reason thereof, have difficulty speaking and understanding the English language." This proposed definition is based upon a similar definition used in the Office of Education programs of support under the Bilingual Education Act (20 U.S.C. 880b).

It should also be noted that nursing special project grants which are to support the development of health resources intended for use in a health service area designated under Title XV of the Public Health Service Act or to support the delivery of health services are also subject to requirements of section 1513(e) of the Act, relating to review and approval by health systems agencies. Regulations establishing these review procedures are in the process of development by the Department.

It is therefore proposed to revise Subpart T of 42 CFR Part 57 as set forth below.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: October 12, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: January 23, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart T—Nursing Special Project Grants

Sec.	
57.1901	Applicability.
57.1902	Definitions.
57.1903	Eligibility.
57.1904	Application.
57.1905	Project requirements.
57.1906	Evaluation and grant award.
57.1907	Grant payments.
57.1908	Expenditure of grant funds.
57.1909	Nondiscrimination.
57.1910	Grantee accountability.
57.1911	Publications and copyright.
57.1912	Applicability of 45 CFR Part 74.

PROPOSED RULES

Sec.

57.1913 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended, 63 Stat. 35 (42 U.S.C. 216); sec. 820, 89 Stat. 35f (42 U.S.C. 296k).

Subpart T—Nursing Special Project Grants

§ 57.1901 Applicability.

The regulations of this subpart are applicable to the award of grants to public and nonprofit private schools of nursing and other public or nonprofit private entities under section 820 of the Public Health Service Act (42 U.S.C. 296k) to assist in meeting the costs of special projects.

§ 57.1902 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "Council" means the National Advisory Council on Nurse Training (established by section 851(a) of the Act).

(d) "Budget Period" means the interval of time into which the project period is divided for budgetary and reporting purposes, as specified in the grant award document.

(e) "Project period" means the total time for which support for a project has been approved, including any extensions thereof.

(f) "Project director" means an individual designated by the grantee in the grant application and approved by the Secretary to direct the project being supported under this subpart.

(g) "State," except as otherwise provided herein, means a State, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(h) "School of nursing" means a collegiate, associate degree or diploma school of nursing, as such are defined in section 853 of the Act.

(i) "Nonprofit" as applied to any school or entity means one which is a corporation or association, or is owned and operated by one

or more corporations or associations, no part of the net earnings of which inure or may lawfully inure to the benefit of any private shareholder or individual.

(j) "Nursing personnel who are bilingual" means nursing personnel with the ability to speak and understand, in addition to English, a language used by any major United States population group composed of individuals of limited English-speaking ability.

(k) "Individuals of limited English-speaking ability" means: (1) individuals who were not born in the United

States or whose native language is a language other than English, and (2) individuals who come from environments where a language other than English is dominant, and by reason thereof, have difficulty speaking and understanding the English language.

§ 57.1903 Eligibility.

(a) *Eligible applicants.* Any public or nonprofit private school of nursing or other public or nonprofit private entity located in a State may apply for a grant under this subpart.

(b) *Eligible projects.* Grants under this subpart may be made to eligible applicants to meet the costs of special projects to carry out one or more of the following purposes:

(1) To assist in—
(i) Mergers between hospital training programs or between hospital training programs and academic institutions, or

(ii) Other cooperative arrangements among hospitals and academic institutions leading to the establishment of nurse training programs;

(2) To plan, develop, or establish new nurse training programs or programs of research in nursing education, or to significantly improve curricula of schools of nursing (including curricula of pediatric nursing and geriatric nursing) or modify existing programs of nursing education;

(3) To increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with the criteria prescribed in § 57.1905(c), by—

(i) Identifying, recruiting, and selecting such individuals,

(ii) Facilitating the entry of such individuals into schools of nursing,

(iii) Providing counseling or other services designed to assist such individuals to complete successfully their nursing education,

(iv) Providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

(v) Paying such stipends as the Secretary may determine for such individuals for any period of nursing education, and

(vi) Publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

(4) To provide continuing education for nurses;

(5) To provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

(6) To help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care;

(7) To provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel; or

(8) To assist in meeting the costs of developing short-term (not to exceed 6 months) in-service training programs for nurses aides and orderlies for nursing homes, which programs emphasize the special problems of geriatric patients and include training for monitoring the well-being and feeding and cleaning of the patients in nursing homes, selected emergency procedures, basic knowledge of drug properties and interactions, and fire safety techniques.

§ 57.1904 Application.

(a) Each eligible applicant desiring a grant under this subpart shall submit an application in such form and at such time as the Secretary may prescribe.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(c) In addition to such other pertinent information as the Secretary may require, an application for a grant under this subpart shall contain the following:

(1) A proposal for a project to carry out one or more of the purposes specified in § 57.1903(b).

(2) Information documenting the need for the proposed project.

(3) A description of the anticipated impact of the proposed project, including its potential contribution to nursing.

(4) A detailed plan for achieving and measuring the stated objectives of the proposed project.

(5) A description of the resources available for the conduct of the proposed project, including faculty, staff, equipment, facilities, and, where applicable, a clinical practice setting or settings.

(6) A detailed budget for the proposed project and a justification of the amount of grant funds requested.

¹ Applications and instructions may be obtained from the Division of Nursing, Bureau of Health Manpower, Health Resources Administration, Department of Health, Education, and Welfare, Center Building, Room 3-50, 3700 East-West Highway, Hyattsville, Md. 20782.

(7) A description of any Federal financial support related to the proposed project which the applicant is currently receiving.

(8) A detailed timetable for carrying out the activities of the proposed project, including any plans for continuing such activities beyond the project period.

(9) A description of the background and qualifications of the project staff and any proposed consultants.

(10) A description of any written agreements with other institutions or organizations for carrying out the proposed project.

(11) If the proposed project includes the provision of training, information concerning the source and number of potential students and a description of recruitment plans and criteria for the selection and admission of students.

§ 57.1905 Project requirements.

A project supported under this subpart shall be conducted in accordance with the following requirements:

(a) The project shall be conducted under the direction of the project director. If the project director becomes unable to function in such capacity, the Secretary shall be notified as soon as possible.

(b) If the project is designed to carry out the purpose of § 57.1903(b)(2)(i), the new nurse training program or program of research in nursing education to be planned, developed, or established shall be operational within the project period.

(c) If the project is designed to carry out the purpose of § 57.1903(b)(3), the grantee may consider an individual to be from a disadvantaged background if the individual:

(1) Comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from a school of nursing; or

(2) Comes from a family with an annual income below a level based on low-income thresholds by family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and multiplied by a factor to be determined by the Secretary for adaptation to this program. The Secretary periodically will publish in the FEDERAL REGISTER such factor and income levels as adjusted.

(d) If the project is designed to carry out the purpose of § 57.1903(b)(4), the project shall provide a continuing education program which: (1) is designed to have wide applicability for the nursing profession, and (2) has an enrollment not limited to nurses employed by a single institution.

(e) If the project is designed to carry out the purpose of § 57.1903(b)(5), the project shall provide a retraining program which: (1) has a curriculum that

includes classroom instruction and faculty-supervised clinical training, (2) is designed to have wide applicability for the nursing profession, and (3) has an enrollment not limited to nurses employed by a single institution.

(f) If the project is designed to carry out the purpose of § 57.1903(b)(7), the project shall provide a training program which: (1) is designed to have wide applicability for the nursing field, and (2) has an enrollment not limited to nurses employed by a single institution.

(g) If the project is designed to carry out the purpose of § 57.1903(b)(8), the project shall develop a training program for nursing home personnel, the curriculum, course materials, and methodology of which can be used on a regional, State or national basis.

§ 57.1906 Evaluation and grant award.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award grants to those applicants whose projects will, in his judgment, best promote the purposes of section 820 of the Act, taking into consideration among other pertinent factors:

(1) The national or special local need which the particular project proposes to serve;

(2) The potential effectiveness of the proposed project in carrying out such purposes;

(3) The administrative and managerial capability of the applicant to carry out the proposed project;

(4) The adequacy of the facilities and resources available to the applicant to carry out the proposed project;

(5) The qualifications of the project director and proposed staff;

(6) The reasonableness of the proposed budget in relation to the proposed project; and

(7) The potential of the project to continue on a self-sustaining basis after the period of grant support.

(b) The amount of any award will be determined by the Secretary on the basis of his estimate of the sum necessary for all or a designated portion of the direct costs of the project plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either: (1) on the basis of his estimate of the actual indirect costs reasonably related to the project, or (2) on the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limit of available funds) as well as downward adjustments to actual costs when the amount properly

expended by the grantee for provisional items has been determined by the Secretary.

(c) All grant awards shall be in writing and shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee. Projects receiving grants under this subpart may be approved for an initial project period of up to three years. Grantees may apply for up to two years of additional support by submitting a competing extension application.

(d) Neither the approval of any project nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees shall make separate application at such times and in such form as the Secretary may prescribe.

§ 57.1907 Grant payments.

The Secretary will from time to time make payments to the grantee of all or a portion of any grant award, either by way of reimbursement for expenses incurred in the budget period, or in advance for expenses to be incurred, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 57.1908 Expenditure of grant funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with section 820 of the Act, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74. *Provided*, That such funds may not be expended for sectarian instruction or for any religious purpose.

(b) Any unobligated grant funds remaining in the grant account at the close of a budget period may be carried forward and be available for obligation during subsequent budget periods of the project period. The amount of a subsequent award will take into consideration the amount remaining in the grant account. At the end of the last budget period of the project period, any unobligated grant funds remaining in the grant account shall be refunded to the Federal Government.

§ 57.1909 Nondiscrimination.

(a) Attention is called to the requirements of section 855 of the Act and 45 CFR Part 83, which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VIII of the Act to, or for the benefit of, any entity unless the application for the grant,

loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. A regulation implementing such Title IX, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 86).

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such section 504, which is applicable to grants made under this subpart, has been issued by the Secretary (45 CFR Part 84).

(e) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(f) The grantee shall not discriminate on the basis of religion in the admission of individuals to its training programs.

§ 57.1910 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate

from the records of all other funds, including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart: *Provided*, That when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total or selected elements of the reimbursable direct costs incurred.

(b) *Accounting for copyright royalties.* Royalties received by grantees from copyrights on publications or other works developed under the grant shall be accounted for as follows:

(1) Royalties received during the period of grant support may be retained by the grantee and, in accordance with the terms and conditions of the grant, used in either or both of the following ways:

(i) Used by the grantee for any purposes that further the objectives of section 820 of the Act.

(ii) Deducted from the total project costs for the purpose of determining the net costs on which the Federal share of costs will be based.

(2) Royalties received after the completion or termination of grant support may be retained by the grantee, unless the terms and conditions of the grant or a specific agreement negotiated between the Secretary and the grantee provide otherwise, except that any grantee that is a State or local government, as defined in 45 CFR 74.3, which receives royalties in excess of \$200 a year must return the Federal share of the excess amount (computed by applying the percentage of Federal participation in the cost of the grant-supported project to the excess amount) to the Federal Government, unless a specific agreement provides otherwise.

(c) *Grant Closeout.*—(1) *Date of final accounting.*—A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of (i) any amount not accounted for pursuant to paragraphs (a) and (b) of this section; and (ii) any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74 and the terms and

conditions of the grant award. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by setoff or other action as provided by law.

§ 57.1911 Publications and copyright.

(a) *State and local government.* Where the grantee is a State or local government, as those terms are defined in Subpart A of 45 CFR Part 74, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this subpart.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government, as so defined, except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this subpart, subject to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials, and to authorize others to do so.

§ 57.1912 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to all other grantee organizations under this subpart:

- A General.
- B Cash Depositories.
- C Bonding and Insurance.
- D Retention and Custodial Requirements for Records.
- F Grant-Related Income.
- K Grant Payment Requirements.
- L Budget Revision Procedures.
- M Grant Closeout, Suspension, and Termination.
- O Property.
- Q Cost Principles.

§ 57.1913 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved activity, the interest of the public health, or the conservation of grant funds.

[FR Doc. 78-2459 Filed 2-2-78; 8:45 am]

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FRIDAY, FEBRUARY 3, 1978
PART III



DEPARTMENT OF
HEALTH,
EDUCATION,
AND WELFARE

Public Health Service

NURSING SCHOOLS
EDUCATIONAL
PROGRAMS

Proposed Grant Provisions

[4110-83]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

GRANTS TO SCHOOLS OF NURSING FOR THE
SUPPORT OF THEIR EDUCATIONAL PRO-
GRAMS

Proposed Rulemaking

AGENCY: Public Health Service,
HEW.ACTION: Notice of proposed rulemak-
ing.

SUMMARY: The proposed regulations are to implement the Public Health Service Act, which provides that the Secretary shall make annual capitation grants to schools of nursing for support of their educational programs. The proposed regulations are to be substituted for the existing regulations for these grants, and include the changes made by the Nurse Training Act of 1975 and by the Health Services Extension Act of 1977.

DATES: Comments must be received on or before March 6, 1978.

ADDRESSES: Written comments may be addressed to the Director, Bureau of Health Manpower, Health Resources Administration, 3700 East-West Highway, Center Building, Room 4-22 Hyattsville, Md. 20782. All comments received will be available for public inspection and copying at the Office of Program Operations, Bureau of Health Manpower, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Miss Edith Rathbun, Division of Nursing, Bureau of Health Manpower, Room 3-50, at the above address, phone: 301-436-6684.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to delete Subpart K of 42 CFR Part 57, relating to nursing capitation grants under former section 806 of the Public Health Service Act, and to substitute a new Subpart K to implement section 810 of the Act, as amended by the Nurse Training Act of 1975 and by the Health Services Extension Act of 1977.

Nursing capitation grants are grants to schools of nursing based on formulas relating to the number of full-time students enrolled in the recipient institutions. The Nurse Training Act of 1975 (Title IX of Pub. L. 94-63) sub-

stantially revised the capitation provisions in section 806 of the Public Health Service Act, and redesignated it as section 810. These revisions include changes in the formulas for computing the grants for each of three types of eligible schools (collegiate, associate degree, and diploma schools of nursing), as well as changes to the conditions schools must meet in order to receive capitation grants. For example, each school must provide assurances satisfactory to the Secretary that its full-time, first-year enrollment will not decrease from the previous year, and that it will continue to expend a certain level of funds from non-Federal sources. Each school must also assure the Secretary that it will either increase its full-time, first-year enrollment, or carry out any two of the four programs specified in section 810(c)(2)(B). These programs involve nurse practitioner training, clinical education, continuing education, and the recruitment and graduation of students from disadvantaged backgrounds. Section 57.1004(c)(3)(ii)(D) of the proposed regulations sets forth the criteria for determining whether, for purposes of this program, individuals are from disadvantaged backgrounds. The proposed regulations also contain the following features:

1. Section 57.1004 of the proposed regulations sets forth the requirements for an approvable application.

2. With respect to new schools of nursing applying for grants under section 810(e) of the Act, the proposed regulations include provisions regarding eligibility (§ 57.1003(b)), application requirements (§ 57.1004(c)(4)), and determination of enrollment (§ 57.1005(b)).

It is, therefore, proposed to delete the existing Subpart K of 42 CFR Part 57 and to substitute a new Subpart K to Part 57 to read as set forth below.

NOTE.—The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: December 2, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: January 23, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary.

Subpart K—Grants to Schools of Nursing for the
Support of Their Educational Programs

Sec.
57.1001 Applicability.
57.1002 Definitions.
57.1003 Eligibility.
57.1004 Application.
57.1005 Determination of number of students.
57.1006 Grant award.
57.1007 Grant payments.
57.1008 Expenditure of grant funds.

Sec.
57.1009 Nondiscrimination.
57.1010 Grantee accountability.
57.1011 Records and reports.
57.1012 Inspection and audit.
57.1013 Applicability of 45 CFR Part 74.
57.1014 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 810, Stat. 356 (42 U.S.C. 298e).

Subpart K—Grants to Schools of Nursing for
the Support of Their Educational Programs

§ 57.1001 Applicability.

The regulations of this subpart are applicable to the award of annual grants under section 810 of the Public Health Service Act (42 U.S.C. 298e) to schools of nursing for the support of the education programs of such schools.

§ 57.1002 Definitions.

All terms not defined herein shall have the same meanings as given them in the Act. As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "State" means a State, the Commonwealth of Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(d) "Council" means the National Advisory Council on Nurse Training (established by section 851(a) of the Act).

(e) "School" or "school of nursing" means a collegiate, associate degree, or diploma school of nursing which is accredited as provided in section 853(f) of the Act.

(f) "Collegiate school of nursing" means a department, division, or other administrative unit in a college or university which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to the degree of bachelor or arts, bachelor of science, bachelor of nursing, or to an equivalent degree, or to a graduate degree in nursing, and including advanced training related to such program of education provided by such school, but only if such program, or such unit, college, or university is accredited.

(g) "Associate degree school of nursing" means a department, division, or other administrative unit in a junior college, community college, college, or university which provides primarily or exclusively a two-year program of education in professional nursing and allied subjects leading to an associate degree in nursing or to an equivalent degree, but only if such program, or such unit, college, or university is accredited.

(h) "Diploma school of nursing" means a school affiliated with a hospital or university, or an independent school, which provides primarily or exclusively a program of education in professional nursing and allied subjects leading to a diploma or to equivalent indicia that such program has been satisfactorily completed, but only if such program, or such affiliated school or such hospital or university or such independent school is accredited.

(i) "New school" means a school which, at the time of filing an application for a grant under this subpart, has not graduated a class because of an insufficient period of operation.

(j) "Full-time student" means a student pursuing a full-time course of study, as determined by the school, in an accredited program in a school of nursing leading to a diploma or degree specified in paragraph (f), (g), or (h) of this section.

(k) "Construction" means (1) the construction of new buildings and the acquisition or expansion of existing buildings (including related costs, such as architects' fees, acquisition of land, off-site improvements, and the initial equipping of such buildings); and (2) the remodeling, alteration, and repair of existing buildings.

(l) "Program for the training of nurse practitioners" means an educational program for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) which meets guidelines prescribed by the Secretary in accordance with section 822(a)(2)(B) of the Act and which has as its objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such program, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, and other health care institutions.

(m) "Nonprofit" as applied to any school means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(n) "Fiscal year" means the Federal fiscal year as defined in 31 U.S.C. 1020(a).

§ 57.1003 Eligibility.

(a) To be eligible for a grant under this subpart the applicant shall:

(1) Be a public or nonprofit school of nursing; and

(2) Be located in a State.

(b) A new school of nursing may apply for a grant under this subpart in the fiscal year preceding the fiscal year in which it will admit its first

class. For purposes of this section, the first class in a new collegiate school of nursing is (1) the second-year class in a three-year school, or (2) the third-year class in a four-year school.

§ 57.1004 Application.

(a) Each eligible school desiring a grant under this subpart shall submit an application in such form and at such time as the Secretary may prescribe.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(c) In addition to such other information and assurances as the Secretary may require, an approvable application shall contain or be supported by:

(1) A reasonable assurance satisfactory to the Secretary that the first-year enrollment of full-time students in the school year beginning in the fiscal year in which the grant applied for is to be made will not be less than the first-year enrollment of such students in the school in the preceding school year. This assurance shall be in addition to any assurance given under section 802(b)(2)(D) of the Act with respect to a construction grant application, where applicable.

(2) A reasonable assurance that the school will expend in carrying out its function as a school of nursing, during the school year for which such grant is sought, an amount of funds (other than funds for construction, as defined in § 57.1002(k)) from non-Federal sources which is at least as great as the average amount of funds expended by such school for such purposes (excluding expenditures of a nonrecurring nature) in the three school years immediately preceding the school year for which the grant is sought. The determination of the average amount of non-Federal funds expended by a new school during such three-year period shall be the average for such of the three preceding school years in which expenditures were actually made in carrying out the functions of the school.

(3) Either (i) A reasonable assurance satisfactory to the Secretary that for the school year beginning in the fiscal year in which such grant is to be made, and for each school year thereafter beginning in a fiscal year in which such a grant is made, the first-

Applications and instructions may be obtained from the Division of Nursing, Bureau of Health Manpower, Health Resources Administration, Department of Health, Education, and Welfare, Center Building, Room 3-50, 3700 East-West Highway, Hyattsville, Md. 20782.

year enrollment of full-time students in the school will exceed the number of such students enrolled in the school year beginning during the fiscal year ending June 30, 1975, by

(A) 10 per centum of such number if such number was not more than 100; or

(B) 5 per centum of such number, or 10 students, whichever is greater, if such number was more than 100; or

(ii) A reasonable assurance satisfactory to the Secretary that the school will carry out, in accordance with a plan contained in or accompanying its application and approved by the Secretary, at least two of the following programs in the school year beginning in the fiscal year in which the grant applied for is to be made and in each school year thereafter beginning in a fiscal year in which such a grant is made:

(A) In the case of a collegiate school of nursing, a program for the training of nurse practitioners as defined in § 57.1002(l).

(B) A program under which students enrolled in a school of nursing will receive a significant portion of their clinical training in community health centers, long-term care facilities, and ambulatory care facilities geographically remote from the main site of the teaching facilities of the school.

(C) A program for the continuing education of nurses which meets needs identified by appropriate State, regional, or local health or educational entities (including health systems agencies).

(D) A program to identify, recruit, enroll, retain, and graduate individuals from disadvantaged backgrounds (as determined by the school in accordance with criteria prescribed in this paragraph) under which program at least 10 per centum of each year's entering class or 10 students, whichever is greater, is comprised of such individuals. For purposes of this paragraph, the school may only consider an individual to be from a disadvantaged background if the individual:

(1) Comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from a school of nursing; or

(2) Comes from a family with an annual income below a level based on low-income thresholds by family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and multiplied by a factor to be determined by the Secretary for adaptation to this program. The Secretary periodically will publish in the FEDERAL REGISTER such factor and income levels as adjusted.

(4) In the case of an application from a new school of nursing which applies for a grant under this subpart

in the fiscal year preceding the fiscal year in which it will admit its first class:

(i) Evidence satisfactory to the Secretary that where required by State law or regulation the school has received the approval of the State Board of Nursing for the State in which such school is located to enroll students in such school in the fiscal year after the fiscal year in which the grant is sought.

(ii) An estimate of the number of full-time students to be enrolled in such school in the fiscal year after the fiscal year in which the grant is made and information and assurances supporting such estimate.

§ 57.1005 Determination of number of students.

(a) For purposes of this subpart, the number of full-time students enrolled in a school, the number of full-time first-year students enrolled in a school, or the number of full-time students enrolled in a particular year-class in a school, as the case may be, for any year shall be the number of such students enrolled or to be enrolled, as the case may be, in such school on October 15 of such year: *Provided*, That, schools which admit first-year classes in courses of study leading to a diploma or degree specified in § 57.1002 (f), (g), or (h) at times other than early fall may request the Secretary's approval of another official counting date for purposes of determining first-year enrollment.

(b) The classification of a full-time student as a first-year student or as a student in a particular year-class in a school shall be in accordance with the policies of the particular school, except that any student who is required to repeat one or more first-year courses after having been enrolled as a full-time student during a previous school year shall not be considered a first-year student for purposes of the maintenance of enrollment requirement of section 810(c)(1)(A) of the Act and § 57.1004(c)(1) or for purposes of section 810(c)(2)(A) of the Act and § 57.1004(c)(3)(i), where applicable.

(c) For purposes of making a grant under section 810(e) of the Act to a new school of nursing which applies for such grant in the fiscal year preceding the fiscal year in which it will admit its first class, the number of full-time students enrolled in such school or in a particular year-class in such school shall be the number which the Secretary, on the basis of the information and assurances provided by such school under § 57.1004(c)(4)(ii), determines to be the number of full-time students which the school will enroll in the fiscal year after the fiscal year in which the grant is to be made. With respect to a new associate degree school of nursing, the number of full-

time students enrolled in the first year of such school shall be the number of full-time students enrolled in the first year of the program of education leading to an associate degree in nursing or to an equivalent degree.

§ 57.1006 Grant award.

(a) The Secretary, after consultation with the Council, shall award a capitation grant to each applicant whose application is found to meet the applicable requirements of section 810 of the Act and the regulations of this subpart.

(b) The amount of each capitation grant shall be an amount computed in accordance with the formula set forth in section 810(a) of the Act. If the amount of funds appropriated for any fiscal year is less than the total of the amounts so computed for each school of nursing with an approved application, the grant awarded to each school shall be reduced proportionately in accordance with section 810(b) of the Act.

§ 57.1007 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement.

§ 57.1008 Expenditure of grant funds.

(a) Capitation grant funds may be obligated by the school at any time before the end of a 24-month period specified in the grant award document for any purpose related to the educational program of the school, except as otherwise provided in paragraph (b) of this section. Any funds not so obligated shall be refunded to the Federal Government.

(b) Capitation funds may not be expended for the following purposes:

- (1) Construction (as defined in § 57.1002(k)), except that grant funds may be used for alterations and renovations;
- (2) Student assistance; and
- (3) Sectarian instruction or any religious purpose.

§ 57.1009 Nondiscrimination.

(a) Attention is called to the requirements of section 855 of the Act and 45 CFR Part 83, which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under Title VIII of the Act to, or for the benefit of, any entity unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C.

2000d et seq.) and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(c) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. A regulation implementing such Title IX, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 86).

(d) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing section 504, which is applicable to grants made under this subpart, has been issued by the Secretary (45 CFR Part 84).

(e) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (September 24, 1965) as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

(f) The grantee shall not discriminate on the basis of religion in the admission of individuals to its training programs.

§ 57.1010 Grantee accountability.

(a) Accounting for grant funds shall be in accordance with institutional accounting practices, based on generally accepted accounting principles, consistently applied regardless of the source of funds. The grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures meeting the requirements of this subpart.

(b) The total sum of: (1) Any amount not accounted for pursuant to paragraph (a) of this section, and (2)

any other amounts due pursuant to Subparts F, M, and O) of 45 CFR Part 74 shall be payable to the Federal Government as final settlement with respect to each grant under this subpart. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by setoff or other action as provided by law.

§ 57.1011 Records and reports.

Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such financial records, identifiable by grant number, and file with the Secretary such financial reports relating to the use of grant funds as the Secretary may find necessary to carry out the purposes of section 810 of the Act and the regulations of this subpart.

§ 57.1012 Inspection and audit.

Any application for a grant under

this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by the Secretary and the Comptroller General of the United States or any of their duly authorized representatives. In addition, the acceptance of any grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 57.1013 Applicability of 45 CFR Part 74.

The relevant provisions of the following subparts of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants awarded under this subpart:

SUBPART

- A—General.
- B—Cash depositories.
- C—Bonding and insurance.
- D—Retention and custodial requirements for records.
- F—Grant-related income.
- K—Grant payment requirements.
- M—Grant closeout, suspension, and termination.
- O—Property.
- Q—Cost principles.

§ 57.1014 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgement such conditions are necessary to assure or protect advancement of the grant purposes, the interests of the public health, or the conservation of grant funds.

[FR Doc. 78-2458 Filed 2-2-78; 8:45 am]

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FRIDAY, FEBRUARY 3, 1978
PART IV



DEPARTMENT OF
LABOR

Employment Standards
Administration



MINIMUM WAGES FOR
FEDERAL AND
FEDERALLY ASSISTED
CONSTRUCTION

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General wage determination decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date

shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the

rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AL77-1025.....	Mar. 4, 1977.
AL77-1040.....	Apr. 1, 1977.
Florida:	
FL78-1021.....	Jan. 30, 1978.
FL76-1059.....	May 14, 1976.
FL77-1142.....	Dec. 2, 1977.
FL77-1144.....	Nov. 25, 1977.
FL77-1147.....	Dec. 9, 1977.
Idaho:	
ID77-5088.....	Oct. 7, 1977.
Kentucky:	
KY77-1084.....	June 24, 1977.
Louisiana:	
LA78-4001.....	Jan. 8, 1977.
Mississippi:	
MS77-1057.....	May 8, 1977.
Nebraska:	
NE77-4281.....	Sept. 30, 1977.
Nevada:	
NV77-5072.....	July 8, 1977.
NV77-5077; NV77-5085;	Sept. 23, 1977.
NV77-5089	
New York:	
NY77-3115.....	Aug. 19, 1977.
Pennsylvania:	
PA77-3023.....	Jan. 28, 1977.
Tennessee:	
KY77-1084.....	June 24, 1977.
Utah:	
UT77-5075.....	Aug. 5, 1977.
Virginia:	
MD77-3109.....	Sept. 18, 1977.
Washington:	
WA77-5098.....	Oct. 14, 1977.
Washington, D.C.:	
DC77-3108.....	Sept. 16, 1977.
Wisconsin:	
WI77-2092.....	June 24, 1977.
WI77-2110.....	July 22, 1977.
WI77-2111.....	Sept. 23, 1977.

SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedes Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:	
AL77-1042 (AL78-1003).....	Apr. 1, 1977.
AL77-1079 (AL78-1004).....	Aug. 5, 1977.
Kansas:	
KS77-4080 (KS78-4009);	
KS77-4081 (KS78-4008).....	Apr. 8, 1977.
KS77-4149 (KS78-4007).....	July 1, 1977.
Michigan:	
MI78-2171 (MI78-2001).....	Dec. 28, 1977.
Mississippi:	
MS77-1032 (MS78-1008).....	Mar. 25, 1977.
Nebraska:	
NE77-4001 (NE78-4006).....	Jan. 7, 1977.
New York:	
NY77-3013 (NY78-3001).....	May 13, 1977.
Wyoming:	
WY77-5054 (WY78-5013).....	May 20, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

General Wage Decisions FL76-1016 and FL76-1017, Escambia, Santa Rosa, Okaloosa, and Walton Counties, Fla.,

are hereby cancelled. Agencies with residential construction projects contemplated in these counties should utilize the project determination procedure by submitting form SF-308 (see 29 CFR Part 1, Section 1.5). Contracts for which bids have been opened shall not be affected by this notice. Consistent with 29 CFR Part 1, Section 1.7 (b)(2), inclusion of the above decisions

in contracts for which the bid opening is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 27th day of January 1978.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocational	
DECISION NO. FL76-1059, MOD. 3 (41 FR 20130 - May 14, 1977) Bay County, Florida Change: Truck Drivers Welders-Rate for craft to which welding is incidental	2.65			
DECISION NO. FL77-1144, MOD. 2 (42 FR 60554 - November 25, 1977) Pinellas County, Florida Change: Bricklayers; Marble Setters; Stonemasons Cement Masons Tile & Terrazzo Workers	9.20 8.60 9.05	.45 .45 .45		.09 .09 .09
Decision # FL77-1112, Mod. #1, (42 FR 61435 - December 2, 1977) Cape Canaveral, Kennedy Space Flight Center, Patrick Air Force Base, and Melabar Radar Site, Florida. Change: Sheet Metal Workers	9.72	.33		
DECISION #FL77-1147, MOD. #1 (42 FR 62336 - December 9, 1977) Dade County, Florida Change: ROOFERS: Slate; Tile; Composition; Damp & Waterproofers Poured or Pre-cast roof Deck Applicators Kettlemen	9.77 5.85 7.02	.83 .30 .30	.35 .15 .15	.02
Add: LABORERS- Permit value up to \$350,000; Airtool Operators; Mason Tenders; Mortar Mixers; Pipelayers Plasterer Tenders Unskilled	5.025 5.16 4.95	1.10 1.10 1.10	.37 .37 .37	

MODIFICATIONS P. 2

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocational	
DECISION #AL77-1040-MOD. #6 (42 FR 17752 - April 1, 1977) Madison County, Alabama Change: Electricians, Linemen	10.35	.55	3% + .35	1% 1%
DECISION #AL77-1025-MOD. #4 (42 FR 15277 - March 4, 1977) Laurence Limestone and Morgan Counties, Alabama Change: Bricklayers; Marble Masons, Stonemasons, Pointers, Cleaners and Caulkers Carpenters: Millerwrights Piledrivers Cement Masons Electricians; Linemen Cable Splicers Plasterers & Troweling Machine Operator Sheet Metal Workers Power Equipment Operators: Group A Group B Group C	9.75 7.60 8.24 8.01 9.00 10.35 10.36 10.05 9.98 8.64 7.92	35 25 25 25 25 3% + .35 3% + .35 .69 .40 8.64 7.92		.1% .1% .09
DECISION NO. FL76-1021, MOD. 2 (41 FR 4749 - January 30, 1977) Bay, Escambia, Gulf, Okaloosa, Santa Rosa, & Walton Counties Florida Delete: Bricklayers Formsetters POWER EQUIPMENT OPERATORS: Asphalt Plant Drier Concrete Paving Machine Oiler Pump Tractor-80hp. or less Change: Laborers: Common Truck Drivers Welders - rate for craft to which welding is incidental				2.65 2.65

MODIFICATIONS P. 3

DECISION #1077-5088 - Mod. #5
(42 FR 54709 - October 7, 1977)
Statewide Idaho

Change:
Electricians:
Ada, Adams, Boise, Canyon,
Elmore, Gem, Owyhee, Payette,
Valley, Washington Counties;
Electricians
Cable Splicers
Ironworkers;
Ornamental; Reinforcing;
Structural;
Renewah, Bonner, Boundary,
Clearwater, Idaho County
(north of the 46th Parallel-
Id), Kootenai, Latah,
Lewis, Nez Perce, Shoshone
Counties

Line Construction Workers:
(Area 2):
Remaining Counties:
All power construction over
34.5 KV and all work on
steel towers and/or mil-
tiple wood structures and
all substations of 1 000
KVA or greater capacity,
all communications, under-
ground work, 34.5 KV,
streets and highway
lighting and motor traffic
controls;
Groundman
Equipment Operators
Cable Splicers
Lineman

Soft Floor Layers:
Renewah, Bonner, Boundary,
Clearwater, Idaho County
(north of the 46th Parallel),
Kootenai, Latah, Lewis, Nez
Perce, Shoshone Counties

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.75	.70	3% + .50			1%
11.825	.70	3% + .50			1%
11.85	.93	1.20			.10
7.48	.45	3%			1/2%
9.05	.45	3%			1/2%
10.93	.45	3%			1/2%
9.94	.45	3%			1/2%
9.38	.40	.50			.09

MODIFICATIONS P. 4

DECISION #1478-4001 - Mod. #2
(43 FR 1276 - January 6, 1978)
Statewide Louisiana

Change:
Power Equipment Ops. (Highway Construction):
Group 1 - Zone 1
Zone 2
Zone 3
Zone 4
Zone 5
Group 2 - Zone 1
Zone 2
Zone 3
Zone 4
Zone 5
Group 3 - Zone 1
Zone 2
Zone 3
Zone 4
Zone 5
Group 4 - Zone 1
Zone 2
Zone 3
Zone 4
Zone 5
Group 5 - Zone 1
Zone 2
Zone 3
Zone 4
Zone 5
Group 6 - Zone 1
Zone 2
Zone 3
Zone 4
Zone 5
Group 7 - Zone 1
Zone 2
Zone 3
Zone 4
Zone 5
Group 8 - Zone 1
Zone 2
Zone 3
Zone 4
Zone 5
Group 9 - Zone 1
Zone 2
Zone 3
Zone 4
Zone 5
Group 10 - Zone 1
Zone 2
Zone 3
Zone 4
Zone 5

Change:
Laborers:
Laborers

DECISION #MS-77-1057-MOD. #1
(42 FR 23266 - May 6, 1977)
Noxubee County, Mississippi

Change:
Laborers:
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NOTICES

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.76	.65	.55			.05
9.23	.65	.55			.05
9.41	.65	.55			.05
7.45	.65	.55			.05
10.01	.65	.55			.05
9.48	.65	.55			.05
9.66	.65	.55			.05
7.70	.65	.55			.05
9.51	.65	.55			.05
8.98	.65	.55			.05
9.16	.65	.55			.05
7.20	.65	.55			.05
8.26	.65	.55			.05
7.93	.65	.55			.05
7.94	.65	.55			.05
6.23	.65	.55			.05
7.91	.65	.55			.05
7.34	.65	.55			.05
7.33	.65	.55			.05
5.91	.65	.55			.05
7.11	.65	.55			.05
6.53	.65	.55			.05
6.53	.65	.55			.05
4.98	.65	.55			.05
6.80	.65	.55			.05
6.19	.65	.55			.05
6.19	.65	.55			.05
4.69	.65	.55			.05
8.16	.65	.55			.05
7.83	.65	.55			.05
7.84	.65	.55			.05
6.18	.65	.55			.05
8.41	.65	.55			.05
8.08	.65	.55			.05
8.09	.65	.55			.05
6.43	.65	.55			.05
7.05	.65	.55			.05
6.44	.65	.55			.05
6.44	.65	.55			.05
4.94	.65	.55			.05
2.65					

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MODIFICATIONS P. 5

Decision #NEV77-4281-Mod. #4
(42 FR 53087 - September 30, 1977)
Lancaster County, Nebraska

Change:
Laborers:
Common Laborer
Machine and Air Tool Operators
Mason Tenders
Plasterers Tenders

DECISION #NV77-5072 - Mod. #7
(42 FR 35662 - July 8, 1977)
Nevada Test Site including
Tonopah Test Range in Clark
and Nye Counties, Nevada

Change:
Electricians:
Electricians; Equipment Oper-
ators; Linemen
Cable Splicers
Groundman
Painters:
Brush; Roller
Paperhangers; Spray; Steel;
Sandblasters; Swing Stage;
Tapers; Buffing; Sand-
blasters; Steel
Roofers

DECISION #NV77-5077 - Mod. #6
(42 FR 48662 - September 23, 1977)
Statewide (does not include the
Nevada Test Site and Tonopah
Test Range, and highway con-
struction in Douglas County),
Nevada

Change:
Roofers:
Clark, Esmeralda, Lincoln,
Nye County (south half)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 7.015	.55	.30			
7.165	.55	.30			
7.24	.55	.30			
\$13.22	.73	1% + \$1.30			.05
13.55	.73	1% + 1.30			.05
10.58	.73	1% + 1.30			.05
9.76	.75	.60	1.50		.06
10.11	.75	.60	1.50		.06
13.75	.65				
\$13.75	.65				

NOTICES

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MODIFICATIONS P. 6

DECISION #NV77-5085 - Mod. #4
(42 FR 48679 - September 23, 1977)
Clark County (does not include
the Nevada Test Site), Nevada

Change:
Roofers

DECISION #NV77-5089 - Mod. #6
(42 FR 48665 - September 23, 1977)
Washoe County, Nevada

Change:
Plumbers; Steamfitters
Sheet Metal Workers:
Residential construction not
over 3 stories in height,
where each individual family
apartment is individually
conditioned by a separate and
independent unit or system
All other residential con-
struction

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.75	.65				
\$11.74		.90	\$1.95		.10
8.98	1.04	2.13			.05
11.22	1.04	2.13			.05

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MODIFICATIONS P. 7

Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION NO. NY77-3115-MOD. #1 (42ER 42079-August 19, 1977) Monroe County, New York					
LINE CONSTRUCTION (CONT'D)					
ALL PIPE TYPE CABLE INSTALLA- TIONS:					
Cable Splicer	\$12.87	1.00	34+.75	d	34+
Groundman Truck Driver, Groundman (experienced)	8.775	1.00	34+.75	d	34+
SUB-STATION, SWITCHING STRUCTURES (When not part of the line), Traffic Signals, Street Lighting and Electrical, Telephone or CATV					
Commercial Work:					
Linemen and Technicians	11.70	1.00	34+.75	d	34+
Cable Splicers	12.87	1.00	34+.75	d	34+
Groundman Digging Machine Oper- ator, Mechanic 1st Class, groundman truck driver (tractor- trailer unit)	9.36	1.00	34+.75	d	34+
Groundman Truck Driver, Driver- mechanic, Groundman (experienced TELEPHONE AND OTHER COMMUNICATION SYSTEMS, both overhead and under- ground:	8.775	1.00	34+.75	d	34+
Linemen and Installer Repairmen	8.34	.40	34+.25	d	1+
Splicers	8.69	.40	34+.25	d	1+
Groundman Digging Machine Oper- ator	7.73	.40	34+.25	d	1+
Groundman	5.72	.40	34+.25	d	1+
Groundman Truck Driver	6.82	.40	34+.25	d	1+
Groundman Dynamite Man	6.60	.40	34+.25	d	1+
POWER EQUIPMENT OPERATORS:					
BUILDING CONSTRUCTION:					
GROUP 1:					
I-A	11.50	.80	.80	a	.10
I-B	11.75	.80	.80	a	.10
I-C	12.00	.80	.80	a	.10
I-D	12.25	.80	.80	a	.10
I-E	12.50	.80	.80	a	.10
I-F	13.25	.80	.80	a	.10
I-G	13.75	.80	.80	a	.10
I-H	14.25	.80	.80	a	.10

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MODIFICATIONS P. 9

MODIFICATIONS P. 10

Paid Holidays: A-New year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. Paid holidays: A through F, plus day after Thanksgiving.
- b. Employer contributes 3a. basic hourly rate for 5 years or more of service or 6a basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

helps to maintain) , electric brush and/or grinder fence construction (including fence machine operator) , form stripper and mover, gabbion (erectors and placers) , hydro-jet blaster nozzleman, manually moved emulsion sprayer, radio aided traffic control operator, zip rap work, scaffolds and runways (as per agreement of record) , sheetors and shorers, structural concrete top surfaces, walk behind street sweeper, water boy, welder's helper (pipeline), wood chipper.

Air tools (all types), asphalt, batch and concrete plant operator (operated) , asphalt rakers, burner, calisson men (open air), concrete pump operator (including attachments), cribbing (carriable or self contained) , concrete pump truck (with or without fork lift (walk behind), form setter (road forms line man) , highway slab reinforcement placers (tile, joint and basket setter), hydraulic pipe pusher, liner plates (tile or verified clay), mechanical compacting equipment, mechanical joint sealer, dope pot, and tar kettle, mortar mixer (hand or machine), muckers, brakenen and all other labor (includes installation of utility lines), pipe layers (regardless of material), portable single unit conveyor, post hole auger (2 or 4 cycle motor operated) , power wheelbarrow & bugies, rail porter, or similar, all gridders, all grading equipment, ballast car, balling machine, power jacks, rail drills, railroad bunk, rail saws, rail spikes, spike (manually or hand-held tool), spike pullers, tamping machine, thermitoid, sandblaster, signal man.

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MODIFICATIONS P. 11
CLASSIFICATION DEFINITIONS
FOR ALL ZONES

CLASS 3 - Blacksmith, blaster, brick alone and block pavers and block cutters, (wood, belgian & asphalt), cement mortar lining car pusher, cement mortar mixer (pipe relining), cement mortar pipe reliners, concrete saw operator (walk behind), curb cutters and setters, elevated roadway drainage construction, form setter (road forms-lead man), grout machine operator, gunite or dry pack gun (nozzle and machine man) manholes or catch basin builder (brick, block, concrete or any prefab-rication), miners and drillers (including lining, supporting and form workmen, setting of shields, miscellaneous equipment & jumbos), multi-plate pipe (aligning and securing), placing wire mesh on gunite projects reinforcing steel placers (bending, aligning and securing & cad weld), wagon drill operators (air track or similar), walk behind ditching machine (trencher or similar), welder.

CLASS 4 - Welder (pipeline).

MODIFICATIONS P. 12

DECISION #M77-5075 - Mod. #6
(42 FR 39884 - August 5, 1977)
Statewide Utah

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$8.72	.40	.35		
On/Off Brick Tenders Change: North section of Utah - Box Elder, Cache, Davis County (north of 41st Parallel), Morgan, Rich, Weber Counties; Zone 1. That area 10 miles on either side of Interstate Hwy. 15, commencing on the south at the 41st Parallel in Davis County, continuing north to Hwy. 91 - Interstate 15 junction south of Brigham City; at this point go east and north through Logan and continue north to a point 2 miles north of Center Street in Smithfield in Cache County on Hwy. 91. The above shall consist of a 20 mile wide corridor extending from the 41st Parallel to that point 2 miles north of Center Street in Smithfield. Electricians; Technicians 11.60 Cable Splicers 11.85 Zone 2: That area not included in Zone 1 that lies east of 112°20' longitude in Box Elder County and that area lying west of 111°35', north of the 41st Parallel and south of the 42nd Parallel in Cache, Morgan, Weber Counties; Electricians; Technicians 12.10 Cable Splicers 12.35				
	.70	3% + .75		8/10%
	.70	3% + .75		8/10%
	.70	3% + .75		8/10%
	.70	3% + .75		8/10%

NOTICES

MODIFICATIONS P. 13

DECISION #M77-5075 (Cont'd):

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Electricians; Technicians 12.60 Cable Splicers 12.85	.70	3% + .75		8/10%
Zone 3-A: That area from a point 2 miles north of Center Street in Smithfield to the Utah-Idaho State Line and 10 miles east and west from Hwy. 91	.70	3% + .75		8/10%
Electricians; Technicians 12.60 Cable Splicers 12.85	.70	3% + .75		8/10%
Zone 4: All other area west of Zones 3 and 3-A in Box Elder County	.70	3% + .75		8/10%
Electricians; Technicians 14.35 Cable Splicers 14.60	.70	3% + .75		8/10%
In the above areas on any job or project not exceeding \$35,000 electrical, labor and material including, Zone 1 rates shall apply.				
Add: Mason Tenders	.40	.35		
DECISION #M77-3109 - Mod. # 6 (42 FR 46872 -Sept., 16, 1977) Montgomery and Prince Georges Counties, Maryland; Arlington County, Virginia; D. C. Training School, and for WMATA - Rapid Rail Transit System Projects Only, Alexandria, Virginia				
Add: BUILDING CONSTRUCTION: (INCLUDING WMATA - RAPID RAIL TRANSIT SYSTEM) POWER EQUIPMENT OPERATORS Group 13 (Others)	.60	.60		.12

MODIFICATIONS P. 14

DECISION NO. M477-5096 - Mod. #2
(42 FR 55412-October 14, 1977)
Statewide, Washington

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Change: Asbestos Workers: Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties Electricians: Adam, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties Cable Splicers Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties Cable Splicers Chelan, Douglas, Grant and Okanogan Counties Electricians Clark, Klickitat and Skamania Counties Electricians Cable Splicers Asotin, Garfield and Whitman Counties Ironworkers: Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Whakium Cos. Reinforcing; Structural; Fence Erectors Ornamental; Riggers; Signalmen Marble Setters: Benton, Franklin and Walla Walla Counties Painters: Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Whakium Cos. Brush	.51	\$1.20		.06
	.73	3%+.40		.02
	.73	3%+.40		.02
	.73	3%+.40		.02
	.73	3%+.40		.02
	.57	3%+.40		.02
	.57	3%+.40		.02
	.65	3%+1.00		.05
	.65	3%+1.00		.05
	.40	.55	b	
	.93	1.20		.10
	.55	.50		
	.55	.70	.50	.10

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MODIFICATIONS P. 15

DECISION NO. WA77-5096 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Yr.
		H & W	Pensions	Vacation		
Spray Bridges, High work over 50' (brush)	\$10.32	.55	.70	.50		.10
Spray Bridges, High work over 50' (spray)	10.67	.55	.70	.50		.10
Roofers: Clallam, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish, Thurston and Wahkiakum Counties	11.07	.55	.70	.50		.10
Roofers: Waterproofer	10.98	.60	.60			.02
Slate and Tile Roofers	11.23	.60	.60			.02
Sheet Metal Workers: Clallam, Jefferson, Kitsap and Mason Counties	12.24	3%+.37	.82	1.50		.03
Add: Soft Floor Layers: Malheur County	7.26	.49	.10			.10
DECISION MDC77-3108 - Mod. # 6 (42 FR 46905 - Sept., 16, 1977) Washington, D. C.						
Change: BUILDING & HEAVY CONSTRUCTION: (INCLUDING WHAT - RAPID RAIL SYSTEM)						
*Power Equipment Operators: Group VI	\$11.05	.60	.60			.12
*Add: GROUP 13 (Oilers)	8.55	.60	.60			.12

MODIFICATIONS P. 16

DECISION NO. W177-2092-MOD. #2 (42 FR 32511 - June 24, 1977) Milwaukee, Ozaukee, Waukesha and Washington Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Yr.
		H & W	Pensions	Vacation		
Change: Line Construction: Linemen	9.97	.45	7%			.5%
Heavy Equipment Operator	8.97	.45	7%			.5%
Equipment Operator	7.98	.45	7%			.5%
Heavy Groundman-Truck Driver	6.98	.45	7%			.5%
Light Groundman-Truck Drivers	6.48	.45	7%			.5%
Groundmen	5.48	.45	7%			.5%
DECISION NO. W177-2110-MOD #4 (42 FR 37773 - July 22, 1977) Columbia, Dane, Iowa, and Sauk Counties, Wisconsin						
Change: Line Construction: Linemen	9.97	.45	7%			.5%
Heavy Equipment Operator	8.97	.45	7%			.5%
Equipment Operator	7.98	.45	7%			.5%
Heavy Groundman-Truck Driver	6.98	.45	7%			.5%
Light Groundman-Truck Drivers	6.48	.45	7%			.5%
Groundmen	5.48	.45	7%			.5%
DECISION NO. W177-2111-MOD. #2 (42 FR 48727 - Sept. 23, 1977) Green and Rock Counties, Wisconsin						
Change: Line Construction: Linemen	9.97	.45	7%			.5%
Heavy Equipment Operator	8.97	.45	7%			.5%
Equipment Operator	7.98	.45	7%			.5%
Heavy Groundman-Truck Driver	6.98	.45	7%			.5%
Light Groundman-Truck Drivers	6.48	.45	7%			.5%
Groundmen	5.48	.45	7%			.5%

NOTICES

MODIFICATIONS P. 17

DECISION #W77-1081 - Mod. #1 (42 FR 32473 - June 24, 1977) Fort Campbell (located in Christian County, Ky. and Montgomery County, Th.)	Basic Hourly Rates	Fringe Benefits Payments				Education end/or Appr. Yr.
		H & W	Pensions	Vacation		
Change: Carpenters & Soft Floor Layers	\$ 9.00	.45	.25			.02
Millwrights & Filledrivers	9.35	.45	.25			.02
Electricians: Wiremen:						
Kentucky portion	11.20	.40	3%			1/4 of 1%
Tennessee portion	9.70	.55	3%			1/4 of 1%
Cable Splicers:						
Kentucky portion	11.45	.40	3%			1/4 of 1%
Tennessee portion	9.95	.55	3%			1/4 of 1%
Ironworkers: Structural, ornamental, reinforcing, machinery mover, rigger, machinery erector, & fence erector	9.80	.55	.60			.10
Sheeters	10.05	.55	.60			.10
Lathers	8.40	.20	.40			.01

COUNTY: Statewide
DATE: Date of Publication
SUPERSEDES Decision No.: AL77-1042, dated April 1, 1977 in 42 FR 17753
DESCRIPTION OF WORK: Highway Construction (does not include airport runways and taxiways; bridges over navigable waters; tunnels; building structures in rest area projects and railroad construction)

	ZONE 1		ZONE 2		ZONE 3		ZONE 4	
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Bricklayers	3.65	3.65	3.25	3.25	3.00	3.00		
Carpenters	4.50	4.50	4.50	4.50	4.25	4.25		
Concrete finishers	4.00	3.60	3.60	3.60	3.60	3.60		
Concrete saw	2.65	2.65	2.65	2.65	2.65	2.65		
Electricians	9.10a	7.90	5.80	5.80	5.80	5.80		
Ironworkers:								
Structural	5.80	5.80	5.80	5.80	5.80	5.80		
Reinforcing	4.50	5.70	4.50	4.50	4.50	4.50		
Laborers:								
Air tool	2.75	2.85	2.75	2.75	2.75	2.75		
Asphalt rakers	3.35	3.30	3.50	3.10	3.10	3.10		
Concrete laborers	3.25	3.00	3.00	2.90	2.90	2.90		
Pipelayers	3.45	3.25	3.25	3.25	3.25	3.25		
Powderman and blasters	3.50	3.50	3.50	3.50	3.50	3.50		
Saw	3.50	3.50	3.50	3.50	3.50	3.50		
Side rail or form setters	3.50	3.50	3.05	3.05	3.05	3.05		
Unskilled	2.65	2.65	2.65	2.65	2.65	2.65		
Wagon drill	3.00	3.00	3.00	3.00	3.00	3.00		
Painters	5.75	5.75	5.50	5.50	5.50	5.50		
Filledrivers	5.00	5.00	4.80	4.80	4.80	4.80		
Truck drivers:								
Under 14 ton	2.75	2.75	2.75	2.65	2.65	2.65		
Single rear axle	2.75	2.75	2.75	2.65	2.65	2.65		
Multi-rear axle or heavy duty, off road, single axle	3.00	3.25	2.85	2.85	2.85	2.85		
Winch truck and A-Frame	3.70	3.25	3.25	3.25	3.25	3.25		
Welders - Receive rate for craft								
POWER EQUIPMENT OPERATORS:								
Aggregate spreader operator	3.45	3.45	3.45	3.45	3.45	3.45		
Air Compressors	3.25	3.15	2.85	2.85	2.85	2.85		
Asphalt distributor and asphalt spreaders	3.90	3.90	3.90	3.90	3.90	3.90		
Asphalt mixers and pug mills & batch plants	3.30	3.44	3.30	3.30	3.30	3.30		
Asphalt paving machines	3.85	3.85	3.85	3.85	3.85	3.85		
Asphalt plant driers	3.30	3.44	3.30	3.30	3.30	3.30		
Bulldozers	4.95	4.30	4.50	4.50	4.50	4.50		
Bull Floats	3.15	3.44	3.15	3.15	3.15	3.15		

NOTICES

DECISION NO. AL78-1003

DECISION NO. AL78-1003

COUNTIES:

ZONE 1 - Jefferson

ZONE 2 - Mobile

ZONE 3 - Calhoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa and Walker.

ZONE 4 - Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clark, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, Dekalb, Elmore, Escambia, Fayette, Franklin, Geneva, Greene, Hale, Henry, Houston, Jackson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, Sumter, Tallapoosa, Washington, Wilcox, and Winston Counties Alabama.

FOOTNOTES:

a. Plus fringe benefits of 30¢ Health and Welfare, 1¢ +.40 Pension & .5¢ Apprentice Training.

	ZONE 1	ZONE 2	ZONE 3	ZONE 4
Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Concrete mixers (3-bags and under)	2.70	3.44	2.70	2.70
Concrete mixers (over 3-bags)	3.75	3.60	3.30	3.30
Concrete paving machines	3.30	3.60	3.30	3.30
Concrete paving finishing machines	3.30	3.60	3.30	3.30
Concrete paving spreaders	3.30	3.60	3.30	3.30
Cranes, clamshells, backhoes, derricks, draglines or shovels	4.95	4.95	4.95	4.75
Conveyors	2.70	3.13	2.70	2.70
Crusher and screening plants	3.30	3.44	3.30	3.30
Drilling machines	4.00	4.00	4.00	4.00
Elevating graders, gradalls or trenching	4.95	4.00	4.75	3.60
Firemen	2.70	3.15	2.70	2.70
Form graders	2.70	2.70	2.70	2.70
Hoist (2 drums or 2-cages or more)	3.30	3.60	3.30	3.30
Hoist (1 drum)	3.25	3.44	3.15	3.15
Mechanics	5.00	5.15	5.00	4.00
Motor patrols	5.00	5.00	5.00	5.00
Oilers and greasemen	3.90	3.85	4.00	3.60
Paving subgraders	3.15	3.15	3.15	3.15
Piledrivers	4.55	4.85	3.66	4.85
Pumps	2.70	2.70	2.70	2.70
Pumpcretes	3.15	3.15	3.15	3.15
Rollers, self-propelled	3.55	3.50	3.30	3.50
Rollers, self-propelled (on asphalt bases and pavements)	4.00	4.00	4.00	3.60
Scale operators	2.70	2.70	2.70	2.70
Scrapers	2.70	2.70	2.70	2.70
Seeding and mulching machines	4.75	3.70	3.70	3.70
Stripping machines (paint)	2.70	3.35	2.70	2.70
Tractors and loaders (farm rubber tired)	3.40	3.40	3.30	3.30
Tractors & loaders (over 80 H.P.) or less (draw-bar capacity)	3.10	3.35	3.00	2.75
Tractors and loaders (over H. P.)	3.10	3.40	3.00	3.00
	4.00	4.00	4.00	4.00

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

SUPERSEDES DECISION

STATE: Alabama
DECISION NUMBER: AL78-1004
Supersedes Decision No.: AL77-1079 dated August 5, 1977 in 42 FR-56939
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories).

*Counties: Colbert & Lauderdale

AL78-1004 - (Cont'd)

Page 2

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- 6 paid holidays: A through F.
- Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation
Asbestos workers	10.51	.45	.40	
Boilermakers	10.005	.95	1.00	
Bricklayers:				
stonemasons, blocklayers, stonemasons	10.155			
Saw operator	10.405			
Carpenters:				
Carpenters, soft floor layers	9.60		.25	
Millwrights	9.75		.30	
Millwrights	9.85		.25	
Cement masons:				
Cement masons	8.66			
Power tool operators	8.91			
Electricians:				
Electricians	10.05	.40	3%+.30	
Cable splicers	10.30	.40	3%+.30	
Elevator constructors	9.14	.495	.32	4%+.4b
Ironworkers	9.305	.60	.60	.08
Laborers:				
Common	5.90	.30	.45	
Air tool operator (jackhammer, vibrator)	6.10	.30	.45	
Plasterers	5.90	.30	.45	
Plasterers, tenders	5.90	.30	.45	
Mason tenders	5.90	.30	.45	
Mortar mixers	5.90	.30	.45	
Pipelayers	6.10	.30	.45	
Painters:				
Commercial	8.00		.25	.05
Industrial	8.75		.25	.05
Plasterers	8.91		.50	.08
Plumbers, steamfitters	10.40	.60	.20	.10
Roofers	8.35	.69	.82	.09
Sheet metal workers	10.35	.65	.95	.08
Sprinkler fitters	10.35			

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

STATE: Kansas
COUNTY: Leavenworth
DATE: Date of Publication
Decision No. KS78-4007
Supersedeas Decision No. KS77-4149, dated July 1, 1977 in 42 FR 3488
DESCRIPTION OF WORK: Building Construction, (does not include single family homes and garden type apartments up to and including 4 stories).

AL78-1004 - (Cont'd)

POWER EQUIPMENT OPERATORS:

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
GROUP A	.40	.40		
GROUP B	.40	.40		
GROUP C	.40	.40		

GROUP A - Backhoe, bulldozer, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge, drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop.), shovel, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators

GROUP B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ½ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over) outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port.), conveyor, fireman stationery equip., mechanic helper, oiler, outboard motor boat & pump operators
Oiler driver - additional \$.10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional \$.25 per hour.

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ASBESTOS WORKERS	.60	1.55		.05
BOILERMAKERS	11.00	1.15		.02
BRICKLAYERS; Stonemasons	10.475	.35	1.00	
CARPENTERS; Millwrights and Pile-drivers	11.00	.30		.05
CEMENT MASONS	10.275	.30		
ELECTRICIANS				
Zone 1 - High Voltage, Kickapoo, Leavenworth, Leavenworth (Remainder of County)	11.82	34+.51	.95	.06
Zone 2 - Remainder of County	12.00	34+.65		.05
ELEVATOR CONSTRUCTORS	70UR	.56	34+.a	.025
ELEVATOR CONSTRUCTORS' HELPERS		.56	34+.a	.025
(PROB.)	50UR			

FOOTNOTES: a-Employer contributes 8% of basic hourly rate for over 5 years service, and 6% of basic hourly rate for 6 mos. to 5 years as vacation pay credit. Also 6 paid holidays.

GLAZIERS	9.90	.55	.59	16.48+	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS	7.40	.30	.30		.05
General laborer					
Post hole diggers, compaction concrete breakers, chip-ping tools, drilling tools, concrete saws, mechanically operated georgia buggy, rubbing concrete, form setters and liners, concrete paving, mason tenders, plaster tenders, mortars mixers for plasterers, masons & cement finishers, all stock-ing scaffold, clean up for masons (building & wrecking), sand & concrete gun nozzle man, powderman	7.65	.30	.30		.05
LABORERS (Site Preparation and Grading):					
Group 1	6.85	.35	.35		.05
Group 2	7.00	.35	.35		.05
Group 3	7.10	.35	.35		.05
Group 4	7.25	.35	.35		.05
Group 5	7.35	.35	.35		.05

DECISION NO. KS78-4007

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - Board mat weavers and cable tiers, georgia buggy (manually operated), mixer-man, skip lift, rollers, salamander tenders, track man, tractor awamper, truck dumper, wire mesh setter, water pump up to 4 inches, and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated) grade man, hot mastic kettlemen, crusher feeder, joint man, jute man, mason tender, material batch hopper and scale man, mixer man, pier hole man working 10 ft. deep, pipeline-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper - dry batch, vibrator operator, wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper (concrete saw, creosote material - handling and applying, nozzle burner (cutting torch and burning bar)

Group 4 - Conduit pipe, tile and duct line setter, form setter and liner on concrete paving, powderman, sandblasting and gunnite nozzle man, sanitary sewer pipe layer; steel plate structure erectors, water and gas distribution lines

Group 5 - Leadmen or pusher

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LATHERS	10.60	.40		
LINE CONSTRUCTION:				
Zone 1 - Southwest 2/3 of Leavenworth County				
Lineman	10.25	.45	34	
Cable splicers	10.76	.45	34	
Groundman, over 1 year	6.38	.45	34	
Groundman, 1st year	4.83	.45	34	
Powderman	8.50	.45	34	
Line Truck & Equipment Operators:				
1st year	6.53	.45	34	
2nd year	7.81	.45	34	
Over 2 years' experience	8.50	.45	34	
Zone 2 - Remainder of Leavenworth County				
Lineman	12.28	.45	34+.15	
Groundman operator	11.43	.45	34+.15	
Groundman powderman	8.52	.45	34+.15	
Groundman	8.09	.45	34+.15	
Groundman (1st 6 mos.)	6.93	.45	34+.15	

Decision No. KS78-4007

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
MARBLE AND TILE SETTERS	11.25	54	4.25+	
MARBLE AND TILE SETTERS' HELPERS	9.65			
PAINTERS:				
Zone 1 - Northern 2/3 of County				
Brush, roller, tapers	8.95	.55	.70	
Spray	9.45	.55	.70	
Zone 2 - Remainder of County				
Brush, roller, tapers	8.70	.30	.35	
Spray	9.70	.30	.35	
PLASTERERS	11.90	.62	1.35	.12
PIPEFITTERS	12.22	.75	.85	.12
PLUMBERS	12.59			
POWER EQUIPMENT OPERATORS (Building Construction):				
Group 1	10.60	.75	1.00	.75
Group 2	10.35	.75	1.00	.75
Group 3	8.95	.75	1.00	.75
Group 4	9.45	.75	1.00	.75
Group 5	9.70	.75	1.00	.75
Group 6	10.85	.75	1.00	.75
Group 7	11.10	.75	1.00	.75
Group 8	10.60	.75	1.00	.75
Group 9	11.60	.75	1.00	.75
Group 10	11.10	.75	1.00	.75
Group 11				
(a)	10.35	.75	1.00	.75
(b)	10.10	.75	1.00	.75
(c)	10.10	.75	1.00	.75
(d)	9.20	.75	1.00	.75

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; backfillers; backhoe, all types; barber-green loader (similar type); blade-power, all types; boats-power; boilers (2); boring machines (all types); cable ways; cherry pickers (all types); chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derrick cars (power operated); ditching machines; dozers; dredges-any type power; gradeall-similar type; hoist, endless chain power operator with power travel; loaders-all types; mechanic and welders; mucking machine; orange peels; pumps-material-all types; push cats; scoops-all types; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP 2 - Boilers (1); brooms-power operator (all types); chip spreader (front man); chief plane operator; compressor (1) 105' or over; compressors (2) 105 ft. or over not more than 20' apart; compressors-tandem (any size); compressors single, truck mounted; concrete saws, self-propelled; chain-power operator; curb finishing machine; elevator; finishing machine; firemen on rigs; flex plane, floating machine; form grader; greaser; hoist, endless chain-power operated; hopper-power operator; hydra hammer (all types); lad-avator-similar type; rollers-all types; siphons, jets and jennies; sub-grader; tractors over 50 h.p.

GROUP 3 - Oiler

GROUP 4 - Fork lift-masonry; roller driver-all types

GROUP 5 - "A" frame trucks; fork lift-all types and sizes (except masonry); mixers (with side loaders); pumps (with well points) dewatering systems, test or pressure pump; tractors (except when hauling material) less than 50 h.p.

GROUP 6 - Clamshells, 80 ft. of boom or over (including jib); crane or rig, 80 ft. of boom or over (including jib); draglines, 80 ft. of boom or over (including jib); pile drivers, 80 ft. of boom or over (including jib)

GROUP 7 - Crane or rig, over 200 ft of boom

GROUP 8 - Hoists-each additional drum over 1 drum

GROUP 9 - Master mechanic

GROUP 10 - Crane-tower or climbing

GROUP 11 - Ready Mixed Concrete Plants:

(a) Crane operator

(b) Loader operator

(c) Plant man

(d) Conveyor operator

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS (CONT'D)						
Site Preparation and Grading						
Group 1	10.10	.50	1.00	.75		.10
Group 2	9.85	.50	1.00	.75		.10
Group 3	9.60	.50	1.00	.75		.10
Group 4	8.60	.50	1.00	.75		.10
Group 5	9.10	.50	1.00	.75		.10
Group 6	10.35	.50	1.00	.75		.10
Group 7	10.60	.50	1.00	.75		.10
Group 8	10.10	.50	1.00	.75		.10

NOTICES

GROUP 1 - Asphalt paver and spreader, asphalt plant console operator, auto grader, backhoe, blade operator, all types, boilers - 2; booster pump or dredge, boring machine (truck or crane mounted), bulldozer operator, clam-shell operator, compressor maintenance operator - 2; concrete plant operator, central mix, concrete mixer, paver, crane operator, derrick or derrick trucks, ditching machine, dragline operator, dredge engineman, dredge operator, drill cat with compressor mounted on cat, drilling or boring machine, rotary, self-propelled, high loader-fork lift, hoisting engine - 2 active drums, locomotive operator, standard gauge, mechanics and welders, field or shop, maintenance operator, mucking machine, piledriver operator, pitman crane operator, pump-2, quad-trac, scoop operator all types, scoops in tandem, self-propelled rotary drill (leroy or equal - not air tac) shovel operator, side discharge spreader, sideboom cat, skimmer scoop operator, slip-form paver (CM, REX, or equal), throttle man, truck crane welding machine maintenance operator - 2

GROUP 2 - A-frame truck asphalt hot mix silo, asphalt plant fireman, drum, or boiler, asphalt plant mixer operator, asphalt plant man, asphalt roller operator, backfiller operator, chip spreader, concrete batch plant, dry power operator, concrete mixer operator, skiploader, concrete pump operator, crusher operator, elevating grader operator, greaser, hoisting engine-1 drum, latourneau roter, multiple compactor, pavement breaker, self-propelled of the hydra-hammer or similar type, power shield, pug mill operator, stump cutting machine, towboat operator, tractor operator over 50 h.p.

GROUP 3 - Boilers - 1 chip spreader (front man), churn drill operator, compressor maintenance operator - 1, concrete saws, self-propelled, conveyor operator, distributor operator, finishing machine operator, fireman, rig, float operator, form grader operator, pump, pump maintenance operator, other than dredge, roller operator, other than high type asphalt, screening and washing plant operator, self-propelled street broom or sweeper, siphons and jets, sub-grading machine operator, tank car heater operator operators - combination boiler and booster, tractor, 50 h.p. or less, without attachments, vibrating machine operator, not hand, welding machine maintenance operator-1

GROUP 4 - Mechanics' helpers, oller

GROUP 5 - Oiler, driver, all types

GROUP 6 - Clamshells, 3 yds. capacity or over, crane or rig, 80 ft. of boom or over (including jib), draglines, 3 yds. capacity or over, piledrivers, 80 ft. of boom or over (including jib), shovels, 3 yds. capacity or over

GROUP 7 - Cranes or rigs, over 200 ft. of boom (including jib)

GROUP 8 - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification

TRUCK DRIVERS (Building Construction) (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ROOFERS	10.30	.65	.60			.14
SHEET METAL WORKERS	11.355	.50	.50			.05
SPRINKLER FITTERS	11.48	.65	.95			.08
TERRAZZO WORKERS	10.91	.54	4.25%			
TRUCK DRIVERS:						
Building Construction:						
Group 1	9.325	.75	1.00			
Group 2	9.375	.75	1.00			
Group 3	9.45	.75	1.00			
Group 4	9.575	.75	1.00			
Group 5	9.475	.75	1.00			
Group 6	9.675	.75	1.00			
Group 7	9.525	.75	1.00			
Group 8	9.425	.75	1.00			

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

Group 1 - One team, station wagons, pickup trucks, material trucks, single axle, tank wagon drivers, single axle

Group 2 - Material trucks, tandem, two teams, semi-trailers, winch truck-fork trucks, distributors drivers and operators, agitator and transit mix, tank wagon drivers, single axle, tank wagon drivers tandem or semi-trailers, Insley wagon, dump trucks, excavating, 5 cu. yds. and over, dumpsters, half-tracks, speedace, euclids and other similar excavating equipment

Group 3 - A-frame, lowboy, and boom truck driver

Group 4 - Mechanics and welders

Group 5 - Mechanics' helpers, ollers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

TRUCK DRIVERS (Building Construction) (CONT'D)

CLASSIFICATION DEFINITIONS

Group 1 - Warehousemen and stock man

Group 2 - Flat beds, pick-ups, dump trucks, under 10 yds.

Group 3 - Dump trucks, 10 yds. and over, steel trucks, semi truck drivers

Group 4 - Straddle trucks, wheel tractors (when used for towing), hydro lift trucks, hydraulically operated serial lifts, heavy hauling, A-frame winch and fork lifts, heavy excavating (dumper, euclid, etc.), double bottom units (20 tons cap. and over)

Group 5 - Distributor truck drivers and operators, ollers, greasers and mechanics' helpers

Group 6 - Mechanics

Group 7 - Transit mix, 5 yds. and over

Group 8 - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
TRUCK DRIVERS:						
Site Preparation and Grading						
Group 1	8.89	.75	1.00	.75		
Group 2	9.09	.75	1.00	.75		
Group 3	9.40	.75	1.00	.75		
Group 4	9.55	.75	1.00	.75		
Group 5	8.665	.75	1.00	.75		

NOTICES

STATE: Kansas
COUNTY: Sedgewick
DECISION NO. KS78-4008
DATE: Date of Publication
Supersedes Decision No. KS77-4081, dated April 8, 1977 in 42 FR 18809
DESCRIPTION OF WORK: Building construction (does not include single family homes and garden type apartments up to and including 4 stories)

SUPERSECEAS DECISION

CLASSIFICATION DEFINITIONS

LABORERS:

GROUP 1 - Board mat weavers & cable tiers, georgia buggy (manually operated) mixer-man-no skip, lift, nailers, salamander tenders, track men, tractor swapper, truck dumper, wire mesh setter, water pump up to 4 inches, & all other general laborer including flagmen
GROUP 2 - Air tool operators, cement handlers (bulk) chain saw, georgia buggy (mechanically operated), grade man, hot mastic kettlemen, crusher feeder, joint man, jute man, mason tender, material batch hopper & scale man, mixer man, pier hole man working 10 ft. deep, pipelayer-drainage (concrete and/or corrugated metal), signal man (crane), truck dumper-dry batch, vibrator operator, wagon and churn drill operator
GROUP 3 - Asphalt raker, barco tamper, concrete saw, creosote material handling & applying, nozzle burner (cutting torch and burning bar)
GROUP 4 - Conduit pipe, tile & duct line setter, form setter & liner on concrete paving, powderman, sandblasting & gunnite nozzleman, sanitary sewer pipe layer, steel plate structure erectors, water and gas distribution lines
GROUP 5 - Leadmen or pusher

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS	\$ 9.90		.15		.01
LINE CONSTRUCTION:					
Linemen	10.25	.45	.32		1/2
Cable splicers	10.76	.45	.32		1/2
Groundman, over 1 year	6.38	.45	.32		1/2
Groundman, 1st year	4.83	.45	.32		1/2
Powerman	8.50	.45	.32		1/2
Line truck & equipment operators:					
1st year	6.53	.45	.32		1/2
2nd year	7.81	.45	.32		1/2
Over 2 years experience	8.50	.45	.32		1/2
PAINTERS:					
GROUP 1 - Brush, sheetrock tapping and finishing	9.47	.10	.30		.01
GROUP 2 - Stage chair and window jack work to and including five stories high	9.82	.10	.30		.01
GROUP 3 - Stage chair and window jack work over five stories high					
elevated tanks, towers, & attack over 75 ft. high; sandblasting & water blasting work from picks; stage chairs or platforms 24 ft. in height	10.07	.10	.30		.01
GROUP 4 - Structural steel not done from scaffolding	10.22	.10	.30		.01
PIPEFITTERS, PLUMBERS	11.37	.75	.85		.04

NOTICES

DECISION NO.

POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION):

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	10.10	.50	1.00	.75	.10
GROUP 2	9.70	.50	1.00	.75	.10
GROUP 3	8.65	.50	1.00	.75	.10
(a)	8.90	.50	1.00	.75	.10
(b)					
GROUP 4	8.10	.50	1.00	.75	.10
(a)	8.35	.50	1.00	.75	.10
(b)	10.60	.50	1.00	.75	.10
GROUP 5	10.35	.50	1.00	.75	.10
GROUP 6	10.60	.50	1.00	.75	.10
GROUP 7	12.10	.50	1.00	.75	.10
GROUP 8	11.10	.50	1.00	.75	.10
GROUP 9					

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
GROUP 1 - boilers (2), boom cat, boring machine, ditching machine, concrete ready-mix plant, crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve), gradall, hi-loaders (over 1 yd), hoist, two drums, locomotive, mechanic or welder, mixer, mobile, paver, or any other machine with power swing, piledriver operator, power shovel pump, concrete or other material
GROUP 2 - A-frame truck, barber-green loader or similar type, bob cat hi loaders (1 yd and under), boiler (1), ditching machine-small, elevator operator, firemen, fork lift, greaser, equipment, hoist, one active drum hydra hammer, jeep ditcher, mixer other than paver, power broom, pump, 4" or larger, small machine engineer, welding machine (1)
GROUP 3 - (a) farm tractor (without attachments), (b) farm tractor (with attachments
GROUP 4 - (a) Oiler, (b) motor crane oiler
GROUP 5 - Tower cranes and derricks, frankie -type pile driving machines
GROUP 6 - Cranes and shovels 100 ft. of boom or over (including job) or 2 yds. capacity or over or 30 tons or over (3) drum hoist
GROUP 7 - Cranes and shovels booms 200 ft. and over; (4) drum hoist
GROUP 8 - Master mechanic
GROUP 9 - Cranes with lifting ring

DECISION NO.

POWER EQUIPMENT OPERATORS (SITE PREPARATION & GRADING):

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	8.35	.50	1.00	.75	.10
GROUP 2	8.10	.50	1.00	.75	.10
GROUP 3	7.85	.50	1.00	.75	.10
GROUP 4	7.50	.50	1.00	.75	.10
GROUP 5	7.60	.50	1.00	.75	.10
GROUP 6	8.60	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:
GROUP 1 - Asphalt paver & spreader, back hoe, boring machine, blades, all types, clamshell, concrete mixer paver operator, concrete central plant operator, (automatic), crane, truck crane, pitman crane hydro crane or any machine with power swing, derrick or derrick trucks, dragline operator, dredge operator, dozer, ditching machine, euclid loader, hoist-2active drums, loader, all types, mechanic or welder, mixer-mobile, multi-unit scraper, piledriver operator, power shovel operator, quad track, scoop operator, all types, side boom cat-cherry picker, skimmer scoop operator, pushcat operator
GROUP 2 - Asphalt plant operator, elevating grader operator
GROUP 3 - A-frame truck, asphalt roller operator, asphalt plant boiler fireman, backfiller operator, barber-greene loader, boiler-other than asphalt, bull float operator, churn drill operator, compressor operator pump operator, concrete central plant operator, concrete mixer operator skip concrete operator-concrete, crusher operator, distributor operator, finish machine operator, fireman other than asphalt, flex plane operator, fork lift, form grader operator, greaser, hoist 1 drum, jeep ditching machine, pavement breaker, self-propelled (of the hydra hammer or similar type), pump operator, 4" or over, two, pump operator other than dredge, screening & wash plant operator, small machine operator spreader box operator-self-propelled tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt, siphon & jets, subgrading machine operator, tank or ear heater operator, combination booster & boiler, towboat operator, vibrating machine operator, not hand
GROUP 4 - Concrete gang saw, self-propelled (con-cut), conveyor operator harrow disc seeder, oiler, tractor operator, 50 h.p. or less without attachments
GROUP 5 - Oiler, motor crane
GROUP 6 - Master mechanic

NOTICES

DECISION NO. KS78-4008

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS:					
Roofers, Kettlemen	8.80	.28	.20		
Pitch	9.55	.28	.20		
SHEET METAL WORKERS	11.11	.80 + 3%	.59		.12
SPRINKLER FITTERS	11.48	.65	.95		.08
TRUCK DRIVERS (BUILDING CONSTRUCTION):					
GROUP 1 - Pickups, station wagons, flat beds-12,000# & under GVW license capacity	7.75	.50	.35		
GROUP 2 - Flat beds-16,000# GVW license capacity	7.825	.50	.35		
GROUP 3 - Flat beds-20,000# over GVW license capacity, dump, batch & water truck, single axle	7.90	.50	.35		
GROUP 4 - Lowboys, semi-trailers, dumptrucks, a-frame tandems winch truck when used as such & transit mix	8.00	.50	.35		
TRUCK DRIVERS PREPARATION & GRADING:					
GROUP 1	6.80	.50	.35		
GROUP 2	6.90	.50	.35		
GROUP 3	7.05	.50	.35		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
 Group 1 - Pickups, panel trucks, station wagons, flat beds, dump and batch trucks (single axle)
 Group 2 - Tandem trucks, warehousemen or partmen, mechanic helpers and servicemen
 Group 3 - Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle), a-frame and winch trucks when used as such, euclid, end and bottom dump, tournoarockers, attheys, dumpcore and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

SUPERSEDES DECISION

STATE: Kansas COUNTY: Shawnee
 DECISION NO.: KS78-4009 DATE: Date of Publication
 SUPERSEDES DECISION NO. KS77-4080 dated April 8, 1977 in 42 FR 18806
 DESCRIPTION OF WORK: Building construction, (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.77	.60	1.55		.05
BOILERMAKERS	11.00	1.15	1.00		.02
BRICKLAYERS; Stonemasons	9.89	.40	.25		
CARPENTERS:					
Carpenters	8.90	.40	.35		.05
Millwrights; Filedriversmen	9.275	.40	.35		.05
CEMENT MASONS:					
Cement masons	8.85	.40	.35		
Machine operators	8.975	.40	.35		
Composition color or chloride additives	9.05	.40	.35		
ELECTRICIANS:					
Electricians	12.00	.45	34.65		.05
Cable splicers	13.20	.45	34.65		.05
ELEVATOR CONSTRUCTORS	10.42	.745	.56	34.65	.025
ELEVATOR CONSTRUCTORS' HELPERS	700JR	.745	.56	34.65	.025
(PROB.)	500JR				

FOOTNOTE: - Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 6 paid holidays.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GLAZIERS	9.325	.55	.51	16.39%	.03
IRONWORKERS	9.60	.70	1.00	1.00	.05
LABORERS (Building Construction):					
General laborers	7.65	.40	.35		.05
Power tool operators, compactors, concrete breakers, chipping tools, drilling tools, concrete saws, mechanically operated georgia buggy	7.85	.40	.35		.05
Mason tenders, plaster tenders, mortar mixers for masons and cement finishers, all stocking scaffold, clean up for masons (building and wrecking)	7.95	.40	.35		.05
Sand and concrete gun nozzleman and powderman	8.05	.40	.35		.05

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

DECISION NO. KS78-4009

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS: (Site Preparation and Grading)					
Group 1	6.80	.40	.35		.05
Group 2	6.95	.40	.35		.05
Group 3	7.05	.40	.35		.05
Group 4	7.20	.40	.35		.05
Group 5	7.30	.40	.35		.05

CLASSIFICATION DEFINITIONS

LABORERS:
 Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders; track men; tractor swamper; truck dumper; wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman

Group 2 - Air tool operators, cement handlers (bulk), chain saw, georgia buggy (mechanically operated); grade man, hot mastic settlemen, crusher feeder, joint man-jute man; mason tender; material batch hopper and scale man; mixer man; pier hole man working 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator

Group 3 - Asphalt raker, barco tamper; concrete saw; creosote material-handling and applying; nozzle burner (cutting torch and burnig bar)

Group 4 - Conduit pipe; tile and duct line setter; form setter and liner on concrete paving; powderman; sandblasting and gunite nozzleman; sanitary sewer pipe layer; steel plate structure erectors; water and gas distribution lines

Group 5 - Leadman or pusher

DECISION NO. KS78-4009

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS	9.70		.20		
LINE CONSTRUCTION:					
Lineman	10.25	.45	3%		1/4
Cable splicers	10.76	.45	3%		1/4
Groundman, over 1 year	6.38	.45	3%		1/4
Groundman, 1st year	4.83	.45	3%		1/4
Powderman	8.50	.45	3%		1/4
Line Truck and Equipment Operators:					
1st Year	6.53	.45	3%		1/4
2nd Year	7.81	.45	3%		1/4
Over 2 years' experience	8.50	.45	3%		1/4
PAINTERS:					
Brush, drywall, sanding and taping	9.90	.45			.02
Painting of structures over 50' (all types); spray	10.40	.45			.02
PLASTERERS	9.25		.20		
PIPEFITTERS; Plumbers	11.43	.75	.65		.04
POWER EQUIPMENT OPERATORS (Building Construction):					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.70	.50	1.00	.75	.10
Group 3:					
(a)	8.65	.50	1.00	.75	.10
(b)	8.90	.50	1.00	.75	.10
Group 4:					
(a)	8.10	.50	1.00	.75	.10
(b)	8.35	.50	1.00	.75	.10
Group 5	10.60	.50	1.00	.75	.10
Group 6	10.35	.50	1.00	.75	.10
Group 7	10.60	.50	1.00	.75	.10
Group 8	11.10	.50	1.00	.75	.10
Group 9	12.10	.50	1.00	.75	.10

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

POWER EQUIPMENT OPERATORS (Building Construction)

CLASSIFICATION DEFINITIONS

Group 1 - Bollers (2); boom cat, boring machine, ditching machine, concrete ready-mix plant; crane, truck crane, clamshell, dragline, dozer, scraper, all types, patrol, firemen (when operating steam or air valve); gradall hi-loaders (over 1 yd); hoist, two; locomotive; mechanic or welder; mixer-mobiler; paver, or any other machine with power swing; piledriver operator; power shovel; pump, concrete or other material

Group 2 - A-frame truck; barbed wire loader or similar type; bob cat hi-loaders (1 yd. and under); boiler (1); ditching machine-small; elevator operator; fireman; fork lift; greaser, equipment; hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power broom, pump, 4" or larger, small machine engine; welding machine (1)

Group 3 - (a) Farm tractor (without attachments)

Group 4 - (a) Oiler

Group 5 - (b) Motor crane oiler

Group 6 - Tower cranes and derricks; frankie-type pile-driving machines; (4) drum hoist

Group 7 - Crane & shovels 100 ft. of boom or over (including jib) or 2 yds. capacity or over or 30 tons or over; (3) drum hoist

Group 8 - Crane & shovels booms 200 ft and over

Group 9 - Cranes with lifting ring

Group 10 - Master mechanic

Hoist each additional drum over two - an additional .25¢

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
8.35	.50	1.00	.75		.10
8.10	.50	1.00	.75		.10
7.85	.50	1.00	.75		.10
7.50	.50	1.00	.75		.10
7.60	.50	1.00	.75		.10
8.60	.50	1.00	.75		.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Asphalt paver and spreader, back hoe, boring machine, blades, all types; clamshell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane, or any machine with power swing; derrick or derrick trucks; dragline operator; dredge operator; dozer; ditching machine; euclid loader; hoist - 2 active drums; loader, all types, mechanic or welder; mixer-mobiler; multi-unit scraper; pile driver operator; power shovel operator; quad track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator

Group 2 - Asphalt plant operator; elevating grader operator

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
10.56		.60	a		.04
11.41		.60	a		.08
10.34	38+.50	1.29	10%		.04
8.53	.45	.45			.04
11.48	.65	.95			.08
9.00					
7.875	.40	.35			
7.975	.40	.35			
8.225	.40	.35			
6.90	.40	.35			
7.00	.40	.35			
7.15	.40	.35			

ROOFERS, PLAT, SLATE & TILE
DAMPENERS AND WATERPROOFERS
ROOFERS WORKING IN FITCH, TAR OR
CREOSOTE, CONL

FOOTNOTE: a-After 6 months of employment \$.26; after 5 years \$.52

SHEET METAL WORKERS

SOFT FLOOR LAYERS

SPRINKLER FITTERS

TILE SETTERS

TRUCK DRIVERS (Building Construction):

Light, pickups, station wagons

Medium flat beds and dumps, 5

tons or less; warehousemen and

partmen

Truck over 5 tons and semi-

trailers

TRUCK DRIVERS (Site preparation

and grading):

Group 1

Group 2

Group 3

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:

Group 1 - Pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)

Group 2 - Tandem trucks, warehousemen or partmen; mechanic helpers and servicemen

Group 3 - Lowboys, semi-trailers, all transit mixer trucks (single or tandem axle); a-frame and winch trucks when used as such; euclid, end and bottom dump; tounarockers; atneys; dumpers and similar off-road equipment and mechanics on such equipment

WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

SUPERSEDED DECISION

STATE: Michigan

DECISION NUMBER: H178-2001

Supersedes Decision No. H176-2171 dated December 28, 1976 in 41 FR 56590

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Kent

DATE: Date of Publication

7/76 in 41 FR 56590

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$7.50	1.10	1.20	1.50		.03
11.07					
7.45					
5.96					
6.12					
10.25	.40	38+.35			.01
9.90	.545	.35	47+a6b		.02
5.86					
5.92					
4.89					
5.15	.50	.25			.02
8.05	.50	.25			.02
7.80	.60+.15	.75			
11.24					
5.55					
9.55	.67+c	.65	.67		.02
5.62					
7.15					
8.35					
5.27					
5.50					
7.02					
7.00					

FOOTNOTES:

a. 6 Paid Holidays: New Years Day, Memorial Day, Independence Day, Labor Day,

Thanksgiving Day, Christmas Day.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for

employee who has worked in business more than 5 years & 2% for employee

in business less than 5 years.

c. \$.50 per month - Life Insurance

SUPERSEDEAS DECISION

STATE, Mississippi
 COUNTY, Hinds
 DECISION NUMBER: MS78-1006
 DATE: Date of Publication
 Supersedes Decision No.: MS77-1032 dated March 25, 1977 in 42 FR-16359
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Asbestos workers	9.63	.45	.50		.02
Boilermakers	10.25	.75	1.00		.03
Bricklayers	8.70	.25	.10		.03
Stone, block, & marble masons	8.70	.25	.10		.03
Caulkers, pointers, & cleaners	8.70	.25	.10		.03
Tile & terrazzo setters	8.60	.25	.10		.03
Carpenters	8.15	.40	.30		.05
Drywall application	8.15	.40	.30		.05
Soft floor layer	8.15	.40	.30		.05
Power saw operator (1 hp. or over)	8.15	.40	.30		.05
Fiber glass insulation application	8.30	.40	.30		.05
Millwrights	8.40	.40	.30		.05
Piledrivermen	8.40	.40	.30		.05
Cement masons	6.80	.25	.30		.05
Float machine operator	7.00	.25	.30		.05
Electricians	9.70	.35	34+.50		.04
Cable splicers	9.95	.35	34+.50		.04
Elevator constructors	7.83	.545	.35	44+ab	.02
Helpers	5.48	.545	.35	44+ab	.02
Glaziers	3.915				.01
Ironworkers	7.85				.04
Laborers	8.80	.45	.85		
Mason tenders	4.93	.15	.15		
Pipelayers	5.08	.15	.15		
Plasterers	5.08	.15	.15		
Mechanical tool operator	5.18	.15	.15		
Mortar mixers	5.18	.15	.15		
Lathers	8.65				.01

NOTICES

MS78-1006 - (cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Line Construction:					
Linemen	8.88	34	c+24		44
Cable splicers	9.19	34	c+24		44
Groundman (over 1 year)	5.38	34	c+24		44
Groundman (under 1 year)	4.99	34	c+24		44
Painters:					
Brush; roller	7.15	.15			
Spray (except structural steel)	7.65	.15			
Structural steel (brush)	7.40	.15			
Swing stage; bos'n chair	7.40	.15			
Structural steel (spray)	7.90	.15			
Plasterers	7.80	.25	.50		.05
Plumbers; steamfitters;					
pipefitters	9.37	.55	1.00		
Roofers:					
Roofers	8.60	.20			
Kettlemen	6.75	.20			
Paper rollers	6.75	.20			
Helpers	5.30	.20			
Sheet metal workers	9.35	.35	.45		.03+.02
Sprinkler fitters	10.35	.65	.85		.08

FOOTNOTES:

- Paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.
- Employee contributes 4% of regular hourly rate to Vacation Pay Credit for employee with more than 5 years service; 2% for employees with less than 5 years.
- One week paid vacation after one year's service.

MS78-1006 - (cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
GROUP I	9.40	.30	.30		
GROUP II	8.45	.30	.30		
GROUP III	8.20	.30	.30		
GROUP IV	7.75	.30	.30		
GROUP V	6.40	.30	.30		

POWER EQUIPMENT OPERATORS:

GROUP I: Engineer, operating under air pressure.

GROUP II: Mechanic

GROUP III: Asphalt plant, backhoe, clamshell, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick cat, derrick boat, dragline, dredge, elevating grader, excavator (power belt), fork lift (5 tons & over), hoists (2 drum in active use), locomotive engineer, marine engineer (chief), master pilot, motor patrol and similar equipment, paver (21 c. f. or larger), pile driver, recharger, scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), turnpull (10'-10" and similar pull eye scraper), Traxvacator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pump.

GROUP IV: Asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer pylonator and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machines (18" or smaller bucket line width), tugboat, well driller (let helper), winch truck and tractor, small rubber tired with backhoe attachment.

GROUP V:

Air compressor, batch scale, deckhand, forklift (2 tons & under), form grader, locomotive hostler, mechanic helper, motorboat (in or outboard), oiler, pump, roughneck, seaman, tractor (with endloaders), welding machine.

NOTICES

STATES: Nebraska

SUPERSEDEAS DECISION

COUNTIES: Statewide (except Douglas, Cass, Sarpy, Washington and that portion of Saunders County East of Highway #109)

DATE: Date of Publication

Supersedes Decision No.: NE77-4001 dated January 7, 1977 in 42 FR 1685

DESCRIPTION OF WORK: Heavy and Highway (Construction excluding bridges across navigable waterways).

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Carpenter	\$6.10				
Carpenter Helper	4.70				
Cement Finisher	5.85				
Concrete Saw Operator	5.35				
Form Setter (road)	5.35				
Form Setter (structures)	5.05				
Laborer	4.00				
Manhole Builder	5.05				
Painter	4.25				
Pile Driver Leadman	4.25				
POWER EQUIPMENT OPERATORS:					
All purpose Spreader	4.80				
Asphalt Distributor	4.70				
Asphalt Distributor Helper	4.40				
Asphalt Heatman	4.40				
Asphalt Paving Machine	5.05				
Asphalt Paving Machine Screedman	5.85				
Stationary Pl. (base or stabilization)	5.35				
Stationary Pl. (asphalt or concrete)	6.10				
Beginner Operator	5.05				
Bulldozer:					
Less than 115 Drawbar H.P.	5.45				
115 Drawbar H.P. and over	6.10				
Cement Handler	4.00				
Clamshell, Dragline, Backhoe, Crane, Pile Driver or Shovel	6.20				
Concrete Mixer	4.25				
Concrete Paver	5.35				
Slip Form Paver	6.10				
Concrete Finishing Machine and Spreader	6.10				
Conveyor	4.25				
Crusher (incl. those with integral screening plant)	5.45				
Dredge Pump Under 10"	4.80				
Dredge Pump 10" and over	5.35				
Fireman (boiler)	4.40				

DECISION NO. NY78-3001

DECISION NO. NY78-3001	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
PLUMBERS:						
NASSAU COUNTY	11.00	.90	1.14	1.10	.20	
SUFFOLK COUNTY	10.85	.854*	1.70	1.30	.235	
POINTERS, CAULKERS, AND CLEANERS:						
Pointers, Caulkers and Cleaners	10.17	1.10	1.87		.05	
Sandblasters	11.27	1.10	1.87		.05	
Steamcleaners	10.42	1.10	1.87		.05	
ROOFERS:						
Composition, Damp and Waterproof-	10.20	1.01	2.28	1.50	.01	
ers	11.07	.55	1.40	2.00		
Slate and Tile						
SHEET METAL WORKERS:						
SUFFOLK COUNTY:						
Fishers Island	10.95	.50	.66		.07	
Remainder of County	11.545	34*-90	42*1.20	32*-75	12*-03	
NASSAU COUNTY:	11.545	34*-90	42*1.20	32*-75	12*-03	
SPRINKLER FITTER AND STEAMFITTERS	10.97	2.65	1.12	.86	.07	
STONE DERRICKMEN AND RIGGERS	11.87	.98	2.01		.01	
STONEMASSONS	11.00	.50	1.00			
TERRAZZO WORKERS	11.18	1.21	1.50			
TILE SETTERS	9.15	.85	2.10			
TILE SETTERS FINISHERS	8.81	.68	.77			
TRUCK DRIVERS:						
BUILDING:						
Ready-mix concrete, Sand Gravel	8.87	1.2125	1.8525	g-1		
Asphalt and Bulk Cement	8.725	1.2125	1.8525	g-1		
Euclid and Turnapulla						
HEAVY:						
Euclid and Turnapulla	8.825	1.2125	1.8525	g-1		
HIGH-RISE:						
Truck Drivers	9.44	1.2125	1.8525	g-1		
TUCKPOINTERS:						
Tuckpointers and Waterproofers	8.72	.70	1.44	.50	.015	
Sandblasters	9.72	.70	1.44	.50	.015	
Steamcleaners	8.97	.70	1.44	.50	.015	
WELDERS: receive rate prescribed for						
craft performing operation to which						
welding is incidental.						

NOTICES

- PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.
- FOOTNOTES:
- a. Employees employed on the last working day before Christmas Day and New Years Day and who report to work on such days shall receive 3 hours pay without working in the afternoon.
 - b. Employer contributes \$8.00 per day to Annuity Fund.
 - c. Paid Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.
 - d. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
 - e. Paid Holidays: Christmas Eve and New Years Eve: If employee works a full 1/2 day on the working day immediately preceding Christmas Day and New Years Day, they shall receive a full day's pay.
 - f. Work on Christmas Eve and New Years Eve shall terminate at Noon, but employees will receive a full day's pay.
 - g. Paid Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, and Veteran's Day provided the employee works 2 days in the calendar week in which the holiday falls and each remaining work during each calendar week.
 - h. Paid Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked 30 full days during the 90 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.
 - i. Paid Holiday: 1/2 day's pay for Labor Day.
 - j. Employer contributes \$5.00 per day to an Annuity Fund.
 - k. Employer contributes \$4.00 per day to a Security Benefit Fund.
 - l. For each 15 days worked with the contract year an employee will receive one day's vacation with pay, with a maximum vacation of 3 weeks per year.

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

DECISION NO. NY78-3001

HEAVY AND HIGHWAY CONSTRUCTION

Basic Hourly Rate	H & V	Pension	Vacation	App. Tr.
\$ 8.25	10%	13%	.75ha	
8.05	10%	13%	.75ha	

Jackhammers, and drill men,
 Hoppersmen, Carpenters' tenders,
 Pipe jointers and setters,
 Concrete laborers. (structures),
 Stone spreading laborers,
 Trackmen, Grading and excavating
 laborers, Yard laborers,
 Puddlers on concrete pavement,
 Laborers (other than above) on
 concrete pavement, Landscape
 laborers, Asphalt plant
 (batcher and hopper men)

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
 a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's
 Birthday, Veterans' Day; Election Day, provided employee works on shapes
 up the scheduled day before and the schedule day after the holiday.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the scheduled day after the holiday.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the scheduled day after the holiday.

NOTICES

Basic Hourly Rate	Fringe Benefits Payments		
	H & W	Provision	Vacation
11.73	8%	1.65	.15
12.005	8%	1.65	.15
11.905	8%	1.65	.15
10.555	8%	1.65	.15
11.905	8%	1.65	.15
12.13	8%	1.65	.15
11.18	8%	1.65	.15
12.105	8%	1.65	.15
11.705	8%	1.65	.15
10.805	8%	1.65	.15

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	\$ 9.75				
SHEET METAL WORKERS:					
Converter, Natrona and	10.37	.41	.80		.02
Goshute, Laramie and Platte					
County	10.30	.60	.90		.08
SPRINKLER FITTERS	11.05	.65	.95		.08
WELDER: RIGGER: Receive rate prescribed for craft performing operation to which welding or rigging is incidental					
FOOTNOTES:					
a. Employer contributes 8% basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as vacation pay credit. 6 Paid Holidays: A through F.					
b. Use only in the Cities of Laramie, Torrington, Wheatland, Evanston, Green River and Rock Spring within a 5 mile radius from the Post Office					
PAID HOLIDAYS:					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
LABORERS					
(Building Construction)					
Group 1	\$ 6.52	.33	.40		.05
Group 2	6.74	.33	.40		.05
Group 3	6.80	.33	.40		.05
Group 4	7.02	.33	.40		.05
Group 5	7.02	.33	.40		.05
Group 6	7.27	.33	.40		.05
Group 7	7.11	.33	.40		.05
Group 8	7.00	.33	.40		.05
Group 9	6.84	.33	.40		.05
HEAVY CONSTRUCTION					
Carpenters	8.37	.60	.60		.15
Cement Masons	8.90	.50	.35		
Ironworkers, structural	6.21				
Ironworkers, reinforcing	5.50				
Painters, brush and spray	7.82	.35			

Group 1: Axeman and hand feller; Concrete worker (wet or dry) (curing and drying); Car and truck loader; Dumpman; Erector and installer (includes the installation and erection of all fences, right-of-way, median fence, snow fence, etc., guard rails, section rails, reference posts, guide posts, signs and right-of-way markers); Form stripper; Form setter helper (paving); General laborer; Gunite helper; Landsceper helper; Material handler (lumber, rods, cement, concrete); Nozzleman (air and water); Pipe setter helpers, non-metallic; Pipe setter helpers, corrugated; All work pertaining to pre-watering, pre-irrigation and pre-wetting; Rodman; Riprap Man; Sandblaster pot tender; Signalman, grade, concrete, etc.; Scaissor Man or Hopper Man; Stake jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews; Unloading and packing of steel rods and mesh (reinforcing); Heater tender and pilot car operator

Group 2: Asphalt raker and tamper; Bin wall installer; Bituminous curb builder; Carpenter tender; Cement mason tender; Chuck tender; Form setter (paving); Hand operator vibrator roller; Landsceper; Mechanical form cleaner; Mortar man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Powderman helper; Pipe setter, corrugated; Culvert pipe, multi-plate, sectional plate and similar type; Pipe wrapper; Power-type concrete buggy (push); Power saw operator (clearing); Vibrator (concrete); Concrete material handler (corrosive enamel or its equal); Burner (cutting torch)

Group 3: Concrete saw; Gunite nozzleman; High scaler (using air tools from bos'n chair, using stage lift belt, or block and tackle, shall receive \$.20 per hour more than the classified rate); Jackhammer and pavement breaker; Sandblaster nozzleman; Sewer pipe installer, non-metallic; Caulker; Collarman; Joiner; Mortarman; Rigger; Jacker; Power-type concrete buggy (ride); Shoring and lagging of open ditch

Group 4: Powderman and blaster; Wagon drill, air grack, diamond and other drills for blasting powder or grouting

Group 5: Hod carriers; Mason tender; Plasterers tenders; Terrazzo tenders; Tile setter tenders, and scaffold builders

Group 6: Tunnel and underground work; Miners (drills) Machine men; Timberman; Steelman; Drill doctor; Form setter and movers; Spaders; Tugger; Spilling and/or caisson workers; Jackhammer men; Finishers; Re-bar man; Powderman

Group 7: Nipper; Chuck tender; Top man or toplander

Group 8: Brakeman and vibrator man

Group 9: Mucker and bull gang laborer

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
HEAVY CONSTRUCTION					
LABORERS					
Group 1:					
Axeman and hand feller; Bin Wall Installer Helper; Concrete Worker (wet or dry); Concrete Workers (curing and drying); Dumpman; Erector and Installer (including the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of-way markers); Form Stripper; Form Setter Helper (paving); General Labor; Gunite Helper; Heater Tender; Landsceper Helper; Material Handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pipe Setters' Helpers (non-metallic); Pipe Setters' Helpers (corrugated); Pre-watering, pre-wetting and pre-irrigation (all work); Rip Rap Man; Sandblaster Pot Tender; Signal Man; Grade Concrete, etc.; Scissor Man or Hopper Man; Stake Jumper for equipment; Tar and asphalt pot tender; Wrecking and demolition crews					
Group 2:	\$ 5.21				
Asphalt Baker and Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher; Helper and Tender; Chuck Tender; Form Setter (paving); Hand operated Vibratory Roller; Landsceper; Mortar Man on stone riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sectional, multiplate and similar type); Pipe Setter; Pipelayer (non-metallic); Pipelayer (powderman helper); Power type Concrete Buggy (push or ride); Power Saw Operator (clearing); Vibrator, concrete	5.31				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Cont'd)					
Group 3:					
Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from bos'n chair, using stage lift belt, or block and tackle shall receive \$.20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic); Pipe Installer (non-metallic), clay, concrete, etc. (Caulker, Collarman, Joiner, Mortarman, Rigger, Jacker)	\$ 5.46				
Group 4:					
Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting	5.71				
Group 5:					
Tunnel and Underground Work; Brakeman; Swamper; Vibrator Man	5.69				
Bull Gang; Dumpman; Mucker; Trackman	5.53				
Miners (drillers) Machine Men; Timbermen; Steelmen; Drill Doctor; Form Setter and Mover; Spader; Tugger; Spilling and/or Caisson Workers; Powdermen; Jackhammermen; Finishers	5.96				
Nipper; Chucktender; Topman; Toplander	5.80				

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HEAVY CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1	\$ 7.12	.35	.35		.01
Group 2	7.17	.35	.35		.01
Group 3	7.22	.35	.35		.01
Group 4	7.16	.35	.35		.01
Group 5	7.29	.35	.35		.01
Group 6	7.34	.35	.35		.01
Group 7	7.38	.35	.35		.01
Group 8	7.40	.35	.35		.01
Group 9	7.51	.35	.35		.01
Group 10	7.57	.35	.35		.01
Group 11	7.59	.35	.35		.01
Group 12	7.77	.35	.35		.01
Group 13	7.81	.35	.35		.01
Group 14	7.88	.35	.35		.01
Group 15	7.94	.35	.35		.01
Group 16	8.11	.35	.35		.01
Group 17	8.45	.35	.35		.01

POWER EQUIPMENT OPERATORS

- Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorsman or Hoppetman; Beginner Operator; Brake-man and Helper; Crusher Oiler; Oiler; Utility; Spread Operator; Tractor Operators (farm, crawler or wheel type, 60 HSP (draw-bar) or less with or without use of power attachments, except for use of back hoe or bucket)
- Group 2: Broom Operators, self-propelled; Cableway Signalman (bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type
- Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Helper (welder or heavy duty); Roller Operators, self-propelled (pneumatic, rubber tired, sheep foot, vibratory or combination type); Tire Repairman
- Group 4: Pump Operator (all others)
- Group 5: Conveyor Belt Operator; Fork Lift and Lumber Staker; Screening Plant Operator

NOTICES

- Group 6: A-Frame Tractor Operators (farm, crawler or wheel type, over 60 HSP (drawbar) without use of power attachments)
- Group 7: Oiler, Lead Utility
- Group 8: Gummite and Groat Machine Operator; Mulching Machine Operator; Oil Distributor
- Group 9: Front End Loader (up to and including 1 1/2 cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, well points
- Group 10: Hoist Operator (one drum)
- Group 11: Haulage Motorman and Industrial type Motormen; Motor Patrol Operator (all other); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)
- Group 12: Air Compressor, two or more machines or tunnels, shafts, raises of plant Operator; Asphalt Plant Operator; Bituminous Lay-down Machine Operator; Chi Machine and similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (hunt process or similar); Concrete Spreader and Paver Operator; Cuthair Operator; Drilling Machine, Integrated (Core, Rotary, Calsson, Diamond); Elevating Grader; Front End Loader (over 1 1/2 cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator, (tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes, (manu-facturers' rating) up to 3 1/2 yards, all attachments; Hydro type Cranes, (15 ton and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attach-ments and including Pushcat, Dozer, Tournadozer, etc. (The use of power attachment shall not include diking, pulling or rollers, and similar unskilled actions); Trenching Machine Operator; Wash Plant Operator
- Group 13: Welder, Machine Doctor
- Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanic; Machine Doctor, Welders and Helper; Heavy Duty Mechanic, Machine Doctor
- Group 15: Cableway Operators; Mixer Dual Drum Cranes, (Whirley, Gantry, Stiffleg, Overhead traveling)
- Group 16: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes (manufacturers' rating) 3 1/2 yards to 7 cu. yds., all attachments; Wheel Excavator Operator
- Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

HEAVY CONSTRUCTION
TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Pick-up Truck Drivers (when used for hauling)	\$ 5.99	.35	.35		
Dump Truck Drivers (water level capacity box): Over 7 cu. yds. and less Over 7 cu. yds. to and including 10 cu. yds. Over 10 cu. yds. to and including 13 cu. yds. Over 13 cu. yds. to and including 20 cu. yds. Over 20 cu. yds. to and including 25 cu. yds. Over 25 cu. yds. to and including 30 cu. yds. Over 30 cu. yds. to and including 35 cu. yds. Over 35 cu. yds. to and including 40 cu. yds. Over 40 cu. yds. to and including 45 cu. yds. Over 45 cu. yds. (to be negotiated prior to use)	6.04 6.19 6.29 6.79 6.79 6.89 6.94 6.99 7.04	.35 .35 .35 .35 .35 .35 .35 .35 .35	.35 .35 .35 .35 .35 .35 .35 .35 .35		
Snow Plow Truck Drivers (the cu. yd. rate of the truck driver classification):					
Pilot Car Drivers	5.99	.35	.35		
Gravel Spreader	6.04	.35	.35		
Flat Rack Material Truck Drivers: Less than 2 tons 2 tons to 5 tons Over 5 tons Low Boy and Tandem Axle Flatbed Drivers	6.04 6.19 6.29 6.79	.35 .35 .35 .35	.35 .35 .35 .35		
Gang Truck Drivers	6.04	.35	.35		

HEAVY CONSTRUCTION
TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Stringing Truck Drivers: Single axle type truck Multiple axle type truck; Semi	\$ 6.04 6.79	.35 .35	.35 .35		
Winch Trailer Truck Drivers (cable and hoist)	6.29	.35	.35		
Utility Winch Truck Drivers	6.29	.35	.35		
"A" Frame Truck Drivers	6.29	.35	.35		
Warehousemen, Partsmen and Helpers	6.04	.35	.35		
Material Checkers	6.19	.35	.35		
Transit Mix or wet mix Truck Drivers: Less than 5 cu. yds.; Single axle Over 5 cu. yds. to and including 10 cu. yds.; Tandem axle Over 10 cu. yds.	6.29 6.39 6.49	.35 .35 .35	.35 .35 .35		
Power Broom Drivers and/or Operators	6.19	.35	.35		
Water Truck Drivers: 2500 gal. or less (straight truck) 2500 gal. or less (semi truck) Over 2500 gal. to and including 3600 gal. Over 3600 gal. (straight truck) Over 3600 gal. (semi truck) Power Broom Drivers and/or Operators	6.04 6.19 6.29 6.39 6.49 6.19	.35 .35 .35 .35 .35 .35	.35 .35 .35 .35 .35 .35		
Water Truck drivers: 2500 gal. or less (straight truck)	6.04	.35	.35		

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
HEAVY CONSTRUCTION TRUCK DRIVERS (Cont'd)					
2500 gal. or less (semi truck)	\$ 6.19	.35	.35		
Over 25 gal. to and including 3600 gal.	6.29	.35	.35		
Over 3600 gal. (straight truck)	6.39	.35	.35		
Over 3600 gal. (semi truck)	6.49	.35	.35		
Heavy Duty (Euclids, electric or similar type)	6.79	.35	.35		
Fuel Service Truck Drivers	6.04	.35	.35		
Greasemen, Tiremen, Service Men and Helpers	6.04	.35	.35		
Truck Mechanics and Helpers (shop and field):					
Field Mechanics	6.99	.35	.35		
Helpers - field (welders, mechanics, etc.)	6.55	.35	.35		

[FR Doc. 78-2777 Filed 2-2-78; 8:45 am]

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 24—FRIDAY, FEBRUARY 3, 1978

Federal Register

FRIDAY, FEBRUARY 3, 1978
PART V



DEPARTMENT OF
HEALTH,
EDUCATION,
AND WELFARE

Public Health Service,
Health Care Financing
Administration and
Human Development
Services Office

Federal Financial Participation in
Expenditures for Abortion Funded
Through Various HEW Programs

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[4110-85]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—GRANTS

PART 50—POLICIES OF GENERAL APPLICABILITY

Abortions and Related Medical Services in Federally Assisted Programs of the Public Health Service

NOTE.—This document originally appeared in the FEDERAL REGISTER for Thursday, February 2, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

AGENCY: Public Health Service.

ACTION: Final rules.

SUMMARY: The Department is promulgating new rules to govern Federal financial participation in expenditures for abortions funded through various HEW programs. Three parallel sets of regulations are being promulgated. One set will apply to programs administered under title XIX of the Social Security Act, another to programs administered under title XX of that Act, and the third to programs and projects supported with funds appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service. These rules are necessary as a result of the enactment of Pub. L. 95-205. That statute imposes strict limitations upon Federal funding of abortions and requires that the Secretary "promptly issue regulations and establish procedures to insure that (the statute is) rigorously enforced." These regulations respond to that statutory directive and specify when Federal funds may be used to pay for abortions.

EFFECTIVE DATES: This regulation will be effective February 14, 1978. As explained in the preamble to 42 CFR Part 449 appearing in this issue at p. 4833, in providing Federal financial participation prior to the effective date of these regulations, the Department will accept any reasonable interpretation of the statutory provisions implemented by these regulations.

Notice of Proposed Rulemaking and a delayed effective date of 30 days have been waived because of the compelling need to provide immediate direction to States and Federal grantees as to those abortions which the Department will fund with its appropriations for fiscal year 1978, and to follow the dictates of Congress that the Department promptly issue regulations. Nevertheless, written comments or suggestions received on or

before March 20, 1978, will be considered with a view to revising these regulations, and will be responded to by further publication in the FEDERAL REGISTER no later than May 3, 1978.

In commenting please refer to PCO-187-RC. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection beginning approximately two weeks after publication in Room 722-H, of the Department's offices at 200 Independence Avenue SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 202-245-0950.

ADDRESS: Address comments to: Marilyn Martin, Public Health Service, Room 722H, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Marilyn L. Martin, Room 722H, Hubert Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, 202-245-7581.

SUPPLEMENTARY INFORMATION: For a preamble statement, which is being issued jointly by the Public Health Service, the Health Care Financing Administration, and the Administration for Public Services of the Office of Human Development Services, concerning conditions governing Federal funding of abortions, see 42 CFR Part 449 appearing in this issue at page 4833.

Part 50 is amended by adding a new Subpart C to read as set forth below:

Subpart C—Abortions and Related Medical Services in Federally Assisted Programs of the Public Health Service

- | | |
|--------|---|
| Sec. | Applicability. |
| 50.302 | Definitions. |
| 50.303 | General Rule. |
| 50.304 | Life of the mother would be endangered. |
| 50.305 | Severe and long-lasting damage to physical health. |
| 50.306 | Rape and incest. |
| 50.307 | Documentation needed by programs or projects. |
| 50.308 | Drugs and devices and termination of ectopic pregnancies. |
| 50.309 | Record keeping requirements. |
| 50.310 | Confidentiality. |

AUTHORITY: Sec. 101, Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.

§ 50.301 Applicability.

The provisions of this subpart are applicable to programs or projects for health services which are supported in whole or in part by Federal financial assistance, whether by grant or contract, appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service.

§ 50.302 Definitions.

As used in this subpart: (a) "Law enforcement agency" means an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction.

(b) "Medical procedures performed upon a victim of rape or incest" means any medical service, including an abortion, performed for the purpose of preventing or terminating a pregnancy arising out of an incident of rape or incest.

(c) "Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which he or she practices.

(d) "Public health service" means: (1) An agency of the United States or of a State or local government, that provides health or medical services; and (2) a "rural health clinic," as defined under section 1(d)(aa)(2) of Pub. L. 95-210, 91 Stat. 1485; except that any agency or facility whose principal function is the performance of abortions is specifically excluded from this definition.

§ 50.303 General Rule.

Federal financial participation is not available for the performance of an abortion in programs or projects to which this subpart applies except under circumstances described in §§ 50.304, 50.305, or 50.306.

§ 50.304 Life of the mother would be endangered.

Federal financial participation is available for the performance of an abortion when a physician has found, and so certified in writing to the program or project, that on the basis of his/her professional judgment, the life of the mother would be endangered if the fetus were carried to term.

§ 50.305 Severe and long-lasting damage to physical health.

Federal financial participation is available for the performance of an abortion when two physicians have found, and so certified in writing to the program or project, that on the basis of their professional judgment, severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

§ 50.306 Rape and incest.

Federal financial participation is available for medical procedures performed upon a victim of rape or incest if the program or project has received signed documentation from a law enforcement agency or public health service stating that: (a) The person upon whom the medical procedure was performed was reported, within 60 days of the incident, to have been the victim

[4110-35]

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 449—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Federal Financial Participation in State Claims for Abortions

NOTE.—This document originally appeared in the FEDERAL REGISTER for Thursday, February 2, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rules.

SUMMARY: The Department is promulgating new rules to govern Federal financial participation in expenditures for abortions funded through various HEW programs. Three parallel sets of regulations are being promulgated. One set will apply to programs administered under title XIX of the Social Security Act, another to programs administered title XX of that Act, and the third to programs and projects supported with funds appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service. These rules are necessary as a result of the enactment of Pub. L. 95-205. That statute imposes strict limitations upon Federal funding of abortions and requires that the Secretary "promptly issue regulations and establish procedures to insure that (the statute is) rigorously enforced." These regulations respond to that statutory directive and specify when Federal funds may be used to pay for abortions.

EFFECTIVE DATE: The regulations will be effective February 14, 1978. As explained below, in providing Federal financial participation prior to the effective date of these regulations, the Department will accept any reasonable interpretation of the statutory provisions implemented by these regulations.

Notice of Proposed Rulemaking and a delayed effective date of 30 days have been waived because of the compelling need to provide immediate direction to States and Federal grantees as to which abortions the Department will fund with its appropriations for fiscal year 1978, and pursuant to the dictate of Congress that these regulations be issued promptly. Nevertheless, written comments or suggestions received on or before March 20, 1978, will be considered with a view to revising these regulations and will be responded to by further publication in the FEDERAL REGISTER no later than May 3, 1978. The Department's published response will indicate the extent to which, if at all, amendment of these regulations is in order in light of these comments.

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of an incident of rape or incest; and (b) the report included the name, address and signature of the person who reported the rape or incest. Federal financial participation is also available for the performance of abortions for victims of rape or incest under the circumstances described in §§ 50.304 and 50.305 without regard to the requirements of the preceding sentence.

§ 50.307 Documentation needed by programs or projects.

Federal financial participation is unavailable for the performance of abortions or other medical procedures otherwise provided for under §§ 50.304, 50.305, and 50.306 if the program or project has paid without first having received the certifications and documentation specified in those sections.

§ 50.308 Drugs and devices and termination of ectopic pregnancies.

Federal financial participation is available with respect to the cost of drugs or devices to prevent implantation of the fertilized ovum, and for medical procedures necessary for the termination of an ectopic pregnancy.

§ 50.309 Record keeping requirements.

Programs or projects to which this subpart applies must maintain copies of the certifications and documentation specified in §§ 50.304, 50.305, and 50.306 for three years pursuant to the retention and custodial requirements for records at 45 CFR 74.20 et seq.

§ 50.310 Confidentiality.

Information in the records or in the possession of programs or projects which is acquired in connection with the requirements of this subpart may not be disclosed in a form which permits the identification of an individual without the individual's consent except as may be necessary for the health of the individual or as may be necessary for the Secretary to monitor the activities of those programs or projects. In any event, any disclosure shall be subject to appropriate safeguards which will minimize the likelihood of disclosures of personal information in identifiable form.

Dated: January 26, 1978.

JAMES F. DICKSON,
Acting Assistant
Secretary for Health.

Approved: January 26, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary, Department of Health,
Education, and Welfare.
[FR Doc. 78-2872 Filed 1-30-78; 2:15 pm]

lished response will indicate the extent to which, if at all, amendment of these regulations is in order in light of these comments.

In commenting please refer to PCO-187-RC. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection beginning approximately 2 weeks after publication, in Room 5225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 202-245-0950.

ADDRESS: Address Comments to:

Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Michael Cook, Room 4423, Switzer Building, 330 C Street SW., Washington, D.C. 20201, 202-245-0962 (HCFA).

SUPPLEMENTARY INFORMATION: On December 9, 1977, the President signed Pub. L. 95-205. That Act appropriates funds for the Department's programs from December 1, 1977, through September 30, 1978, or until enactment of an appropriation for any project or activity provided for therein, whichever occurs first. Section 101 of that Act contains language which succeeds section 209 of the Labor-HEW Appropriations Act of 1977, Pub. L. 94-439, which has popularly been referred to as the "Hyde amendment."

STATUTORY LANGUAGE

Section 101 of Pub. L. 95-205 provides, in part, that:

(N)one of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians.

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

PRIOR DEPARTMENT POLICY

Section 209 of Pub. L. 94-439, the Labor-HEW Appropriations Act of 1977, prohibited the Department from

using any funds appropriated under that Act to pay for abortions "except where the life of the mother would be endangered if the fetus were carried to term." The Department was enjoined by a Federal District Court from enforcing section 209 in October, 1976, prior to its implementation. The injunction was dissolved on August 4, 1977, and the Department published a notice, 42 FR 40486 (August 10, 1977), specifying the method by which it would implement section 209.

The notice provided that: "the Department will provide Federal financial participation in the cost of abortions only where the attending physician, on the basis of his or her professional judgment, has certified that the abortion is necessary because the life of the mother would be endangered if the fetus were carried to term."

In addition, the notice indicated that the conference report to section 209 made clear that that section did not bar Federal funding for medical procedures necessary for the termination of an ectopic pregnancy, for drugs and devices to prevent the implantation of the fertilized ovum and for prompt treatment before the fact of pregnancy is established for victims of rape or incest.

Congress did not enact an HEW appropriations act for fiscal year 1978 by October 1, 1977, the end of the 1977 fiscal year. Congress did, however, enact two temporary resolutions which continued funding for the Department through November 30, 1977. These resolutions continued the limitations on Federal funding of abortions set forth in section 209.

Finally, on December 7, 1977, Congress enacted Pub. L. 95-205, which the President signed on December 9, 1977, providing funding for the Department through September 30, 1978. The Secretary issued a statement on December 10, 1977, which essentially restated the provisions on Federal funding of abortions contained in the Act, and indicated that the Office of the General Counsel would be preparing regulations to enforce these limitations. The Department transmitted that statement to all State Medicaid agencies, HEW Regional Offices, Public Health Service Hospitals and grantees, and State medical associations.

INTRODUCTION

These regulations have been drafted to implement the determinations of Congress with respect to the availability of Federal funds to pay for abortions. Congress has expressed its will in a statute, Pub. L. 95-205, and the Department's primary task in preparing these regulations has been to interpret that statute to implement congressional intent.

In construing Pub. L. 95-205, the Department has accorded maximum

weight to the statutory language, for as the Supreme Court has noted, it is a cardinal principle of statutory construction that "[t]here is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give expression to its wishes. Often these words are sufficient in and of themselves to determine the purpose of the legislation. In such cases we have followed their plain meaning." "United States v. American Trucking Ass'n," 310 U.S. 534, 543 (1940).

Examination of statutory language focuses primarily on its plain meaning, and in determining that meaning, the Department has been guided by so-called "intrinsic aids," such as the structure of the statute and the inferences that may be drawn from the normal usages of grammar and composition. Intrinsic aids are recognized as valuable tools of construction. In the words of the most authoritative treatise on statutory construction, "[t]he use of intrinsic aids, by concentrating attention on the text of the law, thus appears to be most directly related to the object of deciding according to what the statute may be generally understood to mean." 2A Sutherland, "Statutory Construction" § 47.01 (Sands ed. 1973).

The Department has also thoroughly studied the legislative history of Pub. L. 95-205, which includes 10 different versions of the statute passed by either the Senate or the House and over 225 pages of congressional debate over 6 months.

Unfortunately, the reports of the House and Senate committees to which 1978 fiscal year appropriations bills were referred contain virtually no discussion of the issue of Federal funding of abortions. Also, because House and Senate conferees were never able to agree on the abortion issue, there is no conference report interpreting the statutory language. Thus, there is no official expression of the collective understanding of even one house of the Congress as to the meaning of this statute, and an interpretation of the legislative history must be based solely on the debates and the different versions of the statute. Although these debates serve as a valuable indication of congressional intent, they are at times inconsistent or inconclusive.

Nonetheless, the Department has sought to determine congressional intent with the greatest of care, using the traditional methods of statutory construction.

OPINION OF THE ATTORNEY GENERAL

The Department recognizes that the question of Federal funding of abortions is a matter of great concern to the American people.

The Department wishes to ensure that the regulations implementing sec-

tion 101 are consistent with the will of Congress. Accordingly, on January 24, 1978, the Secretary, by letter, requested the Honorable Griffin B. Bell, Attorney General of the United States, to review the legal validity of these regulations. The Secretary's letter stated:

THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

WASHINGTON, D.C. 20201

JANUARY 24, 1978.

Hon. GRIFFIN B. BELL,
Attorney General, Department of Justice,
Washington, D.C. 20530

DEAR MR. ATTORNEY GENERAL: As you are aware, Congress recently enacted Pub. L. 95-205, which provides for appropriations for the Department of Health, Education, and Welfare through the 1978 fiscal year and which contains certain restrictions upon the use of appropriated funds to pay for abortions.

Section 101 of Pub. L. 95-205 provides, in part, that "none of the funds provided for in [the HEW-Labor continuing resolution] shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians." In addition, section 101 provides that "[t]he Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced."

Enclosed is a copy of our final draft of the regulations implementing this statutory requirement. I understand that our legal staff has provided your staff, during the past several weeks, with an explanation of our interpretation of principal issues. Our views as to the legal basis and purpose of these regulations are expressed in the accompanying preamble.

In light of the importance of these rules, I would appreciate your formal opinion as to whether these rules comply with the statute. In particular, I would appreciate your opinion on the following questions of interpretation:

1. Do the "medical procedures" authorized for the victims of rape or incest include abortion?
2. Does the statute require this Department to specify through regulations what constitutes a "report," and, if so, has Congress indicated its intent on this issue?
3. Does the definition of "law enforcement agency" in the regulations properly reflect congressional intent?
4. Does the definition of "public health service" in the regulations properly reflect congressional intent?
5. Is the implementation in the regulations of the requirement that reporting be "prompt" consistent with the intent of Congress?
6. Are the procedures specified in the regulations to implement the reporting requirement consistent with the intent of Congress?

Because of the urgent necessity to give guidance to state agencies administering the

Medicaid program and Public Health Service hospitals and grantees, I would greatly appreciate a prompt response.

Thank you for your assistance.

Sincerely,

JOSEPH A. CALIFANO, Jr.

Enclosure.

The Attorney General responded to that request by letter of January 26, 1978. The Attorney General's letter states:

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D.C. 20530.

January 26, 1978.

Hon. JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare,
Washington, D.C.

MY DEAR MR. SECRETARY: You have asked for my opinion whether certain provisions of your department's proposed regulations pertaining to federal funding of abortions with respect to victims of rape or incest are in conformity with the requirements of § 101 of Public Law No. 95-205, 91 Stat. 1461 (1977) (the "Act"), making further continuing Appropriations for fiscal year 1978, and for other purposes. Section 101 provides in part:

"None of the funds provided for in this paragraph shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service; or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians."

Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

The Secretary shall promptly issue regulations and establish procedures to insure that the provisions of this section are rigorously enforced.

You have asked in particular for my opinion with respect to a series of questions relating to the scope of various terms and language in § 101.

At the outset I believe that some general observations are in order. As a rule, administrative regulations properly promulgated under statutory authority are presumed valid. *Grubbs v. Butz*, 514 F. 2d 1323 (D.C. Cir. 1975); *United States v. Boyd*, 491 F. 2d 1163 (9th Cir. 1973). In order to sustain that presumption, an administrative officer exercising rulemaking powers delegated to him by Congress must adhere to two basic requirements: he must adopt regulations which are both reasonable and consistent with the intention of Congress as expressed by the statute. *United States v. Larionoff*, 431 U.S. 864 (1977); *Manhattan General Equipment Co. v. C.I.R.*, 297 U.S. 129 (1936). Within that framework, an administrative officer such as yourself has broad discretion.

The legislative intention with respect to abortion regulations implementing § 101 of

The paragraph in question appropriates funds for your department for fiscal year 1978.

the Act is, however, difficult to discern. For the most part, neither the language of the section nor its legislative history provides clear answers to the questions you raise. The provisions of § 101 had their origin in the proposed HEW Appropriations Act for 1978. The reports of the House and Senate Appropriations Committees on that proposed act contain no discussion of Federal funding of abortions. The reports of the Conference Committee are equally unenlightening, as the conferees were unable to reach agreement on the abortion funding provisions of the proposed act. The final version of § 101 was a product of compromise on the floor of both houses. Consequently, the floor debates provide the only source of Congressional intent other than the language of the statute itself. But, those debates are contradictory and inconclusive in many respects. They do reveal, however, that Congress intended to leave many matters of interpretation concerning § 101 to the sound discretion of the Secretary, rather than attempt a more detailed statutory scheme. See, e.g., 123 Cong. Rec. H12651 (daily ed., Dec. 6, 1977) (remarks of Representative Michel); id. S19397-19398 (remarks of Senator Magnuson). After carefully reviewing the language of the section, the floor debates, and the views you express in the preamble to the proposed regulations, I conclude that the provisions of the regulations about which you have inquired are in conformity with both the language and intent of the section. I shall turn now to your specific questions.

ABORTIONS AS MEDICAL PROCEDURES NECESSARY FOR VICTIMS OF RAPE OR INCEST

Both the structure of § 101 and the available legislative history support my view that abortions are included in the phrase "medical procedures necessary for the victims of rape or incest." The section contains a broad prohibition against Federal funding of abortions followed by three exceptions. The second of those exceptions is for medical procedures in cases of rape or incest. The logical interpretation of the language of the paragraph is that Federal funding of abortions is permissible in the three circumstances enumerated. Moreover, if the exception for medical procedures in cases of rape or incest does not include abortions, the phrase would be surplusage. Immediately following the exceptions in the section is a new paragraph which describes non-abortion services for which Federal funding is available. Thus, there would be no reason to place an exception for medical procedures in the preceding language if such procedures did not include abortions. While it is possible to argue that by adding the term "medical procedures" to the exception covering victims of rape or incest Congress must have intended something other than abortions, that argument clearly runs counter to the thrust of the floor debates.

The Senate made it abundantly clear that it understood medical procedures to include abortions. In floor discussions which took place immediately before Senate passage of the Act, Senator Brooke, the ranking Republican conferee, asserted:

"I want to make it crystal clear, and I want to make it certain for the record, as to what was intended by the Senate and, as I understand, what was intended by the House by their vote—because no other

All references hereafter are to volume 123 of the daily edition of the Record.

change was referred to in that debate—is that we are talking about medical procedures being abortions. Cong. Rec. S19441 (Dec. 7, 1977)."

Senator Magnuson, the floor manager for the Senate conferees, unequivocally concurred in that understanding. Cong. Rec. S19441-19442 (Dec. 7, 1977).

The debates in the House of Representatives also indicate that the members of that body understood medical procedures to include abortions. See, e.g., Cong. Rec. H12488 (Nov. 29, 1977) (remarks of Representative Conte); Cong. Rec. H12772, H12774 (Dec. 7, 1977) (remarks of Representative Hyde). The sole suggestion to the contrary in the debates appears in a colloquy between Representatives Michel and Volker. In response to questioning, Representative Michel asserted that medical procedures in cases of rape or incest did not include abortions. Cong. Rec. H12652 (Dec. 6, 1977). Both earlier and later in the debates, however, Representative Michel made statements implicitly contradicting that assertion. Cong. Rec. H12170 (Nov. 3, 1977); H12652 (Dec. 6, 1977). It is therefore my opinion that the phrase "medical procedures necessary for the victims of rape or incest" used in § 101 includes abortions.

REPORTS OF INCIDENTS OF RAPE OR INCEST

The legislative history offers little guidance in interpreting the requirement that victims of rape and incest "report" the incidents to a law enforcement agency or public health service. Congress did not specify the form or content of the report except to indicate that the victim need not herself be the reporter. See Cong. Rec. S19237 (Nov. 29, 1977) (remarks of Senator Brooke); Cong. Rec. H12653 (Dec. 6, 1977) (colloquy between Representatives Volker and Michel). The basic concern of Congress in adopting a reporting requirement was to prevent fraudulent claims. See, e.g., Cong. Rec. H12489 (remarks of Representative Bonker). In my view, the reporting requirement in § 449.105(b) of the proposed regulations adequately reflects that concern and is compatible with Congressional intent.

DEFINITION OF LAW ENFORCEMENT AGENCY

The limited discussion of the term "law enforcement agency" in the floor debates does not suggest that Congress intended to ascribe a special meaning to the term. Cong. Rec. H10830 (Oct. 12, 1977); Cong. Rec. S19237 (Nov. 29, 1977). Section 449.101(a) of the proposed regulations defines the term as "an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction." This meaning appears to be within the common understanding of the term and its adoption is within the Secretary's discretion.

DEFINITION OF PUBLIC HEALTH SERVICE

Although the discussion of the term "public health service" in the floor debates is somewhat lengthier, the meaning intended for the term is nevertheless unclear. See, e.g., Cong. Rec. H12654 (Dec. 6, 1977) (remarks of Representative Flood). Section 449.101(d) of the proposed regulations provides the following definition:

"(1) an agency of the United States or of a State or local government, that provides health or medical services; and (2) a 'rural health clinic', as defined under section

1(d)(aa)(2) of Pub. L. 95-210, 91 Stat. 1485, except that any agency or facility whose principal function is the performance of abortion is specifically excluded from this definition."

Since that definition can reasonably be accommodated within the statutory language, its adoption is within the Secretary's discretion.

REQUIREMENT OF PROMPT REPORTING

The requirement in §101 that cases of rape and incest be "reported promptly" is open to differing interpretations. There was no agreement during the floor debates on the permissible time limits for making such reports. Proposals ranged from a few weeks to several months. See, e.g., Cong. Rec. S19397, S19398 (Dec. 6, 1977) (remarks of Senator Magnuson suggesting that a report within 90 days would suffice); Cong. Rec. H12653 (statement of Representative Bonker that "prompt" is not as long as "3 or 4 or 5 weeks later"). Section 449.105 of the proposed regulations requires reports of cases of rape or incest "within 60 days of the incident." Since that requirement seems within the permissible meaning of the words "reported promptly" its adoption is within the Secretary's discretion.

PROCEDURES FOR IMPLEMENTING THE REPORTING REQUIREMENT

Section 449.106 of the proposed regulations specifies the procedure for enforcing the reporting requirement. It provides:

"Federal financial participation is unavailable in any expenditures for abortions or other medical procedures otherwise provided for under [the sections of the regulations] if the State agency has paid without first having received the certifications and documentations specified in those sections.

Neither the statute itself nor the legislative history indicates that Congress intended the Secretary to implement the reporting requirement in any particular manner. The only concern expressed was that the Secretary develop procedures to prevent fraudulent claims. See, e.g., Cong. Rec. H12652 (Dec. 8, 1977) (colloquy between Representatives Miller and Michel). In view of the absence of any congressional directive, it is my opinion that the method of implementing the reporting requirement in the proposed regulations is within the proper exercise of the Secretary's discretion.

In the final paragraph of §101 Congress expressly directed the Secretary to promulgate regulations implementing its requirements. As the administrative officer charged with enforcement of the statute, the Secretary's construction of the section is entitled to great weight. The views expressed in his regulations need not be the only reasonable ones or the ones someone else might choose in order to be valid. *Udall v. Tallman* 380 U.S. 1 (1965). It is my opinion that the provisions of the proposed regulations discussed above are reasonable and consistent with the language and intent of the section, and that you are authorized to promulgate these regulations.

Yours sincerely,

GRIFFIN B. BELL,
Attorney General.

ANALYSIS

The following analysis explains the major issues covered by these regula-

tions, including the requirements for Federal funding and the basis for each requirement.

GENERAL RULE

The regulations provide that Federal funds are not available to pay for abortions except in the three circumstances set forth in Pub. L. 95-205. The statute unequivocally provides that "none of the funds provided for in this paragraph shall be used to perform abortions except . . ." Since the prohibition on the use of funds is applicable to all of the Department's appropriated funds, the Department does not have statutory authority to fund any abortions other than those specifically provided for under the following three exceptions set forth in this statute:

"where the life of the mother would be endangered if the fetus were carried to term;" "or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service;"

"or except in those instances where severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term when so determined by two physicians."

1. LIFE OF THE MOTHER WOULD BE ENDANGERED

The regulations provide that Federal funds will be available for the cost of abortions "when a physician has found, and so certified in writing . . . that on the basis of his/her professional judgment, the life of mother would be endangered if the fetus were carried to term." This section of the regulations essentially restates the statutory language and leaves to a physician the determination of whether a particular condition presents a life endangering circumstance. There are two reasons for leaving the determination to the discretion of a doctor.

First, Congress apparently intended that, in the absence of fraud, the physician's judgment would be conclusive. The life endangering exception in Pub. L. 95-205 is identical to the statutory exception contained in section 209 of the fiscal year 1977 HEW appropriations act. In implementing that provision, the Department left to physicians the determination whether a particular condition presents a life endangering circumstance. The Congress, in enacting section 101, did not indicate any disapproval of this interpretation. In fact, all evidence is to the contrary, since, as is discussed below, Congress clearly indicated that it expected physician judgment, in the absence of fraud, to operate conclusively under the very similar exception for severe and long-lasting physical health damage. The failure of Congress to question the manner in which HEW

had previously implemented this exception, and its reenactment without change, should be understood as indicating congressional approval of the Department's interpretation. See, e.g., *Cammarano v. United States*, 358 U.S. 498, 508-09 (1959).

Second, as a practical matter, it would be virtually impossible to specify every possible medical circumstance that could endanger the life of a pregnant woman. Rather, this medical determination must be made in each case by a physician familiar with the entire medical history of the patient as well as her current condition.

The regulations do require a physician to certify in writing to the State agency, program or project that in his or her professional judgment the life of the mother would be endangered if the fetus were carried to term. The State agency, program or project may not pay for the abortion until it has received this certification. The purpose of the certification requirement is not to enable the Department to question physician judgment, but rather to ensure that physician judgment has in fact been exercised. This is the most efficient manner by which a State agency or a program or project—or the Department in conducting audits or other enforcement reviews—may ascertain that the statutory requirements for a claim for Federal financial participation in an abortion have been met. As such, it will aid the Department in complying with the congressional directive for rigorous enforcement of these rules.

2. SEVERE AND LONG-LASTING PHYSICAL HEALTH DAMAGE

The regulations also provide for Federal funding of abortions "when two physicians have found, and so certified . . . that on the basis of their professional judgment, severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term." These requirements essentially follow the statutory language. The regulations do not attempt to list each circumstance that might fall within this exception. Rather, as with the life endangering exception, the regulation leaves this determination to the physician, since it would be impossible to list every medical circumstance which would result in severe and long-lasting physical health damage if the pregnancy were carried to term.

The record of the congressional debates in both houses of Congress supports this interpretation. In explaining to the Senate the exception regarding severe and long-lasting physical health damage, Senator Brooke, the ranking minority conferee and one of the chief proponents of Federal funding of abortions stated:

We know, when we are talking about severe and long-lasting physical health damage,

that *That is something that will be determined by a physician, because he is the only one who can determine that.* We are not in a position to determine what a severe and long-lasting physical health damage might be. It would be different from case to case. That is a medical determination that must be made, 123 Cong. Rec. S19442 (daily ed. Dec. 7, 1977) (emphasis supplied).

In the House, Representatives Hyde and Bauman, two chief proponents of strict limitations on Federal funding of abortions, objected to a prior version of section 101 which contained an exception for severe and long-lasting harm identical to the one enacted except that it omitted the "two physician" requirement:

MR. HYDE: The long and short of it is, whatever is serious, whatever is long lasting, is up to the doctor to decide. It can be a migraine headache or it could be varicose veins; it could be any condition that, in the doctor's medical judgment, is serious and would be long lasting. 123 Cong. Rec. H12653 (daily ed. Dec. 6, 1977) (emphasis supplied); and

MR. BAUMAN: As to the mother's health exception, it would be left up to the judgment of the doctor. Id. at H12773 (daily ed. Dec. 7, 1977) (emphasis supplied).

Based on the foregoing, the Department concluded that Congress intended that the determination as to severe and long-lasting physical health damage should be made by physicians.

This section of the regulations also requires that two physicians certify in writing that severe and long-lasting physical health damage would occur if the fetus were carried to term. As with the life endangering exception, the State agency, or program or project may not pay for the abortion without first having received this certification. This requirement provides the most efficient method by which the Department can monitor these determinations and comply with the statutory directive for rigorous enforcement.

3. MEDICAL PROCEDURES PERFORMED UPON VICTIMS OF RAPE OR INCEST

This section implements the third exception specified in section 101—medical procedures for victims of rape or incest. The regulations provide that Federal funding is available for "medical procedures performed upon a victim of rape or incest" provided that certain reporting requirements, explained later in the preamble at 3 (b), (c) and (d), are met.

(a) *Medical procedures.* The term "medical procedures performed upon a victim of rape or incest" is defined by these regulations to encompass "any medical service," including an abor-

The word "service" is placed in the definition to indicate that the term does not include drugs or devices which prevent implantation of the fertilized ovum. Federal funding for drugs or devices is permitted under another paragraph of the statute discussed below.

tion, performed for the purpose of preventing or terminating a pregnancy arising out of an incident of rape or incest." The Department has concluded, after a thorough analysis of the statutory language and the applicable legislative history, that Congress intended that the "medical procedures" authorized for the victims of rape or incest would include abortions.

The statutory language. As indicated earlier, statutory language is by far the most persuasive evidence of legislative intent. The language of section 101 of Pub. L. 95-205 plainly means that Congress intended to fund abortions for the victims of rape or incest. The statute specifies that "none of the funds provided in this paragraph shall be used to perform abortions except . . . for such medical procedures necessary for the victims of rape or incest, . . ." (Emphasis added.) "Medical procedures necessary for the victims of rape or incest" are thus explicitly authorized as one of three enumerated exceptions to the ban on funding for abortions and unless these procedures include abortions, it would make no sense for Congress to authorize their funding as an exception to the general ban on funding for abortions.

Moreover, the structure of the rest of the statute supports this conclusion. The placement of "medical procedures" as the second phrase in a series of three exceptions to the ban on the use of appropriated funds for abortions stands in instructive contrast to the sentence which follows the paragraph describing those exceptions. That sentence nowhere refers to abortions, but instead merely notes that "[n]or are payments prohibited" for drugs or devices or "for medical procedures necessary for the termination of an ectopic pregnancy." These items, grouped together in a separate sentence, are clearly not abortions, but are merely matters related to pregnancies as to which Congress meant to indicate that the abortion ban did not extend.

Had Congress intended that "medical procedures" for victims of rape and incest not include abortions but solely something different, the logic of ordinary English usage would have required the placement of the reference to the victims of rape or incest in the second paragraph, rather than in the paragraph describing the exceptions to the ban on funding for abortions.

The conference report to section 209 of the 1977 Labor-HEW Appropriations Act stated:

It is the intent of the Conferees to limit the financing of abortions under the Medicaid program to instances where the performance of an abortion is deemed by a physician to be of medical necessity and to prohibit payment for abortions as a method of family planning, or for emotional or social

convenience. It is not our intent to preclude payment for abortions when the life of the woman is clearly endangered, as in the case of multiple sclerosis or renal disease, if the pregnancy were carried to term. *Nor is it the intent of the Conferees to prohibit medical procedures necessary for the termination of an ectopic pregnancy or for the treatment of rape or incest victims;* nor is it intended to prohibit the use of drugs or devices to prevent implantation of the fertilized ovum. H. Rep. No. 1555, 94th Cong., 2d Sess. 3 (1976) (emphasis added).

Commenting on the conference report in an opinion dated July 27, 1977, and addressed to the Secretary, the Attorney General contrasted the first two sentences, which "use[d] the word 'abortion,' describing generally those which may be funded and those which may not," with the last sentence, in which the word "abortion" nowhere appeared. Based on this juxtaposition, and based on the conference committee's rejection of a proposal to include rape and incest among the enumerated exceptions, the Attorney General concluded in his opinion of July 27, 1977, that Congress did not intend that "medical procedures" for victims of rape or incest in the fiscal year 1977 appropriations statute include abortions.

As Congress considered the abortion matter for the 1978 fiscal year, it was fully aware of the Attorney General's interpretation of the fiscal year 1977 statute and conference report. See 123 Cong. Rec. H10130 (daily ed. Sept. 27, 1977) (remarks of Representative Conte). In addition, early versions of the abortion funding restriction that passed the House did not refer to rape or incest in the "exception" sentence, while Senate drafts did. Compare, e.g., House and Senate versions of October 12, 1977. In light of this history, it is clear to the Department that Congress was acutely aware of the significance of placing the reference to medical procedures for victims of rape and incest in the series of exceptions to the general ban on funding of abortions rather than in a separate and distinct sentence.

Accordingly, the placement in section 101 of the exception for funding for medical procedures for the victims of rape and incest clearly supports the conclusion that the plain meaning of the statute is that the phrase "medical procedures" includes abortions.

Furthermore, unless "medical procedures" is construed to include abortions, the reporting requirements in the case of rape or incest are difficult to explain. The statute provides that funding for medical procedures is available for the victims of rape or incest only "when such rape or incest has been reported promptly to a law enforcement agency or public health service." The legislative history is quite clear that the primary purpose of the reporting requirements was to

prevent Federal funding of abortions except in those circumstances specified by Congress. See, e.g., 123 Cong. Rec. H12489, H12491, (daily ed. Nov. 29, 1977) (remarks of Representatives Bonker, Bauman, and Michel). Treatment other than abortions for rape or incest victims had been funded under the fiscal year 1977 appropriations statute, and there is no mention in the records that Congress had any evidence before it concerning fraudulent procurement of these non-abortion procedures. There would thus seem to be no reason for subjecting the "medical procedures" in Pub. L. 95-205 to the reporting requirements unless they included abortions.

The legislative history. While the Department believes that it is clear from the plain meaning and the structure of the statute that the authorized medical procedures for victims of rape or incest include abortions, the vast preponderance of the debates also indicates that Congress intended the term "medical procedures" to encompass abortions.

The intent of the Senate is unmistakable. Thus, a colloquy between Senator Brooke, the ranking minority conferee and ranking minority member of Senate Appropriations Committee, and Senator Magnuson, the Acting Chairman of the Senate Appropriations Committee and floor manager of the appropriations language, reads in pertinent part:

MR. BROOKE: I want to make it crystal clear, and I want to make it certain for the record, as to what was intended by the Senate and, as I understand, what was intended by the House by their vote—because no other change was referred to in that debate—is that we are talking about medical procedures being abortions.

There is no doubt in my mind that medical procedures are abortions.

So, there are major changes now as to what poor, indigent women would be eligible for medical abortions. If the woman is a victim of rape or incest, she is eligible under the conditions of the reporting provision . . .

We fully intend medical procedures to include again, abortions. So long as the rape or incest has been reported to a law enforcement agency or to a public health service, the woman is clearly eligible for a publicly funded abortion.

Am I correct about our intent, that medical procedures do include abortion? Is that the chairman's understanding?

MR. MAGNUSON: That is correct. I think we should make it clear to the Secretary, Mr. Callfano, that we mean that a woman who is a victim of rape or incest may have an abortion as long as she reports the incident, and he should issue regulations . . . that will carry out that intent . . . 123 Cong. Rec. S19441-42 (daily ed., Dec. 7, 1977).

In addition to these remarks, Senate debates on virtually identical versions of section 101 contain many other in-

stances in which Senators indicated that "medical procedures" included abortions. See 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977); *id.* at S 19239; *id.* at S 18583 (daily ed. November 3, 1977); *id.* at S 18586. In fact, there is a total absence from the records of debate in the Senate of even a single instance in which a Senator expressed a contrary view.

Records of the House debate also indicate, with one exception, that members of that body understood the phrase "such medical procedures necessary for the victims of rape or incest" to include abortions.

The phrase "medical procedures necessary for the victims of rape or incest" first appeared in the version of the statute considered and passed by the Senate on November 3, 1977. See 123 Cong. Rec. S18584 (daily ed. Nov. 3, 1977). This proposal was submitted to the House later that day, whereupon Representative Mahon, the Chairman of the House Committee on Appropriations, who had negotiated this phrase with the Senate conferees and who was its proponent before the House, was questioned as to its meaning:

MR. VOLKMER: Mr. Speaker, in the language it says "except for medical procedures necessary for the victims of rape or incest." Would the medical procedures necessary for the victims of rape or incest include abortions? Would they necessarily include abortions?

MR. MAHON: This language excludes abortions "except for medical procedures necessary for the victims of rape or incest." That language it seems to me is a little bit fuzzy and at the same time not too bad.

MR. VOLKMER: Is the gentleman telling the House that it would not include abortions?

MR. MAHON: It could possibly include abortions, but the regulations would have to be promulgated and rigorously enforced by the HEW. 123 Cong. Rec. H12169 (daily ed. Nov. 3, 1977) (emphasis supplied).

Although somewhat tentative, Chairman Mahon's statement is inconsistent with the view that "medical procedures" could under no circumstances include abortions. That this language was perceived as permitting abortions for the victims of rape or incest is further established by the remarks in opposition to the Senate proposal by Representative Michel, the ranking minority House conferee and ranking Republican on the HEW-Labor Subcommittee of the House Appropriations Committee:

The Senate language does not include the words "forced rape," and thus could be interpreted to allow abortions on demand in cases of statutory rape. 123 Cong. Rec. H12170 (daily ed. Nov. 3, 1977). *Contra*, 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977) (remarks of Representative Michel indicating his view that "medical procedures" did not include abortions).

For this and other reasons, the House on November 3 rejected the version proffered by the Senate.

From the time of the first Senate proposal including the phrase "medical procedures necessary for the victims of rape or incest" in the paragraph describing the exceptions to the general ban on Federal funding of abortions until its passage of the appropriations act, its opponents in the House objected to including the phrase in the exceptions paragraph in part because they thought it would permit the funding of abortions. For example, earlier on the same day on which the House ultimately approved Pub. L. 95-205, it rejected language that was identical to the statute as passed except for the words "when so determined by two physicians" at the end of the first sentence. Opposing the inclusion of "medical procedures" in the exceptions paragraph, Representative Hyde, perhaps one of the most active Members of the House opposing Federal funding of abortions, stated:

The other body has removed "forced" from the definition of rape and thus opens medical abortions to any woman under the age of consent . . . 123 Cong. Rec. H12772 (daily ed. Dec. 7, 1977).

A week earlier, commenting on identical language, Representative Hyde stated:

In the rape of an 18-year-old girl or a 17-year-old girl, depending upon what the statutory age is in a given State, she would get her abortion. If she becomes pregnant, she gets an abortion. There is no requirement of force, or anything else. Statutory rape is covered. She gets an abortion. 123 Cong. Rec. H12489 (daily ed. Nov. 29, 1977).

Similar criticism of this language was offered by Representatives Conte and Mahon. See 123 Cong. Rec. H12487, H12488 (daily ed. Nov. 29, 1977).

The sole instance in the debates of a direct expression by a Member of Congress that the phrase "medical procedures necessary for the victims of rape or incest" did not include abortions occurred during a colloquy between Representatives Michel and Volkmer:

MR. VOLKMER: . . . In the first sentence or the first phrase the word "abortion" is used providing that none of the funds be used except where the life of the mother would be endangered.

Then we say "or except for such medical procedures . . ." and there we use the term "medical procedures"; we do not use the word "abortion"; and therefore, the word "abortion" is not included in "medical procedures"; is that correct?

MR. MICHEL: That is correct.

MR. VOLKMER: Is it the gentleman's intention in presenting this amendment to the House that the words "medical procedures" as used in here, and where reference obviously is made to them, does not include the word "abortion"; is that correct?

MR. MICHEL: Yes. 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977) (emphasis supplied).

Representative Michel's statement must be accorded due weight, given his leadership role in the abortion dispute, but it contradicts, not only his earlier statement concerning the identical language on November 3, quoted above, but also additional statements made by Representative Michel during the debate of December 6. Thus, when asked by another Member to comment on the prompt reporting aspect of the rape or incest exception, Representative Michel stated:

Yes. At least in this gentleman's mind it certainly does, and of course that prompt treatment is pretty much available today almost any place in the country. But "prompt" leaves itself open to a number of days. But let us face it. Pregnancy is a fact which cannot obviously be known until the raped victim has missed her first period. So it seems to me that "prompt" embraces a period that is at least in the 30-day range and still would be acceptable as prompt treatment and prompt reporting. 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977).

By making this statement, Representative Michel indicated that he would have permitted the performance of "medical procedures" after the fact of pregnancy is established. But it is precisely whether the fact of pregnancy has been established that distinguishes certain forms of treatment from abortions.

Given these differing statements, the record¹ is unclear whether, in Representative Michel's view, "medical procedures" includes abortion. Even assuming, however, that Representative Michel was consistent throughout in his view that "medical procedures" did not include abortions, that view is insufficient to overcome the plain meaning of the statute, the unequivocal expression of intent by the Senate, and the remaining debate in the House.

For the foregoing reasons, the Department has concluded that Congress intended to permit the funding of abortions for the victims of rape or incest.

It should be noted that since Congress considered but dropped proposals that would have limited the availability of abortions to victims of "forced" rape, it is clear that Congress intended that funding would be available for abortions for the victims of statutory rape. See, e.g., 123 Cong. Rec. H12772 (daily ed. Dec. 7, 1977) (remarks of Representative Hyde).

¹After the law was passed by Congress and signed by the President, Members of both houses of Congress wrote the Department expressing their varying interpretations of the meaning of several statutory terms. It is well settled that such post-enactment expressions may not be considered as probative evidence of legislative intent. Cf. *Waterman S. S. Corp. v. United States*, 381 U.S. 252, 268-9 (1965), 2A Sutherland, Statutory Construction § 48.16 (Sands ed. 1973).

Finally, the phrase "medical procedures performed upon a victim of rape or incest" does not encompass the use of drugs or devices to prevent the implantation of the fertilized ovum. (See 123 Cong. Rec. S19442 (daily ed. Dec. 7, 1977), and medical procedures necessary for the termination of an ectopic pregnancy. The statute explicitly provides " . . . nor are payments prohibited (for those procedures)" (emphasis supplied), in a sentence separate from and following the one providing for the general prohibition against Federal funding of abortions and the exceptions thereto. These items are not abortions. Accordingly, a separate subsection of the regulations provides for Federal funding of these procedures.

Finally, it should be noted that a victim of rape or incest may obtain an abortion under the other two exceptions to the general funding ban without reporting the incident to a law enforcement agency or public health service.

(b) *Report to a law enforcement agency or public health service.* The regulations effectuate the statutory requirement that an incident of rape or incest must be reported to a law enforcement agency or to a public health service for Federal funding to be provided for an abortion under this exception. Federal funds will be made available only where the State agency, program or project has received, prior to payment for the abortion, signed documentation from a law enforcement agency or public health service certifying that the person upon whom the abortion was performed was reported, within the time period specified by the regulations, to have been a victim of rape or incest. These requirements are explained in greater detail below.

(1) *Who must report.* The incident of rape or incest need not be reported by the victim herself. The Department has concluded that Congress intended that anyone may report on behalf of the victim. First, the words of the statute allow for Federal funding of "medical procedures . . . when such rape or incest has been reported promptly to a law enforcement agency or public health service." Thus, the statute does not specify that the victim must report the incident of rape or incest.

Second, the congressional debates demonstrate that the ranking minority conferees of both Houses of Congress agreed that third parties could make the report. Senator Brooke stated:

Our language does not say who must make the report to the law enforcement agency or public health service or its equivalent. It is our intent that the report may be made by third parties, such as doctors, attorneys including, but not limited to legal services lawyers, rape center counselors, welfare agencies, poverty agencies or family members or relatives. Our only requirement here is that someone or some organization make the report to relevant authorities cited in the provision. 123 Cong. Rec. S19237

(daily ed. Nov. 29, 1977). See also 123 Cong. Rec. S19397 (daily ed. Dec. 6, 1977).

Similarly, Representative Michel engaged in the following colloquy with Representative Volkmer:

MR. VOLKMER: . . . As I read the amendment of the gentleman, I do not find any requirement in it that the young lady herself makes that report. I just find it needs to be reported, which to me, and tell me if this is right or not, it could be reported by anyone. It could be reported by a private family planning agency. It could be reported by a father, mother, sister, brother, friend, or anyone else, as I read the amendment; is that correct, first?

MR. MICHEL: Well, there is a significant stigma, no matter who reports it. If a raped victim is singled out by name and address, and I do not care who reports it, there has to be some stigma attached to that.

MR. VOLKMER: The language says only reported; it does not say by whom.

MR. MICHEL: No, it does not.

MR. VOLKMER: It could be anyone.

MR. MICHEL: The Department of HEW may want to tie this down by rules, that could be done.

MR. VOLKMER: . . . what is the gentleman's intention in that regard?

MR. MICHEL: I would not be one to force that particular victim as an individual to report. 123 Cong. Rec. H12653 (daily ed. Dec. 6, 1977).

(ii) *Law enforcement agency.* With respect to the meaning of law enforcement agency, the Congressional Record consists of statements of two members of Congress who described a law enforcement agency in the following manner:

MR. McCLOREY: . . . the proper authorities . . . 123 Cong. Rec. H10830 (daily ed. Oct. 12, 1977);

MR. BROOKE: . . . [O]bviously a law enforcement agency includes the police—State, county or city. But it is not exclusively these organizations. Since we are dealing with women who are victims of attack, we do not want to pile trauma upon tragedy by forcing them to go through a process that is more geared to criminals than to people who deserve our greatest sympathy. If, for example, there is a human relations division within a police department, the report could be made through such an office. A police chaplain's office could be assigned the job of receiving reports. 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977).

In light of the clear language in the statute and the foregoing statements, the regulations define "law enforcement agency" as "an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction." The reference to "any part thereof" is to make it clear that the report may be given to a rape crisis center or chaplain's office which is part of or administered by a law enforcement agency. The reference to "general penal statutes" is intended to preclude reporting to a specialized law enforcement

agency such as the Drug Enforcement Administration, Secret Service, or their State or local equivalents.

(iii) *Public Health Service.* The regulations define "public health service" primarily as "an agency of the United States or of a State or local government, that provides health or medical services . . ." The Department believes that this definition most closely comports with the intent of Congress; however, the Department acknowledges that what Congress meant by "public health service" is not entirely clear. The range of possibilities was suggested by one Congressman as follows:

What in the world is that? Most Members know of an organization called the U.S. Public Health Service. Is that what is meant by this amendment? I cannot find out. Or does it mean that one could have a conversation with the public health nurse next door? . . . The language of this amendment is wide open to interpretation. It could mean anything you want it to mean. 123 Cong. Rec. H12654 (daily ed. Dec. 6, 1977) (remarks of Representative Flood).

The text of the statute offers substantial, although not conclusive, evidence that Congress intended that reporting be restricted to governmental entities. First, the phrase "public health service" is used along with "law enforcement agency," and it is a general rule of statutory construction that "the meaning of doubtful words may be determined by reference to their association with other associated words and phrases." 2A Sutherland, "Statutory Construction" §47.16 (Sands ed. 1973). Law enforcement agencies are by definition governmental entities, and the close association of the two statutory phrases suggests that Congress intended "public health service" to have a similar meaning. In addition, the close similarity of the statutory phrase with the United States Public Health Service suggests that Congress intended to limit reporting to the Public Health Service, its State and local analogues, and other governmental entities.

The legislative history with respect to this phrase is brief and inconclusive. Only two statements in the Senate shed any light on its meaning. The first, by Senator Brooke, describes the meaning of the term "a public health service or its equivalent" when that language was under consideration by the Senate:

We also want to tell HEW what we mean by a "public health service or its equivalent." A public health service is one that serves the public in the immediate local area, or over a wider region. It could be a Government service and in many areas likely would be. But where such Government service does not exist, we intend that the private sector equivalent of such service would be eligible to receive the relevant report. Thus, in addition to services funded from public moneys we also would include

services funded by a combination of public and private moneys, or even moneys totally from the private sector, if that is the best "equivalent" that can be found.

Thus, authorized recipients of reports would include, but not be limited to, family planning organizations, health maintenance organizations, rape crisis centers, health and counseling centers run by local charitable organizations, special phone-in counseling services, or any kind of neighborhood or other health or counseling center for people with problems. 123 Cong. Rec. S19237 (daily ed. Nov. 29, 1977)

It should be emphasized that these statements were made in the context of a proposed version of the statute containing the phrase "a public health service or its equivalent." Significantly, the phrase "or its equivalent" was ultimately deleted. The critical passage in Senator Brooke's statement thus is: "[b]ut where such Government service does not exist, we intend that the private sector equivalent of such service would be eligible to receive the relevant report." (Emphasis supplied.) With the deletion of the phrase "or its equivalent," the most reasonable inference would seem to be that the Senate intended that only governmental entities would be eligible to receive reports from the victims of rape or incest.

Discussion in the House as to the meaning of "public health service" tended to focus on the desire that the term not be so broad as to include abortion clinics. On November 29, 1977, Representative Michel in a colloquy with Representative Bauman indicated that Medicaid-financed abortion clinics should be excluded:

MR. BAUMAN: Mr. Speaker, if the gentleman will yield further, anyone can see the obvious conflict that exists in a Medicaid-financed abortion clinic, which makes most of its money from performing abortions, having the right to certify that these pregnancies were a result of rape or incest. Obviously, it would be almost an automatic act by people who have a patent conflict of interest and wish to perform the abortion and be paid. That certainly should not be the intent of the conferees.

MR. MICHEL: No, it should not. I would sincerely hope that they would be getting the message downtown and that lines would be drawn accordingly. 123 Cong. Rec. H12491 (daily ed. Nov. 29, 1977).

The only additional House legislative history of any significance on the issue of what constitutes a public health service consists of the following colloquy between Representatives Volkmer and Michel:

MR. VOLKMER: That is, what is a public health service? What does the gentleman mean by a public health service? Does that include family planning centers and others that could be referred to?

MR. MICHEL: In my judgment, it is every public health center that is funded to any degree by Federal funds.

MR. VOLKMER: To any degree by Federal funds?

MR. MICHEL: Yes.

MR. VOLKMER: What about State and local funds?

MR. MICHEL: I am talking about federally funded centers. The gentleman and I well know that in Cook County or Peoria County today they are taking care of situations that we are prohibiting here, but they feel a need locally to do it and if there are no Federal funds, I have no voice in it. I am not about to eliminate or restrict what they are doing.

MR. VOLKMER: But the receivers of the report can only be public health services that are partially or fully funded by the Federal Government?

MR. MICHEL: Yes, sir. 123 Cong. Rec. H12653 (daily ed. Dec. 6, 1977).

As this brief review of the legislative history indicates, what Congress meant by the term "public health service" is not entirely clear. Only two possibilities have any support in the legislative history—a definition limited to governmental entities or a definition limited to Federally funded entities. The language of the statute and the deletion of the phrase "or its equivalent" led the Department to conclude that Congress intended to entrust the reception of reports from the victims of rape or incest, an integral part of a statutory requirement intended to deter fraud, only to those agencies ultimately accountable to the political process. Accordingly, the definition of "public health service" in these regulations is restricted primarily to governmental entities that provide health services. These may include health department offices, public hospitals and clinics and facilities operated by the Public Health Service.

This definition also encompassed quasi-public corporations or authorities, such as the New York City Health and Hospital Corporation, that provide general medical services pursuant to a delegation of governmental authority by a State or local government or through a multi-jurisdiction compact.

The Department recognizes that in certain rural areas no appropriate governmental agency or facility may be available. In order to insure that a responsible entity will be accessible for purposes of receiving the required report, the definition includes rural health clinics, a term defined in recently enacted Pub. L. 95-210, 91 Stat. 1485, to mean Federally funded clinics in certain medically underserved rural areas.

The Department believes that this definition of "public health service" will not prevent necessary reporting. Since reporting need not be done in person by the victim, communication by mail to a law enforcement agency or public health service from a health facility where a rape or incest victim went for medical help should prevent any problems of inaccessibility.

Finally, because of several clear expressions in the congressional debates

that abortion clinics cannot be considered proper facilities to receive reports of rape or incest, the definition of "public health service" specifically excludes any facility whose principal function is the performance of abortions. The Department believes that permitting reporting to abortion clinics would be inconsistent with the concept of rigorous enforcement.

(c) *The requirement that rape or incest be "promptly" reported.* Section 101 provides that Federal funding is available for "such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly . . ." (Emphasis supplied.) To implement this requirement, the regulations provide that the report must be filed within 60 days of the incident of incest or rape. The 60-day period is consistent with congressional intent and was arrived at by balancing the competing interest of providing sufficient time to permit victims of rape or incest to make reasoned decisions as to how and whether to report these incidents, with the necessity to protect against fraudulent reporting. Thus, in explaining this requirement, one Congressman commented:

The intent is to insure that innocent victims of rape will receive treatment with a minimum of difficulty, but that sufficient steps have been taken by the victims to demonstrate the fact of the rape. 123 Cong. Rec. H12489 (daily ed., Nov. 29, 1977) (remarks of Representative Bonker).

The records of the debates in Congress indicate that Congress was aware of both policies that are balanced in these regulations, but that the members had conflicting views as to what would constitute prompt reporting, varying from as little as two or three weeks, to 60 to 90 days, to "months."

In the Senate, Senators Magnuson, Brooke and Metzenbaum, engaged in the following colloquy:

MR. BROOKE: In addition, we also include the word "promptly," to provide that any reporting must be prompt. By this we do not mean hours; we mean a much longer period of time that is reasonable yet humane . . .

MR. METZENBAUM: In yielding to the House with respect to putting in the word "promptly," it seems to me that it opens the door to a wide variety of interpretations . . .

MR. METZENBAUM: Does the Senator from Massachusetts, therefore, interpret the word "promptly" to mean a number of weeks and possibly months after the traumatic experience has occurred, rather than a requirement to get on the telephone immediately after that kind of occurrence? I believe it does have relevance, and I would appreciate to some elaboration on the subject from the Senator from Massachusetts.

MR. BROOKE: Mr. President, I agree with the Senator from Ohio that the word "promptly" is subject to interpretation.

As I view it, "promptly" would mean a reasonable and humane period of time in which the rape or incest would be reported to a law enforcement agency or to a public health service; it might be reported by a parent or someone in behalf of that victim of rape or incest, or it could be reported by the victim.

We may be talking about children. As the distinguished Senator from Ohio well knows, it is a matter that concerns me deeply and concerns him and others deeply. We may be talking about young children, so we may be talking about the reporting of the parent, where the child cannot be in a position to make that report promptly. It is not a question of hours, as I see it, but maybe days, weeks—a reasonable and humane period of time, whatever that may be considered.

MR. METZENBAUM: Possibly weeks and months.

MR. BROOKE: It could be, yes.

MR. MAGNUSON: I would not suggest that they wait months. As with any piece of legislation, you cannot spell out the time. We probably could say within 90 days or within 60 days or within the first part of the pregnancy. But we have to leave it up to the Department to make what we hope will be reasonable regulations to carry out what the word "promptly" means.

In reverse, I think it means that you cannot wait and wait and wait and all of a sudden show up some place and say, "I was raped," or, "Incest took place." You would have to do it within a reasonable time, with respect to the Department.

In this amendment, we go even further. We say:

The Secretary shall promptly issue regulations and establish procedures to ensure that the provisions of this section are rigorously enforced.

I think that would mean that they would interpret the word "promptly" not to apply to any length of time, but that it should be done, say, in 90 days, or say that was the middle figure, that it be before that time, not "promptly" after a long period of time.

I am sure that is the way the regulations would read.

MR. BROOKE: I think a reasonable and humane period of time would be a fair period of time. I think there might be extenuating circumstances in certain cases which should be taken into consideration.

MR. MAGNUSON: Each case has to be taken into consideration.

MR. BROOKE: I can conceive of a case where there is an extenuating circumstance such as requiring a longer period of time, say, than the normal case. So I think that would be the intent of the language.

MR. METZENBAUM: I appreciate the assurances of the distinguished Senator from Massachusetts and the distinguished Senator from Washington that "promptly" in this sense in this legislation does not mean "promptly" as we normally think of it such as when we expect the Secretary of HEW to act promptly in issuing regulations. That is a different kind of promptness than that which we expect under these circumstances.

MR. BROOKE: I agree.

MR. MAGNUSON: I hope this will set an example for other regulations they have to issue down there. 123 Cong. Rec. S19397-98 (daily ed. Dec. 6, 1977). See also id. at S 19442 (daily ed. December 7, 1977).

A somewhat more restrictive view had been stated by Senator Helms when he earlier had unsuccessfully introduced an amendment that would have required prompt reporting:

The word "promptly" before the word "reported" will eliminate the possibility that 2 or 3 months after the fact a supposed victim would claim to have been raped when, as a matter of fact, she had not. 123 Cong. Rec. S19238 (daily ed. Nov. 29, 1977).

The prevailing view in the House was closer to that of Senator Helms. One representative, referring to the Senate colloquy on the meaning of promptly, expressed apprehension that the Senate might consider the term to encompass months.

MR. BAUMAN: Then they [the Senators quoted above] went on to explain in their view months could pass and still lead to prompt reporting. In other words, this is a very large loophole, and this debate in the Senate could support a complete reversal of the attitude of the House when we desired a prompt reporting of when the rape occurred. Read what the Senate said. 123 Cong. Rec. H12772 (daily ed. Dec. 7, 1977).

In response to that remark, Representative Mahon related his belief that prompt was shorter than "months" and meant "reasonably quick."

MR. MAHON: Regardless of what may have been said by any Member of the other body and by any Member of this body, in plain English "prompt" means reasonably quick. It does not mean months, regardless of what anybody may have said. I do not accept everything I read in the Congressional Record. I know what the word "promptly" means, and I know that Mr. Califano, the Secretary of HEW, is a man of integrity, and he is required under the language in this proposal to promptly issue regulations to rigorously enforce the import of the resolution. So I would not be concerned about that matter. Id.

However, even after the Chairman's assurance to the contrary, Representative Bauman reiterated his fears that "prompt" could be interpreted to mean months after the occurrence of the rape:

. . . With the inclusion of the broadly interpreted "prompt reporting" months after the occurrence as the Members of the other body readily interpret it—and legislative history does play a part—we have another estimate. Id. at H 12773.

On the previous day, Representative Michel provided his view on the meaning of prompt reporting:

But "prompt" leaves itself open to a number of days. But let us face it. Pregnancy is a fact which cannot obviously be known until the raped victim has missed her first period. So it seems to me that "prompt" embraces a period that is at least in the 30-day range and still would be acceptable as prompt treatment and prompt reporting. 123 Cong. Rec. H12652 (daily ed. Dec. 6, 1977).

The significance of this comment is that it indicates this Member's belief

that "prompt" encompasses at least a sufficiently lengthy period of time so as to permit the victim to know whether or not she is pregnant.

The only additional explanation of the meaning of "prompt" was a comment by Representative Bonker, on December 6, 1977 that:

It has to be reported promptly and that does not mean it can be done 3 or 4 or 5 weeks later and reported and thus qualify for a medical abortion. *Id.* at H12653 (daily ed. Dec. 6, 1977).

In the face of these sharply conflicting expressions of Congress, the Department believes that a 60-day reporting period is within the middle range of the various time limits mentioned in the debates. More importantly, the Department believes that a 60-day reporting period accommodates both basic policies, of permitting access by eligible individuals while discouraging fraud, advanced in support of the promptness requirement.

(d) *The procedure for prompt reporting.* There is virtually no evidence as to what procedures Congress envisioned should be followed to implement the reporting requirements for the victims of rape or incest. The Department, in the absence of congressional guidance in formulating these requirements, has attempted to balance concerns for individual privacy with the statutory mandate that the Secretary shall "establish procedures to insure that the provisions of this section are rigorously enforced." The regulations require only that information necessary to confirm the fact that an incident of rape or incest has been reported to a law enforcement agency or public health service, be provided.

The regulations provide that Federal financial participation is available for medical procedures performed upon a victim of rape or incest if the appropriate State agency or program or project has received signed documentation from a law enforcement agency or public health service. The documentation must state that the person upon whom the medical procedure was performed was reported, within 60 days of the incident, to have been the victim of rape or incest and that the report included the name, address and signature of the person who reported the incident.

The regulations do not specify the manner in which reporting must be accomplished and do not require the reporting of any details concerning the underlying incident other than the name of the victim. However, it should be noted that the regulations require an official of the agency or service that received the report to certify in writing to the fact of prompt reporting. This may be done, for example, by inclusion in the certification of a statement that the rape or incest was promptly reported as required by the

regulations or by a recitation of the date of the report to the law enforcement agency or public health service and the date of the incident of rape or incest.

In order to implement the requirement of rigorous enforcement, the regulations require that the relevant documentation must be received by the applicable State agency, program or project prior to payment to the provider of the abortion. In other words, no Federal funds may be expended for an abortion until the State agency, program or project has on hand the requisite documentation. Providers, however, may perform abortions prior to the receipt of such documentation, but they do so at the risk of not receiving Federal reimbursement should such documentation subsequently not be forthcoming.

In addition, it must be noted that any person who knowingly submits a falsified claim for Federal funds, or who aids or abets in the submission of a falsified claim, may be subject to prosecution under section 1909(a) of the Social Security Act or another applicable provision of law.

4. RETENTION OF RECORDS

The regulations also require that the State agency, or the program or project maintain copies of all requisite documentation and certifications for the three year period specified in the maintenance of record requirements at 45 CFR 74.20. These records must be retained to facilitate audits and other enforcement reviews. However, in order to safeguard personal privacy, these records are subject to the safeguarding requirements specified in 45 CFR 205.50.

WAIVER OF PROPOSED REGULATIONS

Section 102 of Pub. L. 95-205 specifies that the statute governs the Department's appropriations effective as of December 1, 1977. Section 101 of that Act places specific limitations upon those abortions for which Federal funds are available. Accordingly, it is critical that States and other grantees be made aware of the instances in which Federal funding will be available as soon as possible. Moreover, Congress has dictated that these regulations must be issued promptly to enforce rigorously these limitations. For this reason, the Department has determined that there is good cause to waive notice and opportunity for public comment prior to issuing these regulations in final form, and to waive the normal requirement that 30 days elapse between publication of the regulations and effective date. However, comments will be received, as noted earlier, with the possibility of modifying the regulations in response to those comments.

EFFECTIVE DATE

These regulations will be effective February 14, 1978. The Department understands that a reasonable amount of time is necessary to make adjustments to comply with the reporting and record keeping procedures. The Department, however, believes that this can be done in substantially less time than the normal 30 days, given the minimal nature of the requirements imposed upon States and other grantees. The Department has concluded that a 12 day lead time is sufficient.

Part 449 is amended by adding a new Subpart A after § 449.82 to read as set forth below:

Subpart A—Federal Financial Participation in State Claims for Abortions

- 449.100 Applicability.
- 449.101 Definitions.
- 449.102 General rule.
- 449.103 Life of the mother would be endangered.
- 449.104 Severe and long-lasting damage to physical health.
- 449.105 Rape and incest.
- 449.106 Documentation needed by State agency.
- 449.107 Drugs and devices and termination of ectopic pregnancies.
- 449.108 Record keeping requirements.
- 449.109 Safeguarding requirements.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302); sec. 101 of Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.

Subpart A—Federal Financial Participation in State Claims for Abortions

§ 449.100 Applicability.

This subpart applies to programs administered under Title XIX of the Social Security Act.

§ 449.101 Definitions.

As used in this Subpart:

(a) "Law enforcement agency" means an agency, or any part thereof, charged under applicable law with enforcement of the general penal statutes of the United States, or of any State or local jurisdiction.

(b) "Medical procedures performed upon a victim of rape or incest" means any medical service, including an abortion, performed for the purpose of preventing or terminating a pregnancy arising out of an incident of rape or incest.

(c) "Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which he or she practices.

(d) "Public health service" means: (1) An agency of the United States or of a State or local government, that provides health or medical services; and

(2) A "rural health clinic," as defined under section 1(d)(aa)(2) of Pub. L. 95-210, 91 Stat. 1485, except that

any agency or facility whose principal function is the performance of abortions is specifically excluded from this definition.

(e) "State" means each of the fifty States of the United States, the District of Columbia, Guam, the Virgin Islands, Puerto Rico, and the Northern Mariana Islands.

§ 449.102 General rule.

Federal financial participation is not available in expenditures for an abortion except under circumstances described in §§ 449.103, 449.104, or § 449.105.

§ 449.103 Life of the mother would be endangered.

Federal financial participation is available in expenditures for an abortion when a physician has found, and so certified in writing to the applicable State agency, that on the basis of his/her professional judgment, the life of the mother would be endangered if the fetus were carried to term.

§ 449.104 Severe and long-lasting damage to physical health.

Federal financial participation is available in expenditures for an abortion when two physicians have found, and so certified in writing to the applicable State agency, that on the basis of their professional judgment, severe and long-lasting physical health damage to the mother would result if the pregnancy were carried to term.

§ 449.105 Rape and incest.

Federal financial participation is available in expenditures for medical procedures performed upon a victim of rape or incest if the State agency has received signed documentation from a law enforcement agency or public health service stating that: (a) The person upon whom the medical procedure was performed was reported, within 60 days of the incident, to have been the victim of an incident of rape or incest; and (b) the report included the name, address and signature of the person who reported the rape or incest. Federal financial participation is also available in expenditures for abortions for victims of rape or incest under the circumstances described in §§ 449.103 and 449.104 without regard to the requirements of the preceding sentence.

§ 449.106 Documentation needed by the State agency.

Federal financial participation is unavailable in any expenditures for abortions or other medical procedures otherwise provided for under §§ 449.103, 449.104, and 449.105 if the State agency has paid without first having received the certifications and documentation specified in those sections.

§ 449.107 Drugs and devices and termination of ectopic pregnancies.

Federal financial participation is available in expenditures for drugs or devices to prevent implantation of the fertilized ovum, and for medical procedures necessary for the termination of an ectopic pregnancy.

§ 449.108 Record keeping requirements.

State agencies must maintain copies of the certifications and documentation specified in §§ 449.103, 449.104 and 449.105 for 3 years pursuant to the retention and custodial requirements for records at 45 CFR 74.20 *et seq.*

§ 449.109 Safeguarding requirements.

State agencies must safeguard against improper disclosure of information contained in the certifications and documentation described in §§ 449.103, 449.104, and 449.105 pursuant to the requirements at 45 CFR 205.50(b).

(Catalog of Federal Domestic Assistance Program No. 13.714 Medical Assistance Program.)

Dated: January 26, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: January 26, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary, Department of Health,
Education, and Welfare.
[FR Doc. 78-2870 Filed 1-30-78; 2:16 pm]

[4110-12]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS); DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 228—SOCIAL SERVICES PROGRAMS FOR INDIVIDUALS AND FAMILIES: TITLE XX OF THE SOCIAL SECURITY ACT

Federal Financial Participation in State Claims for Abortions

NOTE.—This document originally appeared in the FEDERAL REGISTER for Thursday, February 2, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

AGENCY: Administration for Public Services (APS), Office for Human Development Services (OHDS), Department of Health, Education, and Welfare.

ACTION: Final rules.

SUMMARY: Department is promulgating new rules to govern Federal financial participation in expenditures for abortions funded through various

HEW programs. Three parallel sets of regulations are being promulgated. One set will apply to programs administered under title XIX of the Social Security Act, another to programs administered under title XX of that Act, and the third to programs and projects supported with funds appropriated to the Department of Health, Education, and Welfare and administered by the Public Health Service. These rules are necessary as a result of the enactment of Pub. L. 95-205. That statute imposes strict limitations upon Federal funding of abortions and requires that the Secretary "promptly issue regulations and establish procedures to ensure that [the statute is] rigorously enforced." These regulations respond to that statutory directive and specify when Federal funds may be used to pay for abortions.

EFFECTIVE DATE: These regulations will be effective February 14, 1978. As explained in the preamble to 42 CFR Part 449 appearing in this issue at p. 4833 in providing Federal financial participation prior to the effective date of these regulations, the Department will accept any reasonable interpretation of the statutory provisions implemented by these regulations.

Notice of Proposed Rulemaking and a delayed effective date of 30 days have been waived because of the compelling need to provide immediate direction to States and Federal grantees as to those abortions which the Department will fund with its appropriations for fiscal year 1978, and to follow the dictates of Congress that the Department promptly issue regulations. Nevertheless, written comments or suggestions received on or before March 20, 1978, will be considered with a view to revising these regulations, and will be responded to by further publication in the FEDERAL REGISTER no later than May 3, 1978.

In commenting please refer to APS-3. Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection beginning approximately 2 weeks after publication, in Room 2225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 202-245-9415.

ADDRESS: Address comments to: Commissioner, Administration for Public Services, Department of Health, Education, and Welfare, P.O. Box 1923, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Mrs. Johnnie U. Brooks, Room 2225, Switzer Building, 330 C Street SW., Washington, D.C. 20201, 202-245-9415.

SUPPLEMENTARY INFORMATION: For a preamble statement, which is

RULES AND REGULATIONS

being issued jointly by the Administration for Public Services of the Office of Human Development Services, the Public Health Service, and the Health Care Financing Administration, concerning conditions governing Federal funding of abortions, see 42 CFR Part 449 appearing in this issue at page 4833

45 CFR 228 is revised as follows:

1. The Table of Contents for Subpart I is revised as follows:

Subpart I—General Provisions

Sec.

228.90 Expenditures for which Federal financial participation is available.

228.91 Expenditures for which Federal financial participation is not available.

228.92 Federal Financial Participation in State Claims for Abortions.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302); and Sec. 101, Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.

2. Subpart I is revised to add a new § 228.92 as follows:

§ 228.92 Federal Financial Participation in State Claims for Abortions.

Federal financial participation in State claims for abortions is governed by 42 CFR 449.100 through 449.109.

(Sec. 101, Pub. L. 95-205, 91 Stat. 1461, December 9, 1977.)

(Catalog of Federal Domestic Assistance Program No. 13.771, Social Services for Low Income and Public Assistance Recipients.)

Dated: January 26, 1978.

WARREN MASTER,
*Acting Assistant Secretary for
Human Development Services.*

Approved: January 26, 1978.

JOSEPH A. CALIFANO, JR.,
*Secretary, Department of Health,
Education, and Welfare.*

[FR Doc. 78-2871 Filed 1-30-78; 2:16 pm]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
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	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

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NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[4910-13]

Title 14—Aeronautics and Space

CHAPTER 1—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-NW-2-AD; Amdt. 39-3131]

PART 39—AIRWORTHINESS DIRECTIVES

Bell 47 Series, Modified in Accordance With STC SH357SW

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive to establish inspection times and criteria, as well as terminating action, for those Bell 47 helicopters equipped with a Simplex spray system installed in accordance with STC SH357SW.

The effect of this airworthiness directive is to preclude failure of the spray hopper upper attach fitting allowing the spray hopper to drop outboard onto the skid.

EFFECTIVE DATE: March 6, 1978.

The initial compliance time is prior to the next 25 hours of flight after the effective date of this airworthiness directive.

Simplex Modification No. E201 specified in this directive may be obtained upon request from Simplex Manufacturing Co., 5224 Northwest 42nd Avenue, Portland, Ore. 97218.

FOR FURTHER INFORMATION CONTACT:

Francis LaBrash, Modification

Group, ANW-219, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2528.

SUPPLEMENTARY INFORMATION: On July 2, 1977, a Bell 47D-1, equipped with a Simplex spray system, STC SH357SW had a failure of the spray hopper upper attach bracket which allowed the hopper to fall down onto the skid. This lateral over balance caused the helicopter to crash. The manufacturer of the spray system has designed a plug type repair which, when accomplished, will preclude further failures.

DRAFTING INFORMATION

The principal authors of this document are Francis LaBrash, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

ADOPTION OF THE AMENDMENT

Pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

BELL 47 SERIES AS MODIFIED BY STC SH357SW. To preclude failure of the hopper upper support bracket, accomplish the following:

Within the next 25 hours flight time and at each 25 flight hours thereafter, inspect the hopper upper support bracket (P/N B630224) for cracks and/or deformation. If cracks and/or deformation are found, re-

place or repair. Inspections may be discontinued upon installation of Simplex Modification No. E201 (See Fig. 1), or equivalent modification or repair approved by an FAA Maintenance Inspector.

The manufacturer's repair, identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(A)(1).

All persons affected by this directive who have not already received the repair documents from the manufacturer, may obtain copies upon request to Simplex Manufacturing Co., 5224 Northeast 42nd Avenue, Portland, Ore. 97218. This repair document may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This amendment becomes effective March 6, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on January 23, 1978.

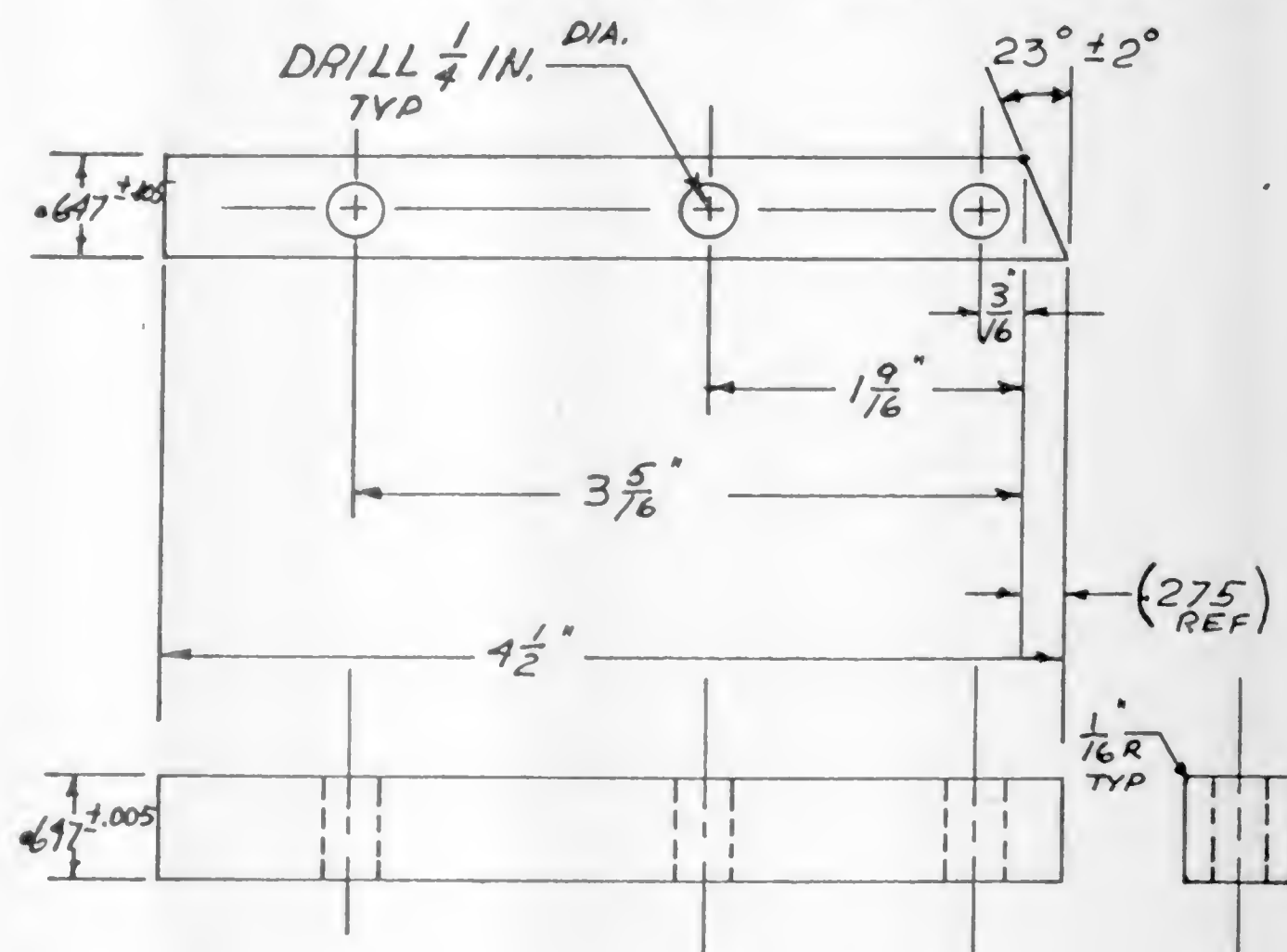
C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

SIMPLEX MANUFACTURING CO.
 5224 NE - 42ND AVE
 PORTLAND, OREGON 97218
 TELEPHONE (503) 281-0039 / TELEX 360-936

DRAWING E-201 FULL SCALE

MATERIAL: MILD STEEL



NOTE: INSERT THIS PART INTO
 THE SQUARE TUBING, PART NO.
 B630224

FIG. 1

(FR Doc. 78-2759 Filed 2-3-78; 8:45 am)

[4910-13]

(Airspace Docket No. 77-NE-20)

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Bangor, Maine, 700-Foot Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule

SUMMARY: This amendment changes the description of the Bangor, Maine, 700-foot transition area to provide more controlled airspace for aircraft being radar vectored to a final approach.

EFFECTIVE DATE: March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803; telephone 617-273-7285

SUPPLEMENTARY INFORMATION. On November 25, 1977, the Federal Aviation Administration published a notice proposing to enlarge the Bangor, Maine, 700-foot transition area to allow lowering certain minimum radar vectoring altitudes and to enhance control of traffic being radar vectored to a final approach. Interested persons were invited to participate in this rulemaking process by submitting written comments on the proposal to the FAA. No objections were received.

DRAFTING INFORMATION

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional Counsel, New England Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator for the description of the Bangor, Maine, 700-foot transition area in Subpart G of § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) is amended, effective 0901 G.m.t., March 23, 1978, to read as follows:

That airspace extending upward from 700 feet above the surface, bounded by a line beginning at: latitude 45°09'50" N., longitude 68°35'30" W., to latitude 45°04'40" N., longitude 68°20'40" W., to latitude 44°59'00" N., longitude 68°30'00" W., to latitude 44°52'45" N., longitude 68°36'45" W., to latitude 44°43'30" N., longitude 68°18'10" W., to latitude 44°37'40" N., longitude 68°21'40" W., to latitude 44°27'30" N., longitude 68°36'50" W.

to latitude 44°36'25" N., longitude 68°49'45" W., to latitude 44°40'50" N., longitude 69°03'25" W., to latitude 44°54'45" N., longitude 69°02'45" W., to latitude 44°57'50" N., longitude 68°57'20" W., to latitude 44°59'45" N., longitude 68°47'50" W., to the point of beginning; excluding that portion which coincides with the Bar Harbor, Maine, 700 foot transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Mass., on January 9, 1978.

WILLIAM E. CROSBY,
 Acting Director,
 New England Region

(FR Doc. 78-3109 Filed 2-3-78; 8:45 am)

[4910-13]

(Airspace Docket No. 77-RM-13)

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment alters the Delta, Utah, 1,200-foot transition area. This action is necessary to provide controlled airspace for the new NDB-A and NDB-B approach procedures to Michael Airfield, Dugway Proving Ground, Utah.

EFFECTIVE DATE: 0901 G.m.t., March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo 80010, telephone 303-837-3937.

SUPPLEMENTARY INFORMATION

HISTORY

On November 7, 1977, the FAA published for comment a Notice of Proposed Rulemaking (NPRM) to alter the Delta, Utah, 1,200-foot transition area (42 FR 57971). No objections were received in response to this notice.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) redefines the 1,200-foot transition area at Delta, Utah.

The present 1,200-foot transition area was found to be inadequate to contain the transition route for the NDB-A and NDB-B approach procedure to Michael Army Airfield, Dugway Proving Ground, Utah.

DRAFTING INFORMATION

The principal authors of this document are Mr. David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Mr. Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., March 23, 1978, as follows:

By amending subpart G, section 71.181 so as to alter the following transition area to read:

DELTA, UTAH

and that airspace extending upward from 1,200 feet above the surface within 9 miles southeast and 13.5 miles northwest of the Delta VORTAC 203° and 023° radials, extending from 12 miles northeast to 25.5 miles southwest of the VORTAC; and that airspace within 5 miles northeast and 5 miles southwest of the Delta VORTAC 326° radial extending from the VORTAC to the southeast boundary of restricted area R-8402.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colo., on January 11, 1978.

M. M. MARTIN,
 Director,
 Rocky Mountain Region

(FR Doc. 78-3111 Filed 2-3-78; 8:45 am)

[4910-13]

(Airspace Docket No. 77-NE-26)

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change in Effective Hours of Hartford, Conn. Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule

SUMMARY: This rule amends the description of the Hartford Control Zone to reflect that the control zone is now effective 24 hours daily, as published

RULES AND REGULATIONS

by Notices to Airmen (NOTAM). The control zone was formerly in effect from 0700 to 2300 local time daily.

EFFECTIVE DATE: February 2, 1978.
FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7285.

SUPPLEMENTARY INFORMATION: The purpose of this rule is to amend the description of the Hartford Control Zone in § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to reflect that the control zone is effective 24 hours daily, by deleting any reference to specific times of operation in the description.

This action conforms with the airport traffic control tower hours of operation which now provides weather observations on a 24 hour basis.

Since this change merely reflects the current hours of operation, it has no adverse affect on any person and notice and public procedure hereon is unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Richard G. Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional Counsel, New England Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) is hereby amended to change the effective hours of the Hartford, Conn., control zone from 0700 to 2300 hours daily to 24 hours daily by deleting, in its entirety, the last sentence of the description of the Hartford, Conn., Control Zone.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Mass., on January 23, 1978.

ALBERT E. HOUCK,
Acting Director,
New England Region.

{FR Doc. 78-3108 Filed 2-3-78; 8:45 am}

[4910-13]

{Airspace Docket No. 77-RM-14}

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a 700 foot and a 1,200 foot transition area at Roosevelt, Utah. This action is necessary to provide controlled airspace for the new VOR-B and RNAV Runway 25 instrument approach procedures at Roosevelt Municipal Airport, Roosevelt, Utah.

EFFECTIVE DATE: 0901 G.m.t., March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010, telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On December 22, 1977, the FAA published for comment a proposal to designate a 700 foot and a 1,200 foot transition area at Roosevelt, Utah (42 FR 64128). The only comment received expressed no objection.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) designates a 700 foot and a 1,200 foot transition area at Roosevelt, Utah.

This action is necessary to provide controlled airspace to contain the new VOR-B and RNAV Runway 25 instrument approach procedures at Roosevelt Municipal Airport, Roosevelt, Utah.

DRAFTING INFORMATION

The principal authors of this document are Mr. David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Mr. Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., March 23, 1978 as follows:

By amending Subpart G 71.181 by designating the following transition areas:

ROOSEVELT, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Roosevelt Municipal Airport, Roosevelt, Utah (latitude 40°16'33" N., longitude 110°03'02" W.) and within 2 miles either side of the Myton, Utah, VORTAC 023° radial extending from the 5-mile radius of the airport to the Myton VORTAC; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 39°52'04.7" N., longitude 110°15'10.2" W., to latitude 40°27'47.3" N., longitude 110°15'58.9" W., to latitude 40°19'20.4" N., longitude 109°33'14.8" W., to latitude 40°03'58.4" N., longitude 109°41'25.5" W., to latitude 40°04'04.3" N., longitude 109°44'49.1" W., to latitude 39°52'27.4" N., longitude 109°44'33.3" W., to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1345(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colo., on January 11, 1978.

M. M. MARTIN,
Director, Rocky
Mountain Region.

{FR Doc. 78-3110 Filed 2-3-78; 8:45 am}

[4910-13]

{Airspace Docket No. 77-RM-16}

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Establishment of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a control zone at Gillette, Wyo. This establishment is necessary to protect the published instrument approach at Gillette-Campbell County Airport, Gillette, Wyo. The prerequisites for the establishment of a control zone, communications capability and weather reporting, have now been met.

EFFECTIVE DATE: 0901 G.m.t., March 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Laschinger, Operations, Procedures, and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010; telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 25, 1977, the FAA published, for comment, a proposal to establish a control zone at Gillette, Wyo. (42 FR 60159). The only comments received expressed no objections.

THE RULE

This amendment to Part 71 of the Federal Aviation Regulations (FAR's) establishes a control zone at Gillette, Wyo.

Gillette, Wyo. has recently acquired communications capabilities supporting the establishment of a control zone to protect the VOR runway 15 standard instrument approach procedure.

DRAFTING INFORMATION

The principal authors of this document are Mr. Dave Laschinger, Operations, Procedures, and Airspace Branch, Air Traffic Division, and Mr. Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective March 23, 1978, as follows:

By amending Subpart F, 71.171 so as to establish the following control zone:

GILLETTE, WYO.

"Within a 5-mile radius of the Gillette-Campbell County Airport (latitude 44°20'52" N., longitude 105°32'34" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colo., on January 11, 1978.

M. M. MARTIN,
Director,
Rocky Mountain Region.

{FR Doc. 78-3107 Filed 2-3-78; 8:45 am}

RULES AND REGULATIONS

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER D—FLAMMABLE FABRICS ACT REGULATIONS

PART 1615—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 0 THROUGH 6X (FF 3-71)

PART 1616—STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR: SIZES 7 THROUGH 14 (FF 5-74)

Final Rules

AGENCY: Consumer Product Safety Commission.

ACTION: Final rules.

SUMMARY: In this document the Commission issues final rules amending the Standards for the Flammability of Children's Sleepwear: Sizes 0 through 6X (FF 3-71) and 7 through 14 (FF 5-74) and rules and regulations under those standards affected by the amendments. The amendments delete requirements for residual flame time (RFT) in FF 3-71 and revise the method of testing trim in both FF 3-71 and FF 5-74. The Commission issues these amendments to reduce the necessity for the use of chemical flame retardants on fiber and fabric used in children's sleepwear as a result of the recent national concern over the addition of the chemical tris (2,3 dibromopropyl) phosphate (TRIS), a potential carcinogen, to children's sleepwear fabrics and garments. In addition, the Commission issues these amendments because after considering the proposal, the oral and written comments and other relevant matter it believes the provisions deleted and revised are not needed to protect the public adequately against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. The Commission is not amending FF 3-71 to delete requirements for garments under size 1.

EFFECTIVE DATE: The amendments shall take effect February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

H. Elizabeth Jones, Directorate of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6617.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On October 26, 1977, by publication of a notice in the FEDERAL REGISTER (42 FR 56568), the Commission proposed amendments to the Standards for the Flammability of Children's Sleepwear for Sizes 0 through 6X (FF

3-71) (16 CFR Part 1615) and Sizes 7 through 14 (FF 5-74) (16 CFR Part 1616). These standards were issued as a result of deaths and burn injuries to children from fires involving sleepwear. The standards require that children's sleepwear in sizes 0-6X and 7-14 and fabric intended for such sleepwear meet certain flammability test requirements. The proposed amendments would have deleted the requirement for residual flame time testing and criteria in FF 3-71, exempted garments in sizes below size one from FF 3-71, and revised the method of testing trim in both FF 3-71 and FF 5-74.

Although the standards do not require that chemicals be added to garments or fabric to meet the standards, some manufacturers have added chemical flame retardants to some fibers or fabrics to ensure that sleepwear garments produced from these fibers or fabrics consistently comply with the standards. Because of recent national concerns over the addition of the chemical TRIS, a potential carcinogen, and Fyrol FR-2 to children's sleepwear garments and fabrics, the Commission expedited a previously planned but not started review of the standards for the flammability of children's sleepwear. The Commission's review led to the proposed amendments to the sleepwear standards which the Commission believed would reduce the need for adding chemical flame retardants to a number of fabrics and fibers used in children's sleepwear while generally maintaining the level of protection against fire afforded by these standards.

In seeking ways to reduce the need for the use of chemical flame retardants in children's sleepwear, the Commission does not mean to imply that chemical flame retardants as a general class are not safe. However, the issue of whether any chemical is or can be a carcinogen or a mutagen concerns a rapidly changing and developing area of technology. Chemicals that are assumed to be safe one day, may be shown later to be suspect as new and more sophisticated test methodologies are developed. The Commission believes that it is desirable and beneficial to take any action it can to reduce the need to add chemicals to children's sleepwear for purposes of flame retardancy if that action does not unduly reduce the level of safety afforded by the sleepwear standards. Such action could also make available to consumers a wider selection of fabric for children's sleepwear at a lower average cost.

The amendments were not proposed solely to reduce the need for adding chemical flame retardants to material used in children's sleepwear. In determining to propose the amendments, the Commission also considered other factors such as injury data pertinent

to the provisions of the standards that are affected by the amendments, the potential for injury if the standards are amended as proposed, the desirability of increasing consumer choice as to the types of fabric used in children's sleepwear garments, and the possibility of reducing the average cost of children's sleepwear garments. The Commission in balancing all of the factors considered, preliminarily determined that issuance of the proposed amendments would not result in an unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage and that the proposed amendments were reasonable and appropriate.

The Commission proposed an amendment to delete the requirements for residual flame time (RFT) from FF 3-71. That requirement, which does not appear in FF 5-74, addresses the situation where flaming material from a burning garment melts and falls or drips (melt drip) onto another portion of the garment or a different garment or textile item, and causes it to ignite; or falls on the individual wearing the garment, resulting in a burn. A requirement for residual flame time was not included in FF 5-74 on the basis that older children are better able than younger children to protect themselves in case of a garment ignition. The Commission proposed to delete this requirement from FF 3-71 because it expected that the deletion would not substantially affect the safety level now provided by the standard, would decrease the need for adding chemical flame retardants to a number of fibers and fabrics to comply with the standard and would increase consumer choice by making more types of fabrics available. The amendment would primarily affect man-made fibers, such as nylon and polyester, and would allow a number of fabrics produced from these fibers to pass the standard without the addition of chemical flame retardants.

Trim is currently tested under both FF 3-71 and FF 5-74 in a vertical mode, which is the most stringent test position. The purpose of the trim test is to determine the flammability hazard associated with fabric/trim combinations to be used in children's sleepwear.

The proposed amendments to the trim testing requirements of both standards would provide a revised procedure for testing trim that is placed in a horizontal configuration on garments. Such trim would be tested in a horizontal position rather than a vertical position. The Commission proposed the amendments because mannequin and other laboratory tests indicate that when trim is used in a horizontal mode on the garment, testing in a horizontal rather than a vertical configuration is more representative

of the burning exhibited by the garment. The Commission, therefore, concluded that trim used in a horizontal position on sleepwear garments should be tested in that position and that the revision of the trim testing requirement should increase consumer choice as to the amount and type of trim available on garments.

The Commission proposed the amendment to exempt sizes below one from FF 3-71 because burn injury data associated with garments in those sizes available at the time of proposal indicated that the safety level now provided by the standard would not be substantially reduced, the exemption would permit the use of more non-chemically treated fabrics, would increase consumer choice as to the types of fabrics available for use in those garments, and could result in reduced average retail prices for children's sleepwear garments in these sizes. The Commission in proposing the amendment also stated that it was considering requiring that noncomplying sleepwear in sizes below one be labeled to state that it does not comply with FF 3-71 and specifically asked for comment on this issue.

In addition, the Commission proposed that the three amendments be effective immediately and sought comment on this issue.

COMMENTS ON PROPOSAL

Section 4(d) of the Flammable Fabrics Act (15 U.S.C. 1193(d)) requires that, in addition to providing an opportunity for making written submissions on a proposed amendment to a standard, the Commission shall provide interested persons with an opportunity for the oral presentation of data, views, or arguments. Oral presentations of behalf of 15 persons or organizations, on the proposed amendments, were heard by the Commission on November 16, 1977. In addition, 141 written comments were received by the end of the comment period on November 26, 1977, and more than 100 comments were filed after the end of the comment period. The late comments have been considered to the extent practicable.

The significant issues raised by the oral and written comments are discussed below.

RESIDUAL FLAME TIME

Comments concerning the proposed amendment to delete the requirement for RFT in FF 3-71 were received from individual members of the National Advisory Committee for the Flammable Fabrics Act, representatives of the textile and apparel industry, representatives of the medical profession, retailers, trade associations and consumers. A large majority of these comments supported the proposed amendment.

When a fabric made of a thermoplastic man-made fiber, such as nylon or polyester, is subjected to a flame, the material frequently ignites and/or melts. This material may fall away as a drop (melt drip) or as a section of fabric and may continue to burn. Residual flame time is defined in FF 3-71 as the time the flaming drip or fabric fragment continues to burn on the base of the test cabinet after the ignition source has been removed from the test specimen. Any individual specimen that exhibits an RFT of more than 10 seconds fails the test criteria in FF 3-71.

Those commenters supporting the amendment to FF 3-71 to delete the requirement for RFT generally did so on the grounds that the amendment would reduce the need for the use of chemical flame retardants on children's sleepwear and would not substantially affect the level of safety now provided by the standard. Those persons supporting the amendment also stated that it would increase consumer choice by making more fabrics available for use in sleepwear garments and would lower on the average manufacturing costs and thereby garment prices.

Those commenters opposing the amendment to FF 3-71 to delete the requirement for RFT did so for a number of reasons. Several of these commenters stated that when FF 3-71 was originally issued by the Department of Commerce in 1971, the provision for RFT was included in order to give the greatest possible protection to small children because they cannot protect themselves. These commenters argued that flaming melt drip is a hazard in that it can cause severe localized burns, and flaming melt drip can burn parts of the body that are not adjacent to the burning sections of the garment. In addition, they stated that flaming melt drip can serve as an ignition source for other fabrics or materials. They further contended that no new data or facts have been developed since FF 3-71 was originally issued that justify eliminating the requirement for RFT and that the elimination of RFT will lower the safety level now provided by the standard. These commenters also argued that elimination of RFT could result in the use of fibers in children's sleepwear garments that have particularly bad flaming melt drip characteristics.

Manufacturers of fibers referred to, by them, as inherently flame resistant argued that there are sufficient quantities of these fibers available to meet the demand for fabrics that comply with the RFT requirements of FF 3-71. They contended that elimination of the RFT requirement is not necessary to reduce the use of chemical flame retardants in children's sleepwear because inherently flame resis-

tant fibers are available in sufficient quantities. Thus, they contended there is no need for a trade-off in safety because there is no necessity for using chemical flame retardants. Further they contended that elimination of the RFT requirement would decrease consumer choice by driving out of the market the more expensive inherently flame resistant fibers.

The Commission recognizes that the provision for RFT was included in FF 3-71 to address the phenomenon of "flaming melt drip" whereby material from a burning garment made of man-made fibers could melt and fall or drip onto another portion of the garment, onto a different garment or textile item causing it to ignite, or on the individual wearing the garment, resulting in a burn. The Commission recognizes that flaming as well as nonflaming melt drip has the potential to cause injury.

Very little injury data is available which focuses on flaming and non-flaming melt-drip. Data in the Flammable Fabrics Accident Case and Testing System (FFACTS) as of July 1975, when the system became inactive, shows 4,172 cases of which 714 involved sleepwear. Of the sleepwear cases, 312 involved children through the age of 12. In 12 of these cases it was reported that the sleepwear garment melted or dripped. In two of these cases it was stated that the melted fabric adhered to the skin of the victims, which contributed to or caused the burn injury. The garment in one of the two cases was chemically flame retarded. In two other cases, it was stated that the garment melted, adhering to the clothing worn underneath, but did not appear to contribute to the victim's injuries. In the eight remaining cases, the relationship of melt-drip to the injury was not specified.

Physicians treating children in burn centers in Boston, Mass. and Galveston, Tex., while acknowledging the potential for melt drip to cause burn injury stated in their comments on the proposal that they did not consider melt drip to be a significant factor in injury severity.

The lack of reported injury cases resulting from melt drip cannot necessarily be attributed to the RFT requirements in FF 3-71 as suggested by several commenters. The requirement does not eliminate flaming melt drip but rather limits the flame to 10 seconds. Thus, the RFT requirement does not eliminate the potential for injury from either non-flaming drips or molten polymer, both of which would result in burns on contact with the skin. Moreover, there is also a lack of reported injuries resulting from melt-drip in garments subject to FF 5-74, which has no requirement for RFT. Elimination of the RFT provision as in

FF 3-71 is not expected to increase the number or severity of these injuries.

One industry commenter submitted to the Commission a number of questionnaire sheets filled out by attorneys handling clothing burn cases. The responses on a number of the questionnaires indicated that the garment involved in the litigation melted and dripped and that the melt drip aggravated the injury. In addition a number of the responses on the questionnaires stated that cotton garments melted and dripped thus aggravating the injury even though cotton garments from a technological standpoint cannot melt and drip. None of the responses to the questions were supported by any technical data.

Other data submitted to the Commission in response to the proposed amendments supported the conclusion that injuries caused by melt drip are not particularly severe and, therefore, do not present an unreasonable risk. In experiments conducted on anesthetized shaved rats and pigs, it was shown that the extent of the injury due to both flaming and non-burning melt drip was limited. In the experiments conducted on the shaved rats, the size of the injury never exceeded $\frac{1}{4}$ to $\frac{1}{2}$ square inches and the severity did not exceed second degree burns. In the experiments with the pig skin, the area and severity of the burn were similarly limited.

These studies indicate that when a melt drip injury occurs, it is usually a localized second degree burn. Such burns, while causing painful localized trauma at the time of the burn, are not likely to cause long lasting physical and psychological damage.

An importer of inherently flame resistant fiber submitted a film to the Commission, purportedly demonstrating the hazard posed by melt drip. This film was designed to demonstrate the resistance of fabrics and garments produced from the inherently flame resistant fiber to both large and small ignition sources. The film accomplishes the purpose. Part of the film demonstrated the effect of a large sustained flaming ignition source on selected fabrics, including one sample of polyester. The polyester fabric shrank from the flame, melted and dripped. This is to be expected with the large, sustained ignition source used. The phenomenon depicted in the film however, has little relationship to the sleepwear fires being addressed by the standards, where the ignition source is usually a small flame such as that from a match or lighter, and of short duration.

In determining whether it is reasonable to delete the RFT provision in FF 3-71 addressing flaming melt drip, the Commission considers factors in addition to the reduction of hazard. It also considers such factors as manufactur-

ing costs, retail prices, garment performance, consumer choice, and the supply of fabric that does not require the addition of a chemical flame retardant.

The Commission believes, on the basis of information provided in the comments and other available information, that amending FF 3-71 to delete the RFT requirement would result in an increase in the amount of untreated polyester and nylon fabric that could be used in garments subject to that standard. When the children's sleepwear standard was first promulgated, some polyester and nylon fabrics were found to occasionally fail the RFT requirement. This problem was overcome by treatment of these fabrics with chemical flame retardants. Elimination of the RFT requirement will permit many of these polyester and nylon fabrics to comply with the standard, without chemical flame retardant treatment.

Suppliers of inherently flame resistant fibers and yarn indicated that there are adequate quantities of inherently flame resistant material available to supply the children's sleepwear market with fabric that complies with FF 3-71. They therefore argue that no garments need be produced that have chemical flame retardants added. It is the Commission's view, however, that while inherently flame resistant fabric may indeed be available in adequate quantities to supply the children's sleepwear market, elimination of the RFT provision will allow the use of additional nonchemical flame retardant treated fabrics in children's sleepwear in those sizes subject to FF 3-71. It is the Commission's view, at this time, that any action it can take that would further reduce the necessity for adding flame retardant chemicals to children's sleepwear while, at the same time, making the widest possible selection of fabrics available without substantially affecting the level of safety afforded by the sleepwear standards, is desirable and beneficial. In this connection, the Commission notes that even fabric referred to in the trade as "inherently flame resistant" may have chemicals added for the purpose of flame retardancy at some stage of production of the fiber.

In considering whether to amend FF 3-71 to delete requirements for RFT, the Commission has also considered the potential effect of this action on the cost of sleepwear garments. Data before the Commission indicates that elimination of the RFT provision will allow garment manufacturers to use lower priced (untreated) fabric in their manufacturing process. This could result in lower average retail prices for children's sleepwear than would be the case without the amendment. While cost reduction alone is not, in the Commission's view, an adequate

reason to eliminate the RFT requirement in the standard, it is one of the factors considered by the Commission.

Several suppliers of inherently flame resistant fibers have expressed the opinion that if the RFT requirement is deleted, inherently flame resistant fibers will not be competitive with untreated polyester fibers because they will cost more and, therefore, will no longer be used in children's sleepwear. It appears to the Commission, on the basis of data submitted in the comments and other available information, that the share of the children's sleepwear market a fiber obtains and holds does not depend on the price of the fiber alone. Inherently flame resistant fibers have found their way into the children's sleepwear market during the last several years, even though their prices have been in the upper end of the prevailing price range for this market. Thus, anticipated price changes as a result of the elimination of RFT from FF 3-71 do not appear to be sufficient cause to exclude any fiber from the sleepwear market.

On the basis of the limited injury data available which can be directly attributed to melt drip, the relative low severity of such injuries, the likelihood of increasing the selection while reducing average retail prices of fabrics and garments that will be available to consumers if the requirements for RFT are deleted, and the likely availability of additional types of fabrics that can meet the requirements of FF 3-71 without the addition of chemical flame retardants, the Commission determines that the RFT requirement in FF 3-71 is not needed for the standard to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury or significant property damage. Accordingly, the Commission amends FF 3-71 to delete the requirement for residual flame time as set forth below. The Commission will monitor the results of this amendment to determine its effect on sleepwear burn injuries. If burn injury or other information is found indicating a reduction in the safety level of the standard as a result of elimination of the RFT requirement, the Commission will reevaluate this amendment and after evaluating the factors discussed above consider further amendment of FF 3-71 regarding RFT.

Section 1615.4(a) of the FF 3-71 concerning the test chamber provides that a piece of asbestos paper be used to catch any melt drip and that this paper be changed after each specimen which drips has been tested. In view of the Commission's decision to delete the requirement for RFT which addresses melt drip, this procedure is no longer necessary and therefore has been eliminated from the Standard.

DELETION OF COVERAGE FOR SLEEPWEAR IN SIZES BELOW SIZE ONE

Comments concerning the proposal to amend FF 3-71 to exempt coverage of sleepwear in sizes below size one were received from individual members of the National Advisory Committee for the Flammable Fabrics Act, representatives of the textile and apparel industry, representatives of the medical profession, retailers, trade associations and consumers.

The Commission, on the basis of the oral and written comments, data compiled by the Commission staff concerning burn injuries involving children under 12 months of age, and other relevant material, voted 2-1 against issuing this proposed amendment.

The Consumer Product Safety Act provides that the Commission shall consist of 5 Commissioners and that 3 Commissioners constitute a quorum for transaction of business. There are currently 2 vacancies on the Commission. The internal voting procedure of the Commission presently requires that the Commission may not take action on a matter if there is a dissenting vote, although the Commission may act if two Commissioners vote to do so and one Commissioner abstains. Because the Commission voted 2 to 1 on the question of issuing the amendment exempting sleepwear garments in sizes less than one, no action can be taken to issue or withdraw the amendment at this time. This amendment may be further considered when additional Commissioners join the Commission.

TRIM TESTING

Comments concerning the proposed amendment to revise the method for testing trim in FF 3-71 and FF 5-74 were received from individual members of the National Advisory Committee for the Flammable Fabrics Act, representatives of the textile industry, representatives of the medical profession, retailers, trade associations and consumers. A large majority of these comments supported the proposed amendment.

The proposed amendment would allow manufacturers who are producing sleepwear garments with the garment trim in a horizontal configuration to test that trim for flammability in a horizontal mode on the test specimen, rather than in the more severe vertical configuration on the test specimen.

Those persons supporting the amendment to FF 3-71 and FF 5-74 to modify the method of testing trim did so generally on the grounds that the amendments would reduce the need for the use of chemical flame retardants in trim used on sleepwear and would not substantially affect the level of safety now provided by the

standards. They also stated that the standards as modified would continue to address hazards presented by burning trim as it occurs in real life situations, and would increase consumer choice in garment design and fabric availability.

Those persons who opposed the proposed amendment did so generally on the basis that the amendment would decrease the level of safety now provided to consumers. Several commenters stated that the change was not necessary because inherently flame resistant fibers were available for trim that would comply with the standards when tested in a vertical test mode.

It is the view of the Commission that testing trim in a horizontal configuration rather than in a vertical configuration is more representative of the burning characteristics of trim used on sleepwear garments in a horizontal mode. The Commission on the basis of laboratory tests, conducted by Clemson University on behalf of a garment manufacturer believes that the level of safety afforded by the standards will not be affected by this amendment. In those tests nightgowns were constructed from fabric commonly used to make children's sleepwear. These nightgowns were trimmed with lace produced from nylon, polyester and cotton, and self fabric ruffle.

The garments were then burned to determine the effect of the trim on the flammability of the garments. Based on these tests, the flammability hazard for trim used in a horizontal configuration was judged to be small, much less than that of trim in a vertical configuration. Therefore, testing of trim in a horizontal configuration on the test specimen, where the trim is used horizontally on the sleepwear garment and in a vertical configuration on the test specimen when the trim is to be used vertically on the sleepwear garment appears to provide a better assessment of the flammability hazard involved than does the current procedure in the standard which requires all trim to be tested in a vertical configuration. Further, testing in this manner is expected to have a minimal effect on the level of safety provided by the standards.

While inherently flame resistant fibers may be available for use in trim, the amendment will result in an increase in the amount and type of trim available for use on sleepwear garments. It should also reduce the need for chemical flame retardant treatment of trim. This issue is discussed in more detail under the heading "Residual Flame Time" above.

In view of the foregoing, the Commission concludes that FF 3-71 and FF 5-74 should be amended by revising the trim test procedures to allow testing of trim in a horizontal configura-

tion on a test specimen where the trim is to be used horizontally on the sleepwear garments. The Commission also concludes that a vertical test method for trim used on sleepwear garments in a horizontal position is not necessary to adequately protect the public against unreasonable risk of the occurrence of fire leading to death or injury.

As in the case of the RFT and sizes below one amendments, the results of the trim test modification will be monitored to determine the effect of the amendment on sleepwear injuries. If burn injuries or other information are found indicating a reduction in the safety level of the standards as a result of the test modification, the Commission will reevaluate this amendment and after analyzing the factors discussed above, consider further amendment of FF 3-71 and FF 5-7 regarding trim testing.

EFFECTIVE DATE

Comments concerning when the proposed amendments should be effective if issued by the Commission were received from individual members of the National Advisory Committee for the Flammable Fabrics Act, representatives of the textile industry, representatives of the medical profession, retailers, and trade associations. In all but a few of the comments, it was recommended that the amendments be effective immediately after promulgation of the amendment. One commenter suggested that the amendments be effective three months after they are issued in order to allow industry to adapt to the amendments and to allow existing inventories of fabrics to be depleted. Another commenter suggested that the amendments be effective one year after promulgation in order to permit the industry to adapt to the amendments.

As discussed above, the Commission has determined that the provisions of the sleepwear standards affected by the amendments are not needed to adequately protect the public against an unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. This determination is based in part on the expectation that the amendments are likely to result in the availability of additional types of fabrics for use in sleepwear garments that can meet the requirements of the standards without the addition of chemical flame retardants, and a possible decrease in the average cost of children's sleepwear, while maintaining the level of safety now provided by the standard.

In view of the foregoing, the Commission finds that it is in the public interest that the amendments be made effective upon their publication in the FEDERAL REGISTER. Therefore, on or after that date any sleepwear gar-

ment, no matter when manufactured or introduced into commerce, that complies with the standard as amended may be sold. Moreover, since the amendments relieve restrictions, or in the case of sizes below one, grant an exemption, the Commission finds, in accordance with 5 U.S.C. 553(d), that it is not necessary to delay the effective date of the amendments in order for the textile industry to adapt to them.

ENVIRONMENTAL CONSIDERATIONS

In proposing the amendments to FF 3-71 and FF 5-74 the Commission concluded that the proposed amendments are expected to reduce the use of chemical flame retardants, and that this reduction should in general have beneficial impacts on the environments. The Commission received no comments on this issue and reaffirms the conclusion made in the proposal.

OTHER COMMENTS

The Commission received a number of comments involving issues not directly related to the proposed amendments. These comments involve matters such as flammability standards in general and revisions to the sampling plan included in the standard. The Commission will consider these comments in the context of its fire-burn program and will take any action on the issues raised it considers appropriate.

CONCLUSION AND ISSUANCE

The Commission has considered the published proposal, the oral and written responses, to the proposal and other relevant material. Based on its analysis as discussed above, the Commission amends the Standards for the Flammability of Children's Sleepwear, FF 3-71 and FF 5-74, to delete the requirement in FF 3-71 for residual flame time and to revise the method of testing trim in both FF 3-71 and FF 5-74.

Therefore, pursuant to provisions of the Flammable Fabrics Act as amended (Pub. L. 90-189, see 4(a), 4(b), 81 Stat. 569; U.S.C. 1193(a)(b), 1201, and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b), 16 CFR 1615 and 1616 are amended as follows:

1. Section 1615.1 is amended as shown below:

Sections 1615.1 (e) is amended and (g) is reserved to read as follows:

§ 1615.1 Definitions.

• • • • •

(e) "Test Criteria" means the maximum char length which a sample or

specimen may exhibit in order to pass an individual test.

• • • • •
(g) [Reserved].

§ 1615.3 [Amended]

2. Section 1615.3(a) is amended and (b) (3) is deleted as shown below:

(a) *Summary of Test Method.* Five conditioned specimens, 8.9 x 25.4 cm. (3.5 x 10 in.), are suspended one at a time vertically in holders in a prescribed cabinet and subjected to a standard flame along their bottom edge for a specified time under controlled conditions. The char length is measured.

(b) • • •
(3) [Deleted].

§ 1615.4 [Amended]

3. Section 1615.4(a) is amended as follows:

(a) *Apparatus—(1) Test Chamber.* The test chamber shall be a steel cabinet with inside dimensions of 32.9 cm. (12 7/8 in.) wide, 32.9 cm. (12 7/8 in.) deep, and 76.2 cm. (30 in.) high. It shall have a frame which permits the suspension of the specimen holder over the center of the base of the cabinet at such a height that the bottom of the specimen holder is 1.7 cm. (2/3 in.) above the highest point of the barrel of the gas burner specified in paragraph (c) of this section and perpendicular to the front of the cabinet. The front of the cabinet shall be a close fitting door with a glass insert to permit observation of the entire test. The cabinet floor may be covered with a piece of asbestos paper, whose length and width are approximately 2.5 cm. (1 in.) less than the cabinet floor dimensions. The cabinet to be used in this test method is illustrated in Figure 1 and detailed in Engineering Drawings, Nos. 1 to 7.

4. Section 1615.4(b) (2) is amended as follows:

(b) • • •
(1) • • •

(2) Different colors or different print patterns of the same fabric may be included in a single Fabric or Garment Production Unit, provided such colors or print patterns demonstrate char lengths that are not significantly different from each other as determined by previous testing of at least three samples from each color or print pattern to be included in the Unit.

5. Section 1615.4(c) (1) and (3) are amended as follows:

(c) • • •

(1) *Normal Sampling.* Select one Sample from the beginning of the first Fabric Piece (Piece) in the Unit and one Sample from the end of the last Piece in the Unit, or select a sample from each end of the Piece if the Unit is made up of only one Piece. Test the

two selected Samples. If both Samples meet all the Test Criteria of § 1615.3(b), accept the unit. If either or both of the Samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1615.3(b)(1), reject the Unit. If two or more of the individual specimens, from the 10 selected specimens fail, the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), select five additional specimens from the same end of the Piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional Sample passes all the test criteria, accept the Unit. If this additional Sample fails any part of the test criteria, reject the Unit.

(2) • • • • •
(3) *Tightened Sampling.* The level of sampling required for acceptance shall be increased when a Unit is rejected under the Normal Sampling plan. The Tightened Sampling shall be the same as Normal Sampling except that one additional Sample shall be selected and cut from a middle Piece in the Unit. If the Unit is made up of less than two pieces, the Unit shall be divided into at least two Pieces. The division shall be such that the Pieces produced by the division shall not be smaller than 100 linear yards or greater than 2,500 linear yards. If the unit is made up of two Pieces, the additional Sample shall be selected from the interior end of one of the Pieces. Test the three selected Samples. If all three selected Samples meet all the test criteria of § 1615.3(b), accept the unit. If one or more of the three selected Samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1615.3(b)(1), reject the Unit. If two or more of the individual specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), reject the unit. If only one individual specimen, of the 15 selected Specimens fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), select five additional specimens from the same end of the same piece in which the failure occurred, all five to be taken in the fabric direction in which the Specimen failure occurred. If this additional Sample passes all the test criteria, accept the Unit. If this additional Sample fails any part of the test criteria, reject the Unit. Tightened Sampling may be discontinued and Normal Sampling resumed after five consecutive Units have all been accepted using Tightened Sampling. If Tightened Sampling remains in effect for 15 consecutive units, production of the specific fabric in Tightened Sampling must be discontinued until that part of the process or component which is causing failure has been identified and

the quality of the end product has been improved.

6. Section 1615.4(c)(4)(iv) is amended as shown below:

(c) • • • • •
(4) • • • • •

(iv) Select and cut a Sample from each end of each adjoining Piece beginning adjacent to the Piece which failed. Test the two Samples from the Piece. If both Samples meet all the test criteria of § 1615.3(b), the Piece is acceptable. If one or both of the two selected Samples fail the 17.8 cm. (7.0 in.) average char length criterion, § 1615.3(b)(1), the Piece is unacceptable. If two or more of the individual Specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), select five additional specimens from the same end of the Piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional Sample passes all the test criteria, the Piece is acceptable. If this additional Sample fails any part of the test criteria, the Piece is unacceptable.

7. Section 1615.4(c)(4)(vi) is amended as shown below:

(c) • • • • •
(4) • • • • •

(vi) Alternatively, individual Pieces from a rejected Unit containing three or more Pieces may be tested and accepted or rejected on a Piece-by-Piece basis according to the following plan, after removing the Piece or Pieces, the failure of which resulted in Unit rejection. Select four Samples (two from each end) from the Piece. Test the four selected Samples. If all four Samples meet all the Test Criteria of § 1615.3(b), accept the Piece. If one or more of the Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the Piece. If two or more of the individual Specimens from the 20 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), select two additional Samples from the same end of the Piece in which the failure occurred. If these additional two Samples meet all the Test Criteria of § 1615.3(b), accept the Piece. If one or both of the two additional Samples fail any part of the Test Criteria, reject the Piece.

8. Section 1615.4(d)(2)(i) is amended as shown below:

(d) • • • • •
(2) • • • • •

(i) *Seams.* Make three Samples (15 specimens) using the longest seam type and three Samples using each other seam type 10 inches or longer that is to be included in the garment. Prior to testing, assign each specimen to one of the three Samples. Test each set of three Samples and accept or reject each seam design in accordance with the following plan:

(A) If all three Samples meet all the test criteria of § 1615.3(b), accept the seam design. If one or more of the three Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the seam design. If three or more of the individual Specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), reject the seam design. If only one of the individual specimens from the 15 selected specimens fails the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), accept the seam design.

(B) If two of the individual specimens from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), select three more Samples (15 specimens) and retest. If all three additional Samples meet all the test criteria of § 1615.3(b) accept the seam design. If one or more of the three additional Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the seam design. If two or more of the individual specimens from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2) reject the seam design. If only one of the individual specimens from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length § 1615.3(b)(2) accept the seam design.

9. Section 1615.4(d)(2)(ii) (A) and (B) are revised as shown below:

(d) • • • • •
(2) — • • • • •

(ii) *Trim (A)(1)* Make three samples (15 specimens) from each type of trim to be included in the garment. For trim used only in a horizontal configuration on the garment, specimens shall be prepared by sewing or attaching the trim horizontally to the bottom edge of an appropriate section of untrimmed fabric. Sleeve and neckline trim may not be tested in this manner. Where more than one row of trim is used on the garment, specimens shall be prepared with the same configuration (same number of rows and spacing between rows up to the limit of the specimen size) as the garment.

(2) For trim used in other than a horizontal configuration, specimens shall be prepared by sewing or attach-

ing the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen.

(3) For either configuration, the sewing or attachment shall be made in the manner in which the trim is attached in the garment.

(B)(1) Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seamtype. Trim used in the horizontal configuration shall be sewn or fastened the entire width (smaller dimension) of the specimen. Trim used in other than the horizontal configuration shall be sewn or fastened the entire length (longer dimension) of the specimen.

(2) Prior to testing, assign each specimen to one of the three samples. Test the sets of three samples and accept or reject the type of trim and design on the same basis as seam design. A type of trim and design accepted when tested in a vertical configuration may be used in a horizontal configuration without further testing.

10. Section 1615.4(d)(3)(i)(A) is amended as shown below:

(d) • • • • •
(3) • • • • •

(i)(A) From each Unit select at random sufficient garments and cut three Samples (15 specimens) from the longest seam type. No more than five specimens may be cut from a single garment. Prior to testing, assign each specimen to one of the three Samples. All specimens cut from a single garment must be included in the same Sample. Test the three selected Samples. If all three Samples meet all the test criteria of § 1615.3(b), accept the Unit. If one or more of the three Samples fail the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), reject the Unit. If four or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm (10 in.) char length, § 1615.3(b)(2), reject the Unit. If three or less of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, § 1615.3(b)(2), accept the Unit.

11. Section 1615.4(d)(3)(i)(B)(3) is amended as shown below:

(d) • • • • •
(3) • • • • •

(3) Test the three Samples. If all three Samples pass the 17.8 cm. (7 in.) average char length criterion, § 1615.3(b)(1), and if three or less individual specimens fail by charring the entire specimen length, accept the Unit. If the Unit is not accepted in the above test, three Samples (15 specimens) of the longest seam type shall be made using fabric and thread from

production inventory and sewn on production machines by production operators. The individual fabric sections prior to sewing must be no larger than 20.3 x 63.3 cm. (8 in. x 25 in.) and must be selected from more than one area of the base fabric. Test the three prepared Samples. Accept or reject the Unit as described previously in this subsection.

12. Section 1615.4(g)(2)(i) is amended as shown below:

(g) • • • • •

(2) *Specimen Burning and Evaluation.* (i) One at a time, the mounted specimens shall be removed from the desiccator and suspended in the cabinet for testing. The cabinet door shall be closed and the burner flame impinged on the bottom edge of the specimen for 3.0±0.2 seconds. Flame impingement is accomplished by moving the burner under the specimen for this length of time, and then removing it.

12. Section 1615.4(g)(3) is amended as shown below:

(g) • • • • •

(3) *Report.* Report the value of char length, in centimeters (inches), for each specimen, as well as the average char length for each set of five specimens.

Subpart B—Rules and Regulations

Section 1615.31 is amended as shown below:

13. Section 1615.31(e)(1)(iii) is amended as shown below:

(e) • • • • •
(1) • • • • •

(iii) Test results and details of all tests performed, both prototype and production, including char lengths of each specimen tested, average char length of the samples required to be tested, details of the sampling procedure employed, name and signature of persons conducting tests, date of tests, and all other records necessary to demonstrate compliance with the test procedures and sampling plan specified by the standard or authorized alternate sampling plan.

14. Section 1616.4(c)(2)(ii) (A) and (B) are revised as shown below:

§ 1616.4 Sampling and Acceptance Procedures.

(c) • • • • •
(2) • • • • •

(ii) *Trim (A)* Make three samples (15 specimens) from each type of trim to be included in the garment. For trim used only in a horizontal configuration on the garment, specimens shall be prepared by sewing or attaching the trim horizontally to the bottom edge of an appropriate section of untrimmed fabric. Sleeve and necking trim may not be tested in this manner. Where more than one row of trim is

used on the garment, specimens shall be prepared with the same configuration (same number of rows and spacing between rows up to the limit of the specimen size) as the garment. For trim used in other than a horizontal configuration, specimens shall be prepared by sewing or attaching the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen. For either configuration, the sewing or attachment shall be made in the manner in which the trim is attached in the garment.

(B) Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seamtype. Trim used in the horizontal configuration shall be sewn or fastened the entire width (smaller dimension) of the specimen. Trim used in other than the horizontal configuration shall be sewn or fastened the entire length (longer dimension) of the specimen. Prior to testing, assign each specimen to one of the three samples. Test the sets of three samples and accept or reject the type of trim and design on the same basis as seam design. A type of trim and design accepted when tested in a vertical configuration may be used in a horizontal configuration without further testing.

(Sec. 4(a), 4(b) (15 U.S.C. 1193(a), 1193(b)), 81 Stat. 569; sec. 30(d), (15 U.S.C. 2079(b)), 86 Stat. 1231.)

Effective date: February 6, 1978.

Dated: February 2, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer
Product Safety Commission.

[FR Doc. 78-2339 Filed 2-3-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE

[T.D. 78-46]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Entry of Antiques

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: Under the Tariff Schedules of the United States, ethnographic objects and other antiques may be imported free of Customs duty. However, an additional duty, besides regular duties which may be applicable, is assessed on ethnographic

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objects and other antiques imported for sale and later found not to be authentic in respect to the antiquity claimed as a basis for free entry. This rule amends the Customs Regulations to reflect the current rate of this additional duty.

EFFECTIVE DATE: February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Lindmeier, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5727.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Ethnographic objects (objects relating to a specific culture) made in traditional aboriginal styles at least 50 years before entry and other antiques made prior to 100 years before entry generally may be imported into the United States free of Customs duties under item 766.20 or item 766.25, Tariff Schedules of the United States (TSUS). However, if the importer of an ethnographic object or other antique imported for sale claims free entry under item 766.20 or item 766.25, TSUS, and the article later is found not to be an authentic antique, the article is subject to a special duty under item 766.30, TSUS, in addition to any other duty imposed by the TSUS. The purpose of this additional duty is to deter false claims for free entry.

Before the modifications of certain duty rates by Presidential Proclamation No. 3822, published in the FEDERAL REGISTER on December 16, 1967 (32 FR 19002), as a result of the Kennedy Round of tariff negotiations, the rate of additional duty assessed under item 766.30, TSUS, was 25 percent ad valorem (that is, 25 percent of the dutiable value) regardless of the country from which imported. Paragraphs (h) and (i) of § 10.53 of the Customs Regulations (19 CFR 10.53 (h) and (i)) and footnote 50 to Part 10 (footnote 50 to 19 CFR Part 10) reflect this rate. However, Presidential Proclamation No. 3822 modified this rate by stages so that, effective January 1, 1972, the additional rate assessed under item 766.30, TSUS, is 12.5 percent ad valorem for articles imported from all countries other than the Communist countries listed in General Headnote 3(e), TSUS. The additional rate under item 766.30, TSUS, for articles from Communist countries remains 25 percent ad valorem.

It is necessary, therefore, to amend paragraphs (h) and (i) of § 10.53 and footnote 50 to Part 10 to reflect the modification of the rate applicable to countries other than Communist countries from 25 percent to 12.5 percent ad valorem.

RULES AND REGULATIONS

Because these amendments merely conform the Customs Regulations to the current additional column 1 rate of duty under item 766.30, TSUS, notice and public procedure thereon are unnecessary, and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

DRAFTING INFORMATION

The principal author of this document was Norman W. King, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development, both on matters of substance and style.

AMENDMENTS TO THE REGULATIONS

Paragraphs (h) and (i) of § 10.53 and footnote 50 to Part 10 of the Customs Regulations (19 CFR 10.53 (h), (i); and footnote 50 to 19 CFR Part 10) are amended as follows:

§ 10.53 [Amended.]

(1) Paragraphs (h) and (i) of § 10.53 are amended by substituting "12.5 percent or 25 percent, as appropriate" for "25 percent".

(2) Footnote 50 to Part 10 is amended to read to follow:

"Any article imported for sale and claimed to be classifiable under item 766.20 or item 766.25, and thereafter determined to be not authentic in respect to the antiquity claimed as a basis for classification thereunder . . . a (column 1) duty of 12.5 percent ad val. . . . [or] a (column 2) duty of 25 percent ad val. in addition to any other duty imposed on such article under these schedules." (Item 766.30, Tariff Schedules of the United States.)

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

G. R. DICKERSON,
Acting Commissioner
of Customs.

Approved: January 25, 1978.

BETTE B. ANDERSON,
Under Secretary
of the Treasury.

(FR Doc. 78-3120 Filed 2-3-78; 8:45 am)

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

Subchapter B—Personnel; Military and Civilian
[DOD Directive 1304.19]

Part 65—NOMINATION OF CHAPLAINS FOR THE ARMED FORCES

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule establishes Department of Defense policy regarding minimum education and ecclesiastical endorsement requirements for appointment in the chaplaincy of the Armed Forces.

EFFECTIVE DATE: November 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Samuel G. Powell, Chaplain, Colonel USAF, Executive Director, Armed Forces Chaplains Board, OASD(MRA&L), The Pentagon, Washington, D.C. 20301, telephone, 202-697-9015.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Headquarters Services, Department
of Defense.

Dated: February 1, 1978.

Accordingly Part 65 reads as follows:

Sec.

65.1 Reissuance and purpose.

65.2 Applicability.

65.3 Policy.

AUTHORITY: The provisions of this Part 65 issued under sec. 3293, 5576, and 8293 of 10 U.S. Code and Executive Order 11390.

§ 65.1 Reissuance and purpose.

This Part establishes minimum education and ecclesiastical endorsement requirements for appointment in the chaplaincy of the Armed Forces.

§ 65.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense and the Military Departments.

§ 65.3 Policy

(a) It is Department of Defense policy that the following education requirements for chaplain appointments be met. The applicant shall:

(1) Possess 120 semester hours undergraduate credits (or the equivalent) from a college or university listed in Part 3 of the Higher Education, Education Directory (hereafter referred to as the "Directory") published by the Department of Health, Education, and Welfare; or

(2) Have completed 120 semester hours credit or the equivalent at a school not listed in the Directory, but from which course credits could be transferred to a listed school; and

(3) Possess a Master of Divinity or an equivalent theological degree, or have completed the equivalent of 3 resident years of graduate level study in theology or related subjects, leading to ordination and ecclesiastical endorsement which qualify the applicant to perform professional functions as a chaplain. All educational requirements must be fulfilled in a theological school listed in the Official Catholic

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Directory or the Association of Theological Schools, or a graduate school of religion which is a component part of a college or university listed in the Directory as accredited on the graduate theological level by a regional accrediting agency or association listed in the Directory; or

(4) Have completed 3 resident years of graduate level study in theology or related subjects or a graduate theological degree at a nonlisted, graduate theological school, if the applicant presents a statement from an institution meeting the requirements specified in paragraph § 65.3a. (1) indicating that the work would be transferred to that institution.

(b) Ecclesiastical Endorsement of Chaplains. As a prerequisite to appointment as a chaplain, an applicant must receive endorsement from an ecclesiastical endorsing agency recognized by the Armed Forces Chaplains Board. In granting ecclesiastical endorsement, ecclesiastical endorsing agents are requested to use DD Form 2088. Additional copies of this form may be obtained from the Executive Director, Armed Forces Chaplains Board. This endorsement shall certify that the applicant is:

(1) A fully ordained or qualified priest, rabbi, or minister of religion;

(2) Actively engaged in a denominationally approved religious vocation; and

(3) Recommended as being qualified spiritually, morally, intellectually, and emotionally to represent the applicant's religious body in the chaplaincy of the Armed Forces.

(FR Doc. 78-3138 Filed 2-3-78; 8:45 am)

[3510-03]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

PART 252—OPERATING-DIFFERENTIAL SUBSIDY FOR BULK CARGO VESSELS ENGAGED IN WORLDWIDE SERVICES

Amendment of Operating Requirements to Cover Nonsubsidized Service in U.S. Foreign Commerce

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Interim rule.

SUMMARY: By this action, the regulations governing the operation of U.S.-flag bulk vessels receiving operating-differential subsidy (ODS) which

DD Form 2088 can be obtained by writing to the Executive Director, Armed Forces Chaplains Board, OASD(MRA&L), The Pentagon, Washington, D.C. 20301.

are engaged in carrying bulk cargo in essential service are amended to cover any nonsubsidized operation in the U.S. foreign commerce which is authorized by the Maritime Subsidy Board. The amendment has become necessary because certain bulk operators holding ODS agreements (ODSA) have recently received authorization to engage in nonsubsidized voyages for the purpose of carrying liquid bulk cargoes for the Strategic Petroleum Reserve (SPR) program of the United States, in accordance with such regulations as may be established by the United States. However, the present regulations do not encompass nonsubsidized voyages. To correct this situation, the amendment establishes the conditions for the termination and recommencement of ODS before and after any voyage of a subsidized bulk vessel which is not performed under subsidy, whether the vessel is carrying an SPR cargo or any other liquid or dry bulk cargo.

EFFECTIVE DATE: February 6, 1978.

COMMENT DATE: On or before March 8, 1978.

ADDRESSES: Send comments to: James S. Dawson, Secretary, Maritime Subsidy Board/Maritime Administration, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:

Stephen C. Orosz or Robert C. Smith, Maritime Administration, Washington, D.C. 20230, 202-377-4758.

SUPPLEMENTARY INFORMATION: Existing regulations governing operating-differential subsidy (ODS) for bulk cargo vessels engaged in worldwide services appear in 46 CFR Part 252. However, recent authorizations by the Maritime Subsidy Board permitting nonsubsidized operation in the U.S. foreign commerce by bulk operators holding ODS agreements have made the amendment of Part 252 necessary because these regulations do not encompass the operation of subsidized bulk cargo vessels on nonsubsidized voyages for which the Maritime Subsidy Board has given prior authorization.

By action of August 17, 1977, the Maritime Subsidy Board authorized the Berger Group of subsidized bulk companies and Moore-McCormack Bulk Transport, Inc. (Mormac) to engage in the carriage of liquid bulk cargo specifically to meet the requirements of the U.S. Strategic Petroleum Reserve program (SPR), in accordance with such regulations as may be established by the United States. Payment of ODS, however, was not authorized for the operation of a vessel during the period of time such vessel engaged in the carriage of that portion of SPR

cargoes reserved for U.S.-flag ships. By subsequent actions of September 21 and October 26, 1977, the Board also authorized Zapata Products Tankers, Inc., and Chestnut Shipping Co., respectively, to engage in the SPR trade subject to the same provisions applicable to the Berger Group and Mormac.

This amendment, however, is not restricted to the specific situation regarding the operation of subsidized bulk cargo vessels in the SPR trade. Instead, a general provision has been provided by the use of the broad phrase "period of nonsubsidized service in the U.S. foreign commerce" to describe any voyage of a subsidized bulk vessel that is not performed under subsidy, whether carrying liquid or dry bulk cargo.

The purpose of this amendment is merely to establish the criteria for determining when ODS terminates and recommences for vessels engaged in nonsubsidized voyages in the U.S. foreign commerce. It does not, nor is it intended to, grant general permission to subsidized bulk operators to engage in such service. In accordance with the ODSA's, this can only be done by order of the Maritime Subsidy Board.

Pursuant to this amendment, an unsubsidized voyage of a subsidized bulk cargo vessel, whether made in the SPR trade or other service in U.S. foreign trade, commences upon the termination of the last subsidized period of operation. Consequently, subsidy will not be payable during the time the bulk vessel is positioning itself to load for the succeeding nonsubsidized voyage. This requirement will place the subsidized vessel on a more equal basis with nonsubsidized vessels in bidding for SPR cargoes.

The amendment further specifies that the unsubsidized operating period runs from the day of final discharge of cargo on the last subsidized voyage (modified to accommodate a following subsidized period of reduced crew, idleness or lay-up) to the day of final discharge of nonsubsidized cargo. A copy of the nonsubsidized voyage report is required to be submitted to the Maritime Administration in the same manner as specified in § 252.24(a).

For the purpose of meeting the requirement of minimum operation of 335 days each year as set forth in § 252.20(a) and the requirement of essential service and service in U.S. foreign commerce as set forth in § 252.21, it has been concluded that a nonsubsidized voyage will be considered in the same manner as a subsidized voyage.

Since the ODS program is a public grant program, rulemaking involving ODS is exempted from the requirements of 5 U.S.C. 553. However, to comport with the spirit of the rulemaking provisions in 5 U.S.C. 553, this amendment is being adopted in an interim form. This procedure was

chosen instead of proposed rulemaking because the amendment of § 252.20 can be made effective immediately upon publication while still providing to interested parties the opportunity to comment. It has become necessary to establish immediately the conditions for the termination and commencement of ODS for the vessels engaging in unsubsidized voyages because the SPR program is currently in operation and SPR voyages by ODS bulk operators have already been undertaken or are imminent.

Interested parties are encouraged to submit written comments, views, or data concerning this amendment. All such written submissions will be given full consideration and acted upon as if this action were a proposed rulemaking. However, this amendment shall remain in effect as a regulation until such time as further action is taken by this Agency.

Accordingly, 46 CFR Part 252 is amended by amending section 252.20 as follows:

1. The heading for § 252.20 is revised to read as set forth below, redesignate the present text of § 252.20 as paragraph (a), with the heading "(a) Subsidized voyages"; and redesignate the present paragraphs (a) and (b) as subparagraphs (1) and (2) respectively; paragraph (c) and subparagraphs (1), (2), (3), and (4) thereof as (3) and (i), (ii), (iii), and (iv), respectively; and paragraph (d) and subparagraphs (1), (2), and (3) thereof as (4) and (i), (ii), and (iii), respectively. A new paragraph (b) is added to read as set forth below.

§ 252.20 Subsidized and unsubsidized voyages.

(b) *Nonsubsidized voyages in the U.S. foreign commerce.* (1) For any period of nonsubsidized service in the U.S. foreign commerce with respect to which the Board has granted prior authorization, a vessel shall go off subsidy after 2400 hours local time of the day of final discharge of cargo on the last subsidized voyage, or in the event the nonsubsidized voyage follows a subsidized period of reduced crew, idleness or lay-up, the vessel shall be deemed to be off subsidy at 0001 hours local time of the day following the day on which such period of reduced crew, idleness or lay-up terminates. The vessel shall continue in this nonsubsidized service until 2400 hours local time of the day of final discharge of the nonsubsidized cargo after which time the vessel will resume subsidized status. In the event the vessel makes consecutive nonsubsidized voyages during any such period of nonsubsidized service, it will remain in nonsubsidized status until completion of the final nonsubsidized voyage.

(2) For the purposes of meeting the requirements set forth in §§ 252.20(a) and 252.21, any such nonsubsidized voyage will be considered in the same manner as a subsidized voyage.

(3) Voyage reports shall be submitted upon the completion of each nonsubsidized voyage in the same manner as specified in § 252.24(a) and shall clearly indicate that the voyage is nonsubsidized.

(Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1981 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1038), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).)

(Catalog of Federal Domestic Assistance No. 11.504—Operating-Differential Subsidies.)

Dated: January 31, 1978.

By order of the Maritime Administration/Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-3132 Filed 2-3-78; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION
BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-157; Amdt. No. 177-39]

PART 177—CARRIAGE BY PUBLIC HIGHWAY

Incorporation of the Federal Motor Carrier
Safety Regulations by Reference

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to incorporate by reference the Federal Motor Carrier Safety Regulations under the authority of the Hazardous Materials Transportation Act (HMTA), 49 U.S.C. 1801, et seq. Except for certain recordkeeping requirements, the Motor Carrier Safety Regulations have previously been enforceable by criminal penalties only. This amendment is intended to authorize the use of civil penalty and other enforcement tools provided by the Hazardous Materials Transportation Act.

DATE: This amendment is effective on February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

In the legal office: Gerald M. Tierney, Attorney, Chief Counsel's Office, Federal Highway Administration, Room 4217, 400 Seventh Street SW., Washington, D.C. 20590, 202-428-0346. In the program office: David B. Goodman, Hazardous Materials Specialist, Vehicle Require-

ments Branch, Bureau of Motor Carrier Safety, Room 3404, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1700.

SUPPLEMENTARY INFORMATION: This amendment is consistent with the policy of reissuing regulations formerly issued under the Explosives and Other Dangerous Articles Act (EODAA) (18 U.S.C. 831-34) so that regulations will be effective under the new HMTA. Such reissuance is performed pursuant to the direction in the HMTA to bring all rules and regulations into conformity with the purposes and provisions of that Act as soon as practicable, Pub. L. 93-633, section 114(b)(2). The Federal Motor Carrier Safety Regulations (FMCSR) are currently applicable to carriers of hazardous materials pursuant to 49 CFR 397.2 which is issued jointly under the Interstate Commerce Act (ICA), 49 U.S.C. 304, and the EODAA, 18 U.S.C. 831-835. The effect of this amendment is merely to make civil penalties and other enforcement tools of the HMTA applicable to those hazardous materials carriers already subject to Parts 390-397. Because this amendment merely reissues, under new authority, regulations already in effect, notice and comment are unnecessary. For the same reason, this amendment is effective upon publication.

As the FMCSR are being incorporated by reference, the intent, scope of application and preemptive effects of the FMCSR, as reissued under the HMTA, are unchanged. The Department does not intend for this action to alter the categories of persons subject to the FMCSR, to alter the substance of those regulations, or to preempt State or local law not preempted by the FMCSR before incorporation into Part 177. However, §§ 397.3 and 397.9 are not being reissued under the HMTA at this time. Reissuance of both sections is being deferred pending further review, and in the meantime both sections will continue, as in the past, to be enforceable with criminal penalties provided by the statutes under which they were originally promulgated.

Primary drafters of this document are Gerald M. Tierney, Chief Counsel's Office, Federal Highway Administration, and David B. Goodman, Vehicle Requirements Branch, Bureau of Motor Carrier Safety.

The issuance of this regulation does not constitute a major action requiring an inflationary impact evaluation or an environmental impact statement, nor will it impose additional costs or burdens on Federal, State, or local governments.

In view of the foregoing, Part 177 of Title 49, Code of Federal Regulations, is amended as follows:

1. In the Table of Sections, an entry for § 177.804 is added to read:

Sec.

177.804 Compliance with Federal Motor Carrier Safety Regulations.

2. A new § 177.804 is added to read:

§ 177.804 Compliance with Federal Motor Carrier Safety Regulations.

Motor carriers and other persons subject to this Part shall comply with 49 CFR Parts 390 through 397 (excluding §§ 397.3 and 397.9) to the extent those rules apply.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

Issued in Washington, D.C., on January 31, 1978.

L. D. SANTMAN,
Acting Director, Materials
Transportation Bureau.

[FR Doc. 78-3152 Filed 2-3-78; 8:45 am]

[4910-59]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC
SAFETY ADMINISTRATION, DEPARTMENT OF
TRANSPORTATION

[Docket No. 78-03; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY
STANDARDS

New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY STATEMENT: This amendment adds certain tire size designations to Standard No. 109, New Pneumatic Tires—Passenger Cars. This addition is made pursuant to a request from the Rubber Manufacturers Association (RMA) to permit the production of tires with the specified designations.

EFFECTIVE DATE: March 8, 1978, if objections are not received.

FOR FURTHER INFORMATION CONTACT:

John A. Diehl, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1715.

SUPPLEMENTARY INFORMATION: According to agency practice, regular amendments are published modifying the Appendix of Standard No. 109. Guidelines were published in the FEDERAL REGISTER on October 5, 1968 (33 FR 14964), and amended August 31, 1974 (39 FR 28980), specifying procedures by which routine additions could be made effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures

for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed. The RMA petitioned for this addition to the tire tables to permit production of tires with the specified designations. This request is granted.

Accordingly, Appendix A of 49 CFR 571.109 is amended subject to the 30 day provision indicated above, as specified below.

The principal authors of this document are John A. Diehl, Office of Vehicle Safety Standards, and Roger Tilton, Office of Chief Counsel.

§ 571.109 [Appendix Amended]

In Table I-GG, the following new tire size designation and corresponding values are added.

In Table I-HH the following new tire size designation and corresponding values are added.

In Table I-JJ, the following new tire size designations and corresponding values are added.

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on January 27, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator
for Rulemaking.

TABLE I—GG

Tire load rating, test rims, minimum size factors and section widths for "P/80" series ISO type tires

Tire size ^a designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)								Test rim width (inches)	Minimum size factor (mm)	Section ^a width (mm)	
	120	140	160	180	200	220	240	260				280
165/80R15.....	380	410	440	465	490	515	540	560	580	4½	797	165

TABLE I—HH

Tire load rating, test rims, minimum size factors and section widths for "P/75" series ISO type tires

Tire size designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)								Test rim width (inches)	Minimum size factor (mm)	Section width (mm)	
	120	140	160	180	200	220	240	260				280
P175/75R14	375	405	435	460	485	510	530	550	575	5	782	177

TABLE I—JJ

Tire load rating, test rims, minimum size factors and section widths for "P/70" series ISO type tires

Tire size ¹ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)								Test rim width (inches)	Minimum size factor (mm)	Section ¹ width (mm)	
	120	140	160	180	200	220	240	260	280			
P225/70R14.....	510	550	590	625	660	690	725	755	780	6	879	223
P235/70R14.....	550	595	635	675	710	745	780	810	840	6 1/4	904	235
P234S/70R14.....	595	640	685	725	765	805	840	875	905	7	930	248
P235/70R15.....	575	625	665	705	745	780	815	850	880	6 1/4	929	235
P255/70R15.....	665	715	765	815	860	900	940	980	1015	7	976	255

*The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

*Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

[FR Doc. 78-3115 Filed 2-3-78; 8:45 am]

[4910-59]

[Docket No. 78-03; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY STATEMENT: This amendment adds certain tire size designations to Standard No. 109, New Pneumatic Tires—Passenger Cars. This addition is made pursuant to a request from the Michelin Tire Corp. to permit the production of tires with the specified designations.

EFFECTIVE DATE: March 8, 1978, if objections are not received.

FOR FURTHER INFORMATION CONTACT:

John A. Diehl, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1717.

SUPPLEMENTARY INFORMATION: According to agency practice, regular amendments are published modifying the Appendix of Standard No. 109. Guidelines were published in the FEDERAL REGISTER on October 5, 1968 (33 FR 14964), and amended August 31, 1974 (39 FR 28980), specifying procedure by which routine additions could be made effective 30 days from publi-

cation in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed. The Michelin Tire Corp. petitioned for this addition to the tire tables to permit production of tires with the specified designations. This request is granted.

The principal authors of this document are John A. Diehl, Crash Avoidance Division, and Robert M. Churilla, Office of Chief Counsel.

Accordingly, Appendix A of 49 CFR 571.109 is amended subject to the 30 day provision indicated above, as specified below:

§ 571.109 [Appendix Amended]

The Appendix is amended by adding: (1) A new Table I-NN, as follows:

TABLE I-NN

Tire load ratings, test rims, minimum size factors, and section widths for all millimetric "60 series" radial ply tires (TRX rim)

Tire size designation	Maximum tire loads, (pounds) at various cold inflation pressures (psi)												Test rim width (mm)	Minimum size factor (mm)	Section width* (mm)
	16	18	20	22	24	26	28	30	32	34	36	38			
195/60R390.....	840	900	950	1000	1050	1100	1150	1190	1240	1280	1320	1360	1400	150	200

*The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to the "R".

*Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

(2) A new Table I-OO, as follows:

TABLE I-OO

Tire load rating, test rims, minimum size factors and section widths for all millimetric "P/60" series ISO type tires (TRX rim)

Tire size designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)								Test rim width (inches)	Minimum size factor (mm)	Section width* (mm)
	120	140	160	180	200	220	240	260			
P205/60R390.....	400	435	470	500	530	560	590	620	650	150	208

*The letters "D" for diagonal and "B" for bias belted may be used in place of the "R".

*Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

(3) A new Table I-PP, as follows:

TABLE I-PP

Tire load ratings, test rims, minimum size factors, and section widths for all millimetric "85 series" radial ply tires (TRX rim)

Tire size designation	Maximum tire loads, (pounds) at various cold inflation pressures (psi)												Test rim width (mm)	Minimum size factor (mm)	Section width* (mm)
	16	18	20	22	24	26	28	30	32	34	36	38			
180/85R365.....	700	750	795	840	885	925	960	995	1030	1065	1100	1135	1165	135	184
180/85R390.....	725	775	820	865	905	945	985	1025	1065	1100	1135	1170	1205	135	184
190/85R390.....	815	870	925	975	1020	1070	1115	1155	1200	1240	1280	1320	1355	150	197

*The letters "H", "S" or "V" may be included in any specified tire size designation adjacent to the "R".

*Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on January 27, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator
for Rulemaking.

[FR Doc. 78-3116 Filed 2-3-78; 8:45 am]

[4110-35]

Title 42—Public Welfare

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 450—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAM

Reimbursement on a Reasonable Cost Related Basis for Skilled Nursing and Intermediate Care Facility Services; Supplemental Statement of Basis and Purpose of Regulations

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice.

SUMMARY: The following statement of basis and purpose is published in conformity with the order entered on December 7, 1977 in *American Health Care Assn. v. Califano*, U.S.D.C. D.C., Civ. No. 77-0250. This statement supplements and clarifies parts of the preamble which accompanied final regulations published at 41 FEDERAL REGISTER 27300-27308, July 1, 1976, with respect to opportunities for profit which States may afford providers of skilled nursing facility (SNF) and intermediate care facility (ICF) services under title XIX of the Social Security Act (Medicaid).

FOR FURTHER INFORMATION, CONTACT:

Milton Dezube, 202-245-8821.

SUPPLEMENTARY INFORMATION: Section 249(a) of Pub. L. 92-603, the Social Security Amendments of 1972, amended title XIX of the Social Security Act by adding section 1902(a)(13)(E). That section requires that State Medicaid plans provide:

... effective July 1, 1976, for payment of the skilled nursing facility and intermediate care facility services provided under the plan on a reasonable cost related basis, as determined in accordance with the methods and standards which shall be developed by the State on the basis of cost-finding methods approved and verified by the Secretary.

On April 13, 1976, the Department published a Notice of Proposed Rulemaking implementing section 249(a). (41 FR 15560.) Interested parties were given 45 days to submit any comments, suggestions, or objections pertaining to the proposed amendments. After these comments received were fully analyzed, final implementing regulations were published on July 1, 1976, together with a statement of basis and purpose. (41 FR 27300.)

NOTE.—These regulations were originally published by the Social and Rehabilitation Service and codified at 45 CFR 250.30 (a)(3) and (b)(6). Since title XIX is now administered by the Health Care Financing Administration, the regulations have been recodi-

fied at 42 CFR 450.30 (a)(3) and (b)(6). See 42 FR 52826, September 30, 1977.

On February 10, 1977, the American Health Care Association filed suit in the Federal District Court for the District of Columbia, alleging that these regulations unlawfully restricted the opportunities for profit which States could afford providers of SNF and ICF services under State Medicaid plans. The complaint alleged that (1) final regulations conflicted with the legislative history and, therefore, exceeded the Secretary's statutory authority; (2) the regulations violated the Administrative Procedure Act, in that the Notice of Proposed Rulemaking had not afforded adequate notice to interested parties of the position taken in the final regulations on permissible opportunities for profit; and (3) the preamble to the final regulations did not adequately explain the basis and purpose of the departures from the proposed regulations.

On December 7, the Court upheld the validity of the Department's regulations. The court found that the Secretary's limitations on opportunities for profit under the regulations were not in conflict with the statutory language or congressional intent; that the differences between the proposed regulations and the final regulations were insufficient to serve as a basis for invalidating the rulemaking procedures; and that the proposed regulations were sufficient to put affected persons on notice that the rulemaking procedure would impact upon their interests.

However, the Court also found that the statement of basis and purpose accompanying the final regulations did not provide enough guidance to enable interested parties to comply with the requirements of the regulations with respect to opportunities for profit. The Court therefore directed the Secretary, within 60 days, to issue a statement of basis and purpose which would advise interested parties of the intended operation of the regulations on this point.

The following statement of basis and purpose is published pursuant to the Court's order. This statement supplements and clarifies, but does not supersede, the original preamble published with the final regulations on July 1, 1976. The only issue raised in the lawsuit concerned the treatment under the regulations of profit in State plans for SNF and ICF reimbursement; consequently this statement is limited to points bearing on this subject.

LEGISLATIVE HISTORY

The legislative history of section 249(a) of Pub. L. 92-603 is sparse. The

only contemporaneous legislative discussions of sections 249(a) are the brief reports of the Senate Committee on Finance, where section 249 originated (S. Rept. No. 92-1230 (92d Cong., 2d Sess.) Sept. 26, 1972, pp. 287-288) and the conference committee report (H. Rept. No. 92-1605 (Conference Rept.) (92d Cong. 2d Sess.) Oct. 14, 1972, pp. 56-57). In addition, some general guidance on the meaning of section 249(a) is afforded from its context in Pub. L. 92-603. (It should also be noted that, several years after the enactment of Pub. L. 92-603, Senator Talmadge, a member of the Senate Committee on Finance, made statements in the Congressional Record expressing his understanding of the Committee's intention at the time it wrote section 249(a). (Cong. Rec., June 20, 1975, pp. 20029-20030; Cong. Rec., Mar. 25, 1976, pp. S4194-S4195.) In our view, Senator Talmadge's comments are consistent with the Department's implementation of section 249(a).)

This legislative history provides the following guidance on the meaning of the requirement that payment for SNF and ICF services under title XIX be on a reasonable cost related basis:

1. *An individual facility's reasonable cost related payment rate may (although it need not) be set in a manner that affords an opportunity for profit.* The legislative history indicates three ways in which the State may set payment rates which afford an opportunity for profit.

First, States may include a return on net invested equity in the payment rates for proprietary (for-profit) providers. The Senate Finance Committee and Conference Reports explain that States are to be free to use the title XVIII (Medicare) principles of reimbursement, which treat as an allowable cost a return on proprietary providers' net invested equity.

Second, States may set payment rates prospectively without retrospective adjustment, allowing providers who hold their costs below the payment rate to keep the difference as a profit. The Senate Finance Committee Report states that "States would be free to provide for retroactive adjustments on rates or costs to the extent necessary to prevent 'windfalls' or unjustifiably low payment." This statement necessarily implies that States are also to be free to set payment rates prospectively without retrospective adjustment.

Third, the Senate Finance Committee Report declares that States may set payment rates on a class basis. Any class payment rate affords providers an opportunity to profit by holding their costs below the class rate.

2. *"Reasonable cost related" payment rates must, at a minimum, be high enough to cover the allowable costs of an efficiently and economical-*

ly operated facility. The Senate Finance Committee Report expresses dissatisfaction with the arbitrary rate setting systems in use in some States at the time section 249(a) was written, in part because under those systems some facilities were paid too little to support the quality of care that Medicaid patients are expected to need and receive. It follows that "reasonable cost related" payment rates must be no lower than the amount adequate to cover in full the costs of providing the minimum care required under applicable federal and state law and standards of participation. Thus the cost to an efficiently and economically operated facility of meeting these Federal and State standards represents a "floor" on reasonable cost related payment rates.

3. *It is appropriate to set a ceiling on "reasonable cost related" payment rates.* The Senate Finance Committee Report, at the same time it noted that some providers were being paid too little, also expressed concern that other providers were being paid too much. Moreover, many other specific provisions, and much of the legislative history, of Pub. L. 92-603 evidence Congress great concern with the need to control the escalating costs of the Medicaid program by encouraging efficiency and economy. (See, e.g., sections 221-224 and 232 of Pub. L. 92-603; H. Rept. 92-231 (92d Cong., 1st Sess.), May 26, 1971, pp. 78-85, 100-101; S. Rept. 92-1230 (92d Cong., 2d Sess.), Sept. 26, 1972, pp. 184-190, 224-226.) Like the floor on acceptable payment rates, the ceiling may not be arbitrary, but must be reasonable cost related.

4. *States should be allowed greater flexibility to experiment in developing methods of determining reasonable cost related payment rates.* The Senate Finance Committee Report made clear that, while States were to have discretion to use some or all of the Medicare principles of cost finding or rate setting, they were not to be required to do so, but were to be free to develop or adopt other methods which could be less cumbersome and less expensive.

THE REGULATORY SCHEME

Ceilings and Floors on Reasonable Cost Related Payment Rates

On the basis of this legislative history, the Department's regulations provide a minimal framework within which States are free to develop their own reasonable cost related rate setting methods.

As was discussed in the preamble to the final regulations, there is no single acceptable method for determining reasonable cost, but rather a variety of acceptable methods; it follows from this that there is a spectrum of figures within an acceptable range, any of

which is a reasonable cost related payment rate. Under the Department's regulations, States may use a wide variety of rate-setting methods. States may set payment rates prospectively or retrospectively, on a class or facility-by-facility basis. (A payment rate set prospectively is a rate set for an accounting period entirely on the basis of cost reports of provider facilities and other cost data for earlier accounting periods, and on economic forecasts available before the beginning of the accounting period for which the rate is paid. A payment rate set or adjusted retrospectively is a rate set or adjusted for an accounting period on the basis of the cost reports of provider facilities and other cost data for the accounting period for which the rate is paid.) The Department has limited its role in determining how reasonable cost related payment rates are to be set to stating a few basic principles to which States must adhere in setting payment rates, including the principles which must be applied in determining the maximum and minimum rates which satisfy the requirement of being reasonable cost related.

The minimum reasonable cost related rate is the rate which the State reasonably finds (or, in the case of a prospectively determined rate, the level which the State reasonably expects) to be adequate to reimburse in full the allowable cost of a provider facility that is economically and efficiently operated. Thus, a provider facility's payment rate may not be lower than the level the State finds or expects to be adequate to reimburse the costs of that facility (where payment rates are set on a facility-by-facility basis) or of some provider in the class (where payment rates are set on a class basis) if that facility were operated as efficiently and economically as possible.

The maximum reasonable cost related rate in a prospective rate-setting system is the highest costs the individual provider (where rates are set on a facility-by-facility basis) or the highest cost provider in the class (where rates are set on a class basis) can reasonably be expected to incur, and which would be found reasonable if incurred. The maximum reasonable cost related rate in a retrospective rate-setting system is the amount which would be determined using the Medicare principles of provider reimbursement. In addition, all payment rates, whether set prospectively or retrospectively, are subject to any general payment limits established by the Secretary under sections 1861(v) and 1866 of the Social Security Act, as amended by section 223 of Pub. L. 92-603, and under implementing regulations at 42 CFR 405.460-405.461.

An approvable State title XIX plan for reimbursement of long term care

facility services must provide for a method of determining payment rates which assures that all participating providers' payment rates will fall somewhere between the maximum and minimum reasonable cost related rates.

Retention of the Medicare Ceiling on Payment Rates Set Retrospectively

Prior to promulgation of the regulations implementing section 249(a), the Department's regulations had provided that payment rates to long term care facilities not exceed rates that would be determined using the Medicare principles of reimbursement under Part A of title XVIII (former 45 CFR 250.30(b)(3) (ii) and (iii)). The basic principle of reimbursement under Part A of title XVIII is that the amount paid to any provider is the lesser of reasonable cost or customary charges (or, in the case of services provided free of charge or at a nominal charge, fair compensation as determined by the Secretary). The Department's regulations had permitted the Medicare ceiling to be calculated either on a facility-by-facility basis, or on a Statewide average.

The final regulations implementing section 249(a) discontinued use of the Medicare ceiling on payment rates set prospectively without retrospective adjustment. As the preamble indicated, this decision was based on the conclusion that the inherent cost-containment potential of prospective rate-setting made the Medicare ceiling unnecessary.

However, the Medicare ceiling was retained for retrospective rate-setting systems, since these systems do not have the incentives for efficiency and economy inherent in prospective systems. The regulations permit States to determine conformity with the Medicare ceiling requirement by any of three alternative methods. Thus, the requirement is deemed met if (1) the ceiling limitation is met on a facility-by-facility basis; or (2) if the State's payments do not exceed amounts which would have been determined under Medicare in 90 percent of a random sample of all facilities participating in Medicaid; or (3) if the average payments to all facilities within a class do not exceed amounts which would have been determined under Medicare.

Methods of Setting Reasonable Cost Related Payment Rates Which Afford Opportunity for Profit

In accordance with the legislative history discussed above, the preamble to the final regulations indicated three general approaches that may be used by States to afford providers the opportunity for profit under the regulations: Payment of a return on proprietary providers' net invested equity,

use of class rates, and use of prospective rates.

The preamble to the final regulations did not attempt to specify how States could use variants of these three approaches to afford an opportunity for profit. The Department chose to give the States flexibility to develop new rate-setting methods within the general requirements of the regulations, beyond those already known to or reviewed by the Department.

However, many States have been confused by the lack of guidance in this area. In addition, the Secretary and the Administrator of HCFA have learned that some Department Officials have not correctly interpreted the statute and regulations with respect to the opportunities for profit that may be afforded providers. Therefore, a list of approvable rate-setting methods which afford an opportunity for profit is set forth in this Notice in order to clarify the Department's policy. These rate-setting methods include all the methods of which the Department is presently aware which afford providers an opportunity for profit and which are approvable under the statute and implementing regulations. However, it is possible that States will yet develop other rate-setting methods affording an opportunity for profit which are not specified here but which would also be approvable.

Return on Net Invested Equity of Proprietary Providers

The State plan may provide that a return on proprietary providers' net equity will be treated as an allowable cost. The State may set the rate of return on net equity at the level it calculates is necessary to attract and maintain adequate investment of capital in the nursing home industry.

Since section 249(a) permits States to adopt, wholly or in part, the Medicare principles of cost finding and reimbursement, and since the Medicare principles treat a specified return on proprietary providers' net invested equity as an allowable cost, the Department concludes that States should be able to include a similar return as an item of allowable cost under these regulations. The Medicare provisions (42 U.S.C. 1395x(v)(1)(B) and 42 CFR 405.429(a)) permit this treatment on the rationale that a rate of return equivalent to that guaranteed on alternative investments is an economic cost of procuring the investment of private capital in health care facilities. But the Medicare principles do not permit such a return to be treated as an allowable cost item for non-profit or governmental providers, because the latter two groups do not base their decision to invest in a health care facility on a comparison of the economic

return they can expect from various uses of their capital. Therefore, as the preamble to these final regulations pointed out, a return on net invested equity would not be an appropriate element in the calculation of the reimbursement rate for non-profit and governmental providers.

Prospective Rates and Class Rates

While return on net invested equity may be included in the payment rates only of for-profit providers, States may use two other approaches, separately or in combination, to afford an opportunity for profit to non-profit as well as to for-profit providers.

First, the State can group providers in classes for purposes of determining payment rates. Any provider which can hold its costs below its payment rate may be allowed to keep the difference. Second, the State may set payment rates prospectively (on either a class or a facility-by-facility basis). Any provider which can hold its costs below the prospectively set rate will in effect profit by the difference. These rate-setting methods have the advantage of operating as an incentive to efficiency and economy, since providers will profit in inverse ratio to their costs. For example, if a prospective class rate is set at \$20/patient day, a provider which keeps its costs down to \$15/patient day makes a greater profit than one which keeps its costs down to \$19/patient day.

Below are listed all the approvable variants on prospective and class rate-setting systems of which the Department is presently aware. (In order to be approvable, the rate-setting methods described below must assure that all payment rates, and all ceilings and floors on payment rates, do not exceed the Federal upper and lower limits on reasonable cost related payment rates discussed above.)

(a) The State plan may provide that reasonable cost related payment rates will be set prospectively on a facility-by-facility basis.

(b) The State plan may provide that reasonable cost related payment rates will be set prospectively on a class basis.

(c) The State plan may provide that ceilings and floors on reasonable cost related payment rates will be set prospectively on a class basis, and that within those ceilings and floors payment rates will be set prospectively for all facilities in the class on a facility-by-facility basis. For each facility in the class whose projected costs for allowable cost items fall below the ceiling so established, the State may set a prospective rate at some point between the ceiling and the individual facility's projected costs. (Or, as a variant on this method, the State may set payment rates between projected actual costs and the class ceiling only

for facilities which have historically kept their costs more than some specified amount or percentage below the class ceiling rate.)

(d) The State plan may provide that reasonable cost related payment rates will be set retrospectively on a class basis.

(e) The State plan may provide that ceilings and floors on reasonable cost related payment rates will be set retrospectively on a class basis, and that within those ceilings and floors reasonable cost related payment rates will be set retrospectively for all facilities

in the class on a facility-by-facility basis. For each facility in the class whose actual costs for the rate period fall below the ceiling so established, the State may set a payment rate at some point between the ceiling and the individual facility's actual costs. (Or, as a variant on this method, the State may set payment rates between actual costs and the class ceiling only for facilities which have kept their costs more than some specified amount or percentage below the class ceiling rate.)

The foregoing has been published pursuant to the court's order of De-

cember 7, 1977, in *American Health Care Assn. v. Califano*. That order does not require a republication of 42 CFR 450.30 (a)(3) and (b)(6).

Dated: January 27, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: February 1, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-3255 Filed 2-3-78; 9:06 am]

[3410-05]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[7 CFR Part 1438]

1978 CROP GUM NAVAL STORES LOAN PROGRAM

Proposed Rule

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this notice is to advise that the Commodity Credit Corporation proposes to make determinations and issue regulations concerning a loan program for the 1978-crop gum naval stores, which is authorized by the Agricultural Act of 1949, as amended.

The loan program is intended to stabilize market prices and to protect producers, processors, and consumers. The program will enable producers to obtain price support of 1978-crop gum naval stores. Written comments are invited from interested persons.

DATE: Written comments must be received on or before March 8, 1978, in order to be sure of consideration.

ADDRESS: Producer Associations Division, Agricultural Stabilization and Conservation Service, P.O. Box 2415, U.S. Department of Agriculture, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Roger A. P. Cooley, ASCS, 202-447-7405.

SUPPLEMENTARY INFORMATION: The Secretary is granted the authority under Title III ("Other Nonbasic Agricultural Commodities"), Sec. 301, of the Agricultural Act of 1949, as amended, to make available a loan and/or purchase program "to producers for any nonbasic commodity not designated in Title II at a level not in excess of 90 per centum of the parity price for the commodity" Sec. 302 provides that "price support shall, insofar as feasible, be made available to producers of any storable nonbasic agricultural commodity for which such a loan program is in effect and who are complying with such program.

Sec. 401 of the Act requires that the Secretary, in determining whether there shall be a program, consider: (1) The supply of the commodity in rela-

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

tion to the demand therefore, (2) the price levels at which other commodities are being supported, (3) availability of funds, (4) perishability and storability of the commodity, (5) importance of the commodity to agriculture and the national economy, (6) ability to dispose of stocks acquired through a support operation, and (7) the ability and willingness of producers to help keep supplies in line with demand.

PROPOSED RULE

In view of the interest shown by producers, the Secretary has under consideration a loan program for the 1978 crop of gum naval stores. The program would be a nonrecourse loan program as was in effect from 1938 through 1975. No purchase program is being considered for 1978-crop gum naval stores.

Before making any determination the Department will give consideration to comments, data, views, and recommendations submitted in writing, within the comment period, to the Director, Producer Associations Division.

All submissions received will be made available for inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 5750, South Building, 14th and Independence Avenue SW., Washington, D.C. (7 CFR 1.27(b)).

Signed at Washington, D.C., on January 27, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.
[FR Doc. 78-3150 Filed 2-3-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 19 and 20]

NOTICES, INSTRUCTIONS AND REPORTS TO WORKERS, INSPECTIONS; STANDARDS FOR PROTECTION AGAINST RADIATION

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amendments to its standards for protection against radiation. The amendments would require licensees to control the total occupational radiation dose of individuals. Implementing changes would require licensees: (a) To obtain

from more highly exposed individuals, information on dose during a current calendar quarter from sources outside of the licensee's control; (b) to furnish prompt estimates of dose, at the request of the individual, upon termination of work; and (c) to keep appropriate records. In many cases, licensees operating within the basic radiation dose limits permit workers to receive up to 1.25 rems per calendar quarter without obtaining information of prior occupational dose. It would be possible for more than one licensee to employ an individual in a calendar quarter. The individual could receive doses within the basic quarterly limit during each employment, and exceed the quarterly limit in total during multiple employments. The proposed amendments are designed to minimize the possibility of overexposure of short-term workers, sometimes called "transient workers," and other individuals who may be employed by, or work in the restricted areas of more than one licensee within a single calendar quarter, and individuals who may work for more than one licensee at a time (moonlighters).

DATES: Comment period expires April 7, 1978.

ADDRESSES: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter S. Cool, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-443-6920.

SUPPLEMENTARY INFORMATION: The regulations in 10 CFR Part 20 requires that no licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter, from radioactive material and other sources of radiation in the possession of the licensee, a dose in excess of the basic 1.25 rems per quarter whole body limit specified in § 20.101(a), or 10 percent of that dose as specified in § 20.104(a) if the individual is less than 18 years of age. Provision is made in § 20.101(b) that a licensee may permit an individual to receive up to 3 rems per quarter provided that the licensee determines the individual's occupa-

tional radiation dose history, and provided that the individual's accumulated occupational radiation dose to the whole body does not exceed the formula 5(N-18), where "N" equals the individual's age at his last birthday.

However, it would be possible for more than one licensee operating pursuant to § 20.101(a) to employ an individual in a calendar quarter. The individual could receive doses up to 1.25 rems during each employment without consideration of the dose received during prior employment, and exceed the basic 1.25 rems per quarter limit during the multiple employments.

Information obtained from Commission inspections and investigations and from reports on personnel monitoring filed on termination of employment or work assignment in licensed facilities by four categories of licensees pursuant to § 20.408, 10 CFR Part 20, indicate an increase in frequency of doses to transient workers at different licensed plants. The Commission is also aware of organized recruitment of personnel to work in licensed activities other than those of their primary employer (moonlighting), particularly during their vacations. Therefore, the Commission is considering amendments to its regulations that would require each licensee to control the total occupational dose to workers, including transient workers and moonlighters.

The proposed amendments to 10 CFR Part 20 that follow would amend § 20.1(b), the statement of purpose of Part 20, and § 20.101 to specifically require licensees to control the possession, use, and transfer of licensed material in such a manner that the total occupational dose of an individual does not exceed the appropriate limits. This would include contributions to the total from all sources of occupational dose, licensed and unlicensed, whether the sources are in the possession of the licensee or any other person.

The proposed amendments to § 20.102(a) would have the effect of requiring licensees to obtain information on prior occupational dose of workers during the calendar quarter in which they are first hired or brought in to work in a restricted area. The proposed amendment would require licensees to obtain from any individual who enters the licensee's restricted area under such circumstances that the individual receives or is likely to receive a dose in excess of 25 percent of the applicable dose limits in §§ 20.101(a) and 20.104, information on the nature and amount of occupational dose that the individual already

¹The four categories of licensees are specified in § 20.407(a), and are the categories considered to have the greatest potential for significant occupational radiation dose.

may have received during the current calendar quarter from radioactive material and sources of radiation possessed or controlled by other persons. Licensees would be required to maintain records of such information.

Unless doses are estimated and the information promptly provided, the individual worker would be unable to supply dose estimates to a subsequent employer, as would be required by the proposed § 20.102(a). Therefore, the proposed addition of § 19.13(e), 10 CFR Part 19, would require licensees to provide written dose estimates at the request of individuals terminating employment with the licensee in work involving radiation dose. These reports would be given to individuals, employed by other persons, who are terminating work assignments in the licensee's restricted areas, also upon request. The reports would cover the specifically identified final quarter or fraction thereof, and would either: (1) State that the radiation dose was reasonably estimated to be less than 25 percent of applicable limits in §§ 20.101(a) and 20.104(a), or (2) provide an estimate of the dose. The estimate would be provided to the worker at the time of termination, so that the worker would have the information prior to entry into the restricted area of another licensee. The finally determined dose would continue to be made available to the worker in accordance with existing regulations (§ 19.13).

A worker may choose to provide a prospective employer-licensee with copies of written statements of estimated dose that would be provided by a previous employer-licensee pursuant to proposed § 19.13(e), as one method of satisfying the requirement of proposed § 20.102(a). However, the hiring licensee would not be required to obtain copies of such written estimates of dose, or to verify the occupational dose information provided by a worker by contacting previous employers or licensees in whose restricted areas the individual worked. Further, enforcement action will not be taken against a licensee solely because an individual worker withholds or falsifies information. The effectiveness of the proposed system to limit the total occupational dose of transient and moonlighting workers is, therefore, dependent on the responsiveness of the workers as well as the licensees.

The licensee would not be required by the proposed amendments to determine the dose received by the individual prior to the calendar quarter during which the individual is hired or brought into a restricted area to work. However, determination of such accumulated dose on Form NRC-4, "Occupational External Radiation Exposure History," pursuant to § 20.102(b), would continue to be required before permitting an individual to receive an

occupational radiation dose in excess of the limits in § 20.101(a), pursuant to § 20.101(b).

The proposed amendments would have the effect of requiring licensees to have the capability of prompt estimation of dose to terminating workers, particularly short-term workers. This could be done in several ways, i.e., by providing personnel monitoring devices, such as pocket dosimeters, capable of prompt read-out of dose over the anticipated range, or by estimating the dose from survey data and associated occupancy times.

The proposed amendments also would have the effect of requiring continued knowledge of occupational doses received by an individual worker from sources outside of the licensee's control. This could be accomplished by a variety of licensee-employee agreements or conditions of employment, such as agreement by an individual worker to report promptly to the licensee any occupational dose received outside of the licensee's control.

In proposing these amendments, the Commission notes that a large percentage of licensees would not be affected by the proposed requirement to obtain information on prior or concurrent occupational doses because they do not experience doses in excess of 25 percent of the limits in § 20.101(a). Many of the licensees who do, and who utilize transient workers to perform tasks involving relatively high radiation doses, already obtain the occupational dose history of each individual pursuant to §§ 20.101(b) and 20.102(b). A large majority of these licensees already use self-reading pocket dosimeters and other devices that permit prompt assessment of doses, in addition to film badges or thermoluminescence dosimeters, in conjunction with work permits and other administrative measures, to assess and control doses in a timely manner.

It has also come to the Commission's attention that the wording of § 20.101(b) may be interpreted to permit an individual, whose accumulated dose to the whole body has been determined (Form NRC-4), to receive an additional occupational dose up to 3 rems during any calendar quarter from sources in the licensee's possession or control, if such a dose remains within the provisions of the 5(N-18) formula, regardless of any occupational dose received during the calendar quarter from sources which are not in the possession or control of the licensee. In order to assure that no worker receives more than 3 rems per quarter, amendments to § 20.101(b) are being proposed to specify that the total occupational dose to the whole body may exceed 1.25 rems during a calendar quarter provided that the total occupational dose to the whole body does not exceed 3 rems during the cal-

endar quarter. The existing provisions that the accumulated occupational dose shall not exceed the 5(N-18) formula, and that the licensee has determined the individual's accumulated occupational dose on Form NRC-4, remain unchanged. Note the basic specification in § 20.1(c), that licensees should, in addition to complying with the requirements set forth in 10 CFR Part 20, "make every reasonable effort to maintain radiation exposures, . . . as low as is reasonably achievable."

The proposed amendments are not intended to effect the employability of a worker in calendar quarters following the one in which the individual received an (accidental or inadvertent) overexposure. The licensee would be subject to appropriate citation and enforcement action. However, dismissal or removal of the worker from all activities involving potential exposure in subsequent calendar quarters is not required by Commission regulations. The dose limits recommended by standards-setting groups such as the National Council on Radiation Protection and Measurements, International Commission on Radiological Protection, and the Federal Radiation Council (now the Environmental Protection Agency), and implemented in the NRC regulations, are not intended to mark clearly a difference between conditions that are "safe" or "unsafe." Consideration of the linear dose/effect concept indicates that the risks associated with additional dose at low dose rates would be no greater than those associated with comparable dose received before an occupational overexposure. The possible loss of employment by an individual is not considered to be warranted by the small risk involved in additional dose within the limits in § 20.101. The regulations do require that in determining the accumulated dose of any individual under § 20.101(b), previous over-exposures must be included.

Further, the proposed amendments are not intended to change in any respect the Commission's regulations regarding levels of radiation in unrestricted areas, releases of radioactive materials in effluents to unrestricted areas, or to alter the Commission's emphasis on the concept of maintaining exposures to radiation, and releases of radioactive materials in effluents to unrestricted areas, as low as is reasonably achievable.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 19 and 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration

in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by April 7, 1978. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. A new paragraph (e) is added to § 19.13, 10 CFR Part 19, to read as follows:

§ 19.13 Notifications and reports to individuals.

• • • • •

(e) At the request of a worker who is terminating employment with the licensee in work involving radiation dose, or of a worker who, while employed by another person, is terminating assignment to work involving radiation dose in the licensee's facility, each licensee shall provide to each such worker, or to the worker's designee, a written report regarding that worker's radiation dose during the specifically identified terminating calendar quarter or fraction thereof, either: (1) Stating that the dose was reasonably estimated to be less than 25 percent of the applicable limits in §§ 20.101(a) and 20.104(a), or (2) providing an estimate of that dose at termination.

2. Paragraph 20.1(b) of 10 CFR Part 20 is revised to read as follows:

§ 20.1 Purpose.

• • • • •

(b) The use of radioactive material or other sources of radiation not licensed by the Commission is not subject to the regulations in this part. However, it is the purpose of the regulations in this part to control the possession, use, and transfer of licensed material by any licensee in such a manner that the total occupational exposure of an individual (including occupational exposures to licensed and unlicensed radioactive material and to other unlicensed sources of radiation, whether in the possession of the licensee or any other person) does not exceed the standards of radiation protection prescribed in the regulations in this part.

• • • • •
3. In § 20.3(a), 10 CFR Part 20, a new paragraph (19) is added to read as follows:

§ 20.3 Definitions.

(a) As used in this part.

• • • • •

(19) "Termination" means the end of employment with the licensee or the end of a work assignment in the licensee's restricted areas, without exception or specific scheduling of reentry into the licensee's restricted areas during the remainder of the terminating calendar quarter.

4. The section heading, prefatory language of paragraph (a), prefatory language of paragraph (b), and paragraph (b)(1) in § 20.101 are amended to read as follows:

§ 20.101 Radiation dose limits for individuals in restricted areas.

(a) In accordance with the provisions of § 20.102(a), and except as provided in paragraph (b) of this section, no licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from radioactive material and other sources of radiation a total occupational dose in excess of the limits specified in the following table:

• • • • •

(b) A licensee may permit an individual in a restricted area to receive a total occupational dose to the whole body greater than that permitted under paragraph (a) of this section, provided:

(a) During any calendar quarter the total occupational dose to the whole body shall not exceed 3 rems; and

• • • • •

5. Section 20.102, 10 CFR Part 20, is amended to delete existing paragraph (a), to add a new paragraph (a), and to amend paragraph (b), to read as follows:

§ 20.102 Determination of prior occupational dose.

(a) Each licensee shall require any individual, prior to first entry into a restricted area under such circumstances that the individual will receive or is likely to receive a dose in excess of 25 percent of the applicable limits specified in § 20.101(a) and § 20.104(a), to disclose in a written, signed statement, as appropriate: (1) That the individual had no prior occupational dose during the current calendar quarter, (2) that the individual was reasonably estimated to have received occupational doses less than 25 percent of the applicable limits specified in § 20.101(a) and § 20.104(a) during the current calendar quarter from radioactive material and sources of radiation possessed or controlled by other persons, or (3) the nature and amount of any occupational dose which the individual may have received during the current calendar quarter from such

sources. Each licensee shall maintain records of such statements until the Commission authorizes their disposition.

(b) Before permitting, pursuant to § 20.101(b), any individual in a restricted area to receive a radiation dose in excess of the limits specified in § 20.101(a), each licensee shall:

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 31st day of January 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-3063 Filed 2-3-78; 8:45 am]

[1505-01]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36, and 91]

[Docket No. 15378; Reference Notice No. 77-23]

PROPOSED NOISE AND SONIC BOOM REQUIREMENTS FOR CIVIL SUPERSONIC AIRPLANES

Public Hearing and Extension of Comment Period

Correction

In FR Doc. 77-35601, appearing on page 62400 in the issue of Monday, December 12, 1977, on page 62401, in the middle column, the 1st full paragraph, the date in the last sentence should read, "December 31, 1977".

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-AEA-6]

CONTROL ZONE: CALDWELL, N.J.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposed to alter the Caldwell, N.J., control zone. This alteration will change the hours of operation of the Caldwell, N.J., control zone, from 0900-1700 to 0800-2200 local time. This change results from a change in the hours of operation of the air traffic control tower.

DATES: Comments must be received on or before March 15, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Air-

space & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 202-995-3391. The docket may be examined at the following location: FAA, Office of the Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

COMMENTS INVITED

Interested parties may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before March 15, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which described the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the control zone over Essex County Airport, Caldwell, N.J.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Avi-

ation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Caldwell, N.J. control zone by deleting, "0900 to 1700" and by inserting "0800 to 2200" in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Jamaica, N.Y., on January 26, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc. 78-3106 Filed 2-3-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-WE-1]

CONTROL ZONE, TWENTYNINE PALMS, CALIF.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a control zone for the Expeditionary Air Field (EAF), Marine Corps Base, Twentynine Palms, Calif. This is necessary to provide controlled airspace at the Expeditionary Air Field, Marine Corps Base.

DATES: Comments must be received on or before March 10, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

The official docket may be examined at the following location:

Federal Aviation Administration, Office of the Regional Counsel, AWE-7, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administra-

tion, 15000 Aviation Boulevard, Lawndale, Calif. 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the Airspace Docket Number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261. All communications received on or before March 10, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments received will be available both before and after closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261, or by calling 213-536-6180. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The Fas is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing a control zone at the Expeditionary Air Field, Marine Corps Base, Twentynine Palms, Calif. The control zone will provide protected airspace for the High VOR/DME/TACAN RWY 28 approach procedure to the Expeditionary Air Field Airport.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Esquire, Regional Counsel, Western Region.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing the following control zone:

TWENTYNINE PALMS, CALIF.

Within a 5-mile radius of the Expeditionary Air Field (EAF) Marine Corps Base

(latitude 34°17'20" N., longitude 116°10'20" W.) and with 2 miles each side of the Twentynine Palms VORTAC 299° radial extending from the 5-mile radius zone to 13.5 miles west of the VORTAC. This control zone is effective from 0730 to 1630 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen which thereafter will be continuously published in the Airmen's Information Manual.

Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on January 24, 1978.

FRANK HAPPY,
Acting Director, Western Region.
[FR Doc. 78-3104 Filed 2-3-78; 8:45 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 32]

REGULATION OF COMMODITY OPTION

Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule change.

SUMMARY: The Commodity Futures Trading Commission is reassessing the merits of continuing to permit the offer and sale in the United States of commodity options to the general public. Despite implementation and enforcement of the Commission's interim commodity option regulations, 17 CFR Part 32 (1977), as amended 42 FR 61831 (December 6, 1977), fraudulent and other unlawful and unsound practices appear to pervade current forms of commodity option sales activity in the United States of which the Commission is aware. This sales activity involves so-called dealer options on physical commodities and foreign commodity options. Accordingly, the Commission is publishing for comment a proposed amendment to its regulations which would generally prohibit commodity option transactions until such time as the Commission determines that adequate protection to option customers can reasonably be assured. The effect of the proposed amendment would be to permit the offer and sale of commodity options during the suspension only to commercial interests for use in connection with their businesses under the provisions of the trade option exemption contained in section 32.4 of the interim regulations.

DATES: Public Hearing: 9 a.m., February 28, 1978. Written comments to be received on or before March 8, 1978. Proposed effective date: Not yet determined.

ADDRESS: Written comments on the proposal should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, Attention: Secretariat. The public hearing will be held at the above address.

FOR FURTHER INFORMATION CONTACT:

Teresa J. Hermosillo or Mark N. Rae, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone 202-254-5347 or 202-254-7588, respectively.

SUPPLEMENTARY INFORMATION: Under section 4c(a)(B) of the Commodity Exchange Act, Congress has prohibited option transactions in certain commodities.¹ With respect to all other commodities regulated under the Act, Congress has given the Commission broad power under section 4c(b) of the Act to decide whether to prohibit or to permit option transactions and, if permitted, under what terms and conditions.² Section 4c(b) provides in pertinent part that:

"No person shall offer to enter into, enter into, or confirm the execution of any [commodity option] transaction . . . contrary to any rule, regulation, or order of the Commission prohibiting any such transaction or allowing any such transaction under such terms and conditions as the Commission shall prescribe . . ."

Section 8a(5) of the Act broadly empowers the Commission "to make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of [the Act] . . ."

Pursuant to its authority under the Act, the Commission adopted interim regulations governing the offer and sale of commodity options in the United States, 41 FR 51808 (November 24, 1976). So-called dealer options on physical commodities and options originating on or through the facilities of foreign boards of trade have been permitted to be offered and sold under the interim regulations. As to these options, the interim regulations prescribe certain registration, disclosure, book and recordkeeping, financial and other customer protection require-

¹ 7 U.S.C. 6c(a)(B) (Supp. V, 1975). These are basically agricultural commodities and are enumerated in section 2(a) of the Act.

² 7 U.S.C. 6c(b) (Supp. V, 1975).

³ 7 U.S.C. 12a(5) (Supp. V, 1975).

PROPOSED RULES

ments.⁴ Under section 32.2(b) of the interim regulations, the Commission has thus far prohibited commodity option transactions involving futures contracts traded on contract markets designated by the Commission. Although this prohibition continues, the Commission has proposed and is presently considering the terms and conditions under which these options may be traded. 42 FR 18246 (April 5, 1977); 42 FR 55538 (October 17, 1977).

The interim regulations were designed to enable legitimate enterprises to engage in the options business and at the same time to provide basic customer protection until a more comprehensive regulatory structure could be developed and implemented for all types of commodity option trading, including commodity options on United States exchanges. The Commission has emphasized repeatedly that its decision to permit commodity option transactions under the interim regulations was premised upon there being adequate safeguards for customers in order to minimize the risk of fraudulent and unsound practices.⁵ Of course, the Commission has always understood that vigorous enforcement action would be required to assure the effectiveness of the regulatory scheme, and the Commission has instituted numerous enforcement actions as appropriate. It has become increasingly apparent to the Commission, however, that violations of the regulations have not been limited to a few firms and individuals. To the contrary, fraudulent and unsound practices appear to be pervasive, and repeated and systematic efforts to evade lawful requirements and to induce the public through high-pressure sales techniques to participate in transactions fraught with risks seem by far the rule rather than the exception.

In addition, it appears that dealer and foreign commodity options have been and are being sold almost exclusively as speculative instruments to members of the general public rather than as a device for hedging that com-

mercial interests might find of value. Thus, there does not appear to have been any useful economic purpose being served by the offer and sale of these options. In response to testimony in hearings on the 1974 amendments to the Act, to the effect that commodity option transactions might prove to serve an economic purpose, and for that reason should not be prohibited, Congress vested the Commission with broad authority over commodity options rather than extend to all newly regulated commodities the continued prohibition of commodity options involving the previously regulated agricultural commodities.⁶ Thus, the existence or absence of a useful economic purpose is of significance to the Commission in determining whether to permit or to forbid a form of commodity options trading. The Commission is also concerned that it has encountered great difficulty in verifying the details of option transactions effected for United States citizens by members of the London commodity exchanges, through which the vast majority of foreign commodity options originates.

As a result of its experience to date, the Commission proposes by rule to suspend the further offer and sale in the United States of commodity options until the Commission is satisfied that adequate customer protection can reasonably be assured.⁷ For this purpose the suspension would encompass all interests subject to Commission regulation under section 4c(b) of the Act, whether the interest be described as an "option" or otherwise.⁸ The Commission is concerned that the dangers to the public are now and may continue to be too great unless prompt action is taken. In this connection, the Commission points out that it may make the proposed suspension effective in fewer than 30 days from the

⁴See Hearings on H.R. 11955 before the House Committee on Agriculture, 93d Cong., 2d Sess., ser. 93-TT, at 37-38, 40-41, 133, 176-180, 199, 251, and 329 (1974).

⁵Should the Commission adopt this proposal, it intends to continue to permit the offer and sale of "trade options" under section 32.4 of the regulations. This provision applies to options offered by a person who has a reasonable basis to believe that the option is offered to a producer, processor, or commercial user of, or a merchant handling, the commodity which is the subject of the option, or the products or by-products thereof, and that the producer, processor, commercial user, or merchant is offered or enters into the transaction solely for purposes related to its business as such.

⁶The Commission's authority encompasses—and the proposed suspension would encompass—"... any transaction ... which is of the character of, or is commonly known to the trade as, an 'option', 'privilege', 'indemnity', 'bid', 'offer', 'put', 'call', 'advance guaranty', or 'decline guaranty' ..."

date the amendment implementing the suspension is adopted.

Interested persons are invited to participate in this rulemaking proceeding by submitting comments in written form to the Commission at the above address. All comments received on or before March 8, 1978, will be considered; comments received after that date but before final action has been taken will also be considered if at all possible. The Commission is particularly interested in receiving comments on the following issues:

(1) The extent to which firms have not been and are not now in substantial compliance with the interim commodity option regulations. The type of suspected or proven violations of the Commission's regulations that have been and are being committed and with what frequency.

(2) Is there any alternative to a suspension of the further offer and sale of options that the Commission can implement promptly which could reasonably be expected to afford meaningful customer protection at this time?

(3) What are the competitive implications or other arguably adverse effects of a suspension, including the effect on employees and existing customers of option firms.

(4) At its meeting on January 25, 1978, the Commission indicated that it intends to consider the following factors in deciding whether and when to lift the suspension: (a) the prospect for effective self-regulation should a Title III organization be established under section 17 of the Act, (b) the successful implementation of a pilot program for commodity option trading on United States exchanges, (c) whether protection to option customers can reasonably be assured if foreign commodity options are included as part of the Commission's proposed pilot program, and (d) the strengthening of the enforcement capability of the Commission. What other factors should the Commission consider in making this decision?

(5) What, if any, basis exists upon which the Commission might distinguish between dealer options and foreign commodity options in evaluating whether to impose a suspension?

(6) Is there any reason for the Commission to conclude that the abusive practices that it has detected in the offer and sale of dealer and foreign commodity options will disappear, or even be substantially reduced, should the Commission implement its proposed pilot program for commodity options trading on United States exchanges?

(7) What evidence exists of economic purpose or utility with respect to the participation by the general public or commercial interests in dealer and foreign commodity option transactions?

(8) Any other factors the Commission should consider in evaluating its proposal.

In addition, the Commission has directed its staff not only to present its comments on the issues set forth above but also to prepare a report, with appropriate documentation, summarizing the Commission's experience to date in regulating options transactions and discussing the further issues set forth below. The staff's comments and report will be placed in the Commission's public file of this rulemaking proceeding.

(1) To what extent are option customers presently being afforded adequate protection against fraudulent and other unlawful and unsound business practices? What amount and percentage of option customers' funds have been lost or are presently at risk through the existence of these practices?

(2) From January 1, 1977, through December 31, 1977, what percentage of reparation complaints filed with the Commission and forwarded to respondents against whom the Commission has not instituted enforcement action have alleged violations of the interim option regulations? What types of violations have been charged and what dollar amount of damages is involved in these cases?

(3) To what extent have customers or other persons expressed the view either in the Commission's rulemaking proceedings to date, or otherwise, that they wish to and should be permitted to purchase options?

The Commission will also hold a public hearing on February 28, 1978, to receive oral presentations regarding its proposal. If necessary, the Commission will continue the hearing on succeeding days. Persons who wish to appear at the hearing should forward an outline of their proposed statement to Mrs. Jane Stuckey, Office of the Secretariat, at the above address in time for it to be received by February 23, 1978. Oral presentations will be limited to 15 minutes. During and subsequent to any person's oral presentation, questions may be asked either by members of the Commission or the Commission staff. The Commission may also direct members of the staff to appear at the hearing.

The Commission considers the record developed in connection with its earlier proceedings regarding commodity options⁹ to be a part of the

⁹The prior proposals and actions of the Commission are set forth at 40 FR 18187 (April 25, 1975); 40 FR 26504 (June 24, 1975); 40 FR 49360 (October 22, 1975); 41 FR 7774 (February 20, 1976); 41 FR 44560 (October 8, 1976); 41 FR 51808 (November 24, 1976); 42 FR 18246 (April 5, 1977); 42 FR 55538 (October 17, 1977); and 42 FR 61831 (December 6, 1977).

PROPOSED RULES

record upon which it will consider the present proposal. Those who commented on the earlier proposals are invited to advise the Commission to the extent any change of circumstances would modify the views they expressed earlier. Persons who wish to examine the rulemaking record developed thus far may inspect a copy at the Commission's offices in Washington, D.C.

A copy of this notice is being mailed to all persons registered with the Commission as futures commission merchants and to all persons whose application for such registration is pending.

AUTHORITY: Secs. 2(a)(1), 4c(b), 8a, Commodity Exchange Act (7 U.S.C. 2, 6c(b) and 12(a)) (Supp. V, 1975).

Issued in Washington, D.C. on February 2, 1978, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.
[FR Doc. 78-3229 Filed 2-3-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 153]

ANTIDUMPING

Extension of Time for Comments Concerning Proposed Amendments to the Customs Regulations Relating to Merchandise From State-Controlled-Economy Countries

JANUARY 31, 1978.

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This notice extends the period of time permitted for the submission of comments in response to the recent proposal by the Customs Service to modify its procedures as they relate to investigations under the Antidumping Act, 1921, as amended, covering merchandise imported from state-controlled-economy countries. This extension will permit the preparation and submission of more detailed comments by interested members of the public.

DATES: Comments must be received on or before February 22, 1978.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Theodore Hume, Office of the General Counsel, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220, 202-566-2941.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 9, 1978, the Customs Service published in the FEDERAL REGISTER (43 FR 1356), notice of proposed amendments to §§ 153.7 and 153.27 of the Customs Regulations (19 CFR 153.7, 153.27) relating to investigations under the Antidumping Act, 1921, as amended (19 U.S.C. 160 et. seq.). These amendments would provide that when merchandise from a state-controlled-economy country is being compared with the constructed value of merchandise in a non-state-controlled-economy country or countries, adjustments may be made to reflect differences in economic factors between the state-controlled-economy country and a non-state-controlled-economy country. In addition, the requirements for a petition covering merchandise from a state-controlled-economy country to be in a satisfactory form were proposed to be modified.

Comments concerning these proposed amendments were to have been received on or before February 8, 1978. Several requests have been received to extend the period of time for the submission of comments. Therefore, Customs is extending the period of time to comment to February 22, 1978.

LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

[FR Doc. 78-3121 Filed 2-3-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1040]

[Docket No. 75N-0047]

SUNLAMP PRODUCTS

Performance Standard

Correction

In FR Doc. 77-35862 appearing on page 65189 in the issue of Friday, December 30, 1977 the following corrections are made:

On page 65190, in the second column, the 2nd complete paragraph, the 13th line reading "... intended for tanning or related effects ..." should now read "... intended solely for the purposes other than ..."

On page 65191 in the 1st paragraph under "LAMP BASE REQUIREMENT," the third word in the 12th line should read "designed."

On page 65192 the 5th and 6th lines in the 1st paragraph under "USER INSTRUCTION REQUIREMENTS" should read " * * * instructions would include the reproduction of the labels prescribed in § 1040.20 * * * ". In the third column under § 1040.20(c)(5)(i) in the 6th and 8th lines the word "nanometers" should read "nanometers."

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 56]

[FRL-846-3]

REGIONAL CONSISTENCY

Clean Air

AGENCY: Environmental Protection Agency.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This notice announces that EPA will develop a regulation to provide for consistent implementation of the Clean Air Act (the Act) by the various EPA regional offices, as required by the 1977 Amendments to the Act. The Agency seeks written comments and invites all interested persons to participate in workshops that will be held to discuss publicly the development of this regulation.

DATES: Workshop meetings: February 17, 1978—Denver, Colo., March 17, 1978—Atlanta, Ga., April 14, 1978—Dallas, Tex., May 12, 1978—Boston, Mass.

ADDRESSES: To obtain information on workshop locations see Supplementary Information, below. Send comments to: Mr. Paul DeFalco, Jr., Regional Administrator, EPA, 215 Fremont Street, San Francisco, Calif. 94105, 415-556-2320.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul DeFalco, Jr., Regional Administrator, EPA, 215 Fremont Street, San Francisco, Calif. 94105, telephone no. 415-556-2320.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency intends to develop a regulation under section 301(a)(2) of the Clean Air Act, as amended. We invite your participation in our deliberations. A list of workshops which you may wish to attend is printed below.

Section 301(a)(2) of the Act requires the Administrator to promulgate regulations establishing procedures and policies to be followed by regional officers and employees (including Regional Administrators) to follow in carrying out any delegation of authority granted under section 301(a)(1). Specifically, those regulations are to be designed:

(A) To assure fairness and uniformity in the criteria, procedures, and policies applied by the various regions in implementing and enforcing the Act;

(B) To assure at least an adequate quality audit of each State's performance and adherence to the requirements of this Act in implementing and enforcing the Act, particularly in the review of new sources and in enforcement of the Act; and

(C) To provide a mechanism for identifying and standardizing inconsistent or varying criteria, procedures, and policies being employed by such officers and employees in implementing and enforcing the Act.

The Agency is interested in obtaining views and opinions of the general public, industry, State and local governments, public interest groups, and other Federal agencies on the implementation of this requirement for regional consistency. Open workshops will be held to discuss the development of these regulations.

Scheduled workshop meetings are:

PREPARATION OF WORK PLAN AND PRELIMINARY DISCUSSION OF SCOPE

February 17, 1978, 9 a.m.—Elm Room—6th Floor, EPA—Region VIII, 1860 Lincoln Street, Denver, Colo. 70203, Call 303-837-3895 for further information.

Please notify Mr. DeFalco by letter or phone call if you plan to attend this meeting.

REVIEW OF WORK IN PROGRESS

March 17, 1978—Atlanta, Ga., Call 404-881-4747 for time and location.

April 14, 1978—Dallas, Tex., Call 214-767-2600 for time and location.

May 12, 1978—Boston, Mass., Call 617-223-7210 for time and location.

In addition to these workshops, the Agency will hold a public hearing after the regulation is proposed and before it is finalized. Additional information on the date, time and place of the public hearing will be published at the time any regulation is issued as a proposal. Interested persons may also participate in this rulemaking by offering written comment.

Comments are specifically requested on the following areas of interest:

1. What problems have arisen in the implementation or enforcement of the Clean Air Act because policies, procedures or criteria were inconsistent from region to region?

2. In what air pollution control programs is flexibility between regions or States desirable? In what areas is uniformity essential?

3. What types of program auditing might be used to help assure the accountability of EPA and State local air pollution control agencies?

4. What procedures could be used to identify and resolve inconsistent procedures and policies being used by Federal and State air pollution control

agencies in implementing or enforcing the Clean Air Act?

In addition to comments on these specific questions, we would appreciate any other opinions or recommendations you may have for achieving regional consistency in the implementation and enforcement of the Act. Although this notice deals specifically with the implementation of the Act, we recognize that regional inconsistency may be a problem in the implementation or enforcement of other environmental laws. Therefore, we will appreciate any suggestions on the general issue of regional consistency. Comments or requests for additional information should be addressed to: Mr. Paul DeFalco, Jr., Regional Administrator, EPA, 215 Fremont Street, San Francisco, Calif. 94105, 415-556-2320.

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator, EPA.

[FR Doc. 78-3101 Filed 2-3-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status and Critical Habitat for Four Fishes; Extension of Comment Period and Notice of Public Hearing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period and notice of public hearing.

SUMMARY: The comment period on the Fish and Wildlife Service proposed Endangered status and Critical Habitat for four fishes is extended for 60 days. A public hearing will be held in Birmingham, Ala., to obtain additional information.

DATES: The comment period is extended for 60 days and will close on March 31, 1978. The public hearing will be held on March 15, 1978, from 9 a.m. to 3 p.m. and from 7 p.m. to 9 p.m.

ADDRESSES: Comments and information should be submitted to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. The public hearing will be held in the Cudworth Building Auditorium (also known as Engineering Building Auditorium) located at 1919-8th Avenue South at the University of Alabama in Birmingham, Ala.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate

Director, Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 29, 1977, the Fish and Wildlife Service published (42 FR 60765-60768) a proposal to determine Endangered status and Critical Habitat for the Cahaba shiner (*Notropis* sp.), spring pygmy sunfish (*Elassoma* sp.), goldline darter (*Percina aurolineata*), and pygmy sculpin (*Cottus pygmaeus*). Due to the public interest ex-

pressed in this proposal, the Service is extending the comment period and holding a public hearing.

The primary author of this document is Dr. James D. Williams, Office of Endangered Species, 202-343-7814.

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: January 30, 1978.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc. 78-3131 Filed 2-3-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

NATIONAL FOREST MANAGEMENT ACT COMMITTEE OF SCIENTISTS

Meeting

The Committee of Scientists will meet at 9 a.m., on February 23-24, 1978, at the Hilton Biloxi, 3580 West Beach Boulevard, Biloxi, Miss.

The purpose of this meeting will be to conduct a detailed review of regulations for Section 219.8—Forest Planning. A draft of section 219.8 will be available for review on February 22, 1978, at the office of the Director, Land Management Planning, Forest Service, Room 3204, South Agriculture Building, 14th and Independence Avenue SW., Washington, D.C. A copy will also be available at the Hilton Biloxi after 7 p.m. on February 22, 1978.

Also on the agenda will be a discussion of the timber harvest scheduling issue.

The meeting will be open to the public. Persons who wish to attend and/or furnish written statements should notify Charles R. Hartgraves, Forest Service, Director, Land Management Planning, P.O. Box 2417, Washington, D.C. 20013, area code 202-447-5933.

Dated: January 30, 1978,

CHESTER A. SHIELDS,
Acting Deputy Chief.

[FR Doc. 78-3140 Filed 2-3-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 30332; Agreement CAB 27114;
Order 78-1-128]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating To Specific Commodity Rates

Issued under delegated authority January 30, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the res-

olutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above CAB agreement number.

The agreement would add a new specific commodity rate, under a new commodity description as set forth below, reflecting a reduction from general cargo rates.

Agreement	Specific commodity item No.	Description and rate ¹
CAB: 27114.....	0987	Tropical Fish Food. 130c per kg., minimum weight 500 kgs. From Natal to Los Angeles.

¹Subject to applicable currency conversion factors as shown in tariffs.

²Expires March 31, 1979.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Resolution 100 (Mall 203) 590, incorporated in Agreement CAB 27114, is adverse to the public interest or in violation of the act provided that approval is subject to the conditions ordered.

Accordingly, it is ordered, That: Agreement CAB 27114 be approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commodity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board unless within such period a petition for review is filed or

the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3153 Filed 2-3-78; 8:45 am]

[6320-01]

[Dockets 32061, 30387; Order 78-1-132]

ST. LOUIS/KANSAS CITY-SAN DIEGO ROUTE PROCEEDING; TRANS WORLD AIRLINES, INC.

Order Instituting Proceeding

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 31st day of January 1978.

On January 21, 1977, Trans World Airlines filed an application for an amendment of its certificates for Route 2 to add two new segments: Kansas City-San Diego and St. Louis-San Diego. Ten days later, a motion for hearing was filed together with supporting exhibits.

In support of its motion, TWA alleges generally that the two primary markets need improved service, that TWA can provide significant benefits for passengers traveling between San Diego and points east of Kansas City and St. Louis, and that the operations will be profitable. It contends that service in each market is deficient (a) because no carrier possesses nonstop authority between Kansas City and San Diego¹ and (b) because American Airlines provides only one-stop service between St. Louis and San Diego, despite holding unrestricted rights. With respect to the cities beyond St. Louis and Kansas City which TWA would serve (Indianapolis, Pittsburgh, and Philadelphia), it notes that Indianapolis receives no single-plane service and Pittsburgh receives such service only in the westbound direction. The San Diego-Philadelphia market receives two daily one-stop round trips, one by American and one by United; but this is insufficient according to TWA because half of the O&D passengers move on connections. TWA believes that it will succeed in developing these

¹Continental Air Lines offers two daily one-stop round trips via the segment junction point Denver. United Air Lines also holds one-stop authority but provides no single-plane service. OAG, May 1, 1977.

markets, despite their modest size,² because of its strength at Kansas City and St. Louis, which are the key gateways for TWA's service to the East. It argues that on-line connecting passengers can be gathered at these two points to supplement the local traffic. TWA forecasts that 153,323 passengers will be carried over the San Diego-St. Louis/Kansas City segments in 1978, producing revenues of \$20.9 million (net of self-diversion) and an operating profit of \$4.6 million. Finally, TWA points out that San Diego traffic has been growing significantly faster than the national average and that, of the three major transcontinental carriers, TWA alone has no on-line access to it.

Answers in support of the motion were filed by St. Louis, the San Diego Convention and Visitors Bureau, the Indianapolis Airport Authority and the Pittsburgh Parties. These respondents generally agree that there is a need for improved single-plane service in these markets.

Answers were also filed by American Airlines, Continental Air Lines and Hughes Airwest. Airwest opposes hearing TWA's application now because several of TWA's proposed single-plane markets are also proposed as single-plane markets in the *Ohio/Indiana Points Nonstop Service Investigation*, Docket 21162, and the *Louisville Service Investigation*, Docket 29968. It argues that the service patterns resulting from these two proceedings should be known before additional, parallel service is considered. Continental adopts no position on the merits of TWA's motion but points out that TWA has a suit against the Board pending in federal court which involves the San Diego-Kansas City market and the *Additional Service to San Diego Case*, Docket 18104. TWA has claimed that the Board's refusal to consolidate the San Diego-Kansas City market into the *San Diego Case* violated the carrier's right to a comparative hearing. Continental believes that TWA's motion is designed to bolster its case in court and that this factor ought to be considered by the Board. Finally, in its answer American contends that TWA's motion should be denied because (1) service in the markets is not deficient, (2) TWA's proposal will actually produce an operating loss and a net economic loss after adjustments for understated self-diversion and overstated traffic growth, (3) the incumbents will suffer

¹True O&D plus interline connecting traffic for the five markets which would receive single-plane service was as follows for the year ended March 31, 1976:

San Diego-St. Louis.....	45,340
San Diego-Philadelphia.....	40,030
San Diego-Pittsburgh.....	21,450
San Diego-Kansas City.....	21,430
San Diego-Indianapolis.....	19,820

significant diversion, (4) TWA will probably not implement its proposal because it does not provide nonstop service in much larger markets, and (5) traffic is too low to justify a hearing under the proposed *Priorities of Hearing Standards* (PSDR-45).³

TWA filed a reply to American's answer⁴ defending the reasonableness of its traffic forecast and diversion estimate and the economic viability of the proposed services. In addition, TWA argues that the hearing standards proposed in PSDR-45 cannot apply because the regulation has not been adopted and is the subject of intense dispute.

We have decided to grant TWA's motion and to institute the *St. Louis/Kansas City-San Diego Route Proceeding*.⁵ The scope of the case will be limited to nonstop authority in each of the two San Diego markets and will not include new authority between St. Louis and Kansas City.

TWA did propose some reductions in normal first class and coach fares and a variety of discount fares in the markets it would serve. We solicit additional reduced fare offers from TWA as well as any other applicants and the incumbents. In accordance with the policy announced in our order instituting the *Chicago-Albany/Syracuse-Boston Competitive Service Investigation*, Order 77-12-50, December 9, 1977, the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority and, if so, which carrier(s) should be selected.⁶ Consequently, we expect this proceeding to include an examination of the need for and feasibility of new price/quality options and related issues as explained in Order 77-12-50. Traditional service benefits, including the benefits of first nonstop service and city-pair competition, remain important considerations which will be weighed with price and price/quality possibilities. As more fully set out in Order 77-12-50, the parties and the judge should also focus on whether any new authority

²PSDR-45 was issued on November 28, 1976, in Docket 30123 and a separate proposal was offered by Members Minetti and West on January 17, 1977. Essentially, the proposed rule would recodify the existing hearing priority standards contained in section 399.60 of the Regulations.

³The reply was accompanied by a motion for leave to file the otherwise unauthorized document. The motion is granted.

⁴The debate over whether or not PSDR-45 should apply is no longer relevant since the Board adopted a different method of determining hearing priorities, at least for the near future, at an open meeting on November 23, 1977.

⁵See also Order 78-1-20, January 6, 1978, and Order 77-12-141, December 28, 1977.

NOTICES

should be permissive, and whether multiple awards should be made.

Accordingly, it is ordered, That:

1. The motion of Trans World Airlines for hearing in Docket 30387 be granted;

2. The *St. Louis/Kansas City-San Diego Route Proceeding* be instituted in Docket 32061 and set for hearing before an administrative law judge of the Board at a time and place to be designated later;

3. The issues in this proceeding shall include, but not be limited to, the following:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in nonstop air transportation over one or both of the following routes: (1) Between the terminal point San Diego, Calif., and the terminal point St. Louis, Mo.; and (2) between the terminal point San Diego, Calif., and the terminal point Kansas City, Mo.?

(b) If the resolution of (a) is affirmative, which applicant or applicants should be awarded authority?

(c) What terms, conditions or limitations, if any, should be imposed on any authority awarded?

4. Any authority awarded in this proceeding shall not be eligible for federal subsidy;

5. The application of Trans World Airlines in Docket 30387 be consolidated with this proceeding;

6. The petitions of the City of Kansas City, Mo., and the Greater Kansas City Chamber of Commerce, the City of Philadelphia and the Greater Philadelphia Chamber of Commerce, and the St. Louis Regional Commerce and Growth Association for leave to intervene be granted;

7. American Airlines, Continental Air Lines, United Air Lines, the St. Louis Airport Authority-City of St. Louis, the San Diego Convention and Visitors Bureau, the Indianapolis Airport Authority and the County of Allegheny, Pa., and the Pittsburgh Airport Advisory Committee be made parties to this proceeding;

8. The motion of Trans World Airlines for leave to file an otherwise unauthorized reply be granted;

9. Applications, motions to consolidate and petitions for reconsideration be filed within 21 days of the service date of this order and answers to these pleadings be filed 14 days thereafter; and

10. All applicants for authority in this proceeding shall file environmental evaluations pursuant to 14 CFR 312.12 within 30 days of the service date of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.^{*}
PHYLLIS T. KAYLOR,
Secretary.
[FR Doc. 78-3154 Filed 2-3-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

SEMICONDUCTOR TECHNICAL ADVISORY
COMMITTEE

Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Semiconductor Technical Advisory Committee will be held on Thursday, February 23, 1978, at 9:30 a.m. in Room 3817, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

The Semiconductor Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration, approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. section 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to semiconductor products, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee meeting agenda has five parts:

GENERAL SESSION

- (1) Opening remarks by Rauer H. Meyer, Director, Office of Export Administration.
- (2) Presentation of papers or comments by the public.
- (3) Election of Chairman.
- (4) Discussion of the future work program of the Committee.

EXECUTIVE SESSION

- (5) Discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

^{*}All Members concurred.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

With respect to agenda item (5), the Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409 that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone A/C 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Semiconductor Technical Advisory Committee and of any subcommittees thereof was published in the FEDERAL REGISTER on March 2, 1977 (42 FR 12078).

Dated: January 31, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation.

[FR Doc. 78-3119 Filed 2-3-78; 8:45 am]

[3510-03]

Maritime Administration

GREAT LAKES AND ST. LAWRENCE SEAWAY

Study of Insurance Rates

In accordance with section 107(c) of Pub. L. 91-611, the Secretary of Com-

merce, acting through the Maritime Administration, in consultation with other interested Federal agencies, representatives of the merchant marine, insurance companies, industry, and other interested organizations, conducted a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and St. Lawrence Seaway beyond the existing navigation season, and submitted a report to Congress June 30, 1972.

In accordance with section 12 of the Shipping Act, 1916, 46 U.S.C. 811, the Maritime Administration is making an inquiry to determine if: (a) Conclusions arrived at in "The Great Lakes and St. Lawrence Seaway Study of Insurance Rates," U.S. Department of Commerce, Maritime Administration, June 1972, remain valid; (b) there have been many instances where insurance rates, coverages or practices were an inhibiting factor in the extension of the navigating season on the Great Lakes or St. Lawrence Seaway systems.

All parties are invited to submit comments to the Director, Office of Marine Insurance, Room 3622, Maritime Administration, Washington, D.C. 20230.

All comments should be received by the close of business, April 1, 1978.

Dated: January 31, 1978.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-3123 Filed 2-3-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric
AdministrationMID ATLANTIC FISHERY MANAGEMENT COUNCIL,
SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

The Scientific and Statistical Committee of the Mid Atlantic Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet February 24, 1978 at Stouffers, National Center Hotel, 2399 Jefferson-Davis Highway, Arlington, Va. 22202. The meeting starts at 10 a.m. on February 24 and will adjourn at about 4:30 p.m. on the same day.

Proposed Agenda: (1) Mackerel Management Plan; (2) Squid Management Plan; (3) Butterfish; and (4) Other Administrative Matters.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments,

contact Mr. John C. Bryson, Executive Director, Mid Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Del. 19901, telephone 302-674-2331.

Dated: January 31, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-3117 Filed 2-3-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER78-63]

CENTRAL TELEPHONE & UTILITIES CORP.

Order Granting Intervention and Conditionally
Denying Motion To Reject Rate Filing

JANUARY 30, 1978.

On December 30, 1977, we issued an order conditionally accepting for filing and suspending proposed rate schedule, providing for hearing, and establishing procedures in the above-styled docket. In that order, we noted that on December 19, 1977, the Kansas Municipal Defense Group, composed of municipal wholesale customers, filed a motion to reject, protest, and petition to intervene. In our order of December 30, 1977, we conditionally accepted for filing Central Telephone & Utilities Corp.'s (Central) proposed rate increases and suspended their effect for the maximum 5-month period. At this time, we shall consider the substantive issues raised in the pleadings filed by Central's customers.

The Kansas Municipal Defense Group (MDG) moved that the filing should be rejected for failure to conform to section 35.13 of the Commission's rules and regulations. Section 35.13(b)(4)(iii) provides that the public utility shall file statements A through P.

... together with related work papers based on estimates, for any 12 consecutive months beginning after the end of Period I, but no later than the date that the rates are proposed to become effective (Period II). Full explanations of the bases of each of the estimated figures shall be included, ...

MDG states that one of the bases for Central's proposed rate increase is increased depreciation expense based on new depreciation rates which became effective on January 1, 1977, and were utilized in period II, 1978 estimates. MDG states that the depreciation study upon which the increases are predicated is not part of the company's filing. It further states that there is no testimony support in any fashion for the depreciation increases. In the absence of workpapers, submissions and full explanations to all items

in the company's filing, MDG alleges that the municipals have been effectively denied a reasonable opportunity to evaluate and analyze Central's claims. MDG therefore states that they reserve their full rights to:

All legitimate and proper issues arising from the Company's filings for all purposes of discovery (sic), presentation of evidence, and complete or subsequent development by cross-examination and hearing, to include but not limited to, matters relating to the company's proffered cost of service presentation, fuel rate adjustment clause, rate design or scheme, contracts for service to all other customers, rate terms and conditions, and discrimination of rates vis-a-vis of the wholesale and/or retail customers or classes of the company.

The circumstances faced by the Commission in this proceeding are not without precedent. In *Municipal Light Boards of Reading and Wakefield, Mass. v. Federal Power Commission*,¹ intervenors filed a motion to reject a filing by the Boston Edison Co. with the FPC on the grounds, inter alia, that the filing failed to provide the required functional classification both as to accumulated depreciation and current depreciation expense. On April 29, 1970, the FPC issued an order denying the intervenors' motions to reject the filing, suspended the proposed rate increase, and set the issues presented for a hearing. After the intervenors' application for a rehearing was denied, review of the Commission's order was sought in the Court of Appeals. Affirming the Commission's order, the Court noted that a "rejection" of a filing is appropriate "where the filing is so deficient on its face that the agency may properly return it to the filing party without even awaiting a responsive filing by any other party in interest." It may be used by an agency "where the filing is so patently a nullity ... that administrative efficiency and justice are furthered by obviating any docket at the threshold rather than opening a futile docket."² With regard to Boston Edison's failure to show accumulated depreciation provisions and depreciation expenses by functional classification, the Court noted that the purpose of the depreciation accounting provisions is to assure that the rate filing will provide the FPC with the

... necessary information from which it can reach an informed and equitable decision as to the necessity for an investigation, hearing, and suspension, and to permit the Commission and parties in interest with meaningful opportunity to prepare for any proceeding.

The Court further noted that the filing rules at issue are "mere aids to the exercise of the agency's independent discretion, and in both language

¹450 F.2d 1341 (D.C. Cir. 1971).

²Id., at 1346.

and purpose leave room for a doctrine of substantial or reasonable compliance."

Accordingly, the Court left intact the FPC's finding that the filing was sufficiently complete for the FPC to be able to decide whether or not to investigate and suspend the increased rate. Moreover, the Court noted that during the investigation and hearing on the filing, the intervenor would be able to obtain "more refined functionalized depreciation figures" than were obtainable from the initial filing.

The principles announced in the *Reading* case are similarly applicable in the case sub judice. Based on the data contained in the filing, and the information required for its determination regarding the need for suspension of the proposed rates, it is clear that the filing was not so deficient that it should be considered a nullity; and that the public interest would not be furthered by forcing Central to resubmit its filing for failure to achieve exact compliance with our regulations. As noted, supra, in MDG's motion, the municipals have reserved the right to employ discovery and cross-examination methods to obtain the required information regarding support for the proposed depreciation expense. To insure that intervenors have an opportunity to evaluate the support data which has not yet been supplied, we are conditioning our denial of the motion to reject on Central's filing of that data within thirty (30) days of the issuance of this order.

The petitioner has cited the Federal Power Commission's order, in *Mississippi River Transmission Corp.*³ In that case, after a filing had been accepted, staff moved for summary disposition of the proposed depreciation rate increase. The issue presented was whether the company had made a prima facie case; and the FPC held that it had not. Here, contrastingly, the issue before the Commission is whether the filing substantially complies with the Commission's regulations. We hold that it does, subject to the condition set out; supra.

In its December 19, 1977, motion, MDG requested intervention in this proceeding. Also, on that date, Central Kansas Electric Cooperative, Inc. (CKEC), filed a petition to intervene and protest in this proceeding.

In protesting Central's currently proposed rate increases, MDG and CKEC challenge certain cost of service aspects of Central's filing. We find that the matters raised are properly the subject of a full evidentiary hearing, which we have previously ordered in this proceeding.

Based on the above, the Commission finds:

³Order granting motion for summary disposition and ordering refunds, Docket No. RP73-20, issued June 3, 1975.

(1) Good cause exists conditionally to deny the motion of the Kansas Municipal Defense Group to reject the proposed rate increases filed by Central Telephone & Utilities Co. on November 22, 1977.

(2) Good cause exists to grant interventions as described below.

The Commission orders: (A) Kansas Municipal Defense Group's motion to reject the proposed rate increase filed on November 22, 1977, by Central Telephone & Utilities Corp., is hereby denied; *Provided*, That Central Telephone & Utilities Corp. shall file, within thirty (30) days of the issuance of this order, the workpapers required by section 35.13(b)(4)(iii) of the Commission's regulations.

(B) The Kansas Municipal Defense Group and Central Kansas Electric Cooperative, Inc., are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, That participation by MDG and CKEC shall be limited to matters affecting certain rights and interests concerning the filing which is involved in this above-docketed proceeding; and *Provided further*, That the admission of the MDG and CKEC shall not be construed as recognition by the Commission that the intervenors might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3126 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FERC Gas Tariff

JANUARY 27, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on January 4, 1978, tendered for filing proposed changes in its FERC Gas Tariff Second Revised Volume No. 1, pursuant to its PGA clause for alternate rates to be effective February 1, 1978. The proposed rate increase would produce approximately \$9.6 million annually in jurisdictional revenues. The rates, shown on Alternate Twenty-Ninth Revised Sheet Nos. 8 and 9, are being submitted for effectiveness February 1, 1978, in the event no action is taken on Consolidated Stipulation and Agreement filed November 28, 1977.

Consolidated states that through an oversight it neglected to include the

Alternate sheets with the revised tariff sheets filed December 30, 1977, also for effectiveness February 1, 1978.

The pipeline supplier rates contained in the filing are the same rates included in the December 30, 1977 filing.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be required.

Copies of this filing were served upon consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR sections 1.8 and 1.10). All such petitions or protests should be filed on or before February 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3068 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FERC Gas Tariff

JANUARY 27, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on December 30, 1977 tendered for filing proposed changes in its FERC Gas Tariff Second Revised Volume No. 1, pursuant to its PGA clause for rates to be effective February 1, 1978. The proposed rate increase would produce approximately \$9.6 million annually in jurisdictional revenues.

Consolidated states that the filing reflects the rate changes of Texas Gas Transmission Corp. and Texas Eastern Transmission Corp. both filed for effectiveness February 1, 1978. Additionally, Consolidated has included the revised rates of Transcontinental Gas Pipe Line Corp. filed for effectiveness January 1, 1978 and not previously reflected in Consolidated's rates.

Consolidated has applied the current PGA adjustment to the rates filed in accordance with the Stipulation and Agreement filed on November 28, 1977, in Consolidated's rate proceedings now pending in Docket Nos. RP73-107, RP74-90, RP75-91, RP77-7, and RP77-140.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be required.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3069 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustments to Rates and Charges

JANUARY 27, 1978.

Take notice that on January 13, 1978, Eastern Shore Natural Gas Co. (Eastern Shore) tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Substitute Third Substitute Forty-Fourth Revised Sheet No. 3A Superseding Second Substitute Forty-Fourth Revised Sheet No. 3A
Third Revised Sheet No. 3B Superseding Second Revised Sheet No. 3B
Substitute Third Substitute Forty-Fourth Revised PGA-1

Eastern Shore states that these tariff sheets are intended to track increases in rates filed on December 30, 1977 by Transcontinental Gas Pipe Line Corporation (Transco).

Eastern Shore has also filed the following alternative sheets to its FERC Gas Tariff:

Alternate Substitute Third Substitute Forty-Fourth Revised Sheet No. 3A Superseding Second Substitute Forty-Fourth Revised Sheet No. 3A
Alternate Third Revised Sheet No. 3B Superseding Second Revised Sheet No. 3B
Alternate Substitute Third Substitute Forty-Fourth Revised PGA-1
Second Alternate Substitute Third Substitute Forty-Fourth Revised Sheet No. 3A Superseding Second Substitute Forty-Fourth Revised Sheet No. 3A

Second Alternate Third Revised Sheet No. 3B Superseding Second Revised Sheet No. 3B

Second Alternate Substitute Third Substitute Forty-Fourth Revised PGA-1

Eastern Shore states that these alternative sheets are filed to track alternate sheets filed by Transco on December 30, 1977.

Copies of this filing have been mailed to each of Eastern Shore's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 8, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3070 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-159]

EL PASO NATURAL GAS CO.

Application

JANUARY 27, 1978.

Take notice that on January 16, 1978, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Tex. 79978, filed in Docket No. CP78-159 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, and the transportation and delivery, on a best efforts basis for a period extending through December 31, 1978, of up to 100,000 Mcf of natural gas per day in interstate commerce for Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that Natural has entered into a limited-term agreement with Colorado Interstate Gas Co. (CIG) dated December 8, 1977, for the purchase of quantities of natural gas excess to CIG's requirements during calendar year 1978. It is stated that Natural anticipates purchasing excess quantities of natural gas up to 100,000 Mcf per day which gas would be pur-

chased from CIG, near Green River, Wyo., commencing January 1, 1978, and continuing through December 31, 1978. It is further stated that pursuant to the terms and conditions of said gas purchase agreement between Natural and CIG, CIG would deliver those volumes of natural gas purchased by Natural to Northwest Pipeline Corp. (Northwest) who, in turn, would deliver such volumes to Applicant, for Natural's account, at an existing point of interconnection between the pipeline systems of Northwest and Applicant in La Plata County, Colo.

Pursuant to a letter agreement dated December 20, 1977, between Applicant and Natural, Applicant proposes to transport, on a best efforts basis, those quantities of gas, up to 100,000 Mcf per day, so received from Northwest for Natural's account and to deliver equivalent volumes on an Mcf basis to Natural at a proposed new point of interconnection between Applicant's pipeline system and that of Natural in Lea County, N. Mex. It is stated that in order to effectuate the deliveries of natural gas at the proposed new delivery point, Natural would construct at its own expense, own, operate and maintain the pipeline and measurement facilities necessary to connect its pipeline system with Applicant's pipeline system facilities. Applicant states that it would be required to construct own and operate a 16-inch tap and valve assembly, with appurtenances, located on its 16-inch O.D. Jal Plant-to-Pecos River pipeline in Lea County, N. Mex. In this connection Applicant, in the evaluation of the necessary facilities required to interconnect its 16-inch O.D. Jal Plant-to-Pecos River pipeline with Natural's pipeline in Lea County, N. Mex. has determined that it would be required to utilize approximately 8.1 miles of the above-said 16-inch pipeline, extending from the Jal Plant, to facilitate the instant arrangement, it is said. It is stated that Applicant has under active consideration certain proposed arrangements with other pipeline companies, which proposed arrangements contemplate the utilization of certain of such pipeline facilities to effectuate natural gas exchange arrangements.

The application states that Natural would reimburse applicant for the actual cost incurred by Applicant in the construction of the said tap and valve assembly, with appurtenances, which cost is estimated to be \$21,492. Applicant indicates that it would retain such facilities in place beyond the term of the transportation arrangement with Natural in anticipation of a further need for such interconnection between the companies' pipeline systems. The application further states that Natural would compensate Applicant through the pay-

ment of an administrative fee of 1.0 cent for each Mcf delivered by Applicant for Natural's account.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3071 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-187]

GREEN MOUNTAIN POWER CORP.

Filing of Proposed Initial Tariff Agreement

JANUARY 26, 1978.

Take notice that on January 16, 1978, Green Mountain Power Corp. (GMPC) tendered for filing an initial rate schedule pertaining to the sale of generation from GMPC's No. 5 gas turbine plant, located in Berlin, Vt., to Washington Electric Cooperative, Inc. (Co-op). GMPC states that such sale will be on substantially the same terms as those contained in FERC Docket No. ER78-33. GMPC further states that this contract and tariff

filling were brought about when the Co-op requested and GMPC agreed to sell capacity from the gas turbine plant. GMPC indicates that the contract provides that the Co-op will purchase 4.7 MW of capacity and associated energy from the aforementioned plant. GMPC further indicates that by separate contract, included in the rate filing, GMPC will provide transmission services to the Co-op for the power provided under the generation contract and for power furnished by others.

GMPC requests that the Commission waive its notice requirements and permit the Generation and Transmission Contracts to become effective as of December 1, 1977.

According to GMPC, copies of this filing have been sent to the Vermont Public Service Board and to Washington Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3072 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-157]

LONE STAR GAS CO. A DIVISION OF ENSERCH CORP.

Application

JANUARY 27, 1978.

Take notice that on January 16, 1978, Lone Star Gas Co., a Division of Enserch Corp. (Applicant), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP78-157 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a gas pipeline from the delivery of natural gas to three customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application was initially tendered for filing on January 16, 1978; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until January 23, 1978; thus, filing was not completed until the latter date.

ation of taps and regulators for the delivery of natural gas to three customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that estimated peak day and annual requirements for the third year of operation is as follows:

Facility	Estimated annual Mcf 14.73 p.s.i.	Estimated peak day requirements (Mcf)
1. James Knipe, d.b.a. Pierce Pipe and Supply		
Third Year	393	2.8
2. Larry Lawler (Development-Res. & Comm.)		
Third Year	2,250	25
(25 Residential)	1,600	15
(10 Commercial)		
Total (Third Year)	3,850	40
3. Oklahoma State Highway Department (Heating)		
Third Year	2,420	32

Applicant estimates that the cost of the three facilities would be \$3,402, all of which would be financed from working capital, it is stated.

Applicant states that the requested volumes of gas for each new customer proposed herein are not expected to have any significant impact to Applicant's system operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the

public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3073 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP77-607]

MARIETTA, TEX. APPLICANT AND NATURAL GAS PIPELINE CO. OF AMERICA RESPONDENT

Extension of Time

JANUARY 27, 1978.

On January 24, 1978, Natural Gas Pipeline Co. of America (Natural) filed a motion for an extension of time for submitting testimony and for postponement of the prehearing conference, set by Commission Order issue December 14, 1977, in the referenced proceeding. Natural states that the City of Marietta, Tex. (Marietta), filed with the FERC a Notice of Withdrawal of Application. The Notice of Withdrawal was filed on January 25, 1978.

Section 1.11(d) of the Rules of Practice and Procedure states that withdrawal of a pleading filed in any proceeding in which a hearing has been held or convened requires the express permission of the Commission.

Accordingly, to allow the Commission sufficient time to act on Marietta's Notice of Withdrawal of Application, the dates set by the December 14, 1977 Order are extended as follows:

Filing and service upon all parties of testimony and exhibits by Marietta, intervenors, and Staff—March 3, 1978.
Prehearing conference—March 31, 1978 10 a.m. e.s.t.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3067 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. ER78-177]

NORTHERN STATES POWER CO.

Letter Agreement

JANUARY 27, 1978.

Take notice that Northern States Power Co. (Company), on January 17, 1978, tendered for filing a Letter Agreement, dated November 18, 1977, with the Department of Energy, United States of America.

Company indicates that Contracts No. 14-06-600-1556 and No. 14-06-600-

1940 between Northern States and the United States terminated on October 20, 1977. Company further indicates that the Letter Agreement formalizes an oral agreement between the parties to continue to interconnect transmission systems and to provide for certain transactions until a new contract is executed or until June 30, 1978, whichever is earlier.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 17, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3074 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. RP76-52, et al.]

NORTHERN NATURAL GAS CO.

Further Extension of Time

JANUARY 30, 1978.

On January 24, 1978, Northern Natural Gas Co. filed a motion for a further extension of time for filing comments on the draft environmental impact statement (DEIS) in this proceeding, availability of which was noticed December 9, 1977, and published in the FEDERAL REGISTER December 14, 1977 (42 FR 62971). A previous extension of time to and including January 28, 1978, was granted by notice issued January 3, 1978.

Upon consideration, notice is hereby given that a further extension of time is granted to and including February 24, 1978, for filing comments on the DEIS in the captioned proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3127 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. ER76-818]

NORTHERN STATES POWER CO. (MINNESOTA)

Withdrawal of Price Squeeze Allegation and Motion To Terminate Proceedings

JANUARY 31, 1978.

Take notice that the city of Shakopee, Minn.-Shakopee Public Utilities

Commission (Shakopee) on January 11, 1978, filed a notice withdrawing the allegation of price squeeze made by it in its amended petition to intervene in the above-captioned docket and concurrently filed a motion to terminate all proceedings in this docket without a hearing.

Shakopee states that as the only remaining intervenor in this docket, it and Northern States Power Co. (NSP) have entered into a settlement agreement, as a result of which Shakopee is moving to dismiss an antitrust complaint against the company in a U.S. District Court, is withdrawing its opposition to the settlement rates herein and is moving to terminate the proceeding.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before February 10, 1978. Comments and protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.
[FR Doc. 78-3128 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-165]

NORTHWEST PIPELINE CORP.

Application

JANUARY 27, 1978.

Take notice that on January 18, 1978, Northwest Pipeline Corp. (Applicant), 315 East Second South, Salt Lake City, Utah 84111, filed in Docket No. CP78-165 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 10,000 Mcf of natural gas per day for Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is stated that Michigan Wisconsin has under contract or otherwise owns or controls certain natural gas reserves in the Rocky Mountain area which are a considerable distance from its existing transmission system, and that in order to make such gas reserves available to it, Michigan Wisconsin and Applicant have entered into two agreements which contemplate that Applicant would perform certain gathering and transportation services for the benefit of Michigan Wisconsin. The two agreements are as follows:

(1) A gas gathering and transportation agreement (gathering agreement), dated September 23, 1977, which provides that Applicant would gather such volumes of natural gas as Michigan Wisconsin may control in the Lincoln Road area of Sweetwater County, Wyo., and that Applicant would, subject to the terms of the gathering agreement, deliver approximately equivalent volumes to Applicant's main transmission system for further transportation by Applicant for Michigan Wisconsin's account pursuant to the transportation agreement identified in item 2 below.

(2) A gas transportation agreement (transportation agreement) dated September 23, 1977, which provides that Applicant would transport up to 175,000 Mcf per day of natural gas for the account of Michigan Wisconsin, after delivery of such volumes of natural gas into Applicant's mainline transmission system.

It is indicated that pursuant to the gathering agreement, Applicant would provide a wellhead gathering service for Michigan Wisconsin of up to 10,000 Mcf of natural gas per day, which may be available from acreage within the area outlined in the gathering agreement. Applicant indicates that the volumes of natural gas to be gathered by it for Michigan Wisconsin's account would be transported through Applicant's Lincoln Road Gathering System and its Big Piney 30-inch loop line, processed at Applicant's Opal Gasoline Plant and redelivered at the point of interconnection of Applicant's Big Piney 30-inch loop line and Applicant's mainline in Lincoln County, Wyo. The volumes of natural gas delivered at Applicant's mainline for Michigan Wisconsin's account would be equivalent to 95 percent of the volumes received by Applicant at the wellhead for Michigan Wisconsin's account, and 5 percent of the volumes received by Applicant at the wellhead for Michigan Wisconsin's account would be furnished to Applicant to compensate for fuel usage and shrinkage attributable to the processing at Applicant's Opal Gasoline Plant, it is said.

The application states that the volumes of natural gas delivered for Michigan Wisconsin's account at the aforementioned point on Applicant's mainline would then be further transported by Applicant, pursuant to the transportation agreement, to a point of interconnection between the facilities of Applicant and El Paso Natural Gas Co. (El Paso) in La Plata County, Colo., where equivalent volumes of gas would be delivered to El Paso for Michigan Wisconsin's account. Applicant

cant indicates that the gas so delivered to El Paso would, by displacement or otherwise, be further transported by El Paso and Natural Gas Pipeline Co. of America (Natural) for ultimate delivery to Michigan Wisconsin.

It is indicated that pursuant to the gathering agreement, Michigan Wisconsin had the option, prior to the initial delivery hereunder, either (1) to furnish Applicant the amount of plant fuel and shrinkage attributable to the liquid products extracted from Michigan Wisconsin's gas for which Applicant agrees to return 100 percent of the net revenues attributable to the liquid products extracted less Applicant's actual cost of service incurred in such extraction operation; or (2) to provide Applicant, as compensation for fuel usage and shrinkage incurred during the extraction operation, with volumes of natural gas equal to 5 percent of the volumes delivered by Michigan Wisconsin to Applicant hereunder for which Applicant agrees to reimburse Michigan Wisconsin at the applicable national rate in effect at the time or, in the event of deregulation, the average price paid by others, including Applicant, under long-term contracts, for gas produced from the area covered by the gathering agreement. Pursuant to a letter agreement dated January 6, 1978, Michigan Wisconsin elects the latter option as its preferred means for keeping both parties whole with respect to the processing of Michigan Wisconsin's gas through Applicant's Opal Gasoline Plant, it is said.

Applicant estimates that, initially, 800 Mcf of gas per day would be gathered and transported through Applicant's Lincoln Road Gathering System, Big Piney loop line and mainline facilities for the account of Michigan Wisconsin. It is indicated that for the above-described gathering and transportation service, Applicant would charge Michigan Wisconsin a three-part rate as follows:

(1) A gathering rate based on Applicant's cost-of-service attributable to gathering Michigan Wisconsin's gas and delivering such gas to the point of interconnection with Applicant's Big Piney 30-inch loop line. The initial rate which Applicant would charge Michigan Wisconsin for the gathering service proposed herein would be 20.76 cents per Mcf.

(2) An initial transportation rate of 1.0 cent per Mcf for all volumes delivered for Michigan Wisconsin's account at the interconnection of Applicant's Big Piney 30-inch loop line and Ignacio-Sumas mainline as consideration for the transportation service provided through Applicant's Big Piney 30-inch loop line.

(3) An initial transportation rate of 1.0 cent per Mcf for all gas handled through its mainline system and rede-

livered to El Paso under the transportation agreement.

It is stated that the 1.0 cent per Mcf rate for gas transported through Applicant's main transmission system is predicated on Applicant's continuing ability to displace the gas to be delivered to El Paso for Michigan Wisconsin's account. It is stated that in the event that delivery by displacement is diminished due to Applicant's prior commitments on its transmission system or due to physical or legal limitations imposed on Applicant's displacement capability so that actual transportation of all or any portion of Michigan Wisconsin's gas is required, then the 1.0 cent per Mcf charge would be increased to Applicant's then rolled-in transmission cost or such other appropriate rate as may be established and approved by the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein. If the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3075 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-163]

SOUTHERN NATURAL GAS CO.

Application

JANUARY 27, 1978.

Take notice that on January 17, 1978, Southern Natural Gas Company (Applicant), First National, Southern Natural Building, Birmingham, Ala. 35203, filed in Docket No. CP78-163, an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to a total of 4,000 Mcf of natural gas per day (at 14.73 psia) in two separate transactions for Owens-Corning Fiberglas Corp. (Owens-Corning), for a term ending July 21, 1979, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to render these transportation services on an interruptible basis for Owens-Corning pursuant to transportation agreements dated December 2 and 12, 1977, between Applicant and Owens-Corning. Pursuant to the transportation agreement dated December 2, 1977, Applicant proposes to transport up to 2,000 Mcf of natural gas per day, which gas is to be produced from the Berryman No. 1 Well, Ellis County, Okla. It is indicated that Owens-Corning has contracted to purchase the subject gas from Alpar Resources, Inc. (Alpar) at a price of \$2.15 per Mcf for the first year of the contract, which price would increase 10 cents per Mcf at the beginning of the second year. The application states that Owens-Corning would arrange to have such quantities of gas delivered to Panhandle Eastern Pipe Line Co. (Panhandle) which would make the gas available to Trunkline Gas Co. (Trunkline), and that Trunkline would deliver the subject gas to Transcontinental Gas Pipe Line Corp. (Transco), who would then deliver it to Applicant at their authorized exchange point at Jonesboro, Ga., or at another mutually agreeable existing authorized exchange point between Transco and Applicant. Applicant states that it would redeliver the redelivery quantity to South Carolina Electric & Gas Co. (South Carolina), a resale customer of Applicant. It is stated that South Carolina, in turn would deliver the subject gas to Owens-Corning's plant in Aiken, S.C., which is a customer of South Carolina.

The application states that the gas purchased from Alpar is currently being transported by Panhandle and Trunkline pursuant to authorization granted in Docket No. CP77-480, and that this gas is delivered by Trunkline

to Transco pursuant to authorization granted in Docket No. CP77-427 for redelivery to Owens-Corning's plant in Anderson, S.C. Applicant states that it has been advised: (1) That the authority under such certificates expires on July 21, 1979; (2) that Owens-Corning desires the flexibility of Applicant having the authority to transport such gas to Owens-Corning's plant in Aiken, S.C., and Transco having the authority to transport such gas to its plant in Anderson, S.C.; and (3) that Transco would file a petition to amend its certificate in Docket No. CP77-427 to obtain the additional authority to deliver such gas to Applicant.

Applicant indicates that it would charge Owens-Corning a transportation charge of 13.0 cents per Mcf (at 14.73 psia) for all gas transported from the delivery point at Jonesboro, Ga., to the point of redelivery to South Carolina, and that it would charge Owens-Corning a minimum charge of \$50 per day for any day on which gas is transported when the transportation charges for such day are less than \$50. Applicant indicates further that it would also retain 3 1/4 percent of the quantities received for transportation as Owens-Corning's pro rata share of lost or unaccounted for gas between the delivery point and the redelivery point.

Pursuant to the transportation agreement dated December 12, 1977, Applicant proposes to transport gas Owens-Corning has purchased from Kilroy Properties Inc. (Kilroy) of Houston, Tex., which gas is produced from the Crown Zellerbach Well, East Chatham Field, Jackson Parish, La. It is indicated that Owens-Corning would purchase up to 2,000 Mcf of natural gas per day from Kilroy at a price of \$2 per million Btu's for the first year of the contract, which price would increase 15 cents at the ending of the first year and would increase 15 cents each 12 months thereafter.

It is stated that Owens-Corning would arrange to have such quantities of gas delivered to Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Tennessee) who would deliver the gas to Applicant at their authorized exchange point at Patterson, La., or at another mutually agreeable existing authorized exchange point between Tennessee and Applicant. Applicant proposes to redeliver the redelivery quantity to South Carolina. South Carolina would, in turn, deliver the subject gas to Owens-Corning's plant in Aiken, S.C.

The application states that the gas purchased from Kilroy is currently being transported by Tennessee pursuant to authorization issued in Docket No. CP77-513, and that this gas is delivered by Tennessee to Transco for redelivery to Owens-Corning's plant in Anderson, S.C., pursuant to authoriza-

tion issued in Docket No. CP77-504. Applicant states that it has been advised that: (1) That the authority under such certificates would expire on August 20, 1979; (2) that Owens-Corning desires the flexibility of Southern having the authority to transport such gas to Owens-Corning's plant in Aiken, S.C., and of Transco having the authority to transport such gas to its plant in Anderson, S.C.; and (3) that Tennessee would file a petition to amend its certificate in Docket No. CP77-513.

Applicant indicates that it would charge Owens-Corning a transportation charge of 39.0 cents per Mcf (at 14.73 psia) for all gas transported from the delivery point at Patterson, La., to the point of redelivery to South Carolina, and that it would charge Owens-Corning a minimum charge of \$50 per day for any day on which gas is transported when transportation charges for such day are less than \$50. Applicant states that it would also retain 3 1/4 percent of the quantities received for transportation as Owens-Corning's pro rata share of lost or unaccounted for gas between the delivery point and the redelivery point.

It is stated that the subject gas is not available for resale in the interstate market. It is further stated that the subject gas would be used at Owens-Corning's Aiken, S.C. plant for Priority 2 process use.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a

petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3076 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. RP77-141; RP77-132; RP77-133-1; RP77-134]

TENNESSEE GAS PIPELINE CO., A DIVISION OF
TENNECO, INC. (PIKE NATURAL GAS CO.
AND DELTA NATURAL GAS CO.)

Settlement Conference

JANUARY 31, 1978.

Take notice that on February 7, 1978, at 10 a.m., an informal conference will be convened of all interested persons with a view toward settling the issues in the captioned proceedings. The conference will be held at the office of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3129 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-162]

TEXAS EASTERN TRANSMISSION CORP.

Application

JANUARY 27, 1978.

Take notice that on January 17, 1978, Texas Eastern Transmission Corp. (Applicant), P.O. Box 2521, Houston, Tex. 77001, filed in Docket No. CP78-162 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of interconnection facilities, the transportation of natural gas for Columbia Gas Trans-

mission Corp. (Columbia), and the addition of such interconnection facilities as a point of delivery to Columbia for existing service under Rate Schedule DCQ-C, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization:

- (1) To construct and operate taps and metering facilities at a point located on Applicant's 24-inch and 20-inch transmission pipelines No. 1 and 2 near Rosbys Rock, Marshall County, W. Va.

- (2) To renovate the Waynesburg, Washington County, Pa., meter station to provide for reverse flow.

- (3) To transport for Columbia up to 35,000 dekatherms (dth) of natural gas per day, as provided by the gas transportation agreement of January 11, 1978.

- (4) To include the Rosbys Rock interconnection as an additional delivery point to Columbia for existing service under Rate Schedule DCQ-C and I-C.

The application states that the Consolidation Coal Co. is enlarging a mine located in Marshall County, W. Va., which would undermine Applicant's Line No. 20 which provides the major portion of natural gas for Moundsville and the southern portion of Wheeling, W. Va., and that in order to assure continued service to its customers in Moundsville and Wheeling, W. Va., during the mining operations, Columbia has requested that Applicant reestablish its Rosbys Rock interconnection between the two systems which had been abandoned in 1970 by order of the Federal Power Commission issued August 8, 1970, at Applicant's Docket No. CP70-255.

Applicant indicates that in order to deliver the transported quantities to the Rosbys Rock interconnection it would be necessary for it to modify its Waynesburg Station, Washington County, Pa., to provide a reverse flow. It is stated that the Waynesburg point is 25 miles east of the proposed Rosbys Rock interconnection and would be the primary point of receipt on Applicant's system. It is further stated that construction of the facilities at both the Rosbys Rock interconnection and the Waynesburg renovation is estimated to cost approximately \$146,400, and that Columbia would reimburse Applicant for all construction costs.

Applicant indicates that the proposed transportation service would be rendered pursuant to a gas transportation agreement dated January 11, 1978, between Applicant and Columbia, which agreement provides that Applicant would receive from Columbia for transportation up to 35,000 dth of gas per day at either the existing point of interconnection located in Fairfield County, Ohio or the renovated Waynesburg point for ultimate re-

delivery to Columbia at the point to be constructed near Rosbys Rock, Marshall County, W. Va.

It is indicated that Applicant would charge Columbia a transportation charge of (1) \$470.00 per day for natural gas delivered to Applicant at the Waynesburg interconnection, or (2) 7.08 cents per dth and 3 percent reduction in the quantity transported for gas used in providing such service, for gas delivered to Applicant at the Fairfield County, Ohio, interconnection.

It is contemplated that the proposed Rosbys Rock interconnection would initially be utilized for redelivery of quantities of gas tendered for transportation by Applicant, it is said. It is stated that upon completion of mining operations, Applicant and Columbia intend to leave the interconnection in service on a standby basis for transportation or existing firm sales service and, therefore, now seeks to add such point to their existing agreement for service under Applicant's Rate Schedule DCQ-C.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to

appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3077 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-168]

TEXAS GAS TRANSMISSION CORP.

Application

JANUARY 27, 1978.

Take notice that on January 20, 1978, Texas Gas Transmission Corp. (Applicant), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP78-168 an application pursuant to Section 7(c) of the Natural Gas Act and section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the 12-month period, commencing May 30, 1978, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers of other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed \$10,000,000 with the cost of any single onshore project not exceeding \$1,500,000 and the cost of any single offshore project not exceeding \$2,500,000. It is stated that these facilities would be financed by Applicant from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to inter-

vene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3078 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-160]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JANUARY 27, 1978.

Take notice that on January 16, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-160 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 102 Dekatherms (dt) per day equivalent of natural gas on an interruptible basis for the account of Carolina Pipeline Co., NCNG Exploration Corp., an affiliate of North Carolina Natural Gas Corp.; Pennsylvania Gas and Water Co.; Philadelphia Electric Co.; Piedmont Exploration Co., Inc., an affiliate of Piedmont Natural Gas Co., Inc.; and Tar Heel Energy Corp., an affiliate of Public Service Co. of North Carolina, Inc., all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that these transportation customers are distribution company customers of Applicant, or affiliates of Applicant's distributors, which have participated in the Robert Mosbacher/Transco Exploration Co. Joint Venture (Mosbacher), a joint venture for and development of new natural gas reserves onshore, and in non-Federal waters, in the Gulf Coast area. The application further states that the participants in the

Mosbacher drilling program earn a proportionate share in the natural gas production from commercially successful wells discovered by the joint venture. It is stated that the joint venture has discovered and developed a successful well in the East Collins Field (Alma Rogers 25-8 No.1), Covington County, Mississippi, and Applicant proposes herein to transport to existing delivery points on its system the interests of the transportation customers listed above in the production from this well.

It is indicated that United Gas Pipe Line Co. (United) has agreed to receive gas produced from the East Collins Field, which field is adjacent to existing facilities of United in Covington County, Mississippi, for Applicant's account and to transport and redeliver such gas at existing authorized points of interconnection between the two pipeline systems. United's application for the transportation is on file with the Commission in Docket No. CP-78-35, it is said.

Applicant requests authorization herein to transport for the account of the above mentioned customers their interests in the East Collins Field gas from the point(s) of receipt from United to existing points of delivery on Applicant's system to such customers, or their affiliates.

Below is an estimate of the daily volumes available to each of the foregoing customers for which transportation service would be rendered from the East Collins Field:

ESTIMATED DAILY DELIVERIES OF TRANSPORTATION GAS FROM EAST COLLINS FIELD, COVINGTON COUNTY, MISS.

Producers	Buyers	Estimated daily volumes (Dekatherms)
Carolina Pipeline Co. ¹		6
NCNG Exploration Corp. ¹	North Carolina Natural Gas Corp.	13
Pennsylvania Gas & Water Co. ¹		19
Philadelphia Electric Co. ¹	Eastern Pennsylvania Exploration.	32
Piedmont Exploration Co., Inc. ¹	Piedmont Natural Gas Co., Inc.	13
Tar Heel Energy Corp. ¹	Public Service Co. of North Carolina, Inc.	19
Total.....		102

¹In each of these cases, Applicant's transportation service would be rendered for the account of the small-producer affiliates which would sell their interest in the East Collins gas to their distributor-parents at the point of redelivery to the distributor on Transco's.

It is stated that Philadelphia Electric Co. participates in the Mosbacher program through its small-producer affiliate, Eastern Pennsylvania Exploration Co., Inc. and that Eastern Pennsylvania Exploration would sell its working interest in the East Collins gas to Philadelphia Electric at the wellhead, and the transportation service proposed herein

It is indicated that Applicant would render the proposed transportation service at the then-effective transportation rates for which it provides comparable service at the time the requested certificate authorization herein is granted. It is further indicated that deliveries to the proposed customers would be made in Applicant's Rate Zones 2 and 3, as specified in Applicant's FERC Gas Tariff, Second Revised Volume No. 1. It is indicated that Carolina Pipeline Co., NCNG Exploration Corp., Piedmont Exploration Co., Inc. and Tar Heel Energy Corp. are all in Applicant's Rate Zone 2 and would pay a rate of 29.8 cents per dt for all quantities of natural gas transported hereunder, and that Applicant would withhold 4.4 percent of the volumes of gas delivered to the aforementioned Zone 2 customers for compressor fuel and line loss make-up. It is further indicated that Philadelphia Electric Co., and Piedmont Exploration Co., Inc., are in Applicant's Rate Zone 3 and would pay a rate of 31.5 cents per dt for all quantities of natural gas transported hereunder, and that Applicant would withhold 3.8 percent of the volumes of gas delivered to the aforementioned Zone 3 customers for compressor fuel and line loss make-up.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a

would be for the account of Philadelphia Electric.
²Carolina Pipeline Co. and Pennsylvania Gas and Water will not sell their interest in the East Collins gas to any one, it is said.

petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3879 Filed 2-3-78; 8:45 am]

[6740-02]

[Docket No. CP78-167]

UNITED GAS PIPE LINE CO.

Application

JANUARY 27, 1978.

Take notice that on January 20, 1978, United Gas Pipe Line Co. (Applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-167 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of necessary facilities to provide a new and additional delivery point to St. John the Baptist Parish, La. (St. John), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant delivers gas to St. John under the terms of a service agreement dated September 8, 1971, and that the area served by the distribution system of St. John lies on either side of the Mississippi River. However, it is said that Applicant delivers gas to St. John on the eastern side of the river only, the customers of St. John on the western side of the river being served through a river crossing owned and operated by St. John. The application further states that St. John has reported numerous difficulties with the subject river crossing and believes it to be in danger of failure, which would deprive the customers on the western side of the river of natural gas service.

It is stated that in order to assist St. John in maintaining gas service to its customers, Applicant has agreed pursuant to an agreement between the parties dated November 16, 1977, to the establishment of an additional delivery point to St. John on the western side of the river, thus eliminating the necessity of utilizing the river crossing. Applicant indicates that such additional new delivery point would necessitate the construction of metering and regulating facilities at an estimated cost of \$24,200, which cost would be reimbursed to Applicant by St. John. Applicant further indicates that it would enter into a gas transportation agreement with Transcontinental Gas

Pipe Line Corp. (Transco) whereby gas delivered to Transco by Applicant at an existing authorized point of interconnection near Cameron Meadows, Cameron Parish, La. would be redelivered by Transco to Applicant for sale to St. John at the proposed additional delivery point at a mutually agreeable point on Transco's 10-inch lateral line in St. John the Baptist Parish, La. It is stated that pursuant to another agreement between Applicant and St. John dated November 16, 1977, St. John would reimburse Applicant for any charge Applicant pays in connection with supply gas to St. John at said additional delivery point. Applicant and St. John would execute a new service agreement setting forth all applicable conditions providing a maximum daily quantity of up to 3,400 Mcf of gas assigned to the additional delivery point, with a corresponding reduction in the maximum daily quantity at the existing delivery point. It is said. It is stated that the overall maximum daily quantity applicable to St. John would not be increased by this arrangement.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 17, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to Intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to

appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3080 Filed 2-3-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 851-1; PP 8G2026/T143]

PESTICIDE PROGRAMS

Establishment of a Temporary Tolerance; Aldicarb

The Texas A & I University, Citrus Center, Weslaco, Tex. 78596, submitted a pesticide petition (PP 8G2026) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for combined residues of the insecticide aldicarb (2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl) oxime and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl)propionaldehyde O-(methylcarbamoyl)oxime and 2-methyl-2-(methylsulfonyl)propionaldehyde O-(methylcarbamoyl)oxime in or on the raw agricultural commodity grapefruit at 0.3 part per million (ppm).

This temporary tolerance will permit the marketing of grapefruit when treated in accordance with an experimental use permit that was issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerance was adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerance would protect the public health. The temporary tolerance has been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Texas A & I University must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of distribution and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires January 18, 1979. Residues not in excess of 0.3 ppm remaining in or on grapefruit after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use

permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, East Tower, 401 M Street SW., Washington, D.C. 20460 202-755-2516.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: January 27, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-3058 Filed 2-3-78; 8:45 am]

[6560-01]

[FRL 851-2]

SCIENCE ADVISORY BOARD

Open Meeting; Consultation on Scientific Criteria for Photochemical Oxidants and Nitrogen Oxides

Under Pub. L. 92-463, notice is hereby given that a 2-day meeting of the Subcommittee on Scientific Criteria for Photochemical Oxidants of the Science Advisory Board will be held on February 22 and 23, 1978, in Conference Room A (Room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va. The meeting will start at 9 a.m. on February 22, 1978.

The purpose of the meeting will be to provide advice and consultation on draft documentation relating to air quality criteria for photochemical oxidants and nitrogen oxides, prepared by the Agency's Office of Research and Development, and specifically on (1) a draft report entitled, "Health Effects for Short-Term Exposures to Nitrogen Dioxide", External Review Draft, December 12, 1977; and (2) a revised draft of a document entitled, "Air Quality Criteria for Photochemical Oxidants and Oxidant Precursors". Nitrogen Oxides will be discussed on February 22. Photochemical Oxidants will be discussed on February 23.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by c.o.b. February 15, 1978. Please ask for Mrs. Ilene Stein or Ms. Barbara Robinson. The telephone number is 703-557-7720.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

JANUARY 31, 1978.

[FR Doc. 78-3057 Filed 2-3-78; 8:45 am]

[1505-01]

FEDERAL COMMUNICATIONS COMMISSION

[FCC77-846; Docket No. 21494; File No. BI-H-7012]

INDEPENDENT MUSIC BROADCASTERS, INC.

Memorandum Opinion and Order

Correction

In FR Doc. 78-1883 appearing in the issue of Monday, January 23, 1978 on page 3175, the small type in the heading should read as it appears above.

[6730-01]

FEDERAL MARITIME COMMISSION

COMPANIA DE VAPORES CERULEA S.A. AND ULYSSES LINE LTD. S.A. OF PANAMA

[Certificate (Performance) No. P-158 and Certificate (Casualty) No. C-1,156]

Order of Revocation

In the matter of Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-158 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,156; Issued to Compania De Vapores Cerulea S.A. and Ulysses Line Ltd. S.A. of Panama C/O Kerr Steamship Company, Inc., 90 Washington Street, New York, N.Y. 10006.

Whereas, Compania De Vapores Cerulea S.A. and Ulysses Line Ltd. S.A. of Panama, have ceased to operate the passenger vessel *Calypso* to and from United States ports.

It is ordered, That Certificate (Performance) No. P-158 issued to Compania De Vapores Cerulea S.A., Ulysses Line Ltd. S.A. of Panama, and Sovereign Holidays Ltd., and Certificate (Casualty) No. C-1,156 issued to Compania De Vapores Cerulea S.A. and Ulysses Line Ltd. S.A. of Panama, be and are hereby revoked effective January 30, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission, January 30, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-3143 Filed 2-3-78; 8:45 am]

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ANIMAL DAMAGE CONTROL POLICY STUDY ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Animal Damage Control Act of March 2, 1931, that a meeting of the Animal Damage Control Policy Study Advisory Committee will be held on February 8 and February 9, 1978, at 9 a.m. and will conclude at 4 p.m. The meetings will be held in Room 8070 (North Penthouse) of the Main Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

The purpose of the Committee is to provide advisory services in coordination with the policy analysis of the problems of mammal predation of Western livestock with major emphasis on the problems of coyote depredation. The analysis will address issues related to mammal predation damage as opposed to migratory bird damage control. The study will be an objective examination of the nature and scope of the predation problems affecting the Western livestock industry, the environmental concerns and impacts associated with predatory damage control, and will present options, including the consequences of various levels and methods of predator control.

The 15-day time limit between publication of this notice and the meetings is waived under the emergency provisions occasioned by the necessity to face major policy issues that have to be resolved before Spring operations of the animal damage control program and to provide interested parties an opportunity to provide programmatic advice for the decisionmaking process. The scope, areas and methods pertinent to the control at the time of the lambing season, for example, must have been determined so that the operational aspects can proceed at the appropriate time to maximize its effectiveness at the least cost.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited (about 40 spaces) and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee written statements concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Ms. Sheila Minor, Office of the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Washington, D.C. 20240, 202-343-4945.

Minutes of the meeting will be available for public inspection 30 days after

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the meeting in Room 3145, Main Interior Building, Washington, D.C.

Dated: January 24, 1978.

RICHARD J. MYSHAK,
Deputy Assistant Secretary
for Fish and Wildlife and Parks.
[FR Doc. 78-3164 Filed 2-3-78; 8:45 am]

[7020-02]

**INTERNATIONAL TRADE
COMMISSION**

[332-97]

BROOMS OF BROOMCORN

Collection of Data for Determination of
Apparent U.S. Consumption

AGENCY: U.S. International Trade
Commission.

ACTION: Creation of a permanent
docket for the collection of data under
the authority of section 332(g) of the
Tariff Act of 1930, as amended (19
U.S.C. 1332(g)), to determine apparent
U.S. consumption of whiskbrooms, and
other brooms of broomcorn pursuant
to Executive Order 11377 of October
23, 1967.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION
CONTACT:

Mr. Leonard Heimowitz, General
Manufactures Division, U.S. Interna-
tional Trade Commission, 701 E
Street NW., Washington, D.C. 20436,
telephone 202-523-0399.

SUPPLEMENTARY INFORMATION:
Headnote 3 to schedule 7, part 8, sub-
part A, of the Tariff Schedules of the
United States (79 Stat. 948; 19 U.S.C.
1202), authorizes the President to
adjust the tariff rate quotas on whisk-
brooms and other brooms of broom-
corn to reflect annual changes in con-
sumption of such brooms. In order to
carry out his responsibilities under the
law, the President issued Executive
Order 11377, which directs the Com-
mission to annually report to him its
judgment as to the estimated annual
consumption of these brooms in the
preceding calendar year.

The determination of consumption
of whiskbrooms and other brooms of
broomcorn in the United States is de-
rived from data on production and ex-
ports obtained from questionnaires
completed by domestic producers, and
on imports obtained from the U.S.
Customs Service, Department of the
Treasury.

The whiskbrooms of broomcorn in-
volved in the determination are of a
kind provided for in items 750.26 to
750.28, inclusive, of the Tariff Sched-
ules of the United States (TSUS), and
the other brooms are of a kind pro-
vided for in items 750.29 to 750.31, in-
clusive, of the TSUS.

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Once the annual determination of
apparent U.S. consumption is made,
the Commission will transmit a report
to the President. The report will be re-
leased to the public (consistent with
the treatment afforded confidential
business information).

By order of the Commission.

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3173 Filed 2-3-78; 8:45 am]

[7020-02]

**CERTAIN ARTICLES OF STAINLESS STEEL OR
ALLOY TOOL STEEL**

Quarterly and Annual Statistical Reports
Providing Information

AGENCY: U.S. International Trade
Commission.

ACTION: Institution of an investiga-
tion under the authority of section
332(b) of the Tariff Act of 1930, as
amended (19 U.S.C. 1332(b)), to estab-
lish a permanent docket for the re-
ports concerning certain articles of
stainless steel or alloy tool steel re-
quired by Presidential Proclamation
4445 of June 14, 1976.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION
CONTACT:

Mr. Quay Williams or Mr. Nicholas
C. Tolerico, Minerals and Metals Di-
vision, U.S. International Trade
Commission, 701 E Street NW.,
Washington, D.C. 20436, telephone
202-523-0341, 202-523-0342, respec-
tively.

SUPPLEMENTARY INFORMATION:
On January 16, 1976, the U.S. Interna-
tional Trade Commission reported to
the President (Publication No. 756)
the results of its investigation (con-
ducted pursuant to section 201(a)(1) of
the Trade Act of 1974 (19 U.S.C.
2251(a)(1)). The Commission deter-
mined that certain articles of stainless
steel or alloy tool steel provided for in
items 608.52, 608.76, 608.78, 608.85,
608.88, 609.06, 609.07, and 609.08 of the
Tariff Schedules of the United States
are being imported into the United
States in such increased quantities as
to be a substantial cause of serious
injury, or the threat, thereof, to the
domestic industry or industries pro-
ducing articles like or directly com-
petitive with the imported articles.

The President accepted the Commis-
sion's finding and on June 14, 1976, an
orderly marketing agreement was en-
tered into between the Governments
of the United States and Japan to
limit the importation of the subject
articles from Japan, as set forth on

Presidential Proclamation 4445. The
President also proclaimed (Proclama-
tion No. 4445) on June 14, 1976, the
imposition of quantitative limitations
(absolute quotas) on U.S. imports from
all sources of certain articles of stain-
less steel or alloy tool steel. The effec-
tive period of the orderly marketing
agreement and the quantitative limita-
tions is June 14, 1976 through June 13,
1979, unless earlier modified or termi-
nated.

Section (g) of the Annex to Presi-
dential Proclamation 4445 directs as
follows:

(g) *United States International Trade
Commission (USITC) surveys.*—The USITC
shall conduct mandatory surveys and a
review with respect to products of the types
subject to import restraints under each item
involved as follows:

(i) *Quarterly.*—Surveys by calendar quar-
ter to obtain from domestic producers
monthly data on production, shipments,
prices, employment and man-hours. The in-
itial surveys shall cover the fourth quarter
of 1975 and the first two quarters of 1976;
subsequent surveys will cover individual
quarters; the last such survey shall cover
the quarter which ends not less than 60
days prior to the termination of the import
restraints. The USITC shall publish the re-
sults of these surveys within 45 days (as
soon as feasible and not later than 60 days
in the case of prices) of the end of a quar-
ter. Such surveys will be conducted month-
ly, upon written request of the Special Re-
presentative to the USITC, if the Special
Representative determines that monthly re-
porting is necessary.

(ii) *Annually.*—Annual surveys to obtain
from domestic producers data by calendar
quarter on profits, orders, and inventories,
and annual data on capital expenditures, ca-
pacity, and research and development ex-
penditures; and to obtain from importers
data by calendar quarter on prices, orders,
and inventories. The initial surveys shall
cover the fourth quarter of 1975 and calen-
dar year 1975, as appropriate, and calendar
year 1976, and the results shall be published
by March 31, 1977. The results of subse-
quent surveys shall be published by March
31 of each year thereafter so long as the
import restraints in this subpart are in
effect.

By order of the Commission.

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3175 Filed 2-3-78; 8:45 am]

[7020-02]

[TA-406-1]

**CERTAIN GLOVES FROM THE PEOPLE'S
REPUBLIC OF CHINA**

Change of Time and Place of Hearing

Notice is hereby given that the
public hearing in this matter, previ-
ously scheduled to begin on Tuesday,
February 7, 1978, at 10 a.m., e.s.t., will
now begin on Tuesday, February 7,
1978, at 9:30 a.m., e.s.t., in the Hearing

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Room, U.S. International Trade Com-
mission Building, 701 E Street NW.,
Washington, D.C. 20436.

Notice of the investigation and hear-
ing for investigation No. TA-406-1 was
published in the FEDERAL REGISTER of
January 4, 1978 (43 FR 800).

By order of the Commission.

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3171 Filed 2-3-78; 8:45 am]

[7020-02]

[332-95]

**COLOR TELEVISION RECEIVERS AND RELATED
PRODUCTS**

Quarterly and Annual Reports Providing
Certain Information

AGENCY: United States International
Trade Commission.

ACTION: Institution of an investiga-
tion under the authority of section
332(b) of the Tariff Act of 1930, as
amended (19 U.S.C. 1332(b)), to estab-
lish a permanent docket for the quar-
terly and annual reports concerning
color television receivers and related
products required by Presidential
Proclamation 4511 of June 24, 1977.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION
CONTACT:

Mr. Harold Graves or Mr. William
Fletcher, Machinery and Equipment
Division, United States International
Trade Commission, 701 E Street
NW., Washington, D.C. 20436, tele-
phone: 202-523-0360, 202-523-0378,
respectively.

SUPPLEMENTARY INFORMATION:
On March 22, 1977, the United States
International Trade Commission re-
ported to the President (Publication
No. 808) the results of its investigation
under subsection (b) of section 201 of
the Trade Act of 1974 (19 U.S.C.
2251(b)). The Commission determined
that color television receivers assem-
bled or not assembled, finished or not
finished, provided for in item 685.20 of
the Tariff Schedules of the United
States are being imported into the
United States in such increased quan-
tities as to be a substantial cause of se-
rious injury to the domestic industry
producing articles like or directly com-
petitive with the imported articles.

On May 19, 1977, the President ac-
cepted the determination of the Com-
mission which found serious injury to
that portion of the industry producing
subassemblies of color television re-
ceivers, and on May 20, 1977, an order-
ly marketing agreement was entered
into, effective July 1, 1977, between
the Government of the United States

of America and the Government of
Japan with respect to the trade in cer-
tain color television receivers.

On June 24, 1977, Presidential Pro-
clamation 4511 was issued limiting, ef-
fective July 1, 1977, the number of
color television receivers exported
from Japan to the United States
through June 30, 1980, unless earlier
modified or terminated.

Paragraph (7) of Presidential Procla-
mation 4511 directs as follows:

(7) The USITC shall issue reports and
conduct the following surveys with respect
to color television receivers and related
products:

(a) *Quarterly.* Surveys by calendar quarter
to obtain from producers in the United
States monthly data on production, ship-
ments, inventories, employment man-hours,
and prices, and other economic factors in-
dicative of conditions in the U.S. industry.
The initial surveys shall cover the fourth
quarter of 1976 and the first two quarters of
1977. Subsequent surveys shall cover in-
dividual quarters with the last such surveys
covering the quarter which ends not less
than 60 days prior to the termination of the
import relief. The USITC shall publish the
results of the initial surveys by September
1, 1977 and the results of later surveys
within 45 days of the end of the surveyed
quarter.

(b) *Annual.* Annual surveys to obtain data
from producers in the United States by calen-
dar quarter on profits, capacity, and
annual data on capital expenditures and re-
search and developments expenditures; and
to obtain from importers data by calendar
quarter on prices, orders, and inventories.
The initial surveys shall cover the calendar
year 1976 and the calendar year 1977, and
the results shall be published by March 31,
1978. The results of subsequent surveys
shall be published by March 31 of each year
thereafter so long as the import relief is in
effect.

By the order of the Commission.

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3172 Filed 2-3-78; 8:45 am]

[7020-02]

[332-93]

NONRUBBER FOOTWEAR

Quarterly and Annual Reports Providing
Certain Information

AGENCY: United States International
Trade Commission.

ACTION: Institution of an investiga-
tion under the authority of section
332(b) of the Tariff Act of 1930, as
amended (19 U.S.C. 1332(b)), to estab-
lish a permanent docket for the quar-
terly and annual reports concerning
certain footwear required by Presiden-
tial Proclamation 4510 of June 24,
1977.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION
CONTACT:

Mr. F. Lamar Wood or Mrs. J. Gail
Burns, Textiles, Leather Products
and Apparel Division, United States
International Trade Commission,
701 E Street NW., Washington, D.C.
20436, telephone: 202-523-0120, re-
spectively.

SUPPLEMENTARY INFORMATION:
On February 8, 1977, the United
States International Trade Commis-
sion reported to the President (Publi-
cation No. 799) the results of its in-
vestigation under section 201(b) of the
Trade Act of 1974 (19 U.S.C. 2251(b)).
The Commission determined that
footwear provided for in items 700.05
through 700.85, inclusive (except items
700.51, 700.52, 700.53, 700.54, and
700.60, and disposable footwear de-
signed for one-time use provided for in
item 700.85) of the Tariff Schedules of
the United States, are being imported
into the United States in such in-
creased quantities as to be a substan-
tial cause of serious injury to the do-
mestic industry producing articles like
or directly competitive with the im-
ported articles.

The President accepted the Commis-
sion's finding and orderly marketing
agreements were entered into between
the Governments of the United States
and the Republic of China (concluded
on June 14, 1977) and the Republic of
Korea (concluded June 21, 1977) to
limit the importation of subject arti-
cles from the Republic of China and
the Republic of Korea, as set forth in
Presidential Proclamation 4510. The
effective period of the import re-
straints is June 28, 1977 through June
30, 1981, unless earlier modified or ter-
minated.

Section (k) of the Annex to Presi-
dential Proclamation 4510 directs as
follows:

(k) *United States International Trade
Commission (USITC) reports and surveys.*—
The USITC shall issue reports and conduct
surveys with respect to footwear as follows:

(i) *Quarterly.*—Reports by calendar quar-
ter showing monthly data on U.S. produc-
tion, imports for consumption, apparent
U.S. consumption, employment and prices.
The initial report shall cover 1975, 1976 and
the first two quarters of 1977; the last such
report shall cover the quarter which ends
not less than 60 days prior to the termina-
tion of the import relief. The reports shall
be published within 60 days of the end of a
quarter.

(ii) *Annually.*—Annual surveys to obtain
from domestic producers data on profits,
orders, capacity, inventories, prices, capital
expenditures, and research and develop-
ment expenditures; and to obtain from im-
porters data on prices, orders, and inven-
tories. The initial survey shall cover the cal-
endar year 1976 and the calendar year 1977,
and the results shall be published by May
31, 1978. The results of subsequent surveys
shall be published by May 31 of each year
thereafter so long as the import relief is in
effect.

By order of the Commission:

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3174 Filed 2-3-78; 8:45 am]

[7020-02]

[332-96]

WATCH MOVEMENTS

Collection of Data for Determination of
Apparent U.S. Consumption

AGENCY: United States International Trade Commission.

ACTION: Creation of a permanent docket for the collection of data under the authority of section 332(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1332(b)), to determine apparent U.S. consumption of watch movements pursuant to Pub. L. 89-805 of November 10, 1966 (80 Stat. 1521, 1522).

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Lee Lukens, General Manufactures Division, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone: 202-523-0226.

SUPPLEMENTARY INFORMATION: Paragraph (c) of headnote 6, schedule 7, part 2, subpart E, of the Tariff Schedules of the United States requires the U.S. International Trade Commission annually to determine the apparent U.S. consumption of watch movements for the preceding calendar year and to use such determination as a basis for computing and allocating the quota for watches and watch movements, the product of certain U.S. insular possessions, admissible free of duty during the following calendar year, under general headnote 3(a) of the Tariff Schedules of the United States.

The determination of consumption of watches and watch movements in the United States is derived from production data, inventories and exports obtained from questionnaires completed by the domestic producers; data on imports for consumption, and shipments from the insular possessions will be taken from official statistics compiled by the Department of Commerce, Bureau of Census.

The Commission is required to determine the apparent U.S. consumption of watch movements, in 1977 and on or before April 1, 1978 report such determination to the Secretary of the Treasury, the Secretary of the Interior, and the Secretary of Commerce and to publish such determination in the FEDERAL REGISTER, together with the number of watches and watch movements which are the product of the Virgin Islands, Guam, and American

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Samoa which may be entered free of duty during calendar year 1978.

By order of the Commission:

Issued: February 1, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3176 Filed 2-3-78; 8:45 am]

[7537-03]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Artists' Fellowships) to the National Council on the Arts will be held February 22, 1978, from 9:30 a.m. to 6 p.m.; February 23, 1978, from 9:30 a.m. to 6 p.m., and February 24, 1978, from 9:30 a.m. to 6 p.m. in Columbia Plaza Room 1115, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

JANUARY 31, 1978.

[FR Doc. 78-3064 Filed 2-3-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-250]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued

Amendment No. 31 to Facility Operating License No. DPR-31, issued to Florida Power and Light Co., which revised Technical Specifications for Operation of the Turkey Point Nuclear Generating Unit No. 3, located in Dade County, Fla. The amendment is effective as of the date of issuance.

The amendment authorizes operation of Turkey Point Unit No. 3 with up to an average of 15 percent of the steam generator tubes in a plugged condition.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 8, 1977 (as supplemented by letter dated July 11, 1977), (2) Amendment No. 31 to License No. DPR-31, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental & Urban Affairs Library, Florida International University, Miami, Fla. 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of January 1978.

For the Nuclear Regulatory Commission.

STANLEY J. NOWICKI,
Acting Chief, Operating Reactors
Branch No. 3, Division of
Operating Reactors.

[FR Doc. 78-3060 Filed 2-3-78; 8:45 am]

NOTICES

[7590-01]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-63 issued to Niagara Mohawk Nuclear Power Corp. (the licensee) which revised technical specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, N.Y. The amendment is effective as of its date of issuance.

The amendment increases the spent fuel pool storage capacity from 1,140 to 1,984 fuel assemblies.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on August 8, 1977 (42 FR 40060). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an environmental impact appraisal for the revised technical specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's final environmental statement for the facility dated January 1974.

For further details with respect to this action, see (1) the application for amendment dated December 7, 1976, as supplemented by letters dated April 13, July 27, and September 29, 1977, (2) Amendment No. 21 to License No. DPR-63, (3) the Commission's related safety evaluation and (4) the Commission's environmental impact appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oswego County Office Building, 48 East Bridge Street, Oswego, N.Y. 13126. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of January 1978.

For the Nuclear Regulatory Commission.

STANLEY J. NOWICKI,
Acting Chief, Operating Reactors
Branch No. 3, Division of
Operating Reactors.

[FR Doc. 78-3061 Filed 2-3-78; 8:45 am]

[7590-01]

REGIONAL LICENSING PROGRAM

Effective March 1, 1978, the U.S. Nuclear Regulatory Commission will initiate a pilot program in which selected parts of its radiolotopes licensing program will be conducted at its Region III Office in Glen Ellyn, Ill. The following six midwestern States will be involved in the pilot program: Illinois, Indiana, Iowa, Michigan, Ohio, and Wisconsin.

The program will include: (1) all licenses for medical uses of radiolotopes, except teletherapy sources and nuclear powered pacemakers, and (2) licenses for industrial use of gauges (stationary and portable) and sources contained in gas chromatographs and X-ray fluorescence analyzers.

Effective March 1, 1978, licensing action will be facilitated if all inquiries or applications for new licenses, amendments, or renewals are sent to the following address:

U.S. Nuclear Regulatory Commission,
Region III, Radiolotopes Licensing Section,
799 Roosevelt Road, Glen Ellyn, Ill.
60137, telephone 312-858-2660.

For further information on this program prior to March 1, 1978, please contact me at 301-427-4236.

BERNARD SINGER,
Chief, Radiolotopes Licensing
Branch, Division of Fuel Cycle
and Material Safety.

[FR Doc. 78-3059 Filed 2-3-78; 8:45 am]

[7590-01]

[Docket Nos. 50-582 and 50-583]

SAN DIEGO GAS AND ELECTRIC CO.

Availability of Draft Environmental Statement for Sunderset Nuclear Plant, Unit Nos. 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation and the U.S. Department of the Interior related to the proposed construction of the Sunderset Nuclear Plant, Unit Nos. 1 and 2, to be located in Riverside County, Calif., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street

NW., Washington, D.C., and in the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, Calif., and the San Diego County Law Library, 1105 Front Street, San Diego, Calif. The Draft Statement (NUREG-0405) is also being made available at the Office of the Governor, Office of Planning and Research, 1400 10th Street, Sacramento, Calif., and at the Southern California Association of Governments, Suite 1000, 600 South Commonwealth Avenue, Los Angeles, Calif. Requests for copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Document Control.

The Applicant's Environmental Report, as supplemented, submitted by San Diego Gas and Electric Co. is also available for public inspection at the above-designated locations. Notice of availability on the Applicant's Environmental Report was published in the FEDERAL REGISTER on May 9, 1977 (42 FR 23569).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by March 20, 1978. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Palo Verde Valley District Library, 125 West Chanslorway, Blythe, Calif., and the San Diego County Law Library, 1105 Front Street, San Diego, Calif. Upon consideration of comments submitted with respect to the draft environmental statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Md., this 27th day of January 1978.

For the Nuclear Regulatory Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects
Branch 2, Division of Site
Safety and Environmental
Analysis.

[FR Doc. 78-3062 Filed 2-3-78; 8:45 am]

4892

[8025-01]

SMALL BUSINESS ADMINISTRATION
(Declaration of Disaster Loan Area No. 1423)**ALABAMA****Declaration of Disaster Loan Area**

The area of Magnolia Avenue and Gay Street, in the City of Auburn, Lee County, Ala., constitutes a disaster area because of damage resulting from a gas explosion which occurred on January 15, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on March 30, 1978, and for economic injury until the close of business on October 27, 1978, at:

Small Business Administration, District Office, 908 South 20th Street, Birmingham, Ala. 35205.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 27, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-3165 Filed 2-3-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 1413, Amdt. No. 1)

KANSAS**Declaration of Disaster Loan Area**

The above numbered Declaration (see 43 FR 2966) is amended by adding "Drought—January 1, 1976 and continuing" for Meade County and adjacent counties, within the State of Kansas. All other information remains the same.

Dated: January 26, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-3166 Filed 2-3-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 1422)

KANSAS**Declaration of Disaster Loan Area**

The 200 Block of West Main Street, in the City of Cherryvale, Montgomery County, Kans., constitutes a disaster area because of damage resulting from a fire which occurred on December 22, 1977. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on March 31, 1978, and for economic injury until the close of business on October 30, 1978, at:

Small Business Administration, District Office, 12 Grand Building—5th Floor,

NOTICES

1150 Grand Avenue, Kansas City, Mo. 64108.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 30, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-3167 Filed 2-3-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 1421)

MAINE**Declaration of Disaster Loan Area**

Cumberland, Knox, Lincoln, Sagadahoc, Waldo, and York Counties and adjacent counties within the State of Maine constitute a disaster area as a result of damage caused by snow, sleeting, rain, wind, flooding and on the coast extremely high surf which occurred on January 9-10, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 3, 1978, and for economic injury until the close of business on October 31, 1978, at:

Small Business Administration, District Office, 40 Western Avenue, Augusta, Maine 04330.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 31, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-3168 Filed 2-3-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 1408, Amdt. No. 1)

NEBRASKA**Declaration of Disaster Loan Area**

The above numbered Declaration (see 42 FR 63984), is amended by adding the following counties:

Cass, Dodge, Douglas, Gage, Johnson, Lancaster, Nemah, Otoe, Pawnee, Richardson, Saline, Sarpy, Saunders, Washington,

and adjacent counties within the State of Nebraska, as a result of drought which caused severe crop losses during the 1976 crop year and continuing into the 1977 crop year. The time for filing applications is extended to February 20, 1978, for physical damage and September 20, 1978, for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002, 59008.)

Dated: December 22, 1977.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-3169 Filed 2-3-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No. 1378, Amdt. No. 3)

TENNESSEE**Declaration of Disaster Loan Area**

The above numbered Declaration and amendments thereto (see 42 FR 54897, 64753, and 43 FR 3784), are amended by adding Shelby County and adjacent counties within the State of Tennessee. All other information remains the same.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 20, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-3170 Filed 2-3-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****RETROCESSION OF CONCURRENT JURISDICTION OVER THE METRO EASEMENT AT WASHINGTON NATIONAL AIRPORT TO THE COMMONWEALTH OF VIRGINIA****Departmental Action**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Departmental Action.

SUMMARY: This notice is being published to inform the public that the Department of Transportation has given back and the Commonwealth of Virginia has accepted concurrent jurisdiction over the properties described in an easement granted to the Washington Metropolitan Area Transit Authority (METRO) for operation of its rapid transit system at Washington National Airport.

EFFECTIVE DATE: June 29, 1977.

FOR FURTHER INFORMATION CONTACT:

John C. Curry, Metropolitan Washington Airports, Legal Counsel (AMA-7), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: 202-557-8123.

SUPPLEMENTARY INFORMATION: The United States, by virtue of the Act of October 31, 1945 (Pub. L. 79-208, 59 Stat. 552), accepted exclusive jurisdiction, subject to certain conditions, over that land located west of

the Potomac River, within Virginia, known as Washington National Airport. On November 6, 1966, the United States consented to and approved the Washington Metropolitan Area Transit Authority Compact (Pub. L. 89-774, 80 Stat. 1324) which created an interstate compact between the Commonwealth of Virginia, the State of Maryland, and the District of Columbia. Pursuant to that Act, an easement was granted METRO by the United States for certain rail and transit purposes in, upon, under, over, and across a portion of the Airport.

An amendment to the Washington Metropolitan Area Transit Authority Compact (consented to and enacted by Congress in Pub. L. 94-306, June 4, 1976 (90 Stat. 672)) authorized METRO to establish and maintain regular police protection on all METRO properties to enforce: The laws of the signatories; the laws, ordinances and regulations of each of the political subdivisions; and the rules and regulations of METRO.

To facilitate efficient operation of METRO's rapid rail and associated facilities and to aid in the effective enforcement of laws and regulations within the area of the METRO easement at Washington National Airport, the United States has relinquished exclusive jurisdiction and now shares, with the Commonwealth of Virginia, jurisdiction over the METRO easement. Thus the State of Virginia and its affected political subdivisions have concurrent jurisdiction to enforce all applicable laws and regulations. See 40 U.S.C. 319.

Upon notice by the United States to the State of Virginia that the easement has been terminated or abandoned, the retrocession of concurrent jurisdiction will terminate immediately. In that event exclusive jurisdiction over the easement area will immediately revert to the United States.

The principal authors of this document are John C. Curry, Metropolitan Washington Airports, and Beth R. Fleishman, Office of the Chief Counsel.

(Washington National Airport Act, as amended (54 Stat. 688); Washington National Airport Act, Jurisdiction (59 Stat. 552); Pub. L. 87-852 (40 U.S.C. 319).)

JAMES T. MURPHY,
Director, Washington
Metropolitan Airports.

[FR Doc. 78-3081 Filed 2-3-78; 8:45 am]

[4910-06]

Federal Railroad Administration

(Docket No. 401-2; Notice 2)

DEVELOPMENT OF A MIDWESTERN RAIL SYSTEM PLAN**Notice of Public Meetings**

AGENCY: Federal Railroad Administration ("FRA"), DOT.

NOTICES

ACTION: Notice of public meetings.

SUMMARY: Pursuant to requests made by various railroads under sections 5 (b) and (d) of the Department of Transportation Act ("Act"), 49 U.S.C. 1654 (b) and (d), FRA has scheduled public meetings on February 16 and 17, 1978, to discuss specific topics relating to the unification or coordination of operations and facilities of railroads in the midwestern region of the United States. The public is invited to submit written comments on the subject matter of these meetings and to attend and participate in such meetings.

DATES: Public meetings will be held on February 16 and 17, 1978, at the Conrad Hilton Hotel, 720 South Michigan Avenue, Chicago, Ill. Each meeting will commence at 9 a.m.

ADDRESS: All written comments should be submitted to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Steven R. Ditmeyer, Associate Administrator for Policy and Program Development, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0933.

SUPPLEMENTARY INFORMATION: On January 18 and 19, 1978, FRA conducted public meetings to receive comments on its intention to develop a plan containing recommendations on the physical plant restructuring needed to achieve a viable rail system in the midwestern region of the United States.

Subsequent to those meetings, various railroads requested the Secretary of Transportation ("Secretary") to assist, pursuant to section 5(b) of the Act, in planning, negotiating and effecting and, pursuant to section 5(d) of the Act, to convene a conference on, the unification or coordination of operations and facilities with respect to railroads operating in the midwest. Pursuant to 49 CFR 1.49(u), the Secretary has delegated his authority under section 5 (with the exception of authority to issue subpoenas) to the Administrator of FRA.

FRA has concluded that public meetings focusing on specific topics relating to the unification or coordination of operations and facilities of railroads in the midwest would be of benefit to the national rail system and would aid FRA in the planning assistance requested of it by the various railroads. Consequently, on the dates and at the location set forth above, FRA will hold concurrent public sessions on the following topics:

(1) The light-density, grain-gathering network; (2) mainline consolida-

tion and coordination; (3) terminals; and (4) the Rock Island's Farmrail proposal.

Sessions will be held on each topic from 9 a.m. to 5 p.m., on both February 16 and 17. There will be a brief general meeting on February 16 immediately prior to commencement of the sessions. Pursuant to section 5(d) of the Act, all persons attending or represented at any of these meetings shall be immune from liability under the antitrust laws of the United States with respect to any discussion or agreements reached at such meetings.

COMMENTS: Interested persons are invited to submit written comments on the subject matter of the public meetings and to attend and participate in such meetings. All written comments should indicate the docket number shown above.

INSPECTION: Copies of all written comments received will be available for examination by interested persons in Room 5101, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C., between the hours of 9 a.m. and 5:30 p.m., on Mondays through Fridays with the exception of Federal holidays.

Dated: February 2, 1978.

ROBERT E. GALLAMORE,
Acting Administrator.

[FR Doc. 78-3360 Filed 2-3-78; 8:51 am]

[4810-22]

DEPARTMENT OF THE TREASURY**Office of the Commissioner of Customs**

(T.D. 78-42)

REIMBURSABLE SERVICES**Excess Cost of Preclearance Operations**

JANUARY 30, 1978.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 26, 1978.

Installation:	Biweekly excess cost
Montreal, Canada.....	\$11,993
Toronto, Canada.....	22,314
Kindley Field, Bermuda.....	4,216
Freeport, Bahama Islands.....	19,106
Nassau, Bahama Islands.....	13,371
Vancouver, Canada.....	6,860
Winnipeg, Canada.....	1,507

NANCY C. GARRETT,
Acting Assistant Commissioner
of Customs Administration.

[FR Doc. 78-3118 Filed 2-3-78; 8:45 am]

4893

[4810-25]

Office of the Secretary

INTERAGENCY TASK FORCE ON DEPOSIT RATE
CEILINGS

Request for Comments

The President has recently created an interagency Task Force to study deposit interest rate controls and housing credit.

The Task Force will consider whether the present statutory arrangements regarding the authority of the Federal regulators of banking and thrift institutions to set maximum interest rate ceilings on time and savings accounts should be continued, modified, or eliminated, and whether changes in the asset and liability powers of the various types of depository institutions would improve the delivery of financial services to the public while maintaining the competitive balance among the institutions. It is recognized that any changes in this area could have an adverse effect on the supply of mortgage credit and so the Task Force will also consider the effect of any such changes on mortgage credit and whether additional steps should be taken.

Much work has been done in recent years on the subject of restructuring financial institutions. Past Congresses have considered several major financial institutions reform bills. It is expected that much of this past work will provide a valuable contribution to the Task Force as it reviews the impact of present laws and regulations concerning deposit interest rate ceilings. The Task Force also wishes to keep abreast of more recent developments and analyses in this area. Because of the complexity of this subject and the potentially wide ranging economic effects of changes in the laws governing the operations of financial institutions, the Task Force invites the public to submit their view on any aspect of the work of the Task Force.

Any member of the public may comment by filing a written statement with the Task Force not later than February 23, 1978. All written statements will be considered by the Task Force in determining the final recommendations. Persons who wish to submit written statements or desire further information should write to Mr. Stephen J. Friedman, Deputy Assistant Secretary of the Treasury for Capital Markets, Department of the Treasury, Room 3025, 15th and Pennsylvania Avenues NW., Washington, D.C. 20220.

Dated: January 31, 1978.

ROBERT CARSWELL,
Deputy Secretary,
Department of the Treasury.

[FR Doc. 78-3105 Filed 2-3-78; 8:45 am]

NOTICES

[4810-40]

Office of the Secretary

[Supplement to Dept. Circular—Public Debt
Series—No. 2-78]

TREASURY NOTES OF SERIES M-1981

Interest Rate

FEBRUARY 1, 1978.

The Secretary of the Treasury announced on January 31, 1978, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 2-78, dated January 26, 1978, will be 7½ percent per annum. Accordingly, the notes are hereby redesignated 7½ percent Treasury Notes of Series M-1981. Interest on the notes will be payable at the rate of 7½ percent per annum.

PAUL H. TAYLOR,
Acting Fiscal Assistant Secretary.
[FR Doc. 78-3138 Filed 2-3-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE
COMMISSION

ASSIGNMENT OF HEARINGS

Notice No. 581

FEBRUARY 1, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 141804 (Sub-No. 44), Western Express, Division of Interstate Rental, Inc., now assigned February 8, 1978, at San Francisco, Calif., is postponed to a date to be hereafter fixed.

MC 94350 (Sub-No. 402), Transit Homes, Inc. now being assigned March 21, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 117119 (Sub-No. 648), Willis Shaw Frozen Express, Inc. now being assigned March 23, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 124004 (Sub-No. 42), Richard Dahn, Inc. now being assigned March 15, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 128539 (Sub-No. 8), Eagle Transport Corp. now being assigned March 14, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 114569 (Sub-No. 183), Shaffer Trucking, Inc. now being assigned March 23, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 115975 (Sub-No. 25), C.B.W. Transport Service, Inc. now being assigned March 21, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 138308 (Sub-No. 22), KLM, Inc. now being assigned March 16, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 142809, Don Penick and Harvey Keenan, d.b.a. Double Eagle Trucking, now assigned February 28, 1978 at Olympia, Wash., in Room 370, Federal Building, 915 Second Avenue is transferred to the Sixth Floor Hearing Room, Highway License Building, 12th and Capital Way, Olympia, Wash.

MC 134884 (Sub-No. 10), Farwest Furniture Transport, Inc., now assigned March 15, 1978, at Los Angeles, Calif., is cancelled.

MC 84728 (Sub-No. 64), Safeway Trails, Inc. now being assigned March 14, 1978 (3 days), at Atlantic City, N.J. in a hearing room to be later designated.

MC 143459 (Sub-No. 1), Arrow Pocono Lines, Inc. now being assigned April 3, 1978 (1 week), at New York, N.Y. in a hearing room to be later designated.

MC 120846 (Sub-No. 20), Beadley Freight Lines, Inc. now being assigned April 6, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 124947 (Sub-No. 77), Machinery Transports, Inc. now being assigned March 22, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 123407 (Sub-No. 397), Sawyer Transport, Inc. now being assigned April 5, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 139208 (Sub-No. 2), F.M.S. Transport, Inc. now being assigned April 4, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 140587 (Sub-No. 4), Cecil Claxton Trucking now being assigned April 4, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 143589, Randleman's Pick-Up and Delivery Service, Inc. now being assigned April 4, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.

I & SM 27312, Restructured Rates & Charges, Central States Territory, now being assigned March 20, 1978, at the Offices of Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3161 Filed 2-3-78; 8:45 am]

[7035-01]

ASSIGNMENT OF HEARINGS

Notice No. 582

FEBRUARY 1, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible.

ble, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction¹

MC 115826 (Sub-No. 272), W. J. Digby, Inc. now being assigned February 28, 1978 (1 day), at Denver, Colo., in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3162 Filed 2-3-78; 8:45 am]

[7035-01]

[Docket No. AB-7 (Sub-No. 32)]

CHICAGO, MILWAUKEE, ST. PAUL AND
PACIFIC RAILROAD CO.Abandonment Between Bonner and Bear Creek
in Missoula County, Mont.

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated January 19, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co., Abandonment, Goshen*, 354 I.C.C. 76 (1977); that applicant submit an order from the United States District Court for the Northern District of Illinois, Eastern Division, authorizing Milwaukee to file and prosecute the instant application, or, if a trustee has been appointed by the court, the joinder of that trustee in the application, and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Co., of operations over a portion of its line, extending from milepost 2.4 northeast of Bonner, Mont. to milepost 36.4 at the end of the line at Bear Creek, Mont., a total distance of 37.1 miles of track including 3.1 miles of auxiliary trackage. A certificate of public convenience and necessity permitting abandonment of operations was issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Since no investigation was instituted, the requirement of section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the *FEDERAL REGISTER* be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the of-

¹This notice corrects the hearing date from February 22, 1978 to February 28, 1978 at Denver, Colo.

NOTICES

feror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 23, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3159 Filed 2-3-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1252; Order No.
9, Amdt. No. 3]

MIDDLETOWN & HUMMELSTOWN RAILROAD
CO.

Rerouting Traffic

To all railroads:
Upon further consideration of I.C.C. Order No. 9 (Middletown & Hummelstown Railroad Co.) and good cause appearing therefor:

It is ordered, That:
I.C.C. Order No. 9 is amended by substituting the following paragraph (g) for paragraph (g) thereof:
(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., January 31, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement, under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 26, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-3158 Filed 2-3-78; 8:45 am]

[7035-01]

[Notice No. 290]

MOTOR CARRIER BOARD TRANSFER
PROCEEDINGS

The following publications include motor carrier, water carrier, broker,

and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before March 8, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77352, Filed October 7, 1977. Transferee: KUBACH CARTAGE, INC., P.O. Box 1203, Dearborn, Mich. 48121. Transferor: Kubach Trucking Co., A Michigan corporation, P.O. Box 1203, Dearborn, Mich. 48121. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought for purchase by transferee of the operating rights set forth in Certificate No. MC 61029 issued May 4, 1967, and in Permit Nos. MC 115582 and MC 115582 (Sub-Nos. 3 and 4) issued May 4, 1967, March 5, 1968, and November 29, 1973, respectively as follows: *Parts, assemblies, and materials* used in the manufacture of motor vehicles between Detroit, Mich., on the one hand, and, on the other, specified points owned, leased, or occupied by the Ford Motor Co. in the state of Michigan; and new furniture from Detroit, Mich., to points within 8 miles of Detroit, Mich. Transferee holds no Commission authority and does not seek Section 210a(b) authority.

No. MC-FC-77468, filed December 20, 1977. Transferee: KEEFE BROS. TRANSFER, INC., P.O. Box 205, Pepin, Wis. 54759. Transferor: John

Keefe and William T. Keefe, a partnership, d.b.a. Keefe Bros. Transfer, P.O. Box 205, Pepin, Wis. 54759. Applicant's representative: Joseph E. Ludden, P.O. Box 1503, La Crosse, Wis. 54601. Authority sought for purchase by transferee of a portion of the operating rights of transferor set forth in Certificate No. MC 51295, issued July 11, 1955, as follows: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading: From Winona, South St. Paul, St. Paul, and Minneapolis, Minn., to Pepin, Wis., and points in the towns of Pepin, Frankfort, and Stockholm in Pepin County, Wis. Transferee hold no Commission authority and does not seek Section 210(b) temporary authority.

No. MC-FC-77479, filed January 3, 1978. Transferee: LEPRECHAUN LINES, INC., Route 32, P.O. Box 2628, Newburgh, N.Y. 12550. Transferor: Newburgh Beacon Bus Corp. (same address as transferee). Applicant's representative: J. G. Dall, Jr., P.O. Box 567, McLean, Va. 22101. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 114755 (Sub-No. 1), issued July 20, 1972, as follows: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Beacon, Beekman, Cornwall (except the United States Military Academy, at West Point, N.Y.), Dover, East Fishkill, Fishkill, LaGrange, Lloyd, Marlborough, the city of Newburgh, the town of Newburgh, New Windsor, Pawling, Philipstown, Plattekill, Putnam Valley, Union Vale, and Wappinger, N.Y., and extending to points in the United States (including Alaska but excluding Hawaii). Transferee is presently authorized to operate as a common carrier under Certificate No. MC 112108 (Sub-No. 3). Application has not been filed for temporary authority under Section 210a(b). Republished.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3156 Filed 2-3-78; 8:45 am]

[7035-01]

[Notice No. 6TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 25, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original

and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2368 (Sub-No. 73TA), filed January 12, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Gainesville, Ga., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Cargill, Inc., Ellen Jacobs, Traffic Manager, Gainesville, Ga. Send protests to: District Supervisor, Paul D. Collins, Bureau of Operations, Room 10, 502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 8771 (Sub-No. 39TA), filed January 11, 1978. Applicant: SAW MILL SUPPLY, INC., 1018 Saw Mill River Road, Yonkers, N.Y. 10710. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum pipe, tubing,*

fittings, and accessories, from Ellenville, N.Y., to Los Angeles, San Francisco, and Oakland, Calif., Portland, Oreg., and Seattle, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: V.A.W. of America, Inc., P.O. Box 667, Ellenville, N.Y. 12428. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 29910 (Sub-No. 180TA), filed December 16, 1977. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, Ark. 72902. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies, and building materials*, from the plant site of Carolina Log Buildings, Inc., located in Yadkin County, N.C., to points in that part of the United States, in and east of Montana, Wyoming, Colorado, and New Mexico, restricted to shipments originating at the facilities of Carolina Log Buildings, Inc., in Yadkin County, N.C., for 180 days. Supporting shipper: Carolina Log Buildings, Inc., Fletcher, N.C. 28732. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 107295 (Sub-No. 71TA), filed January 10, 1978. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr, P.O. Box 146, Farmer City, Ill. 61842. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building mortar and flooring and curing compounds, adhesives, and machinery, and tools* used in the installation and application of the above named commodities, restricted against the transportation of commodities in bulk, from Conyers, Ga., to points in Alabama, Arkansas, Colorado, Florida, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, for 180 days. Applicant has also an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Upco Co., 4805 Lexington Avenue, Cleveland, Ohio 44103. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 111729 (Sub-No. 724TA), filed January 9, 1977. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative:

Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Architectural files: Between Nashville, Tenn., on the one hand, and, on the other, points in Tennessee, Alabama, Georgia, and Kentucky, on traffic having a prior or subsequent out-of-State movement; Restricted against the transportation of packages or articles weighing in excess of 75 pounds, or 150 pounds in the aggregate, for 90 days. Supporting shipper: Whaling Distributing Corp., 113 Bay Street, Jersey City, N.J. 07302. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.*

No. MC 112822 (Sub-No. 445TA), filed January 12, 1978. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff, 1401 North Little Street, Cushing, Okla. 74023. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods and bakery products* (except in bulk), from the facilities of Pepperidge Farm Inc., at Logan, Utah, to Omaha, Nebr., Springdale, Ark., and Sumpter, S.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pepperidge Farm, Inc., 595 Westport Ave., Norwalk, Conn. 06856. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, Okla. 73102.

No. MC 113651 (Sub-No. 248TA), filed December 16, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggin Road, Muncie, Ind. 47305. Applicant's representative: H. Barney Firestone, 10 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, (except commodities in bulk), from the plant site and storage facilities of Rotanelli Foods, Inc. located at or near Pelham Manor and New Rochelle, N.Y., to Louisville, Ky.; Pittsburgh, Pa.; Cleveland, Ohio; South Bend, Ind.; Minneapolis, Minn.; Royal Oaks, Mich.; Overland Park, Kans.; and Chicago, Ill., for 180 days. Supporting shipper: Rotanelli Foods, Inc., 924 West Street, Pelham Manor, N.Y. 10803. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission-BOP, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 118159 (Sub-No. 238TA), filed December 16, 1977. Applicant: NATIONAL REFRIGERATED

TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Water ices, ice cream, ice milk products, low calorie products, quiescently frozen confection, and yogurt, i.e. cultured (frozen) dairy products. Between Hutchinson, Kans.; Richland Center and Green Bay, Wis.; Canton, Minn.; Ocala, Fla.; Los Gatos, Oakland, and Los Angeles, Calif.; Clare, Mich.; Seattle, Wash.; and Laurel, Md., and points in the United States, for 180 days. Supporting shipper: International Dairy Queen, Inc., 5701 Green Valley Drive, Minneapolis, Minn. 55435. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 NW 3d, Oklahoma City, Okla. 73102.*

No. MC 118959 (Sub-No. 159TA), filed January 10, 1978. Applicant: JERRY LIPPS, INC., 130 S. Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Robert M. Pearce, P.O. Box 1899, Bowling Green, Ky. 42101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from Pensacola, Fla. to Pine Bluff, Ark., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Florida Drum Company, Inc., 10 Spruce Street, P.O. Box 1951, Pensacola, Fla. 32589. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 119493 (Sub-No. 181TA), filed January 4, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Belzoni, Miss., to points in Arkansas, Louisiana, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sunshine Feed Mills, Inc., Tupelo, Miss. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission-BOP, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119789 (Sub-No. 386TA) (Correction), filed November 14, 1977, published in the FEDERAL REGISTER issue of December 20, 1977, and republished as corrected this issue. Appli-

cant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from New Milford, Conn., to Milwaukee, Oreg., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Nestle Company, Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242. The purpose of this republication is to correct the county of New Milford, Conn., in lieu of Milford, Conn., which was previously published in error.

No. MC 120981 (Sub-No. 25TA) (Republishing), filed September 23, 1977, published in the FEDERAL REGISTER issue of October 31, 1977, and republished this issue, to reflect the authority as granted by the Motor Carrier Board by order dated January 4, 1978. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, Tenn. 37210. Applicant's representative: George M. Catlett, 708 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Nashville, Tenn., and Lexington, Ky.: From Nashville, Tenn., over Interstate Highway 65 to junction of Bluegrass Parkway, thence over Bluegrass Parkway to junction of U.S. Highway 60, thence over U.S. Highway 69, to Lexington, Ky., and return over the same route, serving no intermediate points, restricted against the transportation of traffic moving from or to points in the Louisville, Ky., commercial zone; (2) Between Lexington, Ky., and Delaplain, Ky.: From Lexington, Ky., over U.S. Highway 25 to junction of Kentucky Highway 620, thence over Kentucky Highway 620 to Delaplain, Ky., and return over the same route, serving all intermediate points, restricted against the handling of traffic originating at, or destined to, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Authority is sought to serve the commercial zones of all points and places described in Routes 1 and 2. Applicant proposes to tack with existing

authority and to interline at Lexington, Ky., Nashville, Tenn., Jackson, Miss., and Baton Rouge, La. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (19) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. The purpose of this republication is to indicate applicant's actual grant of authority with provision to tack and interline.

No. MC 124078 (Sub-No. 774TA), filed January 12, 1978. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Doraville, Ga. to Harrisonburg, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Multi-Chem, Inc., 200 Piedmont Ct., Doraville, Ga. 30340 (G. W. Skinner). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 128383 (Sub-No. 74TA), filed January 13, 1978. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Leonard C. Zucker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, having a prior or subsequent movement by air. Between New Orleans, La., and Miami, Fla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): World International Freight Forwarders Inc., P.O. Box 20013, New Orleans, La., Behring International Inc., P.O. Box 20029, New Orleans, La. 70141. Circle Air Freight, P.O. Box 20060, New Orleans, La. 70141. Send protests to: T. M. Espino, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 134134 (Sub-No. 25TA), filed December 19, 1977. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, Nebr. 68107. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 62 M.C.C. 209 and 766 (except commodities requiring special equipment and hides), from the plantsites of Dubuque Packing and Beef Nebraska, Inc., at Omaha, Nebr., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ralph McGee, Traffic Manager, Dubuque Packing Co., 4003 Dahlman Ave., Omaha, Nebr. 68107. Michael M. Erman, president, Beef Nebraska, Inc. P.O. Box 7203, Omaha, Nebr. 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134645 (Sub-No. 18TA), filed January 12, 1978. Applicant: LIVE-STOCK SERVICE, INC., 1420 Second Avenue South, P.O. Box 944, St. Cloud, Minn. 56301. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, suspended or boxed*, from West Fargo, N. Dak., to Richmond, Watsonville, Stockton, and Los Angeles, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Flavorland Industries, Inc., Stockyards Road, West Fargo, N. Dak. 58078. Send Protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 135684 (Sub-No. 62TA), filed January 9, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dublin, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office equipment and supplies* (except in bulk), between the facilities of Burroughs Corp. at or near Park Ridge, N.J.;

Rochester, N.Y.; Bardstown, Ky.; and city of Industry, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Burroughs Corp., John Villano, Manager of Traffic, Park Ridge, N.J. 07656. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 136246 (Sub-No. 13TA), filed January 13, 1978. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, and in tank vehicles, from Optic, Nebr., to points in Kansas and Colorado, for 180 days. Supporting shipper: Rodney W. Johnson, Traffic Manager, Nutra-Flo Chemical Co., 1919 Grand Avenue, Sioux City, Iowa 51107. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, 285 Federal Building, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 136605 (Sub-No. 40TA), filed December 27, 1977. Applicant: DAVIS BROS. DIST., INC., 216 Trade Street, P.O. Box 8058, Missoula, Mont. 59807. Applicant's representative: Joe Gerbase, Suite 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, particleboard, cedar fencing, and wood products*, from Potlatch Corp. mills, located at or near Post Falls, Kamish, and Jaype (near Pierce), Coeur d'Alene, St. Maries, Santa, Potlatch, Lewiston, and Spalding, Idaho, to all points in Illinois, Indiana, Iowa, Michigan, Minnesota, North Dakota, Ohio, South Dakota, and Wisconsin, for 180 days. Supporting shipper(s): Glenn W. McGrew, Director, Corporate Traffic, Potlatch Corp., Box 1016, Lewiston, Idaho 83501. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 136786 (Sub-No. 130TA), filed January 11, 1978. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, Iowa 50321. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55343. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the storage facilities of Pepperidge Farm, Inc., at Logan, Utah, to Omaha, Nebr.; Salisbury, Md.; Springdale, Ark.; and Sumter, S.C., for 180

days. Supporting shipper(s): Pepperidge Farm, Inc., 595 Westport Avenue, Norwalk, Conn. 06856. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 136983 (Sub-No. 3TA), filed January 12, 1978. Applicant: ARIZONA WESTERN TRANSPORT, INC., P.O. Box F (Guadalupe Road), Chandler, Ariz. 85224. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, from points in Maricopa County, Ariz., to points in the counties of San Juan, Hidalgo, Luna, and Dona Ana, N. Mex., under a continuing contract or contracts with Chevron Chemical Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chevron Chemical Co., 375 Market Street, San Francisco, Calif. 94105. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 138512 (Sub-No. 26TA), filed January 10, 1978. Applicant: ROLAND'S TRANSPORTATION SERVICE, INC., doing business as WISCONSIN PROVISIONS EXPRESS, P.O. Box 477, Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (Same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pet food ingredients*, used in the manufacture of animal feed, in mechanically equipped refrigerated trailers, from Frankfort and Shelbyville, Ind., to Jefferson and Oconto, Wis.; Kansas City and St. Joseph, Mo.; Sebring, Ohio; Topeka, Kans.; and Forest Grove, Oreg., for the account of Bausback Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bausback Corp., Old Franklin Road, Shelbyville, Ind. 46176 (Maurice H. Hart). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 138824 (Sub-No. 10TA), filed January 3, 1978. Applicant: REDWAY CARRIERS, INC., 5910 49th Street, Kenosha, Wis. 53140. Applicant's representative: Paul J. Maton, 10 South LaSalle Street, Suite 1620, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle,

over irregular routes, transporting: *Food products, dry or liquid, in containers; materials and supplies* incidental to, and used in the processing, canning, and bottling of said food products, between the plantsites and warehouses facilities of Ocean Spray Cranberries, Inc., in Kenosha County, Wis., and North Chicago, Ill., and points in Michigan, under a continuing contract or contracts with Ocean Spray Cranberries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ocean Spray Cranberries, Inc., 7800 South 60th Avenue, Kenosha, Wis. 53140 (Florence Quick). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 139023 (Sub-No. 4TA), filed December 8, 1977. Applicant: 2-G TRANSPORTATION, INC., 10 East Minnesota Street, Savage, Minn. 55378. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials, premiums, and malt beverage dispensing equipment*, when moving in mixed loads with malt beverages, from the plantsite and storage facilities of the Cold Spring Brewing Co. at Cold Spring, Minn., to points in North Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cold Spring Brewing Co., 219 North Red River Avenue, Cold Spring, Minn. 56320. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 140159 (Sub-No. 4TA), filed December 20, 1977. Applicant: C. L. FEATHER, INC., Box 1190, Altoona, Pa. 16601. Applicant's representative: Thomas M. Mulroy, 800 Lawyers Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Cambria County, Pa., to Williamsport, Md., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mazzarella Coal Co., 338 Myer Street, Ebensburg, Pa. 15931. Send protests to: Richard C. Gobbell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 141914 (Sub-No. 30TA), filed January 13, 1978. Applicant: FRANKS & SON, INC., Routel, Box 108A, Big Cabin, Okla. 74332. Applicant's representative: Gary Brasel, Mezzanine Floor, Beacon Building, Tulsa, Okla. 74103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, between the State of Oklahoma, on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately four statements of support attached to the application which may be examined at the field office named below. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 142431 (Sub-No. 3TA), filed December 30, 1977. Applicant: WAYMAR TRANSPORT CORP., 1755 Southeast 108th Street, Runnells, Iowa 50237. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses and foodstuffs*, except hides and commodities in bulk, from Austin, Minn., to points in Massachusetts, New Hampshire, New York, Vermont, Pennsylvania, and New Jersey, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 142897 (Sub-No. 3TA), filed January 9, 1978. Applicant: KENNEDY FREIGHT LINES, INC., P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Paul F. Beery Co. L.P.A., 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts*, from the plantsite of Questor Corp. at Goldsboro, N.C., to Needham, Mass., and Dayton, N.J., under a continuing contract or contracts with Questor Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio 43691. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Com-

merce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 143095 (Sub-No. 2TA), filed January 9, 1978. Applicant: NEW ENGLAND TRANSPORT, INC., LTD., P.O. Box 441, Springfield, Vt. 05156. Applicant's representative: Henry U. Snively, 410 Pine Street, Vienna, Va. 22180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated log buildings*, from Hartland, Vt., to points in Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vermont Log Buildings, Inc., Hartland, Vt. 05048. Send protests to: District Supervisor David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 143610 (Sub-No. 7TA), filed January 10, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, Ariz. 85301. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs and toilet articles and materials and supplies* used in the manufacture, sale, and distribution thereof. Between Allegan, Mich., and its commercial zone, on the one hand, and, on the other, points in Mississippi, Alabama, Georgia, Florida, and South Carolina, under a continuing contract or contracts with L. Perrigo Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L. Perrigo Co., 117 Water Street, Allegan, Mich. 49010. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 144018 (Sub-No. 1TA), filed December 30, 1977. Applicant: LARRY'S TRUCKING SERVICE, INC., 110 South Sixth Street, Eunice, La. 70535. Applicant's representative: Jacques B. Pucheu, Jr., 106 Park Avenue, P.O. Box 1109, Eunice, La. 70535. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough board and road lumber*, incidental to or used in the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Louisiana on the one hand, and, on the other points in Mississippi and Texas, for 180 days. Supporting shipper: Oilfield Construction Co., Inc., P.O. Box 287, Eunice, La. 70535. Send protests to: Ray C. Armstrong, Jr.,

District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 144093TA, filed December 14, 1977. Applicant: NARCO CORP., d.b.a. NARCO CHEMICAL TRANSPORTATION, 3309 West El Segundo Boulevard, Hawthorne, Calif. 90250. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, flammable or nonflammable, except in bulk, used in the tanning and processing of leather, in vehicles equipped with mechanical refrigeration, from the facilities of Henkel Inc., located at Saugus, Mass., to the facilities of Henkel Inc. at Hawthorne, Calif. (2) *Liquid chemicals or dies*, flammable or nonflammable, except in bulk, used in the processing or manufacturing of textiles, in vehicles equipped with mechanical refrigeration, from the facilities of Henkel Inc., located at Charlotte, N.C., to the facilities of Henkel Inc., at Hawthorne, Calif. (3) *Adhesive products*, except in bulk, from the facilities of Henkel Inc., located at Chicago, Ill., to the facilities of Henkel Inc., at Hawthorne, Calif. (4) *Liquid chemicals*, flammable or nonflammable, except in bulk, used in the manufacturing and processing of cosmetics, in vehicles equipped with mechanical refrigeration, from the facilities of Henkel Inc., located at Hoboken, N.J., to the facilities of Henkel Inc., at Hawthorne, Calif. Restriction: Said operations are limited to a transportation service to be performed, under a continuing contract or contracts, with Henkel Inc., for 180 days. Supporting shipper: Henkel Inc., 12607 Cerise Avenue, Hawthorne, Calif. 90250. Send protests to: Edward P. Henry, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 144113 (Sub-No. 1TA), filed January 4, 1978. Applicant: PRESS-COTT TRUCKING CORP., 2218 Oak Street, Elizabeth, N.J. 07207. Applicant's representative: Morton E. Klei, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile picture kits*, from Lynchburg, Va., Madison Heights, Va., Pawtucket, R.I., Taylorsville, Statesville, Greenville, Aberdeen, and Williamston, N.C., Greenville, Lugoff, Simpsonville, Wateree, Kingstree, and Williamston, S.C., to points in New Jersey, Connecticut, Massachusetts, and Rhode Island, under a continuing contract or contracts with N. Erlanger, Blumgart & Co., Inc., for 180 days. Ap-

plicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: N. Erlanger, Blumgart & Co., Inc., 1450 Broadway, New York, N.Y. 10018. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144133 (Sub-No. 1TA), filed January 5, 1978. Applicant: G & L SPECIALIZED TRANSPORTERS, 2615 West Belvedere Avenue, Baltimore, Md. 21215. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel commodities*, from Youngstown, Ohio, to Baltimore Metropolitan Transit authority subway construction sites located at Baltimore, Md., and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Richard Linamen, Project engineer, Clevecon-Aulianini (a joint venture), 2300 Reisterstown Road, Baltimore, Md. 21217. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 144166TA, filed January 6, 1978. Applicant: BILL STARR TRUCKING, INC., 1716 Berry Road, Independence, Mo. 64057. Applicant's representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Newsprint in rolls*, from Lufkin, Tex., to Independence, Mo., under a continuing contract or contracts with Examiner Publishing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Examiner Publishing Co., 321 West Lexington, Independence, Mo. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

PASSENGER APPLICATION

No. MC 139177 (Sub-No. 2TA), filed January 11, 1978. Applicant: MAIERS TRANSFER & STORAGE CO., INC., 515 25th Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baggage of bus passengers*, in a vehicle separate, from the vehicle in which said passengers are being transported,

from points in Minnesota to points in the United States, including Alaska, but excluding Hawaii, for 180 days. Supporting shipper: Voigt Bus Service, Inc., Route 3, St. Cloud, Minn. 56301. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, 414 Federal Building, and U.S. House, 110 South 4th Street, Minneapolis, Minn. 55401.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3155 Filed 2-3-78; 8:45 am]

[7035-01]

[Notice No. 8TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Important Notice

FEBRUARY 3, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than February 21, 1978. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2392 (Sub-No. 110TA), filed January 18, 1978. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114.

Applicant's representative: Keith D. Wheeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk and in tank vehicles, from Optic, Nebr., to points in Colorado and Kansas, for 180 days. Supporting shipper: Rodney W. Johnson, traffic manager, Nutra-Flo Chemical Co., 1919 Grand Avenue, Sioux City, Iowa 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 5227 (Sub-No. 25TA), filed December 29, 1977. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gallyn L. Larsen, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, cooling tower parts and accessories*, from the facilities of E. D. Goodfellow Co., Inc., at or near Tulsa, Okla., to points in the United States, (except Alaska and Hawaii), for 180 days. Supporting shipper(s): Rex D. O'Banion, vice president, E. D. Goodfellow Co., Inc., P.O. Box 2739, Tulsa, Okla. 74101. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, Nebr. 68508.

No. MC 19311 (Sub-No. 39TA), filed January 16, 1978. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, Mich. 48077. Applicant's representative: Elmer J. Maue (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel articles*, between Detroit, Mich., and Marion, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lafayette Steel Co., 3600 North Military Road, Detroit, Mich. 48210. Gary Oliver, traffic manager. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 31389 (Sub-No. 236TA), filed December 29, 1977. Applicant: McLEAN TRUCKING CO., P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as de-

fined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of the Beaird-Poulan Division of Emerson Electric Co., located at or near Marshall, Tex., as an off-route point in conjunction with applicant's regular route operations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beaird-Poulan Division, Emerson Electric Co., 5020 Flournoy-Lucas Road, Shreveport, La. 71109. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 41116 (Sub-No. 54TA), filed December 29, 1977. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, 1724 West Mill Street, Crowley, La. 70528. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cans and metal can ends*, from the plantsites of Boise-Cascade Corp. at Houston, Tex.; Kansas City, Kans.; Memphis, Tenn.; Orlando, Fla.; and St. Louis, Mo., to points in Alabama, Arkansas, Georgia, Kansas, Louisiana, Missouri, Tennessee, and Texas, under a continuing contract, or contracts, with Boise Cascade Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Boise-Cascade Corp., P.O. Box 7747, Boise, Idaho 83707. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 48956 (Sub-No. 12TA), filed December 30, 1977. Applicant: JAMES FLEMING TRUCKING, INC., 761 East Street, Suffield, Conn. 06078. Applicant's representative: S. Michael Richards, Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from Gowanda, N.Y., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, under a continuing contract, or contracts, with Silver Creek Preserving Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Silver Creek Preserving Corp., Industrial Place, Gowanda, N.Y. 14070. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Room 324, Hartford, Conn. 06101.

No. MC 51146 (Sub-No. 555TA), filed January 3, 1978. Applicant:

SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys*, NOI, between the facilities of M. W. Kasch Co., located Mequon, Wis., and points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Maine, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Tennessee, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper(s): M. W. Kasch Co., 5401 West Donges Bay, Mequon, Wis. 53092 (Robert Morgan). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 557TA), filed January 3, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse facilities of Duro Paper Bag Co. at on near Ludlow and Covington, Ky., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Illinois, Iowa, Minnesota, Wisconsin, Michigan, Indiana, Kentucky, Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Massachusetts, Connecticut, Rhode Island, Maine, Vermont, New Hampshire, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Duro Paper Bag Co., Oak and Davies Streets, Ludlow, Ky. 51016 (James L. Brown). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 57880 (Sub-No. 17TA), filed January 3, 1978. Applicant: ASHTON TRUCKING CO., 1201 North Broadway, Monte Vista, Colo. 81144. Applicant's representative: Lehland G. Decker, 1245 North Highway 285, Monte Vista, Colo. 81144. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen potato*

products in bags, between the facilities of Nonparell Processing Corp. Division, located at or near Monte Vista, Colo., on the one hand, and, on the other, the facilities of Nonparell Processing Corp. located at or near Blackfoot, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nonparell Processing Corp. Division, 1001 North Road, 3 East, Monte Vista, Colo. 81144. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202.

No. MC 61231 (Sub-No. 98TA), filed December 16, 1977. Applicant: EASTER ENTERPRISES, INC., doing business as ACE LINES, INC. P.O. Box 1351, 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Cellulose insulation and vermiculite, except in bulk, from Dickinson, N. Dak., to points in Nebraska and South Dakota, for 180 days. Supporting shipper(s): Diversified Insulation, Inc., P.O. Box 188, Hamell, Minn. 55340. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 106074 (Sub-No. 58TA), filed January 17, 1978. Applicant: B and P MOTOR LINES, INC., P.O. Box 727, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture parts*, from Forest City, N.C., to Payson, Utah, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: North Carolina Display Fixtures, Pine Street Extension, Forest City, N.C. 28043. Send protests to: District Supervisor, Terrell Price, 800 Briar Creek Road, Room CC518, Mart Office Building, Charlotte, N.C. 28205.

No. MC 108207 (Sub-No. 473TA), filed December 30, 1977. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: Mike Smith, P.O. Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk and tank vehicles), from Albert Lea, Minn., to points in Missouri, Arkansas, Alabama, Nebraska, Colorado, Kansas, Texas, Oklahoma, New Mexico, Missis-

sippi, and Louisiana, for 180 days. Supporting shipper(s): Miami Margarine Co., 5226 Vine Street, Cincinnati, Ohio 45217. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 113908 (Sub-No. 424TA), filed December 30, 1977. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, alcoholic liquors, neutral spirits, distilled spirits, wine and wine products*, in bulk, from Pekin, Ill., to Long Prairie, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Minnesota Distillers, Inc., 609 6th Street NE., Long Prairie, Minn. 56347. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64108.

No. MC 114632 (Sub-No. 137TA), filed January 20, 1978. Applicant: APPLE LINES, INC., 212 Southwest Second Street, P.O. Box 287, Madison, S. Dak. 57024. Applicant's representative: Michael L. Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products in containers*, from the facilities of Shell Oil Co., at or near Wood River, Ill., to points in Minnesota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (8) statements of support attached to the application which may be examined at the field office named below. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 115931 (Sub-No. 49TA), filed January 5, 1978. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage bins, grain dryers, and equipment, materials, and supplies*, used in the installation and operation thereof, from the facilities of Chicago Eastern Corp. at Marengo, Ill., to Sylva, Ga., Rensselaer, Ind., Musca-

time, Iowa, Sioux City, Iowa, Peabody, Kans., Elkton and Ruth, Mich., Man-kato, Minn., East Prairie, Mo., Holdredge, Nebr., Enfield, N.C., Fargo, N. Dak., New Holland, Ohio, and Bay City, Hereford, McCook, and Nada, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): James Biskus, Traffic Manager, Chicago Eastern Corp., 200 North Prospect Street, Marengo, Ill. 60158. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 106405 (Sub-No. 1TA), filed January 19, 1978. Applicant: ROBERT CARAWFORD, 506 Northeast Dodge Street, Greenfield, Iowa 50849. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, from Elkhorn, Wis., to Des Moines, Iowa, in shipper-owned trailers, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kiber Industries, Inc., 1727 Hull Avenue, Des Moines, Iowa 50317. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 118159 (Sub-No. 240TA), filed December 30, 1977. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor, P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends*, from San Antonio, Tex., to Oklahoma City, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Can Corp., 8101 West Higgins Road, Chicago, Ill. 60631. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 118569 (Sub-No. 6TA), filed January 20, 1978. Applicant: HALBERG CONSTRUCTION & SUPPLY, INC., Virginia, Minn. 55792. Applicant's representative: Earl Hacking, 1700 New Brighton Boulevard, Minneapolis, Minn. 55413. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay*, in bulk, in pneumatic or dump vehicles, from Black Hills Bentonite at Casper and

Worland, Wyo., to Forbes, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Eveleth Taconite, Forbes, Minn. 55738. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 119493 (Sub-No. 176TA), filed December 30, 1977. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from East St. Louis, Ill., to all points in Arkansas, Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Multifoods Corp., 1200 Multifoods Building, Minneapolis, Minn. 55402. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64108.

No. MC 123048 (Sub-No. 384TA), filed January 10, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors), and (2) *parts, implements, attachments, and accessories* for tractors (except truck tractors), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Deutz Corp., 6429 Crestline Terrace, Norcross, Ga. 30092 (Dan Ragan). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124579 (Sub-No. 21TA), filed December 30, 1977. Applicant: WIKEL BULK EXPRESS, INC., Route 2, Huron, Ohio 44839. Applicant's representative: James Duvall, P.O. Box 97, 220 West Bridge Street, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tomato paste*, in bulk, in tank vehicles, from Rossford, Ohio, to Atlanta,

Ga.; Austin, Ind.; Bridgeton, N.J.; and Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hunt-Wesson Foods, Inc., P.O. Box 127, Rossford, Ohio. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 133119 (Sub-No. 131TA), filed December 29, 1977. Applicant: HEYL TRUCK LINES, INC., 200 Norka Drive, P.O. Box 206, Akron, Iowa 51001. Applicant's Representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ready-to-eat dry cereals*, in boxes, from Omaha, Nebr., to Oakland, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John M. McGowan, President, U.S. Mills, Inc., 4200 North 28th Avenue, Omaha, Nebr. 68111. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134477 (Sub-No. 208TA), filed January 4, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's Representative: Thomas D. Fischbach, P.O. Box 3496, St. Paul, Minn. 55165. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk and hides), from the plantsite and storage facilities of Wisconsin Beef Industries, Inc., at Eau Claire, Wis., to points in Arizona, Arkansas, California, Colorado, Idaho, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the above-named origin and destined to the named destination States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wisconsin Beef Industries, Inc., Eau Claire, Wis. 54701. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 136315 (Sub-No. 24TA), filed December 29, 1977. Applicant: OLEN

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BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, Pa. 39350. Applicant's Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the facilities of MacMillan Bloedel Building Materials in Ashtabula, Ohio, to points in Arkansas, Illinois, Indiana, Kentucky, Michigan, Missouri, Mississippi, New York, Ohio, Pennsylvania, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): MacMillan Bloedel Building Materials, 6540 Powers Ferry Road, Suite 200, Atlanta, Ga. 30339. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 136899 (Sub-No. 26TA), filed January 18, 1978. Applicant: HIGGINS TRANSPORTATION, LTD., P.O. Box 192, 1165 East Haseltine Street, Richland Center, Wis. 53581. Applicant's representative: Wayne W. Wilson, 329 West Wilson Street, P.O. Box 8004, Madison, Wis. 53708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expandable polystyrene products*, from St. Charles, Ill., to Cincinnati, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Plastronic Packaging, P.O. Box 200, Stevensville, Mich. 49127. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 139457 (Sub-No. 3TA), filed December 29, 1977. Applicant: G. L. SKIDMORE, d.b.a. JELLY SKIDMORE TRUCKING CO., P.O. Box 35, Paris, Tex. 75460. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78768. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs*, and (2) *canned and packaged animal food*, from the facilities of Campbell Soup (Texas), Inc., at or near Paris, Tex., to points in New Mexico, under a continuing contract, or contracts, with Campbell Soup (Texas), Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Campbell Soup (Texas), Inc., Paris, Tex. 75460. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75242.

No. MC 140612 (Sub-No. 43TA), filed January 18, 1978. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: J. L. Kazimour, 1200 Norwood Drive SE., Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drill presses and castings*, from McMinnville, Tenn., to the facilities of Kwik-Way Manufacturing Co., located at or near Cedar Rapids, Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Kwik-Way Manufacturing Co., 500 57th Street, Marion, Iowa 52302. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 140660 (Sub-No. 3TA), filed December 30, 1977. Applicant: DONALD W. COLE, Rural Route No. 1, Winthrop, Minn. 55396. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizers*, in bulk, in tank vehicles, from Alexandria, Minn., to points in North Dakota and South Dakota, for 180 days. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 141140 (Sub-No. 2TA), filed December 29, 1977. Applicant: DI PIETRO TRUCKING CO., 2201 Sixth Avenue South, Seattle, Wash. 98134. Applicant's representative: George H. Hart, 100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour, flour mixes, cereals, and frostings*, from Kent, Wash., to points in Oregon and California, restricted to service under a continuing contract, or contracts, with Continental Mills, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Continental Mills, Inc., P.O. Box 88176, Seattle, Wash. 98188. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, Wash. 98174.

No. MC 11592 (Sub-No. 20TA), filed January 4, 1978. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, 4050 Dahlman Avenue, Omaha, Nebr. 68107. Applicant's representative: F. E. Myers (same address

as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Omaha, Nebr., to Wichita, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): David A. Kousgaard, Traffic Manager, Union Packing Co., Inc., 4501 South 36th Street, Omaha, Nebr. 68107. Send protests to: Carroll Russell, district Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 141876 (Sub-No. 4TA), filed December 29, 1977. Applicant: SPECIALIZED TRUCKING SERVICE, INC., 1523 18th NE., Puyallup, Wash. 98371. Applicant's representative: Ronald R. Brader, 2301 Milwaukee Way, Tacoma, Wash. 98421. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, not cellular, expanded or foam, viz.: *Pails*, from San Fernando, Calif., to Idaho Falls, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bennett Industries, 1647 Truman Street, San Fernando, Calif. 91340. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, 915 Second Avenue, Seattle, Wash. 98174.

No. MC 142189 (Sub-No. 24TA), filed December 29, 1977. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, 521 Lincoln Avenue, Baker, Mont. 59313. Applicant's representative: C. M. Burns, 521 Lincoln Avenue, Baker, Mont. 59313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board*, from points in Lincoln, Lake, and Flathead Counties, Mont., to points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Illinois, Indiana, Michigan, and Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Robert R. Barnes, Traffic Coordinator, St. Regis Paper Co., P.O. Box V-X, Libby, Mont. 59923. (2) Curtis Rice, Assistant Sales Manager, Forest Products Co., Box 1039, Kalispell, Mont. 59901. (3) Paul Dowler, President, Superior Buildings Co., Box D, Columbia Falls, Mont. 59912. (4) James P. Groschupf, Sales

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Manager, Plum Creek Lumber Co., Box 160, Columbia Falls, Mont. 59912. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 142668 (Sub-No. 4TA), filed December 30, 1977. Applicant: AERO DISTRIBUTING CO., INC., 7259 Delta Circle, Mableton, Ga. 30336. Applicant's representative: Kim G. Meyer, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is marketed by home products distributors for the account of Stanley Home Products, Inc.*, (1) from Chicago, Ill., to points in Michigan, (except Huron, Sanilac, Lapeer, St. Clair, Oakland, Macomb, Wayne, Lenawee, and Monroe Counties, and (2) from Dubuque, Iowa, to points in North Dakota, South Dakota, and points in Minnesota, on and east of Highway 61, under a continuing contract, or contracts, with Stanley Home Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Stanley Home Products, Inc., 116 Pleasant Street, Easthampton, Maine 01027. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

No. MC 143058 (Sub-No. 3TA), filed December 30, 1977. Applicant: TRANSWEST CARRIERS, INC., 111 Erie Street, Pomona, Calif. 91768. Applicant's representative: Richard C. Celio, 1415 West Garvey Avenue, Suite 102, West Covina, Calif. 91790. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from plantsite and warehouse facilities of Kimberly-Clark located at or near Fullerton, Calif., to points in Oregon, Washington, Arizona, and California, under a continuing contract, or contracts, with Kimberly-Clark Corp. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kimberly-Clark Corp., 2001 East Orangethrope Avenue, Fullerton, Calif. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 144125 (Sub-No. 1TA), filed January 4, 1978. Applicant: GRIPPIN & PARKER TRANSPORTATION, P.O. Box 961, Lexington, Nebr. 68850. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as

a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsites and facilities of Cornland Dressed Beef Co., at or near Lexington, Nebr., to points in the commercial zones of Denver, Colo.; Chicago and Rockford, Ill.; Estherville, Council Bluffs, and Denison, Iowa; and Wichita, Kans., under a continuing contract, or contracts, with Cornland Dressed Beef Co., Lexington, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Leroy Milbourn, Vice President, Cornland Dressed Beef Co., P.O. Box 130, Lexington, Nebr. 68850. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, Lincoln, Nebr. 68508.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.
(FR Doc. 78-3160 Filed 2-3-78; 8:45 am)

[7035-01]

[Notice No. 9TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Important Notice

FEBRUARY 3, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than February 21, 1978. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 79TA), filed January 3, 1978. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Mt. Airy, Md., to points in the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper(s): Mr. Ralph P. Holl, manager corporate distribution, Lamb-Weston, Division of Amfac Foods, Inc., 6600 S.W. Hampton Street, Portland, Ore. 97223. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 2232 (Sub-No. 12TA), filed December 28, 1977. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Rd. & Corbin Lane, Morrisville, Pa. 19067. Applicant's representative: Bernard J. Kompare, Suite 1600, 10 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic furniture and plastic toys*, from the facilities of Ride Corp., located at or near Morrisville, Pa., to points in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ride Corp., 6345 West 65th Street, Chicago, Ill. 60638. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 2368 (Sub-No. 71TA), filed January 3, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and greases* in bulk, in

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tank vehicles, from Muncie, Ind., to Portsmouth, Va., for 180 days. Supporting shipper(s): Murport Chemical Co., Inc., Crowder M. Epps, traffic manager, P.O. Box 7182, Portsmouth, Va. 23707. Send protests to: District Supervisor Paul D. Collins, Richmond, Va. 23240.

No. MC 9291 (Sub-No. 5TA), filed January 12, 1978. Applicant: CARROL BALL, 312 East Market, Box 53, Centerville, Kans. 66014. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Building, 700 Kansas Avenue, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building components*, from the plant site and/or storage facilities of Components, Inc., located at or near Garnett, Kans., to points in Arkansas, Colorado, Iowa, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, and Texas. Applicant states it does not intend to tack or interline, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Components, Inc., d.b.a., Kansas City Roof Truss Systems, P.O. Box 384, Garnett, Kans. 66032. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building & U.S. Courthouse, 444 S. E. Quincy, Topeka, Kans. 66683.

Applicant: FASTWAY TRANSPORTATION, INC., 151 D Morristown Road, P.O. Box 383, Matawan, N.J. 07747. Applicant's representative: A. David Millner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of International Paper Co., at or near Ticonderoga and Corinth, N.Y., to points in the New York, N.Y. commercial zone and Nassau and Suffolk Counties, N.Y., and points in New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Paper Co., manager motor carrier barge rates, Room 1618, 220 E. 42nd Street, New York, N.Y. 10017. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 41951 (Sub-No. 32TA), filed January 23, 1978. Applicant: WHEATLEY TRUCKING, INC., P.O. Box 458, 125 Brohawn Avenue, Cambridge, Md. 21613. Applicant's representative: Daniel B. Johnson, 4304 East-West Highway, Washington, D.C. 20014. Authority sought to operate as a common

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carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Hallwood, Va., to points in Indiana, Illinois, and Wisconsin, for 180 days. Supporting shipper: John W. Tayler Packing Co., Inc., Hallwood, Va. 23359. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Room 1413, District Supervisor, W. C. Hersman, Washington, D.C. 20423.

No. MC 47583 (Sub-No. 59TA), filed December 28, 1977. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, Kans. 66115. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kans. 66044. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and/or plastic bags*, from the plantsite and storage facilities of Great Plains Bag Corp., located at or near Jacksonville, Ark., to all points and places in the states of Arizona, Colorado, Idaho, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Great Plains Bag Corp., Inc., P.O. Box 957, Jacksonville, Ark. 72076. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

Applicant: BLUE RIDGE TRANSFER COMPANY, INC., P.O. Box 13447, Roanoke, Va. 24034. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Synthetic yarn or fibres*, from Valley Head, Ala., to the plantsite and facilities of Martin Processing, Inc., at or near Fieldale, Va., for 180 days. Supporting shipper(s): Martin Processing, Inc., Fieldale, Va. 24089. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 65941 (Sub-No. 47TA), filed December 19, 1977. Applicant: TOWER LINES, INC., North 3rd & Warwood Avenue, P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

(a) *Insulation and insulating materials* (except in bulk, in tank vehicles), from the facilities of Mid-South

Distributors, Inc. and Insul Foam, Inc., near Atlanta, Ga., to points in Indiana, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and (b) *materials, supplies and equipment* used or dealt in by insulation manufacturing plants (except in bulk), from points in Indiana, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, to the facilities of Mid-South Distributors, Inc. and Insul Foam, Inc., near Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-South Distributors, Inc., and Insul Foam, Inc., P.O. Box 1705, Florence, S.C. 29503. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, W. Va. 26003.

Applicant: DALBY TRANSFER & STORAGE CO., INC., 401 North Arthur, P.O. Box 1188, Amarillo, Tex. 79105. Applicant's representative: Mae Bledsoe (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Farmer, Bailey, Deaf Smith, Randall, Armstrong, Oldham, Potter, Caron, Hartley, Moore, Hutchinson, Dallam, Sherman, and Hansford Counties in the State of Texas, and Cimarron and Texas Counties in the State of Oklahoma. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Department of Defense, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20130. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 109689 (Sub-No. 324TA), filed January 10, 1978. Applicant: W. S. HATCH CO., a Utah corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dinitrotoluene (DNT)*, in bulk, from Pasadena,

Tex., to Salt Lake City, Utah, for 180 days. Supporting shipper(s): Cook Atlas Slurry Co., 12700 Park Central Place, Dallas, Tex. 75251 (John L. Schiller, Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 109689 (Sub-No. 325TA), filed January 10, 1978. Applicant: W. S. HATCH CO., a Utah corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Phosphoric acid*, in bulk, from Don, Idaho, to Port Angeles, Hoquiam, Bellingham, Longview, Cosmopolis, Tacoma, and Everett, Wash., for 180 days. Supporting shipper(s): Jones Chemicals, Inc., 1919 Marine Vire Drive, Tacoma, Wash. 98422 (James E. Zimmerman, Plant Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 113855 (Sub-No. 398TA), filed January 12, 1978. Applicant: INTERNATIONAL TRANSPORT, INC., 24250 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Recreational vehicles and equipment, parts, attachments, and accessories*, for recreational vehicles and equipment, and paraphernalia used in connection with recreational vehicles and equipment from Crosby, Minn., to points in the United States (including Alaska, but excluding Hawaii). Restricted to traffic originating at the plantsite of Scorpion, Inc., at Crosby, Minn., for 180 days. Supporting shipper(s): Scorpion, Inc., P.O. Box 300, Crosby, Minn. 56441. Send protests to: Delores Ann Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 113908 (Sub-No. 425TA), filed January 4, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S., 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock* (except wine and wine prod-

ucts), in bulk, from Scottville, Mich., to Indianapolis, Ind., and Minneapolis, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): A. M. Richter & Sons Co., Richter Vinegar Corp., P. O. Box 625, Manitowoc, Wis. 54220. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOP, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114273 (Sub-No. 328TA), filed January 6, 1978. Applicant: CRST, INC., 3930 16th Avenue, P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Knock down metal buildings and parts*, used in the manufacturing thereof, from Monticello, Iowa, to points in Illinois, Indiana, Ohio, Michigan, Wisconsin, Pennsylvania, Missouri, New York, Virginia, West Virginia, and Tennessee, for 180 days. Supporting shipper: Lear Seigler, Inc./Cuckler Division, P.O. Box 346, Monticello, Iowa 52310. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 116457 (Sub-No. 26TA), filed December 29, 1977. Applicant: GENERAL TRANSPORTATION, INC., 1804 South 27th Avenue, P.O. Box 6484, Phoenix, Ariz. 85009. Applicant's representative: D. Parker Crosby, 1710 South 27th Avenue, P.O. Box 6484, Phoenix, Ariz. 85005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Waste paper, waste paper products, waste cardboard, and waste newsprint*, all to be recycled, packaged in bales, rolls or cartons (except those commodities to be hauled in bulk or tank vehicles, from Maricopa and Pima Counties, Ariz., Bernalillo County, N. Mex., and El Paso County, Tex., to California, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ecology Paper Products Co., Inc., 420 South 48th Street, Phoenix, Ariz. 85034. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 119702 (Sub-No. 53TA), filed January 3, 1978. Applicant: STAHL CARTAGE CO., P.O. Box 486, 130-A Hillsboro Avenue, Edwardsville, Ill. 62025. Applicant's representative: J. Frank Boggs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle,

over irregular routes, transporting: *Liquid calcium chloride*, in bulk, in tank vehicles, from the plantsite of W. & W. Sales & Leasing Co., located in Pike County, Ill. (near Meredosia, Ill.), to all points in the state of Kansas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jeff S. Wohford, Vice President, W. & W. Sales & Leasing Co., Box 486, Edwardsville, Ill. 62025. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 123987 (Sub-No. 7TA), filed December 27, 1977. Applicant: JEWETT SCOTT TRUCK LINE, INC., P.O. Box 267, Mangum, Okla. 73554. Applicant's Representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Reinforced throat spikes*; (2) *materials, and supplies* used in the manufacture and distribution of the commodity described in (1), (1) from the plantsite of Southwestern Rail Products, Inc., at or near Wellington, Tex., to points in Arkansas, Texas, Wyoming, South Carolina, Alabama, Mississippi, Georgia, Missouri, Illinois, Ohio, Michigan, Oregon, California, Arizona, New Mexico, Colorado, Utah, Nevada, Louisiana, Kansas, Tennessee, and Oklahoma, (2) from points in Alabama, Texas, Colorado, and Arkansas to the plantsite of Southwestern Rail Products, Inc., at or near Wellington, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Southwestern Rail Products, Inc., Wellington, Tex. 79095. Send protests to: Haskell E. Ballard, District Supervisor, Box H-4395 Herring Plaza, Interstate Commerce Commission—Bureau of Operations, Amarillo, Tex. 79101.

No. MC 124545 (Sub-No. 3TA), filed December 29, 1977. Applicant: ROBERT CROUCH, Chester, Vt. 05143. Applicant's Representative: John P. Monte, 61 Summer Street, P.O. Box 568, Barre, Vt. 05641. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Insulation*, in bags, in shipper owned trailers, from Springfield, Vt., to points in the states of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, and Michigan, under a continuing contract or contracts with Vermont Fiber Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Vermont Fiber Co.,

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Inc., 12 River Street, Springfield, Vt. 05156. Send protests to: District Supervisor, David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

No. MC 126291 (Sub-No. 22TA), filed December 29, 1977. Applicant: QUIRION TRANSPORT, INC., 4516 Laval Street, Lac Megantic, Frontenac County, Quebec, Canada. Applicant's Representative: Frank J. Welner, 15 Court Square, Boston, Maine 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wallboard*, from Buchanan, N.Y., to ports of entry on the United States-Canada Boundary Line at Coburn Gore and Jackman, Maine, and (2) *Veneer*, from Camden, N.J., to ports of entry on the United States-Canada Boundary Line at Coburn Gore and Jackman, Maine, restricted to the transportation of traffic destined to points in the Province of Quebec, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Exodus Enterprises, Inc., 4220 Villeneuve Street, Lac Megantic, Frontenac County, Quebec, Canada. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, 6 Loudon Street, Concord, N.H. 03301.

No. MC 128133 (Sub-No. 19TA), filed January 6, 1978. Applicant: H. H. OMPS, INC., Route 7, Box 295, Winchester, Va. 22601. Applicant's Representative: Jeremy Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime, limestone and limestone products*, from Martinsburg, W.Va., to points in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Ohio, Virginia, and West Virginia, for 180 days. Supporting shipper(s): Riverton Corp., Riverton, Va. 22651. Send protests to: Interstate Commerce Commission, 12th & Constitution Avenue NW, Room 1413, District Supervisor, W. C. Hersman, Washington, D.C. 20423.

No. MC 129459 (Sub-No. 13TA), filed January 9, 1978. Applicant: KEARNEY'S TRUCKING SERVICE, INC., U.S. Alternate Rt. 611, P.O. Box 264, Portland, Pa. 18351. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk from Perth Amboy, N.J., to points in Dutchess, Ulster, Orange, Putnam, Westchester, Rockland, Nassau, and Suffolk Counties, N.Y., for the account of Cargill Salt, Lansing, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90

days of operating authority. Supporting shipper(s): Cargill Salt, 191 Portland Point Road, Lansing, N.Y. 14882. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 135684 (Sub-No. 61TA), filed January 9, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Herbert A. Dublin, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Wilson Products, Neshanic, N.J., to Illinois, Indiana, Ohio, and Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wilson Products Co. Division, Dart Industries, Inc., Neshanic, N.J. 08853. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 136343 (Sub-No. 124TA), filed January 13, 1978. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, R.D. No. 1, Milton, Pa. 17847. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the sites of International Paper Co., at or near Corinth, N.Y. and Ticonderoga, N.Y., to points in the New York, N.Y., Commercial Zone, Nassau and Suffolk Counties, N.Y., New Jersey, Pennsylvania, Maryland, Delaware, and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Paper Co., Room 1616, 220 E. 42nd Street, New York, N.Y. 10017. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, Pa. 17108.

No. MC 136511 (Sub-No. 11TA), filed January 4, 1978. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, Va. 24502. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts*, from the plant sites and facilities of Stanley Furniture, a Mead Company, located at Waynesboro and Stanleytown, Va., and West End, N.C., to points in Alabama, Flor-

ida, Georgia, Louisiana, Mississippi, and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Stanley Furniture, a Mead Company, Stanleytown, Va. 24168. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, Va. 24011.

No. MC 136817 (Sub-No. 5TA), filed December 30, 1977. Applicant: HUNTER BROKERAGE, INC., 805 32nd Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, (1) from points in Iowa, to points in Minnesota, Wisconsin, Nebraska, Illinois, Ohio, Kentucky, Tennessee, Georgia, North Carolina, Virginia, Indiana, Arkansas, Pennsylvania, Colorado, and Kansas; and (2) from points in Iowa, Wisconsin, Illinois, and Michigan, to Logan, Utah and Los Angeles and Carson, Calif.; and (3) from points in Missouri and Tennessee to Los Angeles and Carson, Calif. Restriction: Restricted to a transportation service to be performed under a continuing contract, or contracts, with McGuffin Lumber, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pete Challinor, vice president, McGuffin Lumber, Inc., 3142 Central Street, Evanston, Ill. 60201. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138157 (Sub-No. 50TA) (correction) filed November 22, 1977, published in the FEDERAL REGISTER issue of January 28, 1978, and republished as corrected this issue. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, Tenn. 37412. Applicant's representative: Patrick E. Quinn (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Radio receiving sets, phonographs, record players, tape recorders, separate or combined, sewing machines and sewing machine cabinets, loudspeakers (dynamic or electro-magnetic), TV games, stands and parts thereof*, from the facilities of Morse Electro Products Corp. at Brooklyn, N.Y., to the facilities of Morse Electro Products Corp. at Doraville, Ga. Restricted to traffic originating at and destined to the facilities of Morse Electro Products at Doraville, Ga., for 180 days. Supporting

shipper(s): Morse Electro Products Corp., 101-10 Foster Avenue, Brooklyn, N.Y. 11236. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, 801 Broadway, Nashville, Tenn. 37203. The purpose of this republication is to add and correct the line of origin.

No. MC 139420 (Sub-No. 25TA), filed December 27, 1977. Applicant: ART GREENBERG, d.b.a. GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 414 Gate City Building, P.O. Box 1637, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Baking powder* (except in bulk), from Terre Haute, Ind., to Phoenix, Ariz.; Fresno, Los Angeles, Sacramento, and San Francisco, Calif.; Boise and Pocatello, Idaho; Albuquerque, N. Mex.; Portland, Oreg.; Salt Lake City, Utah; Seattle and Spokane, Wash.; Billings, Mont.; and Denver and Grand Junction, Colo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hulman and Co., 9th and Wabash Avenue, Terre Haute, Ind. 47808. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268, Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, N. Dak. 58102.

No. MC 139460 (Sub-No. 25TA), filed January 6, 1978. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Albany, N.Y., to all points in the state of Vermont, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mobil Oil Corp., eastern traffic area, 150 E. 42d Street, New York, N.Y. 10017. Send protests to: Robert A. Radler, District Supervisor, P.O. Box 1167, Albany, N.Y. 12201.

No. MC 139495 (Sub-No. 291TA) (correction), filed December 2, 1977, published in the FEDERAL REGISTER issue of January 9, 1978, and republished as corrected this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dublin, Sullivan, Dublin & Kingsley, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Adhesive, sealants, solvents, stains, wood preserva-*

tives, and accessories, equipment, materials, and supplies used in the installation, maintenance, and distribution of floors, floor coverings, wall, and wall coverings, in vehicles equipped with mechanical refrigeration, (1) from the facilities of Roberts Consolidated Industries, Inc., at Dayton and Piqua, Ohio, to points east of Montana, Wyoming, Colorado, and New Mexico; and (2) from the facilities of Roberts Consolidated Industries, Inc., at Kalamazoo, Mich., to Roberts' warehouse locations at Huntingdon Valley, Pa.; Conyers, Ga.; Waco, Tex.; Dayton and Piqua, Ohio; city of Industry and Monrovia, Calif.; and Vancouver, Wash. Supporting shippers: Roberts Consolidated Industries, Inc., 600 North Baldwin Park Boulevard, City of Industry, Calif. 91749. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101A Litwin, 110 North Market, Wichita, Kans. 67202. The purpose of this republication is to correct the sub number which was not included in the FEDERAL REGISTER publication.

No. MC 141804 (Sub-No. 92TA), filed December 27, 1977. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hair and skin care products; toilet preparations and equipment, materials and supplies* used in the production and distribution thereof, from points in Ventura, Los Angeles, Orange, San Bernardino, and Riverside Counties, Calif., to points in Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Washington, D.C. Restricted to traffic moving from the facilities of Redken Laboratories, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Redken Laboratories, Inc., 6625 Variel Street, Canoga Park, Calif. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37219.

Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93031. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores, between*

the facilities of the May Department Stores Co. in or near Washington, D.C.; Prince Georges, Montgomery, Anne Arundel, Howard, and Baltimore Counties and Baltimore City, Md.; and Fairfax and Arlington Counties, Va.; on the one hand, and, on the other, points in Washington, D.C.; Frederick, Clarke, Loudon, Fairfax, Arlington, Prince William, Fauquier, Stafford, King George, Spotsylvania, Orange, Madison, Culpeper, Rappahannock, and Shenandoah Counties, Va.; and Maryland, except Garrett and Allegany Counties, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The May Department Stores Co., 611 Olive Street, St. Louis, Mo. 63101. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 143660 (Sub-No. 1TA), filed December 8, 1977. Applicant: CENTURY SERVICES, INC., 1314 South King Street, Suite 852, American Security Bank Building, Honolulu, Hawaii 96814. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *New furniture and new household articles*, in home delivery service, for the account of Bensingers Outfitting Co., Inc., over irregular routes, from Louisville, Ky., to points in Crawford, Clark, Floyd, Harrison, Jackson, Jefferson, Orange, Scott, and Washington Counties, Ind., and new furniture, new household appliances, and new household articles, in home delivery service, for the account of the Burch Co., over irregular routes, from Louisville, Ky., to points in Crawford, Clark, Floyd, Harrison, Jackson, Jefferson, Orange, Scott, and Washington Counties, Ind., under a continuing contract or contracts with Bensingers Outfitting Co., Inc., and the Burch Co., d.b.a. Downtown United Furniture Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: The Burch Co., d.b.a. Downtown United Furniture Co., 445 East Market Street, Louisville, Ky. 40202; Bensingers Outfitting Co., Inc., 313-317 West Market Street, Louisville, Ky. 40202. Send protests to: District Supervisor A. J. Rodriguez, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 143758 (Sub-No. 2TA), filed December 27, 1977. Applicant: KNOWLES TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Archie B. Culbreth, suite 202, 2200 Century Parkway, Atlanta, Ga. 30345.

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Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Pavement marking compounds* (except in bulk), from the plantsite and warehouse facilities of Pave Mark Corp., located at or near Marietta, Ga., to points in the States of Alabama, Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and the District of Columbia, and (2) *Materials and supplies* used in the manufacture and distribution of pavement marking compounds (except commodities in bulk), from points in the States named in (1) above to the plantsite and warehouse facilities of Pave Mark Corp., located at or near Marietta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pave Mark Corp., 1177 Hayes Industrial Drive, Marietta, Ga. 30062. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309.

Docket No. MC 143794 (Sub-No. 2 TA), filed December 19, 1977. Applicant: EAST-WEST MOTOR FREIGHT, INC., 7270 Hobgood Road, Fairburn, Ga. 30312. Applicant's representative: Richard M. Tettelbaum, Serby & Mitchell, P.C., Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Central heating and air conditioning units, furnaces, air coolers, water evaporators, condensing units, compressors*, and (2) *parts, equipment, and supplies* used in the manufacture and installation of the commodities in (1) above, from the facilities of Hell-Quaker Corp. in Davidson County, Tenn., to points in California, Montana, Utah, and Washington, under a continuing contract or contracts with Hell-Quaker Corp., for 180 days. Supporting shipper(s): Hell-Quaker Corp., 1714 Hell-Quaker Boulevard, Lawrence, Tenn. 37080. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 143902TA (correction), filed October 27, 1977, published in the FEDERAL REGISTER issue of December 20, 1977, and republished, as corrected, this issue. Applicant: ENIS P. BAUDINO, d.b.a. BAUDINO TRANSFER,

415 East Main, P.O. Box 525, Aguilar, Colo. 81020. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal, from the minesites, and storage facilities utilized by Delagua Coal Co. and Horner Coal Co., located in Huerfano and Los Animas Counties, Colo., to: (1) Railroad sidings located at or near Lynn and Trinidad, Colo. Restriction: Restricted in (1) above to the transportation of shipments that will have subsequent movement by rail. (2) Points in New Mexico; Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Edwards, Ellis, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearney, Kiowa, Lane, Logan, Meade, Morton, Ness, Norton, Pawnee, Pratt, Rawlins, Rush, Russell, Scott, Seward, Sheridan, Sherman, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, Wichita Counties, Kans.; Arthur, Banner, Chase, Cheyenne, Deuel, Dundy, Frontier, Gorden, Hays, Hitchcock, Keith, Kimball, Lincoln, Morrill, Perkins, Red Willow, Scottsbluff Counties, Nebr.; Beaver, Cimarron, Texas Counties, Okla.; Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Childress, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Gray, Hansford, Hale, Hall, Hartley, Hemphill, Hockley, Hutchinson, King, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler Counties, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Horner Coal Co., P.O. Box 5007, Aguilar, Colo. 81020; Delagua Coal Co., Route 2, Box 80, Trinidad, Colo. 81082. Send protests to: Herbert C. Ruoff, District Supervisor, 492 U.S. Customs House, 721 19th Street, Denver, Colo. 80202. The purpose of this correction is to publish the correct commodity description and origin points.

No. MC 143908TA (correction), filed October 31, 1977, published in the FEDERAL REGISTER issue of December 14, 1977, and republished as corrected this issue. Applicant: GEORGE F. GREEN TRANSPORT, INC., 701 Hardeman Avenue, Ft. Valley, Ga. 31030. Applicant's representative: Kim G. Meyer, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Sulfur, in packages*, from Alabama and Florida to Peach County, Ga., and (2) *clay, in bags*, from Gadsden County, Fla., to points in Peach County, Ga. Supporting shipper(s): Woolfolk Chemical Works, Inc., P.O. Box 938, Fort Valley, Ga. 31030. Send

protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, Ga. 30309. The purpose of this republication is to amend the aforesaid temporary authority to transport changes shown in this sheet on (1) and (2).

No. MC 143957TA (correction), filed November 10, 1977, published in the FEDERAL REGISTER issue of January 24, 1978, and republished as corrected this issue. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles M. Williams, Kimball and Williams, 350 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Chemicals, acids, solvents and edible oils* (except in bulk), (A) from (1) the facilities of Hawkins Chemical Co., and Exxon Chemical Corp., at or near Lawrence, Kans.; (3) Chicago, Ill., and points in its commercial zone; (4) the facilities of Olin Chemical Co., at or near Joliet, Ill.; (5) the facilities of Sanford Chemical Co., at or near Elk Grove Village, Ill.; (6) the facilities of Veliscol Chemical Co., and James Barley & Son Co., at or near St. Louis, Mich.; (7) the facilities of BASF Wyandotte Chemical Corp., and Penwalt Corp., at or near Wyandotte, Mich.; (8) the facilities of Ozark-Mahoning Co., at or near Tulsa, Okla.; (9) the facilities of Floridian Company, at or near Berkeley Springs, W. Va., and Quincy, Fla.; (10) the facilities of Ash Grove Chemical Co., at or near Springfield, Mo.; (11) the facilities of Lien Chemical Co., at or near Rapids City, S. Dak.; (12) the facilities of Burriss Chemical Co., at or near Charleston, S.C.; (13) the facilities of Barneby Cheney, at or near Columbus, Ohio.; (14) the facilities of Cities Service Co., at or near Copper-Hill, Tenn.; (15) the facilities of Ft. Recovery Industries, at or near Ft. Recovery, Ohio.; (16) the facilities of Great Lakes Chemical Corp., at or near North Lafayette, Ind.; (17) the facilities of Keyes Fiber Co., at or near Hammond, Ind.; (18) the facilities of Marathon, Morco, Co., at or near Dickenson, Tex.; (19) the facilities of Mazer Chemicals at or near Gurnee, Ill.; (20) the facilities of Quality Chemical Co., at or near Baltimore, Md.; (21) the facilities of Stauffer Chemical Co., at or near Greenriver, Wyo.; (22) the facilities of West Vaco Chemical Division, at or near Covington, Va.; (23) the facilities of Lowes Inc., at or near Oran, Mo.; (24) the facilities of P. P. G. Industries, at or near Barberton, Ohio and Natrium, W. Va.; (25) the facilities of Diamond Shamrock Chemical Co., at or near Paynesville, Ohio.; (26) the facilities of Allied Chemical Co., at or near North Claymont, Del.; Richmond, Va., and

Wilmington, Del.; (27) the facilities of E. I. DuPont, at or near Midland, Mich., to points in Iowa, Nebraska, Colorado, New Mexico, Texas, Oklahoma, Kansas, Illinois and St. Louis, Mo., and Phoenix, Ariz., and points in their respective commercial zones, from the facilities of Warren-Douglas Chemical Co., at or near Omaha, Nebr., and Sioux City Iowa., to points in Iowa, Nebraska, Colorado, New Mexico, Texas, Oklahoma, Kansas, Illinois and St. Louis, Mo., and Phoenix, Ariz., and points in their respective commercial zones, restricted to transportation service performed under a continuing contract, or contracts, with Warren-Douglas Chemical Co., for 180 days. Supporting shippers: Warren-Douglas Chemical, Paul Wendte, Traffic Manager, 3002 F Street, Omaha, Nebr. 68107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102. This is the correction of typographic errors in Part A(16) references are made to Lafayette, Ind. This should be West Lafayette, Ind., and in Part A(26), reference are made to North Claremont, Del. This should be North Claymont, Del.

No. MC 144019 (Sub-No. 1TA), filed December 28, 1977. Applicant: JOE RIDDLE AND CHARLES RIDDLE, d.b.a. Riddle Trucking Co., Route 6, Tazewell, Tenn. 37879. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Coal, in bulk, in dump vehicles, from the mines and facilities of Champion International Corp. located in Harlan, Bell, Whitley, and Knox Counties, Ky., and Claiborne, Campbell, and Scott Counties, Tenn., to points in Haywood and Cleveland Counties, N.C. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Champion International Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Champion International Corp., Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 144030 (Sub-No. 1TA), filed December 8, 1977. Applicant: DRUE CHRISMAN, INC., P.O. Box 264, Lawrenceburg, Ind. 47025. Applicant's representative: L. Agnew Myers, Jr., 734 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

NOTICES

Part I: *Alcoholic beverages* (except malt beverages), in containers (a) from points in Kentucky, to the facilities of Sterling Distributing Co. and United Distillers Products Co., located at Omaha, Nebr., (b) from points in Indiana, Illinois, Kentucky, Ohio, Michigan, and Missouri, to the warehouse sites and storage facilities of United Distillers Products Co. and Sterling Distributing Co. at Omaha, Nebr., (c) from points in New York, Pennsylvania, Massachusetts, New Jersey, Maryland, and Connecticut, to Omaha, Nebr. Restriction: The authority sought in B and C above is restricted to the transportation of traffic destined to the named destinations. Part II: (a) *Alcoholic beverages* (except malt beverages, in containers only), from points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Tennessee, to Omaha, Nebr., (b) *Nonalcoholic beverages* (in containers only), when moving in the same vehicle and at the same time in mixed loads with alcoholic beverages on a single bill of lading to a single consignee, from points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Tennessee, to Omaha, Nebr. Restriction: The authority sought in A and B above is restricted to transportation of shipments destined to Omaha, Nebr., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 5 statements of support attached to the application which may be examined at the field office named below. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 144032 (Sub-No. 1TA) (corrected), filed November 18, 1977, published in the FEDERAL REGISTER issue of January 9, 1978, and republished as corrected this issue. Applicant R & S TRUCKING, INC., R. R. 1, Box 123, Garretson, S. Dak. 57101. Applicant's representative: Jack L. Shultz, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Packaged edible meat*, between Omaha, Nebr., and points in the state of California. Restriction: The above traffic is restricted to shipments originating at and destined to the plantsite and production facility of H. Shenson & Co., Inc., (2) *Fresh beef briskets*, in mixed loads with fresh beef, from the plantsite of Columbus Foods, Inc. at or near Wallula, Wash., and from the plantsite of Armour Foods Co., at or near Nampa, Idaho to Omaha, Nebr. Restriction: The above traffic is restricted

to shipments originating at the designated origins and destined to the H. Shenson & Co., facility in Omaha, Nebr. All of the above authority is to be performed under continuing contract, or contracts, with H. Shenson & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): H. Shenson & Co., Inc., 27th and Y, Omaha, Nebr. 68107 (Jack H. Feller, Jr.). Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501. The purpose of this republication is to correct two minor errors in parts (1) and (2) of the temporary authority application.

No. MC 144089TA (Partial correction), filed December 13, 1977, published in the FEDERAL REGISTER issue of January 16, 1977, and republished as corrected this issue. Applicant: C.D.F. TRUCK RENTAL CORP., 43 Camille Road, Revere, Mass. 02151. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108.

NOTE—The purpose of this partial correction is to show applicant's correct address C.D.F. Truck Rental Corp., 43 Camille Road, Revere, Mass. 02151, in lieu of C.D.F. Truck Rental Corp., 43 Camille Road, Revere, Maine 02151, which was previously published in error. The rest of the publication remains the same.

No. MC 144097TA (Correction), filed December 15, 1977, published in the FEDERAL REGISTER issue of January 16, 1978, and republished as corrected this issue. Applicant: PATRICK D. BEAVER, d.b.a. P.I.B. TRUCKING, 14 Longview Drive, Beverly, Maine 01915. Applicant's representative: Francis P. Barrett, Barrett & Barrett, 60 Adams Street, P.O. Box 238, Milton, Maine 02187. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Structural wood, structural wood products and commercial and fabricated metal hardware*, when moving products, from North Billerica, Maine, to points in the United States in and east of Wisconsin, Illinois, Tennessee, Kentucky, and Mississippi, under a continuing contract, or contracts, with Wood Fabricators, Inc., for 180 days. Supporting shipper(s): Wood Fabricators, Inc., Iron Horse Park, North Billerica, Maine 01862. Send protests to: Max Gorenstein, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, Boston, Mass. 02114. The purpose of this republication is to correct the address of the applicant which should be: Beverly, Mass. and the address of the supporting shipper should read: North Billerica, Mass.

No. MC 144106 (Sub-No. 1TA), filed December 27, 1977. Applicant:

ROBERT J. DEW & FRANK TAP-
PARO, doing business as DT TRANS-
PORTATION, 327 North Elm Street,
Torrington, Conn. 06790. Applicant's
representative: Louis P. Salamone, 355
Prospect Street, Torrington, Conn.
06790. Authority sought to operate as
a *contract carrier*, by motor vehicle,
over irregular routes, transporting:
Laundry and cleaning compounds,
Brooklyn, N.Y., to points in New
Haven and Hartford Counties and that
part of Fairfield County, Conn., not
incuded in the New York, N.Y. Com-
mercial Zone, under a continuing con-
tract or contracts with OPL Systems,
Inc., for 180 days. Applicant has also
filed an underlying ETA seeking up to
90 days of operating authority. Sup-
porting shipper(s): OPL Systems, Inc.,
500 Varick Avenue, Brooklyn, N.Y.
Send protests to: J. D. Perry, Jr., Dis-
trict Supervisor, Interstate Commerce
Commission, 135 High Street, Room
324, Hartford, Conn. 06101.

No. MC 144134TA filed December
14, 1977. Applicant: SCHWINNEN
GRAIN & TRUCKING, INC., R.F.D.
No. 1, Venedocia, Ohio 45984. Appli-
cant's representative: John L. Alden,
1396 West Fifth Avenue, Columbus,
Ohio 43212. Authority sought to op-
erate as a *contract carrier*, by motor ve-
hicle, over irregular routes, transport-
ing: (1) *Tomatoes, tomato juice, kel-
chup, beans, corn, peas, and sauer-
kraut*, except in bulk, from Rockford
and Ohio City, Ohio, and Bluffton,
Ind., to points in Alabama, Florida,
Georgia, Illinois, Indiana, Iowa, Ken-
tucky, Louisiana, Maryland, Massa-
chusetts, Michigan, Minnesota, Mis-
souri, New Jersey, New York, North
Carolina, Ohio, Oklahoma, Pennsylva-
nia, South Carolina, Tennessee, Texas,
Virginia, Washington, D.C., West Vir-
ginia, and Wisconsin, (2) *commodities,
materials, and supplies*, used in pro-
cessing and packaging the commodi-
ties in (1) above from the destination
states in (1) above, to Rockford and
Ohio City, Ohio, and Bluffton, Ind.
Restricted against transportation of
bulk commodities, under continuing
contract or contracts with Sharp Can-
ning Co., Inc., for 180 days. Supporting
shipper: Sharp Canning Co., Inc., Box
242, Rockford, Ohio 45882. Send pro-
tests to: Keith D. Warner, District Su-
pervisor, Bureau of Operations—Inter-
state Commerce Commission, 313 Fed-
eral Office Building, 234 Summit
Street, Toledo, Ohio 43604.

No. MC 144157 (Sub-No. 1TA), filed
December 30, 1977. Applicant: TRANS
CHEM, INC., a Utah corporation, 9114
South 150 East, Sandy, Utah 84070.
Applicant's representative: Irene
Warr, 430 Judge Building, Salt Lake
City, Utah 84111. Authority sought to
operate as a *contract carrier*, by motor
vehicle, over irregular routes, trans-
porting: (1) *Fire retardant chemicals*,

in bags, from Sandy, Utah, to points in
the United States, excluding Alaska
and Hawaii, (2) *materials and sup-
plies*, used in the manufacture and dis-
tribution of fire retardant chemicals,
from San Bernardino County, Calif.,
to Sandy and Draper, Utah, and (3)
bags, from Portland, Oreg., to Sandy,
Utah, under a continuing contract, or
contracts, with Insul Chem, Inc., for
180 days. Applicant has also filed an
underlying ETA seeking up to 90 days
of operating authority. Supporting
shipper(s): Insul Chem, Inc., 9114
South 150 East, Sandy, Utah 84070
(Tim Chadwick, president). Send pro-
tests to: District Supervisor Lyle D.
Helfer, Interstate Commerce Commis-
sion, Bureau of Operations, 5301 Fed-
eral Building, 125 South State Street,
Salt Lake City, Utah 84138.

No. MC 144176TA, filed December
23, 1977. Applicant: VALLEY PARCEL
SERVICE, INC., 500 South Tellman,
Fresno, Calif. 93726. Applicant's rep-
resentative: Rodney D. Heintz, P.O. Box
11486, Fresno, Calif. 93773. Authority
sought to operate as a *contract carrier*,
by motor vehicle, over irregular
routes, transporting: *Drugs and medi-
cines*, between Sacramento, Calif., on
the one hand, and, on the other,
Fallon, Reno, Sparks, Carson City,
Stead, Gardnerville, Minden, Incline
Village, Glenbrook, and Tahoe Village,
Nev., under a continuing contract or
contracts with Foremost-McKesson,
Inc., for 180 days. Applicant has also
filed an underlying ETA seeking up to
90 days of operating authority. Sup-
porting shipper: Foremost-McKesson,
Inc., P.O. Box 15858, Sacramento,
Calif. 95813. Send protests to: District
Supervisor Michael M. Butler, 211
Main, Suite 500, San Francisco, Calif.
94105.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

No. MC 61016 (Sub-No. 47TA) (cor-
rection), filed November 10, 1977, pub-
lished in the FEDERAL REGISTER issue
of December 28, 1977, and republished
as corrected this issue. Applicant:
PETER PAN BUS LINES, INC., 1776
Main Street, Springfield, Mass. 01103.
Applicant's representative: Charles A.
Webb, 1600 Wilson Boulevard, Suite
1301, Arlington, Va. 22209. Authority
sought to operate as a *common carri-
er*, by motor vehicle, over regular
routes, transporting: *Passengers and
their baggage*, and express and news-
papers in the same vehicle with pas-
sengers, between Amherst, Mass., and
Bradley Airport, Windsor Locks,
Conn., serving all intermediate points:
From Amherst over Massachusetts
Highway 9 to Northampton, Mass.,
thence over Massachusetts Highway
5A thence over Massachusetts High-

way 5A to the Massachusetts-Con-
necticut State line, thence over Alter-
nate U.S. Highway 5 to junction un-
numbered highway (Mapleton Road),
thence over Mapleton Road to junc-
tion Connecticut Highway 190, thence
over Connecticut Highway 190 to junc-
tion Connecticut Highway 75, thence
over Connecticut Highway 75 to Brad-
ley Field, Windsor Locks, and return
over the same route. From Amherst
over Massachusetts Highway 9 to
Northampton, Mass., thence over U.S.
Highway 5 to junction Interstate
Highway 91, thence over Interstate
Highway 91 to the Massachusetts-Con-
necticut Highway 20, thence over Con-
necticut Highway 20 to Bradley Field,
Windsor Locks and return over the
same route. From Amherst over Mas-
sachusetts Highway 9 to junction Mas-
sachusetts Highway 47 at or near
Hadley, Mass., thence over city streets
to Granby, Mass., thence over U.S.
Highway 202 to junction Massachu-
setts Highway 33, thence over Massa-
chusetts Highway 33 to Chicopee,
Mass., thence over city streets to
Springfield, Mass., thence over city
streets to Massachusetts Highway 57,
thence over Massachusetts Highway
57 to junction Massachusetts Highway
5A, thence over Massachusetts High-
way 5A to the Massachusetts-Con-
necticut State line, thence over Alter-
nate U.S. Highway 5 to junction un-
numbered highway (Mapleton Road),
thence over Mapleton Road to junc-
tion Connecticut Highway 190, thence
over Connecticut Highway 190 to junc-
tion Connecticut Highway 75, thence
over Connecticut Highway 75 to Brad-
ley Field, Windsor Locks, and return
over the same route. Applicant has
also filed an underlying ETA seeking
up to 90 days of operating authority.
Supporting shipper(s): There are ap-
proximately (38) statements of sup-
port attached to the application which
may be examined at the Interstate
Commerce Commission in Washing-
ton, D.C., or copies thereof which may
be examined at the field office named
below. Send protests to: J. D. Perry,
Jr., Acting District Supervisor, Inter-
state Commerce Commission, 436
Dwight Street, Room 338, Springfield,
Maine 01103. The purpose of the re-
publication is to show transportation
of passengers over regular routes, in
lieu of irregular routes.

[FR Doc. 78-3163 Filed 2-3-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1252; Order No.
2; Amdt. No. 3]

NEW YORK SUSQUEHANNA & WESTERN RAILROAD CO.

Rerouting Traffic

To all railroads:
Upon further consideration of I.C.C.
Order No. 2 (New York, Susquehanna

& Western Railroad Co.) and good
cause appearing therefor:

It is ordered, That:
I.C.C. Order No. 2 is amended by
substituting the following paragraph
(g) thereof:

(g) *Expiration date.* This order shall
expire at 11:59 p.m., July 31, 1978,
unless otherwise modified, changed, or
suspended.

It is further ordered, That this
amendment shall become effective at
11:59 p.m., January 31, 1978, and that
this order shall be served upon the As-
sociation of American Railroads, Car
Service Division, as agent of all rail-
roads subscribing to the car service
and car hire agreement under the
terms of that agreement, and upon the
American Short Line Railroad Associ-
ation; and that it be filed with the Di-
rector, Office of the Federal Register.

Issued at Washington, D.C., January
26, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-3157 Filed 2-3-78; 8:45 am]

[3810-71]

DEPARTMENT OF DEFENSE

Department of the Navy

FLEET BALLISTIC MISSILE (FBM) SUBMARINE SUPPORT BASE, KINGS BAY, GA.

Establishment

As announced by the Secretary of
the Navy on January 26, 1978, Kings
Bay, Ga., has been selected as the site
of a new Naval Submarine Support
Base. This selection completes more
than a year of detailed study to deter-
mine the best location for a fleet bal-
listic missile (FBM) submarine refit
site. As part of this process, public
hearings were held to provide the
public with relevant information.
Notice of these hearings was published
in the FEDERAL REGISTER at page 37433
on July 21, 1977.

This east coast site at Kings Bay is
necessary because of the need to ac-
commodate the withdrawal of the
Navy's Fleet Ballistic Missile (FBM)
submarine squadron from Rota, Spain,
by July 1, 1979 (in accordance with a
1976 treaty between Spain and the
United States) and to provide a facility
for refitting FBM submarines with the
new Trident I missile.

The final environmental impact
statement, which evaluated the envi-
ronmental effects of the construction
of an east coast facility at Kings Bay
and examined all reasonable alterna-
tives, was filed with the Environmen-
tal Protection Agency on December 7,
1977. Notice of its filing was published

in the FEDERAL REGISTER at page 63447
on December 16, 1977.

The Kings Bay site is presently a
military ocean terminal maintained by
the Department of the Army in an in-
active status. Following Congressional
approval, the formal transfer of the
property from the Army to the Navy
will be executed. Construction will
begin this spring with the base sched-
uled for activation on May 1, 1979.
When operational the submarine sup-
port base will be capable of supporting
FBM submarines with the present Po-
seldon missile as well as those with the
new Trident I missile, planned for
backfitting into selected Poseldon sub-
marines beginning in Fiscal Year 1979.
The Trident I missile is being devel-
oped for both selected Poseldon back-
fit and for use in the new Trident sub-
marines.

For further information concerning
this notice, contact:

Captain W. H. Purdum, U.S. Navy, Strategic
Submarine Division, Polaris/Poseldon
Branch (OP-212), Office of the Chief of
Naval Operations, Washington, D.C.
20350, telephone 202-695-2460.

Dated: February 1, 1978.

K. D. LAWRENCE,
Captain, JAGC, U.S. Navy,
Deputy Assistant Judge Advo-
cate General (Administrative
Law).

[FR Doc. 78-3124 Filed 2-3-78; 8:45 am]

[3810-70]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section
10 of Pub. L. 92-463, the Federal Ad-
visory Committee Act, effective January
5, 1973, notice is hereby given that a
meeting of the Department of Defense
Wage Committee will be held on Tues-
day, April 4, 1978; Tuesday, April 11,
1978; Tuesday, April 18, 1978; and
Tuesday, April 25, 1978, at 9:45 a.m. in
Room 1E801, the Pentagon, Washing-
ton, D.C.

The Committee's primary responsi-
bility is to consider and submit recom-
mendations to the Assistant Secretary
of Defense (Manpower, Reserve Af-
fairs, and Logistics) concerning all
matters involved in the development
and authorization of wage schedules
for Federal prevailing rate employees
pursuant to Pub. L. 92-392. At this
meeting, the Committee will consider
wage survey specifications, wage
survey data, local wage survey commit-
tee reports and recommendations, and
wage schedules derived therefrom.

Under the provisions of section 10(d)
of Pub. L. 92-463, the Federal Adviso-

ry Committee Act, meetings may be
closed to the public when they are
"concerned with matters listed in sec-
tion 552b. of Title 5, United States
Code." Two of the matters so listed
are those "related solely to the inter-
nal personnel rules and practices of an
agency," (5 U.S.C. 552b.(c)(2)), and
those involving "trade secrets and
commercial or financial information
obtained from a person and privileged
or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant
Secretary of Defense (Civilian Person-
nel Policy) hereby determines that all
portions of the meeting will be closed
to the public because the matters con-
sidered are related to the internal
rules and practices of the Department
of Defense (5 U.S.C. 552b.(c)(2)), and
the detailed wage data considered by
the Committee during its meetings
have been obtained from officials of
private establishments with a guaran-
tee that the data will be held in confi-
dence (5 U.S.C. 552b.(4)).

However, members of the public who
may wish to do so are invited to
submit material in writing to the
Chairman concerning matters believed
to be deserving of the Committee's at-
tention. Additional information con-
cerning this meeting may be obtained
by contacting the Chairman, Depart-
ment of Defense Wage Committee,
Room 3D281, the Pentagon, Washing-
ton, D.C.

Dated: February 1, 1978.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Head-
quarters Services, Department
of Defense.

[FR Doc. 78-3137 Filed 2-3-78; 8:45 am]

[3810-70]

Office of the Secretary of Defense

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Cancelled Closed Meetings

Pursuant to the provisions of section
10 of Pub. L. 92-463, the Federal Ad-
visory Committee Act, effective January
5, 1973, notice is hereby given that a
meeting of the Department of Defense
Wage Committee will not be held on
February 7, 1978; February 14, 1978;
February 21, 1978; February 28, 1978;
and March 7, 1978.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Head-
quarters Services, Department
of Defense.

FEBRUARY 2, 1978.

[FR Doc. 78-3391 filed 2-3-78; 12:14 pm]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 3791, January 27, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 1, 1978, 10 a.m.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company
ER-6-ES78-14, Citizens Utilities Co.
KENNETH F. PLUMB,
Secretary.
[S-268-78 Filed 2-2-78; 9:56 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol 43, No. 21 page 4176, Tuesday, January 31, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. February 2, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

CHANGES IN THE MEETING: The following item has been added to the open portion of the meeting: Consider-

ation of proposed amendments regarding electronic fund transfers through remote service units.

No. 133, February 2, 1978.

[S-272-78 Filed 2-2-78; 12:15 pm]

[6720-01]

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 21, page 4176, Tuesday, January 31, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., February 2, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

CHANGES IN THE MEETING: The following item has been changed from the closed to the open portion of the meeting: Application to Acquire Belen Savings and Loan Association, Belen, N. Mex. and to Incur Indebtedness-New Mexico Financial Corp., Albuquerque, N. Mex.

No. 132, February 2, 1978.

[S-271-78; Filed 2-2-78; 12:15 pm]

[6720-01]

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., February 10, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

MATTERS TO BE CONSIDERED:

Extension of time application—Community Federal Savings and Loan Association, St. John, Mo.

Applications for bank membership and insurance of accounts—Marin Savings and Loan Association, Mill Valley, Calif.

Branch office application—First Federal Savings and Loan Association of Broward County, Fort Lauderdale, Fla.

No. 131, February 2, 1978.

[S-270-78 Filed 2-2-78; 12:15 pm]

[6210-01]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR, 3990, January 30, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, February 1, 1978.

CHANGES IN THE MEETING: One of the items announced for inclusion at this closed meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item was added: Federal Reserve Bank and Branch director appointments. This matter was originally announced for a meeting on December 21, 1977.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 1, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[S-267-78 Filed 2-2-78; 9:56 am]

[7527-01]

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE.

DATE AND TIME: March 9 and 10, 1978, 9 a.m. to 5 p.m., and 8:30 a.m. to 3 p.m., respectively.

PLACE: Shoreham Americana, Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED: Discussion of activities since December 5 and 6, 1977, meeting; Review of Task Force Committee Activities; Review of White House Conference on Library and Information Services Meeting held in February; Commissioners' Comments; Executive Director's Report; old business; new business.

SUNSHINE ACT MEETINGS

4915-4939

CONTACT PERSON FOR MORE INFORMATION:

Alphonse F. Trezza, Executive Director, 202-653-6252.

ALPHONSE F. TREZZA,
Executive Director.

[S-266-78 Filed 2-2-78; 9:56 am]

[4110-24]

NATIONAL MUSEUM SERVICES BOARD.

TIME AND DATE: 9 a.m., February 12-13, 1978.

PLACE: Room 3551, National Air and Space Museum, 6th and Independence Avenue SW.

SUBJECT: Review of Draft of Proposed Regulations.

STATUS: Open.

PERSON TO CONTACT:

Mrs. Lee Kimche, Director, Institute of Museum Services, 202-245-7063.

SUPPLEMENTARY INFORMATION: The Board will make final consideration of proposed regulations establishing guidelines for grant making by the Institute of Museum Services.

Signed at Washington, D.C. on February 2, 1978.

LEE KIMCHE,
Director, Institute of
Museum Services.

[S-269-78 Filed 2-2-78; 12:15 pm]

[7590-01]

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, February 1 and Thursday, February 2, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

TIME AND DATE: 1:30 p.m., Wednesday, February 1.

(1) Discussion of proposed letter to Congress on international safeguards matters. (Approximately 1 hour.) (Closed—Exemption 1.)

(2) Affirmation of proposed publication of final export-import regula-

tions; and General Electric Co.—GE test reactor OLTR-1, Docket 50-70 (5 minutes—public meeting.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE.

[S-273-78 Filed 2-2-78; 2:14 pm]

[7590-01]

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, February 8 and Thursday, February 9, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, FEBRUARY 8, 2:30 P.M.

1. Discussion of FOIA Appeals for EICSB (McTiernan) report and certain OGC documents. (Approximately 1 hour.) (Closed—Exemption 6.)

2. Discussion of response to motion by States of New York, Wisconsin, and Ohio regarding economic impacts of the uranium fuel cycle in the S-3 rulemaking proceeding. (Approximately 1 hour—public meeting.)

NOTE.—May be affirmed without discussion.

THURSDAY, FEBRUARY 9, 2 P.M.

1. Discussion of assessment of environmental impacts of uranium mills in agreement States. (Approximately 1½ hours—public meeting.)

2. Affirmation Items: (Approximately 5 minutes—public meeting.) (a) Order for Disposition of Petitions re Bally; (b) Amendments to 10 CFR Parts 50, 70 and 73 re Safeguards Contingency Plans; and (c) General Electric Co.—GE Test Reactor OLTR-1 Docket 50-70. (Rescheduled from February 1, 1978.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

[S-274-78 Filed 2-2-78; 2:14 pm]

[7910-01]

THE RENEGOTIATION BOARD.

DATE AND TIME: Thursday, February 2, 1978; 9 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Special Board meeting concerning: Foreign Military Sales.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 1, 1978.

GOODWIN CHASE,
Chairman.

[S-275-78 Filed 2-2-78; 3:32 pm]

[7910-01]

THE RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, February 14, 1978, 10 a.m.

PLACE: Conference Room, 4th floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 and 2 are open to the public; matters 3 and 4 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of meeting held February 7, 1978, and other Board meetings, if any.

2. Special Accounting Agreements:
A. Security Pacific National Bank, fiscal years ended December 31, 1971 through 1975.

B. Security Pacific Leasing Co., fiscal year ended December 31, 1975.

C. Security Pacific National Leasing, Inc., fiscal years ended December 31, 1973, 1974, and 1975.

3. Approval of agenda for meeting to be held February 28, 1978.

4. Approval of agenda for other meetings.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 1, 1978.

GOODWIN CHASE,
Chairman.

[S-276-78 Filed 2-2-78; 3:32 pm]

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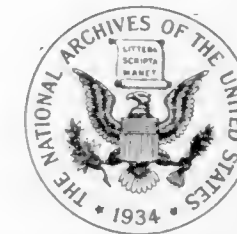
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MONDAY, FEBRUARY 6, 1978
PART II



ENVIRONMENTAL
PROTECTION
AGENCY

SOLID WASTE DISPOSAL
FACILITIES

Proposed Classification Criteria

[5650-01]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 257]

[Docket No. 4004; FRL 830-41]

SOLID WASTE DISPOSAL FACILITIES

Proposed Criteria for Classification

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The proposed regulations contain minimum criteria for determining which solid waste land disposal facilities shall be classified as posing no reasonable probability of adverse effects on health or the environment. The regulations are required by the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976. Under the 1976 Act, all facilities which do not meet these criteria are prohibited. Any existing facility not meeting these criteria must be closed or upgraded according to a State-established compliance schedule containing an enforceable sequence of actions leading to compliance. The regulations are also proposed under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977, providing guidelines for the disposal and utilization of sludge. Under the 1977 Act, the owner or operator of any publicly owned treatment works must use or dispose of sludge in accordance with these criteria. If the owner or operator chooses to use or dispose of the sludge on land, implementation of these criteria is expected to encourage the recovery and utilization of solid waste by eliminating environmentally unacceptable disposal practices.

EPA desires comments from the general public on these proposed criteria. EPA is particularly interested in comments on: (1) Adequacy of the criteria in providing for the protection of public health and the environment; (2) practicality of implementation of the criteria (including availability of technologies and methods to comply with the criteria and to determine compliance; and the feasibility of monitoring, administrative, and enforcement programs); (3) potential impacts on segments of our society and economy; and (4) any recommended alternatives.

DATE: The public comment period on the proposed criteria will extend at least to, May 8, 1978.

PUBLIC HEARING: MARCH 1, 1978, SAN DIEGO, CALIF.

For additional information relating to public hearings see "public participation" section under supplementary information.

A draft environmental impact statement/economic impact analysis (EIS/

EIA) on the criteria should be available for public review in the near future. The public comment period on the EIS/EIA will extend for 45 days from the date of publication in the FEDERAL REGISTER of the notice of its availability. The comment period on the criteria will be extended, if necessary, so that the two comment periods are concurrent and end on the same date. All written comments postmarked on or before the end of the public comment period will be considered. See "public participation" section.

ADDRESSES: The mailing address for all comments is Office of Solid Waste (WH-564), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; Attention: Mr. Shuster, Docket 4004. The official record of the rulemaking (Docket No. 4004) is located in Room 2107, EPA, 401 M Street SW., Washington, D.C. 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays. All written comments received to date and all comments on the proposed criteria are filed in this docket.

PUBLIC HEARING LOCATION

The Executive Hotel (Terrace Room), 1055 First Avenue, San Diego, Calif. Registration: 7 to 7:30 p.m.

FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth A. Shuster, Office of Solid Waste (WH-564), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; telephone 202-755-9116.

SUPPLEMENTARY INFORMATION: Authority. These regulations (hereinafter referred to as the criteria) are being proposed pursuant to the authority of sections 1008(a)(3) and 404(a) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580, 90 Stat. 2803 and 2815, 42 U.S.C. 6907(a)(3) and 6944(a)), hereinafter referred to as the Act, and pursuant to the authority of section 405(d) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (Pub. L. 95-217).

Section 1008(a)(3) of Pub. L. 94-580 requires EPA to "provide minimum criteria to be used by the States to define those solid waste management practices which constitute the open dumping of solid wastes." Section 4004(a) of the Pub. L. 94-580 requires EPA to promulgate regulations containing minimum criteria for determining which solid waste disposal facilities pose "no reasonable probability of adverse effects on health or the environment from disposal of solid waste at such facility," and which facilities do not. Section 405(d) of Pub. L. 95-

217 requires EPA to promulgate regulations for the disposal of sludge and the utilization of sludge for various purposes.

Implementation of these criteria are expected to encourage the recovery and utilization of solid waste by eliminating environmentally unacceptable disposal practices. This is in keeping with the Act, which urges the conservation and recovery of material and energy resources.

APPROACH

The purpose of the criteria is to provide minimum national standards for the protection of health and the environment from solid waste disposal facilities. The criteria provide minimum standards for the classification of disposal facilities.

EPA recognizes there are many factors which must be considered in determining if there will be an adverse impact and what the magnitude of the impact will be. Many of the factors vary from site to site, including climate, hydrology, geology, the amount and type of wastes, and ground and surface water proximity and usage.

One aim in developing these criteria was to be as specific as possible to facilitate the distinction or classification of disposal facilities, without reducing the flexibility of State solid waste management and enforcement agencies to take into account the site-by-site variations and make assessments based on local conditions. These criteria are not intended to prevent or restrict the authority or discretion of States to develop or utilize more stringent State or site-specific (situational) standards or criteria. States may choose to require more stringent location, design, construction, operation, maintenance, and performance standards where local conditions indicate.

Whenever possible the criteria utilize existing Federal, State, and local regulations or approaches in order to avoid duplication, inconsistencies, and unnecessary new regulations. For example, the wetlands and surface water criteria utilize the NPDES permit system established for point source discharge of pollutants under section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500). Also, the ground water criterion utilizes the approach of the underground injection control program proposed under the Safe Drinking Water Act (Pub. L. 93-523).

COVERAGE

These criteria for the classification of disposal facilities apply to all "solid waste" and "disposal" facilities which are defined in the Act (section 1004) as follows:

The term "solid waste" means any garbage, refuse, sludge from a waste treatment plant,

water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permit under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

The term "disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

The criteria as proposed do not apply to agricultural wastes, including manures and crop residues, returned to the soil as fertilizers or soil conditioners, or to mining and milling wastes intended for return to the mine. Congressional support for this exclusion is found in the House Report on the bill:

Agricultural wastes which are returned to the soil as fertilizers or soil conditioners are not considered discarded materials (solid waste) in the sense of this legislation. Similarly, overburden resulting from mining operations and intended for return to the mine site is not considered to be discarded material within the meaning of this legislation. (H.R. Rep. No. 94-1491, 94th Cong., 2d Sess. 2 (1976)).

Based on the definition of solid waste, the land application of domestic sewage and liquid effluent from the treatment of domestic sewage are excluded. However, these criteria do apply to the land disposal of sludge resulting from the treatment of domestic sewage.

In addition, these Criteria do not apply to irrigation return flows or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

These Criteria also do not apply to the location and operation of septic tanks. However, the disposal of septic tank pumpings is subject to these Criteria.

When regulations for hazardous waste disposal facilities are promulgated under Subtitle C of the Act, facilities for the disposal of hazardous waste must comply with those regulations instead of these Criteria. Similarly, when regulations for the State Underground Injection Control Program (UICP; 40 CFR Part 146) are promulgated under authority of the Safe

Drinking Water Act of 1974 (Pub. L. 93-523) they apply to underground well injection in lieu of these Criteria. However, the Criteria may be revised to incorporate sections of the UICP to reach problems in those States which do not have primary enforcement responsibility for the UICP.

The conventional use of the term "sanitary landfill" typically refers to the controlled burial of solid wastes, including municipal wastes (residential, commercial, and institutional wastes), sludges, ashes, industrial wastes, and/or construction or demolition wastes. Similarly, the term "open dump" conventionally refers to open, uncovered (often burning), and uncontrolled disposal sites for municipal and industrial wastes. These conventional definitions are more limited than intended by the definitions of the terms "sanitary landfill", "open dump", "solid waste", and "disposal" in the Act. Hence, these Criteria also apply to other types of wastes and to other solid waste management operations such as surface impoundments and waste utilization practices involving land application of solid waste as soil conditioners or fertilizers. To avoid any confusion which might otherwise result, these Criteria do not use the terms "sanitary landfill" and "open dump". The Criteria, however, provides the basis for the statutory definitions of these terms. Within the meaning of the Act, facilities which satisfy these Criteria are practices which "pose no reasonable probability of adverse effects on health or the environment" and facilities which do not satisfy these Criteria should be considered "open dumps" under those sections of the Act referring to this phrase.

SLUDGE DISPOSAL AND UTILIZATION

Section 405(d) of the Federal Water Pollution Act, as amended by the Clean Water Act of 1977 (Pub. L. 95-217) requires EPA to develop regulations providing guidelines for the disposal and utilization of sludge. These Criteria are proposed to partially fulfill EPA's responsibility under Section 405(d), with respect to the land disposal and landspreading of sludge. Information on the costs of these uses of sludge is being developed and will be proposed in the future, as will guidelines on additional uses of sludge, which may include incineration, energy recovery, and give-away or sale of sludge or composted sludge. Owners and operators of publicly owned treatment works are required by Section 405(e) to use or dispose of sludge in accordance with guidelines promulgated under Section 405(d). With respect to land disposal and landspreading the owner or operator must assure compliance with these Criteria. The owner or operator must (1) analyze the sludge

for cadmium and other toxic substances, (2) assure that the sludge has been appropriately stabilized, (3) determine the appropriate sludge application rates and assure that these rates are complied with, (4) determine what monitoring is required and assure that it is performed, and (5) develop any necessary contingency plans and assure they are complied with.

ADVERSE EFFECTS

In establishing the need for these regulations, Congress identified a number of adverse effects on human health and safety and on the environment from improper disposal of solid wastes.

Section 1002(b) of the Act states:

"The Congress finds with respect to the environment and health, that—

"... (2) Disposal of solid waste and hazardous waste in or on the land without careful planning and management can present a danger to human health and the environment;

(3) As a result of the Clean Air Act, the Water Pollution Control Act, and other Federal and State laws respecting public health and the environment, greater amounts of solid waste (in the form of sludge and other pollution treatment residues) have been created. Similarly, inadequate and environmentally unsound practices for the disposal or use of solid waste have created greater amounts of air and water pollution and other problems for the environment and for health."

The House Report accompanying the Act states:

"Disposal of solid wastes, including hazardous wastes, can have adverse environmental impact in several ways. The following paragraphs discuss five different types of such impacts.

(i) Perhaps the most pernicious effect is the contamination of ground water by leachate from land disposal of waste ...

(ii) Similar pollution of surface waters may occur ...

(iii) Solid waste disposal can contribute to air pollution through open burning, incineration, evaporation, or sublimation, and wind erosion. One should add to this the problem of generation of obnoxious odors ...

(iv) There have also been several cases of acute poisoning when hazardous materials were improperly disposed of ...

(v) Fires and explosions." (Emphasis added.) (H.R. Rep. No. 94-1491, 94th Cong., 2d Sess. 89 and 90 (1976)).

The House Report also states: "the adverse impacts ... include fire hazards; air pollution (including reduced visibility); explosive gas migration; surface and ground water contamination; disease transfer (via vectors such as rats and flies); personal injury (to unauthorized scavengers); and, aesthetic blights" (H.R. Rep. No. 94-1491, 94th Cong., 2d Sess. 37 (1976)). A number of specific examples of each of these types of adverse effects follow this statement in the Report.

The House Report also states on page 37: "An open dump is defined as

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a land disposal site where discarded materials are deposited with little or no regard for pollution or aesthetics, where the wastes are left uncovered, and where frequently the use of the site for waste disposal is neither authorized nor supervised. (Whereas), the effects on human health and the environment from real sanitary landfill should be slight."

These Criteria address these adverse effects in order to promote the proper disposal of solid waste, with no reasonable probability of adverse effects on health or the environment.

IMPLEMENTATION

Subtitle D of the Act specifies several actions related to these Criteria. Section 4005(b) requires EPA, within one year after promulgation of the Criteria, to publish an inventory of all facilities in the United States that do not comply with the Criteria. Thus, these Criteria will be used to determine which facilities will be included in the published inventory. Under Sections 4005(c) and 4003 of the Act, all facilities which do not meet these Criteria are prohibited. All new facilities must comply with the Criteria (Section 4003(2)). Any existing facility not in compliance must be closed or upgraded according to a State-established compliance schedule containing an enforceable sequence of actions leading to compliance within a reasonable time, not to exceed five (5) years from the date of publication of the inventory (Sections 4003(3) and 4005(c)). A facility may be placed on this State-established compliance schedule only where there is an EPA-approved State plan and where it has been demonstrated that no alternative which complies with the Criteria can be utilized. Thus, all noncomplying facilities are to be closed or upgraded as soon as practical, but in all cases within five years of publication of the inventory.

Implementation mechanisms for this prohibition include the regulatory powers established to implement the State plan (Section 4003), the citizen suit provisions of Section 7002, and the imminent hazard provisions of Section 7003. There are no statutory requirements for States to implement or enforce the open dumping prohibition, but States are not eligible for Federal financial assistance under Subtitle D of the Act if the State plan fails to provide for such implementation and enforcement. A State may, of course, adopt and implement the Criteria on its own initiative, without EPA approval of a State plan.

The inventory of open dumps is the key to implementation of the Criteria. The inventory will be conducted by evaluating solid waste disposal facilities against the Criteria and publishing a list of those facilities which do not comply with the Criteria. Since

the inventory process is the precursor to State planning and enforcement action, the Agency believes that State involvement should be maximized and State priorities emphasized. Therefore, it is the Agency's intent that the inventory evaluations be conducted by the States, with funding provided by EPA.

The Agency recognizes the practical difficulties inherent in applying the Criteria to all existing and new disposal facilities. Determinations as to whether facilities pose no reasonable probability of adverse effects on health or the environment (i.e. whether facilities comply with the Criteria) will require a number of extensive technical and scientific decisions. This is especially true in determining the potential for ground-water pollution. Furthermore, since facilities found in violation of the Criteria are prohibited by Federal law, due process considerations and adequate documentation of evidence are important.

Thus, it is the Agency's intent to provide, in a logical and progressive manner, for the necessary time-phasing of the implementation of the inventory process. This will be managed through the State planning and plan implementation provisions of the Act. Specific criteria and procedures for States to use in establishing priorities for implementation of the Criteria will be provided in the Agency's Guidelines for State Plans (Section 4002). Priorities for the inventory process and enforcement of the open dumping prohibition will be established on a State-by-State basis in accordance with the procedures established in these Guidelines.

In the "Guidance for the Development of State Work Programs for FY-78 under the Resources Conservation and Recovery Act (RCRA)" sent to the States by EPA on July 29, 1977, the following inventory priorities were recommended: (1) Residential, commercial, and institutional wastes, (2) municipal wastewater treatment sludge, (3) industrial wastes and pollution control residues and sludges, (4) agricultural wastes, and (5) mining wastes.

INTEGRATION WITH REGULATIONS FOR HAZARDOUS WASTE DISPOSAL FACILITIES

Regulations for hazardous waste disposal facilities are being developed by EPA under Section 3004 of the Act. EPA feels that the environmental effects of all land disposal facilities should be equivalent. That is, equal protection of human health and the environment should be provided regardless of waste type or disposal facility type. Operational and monitoring requirements, of course, may differ depending on such factors as the potential hazard of the waste and availability and reliability of control technology.

Therefore, the development of the hazardous waste disposal regulations is being coordinated with these Criteria so that the two regulations will accomplish consistent environmental results. Operational and monitoring requirements for hazardous waste disposal facilities, however, are likely to be more stringent.

NOTE.—Comments are solicited: (1) on the concept of consistency of environmental effects, and (2) on whether the level of environmental protection addressed by the Criteria is adequate.

INTEGRATION WITH SURFACE IMPOUNDMENT STUDIES UNDER THE SAFE DRINKING WATER ACT

Section 1006(b) of the Solid Waste Disposal Act as amended requires the Administrator to integrate the provisions and enforcement of the Solid Waste Disposal Act with other Acts under the Administrator's authority, including the Safe Drinking Water Act (SDWA) (Pub. L. 93-523), to the maximum extent practicable in order to avoid needless duplication of regulations and expenditures. There is a potential overlap between the Solid Waste Disposal Act and the SDWA with regard to surface impoundments such as pits, ponds, and lagoons.

Section 1442(a)(8)(C) of the SDWA requires a study of the nature and extent of the impact on underground water of ponds, pools, lagoons, pits, or other surface disposal of contaminants in underground water recharge areas. In partial fulfillment of this requirement, EPA intends to conduct, through grants to State agencies, an assessment of surface impoundments and their effects on ground water.

The criteria proposed by this action under the Solid-Waste Disposal Act apply to all solid waste disposal facilities, including surface impoundments. Thus, the inventory of open dumps required by section 4005(b) of the Solid Waste Disposal Act would include those surface impoundments which do not comply with the criteria. EPA intends to develop the inventory through grants to State agencies.

Thus, there is the potential for confusion and duplication of effort between the studies of surface impoundments to be conducted under the SDWA and the inventory to be conducted under the Solid Waste Disposal Act. Therefore, the Agency is closely coordinating these two efforts. The State grant programs under the two Acts may be consolidated for this purpose, subject to legal and administrative constraints, but must be coordinated. To this end, the studies and assessments planned under the SDWA will be used as the basis for identifying those surface impoundments that have the greatest potential for adverse effects and thereby will help the States in developing the inventory re-

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quired under the Solid Waste Disposal Act. Those impoundments which are identified as having the greatest potential for serious impact on ground water quality would be considered high priority for development of the Solid Waste Disposal Act inventory. Such impoundments which are found to violate the criteria proposed by this action would be placed on the inventory and be liable for closure or upgrading in accordance with the State planning and plan implementation provisions of the Solid Waste Disposal Act (sections 4003 and 4005) and the Federal prohibition of open dumping (section 4005).

However, the Agency has not yet determined the best regulatory approach to the control of surface impoundments. Except, of course, those surface impoundments that receive hazardous wastes are subject to the regulations for hazardous waste disposal facilities promulgated under Subtitle C of the Act. While the inventory process and Subtitle C regulations will begin to bring such facilities under State control under the Solid Waste Disposal Act, EPA will continue to explore and reevaluate its authorities under the Solid Waste Disposal Act, SDWA, the Federal Water Pollution Control Act, and the Toxic Substances Control Act of 1976 (Pub. L. 94-469, 90 Stat. 2003, 15 U.S.C. 2601) in order to determine the best regulatory approach under any or a combination of these various authorities. If these authorities are not sufficient to assure the adequate control of the disposal of wastes through surface impoundments, EPA will seek additional legislative authority which will assure a solution to this serious problem. States and the general public will be allowed ample opportunity to comment on the most effective means of regulating surface impoundments such as pits, ponds, and lagoons.

DETERMINING COMPLIANCE

Compliance with the criteria should be achieved through (1) application of the best practicable controls (technologies and practices), in conjunction with (2) environmental monitoring to determine if adverse effects do occur and if corrective action is necessary. This approach should provide for a reasonable probability of preventing adverse effects on health or the environment.

Some of the criteria establish environmental standards and others specify technologies or practices which are based on their potential for preventing adverse environmental effect. However, all the criteria specify that the facility be "so located, designed, constructed, operated, and maintained" in order to emphasize the use of best practicable controls and to allow a determination of compliance based on

site-specific evaluations of these control technologies and practices. Environmental monitoring is encouraged by EPA, because it represents a direct measure of any adverse effect. However, such monitoring programs may be very expensive, in many cases may not be necessary, and may place too much reliance on corrective rather than preventive methods. Therefore, the State may determine it is not necessary to monitor if the facility is such that no adverse effect is expected because of low volume or inert or innocuous wastes, or because the control technology and practice are considered to be reasonably able to achieve the environmental standards. On the other hand, monitoring alone does not eliminate the need for application of the best practicable controls.

DISCUSSION OF PROPOSED CRITERIA

DEFINITIONS

All definitions contained in the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 apply in these Criteria. The most pertinent of these definitions are: "disposal," "sludge," "solid waste," "open dump," "sanitary landfill," and "State." The definition for "hazardous waste" given at section 1004(5) of the Act will be further defined (and revised when appropriate) under section 3001(a), and a listing of hazardous wastes will be promulgated (and revised when appropriate) under section 3001(b) of the Act.

The following definitions were taken verbatim from section 502 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500): "Contiguous zone," "navigable waters," and "point source." "Discharge of pollutants" was expanded from the definition in Pub. L. 92-500 to include nonpoint sources.

The definition of "wetlands" was taken from the Army Corps of Engineers "Permits for Discharges of Dredged or Fill Material into Waters of the United States" (33 CFR 323.2(c)). This definition is essentially the same as that contained in Executive Order 11990 (42 FR 26961, May 24, 1977), which states: "Wetlands means those areas that are inundated by surface or ground water with a frequency sufficient to support and (which) under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, wet meadows, river overflows, mud flats, and natural ponds."

The definition of "endangered" is based on the usage of this term in "Proposed Regulations, State Underground Injection Control Programs"

(41 FR 36726, August 31, 1976) developed under authority of the Safe Drinking Water Act of 1974.

ENVIRONMENTALLY SENSITIVE AREAS

Section 257.3-1 concerns the location of disposal facilities in environmentally sensitive areas. Environmentally sensitive areas in the Criteria are wetlands, floodplains, permafrost areas, critical habitats of endangered species, and recharge zones of sole source aquifers. These areas were selected for coverage in this criterion because EPA feels these areas are natural assets (have beneficial qualities) which are not adequately protected by the other six criteria (§§ 257.3-2 through 257.3-7). Before any new site may be located or any existing disposal site may be expanded in an environmentally sensitive area, the facility must clearly meet the criteria contained in paragraphs (a) through (e) of § 257.3-1. In general, disposal sites should not be located in environmentally sensitive areas when feasible alternatives exist, unless it can be clearly demonstrated that there will be no significant adverse impact on the ecosystem or human health from the operation of the facility in such an area. In determining whether other feasible alternatives exist, the availability and practicality of alternative disposal sites (both existing and potential) should be assessed in terms of hydrogeologic, technological, environmental, economic, and other pertinent factors. In order to ensure that no significant adverse impact on the ecosystem exists, the types and extent of potential adverse impacts must be identified. The facility must be designed, constructed, operated, completed, and maintained for as long as necessary to minimize, prevent, or correct such impacts. Even if a facility by itself may have a minimal impact, consideration should be given to a general appraisal of the specific environmentally sensitive area in terms of rate of encroachment, cumulative impact, and multiplier effect of other activities.

The State agency or agencies (as designated in accordance with section 4006(b) of the Act) should review such determinations with respect to the completeness and accuracy of information, whether other alternatives exist, whether the engineering design and plans are adequate, and whether the assessment of alternatives versus potential environmental impacts provides sufficient justification for location of the facility in the environmentally sensitive area.

Wetlands. The Nation's coastal and inland wetlands are vital natural resources of great hydrological and ecological importance. Wetlands provide natural flood control, recharge of aquifers, natural purification of waters, and flow stabilization of

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streams and rivers. Wetlands produce large quantities of nutrients which support complex ecosystems extending into estuaries and streams, etc., well beyond the marshes and wetland areas. Wetland habitats support fish, shellfish, mammals, waterfowl, and other wildlife fauna and flora. Wetlands are used in the production of many agricultural products and timber and for recreational and scientific pursuits.

In the past, solid waste disposal sites have frequently been located in wetland areas, generally because there has been less public resistance to locating them there, the land is cheaper, and when completed the land is often sold or used for a direct economic purpose. The alternation and destruction of the wetland resources through draining, dredging, landfilling and other means has had an adverse cumulative impact on wetlands and other aquatic resources. Recent estimates indicate over 40 percent of the 120 million acres of wetlands in the United States that existed 200 years ago have been irrevocably destroyed.

The intent of the § 257.3-1 (a) criterion is to prevent the destruction of wetlands. New disposal sites may not be placed in wetlands and existing operations may not be continued in wetlands unless an NPDES permit has been obtained (under section 402 of the Federal Water Pollution Control Act (FWPCA) Amendments of 1972 (Pub. L. 92-500, 86 Stat. 880, 33 U.S.C. 1342), and if a levee, dike, or other type of containment structure is to be placed in the water as part of the disposal activity, an Army Corps of Engineers permit has been obtained (under section 404 of the FWPCA) according to 33 CFR Parts 320-329. There is a strong presumption against the issuance of an NPDES permit for the discharge of solid waste into wetland areas. Only upon a showing of extraordinary circumstances—including a demonstration of alternative methods of disposal, an assessment of environmental impact for each alternative, an assessment of the technical and economic feasibility of each alternative, and a justification for the wetlands disposal alternative in view of the environmental impact and feasibility—will an NPDES application be considered and an NPDES permit issued. Any NPDES permit issued for the discharge of solid waste into wetland areas must assure that the facility utilizes appropriate technologies and/or best management practices to minimize any adverse effects.

This approach conforms with the intent of Executive Order 11990 dated May 24, 1977, concerning Protection of Wetlands.

Floodplains. Disposal of solid waste in floodplains may have several significant adverse impacts: (1) If not ade-

quately protected from flooding, wastes in a disposal site may be inundated by water and flow from the site, affecting downstream waters; (2) since floodplains generally have direct hydraulic connection to wetlands, surface water, and ground water, location of disposal sites in floodplains may result in leachate contamination of ground water; (3) filling in the floodplain may restrict the flow of flood waters, causing greater flooding upstream; and (4) filling in the floodplain may reduce the size and effectiveness of the flood-flow retaining capacity of the floodplain which may cause a more rapid movement of flood waters downstream, resulting in higher flood levels and greater flood damages downstream.

For purposes of these Criteria the floodplain is defined by the 100-year flood level. This level is considered adequate to minimize the chances for site inundation and increased flood levels and damages. This level is considered conservative in many parts of the country because construction activities (buildings, roads, storm sewers, etc.) continue to increase runoff, thereby increasing flood levels for similar precipitation incidents. The 100-year floodplain has been mapped for many areas of the Country by the U.S. Geological Survey, Army Corps of Engineers, and Department of Housing and Urban Development. The 100-year floodplain is determined by the techniques described in "A Uniform Technique for Determining Flood Flow Frequencies," Bulletin No. 15, Water Resources Council, Hydrology Committee, December 1967. For unmapped areas, the Water Resources Council is developing procedures for determining flood levels, according to Executive Order 11988, dated May 24, 1977.

The intent of this criterion is: (1) To require an assessment of any new disposal site or expansion of any existing site in a floodplain to determine the potential impact or the disposal site on downstream and upstream waters and land, (2) to prohibit such disposal activities if the site as designed may cause increased flooding during the base flood, and (3) if the disposal site is located in a floodplain, to require the use of available technologies and methods to protect against inundation by the base flood and minimize potential for adverse effects on water quality and on the flood-flow capacity of the floodplains.

In general, it is available not to locate solid waste disposal facilities in the 100 year floodplain. Therefore, EPA encourages the search for and siting of disposal facilities out of the 100 year floodplain. However, landspreeding of wastes in the floodplain as fertilizers or soil conditioners for agricultural or vegetative purposes may be

beneficial and should not pose a significant adverse impact on flood levels or water quality if the other criteria are met, and, therefore, is exempt from the floodplain provision. Other disposal facilities in floodplains should be designed and operated to protect against inundation by the 100 year flood, minimize the acreage of the floodplain consumed by the site, and limit the wastes to nonhazardous, more inert types.

As with the destruction of wetlands, EPA feels that although the environmental impact of an individual site may be considered minimal, the cumulative effect of the continued encroachment on the destruction of these areas warrants a careful evaluation of total impacts of human activities and the discouragement of site location in these areas unless other suitable sites cannot be found.

This approach conforms with the intent of Executive Order 11988 dated May 24, 1977, concerning Floodplain Management. Federal Agencies are required to comply with this Executive Order and State agencies are encouraged to develop and apply similar policies and to consider the provisions of the Unified National Program for Floodplain Management of the Water Resources Council.

Permafrost areas. Permafrost is permanently frozen subsoil, occurring where the freezing depth each winter exceeds the summer thaw depth. Water in permafrost areas occurs seasonally at or near the ground surface, above the permanently frozen subsoil in the active zone. In portions of arctic Alaska the depth of thaw or active zone is less than eighteen inches.

Disposal of solid waste in permafrost areas presents three environmental problems. First, any disturbance of the delicate insulating plant and moss cover increases the depth of annual thaw. Since permafrost commonly consists of supersaturated soils and ice, an increased depth of thaw can alter the surface contour, create lakes, and cause significant erosion. Moreover, any activity to correct the erosion or to control surface and subsurface waters tends to increase the thaw and erosion problem. Second, since the active zone is commonly the only source of drinking water, solid waste disposal in the active zone may cause difficult water pollution problems. All seasonal water movement occurs in this active zone and leachate contamination is very likely. Third, waste deposited in permafrost areas is generally deposited on the surface and undergoes very little change over time so that it accumulates and remains exposed to future generations.

Current recommended practices being implemented where feasible in Alaska's arctic are as follows:

(a) Recyclable materials, such as scrap metal, batteries, tires, etc., are

salvaged and transported south for recycling or other approved uses.

(b) Combustible and putrescible wastes including sewage sludge are incinerated.

(c) Deep well injection of incinerator residue and other wastes is practiced where drilling equipment is available.

(d) Wastes are hauled to a more temperate region for environmentally sound processing and disposal.

(e) Landfilling is limited to inert incinerator residue and a few other non-recoverable, inert items.

(f) Landfills are allowed only in selected areas where the soils are relatively dry and workable, and little or no vegetative cover exists. Only regional landfills are allowed (i.e., only the minimum number adequate to serve a region).

The assessment of alternatives and potential impacts required in this criterion is to include all the above practices.

Critical habitats. Under Section 7 of the Endangered Species Act (ESA) of 1973 (16 U.S.C. 1536), all Federal departments and agencies, in consultation with the Department of Interior, are to utilize their authorities in furtherance of the purposes of the ESA, including the protection from destruction or modification of such habitats as the Secretary of Interior has determined to be critical to the continued existence of endangered species listed under Section 4. Any specific geographical area identified as critical habitat in 50 CFR Part 17, Subpart F may not be used for the disposal of solid waste unless it is demonstrated that the facility design, construction, operation, and maintenance will not jeopardize the continued existence of endangered species, and approval is obtained from the Office of Endangered Species, Fish and Wildlife Service, Department of Interior. Where other feasible alternatives exist (including technological and economic considerations), such critical habitat areas should not be used for solid waste disposal.

Recharge zones of sole source aquifers. Aquifers are water-bearing geologic formations which often yield significant quantities of water to wells or springs; a large percentage of the population in this country obtains its drinking water supply from these sources. Aquifers are replenished through recharge zones which are permeable to rainfall and surface runoff and through which the aquifer is susceptible to contamination. Section 1424(e) of the Safe Drinking Water Act of 1974 (Pub. L. 93-523) makes it possible for EPA to designate areas which are solely or principally dependent on an aquifer for drinking water supply. Disposal sites should not be located in the recharge zones of sole source aquifers when feasible alterna-

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tives (including technological and economic considerations) exist. However, when waste disposal facilities are located in the recharge zones of aquifers serving these designated areas they must be located (taking advantage of topography, depth to ground water, and natural soils), designed, constructed (generally including artificial liner(s)), operated, maintained, and monitored to prevent endangerment of the water source.

Other areas. The criteria on environmentally sensitive areas have been limited to wetlands, floodplains, permafrost areas, endangered species habitats, and recharge zones of sole source aquifers. Additional areas considered by EPA included active fault zones and karst terrain.

Surficial disturbances by active faults may result in shifts in waste disposal sites which may damage any liners used or expose wastes. Certainly, hazardous wastes should not be disposed in sites located over truly active fault zones. This issue will be addressed in the regulations being developed for hazardous wastes under Subtitle C of the Act. Active fault zones with a history of surficial disturbances are very few and well known in the United States. EPA had not proposed to specifically address this problem in these Criteria because those few States with such unique areas already have adequate controls.

Karst terrain is terrain which has been formed over limestone, dolomite, or gypsum as a result of solution processes; it is characterized by closed depressions or sink holes, caves, and solution channels, and commonly has underground drainage. Disposal of solid wastes on such a terrain faces problems distinctive to this unique geological setting: (1) Leachate produced at the site may be channeled without attenuation via solution cavities beneath the site into ground water and transported rapidly over substantial distances to unpredictable locations via turbulent groundwater flow through solution channels in the bedrock, and (2) a cavern or sink hole beneath the site can, in effect, ingest the entire disposal site into the ground water channels within the bedrock.

Because the characteristics and potential impact of karst terrain are so variable and complex, and because the ground-water criterion addresses the major concerns of disposal in karst terrain, EPA decided not to include karst terrain in the "Environmentally Sensitive Areas" criteria. However, care should be taken in evaluating risks on a site-by-site basis before solid wastes are disposed of on karst terrain. Surface geophysical techniques such as seismic and electrical resistivity surveys, when corroborated by well log data, are valuable in assessing subsurface conditions by indicating the abun-

dance and sizes of air and waterfilled solution cavities in the underlying bedrock.

NOTE.—Comments are particularly solicited on the inclusion or exclusion of wetlands, floodplains, permafrost areas, endangered species habitats, sole source aquifers, active fault zones, and karst terrain as environmentally sensitive areas.

SURFACE WATER

This criterion seeks to help achieve the objective of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) of restoring and maintaining the integrity of the surface waters of the United States. Accordingly, all point source discharges of pollutants, including surface runoff, surface leachate, or leachate treatment effluent, must comply with an NPDES permit issued for the facility according to Section 402 of Pub. L. 92-500.

The criterion also requires, where possible, the prevention of direct discharges into surface waters of non-point sources of pollutants (unchanneled leachate seepage and surface runoff which may contain leachate, waste materials, or erosion sediment). Non-point source discharges should be prevented or minimized through facility design, operation, and maintenance, (e.g. by artificial or natural barriers, liners, or dikes), and by collection of such waters if produced (e.g. by ditch or trench). When collected, such waters become a point source which requires an NPDES permit if discharged to off-site surface waters. Flow of surface runoff from adjacent and surrounding lands should be channelled away from the disposal site to avoid contamination.

GROUND WATER

Ground water is often a high quality, low cost, readily available source of drinking water. At least one half of the population of the United States depends upon ground water as a source of drinking water. Approximately ninety-seven percent of the Nation's water resource (excluding the oceans) is ground water. In many regions, ground water is the only economic and high quality water source available. In others, ground water can be developed at a fraction of the cost of surface water. Ground water in aquifers across the Nation is generally suitable for human consumption with little or no treatment necessary. Some large cities rely exclusively on ground water for drinking water.

¹ See "Waste Disposal Practices and their Effects on Ground Water, The Report to Congress," Office of Water Supply and Office of Solid Waste Management Programs, EPA, January 1977, for a further discussion of ground-water resources and contamination sources and problems.

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Ground water has been contaminated by solid waste disposal facilities on a local basis in many parts of the Nation and on a regional basis in some heavily populated and industrialized areas, precluding its use as drinking water. Serious local economic problems have occurred because of the loss of ground-water supplies. The degree of contamination ranges from a slight degradation of natural quality to the presence of toxic concentrations of substances. Effective monitoring of potential sources of ground-water contamination is almost nonexistent, and many known instances of contamination have been discovered only after ground-water users have been affected.

Ground water usually moves very slowly; therefore, it often takes years or decades for contaminants to reach water users. It also takes decades or even centuries for a ground-water resource to purge itself even after a contamination source has been removed. The mechanisms of soil attenuation (sorption, ion exchange, precipitation, dispersion, or decay) have a limited capacity and are also reversible. Because of this, soil attenuation alone may be insufficient to assure prevention of ground-water contamination from a waste disposal facility.

When contamination does occur, legal action is seldom taken against the source of contamination because adequate monitoring generally does not exist, it is often very difficult and costly to prove the source of contamination, and the contamination may have occurred in the past, with no one remaining to take responsibility.

Since removing the source of contamination still does not clean up the aquifer once contaminated, the contamination of an aquifer can rule out its usefulness as a drinking water source for decades and possibly centuries. Also, cleanup of contaminated ground water may not be economically or technically feasible. Thus, the most effective means for protecting ground water is to control and monitor the potential source of contamination, rather than the aquifer or point of water use.

Proper site location (including avoidance of aquifer recharge zones), ground-water and land use planning, and proper design, construction, operation and maintenance of facilities are the principal techniques available for minimizing potential ground-water contamination problems. Where economics or other factors dictate that sites be located in areas of critical ground-water use (such as existing or potential drinking water sources), such technology as physical containment (liners), collection, and treatment of leachate may be necessary.

The ground-water criterion seeks to protect current users of the ground

water and to protect other designated ground water for future use. Of primary concern is protection of current and future ground-water drinking water supplies.

The criterion uses the "endangerment" approach proposed for the Underground Injection Control Program (41 FR 36726) which prohibits contamination that would require additional treatment of current or future drinking water supplies or otherwise makes the water unfit for human consumption.

The ground-water criterion provides for application of "endangerment" at the property boundary of the disposal site. However, prevention of contamination of ground water within or under the site is often the only means to effectively achieve this goal at the property boundary. Monitoring ground water quality at the "waste boundary" (or within or under the site) may be desirable in order to anticipate potential "endangerment" at the property boundary and to measure effectiveness of control technology. Monitoring only at the property boundary may not provide ample opportunity for appropriate corrective actions because of time, economic, and technical constraints. Extending the property boundary would only postpone and aggravate the problem and would evade the intent of this criterion.

Some reviewers of early drafts of the Criteria have suggested that, in addition to or in lieu of the property boundary as point of application of "endangerment", a specific distance be designated. The specific distance (e.g. one kilometer) could be measured from the edge of the point of waste deposition or from the property boundary of the disposal facility. For example, "endangerment" would be determined on the basis of the site's property boundary or a point one kilometer from the edge of the waste deposit, whichever is closest to the solid waste.

NOTE.—While this approach is not proposed in the Criteria, comments on it are specifically solicited. Comments in support of this approach should indicate the distance which would be specified in the Criteria and explain the rationale for selection of that distance.

Under the ground-water criterion it is necessary to assess the impact of disposal facilities relative to the current and planned future utilization of the ground water. Utilization is divided into two categories: Case I addresses ground water currently used or designated for use as drinking water supplies or undesignated water containing 10,000 mg/l total dissolved solids or less; and Case II addresses ground water designated for other uses. Thus, the criterion seeks to recognize and encourage definitive water planning decisions at the State and local levels.

In the case of ground water currently used or designated (planned) for use as a drinking water supply, the quality of the ground water beyond the disposal facility is to be maintained for that use. That is, the disposal facility is not to "endanger" the ground water beyond the property boundary.

In certain situations, conscientious resource management and societal needs may dictate that ground water be maintained at a quality either higher or lower than that provided by the "endangerment" concept which is based on the water quality needed when the water is used for drinking purposes. Such resource management decisions are appropriate at the State and local planning levels and should include participation of the public (e.g. public notice and hearings), involving the users of both the ground water and the facilities which may affect ground-water quality. Thus, if after specific determinations States designate ground water for uses other than drinking water, they should establish the quality at which the ground water is to be maintained consistent with the designated use. Consideration must be given to the finality of the designation and the potential impact on other water resources. The impact of a disposal facility would then be assessed against that quality specified by the State.

In order to predict, as early as possible, the potential for ground-water endangerment or the impact on ground-water quality, the disposal facility should be monitored so as to indicate the movement of contaminants from the disposal facility into the ground water. Contingency plans should be formulated for corrective actions to be taken in the event that an adverse impact is indicated by the monitoring.

AIR

Open burning is the uncontrolled or unconfined combustion of solid wastes. Uncontrolled means (1) the air or oxygen to fuel ratio (which determines the temperature and efficiency of combustion) is not governed, (2) the combustion residence time and mixing is not governed, or (3) the emissions of pollutants into the air are unchecked. Emissions of pollutants into the air from open burning are high compared to controlled burning such as municipal incinerators with air pollution control equipment (Table 1).

TABLE 1.—Average emissions of air pollutants¹
(In pounds per ton)

Air pollutants	Open burning	Municipal incinerator	
		Wet scrubber	ESP ² Unit
Particulate ³	16	3.7	2.1
Carbon monoxide ..	85	35.0	36.0

TABLE 1.—Average emissions of air pollutants¹—Continued
(In pounds per ton)

Air pollutants	Open burning	Municipal incinerator	
		Wet scrubber	ESP ² Unit
Hydrocarbons ⁴	30	1.5	1.5
Nitrogen oxides.....	6	3.0	3.0
Sulfur oxides.....	1	2.5	2.5

¹ SOURCE.—"Compilation of Air Pollutant Emission Factors," EPA Report No. AP-42, 2d edition.

² Electrostatic precipitator.

³ The EPA new source performance standard (40 CFR pt. 60) for particulate emissions from new incinerator facilities corresponds to 1.5 lbs/ton of waste.

⁴ Expressed as methane (CH₄).

The impact of open burning is particularly acute in the major metropolitan areas and air basins. Open burning of wastes is generally prohibited in such areas unless a variance is obtained from the State and local air pollution control agency or board. However, establishing variances based on potential impacts is very complex because of the dynamic nature of the many variables involved (existing air quality, wind speed, humidity, mixing and vertical dispersion, efficiency of the burn, terrain, amount and type of wastes, etc.). Because of this, adequate variance procedures are often difficult to administer and enforce.

In addition to the potential health and property damages from air pollution, significant safety and damage threats caused by smoke and fire are associated with open burning. Smoke from open burning of wastes can reduce air and auto traffic visibility, and has resulted in incidents of multiple car accidents and deaths on expressways. Unconfined fires at dumps may spread and result in damage to property.

Because of these concerns, the criterion for air contains a prohibition of open burning for residential, commercial, institutional, and industrial wastes. Open burning of other waste types is also prohibited, except that, in special situations, States may give variances to this prohibition in accordance with State or local variance procedures. Such variances are to be conditioned upon specific climatological and meteorological situations (e.g. air flow conditions and air quality), topographical and land use situations (e.g. in a valley, on a hillside, next to a hospital), and assessments of waste types and amounts, and are to provide for confinement to prevent the spread of fires. Such variances are not to be given in situations where smoke may interfere with the visibility of air or road traffic (i.e., near airports or expressways). An example of a waste type and situation when such a burning variance may be issued would be

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field and brush burning for agricultural purposes, under specific atmospheric conditions.

The air criterion also calls for the control of harmful waste emissions by evaporation and sublimation so as to protect public health and welfare.

NOTE.—Comments are requested on the advisability of also including specific emission or air quality limits based on a modification or extrapolation of OSHA air quality standards.

APPLICATION TO LAND USED FOR THE PRODUCTION OF FOOD CHAIN CROPS

Practices which result in the conservation, recovery, or utilization of waste materials in environmentally safe ways are strongly encouraged by EPA. The application of solid waste to the surface of the land may provide a significant benefit through the addition of organic matter, nitrogen, phosphorus and certain other essential trace elements to the soil. Specifically, the use of solid waste by land application coupled with good management techniques for enhancement of parks and forests and reclamation of poor or damaged terrain should be considered for the utilization of solid waste. Application of solid waste to agricultural lands may also be regarded as an environmentally acceptable method of disposal. However, when improperly managed, such practices can create a potential threat to the future productivity of the land and to the human food chain through the entry of toxic elements, compounds, and pathogens into the diet. Therefore, special criteria have been established for facilities that produce food chain crops. These Criteria require the implementation of good system design and operation in order to restrict practices that pose a substantial risk to public health or the environment. Only those facilities which are involved in the production of food chain crops must meet these special criteria as well as all other criteria in this regulation. Food chain crops are defined as tobacco; crops grown for human consumption; and pasture, forage, and feed grain for animals whose products are consumed by humans. (Facilities used for the disposal of solid waste on land which is not involved in the production of food chain crops are not subject to these special criteria. However, they must meet all other criteria in this regulation.)

At this time the criteria only address cadmium, pathogens, pesticides, persistent organics, and direct ingestion of waste. The criteria will be revised in the future to address other metals, organics, and compounds as more information becomes available on the human health implications of their application to land (e.g., PCBs, and other persistent organics). Future revisions of the criteria will also address

substances which could adversely affect the productivity of agricultural land. Potentially phytotoxic metals such as zinc, copper, and nickel will be considered for inclusion. In the interim, additional guidance on maximum application rates and application of solid wastes to nonfood chain lands can be obtained from State and Federal agricultural departments, as well as from EPA's technical bulletin entitled "Municipal Sludge Management: Environmental Factors" (EPA 430/9-77-004).

The application of solid waste to land used for the production of food chain crops can, under certain conditions (e.g., solid waste with high levels of cadmium applied on low pH soils), result in significantly increased cadmium levels in certain crops. Further, cadmium is a cumulative toxicant so that the risks from continued ingestion at elevated levels increase over time. Because of these concerns, it is the intent of EPA to move toward minimizing cadmium additions to crop land by controlling waste disposal practices.

EPA, the Food and Drug Administration, and the U.S. Department of Agriculture as well as many other groups are concerned over the conduct of any practice which could significantly increase the cadmium level in food crops beyond current levels. This concern arises from an FDA assessment of teenage males in this country (class of individuals which consumes the most food), which concluded that their average daily intake of cadmium food and water approximates the total tolerable daily intake level recommended by the World Health Organization. FDA has stated that: "While there is no evidence that the present cadmium level in the U.S. diet poses a health hazard now, prudence dictates that new developments should not be established on a large scale that could cause a significant and possibly irreversible increase of cadmium in the food supply."

Based on these concerns, it is the intent of these criteria to minimize the movement of cadmium from solid waste applied to the land into the food chain. Two approaches are included for the management of cadmium. The first approach includes four site management controls which will minimize the uptake of cadmium. Under this approach, crop cadmium monitoring is not necessary. The second approach is specifically designed for facilities which are closely managed and monitored. It allows for the comparison of crops or meats produced from solid waste amended soils with similar crops or meats produced locally where solid waste has not been applied. This approach provides flexibility to those facilities which possess the necessary resources and expertise to intensively manage and monitor their operations.

The first approach (§ 357.3-5(a)(1)) includes four site management controls. Under this approach, annual and cumulative cadmium addition criteria are specified. A phased reduction of annual cadmium additions is proposed. This provides a limitation to be imposed immediately that will provide initial protection to the human diet. Over time, this proposed limitation would become more stringent, thereby providing greater degrees of protection. Phasing also gives communities and industry the time necessary to implement programs, such as source control and pretreatment of industrial discharges, to reduce further the cadmium concentrations in their wastes.

NOTE.—Comments are requested on the public health and environmental implications of this phased approach. Comments are also requested on the ability of locally implemented industrial waste pretreatment programs to reduce solid waste cadmium concentrations to levels which will permit continued land application on food chains crops within the schedule shown.

The maximum cumulative cadmium addition is based on soil cation exchange capacity (CEC) even though it is recognized that soil CEC is not the only factor to consider in setting levels of cumulative cadmium additions to soil. Other soil factors such as organic matter and hydrous oxide contents may be equally or more important in limiting metal availability. However, the cation exchange capacity of the soil was selected since it provides a measurable index of the soil's ability to limit cadmium availability to plants.

Data indicate that nearly all food crops may accumulate cadmium when grown on waste-amended soil with elevated cadmium levels. However, leafy vegetables, root crops, and tobacco generally accumulate cadmium to a greater degree than do grains. Therefore, in order to protect the food chain, this alternative places further restrictions on the cadmium concentration in solid wastes which are applied to land use for the production of leafy vegetables, root crops, and tobacco.

In order to minimize the movement of cadmium into plants as well as ground water, this alternative requires that the pH of the solid waste and soil mixture be controlled. While not included in the criteria, it is recommended that the ratio of cadmium to zinc in the solid waste be less than or equal to 0.015 (especially for high cadmium content solid wastes) where solid waste is applied to naturally acidic soils.

The second approach § 257.3-5(a)(2) recognizes the fact that a wide variety of site specific conditions and management variables can affect the level of cadmium entering crops. Rather than relying on operational criteria this approach establishes a minimum level of performance based on a comparison

with the cadmium levels of the same crop species or meats produced locally where solid waste has not been applied.

The application of solid waste to land used for the production of crops which are directly consumed by man rather than by animals, must have cadmium concentrations which are comparable to similar crops raised locally. Adequate protection should be provided by comparing the cadmium concentrations in meats which are marketed (especially those portions of the animal which are known to accumulate cadmium such as the kidney and liver) rather than pasture grasses, forage, or other crops raised for animal consumption. This approach also requires that a contingency plan be developed which identifies alternative courses of action if the levels of cadmium in the crop are not found to be comparable with other local crops. The plan, at a minimum, should address restrictions on crop marketing future land use and sludge application rates.

NOTE.—Comments are requested on how to define comparability. Specifically, what analysis, if any, should be performed on the local crop or meat cadmium level monitoring data in order to establish the maximum allowable crop or meat cadmium levels permissible at a land application facility?

While the criteria in this section apply to all solid wastes, certain of them specifically address wastes of concern due to their pathogen content. Such wastes include hospital waste, municipal wastewater treatment sludge, and other wastes which may be of particular concern due to their pathogen content. The criteria require stabilization if such wastes are applied directly to the land's surface. In addition, crops normally eaten raw may not be grown for at least 1 year following the application of such wastes. A longer delay may be necessary if there are positive indications of viable *Ascaris* ova.

Since many solid wastes contain pesticides and persistent organics, in addition to heavy metals, the criteria require that any food and animal feeds grown on solid waste amended soils meet all applicable food quality regulations.

The direct ingestion of certain solid wastes (e.g., municipal wastewater treatment sludge) may be of concern especially if they contain pathogens, toxic organics, or heavy metals (especially cadmium, lead, and PCBs). Therefore, these wastes must be managed to avoid direct consumption of freshly applied solid waste by animals raised for milk or by humans.

DISEASE VECTORS

The criteria require that the facility minimize the availability of food and harborage for disease vectors, and,

when necessary, use other means to control disease vectors. Of particular concern are rodents. At facilities which dispose of uncomposted or unprocessed putrescible wastes, an effective means to control rodents may be the application of cover material at the end of each operating day. Other means include composting or processing the waste so as to render it unattractive to rodents, or, generally less desirable but sometimes necessary, using rodenticides or repellants. At some facilities birds and flies are more difficult to control than rodents, but certain practices, such as the application of cover material, can help alleviate these problems. Mosquitoes can be controlled by eliminating as much as possible the availability of standing water for breeding, by nonchemical controls such as predatory or reproductive control, and if necessary, by spraying with insecticides or repellants.

Cover material. Cover material serves many purposes: (1) It helps in disease vector and rodent control, (2) it helps contain odor, litter, and air emissions, which enhances esthetics, (3) it lessens the chance and spread of fires, (4) it reduces infiltration of rainwater by increasing runoff and thereby decreases leachate generation and surface and ground water contamination, and (5) it enhances the site appearance and utilization after completion.

Because of the many advantages of cover material, the criteria require the use of cover materials where appropriate for the disposal of "all unshredded, unstabilized, putrescible wastes." In remote areas, to minimize economic impact, EPA recommends regionalization and operation of disposal sites only on days when equipment is available to apply cover material. Cover material is already a requirement for such wastes in many States.

Landspreeding of stabilized and composted wastes, surface impoundments, mining and milling wastes, and certain relatively inert wastes such as construction, demolition, and land clearing debris, generally do not require cover material because the wastes are nonputrescible, relatively stable and inert, or they are impracticable to cover. Because of these exceptions, the various criteria call for periodic application of cover material "where appropriate."

"Periodic application of cover material" is defined in § 257.2(s) as "the application of soil or other suitable material over disposed solid waste at such frequencies and in such a manner as to impede vectors and infiltration of precipitation; reduce and contain odors, fires, and litter; and to enhance the facility's appearance and future utilization." In general, these results can be achieved by covering the site at the end of each day that it is open to re-

ceive wastes. In remote areas, on days when sites are not open, storage bins may be provided for temporary storage of wastes.

SAFETY

Safety hazards include explosive, toxic and asphyxiating gases, fires, bird hazards, and exposure to wastes through uncontrolled access to disposal sites.

Gases. Solid waste disposal sites may produce explosive, toxic, or asphyxiating gases which may accumulate onsite or migrate offsite. Products of solid waste decomposition, oxidation, volatilization, sublimation, or evaporation may include gases such as methane and hydrogen (explosive and asphyxiating), carbon monoxide and carbon dioxide (asphyxiating) and chlorine (toxic). The presence of any of these or similar gases at a disposal site, in sufficient concentration, can pose a serious threat to the health and welfare of site employees and users, and occupants of nearby structures. Explosions, asphyxiations, and poisonings resulting in injury and death have resulted from disposal site gases. In addition, property damage, groundwater contamination, and vegetation destruction onsite and on adjacent lands have been caused by solid waste disposal gases. Measures need to be conscientiously implemented at waste disposal sites to avoid, prevent, or control the formation and migration of these gases.

The criteria call for the use of technology and methods to prevent gas migration offsite and to prevent accumulation in onsite structures in harmful quantities. The measures used to accomplish this are many, and frequently site specific. They may include control of incoming waste materials which may cause problems, location of the site away from occupied structures, design of structures onsite or on adjacent land to prevent migration, construction of barriers to gas migration at the site boundary, and use of vents or gas collection systems. Lateral migration may be impeded by surrounding the disposal site with low-permeability soils or other barrier materials. However, since all materials are somewhat permeable these barriers should be used in conjunction with vents. Vents may consist of gravel or open trenches adjacent to the low-permeability barrier and the use of porous or slotted pipes with or without pumps to stimulate gas flow either for dispersion into the atmosphere, or for concentration, destruction, or utilization, usually by combustion.

The explosive gas criterion is not intended to restrict the construction of gas recovery facilities or the storage of these gases on site in a safe manner.

Fires. This criterion is included to address the impact of fires at a solid waste disposal site beyond the air quality impact of open burning. Circumstances other than intentional burning by the site operator which may lead to fires at a disposal site include: Vandalism, carelessness, spontaneous combustion, and receipt for disposal of solid waste undergoing combustion (e.g., hot ashes). Any fire at a solid waste disposal site poses a threat of property damage and injury or death to site employees, users, and nearby residents. In order to minimize these dangers, site design and operation should address the prevention and control of such fires by: Monitoring wastes received, applying cover material or other suitable means to limit the exposure of flammable material, and providing firefighting equipment to promptly extinguish such fires. Underground fires may become very difficult to extinguish if not attended to immediately.

Bird hazards to aircraft. The most abundant source of information on the bird hazard problem can be found in Federal Aviation Administration (FAA) yearly reports on bird strike incidents, and in FAA advisory circulars: "Bird Hazards to Aircraft" (AC 150/5200-3A, 3/2/72), "Use of Chemical Controls to Repel Flocks of Birds at Airports" (AC 150/5200-8 5/2/68), "Bird Reactions to Scaring Devices" (AC 150/5200-9, 6/26/68), and "Announcing the Availability of International Civil Aviation Organization Airport Services Manual, DOC-9137-AN/898, Part 3, Bird Control and Reduction" (AC 150/5200-22). A study published by EPA also identifies bird hazards to aircraft: "Bird/Airport Hazards at Airports Near Solid Waste Disposal Sites," Environmental Protection Publication SW-116, EPA, 1974.

These reports show that birds are often attracted to disposal facilities which receive putrescible wastes, in spite of vector control efforts (compaction and cover of wastes, etc.). When airports are located near such disposal sites, a potential bird hazard (collision threat) to aircraft may exist.

The above studies and observations culminated in the issuance of FAA Order 5200.5, "FAA Guidance Concerning Sanitary Landfills on or Near Airports," dated October 16, 1974. The order states that solid waste disposal facilities have been found by study and observation to be artificial attractants to birds and, therefore, "may be incompatible with safe flight operations" when located in the vicinity of an airport.

The bird hazard criterion incorporates the 3,048 and 1,524 meter restrictions contained in the 1974 FAA order. Disposal facilities outside of these distances but within the conical air space described by Federal Aviation Regulations (FAR) Part 77 are to be reviewed

on a case-by-case basis for potential bird hazard.

In regulating, managing, and planning for airports and aircraft operations, the FAA and State and local decision makers should avoid locations and operations which would result in a bird hazard to aircraft due to existing or planned solid waste disposal facilities. The following airport and aircraft locations and operations should be avoided:

(a) Runways used or planned for use by turbojet aircraft and located within 3,048 meters of a solid waste disposal facility.

(b) Runways used or planned for use only by piston-type aircraft and located within 1,524 meters of a solid waste disposal facility.

(c) Location or operation of an airport such that the conical air spaces described by FAR Part 77 and applied to the airport would include a solid waste disposal facility.

(d) Location of an airport such that its runways or approach and departure patterns are situated between a solid waste disposal facility and bird feeding, water, or roosting areas.

Access. Solid waste disposal facilities can cause injury or death to persons at the site. Such causes of harm, which are often easy to minimize, include:

(a) Operation of heavy equipment and haul vehicles;

(b) Hazards associated with the types of waste including sharp objects, pathogens, and toxic, explosive, or flammable materials;

(c) Accidental or intentional fires;

(d) Excavations and earth moving activities.

Potential harm to disposal site personnel can be minimized as a result of proper training, utilization of safety equipment, control of waste types, and other safe practices. The most effective means of minimizing the risk of injury to other persons is by complete prohibition of access to the site by non-users (e.g. by suitable fencing) and strict control of users while on the site. For individuals disposing of small amounts of wastes, storage or special disposal facilities can be provided near the site boundary or away from the area being utilized by professional solid waste management personnel.

The importance of this consideration cannot be overstated since persons have suffered injury and even death at uncontrolled waste disposal facilities. Furthermore, in most cases, there is little economic impact on solid waste disposal operations in accomplishing site access control.

PUBLIC PARTICIPATION

Extensive comments have been received and considered in the development of these proposed Criteria. These comments were submitted by a number of individuals and organiza-

tions in response to: (1) public meetings conducted by EPA (including those listed in 42 FR 6620, Feb. 3, 1977, and public meetings conducted by several EPA Regional Offices), (2) meetings with State solid waste agency personnel, (3) meetings with other groups representing local and regional governments, disposal facility operators, environmental organizations, industrial associations, professional societies, and other groups, (4) the Notice of Intent to Develop Rulemaking (42 FR 9803, Feb. 17, 1977) and the Advance Notice of Proposed Rulemaking (42 FR 34446-48, July 5, 1977), and (5) a working draft of the Criteria which was widely distributed outside EPA to representatives of local and State governments, other Federal agencies, industry, disposal facility operators, the scientific community, environmental organizations, and anyone requesting copies.

The first public hearing on the proposed Criteria will be held on the evening of March 1, 1978, in San Diego, Calif., at the following location:

The Executive Hotel (Terrace Room), 1055 First Avenue, San Diego, Calif. Registration: 7 to 7:30 p.m.

Additional public hearings are planned for late March or early April (following publication in the FEDERAL REGISTER of the notice of availability of the EIS/EIA). Tentative locations are: Washington D.C.; Kansas City, Mo.; and San Francisco, Calif. Notice of these hearings will be published in the FEDERAL REGISTER at least 30 days prior to the hearings. Requests to participate in the public hearings should be directed to: Public Participation Officer, Office of Solid Waste (WH-562), EPA, Washington, D.C. 20460, 202-755-9157. Such requests must be received prior to the close of business (4:30 p.m.) five working days preceding the date of the hearing and must include the names, addresses, and phone numbers of individuals or organizations seeking to make a public statement; the choice of public hearing location; and an estimate of the time required to make the statement. At least one legible copy of the prepared statement must be provided at the time of the public hearing.

EPA desires comments from the general public on these proposed Criteria. EPA is particularly interested in comments on: (1) Adequacy of the Criteria in providing for the protection of public health and the environment, (2) practicality of implementation of the Criteria (including availability of technologies and methods to comply with the Criteria and to determine compliance; and the feasibility of monitoring, administrative, and enforcement programs), (3) potential impacts on segments of our society and economy, and (4) any recommended alternatives.

PROPOSED RULES

Dated: January 27, 1978.

DOUGLAS M. COSTLE,
Administrator.PART 257—CRITERIA FOR CLASSIFICATION OF
SOLID WASTE DISPOSAL FACILITIES

Sec.

- 257.1 Scope and purpose.
257.2 Definitions.
257.3 Criteria for classification of solid waste disposal facilities.
257.3-1 Environmentally sensitive areas.
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257.3-4 Air.
257.3-5 Application to land used for the production of food chain crops.
257.3-6 Disease vectors.
257.3-7 Safety.
257.4 Effective date.

AUTHORITY: Sec. 1008(a)(3), sec. 4004(a), Pub. L. 94-580; 90 Stat. 2803 and 2815; (42 U.S.C. 6907(a)(3) 6944); sec. 405(d), Pub. L. 95-217.

§ 257.1 Scope and purpose.

(a) These Criteria are for use in determining which solid waste disposal facilities pose no reasonable probability of adverse effects on health or the environment. Facilities failing to meet these Criteria will be considered open dumps for the purposes of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (the Act). Sections 4005(c) and 4003 of the Act prohibit open dumping, and require that such facilities must be closed or upgraded, except for facilities operating on a State-established compliance schedule which specifies an enforceable sequence of actions or operations.

(b) These Criteria also provide guidelines for sludge utilization and disposal, under section 405(d) of the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 (Pub. L. 95-217). The owner or operator of any publicly owned treatment works must comply with the Criteria in accordance with section 405(e) of that Act.

(c) These Criteria apply to all solid waste disposal facilities as these terms are defined in the Act, with the following exceptions: (1) Facilities for the disposal of hazardous waste must comply with the regulations promulgated under Subtitle C of the Act; (2) regulations for the State Underground Injection Control Program (40 CFR Part 146) developed under authority of the Safe Drinking Water Act of 1974 (Pub. L. 93-523, 88 Stat. 1660 et. seq., 42 U.S.C. 300 et. seq.) will apply to underground well injection in lieu of these Criteria; (3) agricultural wastes, including manures and crop residues, which are returned to the soil as fertilizers or soil conditioners are not subject to classification by these Criteria; and (4) overburden resulting from mining operations, including mining and milling waste, which is returned to

the mine is not subject to classification by these Criteria.

§ 257.2 Definitions.

As used in these criteria:

(a) "Aquifer" means a geologic formation, group of formations, or part of a formation that is capable of yielding usable quantities of ground water to wells or springs.

(b) "Base flood" means a flood that has a 1 percent or greater chance of recurring in any year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period. In any given 100-year interval such a flood may not occur, or more than one such flood may occur.

(c) "Beneficial utilization" means the application of solid waste to land for the purpose of supplying nutrients or conditioning the soil.

(d) "Cation exchange capacity" means the sum of exchangeable cations a soil can absorb expressed in milliequivalents per 100 grams of soil as determined by the pH 7.0 ammonium acetate procedure (Schollenberger, C.J. and Simon, R.H., "Determination of exchange capacity and exchangeable bases in soil-ammonium acetate method", SOIL SCIENCE, 59: 13-25, 1945).

(e) "Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention of the Territorial Sea and the Contiguous Zone (Pub. L. 92-500, 86 Stat. 886, 33 U.S.C. 1362).

(f) "Discharge of pollutants" means (1) any addition of any pollutant to navigable waters, (2) any addition of any pollutant to the waters of the contiguous zone or the ocean from any source other than a vessel or other floating craft.

(g) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters (Pub. L. 94-580, 90 Stat. 2799, 42 U.S.C. 6903).

(h) "Endangerment" means the introduction of any physical, chemical, biological, or radiological substance or matter into ground water in such a concentration that (1) makes it necessary for a ground-water user to increase treatment of the water (including treatment to meet any maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard), (2) makes it necessary for a future user of the ground water to use more extensive treatment of the water than would otherwise have been necessary (based on current

technology), or (3) otherwise makes the water unfit for human consumption.

(i) "Facility" means any land and appurtenances thereto used for the disposal of solid wastes.

(j) "Facility structures" means any buildings and sheds, or utility or drainage lines on the facility.

(k) "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, which are inundated by the base flood.

(l) "Food chain crops" means tobacco; crops grown for human consumption; and pasture, forage, and feed grain for animals whose products are consumed by humans.

(m) "Ground water" means water below the land surface in the zone of saturation.

(n) "Leachate" means liquid containing dissolved or suspended materials that emerges from solid waste.

(o) "Navigable waters" means the waters of the United States, including the territorial seas (Pub. L. 92-500, 86 Stat. 886, 33 U.S.C. 1362).

(p) "Non-point source" means any origin from which pollutants emanate in an unconfined and unchanneled manner, including but not limited to surface runoff and leachate seeps.

(q) "Open burning" means the combustion of solid waste without (1) control of combustion air to maintain adequate temperature for efficient combustion, (2) containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, or (3) control of the emission of the combustion products.

(r) "Open dump" means a site for the disposal of solid waste which does not comply with these Criteria (Pub. L. 94-580, 90 Stat. 2800, 42 U.S.C. 6903).

(s) "Periodic application of cover material" means the application of soil or other suitable material over disposed solid waste at such frequencies and in such a manner as to impede vectors and infiltration of precipitation; reduce and contain odors, fires, and litter; and to enhance the facility's appearance and future utilization.

(t) "Permafrost" means permanently frozen subsoil.

(u) "Pesticide" means (1) any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest, and (2) and substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant (Pub. L. 92-516, 86 Stat. 975, 7 U.S.C. 136).

(v) "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding op-

PROPOSED RULES

eration, or vessel or other floating craft, from which pollutants are or may be discharged (Pub. L. 92-500, 86 Stat. 887, 33 U.S.C. 1362).

(w) "Pollutant" means any substance added to air, land, or water which impairs its chemical, physical, biological, or radiological quality.

(x) "Putrescible wastes" means solid waste which contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of attracting or providing food for birds and potential disease vectors (such as rodents and flies).

(y) "Recharge zone" means an area through which water enters an aquifer.

(z) "Sanitary landfill" means a facility for the disposal of solid waste which meets these Criteria (Pub. L. 94-580, 90 Stat. 2800, 42 U.S.C. 6903).

(aa) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects (Pub. L. 94-580, 90 Stat. 2800, 42 U.S.C. 6903).

(bb) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923). (Pub. L. 94-580, 90 Stat. 2801, 42 U.S.C. 6903.)

(cc) "Stabilization" means any chemical, physical, thermal, or biological treatment process that results in the significant reduction of pathogenic organisms.

(dd) "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. (Pub. L. 94-580, 90 Stat. 2801, 42 U.S.C. 6903.)

(ee) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil condition. Wetlands generally in-

clude swamps, marches, bogs, and similar areas. (33 CFR Part 323—Permits for Discharges of Dredged or Fill Material into Waters of the United States.)

§ 257.3 Criteria for classification of solid waste disposal facilities.

For the purposes of classification under Sections 4004(a) and 1008(a)(3) of the Act, a facility for the disposal of solid waste poses no reasonable probability of adverse effects on health, safety, or the environment if it is so located, designed, constructed, operated, completed, and maintained that it meets the following criteria.

§ 257.3-1 Environmentally sensitive areas.

(a) *Wetlands.* The facility shall not be located in a wetland unless:

(1) The facility obtains an NPDES permit under Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 880, 33 U.S.C. 1342), and

(2) If a levee or other type of containment structure is to be placed in the water as part of the disposal activity, the facility obtains a permit issued under authority of Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 884, 33 U.S.C. 1344) according to the Army Corps of Engineers Permits for Discharges of Dredged or Fill Material into Waters of the United States (33 CFR Part 323).

COMMENT.—There is a strong presumption against the issuance of an NPDES permit for the discharge of solid waste into wetland areas. Only upon a showing of extraordinary circumstances—including a demonstration of alternative methods of disposal, an assessment of environmental impact for each alternative, an assessment of the technical and economic feasibility of each alternative, and a justification for the wetlands disposal alternative in view of the environmental impact and feasibility—will an NPDES application be considered and an NPDES permit issued. Any NPDES permit issued for the discharge of solid waste into wetland areas must assure that the facility utilizes appropriate technologies and/or best management practices to minimize any adverse effects.

(b) *Floodplains.* The facility shall not be located in a floodplain unless it is clearly demonstrated that:

(1) The facility will not restrict the flow of the base flood or reduce the temporary water-storage capacity of the floodplain such that increased flooding upstream or downstream may result from the base flood, and

(2) The facility is designed, constructed, operated, and maintained so as to protect against inundation by the base flood, unless the facility is for land application of solid waste for beneficial utilization as agricultural soil conditioners or fertilizers.

(c) *Permafrost areas.* The facility shall not be located in permafrost areas unless:

(1) Other alternatives such as recycling or salvaging of materials, incineration and energy recovery of combustibles, deep well injection, and transport of the wastes back to more temperate regions are evaluated and determined to be technologically or economically infeasible, and

(2) The facility is sited on relatively dry and workable soils where minimal or no vegetative cover exists, and the facility is designed, constructed, and operated so as to minimize erosion and to minimize surface area consumed, and

(3) Regional disposal facilities are developed to the maximum extent feasible (including technological and economic considerations).

(d) *Critical habitats.* The facility shall not be located in critical habitat areas listed in 50 CFR Part 17, Subpart F: Critical Habitat, 1760 et seq., unless: It is demonstrated that such disposal operation will not jeopardize the continued existence of endangered species, and approval of the disposal plan is obtained from the Office of Endangered Species, Fish and Wildlife Service, Department of Interior.

(e) *Sole source aquifers.* The facility shall not be located in the recharge zone of an aquifer which is the sole or principal source of drinking water for an area designated under Section 1424(e) of the Safe Drinking Water Act of 1974 (Pub. L. 93-523 88 Stat. 1661, 1678, 42 U.S.C. 300f, 300h-3(e)) unless:

(1) Other alternative sites and waste disposal methods have been evaluated and determined to be technologically or economically infeasible.

(2) It is located, designed, constructed, operated, maintained, and monitored to prevent endangerment of the aquifer.

NOTE.—Comments are specifically solicited on the completeness, adequacy, and impact of the environmentally Sensitive Areas criteria.

§ 257.3-2 Surface water.

The facility does not adversely affect surface water quality and complies with the following:

(a) Point source discharge of pollutants, including channelled surface leachate, leachate seepage, surface runoff, and leachate treatment effluent, to off-site surface waters, complies with an NPDES permit issued for the facility according to Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 86 Stat. 880, 33 U.S.C. 1342).

(b) Non-point sources, including surface leachate, leachate seepage, and surface runoff are controlled so as to prevent or minimize non-point source discharges of pollutants into any off-site surface water.

§ 257.3-3 Ground Water.

The facility does not adversely affect ground water quality in accordance with Case I or Case II below.

(a) *Case I.* (1) For aquifers containing ground water which (i) is currently used or designated by the State for future use as a drinking water supply for human consumption, or (ii) contains less than 10,000 mg/l total dissolved solids and has not received designation pursuant to Case II; the quality of the ground water beyond the disposal facility property boundary is not endangered by the facility.

(2) For aquifers described in paragraph (a)(1) of this section the facility shall employ one of the following two operational means to assure that endangerment of the ground water quality is prevented:

(i) Any leachate produced shall be collected through use of artificial liners. Collected leachate shall be removed, recirculated, or treated as appropriate.

(ii) The facility shall control the migration of leachate by utilizing the site's natural hydrogeologic conditions, soil attenuation mechanisms and/or recovery and treatment of contaminated water. Where appropriate, infiltration of water into the solid waste shall be prevented or minimized so as to reduce leachate generation.

(3) For as long as leachate may enter ground water in such quantities and concentrations that the ground water quality may be endangered, monitoring of ground water, prediction of leachate migration, and a current and acceptable contingency plan for corrective action are required.

(b) *Case II.* (1) For ground water which is currently used or designated by the State for use other than as a drinking water supply for human consumption, the quality of the ground water beyond the disposal facility property boundary is maintained at such quality as specified by the State.

(2) A State may designate a ground-water source for use other than as a drinking water supply for human consumption if:

(i) The source is impractical for use as a drinking water supply due to the extent of its contamination, its depth, or the potential yield of the aquifer; or, after public hearings, it is determined that adequate alternative drinking water supplies are available for all users in the affected area into the foreseeable future, taking into account projected population growth, the extent, location, and nature of existing sources of drinking water, and other potential sources of ground water pollution, and

(ii) The waters of an adjacent State or country will not be endangered and adequate hydrogeologic conditions exist separating the ground water to

be designated from waters to be protected so that protected waters are not endangered.

§ 257.3-4 Air.

The facility controls air emissions (including emissions by evaporation, sublimation, and oxidation) so as to comply with all applicable Federal, State, and local air regulations and to protect public health and welfare, and complies with the following prohibitions:

(a) Open burning of residential, commercial, institutional, and industrial solid waste is prohibited.

(b) Open burning of other solid waste (e.g. agricultural and silvicultural) is prohibited unless in compliance with State and local regulations.

§ 257.3-5 Application to land used for the production of food chain crops.

A facility for the beneficial utilization of solid waste by application to land used for the production of food chain crops complies with the following in addition to the other criteria contained in this regulation.

(a) *Cadmium.* Any site that is currently or will in the future be used for the production of food chain crops complies with either subparagraph (1) or subparagraph (2) of this paragraph.

(1) (i) The annual application of cadmium from solid waste does not exceed the maximum additions below.

Years*	Maximum annual Cd addition* (kg/ha)
Present to Dec. 31, 1981	2.0
Jan. 1, 1982 to Dec. 31, 1985	1.25
Beginning Jan. 1, 1986	0.5

*NOTE.—Comments are requested on the public health and environmental implications of this phased approach. Comments are also requested on the ability of locally implemented industrial waste pretreatment programs to reduce solid waste cadmium concentrations to levels which will permit continued land application on food chain crops within the schedule shown.

(ii) The maximum cumulative amount of cadmium applied to any hectare of land does not exceed: 5 kilograms on soils with a Cation Exchange Capacity (CEC) of less than 5, 10 kilograms on soils whose CEC is between 5 and 15, and 20 kilograms on soils whose CEC exceeds 15.

(iii) Solid waste containing cadmium concentrations in excess of 25 mg/kg dry weight is not applied to sites where tobacco, leafy vegetables, or root crops are or will be grown for direct human consumption.

(iv) Solid waste containing cadmium is applied so that the pH of the solid waste and soil mixture is maintained at 6.5 or greater.

(2) The land application of solid waste containing cadmium is acceptable if the resulting level of cadmium in the crops and meats marketed for human consumption are analyzed prior to marketing and shown to be

comparable to those levels present in similar crops or meats produced locally where solid waste has not been applied. A contingency plan is necessary which identifies alternative courses of action which may be taken if crop cadmium levels are not found to be comparable (e.g., restrictions on crop marketing, future land use, and sludge application rates). The contingency plan must also provide adequate safeguards to preclude risks from alternative land uses following the closure of the disposal site. This alternative is only available to those facilities which demonstrate that they possess the necessary resources and expertise to adequately manage and monitor their operations.

(b) *Pathogens.* (1) If solid waste of concern due to its pathogen content is applied directly to the surface of the land it is stabilized to reduce public health hazards.

(2) Land which has received solid waste of concern due to its pathogen content is not used for the production of human food crops which are normally eaten raw (except crops such as orchard fruits, where there is no contact between the solid waste and the crop) for at least one year following application or longer.

(c) *Pesticides and persistent organics.* The application of solid waste containing pesticides on land that is currently or will in the future be used for the production of food chain crops does not result in pesticide residues in or on crops in excess of the tolerances set pursuant to Section 408 of the Federal Food, Drug and Cosmetic Act

(FFDCA; 21 U.S.C. 346a) and the regulations thereunder (40 CFR Part 180) and Section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 U.S.C. 348) and the regulations thereunder (21 CFR Part 561). The application of solid wastes containing persistent organics on land that is currently or will in the future be used for the production of food chain crops does not result in persistent organic levels in or on foods in excess of those established by FDA (21 CFR Part 109).

(d) *Direct ingestion.* Solid waste of concern due to its pathogen, toxic organic or heavy metal content (e.g., lead and PCB) is not applied to a site so that the freshly applied solid waste may be directly ingested by animals raised for milk or by humans.

§ 257.3-6 Disease vectors.

The facility protects public health by controlling disease vectors. This shall be accomplished through minimizing the availability of food and harborage for vectors through the periodic application of cover material or other techniques where appropriate.

§ 257.3-7 Safety.

The facility does not pose a safety hazard to facility employees and users and to the public in accordance with the following:

(a) *Explosive gases.* The concentrations of explosive gases in facility structures (excluding gas control or recovery system components), or in the soil at the facility property boundary do not reach the lower explosive limits for the gases.

(b) *Toxic or asphyxiating gases.* Toxic or asphyxiating gases are not allowed to migrate off site, or accumulate in facility structures (excluding gas control or recovery components) in concentrations harmful to human, animal, or plant life.

(c) *Fires.* All fires are extinguished expeditiously; and fire hazards are minimized through proper site construction and design, and the periodic application of cover material where appropriate.

(d) *Bird hazards to aircraft.* Disposal facilities which receive putrescible wastes that may attract birds are not located (1) within 3,048 meters of any runway used or planned to be used by turbojet aircraft, or (2) within 1,524 meters of any runway used or planned to be used only by piston-type aircraft, unless it is determined that the disposal facility does not pose a bird hazard to aircraft. Determinations shall be made on a case-by-case basis for those facilities which are not within the above distances but are within the conical surfaces described by Federal Aviation Regulations Part 77 as applied to an individual airport.

(e) *Access.* Entry to the facility is controlled so as to minimize exposure of the public to hazards of heavy equipment operation and exposed waste.

§ 257.4 Effective date.

These Criteria become effective 30 days after final publication.

[FR Doc. 78-3151 Filed 2-3-78; 8:45 am]

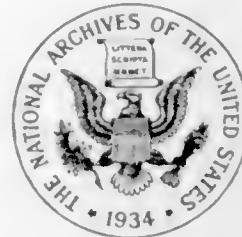
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4957-5353

Federal Register

TUESDAY, FEBRUARY 7, 1978



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for March are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

SUNSHINE ACT MEETINGS 5130

NATIONAL POISON PREVENTION WEEK

Presidential proclamation 4961

SECRETARY OF ENERGY

Executive order transferring certain functions 4957

NATIONAL REGISTER OF HISTORIC PLACES

Interior/Heritage Conservation and Recreation Service issues annual listing of historic properties (Part II of this issue) 5162

Interior/Heritage Conservation and Recreation Service issues notification of pending nominations 5078

DRUG REGISTRATION AND LISTING FORMS

HEW/FDA announces availability of draft forms for registration of drug establishments and listing of drugs in commercial distribution; comments by 4-10-78 5069

NEW ANIMAL DRUGS

HEW/FDA approves use of the following:

Certain tylosin premixes used in the manufacture of swine feed; effective 2-7-78 4977

Synthetic corticosteroid for treating dogs, cats, and horses; effective 2-7-78 4975

Monensin premix for chickens; effective 2-7-78 4976

Uredofostabls for treating dogs and cats; effective 2-7-78.. 4975

MEDICATED FEEDS

HEW/FDA announces public hearings on proposed limitation on distribution of animal feed premixes containing penicillin and tetracycline, written notices of participation by 3-8-78 5010

COLOR ADDITIVES

HEW/FDA confirms effective date of 12-7-76 of regulation concerning D&C Red No. 34 4974

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

Executive Order 12038

February 3, 1978

Relating to Certain Functions Transferred to the Secretary of Energy by the
Department of Energy Organization Act

By virtue of the authority vested in me as President of the United States of America, in order to reflect the responsibilities of the Secretary of Energy for the performance of certain functions previously vested in other officers of the United States by direction of the President and subsequently transferred to the Secretary of Energy pursuant to the Department of Energy Organization Act (91 Stat. 565; 42 U.S.C. 7101 *et seq.*), it is hereby ordered as follows:

SECTION 1. *Functions of the Federal Energy Administration.* In accordance with the transfer of all functions vested by law in the Federal Energy Administration, or the Administrator thereof, to the Secretary of Energy pursuant to Section 301(a) of the Department of Energy Organization Act, hereinafter referred to as the Act, the Executive Orders and Proclamations referred to in this Section, which conferred authority or responsibility upon the Administrator of the Federal Energy Administration, are amended as follows:

(a) Executive Order No. 11647, as amended, relating to Federal Regional Councils, is further amended by deleting "The Federal Energy Administration" in Section 1(a)(10) and substituting "The Department of Energy", and by deleting "The Deputy Administrator of the Federal Energy Administration" in Section 3(a)(10) and substituting "The Deputy Secretary of Energy".

(b) Executive Order No. 11790 of June 25, 1974, relating to the Federal Energy Administration Act of 1974, is amended by deleting "Administrator of the Federal Energy Administration" and "Administrator" wherever they appear in Sections 1 through 6 and substituting "Secretary of Energy" and "Secretary", respectively, and by deleting Section 7 through 10.

(c) Executive Order No. 11912, as amended, relating to energy policy and conservation, and Proclamation No. 3279, as amended, relating to imports of petroleum and petroleum products, are further amended by deleting "Administrator of the Federal Energy Administration", "Federal Energy Administration", and "Administrator" (when used in reference to the Federal Energy Administration) wherever those terms appear and by substituting "Secretary of Energy", "Department of Energy", and "Secretary", respectively, and by deleting "and the Administrator of Energy Research and Development" in Section 1(b) of Executive Order No. 11912, as amended.

SEC. 2. *Functions of the Federal Power Commission.* In accordance with the transfer of functions vested in the Federal Power Commission to the Secretary of Energy pursuant to Section 301(b) of the Act, the Executive Orders referred to in this Section, which conferred authority or responsibility upon the Federal Power Commission, or Chairman thereof, are amended or modified as follows:

(a) Executive Order No. 10485 of September 3, 1953, relating to certain facilities at the borders of the United States is amended by deleting Section 2 thereof, and by deleting "Federal Power Commission" and "Commission"

wherever those terms appear in Sections 1, 3 and 4 of such Order and substituting for each "Secretary of Energy".

(b) Executive Order No. 11969 of February 2, 1977, relating to the administration of the Emergency Natural Gas Act of 1977, is hereby amended by deleting the second sentence in Section 1, by deleting "the Secretary of the Interior, the Administrator of the Federal Energy Administration, other members of the Federal Power Commission and" in Section 2, and by deleting "Chairman of the Federal Power Commission" and "Chairman" wherever those terms appear and substituting therefor "Secretary of Energy" and "Secretary", respectively.

(c) Paragraph (2) of Section 3 of Executive Order No. 11331, as amended, relating to the Pacific Northwest River Basins Commission, is hereby amended by deleting "from each of the following Federal departments and agencies" and substituting therefor "to be appointed by the head of each of the following Executive agencies", by deleting "Federal Power Commission" and substituting therefor "Department of Energy", and by deleting "such member to be appointed by the head of each department or independent agency he represents,".

SEC. 3. *Functions of the Secretary of the Interior.* In accordance with the transfer of certain functions vested in the Secretary of the Interior to the Secretary of Energy pursuant to Section 302 of the Act, the Executive Orders referred to in this Section, which conferred authority or responsibility on the Secretary of the Interior, are amended or modified as follows:

(a) Sections 1 and 4 of Executive Order No. 8526 of August 27, 1940, relating to functions of the Bonneville Power Administration, are hereby amended by substituting "Secretary of Energy" for "Secretary of the Interior", by adding "of the Interior" after "Secretary" in Sections 2 and 3, and by adding "and the Secretary of Energy," after "the Secretary of the Interior" wherever the latter term appears in Section 5.

(b) Executive Order No. 11177 of September 16, 1964, relating to the Columbia River Treaty, is amended by deleting "Secretary of the Interior" and "Department of the Interior" wherever those terms appear and substituting therefor "Secretary of Energy" and "Department of Energy", respectively.

SEC. 4. *Functions of the Atomic Energy Commission and the Energy Research and Development Administration.*

(a) In accordance with the transfer of all functions vested by law in the Administrator of Energy Research and Development to the Secretary of Energy pursuant to Section 301(a) of the Act, the Executive Orders referred to in this Section are amended or modified as follows:

(1) All current Executive Orders which refer to functions of the Atomic Energy Commission, including Executive Order No. 10127, as amended; Executive Order No. 10865, as amended; Executive Order No. 10899 of December 9, 1960; Executive Order No. 11057 of December 18, 1962; Executive Order No. 11477 of August 7, 1969; Executive Order No. 11752 of December 17, 1973; and Executive Order No. 11761 of January 17, 1974 are modified to provide that all such functions shall be exercised by (1) the Secretary of Energy to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Administrator of Energy Research and Development pursuant to the Energy Organization Act of 1974 (Public Law 93-438; 88 Stat. 1233), and (2) the Nuclear Regulatory Commission to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Commission by the Energy Reorganization Act of 1974.

(2) Executive Order No. 11652, as amended, relating to the classification of national security matters, is further amended by substituting "Department

of Energy" for "Energy Research and Development Administration" in Sections 2(A), 7(A) and 8 and by deleting "Federal Power Commission" in Section 2(B)(3).

(3) Executive Order No. 11902 of February 2, 1976, relating to export licensing policy for nuclear materials and equipment, is amended by substituting "the Secretary of Energy" for "the Administrator of the United States Energy Research and Development Administration, hereinafter referred to as the Administrator" in Section 1(b) and for the "Administrator" in Sections 2 and 3.

(4) Executive Order No. 11905, as amended, relating to foreign intelligence activities, is further amended by deleting "Energy Research and Development Administration", "Administrator of the Energy Research and Development Administration", and "ERDA" wherever those terms appear and substituting "Department of Energy", "Secretary of Energy", and "DOE" respectively.

(5) Section 3(2) of each of the following Executive Orders is amended by substituting "Department of Energy" for "Energy Research and Development Administration":

(i) Executive Order No. 11345, as amended, establishing the Great Lakes River Basin Commission.

(ii) Executive Order No. 11371, as amended, establishing the New England River Basin Commission.

(iii) Executive Order No. 11578, as amended, establishing the Ohio River Basin Commission.

(iv) Executive Order No. 11658, as amended, establishing the Missouri River Basin Commission.

(v) Executive Order No. 11659, as amended, establishing the Mississippi River Basin Commission.

SEC. 5. *Special Provisions Relating to Emergency Preparedness and Mobilization Functions.*

(a) Executive Order No. 10480, as amended, is further amended by adding thereto the following new Sections:

"Sec. 609. Effective October 1, 1977, the Secretary of Energy shall exercise all authority and discharge all responsibility herein delegated to or conferred upon (a) the Atomic Energy Commission, and (b) with respect to petroleum, gas, solid fuels and electric power, upon the Secretary of the Interior.

"Sec. 610. Whenever the Administrator of General Services believes that the functions of an Executive agency have been modified pursuant to law in such manner as to require the amendment of any Executive order which relates to the assignment of emergency preparedness functions or the administration of mobilization programs, he shall promptly submit any proposals for the amendment of such Executive orders to the Director of the Office of Management and Budget in accordance with the provisions of Executive Order No. 11030, as amended."

(b) Executive Order No. 11490, as amended, is further amended by adding thereto the following new section:

"Sec. 3016. Effective October 1, 1977, the Secretary of Energy shall exercise all authority and discharge all responsibility herein delegated to or conferred upon (a) the Federal Power Commission, (b) the Energy Research and Development Administration, and (c) with respect to electric power, petroleum, gas and solid fuels, upon the Department of the Interior."

SEC. 6. This Order shall be effective as of October 1, 1977, the effective date of the Department of Energy Organization Act pursuant to the provisions of Section 901 thereof and Executive Order No. 12009 of September 13,

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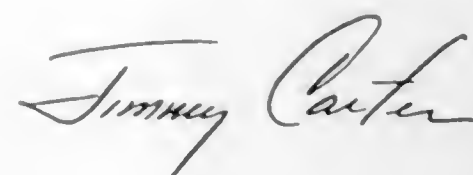
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4960

THE PRESIDENT

1977, and all actions taken by the Secretary of Energy on or after October 1, 1977, which are consistent with the foregoing provisions are entitled to full force and effect.



THE WHITE HOUSE,
February 3, 1978.

[FR Doc. 78-3444 Filed 2-3-78; 3:16 pm]

FEDERAL REGISTER, VOL. 43, NO. 26—TUESDAY, FEBRUARY 7, 1978

THE PRESIDENT

4961

[3195-01]

PROCLAMATION 4550

National Poison Prevention Week, 1978

By the President of the United States of America

A Proclamation

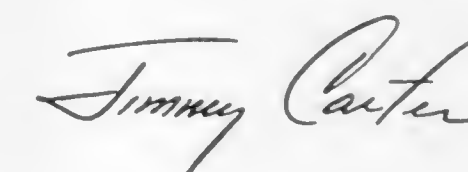
When stored safely and used properly, products such as medicines, polishes, solvents, and pesticides can make our lives easier.

But many of these products contain toxic ingredients which, when used or stored carelessly, can find their way into the hands of our children. Although special packaging has reduced dramatically the number of incidents each year, household substances still poison many children. Therefore, the theme of this year's National Poison Prevention Week is: "Children Act Fast—So Do Poisons."

To remind all Americans of the dangers of poisonings and to encourage all of us to eliminate this problem, the Congress, by joint resolution of September 26, 1961 (75 Stat. 681, 36 U.S.C. 165) has requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning March 19, 1978, as National Poison Prevention Week. I call upon the people of the United States and all agencies and organizations concerned with the prevention of poisoning and the welfare of our Nation's youngsters to join in promoting increased awareness of, and better protection against, the dangers of poisoning.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of February, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.



[FR Doc. 78-3546 Filed 2-6-78; 10:43 am]

FEDERAL REGISTER, VOL. 43, NO. 26—TUESDAY, FEBRUARY 7, 1978

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of one Confidential Assistant to the Deputy Under Secretary for Field Programs to one Confidential Assistant to the Deputy Under Secretary for Regional Affairs in order to reflect the superior's new title in the organization. One additional position of Confidential Assistant to the Deputy Under Secretary for Regional Affairs is excepted under Schedule C because it is confidential in nature.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(2) is amended as set out below:

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.* . . .

(20) Two positions of confidential Assistant to the Deputy Under Secretary for Regional Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958, Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 78-3282 Filed 2-6-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare,
Department of Energy, General Services Administration, Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The following positions are excepted under Schedule C because they are confidential in nature:

Department of Health, Education, and Welfare—one position of Special Assistant to the Assistant Secretary for Health.

Department of Energy—one position of Assistant to the Secretary.

General Services Administration—two positions of Confidential Assistant to the Director, Federal Preparedness Agency.

Department of Housing and Urban Development—one position of Special Assistant to the Administrator, Federal Disaster Assistance Administration.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3316(h)(14), 213.3337(e), and 213.3384(a)(14) are added and 213.3331(a)(7) is amended as set out below:

§ 213.3316 Department of Health, Education, and Welfare.

.

(h) *Office of the Assistant Secretary for Health.*

(14) One Special Assistant to the Assistant Secretary.

.

§ 213.3331 Department of Energy.

(a) *Office of the Secretary.*

(7) Two Assistants to the Secretary.

.

§ 213.3337 General Services Administration.

.

(e) *Federal Preparedness Agency.*

(1) Two Confidential Assistants to the Director.

.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.*

(14) One Special Assistant to the Administrator, Federal Disaster Assistance Administration.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 78-3280 Filed 2-6-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment modifies the exception under Schedule B of six positions of Librarian, GS-7, in the National Library of Medicine, with the provision that employment under this authority is not to exceed 1 year. These positions are excepted under Schedule B because it is not practicable to examine competitively for them.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3216(d)(1) is amended as set out below:

§ 213.3216 Department of Health, Education, and Welfare.

.

(d) *National Library of Medicine.*

(1) Six positions of Librarian, GS-7, the incumbents of which will be trainees in the Library Associate Training Program in Medical Librarianship and Biomedical Communications. Employment under this authority is not to exceed 1 year.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc. 78-3281 Filed 2-6-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Correction

AGENCY: Civil Service Commission.

ACTION: Correction to final rule.

SUMMARY: This document (1) corrects a final rule which appeared in 43 FR 2377 on January 17, 1978, under paragraph 213.3315(a)(1), to show that one position of Secretary to the Secretary, was revoked in error and (2) revokes two positions of Staff Assistant to the Secretary under the automatic revocation provisions because they have been vacant longer than 60 days.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3315(a)(1) is amended as set out below:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.*
(1) One Private Secretary, one Secretary, two Special Assistants, and one Confidential Assistant to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

(FR Doc. 78-3284 Filed 2-6-78; 8:45 am)

[6325-01]

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

Correction

AGENCY: Civil Service Commission.

ACTION: Correction to final rule.

SUMMARY: This document corrects an error in the authority for Part 302 which appeared at 43 FR 2378 on January 17, 1978.

EFFECTIVE DATE: January 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Raleigh Neville, 202-632-6817.

Accordingly, the authority statement for 5 CFR 302 should read:

(5 U.S.C. 1302, 3301, 3302; 8151; EO 10577, 3 CFR 1954-1958, Comp., 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

(FR Doc. 78-3283 Filed 2-6-78; 8:45 am)

RULES AND REGULATIONS

[3410-02]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER—MARKETING OF PERISHABLE AGRICULTURAL COMMODITIES

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Misrepresentation or Misbranding

AGENCY: Agricultural Marketing Service.

ACTION: Revision of regulations.

SUMMARY: This document revises the regulations under the Perishable Agricultural Commodities Act, 1930 ("Act") to replace general wording with specific definitions and a detailed outline of the procedure used in administering the provisions of the Act relating to misrepresentation or misbranding. The revised regulations result from a request by industry to give more details on procedures used by the Department in administering section 2(5) of the Act.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael D. Price, 202-447-4180.

SUPPLEMENTARY INFORMATION: Interested parties have been afforded the opportunity to comment by notice of proposed revision published in the Federal Register on November 15, 1977 (42 FR 59088). A total of thirteen (13) replies were received. A large grower-shipper association and the State of Utah favored the proposal as written.

Several firms and associations suggested minor changes in wording and punctuation to clarify the definitions including an addition to paragraph (3)(ii) to require "written notice" and a change in the wording of paragraph (3)(iii) from "full details" to "known material facts." It was suggested that the wording, "... but are not necessarily limited to ..." in the first sentence of (a)(1) Serious violations, and (a)(2) Very serious violations, be eliminated as being repetitious. These changes have been adopted by AMS.

Six proposals were made to provide firms with a large volume of shipments a greater tolerance for violations than firms with a lesser volume of shipments. This proposal was not accepted as there is no way to provide such a tolerance for violations. The statute is intended to suppress unfair and fraudulent practices by all licensees without regard to their volume of business.

Five comments suggested that firms other than the grower-packer or original shipper should be excused from

violations because they do not have control over the product. This proposal was not accepted as anyone who ships, sells, or offers fruits and vegetables for sale in interstate or foreign commerce has the responsibility to assure itself that any representation as to grade, size, weight, etc., is true and correct.

Four comments recommended that the record of violations as explained in paragraph (d)(2) be expunged after 24 months even if they are involved in informal or formal proceedings. This recommendation was not accepted as adoption would, in most instances, prevent successful conclusion of formal proceedings to sanction repeated violators. Formal proceedings cannot usually be completed within two years from the date of the earliest violation. Also, there would be less opportunity for exercising the option to permit informal settlement because of the need to begin formal proceedings to suspend or revoke a violator's license earlier.

Three comments suggested that firms should not be held responsible for "inadvertent" misrepresentations and that action should be taken only when a firm "knowingly" misrepresents produce. The suggestion was not accepted as section 2(5) of the PAC Act does not contain this limitation, and it could not be adopted through rulemaking.

Three comments recommended that firms who obtain full-time shipping point inspection should be exempted from all liability for misrepresentation. This proposal was not accepted since lots which have been shipping point inspected and maintain their identity are not currently considered as violations if found to be misrepresented at destination. If the original inspection cannot be reversed because of loss of identity or because the factor in question was not certified at shipping point, there is no basis for excusing the violation.

Individual comments were received concerning definitions of terms, procedures used in determining violations, and other related matters. These recommendations were not accepted as they could not be resolved through rulemaking procedures, are already covered in the present regulations, or seek relief from violations for small segments of the industry.

Accordingly, § 46.45 of the regulations is revised as set forth below.

Effective Date: February 7, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

MISREPRESENTATION OR MISBRANDING

§ 46.45 Procedure in administering Section 2(5) of the Act.

It is a violation of section 2(5) for a commission merchant, dealer or

broker to misrepresent by word, act, mark, stencil, label, statement, or deed, the character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity, or State, country, or region of origin of any perishable agricultural commodity received, shipped, sold, or offered to be sold in interstate or foreign commerce.

(a) *Violations.* Violations are considered to be serious, very serious, or repeated and/or flagrant, depending upon the circumstances of the misrepresentation.

(1) *Serious violations.* Include the following:

(i) Any lot of a perishable agricultural commodity shown by official inspection to contain scorable defects, off-size, off-count, exceeding the tolerance(s) in an amount up to and including double the tolerance provided in the applicable grades, standards or inspection procedures;

(ii) Any lot of perishable agricultural commodity officially certified as failing to meet the declared weight;

(iii) Any lot of a perishable agricultural commodity in which the State, country, or region of origin of the produce is misrepresented because the lot is made up of containers with various labels or markings that reflect more than one incorrect State, country or region of origin. Example: A lot with containers individually marked to show the origin as Idaho or Maine or Colorado when the produce was grown in Wisconsin; or

(iv) Any other physical act, verbal or written declaration, or record entry that misrepresents a lot of a perishable agricultural commodity to the same extent as the examples listed.

(2) *Very serious violations.* Include the following:

(i) Any lot of a perishable agricultural commodity shown by official inspection to contain scorable defects, off-size, off-count, in excess of double the tolerance(s) provided in the applicable grades, standards or inspection procedures;

(ii) Any lot of a perishable agricultural commodity packed in containers showing a single point of origin, which is other than that in which the produce was grown, such as containers marked "California" when the produce was grown in Arizona;

(iii) Any lot of a perishable agricultural commodity officially certified as having an average net weight more than four percent below the declared weight;

(iv) Multiple sales or shipments of a misrepresented perishable agricultural commodity within a seven day period that can be attributed to one cause; or

(v) Any other physical act, verbal or written declaration, or record entry that misrepresents a lot of a perishable agricultural commodity to the same extent as the examples listed.

(3) *Flagrant violations:* Include, but are not necessarily limited to, the following examples:

(i) Shipment or sale of a lot of a perishable agricultural commodity from shipping point after notification by official inspection that the inspected commodity fails to comply with any marking on the container without first correcting the misbranding;

(ii) To offer for resale or consignment, a lot of a perishable agricultural commodity that has been officially inspected at destination and found to be misbranded without advising a prospective receiver that the lot is misbranded and that the misbranding must be corrected before resale. When a resale or consignment is finalized, written notice must be given that the lot is misbranded and must be corrected before resale; or

(iii) To withhold or fail to disclose known material facts with respect to a misrepresentation or misbranding.

(b) *Evidence.* (1) Evidence concerning a misrepresentation or misbranding includes official certificates of an inspection made by any person authorized by the Department to inspect fruits and vegetables or other public certifiers, and includes investigations and audit findings and any business records, testimony or other evidence bearing on the subject.

(2) When a lot of a perishable agricultural commodity has been officially inspected, and certification is made that the descriptive container markings are correct, but a subsequent inspection reverses the original findings, both inspection certificates will be accepted as evidence to show that the shipper/seller has not misrepresented the lot. The receiver of the commodity will be in violation if the misrepresentation is not corrected before the commodity is shipped, sold or offered for resale.

(c) *Sanctions.* (1) *Informal:* When liability for a violation of section 2(5) of the Act is to be settled informally, the violator may:

(i) Be given written warnings; or

(ii) Be given notice that liability for a violation may be settled by admitting the violation in writing and paying a penalty in an amount satisfactory to the Secretary in lieu of formal disciplinary action. In the event of a formal proceeding to suspend or revoke the license of such person because he has committed other violation(s), the admitted violation(s) will not be used to support the formal complaint but may be admitted to show a course of conduct prior to the filing of the formal complaint;

(iii) The schedule for informal disposition is as follows:

Violation:	Disposition
1st.....	Warning letter.
2d.....	Warning letter.

	If serious violation	Very serious violation
3d.....	\$200	\$250
4th.....	350	500
5th.....	500	1,000
6th.....	1,000	2,000
7th.....	2,000	.....

(2) *Formal:* Formal proceedings to suspend or revoke a license may be instituted at any time against a person who has committed repeated and/or flagrant violations.

(d) *Cumulative Record.* A cumulative record of a licensee's misrepresentation violations will be maintained with the following limitations:

(1) Two years after the date it was committed or after payment of a monetary penalty, the violation will not be used as a basis for instituting formal disciplinary action. However, it may be cited as a part of the pattern of violations if formal proceedings are instituted and will be used in determining the level of monetary penalty for informal settlements.

(2) The record of violations not involved in formal proceedings will be expunged if there are no violations during a 24-month period from the date of the most recent violation.

[FR Doc. 78-3431 Filed 2-6-78; 8:45 am]

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpected Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1977-78 fiscal year, to be collected from handlers to support activities of the Navel Orange Administrative Committee which locally administers the Federal marketing order covering Arizona and California navel oranges.

DATES: Effective November 1, 1977, through October 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On January 17, 1978, notice was published in the Federal Register (43 FR 2401) inviting written comments not later than January 31, 1978, on proposed expenses, rate of assessment, and carryover of unexpended funds, under Marketing Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown

in Arizona and designated part of California. None were received. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposals in the notice, it is found that:

§ 907.215 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Navel Orange Administrative Committee during the period November 1, 1977, through October 31, 1978, will amount to \$474,720.

(b) The rate of assessment for said period payable by each handler in accordance with § 907.41 is fixed at \$0.013 per carton of navel oranges.

(c) Unexpended assessment funds in excess of expenses incurred during the fiscal year ended October 31, 1977, shall be carried over as a reserve in accordance with § 907.42.

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) as the order requires that the rate of assessment for a fiscal year shall apply to all assessable navel oranges handled from the beginning of the year.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: February 2, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-3353 Filed 2-6-78; 8:45 am]

[3410-05]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), AND CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55)

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

1978 NATIONAL MARKETING QUOTAS, DETERMINATIONS, AND ANNOUNCEMENTS

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Final rule.

SUMMARY: This document proclaims national marketing quotas for cigar binder (types 51 and 52) tobacco and

cigar filler and binder (types 42-44; 53-55) tobacco. This document also announces national acreage allotments for the following kinds of tobacco: Fire-cured, dark air-cured, Virginia sun-cured, cigar binder (types 51 and 52), and cigar filler and binder. The law requires that these announcements be made by February 1, 1978. These actions are being taken to insure that adequate supplies of these kinds of tobacco will be available for the 1978-79 marketing year.

EFFECTIVE DATE: February 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Tarczy, 202-447-7601, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: Sections 724.6 and 724.7 are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to proclaim national marketing quotas for cigar-binder (types 51 and 52), and cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco, respectively, for each of the 3 marketing years beginning October 1, 1978, October 1, 1979, and October 1, 1980. Sections 724.12 through 724.17 are issued pursuant to, and in accordance with, the Act to announce the reserve supply level and the total supply of fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco for the marketing year beginning October 1, 1977, and to announce for the 1978-79 marketing year the amounts of the national marketing quotas, national acreage allotments, national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for: (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for fire-cured (type 21), fire-cured (type 22-24), dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco. The material previously appearing in these sections under center-headers "Proclamation of Quotas and Determinations and Announcements—1977-78 Marketing Year" remain in full force and effect as to the crop to which it was applicable.

The determinations contained in §§ 724.12 through 724.17 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from tobacco producers and others as provided in a notice (42 FR 65202) given in accordance with the provisions of 5 U.S.C. 553.

It is determined that acreage-poundage quotas will not be announced for

the 1978-79 marketing year for any of these kinds of tobacco.

DISCUSSION OF COMMENTS

Fire-cured (Type 21).—One comment was received from the Virginia State ASC Committee requesting no change in quota.

Fire-cured (Types 22-23).—One comment was received from a tobacco association favoring no change in quota for type 22.

Dark-air cured (Types 35-36).—One comment was received from a tobacco association favoring no change in quota for type 35. One other comment was received from a member of the tobacco trade who desired an increase in quota for both types 35 and 36.

Virginia sun-cured (Type 37).—One comment was received requesting an increase in quota for type 37. One other comment was received from the Virginia State ASC Committee requesting no change in quota.

Cigar binder (Types 51 and 52).—One comment was received from a State ASCS Office favoring no change from last year's quota.

Cigar filler and binder (Types 42-44 and 53-55).—No comments were received.

Section 312(b) of the Act provides, in part, that the amount of the national marketing quota is the total quantity of a kind of tobacco which may be marketed which will make available during such marketing year a supply of such tobacco equal to the reserve supply level. The amount of the national marketing quota so announced may, no later than the following March 1, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

FIRE-CURED (TYPE 21) TOBACCO

The yearly average quantity of fire-cured (type 21) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 marketing years preceding the 1977-78 marketing year was about 2.1 million pounds. The average annual quantity of fire-cured (type 21) tobacco produced in the United States and exported from the United States during the ten marketing years preceding the 1977-78 marketing year was 4.6 million pounds (farm-sales weight basis). Taking into account the irregular pattern of both domestic use and exports, and the market demand for the various grades, 3.1 million pounds have been used as a normal year's domestic consumption and 5.2 million pounds have been used as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 18 million pounds.

Manufacturers and dealers reported stocks of fire-cured (type 21) tobacco held on October 1, 1977, as 6.7 million pounds. The 1977 fire-cured (type 21) tobacco crop is estimated to be 7.3 million pounds. Therefore, the total supply of fire-cured (type 21) tobacco for the 1977-78 marketing year, is 14 million pounds. During the 1977-78 marketing year, it is estimated that disappearance will total about 5.8 million pounds. By deducting this disappearance from the total supply, a carryover of 8.2 million pounds for the 1978-79 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1978, results in a computed national marketing quota for the 1978-79 marketing year of 9.8 million pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the computed quota by 20 percent to 11.8 million pounds, is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 11.8 million pounds.

In accordance with section 313(g) of the Act, the 1978 national marketing quota, divided by the 1973-77, 5-year national average yield of 1,065 pounds per acre, results in a 1978 national acreage allotment of 11,079.81 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 100.00 acres, by the total of the 1978 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

FIRE-CURED (TYPES 22-24) TOBACCO

The yearly average quantity of fire-cured (types 22-24) tobacco produced

in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1977-78 marketing year was about 14.9 million pounds. The average annual quantity of fire-cured (types 22-24) tobacco produced in the United States and exported during the 10 marketing years preceding the 1977-78 marketing year was 22.2 million pounds (farm-sales weight basis). Domestic use and exports of fire-cured (type 22-24) tobacco are very irregular. Accordingly, a normal year's domestic consumption has been set at 18.3 and a normal year's exports at 27.0. Application of the formula prescribed by the Act results in a reserve supply level of 99.6 million pounds.

Manufacturers and dealers reported stocks of fire-cured (types 22-24) tobacco held on October 1, 1977, as 41.2 million pounds. The 1977 fire-cured (types 22-24) crop is estimated to be 46.9 million pounds. Therefore, the total supply of fire-cured (types 22-24) tobacco for the marketing year beginning October 1, 1977 is 88.1 million pounds. During the 1977-78 marketing year it is estimated that disappearance will total about 34.5 million pounds. By deducting this disappearance from the total supply, a carryover of 53.6 million pounds for the 1978-79 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1978, results in a computed national marketing quota for the 1978-79 marketing year of 46.0 million pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the computed quota by 20 percent to 55.2 million pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 55.2 million pounds.

In accordance with section 313(g) of the Act, the 1978 national marketing quota, divided by the 1973-77, 5-year national average yield of 1,691 pounds per acre, results in the 1978 national acreage allotment of 32,643.41 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 56.00 acres, by the total of the 1978 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

DARK AIR-CURED TOBACCO

The yearly average quantity of dark air-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1977-78 marketing year was about

16.1 million pounds, and the average annual quantity produced domestically and exported during this period was 2.5 million pounds (farm-sales weight basis). There appears to be no distinct trends in either. Therefore, in accordance with the Act, the 10 year average of 16.1 million pounds has been used as a normal year's domestic consumption and the 10 year average of 2.5 million pounds as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 50.8 million pounds.

Manufacturers and dealers reported stocks of dark air-cured tobacco held on October 1, 1977, as 26.1 million pounds. The 1977 dark air-cured crop is estimated to be 20.3 million pounds. Therefore, the total supply for the marketing year beginning October 1, 1977, is 46.4 million pounds. During the 1977-78 marketing year, it is estimated that disappearance will total about 18.0 million pounds. By deducting this disappearance from the total supply, a carryover of 28.4 million pounds for the 1978-79 marketing year, is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1978, results in a national marketing quota for the 1978-79 marketing year of 22.4 million pounds.

Use of the authority of the Secretary in section 312(b) of the Act to increase the computed quota by 1.3 percent to 22.7 million pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 22.7 million pounds.

In accordance with section 313(g) of the Act, the 1978 national marketing quota, divided by the 1973-77, 5-year national average yield of 1,711 pounds per acre, results in a 1978 national acreage allotment of 13,267.10 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 90.00 acres, by the total of the 1978 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

VIRGINIA SUN-CURED TOBACCO

The yearly average quantity of Virginia sun-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the ten marketing years preceding the 1977-78 marketing year was about 1,010 thousand pounds, and the average annual quantity produced in the United States and exported during the same period was about 240 thousand pounds (farm-sales weight

basis). Domestic use is very erratic while exports have trended downward. With this in mind, the 10 year average of 1,010 thousand pounds has been used as a normal year's domestic consumption and 200 has been used as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 3,263 thousand pounds.

Manufacturers and dealers reported stocks of Virginia sun-cured tobacco held on October 1, 1977, as 1,767 thousand pounds. The 1977 Virginia sun-cured tobacco crop is estimated to be 810 thousand pounds. Therefore, the total supply of Virginia sun-cured tobacco for the 1977-78 marketing year is 2,577 thousand pounds. During the 1977-78 marketing year, it is estimated that disappearance will total about 1,000 thousand pounds. By deducting this disappearance from the total supply, a carryover of 1,577 thousand pounds for the 1978-79 marketing year, is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1978 results in a computed national marketing quota for the 1978-79 marketing year of 1,686 thousand pounds and is hereby announced.

In accordance with section 313(g) of the Act, the 1978 national marketing quota, divided by the 1973-77, 5-year national average yield of 1,129 pounds per acre, results in a 1978 national acreage allotment of 1,493.36 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 12 acres, by the total of the 1978 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

CIGAR-BINDER (TYPES 51 AND 52) TOBACCO

The yearly average quantity of cigar-binder (types 51 and 52) tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1977-78 marketing year was about 3.5 million pounds. The average annual quantity of cigar-binder tobacco produced in the United States and exported from the United States during the ten marketing years preceding the 1977-78 marketing year was 0.4 million pounds (farm-sales weight basis). Domestic use is erratic while exports have trended downward. Accordingly, 3.8 million pounds has been used as a normal year's domestic consumption and 0.2 million pounds has been used as a normal year's exports. Application of the formula prescribed by the Act results in a reserve supply level of 11.2 million pounds.

Manufacturers and dealers reported stocks of cigar-binder tobacco held on October 1, 1977, as 4.3 million pounds. The 1977 cigar-binder crop is estimated to be 2.6 million pounds. Therefore, the total supply of cigar-binder tobacco for the 1977-78 marketing year is 6.9 million pounds. During the 1977-78 marketing year, it is estimated that disappearance will total about 2.4 million pounds. By deducting the estimated disappearance during the 1977-78 marketing year from the total supply, a carryover of 4.5 million pounds at the beginning of the 1978-79 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1978, results in a computed national marketing quota for the 1977-78 marketing year of 6.7 million pounds. Use of the authority of the Secretary in Section 312(b) of the Act to increase the computed quota by 20 percent to 8.0 million pounds is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 8.0 million pounds.

In accordance with section 313(g) of the Act, the 1978 national marketing quota of 8.0 million pounds, divided by the 1973-77, 5-year national average yield of 1,662 pounds per acre, results in a 1978 national acreage allotment of 4,813.48 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 23 acres, by the total of the 1978 preliminary farm acreage allotments. This preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national allotment, less reserve, to old farms.

CIGAR-FILLER AND BINDER TOBACCO

The yearly average quantity of cigar-filler and binder tobacco produced in the United States which is estimated to have been consumed in the United States during the ten years preceding the 1977-78 marketing year was about 23.3 million pounds. The average annual quantity of cigar-filler and binder tobacco produced in the United States and exported from the United States during the ten marketing years preceding the 1977-78 marketing year was 0.1 million pounds (farm-sales weight basis). Following the cyclical marketing trends, a normal year's domestic consumption has been set at 27.8 million pounds and a normal year's exports at 0.1 million pounds. Application of the formula prescribed by the Act, results in a reserve supply level of 80.4 million pounds.

Manufacturers and dealers reported stocks of cigar-filler and binder tobacco held on October 1, 1977, as 46.0 mil-

lion pounds. The 1977 cigar-filler and binder crop is estimated to be 26.6 million pounds. Therefore, the total supply of cigar-filler and binder tobacco for the 1977-78 marketing year is 72.6 million pounds. During the 1977-78 marketing year, it is estimated that disappearance will total about 22.2 million pounds. By deducting this disappearance from the total supply, a carryover of 50.4 million pounds at the beginning of the 1978-79 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1978, results in a national marketing quota for the 1978-79 marketing year of 30.0 million pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the computed quota by 20 percent to 36.0 million pounds, is deemed to be justified in order to avoid undue restrictions of marketings. This results in a national marketing quota of 36.0 million pounds.

In accordance with section 313(g) of the Act, the 1978 national marketing quota of 36.0 million pounds, divided by the 1973-77, 5-year national average yield of 1,858 pounds per acre, results in the 1978 national acreage allotment of 19,375.67 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 45.00 acres, by the total of the 1978 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

Since the Act requires the holding of separate referendums of fire, dark air, sun-cured, cigar-binder, and cigar-filler and binder tobacco farmers within 30 days after issuance of the proclamation of national marketing quotas to determine whether such farmers favor marketing quotas, and since farmers must be notified, insofar as practicable, of their farm acreage allotments prior to the referenda and since notices of allotments cannot be mailed until the issuance of the proclamation, and since fire-cured, dark air-cured, and sun-cured tobacco farmers are now making their plans for producing tobacco in 1978 and need to know, at the earliest possible date, the applicable 1978 tobacco allotments for their farms, it is hereby found that compliance with the 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interests. Therefore, this revision is issued without following such procedure.

FINAL RULE

Part 724 of Title 7 is amended by revising §§ 724.6 and 724.7 and §§ 724.12 through 724.17 and the centerheads which precede them to read as follows:

PROCLAMATION OF QUOTAS

§ 724.6 Cigar Binder Tobacco (types 51 and 52)—1978-79, 1979-80, and 1980-81 marketing years.

Since the 1977-78 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for cigar-binder tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1978, October 1, 1979, and October 1, 1980 is hereby proclaimed.

§ 724.7 Cigar-Filler and Binder Tobacco (types 42, 43, 44, 53, 54, and 55)—1978-79, 1979-80, and 1980-81 marketing years.

Since the 1977-78 marketing year is the last of three consecutive years for which marketing quotas previously proclaimed will be in effect for cigar-filler and binder tobacco, a national marketing quota for such kind of tobacco for each of the three marketing years beginning October 1, 1978, October 1, 1979, and October 1, 1980 is hereby proclaimed.

DETERMINATIONS AND ANNOUNCEMENTS—1978-79 MARKETING YEAR

§ 724.12 Fire-cured (type 21) tobacco.¹

(a) *Reserve supply level.*¹ The reserve supply level for fire-cured (type 21) tobacco is 18.0 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 3.1 million pounds and a normal year's exports of 5.2 million pounds.

(b) *Total supply.*¹ The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1977, is 14.0 million pounds, calculated in accordance with the Act, from a carryover of 6.7 million pounds and estimated 1977 production of 7.3 million pounds.

(c) *Carryover.*¹ The estimated carryover of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1978, is 8.2 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1977, of 5.8 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*¹ The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1978, a supply equal to the reserve supply level of such tobacco is 9.8 million pounds, and a national marketing quota of such amount is hereby announced. It is determined however, that a national marketing quota in the amount of 9.8 million pounds would result in undue restriction of marketings during the 1978-79 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22-24) tobacco in terms of the

¹ Rounded to the nearest tenth of a million.

creased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1978, is 11.8 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1978-79 marketing year by the 5-year 1973-77 national average yield of 1,065 pounds is 11,079.81.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less the national reserve, by the total of the preliminary allotments for 1978 old farms.

(g) *National reserve.* The national acreage reserve is 100.00 acres, of which 20.00 acres are made available for 1978 new farms, and 80.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.13 Fire-cured (types 22-24) tobacco.

(a) *Reserve supply level.*¹ The reserve supply level for fire-cured (types 22-24) tobacco is 99.6 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 18.3 million pounds and a normal year's exports of 27.0 million pounds.

(b) *Total supply.*¹ The total supply of fire-cured (types 22-24) tobacco for the marketing year beginning October 1, 1977, is 88.1 million pounds, calculated in accordance with the Act, from a carryover of 41.2 million pounds and estimated 1977 production of 46.9 million pounds.

(c) *Carryover.*¹ The estimated carryover of fire-cured tobacco (types 22-24) for the marketing year beginning October 1, 1978, is 53.6 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1977, of 34.5 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*¹ The amount of fire-cured (types 22-24) tobacco which will make available during the marketing year beginning October 1, 1978, a supply equal to the reserve supply level of such tobacco is 46.0 million pounds, and a national marketing quota of such amount is hereby announced.

It is determined, however, that a national marketing quota in the amount of 46.0 million pounds would result in undue restriction of marketings during the 1978-79 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (types 22-24) tobacco in terms of the

total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1978, is 55.2 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1978-79 marketing year by the 5-year 1973-77 national average yield of 1,691 pounds is 32,643.41.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1978-79 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less the national reserve, by the total of the preliminary allotments for the 1978 old farms.

(g) *National reserve.* The national acreage reserve is 56.00 acres, of which 6.00 acres are made available for 1978 new farms and 50.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.14 Dark air-cured tobacco.

(a) *Reserve supply level.*¹ The reserve supply level for dark air-cured tobacco is 50.8 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 16.1 million pounds and a normal year's exports of 2.5 million pounds.

(b) *Total supply.*¹ The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1977, is 46.4 million pounds calculated in accordance with the Act, from a carryover of 26.1 million pounds and estimated 1977 production of 20.3 million pounds.

(c) *Carryover.*¹ The estimated carryover of dark air-cured tobacco for the marketing year beginning October 1, 1978, is 28.4 million pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1977, of 18.0 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*¹ The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1978, a supply equal to the reserve supply level of such tobacco is 22.4 million pounds, and a national marketing quota of such amount is hereby announced.

It is determined, however, that a national marketing quota in the amount of 22.4 million pounds would result in undue restriction of marketings during the 1978-79 marketing year and such amount is hereby increased by 1.3 percent. Therefore, the amount of the national marketing quota for dark air-cured (types 35-36) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1978, is 22.7 million pounds.

(e) *National acreage allotment.*¹ The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1978-79 marketing year by the 5-year, 1973-77, national average yield of 1,711 pounds, is 13,267.10 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1978-79 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve, by the total of the preliminary allotments for 1978 old farms.

(g) *National reserve.* The national acreage reserve is 90.00 acres, of which 10.00 acres are made available for 1978 new farms, and 80.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.15 Virginia sun-cured tobacco.

(a) *Reserve supply level.*² The reserve supply level for Virginia sun-cured tobacco is 3,263 thousand pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 1,010 thousand pounds and a normal year's exports of 200 thousand pounds.

(b) *Total supply.*³ The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1977, calculated in accordance with the Act, is 2,577 thousand pounds, consisting of carryover of 1,767 thousand pounds and estimated 1977 production of 810 thousand pounds.

(c) *Carryover.*⁴ The estimated carryover of Virginia sun-cured tobacco for the marketing year beginning October 1, 1978, is 1,577 thousand pounds, calculated in accordance with the Act by subtracting the estimated disappearance for the marketing year beginning October 1, 1977, of 1,000 thousand pounds from the total supply of such tobacco.

(d) *National marketing quota.*⁵ The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1978, a supply equal to the reserve supply level of such tobacco is 1,686 thousand pounds, and a national marketing quota of such amount is hereby announced.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1978-79 marketing year by the 5-year, 1973-77, national average yield of 1,129 pounds, is 1,493.36.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1978-79 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage

¹Rounded to the nearest thousand pounds.

allotment, less reserve, by the total of the preliminary allotments for 1978 old farms.

(g) *National reserve.* The national acreage reserve is 12.00 acres, of which 5.00 acres are made available for 1978 new farms, and 7.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

§ 724.16 Cigar-binder (type 51 and 52) tobacco.

(a) *Reserve supply level.*¹ The reserve supply level for cigar-binder (types 51 and 52) tobacco is 11.2 million pounds calculated as provided by the Act, from a normal year's domestic consumption of 3.8 million pounds and a normal year's exports of 0.2 million pounds.

(b) *Total supply.*² The total supply of cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1977, is 6.9 million pounds, calculated in accordance with the Act from a carryover of 4.3 million pounds and estimated 1977 production of 2.6 million pounds.

(c) *Carryover.*³ The estimated carryover of cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1978, is 4.5 million pounds, calculated in accordance with the Act, by subtracting the estimated disappearance for the marketing year beginning October 1, 1977, of 2.4 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*⁴ The amount of cigar-binder (types 51 and 52) tobacco which will make available during the marketing year beginning October 1, 1978, a supply equal to the reserve supply level of such tobacco is 6.7 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 6.7 million pounds would result in undue restrictions of marketings during the 1978-79 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-binder (types 51 and 52) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1978, is 8.0 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1978-79 marketing year by the 5-year, 1973-77 national average yield of 1,662 pounds is 4,813.48 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1978-79 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage

allotment, less reserve, by the total of the preliminary allotments for the 1978 old farms.

(g) *National reserve.* The national acreage reserve is 23.00 acres of which 8.00 are made available for new farms and 15.00 for making corrections and adjusting inequities in old farm allotments.

§ 724.17 Cigar-filler and binder (types 42-44, 53-55) tobacco.

(a) *Reserve supply level.*¹ The reserve supply level for cigar-filler and binder (types 42-44, 53-55) tobacco is 80.4 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 27.8 million pounds and a normal year's exports of 0.1 million pounds.

(b) *Total supply.*² The total supply of cigar-filler and binder (types 42-44, 53-55) tobacco for the marketing year beginning October 1, 1977, is 72.6 million pounds calculated in accordance with the Act, from a carryover of 46.0 million pounds and estimated 1977 production of 26.6 million pounds.

(c) *Carryover.*³ The estimated carryover of cigar-filler and binder (types 42-44, 53-55) tobacco for the marketing year beginning October 1, 1978, is 50.4 million pounds, calculated in accordance with the Act, by subtracting the estimated disappearance for the marketing year beginning October 1, 1977, of 22.2 million pounds from the total supply of such tobacco.

(d) *National marketing quota.*⁴ The amount of cigar-filler and binder (types 42-44, 53-55) tobacco which will make available during the marketing year beginning October 1, 1978, a supply equal to the reserve supply level of such tobacco is 30.0 million pounds, and a national marketing quota of such amount is hereby announced.

It is determined however, that a national marketing quota in the amount of 30.0 million pounds would result in undue restriction of marketings during the 1978-79 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler and binder (types 42-44, 53-55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1978, is 36.0 million pounds.

(e) *National acreage allotment.* The national acreage allotment, calculated in accordance with the Act by dividing the national marketing quota for the 1978-79 marketing year by the 5-year, 1973-77 national average yield of 1,858 pounds, is 19,375.67 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1978-79 marketing year is 1.0. It was calculated in accordance with the Act by dividing the national acreage allotment, less reserve by the total of

the preliminary allotments for 1978 old farms.

(g) *National reserve.* The national acreage reserve is 45.00 acres, of which 40.00 acres are made available for 1978 new farms, and 5.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

(Secs. 301, 312, 313, 375, 52 Stat. 38, as amended, 46, as amended, 66 as amended; 7 U.S.C. 1301, 1312, 1313, 1375.)

Signed at Washington, D.C., on January 31, 1978.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

(FR Doc. 78-3134 Filed 2-1-78; 2:56 pm)

[3410-05]

PART 726—BURLEY TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

1978 NATIONAL MARKETING QUOTA FOR BURLEY TOBACCO

AGENCY: Agricultural Stabilization and Conservation Service.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture has determined that the burley tobacco marketing quota shall be 615 million pounds for the 1978-79 marketing year. The law requires this announcement by February 1, 1978. This action is being taken to insure that adequate supplies of burley tobacco will be available for the 1978-79 marketing year.

EFFECTIVE DATE: February 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Tarczy, 202-447-7601, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: Section 726.11 is issued pursuant to, and in accordance with, the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to announce for burley tobacco the amounts of the national marketing quota, the national reserve, and the national factor for the 1978-79 marketing year. The material previously appearing in these sections under centerheads PROCLAMATION OF QUOTAS AND DETERMINATION AND ANNOUNCEMENTS—

1977-78 MARKETING YEAR remains in full force and effect as to the crop to which it was applicable.

The determinations by the Secretary contained in § 726.11 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others pursuant to a notice given in accordance with the provisions of 5 U.S.C. 553.

DISCUSSION OF COMMENTS

On Tuesday, December 20, 1977, there was published in the FEDERAL REGISTER (42 FR 63790) a notice of proposed rulemaking stating that the Secretary of Agriculture was preparing to determine and announce the national marketing quota for burley tobacco for the 1978-79 marketing year. The proposed rule invited the public to submit written comments, views and recommendations by January 19, 1978.

During the announced comment period, 20 responses were received. Included were comments from farmers, members of the trade and related associations, and farm groups. Eighteen favored no reduction in quota, with some stating that a reduction in quota would hurt exports. One favored a 5-percent reduction in the quota, stating that supplies were up. The other comment made no commitment.

In keeping with the Secretary's obligations to maintain an adequate supply of burley tobacco, but not to build up excess stocks, a marketing quota equal to expected disappearance of 615 million pounds is hereby determined and announced for the 1978-79 marketing year.

Section 319(c) of the Act provides that the national marketing quota determined under such section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 percent of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 percent of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms.

Section 319(e) of the Act provides, in part, that the 1978 farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for 1978: *Provided*, That such national factor shall not be less than 95 percent.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The reserve supply level is 1,678 million pounds, based on a normal year's domestic consumption of 515 million pounds and a normal year's exports of 110 million pounds. The average domestic usage for the past 10 marketing years amounts to 518 million pounds. However, domestic usage has trended downward with 1976 being the lowest disappearance of the 10 year period. The 10 year average exports amounted to 71 million pounds. Exports have averaged 92 million pounds during the past 3 marketing years and are expected to continue their upward trends in the future as foreign manufacturers upgrade their blends. In view of these data and estimates, a reserve supply level of 1,678 million pounds appears reasonable.

The total supply for the 1977-78 marketing year, October 1 carryover stocks plus estimated production of the 1977 crop, is 1,865 million pounds. This is 187 million pounds above the reserve supply level.

Total disappearance for the 1978-79 marketing year is estimated at 615 million pounds. It has been determined that no adjustment is necessary to maintain an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Accordingly, the National Marketing Quota for burley tobacco for the mar-

keting year beginning October 1, 1978, is determined to be 615 million pounds. The sum of the preliminary farm marketing quotas for the 1978-79 marketing year is 636,313,044 pounds. The quota of 615 million pounds, less a national reserve of 1,590,000 pounds would result in a national factor of .964.

Since farmers are now making their plans for 1978 production of burley tobacco and need to know the marketing quota for their farms for the 1978-79 marketing year, it is hereby found that compliance with the 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest.

FINAL RULE

Accordingly 7 CFR Part 726 is amended to read as follows:
Section 726.11 and the preceding centerhead is revised to read as set forth below, effective for the 1978 crop of burley tobacco.

DETERMINATIONS AND ANNOUNCEMENTS—1978-79 MARKETING YEAR

§ 726.11 Burley tobacco.

(a) *National marketing quota.* A national marketing quota for burley tobacco on a poundage basis for the marketing year beginning October 1, 1978, is hereby determined and announced in the amount of 615 million pounds. This quota is based upon expected utilization and exports for the 1978-79 marketing year.

(b) *National Factor.* The national factor determined under § 319(e) of the Act is .964.

(c) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm quotas and for establishing quotas for new farms is 1,590,000 pounds.

(Secs. 301, 319, 375, 52 Stat. 38, as amended, 85 Stat. 23, 52 Stat. 66, as amended, 7 U.S.C. 1301, 1314e, 1375.)

NOTE.—The Agricultural Stabilization and Conservation Service has determined that this document contains a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107, and certifies that an Economic Impact Statement has been prepared.

Signed at Washington, D.C., on January 31, 1978.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-3135 Filed 2-1-78; 2:56 pm]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 35—HUMAN USES OF BYPRODUCT MATERIAL

Group Licensing for Certain Medical Uses

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to add a new reagent kit to its list of authorized radioactive drugs, reagent kits, and procedures. The amendment adds to these lists a kit for preparation of technetium-99m labeled medronate sodium for bone imaging. This action is being taken by NRC because of the recent Food and Drug Administration approval of technetium-99m labeled medronate sodium for bone imaging.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

John E. Bowyer, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-427-4232.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the amendment of the Nuclear Regulatory Commission's Regulation, "Human Uses of Byproduct Material", 10 CFR Part 35.

Section 35.100 of 10 CFR Part 35 lists groups of medical uses of radioisotopes that have similar requirements for user training and experience, facilities and equipment, and radiation safety procedures.

The notice of proposed rule making that was published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2384) stated that the groups of licensed uses would be amended from time to time to add new radio-pharmaceuticals, sources, devices and uses as they are developed. The Food and Drug Administration (FDA) has recently approved a "New Drug Application" for technetium-99m as labeled medronate sodium for bone imaging and this procedure is hereby added to Group III.

Because these amendments relate solely to procedural matters, the Commission has found that good cause exists for omitting notice of proposed rule making, and public procedure thereon, as unnecessary. Since the amendment relieves licensees from restrictions under regulations currently in effect, it may become effective without the customary 30 day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reor-

ganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 35 are published as a document subject to codification.

1. Paragraph (c)(3)(x) of § 35.100 is amended by changing the period at the end of paragraph (c)(3)(x) to a semicolon, and adding a new paragraph (c)(3)(xi) to read as follows:

§ 35.100 Schedule A-Groups of medical uses of byproduct material.

- • • • •
- (c) • • •
- (3) • • •
- (xi) Medronate sodium for bone imaging.

(Secs. 81, 161b, Pub. L. 83-703, as amended; 68 Stat. 935, 948 (42 U.S.C. 2111, 2201);)

(Sec. 201, Pub. L. 93-438, as amended; 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md. this 1st day of February 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director
for Operations.

[FR Doc. 78-3438 Filed 2-6-78; 8:45 am]

[1505-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES, AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Disclosure of Material Pertaining to Consent Order Settlements; Withdrawal of Matter From Adjudication to Consider Consent Agreements

Correction

In FR Doc. 78-1795, appearing at page 3088 in the issue for Monday, January 23, 1978; on page 3089, in § 2.34, "(a)" should be removed.

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. SAB-20]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Subpart B—Staff Accounting Bulletins

STAFF ACCOUNTING BULLETIN No. 20

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff and Accounting Bulletin.

SUMMARY: These interpretations of the staff of the Commission provide guidance to registrants in disclosing replacement cost data. Large nonfinancial registrants are required to disclose in their financial statements certain replacement cost information relating to inventories and productive capacity. In the staff's view, (1) registrants have flexibility in changing the methods and assumptions used in estimating the required replacement cost information from those used in the prior year, and (2) disclosures of replacement cost information, including those in material pertaining to proposed business combinations, should avoid simplistic presentations of the information.

DATE: January 31, 1978.
FOR FURTHER INFORMATION CONTACT:
Gary A. Zell, 202-376-8019 or Richard C. Adkerson 202-755-1671, Office of the Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 31, 1978.
STAFF ACCOUNTING BULLETIN No. 20

The following interpretations provide guidance to registrants in disclosing the replacement cost information required by 17 CFR 210.3-17 as adopted in Accounting Series Release No. 190 (41 FR 13596).

TOPIC 6: INTERPRETATIONS OF ACCOUNTING SERIES RELEASES

9. MISCELLANEOUS

1. Accounting Series Release No. 190—Amendments to regulation S-X requiring disclosure of certain replacement cost data (§ 210.3-17).

c. Presentation of replacement cost information in material pertaining to proposed business combinations.

Facts

Certain registrants have recently disclosed replacement cost information in material filed with the Commission relating to proposed business combinations. For instance, one such registrant disclosed the difference between the historical cost and replacement cost of inventories and productive capacity as additional indicated stockholders' equity per share with no adjustments for income taxes or other possible effects.

2. GENERAL

g. Disclosure of comparative replacement cost data.—Section 210.3-17 requires that registrants disclose certain replacement cost information in financial statements for the current year and, beginning for years

ending on or after December 25, 1977, for the immediately preceding year. Certain registrants may wish, in developing estimates of the required data for the current year, to change either the methods used to estimate the data in the preceding year or to change the assumptions underlying such estimates.

Question 1

Is it appropriate to change the methods or the assumptions, or both, used to develop the estimates of replacement cost information from those used previously?

Interpretive response

Yes. The Commission in Accounting Series Release No. 190 encouraged meaningful experimentation in developing estimates of replacement cost information. If registrants conclude that methods or assumptions different from those used previously provide more appropriate or, while still resulting in acceptable estimates, less costly estimates of the required replacement cost information, they should not feel constrained to the methods or assumptions used in prior years.

Question 2

What disclosures does the staff suggest when such changes are made in the replacement cost methods or assumptions?

Interpretive response

Registrants should describe changes in the methods and assumptions used to estimate replacement cost information in the manner they consider appropriate. At a minimum, a registrant making changes of this nature should comment briefly on the changes and the reasons for making them. Registrants are not required either to restate the replacement cost information presented for the prior year to reflect newly adopted methods and assumptions or to provide any reconciliation of the amounts disclosed in the prior year using the new and old bases for estimating the data. The prior year data may be restated to reflect the new methods or assumptions if the registrant believes that restatement is appropriate. Restatement of the replacement cost information presented in the prior year would be necessary to reflect (a) corrections of errors, such as omissions and mathematical mistakes and (b) restatements of financial statements required by generally accepted accounting principles, such as for a business combination accounted for as a pooling-of-interests.

9. MISCELLANEOUS

c. Presentation of replacement cost information in material pertaining to proposed business combinations.

Facts

Certain registrants have recently disclosed replacement cost information in material filed with the Commission relating to proposed business combinations. For instance, one such registrant disclosed the difference between the historical cost and replacement cost of inventories and productive capacity as additional indicated stockholders' equity per share with no adjustments for income taxes or other possible effects.

Question

Does the staff consider such use of replacement cost data appropriate?

Interpretive response

The staff would consider the specific situation discussed above to be an inappropriate use of the replacement cost information required by § 210.3-17. Converting the data to additional stockholders' equity on a basis of accounting other than generally accepted accounting principles is a complex undertaking which requires consideration of matters other than the replacement cost of inventories and productive capacity. Adding the difference between the replacement costs and historical costs of these assets directly to reported stockholders' equity is a simplistic use of the data about which the Commission cautioned investors and analysts in Accounting Series Release No. 190.

[FR Doc. 78-3374 Filed 2-6-78; 8:45 am]

[4110-07]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart J—Procedures, Payment of Benefits, and Representation of Parties

Consolidation of Hearings in Disability Cases With Common Issues

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: These amendments provide for consolidation of hearings on the issue of medical improvement in cases of dual entitlement under both the Social Security Disability (Title II) and the Supplemental Security Income (Title XVI) programs when the individual has a right to a hearing under the title XVI program. They are needed to eliminate the mandatory reconsideration step for title II appeals. Through bypassing the reconsideration step under the title II program the common issues will be resolved in a single hearing and at an earlier point in time.

EFFECTIVE DATE: These amendments shall be effective on February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms. Dorothy E. Algea, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-5587.

SUPPLEMENTARY INFORMATION: Regulations No. 4 (i.e., 20 CFR 404.917) now require reconsideration

review as the first appellate step after the initial determination in all title II disability insurance claims. Regulations No. 16, on the other hand, provide for a hearing as the first appellate step after the initial cessation decision due to medical improvement in supplemental security income disability cases (see 20 CFR 416.1426).

Since an individual receiving payments based on disability or blindness under both the Federal Old-Age, Survivors, and Disability Insurance program and the Supplemental Security Income program is in needy financial circumstances, it is important to provide him or her with the protection of procedural due process and to decide the issue of medical cessation of blindness or disability promptly. Since presiding officers at hearings (like all other employees) are governed by the regulations (20 CFR 404.909, 404.910, and 404.917(a)) which apply to all types of title II retirement, survivors, and disability claims, it is necessary to align those regulations with the title XVI regulations (20 CFR 416.1425(a)(4) and 416.1436(b)) so there is no opportunity for dismissal of requests for hearings under title II in cases where the common issue of medical cessation of blindness or disability is properly before them under title XVI. By amending §§ 404.910 and 404.917 to show that the first appellate step in an appropriate dual entitlement case is the hearing stage, dismissals of title II hearing requests will be prevented and smooth and prompt processing of consolidated hearings assured. Bypassing the administratively mandated reconsideration step will not adversely affect the rights of any claimant. Elimination of the reconsideration step in concurrent title II-title XVI medical cessation cases in no way affects the payment of benefits.

On August 1, 1977, there was published in the FEDERAL REGISTER (42 FR 38918-38919) a notice of proposed rule-making setting forth proposed amendments to the regulations providing for consolidation of hearings on the issue of medical improvement in cases of dual entitlement under both the Social Security Disability (Title II) and the Supplemental Security Income (Title XVI) programs which involve the common issue of cessation of blindness or disability. Interested parties were given the opportunity to submit, not later than September 15, 1977, data, views, and arguments pertaining to the proposal.

The only comment received was from the State of Mississippi. It commended the Social Security Administration for this positive step toward bringing uniformity to program requirements. In the absence of any unfavorable comment, the proposed regulations are hereby adopted without change and are set forth below.

(Secs. 205, 221(d), 1102, Social Security Act, as amended; 49 Stat. 624, as amended by 53 Stat. 1368, 67 Stat. 632, 68 Stat. 1082, 49 Stat. 647, as amended by 86 Stat. 1489 (42 U.S.C. 405, 421(d), 1302))

(Catalog of Federal Domestic Assistance Program No. 13.802, Social Security—Disability Insurance.)

NOTE.—The Social Security Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821 (November 27, 1974), as amended by Executive Order 11949 (December 31, 1976), and OMB Circular A-107.

Dated: November 25, 1977.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 1, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health,
Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. Section 404.910 is revised to read as follows:

§ 404.910 Reconsideration; right to reconsideration.

The Social Security Administration shall, except as provided in § 404.910(d), reconsider an initial determination if a written request for reconsideration is filed, as provided in § 404.911:

(a) By or for the party to the initial determination (see § 404.905).

(b) By an individual as a wife, widow, divorced wife, surviving divorced wife, surviving divorced mother, husband, widower, child, parent, individual alleging equitable entitlement to a lump sum, or representative of a decedent's estate, who makes a showing in writing that his or her rights with respect to monthly benefits, a lump sum, a period of disability, or entitlement to hospital or supplementary medical insurance benefits, may be prejudiced by such determination. Such request for reconsideration is not applicable under this paragraph with respect to the revision of the Social Security Administration's earnings records.

(c) By a person as a widow, divorced wife, surviving divorced wife, surviving divorced mother, widower, child, parent, or individual alleging equitable entitlement to a lump sum, or representative of the decedent's estate relating to the revision of the Social Security Administration's record of the earnings (see § 404.905(g)) of a deceased individual.

(d) When the Social Security Administration has made an initial determination under title II that blindness or disability has ceased due to medical improvement and a hearing or right to hearing is pending under title XVI with respect to the same party and the same issue, appeal of the initial deter-

mination under title II shall be made directly to the hearing as provided in § 404.917.

2. Section 404.917(a) is amended to read as follows:

§ 404.917 Hearing; right to hearing.

An individual has a right to hearing about any matter designated in § 404.905, if:

(a) The Social Security Administration has made:

(1) An initial determination and a reconsideration of the initial determination; or

(2) A revised determination of an initial or reconsideration determination as provided in § 404.961; or

(3) An initial determination that blindness or disability has ceased due to medical improvement. *Provided*, That there is also pending a hearing or right to hearing under title XVI with respect to the same party and the same issue; and

(FR Doc. 78-3231 Filed 2-6-78; 8:45 am)

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL
(Docket No. 76C-0425)

PART 74—LISTING OF COLOR ADDITIVES
SUBJECT TO CERTIFICATION

PART 81—GENERAL SPECIFICATIONS AND
GENERAL RESTRICTIONS FOR PROVISIONAL
COLOR ADDITIVES FOR USE IN FOODS,
DRUGS, AND COSMETICS

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

D. & C. Red No. 34; Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document confirms the effective date of December 27, 1976, of a regulation concerning the use of D. & C. Red No. 34 in externally applied drugs and cosmetics.

DATES: Effective date confirmed: December 27, 1976.

FOR FURTHER INFORMATION CONTACT:

Gerard L. McCowin, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: A regulation published in the FEDERAL

REGISTER of November 23, 1976 (41 FR 51592), that added §§ 74.1334 and 74.2334 (21 CFR 74.1334 and 74.2334) (formerly §§ 8.4128 and 8.7195 prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), to provide for safe use of D. & C. Red No. 34 in externally applied drugs and cosmetics and amended § 81.1 (21 CFR 81.1, formerly 21 CFR 8.501) by deleting D. & C. Red No. 34 from the provisionally listed colors in paragraph (b). The regulation of November 23, 1976 also amended the identity nomenclature and specifications for the certification of D. & C. Red No. 34 § 82.1334 (21 CFR 82.1334, formerly 21 CFR § 9.179) to reference § 74.1334.

Under the Federal Food, Drug, and Cosmetic Act (secs. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c), and (d))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), notice is given that no objections or requests for hearing were filed in response to the regulation of November 23, 1976. The Commissioner has determined, in the absence of such objections, that the notice that appeared in the FEDERAL REGISTER of March 4, 1977 (42 FR 12424) that stayed the regulation was inappropriate. Therefore, the Commissioner is nullifying the stay of effectiveness and, accordingly, the amendments listing D. & C. Red No. 34 promulgated by the order of November 23, 1976 became effective on December 27, 1976.

Dated: February 1, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commission
for Compliance.

(FR Doc. 78-3199 Filed 2-6-78; 8:45 am)

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND
RELATED PRODUCTS

PART 520—ORAL DOSAGE FORM NEW
ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Uredofos Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a new animal drug application filed by Affiliated Laboratories Division, Whitmoyer Laboratories, providing for use of uredofos tablets for removal of certain intestinal worms in dogs and cats.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry C. Hewitt, Bureau of Veteri-

nary Medicine (HFV-112), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Affiliated Laboratories Division, Whitmoyer Laboratories, Inc., 1 Gibraltar Plaza, Horsham, Pa. 19044, filed a new animal drug application (NADA) (100-745V) providing for oral administration of the organophosphate uredofos for removal of roundworms, hookworms, and tapeworms in dogs and cats and whipworms in dogs.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 520 is amended by adding new § 520.2645 to read as follows:

§ 520.2645 Uredofos tablets.

(a) *Chemical name.* Diethyl [2-[[[4-methylphenyl]-sulfonyl]amino]carbonylamino]phenylaminothioxomethyl] phosphoramidate.

(b) *Specifications.* Each tablet contains 25, 62.5, 125, 250, or 500 milligrams of uredofos.

(c) *Sponsor.* See No. 011794 in § 510.600(c) of this chapter.

(d) *Conditions of use—(1). Amount.* 25 milligrams per pound (55 milligrams per kilogram) body weight.

(2) *Indications for use—(i). Dogs.* For removal of roundworms (*Toxocara canis*, *Toxascaris leonina*), hookworms (*Ancylostoma caninum*, *Uncinaria stenocephala*), whipworms (*Trichuris vulpis*), and tapeworms (*Dipylidium caninum*, *Taenia pisiformis*).

(ii) *Cats.* For removal of roundworms (*Toxocara cati*), hookworms (*Ancylostoma tubaeforme*, *A. Braziliensis*), and tapeworms (*Taenia taeniiformis*).

(3) *Limitations.* (i) For roundworms, hookworms, and tapeworms in dogs and cats, administer single oral dose of 25 milligrams per pound (55 milligrams per kilogram) body weight. For maximum efficacy in removing whipworms from dogs, administer same single oral dose and repeat treatment in approximately 24 hours.

(ii) The drug is a cholinesterase inhibitor. It is recommended that dogs being treated for whipworm infesta-

tion be kept under observation for 12 hours following the second dose. Do not use simultaneously or within a few days of exposure to or treatment with cholinesterase-inhibiting drugs.

(iii) Do not use with other anthelmintics.

(iv) Do not administer to animals showing signs of mechanical blockage of intestinal tract or infectious disease.

(v) Do not administer to cats or puppies under 10 days of age or under 1 pound of body weight.

(vi) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This regulation becomes effective February 7, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 1, 1978.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

(FR Doc. 78-3203 Filed 2-6-78; 8:45 am)

[4110-03]

PART 522—IMPLANTATION OR INJECTABLE
DOSAGE FORM NEW ANIMAL DRUGS NOT
SUBJECT TO CERTIFICATION

Sterile Triamcinolone Acetonide Suspension;
NAS/NRC Update

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect previously unpublished approval of a new animal drug application (NADA) filed by E. R. Squibb & Sons, Inc., providing for use of a synthetic corticosteroid for treatment of dogs, cats, and horses.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, N.J. 08540, filed an NADA (12-198V) providing for use of a synthetic corticosteroid for treatment of inflammatory disorders in dogs, cats, and horses; plus treatment of arthritis and allergic and dermatologic disorders in dogs and cats. In addition, a supplemental NADA revises the indications for use. These were approved without publications in the FEDERAL REGISTER reflecting the approval.

Triamcinolone acetonide was one of several adrenocortical steroids that were subject of the National Academy

of Science/National Research Council (NAS/NRC), drug efficacy study implementation report published in the FEDERAL REGISTER of April 12, 1969 (34 FR 6447). The NAS/NRC report concluded that several adrenocortical steroids are effective as anti-inflammatory agents. The agency concurred with the Academy's conclusions. In the cited publication, the agency stated:

These drugs are synthetic corticosteroids and possess glucocorticoid activity. They are not specie specific and differ only in their anti-inflammatory potency and ability to manifest mineralocorticoid properties.

Although Squibb's dosage-form tablet for oral administration differs from that of the NAS/NRC report, the product's bioavailability data have demonstrated its bioequivalency. A supplemental NADA, filed by Squibb in response to the NAS/NRC review, revised the indications for use. No new efficacy data were required.

This document amends the regulations to indicate by footnote those conditions of use for which applications for identical products need not include certain types of efficacy data as required for approval in § 514.111(a)(5)(vi) (21 CFR 514.111(a)(5)(vi)) of the animal drug regulations. In lieu of that data, approval may require bio-equivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC reviewed generic drugs, available with the Hearing Clerk (HFC-20), Food and Drug Administration.

In accordance with the freedom of information regulations and § 514.111(e)(2)(ii) (21 CFR 514.111(e)(2)(ii)) of the animal drug regulations, a summary of safety and effectiveness data and information submitted to support approval of this NADA is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 522 is amended by adding new § 522.2483, to read as follows:

§ 522.2483 Sterile triamcinolone acetone suspension.

(a) *Specifications.* Each milliliter of suspension contains 2 or 6 milligrams triamcinolone acetone.

(b) *Sponsor.* See No. 000003 in § 510.600(c) of this chapter.

(c) *Conditions of use—(1). Amount—(i) Dogs and cats.*

(a) *Intramuscular or subcutaneous.* Single injection of 0.05 to 0.1 milligram (mg.) per pound of body weight

in inflammatory, arthritic, or allergic disorders. Single injection of 0.1 mg. per pound of body weight in dermatologic disorders. If symptoms recur, the dose may be repeated, or oral corticosteroid therapy may be instituted.¹

(b) *Intralesional.* 1.2 to 1.8 mg., divided in several injections, spaced around the lesion at 0.5 to 2.5 centimeters apart depending on the size. At any one site the dose injected should not exceed 0.6 mg. and should be well into the cutis to prevent rupture of the epidermis. When treating animals with multiple lesions, do not exceed a total dose of 6 mg.

(c) *Intra-articular and intrasynovial.* Single injection of 1 to 3 mg. dose, dependent on size of joint and severity of symptoms. After 3 or 4 days, repeat dosage if indicated. If initial results are inadequate or too transient, dosage may be increased, not to exceed 3 mg.

(ii) *Horses—(a) Intramuscular or subcutaneous.* Single injection of 0.01 to 0.02 mg. per pound of body weight. Usual dose, 12 to 20 mg.

(b) *Intra-articular and intrasynovial.* Single injection of 6 to 18 mg. dose, dependent on size of joint and severity of symptoms. After 3 or 4 days, repeat dosage if indicated. If initial results are inadequate or too transient, dosage may be increased, not to exceed 18 mg.

(2) *Indications for use.* Treatment of inflammation and related disorders in dogs, cats, and horses; and management and treatment of acute arthritis and allergic and dermatologic disorders in dogs and cats.

(3) *Limitations.* (i) Do not use in viral infections. With bacterial infections, appropriate antibacterial therapy should be used.

(ii) Do not use in animals with tuberculosis, chronic nephritis, or cushingoid syndrome, except for emergency therapy.

(iii) Not for use in horses intended for food.

(iv) Clinical and experimental data have demonstrated that corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(v) Do not use in the treatment of laminitis.

(vi) Intra-articular injection in equine leg injuries may produce osseous metaplasia.

(vii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

¹These conditions are NAS/NRC reviewed and are deemed effective. Applications for these uses need not include the effectiveness data specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

Effective Date: February 7, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 1, 1978.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc. 78-3201 Filed 2-6-78; 8:45 am]

[1505-01]

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Gentamicin Sulfate Injection

Correction

In FR Doc. 78-914 appearing on page 1941 in the issue of Friday, January 13, 1978, the 1st line should read, "AGENCY: Food and Drug Administration."

[4110-03]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co., providing for a 60-grams-per-pound monensin premix for chickens.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Elanco Products Co., A Division of Eli Lilly & Co., 740 S. Alabama Street, Indianapolis, Ind. 46206, filed a supplemental NADA (38-878V) providing for a 60-grams-per-pound monensin premix intended for subsequent manufacture of a complete feed for broiler and replacement chickens. The feed thus produced would aid in prevention of coccidiosis. The complete feed produced from this higher concentration premix is to be used in accordance with currently approved conditions of use. This independent action has not required a reevaluation of the parent NADA and does not constitute a reaffirmation of the drug's safety and effectiveness.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82

Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 558 is amended in § 558.355 by revising paragraph (b)(1) to read as follows:

§ 558.355 Monensin.

• • • • •

(b) • • •
(1) To 000986: 44, 45, or 60 grams per pound, paragraphs (f)(1)(i) and (f)(4) of this section.

• • • • •

Effective date: February 6, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: January 31, 1978.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc. 78-3202 Filed 2-6-78; 8:45 am]

[4110-03]

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect previously unpublished approval of a new animal drug application (NADA) and its supplement filed by Land O'Lakes, Inc., for tylosin premixes to be used for subsequent manufacture of complete swine feed used for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Land O'Lakes, Inc., Agricultural Services, 2827 8th Avenue, South Fort Dodge, Iowa 50501, filed an NADA (91-738V) providing for use of 10 grams of tylosin (as tylosin phosphate) per pound of premix and a supplement for use of 4 grams of tylosin per pound of premix. These applications were approved by letters on February 27, 1973 and May 21, 1973, respectively.

Approval of these applications relies upon safety and effectiveness data contained in Elanco Products Co.'s approved NADA 12-491V, which is incor-

porated by reference. These approvals have not required a reevaluation of the referenced NADA and do not constitute a reaffirmation of the drug's safety and effectiveness.

In accordance with the freedom of information regulations and § 514.111(e)(2)(ii) (21 CFR 514.111(e)(2)(ii)) of the animal drug regulations, a summary of safety and effectiveness data and information submitted to support approval of these applications is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday, except on Federal holidays.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 558 is amended in § 558.625 by adding new paragraph (b)(53), to read as follows:

§ 558.625 Tylosin.

• • • • •

(b) • • •
(53) To 034500: 4 and 10 grams per pound; paragraph (f)(1)(vi)(a) of this section.

• • • • •

Effective date: February 7, 1978.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: February 1, 1978.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc. 78-3200 Filed 2-6-78; 8:45 am]

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Paroling, Reccommitting, and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: This action deletes a rule concerning the internal administration of the Commission which formalized a number of working committees of Commissioners to deal with various aspects of the Commission's functions. Since the nature of the issues facing the Commission has proved to require a more flexible approach in the Chairman's coordination of the policy-

making business of the Commission, the retention of a formal rule on this subject is not considered to be advantageous.

EFFECTIVE DATE: March 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Stover, Office of the General Counsel, United States Parole Commission, 320 First Street NW., Washington, D.C., phone 202-724-3092.

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR Chapter 1, Part 2, is amended by the deletion of 28 CFR 2.59 from the Code of Federal Regulations.

Date: February 1, 1978.

CECIL C. McCALL,
Chairman,
U.S. Parole Commission.

[FR Doc. 78-3214 Filed 2-6-78; 8:45 am]

[4410-01]

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Paroling, Reccommitting and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Interim rule.

SUMMARY: In the Proposed Rules section of this issue, the Commission is soliciting comment from the public on a proposed rule governing appeals before the Commission by prisoners denied parole under the Commission's original jurisdiction procedure. The rule which appears below will be effective in the interim preceding adoption of a final rule. The rule provides that appeals must be received at least thirty days in advance of the meeting at which they are to be reviewed in order to permit adequate consideration by the Commission. For the same purpose, the rule also contains an advisory requirement that all documents accompanying an appeal be submitted to the Commission at least two weeks in advance of the meeting.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael A. Stover, Office of the General Counsel, 320 First Street NW., Washington, D.C. 20537, telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: The text of the rule which this interim rule amends may be found at 28 CFR 2.27. While the Commission is soliciting comment from the public prior

to publishing this amendment as a final rule, the continuing backlog of appeal cases before the Commission, which was caused by prolonged vacancies in Commission positions during the spring and summer of 1977, makes it imperative that the Commission adopt this procedure as an interim rule in order to meet its statutory deadlines in an orderly fashion: see 5 U.S.C. 553(d) (2) and (3).

It should be noted that the thirty day period is considered necessary because appeals must be processed and submitted to each of the Regional Commissioners in time to permit adequate study prior to the Commission's meetings. It should also be noted that the Commission's meetings are presently held on a bi-monthly basis.

Accordingly, pursuant to the provisions of 18 U.S.C. 4203(a)(1) and 4204(a)(6), 28 CFR Chapter 1 Part 2, is amended as follows:

§ 2.27 Appeal of original jurisdiction cases.

(a) Cases decided under the procedure specified in § 2.17 may be appealed within thirty days of the date of the decision on a form provided for this purpose. Appeals will be reviewed at the next regularly scheduled meeting of the Commission provided they are received thirty days in advance of such meeting. Appeals received in the office of the Commission's National Appeals Board in Washington, D.C., less than thirty days in advance of the next regularly scheduled meeting will be reviewed at the next following regularly scheduled meeting. A quorum of five Commissioners shall be required and all decisions shall be by majority vote. This appellate decision shall be final.

(b) Attorneys, relatives, and other interested parties who wish to submit written information in support of a prisoner's appeal should send such information to the National Appeals Board Analyst, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537. Written material should be submitted at least two weeks in advance of the meeting at which the appeal will be heard, in order to permit consideration thereof by the Commission.

Dated: February 1, 1978.

CECIL C. McCALL,
Chairman,
U.S. Parole Commission.

[FR Doc. 78-3218 Filed 2-6-78; 8:45 am]

[4410-01]

Part 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

Public Observation of Parole Commission Meetings

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The United States Parole Commission is amending a regulation which states that meetings of committees of Commissioners, including certain named committees established by regulation, are not "meetings" within the terms of the Government in the Sunshine Act. This amended rule deletes reference to the named committees because they have been dissolved. However, the underlying intent of the rule remains that a meeting of any committee not constituting a quorum of the Commission is not subject to the Sunshine Act.

EFFECTIVE DATE: March 9, 1978.

FOR FURTHER INFORMATION, CONTACT:

Michael Stover, Office of General Counsel, U.S. Parole Commission, 320 First Street NW., Washington, D.C. Telephone, 202-724-3092.

SUPPLEMENTARY INFORMATION: The language of the amended rule conforms to that which was originally proposed in 42 FR 6610 (Thursday, February 3, 1977). A reference to certain named committees, which was added to the final rule, is now deleted since the Commission has formally dissolved these committees.

Accordingly, pursuant to the authority of 18 U.S.C. 4203(a)(1) and 5 U.S.C. 552b(g), Subpart F of 28 CFR Chapter I, Part 16, is amended as follows:

§ 16.200 Definitions.

(d) Specifically excluded from the term meeting are:

(5) Meetings of special committees of Commissioners not constituting a quorum of the Commission, which may be established by the Chairman to report and make recommendations to the Commission or the Chairman on any matter.

Dated: February 1, 1978.

CECIL C. McCALL,
Chairman, U.S. Parole
Commission.

[FR Doc. 78-3215 Filed 2-6-78; 8:45 am]

[3710-92]

Title 33—Navigation and Navigable Waters

**CHAPTER II—CORPS OF ENGINEERS,
DEPARTMENT OF THE ARMY**

[ER 1140-2-4]

PART 221—WORK FOR OTHERS

Investigation and Supervision of Hydropower Projects Under the Federal Power Act

AGENCY: Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: This action publishes as a final rule the procedures to be followed by the Corps of Engineers involving investigation and supervision of hydropower projects under the Federal Power Act. On October 29, 1976, notice was published in the FEDERAL REGISTER that the Secretary of the Army, acting through the Chief of Engineers, has proposed a regulation prescribing policies and procedures for investigation of license and permit applications filed with the Federal Energy Regulatory Commission (FERC) and referred to the Corps of Engineers for review and comments. The intent of the regulation is to establish Corps of Engineers review procedures in conformance with applicable provisions of the Federal Power Act of 1920, as amended; the River and Harbor Act of 1899; and the Federal Water Pollution Control Act Amendments of 1972.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION, CONTACT:

Mrs. S. A. Zanganeh, Office of the Chief of Engineers, ATTN: DAEN-CWE-HY, Washington, D.C. 20314, 202-693-7330.

SUPPLEMENTARY INFORMATION: Interested persons were given until December 13, 1976 to submit written comments. Significant comments were received from the U.S. Environmental Protection Agency (EPA), The Duke Power Company, and the State of California, Department of Fish and Game.

DISCUSSION OF COMMENTS RECEIVED

In a letter dated December 15, 1976, EPA stated that it generally concurs in the proposed regulation and the procedures it describes. However, EPA expressed concern that Corps recommendations to the FERC relating to water quality and low flow augmentation aspects of FERC license and permit applications may not include coordination with State and area-wide water quality management planning agencies as well as the Administrator, EPA. The Corps recognizes the need for inter-agency coordination as suggested by EPA. However, in response to a written request from the FERC, the Corps review and recommendations on water quality or any other technical matters will be forwarded to the FERC who, as the responsible agency for licensing non-Federal hydroelectric projects, will consider any needed coordination. The EPA, and local agencies are afforded an opportunity by the FERC to review the same permit and license applications that the Corps receives for review from the FERC. The Corps believes that coordination of its recommendations to the FERC, as suggested by the EPA, will

encompass duplication of the Commission's efforts in this regard and delay in FERC licensing procedures.

EPA also suggested that the need for permits under Section 10 of the 1899 Act be clarified to require separate review if the issuance of a Section 10 permit would constitute a major Federal action under NEPA. Paragraph 10 of the instant regulation has been expanded to show more specifically that in connection with FERC licensed projects, proposals concerning non-power water oriented activities affecting navigable waters will be reviewed by the Corps under authority of Section 10 of the River and Harbor Act of 1899. Full consideration of the overall public interest, including environmental concerns, is required by NEPA and is an integral part of the permitting process. The regulation further provides that the Corps of Engineers responsibilities under Section 10 of the River and Harbor Act of 1899 for power related activities may be met through FERC licensing procedures. Specific recommendations concerning Section 10 requirements for the construction of dam(s), powerhouse(s) and appurtenant structures will be made to the Commission by the Corps. The Corps believes that in the context of the Commission's licensing procedures, this input plus FERC's lead agency preparation of environmental impact statements will adequately fulfill NEPA requirements. By letter dated 10 December 1976, Duke Power Company stated that the regulation should provide for one single review by the Corps, which would result in a recommendation to the FERC for issuance of a Section 404 permit pursuant to the Federal Water Pollution Control Act (FWPCA) of 1972. A section 404 permit under the FWPCA is required for any discharge of dredged or fill material into navigable waters and wetlands. This permit would be in addition to the FERC license issued under the Federal Power Act. However, pursuant to statute and judicial mandate, the Corps has no authority to delegate its Section 404 permit responsibilities to another Federal agency.

Accordingly, the instant regulation provides that the responsibilities under Section 404 of the FWPCA pertinent to discharge of dredged or fill material into navigable waters at specified disposal sites will be met only through the Department of the Army permit procedures as specified in ER 1145-2-303 (33 CFR 209.120), "Permits for Work in Navigable Waters and Ocean Waters." Duke Power Company also suggested that the Corps should review FERC license applications and make recommendations to the EPA regarding Section 402 requirements of the FWPCA. However, any Corps com-

ments to the EPA pursuant to their Section 402 authority are based on a Corps review of Section 402 permit applications filed with the EPA, rather than the FERC license application. Duke Power Company further stated that the Corps study of FERC license applications for determination as to whether or not project development should be undertaken by the U.S., is redundant since the FERC is charged with that responsibility. This statement is correct. The Corps study and recommendations to the FERC on this matter are undertaken only on request from the FERC. The instant Regulation has been clarified on this subject. The State of California, Department of Fish and Game, by letter dated December 10, 1976 raised no objections to the proposed Corps of Engineers Regulation, but suggested that the Corps in its review of FERC license or relicensing applications for hydroelectric projects, consider coordination with the State on matters concerning fish and wildlife resources affected by FERC projects.

The Corps concurs with the need for coordination with the State. However, since the Corps of Engineers review is basically limited to navigation under section 4(e) of the Federal Power Act, other reviews under laws such as Fish and Wildlife Coordination Act will be accomplished by the FERC. Since the FERC seeks review and comments on applications for license and relicensing from the appropriate Federal, State and local agencies, the State of California will have the same opportunity as the Corps to furnish its review comments to the FERC. The Commission, as the responsible agency on hydroelectric licensing, will determine the need for coordination based on review comments that it receives. The Corps believes that further formal coordination in conjunction with its review action will be a duplication of efforts and will cause delay in the FERC licensing procedures.

NOTE.—The U.S. Army Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 23, 1978.

For the Chief of Engineers:

JAMES N. ELLIS,
Colonel, Corps of Engineers,
Executive Director, Engineer Staff.

Accordingly, Title 33 of the Code of Federal Regulations is amended as follows:

1. Part 221 is added to read as set forth below.

Sec.

221.1 Investigation and supervision of hydropower projects under the Federal Power Act (ER 1140-2-4).

Sec.

221.2 through 221.9 [Reserved]

AUTHORITY: Sections 2 and 4(e) of the Federal Power Act of 1920 (41 Stat. 1603, 16 U.S.C. 791-823), as amended; Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151, 33 U.S.C. 403); and Section 404 of Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816, 33 U.S.C. 1344).

§ 221.1 Investigation and supervision of hydropower projects under the Federal Power Act (ER 1140-2-4).

(a) **Purpose.** This regulation establishes procedures for executing Corps of Engineers functions under the authority of the Federal Power Act (FPA) administered by the Department of Energy, Federal Energy Regulatory Commission (FERC), formerly Federal Power Commission. Based on a specific request from FERC, these functions include:

(1) Investigation of applications filed with FERC for permits and licenses, and for relicensing of projects to ascertain impacts on Corps of Engineers responsibilities.

(2) Investigation of applications for surrender or termination of license to ascertain impacts on Corps of Engineers responsibilities.

(3) Supervision and inspection of operations of licensed hydroelectric projects to ascertain impacts on Corps of Engineers responsibilities.

(b) **Applicability.** This regulation applies to all field operating agencies having Civil Works responsibilities.

(c) **References.** (1) Federal Power Commission publication entitled "Federal Power Act", as amended, dated 1 April 1975. The Act was originally enacted 10 June 1920 (41 Stat. 1063, 16 U.S.C. 791-823). This publication can be obtained from the U.S. Government Printing Office, Washington, D.C. 20402.

(2) Code of Federal Regulations, Title 18, Part I to 149 relating to FERC General Rules and Regulations, available at the U.S. Government Printing Office, Washington, D.C. 20402.

(3) ER 1145-2-303 (33 CFR 209.120), Permits for Activities in Navigable Waters or Ocean Waters.

(4) ER 1140-2-1, Submission of Data for Headwater Benefits Determination.

(d) **Definitions.**—(1) **Licensed project.** A non-Federal hydroelectric project for which the FERC has issued a license granting authority for either construction, in the case of a proposed project, or for continued operation and maintenance of an existing project.

(2) **Major projects.** Hydroelectric projects with more than 2,000 horsepower installed capacity.

This regulation supersedes ER 1140-2-4, 8 December 1967, and ER 1140-2-2, 10 September 1965.

(3) *Minor projects.* Hydroelectric projects having installed capacity of 2,000 horsepower or less.

(4) *Preliminary permit application.* An application filed by a non-Federal entity with the FERC as a preliminary step in anticipation of filing for a license to construct and operate a hydroelectric project. A preliminary permit does not authorize construction. It merely gives the permittee priority of application for a FERC license over other non-Federal entities for a period of time. The permittee then develops information necessary for inclusion in an application for license to construct and operate a hydroelectric project. Analysis of this information may result in a decision to apply for the license or to withdraw the intent.

(5) *Relicensing.* A procedure applicable to projects for which the original period of license (usually 50 years) will expire or has expired and application for new license has been or will be filed with the FERC.

(6) *Take over.* An act whereby the Federal government assumes project ownership. Upon expiration of a license for a hydroelectric project, the United States, under certain specific conditions set forth in Section 14 of the Federal Power Act may "take over", maintain and operate the project. This does not apply to any project owned by a State or local government. Take over procedures are not applicable to "Minor Projects."

(e) *Authorities.* The Federal Power Act as amended delegates to the Secretary of the Army, the Chief of Engineers and the Corps of Engineers certain functions necessary for the FERC's administration of the Act. Implementation was provided through instructions issued by the President in a letter dated 18 May 1931 to the Secretary of War. These functions are set forth in the following excerpts from the Act:

(1) Section 2 of the Act provides in part that:

The Commission may request the President to detail an officer or officers from the Corps of Engineers, or other branches of the United States Army to serve the Commission as engineer officer or officers * * *.

(2) Section 4(e) of the Act provides in part that:

The Commission is hereby authorized and empowered * * * to issue licenses to citizens of the United States, or to any associations of such citizens, or to any corporation organized under the laws of the United States or any State thereof, or to any State or municipality for the purpose of construction, operating, and maintaining dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works necessary or convenient for the development and improvement of navigation and for the development, transmission, and utilization, of power across, along, from or in any of the streams or other bodies of water over which Congress has jurisdiction * * *.

* * * Provided that no license affecting the navigable capacity of any navigable water of the United States shall be issued until the plans of the dam or other structures affecting navigation have been approved by the Chief of Engineers and the Secretary of the Army.

(f) *Investigation of application for permits, licenses, or relicensing of projects.* Upon referral by the FERC, the Chief of Engineers will assign the investigation of an application for permit, license or relicensing to the appropriate Division Engineer who will submit a report on the investigation as specified herein to HQDA (DAEN-CWE-HY) WASH DC 20314 (exempt from reports control, Paragraph 7-2y, AR 335-15). The investigation should be coordinated with all interested organization elements including Engineering, Construction/Operations, Planning and Office of the Counsel. The date that the report is to be submitted will be specified. The nature of investigation and report by the Division Engineer will depend upon the nature of the request from the FERC. In general, reports as appropriate for the type of application filed with the Commission will consider the following items as pertinent and will include recommendation of pertinent license provisions:

(1) *License applications.* (i) The effect of the project on navigation and flood control, including adequacies of the plans of the structures affecting navigation. Section 4(e) of the Federal Power Act provides for approval of plans for hydroelectric power projects as noted in paragraph (e)(2) of this ER. Section 4(e) approval normally will obviate the need for a Department of Army permit under Section 10 of the 1899 River and Harbor Act. The basis for Corps approval under Section 4(e) will be limited to effects on navigation; however, Section 4(e) does not obviate the need for a Department of the Army permit pursuant to Section 404 of the Federal Water Pollution Control Act (see paragraph (i)(2)). Such a permit is subject to a full public interest review pursuant to 33 CFR 320 and the application of the Environmental Protection Agency's guidelines in 40 CFR Part 230.

(ii) Recommendations for license provisions required to protect the interest of navigation. This item is discussed under paragraphs 7, 8 and 9.

(iii) Consideration of the project in relation to a comprehensive plan for developing the basin water resources from the standpoint of the Corps of Engineers' programs and responsibilities. Specific references should be made to pertinent published Congressional documents containing results of studies and/or to Congressional resolutions directing studies to be made to provide identification.

(iv) Consideration of environmental aspects of a project as related to navigation and flood control matters or other specific Corps interests and responsibilities in particular cases.

(v) The matter of possible redevelopment of an existing project to improve the usefulness of the project in relation to the objectives of the Corps program in the basin. In the case of an unconstructed project, based on request from the Commission, a recommendation along with justification, should be included as to whether or not development should be undertaken by the United States.

(vi) Consideration of structural safety and adequacy of spillway design flood for FERC licensed projects are the responsibility of the FERC. The Dam Safety Act, Pub. L. 92-367 provides that dams constructed pursuant to license issued under the authority of Federal Power Act are specifically exempted from the Corps National inspection program. This does not preclude the Corps District and Division offices from making comments on license applications for the FERC information, about any design deficiencies that are brought to their attention.

(2) *Relicensing (New License) Application.* (i) Consider paragraphs (f) (1) through (6) of this section. (ii) Recommendations should be furnished to the FERC with respect to possible need for "take over" of a project by the Federal Government. Details on "take over" under the Federal Power Act are provided in Part 16 of the Code of Federal Regulations, Title 18 (Part 1 to 149). A copy of Part 16 is provided for ready reference in Appendix A of this part.

(iii) FERC Preliminary Permit Application. Consider appropriate recommendations to insure coordination of applicant's studies with the Division or District Engineer in cases where responsibilities and interests of the Corps of Engineers would be affected. The report should include discussion of Corps interests which could result in recommendations for provisions to be included in a subsequent license. In general proposed construction of power facilities at or in conjunction with a Corps reservoir project will be reviewed with the objective of recommending design, construction and operation factors that the applicant must consider in its studies in order for the proposed power development to be compatible, physically and economically, with the authorized function of the Corps project(s).

(g) *Terms and conditions for insertion in FERC permits and licenses.* In investigation of an application for FERC license or permit, consideration will be given to aspects of the project affecting authorized functions of the Corps as well as to the responsibilities assigned to the Corps by the Federal Power Act. Accordingly, the Division

engineer in his report on an application to the Chief of Engineers will always consider the necessity for including in any license or permit terms and conditions to protect the interests of navigation. Recommendations involving other responsibilities of the Corps in the area of water control management such as flood control, low flow augmentation minimum instantaneous releases, and other purposes should also be considered.

(h) *Standard terms and conditions used by the FERC in its permits and licenses.* Appendix B to this Regulation includes standard terms and conditions used by the FERC in licenses for projects affecting navigable waters of the U.S. The standard articles, included in Appendix B, are identified by the FERC in the following Forms:

(1) Form L-3 (Revised October 1975)

Terms and Conditions of License for Constructed Major Project Affecting Navigable Waters of the United States.

(2) Form L-4 (Revised October 1975)

Terms and Conditions of License for Unconstructed Major Project Affecting Navigable Waters of the United States.

Any special terms and conditions pertaining to the Corps of Engineers responsibilities, in addition to those identified in Appendix B should be tailored to suit the situation involved. Appendix B also provides a list of other FERC standard articles Forms that could be obtained from FERC offices.

(i) *Distinction between Corps of Engineers and FERC jurisdiction with respect to non-Federal Hydroelectric projects.*

(1) The following procedures are currently being followed in connection with Department of Army permit responsibilities involving pre-1920 legislation:

(i) In regard to FERC licensing of projects, Corps responsibilities under Section 10 of the River and Harbor Act of 1899, for power related activities, may normally be met through the FERC licensing procedure including insertion of terms and conditions in the license of the interest of navigation. Section 4(e) of the Federal Power Act provides for approval of plans of project works by the Chief of Engineers and Secretary of the Army from the standpoint of interests of navigation. The consideration for our approval under Section 4(e) will be limited to effects of project power related activities on navigation.

(ii) Applications to Corps Division or District Engineers for approval of repairs, maintenance or modification of non-Federal water power projects authorized under River and Harbor Acts as well as special Acts of Congress prior to 1920, or requests for advice with respect thereto should be referred to the FERC for consideration in accordance with the provisions of the Federal Power Act. The permittee should be advised that the application is being referred to the FERC for consideration and that if a FERC license is required Corps recommendations will be furnished to the FERC.

(2) Responsibilities under Section 404 of the Federal Water Pollution Control Act as amended in 1972 (33 U.S.C. 1151) pertinent to discharge of dredged or fill material into the navigable waters at specified disposal sites will be met only through the Department of Army permit procedures as specified in ER 1145-2-303. In regard to FERC cases involving Section 404, our report to the FERC through (DAEN-CWE-HY) will specify the need for a Department of Army permit. (Section 404) If, on the basis of the Division and District Engineers' reports, such permit is deemed necessary. A Department of the Army permit will be required for any portion of a proposed project which involves the discharge of dredged or fill material into the waters of the United States. This includes the placement of fill necessary for construction of a project's dam and appurtenant structures.

(3) When applicable, FERC will be advised that the requirement for Department of the Army permit pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 for the transport of dredged material from the project site for the purpose of dumping it into the ocean waters will be met only through the Department of the Army permit program.

(4) In connection with FERC licensed projects there may be proposed non-power water oriented activities, such as recreational development, which are associated with the overall project but may not be a part of the hydroelectric power facilities at the project. Such cases, if involving navigable waters should be reviewed from the standpoint of need for a Section 10 permit. Such Section 10 permit actions would involve consideration of the overall public interest, including water quality, fish and wildlife, recreation, general environmental concerns and the needs and welfare of the people. Corps responsibilities for permit requirements under Section 10 of the River and Harbor Act of 1899 for non-power activities affecting navigable waters at the FERC projects will be met only through the Corps permit procedures. The Corps' report to FERC through (DAEN-CWE-HY) will specify the need for such permit when recommended by the Division and District Engineers' report.

(j) *Investigation of applications for surrender or termination of license.* The period of the FERC license for hydroelectric projects is usually 50 years. During and/or upon the expiration of the period of a license, a licensee may file with the FERC an application for surrender or termination of its license. These applications may encompass requests for physical removal of an existing dam and/or powerhouse structures from a stream. Division Engineers who would be assigned by the Chief of Engineers to review such applications will consider, in their review and report to DAEN-CWE-HY, the possibility that sediment discharge resulting from removal of a dam structure from a navigable river or from any site that may affect navigable waters would impair the anchorage and navigation and/or flood carrying capacity of the stream. In cases where there is a possibility of significant downstream shoaling (sedimentation) as the result of removal of a dam and its appurtenant structures, recommendation may be made to the FERC, through DAEN-CWE-HY, requiring licensee as a condition of approval of dam removal to agree to bear the expense for removal of any shoaling at the navigable river(s) which would be determined by the Corps to be detrimental to navigation. Other recommendations to be considered include gradual lowering of a dam over a period of time and/or possibility of sediment removal prior to dam removal. It should also be noted that a Department of the Army permit under Section 404 of the Federal Water Pollution Control Act amendments of 1972 (33 U.S.C. 1151), as discussed in Paragraph 9b of this regulation, may be needed in connection with removal of dams on or affecting the navigable waters if a discharge of dredged or fill material also occurs during the removal operation. Other recommendations within the Corps authority that should be considered in reviewing applications for surrender or termination of licenses for projects where their power facilities have been removed, or recommended for removal, is that upon any approval of such application by the FERC, continuation of existence of the nonpower project on or affecting the navigable waters of the U.S. will require a Department of the Army permit in compliance with Section 10 of the River and Harbor Act of 1899. Furthermore, it should be noted that in the absence of FERC non-power use license, pursuant to 16 U.S.C. 808(b), the structural safety and maintenance of dam and reservoir for a nonpower project will be governed by the laws and regulations of the State in which the project is located.

(k) Supervision and Inspection of Operation of Licensed Hydroelectric Projects. Corps Division and District Engineers responsibilities with respect to any project affecting navigable waters include surveillance of oper-

ation and maintenance to insure that the interests of navigation are not adversely affected. In addition, in certain cases the Corps, at the request of the FERC, may act as agent for the FERC for overall supervision of project operation and maintenance. Corps Division Engineers have, in the past, represented the FERC in supervision and inspection of a number of FERC licensed projects within their respective divisions. The Commission by letter dated March 4, 1976 relieved the Corps of Engineers from acting as the Commission's representative for supervision and inspection of its licensed projects. This responsibility has been transferred by the Commission to its own regional engineers. There are no requirements for any periodic or annual reports from the Division offices regarding the operation of FERC licensed hydroelectric projects. However, Division Engineers will report to DAEN-CWE-HY on a current basis any significant detrimental effects with respect to Corps of Engineers responsibilities or other matters which come to their attention.

(l) *Safety of Licensed Hydroelectric Projects.* The Dam Safety Act, Public Law 92-367, provides that dams constructed pursuant to licenses issued under the authority of the Federal Power Act are specifically exempted from the national inspection program administered by the Corps. However, the law further provides that the Secretary of the Army upon request of the FERC may inspect dams which have been licensed under the Federal Power Act. The Commission by letter dated August 29, 1972 informed the Corps that the Commission does not expect to request the Corps' assistance for inspecting the projects licensed under the Federal Power Act.

(m) *Supervision of construction of licensed hydroelectric projects.* In cases where the FERC may request the Corps to supervise the actual construction of licensed hydroelectric project on behalf of the Commission, instructions will be furnished to the appropriate District Engineer through the Division Engineer at the time the request is made.

(n) *Other investigation under the Federal Power Act.* Corps of Engineers operations under the Federal Power Act also include participation in FERC procedures in determining headwater benefits from Corps reservoir projects (RCS, 1461-FPC). This matter is discussed in ER 1140-2-1.

(o) *Funding of operations under the Federal Power Act.* (1) The salaries of the Corps of Engineers personnel involved in investigations discussed herein will be charged against funds for "Special Investigations" under the appropriation for "General Expenses." The FERC may provide reimbursement if requested by the Chief of En-

gineers to cover the nonpersonal expenses which may be incurred in the investigation and supervision of projects under permits and licenses.

(2) Non-personal costs amounting to less than \$100 for any single investigation will not be reimbursed from the Commission funds but will be charged also to "Special Investigations" under the appropriations for "General Expenses." Each Division Engineer charged with a detailed investigation of an application for license or the supervision of a project that will require more than a nominal amount of non-personal costs will be specifically requested to submit an estimate of the funds required upon assignment of the work by the Chief of Engineers.

(3) Reimbursement from the FERC funds for nonpersonal costs in excess of \$100 will be made by the Chief of Engineers upon submission of a voucher on Standard Form 1080 by the District Engineer through the Division Engineer. The voucher will show the fiscal year during which the work was done and the Commission project number on which the money was spent.

APPENDIX A.—PART 16—PROCEDURES RELATING TO TAKEOVER AND RELICENSING OF LICENSED PROJECTS

Sec.

- 16.1 Purpose and coverage.
- 16.2 Public notice of projects under expiring license.
- 16.3 When to file.
- 16.4 Notice upon filing of application.
- 16.5 Annual license.
- 16.6 Applications for new license for projects subject to sections 14 and 15 of the Act and all other major projects.
- 16.7 Application for nonpower license.
- 16.8 Departmental recommendation for takeover.
- 16.9 Commission recommendation to Congress.
- 16.10 Motion for stay by Federal department or agency.
- 16.11 Procedures upon congressional authorization of takeover.
- 16.12 Renewal of minor and minor part licenses not subject to sections 14 and 15.
- 16.13 Acceptance for filing or rejection of application.

AUTHORITY: The provisions of this Part 16 issued under Federal Power Act, secs. 7(c), 14, 15, 309 (16 U.S.C. 800, 807, 808, 825h).

(Part 16 contained in Order 141, 12 F.R. 8461, Dec. 19, 1947; as amended by Order 175, 19 F.R. 5212, Aug. 18, 1954; Order 260, 28 F.R. 814, Jan. 11, 1963; 28 F.R. 1680, Feb. 21, 1963; 28 F.R. 2270, Mar. 8, 1963; Order 288, 29 F.R. 14106, Oct. 14, 1964; Order 384, 34 F.R. 12269, July 25, 1969 and as otherwise noted.)

§ 16.1 Purpose and coverage.

This part implements the amendments of sections 7(c), 14, and 15 of Part I of the Federal Power Act, as amended, enacted by Public Law 90-451, 82 Stat. 616, approved August 3, 1968. It applies to projects subject to sections 14 and 15 of the Federal Power Act including projects for which a nonpower license may be issued. Procedures are provided for the filing of applications for either

power or nonpower licenses for projects whose licenses are expiring. A license for a power project issued to either the original licensee or another licensee is referred to in this part as a "new license" and a license for a nonpower project as a "non-power license". Also provided are procedures for the filing of recommendations for takeover by Federal departments or agencies and applications for renewal of licenses not subject to section 14.

§ 16.2 Public notice of projects under expiring license.

In order that there should be adequate notice and opportunity to file timely applications for a license the Commission's Secretary will give notice of the expiration of license of a project (except transmission line and minor projects) 5 years in advance thereof in the same manner as provided in section 4(f) of the Act. The Secretary shall upon promulgation of the rules herein give notice, as provided in section 4(f) of the Act, of all whose license terms have expired since January 1, 1968, or which will expire within 5 years of the effective date of this rule. In addition, the Commission each year will publish in its annual report and in the FEDERAL REGISTER a table showing the projects which will expire during the succeeding 5 years. The table will list these licenses according to their expiration dates and will contain the following information: (a) License expiration date; (b) licensee's name; (c) project number; (d) type of principal project works licensed, e.g., dam and reservoir, powerhouse, transmission lines; (e) location by State, county, and stream; also by city or nearby city when appropriate; and (f) plant installed capacity.

§ 16.3 When to file.

(a) An existing licensee must file an application for a "new license" or "nonpower license" or a statement of intention not to file an application for a "new license" no earlier than 5 years and no later than 3 years prior to the expiration of its license, except that, where the license will expire within 3 1/4 years of the issuance of this part, such applications or statements shall be filed within 6 months from the effective date of this part. Applicants which have applications pending which were filed under previous Commission regulations shall supplement their applications in accordance with pertinent provisions of this part within 6 months of the effective date of this part.

(b) Any other person or municipality may file an application for a "new license" or "non-power license" within 5 years of the expiration of the license, but in no event, unless authorized by the Commission, later than 6 months after issuance of notice of the filing of an application or statement by the licensee under § 16.4 or 2 1/4 years before the expiration of the license, whichever is earlier.

(c) Any application submitted after the expiration of the time specified herein for filing must be accompanied by a motion requesting permission to file late, which motion shall detail the reasons of good cause why the application was not timely filed and how the public interest would be served by its consideration.

§ 16.4 Notice upon filing of application.

When any timely application or statement within the meaning of § 16.3 is received, or when the Commission grants any motion for consideration of a late filed application,

notice of receipt thereof will be furnished the applicant, and public notice will be given in the same manner as provided in sections 4(f) and 15(b) of the Act (49 Stat. 838; 41 Stat. 1072; 82 Stat. 616; 16 U.S.C. 797, 808) §§ 1.37 and 2.1 of this chapter, the Fish and Wildlife Coordination Act, 48 Stat. 401, as amended, 16 U.S.C. 661 *et seq.*, and by publication in the FEDERAL REGISTER.

§ 16.5 Annual licenses.

No application for annual license need be filed nor will such application be accepted under section 15 of the Act. An existing licensee making timely filing for a new license will be deemed to have filed for an annual license. If the Commission has not acted upon an application by licensee for a new license at the expiration of the license terms, by the issuance of an order granting, denying or dismissing it, an annual license shall be issued by notice of the Secretary.

§ 16.6 Applications for new license for projects subject to sections 14 and 15 of the Federal Power Act and all other major projects.

(a) Each application for a new license hereunder shall conform in form to § 131.2 of this chapter, and shall set forth in appropriate detail all information and exhibits prescribed in §§ 4.40 through 4.42 of this chapter, inclusive and in § 4.51 of this chapter, except that Exhibit A may be incorporated in an application by reference where one applicant files applications for several projects, one of which already contains an Exhibit A or in any case where applicant has filed an Exhibit A within 10 years preceding the filing of the application, and that Exhibits N and O as specified in § 4.41 of this chapter need only be filed as provided in paragraph (c) of this section. An original and fourteen conformed copies of the application and all accompanying exhibits shall be submitted to the Commission plus one additional conformed copy for each interested State Commission.

(b) An application for a "new license" hereunder shall include a statement showing the amount which licensee estimates would be payable if the project were to be taken over at the end of the license term pursuant to the provisions of sections 14 and 15 of the Federal Power Act. This statement shall include estimates of: (1) Fair value; (2) net investment; and (3) severance damages. (This subsection is not applicable to State, municipal, or nonlicensee applicants.)

(c) If the applicant proposes project works in addition to those already under license, the maps, plans, and descriptions of the project works (Exs. I, J, L and M) shall distinguish the project works of parts thereof which have been constructed from those to be constructed. Exhibits N and O shall also be included in the application relating to new construction.

(d) Applicant shall furnish its plans for the future modification or redevelopment of the project, if any, and shall set forth in detail why technically feasible, additional capacity is not proposed for installation at the time of relicensing.

(e) Applicant shall file a statement on the effect that takeover by the United States or relicensing to another applicant would have upon the supply of electric energy to the system with which it is interconnected, the rates charged its customers, the licensee's fi-

nancial condition, and taxes collected by local, State, and Federal Governments. (This subsection is not applicable to State, municipal or nonlicensee applicants.)

§ 16.7 Application for nonpower license.

Each application for "non-power license" shall generally follow the form prescribed in § 131.6 of this chapter, except for subsections 7 and 8 thereof. It shall be accompanied by Exhibits K, L, R, and S prepared as described in section 4.41, and shall include the information specified in paragraphs (a) through (c) of this section. Unless otherwise specified, an original and 14 conformed copies of the application and all accompanying exhibits shall be submitted with one additional conformed copy for each interested State commission. Additional information may be requested by the Commission if desired.

(a) Applicant shall furnish a description of the nonpower purpose for which the project is to be utilized and a showing of how such use conforms with a comprehensive plan for improving or developing a waterway or waterways for beneficial uses, including a statement of the probable impact which conversion of the project to non-power use will have on the power supply of the system served by the project.

(b) Applicant shall identify the State, municipal, interstate or Federal agency, if any, which is authorized or willing to assume regulatory supervision over the land, waterways and facilities to be included within the nonpower project. (If there is such an agency, applicant shall forward one copy of the application to such agency.)

(c) Applicant shall submit a proposal for the removal or other disposition of power facilities of the project.

A "non-power license" shall be effective until such time as in the judgement of the Commission a State, municipal, interstate, or Federal agency is authorized and willing to assume regulatory supervision over the land, waterways, and facilities included within the "non-power license" or until the project structures are removed. Such State, municipal, interstate or Federal agency may petition the Commission for termination of a "non-power license" at any time. Where the existing project is located on the public lands or reservations of the United States, and there is no application for relicensing as a power project either by the original licensee, or some other entity, or a takeover recommendation, the Commission may, in its discretion, and upon a showing by the agency having jurisdiction over the lands or reservations that it is prepared to assume requisite regulatory supervision for the non-power use of the project, terminate the proceeding without issuing any license for non-power use.

§ 16.8 Departmental recommendations for takeover.

A recommendation that the United States exercise its right to take over a project may be filed by any Federal department or agency no earlier than 5 years and no later than 2 years prior to the expiration of the license term; *Provided, however,* That such recommendation shall not be filed later than 9 months after the issuance of a notice of application for a new license. Departments or agencies filing such recommendations shall thereby become parties to the relicensing-takeover proceeding. An original and 14 copies of the recommendation shall be filed together with one additional copy

for each interested State commission. The recommendation shall specify the project works which would be taken over by the United States, shall include a detailed description of the proposed Federal operation of the project, including any plans for its redevelopment and shall indicate how takeover would serve the public interest as fully as non-Federal development and operation. It shall also include a statement indicating whether the agency making the recommendation intends to undertake operation of the project. A copy of the recommendation shall be served upon the licensee by the Commission's Secretary. Any applicant for a new license covering all or part of the project involved in the takeover recommendation shall have 120 days within which to serve a reply to the recommendation upon the Commission with copies to any parties in the proceeding.

§ 16.9 Commission recommendation to Congress.

If the Commission, after notice and opportunity for hearing, concludes upon departmental recommendation, a proposal of any party, or its own motion, that the standards of section 10(a) of the Act would best be served if a project whose license is expiring is taken over by the United States, it will issue its findings and recommendations to this effect, and after any modification thereof, upon consideration of any application for reconsideration, made in conformity with the provisions of § 1.34 of this chapter governing applications for rehearing, forward copies of its findings and recommendations to the Congress.

§ 16.10 Motion for stay by Federal department or agency.

If the Commission does not recommend to the Congress that a project be taken over, a Federal department or agency which has filed a timely recommendation for takeover as provided in this part may, within thirty (30) days of issuance of an order granting a license, file a motion, with copies to the parties in the proceeding, before the Commission requesting a stay of the license order. Upon the filing of such a motion, the license order automatically will be stayed for 2 years from the date of issuance of the order, unless the stay is terminated earlier upon motion of the department or agency requesting the stay or by action of Congress. The Commission will notify Congress of any such stay. Upon expiration or termination of the stay, including any extension thereof by act of Congress, the Commission's license order shall automatically become effective in accordance with its terms. The Commission will notify Congress of each license order which has become effective by reason of the expiration or termination of a stay.

§ 16.11 Procedures upon congressional authorization of takeover.

A determination whether or not there is to be a Federal takeover of a project would ultimately be made by Congress through the enactment of appropriate legislation. If Congress authorizes takeover, the Secretary will immediately give the Licensee not less than 2 years' notice in writing of such action. Within 6 months of issuance of such notice the Licensee shall present to the Commission any claim for compensation consistent with the provisions of section 14 of the Federal Power Act and the regulations of the Commission.

§ 16.12 Renewal of minor or minor part licenses not subject to sections 14 and 15.

Licenses whose minor or minor part licenses are not subject to sections 14 and 15 of the Act and wish to continue operation of the project after the end of the license term shall file an application for a "new license" 1 year prior to the expiration of their original license in accordance with applicable provisions of part 4 of this chapter.

§ 16.13 Acceptance for filing or rejection of application.

Acceptance for filing or rejection of applications under this part shall be in accordance with the provisions of § 4.31 of this chapter.

APPENDIX B.—FEDERAL ENERGY REGULATORY COMMISSION FORM L-3 (REVISED OCTOBER 1975)

TERMS AND CONDITIONS OF LICENSE FOR CONSTRUCTED MAJOR PROJECT AFFECTING NAVIGABLE WATERS OF THE UNITED STATES

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: *Provided, however,* That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project area and project works shall be in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior approval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgement have produced or will produce any of such results shall be subject to such alteration as the Commission may direct.

Article 4. The project, including its operation and maintenance and any work incidental to additions or alterations authorized by the Commission, whether or not conducted upon lands of the United States, shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is

located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him such information as he may require concerning the operation and maintenance of the project, and any such alterations thereto, and shall notify him of the date upon which work with respect to any alteration will begin, as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall submit to said representative a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of any such alterations to the project. Construction of said alterations or any feature thereof shall not be initiated until the program of inspection for the alterations or any feature thereof has been approved by said representative. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and projects works in the performance of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life, health, or property.

Article 5. The Licensee, within five years from the date of issuance of the license, shall acquire title in fee or the right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water rights, and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear, and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. In the event the project is taken over by the United States upon the termination of the license as provided in Section 14 of the Federal Power Act, or is transferred to a new licensee or to a non-power licensee under the provisions of Section 15 of said Act the Licensee, its successors and assigns shall be responsible for, and shall make good any defect of title to, or of right of occupancy and use in, any of such project property that is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and shall pay

and discharge, or shall assume responsibility for payment and discharge of, all liens or encumbrances upon the projects or project property created by the Licensee or created or incurred after the issuance of the license: *Provided,* That the provisions of this article are not intended to require the Licensee, for the purpose of transferring the project to the United States or to a new licensee, to acquire any different title to, or right of occupancy and use in, any of such project property than was necessary to acquire for its own purposes as the Licensee.

Article 7. The actual legitimate original cost of the project, and of any addition thereto or betterment thereof, shall be determined by the Commission in accordance with the Federal Power Act and the Commission's Rules and Regulations thereunder.

Article 8. The licensee shall install and thereafter maintain gages and stream-gaging stations for the purpose of determining the stage and flow of the stream or streams on which the project is located, the amount of water held in and withdrawn from storage, and the effective head on the turbines; shall provide for the required reading of such gages and for the adequate rating of such stations; and shall install and maintain standard meters adequate for the determination of the amount of electric energy generated by the project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission or its authorized representative. The Commission reserves the right, after notice and opportunity for hearing, to require such alterations in the number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, as are necessary to secure adequate determinations. The installation of gages, the rating of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of the project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 9. The Licensee shall, after notice and opportunity for hearing, install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so.

Article 10. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 11. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or the United States on a storage reservoir or other headwater improvement, the Licensee shall reim-

burse the owner of the headwater improvement for such part of the annual charges for interest, maintenance, and depreciation thereof as the Commission shall determine to be equitable, and shall pay to the United States the cost of making such determination as fixed by the Commission. For benefits provided by a storage reservoir or other headwater improvement of the United States, the Licensee shall pay to the Commission the amounts for which it is billed from time to time for such headwater benefits and for the cost of making the determinations pursuant to the then current regulations of the Commission under the Federal Power Act.

Article 12. The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of the Army, as may be necessary for the purposes of navigation on the navigable waterway affected; and the operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all time be controlled by such reasonable rules and regulations as the Secretary of the Army may prescribe in the interest of navigation, and as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes, and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such volume in acre-feet per specified period of time, as the Secretary of the Army may prescribe in the interest of navigation, or as the Commission may prescribe for the other purposes hereinbefore mentioned.

Article 13. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 14. In the construction or maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree

the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling or obstructing traffic or endangering life. None of the provisions of this article are intended to relieve the Licensee from any responsibility or requirement which may be imposed by any other lawful authority for avoiding of eliminating inductive interference.

Article 15. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such reasonable facilities, and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 16. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands, reservoirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 17. The Licensee shall construct, maintain, and operate, or shall arrange for the construction, maintenance, and operation of such reasonable recreational facilities, including modifications thereto, such as access roads, wharves, launching ramps, beaches, picnic and camping areas, sanitary facilities, and utilities, giving consideration to the needs of the physically handicapped, and shall comply with such reasonable modifications of the project, as may be prescribed hereafter by the Commission during the term of this license upon its own motion or upon the recommendation of the Secretary of the Interior or other interested Federal or State agencies, after notice and opportunity for hearing.

Article 18. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: *Provided,* That the Licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Article 19. In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 20. The Licensee shall clear and keep clear to an adequate width lands along open conduits and shall dispose of all temporary structures, unused timber, brush, refuse, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. In addition, all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. All clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the satisfaction of the authorized representatives of the Commission and in accordance with appropriate Federal, State, and local statutes and regulations.

Article 21. Material may be dredged or excavated from, or placed as fill in, project lands and/or waters only in the prosecution of work specifically authorized under the license; in the maintenance of the project; or after obtaining Commission approval, as appropriate. Any such material shall be removed and/or deposited in such manner as to reasonably preserve the environmental values of the project and so as not to interfere with traffic on land or water. Dredging and filling in a navigable water of the United States shall also be done to the satisfaction of the District Engineer, Department of the Army, in charge of the locality.

Article 22. Whenever the United States shall desire to construct, complete, or improve navigation facilities in connection with the project, the Licensee shall convey to the United States, free of cost, such of its lands and rights-of-way and such rights of passage through its dams or other structures, and shall permit such control of its pools, as may be required to complete and maintain such navigation facilities.

Article 23. The operation of any navigation facilities which may be constructed as a part of, or in connection with, any dam or diversion structure constituting a part of the project works shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including control of the level of the pool caused by such dam or diversion structure, as may be made from time to time by the Secretary of the Army.

Article 24. The Licensee shall furnish power free of cost to the United States for the operation and maintenance of navigation facilities in the vicinity of the project at the voltage and frequency required by such facilities and at a point adjacent thereto, whether said facilities are constructed by the Licensee or by the United States.

Article 25. The Licensee shall construct, maintain, and operate at its own expense such lights and other signals for the protection of navigation as may be directed by the Secretary of the Department in which the Coast Guard is operating.

Article 26. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall

abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 27. The right of the Licensee and of its successors and assigns to use or occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 28. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

FEDERAL ENERGY REGULATORY COMMISSION
FORM L-4 (REVISED OCTOBER, 1975)

TERMS AND CONDITIONS OF LICENSE FOR UNCONSTRUCTED MAJOR PROJECT AFFECTING NAVIGABLE WATERS OF THE UNITED STATES

Article 1. The entire project, as described in this order of the Commission, shall be subject to all of the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, specifications, and statements described and designated as exhibits and approved by the Commission in its order as a part of the license until such change shall have been approved by the Commission: *Provided, however,* That if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval a revised, or additional exhibit or exhibits covering the proposed changes which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project works shall be constructed in substantial conformity with the approved exhibits referred to in Article 2 herein or as changed in accordance with the provisions of said article. Except when emergency shall require for the protection of navigation, life, health, or property, there shall not be made without prior ap-

proval of the Commission any substantial alteration or addition not in conformity with the approved plans to any dam or other project works under the license or any substantial use of project lands and waters not authorized herein; and any emergency alteration, addition, or use so made shall thereafter be subject to such modification and change as the Commission may direct. Minor changes in project works, or in uses of project lands and waters, or divergence from such approved exhibits may be made if such changes will not result in a decrease in efficiency, in a material increase in cost, in an adverse environmental impact, or in impairment of the general scheme of development; but any of such minor changes made without the prior approval of the Commission, which in its judgment have produced or will produce any of such results, shall be subject to such alteration as the Commission may direct.

Upon the completion of the project, or at such other time as the Commission may direct, the Licensee shall submit to the Commission for approval revised exhibits insofar as necessary to show any divergence from or variations in the project area and project boundary as finally located or in the project works as actually constructed when compared with the area and boundary shown and the works described in the license or in the exhibits approved by the Commission, together with a statement in writing setting forth the reasons which in the opinion of the Licensee necessitated or justified variation in or divergence from the approved exhibits. Such revised exhibits shall, if and when approved by the Commission, be made a part of the license under the provisions of Article 2 hereof.

Article 4. The construction, operation, and maintenance of the project and any work incidental to additions or alterations shall be subject to the inspection and supervision of the Regional Engineer, Federal Power Commission, in the region wherein the project is located, or of such other officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall cooperate fully with said representative and shall furnish him a detailed program of inspection by the Licensee that will provide for an adequate and qualified inspection force for construction of the project and for any subsequent alterations to the project. Construction of the project works or any feature or alterations thereof shall not be initiated until the program of inspection for the project works or any such feature thereof has been approved by said representative. The Licensee shall also furnish to said representative such further information as he may require concerning the construction, operation, and maintenance of the project, and of any alteration thereof, and shall notify him of the date upon which work will begin, as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties. The Licensee shall comply with such rules and regulations of general or special applicability as the Commission may prescribe from time to time for the protection of life, health, or property.

Article 5. The Licensee, within 5 years from the date of issuance of the license, shall acquire title in fee or other right to use in perpetuity all lands, other than lands of the United States, necessary or appropriate for the construction, maintenance, and operation of the project. The Licensee or its successors and assigns shall, during the period of the license, retain the possession of all project property covered by the license as issued or as later amended, including the project area, the project works, and all franchises, easements, water and rights of occupancy and use; and none of such properties shall be voluntarily sold, leased, transferred, abandoned, or otherwise disposed of without the prior written approval of the Commission, except that the Licensee may lease or otherwise dispose of interests in project lands or property without specific written approval of the Commission pursuant to the then current regulations of the Commission. The provisions of this article are not intended to prevent the abandonment or the retirement from service of structures, equipment, or other project works in connection with replacements thereof when they become obsolete, inadequate, or inefficient for further service due to wear and tear; and mortgage or trust deeds or judicial sales made thereunder, or tax sales, shall not be deemed voluntary transfers within the meaning of this article.

Article 6. In the event the project is taken over by the United States upon the termination of the license as provided in Section 14 of the Federal Power Act, or is transferred to a new licensee or to a non-power licensee under the provisions of Section 15 of said Act, the Licensee, its successors and assigns shall be responsible for, and shall make good any defect of title to, or of right of occupancy and use in, any of such project property that is necessary or appropriate or valuable and serviceable in the maintenance and operation of the project, and shall pay and discharge, or shall assume responsibility for payment and discharge of, all liens or encumbrances upon the project or project property created by the Licensee or created or incurred after the issuance of the license: *Provided,* That the provisions of this article are not intended to require the Licensee, for the purpose of transferring the project to the United States or to a new licensee, to acquire any different title to, or right of occupancy and use in, any of such project property than was necessary to acquire for its own purposes as the Licensee.

Article 7. The actual legitimate original cost of the project, and of any addition thereto or betterment thereof, shall be determined by the Commission in accordance with the Federal Power Act and the Commission's Rules and Regulations thereunder.

Article 8. The Licensee shall install and thereafter maintain gages and stream-gaging stations for the purpose of determining the stage and flow of the stream or streams on which the project is located, the amount of water held in and withdrawn from storage, and the effective head on the turbines; shall provide for the required reading of such gages and for the adequate rating of such stations; and shall install and maintain standard meters adequate for the determination of the amount of electric energy generated by the project works. The number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, shall at all times be satisfactory to the Commission or

its authorized representative. The Commission reserves the right, after notice and opportunity for hearing, to require such alterations in the number, character, and location of gages, meters, or other measuring devices, and the method of operation thereof, as are necessary to secure adequate determinations. The installation of gages, the rating of said stream or streams, and the determination of the flow thereof, shall be under the supervision of, or in cooperation with, the District Engineer of the United States Geological Survey having charge of stream-gaging operations in the region of the project, and the Licensee shall advance to the United States Geological Survey the amount of funds estimated to be necessary for such supervision, or cooperation for such periods as may be mutually agreed upon. The Licensee shall keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Commission, and shall make return of such records annually at such time and in such form as the Commission may prescribe.

Article 9. The Licensee shall, after notice and opportunity for hearing, install additional capacity or make other changes in the project as directed by the Commission, to the extent that it is economically sound and in the public interest to do so.

Article 10. The Licensee shall, after notice and opportunity for hearing, coordinate the operation of the project, electrically and hydraulically, with such other projects or power systems and in such manner as the Commission may direct in the interest of power and other beneficial public uses of water resources, and on such conditions concerning the equitable sharing of benefits by the Licensee as the Commission may order.

Article 11. Whenever the Licensee is directly benefited by the construction work of another licensee, a permittee, or the United States on a storage reservoir or other headwater improvement, the Licensee shall reimburse the owner of the headwater improvement for such part of the annual charges for interest, maintenance, and depreciation thereof as the Commission shall determine to be equitable, and shall pay to the United States the cost of making such determination as fixed by the Commission. For benefits provided by a storage reservoir or other headwater improvement of the United States, the Licensee shall pay to the Commission the amounts for which it is billed from time to time for such headwater benefits and for the cost of making the determinations pursuant to the then current regulations of the Commission under the Federal Power Act.

Article 12. The United States specifically retains and safeguards the right to use water in such amount, to be determined by the Secretary of the Army, as may be necessary for the purposes of navigation on the navigable waterway affected; and the operations of the Licensee, so far as they affect the use, storage and discharge from storage of waters affected by the license, shall at all times be controlled by such reasonable rules and regulations as the Secretary of the Army may prescribe in the interest of navigation, and as the Commission may prescribe for the protection of life, health, and property, and in the interest of the fullest practicable conservation and utilization of such waters for power purposes and for other beneficial public uses, including recreational purposes, and the Licensee shall release water from the project reservoir at such rate in cubic feet per second, or such

volume in acre-feet per specified period of time, as the Secretary of the Army may prescribe in the interest of navigation, or as the Commission may prescribe for the other purposes hereinbefore mentioned.

Article 13. On the application of any person, association, corporation, Federal agency, State or municipality, the Licensee shall permit such reasonable use of its reservoir or other project properties, including works, lands and water rights, or parts thereof, as may be ordered by the Commission, after notice and opportunity for hearing, in the interests of comprehensive development of the waterway or waterways involved and the conservation and utilization of the water resources of the region for water supply or for the purposes of steam-electric, irrigation, industrial, municipal or similar uses. The Licensee shall receive reasonable compensation for use of its reservoir or other project properties or parts thereof for such purposes, to include at least full reimbursement for any damages or expenses which the joint use causes the Licensee to incur. Any such compensation shall be fixed by the Commission either by approval of an agreement between the Licensee and the party or parties benefiting or after notice and opportunity for hearing. Applications shall contain information in sufficient detail to afford a full understanding of the proposed use, including satisfactory evidence that the applicant possesses necessary water rights pursuant to applicable State law, or a showing of cause why such evidence cannot concurrently be submitted, and a statement as to the relationship of the proposed use to any State or municipal plans or orders which may have been adopted with respect to the use of such waters.

Article 14. In the construction or maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines and telegraph, telephone and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling or obstructing traffic or endangering life. None of the provisions of this article are intended to relieve the Licensee from any responsibility or requirement which may be imposed by any other lawful authority for avoiding or eliminating inductive interference.

Article 15. The Licensee shall, for the conservation and development of fish and wildlife resources, construct, maintain, and operate, or arrange for the construction, maintenance, and operation of such reasonable facilities, and comply with such reasonable modifications of the project structures and operation, as may be ordered by the Commission upon its own motion or upon the recommendation of the Secretary of the Interior or the fish and wildlife agency or agencies of any State in which the project or a part thereof is located, after notice and opportunity for hearing.

Article 16. Whenever the United States shall desire, in connection with the project, to construct fish and wildlife facilities or to improve the existing fish and wildlife facilities at its own expense, the Licensee shall permit the United States or its designated agency to use, free of cost, such of the Licensee's lands and interests in lands, reser-

voirs, waterways and project works as may be reasonably required to complete such facilities or such improvements thereof. In addition, after notice and opportunity for hearing, the Licensee shall modify the project operation as may be reasonably prescribed by the Commission in order to permit the maintenance and operation of the fish and wildlife facilities constructed or improved by the United States under the provisions of this article. This article shall not be interpreted to place any obligation on the United States to construct or improve fish and wildlife facilities or to relieve the Licensee of any obligation under this license.

Article 17. The Licensee shall construct, maintain, and operate, or shall arrange for the construction, maintenance, and operation of such reasonable recreational facilities, including modifications thereto, such as access roads, wharves, launching ramps, beaches, picnic and camping areas, sanitary facilities, and utilities, giving consideration to the needs of the physically handicapped, and shall comply with such reasonable modifications of the project, as may be prescribed hereafter by the Commission during the term of this license upon its own motion or upon the recommendation of the Secretary of the Interior or other interested Federal or State agencies, after notice and opportunity for hearing.

Article 18. So far as is consistent with proper operation of the project, the Licensee shall allow the public free access, to a reasonable extent, to project waters and adjacent project lands owned by the Licensee for the purpose of full public utilization of such lands and waters for navigation and for outdoor recreational purposes, including fishing and hunting: *Provided,* That the Licensee may reserve from public access such portions of the project waters, adjacent lands, and project facilities as may be necessary for the protection of life, health, and property.

Article 19. In the construction, maintenance, or operation of the project, the Licensee shall be responsible for, and shall take reasonable measures to prevent, soil erosion on lands adjacent to streams or other waters, stream sedimentation, and any form of water or air pollution. The Commission, upon request or upon its own motion, may order the Licensee to take such measures as the Commission finds to be necessary for these purposes, after notice and opportunity for hearing.

Article 20. The Licensee shall consult with the appropriate State and Federal agencies and, within one year of the date of issuance of this license, shall submit for Commission approval a plan for clearing the reservoir area. Further, the Licensee shall clear and keep clear to an adequate width lands along open conduits and shall dispose of all temporary structures, unused timber, brush, refuse, or other material unnecessary for the purposes of the project which results from the clearing of lands or from the maintenance or alteration of the project works. In addition, all trees along the periphery of project reservoirs which may die during operations of the project shall be removed. Upon approval of the clearing plan all clearing of the lands and disposal of the unnecessary material shall be done with due diligence and to the satisfaction of the authorized representative of the Commission and in accordance with appropriate Federal, State, and local statutes and regulations.

Article 21. Material may be dredged or excavated from, or placed as fill in, project

lands and/or waters only in the prosecution of work specifically authorized under the license; in the maintenance of the project; or after obtaining Commission approval, as appropriate. Any such material shall be removed and/or deposited in such manner as to reasonably preserve the environmental values of the project and so as not to interfere with traffic on land or water. Dredging and filling in a navigable water of the United States shall also be done to the satisfaction of the District Engineer, Department of the Army, in charge of the locality.

Article 22. Whenever the United States shall desire to construct, complete, or improve navigation facilities in connection with the project, the Licensee shall convey to the United States, free of cost, such of its lands and rights-of-way and such rights of passage through its dams or other structures, and shall permit such control of its pools, as may be required to complete and maintain such navigation facilities.

Article 23. The operation of any navigation facilities which may be constructed as a part of, or in connection with, any dam or diversion structure constituting a part of the project works shall at all times be controlled by such reasonable rules and regulations in the interest of navigation, including control of the level of the pool caused by such dam or diversion structure, as may be made from time to time by the Secretary of the Army.

Article 24. The Licensee shall furnish power free of cost to the United States for the operation and maintenance of navigation facilities in the vicinity of the project at the voltage and frequency required by such facilities and at a point adjacent thereto, whether said facilities are constructed by the Licensee or by the United States.

Article 25. The Licensee shall construct, maintain, and operate at its own expense such lights and other signals for the protection of navigation as may be directed by the Secretary of the Department in which the Coast Guard is operating.

Article 26. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without adequate replacement, or shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license. The Commission, after notice and opportunity for hearing, may require the Licensee to remove any or all structures, equipment and power lines within the project boundary and to take any such other action necessary to restore the project waters, lands, and facilities remaining within the project boundary to a condition satisfactory to the United States agency having jurisdiction over its lands or the Commission's authorized representative, as appropriate, or to provide for the continued operation and maintenance of nonpower facilities and fulfill such other obligations under the license as the Commission may prescribe. In addition, the Commission in its discretion, after notice and opportunity for hearing, may also agree to the surrender of the license when the Commission, for the reasons recited herein, deems it to be the intent of the Licensee to surrender the license.

Article 27. The right of the Licensee and of its successors and assigns to use or

occupy waters over which the United States has jurisdiction, or lands of the United States under the license, for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless the Licensee has obtained a new license pursuant to the then existing laws and regulations, or an annual license under the terms and conditions of this license.

Article 28. The terms and conditions expressly set forth in the license shall not be construed as impairing any terms and conditions of the Federal Power Act which are not expressly set forth herein.

LIST OF FPC STANDARD ARTICLES FORMS USED IN PERMITS AND LICENSES FOR HYDROELECTRIC PROJECTS

The following FPC standard articles Forms, in addition to the standard Forms L-3, and L-4 which are provided in this appendix, are available from the FPC offices:

FPC Forms:	Title
P-1.....	Terms and conditions of preliminary permit.
L-1.....	Terms and conditions of license for constructed major project affecting lands of the United States.
L-2.....	Terms and conditions of license for unconstructed major project affecting lands of the United States.
L-5.....	Terms and conditions of license for constructed major projects affecting navigable waters and lands of the United States.
L-6.....	Terms and conditions of license for unconstructed major project affecting navigable waters and lands of the United States.
L-9.....	Terms and conditions of license for constructed minor projects affecting navigable waters of the United States.
L-10.....	Terms and conditions of license for constructed major project affecting the interests of interstate or foreign commerce.
L-11.....	Terms and conditions of license for unconstructed major project affecting the interests of interstate or foreign commerce.
L-14.....	Terms and conditions of license for unconstructed minor project affecting navigable waters of the United States.
L-15.....	Terms and conditions of license for unconstructed minor project affecting the interests of interstate or foreign commerce.
L-16.....	Terms and conditions of license for constructed minor project affecting lands of the United States.
L-17.....	Terms and conditions of license for unconstructed minor project affecting lands of the United States.
L-18.....	Terms and conditions of license for constructed minor project affecting navigable waters and lands of the United States.
L-19.....	Terms and conditions of license for unconstructed minor project affecting navigable waters and lands of the United States.

*Revised Oct. 1975.

[FR Doc. 78-3205 Filed 2-6-78; 8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

Preparation for Mailing—Packaging

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule amends postal regulations to establish more realistic and enforceable packaging requirements. The final regulation is designed to reflect established commercial standards identified during an extensive packaging task force study, as modified pursuant to comments received in the course of a public rulemaking proceeding. The new requirements are intended to facilitate the safe handling of packages by eliminating damage due to the use of inadequate containers, closure and reinforcement materials, as well as to eliminate lost and delayed parcels due to the placement of inadequate and confusing markings on the outside of the package.

EFFECTIVE DATE: March 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. F. E. Gardner, 202-245-4529.

SUPPLEMENTARY INFORMATION: On September 23, 1977, the Postal Service published for comment in the FEDERAL REGISTER proposed changes to Part 121 of the Postal Service Manual as described above (42 FR 48349). The proposed changes were intended to establish more practicable criteria for acceptance of parcels in order to hold the damage and loss rate due to faulty packaging and marking at or below a level of 1/2 of 1 percent. In brief, the container requirements were generally relaxed, while closure, reinforcement and marking requirements were selectively strengthened to eliminate specific areas of loss and damage. In addition, optional guidelines on items which had experienced the greatest rates of damage were developed to assist mailers and the Postal Service in maintaining adequate packaging.

Interested persons were invited to submit written comments concerning the proposed regulations. Upon request the comment period was extended from October 26 to November 16, 1977 (42 FR 56960). All comments received during the comment period were considered, including those that arrived after the extended date, up to December 1, 1977.

A total of 87 comments were received. About 75 percent of the comments were from the general public, largely in response to newspaper articles and television announcements informing the public of the FEDERAL REGISTER notice. The media advised

the public that postal officials were looking for suggestions on packaging. Eight commenters concurred in the proposed regulations as written. Another eight requested copies of the proposal, which was sent to them.

Fifteen commenters attributed loss and damage of parcels to poor handling or the use of improper equipment rather than improper packaging. Handling procedures have been and will continue to be improved as problem areas are identified. The proposed packaging regulations are a part of a program to reduce damage which includes upgrading parcels as well as improving mechanized handling and vehicle loading procedures.

Eleven commenters suggested that the Postal Service should sell packaging materials. The Postal Service still sells padded shipping bags. However, many mail packaging items formerly sold in post offices were removed from sale in May 1975 at the request of a Subcommittee of the House Committee on Post Office and Civil Service. This request for removal was instigated by complaints from small businessmen and stationery store owners that the Postal Service was competing unfairly in offering these items for sale.

Another eleven commenters objected to the elimination of twine and cord. Twine and cord is still acceptable for closure and reinforcement of containers. However, reinforced tape is preferred.

Two commenters objected to the exclusion of masking tape for closure and reinforcement. Masking tape is designed to cover or protect margins or borders during painting. Its low tensile strength and adhesion properties make it inadequate as a tape for closing or reinforcing packages.

Each of the following comments was made by a separate individual who

(1) Objected to the exclusion of padded bags for items of registered mail. See 161.31 of the Postal Service Manual. The question of whether padded bags may be used for registered mail items is beyond the scope of this rulemaking. Nevertheless, there is a good reason, in our opinion, for not permitting padded bags for registered mail. The reason is security. Registered mail frequently contains valuable items. Such items may be easily removed from padded bags, and evidence of the opening and removal (and absence of the contents) may be undetectable until too late to trace the time and place of removal.

(2) Wanted positive rather than negative regulations. In our opinion, these regulations are basically framed in positive language. Some regulations, however, must be written in the negative to specifically preclude the use of materials such as masking tape, which have been demonstrated to be inadequate for packaging.

(3) Objected to the prohibition of the word "Rush" on packages unless special handling or special delivery are used. Packages marked RUSH and DO NOT DELAY which do not bear postage entitling them to special delivery or special handling do not deserve such expedited service. Nevertheless, such markings may cause postal employees to extend the more costly expedited service to such packages, to the detriment of the Postal Service.

(4) Requested simpler instructions for small mailers and the general public. The Postal Service will provide simpler instructions via customer service posters, which will be distributed to post offices after these final regulations are published.

(5) Sent to us for inspection a sample carton that had been designed and used satisfactorily for more than 20 years to send books and requested our opinion on whether the carton would comply with the proposed packaging requirements. We determined that the sample carton complies both with the proposed regulation and the regulation as adopted.

(6) Believed mistakenly that the Postal Service had created a category of "perishable" items limited to produce and meats, and stated that baked goods, candies and other foodstuffs should be included. The Postal Service did not attempt to define or categorize perishable items. It simply stated that perishable markings are to be applied to any package which will degrade or decompose rapidly, and gave as examples meat, produce, plants, or certain chemical samples. See 121.42b. A mailer should apply a perishable marking to any item, including baked goods, if it is perishable.

(7) Recommended that the regulations permit the use of staples for closure. The regulations permit staples and steel stitching under certain conditions. See 121.345 of the regulations. Some commenters were concerned with insurance rates and individual claims for damaged parcels. These comments were referred to the offices that handle such matters.

Approximately two dozen replies were received from major mailers, including Federal Government agencies, mailers' associations and organizations. The majority of these comments concerned the mandatory closure and reinforcement requirements and the optional container requirements of the guidelines. Of these commenters seven Federal agencies concurred in the proposed rule as written.

Other commenters from these groups made the following comments on specific sections:

One Federal department requested modification of section 121.1 to permit military supplies, prepared in accordance with military and Federal specifications and standards, to be accepted

for mailing without regard to postal packaging requirements. In our opinion, this request must be denied because military and Federal specifications and standards often do not conform to Postal Service standards. For example, many military supplies are packed in a manner known as "Level C", which is described as "best commercial practice". However, this "practice" may not meet Postal Service standards. Furthermore, the Postal Service has no control over the content of these specifications.

A supplier of packaging materials mistakenly assumed that sections 121.321 a and b of the Postal Service Manual, which deal with paperboard boxes, were being deleted. Those provisions are being retained without change.

Other comments on container requirements suggested that the Postal Service change the bursting strength in proposed 121.321d(3) from a 295 pound test to 275 and to provide a weight limit of 90 pounds instead of 70 pounds for that grade of box. The figure 295 was a printing error; the correct figure is 275. As to the weight 70 pounds is the maximum weight limit the Postal Service is authorized to transport.

Other commenters suggested a 25 pound weight limit (instead of 20 pounds) for 175 pound test boxes and a 50 pound weight limit (instead of 45 pounds) for 200 pound test boxes in 121.321d. Since the weight limits in the regulations are the weight limits for special requirements under Federal specification PPP-B-636, Boxes, Shipping, Fiberboard, and the Commercial Freight Tariffs on which it is based, the Postal Service will not change them.

Another commenter suggested that the weight limits for paper and plastic bags in 121.323 be replaced by size differentials. All data available to the Postal Service during its packaging study were based on weight rather than size differentials. Packaging specifications are based on weight differentials throughout the packaging industry. The Postal Service cannot disregard the practice of an industry without a good reason. The commenter gave no reason for doing so.

Comments on closure, sealing and reinforcement included a request that polystyrene foam caps be included in the principal methods of closure in section 121.341. There is nothing in that section to preclude use of these specific caps. Accordingly, they may be used.

Three commenters suggested that we eliminate the phrase in section 121.342b "by the use of warm water with a wetting agent", which prescribes how gummed tape must be activated prior to application, and replace it with a test that assumes ade-

quate activation if the tape remains attached to the container during handling and if, during removal, at least 50% fiber tear occurs on the surface to which the tape is applied or if the tape delaminates. The suggestion clarifies the intent of the regulation, and so we have adopted it.

Two commenters suggested that we reword the strength characteristics for nonreinforced plastic tapes in 121.342d. We adopted the suggestion since it would clarify the intent of the regulation to guard against splitting of the tape during handling. We did not, however, adopt a suggestion that Mil-STD-224 become mandatory for tape application, since Mil-STD-224 is not generally available outside of the Federal government.

One commenter offered a complete rewrite of 121.343 on adhesives. The rewrite was adopted as a worthwhile clarification.

Several commenters suggested amendments of the descriptions preceding the first two drawings in illustration 5 on adequate closure. We adopted the suggestions as useful clarifications of the regulation.

Two commenters suggested that we amend 121.345 to increase the allowable spacing of staples from 2½ inches to 5 inches. We accepted the increase to 5 inches for easy and average loads, as the 5 inch spacing is based on industry standards in the Uniform Freight Classification. We believe it necessary, however, to retain the 2½ inch spacing requirement for difficult loads.

The following comments deal with the marking requirements in 121.4. One commenter suggested that 121.41a would be clearer if the Postal Service required that a specific type font or character size be used instead of requiring that markings must be sharp and clear at a distance of 30 inches. We did not adopt this suggestion, because to require use of a specific type font would preclude all other type fonts. The commenter provided no basis for choosing one type font over another, and we know of none.

Section 121.43 provides that if address labels and envelopes are attached to containers, there must be no more than a ¼ inch separation between the edge of the envelope and the container. A commenter requested that mailings which do not meet this requirement not be rejected unless they cause problems in processing. We intended to deal with non-complying mailings as the commenter suggested. However, we have modified the regulation to make our intentions specific.

There were two comments concerning 121.6b, which permits packages which do not meet the minimum requirements of Part 121 to be accepted in a "test" status. If the test packaging achieves acceptable performance levels, the mailer may continue to use

the packaging. One commenter suggested that "test" status should be available also under the guidelines in 121.7. We agree with the commenter and have added a sentence to 121.6b to make it clear that test status is also available for packages mailed under the guidelines. Another commenter requested that the Postal Service publish a statement of uniform standards or criteria for the acceptance of packages in a "test" status to which a mailer could refer in order to determine if his package would be accepted for test. The commenter also requested that acceptable "test" packages be marked so that approved packaging will be uniformly received by each post office. We are unable to publish standards at this time since there are presently no test standards established for the postal handling environment. We expect to develop such standards gradually, based on experience gained with packages admitted to test status. As to marking acceptable packages, the Postal Service does not object to such marking. However, we prefer to delay regulating on this subject until some experience is gained with the test status procedure.

Some commenters suggested that we indicate what parts of the guidelines in 121.7 are optional and what parts are mandatory. We have done that by adding an explanatory sentence at the end of 121.7. They also requested that we guarantee that the optional parts will not become mandatory. Of course, we cannot give a guarantee on the content of regulations. Changing circumstances may make it imperative that guidelines become requirements.

The guidelines on packaging of books were the subject of several comments. Two commenters requested deletion of the reference to shrink wrap in 121.711a, because of its conflict with 121.711c. We agree and have deleted the reference. Another commenter requested a change in the minimum piece size in 121.711a to conform to the dimensions in 121.324a. Since the two dimensions are the same, no change is necessary. A commenter suggested that the ¼ inch thickness requirement in 121.711b and 121.741a not apply to fiberboard boxes, since there is no fiberboard box made that is less than ¼ inch thick. Although all fiberboard boxes are at least ¼ inch thick, a specific exemption for boxes made from this material would confuse rather than clarify the section. One commenter recommended that 121.712b and 121.713b be amended to describe how non-metallic banding must be applied. We amended the sections as suggested. Several commenters suggested that 121.714 and 121.715 be amended to reduce the fiberboard box bursting strength requirements in the 25 to 50 and 50 to 70 pound ranges to 200 and 275 pound

test, respectively, for paperback books. We adopted the suggestion. The requirements for paperback books were inadvertently omitted from the proposal.

Several commenters suggested that the weight limits in 121.321d and 121.72 should be increased for the fiberboard box test strengths specified in those sections. We are unable to follow the suggestion, because the weight limits are the minimum requirements set by commercial freight tariffs for difficult loads and high density items.

Several commenters discussed 121.73, which is concerned with packaging of softgoods. The suggestion that the basis weight requirements be reduced to a point below the minimums specified in 121.323a had to be rejected, since those minimums are mandatory and cannot be changed. Other commenters requested that we delete the guideline in 121.731e to reinforce containers holding softgoods with a density of less than four pounds per cubic foot. We are persuaded by operating experience to retain this guideline. However, mailers should note that it is an optional, not a mandatory guideline. Two commenters suggested that the weight limits in 121.733 through .735 should be increased for the fiberboard box test strengths specified in those sections. We are unable to follow the suggestion, because the weight limits are the minimum requirements set by commercial freight tariffs for difficult loads, such as high density items and softgoods. One commenter suggested a revision of 121.733b to include reinforced paper tape among the materials that may be used for closure of boxes. We believe the suggestion is a good one. It would clarify the intent of that provision. Accordingly, we made the change.

One commenter requested an exemption for the handicapped from the guidelines on sound recordings (121.74). For the most part the guidelines are optional; therefore, no exemption is necessary. In those cases where the guidelines are the same as the mandatory requirements, they must be applied to all mailers equally. One commenter suggested that 121.741a should be amended to permit records in sleeves or shells weighing up to three pounds to be packed in 70 pound basis weight envelopes, instead of outer corrugated fiberboard containers as the proposal provides. We have adopted the suggestion since it is an acceptable commercial practice. Another commenter suggested that 121.741b should be amended to refer to "hot or cold" adhesives instead of merely adhesives as a method of closure. We think the proposed change is unnecessary. The word adhesives includes both hot and cold adhesives as

well as any other adhesive that may be devised that is neither hot nor cold.

One commenter suggested that the reference in 121.31 to the National Safe Transit Association Test Standards should be amended to refer to "Procedure Project 1A", since Project 1A deals with packages of 100 pounds or less, and 70 pounds is the maximum weight the Postal Service may carry. We adopted the suggestion.

In view of the considerations discussed above, the Postal Service hereby adopts, as amended, the following revision of the Postal Service Manual:

PART 121—PACKAGING

1. Revise 121.1 to read as follows:

121.1 Packaging adequacy.

Articles accepted for mailing shall be prepared according to the general criteria and regulations specified herein. The Postal Service will accept properly packaged and marked parcels and reserves the right to refuse non-mailable or improperly packaged articles or substances. Other regulations, concerning packaging and mailability, are contained in Part 124 for articles mailable under special rules, Part 126 for overseas military post offices, and Publication 42 for international mail.

2. In 121.2 delete "or fiberboard" from the last sentence of .21c, and revise the last sentence of .21b to read as follows:

121.2 Definitions.

.21 Types of loads.

b. . . . Average loads may be prepackaged by nesting items within partitions or in separate paperboard boxes. This tends to stabilize items to prevent shifting and damage to them and the container.

3. In 121.3 redesignate .321d-f as .321e-g; strike out the words "six inches" in the last sentence of redesignated .321e and insert "eight inches" in lieu thereof; strike out "illustration 7" in the third sentence of redesignated .321g and insert "illustration 5" in lieu thereof; strike out "4½" in the first sentence of .324a and insert "4¼" in lieu thereof; strike out "illustrations 4, 5, and 6" in the last sentence of .331 and insert "illustrations 3 and 4" in lieu thereof; revise .31 and .321c, add new .321d, and revise .322, .323, .325, .333, and .34 to read as follows:

121.3 Packaging for mailing.

.31 Preservation.

It is the responsibility of the mailer to provide protection against deterioration or degradation of the contents. Preshipment testing is practiced by the airline carriers and by many company managers to determine the effectiveness of their packaging as well as the durability and the quality of their

product. The mailer should be aware of the characteristics of the item he is mailing, the transit time, and the mail handling and transportation environment. The National Safe Transit Association Test Procedure Project 1A is recommended for customer's evaluation of their packages. Postmasters and customer services representatives will keep customers advised on service and transit times.

.32 Containers acceptable for mailing.

.321 Boxes.

c. Unless otherwise specified, see 121.5 and 126.12, solid and corrugated fiberboard boxes are acceptable for easy and average loads upon to the following weight limits:

- (1) 125 pound test board up to 20 pounds.
- (2) 175 pound test board up to 40 pounds.
- (3) 200 pound test board up to 65 pounds.
- (4) 275 pound test board up to 70 pounds.

d. Unless otherwise specified, see 121.5 and 126.12, solid and corrugated fiberboard boxes are acceptable for difficult loads up to the following weight limits:

- (1) 175 pound test board up to 20 pounds.
- (2) 200 pound test board up to 45 pounds.
- (3) 275 pound test board up to 70 pounds.

.322 Outside wraps for boxes.

It is preferable that paper wrappers be omitted if the box itself constitutes an adequate shipping container. However, wrapping paper equivalent to the strength of the average large grocery bag, 60 pound basis weight, may be used as an outside cover for boxes. Closure and reinforcement will be accomplished by use of the tape, see 121.23.

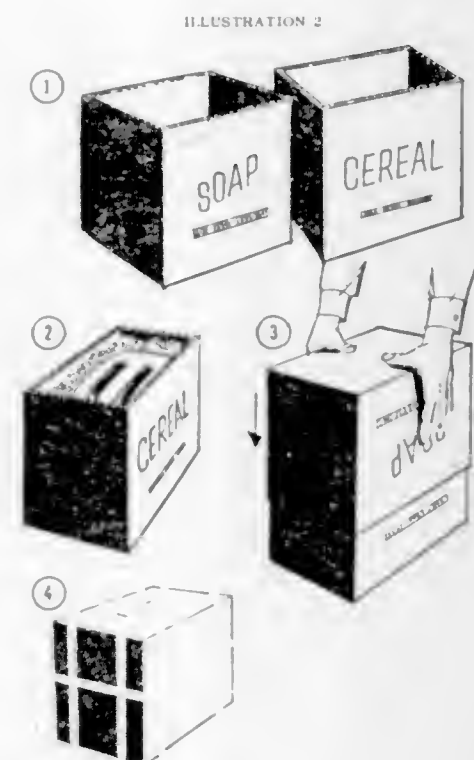
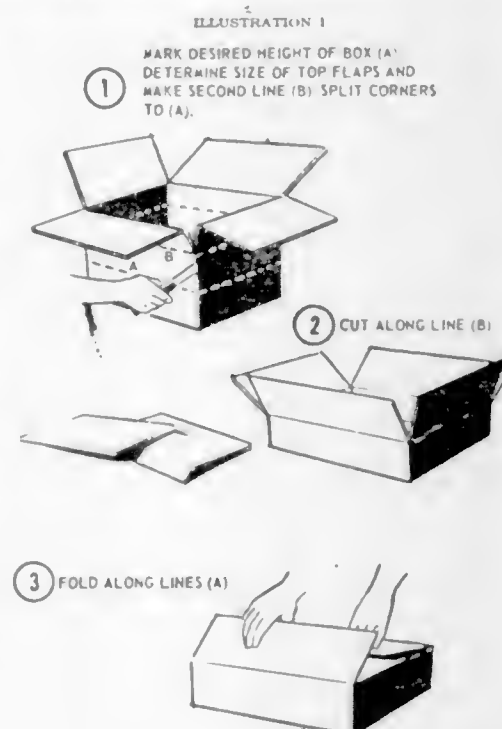
.323 Bags, bales, bundles, and wraps.

Bags, bales, bundles, and wraps shall not be accepted with difficult loads. The contents in bags, bales, bundles and wraps will be compressed whenever possible:

a. Paper bags and wraps are acceptable for easy loads of up to five pounds when they are at least 50 pounds basis weight and the items are immune from impact or pressure damage. A combination of plies adding up to or exceeding 50 pounds basis weight is not acceptable. Reinforced bags or bags with a minimum of 70 pounds basis weight are acceptable for easy and average loads up to 20 pounds. Non-reinforced loose-fill padded bags are not acceptable as exterior containers, except when the exterior ply is at least 60 pounds basis weight.

b. Plastic bags shall, as a minimum, be at least two mil thick polyethylene

or equivalent for easy loads up to five pounds and four mil for easy loads up to 10 pounds. Experience indicates that plastic bags, which will stretch and resist puncturing are more durable than most nonreinforced paper bags and provide a high degree of waterproofness. However, the ordinary plastic bag without the above strength characteristics is to be avoided.



The usual point of fracture is at the fused column.

c. Cloth bags are acceptable for easy and average loads of up to 10 pounds provided their seams are equivalent in strength to the basic material.

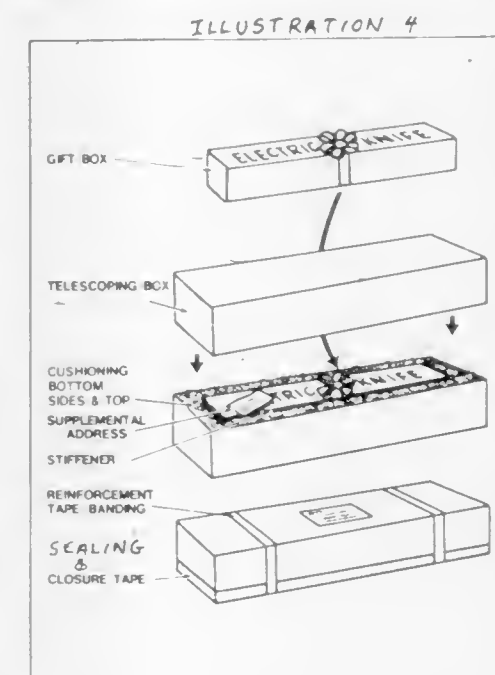
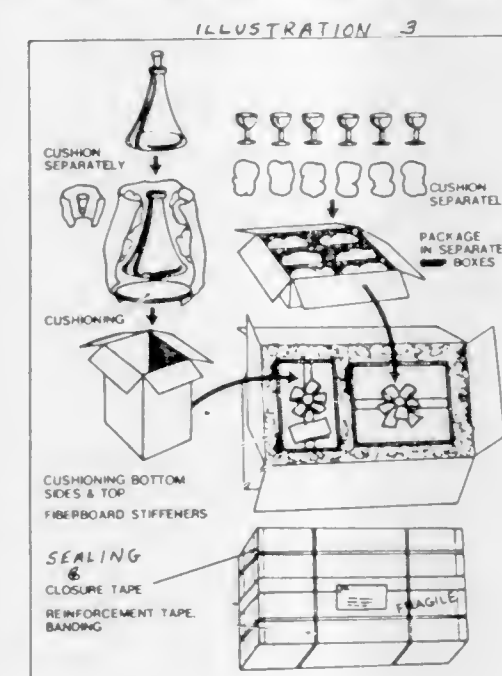
d. Bales and bundles are acceptable within postal weight limits provided they are adequately compressed and reinforced to contain the material.

will be equal to solid fiberboard $\frac{1}{16}$ inch thick for tubes under 18 inches long, $\frac{3}{32}$ inch thick for tubes 18 to 32 inches long, and $\frac{1}{8}$ inch thick for tubes over 32 inches long. Crimped or taped end closures are not acceptable for other than lightweight, rolled items. Tape must completely encircle the seams on friction side closures of mailing tubes.

.325 Fiberboard Tubes and Similar Long Packages.

Fiberboard tubes and similar long packages are acceptable providing their length does not exceed 10 times their girth. As a minimum, the strength of the tube ends must be equal to the tube sidewall strength, except when the contents are light-weight rolled items. In any event, sidewall strength

.333 When several items are within a package they must be protected from each other as well as from external forces. Concentrated heavy items must not be packed with fragile items unless extreme care is exercised to separate the items from each other. Heavy items must be adequately stabilized.



RULES AND REGULATIONS

.34 Closure, sealing, and reinforcement.

.341 General.

Closure and reinforcement of packages are primary considerations in the preparation and acceptability of any parcel. The principal methods of closure and reinforcement employ gummed and pressure sensitive tapes, adhesives, strapping, staples for boxes and bags; and various friction closures, screw caps and locking devices for cans and similar containers.

.342 Tape.

a. Tape is used for closure, sealing, and reinforcement of containers. Cellophane and masking tape shall not be used for closure or reinforcement of packages, but may be used to augment adhesive closures on envelopes or to cover staples on bags. Pressure sensitive, filament reinforced tape is recommended for closure and reinforcement.

b. Paper tape must be at least 60 pounds basis weight kraft. This tape is widely used for closure and sealing, but is not adequate for reinforcement. Reinforced kraft paper tape is considerably more durable than plain kraft tape, and take less time and tape for an equal closure. The adhesive on gummed tapes must be adequately activated prior to application and must be firmly applied with the tape extending at least three inches over the adjoining side of the box. Improper application results when the gummed adhesive is not activated or when the water is absorbed by the fibrous container. Adequate activation shall be assumed if the tape remains attached to the container during handling and transportation and if at least 50% fiber tear occurs on the surface to which the tape is applied or if the tape delaminates during removal. The tape must be kept from freezing for at least one hour after application. Special care should be taken when extremely cold temperatures are anticipated. Even properly applied gummed tapes tend to crack under these conditions.

c. Pressure sensitive tapes come with various paper, cloth, or plastic backings, both plain and reinforced, and may be readily applied on a clean surface at any temperature above freezing. Applications, especially in below freezing temperature, requires that the tape be rubbed down well to assure adhesion. Pressure sensitive tape should be used on the container in the same way as gummed tapes.

d. Illustration 5 shows proper methods of applying reinforced paper tapes and reinforced pressure sensitive tapes. Tapes can also be used to close other types of packages not illustrated, including those of irregular shapes and soft wrapped items. Packages properly closed with reinforced tape are substantially stronger than are parcels closed with reinforced paper tape. Except for pressure sensitive filament tape, tapes used for closure and reinforcement shall not be less than two inches wide. Nonreinforced plastic tapes shall be at least as strong in the cross direction as in the machine (long) direction.

.343 Adhesive.

ATTACHMENT I

Adhesive is a general term covering cement, glue, mucilage, paste, cold emulsion, thermal plastic, etc. Adhesive used for closure shall be assumed to have been adequate if at least 50 percent fiber-tear occurs on the surface to which the adhesive was applied. Adhesives used for closure on box flaps or on tapes must remain serviceable in temperatures from minus 20 degrees fahrenheit to plus 160 degrees fahrenheit. It is recommended that an adhesive cover at least 50 percent of the box flaps and be applied not more than 1/4 inch from the ends of the box flaps. Alternatively, four strips of hot melt adhesive may be used on each portion of the box flap where the outer flap overlays the inner flap. Each strip will be 1/8 inch wide after compression. Strips should be a maximum 1 1/2 inches apart, with the first strip no more than 1/4 inch from the center seam. All strips will be the full width of the inner flap, or hot melt adhesive should be applied to 25 percent of the area where the outer flap overlays the inner flap.

.344 Banding.

When banding is used for closure and reinforcement, it should encircle the package at least once girthwise and lengthwise over the sides, ends and tops of rectangular containers and bundles. Although it is preferred that twine and cord not be used for closure and reinforcement, if used, they should be at least 20 pounds tensile strength and must be secured at an intersection at least once on each side. Strapping includes both metallic and nonmetallic banding and pressure sensitive filament tape. Loose strapping,

especially metal, is not acceptable because it constitutes a hazard to employees and equipment and does not reinforce the container. It is preferred that flat steel strapping have smooth or plastic coated edges.

.345 Staples and steel stitching.

a. Staples and steel stitching are acceptable providing they are spaced not more than 5 inches apart for easy and average loads and 2 1/2 inches apart for difficult loads and not more than 1 1/4 inches from the ends of the box. Boxes that do not meet these requirements may be made acceptable by application of a strip of three-inch-wide, reinforced, tape in the gap between the staples or by strapping to compensate for the gap in the staple closure. Illustration 6 shows banding augmented staple closures.

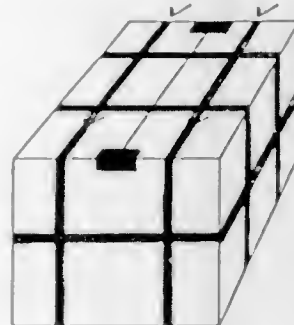
b. Staples and steel stitching are acceptable on envelopes and bags providing they do not present a hazard to postal employees, equipment or other mail. Mailing pieces with improperly clinched or unprotected protruding ends of staples or stitches are not acceptable.

ILLUSTRATION 5

ADEQUATE CLOSURE

PRESSURE SENSITIVE FILAMENT TAPE

This tape is composed of filaments imbedded in pressure sensitive adhesive. It is extremely strong and only short "L" or "C" shaped strips are needed to accomplish effective closure. However, closure and reinforcement may be accomplished by complete banding as illustrated. It is important to tape down the ends of the flaps (✓)



REINFORCED KRAFT PAPER TAPE

This tape is about 3 inches wide and is composed of several laminated layers with filaments running both lengthwise and across. It is extremely break resistant and has excellent adhesive qualities. Reinforced

tape is preferred over the plain kraft tape. Equivalent plastic tapes may be used in the same manner.



KRAFT PAPER TAPE

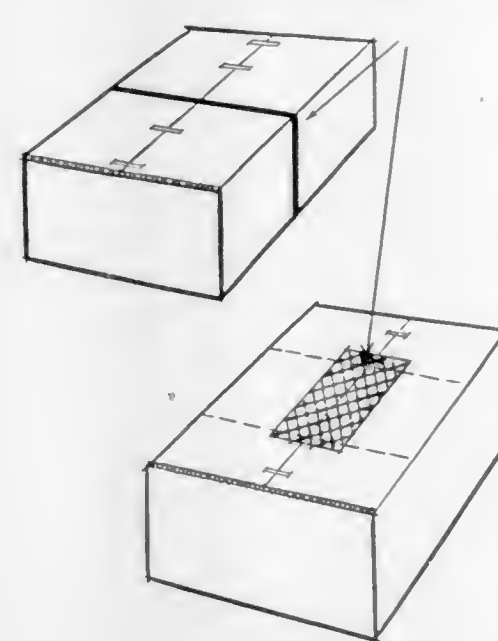
This is a one-thickness tape available in many widths and strengths. It must be correctly applied, both as to positioning and adhesion, and must be graded in use according to the size, shape, and weight of the package. It is not adequate for heavy packages. Of particular importance is the absolute necessity for fully taping down the ends of the package flaps (✓).



NOTE.—Bursting of corners, especially taped joints, may be a problem for containers under heavy impact.

ILLUSTRATION 6

Band or tape in center of gap is more than 5 inches.



RULES AND REGULATIONS

4. Revise 121.4 to read as follows:

121.4 Marking.

.41 General.

a. Marking by the mailer must be by a material which is not readily water soluble nor which can easily be rubbed off or smeared and will be sharp and clear at a distance of 30 inches. It is recommended that the name and address of the sender and addressee also be inserted within the package to aid in delivery if the address on the package is defaced.

b. Restricted articles shall be marked and labeled in accordance with 124.15.

.42 Special markings.

Special markings as identified shall be placed in an area below the postage and above the name of the addressee:

a. Fragile markings shall only be applied to any package containing delicate items such as glass and electrical appliances. Identification of contents is not required.

b. Perishable markings shall be applied to any package which will degrade or decompose rapidly such as meat, produce, plants, or certain chemical samples.

c. Handling markings, such as Do Not Bend, shall be used only when contents are protected with stiffeners.

d. Words implying expedited handling, such as Rush Do Not Delay, shall not be used on any package except those intended for shipment as special delivery or special handling mail.

e. Unauthorized markings which do not designate the address, nature of contents, or handling are not permitted. Obsolete markings will be obliterated. Containers improperly identified as to contents are not acceptable: e.g., a box marked as containing art supplies which contains flammable liquid. Extraneous information, such as order numbers, which will be confused with ZIP Codes, are not permitted adjacent to or immediately under the last line of the address.

.43 Marking surfaces.

Marking methods or surfaces shall be of such type as to permit postal endorsements to be made by hand stamp, ball point pen, or Number 2 grade pencil. Package surfaces which will not retain an adhesive stamp, postage meter impression, ball point pen or pencil markings are not acceptable. Address labels and particularly envelopes will be firmly sealed to containers with no more than 1/4 inch separation between edges of the envelope and containers. Mailings with labels and envelopes which do not adhere to

the 1/4 inch requirement will be rejected if they cause problems in processing.

5. In 121.5 revise .51 and .52 and renumber illustration 9 as illustration 7 and revise to read and appear as follows:

121.5 Mailability.

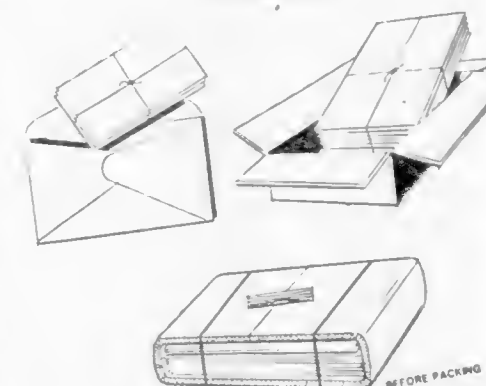
.51 Acceptability.

Acceptability of packaging is a principal criterion of mailability. No item shall be packaged so that its contents may harm personnel or equipment or other mail. Fragile items must be packaged to withstand the mail processing and transportation environment. Heavy items must be braced and cushioned to prevent damage to other mail. Some general classes of items which cause a continuing problem due to packaging deficiencies are described in this section. Further information may be obtained from parcel post window clerks, dock foremen, and mailing requirements personnel. Requests for exceptions to the prohibitions set forth herein shall be submitted for a ruling to the Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260.

.52 Stationery.

Stationery-type items constitute a major source of loose-in-the-mail items. Problems occur because of unrestrained, concentrated or shifting contents, and the use of containers, internal packaging, closures and reinforcements which are inadequate. Stationery-type items exceeding one inch in depth or one pound in weight should not be accepted in letter-style envelopes. The contents of these packages must be unitized by tying or banding or through the use of partitions on close fitting interior containers to prevent shifting. Illustration 7 gives several examples of unitizing this type material.

ILLUSTRATION 7



6. Revise 121.6 to read as follows:

121.6 Packaging Improvement Report.

a. When packaging deficiencies are noted after acceptance that are not of such a serious nature as to require refusal for dispatch or removal from the mails, the receiving Postal employee will complete a Packaging Improvement Notice, Form 3823, noting the potential source of loss or damage in accordance with 331.22. When damage occurs as a result of inadequate packaging Form 3823 will be prepared in accordance with 334.723.

b. Packaging which does not meet the minimum requirements of this Part may be allowed in a "test" status. If the test packaging achieves acceptable performance levels, the mailer may continue to use the packaging. Authority to grant "test" status to mailers may be considered by the originating Bulk Mail Center general manager. This decision is subject to an appeal to the Office of Mail Classification, Rates and Classification Department. Requests for interpretations of Postal Service regulations which cannot be resolved by the accepting postmaster, Bulk Mail Center manager, or customer requirements officer, will be referred to the Postal Services Centers. When significant deviations from existing requirements are successful the Office of Mail Classification will be notified. Test status is also available for any of the provisions under 121.7.

7. Add new 121.7 reading as follows:

121.7 Guidelines.

The following guidelines apply to all pieces of any class of mail which will be individually processed in the Bulk Mail System. Those recommended packaging materials and methods of packaging in these guidelines that are identical with mandatory requirements in 121.32-34 and 121.4 are mandatory. Particular attention is directed to the closure and reinforcement regulations in sections 121.34 and marking regulations in 121.4. Other recommended packaging materials and methods of packaging in these guidelines are presently optional. Those sections of the guidelines which are the same as or similar to the preceding mandatory requirements 121.1 through 121.5, use the verbs "shall" or "will" as appropriate, whereas the optional sections use the verbs "may" or "should."

121.71 Books.

Books including catalogs and similar material for purposes of packaging only and not for purposes of mail classification are defined as any item having 24 pages or more, fastened together along one edge between either hardback, paperback, or self covers. These guidelines are designed to assure safe handling of packages

which, if the contents are unrestrained or allowed to shift, or if inadequate containers, internal packaging, closures and reinforcement are used, are subject to possible damage.

121.711 Up to 5 Pounds.

a. Books exceeding 1 inch in depth or one pound in weight will not be accepted in letter style envelopes, which are defined as those non-gusseted, flat envelopes from 3" x 4½" up to 6½" x 11½". Other envelopes, as defined in 121.324b, will be used.

b. Book shipments up to five pounds should be packaged in close fitting paperboard or fiberboard boxes or padded or reinforced bags (exterior ply minimum 60 pounds basis weight) or wraps (corrugated or minimum 60 pounds basis weight paper). The container should be no less than ¼" thick. The contents of paperboard containers should support the package and should not permit a lateral shift of the books of more than ¼". A snug fitting container is recommended.

c. Closure should be accomplished by multiple friction closures (e.g., the insertion of more than one flap or tab), completely clinched staples to avoid handling injuries, heat sealing, adhesives, tape or non-metallic banding. Although shrink wrap is not acceptable as the only packaging for hardback books exceeding one pound or one inch in depth, it may be used on the exterior of otherwise acceptable containers. Shrink wrap may be used as the only method of packaging for paperback books up to three pounds. Shrink wrap material should have a coefficient of friction of .025 to .040 on metal surfaces at 20 to 25 degree elevations.

121.712 From 5 to 10 pounds.

a. Books in this weight range should be packaged in fiberboard boxes with a minimum of 175 pound test board or equivalent.

b. Closures will be accomplished by the use of tape or non-metallic banding or adhesives. The use of reinforced tape or non-metallic banding is adequate for both closure and reinforcement. Non-metallic banding must be firmly applied to the point that the straps must be tightened until they depress the carton at the edges in order to meet the requirements of this section.

121.713 From 10 to 25 pounds.

a. Books in this weight range should be packaged in fiberboard boxes with a minimum of 200 pound test board or equivalent.

b. Closure should be as above in 121.712b for the 5 to 10 pound range, except that the container should be reinforced or banded in the direction which will provide the greatest support with reinforced paper tape, equiv-

alent plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding. The use of reinforced tape or non-metallic banding is adequate for closure and reinforcement of these containers. Non-metallic banding must be firmly applied to the point that the straps must be tightened until they depress the carton at the edges in order to meet the requirements of this section.

121.714 From 25 to 50 pounds.

a. Books in this weight range should be packaged and closed as above in 121.713b for the 10 to 25 pound range, except that hard-bound books will be packaged in 275 pound test fiber board and paperbacks will be packaged in 200 pound test containers.

b. Outer containers of books should be reinforced at two points to provide the greatest support with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding.

121.715 From 50 to 70 pounds.

Hard-bound books in this weight range should be packaged as above in 121.714 for the 25 to 50 pound range, except that they should be packed in fiberboard boxes with a minimum 350 pound test board or equivalent. Paperback books will be packaged in 275 pound test fiberboard boxes.

121.716 Cushioning.

Void spaces within multiple book containers will be filled with dunnage or otherwise stabilized to prevent shifting or damage to the contents or container.

121.72 High density items.

High density items are defined as packages of solid objects which exceed 15 pounds per cubic foot, such as hardware, machine and auto parts, tools and similar metal or heavy items, except books. These requirements are designed to assure safe handling of packages which, if the contents are unrestrained, or if allowed to shift, or if inadequate containers, internal packaging, closures and reinforcements are used, are subject to significant damage. Articles of this type will be packaged so as not to exert more than 60 pounds per square foot pressure on the smallest side of a container.

121.721 15 to 20 pounds.

a. These items should be packaged in fiberboard boxes constructed of a minimum 200 pound test board or equivalent wood, metal or plastic containers. Plastic, metal and similar hard containers should be packaged, treated, or otherwise prepared so that their coefficient of friction or ability to slide on a smooth, hard surface is similar to that of a domestic class of fiberboard box of the same approximate size and weight.

b. Closure should be accomplished by staples, heat shrinking, adhesives or tape.

c. Boxes without inner packing or containing loose material should be reinforced or banded with reinforced paper of plastic tape, pressure sensitive filament tape or firmly applied nonmetallic banding.

d. Internal blocking and bracing, including the use of interior containers, cut forms, partitions, dunnage, and liners, should be used as required so that packages will be capable of maintaining their integrity without damage to the contents if dropped once on one of their smallest sides on a solid surface from a height of 3 feet.

121.722 From 20 to 45 pounds.

These items will be packaged, closed and reinforced as above in 121.721, except that reinforcement should be by the use of pressure sensitive filament tape or non-metallic banding.

121.723 From 45 to 70 pounds.

These items will be packaged, closed and reinforced as above in 121.722, except that exterior containers will be a minimum of 275 pound test fiberboard or equivalent.

121.73 Softgoods.

Softgoods are defined as any textile material, normally associated with wearing apparel, sheets, blankets, pillows and pillow cases, draperies, cloth, dry goods, hats and fabrics, etc. These guidelines are designed to assure safe handling of packages which, if the containers are inadequately closed or cannot withstand puncture, friction, or compression during normal handling operations, are subject to significant damage.

121.731 Up to 5 pounds.

a. Softgoods in quantities up to five pounds should be packaged in cloth bags or paper bags or wraps (outer ply minimum 50 pounds basis weight), plastic bags (minimum two mil thick polyethylene or equivalent strength), paperboard or fiberboard boxes. Boxes must be filled to capacity.

b. Paper bags, plastic bags or wraps should be closed or vented in a manner to permit rapid compression of the pack.

c. Closure of bags may be by completely clinched staples, heat sealing, adhesives, sewing or tape. Improperly clinched staples will be removed to prevent injury to handling personnel and other mail.

d. Closure of boxes may be by staples, adhesives, tape, heat shrinking, or non-metallic banding. Paper tape should be applied along all box flaps and closure seams. Equivalent strength plastic tape is also acceptable. Although shrink wrapping is not acceptable as the only means of packaging, it may be used on the exterior of otherwise acceptable boxes.

e. When the density of softgoods is less than four pounds per cubic foot in boxes, they should be reinforced in at least two of the longest directions.

121.732 From 5 to 10 pounds.

a. Softgoods in this weight range should be packaged in cloth bags, paper bags or wraps (outer ply minimum 70 pounds basis weight) filament reinforced paper bags, plastic bags (minimum 4 mil thick polyethylene or equivalent strength), or fiberboard boxes.

b. The methods of closure of these containers should be as specified in 121.731c and 121.731d. Reinforced tape is adequate for both closure and reinforcement.

121.733 From 10 to 20 pounds.

a. Softgoods in this weight range should be packaged in paper bags or wraps (minimum 70 pounds basis weight paper), reinforced paper bags or cloth bags or fiberboard boxes with a minimum 175 pounds test board or equivalent.

b. Closure of boxes may be by staples, adhesives, reinforced paper tape or equivalent plastic tape, except that the container should be reinforced or banded by the method which will provide the greatest support with pressure sensitive filament tape, or firmly applied non-metallic banding. The use of reinforced tape is adequate for closure and reinforcement of these containers.

121.734 From 20 to 45 pounds.

a. Softgoods in this weight range should be packaged as specified for the 10 to 20 pound weight range in 121.733a, except that fiberboard containers will be a minimum of 200 pound test board.

b. Closure should be as specified in 121.733b. Containers should be reinforced at two points to provide the greatest support with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding.

121.735 From 45 to 70 pounds.

Softgoods in this weight range should be packaged, closed and reinforced as specified for the 20 to 45 pound range, except that fiberboard containers will be a minimum of 275 pound test board.

121.74 Sound recordings.

Sound recordings are defined for purposes of packaging only and not for purposes of mail classification as plastic, nonbreakable disc type records, normally 33½, 45, or 78 RPM, as well as magnetic tapes, normally used in home and auto sound reproducing equipment. These guidelines are designed to assure safe handling and reduce breakage and loss of destination markings.

121.741 Records up to 10 pounds.

a. Records in paper sleeves, paper board or chipboard shells will be packed in 70 pound basis weight envelopes for weights up to 3 pounds, or outer corrugated, fiberboard containers for weights up to 10 pounds. The containers should be no less than ¼" thick.

b. Closure should be accomplished by the use of adhesives, Kraft paper tape, equivalent plastic tape, or staples.

121.742 Records from 10 to 20 pounds.

Multiple shell containers should be closed as above in 121.741b except that the outer container should be reinforced in at least one direction with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding. The use of reinforced tape is adequate for closure and reinforcement of the outer container.

121.743 Records from 20 to 40 pounds.

Multiple shell containers will be packaged in 175 pound test fiberboard containers or equivalent and closed and reinforced as above in 121.741b except that the containers should be reinforced at two points with pressure sensitive filament or non-metallic banding to provide the greatest support.

121.744 Records from 40 to 70 pounds.

Multiple shell containers up to 65 pounds will be packaged in 200 pound test fiberboard containers or equivalent and closed and reinforced as above in 121.743, except that containers will be reinforced approximately every eight inches around the package. Containers over 65 pounds will be 275 pound test fiberboard or equivalent.

121.75 Acceptability of magnetic tape.

Tape cassettes and cartridges are a problem because of inadequate containers for small quantities and failure to provide internal and external reinforcement of large quantities of tapes in a single parcel.

121.751 Tapes up to five pounds.

a. Individual tapes may be packaged in plastic film wrap (minimum 0.00075 mil), cushioned bags or cushioned and packaged in paper bags with a minimum basis weight of 60 pounds. Multiple tapes will be packed in outer fiberboard containers or chipboard containers (minimum 0.022 mil).

b. Closure will be accomplished by multiple friction closures, (e.g., the insertion of more than one flap or tab), completely clinched staples, heat shrinking, or adhesives, or by tape. Paper tape must be a minimum of 60 pounds basis weight kraft. Shrink wrapping is acceptable on the exterior of otherwise acceptable boxes of multiple tape shipments.

121.752 Tapes from 5 to 10 pounds.

In addition to the guidelines in 121.751, closure will be accomplished only by the use of adhesives, tape or staples.

121.753 Tapes from 10 to 20 pounds.

Packaging and closure will be as above in 121.752 for the five to ten pound range, except that the container should be reinforced or banded in a direction which will provide the greatest support with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding. The use of reinforced tape is adequate for closure and reinforcement of these containers.

121.754 Tapes from 20 to 40 pounds.

Tapes in this weight range will be packaged in fiberboard boxes of 175 pound test. Closure will be as above in 121.753 for the 10 to 20 pound range, except that the container will be banded or reinforced at two points with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding, to provide the greatest support.

121.755 Tapes from 40 to 65 pounds.

Tapes in this weight range up to 65 pounds will be packaged, closed and reinforced as above in 121.754 for the 20 to 40 pound range, except that fiberboard containers of at least 200 pound test board or equivalent will be used. Containers over 65 pounds will be 275 pound test fiberboard or equivalent.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the FEDERAL REGISTER as provided in 39 CFR 111.3.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.
[FR Doc. 78-3133 Filed 2-6-78; 8:45 am]

[6820-27]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amdt. B-39]

PART 101-11—RECORDS MANAGEMENT

Subpart 101-11.5—Microfilming

PROCESSING FILM

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Final rule.

SUMMARY: The National Archives and Records Service (NARS) conducts hyposulfite tests of film used to make photographic or microphotographic copies of permanent records for Federal agencies to determine whether it meets processing standards described in FPMR 101-11.504-3. This regulation is intended to inform agencies that the current fee charged by NARS for the tests is contained in a GSA FPMR bulletin.

EFFECTIVE DATE: This change is effective February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

James Megronigle, Director, Planning and Analysis Division, Office of the Executive Director, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, 202-523-3214.

Section 101-11.504-3 is revised as follows:

§ 101-11.504-3 Processing film.

The film used to make photographic or microphotographic copies of permanent records shall be processed so that the residual thiosulfate concentration shall be greater than zero but shall not exceed 1 microgram per square centimeter. An optimum concentration of 0.7 micrograms per square centimeter in a clear area is recommended. Agencies conducting their own microfilming program may determine whether their processed film meets this requirement by performing the tests specified in ANSI PH4.8; Methylene Blue Method for Measuring Thiosulfate and the Silver Densitometric Method for Measuring Chemicals in Films, Plates, and Papers; or by submitting a sample for testing from a clear area of the film, measuring at least 2 square inches, to the Office of the Executive Director (NAP), National Archives and Records Service, General Services Administration, Washington, D.C. 20408. A charge will be made for each sample tested. The fee charged for this service is announced in a GSA FPMR bulletin or can be obtained by writing to the above address.

COM-produced microfilm of permanent records shall meet the processing standards above. If the processing is to be of the reversal type, it must be full photographic reversal and not the halide-type reversal.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 23, 1978.

JAY SOLOMON,
Administrator of
General Services.
[FR Doc. 78-3253 Filed 2-6-78; 8:45 am]

[6820-24]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-215]

PART 101-30—FEDERAL CATALOG SYSTEM

Subpart 101-30.7—Item Reduction Program

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation announces the implementation of a Governmentwide item reduction program. The General Accounting Office concluded in a 1974 report to the Congress that the number of similar items within the Government supply system exists due to the lack of adequate agency guidelines. This amendment takes the necessary action by amending the GSA regulations to include an item reduction program.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406 (703-557-1914).

SUPPLEMENTARY INFORMATION: Although an item reduction program has existed for several years, the number of items in the Federal supply system has remained relatively constant. This situation was recognized by the Comptroller General of the United States in his October 21, 1974, report to the Congress entitled "Number of Items in Federal Supply Catalog Can Be Reduced," B-146778, which recommended that an adequately defined and coordinated item reduction program be developed.

A subsequent GAO report to the Congress entitled "How the Item Reduction Program of the General Services Administration Could Be More

Effective," LCD-76-459, dated July 11, 1977, acknowledged the actions being taken by GSA in response to the 1974 GAO report, and offered additional recommendations relative to strengthening the item reduction program.

In consonance with a recommendation in the 1974 GAO report, the regulations of GSA are changed to incorporate provisions for a continuing item reduction program as an integral element of the Federal Catalog System and to authorize the issuance of the GSA Handbook, Item Elimination, as follows:

The table of contents for Part 101-30 is amended to add the following entries:

Subpart 101-30.7—Item Reduction Program

- Sec.
- 101-30.700 Scope of subpart.
- 101-30.701 Definitions.
- 101-30.701-1 Item reduction study.
- 101-30.701-2 Item standardization code.
- 101-30.701-3 Preparing activity.
- 101-30.701-4 Standardization relationship.
- 101-30.702 Determining item reduction potential.
- 101-30.703 Program objectives.
- 101-30.704 Agency responsibilities.
- 101-30.704-1 General Services Administration.
- 101-30.704-2 Other agencies.
- 101-30.705 GSA assistance.

Subparts 101-30.8—101-30.48 [Reserved]

Subpart 101-30.7 is added to read as follows:

Subpart 101-30.7—Item Reduction Program

§ 101-30.700 Scope of subpart.

This subpart defines the objectives of the item reduction program and assigns responsibilities for its operation. Procedures implementing the policy set forth herein are contained in the GSA Handbook, Item Elimination (FPMR 101-30.7), issued by the Commissioner, Federal Supply Service.

§ 101-30.701 Definitions.

As used in this Subpart 101-30.7, the following terms shall have the meanings set forth in this § 101-30.701.

§ 101-30.701-1 Item reduction study.

"Item reduction study" means the study of a group of generally similar items which are subject to evaluation by physical and performance characteristics. This evaluation process identifies items determined to be unnecessarily similar or uneconomical for Government use and which will be considered for removal from Government supply systems. For items so identified, a replacement item shall be proposed. The result of item reduction studies will indicate items which are authorized for procurement or not authorized for procurement.

§ 101-30.701-2 Item standardization code.

"Item standardization code (ISC)" means a code assigned an item in the

supply system which identifies the item as authorized for procurement or not authorized for procurement.

§ 101-30.701-3 Preparing activity.

"Preparing activity" means a Government agency responsible for the preparation of item reduction studies, or an activity authorized by the listed agencies to conduct an item reduction study. The DOD Standardization Directory SD-1 provides such a listing.

§ 101-30.701-4 Standardization relationship.

"Standardization relationship" means the relationship between the replaced item and the replacement item. The replaced item will contain an item standardization code designating the item as not authorized for procurement and therefore must have a replacement item. The relationship of the two items is displayed within the item reduction study by item standardization codes and, upon approval of the study, in the Federal catalog system data base at the Defense Logistics Services Center (DLSC).

§ 101-30.702 Determining item reduction potential.

Item reduction studies are required where there are large numbers of generally similar items which are subject to grouping and examination by item name, item name modifiers, or other characteristics such as sizes, grades, lengths, and materials. Before conducting a full scale item reduction study, the assignee activity shall determine whether sufficient item reduction potential appears to exist. Item reduction studies shall be undertaken only when the expected benefits outweigh the costs of performing the study.

§ 101-30.703 Program objectives.

The objective of the item reduction program is to reduce the varieties and sizes of similar items in the Government supply system by:

- (a) Implementing a coordinated item reduction process among supply managers of using activities;
- (b) Standardizing items the Government uses;
- (c) Ensuring that all participants in item reduction studies give priority to controlling and completing item reduction studies;
- (d) Promptly recording decisions in the Federal catalog system data base; and
- (e) Phasing out of the Government supply system those items identified in item reduction studies as not authorized for procurement to reduce cataloging, supply management, and warehousing costs; then following through to eliminate the items from agency catalog systems.

§ 101-30.704 Agency responsibilities.

§ 101-30.704-1 General Services Administration.

(a) The General Services Administration (GSA) will develop or authorize other Government agencies to develop item reduction studies on items within the Federal supply classification (FSC) classes for which GSA is the integrated material manager.

(b) GSA, as the civil agency coordinating activity for item reduction studies originated by both GSA and DOD, will:

(1) Distribute proposed item reduction studies, as appropriate, to all civil agencies recorded as users of the item in the DLSC data base. This distribution will be made by coordination letters in which a time frame for a response will be specified. GSA will interpret each nonresponse to a proposed study to mean that the activity concurs with the study. Extensions, when requested by an agency, will be granted by GSA.

(2) Respond to questions concerning proposed item reduction studies.

(3) Prepare a consolidated civil agency position paper (including comments and nonconcurrences) relative to each study upon receipt of user responses.

(4) Incorporate civil agency positions into proposed item reduction studies prepared by GSA or forward a consolidated civil agency position paper to appropriate preparing activities.

(5) Resolve controversies arising from proposed item reduction study recommendations.

(6) Review approved item reduction studies to ensure that concurrences and nonconcurrences from all civil agencies are accurately reflected.

(7) Register into the Federal catalog system, data base approved item reduction decisions concerning items within the FSC classes which are managed by GSA.

(8) Implement decisions documented in approved item reduction studies within the GSA supply system.

(9) Distribute approved item reduction studies to all recorded civil agency users. All civil agencies (except direct submitters of catalog data to DLSC) will also be forwarded covering letters which will request specific information relative to implementing the studies; i.e., inventory levels of items coded ISC 3. Activities not responding within the time frame specified (60 calendar days) will receive a followup notice before being automatically withdrawn as users of all items coded as not authorized for procurement.

§ 101-30.704-2 Other agencies.

Civil agencies participating in the Federal Catalog System shall:

(a) Conduct a review of the items included in the proposed study by the

preparing activity with respect to the ISC to determine the impact the assigned code may have on the agency's supply system.

(b) Prepare and submit written comments on the proposed study to GSA within the time frame specified in the GSA coordination letter, concur with the study, or nonconcur on specific proposed standardization relationships. If comments cannot be prepared and submitted within the time frame specified, an extension shall be requested from GSA.

(c) Review the approved item reduction study and notify GSA in writing if the activity desires to remain or be deleted as a user of any item coded as not authorized for procurement. Those agencies which are direct submitters of catalog data to DLSC are excluded from the aforementioned requirement. Direct submitters of catalog data to DLSC shall promptly take all necessary cataloging actions resulting from the approved item reduction studies.

(d) Implement within the agency those item reduction decisions resulting from the study.

§ 101-30.705 GSA assistance.

Activities requiring assistance in fulfilling their responsibilities to the program shall contact the General Services Administration (FFL), Washington, D.C. 20406.

Subparts 101-30.8—101-30.48—[Reserved]

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

NOTE.—The General Services Administration has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 30, 1978.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 78-3249 Filed 2-6-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21457; RM-2941]

PART 73—RADIO BROADCAST SERVICES

Changes made in Table of Assignments; FM Broadcast Station in Bridgeport, Tex.

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action herein assigns a first Class A FM channel to Bridgeport, Tex. The station will provide a first full-time local aural broadcast service to the community.

EFFECTIVE DATES: March 16, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Bridgeport, Tex.). Docket No. 21457 RM-2941. Report and order. Proceeding terminated. See 42 FR 57974.

Adopted: January 25, 1978.

Released: January 31, 1978.

1. On October 28, 1977, the Commission adopted a Notice of Proposed Rule Making, 42 FR 57974, proposing the assignment of Channel 244A to Bridgeport, Tex., as its first FM assignment. Petitioner, Wise Media Inc., filed supporting comments reaffirming its intention to immediately make application for the channel, if assigned. No oppositions to the proposal were received.

2. Bridgeport (pop. 3,614), in Wise County, (pop. 19,687), is located in north central Texas approximately 64 kilometers (40 miles) northwest of Fort Worth and approximately 103 kilometers (64 miles) northwest of Dallas. Bridgeport has no local aural broadcast service.

3. Petitioner states that Bridgeport is the largest incorporated city in Wise County. We are told that its economy involves gas and oil production, stone and gravel production, as well as ranching and farming.

4. We have given careful consideration to the proposal and believe that Channel 244A should be assigned to Bridgeport, Tex. An interest has been shown for its use, and the assignment would provide the community with an opportunity to acquire its first local aural broadcast service which would be in the public interest. Assignment of Channel 244A to Bridgeport can be made in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 8 kilometers (5 miles) northeast of the community. Operation from such a site, the station would be able to provide the requisite city grade coverage to Bridgeport.

5. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

6. In view of the foregoing, *It is ordered*, That effective March 16, 1978, § 73.202(b) of the Commission's Rules,

Population figures are taken from the 1970 U.S. Census.

the FM Table of Assignments, as regards Bridgeport, Tex., is amended as follows:

City: Bridgeport, Tex., Channel No. 244A.

7. *It is further ordered*, That this proceeding is terminated.

Secs. 4, 5, 303, 48 Stat., as amended, 1068, 1068, 1082; 47 U.S.C. 154, 155, 303.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3213 Filed 2-6-78; 8:45 am]

[4310-05]

Title 30—Mineral Resources

CHAPTER VII—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

SURFACE MINING RECLAMATION AND ENFORCEMENT PROVISIONS

Collection, Submission or Retention of Information

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Final rules.

SUMMARY: These regulations confirm clearance by the General Accounting Office of surface mining reclamation and enforcement regulations requiring collection, submission or retention of information. Filing deadlines for submission of plans for the reconstruction of pre-existing, non-conforming structures and for applications for the small operator exemption are extended to March 1, 1978. In addition, the information to be filed by March 1, 1978, for pre-existing, non-conforming structures has been changed to require a written statement rather than a professionally engineered plan.

EFFECTIVE DATE: February 7, 1978.

ADDRESSES: Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240, 202-343-4237. Assistant Director, Regulatory Reports review, U.S. General Accounting Office, Room 5033, 441 G Street, NW., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT:

Peter Kelsey, 202-343-2107.

SUPPLEMENTARY INFORMATION: On December 13, 1977, the Secretary of the Interior promulgated regulations at Title 30, Code of Federal Regulations Chapter VII (42 FR 62639-62716) under the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95-87. A number of the regulations requiring collection, submission or re-

tention of information were adopted subject only to review by the General Accounting Office (GAO) pursuant to 44 U.S.C. 3512. The General Accounting Office solicited public comments on these regulations by public notice in the FEDERAL REGISTER on December 23, 1977 (42 FR 64436). GAO clearance of each of the regulations listed at 42 FR 62675 and 62714 except as noted below and of §§ 715.15(a)(9) and 715.15(b)(12) was given on February 3, 1978. Accordingly, these regulations are effective immediately.

Two of the provisions which were subject to GAO review, §§ 710.11(d)(2)(ii) and 710.12(d), contained filing dates of February 3, 1978. In view of the delayed effective date of these sections required by GAO review and clearance procedures pursuant to 44 U.S.C. 3512, it is necessary to revise the filing dates so as to allow reasonable notice and time for operators to avail themselves of these provisions. Therefore, the deadline for submission of a plan to the regulatory authority for the reconstruction of pre-existing, non-conforming structures is extended to March 1, 1978. Similarly, the deadline for submission of an application to the Director for a special exemption for small operators is extended to March 1, 1978.

As a result of the review process the reporting requirements under § 710.11(d)(2) for pre-existing nonconforming structures are being revised. The revision lessens the reporting burden while maintaining the obligation to provide justification for non-conforming structures which cannot physically be brought into conformance with applicable standards by May 4, 1978.

The reporting requirements contained in 30 CFR § 710.4(b), 710.11(d)(2)(ii), and 710.12(e) have been approved by the U.S. General Accounting Office under number B-190462 (R0493).

The reporting and recordkeeping requirements contained in 30 CFR § 715.11(c), 715.13(d), 715.15(a)(9), 715.15(b)(12), 715.17(j)(3), 715.18(b)(2) and (6), 715.19 (b), (c), (d), and (e)(4) have been approved by the U.S. General Accounting Office under number B-190462 (R0494).

The reporting requirements contained in 30 CFR 716.7(c), (d) and (e) have been approved by the U.S. General Accounting Office under number B-190462 (R0495).

The reporting requirements contained in 30 CFR 717.18(b)(2) and (6) have been approved by the U.S. General Accounting Office under Number B-190462 (R0496).

The reporting requirements contained in 30 CFR 718.1(b) have been approved by the U.S. General Accounting Office under number B-190462 (R0497).

The reporting requirements contained in 30 CFR 720.13 have been approved by the U.S. General Accounting Office under number B-190462 (R0498).

The reporting and recordkeeping requirements contained in 30 CFR 725.15, 725.23(a) and 725.24 have been approved by the U.S. General Accounting Office under number B-190462 (R0499).

The reporting and recordkeeping requirements contained in 30 CFR 740.13 (a) and (b), 740.16(e), 740.18, 740.26, and 740.27 have been approved by the U.S. General Accounting Office under number B-190462 (R0500).

The reporting requirements contained in 30 CFR 795.11 (a) and (b), 795.12, 795.14, 795.16, and 795.17 have been approved by the U.S. General Accounting Office under number B-190462 (R0501).

The recordkeeping requirement contained in 30 CFR 837.16 has been approved by the U.S. General Accounting Office under number B-190462 (R0502).

This rulemaking includes amendments to the appropriate parts of 30 CFR Chapter VII to note that GAO clearance has been received as noted above for the identified recordkeeping and reporting requirements.

In keeping with GAO review and clearance procedures, the Office of Surface Mining will amend 30 CFR 715.17(b)(v) and 717.17(b)(v) to make the reporting time period consistent with EPA reporting periods under the NPDES system. The amendment will also provide the option to operators or submitting a copy of the report, or notification of where the report has been filed under NPDES requirements, if the report contains the same information and is filed at the same reporting intervals. This amendment will be published as soon as EPA's written concurrence is obtained as required by section 501(a) of the Surface Mining Control and Reclamation Act of 1977. GAO has indicated it will clear these sections as soon as EPA concurrence of the amendment is received.

The written comments received by the General Accounting Office and a letter responding to the comments from the Director, Office of Surface Mining Reclamation and Enforcement are available for public inspection at the Office of the Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

DRAFTING INFORMATION

Principal authors of these regulations are William A. Gershuny and Peter B. Kelsey, Office of the Solicitor, Division of Surface Mining.

Dated: February 3, 1978.

WALTER N. HEINE,
Director, Office of Surface
Mining Reclamation and En-
forcement.

Chapter VII of Title 30 of the Code of Federal Regulations is amended as follows:

PARTS 710, 715, 716, 717, 718, 720, 725, 740, 795, 837 [Amended]

1. 30 CFR §§ 710.4(b), 710.11(d)(2)(ii), 710.12(e), 715.11(c), 715.13(d), 715.15(a)(9), 715.15(b)(12), 715.17(j)(3) and (5), 715.18(b)(2) and (6), 715.19 (b), (c), (d), and (e)(4), 716.7 (c), (d), and (e), 717.18(b)(2) and (6), 718.1(b), 720.13, 725.15, 725.23(a), 725.24, 740.13 (a) and (b), 740.16(e), 740.18, 740.26, 740.27, 795.11 (a) and (b), 795.12 (a) and (b), 795.14, 795.16, 795.17(a)(3) and (b), and 837.16 are effective on (date of publication)

2. In 30 CFR 710.11 paragraph (d)(2) is revised to read as follows:

§ 710.11 Applicability

(d) * * *

(2) Any pre-existing, nonconforming structure or facility which is used in connection with or to facilitate mining after the effective date of these regulations shall comply with the requirements of the regulations, unless—

(i) The permittee submits to the regulatory authority by March 1, 1978, a statement in writing demonstrating that it is physically impossible to bring the structure or facility into compliance by May 4, 1978. The statement shall include the steps to be taken to reconstruct the structure or facility in conformance with applicable performance standards and a schedule for reconstruction including the estimated date of completion;

(ii) The regulatory authority finds in writing that it is physically impossible to bring the structure or facility into compliance by May 4, 1978;

(iii) The construction work is to be performed in accordance with plans designed by a professional engineer; and

(iv) the construction work is to be started and completed as soon as possible and in no event is to be started later than May 4, 1978 and completed later than November 4, 1978.

§ 710.12 [Amended]

3. In 30 CFR 710.12 paragraph (d) is revised to read as follows:

(d) Application for an exemption under this section shall be submitted to the Director of the Office by March 1, 1978 with a copy to the State regulatory authority.

4. Included after § 710.12 in Part 710 is the following note:

NOTE.—The reporting requirements contained in 30 CFR § 710.4(b), 710.11(d)(2)(ii),

RULES AND REGULATIONS

and 710.12(e) have been approved by the U.S. General Accounting Office under number B-190462 (R0493).

§ 715.20 [Amended]

5. Included after § 715.20 in Part 715 is the following note:

NOTE.—The reporting and recordkeeping requirements contained in 30 CFR § 715.11(c), 715.13(d), 715.15(a)(9), 715.15(b)(12), 715.17(j)(3), 715.18(b)(2) and (6), 715.19 (b), (c), (d) and (e)(4) have been approved by the U.S. General Accounting Office under number B-190462 (R0494).

§ 716.7 [Amended]

6. Included after § 716.7 in Part 716 is the following note:

NOTE.—The reporting requirements contained in 30 CFR 716.7 (c), (d) and (e) have been approved by the U.S. General Accounting Office under number B-190462 (R0495).

§ 717.20 [Amended]

7. Included after § 717.20 in Part 717 is the following note:

NOTE.—The reporting requirements contained in 30 CFR 717.18(b) (2) and (6) have been approved by the U.S. General Accounting Office under B-190462 (R0496).

§ 718.1 [Amended]

8. Included after § 718.1 in Part 718 is the following note:

NOTE.—The reporting requirements contained in 30 CFR 718.1(b) have been approved by the U.S. General Accounting Office under number B-190462 (R0497).

§ 720.13 [Amended]

9. Included after § 720.13 in Part 720 is the following note:

NOTE.—The reporting requirements contained in 30 CFR 720.13 have been approved by the U.S. General Accounting Office under number B-190462 (R0498).

§ 725.25 [Amended]

10. Included after § 725.25 in Part 725 is the following note:

NOTE.—The reporting and recordkeeping requirements contained in 30 CFR 725.15, 725.23(a) and 725.24 have been approved by the U.S. General Accounting Office under number B-190462 (R0499).

§ 740.28 [Amended]

11. Included after section 740.28 in Part 740 is the following note:

NOTE.—The reporting and recordkeeping

requirements contained in 30 CFR 740.13 (a) and (b), 740.16(e), 740.18, 740.26, and 740.27 have been approved by the U.S. General Accounting Office under number B-190462 (R0500)

§ 795.19 [Amended]

12. Included after § 795.19 in Part 795 is the following note:

NOTE.—The reporting requirements contained in 30 CFR 795.11 (a) and (b), 795.12, 795.14, 795.16 and 795.17 have been approved by the U.S. General Accounting Office under number B-190462 (R0501).

§ 837.16 [Amended]

13. Included after § 837.16 in Part 837 is the following note:

NOTE.—The recordkeeping requirement contained in 30 CFR 837.16 has been approved by the U.S. General Accounting Office under number B-190462 (R0502).

(Secs. 201 and 501, Pub. L. 95-87, 91 Stat. 445 (30 U.S.C. 1201).)

[FR Doc. 78-3471 Filed 2-6-78; 9:20 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-05]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

1978 RICE PROGRAM

Proposed Determinations Regarding 1978 Crop of Rice Set-Aside Program and Land Diversion Payments

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed Rule.

SUMMARY: Section 101(h) of the Agricultural Act of 1949, as added by section 702 of the Food and Agriculture Act of 1977, provides that the Secretary of Agriculture will make the following determinations with respect to the 1978 crop of rice: Whether there should be a set-aside program and, if so, the extent of such program and whether there should be provisions for land diversion payments and, if so, the extent of such diversion. The Secretary shall provide for a set-aside program if he determines that the total supply of rice will, in the absence of a set-aside, be excessive. The Secretary may make land diversion payments to assist in adjusting the national acreage of rice whether or not a set-aside program is in effect. This notice invites written comments on the proposed determinations.

DATE: Comments must be received on or before March 9, 1978.

ADDRESS: Acting Director, Production Adjustment Division, ASCS, USDA, Room 3630, South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

George H. Schaefer (ASCS), 202-447-8480.

DESCRIPTION OF SUBJECTS AND ISSUES INVOLVED

The following determinations with respect to the 1978 crop of rice are to be made pursuant to the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977.

A. Whether there should be a set-aside program and, if so, the extent of such program. Section 101(h)(5) of the

Agricultural Act of 1949, as amended, provides that the Secretary shall provide for a set-aside of cropland if he determines that the total supply of rice will, in the absence of a set-aside likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside is in effect, then as condition of eligibility for loans, purchases, and payments, cooperators on a farm must set aside and devote to conservation uses an acreage of cropland equal to such percentage of the farm acreage allotment as may be specified by the Secretary (but not to exceed 30 percentum of the farm acreage allotment) plus, if required by the Secretary, the acreage of cropland devoted in preceding years to soil-conserving uses, as determined by the Secretary. In addition, under section 1001 of the Food and Agriculture Act of 1977, a cooperator's acreage planted to crops designated by the Secretary in 1978 can be no more than his normal crop acreage less the set-aside.

The Prospective Plantings Report of the Economics, Statistics, and Cooperative Service, USDA, issued on January 20, 1978 indicates that the prospective acreage planted to rice for 1978 will be 2,482,000 acres, a 10 percent increase over the acreage planted to rice in 1977. Plantings at this level would indicate a production of about 115 million hundredweights. Assuming a production variation of about 6 percent, production could range from 108 to 122 million hundredweights. When combined with a 1978 carryover ranging from 22 to 29 million hundredweights, total supply varying from about 130 to 151 million hundredweights is suggested. Utilization of U.S. rice in 1978 could be as high as 117 million hundredweights and as low as 107 million hundredweights, depending primarily on fluctuation in the level of exports. A combination of the lower supply and higher utilization figures would bring about ending stocks of about 13 million hundredweights; the higher supply and lower usage figures would on the other hand result in ending stocks of 44 million hundredweights.

B. Whether there should be provisions for land diversion payments and if so, the extent of such diversion payment and the payment therefor. Section 101(h)(6) of the Agricultural Act of 1949, as amended, provides that the Secretary may make land diversion

payments to cooperators whether or not a set-aside for rice is in effect, if he determines that such land diversion payments are necessary to assist in adjusting the total national acreage of rice to desirable goals. Land diversion payments shall be made to cooperators on a farm who devote to approved conservation uses an acreage of cropland on the farm on the basis of land diversion contracts. Amounts payable to cooperators under land diversion contracts may be determined through submission of bids for such contracts by cooperators in such manner as prescribed by the Secretary or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the cooperators and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under contracts in any county or local community so as not to affect adversely the economy of the county or local community.

Prior to making any of the foregoing determinations, consideration will be given to any data, views and recommendations with regard to these determinations which are submitted in writing to the Acting Director, Production Adjustment Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be assured of consideration, all submissions must be received by the Acting Director not later than March 9, 1978. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in Room 3630, South Building, 14th and Independence Avenue SW., Washington, D.C.

An economic impact statement is being prepared.

Signed at Washington, D.C., on February 1, 1978.

S. N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-3228 Filed 2-6-78; 8:45 am]

[4810-33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 9]

FIDUCIARY POWERS OF NATIONAL BANKS
AND COLLECTIVE INVESTMENT FUNDS

Proposed Rulemaking

AGENCY: Comptroller of the Currency.

ACTION: Proposed Amendment.

SUMMARY: This proposed amendment would require that national banks establish uniform procedures and records relating to the handling of securities transactions for trust department accounts and for customers. Similar proposals are being published by the Board of Governors of the Federal Reserve System and the Federal Deposit Insurance Corporation. These proposals in part result from the recommendations of the Final Report on Bank Securities Activities of the Securities and Exchange Commission. Though not included in the proposed amendment, comments are also requested as to the feasibility of regulations which would recognize the duty of banks to obtain best execution of securities transactions and which would establish personnel training and testing requirements. The proposed amendment will provide for proper safeguards intended to permit effective supervision by the banks and by bank supervisors and which are intended to protect the interests of bank customers.

DATE: Written comments must be received on or before March 31, 1978.

ADDRESSES: Comments should be addressed to Mr. Dean E. Miller, Deputy Comptroller for Trust Operations, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, S.W., Washington, D.C. 20219.

FOR FURTHER INFORMATION
CONTACT:

Mr. Dean E. Miller, Deputy Comptroller for Trust Operations, at the above address or by telephone at 202-447-1731.

SUPPLEMENTARY INFORMATION: On June 30, 1977, the Securities and Exchange Commission published its Final Report on Bank Securities Activities. This report recommended, among other things, that the Federal bank regulatory agencies issue and enforce specific rules and regulations governing the conduct of banks in effecting transactions in securities for their fiduciary accounts and for customers. It further specified that such rules should cover all aspects of this activity, including personnel competency standards, recordkeeping requirements and confirmation require-

ments. This publication in part results from the recommendations of the SEC Final Report.

An essential element of bank fiduciary activities is the purchase and sale of securities, primarily for accounts under management in the trust department, as well as for other customers. As the size of these activities has increased, the need for improved supervision has also increased to insure that banks perform these activities in accordance with the highest standards necessary to protect the public interest. The Comptroller, therefore, proposes to require national banks to establish and maintain uniform procedures providing for proper safeguards which are intended to permit effective supervision by the banks and by bank supervisors, and which are intended to protect the interests of these bank customers.

This proposed regulation would require specific written procedures for the handling of securities transactions and the maintenance of certain records relating to these transactions. It would require confirmations of all securities transactions, except those in obligations of the United States, of Federal agencies or of States and municipalities, effected for customers and non-discretionary agency accounts, disclosing specific data, including the bank's compensation for effecting the transactions. As to other trust department securities transactions, the proposal would require monthly or quarterly statements of transactions. Bank personnel, who effect securities transactions as part of their employment, would be required to advise the bank, on a regular basis, of securities transactions made by them or on their behalf, either at the bank or elsewhere, in which they have a beneficial interest.

The Comptroller is also considering the desirability of adopting in regulatory form a requirement that a bank must obtain best execution of securities transactions. The SEC, in its Final Report on Bank Securities Activities, recognized that under traditional agency principles, banks like brokers, have a duty to use reasonable care to obtain the best terms available for their customers. However, no specific regulation states this duty in a manner similar to that which is applicable to broker-dealers, and there is some uncertainty as to the degree to which it applies to banks. In addition, no rules have been proposed by the banking agencies under section 28(e) of the Securities Exchange Act of 1934 concerning payment for securities transactions. Accordingly, the views of all interested parties are hereby solicited as to whether the Comptroller should amend Part 9 to provide national banks specific directions and guidance in this area. Commentators

might wish to suggest wording or comments on whether regulatory provisions should be enacted and, if so, how specific the regulation should be.

The Comptroller similarly is requesting the views of all interested parties as to possible regulations respecting personnel training and competency requirements. The SEC Final Report recommended that bank employees engaged in purchasing or selling corporate securities for bank customers should be subject to special competency and testing requirements, as are brokerage firm employees engaged in comparable activity. Further, it recommended that banks should be required to adopt specific supervisory procedures regarding these activities. Banks involved only in small transactions might be exempt from competency requirements, but not from requirements regarding knowledge of the Federal securities laws. While the Comptroller presently expects national banks to establish policies and procedures providing for the proper training of bank securities personnel, commentators are requested to advise as to what additional measures are necessary and feasible. In this respect, comments are requested as to: (a) Whether tests should be required; (b) if so, what personnel should be required to take them; (c) if so, by whom should they be administered; (d) whether training programs should be required of banks, without respect to size, and (e) whether specific training programs should be prescribed by regulation.

DRAFTING INFORMATION

The principal drafter of this document is Mr. Dean E. Miller, Deputy Comptroller for Trust Operations.

PROPOSED AMENDMENT

The Comptroller proposes to amend 12 CFR Part 9 by amending § 9.11 as follows:

§ 9.11 Investment of funds held as fiduciary.

• • • • •

(e) Every national bank effecting securities transactions for a customer shall furnish to such customer as to all transactions, except in securities issued and guaranteed by the United States, Federal agency obligations and municipal securities, as defined in section 3(a)(29) of the Securities Exchange Act, written notification disclosing:

- (1) The name, address and telephone number of the bank;
- (2) The name of the customer;
- (3) The capacity in which the bank effected the transactions;
- (4) The name of the person from whom the security was purchased, to whom it was sold, or the fact that such

information will be furnished within a reasonable time upon written request of such customer;

(5) The source and amount of any remuneration received or to be received by the bank in connection with the transaction, unless remuneration is determined pursuant to a written agreement otherwise than on a transactional basis.

(6) The amount of any remuneration received or to be received by any broker from such customer in connection with the transaction; and

(7) The date and time of the transaction (or the fact that the time of the transaction will be furnished, within a reasonable time, upon written request of such customer) and the identity, price and number of shares or units (or principal amount in the case of debt securities) of such security purchased or sold by such a customer.

(f) A national bank which effects securities transactions for a customer shall furnish to such customer the written notification described in paragraph (e) of this section, except in securities issued or guaranteed by the United States, Federal agency obligations, or municipal securities, as defined in section 3(a)(29) of the Securities Exchange Act, within 5 business days from the date of the transaction, unless the transaction is effected with respect to:

(1) Accounts, except collective investment funds, for which the bank exercises investment authority, in which instance the bank, within 5 business days after the end of each month in which a transaction occurred, shall furnish a written statement disclosing with respect to each transaction effected during the month the information required in paragraph (e) of this section. This statement shall also include information concerning any dividend or distribution credited to or reinvested for such customer. The bank shall furnish the written statement to the person having power to terminate the account or, if there is no such person, to the ascertained beneficiaries of those accounts or their legal representatives.

(2) A collective investment fund, in which the provisions of § 9.18(b)(5) shall apply.

(3) A periodic plan, in which instance the bank shall furnish the customer within 5 business days after the end of each quarterly period in which a transaction occurred, a written statement disclosing with respect to each transaction effected during the period the information described in paragraph (e) of this section. This statement shall include information concerning any dividend or distribution credited to, or reinvested for each customer. In addition, the bank shall furnish the information described in paragraph (e) of this section upon

written request from the customer within 5 business days of receipt as to transactions during the present quarter, and within 15 business days of receipt as to transactions during previous quarters.

(g) For the purposes of paragraphs (e) and (f) of this section:

(1) "Time of transaction" means the time of execution of the customer's order, to the extent feasible;

(2) "Periodic plan" means any written authorization for a bank acting as agent to purchase or sell for a customer a specific security or securities, in specific amounts (calculated in security units or dollars), at specific time intervals and setting forth the commission or charges to be paid by the customer in connection therewith or the manner of calculating them;

(3) "Customer" shall include any person or account for which the bank effects or participates in effecting the purchase or sale of securities, but shall not include a broker, dealer, dealer bank or issuer of the securities which are the subject of the transaction;

(4) "Security" means any interest or instrument commonly known as a "security", whether in the nature of debt or equity, including any stock, bond, note, debenture, evidence of indebtedness or any participation in or right to subscribe to or purchase any of the foregoing. The term "security" does not include (i) a deposit as defined in section 3(l) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(1), (ii) a loan participation, (iii) a letter of credit or other form of bank indebtedness incurred in the ordinary course of business, (iv) currency or (v) any note, draft, bill of exchange, or bankers acceptance which has a maturity at the time of issuance of not exceeding 9 months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited.

(5) Copies of all reports required shall be retained by the bank for 3 years.

(h) Every national bank shall maintain the following records with respect to securities transactions for 6 years:

(1) "Blotters" or other records of original entry, containing an itemized daily record of all purchases and sales of securities, all receipts and deliveries of securities (including certificate, bond or note numbers), all receipts and disbursements of cash with respect to transactions in securities and all other debits and credits pertaining to transactions in securities. The records of original entry shall also show the account for which each such transaction was affected, the description of the securities, the unit and aggregate purchase or sale price (if any), the trade date and the name or other designation of the person from whom purchased or received or to whom sold or delivered;

(2) Account records for each customer which shall reflect all purchases and sales of securities, all receipts and deliveries of securities, all receipts and disbursements with respect to transactions in securities for such account, and all other debits and credits pertaining to transactions in securities. Account records of bank employees shall be so designated as to be readily identifiable from those records relating to other customers of the bank but need not be segregated;

(3) A separate record (for example, an order ticket) of each order to purchase or sell securities (whether executed or canceled), which shall include:

(i) The account for which the transaction was effected;

(ii) Whether the transactions was a market order, limit order, or subject to special instructions;

(iii) The time the order was received by the party responsible for effecting the transaction;

(iv) The time the order was executed or canceled;

(v) The price at which the order was executed; and

(vi) The broker/dealer utilized and the market in which the transaction occurred.

(4) A record of all broker/dealers used by the bank to effect securities transactions.

(i) Every national bank shall establish written policies and procedures with respect to securities transactions for customers providing:

(1) Assignment of responsibility for supervision of all officers or employees who trade in securities;

(2) For the fair and equitable allocation of securities and prices to accounts when orders for the same security are received and combined for execution at approximately the same time;

(3) For the crossing of buy and sell orders on a fair and equitable basis to the parties to the transaction;

(4) That bank officers or employees, whose duties include account management or effecting securities transactions for customers, or who supervise such activities, must promptly report to the bank all securities transactions, made by them or in their behalf, either at the bank or elsewhere, in which they have a beneficial interest. These reports must be retained by the bank for 6 years.

(j) In appropriate cases the Comptroller may waive one or more of the requirements set forth in paragraphs (e), (f), (g), (h), and (i) of this section, either in whole or in part.

Dated: December 2, 1977.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 78-3225 Filed 2-6-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 208]

[Docket No. R-0142; Reg. H]

CERTAIN SECURITIES TRANSACTIONS
EFFECTED BY STATE MEMBER BANKSProposed Recordkeeping and Confirmation
Requirements

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board of Governors of the Federal Reserve System is proposing amendments to its Regulation H (12 CFR Part 208) to require that State member banks that effect certain securities transactions for customers provide confirmations of and maintain records with respect to such transactions. Commentators are also invited to consider whether and to what extent regulations should be promulgated which would (1) expressly recognize the duty of State member banks to obtain the best execution of securities transactions which they effect for customers and (2) establish competency and testing requirements for bank employees engaged in effecting securities transactions for customers. Similar proposals are expected to be published for comment by the Comptroller of the Currency and the Federal Deposit Insurance Corporation.

DATE: Comments must be received on or before March 31, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, NW., Washington, D.C. 20551. All material submitted should be in writing and should refer to Docket No. R-0142. Such materials will be available for public inspection during the regular hours of the Office of the Secretary at the above address.

FOR FURTHER INFORMATION
CONTACT:

Robert S. Plotkin, Assistant Director, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 202-452-2781.

SUPPLEMENTARY INFORMATION: On June 30, 1977, the Securities and Exchange Commission (SEC) published its Final Report on Bank Securities Activities (the Final Report), pursuant to its mandate under Section 11A(e) of the Securities Exchange Act of 1934. The Final Report includes a recommendation to Congress that the federal banking agencies be mandated to issue and enforce specific rules and regulations governing the conduct of

banks in effecting transactions in securities for the accounts of others. This recommendation would require that such rules and regulations cover all aspects of this activity, including personnel competency standards, recordkeeping requirements and confirmation requirements. This proposal is responsive, in part, to the recommendations of the SEC Final Report.

An essential element of bank fiduciary activities is the purchase and sale of securities for accounts under management in a trust department, and also for bank customers generally. Because of the growth of these activities, improved supervision is necessary to ensure that banks perform these activities in accordance with the highest standards, in order to protect the public interest. Accordingly, the Board proposes to require State member banks to establish and maintain uniform procedures to facilitate effective supervision by banks and their supervisory personnel and to assist in protecting the interests of these bank customers.

This proposal would require specific written procedures in connection with effecting securities transactions for customers and the maintenance of certain records with respect to such transactions. As proposed, the recordkeeping requirements would apply to all securities transactions by the bank for customers, but the confirmation requirements would not apply to transactions in U.S. Government obligations, federal agency obligations, and obligations of States and municipalities. State member banks that are municipal securities dealers are already required to comply with comparable rules of the Municipal Securities Rulemaking Board with respect to transactions in municipal securities.

Generally, confirmation of securities transactions would be required to be furnished to customers within 5 business days. In the case of accounts for which the bank exercises investment discretion, collective investment funds and periodic plans administered by the bank, monthly, quarterly or annual statements of transactions and certain other information would be required. Further, bank personnel engaged in effecting securities transactions would be required to advise the bank of their personal transactions in securities, wherever effected.

The Board is considering the necessity for regulation in two additional areas addressed in the SEC Final Report. The Final Report observed that under traditional agency principles banks, like brokers, have a duty to obtain the best terms for their customers. No specific regulation applicable to State member banks articulates this duty in a manner similar to that imposed upon broker/dealers and there is uncertainty as to the degree to which

this principle of "best execution" is applicable to banks. The Board would appreciate receiving the views of interested parties as to (a) the need for such a regulation, and (b) the appropriate scope and content of an implementing regulation.

The SEC Final Report also recommended that bank employees engaged in effecting transactions in securities for others be subject to competency and testing requirements regarding securities laws and operations of securities markets, as are brokerage personnel similarly engaged, and that banks be required to adopt specific supervisory procedures with respect to these activities. The Board believes that its statutory authority to prescribe competency and testing requirements of the magnitude contemplated by the SEC Report is questionable. However, assuming such authority exists, the Board invites comment with respect to (a) the scope and content of competency and testing standards, (b) the scope and content of such regulation, with particular regard to types of personnel who should be subject to competency and testing standards.

1. Pursuant to sections 9 and 11 of the Federal Reserve Act (12 U.S.C. 321, 248 (a) and (l)) and section 8(b)(1) et seq. of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) the Board proposes to amend Regulation H (12 CFR Part 208) by adding a paragraph (k) to § 208.8 as set forth below:

PART 208—MEMBERSHIP OF STATE BANKING
INSTITUTIONS IN THE FEDERAL RESERVE
SYSTEM

§ 208.8 Banking practices.

• • • • •

(k) *Recordkeeping and confirmation of certain securities transactions effected by State member banks.* (1) For purposes of this paragraph (k):

(i) "Customer" shall mean any person including any trust, estate, guardianship, committee or other fiduciary account for which a State member bank effects or participates in effecting the purchase or sale of securities, but shall not include a broker, dealer, dealer bank or issuer of the securities which are the subject of the transaction;

(ii) "Time of Transaction" means the time of execution of the customer's order, to the extent feasible;

(iii) "Periodic plan" means any written authorization for a State member bank acting as agent to purchase or sell for a customer a specific security or securities, in specific amounts (calculated in security units or dollars), at specific time intervals and setting forth the commission or charges to be paid by the customer in connection therewith or the manner of calculating them;

(iv) "Collective investment fund" means funds held by a State member bank as fiduciary and, consistent with local law, invested collectively (A) in a common trust fund maintained by such bank exclusively for the collective investment and reinvestment of monies contributed thereto by the bank in its capacity as trustee, executor, administrator, or guardian, or (B) in a fund consisting solely of assets of retirement, pension, profit sharing, stock bonus or similar trusts which are exempt from Federal income taxation under the Internal Revenue Code.

(v) "Security" means any interest or instrument commonly known as a "security," whether in the nature of debt or equity, including any stock, bond, note, debenture, evidence of indebtedness or any participation in or right to subscribe to or purchase any of the foregoing. The term "security" does not include (A) a deposit as defined in Section 3(1) of the Federal Deposit Insurance Act, 12 U.S.C. 1813(1), (B) a loan participation, (C) a letter of credit or other form of bank indebtedness incurred in the ordinary course of business, (D) currency, or (E) any note, draft, bill of exchange, or bankers acceptance which has a maturity at the time of issuance of not exceeding 9 months, exclusive of days of grace, or any renewal thereof the maturity of which is likewise limited;

(vi) A bank shall be deemed to exercise "investment discretion" with respect to an account if, directly or indirectly, the bank (A) is authorized to determine what securities or other property shall be purchased or sold by or for the account, or (B) makes decisions as to what securities or other property shall be purchased or sold by or for the account even though some other person may have responsibility for such investment decisions.

(2) Every State member bank effecting securities transactions for customers shall maintain the following records with respect to such transactions for 6 years:

(i) "Blotters" or other records of original entry, containing an itemized daily record of all purchases and sales of securities, all receipts and deliveries of securities (including certificate, bond or note number), all receipts and disbursements of cash with respect to transactions in securities and all other debits and credits pertaining to transactions in securities. The records of original entry shall also show the account for which each such transaction was effected, the description of the securities, the unit and aggregate purchase or sale price (if any), the trade date and the name or other designation of the person from whom purchased or received or to whom sold or delivered;

(ii) Account records for each customer which shall reflect all purchases

and sales of securities, all receipts and deliveries of securities, and all receipts and disbursements of cash with respect to transactions in securities for such account and all other debits and credits pertaining to transactions in securities. Account records of bank employees shall be so designated as to be readily identifiable from those records relating to other customers of the bank but need not be segregated.

(iii) A separate record (for example, an order ticket) of each order to purchase or sell securities (whether executed or canceled) which shall include:

(a) The account for which the transaction was effected;

(b) Whether the transaction was a market order, limit order, or subject to special instructions;

(c) The time the order was received by the bank employee responsible for effecting the transaction;

(d) The time the order was executed or canceled;

(e) The price at which the order was executed;

(f) The broker/dealer utilized and the market in which the transaction occurred.

(iv) A record of all broker/dealers used by the bank to effect securities transactions.

(3) Every State member bank effecting securities transactions for a customer shall furnish to such customer as to all such transactions, written notification disclosing:

(i) The name, address and telephone number of the bank;

(ii) The name of the customer;

(iii) The capacity in which the bank effected the transaction;

(iv) The name of the person from whom the security was purchased, to whom it was sold, or the fact that such information will be furnished within a reasonable time upon written request of such customer;

(v) The source and amount of any remuneration received or to be received by the bank from the customer or any other source in connection with the transaction, unless remuneration is determined pursuant to a written agreement otherwise than on a transactional basis;

(vi) The amount of any remuneration received or to be received, directly or indirectly, by any broker from such customer in connection with the transaction; and

(vii) The date and time of the transaction (or the fact that the time of the transaction will be furnished, within a reasonable time, upon written request of such customer) and the identity, price and number of shares or units (or principal amount in the case of debt securities) of such security purchased or sold by such a customer.

Provided, however, That the requirements of this subparagraph (3) shall

not be applicable to transactions in (a) securities issued or guaranteed as to principal or interest by the United States; (B) Federal agency obligations; or (C) municipal securities as defined in section 3(a)(29) of the Securities Exchange Act of 1934.

(4) A State member bank which effects securities transactions for a customer shall furnish to such customer the written notification described in subparagraph (3) of this paragraph within 5 business days from the date of the transaction, unless the transaction is effected with respect to:

(i) Accounts, except collective investment funds, for which the bank exercises investment discretion, in which instance the bank, within 5 business days after the end of each month in which a transaction occurred, shall furnish a written statement disclosing with respect to each transaction effected during the month the information required in subparagraph (3) of this paragraph. This statement shall also include information concerning any dividend or distribution credited to or reinvested for such customer. The bank shall furnish the written statement to the person having power to terminate the account or, if there is no such person, to the ascertained beneficiaries of those accounts or their legal representatives.

(ii) A collective investment fund, in which instance the bank shall at least annually furnish the customer a copy of a financial report of the fund, or provide notice that a copy of such report is available and will be furnished upon request, to each person to whom a regular periodic accounting would ordinarily be rendered with respect to each participating account. This report shall be based upon an audit made by independent public accountants or internal auditors responsible only to the board of directors of the bank.

(iii) A periodic plan, in which instance the bank shall furnish the customer within 5 business days after the end of each quarterly period in which a transaction occurred, a written statement disclosing with respect to each transaction affected during the period the information described in subparagraph (3) of this paragraph. This statement shall include information concerning any dividend or distribution credited to, or reinvested for each customer. In addition, the bank shall furnish the information described in subparagraph (3) of this paragraph, upon written request from the customer within 5 business days of receipt as to transactions during the present quarter, and within 15 business days of receipt as to transactions during previous quarters.

(5) Every State member bank effecting securities transactions for customers shall establish written policies and procedures providing:

PROPOSED RULES

(i) Assignment of responsibility for supervision of all officers or employees who trade in securities;

(ii) For the fair and equitable allocation of securities and prices to accounts when orders for the same security are received and combined for execution at approximately the same time;

(iii) For the crossing of buy and sell orders on a fair and equitable basis to the parties to the transaction;

(iv) That bank officers or employees whose duties include account management or effecting securities transactions for customers, or who supervise such activities, must promptly report to the bank all securities transactions made by them or in their behalf, either at the bank or elsewhere, in which they have a beneficial interest. These reports must be retained by the bank for 6 years.

(6) A State member bank that is in compliance with rules of the Municipal Securities Rulemaking Board with respect to transactions in municipal securities shall be considered to be in compliance with the requirements of this paragraph (k).

Board of Governors of the Federal Reserve System, January 30, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-3226 Filed 2-6-78; 8:45 am]

[6210-01]

[12 CFR Part 217]

[Reg. Q; Docket No. R-0027]

INTEREST ON DEPOSITS

Automatic Transfers of Savings Deposits

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: This proposed rule would permit member banks to arrange with their depositors for the automatic transfer of funds from depositors' savings accounts to their demand deposit (checking) accounts to cover checks drawn by depositors or to replenish depositors' checking accounts. Such transfers are now prohibited by Board regulations. The proposed transfer service rule is entirely voluntary; member banks could not require depositors to accept the service, and automatic transfers could not be made unless previously authorized by the depositor. The proposed automatic transfer service would be available only to individuals and not to business organizations or governmental units. Comments on the proposal may be submitted until March 20, 1978. The proposed amendment is intended to increase the efficiency of the Federal Reserve's check clearing operations

and provide depositors with added customer convenience.

DATE: Comments must be received by March 20, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the Docket Number R-0027.

FOR FURTHER INFORMATION CONTACT:

Allen L. Raiken, Associate General Counsel, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, telephone 202-452-3625.

SUPPLEMENTARY INFORMATION: In March 1976, the Board solicited comments on a proposed amendment to Regulation Q to permit member banks to provide their depositors with the automatic transfer of savings deposits to cover checks drawn by depositors on their demand deposit (checking) accounts or to replenish their demand deposit accounts (41 FR 12039). The Federal Deposit Insurance Corporation proposed a similar amendment to its regulations applicable to federally insured banks that are not members of the Federal Reserve System.

On April 29, 1976, the Board issued a clarification of the proposal indicating that the automatic transfer service would be completely voluntary and that depositors could not be required to obtain the service (41 FR 18523). Similarly, member banks would not be authorized to transfer a depositor's funds from a savings account unless the depositor voluntarily had entered into an agreement previously with the bank specifically authorizing the transfer service. This provision, however, would not affect the ability of a member bank to use a depositor's savings deposit in satisfaction of a debt where the bank is authorized to do so under local law.

The automatic transfer service is intended to increase the efficiency of the Federal Reserve's check clearing operations by reducing the number of return items processed by the System as well as to provide depositors with the convenience of a deposit transfer service that would be available in addition to the telephone and bill payment transfer services that member banks currently are authorized to offer to depositors. This service would provide an alternative to existing procedures where there are insufficient funds in depositors' checking accounts. Generally, if a customer's check is presented to the bank and there are insufficient funds in the customer's checking account the check is returned to the payee with the term "insufficient funds" indicated on the check. As a result, the bank usually charges a fee

to the customer when it is necessary to return these checks. As an alternative to returning checks, many banks currently advance funds to customers in accordance with overdraft loan agreements. Under such overdraft loan agreements, depositors usually incur interest charges on the funds advanced.

The Board is of the view that the costs incurred by consumers, banks, merchants, other businessmen, and the Federal Reserve System, because of the existence of return items, can be reduced as a result of the proposed automatic transfer amendment. Because of the special handling procedures required to process customer overdrafts, many banks impose a substantial charge to their customers for checks and drafts that must be returned because of insufficient funds. The existence of return items also has a substantial effect upon the speed and efficiency of the check clearing operations of the Federal Reserve System. As a result, the Federal Reserve System incurs a substantial expense in the handling of returned checks and drafts. The Board's proposed amendment is intended to permit an alternative to the existing practice of returning checks and drafts drawn on insufficient funds. The Board believes that the proposed amendment represents a reasonable accommodation that may be offered by member banks to their depositors in order to reduce the likelihood that depositors' checks will be returned to the presenting parties because of insufficient funds in depositors' checking accounts. It is anticipated that the proposed service would reduce the number of checks that are returned through the check clearing operations of the banking system, thereby resulting in substantial savings for all parties concerned.

This proposed amendment would not affect existing arrangements whereby a thrift institution has agreed with its customer to transfer funds automatically or otherwise to the customer's demand deposit account at a commercial bank in accordance with a preauthorized agreement. Transfers of funds from a thrift institution to a commercial bank would not be subject to the proposed minimum interest penalty forfeiture provision.

In view of the comments received in response to the Board's previous automatic transfer proposal, the Board has modified the proposed amendment and again requests public comment on the proposed automatic transfer service. Under the proposed amendment, member banks could make the proposed transfer service available only to individuals, and not to business organizations, governmental units or other organizations.

PROPOSED RULES

The proposed amendment reflects two additional modifications from the proposal originally announced by the Board. The proposal does not require a minimum denomination for funds that may be transferred pursuant to this proposed amendment. As originally proposed, the amendment would have required that transfers be made in multiples of no less than \$100. The Board believes that a minimum transfer amount requirement may unduly penalize depositors that may incur overdrafts in amounts less than the required minimum denomination resulting in a transfer from savings of more than the amount needed to cover the check or to replenish the account. The Board believes therefore, that it may be inappropriate to establish a requirement that could result in a transfer of more than the amount necessary to cover the check, especially since member banks would be required to impose an interest penalty as described below. Nothing in the proposal, however, would prohibit a member bank from establishing minimum transfer amounts if they so desired in view of internal bank operational procedures.

The second modification relates to the minimum amount of interest that must be forfeited by the depositor on funds transferred. As originally proposed, a depositor would have been required to forfeit a minimum of 30 days' interest on the funds transferred. Depositors, therefore, would have incurred an interest penalty even if no interest actually had been earned during the previous 30 days on the funds transferred. The Board believes it is unnecessary to require a minimum interest penalty that may result in forfeiture of an amount that is more than the amount of interest actually earned on the funds transferred during the previous 30 day period. Consequently, the amendment proposed by the Board would require a forfeiture of interest in an amount no less than the amount of interest actually earned during the previous 30 days on the funds that are transferred from savings to checking. Public comment also is requested on whether any interest forfeiture should be required.

Interest actually earned during the previous 30 days would include interest that has been accrued but not yet paid (credited to the account or paid to the depositor or other party) as well as interest that had been paid on the funds transferred.

Member banks would continue to be required to reserve the right to impose at least a 30-day notice period on intended withdrawals of savings deposits as presently required in § 217.1(e) of Regulation Q.

Under the terms of the proposed amendment, if in accordance with the bank's usual methods of computing interest, no interest has been earned on the funds on deposit during the previous 30 day period, no interest need be forfeited if funds are transferred automatically to cover checks. Similarly, if the funds transferred had been on deposit for less than 30 days, only the amount of interest earned for the period of time the funds had been on deposit need be forfeited. It is recognized that application of this forfeiture requirement may result in forfeiture of varying amounts of interest based on differences in bank rules regarding computing and calculating interest. For example, a bank's use of the last-in first-out method in determining which deposits are being transferred could alter the minimum penalty amount that must be imposed. The following are examples of how the required penalty provision may be applied:

EXAMPLE 1

Bank pays interest on savings deposits at an annual rate of 5 percent from day of deposit to day of withdrawal. Interest is credited quarterly. Depositor establishes a new savings account and deposits \$500 on January 1. On February 28, bank transfers \$100 from savings to demand to cover depositor's overdraft. The minimum interest forfeiture required is \$0.42, which represents 30 days' interest earned on the funds transferred.

EXAMPLE 2

Same facts as Example 1 except bank transfers \$100 on January 15 to cover overdraft. Minimum forfeiture required is \$0.21, which represents 15 days' interest earned on the funds transferred.

EXAMPLE 3

Same facts as Example 1 except bank computes interest quarterly, and no interest is paid on funds withdrawn prior to the end of a calendar quarter. No interest forfeiture is required since under the bank's rules no interest was actually earned during the previous 30 days on the funds transferred.

EXAMPLE 4

Bank pays interest at an annual rate of 5 percent from day of deposit to day of withdrawal and uses the last-in, first-out method in computing interest. The depositor deposits \$500 into the savings account on January 1 and deposits an additional \$100 on February 1. Bank transfers \$200 from the depositor's savings account to his checking account to cover overdrafts on February 15. The minimum interest forfeiture required is \$0.63 which is determined as follows: Since the \$100 deposit of February 1 had only been on deposit for 15 days, the depositor need only forfeit a minimum of \$0.21,

which represents the actual interest earned on the \$100 during the 15 day period it remained on deposit. The depositor is required to forfeit at least \$0.42 on the remaining \$100 that has been transferred. This amount represents 30 days' interest earned on those funds.

EXAMPLE 5

Same facts as Example 4. However, bank uses first-in, first-out method in computing interest. Under those circumstances, the depositor is required to forfeit minimum interest of \$0.84, which is computed as follows: Since the funds transferred are deemed to be those that were deposited first, the depositor actually earned interest on the \$200 transferred for the entire 30 days prior to the date of transfer. Consequently, the depositor is required to forfeit a minimum of \$0.84, which represents the actual interest earned on the funds transferred during the previous 30-day period.

Member banks would be required to maintain data on fund transfers via the automatic transfer service in a manner that will facilitate data collection by the Board.

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or comments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received by March 20, 1978. All material submitted should include the Docket Number R-0027. Such material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

If, after consideration of the comments received, the Board adopts the proposed amendment, it is anticipated that it would not become effective for a period of at least 60 days following adoption. Public comment is requested on whether a 60 day deferred effective date is sufficient to provide member banks with time to implement operational and marketing procedures necessary to offer the service to depositors.

Pursuant to its authority under section 19 of the Federal Reserve Act (12 U.S.C. 461, 371b), the Board of Governors proposes to amend § 217.5(c) of Regulation Q (12 CFR 217.5(c)) as follows:

§ 217.5 Withdrawal of savings deposits.

(c) Manner of payment of savings deposits. . . .
(2) . . . However, withdrawals may be permitted by a member bank to be made automatically from a savings de-

posit that consists of funds deposited to the credit of and in which the entire beneficial interest is held by one or more individuals through payment to the bank itself or through transfer of credit to a demand or other deposit account of the same depositor pursuant to an agreement between a member bank and its depositor that authorizes such payments or transfers in order to cover checks or drafts drawn by the depositor upon the bank; provided, the depositor shall forfeit an amount no less than the amount of interest actually earned during the previous 30 days on the funds withdrawn and transferred from a savings deposit in the manner described. In accordance with § 217.1(e)(2), a member bank must reserve the right to require the depositor to give notice in writing of an intended withdrawal not less than 30 days before such withdrawal is made and may not require a depositor to enter into an agreement providing for such automatic transfer of savings deposits.

By order of the Board of Governors,
January 27, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-3227 Filed 2-6-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 78-65]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Regarding Electronic Fund Transfers Through Remote Service Units

FEBRUARY 2, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board proposes to extend continued operation of remote service units (RSUs) by Federally-chartered savings and loan institutions until June 30, 1978. The Board's present regulations require that all such operations cease on March 31, 1978. This extension of time will allow accountholders to enjoy uninterrupted RSU service while the Board considers proposing new, permanent regulations covering electronic fund transfers. This extension would not permit new applications for RSUs.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 22, 1978.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street NW.,

Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board 202-377-6440 at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board proposes to amend paragraph (k) of 12 CFR 545.4-2 of the rules and regulations for the Federal Savings and Loan System to extend the expiration date of its experimental remote service unit regulations from March 31, 1978, to June 30, 1978. The Board has postponed issuing permanent regulations so that it might benefit from experience gained in conducting a pilot remote service unit program, and from the research and conclusions of the National Commission on Electronic Fund Transfers. A previous extension (42 FR 61450) of the existing experimental regulation from December 31, 1977 until March 31, 1978, has proved insufficient for completion of work on permanent regulations.

The Board believes that any new remote service unit regulation it may propose should be open to public comment for a reasonable period before final Board action on them. New regulations could not be implemented before the March 31 expiration date of the present temporary § 545.4-2 and still allow time for comment and analysis. In the meantime, the Board believes that the public would best be served by allowing uninterrupted use of existing remote service units, and therefore proposes an additional 3-month extension of the present temporary regulation.

Applications approved under existing § 545.4-2 would be extended to June 30, 1978 without further application. No new applications will be permitted.

Accordingly, the Board hereby proposes to amend paragraph (k) of § 545.4-2 to read as set forth below.

§ 545.4-2 Remote service units (experimental provision).

(k) *Termination.* This section and any approval granted under this section shall automatically terminate at the close of June 30, 1978.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 2, Pub. L. 93-100, 87 Stat. 342; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp., 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-3288 Filed 2-6-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 558]

[Docket No. 77N-0318]

ANIMAL FEEDS CONTAINING PENICILLIN AND
TETRACYCLINE

Public Hearings

AGENCY: Food and Drug Administration.

ACTION: Notice of Public Hearings.

SUMMARY: The Commissioner of Food and Drugs announces that public hearings will be held on March 23, 1978 in Ames, Iowa, on March 30, 1978 in Raleigh, N.C., and on April 6, 1978 in Dallas, Tex. to receive information and views from interested persons on the proposed regulations that would (1) limit the distribution of animal feed premixes containing penicillin and tetracycline (chlortetracycline and oxytetracycline) to feed mills that hold approved medicated feed applications which permit the mills to manufacture such medicated feeds and (2) restrict further distribution of such feeds to the order of a licensed veterinarian as part of the record maintenance requirements of the Federal Food, Drug, and Cosmetic Act.

DATES: Public hearings on March 23, 1978, March 30, 1978, and April 6, 1978, at 9 a.m.; written notices of participation by March 8, 1978.

ADDRESS: Written notices of participation to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

For the addresses of the hearings, see Supplementary Information.

FOR FURTHER INFORMATION CONTACT:

Gerald B. Guest, Bureau of Veterinary Medicine (HFV-101), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4313.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 20, 1978 (43 FR 3032), the Commissioner of Food and Drugs proposed to limit the distribution of animal feed premixes containing penicillin, chlortetracycline, and oxytetracycline to feed mills holding approved medicated feed applications which permit the mills to manufacture such medicated feeds. He also proposed to restrict the further distribution of such feeds to the order of a licensed veterinarian as part of the record maintenance requirements of the Federal Food, Drug, and Cosmetic Act.

Because of the broad public interest in and concern about the proposed restrictions on the distribution of animal feeds containing penicillin and tetracycline, the Commissioner has determined that, in addition to the 90-day comment period for receipt of written comments provided by the notice of proposed rule making, informal public hearings in accord with the provisions of 21 CFR Part 15 should be held on the proposal in geographic areas where it will have its major impact. The purpose of the informal hearings is to provide an open forum for the presentation of information and views concerning all aspects of the proposal by interested persons, be they consumers, scientists, farmers, feed manufacturers, or representatives of manufacturers of regulated products.

In preparing a final regulation, the Commissioner will consider the administrative record of these hearings along with all other written comments received during the comment period specified in the proposal.

The Ames hearing will be held on March 23, 1978, starting at 9 a.m. in C. Y. Stephens Auditorium, Iowa State Center, Iowa State University, Ames, Iowa 50011. The presiding officer will be Donald Kennedy, Commissioner of Food and Drugs.

The Raleigh hearing will be held on March 30, 1978, starting at 9 a.m. in the McKimmon Center, North Carolina State University, Western Boulevard, Raleigh, N.C. 27607. The presiding officer will be Robert Edler, Deputy Associate Commissioner for Science.

The Dallas hearing will be held on April 6, 1978, starting at 9 a.m. in the Grand Ballroom, Northpark Inn, 9300 North Central Expressway, Dallas, Tex. 75231. The presiding officer will be Sherwin Gardner, Deputy Commissioner of Food and Drugs.

A written notice of participation must be filed pursuant to § 12.45 (21 CFR 12.45) with the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857 not later than March 8, 1978. The envelope containing the notice of participation, and the notice of participation itself, should be prominently marked "Ames Antibiotics Hearing," or "Raleigh Antibiotics Hearing," depending upon the hearing for which the notice of participation is filed. The notice of participation should also contain the Hearing Clerk Docket No. 77N-0318, the name, address, and telephone number of the person desiring to make a statement, along with any business affiliation, a summary of the scope of the presentation and the approximate amount of time requested for the presentation. A schedule for the hearing will be mailed to each person who files a

notice of participation; the schedule will also be available from the FDA Hearing Clerk. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations.

In the event that the responses to this notice of hearing are so numerous that insufficient time is available to accommodate the full amount of time requested in the notices of participation received, the Commissioner will allocate the available time among the persons making the oral presentation to be used as they wish. Formal written statements (preferably four copies) may be presented to the presiding officer on the day of the hearing or submitted to the Hearing Clerk by April 20, 1978 for inclusion in the administrative record.

The hearings will be open to the public. Any interested person who files a written notice of participation may be heard with respect to matters relevant to the issues under consideration.

Dated: February 2, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-3275 Filed 2-2-78; 3:36 pm]

[4410-01]

DEPARTMENT OF JUSTICE

Parole Commission

[28 CFR Part 2]

PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Soliciting Public Comment

AGENCY: United States Parole Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is soliciting comment from the public on a proposed rule governing appeals before the Commission by prisoners denied parole under the Commission's original jurisdiction procedure. An interim rule appearing in this issue of the FEDERAL REGISTER will be effective pending final adoption. The interim rule provides that appeals must be received at least 30 days in advance of the meeting at which they are to be reviewed in order to permit adequate consideration by the Commission. For the same purpose, the interim rule also contains an advisory requirement that all documents accompanying an appeal be submitted to the Commission at least 2 weeks in advance of the meeting.

DATES: Comments must be received on or before March 10, 1978.

ADDRESSES: Send comments to the United States Parole Commission, 320

First Street, NW., Washington, D.C. 20537, Attention of Office of General Counsel.

FOR FURTHER INFORMATION, CONTACT:

Michael A. Stover, Office of the General Counsel, telephone: 202-724-3092.

SUPPLEMENTARY INFORMATION: The text of the interim rule may be found in this issue of the *Federal Register*, at Document No. 78-3218, appearing in the Rules and Regulations section.

Dated: February 1, 1978.

CECIL C. MCCALL,
Chairman, United States
Parole Commission.

[FR Doc. 78-3219 Filed 2-6-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 67]

[Docket Nos. 20981, 21263 and 21264; FCC 78-64]

JURISDICTIONAL SEPARATIONS

Impact of Customer Provision of Terminal Equipment; Integration of Rates and Services for the Provision of Communications by Authorized Common Carriers Between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands

AGENCY: Federal Communications Commission.

ACTION: Order, Docket Nos. 20981, 21263, and 21264.

SUMMARY: The Commission appoints its new Chairman, Charles D. Ferris, to each of the Federal-State Joint Boards established in the referenced proceedings, to replace former Commission Chairman Wiley.

EFFECTIVE DATE: N/A.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Francis L. Young, Common Carrier Bureau, 632-5550.

ORDER

Adopted: January 31, 1978.

Released: February 1, 1978.

By the Commission: Chairman Ferris not participating.

In the matter of impact of customer provision of terminal equipment on jurisdictional separations; Docket No. 20981 (42 FR 51628, September 29, 1977).

Integration of rates and services for the provision of communications by

PROPOSED RULES

authorized common carriers between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands; Docket Nos. 21263 and 21264 (42 FR 61876, December 7, 1977).

1. The Commission has initiated Federal-State Joint Boards in each of the captioned proceedings pursuant to section 410(c) of the Communications Act of 1934, as amended. Richard E. Wiley, former Chairman of the Federal Communications Commission was previously appointed as Chairman of each of the Joint Boards. By this Order the Commission appoints Charles D. Ferris, who has succeeded Richard E. Wiley as Chairman of the FCC, as a member and Chairman of each of the Joint Boards.

2. Accordingly, it is ordered, That, Charles D. Ferris, is appointed to the Federal-State Joint Boards established in F.C.C. Docket Nos. 20981, 21263, and 21264.

3. It is further ordered, That, pursuant to Section 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. § 410(c), Charles D. Ferris shall serve as Chairman of each of the Federal-State Joint Boards.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

(FR Doc. 78-3230 Filed 2-6-78; 8:45 am)

[6712-01]

[47 CFR Part 76]

(Docket No. 19418; RM-2528; RM-2575;
FCC 78-57)

CABLE TELEVISION SYSTEMS

Proposed Importation of Radio Signals; Order
Terminating Rulemaking Proceeding

AGENCY: Federal Communications
Commission.

ACTION: Order Terminating Rule-
making Proceeding.

SUMMARY: The FCC is terminating the rulemaking proceeding in Docket 19418 concerning cable television systems' carriage of radio broadcast signals. Because the record in the proceeding does not demonstrate the need for rules in this area, no rules have been adopted. The FCC is also denying two related petitions for rulemaking having to do with cablecast radio programming.

EFFECTIVE DATE: Non-Applicable.

ADDRESSES: Federal Communica-
tions Commission, Washington, D.C.
20554.

FOR FURTHER INFORMATION
CONTACT:

William H. Johnson, Cable Televi-
sion Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION:

Adopted: January 25, 1978.

Released: February 7, 1978.

In the matter of: Amendment of
Part 76 of the Commission's rules and
regulations to govern importation of
radio signals by Cable Television Sys-
tems, Docket No. 19418, RM-2528,
RM-2575. Report and order—(proceed-
ing terminated).

INTRODUCTION

1. The Commission has before it for disposition three related proceedings. A "Notice of Proposed Rulemaking in Docket 19418" was adopted on February 2, 1972, to examine the question of whether, and under what conditions, cable television systems should be permitted to carry radio broadcast signals. FCC 72-110, 36 FCC 2d 630. The time for filing comments and reply comments was extended twice, until April 17, 1972 and May 8, 1972 respectively. To date, approximately 80 comments and reply comments have been received and evaluated. Subsequently, on February 28, 1975, the National Association of FM Broadcasters (NAFMB), filed the first-captioned petition for rulemaking, RM-2528, requesting that the Commission adopt rules prohibiting cable television systems from cablecasting aural entertainment programming. This petition for rulemaking is supported by American Broadcasting Cos., Inc. (ABC), and the Rocky Mountain Broadcasters Association (RMBA), and is opposed by a number of other parties, including the National Cable Television Association (NCTA) and the Inter-Collegiate Broadcasting System (IBS). The second petition for rulemaking, RM-2575, was submitted by the National Association of Broadcasters (NAB) on July 18, 1975. NAB requests that the Commission adopt a rule requiring that cable television systems cablecast aural programming, and providing it to subscribers by a direct input to the subscribers' radio receiver, also carry the signals of all local stations whose reception would otherwise be precluded and provide these to subscribers by the same direct input. NCTA opposes this petition for rulemaking.

BACKGROUND OF DOCKET 19418

2. The Commission first recognized in 1965¹ that cable television system

¹Comments from KMAM (AM)/KMOE (FM) and supplemental comments from NAB received subsequent to the filing deadline will also be included in our consideration. See 37 FR 7108, April 8, 1972.

²Paragraph 83 of the Notice of Inquiry and Notice of Proposed Rule Making in Docket No. 15971, 1 FCC 2d 453 (1985) stated:

It has been brought to our attention that a standard broadcast or FM radio station

carriage of radio broadcast signals might raise some of the same issues that were presented by the carriage of television broadcast signals. However, while the issues were theoretically similar, little evidence of abuse or adverse economic impact surfaced in the area of radio signal carriage. In 1972, the issue was raised again by the inclusion of the following language in the "Consensus Agreement" which preceded the "Cable Television Report and Order":

When a CATV system carries a signal from an AM or FM radio broadcast station licensed to a community beyond a 35 mile radius of the system, it must, on request, carry the signals of all local AM or FM stations respectively.

3. The Rocky Mountain Broadcasters Association, concerned with what it felt was a serious lack of regulation regarding the carriage of radio signals, in April of 1971 filed a "Petition for Institution of Rule Making Barring or Restricting Importation of Non-Local Radio Station Signals by CATV Systems." The Petition asserted that the Commission's recognition of the potential for significant television audience fragmentation through unrestricted importation of distant television signals should be expanded to include importation of distant radio signals. Petitioner argued that the importation of distant radio signals by cable television systems has the potential, absent some restrictions, to erode the advertising revenue base and future revenue potential of radio stations to an extent which could make it virtually impossible for small radio stations to conduct economically viable radio service. This in turn, Petitioner asserted, would adversely affect the ability of the small market stations to continue serving the public due to forced cutbacks in programming and would cause the probable demise of many small market stations.

might face serious audience fractionalization if a CATV system were to bring a number of competing aural signals to its subscribers. Accordingly, comments are requested as to whether any serious problem exists, or is likely to exist, in this area and, if so, the nature of any regulatory measures which might be appropriate to govern the distribution of aural signals by CATV.

³The issue has received some limited ad hoc consideration. In one instance, involving a cross-ownership question and the alleged preferential carriage of one radio station for anti-competitive purposes, the matter was set for hearing. John M. Spottswood, 30 FCC 2d 943 (1971), 58 FCC 2d 155 (1975).

⁴The Consensus Agreement is found as Appendix D to the Cable Television Report and Order, 36 FCC 2d 143, 284 (1972). Its origin and significance are described in paragraphs 61-67 of the Cable Report. See also Memorandum Opinion and Order in RM-2488 and RM-2537, FCC 78-1071, 62 FCC 2d 192 (1978) (discussing proposals for rule changes relating to the "Consensus Agreement.")

4. In response to the foregoing matters related to cable carriage of radio signals the "Notice of Proposed Rulemaking in Docket 19418" was issued concurrent with the adoption of the "Cable Television Report and Order". Because of a concern with difficulties in removing signals once carried, interim processing measures were adopted in the "Notice". Pursuant to these measures, the Commission indicated that it would not process a certificate of compliance application if it appeared therefrom that the cable system was going to import a radio signal from more than 75 miles: (1) Into a community having both a licensed radio station and a population of 50,000 or less, or (2) into any community unless all radio stations of the same type (AM or FM) licensed to the cable community were also carried. These interim measures were intended to balance the existing and expected impact of the carriage of distant signals until data and comments filed in this proceeding could be evaluated in order to set forth a rule which accurately resolved the issues involved. The Commission there stated that it was seeking comments upon the interim measures, upon the definition of the term "local signal," upon the question of grandfathering, and upon the appropriateness of a radio leapfrog policy. Additionally, the Commission noted its consideration of the desirability of devising importation policies premised either upon the size of the market involved, or the type of signals imported.

COMMENTS

COMMENTS IN DOCKET 19418

5. The great majority of the comments filed in response to the Notice of Proposed Rulemaking were only one, two, or three pages long and reflected, without significant elaboration, the following debate: by radio broadcasters and their trade associations—if additional radio signals are imported, the audience of each local station will most certainly decrease, revenues will decrease, and service to the public will be lost; by cable television system operators and their trade association—stifling of the carriage of radio signals by CATV will simply deprive subscribers of listening diversity and the ability to have clear reception over the receiver; cable radio carriage has had no significant impact on local radio service and has no potential for impact; those systems carrying radio signals deliver them to a small percentage of their subscribers only; and there is no evidence of existing or potential injury that would warrant restricting the carriage of radio signals.

6. Although most of the comments concentrated on urging either that radio and aural programming, and par-

ticularly distant signal programming, be severely restricted or that rules were not needed in this area, a number of other more specific proposals were given some attention. Here again, however, most of the suggestions were without significant elaboration. Among the specific suggestions or comments were the following:

A system carrying a radio signal should be required to carry all local signals. Among the suggested definitions of local were: 30-35 miles (Blackstone Broadcasting), for class IV AM and class A FM stations 15 miles, for all other stations 25 miles (American Broadcasting Co's), all stations licensed to the community in which the system operates (KXLO Broadcasting, Inc., LVO Cable, Inc., Hopkinsville Broadcasting, Athena et al., National Cable Television Association, Community Broadcasters Association, Inc.), stations picked up by the cable system's local antenna (Gateway Broadcasting Co.), 35 miles (Green Bay Broadcasting, Joliet Radio Corp.), only those listing the community in which the cable system operates as one of the communities to be served when applying for an FCC license (Huachuca Broadcasting Co.), 5m/vm but in no event less than 2 mv/m (Itasca Broadcasting Co., Greater New York Media, Inc.), 1 mv/m contour for FM stations (Johnny Appleseed Broadcasting Co., Pacific FM, Inc.), 1 mv/m or greater placed throughout the principle community of the CATV system (KOKX, Inc.).

Radio stations may be even more vulnerable to cable competition than television stations. In 1970 some 35 percent of radio stations reported losses, 70 percent of FM stations showed losses. (ABC).

No radio stations should be microwaved in that the local cable system's antenna cannot ordinarily pick up off-the-air. (Gateway Broadcasting Co.).

A restrictive leapfrog policy is appropriate for radio carriage on cable systems. (KOKX, Inc.).

Cable systems wishing to carry radio stations should first file an application with the FCC to do so. (SWANCO Broadcasting, Inc.).

The Commission should consider permitting the importation of distant signals of specialized format such as ethnic, all news, religious or classical programming where there is no local station of comparable format. (Wood Broadcasting, Inc.).

If rules are adopted, an exemption should be included which will permit cable system carriage of foreign language and foreign broadcast stations. (Cypress Communications Corp.).

No one can object if the cable system adds something different, such as educational stations, because this is in the public interest. (Itasca Broadcasting).

Background music service over CATV is wholly appropriate (KOKX, Inc.).

Any cable system which carries radio signals, whether voluntarily or by reason of Commission requirement, should be required to carry a representative proportion of local noncommercial radio signals. (Corporation for Public Broadcasting).

If the cable is not likely to improve coverage for local stations, both the stations and the subscribers would benefit if the local stations are not carried. In this case, the system should be required to furnish a switch to permit off air FM reception. (Western Broadcast Services).

Require all FM stations which are carried to be carried on their assigned frequencies

within the 88 to 108 MHz band to the extent possible. (Pacific FM).

Cable system aural originations should not be permitted within the 88 to 108 MHz band and should not be made available to subscribers through FM radio receivers. (Johnny Appleseed Broadcasting Co.).

Technical standards to insure adequate reception of radio signals should be required. (Pacific FM, Inc., Peer Broadcasting, Western Broadcast Services.) Technical standards should be adopted as follows:

(1) Separate receiving and processing equipment with appropriate automatic and manual level adjustment for each received channel;

(2) Requirements that signals be amplified and retransmitted as received or in a frequency translated position rather than demodulated and remodulated as is now the practice on some systems;

(3) 400 kHz separation between channels if carrier frequencies are converted from original FCC assignments;

(4) Conversion of carriers between 88 and 92 MHz to avoid any possibility of interference with television channel 6;

(5) systems designed to provide monophonic or stereophonic reception free from objectionable beats or other types of interference, with precautions taken to avoid phase and nonlinear distortions which would be detrimental to FM, particularly stereo quality. (Corporation for Public Broadcasting.)

Cable systems should not be permitted to locate their antennae in the null or non-reception area of local stations. (Pleasant Broadcasters.)

(1) Limit the number of non-local radio signals which a CATV system may carry after it carries all local radio stations; (2) afford duplication protection, on a priority basis, to the network programming of local radio stations; (3) prevent the use of grandfathering arguments by CATV systems as a means of avoiding the applicability of the carriage rules suggested by Rust Craft to existing carriage situations; (4) require CATV systems to obtain a certificate of compliance before carrying the signal of any radio station; (5) impose logging, reporting, and public file requirements at least comparable in scope to those adopted with respect to the carriage of television stations by CATV systems; (6) insure diversification of ownership of CATV systems by those owning or having an interest in radio stations; (7) require that CATV systems carrying the signal of any radio station be owned only by American citizens. (Rust Craft Broadcasting.)

7. Among the more extensive comments were those filed by American Broadcasting Co. ABC's filing clearly sets forth some of the many difficulties of regulating in this area, as follows:

In attempting to fashion a comprehensive approach for regulating CATV carriage of radio signals, the Commission is confronted with a far more intricate structure of broadcast station allocations than is true in the television service. For one thing, the technical operating characteristics of both AM and FM stations differ widely. AM stations vary from 50 kw clear channel stations to 250-watt daytime operations; FM stations from 100 kw Class C operations to low power Class A facilities. More than one-fourth of the total number of existing AM

PROPOSED RULES

stations are daytime-only; probably most full-time stations operate with more power day than night; nearly half the full-time stations licensed operate with varying types of directional antenna arrays at night; and in many instances, directional AM operations in multiple station markets—day or night—broadcast signals of an entirely different configuration than other stations in the community. Hence, the ability to formulate a simple, single standard for determining what radio stations are to be carried during what hours in what geographic areas is immeasurably more complex than comparable questions vis-a-vis the television service.

A second complicating element in formulating general rules in this area—particularly in determining what radio signals will be considered "local"—is the fact that, unlike the case of television stations, there is a wide disparity in the nature of service which the various classifications of radio stations are intended to provide. Under the Commission's rules, clear channel AM stations are intended to "render service over wide areas" (§ 73.12(a)); regional stations are "designed to render service primarily to a principal center of population and the rural area contiguous thereto" (§ 73.21(b)(1)); and local channel Class IV stations are "to render service primarily to a city or town and the suburban and rural areas contiguous thereto" (§ 73.21(c)(1)). In the FM service, Class C stations are "designed to render service to a community, city or town and large surrounding area" (§ 73.206(b)(4)); Class B facilities are intended "to render service to a sizeable community, city or town or to the principal city or cities of an urbanized area, and to the surrounding area" (§ 73.206(b)(2)); and Class A stations are "designed to render service to a relatively small community, city or town and the surrounding rural area" (§ 73.206(a)(2)).

8. NAB filed supplemental comments in July and December, 1976. Its brief July comment consisted mainly of a resolution adopted by its Radio Board of Directors, urging that cable systems having subscribers in the community of license of any standard AM or FM station should carry all the local AM or FM licensees if a distant station of the same class were carried. No definitions of "local" or "distant" stations were suggested. In its December filing NAB proposed instead that systems located within specified signal strength contours of AM or FM stations not be permitted to carry any distant radio signals at all. NAB submitted the results of a survey taken in December 1975 as supportive of its proposal. The survey, sent to a approximately 700 radio broadcasters in areas of high cable penetration, is designed to show cable systems' practices in carrying local and distant signals and in cablecasting radio programming, and to highlight trends and make recommendations in light of these practices. NCTA replied to the December filing,

*The specified contours were 0.5 mv/m contour for AM stations and 1 mv/m contour for FM stations.

questioning the sufficiency of the survey to show that cable systems' carriage of radio signals—regardless of how it is being done—has caused any harm at all to radio broadcasters.

COMMENTS ON RULEMAKING PETITIONS

9. The crux of the rulemaking petitions filed by NAFMB and NAB is that cable television systems possess an inherent and unfair advantage over radio broadcasters when they cablecast radio programming.* This advantage is, according to the proponents, the minimal cost involved in cablecasting radio programming as compared to broadcasting radio programming. The competitive edge it engenders is seen to be so great that permanent injury to local radio stations, particularly local FM stations, is perceived to be likely absent Commission intervention. The proponents would take different steps to deal with this danger. NAFMB recommends a total prohibition on cable television systems' cablecasting aural entertainment programming. Although conceding that "the number of cable radio operations today is not large" and that NAFMB is "most optimistic that FM is rapidly developing into a strong and thoroughly viable medium," NAFMB asserts that "the potential for economic impact on broadcasting in and of itself warrants commission consideration and action at this time." To support this thesis, NAFMB lists Commission regulations—minimum schedule of operation, cross-ownership, staff maintenance, technical requirements, and so forth—that radio broadcasters must observe and that radio cablecasters need not. The resulting vastly reduced costs of radio cablecasting enable radio cablecasters to set advertising rates 75 to 85 percent lower than radio broadcasters. NAFMB cites the practice of one cablecast radio programmer in Los Angeles as indicative of this unfair and potentially threatening advantage in that it can choose hours of operation and operate inexpensively absent technical standards. Moreover, NAFMB asserts that the policy considerations underlying the Commission's commitment to cablecasting in general—the advancement of program diversity and the opening of new outlets for local expression—do not apply to radio entertainment cablecasting, because FM stations in fact serve many small communities and thus perform these functions. To support its allegations of feared competitive impact, NAFMB submits the results of a survey it took of approximately 2,500 of its members:

*Cablecast programming includes origination programming, which is either produced or controlled by the system operator, and access programming, which is produced and controlled by some other party.

Of those responding that cable television systems in their markets were providing cablecast radio programming, 50 percent indicated concern over the potential detrimental effect. Thus, NAFMB concludes that allowing cable television systems to cablecast audio entertainment programming represents a potentially serious economic threat to the FM broadcast medium, circumvents Commission policy, and is at cross-purposes with the Commission's statutory mandate, under Section 303 of the Communications Act, to "encourage the larger and more effective use of radio in the public interest." ABC and the Rocky Mountain Broadcaster's Association generally support NAFMB's petition for rulemaking.

10. In its petition for rulemaking, NAB particularly emphasizes the view that cable television systems exercise a natural monopoly in supplying radio signals to their subscribers, and therefore that "the basic issue here is whether cable will be permitted to exploit its unique, monopoly position to foreclose competition from another program source." NAB largely restates NAFMB's arguments as to the competitive edge radio cablecasting enjoys over radio broadcasting because of reduced operating costs, but sees the crucial factor rendering regulation necessary to be that, once a cable radio subscriber is connected to the system, "the cable operator or channel lessee gains exclusive access to the subscriber's receiver . . . cable subscribers who elect to hook up to the cable aural program channel will be deprived of access to all over-the-air radio stations which they previously have been able to receive." This is due to the fact that a cable television system carries all radio programming in the FM band and provides it to subscribers by direct connection to an FM receiver. Thus, the system's drop wire replaces the subscriber's FM antenna. To cure this problem, NAB proposes that any cable television system that provides aural cablecast programming by direct input to subscribers' radio receivers also be required to provide by the same input those local signals whose carriage would otherwise be precluded. NAB would define a "local" radio signal as any radio station placing a city-grade contour over all or part of the community of the cable system. In practical effect, the proposed rule would require systems cablecasting radio programming to carry only city-grade FM signals because a subscriber's AM reception is not affected by connection to the system. NAB avers that compliance with the proposed rule, besides being necessary, is easily achievable: Systems can use broadband signal processing, by which means all FM signals receivable off-air would be carried, or they can use sepa-

rate antennas for picking up selected signals for carriage, or they can provide subscribers with switches with which to select either cable-input signals or off-air signals. Alternatively, NAB notes that systems could avoid complying with the rule entirely by using low-power radio frequency (RF) transmitters to provide radio cablecast programming only to subscribers.

11. A number of parties oppose the petitions for rulemaking. RVS Cablevision interposes a procedural objection to NAFMB's petition, arguing that it simply reiterates issues raised previously and should therefore be dismissed. NCTA advances substantive objections to both petitions. In answer to the argument that the more extensive regulation to which FM radio broadcasters are subject places them at a grave competitive disadvantage with radio cablecasting, NCTA points out that the difference in regulation merely reflects that two different transmission media are used. Whereas cablecast radio programming occupies one of a number of channels available for similar programming and is supplied only to those who want the service, NCTA states, FM broadcast stations use spectrum space, a finite resource, and therefore are obligated to operate so as to best serve the general public interest, thus necessitating more pervasive regulation. In any event, NCTA argues, these regulatory differences can hardly be relied upon as sufficient justification for prohibiting one service in favor of another. As to the purported competitive edge this regulatory difference creates, allowing the sale of advertising time by radio cablecasters at cheaper rates, NCTA and RVS Cablevision argue that NAFMB is in error. These parties state that the reason advertising rates for cable radio are lower is due to the fact that advertisers know that cable radio delivers only a very small audience in comparison with that of FM broadcast stations. The Intercollegiate Broadcasting System (IBS) and the National Citizens Committee for Broadcasting, National Black Media Coalition, Philadelphia Community Cable Coalition, and Citizens for Cable Awareness in Pennsylvania, commenting jointly (NCCB et al.), generally concur. IBS, NCCB et al., and the Boston Committee for Community Access argue that, precisely because of its low costs, cable radio is uniquely able to offer programs for specialized audiences that are not otherwise served by broadcast radio, which must offer programming of more general appeal. As such, cable radio constitutes an ideal medium for developing program diversity and encouraging new program producers, and therefore should be fostered rather than abolished. In response to NAB's petition, NCTA catalogues other recent developments in radio cable-

casting which it attributes directly to the feasibility of offering a greater variety of program choices at a low incremental cost. These include on-the-spot radio cablecasting, improved fidelity in cablecast music, simulcasting of high-fidelity live concert music in conjunction with video cablecasting of the performance, and all-day weather information. NCTA maintains that compliance with the proposed rule could prove impossible, particularly in large markets, thus accomplishing by indirection what NAFMB seeks directly in its petition. Nor is this drastic result warranted, NCTA contends, on the grounds of eliminating a supposed stranglehold of cable over subscribers' access to local FM stations: in small markets, systems usually carry these signals as a matter of good business judgment, and in large markets over 75 percent of cable homes have more than one FM receiver, and this number is growing. Thus, NCTA states that, as a practical matter, no anti-competitive "bottleneck" of radio signals can be said to exist.

DISCUSSION

CARRIAGE OF RADIO BROADCAST SIGNALS

12. In attempting to decide whether any rules should be adopted to govern cable carriage of radio broadcast signals, we must be able to define those situations or sets of circumstances in which the public interest would require that cable television systems carry certain radio signals, and, also, those situations wherein the carriage of certain radio signals should be prohibited. To do this, we must weigh a number of interrelated factors, including the different types and classes of radio service, their relative strength in comparison with each other and with the size of market served, the source of audience and advertising revenues of each, the current practices of cable systems respecting the carriage of these signals, and how this has affected all or any of the classes of stations involved.

13. The comments herein contain speculation that cable systems will ultimately cause a net loss of radio service to the public and, as we have outlined above, suggest diverse solutions for averting this. Missing from the record to date, however, are facts indicating that present cable carriage of local or distant radio signals harms anyone—radio broadcasters, cable subscribers, or members of the general public—nor has our own inquiry into the relevant issues disclosed the existence of significant and pervasive problems in any respect. As a consequence we must find that we lack a sufficient basis on which to adopt rules of general applicability in this matter. While we are not unsympathetic to the concerns of the broadcasters that unregulated cable carriage

of radio broadcast signals could have an adverse impact on local radio licensees, no facts appear in the record to indicate: (a) That cable systems discriminate against local signals in favor of distant signals or that local stations are significantly affected by non-carriage; (b) that there is an existing pattern or incentive for cable systems in major markets or substantial size cities to seek out and obtain distant radio signals; or that (c) regardless of market size, audience diversion in cable homes or in the local stations' market as a whole would be significant if distant signals were imported; or (d) that such audience diversion as might occur could be directly related to any net loss of broadcast service to the public.

14. The disincentive for cable systems to discriminate against local signals in favor of distant ones, or to import large numbers of distant signals, arises from the nature of cable television service and the way in which cable television systems can provide subscribers with radio service. Cable systems can carry radio signals in four ways—by "all-band FM" signal carriage, by individual signal processing, by a combination of both, or by carriage for reception on television sets as background for an automated news, time and weather or similar channel. All-band FM carriage is by far the most economical. It involves simply the erection of an FM antenna, which then receives only those FM signals that are receivable off-air. To carry only selected FM signals or to carry any AM signals, the system operator must resort to individual signal processing. This is a more costly undertaking, costing approximately \$400 to \$1,000 per signal as compared to a total cost of \$400 for all-band FM carriage. Regardless of how the signals are picked up, they are typically provided by direct connection to the subscriber's FM receiver. This direct connection replaces the receiver's FM antenna, but does not replace its AM antenna.

15. Cable television systems primarily distribute television, as opposed to radio, programming. Radio signals, if carried, are offered as a supplemental service. For these reasons, radio signals are normally carried as economically as possible. Data drawn from the annual reporting forms submitted by cable television systems (FCC Form 325) reveals that 27 percent of all cable systems carry no radio signals at all, and 51 percent carry all-band FM signals.

16. Allband FM service by its very nature would seem to require little, if any, regulation: It ordinarily assures carriage of all FM signals licensed to "AM signals must be demodulated and transposed to the FM frequency to be carried by the system."

the cable community and does not introduce any FM signals that are not receivable off-air. Moreover, although allband FM carriage does not include carriage of any AM stations, it in no way interferes with the subscriber's normal off-air AM reception. Accordingly, in most instances allband FM carriage would not appear to upset the pattern of radio reception that already exists in the cable community.

17. By contrast, those systems carrying selected AM and/or FM* signals may be perceived as causing a potential problem to local radio licensees, either because a number of competing, truly "distant," signals are being carried, or because local signals are not. Several factors mitigate these perceived effects. First and foremost, the cost of processing each signal imposes a natural limit on the number that will be carried in this manner. As a result, the smaller a cable community is, the less likely it becomes that signals will be processed individually or, if they are, the fewer will be carried. However, the crucial factor militating against harm, either to a local FM station from noncarriage or to a local AM or FM station from competition with the selected signals, is that cable-carried radio signals are generally fed to only one FM receiver per household, which is normally a standard table-model receiver, while there are usually several more receivers in the household which are frequently listened to that are not interconnected to provide the signals. Recent statistics indicate that the average radio household has 5.8 radio receivers, including some which usually are not or cannot be connected to the cable system, such as portable transistors, clock radios, car radios, and so forth. Thus, not all, or even most, of the radio receivers to which the average person listens during the day transmit any of the radio signals received by the system, regardless of whether the signals are carried on a selective basis, by allband carriage, or by both means.

18. The unlikelihood that cable systems' importation of non-local signals, whether by the allband or selected-signal method, will affect local radio licensees regardless of the size of the market may be shown by statistics obtained from the annual reports. These indicate that carriage of signals other than those receivable off-air by cable systems in smaller radio markets is not extensive. In fact, the percentage of cable systems not carrying any radio signals at all increases as the size of the cable community decreases. Thus,

*Although nominally 22 percent of all systems appear to be carrying signals selectively, this figure is probably somewhat inflated. An indeterminate number of systems reporting listed individual signals carried although these were actually being carried on an allband FM basis.

in larger cable communities having between 10,000 and 50,000 persons, 56 percent of the systems indicate they are carrying allband FM signals, 27 percent indicated carriage of selected signals, and 10 percent are carrying no signals at all. In cable communities with between 1,000 and 10,000 persons, 52 percent of the systems are carrying allband FM, and the percentage of systems not carrying radio signals increased to 31 percent, while the percentage of systems carrying only selected signals dropped to 14 percent. Finally, in cable communities of 1,000 and less, 49 percent of the systems indicated no radio signal carriage, 44 percent carried allband FM, and only 5 percent indicated carriage of selected signals.

19. Nor does NAB's 1975 survey (virtually the only submission in this proceeding that contains any hard data) indicate the existence of pervasive problems attending either noncarriage of local radio signals or importation of distant ones. NAB states that it directed its survey to member radio stations in the six NAB districts (out of a total 17 NAB districts) which were most likely to have experienced the effects of cable. The questionnaires were completed and returned by about half the stations surveyed; of this number, 85 percent reported one or more systems operating within the local radio market. Of this number, 39 percent indicated they were carried by a cable system in their market and 61 percent indicated they were not. NAB does not, however, give a breakdown of how much of this 61 percent is accounted for by systems carrying no radio signals at all, nor does it state what percentage of local stations not carried were AM stations which, as we have already noted, are not generally carried because of the costs involved but are in no way harmed by being cut off from the audience they are licensed to serve if they are not carried.¹⁰ More-

¹⁰323 stations completed the survey, which NAB states was "slightly less than half" of the original sample. Thus, if we presume the original sample to be roughly 650 stations, the universe of radio stations deemed by NAB to have most likely experienced the effects of cable is roughly only 8 percent of the total 7,982 licensed commercial AM and FM stations.

¹¹Answers given to other questions, however, suggest that much of this 61 percent incidence of noncarriage is accounted for either by lack of radio carriage of any sort or else by allband FM carriage. When asked what other types of local radio stations were carried on a cable system in the market, 69 percent answered "FM", while only 4 percent indicated "AM"; and, in response to an open-ended question about any problems perceived as a result of distant radio signal carriage in the market, only 2 percent, or 3 of the 181 stations reporting distant signal carriage in the market, indicated that their local stations were not being carried.

over, when asked whether cable carriage of a local radio station could be expected to increase that station's audience, 58 percent of the licensees indicated that only marginal increases were likely while 39 percent said no increase was likely. Although NAB apparently did not ask how cable carriage in the local station's own market could expand even marginally the station's local audience,¹² the only answer that suggests itself is that cable carriage of a "local" station may be helpful where off-air reception is poor. The answers given to the questions on distant signal carriage similarly fail to point out the existence of a major problem attending this aspect of radio signal carriage. NAB's questionnaire first asked if any cable system in the market were carrying distant radio signals. 67 percent of the stations surveyed responded affirmatively. NAB apparently did not ask, however, whether any of these "distant"—presumably, non-local market—stations were actually receivable off-air.¹³ Although in answer to an open-ended question about the effect of this "distant" radio signal carriage about 37 percent responded that their audiences were fractionalized, only 6 percent—or 11 of the 181 stations reporting "distant" signal carriage in their markets—indicated any resulting reduction in revenues or increased competition for advertisers, and no specifics as to the extent or effects of the revenue reduction or increased competition were apparently solicited or submitted. In contrast, 44 percent answered that the distant signal importation had either little or no effect, or that its effect was hard to measure because of the absence of any evidence of any effect. In sum, NAB's survey does not demonstrate that problems with respect to cable carriage of either local or distant radio signals are of such magnitude that the public interest necessitates adoption of rules at this time.

20. Recognizing the limitations of the data filed in the comments to this proceeding, we have made some effort to determine through our own data

¹²In fact, there is no indication whether, or how, NAB defined "local" stations, "distant" stations, or a station's "market", in taking its survey.

¹³It would seem, however, that in many cases these "distant" stations actually were receivable off-air, because the raw number of affirmative responses to "distant" signal carriage (182) roughly equals the raw number of responses indicating carriage of "local" FM stations (181). Allband FM carriage would, of course, account for carriage of all FM signals receivable off-air, whether they originate from within the system's radio market ("local"), or from outside it ("distant").

collection and analysis the nature and likely scope of the problem. In excess of 5,000 Cable Television Annual Reports (Form 325) were reviewed to determine patterns of cable radio carriage. As indicated above, approximately 78 percent (51 percent carrying allband FM and 27 percent carrying no radio signals) did not appear to be significantly involved in the matters of principal concern in this proceeding either because they were carrying all locally available FM signals and no more or because they were carrying no signals at all.¹⁴ Because our annual reports do not reflect how many cable subscribers are subscribers to a cable radio service we conducted an informal telephone survey to obtain some information on this question. While the sample was not large enough to provide statistically conclusive information on the point, it did tend to confirm our general understanding that the typical cable radio service is accepted by 20 percent or less of cable subscribers. Adding to this information the fact that nationwide cable penetration is only approximately 13 percent, that the average household has 5.8 radio receivers only one of which would typically be cable connected, and that the average home receives perhaps 10 radio station signals off-the-air, some information on the magnitude of cable radio as compared to radio audiences generally can be calculated. That is, if only 13 percent of the nation's households are cable subscribers, if 75 percent of these are not carrying radio signals or are carrying signals in a manner not calculated to create problems, if only 20 percent of cable subscribers are typically cable radio subscribers, and assuming that perhaps as much as half of cable radio listening was to distant stations, and given the average 5.8 radios per home and average access to 10 stations, it can be seen that on the average, the cable caused loss of audience of any particular local station would be less than half of one percent. While this calculation does provide some rough measure of the magnitude of this issue on a nationwide basis, we recognize that it does not account for the situation where a confluence of factors, including a small radio market and high cable radio penetration results in a more exaggerated impact.¹⁵ On the

¹⁴Some additional percentage of systems, not specifically broken out for reporting purposes, distribute aural radio signals only as background for an automated time and weather, stock market, news wire, or similar television channels. It is not technically feasible for such channels to distribute more than one radio signal at a time on such channels so that some of the concerns raised in this proceeding do not appear applicable to such operations.

¹⁵We recognize, moreover, that the average calculation can provide only a rough es-

other hand it also fails to measure the very significant gains in program diversity (and perhaps radio listening levels) that could result from the introduction of new radio formats and sources of programming.¹⁶ Although recognizing the limitation of our attempt to generalize in this area, we are not in a position without more detailed information as to the relevant factors of individual markets, factors best known to individual broadcasters in those markets, to be more precise as to the existing or likely cable radio impact on radio service to the public.

21. In sum, we find in the comments received an abundance of concern and speculation over possibilities of harm to private interests or public service, but a paucity of data from which to generalize or to pinpoint those areas where our traditional belief in the value of unregulated individual enterprise must give way to the need for regulatory intervention. Moreover, there is little in the comments that even reveals the nature of the problem by way of specific example or case study and except for one or two comments such as ABC's (para. 7, *supra*), there is little appreciation of the administrative complexities involved in regulating in this area. Without such concrete information and with only speculation as to how the existing situation is detrimental to the public, we are not prepared at this time to adopt any rules of general applicability.

22. We do take note of some of the comments that suggest we simply mandate carriage of local signals and that we require carriage without material degradation. We believe that even these more limited proposals are fraught with administrative difficulties¹⁷ and ought not to be undertaken without some persuasive showing of real public need. More particularly, with respect to the question of technical standards, we believe that this matter is more appropriately considered along with the other recommendations of the Cable Technical Advisory Committee since there was no notice that the matter might be considered in this proceeding.

imate because some of the assumptions in it, such as the amount of audience that might be diverted to distant stations and the number of stations typically available off-the-air are not based on evidence and are used simply to provide what we believe is a conservative estimate of the overall impact.

¹⁶Moreover, it should be remembered that audience loss is of no concern to the Commission unless it results in a loss of broadcast service to the public.

¹⁷These proposals, for example, offer no explanation of how such carriage could be accommodated when only one channel is available nor do they define "local" versus "distant" in a manner that would be easy to administer.

23. While we must decline to adopt rules of general applicability, we nevertheless realize that individual situations might arise in which a system's radio signal carriage would adversely impact a particular radio broadcaster to such a critical extent that his continued ability to operate in the public interest would be jeopardized. We would be remiss in discharging our statutory responsibilities pursuant to sections 301, 303 and 307(b) of the Communications Act were we to allow this to happen. We will, therefore, entertain petitions for special relief from individual radio broadcasters who find themselves adversely impacted by the radio signal carriage of local cable television systems.¹⁸ As always, we shall expect such petitions for special relief to detail with specificity the carriage practice complained of and how it directly impacts the station's economic well-being, and to otherwise conform to the requirements for special relief petitions contained in § 76.7 of the rules.

CARRIAGE OF AURAL CABLECAST PROGRAMMING

24. We turn now to the petitions for rulemaking filed by NAFMB and NAB. Here again, we must decline to adopt either of the proposed rules. Our reason for so doing is, like our reason for declining to adopt rules on radio broadcast signal carriage, found in the comments in these proceedings; however, unlike the record adduced in the other proceeding, it is not what is missing from NAFMB's and NAB's comments, but rather what appears plainly on their face, that compels this action.

25. We do not find that radio cablecasting contravenes the purposes of the Communications Act or that it poses any realistic threat to the structure of over-the-air FM broadcasting. We agree with the opponents of NAFMB's petition that cablecast radio programming, like its counterpart cablecast video programming, offers a unique opportunity for citizen access to a mass-communications medium and for this reason constitutes a source of programming of particular interest to members of the community whose needs and interests are not otherwise filled by broadcast radio programming. By increasing the diversity of radio programming available to the listener, as well as by providing radio programming where there might otherwise be none, radio cablecasting un-

¹⁸We note that the critically adverse impact with which we are concerned is not simply audience fragmentation per se, but rather with impact on station revenues and profits that is so great as to diminish the station's ability to serve the public interest. Paragraph 91, "Cable Television Report and Order," 36 FCC 2d 143, 179 (1972).

questionably furthers the aims of the Communications Act. Nor do we agree that radio cablecasting's sale of advertising time at much lower rates than broadcast FM stations bodes any real danger to the latter, at least in the foreseeable future. In its comments, IBS notes that of the 48 cable radio stations it knows of, 45 are directly associated with colleges and the others are operated by local community groups. One-third of these stations are directly supported by student association funds and have no advertising; another third have yearly advertising revenues of under \$2,000. Ninety percent of the stations selling advertising have revenues of less than \$11,000 per year and none exceeds \$20,000. IBS notes that all of these stations program for youthful and minority-group audiences, and sell only enough advertising to cover their varying operating expenses. Neither would it appear that NAFMB has anything to fear from cable radio stations that attempt to provide entertainment formats similar to those of FM broadcasters; the Los Angeles cable radio experiment cited by NAFMB in its petition as "typical of the growing number of cable radio operations around the country," has since gone out of business.

26. NAFMB's survey, as well as that portion of NAB's survey that centers on radio cablecasting, also fail to show why cablecast radio programming constitutes anything like a threat to FM broadcasting. NAFMB's survey was sent to 2,500 stations; 32 percent responded (800 stations). Of this 32 percent, "more than sixty percent" (let us say 500 stations) reported one or more cable television systems in their markets. Of these approximately 500 stations, only about 20 percent—100, or 4 percent of the original survey—indicated that cablecasting of audio programming was occurring, and of these 100 stations only 50—2 percent of the original survey sample—indicated concern over the potential detrimental effect of cablecast radio programming. NAB's survey is similarly unpersuasive. It will be recalled that its questionnaire was sent to an undisclosed number of radio licensees whose markets NAB adjudged were most likely to have felt the effects of cable. Of the 275 stations responding that their markets did have at least one cable system, only 18 percent (51) stations reported the system(s) were cablecasting some kind of radio programming, but 15 of these were only providing audio background music for their own video originations. When asked how cablecast radio programming had affected local radio, the largest number—37 percent—answered it had little or no effect, another 10 percent answered it actually had positive effects. By contrast, only 28 percent observed any audience fractionalization

or increased competition for advertising dollars, and, as in the portion of the survey dealing with distant signal carriage, no data on the extent or effects of either was given.¹⁴

27. Our own inquiry indicates that national advertisers do not even include cablecast radio programming as an advertising medium,¹⁵ and that local advertisers do not support it to any significant extent because of the small, and often specialized, audience it reaches. One study has estimated that by 1985 all cablecast programming will account for only 0.7 percent of advertising revenues,¹⁶ an estimate we find, in light of current practice, to be reasonable if not somewhat generous. In light of the absence of any actual or potential likelihood that cablecast radio programming can even approach threatening FM broadcasters in any appreciable way, we must deny NAFMB's petition that it be prohibited.

28. We also find NAB's arguments in support of its proposed rulemaking to be untenable. As a practical matter, it is simply not accurate that "cable subscribers who elect to hook up to the cable aural program channel will be deprived of access to all over-the-air radio stations which they previously have been able to receive," and that rulemaking is therefore necessary to prevent anticompetitive "bottlenecking" by the radio cablecaster. As we described at some length in paragraphs 15-16 above, all radio signals distributed by a cable television system through a subscriber's radio re-

¹⁴Although the survey did not ask the crucial question of how many systems sold advertising time on their radio cablecast programming, it did ask how many sold advertising on either their audio or video cablecast programming. Only 38 percent of the licensees indicated that systems in their markets sold advertising for either. We presume that a large part of this is accounted for by advertising on video, rather than audio, cablecasting, since advertisers choosing cable would more naturally select the programming receivable by all subscribers rather than only a portion of them.

¹⁵Media Decision's sixth annual media cost survey lists nighttime and daytime network television, spot television, network and spot radio, consumer magazines, Sunday supplements, daily newspapers, outdoor posters, and business publications. Non of the leading advertising agencies surveyed apparently consider cablecast programming—television or radio—a significant medium for advertising. By contrast, the advertising agencies surveyed indicated that network and spot radio advertising's audience increased in 1976 an average 2.15 percent, the highest percentage audience increase in any of the media listed, including television (average 1.9 percent).

¹⁶This figure represents the consensus prediction of a large group of experts questioned in a comprehensive survey by Cox Broadcasting Co., released in February 1975.

ceiver are placed in the receiver's FM band. Radio cablecast programming is no exception; it, too, is fed into the FM receiver along with any AM or FM broadcast signals carried. As we have said, this process does not affect the subscriber's off-air AM reception at all, so providing radio cablecast programming cannot "bottleneck" that off-air service. Nor has NAB demonstrated a practice by system operators to provide only radio cablecast programming, and no FM broadcast stations, when they provide cable radio service. Judging from the paucity of cablecast radio programming and its apparently modest appeal, we surmise this is not happening—and even if it did the fact that the average radio household possesses 5.8 radio receivers, most of which are either FM or AM/FM combinations,¹⁷ suggests that in most cases off-air FM reception could not be bottlenecked either. Given these facts, we cannot see how a system operator could realistically "bottleneck" a subscriber's reception of off-air radio stations when he provides cable radio programming of any type, broadcast or cablecast. We shall, accordingly, deny NAB's rulemaking petition.

CONCLUSION

29. For the reasons indicated above, we are terminating Docket 19418 along with the interim procedures contained in it and are denying the two petitions for rulemaking. In doing so, however, we do not reject the possibility that special relief may be appropriate in individual cases or that trends may develop or evidence come to light in the future suggesting that general regulation is needed. In an area such as this, which is fraught with so many complexities, it is particularly important that any regulatory action we may take, whether on a case-by-case or industry-wide basis, be based on a firm factual foundation so that the parties involved will not be unduly burdened by needless regulation, the public will not be denied such additional program diversity as cable radio carriage makes possible, and the regulation will be defensible not only to the public but to the Congress and the courts which have review and oversight responsibility with respect to the Commission. Thus, while we shall entertain, and endeavor to act promptly upon, any future requests for rulemaking or special relief, such requests must provide

¹⁷Sales of FM or AM/FM receivers have steadily increased over the last 10 years while sales of AM receivers have declined. Thus, in 1965 AM receivers accounted for 85 percent of the total sold, while in 1975 they accounted for only 35 percent, with FM or AM/FM sets comprising 65 percent of sales. This trend runs through all types of receivers—table radios, clock radios, portable radios, and so forth.

adequate factual documentation for assertions that unregulated cable carriage of radio signals threatens a net loss of radio service to the public.

Accordingly, it is ordered, That proceeding in Docket 19418 is terminated.

It is further ordered, That the request for rulemaking filed by the National Association of FM Broadcasters on February 28, 1975 (RM 2528) and the request for rulemaking filed by the National Association of Broadcasters on July 18, 1975 (RM-2772) are denied.

FEDERAL COMMUNICATIONS
COMMISSION,¹⁸
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3232 Filed 2-6-78; 8:45 am]

¹⁸Commissioner Washburn absent.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[4310-10]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PUBLIC INFORMATION MEETING

Notice is hereby given in accordance with § 800.5(c) of the Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on February 23, 1978, at 7 p.m., a public information meeting will be held at the Fairhaven Middle School, 164 Grand Avenue, New Haven, Conn. The purpose of this meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views on the proposed replacement of the Grand Avenue Bridge, an undertaking licensed by the United States Coast Guard, assisted by the Federal Highways Administration, and supplemented by Community Development Block Grant moneys of the City of New Haven, Conn., that will adversely affect the Grand Avenue Bridge over the Quinnipiac River, New Haven, Conn., a property determined by the Secretary of the Interior to be eligible for inclusion in the National Register of Historic Places.

The following is a summary of the agenda of the public information meeting:

- I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.
 - II. A description of the undertaking and an evaluation of its effects on the property by the above-mentioned Federal agencies.
 - III. A statement by the Connecticut State Historic Preservation Officer.
 - IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.
 - V. A general question period.
- Speakers should limit their statement to 10 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation.

tion, 1522 K Street NW., Suite 430, Washington, D.C. 20005.

ROBERT M. UTLEY,
Deputy Executive Director.
(FR Doc. 78-3398 Filed 2-6-78; 8:45 am)

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

JAPANESE BEETLE QUARANTINE AND CONTROL PROGRAM

Notice of Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA

ACTION: Notice of public meeting.

SUMMARY: A notice appeared in the FEDERAL REGISTER (43 FR 3732) on January 27, 1978, announcing two public meetings to be held in order to provide a public forum for a discussion of the status of the Japanese beetle quarantine and control program. The first meeting is to be held on February 28, 1978, at Baltimore, Md., and the second on March 14, 1978, at Phoenix, Ariz. The purpose of this notice is to announce that a third meeting is to be held on March 15, 1978, at San Francisco, Calif., as detailed below.

TIME, DATE, AND PLACE OF MEETING: March 15, 1978, at 1 p.m. San Francisco Airport Hilton, Roosevelt Rooms B and C, San Francisco, Calif. 94128.

SUPPLEMENTAL INFORMATION: The meeting, which is open to all interested agencies, groups, and individuals, is designed to brief the public on the current Japanese beetle situation, and create an opportunity for an open discussion of the Department's program in this area.

The meeting will be conducted by representatives of the Animal and Plant Health Inspection Service (APHIS), which is the lead Government Agency involved in the present cooperative Federal-State Japanese beetle program.

At present, Japanese beetles are found in 22 States east of the Mississippi River and in the State of Missouri. A federal quarantine program is currently being conducted to prevent the spread of this insect into areas where it is not currently located. The agenda will include presentations from APHIS on the history and biology of

the Japanese beetle in the United States, a history of regulatory and control actions, and a discussion of the economic significance of the Japanese beetle. Throughout the program, the questions and views of all interested members of the public will be solicited.

FOR FURTHER INFORMATION CONTACT:

James O. Lee, Jr., Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 302-E, Administration Building, 14th and Independence Avenue SW., Washington, D.C. 20250, 301-447-5601.

J.G. DARLING
Acting Deputy Administrator,
Plant Protection and Quarantine Programs Animal and Plant Health Inspection Service.
(FR Doc. 78-3827 Filed 2-6-78; 11:32 am)

[3410-11]

Forest Service

LAND MANAGEMENT PLAN, LICK MOUNTAIN-ROCK CANDY PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Management Plan—Lick Mountain-Rock Candy Planning Unit, Forest Service Report No. USDA-FS-R1(14)-DES-Adm-78-5.

The environmental statement concerns the proposed implementation of a revised Land Management Plan for the Lick Mountain-Rock Candy Planning Unit, Yaak Ranger District, Kootenai National Forest, Lincoln County, Mont. About 143,015 acres of National Forest land are affected. The planning unit is divided into nine subunits of similar resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was transmitted to EPA on January 30, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW, Washington, D.C. 20250.

USDA, Forest Service, Northern Region, Federal Building, Missoula, Mont. 59801.

USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby, Mont. 59923.

USDA, Forest Service, Sylvanite Ranger Station, Troy, Mont. 59935.

A limited number of single copies are available upon request to:

USDA, Forest Service, Kootenai National Forest, P.O. Box AS, Libby Mont. 59923.

USDA, Forest Service, Sylvanite Ranger Station, Troy, Mont. 59935.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the EPA guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Floyd J. Marita, Kootenai National Forest, P.O. Box AS, Libby, Mont. 59923.

Comments must be received by March 31, 1978, to be considered in the preparation of the final environmental statement.

Dated: January 30, 1978.

JAMES E. REID,
Acting Regional Forester,
Northern Region, Forest Service.
(FR Doc. 78-3184 Filed 2-6-78; 8:45 am)

[3410-15]

Rural Electrification Administration

INTENT TO PREPARE ENVIRONMENTAL IMPACT STATEMENT

Notice is hereby given that the Rural Electrification Administration intends to prepare an Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a possible loan guarantee for Western Farmers Electric Cooperative, P.O. Box 429, Anadarko, Okla. 73005. The funds would be to finance the construction of a coal-fired generating unit to be located in southeastern Oklahoma together with related transmission lines and terminal facilities.

Interested persons are invited to submit comments which may be helpful in preparing the draft EIS.

Comments should be forwarded to the Assistant Administrator-Electric,

Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to Western Farmers, whose address is given above. Additional information may be obtained at the borrower's office during regular business hours.

Any loan which may be made pursuant to this possible application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 30th day of January 1978.

DAVID A. HAMIL,
Administrator, Rural
Electrification Administration.
(FR Doc. 78-3141 Filed 2-6-78; 8:45 am)

[6325-01]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Title Change in Noncareer Executive Assignment

By notice of January 17, 1974, FR Doc. 74-1462 the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Deputy Director, Office of Congressional Affairs. This is notice that the title of this position is now being changed by Deputy Assistant Secretary for Congressional Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the
Commissioners.
(FR Doc. 78-3148 Filed 2-6-78; 8:45 am)

[6325-01]

DEPARTMENT OF COMMERCE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of General Counsel, Maritime Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.
(FR Doc. 78-3149 Filed 2-6-78; 8:45 am)

NOTICES

[6325-01]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the positions of: (1) Associate Solicitor for Mine Health and Safety, Office of the Solicitor, and (2) Deputy Commissioner of Indian Affairs, Bureau of Indian Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.
(FR Doc. 78-3145 Filed 2-6-78; 8:45 am)

[6325-01]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the positions of: (1) Deputy Under Secretary, Office of the Secretary, Immediate Office; (2) Deputy Assistant Secretary—Indian Affairs, Office of the Assistant Secretary for Indian Affairs, Bureau of Indian Affairs; and (3) Deputy Assistant Secretary—Indian Affairs (Operations), Office of the Assistant Secretary of Indian Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.
(FR Doc. 78-3146 Filed 2-6-78; 8:45 am)

[6325-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Education (Policy Development), Office of the

Assistant Secretary for Education,
Education Division.

UNITED STATES CIVIL SERVICE
COMMISSION.

JAMES C. SPRY,

*Executive Assistant
to the Commissioners.*

[FR Doc. 78-3147 Filed 2-6-78; 8:45 am]

[6325-01]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

In accordance with the Federal Advisory Commission Act, Pub. L. 92-463, the President's Pay Agent announces the following meeting:

Name: Federal Employees Pay Council.
Date and time: March 1, 1978, 2 p.m.
Place: U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C., Room 5A08A.

Type of meeting: Open.

Contact person: Claire G. Kilne, Committee Management staff for the President's Pay Agent, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C., telephone 202-632-5595.

Purpose of committee: To make recommendations to the President's Pay Agent with respect to the process and procedures leading to, and amounts of, annual comparability adjustments in Federal white-collar pay.

Agenda: Discussions on the 1978 comparability adjustment for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

For the President's Pay Agent.

RICHARD H. HALL,

*Committee Management Officer
for the President's Pay Agent.*

[FR Doc. 78-3142 Filed 2-6-78; 8:45 am]

[6325-01]

DEPARTMENT OF JUSTICE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by non-career executive assignment in the expected service the position of Deputy Assistant Attorney General, Office for Improvements in the Administration of Justice.

UNITED STATES CIVIL SERVICE
COMMISSION,

JAMES C. SPRY,

*Executive Assistant to the
Commissioners.*

[FR Doc. 78-3267 Filed 2-6-78; 8:45 am]

NOTICES

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

EXPORT MONITORING REPORT FOR COAL AND COKE OF COAL

Week Ending December 16, 1977

Total bituminous coal exports for the week ending December 16, 1977, were 788,274 short tons, an increase from 679,883 short tons exported the preceding week. This increase does not appear to be statistically significant, however, but rather reflects normal weekly variation in the number of ships loading coal which was either at port or enroute thereto when the strike began.

Low volatile metallurgical coal exports were 96,895 short tons compared with 199,136 short tons for the previous week. There was no apparent reason for this decrease other than normal weekly variation in export loadings. Europe was the primary importer of this grade of coal, at 69,440 short tons, with Asia importing 24,808 short tons and the Western Hemisphere 2,647 short tons. The average export price of low volatile coal for the week was \$52.33 per short ton, with high and low prices for the week of \$61.34 and \$48.99 per short ton, respectively. This compares with an average export price of \$60.38 the preceding week, with high and low prices for that week of \$62.21 and \$52.19, respectively, thus indicating an average decrease in export prices during the reporting period.

Medium volatile metallurgical coal exports for the week totaled 118,632 short tons, a decrease from 283,420 short tons exported the previous week. Again there appears to be no explanation for this drop in volume other than normal weekly variation in the number of ships loading coal. Anticipated export data show that, if sufficient coal is available, exports of this grade of coal will run at about the 250,000 short ton level weekly for the next several weeks. Asia was the major recipient of this coal, at 93,291 short tons, with Europe receiving 15,958 short tons and the Western Hemisphere 9,383 short tons. The average price of these exports was \$56.03, with a high of \$58.00 and a low of \$47.86. For the previous week, the average price was \$53.16, with a high of \$59.90 and a low of \$42.00 per short ton. Average and low prices increased this week, but the reported high price decreased when compared to the price reported for the week of December 9. This may indicate either a general upward price movement or, possibly, that higher quality medium volatile coal was exported during the week. Price movement of this grade of coal will be carefully noted in subsequent reports.

High volatile metallurgical coal exports for the week were 176,827 short tons, compared with 47,055 short tons in the previous week. Again, the increase in exports does not appear to reflect increased foreign demand, but rather an erratic pattern of weekly shipments. This week 76,532 short tons were exported to Europe, and 100,295 short tons were exported to the Western Hemisphere, while no exports were made to Asian destinations. The average export price of this coal during the reporting period was \$51.55 per short ton. The high was \$55.00 and the low \$49.20. The preceding week, the average export price was \$47.76, with a high of \$53.30 and a low of \$43.71 per short ton. The average upward price movement noted this week, as compared to the preceding week, could be indicative of insufficient shipments in the preceding week to develop representative price data, shipment of higher quality coal, or an upward price movement. Caution must be exercised in interpreting price data since coal in any grade category varies considerably in quality, and higher quality commands a higher price. Substantial shipments of higher quality coal during a reporting period could result in higher prices being reported without indicating an upward trend in price.

Exports of other bituminous coal, including steam coal, were 351,669 short tons during the week, compared with 129,424 short tons exported the preceding week. It is not believed that this increase represents a trend toward increased demand, but rather that it reflects shipments in response to heavy pre-strike orders from foreign power plants seeking to stockpile coal in preparation for the strike. Contract data showing exports of other bituminous coal over the next several weeks bears out this conclusion by predicting a substantial decline from this week's export level. The average export price of this coal was \$34.69 per short ton. The high was \$35.00 and the low was \$29.04.

Last week, an average price of \$35.64 was reported per short ton, with a high of \$58.50 and a low of \$33.53. The low prices reported in these two weeks reflect the normal variation in price of this type of coal and are not thought to be indicative of any price trend.

Coke of coal exports for the week were 9,624 short tons compared with 3,922 short tons in the preceding week. Once again this increase is without apparent statistical significance, although it does accurately reflect the erratic pattern of anticipated weekly exports of this product over the next several weeks as shown by reported contracts. Normal average weekly exports of coke of coal at this time of year are about 8,000 short tons per week, approximately the level of ex-

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ports during the week under review. The average export price of this product during the week was \$77.52 per short ton, with the high at \$137.79 and the low at \$29.94. The preceding week, the average price was \$126.84 per short ton, with a high of \$137.79 and a low of \$94.60. That week's prices represent the typical price spread for this product. This week's average and low prices are not representative, for they are based on a substantial volume of breeze coke exports. Breeze coke is a by-product consisting of fine coke particles which are screened from primary coke production. Since it is not suitable for normal blast furnace or cupola operations, it is priced at approximately ¼ to ½ the price of prime coke. In structuring the export monitoring program, it was necessary to combine exports of prime coke and breeze coke to maintain consistency with statistics from previous years; however, this grouping distorts low and average coke price data for the current monitoring period.

Domestic coal data developed by the Department of Energy shows that coal production for the week was 5,080,000 short tons, a drop from 9,100,000 short tons produced during the preceding week. This production drop was anticipated since this week's data represents the first full week of the United Mine

Workers of America (UMW) strike. These data also include the loss in production of non-UMW mines which are closed by UMW picketing activities. Total domestic bituminous coal consumption for the week was 12,170,000 short tons, compared with 11,848,000 short tons for the preceding week. Normal weekly variance in consumption and colder weather probably account for this slight increase. Total coal stocks at the end of the week were 165,715,000 short tons compared with 170,750,000 short tons at the end of the preceding week, a loss of 5,035,000 short tons. With consumption at a 12,170,000 short ton level for the week, it appears that 7,135,000 short tons were received by coal consumers during the week to augment their stocks.

These coal receipts consist of non-UMW mine production, imports, or previously mined coal in transit when the strike began. Domestic price data for the week reveals no change from the preceding week.

In general, the present level of coal exports is expected to continue for the next week or two, with a significant decrease in exports anticipated in the following weeks as stocks of coal at port or in transit when the strike began are depleted.

NOTICES

TABLE 1
U.S. Exports of Bituminous Coal and Coke of Coal
(in Short Tons)
For Week Ending December 16, 1977

Commodity	Exports				
	Dec.1975 Weekly Avg.	Dec.1976 Weekly Avg.	Nov.1977 Weekly Avg.	Week Ending 12/9/77	Week Ending 12/16/77
Low Volatile 1/ Metallurgical Coal	n.a.	n.a.	133,877***	199,136	96,895
Medium Volatile 2/ Metallurgical Coal	n.a.	n.a.	n.a.	283,420	118,632
High Volatile 3/ Metallurgical Coal	n.a.	n.a.	n.a.	47,055	176,827
Total Metallurgical Coal	n.a.	n.a.	889,125	550,459*	436,605**
Other Bituminous Coal	n.a.	n.a.	158,326	129,424	351,669
Total Bituminous Coal	1,023,827	1,044,281	1,047,451	679,883	788,274
Coke of Coal	16,646	7,287	33,179	3,922	9,624

- 1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter

* Includes 20,848 short tons of metallurgical grade coal not identified as to volatility.
** Includes 44,251 short tons of metallurgical grade coal not identified by volatility.
*** Partial, in content tons
n.a. - not available

SOURCE: Office of Export Administration, and Bureau of the Census

TABLE 2
Contracts for Export of Bituminous Coal and Coke of Coal
(in Short Tons)
For Week Ending December 16, 1977

Commodity	Contracts							Total for 12 Weeks
	Week Ending 12/23/77	Week Ending 12/30/77	Week Ending 1/6/78	Week Ending 1/13/78	Week Ending 1/20/78	Week Ending 1/27/78	Next Six Weeks	
Low Volatile 1/ Metallurgical Coal	200,630	101,438	180,174	124,438	141,438	101,438	667,526	1,547,082
Medium Volatile 2/ Metallurgical Coal	305,704	201,466	158,580	190,480	300,280	285,880	1,787,309	3,770,199
High Volatile 3/ Metallurgical Coal	318,271	132,916	31,510	31,510	31,510	36,710	279,060	861,508
Total Metallurgical Coal	82,106	535,820	370,264	346,428	473,228	424,028	2,763,915	5,737,789
Other Bituminous Coal	4/-	4/-	4/-	4/-	4/-	4/-	4/-	4/-
Total Bituminous Coal	4/-	4/-	4/-	4/-	4/-	4/-	4/-	4/-
Coke of Coal	1,579	50,849	66,033	2,169	2,069	2,109	36,788	161,596

- 1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter

4/ Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

5/ Data withheld to avoid disclosure of data withheld above. See footnote 4.

SOURCE: Office of Export Administration, and Bureau of the Census

NOTICES

TABLE 3
U.S. Exports by Commodity and Area of Destination
(in Short Tons)
For Week Ending December 16, 1977

Commodity and Area of Destination	Exports				
	Weekly Average Dec. 1975	Weekly Average Dec. 1976	Weekly Average Nov. 1977	Week Ending 12/9/77	Week Ending 12/16/77
Low Volatile 1/ Metallurgical Coal					
Asia			7,458	111,525	24,808
Europe			43,463	40,893	67,000
Western Hemisphere			82,956	46,718	1,647
TOTAL	n.a.	n.a.	133,877**	199,136	96,405
Medium Volatile 2/ Metallurgical Coal					
Asia				102,906	93,291
Europe				173,711	15,058
Western Hemisphere				6,803	9,203
TOTAL	n.a.	n.a.	n.a.	283,420	118,632
High Volatile 3/ Metallurgical Coal					
Asia				11,331	-0-
Europe				-0-	76,532
Western Hemisphere				35,724	100,295
TOTAL	n.a.	n.a.	n.a.	47,055	176,827
Total Metallurgical Coal					
Asia			377,151	225,762	118,099
Europe			269,606	214,604	161,930
Western Hemisphere			224,411	110,003*	112,325*
TOTAL	n.a.	n.a.	889,125***	550,459*	436,605*

- 1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter
n.a. - not available
* Includes 44,251 short tons of metallurgical grade coal not identified by volatility
** Partial, in content tons
*** Includes 17,957 short tons of metallurgical grade coal to other destinations
SOURCE: Office of Export Administration, and the Bureau of the Census

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TABLE 4

Anticipated Exports by Commodity and Area of Destination
(in Short Tons)

For Week Ending December 16, 1977

Commodity	Contracts							Total For 12 Weeks
	Week Ending 12/23/77	Week Ending 12/30/77	Week Ending 1/6/78	Week Ending 1/13/78	Week Ending 1/20/78	Week Ending 1/27/78	Next Six Weeks	
Total Metallurgical Coal 1/								
Asia	276,665	276,665	97,093	168,093	187,293	206,593	1,490,778	2,643,368
Europe	339,761	339,761	237,784	142,948	250,548	182,048	1,067,275	2,443,944
Western Hemisphere	17,323	17,323	35,387	35,387	35,387	35,387	205,962	615,120
TOTAL	624,136	624,136	370,264	346,428	473,228	424,028	2,764,015	5,737,789
Other Bituminous Coal	4/-	4/-	4/-	4/-	4/-	4/-	4/-	4/-
Total Bituminous Coal	5/-	5/-	5/-	5/-	5/-	5/-	5/-	5/-
Coke of Coal	1,579	50,849	66,033	2,169	2,069	2,109	36,788	161,596

1/ Volatility data by destination have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

* Includes 35,357 short tons of metallurgical grade coal to destinations not listed above.

SOURCES: Office of Export Administration, and Bureau of the Census

TABLE 5

Export Prices of Bituminous Coal and Coke of Coal
\$ Per Short Ton F.O.B. Port of Export

Commodity	Dec. 1975 Average	Dec. 1976 Average	Nov. 1977 Weekly Average	Week Ending December 16, 1977		
				Weighted Average	High	Low
Low Volatile Metallurgical Coal 1/	n.a.	n.a.	n.a.	52.33	61.34	48.99
Medium Volatile Metallurgical Coal 2/	n.a.	n.a.	n.a.	56.03	58.00	47.86
High Volatile Metallurgical Coal 3/	n.a.	n.a.	n.a.	51.55	55.00	49.20
Total Metallurgical Coal	n.a.	n.a.	53.84	53.10*	61.34	47.86
Other Bituminous Coal	n.a.	n.a.	35.01	34.69	35.00	29.04
Total Bituminous Coal	49.24	49.76	50.99	41.28	61.34	29.04
Coke of Coal	62.91	83.75	79.70	77.52	137.70	29.94

1/ 22% or less volatile matter

2/ 31% or less and more than 22% volatile matter

3/ more than 31% volatile matter

* Excludes 44,251 short tons on which price data are not available.

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TABLE 6

U.S. Trade in Bituminous Coal and Coke of Coal
(in Short Tons)

For Week Ending December 16, 1977

	Weekly Average Dec. 1975	Weekly Average Dec. 1976	Weekly Average Nov. 1977	Week Ending 12/16/77	Week Ending 12/16/77
IMPORTS					
Bituminous Coal 1/	20,097	21,452	21,158	n.a.	n.a.
Coke of Coal	20,774	28,903	41,267	n.a.	n.a.
EXPORTS					
Bituminous Coal 1/	1,023,827	1,044,281	1,047,451	670,692	758,274
Coke of Coal	16,646	7,287	33,179	2,922	9,644

1/ Includes both metallurgical grade and steam coal

SOURCES: Office of Export Administration, and Bureau of the Census

TABLE 7

Bituminous Coal and Coke of Coal* Production, Consumption, and Stocks (in 000 short tons)
For Week Ending December 17, 1977

	Dec. 1975 Weekly Avg.	Dec. 1976 Weekly Avg.	Nov. 1977 Weekly Avg.	Week Ending Dec. 10, 1977	Week Ending Dec. 17, 1977
Total Bituminous Coal Production**	12,019	12,593	14,798	9,100	5,080
Consumption					
Metallurgical***	1,519	1,568	NA	1,290	1,368
Other Bituminous					
Electric Utility	8,414	9,387	NA	9,228	9,550
General Industry	1,358	1,421	NA	1,330	1,252
Total Other	9,772	10,808	NA	10,558	10,802
Total Bituminous	11,291	12,376	NA	11,848	12,170
Bituminous Coal Stocks (End of Specific Periods)					
Metallurgical***	8,671	9,804	NA	15,084(R)	14,776
Other Bituminous					
Electric Utility	109,707	117,468	NA	146,171(R)	141,691
General Industry	8,504	6,900	NA	9,495	9,248
Total Other	118,211	124,368	NA	155,666	150,939
Total Bituminous	126,882	134,172	NA	170,750	165,715

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.

** More detailed production data are not available.

*** More detailed data in terms of volatile content are not available.

(R) Revised

Data Source - Department of Energy.

Table 8

Representative Domestic Bituminous Coal and Coke of Coal Prices (\$/short tons FOB Mine or Coke Plant)
For Week Ending December 17, 1977

	December 1975		December 1976		November 1977		Week Ending December 10, 1977		Week Ending December 17, 1977	
	Spot	Contract	Spot	Contract	Spot	Contract	Spot	Contract	Spot	Contract
Metallurgical Coal										
Low Volatile)		NA	33/50	45.75/49.50	42/51	43/50	44/51	43/50	44/51	43/50
Medium Volatile)	46.38	NA	28/33	40/46.50	31/37	40/43	31/37	40/43	31/37	40/43
High Volatile	39.28	NA	27/33	34/40	29/36	31/38	29/36	31/38	29/36	31/38
Other Bituminous Coal	17.37	NA	16.12	17.37	18.75	18.81	18.87	19.12	18.87	19.12
Coke										
Furnace	NA	NA	85/97	NA	85/90	NA	85/90	NA	85/90	NA
Foundry	110/117	NA	121/125	NA	129/132.50	NA	129/134	NA	129/134	NA

Source: McGraw-Hill's "Coal Week."

Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes.

NA: Not Available.

FRANK A. WEIL,
Assistant Secretary
for Industry and Trade.

[FR Doc. 78-2999 Filed 1-31-78; 1:58 pm]

[3510-25]

EXPORT MONITORING REPORT FOR COAL AND COKE OF COAL

Week Ending December 23, 1977

Total bituminous coal exports this week were 580,609 short tons, compared with 788,274 short tons during the week ending December 16, a total of 679,883 short tons during the week ending December 9, and a weekly average of 1,047,451 short tons in the month of November 1977. The most significant change was a decrease in exports of 292,169 short tons of other bituminous (steam) coal. This decrease in other bituminous coal exports was anticipated by advance contract data previously reported and it represents the normal mid-December decrease in the winter movement of this type of coal via the Great Lakes.

A comparison of this week's exports of metallurgical grade coal with those reported for the week ending December 16 indicates that low volatile metallurgical coal exports decreased, while medium and high volatile metallurgical coal exports increased, for a net total metallurgical coal exports increase of 84,504 short tons. (Due to a limited number of firms reporting this data, figures showing a breakdown by volatility have been withheld to prevent disclosure of information deemed confidential. See footnote 4, Table 1.) The average export price for metallurgical grade coal was \$52.68; the average price of all bituminous coal exported this reporting period was \$50.73, with a high and low price reported of \$61.50 and \$35.00, respectively. Comparison of these data with data reported for the weeks ending December 16 and December 9 indicates no strong upward movement in export

prices, but merely reflects an increase in the quantity of higher grade coal.

Other bituminous, or steam, coal exports for the week were 59,500 short tons, compared with 351,669 short tons exported in the preceding week. This decrease was predicted by previously reported export contract data and represents the normal fall-off in winter exports of steam coal via the Great Lakes.

Coke of coal exports for the week were 2,843 short tons, compared with 9,624 short tons in the preceding week. This drop appears to reflect normal weekly variation in export shipments of this product. The average price of coke exports during the week was \$125.86, while high and low prices were \$137.79 and \$102.30, respectively. These prices are in line with those reported for the week ending December 9. No comparison is made with coke export prices reported for the week ending December 16, since the inclusion of low value breeze coke in export shipments that week served to distort the reported average and low prices.

Domestic coal production for the week was 5,380,000 short tons and showed little change from the 5,080,000 short tons produced during the week of December 17. Domestic consumption of coal also remained relatively stable, with a total of 11,925,000 short tons being consumed, compared with 12,170,000 short tons in the preceding week. Coal stocks were reduced during the week by 5,844,000 short tons, to a total week-end inventory level of 159,871,000 short tons. Domestic coal prices showed no change from that reported two weeks ago. Domestic coke prices showed some price movement, although this movement was not considered to be significant.

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TABLE 1
U.S. Exports of Bituminous Coal and Coke of Coal
(in Short Tons)

For Week Ending December 23, 1977

Commodity	Exports					
	Dec. 1975 Weekly Avg.	Dec. 1976 Weekly Avg.	Nov. 1977 Weekly Avg.	Week Ending 12/5/77	Week Ending 12/12/77	Week Ending 12/19/77
Low Volatile 1/ Metallurgical Coal	n.a.	n.a.	133,877***	189,136	161,893	161,893
Medium Volatile 2/ Metallurgical Coal	n.a.	n.a.	n.a.	203,420	118,632	118,632
High Volatile 3/ Metallurgical Coal	n.a.	n.a.	n.a.	37,055	176,827	176,827
Total Metallurgical Coal	n.a.	n.a.	869,125	500,508	1,065,605	1,065,605
Other Bituminous Coal	n.a.	n.a.	158,326	129,424	751,069	751,069
Total Bituminous Coal	1,023,827	1,044,281	1,047,451	679,883	1,816,674	1,816,674
Coke of Coal	16,646	7,287	33,179	3,922	2,624	2,624

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter

* Includes 20,840 short tons of metallurgical grade coal not identified as to volatility.
** Includes 4,251 short tons of metallurgical grade coal not identified by volatility.

*** Partial, in content tons
n.a. - not available

SOURCES: Office of Export Administration, and
Bureau of the Census

TABLE 2
Contracts for Export of Bituminous Coal and Coke of Coal
(in Short Tons)

For Week Ending December 23, 1977

Commodity	Contracts						
	Dec. 1975 Weekly Avg.	Dec. 1976 Weekly Avg.	Nov. 1977 Weekly Avg.	Week Ending 12/5/77	Week Ending 12/12/77	Week Ending 12/19/77	Total for 12 Weeks
Low Volatile 1/ Metallurgical Coal	n.a.	n.a.	133,877	189,136	161,893	161,893	1,065,605
Medium Volatile 2/ Metallurgical Coal	n.a.	n.a.	n.a.	203,420	118,632	118,632	1,065,605
High Volatile 3/ Metallurgical Coal	n.a.	n.a.	n.a.	37,055	176,827	176,827	1,065,605
Total Metallurgical Coal	n.a.	n.a.	869,125	500,508	1,065,605	1,065,605	1,065,605
Other Bituminous Coal	n.a.	n.a.	158,326	129,424	751,069	751,069	1,065,605
Total Bituminous Coal	1,023,827	1,044,281	1,047,451	679,883	1,816,674	1,816,674	1,816,674
Coke of Coal	16,646	7,287	33,179	3,922	2,624	2,624	2,624

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter

4/ Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

5/ Data withheld to avoid disclosure of data withheld above. See footnote 4.

SOURCES: Office of Export Administration, and
Bureau of the Census

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TABLE 3
U.S. Exports by Commodity and Area of Destination
(in Short Tons)

For Week Ending December 23, 1977

Commodity and Area of Destination	Exports					
	Dec. 1975 Weekly Avg.	Dec. 1976 Weekly Avg.	Nov. 1977 Weekly Avg.	Week Ending 12/5/77	Week Ending 12/12/77	Week Ending 12/19/77
Low Volatile 1/ Metallurgical Coal	n.a.	n.a.	133,877***	189,136	161,893	161,893
Asia	n.a.	n.a.	7,458	111,525	24,805	24,805
Europe	n.a.	n.a.	43,463	46,893	60,100	60,100
Western Hemisphere	n.a.	n.a.	82,956	46,712	76,980	76,980
TOTAL	n.a.	n.a.	133,877***	189,136	161,893	161,893
Medium Volatile 2/ Metallurgical Coal	n.a.	n.a.	n.a.	102,906	93,201	93,201
Asia	n.a.	n.a.	n.a.	173,711	24,057	24,057
Europe	n.a.	n.a.	n.a.	6,823	2,273	2,273
Western Hemisphere	n.a.	n.a.	n.a.	203,420	118,632	118,632
TOTAL	n.a.	n.a.	n.a.	283,420	118,632	118,632
High Volatile 3/ Metallurgical Coal	n.a.	n.a.	n.a.	11,332	40-	40-
Asia	n.a.	n.a.	n.a.	35,724	106,206	106,206
Europe	n.a.	n.a.	n.a.	47,055	176,827	176,827
Western Hemisphere	n.a.	n.a.	n.a.	11,332	40-	40-
TOTAL	n.a.	n.a.	n.a.	47,055	176,827	176,827
Total Metallurgical Coal	n.a.	n.a.	n.a.	377,151	225,762	225,762
Asia	n.a.	n.a.	n.a.	269,606	214,604	214,604
Europe	n.a.	n.a.	n.a.	224,411	110,093	110,093
Western Hemisphere	n.a.	n.a.	n.a.	689,125***	590,459	590,459
TOTAL	n.a.	n.a.	n.a.	689,125***	590,459	590,459

TABLE 3 (Continued)

U.S. Exports by Commodity and Area of Destination
(in Short Tons)

For Week Ending December 23, 1977

Commodity	Exports					
	Dec. 1975 Weekly Avg.	Dec. 1976 Weekly Avg.	Nov. 1977 Weekly Avg.	Week Ending 12/5/77	Week Ending 12/12/77	Week Ending 12/19/77
Other Bituminous Coal	n.a.	n.a.	158,326	129,424	751,069	751,069
Total Bituminous Coal	1,023,827	1,044,281	1,047,451	679,883	1,816,674	1,816,674
Coke of Coal	16,646	7,287	33,179	3,922	2,624	2,624

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ More than 31% volatile matter

n.a. - not available

* Includes 4,251 short tons of metallurgical grade coal not identified by volatility

** Partial, in content tons

*** Includes 17,557 short tons of metallurgical grade coal to destinations not listed above.
**** Includes 4,251 short tons to destinations not listed above.

SOURCES: Office of Export Administration, and
the Bureau of the Census

FEDERAL REGISTER, VOL. 43, NO. 26—TUESDAY, FEBRUARY 7, 1978

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TABLE 4
Anticipated Exports by Commodity and Area of Destination
(in Short Tons)

For Week Ending December 23, 1977

Contract	Contracts						Total for 12 Weeks
	Week Ending 12/28/77	Week Ending 1/6/78	Week Ending 1/13/78	Week Ending 1/20/78	Week Ending 1/27/78	Week Ending 2/3/78	
Contract 1	10,000	10,000	10,000	10,000	10,000	10,000	60,000
Contract 2	15,000	15,000	15,000	15,000	15,000	15,000	90,000
Contract 3	20,000	20,000	20,000	20,000	20,000	20,000	120,000
Contract 4	25,000	25,000	25,000	25,000	25,000	25,000	150,000
Contract 5	30,000	30,000	30,000	30,000	30,000	30,000	180,000
Contract 6	35,000	35,000	35,000	35,000	35,000	35,000	210,000
Contract 7	40,000	40,000	40,000	40,000	40,000	40,000	240,000
Contract 8	45,000	45,000	45,000	45,000	45,000	45,000	270,000
Contract 9	50,000	50,000	50,000	50,000	50,000	50,000	300,000
Contract 10	55,000	55,000	55,000	55,000	55,000	55,000	330,000
Contract 11	60,000	60,000	60,000	60,000	60,000	60,000	360,000
Contract 12	65,000	65,000	65,000	65,000	65,000	65,000	390,000
Contract 13	70,000	70,000	70,000	70,000	70,000	70,000	420,000
Contract 14	75,000	75,000	75,000	75,000	75,000	75,000	450,000
Contract 15	80,000	80,000	80,000	80,000	80,000	80,000	480,000
Contract 16	85,000	85,000	85,000	85,000	85,000	85,000	510,000
Contract 17	90,000	90,000	90,000	90,000	90,000	90,000	540,000
Contract 18	95,000	95,000	95,000	95,000	95,000	95,000	570,000
Contract 19	100,000	100,000	100,000	100,000	100,000	100,000	600,000
Contract 20	105,000	105,000	105,000	105,000	105,000	105,000	630,000
Contract 21	110,000	110,000	110,000	110,000	110,000	110,000	660,000
Contract 22	115,000	115,000	115,000	115,000	115,000	115,000	690,000
Contract 23	120,000	120,000	120,000	120,000	120,000	120,000	720,000
Contract 24	125,000	125,000	125,000	125,000	125,000	125,000	750,000
Contract 25	130,000	130,000	130,000	130,000	130,000	130,000	780,000
Contract 26	135,000	135,000	135,000	135,000	135,000	135,000	810,000
Contract 27	140,000	140,000	140,000	140,000	140,000	140,000	840,000
Contract 28	145,000	145,000	145,000	145,000	145,000	145,000	870,000
Contract 29	150,000	150,000	150,000	150,000	150,000	150,000	900,000
Contract 30	155,000	155,000	155,000	155,000	155,000	155,000	930,000
Contract 31	160,000	160,000	160,000	160,000	160,000	160,000	960,000
Contract 32	165,000	165,000	165,000	165,000	165,000	165,000	990,000
Contract 33	170,000	170,000	170,000	170,000	170,000	170,000	1,020,000
Contract 34	175,000	175,000	175,000	175,000	175,000	175,000	1,050,000
Contract 35	180,000	180,000	180,000	180,000	180,000	180,000	1,080,000
Contract 36	185,000	185,000	185,000	185,000	185,000	185,000	1,110,000
Contract 37	190,000	190,000	190,000	190,000	190,000	190,000	1,140,000
Contract 38	195,000	195,000	195,000	195,000	195,000	195,000	1,170,000
Contract 39	200,000	200,000	200,000	200,000	200,000	200,000	1,200,000
Contract 40	205,000	205,000	205,000	205,000	205,000	205,000	1,230,00

1/ Volar flight data by destination have been withheld in prayers of closure of information known to be confidential pursuant to (a)(7)(F) of the Privacy Act of 1974.

SOURCE: Office of Export Administration, and
Office of the Census

2/ Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

3/ Data withheld to avoid disclosure of data withheld above. See footnote 2.

TABLE 5

Price of Bituminous Coal and Coke of Coal
(in \$ per Short Ton)

Week Ending December 23, 1977

Commodity	Dec.1975 Average	Dec.1976 Average	Nov.1977 Weekly Average	Weighted Average	Price	Cost
Low Volatile Metallurgical Coal 1/	n.a.	n.a.	n.a.	-	-	22.00
Medium Volatile Metallurgical Coal 2/	n.a.	n.a.	n.a.	-	-	41.00
High Volatile Metallurgical Coal 3/	n.a.	n.a.	n.a.	-	-	41.00
Total Metallurgical Coal	n.a.	n.a.	53.84	52.68	-	22.00
Other Bituminous Coal	n.a.	n.a.	35.01	-	-	22.00
Total Bituminous Coal	49.24	49.76	50.99	50.73	61.50	33.00
Cost of Coal	60.91	83.75	79.70	125.60	137.70	100.00

1/ 22% or less volatile matter
2/ 31% or less and more than 22% volatile matter
3/ more than 31% volatile matter

4/ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to Section 7 (c) of the Export Administration Act of 1969, as amended.

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TABLE 6
U.S. Trade in Bituminous Coal and Coke of Coal
(in Short Tons)

For Week Ending December 23, 1977

	Weekly Average Dec. 1975	Weekly Average Dec. 1976	Weekly Average Nov. 1977	Week Ending 12/09/77	Week Ending 12/16/77	Week Ending 12/23/77
<u>IMPORTS</u>						
Bituminous Coal <u>1/</u>	20,097	21,452	31,158	n.a.	n.a.	n.a.
Coke of Coal	20,774	28,903	41,267	n.a.	n.a.	n.a.
<u>EXPORTS</u>						
Bituminous Coal <u>1/</u>	1,023,827	1,044,281	1,047,451	679,683	788,274	580,609
Coke of Coal	16,646	7,287	33,179	3,922	9,624	2,843

1/ includes both metallurgical grade and steam coal

SOURCES: Office of Export Administration, and
Bureau of the Census

TABLE 7

71. Unicomp Coal and Coke of Coal* Production, Consumption, and Stocks (in 000 short tons)
For Week Ending December 24, 1977

	Dec. 1975 Weekly Avg.	Dec. 1976 Weekly Avg.	Nov. 1977 Weekly Avg.	Week Ending Dec. 10, 1977	Week Ending Dec. 17, 1977	Week Ending Dec. 24, 1977
Total Bituminous Coal Production**	12,019	12,593	14,798	9,100	5,080	5,380
Consumption						
Metallurgical***						
Other Bituminous	1,519	1,568	NA	1,290	1,368	1,364
Electric Utility	8,414	9,387	NA	9,228	9,550	9,398
General Industry	1,358	1,421	NA	1,330	1,252	1,163
Total Other	9,772	10,808	NA	10,558	10,802	10,561
Total Bituminous	11,291	12,376	NA	11,848	12,170	11,925
Bituminous Coal Stocks (End of Specified Periods)						
Metallurgical***						
Other Bituminous	8,671	9,804	NA	15,084(R)	14,776	13,982
Electric Utility	109,707	117,468	NA	146,171(P)	141,691	136,993
General Industry	8,504	6,900	NA	9,405	9,248	8,896
Total Other	118,211	124,368	NA	170,586	150,939	145,889
Total Bituminous	126,882	134,172	NA	170,750	164,715	155,871

- * Data on coke of coal production, consumption, and stocks are not available on a weekly basis.

*** More detailed production data are not available

*** More detailed data in terms of volatile content are not available.
(R) Revised

(R) REVISED

Data Source - Department of Energy.

Table 8

Representative Domestic Bituminous Coal and Coke of Coal Prices
(\$/short tons FOB Mine or Coke Plant)

For Week Ending December 24, 1977

		Metallurgical Coal			Other	Coke	
		Low Vol.	Med. Vol.	High Vol.	Bituminous	Furnace	Foundry
		(46.38)					
December 1975	Spot			29.28	17.37	NA	110/117
	Contract	NA	NA	NA	NA	NA	NA
December 1976	Spot	33/50	28/33	27/33	16.12	85/97	121/125
	Contract	45.75/49.50	40/46.50	34/40	17.37	NA	NA
November 1977	Spot	42/51	31/37	29/36	18.75	85/90	129/132.50
	Contract	43/50	40/43	31/38	18.81	NA	NA
Week Ending	Spot	44/51	31/37	29/36	18.87	85/90	129/134
December 10, 1977	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending	Spot	44/51	31/37	29/36	18.87	85/90	129/134
December 17, 1977	Contract	43/50	40/43	31/38	19.12	NA	NA
Week Ending	Spot	44/51	31/37	29/36	18.87	80/90	129/134
December 24, 1977	Contract	43/50	40/43	31/38	19.12	NA	NA

Source: McGraw-Hill's "Coal Week."
Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes.

NA: Not Available.

FRANK A. WEIL,
Assistant Secretary
for Industry and Trade.
[FR Doc. 78-3000 Filed 1-31-78; 1:58 pm]

[3510-22]

National Oceanic and Atmospheric
Administration

MARINE MAMMAL PERMIT

Receipt of Application

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: (a) Name: Mr. & Mrs. Lawrence Jeffrey Foerder, (b) Address: Route 2, Box 605M, Arroyo Grande, Calif. 93420.
2. Type of Permit: Public Display.
3. Name and Number of Animals: California sea lions (*Zalophus californianus*), 2.
4. Type of Activity: To capture and maintain. Animals are to be part of a traveling show.
5. Location of Activity: California Channel Islands, Calif.
6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals are requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 9, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: January 16, 1978.

ROLAND FINCH,
Acting Deputy Assistant Director
for Fisheries Management, National Marine Fisheries Service.

[FR Doc. 78-3258 Filed 2-6-78; 8:45 am]

[3510-22]

ISSUANCE OF PERMIT TO TAKE MARINE MAMMALS

On November 25, 1977, notice was published in the FEDERAL REGISTER (42 FR 60198), that an application had been filed with the National Marine Fisheries Service by Dr. Kenneth Norris, Coastal Marine Laboratory, University of California, Santa Cruz, Calif. 95064, for a permit to take fifteen (15) spinner porpoises (*Stenella longirostris*) for scientific research.

Notice is hereby given that on January 31, 1978, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Scientific Research Permit to Dr. Norris, subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: January 31, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-3257 Filed 2-6-78; 8:45 am]

MODIFICATION OF PERMIT

Notice is hereby given that, pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals 950 CFR Part 216), Permit No. 217 issued to Dr. Bruce Mate, Marine Science Center, School of Oceanography, Oregon State University, Newport, Oreg., on December 27, 1977 (43 FR 30), is modified in the following manner:

1. Section A-1 under the Permit which states that one hundred and seventy-five (175) harbor seals may be captured, marked, tagged, identified, and released, has been changed to read:

A. Number and kind of marine mammals.—1. One hundred seventy-five (175) harbor seals of either sex may be harassed

in the course of capturing ninety (90) harbor seals which will be marked, tagged, identified, and released. Recapture of already tagged animals will not be counted as part of the taking authorized herein.

The Permit, as modified, is effective on the date of publication of this notice in the FEDERAL REGISTER. The modification is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northwest Region, 7700 Westlake Avenue North, Seattle, Wash. 98109.

Dated: January 17, 1978.

ROLAND FINCH,
Acting Deputy Assistant Director
for Fisheries Management.

[FR Doc. 78-3256 Filed 2-6-78; 8:45 am]

[1505-01]

COMMERCE DEPARTMENT

Office of the Secretary

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Final Watch Quota Allocation Rules

Correction

In FR Doc. 78-2737 appearing on page 4274 in the issue of Wednesday, February 1, 1978, on page 4275, the 5th line, the citation should read, "Pub. L. 89-805 . . .".

On page 4276, at the end of the document one signature was inadvertently omitted. The signatures should have appeared as follows:

STANLEY J. MARCUSS,
Deputy Assistant Secretary for
Trade Regulation, U.S. Department
of Commerce.

RUTH VAN CLEVE,
Director, Office of Territorial Affairs,
U.S. Department of the
Interior.

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

EXECUTIVE COMMITTEE OF THE NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of committee: Executive Committee of the National Board for the Promotion of Rifle Practice.

Date of Meeting: March 22, 1978.

Place: Secretary of the Army Conference Room, Room 2E 687, the Pentagon.

Time: 0900 hours.

PROPOSED AGENDA: 1. Public relations program for the civilian marksmanship program. 2. Instructor training course for the small arms firing school. 3. Expansion of the DCM ammunition sales program. 4. NBPRP support for a pistol program. 5. M14 rifle use in the civilian marksmanship program. 6. M1 rifle sales program. 7. Issue of rifles for competition at the national matches. 8. Current and future national match program of events. 9. Nomination for board membership. 10. Implementation of A.D. Little report recommendations.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Dated: February 1, 1978.

ROBERT VINSON,
Administrative Officer.

[FR Doc. 78-3204 Filed 2-6-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

January 16 through January 20, 1978

Notice is hereby given that during the period January 16 through January 20, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of a Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice of issuance of a proposed decision and order shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved

party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays.

MELVIN GOLDSTEIN,
Director,

Office of Administrative Review.
JANUARY 30, 1978.

PROPOSED DECISIONS AND ORDERS

Arizona Fuels Corp., Salt Lake City, Utah, DXE-0224, crude oil

Arizona Fuels Corp. filed an Application for Exception from the provisions of 10 CFR 211.87. The exception request, if granted, would result in the issuance of an order relieving Arizona Fuels of any obligation to purchase entitlements beginning with the month of January 1978. On January 16, 1978, the DOE issued a Proposed Decision and Order which determined that the firm's request be granted in part.

Caribou Four Corners, Inc., Afton, Wyo., DEE-0104, crude oil

Caribou Four Corners, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212. The exception request, if granted, would permit Caribou to receive "new" oil prices for condensate which the firm sold during the months of January and February 1978. On January 20, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Intercoastal Operating Co., Houston, Tex., FEE-4013, crude oil

Intercoastal Operating Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Intercoastal to sell the crude oil produced from the J. R. Rosson Lease at prices which are in excess of the lower tier ceiling price levels specified in 10 CFR 212.73. On January 17, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Larco Drilling Co., Inc., Jackson, Miss., FEE-4770, Crude oil

Larco Drilling Co., Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Larco to sell the crude oil which it produces from the Mooringsport Formation Unit at prices which exceed the lower tier ceiling price levels specified in 10 CFR 212.73. On January 20, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Marshall R. Young Oil Co., Midland, Tex., FEE-4803, Crude oil

Marshall R. Young Oil Co. (Young) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Young to sell the crude oil which it produces from the Sawyer "A" Well at upper tier ceiling prices. On January 16, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Maurice L. Brown Co., Kansas City, Mo., FEE-4455, Crude oil

The Maurice L. Brown Co. filed an Application for Exception from the provisions of 10 CFR, Part 212.73. The exception request, if granted, would permit Brown to sell the crude oil produced from the Midwest Federal lease located in Lea County, N. Mex. at upper tier ceiling prices. On January 17, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Mid-Michigan Truck Service, Inc., Grand Rapids, Mich., DXE-0155, Motor gasoline

Mid-Michigan Truck Service, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211.25. The exception request, if granted, would require Mid-Michigan's base period supplier, the Gulf Oil Corp., to furnish Mid-Michigan with its base period use of petroleum products directly rather than through Gulf's designated substitute supplier, the Bestrom Oil Co. In addition, Gulf would be required to determine its current maximum allowable selling prices to Mid-Michigan on the basis of actual selling prices and credit terms which existed between the two firms on May 15, 1973. On January 19, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Pennzoil Producing Co., Houston, Tex., FEE-4778, Crude oil

Pennzoil Producing Co. filed an Application for Exception from the provisions of 10 CFR, Part 212.73. The exception request, if granted, would permit Pennzoil to sell a portion of the crude oil produced from the Perry Sand Waterflood Unit, North Segment, at upper tier prices. On January 19, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

R. W. Tyson Producing Co., Inc., Jackson, Miss., FEE-4440, Crude oil

R. W. Tyson Producing Co., Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at market price levels the crude oil produced from the Stevens No. 1 Lease, the Stevens No. 2 Lease and the Stevens No. 3 Lease, all located in the Glazier Field, Perry County, Miss. On January 20, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

Sabre Refining, Inc., Bakersfield, Calif., DXE-0346, Crude oil

Sabre Refining, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211.67. The exception request, if granted, would relieve Sabre of its obligation to purchase entitlements commencing in the month of January 1978. On January

16, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

San Joaquin Refining Co., Bakersfield, Calif., FEX-0180, Crude oil

Pursuant to a prior Decision and Order

which granted the firm exception relief from the provisions of 10 CFR 211.67, San Joaquin Refining Co. filed financial material showing actual results for its fiscal year ended April 30, 1977. On January 16, 1978, the DOE issued a Proposed Decision and

Order which determined that San Joaquin had received excess exception relief during its 1977 fiscal year and should therefore be required to purchase additional entitlements during current periods.

Company	Case No.	Plant	Location	Amount of price increase (dollars in gallons)
Sun Co., Inc.	DXE-0415	Markham	Matagorda County, Tex.	\$0.0247
Do	DXE-0416	Mayfield	Kleberg County, Tex.	.0540
Do	DXE-0419	Carney	Lincoln County, Okla.	.0761
Do	DXE-0420	Concho	Concho County, Tex.	.0494
Do	DXE-0421	Jameson	Coke County, Tex.	.0074
Do	DXE-0446	Maurice	Lafayette Parish, La.	.0258

[FR Doc. 78-3210 filed 2-6-78; 8:45 am]

REQUEST FOR EXCEPTION RECEIVED FROM A NATURAL GAS PROCESSOR

The Office of Administrative Review of the Department of Energy has issued a Proposed Decision and Order granting exception relief from the provisions of 10 CFR 212.65 to the natural gas processor listed below. The proposed exception relief permits the firm involved to increase the prices of the production of the gas plants listed below to reflect certain non-product cost increases:

[6740-02]

Federal Energy Regulatory Commission

(Docket No. RM76-15)

REGULATION OF SMALL PRODUCERS

Order Granting Motion for Supplemental Order

JANUARY 30, 1978.

On October 1, 1977, Pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date The DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE

now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On July 22, 1977, Beren Corp. (Beren), a small producer, filed a motion in the above-captioned proceeding requesting issuance of a Commission order supplementing Order No. 568, issued July 14, 1977. In its motion Beren states that on November 24, 1976, and March 28, 1977, respectively, it filed motions for waiver of section 157.40(c) of the Commission's regulations requesting small producer certificate coverage of sales made from developed reserves acquired in place from large producers. Beren further states that the Commission has not as yet acted upon such motions. Beren observes that Order No. 568 eliminated on a prospective basis the requirement that waivers of section 157.40(c) be obtained and then argues that it would be appropriate for the Commission to supplement Order No. 568 by issuing a general order granting all motions for waiver pending at the time of issuance of Order No. 568. Beren claims that such an order would eliminate the backlog of pending motions and would provide to the small producers involved the certainty that is one of the purposes of the small producer regulations.

We believe that Beren's suggestion has merit. Accordingly, we will grant all pending motions for waiver of section 157.40(c) involving sales made by

small producer certificate holders from developed reserves acquired in place from large producers provided that the small producer movants charge prices no higher than those which the respective large producer predecessors would be entitled to charge for sales from such reserves.

The attached appendices list all known pending motions. Appendix A lists those cases where small producers have obtained conventional certificates and filed rate schedules as successors to the large producers, whereas appendix B lists those cases where conventional succession filings have either not been made by the small producers or were still pending and are being dismissed as moot.

The Commission orders: (A) The motion requesting issuance of a supplemental order filed by Beren on July 22, 1977, is hereby granted.

(B) All pending motions for waiver of section 157.40(c) involving sales made by small producer certificate holders from developed reserves acquired in place from large producers are granted provided that the small producer movants charge prices no higher than those which the respective large producer predecessors would be entitled to charge for sales from such reserves.

(C) The conventional certificates of the small producer movants listed in appendix A and the predecessors in interest identified in appendix B are terminated and the related rate schedules canceled insofar as they cover the properties transferred to the listed small producer certificate holders. This action does not relieve movants or their predecessors from any refund obligations which they may have pursuant to any certificate conditions under section 7(c) of the Natural Gas Act or any proceedings under sections 4 and 5 of said Act with respect to the sales involved.

(D) The succession-in-interest filings by applicants as noted in appendix B are dismissed as moot.

NOTICES

(E) The predecessors listed in appendix B who have not filed rate schedule supplements reflecting their partial assignments are required to do so pursuant to section 154.97 of our regulations.

(F) The request for waiver filed in Docket No. CS77-237 is considered as a request for waiver in Docket No. CS71-833. Waiver is granted, the certificate in Docket No. CS71-833 is amended accordingly, and Docket No. CS77-237 is canceled.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

NOTICES

APPENDIX A

Docket No. RM76-15

Docket No. And Filing (Effective) Date	Applicant	Canceled Gas Rate Schedule No.	Terminated Certificate Docket No.	Assignment Effective Date	Large Producer Predecessor
CS71-179 12-20-76	Herman Geo. Kaiser	13	G-9314	11-1-71	Amerada Hess Corporation
		14	CI65-1213	11-1-71	" " "
		15	CI73-435	10-26-72	" " "
		17	CI73-730	12-31-72	Humble Oil & Refining Company
		18	CI73-731	12-31-72	" " "
		19	CI73-737	1-1-73	Sun Oil Company (Delaware)
CS71-453 1-26-77	Houston Oil & Minerals Corporation	20	CI73-738	11-1-72	Odeasa Natural Corporation
		15	CI73-64	9-1-71	Union Texas Petroleum, a Division of Allied Chemical Corporation
		16	CI73-541	1-1-73	Humble Oil & Refining Company
		17	CI74-85	3-1-73	Exxon Corporation
CS72-1214 6-13-77	Glen E. Jeffery	18	CI71-77	10-1-73	Suburban Propane Gas Corporation
		3	CI72-534	11-1-71	Atlantic Richfield Company, et al.
		6	CI72-537	11-1-71	" " " "
		7	CI72-538	11-1-71	" " " "
		8	CI72-539	11-1-71	" " " "
		9	CI74-465	9-1-73	Northern Natural Gas Producing Company
CS73-460 12-20-76	I. W. Lovelady	10	CI73-907	9-1-73	Post and Brown Well Service, Inc. (Successor to Skelly Oil Company)
		11	CI74-466	9-1-73	Northern Natural Gas Producing Company
CS74-86 12-30-76	Samson Resources Company	2	CI74-120	1-1-73	Gulf Oil Corporation
CS75-489 3-24-77	R. Clay Underwood	1	G-10943	1-1-76	Sun Oil Company (Delaware)
CS76-6 4-1-77	Hi-Gar Petro, Inc.	1	CI72-494	6-1-71 1/	Humble Oil & Refining Company
CS76-192 12-23-76	Michael L. Klein d/b/a MKA Oil Properties	1	CI74-560	11-21-73 2/	The Superior Oil Company
		2	CI74-560	11-21-73 2/	Cities Service Oil Company
		3	CI74-682	11-21-73 2/	J. M. Huber Corporation
		4	CI74-682	11-21-73 2/	Clinton Oil Company
CS77-237 (CS71-833) 12-27-76	W. W. F. Oil Corporation 3/	1	CI75-388	8-1-73	Skelly Oil Company
		6	CI74-105	5-26-72	Amerada Hess Corporation
		7	CI74-108	3-27-72	" " "

1/ Applicant has since succeeded to the interest of Underwood Oil Company.

2/ Assignment from Carl E. Hiss who acquired properties from listed large producer predecessors on September 29, 1972 (Rate Schedule No. 1), August 1, 1972 (Rate Schedule No. 2), and September 19, 1973 (Rate Schedule Nos. 3 and 4).

3/ W. W. F. Oil Corporation is holder of a small producer certificate in Docket No. CS71-833. Said certificate is amended to reflect the subject request for waiver and Docket No. CS77-237 is canceled.

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NOTICES

Docket No. RM76-15

APPENDIX B

Docket No. And Filing (Effective) Date	Applicant	Predecessor		Gas Rate Schedule No.	Assignment Effective Date
		Name	Certificate Docket No.		
CS71-223 10-18-76	Deck Oil Co.	Energy Reserves Group, Inc.	G-7500	49 4/	Unknown 5/
CS71-287 CS76-945 8-23-76 6/	Edward G. Kadane 7/ James E. Prothro, Herbert B. Storey and Charles Bentley, independent co-executors and co-trustees under the will of Mike Kadane, deceased 7/ (Joint Applicants)	(L. B. Porter (Gulf Oil Corporation (Sun Oil Company (Marathon Oil Company	G-6710 G-10827 G-8592 G-11821	1 4/ 92 4/ 66 4/ 16 4/	2-1-72 8-1-71 9-1-71 12-1-71
CS71-453 10-5-76	Houston Oil & Minerals Corporation	Sun Oil Company	CI60-543 8/	385 8/	3-1-76
CS71-704 11-24-76	Beren Corporation	Amerada Hess Corporation	CI65-1258 8/	131 8/	11-1-71
3-28-77	Beren Corporation	(Amerada Hess Corporation (Sun Oil Company	G-9488 8/ G-20065 8/	43 8/ 69 8/	11-1-71 7-1-71
CS71-898 4-25-77	Goldking Properties, Inc. 9/	Sohio Petroleum Company	G-11450	49 10/	3-24-76
CS72-927 2-27-74	David Shih d/b/a KALDA Company	Skelly Oil Company (now Getty Oil Company)	G-4327 4/	232 4/	8-1-73
CS73-36 2-2-77 11/	Mullins & Prichard	Chevron U.S.A., Inc.	CI69-152 8/	46 8/	9-1-76
CS74-140 5-13-77	Harold D. Courson	Sun Oil Company (Delaware)	G-12548	84 10/	9-4-71
CS74-147 3-14-76 12/	Vernon E. Faulconer	American Petrofina Company of Texas	CI66-1056	88 4/	12-1-76
CS76-146 CS76-147 CS76-152 4-19-77 13/	William E. Henderson, Trustee) B. P. Henderson & Company, Inc.) W. C. DeArman, et al.) (Joint Applicants))	Coastal States Gas Producing Company	G-18041 8/	69 8/	2-1-74
CS76-889 12-8-76 14/	J. K. Fortner and William A. Snyder d/b/a Kenbill Oil Company	Petroleum, Inc. 15/	16/	16/	1-1-76

- 4/ Predecessor has not filed to amend its rate schedule (partial succession involved) but should do so.
- 5/ Petition states interest had been "recently purchased."
- 6/ Applicants request waiver of Section 157.40(c) retroactive to the assignment effective dates listed herein. However, consistent with prior Commission action (Crystal Oil Company, Docket No. CI73-106, order issued June 28, 1976), the effective date is the filing date of the request.
- 7/ Applicants succeeded to the interests of G. E. Kadane & Sons, a dissolved partnership.
- 8/ Total succession. Predecessor's certificate is terminated and related rate schedule canceled.
- 9/ Petition also involves other matters not disposed of here.
- 10/ Supplement to predecessor's rate schedule is being processed.
- 11/ Supplemental information filed February 18, 1977.
- 12/ Applicant's succession-in-interest filing in Docket No. CI77-310 is dismissed as moot.
- 13/ Applicants' succession-in-interest filings in Docket Nos. CI77-429, CI77-430, CI77-431, CI77-432, CI77-433 and CI77-434 are dismissed as moot.
- 14/ Applicant's succession-in-interest filing in Docket No. CI77-118 is dismissed as moot.
- 15/ Petroleum, Inc., filed an application for a small producer certificate on November 17, 1977, in Docket No. CS78-111.
- 16/ No record that Petroleum, Inc., had certificate and rate schedule for subject sale made to Kansas-Nebraska Natural Gas Company, Inc., under a contract dated April 15, 1963, as amended. Applicant indicates sale was not in interstate commerce until May 28, 1975, at which time acquisition was being negotiated.

[FR Doc. 78-3113 Filed 2-6-78; 8:45 am]

NOTICES

5041

[6740-02]

(Docket No. E-7440; Project Nos. 2165 and 2203)

ALABAMA WATER IMPROVEMENT
COMMISSION v. ALABAMA POWER CO.

Filing of Settlement Agreement and Stipulation

FEBRUARY 1, 1978.

Notice is hereby given that a settlement agreement and stipulation has been filed with the Commission and certified by the Administrative Law Judge for consideration and action in the above proceedings. The provisions of the settlement agreement would effect a termination of the instant proceeding and settle all pending issues. The staff of the Commission has advised the Administrative Law Judge that it has no objection to the certification of the settlement agreement.

Docket No. E-7440 arose from a complaint by the Alabama Water Improvement Commission concerning the effect of the Holt project upon water quality of the Black Warrior River. On September 3, 1968, an order was issued consolidating the complaint with the Holt project proceeding (No. 2203) and Lewis Smith and Bankhead projects (No. 2165). These projects were licensed on October 7, 1965 (Holt, 34 FPC 1108), and September 12, 1957 (Smith and Bankhead, 18 FPC 327). The Holt project is located at the U.S. Holt Lock and Dam in Tuscaloosa County, Ala. The Bankhead project is located at the U.S. Bankhead Lock and Dam in Jefferson County, Ala. The Smith project is located in Cullman, Walker, and Winston Counties, Ala.

On August 11, 1972, the Commission issued Opinion No. 625, which among other things, provided for further evaluation studies of water quality in the pertinent stretches of the Black Warrior River, further hearings before the Administrative Law Judge, and filing of an environmental impact statement. A final environmental impact study was issued by the Bureau of Power in October 1976. Proceedings have been conducted before the hearing officer since that time.

Under Article 43 of the Holt project license, Alabama Power Co. is obligated to modify the project structures and operation in the event of deleterious effect on water quality by operation of the powerhouse.

The United States and Alabama agencies have set a water quality standard of 4 mg/l dissolved oxygen for the pertinent parts of the Black Warrior River. The settlement proposal is contained in exhibit Nos. 200 and 201.

The instant settlement proposal would require, through amendment of

the respective licenses, that Alabama Power Co.: (1) Maintain a dissolved oxygen content of 4 mg/l in the waters of the turbine discharge, provided that the quality of the inlet water is 3.7 mg/l or greater at Holt and 2 mg/l at Bankhead, respectively; (2) operate turbine aspirator systems when inlet water quality is 4.2 mg/l or below; (3) continue aspirator operations until dissolved oxygen level exceeds 4.7 mg/l; (4) maintain efficient operation of aspiration equipment; (5) prepare and file annual reports and make tests of water quality through 1980, and beyond if requested by a specified Federal or State agency; and (6) when water quality falls below 4 mg/l in the turbine discharge, Alabama Power Co. will operate the turbine aspirators at the maximum air injection rates feasible. Other provisions of the settlement proposal protect the future rights of Federal and State agencies to take action if necessary under applicable law.

Any person desiring to be heard or to make protests with reference to the said settlement proposal should, on or before March 16, 1978, file with the Federal Energy Regulation Commission, 825 North Capitol Street NE., Washington, D.C. 20426, comments, petitions to intervene, or protests in accordance with the requirements of the Commission's rules of practices and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the proper action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file petitions to intervene in accordance with the Commission's rules. The settlements proposal is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3272 Filed 2-6-78; 8:45 am]

[6740-02]

[Docket No. ES78-18]

COMMUNITY PUBLIC SERVICE CO.

Application

JANUARY 31, 1978.

Take notice that on January 23, 1978, the Community Public Service Co. filed an application with the Commission pursuant to section 204 of the Act and Part 34 of the regulations, for authorization to engage in negotiations for the sale of up to 200,000 shares of common stock, par value \$10 per share pursuant to section 34.1a(a)(4) and 34.2(f)(2) of the regulations under the Act.

Applicant is incorporated under the laws of the State of Texas, with its

principal business office at Fort Worth, Tex., and is engaged in the generation, transmission, distribution, purchase, and sale of electrical energy in the States of Texas and New Mexico.

The applicant indicates that the proceeds from the financing will be used to repay outstanding short-term debt as of April 1, 1978, which have been or will be used for the company's construction program.

The applicant believes that a negotiated public sale would be advantageous to it because of the relatively small number of shares now outstanding (1,638,864); the proposed sale of up to 200,000 common shares is a relatively small issue providing an estimated \$4,200,000 before expenses, assuming a price of \$21 per share and; the ability of an underwriter will be required to presell the issue to ensure a satisfactory market.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests shall be filed on or before February 10, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3269 Filed 2-6-78; 8:45 am]

[6740-02]

[Project No. 2331]

DUKE POWER CO.

Application for Approval of Exhibit R
(Recreational Use Plan)

FEBRUARY 1, 1978.

Public notice is hereby given that application for approval of exhibit R was filed by Duke Power Co. (correspondence to: William L. Porter, Esq., Duke Power Co., P.O. Box 2178, Charlotte, N.C. 28242, and Richard A. Brown Esq., Wall, Harkrader and Ross, 1320 Nineteenth Street NW., Washington, D.C. 20036) on April 4, 1977, in compliance with regulations promulgated pursuant to the Federal Power Act, 16 U.S.C. §§791a-825r.

Applicant (Duke Power Co.) seeks approval of exhibit R as part of, and in accordance with article No. 30 of, its existing FERC license for the con-

structed Ninety-Nine Islands project No. 2331.

Ninety-Nine Islands dam is located on the Broad River, a navigable water of the United States within Cherokee County in north-central South Carolina. The project is approximately 6 miles south of Blacksburg and 8 miles east of Gaffney, S.C.

The reservoir behind the dam extends approximately 4 miles upstream to the Cherokee Falls dam. The reservoir was put into operation to generate hydroelectric power in 1910 with an original full pond surface area of 388 acres.

The applicant's exhibit R states that it has no plans for any recreational development at the Ninety-Nine Islands project for the following reasons:

1. Accumulation of silt has reduced the useable head to approximately 3 feet at the project and has reduced the water surface acreage.

2. The reservoir is very shallow except for the river channel and many of the shallow areas have become filled with brush and other vegetation, thereby rendering the reservoir unsuitable for boating or water skiing. A possibility does exist for low profile activities such as canoeing and bank fishing which occur occasionally at the reservoir.

3. The river water, rated class B, remains muddy most of the year.

4. There are no existing facilities associated with water-oriented recreation, i.e., marinas, piers, etc., at the reservoir.

5. No local or State agency contacted has stated any present or future plans for recreational development at the reservoir.

6. The people living near the Ninety-Nine Islands project have a choice of several alternative reservoirs on which to pursue water-oriented activities. Within a 50-mile radius are Lake Wylie, Fishing Creek Lake, Great Falls, Rocky Creek, Lake Wateree, Mt. Island Lake, Lake Norman, and Lake Adger with a combined surface area of 66,900 acres.

7. Kings Mountain National Military Park, Kings Mountain State Park, Rose Hill State Park, Chester State Park, Paris Mountain State Park, Croft State Park, Landsford Canal State Park, Andrew Jackson Historical State Park, and Duke Power State Park, are all within a 50-mile radius of Ninety-Nine Islands reservoir. These parks provide camping, hiking, swimming, picnicking, and other related activities.

Any person desiring to be heard or to make protest with reference to the subject application should, on or before April 1, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commis-

sion's rules of practice and procedure (18 CFR §1.10 or §1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46467 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

KENNETH F. PLUMB,
secretary.

(FR Doc. 78-3273 Filed 2-6-78; 8:45 am)

[6740-02]

[Docket No. ER77-578]

KANSAS GAS & ELECTRIC CO.

Order Granting in Part and Denying in Part Motion to Reject, Instituting Section 206 Proceedings and Denying Petition for Rehearing

FEBRUARY 1, 1978.

On October 1, 1977, pursuant to the provisions of the Department of

Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

PROCEDURAL HISTORY

On September 6, 1977, Kansas Gas and Electric Co. (KG&E) tendered for filing a proposed rate increase for wholesale electric service rendered to twenty-four (24) municipal systems,¹ eight (8) rural electric cooperatives,² and two (2) private utility companies.³ The proposed rates would result in an increase of revenues of about \$5,298,060.⁴

On September 26, 1977, the Cities of Iola, Augusta, Chanute, Coffeyville,

¹Kansas Cities of Augusta, Burlington, Chanute, Coffeyville, Fredonia, Girard, Iola, Mulvane, Neodesha, Wellington, Winfield, Arcadia, Arma, Blue Mound, Bronson, Elsmore, Erie, Haven, La Harpe, Mindenmines, Moran, Mount Hope, Mulberry, and Savonburg.

²The Butler Rural Electric Cooperative Association, Inc., The Caney Valley Electric Cooperative Association, Inc., Coffey County Rural Electric Cooperative Association, Inc., The Radiant Electric Cooperative, Inc., The Sedgwick County Electric Cooperative Association, Inc., The Sekan Electric Cooperative Association, Inc., Summer-Cowley Electric Cooperative, Inc., and United Electric Cooperative, Inc.

³Missouri Public Service Co. and the Kansas Power and Light Co.

⁴By letter dated October 6, 1977, we informed KG&E of certain deficiencies in its filing. KG&E cured the deficiencies by November 9, 1977.

Girard, Mulvane, Neodesha, Winfield, Bronson, and Erie filed a Motion to Reject, Protest and Petition to Intervene. The Motion to Reject was based on the assertion that the filing was in violation of the *Mobile-Sierra* doctrine.⁵ On the same day, the company's eight cooperative customers (Coops) filed a Protest and Petition to Intervene.⁶ The Coops did not raise the fixed rate, fixed term issue.

By order issued December 8, 1977, the Commission, inter alia, conditionally accepted the company's filing pursuant to Section 205, pending review of the contracts in light of the *Mobile-Sierra* allegation.⁷ We also ordered KG&E to file all supplemental agreements to the contracts.

On January 3, 1978, KG&E filed an answer to Cities' consolidated motions in which it addresses the *Mobile-Sierra* issue. Further, KG&E states that its filing is not deficient, that the proposed increase in rates is neither discriminatory nor anticompetitive and that the effective date for the proposed increase should be within 30 days of the date of filing.

On January 6, 1978, Cities filed a Petition for Rehearing of the December 8, 1977, order in this docket and a reply to KG&E's answer. In the pleading, Cities argued that KG&E has not complied with either the Federal Power Act or the Commission's Regulations regarding the filing of its contracts. In support, Cities state that the

⁵The Cities also alleged that KG&E's filing failed to conform with the Commission's Rules of Practice and Procedure and that the rate increase was discriminatory and anti-competitive. Errata Amendment to Motion to Reject was filed on September 27, 1977 by the Cities. It added the City of Burlington, Kans., to the list. Further, on December 1, 1977, the Cities filed an amendment and supplement to its Motion to Reject which raises additional arguments in support of its *Mobile-Sierra* allegation. *FPC v. Sierra Pacific Power Company* 350 U.S. 348 (1956) and *United States Gas Pipe Line Company v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956). The amendment added the Cities of Wellington, Arma, Elsmore, Haven, La Harpe, Mount Hope, Moran and Blue Mound, Kans. Although our December 8th order in this docket implied that additional issues were raised in this amendment, we find that the Cities' filing presented no substantive issues not raised in its September 26th Motion.

⁶Also, a Notice of Intervention by the State Corporation Commission of the State of Kansas and four protests were filed in this docket. See our order issued December 8, 1977, in this docket for a discussion of the protests.

⁷In the December 8th order, we also suspended the proposed increased rates until January 9, 1978 on which date they became effective subject to refund; established price squeeze procedures pursuant to Order No. 563; granted the petitions for intervention, and held that KG&E had substantially complied with our filing requirements.

company has not filed its Amendment No. 2 to the contracts of Iola, Burlington, Winfield, Coffeyville, Chanute, Girard, Neodesha and Wellington, Kans.

MOBILE-SIERRA ISSUE

Cities contend that each of the contracts between KG&E and rate increase pursuant to section 205 of the Federal Power Act. In sum, Cities argue that the Company's filing is in violation of the *Mobile-Sierra* doctrine.

The rule of *Mobile-Sierra* is that the Commission has no power under the Act to accept for filing rates that contravene existing contracts. That doctrine broadly holds that the contracts govern the legality of rate filings.⁸ The Commission must summarily reject rate filings inconsistent with outstanding fixed-rate contracts whether or not the contracts have been filed with the Commission.⁹

Moreover, we are under a duty to determine whether proposed rate increases conflict with any existing contractual arrangements between KG&E and each of its customers regardless of whether they have raised the issue in their pleadings.¹⁰ *Sam Rayburn Dam Electric Cooperative v. FPC*, 515 F. 2d 998, 1009 (CA-DC 1975). To this end we have examined each of the contracts and subsequent amendments between KG&E and its customers in this docket in order to determine if the Company's filing is consistent with its contractual obligations.

(1) BRONSON-TYPE CONTRACTS

We initially turn to the contract provisions found in the agreements between KG&E and the Cities of Bronson, Arma, Mulberry, Savonburg, Arcadia, Elsmore, Haven, LaHarpe, Mt. Hope, Moran, and Blue Mound, Kans., and Mindenmines, Mo. These cities are grouped together because their con-

⁸The Court of Appeals in *Richmond Power & Light of Richmond, Ind. v. FPC*, 481 F. 2d 490, 493 (D.C. Cir. 1973) has clearly enunciated the rule for us to follow: "The rule . . . is refreshingly simple: the contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid; rate filings inconsistent with contractual obligations are invalid . . ." Our regulations recognize that contracts between the parties govern the legality of rate filings. A public utility company filing either a new or a revised rate schedule must "show that all requisite agreement to the rate schedule or the filing thereof, including any contract embodied therein, has in fact been obtained." 18 CFR section 35.12(a) and 35.13(a)(1977).

⁹*Borough of Lansdale, Pa. v. FPC*, 494 F. 2d 1104, 1114 (D.C. Cir. 1974).

¹⁰See, *Louisiana Power & Light Company*, Docket No. ER77-533, order issued November 21, 1977. Appeal pending sub nom. *Louisiana Power & Light Company v. FERC* (5th Cir. No. 77-3452).

tracts with KG&E contain identical language.

For example, Bronson entered into an Agreement for Wholesale Electrical Service with KG&E on February 1, 1968. The salient contract provision reads:

"Company's Rate Schedule PWM-268, as well as its Service Regulations, is expressly subject to change pursuant to orders of the State Corporation Commission or any other governmental body having jurisdiction. Any such change so ordered or approved shall affect this agreement only with respect to the portion or subject matter so changed, all other portions or provisions remaining in full force and effect, both parties reserving the right to contest the validity of any such orders or approvals in the courts.

Cities interpret this provision as allowing the Company to change its rate only after the issuance of a Commission order pursuant to Section 206. On the other hand, KG&E argues that this provision, when read with subsequently filed rate schedules, authorizes the company to file unilaterally under Section 205.

The Company's argument is predicated primarily on the language in Rate Schedules PWM-173 and PWM-575 which were unexecuted and unilaterally filed by the Company.¹¹ The key provision provides that "the company reserves the right to seek unilateral changes or substitutions, in accordance with law, from such regulatory authority."

Admittedly the provision in PWM-173 allows the Company to file under section 205, but we cannot allow KG&E to improperly use the Commission's statutory filing mechanism to circumvent and subordinate the broad and familiar dictates of contract law.¹² A properly executed contract amendment explicitly recognizing KG&E's right to file unilaterally pursuant to section 205 would have been an appropriate and acceptable method for KG&E to obtain the right to file unilaterally. But this is not the factual scenario in the instant case.

We find that the February 1, 1968, contract governs the contractual arrangement between KG&E and Bronson. Contractual provisions containing similar language have consistently

¹¹Rate Schedule PWM-173 was filed on November 8, 1972 and Rate Schedule PWM-575 was filed with the FPC on March 31, 1975. The key provision reads in its entirety as follows: "The rates and any terms or conditions provided herein are subject to changes or substitutions either in whole or in part, made from time to time by a legally effective filing of the Company with, or by order of, the regulatory authority having jurisdiction, and the Company reserves the right to seek unilaterally changes or substitutions, in accordance with law, from such regulatory authority." (Emphasis added.)

¹²*Richmond Power & Light of Richmond, Ind. v. FPC*, 481 F. 2d 490 (D.C. Cir. 1973).

been held not to reserve the right to make a section 205 rate filing."

We reject KG&E's section 205 rate filing as to these cities and we shall institute a section 206 proceeding applying the just and reasonable burden of proof, with all changes to be prospective in application.

(2) IOLA-TYPE CONTRACTS

The contractual relationship between KG&E and the cities of Iola, Fredonia, Burlington, Winfield, Coffeyville, Chanute and Glard, Kans., are identical. We traced the changes of the contractual terms in successive agreements between KG&E and Iola, for these also exemplify the other cities' negotiating histories.

KG&E and Iola first entered into a contract on April 13, 1962. The Iola contract contains the following language in Article IX entitled *Commission and Other Approval*:

This contract and all obligations hereunder are conditioned upon the valid orders of and the granting of approval and authorization by, any Commission, or other regulatory body, having jurisdiction or whose approval or authorization may be required by law.

In order to bring the contractual arrangement into sharper focus, Article IX must be juxtaposed with the Service Schedule referenced in the April

"Louisiana Power and Light Company, Docket No. ER77-533, order issued November 21, 1977; *Detroit Edison Company*, Docket No. ER77-284, order issued June 30, 1977, and *Indiana and Michigan Electric Company*, Docket No. E-7740, order issued June 3, 1974.

"Clearly, the Company's right to change its rates has been an issue during the negotiations between the parties. Amendment No. 1 to the contract which was undated, unexecuted and unilaterally filed with the Commission changed Article IX to provide that the Company had the right to file unilaterally for a rate increase. The salient provision reads: "The rates and any terms or conditions provided herein are subject to changes or substitutions, either in whole or in part, made from time to time by a legally effective filing by the Company with, or by order of, the regulatory authority having jurisdiction, and the Company reserves the right to seek unilaterally changes or substitutions, in accordance with law, from such regulatory authority." However, Amendment No. 2, which was executed February 27, 1973 modified Article IX to read as it read in the April 13th contract. Although we ordered KG&E to file all supplemental agreements within fifteen (15) days of our December 8th order in this docket, the Company has not filed this amendment. The Cities attached a copy of Amendment No. 2 of the Iola contract to its Amendment and Supplement to The Motion to Reject, Protest and Petition to Intervene.

13th contract." In section 4 entitled "Term", the parties bargained for the right to seek a revision of the rates if there is a material increase or decrease in the cost of rendering service.

The contract provision further provides that neither party could request a revision of the rates more often than once every five years after the initial five year period. Additionally, the section states that any disputes as to the rate change would be submitted to binding arbitration.

Cities interpret the above contractual provisions as prohibiting the proposed rate increase from becoming effective until a Commission order has been issued under section 206 of the Act. Moreover, Cities argue that the Company must meet the stricter *Mobile-Sierra* burden of proof." In support of this position, Cities state that the contract is fixed term and

"This Service Schedule was superseded by Service Schedule A which was executed on May 20, 1968. However, Section 4 was unaltered in the superseding schedule and reads: "This Service Schedule shall become effective concurrently with the Interconnection Contract dated April 13, 1962, of which this Service Schedule is a part and shall continue for a period of twenty-five years and thereafter until terminated by either party upon twelve (12) months written notice to the other. In the event that the costs of rendering service under this Schedule are materially increased or decreased, either party may request a revision of the rates as set forth in Section 2 at or after the end of the fifth year of the term, but not oftener than once each five years thereafter. Such revision shall be negotiated between the parties hereto in an effort to agree upon a revised rate which will equitably reflect the changed condition. Written notice of a desire to revise the rate and the reason therefor shall be given by the party desiring the revision to the other, and in the event the parties are unable to agree within thirty (30) days thereafter, the dispute shall be submitted to arbitration. The American Arbitration Association of New York shall designate the arbitrators and their fees and expenses shall be borne equally by the parties. Such arbitrators will commence hearings within thirty (30) days after the conclusion of the hearing or hearings, they shall deliver a written report of their decision to each party which shall be binding (sic) upon both parties." (emphasis supplied)

"In the *Mobile* case, supra, footnote 5, the Supreme Court in referring to Section 5(a) of the Natural Gas Act (Same as Section 206(a) of the Federal Power Act) stated: "And, if the Commission, after hearing, determines the contract rate to be so low as to conflict with the public interest, it may under Section 5(a) authorize the Natural gas company to file a schedule increasing the rate." The Court then outlined the standard by which the Commission should discharge its duty under section 206(a) to reform fixed rate contracts: "In such circumstances, the sole concern of the Commission would seem to be whether the rate is so low as to adversely affect the public interest . . . as where it might impair the financial ability of the public utility to continue its service, cast upon other customers

fixed rate and that the rates could only be changed through binding arbitration.

In its answer, KG&E requests that the Commission either accept the proposed rate change pursuant to section 205 or, alternatively, institute a section 206 proceeding applying the just and reasonable burden of proof.

Article IX of the Iola contract is silent as to future rate changes." However, we interpret the contractual provisions in the Service Schedule to provide that the rate may be changed either after a negotiated agreement or after binding arbitration.

The Service Schedule also provides that neither party can seek more than one rate revision in a five year period. KG&E's present request is its second in the past five years for these cities. KG&E filed for its last rate increases on July 14, 1975.

In order to be consistent with the underlying contractual arrangement between the parties, we must reject KG&E's section 205 filing. We shall institute a section 206 proceeding. However, we cannot apply the just and reasonable standard under the circumstances in the instant case. Rather, we shall apply the stricter *Mobile-Sierra* standard. KG&E must prove during the proceeding that the contract rate is so low as to adversely affect the public interest.

(3) NEODESHA-TYPE CONTRACTS

Turning to the Agreements between KG&E and the cities of Mulvane, Neodesha and Wellington, we find that the language in these three contracts is similar."

The Cities contend that the contract provisions in question prohibit KG&E from filing pursuant to section 205. KG&E requests that the Commission accept its section 205 filing as to these cities or, alternatively, institute a section 206 proceeding applying the just and reasonable standard.

KG&E and Neodesha executed a contract on March 22, 1972. The salient provision—Article IX—which governs future rate changes reads: This Agreement and all obligations hereunder are subordinate to, subject to and conditioned upon the valid orders (including but not necessarily limited to

an excessive burden, or be unduly discriminatory." (*Sierra*, supra, 350 U.S. at 355.)

"Compare the Iola-type provision with the pertinent clause in the Bronson-type contracts. That provision provides that the rate schedule is "expressly subject to change pursuant to orders of the State Corporation Commission or any other governmental body having jurisdiction." The Iola provision is silent as to change.

"Wellington's contract with KG&E (executed January 7, 1963) contains slightly different language. The import of Wellington's contract is the same as the contracts between KG&E and the other two cities.

orders fixing or approving rates and/or standards and conditions of service) of, and the granting of approval and authorization by any Commission or other regulatory body having rate making and/or other jurisdiction or whose approval or authorization may be required by law including any judicial review thereof."

This provision indicates that the parties bargained for and obtained the right to request a rate change pursuant to section 206. Our interpretation is underpinned by the parenthetical provision that explicitly includes orders fixing or approving rates. Accordingly, we reject KG&E's filing as to these cities and we shall institute a section 206 proceeding applying the just and reasonable standard. The proposed rates will be prospective in application.

(4) ERIE AND AUGUSTA CONTRACTS

The Erie Contract for wholesale service with KG&E was executed on November 7, 1974. The contract language is identical to that in the Bronson-type contracts except that the contract referenced rate schedule was PWM-173 which provides that the "company reserves the right to seek unilaterally changes or substitutions, in accordance with law, from such regulatory authority."

Cities argue that the apparent conflict concerning the manner in which contractual changes can be instituted should be resolved in favor of the Bronson-type clause. Cities, in posturing this argument, incorrectly state that Paragraph 1 of the contract is drafted with greater specificity than the pertinent clause in PWM-173 and, therefore, it should be controlling.

In reading the provisions in question, we find that the provision entitled *Commission and Other Approval* in PWM-173 is more explicit than paragraph 1 in describing the manner in which changes in rates may be made." Clearly, KG&E bargained for and obtained the right to unilaterally change its rates.

We deny Cities' Motion to Reject KG&E's section 205 rate filing as to Erie.

"Clearly, Article X has been a focal point of the parties negotiations. KG&E unilaterally filed an unexecuted Amendment 1 to the contract with Neodesha. The language is identical to Amendment No. 1 to the Iola contract (Footnote 14, supra). On March 5, 1973, KG&E and Iola executed Amendment No. 2 reinstating the original language in Article X. In examining Mulvane's contracts we found that KG&E and Mulvane never changed through the amendment process their original contract language in Article X.

"The Bronson-type contract which was executed by both parties provides in Paragraph 1 that PWM-173 is to be incorporated and made a part of the agreement.

KG&E and the Cities agree that the contract between the Company and Augusta permits the Company to make unilateral filings pursuant to section 205." However, Cities argue that the section 205 filings as to Augusta must be rejected on the ground that it would be discriminatory to now allow the Company to increase its rates only for the city of Augusta. In support of this argument, Cities state that section 205(b) of the Act precludes KG&E from unduly discriminating against customers of the same class.

In the same vein, KG&E contends in its answer that the Commission should accept its filing under section 205 for all cities in order to avoid discrimination among its customers of the same class." Implicit in Cities and KG&E's arguments, is the incorrect proposition that section 205(b) requires the Commission to interpret the contracts of all customers in the same class with absolute uniformity, notwithstanding the contractual provisions. Indeed, such a position would require the abrogation of contract rights to insure absolute uniformity of treatment.

The Supreme Court held in the *Mobile* case that the Act "expressly recognizes that rates to particular customers may be set by individual contracts." The various contracts in the instant case mirror how similarly situated customers through either clearer foresight or shrewder bargaining have obtained differing advantages as to the Company's right to seek any future change in rates.

Consistent with section 205(b), we may interpret some of KG&E's contracts as fixed rate and others as non-fixed rate. We find that Cities have not shown that KG&E unduly discriminated in violation of section 205(b) by contracting for a fixed rate with some customers and a non-fixed rate with others.

We accept KG&E's section 205 filing for the City of Augusta. The proposed rates will be effective as of January 9, 1978, subject to refund.

(5) COOPERATIVES' AND PRIVATE COMPANIES' CONTRACTS

In examining the contractual arrangements between KG&E and its

"The contract was executed July 2, 1974, and contains in Article X both a Neodesha-type provision and a clause identical to the one in PWM-173 which specifically reserves to KG&E the right to seek a unilateral change in rates.

"KG&E argues in the alternative that the rates should become effective pursuant to section 205 for the "Erie Cities" and that the Commission should institute a section 206 proceeding for the "Iola Cities" in order to avoid any discriminatory effect.

"*Mobile*, supra, 350 U.S. at 338.

cooperative customers, we view the bargaining scenario as virtually the same for all eight cooperatives.

For example, Caney Valley Electric Cooperative Association (Caney Valley) entered into its original contract with KG&E on April 18, 1950. The key provision dealing with future contract changes read:

This agreement is subject to the present and future lawful orders, rules and regulations of the State Corporation Commission of Kansas and of any other regulatory body having jurisdiction.

During the next twenty-three (23) years, KG&E and Caney Valley executed nineteen (19) amendments to the original contract. On January 10, 1973, a unilaterally filed, unexecuted rate schedule (REC-173) became effective. The rate schedule contained a provision that reserves to the Company "the right to seek unilaterally changes or substitutions, in accordance with law, from such regulatory authority." On February 1, 1975, KG&E filed another unexecuted rate schedule (REC-375) containing the same language.

As stated above, we cannot rely upon an unexecuted, unilaterally filed rate schedule as a substitute for a validly executed contract amendment. The original contract provision governs the legality of KG&E's filing. We find that the Company apparently did not bargain for the right to file pursuant to section 205. The rate increase will be prospective in application.

Finally, we turn to the contractual arrangements between KG&E and two investor-owned utilities—Kansas Power and Light Co. (KP&L) and Missouri Public Service Co. (Missouri). KG&E's contractual arrangements with these two companies are similar.

On June 27, 1967, KG&E validly executed a modification of its agreement with KP&L. The key provision provided that "Rate Schedule PWM-564 is expressly subject to change by the orders of any governmental body having jurisdiction." This clause is identical to the Bronson-type provisions. KG&E on November 8, 1972, unilaterally filed an unexecuted rate schedule with a clause that reserved to the company the right to file unilaterally. For the reasons expressed above, we find that the existing contractual provisions between KG&E and each of the two investor-owned utilities will be contravened if the Commission accepts KG&E's rate filing under section 205.

However, the Coops and the two investor-owned utilities have not contended that KG&E's filing is in violation of their understanding of the contractual arrangement.

"The contract provision is identical to the one in PWM-173 set forth in its entirety at Footnote 11, supra.

In order to assure the correctness of our interpretation of the contract, we will permit KG&E's filing, insofar as it applies to the Coops and the two investor-owned utilities to become effective subject to refund, under section 205 of the Act, unless these customers within thirty (30) days from the date of the issuance of this order specifically notify the Commission that our interpretation of the contract to preclude a section 205 filing is the intent of the parties.

In the event these customers concur with our interpretation of the contractual arrangements, we shall reject KG&E's section 205 rate filing and institute a section 206 proceeding applying the just and reasonable burden of proof with all rate charges to be prospective in application.

PETITION FOR REHEARING OF DECEMBER 8th ORDER

In its Petition for Rehearing, Cities request that the Commission extend the suspension period. In our December 8, 1977, order, we suspended the proposed increased rates until January 9, 1978, when they became effective, subject to refund.

In support of its request, Cities contend that the suspension period should be extended to permit the Commission time to consider the *Mobile-Sierra* issue. It is well established that decisions regarding the necessity and length of rate increase suspension lie within the sound discretion of the Commission. A review of the record in this proceeding reveals that the Commission acted properly in suspending the rates until January 9, 1978. *Municipal Light Boards, v. FPC*, 450 F.2d, 1349-52 (D.C. Cir. 1971), cert. denied 405 U.S. 989 (1972).

Another primary argument by Cities is that the Commission should reject KG&E's filing for failure to comply with section 35.13(a) of the Commission's Regulations. Cities aver that KG&E has not filed its Amendment No. 2 to the contracts of eight of its customers. Although on page 6 of its Answer KG&E admitted that Amendment No. 2 was executed by the parties, the Company has failed to file these documents. Notwithstanding this filing deficiency, we find that it would not be in the public interest to reject KG&E's filing since refiling would only increase the costs to consumers. Therefore, we shall accept KG&E's submittal for filing and deny Cities' Motion for Rehearing of the December 8th order.

In the December 8th order, we ordered KG&E to submit for filing within 15 days from the issuance date of that order all supplemental agreements to the contracts. The Company has failed to comply with this order. KG&E is subject to a statutory obligation to file any new or altered contract

which it has negotiated. Breach of the filing obligations gains the company nothing.²

(2) Good cause exists to reject KG&E's proposed rate increase pursuant to section 205 of the Act, for all its customers in this docket except the cities of Erie and Augusta, Coops KP&L and Missouri.

(3) Good cause exists to institute a section 206 proceeding applying the just and reasonable burden of proof with all rate changes to be prospective in application for the cities of Bronson, Arma, Mulberry, Savonburg, Arcadia, Elsmore, Haven, La Harpe, Mt. Hope, Moran and Blue Mound, Kans., and Mindenmines, Mo.

(4) Good cause exists to institute a section 206 proceeding applying the *Mobile-Sierra* burden of proof and with all rate changes to be prospective in application for the Cities of Iola, Fredonia, Burlington, Winfield, Coffeyville, Chanute and Girard, Kans.

(5) Good cause exists to deny Cities' Petition for Rehearing of our December 8, 1977 order in this docket.

(6) Good cause exists to require KG&E to refund all amounts collected, if any, since January 9, 1978, under the subject rate schedules to all of its customers except Augusta and Erie.

(7) Good cause exists to order KG&E to file all supplemental agreements to its contracts with its wholesale customers and to institute enforcement proceedings under Section 314 and Section 316 of the Act if they fail to comply with this order.

The Commission orders: (A) The Cities' Motion to Reject is hereby granted in part and denied in part as provided herein.

(B) If either Coops, KP&L or Missouri notifies the Commission within thirty (30) days of the date of issuance of this order and states with specificity that its interpretation of the contract provisions in question is to preclude KG&E from making a Section 205 filing then this order insofar as it allows KP&L to file pursuant to section 205 will be voided and a section 206 proceeding will be instituted applying the just and reasonable rate.

(C) Ordering Paragraph (B) in the Commission's December 8, 1977, order in this docket is terminated as it pertains to all of KG&E's customers in this docket except Augusta, Erie,

² In *Natural Gas Pipeline Co. of America v. Harrington*, 246 F.2d 915, 919 (5th Cir. 1958) cert. denied, 356 U.S. 957, 78 S.Ct. 992, 2 L.Ed. 2d 1065 (1958), the court stated: "The failure to file (a rate contract) earlier, however, did not prevent the jurisdiction of the Commission from attaching . . . (Under the rationale of *United Gas Pipe Line Co. v. Mobile Gas Corp.*, supra, the contract rate, even though unfilled, became and remained the only lawful rate until changed by order of the Federal Power Commission. . . ."

Coops, KP&L and Missouri. As to these customers, the paragraph is modified to grant unconditional acceptance for filing.

(D) Pursuant to the authority of section 206 of the Federal Power Act, an investigation is ordered to determine the just and reasonable rates to be charged the cities of Bronson, Arma, Mulberry, Savonburg, Arcadia, Elsmore, Haven, La Harpe, Mt. Hope, Moran and Blue Mound, Kans., and Mindenmines, Mo. The investigation will be based on KG&E's September 6, 1977 filing and KG&E shall give to meet the just and reasonable burden of proof.

(E) Pursuant to the authority of section 206 of the Federal Power Act, an investigation is ordered to determine the just and reasonable rates to be charged the cities of Iola, Fredonia, Burlington, Winfield, Coffeyville, Chanute, and Girard, Kans. The investigation will be based on KG&E's September 6, 1977, filing and KG&E shall have to meet the *Mobile-Sierra* burden of proof.

(F) The Cities' Petition for Rehearing of the Commission's December 8, 1977 order is hereby denied.

(G) KG&E shall refund with appropriate interest, within 30 days all amounts collected, if any, under the subject rate schedules to all of its customers except Augusta and Erie.

(H) KG&E shall file within 30 days of the issuance of this order all supplemental agreements to its contracts with its wholesale customers. If the Company fails to file, we shall institute an enforcement proceeding pursuant to section 314 and section 316.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

(F.R. Doc. 76-3274 Filed 2-6-78; 8:45 am)

[6740-02]

(Docket No. ER78-68)

OKLAHOMA GAS & ELECTRIC

Extension of Time

JANUARY 31, 1978.

On January 20, 1978, Oklahoma Gas & Electric Co. (OG&E) filed a motion to extend the time for filing the rates and cost support required by Commission Order issued November 30, 1977, in Docket Nos. ER77-422, ER78-20, and ER78-49. The motion states that Staff Counsel and counsel for the Southwestern Power Administration do not object to the requested extension.

On January 24, 1978, the municipalities of Clarksville and Paris, Ark., and Commanche, Copan, Duncan, Eldor-

ado, Goltry, Granite, Lexington, Manitou, Olustee, Purcell, Ryan, Skiatook, Spiro, Walters, Wetumka, and Yale, Okla. (Municipal Customer Group) filed comments to OG&E's January 20 motion. The comments state that it is the position of the Municipal Customer Group that delays in this proceeding should be kept to an absolute minimum.

Upon consideration, notice is hereby given that an extension of time is granted to and including March 1, 1978, within which OG&E shall file the rates and cost support required by the November 30, 1977, Order.

KENNETH F. PLUMB,
Secretary.

(F.R. Doc. 78-3270 Filed 2-6-78; 8:45 am)

[6740-02]

(Docket No. ER77-86)

SOUTHERN CO. SERVICES, INC.

Accepting Comments Out of Time

JANUARY 31, 1978.

On January 23, 1978, Staff Counsel filed a motion to extend the time for filing comments on the proposed settlement agreement filed by Southern Co. Services, Inc., on December 7, 1977, and noticed on December 22, 1977, in the above referenced proceeding.

Upon consideration, notice is hereby given that the comments filed by Staff Counsel on January 23, 1978, are accepted out of time.

KENNETH F. PLUMB,
Secretary.

(F.R. Doc. 78-3271 Filed 2-6-78; 8:45 am)

[6740-02]

(Docket No. ER78-145)

ARIZONA PUBLIC SERVICE CO.

Order Accepting in Part, Rejecting in Part, Suspending Proposed Rate Increase, Granting Intervention, Waiving Regulation, Denying Motions To Reject, Providing for Hearing, and Establishing Procedures

JANUARY 30, 1978.

On December 22, 1977, Arizona Public Service Co. (APS) tendered for filing proposed revised rate provisions applicable to 19 wholesale customers,¹ which would increase revenues to APS by approximately \$10,270,238 based on the 12-month period ending January 31, 1979.

Public notice of the filing was issued on January 4, 1978, with all protests or petitions to intervene required to be filed on or before January 19, 1978. On January 16, 1978, Citizens Utility Co.

¹ See, Appendix A for Rate Schedule Designations.

(Citizens) filed a petition to intervene in these proceedings. On January 19, 1978, the following documents were filed by the designated parties: Petition To Intervene and Protest of Arizona Power Authority (APA) and Wellton-Mohawk Irrigation and Drainage District (Wellton-Mohawk); Petition for Leave To Intervene and Protest of Maricopa County Municipal Water Conservation District No. 1 (Maricopa); Petition To Intervene and Motion To Reject of Papago Tribal Utility Authority (PTUA); Petition of the city of Wickenburg, Ariz. (Wickenburg) for Leave To Protest, Intervene, Motion To Reject Filing, and in the Alternative, Request for Suspension of Rate Schedule; Protest, Petition To Intervene, Motion To Reject, or in the Alternative, Request for Hearing and Suspension for Maximum Period of Arizona Electric Power Cooperative, Inc. (AEPCC) and Navopache Electric Cooperative, Inc. (Navopache). Late petitions for leave to intervene and protest were filed on January 20, 1978, by Electrical District No. 3 (ED 3), Electrical District No. 6 (ED 6), Electrical District No. 7 (ED 7), Roosevelt Irrigation District (RID), and Buckeye Water Conservation District (Buckeye), and by Electrical District No. 1 (ED 1).²

In these various submittals each of the petitioners states, inter alia, that it is substantially effected by the increased rates proposed by APS in this docket and that its interests will not be adequately represented by any existing party to this proceeding. As to each of these wholesale customers of APS, intervention status will be granted as hereinafter ordered.

APS requests an effective date of February 1, 1978, for 13 of the 19 customers involved in this filing. As to the other six customers, namely: Electric District No. 3 (FPC No. 12), Electric District No. 7 (FPC No. 13), Maricopa County Municipal Water Corporation District No. 1 (FPC No. 14), Roosevelt Irrigation District (FPC No. 15), Buckeye Water & Drainage District (FPC No. 16), and Electric District No. 6 (FPC No. 6), APS acknowledges that the proposed rates cannot become effective until the conclusion of an investigation concerning the reasonableness of the rates pursuant to Section 206 of the Federal Power Act. As previously noted by the FPC in orders issued in Docket Nos. ER76-530³ and ER77-521⁴ contractual arrangements between APS and these

² Maricopa ED1, ED3, ED6, ED7, RID, and Buckeye state that their petitions and protests incorporate by reference the protest filed jointly in this docket by APA and Wellton-Mohawk. Similarly, Wickenburg asserts that it joins with the objections of AEPCC and PTUA.

customers provide only for prospective application of rate increases. Accordingly, the rates proposed herein for sales and service to these six customers shall not become effective pending final Commission determination of the just and reasonable rate level under Section 206 of the Act.

In contrast, no contractual proscription would prevent APS from unilaterally filing proposed rate increases applicable to the remaining 13 customers involved in this docket. In reviewing APS' contracts with all but two of these 13 customers in proceedings involving the Company's previous general wholesale rate increase, the FPC, finding no obstacle to such unilateral filings, accepted the proposed rate increases to these customers for filing, suspended them, and permitted them to become effective, subject to refund.⁵ The two additional customers, the Colorado River Indian Irrigation Project (Colorado) and the San

³ Order issued March 31, 1976; order issued September 28, 1976. The order of March 31 construed APS' contracts with four of these customers as contemplating a section 206 proceeding and a Commission decision establishing just and reasonable rates prior to rendering the proposed rates effective. The FPC provided for the initiation of a section 206 investigation into the rates proposed by APS for Electrical District No. 3, Electrical District No. 6, Roosevelt Irrigation District, and Maricopa County Municipal Water Conservation District No. 1. See, *United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C. v. Sierra Pacific Power Co.*, 350 U.S. 348 (1956). Electrical District No. 7, which had inadvertently been omitted from this group of customers, was included by a later order issued on September 28, 1976.

⁴ Order issued September 26, 1977, denying in part and granting in part motions for reconsideration of FPC order issued August 1, 1977. In its order of September 26, the FPC indicated that APS' contract with Buckeye Water Conservation & Drainage District (Buckeye) contained the same rate change language as did the contracts with the customers listed in note 2, supra. Consequently, the FPC added Buckeye to the list of customers for whom rate increases could become effective only after section 206 proceedings.

⁵ Order issued March 31, 1976, in Docket No. ER76-530. Although the March 31 order rejected the rate filing as to the town of Wickenburg, Ariz. (FPC No. 34) and deferred decision on a motion to reject the filing as to Navopache Electric Cooperative (FPC No. 17), a subsequent order issued May 14, 1976, accepted these rates for filing, subject to suspension and a refund obligation. Wickenburg's protest was assigned Docket No. ER76-626 and the order of May 14 consolidated this docket with Docket No. ER76-530. In addition, APS states in its present filing that its contracts with these two customers have since expired or been cancelled in accordance with their own terms and, consequently, no contractual language precludes a unilateral rate filing by APS.

Carlos Indian Irrigation Project (San Carlos) are subject to Rate Schedules which were not in existence at the time of APS' earlier general rate proposal.⁴ In its present filing, APS suggests that contracts with both Colorado and San Carlos contain language which substantially conforms to the rate change provisions set forth in Section 35.1(d)(2) of the Commission's Regulations and therefore permit unilateral rate filings by the Company. We agree with this assertion and note further that, by FPC order issued June 30, 1976, the rate schedules for both of these customers were accepted for filing and the subject dockets were consolidated for purposes of hearing and decision with the general wholesale rate proceedings.⁵

Two customers of APS, the Papago Tribal Utility Authority (PTUA) (FPC No. 52) and Electrical District No. 1 (ED 1) (FPC No. 68), dispute the FPC's prior determination that their contracts with APS permit unilateral rate change filings, and have challenged this conclusion before the U.S. Court of Appeals for the District of Columbia. PTUA renews this argument in its January 19, 1978 petition in the instant docket and thus moves to reject APS' filing insofar as it pertains to PTUA. Pending a judicial decision to the contrary, we find no reason to deviate from the conclusion reached by the FPC that APS may unilaterally file rate changes for both PTUA and ED 1 and we shall therefore deny PTUA's motion to reject the filing as to PTUA. In its present filing, APS requests that in the event the court reverses the FPC's holding, the Commission should construe the filing with respect to PTUA and ED 1 as a request for a rate change order under section 206 of the Federal Power Act. At this juncture, APS' request is both premature and speculative and we shall deny it without prejudice to APS' right to reinstate its request if a court decision adverse to the FPC's earlier holding renders our consideration of this matter appropriate.

While conceding that its contract with Citizens contains rate change language similar to the provisions in its agreements with PTUA and ED 1, APS states that a resolution of the pending appeal in favor of these two customers should not prevent its unilateral filing as to Citizens. In support of this proposition APS asserts that Citizens has not heretofore joined PTUA and ED 1 in their challenges to APS' right to

⁴Colorado and San Carlos are subject to Rate Schedule FPC Nos. 65 and 66, respectively.

⁵The Rate Schedules which were tendered for filing on June 1, 1976, for Colorado and San Carlos were docketed as ER76-717 and ER76-721, respectively. The order of June 30, 1976, consolidated these dockets with Docket No. ER76-530.

make such unilateral rate filings either in prior FPC proceedings or before the appellate court. Appended to APS' letter of transmittal accompanying the present rate filing are various correspondence which, according to APS, demonstrate that both Citizens and APS have interpreted their contract as having been intended to permit unilateral rate change filings after the first year of its term. In its January 16 petition to intervene, Citizens contests the contention that it would be unaffected by the outcome of the judicial proceedings. We believe that Citizens' objection is premature.

APS aptly notes that its proposed rate increase as to ED 1 assumes a unique posture in these proceedings. An FPC order issued August 1, 1977, in Docket No. ER77-521, accepted for filing a proposed rate increase to ED 1 which APS tendered on July 21, 1977, and suspended those rates until February 1, 1978, when they are to become effective, subject to refund.⁷ Because the rate change provisions in the instant docket pertaining, in part, to ED 1, were tendered for filing within the period of suspension, APS requests waiver of the provisions of section 35.17(b) of the Commission's Regulations which provide as follows:

A public utility may not, within the period of suspension, file any change in the rate schedule or part thereof which has been suspended by order of the Commission except by special permission of the Commission granted upon application therefor and for good cause shown.⁸

In support of its request for waiver, APS states that the increase proposed for ED 1 in the present filing is "inclusive of the increase under suspension" and that, in the interest of expedition, the Commission should simultaneously consider the rate increase applications for all of APS' wholesale customers subject to section 205 filings. Furthermore, APS expresses apprehension concerning the possibility that if a filing applicable to ED 1 is tendered on or after February 1, 1978, the Commission might not allow APS to rely upon its Period I data since that data, compiled for the 12-months ended June 30, 1977, will be one day more than seven months old on February 1, 1978, and thus out of date under section 35.13(b)(4)(iii) of the Commis-

⁷In addition, APS' filing of July 21, 1977, included proposed rate increases to the six customers for which the FPC had determined that unilateral rate filings were impermissible. Although the order issued on August 1, 1977, in Docket No. ER77-521 accepted these rates for filing along with the increase proposed for ED 1, a subsequent order issued September 26, 1977, in the same docket, corrected this oversight by withdrawing the February 1, 1978 effective date as to each of these six customers.

⁸18 CFR section 35.17(b).

sion's Regulations. Thus, APS notes that a separate filing and hearing might be necessary for ED 1. In its protest of January 20, 1978, ED 1 submits that APS has not shown good cause for its requested waiver and has not demonstrated the need for three rate cases initiated by APS, two of which involve the same customers, to be pending at the same time.

Under the circumstances, APS has sufficiently satisfied the requisite showing of good cause for waiver of the section 35.17(b) restriction. As APS states, it will be free to tender its requested increase for ED 1 in a matter of weeks. At such time, however, APS would be required to seek waiver of the seven month limitation contained in section 35.14(b) (4) (iii) or to revise its period I data so as to comply with that Section. In either situation, it is likely that a subsequent submittal for ED 1 would be consolidated with the main rate proceedings in order to expedite hearing and decision and to avoid unnecessary costs to all parties. Any additional costs incurred by APS in resubmitting and revising its filing would ultimately be borne by consumers. Because we believe that rejection of the requested waiver would serve no useful purpose, we shall grant this request and accept for filing the rates proposed for ED 1, subject to refund, as hereinafter ordered.

Included in APS' filing of December 22, 1977, are proposed Rate Schedule revisions intended to amend existing Rate Schedules governing sales to three customers taking electric power from APS at the United States-Mexican border.⁹ With regard to these export customers, we shall reject APS' filed rate increases for the reasons hereinafter specified.

In accordance with section 202(e) of the Federal Power Act (the Act) the sections 32.38 and 35.20 of the Regulations promulgated thereunder, the FPC had previously required persons authorized to transmit electric energy from the United States to file all rate schedules applicable to such service with the FPC in the form and manner required of public utilities for jurisdictional sales and service. However, various transfers of duties and responsibilities accompanied the recent establishment of the Department of Energy. As part of the departmental reorganization, jurisdiction previously vested in the FPC over exportation and importation of electric energy under section 202(e) of the Act and Executive Order No. 10485, was trans-

⁹Comision Federal de Electricidad (Naco) (FPC No. 51); Comision Federal de Electricidad (Sonoyta) (FPC No. 53); Compania de Servicios Publicos de Agua Prieta, S.A. (FPC No. 54).

ferred to the Secretary of Energy,¹⁰ who delegated this authority to the Administrator of the newly-created Economic Regulatory Administration.¹¹ We view the FPC's requirement that persons exporting electric energy file all rate schedules governing such service as an adjunct to the FPC's former jurisdiction to issue, modify, and appropriately condition export authorizations and permits under section 202(e) of the Act and Executive Order No. 10485. Consequently, we do not have authority to continue such a requirement and we shall reject the tendered rates for the export customers.

In protesting APS' currently proposed rate increases, APA and Wellton-Mohawk¹² urge that the filing be rejected in substantial part, if not entirely, on the ground that the proposed increase is unwarranted on its face. In support of this contention, petitioners challenge certain cost of service aspects of APS' filing.¹³ We find that the matters raised are properly the subject of a full evidentiary hearing which we shall herein order to be convened. Petitioners' assertions do not, however, warrant summary rejection of APS' filing, and accordingly, we shall deny their joint Motion to Reject.

Numerous cost of service issues are also cited by AEPC and Navopache in their January 19, 1978 protest and motion to reject.¹⁴ Again, these issues are properly left to resolution in the hearing process and do not constitute sufficient grounds for rejection of APS' filing. AEPC and Navopache additionally dispute APS' rate design and seek rejection of the filing with

¹⁰See, Department of Energy Organization Act (DOE Act), sections 301(b) and 402(f), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977). Section 402(f) of the DOE Act provides that "No function described in this section which regulates the exports or imports of natural gas or electricity shall be within the jurisdiction of the (Federal Energy Regulatory) Commission unless the Secretary assigns such a function to the Commission."

¹¹Pursuant to his authority under section 642 of the DOE Act, the Secretary delegated this authority by Delegation Order No. 0204-4, effective October 1, 1977.

¹²As noted in footnote 1a, supra, Maricopa, ED1, ED3, ED6, ED7, RID, and Buckeye joined in the contentions of APA and Wellton-Mohawk.

¹³Petitioners contest APS' requested return on common, equity, its stated capital structure, its projected increases in cost of service, and its method of allocating demand costs. According to petitioners, these aspects of APS' filing are inconsistent with findings of the Presiding Judge in his Initial Decision issued December 19, 1977, in Docket No. ER76-530, involving APS' prior general wholesale rate increase.

¹⁴The issues raised by AEPC and Navopache include: rate of return on common

regard to all the wholesale customers on the ground that APS has not satisfactorily explained and justified its proffered rate design in the manner required by section 35.13(b)(4)(iii) of the Commission's Regulations. Because our review of APS' tendered rate increase indicates that APS has substantially complied with the Commission's filing requirements, we shall deny the motion of AEPC and Navopache to reject the filing.¹⁵

In its petition to intervene, protest, and motion to reject of January 19, 1978, Wickenburg alleges that APS serves the area surrounding Wickenburg and that the proposed rate increase will have severe anti-competitive effects. Wickenburg thus requests a "Conway" investigation and/or the opportunity to supplement its January 19th filing. In order to implement the mandate enunciated by the Supreme Court in *FPC v. Conway*, 426 U.S. 271 (1976), aff'g 512 F. 2d 1264 (D.C. Cir. 1975), and to effectuate the policy announced in FPC Order No. 563, issued March 21, 1977, we shall direct the Administrative Law Judge to convene a prehearing conference within fifteen (15) days from the date of this order for the purpose of hearing the petitioner's request for data necessary to present its prima facie showing on discrimination and anti-competitive effect (the price squeeze issue).

APS' proposed rate increases have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall suspend the increases until July 1, 1978, to become effective, subject to refund, with the exceptions herein noted.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges tendered by APS on December 22, 1977, and establish procedures for that hearing.

(2) Good cause exists to accept for filing APS' proposed rate increases tendered on December 22, 1977, except as noted herein.

(3) Good cause exists to reject APS' proposed increased rates insofar as

equity; APS' capital structure; APS' computation of its income tax allowance; APS' proposed demand ratchet for its full requirements customers; APS' functionalization of intangible, general and common plant; and cost allocation issues. Wickenburg's January 19th petition adopts the objections of AEPC and Navopache. See, footnote 1a, supra.

¹⁵See *Municipal Light Boards of Reading and Wakefield, Mass. v. FPC*, 450 F. 2d 1341, 1348, (D.C. Cir. 1971), cert. denied, 405 U.S. 989 (1972).

they relate to the Comision Federal de Electricidad (Naco), the Comision Federal de Electricidad (Sonoyta), and Compania de Servicios Publicos de Agua Prieta.¹⁶

(4) Good cause does not exist to permit the proposed increased rates and charges to become effective with regard to ED 3, ED 6, RID, ED 7, Maricopa, and Buckeye, until just and reasonable rates have been approved by final order of the Commission pursuant to Section 206 of the Federal Power Act.

(5) Good cause exists to suspend those proposed increased rates which are herein accepted for filing but which are not identified in Paragraph (4) above, and to defer the use thereof as hereinafter ordered.

(6) Good cause exists to grant APS' request for waiver of the provisions of section 35.17(b) of the Commission's Regulations as to ED 1.

(7) Good cause exists to deny Motions to Reject APS' filing.

(8) Good cause exists to establish price-squeeze procedures to effectuate the Commission's policy announced in Order No. 563.

(9) Participation in this proceeding by Citizens, AEPC Navopache, PTUA, Maricopa, APA, Wellton-Mohawk, and Wickenburg may be in the public interest.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by APS in this proceeding.

(B) The proposed increased rates and charges filed by APS on December 22, 1977, are hereby accepted for filing except as to those customers identified in Paragraph (C), below.

(C) The increased rates and charges tendered for filing by APS are hereby rejected insofar as they relate to the Comision Federal de Electricidad (Naco), the Comision Federal de Electricidad (Sonoyta), and Compania de Servicios Publicos de Agua Prieta.

(D) The proposed rate increase to ED 3, ED 6, ED 7, Maricopa, RID, and Buckeye shall not become effective prior to investigation pursuant to section 206 of the Federal Power Act and final decision by the Commission establishing just and reasonable rates.

¹⁶With regard to these export sales, the filing should be made with the Economic Regulatory Administration of the Department of Energy, see footnotes 10 and 11, supra, and accompanying text.

(E) Pending hearing and decision thereon, the proposed increased rates and charges as to those customers not referred to in Paragraphs (C) and (D), above, are hereby suspended and the use thereof deferred until July 1, 1978, when they shall be permitted to become effective, subject to refund.

(F) APS' request for waiver of the provisions of section 35.17(b) of the Commission's Regulations is hereby granted.

(G) Petitioners' motion to reject APS' filing in whole or in part, are hereby denied.

(H) Citizens, AEPC, Navapache, PTUA, Maricopa, APA, Wellton-Mohawk, and Wickenburg are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(I) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before April 25, 1978.

(J) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See, Delegation of Authority, 18 CFR section 3.5(d)), shall convene a conference in this proceeding to be held within ten (10) days after the serving of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE, Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(K) The Presiding Administrative Law Judge shall convene a prehearing conference within fifteen (15) days from date of this order for the purposes of hearing petitioners' request for data required to present their case, including a prima facie showing on the prices squeeze issue. Also, the Company shall be required to respond to discovery requests authorized by the Administrative Law Judge within thirty (30) days, and the petitioners shall file their case-in-chief on the price squeeze issue within thirty (30) days after the Company's response.

(L) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to section 1.18

of the Commission's Rules of Practice and Procedure.

(M) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

ARIZONA PUBLIC SERVICE CO.
(Docket No. ER78-145)

Other party	Designation	Description
Electrical District No. 3.....	Supplement No. 20 to rate schedule FPC No. 12 Rates. (supersedes supp. No. 18).	
	Supplement No. 21 to rate schedule FPC No. 12 Fuel clause. (supersedes supp. No. 19).	
Electrical District No. 7.....	Supplement No. 20 to rate schedule FPC No. 13 Rates. (supersedes supp. No. 18).	
	Supplement No. 21 to rate schedule FPC No. 13 Fuel clause. (supersedes supp. No. 19).	
Maricopa County Municipal Water Conservation District.....	Supplement No. 20 to rate schedule FPC No. 14 Rates. (supersedes supp. No. 18).	
	Supplement No. 21 to rate schedule FPC No. 14 Fuel clause. (supersedes supp. No. 19).	
Roosevelt Irrigation District.....	Supplement No. 20 to rate schedule FPC No. 15 Rates. (supersedes supp. No. 18).	
	Supplement No. 21 to rate schedule FPC No. 15 Fuel clause. (supersedes supp. No. 19).	
Buckeye Water Conservation and Drainage District.....	Supplement No. 11 to rate schedule FPC No. 16 Rates. (supersedes supp. No. 9).	
	Supplement No. 12 to rate schedule FPC No. 16 Fuel clause. (supersedes supp. No. 10).	
Navapache Electric Cooperative.....	Supplement No. 21 to rate schedule FPC No. 17 Rates. (supersedes supp. No. 19).	
	Supplement No. 22 to rate schedule FPC No. 17 Fuel clause. (supersedes supp. No. 20).	
Town of Wickenburg.....	Supplement No. 16 to rate schedule FPC No. 34 Rates. (supersedes supp. No. 14).	
	Supplement No. 17 to rate schedule FPC No. 34 Fuel clause. (supersedes supp. No. 15).	
Electrical District No. 6.....	Supplement No. 20 to rate schedule FPC No. 35 Rates. (supersedes supp. No. 18).	
	Supplement No. 21 to rate schedule FPC No. 35 Fuel clause. (supersedes supp. No. 19).	
Citizens Utilities Co.....	Supplement No. 11 to rate schedule FPC No. 50 Rates. (supersedes supp. No. 9).	
	Supplement No. 12 to rate schedule FPC No. 50 Fuel clause. (supersedes supp. No. 10).	
Commlsion Federal de Electricidad (NACO).....	Supplement No. 8 to rate schedule FPC No. 51 (su- Rates. persedes supp. Nos. 5 and 8).	
	Supplement No. 9 to rate schedule FPC No. 51 (su- Fuel clause. persedes supp. No. 7).	
Papago Tribal Utility Authority.....	Supplement No. 7 to rate schedule FPC No. 52 (su- Rates. persedes supp. No. 5).	
	Supplement No. 8 to rate schedule FPC No. 52 (su- Fuel clause. persedes supp. No. 6).	
Commlsion Federal de Electricidad (Son- olta).....	Supplement No. 8 to rate schedule FPC No. 53 (su- Rates. persedes supp. Nos. 5 and 8).	
	Supplement No. 9 to rate schedule FPC No. 53 (su- Fuel clause. persedes supp. No. 7).	
Compania de Servicios Publicos de Agua Prieta.....	Supplement No. 9 to rate schedule FPC No. 54 (su- Rates. persedes supp. Nos. 6 and 7).	
	Supplement No. 10 to rate schedule FPC No. 54 Fuel clause. (supersedes supp. No. 8).	
Arizona Electric Cooperative, Inc.....	Supplement No. 5 to rate schedule FPC No. 57 (su- Rates. persedes supp. No. 3).	
	Supplement No. 6 to rate schedule FPC No. 57 (su- Fuel clause. persedes supp. No. 4).	
Wellton-Mohawk Irrigation & Drainage District.....	Supplement No. 7 to rate schedule FPC No. 58 (su- Rates. persedes supp. No. 4).	
	Supplement No. 8 to rate schedule FPC No. 58 (su- Fuel clause. persedes supp. No. 5).	
Arizona Power Authority.....	Supplement No. 6 to rate schedule FPC No. 59 (su- Rates. persedes supp. No. 5).	
	Supplement No. 8 to rate schedule FPC No. 59 (su- Fuel clause. persedes supp. No. 6).	
Colorado River Indian Irrigation project.....	Supplement No. 3 to rate schedule FPC No. 65 Rates. Supplement No. 4 to rate schedule FPC No. 65 (su- Fuel clause. persedes supp. No. 2).	
San Carlos Indian Irrigation project.....	Supplement No. 3 to rate schedule FPC No. 66 Rates. Supplement No. 4 to rate schedule FPC No. 66 (su- Fuel clause. persedes supp. No. 2).	
Electrical District No. 1.....	Supplement No. 5 to rate schedule FPC No. 66 (su- Rates. persedes supp. No. 3).	
	Supplement No. 8 to rate schedule FPC No. 66 (su- Fuel clause. persedes supp. No. 4).	

[FR Doc. 78-3066 Filed 2-6-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

[OTS-081004C; FRL 851-6]

ADDENDUM TO TSCA CANDIDATE LIST OF
CHEMICAL SUBSTANCES

Availability of Document

This notice is to announce the availability of Addendum II to the April 1977 Toxic Substances Control Act (TSCA), Pub. L. 94-469, Candidate List of Chemical Substances (GPO No. 055-007-0001-2). This document identifies more than 2,800 substances which are additions to the original Candidate List. It lists only Class I substances; i.e., those substances whose composition may be represented by a definite chemical structure diagram. Assigned to each substance is a Chemical Abstracts Service (CAS) Registry Number and an EPA Code Designation. Addendum II contains a Name Section, a Formula Section, and a Number Section, just as in the original Candidate List.

Addendum II will be available both in printed form and on computer tape. Printed copies will automatically be sent to those persons to whom printed Candidate Lists were sent from EPA. If you do not receive a copy in the mail by February 15, you may order one by contacting the Industry Assistance Office as specified below. Those who purchased printed Candidate Lists from GPO and others may obtain copies by contacting the Director, Industry Assistance Office (TS-788), Office of Toxic Substances, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Call toll free 800-424-9065. In the Washington, D.C. area call 554-1404.

Persons who requested the original Candidate List on computer tape will automatically be sent a computer-readable version of Addendum II. If you do not receive a copy by February 15, you may order one by contacting Mr. Kenneth Olsen, Office of Toxic Substances (WH-557) at the above address, or by calling 202-755-2890. Users of Addendum II on computer tape are subject to the same terms as specified in the April 28, 1977 and July 8, 1977 FEDERAL REGISTER notice regarding use of the computer-readable version of the Candidate List.

Dated: January 31, 1978.

STEVEN D. JELLINEK,
*Assistant Administrator
for Toxic Substances.*

[FR Doc. 78-3178 Filed 2-6-78; 8:45 am]

[6560-01]

[FRL 851-4]

SCIENCE ADVISORY BOARD TECHNOLOGY
ASSESSMENT AND POLLUTION CONTROL
ADVISORY COMMITTEE

Open Meeting

As required by Pub. L. 92-463, notice is hereby given that a meeting of the Technology Assessment and Pollution Control Advisory Board will be held beginning at 9 a.m., February 24 and 25, 1978, in Room 1101 U.S. Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C.

This meeting is a regularly scheduled meeting of the Committee. The Committee will be briefed on selected Agency activities and will discuss recommendations for long range and anticipatory environmental research needs, future committee activities and member items of interest.

The meeting is open to the public. Any member of the public wishing to attend or submit a paper should contact Elaine Hance or Lloyd T. Taylor, Executive Secretary, Technology Assessment and Pollution Control Advisory Committee, 703-557-7720 by February 14, 1978.

RICHARD M. DOWD,
*Staff Director,
Science Advisory Board.*

JANUARY 30, 1978.

[FR Doc. 78-3177 Filed 2-6-78; 8:45 am]

[6560-01]

[FRL 851-7]

STATE OF MICHIGAN

Determination of Primary Enforcement
Responsibility

This public notice is issued under section 1413 of the Safe Drinking Water Act, Pub. L. 93-523, December 16, 1974, and section 142.10 of the National Interim Primary Drinking Water Regulations, published in the FEDERAL REGISTER on January 20, 1976.

A submission, dated July 7, 1977, has been received from the Director, requesting a determination that the Michigan Department of Public Health has met requirements for primary enforcement responsibility for public water systems in the State of Michigan, in accordance with the provisions of this Act.

In response, I determined on August 31, 1977, that the Michigan Depart-

ment of Public Health has the statutory authority and, with the adoption of the rules in a form similar to those submitted to the U.S. Environmental Protection Agency, will meet all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the State of Michigan. Such rules have since been adopted. Therefore, I have determined that the Michigan Department of Public Health has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the State of Michigan. The State—

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;

(2) Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspections;

(3) Will keep such records and make such reports as required;

(4) Will issue variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations; and

(5) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

A copy of my preliminary determination was published in the FEDERAL REGISTER on September 7, 1977. At that time I asked for public comment and scheduled a public hearing to consider this application. The hearing was held on October 7, 1977. No substantive comments adverse to my preliminary decision have been received, either during the public comment period or at the public hearing.

Therefore, I am affirming my determination that the Michigan Department of Public Health has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the State of Michigan.

Dated: February 1, 1978.

GEORGE R. ALEXANDER, Jr.,
*Regional Administrator, Region
V, U.S. Environmental Protection Agency.*

[FR Doc. 78-3179 Filed 2-6-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS
COMMISSION[CC Docket No. 78-24; Transmittal No. 78;
FCC 78-36]AMERICAN TELEVISION RELAY, INC., TARIFF
FCC NO. 8Memorandum Opinion and Order Instituting
Investigation

Adopted: January 19, 1978.

Released: February 2, 1978.

1. We have before us revisions made by American Television Relay, Inc. (ATR), to its Tariff FCC No. 8, filed June 22, 1977, pursuant to our Order in *American Television Relay, Inc., (ATR)*, 63 FCC 2d 911 (1977); *recon. denied*, 65 FCC 2d 792 (1977); *review pending*, Case No. 77-1910 (D.C. Cir.). The major portion of these revisions represent ATR's effort to comply with the ATR decision by discarding its population-sensitive rate structure and substituting a more "cost-related" structure. ATR has also attempted to revise some of its revenue requirement calculations to adhere to the Order.¹ United Cable Television Corp. (United Cable) has filed a "Petition for Suspension of New Tariff Proposal." Las Cruces TV Cable, Teleprompter Corp. and UA-Columbia Cablevision, Inc. have filed "Comments on New Tariff Proposal" and Cablecom-General, Inc. has filed "Comments Concerning ATR's Revised Tariff." These comments contained no formal requests for specific Commission action. ATR has replied to these comments and the parties have filed oppositions thereto. ATR's revised tariff is scheduled to become effective on January 20, 1978.

¹ In our ATR decision, we directed ATR to file a revised tariff within 90 days of the release date of the Order and on 90 days public notice, as specified in 47 CFR § 61.58(b). ATR filed its revised tariff, under cover of Transmittal No. 78, within the 90 day period. The revised tariff was scheduled to become effective on September 20, 1977. We then granted Special Permission No. 8520 to defer the effective date until December 19, 1977. See ATR, Mimeo No. 88368, released August 30, 1977. This deferral was continued to January 20, 1978 by Special Permission No. 8719.

² For the most part, the Commission decision, ATR, supra, affirmed the Common Carrier Bureau's *Recommended Decision*, 65 FCC 2d 387 (1975), on the revenue requirement issues.

³ The substance of this pleading is merely a reiteration of the arguments made by these same parties in a separate "Motion for Issuance of Refund Order." Since the pleading makes no comments on the lawfulness of the subject tariff revisions, we do not consider it here. Rather, we will consider these comments in the context of our refund order, which will be issued very shortly.

I. BACKGROUND

2. ATR is a miscellaneous microwave common carrier which delivers the video signals of four Los Angeles independent television stations to cable television system operators serving communities in California, Arizona, New Mexico and Texas. In its Tariff FCC No. 8, filed on August 15, 1972 under cover of Transmittal No. 50, ATR incorporated a population-sensitive rate factor into its overall rate structure. This factor operated to increase the customer's rate as the population density of the community served by the cable system increased. In ATR, supra, we held, inter alia, that such a pricing technique constitutes value of service rate design and is inherently discriminatory. We stressed that rates based on costs were more in accord with the requirements of sections 201(b) and 202(a) of the Communications Act, 47 U.S.C. 201(b), 202(a), and that miscellaneous microwave carriers therefore should strive to structure their rates on a cost of service basis.⁴ We did not, however, conclude that population-sensitive rate structures are per se unlawful because, in a limited number of situations, other public interest considerations could militate in their favor. But because the direct consequence of these rate structures is discriminatory rates, we established a specific burden that carriers would be required to meet if they chose to employ such structures.⁵ The purpose of this burden is to ensure that our enunciated public interest considerations will be satisfied and that the resulting rates are just, reasonable and not unreasonably discriminatory. On the record then before us, we held that ATR's rate structure was unlawful, but afforded the carrier an opportunity to either justify its population factor by submitting the specific evidence necessary to meet the newly established burden, or return to a more cost related method of rate design. Via Transmittal No. 78, the subject of this proceeding, ATR has revised its Tariff FCC No. 8 by eliminating the population-sensitive rate factors and replacing them with what ATR avers is a cost of service rate structure. United Cable and Respondents now question the lawfulness of these tariff revisions.

II. ATR'S REVISED RATE STRUCTURE:
DESCRIPTION AND RATIONALE

3. ATR's revised rate structure is based on two rate cost elements: (1) dedicated drop costs and, (2) trunkline joint costs. A customer determines his monthly microwave charge by adding

⁴ ATR, 63 FCC 2d at 925.

⁵ ATR, 63 FCC 2d at 926, 929-30.

these two elements together.⁶ The specific dollar amounts applicable to each customer for each element are contained in the tariff. In addition, ATR has established a separate category of rates which are lower than those which otherwise would flow from equal application of the revised rate structure to all of ATR's customers. These lower "exception rates" are founded on the theories of competitive necessity and financial inability to pay the structured tariff rate.⁷

A. DEDICATED DROP COSTS

4. Dedicated drop costs are simply those costs incurred by the carrier when it must split a signal off of the main trunkline in order to deliver it to a particular customer location.⁸ ATR has calculated specific dollar amounts to recover these drop costs according to the number of channels to which a customer subscribes. The drop cost rates range from \$918 for all four Los Angeles independent channels to \$551 for a single channel.⁹

B. TRUNKLINE JOINT COST ALLOCATION

5. ATR employs two different cost allocation methods in ascertaining what proportion of the trunkline joint costs should be borne by each customer. These methods can be described as: (i) shared repeater costs and (ii) weighted repeater costs. ATR then combines the results of these two methods to calculate the rate a customer will pay under the joint cost element of its rate structure.

(i) Shared repeater cost

6. Under this method of cost allocation, each cable system customer will share in the cost of only those repeaters which are specifically used in relaying the resinals to his premise. Thus, because the first repeater is used to convey the Los Angeles television signals to all of ATR's customers, all will share equally in that repeater's cost, taking into account the number of channels to which the customer subscribes. To further illustrate, the customers taking service at the third repeater site will share in the cost of the three repeaters used to carry the signal that distance, but will not be assessed any additional joint cost for repeaters used to provide signals to customers located farther down the mi-

⁶ See ATR Tariff FCC No. 8, revised para. C.1.a.

⁷ See ATR Tariff FCC No. 8, revised para. C.2.

⁸ Such costs generally include the installation of antennas, waveguide, waveguide components and power splitter as well as other necessary radio receiver equipment at the customer's receiver location.

⁹ In Schedules 4 and 5 of the Appendix to the materials submitted in compliance with § 61.38 of our Rules, 47 CFR § 61.38, ATR has presented financial data demonstrating how it determined the drop cost charges.

crowave trunkline. Because the customers situated at the end of the trunkline will share in the cost of every repeater used to serve them, their rates obviously will be the highest. ATR does not, however, assign an equal amount of cost to each repeater. It weights each repeater on the basis of its second method of cost allocation. As described below, this weighting process distributes more repeater costs to the front end repeaters thereby reducing the amount of shared repeater cost that the customers at the end of the trunkline would pay if only the shared repeater method of cost allocation was employed.

(ii) Weighted repeater costs

7. This second method of cost allocation imposes more joint cost upon customers served from repeaters physically located closer to the origination point than it imposes upon those located toward the far end of the trunkline. ATR accomplishes this graduated redistribution of repeater costs through a formula entitled "Sum of the Digits."¹⁰ This formula operates by symmetrically allocating a different fraction of the total repeater costs to each repeater site. More precisely, it allocates 27/378 of the total repeater cost to the first repeater, 26/378 to the second repeater and so on until the last repeater is given a 1/378 portion of the total repeater cost.¹¹ The numerator in these cost assignment fractions represents which repeater is being weighted (with 27 representing the first repeater) and the denominator is the sum of the sequential digits leading to the number 27, i.e., 1+2+3+... 27=378.

8. ATR's rationale for use of the Sum of the Digits in its rate structure is threefold. First, ATR asserts that the "major portion of operations and maintenance costs are actually incurred at the front end of the system."¹² This is so, states ATR, because the initial repeater equipment must be kept in peak condition to prevent signal degradation toward the end of the trunkline. Because approximately two-thirds of maintenance personnel and equipment costs are devoted to these initial repeaters, the carrier maintains that these repeaters should be assigned a greater portion of the common costs. ATR claims that the Sum of the Digits apportionment formula is a reasonable means of allocating these costs to achieve these

¹⁰ Sum of the Digits is more commonly encountered in the area of the tax law and is recognized as an accelerated method of depreciation. See 26 U.S.C. 187(b)(3).

¹¹ See Schedule 1 of the § 61.38 materials accompanying Transmittal No. 78.

¹² See the § 61.38 materials accompanying Transmittal No. 78 at page 7.

ends. Second, ATR believes that customers at the end of the system should not be "unduly burdened with excessive costs." ATR asserts that if it relied solely on the shared repeater method of allocation, with each repeater assigned equal cost, then the end customers would have to pay rates so high that they could not afford to take the service. ATR claims that it is better to have these customers make some contribution to joint cost, thereby reducing all the customers' rates, than have them discontinue the service. This is especially so for the customers which will be charged exception rates, as discussed below. Third, ATR supports this method of cost allocation by stating that customers at the end of the system should not bear excessive costs "merely because of the way the system was built." ATR refers to the fact that the system extends outward into the far southeastern corner of New Mexico, but then swings back toward California ending in the northwestern corner of New Mexico. Therefore, the customers at the end of the trunkline may be physically closer to the origination source of the signal than those further back on the system. ATR maintains that the "Sum of the Digits" method helps normalize these geographic factors, giving weight to both distance from the origination source and system routing.¹³

C. EXCEPTION RATES

9. For those customers who are financially incapable of paying the tariff allocated joint cost rate, or for those customers who would shift to competitive sources of supply if required to pay such a rate, ATR has devised a separate tariff category for exception rates.¹⁴ The tariff itself does not specify when or under what conditions ATR would grant a rate lower than that found in the tariff. It states that the customer must request an exception and be willing to submit financial and market data which is necessary for the carrier to determine if the customer's request is valid. No standards or criteria are set forth on the face of the tariff informing the customer of the showing that must be made before such request will be deemed valid. In its § 61.38 materials, however, ATR explains that the lower exception rates will be granted when the tariffed rate for microwave service would exceed 20 percent of the cable customer's gross revenues. This is ATR's financial incapability test.¹⁵

¹³ See ATR Tariff FCC No. 8, revised para. C.2. The provision is set forth in its entirety in paragraph 40 infra along with a discussion thereof.

¹⁴ ATR established this test on the basis of what it interprets to be the proper exception to a cost based rate structure enumerated in ATR, supra at § 26. We devote a discussion to this exception in para. 39 infra.

ATR would then reduce the tariffed rate until it drops to the 20 percent level. The tariff lists three customers which now qualify for this type of exception rate and goes on to specify the exact rate those customers would be charged. The other type of exception rate is predicated on competitive necessity grounds. The revised tariff lists one customer to receive a lower rate due to the competitive threat of satellite service.

10. Because these lower exception rates will necessarily cause revenue deficiencies, ATR has decided to meet its revenue requirement by redistributing the total amount of the deficiency back over the other customers. This reallocation is to be accomplished by also using the Sum of the Digits method.

III. CONTENTIONS OF THE PARTIES

A. UNITED CABLE

11. Pursuant to section 204 of the Communications Act, 47 U.S.C. 204, United Cable requests that we suspend the effective date of ATR's revised tariff and institute a hearing into the reasonableness of the proposed rates. United Cable points to the fact that the new rate structure will raise the total monthly microwave bill for United Cable's two cable systems by \$2,344, or some 27 percent above the current rate level. Moreover, United Cable requests that we examine ATR's cost and revenue data to insure that ATR is complying with the holdings of the ATR decision regarding the carrier's rate base, rate of return, and operating expenses.

(i) Rate structure issues

12. United Cable begins by questioning the sufficiency of the support materials submitted by ATR to justify the Sum of the Digits method of cost allocation. It claims that ATR has offered no cost data to verify its assertions that more operation and maintenance costs are incurred by the carrier at the front end of the system and for thereby imposing those costs on front end customers. Without such data, United Cable contends that the assertions are nothing more than empty rationalizations for the skewing of repeater costs by the Sum of the Digits allocation formula. United Cable then argues that the rationale for alleviating undue and uneven cost burdens to end customers by use of the Sum of the Digits implies that there are undue burdens to be alleviated and uneven costs to be redistributed. But, states United Cable, ATR has not submitted work sheets or cost data which

ATR does submit three cost studies to justify the 20 percent cutoff level. See the section 61.38 materials accompanying Transmittal No. 78 at Schedule 14 of the Appendix.

show what burdens are being alleviated or what costs are being distributed. United Cable concludes that ATR's "failure to furnish meaningful information at the outset mandates the test of an investigation."

13. When ATR grants an exception rate, either for financial incapability or competitive necessity, it plans to make up the resulting revenue deficiency by reallocating that amount over the remaining customers by using the Sum of the Digits method. United Cable argues that this additional reallocated assessment violates the ATR decision. When a carrier chooses to employ value of service pricing, states that United Cable, the ATR decision requires it to demonstrate that discriminatory lower rates in favor of some customers will benefit all other customers by reducing their rates. This is because joint costs can then be spread over more ratepayers. United Cable contends that ATR's reallocation of the exception rate revenue deficiency to the other customers does not result in lower prices for all, but higher prices than otherwise would be charged. Consequently, United Cable believes that ATR's method of recouping its exception rate deficiency is contrary to the conditions which must exist before value of service pricing can be permitted.

14. United Cable asserts that the most questionable aspect of ATR's tariff revision is its standard for allowing exception rates. With respect to the competitive necessity exception, United Cable claims that even if a customer were to cancel ATR's services and take satellite service instead, ATR's investment for service to that customer is fully protected by the tariff's termination charge. Under this provision, if a customer cancels service before expiration of the initial contract period, ATR can recover all of its nonrecoverable capital costs or the unpaid monthly charges remaining in the contract.¹⁴ Therefore, United Cable contends ATR's investment is fully secure and satellite service presents no danger to the carrier. With regard to the financial incapability exception, United Cable states that ATR "has failed to adequately articulate its standards." United Cable questions why some cable systems near the end of the trunkline have been given exception rates, while United Cable's two systems similarly situated have not been granted these exceptions. United Cable then compares the penetration levels and financial statements of its systems with those granted exceptions, finds them to possess analogous characteristics, and concludes that ATR is applying its own standards in an unlawfully discriminatory fashion.

¹⁴See ATR Tariff F.C.C. No. 8, revised para. C.8.

15. Finally, United Cable states that there are other elements of ATR's rate structure which are questionable or insufficiently explained. While United Cable understands why ATR assesses a drop charge for customers which are served from one hop off a truckline repeater location, it questions why the drop charge is also applicable to those customers served directly from truckline repeater locations with no associated drop equipment.¹⁵ Furthermore, United Cable claims that ATR subjectively mixed the cost of new and used equipment in determining the rates for the dedicated drop cost element of the revised rate structure.

(ii) Revenue Requirement Issues

16. In this portion of its Petition, United Cable raises a series of questions and issues that it believes warrant suspension and investigation before we can permit these tariff revisions to become effective. First, United Cable points to ATR's request¹⁶ for an increase in the prescribed rate of return on the cost of equity from a range of 15-18 percent¹⁷ to a range of 18-21 percent. United Cable claims that such an increase would raise ATR's overall rate of return to a range of 14.5 to 16 percent,¹⁸ thereby exceeding the Commission's prescribed overall rate of return of 12.9 percent to 14.5 percent. United Cable believes that the justifications submitted by ATR for this increase are "insufficiently documented" to support the request.¹⁹

17. Second, United Cable objects to ATR's limiting the allocation of its rate case costs to only the years 1974 through 1978. United Cable asserts that many of the rate case expenses occurred in 1972 and 1973 and that ATR must allocate expenses in the year in which they occur.

18. Third, United Cable contends that ATR has defied a Commission order by not incorporating in the rate base the amount of depreciation reserve calculated by the Common Carrier Bureau in the Recommended Decision, found to be proper by the Commission in the ATR decision, and reaffirmed on reconsideration. Specifically, United Cable states that ATR has

¹⁵By "no associated drop equipment," we presume United Cable means equipment other than that specified in n.8 supra.

¹⁶See the §61.38 materials accompanying Transmittal No. 78 at pages 20-21.

¹⁷The cost of equity was prescribed by the Common Carrier Bureau's Recommended Decision, 65 FCC 2d at 400, and affirmed by the Commission, ATR, 63 FCC 2d at 932.

¹⁸Debt: 45.75% × 10.4% = 4.76% Equity: 54.25% × 18 - 21% = 9.76%-11.39%/14.52%-16.15%

¹⁹ATR's justification is presented in paragraph 29 infra.

returned to its Los Angeles plant valuation \$325,283 that the Commission ordered ATR to add to its depreciation reserve.

19. United Cable points to a substantial discrepancy between the actual amount of income tax paid by ATR in 1976 for purposes of its revenue requirement calculations and the amount of income tax reported by ATR on its Form P.²⁰ United Cable states that "what this means, we are not certain," but asserts that this discrepancy raises significant questions of fact and law which must be resolved before the lawfulness of ATR's revised rates can be judged.

20. Lastly, United Cable challenges the lawfulness of ATR's 1976 Form P entry which states that the carrier intends to amortize its plant acquisition adjustment over a 10 year period. United Cable argues that this is exactly what was forbidden by the ATR decision.

(iii) Retransmission issue

21. In paragraph B.4.e of ATR's revised Tariff FCC No. 8, ATR requires a customer to give five months prior written notice if the customer intends to relay the signal to any point outside the specific delivery area.²¹ United Cable contends that this provision violates the spirit and letter of the holdings in ATR because it implies that ATR has a property right to the signals it delivers and can control their usage.

B. CABLECOM-GENERAL

22. The informal comments filed by Cablecom-General, Inc. with respect to ATR's rate structure and revenue requirement calculations focus essentially on the same issues raised by United Cable. We see no need to reiterate those arguments here.

ATR

23. ATR notes that United Cable is the only one of its twenty-nine cable systems customers which has filed a petition requesting suspension of the revised tariff. ATR states that the "nub of United's complaint is probably the fact that its rates will be increased 27 percent over the existing rates." ATR further states that this increase is a natural result of changing from a value of service rate structure to a more cost based and distance sensitive rate design. Since United Cable is situated near the end of a 1,400 mile system, ATR reasons that it will neces-

²⁰Form P is the "Annual Report of Miscellaneous Microwave Common Carriers" and generally includes financial and system data.

²¹The exact language of this tariff regulation can be found in paragraph 50 infra.

sarily experience higher rates. However, ATR also declares that the "new rate structure is designed to minimize the impact of the new costing guidelines on customers such as United."

(i) Rate structure issues

24. In its Reply, ATR begins by refuting United Cable's assertion that the Sum of the Digits method of allocating joint costs has not been adequately justified. ATR reiterates its claim that two-thirds of the physical and operating costs are incurred at the front end of the system, especially for maintaining the peak performance of the initial repeaters so as to arrest later signal degradation. The Sum of the Digits, contends ATR, takes these cost characteristics into account by weighting those costs where they are actually incurred. Next, ATR argues that if it were not for the Sum of the Digits weighted repeater cost allocation, customers toward the end of the system, such as United Cable, would be paying only their shared repeater costs and those rates would approximate \$11,000 to \$14,000 per month for four channels of service. The Sum of the Digits allocation argues ATR, makes it feasible for end customers to receive service at reasonable rates. ATR also recounts that the Sum of the Digits normalizes the factors of distance due to the U-shaped routing of the system.

25. ATR believes that United Cable's complaints regarding the financial incapability and competitive necessity exceptions stems from the fact that its two cable systems have not been granted these exceptions, and not because United Cable questions the appropriateness of these features as part of the revised rate structure. Moreover, ATR strenuously argues that the lower rates to be assessed to the four exception customers do not cause the remaining customers to pay higher rates when the total amount of the exception rate deficiency is reallocated among those customers. ATR cites the cost figures submitted in its section 61.38 materials to illustrate that the contributions to joint costs which will be produced by the rates collected from the exception customers are substantially greater than the reallocated joint costs distributed among the other customers.²² Consequently, if there were no provisions for these exception rates, and if customers discontinued taking service because they could no longer afford the new cost based rates, then ATR argues that United Cable's rates and the rates of other customers would be significantly higher because fewer customers would

²²ATR specifically references columns 2 and 3 of Schedule 2 attached to the §61.38 material.

be sharing in the joint network costs. ATR maintains that this is precisely the showing required by the ATR decision to justify exceptions from cost based rates. Therefore, ATR concludes that its financial incapability and competitive necessity exceptions are fully justified.

26. ATR disagrees with United Cable's contention that it has not set forth standards for the financial incapability and competitive necessity exceptions. With respect to financial incapability, ATR directs United Cable's and our attention to section 11-B of its §61.38 materials entitled, "Explanation and Justification for Waiver Request." That section establishes the 20 percent gross revenue test and includes a case by case analysis of all the cable system customers to which the test might apply. ATR also notes that United Cable does not contest the 20 percent gross revenue test itself, only the fact that United Cable's system did not qualify under that test. ATR then provides financial and economic descriptions of United Cable's two systems and explains why those systems did not come within the 20 percent cut-off limit. Next, ATR argues that the existence of its termination charge does not undercut the validity of its competitive necessity exception. Regardless of whether ATR can recover its capital costs for the remainder of the initial contract period, ATR contends that this argument fails to recognize the basic reason for having the special exception rate category. That reason, states ATR, is to keep the exception customers on the system and thereby maintain rates at reasonable levels to all other customers through the contribution to joint costs made by the customers qualifying for special exception rates. Without these customers, ATR reasons that the termination charge will not remedy the long-term effect of fewer customers sharing in the joint network costs.

27. With regard to United Cable's question of why a drop charge is assessed to those customers which receive service at trunkline repeater locations, ATR responds that if the drop charge were not tacked to every customer's monthly bill, then the joint costs which would have to be allocated among all customers would be increased. ATR asserts "that the use of the drop charge is a fair and reasonable method of allocating overall service costs among ATR's customers." ATR goes on to state that the "drop charge . . . represents the average cost of delivering service directly to its customers." Therefore, by eliminating the drop or hookup charge for all customers, ATR maintains that United Cable is arguing against its own interests.

28. In developing the rates for its drop charges, ATR states that because of its years of experience, its estimated mix of 50 percent new and 50 percent used equipment is entirely proper.²³ ATR denies that its drop charge assessment was calculated in a subjective manner.

(ii) Revenue Requirement Issues

29. It is ATR's position that its request for a minimum return on equity of 18 percent, with an upward range to 21 percent, is not unreasonable because increased economic risks now exist which were not present when the Common Carrier Bureau released its Recommended Decision and which the Commission affirmed on this point in the ATR decision. ATR contends that a substantial economic risk was created when, in March 1977, the Commission found ATR's population sensitive rate structure to be unlawful. In support of this argument, ATR refers to a passage from the Recommended Decision which states that the importation of Los Angeles signals could become prohibitively expensive and create a great economic risk to ATR's Los Angeles service, but that the population-sensitive rate structure alleviates economic problems of this nature.²⁴ By subsequently finding that rate structure to be unlawful, ATR contends that "this economic risk factor is seemingly restored." ATR also mentions the relaxation of the leapfrogging rules for cable television and recent approval of small antenna dishes for receive-only earth stations as new risk factors which threaten the continued viability of ATR's Los Angeles signal service. For these reasons, ATR contends "the Commission must find ATR's rate of return computations are reasonable and proper."

30. The fact that ATR did not write off its rate case costs for the years 1972 and 1973 is not contrary to any Commission rule or regulation requiring it to write off rate case costs in any particular manner, states ATR. United Cable does not challenge the amount of the rate case costs, and ATR argues that it has proceeded to write them off over a reasonable period of time.

31. ATR argues that the ATR decision merely found that ATR had not adequately demonstrated in that proceeding that the amount it claimed for its depreciation reserve was proper. Therefore, the Commission independently calculated a reasonable depreciation reserve. ATR now submits that the Commission's determination was incorrect and that in the context of this new tariff filing it "has fully documented . . . that its depreciation re-

²³See Schedule 4 of ATR's section 61.38 materials.

²⁴65 FCC 2d at 400.

serve was as ATR stated in the Docket 19609 proceeding." Thus, ATR contends that it is not defying a Commission order, but rather is simply justifying what the Commission previously held to be unjustified.

32. As concerns its income tax calculations, ATR asserts that it is consistent with the ATR decision and "that income charges based on the tax rates are reasonable and a necessary part of a carrier's cost of service." Since ATR is a part of a carrier group and affiliated with a parent corporation, ATR argues that its "1976 Form P income tax figures are immaterial and irrelevant."³²

33. ATR also disputes United Cable's contention that it is amortizing its plant acquisition adjustment in violation of the ATR decision. ATR refers to its \$61.38 material which states that the "carrier's plant acquisition adjustment account has not been amortized for the years 1973 through 1976, nor has the amount of the Account been included in the indicated rate bases." ATR explains that its 1976 Form P entry was inadvertently not modified to reflect this change, but that its current practice is as described in the filing.

IV. DISCUSSION

34. Before we begin our analysis of ATR's tariff revisions, we wish to make some general observations regarding the ATR decision and our efforts to implement the holdings therein. First, we remain committed to the concept that rates based on costs are generally the most consistent with the requirements of sections 201(b) and 202(a) of the Communications Act. In this respect, we do not intend to retreat from the general holdings of ATR and other Commission decisions that all carriers should strive to structure their rates on the basis of costs, or otherwise be prepared to meet the burden of justifying any departures therefrom.³³ Second, the ATR decision was intended to initiate a direct application of our general ratemaking principles to miscellaneous microwave and satellite common carriers providing video relay service. In this respect, ATR was a case of first impression. Consequently, some carriers may be experiencing difficulties in their efforts to comply with the decision. We are not unaware of nor insensitive to these difficulties. It is for that very reason that the Common Carrier Bureau deferred its review of the tariffs of other miscellaneous microwave and satellite carriers until "Commission policy with regard to population-

sensitive rate structures [could] be more clearly enunciated." In the *Matter of Tariff Revisions in Light of the Commission's Decision in Docket No. 19609, American Television Relay, Inc.*, Mimeo 88312, released August 26, 1977. We since have decided that the most worthwhile means for further developing these policy determinations should be through a rulemaking proceeding. We anticipate that this approach will have the benefit of broader input, as well as specific economic, financial, geographic and other relevant information concerning microwave and satellite carriers providing video relay service. The focus of the rulemaking will be to devise a specific set of rate structuring guidelines consistent with our general ratemaking principles yet responsive to the unique characteristics of these types of carriers. We believe that this approach will lead to a more reasoned and meaningful set of rules and principles that such carriers can utilize in structuring their rates. To continue to address these matters on an ad hoc basis may lead to greater confusion and a substantial waste of carrier and Commission resources. We will institute this rulemaking proceeding in the very near future. With these considerations in mind, we shall now address United Cable's Petition to Suspend ATR's revised tariff filing.

35. Our initial examination of ATR's tariff reveals that the carrier has made an effort to come within the holdings of our ATR decision. Significantly, ATR has abandoned its population-sensitive rate structure and substituted what it believes is a cost based structure with acceptable departures therefrom. We consider ATR's revisions to be a step in the right direction and an improvement over the presently effective unlawful tariff. However, as discussed below, this new tariff filing does raise a number of questions and concerns. Nonetheless, we do not believe ATR's customers should be required to continue paying rates pursuant to a tariff declared unlawful after hearing when the carrier has filed a new tariff that, taken as a whole, does not appear to be unlawful on its face. This is especially so in those instances where the Commission has ordered a carrier to file a revised tariff eliminating an unlawful discrimination, rather than prescribing lawful rates for the carrier. Such is the procedure we have followed in this case. ATR, 63 FCC 2d at 932-33. As stated in *National Association of Motor Bus Owners (NAMBO) v. FCC*, 460 F. 2d 561 (2nd Cir. 1972):

[I]t is within the Commission's sole discretion either to prescribe a remedy pursuant to section 205(a) of the Act or to order, pursuant to the broad authority conferred on it by other provisions of the Act, that carriers themselves end the discrimination [citations omitted]. The language of section 205 does

not mandate prescription; it merely authorizes and empowers the FCC to prescribe fair and reasonable charges or practices when existing charges or practices are found to be unlawful. The choice of prescription vel non is entirely one for the agency, not the courts.

Id. at 565.

See also, *AT&T (Hi-Lo)*, 55 FCC 2d 224, 242-44 (1975), *aff'd sub nom., Commodity News Services, Inc. v. FCC*, No. 75-2057 (D.C. Cir. 1977).³⁴ Of course, the revised tariff filing is subject to the statutory provisions of Title II of the Communications Act, including suspension or investigation. But the Commission does not have to allow an unlawful tariff to continue in effect until it determines the legality of a new tariff filing. *NAMBO*, 460 F. 2d at 568. Accordingly, we shall permit the new tariff to become effective, thereby ending the unlawful discrimination that presently exists.

36. Our decision not to suspend the revised tariff, however, must not be interpreted as Commission approval of the new filing. As indicated in the following paragraphs, we not only have questions regarding ATR's new rate structure, but also have serious concerns regarding the calculations used in determining the revenue requirement and other aspects of the filing. We therefore shall exercise the authority granted by sections 204 and 205 of the Act, 47 U.S.C. sections 204 and 205, to institute an investigation into the lawfulness of these tariff revisions. However, since many of these concerns will relate, either directly or indirectly, to the matters addressed in the rulemaking, we will defer the start of the investigation until after our rulemaking proceeding has been concluded.³⁵ We will then have the benefits of the ratemaking principles established therein so that a prospective application thereof can be made in our investigation. To assist in preparation for our forthcoming rulemaking proceeding, as well as the investigation of ATR's tariff subsequent thereto, we wish to highlight some of the aspects of this revised tariff which we currently find to be the most troublesome.

³²Specifically, the court affirmed para. 79 of the Commission's Order in *AT&T (Hi-Lo)*, 55 FCC 2d at 248. That paragraph states:

79. It is further ordered, That pursuant to section 202(a) of the Communications Act, AT&T shall file, within thirty days of the release of this Order, effective upon not less than thirty days notice, the tariff schedules designed to remove the unlawful discrimination between the rates for Series 2000/3000 services and the rates for TELPAK and links specified in Series 5000 in AT&T Tariff FCC No. 260. (Emphasis added.)

³³See also para. 43, *infra*.

A. RATE STRUCTURE ISSUES

37. The fact the ATR has elected to weight the cost of its repeaters so as to allocate more joint costs to front end customers through the use of the Sum of the Digits formula raises two substantial issues. First, we agree with United Cable that ATR has not submitted any significant cost figures to support its declarations that it expends more resources for the operation and maintenance of its front repeaters than it does for those located toward the end of the system. At a minimum, ATR must provide us with relevant data revealing how much more, if any, is spent on the initial repeaters vis-a-vis the remaining repeaters. Second, even if ATR did supply such cost data, we would still have reservations as to whether the Sum of the Digits formula is a just and reasonable ratemaking practice within the meaning of section 201(b) of the Communications Act. Although we fully comprehend ATR's efforts to mitigate the harsh effects of its shared repeater allocation and the unusual contour of its system, it appears that the Sum of the Digits may artificially shift some of the joint trunkline costs towards the front of the system. On the basis of the evidence and justifications now before us, we cannot conclude that the Sum of the Digits is a just and reasonable ratemaking practice as is required by section 201(b) of the Act. If ATR can submit additional justification for the principle and theory behind this method of joint cost allocation in the context of the rulemaking proceeding, we certainly will accord it further consideration. We anticipate that the conclusions reached in that proceeding will then be prospectively applied in the subsequent investigation of ATR's revised tariff filing.

38. The Sum of the Digits method of cost allocation also raises questions of lawfulness under section 202(a) of the Act. At first glance, it appears that like services are being provided at different rates to different customers. Of course, such a discrimination would not violate section 202(a) if ATR could adequately demonstrate that there are differences in costs, differences attributable to competitive sources of supply, or other public interest factors, such as financial incapability under the ATR standard, that would justify the rate differentials to customers receiving the like services. As stated above, ATR has not provided us with sufficient financial information to support its assertion that there are higher cost differentials at the beginning of the system and that customers so located should be reasonably expected to bear those costs. With regard to the competitive necessity and financial incapability justifications, we believe such factors are deserving of further consideration, as ap-

plied to video relay carriers. That shall be one of the goals of our rulemaking proceeding. However, as set forth below, we are unable to conclude, at this time, that ATR's specific use of these factors in its revised rate structure meets the statutory requirements of the Communications Act.

39. In the ATR decision, we concluded that ATR's population-sensitive rate structure was an unlawful departure from the Commission's cost of service ratemaking principles. Our analysis indicated that population-sensitive rate factors constitute value of service pricing, and as such, are inherently discriminatory. However, we also stated that population-sensitive rate structures were not per se unlawful if the carrier could demonstrate that the discrimination resulting therefrom was no unreasonably discriminatory because it promoted certain other public interest considerations. We then established a specific burden that carriers employing these structures would have to meet to ensure that the inherent discrimination was justifiable. Specifically we said:

This is not to say, however, that a population based value of service rate structure could never be found just and reasonable, and not unreasonably discriminatory ATR would have to demonstrate by convincing and substantial evidence that if its cable customers serving small, remote localities did not receive a rate benefit vis-a-vis the more populated areas, that those customers would be financially incapable of subscribing to its service and that the area served by them would therefore be deprived of the television signals involved. In addition, with respect to the current system, ATR would have to show that the lower rates will at least provide sufficient revenues to cover the direct costs of connection to the main trunkline plus an additional contribution to the joint or common network costs.

63 FCC 2d at 929-30.

We then anticipated that carriers employing population-sensitive rate structures would submit the additional evidence necessary to so justify these value of service structures or else would revise their rate structure to reflect the actual cost of service.³⁶ ATR now avers that its revised tariff incorporates a cost based rate structure. However, ATR's exception rate category based on financial incapability is obviously founded upon the above-quoted burden we established to justify a population-sensitive value of service rate structure. At the time we adopted the ATR decision, we did not contemplate that carriers would use the justification for departing from cost based rate structures to create

³⁶In fact, we issued a public notice advising carriers to reevaluate their tariffs in light of the holdings in the ATR decision. See Public Notice, *Tariff Revisions in Light of Decisions in Docket No. 19609, The ATR Rate Case*, 66 FCC 2d 417 (1977).

special exceptions within a cost based rate structure. The financial incapability standard set forth in the ATR decision was intended to be a justification for population-sensitive value of service rate structures, and was not intended to apply to individual exceptions to cost of service rate structures.³⁷ While ATR's interpretation is not totally untenable, we believe it is not consistent with the general thrust of the decision. However, we cannot conclusively find that ATR has violated a Commission order by inserting a population-sensitive value of service justification concept into its cost based rate design. On the other hand, we cannot conclude that this structure, as it presently stands, is just and reasonable within the meaning of section 201(b) or does not result in unreasonable discrimination in violation of section 202(a). We intend to address this general issue in our rulemaking proceeding and will reexamine ATR's revised tariff based on the findings therein in our subsequent investigation thereof.

40. There are some other issues with respect to the exception rate category that must be resolved before we can determine if ATR's revised tariff is lawful. First, even if these special exceptions to cost based rate structures are ultimately found to be consistent with the requirements of the Communications Act, then the lawfulness of reallocating the revenue deficiency caused thereby by use of the Sum of the Digits must also be examined.³⁸ Second, ATR has failed to state in its exception provision what evidence a customer would have to submit to qualify for an exception rate. The provision states:

The carrier does provide for financial/competitive necessity exception to the tariffed rate structure shown above. However, to qualify for this exception a customer must request for such exception and be willing to submit such financial and market data information as necessary for the carrier to analyze and determine the validity of the customer's request. Financial/competi-

³⁷ATR, 63 FCC 2d at 929.

³⁸In this regard, we have an additional observation. One normally would expect that the added reallocation by the Sum of the Digits would result in the customers near the beginning of the system paying a greater share of the reallocations. However, the actual result of this method, as applied by ATR, is to assess customers at the end of the system a greater percentage than customers toward the beginning. For example, the three customers served from the second repeater location at Toro Peak, Calif., pay a reallocated share of approximately 10 percent of their allocated joint cost, whereas one customer served from the 27th repeater location at El Huerfano, N. Mex. pays a reallocated share in excess of 13 percent of his allocated joint cost. See Schedule 2 of ATR's § 61.38 material accompanying Transmittal No. 78.

tive necessity exceptions are only allowed for a maximum of two channels of service (except for grandfathered service).

The following exception rates are applicable: Aztec, N. Mex., 1 channel, \$1,575 per month; Grants, N. Mex., 4 channels (grandfathered) \$3,680 per month; Artesia, N. Mex., 4 channels (grandfathered) \$2,693 per month; Las Vegas, N. Mex., 2 channels \$2,244 per month.

The conspicuous absence of any standards or criteria which notify customers of when exception rates will be granted or denied opens the door to arbitrary and discriminatory decisions on the part of the carrier. The fact that ATR has explained in its \$61.38 materials that it intends to use the 20 percent gross revenue test is not adequate public notice. Customers normally rely on the tariff pages alone to acquire information about a carrier's services, rates and regulations and should not have to glean essential information from the economic support materials accompanying tariff filings. Accordingly, we shall require ATR to revise this tariff provision to indicate the conditions precedent to the grant of an exception rate. The reason we are requiring ATR to amend this provision now is to protect customers who may apply for such rates between the time the revised tariff becomes effective and the time we complete our investigation into the lawfulness of the exception category. The entire amended exception provision, however, may be subject to further review pending the outcome of our rulemaking and investigation.

41. While the Commission has, in the past, accepted the principle of competitive necessity as justification for lower rates to a class of customers or for a particular service, ATR presents us with the novel approach of applying the principle as justification for only a single customer's rate. Whether this is a proper application of the competitive necessity principle will be examined in our subsequent investigation. Of course, we will welcome additional comments on this factor in our rulemaking.

42. We have one final comment about ATR's rate structure. As United Cable points out, ATR assesses every customer a drop charge regardless of whether the customer is served directly from a repeater location on the trunkline or from one hop off a trunkline repeater location. Without more persuasive explanation and evidentiary support than that submitted by ATR, we are unable to find that ATR's application of a drop charge to all customers is reasonable.

B. REVENUE REQUIREMENT ISSUES

43. At the outset, we note that United Cable has raised significant questions regarding the revenue requirement calculations submitted with ATR's revised tariff filing. In such situations, our normal procedure would be to exercise our power to suspend

the revised tariff for 5 months and institute an investigation with the objective of resolving the questions before the tariff became effective by operation of law. However, as explained in paragraph 35 herein, were we to pursue this normal procedure, ATR's customers would continue to be bound to the presently effective unlawful tariff. Because we ordered ATR to file a revised tariff eliminating the unlawful aspects of its presently effective tariff, we believe, on balance, that the revised tariff should be allowed to become effective. While our rulemaking proceeding will aid in the subsequent resolution of many of the rate structure issues of ATR's revised tariff, that proceeding will not settle some of the questions raised with respect to ATR's revenue requirement calculations. Although we could permit the tariff to become effective and immediately institute an investigation into these matters, we do not believe it is wise to investigate a single tariff filing in such a piecemeal fashion. Rather than have separate hearings at separate times on the revenue requirement and rate structure issues specified herein, a consolidated hearing on all aspects of the revised filing would better facilitate the resolution of this case. Accordingly, we will issue an order immediately after our rulemaking proceeding designating some of the below-described questions for hearing.

44. We are particularly troubled by ATR's depreciation reserve calculation accompanying its revised tariff filing. ATR is correct in contending that we would allow its proposed depreciation reserve to stand if ATR could "adequately justify the accuracy of its calculations." Reconsideration, 65 FCC 2d at 794. However, we do not consider the materials submitted by ATR to sufficiently justify its revised depreciation reserve.

45. In the ATR proceeding, ATR originally claimed that its Los Angeles depreciation reserve for 1972 was \$507,496. We adjusted this figure by \$328,283 and allowed \$835,779 as the reserve for depreciation. This adjustment was made to avoid the "double depreciating" inherent in ATR's reversal of its former practice of using an accelerated method of depreciation for both book and tax purposes. Thus, we did not allow ATR to debit the depreciation reserve by \$920,000 (\$422,556 for the Los Angeles allocation). See ATR, 63 FCC 2d at 921-22; Recommended Decision, 65 FCC 2d at 396-397. We found the appropriate figure for 1972 to be \$835,779. See 65 FCC 2d at 412. In ATR's newly submitted \$61.38 materials, it has recalculated the 1972 reserve for depreciation to be \$535,099. ATR states that it arrived at this figure by not including the \$328,283 adjustment made by the Recommended Decision "due to the fact that it was erroneously calculated."

Although ATR has submitted a working paper showing how it derived its depreciation reserve, it has not specified or further explained what error was made in our calculation, and more importantly, it has not justified the methodology it employed in arriving at the \$535,099 figure. Specifically, ATR has not demonstrated how its method of calculating the depreciation reserve will protect its ratepayers from the "double counting" inherent in its previous depreciation reserve submission. This double counting arises because ATR's customers were originally charged for depreciation expense using an accelerated method of depreciation. ATR is now proposing to recalculate its depreciation reserve using a straight line methodology for present as well as past years. The difference in depreciation reserve between ATR's proposed straight line method and the previous accelerated method in 1972 is the amount that ATR would be depreciating for a second time, or double counting. Thus, the effect of ATR's proposal would cause ratepayers to twice bear the expense of depreciating the same plant represented by the aforementioned difference. The Commission's reversal of this practice in the ATR decision is designed to prevent this from happening. By not including any of the \$328,283 adjustments we made to the depreciation reserve, it is now apparent that ATR's revised calculation does not account for the effect of double depreciation. And by not submitting any explanation as to why no adjustments were made, ATR has not adequately justified its calculations.

46. Therefore, we shall now require ATR to make the adjustments to its depreciation reserve prescribed in our ATR decision and affirmed on Reconsideration. These adjustments were prescribed pursuant to section 205 of the Act and the statute provides that ATR must now "conform to and observe the . . . practice so prescribed" and that the practice must be "thereafter followed." Consequently, ATR is legally bound to our section 205 prescription and must make the adjustments set forth in ATR. If ATR believes our depreciation reserve adjustment is erroneous, its recourse is, of course, through the appellate process. It cannot, however, attempt to depart from our prescription by rearguing the position taken in the ATR hearing in the context of this new tariff filing, which is supposed to implement the Commission's orders in ATR. As provided by section 408 of the Act, 47 U.S.C. § 408, a Commission order "shall continue in force . . . unless the same shall be suspended or

"In its Petition for Review filed with the U.S. Court of Appeals for the District of Columbia Circuit, ATR has requested the Court to review this specific aspect of the ATR decision.

modified or set aside by the Commission, or be suspended or set aside by a court of competent jurisdiction." None of these events has occurred. Accordingly, ATR must revise its Tariff FCC No. 8, Transmittal No. 78, so that the rates therein will accurately reflect the adjustments made by the ATR decision to the reserve for depreciation. We shall afford ATR 20 days from the release of this order to make the necessary adjustments. Also, to prevent the churning of rates which would result if the subject tariff became effective on January 20, and the revised rates were filed 20 days subsequent thereto, we request ATR to voluntarily defer the effective date of its tariff to coincide with the effective date of the rate revisions described above.

47. ATR indicates that its overall rate of return for 1977 will be 14.04 percent. In the ATR decision, we found 12.9-14.5 percent to be a reasonable return on investment. Now, ATR requests that we increase the allowed return on its cost of equity from the prescribed range of 15-18 percent to a range of 18-21 percent. Assuming for the moment that ATR's rate base and expense calculations are correct, we are concerned that ATR may already be using the 18-21 percent figure it has requested, but which we have not authorized. If the 18 percent cost of equity figure was used in calculating the overall revenue requirement, ATR could be earning a 14.5 percent return on total investment. Whether that 18 percent figure is the upper limit of the 15-18 percent range or the lower limit of the requested 18-21 percent range is of little consequence. ATR should currently be pegging its cost of equity at 15 percent, so as to yield the lower 12.9 percent prescribed overall rate of return. The company can then earn up to 14.5 percent through efficiencies, but not by originally setting its cost of equity at 18 percent to achieve the upper limit of the prescribed 12.9 to 14.5 percent range. In the Common Carrier Bureau's Recommended Decision, the Bureau emphasized "that rates are being set on a 15 percent level." 65 FCC 2d at 400. We affirmed the Bureau's recommendation on this point. ATR, 63 FCC 2d at 916, 932. Our policy on this issue has also been set forth in Communications Satellite Corp., 56 FCC 2d 1101 (1975); *remanded on other grds., Communications Satellite Corp. v. FCC*, No. 75-2193 (D.C. Cir., 1977) where we stated:

Recently we have been allowing carriers ranges of rate of return. The purpose of establishing a range of rate of return is to provide a carrier with the incentive, on a rate

"Pursuant to § 1.3 of our Rules and Regulations, 47 CFR 1.3, we hereby waive the notice requirements of 47 CFR 61.58 and order ATR to file the above described rate revisions on one day's notice.

schedule designed to yield a return at the low end of the range, to achieve a return at the upper end of the range through operating and internal efficiencies. Thus, while the rates remain constant the carrier is provided the opportunity to achieve a higher rate of return.

56 FCC 2d at 1173 (emphasis added).

ATR does not refer to any efficiencies which could have led to this result. In fact, we observe that during the period from 1973 to 1975, while revenue increased only 20 percent, general and administrative expenses increased by greater than 90 percent and operating expenses increased about 25 percent. It thus appears that the 14.04 percent overall rate of return for 1977 is not due to operating and internal efficiencies. For this reason, we suspect that ATR may be using the 18 percent figure it has requested or may be pegging at the upper limit we prescribed. From the information presently before us, we simply cannot ascertain with any degree of certainty exactly what ATR is doing. Therefore, because ATR's \$61.38 materials place its overall rate of return within the prescribed 12.9 to 14.5 range at 14.04 percent, we will not reject this tariff for being unlawful on its face. However, unless ATR can submit the pertinent data necessary to clearly demonstrate that it is pegging its cost of equity at the 15 percent level prescribed by the Commission in the ATR decision, then we shall require ATR to revise its Tariff FCC No. 8, Transmittal No. 78, so that the rates therein do reflect a cost of equity set at the 15 percent level. This action is taken for the same reasons specified in paragraph 46 with respect to the depreciation reserve adjustment. ATR must submit the above described data or the rate revisions within 20 days from the release of this order, and again, we request ATR to voluntarily defer the effective date of its revisions to Tariff FCC No. 8, Transmittal No. 78, to prevent an unnecessary churning of rates.

48. With respect to the ATR's request for an increase in the prescribed return on equity to a range of 18-21 percent, we will consider whether such an increase is necessary in our investigation.

49. ATR contends that it may use the maximum statutory Federal corporate income tax rate of 48 percent as an appropriate expense for rate-making purposes because these taxes "are reasonable and a necessary part of a carrier's cost of service." In the ATR proceeding, we permitted ATR to use the corporate tax rate for rate-

making purposes once the proper amount of taxable income was ascertained. See 65 FCC 2d at 392. However, in this regard, we also stated that the "rates to be determined in this proceeding are prospective in nature and our concern lies with current conditions, unless there are compelling reasons to do otherwise." 65 FCC 2d at 492. (Emphasis added.) At that time, we found no such reasons to deny ATR the use of the maximum corporate tax rate for ratemaking purposes. In the context of the revised filing, however, we now believe compelling reasons have surfaced which should be thoroughly investigated before we allow ATR to continue to use the 48 percent corporate tax rate. In particular, we note that ATR has never paid the amount of the statutory rate for the past five years. This means that when ATR uses 48 percent of its taxable income as an expense to be covered by the ratepayers, but the amount is not actually paid, then rates may be too high. We believe that this practice raises substantial questions of lawfulness and therefore warrants an investigation into the appropriate effective tax rates which should be employed by ATR for ratemaking purposes.

C. RETRANSMISSION

50. Finally, we believe ATR's retransmission provision violates the ATR decision, and therefore, should be rejected as being unlawful on its face. In ATR we held that a "carrier has no legal basis upon which to restrict the cable operator's use of the signal" and therefore, tariff regulations requiring prior written authorization from the carrier are unlawful because such provisions "could have the practical effect of a total prohibition on retransmission." 63 FCC 2d at 930. We also established a general restriction against retransmission charges by the carrier unless the carrier could demonstrate that it incurred some specific costs when a cable customer retransmits the signal. In response to these holdings, ATR has revised its retransmission regulation to provide that:

The customer shall not cause or permit the service delivered to it by the carrier to be used by any other person or entity, or to be relayed or carried to any point outside the community, locality or specific delivery area, without giving the carrier five months'

"These low effective tax rates for ATR arise because ATR's ultimate parent, TCI, chose to file consolidated tax returns for the years 1972 to 1976 in order to use ATR's and other subsidiaries' positive earnings to offset TCI's losses. TCI then distributes the benefits of such tax savings proportionally to the contributing subsidiaries. ATR, FCC Form P. 1976.

prior written notice. If the customer receives service under the special exception provisions of Part C, 2, or if the usage of the service indicated in the notice otherwise requires the carrier to file for rate changes and notice of such changes is given to the customer by the carrier within 60 days of the date of the customer's notice, the proposed usage shall not be permitted until the necessary rate changes, which in either case will be filed on 90-day notice within the aforementioned 60-day period, become effective or are superseded.

Although ATR has eliminated the prior authorization requirement, it has replaced it with a prior notification provision that we believe has "the practical effect of a total prohibition on retransmission" for five months. Thus ATR's prior notification provision is patently unlawful. This is not to say however, that a mere notice provision without an attendant restriction on customer retransmission for the period of the notice is unlawful. We would not consider a requirement of notice, and notice alone, to be unreasonable.

D. OTHER ISSUES

51. From our review of ATR's § 61.38 materials, it does not presently appear that ATR is amortizing its plant acquisition adjustment account in violation of the ATR decision. Moreover, ATR's amortization of its rate case costs as an operating expense over a four-year period does not seem unreasonable at this time.

V. CONCLUSIONS

52. Pursuant to our order in the ATR decision, ATR has filed a revised tariff which it believes eliminates the rate structure discriminations and revenue requirement computation errors found to exist in its presently effective Tariff FCC No. 8, filed under cover of Transmittal No. 50. Although ATR has made a significant effort to comply with the holdings of the ATR decision, especially by discarding its population-sensitive value of service rate structure, we nevertheless have concluded that substantial questions have been raised as to whether the revised tariff meets the requirements of sections 201(b) and 202(a) of the Communications Act. However, we have decided that the public interest would be better served by not suspending the revised tariff's effective date because a suspension would necessarily bind ATR's customers to the unlawful tariff now in effect. Moreover, we consider the revised tariff to be a substantive improvement over the present tariff. We shall therefore permit the revised tariff to become effective, but shall institute an investigation into the issues specified herein. We will not begin this investigation, however, until after our forthcoming rulemaking proceeding is completed. We can then make a prospective application of the

ratemaking and other principles formulated therein in the subsequent investigation of the specific elements of ATR's revised Tariff FCC No. 8, filed under cover of Transmittal No. 78. We have also concluded that administrative efficiency would be furthered, as well as a more expeditious resolution of this entire case, if certain revenue requirement issues were investigated in the same proceeding as the rate structure issues. Consequently, we shall defer the investigation into the revenue requirement issues pending completion of the rulemaking.

53. We have also determined that ATR has failed to justify its assertion that the adjustments we made to its reserve for depreciation in the ATR decision were "erroneous." Therefore, we shall require ATR to file revised rates within 20 days of the release of this order which accurately reflect the adjustments to the depreciation reserve specified in the Recommended Decision, adopted in ATR, and affirmed on Reconsideration. In addition, unless ATR can submit the data necessary to demonstrate clearly that it is pegging its cost of equity at 15 percent, then it must revise its rates to reflect the 15 percent peg prescribed in our ATR decision. We shall require ATR to file such data or rate revisions within 20 days of the release of this order.

54. Furthermore, we have concluded that ATR must add a statement in the exception customer provision specifying the conditions precedent to the application of an exception rate. Such a provision is necessary for the protection of all customers who may apply for such rates between the time the revised tariff becomes effective and the time we complete our investigation into the lawfulness of the exception category. Without such a provision during this interim period, we have concluded that this tariff regulation creates the possibility of carrier discrimination in the granting or denying of exception rates.

55. Finally, we have concluded that ATR's retransmission provision, which could have the effect of a total prohibition on customer retransmission for the five month notice period, is in direct violation of the ATR decision and therefore, must be rejected.

VI. ORDER

56. Accordingly, *It is ordered*, That the "Petition to Suspend" American Television Relay, Inc.'s revisions to its Tariff FCC No. 8, filed by United Cable Television Corp., *is denied* to the extent specified herein, and otherwise *is granted*.

57. *It is further ordered*, That ATR file tariff revisions to its customer rates to accurately reflect the adjustments made in the ATR decision to its reserve for depreciation, as described

in paragraph 45 herein. These rate revisions must be made within 20 days of the release of this Order.

58. *It is further ordered*, That ATR file rate revisions to reflect a cost of equity pegged at 15 percent, unless ATR can convincingly demonstrate that it is now pegging its cost of equity to earn a return of 15 percent. The rate revisions or data submission must be made within 20 days from the release of this Order.

59. *It is further ordered*, That Paragraph C.2 of ATR's revised Tariff FCC No. 8, be amended as described in paragraphs 40 and 56 herein, within 20 days of the release of this Order.

60. *It is further ordered*, That paragraph B.4.c of ATR's revised Tariff FCC No. 8 *is rejected*, for the reasons specified in paragraph 50 herein.

61. *It is further ordered*, That pursuant to section 1.3 of our Rules and Regulations, 47 CFR 1.3, the requirements of § 61.58 of our Rules, 47 CFR 61.58 are waived so that the revisions ordered in paragraphs 57, 58 and 59 herein can be made on one day's notice to the public. Any party that may wish to file pleadings and comments with respect to these rate revisions and other tariff changes may proceed to do so within 30 days of the release of this Order, and ATR may respond within 14 days thereafter. Such comments and pleadings will be considered in our investigation of this tariff, or otherwise as may be appropriate.

62. *It is further ordered*, That, pursuant to sections 4(i), 4(j), 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by American Television Relay, Inc. with Transmittal No. 78, including any cancellations, amendments or relissions thereof.

63. *It is further ordered*, That pursuant to section 4(j) of the Act, hearings in this investigation are deferred until further Commission order.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3209 Filed 2-6-78; 8:45 am]

[6712-01]

[BC Docket Nos. 78-15—78-17; File Nos. BPH-9670, etc.; FCC 78-15]

BURT H. OLIPHANT, ET AL

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: January 11, 1978.

Released: January 31, 1978.

In re applications of Burt H. Oliphant, Bozeman, Mont., BC Docket

No. 78-15, File No. BPH-9670, Requests: 93.7 MHz, No. 229; 60 kW; 430 feet; Western Media, Inc., Bozeman, Mont., BC Docket No. 78-16, File No. BPH-9772, Requests: 93.7 MHz, No. 229; 63 kW; 195 feet; Northern Sun Corporation, Bozeman, Mont., BC Docket No. 78-17, File No. BPH-9841, Requests: 93.7 MHz, No. 229; 100 kW; 220 feet, for construction permits.

1. The Commission has before it: (i) The above-captioned mutually exclusive applications of Burt H. Oliphant (Oliphant), Western Media, Inc. (Western Media), and Northern Sun Corporation (Northern Sun); and, (ii) a Petition to Deny the Oliphant application, filed by Western Media, and related pleadings.

2. Data on file indicate there would be a significant difference between the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity together with the availability of other primary aural services in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

3. In its petition, Western Media alleges that Mr. Rex K. Jensen is a real party in interest to the Oliphant application, that Oliphant's community leader survey is defective, and that Oliphant has not established his financial qualifications. The substance of Western Media's argument for a real party in interest issue is that Oliphant and Jensen are acting in concert as evidenced by their familial relationship, their common ownership of Magicland Broadcasting Co. (Magicland), licensee of Stations KBBJ(AM) and KBBK(FM), Boise, Idaho, and the substantial similarities between Oliphant's application and Jensen's applications for Boise, Idaho (BPH-9674) and Missoula, Mont. (BPH-9664). According to Western Media, Jensen is Mrs. Oliphant's nephew. In addition, it is stated that Jensen is president, a director, and, in conjunction with his wife, 10 percent owner of Magicland, while Oliphant is vice-president, a director, and, in conjunction with his wife, ninety percent owner of Magicland. The alleged similarities in the Oliphant application and two Jensen applications are that each of the three applications specify identical proposed hours of operation, times for news and

¹ The applicants indicate in Section V-B of their applications that the areas (in square miles) and populations, respectively, their proposals would serve would be as follows: (i) Oliphant: 5000; 45,573; (ii) Western Media: 2547; 27,685; and, (iii) Northern Sun 2725; 27,790.

Equipment.....	\$28,500
Land.....	250
Building.....	3,500
Miscellaneous.....	10,000
Working capital (first year).....	103,512
Total.....	\$145,762

To meet this requirement, applicant relies upon the following: Deferred credit, \$42,615; existing capital, \$28,185; and, bank loans, \$88,125. However, the manufacturer's letter of credit, dated October 23, 1975, shows that \$65,000, not \$28,500, worth of equipment will be purchased, and shows deferred credit in the amount of \$40,138 rather than \$42,615 as indicated in Section III. In addition, since the bank letters do not show the terms of repayment or interest to be charged as required by paragraph 4(a), page 3, Section III, FCC Form 301, they cannot be considered available. Accordingly, an appropriate issue will be specified.

7. Western Media has failed to comply with the requirements of the "Primer on Ascertainment of Community Problems by Broadcast Applicants" 27 FCC 2d 650, 21 RR 2d 1507 (1971). While Western Media indicates that community leaders were interviewed by employees of commonly-owned Station KBMN under the direction of Mr. Leonard Kehl, Vice President of Western Media, we are unable to determine on the basis of the information before us whether the community leaders were contacted by principals or management-level employees as required by question and answer 11(a) of the "Primer." Further, while Western Media lists the names of 216 members of the general public who were interviewed, since it has supplied neither information regarding the methodology used to achieve randomness nor sufficient information concerning the people interviewed, we cannot determine whether a random sample was achieved. See "Primer", question and answer 13(b). Finally, Western Media has not provided the time segment for any of the proposed programs as required by question and answer 29. Accordingly, an appropriate issue will be specified.

8. Analysis of the financial portion of Western Media's application reveals that \$104,000 will be required to construct and operate the proposed station for a period of one year, itemized as follows:

Equipment.....	\$41,000
Miscellaneous.....	6,000
Loan repayment with interest.....	21,000
Working capital (first year).....	36,000
Total.....	104,000

To meet this requirement, applicant relies upon the following: existing capital, \$32,000; loans from shareholders, \$100,000; and, profits from existing operations, \$55,000. However, the \$32,000 is not reflected in its balance sheet. In

public affairs programming, and numbers of public service announcements proposed to be broadcast. Finally, the responses to FCC Form 301 (Nov. 1974 ed.), Section IV-A, paragraphs 1-C, 16, and 28, and Section VI are allegedly identical, and the responses to Section IV-A, paragraphs 1-A, 17, 19, and 25, are allegedly substantially similar.

4. As stated in "Sumiton Broadcasting Co., Inc.," 15 FCC 2d 400, 405, 14 RR 2d 1000 (1968), "the test for determining whether a third person is a real party in interest is whether that person has an ownership interest, or is or will be in a position to actually or potentially control the operation of the station." We are unable to find that Western Media's allegations meet this test. While it is true that Jensen prepared some of Oliphant's exhibits, a fact indicated on page 2, Section I of Oliphant's application, and while there are many similarities between the applications, Western Media has not substantiated its charge that Jensen is a real party in interest. There is no indication here that Jensen is supplying any funds to Oliphant, as is the usual case when a real party in interest issue is specified. See, "e.g., KOWL, Inc.," 49 FCC 2d 962, 31 RR 2d 1589 (Rev. Bd., 1974). Ample Commission precedent demonstrates that neither a family relationship nor assistance in preparation of an application, standing alone, is sufficient to support the addition of a real party in interest issue. See, "e.g., Corvallis Broadcasting Corp.," 38 FCC 2d 30, 25 RR 2d 824 (Rev. Bd., 1972).

5. Western Media correctly indicates in its petition that Oliphant's ascertainment survey contained in the application as originally filed was deficient in many respects: Demographic data for Bozeman was lacking; there was no clear indication that the community leader survey was conducted by a management-level employee; it was not clear that sufficient community leaders or members of the general public were contacted; the dates upon which the surveys were conducted were not provided; and, the proposed programs were not correlated with ascertained needs. However, Oliphant submitted an amended ascertainment survey on March 21, 1977 which corrected each of these defects and, accordingly, we find no basis upon which to specify an issue inquiring into the efforts made by Oliphant to ascertain the problems, needs and interests of the residents of Bozeman.

6. We find, though, that there is merit to Western Media's charge that Oliphant has not established his financial qualifications. Analysis of Section III of Oliphant's application, as amended, reveals that \$145,762 will be required to construct and operate the proposed station for a period of one year, without revenue, itemized as follows:

addition, the balance sheets of shareholders Gerald Rounsberg and Leonard V. Kehl do not segregate current and long-term liabilities as required by paragraph 4(b), page 3, section III of FCC Form 301, and the bank letter to Kehl does not indicate terms of repayment, interest, or security required, if any, as required by paragraph 4(a) of Form 301. Finally, since "profits from existing operations" has not been defined, funds cannot be considered available from this source. Accordingly, an appropriate issue will be specified.

9. Oliphant and Northern Sun propose independent programming, while Western Media proposes to duplicate the programming of its commonly owned AM station, KBMN, during 50 percent of its broadcast time. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. "Jones T. Sudbury," 8 FCC 2d 360, 10 RR 2d 114 (1967).

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to the application of Burt H. Oliphant:

(a) The applicant's first year equipment costs;

(b) The source and availability of funds above and beyond the \$28,185 indicated; and,

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is financially qualified.

2. To determine the efforts made by Western Media, Inc. to ascertain the needs and interests of the area to be served and the means by which Western Media, Inc. proposes to meet those needs and interests.

3. To determine whether Western Media, Inc. is financially qualified to construct and operate as proposed.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

12. It is further ordered, That, the petition to deny filed by Western Media, Inc. is granted to the extent indicated above, and is denied in all other respects.

13. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

14. It is further ordered, That, the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules give notice of the hearing within the time and manner prescribed in such rule, and shall advise the Commission of publication of such notice as required by § 1.594 of the rules.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3233 Filed 2-6-78; 8:45 am]

[6712-01]

RM-2698; FCC 78-531

CENTRAL STATION ELECTRICAL PROTECTION INDUSTRY

Memorandum Opinion and Order Denying Rulemaking in Part

Adopted: January 25, 1978.

Released: February 7, 1978.

By the Commission: Commissioner Washburn absent.

In the matter of Amendment of Parts 89 and 91 of the Commission's Rules to transfer central station electrical protection industry licensees and certain frequencies allocated to their use from the Business Radio Service to the Special Emergency Radio Service; Memorandum opinion and order (Denying Rule Making in Part).

1. The Central Station Electrical Protection Association (CSEPA) has petitioned the Commission to reconsider its decision of May 20, 1977, denying CSEPA's petition to make central station electrical protection companies eligible in the Special Emergency Radio Service (Part 89, Subpart P of the Commission's Rules).¹ CSEPA's petition is opposed by the International Municipal Signal Association (IMSA).

2. In support of its request, CSEPA complains that the Commission was

¹FCC 77-321, released May 20, 1977.

not accurately and fully informed by the staff of all of the considerations which CSEPA viewed as relevant to the issues involved in its rule making request, and, as a consequence CSEPA argues, the Commission has not fully recognized and, therefore, has not adequately accommodated the valuable public service which central station electrical protection companies provide. CSEPA's basic position is that central station electrical protection companies should be regarded as quasi-public safety organizations and be included in the Special Emergency Radio Service or, in the alternative, in a new radio service to be established within the public safety radio services group rather than be authorized in the Business Radio Service along with other commercial enterprises.

3. While the Commission believes it considered all of the pertinent factors in its decision in this case, we have determined to grant reconsideration, and to review the matter again because we feel that some modification of the original decision is warranted and also because we want to assure the petitioner that full and complete consideration has been given to all of the pertinent arguments it has advanced.

4. Briefly, as we understand them, the petitioner's arguments (as advanced in its original petition for rulemaking, in additional filings concerning that petition, in the instant petition for reconsideration, and in correspondence related to it) may be summarized as follows: According to the petitioner, the central station electrical protection industry plays an important role in the overall national effort to curb crime, in that it provides protection to valuable private as well as public property. It states that its services are effective, and parallel those of public safety agencies, such as police and fire departments; that other Federal agencies, such as the Law Enforcement Assistance Administration, have recognized the importance of private policing and other private protection services; and that this Commission should recognize their importance as well. CSEPA argues that since the services provided by the central station electrical protection industry are akin to the services of such public safety agencies as police and fire departments, the central station electrical protection industry should be accommodated in the same group of radio services as are the police, fire, and other local governmental functions, namely, the Public Safety Radio Services. The Special Emergency Radio Service, in which the petitioner specifically seeks eligibility for the industry, is now one of the Public Safety Radio Services.

5. CSEPA's basic objective is to have the central station electrical protection industry qualified for the higher

priority in frequency allocations and for the greater latitude in the use of frequencies which the petitioner feels have been accorded traditionally to licensees in the Public Safety Radio Service. However, the petitioner states that it is not proposing that the industry share the use of radio frequencies now allocated in the Special Emergency, or in the other Public Safety Radio Services.

6. One of the petitioner's immediate objective (as we understand it), is for us to allow central station electrical protection entities to use for point-to-point communication purposes the five pairs of frequencies we have earmarked for their use in most parts of the country (2 nationwide and 3 in the largest 87 urban areas). Under existing rules, these frequencies may now be used for point-to-point communications only outside the largest 40 urbanized areas of the country. The petitioner appears to believe that the chances for obtaining such rules changes would be better, if its members were made eligible in the Public Safety Radio Services. The petitioner also seems to believe that the future chances for obtaining allocation of additional radio frequencies for the industry's point-to-point communications would be better, if it were part of the Public Safety Radio Services.

7. CSEPA's original petition for rulemaking was opposed by the Associated Public Safety Communications Officers (APCO), which is the traditional spokesman before the Commission on police and other public safety radio communication matters, and by the International Municipal Signal Association (IMSA), traditional spokesman for the Fire Radio Service. IMSA also opposed CSEPA's petition for reconsideration. Without detailing the specific objections voiced by these organizations, they argued basically that central station electrical protection entities do not belong in the Special Emergency Radio Service, or in any of the Public Safety Radio Services, because they are commercial entities providing service to specific customers and, as such, should not be equated in terms of their claim to the radio spectrum with tax-supported governmental entities, which provide protection and other governmental services to the entire public.

8. The Commission has reconsidered the petitioner's arguments carefully as well as the arguments advanced in opposition by IMSA and by APCO. We have decided to affirm our earlier decision, in so far as we declined to propose rules which would make central station electrical protection entities eligible in the Special Emergency Radio Service, or which would establish a new radio service for this industry within the Public Safety Radio Services group. We find nothing in the

original petition or in the petition for reconsideration which requires or warrants a different conclusion. The Public Safety Radio Services were established primarily to accommodate local governmental requirements, and we perceive no good reason to introduce new non-governmental functions there. Further, as the Commission pointed out in its Memorandum Opinion and Order, the Special Emergency Radio Service is also not the appropriate home for this industry. The Special Emergency Radio Service is principally oriented towards life protection, and it accommodates hospitals, ambulances, rescue and disaster organizations, and physicians as part of the Commission's extensive regulatory program for authorizing emergency medical service communications. The Commission, therefore, affirms its conclusion that commercial central station electrical protection entities do not belong in the Special Emergency Radio Service.

9. This is not to say that the Commission is not aware of the importance of the commercial protection services being provided by this industry. The importance of these services has been recognized by us for many years. As early as 1960 the Commission made specific provisions to allow this industry to test the feasibility of central radio alarm systems in the 952-960 MHz band, and authorized the operation of such systems on a developmental basis. Later, at the request of the industry, in Docket No. 17891, the Commission adopted rules which allowed the industry to operate radio alarm systems in that band on a regular basis, while we maintained the "developmental" status of similar operations of others.² Further, in Docket 19869³ the Commission was convinced by this industry to adopt technical standards less stringent than originally proposed and called for by the state-of-the-art, in order to promote the development of low cost central radio alarm systems in the 962-960 MHz band.⁴ Finally, in Docket 13847⁵ the Commission earmarked five pairs of frequencies in the 460-470 MHz band exclusively for the use of members of this industry, two of them nationwide and three in the largest 87 urbanized areas.

10. The significant issue, as we see it, is not whether the central station electrical protection industry deserves to become eligible in the Public Safety Radio Services, but whether its legiti-

mate and substantial radio communication requirements are being reasonably accommodated. On this point, it is our understanding that except for the additional protection sought by the industry in the recently submitted RM-2957, the industry's mobile communication requirements are being satisfactorily accommodated by existing rule provisions. The industry's major, if not sole, concern appears to relate to requirements for fixed point-to-point radio communications to satisfy present and more importantly future needs. This concern becomes evident from the petitioner's lengthy discussion of the industry's desire for radio circuits to connect the alarms at the customer's premises with central stations.⁶ Additionally, the industry would like to have radio point-to-point circuits with which to transmit messages about alarms received at the central station to appropriate police and fire departments. Toward this end, as we stated above, CSEPA seeks to have the Commission adopt rules which would allow central station electrical protection licensees to operate point-to-point communications for alarm signalling and other purposes on the frequency or frequencies assigned to them for land mobile radio communications.⁷

11. On reconsideration, we believe that this aspect of the petition could be granted and we have adopted a Notice of Proposed Rule Making to amend the appropriate rules in the Business Radio Service to allow secondary point-to-point uses of the five pairs of frequencies earmarked for the central station protection industry. We base this conclusion on CSEPA's representation on behalf of the industry that these five pairs of frequencies have enough unused capacity to accommodate the limited point-to-point communications asked for by the petitioner, in addition to the industry's mobile radio service communications requirements.

12. We have considered petitioner's Petition For Leave To File Additional Pleading, submitted, August 12, 1977, and petitioner's Request To Set Petition For Reconsideration For Oral Argument or in the alternative, Request To Refer Initial Decision to the Office of Opinions and review For Recommendation, submitted the same date.

²These requirements, as we have indicated, were to be accommodated on frequencies in the 952-960 MHz band but as mentioned, such radio systems have not been developed.

³In addition, there is a pending RM-2713, a Petition filed by CSEPA, looking for 200 kHz of radio spectrum in the 27-40 MHz region for the use of central station commercial protection industry, and for "a few frequencies" in the 27-76 MHz band for alarms to be transmitted at locations other than central stations. This petition will be considered separately.

⁴13 FCC 2d 713 (1968).

⁵52 FCC 2d 894 (1975).

⁶It is noted with considerable disappointment that, although the radio frequencies in the 952-960 MHz band have been available to central station electrical protection industry for more than 15 years, no such system is in operation to date.

⁷11 FCC 2d 648 (1968) Feb. 9.

The Petition For Leave To File Additional Pleading is granted and the information has been considered. We do not see the necessity for the Request To Set Petition For Reconsideration For Oral Argument, or in the alternative, the Request To Refer Initial Decision To The Office Of Opinions and Review For Recommendation and the decision is denied.

13. In view of the foregoing, the Petition for Reconsideration filed by the Central Station Electrical Protection Association on June 20, 1977, and its petition for rule making RM-2698 are granted to the extent indicated in the foregoing opinion and are denied in all other respect. Authority for this action is contained in Sections 4(i), 303, and 405 of the Communications Act of 1934, as amended.

14. It is further ordered, That the Petition For Leave To File Additional Pleadings filed by the Central Station Electrical Protection Association on August 12, 1977, is granted and the Request To Set Petition for Reconsideration For Oral Argument or in the alternative the Request To Refer Initial Decision To The Office of Opinions and Review are denied.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3286 Filed 2-6-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

NOTICE OF AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the field offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 27, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign com-

petitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

AGREEMENT No. 8770-7

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, N.Y. 10004.

Summary: Agreement No. 8770 modifies the U.K./U.S.A. Gulf Rate Agreement by adding a new paragraph to Article 4 to articulate the authority of the Agreement Chairman and staff to compile statistics and data relating to rate applications, shipper requests and other Agreement business.

AGREEMENT No. 9988-7

Filing party: Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, N.Y. 10004.

Summary: Agreement No. 9988-7 modifies the Continental/U.S. Gulf Freight Association Agreement by adding a new paragraph to Article 11 to articulate the authority of the Agreement Chairman and staff to compile statistics and data relating to rate applications, shipper requests and other Association business.

AGREEMENTS Nos. T-2851-A AND T-2851-B

Filing party: Peter P. Wilson, Senior Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

Summary: Agreement No. T-2851-A, between Matson Terminals, Inc. (Matson), and McCabe, Hamilton & Renny Co., Ltd. (McCabe), and Agreement No. T-2851-B, between Matson Navigation Co. (Matson) and McCabe, provide for the lease of certain equipment from Matson to McCabe so that McCabe can perform services for Matson in certain specified Hawaii ports. These two agreements will facilitate McCabe in the discharge and performance of cargo services pursuant to approved Federal Maritime Commission Agreement No. T-2851, between the same parties. Agreement No. T-2851-A provides for the lease to McCabe of equipment including, but not limited to, yard tractors, straddle carriers, container lifting beams, mobile radio equipment and RoRo ramps. Agreement No. T-2851-B provides for the lease to McCabe of equipment including, but not limited to, trailers. Neither agreement requires any payments to Matson for use of the aforesaid equipment. It is, nevertheless, understood that McCabe will maintain all such leased equipment in good operating condition, with the stipulation that Matson will reimburse McCabe for certain maintenance costs as detailed in the agreements.

AGREEMENT No. T-3414-1

Filing party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Summary: Agreement No. T-3414-1, between Port of Seattle (Port) and Sea-Land Service, Inc. (Sea-Land), modifies the parties' basic agreement providing for the 5-year lease to Sea-Land of property at Terminal 5, Seattle, Wash., to be operated as a marine terminal facility. The purpose of the modification is to make certain changes in the rental schedule and lease bond requirements, reimburse Sea-Land for partially completed facility improvements and modify commencement dates of rentals in certain areas of the lease premises.

AGREEMENTS Nos. T-3565 AND T-3565-A

Filing party: Amy Loeserman Klein, Esquire, Galland, Kharasch, Calkins & Short, Canal Square, 1054 31st Street NW., Washington, D.C. 20007.

Summary: Agreements Nos. T-3565 and T-3565-A are between the Puerto Rico Ports Authority (Port) and Sea-Land Service, Inc. (Sea-Land). Agreement No. T-3565 grants Sea-Land preferential use of: (a) Berths E and F, Puerto Nuevo, San Juan; and (b) approximately 300,000 square feet of adjoining apron and cargo-in-transit area. The agreement's initial term is 5 years, with four 5-year renewal options. As compensation, the Port is to receive: (a) \$15,000 annually for Sea-Land's preferential rights; (b) all Port dockage and wharfage charges, subject to an annual minimum guarantee of \$375,000; and (c) all other applicable Port charges. The Port retains secondary berthing privileges under the agreement, and dockage and wharfage collected from non-Sea-Land vessels calling at the facility will be credited to Sea-Land's minimum annual guarantee. Agreement No. T-3565-A provides for Sea-Land's lease and exclusive use of 1,126,831.13 square feet (577,793.45 square feet (Area A) upon the agreement's effective date, and an additional 549,037.68 square feet (Area B) commencing July 1, 1979) adjacent to the area preferentially assigned Sea-Land under Agreement No. T-3565, above. The agreement's initial term is five years, with four 5-year renewal options. As compensation, the Port is to receive \$174,812.26 annually for Area A and \$166,113.28 annually for Area B.

AGREEMENTS Nos. T-3567 AND T-3567-A

Filing party: Amy Loeserman Klein, Esquire, Galland, Kharasch, Calkins & Short, Canal Square, 1054 31st Street NW., Washington, D.C. 20007.

Summary: Agreements Nos. T-3567 and T-3567-A are between the Puerto Rico Ports Authority (Port) and the

Puerto Rico Maritime Shipping Authority (PRMSA). Agreement No. T-3567 grants PRMSA preferential use of: (a) Berths G and H, Puerto Nuevo, San Juan; and (b) approximately 300,000 square feet of adjoining apron and cargo-in-transit area. The agreement's initial term is 25 years, with a renewal option for an additional 5 years. As compensation, the Port is to receive: (a) \$15,000 annually for PRMSA's preferential rights; (b) all Port dockage and wharfage charges, subject to an annual minimum guarantee of \$375,000; and (c) all other applicable Port charges. The Port retains secondary berthing rights under the agreement, and dockage and wharfage collected from non-PRMSA vessels will be credited to PRMSA's minimum annual guarantee. Agreement No. T-3567-A provides for PRMSA's lease and exclusive use of 1,683,387.68 square feet, 549,037.68 square feet of which (i.e., Area B) will revert to the Port on July 1, 1979. The agreement's initial term is 25 years, with a renewal option for an additional 5 years. As compensation, the Port is to receive \$509,304.32 annually, which is to be reduced by \$166,113.28 once Area B reverts to the Port.

AGREEMENT No. T-3570

Filing party: Peter P. Wilson, Senior Counsel, Matson Navigation Co., 100 Mission Street, San Francisco, Calif. 94105.

Summary: Agreement No. T-3570, between Matson Terminals, Inc. (Matson), and McCabe, Hamilton & Renny Co., Ltd. (McCabe), provides for the lease of certain equipment from Matson to McCabe so that McCabe can perform services for Matson at the Port of Honolulu, Hawaii. Specifically, the agreement provides for the lease to McCabe of equipment including but not limited to yard tractors. The agreement does not require any payments to Matson for use of the aforesaid equipment. It is nevertheless understood that McCabe will maintain all such leased equipment in good operating condition with the stipulation, that Matson will reimburse McCabe for certain maintenance costs as detailed in the agreement.

AGREEMENT No. T-3574

Filing party: Mr. Donald C. O'Malley, Jr., Director, Tariffs and Regulatory Affairs, Crowley Maritime Corp., Caribbean Division, P.O. Box 2110, Jacksonville, Fla. 32203.

Summary: Agreement No. T-3574, between the Lake Charles Harbor and Terminal District (Port) and Trailer Marine Transport Corp. (TMT), provides for the 6-month (with renewal options) lease of certain premises in Ward 3, Calcasieu Parish, La., to be used for roadways, parking, and the operation of a roll-on/roll-off trailer

barge service by TMT. As compensation, TMT shall pay the Port \$1,125.00 for the 6-month period.

By order of the Federal Maritime Commission.

Dated: February 1, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-3276 Filed 2-6-78; 8:45 am]

[6730-01]

NOTICE OF AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10136; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, Puerto Rico.

AGREEMENT No. 9902-8.

Filing party: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., Counselors at Law, Suite 305, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. 9902-8 modifies the organic agreement of the Euro-Pacific Joint Services to (1) limit the joint service parties to one vote in any conference to which they belong; (2) authorize the parties to interchange empty cargo containers and/or related equipment; (3) allocate Compagnie Generale Maritime (CGM) and Intercontinental Transport (ICT) 50 percent of the space on each sailing and Hapag-Lloyd 50 percent; (4) authorize CGM and ICT to market their half of the service separately from Hapag-Lloyd; (5) permit the parties to charter space from each other in addition to the amount allocated; (6) authorize the joint service to operate container ships in the trade with an approximate ten-day sailing frequency and with a one-way limit of 800 TEU's every ten days; and (7) establish a term of four years and six months or until December 31, 1982, whichever is earlier. This agreement, if approved, would supersede all pending modifications presently under investigation in Federal Maritime Commission Docket No. 77-4.

This agreement has been incorporated into Docket No. 77-4 concerning Agreements Nos. 9902-3, et al. All persons, except present parties to Docket No. 77-4, desiring to comment upon

this amendment may do so by filing petitions to intervene in this proceeding.

AGREEMENT No. 9929-5.

Filing party: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. 9929-5, between Hapag-Lloyd, A.G., Intercontinental Transport (ICT) B.V. and Compagnie Generale Maritime, modifies the Combi Line Joint Service Agreement by (1) removing obsolete references, clarifying certain provisions and rearranging the order of the Articles, (2) clarifying the inclusion of Mexico in the scope of the Agreement, (3) setting new capacity limits for the coordinated container service, and (4) making other administrative changes.

This agreement has been incorporated into Docket No. 77-7 concerning Agreements Nos. 9929-2, et al. All persons, except present parties to Docket No. 77-7, desiring to comment upon this amendment may do so by filing petitions to intervene in this proceeding.

AGREEMENT No. 10266-2.

Filing party: Edward Schmeltzer, Esquire, Schmeltzer, Aptaker & Sheppard, P.C., 1150 Connecticut Avenue NW., Washington, D.C. 20036.

Summary: Agreement No. 10266-2, between Intercontinental Transport (ICT) B.V. and Compagnie Generale Maritime, modifies the basic joint marketing agreement by (1) correcting the name designation of CGM, (2) deleting Article 5 pertaining to conference matters, (3) specifying a new termination date, and (4) making other administrative changes.

This agreement has been incorporated into Docket No. 77-7 concerning Agreements Nos. 10266-2, et al. All persons, except present parties to Docket No. 77-7, desiring to comment upon this amendment may do so by filing petitions to intervene in this proceeding.

By order of the Federal Maritime Commission.

Dated: February 2, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-3277 Filed 2-6-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder
License No. 518]

GILBERT GARCIA D.B.A. GARCIA BROS.

Order of Revocation

The bond issued in favor of Gilbert Garcia d.b.a. Garcia Bros., 1805 Congress Building, Miami, Fla. 33132,

FMC No. 518, was canceled effective January 26, 1978.

By letter dated December 30, 1977, the licensee was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 518 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before January 26, 1978.

Section 44(c), Shipping Act, 1918, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The licensee has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (revised) Section 5.01(d) dated August 8, 1977:

It is ordered, That Independent Ocean Freight Forwarder License No. 518 be and is hereby revoked effective January 26, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 518 issued to Gilbert Garcia d.b.a. Garcia Bros., be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Gilbert Garcia d.b.a. Garcia Bros.

LEROFY F. FULLER,
Director, Bureau of
Certification and Licensing.

[FR Doc. 78-3278 Filed 2-6-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1975]

NICHOLAS A. SCULLY AND STEPHEN C. SCULLY D.B.A. SCULLY & CO.

Order of Revocation

On January 30, 1978, Nicholas A. Scully and Stephen C. Scully d.b.a. Scully & Co., voluntarily surrendered their Independent Ocean Freight Forwarder License No. 1975 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(c), dated August 8, 1977:

It is ordered, That Independent Ocean Freight Forwarder License No. 1975 issued to Nicholas A. Scully and Stephen C. Scully d.b.a. Scully & Company, be and is hereby revoked effective January 30, 1978 without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Nicholas A. Scully and Stephen C. Scully d.b.a. Scully & Co.

LEROFY F. FULLER,
Director Bureau of
Certification and Licensing.
[FR Doc. 78-3279 Filed 2-6-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FIRST AFFILIATED BANCORPORATION, INC.

Formation of Bank Holding Company

First Affiliated Bancorporation, Inc., Stevens Point, Wis., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank of Stevens Point, Stevens Point, Wis. and 80 percent or more of the voting shares of Bank of Park Ridge, Park Ridge, Wis. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than February 24, 1978.

Board of Governors of the Federal Reserve System, February 1, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-3207 Filed 2-6-78; 8:45 am]

[6210-01]

MERCANTILE BANCORPORATION INC.

Proposed Acquisition of Thorp Credit Co. of Parkersburg

Mercantile Bancorporation Inc., St. Louis, Mo., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire through its subsidiary, Franklin Finance Co., Clayton, Mo., the assets of Thorp Credit Co. of Parkersburg, Parkersburg, W. Va. Notice of the application was published on November 4, 1977, in the Parkersburg Sentinel, a newspaper circulated in Parkersburg, W. Va.

Applicant states that the proposed subsidiary would engage in the activities of making direct consumer loans under the West Virginia Industrial

Loan Act and selling credit related life and disability insurance in connection with those loans. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 20, 1978.

Board of Governors of the Federal Reserve System, January 30, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-3208 Filed 2-6-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 51; Formal Case No. 1517]

TEXAS PUBLIC UTILITY COMMISSION, TEXAS POWER & LIGHT CO.

Proposed Intervention in Rate Increase Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Texas Public Utility Commission concerning an application of the Texas Power & Light Co. for an increase in its tariffed rates for intrastate utility services. The Administrator of General Services represents the interests of the executive agencies of the U.S. Government, as users of utility services.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Ser-

vices Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0750, on or before March 9, 1978 and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: January 27, 1978.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 78-3185 Filed 2-6-78; 8:45 am]

[6820-24]

[Intervention Notice 52; Docket No. P-421/GR-77-1509]

MINNESOTA PUBLIC SERVICE COMMISSION AND NORTHWESTERN BELL TELEPHONE CO.

Proposed Intervention in Rate Increase Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Minnesota Public Service Commission concerning an application for an increase in its tariffed rates for intrastate telecommunications service. The Administrator of General Services represents the interests of the executive agencies of the U.S. Government, as users of utility services.

Persons desiring to make inquiries concerning this case to GSA should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0750, on or before March 9, 1978 and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4).)

Dated: January 26, 1978.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 78-3186 Filed 2-6-78; 8:45 am]

[6820-25]

[Temporary Regulation F-456]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose*. This regulation delegates authority to the Secretary of Defense

to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in a telephone rate increase proceeding.

2. *Effective date*. This regulation is effective immediately.

3. *Delegation*. (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent, in conjunction with the General Services Administration, the consumer interests of the executive agencies of the Federal Government before the New Jersey Board of Public Utilities involving the application of the New Jersey Bell Telephone Co. requesting an increase in telephone rates.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of
General Services.

JANUARY 30, 1978.

[FR Doc. 78-3250 Filed 2-6-78; 8:45 am]

[6820-25]

[Temporary Regulation F-457]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose*. This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Washington Utilities and Transportation Commission involving the application of the Pacific Northwest Bell Telephone Co. for a general rate increase.

2. *Effective date*. This regulation is effective immediately.

3. *Delegation*. (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent, in conjunction with the General Services Administration, the consumer interests of the executive agencies of the Federal Government before the Indiana Public Service Commission involving the application of the Indiana Bell Telephone Co. for an increase in intrastate rates and charges. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of
General Services.

JANUARY 30, 1978.

[FR Doc. 78-3251 Filed 2-6-78; 8:45 am]

[6820-25]

[Temporary Regulation F-458]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose*. This regulation delegates authority to the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the interests of the executive agencies of the Federal Government in a ratemaking proceeding before the Washington Utilities and Transportation Commission involving the Pacific Northwest Bell Telephone Co.

2. *Effective date*. This regulation is effective immediately.

3. *Delegation*. (a) Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent, in conjunction with the General Services Administration, the consumer interests of the executive agencies of the Federal Government before the Washington Utilities and Transportation Commission involving the application of the Pacific Northwest Bell Telephone Co. for a general rate increase.

(b) The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

(c) This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of
General Services.

JANUARY 30, 1978.

[FR Doc. 78-3252 Filed 2-6-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFAREAlcohol, Drug Abuse, and Mental Health
Administration

ADVISORY COMMITTEES

Committee Extensions

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (5 U.S.C. Appendix I), the Alcohol, Drug Abuse, and Mental Health Administration announces the continuance by the Secretary of Health, Education, and Welfare, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following advisory committees until September 1, 1978:

Clinical Projects Research Review Committee.
Clinical Psychopharmacology Research Review Committee.
Community Alcoholism Services Review Committee.
Developmental Problems Research Review Committee.
Drug Abuse Training Review Committee.
Epidemiologic Studies Review Committee.
Experimental and Special Training Review Committee.
Mental Health Small Grant Committee.
Paraprofessional Manpower Development Review Committee.
Personality and Cognition Research Review Committee.
Psychiatric Nursing Education Review Committee.
Psychiatry Education Review Committee.
Psychology Education Review Committee.
Social Work Education Review Committee.

Dated: January 30, 1978.

DAVID F. KEFAUVER,
Acting Deputy Administrator,
Alcohol, Drug Abuse, and
Mental Health Administration.
[FR Doc. 78-3008 Filed 2-6-78; 8:45 am]

[4110-88]

Alcohol, Drug Abuse, and Mental Health
AdministrationRESEARCH SCIENTIFIC DEVELOPMENT REVIEW
COMMITTEE

Change of Meeting Dates

In FR Doc. 78-1810, appearing on page 2939 in the issue of Friday, January 20, 1978, the dates for the meeting of the Research Scientist Development Review Committee have been changed from February 9-11, 1978, to February 23-25, 1978. All other information remains as published January 20.

Dated: February 1, 1978.

CAROLYN T. EVANS,
Committee Management Officer,
Alcohol, Drug Abuse, and
Mental Health Administration.
[FR Doc. 78-3191 filed 2-6-78; 8:45 am]

[1505-01]

Food and Drug Administration

[Docket No. 77P-0168]

COHERENT RADIATION

Approval of Variance for Laser Linemarker,
Model 81-11L

Correction

In FR Doc. 77-35702 appearing on page 63470 in the issue of Friday, December 16, 1977, on page 63471 in the 1st column, 1st full paragraph, the 8th line, the numeral should read, "700".

In the 2nd column, the 1st full paragraph, the 3rd sentence, "20" should read "2 pi".

Also, in the 6th paragraph, numbered 3, in the 3rd column, the 4th line from the bottom "20" should read, "2 pi".

[1505-01]

[Docket No. 77N-0245]

RECYCLED ANIMAL WASTE

Request for Data, Information, and Views

Correction

In FR Doc. 77-36739, appearing at page 64662 in the issue for Tuesday, December 27, 1977:

1. On page 64662, second column, in the thirty-sixth line of the first full paragraph, "i.e." should read "e.g.".

2. On page 64663, third column, thirteenth line from the top, "their" should read "other".

3. On page 64665, second column, twenty-third line from the bottom, insert the following after "species": "of food-producing animals"; and in the table heading on that same page, the footnote reference "iii" should read "i.i".

4. On page 64669, second column, first line, "34,000" should be "34,400".

5. On page 64675, third column, second line, insert "Animal" between "of Science".

[4110-03]

[Docket No. 77P-0342]

DIAGNOSTIC PRODUCTS CORP.

Panel Recommendation on Petition for
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Clinical Toxicology Device Classification Panel that the 125-I Amika-

clin RIA Kit be reclassified from class III (premarket approval) to class II (performance standards). This recommendation was made after review of the reclassification petition filed by Diagnostic Products Corp., Los Angeles, Calif., under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATE: Comments by March 9, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION
CONTACT:

S. K. Vadiamudi, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On September 27, 1976, Diagnostic Products Corp., Los Angeles, Calif., submitted to FDA a premarket notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intended to market a device the manufacturer calls the 125-I Amikacin RIA Kit. After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified into class III under section 513(f) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On August 8, 1977, Diagnostic Products Corp. submitted a reclassification petition for the device under section 513(f)(2) of the act. On October 6, 1977, the Clinical Toxicology Device Classification Panel (panel) reviewed the petition and determined that additional data were necessary. On October 10, 1977, Diagnostic Products

Corp. submitted the additional data. After receiving these additional data, the panel recommended that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purposes of classification, the panel assigned to the device the name "Radiolimmunoassay, Amikacin" and described the device as a kit for radiolimmunoassay of serum or a plasma. The device is used to detect the level of amikacin in the human serum or plasma. Amikacin is an antibiotic used to treat infections; an excess of amikacin can result in kidney damage or loss of hearing. If use of this device indicates an excess of amikacin, the physician may adjust the dosage prescribed for a patient.

SUMMARY OF THE REASONS FOR THE
RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.
2. The device is not potentially hazardous to life or good health when properly used.

3. The device is an in vitro diagnostic product. The device is used to quantitate the levels of amikacin in human serum or plasma by radiolimmunoassay. A step-by-step protocol for use by the analyst has been included with the device. Performance data on accuracy, precision, and quantitation of interfering substances have been included. The device has performance characteristics that should be maintained at a satisfactory level.

SUMMARY OF THE DATA ON WHICH THE
RECOMMENDATION IS BASED

To determine the safety and effectiveness of the device, it was used in a clinical study on a series of 34 samples of human sera. These same sera samples were run with a currently accepted microbiological assay methodology. The data showed that there is a good agreement between the two methods. The correlation coefficient was 0.877. The panel believes that these studies adequately support the precision claim of the product. The sample-to-sample variation was found to be within an acceptable range. There was no cross-reactivity with other antibiotics except kanamycin, which is structurally similar to amikacin.

RISKS TO HEALTH

The panel noted that failure of the device to produce accurate results could lead to improper medication of the patient. Excessive medication of the patient can cause loss of hearing or damage to the kidney. Lack of

medication can result in the patient being unprotected from infection. Therefore, the panel recommended that the device be classified into class II and that a standard directed to the specificity and sensitivity of the device be developed. The panel recommended that development of this standard be a high priority.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: January 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.
[FR Doc. 78-3100 Filed 2-6-78; 8:45 am]

[4110-03]

[Docket No. 77N-0410]

DRAFT FORMS FOR DRUG REGISTRATION AND
LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is testing drafts of revised drug registration and listing forms and instructions. The revisions are being made to make the forms and instructions more responsive to the needs of FDA and to minimize the reporting burden on the drug industry. Because the drafts are made available to participants in the testing program, the Commissioner of Food and Drugs is placing copies of them on public display for all interested person.

DATE: Comments on the draft forms may be submitted by April 10, 1978.

ADDRESS: Written comments on the draft forms may be sent (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION
CONTACT:

Sandra Aquino, Bureau of Drugs (HFD-622), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3695.

SUPPLEMENTARY INFORMATION: Since implementation of the Drug Listing Act of 1972, the Food and Drug Administration (FDA) has used a computerized system for maintaining the information submitted by members of the drug industry in complying both with the requirements for registration of drug establishments and listing of drug products under section 510 of the

Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and also FDA's implementing regulations in Part 207 (21 CFR Part 207). Currently, FDA is redesigning the system to make it more responsive to FDA needs and to minimize the reporting burden on the drug industry. The redesign project includes development of new forms and instructions for completing the forms that are used by drug firms in submitting registration and listing information.

The Food and Drug Administration has prepared drafts of the following four forms: Form FD-2656 (Registration of Drug Establishment), Form FD-2657 (Drug Product Listing), Form FD-2657a (Drug Product Listing Kit Assembly Sheet), and Form FD-2658 (Registered Establishment's Report of Private Label Distributors), and a draft instruction book for use in completing the four forms. The forms were revised on the basis of FDA's experience with the forms and instruction book currently in use. To ensure that the forms and instructions are easier to understand and use, FDA is testing them with the cooperation of nine drug establishments. Each establishment has been given copies of the instruction book and draft forms and each establishment has been asked to complete at least one form for each section of the instructions that is relevant to its type of business. The test participants also have been asked to comment on the clarity of the instructions, the ease of completing the forms, the format of the forms and instruction book, and whether the instructions adequately cover problems relevant to the drug establishment. The data required on the draft forms do not differ from the data required on current forms, and thus, the Commissioner does not anticipate changes in the forms and instructions will necessitate revision of Part 207.

Because the draft forms and instruction book are being made available to some members of the regulated industry, the Commissioner believes they should be placed on public display for all interested persons. Accordingly, copies of the draft forms, the instruction book, the test instructions, the letter to test participants, and a questionnaire for test participants on the forms and instruction book have been placed on public display in the office of the Hearing Clerk, FDA. Although copies of the materials on public display may be requested under FDA's public information regulations in Part 20 (21 CFR part 20), the Commissioner advises that copies of the instruction book provided by the agency will differ significantly in format from the instruction book that is on display and actually being tested, for the following reasons: (1) The instruction book, approximately 200 pages long, has been

printed by a contractor in a format that includes many fold-out pages that are essential to the design and use of the book, (2) the printing run of the draft book is restricted to enough books for FDA review and use in conducting the test, and (3) the photocopying equipment available to FDA does not permit exact reproduction of the instruction book.

Any person who wishes to submit written comments on the draft forms and instruction book should submit them (preferably four copies identified with the Hearing Clerk docket number found in brackets in the heading of this document) to the Hearing Clerk, at the address given above, on or before April 10, 1978. Received comments may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-3098 Filed 2-6-78; 8:45 am]

[4110-03]

[Docket No. 77N-0431]

HOFFMANN-LA ROCHE, INC.

Panel Recommendation on Petition for
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Clinical Toxicology Device Classification Panel that the ABUSCREEN™ Radioimmunoassay for Cocaine Metabolite (BENZOYLECGONINE) be reclassified from class III (Pre-market Approval) to class II (Performance Standards). This Recommendation was made after review of a reclassification petition filed by Hoffmann-La Roche, Inc., Nutley, N.J., under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATE: Comments by March 9, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

S. K. Vadlamudi, Bureau of Medical

Devices (HFK-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On August 29, 1976, Hoffman-La Roche, Inc., submitted to FDA a pre-market notification under section 510(k) of the act (21 U.S.C. 360(k)) stating that it intended to market a device the manufacturer calls the "ABUSCREEN™ Radioimmunoassay for Cocaine Metabolite (Benzoyllecgonine)." After reviewing the information in the premarket notification, the Commissioner determined that the device is not substantially equivalent to any device which was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified in class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On August 20, 1976, Hoffmann-La Roche, Inc., submitted a reclassification petition for the device under section 513(f)(2) of the act. On October 4, 1977, the Clinical Toxicology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified in class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purposes of classification, the panel assigned to the device the name "Radioimmunoassay for Cocaine Metabolite (Benzoyllecgonine)" and described the device as a kit for enzyme immunoassay for cocaine metabolite. The device is used for detection of cocaine metabolite, a drug that can be abused, in the urine. The device is used primarily in drug abuse clinics to determine whether the patient is a drug abuser. The panel recommended that all devices meeting this description be classified in class II.

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.
2. The device is not potentially hazardous to life or good health when properly used.

3. The device is used to detect the levels of cocaine metabolite (benzoyllecgonine) in human urine. The device is an in vitro diagnostic product. A step-by-step protocol for use by the analyst has been included with the instrument. Performance data on accuracy, precision, specificity, quantitative determinations, and interfering substances have been included. The device has performance characteristics which should be maintained.

SUMMARY OF THE DATA ON WHICH THE RECOMMENDATION IS BASED

To determine the safety and effectiveness of the device, it was used on a series of 200 samples of human urine under clinical study with currently accepted methodology for the assay; gas liquid chromatography, thin layer chromatography and enzyme multiplied immunoassay. A statistically significant concentration (2 micrograms per liter) of cocaine metabolite could be detected in urine with this assay. Full agreement between the ABUSCREEN™ device and the gas liquid chromatography was evidenced in 95.5 percent of the samples analyzed; between the ABUSCREEN™ device and thin layer chromatography, 87 percent; and 84.5 percent between the ABUSCREEN™ device and enzyme multiplied immunoassay. A comparison of gas liquid chromatography to the other analytical methods indicated high correlation between gas liquid chromatography and the ABUSCREEN™ device (correlation coefficient of 0.908). The ABUSCREEN™ device is a sensitive, reproducible and reliable immunoassay for the detection of cocaine in urine.

RISKS TO HEALTH

The panel noted that there is a risk of inaccurate results from the use of the device which may lead to misdiagnosis or improper treatment. Inaccurate results may arise from lack of specificity and sensitivity of the device. The panel recommended that the device be classified in class II and that a standard directed toward the specificity and sensitivity of the device be developed and that development of this standard be a high priority.

The petition and a transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: January 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-3097 Filed 2-6-78; 8:45 am]

[4110-03]

[Docket No. 76N-0400]

GOOD LABORATORY PRACTICE FOR
NONCLINICAL LABORATORY STUDIES

Availability of the Economic Impact
Assessment

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the availability of the economic impact assessment of the proposed regulations governing good laboratory practice for nonclinical laboratory studies. Based on the available information, the agency concludes that no major economic impact will result in accord with the requirements of Executive Orders Nos. 11821 and 11929, Office of Management and Budget, Circular A-107, and the guidelines issued by the Department of Health, Education, and Welfare.

FOR FURTHER INFORMATION CONTACT:

Susan P. Reinsch, Office of Planning and Evaluation (HFP-14), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 310-443-6250.

SUPPLEMENTARY INFORMATION: In the preamble to the proposed good laboratory practice regulations published in the FEDERAL REGISTER of November 19, 1976 (41 FR 51206), the Commissioner of Food and Drugs advised that the agency did not have sufficient information on which to base a sound economic assessment of the costs of compliance by the regulated industries. Accordingly, the agency requested the submission of cost and related economic data which, in conjunction with the results of surveillance inspections of a statistically drawn sample of previously uninspected testing facilities and other data, could be used to prepare a sound economic assessment.

This information has been received and evaluated, and the resultant economic impact assessment is available for review between 9 a.m. and 4 p.m., Monday through Friday, in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

Dated: January 30, 1978.

JOSEPH P. HILE,
Associate Commissioner
for Compliance.

[FR Doc. 78-3095 Filed 2-6-78; 8:45 am]

[4110-03]

[Docket No. 77F-0441]

ICI AMERICAS, INC.

Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: ICI Americas, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the use of polyethersulfone resins as articles or components of articles intended for repeated use in contact with food.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3343) has been filed by ICI Americas, Inc., Wilmington, Del. 19897, proposing that Subpart C of Part 177 (21 CFR Part 177) of the food additive regulations be amended to provide for the use of polyethersulfone resins (poly(oxy-p-phenylenesulfonfyl-p-phenylene)resin) as articles or as components of articles intended for repeated use in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined under § 25.1(f)(3) (21 CFR 25.1(f)(3)) that the proposed use will not have a significant environmental impact.

Dated: January 30, 1978.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.
[FR Doc. 78-3099 Filed 2-6-78; 8:45 am]

[4110-03]

[Docket No. 77P-0337]

INTERNATIONAL DIAGNOSTIC TECHNOLOGY

Panel Recommendation on Petition for
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Immunology Device Classification Panel that FIAX™ Test Kit for C3 be reclassified from class III (Pre-market Approval) to class II (Performance Standards). This recommenda-

tion was made after review of the reclassification petition filed by International Diagnostic Technology (IDT), Santa Clara, Calif. under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. If the device is reclassified, the reclassification will be announced in the FEDERAL REGISTER.

DATE: Comments by March 9, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Srikrishna Vadlamudi, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7234.

SUPPLEMENTARY INFORMATION: On September 29, 1976, International Diagnostic Technology (IDT), Santa Clara, Calif., submitted to FDA a pre-market notification under section 510(k) of the act (21 U.S.C. 360(k)), stating that it intends to market a device the manufacturer calls the "FIAX™ Test Kit for C3." After reviewing the information in the pre-market notification, the Commissioner determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified in class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On June 28, 1977, International Diagnostic Technology (IDT) submitted a reclassification petition for the device under section 513(f)(2) of the act. On September 26, 1977, the Immunology Device Classification Panel (panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purposes of classification, the panel assigned to the device the name "Complement Component C3 Test" and described the device as a system for determining Complement Component C3 (B1A globulin) in human serum. The device is used for the detection and quantitation of complement component C3, an enzymatic protein that occurs in normal serum. The device is used for diagnosis of diseases in which complement component C3 levels are decreased (especially liver and kidney diseases) and diseases in which complement component C3 levels are increased (inflammatory diseases).

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The panel made the following determinations in support of its recommendation:

1. The device is not an implant, nor is it life-sustaining or life-supporting.
2. Hazards to life or health may result when the device does not perform properly, because failure of the device may lead to misdiagnosis, which could result in improper or unnecessary treatment.
3. It is possible to develop a standard or set of standards to assure the safety and effectiveness of the device.

SUMMARY OF THE DATA ON WHICH THE RECOMMENDATION IS BASED

A comparison study between the FIAX™ Test Kit for Complement Component C3 and a reference method of radioimmunoassay (RIA) was done. This study was performed on 19 fresh sera, 12 frozen, aged sera, and also on 14 frozen samples from subjects with Systemic Lupus Erythematosus (SLE). The correlation coefficients were 0.88, 0.92, and 0.85, respectively. The sensitivity of the test system was comparable to or better than other test methods. The two methods were also tested using three groups of myeloma sera. There were no significant differences in quantitation by the two methods.

RISKS TO HEALTH

The panel noted that there is a risk of erroneous results from the use of this device owing to lack of specificity and sensitivity (resulting in false positives and false negatives). This may lead to misdiagnosis and unnecessary treatment or lack of treatment. The panel recommended that the device be classified in class II, that a performance standard directed toward the specificity and sensitivity of the device be developed, and that development of this standard be a high priority.

Restrictions: The panel recommended that this device be used in conjunction with other methods of diagnosis, such as observation of symptoms and examination of the patient's medical history.

The petition and the transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: January 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

(FR Doc. 78-3096 Filed 2-6-78; 8:45 am)

[4110-03]

(Docket No. 75N-0223; DESI 3265)

ANTICHOLINERGIC DRUGS IN CONTROLLED-RELEASE DOSAGE FORM

Rescission of Notice Withdrawing Approval

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: This notice rescinds that part of a notice that withdrew approval of NDA 11-200 for Abbot Laboratories' Tral Gradumets.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert H. Hahn, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER of November 11, 1975 (40 FR 52651), the Director of the Bureau of Drugs offered an opportunity for hearing on a proposal to issue an order withdrawing approval of the new drug applications for certain anticholinergic drugs in controlled-release dosage form, based upon lack of substantial evidence of effectiveness. The conclusion that the controlled-release products lack evidence of effectiveness was based upon the lack of any data demonstrating a prolonged effect, as compared with the products in conventional dosage form.

The following product was among those named in the November 11, 1975 notice:

Tral Gradumets (controlled-release tablets) containing hexocyclium methylsulfate; Abbot Laboratories, Abbott Park, 14th and Sheridan Rd., North Chicago, Ill. 60064 (NDA 11-200).

The noncontrolled-release form of hexocyclium methylsulfate (Tral Tablets) had previously been concluded to be an effective anticholinergic (36 FR 11754; June 18, 1971).

Although Abbott Laboratories did not formally request a hearing pursuant to the November 11, 1975, notice, in a letter of November 21, 1975, Abbott pointed out that it had earlier submitted studies to FDA intended to

show the prolonged effect of the controlled-release product as compared to the conventional product and that FDA had approved these studies as adequate on January 8, 1974. The letter thus questioned the applicability to Tral of the November 11, 1975 notice. FDA inadvertently did not refer to those studies or state their deficiencies in the November 11, 1975 notice. In a notice published in the FEDERAL REGISTER of October 7, 1977 (42 FR 54617), the Director of the Bureau of Drugs withdrew approval of Tral Gradumets (NDA 11-200), among other drugs.

In view of the foregoing, the inclusion of Tral Gradumets (NDA 11-200) in the October 7, 1977 notice of withdrawal of approval was inappropriate. Therefore, with respect to that product only, that order is hereby rescinded.

When final conclusions have been reached concerning the data previously submitted by Abbot Laboratories to demonstrate the prolonged effect of Tral Gradumets, an appropriate notice will be published in the FEDERAL REGISTER.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: January 31, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

(FR Doc. 78-3192 Filed 2-6-78; 8:45 am)

[4110-39]

NATIONAL INSTITUTE OF EDUCATION

INFORMATION AND DATA ACQUISITION ACTIVITY

Collection; Opportunity for Comments

Pursuant to section 406g(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Institute of Education is proposing an information and data acquisition activity which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statis-

tics on the collection of information and data acquisition activity.

This data acquisition activity as described below is also subject to review by the HEW Education Data Acquisition Council.

Written comments on the proposed activities are invited. Comments should refer to the form number and must be received on or before (insert 30 days from date of publication), and should be addressed to the Administrator, National Center for Education Statistics, Attention: Management Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from the Project Officer, Dan Antonopolos, Basic Skills Group, National Institute of Education, 202-254-6572.

Dated: February 3, 1977.

RICHARD S. WERKSMAN,
Forms Clearance Officer,
National Institute of Education.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of proposed activity.* Survey of Public School District Evaluation Units.

2. *Agency/bureau/office.* National Institute of Education.

3. *Agency form number.* NIE 189.

4. *Legislative authority for this activity.* "(e)(1) In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term 'educational research' includes (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education)." (Section 405(e)(1) of the General Education Provisions Act as amended, Pub. L. 94-482, 20 U.S.C. 1221e)

5. *Voluntary/obligatory nature of response.* Voluntary.

6. *How information collected will be used.* Congressional mandates: The information will enable the National Institute of Education, the National Council on Educational Research, and

the Federal Council on Educational Research and Development to meet the specific congressional mandates. Data will be used to draft the required annual reports. *Institute policy planning:* Survey information will be used in Institute policy planning and development regarding agency-field relations and other evaluation policy issues. An analytical report will address questions of current interest to NIE and to other governmental and private policy makers. These issues include: the extent to which formal evaluation functions are concentrated in relatively few public school districts; the level and kinds of evaluation activities carried out in LEA's; the extent to which evaluation units participate in school district decisionmaking; the education levels to which evaluation funds are applied; the experience-education profiles of evaluation unit heads; the level of local and other agency support for evaluation units; resources and constraints associated with evaluation at the LEA level.

Research: The survey will improve the research base for future work in evaluation theory and practice by providing the first description and analysis of the universe of evaluation units in local education agencies. As a listing of evaluation units in public school districts, the survey will provide presently unavailable sampling frames for use by NIE and others in more efficient sample studies. *Educational evaluation community:* The data will be used to serve and strengthen educational evaluation professionals including, but not exclusive to, the respondent group. An Executive Summary of the Survey results and analysis will be made available to all heads of evaluation organizations in school districts for interaction and information purposes. The project summary will provide information about school district evaluation resources in every area of the country.

7. *Data acquisition plan.*
(a) Method of collection: Mail Survey Questionnaire.
(b) Time of collection: Spring, 1978.
(c) Frequency: Single time.

8. *Respondents:*
(a) Type: Local Education Agencies (with Evaluation Units).
(b) Number: Universe.
(c) Estimated average person-hours per respondent: 0.5.

9. *Information to be collected.* The study will seek to collect information about the educational evaluation activities, of respondent organizations. Information will be sought about school district evaluation units including their activities, organization, financing, personnel, and use by agency clients. The data will be comparable for all respondents.

(FR Doc. 78-3435 Filed 2-6-78; 8:45 am)

[4110-08]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

ANIMAL RESOURCES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resources, March 8, 9, and 10, 1978, Conference Room 104, Building 14G, National Institutes of Health, Bethesda, Md. 20014.

The meeting will be open to the public on March 8 from 8:30 a.m. to 2:30 p.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 8 from 2:30 to 5 p.m., and on March 9 and March 10 from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual research grant applications, individual research service awards, and contract proposals. These applications and proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Building 31, National Institutes of Health, Bethesda, Md. 20014, 301-496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Animal Resources Advisory Committee, Room 5B55, Building 31, National Institutes of Health, Bethesda, Md. 20014, 301-496-5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health.)

Dated: January 27, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

(FR Doc. 78-3089 Filed 2-6-78; 8:45 am)

[4110-08]

ARTERIOSCLEROSIS AND HYPERTENSION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

Arteriosclerosis and Hypertension Advisory Committee, National Heart, Lung, and Blood Institute, March 28, 1978, Conference Room 7, Building 31, National Institutes of Health, Bethesda, Md.

The entire meeting will be open to the public from 9 a.m. to 6 p.m. on Wednesday, March 28, to evaluate program support in Arteriosclerosis and Hypertension. Attendance by the public will be limited on a space available basis.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, Room 5A-03, Building 31, National Institutes of Health, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of committee members.

Dr. Gardner C. McMillan, Associate Director for Etiology of Arteriosclerosis and Hypertension Program, NHLBI, Room 516, Federal Building, National Institutes of Health, Bethesda, Md. 20014, phone 301-496-1613, will furnish substantive program information.

Dated: January 27, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3093 Filed 2-6-78; 8:45 am)

[4110-08]

BACTERIOLOGY AND MYCOLOGY STUDY SECTION

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the Bacteriology and Mycology Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on January 13, 1978 (43 FR 2004).

The Bacteriology and Mycology Study Section will meet as scheduled February 23-25, 1978. However, they will hold an additional session on February 22, 1978 at 8 p.m., at the Holiday Inn, Bethesda, Md., the same location for which it was originally scheduled.

This meeting will be open to the public for approximately one hour beginning at 8 p.m., on February 22, 1978.

Dated: January 25, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3085 Filed 2-6-78; 8:45 am)

[4110-08]

BOARD OF SCIENTIFIC COUNSELORS;
DIVISION OF CANCER CAUSE AND PREVENTION

Establishment

The Director, National Institutes of Health, announces the establishment

on January 3, 1978, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

Name: Board of Scientific Counselors/Division of Cancer Cause and Prevention.

Purpose: The Committee shall advise the Director, NCI and the Director, Division of Cancer Cause and Prevention, concerning scientific progress and policies, both present and future, as they relate to intramural and collaborative programs of the Division of Cancer Cause and Prevention, NCI. This committee will terminate January 3, 1980, unless renewed by appropriate action as authorized by law.

Dated: January 24, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.
(FR Doc. 78-3086 Filed 2-6-78; 8:45 am)

[4110-08]

BOARD OF SCIENTIFIC COUNSELORS, NINCDS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, March 23 and 24, 1978, in Conference Room 1B-07, Bldg. 36, Bethesda, Md. 20014. This meeting will be open to the public from 9:45 a.m. to 5 p.m. on March 23 and 9 a.m. to 12:30 p.m. on March 24 to discuss program planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 12:30 p.m. until the conclusion of the meeting on March 24th for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Acting Chief, Office of Scientific and Health Reports, Mr. Robert N. Hinkel, Bldg. 31, Room 8A03, NIH,

NINCDS, Bethesda, Md. 20014, telephone 301-496-5751, will furnish summaries of the meeting and rosters of committee members.

The Executive Secretary from whom substantive program information may be obtained is Dr. Thomas N. Chase, Director of Intramural Research Program, NINCDS, Bldg. 36, Room 5A05, NIH, Bethesda, Md. 20014, telephone 301-496-4297.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: January 25, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3092 Filed 2-6-78; 8:45 am)

[4110-08]

COMBINED MODALITY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in meeting date of the Combined Modality Committee, National Cancer Institute, February 21, 1978, which was published in the FEDERAL REGISTER on January 13, 1978 (43 FR 2008).

This meeting will now be held on February 15, 1978, in Building 31, Conference Room 8, National Institutes of Health. The meeting will be open to the public from 8:30 a.m.-9 a.m. Attendance by the public will be limited to space available.

Dated: January 27, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3083 Filed 2-6-78; 8:45 am)

[4110-08]

COMMUNICATIVE SCIENCES STUDY SECTION

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the Communicative Sciences Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on January 13, 1978 (43 FR 2004).

The Communicative Sciences Study Section was originally scheduled to meet February 22-25, 1978, but will meet February 21-24, 1978, in Conference Room 9, Building 31, Bethesda, Md., the same location for which it was originally scheduled.

The meeting will convene on February 21, 1978, at 6 p.m. The open portion of this meeting will be held at this time for approximately 1 hour. The following sessions (February 22, 23, 24) will convene at 8:30 a.m.

Dated: January 27, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3084 Filed 2-6-78; 8:45 am)

[4110-08]

DATA EVALUATION/RISK ASSESSMENT SUBGROUP OF THE CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS ET AL.

Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

DATA EVALUATION/RISK ASSESSMENT SUBGROUP OF THE CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: March 6-7, 1978; 8:30 a.m.-adjournment.

Place: Building 31C, Conference Room 6 (March 6); Building 31C, Conference Room 7 (March 7); National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To review available bioassay reports and other matters relevant to data evaluation and risk assessment.

Executive Secretary: Dr. James M. Sontag, Building 31A, Room 3A16, National Institutes of Health, phone 301-496-5108.

EXPERIMENTAL DESIGN SUBGROUP OF THE CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: March 7, 1978; 8:30 a.m.-adjournment.

Place: Building 31C, Conference Room 9, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To discuss experimental design for bioassay and other matters relevant to experimental design.

Executive Secretary: Dr. J. Dan Recer, Landow Building, Room 8C25, National Institutes of Health, phone 301-496-4663.

CHEMICAL SELECTION SUBGROUP OF THE CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Dates: March 8, 1978; 8:30 a.m.-adjournment.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open for the entire meeting.

Dated: January 27, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3094 Filed 2-6-78; 8:45 am)

[4110-08]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, March 14, 1978, Conference Room 8, Building 31, National Institutes of Health, Bethesda, Md. 20014.

The meeting will be open to the public on March 14 from 9 a.m. to 12 noon, during which time there will be a brief staff presentation on the current status of the Primate Research Centers Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 14 from 12 noon to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Room 5B13, Building 31, National Institutes of Health, Bethesda, Md. 20014, 301-496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Primate Research Centers Advisory Committee, Room 5B55, Building 31, National Institutes of Health, Bethesda, Md. 20014, 301-496-5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health.)

Dated: January 27, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3090 Filed 2-6-78; 8:45 am)

Agenda: To consider chemicals for bioassay and other matters relevant to chemical selection.

Executive Secretary: Dr. J. Dan Recer, Landow Building, Room 8C25, National Institutes of Health, phone 301-496-4663.

PRESIDENT'S CANCER PANEL

Dates: March 14, 1978; 9:30 a.m.-adjournment.

Place: Building 31C, Conference Room 7, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To hear reports of the Chairman, President's Cancer Panel and the Director, National Cancer Program, NCI.

Executive Secretary: Dr. Richard A. Tjalma, Building 31A, Room 11A46, National Institutes of Health, phone 301-496-5854.

NATIONAL CANCER ADVISORY BOARD SUBCOMMITTEE ON CENTERS

Dates: March 16, 1978; 9 a.m.-adjournment.

Place: Westwood Building, Room 825, 5333 Westbard Avenue, Bethesda, Md. 20016.

Times: Open for the entire meeting.

Agenda: To consider the evaluation summaries from site visits to comprehensive cancer centers conducted under the aegis of the National Cancer Advisory Board.

Executive Secretary: Dr. William A. Walter, Jr., Westwood Building, Room 826, National Institutes of Health, phone 301-496-7427.

Dated: January 27, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3087 Filed 2-6-78; 8:45 am)

[4110-08]

DESIGNS FOR CLINICAL CANCER RESEARCH

Symposium

Notice is hereby given of the Symposium on "Designs for Clinical Cancer Research" sponsored by the Cancer Clinical Investigation Review Committee, Division of Cancer Treatment, April 13-15, 1978, the Queen Anne Room, the Monteleone Hotel, New Orleans, La. 70140.

This meeting will be open to the public on April 13, 1978, from 9 a.m. to 5:15 p.m. and 8 p.m. to adjournment; on April 14, 1978, from 8:30 a.m. to 5 p.m.; and on April 15, 1978, from 8:30 a.m. to 12:30 p.m. for presentation of scientific papers. Attendance by the public will be limited to space available.

For additional information, please contact Mr. Clare W. White, Executive Secretary, Cancer Clinical Investigation Review Committee, Office of the Director, Division of Cancer Treatment, National Cancer Institute, National Institutes of Health, Landow Building, Room 8C09, Bethesda, Md. 20014, 301-496-4471.

[4110-08]

SUBCOMMITTEE ON NATIONAL ORGAN SITE
PROGRAMS OF THE NATIONAL CANCER
ADVISORY BOARD

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee on National Organ Site Programs of the National Cancer Advisory Board, National Cancer Institute, March 22, 1978, National Institutes of Health, 9000 Rockville Pike, Building 31C, Conference Room 9.

The entire meeting will be open to the public from 9 a.m. to adjournment to discuss administrative details and review organ site efforts. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will provide summaries of the meeting and rosters of committee members.

Dr. Samuel Price, Executive Secretary, National Cancer Institute, Building 31, Room 10A05, National Institutes of Health, Bethesda, Md. 20014, 301-496-9138, will furnish substantive program information.

Dated: January 27, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-3091 Filed 2-6-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF PICLORAM FOR
POSSIBLE CARCINOGENICITY

Availability

Picloram (CAS 1918-02-1) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of technical/grade picloram for possible carcinogenicity was conducted by administering the test chemical in feed to Osborne-Mendel rats and B6C3F1 mice.

Groups of 50 rats and 50 mice of each sex were administered picloram in the diet at one of the following doses for 80 weeks. Time-weighted average doses for the rats were 7,437 or 14,875 ppm; those for the mice were 2,531 or 5,062 ppm. The rats were then observed for 33 weeks, the mice for 10 weeks. Matched controls consisted of groups of 10 untreated rats or 10 untreated mice of each sex; pooled controls, used for statistical evaluation, consisted of the matched-control groups combined with 30 untreated male and 30 untreated female rats or

mice from similar bioassays of three other test chemicals. All surviving rats were killed at 113 weeks; all surviving mice were killed at 90 weeks. Survival was adequate for meaningful statistical analyses of the incidences of tumors in rats and mice of both sexes.

Mean body weights of the high-dose rats were lower than those of the matched controls during the first part of the study; however, beginning at approximately 80 weeks, mean weights of controls were lower than those of treated animals. Body weights of the mice were unaffected by the picloram.

In rats, a relatively high incidence of follicular hyperplasia, C-cell hyperplasia, and C-cell adenoma of the thyroid occurred in both sexes. However, the statistical tests for adenoma did not show sufficient evidence for association of the tumor with picloram administration.

An increased incidence of hepatic neoplastic nodules was observed in treated male and female rats as compared with untreated animals. This lesion is considered to be a benign tumor. In male rats the lesion appeared only in three animals of the low-dose treatment group and was not significant when compared with the controls; however, the test for positive dose-related trend in females was significant (pooled controls 0/39, low-dose 5/50, high-dose 7/49, $P = 0.016$) and the incidence in the high-dose group was significant ($P = 0.014$) when compared with that in the pooled-control group.

There was also one hepatocellular carcinoma in a low-dose male rat and one in a high-dose female rat. In both males and females, there was a possibly treatment-related lesion of the liver diagnosed as foci of cellular alteration. The incidences of this latter lesion were, female rats: matched controls 1/10, low-dose 8/50, high-dose 18/49; male rats: matched controls 0/10, low-dose 12/49, high-dose 5/49. Thus, there is evidence that picloram affected the livers of rats of both sexes, but more particularly those of the females.

No tumors were found in male or female mice or male rats at incidences that could be significantly associated with treatment, and it is concluded that picloram was not carcinogenic for B6C3F1 mice or male Osborne-Mendel rats.

In female rats, treatment with picloram was associated with the development of benign tumors of the liver. It is concluded that under the conditions of the bioassay, the findings are suggestive of the ability of the compound to induce benign tumors in the livers of female Osborne-Mendel rats.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, Na-

tional Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research)

Dated: February 2, 1978.

DONALD S. FREDRICKSON, M.D.,
Director, National
Institutes of Health.

[FR Doc. 78-3400 Filed 2-6-78; 8:45 am]

[4110-02]

Office of Education

STRENGTHENING RESEARCH LIBRARY
RESOURCESSupplementary Information to Notice of
Closing Date for Applicants

In the October 12, 1977 issue of the *FEDERAL REGISTER* (42 FR 55016, FR Doc. 77-29738), the Office of Education published a notice of closing date inviting applications for grants under the Strengthening Research Library Resources Program authorized by Title II-C of the Higher Education Act of 1965, as amended. The closing dates and other information provided in that notice continue in effect.

The purpose of this notice is to supplement the October 12 notice by informing potential applicants of the approximate number and average size of grants expected to be made under the program in fiscal year 1978.

The total amount of the awards for the grants will be \$5 million. All of these will be new awards. It is expected that approximately 20 grants will be made at an average size of about \$250,000 each. (Grants will support projects to be carried out in fiscal year 1979 (October 1, 1978-September 30, 1979).)

20 U.S.C. 1041-1046)

(Catalog of Federal Domestic Assistance Number 13.576, Strengthening Research Library Resources.)

Dated: February 3, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

[FR Doc. 78-3458 Filed 2-6-78; 8:45 am]

[4510-30]

Office of Education

OCCUPATIONAL INFORMATION

Interagency Agreement

CROSS REFERENCE: For the text of an interagency agreement of the National Occupational Information Coordinating Committee, which is composed of the Commissioner of Education, the Administrator of the National Center for Education Statistics, the Assistant Secretary for Employment and Training and the Commissioner of Labor

Statistics, see FR Doc. 78-3181 appearing under National Occupational Information Coordinating Committee as the Part III of this issue. Refer to the table of contents at the front of this issue under that title for the page number.

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. AR 016724 and AR 018777]

ARIZONA

Termination of Proposed Withdrawal and
Reservation of Land; Correction

In the January 19, 1978 *FEDERAL REGISTER*, Volume 43, Page 2766, Document Number 78-1522, the land description is sec. 23, T. 13 N., R. 20 W., is corrected to read:

Lot 1, E $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Dated: January 30, 1978.

MARIO L. LOPEZ,
Chief, Branch of Lands,
and Minerals Operations.

[FR Doc. 78-3187 Filed 2-6-78; 8:45 am]

[4310-84]

[26299; Colorado 22771K]

COLORADO

R/W Application for Pipeline

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right of way for a 4 $\frac{1}{2}$ " and 6 $\frac{1}{2}$ " o.d. natural gas pipelines for the Mountain Fuel and Trail Canyon Gathering Systems approximately 1.2 miles long, across the following Public Lands:

Sixth Principal Meridian, Moffat and Rio Blanco Counties, Colo.:

MOFFAT COUNTY

T. 12 N., R. 95 W.
Sec. 14, Lots 3, 4, S $\frac{1}{2}$;
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 24, N $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

RIO BLANCO COUNTY

T. 4 S., R. 101 W.
Sec. 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, SE $\frac{1}{4}$ SW $\frac{1}{4}$;

The above-named gathering system will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau

of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) To give all interested parties the opportunity to comment on the application. (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, JR.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-3188 Filed 2-6-78; 8:45 am]

[4310-84]

[NM 32643 and 32644]

NEW MEXICO

Notice of Applications

JANUARY 27, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Co. has applied for two 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 30 N., R. 9 W.,
Sec. 32, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$.
T. 31 N., R. 10 W.,
Sec. 30, lot 9.

These pipelines will convey natural gas across 0.140 miles of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be improved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

MARIE D. LARRAGOITE,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-3263 Filed 2-6-78; 8:45 am]

[4310-84]

[NM 32613]

NEW MEXICO

Notice of Application

JANUARY 27, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corp. has applied for one 4 $\frac{1}{2}$ -inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 31 N., R. 7 W.,
Sec. 10, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

This pipeline will convey natural gas across 0.115 miles of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

MARIE D. LARRAGOITE,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-3264 Filed 2-6-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

MARINE MAMMAL ANNUAL REPORT

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice of availability of marine mammal annual report.

SUMMARY: The Director, U.S. Fish and Wildlife Service, signed on December 21, 1977, the annual administration and status report on the marine mammals under the Service's jurisdiction, as required by section 103(f) of the Marine Mammal Protection Act of 1972. This report covers the period June 22, 1976, to June 21, 1977, and was transmitted to the Congress on February 2, 1978. By this notice, the Director informs the public that the report is available and that any interested individual may secure a single copy by requesting same in writing from the Service.

ADDRESS: Write a copy to Director (WA), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Requests will be filled until the supply is exhausted.

FOR FURTHER INFORMATION CONTACT:

Mr. Ruppert R. Bonner, Marine Mammal Coordinator, Office of Wildlife Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-8961.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service is responsible for eight species of marine mammals under the jurisdiction of the Department of the Interior, as assigned by the Marine Mammal Protection Act of 1972 (MMPA). These species are polar bears, sea and marine otters, walruses, manatees (three species), and dugongs. The report reviews the Service's marine-mammal-related activities during the report period and summarizes the following status information for each species: distribution and migration, abundance and trends, general biology, ecological problems, allocation problems, regulations, and current research. Administrative actions discussed include the amendment of MMPA by the Fishery Conservation and Management Act of 1976, the marine otter, the walver of the moratorium for nine species of marine mammals, the walrus walver, legal actions against the Department of the Interior, law enforcement activities, scientific research and public display permits, research, endangered species, Outer Continental Shelf baseline studies, and international activities.

The primary author of this notice is Jackson E. Lewis, Office of Wildlife Assistance, 202-343-8961.

Dated: January 20, 1978.

LYNN A. GREENWALT,
Director, U.S. Fish and
Wildlife Service.

[FR Doc. 78-3268 Filed 2-6-78; 8:45 am]

[4310-70]

Heritage Conservation and Recreation Service NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 27, 1978. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time

NOTICES

to prepare comments should be submitted by February 17, 1978.

WILLIAM J. MURTAGH,
Keeper of the
National Register.

ARIZONA

Pima County

Lukeville vicinity, *Gachado Well and Line Camp*, E of Lukeville on Organ Pipe Cactus National Monument.
Lukeville vicinity, *Grouler Mine Area*, N of Lukeville on Organ Pipe Cactus National Monument.
Lukeville vicinity, *Milton Mine*, NW of Lukeville on Organ Pipe Cactus National Monument.
Lukeville vicinity, *Victoria Mine*, N of Lukeville on Organ Pipe Cactus National Monument.

CALIFORNIA

Alameda County

Oakland, *Greek Orthodox Church of the Assumption*, 920 Brush St.

Colusa County

Colusa, *Colusa Grammar School*, 425 Webster St.

Humboldt County

Carliotta, *Carliotta Hotel*, Central Ave.
Eureka, *French Empire Mansard Building*, 123 F St.

Los Angeles County

Downey, *Rives, James C.*, House, 10921 S. Paramount Blvd.
Los Angeles, *Bunche, Ralph J.*, House, 1221 E. 40th Pl.
Los Angeles, *Million Dollar Theater*, 307 S. Broadway.
Los Angeles, *Pellissier Building*, 3780 Wilshire Blvd.
Norwalk, *Paddison Ranch Buildings*, 11951 Imperial Hwy.
South Pasadena, *Rialto Theatre*, 1019-1023 Fair Oaks Ave.
South Pasadena, *South Pasadena Historic Business District*, Mission and El Centro Sts., Fairview and Meridian Aves.

Marin County

Larkspur, *Dolliver House*, 58 Madrone Ave.

Mendocino County

Gualala, *Milano Hotel*, 38300 Highway One S.

Napa County

St. Helena, *St. Helena High School*, 437 Main St.

San Diego County

San Diego, *Temple Beth Israel*, 1502 2nd Ave.

San Joaquin County

Stockton, *Rodgers, Moses*, House, 921 S. San Joaquin St.

San Luis Obispo County

San Luis Obispo vicinity, *Corral de Piedra*, S of San Luis Obispo on Price Canyon Rd.

Santa Clara County

Morgan Hill, *Villa Mira Monte*, 17860 Monterey Rd.

Saratoga, *Villa Montalvo*, 14800 Montalvo Rd.

Sonoma County

Santa Rosa, *Hotel La Rose*, 5th and Wilson Sts.

Sebastopol vicinity, *Llano Road Roadhouse*, SE of Sebastopol at 4353 Gravenstein Highway S.

FLORIDA

Broward County

Pompano Beach, *Hillsboro Inlet Light Station*, off I95 at Hillsboro Inlet.

HAWAII

Hawaii County

Halawa, *Tong Wo Society Building*, HI 27.
Hilo, *Shipman, W. H.*, House, 141 Kaiulani St.

IDAHO

Beaumont County

Montpelier, *Montpelier Odd Fellows Hall*, 843 Washington St.

Canyon County

Caldwell, *Blatchley Hall*, College of Idaho campus.
Caldwell, *Sterry Hall*, College of Idaho campus.

Gooding County

Gooding, *Citizens State Bank*, 3rd Ave. and Main St.

Idaho County

Kooskia, *State Bank of Kooskia*, 1 S. Main St.

Kootenai County

Coeur d'Alene, *Coeur d'Alene Masonic Temple*, 524 Sherman Ave.
Coeur d'Alene, *First United Methodist Church*, 618 Wallace Ave.

Lemhi County

Salmon, *Episcopal Church of the Redeemer*, 1st St. N. and Fulton St.
Salmon, *Salmon Odd Fellows Hall*, 510-514 Main St.

Washington County

Welser, *St. Luke's Episcopal Church*, E. 1st and Liberty Sts.

TEXAS

Hays County

San Marcos vicinity, *Freeman, Harry*, Site, 2 mi. (3.5 km) NW of San Marcos off TX 12.

Jefferson County

Beaumont, *Idle Hours*, 1608 Orange St.

Reagan County

Stiles, *Old Reagan County Courthouse*, off TX 137.

UTAH

Salt Lake County

Salt Lake City, *Pugh, Edward*, House, 1299 E. 4500 South.

NOTICES

Washington County
Springdale vicinity, *Cable Mountain Draw Works*, N of Springdale on Zion National Park.

WISCONSIN

Dane County

Madison, *Lougee, George A.*, House, 820 S. Ingersoll St.

WYOMING

Laramie County

Cheyenne, *Baxter Ranch Headquarters Buildings*, 912-922 E. 18th St. and 1808-1820 Morrill Ave.
Cheyenne, *Van Tassell Carriage Barn*, 1010 E. 16th St.

Platte County

Guernsey vicinity, *Guernsey Lake Park*, 1 mi. (1.6 km) NW of Guernsey.

[FR Doc. 78-2788 Filed 2-6-78; 8:45 am]

[4310-09]

Office of the Secretary

[Int. Des. 78-2]

GARRISON DIVERSION UNIT, NORTH DAKOTA

Availability of Comprehensive Supplementary Draft Environmental Statement

In compliance with the May 11, 1977, Stipulation and Order entered into and approved by the Court in the case of *National Audubon Society, Inc. vs. Andrus*, Civil No. 76-0943 in the U.S. District Court for the District of Columbia, and pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft comprehensive supplementary environmental statement describing the environmental impact of six alternatives for development of the Unit. This statement supplements the final environmental statement for the Garrison Diversion Unit (INT FES 74-3) and supplement (INT FES 74-21) filed with the Council on Environmental Quality January 10, 1974, and May 3, 1974, respectively.

Written comments may be submitted to: Chairman, Garrison Diversion Unit Oversight and Management Group, Room 7543, Department of the Interior, Washington, D.C. 20240, within 45 days of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner, Ecology, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, telephone 202-343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225, telephone 303-234-3007.

Office of the Regional Director, Bureau of Reclamation, P.O. Box 2553, Billings, Mont. 59103.

Missouri-Souris Project Office, Bureau of Reclamation, P.O. Box 1017, Bismarck, N. Dak. 58501, telephone 701-255-4011.

Single copies of the environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: February 1, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant
Secretary of the Interior.

[FR Doc. 78-3224 Filed 2-6-78; 8:45 am]

[410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES VS. ATLANTA NEWS AGENCY, INC., AND FAMILY READING SERVICE INC.

Proposed Consent Judgment; Extension of Time

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that the comment period is extended to on or before March 5, 1978, on the proposed consent judgment as to Atlanta News Agency, Inc., in the case of *United States of America v. Atlanta News Agency, Inc., and Family Reading Service, Inc.*, Civil Action No. C76-435A, U.S. District Court for the Northern District of Georgia (Atlanta Division). The proposed Judgment and Competitive Impact Statement may be found in the FEDERAL REGISTER of December 21, 1977, Vol. 42, pages 63960-63963.

Dated: January 23, 1978.

CHARLES F. B. MCALEER,
Special Assistant for Judgment
Negotiations, Antitrust Division.

[FR Doc. 78-3265 Filed 2-6-78; 8:45 am]

[4410-01]

Drug Enforcement Administration

IMPORTER OF CONTROLLED SUBSTANCES

Registration

By notice dated November 25, 1977, and published in the FEDERAL REGISTER on December 1, 1977 (42 FR 61088), B. David Halpern, Polysciences, Inc., Paul Valley Industrial Park, Warrington, Pa. 18976, made application to the Drug Enforcement Administration to be registered as an importer of tetrahydrocannabinols, a basic class of controlled substance listed in Schedule I, for the importation of unique isomers and semi-synthetic manufacturers for supply to researchers and analytical laboratories as standards.

No comments or objections have been received. Also the criteria of section 1002(a)(2)(B) of the Controlled Substances Import and Export Act has been met in that there are no regis-

tered domestic bulk manufacturers of tetrahydrocannabinols. Therefore, pursuant to section 1008 of the Controlled Substances Import and Export Act, and in accordance with § 1311.42 of Title 21 of the Code of Federal Regulations, the above firm is granted permission as an importer of tetrahydrocannabinols, as specified above.

Dated: February 1, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc. 78-3349 Filed 2-6-78; 8:45 am]

[4410-01]

IMPORTER OF CONTROLLED SUBSTANCES

Registration

By notice dated November 25, 1977, and published in the FEDERAL REGISTER on December 1, 1977: (42 FR 61088-61089), Carlton Turner, Department of Pharmacognosy, School of Pharmacy, University of Mississippi, University, Miss. 38677, made application to the Drug Enforcement Administration to be registered as an importer of marihuana, a basic class of controlled substance listed in Schedule I. No comments or objections have been received. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with § 1311.42 of Title 21 of the Code of Federal Regulations, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: February 1, 1978.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.
[FR Doc. 78-3352 Filed 2-6-78; 8:45 am]

[4410-01]

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Pursuant to 21 U.S.C. 823(a)(1), and § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), notices is hereby given that the following manufacturers made application to the Drug Enforcement Administration (DEA) to be registered as bulk manufacturers of the basic class of controlled substances listed below:

M.B.H. Chemical Corp., 377 Crane Street, Orange, N.J. 07051 (12-21-77):

Schedule
Drug: Methylphenidate II

M. D. Pharmaceutical, Inc., 3501 West Garry Avenue, Santa Ana, Calif. 92704 (12-21-77):

Schedule
Drug: Methylphenidate II
Diphenoxylate II

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NOTICES

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than March 8, 1978.

Dated: February 1, 1978.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.
(FR Doc. 78-3350 Filed 2-6-78; 8:45 am)

[4410-01]

MANUFACTURE OF CONTROLLED SUBSTANCES
Application

Pursuant to 21 U.S.C. 823(a)(1), and Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 19, 1977, Merck & Co. Inc., Dept. A, Bldg. No. 19, Merck Chemical Manufacturing Division, P.O. Box 2000, Rahway, N.J. 07065, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the schedule II controlled substances listed below:

Drug:	Schedule
Cocaine.....	II
Ethylmorphine.....	II
Hydrocodone.....	II
Morphine.....	II
Thebaine.....	II
Cocaine.....	II
Anileridine.....	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or request for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than March 8, 1978.

Dated: February 1, 1978.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.
(FR Doc. 78-3351 Filed 2-6-78; 8:45 am)

[4510-30]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

OCCUPATIONAL INFORMATION

Interagency Agreement

CROSS REFERENCE: For the text of an interagency agreement of the National Occupational Information Coordinating Committee, which is composed of the Commissioner of Education, the Administrator of the National Center for Education Statistics, the Assistant Secretary for Employment and Training and the Commissioner of Labor Statistics. See FR Doc. 78-3181 appearing under National Occupational Information Coordinating Committee as Part III of this issue. Refer to the table of contents at the front of this issue under that title for the page number.

[4510-30]

Employment and Training Administration

OCCUPATIONAL INFORMATION

Interagency Agreement

CROSS REFERENCE: For the text of an interagency agreement of the National Occupational Information Coordinating Committee, which is composed of the Commissioner of Education, the Administrator of the National Center for Education Statistics, the Assistant Secretary for Employment and Training and the Commissioner of Labor Statistics. See FR Doc. 78-3181 appearing under National Occupational Information Coordinating Committee as the Part III of this issue. Refer to the table of contents at the front of this issue under that title for the page number.

[4510-26]

Occupational Safety and Health Administration
[V-78-4]

OCEANEERING INTERNATIONAL, INC.

Application for Variance and Interim Order

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTIONS: (1) Notice of application for variance and interim order, and (2) grant of interim order.

SUMMARY: This notice announces the application of Oceaneering International, Inc., for a temporary variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1910.426(b)(1)(ii) concerning the requirement for a closed diving bell. It

also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is February 7, 1978. The last date for interested persons to submit comments is March 9, 1978. The last date for affected employers and employees to request a hearing on the application is March 9, 1978.

ADDRESS: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue NW., Room N3668, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: 202-523-7121.

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Tex. 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet Street, Room 202, New Orleans, La. 70130.

NOTICE OF APPLICATION

Notice is hereby given that Oceaneering International, Inc., Drawer H, Morgan City, La. 70380 has made application pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.426(b)(1)(ii) which requires the use of a closed bell for mixed-gas diving at depths greater than 300 fsw, except when diving in physically confining spaces.

The addresses of the places of employment that will be affected by the application are all the applicant's dive locations in areas under Federal jurisdiction.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to comply with the requirements of § 1910.426(b)(1)(ii) by the effective date of the standard.

The applicant states that its employees perform inspections and set anodes at depths greater than 300 fsw using mixed-gas. The applicant's Class I Diving Bell systems are presently being modified to meet the requirements of this standard. All modifications are expected to be completed and the applicant is expected to be in compliance with the standard by April 20, 1978.

In the interim, the applicant proposes to protect health and safety of its employees through the use of a Class II Diving Bell outfitted with an umbilical for gas supply, communications to the surface, emergency breathing supply, and a hot water system. A standby diver will be in the Class II Bell while the diver is working. Both divers will be in constant contact with each other and the surface. A diving supervisor and support crew are on duty whenever diving operations are conducted.

The applicant also states that there is a decompression chamber on deck at the worksite capable of recompression to the deepest depth of the dives. Decompression is done in the open bell and in the decompression chamber. The divers carry a backpack of reserve gas in addition to the primary gas. A safety factor of three is used in calculating gas/time supplies. The diver wears a hot water suit and his body temperature is monitored.

The applicant further states that it meets or exceeds all the other requirements for diving to depths greater than 300 fsw. All dive team members are trained in first aid and cardiopulmonary resuscitation (CPR) and an Emergency Medical Technician/Diving is available at each dive location.

GRANT OF INTERIM ORDER

It appears from the application for a temporary variance and interim order that, as required by section 6(b)(6)(A) of the Act, Oceaneering International, Inc., is unable to comply with the requirements of 29 CFR 1910.426(b)(1)(ii) by the effective date of the standard. It appears that the applicant is taking all available steps to safeguard its employees during the time needed to come into compliance with the standard. It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970, and in 29 CFR 1905.10(c) and in Secretary of Labor's Order No. 8-76 (41 FR 25059), that Oceaneering International, Inc., be, and it is hereby, authorized to conduct mixed-gas diving to depths greater than 300 fsw without the use of a closed diving bell while coming into

compliance with the requirements of 29 CFR 1910.426(b)(1)(ii), with the following conditions:

- (1) A Class II Bell shall be utilized, outfitted with an umbilical for gas supply, communications to the surface, an emergency breathing supply, and a hot water system;
- (2) A standby diver shall be in the bell whenever a diver is working;
- (3) The two divers shall be in constant contact with each other and the surface;
- (4) The lowest dive depth, or excursion, shall be 350 fsw;
- (5) The divers shall carry backpacks of reserve breathing gas; and,
- (6) The applicant shall comply with all other applicable portions of the Commercial Diving Operations standard.

Oceaneering International, Inc., shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for a variance.

This interim order shall remain in effect until April 20, 1978, or until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 31st day of January 1978.

EULA BINGHAM,
Assistant Secretary of Labor.
(FR Doc. 78-3297 Filed 2-6-78; 8:45 am)

[4510-26]

[V-78-3]

J. RAY McDERMOTT & CO., INC.

Application for Variance and Interim Order

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTIONS: (1) Notice of application for variance and interim order, (2) Grant of interim order.

SUMMARY: This notice announces the application of J. Ray McDermott & Co., Inc. for a variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1910.410(a)(3) concerning first aid and cardiopulmonary resuscitation (CPR) training for commercial diving operations.

It also announces the granting of an interim order until a decision is rendered on the application for variance. DATES: The effective date of the interim order is February 7, 1978. The last date for interested persons to submit comments is March 9, 1978. The last date for affected employers and employees to request a hearing on the application is March 9, 1978.

ADDRESS: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue NW.,

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Room N-3668, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: 202-523-7121.

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Tex. 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet Street, Room 202, New Orleans, La. 70130.

I. NOTICE OF APPLICATION

Notice is hereby given that J. Ray McDermott & Co., Inc., P.O. Drawer 38, Harvey, Louisiana 70059 has made application pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.410(a)(3) which requires that all dive team members be trained in first aid and CPR.

The addresses of the places of employment that will be affected by the application are all dive locations in areas under Federal jurisdiction.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to comply with the requirements of § 1910.410(a)(3) by the effective date of the standard.

The applicant states that it has 145 employees to train in first aid and CPR. Of these 145 employees, three are ex-Navy Hospital Corpsmen trained in Hyperbaric Medicine, Combat First Aid, and CPR, one is an ex-Navy Corpsman trained in Respiratory Therapy, Industrial First Aid and CPR, four are Emergency Medical Technicians with CPR, 20 are Advanced First Aid graduates, eight are Standard First Aid graduates and 86 are Multi-Media First Aid graduates. However, even of these, most do not meet the requirements for training in both first aid and CPR.

Although the applicant states that it has ongoing programs for training all employees in first aid and CPR, most

employees will not be available for training until January during the slack work season. The applicant plans to schedule classes in first aid and CPR during January, February, March, and April, coming into compliance with the standard by April 30, 1978.

In the interim, the applicant is providing protection to its employees by having a minimum of six members of each dive team trained in first aid, and by having a qualified medic on each barge, whose sole duties are first aid and safety meetings.

II. GRANT OF INTERIM ORDER

It appears from the application for a variance and interim order that, as required by section 6(b)(6)(A) of the Act, J. Ray McDermott & Co., Inc. is unable to comply with the requirements of 29 CFR 1910.410(a)(3) by the effective date of the standard. It appears that the applicant is taking all available steps to safeguard its employees during the time needed to come into compliance with the standard. It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.10(c) and in Secretary of Labor's Order No. 8-76 (41 FR 25059), that J. Ray McDermott & Co., Inc. be, and it is hereby, authorized to conduct its diving operations while providing protection to its employees through the use of medics on each barge, and a minimum of six members of each dive team trained in first aid while coming into compliance with the requirements of 29 CFR 1910.410(a)(3).

J. Ray McDermott & Co., Inc. shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for a variance.

This interim order shall remain in effect until April 30, 1978, or until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 31st day of January, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.
[FR Doc. 78-3296 Filed 2-6-78; 8:45 am]

[4510-26]

[V-78-2]

SANTA FE ENGINEERING & CONSTRUCTION CO.

Application for Variance and Interim Order

AGENCY: Occupational Safety and Health Administration Department of Labor.

ACTION: (1) Notice of application for variance and interim order. (2) Grant of interim order.

SUMMARY: This notice announces the application of Santa Fe Engineering & Construction Co., for a variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1910.410(a)(3) concerning first aid and cardiopulmonary resuscitation (CPR) training for commercial diving operations. It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is February 7, 1978. The last date for interested persons to submit comments is March 9, 1978. The last date for affected employers and employees to request a hearing on the application is March 9, 1978.

ADDRESS: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue NW., Room N-3668, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

James J. Concannon, Director, Office of Variance Determination at the above address, telephone: 202-523-7121.

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Tex. 75202.

U.S. Department of Labor, Occupational Safety and Health Administration, 546 Carondelet Street, Room 202, New Orleans, La. 70130.

I. NOTICE OF APPLICATION

Notice is hereby given that Santa Fe Engineering & Construction Co., P.O. Box 813, Houma, La. 70360 has made application pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.410(a)(3) which requires that all dive team members be trained in first aid and CPR.

The addresses of the places of employment that will be affected by the application are all dive locations in areas under Federal jurisdiction.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their au-

thorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to comply with the requirements of §1910.410(a)(3) by the effective date of the standard.

The applicant states that it has 67 employees affected by the requirement for training in first aid and CPR. Of these 67 employees, 25 have had first aid training, 21 have had CPR training, and 6 are classified as Emergency Medical Technicians. However, most of the employees do not meet the requirement for training in both first aid and CPR.

Most employees will not be available for training until January during the slack work season. The applicant proposes to schedule classes in first aid and in CPR during the months of January, February, and March, coming into compliance with the standard by March 31, 1978.

In the interim, the applicant is providing protection to its employees by having trained medics or first aid personnel available at all dive locations. Many of the applicant's operations are conducted from barges with a qualified medic on board, who is available at all times for medical emergencies. On operations which do not have a medic on duty, protection will be provided through the use of first aid graduates, CPR graduates, and Emergency Medical Technicians.

II. GRANT OF INTERIM ORDER

It appears from the application for a variance and interim order that, as required by section 6(b)(6)(A) of the Act, Santa Fe Engineering & Construction Co. is unable to comply with the requirements of 29 CFR 1910.410(a)(3) by the effective date of the standard. It appears that the applicant is taking all available steps to safeguard its employees during the time needed to come into compliance with the standard. It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.10(c) and in Secretary of Labor's Order No. 8-76 (41 FR 25059), that Santa Fe Engineering & Construction Co. be, and it is hereby, authorized to conduct its diving operations while providing protection to its employees through the use of medics, first aid graduates, CPR graduates, or Emergency Medical Technicians at each dive location while coming into compliance with the requirements of 29 CFR 1910.410(a)(3).

Santa Fe Engineering & Construction Co. shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for a variance.

This interim order shall remain in effect until March 31, 1978 or until a decision is rendered on the application for a variance.

Signed at Washington, D.C. this 31st day of January, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.
[FR Doc. 78-3298 Filed 2-6-78; 8:45 am]

[4510-26]

[V-78-1]

TAYLOR DIVING AND SALVAGE CO., INC.

Application for Variance; Interim Order

AGENCY: Occupational Safety and Health Administration Department of Labor.

ACTIONS: (1) Notice of application for variance and interim order. (2) Grant of interim order.

SUMMARY: This notice announces the application of Taylor Diving and Salvage Co., Inc., for a variance and interim order pending a decision on the application for a variance from the standard prescribed in 29 CFR 1910.410(a)(3) concerning first aid and cardiopulmonary resuscitation (CPR) training for commercial diving operations. It also announces the granting of an interim order until a decision is rendered on the application for variance.

DATES: The effective date of the interim order is February 7, 1978. The last date for affected employers and employees to submit comments or request a hearing on the application is March 9, 1978.

ADDRESSES: Send comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue NW., Room N-3668, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: 202-523-7121

or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Tex. 75202.

U.S. Department of Labor, Occupa-

tional Safety and Health Administration, 546 Carondelet Street, Room 202, New Orleans, La. 70130.

I. NOTICE OF APPLICATION

Notice is hereby given that Taylor Diving and Salvage Co., Inc., 795 Engineers Road, Belle Chasse, La. 70037 has made application pursuant to section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; 29 U.S.C. 655) and 29 CFR 1905.10 for a temporary variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.410(a)(3) which requires that all dive team members be trained in first aid and cardiopulmonary resuscitation (CPR).

The addresses of the places of employment that will be affected by the application are all dive locations in areas that fall within the jurisdiction of the standard.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to comply with the requirements of §1910.410(a)(3) by the effective date of the standard.

The applicant states that it has 605 employees to train in first aid and cardiopulmonary resuscitation (CPR). With 25 employees per class it will take approximately 24 classes to train all employees in first aid and CPR. Because of scheduling problems, the applicant proposes to run one class per week for 24 weeks.

The applicant has further stated that most diving operations are demobilized by December, and thus proposes to begin training on January 9, 1978, and completing it by July 10, 1978.

In further discussions with the applicant, it was learned that training has begun on a smaller scale with approximately 80 employees presently trained. It was also determined that two classes per week would be feasible. Therefore, the applicant would expect to have training of all employees completed in 12 weeks or less. With this schedule all training would be completed by April 3, 1978.

In the interim, the applicant is providing protection to its employees by having trained medics or first aid personnel available at all dive locations. Nearly all of the applicant's operations are conducted from barges with a qualified medic on board, whose sole duty is first aid. A physician is also on

call from shore. On operations which do not have a medic on duty, protection will be provided through the use of standard first aid graduates, cardiopulmonary resuscitation (CPR) graduates, emergency medical technicians, paramedics and nurses. In these cases the first aid duty is a collateral duty.

II. GRANT OF INTERIM ORDER

It appears from the application for a variance and interim order that, as required by section 6(b)(6)(A) of the Act, Taylor Diving and Salvage Co., Inc. is unable to comply with the requirements of 29 CFR 1910.410(a)(3) by the effective date of the standard. It appears that the applicant is taking all available steps to safeguard its employees during the time needed to come into compliance with the standard. It further appears that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to the authority in section 6(b)(6)(A) of the Occupational Safety and Health Act of 1970, in 29 CFR 1905.10(c) and in Secretary of Labor's Order No. 8-76 (41 FR 25059), that Taylor Diving Salvage Co., Inc. be, and it is hereby, authorized to conduct its diving operations while providing protection to its employees through the use of medics, standard first aid graduates, cardiopulmonary resuscitation graduates, emergency medical technicians, paramedics, or nurses at each dive location in lieu of complying with the requirements of 29 CFR 1910.410(a)(3).

Taylor Diving and Salvage Co., Inc. shall give notice of this interim order to employees affected thereby by the same means required to be used to inform them of the application for a variance.

This interim order shall remain in effect until April 3, 1978 or until a decision is rendered on the application for a variance.

Signed at Washington, D.C. this 31st day of January, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.
[FR Doc. 78-3299 Filed 2-6-78; 8:45 am]

[4510-26]

INDIANA STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrators for Occupational Safety and Health (hereinafter called Regional Administrator), under a delegation of authority from the As-

sistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On March 6, 1974, notice was published in the *FEDERAL REGISTER* (39 FR 8611) of the approval of the Indiana plan and the adoption of Subpart Z to Part 1952 containing the decision.

The Indiana plan provides for the adoption of Federal standards as State standards after public hearing. By letter dated November 4, 1977, from William H. Lanam, Commissioner, Indiana Division of Labor, to Barry J. White, Regional Administrator, Occupational Safety and Health Administration, and incorporated as part of the plan, the State submitted State standards comparable to:

(1) 29 CFR Part 1910, Subpart T, Commercial Diving Operations, as published in the *FEDERAL REGISTER* (42 FR 37650) dated Friday, July 22, 1977.

(2) 29 CFR 1915.59, Commercial Diving Operations, as published in the *FEDERAL REGISTER* (42 FR 37650) dated Friday, July 22, 1977.

(3) 29 CFR 1916.59, Commercial Diving Operations, as published in the *FEDERAL REGISTER* (42 FR 37650) dated Friday, July 22, 1977.

(4) 29 CFR 1917.59, Commercial Diving Operations, as published in the *FEDERAL REGISTER* (42 FR 37650) dated Friday, July 22, 1977.

(5) 29 CFR 1918.99, Commercial Diving Operations, as published in the *FEDERAL REGISTER* (42 FR 37650) dated Friday, July 22, 1977.

(6) 29 CFR 1926.605, Marine Operations and Equipment, as published in the *FEDERAL REGISTER* (42 FR 37650) dated Friday, July 22, 1977.

(7) 29 CFR 1928.21 (Amended), Safety and Health Standards for Agriculture, as published in the *FEDERAL REGISTER* (42 FR 37650), dated Friday, July 22, 1977.

These standards, which are contained in the Indiana Occupational Safety and Health Standards, were promulgated after public comment was requested on August 11, 1977, and August 19, 1977, a public hearing was held on September 9, 1977, the Attorney General approved their legality on October 11, 1977, the Governor approved them on October 17, 1977, they were filed with the Secretary of State on October 17, 1977, and they were registered with the Legislative Council on October 17, 1977, pursuant to the Indiana Administrative Adjudication Act.

2. *Decision.* Having reviewed the State submission in comparison with the comparable Federal standards it had been determined that the State standards are identical to the Federal

standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Ill. 60604; State of Indiana, Division of Labor, 1013 State Office Building, Indianapolis, Ind. 46204; and the Office of the Directorate of Federal Compliance and State programs, Room N3608, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2(c) of this Chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Indiana State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation and notice would be unnecessary.

This decision is effective February 7, 1978.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Chicago, Ill., this 18th day of November 1977.

BARRY J. WHITE,
Regional Administrator.
(FR Doc. 78-3294 Filed 2-6-78; 8:45 am)

[4510-26]

MINNESOTA STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator), under delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On June 8,

1973, notice was published in the *FEDERAL REGISTER* (38 FR 15076) of the approval of the Minnesota plan and the adoption of Subpart N of Part 1952 containing the decision.

The Minnesota plan provides for the adoption of Federal standards as State standards by reference after an opportunity for public comment and/or requests for public hearings. By notice published on June 30, 1976, in the *Minneapolis Tribune* (a newspaper of general circulation within the State) and incorporated as part of the plan, Minnesota has adopted State standards comparable to:

(a) Telecommunications Standards as published in the *FEDERAL REGISTER*, pages 13439 through 13450, on March 26, 1975, including: 29 CFR 1910.67 (b) and (c) Vehicle-mounted elevating and rotating work platforms; § 1910.70 Standards Organizations; § 1910.183 Helicopters; § 1910.189 Sources of Standards redesignated from § 1910.183; § 1910.190 Standards Organizations redesignated from § 1910.184; § 1910.268 Telecommunications; § 1910.274 Sources of Standards redesignated from § 1910.268; § 1910.275 Standards Organizations redesignated from § 1910.268.

(b) Changes made in Parts 1910 and 1926 as published in the *FEDERAL REGISTER*, page 23072 on May 28, 1975, and page 23847 on June 3, 1975, to recodify §§ 1910.93 through 1910.93(q) in old Subpart G to §§ 1910.1000 through 1910.1017 in new Subpart Z. Also changed were numerous references in the old § 1910.93 to references to the new § 1910.1000.

No substantial changes in the standards were made. Two new sections were added: 29 CFR 1910.1499 Sources of Standards; 29 CFR 1910.1500 Standards Organizations.

(c) Subpart D Safety for Agricultural Equipment, as published in the *FEDERAL REGISTER*, pages 10195 through 10197 on March 9, 1976 as 29 CFR 1928.57, Guarding of Farm Field Equipment, Farmstead Equipment and Cotton Gins.

(d) Corrections as published in the *FEDERAL REGISTER*, page 31598 on July 28, 1975 to 29 CFR 1910.184(e)(9)(i) (Industrial Slings) and page 11022 on March 16, 1976 to 29 CFR 1928.57 (Guarding of Farm Field Equipment, Farmstead Equipment and Cotton Gins).

(e) Amendments as published in the *FEDERAL REGISTER*, page 11505 on March 19, 1976 to 29 CFR 1910.1001(i) (Asbestos).

(f) Deletion as published in the *FEDERAL REGISTER*, page 13552 on March 30, 1976, of 29 CFR 1910.184(f)(6) (Industrial Slings).

These standards, which are contained in the Minnesota Occupational Safety and Health Codes and Rules, were promulgated after notice was

published offering an opportunity for public comments and/or requests for public hearings. No written comments or requests for hearing on objections were received concerning the proposed standards. The order of adoption, effective June 15, 1976, was published in a newspaper of general circulation on June 30, 1976, pursuant to Minn. Stat. 182.655.

2. *Decision.* Having reviewed the State submission in comparison with the comparable Federal standards it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 230 South Dearborn Street, Chicago, Ill. 60604; State of Minnesota, Department of Labor and Industry, 444 Lafayette Road, St. Paul, Minn. 55101; and the Office of the Directorate of Federal Compliance and State Programs, Room N3608, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public Participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Minnesota plan as a change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further public participation and notice would be unnecessary.

This decision is effective February 1978.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Chicago, Ill., this 18th day of November 1977.

BARRY J. WHITE,
Regional Administrator.
(FR Doc. 78-3295 Filed 2-6-78; 8:45 am)

[4510-28]

Office of the Secretary
(TA-W-2665 and 2666)

ALLEN MINE AND MAXWELL MINE OF CF&I STEEL CORP., WESTON, COLO.

Certifications Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2665 and 2666: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on November 29, 1977, in response to worker petitions received November 18, 1977, which were filed by the United Mine Workers of America on behalf of workers and former workers producing coal at the Allen Mine and the Maxwell Mine of CF&I Steel Corp., Weston, Colo.

The Notices of Investigation were published in the *FEDERAL REGISTER* on December 6, 1977 (42 FR 63486). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of CF&I Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

The Allen Mine and the Maxwell Mine are owned by CF&I Steel Corp. The coal produced at the mines is shipped to CF&I's steel-producing plant in Pueblo, Colo., where it is processed into coke for use in steelmaking. Except for an occasional sale of coal to outside customer, the Allen Mine and the Maxwell Mine are captive suppliers of coal to CF&I's Pueblo plant.

Employment at the Allen Mine began declining in June 1976 and continued to decline in each quarter of 1976 compared to the immediately preceding quarter. Employment declined in the first 11 months of 1977 compared to the like period in 1976.

The Maxwell Mine opened for operations in February 1977. Employment increased in every month through October, then declined in November. The United Mine Workers went on strike beginning December 6, 1977, and both mines have been closed down since that date.

CF&I's Pueblo facility manufactures carbon steel products in seven differ-

ent categories: rails, rolled products (structural shapes, hot rolled bars and shapes and rebar), pipe, wire products, mining products, cutting edges and wire rod. The plant also produces coke and coke by-product chemicals, primarily for its own use in steelmaking.

Workers engaged in the production of three of the steel product groups (rolled products, pipe and wire products) and workers engaged in coke and chemical production have already been certified eligible to apply for adjustment assistance (see Notice of Determinations, TA-W-1513, 42 FR 43152).

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the carbon steel rolled products, pipe and wire products produced at the Pueblo, Colo., plant of CF&I Steel Corp. contributed importantly to the total or partial separation of workers at the Allen Mine and the Maxwell Mine, owned by CF&I Steel Corp. In accordance with the provisions of the Act, I make the following certifications:

All workers at the Allen Mine of CF&I Steel Corp., Weston, Colo., who became totally or partially separated from employment on or after November 17, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers at the Maxwell Mine of CF&I Steel Corp., Weston, Colo., who became totally or partially separated from employment on or after October 30, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
(FR Doc. 78-3300 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2626)

ANACONDA CO., WEED HEIGHTS, NEV.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2626: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 21, 1977, in response to a worker petition received on November 14, 1977, which was filed by three workers on behalf of workers and former workers producing copper at the Weed Heights, Nev., mine of the Anaconda Co.

The notice of investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Anaconda Co., the U.S. Department of Commerce, the U.S. International Trade Commission, Metals Week, Metal Bulletin, American Metals Market, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Increased Imports. U.S. imports of refined copper increased from 147 thousand short tons in 1975 to 384 thousand short tons in 1976. U.S. imports declined from 313 thousand short tons in the first three quarters of 1976 to 275 thousand short tons in the first three quarters of 1977. U.S. imports increased from 101 thousand short tons in the third quarter of 1976 to 111 thousand short tons in the third quarter of 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1975 to 21.0 percent in 1976. The ratio of imports to domestic production declined from 23.9 percent in the first 6 months of 1976 to 14.8 percent in the first 6 months of 1977.

U.S. imports of copper ore, concentrate, precipitates and matte increased from 74 thousand tons in 1975 to 89 thousand tons in 1976. The ratio of imports to domestic production increased from 5.2 percent in 1975 to 5.5 percent in 1976.

Contributed Importantly. Copper processed from imported concentrates and precipitates by the Anaconda Co. increased 314.8 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975 and increased 29.5 percent in the first quarter of 1977 compared to the first quarter of 1976.

While imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Anaconda and other domestic producers of refined copper lost substantial sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic

price of copper established by COMEX (Commodity Metal Exchange) and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the COMEX price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the COMEX price and in July and August 1977 the LME price was almost 12 cents per pound below the COMEX price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in the third quarter of 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased 9.9 percent compared to the third quarter of 1976.

Price pressure from imported copper has reduced the ability to profitably mine domestic ore and convert it to copper concentrates and precipitates and then to refined copper. Industry sources state that the weighted average production costs of the lowest cost domestic copper mines are 63 cents per pound. The weighted average costs for the highest cost domestic copper mines are \$1.05 per pound. Thus, with a current domestic market price of 60 cents per pound, domestic producers lose, on the average, 3 to 45 cents on each pound of copper they choose to sell.

Anaconda Co.'s decision to lay off workers and reduce its mining operations was based mainly on an attempt to minimize losses which the company could not avoid were it to run at normal production levels at the current market prices for copper.

Comments made by customers purchasing copper from Anaconda Co. substantiate the fact that increased imports have contributed importantly to record inventory levels which have driven the price of domestic copper below the level at which many domestic firms can profitably produce copper.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with copper concentrates and precipitates processed at the Weed Heights, Nev., mine of the Anaconda Co. contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers at the Weed Heights, Nev., mine of the Anaconda Co. who became totally or partially separated from employ-

ment on or after October 26, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

(FR Doc. 78-3301 Filed 2-6-78; 8:45 am)

[4510-28]

[TA-W-2252]

ANWELT CORP., FITCHBURG, MASSACHUSETTS

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2252: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 15, 1977, in response to a worker petition received on that date which was filed on behalf of workers and former workers producing work shoes and boots at the Fitchburg, Mass. plant of Anwelt Corp.

The notice of investigation was published in the FEDERAL REGISTER on September 2, 1977 (42 FR 44298). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Anwelt Corp., its customers, and the United Shoe Machinery Corp., publications of the U.S. Department of Commerce, the U.S. International Trade Commission, and the American Footwear Industries Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

United States imports of work footwear decreased in 1975 to 2.6 million pairs, increased in 1976 to 4.7 million pairs, and remained constant at 3.8 million pairs during the first six months of 1977 compared to the same period in 1976.

The ratio of imports of work footwear to domestic production decreased in 1975 to 10.5 percent, increased in 1976 to 18.0 percent, and increased to 21.3 percent during the first six months of 1977 compared to 18.8 percent for the same period in 1976.

United States imports of misses' and women's nonrubber footwear in-

creased in 1975 to 190.7 million pairs, increased in 1976 to 195.5 million pairs, and decreased to 92.8 million pairs during the first six months of 1977 compared to 110.4 million pairs for the same period in 1976.

The ratio of imports of misses' and women's nonrubber footwear to domestic production increased in 1975 to 114.1 percent, decreased in 1976 to 112.8 percent, and increased to 119.6 percent during the first six months of 1977 compared to 101.7 percent during the same period in 1976.

United States imports of men's dress and casual footwear increased in 1975 to 47.5 million pairs, increased in 1976 to 58.7 million pairs, and decreased to 44.0 million pairs during the first six months of 1977 compared to 44.7 million pairs during the same period in 1976.

The ratio of imports to men's dress and casual footwear increased in 1975 to 58.7 percent, increased in 1976 to 70.4 percent, increased to 75.0 percent during the first six months of 1977 compared to 69.1 percent during the same period in 1976.

CONTRIBUTED IMPORTANTLY

A survey of Anwelt Corp.'s customers revealed that customers increased purchases of imported shoes and boots and decreased purchases from Anwelt Corp. in 1976 compared to 1975, and in the first half of 1977 compared to the first half of 1976. Customers' purchases of imports increased during these periods either directly or by increasing purchases from other domestic sources which supply imported shoes and boots.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with shoes and boots produced at the Fitchburg, Massachusetts plant of Anwelt Corporation contributed importantly to the total or partial separations of the workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers at the Fitchburg, Mass. plant of Anwelt Corp. who became totally or partially separated from employment on or after August 11, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

(FR Doc. 78-3302 Filed 2-6-78; 8:45 am)

[4510-28]

[TA-W-2370]

ARROW CO., CEDARTOWN, GA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2370: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the act.

The investigation was initiated on September 22, 1977 in response to a worker petition received on September 20, 1977 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's dress shirts at the Cedartown, Ga. plant of the Arrow Co.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Arrow Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly employment of production workers at the Cedartown, Ga. plant increased in 1976 compared to 1975 and increased in the first and second quarters of 1977 compared to the same quarters of 1976. Average employment decreased in the third

quarter of 1977 compared to the third quarter of 1976. Average weekly hours worked decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of men's dress shirts at the Cedartown, Georgia plant increased in 1976 compared to 1975 and decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976.

INCREASED IMPORTS

Imports of men's and boys' woven dress and business shirts decreased from 70,666,000 units in 1972 to 42,066,000 units in 1973 to 35,620,000 units in 1974 and to 30,800,000 units in 1975. Imports were recorded at 64,283,000 units in 1976, representing an increase of 108.7 percent compared to 1975. During the first half of 1977, imports were recorded at 32,443,000 units and represented an increase of 20.6 percent compared to 26,906,000 units in the first half of 1976. The ratio of imports to domestic production declined from 49.7 percent in 1972 to 36.2 percent in 1975 and then increased to 67.1 percent during 1976.

CONTRIBUTED IMPORTANTLY

Company imports of men's dress shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of men's dress shirts increased 150.7 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of men's dress shirts increased from 5.2 percent in the first three quarters of 1976 to 12.3 percent in the same period of 1977. The Arrow Co. increased its imports of men's dress shirts in 1977 to maintain a given price structure in an increasingly competitive domestic market.

A survey of customers of The Arrow Company indicated that some customers decreased purchases of men's dress shirts from the subject firm while increasing purchases of imported shirts. Price was the main factor influencing the decision to purchase imported shirts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress shirts produced at the Cedartown, Georgia plant of The Arrow Company contributed importantly to the decrease in production and to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Cedartown, Ga. plant of The Arrow Co. who became totally or partially separated from employment on or after June 22, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-3303 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2371]

ARROW CO., BREMEN, GA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2371: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on September 22, 1977 in response to a worker petition received on September 20, 1977 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's dress shirts at the Bremen, Ga. plant of the Arrow Co.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Arrow Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly employment of production workers at the Bremen, Ga. plant increased in 1976 compared to 1975 and remained stable in the first quarter of 1977 before decreasing in the second and third quarters of 1977 compared to the same quarters of 1976. Average weekly hours worked decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

Production of men's dress shirts at the Bremen, Ga. plant increased in 1976 compared to 1975 and decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976.

INCREASED IMPORTS

Imports of men's and boys' woven dress and business shirts decreased from 70,666,000 units in 1972 to 42,066,000 units in 1973 to 35,620,000 units in 1974 and to 30,800,000 units in 1975. Imports were recorded at 64,283,000 units in 1976, representing an increase of 108.7 percent compared to 1975. During the first half of 1977, imports were recorded at 32,443,000 units and represented an increase of 20.6 percent compared to 26,906,000 units in the first half of 1976. The ratio of imports to domestic production declined from 49.7 percent in 1972 to 36.2 percent in 1975 and then increased to 67.1 percent during 1976.

CONTRIBUTED IMPORTANTLY

Company imports of men's dress shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of men's dress shirts increased 150.7 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of dress shirts increased from 5.2 percent in the first three quarters of 1976 to 12.3 percent in the same period of 1977. The Arrow Co. increased its imports of men's dress shirts in 1977 to maintain a given price structure in an increasingly competitive domestic market.

A survey of customers of the Arrow Co. indicated that some customers decreased purchases of men's dress shirts from the subject firm while increasing purchases of imported shirts. Price was the main factor influencing the decision to purchase imported shirts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress shirts produced at the Bremen, Ga. plant of the Arrow Co. contributed importantly to the decrease in production and to the total or partial separations of the workers of that plant. In accordance with the provisions of the act, I make the following certification:

All workers at the Bremen, Ga. plant of the Arrow Co. who became totally or partially separated from employment on or after July 24, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-3304 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2372]

ARROW CO., BUCHANAN, GA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2372: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on September 22, 1977 in response to a worker petition received on September 20, 1977 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's dress shirts at the Buchanan, Ga. plant of the Arrow Co.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Arrow Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly employment of production workers at the Buchanan, Ga. plant increased in 1976 compared to 1975 and increased in the first quarter of 1977 before decreasing in the second and third quarters of 1977 compared to the same quarters of 1976. Average weekly hours worked decreased in the first, second and third quarters of 1977 compared to the same quarters of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECLINED ABSOLUTELY

Production of men's dress shirts at the Buchanan, Ga. plant increased in 1976 compared to 1975 and increased in the first quarter of 1977 compared to the first quarter of 1976. Production decreased in the second and third quarters of 1977 compared to the same quarters of 1976.

INCREASED IMPORTS

Imports of men's and boys' woven dress and business shirts decreased from 70,666,000 units in 1972 to 42,066,000 units in 1973 to 35,620,000 units in 1974 and to 30,800,000 units in 1975. Imports were recorded at 64,283,000 units in 1976, representing an increase of 108.7 percent compared to 1975. During the first half of 1977, imports were recorded at 32,443,000 units and represented an increase of 20.6 percent compared to 26,906,000 units in the first half of 1976. The ratio of imports to domestic production declined from 49.7 percent in 1972 to 36.2 percent in 1975 and then increased to 67.1 percent during 1976.

CONTRIBUTED IMPORTANTLY

Company imports of men's dress shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of men's dress shirts increased 150.7 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of dress shirts increased from 5.2 percent

in the first three quarters of 1976 to 12.3 percent in the same period of 1977. The Arrow Co. increased its imports of men's dress shirts in 1977 to maintain a given price structure in an increasingly competitive domestic market.

A survey of customers of the Arrow Co. indicated that some customers decreased purchases of men's dress shirts from the subject firm while increasing purchases of imported shirts. Price was the main factor influencing the decision to purchase imported shirts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress shirts produced at the Buchanan, Ga. plant of the Arrow Co. contributed importantly to the decrease in production and to the total or partial separations of the workers of that plant. In accordance with the provisions of the act, I make the following certification:

All workers at the Buchanan, Ga. plant of the Arrow Co. who became totally or partially separated from employment on or after July 24, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-3305 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2405, 2489]

ARROW CO., HUNTINGDON, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W- 2405 and 2489: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 3, 1977, in response to a worker petition received on September 29, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's sport and dress shirts at the Huntingdon, Pa., plant of the Arrow Co. A subsequent petition (TA-W-2489) was filed by the same union on behalf of the same group of workers.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public

hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Arrow Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant total or partial separations. Average weekly employment of production workers at the Huntingdon, Pa., plant increased in 1976 compared to 1975 and decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976. Average weekly hours worked decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976. The Huntingdon plant closed permanently on November 18, 1977. Workers were used interchangeably in the production of men's sport and dress shirts.

Sales or production, or both, have declined absolutely. Production of men's sport and dress shirts at the Huntingdon, Pa., plant decreased in 1976 compared to 1975 and decreased in the first three quarters of 1977 compared to the same period of 1976.

Increased imports. Imports of men's and boys' woven dress and business shirts decreased from 70,666,000 units in 1972 to 42,066,000 units in 1973 to 35,620,000 units in 1974 and to 30,800,000 units in 1975. Imports were recorded at 64,283,000 units in 1976, representing an increase of 108.7 percent compared to 1975. During the first half of 1977, imports were recorded at 32,443,000 units and represented an increase of 20.6 percent compared to 26,906,000 units in the first half of 1976. The ratio of imports to domestic

production declined from 49.7 percent in 1972 to 36.2 percent in 1975 and then increased to 67.1 percent during 1976.

Imports of men's and boys' woven sport shirts decreased from 56,285,000 units in 1972 to 41,600,000 units in 1973 and then increased to 49,375,000 units in 1974 and to 61,008,000 units in 1975. Imports were recorded at 79,820,000 units in 1976, representing an increase of 30.8 percent compared to 1975. During the first half of 1977, imports were recorded at 32,561,000 units and represented a decline of 16.3 percent compared to 38,891,000 units in the first half of 1976. The ratio of imports to domestic production decreased from 35.8 percent in 1972 to 27.5 percent in 1973 and then increased to 38.7 percent in 1975 and to 48.6 percent in 1976.

Contributed importantly. Company imports of men's dress shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of men's dress shirts increased 150.7 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of dress shirts increased from 5.2 percent in the first three quarters of 1976 to 12.3 percent in the same period of 1977.

Company imports of men's sport shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of sport shirts increased 627.3 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of sport shirts increased from 2.6 percent in the first three quarters of 1976 to 19.4 percent in the same period of 1977.

The Arrow Co. increased its imports of men's dress and sport shirts in 1977 to maintain a given price structure in an increasingly competitive domestic market.

A survey of customers of the Arrow Co. indicated that some customers decreased purchases of men's dress and sport shirts from the subject firm while increasing purchases of imported shirts. Price was the main factor influencing the decision to purchase imported shirts.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's sport and dress shirts produced at the Huntingdon, Pa., plant of the Arrow Co. contributed importantly to the decrease in production and to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Huntingdon, Pa., plant of the Arrow Co. who became totally or par-

tially separated from employment on or after October 8, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3306 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2487]

ARROW CO., ELYSBURG, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2487: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 20, 1977, in response to a worker petition received on October 14, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers engaged in employment related to the production of men's sport and dress shirts at the Elysburg, Pa., plant and distribution center of the Arrow Co.

The notice of investigation was published in the FEDERAL REGISTER on November 1, 1977 (42 FR 57175). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Arrow Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is impor-

tant but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant total or partial separations. Average weekly employment of production workers at the Elysburg, Pa., plant increased in 1976 compared to 1975 and decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976. Average weekly hours worked decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976. Workers are used interchangeably in the production of men's sport and dress shirts.

Average weekly employment of production workers at the Elysburg, Pa., distribution center decreased in 1976 compared to 1975 and decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976.

Sales or production, or both, have declined absolutely. Production of men's sport and dress shirts at the Elysburg, Pa., plant increased in 1976 compared to 1975 and then decreased in the first three quarters of 1977 compared to the same period of 1976.

Increased imports. Imports of men's and boys' woven dress and business shirts decreased from 70,666,000 units in 1972 to 42,066,000 units in 1973 to 35,620,000 units in 1974 and to 30,800,000 units in 1975. Imports were recorded at 64,283,000 units in 1976, representing an increase of 108.7 percent compared to 1975. During the first half of 1977, imports were recorded at 32,443,000 units and represented an increase of 20.6 percent compared to 26,906,000 units in the first half of 1976. The ratio of imports to domestic production declined from 49.7 percent in 1972 to 36.2 percent in 1975 and then increased to 67.1 percent during 1976.

Imports of men's and boys' woven sport shirts decreased from 56,285,000 units in 1972 to 41,600,000 units in 1973 and then increased to 49,375,000 units in 1974 and to 61,008,000 units in 1975. Imports were recorded at 79,820,000 units in 1976, representing an increase of 30.8 percent compared to 1975. During the first half of 1977, imports were recorded at 32,561,000 units and represented a decline of 16.3 percent compared to 38,891,000 units in the first half of 1976. The ratio of imports to domestic production decreased from 35.8 percent in 1972 to 27.5 percent in 1973 and then increased to 38.7 percent in 1975 and to 48.6 percent in 1976.

Contributed importantly. Company imports of men's dress shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of men's

dress shirts increased 150.7 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of dress shirts increased from 5.2 percent in the first three quarters of 1976 to 12.3 percent in the same period of 1977.

Company imports of men's sport shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of sport shirts increased 627.3 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of sport shirts increased from 2.6 percent in the first three quarters of 1976 to 19.4 percent in the same period of 1977.

The Arrow Co. increased its imports of men's dress and sport shirts in 1977 to maintain a given price structure in an increasingly competitive domestic market.

A survey of customers of the Arrow Co. indicated that some customers decreased purchases of men's dress and sport shirts from the subject firm while increasing purchases of imported shirts. Price was the main factor influencing the decision to purchase imported shirts.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's sport and dress shirts produced and distributed at the Elysburg, Pa., plant and distribution center of the Arrow Co. contributed importantly to the decrease in production and to the total or partial separations of the workers of those facilities. In accordance with the provisions of the Act, I make the following certification:

All workers at the Elysburg, Pa., plant and distribution center of the Arrow Co. who became totally or partially separated from employment on or after October 6, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3307 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2488]

ARROW CO., LEWISTOWN, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2488: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 20, 1977, in response to a worker petition received on October 14, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's dress and sport shirts at the Lewistown, Pennsylvania plant of The Arrow Co.

The notice of investigation was published in the FEDERAL REGISTER on November 1, 1977 (42 FR 57175). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Arrow Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant total or partial separations. Average weekly employment of production workers at the Lewistown, Pa., plant increased in 1976 compared to 1975 and decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976. Average weekly hours worked decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976. Workers are used interchangeably in the production of men's sport and dress shirts.

Sales or production, or both, have declined absolutely. Production of men's dress and sport shirts at the Lewistown, Pa., plant increased in 1976 compared to 1975. Production decreased in the first three quarters of 1977 compared to the same period of 1976.

Increased imports. Imports of men's and boys' woven dress and business shirts decreased from 70,666,000 units in 1972 to 42,066,000 units in 1973 to

35,620,000 units in 1974 and to 30,800,000 units in 1975. Imports were recorded at 64,283,000 units in 1976, representing an increase of 108.7 percent compared to 1975. During the first half of 1977, imports were recorded at 32,443,000 units and represented an increase of 20.6 percent compared to 26,906,000 units in the first half of 1976. The ratio of imports to domestic production declined from 49.7 percent in 1972 to 36.2 percent in 1975 and then increased to 67.1 percent during 1976.

Imports of men's and boys' woven sport shirts decreased from 56,285,000 units in 1972 to 41,600,000 units in 1973 and then increased to 49,375,000 units in 1974 and to 61,008,000 units in 1975. Imports were recorded at 79,820,000 units in 1976, representing an increase of 30.8 percent compared to 1975. During the first half of 1977, imports were recorded at 32,561,000 units and represented a decline of 16.3 percent compared to 38,891,000 units in the first half of 1976. The ratio of imports to domestic production decreased from 35.8 percent in 1972 to 27.5 percent in 1973 and then increased to 38.7 percent in 1975 and to 48.6 percent in 1976.

Contributed importantly. Company imports of men's dress shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of men's dress shirts increased 150.7 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of dress shirts increased from 5.2 percent in the first three quarters of 1976 to 12.3 percent in the same period of 1977.

Company imports of men's sport shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of sport shirts increased 627.3 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of sport shirts increased from 2.6 percent in the first three quarters of 1976 to 19.4 percent in the same period of 1977.

The Arrow Co., increased its imports of men's dress and sport shirts in 1977 to maintain a given price structure in an increasingly competitive domestic market.

A survey of customers of The Arrow Co., indicated that some customers decreased purchases of men's dress and sport shirts from the subject firm while increasing purchases of imported shirts. Price was the main factor influencing the decision to purchase imported shirts.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive

with men's sport and dress shirts produced at the Lewistown, Pa., plant of The Arrow Co., contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Lewistown, Pa., plant of The Arrow Co., who became totally or partially separated from employment on or after October 6, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3308 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2553]

ARROW CO., ATLANTA, GA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2553: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 3, 1977, in response to a worker petition received on October 20, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers engaged in employment related to the production of men's dress shirts at the Atlanta, Ga., plant and distribution center of The Arrow Co.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59583). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Arrow Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant total or partial separations. Average weekly employment of production workers at the Atlanta, Ga., plant and distribution center decreased in 1976 compared to 1975 and decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976. Average weekly hours worked decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976.

Sales or production, or both, have decreased absolutely. Production of men's dress shirts at the Atlanta, Ga., plant increased in 1976 compared to 1975 and increased in the first and second quarters of 1977 compared to the same quarters of 1976. Production decreased in the third quarter of 1977 compared to the third quarter of 1976.

Increased imports. Imports of men's and boys' woven dress and business shirts decreased from 70,666,000 units in 1972 to 42,066,000 units in 1973 to 35,620,000 units in 1974 and to 30,800,000 units in 1975. Imports were recorded at 64,283,000 units in 1976, representing an increase of 108.7 percent compared to 1975. During the first half of 1977, imports were recorded at 32,443,000 units and represented an increase of 20.6 percent compared to 26,906,000 units in the first half of 1976. The ratio of imports to domestic production declined from 49.7 percent in 1972 to 36.2 percent in 1975 and then increased to 67.1 percent during 1976.

Contributed importantly. Company imports of men's dress shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of men's dress shirts increased 150.7 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of dress shirts increased from 5.2 percent in the first three quarters of 1976 to 12.3 percent in the same period of 1977. The Arrow Co., increased its imports of men's dress and sport shirts in 1977 to maintain a given price structure in an increasingly competitive domestic market.

A survey of customers of The Arrow Co., indicated that some customers decreased purchases of men's dress

shirts from the subject firm while increasing purchases of imported shirts. Price was the main factor influencing the decision to purchase imported shirts.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress shirts produced and distributed at the Atlanta, Ga., plant and distribution center of the Arrow Co., contributed importantly to the decrease in production and to the total or partial separations of the workers of those facilities. In accordance with the provisions of the Act, I make the following certification:

All workers at the Atlanta, Ga., plant and distribution center of The Arrow Co., who became totally or partially separated from employment on or after October 12, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3309 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2554]

ARROW CO., CARBON HILL, ALA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2554: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 3, 1977, in response to a worker petition received on October 26, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's dress shirts at the Carbon Hill, Ala., plant of the Arrow Co.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59583). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Arrow Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly employment of production workers at the Carbon Hill, Ala., plant increased in 1976 compared to 1975 and decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976. The Carbon Hill plant closed permanently on November 18, 1977.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of men's dress shirts at the Carbon Hill, Ala., plant increased in 1976 compared to 1975 and decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976.

INCREASED IMPORTS

Imports of men's and boys' woven dress and business shirts decreased from 70,666,000 units in 1972 to 42,066,000 units in 1973 to 35,620,000 units in 1974 and to 30,800,000 units in 1975. Imports were recorded at 64,283,000 units in 1976, representing an increase of 108.7 percent compared to 1975. During the first half of 1977, imports were recorded at 32,443,000 units and represented an increase of 20.6 percent compared to 26,906,000 units in the first half of 1976. The ratio of imports to domestic production declined from 49.7 percent in 1972 to 36.2 percent in 1975 and then increased to 67.1 percent during 1976.

CONTRIBUTED IMPORTANTLY

Company imports of men's dress shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of men's dress shirts increased 150.7 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of dress shirts increased from 5.2 percent

in the first three quarters of 1976 to 12.3 percent in the same period of 1977. The Arrow Co. increased its imports of men's dress shirts in 1977 to maintain a given price structure in an increasingly competitive domestic market.

A survey of customers of the Arrow Co. indicated that some customers decreased purchases of men's dress shirts from the subject firm while increasing purchases of imported shirts. Price was the main factor influencing the decision to purchase imported shirts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress shirts produced at the Carbon Hill, Ala., plant of the Arrow Co. contributed importantly to the decrease in production and to the total or partial separations of the workers of that plant. In accordance with the provisions of the act, I make the following certification:

All workers at the Carbon Hill, Ala., plant of the Arrow Co. who become totally or partially separated from employment on or after October 21, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-3310 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2661]

ARROW CO., JASPER, ALA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2661: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1977, in response to a worker petition received on November 17, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's dress shirts at the Jasper, Ala., plant of the Arrow Co.

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63485). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of the Arrow Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average weekly employment of production workers at the Jasper, Ala., plant increased in 1976 compared to 1975 and decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976. Average weekly hours worked decreased in the first, second, and third quarters of 1977 compared to the same quarters of 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of men's dress shirts at the Jasper, Ala., plant increased in 1976 compared to 1975 and then decreased in the first nine months of 1977 compared to the same period in 1976.

INCREASED IMPORTS

Imports of men's and boys' woven dress and business shirts decreased from 70,666,000 units in 1972 to 42,066,000 units in 1973 to 35,620,000 units in 1974 and to 30,800,000 units in 1975. Imports were recorded at 64,283,000 units in 1976, representing an increase of 108.7 percent compared to 1975. During the first half of 1977, imports were recorded at 32,443,000 units and represented an increase of 20.6 percent compared to 26,906,000 units in the first half of 1976. The ratio of imports to domestic production declined from 49.7 percent in 1972 to 36.2 percent in 1975 and then increased to 67.1 percent during 1976.

CONTRIBUTED IMPORTANTLY

Company imports of men's dress shirts increased in quantity in 1975 compared to 1974 and decreased in 1976 compared to 1975. During the first three quarters of 1977, company imports of men's dress shirts increased 150.7 percent compared to the first three quarters of 1976. The ratio of company imports to company sales of dress shirts increased from 5.2 percent in the first three quarters of 1976 to 12.3 percent in the same period of 1977. The Arrow Co. increased its imports of men's dress and sport shirts in 1977 to maintain a given price structure in an increasingly competitive domestic market.

A survey of customers of the Arrow Co. indicated that some customers decreased purchases of men's dress shirts from the subject firm while increasing purchases of imported shirts. Price was the main factor influencing the decision to purchase imported shirts.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's dress shirts produced at the Jasper, Ala., plant of the Arrow Co. contributed importantly to the decrease in production and to the total or partial separations of the workers of that plant. In accordance with the provisions of the act, I make the following certification:

All workers at the Jasper, Ala., plant of the Arrow Co. who became totally or partially separated from employment on or after November 14, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

(FR Doc. 78-3311 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2321)

BIRMINGHAM SOUTHERN RAILROAD CO.,
BIRMINGHAM, ALA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2321: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on September 12, 1977, in response to a worker petition received on September

2, 1977, which was filed on behalf of workers and former workers of the Birmingham Southern Railroad Co., Birmingham, Ala.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Birmingham Southern Railroad Co., U.S. Steel Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

Imports of articles like or directly competitive with steel products produced at the Fairfield Works have increased as evidenced by the certification of workers engaged in employment related to the production of these products in previous investigations (see TA-W-1429, 1451, 1452, 2364, 2365, 2366).

CONTRIBUTED IMPORTANTLY

The Birmingham Southern Railroad Co. is a autonomously operated, wholly owned subsidiary of U.S. Steel Corp. The Birmingham Southern Railroad is heavily dependent on rail traffic generated by the Fairfield Works of U.S. Steel Corp. as a source of revenue. Declines in the level of steel production at the Fairfield Works have resulted in declines in rail traffic for the Birmingham Southern and this has resulted in separations of workers at the Birmingham Southern. The majority of workers engaged in steelmaking operations at the Fairfield Works have been previously certified as eligible to apply for trade adjustment assistance (see TA-W-1429, 1451, 1452, 2364, 2365, 2366). The conditions which led to production declines at the Fairfield Works have also resulted in declines in rail traffic for the Birmingham Southern.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with steel products produced by the Fairfield Works of U.S. Steel Corp. contributed importantly to the total or partial separations of the workers of the Birmingham Southern Railroad Co., a wholly owned subsidiary of U.S. Steel

Corp. In accordance with the provisions of the act, I make the following certification:

All workers at the Birmingham Southern Railroad Co., Birmingham, Ala., who became totally or partially separated from employment on or after August 29, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

(FR Doc. 78-3312 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2094)

BOBBIE KNITWEAR, INC. COAMO, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2094: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 24, 1977, in response to a worker petition received on May 23, 1977, which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing men's knit sport shirts at Bobbie Knitwear, Inc., Coamo, P.R., owned and operated by Colebrook Mills, Inc., Hialeah, Fla., a wholly owned subsidiary of Bobbie Brooks, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on June 3, 1977 (42 FR 28633). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Colebrook Mills, Inc., and its customers; M & D Simon Co. and its customers; the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in the workers' firm or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Evidence developed in the Department's investigation reveals that all four of the above criteria have been met.

Significant Total or Partial Separations. Combined employment of production workers at Bobbie Knitwear and Coamo Knitting Mills increased 18.2 percent in 1976 compared to 1975 and increased 27.3 percent in the first quarter of 1977 compared to the first quarter of 1976.

All workers were laid off on May 27, 1977, when both plants closed.

Sales or Production, or Both, Have Decreased Absolutely. Production of men's knit sport shirts at Bobbie Knitwear Inc., increased 59.2 percent in terms of quantity and increased 51.3 percent in terms of value in 1976 compared to 1975. Production increased 32.2 percent in terms of quantity and increased 43.6 percent in terms of value from the first quarter of 1976 to the first quarter of 1977.

Production increased in 1976 compared to 1975 in order to complete contracts prior to the plant's closing on May 27, 1977.

Bobbie Knitwear Mills does not import any raw materials, yarns or finished garments.

Inventories of men's knit sport shirts decreased 58.5 percent in terms of quantity and decreased 56 percent in terms of value in 1976 compared to 1975.

Increased Imports. U.S. imports in millions of units of men's and boys' knit sport and dress shirts, excluding T-shirts increased from 67.2 in 1972 to 78.8 in 1973. Imports declined to 54.9 in 1974 but increased in 1975 and again in 1976 to 66.2 and 74.0 respectively. Imports for the first quarter of 1977 were 19.9 a decrease from the 20.2 million units imported in the first quarter of 1976. The ratio of imports compared to domestic production increased from 24.0 percent in 1972 to 25.6 percent in 1973. There was a decline in 1974 to 17.8 percent. In 1975, the import-production ratio increased to 22.9 percent and declined slightly in 1976 to 22.6 percent.

Contributed Importantly. A survey of customers who purchased men's knit sport shirts from Colebrook Men's Division and M & D Simon revealed that a substantial portion of men's knit sport shirts purchased from other domestic sources were manufactured offshore. They reported increas-

ing imports in knit sport shirts that are becoming more competitive with domestically manufactured men's sport clothes.

Between 1972 and 1976 the import penetration ratio was in a range from 17.8 percent to 25.6 percent.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's knit sport shirts produced by Coamo Knitting Mills, Coamo, P.R., contributed importantly to the separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Coamo Knitting Mills, Coamo, P.R., owned and operated by Colebrook Mills, Inc., Hialeah, Fla. a wholly owned subsidiary of Bobbie Brooks, Inc., Cleveland, Ohio, who became totally or partially separated from employment on or after May 27, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-3313 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2095)

COAMO KNITTING MILLS, COAMO, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2095: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on May 24, 1977, in response to a worker petition received on May 23, 1977, which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing men's knit sport shirts at Coamo Knitting Mills, Coamo, P.R., owned and operated by Colebrook Mills, Inc., Hialeah, Fla., a wholly owned subsidiary of Bobbie Brooks, Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on June 3, 1977 (42 FR 28633). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Colebrook Mills, Inc., and its customers; M & D Simon Co. and its customers; the U.S. Department of Commerce; the National Cotton Council of America; the U.S. International Trade Commission; industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

- (1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;
- (2) That sales or production, or both, of such firm or subdivision have decreased absolutely;
- (3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and
- (4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Evidence developed in the Department's investigation reveals that all four of the above criteria have been met.

Significant Total or Partial Separations. Combined employment of production workers at Bobbie Knitwear and Coamo Knitting Mills increased 18.2 percent in 1976 compared to 1975 and increased 27.3 percent in the first quarter of 1977 compared to the first quarter of 1976.

All workers were laid off on May 27, 1977, when both plants closed.

Sales or Production, or Both, Have Decreased Absolutely. Production of men's knit sport shirts at the Coamo Knitting Mills increased 58.4 percent in terms of quantity and increased 57.6 percent in terms of value from 1975 to 1976. Production increased 67.4 percent in terms of quantity and increased 72.0 percent in terms of value from the first quarter of 1976 to the first quarter of 1977.

Production increased in 1976 compared to 1975 and in the first quarter of 1977 compared to the first quarter of 1976 in order to complete contracts prior to the plant's closing in May 27, 1977.

Coamo Knitting Mills does not import any raw materials, yarns or finished garments.

Inventories of men's knit sport shirts decreased 58.5 percent in terms of quantity and decreased 56 percent in terms of value in 1976 compared to 1975.

Increased Imports. U.S. imports in millions of units of men's and boys' knit sport and dress shirts, excluding T-shirts increased from 67.2 in 1972 to 78.8 in 1973. Imports declined to 54.9 in 1974 but increased in 1975 and again in 1976 to 66.2 and 74.0 respectively. Imports for the first quarter of 1977 were 19.9 a decrease from the

20.2 million units imported in the first quarter of 1978. The ratio of imports compared to domestic production increased from 24.0 percent in 1972 to 25.6 percent in 1973. There was a decline in 1974 to 17.8 percent. In 1975, the import-production ratio increased to 22.9 percent and declined slightly in 1976 to 22.6 percent.

Contributively Importantly. A survey of customers who purchased men's knit sport shirts from Colebrook Men's Division and M & D Simon revealed that a substantial portion of men's knit sport shirts purchased from other domestic sources were manufactured offshore. They reported increasing imports in knit sport shirts that are becoming more competitive with domestically manufactured men's sport clothes.

Between 1972 and 1976 the import penetration ratio was in a range from 17.8 percent to 25.6 percent.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's knit sport shirts produced by Coamo Knitting Mills, Coamo, P.R., contributed importantly to the separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Coamo Knitting Mills, Coamo, P.R., owned and operated by Colebrook Mills, Inc., Hialeah, Fla., a wholly owned subsidiary of Bobbie Brooks, Inc., Cleveland, Ohio, who became totally or partially separated from employment on or after May 27, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-3314 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2291)

CONCA D'ORO, INC., PATERSON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2291: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on August 29, 1977 in response to a worker petition received on August 22, 1977 which was filed on behalf of workers and former workers producing women's coats, raincoats, and suits at Conca D'oro, Inc., Paterson, N.J. During the course of the investigation

it was revealed that Conca D'oro, Inc. does not produce women's suits.

The notice of investigation was published in the *FEDERAL REGISTER* on September 20, 1977 (42 FR 47270). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Conca D'oro, Inc., its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of production workers increased 38 percent from 1975 to 1976, however, employment declined 23 percent in the third quarter of 1976 when compared to the third quarter of 1975 and declined 6 percent in the fourth quarter of 1976 when compared to the same period in 1975. Employment then declined 21 percent in the first eight months of 1977 when compared to the same period in 1976.

The plant was shutdown for the months of January 1975, February 1975, March 1975, April 1975, April 1976, January 1977, March 1977 and April 1977 for lack of contract work.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of Conca D'oro, adjusted for price changes, declined 28 percent from 1974 to 1975 and increased 30 percent from 1975 to 1976, however, sales declined 20 percent in the third quarter of 1976 when compared to the third quarter of 1975 and declined 13 percent in the fourth quarter of 1976 when compared to the same period in

1975. Sales then declined 22 percent in the first eight months of 1977 when compared to the same period in 1976.

Conca D'oro is a contractor, therefore, sales and production are equal.

INCREASED IMPORTS

Imports of women's, misses' and children's coats and jackets increased in absolute terms from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 48 percent from 1975 to 1976 and increased 24 percent in the first nine months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 38.9 percent and 28.0 percent, respectively, in 1975 to 57.5 percent and 36.5 percent, respectively, in 1976.

Imports of women's, misses' and children's raincoats declined in absolute terms, from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 37 percent from 1975 to 1976 and declined 1 percent in the first nine months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 36.8 percent and 26.9 percent, respectively, in 1975 to 50.4 percent and 33.5 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

The ratios of imports to domestic production and consumption for women's, misses', and children's coats and jackets increased from 38.9 percent and 28 percent, respectively, in 1975 to 57.5 percent and 36.5 percent, respectively, in 1976. From 1975 to 1976, the ratios of imports to domestic production and consumption for women's, misses', and children's raincoats increased from 36.8 percent and 26.9 percent, respectively, to 50.4 percent and 33.5 percent, respectively.

The Department's investigation revealed that Conca D'oro Inc. produces ladies' winter coats and ladies' raincoats on a contract basis for other manufacturers. A survey revealed that contract work with Conca D'oro was decreased while purchases of imported ladies' coats were increased.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' winter coats and ladies' raincoats produced at Conca D'oro, Inc., Paterson, N.J. contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the act, I make the following certification:

All workers at Conca D'oro, Inc., Paterson, N.J. who became totally or partially sepa-

rated from employment on or after August 17, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-3315 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2557)

CONVY SHOE SUPPLIES CO., CUBA, MO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2557: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on November 3, 1977, in response to a worker petition received on October 27, 1977, which was filed by the Retail Clerks International Association (AFL-CIO) on behalf of workers and former workers producing shoe supplies, i.e., heels, pads, boxtoes, strips, at Convy Shoe Supplies Co., Cuba, Mo.

The notice of investigation was published in the *FEDERAL REGISTER* on November 18, 1977 (42 FR 59583). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Convy Shoe Supplies Co., publications of the U.S. Department of Commerce and the U.S. International Trade Commission, the American Footwear Industries Association, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Convy Shoe Supplies Co. was founded in 1927 and incorporated in Missouri. The company operates two manufacturing facilities in Cuba, Mo. and maintains offices and a warehouse in Brentwood, Mo. The petitioning workers are employed at the facilities in Cuba, Mo.

Workers at Convy Shoe Supplies Co. are engaged in fabricating component parts for shoe manufacturers.

Imports of shoes which incorporate shoe component parts are not "like or directly competitive" with shoe components within the meaning of section 222(3) of the Trade Act of 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by workers at Convy Shoe Supplies Co., Cuba, Mo. have not contributed importantly to separations, or the threat thereof, nor to the decrease in sales or production at that plant as required in section 222 of the Trade Act of 1974. The petition is therefore denied.

Signed at Washington, D.C. this 27th day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
(FR Doc. 78-3316 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-1946)

CORONET PRINT, INC., FALL RIVER, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1946: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on April 4, 1977, in response to a worker petition received on March 31, 1977, on behalf of workers and former workers producing flock printing on material at Coronet Print, Inc., Fall River, Mass.

The notice of investigation was published in the *FEDERAL REGISTER* on April 15, 1977 (42 FR 19938). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Coronet Print, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that without regard to any of the other criteria, criterion four (4) was not met.

Coronet Print Inc. produces flock printing on material according to contracts with manufacturers and converters. The material is owned by the manufacturers who send the material to Coronet to undergo the flocking process. The finished fabric is then sent back to the manufacturers and converters. Flocking is the application of short fiber to a material backing by the use of adhesives or an electrostatic machine.

Coronet Print, Inc. prints fabric for both manufacturers and fabric converters, a customer survey accounting for a substantial proportion of Coronet's sales in 1976 was conducted by the department. The survey indicated that those customers who purchased imported fabric increased purchases from Coronet in the first half of 1977 compared to the same period of 1976 and decreased purchases of imported fabric during that time period.

Inasmuch as all types of finished fabric, flocked, dyed, and printed, are generally interchangeable and substitutable in their end uses, all types of finished fabric may be considered like or directly competitive with the fabric printed at Coronet Print, Inc.

Aggregate imports of finished fabric (including dyed, printed, and flocked), in absolute terms, declined from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 20 percent from 1975 to 1976.

Imports of finished fabric declined in each quarter of 1976 when compared to the previous quarter. Imports declined 38 percent in the first six months of 1977 compared to the like period of 1976.

Since 1973 the ratio of imports to domestic production has not exceeded 2.0 percent.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with flocked fabric printed at Coronet Print, Inc., Fall River, Mass., did not contribute importantly to the decline in sales or production and to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 27th day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3317 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-1897]

COUNTRY MAID APPAREL, PLAINS, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1897: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 24, 1977, in response to a worker petition received on March 24, 1977, which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing dresses at the Plains, Pa., a plant of Country Maid Apparel. During the investigation it was determined that girls' sportswear was produced.

The notice of investigation was published in the FEDERAL REGISTER on April 12, 1977 (42 FR 19175). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Country Maid Apparel, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The Department's investigation revealed that Country Maid Apparel is a contractor for girls' sportswear.

A manufacturer representing a substantial proportion of the contract work performed by Country Maid in 1975 went out of business at the end of that year. In 1976 Country Maid performed contract work for several other apparel manufacturers. A survey conducted by the Department indicated that each of these manufacturers increased the amount of work given to Country Maid in 1976 compared to 1975. The survey further indicated that they had increased sales in the first half of 1977 compared to the same period of 1976. The manufacturers indicated that either purchases of imported girls' sportswear had decreased or that they did not purchase imported girls' sportswear, and that they did not utilize foreign contractors.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with those produced by Country Maid Apparel, Plains, Pa., did not contribute importantly to the decline in sales or production and to the total or partial separations of workers at that firm as required in section 222 of the Trade Act of 1974. Therefore, the petition is denied.

Signed at Washington, D.C. this 30th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-3318 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2436]

DANIEL GREEN CO., DOLGEVILLE, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2436: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 11, 1977, in response to a worker petition received on October 5, 1977, which was filed by three workers on behalf of workers and former workers producing men's and women's casual (street) shoes at the Daniel Green Co., Dolgeville, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56375). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of the Daniel Green Co., its customers the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not met:

That sales or production, or both, of such firm or subdivision have decreased absolutely;

Sales and production of footwear manufactured by the Daniel Green Co., Dolgeville, N.Y., increased in terms of quantity and value in 1976 compared to 1975, and increased in terms of quantity and value during the first three quarters of 1977 compared to the same period in 1976.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that sales and production of men's and women's slippers and women's casual shoes produced at the Daniel Green Co., Dolgeville, N.Y., did not decrease absolutely as required for a certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-3319 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2528]

ELM SHANK & HEEL COMPANY, INC., LYNN, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2528: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 31, 1977, in response to a worker petition received on October 25, 1977, which was filed on behalf of workers and former workers producing steel and fibre shoe shanks at Elm Shank & Heel Co., Inc., Lynn, Mass.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Elm

Shank & Heel Co., Inc., publications of the U.S. Department of Commerce and the U.S. International Trade Commission, the American Footwear Industries Association, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Elm Shank & Heel Co., Inc. was founded in 1930 and incorporated in the State of Massachusetts in 1940. The company operates one plant located in Lynn, Mass.; these premises are shared with the Moore Shank Co., which is owned and operated by the same partners.

Workers at the firm produce steel and fibre shoe shanks. Steel shanks are purchased from the Moore Shank Co., and are either sold as plain steel shanks or attached to a fibre shank, then they are packaged and shipped to shoe manufacturers.

Evidence developed in the Department's investigation reveals that there are no separately identifiable imports of shoe shanks. The product is not listed as a separate item of any U.S. Tariff Schedule grouping. In addition, industry spokesmen indicated that imports of footwear components have been negligible in the 1970's.

Imports of shoes which incorporate shoe shanks of the same origin are not like or directly competitive with shoe shanks produced by workers at Elm Shank & Heel Co., Inc., within the meaning of section 222 (3) of the Trade Act of 1974.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by workers at Elm Shank & Heel Co., Inc., Lynn, Mass., are not being imported in increased quantities, either actual or relative to domestic produc-

tion as required in section 222 of the Trade Act of 1974. The petition is therefore denied.

Signed at Washington, D.C. this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3320 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2351]

GREAT WESTERN RAILWAY CO., LOVELAND, COLO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2351: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 15, 1977, in response to a worker petition received on September 7, 1977, which was filed on behalf of workers and former workers of the Great Western Railway Co., Loveland, Colo., a subsidiary of the Great Western Sugar Co.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Great Western Railway Co., the Great Western Sugar Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met:

Significant total or partial separations. The average number of nonoperating personnel (those workers who do not work directly on the trains) declined 10 percent from 1974 to 1975 and declined 12 percent from 1975 to 1976. Employment then declined 33 percent in the period January-August 1977 compared to the same period in 1976. The average number of operating personnel (those employees who work directly on trains) remained the same from 1974 to 1975 and from 1975 to 1976. Employment then declined 25 percent in the period January-August 1977 compared to the same period in 1976.

Sales or production, or both, have decreased absolutely. Records are kept by the Great Western Railway according to carloads shipped. Products shipped by the railroads for the Great Western Sugar Co. represented approximately 90 percent of carloads shipped in 1975 and 1976. The number of freight cars of products used by the Great Western Sugar Co. increased from 1975 to 1976 and railway officials indicated that the number of carloads decreased from 1976 to 1977.

Increased imports. Imports of articles like or directly competitive with products produced by the Great Western Sugar Co. have increased as evidenced by the certification of workers engaged in employment related to the production of these products in previous investigations (see TA-W-1636, 1637, 2283).

Contributed importantly. The Great Western Railway Co. is heavily dependent on rail traffic generated by the Loveland, Longmont, and Johnstown, Colorado plants. The Longmont sugar producing facility and the Johnstown molasses plant ceased operations in February and October 1977, respectively, although liquid sugar is still being produced at the Johnstown plant. The Johnstown monosodium glutamate plant closed in October 1977.

The closing of these plants has resulted in declines in rail traffic for the Great Western Railway Co. and this has resulted in separations of workers at the Great Western Railway. The Johnstown, Colo., molasses plant, the Longmont, Colo., plant and the Johnstown, Colo., monosodium glutamate plant have been previously certified as eligible to apply for trade adjustment assistance (see TA-W-1636, 1637, 2283). The conditions which led to the closing of the Johnstown and Longmont plants have also resulted in declines in rail traffic for the Great Western Railway Co.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports of

articles like or directly competitive with sugar products and monosodium glutamate produced by the Longmont and Johnstown, Colo., plants of the Great Western Sugar Co. contributed importantly to the total or partial separations of the workers of the Great Western Railway Co., Loveland, Colo., a wholly owned subsidiary of the Great Western Sugar Co. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at the Great Western Railway Co., Loveland, Colo., who became totally or partially separated from employment on or after February 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-3321 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2283)

GREAT WESTERN SUGAR CO., MONOSODIUM GLUTAMATE PLANT, JOHNSTOWN, COLO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2283: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 25, 1977, in response to a worker petition received on August 17, 1977, which was filed by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers on behalf of workers and former workers producing monosodium glutamate at the Johnstown, Colo., monosodium glutamate plant of the Great Western Sugar Co.

The notice of investigation was published in the FEDERAL REGISTER on September 8, 1977 (42 FR 44615). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Great Western Sugar Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is

concluded that all the requirements have been met.

Increased imports. Imports of monosodium glutamate increased from 7,781.5 thousand pounds in 1975 to 13,247.3 thousand pounds in 1976 and increased from 6,156.0 thousand pounds in the first half of 1976 to 7,857.0 thousand pounds in the first half of 1977.

Contributed importantly. Great Western distributes MSG exclusively through commissioned sales brokers. Retail customers surveyed who purchased MSG from the brokers reduced purchases of MSG from the brokers in 1977 and increased purchases from foreign sources.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with monosodium glutamate produced by the Johnstown, Colo., monosodium glutamate plant of the Great Western Sugar Co. contributed importantly to sales and production declines and to the total or partial separations of workers at the plant. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at the Johnstown, Colo., monosodium glutamate plant of the Great Western Sugar Co. who became totally or partially separated from employment on or after August 10, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
(FR Doc. 78-3322 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2727)

HANNA FURANCE CORP., BUFFALO, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2727: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 6, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel products at the Buffalo, N.Y., plant of the Hanna Furnace Corp. The investigation revealed that merchant pig iron is the only product produced at the plant.

The notice of investigation was published in the FEDERAL REGISTER on December 30, 1977, (42 FR 65307). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Hanna Furnace Corp., U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production.

The Department's investigation revealed that the Hanna Furnace Corp. produces merchant pig iron exclusively. Merchant pig iron is primarily used in the foundry industry in the production of castings.

Imports of merchant pig iron declined each year from 637,000 tons in 1972 to 342,000 tons in 1974, increased to 478,000 tons in 1975, declined to 415,000 tons in 1976 and continued to decline 29.1 percent from 306,000 tons in the first three quarters of 1976 to 217,000 tons in the first three quarters of 1977.

The ratio of imports of merchant pig iron to domestic production declined each year from 21.9 percent in 1972 to 11.9 percent in 1974, increased to 25.0 percent in 1975, declined to 19.2 percent in 1976 and continued to decline from 18.2 percent in the first three quarters of 1976 to 13 percent in the first three quarters of 1977.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with the merchant pig iron produced at the Buffalo, N.Y., plant of the Hanna Furnace Corp. have not increased as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

(FR Doc. 78-3323 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2210)

HAUSSER SCIENTIFIC, BLUE BELL, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2210: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on July 18, 1977 in response to a worker petition received on July 18, 1977 which was filed by three workers employed by Hausser Scientific on behalf of workers and former workers producing microslides at Hausser Scientific, Blue Bell, Pa. During the course of the investigation it was determined that coverglass and bloodtesting equipment are also manufactured by Hausser Scientific.

The notice of investigation was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hausser Scientific, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

Customers responding to survey indicated that they have imported no microslides, coverglass or bloodtesting equipment during the 1975-1977 period. A major factor in Hausser's declining sales is the development of new medical technology for performing

certain blood tests which has eliminated the need for conventional microslide equipment.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with microslides, cover glass and bloodtesting equipment produced at Hausser Scientific, Blue Bell, Pa. did not contribute importantly to the decline in sales or production and to the total or partial separations of workers at that firm as required in section 222 of the Trade Act of 1974. Therefore, the petition is denied.

Signed at Washington, D.C., this 27th day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
(FR Doc. 78-3324 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2406)

INDUSTRIAL SERVICE CENTERS, INC., CAMBRIDGE, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2406: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on October 3, 1977 in response to a worker petition received on September 28, 1977 which was filed by three workers on behalf of workers and former workers engaged in the distribution of stainless steel and aluminum sheet, plate and structural products at the Cambridge, Massachusetts plant of Industrial Service Centers, Inc.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55315). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Industrial Service Centers, Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must meet.

If any of the criteria are not satisfied, a negative determination must be made.

Industrial Service Centers, Inc. is a distributor and processor of stainless steel and aluminum. Industrial purchases stainless steel and aluminum

from steel and aluminum companies. Industrial purchases stainless steel and aluminum in the form of sheet, plate and bar and either sells these products in "as received condition" or shears, cuts or burns the steel and aluminum to customer specifications. All employees are or were engaged in the processing, marketing, shipping and distribution of stainless steel and aluminum, and performed no production functions.

Industrial Service Centers, Inc. does not produce an article within the meaning of section 222(3) of the act. The Department has already determined that the performance of services are not covered by the adjustment assistance program. Industrial Service Centers, Inc. performs a service; the processing, shipping, and distribution of stainless steel and aluminum.

CONCLUSION

After careful review of the issues, I have determined that services of the kind provided by Industrial Service Centers, Inc., Cambridge, Mass. are not "articles" within the meaning of section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is therefore denied.

Signed at Washington, D.C. this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
(FR Doc. 78-3325 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-1993)

INTERNATIONAL HAT CO., DEXTER, MISSOURI, PLANT NO. 2

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1993: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on April 19, 1977 in response to a worker petition received on April 19, 1977, which was filed by former employees on behalf of former workers producing headwear at the Dexter, Mo. No. 2 plant (200 North Poplar Street) of the International Hat Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER (42 FR 23215) on May 6, 1977. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the International Hat Co., Inc., its customers, the U.S. Department of Commerce,

the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any other criteria has been met, the following criterion has not been met:

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales and production of the firm or subdivision.

The Department conducted a survey of some of the customers of International Hat Co. All of those that responded indicated that they had not decreased purchases from the Dexter No. 2 plant in 1976 compared to 1975 and increased purchases of imports. Only one of these customers indicated that it decreased purchases from International Hat in 1977 compared to 1976 and increased purchases of imports. This customer accounted for .015 percent of sales in quantity by the Dexter No. 2 plant in the fiscal year ending July 31, 1976. Other customers who decreased purchases from the subject plant indicated that their declines were a result of changes in hat style preferences. They stated that demand for some types of headwear produced by the Dexter No. 2 plant had decreased in the 1976-1977 period.

CONCLUSION

After careful review of the facts obtained in the investigation I conclude that increased imports of articles like or directly competitive with the headwear produced at the Dexter, Mo. No. 2 plant of International Hat Co., Inc., did not contribute importantly to the total or partial separation of workers at the plant as required by section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3326 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2603]

INTERNATIONAL MILL SERVICE INC.,
YOUNGSTOWN, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2603: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on November 14, 1977 in response to a worker petition received on November 4, 1977, which was filed by the International Union of Operating Engineers on behalf of workers and former workers of International Mill Service at the Youngstown, Ohio plant of the Youngstown Sheet & Tube Co.

The Notice of Investigation was published in the FEDERAL REGISTER on December 12, 1977 (42 FR 63484). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of International Mill Service, Inc. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increased imports of articles like or directly competitive with those produced by the firm or subdivision contributed importantly to the worker separations, or threat thereof, and to the decrease in sales or production.

The International Mill Service, Inc., in Youngstown, Ohio, on a contract basis removed spillage, called slag, from the furnace area at the Youngstown Sheet & Tube Co. International Mill Service then recovered scrap metal from the slag and delivered it back to the Youngstown Sheet & Tube Co. where it was used in the steelmaking process. There is no corporate relationship between International Mill Service, Inc., and Youngstown Sheet & Tube Co.

Imports of scrap steel are negligible. The separation of workers from International Mill Service, Inc., was due to the drastic reduction in steel production caused by the shutdown of major portions of Youngstown Sheet & Tube Co.'s Campbell Works.

CONCLUSION

After careful review of the issues, I conclude that increases of imports like or directly competitive with the steel scrap produced by the International Mill Service, Inc., located in Youngstown, Ohio, did not contribute importantly to the decline in sales or production or to the total or partial separation of workers of the firm and that the workers should therefore be denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 27th day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-3327 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2567]

INTERNATIONAL SHOE MACHINE CORP.,
LOUIS, MO.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 7, 1977 in response to a worker petition dated September 29, 1977 which was filed on behalf of former workers engaged in installing and servicing shoe manufacturing equipment at International Shoe Machine Corp., St. Louis, Mo.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59584). No public hearing was requested and none was held.

During the course of the investigation, it was established that there have been no layoffs or reductions in hours at International Shoe Machine Corp. since February 1, 1975. On the basis of current operations there is no threat of separations of workers presently employed. Section 223(b)(1) of the Trade Act of 1974 states that a certification under this section shall not apply to any worker whose last total or partial separation from the firm or appropriate subdivision of the firm occurred more than twelve months before the date of the filing under Title II, Chapter 2 of the Trade Act of 1974.

The date of the petition in this case is September 29, 1977, thus workers terminated prior to September 29, 1976 are not eligible for program benefits under Title II, Chapter 2, Subchapter B of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of January 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.
[FR Doc. 78-3328 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2257]

KAISER STEEL CORP., FONTANA MILL,
FONTANA, CALIF.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2257: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on August 15, 1977, in response to a worker petition received on August 15, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing

bars, rods, hot rolled sheet, and tin mill products at Kaiser Steel Corp., Fontana, Calif.

The investigation revealed that rods are included in merchant mill production, which is primarily bars.

The notice of investigation was published in the FEDERAL REGISTER on September 2, 1977 (42 FR 44298). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kaiser Steel Corp. and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that all of the above criteria have been met with regard to the production of steel bars and tin mill products. Without regard to whether any of the other criteria have been met, criterion (4) has not been met with regard to the production of hot rolled sheet.

BARS

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Combined employment for the merchant and structural mills, which includes workers producing bars, declined 61 percent from 1974 to 1975 and declined 9 percent from 1975 to 1976. Merchant mill employment declined 28 percent from the first to the second quarter of 1977.

All workers at the merchant mill were laid off in November 1977 when the mill closed.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production of bars declined 72 percent from 1974 to 1975 and increased

54 percent from 1975 to 1976. Production declined 20 percent in the first seven months of 1977 compared to the same period in 1976.

Shipments of bars declined 67 percent from 1974 to 1975 and increased 21 percent from 1975 to 1976. Shipments declined 8 percent in the first seven months of 1977 compared to the same period in 1976.

All production of bars at the merchant mill ceased in November 1977, when the mill closed.

INCREASED IMPORTS

Imports of carbon hot and cold rolled steel bars decreased both absolutely and relative to domestic production and consumption in each year from 1972 through 1976. Imports increased 150 percent in the first six months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 3.8 percent and 3.7 percent, respectively, in the first six months of 1976 to 8.7 percent and 8.1 percent, respectively, in the first six months of 1977.

Imports of carbon steel bar-size light shapes decreased in absolute terms from 1972 to 1973, increased from 1973 to 1974 and then decreased from 1974 to 1975 and from 1975 to 1976. Imports increased 73 percent in the first six months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 14.5 percent and 12.8 percent, respectively, in the first six months of 1976 to 21.4 percent and 17.7 percent, respectively, in the first six months of 1977.

CONTRIBUTED IMPORTANTLY

The merchant mill at Kaiser has been shut down intermittently in the past few years. On August 1, 1977, Kaiser announced plans to shut down its merchant mill and it was closed in November 1977.

A survey of customers that purchased bar products from Kaiser indicated that they reduced purchases of bars from Kaiser in 1977, and switched to imported bars.

TIN MILL PRODUCTS

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the tin mill increased 8 percent from 1974 to 1975 and increased 9 percent from 1975 to 1976. Employment declined 4 percent in the first seven months of 1977 compared to the same period in 1976. Employment declines began in the fourth quarter of 1976.

SALES OR PRODUCTION, OR BOTH HAVE DECREASED ABSOLUTELY

Production of tin mill products increased 13 percent from 1974 to 1975

and increased 10 percent from 1975 to 1976. Production increased 3 percent in the first seven months of 1977 compared to the same period in 1976.

Shipments of tin mill products declined 4 percent from 1974 to 1975 and increased 18 percent from 1975 to 1976. Shipments declined 6 percent in the first seven months of 1977 compared to the same period in 1976.

INCREASED IMPORTS

Imports of tin plate declined in absolute terms from 1972 to 1973 and from 1973 to 1974, increased from 1974 to 1975 and declined from 1975 to 1976. Imports increased 67 percent in the first six months of 1977 compared to the same period in 1976. The ratios of imports to domestic production and consumption increased from 5.5 percent and 5.6 percent, respectively, in the first six months of 1976 to 9.5 percent and 9.1 percent, respectively, in the first six months of 1977.

CONTRIBUTED IMPORTANTLY

A survey of customers that purchased tin mill products from Kaiser indicated that they reduced purchases of tin mill products from Kaiser in 1977 and switched to imported tin mill products.

HOT ROLLED SHEET

The Department's investigation revealed that customers who purchased hot rolled sheet from Kaiser did not reduce purchases from Kaiser in 1977 nor switch to purchases of imports in 1977. No declines in sheet and strip shipments at Kaiser were experienced in 1976.

Production of hot rolled sheet at the hot strip mill of Kaiser increased from 1975 to 1976 and in the first seven months of 1977 compared to the same period in 1976. No quarterly production declines were experienced in 1976 or 1977, when compared to the respective quarter of the previous year.

Shipment data for hot rolled sheet is included with data for sheet and strip. Shipments of sheet and strip declined 2 percent in the first seven months of 1977 compared to the same period in 1976.

Employment at the hot strip mill of Kaiser increased in each quarter from the second quarter of 1976 through the second quarter of 1977, when compared to the respective quarter of the previous year.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with bars and tin mill products produced at the Fontana, Calif., Mill of Kaiser Steel Corp. contributed importantly to the decline in sales or production and to the total or

partial separation of the workers of those subdivisions of the plant. In accordance with the provisions of the act, I make the following certifications:

All workers engaged in employment related to the production of bars in the Merchant Mill Department at the Fontana, Calif., Mill of Kaiser Steel Corp. who became totally or partially separated from employment on or after October 1, 1976, are eligible to apply for adjustment assistance under title II, Chapter 2, of the Trade Act of 1974, and

All workers engaged in employment related to the production of tin mill products in the Tin Mill Department at the Fontana, Calif., Mill of Kaiser Steel Corp. who became totally or partially separated from employment on or after October 1, 1976, are eligible to apply for adjustment assistance under title II, Chapter 2, of the Trade Act of 1974.

I further conclude that increased imports of hot rolled sheet did not contribute importantly to the decline in sales or the total or partial separations of the workers at the Fontana, Calif., Steel Mill of Kaiser Steel Corp. as required for certification under section 222 of the Trade Act of 1974. Therefore, workers engaged in employment related to the production of hot rolled sheet in the Hot Strip Mill Department at the Fontana, Calif., Mill of Kaiser Steel Corp. are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 31st day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-3329 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-1854)

LBJ GARMENT CORP., LARKSVILLE, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1854: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 22, 1977, in response to a worker petition received on March 22, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' dresses at LBJ Garment Corp., Larksville, Pa.

The notice of investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of LBJ Garment Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

The evidence developed in the Department's investigation revealed that LBJ Garment Corp.'s primary manufacturer, representing almost 100 percent of purchases in 1975 shifted nearly all of their contract work to other domestic contractors in 1976 due to changes in management at the manufacturer.

The manufacturer who provided nearly all of LBJ Garment's contract work in 1976 showed an increase in the value of all of the contracts it awarded in 1976 compared to 1975. Although this manufacturer decreased contracts with LBJ Garment in the first quarter of 1977 by 9.3 percent compared to the same quarter in 1976, LBJ began producing for a third manufacturer in 1977, resulting in increased production for LBJ Garment in the first quarter of 1977 compared to the same period in 1976. None of LBJ Garment's manufacturers contracted with foreign sources or imported ladies' dresses. Furthermore, the manufacturers do not believe that there is any import influence impacting the domestic market for ladies' dresses.

The results of the survey of LBJ's manufacturers is consistent with aggregate data for women's and misses' dresses. U.S. production of women's and misses' dresses increased from 1975 to 1976, while the imports/production ratio remained constant at 4.5 percent. In each year from 1972 through 1976 imports of women's and misses' dresses were less than 5 percent of domestic production. In the first nine months of 1977, imports of women's and misses' dresses fell 12.8 percent compared to the first nine months of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with ladies' dresses produced by LBJ Garment Corp., Larksville, Pa., did not contribute importantly to the decline in sales or production or to the total or partial separations of workers at that firm.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
(FR Doc. 78-3330 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2325)

LISH ENTERPRISES, INC., NEW BEDFORD, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2325: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 12, 1977, in response to the worker petition received on September 6, 1977, which was filed on behalf of workers and former workers producing ladies' outerwear at Lish Enterprises Inc., New Bedford, Mass. The investigation revealed that sales office employees located at 1410 Broadway, New York, N.Y., should also be covered by this petition.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Lish Enterprises, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant Total or Partial Separations. Average employment at Lish increased 22 percent in 1976 from 1975. Employment declined 15 percent in the last 6 months of 1976 compared to the same period of 1975 and declined 32 percent in the first 8 months of 1977 compared to the first 8 months of 1976.

Sales or Production, or Both, Have Decreased Absolutely. Sales of sportswear by Lish increased 28 percent in value in 1975 from 1974, decreased 25 percent in value in 1976 from 1975 and decreased 74 percent in value and 71 percent in quantity in the first 8 months of 1977 compared to the same period of 1976.

Production, in quantity, of sportswear by Lish decreased 12 percent in 1975 from 1974, 23 percent in 1976 from 1975 and 76 percent in the first 8 months of 1977 compared to the same period of 1976.

Increased Imports. Imports of women's, misses' and children's coats and jackets increased in absolute terms, from 1972 to 1973, decreased from 1973 to 1974, and increased from 1974 to 1975. Imports increased 48 percent from 1975 to 1976 and increased 24 percent in the first 9 months of 1977 compared to the first 9 months of 1976. The ratios of imports to domestic production and consumption increased from 38.9 percent and 28.0 percent, respectively, in 1975 to 57.5 percent and 36.5 percent, respectively in 1976.

Contributed Importantly. Customers of Lish who were surveyed decreased purchases of ladies' junior jackets from Lish and increased purchases of imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' junior sportswear produced by Lish Enterprises, Inc., New Bedford, Mass., contributed importantly to the total or partial separation of workers at that firm.

In accordance with the provisions of the act, I make the following certification:

All workers at Lish Enterprises, Inc., New Bedford, Mass., and the sales office of Lish Enterprises, Inc., located at 1410 Broadway, New York City, N.Y., who became totally or partially separated from employment on or after October 1, 1976, are eligible to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-3331 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-1857)

LITZTI FASHIONS, PRINGLE, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1857: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 22, 1977, in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's and misses' dresses at Litzti Fashions, Pringle, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Litzti Fashions, its customers, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion have not been met.

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

Evidence developed during the Department's investigation revealed that Litzti Fashions performed contract work on women's and misses' dresses for one apparel manufacturer from 1974 to mid-1977. A survey conducted by the Department revealed that this manufacturer produces 4 seasonal lines with over a hundred styles. This manufacturer contracts out all of its dress making operations to approximately 10 independent domestic firms such as Litzti Fashions.

The survey revealed that sales of the manufacturer had increased in 1976 compared to 1975. The value of the contract work performed by Litzti Fashions increased in 1976 compared to 1975. The survey also revealed that sales of the manufacturer decreased in the first 6 months of 1977 compared to the same period of 1976. A survey of the apparel manufacturer's customers revealed that the purchases of import-

ed dresses by retail stores accounted for less than 1 percent of their total dress purchases.

The impact of imports in the domestic market for women's and misses' dresses has been small and did not change appreciably from 1975 to 1976 or in the first half of 1977 compared to the first half of 1976. From 1975 to 1976 the ratio of imports to domestic production remained constant at 4.5 percent while imports increased by only 2.2 percent in absolute terms. Imports fell by 12.4 percent in the first half of 1977 compared to the first half of 1976.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with women's and misses' dresses produced at Litzti Fashions, Pringle, Pa., did not contribute importantly to the decline in sales or production and to the total or partial separations of workers of that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-3332 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2163)

MALAN DYEING AND FINISHING CO.,
PATERSON, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2163: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 21, 1977 in response to a worker petition received on June 21, 1977, which was filed by a company official on behalf of workers and former workers producing dyed and finished fabrics at Malan Dyeing and Finishing Co., Paterson, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on July 5, 1977 (42 FR 34388). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Malan Dyeing and Finishing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of

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eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

Without regard to whether any other criteria has been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with those produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The Department's investigation revealed that Malan Dyeing and Finishing Co., dyes and finishes fabric on order to converters. A survey of Malan Dyeing and Finishing Co.'s customers (who are converters) accounting for a large proportion of Malan's sales in 1976 indicated that none of these customers purchased imported finished fabric (dyed, printed, and flocked) during 1975, 1976, or the first half of 1977. A survey of the converters' customers (who are manufacturers) indicated that only one manufacturer increases purchases of imported finished fabric.

Inasmuch as all types of finished fabric, flocked, dyed, and printed, are generally interchangeable and substitutable in their end uses, all types of finished fabric may be considered like or directly competitive with the fabric printed at the Malan Dyeing and Finishing Co.

Aggregate imports of finished fabric (including dyed, printed, and flocked), in absolute terms, declined from 1972 to 1973, declined from 1973 to 1974, and increased from 1974 to 1975. Imports increased 20.2 percent from 1975 to 1976.

Imports of finished fabric (dyed, printed, and flocked) declined in each of the last three quarters of 1976 when compared to the previous quarter. Imports declined 37.9 percent in the first six months of 1977 compared to the like period of 1976.

Since 1973 the ratio of imports to domestic production has not exceeded 2.0 percent.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with dyed fabric produced at Malan Dyeing and Finishing Co., Paterson, N.J., have not contributed importantly to the decline in sales or production and to the total or partial separations of workers at that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-3333 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2342]

MARI ANNE BAG CORP., NEW WINDSOR, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2342: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 14, 1977, in response to a worker petition received on September 12, 1977, which was filed by the International Leather Goods, Plastic and Novelty Workers' Union on behalf of workers and former workers producing handbags at the Mari Anne Bag Corp., New Windsor, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Mari Anne Bag Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Increased Imports. Imports of handbags increased from 57.9 million in 1975 to 90.2 million in 1976. Imports of handbags decreased from 45.1 million in the first half of 1976 to 43.0 million in the first half of 1977.

The ratio of imports to domestic production of handbags increased from 75.9 percent in 1975 to 124.8 percent in 1976. The ratio of imports to domestic production increased from 124.6 percent in the first half of 1976 to 170.0 percent in the first half of 1977.

Contributed Importantly. Mari Anne Bag's sole customer in 1975 and 1976 increased contract work with foreign sources while decreasing contract work with Mari Anne, and also increased company imports of handbags in the last quarter of 1976 compared to the last quarter of 1975 and in the first nine months of 1977 compared to the same period in 1976.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the handbags produced at the Mari Anne Bag Corp., New Windsor, N.Y., contributed importantly to the decline in

sales or production and to the total or partial separations of workers engaged in production of handbags at the firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Mari Anne Bag Corp., New Windsor, N.Y., who became totally or partially separated from employment on or after September 7, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-3334 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2193]

MARKAY HANDBAGS, INC., PLAINFIELD, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2193: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on July 5, 1977, in response to a worker petition received on June 29, 1977, which was filed by the International Leather Goods, Plastics and Novelty Workers' Union on behalf of workers and former workers producing handbags at Markay Handbag, Inc., Plainfield, N.J.

The notice of investigation was published in the FEDERAL REGISTER on July 15, 1977 (42 FR 36513). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Markay Handbags, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that all four of the above criteria have been met.

Significant total or partial separations. The average number of production workers decreased from fiscal year 1976 to fiscal year 1977 and decreased in the first six months of 1977 compared to the same period of 1976.

Sales or production, or both, have decreased absolutely. Dollar sales decreased from fiscal year 1976 to fiscal year 1977 and decreased in the first six months of 1977 compared to the same period of 1976. Production decreased in quantity and value from fiscal year 1976 to fiscal year 1977 and decreased in the first six months of 1977 compared to the same period of 1976.

Increased imports. Imports of handbags decreased from 67.2 million units in 1972 to 67.0 million in 1973 and decreased again to 54.4 million in 1974. In 1975 imports increased to 57.9 million and increased greatly in 1976 to 90.2 million, an increase of 55.8 percent. In the first half of 1977 imports decreased to 43.0 million, as compared to 45.1 million in the same period of 1976. The ratio of imports to domestic production and consumption increased from 75.9 percent and 43.5 percent, respectively, in 1975 to 124.6 percent and 56.0 percent, respectively, in 1976. The ratios increased from 124.6 percent and 56.0 percent, respectively, in the first six months of 1976 to 170.0 percent and 63.4 percent, respectively, in the first six months of 1977.

Contributed importantly. A sales comparison chart furnished by Markay Handbags, Inc. shows major decreases in purchases by customers from fiscal year 1976 to fiscal year 1977. A survey of these customers revealed that several customers substituted purchases of imported handbags for purchases from Markay Handbags, Inc. in 1976 and 1977.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with handbags produced by Markay Handbags, Inc. contributed importantly to the decline in sales or production and to the total or partial separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Markay Handbags, Inc., Plainfield, N.J., and sales offices in New York, N.Y., who became totally or partially separated from employment on or after February 21, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

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Signed at Washington, D.C., this 31st day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-3335 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2537]

MOORE SHANK CO., LYNN, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2537: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 31, 1977 in response to a worker petition received on October 25, 1977 which was filed on behalf of workers and former workers producing shoe shanks at Moore Shank Co., Lynn, Mass.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Moore Shank Co., publications of the U.S. Department of Commerce and the U.S. International Trade Commission, the American Footwear Industries Association, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

The Moore Shank Co. was founded in 1900 and incorporated in Massachusetts

in 1925. Keystone Sole & Shank Co. is a Division of The Moore Shank Co. Keystone has no employees and produces no product; it is used as a sales outlet.

Workers at The Moore Shank Co. produce steel and fibre shoe shanks. Steel shanks are cut and heat treated. Some shanks are attached to a fibre shank. The shanks are marketed through commissioned agents to wholesalers and shoe manufacturers.

Imports of shoes which incorporate shoe shanks are not "like or directly competitive" with shoe shanks within the meaning of Section 222 (3) of the Trade Act of 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with those produced by workers at Moore Shank Co., Lynn, Mass. have not contributed importantly to separations, or the threat thereof, nor to the decrease in sales or production at that plant as required in section 222 of the Trade Act of 1974. The petition is therefore denied.

Signed at Washington, D.C., this 30th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-3336 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2343]

NEEVEL LUGGAGE MANUFACTURING CO., KANSAS CITY, MO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2343: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 14, 1977 in response to a worker petition received on September 12, 1977, which was filed on behalf of former workers producing vinyl luggage and tote bags at Nevel Luggage Manufacturing Co., Kansas City, Mo.

The Notice of Investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Nevel Luggage Manufacturing Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. The investigation has revealed that all four of the criteria have been met.

INCREASED IMPORTS

The value of imported luggage increased 90 percent from 59,357,000 dollars in 1975 to 112,527,000 dollars in 1976. Imports amounted to 13.8 percent of the value of total domestic production of luggage in 1975 and 24.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

Production and employment at Neevel Luggage Manufacturing Co. declined during July-December 1976 compared to July-December 1975. The company closed in December 1976.

Customers surveyed who decreased purchases from Neevel Luggage in 1976 from 1975 increased purchases of imported luggage during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with vinyl luggage and tote bags produced at Neevel Luggage Manufacturing Co., Kansas City, Mo. contributed importantly to declines in production and to total or partial separations of workers at that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification:

All workers at Neevel Luggage Manufacturing Co., Kansas City, Mo. who became totally or partially separated from employment on or after September 8, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-3337 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2348)

PEERLESS MACHINERY CO., NEWTON, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2348: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on September 14, 1977 in response to a

worker petition received on September 12, 1977 which was filed by the Treasurer, of the Peerless Machinery Co. on behalf of workers and former workers producing eyelet and hook setting machinery and spare parts at the Newton, Mass. plant of the Peerless Machinery Co.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Peerless Machinery Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by such workers firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such declines in sales or production.

The Peerless Machinery Co., Newton, Mass. is engaged in the manufacture of eyelet and hook setting machinery and spare parts.

Imports of eyelet and hook setting machinery and spare parts are negligible and did not contribute importantly to any employment declines at the firm. Industry sources indicated that the decline in the demand for footwear machinery is due to the low levels of capital investment and the availability of used machinery in that industry. Imports of shoes, which may be contributing to the uncertainty in the U.S. footwear industry and low levels of capital investment, are not "like or directly competitive" with hook setting machinery and spare parts within the meaning of section 222(3) of the Trade Act of 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the eyelet and hook setting machinery and spare parts produced at the Newton, Mass. plant of the Peerless Machinery Co. did not contribute importantly to the sales or production declines or to the total or partial separation of workers at that plant as required in section 222 of the Trade Act of 1974.

Signed at Washington, DC., this 31st day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-3338 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-1866)

R & K APPAREL CO., PLYMOUTH, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1866: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on March 22, 1977, in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's and misses' dresses at R & K Apparel Co., Plymouth, Pa.

The Notice of Investigation was published in the FEDERAL REGISTER on April 5, 1977 (42 FR 18156). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of R & K Apparel Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criterion (4) has not been met.

R & K Apparel Co. is a one-plant facility which was established in Plymouth, Pa., in 1959. R & K performs

contract work for manufacturers producing women's and misses' dresses.

The ratio of imported women's and misses' dresses to total domestic production remained the same in 1976 from 1975. The quantity of imports declined from 540 thousand dozen units during January-September 1976 to 471 thousand dozen units during January-September 1977.

A customer survey, accounting for approximately 90 percent of R & K Apparel's contract work since 1975, indicated that purchases from R & K Apparel had decreased in 1976 and 1977 and purchases from other domestic sources had increased in the same time period. The survey indicated that there were no purchases of imported women's and misses' dresses during this period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with women's and misses' dresses produced at R & K Apparel Co., Plymouth, Pa. did not contribute importantly to the decline in sales or production and to the total or partial separations of workers of that firm as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

(FR Doc. 78-3339 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-1943)

ROTH LECOVER, INC., LOS ANGELES, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1943: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 31, 1977 in response to a worker petition received on March 29, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing women's dresses, suits, and pantsuits at Roth LeCover, Inc., Los Angeles, Calif.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (42 FR 19937). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and pub-

lications provided by officials of Roth LeCover, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Employment at Roth LeCover remained unchanged from 1975 to 1976. LeCover began importing less expensive women's dresses in July 1976. These imports, however, were pressed and processed for resale by workers at the LeCover plant. Employment at the LeCover plant increased steadily from the second quarter of 1976 through the first quarter of 1977. Plant employment in the first quarter of 1977 was higher than in the first quarter of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that total or partial separations have not occurred at Roth LeCover, Inc., Los Angeles, Calif. as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-3340 Filed 2-6-78; 8:45 am)

[4510-28]

(TA-W-2476)

STACKPOLE CARBON CO., ST. MARYS, PA.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2476: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on October 17, 1977, in response to a worker petition received on October 6, 1977, which was filed on behalf of workers and former workers producing fixed composition resistors at the St. Marys, Pa., plant of Stackpole Carbon Co.

The notice of investigation was published in the FEDERAL REGISTER on No-

vember 8, 1977 (42 FR 48210). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Stackpole Carbon Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

U.S. imports of fixed composition resistors increased from 1,401.5 million units in 1975 to 1,754.0 million units in 1976. Imports increased from 812.6 million units in the first six months of 1976 to 1,520.7 million units in the first six months of 1977.

The ratio of imports to domestic production of fixed composition resistors decreased from 49.5 percent in 1975 to 46.5 percent in 1976 and then increased from 45.2 percent in the first six months of 1976 to 85.9 percent in the same period of 1977.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation revealed that several customers of Stackpole Carbon Co. decreased purchases of fixed composition resistors from the subject firm in the first nine months of 1977 compared to the same period of 1976, while increasing purchases of imported fixed composition resistors during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with fixed composition resistors produced at the St. Marys, Pa., plant of Stackpole Carbon Co. contributed importantly to the decline in sales or production and to the total or partial separations of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers engaged in employment related to the production of fixed composition resistors at the St. Marys, Pa., plant of Stackpole Carbon Co. who became totally or partially separated from employment on or after October 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

(FR Doc. 78-3341 Filed 2-6-78; 8:45 am)

[4510-28]

[TA-W-2477]

STACKPOLE CARBON CO., KANE, PA.**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2477: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on October 17, 1977, in response to a worker petition received on October 6, 1977, which was filed on behalf of workers and former workers producing fixed composition resistors at the Kane, Pa., plant of Stackpole Carbon Co.

The notice of investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 48210). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Stackpole Carbon Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

INCREASED IMPORTS

U.S. imports of fixed composition resistors increased from 1,401.5 million units in 1975 to 1,754.0 million units in 1976. Imports increased from 812.6 million units in the first six months of 1976 to 1,520.7 million units in the first six months of 1977.

The ratio of imports to domestic production of fixed composition resistors decreased from 49.5 percent in 1975 to 46.5 percent in 1976 and then increased from 45.2 percent in the first six months of 1976 to 85.9 percent in the same period of 1977.

CONTRIBUTED IMPORTANTLY

The evidence developed in the Department's investigation revealed that several customers of Stackpole Carbon Co. decreased purchases of fixed composition resistors from the subject firm in the first nine months of 1977 compared to the same period of 1976, while increasing purchases of imported fixed composition resistors during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude

NOTICES

that increases of imports of articles like or directly competitive with fixed composition resistors produced at the Kane, Pa., plant of Stackpole Carbon Co. contributed importantly to the decline in sales or production and to the total or partial separations of workers at that plant. In accordance with the provisions of the act, I make the following certification:

All workers engaged in employment related to the production of fixed composition resistors at the Kane, Pa., plant of Stackpole Carbon Co. who became totally or partially separated from employment on or after October 1, 1977, are eligible to apply for adjustment assistance under Title II Chapter of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3342 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2642]

SUNAPEE SHOE CO., NEWPORT, N.H.**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2642: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on November 21, 1977, in response to a worker petition received on November 14, 1977, which was filed on behalf of workers and former workers at the Sunapee Shoe Co., Newport, N.H.

The notice of investigation was published in the FEDERAL REGISTER on December 8, 1977 (42 FR 61696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Sunapee Shoe Co. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That increases of imports of articles like or directly competitive with those produced by the firm or subdivision have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production.

The Sunapee Shoe Co. was founded in January 1977 as a division of Jamesons Shoe Corp. The firm stitched

uppers for five shoe manufacturers. The firm did not stitch shoe uppers for Jamesons Shoe Corp.

The Department's investigation revealed that the petitioning group of workers were engaged in employment related to the production of uppers at the Newport, N.H., plant of Sunapee Shoe Co. The firm closed in November 1977. A complete shoe was not produced by the Sunapee Shoe Co.

Imports of footwear uppers are negligible and did not contribute importantly to any dislocations at the firm. The ratio of imports to domestic production was less than one percent from 1972 through the first half of 1977. Imports of shoes which incorporate uppers are not "like or directly competitive" with uppers within the meaning of section 222(3) of the Trade Act of 1974.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of footwear uppers like or directly competitive with footwear uppers produced at the Sunapee Shoe Corp., Newport, N.H., did not contribute importantly to the total or partial separation of workers at that plant as required in section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3343 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2264]

TEXFI INDUSTRIES, INC., ONTARIO, CALIF.**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2264: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on August 16, 1977, in response to a worker petition received on August 16, 1977, which was filed by three workers on behalf of workers and former workers producing textured polyester knit fabric at the Ontario, Calif. plant of Texfi Industries, Inc.

The notice of investigation was published in the FEDERAL REGISTER on August 26, 1977 (42 FR 43155). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Texfi Industries, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That increases of imports of articles like or directly competitive with those produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The Department's investigation revealed that none of the major customers of the Ontario plant that were surveyed concerning their purchases of finished fabric purchased imported finished fabric during 1975, 1976 or in the first 9 months of 1977. Customers that reduced purchases from Texfi switched to other domestic sources.

Imports of circular knit fabric declined from 4,840 thousand pounds in 1975 to 3,790 thousand pounds in 1976. Imports declined from 783 thousand pounds in the first 3 months of 1976 to 541 thousand pounds in the first 3 months of 1977.

The ratio of imports to domestic production of circular knit fabric was below 1 percent during 1975 and 1976.

Inasmuch as all types of finished fabric, flocked, dyed, and printed, are generally interchangeable and substitutable in their end uses, all types of finished fabric may be considered like or directly competitive with the fabric knit at the Ontario, Calif. plant of Texfi Industries, Inc.

Aggregate imports of finished fabric (including dyed, printed, and flocked) declined in each of the last 3 quarters of 1976 when compared to the previous quarter. Imports declined 37.9 percent in the first 6 months of 1977 compared to the like period of 1976. Since 1973 the ratio of imports to domestic production has not exceeded 2 percent.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports of finished fabric like or directly competitive with the fabric previously manufactured at the Ontario, Calif. plant of Texfi Industries, Inc., did not contribute importantly to the total or partial separations of the workers or to the decline in sales or production at that plant.

Signed at Washington, D.C., this 31st day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-3344 Filed 2-6-78; 8:45 am]

NOTICES

[4510-28]

[TA-W-2350]

WELL MADE PANTS CO., INC., BALTIMORE, MD.**Certification Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2350: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 14, 1977, in response to a worker petition received on September 13, 1977, which was filed on behalf of workers and former workers producing men's dress trousers, suits, and sportswear at Well Made Pants Co., Inc., Baltimore, Md.

The notice of investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Well Made Pants Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that all four criteria have been met.

Significant total or partial separations. The average number of production workers at Well Made Pants Co., Inc., decreased in 1976 compared to 1975 and in the first 8 months of 1977 compared to the same period of 1976. All workers were laid off in August 1977 when the plant closed.

Sales or production or both, have decreased absolutely. Company sales and

production of men's dress trousers and suits decreased in 1976 compared to 1975 and further decreased in the first half of 1977 compared to the first half of 1976. All production ceased in August 1977.

Increased imports. Imports of men's and boys' dress trousers increased steadily from 39,816 thousand in 1974 to 73,209 thousand in 1976. The ratio of imports to domestic production increased steadily from 18.2 percent in 1974 to 41.9 percent in 1976.

Imports of men's and boys' tailored suits increased steadily from 1,954 thousand units in 1972 to 3,562 thousand units in 1976. Imports also increased steadily relative to domestic production from 8.7 percent in 1972 to 20 percent in 1976. Imports also increased in the first 6 months of 1977 compared to the first 6 months of 1976.

Contributed importantly. A survey of customers of Well Made Pants Co., Inc., revealed one customer, representing a significant proportion of the sales of the subject firm, decreased purchases of men's dress trousers from Well Made Pants in 1976 compared to 1975, while increasing purchases of imported men's dress trousers. There were also customers whose response to the survey revealed that they made purchases from other domestic sources who imported.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports like or directly competitive with men's dress trousers, and suits produced at Well Made Pants Co., Inc., Baltimore, Md., contributed importantly to the total or partial separations of the workers of that company. In accordance with the provisions of the Act, I make the following certification:

All workers at Well Made Pants Co., Inc., Baltimore, Md., who became totally or partially separated from employment on or after May 6, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of January 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-3345 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-1841 and TA-W-1842]

WILKES-BARRE APPAREL, INC., WILKES-BARRE, PA., AND NOXEN, PA.**Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1841 and TA-W-1842: Investi-

gation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 21, 1977, in response to worker petitions received on March 18, 1977, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's dresses at the Wilkes-Barre, Pa., plant of Wilkes-Barre Apparel, Inc., and at the Noxen, Pa., plant of Wilkes-Barre Apparel, Inc. (known prior to January 1, 1977 as the Noxen, Pa., plant of Eastern Sportswear Inc.).

The Notice of Investigation was published in the *FEDERAL REGISTER* on April 5, 1977 (42 FR 18158). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Wilkes-Barre Apparel, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

Wilkes-Barre Apparel, Inc., and Eastern Sportswear, Inc., were contractors producing dresses. They were owned by the same individuals and produced the same garments for the same manufacturers at plants in Wilkes-Barre and Noxen, Pa. As of January 1, 1977, the owners consolidated the operations of the two under the name Wilkes-Barre Apparel. All of the data for the two plants is presented in consolidated form.

Sales and production are equal at Wilkes-Barre Apparel and Eastern Sportswear. Sales and production increased in 1976 compared to 1975 at both companies combined and at each separately.

Wilkes-Barre Apparel, Inc., and Eastern Sportswear, Inc., made dresses for two manufacturers. One of the manufacturers for which Wilkes-Barre and Eastern produced dresses experienced increasing sales of women's apparel in fiscal years (fiscal year May 1 through April 30) 1976 and 1977 when compared to the previous fiscal years. This manufacturer's sales of women's apparel continued to increase in the first quarter of their fiscal year 1978 compared to the same period 1 year

earlier. This manufacturer imports a minimal amount of women's apparel, amounting to less than 5 percent of the manufacturer's domestic production of women's sportswear in 1976 and 1977. Nearly 50 percent of this manufacturer's apparel-making operations are contracted out to independent firms such as Wilkes-Barre Apparel, Inc., and Eastern Sportswear, Inc. The other manufacturer for which Wilkes-Barre Apparel and Eastern Sportswear worked reported that its sales increased in 1976 compared to 1975 and in each of the first two quarters of 1977 when compared to the same quarters of 1976.

The manufacturers for which Wilkes-Barre Apparel and Eastern Sportswear worked are large diversified clothing firms which produce several seasonal lines with many different styles. Because of the wide range of styles and frequent seasonal lines, the volume of work given to any one contractor fluctuates in accordance with the specific mix of fashions required by the manufacturer at that time.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the dresses produced at the Wilkes-Barre, Pa., and Noxen, Pa., plants of Wilkes-Barre Apparel, Inc., did not contribute importantly to the decline in sales or production and to the total or partial separations of the workers at those plants as required for certification under section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3346 Filed 2-6-78; 8:45 am]

[4510-28]

[TA-W-2164]

YOUNG VIEWPOINT KNITS, INC., NEW YORK,
N.Y. AND JERSEY CITY, N.J.

Negative Determination of Eligibility To Apply
for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2164: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on June 21, 1977, in response to a worker petition received on June 20, 1977, which was filed by three workers on behalf of workers formerly producing ladies' dresses at the New York, N.Y., and Jersey City, N.J., plants of Young Viewpoint Knits, Inc.

The Notice of Investigation was published in the *FEDERAL REGISTER* on July 5, 1977 (42 FR 34388). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Young Viewpoint Knits, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with those produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

Evidence developed during the course of the investigation revealed that the impact of imports in the domestic market for women's and misses' dresses has been small and did not change appreciably from 1975 to 1976 or in the first half of 1977 compared to the first half of 1976. From 1975 to 1976 the ratio of imports to domestic production remained constant at 4.5 percent while imports increased by only 2.2 percent in absolute terms. Imports fell by 12.4 percent in the first half of 1977 compared to the first half of 1976.

A sample survey of Young Viewpoint's customers reflect the relatively minor influence of imports of women's dresses in the market served by Young Viewpoint. Customers responding to the survey indicated that during the period 1975 to 1976 purchases of imported dresses either decreased or represented a relatively small percentage of the respective customer's total purchases of women's dresses. Furthermore these customers indicated that quality of workmanship, style, and fit were the important factors influencing their decision to purchase dresses. The consensus among the respondents was that there was no import influence in the market for women's dresses.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' dresses produced at the New York, N.Y., and Jersey City, N.J., plants of Young Viewpoint Knits, Inc., did not contribute importantly to the decrease in sales or to the total or partial separation of the workers of those plants.

Signed at Washington, D.C., this 27th day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.
[FR Doc. 78-3347 Filed 2-6-78; 8:45 am]

[1410-03]

LIBRARY OF CONGRESS

Copyright Office

[Docket RM 78-11]

PRIVACY ACT OF 1974

Systems of Records and Notice of Proposed
Routine Uses

AGENCY: Library of Congress, Copyright Office.

ACTION: Proposed routine Uses.

SUMMARY: Two additional systems of records of the Copyright Office of the Library of Congress are hereby published in accordance with the requirements of 5 U.S.C. 522a(e)(4) (Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896). All other systems of records and routine uses were published in the *FEDERAL REGISTER* on December 5, 1977. In accordance with the provisions of 5 U.S.C. 552a(e)(11), the routine uses of these additional systems are set out for public comment. Interested persons are invited to submit written comments with respect to these routine uses.

DATE: Comments should be received on or before March 9, 1978.

ADDRESSES: Interested persons should submit five copies of their written comments, if by mail to: Office of the General Counsel, Copyright Office, Library of Congress, Callers No. 2999, Arlington, Va. 22202 or if by hand: Office of the General Counsel, Copyright Office, Library of Congress, Room 519, Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va. 22202.

FOR FURTHER INFORMATION CONTACT:

Jon Baumgarten, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559, 703-557-8731.

These systems will become effective March 9, 1978, unless the Copyright Office publishes notice to the contrary.

Dated: January 26, 1978.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

PREPATORY STATEMENT

The Copyright Office serves primarily as an office of public record. Sec-

tion 705 of title 17, United States Code, requires the Copyright Office to open for public inspection all records of copyright deposits, registrations, recordings, and other actions taken under title 17. Therefore, a routine use of all Copyright Office systems of records is disclosure to the public. All Copyright Office systems of records are available for public copying as required by section 706(a), with the exception of copyright deposits, whose reproduction is governed as authorized by section 706(b).

The sources for Copyright Office systems of records are, wherever possible, the individuals to whom the records pertain or their authorized agents. Copyright Office personnel frequently make additions to or notations on Office records in the performance of their duties. Because of the volume of such additions and notations, they are not specifically cited under the heading "source categories" in the New Systems Notice.

CO-10

System name:

Notices of Institution of Actions for the Infringement of Works Refused Registration.

System location:

Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals covered by the system:

Persons who have instituted infringement actions in cases where the Office has refused registration of the work which is the subject of the litigation.

Categories of records in the system:

Notice of the institution of an infringement action, a copy of the complaint, and documents related to that action.

Authority for maintenance of the system: 17 U.S.C. § 411(a) (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) to determine whether the Register will exercise the option of becoming a party to the action with respect to the issue of registrability of the copyright claim; and

(2) in the preparation of search reports compiled at the request of a member of the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Storage:

Manila folders in file cabinet.

Retrievability:

Alphabetically by name of applicant or applicant's authorized agent.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained indefinitely.

System manager and address:

General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedure:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedure:

See rules published in 37 CFR Part 204.

Record source categories:

The individual to whom the record pertains or such individual's authorized agent.

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System name:

Deposit Recordation File.

System location:

Copyright Office, Library of Congress, Arlington, Virginia.

Categories of individuals covered by the system:

Individuals who, without simultaneously applying for copyright registration, have submitted deposit copies in accordance with the provisions of § 407, Title 17 (the Act for General Revision of the Copyright Law).

Categories of records in the system:

Title of work, author, edition statement, imprint, collation, in notice statement, depositor, depositor's address, number of copies received, and date received.

Authority for maintenance of the system:

17 U.S.C. § 407 (the Act for General Revision of the Copyright Law).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Office uses these records: (1) to keep a record of compliance with section 407 of title 17 of the United States Code;

(2) to locate and correspond with those who have published works with notice of copyright but who have not deposited the required copies;

(3) in the preparation of weekly statistics on the number and nature of deposits received; and

(4) in the preparation of search reports compiled at the request of a member of the public.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

4 X 6 cards in file cabinet.

Retrievability:

Alphabetically by depositor's name, author's name, and title of work.

Safeguards:

These records are maintained in a room which is restricted to authorized personnel and locked during nonworking hours.

Retention and disposal:

Retained permanently.

System manager and address:

Section Head, Deposits and Acquisitions Section, Acquisitions and Processing Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Notification procedure:

Inquiries about an individual's record should be in writing addressed to the Supervisory Copyright Information Specialist, Information and Publications Section, Information and Reference Division, Copyright Office, Library of Congress, Washington, D.C. 20559.

Record access procedure:

Requests from individuals should be in writing addressed to the official designated under "Notification procedure."

Contesting record procedure:

See rules published in 37 CFR Part 204.

Record source categories:

Deposit copies submitted.
[FR Doc. 78-3216 Filed 2-6-78; 8:45 am]

NOTICES

[7535-01]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on March 7-8, 1978, at the Offices of the National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456. The meetings will commence at 9 a.m. daily in Room 4002.

The agenda for this meeting will consist of an update briefing by the Administrator on the Central Liquidity Fund, taxation of credit unions, consumer credit supervision, legislation, and other matters.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

LAWRENCE CONNELL,
Administrator.

FEBRUARY 2, 1978.

[FR Doc. 78-3285 Filed 2-6-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR PHYSICS SUBCOMMITTEE ON JOB-RELATED ISSUES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

ADVISORY COMMITTEE FOR PHYSICS—
SUBCOMMITTEE ON JOB-RELATED ISSUES

Date and time: February 24 and 25, 1978; 9 a.m. to 5 p.m. each day.

Place: Room 643, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Open.

Contact person: Dr. Laura P. Bautz, Executive Secretary, Advisory Committee for Physics, Division of Physics, Room 341, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4175.

Purpose of subcommittee: To analyze issues related to employment opportunities in Physics, with special reference to those for young physicists.

Agenda: The Subcommittee will review data pertaining to current and projected employment opportunities in Physics and will begin discussions of possible alternatives, including suggestions for actions the Federal Government might take relating to the employment of young physicists. Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

FEBRUARY 2, 1978.

[FR Doc. 78-3221 Filed 2-6-78; 8:45 am]

[7555-01]

FEDERAL ADVISORY COMMITTEES

Review

The National Science Foundation is conducting a comprehensive review of its advisory groups and is soliciting input from all interested persons for this evaluation.

In the letter of February 25, 1977, to the heads of Executive Departments and Establishments, the President expressed his concern about the number and usefulness of Federal advisory committees, and directed that the comprehensive review be conducted on a zero-based concept and be predicated on the principle that all committees should be abolished except those: (1) for which there is a compelling need; (2) which have truly balanced membership; and (3) which conduct their business as openly as possible consistent with the law and their mandate. He further stated that each agency should provide for open and public participation in its review process to the maximum extent possible.

All comments should be directed to the Committee Management Office, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550, no later than March 1, 1978. These comments will be forwarded to the appropriate officials for consideration in the review process.

In accordance with the President's letter and further instructions from the General Services Administration, the review will be conducted by the Director, NSF, and will encompass the following advisory groups:

Advisory Committee for Behavioral and Neural Sciences.
Advisory Committee for Social Sciences.
Advisory Committee for Physiology, Cellular and Molecular Biology.
Advisory Committee for Environmental Biology.
Advisory Committee for Physics.
Advisory Committee for Chemistry.
Advisory Committee for Engineering.
Advisory Committee for Materials Research.
Advisory Committee for Mathematical and Computer Sciences.

NOTICES

Foundation, Washington, D.C. 20550 telephone 202-632-5824.

LEE G. BURCHINAL,
Director, Division of
Science Information.

FEBRUARY 2, 1978.

[FR Doc. 78-3223 Filed 2-6-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON ECONOMICS OF THE ADVISORY COMMITTEE FOR SOCIAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

NAME: Subcommittee on Economics of the Advisory Committee for Social Sciences.

DATE AND TIME: February 24 and 25, 1978, 9 a.m. to 6 p.m. each day.

PLACE: Room 1224, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

TYPE OF MEETINGS: Closed.

CONTACT PERSON: Dr. James H. Blackman, Program Director for Economics, Division of Social Sciences, telephone 202-632-5968.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for research in economics.

AGENDA: To review and evaluate research proposals and projects as part of the selection process for awards.

REASON FOR CLOSING: The proposals and projects being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

FEBRUARY 2, 1978.

[FR Doc. 78-3222 Filed 2-6-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329SP and 50-330SP]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Order Scheduling Conference, Directing Meeting Among Attorneys, Providing for Nomenclature and Caption for Special Proceeding, and Revising Service List

1. On occasion of the letter of January 30, 1978 from the Chairman of the Commission to the Chairman of the Special Board, a copy of which has been served on all parties of record, the Special Board hereby calls a conference of the attorneys who have entered general or special appearances for parties involved in the special proceeding. The purpose of the conference is to pursue the possibility of settlement of the special proceeding. Such conference is scheduled to be held at 10 a.m., Wednesday, February 15, 1978, in Court Room 8, 4th Floor, U.S. Court House, Constitution Avenue and John Marshall Place NW., Washington, D.C.

2. Also, in keeping with the referenced letter from the Chairman of the Commission, the respective attorneys for the parties involved in the special proceeding are directed to explore among themselves prior to the scheduled conference whether the preferred charges in the special proceeding might be resolved, mooted or otherwise disposed of without an adversary hearing.

3. The caption of this special proceeding is indicated above. The suffix "SP" after the docket numbers is to secure a docket file for the special proceeding separate from the docket file for the underlying proceeding in the Commission's records.

4. This Atomic Safety and Licensing Board for Special Proceeding may be designated as the "Special Board" and the Atomic Safety and Licensing Board which had preferred the charges of professional misconduct now before this Special Board may be designated as the "Hearing Board".

5. Hereafter, except for possible additions to the service list as provided for below, the service list for the special proceeding shall consist of members of the Special Board, the attorneys who have entered general or special appearances for parties involved in the special proceeding, and Chief, Docketing and Service Branch, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Any person on the service list for the underlying proceeding and not identified above may be placed on the service list for the special proceeding upon written request within ten (10) days of the date hereof to the above

Chief, Docketing and Service Branch. This order shall be mailed to everyone on the service list for the underlying proceeding.

Dated at Washington, D.C., this 1st day of February 1978.

VALENTINE B. DEALE,
Chairman, Atomic Safety and
Licensing Board for Special
Proceeding.

[FR Doc. 78-3234 Filed 2-6-78; 8:45 am]

[7590-01]

[Docket Nos. 50-514, 50-515]

PORTLAND GENERAL ELECTRIC CO., ET AL,
(PEBBLE SPRINGS NUCLEAR PLANT, UNITS 1
AND 2)

Order Postponing Resumption of Evidentiary
Hearing

On December 15, 1977, this Board issued an Order Establishing Schedule For Resumption of Evidentiary Hearing. The hearing was to be resumed on Tuesday, February 14, 1978, at 9 a.m., local time, in the U.S. Court of Appeals Courtroom, The Pioneer Courthouse, 555 Southwest, Yamhill, Portland, Ore. 97204.

At the request of the NRC Staff the proposed session of the evidentiary hearing is being postponed. The Staff advises that it is impossible at this time to indicate when their proposed testimony will be available. Accordingly, the resumption of the evidentiary hearing is postponed until further order of this Board.

Dated at Bethesda, Md., this 1st day of February 1978.

It is so ordered.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc. 78-3235 Filed 2-6-78; 8:45 am]

[7590-01]

PETITIONS FOR RULE MAKING
Issuance of Quarterly Report

The Nuclear Regulatory Commission has issued the first quarterly report on petitions for rulemaking. This report is issued in accordance with 10 CFR 2.802 and is a quarterly summary of petitions for rulemaking that are pending final action.

A copy of this report, designated NRC Petitions for Rule Making Pending Final Action as of December 31, 1977, is available for inspection and copying at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Requests for single copies of this report, or requests to be placed on an automatic distribution list for single

copies of future reports, should be made in writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, Md., this 1st day of February 1978.

For the Nuclear Regulatory Commission.

JOSEPH M. FELTON,
Director, Division of Rules and
Records, Office of Administration.

[FR Doc. 78-3259 Filed 2-6-78; 8:45 am]

[7590-01]

[Docket Nos. 50-237, 50-249, 50-254 and 50-285]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS & ELECTRIC CO.

Issuance of Amendments to Facility Operating
Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 34, 31, 43, and 41 to Facility Operating License Nos. DPR-19, DPR-25, DPR-29, and DPR-30 (respectively), issued to the Commonwealth Edison Co. (and, in the matter of License Nos. DPR-29 and DPR-30, the Iowa-Illinois Gas & Electric Co.), which revised the licenses for operation of Unit Nos. 2 and 3 of the Dresden Nuclear Power Station (located in Grundy County, Ill.) and Unit Nos. 1 and 2 of the Quad Cities Nuclear Power Station (located in Rock Island County, Ill.). These amendments are effective as of their date of issuance.

The amendments authorize modification of the spent fuel pools at Dresden Station Unit Nos. 2 and 3 to accommodate increased storage of spent fuel from Dresden Station and modification of both spent fuel pools at Quad Cities Station Unit Nos. 1 and 2 to accommodate spent fuel from Quad Cities Station. In addition, the amendments authorize storage of spent fuel discharged from any Dresden Unit in the spent fuel pool of either Dresden Unit Nos. 2 or 3, and the storage of spent fuel discharged from either Quad Cities unit in either Quad Cities spent fuel pool.

The Commonwealth Edison Co.'s (the licensee) request to permit storage of Dresden and Quad Cities Stations fuels in either the storage pools of Dresden Unit Nos. 2 and 3 or Quad Cities Unit Nos. 1 and 2 was not authorized as proposed in the Commission's earlier notices of the below listed dates and FEDERAL REGISTER citations since the licensee withdrew this portion of the application.

The application, as supplemented and amended, for the amendments complies with the standards and requirements of the Atomic Energy Act

of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Consideration of Proposed Modification to Facility Spent Fuel Storage Pool in connection with these amendments was published in the FEDERAL REGISTER on August 5, 1976 (41 FR 32798 for Dresden Unit Nos. 1 and 2, and 41 FR 32799 for Quad Cities Unit Nos. 1 and 2). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has prepared an Environmental Impact Appraisal of the action being authorized and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action significantly greater than that which has been predicted and described in the Commission's Final Environmental Statement for the Quad Cities facility dated September 1972 and the Dresden facility dated November 1973, and the action will not significantly affect the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated September 17, 1975 and supplements thereto dated December 8, 1975, April 23, September 29, October 20, December 7, 1976, February 18, and December 12, 1977, (2) Amendment Nos. 34 and 31 to License Nos. DPR-19 and DPR-25, and Amendment Nos. 43 and 41 to License No. DPR-29 and DPR-30, (3) the Commission's concurrently issued related Safety Evaluation, and (4) the Commission's concurrently issued Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and for those items relating to Dresden Unit Nos. 2 and 3 at the Morris Public Library, 604 Liberty Street, Morris, Ill. 60450, and for those items relating to Quad Cities Unit Nos. 1 and 2 at the Moline Public Library, 504 17th Street, Moline, Ill. 60625. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 30th day of January 1978.

For the Nuclear Regulatory Commission.

DON K. DAVIS,
Acting Chief, Operating Reactors
Branch No. 2, Division of
Operating Reactors.

[FR Doc. 78-3240 Filed 2-6-78; 8:45 am]

[7590-01]

[Docket No. 50-334]

DUQUESNE LIGHT COMPANY, ET AL

Hearing on Amendment of Facility Operating
License

The U.S. Nuclear Regulatory Commission on January 27, 1977, published in the FEDERAL REGISTER, 42 FR 5155, a "Proposed Issuance of the Amendment to Facility Operating License" relating to the above-identified facility. The proposed amendment would permit an increase in the spent fuel storage capacity at the Beaver Valley Power Station. An opportunity was afforded to interested parties to request a hearing with regard thereto.

The City of Pittsburgh filed a petition to intervene and requested a hearing in response to the above notice in the FEDERAL REGISTER. That petition was granted and a hearing ordered by the Atomic Safety and Licensing Board which had been established to hear such petitions. Notice of this action was published in the FEDERAL REGISTER, 42 FR 18459, on April 7, 1977.

Please take notice that the evidentiary hearings in this proceeding will commence at 1:30 p.m., March 13, 1978, at the Nuclear Regulatory Commission Hearing Room, 5th Floor, East/West Towers Building, 4350 East/West Highway, Bethesda, Md.

It is so ordered.

For the Atomic Safety and Licensing Board.

Issued at Bethesda, Md., this 1st day of February 1978.

IVAN W. SMITH,
Chairman.

[FR Doc. 78-3241 Filed 2-6-78; 8:45 am]

[7590-01]

[Docket No. 50-302]

FLORIDA POWER CORP. ET AL

Issuance of amendment to Facility Operating
License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 12 to facility operating license No. DPR-72, issued to the Florida Power Corp., city of Alachua, city of Bushnell, city of Gainesville, city of Kissimmee, city of Leesburg, city of New Smyrna Beach and Utilities Commission, city of New Smyrna Beach, city of Ocala, Orlando Utilities Commission and city of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the city of Tallahassee (the licensees) which revised technical specifications for operation of the Crystal River unit No. 3 nuclear generating plant located in Citrus County, Fla. The amendment is effective as of the date of issuance.

The amendment waives the requirement to perform weekly quantitative sampling of fish and shellfish from the intake screens during the period intake canal modifications are being conducted. The requirement to perform daily visual checks of the screens has been retained.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised technical specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's final environmental statement for the facility.

For further details with respect to this action, see: (1) The application for amendment dated November 8, 1977, (2) amendment No. 12 to license No. DPR-72, and (3) the Commission's related environmental impact appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Crystal River Public Library, Crystal River, Fla. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23rd day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-3242 Filed 2-6-78; 8:45 am]

[7590-01]

[Docket No. 50-250]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 32 to facility operating license No. DPR-31, issued to Flor-

ida Power & Light Co., for operation of the Turkey Point nuclear generating unit No. 3 located in Dade County, Fla. The amendment is effective as of the date of issuance.

The amendment to the operating license will allow continued operation of Turkey Point unit No. 3 for the next six equivalent full-power months of operation (EFPM) at which time the steam generators shall be inspected, unless: (1) An inspection of the steam generators has previously been performed within the six EFPM period, or (2) an acceptable analysis of the susceptibility for stress corrosion cracking of tubing is submitted to explicitly justify continued operation beyond the authorized six EFPM period.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated December 29, 1977, as modified by letter dated January 18, 1978, (2) amendment No. 32 to license No. DPR-31, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental and Urban Affairs Library, Florida International University, Miami, Fla. 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 31st day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-3243 Filed 2-6-78; 8:45 am]

5118

[7590-01]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Facility Operating License No. DPR-40 issued to Omaha Public Power District which revised technical specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebr. The amendment is effective as of its date of issuance.

The amendment deletes Specifications 5.12-Respiratory Protection Program—which was superseded by the amended section 20.103 of 10 CFR 20.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 29, 1977, (2) Amendment No. 37 to License No. DPR-40, and (3) the Commission's letter dated January 31, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebr. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 31st day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-3244 Filed 2-6-78; 8:45 am]

NOTICES

[7590-01]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 33 to Facility Operating License No. DPR-59, issued to Power Authority of the State of New York (the licensee), which revised technical specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility) located in Oswego County, N.Y. The amendment is effective as of its date of issuance.

This amendment revises the technical specifications to give positive indication that a safety-relief valve has opened. The amendment also corrects a typographical error relating to the pressure of the reactor coolant system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment submitted by letter dated March 25, 1977, (2) Amendment No. 33 to License No. DPR-59, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Oswego County Office Building, 46 East Bridge Street, Oswego, N.Y. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of January 1978.

For the Nuclear Regulatory Commission

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-3245 Filed 2-6-78; 8:45 am]

[7590-01]

[Docket No. 50-272]

PUBLIC SERVICE ELECTRIC AND GAS CO.**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co. and Atlantic City Electric Co. (the licensees), which revised the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, N.J. The amendment is effective as of its date of issuance.

The amendment consists of (1) changes to the administrative controls portion of the technical specifications and (2) deletion of section 6.12, "Respiratory Protection Program" in accordance with the revocation provisions of the current specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 13, 1977, (2) Amendment No. 10 to License No. DPR-70, and (3) the Commission's letter dated January 31, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Salem Free Public Library, 112 West Broadway, Salem, N.J. A copy of items (2) and (3) may be obtained upon request

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addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 31st day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-3246 Filed 2-6-78; 8:45 am]

[7590-01]

[Docket Nos. STN 50-477 & STN 50-478]

PUBLIC SERVICE ELECTRIC AND GAS CO. (ATLANTIC GENERATING STATION, UNITS 1 AND 2)**Assignment of Atomic Safety and Licensing Appeal Board**

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this construction permit proceeding:

Richard S. Salzman, Chairman
Dr. John H. Buck
Michael C. Farrar

Dated: February 1, 1978.

MARGARET D. DU FLO,
Secretary to the
Appeal Board.

[FR Doc. 78-3247 Filed 2-6-78; 8:45 am]

[7590-01]

[Docket Nos. 50-259, 50-260, and 50-266]

TENNESSEE VALLEY AUTHORITY**Issuance of Amendments to Facility Operating Licenses**

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 35 to facility operating license No. DPR-33, amendment No. 32 to facility operating license No. DPR-52, and amendment No. 9 to facility operating license No. DPR-68 issued to Tennessee Valley Authority (the licensee), which revised technical specifications for operation of the Browns Ferry nuclear plant, unit Nos. 1, 2, and 3, (the facility) located in Limestone County, Ala. The amendments are effective as of the date of issuance.

Amendment No. 35 to DPR-33 changes the technical specifications to incorporate the limiting conditions for operation associated with cycle 2 operation of Browns Ferry nuclear plant unit 1. These changes involve a revised fuel cladding integrity safety limit for

minimum critical power ratio (MCPR), revised operating limit MCPR's for both 7x7 and 8x8 fuel assemblies, the addition of linear heat generation rate (LHGR) limits for the 8x8 fuel, revised limits for the maximum average planar linear heat generation rate (MAPLHGR) for the 7x7 and 8x8 fuel assemblies, and reduced limits for scram insertion times. The revised MAPLHGR limits are based on the results of a new evaluation of the emergency core cooling system (ECCS) performance submitted in compliance with our order for modification of license dated March 11, 1977. This amendment terminates the March 11, 1977, order. In addition a restriction on power operation during the initial startup for cycle 2 has been imposed until sufficient high temperature recirculation has taken place to ensure disintegration of a rubber shoe cover that had fallen into the unit 1 vessel during the refueling outage.

Amendment Nos. 35 to DPR-33, 32 to DPR-52, and 9 to DPR-68 change the technical specifications for each of the Browns Ferry nuclear plant units to clarify the operability requirements of the rod worth minimizer and the rod sequence control system during scram time testing, delete the annual operating report requirements, add standards for qualifications of the health physics supervisor, change the frequency of cycling fire protection system valves from quarterly to annually, and substitute revised, but equivalent, terms in the equations for the limiting settings on the average power range monitors' scram and rod block setpoints.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of proposed issuance of amendment to facility operating license in connection with this action was published in the FEDERAL REGISTER on September 15, 1977 (42 FR 46430), and on November 1, 1977 (42 FR 57186). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) and environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The applications

for amendments dated January 12, May 11, July 8; September 23, 26, 27; October 28; November 16; December 13, 1977; and January 3, 1978, (2) amendment No. 35 to license No. DPR-33, amendment No. 32 to license No. DPR-52, and amendment No. 9 to License No. DPR-68, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Ala. 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 10th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-3248 Filed 2-6-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON SAFEGUARDS AND SECURITY**Notice of Meeting**

The ACRS Working Group on Safeguards and Security will hold a meeting on February 22, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555, to discuss the effectiveness of physical security measures for nuclear facilities.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Working Group, its consultants, and staff. Persons desiring to make oral statements should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Wednesday, February 22, 1978: 8:30 a.m. until the conclusion of business.

The Working Group may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the executive session, the Working Group will hear presentations by and hold discussions with representatives of the NRC staff and their consultants, pertinent to this review.

The Working Group may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Working Group to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Mr. John C. McKinley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: February 3, 1978.

SAMUEL J. CHILK,
Secretary of the Commission.
[FR Doc. 78-3501 Filed 2-6-78; 10:16 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 27, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained

from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, 202-395-4529.

NEW FORMS

U.S. INTERNATIONAL TRADE COMMISSION

U.S. Purchasers' Questionnaire on Ice Hockey Sticks, single time, business firms, Louis C. Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization & Conservation Service, Grain Storage Survey, single time, farm operators warehousemen, Charles A. Ellett, Office of Federal Statistical Policy and Standards, 395-6132.

DEPARTMENT OF JUSTICE

Material Assistance Program Evaluation Questionnaire, LEAA-7380/3, single time, State law enforcement planning agency (56), Laverne V. Collins, 395-3214.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Program Administrative Review, BEH, annually, OE-9066, SEAS, LEAS, INSTS, parent groups, adv. panels, Human Resources Division, Laverne V. Collins, 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Request for Training Supplies, 22-1905M, on occasion, Schools, Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of the Census, Annual Survey of Oil and Gas, MA-13K, annually, operators and lessees of oil and gas field properties, Louis C. Kincannon, Office of Federal Statistical Policy and Standards, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Quick Response Surveys, Patient Package Inserts, other (See SF 83), telephone households in a national probability sample, Richard Eisinger, Office of Federal Statistical Policy and Standards, 395-3214.

National Institutes of Health, Multiple Risk Factor Intervention Trial, other (See SF 83), individuals at high risk death from coronary disease, Richard Eisinger, Office of Federal Statistical Policy and Standards, 395-3214.

EXTENSIONS

VETERANS ADMINISTRATION

Application for Nonmedical Insurance Age 50 and Under, 29-353A, on occasion, insured veteran, Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Establishment License Application for Manufacture of Blood and Blood Components, FD-2599, on occasion, manufacturers of blood and blood components, Human Resources Division, Richard Eisinger, 395-3532.

Supplement To Establishment License Application for Manufacture of Blood and Blood Components, Human Resources Division, Richard Eisinger, 395-3532.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration:

Application for Air Taxi Commercial Operator Certificate Under FAR Part 135, FAA-8000-8, on occasion, private individuals/firms, Economic and General Government Division, Arnold Strasser, 395-4892.

Application for Pilot School Certificate, FAA-8420-8, on occasion, proprietors/firms, Economic and General Government Division, Arnold Strasser, 395-4892.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc. 78-3370 Filed 2-6-78; 8:45 am]

[3110-01]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 30, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

NATIONAL SCIENCE FOUNDATION

Study of Scientific Journals, single time, 300 U.S. scientists, Laverne V. Collins, 395-3214.

DEPARTMENT OF AGRICULTURE

Economic Research Service, Farmers' Newsletter Evaluation Pretest, single time, farmers' in sample mailings, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Study PF Selected Institutions and Students Participating in the Federal Insured Student Loan Program, OE 531-1, single time, students and school officials, Human Resources Division, Laverne V. Collins, 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Monthly Summary of Payroll Deductions for Government Life Insurance, 4-800A, monthly, employers who wish to provide service, 1,600 responses, 400 hours, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Basic Questionnaire Study of Family Economics, OS-1-78, annually, heads of households—Michigan longitudinal study, 6,100 responses, 3,050 hours, Office of Federal Statistical Policy and Standard, 873-7959.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Reporting Action Subgrant Information, 4310/1, on occasion, planning agencies, 660 responses, 660 hours, Budget Review Division, 395-4775.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service:

Application for U.S. Veterinary Biologics Product Permit Toxins, and Analogous Products, VS 14-5, on occasion, veterinary biological product producers, 20 responses, 20 hours, Ellett, C. A., 395-6132.

Application for U.S. Veterinary Biologics Establishment License, VS 14-1, on occasion, veterinary biological product producers, 22 responses, 22 hours, Ellett, C. A., 395-6132.

Application for United States Veterinary Biological Product License, VS 14-3, on occasion, veterinary biological product producers, 91 responses, 91 hours, Ellett, C. A., 395-6132.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc. 78-3371 Filed 2-6-78; 8:45 am]

[7905-01]

RAILROAD RETIREMENT BOARD

DETERMINATION UNDER SECTION 2(h)(4) OF THE RAILROAD UNEMPLOYMENT INSURANCE ACT OF THE ENDING OF A "PERIOD OF HIGH UNEMPLOYMENT", AS DEFINED IN SECTION 2(h)(2) OF THAT ACT

In accordance with the provisions of section 2(h)(4) of the Railroad Unemployment Insurance Act (45 U.S.C. § 352(h)(4)) as amended, the Railroad Retirement Board has determined that the "period of high unemployment" (as defined in section 2(h)(2) of that Act), which began on September 2, 1977, shall end with January 27, 1978. Consequently, no extended benefit period under the second proviso of section 2(c) of that Act shall begin after that date.

By Authority of the Board.

Dated: January 30, 1978.

R. F. BULTER,
Secretary of the Board.
[FR Doc. 78-3189 Filed 2-6-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[812-4260; Release No. 10106]

ADOLF MARCUS ET AL.

And Order of Temporary Application Exemption Pending Determination of the Application

JANUARY 27, 1978.

In the matter of Adolf Marcus, 12 Quai Bustave Ador, Geneva, Switzerland; Philip S. Sassower, 791 Park Avenue, New York, N.Y.; Lawrence I. Schneider, 61 Saw Mill Lane, Greenwich, Conn.; Alexander Goren, 65 Shareet Street, Tel Aviv, Israel.

Notice is hereby given that Adolf Marcus, Philip S. Sassower, Lawrence I. Schneider and Alexander Goren ("Applicants") have filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 (the "Act") for an order exempting Applicants, and any company of which any of them presently is or in the future may become an affiliated person, from the provisions of Section 9(a) of the Act, and, without prejudice to the Commission's consideration of such exemption, for an order of temporary exemption from Section 9(a) pending the Commission's determination of The Application for permanent exemption. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicants state that they are controlling stockholders of Arcs Equities Corp. ("Arcs"). Applicant Marcus served as a Director of Arcs from about May, 1974, until June, 1976, and has been a Director of Arcs and the President and a Director of Bates Manufacturing Company, Incorporated ("Bates") from about March, 1975, to the present. Applicant Sassower since about May, 1972, to the present has been a Director of Arcs and Chairman of the Board of Directors of Bates.

Applicants represent that Arcs is the owner of 748,643 shares of common stock of Bates, representing approximately 37% of the Bates stock outstanding, and contend that through its working control of Bates Arcs is primarily engaged in the business presently conducted by Bates. Bates is a holding company principally engaged, through a subsidiary in the leasing and subleasing of coal lands, and in selling the coal produced by others.

On January 25, 1978, in an action styled *Securities and Exchange Commission v. Bates Manufacturing Company, et al.*, 78 Civ. 0130 (the "Bates

action"), the United States District Court for the District of Columbia entered Final Judgments of Permanent Injunction against Applicants, Arcs, Bates and others enjoining them from violating various provisions, including with respect to Applicants Sections 10(b), 13(a), 13(d), 14(a) and 14(e), of the Securities Exchange Act of 1934 ("Exchange Act").

Applicants represent that they agreed to consent to the entry of the Final Judgments against them in order to avoid active litigation with the Commission, which would have involved substantial inconvenience and expense. Applicants agreed to settle the litigation and gave their consent to the entry of the final judgments without admitting or denying the allegations in the Commission's Complaint.

Section 9(a)(2) of the act, as here pertinent, makes it unlawful for any person who, by reason of misconduct, is permanently or temporarily enjoined by order, judgment or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, to serve or act in the capacity of employee, officer or director of any registered investment company. Section 9(a)(3) makes it unlawful for a company, any affiliated person of which is ineligible by reason of Section 9(a)(2), to serve or act in any of the enumerated capacities.

Section 9(c) provides that upon application the Commission by order shall grant an exemption from the provisions of section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a), as applied to the Applicants, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

To the extent that section 9(a) is applicable by virtue of the Judgments entered against Applicants, they are disqualified from serving or acting in any of the capacities set forth in section 9(a).

For the following reasons, Applicants submit (1) that the prohibitions of section 9(a) would be unduly and disproportionately severe if applied to Applicants and (2) that the Applicants' conduct has been such as not to make it against the public interest or the protection of investors to grant the requested permanent exemption under section 9(c) of the Act. These contentions are based on the following representations by Applicants:

1. Arcs filed on January 27, 1978, an application pursuant to sections 6(c) and 6(e) of the Act for an Order of the

Commission granting Arcs a temporary exemption from section 7 of the Act on the terms and conditions outlined therein until such time as the Commission has acted upon Arcs' previous applications under the Act pursuant to section 3(b)(2) and section 6(c) (File 812-4106). As a result of the application filed pursuant to sections 6(c) and 6(e) of the Act, Arcs has agreed that if the Commission exempts Arcs from the provisions of section 7 of the Act, Arcs and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the rules and regulations thereunder as though Arcs were a registered investment company, other than certain designated sections of the Act set forth in the application. The Order of the Commission requested by Arcs, if granted, would be on the condition that Arcs effect the submission of a plan of complete liquidation and dissolution of Arcs to its stockholders and consummate the plan by the earlier of the liquidation of Arcs as described in the application of Arcs or June 30, 1978. During the pendency of the foregoing, the prohibitions of section 9(a) would deprive Arcs and its stockholders of the services of Mr. Schneider, President and a Director of Arcs, and Mr. Sassower, a Director of Arcs.

2. Applicants represent that the activities of Applicants with regard to the matters covered by the Bates action have not resulted in direct pecuniary benefit for Applicants, and there was no intent to violate any law.

3. In compliance with the terms of the Final Judgment entered against Arcs in the Bates action, Arcs has agreed to establish an audit committee, the members of which will be new independent directors satisfactory to the Commission, and the deliberations of the committee will not be participated in by the Applicants. Such committee will review all material transactions during the remaining corporate existence of Arcs, including its proposed liquidation and dissolution, subject to review by the Arcs board of directors.

4. Applicants state that they have never before been required to apply for an exemption from the provisions of section 9(a) of the Act.

5. Applicants represent Mr. Sassower and Mr. Schneider have heretofore been engaged actively in the securities business, although they are not presently so engaged. The prohibitions of section 9(a) would deprive Applicants of their ability to serve as directors and officers of Arcs, or serve in any of the other capacities referred to in section 9(a), thereby potentially jeopardizing their livelihoods. The applicants also represent that the Commission has taken the position that it would not oppose, solely on the basis

of the entry of the Final Judgments in the Bates action, any application for reaffiliation with a broker-dealer or for affiliation with an investment adviser which Applicants Sassower or Schneider may make in the future.

6. Applicants further represent that the Commission has taken the position that the Arcs and Bates action would not affect Applicants continuing (except as specifically set forth in the Applicants' consents and undertakings in the Bates action) in any of the capacities in which they have been employed or retained by Arcs, Bates or any other entities in which they may be so employed in the future.

For the reasons discussed above, Applicants also submit that the issuance of a temporary exemption from the prohibitions under section 9(a) of the Act is appropriate. Applicants represent that such a temporary exemption would assure continuity of essential operations of Arcs and Bates and protect their respective stockholders until a final determination can be made with regard to the application for a permanent exemption. Applicants further represent that section 9(c) of the Act expressly provides for "temporary" exemptions from the application of section 9(a), under appropriate circumstances, and that the Commission has exercised this authority in other cases in the past.

The Commission has considered the matter and finds that (1) the prohibitions of section 9(a) might be unduly or disproportionately severe as applied to Applicants, and (2) the conduct of Applicants has been such as not to make it against the public interest or protection of investors to grant the application for a temporary exemption from section 9(a) pending determination of the application.

Accordingly, it is ordered, Pursuant to section 9(c) of the Act that Applicants, and any company of which any of them presently is an affiliated person, be and they hereby temporarily exempted from the provisions of section 9(a) of the Act, operative as a result of the entry of the Injunction against Applicants in the Bates action, pending determination by the Commission of Applicants' application for an order unconditionally exempting them from the provisions of section 9(a) operative as a result of the entry of such injunction.

Notice is further given that any interested person may, not later than February 21, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication

should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-3193 Filed 2-6-78; 8:45 am)

[8010-01]

(Release No. 14422; SR-AMEX 77-25)

AMERICAN STOCK EXCHANGE

Order Approving Proposed Rule Change

JANUARY 27, 1978.

In the Matter of American Stock Exchange, 86 Trinity Place, New York, N.Y. 10006.

On October 3, 1977, the American Stock Exchange, Inc. ("AMEX") filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b-4 thereunder, copies of a proposed rule change to amend Rule 421 and Rule 924 governing supervisory approval procedures pertaining to discretionary power in customer accounts. The proposal, among other things, requires a written statement of such supervisory procedures and eliminates the annual inquiry into the customer's interest in continuing a discretionary account.¹

¹ As initially filed, the AMEX proposed to change section (a) of AMEX Rule 421 to eliminate the initialing and approving by supervisory personnel of discretionary orders on the day of entry. The staff has determined that it would require additional time to consider further whether proposed section (a) of AMEX Rule 421 would be consistent with the requirements of the Act. Accordingly, the AMEX has agreed by letter to a 21 day extension of time, beginning after AMEX's filing of an amendment to proposed Rule 421(a), for Commission action as specified in section 19(b)(2) of the

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-14178 (November 16, 1977)) and by publication in the FEDERAL REGISTER (42 Fed. Reg. 60821 (November 29, 1977)).

The Commission finds that the proposed rule change, except as to section (a) of proposed AMEX Rule 421, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, as appropriate, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change except with respect to section (a) of proposed AMEX Rule 421 be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-3194 Filed 2-6-78; 8:45 am)

[8010-01]

(Release No. 10107; 812-4237)

MASSACHUSETTS MUTUAL LIFE INSURANCE CO. AND MASSMUTUAL CORPORATE INVESTORS INC.

Filing of Application

JANUARY 27, 1978.

Notice is hereby given, That Massachusetts Mutual Life Insurance Co. ("Insurance Company"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, and MassMutual Corporate Investors Inc. ("Fund") (hereinafter referred to collectively with the Insurance Company as "applicants"), a non-diversified, closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on November 25, 1977, and an amendment thereto on January 17, 1978, pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting the Insurance Company to purchase, at direct placement, \$7,000,000 in principal amount of a new issue of 9.25% 15-Year Senior Notes of WellTech, Inc. ("WellTech"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Act. Such was transmitted to the Commission by letter from Della M. Emmons, Secretary of the AMEX to Theodore W. Urban, Branch Chief, dated January 18, 1978.

The application states that pursuant to an order of the Commission issued August 19, 1971 (Investment Company Act Release No. 6690) ("Original Order"), the Insurance Company, which acts as investment adviser to the Fund, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement and to exercise warrants, conversion privileges and other rights at the same time as the Fund. The Original Order is subject to several conditions, one of which requires, generally, that purchases at direct placement of securities which would be consistent with the investment policies of the Fund be shared equally by the Insurance Company and the Fund. Another condition is that, once the Insurance Company and the Fund have acquired interests in an issuer, neither the Insurance Company nor the Fund, unless otherwise permitted by order of the Commission, may acquire any further interest in such issuer other than interests in all respects identical.

The application states that the Insurance Company proposes to purchase, at direct placement, \$7,000,000 in principal amount of a new issue of 9.25 percent 15-Year Senior Notes of WellTech ("New Notes"); it is expected that the total issue of the New Notes will be \$10,000,000, with the remaining \$3,000,000 in principal amount to be purchased by another investor.

According to the application, the Insurance Company and the Fund each hold \$1,095,000 in principal amount of WellTech 10% percent Subordinated Notes due 1987 ("Non-Convertible Notes") and \$405,000 in principal amount of WellTech 10% percent Convertible Subordinated Notes due 1989 ("Convertible Notes") (hereinafter referred to with the Non-Convertible Notes as "Jointly-Held Notes"). The application states that the Insurance Company also holds 72,375 shares of WellTech common stock, obtained in August, 1977, as a part of a liquidating distribution from a wholly-owned subsidiary.

Applicants represent that neither the Insurance Company nor any affiliated person of the Insurance Company, nor the Fund nor any affiliated person of the Fund (except one of the Fund's directors who owns 200 shares of WellTech common stock) own any securities of WellTech other than those described above. According to the application, WellTech is engaged in the well servicing segment of the oilfield services industry; WellTech has represented to the Insurance Company that it intends to apply the proceeds from the sale of the New Notes to pay down revolving credit bank debt, applying any balance thereafter to purchase new equipment. Applicants

also state that WellTech has represented that the proceeds from the sale of the New Notes will not be applied to pay dividends on WellTech common stock nor will such proceeds be applied to pay any interest or principal with respect to any of the WellTech securities now held by applicants.

Applicants state that the Jointly-Held Notes and the Note Purchase Agreements with respect thereto were modified effective December 1, 1977, relinquishing Applicants' second lien on WellTech's receivables and rigs in consideration of the following: (1) relinquishment of the first lien on said receivables and rigs by certain banks under a revolving credit/term loan agreement with WellTech; (2) extension from April 1, 1981 to April 1, 1983 of the non-callable feature of the Non-Convertible Notes; and (3) restriction of the callable feature of the Convertible Notes so that they will not be callable unless the average prices of WellTech's common stock is at least 250 percent (previously 200 percent) of the conversion price. According to the application, the Fund's Board of directors, by their unanimous written consent, approved said modifications and determined that they were in the best interests of the Fund.

Applicants also state that the Jointly-Held Notes will be subordinate to the New Notes and, as such, junior and subject in right of payment to the extent and in the manner set forth in the Note Purchase Agreements to the Jointly-Held Notes; they add that such Notes Purchase Agreements did not prohibit or require the approval of either the Insurance Company or the Fund to the issuance of the New Notes by WellTech. According to the application, the Fund's Board of Directors, by unanimous written consent, approved the purchase of the New Notes by the Insurance Company, without participation by the Fund in such investment, as in the best interests of the Fund.

Applicants represent that at the time of the Issuance of the Jointly-Held Notes, the Insurance Company did not contemplate any investment in the New Notes, nor was the Insurance Company's acquisition of WellTech common stock or its purchase of the Jointly-Held Notes tied to or induced by any discussions with respect to the purchase and sale of the New Notes or any similar securities. Applicants state that the proposed sale of the New Notes by WellTech to the Insurance Company is in no way connected to the sale of the Jointly-Held Notes to the Insurance Company in March, 1977, or to any other sale of securities to the Insurance Company or the Fund by WellTech other than by virtue of the fact that the Insurance Company had an established relation-

ship with WellTech through the acquisition of WellTech securities.

Applicants submit that the investment policy of the Fund specifies that the principal investments of the Fund will be long-term obligations and, occasionally, preferred stocks, purchased directly from the issuers, if such obligations or preferred stocks have "equity features" such as accompanying shares of common stock or rights to acquire, or to convert such obligations or preferred stocks into, such shares. Applicants represent that the New Notes do not have any accompanying equity features and, therefore, would not be an investment permitted by the investment policies of the Fund. According to the application, the absence of such equity features accompanying the New Notes is attributable to WellTech's stronger present financial condition as compared to its position at the time the commitment was made to purchase the Jointly-Held Notes and, as a result, when WellTech seeks to borrow at the present time it need not offer any equity interest to potential lenders. Applicants represent that, as a result, equity features accompanying the New Notes were not discussed with WellTech by the Insurance Company.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such registered company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction on the basis proposed is consistent with the provisions, policies and purposes of the Act and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants. The Original Order permitting concurrent investment in an issue by the Insurance Company and the Fund prohibits both the Insurance Company and the Fund from acquiring a further interest in such issues unless such interests are in all respects identical, unless otherwise permitted by order of the Commission. Applicants have therefore filed an application pursuant to the provisions of section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting the Insurance Company to acquire \$7,000,000 in principal amount of the New Notes notwithstanding ownership by the Insurance Company and the Fund of the Jointly-Held Notes, and by the Insurance Company of WellTech common stock.

Applicants submit that the proposed investment by the Insurance Company

in the New Notes would not be less advantageous to the Fund than to the Insurance Company since investment in the New Notes would be contrary to the Fund's investment policy. The Insurance Company states that, in its view, disadvantage to the Insurance Company will result if it is not permitted to acquire the New Notes and, therefore, that the purpose of this application is to avoid a disadvantage to the Insurance Company. Applicants submit further that the proposed transaction is consistent with the provisions, policies and purposes of the Act.

Applicants state that the Insurance Company has paid the filing fee in connection with this application and will pay any and all filing fees together with any and all other fees or expenses associated with any application required by the proposed investment of the Insurance Company in the New Notes filed or joined in by the Fund to enable the Fund to convert any of its Jointly-Held Notes.

The application states that the Insurance Company is also investment adviser to MassMutual Income Investors, Inc. ("Income Investors"), a closed-end investment company registered under the Act. Applicants represent that Income Investors is subject to an investment policy that it invest at least 75 percent of its total assets in one or more of five categories of high-grade interest-bearing publicly traded debt securities and in cash or cash equivalents. In addition, Income Investors is subject to an investment restriction that it invest not more than 25 percent of its assets in certain types of securities of lower ratings or in restricted securities (i.e., those subject to legal or contractual delay in, or restrictions on, resale). According to applicants, as of December 31, 1977, Income Investors had approximately \$26.9 million (or 19.7 percent) of its assets invested in or committed to that 25 percent category.

The Insurance Company believes that the New Notes are not an appropriate investment for Income Investors. In the opinion of the Insurance Company, WellTech's operating results (sales and earnings) together with its financial position (as indicated by debt as a percentage of total capitalization and/or by guarantees) are not as strong from a credit standpoint as Income Investors' existing direct placement investments and commitments therefor. Even if additional direct placements are deemed advisable for Income Investors sometime in the future, the Insurance Company states that it would expect to find potential direct placement investments in companies larger than WellTech.

Notice is further given, That any interested person may, not later than February 20, 1978, at 5:30 p.m., submit

to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3195 Filed 2-6-78; 8:45 am]

[8010-01]

[File No. 81-283]

NEW YORK MAGAZINE COMPANY, INC.

Application and Opportunity for Hearing

JANUARY 26, 1978.

Notice is hereby given that New York Magazine Company, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), that Applicant be granted an exemption from filing an Annual Report on Form 10-K for the year ended December 31, 1977, and all other reports required to be filed pursuant to Section 13 and 15(d) of the 1934 Act, other than Reports on Form 8-K.

Section 12(g) of the 1934 Act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means of instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding \$1 million and a class of equity securities held of record by 500 or more persons.

Sections 13 and 15(d) of the 1934 Act require that issuers of securities regis-

tered pursuant to Section 12 or that have filed a registration statement that has become effective pursuant to the Securities Act of 1933, must file certain periodic reports with the Commission for the protection of investors and to insure fair dealing in the security.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole, or in part, any issuer or class of issuers from the provisions of Sections 12(g), 13, 14 or 15(d) of the 1934 Act, if the Commission finds, by any reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or otherwise, that such exemption is not inconsistent with the public interest or protection of investors.

The applicant states, in part:

1. Prior to a tender offer by City Post Publishing Corporation (CPPC), applicant was subject to the provisions of section 15(d) of the 1934 Act, and its common stock was registered pursuant to section 12(g) of the 1934 Act.

2. As a result of the tender offer, the Applicant became a 99% owned subsidiary of CPPC, and has a total of 96 shareholders.

3. On October 3, 1977, after the Applicant filed a certification pursuant to Rule 12g-4 under the 1934 Act, the Applicant's registration under Section 12(g) was terminated. However, the Applicant is required under Section 15(d) to file an annual report on Form 10-K for the year ended December 31, 1977, and any other reports required to be filed under the 1934 Act.

In the absence of an exemption, Applicant is required to file pursuant to Sections 13 and 15(d) of the 1934 Act and the rules and regulations thereunder, an Annual Report on Form 10-K for the year ending December 31, 1977. Applicant believes that its request for an order exempting it from the provisions of Sections 13 and 15(d) of the 1934 Act is appropriate in view of the fact that Applicant believes that the time, effort and expense involved in preparation of additional periodic reports would be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, N.W., Washington, D.C.

Notice is further given that any interested person not later than February 21, 1978 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and

should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3196 Filed 2-6-78; 8:45 am]

[8010-01]

[Release No. 14420; File No. SR-NYSE-76-34]

NEW YORK STOCK EXCHANGE, INC.

Order Extending Time for Conclusion of Proceedings on Proposed Changes to New York Stock Exchange Rule 405

JANUARY 27, 1978.

The New York Stock Exchange, Inc. (the "NYSE") has filed pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1) and Rule 19b-4 thereunder, 17 CFR 240.19b-4, proposed changes to NYSE Rule 405, the "Know Your Customer" rule.¹

On November 7, 1977 in Securities Exchange Act Release No. 14143,² the Commission instituted proceedings to determine whether the proposed rule changes should be disapproved, gave notice of the proposed grounds for disapproval, and established a 30-day period for submission of written comments and of requests for oral presentations of views. In response to a number of requests, this period was extended until January 1, 1978.³

EXTENSION OF TIME FOR COMMISSION ACTION

Pursuant to section 19(b)(2) of the Act, proceedings instituted to determine whether proposed rule changes should be disapproved must be concluded within one hundred eighty days of the date of publication of notice of the filing. The Commission published notice of the amended filing of the proposed changes to Rule 405

¹Notice of the amended proposal was given by publication of Securities Exchange Act Release No. 13821 (August 2, 1977) and 42 FR 40290 (August 9, 1977).

²42 FR 59148 (November 15, 1977).

³Securities Exchange Act Release No. 14285 (December 16, 1977).

on August 9, 1977. Absent an extension of time, Commission proceedings must be concluded on or before February 5, 1978.

Section 19(b)(2) of the Act provides that the Commission may extend the time for conclusion of proceedings to determine whether to disapprove a proposed rule change for up to 60 days if it finds good cause for such extension and publishes its reasons for so finding. For the reasons summarized below, the Commission finds that there is good cause for an extension of the time for conclusion of the proceedings for 60 days, i.e., until April 6, 1978.

Subsequent to the close of the comment period, the Commission received a number of comments on the proposed rule changes from industry representatives. In order that the Commission may evaluate carefully these comments as well as others submitted, consider the requests for oral presentations of views in light of the additional submissions, and allow sufficient time for Commission discussion of the issues presented, the Commission, pursuant to section 19(b)(2) of the Act, for good cause, hereby extends until April 6, 1978, the time for conclusion of the proceedings instituted to determine whether to disapprove the proposed changes to NYSE Rule 405.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3197 Filed 2-6-78; 8:45 am]

[8010-01]

[Release No. 34-14423; File No. SR-PSE-78-1]

PACIFIC STOCK EXCHANGE INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 16, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PSE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Incorporated ("PSE") hereby requests to amend Article I, section 1, Article II, section 1(a), Article III, sections 2(a) and 2(b), and Article XVII, section 1 as follows (brackets indicate deletions and italics indicate additions):

ARTICLE I—FLOORS AND PLACES OF BUSINESS

FLOORS

Sec. 1. The Pacific Stock Exchange Inc. (hereinafter referred to as the "Corporation" or the "Exchange"), shall operate in Los Angeles and in San Francisco, with a trading floor in each city. The requirement of a trading floor will be deemed to be satisfied by an options trading floor in San Francisco and an equity trading floor in Los Angeles. The term "Floor" or "Floors" as used herein shall be deemed to mean either or both of said Los Angeles and San Francisco trading floors as the context indicates.

ARTICLE II—GOVERNMENT

BOARD OF GOVERNORS

Sec. 1a. The government of the Exchange shall be vested in a Board of Governors (herein sometimes called "the Board") consisting of [fourteen] fifteen elected Governors, and the President of the Exchange, provided that at least three of the elected Governors shall be representatives of the public and shall not be, or be affiliated with, a broker or dealer in securities. The Board shall hold regular and special meetings at such times and at such places as it may determine. The Board may act on any matter affecting or concerning the Exchange, except as otherwise provided by the Certificate of Incorporation or this Constitution. Except where a larger vote is required under any provisions of the Certificate of Incorporation or this Constitution, the Board may act on any matter within its jurisdiction by vote of not less than a majority of the Governors voting at a meeting at which a quorum is present or written consent of a majority of all Governors.

ARTICLE III—ELECTIONS, MEETINGS, TERM OF OFFICE, PROXIES

ANNUAL ELECTION OF GOVERNORS

Sec. 2(a). The elected Governors shall be divided into three classes, two of which shall be composed of five Governors, and one of which shall be composed of four Governors. At the annual meeting at which the size of the Board of Governors is expanded from thirteen to fifteen, 5 persons will be elected to serve until the annual meeting held in the second year following the year of election, and one person will be elected to serve until the annual meeting held in the second year following the year of election, and one person will be elected to serve until the annual meeting held in the first year following the year of election. Except for the Governors elected, as provided above, for terms less than three years, the Governors elected in each class shall serve until the annual meeting held in the third year following the year of election. The four Governors composing Class I shall have terms expiring at the annual meeting in 1978, and the terms of Governors in Class I shall expire each three years thereafter. The five Governors composing Class II shall have terms expiring at the annual meeting in 1979, and the terms of Governors in Class II shall expire each three years thereafter. The five Governors composing Class III shall have terms expiring at the annual meeting in 1980, and the terms of Governors in Class III shall expire each three years thereafter.] each of which shall be

composed of five Governors. The five Governors composing Class I shall have terms expiring at the annual meeting in 1981, and the terms in Class I shall expire each three years thereafter. The five Governors composing Class II shall have terms expiring at the annual meeting in 1979, and the terms in Class II shall expire each three years thereafter. The five Governors composing Class III shall have terms expiring at the annual meeting in 1980, and the terms in Class III shall expire each three years thereafter. There shall also be elected at each annual meeting a Chairman and a Vice Chairman of the Board to serve for one year from the date of election. The elected Chairman shall be one of the Governors presently in office and the Vice Chairman shall be one of the Governors presently in office or one of the newly elected Governors.

ELIGIBILITY OF GOVERNORS

Sec. 2(b). Of the Governors in each of the Classes specified in Sec. 2(a), above, [one shall be a member of the Exchange.] at least two shall be office members or office allied members of the Exchange, and at least one shall be a representative of the public and shall not be, or be affiliated with, a broker or dealer in securities. [There shall be at least two floor members on the Board at all times.] At all times there shall be two floor members on the Board from the equity trading floor and two floor members on the Board from the options trading floor.

ARTICLE XVII—AMENDMENT OF THE BY-LAWS

MEMBERSHIP APPROVAL

Sec. 1. The Board of Governors may from time to time amend this Constitution by the affirmative vote of not less than a majority of the Governors voting at a meeting at which a quorum is present. Each such amendment shall thereafter be submitted forthwith to each member of the Exchange, and when and if it is approved in writing by the affirmative vote of at least two-thirds of the members of the Exchange voting, but not less than a majority of the members of the Exchange, it shall thereupon become effective, provided, however, that any amendment to this Constitution which in any way alters or modifies the provisions of Article I, Section 1, concerning the location of the options and equity trading floors of the Exchange, shall not become effective unless it is approved in writing by the affirmative vote of at least three-fourths of the members of the Exchange voting but not less than a majority of the members of the Exchange. The Board of Governors may from time to time amend the Rules of this Exchange by affirmative vote of not less than a majority of the Governors voting at a meeting at which a quorum is present or written consent of a majority of all Governors.

PSE's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this proposed rule change is twofold. The first is to increase the size of the PSE Board of Governors from 15 to 16 members. This change necessitated a change in the provisions of the PSE Constitution governing the division of Governors into three classes, and the make-up of the Governors in each class.

The second purpose is to provide that the requirement for a trading floor in both Los Angeles and San Francisco shall be satisfied by an options trading floor in San Francisco and an equity trading floor in Los Angeles. This change necessitated a change in the provisions of the PSE Constitution governing the percentage of affirmative membership votes needed to amend the Constitution concerning the location of the options and equity trading floors of the Exchange from two-thirds to three-fourths of the members of the Exchange voting, but not less than a majority of the members of the Exchange.

The proposed rule change by enlarging the Board of Governors of PSE, facilitates the fair representation of members of PSE in the selection of Governors, and provides for three or more Governors to be representatives of issuers and investors, and not be associated with members, brokers, or dealers.

Comments were neither solicited nor received from members, participants or others on the proposed rule change.

The proposed rule change imposes no burdens on competition.

By March 14, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before February 28, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 27, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3198 Filed 2-6-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

CHAIN OF IRON OR STEEL FROM JAPAN

Preliminary Countervailing Duty Determination

AGENCY: United States Customs Service.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Japan has given benefits on the manufacture or exportation of chain of iron or steel and parts thereof which are considered to be bounties or grants under the Countervailing Duty Law. A final determination will be made by August 1, 1978. Interested parties are invited to comment on this action.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone: 202-566-5492.

SUPPLEMENTARY INFORMATION: On September 28, 1977, A "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (42 FR 49871). The notice stated that a petition in proper form was received on August 1, 1977, alleging that payments or bestowals conferred by the Government of Japan upon the manufacture, production, or exportation of chains of iron or steel and parts thereof constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The merchandise in this investigation is chains of iron or steel, the links or which are of stock essentially round in cross sections and parts thereof. Chain so described is classified under items 652.24, 652.27, 652.30, 652.33, and 652.35 of the Tariff Schedules of the United States (TSUS).

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)) it has been preliminarily determined that benefits are available to Japanese manufacturers/exporters of chains of iron or steel and parts thereof which may constitute bounties or grants within the meaning of the Act. These benefits include:

1. Interest free loans in the form of tax deferrals on funds held in the Overseas Market Development Reserve (OMDR).

2. Export promotional assistance from the Japan External Trade Organization (JETRO). This assistance is general in nature and not oriented to the export promotion of specific products. However, these activities do defray costs which would otherwise be incurred by Japanese chain exporters and to that extent may subsidize that industry.

Programs which have been investigated and determined preliminarily to be not applicable to or not utilized by the Japanese chain industry include:

1. Government financing of new machinery and equipment under the provisions of the "Mechanical Industry Development Temporary Measure Law".
2. Preferential financing to specifically designated industries provided by the Japan Development Bank.
3. Preferential financing and export risk insurance provided by the Export-Import Bank of Japan.

The petitioner also alleged that the rebate of the Japanese commodity tax upon export constitutes a bounty or grant. Treasury does not consider the rebate or remission upon exportation of indirect taxes directly related to the product under investigation as countervailable. Consistent with that policy, Treasury does not consider the rebate of the Japanese commodity tax a bounty or grant. Treasury's policy with regard to the rebate of indirect taxes is presently being challenged in the courts. Pending the outcome of that challenge, the Treasury continues to adhere to its present policy.

A final decision in this case is required on or before August 1, 1978.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office no later than March 19, 1978.

This preliminary determination is published pursuant to section 303(a), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 14), July 1, 1977, and the provisions of the Treasury Department Order No. 165, Revised, November 2, 1954, and §159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

FEBRUARY 1, 1978.

[FR Doc. 78-3211 Filed 2-6-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-71 (Sub-No. 1)]

ANNE ARUNDEL COUNTY AND CITY OF ANNAPOLIS

Abandonment Over Baltimore & Annapolis Railroad Co. From Glen Burnie to City of Annapolis, Md., Correction¹

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) (originally published at 43 FR 1023, January 5, 1978) that by a report and order entered June 20, 1977, and the order of the Commission, Division 3, as modified, adopted the report and order of the Commission, Review Board Number 5, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 I.C.C. 76 (1977) and for public use as set forth in said order, the present and future public convenience and necessity permit the abandonment by the Baltimore & Annapolis Railroad Co. of a portion of the line beginning at Glen Burnie and extending in a southeasterly direction to the City of Annapolis, all in Anne Arundel County, Md., a distance of 15.4 miles. A certificate of abandonment will be issued to the Baltimore & Annapolis Railroad Co. based on the above-described finding of abandonment, March 9, 1978, unless on or before March 9, 1978, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for

¹Notice is corrected to show that the Certificate and order will be issued to the Baltimore & Annapolis Railroad Co., the owner of the line, and not to the Anne Arundel County and the City of Annapolis.

the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3289 Filed 2-6-78; 8:45 am]

[7035-01]

[Notice No. 583]

ASSIGNMENT OF HEARINGS

FEBRUARY 2, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

- MC 118130 (Sub-No. 77), South Eastern Express, Inc., now assigned February 22, 1978, at Dallas, Tex., will be held in room 5A15-17, Federal Building, 1100 Commerce Street.
- MC 136168 (Sub-No. 15), Wilcon Certified Express, Inc., now assigned February 23, 1978, at Dallas, Tex., will be held in room 5A15-17, Federal Building, 1100 Commerce Street.
- MC 135797 (Sub-No. 78), J. B. Hunt Transport, Inc., now assigned February 27, 1978, at Dallas, Tex., will be held in room 5A15-17, Federal Building, 1100 Commerce Street.
- MC 129068 (Sub-No. 38), Griffin Transportation, Inc., now assigned March 1, 1978, at Dallas, Tex., will be held in room 5A15-17, Federal Building, 1100 Commerce Street.
- MC 116254-108 M1, Chem-Haulers, Inc., now assigned February 2, 1978, for pre-hearing conference at Washington, D.C., is postponed to a date to be hereafter fixed.
- MC 143508, Ashborne Transportation Co., now being assigned April 10, 1978 (1 week), at Philadelphia, Pa., in a hearing room to be later designated.

- MC 30605 (Sub-No. 161), Santa Fe Trail Transportation Co., now being assigned April 11, 1978 (14 days), at Houston, Tex., in a hearing room to be later designated.
- MC 119777 (Sub-No. 335), Ligon Specialized Hauler, Inc., now assigned February 8, 1978 (3 days), at Atlanta, Ga., is canceled.
- MC 76032 (Sub-No. 329), Navajo Freight Lines, Inc., now being assigned April 18, 1978 (9 days), at Albuquerque, N. Mex., in a hearing room to be later designated.
- MCC 9761, Carolina Coach Co., et al. v. Mandrell Motor Coach, Inc., now assigned February 22, 1978, at Dover, Del., will be held in the Kent County Levy Court Conference Room on the Green.
- MC 119619 (Sub-No. 114), Distributors Service Co., now being assigned April 21, 1978 (1 day), at Philadelphia, Pa., in a hearing room to be later designated.
- MC 143507, Ace Transportation Co., Inc., now being assigned April 18, 1978 (3 days), at Philadelphia, Pa., in a hearing room to be later designated.
- MC-F-13233, Arkansas Best Freight—Purchase (Portion)—Great Lakes Express Co., MC-F-13116, Gra-Bell Truck Line, Inc.—Purchase (Portion)—Great Lakes Express Co., MC-F-13106, Branch Motor Express Co.—Control—Great Lakes Express Co., MC-F-13100, The Cleveland, Columbus, and Cincinnati Highway, Inc.—Purchase (Portion)—Great Lakes Express Co., MC 3419 (Sub-No. 11), The Cleveland, Columbus, and Cincinnati Highway, Inc., MC-F-13102, Maers Motor Freight Co.—Purchase (Portion)—Great Lakes Express Co., MC-F-13103, United Trucking Service, Inc.—Purchase (Portion)—Great Lakes Express Co., MC-F-13101, Red Star Express Lines of Auburn, Inc., d.b.a. Red Star Express Lines—Purchase (Portion)—Great Lakes Express Co. and MC-F-13096, Herriott Trucking Co., Inc.—Purchase (Portion)—Great Lakes Express Co. now being assigned June 13, 1978, at the Offices of the Interstate Commerce Commission in Washington, D.C.
- MC 134922 (Sub-No. 236), B. J. McAdams, Inc., now being assigned April 17, 1978 (1 day), at Philadelphia, Pa., in a hearing room to be later designated.
- MC 116004 (Sub-No. 43), Texas Oklahoma Express, Inc., now assigned February 8, 1978, at Kansas City, Mo., is canceled, application dismissed.
- MC 129903 (Sub-No. 7), Emporia Motor Freight, Inc., now being assigned March 27, 1978 (5 days), at Emporia, Kans., in a hearing room to be later designated.
- MC-F-13296, Lyons Transportation Lines, Inc.—Control—Modern Truck Lines, Inc., now being assigned April 26, 1978 (3 days), at St. Louis, Mo., in a hearing room to be later designated.
- MC 134286 (Sub-No. 31), Illini Express, Inc., now being assigned April 25, 1978 (1 day), at St. Louis, Mo., in a hearing room to be later designated.
- MC 141459 (Sub-No. 1), A.G.S. Enterprises, Inc., now being assigned April 24, 1978 (1 day), at St. Louis, Mo., in a hearing room to be later designated.
- MC-F-13381, Associated Truck Lines, Inc.—Control and Merger—Centralla Cartage Co., now being assigned April 19, 1978 (3 days), at St. Louis, Mo., in a hearing room to be later designated.
- MC 128007 (Sub-No. 109), Hofer, Inc., now being assigned April 18, 1978 (1 day), at

St. Louis, Mo., in a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3288 Filed 2-6-78; 8:45 am]

[7035-01]

[Docket No. AB-43 (Sub-No. 44)]

ILLINOIS CENTRAL GULF RAILROAD CO.
ABANDONMENT BETWEEN HOLTS SPUR
AND PADEN IN TISHOMINGO COUNTY,
MISS.

Findings

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated January 25, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, the present and future public convenience and necessity permit the abandonment by the Illinois Central Gulf Railroad Co. of its lines extending from railroad milepost 17.0 near Holts Spur, Miss., to railroad milepost 26.0 near Paden, Miss., a distance of 9.0 miles, in Tishomingo County, Miss., subject to the conditions for the protection of employees discussed in Oregon Short Line R. Co.—Abandonment—Goshen, 354 ICC 76(1977), and subject to the further condition that applicant may not exercise the authority granted herein until it has begun lawful operations over the above-described line of railroad being constructed by the U.S. Army Corps of Engineers. A certificate of public convenience and necessity permitting abandonment was issued to the Illinois Central Gulf Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing exhibit I § 1121.45 of the regulations. Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than February 22, 1978. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 27, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3290 Filed 2-6-78; 8:45 am]

Decided January 30, 1978.

By the Commission, Division 2, Commissioners Stafford, Murphy, and Clapp.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3291 Filed 2-6-78; 8:45 am]

[7035-01]

[Finance Docket No. 28320]

STATE OF VERMONT AND VERMONT NORTHERN RAILROAD CO.

Operation Over a Line of Railroad Between St. Johnsbury and Swanton, in Caledonia, Washington, Lamoille and Franklin Counties, Vt.; Correction¹

The State of Vermont and Vermont Northern Railroad Co., State of Vermont, Montpelier, Vt. 05602, represented by Mr. James E. Hirsch, Counsel, State of Vermont, Agency of Transportation, Department of Bus, Rail, Water and Motor Carrier Service, Montpelier, Vt. 05602, hereby gives notice that it filed with the Interstate Commerce Commission at Washington, D.C., a joint application under section 1(18) of the Interstate Commerce Act for an order approving and authorizing the operation of a line of railroad owned by the State of Vermont and formerly operated by the St. Johnsbury & Lamoille County Railroad between St. Johnsbury and Swanton, in Caledonia, Washington, Lamoille, and Franklin Counties, Vt., a distance of approximately 98.2 miles, which application is assigned Finance Docket No. 28320, published at 42 FR 23022, May 5, 1977.

The State of Vermont through the Vermont Transportation Authority (Vermont Transportation Board is the successor to the Vermont Transportation Authority) leased the railroad right-of-way to the Lamoille County Railroad, Inc. (name changed to St. Johnsbury and Lamoille County Railroad, Inc. in 1974) on September 18, 1973, which lease agreement expired according to its terms on September 18, 1976.

Day to day railroad operations were conducted by the St. Johnsbury and Lamoille County Railroad, Inc. from September 19, 1976, to October 1, 1976, when the Maintenance-of-Way Union, representing approximately thirty (30) employees of the St. Johnsbury and Lamoille County Railroad, Inc. struck the railroad.

On or about October 5, 1976, the St. Johnsbury and Lamoille County Railroad, Inc. through its president Bruno A. Loati, informed the State of Vermont, through Robert A. Gensburg, Chairman of the Vermont Transportation Board, that it was no longer going to continue operating the railroad.

¹Notice corrected to show that the Lamoille Valley Railroad Company petitioned the Commission to be the operator of the above-described line in question.

On or about October 5, 1976, the State of Vermont notified Mr. Loati, president of the St. Johnsbury and Lamoille County Railroad, Inc. that it accepted the termination of the operating arrangement between the State of Vermont and the St. Johnsbury and Lamoille County Railroad, Inc.

By supplemental information filed January 9, 1978, the Lamoille Valley Railroad Co. petitioned the Commission to be substituted as the operator of the line in question. On January 1, 1978, under temporary Service Order Number 1291, Lamoille Valley Railroad Co. was directed to operate the line of railroad in question.

This application is made contingent upon the issuance of an appropriate certificate of public convenience and necessity by the Commission in Docket No. AB-134 of the State of Vermont, through its Agency of Transportation, Department of Bus, Rail, Water and Motor Carrier Service, to abandon its operation over a line of railroad extending from railroad milepost 0.0 near St. Johnsbury, Vt., in a northwesterly direction to end of line near Lamoille, Vt., a distance of 98.2 miles, in Caledonia, Washington, Lamoille, and Franklin Counties, Vt.

In the opinion of the applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3292 Filed 2-6-78; 8:45 am]

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sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

1

[M-97, Amdt. 3; Jan. 31, 1978]

NOTICE OF ADDITION AND DELETION OF ITEMS OF THE FEBRUARY 1, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 1, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (Deletion) 13. Docket 31660, Application for approval for exemption of Air Express International's acquisition of Trans Air Freight System (Memo No. 7730, BOR). (Addition) 13a. Docket 31790, Application of American Air Transport for a section 418 certificate (Memo No. 7742, BOR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION:

The Office of General Counsel has not had an opportunity to coordinate on this item. Additional time is necessary to consider several legal issues raised by the application. Accordingly, the following Members have voted that agency business requires the deletion of Docket 31660, Application for approval for exemption of Air Express International's acquisition of Trans Air Freight System from the February 1, 1978 meeting agenda and that no earlier announcement of this deletion was possible:

Chairman, Alfred E. Kahn
Member, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

American Air Transport filed an application for a section 418 certificate on December 6, 1977. The Board's staff finished work on this unusually difficult application on January 30, 1978. The Board is required to issue an applicant an all-cargo service certificate 60 days after it files or by February 4, 1978. Because the next scheduled meeting is not until February 9, five days past the statutory deadline for issuing the certificate, the following Members have voted that agency business requires the addition of Docket 31790, application of American Air Transport for a section 418 certificate from the February 1, 1978 meeting agenda and that no earlier announcement of this addition was possible:

Chairman, Alfred E. Kahn
Member, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
[S-287-78 Filed 2-3-78; 3:47 pm]

[6320-01]

2

[M-97, Amdt. 4; Feb. 1, 1978]

NOTICE OF DELETION OF ITEMS FROM THE FEBRUARY 1, 1978 MEETING

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 1, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 8. The Council on Environmental Quality's proposed regulations to implement the National Environmental Policy Act (most specifically, the environmental impact statement process) (Memo No. 7729, BOR, OGC, BLJ, BIA, BFR). 16. Dockets 30090, 30124, 30191, and 30213, petitions of Pan American, TWA, and Seaboard for Reconsideration of Order 77-6-138 granting TIA, AIA, and World blanket exemptions to perform outsized cargo charter flights between U.S. and the Middle East and Africa; Docket 31112, application of ONA for an exemption to perform outsized cargo charter flights between the U.S. and the Middle East and Africa (Memo No. 6999-B, BOR, BFR, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Revisions are being prepared that relate to item 8 and because they were not available before today's meeting and in order that the Board will have the benefit of all information on this case, the following Members have voted that agency business requires the deletion of item 8 from the February 1, 1978 agenda and that no earlier announcement of this deletion was possible:

Acting Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Elizabeth E. Bailey

Member Richard J. O'Melia has expressed an interest in item 16 on today's agenda and was unable to attend today's meeting, so that this item can be discussed when Member O'Melia is present, the following Members have voted that agency business requires the deletion of item 16 from the February 1, 1978 agenda and that no earlier announcement of this deletion was possible:

Acting Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Elizabeth E. Bailey

[S-286-78 Filed 2-3-78; 3:47 pm]

[6320-01]

3

[M-98; Jan. 31, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 6, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Hughes Airwest to make a presentation regarding the status of the company.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Due to a clerical error, this notice was not available seven days in advance. So that the Board can meet to hear this presentation at the scheduled time, the following Members have voted that agency business requires that the Board meet on less than seven days' notice and that earlier announcement of the meeting was not possible:

Chairman, Alfred E. Kahn
Member, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-285-78 Filed 2-3-78; 3:47 pm]

[6351-01]

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 1:30 p.m., February 10, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial session of the Commission pertaining to the disposition of formal agency adjudication.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-281-78 Filed 2-3-78; 2:55 pm]

[6715-01]

5

FEDERAL ELECTION COMMISSION.

"FEDERAL REGISTER" CITATION: 43 FR 4748.

PREVIOUSLY ANNOUNCED DATE AND TIME: Wednesday, February 8, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

CHANGE IN MEETING: Please add FOI appeal under matters To Be Considered.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 9, 1978 at 2 p.m.

PLACE: 1325 K Street NW., Washington, D.C.

CHANGE IN MEETING: Please add FOI appeal under matters To Be Considered, in executive session if not concluded on Wednesday, February 8, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.
[S-282-78 Filed 2-3-78; 3:47 pm]

[6740-02]

6

FEDERAL ENERGY REGULATORY COMMISSION.

SUNSHINE ACT MEETINGS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 F.R. 4649, February 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 8, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

ER-7.—ER76-678, Maine Electric Power Co.

M-1.—RM78-2 (formerly Ex Parte No. 308), valuation of common carrier pipelines.

M-2.—General policy relating to emergency purchases.

RP-1.—RP73-97, Kentucky West Virginia Gas Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc. S-280-78 Filed 2-3-78; 2:55 pm]

[6210-01]

7

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 9:30 a.m., Friday, February 3, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTER CONSIDERED: 1. Proposed statement to be presented to the Subcommittee on Taxation and Debt Management of the Senate Committee on Finance regarding the Federal debt ceiling. This matter was originally announced for a meeting on February 1, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[S-283-78 Filed 2-3-78; 3:47 pm]

[6210 01]

8

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 10 a.m., Monday, February 13, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda:

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Request for an exemption from the Federal Home Loan Mortgage Disclosure Act for New Jersey-chartered depository institutions that are subject to the New Jersey Home Mortgage Disclosure Act.

2. Department of Justice petition for amendment of the Board's rules (Regulation P) promulgated pursuant to the Bank Protection Act of 1968.

Discussion Agenda:

1. Issuance for public comment of a proposed amendment to Regulation Y (Bank Holding Companies) to permit bank holding companies to engage in the sale at retail of money orders and similar variable denominated instruments, travelers checks, U.S. savings bonds, financial management courses, and other educational materials dealing with financial matters.

2. Requests for a hearing in connection with the application of Commerce Bancshares, Inc., Kansas City, Mo., to merge with Manchester Financial Corp., St. Louis, Mo.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: February 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[S-284-78 Filed 2-3-78; 3:47 am]

[7600-01]

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 2 p.m., February 8, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Date: February 3, 1978.

[S-278-78 Filed 2-3-78; 9:53 am]

[8120-01]

10

TENNESSEE VALLEY AUTHORITY.

TIME AND DATE: 10:30 a.m., Thursday, February 9, 1978.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

5132-5360

STATUS: Open.

MATTERS TO BE CONSIDERED:

- A. Personnel actions—None.
- B. Consulting and personal service contracts—1. Renewal of consulting contract with Dr. Henry Van der Schalle, Manchester, Mich.—Division of Forestry, Fisheries, and Wildlife Development.
- C. Purchase awards—1. Req. No. 821780: Dry fly-ash collection facility including installation for Gallatin Steam Plant Units 1-4; 2. Req. No. 823545: Flue gas desulfurization system including installation for Widows Creek Steam Plant, Unit 7; 3. Req. No. 822893: Pool gates for Harrisville and Phipps Bend Nuclear Plants; 4. Req. No. 560443: Current model sedans and police sedans for TVA garages; 5. Amendment to Contract 76P65-19219-5 with Lucky Mc Uranium Corp. (formerly Utah International, Inc.) for uranium concentrates for TVA nuclear plants.
- D. Project authorizations—1. No. 29673: Installation of supervisory control masters in the Wilson Hydro and South Nashville, Tenn., area dispatch and control centers and remote supervisory control terminals at various 500-kV and 161-kV substations; 2. No. 3293: Solar energy research, development, and demonstration in the TVA area.
- E. Fertilizer items—None.
- F. Power items—1. Quitclaim deed to the city of Scottsboro, Ala.—3.95-acre portion of TVA's Scottsboro 161-kV substation site; 2. Letter agreement with Kentucky Utilities Company—delivery of power to Warren Rural Electric Cooperative Corporation for resale to Brown Badgett, Inc.; 3. Amendment to exploration and milling agreement between TVA and Federal-American Partners (formerly Utah International, Inc.)—milling of ores of Lucky Mc Uranium Corp.; 4. New power contract with the city of Russellville, Ala.; 5. Memorandum of Understanding between TVA and the Commonwealth of Kentucky for development and demonstration of energy technologies.
- G. Real property transactions—1. Abandonment of present access rights and acceptance of new access rights to a portion of

SUNSHINE ACT MEETINGS

Dyersburg Primary-Ridgely Transmission Line, tract DYC-28; 2. Filing of condemnation suits.

H. Unclassified—1. Financial statements for fiscal year 1977.

Dated: February 2, 1978.

The Board also will conduct the preliminary rate review. In connection with the Board's quarterly financial review, information concerning current and anticipated conditions and costs affecting TVA's power operations and the adequacy of revenues to meet the requirements of the TVA Act and the tests and provisions of its bond resolutions will be discussed with the Board. This information will be considered by the Board in its later determination as to whether an adjustment of the rates and charges for the sale of electric power will be necessary during the quarter beginning April 1, 1978. The Board will complete its quarterly review at the next meeting on Thursday, February 23, at 10:30 a.m. in Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

CONTACT PERSON FOR MORE INFORMATION:

John Van Moh, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tenn. Information also is available at TVA's Washington Office, 202-566-1401.

[S-277-78 Filed 2-3-78; 9:00 am]

[8240-01]

11

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: February 14, 1978, 9 a.m.

PLACE: Board Room, Room 2200, Trans Point Building, 2100 Second Street SW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED BY THE BOARD OF DIRECTORS:

Portions closed to the public (9 a.m.)

1. Consideration of internal personnel matters.
2. Review of ConRail proprietary and financial information for monitoring and investment purposes.
3. Review of Delaware & Hudson Railway Co. proprietary and financial information for monitoring and investment purposes.
4. Review of Missouri-Kansas-Texas Railroad Co. proprietary and financial information for monitoring and investment purposes.
5. Litigation report.

Portions open to the public (1 p.m.)

6. Approval of minutes of the January 19, 1978, Board of Directors meeting.
7. Report on ConRail monitoring.
8. Consideration of ConRail drawdown request for March 1978.
9. Status report on 211(h) loan program.
10. Missouri-Kansas-Texas Railroad Co. request for change in loan repayment schedule.
11. Status of advance to Delaware & Hudson Railway Co.
12. Contract actions (extensions and approvals).

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow, 202-426-4250.

[S-279-78 Filed 2-3-78; 11:22 am]

PAGE MISNUMBERED SHOULD READ PAGE 5132-5160

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TUESDAY, FEBRUARY 7, 1978
PART II



DEPARTMENT OF
THE INTERIOR

Heritage Conservation
And Recreation Service

NATIONAL REGISTER OF
HISTORIC PLACES

Annual Listing of Historic
Properties

NOTICES

[4310-70]

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Annual Listing of Historic Properties

Pursuant to the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.), the National Park Service, Department of the Interior, has undertaken steps to implement the purposes of that act through: (1) Expansion of the National Register of Historic Places, (2) initiating a program of grants-in-aid for historic preservation, and (3) adoption of procedures and criteria for furthering the National's historic preservation program.

It is the purpose of this notice, through publication of the information included herein, to apprise the

public, as well as governmental agencies, associations, and all other organizations and individuals interested in historic preservation, of the properties added to the National Register before December 31, 1977, and the properties determined eligible for inclusion in the National Register through December 1977.

WILLIAM J. MURTAGH,
Keeper of the National Register.

The following properties were listed on the National Register of Historic Places as of December 31, 1977. National Historic Landmarks are designated by NHL; properties recorded by Historic American Buildings Survey are designated by HABS; properties recorded by Historic American Engineering Record are designated by HAER; properties receiving National Park Service grants-in-aid for historic preservation are designated by G.

AA

exemptions

LIBRARY OF CONGRESS, 1st St. and Independence Ave., SE., NHL.
SUPREME COURT BUILDING, 1st and E. Capitol Sts., NE.,
UNITED STATES CAPITOL, Capitol Hill, NHL; HABS.
WHITE HOUSE, 1600 Pennsylvania Ave., NW.,

ALABAMA

autauga county

Prattville vicinity. *MONTGOMERY-WHITTAKER HOUSE (BUENA VISTA)*, S of Prattville off AL 14, (10-25-74) HABS.

baldwin county

Bridgehead vicinity. *BLAKELEY*, N of Bridgehead, (6-25-74)
Fort Morgan vicinity. *SAND ISLAND LIGHT*, SW of Fort Morgan off Mobile Point, (11-12-75)
Fort Morgan vicinity. *U.S.S. TECUMSEH*, NW of Fort Morgan in Mobile Bay, (5-14-75)
Gasque vicinity. *FORT MORGAN*, Western terminus of AL 180, (10-15-66) NHL.
Montrose. *MONTROSE HISTORIC DISTRICT*, Main (AL 42) and 2nd Sts., (6-3-76)
Stockton vicinity. *BOTTLE CREEK INDIAN MOUNDS*, (12-2-74)
Tensaw vicinity. *FORT MIMS SITE*, 3 mi. W of AL 59 near the Alabama River, (9-14-72)

barbour county

Clayton. *MILLER-MARTIN TOWN HOUSE*, Louisville Ave., (12-16-74)
Clayton. *PETTY-ROBERTS-BEATTY HOUSE (OCTAGON HOUSE)*, 103 N. Midway, (1-21-74)
Clayton vicinity. *CLAYTON, HENRY D., HOUSE*, 1 mi. S of Clayton off AL 30, (12-8-76) NHL.
Eufaula. *BRAY-BARRON HOUSE*, N. Eufaula Ave., (5-27-71)
Eufaula. *CATO HOUSE*, 823 W. Barbour St., (5-27-71)
Eufaula. *DREWRY-MITCHELL-MOORER HOUSE*, 640 N. Eufaula Ave., (4-13-72)
Eufaula. *FENDALL HALL*, Barbour St., (7-28-70) G.
Eufaula. *KENDALL MANOR*, 534 W. Broad St., (1-14-72)
Eufaula. *LORE HISTORIC DISTRICT*, Bounded by Eufaula Ave., and Browder, Livingston, and Barbour Sts., (12-12-73) HABS.
Eufaula. *MCNAB BANK BUILDING*, Broad St., (6-24-71)
Eufaula. *SHEPPARD COTTAGE*, E. Barbour St., (5-27-71)
Eufaula. *SHORTER MANSION*, 340 N. Eufaula Ave., (1-14-72)
Eufaula. *SPARKS, GOV. CHAUNCEY, HOUSE*, 257 Broad St., (6-28-72)
Eufaula. *TAVERN, THE (RIVER TAVERN)*, 105 Riverside Dr., (10-6-70) HABS.
Eufaula. *WELLBORN (WELBORN) HOUSE*, Livingston Ave., (7-14-71) HABS.

bibb county

Brierfield. *MONTEBRIER*, (4-2-73)
Brierfield vicinity. *BRIERFIELD FURNACE*, W of Brierfield, (11-20-74)

NOTICES

5163

blount county

Oneonta vicinity. *HORTON MILL COVERED BRIDGE*, 5 mi. N of Oneonta on Rte. 3, (12-29-70) G.

bullock county

Union Springs. *BULLOCK COUNTY COURTHOUSE HISTORIC DISTRICT*, N. Prairie St., (10-8-76)

calhoun county

Anniston. *ANNISTON INN KITCHEN*, 130 W. 15th St., (5-8-73)
Anniston. *CROWAN COTTAGE*, 1401 Woodstock Ave., (5-16-75)
Anniston. *NOBLE COTTAGE*, 900 Leighton Ave., (10-8-76)
Anniston. *U.S. POST OFFICE*, 1129 Noble St., (11-13-76)
Coldwater. *COLDWATER CREEK COVERED BRIDGE*, Spans Coldwater Creek 0.5 mi. from I 20, (4-11-73) (also in Talladega County)
Jacksonville. *FRANCIS, DR. J. C., OFFICE*, 100 Gayle St., (11-20-70) G.
Ohatchee vicinity. *JANNEY FURNACE*, 1 mi. NW of Ohatchee off AL 62, (9-28-76)

chambers county

LaFayette. *OLIVER, ERNEST MCCARTY, HOUSE*, LaFayette St., N. (U.S. 431), (1-21-74)

cherokee county

Cedar Bluff vicinity. *CORNWALL FURNACE*, 2 mi. N of Cedar Bluff, (9-27-72) G

chilton county

Verben. *VERBENA*, U.S. 31, (1-19-76)

clarke county

Grove Hill vicinity. *FORT SINQUEFIELD*, (12-31-74)

clay county

Ashland. *BLACK, HUGO, HOUSE*, S. 2nd St., E. (AL 77), (10-9-73)
Ashland. *CLAY COUNTY COURTHOUSE*, Courthouse Sq., (11-21-76)

cleburne county

Edwardsville vicinity. *SHOAL CREEK CHURCH*, 4 mi. NW of Edwardsville, on Forest Service Rd. 533 in Talladega National Forest, (12-4-74)
Heflin. *CLEBURNE COUNTY COURTHOUSE*, Vickory St., (6-22-76)

coffee county

Elba. *COFFEE COUNTY COURTHOUSE*, Courthouse Sq., (5-8-73)
Enterprise. *BOLL WEEVIL MONUMENT*, Main and College Sts., (4-26-73)
Enterprise. *SEABOARD COASTLINE DEPOT*, Corner of Railroad and W. College Sts., (8-7-74) G.

colbert county

Cherokee vicinity. *BARTON HALL*, 2.5 mi. W of Cherokee on U.S. 72, (11-7-73) NHL; HABS.
Cherokee vicinity. *BUZZARD ROOST*, 3 mi. W of Cherokee on U.S. 72, (11-7-76)
Florence vicinity. *WILSON DAM*, Tennessee River on AL 133, (11-13-66) NHL. (also in Lauderdale County)
Leighton vicinity. *LA GRANGE ROCK SHELTER*, SW of Leighton, (6-13-74)
Tuscumbia. *COLBERT COUNTY COURTHOUSE SQUARE HISTORIC DISTRICT*, (5-24-73) HABS.

Tuscumbia. *IVY GREEN (HELEN KELLER BIRTHPLACE)*, 300 W. North Common, (8-25-70)
Tuscumbia vicinity. *OAKS, THE (ABRAHAM RICKS HOUSE)*, SE of Tuscumbia off AL 157 on Ricks Lane, (11-7-76) HABS.

conecuh county

Evergreen. *LOUISVILLE AND NASHVILLE DEPOT*, SW end of Front St., (4-3-75) G.

coosa county

Rockford. *COOSA COUNTY JAIL*, Off AL 22, (6-20-74) G.

covington county

Opp. *SHEPARD, WILLIAM T., HOUSE*, Poley Rd., (8-14-73)

crenshaw county

Highland Home vicinity. *KIRKPATRICK HOUSE*, W of Highland Home on U.S. 331, (2-25-75)

cullman county

Cullman. *LOUISVILLE AND NASHVILLE RAILROAD DEPOT*, 309 1st Ave., NE., (6-17-76)
Cullman vicinity. *CLARKSON BRIDGE*, W of Cullman, (6-25-74)

dale county

Newton. *OATES-REYNOLDS MEMORIAL BUILDING*, Oates St., (6-13-74)
Ozark. *CLAYBANK LOG CHURCH*, E. Andrews Ave., (11-7-76)

dallas county

Selma. *DALLAS COUNTY COURTHOUSE*, 109 Union St., (6-20-75)
Selma. *MORGAN, JOHN TYLER, HOUSE*, 719 Tremont St., (9-27-72) HABS; G.
Selma. *ST. PAUL'S EPISCOPAL CHURCH*, 210 Lauderdale St., (3-25-75)
Selma. *STURDIVANT HALL (WATTS-PARKMAN-GILLMAN HOUSE)*, 713 Mabry St., (1-18-73) HABS.
Selma. *U.S. POST OFFICE BUILDING*, 908 Alabama Ave., (3-26-76)
Selma. *WATER AVENUE HISTORIC DISTRICT*, Water Ave., (12-26-72) HABS.
Selma vicinity. *CAHABA*, 11 mi. SW of Selma at jct. of Cahaba and Alabama Rivers, (5-8-73) HABS.
Selma vicinity. *VALLEY CREEK PRESBYTERIAN CHURCH*, N of Selma on Valley Creek Rd., (5-28-76)

dekalb county

Fort Payne. *ALABAMA GREAT SOUTHERN RAILROAD PASSENGER DEPOT*, NE 5th St., (9-10-71)
Fort Payne. *FORT PAYNE OPERA HOUSE*, 510 Gault Ave., N., (4-28-74)

elmore county

Wetumpka. *ALABAMA STATE PENITENTIARY*, NE of Wetumpka on U.S. 231, (5-8-73)
Wetumpka. *FIRST PRESBYTERIAN CHURCH OF WETUMPKA*, W. Bridge St., (10-8-76)
Wetumpka. *FIRST UNITED METHODIST CHURCH*, 308 Tuskeena St., (2-15-73) HABS.
Wetumpka. *WETUMPKA L & N DEPOT*, Coosa St., (7-1-75)
Wetumpka vicinity. *FORT TOULOUSE*, 4 mi. SW of Wetumpka at confluence of the Coosa and Tallapoosa rivers, (10-15-66) NHL; G.

etowah county

Gadsden. *ALABAMA CITY LIBRARY*, 1 Cabot Ave., (12-27-74)

FEDERAL REGISTER, VOL. 43, NO. 26—TUESDAY, FEBRUARY 7, 1978

FEDERAL REGISTER, VOL. 43, NO. 26—TUESDAY, FEBRUARY 7, 1978

Tuscaloosa. **BATTLE-FRIEDMAN HOUSE (FRIEDMAN CIVIC AND CULTURAL CENTER)**, 1010 Greensboro Ave., (1-14-72) HABS.
Tuscaloosa. **COLLIER-OVERBY HOUSE**, SE corner of 9th St. and 21st Ave., (7-14-71) HABS.
Tuscaloosa. **DRUID CITY HISTORIC DISTRICT**, Roughly bounded by 16th Ave., 21st St., Queen City Park, and 15th St., (2-24-75) HABS.

Tuscaloosa. **GORGAS-MANLY (UNIVERSITY OF ALABAMA) HISTORIC DISTRICT**, On the University of Alabama campus, (7-14-71) HABS.
Tuscaloosa. **GUILD-VERNER HOUSE**, 1904 University Ave., (12-4-73) g.
Tuscaloosa. **JEMISON-VANDEGRAAFF HOUSE (FRIEDMAN LIBRARY)**, 1305 Greensboro Ave., (4-19-72) HABS.
Tuscaloosa. **PRESIDENT'S MANSION**, University of Alabama campus, (1-14-72) HABS.
Tuscaloosa. **SEARCY HOUSE**, 2606 8th St., (4-21-75)
University. **OLD OBSERVATORY**, N of University Blvd., on University of Alabama campus, (1-14-72)

walker county

Cordova vicinity. **GILCHRIST HOUSE**, 12 mi. SW of Cordova on Pleasantfield-Evan-bridge Rd., (3-24-72)
Jasper. **BANKHEAD HOUSE**, 1400 7th Ave., (6-18-73)
Townley vicinity. **BOSHELL'S MILL**, N of Townley on AL 124, (5-30-75)

washington county

McIntosh vicinity. **MCINTOSH LOG CHURCH**, S of McIntosh off U.S. 43, (11-20-74)
St. Stephens vicinity. **OLD ST. STEPHENS SITE**, NE of St. Stephens, (12-29-70) g.

wilcox county

Camden. **WILCOX FEMALE INSTITUTE**, Church St., (4-3-75) HABS; G.

winston county

Houston. **HOUSTON JAIL**, Off U.S. 278 on SR 63, (6-5-75)

ALASKA

aleutian islands division

Ananiuliak Island. **ANANIULIAK ISLAND ARCHEOLOGICAL DISTRICT**, On Ananiuliak Island in the Aleutians, (3-24-72)
Dutch Harbor, Unalaska Island. **CHURCH OF THE HOLY ASCENSION**, Unalaska, (4-15-70) NHL; g.
Nikolski vicinity. **CHALUKA SITE**, Umnak Island, Aleutian Island, (10-15-66) NHL.
Pribilof Islands, St. Paul Island. **FUR SEAL ROOKERIES**, (10-15-66) NHL.

anchorage division

Eklutna. **OLD ST. NICHOLAS RUSSIAN ORTHODOX CHURCH**, Eklutna Village Rd., (3-24-72) g.

barrow division

Barrow vicinity. **BIRNIRK SITE**, 5 mi. NE of Barrow, (10-15-66) NHL.

cordova-mccarthy division

Cordova. **CORDOVA POST OFFICE AND COURTHOUSE**, 2nd St., (8-2-77)
Katalla. **BERING EXPEDITION LANDING SITE**, S of Katalla on Kayak Island, (7-20-77)

Katalla vicinity. **CAPE ST. ELIAS LIGHTHOUSE**, S of Katalla on Kayak Island, (12-18-75)

Katalla vicinity. **CHILKAT OIL COMPANY REFINERY SITE**, Katally Rd., in Chugach National Forest, (9-6-74)
Rip Rock vicinity, Hawkins Island. **PALUG-VIK SITE**, (10-15-66) NHL.

fairbanks division

College. **RAINEY'S CABIN**, University of Alaska campus, (11-20-75)
Fairbanks. **GEORGE C. THOMAS MEMORIAL LIBRARY**, 901 First Ave., (2-23-72) g.
Fairbanks. **HINKLEY-CREAMER DAIRY**, Between Farmer's Loop and College Rd., (7-13-77)
Fairbanks. **IMMACULATE CONCEPTION CHURCH**, 115 N. Cushman St., (4-3-76)
Fairbanks. **NENANA (steamer)**, Alaskaland, (6-27-72) g.
Fairbanks vicinity. **KINK, THE**, E of Fairbanks, part of North Fork of the Fortymile River, (11-20-75)

haines division

Chilkoot Pass vicinity. **CHILKOOT TRAIL**, Mile 0 to U.S./Canada border, (4-14-75)
Haines vicinity. **ELDRED ROCK LIGHTHOUSE**, S of Haines off Sullivan Island, (12-30-75)
Haines vicinity. **FORT WILLIAM H. SEWARD**, S of Haines at Port Chilkoot, (4-11-72) g.
Haines vicinity. **PLEASANT CAMP**, NW of Haines at Mile 40, Haines Hwy., (7-5-73)
Haines vicinity. **PORCUPINE DISTRICT**, W of Haines at Mile 35, Haines Hwy., (11-13-76)

juneau division

Juneau. **ALASKA GOVERNOR'S MANSION**, 716 Calhoun St., (11-7-76)
Juneau. **BERGMANN HOTEL**, 434 3rd St., (7-28-77)
Juneau. **ST. NICHOLAS RUSSIAN ORTHODOX CHURCH**, 326 5th St., (9-19-73) g.
Juneau. **WICKERSHAM HOUSE**, 213 7th St., (11-21-76)

kenai-cook inlet division

Homer vicinity. **CHUGACHIK ISLAND SITE**, Kachemak Bay, (8-19-76)
Kenai. **CHURCH OF THE ASSUMPTION OF THE VIRGIN MARY (RUSSIAN ORTHODOX MISSION CHURCH)**, E shore of Cook Inlet, (5-10-70) NHL.
Kenai vicinity. **HOLM, VICTOR, CABIN**, SW of Kenai on Cohoe Rd. at Kaslof River, (4-13-77)
Port Graham vicinity. **SELENIE LAGOON ARCHEOLOGICAL SITE**, NW of Port Graham, (10-16-74)
Yukon Island. **YUKON ISLAND MAIN SITE**, Kachemak Bay, Cook Inlet, (10-15-66) NHL.

ketchikan division

Ketchikan. **ALASKA TOTEMS**, (6-21-71) g.
Ketchikan vicinity. **TOTEM BIGHT STATE HISTORIC SITE (MUD BIGHT VILLAGE)**, W side of Revillagigedo Island, (10-27-70) g.

kobuk division

Kiana vicinity. **ONION PORTAGE ARCHEOLOGICAL DISTRICT**, E of Kiana on the Kobuk River, (6-20-72)
Kotzebue vicinity. **CAPE KRUSENSTERN ARCHEOLOGICAL DISTRICT**, NW of Kotzebue, (11-7-73) NHL.
Point Hope Peninsula. **IPUTAK SITE**, Tip of Point Hope, (10-15-66) NHL.

kodiak division

Kodiak. **HOLY RESURRECTION CHURCH**, Mission Rd. and Kashevaroff St., (12-12-77)
Kodiak Island. **ERSKINE HOUSE**, Main St. and Mission Rd., Kodiak, (10-15-66) NHL; g.
Kodiak Island. **FORT ABERCROMBIE STATE HISTORIC SITE**, About 5 mi. from Kodiak, (10-27-70)
Kodiak Island. **THREE SAINTS BAY SITE**, N of Cape Kasiak, (2-23-72)

kuskokwim division

Sleetmute vicinity. **KOLMAKOV REDOUBT SITE**, On E bank of the Kuskokwim River, (2-15-74)

matanuska-susitna division

Palmer vicinity. **INDEPENDENCE MINES**, W of Palmer, (10-9-74)
Wasilla. **WASILLA DEPOT**, Parks Highway and Knik Rd., (12-16-77)
Wasilla vicinity. **KNIK SITE**, About 15 mi. SW of Wasilla, Knik Rd., (7-24-73)

nome division

Cape Denbigh Peninsula. **IYATAYET SITE**, Norton Sound, (10-15-66) NHL.
Nome. **BERGER, JACOB, HOUSE (SALLY CARRIGHAR HOUSE)**, 1st Ave., (8-3-77)
Nome. **DONALDSON**, Belmont Point, (4-11-77)
Nome vicinity. **ANVIL CREEK GOLD DISCOVERY SITE**, 4 25 mi. N of Nome on Seward Peninsula at Anvil Creek, (10-15-66) NHL.
Nome vicinity. **CAPE NOME ROADHOUSE**, E of Nome at Mile 14 Nome-Council Hwy., (12-12-76)

Nome vicinity. **LINDBLOM, ERIK, PLACER CLAIM**, N of Nome, (11-21-76)
Nome vicinity. **SNOW CREEK PLACER CLAIM NO. 1**, N of Nome at Snow Gulch, (9-28-76)
St. Lawrence Island. **GAMBELL SITES**, Northwest Cape, (10-15-66) NHL.
St. Michael. **FORT ST. MICHAEL**, At St. Michael Bay, (11-10-77)
St. Michael. **ST. MICHAEL REDOUBT SITE**, At St. Michael Bay, (11-10-77)

Teller. **NORGE STORAGE SITE**, Grantley Harbor, (10-9-74)
Teller vicinity. **PILGRIM HOT SPRINGS**, E of Teller on Kugitrook Rd., (4-11-77)
Wales vicinity. **WALES SITES**, (10-15-66) NHL.

outer ketchikan division

Hyder. **STOREHOUSE NO. 4 (EAGLE POINT STOREHOUSE)**, International St., (8-13-76)
Ketchikan vicinity. **STOREHOUSE NO. 3**, NE of Ketchikan at Halibut Bay Estuary, (12-7-77)
Metlakatla. **DUNCAN, FATHER WILLIAM, HOUSE**, 5th Ave. and Atkinson St., (2-23-72)

seward division

Hope. **HOPE HISTORIC DISTRICT (HOPE CITY)**, Mile 17, Hope Rd., (4-25-72)
Lawing. **ALASKA NELLIE'S HOMESTEAD**, Mi. 23, Seward Hwy., (4-3-75)
Seward. **DIVERSION TUNNEL**, At Lowell Creek, (11-23-77)
Seward vicinity. **ALASKA CENTRAL RAILROAD: TUNNEL NO. 1**, N of Seward, (11-28-77)

sitka division

Sitka. **ALASKA NATIVE BROTHERHOOD HALL, SITKA CAMP NO. 1**, Katlean St., (2-23-72)
Sitka. **AMERICAN FLAG RAISING SITE**, Castle Hill, (10-15-66) NHL.
Sitka. **EMMONS HOUSE**, 601 Lincoln St., (12-16-77)
Sitka. **GOVERNMENT SCHOOL**, Katlian Way, (12-12-77)
Sitka. **MILLS, W. P., HOUSE**, 1 Maksoutoff St., (12-16-77)
Sitka. **RUSSIAN MISSION ORPHANAGE**, Lincoln and Monastery Sts., (10-16-66)
Sitka. **SHELDON JACKSON MUSEUM**, Lincoln St., (2-23-72)
Sitka. **ST. MICHAEL'S CATHEDRAL**, Lincoln and Maksoutoff Sts., (10-15-66) NHL; HABS; G.
Sitka, Baranof Island. **SITKA NATIONAL HISTORICAL PARK**, (10-15-66)

skagway-yakutat division

Skagway and vicinity. **SKAGWAY HISTORIC DISTRICT AND WHITE PASS**, Head of Taiya Inlet on Lynn Canal, (10-15-66) NHL.
Yakutat vicinity. **CAPE SPENCER LIGHTHOUSE**, S of Yakutat at entrance of Cross Sound, Glacier Bay NM, (12-4-75)
Yakutat vicinity. **NEW RUSSIA SITE**, SW of Yakutat on Phipps Peninsula, (2-23-72)

southeast fairbanks division

Big Delta. **RIKA'S LANDING ROADHOUSE**, Mile 252, Richardson Highway, (9-1-76)

upper yukon division

Arctic Village. **MISSION CHURCH**, E fork of Chandalar River, (4-11-77)
City of Eagle and vicinity. **EAGLE HISTORIC DISTRICT**, (10-27-70) g.
Flaxman Island. **LEFFINGWELL CAMP**, 58 mi. W of Barter Island on Arctic coast, (6-21-71)

valdez-chitina-whittier division

Chitina vicinity. **COPPER RIVER AND NORTHWESTERN RAILWAY**, Beginning at Chitina and following the Copper River to Tasuna River, (4-24-73)
Gakona. **GAKONA ROADHOUSE**, Mile 205 Glenn Highway, (8-3-77)
Gakona vicinity. **SOURDOUGH LODGE**, AK 4 (Richardson Hwy.), (10-1-74) g.
Paxson vicinity. **TANGLE LAKES ARCHEOLOGICAL DISTRICT**, Denali Hwy., western boundary 40 mi. W of Paxson, (11-12-71) g.

wrangell-petersburg division

Wrangell. **CHIEF SHAKES HISTORIC SITE**, Shakes Island, (10-27-70)

yukon-koyukuk division

Gold Creek vicinity. **SUSITNA RIVER BRIDGE**, N of Gold Creek, (9-15-77)
Healy vicinity. **MINE SAFETY CAR 5**, E of Healy at Usibelli-Suntrana Spur 99787, (9-15-77)
Lignite vicinity. **DRY CREEK ARCHEOLOGICAL SITE**, (9-6-74) g.
Nenana. **NENANA DEPOT**, A St., (8-10-77)
Tanana. **TANANA MISSION**, E of Tanana, (8-3-77)
Toklat vicinity. **TEKLANIA ARCHEOLOGICAL DISTRICT**, NE of Toklat in Mount McKinley National Park, (1-31-76)

AMERICAN SAMOA

eastern district, tutuila island

Fagatogo. **COURTHOUSE OF AMERICAN SAMOA**, (2-12-74) g.

Fagatogo. **NAVY BUILDING 38**, (3-16-72)
Fagatogo. **NAVY BUILDING 43 (POST OFFICE AND COMMISSARY)**, (3-16-72)
Pago Pago. **GOVERNMENT HOUSE**, Togotogo Ridge, (3-16-72)
Pago Pago Harbor. **BLUNTS POINT NAVAL GUN (MATAUTU RIDGE GUN SITE)**, Matautu Ridge, (4-26-73)

western district, tutuila island

Aasu. **AASU (MASSACRE BAY)**, (4-13-73)
Afao. **ATAULOMA GIRLS SCHOOL**, W edge of Afao, (3-16-72) g.
Leone vicinity. **FAGALELE BOYS SCHOOL**, S of Leone, (3-16-72)

ARIZONA

apache county

Adamana vicinity. **FLATTOP SITE**, S of Adamana off U.S. 180 in Petrified Forest National Park, (7-12-76)
Adamana vicinity. **NEWSPAPER ROCK PETROGLYPHS ARCHEOLOGICAL DISTRICT**, SE of Adamana in Petrified Forest National Park, (7-12-76)
Adamana vicinity. **PUERCO RUIN AND PETROGLYPHS**, E of Adamana in Petrified Forest National Park, (7-12-76)
Adamana vicinity. **TWIN BUTTES ARCHEOLOGICAL DISTRICT**, S of Adamana in Petrified Forest National Park, (7-12-76)
Chinle. **CANYON DE CHELLY NATIONAL MONUMENT**, E side of Chinle, (8-25-70)
Ganado. **HUBBELL TRADING POST NATIONAL HISTORIC SITE**, W side of Ganado, (10-15-66)
Holbrook vicinity. **THIRTY-FIFTH PARALLEL ROUTE**, 25 mi. E of Holbrook off I 40, (12-6-77)

Navajo vicinity. **PAINTED DESERT INN**, W of Navajo in Petrified Forest National Park, (10-10-75)
Springerville vicinity. **CASA MALPAIS SITE**, (10-15-66) NHL.
St. Johns. **BARTH HOTEL**, 187 E. Commercial St., (9-5-75)
Window Rock vicinity. **ST. MICHAEL'S MISSION**, N of Window Rock off AZ 264, (5-29-75) g.

cochise county

Bisbee. **PHILPS DODGE GENERAL OFFICE BUILDING**, Copper Queen Plaza, intersection of Main St. and Brewery Gulch, (6-3-71) g.
Bisbee vicinity. **CORONADO NATIONAL MEMORIAL**, 30 mi. SW of Bisbee, (10-15-66)
Bisbee vicinity. **LEHNER MAMMOTH-KILL SITE**, (5-28-67) NHL.
Bowie vicinity. **FORT BOWIE NATIONAL HISTORIC SITE**, 12 mi. S of Bowie, (7-29-72)
Cochise. **COCHISE HOTEL**, Off U.S. 666, (10-22-76)
Douglas. **DOUGLAS MUNICIPAL AIRPORT**, E end of 10th Ave., (12-30-75)
Douglas. **GADSDEN HOTEL**, 1046 G. Ave., (7-30-76)
Douglas. **GRAND THEATRE**, 1139-1149 G. Ave., (7-30-76)
Douglas vicinity. **DOUBLE ADOBE SITE**, (10-15-66) NHL.
Douglas vicinity. **SAN BERNARDINO RANCH**, 17 mi. E of Douglas on the international boundary, (10-15-66) NHL.
Fairbank vicinity. **QUIBURI**, (4-7-71) HABS.
Naco vicinity. **NACO MAMMOTH-KILL SITE**, NW of Naco, (7-21-75)

Sierra Vista. **GARDEN CANYON PETROGLYPHS**, Fort Huachuca, (7-30-74)
Sierra Vista vicinity. **FORT HUACHUCA**, 3.6 mi. W of Sierra Vista, (11-20-74) NHL.
Sierra Vista vicinity. **GARDEN CANYON ARCHEOLOGICAL SITE**, S of Sierra Vista off AZ 92 on Fort Huachuca Military Reservation, (10-29-75)
Tombstone. **ST. PAUL'S EPISCOPAL CHURCH**, Safford and 3rd Sts., (9-22-71)
Tombstone. **TOMBSTONE CITY HALL**, 315 E. Fremont St., (2-1-72) HABS.
Tombstone. **TOMBSTONE COURTHOUSE**, 219 E. Toughnut, (4-13-72) HABS.
Tombstone. **TOMBSTONE HISTORIC DISTRICT**, (10-15-66) NHL; HABS; G.
Wilcox vicinity. **STAFFORD CABIN**, 30 mi. SE of Wilcox in Chiricahua National Monument, (3-31-75)

coconino county

Ash Fork vicinity. **ASH FORK STEEL DAM**, E of Ash Fork off U.S. 66/89, (7-30-76)
Flagstaff. **BANK HOTEL**, Santa Fe and Leroux St., (12-7-77)
Flagstaff vicinity. **HOMESTEAD, THE**, 3 mi. N of Flagstaff on U.S. 180, (5-27-75)
Flagstaff vicinity. **LOWELL OBSERVATORY**, 1 mi. W of Flagstaff on Mars Hill, (10-15-66) NHL.
Flagstaff vicinity. **MERRIAM, C. HART, BASE CAMP SITE**, 20 mi. NW of Flagstaff in Coconino National Forest, (10-15-66) NHL.
Flagstaff vicinity. **OLD HEADQUARTERS**, 2 mi. E of Flagstaff in Walnut Canyon National Monument, (3-31-75)
Flagstaff vicinity. **WALNUT CANYON NATIONAL MONUMENT**, 8 mi. E of Flagstaff off U.S. 66, (10-15-66)
Flagstaff vicinity. **WUPATKI NATIONAL MONUMENT**, 30 mi. N of Flagstaff off U.S. 89, (10-15-66)
Grand Canyon. **EL TOVAR HOTEL**, Grand Canyon National Park, Rte. 8A, (9-6-74)
Grand Canyon. **EL TOVAR STABLES**, Off Grand Canyon National Park Rte. 8A, (9-6-74)
Grand Canyon. **GRAND CANYON RAILROAD STATION**, Grand Canyon National Park Rte. 8A, (9-6-74)
Grand Canyon. **GRAND CANYON VILLAGE HISTORIC DISTRICT**, AZ 64, (11-20-75)
Grand Canyon. **GRANDVIEW MINE**, Grand Canyon National Park, (7-9-74)
Grand Canyon. **HERMITS REST CONCESSION BUILDING**, Grand Canyon National Park, (8-7-74)
Grand Canyon. **O'NEILL, BUCKEY, CABIN**, Off AZ 64 in Grand Canyon National Park, (10-29-75)
Grand Canyon. **RANGER'S DORMITORY**, Off AZ 64 in Grand Canyon National Park, (9-5-75)
Grand Canyon. **SUPERINTENDENT'S RESIDENCE**, Off Rte. 8A, in Grand Canyon National Park, (9-6-74)
Grand Canyon. **WATER RECLAMATION PLANT**, S of Grand Canyon National Park, Rte. 8A, (9-6-74)
Grand Canyon National Park. **TUSAYAN RUINS**, (7-10-74)
Kayenta vicinity. **NAVAJO NATIONAL MONUMENT**, 30 mi. SW of Kayenta, (10-15-66) (also in Navajo County)
Page vicinity. **LEES FERRY**, SW of Page at Colorado River, (3-15-76)
Sedona vicinity. **MAYHEW'S LODGE (THOMAS HOUSE)**, 10.5 mi. N of Sedona on U.S. 89A, (2-13-75)
Winona vicinity. **WINONA**, Coconino National Forest, (10-15-66) NHL.

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Winslow vicinity. *CHAVEZ PASS PUEBLO SITE*, (8-2-77)

gila county

Globe. *GILA COUNTY COURTHOUSE*, Oak and Broad Sts., (5-27-75)

Globe. *ST. JOHN'S EPISCOPAL CHURCH*, 175 E. Oak St., (11-22-77)

Globe vicinity. *GILA PUEBLO*, S of Globe, (11-17-77)

Globe vicinity. *ROOSEVELT DAM*, Salt River, 31 mi. NW of Globe on AZ 88, in Tonto National Forest, (10-15-66) NHL (also in maricopa county)

Globe vicinity. *TONTO NATIONAL MONUMENT*, 28 mi. NW of Globe on AZ 88, (10-15-66)

Kohl's Ranch vicinity. *ZANE GREY LODGE*, N of Kohl's Ranch off AZ 260, (5-31-74)

Whiteriver vicinity. *KINISHBA RUINS*, (10-15-66) NHL

graham county

Bonita vicinity. *SIERRA BONITA RANCH*, SW of Bonita, (10-15-66) NHL

Morenci vicinity. *POINT OF PINES*, San Carlos Indian Reservation, (10-15-66) NHL

Safford vicinity. *KEARNY CAMPSITE AND TRAIL*, NE of Safford off U.S. 666, (10-9-74)

Willcox vicinity. *POWER'S CABIN*, NW of Willcox in Coronado National Forest, (8-13-75)

greenlee county

Clifton vicinity. *POTTER, DELL, RANCH HOUSE*, N of Clifton, (8-3-77)

maricopa county

ROOSEVELT DAM, Reference—see *Gila County*

Carefree. *BRAZALETES PUEBLO SITE*, NE of Carefree in Tonto National Forest, (1-17-75)

Gila Bend vicinity. *FORTALEZA*, Gila Bend Indian Reservation, (6-23-69)

Gila Bend vicinity. *GATLIN SITE*, (10-15-66) NHL

Mesa. *PARK OF THE CANALS*, Along Horne Rd. N from Utah Ditch S to Mesa-Consolidated Canal, (5-30-75)

Phoenix. *ARIZONA STATE CAPITOL BUILDING*, 1700 W. Washington St., (10-29-74)

Phoenix. *EVANS HOUSE*, 1108 W. Washington, (9-1-76) HABS

Phoenix. *HOHOKAM-PIMA IRRIGATION SITES*, Park of the Four Waters, (10-15-66) NHL (also in Pinal County)

Phoenix. *MONROE SCHOOL*, 215 N. 7th St., (8-26-77)

Phoenix. *PHOENIX CARNEGIE LIBRARY AND LIBRARY PARK*, 1101 W. Washington St., (11-19-74)

Phoenix. *PUEBLO GRANDE RUIN*, (10-15-66) NHL; G.

Phoenix. *ROSSON, DR. ROLAND LEE, HOUSE*, 139 N. 6th St., (6-3-71) HABS; G.

Scottsdale vicinity. *TALIESIN WEST*, N of jct. of Shea Blvd. and 108th St., (2-12-74)

Tempe. *FARMER-GOODWIN HOUSE (HIRAM B. FARMER HOUSE)*, 820 Farmer Ave., (12-26-72)

Tempe. *HACKETT, ROY, HOUSE*, 401 and 405 Maple St., (12-4-74)

Theba vicinity. *PAINTED ROCKS*, W of Theba, (11-25-77)

mohave county

Colorado City vicinity. *ANTELOPE CAVE*, 17 mi. SW of Colorado City off AZ 389, (10-10-75)

NOTICES

Fredonia vicinity. *PIPE SPRING NATIONAL MONUMENT*, 15 mi. SW of Fredonia, (10-15-66)

Kingman. *BONELLI HOUSE*, Spring and 5th Sts., (4-24-75) G.

Kingman vicinity. *CAMP BEALE SPRINGS*, Ft. Beale Dr. and Wagon Trail Rd., (7-18-74)

navajo county

NAVAJO NATIONAL MONUMENT, Reference—see *Coconino County*

Holbrook vicinity. *AGATE HOUSE PUEBLO*, E of Holbrook in Petrified Forest National Park, (10-6-75)

Holbrook vicinity. *PAINTED DESERT PETROGLYPHS AND RUINS*

Keams Canyon vicinity. *AWATOWI RUINS*, Hopi Indian Reservation, (10-15-66) NHL

Oraibi vicinity. *OLD ORAIBI*, Hopi Indian Reservation, (10-15-66) NHL

Snowflake. *FLAKE, JAMES M., HOUSE*, Stinson and Hunt Sts., (7-14-71)

Snowflake. *SMITH, JESSE N., HOUSE (PIONEER MEMORIAL HOME)*, 203 W. Smith Ave., (7-14-71)

Whiteriver vicinity. *FORT APACHE HISTORIC DISTRICT*, S of Whiteriver off AZ 73 on Fort Apache Indian Reservation, (10-14-76)

pima county

Greaterville vicinity. *EMPIRE RANCH*, 6 mi. E of Greaterville, (5-30-75)

Santa Rosa vicinity. *VENTANA CAVE*, Papago Indian Reservation, (10-15-66) NHL

Tucson. *ARMORY PARK HISTORIC RESIDENTIAL DISTRICT*, E. 12th St. to 19th St., Stone Ave. to 2nd Ave., (7-30-76)

Tucson. *CORDOVA HOUSE*, 173-177 N. Meyer Ave., (5-4-72) G.

Tucson. *EL PRESIDIO HISTORIC DISTRICT*, Roughly bounded by W. 6th, W. Alameda Sts., N. Stone Ave. and Granada Ave. (both sides), (9-27-76) G.

Tucson. *EL TIRADITO (WISHING SHRINE)*, 221 S. Main St., (11-19-71) G.

Tucson. *FREMONT HOUSE*, 145-153 S. Main St., (6-3-71) G.

Tucson. *OLD ADOBE PATIO (CHARLES O. BROWN HOUSE)*, 40 W. Broadway, (6-3-71)

Tucson. *OLD MAIN, UNIVERSITY OF ARIZONA*, University of Arizona campus, (4-13-72) HABS

Tucson. *VELASCO HOUSE*, 471-475-477 S. Stone Ave. and 522 S. Russell St., (3-5-74) G.

Tucson. *WARNER, SOLOMON, HOUSE AND MILL*, 350 S. Grand Ave., (6-3-76)

Tucson vicinity. *COCORAQUE BUTTE ARCHEOLOGICAL DISTRICT*, W of Tucson, (10-10-75)

Tucson vicinity. *DESERT LABORATORY*, W of Tucson off W. Anklam Rd. on Tumamoc Hill, (10-15-66) NHL

Tucson vicinity. *MANNING CABIN*, 10 mi. E of Tucson in Saguaro National Monument, (3-31-75)

Tucson vicinity. *SAN XAVIER DEL BAC*, 9 mi. S of Tucson via Mission Rd., (10-15-66) NHL; HABS

Tucson vicinity. *SANTA ANA DEL CHIQUIBURITAC MISSION SITE*, NW of Tucson, (9-18-75)

pinal county

HOHOKAM-PIMA IRRIGATION SITES, Reference—see *Maricopa County*

HOHOKAM-PIMA NATIONAL MONUMENT, (7-19-64) NHL

Coolidge vicinity. *CASA GRANDE NATIONAL MONUMENT*, (10-15-66)

Florence. *FIRST FLORENCE COURTHOUSE*, 5th and Main Sts., (7-30-74) G.

Florence vicinity. *ADAMSVILLE RUIN*, (8-25-70)

Florence vicinity. *BUTTE-COCHRAN CHARCOAL OVENS*, 16 mi. E of Florence N of Gila River, (5-30-75)

Sacaton. *C. H. COOK MEMORIAL CHURCH*, Church St., (8-28-75)

Superior vicinity. *THOMPSON, BOYCE, SOUTHWESTERN ARBORETUM*, 2 mi. W of Superior on U.S. 60/70, (3-26-76)

santa cruz county

Nogales. *SANTA CRUZ COUNTY COURTHOUSE*, Court and Morley Sts., (12-7-77)

Nogales vicinity. *CALABASAS*, (6-3-71) HABS

Nogales vicinity. *GUEVAVI MISSION RUINS*, 6 mi. N of U.S.-Mexican border, (11-5-71)

Nogales vicinity. *KITCHEN, PETE, RANCH*, 3.5 mi. N of Nogales off U.S. 89, (2-20-75) HABS; G.

Nogales vicinity. *TUMACACORI NATIONAL MONUMENT*, 18 mi. N of Nogales on I 19, (10-15-66)

Patagonia vicinity. *FINLEY, JAMES, HOUSE*, 7.2 mi. SW of Patagonia in Coronado National Forest, (11-19-74)

Ruby and vicinity. *RUBY*, N of U.S./Mexico border between Ruby and Montana peaks, (4-28-75)

Tubac. *OLD TUBAC SCHOOLHOUSE*, (11-10-70)

Tubac. *TUBAC PRESIDIO*, Broadway and River Rd., (12-2-70) G.

yavapai county

Camp Verde. *FORT VERDE DISTRICT*, Bounded by Hance, Coppinger, and Woods Sts., (10-7-71) HABS; G.

Camp Verde vicinity. *CLEAR CREEK CHURCH*, 3.5 mi. SE of Camp Verde, (8-6-75)

Camp Verde vicinity. *CLEAR CREEK PUEBLO AND CAVES*, 4 mi. SE of Camp Verde in Coconino National Forest, (2-10-75)

Clarkdale vicinity. *HATALACVA RUIN*, (7-24-74)

Clarkdale vicinity. *TUZIGOOT NATIONAL MONUMENT*, 2 mi. E of Clarkdale, (10-15-66)

Flagstaff vicinity. *MONTEZUMA CASTLE NATIONAL MONUMENT*, 40 mi. S of Flagstaff on I 17, (10-15-66)

Humboldt vicinity. *WOOLSEY RANCHHOUSE RUINS*, N of Humboldt off AZ 69, (11-7-77)

Jerome. *JEROME HISTORIC DISTRICT*, (11-13-66) NHL; G.

Phoenix vicinity. *PERRY MESA ARCHEOLOGICAL DISTRICT*, N of Phoenix off I 17, (11-20-75)

Prescott. *OLD GOVERNOR'S MANSION*, 400 block of W. Gurley, (9-10-71) HABS

Prescott. *PRESCOTT PUBLIC LIBRARY*, 125 E. Gurley St., (5-28-75) G.

Prescott. *YAVAPAI COUNTY COURTHOUSE*, Courthouse Sq., (4-13-77)

Prescott vicinity. *PALACE STATION DISTRICT*, 23 mi. S of Prescott in Prescott National Forest, (4-30-76)

Prescott vicinity. *WALKER CHARCOAL KILN*, SE of Prescott on Prescott National Forest, (10-8-76)

Rimrock vicinity. *SACRED MOUNTAIN (IDA RUIN AND WHITE HILL)*, E of Rimrock

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off I 17 in Coconino National Forest, (3-4-75)

Sedona vicinity. *LOY BUTTE PUEBLO*, 18 mi. NW of Sedona in Coconino National Forest, (2-10-75)

yuma county

Ehrenberg vicinity. *OLD LA PAZ (LAGUNA DE LA PAZ)*, Colorado River Indian Tribes Reservation, (8-25-70) G.

Ehrenberg vicinity. *RIPLEY INTAGLIOS*, S of Ehrenberg near Colorado River, (11-20-75)

Parker. *PARKER JAIL*, N side of Agency Rd. in Pop Harvey Park, (4-3-75)

Parker vicinity. *OLD PRESBYTERIAN CHURCH (MOJAVE INDIAN PRESBYTERIAN MISSION CHURCH)*, SW of Parker on 2nd Ave., (6-3-71)

Wenden vicinity. *HARQUAHALA PEAK OBSERVATORY*, E of Wenden off U.S. 60, (10-3-75)

Yuma. *SOUTHERN PACIFIC RAILROAD DEPOT*, Gila St., (6-22-76)

Yuma. *YUMA CROSSING AND ASSOCIATED SITES*, (11-13-66) NHL; G. (also in Imperial County, CA)

Yuma vicinity. *SAN YSIDRO HACIENDA*, E of Yuma off U.S. 95, (10-10-75)

ARKANSAS

arkansas county

DeWitt. *HALLIBURTON HOUSE*, 300 W. Halliburton St., (11-5-74)

Gillett vicinity. *ARKANSAS POST NATIONAL MEMORIAL*, 8 mi. SE of Gillett on AR 1 and 169, (10-15-66)

St. Charles. *ST. CHARLES BATTLE SITE*, Jct. of AR 1 and the White River, (12-2-74)

Tichnor vicinity. *ROLAND SITE*, 5 mi. E of Tichnor, (5-2-75)

ashley county

Hamburg. *WATSON HOUSE*, 300 N. Cherry, (12-28-77)

Hamburg. *WATSON-SAWYER HOUSE*, 502 E. Parker, (12-6-75)

baxter county

Mountain Home. *CASEY HOUSE*, Fairgrounds off U.S. 62, (12-4-75)

Norfolk. *WOLF, JACOB, HOUSE*, On AR 5, W of fork of the White and North Fork Rivers, (4-13-73)

benton county

Pea Ridge. *PEA RIDGE NATIONAL MILITARY PARK*, (10-15-66)

Rogers. *MUTUAL AID UNION BUILDING*, 2nd and Poplar Sts., (10-14-76)

Rogers. *ST. LOUIS-SAN FRANCISCO PASSENGER DEPOT*, 1st and Cherry Sts., (8-15-77)

Siloam Springs. *SAGER, SIMON, CABIN*, John Brown University campus, (1-30-76)

boone county

Harrison. *BOONE COUNTY COURTHOUSE*, Courthouse Sq., (7-21-76)

Harrison. *BOONE COUNTY JAIL*, Central Ave. and Willow St., (12-12-76)

bradley county

Warren. *BAILEY HOUSE*, 302 Chestnut St., (8-28-75)

Warren. *BRADLEY COUNTY COURTHOUSE AND CLERK'S OFFICE*, Courthouse Sq., (12-12-76)

Warren. *WARREN AND OUACHITA VALLEY RAILWAY STATION*, 325 W. Cedar St., (8-3-77)

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craighead county

Jonesboro. *BELL HOUSE*, 303 W. Cherry St., (11-7-76)

Jonesboro. *FRIERSON HOUSE*, 1112 S. Main St., (4-24-73)

crawford county

Chester. *YOE, COL. JACOB, BUILDING*, Front St., (6-5-75)

Van Buren. *BURNS, BOB, HOUSE*, 821 Jefferson, (4-30-76)

Van Buren. *DRENNEN-SCOTT HOUSE*, Drennen Reserve, N. 3rd St., (9-10-71)

Van Buren. *DUNHAM, JOSEPH STARR, HOUSE*, 418 Broadway, (5-3-76)

Van Buren. *MILLS, HENRY CLAY, HOUSE*, 425 N. 15th St., (12-16-77)

Van Buren. *MOUNT OLIVE UNITED METHODIST CHURCH*, Lafayette and Knox Sts., (7-30-76)

Van Buren. *VAN BUREN HISTORIC DISTRICT*, Main St., bounded by Cane Hill St. and the Arkansas River, (4-30-76)

Van Buren. *WILHAUF HOUSE*, 109 N. 3rd St., (8-27-74)

crittenden county

Marion. *CRITTENDEN COUNTY COURTHOUSE*, 85 Jackson St., (8-3-77)

cross county

Parkin vicinity. *PARKIN INDIAN MOUND*, N edge of Parkin, (10-15-66) NHL

dallas county

Leola vicinity. *BIRD KILN*, 6 mi. SW of Leola off AR 9, (5-29-75)

Princeton vicinity. *CULBERTSON KILN*, E of Princeton on Stark Bland Rd., (5-29-75)

Tulip vicinity. *WELCH POTTERY WORKS*, S of Tulip, (5-12-75)

Wave vicinity. *WOMMACK KILN*, SE of Wave on Wave Rd., (6-10-75)

desha county

Arkansas City. *DESHA COUNTY COURTHOUSE*, Robert S. Moore Ave., (7-12-76)

Rohwer. *ROHWER RELOCATION CENTER SITE (NISEI CAMP)*, AR 1, (7-30-74)

drew county

Monticello. *HOTCHKISS HOUSE*, 509 N. Boyd St., (12-12-76)

Selma. *SELMA METHODIST CHURCH*, N of AR 4 in town of Selma, (9-22-72)

faulkner county

Conway. *MAIN HALL, CENTRAL COLLEGE*, 1509 College Ave., (12-6-76)

Conway vicinity. *CADRON SETTLEMENT*, W of Conway on Arkansas River, (5-17-74)

franklin county

Altus vicinity. *OUR LADY OF PERPETUAL HELP CHURCH*, N of Altus, (5-3-76)

Altus vicinity. *WIEDERKEHR WINE CELLAR*, N of Altus at St. Mary's Mountain, (5-2-77)

Charleston. *FRANKLIN COUNTY COURTHOUSE, SOUTHERN DISTRICT*, AR 22, (10-18-76)

Ozark vicinity. *THE CABINS (DEANE SUMMER HOUSE)*, W of Ozark on AR 219, (4-13-77)

fulton county

Gepp vicinity. *COUNTY LINE SCHOOL AND LODGE*, NW of Gepp on E side of Baxter-Fulton county line, 2 mi. S of state line, (3-27-75)

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garland county

Hot Springs. **BATHHOUSE ROW**, Central Ave. between Reserve and Fountain Sts., in Hot Springs National Park, (11-13-74)
Hot Springs. **PASSMORE HOUSE**, 846 Park Ave., (10-8-76)
Hot Springs. **SHORT-DODSON HOUSE**, 755 Park Ave., (5-3-76)
Hot Springs. **STITT HOUSE**, 824 Park Ave., (5-3-76)
Hot Springs. **WILDWOOD**, 808 Park Ave., (10-8-76)

grant county

Leola vicinity. **JENKINS' FERRY BATTLEGROUND (BATTLE OF JENKINS' FERRY STATE PARK)**, NE of Leola on AR 46, (1-21-70)

Paragould. **GREENE COUNTY COURTHOUSE**, Courtsquare, (8-11-76)

hempstead county

Hope. **MCRAE, K. G., HOUSE**, 3rd and Edgewood Sts., (5-4-76)
Hope. **ST. MARK'S EPISCOPAL CHURCH**, 3rd and Elm St., (5-6-76)
Ozan vicinity. **GOODLETT GIN**, 3 mi. W of Ozan on AR 4, (1-17-75)
Washington. **CONFEDERATE STATE CAPITOL (HEMPSTEAD COUNTY COURTHOUSE)**, Main St., (5-19-72) HABS.
Washington. **ROYSTON, GRANDISON D., HOUSE**, Alexander St., SW of Columbus St., (6-21-71) HABS; G.
Washington. **WASHINGTON HISTORIC DISTRICT**, Boundaries correspond to original 1824 plat of city, (6-20-72) G.

hot spring county

Malvern vicinity. **LAKE CATHERINE QUARRY**, NW of Malvern off U.S. 270, (9-11-75)
Saginaw vicinity. **MORRISON PLANTATION SMOKEHOUSE**, off I 30, (12-28-77)
Social Hill vicinity. **BLAKELY HOUSE**, W of Social Hill on AR 84, (5-3-76)

howard county

Center Point. **CLARDY-LEE HOUSE**, AR 26, (11-10-77)
Center Point vicinity. **BOYD, ADAM, HOUSE**, E of Center Point on AR 26, (5-13-76)
Center Point vicinity. **EBENEZER CAMPGROUND**, N of Center Point off AR 4, (3-26-76)
Center Point vicinity. **RUSSEY HOUSE**, S of Center Point on AR 4, (5-4-76)
Nashville. **FIRST PRESBYTERIAN CHURCH**, 2nd and Hempstead Sts., (5-4-76)

independence county

Batesville. **COOK-MORROW HOUSE**, 875 Main St., (7-29-77)
Batesville. **GARROTT HOUSE**, 561 E. Main St., (6-24-71)
Batesville. **GLENN HOUSE**, 653 Water St., (5-2-75)
Batesville. **HANDFORD, CHARLES R., HOUSE**, 658 E. Boswell St., (5-2-75)
Batesville. **HANDFORD, JAMES S., HOUSE**, 659 E. Boswell St., (5-2-75)
Batesville. **MAXFIELD, URIAH, HOUSE**, 410 E. Harrison St., (5-2-75)
Batesville. **MORROW HALL**, 7th and Boswell Sts., (10-18-72)
Batesville. **WYCOUGH-JONES HOUSE**, 683 Water St., (5-2-75)
Batesville vicinity. **SPRING MILL**, NW of Batesville on AR 69, (3-1-74)
Newark. **DEARING HOUSE**, AR 122, (5-3-76)

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izard county

Melbourne vicinity. **PHILADELPHIA METHODIST CHURCH**, N of Melbourne, (9-29-76)

jackson county

Jacksonport. **JACKSONPORT STATE PARK**, Between Dillard St. and the White River, (1-21-70)
Newport. **EMPIE-VAN DYKE HOUSE**, 403 Laurel, (12-28-77)
Newport. **JACKSON COUNTY COURTHOUSE**, U.S. 67, (11-18-76) G.

jefferson county

Alzheimer vicinity. **LAKE DICK**, 4 mi. S of Alzheimer off AR 88, (7-3-75)
Pine Bluff. **DILLEY HOUSE**, 656 Laurel St., (8-3-77)
Pine Bluff. **DUBOCAGE**, 1115 W. 4th St., (6-24-74)
Pine Bluff. **HUDSON-GRACE-BORRESON HOUSE**, 716 W. Baroque, (6-24-71)
Pine Bluff. **KNOX, R. M., HOUSE**, 1504 W. 6th St., (6-5-75)
Pine Bluff. **MACMILLAN-DILLEY HOUSE**, 407 Martin Ave., (12-12-76)
Pine Bluff. **ROTH-ROSENZWEIG HOUSE**, 717 W. 2nd Ave., (12-12-76)
Pine Bluff. **TRINITY EPISCOPAL CHURCH**, 3rd and Oak Sts., (7-30-74)
Pine Bluff vicinity. **PLUM BAYOU HOMESTEADS (WRIGHT PLANTATION)**, N of Pine Bluff, E of Arkansas River, includes town of Wright and its environs, (6-5-75)
Redfield vicinity. **DOLLARWAY ROAD**, S of Redfield off U.S. 65, (5-17-74)

johnson county

Clarksville. **MCKENNON, CAPT. ARCHIBALD S., HOUSE**, 215 N. Central, (1-1-76)

lafayette county

Bradley vicinity. **CONWAY CEMETERY**, W of Bradley, (11-23-77)

lawrence county

Clover Bend vicinity. **FRENCH, ALICE, HOUSE**, AR 28, (1-11-76)
Powhatan. **POWHATAN COURTHOUSE**, (2-16-70) G.
Powhatan. **POWHATAN METHODIST CHURCH**, AR 25, (11-23-77)

lee county

Blackton vicinity. **LOUISIANA PURCHASE SURVEY MARKER**, SE of Blackton at corner of Monroe and Phillips counties, (2-23-72) (also in Monroe and Phillips counties)
Marianna. **MCCLINTOCK HOUSE**, 82 W. Main St., (12-28-77)

lincoln county

Star City vicinity. **CROW HOUSE**, 7 mi. SE of Star City, (6-29-76)

little river county

Ashdown. **LITTLE RIVER COUNTY COURTHOUSE**, Main and 2nd Sts., (9-29-76)

logan county

New Blaine. **ELIZABETH HALL**, Off AR 22, (5-4-76)
Paris. **LOGAN COUNTY COURTHOUSE**, **EASTERN DISTRICT**, Courthouse Sq., (7-30-76)

lonoke county

Lonoke. **BOYD, THOMAS SLOAN, HOUSE**, 220 Park Ave., (1-1-76)
Scott vicinity. **ASHLEY-ALEXANDER HOUSE**, N of Scott, (6-18-76)
Scott vicinity. **MARLSGATE (WILLIAM P. DORTCH HOUSE)**, NE of Scott off AR 130 at Bearskin Lake, (12-6-75)
Scott vicinity. **TOLTEC MOUNDS (KNAPP MOUNDS)**, 5 mi. SE of Scott, off AR 30, (1-12-73)

madison county

Alabam vicinity. **ALABAM SCHOOL**, S of Alabam at jct. of AR 68 and AR 127, (7-14-76)

miller county

Texarkana. **DEAN HOUSE**, 1520 Beech St., (12-12-76)
Texarkana. **ORR SCHOOL**, 831 Laurel St., (7-30-76)

mississippi county

Buckeye vicinity. **ZEBREE HOMESTEAD**, 2 mi. NE of Buckeye in Big Lake National Wildlife Refuge, (5-2-75)
Dyess. **DYESS COLONY CENTER**, AR 297, (1-1-76)
Wilson. **NODENA SITE**, S edge of Wilson, (10-15-66) NML.

monroe county

LOUISIANA PURCHASE SURVEY MARKER, Reference—see Lee County
Blackton vicinity. **PALMER HOUSE**, SE of Blackton off US 49, (5-4-76)
Brinkley. **BLACK, WILLIAM, FAMILY HOUSE**, 311 W. Ash St., (12-12-76)
Clarendon. **CUMBERLAND PRESBYTERIAN CHURCH**, 120 Washington St., (7-30-76)
Clarendon. **MONROE COUNTY COURTHOUSE**, Courthouse Sq., (10-14-76)
Clarendon. **MONROE COUNTY JAIL**, 2nd and Kendall, (4-11-77)
Indian Bay. **BAYTOWN SITE**, Off AR 1/17, (5-13-76)

montgomery county

Mt. Ida. **MONTGOMERY COUNTY COURTHOUSE**, Court Sq., (8-27-76)

nevada county

Prescott vicinity. **PRAIRIE DE ANN BATTLEFIELD**, N and S of Hwy. 24 and SW of Prescott, (3-22-74)

newton county

Boxley vicinity. **VILLINES MILL (WHITELEY MILL)**, N of Boxley on AR 43, (7-31-74)

ouachita county

Camden. **ELLIOTT-MEEK HOUSE**, 761 Washington St., (3-1-74)
Camden. **GRAHAM-GAUGHAN-BETTS HOUSE**, 710 Washington St., (10-18-74)
Camden. **LEAKE-INGHAM BUILDING**, 926 Washington St. NW, (5-2-75)
Camden. **MCCOLLUM-CHIDESTER HOUSE**, 926 Washington St., NW, (6-24-71)
Camden. **OLD CAMDEN POST OFFICE**, 133 Washington St., SW, (5-2-77)
Camden. **POWELL, BENJAMIN T., HOUSE**, 305 California Ave., (1-21-74)
Camden. **SMITH, ROWLAND B., HOUSE**, 234 Agee St., (1-21-74)
Camden. **TATE'S BARN**, 902 Tate St., (11-9-72)
Camden vicinity. **BRAGG HOUSE**, W of Camden on AR 4, (3-1-74)

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Camden vicinity. **RICHMOND-TUFTS HOUSE**, NW of Camden on AR 24, (12-2-77)
Chidester vicinity. **POISON SPRING STATE PARK**, (12-3-69) G.
Stephens vicinity. **LESTER AND HALTOM NO. 1 WELL SITE**, NE of Stephens on Old Wire Rd., (4-3-76)

perry county

Perryville. **PERRY COUNTY COURTHOUSE**, Main and Pine Sts., (7-6-76)

phillips county

LOUISIANA PURCHASE SURVEY MARKER, Reference—see Lee County
Helena. **ALLIN HOUSE**, 515 Columbia St., (6-4-73)
Helena. **ALMER STORE**, 824 Columbia St., (10-18-74)
Helena. **BATTERY D**, Military Rd., (9-17-74)
Helena. **ESTEVAH HALL**, 653 S. Biscoe St., (10-22-74)
Helena. **HELENA LIBRARY AND MUSEUM**, 623 Peach St., (12-6-75)
Helena. **HORNER, SIDNEY H., HOUSE**, 626 Porter St., (12-4-75)
Helena. **KITCHENS, RICHARD L., POST NO. 41**, 409 Porter St., (9-30-76)
Helena. **MOORE-HORNOR HOUSE**, 323 Beech St., (6-4-73)
Helena. **NASH-BARLOW-COOLIDGE HOUSE**, 917 Ohio St., (8-19-75)
Helena. **PHILLIPS COUNTY COURTHOUSE**, 622 Cherry St., (7-15-77)
Helena. **PILLOW, JEROME BONAPARTE, HOUSE (PILLOW-THOMPSON HOUSE)**, 718 Perry St., (5-7-73)
Helena. **READY, E. S., HOUSE**, 929 Beech St., (1-1-76)
Helena. **SHORT-BIERI HOUSE**, 409 Biscoe St., (10-18-74)
Helena. **TAPPAN, JAMES C., HOUSE**, 717 Poplar St., (9-9-74)
Helena. **TAPPAN, MAJ. JAMES ALEXANDER, HOUSE**, 727 Columbia St., (9-9-74)

pike county

Daisy vicinity. **O'NEEL-BLACKBURN HOUSE**, W of Daisy, off U.S. 70, (5-3-76)
Murfreesboro vicinity. **CRATER OF DIAMONDS STATE PARK**, (6-18-73)

poinsett county

Harrisburg. **MODERN NEWS BUILDING**, 216 N. Main St., (6-18-76)

polk county

Mena vicinity. **STATE LINE MARKER**, 17 mi. NW of Mena on AR 88, (11-18-76)

pope county

Pottsville. **POTTS' INN**, Main and Center Sts., (6-22-70) G.

prairie county

Des Arc. **PRAIRIE COUNTY COURTHOUSE**, Main St., (4-18-77)

pulaski county

Cato vicinity. **FRENCHMAN'S MOUNTAIN METHODIST EPISCOPAL CHURCH AND CEMETERY**, W of Cato on Cato Rd., (10-22-76)
Hensley vicinity. **HARRIS HOUSE**, SE of Hensley off AR 365, (1-1-76)
Little Rock. **ARKANSAS STATE CAPITOL**, 5th and Woodlane Sts., (6-28-74)
Little Rock. **BRUNER HOUSE**, 1415 Cantrell Rd., (4-11-77)
Little Rock. **CAPITAL HOTEL**, 117 W. Markham St., (7-30-74)

Little Rock. **CHISUM HOUSE**, 1320 Cumberland, (12-4-75)
Little Rock. **CHOCTAW ROUTE STATION**, E. 3rd at Rock Island RR., (5-6-75)
Little Rock. **CURRAN HALL**, 615 E. Capitol St., (1-1-76)
Little Rock. **DEANE HOUSE**, 1701 Arch St., (9-5-75)
Little Rock. **FONES HOUSE**, 902 W. 2nd St., (8-19-75)
Little Rock. **FORDYCE HOUSE**, 2115 S. Broadway, (8-6-75)
Little Rock. **FOWLER, ABSALOM, HOUSE**, 502 E. 7th St., (6-4-73)
Little Rock. **GARLAND, AUGUSTUS, HOUSE**, 1404 Scott St., (6-10-75)
Little Rock. **GAZETTE BUILDING**, 112 W. 3rd St., (10-22-76)
Little Rock. **GEORGE, ALEXANDER, HOUSE**, 1007 E. 2nd St., (5-28-76)
Little Rock. **HALLIBURTON TOWN HOUSES (WALKER-MURRELL HOUSES)**, 1601 and 1605 Center St., (12-12-76)
Little Rock. **HANGER, FREDERICK, HOUSE**, 1010 Scott St., (3-15-74)
Little Rock. **HORNIBROOK HOUSE**, 2120 S. Louisiana St., (7-30-74)
Little Rock. **HOTZE HOUSE**, 1619 Louisiana St., (8-11-75)
Little Rock. **JONES, ARTHUR J., HOUSE**, 814 Scott St., (1-1-76)
Little Rock. **LITTLE ROCK HIGH SCHOOL (CENTRAL HIGH SCHOOL)**, 14th and Park Sts., (8-19-77)
Little Rock. **LITTLE ROCK, THE**, On S bank of the Arkansas River at foot of Rock St., (10-6-70)
Little Rock. **MACARTHUR PARK HISTORIC DISTRICT**, Roughly bounded by Ferry, McGowan, McAlmont, 16th, Bragg, 15th, Scott (includes both sides), 9th, Cumberland, and 5th Sts., (7-25-77)
Little Rock. **MAIN BUILDING, ARKANSAS BAPTIST COLLEGE**, 1600 Main St., (4-30-76)
Little Rock. **MOPAC STATION**, Markham and Victory Sts., (6-17-77)
Little Rock. **MOUNT HOLLY CEMETERY**, 12th St. and Broadway, (3-5-70)
Little Rock. **OLD POST OFFICE BUILDING AND CUSTOMHOUSE (THE GOVERNMENT BUILDING)**, 2nd and Spring Sts., (5-7-73) G.
Little Rock. **OLD STATE HOUSE SQUARE HISTORIC DISTRICT**, Roughly bounded by Arkansas River, Arch, Main, and 2nd Sts., (8-11-76)
Little Rock. **OLD STATEHOUSE**, 300 W. Markham St., (12-3-69) HABS.
Little Rock. **PIKE-FLETCHER-TERRY HOUSE (ALBERT PIKE HOUSE)**, 411 E. 7th St., (8-21-72) HABS.
Little Rock. **RAGLAND HOUSE**, 1617 Center St., (6-17-77)
Little Rock. **REICHARDT HOUSE**, 1201 Welch St., (5-2-75)
Little Rock. **ROBINSON, JOSEPH TAYLOR, HOUSE**, 2122 Broadway, (8-28-75)
Little Rock. **TAVERN, THE (ARKANSAS TERRITORIAL RESTORATION)**, 214 E. 3rd St., (3-5-70) HABS.
Little Rock. **TERRY, WILLIAM L., HOUSE**, 1422 Scott St., (1-1-76)
Little Rock. **THOMPSON, ADA, MEMORIAL HOME**, 2021 S. Main, (8-3-77)
Little Rock. **TRAPNALL HALL (FREDERICK TRAPNALL HOUSE)**, 423 E. Capitol Ave., (4-13-73)
Little Rock. **TRINITY EPISCOPAL CATHEDRAL**, 310 W. 17th St., (5-13-76)

Little Rock. **U.S. ARSENAL BUILDING**, MacArthur Park, 9th and Commerce Sts., (7-28-70) HABS.
Little Rock. **VILLA MARRE (ANGELO MARRE HOUSE)**, 1321 Scott St., (6-15-70)
Little Rock. **VINSON HOUSE**, 2123 Broadway, (5-6-76)
Little Rock. **WARD-HAYS HOUSE**, 1008 W. 2nd St., (8-11-75)
Little Rock vicinity. **WALNUT GROVE METHODIST CHURCH**, W of Little Rock on Walnut Grove Rd., (9-28-77)
Mabelvale vicinity. **TEN MILE HOUSE (STAGECOACH HOUSE)**, N of Mabelvale on AR 5, (6-22-70) HABS.
North Little Rock. **FORT LOGAN H. ROOTS MILITARY POST**, Scenic Hill Dr., (9-4-74)
North Little Rock. **MANEES, E. O., HOUSE**, 216 W. 4th St., (8-6-75)
North Little Rock. **NORTH LITTLE ROCK CITY HALL**, 3rd and Main Sts., (8-6-75)
North Little Rock. **OLD CENTRAL FIRE STATION**, 506 Main St., (12-22-77)
North Little Rock. **ST. JOSEPH'S HOME**, Camp Robinson Rd. off AR 176, (5-4-76)
Scott. **ALL SOULS CHURCH**, Off AR 130, (8-12-77)
Sweet Home. **HANGER COTTON GIN**, Harper Rd. and Gates Lane, (10-8-76)

randolph county

Black Rock vicinity. **OLD DAVIDSONVILLE STATE HISTORIC MONUMENT**, NE of Black Rock on Black River, (1-18-74)
Pocahontas. **OLD RANDOLPH COUNTY COURTHOUSE**, Broadway and Vance St., (4-24-73) G.

saline county

Benton. **GANN BUILDING**, 218 S. Market St., (10-21-75)
Benton. **GANN HOUSE**, S. Market St., (1-2-76)
Benton. **SALINE COUNTY COURTHOUSE**, Courthouse Sq., (11-22-76)
Benton. **SHOPPACH HOUSE**, 508 N. Main St., (10-10-75)
Benton. **WALTON, DR. JAMES WYATT, HOUSE**, 301 W. Sevier, (12-22-77)
Benton vicinity. **OLD RIVER BRIDGE**, SW of Benton at River Rd. and Saline River, (9-15-77)
Bryant vicinity. **HUNTER, ANDREW, HOUSE**, W of Bryant on AR 5, (12-12-76)

searcy county

Marshall. **SEARCY COUNTY COURTHOUSE**, Courthouse Sq., (10-21-76)
Silver Hill vicinity. **3SE33**, About 2 mi. NW of Silver Hill, (6-29-76)

sebastian county

Fort Smith. **BONNEVILLE HOUSE**, 318 N. 7th St., (9-22-71)
Fort Smith. **CLAYTON, W.H.H., HOUSE**, 514 N. 6th St., (9-4-70) G.
Fort Smith. **COMMERCIAL HOTEL**, 123 N. 1st St., (5-7-73)
Fort Smith. **FORT SMITH NATIONAL HISTORIC SITE**, (10-15-66)
Fort Smith. **FORT SMITH'S BELLE GROVE HISTORIC DISTRICT**, (7-16-73)
Fort Smith. **KNOBLE, JOSEPH, BREWERY**, N. 3rd and E Sts., (3-24-72)
Fort Smith. **SPARKS, JAMES, HOUSE**, 201 N. 14th St., (9-14-72)

sharp county

Evening Shade. **HERRN HOUSE**, W. Main St., (9-29-76)

st. francis county
Forrest City *STUART SPRINGS*, Stuart St., (8-3-77)

stone county
Mountain View, *STONE COUNTY COURTHOUSE*, Courthouse Sq., (9-29-76)

union county
El Dorado, *GARRETT HOUSE*, 210 Peach St., (11-21-74)

El Dorado, *RAINEY, MATTHEW, HOUSE*, 510 N. Jackson St., (11-6-74)

van buren county
Choctaw vicinity, *STOBAUGH HOUSE*, 0.5 mi. SW of Choctaw on AR 9, (7-6-76)

washington county
Fayetteville, *GREGG HOUSE*, 339 N. Gregg St., (9-17-74)

Fayetteville, *HEADQUARTERS (TEBBETTS HOUSE)*, 118 E. Dickson St., (6-24-71)

Fayetteville, *OLD MAIN, UNIVERSITY OF ARKANSAS*, Arkansas Ave., (6-15-70)

Fayetteville, *OLD POST OFFICE*, City Sq., (8-27-74)

Fayetteville, *RIDGE HOUSE*, 230 W. Center St., (11-2-72)

Fayetteville, *STONE HOUSE*, 207 Center St., (9-4-70)

Fayetteville, *WALKER HOUSE*, Knerr Rd., (6-10-75)

Fayetteville, *WASHINGTON COUNTY COURTHOUSE*, College Ave. and E. Center St., (2-23-72)

Fayetteville vicinity, *COMBS, NATHAN, HOUSE*, SE of Fayetteville, (12-12-76)

Johnson vicinity, *JOHNSON HOUSE AND MILL*, W of Johnson on Johnson Rd., (12-12-76)

Prairie Grove, *PRAIRIE GROVE BATTLEFIELD PARK*, Within a triangle formed by North Rd. on the NW and U.S. 62 on the S, (9-4-70)

Prairie Grove vicinity, *BORDEN HOUSE*, NE of Prairie Grove on U.S. 62, (3-17-77)

Prairie Grove vicinity, *LAKE-BELL HOUSE*, N of Prairie Grove, (11-8-74)

Springdale, *SHILOH CHURCH*, Huntsville and Main Sts., (6-5-75)

white county
Rosebud vicinity, *DARDEN-GIFFORD HOUSE*, N of Rosebud off AR 5, (1-1-76)

Searcy, *BLACK, BENJAMIN CLAYTON, HOUSE*, 300 E. Race St., (11-20-74)

Searcy, *WHITE COUNTY COURTHOUSE*, Court Sq., (8-3-77)

woodruff county
Augusta, *FERGUSON HOUSE*, 416 N 3rd St., (12-6-75)

yell county
Dardanelle, *STEAMBOAT HOUSE*, 601 N. Front St., (6-5-75)

CALIFORNIA

alameda county

Alameda, *ALAMEDA HIGH SCHOOL*, 2200 Central Ave., (5-12-77)

Berkeley, *BERKELEY DAY NURSERY*, 2031 6th St., (9-15-77)

Berkeley, *BERKELEY WOMEN'S CITY CLUB*, 2315 Durant Ave., (10-28-77)

Berkeley, *DRAWING BUILDING*, Hearst Ave., University of California campus, (11-18-76)

Berkeley, *ROOM 307, GILMAN HALL, UNIVERSITY OF CALIFORNIA*, University of California campus, (10-15-66) NHL

Berkeley, *SENIOR HALL*, University, of California, Berkeley campus, (11-5-74)

Berkeley, *ST. JOHN'S PRESBYTERIAN CHURCH*, 2640 College Ave., (8-7-74)

Fremont, *CALIFORNIA NURSERY CO. GUEST HOUSE (JOSE DE JESUS VALLEJO ADOBE)*, California Nursery Co., Niles Blvd. at Nursery Ave., (5-6-71)

Fremont (Mission San Jose District), *MISION SAN JOSE*, Mission Blvd. at Washington Blvd., (7-14-71)

Hayward, *MEEK MANSION AND CARRIAGE HOUSE*, 240 Hampton Rd., (6-4-73)

Oakland, *ABBEY, THE (JOAQUIN MILLER HOUSE)*, Joaquin Miller Rd. and Sanborn Dr., (10-15-66) NHL

Oakland, *CAMERON-STANFORD HOUSE (OLD OAKLAND PUBLIC MUSEUM)*, 1426 Lakeside Dr., (6-13-72)

Oakland, *COHEN, ALFRED H., HOUSE*, 1440 29th Ave., (6-19-73)

Oakland, *DUNSMUIR HOUSE*, Paralta Oaks Ct., (5-19-72)

Oakland, *FIRST UNITARIAN CHURCH OF OAKLAND*, 685 14th St., (6-16-77)

Oakland, *LAKE MERRITT WILD DUCK REFUGE*, Lakeside Park, Grand Ave., (10-15-66) NHL

Oakland, *MILLS HALL*, Mills College campus, (10-14-71)

Oakland, *PACIFIC PRESS BUILDING*, 1117 Castro St., (4-14-75)

Oakland, *PARAMOUNT THEATRE*, 2025 Broadway, (8-14-73) NHL; HABS.

Oakland, *PARDEE HOUSE*, 672 11th St., (5-24-76) HABS.

Oakland, *PERALTA, ANTONIO MARIA, HOUSE*, 2465 34th Ave., (11-17-77)

Oakland, *TREADWELL MANSION AND CARRIAGE HOUSE*, 5212 Broadway, (7-15-77)

amador county

Ione, *IONE CITY CENTENARY CHURCH*, 150 W. Marlette St., (5-26-77)

Ione vicinity, *PRESTON CASTLE*, N of Ione on Preston Ave., (7-30-75)

Jackson, *AMADOR COUNTY HOSPITAL BUILDING*, 810 Court St., (2-23-72)

Sutter Creek, *KNIGHT'S FOUNDRY AND SHOPS*, 13 Eureka St., (7-1-75)

Sutter Creek, *SUTTER CREEK GRAMMAR SCHOOL*, Between Broad and Cole Sts., (12-12-76)

Volcano vicinity, *INDIAN GRINDING ROCK*, (5-6-71)

butte county

Chico, 0, 307 W. 5th St., (6-5-75)

Chico, *ALLEN-SOMMER-GAGE HOUSE*, 410 Normal St., (4-13-77)

Chico, *BIDWELL MANSION*, Sowilleno Ave., (3-24-72) G.

Chico vicinity, *MUD CREEK CANYON*, (8-14-73)

Chico vicinity, *PATRICK RANCH HOUSE*, 3 mi. SE of Chico off U.S. 99E, (2-23-72)

Chico vicinity, *PATRICK RANCHERIA*, (2-23-72)

Oroville, *OROVILLE CHINESE TEMPLE*, 1500 Broderick St., (7-30-76)

Paradise vicinity, *CENTERVILLE SCHOOL-HOUSE*, 2 mi. NE of Paradise on Humbug Rd., (3-24-72)

Stirling City vicinity, *INSKIP HOTEL (INSKIP HOUSE)*, 6 mi. N of Stirling City on the Skyway (Old Humbug Rd.), (5-2-75)

calaveras county

Angels Camp, *ANGELS HOTEL*, Main St. at Birds Way, (3-24-72)

Douglas Flat, *DOUGLAS FLAT SCHOOL*, (5-24-73)

Murphys, *MURPHYS GRAMMAR SCHOOL*, Jones St., (6-8-73)

Murphys, *MURPHYS HOTEL*, Main and Algiers Sts., (11-23-71)

San Andreas, *CALAVERAS COUNTY COURTHOUSE*, Main St., (2-28-72)

San Andreas, *THORN HOUSE*, 87 E. St Charles St., (2-23-72)

colusa county

Colusa, *COLUSA HIGH SCHOOL AND GROUNDS*, 745 10th St., (8-13-76)

Colusa vicinity, *GRAND ISLAND SHRINE*, 8 mi. S of Colusa on CA 45, (12-31-74)

Grimes vicinity, *NOWI RANCHERIA*, (3-24-71)

contra costa county

Berkeley vicinity, *HERSHELL-SPILLMAN MERRY-GO-ROUND*, E of Berkeley in Tilden Regional Park, (9-29-76)

Byron vicinity, *MARSH, JOHN, HOUSE*, 6 mi. W of Byron on Marsh Creek Rd., (10-7-71)

HABS; G.
Danville vicinity, *O'NEILL, EUGENE, HOUSE (TAO HOUSE)*, 1.5 mi. W of Danville, (5-6-71) NHL; G.

Martinez, *JOHN MUIR NATIONAL HISTORIC SITE*, 4202 Alhambra Ave., (10-15-66) HABS.

Orinda, *MORAGA ADOBE*, 24 Adobe Lane, (3-16-72)

Pinola, *FERNANDEZ, BERNARDO, HOUSE*, 100 Tennent Ave., (4-11-73)

Richmond vicinity, *EAST BROTHER ISLAND LIGHT STATION*, On East Brother Island W of Point San Pablo, (2-12-71) HABS.

del norte county

Crescent City vicinity, *ENDERTS BEACH ARCHEOLOGICAL SITES*, S of Crescent City, (6-30-77)

Crescent City vicinity, *POINT ST. GEORGE SITE*, NW of Crescent City, (5-17-76)

Fort Dick vicinity, *YONTOCKET HISTORIC DISTRICT*, NW of Fort Dick off U.S. 101, (12-18-73)

Klamath vicinity, *O'MEN VILLAGE SITE*, N of Klamath, (6-30-77)

Redwood National Park, *OLD REQUA (REKWOI)*, (12-16-74)

el dorado county

Homewood vicinity, *SUGAR PINE POINT STATE PARK (PHIPPS-HELLMAN-EHRMAN ESTATE)*, 3 mi. S of Homewood on CA 90, (3-30-73)

Placerville, *EPISCOPAL CHURCH OF OUR SAVIOUR*, 2979 Coloma St., (11-17-77)

Placerville, *LOMBARDO RANCH (FOSSATI'S WINERY)*, 1709 Carson Rd., (9-30-77)

Placerville vicinity, *COLOMA*, 7 mi. NW of Placerville on CA 49, (10-15-66) NHL; HABS.

fresno county

Fresno, *FORESTIERE UNDERGROUND GARDENS*, 5021 W. Shaw Ave., (10-28-77)

Fresno, *KEARNEY, M. THEO, PARK AND MANSION*, 7160 Kearney Blvd., (3-13-75) G.

Fresno, *MEUX HOUSE*, 1007 R St., (1-13-75)

Fresno, *OLD ADMINISTRATION BUILDING, FRESNO CITY COLLEGE*, 1101 University Ave., (5-1-74)

Fresno, *OLD FRESNO WATER TOWER*, 2444 Fresno St., (10-14-71)

Fresno, *SANTA FE PASSENGER DEPOT*, 2650 Tulare St., (11-7-76)

Wilsonia vicinity, *GAMLIN CABIN*, NW of Wilsonia, (3-8-77)

humboldt county

Eureka, *FIRST AND F STREET BUILDING*, 112 F St., (7-12-74)

Eureka, *JANSSEN, E., BUILDING*, 422 1st St., (7-16-73)

Eureka, *TSAPHEK*, (12-5-72)

Eureka vicinity, *GUNTHER ISLAND SITE 67 (TOLOWOT)*, (10-15-66) NHL

Petrolia vicinity, *PUNTA GORDA LIGHT STATION*, 10.5 mi. SW of Petrolia, (9-1-76)

imperial county

FAGES-DE ANZA TRAIL-SOUTHERN EMIGRANT ROAD (ANZA-BORREGO DESERT STATE PARK), Reference—see San Diego County

YUMA CROSSING AND ASSOCIATED SITES, Reference—see Yuma County, Arizona

inyo county

Bishop vicinity, *PAWONA WITU*, E of Bishop at jct. of Poleta and Airport Rds., (10-14-75)

China Lake vicinity, *BIG AND LITTLE PETROGLYPH CANYONS*, (10-15-66) NHL

Death Valley, *LEADFIELD*, Death Valley National Monument on Titus Canyon Trail, (6-10-75)

Death Valley, *SKIDOO*, Death Valley National Monument, Wildrose District, (4-16-74)

Furnace Creek, *EAGLE BORAX WORKS*, Death Valley National Monument, (12-31-74)

Independence vicinity, *MANZANAR WAR RELOCATION CENTER*, 6 mi. S of Independence on CA 395, (7-30-76)

Keeler vicinity, *SALINE VALLEY SALT TRAM HISTORIC STRUCTURE*, N of Keeler between Gordo Peak and New York Butte, (12-31-74)

Stovepipe Wells vicinity, *HARMONY BORAX WORKS*, Death Valley National Monument, (12-31-74)

kern county

Bakersfield vicinity, *WALKER PASS*, 60 mi. NE of Bakersfield on CA 178, (10-15-66) NHL

Inyokern vicinity, *BANDIT ROCK (ROBBERS ROOST)*, SW of Inyokern near jct. of CA 14 and 178, (10-31-75)

Johannesburg vicinity, *LAST CHANCE CANYON*, (12-5-72)

Lebec vicinity, *FORT TEJON*, 3 mi. NW of Lebec, (5-6-71)

kings county

Hanford, *TAOIST TEMPLE*, No. 12 China Alley, (6-13-72)

Kettleman City vicinity, *WITT SITE*, (5-6-71)

lake county

Clearlake Oaks vicinity, *PATWIN INDIAN SITE*, (2-23-72)

Lakeport, *LAKE COUNTY COURTHOUSE*, 255 N. Main St., (10-28-70) G.

lassen county

Shingletown vicinity, *NOBLES EMIGRANT TRAIL*, E of Shingletown in Lassen Volcanic National Park, (10-3-75)

Susanville, *ROOP'S FORT (ROOP'S TRADING POST)*, N. Weatherlow St., (5-2-74)

los angeles county

Agua Dulce, *VASQUEZ ROCKS*, (6-22-72)

Altadena, *PACIFIC ELECTRIC RAILWAY COMPANY SUBSTATION NO. 8*, 2245 N. Lake Ave., (11-9-77)

Bell, *BELL, JAMES GEORGE, HOUSE*, 6500 Lucille Ave., (4-18-77)

Beverly Hills, *DOHENY ESTATE/GREYSTONE*, 905 Loma Vista Dr., (4-23-76)

Calabasas, *LEONIS ADOBE*, 23537 Calabasas Rd., (5-29-75) HABS.

Chatsworth vicinity, *OLD SANTA SUSANA STAGE ROAD*, WNW of Chatsworth off CA 18, (1-10-74)

Compton, *DOMINGUEZ RANCH ADOBE*, 18127 S. Alameda St., (5-28-76)

Encino, *RANCHO EL ENCINO (LOS ENCINOS STATE HISTORIC PARK)*, 16756 Moorpark St., (2-24-71)

Glendale, *SAN RAFAEL RANCHO (VERDUGO ADOBE AND OAK OF PEACE)*, Bonita Dr., (12-12-76)

Industry, *ROWLAND, JOHN A., HOUSE*, 16021 E. Gale Ave., (7-16-73)

Industry, *TEMPLE MANSION*, 15415 E. Don Julian Rd., (12-2-74)

Industry, *WORKMAN ADOBE*, 15415 Don Julian Rd., (11-20-74)

Industry, *WORKMAN FAMILY CEMETERY*, 15415 E. Don Julian Rd., (11-20-74)

Long Beach, *LOS CERRITOS RANCHHOUSE*, 4600 Virginia Rd., (4-15-70) NHL

Long Beach, *PUVUNGA INDIAN VILLAGE SITES*, E. Bixby Hill Rd. and E. 7th St., (1-21-74)

Los Angeles, *BARNSDALL PARK*, 4800 Hollywood Blvd., (5-6-71) HABS.

Los Angeles, *BRADBURY BUILDING*, 304 S. Broadway, (7-14-71) NHL; HABS.

Los Angeles, *CARROLL AVENUE, 1300 BLOCK*, Carroll Avenue between Edgeware and Douglas Sts., (4-22-76) HABS.

Los Angeles, *CATHOLIC-PROTESTANT CHAPELS, VETERANS ADMINISTRATION CENTER*, Eisenhower Ave., (2-11-72) HABS.

Los Angeles, *CENTINELA ADOBE*, 7634 Midfield Ave., (5-2-74) HABS.

Los Angeles, *ENNIS HOUSE*, 2607 Glendower Ave., (10-14-71)

Los Angeles, *FREEMAN, SAMUEL, HOUSE*, 1962 Glencoe Way, (10-14-71) HABS.

Los Angeles, *HALE HOUSE*, Heritage Sq., 3800 N. Homer St., Highland Park, (9-22-72) G.

Los Angeles, *LOS ANGELES CENTRAL LIBRARY*, 630 W. 5th St., (12-18-70) HABS.

Los Angeles, *LOS ANGELES PLAZA HISTORIC DISTRICT (EL PUEBLO DE LOS ANGELES)*, (11-3-72)

Los Angeles, *LOVELL HOUSE (HEALTH HOUSE)*, 4616 Dundee Dr., (10-14-71) HABS.

Los Angeles, *LUMMIS HOUSE*, 200 E. Ave. 43, (5-6-71)

Los Angeles, *MOOERS, FREDERICK MITCHELL, HOUSE*, 818 S. Bonnie Brae St., (6-3-76)

Los Angeles, *MOUNT PLEASANT HOUSE*, Heritage Sq., 3800 Homer St., (12-12-76)

Los Angeles, *STREETCAR DEPOT (NEWS STAND)*, Pershing and Dewey Aves., (2-23-72) HABS.

Los Angeles, *WATTS STATION*, 1686 E. 103rd St., (3-15-74)

Los Angeles, *WATTS TOWERS OF SIMON RODIA*, 1765 E. 107th St., (4-13-77)

Los Angeles (Pacific Palisades), *ROGERS, WILL, HOUSE (WILL ROGERS STATE HISTORIC PARK)*, 14253 Sunset Blvd., (2-24-71)

Lynwood, *LYNWOOD PACIFIC ELECTRIC RAILWAY DEPOT*, 11453 Long Beach Blvd., (9-25-74)

Malibu, *ADAMSON HOUSE*, 23200 W. Pacific Coast Highway, (10-28-77)

Malibu, *HUMALIWO*, 23200 Pacific Coast, (9-1-76)

Mission Hills, *PICO, ROMULO, ADOBE*, 10940 Sepulveda Blvd., (11-13-66)

Monrovia, *SINCLAIR, UPTON, HOUSE*, 464 N. Myrtle Ave., (11-11-71) NHL

Pasadena, *BENTZ, LOUISE C., HOUSE*, 657 Prospect Blvd., (12-2-77)

Pasadena, *GAMBLE HOUSE (GREENE AND GREENE LIBRARY)*, 4 Westmoreland Pl., (9-3-71) HABS.

Pasadena, *MILLARD HOUSE*, 645 Prospect Crescent, (12-12-76)

Pasadena, *NICHOLSON, GRACE, BUILDING*, 46 N. Los Robles Ave., (7-21-77)

Pasadena, *PASADENA ATHLETIC AND COUNTRY CLUB*, E. Green St. and Los Robles Ave., (11-11-77)

Pasadena, *PASADENA PLAYHOUSE*, 39 S. El Molino Ave., (11-11-75)

Pasadena (San Marino), *EL MOLINO VIEJO (OLD MILL)*, 1120 Old Mill Rd., (5-6-71)

Pearland vicinity, *LITTLE ROCK CREEK DAM*, 4.5 mi. S of Pearland off CA 138, (4-15-77)

Pomona, *LA CASA PRIMERA DE RANCHO SAN JOSE*, 1569 N. Park Ave., (4-3-75)

Pomona, *PALOMARES, YGNACIO, ADOBE*, Corner of Arrow Hwy. and Orange Grove Ave., (3-24-71)

Pomona, *PHILLIPS MANSION*, 2640 W. Pomona Blvd., (11-6-74)

San Dimas, *SAN DIMAS HOTEL*, 121 San Dimas Ave., (3-16-72)

San Fernando, *LOPEZ ADOBE*, 1100 Pico St., (5-6-71) HABS.

San Fernando vicinity, *WELL NO. 4, PICO CANYON OIL FIELD*, 9.5 mi. N of San Fernando, W of U.S. 99, (11-13-66) NHL

San Gabriel, *SAN GABRIEL MISSION*, Junipero St. and W. Mission Dr., (5-6-71)

5174 CALIFORNIA

South Pasadena. *OAKLAWN BRIDGE AND WAITING STATION*, Between Oaklawn and Fair Oaks Aves., (7-16-73)
South Pasadena. *WYNYATE*, 851 Lyndon St., (4-24-73)
Tujunga. *BOLTON HALL*, 10116 Commerce Ave., (11-23-71) HABS.
Whittier. *BAILEY, JONATHAN, HOUSE*, 13421 E. Camilla St., (8-29-77)
Whittier. *PICO, PIO, CASA*, 6003 Pioneer Blvd., (6-19-73)
Wilmington. *BANNING HOUSE*, 401 E. M St., (5-6-71) g.
Wilmington. *DRUM BARRACKS*, 1053 Carey St., (2-12-71)

madera county

Madera. *MADERA COUNTY COURTHOUSE*, 210 W. Yosemite Ave., (9-3-71)

marin county

Novato vicinity. *RANCHO OLOMPALI (COAST MIWOK INDIAN VILLAGE)*, (1-12-73)
Olema vicinity. *OLEMA LIME KILNS*, 4 mi. SE of Olema on CA 1, (10-8-76)
San Rafael. *BOYD HOUSE (IRA COOK HOUSE)*, 1125 B St., (12-17-74)
San Rafael. *DIXIE SCHOOLHOUSE*, 2255 Las Gallinas Ave., (12-26-72)
San Rafael. *DOLLAR, ROBERT, ESTATE (FALKIRK)*, 1408 Mission Ave., (12-11-72) g.
San Rafael. *MILLER CREEK SCHOOL INDIAN MOUND*, (10-14-71)
Sausalito vicinity. *FORTS BAKER, BARRY, AND CRONKHITE*, S of Sausalito off U.S. 101, (12-12-73)
Tiburon. *LYFORD'S STONE TOWER*, 2034 Paradise Dr., (12-2-76)
Tiburon vicinity. *ANGEL ISLAND*, SE of Tiburon in San Francisco Bay, (10-14-71)
Tomales. *TOMALES PRESBYTERIAN CHURCH AND CEMETERY*, 11 Church St., (8-1-75)

mariposa county

Curry Village. *LE CONTE MEMORIAL LODGE*, Yosemite Valley, Yosemite National Park, (3-8-77)
Groveland vicinity. *BIG GAP FLUME*, E. of Groveland off CA 120 in Stanislaus National Forest, (5-12-75)
Mariposa. *MARIPOSA COUNTY COURTHOUSE*, 5088 Bullion St., (12-7-77)
Wawona. *WAWONA HOTEL AND PAVILION*, On CA 41 in Yosemite National Park, (10-1-75)
Yosemite National Park. *AIHWAHNEE HOTEL*, Yosemite Valley, (2-15-77)
Yosemite National Park. *YOSEMITE VALLEY CHAPEL*, Off CA 140, (12-12-73)
Yosemite Village. *DEGNAN HOUSE AND BAKERY*, Southside Dr., Yosemite National Park, (9-5-75)
Yosemite Village vicinity. *YOSEMITE VALLEY BRIDGES*, 8 bridges over Merced River, Yosemite National Park, (11-25-77)

mendocino county

Covelo vicinity. *TOWN CREEK ARCHEOLOGICAL SITE*, W of Covelo, (5-17-76)
Fort Bragg. *WELLER HOUSE*, 524 Stewart St., (7-19-76)
Mendocino. *MENDOCINO AND HEADLANDS HISTORIC DISTRICT*, Bounded roughly by the Pacific Ocean on the W and S, Little Lake St. on the N, and CA 1 on the E, (7-14-71) g.

NOTICES

Pine Grove vicinity. *POINT CABRILLO SITE*, (2-23-72)

merced county

Los Banos vicinity. *SAN LUIS GONZAGA ARCHEOLOGICAL DISTRICT*, (5-7-73)
Merced. *MERCED COUNTY COURTHOUSE*, W. 21st and N Sts., (10-29-75)

modoc county

Alturas. *NEVADA-CALIFORNIA-OREGON RAILWAY CO. GENERAL OFFICE BUILDING*, 619 N. Main St., (9-6-74)
Canby vicinity. *ANKLIN VILLAGE ARCHEOLOGICAL SITE*, W of Canby, (6-3-76)
Canby vicinity. *BLACK COW SPRING*, W of Canby in Modoc National Forest, (7-9-74)
Canby vicinity. *CORE SITE*, SE of Canby in the Modoc National Forest, (4-8-74)
Canby vicinity. *CUPPY CAVE*, SW of Canby in Modoc National Forest, (7-12-74)
Canby vicinity. *MILDRED ANN ARCHEOLOGICAL SITE*, W of Canby, (6-3-76)
Canby vicinity. *SKULL RIDGE*, NW of Canby, (7-9-74)
Canby vicinity. *SKULL SPRING*, NW of Canby in Modoc National Forest, (7-9-74)
Devil's Garden Ranger District. *SEVENMILE FLAT SITE*, (12-24-74)
Tulelake vicinity. *FERN CAVE*, 9 mi. S of Tulelake in Lava Beds National Monument, (5-29-75)
Tulelake vicinity. *PETROGLYPH POINT*, 9 mi. SE of Tulelake in Lava Beds National Monument, (5-29-75)

mono county

Bridgeport. *MONO COUNTY COURTHOUSE*, Main St., (3-1-74) g.
Bridgeport vicinity. *BODIE HISTORIC DISTRICT*, 7 mi. S of Bridgeport on U.S. 395, then 12 mi. E on secondary rd., (10-15-66) NHL; HABS.

monterey county

Carmel. *CARMEL MISSION*, Rio Rd., (10-15-66) NHL; HABS.
Carmel. *JEFFERS, ROBINSON, HOUSE*, 26304 Ocean View Ave., (10-10-75)
Carmel Valley vicinity. *BERWICK MANOR AND ORCHARD*, NW of Carmel Valley, (11-17-77)
Greenfield vicinity. *SITE NUMBER 4 MNT 85*, SW of Greenfield, (10-29-76)
Jolon. *GIL, JOSE MARIO, ADOBE*, Hunter Liggett Military Reservation, (6-7-74)
Jolon. *TIDBALL STORE*, Jolon Rd., (12-12-76)
Jolon vicinity. *DUTTON HOTEL, STAGECOACH STATION*, King City-Jolon Rd., (10-14-71)
Jolon vicinity. *SAN ANTONIO DE PADUA MISSION*, NW of Jolon off Del Venturi Rd., (4-26-76) HABS.
King City vicinity. *CUEVA PINTADA (PAINTED CAVE)*, 10 mi. SW of King City in Hunter Liggett Military Reservation, (2-13-75)
King City vicinity. *MILPITAS RANCHHOUSE*, S of King City, (12-2-77)
Lucia vicinity. *KIRK CREEK CAMP-GROUND*, (12-31-74)
Monterey. *EL CASTILLO*, (11-23-71)
Monterey. *LARKIN HOUSE*, 464 Calle Principal, (10-15-66) NHL; HABS.
Monterey. *MERRITT, JOSIAH, ADOBE*, 386 Pacific St., (11-22-77) HABS.
Monterey. *MONTEREY OLD TOWN HISTORIC DISTRICT*, (4-15-70) NHL; HABS; g.

Monterey. *ROYAL PRESIDIO CHAPEL*, 550 Church St., (10-15-66) NHL; HABS.
Monterey. *STEVENSON HOUSE (GONZALEZ HOUSE)*, Houston St. between Pearl and Webster Sts., (1-7-72)
Monterey. *U.S. CUSTOMHOUSE (OLD CUSTOMHOUSE)*, Calle Principal at Decatur St., (10-15-66) NHL.
Pacific Grove. *POINT PINOS LIGHTHOUSE*, Asilomar Blvd. and Lighthouse Ave., (7-14-77)
Salinas vicinity. *BORONDA, JOSE EUSEBIO, ADOBE*, Boronda Rd. and W. Laurel Dr., (3-20-73)

napa county

Calistoga. *NAPA VALLEY RAILROAD DEPOT*, Lincoln Ave. and Fair Way, (4-18-77)
Napa. *BUFORD HOUSE*, 1930 Clay St., (11-11-77)
Napa. *CHURCHILL MANOR*, 485 Brown St., (4-18-77)
Napa. *FIRST PRESBYTERIAN CHURCH*, 1333 3rd St., (6-5-75)
Napa. *GOODMAN LIBRARY*, 1219 First St., (1-21-74)
Napa. *HATT BUILDING*, 5th and Main Sts., (5-2-77)
Napa. *KEE, SAM, LAUNDRY BUILDING*, 1245 Main St., (10-1-74)
Napa. *NAPA OPERA HOUSE*, 1018-1030 Main St. on E side, (10-25-73)
Napa. *SEMORELLE BUILDING*, 975 1st St., (11-21-74)
Napa. *WINSHIP-SMERES BUILDING*, 948 Main St., (7-29-77)
St. Helena. *KRUG, CHARLES, WINERY*, St. Helena Hwy., (11-8-74)
St. Helena. *POPE STREET BRIDGE*, Pope St., over the Napa River, (10-5-72)
St. Helena. *RHINE HOUSE*, 2000 Main St., (2-23-72)
St. Helena vicinity. *BALE MILL*, 3 mi. NW of St. Helena off CA 128, (6-22-72)

nevada county

French Corral vicinity. *BRIDGEPORT COVERED BRIDGE*, SW of French Corral over South Yuba River, (7-14-71)
French Lake vicinity. *MEADOW LAKE PETROGLYPHS*, (5-6-71)
Grass Valley. *MOUNT ST. MARY'S ACADEMY AND CONVENT*, Church and Chapel Sts., (5-3-74)
Grass Valley vicinity. *EMPIRE MINE*, SE of Grass Valley at 338 E. Empire St., (12-9-77)
Nevada City. *MARSH, MARTIN LUTHER, HOUSE*, 254 Boulder St., (4-11-73)
Nevada City. *NATIONAL EXCHANGE HOTEL (BICKNELL'S BLOCK)*, 211 Broad St., (10-25-73)
Nevada City. *NEVADA CITY FIREHOUSE NO. 2*, 420 Broad St., (5-3-74)
Nevada City. *NEVADA THEATRE (CEDAR THEATRE)*, Broad and Bridge Sts., (3-14-73) g.
Nevada City. *OTT'S ASSAY OFFICE/SOUTH YUBA CANAL OFFICE*, 130 Main St., (4-14-75)
North Bloomfield. *MALAKOFF DIGGINS-NORTH BLOOMFIELD HISTORIC DISTRICT*, Graniteville Star Route, (4-11-73) HABS.
Truckee vicinity. *DONNER CAMP*, 2.6 mi. W of Truckee on U.S. 40, (10-15-66) NHL.

orange county

Costa Mesa. *FAIRVIEW INDIAN SITE (BANNING-NORRIS SITE)*, (6-27-72)

NOTICES

El Toro. *SERRANO, JOSE, ADOBE*, 21802 Serrano Rd., (5-24-76)
Fullerton. *CLARK, DR. GEORGE C., HOUSE*, California State University campus, (12-12-76)
Irvine vicinity. *FRANCES PACKING HOUSE*, NE of Irvine, (8-2-77)
Modjeska. *MODJESKA HOUSE (FOREST OF ARDEN)*, Modjeska Canyon Rd., (12-11-72)
Newport Beach. *LOVELL BEACH HOUSE*, 1242 W. Ocean Front, (2-5-74) HABS.
Orange. *ORANGE UNION HIGH SCHOOL (CHAPMAN COLLEGE)*, 333 N. Glassell St., (4-14-75)
Placentia. *KEY, GEORGE, RANCH*, 625 Bastanchury Rd., (4-21-75)
San Juan Capistrano. *MISSION SAN JUAN CAPISTRANO*, Camino Capistrano and Ortega Hwy., (9-3-71)
San Juan Capistrano. *MONTANEZ ADOBE*, 31745 Los Rios St., (4-21-75)
Santa Ana. *HOWE-WAFFLE HOUSE AND CARRIAGE HOUSE*, Sycamore and Civic Center Dr., (4-13-77)
Santa Ana. *LIGHTER-THAN-AIR SHIP HANGARS*, Valencia and Redhill Aves., (4-3-75)
Santa Ana. *ORANGE COUNTY COURTHOUSE*, 211 W. Santa Ana Blvd., (8-29-77)
Yorba Linda. *NIXON, RICHARD, BIRTHPLACE*, 18061 Yorba Linda Blvd., (12-17-71) NHL.

placer county

Auburn. *OLD AUBURN HISTORIC DISTRICT*, (12-29-70)
Dutch Flat. *DUTCH FLAT HISTORIC DISTRICT*, Main and Stockton Sts., (3-28-73)
Penryn. *GRIFFITH QUARRY*, Taylor Rd., (10-20-77)
Roseville. *HAMAN HOUSE*, 424 Oak St., (11-17-76)
Roseville vicinity. *STRAP RAVINE NISENAN MAIDU INDIAN SITE*, (1-8-73)
Tahoe City. *OUTLET GATES AND GATEKEEPER'S CABIN*, U.S. 89 at mouth of Truckee River, (12-13-72)

plumas county

Blairsden vicinity. *PLUMAS-EUREKA MILL, JAMISON MINES DISTRICT*, W of Blairsden off Alt. U.S. 40 in Plumas-Eureka State Park, (7-16-73)
Gold Lake vicinity. *LAKES BASIN PETROGLYPHS*, (5-6-71)

riverside county

Banning. *GILMAN RANCH*, 1937 W. Gilman St., (11-17-77) g.
Blythe vicinity. *BLTYHE INTAGLIOS*, N of Blythe, (8-22-75)
Corona. *CARNEGIE, ANDREW, LIBRARY*, 8th and Main Sts., (6-29-77)
Lake Elsinore. *CRESCENT BATHHOUSE*, 201 W. Graham Ave., (7-30-75)
Palm Springs vicinity. *ANDREAS CANYON (RINCON VILLAGE)*, (1-8-73)
Palm Springs vicinity. *TAHQUITZ CANYON*, (10-31-72) g.
Perris vicinity. *BUTTERCUP FARMS PICTOGRAPH/ROCK SHELTER AREA*, 1 mi. NW of Perris on U.S. 395, (5-3-76)
Riverside. *HARADA HOUSE*, 3356 Lemon St., (9-15-77)
Riverside. *HERITAGE HOUSE (BETTNER HOUSE)*, 8193 Magnolia Ave., (2-28-73) g.
Riverside. *MISSION INN*, 3649 7th St., (5-14-71) NHL.
Riverside. *SAN PEDRO, LOS ANGELES, & SALT LAKE R.R. DEPOT*, 3751 Vine St., (4-18-77)

Temecula vicinity. *MURRIETA CREEK ARCHEOLOGICAL AREA*, (4-24-73)
Torres-Martinez Indian Reservation. *MARTINEZ HISTORICAL DISTRICT (MARTINEZ INDIAN AGENCY)*, (5-17-73)
Twentynine Palms vicinity. *BARKER DAM*, SW of Twentynine Palms in Joshua Tree National Monument, (10-29-75) HABS.
Twentynine Palms vicinity. *DESERT QUEEN MINE*, S of Twentynine Palms in Joshua Tree National Monument, (1-17-76)
Twentynine Palms vicinity. *RYAN HOUSE AND LOST HORSE WELL*, S of Twentynine Palms in Joshua Tree National Monument, (6-5-75)
Valerie vicinity. *COACHELLA VALLEY FISH TRAPS*, (6-13-72)

sacramento county

Folsom. *FOLSOM POWERHOUSE*, Off Folsom Blvd. in Folsom Lake State Recreation Area, (10-2-73)
Locke. *LOCKE HISTORIC DISTRICT*, Bounded on the W by the Sacramento River, on the N by Locke Rd., on the E by Alley St., and on the S by Levee St., (5-6-71)
Locke vicinity. *DELTA MEADOWS SITE*, (11-5-71)
Orangevale. *INDIAN STONE CORRAL*, Roughly bounded by Cherry Ave., Granite and Mountain Sts., and county line, (4-16-75)
Sacramento. *CALIFORNIA GOVERNOR'S MANSION*, 16th and H Sts., (11-10-70) HABS.
Sacramento. *CALIFORNIA STATE CAPITOL*, Between 10th and 16th and L and N Sts., (4-3-73)
Sacramento. *CROCKER, E. B., ART GALLERY*, 216 O St., (5-6-71)
Sacramento. *HEILBRON HOUSE*, 704 O St., (12-12-76)
Sacramento. *HUBBARD-UPSON HOUSE*, 1010 F St., (12-2-77)
Sacramento. *JOE MOUND*, (10-14-71)
Sacramento. *JOHNSON, J. NEELY, HOUSE*, 1029 F St., (9-13-76)
Sacramento. *OLD SACRAMENTO HISTORIC DISTRICT*, Jets. of U.S. 40, 50, 99, and CA 16 and 24, (10-15-66) NHL; HABS; g.
Sacramento. *PONY EXPRESS TERMINAL (B. F. HASTINGS BUILDING)*, 1006 2nd St., (10-15-66) NHL.
Sacramento. *SOUTHERN PACIFIC RAILROAD COMPANY'S SACRAMENTO DEPOT*, 5th and I Sts., (4-21-75)
Sacramento. *STANFORD-LATHROP HOUSE*, 800 N St., (12-9-71) HABS.
Sacramento. *SUTTER'S FORT*, 2701 L St., (10-15-66) NHL.
Sacramento. *VAN VOORHIES HOUSE*, 925 G St., (11-17-77)
Sacramento. *WOODLAKE SITE*, (5-6-71)

san benito county

San Juan Bautista. *ANZA HOUSE (JUAN DE ANZA HOUSE)*, 3rd and Franklin Sts., (4-15-70) NHL; HABS.
San Juan Bautista. *CASTRO, JOSE, HOUSE*, S side of the Plaza, (4-15-70) NHL; HABS.
San Juan Bautista. *SAN JUAN BAUTISTA PLAZA HISTORIC DISTRICT*, Buildings surrounding plaza at Washington, Mariposa, and 2nd Sts., (12-8-69) NHL; HABS; g.

san bernardino county

Barstow. *HARVEY HOUSE RAILROAD DEPOT (CASA DEL DESIERTO)*, Santa Fe Depot, (4-3-75)

CALIFORNIA 5175

Big Bear City vicinity. *WASHINGTON, HENRY, SURVEY MARKER*, S of Big Bear City in San Bernardino National Forest, (5-12-75)
Chine vicinity. *YORBA-SLAUGHTER ADOBE*, 5.5 mi. S of Chine at 17127 Pomona Rincon Rd., (7-7-75)
Cucamonga. *RAINS, JOHN, HOUSE (RANCHO CUCAMONGA)*, 7869 Vineyard Ave., (4-24-73)
Needles vicinity. *PIUTE PASS ARCHEOLOGICAL DISTRICT*, NW of Needles, (8-14-73)
Redlands. *A. K. SMILEY PUBLIC LIBRARY*, 125 W. Vine St., (12-12-76)
Redlands and vicinity. *MILL CREEK ZANJA*, Sylvan Blvd. E to Mill Creek Rd., (5-12-77)
San Bernardino vicinity. *CROWDER CANYON ARCHEOLOGICAL DISTRICT*, N of San Bernardino on CA 138, (6-16-76)
Twentynine Palms vicinity. *COW CAMP*, SW of Twentynine Palms in Joshua Tree National Monument, (10-29-75)
Twentynine Palms vicinity. *KEYS DESERT QUEEN RANCH (MCHANEY RANCH)*, SW of Twentynine Palms in Joshua Tree National Monument, (10-30-75)
Twentynine Palms vicinity. *WALL STREET MILL*, S of Twentynine Palms on Joshua Tree National Monument, (11-12-75)
Yermo vicinity. *CALICO MOUNTAINS ARCHEOLOGICAL DISTRICT*, (3-30-73)

san diego county

FAGES-DE ANZA TRAIL-SOUTHERN EMIGRANT ROAD (ANZA-BORREGO DESERT STATE PARK), Anza-Borrego Desert State Park, (1-29-74) (also in Imperial County)
Camp Pendleton. *LAS FLORES ADOBE*, Stuart Mesa Rd., about 7 mi. N of jet. with Vandergrift Blvd., (11-24-68) NHL.
Camp Pendleton. *SANTA MARGARITA RANCHHOUSE*, Off Vandergrift Blvd., (5-6-71)
Camp Pendleton vicinity. *LAS FLORES SITE*, SW of Camp Pendleton in Las Flores Creek Valley, (8-19-75)
Coronado. *HOTEL DEL CORONADO*, 1500 Orange Ave., (10-14-71) NHL; HABS.
La Jolla. *LA JOLLA WOMEN'S CLUB*, 715 Silverado St., (11-5-74) HABS.
La Jolla. *RED REST AND RED ROOST COTTAGES*, 1187 and 1179 Coast Blvd., (3-15-76)
La Jolla. *SCRIPPS, GEORGE H., MEMORIAL MARINE BIOLOGICAL LABORATORY*, 8602 La Jolla Shores Dr., (11-10-77)
National City. *BRICK ROW*, "A" Ave., between 9th and 10th Sts., (7-16-73) HABS.
National City. *GRANGER HALL*, 1700 E. 4th St., (3-18-75)
National City. *ST. MATTHEW'S EPISCOPAL CHURCH*, 521 E. 8th St., (10-25-73) HABS.
Oak Grove. *OAK GROVE BUTTERFIELD STAGE STATION*, 13 mi. NW of Warner Springs on CA 79, (10-15-66) NHL; HABS.
Oceanside vicinity. *SAN LUIS REY MISSION CHURCH*, 4 mi. E of Oceanside on CA 76, (4-15-70) NHL; HABS.
Pine Valley vicinity. *BEAR VALLEY ARCHEOLOGICAL SITE*, (7-30-74)
San Diego. *CALIFORNIA QUADRANGLE (PANAMA-CALIFORNIA INTERNATIONAL EXPOSITION)*, Balboa Park-El Prado Area, (5-17-74) g.
San Diego. *DAVIS, WILLIAM HEATH, HOUSE*, 227 11th St., (2-15-74) HABS.
San Diego. *EL PRADO COMPLEX*, Balboa Park, (12-12-76)
San Diego. *ESTUDILLO HOUSE*, 4000 Mason St., (4-15-70) NHL.

San Diego. **FORD BUILDING**, Balboa Park, Palisades Area, (4-26-73)
San Diego. **INITIAL POINT OF BOUNDARY BETWEEN U.S. AND MEXICO**, S of Imperial Beach off Monument Rd., (9-6-74)
San Diego. **KLAUBER, MELVILLE, HOUSE**, 3060 6th Ave., (11-13-74)
San Diego. **LONG-WATERMAN HOUSE**, 2408 1st Ave., (6-14-76) HABS.
San Diego. **MARSTON, GEORGE W., HOUSE**, 3525 7th Ave., (12-16-74) HABS.
San Diego. **OLD MISSION DAM**, N side of Mission St.-Gorge Rd., (10-15-66) NHL
San Diego. **OLD POINT LOMA LIGHTHOUSE**, Included in Cabrillo National Monument, (6-27-74) HABS.
San Diego. **OLD TOWN SAN DIEGO HISTORIC DISTRICT**, (9-3-71) G.
San Diego. **SAN DIEGO PRESIDIO**, Presidio Park, (10-15-66) NHL
San Diego. **SANTA FE DEPOT (UNION STATION)**, 1050 Kettner St., (6-26-72) HABS.
San Diego. **SORRENTO VALLEY SITE**, Sorrento Valley Rd., (10-21-75)
San Diego. **SPECKELS THEATRE BUILDING**, 123 W. Broadway, (5-28-75) HABS.
San Diego. **STAR OF INDIA**, San Diego Embarcadero, (11-13-66) NHL
San Diego. **U.S. COURTHOUSE**, 325 W. F St., (1-29-75)
San Diego. **VILLA MONTEZUMA (JESSE SHEPARD HOUSE)**, 1925 K St., (5-6-71) HABS.
San Diego vicinity. **CABRILLO NATIONAL MONUMENT**, 10 mi. from San Diego off U.S. 10, near S tip of Point Loma, (10-15-66)
San Diego vicinity. **MISSION SAN DIEGO DE ALCALA**, 5 mi. E of Old Town San Diego on Friars Rd., (4-15-70) NHL
Spring Valley. **BANCROFT, HUBERT H., RANCHHOUSE**, Bancroft Dr. off CA 94, (10-15-66) NHL
Vista vicinity. **GUAJOME RANCH HOUSE**, 2.5 mi. NE of Vista, (4-15-70) NHL
Warner Springs vicinity. **WARNER'S RANCH**, 4 mi. S of Warner Springs, (10-15-66) NHL; HABS.

san francisco county
San Francisco. **ALCATRAZ**, Alcatraz Island, (6-23-76) HABS.
San Francisco. **BEIDEMAN PLACE**, 33-35, 33-35 Beideman Pl., (3-8-73)
San Francisco. **BEIDEMAN PLACE**, 45-57, 45-57 Beideman Pl., (3-8-73)
San Francisco. **CITY OF PARIS BUILDING**, 181-199 Geary St., (1-23-75)
San Francisco. **EDDY STREET**, 1840-1842, 1840-1842 Eddy St., (3-8-73)
San Francisco. **FEUSIER OCTAGON HOUSE**, 1067 Green St., (3-24-74) HABS.
San Francisco. **FITZHUGH BUILDING**, 384 Post St., (1-20-76)
San Francisco. **FLOOD, JAMES C., MANSION**, California and Mason Sts., (11-13-66) NHL; HABS.
San Francisco. **FORT MASON HISTORIC DISTRICT**, That portion of Fort Mason N and E of Franklin St. and McArthur Ave., (4-25-72)
San Francisco. **FORT POINT NATIONAL HISTORIC SITE**, N tip of San Francisco Peninsula on U.S. 101 and I 480, (10-16-70)
San Francisco. **GEARY THEATRE**, 415 Geary St., (5-27-75)
San Francisco. **GOLDEN GATE PARK CONSERVATORY**, Mount Link, N of John F. Kennedy Dr. at E end of Golden Gate Park, (10-14-71) HABS; G.
San Francisco. **GOODMAN BUILDING**, 1117 Geary Blvd., (6-18-75)
San Francisco. **HAAS-LILIENTHAL HOUSE**, 2007 Franklin St., (7-2-73) HABS.
San Francisco. **HALLIDIE BUILDING**, 130 Sutter St., (11-19-71) HABS.
San Francisco. **HASLETT WAREHOUSE**, 680 Beach St., (3-28-75)
San Francisco. **INTERNATIONAL HOTEL**, 848 Kearny St., (6-15-77)
San Francisco. **JACKSON SQUARE HISTORIC DISTRICT**, Roughly bounded by Broadway on N, Sansome St. on E, Washington St. on S, and Columbus Ave. on W, (11-18-71) HABS.
San Francisco. **JESSIE STREET SUBSTATION**, 222-226 Jessie St., (9-6-74)
San Francisco. **LOTTA CRABTREE FOUNDATION**, Market, Geary, and Kearny Sts., (6-20-75)
San Francisco. **MCELROY OCTAGON HOUSE**, 2645 Gough St., (2-23-72) HABS.
San Francisco. **MILLS BUILDING AND TOWER**, 220 Montgomery St. and 220 Bush St., (4-13-77)
San Francisco. **MISSION DOLORES (MISSION SAN FRANCISCO DE ASIS)**, 320 Dolores St., (3-16-72) HABS.
San Francisco. **MYRTLE STREET FLATS**, 234-248 Myrtle St., (6-14-76)
San Francisco. **OLD U.S. MINT**, 5th and Mission Sts., (10-15-66) NHL; HABS.
San Francisco. **PHELPS, ABNER, HOUSE**, 329 Divisadero St., (5-6-71) HABS.
San Francisco. **POINT LOBOS ARCHEOLOGICAL SITE**, Off Point Lobos Ave., (11-7-76)
San Francisco. **PRESIDIO**, Northern tip of San Francisco Peninsula on U.S. 101 and I 480, (10-15-66) NHL; HABS.
San Francisco. **PUMPING STATION NO. 2, SAN FRANCISCO FIRE DEPARTMENT AUXILIARY WATER SUPPLY SYSTEM**, N end of Van Ness Ave., (5-13-76) HABS.
San Francisco. **ALMA** (scow schooner), 2905 Hyde St. (Hyde St. pier), (10-10-75)
San Francisco. **SAN FRANCISCO CABLE CARS**, (10-15-66) NHL
San Francisco. **BALCLUTHA**, Pier 41 East, (11-7-76)
San Francisco. **C. A. THAYER** (schooner), San Francisco Maritime State Historic Park, (11-13-66) NHL
San Francisco. **SCOTT STREET, NO. 1239-1245**, 1239-1245 Scott St., (3-8-73)
San Francisco. **SCOTT STREET, NO. 1249-1251**, 1249-1251 Scott St., (3-8-73)
San Francisco. **SCOTT STREET, 1321, 1321 Scott St.**, (3-8-73)
San Francisco. **SCOTT STREET, 1331-1335**, 1331-1335 Scott St., (3-8-73)
San Francisco. **EUREKA**, San Francisco Maritime State Historic Park, 2905 Hyde St., (4-24-73)
San Francisco. **HERCULES** (tugboat), San Francisco Maritime State Historic Park, (1-17-75)
San Francisco. **STADTMULLER HOUSE**, 819 Eddy St., (7-19-76)
San Francisco. **SUTTER STREET, 1813-1813B**, 1813-1813B Sutter St., (3-8-73)
San Francisco. **WAPAMA**, San Francisco Maritime State Historic Park, 2905 Hyde St., (4-24-73)
San Francisco. **U.S. CUSTOMHOUSE**, 555 Battery St., (1-29-75)
San Francisco. **U.S. POST OFFICE AND COURTHOUSE**, NE corner of 7th and Mission Sts., (10-14-71)

San Francisco. **WEBSTER STREET, 1735-1737, 1735-1737 Webster St.**, (3-8-73)
San Francisco. **WHITTIER MANSION**, 2090 Jackson St., (4-26-76)
San Francisco vicinity. **FARALLONE ISLANDS**, 28 mi. W of San Francisco, (3-8-77)

san joaquin county
Lockeford. **LOCKE HOUSE AND BARN**, 19960 W. Elliott Rd., (6-19-72)
Stockton. **EL DORADO ELEMENTARY SCHOOL**, Harding Way and Pacific Ave., (8-15-77)
Stockton. **OLD WEBER SCHOOL**, 55 W. Flora St., (7-16-73)

san luis obispo county
Atascadero. **ADMINISTRATION BUILDING, ATASCADERO COLONY**, 6500 Palma Ave., (11-17-77)
Nipomo. **DANA ADOBE**, S end of Oak Glen Ave., (5-6-71) HABS.
San Luis Obispo vicinity. **RANCHO CANADA DE LOS OSOS Y Pecho Y ISLAY**, S of San Luis Obispo between Point San Luis and Diablo Canyon, (6-20-75)
San Miguel. **CALEDONIA ADOBE**, 0.5 mi. S of 10th St., (7-14-71)
San Miguel. **MISSION SAN MIGUEL**, U.S. 101, (7-14-71) HABS.
San Simeon vicinity. **HEARST SAN SIMEON ESTATE**, 3 mi. NE of San Simeon, (6-22-72) NHL

san mateo county
Belmont. **RALSTON, WILLIAM C., HOUSE**, College of Notre Dame campus, (11-15-66) NHL; HABS.
Half Moon Bay vicinity. **JOHNSTON, JAMES, HOUSE**, Higgins-Purissima Rd., (5-9-73) G.
Hillsborough. **CAROLANDS, THE**, 565 Remillard Dr., (10-21-75)
Menlo Park. **MENLO PARK RAILROAD STATION**, 1100 Merrill St., (10-1-74)
Pacifica. **SANCHEZ ADOBE PARK**, Linda Mar Blvd., 1 mi. E of CA 1, (4-13-76) G.
Pescadero vicinity. **GREEN OAKS RANCH HOUSE**, 13 mi. S of Pescadero on CA 1, (11-21-76)
Portola Valley. **CASA DE TABLETA**, 3915 Alpine Rd., (8-14-73)
Portola Valley. **OUR LADY OF THE WAYSIDE**, 930 Portola Rd., (11-22-77) HABS.
Portola Valley. **PORTOLA VALLEY SCHOOL**, 775 Portola Rd., (6-28-74)
Redwood City. **LATHROP HOUSE**, 627 Hamilton St., (4-11-73)
Redwood City. **REDWOOD CITY HISTORIC COMMERCIAL BUILDINGS**, Broadway and Main Sts., (11-7-77) HABS.
Redwood City. **SAN MATEO COUNTY COURTHOUSE**, Broadway, (12-13-77) HABS.
San Bruno vicinity. **SAN FRANCISCO BAY DISCOVERY SITE**, 4 mi. W of San Bruno via Skyline Dr. and Sneath Lane, (5-23-68) NHL
San Gregorio. **SAN GREGORIO HOUSE**, Old Stage Rd., (5-6-77) HABS.
Woodside vicinity. **BOURN-ROTH ESTATE (FILOLI)**, 3.7 mi. NW of Woodside off Canada Rd., (8-28-75) HABS.

san mateo county
Pescadero vicinity. **PIGEON POINT LIGHTHOUSE**, S of Pescadero at Pigeon Point off CA 1, (3-8-77) HABS.

santa barbara county
Lompoc vicinity. **LA PURISIMA MISSION**, 4 mi. E of Lompoc, near jct. of CA 1 and 150, (4-15-70) NHL; HABS.
Los Alamos vicinity. **LOS ALAMOS RANCH HOUSE**, 3 mi. W of Los Alamos on old U.S. 101, (4-15-70) NHL
Santa Barbara. **EL PASEO AND CASA DE LA GUERRA**, 808-818 State St., 813-819 Anacapa St., and 9-25 E. de la Guerra St., (2-2-77)
Santa Barbara. **GONZALEZ, RAFAEL, HOUSE (VHAY HOUSE)**, 835 Laguna St., (4-15-70) NHL; HABS.
Santa Barbara. **SANTA BARBARA MISSION**, 2201 Laguna St., (10-15-66) NHL; HABS.
Santa Barbara. **SANTA BARBARA PRESIDIO**, Roughly bounded by Carrillo, Garden, De la Guerra and Anacapa Sts., (11-26-73) HABS.
Santa Barbara vicinity. **PAINTED CAVE**, (12-5-72)

santa clara county
Alviso. **ALVISO HISTORIC DISTRICT, PORT OF (SAN JOSE)**, 18th-19th C., (10-9-73)
Cupertino. **LE PETIT TRIANON**, De Anza College campus, (11-15-72) G.
Gilroy. **OLD CITY HALL**, 7410 Monterey St., (4-16-75) G.
Gilroy Hot Springs vicinity. **COYOTE CREEK ARCHEOLOGICAL DISTRICT**, (10-14-71)
Gilroy vicinity. **NORRIS, FRANK, CABIN**, 10 mi. W of Gilroy off CA 152, (10-15-66) NHL
Los Altos vicinity. **GRIFFIN, WILLARD, HOUSE AND CARRIAGE HOUSE**, 12345 S. El Monte Ave., (4-13-77)
Los Gatos. **MCCULLAGH-JONES HOUSE**, 18000 Overlook Rd., (10-29-74)
Los Gatos vicinity. **KOTANI-EN GARDEN**, W of Los Gatos, (11-7-76)
Morgan Hill vicinity. **POVERTY FLAT SITE**, (2-23-72)
Palo Alto. **DOWNING, T. B., HOUSE**, 706 Cowper St., (10-30-73)
Palo Alto. **HOSTESS HOUSE**, W of the University Ave. underpass, (7-30-76)
Palo Alto. **SQUIRE, JOHN ADAM, HOUSE**, 900 University Ave., (3-6-72)
San Jose. **ASHWORTH-REMILLARD HOUSE**, 755 Story Rd., (12-12-76)
San Jose. **CIVIC ART GALLERY (OLD POST OFFICE)**, 110 Market St., (1-29-73)
San Jose. **FIRST UNITARIAN UNIVERSALIST CHURCH**, 160 N. 3rd St., (11-17-77)
San Jose. **HAYES MANSION**, 200 Edenvale Ave., (8-1-75)
San Jose. **MURPHY BUILDING**, 36 S. Market St., (4-28-75)
San Jose. **PERALTA, LUIS MARIA, ADOBE**, 184 W. St. John St., (10-15-73)
San Jose. **ROBERTO-SUNOL ADOBE**, 770 Lincoln Ave., (3-17-77)
San Jose. **ST. JOSEPH'S ROMAN CATHOLIC CHURCH**, Market and San Fernando Sts., (8-26-77)
San Jose. **WINCHESTER HOUSE**, 525 S. Winchester Blvd., (8-7-74)
San Jose vicinity. **NEW ALMADEN**, 14 mi. S of San Jose on CR G8, (10-15-66) NHL; HABS.
Santa Clara. **MORSE, CHARLES COPELAND, HOUSE**, 981 Fremont St., (4-13-77)

santa cruz county
Capitola. **HIHN BUILDING (SUPERINTENDENT'S OFFICE)**, 201 Monterey Ave., (3-20-73)
Felton. **FELTON COVERED BRIDGE**, Covered Bridge Rd., (6-19-73)
Santa Cruz. **GOLDEN GATE VILLA**, 924 3rd St., (7-24-75)
Santa Cruz. **LIVE OAK RANCH**, 105 Mentel Ave., (7-10-75)
Santa Cruz. **MISSION HILL AREA HISTORIC DISTRICT**, Mission St., (5-17-76)
Santa Cruz. **NEARY-RODRIGUEZ ADOBE**, 130-134 School St., (2-24-75)
Santa Cruz. **OCTAGON BUILDING**, Corner of Front and Cooper Sts., (3-24-71)
Scotts Valley. **SCOTT, HIRAM D., HOUSE**, 4603 Scotts Valley Dr., (4-13-77)
Watsonville vicinity. **CASTRO, JOSE JOAQUIN, ADOBE**, NW of Watsonville at 184 Old Adobe Rd., (12-12-76)
Watsonville vicinity. **WATSONVILLE-LEE ROAD SITE (CA-SCR-107)**, 125 Lee Rd., (5-28-76)

shasta county
NOBLES EMIGRANT TRAIL, Reference—see Lassen County
Burney vicinity. **LAKE BRITTON ARCHEOLOGICAL DISTRICT**, 10 mi. N of Burney in Lassen National Forest, (4-14-75)
Cottonwood. **COTTONWOOD HISTORIC DISTRICT**, (7-16-73)
Cottonwood vicinity. **READING ADOBE SITE**, Adobe Lane, 5 mi. E of the center of Cottonwood, (7-14-71)
French Gulch. **FRENCH GULCH HISTORIC DISTRICT**, Along both sides of French Gulch Rd., (3-24-72)
Lassen Volcanic National Park. **LOOMIS VISITOR CENTER, BLDG. 43**, (2-25-75)
Millville vicinity. **COW CREEK PETROGLYPHS**, (11-5-71)
Millville vicinity. **DERSCH-TAYLOR PETROGLYPHS**, (10-14-71)
Redding vicinity. **BENTON TRACT SITE**, (11-12-71)
Redding vicinity. **OLSEN PETROGLYPHS**, (3-24-71)
Shasta. **SHASTA STATE HISTORIC PARK**, U.S. 299, (10-14-71)
Whiskeytown. **TOWER HOUSE DISTRICT**, Whiskeytown National Recreation Area, (7-2-73)

sierra county
Gold Lake vicinity. **HAWLEY LAKE PETROGLYPHS**, (5-6-71)
Loyalton vicinity. **KYBURZ FLAT SITE**, (11-12-71)
Truckee vicinity. **SARDINE VALLEY ARCHEOLOGICAL DISTRICT**, (5-6-71)
Verdi vicinity. **STAMPEDE SITE**, (10-14-71)

siskiyou county
Dorris vicinity. **LOWER KLAMATH NATIONAL WILDLIFE REFUGE**, Lower Klamath Lake, E of Dorris, (10-15-66) NHL (also in Klamath County, OR)
Fort Jones. **FORT JONES HOUSE (LOUIS HELLER STUDIO)**, Main St., (4-22-76)
Tulelake vicinity. **CAPTAIN JACK'S STRONGHOLD**, S of Tulelake, Lava Beds National Monument, (9-20-73)
Tulelake vicinity. **HOSPITAL ROCK**, S of Tulelake, Lava Beds National Monument, (10-2-73)
Yreka. **WEST MINER STREET-THIRD STREET HISTORIC DISTRICT**, 102-402 W. Miner St. and 122-419 3rd St., (12-11-72)

solano county
Benicia. **BENICIA ARSENAL**, Army Point and I-680, (11-7-76) HABS.
Benicia. **BENICIA CAPITOL-COURTHOUSE**, 1st and G Sts., (12-12-71)

stanislaus county
Knights Ferry and vicinity. **KNIGHTS FERRY**, On Stanislaus River 2 mi. from Stanislaus/Calaveras county line off CA 108/120, (4-23-75)
La Grange vicinity. **GOLD DREDGE**, S of La Grange, (12-16-71)

tehama county
Red Bluff. **ODD FELLOWS BUILDING**, 342 Oak St., (12-12-76)

trinity county
Weaverville. **WEAVERVILLE HISTORIC DISTRICT**, Both sides of Main St., (10-14-71) G.

tulare county
Allensworth and vicinity. **ALLENSWORTH HISTORIC DISTRICT**, Town of Allensworth and its environs along CA 43, (2-23-72)

Benicia. **OLD MASONIC HALL**, 106 W. J St., (3-16-72)
Collinsville vicinity. **HASTINGS ADOBE**, NE of Collinsville off CA 68, (6-13-72)
Suisun vicinity. **MARTIN, SAMUEL, HOUSE**, 293 Suisun Valley Rd., (5-26-77)
Vacaville vicinity. **PENA ADOBE**, 2 mi. SW of Vacaville on I 80, (1-7-72)
Vallejo. **MARE ISLAND NAVAL SHIPYARD**, (5-15-75) NHL
Vallejo. **VALLEJO CITY HALL AND COUNTY BUILDING BRANCH**, 734 Marin St., (11-7-76)
Vallejo. **VALLEJO OLD CITY HISTORIC DISTRICT**, Sonoma Blvd., and Monterey, Carolina, and York Sts., (3-20-73)

sonoma county
Bodega Bay vicinity. **BODEGA BAY**, (12-18-73)
Bodega Bay vicinity. **RANCH SITE, THE**, (7-14-71)
Cloverdale. **CLOVERDALE RAILROAD STATION**, Railroad Ave., (12-12-76)
Fort Ross vicinity. **FORT ROSS**, N of Fort Ross on CA 1, (10-15-66) NHL; HABS; G.
Fort Ross vicinity. **FORT ROSS COMMANDER'S HOUSE**, N of Fort Ross on CA 1, Fort Ross State Historical Monument, (4-15-70) NHL; G.
Glen Ellen vicinity. **LONDON, JACK, RANCH**, 0.4 mi. W of Glen Ellen in Jack London Historical State Park, (10-15-66) NHL
Healdsburg vicinity. **DRY CREEK-WARM SPRINGS VALLEYS ARCHEOLOGICAL DISTRICT**, NW of Healdsburg, (12-9-77)
Healdsburg vicinity. **WALTERS RANCH**, 6 mi. S of Healdsburg at 6050 Westside Rd., (10-7-77)
Jenner vicinity. **DUNCAN'S LANDING SITE**, (11-12-71)
Petaluma vicinity. **PETALUMA ADOBE**, 4 mi. E of Petaluma on Casa Grande Rd., (4-15-70) NHL; HABS.
Santa Rosa. **BURBANK, LUTHER, HOUSE AND GARDEN**, 200 Santa Rosa Ave., (10-15-66) NHL
Santa Rosa. **MCDONALD MANSION**, 1015 McDonald Ave., (3-1-74)
Sonoma. **SONOMA DEPOT**, 284 1st St. W., (4-3-75)
Sonoma. **SONOMA PLAZA**, Center of Sonoma, (4-3-75) NHL; HABS.
Sonoma. **VALLEJO ESTATE**, Corner of Spain and W. 3rd Sts., (6-29-72)
Stewarts Point vicinity. **SALT POINT STATE PARK ARCHEOLOGICAL DISTRICT**, (3-24-71)

stanislaus county
Knights Ferry and vicinity. **KNIGHTS FERRY**, On Stanislaus River 2 mi. from Stanislaus/Calaveras county line off CA 108/120, (4-23-75)
La Grange vicinity. **GOLD DREDGE**, S of La Grange, (12-16-71)

tehama county
Red Bluff. **ODD FELLOWS BUILDING**, 342 Oak St., (12-12-76)

trinity county
Weaverville. **WEAVERVILLE HISTORIC DISTRICT**, Both sides of Main St., (10-14-71) G.

tulare county
Allensworth and vicinity. **ALLENSWORTH HISTORIC DISTRICT**, Town of Allensworth and its environs along CA 43, (2-23-72)

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Lone Pine vicinity. *SMITHSONIAN INSTITUTION SHELTER*, W of Lone Pine on Sequoia National Park, (3-8-77)
Mineral King vicinity. *QUINN RANGER STATION*, S of Mineral King on Sequoia National Park, (4-13-77)
Three Rivers vicinity. *CATTLE CABIN*, NE of Three Rivers on Sequoia National Park, (9-15-77)
Three Rivers vicinity. *HOSPITAL ROCK*, NE of Three Rivers, (8-29-77)
Three Rivers vicinity. *SQUATTER'S CABIN*, NE of Three Rivers, (3-8-77)
Three Rivers vicinity. *THARP'S LOG*, NE of Three Rivers, (3-8-77)
Visalia. *THE PIONEER*, 27000 S. Mooney Blvd., (5-5-77)

tuolumne county

Lee Vining vicinity. *MCCAULEY CABIN*, W of Lee Vining at Tuolumne Meadows, (3-8-77)
Long Barn vicinity. *QUAIL SITE*, 10 mi. N of Long Barn on N side of Beardsley Lake in Stanislaus National Forest, (3-10-75)
Sonora vicinity. *COLUMBIA HISTORIC DISTRICT*, 4 mi. NW of Sonora on CA 49, (10-15-66) NHL; HABS.
Strawberry vicinity. *CHINAMAN MORTAR SITE*, W of Strawberry in Stanislaus National Forest, (6-20-75)
Tuolumne vicinity. *NIAGARA CAMP*, NE of Tuolumne in Stanislaus National Forest, (6-5-75)

ventura county

Newbury Park. *GRAND UNION HOTEL (STAGE-COACH INN)*, 51 Ventu Park Rd., (12-30-75)
Oxnard. *OXNARD PUBLIC LIBRARY (OXNARD CHAMBER OF COMMERCE)*, 424 S. C St., (7-27-71)
Oxnard vicinity. *CALLEGUAS CREEK SITE (CA-EN-110)*, SE of Oxnard, (5-19-76)
Port Hueneme. *BERYLWOOD*, Ventura Rd., (9-15-77)
San Buenaventura. *MISSION SAN BUENAVENTURA AND MISSION COMPOUND SITE*, Bounded by Poli St., Ventura and Santa Clara Aves., and Palm St., (4-10-75) G.
Santa Susana vicinity. *BURRO FLATS PAINTED CAVE*, 3 mi. S of Santa Susana, (5-5-76)
Ventura. *BARD, ELIZABETH, MEMORIAL HOSPITAL*, 121 N. Fir St., (11-11-77)
Ventura. *DUDLEY HOUSE*, 4085 Telegraph Rd., (5-12-77)
Ventura. *SAN BUENAVENTURA MISSION AQUEDUCT*, 234 Canada Larga Rd., (3-7-75)
Ventura. *VENTURA COUNTY COURTHOUSE*, 501 Poli St., (8-19-71)

yolo county

Broderick. *FIRST PACIFIC COAST SALMON CANNERY SITE*, On the Sacramento River, opposite the foot of K St., (4-6-74) NHL.
Brooks vicinity. *CANON SCHOOL*, 0.5 mi. N of Brooks, (6-13-72)
Davis. *DRESBACH-HUNT-HOYER HOUSE*, 604 2nd St., (9-13-76)
Davis. *SOUTHERN PACIFIC RAILROAD STATION*, H and 2nd Sts., (11-7-76)
Rumsey. *RUMSEY TOWN HALL*, CA 16 at Manzanita St., (6-19-72)
Woodland. *GIBSON, WILLIAM B., HOUSE*, 512 Gibson Rd., (11-7-76)
Woodland. *WOODLAND OPERA HOUSE*, 320 2nd St., (11-5-71) G.
Woodland vicinity. *NELSON RANCH*, CA 18C between CA 113 and 102, (7-17-72)

yuba county

Marysville. *BOK KAI TEMPLE*, Yuba River Levee at D St., (5-21-75)
Marysville. *DECKER-JEWETT BANK*, 212 D St., (12-22-76)
Marysville. *ELLIS BUILDING*, 100 D St., (12-22-76)
Marysville. *RAMIREZ, JOSE MANUEL, HOUSE*, 220 5th St., (1-17-76)
North San Juan vicinity. *OREGON CREEK COVERED BRIDGE*, 3 mi. NE of North San Juan over Oregon Creek, (5-30-75)
Woodleaf. *WOODLEAF HOTEL*, Marysville-La Porte Rd., (4-9-75)

COLORADO

arapahoe county

Strasburg vicinity. *COMANCHE CROSSING OF THE KANSAS PACIFIC RAILROAD*, On Union Pacific Railroad tracks E of the Strasburg depot, (8-10-70)

archuleta county

Antonito vicinity. *CUMBRES AND TOLTEC SCENIC RAILROAD (DENVER AND RIO GRANDE WESTERN RAILROAD)*, Between Antonito and Chama, NM, (2-16-73) G. (also in Conejos County, CO, and Rio Arriba County, NM)
Chimney Rock vicinity. *CHIMNEY ROCK ARCHEOLOGICAL SITE*, San Juan National Forest, 2 mi. E of the Piedra River and 1.5 mi. N of CO 151, (8-25-70)

baca county

Springfield. *SPRINGFIELD SCHOOLHOUSE*, 281 W. 7th Ave., (10-5-77)

bent county

Las Animas. *BENT COUNTY COURTHOUSE*, Bounded by Carson and Bent Aves., 7th and 8th Sts., (1-2-76)

boulder county

Boulder. *CHAUTAUQUA AUDITORIUM*, Chautauqua Park, (1-21-74)
Longmont. *ST. STEPHEN'S EPISCOPAL CHURCH*, 1881, 470 Main St., (2-24-75)
Lyons. *FIRST CONGREGATIONAL CHURCH OF LYONS*, High and 4th Sts., (12-12-76)
Lyons. *LYONS RAILROAD DEPOT*, 400 block of Broadway, (12-2-74)

chaffee county

Buena Vista vicinity. *VICKSBURG MINING CAMP*, 15 mi. NW of Buena Vista on SR 390, (3-8-77)
Poncha Springs vicinity. *HUTCHINSON RANCH*, 2 mi. E of Poncha Springs on U.S. 50, (5-11-73)
Salida vicinity. *OHIO-COLORADO SMELTING AND REFINING COMPANY SMOKESTACK*, NE of Salida at jet. of SR 150 and 152, (11-11-76)

clear creek county

Georgetown. *ALPINE HOSE COMPANY NO. 2*, 507 5th St., (1-25-73)
Georgetown. *GRACE EPISCOPAL CHURCH*, Taos St., between 4th and 5th Sts., (8-14-73)
Georgetown. *HAMILL HOUSE*, Argentine and 3rd Sts., (5-31-72) G.
Georgetown. *HOTEL DE PARIS*, Alpine St., (4-28-70) G.
Georgetown. *MCCLELLAN HOUSE*, 919 Taos St., (12-5-72)
Georgetown. *TOLL HOUSE (JULIUS G. POHLE HOUSE)*, S side of Georgetown adjacent to I 70, (12-18-70) G.

Georgetown-Silver Plume vicinity. *GEORGETOWN-SILVER PLUME HISTORIC DISTRICT*, (11-13-66) NHL; G.
Georgetown vicinity. *ORE PROCESSING MILL AND DAM*, 1 mi. SW of Georgetown off I 70, (5-6-71) G.
Silver Plume. *SILVER PLUME DEPOT*, Off I 70, (5-6-71)
Silver Plume vicinity. *LEBANON AND EVERETT MINE TUNNELS*, NE of Silver Plume, adjacent to I 70 right-of-way, (10-7-71) G.

conejos county

CUMBRES AND TOLTEC SCENIC RAILROAD (DENVER AND RIO GRANDE WESTERN RAILROAD), Reference—see Archuleta County

Antonito. *ENGINE NO. 463*, Off U.S. 285, (5-12-75)
Antonito. *WARSHAUER MANSION*, 515 River St., (8-30-74)
La Jara. *LA JARA DEPOT*, Broadway and Main Sts., (5-12-75)
Sanford vicinity. *PIKE'S STOCKADE*, 4 mi. E of Sanford on CO 136, (10-15-66) NHL.

costilla county

Fort Garland. *FORT GARLAND*, On CO 159, 1 block S of U.S. 10/160, (2-26-70) G.
San Luis. *SMITH-GALLEGOS HOUSE*, Main St., (4-14-75)

denver county

Denver. *AURARIA 9TH STREET HISTORIC DISTRICT*, (3-26-73) G.
Denver. *BELCARO (PHIPPS HOUSE)*, 3400 Belcaro Dr., (2-10-75)
Denver. *BRINKER COLLEGIATE INSTITUTE*, 1725-1727 Tremont Pl., (10-28-77)
Denver. *BROWN, MOLLY, HOUSE*, 1340 Pennsylvania St., (2-1-72) G.
Denver. *BROWN PALACE HOTEL*, 17th St. and Tremont Pl., (4-28-70)
Denver. *BYERS-EVANS HOUSE*, 1310 Bannock St., (8-25-70)
Denver. *CATHEDRAL OF THE IMMACULATE CONCEPTION*, NE corner of Colfax Ave. and Logan St., (3-3-75) HABS.
Denver. *CENTRAL PRESBYTERIAN CHURCH*, 1660 Sherman St., (11-21-74) HABS.
Denver. *CHRIST METHODIST EPISCOPAL CHURCH*, 2201 Ogden St., (11-7-76)
Denver. *CIVIC CENTER*, Between Grant and Delaware Sts., S of 13th Ave., (2-27-74) HABS.
Denver. *COLORADO GOVERNOR'S MANSION*, 400 E. 8th Ave., (12-3-69)
Denver. *CONSTITUTION HALL (FIRST NATIONAL BANK BUILDING)*, 1507 Blake St., (8-25-70)
Denver. *CORNWALL APARTMENTS*, 1317 Ogden St., 912 E. 13th Ave., (10-8-76)
Denver. *CRESWELL MANSION*, 1244 Grant St., (11-25-77)
Denver. *CROKE-PATTERSON-CAMPBELL MANSION*, 428-430 E. 11th Ave., (9-19-73) HABS.
Denver. *CURTIS-CHAMPA STREETS DISTRICT*, Roughly bounded by Arapahoe, 30th, California, and 24th Sts., (4-1-75)
Denver. *DANIELS AND FISHER TOWER*, 1101 16th St., (12-3-69)
Denver. *DENVER MINT*, W. Colfax Ave. and Delaware St., (2-1-72)
Denver. *EMMANUEL SHEARITH ISRAEL CHAPEL (EMMANUEL EPISCOPAL CHAPEL)*, 1201 10th St., (12-1-69)
Denver. *EVANS MEMORIAL CHAPEL*, University of Denver campus, (12-27-74)

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huerfano county

Walsenburg. *HUERFANO COUNTY COURTHOUSE AND JAIL*, 400 Main St., (4-23-73) G.

jefferson county

Arvada. *ARVADA FLOUR MILL*, 5580 Wadsworth Blvd., (4-24-75)
Buffalo Creek. *BLUE JAY INN*, Hwy. 126, (10-1-74)
Buffalo Creek. *LA HACIENDA (JOHN L. JEROME SUMMER ESTATE)*, On SR off U.S. 285, (7-20-73)
Buffalo Creek vicinity. *GREEN MERCANTILE STORE*, NW of Buffalo Creek, (10-1-74)
Buffalo Creek vicinity. *GREEN MOUNTAIN RANCH*, S of Buffalo Creek on Hwy. 126, (10-1-74)
Evergreen. *HIWAN HOMESTEAD*, Meadow Dr., (4-9-74)
Evergreen. *HUMPHREY HOUSE*, 620 S. Soda Creek Rd., (12-31-74)
Golden. *ASTOR HOUSE HOTEL (LAKE HOUSE, CASTLE ROCK HOUSE)*, 822 12th St., (3-1-73)
Golden vicinity. *MOUNT VERNON HOUSE (ROBERT W. STEELE HOUSE)*, About 1 mi. S of Golden city limits at jet. of I 70, CO 26 and Mount Vernon Canyon Rd., (11-20-70) HABS.
Golden vicinity. *ROONEY RANCH*, S of Golden, intersection of Rooney Rd. and Alameda Pkwy., (2-13-75)
Lakewood vicinity. *STONE HOUSE*, S of Lakewood off of S. Wadsworth Blvd., (5-1-75)
Littleton vicinity. *HILDEBRAND RANCH*, 7 mi. SW of Littleton off Deer Creek Canyon Rd., (3-13-75)
Morrison. *MORRISON HISTORIC DISTRICT*, CO 8, (9-28-76)
Morrison. *MORRISON SCHOOLHOUSE*, 226 Spring St., (9-4-74)
Pine and South Platte. *NORTH FORK HISTORIC DISTRICT*, Both sides of South Platte River from Pine to South Platte, in Pike National Forest, (10-9-74)
Wheat Ridge. *PIONEER SOD HOUSE*, 4610 Robb St., (3-14-73)
Wheat Ridge. *RICHARDS MANSION*, 5349 W. 27th Ave., (9-15-77)

eagle county

McCoy vicinity. *WATERWHEEL*, SE of McCoy at Colorado River, (4-11-77)
Wolcott. *WOLCOTT STAGE STATION*, N bank of Eagle River off CO 131, (8-22-75)

el paso county

Colorado Springs. *ALAMO HOTEL*, 128 S. Tejon St., (9-14-77)
Colorado Springs. *CLAREMONT*, 21 Broadmoor Ave., (4-13-77)
Colorado Springs. *EL PASO COUNTY COURTHOUSE*, 215 S. Tejon St., (9-29-72) G.
Colorado Springs. *GLEN EYRIE*, 3280 N. Cascade Ave., (8-14-73)
Colorado Springs vicinity. *PIKES PEAK*, 15 mi. W of Colorado Springs in Pike National Forest, (10-15-66) NHL.
Colorado Springs vicinity. *PIONEER CABIN*, 11 mi. N of Colorado Springs off I 25 on grounds of U.S. Air Force Academy, (1-27-75)
Manitou Springs. *BRIARHURST (WILLIAM A. BELL HOUSE)*, 404 Manitou Ave., (4-23-73)
Manitou Springs. *MIRAMONT (FRANCIS L. CASTLE)*, 9 Capitol Hill, (4-11-77)

garfield county

Glenwood Springs. *HOTEL COLORADO*, 526 Pine St., (5-26-77)

gilpin county

Central City. *CENTRAL CITY HISTORIC DISTRICT*, (10-15-66) NHL; HABS; G.
Central City. *CENTRAL CITY OPERA HOUSE*, Eureka St., (1-18-73)
Central City. *TELLER HOUSE*, Eureka St., (1-18-73)

grand county

Grand Lake. *KAUFFMAN HOUSE*, NW corner of Pitkin and Lake Ave., (11-21-74)
Grand Lake vicinity. *GRAND RIVER DITCH*, N of Grand Lake, (9-29-76)
Grand Lake vicinity. *HOLZWARTH HISTORIC DISTRICT*, N of Grand Lake on Trail Ridge Rd., (12-2-77)
Grand Lake vicinity. *LULU CITY SITE*, N of Grand Lake on Trail Ridge Rd., (9-14-77)
Grand Lake vicinity. *NORTH INLET SHELTER CABIN*, 6 mi. E of Grand Lake in Rocky Mountain National Park, (10-22-76)

gunnison county

Crested Butte. *CRESTED BUTTE*, Town of Crested Butte, (5-29-74)

Denver. *FIELD, EUGENE, HOUSE*, 715 S. Franklin St., (11-1-74) HABS.
Denver. *FISHER, WILLIAM G., HOUSE*, 1600 Logan St., (11-20-74) HABS.
Denver. *FITZROY PLACE*, 2160 S. Cook St., (2-20-75)
Denver. *FORD, BARNEY L., BUILDING*, 1514 Blake St., (6-24-76)
Denver. *FOUR-MILE HOUSE*, 715 S. Forest St., (12-3-69) HABS.
Denver. *GRANT-HUMPHREYS MANSION*, 770 Pennsylvania St., (9-30-70) HABS.
Denver. *IDEAL BUILDING*, 821 17th St., (6-9-77)
Denver. *KITTREDGE BUILDING*, 511 16th St., (12-2-77)
Denver. *LARIMER SQUARE*, 1400 block of Larimer St., (5-7-73)
Denver. *LEFEVRE, OWEN E., HOUSE*, 1311 York St., (6-11-75)
Denver. *LORETTO HEIGHTS ACADEMY*, 3001 S. Federal Blvd., (9-18-75)
Denver. *MARNE, THE*, 1572 Race St., (11-21-74)
Denver. *MASONIC TEMPLE BUILDING*, 1614 Welton St., (11-22-77)
Denver. *MOFFAT STATION*, 2105 15th St., (10-22-76)
Denver. *PEARCE-MCALLISTER COTTAGE*, 1880 Gaylord St., (6-20-72) G.
Denver. *RICHTHOFEN CASTLE*, 7020 E. 12th Ave., (4-21-75)
Denver. *SCHLEIER, GEORGE, MANSION*, 1665 Grant St., (11-17-77)
Denver. *SCHMIDT, GEORGE, HOUSE*, 2345 7th St., (10-29-76)
Denver. *SMITH'S IRRIGATION DITCH*, Washington Park, (10-8-76)
Denver. *ST. ANDREWS EPISCOPAL CHURCH*, 2015 Glenarm Pl., (3-18-75)
Denver. *ST. ELIZABETH'S CHURCH*, 1062 11th St., (12-1-69)
Denver. *ST. ELIZABETH'S RETREAT CHAPEL (CATHOLIC)*, 2825 W. 32nd Ave., (5-24-76)
Denver. *ST. JOHN'S CATHEDRAL*, 14th and Washington Sts., (8-1-75)
Denver. *ST. MARK'S PARISH CHURCH*, 1160 Lincoln St., (9-18-75)
Denver. *TEARS-MCFARLANE HOUSE*, 1200 Williams St., (1-11-76)
Denver. *THOMAS, H. H., HOUSE*, 2104 Glenarm Pl., (5-30-75)
Denver. *TIVOLI BREWERY COMPANY*, 1320-1348 10th St., (4-11-73) HAER.
Denver. *TRINITY UNITED METHODIST CHURCH*, E. 18th Ave. and Broadway, (7-28-70)
Denver. *U.S. POST OFFICE AND FEDERAL BUILDING*, 18th and Stout Sts., (3-20-73) HABS.
Denver. *UNION STATION*, 17th St. at Wynkoop, (11-20-74)
Denver. *VINE STREET HOUSES*, 1415, 1429, 1435, 1441, 1453 Vine St., (12-16-74)
Denver. *WESTSIDE NEIGHBORHOOD*, 1311-1466 Lipan St., 1305-1370 Kalamath St., 931-1126 W. 14th Ave., 1312-1438 on E. side of Maraposa St., and 1008-1118 on N. side of W. 13th Ave., (4-17-75)
Denver. *WOOD-MORRIS-BONFILS HOUSE*, 707 Washington St., (12-4-74)
Denver. *ZANG, ADOLPH, MANSION*, 709 Clarkson St., (11-23-77)

dolores county

Rico. *RICO CITY HALL*, NE corner of Commercial and Mantz Sts., (12-31-74)

douglas county

Castle Rock. *CASTLE ROCK DEPOT*, 420 Elbert St., (10-11-74)

5180 CONNECTICUT

NOTICES

Estes Park vicinity. **MORAINÉ LODGE**, W of Estes Park off U.S. 36 on Bear Lake Rd., (10-8-76)
Estes Park vicinity. **WHITE, WILLIAM ALLEN, CABINS**, W of Estes Park at Moraine Park Visitor Center in Rocky Mountain National Park, (10-25-73)
Fort Collins. **VERY HOUSE**, 328 W Mountain Ave., (6-24-72) G.
Fort Collins vicinity. **LINDENMEIER SITE**, 28 mi. N of Fort Collins, 1.75 mi. S of Wyoming state line, (10-15-66) NHL.

las animas county

RATON PASS, Reference—see Colfax County, NM
Trinidad. **BACA HOUSE AND OUTBUILDING**, 300 block of Main St., (2-26-70) G.
Trinidad. **BLOOM, FRANK G., HOUSE**, 300 block of Main St., (2-26-70) G.
Trinidad. **CORAZON DE TRINIDAD**, Roughly bounded by Purgatoire River on N and W, Walnut St. on E, and 3rd, W. 1st, and Animas Sts. on S., (2-28-73)
Trinidad. **JAFFA OPERA HOUSE (HAUSMAN DRUG)**, 100-116 W. Main St., (2-7-72)

mesa county

Molina vicinity. **CONVICTS' BREAD OVEN**, W of Molina on CO 65, (12-31-74)

mineral county

Creede vicinity. **WAGON WHEEL GAP RAILROAD STATION**, SE of Creede at Wagon Wheel Gap, off CO 149, (9-27-76)

moftat county

WHITE-INDIAN CONTACT SITE, Brown's Park, (3-8-77)
Brown's Park. **OLD LADORE SCHOOL**, By Green River on SR 318, (2-24-75)
Craig. **MARCIA** (pullman car), 341 E. Victory Way, (6-20-75)

montezuma county

UTE MOUNTAIN UTE MANCOS CANYON HISTORIC DISTRICT, Reference—see La Plata County
Cortez vicinity. **HOVENWEEP NATIONAL MONUMENT**, NW of Cortez, (10-15-66) (also in San Juan County, UT)
Cortez vicinity. **MESA VERDE NATIONAL PARK**, 10 mi. E of Cortez on U.S. 160, (10-15-66)
Cortez vicinity. **YUCCA HOUSE NATIONAL MONUMENT**, 12 mi. S of Cortez via U.S. 666, (10-15-66)
Dolores vicinity. **ESCALANTE RUIN**, W of Dolores, (11-20-75)
Pleasant View vicinity. **LOWRY RUIN**, 30 mi. NW of Cortez via U.S. 160, (10-15-66) NHL.

montrose county

Cimarron vicinity. **D&RG NARROW GAUGE TRESTLE**, NE of Cimarron, (6-18-76)
Montrose vicinity. **UTE MEMORIAL SITE**, 2 mi. S of Montrose on U.S. 550, (2-26-70)

otero county

La Junta vicinity. **BENT'S OLD FORT NATIONAL HISTORIC SITE**, 8 mi. W of Las Animas on CO 194, (10-15-66)
La Junta. **U.S. POST OFFICE**, 4th and Colorado Ave., (7-12-76)

ouray county

Ouray. **BEAUMONT HOTEL**, (10-30-73)
Ouray. **OURAY CITY HALL AND WALSH LIBRARY**, 6th Ave. between 3rd and 4th Sts., (4-16-75)

park county

Fairplay. **SOUTH PARK COMMUNITY CHURCH**, 6th and Hathaway Sts., (11-22-77)
Fairplay. **SOUTH PARK LAGER BEER BREWERY**, 3rd and Front Sts., (6-25-74)
Fairplay. **SUMMER SALOON**, 3rd and Front Sts., (5-8-74)

pitkin county

Aspen. **ARMORY HALL, FRATERNAL HALL**, 130 S. Galena St., (6-5-75)
Aspen. **ASPEN COMMUNITY CHURCH**, 200 N. Aspen St., (5-12-75)
Aspen. **PITKIN COUNTY COURTHOUSE**, 506 E. Main St., (5-12-75)
Aspen. **STALLARD-WHEELER HOUSE**, 620 W. Bleeker St., (5-30-75)
Aspen. **WHEELER OPERA HOUSE**, 330 E. Hyman Ave., (8-21-72)
Aspen vicinity. **ASHCROFT, COLORADO**, 12 mi. S of Aspen in White River National Forest, (5-12-75)
Ghost Town. **INDEPENDENCE AND INDEPENDENCE MILL SITE**, On CO 82, in White River National Forest, (4-11-73)
Redstone vicinity. **OSGOOD CASTLE (CLEVEHOLM)**, About 1 mi. S of Redstone on CO 133, (6-28-71)

pueblo county

Penrose vicinity. **INDIAN PETROGLYPHS AND PICTOGRAPHS**, E of Penrose, (5-3-76)
Pueblo. **ORMAN-ADAMS HOUSE**, 102 W. Orman Ave., (7-13-76)
Pueblo. **PUEBLO COUNTY COURTHOUSE**, 10th and Main Sts., (6-24-75)
Pueblo. **QUAKER FLOUR MILL**, 102 S. Oneida St., (9-30-76)
Pueblo. **ROSEMOUNT**, 419 W. 14th St., (7-30-74)
Pueblo. **UNION DEPOT**, Victoria and B Sts., (4-1-75)
Pueblo vicinity. **GOODNIGHT BARN**, W of Pueblo at CO 96 W and Siloam Rd., (7-30-74)

rio blanco county

Meeker vicinity. **BATTLE OF MILK RIVER SITE**, 17 mi. NE of Meeker on Thornburgh Rd., (8-22-75)
Meeker vicinity. **DUCK CREEK WICKIUP VILLAGE**, 36 mi. SW of Meeker, (11-20-75)
Rangely vicinity. **CANON PINTADO**, 12 mi. S of Rangely on CO 139, (10-6-75)
Rangely vicinity. **CARROT MEN PICTOGRAPH SITE**, 17 mi. SW of Rangely off Rangely Dragon Rd., (8-22-75)
Rangely vicinity. **FREMONT LOOKOUT FORTIFICATION SITE**, (11-20-74)

roult county

Hahns Peak. **HAHNS PEAK SCHOOLHOUSE**, Main St., (2-15-74)

saguache county

La Garita vicinity. **CARNERO CREEK PICTOGRAPHS**, N of La Garita in Rio Grand National Forest, (6-5-75)
Saguache. **SAGUACHE SCHOOL AND JAIL BUILDINGS**, U.S. 285 and San Juan Ave., (5-2-75)

san juan county

DURANGO-SILVERTON NARROW-GAUGE RAILROAD, Reference—see La Plata County
Silverton. **SILVERTON HISTORIC DISTRICT**, (10-15-66) NHL, G.

san miguel county

Telluride. **TELLURIDE HISTORIC DISTRICT**, (10-15-66) NHL, G

teller county

Cripple Creek. **CRIPPLE CREEK HISTORIC DISTRICT**, (10-15-66) NHL.

weld county

Greeley. **MEEKER MEMORIAL MUSEUM**, 1324 9th Ave., (2-26-70)
Platteville vicinity. **FORT VASQUEZ SITE**, On U.S. 85, (10-30-70) G.

yuma county

Wray vicinity. **BEECHER ISLAND BATTLEGROUND**, 16.5 mi. SE of Wray on Beecher Rd., (10-29-76)

CONNECTICUT

fairfield county

Bethel. **SEELYE, SETH, HOUSE**, 189 Greenwood Ave., (8-29-77)
Bridgeport. **BARNUM MUSEUM (BARNUM INSTITUTE OF SCIENCE AND HISTORY)**, 805 Main St., (11-7-72)
Bridgeport. **BRIDGEPORT CITY HALL**, 202 State St., (9-19-77)
Bridgeport. **BROOKS, CAPT. JOHN, SR., HOUSE**, 199 Pembroke St., (10-15-70)
Danbury. **IVES, CHARLES, HOUSE**, 7 Mountaintown Ave., (4-26-76)
Danbury. **OCTAGON HOUSE**, 21 Spring St., (5-7-73)
Danbury. **RIDER, JOHN, HOUSE**, 43 Main St., (11-23-77)
Darien. **MATHER, STEPHEN TYNG, HOUSE**, 19 Stephen Mather Rd., (10-15-66) NHL; HABS.
Fairfield. **BRONSON WINDMILL**, 3015 Bronson Rd., (12-29-71) HAER.
Fairfield. **FAIRFIELD HISTORIC DISTRICT**, Old Post Rd. from Post Rd. to Turney Rd., (3-24-71)
Fairfield. **SOUTHPORT HISTORIC DISTRICT**, (3-24-71)
Greenfield Hill. **GREENFIELD HILL HISTORIC DISTRICT**, (3-11-71) HAER.
Greenwich. **KNAPP TAVERN**, 243 E. Putnam Ave., (9-15-77)
Greenwich. **LYON, THOMAS, HOUSE**, W. Putnam Ave. and Byram Rd., (8-24-77)
Greenwich. **RIVERSIDE AVENUE BRIDGE**, Riverside Ave. and RR. tracks, (8-29-77) HAER.
Greenwich vicinity. **FRENCH FARM**, N of Greenwich at jct. of Lake Ave. and Round Hill Rd., (4-3-75)
Monroe. **MONROE CENTER HISTORIC DISTRICT**, CT 110 and CT 111, (8-19-77)
New Canaan. **ROGERS, JOHN, STUDIO**, 10 Cherry St., (10-15-66) NHL.
Norwalk. **LOCKWOOD-MATHEWS MAN-SION**, 295 West Ave., (12-30-70) NHL; HABS; G.
Norwalk. **SOUTH MAIN AND WASHINGTON STREETS HISTORIC DISTRICT**, 68-139 Washington St. and 2-24 S. Main St., (12-16-77)
Norwalk vicinity. **ROCK LEDGE**, S of Norwalk at 33, 40-42 Highland Ave., (8-2-77)
Redding. **PUTNAM MEMORIAL STATE PARK**, Jct. of Rtes. 58 (Black Rock Tpke.) and 107 (Park Rd.), (12-29-70)
Ridgefield. **LOUNSBURY, PHINEAS CHAPMAN, HOUSE (GROVELAWN)**, 316 Main St., (10-3-75)
Ridgefield. **REMINGTON, FREDERIC, HOUSE**, (10-15-66) NHL.
Stamford. **FORT STAMFORD SITE**, Westover Rd., (9-10-75)

Stamford. **HOYT-BARNUM HOUSE**, 713 Bedford St., (6-11-69)
Stamford. **OLD TOWN HALL**, Jct. of Atlantic, Bank, and Main Sts., (6-2-72) G.
Stratford. **JUDSON, CAPT. DAVID, HOUSE**, 967 Academy Hill, (3-20-73)
Stratford. **STERLING HOMESTEAD**, 2225 Main St., (1-1-76)
Trumbull vicinity. **KAATZ ICEHOUSE**, N of Trumbull at 255 Whitney Ave., (9-19-77)
Westport. **GODILLOT PLACE**, 60, 65 Jesup Rd., (8-29-77)

hartford county

Avon. **AVON CONGREGATIONAL CHURCH**, Jct. of U.S. 202 and 44, (11-7-72)
Berlin. **KELSEY, EZEKIEL, HOUSE**, 429 Beckley Rd., (9-16-77)
Bloomfield. **OLD FARM SCHOOLHOUSE (BRICK SCHOOL)**, Jct. of Park Ave. and School St., (10-18-72)
Burlington. **BROWN TAVERN (ELTON HOUSE)**, George Washington Tpke., (5-5-72)
Burlington vicinity. **HITCHCOCK-SCHWARZ-MANN MILL**, N of Burlington at Foote and Vineyard Rds., (9-13-77)
Collinsville. **COLLINSVILLE HISTORIC DISTRICT**, CT 179, (6-23-76)
East Granby. **OLD NEWGATE PRISON**, Newgate Rd., (10-15-70) NHL; G.
East Granby. **VIETS' TAVERN**, Newgate Rd., (2-23-72) G.
East Windsor Hill. **GRANT, EBENEZER, HOUSE**, 1653 Main St., (9-19-77)
Enfield. **ENFIELD TOWN MEETINGHOUSE (OLD TOWN HALL OF ENFIELD)**, Enfield St. at South Rd., (9-10-74)
Farmington. **FARMINGTON HISTORIC DISTRICT**, (3-17-72) G.
Farmington. **FIRST CHURCH OF CHRIST**, 75 Main St., (5-15-75) NHL.
Farmington. **STANLEY-WHITMAN HOUSE**, 37 High St., (10-15-66) NHL.
Glastonbury. **HOLLISTER, JOHN, HOUSE**, 14 Tryon St., (11-7-72)
Glastonbury. **KIMBERLY MANSION (SMITH SISTERS HOUSE)**, 1625 Main St., (9-19-74) NHL.
Glastonbury. **WELLES, GIDEON, HOUSE**, 37 Hebron Ave., (10-6-70) HABS.
Hartford. **ARMSMEAR (SAMUEL COLT HOUSE)**, 80 Wethersfield Ave., (11-13-66) NHL.
Hartford. **BARNARD, HENRY, HOUSE**, 118 Main St., (10-15-66) NHL.
Hartford. **BUCKINGHAM SQUARE DISTRICT**, Main and Buckingham Sts., Linden Pl., and Capitol Ave., (6-15-77)
Hartford. **BULL, AMOS, HOUSE**, 59 S. Prospect St., (11-8-68)
Hartford. **BUSHNELL PARK**, Bounded by Elm, Jewell, and Trinity Sts., (10-22-70)
Hartford. **BUTLER-MCCOOK HOMESTEAD**, 396 Main St., (3-11-71)
Hartford. **CHENEY BUILDING (G. FOX BUILDING)**, 942 Main St., (10-6-70)
Hartford. **CHURCH OF THE GOOD SHEPHERD AND PARISH HOUSE**, 155 Wyllys St., (2-20-75)
Hartford. **COLT INDUSTRIAL DISTRICT**, Roughly bounded by Wawarme, Wethersfield, Hendricksen, Van Dyke Aves., and Stonington, Maseek, and Sequassen Sts., (6-8-76)
Hartford. **COLT, JAMES B., HOUSE**, 154 Wethersfield Ave., (4-14-75)
Hartford. **CONGRESS STREET**, Both sides of Congress St. from Wyllys to Morris Sts., (10-6-75)

Hartford. **CONNECTICUT STATE CAPITOL**, Capitol Ave., (12-30-70) NHL.
Hartford. **CONNECTICUT STATEHOUSE (OLD STATEHOUSE)**, Main St. at Central Row, (10-15-66) NHL; HABS.
Hartford. **DAY HOUSE**, 77 Forest St., (4-16-71)
Hartford. **DAY-TAYLOR HOUSE**, 81 Wethersfield Ave., (4-14-75) G.
Hartford. **FIRST CHURCH OF CHRIST AND THE ANCIENT BURYING GROUND**, 60 Gold St., (12-5-72)
Hartford. **GOODWIN BLOCK**, 219-257 Asylum St.; 5-17 Hayes St.; 210-228 Pearl St., (3-26-76)
Hartford. **HARTFORD UNION STATION**, Union Pl., (11-25-75) HAER.
Hartford. **HYDE-ST. JOHN HOUSE**, 25 Charter Oak Ave., (10-6-77)
Hartford. **LEWIS STREET BLOCK**, 1-33, 24-36 Lewis St.; 8-28 Trumbull St.; and 60 Gold St., (1-30-76)
Hartford. **LYMAN HOUSE**, 22 Woodland St., (10-31-75)
Hartford. **SOUTH GREEN HISTORIC DISTRICT**, Wethersfield Ave., Alden, Dean, Main, Morris, Stonington, and Wyllys Sts., (11-17-77)
Hartford. **STOWE, HARRIET BEECHER, HOUSE**, 73 Forest St., (10-6-70)
Hartford. **TWAIN, MARK, HOUSE**, 351 Farmington Ave., (10-15-66) NHL.
Hartford. **WADSWORTH ATHENEUM**, 25 Atheneum Square, N., (10-6-70) G.
New Britain. **CITY HALL MONUMENT DISTRICT**, 13-35 W. Main St. and Central Park, (2-28-73) G.
New Britain. **NEW BRITAIN OPERA HOUSE**, 466-468 Main St., (10-7-77)
New Britain. **WALNUT HILL DISTRICT**, Irregular pattern roughly bounded by Winthrop, Arch, and Lake Sts., and Walnut Hill Park, (9-2-75)
Plainville. **NORTON, CHARLES H., HOUSE**, 132 Redstone Hill, (5-11-76) NHL.
Plantsville. **SMITH, H. D., COMPANY BUILDING**, 24 West St., (9-19-77)
Rocky Hill. **ACADEMY HALL**, 785 Old Main St., (10-7-77)
Simsbury. **ENO, AMOS, HOUSE**, Off U.S. 202 on Hopmeadow Rd., (4-3-75)
Simsbury. **PHELPS, CAPT. ELISHA, HOUSE**, 800 Hopmeadow St., (9-22-72)
Simsbury. **SIMSBURY RAILROAD DEPOT**, Railroad Ave. and Station St., (3-26-76)
South Glastonbury. **WELLES-SHIPMAN-WARD HOUSE**, 972 Main St., (9-19-77)
Southington vicinity. **WEBSTER, HORACE, FARMHOUSE**, S of Southington at 577 South End Rd., (8-24-77)
Suffield. **HATHEWAY HOUSE**, 55 S. Main St., (8-6-75) HABS.
Suffield vicinity. **KING, ALEXANDER, HOUSE**, 232 S. Main St., (4-26-76) HABS.
West Hartford. **MORLEY, EDWARD W., HOUSE**, 26 Westland Ave., (5-15-75) NHL.
West Hartford. **WEBSTER, NOAH, BIRTHPLACE**, 227 S. Main St., (10-15-66) NHL.
Wethersfield. **BUTTOLPH-WILLIAMS HOUSE**, 249 Broad St., (11-24-68) NHL.
Wethersfield. **DEANE, SILAS, HOUSE**, 203 Main St., (10-6-70) NHL.
Wethersfield. **OLD WETHERSFIELD HISTORIC DISTRICT**, Bounded by Hartford, railroad tracks, 191, and Rocky Hill, (12-29-70) HABS.
Wethersfield. **WEBB, JOSEPH, HOUSE**, 211 Main St., (10-15-66) NHL.

Windsor. **CHAFFEE, HEZEKIAH, HOUSE**, Meadow Lane, off Palisado Green, (7-31-72)
Windsor. **ELLSWORTH, OLIVER, HOMESTEAD (ELMWOOD)**, 778 Palisado Ave., (10-6-70)
Windsor. **FARMINGTON RIVER RAILROAD BRIDGE**, Spans Farmington River and Pleasant St. W of Palisado Ave., (8-25-72)
Windsor. **MOORE, DEACON JOHN, HOUSE**, 37 Elm St., (7-29-77)
Windsor Locks. **PINNEY, DAVID, HOUSE AND BARN**, 58 West St., (7-25-77)
Windsor Locks. **WINDSOR LOCKS PASSENGER STATION**, Main St., (9-2-75)
Windsor Locks and vicinity. **ENFIELD CANAL**, Along Connecticut River from Windsor Locks N to Thompsonville, (4-22-76)

litchfield county

Colebrook. **COLEBROOK STORE**, CT 183, (4-26-76) HABS.
Cornwall. **CORNWALL BRIDGE RAILROAD STATION**, Jct. of Poppleswamp Brook Rd. and Kent Rd., (4-26-72)
Gaylordsville vicinity. **MERWINSVILLE HOTEL**, E of Gaylordsville on Brown's Forge Rd., (8-29-77)
Kent. **BULL'S BRIDGE**, About 3 mi. SW of Kent on Bull's Bridge Rd. over Housatonic River, (4-26-72)
Kent vicinity. **KENT IRON FURNACE**, N of Kent off U.S. 7, (10-5-77)
Litchfield. **LITCHFIELD HISTORIC DISTRICT**, Roughly both sides of North and South Sts. between Gallows Lane and Prospect St., (11-24-68) NHL; HABS.
Litchfield. **REEVE, TAPPING, HOUSE AND LAW SCHOOL**, South St., (10-15-66) NHL.
Litchfield. **WOLCOTT, OLIVER, HOUSE**, South St., (11-11-71) NHL.
Milton. **TRINITY CHURCH**, Milton Rd., (4-23-76)
New Hartford vicinity. **CHAPIN, PHILIP, HOUSE**, S of New Hartford, (8-29-77)
New Milford vicinity. **BOARDMAN'S BRIDGE**, Boardman Rd. at Housatonic River, NW of New Milford, (5-13-76) HAER.
New Milford vicinity. **LOVER'S LEAP BRIDGE**, S of New Milford on Pumpkin Hill Rd., (5-13-76) HAER.
New Milford vicinity. **NOBLE, JOHN GLOVER, HOUSE**, S of New Milford, (8-29-77)
Norfolk vicinity. **TAMARACK LODGE BUNGALOW**, S of Norfolk off CT 272 at Dennis Hill Park, (9-16-77)
North Canaan. **UNION DEPOT**, U.S. 44, (4-26-72)
North Colebrook. **PHELPS, ARAH, INN**, Jct. of Prock Hill Rd. and CT 183, (8-5-71)
Thomaston. **THOMASTON OPERA HOUSE**, Main St., (4-26-72)
Torrington vicinity. **GILLETTE'S GRIST MILL**, E of Torrington on Maple Hollow Rd., (8-29-77)
West Cornwall. **WEST CORNWALL BRIDGE**, CT 128 at Housatonic River, (12-30-75)
West Cornwall vicinity. **CREAM HILL AGRICULTURAL SCHOOL**, NE of W. Cornwall off CT 128 on Cream Hill Rd., (3-26-76)
Winsted. **ROCKWELL, SOLOMON, HOUSE**, 226 Prospect St., (7-15-77) HABS.
Winsted. **WINSTED GREEN HISTORIC DISTRICT**, U.S. 44 and CT 8, (8-16-77)
Woodbury. **BACON, JABEZ, HOUSE**, Hollow Rd. near jct. with U.S. 6, (4-16-71)
Woodbury. **GLEBE HOUSE**, Hollow Rd., (3-11-71)

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Woodbury. **WOODBURY HISTORIC DISTRICT NO. 1**, Both sides of Main St. (U.S. 6) for 2 mi., radiating rds., (3-11-71) G.
Woodbury. **WOODBURY HISTORIC DISTRICT NO. 2**, Both sides of Main St. from Woodbury-Southbury town line to Middle Quarter, (2-23-72)

middlesex county

Chester. **OLD TOWN HALL (SECOND CONGREGATIONAL MEETINGHOUSE)**, On the green between Liberty St. and Goose Hill Rd., (2-23-72)
Chester. **PRATT, DR. AMBROSE, HOUSE**, Pratt St., (11-9-72)
Deep River. **DEEP RIVER TOWN HALL**, Corner of CT 80 and CT 9A, (1-1-76)
Durham. **LYMAN, THOMAS, HOUSE**, Middlefield Rd., (11-20-75) HABS.
East Haddam. **GOODSPEED OPERA HOUSE**, Norwich Rd., (7-30-71)
East Hampton vicinity. **COMSTOCK'S BRIDGE**, SE of East Hampton off CT 16, (1-1-76)
Middletown. **ALSOUP HOUSE (DAVISON ART CENTER)**, 301 High St., (10-6-70) HABS.
Middletown. **MIDDLETOWN SOUTH GREEN HISTORIC DISTRICT**, Union Park area, on S. Main, Crescent, Pleasant, and Church Sts., (8-12-75)
Middletown. **RUSSELL HOUSE**, Corner of Washington and High Sts., (10-6-70) HABS; G.
Middletown. **WETMORE, SETH, HOUSE (OAK HILL)**, CT 66 and Camp Rd., (9-10-70)
Middletown. **WILLIAMS, CAPT. BENJAMIN, HOUSE**, 27 Washington St., (7-14-77)
Moodus. **DAY, AMASA, HOUSE**, Plains Rd., (9-22-72)
Old Saybrook. **ELIOT, SAMUEL, HOUSE**, 500 Main St., (11-9-72)
Old Saybrook. **HART, GEN. WILLIAM, HOUSE**, 350 Main St., (11-9-72) HABS; G.
Old Saybrook. **OLD SAYBROOK SOUTH GREEN**, Old Boston Post Rd., Pennywise Lane, Main St., (9-3-76)
Old Saybrook. **PRATT, HUMPHREY, TAVERN**, 287 Main St., (11-7-72) HABS.
Portland. **WILLIAMS AND STANCLIFF OCTAGON HOUSES**, 26 and 28 Marlborough St., (4-22-76)

new haven county

Ansonia. **HUMPHREYS, GEN. DAVID, HOUSE**, 37 Elm St., (3-17-72) G.
Ansonia. **MANSFIELD, RICHARD, HOUSE**, 35 Jewett St., (3-11-71)
Bethany vicinity. **WHEELER-BEECHER HOUSE**, 562 Amity Rd., (7-15-77) HABS.
Branford. **STICK STYLE HOUSE AT STONY CREEK**, 34 Prospect Hill, (12-27-72) G.
Branford. **SWAIN-HARRISON HOUSE**, 124 W. Main St., (10-10-75) HABS.
Cheshire. **FARMINGTON CANAL LOCK**, 487 N. Brooksville Rd., (2-16-73) G.
Cheshire. **FIRST CONGREGATIONAL CHURCH OF CHESHIRE**, 111 Church Dr., (12-4-75)
Derby. **STERLING OPERA HOUSE**, NW corner of 4th and Elizabeth Sts., (11-8-68)
Guilford. **ACADIAN HOUSE**, Union St., (9-5-75) HABS.
Guilford. **GRISWOLD HOUSE**, Boston St., (10-10-75)
Guilford. **GUILFORD HISTORIC TOWN CENTER**, Bounded by West River, I-95, East Creek and Long Island Sound, (7-6-76) HABS.
Guilford. **HYLAND-WILDMAN HOUSE**, Boston St., (3-26-76)

NOTICES

Guilford. **SABBATHDAY HOUSE**, 19 Union St., (10-10-75) HABS.
Guilford. **WHITFIELD, HENRY, HOUSE**, Old Whitfield St., (11-27-72)
Guilford vicinity. **LEETE, PELATIAH, HOUSE**, SW of Guilford off CT 146, (10-1-74)

Hamden. **WHITNEY, ELI, GUN FACTORY**, 913-940 Whitney Ave., (8-13-74) HAER.
Middletown vicinity. **RICHARDSON, NATHANIEL, HOUSE**, NE of Middlebury on Kelly Rd., (9-19-77)

Milford. **BUCKINGHAM HOUSE**, 61 North St., (7-25-77)
Milford. **EELLS-STOW HOUSE**, 34 High St., (6-17-77)

New Haven. **CHITTENDEN, RUSSELL HENRY, HOUSE**, 83 Trumbull St., (5-15-75) NHL.

New Haven. **CONNECTICUT AGRICULTURAL EXPERIMENT STATION**, 123 Huntington St., (10-15-66) NHL.

New Haven. **CONNECTICUT HALL, YALE UNIVERSITY**, Bounded by High, Chapel, Elm, and College Sts., (10-15-66) NHL; HABS.

New Haven. **DANA, JAMES DWIGHT, HOUSE**, 24 Hillhouse Ave., (10-15-66) NHL; HABS.

New Haven. **FORT NATHAN HALE**, S end of Woodward Ave., (10-28-70)

New Haven. **MARSH, OTHNIEL C., HOUSE**, 360 Prospect St., (10-15-66) NHL.

New Haven. **MENDEL, LAFAYETTE B., HOUSE**, 18 Trumbull St., (1-7-76) NHL.

New Haven. **MORRIS HOUSE**, 325 Lighthouse Rd., (12-4-72)

New Haven. **NEW HAVEN CITY HALL AND COUNTY COURTHOUSE (ANNEX)**, 161 Church St., (9-5-75) HABS.

New Haven. **NEW HAVEN GREEN HISTORIC DISTRICT**, Bounded by Chapel, College, Elm, and Church Sts., (12-30-70) NHL; HABS; G.

New Haven. **NEW HAVEN RAILROAD STATION**, Union Ave., (9-3-75)

New Haven. **WOOSTER SQUARE HISTORIC DISTRICT**, (8-5-71) G.

North Branford vicinity. **BALDWIN, GEORGE, HOUSE**, W of North Branford at 530 Foxon Rd., (9-15-77) HABS.

Northford. **WILLIAMS, WARHAM, HOUSE**, Old Post Rd. and CT 17 and 22, (3-11-71) HABS.

Southbury. **BULLET HILL SCHOOL**, Main St. and Seymour Rd., (2-23-72)

Southbury. **SOUTHBURY HISTORIC DISTRICT NO. 1**, Main St. from Woodbury Town Line to Old Waterbury Rd., (3-11-71) HABS.

Wallingford. **BARKER, JOHN, HOUSE**, 898 Clintonville Rd., (8-3-74)

Waterbury. **WATERBURY BRASS MILL SITE**, Idlewood Ave. in Hamilton Park, (9-5-75)

new london county

Colchester. **CHAMPION, HENRY, HOUSE**, Westchester Rd., (10-10-72)

Colchester. **HAYWARD HOUSE**, 9 Hayward Ave., (10-18-72) HABS.

East Lyme. **LEE, THOMAS, HOUSE**, CT 156 and Giant's Neck Rd., (10-6-70)

Groton. **FORT GRISWOLD**, Bounded by Baker Ave., Smith St., Park Ave., Monument Ave., and the Thames River, (10-6-70)

Lebanon. **TRUMBULL, JOHN, BIRTHPLACE (GOV. JONATHAN TRUMBULL HOUSE)**, The Common, (10-15-66) NHL; HABS.

Lebanon. **WAR OFFICE (CAPT. JOSEPH TRUMBULL STORE AND OFFICE)**, W. Town St., (10-6-70)

Lebanon. **WILLIAMS, WILLIAM, HOUSE**, Jct. of CT 87 and 207, (11-11-71) NHL.

Ledyard. **LESTER, NATHAN, HOUSE**, Vinegar Hill Rd., (6-30-72)

Ledyard. **MAIN SAWMILL**, Iron St., (4-26-72)

Mystic. **CHARLES W. MORGAN (WHALER)**, Mystic Seaport, (11-13-66) NHL.

New London. **BARNES, ACORS, HOUSE**, 68 Federal St., (4-22-76)

New London. **DESHON-ALLYN HOUSE**, 613 Williams St., (10-28-70)

New London. **FORT TRUMBULL**, Fort Neck, (9-22-72)

New London. **HEMPSTEAD, JOSHUA, HOUSE**, 11 Hempstead St., (10-15-70)

New London. **HEMPSTEAD, NATHANIEL, HOUSE (OLD HUGUENOT HOUSE)**, Corner of Jay, Hempstead, Coit, and Truman Sts., (12-2-70) HABS.

New London. **MONTE CRISTO COTTAGE (EUGENE O'NEILL HOUSE)**, 325 Pequot Ave., (7-17-71) NHL.

New London. **NEW LONDON COUNTY COURTHOUSE**, 70 Hunting St., (10-15-70) HABS.

New London. **NEW LONDON CUSTOM-HOUSE**, 150 Bank St., (10-15-70)

New London. **NEW LONDON PUBLIC LIBRARY**, 63 Huntington St., (10-15-70)

New London. **NEW LONDON RAILROAD STATION**, State St., (6-28-71) G.

New London. **SHAW MANSION**, 11 Blinman St., (12-29-70) HABS.

New London. **THAMES SHIPYARD**, Farnsworth St., (4-17-75)

New London. **WHALE OIL ROW**, 105-119 Huntington St., (12-29-70)

North Stonington vicinity. **MINER, SAMUEL, HOUSE**, N of North Stonington off CT 2 on Hewitt Rd., (6-18-76)

Norwich. **BACKUS, NATHANIEL, HOUSE**, 44 Rockwell St., (10-6-70)

Norwich. **CONVERSE HOUSE AND BARN**, 185 Washington St., (10-6-70) HABS.

Norwich. **EAST DISTRICT SCHOOL**, 365 Washington St., (10-28-70)

Norwich. **HUNTINGTON, COL. JOSHUA, HOUSE**, 11 Huntington Lane, (2-23-72)

Norwich. **LITTLE PLAIN HISTORIC DISTRICT**, Both sides of Union, Broadway, and Huntington Pl. in irregular pattern, (10-15-70) HABS.

Norwich. **NORWICH HISTORIC DISTRICT**, (1-17-73) G.

Norwich. **YANTIC FALLS HISTORIC DISTRICT**, (6-28-72)

Norwich vicinity. **LONG SOCIETY MEETINGHOUSE**, E of Norwich off CT 165 on Long Society Rd., (4-22-76)

Norwichtown. **BRADFORD-HUNTINGTON HOUSE**, 16 Huntington Lane, (10-6-70) HABS.

Norwichtown. **CARPENTER HOUSE (RED HOUSE)**, 55 E. Town St., (10-14-70) HABS.

Norwichtown. **CARPENTER, JOSEPH, SILVERSMITH SHOP**, 71 E. Town St., (10-6-70) HABS.

Norwichtown. **CHARLTON, CAPT. RICHARD, HOUSE**, 12 Mediterranean Lane, (10-15-70) HABS.

Norwichtown. **HUNTINGTON, GEN. JEDIDIAH, HOUSE**, 23 E. Town St., (10-6-70)

Norwichtown. **HUNTINGTON, GOV. SAMUEL, HOUSE**, 34 E. Town St., (10-6-70)

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Norwichtown. **LATHROP, DR. DANIEL, SCHOOL**, 69 E. Town St., (12-29-70)

Norwichtown. **LATHROP, DR. JOSHUA, HOUSE**, 377 Washington St., (12-29-70) HABS.

Norwichtown. **LEFFINGWELL INN**, 348 Washington St., (12-29-70) HABS.

Norwichtown. **TURNER, DR. PHILIP, HOUSE**, 29 W. Town St., (10-15-70)

Old Lyme. **OLD LYME HISTORIC DISTRICT**, Lyme St. from Shore Rd. to Sill Lane, Old Boston Post Rd. from Sill Lane to Rose Lane, (10-14-71) G.

Stonington. **STONINGTON HARBOR LIGHTHOUSE**, 7 Water St., (1-1-76)

tolland county

Coventry. **HALE, NATHAN, HOMESTEAD (DEACON RICHARD HALE HOUSE)**, South St., (10-22-70)

Mansfield. **MANSFIELD CENTER HISTORIC DISTRICT**, Storrs Rd., (2-23-72)

Mansfield Center. **WILLIAMS, ELEAZER, HOUSE**, Storrs Rd. (Rte. 195), (3-11-71)

Mansfield Center vicinity. **GURLEYVILLE HISTORIC DISTRICT**, N of Mansfield Center off CT 195 at jct. of Gurleyville and Chaffeeville Rds., (12-30-75)

Tolland. **TOLLAND COUNTY COURTHOUSE**, 53 Tolland Green, (9-15-77)

windham county

Abington. **ABINGTON CONGREGATIONAL CHURCH**, CT 97, (9-19-77)

Brooklyn. **TRINITY CHURCH**, Church Street, (10-15-70)

Brooklyn. **UNITARIAN MEETINGHOUSE (SECOND CONGREGATIONAL CHURCH OF POMFRET)**, Jct. of CT 169 and 6, (11-9-72)

Canterbury. **CLARK, CAPT. JOHN, HOUSE**, Rte. 169, S of Canterbury, (10-6-70)

Canterbury. **CRANDALL, PRUDENCE, HOUSE (ELISHA PAYNE HOUSE)**, Jct. of CT 14 and 169, (10-22-70) HABS; G.

Chaplin. **WITTER HOUSE**, Chaplin St., (10-6-70)

Scotland. **HUNTINGTON, SAMUEL, BIRTHPLACE**, CT 14, 2 mi. W of CT 97, (11-11-71) NHL.

Williamantic. **JILLSON, WILLIAM, STONE HOUSE**, 561 Main St., (8-5-71)

Windham Center. **HUNT, DR. CHESTER, OFFICE**, Windham Center Rd., (10-6-70)

Woodstock. **BOWEN, HENRY C., HOUSE**, CT 169, (8-24-77)

DELAWARE

kent county

DELAWARE BOUNDARY MARKERS, State boundary lines between DE-MD/DE-PA, (2-18-75) (also in Sussex and New Castle counties)

Camden. **CAMDEN FRIENDS MEETINGHOUSE**, Commerce St., (4-3-73) HABS.

Camden. **CAMDEN HISTORIC DISTRICT**, Both sides of Camden-Wyoming Ave. and Main St., (9-17-74)

Camden vicinity. **BRECKNOCK**, 0.5 mi. N of Camden off U.S. 13, (12-24-74)

Clayton vicinity. **JONES, ENOCH, HOUSE (BOXWOOD)**, SW of Clayton off DE 300, (6-19-73)

Cowgill's Corner vicinity. **OCTAGONAL SCHOOLHOUSE**, E of Cowgill's Corner off DE 9, (3-24-71)

Dover. **BRADFORD-LOOCKERMAN HOUSE**, 419 S. State St., (11-31-72) HABS.

Dover. **BULLEN, JOHN, HOUSE**, 214 S. State St., (4-14-75)

Dover. **CHRIST CHURCH**, S. State and Water Sts., (12-4-72) HABS.

Dover. **DELAWARE STATE MUSEUM BUILDINGS (OLD PRESBYTERIAN CHURCH COMPLEX)**, 316 S. Governors Ave., (2-1-72)

Dover. **DOVER GREEN HISTORIC DISTRICT**, Bounded by Governors Ave., North, South, and East Sts., (5-5-77)

Dover. **EDEN HILL**, W end of Water St., (5-8-73)

Dover. **GOVERNOR'S HOUSE (WOODBURN, CHARLES HILLIARD HOUSE)**, Kings Hwy., (12-5-72)

Dover. **GREENWOLD (MANLOVE HAYES HOUSE)**, 625 S. State St., (3-20-73)

Dover. **LOOCKERMAN HALL**, Delaware State College campus, (6-21-71) G.

Dover. **MACOMB FARM (THOMAS IRONS HOUSE)**, Long Point Rd. off DE 8, (12-2-74)

Dover. **OLD STATEHOUSE**, The Green, (2-24-71) G.

Dover. **TOWN POINT (KINGSTON-UPON-HULL)**, Kitts Hummock Rd., (12-5-72)

Dover vicinity. **CAREY FARM SITE**, SE of Dover off U.S. 113, (10-20-77)

Dover vicinity. **DICKINSON, JOHN, HOUSE**, 5 mi. SE of Dover and 3 mi. E of U.S. 13 on Kitts Hummock Rd., (10-15-66) NHL; HABS; G.

Dover vicinity. **GREAT GENEVA**, 3 mi. S of Dover on DE 356, (3-26-73) HABS.

Dover vicinity. **TYN HEAD COURT (WETHERED COURT)**, E of Dover on S. Little Creek Rd., (3-1-73)

Dutch Neck Crossroads vicinity. **ALLEE HOUSE**, Off DE 9 on Dutch Neck Rd., (3-24-71)

Farmington vicinity. **THARP HOUSE**, E of Farmington on U.S. 13, (3-20-73)

Frederica. **FREDERICA HISTORIC DISTRICT**, Market, Front, and David Sts., (11-9-77)

Frederica vicinity. **BARRATT HALL**, S of Frederica off DE 372, (4-13-73)

Frederica vicinity. **BARRATT'S CHAPEL**, N of Frederica on U.S. 113, (10-10-72) HABS; G.

Frederica vicinity. **BONWELL HOUSE**, 4 mi. W of Frederica on DE 380, (3-20-73)

Frederica vicinity. **MORDINGTON (DOUGLASS HOUSE)**, S of Frederica on Canterbury Rd., (4-13-73) HABS.

Kenton. **COOPER HOUSE (WILDS HOUSE)**, DE 300, (3-20-73)

Kenton vicinity. **ASPENDALE**, 1 mi. W of Kenton on DE 300, (4-15-70) NHL.

Kenton vicinity. **CHEYNEY CLOW'S REBELION (SCENE OF)**, W of Kenton on DE 300, (1-14-74)

Kenton vicinity. **SOMERVILLE**, 1 mi. E of Kenton on DE 42, (12-31-74)

Leipsic. **RUTH MANSION HOUSE**, Main St., (4-11-73) HABS.

Leipsic. **SNOWLAND**, DE 42, (3-20-73) HABS.

Leipsic vicinity. **WHEEL OF FORTUNE**, S of Leipsic off DE 9, (4-11-73) HABS.

Little Creek. **OLD STONE TAVERN**, Main St., (7-2-73) G.

Little Heaven. **REED, JEHU, HOUSE**, U.S. 113 and DE 8, (6-4-73)

Magnolia. **LINDALE, JOHN B., HOUSE**, 24 Walnut St., (5-8-73)

Magnolia. **LOWBER, MATTHEW, HOUSE**, E of Main St. (U.S. 113A), (4-16-71)

Masten's Corner vicinity. **VOGL HOUSE**, W of Masten's Corner on SR 78, (11-7-76) HABS.

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Milford. **CHRIST CHURCH**, 3rd and Church Sts., (5-8-73)

Milford. **THORNE, PARSON, MANSION (SILVER HILL)**, 501 N.W. Front St., (6-21-71) G.

Sandtown vicinity. **COW MARSH OLD SCHOOL BAPTIST CHURCH**, NE of Sandtown on DE 10, (6-24-76)

Smyrna vicinity. **BANNISTER HALL AND BAYNARD HOUSE (FOX HALL)**, S of Smyrna off DE 300, (4-11-73)

Smyrna vicinity. **BELMONT HALL**, 1 mi. S of Smyrna on U.S. 13, (12-16-71) HABS.

Smyrna vicinity. **DUCK CREEK VILLAGE (SALISBURY)**, DE 65, between Duck Creek and Green's Branch, (2-1-72)

Smyrna vicinity. **IVY DALE FARM (HOFFECCKER FARM)**, S of Smyrna off DE 9, (4-24-73)

South Bowers vicinity. **ISLAND FIELDS SITE**, 0.5 mi. SE of Bowers Beach, (2-1-72)

Woodland Beach vicinity. **SUTTON, THOMAS, HOUSE (NEWBERRY)**, DE 79, with Woodland Beach Wildlife Area, (4-11-73)

new castle county

DELAWARE BOUNDARY MARKERS, Reference—see Kent County

Ashland vicinity. **ASHLAND BRIDGE**, S of Ashland over Red Clay Creek, (3-20-73) HABS.

Blackbird Crossroads. **OLD UNION METHODIST CHURCH**, 0.2 mi. N of Blackbird Crossroads on U.S. 13, (1-18-73)

Centerville. **CENTER MEETING AND SCHOOLHOUSE**, Center Meeting Rd., (12-16-71)

Christiana. **CHRISTIANA HISTORIC DISTRICT**, Jct. of DE 7 and 273, (12-16-74)

Claymont. **DARLEY HOUSE**, Darley Rd. and Philadelphia Pike (U.S. 13), (7-2-73)

Claymont. **ROBINSON HOUSE (NAAMANS)**, Naaman's Corner, (6-21-71) G.

Delaware City. **EASTERN LOCK OF THE CHESAPEAKE AND DELAWARE CANAL**, Battery Park, (4-21-75)

Delaware City vicinity. **FORT DELAWARE ON PEA PATCH ISLAND**, Pea Patch Island in the Delaware River, (12-16-71)

Glasgow. **LA GRANGE**, Near jct. of U.S. 40 and DE 896, (7-10-74)

Greenville. **ST. JOSEPH'S ON THE BRANDYWINE**, 10 Barley Mill Rd., (11-7-76)

Hockessin. **HOCKESSIN FRIENDS MEETINGHOUSE**, DE 275 and 254 at Meetinghouse Rd., (3-20-73) HABS.

Hockessin vicinity. **COFFEE RUN MISSION SITE**, SE of Hockessin off DE 48, (4-11-73)

Kirkwood vicinity. **LUMS MILL HOUSE (CLEMENT HOUSE)**, Lums Pond State Park on DE 71, (5-22-73)

Kirkwood vicinity. **MCCOY HOUSE**, Kirkwood and McCoy Rds., (4-24-73)

Marshallton. **GREENBANK HISTORIC AREA**, Greenbank Mill Rd., N of jct. of DE 41 and DE 2, (7-2-73) HABS.

Middletown. **GREENLAWN (OUTTEN DAVIS HOUSE; WILLIAM BRADY HOUSE)**, N. Broad St., (4-24-73)

Middletown. **MIDDLETOWN ACADEMY**, 218 N. Broad St., (12-5-72)

Middletown vicinity. **COCHRAN GRANGE (JOHN P. COCHRAN HOUSE)**, W of Middletown on DE 4, (4-3-73)

Middletown vicinity. **HEDGELAWN**, 1.2 mi. W of Middletown on DE 4, (4-3-73)

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Middletown vicinity. *NOXONTOWN*, S of Middletown off DE 896, (7-2-73)
Middletown vicinity. *OLD ST. ANNE'S CHURCH*, S of Middletown off DE 71, (3-7-73) HABS.
Montchanin. *BROOM, JACOB, HOUSE*, 1 mi. NW of Wilmington, (12-2-74) NHL.
Montchanin vicinity. *STRAND MILLAS AND ROCK SPRING*, Between Rockland and Montchanin off DE 100, (7-16-73)
New Castle. *AMSTEL HOUSE*, Delaware and 4th Sts., (5-12-77) HABS.
New Castle. *GLEBE HOUSE*, DE 9, (4-3-73) HABS.
New Castle. *HERMITAGE, THE*, On DE 273, (3-1-73) HABS.
New Castle. *LESLEY-TRAVERS MANSION*, 112 W. 6th St., (4-3-73)
New Castle. *NEW CASTLE HISTORIC DISTRICT*, Bounded by Harmony St., The Strand, 3rd St., and Delaware St., (12-24-67) NHL; HABS; G.
New Castle. *OLD COURTHOUSE*, Delaware St., between 2nd and 3rd Sts., (11-28-72) NHL; HABS; G.
New Castle. *STONUM*, 9th and Washington Sts., (11-7-73) NHL; HABS.
New Castle vicinity. *SWANWYCK*, 65 Landers Lane, (3-17-77) HABS.
Newark. *ACADEMY OF NEWARK*, Main and Academy Sts., (5-24-76)
Newark. *ENGLAND HOUSE (RED MILL FARM)*, 81 Red Mill Rd., (2-23-72) HABS.
Newark. *FISHER, ANDREW, HOUSE*, 725 Art Lane, (5-8-73)
Newark. *OLD COLLEGE HISTORIC DISTRICT*, Main and College Sts. on University of Delaware campus, (6-4-73)
Newark. *ROTHERAM MILL HOUSE*, 318 Harmony Rd., (1-4-72)
Newark. *WELSH TRACT BAPTIST CHURCH*, Welsh Tract Rd., (3-1-73) HABS.
Newark vicinity. *AIKEN'S TAVERN HISTORIC DISTRICT*, Jct. of U.S. 40 and DE 896, (12-6-77)
Newark vicinity. *COOCH'S BRIDGE HISTORIC DISTRICT*, N of Newark off DE 896, (4-11-73) HABS.
Newark vicinity. *EASTBURN-JEANES LIME KILNS HISTORIC DISTRICT*, N of Newark on Limestone Rd., (4-28-77) HAER.
Newark vicinity. *MERMAID TAVERN*, NE of Newark on DE 7, (12-18-73)
Newark vicinity. *MILL CREEK FRIENDS MEETINGHOUSE*, 6 mi. N of Newark on Landenburg Rd., (4-3-73) HABS.
Newark vicinity. *WHITE CLAY CREEK PRESBYTERIAN CHURCH*, 2 mi. NE of Newark on DE 2, (3-20-73)
Newport. *RED CLAY CREEK PRESBYTERIAN CHURCH (MCKENNAN'S CHURCH)*, Mill Creek and McKennan's Church Rds., (4-11-73)
Odessa. *APPOQUINIMINK FRIENDS MEETINGHOUSE*, Main St., (12-4-72) HABS.
Odessa. *CORBIT-SHARP HOUSE*, SW corner of Main and 2nd Sts., (12-24-67) NHL; HABS.
Odessa. *ODESSA HISTORIC DISTRICT*, Bounded roughly by Appoquinimink Creek on SE, High St. on NE, 4th St. on NW, and Main St. on SW, (6-21-71)
Odessa. *OLD DRAWYERS CHURCH*, U.S. 13, (2-6-73) HABS.
Odessa vicinity. *BEARD, DUNCAN, SITE*, (12-18-73)
Odessa vicinity. *HELL ISLAND SITE*, S of Odessa, (4-13-77)
Odessa vicinity. *SHALLCROSS, SERECK, HOUSE (OAKLAND)*, W of Odessa off U.S. 13, (4-3-73)

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Odessa vicinity. *WILLIAMS HOUSE*, 1.2 mi. NW of Odessa on Marl Pit Rd., (6-4-73)
Port Penn vicinity. *AUGUSTINE BEACH HOTEL*, S of Port Penn on DE 9, (4-3-73)
Port Penn vicinity. *DILWORTH HOUSE*, Off DE 9, (11-27-73)
Porter vicinity. *NEW CASTLE AND FRENCHTOWN RAILROAD RIGHT-OF-WAY*, Off U.S. 40 between Porter, DE, and Frenchtown, MD, (5-8-73) (also in Cecil County, MD)
Rockland and vicinity. *ROCKLAND HISTORIC DISTRICT*, Town of Rockland and its environs along Rockland Rd. and Brandywine Creek, (2-1-72)
Smyrna vicinity. *CLEARFIELD FARM*, N of Smyrna on DE 9, (3-20-73)
Smyrna vicinity. *OLD BRICK STORE*, NE of Smyrna off U.S. 13, (8-14-73)
St. Georges. *SUTTON HOUSE*, Broad and Delaware Sts., (4-24-73)
St. Georges vicinity. *BUENA VISTA*, N of St. Georges on U.S. 13, (4-16-71)
Stanton vicinity. *CLYDE FARM SITE*, S of Stanton, (7-29-77)
Stanton vicinity. *HALE-BYRNES HOUSE*, Corner of DE 7 and 4, (6-2-72) HABS.
Stanton vicinity. *ST. JAMES CHURCH*, W of Stanton on St. James Church Rd., (5-8-73) HABS.
Taylors Bridge vicinity. *HART HOUSE*, E of Taylors Bridge on DE 453, (3-20-73)
Taylors Bridge vicinity. *HUGUENOT HOUSE (HOMESTEAD FARM; NAUDAIN HOUSE)*, W of Taylors Bridge on DE 9, (3-20-73) HABS.
Taylors Bridge vicinity. *LISTON HOUSE*, E of Taylors Bridge on DE 453, (3-26-73)
Wilmington. *BRANDYWINE PARK*, Roughly bounded by Augustine, 18th, and Market Sts. and Lovering Ave., (12-22-76)
Wilmington. *BRANDYWINE VILLAGE HISTORIC DISTRICT*, Roughly bounded by 16th, Tatnall, 22nd, Gordon Sts., Vandever Ave., Mabel St., and 14th St. bridge, (2-24-71) HABS; G.
Wilmington. *BRECK'S MILL AREA (HENRY CLAY VILLAGE)*, Breck's Lane and Creek Rd., (11-5-71)
Wilmington. *CONTINENTAL ARMY ENCAMPMENT SITE*, Lovering Ave. near Broom St., (12-18-73)
Wilmington. *DELAWARE AVENUE HISTORIC DISTRICT*, Delaware Ave. from N. Harrison to N. Broom Sts. (both sides), (9-13-76)
Wilmington. *DINGEE, JACOB, HOUSE*, 105 E. 7th St., (10-16-70) HABS.
Wilmington. *DINGEE, OBADIAH, HOUSE*, 107 E. 7th St., (10-21-70) HABS.
Wilmington. *FERRIS, ZACHARIAH, HOUSE*, 414 W. 2nd St., (10-19-70)
Wilmington. *FORT CHRISTINA MONUMENT*, E. 7th St. and the Christina River, Fort Christina State Park, (10-15-66) NHL.
Wilmington. *FRIENDS MEETINGHOUSE*, 4th and West Sts., (11-7-76)
Wilmington. *HOLY TRINITY (OLD SWEDES) CHURCH*, 7th and Church Sts., (10-15-66) NHL; HABS; G.
Wilmington. *LAUREL*, 619 Shipley Rd., (12-4-74)
Wilmington. *LOMBARDY HALL*, U.S. 202, (12-5-72) NHL.
Wilmington. *LOUVIERS (UPPER LOUVIERS AND BLACK GATES)*, 10 Black Gates Rd., (12-13-71) HABS.
Wilmington. *MASONIC HALL AND GRAND THEATER*, 818 N. Market St., (12-11-72) G.

Wilmington. *MCLANE, LOUIS, HOUSE*, 606 Market St., (4-24-73)
Wilmington. *MENDENHALL, CAPT. THOMAS, HOUSE*, 205 E. Front St., (9-17-70) HABS.
Wilmington. *OLD ASBURY METHODIST CHURCH*, Walnut and 3rd Sts., (11-7-76)
Wilmington. *OLD CUSTOMSHOUSE*, 6th and King Sts., (11-21-74)
Wilmington. *OLD FIRST PRESBYTERIAN CHURCH OF WILMINGTON*, West St. on Brandywine Park Dr., (4-13-72) G.
Wilmington. *OLD TOWN HALL*, 512 Market St., (12-31-74)
Wilmington. *ROCKWOOD*, 610 Shipley Rd., (7-12-76)
Wilmington. *ST. MARY OF THE IMMACULATE CONCEPTION CHURCH*, 6th and Pine Sts., (12-12-76)
Wilmington. *STARR HOUSE*, 1310 King St., (3-24-71) HABS.
Wilmington. *WILMINGTON AMTRAK STATION*, Front and French Sts., (11-21-76) HAER.
Wilmington. *WOODSTOCK*, 102 Middleboro Rd., (9-7-73)
Wilmington vicinity. *BRANDYWINE MANUFACTURERS SUNDAY SCHOOL*, N of Wilmington on Hagley Rd., (4-13-72)
Wilmington vicinity. *BRINDLEY FARM*, W of Wilmington at Barley Mill Rd. and Kennett Pike, (9-28-76)
Wilmington vicinity. *ELEUTHERIAN MILLS*, N of Wilmington on DE 141 at Brandywine Creek Bridge, (11-13-66) NHL; G.
Wilmington vicinity. *LOBDELL ESTATE, MINQUADALE HOME*, U.S. 13, (6-4-73)
Wilmington vicinity. *LOWER LOUVIERS AND CHICKEN ALLEY*, N of Wilmington on Black Gates Rd., (4-11-72)
Wilmington vicinity. *VILLAGE OF ARDEN*, 6 mi. N of Wilmington between Marsh Rd., Naaman's Creek, and Ardentown, (2-6-73) G.
Wilmington vicinity. *WALKER'S MILL AND WALKER'S BANK*, N of Wilmington on E bank of Brandywine Creek at Rising Sun Lane Bridge, (2-1-72) HABS.
Wilmington vicinity. *WINTERTHUR MUSEUM AND GARDENS*, 6 mi. NW of Wilmington on DE 52, (2-24-71)
Wooddale. *WOODDALE BRIDGE*, Over Red Clay Creek off DE 48, (4-11-73)

sussex county
DELAWARE BOUNDARY MARKERS, Reference—see Kent County
Bethany Beach vicinity. *INDIAN RIVER LIFE SAVING SERVICE STATION*, N of Bethany Beach on DE 14, (9-29-76)
Bethel. *BETHEL HISTORIC DISTRICT*, 0.4 mi. W of Laurel, (2-10-75) HABS; G.
Bridgeville. *SUDLER HOUSE*, N. Main St., (12-31-74)
Clarksville vicinity. *BLACKWATER PRESBYTERIAN CHURCH*, W of Clarksville on DE 54, (7-9-76)
Clarksville vicinity. *SPRING BANKE*, NE of Clarksville on DE 26 and Irons Lane, (4-30-76)
Cool Spring vicinity. *FISHER HOUSE*, SE of Cool Spring, Broadkill Hundred, (3-24-71) G.
Dagsboro vicinity. *PRINCE GEORGE'S CHAPEL*, E of Dagsboro on DE 26, (3-24-71) G.
Delmar. *HIGHBALL SIGNAL*, City park, near Penn-Central RR., (7-2-73)
Georgetown. *FIRST BROILER HOUSE*, University of Delaware Experimental Station, (7-3-74)

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Georgetown. *OLD SUSSEX COUNTY COURTHOUSE*, S. Bedford St., (3-24-71)
Georgetown. *SUSSEX COUNTY COURTHOUSE AND THE CIRCLE*, The Circle, (6-4-73)
Laurel vicinity. *OLD CHRIST CHURCH*, SE of Laurel at jct. of SR 465 and 465A, (4-13-72) HABS.
Lewes. *COLEMAN HOUSE*, 422 Kings Highway, (4-11-77)
Lewes. *FISHER'S PARADISE (PARADISE POINT)*, 624 Pilottown Rd., (12-4-72)
Lewes. *HALL, COL. DAVID, HOUSE*, 107 King's Hwy., (4-26-76) HABS.
Lewes. *LEWES HISTORIC DISTRICT*, Shipcarpenter, Front, Savannah, 2nd, 3rd, and 4th Sts., (9-19-77)
Lewes. *LEWES PRESBYTERIAN CHURCH*, 100 Kings Highway, (10-5-77)
Lewes. *MAULL HOUSE*, 542 Pilottown Rd., (11-20-70) HABS.
Lewes. *PAGAN CREEK DIKE*, Pagan Creek near New Rd., (6-18-73) HAER.
Lewes. *RUSSELL, WILLIAM, HOUSE*, 410 Pilot Town Rd., (4-18-77)
Lewes vicinity. *DE VRIES PALISADE*, Pilottown Rd. at De Vries Monument, (2-23-72)
Lewes vicinity. *DELAWARE BREAKWATERS AND LEWES HARBOR*, E of Lewes at Cape Henlopen, (12-12-76) HAER.
Lewes vicinity. *ST. GEORGE'S CHAPEL*, 9 mi. SW of Lewes on DE 5, (11-30-73)
Middleford vicinity. *DEEP CREEK FURNACE SITE*, E of Middleford, (10-20-77)
Milford vicinity. *ABBOTT'S MILL*, SW of Milford, (8-25-72)
Millsboro vicinity. *CAREY'S CAMP MEETING GROUND*, W of Millsboro off DE 24, (3-14-73)
Milton. *DRAPER-ADKINS HOUSE*, 204 Federal St., (4-11-73)
Milton. *HAZZARD HOUSE*, 327 Union St., (7-2-73) G.
Milton. *PONDER, GOV. JAMES, HOUSE*, 416 Federal St., (5-24-73)
Rehoboth Beach vicinity. *MARSH, PETER, HOUSE*, 10 Dood's Lane, (11-23-77) HABS.
Rehoboth Beach vicinity. *WARRINGTON SITE*, W of Rehoboth Beach, (10-20-77)
Seaford. *ST. LUKE'S PROTESTANT EPISCOPAL CHURCH*, Front St., (10-28-77)
Seaford vicinity. *MASTON HOUSE*, 3 mi. N of Seaford on Seaford-Atlanta Rd., (3-31-75)
Seaford vicinity. *ROSS, GOV. WILLIAM H., HOUSE*, N of Seaford on Market St., (10-28-77)
Woodland. *CANNON'S (WOODLAND) FERRY*, Across the Nanticoke River, (7-2-73) HABS.

DISTRICT OF COLUMBIA

washington
ADAMS MEMORIAL, Webster St. and Rock Creek Church Rd., NW., (3-16-72)
ADAS ISRAEL SYNAGOGUE, 3rd and G Sts., NW., (3-24-69) HABS.
ADMINISTRATION BUILDING, CARNEGIE INSTITUTION OF WASHINGTON, 1530 P St., NW., (1-1-75) NHL.
AMERICAN FEDERATION OF LABOR BUILDING, 901 Massachusetts Ave., NW., (9-13-74) NHL.
AMERICAN INSTITUTE OF PHARMACY BUILDING, 2215 Constitution Ave., NW., (8-18-77)
AMERICAN NATIONAL RED CROSS, 17th and D Sts., NW., (10-15-66) NHL.
AMERICAN PEACE SOCIETY, 734 Jackson Pl., NW., (9-13-74) NHL.

AMERICAN SECURITY AND TRUST COMPANY, 15th and Pennsylvania Ave., NW., (7-16-73)
ANDERSON, LARZ, HOUSE, 2118 Massachusetts Ave., NW., (4-7-71)
ARMY MEDICAL MUSEUM, Armed Forces Institute of Pathology Building, Walter Reed Army Medical Center, 13th St. and Fern Pl., NW., (10-15-66) NHL.
ARTS AND INDUSTRIES BUILDING, 900 Jefferson Dr., SW., (11-11-71) NHL.
ARTS CLUB OF WASHINGTON (CLEVELAND ABBE HOUSE), 2017 I St., NW., (3-24-69) NHL; HABS.
ASHBURTON HOUSE (ST. JOHN'S CHURCH PARISH HOUSE), 1525 H St., NW., (11-7-73) NHL.
BAKER, NEWTON D., HOUSE, 3017 N St., NW., (12-8-76) NHL.
BANK OF COLUMBIA, 3210 M St., NW., (5-27-71)
BATTLEGROUND NATIONAL CEMETERY, 6625 Georgia Ave., NW., (10-15-66)
BAYLY, MOUNTJOY, HOUSE (HIRAM JOHNSON HOUSE), 122 Maryland Ave., NE., (7-20-73) NHL.
BEALE, JOSEPH, HOUSE (RESIDENCE OF UNITED ARAB REPUBLIC INTERESTS), 2301 Massachusetts Ave., NW., (5-8-73)
BELMONT, PERRY, HOUSE (INTERNATIONAL EASTERN STAR TEMPLE), 1618 New Hampshire Ave., NW., (5-8-73)
BLAIR HOUSE, 1651 Pennsylvania Ave., NW., (10-26-73) NHL; HABS.
BROOKS MANSION, 901 Newton St., NE., (7-17-75)
BRUCE, BLANCHE K., HOUSE, 909 M St., NW., (5-15-75) NHL.
CADY, LUCINDA, HOUSE, 7064 Eastern Ave., NW., (5-28-75)
CANADIAN EMBASSY (MOORE HOUSE), 1746 Massachusetts Ave., NW., (4-3-73)
CAPITOL HILL HISTORIC DISTRICT, Roughly bounded by Virginia Ave. SE., S. Capitol St., F St. NE., and 14th Sts. SE. and NE., (8-27-76)
CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, 700 Jackson Pl., NW., (9-13-74) NHL.
CARY, MARY ANN SHADD, HOUSE, 1421 W St., NW., (12-8-76) NHL.
CASTLE GATEHOUSE, WASHINGTON AQUEDUCT, Near jct. of Reservoir Rd. and MacArthur Blvd., NW., (3-13-75)
CENTRAL PUBLIC LIBRARY, Mount Vernon Sq., 8th and K Sts., NW., (12-3-69)
CHAPEL HALL, GALLAUDET COLLEGE, Florida Ave. and 7th St., NE., (10-15-66) NHL.
CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, Reference—see Allegany County, MD
CHRIST CHURCH, 3116 O St., NW., (3-16-72)
CHRIST CHURCH, 620 G St., SE., (5-25-69) HABS.
CHURCH OF THE EPIPHANY, 1317 G St., NW., (9-10-71)
CITY HALL (DISTRICT COURTHOUSE), 4th and E Sts., NW., (10-15-66) NHL; HABS; G.
CIVIL WAR FORT SITES, (7-15-74)
COMMANDANT'S OFFICE, WASHINGTON NAVY YARD, Montgomery Sq. and Dahlgren Ave., SE., (8-14-73)
CONDUIT ROAD SCHOOLHOUSE, 4954 MacArthur Blvd., NW., (11-30-73)
CONGRESSIONAL CEMETERY (WASHINGTON CEMETERY), 1801 E St., SE., (6-23-69)

CORCORAN GALLERY OF ART, 17th St. at New York Ave., NW., (5-6-71)
COSMOS CLUB (TOWNSEND HOUSE), 2121 Massachusetts Ave., NW., (4-3-73)
COUES, ELLIOTT, HOUSE, 1726 N St., NW., (5-15-75) NHL.
DECATUR HOUSE, 748 Jackson Pl., NW., (10-15-66) NHL; HABS; G.
DISTRICT BUILDING, SE corner of 14th and E Sts., NW., (3-16-72)
DUMBARTON BRIDGE (Q STREET BRIDGE), Q St. over Rock Creek Park, NW., (7-16-73)
DUNCANSON-CRANCH HOUSE, 468-470 N St., NW., (7-26-73) HABS.
EAST AND WEST POTOMAC PARKS, Bounded by Constitution Ave., 17th St., Independence Ave., Washington Channel, Potomac River, and Rock Creek Park, (11-30-73)
EAST CAPITOL STREET CARBARN, 1400 E. Capitol St., NE., (2-5-74)
EASTERN MARKET, 7th and C Sts., SE., (5-27-71)
EIGHT HUNDRED BLOCK OF F STREET, NW., 800-818 F St. and 527 9th St., NW., (4-2-74)
EVERMAY, 1623 28th St., NW., (4-3-73)
EXECUTIVE OFFICE BUILDING (STATE, WAR, AND NAVY BUILDING), Pennsylvania Ave. and 17th St., NW., (6-4-69) NHL; HABS.
FOLGER SHAKESPEARE LIBRARY, 201 E. Capitol St., SE., (6-23-69)
FORD'S THEATRE NATIONAL HISTORIC SITE, 10th St., NW., between E and F Sts., (10-15-66)
FORREST-MARBURY HOUSE, 3350 M St., NW., (7-2-73) HABS.
FRANKLIN SCHOOL, 13th and K Sts., NW., (4-11-73)
FREDERICK DOUGLASS HOME, 1411 W St., SE., (10-15-66) HABS.
FREER GALLERY OF ART, 12th St. and Jefferson Dr., SW., (6-23-69)
FRIENDSHIP HOUSE (THE MAPLES, MAPLE SQUARE), 619 D St., SE., or 630 South Carolina Ave., SE., (1-18-73) HABS.
GALLAUDET COLLEGE HISTORIC DISTRICT, Florida Ave. and 7th St., NE., (9-10-74)
GENERAL POST OFFICE (TARIFF COMMISSION BUILDING), E and F Sts. between 7th and 8th Sts., NW., (11-11-71) NHL; HABS.
GEORGETOWN HISTORIC DISTRICT, (5-28-67) NHL; HABS.
GEORGETOWN MARKET, 3276 M St., NW., (5-6-71)
GEORGETOWN UNIVERSITY ASTRONOMICAL OBSERVATORY, Georgetown University, (7-2-73)
GODEY LIME KILNS, Rock Creek and Potomac Pkwy. at 27th and L Sts., NW., (11-2-73) HABS.
GOMPERS, SAMUEL, HOUSE, 2122 1st St., NW., (9-23-74) NHL.
GRACE PROTESTANT EPISCOPAL CHURCH, 1041 Wisconsin Ave., NW., (5-6-71)
GRIMKE, CHARLOTTE FORTEN, HOUSE, 1608 R St., NW., (5-11-76) NHL.
HALCYON HOUSE, 3400 Prospect St., NW., (3-31-71) HABS.
HAW, JOHN STODDERT, HOUSE, 2808 N St., NW., (7-16-73) HABS.
HEALY BUILDING, GEORGETOWN UNIVERSITY, Georgetown University campus, (5-27-71)

HEURICH, CHRISTIAN, MANSION (COLUMBIA HISTORICAL SOCIETY), 1307 New Hampshire Ave., NW., (6-23-69) HABS.

HIGHLANDS, THE, 3825 Wisconsin Ave., NW., (3-16-72) NHL.

HOLT HOUSE, Adams Mill Rd. in the National Zoological Park, (4-24-73) HABS.

HOWARD, GEN. OLIVER OTIS, HOUSE (HOWARD HALL), 607 Howard Pl., (2-12-74) NHL.

HOWARD THEATRE, 620 T St., NW., (2-15-74) NHL.

HUGHES, CHARLES EVANS, HOUSE, 2223 R St., NW., (11-28-72) NHL.

INDONESIAN EMBASSY (WALSH-MCLEAN HOUSE), 2020 Massachusetts Ave., NW., (1-18-73) HABS.

JAPANESE EMBASSY, 2520 Massachusetts Ave., NW., (2-20-73) HABS.

JOHNSON, HIRAM W., HOUSE, 122 Maryland Ave., NE., (12-8-76) NHL.

LAFAYETTE SQUARE HISTORIC DISTRICT, Roughly between 15th and 17th Sts. and H St. and State and Treasury Places, exclusive of the White House and its grounds, (8-29-70) NHL; HABS.

LANSBURGH, JULIUS, FURNITURE CO., INC., 909 F St., NW., (5-8-74) HABS.

LAW, THOMAS, HOUSE, 1252 6th St., SW., (8-14-73) HABS.

LEDROIT PARK HISTORIC DISTRICT, Bounded roughly by Florida and Rhode Island Aves., 2nd and Elm Sts., Howard University Stadium, and Bohrer St., NW., (2-25-74) HABS.

LENTHALL HOUSES, 612-614 19th St., NW., (3-16-72) HABS.

LEWIS, EDWARD SIMON, HOUSE, 456 N St., NW., (7-23-73) HABS.

LINCOLN MEMORIAL, West Potomac Park, (10-15-66) HABS.

LINDENS, THE, 2401 Kalorama Rd., NW., (6-4-69) HABS.

LOCKKEEPER'S HOUSE, C & O CANAL EXTENSION, SW corner of 17th St. and Constitution Ave., NW., (11-30-73) HABS.

LOGAN CIRCLE HISTORIC DISTRICT, Jct. of Rhode Island and Vermont Aves., (6-30-72) HABS.

LUTHER PLACE MEMORIAL CHURCH, 1226 Vermont Ave., NW. (Thomas Circle), (7-16-73) HABS.

LYNDON BAINES JOHNSON MEMORIAL GROVE ON THE POTOMAC, Potomac Park, (12-28-73) HABS.

MAIN GATE, WASHINGTON NAVY YARD, 8th and M Sts., SE., (8-14-73) HABS.

MARINE CORPS COMMANDANT'S HOUSE, 801 G St., SE., (8-14-73) NHL.

MASSACHUSETTS AVENUE HISTORIC DISTRICT, Both sides of Massachusetts Ave. between 17th St. and Observatory Circle, NW., (10-22-74) HABS.

MCCORMICK APARTMENTS (ANDREW MELLON APARTMENTS), 1785 Massachusetts Ave., NW., (4-3-73) NHL.

MEMORIAL CONTINENTAL HALL, 17th St., between C and D Sts., NW., (11-28-72) NHL.

MERIDIAN HILL PARK, Bounded by 16th, Euclid, 15th, and W Sts., NW., (10-25-74) HABS.

MERIDIAN HOUSE (WASHINGTON INTERNATIONAL CENTER), 1630 Crescent Pl., NW., (5-8-73) HABS.

METROPOLITAN AFRICAN METHODIST EPISCOPAL CHURCH, 1518 M St., NW., (7-26-73) HABS.

MOUNT ZION CEMETERY, 27th and Q Sts., NW., (8-6-75) HABS.

MOUNT ZION UNITED METHODIST CHURCH, 1334 29th St., NW., (7-24-75) HABS.

NATIONAL ACADEMY OF SCIENCES, 2101 Constitution Ave., NW., (3-15-74) HABS.

NATIONAL ARCHIVES, Constitution Ave. between 7th and 9th Sts., NW., (5-27-71) HABS.

NATIONAL BANK OF WASHINGTON, WASHINGTON BRANCH, 301 7th St., NW., (5-8-74) HABS.

NATIONAL CATHEDRAL, THE (CATHEDRAL CHURCH OF ST. PETER AND ST. PAUL AND CLOSE), Wisconsin and Massachusetts Ave., NW., (5-3-74) HABS.

NATIONAL MALL, Between Independence and Constitution Aves. from the U.S. Capitol to the Washington Monument, (10-15-66) HABS.

NATIONAL PORTRAIT GALLERY (OLD PATENT OFFICE), F and G Sts. between 7th and 9th Sts., NW., (10-15-66) NHL; HABS.

NATIONAL SAVING AND TRUST COMPANY, New York Ave. and 15th St., NW., (3-16-72) HABS.

NATIONAL WAR COLLEGE, P St., within Fort Leslie J. McNair, (8-1-73) NHL.

NATIONAL ZOOLOGICAL PARK, 3000 block of Connecticut Ave., NW., (4-11-73) HABS.

OAK HILL CEMETERY CHAPEL, R St. at 29th St., NW., (3-16-72) HABS.

OCTAGON, THE (OCTAGON HOUSE), 1799 New York Ave., NW., (10-15-66) NHL; HABS.

OLD ENGINE COMPANY NO. 6, 438 Massachusetts Ave., NW., (9-5-75) HABS.

OLD NAVAL HOSPITAL, 921 Pennsylvania Ave., SE., (5-3-74) HABS.

OLD NAVAL OBSERVATORY, 23rd and E Sts., NW., (10-15-66) NHL.

OLD POST OFFICE AND CLOCK TOWER, Pennsylvania Ave. at 12th St., NW., (4-11-73) HABS.

OLD STONE HOUSE, 3051 M St., NW., (11-30-73) HABS.

OWENS, ISAAC, HOUSE, 2806 N St., NW., (6-19-73) HABS.

PAGE, THOMAS NELSON, HOUSE, 1759 R St., NW., (9-5-75) HABS.

PAN AMERICAN UNION, 17th St. between C St. and Constitution Ave., NW., (6-4-69) HABS.

PENNSYLVANIA AVENUE NATIONAL HISTORIC SITE, Pennsylvania Ave. from Capitol Hill to the White House, (10-15-66) HABS.

PENSION BUILDING, 4th and 5th Sts. between F and G Sts., NW., (3-24-69) HABS.

PHILLIPS, DUNCAN, HOUSE (THE PHILLIPS COLLECTION), 1600-1614 21st St., NW., (8-14-73) HABS.

PIERCE-KLINGLE MANSION (LINNAEAN HILL), 3545 Williamsburg Lane, NW., (10-10-73) HABS.

PIERCE MILL, Rock Creek Park, NW corner of Tilden St. and Beach Dr., NW., (3-24-69) HABS.

PIERCE SPRINGHOUSE AND BARN, 2400 block of Tilden St., NW., (10-25-73) HABS.

PRESIDENT'S HOUSE, GALLAUDET COLLEGE, 7th St. and Florida Ave., NE., (2-15-74) HABS.

PROSPECT HOUSE, 3508 Prospect St., NW., (3-16-72) HABS.

QUALITY HILL, 3425 Prospect St., NW., (3-16-72) HABS.

QUARTERS A, WASHINGTON NAVY YARD (TINGEY HOUSE), E of Main Gate and S of M St., SE., in the Navy Yard, (8-14-73) HABS.

QUARTERS B, WASHINGTON NAVY YARD, Charles Morris Ave., SE., (8-14-73) HABS.

RENWICK MUSEUM, NE corner, 17th St. and Pennsylvania Ave., NW., (3-24-69) NHL; HABS.

RHODES' TAVERN (HOTEL), 601-603 15th St. and 1431 F St., NW., (3-24-69) HABS.

RICHARDS, ZALMON, HOUSE, 1301 Corcoran St., NW., (10-15-66) NHL.

RIGGS NATIONAL BANK, 1503-1505 Pennsylvania Ave., NW., (7-16-73) HABS.

RIGGS NATIONAL BANK, WASHINGTON LOAN AND TRUST COMPANY BRANCH, SW corner of 9th and F Sts., NW., (5-6-71) HABS.

RINGGOLD-CARROLL HOUSE, 1801 F St., NW., (7-26-73) HABS.

ROCK CREEK CHURCH YARD AND CEMETERY, Webster St. and Rock Creek Church Rd., NW., (8-12-77) HABS.

ROSEDALE, 3504 Newark St., NW., (5-8-73) HABS.

SCOTT-THORPP HOUSE, 1701 20th St., NW., (8-19-75) HABS.

SEWALL-BELMONT HOUSE NATIONAL HISTORIC SITE, 144 Constitution Ave., NE., (6-16-72) NHL.

SMITHSONIAN BUILDING, Jefferson Dr. at 10th St., SW., (10-15-66) NHL; HABS.

PHILADELPHIA (gundelo), 14th St. and Constitution Ave., NW., (10-15-66) NHL.

ST. ALOYSIUS CATHOLIC CHURCH, N. Capitol and I Sts., NW., (7-26-73) HABS.

ST. JOHN'S CHURCH, 16th and H Sts., NW., (10-15-66) NHL; HABS.

ST. LUKE'S EPISCOPAL CHURCH, 15th and Church Sts., NW., (5-11-76) NHL.

ST. MARK'S CHURCH, 3rd and A Sts., SE., (5-8-73) HABS.

ST. MARY'S EPISCOPAL CHURCH, 730 23rd St., NW., (4-2-73) HABS.

ST. MATTHEW'S CATHEDRAL AND RECTORY, 1725-1739 Rhode Island Ave., NW., (1-24-74) HABS.

ST. PAUL'S EPISCOPAL CHURCH, Rock Creek Church Rd. and Webster St., NW., (3-16-72) HABS.

SULGRAVE CLUB (WADSWORTH HOUSE), 1801 Massachusetts Ave., NW., (12-5-72) HABS.

TERRELL, MARY CHURCH, HOUSE, 326 T St., (5-15-75) NHL.

THEODORE ROOSEVELT ISLAND, S of Key Bridge in the Potomac River, (10-15-66) HABS.

THOMAS JEFFERSON MEMORIAL, S bank of the Tidal Basin, (10-15-66) HABS.

TUCKER HOUSE AND MYERS HOUSE, 2310-2320 S St., NW., (8-14-73) HABS.

TUDOR PLACE, 1644 31st St., NW., (10-15-66) NHL; HABS.

U.S. CAPITOL GATEHOUSES AND GATEPOSTS, 7th, 15th, and 17th Sts. and Constitution Ave., NW., (11-30-73) HABS.

U.S. COURT OF MILITARY APPEALS, 450 E St., NW., (1-21-74) HABS.

U.S. CUSTOMHOUSE AND POST OFFICE, 1221 31st St., NW., (9-10-71) HABS.

U.S. DEPARTMENT OF AGRICULTURE ADMINISTRATION BUILDING, 12th St. and Jefferson Dr., SW., (1-24-74) HABS.

U.S. DEPARTMENT OF THE TREASURY, 1500 Pennsylvania Ave., NW., (11-11-71) NHL.

U.S. MARINE BARRACKS BUILDING, 8th and I Sts., SE., (1-4-73) HABS.

U.S. MARINE CORPS BARRACKS, 8th and I Sts., SE., (12-27-72) NHL.

U.S. NATIONAL ARBORETUM, 24th and R Sts., NE., (4-11-73) HABS.

U.S. SOLDIERS' AND AIRMEN'S HOME, Rock Creek Church Rd., NW., (2-11-74) NHL.

UNDERWOOD, OSCAR W., HOUSE, 2000 G St., NW., (12-8-76) NHL.

UNION STATION, Intersection of Massachusetts and Louisiana Aves. and 1st St., NE., (3-24-69) HABS; HABS.

VIGILANT FIREHOUSE, 1066 Wisconsin Ave., NW., (5-6-71) HABS.

VOLTA BUREAU, 1537 35th St., NW., (11-28-72) NHL.

WARDER-TOTTEN HOUSE, 2633 16th St., NW., (4-14-72) HABS.

WASHINGTON AQUEDUCT, 5900 MacArthur Blvd., NW., (9-8-73) NHL. (also in Montgomery County, MD)

WASHINGTON CLUB, 15 Dupont Circle, NW., (12-5-72) HABS.

WASHINGTON MONUMENT, The Mall, between 14th and 17th Sts., NW., (10-15-66) HABS.

WASHINGTON NAVY YARD, 8th and M Sts., SE., (6-19-73) NHL.

WHEAT ROW, 1315, 1317, 1319, and 1321 4th St., SW., (7-23-73) HABS.

WHITE, DAVID, HOUSE, 1459 Girard St., NW., (1-7-76) NHL.

WHITTEMORE HOUSE (WOMAN'S NATIONAL DEMOCRATIC CLUB), 1526 New Hampshire Ave., NW., (7-16-73) HABS.

WILLARD HOTEL, 1401-1409 Pennsylvania Ave., NW., (2-15-74) HABS.

WILSON, WOODROW, HOUSE, 2340 S St., NW., (10-15-66) NHL; HABS; G.

WINDER BUILDING, 604 17th St., NW., (3-24-69) HABS.

WINDSOR LODGE (WILLIAM E. BORAH APARTMENT), 2139-2141 Wyoming Ave., NW., (12-8-76) NHL.

WOODSON, CARTER G., HOUSE, 1538 9th St., NW., (5-11-76) NHL.

WOODWARD, ROBERT SIMPSON, HOUSE, 1513 16th St., NW., (1-7-76) NHL.

2000 BLOCK OF EYE STREET, NW., South side of 2000 block of Eye St., NW., (8-9-77) HABS.

FLORIDA

alachua county

Alachua. NEWNANSVILLE TOWN SITE, Approximately 1.5 mi. NE of Alachua on FL 235, (12-4-74) HABS.

Cross Creek. RAWLINGS, MARJORIE KINNAN, HOUSE, FL 325, S of Cross Creek, (9-29-70) HABS.

Gainesville. BAILEY, MAJ. JAMES B., HOUSE (REST HAVEN), 1121 N.W. 6th St., (12-5-72) HABS.

Gainesville. BUCKMAN HALL, N.W. 17th St., (1-11-74) HABS.

Gainesville. EPWORTH HALL, 419 NE 1st St., (7-25-73) HABS.

Gainesville. HOTEL THOMAS, Bounded by N.E. 2nd and 5th Sts. and N.E. 6th and 7th Aves., (7-16-73) G.

Gainesville. MATHESON HOUSE, 528 S.E. 1st Ave., (6-4-73) HABS.

Gainesville. THOMAS HALL, Fletcher Dr. on University of Florida campus, (10-1-74) HABS.

Rochelle. ROCHELLE SCHOOL, Off FL 234, (4-2-73) HABS.

Windsor. NEILSON HOUSE, FL 325, (6-4-73) HABS.

baker county

Olustee vicinity. OLUSTEE BATTLEFIELD, 2 mi. E of Olustee on U.S. 90 in Osceola National Forest, (8-12-70) HABS.

Sanderson vicinity. BURNSED BLOCKHOUSE (CARL BROWN HOUSE), N of Sanderson off Jacksonville Rd., (5-7-73) HABS.

NOTICES

bradford county

Starke. OLD BRADFORD COUNTY COURTHOUSE, 209 W. Call St., (12-27-74) HABS.

brevard county

Titusville. ST. GABRIEL'S EPISCOPAL CHURCH, 414 Palm Ave., (12-5-72) HABS.

Titusville vicinity. LAUNCH COMPLEX 39, Kennedy Space Center, (5-24-73) HABS.

broward county

Fort Lauderdale. NEW RIVER INN (CITY HALL ANNEX), 229 S.W. 2nd Ave., (6-19-72) G.

Fort Lauderdale. STRANAHAN HOUSE, 335 S.E. 6th Ave., (10-2-73) HABS.

Fort Lauderdale. U.S. CAR. NO. 1, 3398 SW. 9th Ave., (8-24-77) HABS.

calhoun county

Blountstown vicinity. CAYSON MOUND AND VILLAGE SITE, SE of Blountstown, (3-15-76) HABS.

citrus county

Crystal River vicinity. CRYSTAL RIVER INDIAN MOUNDS, 2 mi. NW of Crystal River on U.S. 19-98, (9-29-70) G.

Homosassa. YULEE SUGAR MILL RUINS, FL 490 W of U.S. 19, (8-12-70) HABS.

Inverness vicinity. FORT COOPER, 3 mi. NE of Inverness of U.S. 41, on W bank of Fort Cooper Lake, (6-13-72) G.

clay county

Green Cove Springs. CLAY COUNTY COURTHOUSE, Brabantio Ave., (6-20-75) HABS.

Hibermia, Fleming Island. ST. MARGARET'S EPISCOPAL CHURCH, Old Church Rd., (6-4-73) HABS.

collier county

Chokoloskee Island. SMALLWOOD, TED, STORE, FL 29 in Everglades National Park, (7-24-74) HABS.

Naples. SEABOARD COAST LINE RAILROAD DEPOT, 1051 5th Ave., South, (9-10-74) G.

columbia county

Lake City. HENDERSON, T. G., HOUSE, 207 S. Marion St., (7-24-73) HABS.

dade county

Cape Florida. CAPE FLORIDA LIGHTHOUSE, SE tip of Key Biscayne off U.S. 1, (9-29-70) HABS.

Coconut Grove. EL JARDIN, 3747 Main Hwy., (8-30-74) HABS.

Coconut Grove. FIRST COCONUT GROVE SCHOOL, 3429 Devon Rd., (1-21-75) HABS.

Coconut Grove. PAN AMERICAN SEAPLANE BASE AND TERMINAL BUILDING, 3500 Pan American Dr., (2-20-75) HABS.

Coconut Grove. PLYMOUTH CONGREGATIONAL CHURCH, 3429 Devon Rd., (7-23-74) HABS.

Coconut Grove. RANSOM SCHOOL "PAGODA", 3575 Main Hwy., (7-25-73) HABS.

Coconut Grove. WOMEN'S CLUB OF COCONUT GROVE, 2985 S. Bayshore Dr., (3-26-75) HABS.

Coral Gables. CORAL GABLES CITY HALL, 405 Biltmore Way, (7-24-74) HABS.

Coral Gables. DOUGLAS ENTRANCE (LA PUERTA DEL SOL), Jct. of Douglas Rd. and 8th St. SW., (9-22-72) HABS.

Coral Gables. MERRICK MANOR, 907 Coral Way, (4-13-73) G.

Coral Gables. MIAMI-BILTMORE HOTEL, 1210 Anastasia Ave., (9-27-72) G.

FLORIDA 5187

Florida City. FLORIDA PIONEER MUSEUM, 0.5 mi. S of Lucy St. on FL 27 (Krome Ave.), (8-14-73) HABS.

Goulds vicinity. ANDERSON, WILLIAM, GENERAL MERCHANDISE STORE, 15700 SW. 232nd St., SW., (10-18-77) HABS.

Miami. GESU CHURCH, 118 N.E. 2nd St., (7-18-74) HABS.

Miami. HALISSEE HALL, 1700 N.W. 10th Ave., (10-1-74) HABS.

Miami. JACKSON, DR. JAMES M., OFFICE, 190 S.E. 12th Ter., (2-24-75) HABS.

Miami. MIAMI WOMEN'S CLUB, 1737 N. Bayshore Dr., (12-27-74) HABS.

Miami. MUNROE, RALPH M., HOUSE, 3485 Main Hwy., (4-11-73) HABS.

Miami. VIZCAYA (JAMES DEERING ESTATE), 3251 S. Miami Ave., (9-29-70) HABS.

North Miami Beach. OLD SPANISH MONASTERY (MONASTERY OF ST. BERNARD OF CLAIRVAUX; CISTERCIAN MONASTERY OF SACRAMENTIA, SEGOVIA, SPAIN, 16711 W. Dixie Hwy., (11-9-72) HABS.

South Miami. ALLEN, HERVEY, STUDY, (GLADE ESTATES), 8251 S.W. 52nd Ave., (5-7-74) HABS.

duval county

Jacksonville. BREWSTER HOSPITAL (1901-1910), 915 W. Monroe St., (5-13-76) HABS.

Jacksonville. BROWARD, NAPOLEON BONAPARTE, HOUSE, 9953 Hecksher Dr., (12-27-72) HABS.

Jacksonville. CATHERINE STREET FIRE STATION, 14 Catherine St., (6-13-72) G.

Jacksonville. CENTENNIAL HALL-EDWARD WATERS COLLEGE, 1658 Kings Rd., (5-4-76) HABS.

Jacksonville. EPPING FOREST (ALFRED I. DUPONT ESTATE), Christopher Point, off San Jose Blvd., (5-9-73) HABS.

Jacksonville. JACKSONVILLE TERMINAL COMPLEX, 1000 W. Bay St., (10-22-76) HABS.

Jacksonville. LA VILLA BOARDING HOUSES, 830, 832, 836 Houston St., (6-21-76) HABS.

Jacksonville. OLD ST. LUKE'S HOSPITAL, 314 N. Palmetto St., (7-24-72) HABS.

Jacksonville. PORTER, THOMAS V., HOUSE, 510 Julia St., (5-13-76) HABS.

Jacksonville. RED BANKS PLANTATION, 1230 Greenridge Rd., (10-18-72) HABS.

Jacksonville. RIVERSIDE BAPTIST CHURCH, 2650 Park St., (9-22-72) HABS.

Jacksonville. ST. ANDREW'S EPISCOPAL CHURCH, 317 Florida Ave., (5-4-76) HABS.

Jacksonville. ST. JAMES BUILDING, 117 W. Duval St., (5-3-76) HABS.

Jacksonville vicinity. FORT CAROLINE NATIONAL MEMORIAL, 10 mi. E of Jacksonville, (10-15-66) HABS.

Jacksonville vicinity. GRAND SITE, N of Jacksonville, (6-20-75) HABS.

Jacksonville vicinity. KINGSLEY PLANTATION, Northern tip of Fort George Island at Fort George Inlet, (9-29-70) HABS.

Jacksonville vicinity. YELLOW BLUFF FORT, 1 mi. S of FL 105 on New Berlin Rd., (9-29-70) HABS.

Mayport. ST. JOHN'S LIGHTHOUSE, U.S. Naval Station, (6-3-76) HABS.

escambia county

Pensacola. DORR, CLARA BARKLEY, HOUSE, 311 S. Adams St., (7-24-74) G.

Pensacola. FORT GEORGE SITE, La Rua at Palafox Sts., (7-8-74) HABS.

Pensacola. FORT SAN CARLOS DE BARRANCAS, U.S. Naval Air Station, (10-15-66) NHL; HABS.

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Pensacola. *JONES, CHARLES WILLIAM, HOUSE*, 302 N. Barcelona St., (12-20-77)
Pensacola. *L & N MARINE TERMINAL BUILDING*, Commendencia Street Wharf, (8-14-72) HABS.
Pensacola. *LAVALLE HOUSE*, 203 E. Church St., (3-11-71) HABS; G.
Pensacola. *OLD CHRIST CHURCH*, 405 S. Adams St., (5-3-74) HABS; G.
Pensacola. *PENSACOLA ATHLETIC CLUB (RAFFORD HALL)*, SW corner of Baylen and Belmont Sts., (4-16-75)
Pensacola. *PENSACOLA HISTORIC DISTRICT*, (9-29-70) NHL; HABS.
Pensacola. *PENSACOLA LIGHTHOUSE AND KEEPER'S QUARTERS*, Pensacola Naval Air Station, (7-15-74)
Pensacola. *PENSACOLA NAVAL AIR STATION HISTORIC DISTRICT*, Pensacola Naval Air Station, (12-8-76) NHL; HABS.
Pensacola. *PLAZA FERDINAND VII*, Palafox St. between Government and Zaragoza Sts., (10-15-66) NHL.
Pensacola. *SAENGER THEATRE*, 118 S. Palafox St., (7-19-76)
Pensacola. *BUCCANEER (VIRGINIA)* Municipal Wharf, (11-2-72) G.
Pensacola. *ST. MICHAEL'S CREOLE BENEVOLENT ASSOCIATION HALL*, 416 E. Government St., (5-3-74) HABS.
Pensacola Beach vicinity. *FORT PICKENS*, FL 399, W of Pensacola Beach, (5-31-72)
flagler county
Bunnell vicinity. *BULOW PLANTATION RUINS*, 9 mi. SE of Bunnell, (9-29-70)
franklin county
Apalachicola. *RANEY, DAVID G., HOUSE*, SW corner of Market St. and Ave. F, (9-22-72) G.
Apalachicola. *TRINITY EPISCOPAL CHURCH*, Ave. D and 6th St. (Gorrie Sq.), (6-30-72) HABS; G.
Apalachicola vicinity. *PIERCE SITE*, About 1 mi. NW of Apalachicola, (1-11-74)
Eastpoint vicinity. *PORTER'S BAR SITE*, 2 mi. NE of Eastpoint off U.S. 319, (1-23-75)
Little St. George Island. *CAPE ST. GEORGE LIGHT*, S point of Little St. George Island, (9-10-74)
St. Teresa vicinity. *YENT MOUND*, (5-24-73)
Sumatra vicinity. *FORT GADSDEN HISTORIC MEMORIAL (NEGRO FORT; BRITISH FORT)*, 6 mi. SW of Sumatra, (2-23-72) NHL.
gadsden county
Chattahoochee. *U.S. ARSENAL-OFFICERS QUARTERS*, Florida State Hospital, U.S. 90, (7-2-73)
Chattahoochee vicinity. *MARTIN, MALACHI, HOUSE*, 5 mi. E of Chattahoochee off 90, (8-11-76)
Mt. Pleasant vicinity. *DAVIS, JOSHUA, HOUSE*, 2.5 mi. NW of Mt. Pleasant on U.S. 90, (5-21-75)
Quincy. *LOVE, E. C., HOUSE*, 219 N. Jackson St., (12-30-74)
Quincy. *MC FARLIN, JOHN LEE, HOUSE*, 305 E. King St., (12-27-74)
Quincy. *QUINCY LIBRARY (QUINCY ACADEMY)*, 303 N. Adams St., (9-9-74)
Quincy. *QUINCY WOMEN'S CLUB*, 300 N. Calhoun St., (3-10-75)
Quincy. *SHELFER, E. B., HOUSE*, 205 N. Madison St., (4-4-75)
Quincy. *STOCKTON-CURRY HOUSE*, 121 N. Duval St., (12-31-74)
Quincy. *WHITE, JUDGE P. W., HOUSE (METHODIST PARSONAGE)*, 212 N. Madison St., (12-5-72) HABS.
Quincy vicinity. *OLD PHILADELPHIA PRESBYTERIAN CHURCH*, 5 mi. N of Quincy off FL 65, (2-24-75)
hillsborough county
Plant City. *PLANT CITY UNION DEPOT*, E. North Drane St., (4-14-75) G.
Ruskin. *MILLER, GEORGE MCA., HOUSE*, 508 Tamiami Trail, (7-23-74)
Ruskin vicinity. *COCKROACH KEY*, W of Ruskin about 3 mi. S of the mouth of Little Manatee River, (12-4-73)
Tampa. *CENTRO ASTURIANO*, 1913 Nebraska Ave., (7-24-74)
Tampa. *CIRCULO CUBANO DE TAMPA (CUBAN CLUB)*, 10th Ave. and 14th St., (11-15-72)
Tampa. *EL CENTRO ESPANOL OF WEST TAMPA*, 2306 N. Howard St., (7-30-74)
Tampa. *EL PASAJE (CHEROKEE CLUB)*, 14th St. and Palm Ave., (11-15-72)
Tampa. *FEDERAL BUILDING, U.S. COURTHOUSE, DOWNTOWN POSTAL STATION*, 601 Florida Ave., (6-7-74)
Tampa. *HUTCHINSON HOUSE*, 304 Plant Ave., (11-1-77)
Tampa. *JOHNSON-WOLFF HOUSE*, 6823 S. DeSoto St., (7-24-74)
Tampa. *LEIMAN HOUSE*, 716 S. Newport St., (9-9-74)
Tampa. *LEVICK HOUSE*, 2202 N. Highland St., (7-30-74)
Tampa. *OLD SCHOOL HOUSE*, Lafayette St., University of Tampa campus, (12-4-74)
Tampa. *STOVALL HOUSE*, 4621 Bayshore Blvd., (9-4-74)
Tampa. *TALIAFERRO, T. C., HOUSE*, 305 S. Hyde Park, (10-1-74)
Tampa. *TAMPA BAY HOTEL*, 401 W. Kennedy Blvd., (12-5-72) NHL; G.
Tampa. *TAMPA CITY HALL*, 315 John F. Kennedy Blvd., East, (10-1-74)
Tampa. *UNION RAILROAD STATION*, 601 N. Nebraska St., (6-5-74)
Tampa. *YBOR CITY HISTORIC DISTRICT*, (8-28-74)
Tampa. *YBOR FACTORY BUILDING*, 7th Ave. between 13th and 14th Sts., (11-15-72)
Zephyrhills vicinity. *FORT FOSTER*, 9 mi. S of Zephyrhills, (6-13-72)
indian river county
Sebastian vicinity. *PELICAN ISLAND NATIONAL WILDLIFE REFUGE*, E of Sebastian in the Indian River, (10-15-66) NHL.
Sebastian vicinity. *SPANISH FLEET SURVIVORS AND SALVORS CAMP SITE*, Between Sebastian and Sebastian Inlet, (8-12-70)
jackson county
Greenwood. *ERWIN HOUSE*, Fort Rd. E of FL 71, (6-5-74)
Greenwood. *GREAT OAKS (BRYAN MANSION)*, S of jct. of FL 69 and 71, (12-5-72)
Greenwood. *PENDER'S STORE*, Near jct. of FL 71 and FL 69, (5-3-74)
Marianna. *ELY-CRIGLAR HOUSE*, 242 W. Lafayette St., (12-27-72) HABS.
Marianna. *WEST, THEOPHILUS, HOUSE*, 403 Putnam St., (12-26-72)
Marianna vicinity. *WADDELLS MILL POND SITE*, 7 mi. NW of Marianna, (12-15-72)
jefferson county
Capps. *MAY, ASA, HOUSE (ROSEWOOD PLANTATION)*, N of jct. off U.S. 19 and 27, (12-15-72) G.
Lamont vicinity. *SAN MIGUEL DE ASILE MISSION SITE*, (12-17-74)
Lloyd. *LLOYD RAILROAD DEPOT*, Near jct. of FL 59 and Lester Lawrence Rd., (12-2-74)
Lloyd vicinity. *SAN JOSEPH DE OCUYA SITE (RIVER FIELD SITE)*, 17 mi. E of Tallahassee, (5-7-73)
Monticello. *MONTICELLO HISTORIC DISTRICT*, Irregular pattern along Madison, Jefferson, Dogwood, and Washington Sts., (8-19-77)
Monticello. *PERKINS OPERA HOUSE*, Washington St. and Courthouse Sq., (9-14-72) G.
Monticello. *WIRICK-SIMMONS HOUSE*, Jefferson and Pearl Sts., (6-30-72) HABS.
monticello vicinity. *LYNDHURST PLANTATION*, 15 mi. NE of Monticello off Ashville Rd., (4-2-73)
Tallahassee vicinity. *SAN JUAN DE ASPALAGA SITE*, 16 mi. E of Tallahassee, (5-7-73)
lake county
Eustis. *CLIFFORD HOUSE*, 536 N. Bay St., (4-4-75)
Fruitland Park. *HOLY TRINITY EPISCOPAL CHURCH*, Spring Lake Rd., (12-27-74)
Leesburg. *MOTE-MORRIS HOUSE*, 1021 N. Main St., (12-27-74)
Mount Dora. *DONNELLY HOUSE*, Donnelly Ave., (4-4-75)
lee county
Estero. *KORESHAN UNITY SETTLEMENT HISTORIC DISTRICT*, U.S. 41 at Estero River, (5-4-76)
Fort Myers Beach vicinity. *MOUND KEY*, S of Fort Myers Beach in Koreshan State Park, on Estero Bay, (8-12-70)
Pine Island vicinity. *DEMERE KEY*, Off W shore of Pine Island, in Pine Island Sound, (6-13-72)
Pineland. *PINELAND SITE*, On Pine Island, (11-27-73)
Sanibel. *SANIBEL LIGHTHOUSE AND KEEPER'S QUARTERS*, Point Ybel on Sanibel Island, (10-1-74)
leon county
Tallahassee. *BROKAW-MCDOUGALL HOUSE*, 329 N. Meridian Rd., (7-24-72)
Tallahassee. *CASCADES PARK*, Bounded roughly by Apalachee Pkwy., Bloxham, Suwanee, Munroe, and Meridian Sts., and state property line, (5-12-71)
Tallahassee. *COLUMNS, THE*, 100 N. Duval St., (5-21-75)
Tallahassee. *COLUMNS, THE (WILLIAM WILLIAMS HOUSE)*, 100 N. Duval St., (5-21-75) HABS.
Tallahassee. *FIRST PRESBYTERIAN CHURCH*, 102 N. Adams St., (9-9-74)
Tallahassee. *FLORIDA STATE CAPITOL*, S. Monroe St., (5-7-73)
Tallahassee. *GOODWOOD (OLD CROOM MANSION)*, 1500 Miccosukee Rd., (6-30-72) HABS.
Tallahassee. *GROVE, THE (GOV. RICHARD KEITH CALL HOUSE)*, Adams St. and 1st Ave., (6-13-72)
Tallahassee. *TALLAHASSEE HISTORIC DISTRICT ZONES I AND II*, Calhoun St. between Georgia and Tennessee Sts. and E. Park Ave. between Gadsden and Calhoun Sts., (10-26-72) HABS; G.
Tallahassee. *UNION BANK*, Apalachee Pkwy. and Calhoun St., (2-24-71) HABS; G.
Tallahassee. *WALKER, DAVID S., LIBRARY*, 209 E. Park Ave., (6-22-76)
Tallahassee vicinity. *BELLEVUE*, SW of Tallahassee off FL 371, (3-11-71)
liberty county
Bristol vicinity. *TORREYA STATE PARK*, 13 mi. NE of Bristol, (8-14-72)
madison county
Madison. *DIAL-GOZA HOUSE*, 105 N.E. Marion St., (7-24-73)
Madison. *WARDLAW-SMITH HOUSE*, 103 N. Washington St., (6-30-72) HABS.
manatee county
Bradenton. *MANATEE COUNTY COURTHOUSE (ORIGINAL)*, Manatee Ave. and 15th St., (6-29-76)
Bradenton vicinity. *DE SOTO NATIONAL MEMORIAL*, 5 mi. W of Bradenton, (10-15-66)
Ellenton. *GAMBLE, ROBERT, HOUSE (JUDAH P. BENJAMIN MEMORIAL)*, On U.S. 301, (8-12-70) HABS; G.
Terra Ceia Island. *MADIRA BICKEL MOUNDS*, U.S. 19, (8-12-70)
martin county
Stuart vicinity. *HOUSE OF REFUGE AT GILBERT'S BAR*, Hutchinson Island between Negro and Bessie Caves, (5-3-74)
monroe county
SAN JOSE SHIPWRECK SITE, Reference—see *Outer Continental Shelf*
Dry Tortugas Islands. *FORT JEFFERSON NATIONAL MONUMENT*, 68 mi. W of Key West, in Gulf of Mexico, (11-10-70) HABS.
Key Largo vicinity. *JOHN PENNEKAMP CORAL REEF STATE PARK AND RESERVE*, U.S. 1, (4-14-72)
Key Largo vicinity. *ROCK MOUND ARCHEOLOGICAL SITE*, S of Key Largo, (7-1-75)
Key West. *ARMORY, THE*, 600 White St., (3-11-71) G.
Key West. *FORT ZACHARY TAYLOR*, U.S. Naval Station, (3-11-71) NHL.
Key West. *GATO, EDUARDO H., HOUSE*, 1209 Virginia St., (4-11-73) HABS.
Key West. *HEMINGWAY, ERNEST, HOUSE*, 907 Whitehead St., (11-24-68) NHL.
Key West. *KEY WEST HISTORIC DISTRICT*, Bounded approximately by White, Angela, Windsor, Passover, Thomas and Whitehead Sts., and the Gulf of Mexico, (3-11-71) HABS; G.
Key West. *LITTLE WHITE HOUSE (QUARTERS 4)*, Naval Station, (2-12-74)
Key West. *MARTELLO GALLERY-KEY WEST ART AND HISTORICAL MUSEUM*, S. Roosevelt Blvd., (6-19-72)
Key West. *OLD POST OFFICE AND CUSTOMSHOUSE*, Front St., (9-20-73) HABS.
nassau county
Fernandina beach. *BAILEY HOUSE*, 7th and Ash Sts., (6-4-73)
Fernandina beach. *FAIRBANKS HOUSE*, 227 S. 7th St., (6-4-73)
Fernandina beach. *FERNANDINA BEACH HISTORIC DISTRICT*, (7-20-73) G.
Fernandina beach. *TABBY HOUSE (C. W. LEWIS HOUSE)*, 7th and Ash Sts., (6-4-73)
Fernandina beach vicinity. *FORT CLINCH*, 3 mi. N of Fernandina Beach on FL A1A, (2-23-72)
okaloosa county
Fort Walton beach. *FORT WALTON MOUND*, (10-15-66) NHL.
okeechobee county
Okeechobee vicinity. *OKEECHOBEE BATTLEFIELD*, 4 mi. SE of Okeechobee on U.S. 441, (10-15-66) NHL.
orange county
Orlando. *OLD ORLANDO RAILROAD DEPOT*, Depot Place and W. Church St., (4-22-76)
Winter Park. *PARSONAGE, THE*, Fairbanks Ave. at Chase Ave., (10-2-73) HABS.
osceola county
Kissimmee. *OSCEOLA COUNTY COURTHOUSE*, Bounded by Emmett, Bryan, Rose, & Vernon Sts., (8-16-77)
palm beach county
Canal Point vicinity. *BIG MOUND CITY*, 10 mi. E of Canal Point, (5-24-73)
Jupiter. *JUPITER INLET LIGHTHOUSE*, Jct. of Loxahatchee River and Jupiter Sound, (10-15-73)
Palm Beach. *BINGHAM-BLOSSOM HOUSE (FIGULUS)*, 1250 S. Ocean Blvd., (12-5-72) HABS.
Palm Beach. *BREAKERS HOTEL COMPLEX*, S. County Rd., (8-14-73)
Palm Beach. *BRELSFORD HOUSE (THE BANYANS)*, 1 Lake Trail, (5-3-74)
Palm Beach. *FLAGLER, HENRY MORRISON, HOUSE (WHITEHALL)*, Whitehall Way, (12-5-72)
Palm Beach. *MAR-A-LAGO NATIONAL HISTORIC SITE*, 1100 S. Ocean Blvd., (10-21-72) HABS.
Palm Beach. *PARAMOUNT THEATRE BUILDING*, 145 N. County Rd., (12-12-73)
West Palm Beach. *SEABOARD COASTLINE RAILROAD PASSENGER STATION*, Tamarind Ave. at Datura St., (6-19-73)
pinellas county
Dunedin. *ANDREWS MEMORIAL CHAPEL*, Buena Vista and San Mateo, (7-31-72)
Safety Harbor vicinity. *SAFETY HARBOR SITE*, Philippe Park, 1 mi. NE of Safety Harbor, (10-15-66) NHL.
polk county
Bartow. *HOLLAND, BENJAMIN FRANKLIN, HOUSE (THE GABLES)*, 590 E. Stanford St., (4-3-75)
Bartow. *SOUTH FLORIDA MILITARY COLLEGE*, 1100 S. Broadway, (7-24-72)
Fort Meade. *CHRIST CHURCH (EPISCOPAL)*, 526 N. Oak, (5-6-76)
Lake Wales vicinity. *BOK MOUNTAIN LAKE SANCTUARY AND SINGING TOWER*, 2 mi. N of Lake Wales, (8-21-72)
Lake Wales vicinity. *CASA DE JOSEFINA*, 2 mi. SE of Lake Wales off U.S. 27, (6-10-75)
Lakeland. *FLORIDA SOUTHERN COLLEGE ARCHITECTURAL DISTRICT*, McDonald and Johnson Aves., (6-11-75) HABS.
putnam county
Crescent City. *HUBBARD HOUSE*, 600 N. Park St. in Hubbard Park, (8-14-73)
Palatka. *BRONSON-MULHOLLAND HOUSE (JUDGE ISAAC BRONSON HOUSE)*, Madison between 1st and 2nd Sts., (12-27-72) G.
Palatka. *ST. MARKS EPISCOPAL CHURCH*, 2nd and Main Sts., (5-9-73)
Welaka vicinity. *MOUNT ROYAL*, 3 mi. S of Welaka, (5-7-73)
sarasota county
Osprey vicinity. *OSPREY ARCHEOLOGICAL AND HISTORIC SITE*, N of Osprey, (4-16-75)
Venice vicinity. *WARM MINERAL SPRINGS*, 12 mi. SE of Venice on U.S. 41, (11-28-77)
seminole county
Altamonte Springs. *BRADLEE-MCINTYRE HOUSE*, Massachusetts Park Pl. and FL 436, (6-13-72) G.
Sanford. *SANFORD COMMERCIAL DISTRICT*, Parts of 1st, 2nd, and Commercial Sts., between Palmetto and Oak Sts. (both sides), (6-15-76)
st. johns county
St. Augustine. *ALCAZAR HOTEL*, (2-24-71)
St. Augustine. *AVERO HOUSE*, 39 St. George St., (6-13-72) HABS; G.
St. Augustine. *CASTILLO DE SAN MARCOS NATIONAL MONUMENT*, 1 Castillo Dr., (10-15-66) HABS.
St. Augustine. *CATHEDRAL OF ST. AUGUSTINE*, Cathedral St. between Charlotte and St. George Sts., (4-15-70) NHL; HABS.
St. Augustine. *GONZALEZ-ALVAREZ HOUSE*, 14 St. Francis St., (4-15-70) NHL.
St. Augustine. *HOTEL PONCE DE LEON*, Bounded by King, Valencia, Sevilla, and Cordova Sts., (5-6-75) HABS.
St. Augustine. *LINDSLEY HOUSE*, 241 St. George St., (9-10-71) HABS.

Tallahassee vicinity. *ESCAMBE (SAN COSMO Y SAN DAMIAS DE ESCAMBE)*, 3 mi. NW of Tallahassee, (5-14-71) G.
Tallahassee vicinity. *LAKE JACKSON MOUNDS*, 4.5 mi. N of Tallahassee, (5-6-71) G.
Tallahassee vicinity. *PISGAH UNITED METHODIST CHURCH*, N of Tallahassee, SE of FL 151, (5-3-74)
Tallahassee vicinity. *SAN LUIS DE APALACHE*, 2 mi. W of Tallahassee, (10-15-66) NHL.
Tallahassee vicinity. *SAN PEDRO Y SAN PABLO DE PATALE*, 6 mi. E of Tallahassee, (6-26-72)
Woodville vicinity. *NATURAL BRIDGE BATTLEFIELD*, E of Woodville off U.S. 319, (9-29-70)
liberty county
Bristol vicinity. *TORREYA STATE PARK*, 13 mi. NE of Bristol, (8-14-72)
madison county
Madison. *DIAL-GOZA HOUSE*, 105 N.E. Marion St., (7-24-73)
Madison. *WARDLAW-SMITH HOUSE*, 103 N. Washington St., (6-30-72) HABS.
manatee county
Bradenton. *MANATEE COUNTY COURTHOUSE (ORIGINAL)*, Manatee Ave. and 15th St., (6-29-76)
Bradenton vicinity. *DE SOTO NATIONAL MEMORIAL*, 5 mi. W of Bradenton, (10-15-66)
Ellenton. *GAMBLE, ROBERT, HOUSE (JUDAH P. BENJAMIN MEMORIAL)*, On U.S. 301, (8-12-70) HABS; G.
Terra Ceia Island. *MADIRA BICKEL MOUNDS*, U.S. 19, (8-12-70)
martin county
Stuart vicinity. *HOUSE OF REFUGE AT GILBERT'S BAR*, Hutchinson Island between Negro and Bessie Caves, (5-3-74)
monroe county
SAN JOSE SHIPWRECK SITE, Reference—see *Outer Continental Shelf*
Dry Tortugas Islands. *FORT JEFFERSON NATIONAL MONUMENT*, 68 mi. W of Key West, in Gulf of Mexico, (11-10-70) HABS.
Key Largo vicinity. *JOHN PENNEKAMP CORAL REEF STATE PARK AND RESERVE*, U.S. 1, (4-14-72)
Key Largo vicinity. *ROCK MOUND ARCHEOLOGICAL SITE*, S of Key Largo, (7-1-75)
Key West. *ARMORY, THE*, 600 White St., (3-11-71) G.
Key West. *FORT ZACHARY TAYLOR*, U.S. Naval Station, (3-11-71) NHL.
Key West. *GATO, EDUARDO H., HOUSE*, 1209 Virginia St., (4-11-73) HABS.
Key West. *HEMINGWAY, ERNEST, HOUSE*, 907 Whitehead St., (11-24-68) NHL.
Key West. *KEY WEST HISTORIC DISTRICT*, Bounded approximately by White, Angela, Windsor, Passover, Thomas and Whitehead Sts., and the Gulf of Mexico, (3-11-71) HABS; G.
Key West. *LITTLE WHITE HOUSE (QUARTERS 4)*, Naval Station, (2-12-74)
Key West. *MARTELLO GALLERY-KEY WEST ART AND HISTORICAL MUSEUM*, S. Roosevelt Blvd., (6-19-72)
Key West. *OLD POST OFFICE AND CUSTOMSHOUSE*, Front St., (9-20-73) HABS.
nassau county
Fernandina beach. *BAILEY HOUSE*, 7th and Ash Sts., (6-4-73)
Fernandina beach. *FAIRBANKS HOUSE*, 227 S. 7th St., (6-4-73)
Fernandina beach. *FERNANDINA BEACH HISTORIC DISTRICT*, (7-20-73) G.
Fernandina beach. *TABBY HOUSE (C. W. LEWIS HOUSE)*, 7th and Ash Sts., (6-4-73)
Fernandina beach vicinity. *FORT CLINCH*, 3 mi. N of Fernandina Beach on FL A1A, (2-23-72)
okaloosa county
Fort Walton beach. *FORT WALTON MOUND*, (10-15-66) NHL.
okeechobee county
Okeechobee vicinity. *OKEECHOBEE BATTLEFIELD*, 4 mi. SE of Okeechobee on U.S. 441, (10-15-66) NHL.
orange county
Orlando. *OLD ORLANDO RAILROAD DEPOT*, Depot Place and W. Church St., (4-22-76)
Winter Park. *PARSONAGE, THE*, Fairbanks Ave. at Chase Ave., (10-2-73) HABS.
osceola county
Kissimmee. *OSCEOLA COUNTY COURTHOUSE*, Bounded by Emmett, Bryan, Rose, & Vernon Sts., (8-16-77)
palm beach county
Canal Point vicinity. *BIG MOUND CITY*, 10 mi. E of Canal Point, (5-24-73)
Jupiter. *JUPITER INLET LIGHTHOUSE*, Jct. of Loxahatchee River and Jupiter Sound, (10-15-73)
Palm Beach. *BINGHAM-BLOSSOM HOUSE (FIGULUS)*, 1250 S. Ocean Blvd., (12-5-72) HABS.
Palm Beach. *BREAKERS HOTEL COMPLEX*, S. County Rd., (8-14-73)
Palm Beach. *BRELSFORD HOUSE (THE BANYANS)*, 1 Lake Trail, (5-3-74)
Palm Beach. *FLAGLER, HENRY MORRISON, HOUSE (WHITEHALL)*, Whitehall Way, (12-5-72)
Palm Beach. *MAR-A-LAGO NATIONAL HISTORIC SITE*, 1100 S. Ocean Blvd., (10-21-72) HABS.
Palm Beach. *PARAMOUNT THEATRE BUILDING*, 145 N. County Rd., (12-12-73)
West Palm Beach. *SEABOARD COASTLINE RAILROAD PASSENGER STATION*, Tamarind Ave. at Datura St., (6-19-73)
pinellas county
Dunedin. *ANDREWS MEMORIAL CHAPEL*, Buena Vista and San Mateo, (7-31-72)
Safety Harbor vicinity. *SAFETY HARBOR SITE*, Philippe Park, 1 mi. NE of Safety Harbor, (10-15-66) NHL.
polk county
Bartow. *HOLLAND, BENJAMIN FRANKLIN, HOUSE (THE GABLES)*, 590 E. Stanford St., (4-3-75)
Bartow. *SOUTH FLORIDA MILITARY COLLEGE*, 1100 S. Broadway, (7-24-72)
Fort Meade. *CHRIST CHURCH (EPISCOPAL)*, 526 N. Oak, (5-6-76)
Lake Wales vicinity. *BOK MOUNTAIN LAKE SANCTUARY AND SINGING TOWER*, 2 mi. N of Lake Wales, (8-21-72)
Lake Wales vicinity. *CASA DE JOSEFINA*, 2 mi. SE of Lake Wales off U.S. 27, (6-10-75)
Lakeland. *FLORIDA SOUTHERN COLLEGE ARCHITECTURAL DISTRICT*, McDonald and Johnson Aves., (6-11-75) HABS.
putnam county
Crescent City. *HUBBARD HOUSE*, 600 N. Park St. in Hubbard Park, (8-14-73)
Palatka. *BRONSON-MULHOLLAND HOUSE (JUDGE ISAAC BRONSON HOUSE)*, Madison between 1st and 2nd Sts., (12-27-72) G.
Palatka. *ST. MARKS EPISCOPAL CHURCH*, 2nd and Main Sts., (5-9-73)
Welaka vicinity. *MOUNT ROYAL*, 3 mi. S of Welaka, (5-7-73)
sarasota county
Osprey vicinity. *OSPREY ARCHEOLOGICAL AND HISTORIC SITE*, N of Osprey, (4-16-75)
Venice vicinity. *WARM MINERAL SPRINGS*, 12 mi. SE of Venice on U.S. 41, (11-28-77)
seminole county
Altamonte Springs. *BRADLEE-MCINTYRE HOUSE*, Massachusetts Park Pl. and FL 436, (6-13-72) G.
Sanford. *SANFORD COMMERCIAL DISTRICT*, Parts of 1st, 2nd, and Commercial Sts., between Palmetto and Oak Sts. (both sides), (6-15-76)
st. johns county
St. Augustine. *ALCAZAR HOTEL*, (2-24-71)
St. Augustine. *AVERO HOUSE*, 39 St. George St., (6-13-72) HABS; G.
St. Augustine. *CASTILLO DE SAN MARCOS NATIONAL MONUMENT*, 1 Castillo Dr., (10-15-66) HABS.
St. Augustine. *CATHEDRAL OF ST. AUGUSTINE*, Cathedral St. between Charlotte and St. George Sts., (4-15-70) NHL; HABS.
St. Augustine. *GONZALEZ-ALVAREZ HOUSE*, 14 St. Francis St., (4-15-70) NHL.
St. Augustine. *HOTEL PONCE DE LEON*, Bounded by King, Valencia, Sevilla, and Cordova Sts., (5-6-75) HABS.
St. Augustine. *LINDSLEY HOUSE*, 241 St. George St., (9-10-71) HABS.

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- St. Augustine. **LLAMBIAS HOUSE** (FERNANDEZ-LLAMBIAS HOUSE), 31 St. Francis St., (4-15-70) NHL; HABS.
- St. Augustine. **O'REILLY HOUSE**, 131 Aviles St., (10-15-74) HABS.
- St. Augustine. **RODRIGUEZ-AVERO-SANCHEZ HOUSE**, 52 St. George St., (4-16-71) HABS.
- St. Augustine. **SANCHEZ POWDER HOUSE SITE**, Marine St., (4-14-72)
- St. Augustine. **ST. AUGUSTINE HISTORIC DISTRICT**, (4-15-70) NHL; HABS; G.
- St. Augustine. **XIMENEZ-FATIO HOUSE**, 20 Aviles St., (7-25-73) HABS.
- St. Augustine Beach. **SPANISH COQUINA QUARRIES**, Florida AIA, Anastasia State Park, (2-23-72)
- St. Augustine vicinity. **FISH ISLAND SITE**, S of St. Augustine near Matanzas River, (6-13-72)
- St. Augustine vicinity. **FORT MATANZAS NATIONAL MONUMENT**, 15 mi. S of St. Augustine, (10-15-66)
- st. lucie county
- Fort Pierce. **FORT PIERCE SITE**, South Indian River, (1-11-74)
- sumter county
- Bushnell vicinity. **DADE BATTLEFIELD HISTORIC MEMORIAL**, 1 mi. W of Bushnell off U.S. 301, (4-14-72) NHL.
- suwannee county
- Live Oak vicinity. **HULL-HAWKINS HOUSE**, 10 mi. S of Live Oak on FL 49, (5-7-73)
- volusia county
- Daytona Beach. **BETHUNE, MARY MCLEOD, HOME**, Bethune-Cookman College campus, (12-2-74) NHL.
- DeBary. **DEBARY HALL (HEADQUARTERS, FLORIDA FEDERATION OF ART)**, DeBary Mansion State Park, (7-24-72)
- Enterprise. **ALL SAINTS EPISCOPAL CHURCH**, Corner of DeBary Ave. NE. and Clark St., (5-3-74)
- New Smyrna Beach vicinity. **NEW SMYRNA SUGAR MILL RUINS**, 1 mi. W of New Smyrna Beach, (8-12-70)
- New Smyrna Beach vicinity. **TURTLE MOUND**, 9 mi. S of New Smyrna Beach, (9-29-70)
- Ormond Beach. **CASEMENTS, THE**, 15 E. Granada Ave., (6-30-72) G.
- Ormond Beach vicinity. **NOCOROCO**, 2 mi. N of Ormond Beach, (5-7-73)
- Ponce de Leon Inlet vicinity. **PONCE DE LEON INLET LIGHTHOUSE** (MOSQUITO INLET LIGHTHOUSE), U.S. Coast Guard Reservation, (9-22-72) G.
- Port Orange vicinity. **DUNLAWTON PLANTATION-SUGAR MILL RUINS**, W of Port Orange off Nova Rd., (8-28-73)
- wakulla county
- Crawfordville. **OLD WAKULLA COUNTY COURTHOUSE**, Church St., (5-3-76)
- St. Marks. **FORT SAN MARCOS DE APALACHE**, 18 mi. S of Tallahassee, (11-13-66) NHL.
- St. Marks National Wildlife Refuge. **ST. MARKS LIGHTHOUSE**, N side of Apalache Bay at terminus of FL 59, (7-31-72)
- Wakulla Beach vicinity. **BIRD HAMMOCK**, (12-15-72)
- walton county
- DeFuniak Springs. **CHAUTAUQUA AUDITORIUM**, Circle Dr., (8-7-72) G.

NOTICES

GEORGIA

- atkinson county
- Willacoochee vicinity. **MCCRANIE'S TURTLE STILL**, W of Willacoochee on U.S. 82, (6-28-76)
- baldwin county
- Milledgeville. **ATKINSON HALL, GEORGIA COLLEGE**, Georgia College campus, (1-20-72)
- Milledgeville. **FORMER GOVERNOR'S MANSION**, 120 S. Clark St., (5-13-70) NHL; HABS.
- Milledgeville. **MILLEDGEVILLE HISTORIC DISTRICT**, Bounded by Irwin, Thomas, and Warren Sts. and Fishing Creek, (6-28-72) HABS.
- Milledgeville. **OLD STATE CAPITOL (GEORGIA MILITARY COLLEGE)**, Greene St., (5-13-70) HABS.
- banks county
- Commerce vicinity. **NEW SALEM COVERED BRIDGE**, 6 mi. N of Commerce on SR 5992 over Grove Creek, (6-10-75)
- Homer vicinity. **KESLER COVERED BRIDGE**, 10 mi. N of Homer on County Line Rd. over Middle Fork Broad River, (6-18-75) (also in Franklin County)
- barrow county
- Bethlehem vicinity. **KILGORE MILL COVERED BRIDGE AND MILL SITE**, 3.5 mi. SW of Bethlehem across Apalachee River/county line, (4-14-75) (also in Walton County)
- Winder vicinity. **FORT YARGO**, Fort Yargo State Park, GA 81, (1-1-75)
- bartow county
- Cartersville. **ROSELAWN (SAM JONES HOUSE)**, 244 Cherokee Ave., (1-12-73) G.
- Cartersville vicinity. **ETOWAH MOUNDS**, 3 mi. S of Cartersville on GA 61, (10-15-66) NHL; G.
- Cartersville vicinity. **ETOWAH VALLEY DISTRICT**, Area around Cartersville in Etowah Valley, (6-30-75)
- Cartersville vicinity. **VALLEY VIEW**, Euharlee Rd., SW of Cartersville, (5-8-74)
- berrien county
- Nashville. **BERRIEN COUNTY COURTHOUSE**, Town Square, (12-9-77)
- bibb county
- Macon. **ANDERSON, CAPT. R. J., HOUSE**, 1730 West End Ave., (5-27-71) G.
- Macon. **ANDERSON, JUDGE CLIFFORD, HOUSE**, 642 Orange St., (7-14-71)
- Macon. **BABER, AMBROSE, HOUSE**, 577-587 Walnut St., (8-14-73) HABS.
- Macon. **BURKE, THOMAS C., HOUSE**, 1085 Georgia Ave., (6-21-71)
- Macon. **CANNONBALL HOUSE (JUDGE ASA HOLT HOUSE)**, 856 Mulberry St., (5-27-71) HABS.
- Macon. **CENTRAL CITY PARK BANDSTAND**, Central City Park, (3-16-72)
- Macon. **CHRIST EPISCOPAL CHURCH**, 538-566 Walnut St., (7-14-71)
- Macon. **COWLES HOUSE (STRATFORD ACADEMY)**, 988 Bond St., (6-21-71) HABS.
- Macon. **COWLES, JERRY, COTTAGE**, 4569 Rivoli Dr., (6-21-71) HABS.
- Macon. **DASHER-STEVENS HOUSE**, 904 Orange Ter., (10-18-72)
- Macon. **DAVIS-GUTTENBERGER-RANKIN HOUSE**, 134 Buford Pl., (11-30-73)
- Macon. **DOMINGOS HOUSE**, 1261 Jefferson Ter., (6-21-71)

- Macon. **EMERSON-HOLMES BUILDING**, 566 Mulberry St., (6-21-71) HABS.
- Macon. **FINDLAY, ROBERT, HOUSE**, 785 2nd St., (1-20-72)
- Macon. **FIRST PRESBYTERIAN CHURCH**, 690 Mulberry St., (9-14-72)
- Macon. **FORT HAWKINS ARCHEOLOGICAL SITE**, Fort Hill St., (11-23-77)
- Macon. **GOODALL HOUSE**, 618 Orange St., (5-27-71)
- Macon. **GRAND OPERA HOUSE**, 651 Mulberry St., (6-22-70)
- Macon. **GREEN-POE HOUSE**, 841-845 Poplar St., (7-14-71) HABS.
- Macon. **HATCHER-GROOVER-SCHWARTZ HOUSE**, 1144-1146 Georgia Ave., (6-21-71)
- Macon. **HOLT-PEELER-SNOW HOUSE**, 1129 Georgia Ave., (6-21-71) HABS.
- Macon. **JOHNSTON-HAY HOUSE**, 934 Georgia Ave., (5-27-71) NHL.
- Macon. **LANIER, SIDNEY, COTTAGE**, 935 High St., (1-31-72) G.
- Macon. **LASSITER HOUSE**, 315 College St., (4-11-72)
- Macon. **LEE, W. G., ALUMNI HOUSE (BARTLETT HOUSE)**, 1270 Ash (Coleman) St., (7-14-71)
- Macon. **MACON HISTORIC DISTRICT**, (12-31-74)
- Macon. **MCCRARY, DEWITT, HOUSE**, 320 Hydrolia St., (3-22-74)
- Macon. **MERCER UNIVERSITY ADMINISTRATION BUILDING**, Coleman Ave., (8-26-71)
- Macon. **MILITIA HEADQUARTERS BUILDING**, 552-564 Mulberry St., (4-11-72)
- Macon. **MONROE STREET APARTMENTS**, 641-661 Monroe St., (3-16-72)
- Macon. **MUNICIPAL AUDITORIUM**, 415-435 1st St., (6-21-71)
- Macon. **MUNROE-DUNLAP-SNOW HOUSE**, 920 High St., (7-14-71)
- Macon. **MUNROE-GOOLSBY HOUSE**, 159 Rogers Ave., (1-20-72)
- Macon. **NAPIER, LEROY, HOUSE**, 2215 Napier Ave., (5-27-71)
- Macon. **OCMULGEE NATIONAL MONUMENT**, (10-15-66)
- Macon. **OLD MACON LIBRARY**, 652-662 Mulberry St., (11-26-73)
- Macon. **OLD U.S. POST OFFICE AND FEDERAL BUILDING**, 475 Mulberry St., (1-20-72)
- Macon. **RAINES-CARMICHAEL HOUSE**, 1183 Georgia Ave., (6-21-71) NHL; HABS.
- Macon. **RANDOLPH-WHITTLE HOUSE**, 1231 Jefferson Ter., (2-1-72)
- Macon. **ROGERS, ROCK, HOUSE**, 337 College St., (1-20-72)
- Macon. **ROSE HILL CEMETERY**, Riverside Dr., (10-9-73)
- Macon. **SLATE HOUSE**, 931-945 Walnut St., (1-21-74)
- Macon. **SMALL HOUSE (NAPIER-SMALL HOUSE)**, 156 Rogers Ave., (5-27-71) HABS.
- Macon. **SOLOMON-CURD HOUSE**, 770 Mulberry St., (5-27-71)
- Macon. **SOLOMON-SMITH-MARTIN HOUSE**, 2619 Vineville Ave., (7-14-71)
- Macon. **ST. JOSEPH'S CATHOLIC CHURCH**, 812 Poplar St., (7-14-71)
- Macon. **VILLA ALBICINI**, 150 Tucker Rd., (5-16-74)
- Macon. **WILLINGHAM-HILL-O'NEAL COTTAGE**, 535 College St., (7-14-71)
- brooks county
- Quitman vicinity. **EUDORA PLANTATION**, 3.5 mi. S of Quitman off GA 33, (12-16-74)

NOTICES

- bryan county
- Richmond Hill vicinity. **FORT MCALLISTER**, 10 mi. E of Richmond Hill via GA 67, (5-13-70)
- Richmond Hill vicinity. **SEVEN MILE BEND (BRYAN'S NECK)**, (4-11-72)
- Savannah vicinity. **OLD FORT ARGYLE SITE**, 15 mi. W of Savannah off GA 204, (3-31-75)
- butts county
- Indian Springs. **MCINTOSH INN**, GA 42, (5-7-73)
- Jackson. **CARMICHAEL, J. R., HOUSE**, 149 McConough Rd., (7-13-77)
- camden county
- St. Marys. **ORANGE HALL**, 311 Osborne St., (5-7-73) HABS.
- St. Marys. **ST. MARYS HISTORIC DISTRICT**, Roughly bounded by Waterfront Rd., Norris, Alexander, and Oak Grove Cemetery, (5-13-76)
- carroll county
- BURNS QUARRY, (8-29-77)
- Carrollton. **BONNER-SHARP-GUNN HOUSE**, West Georgia College campus, (5-13-70) G.
- catoosa county
- Chattanooga, TN, vicinity. **CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK**, S of Chattanooga on U.S. 27, (10-15-66) (also in Hamilton Co., TN)
- Ringgold. **WHITMAN-ANDERSON HOUSE**, 309 Tennessee St., (10-5-77)
- chatham county
- Port Wentworth vicinity. **MULBERRY GROVE SITE**, N of Port Wentworth, (7-17-75)
- Savannah. **CENTRAL OF GEORGIA DEPOT AND TRAINSHED**, W. Broad St. and Liberty, (12-8-76) NHL; HAER.
- Savannah. **CENTRAL OF GEORGIA RAILWAY COMPANY SHOP PROPERTY**, Between W. Jones St. and Louisville Rd., (3-5-70) HAER.
- Savannah. **DAVENPORT, ISAIAH, HOUSE**, 324 E. State St., (9-22-72) HABS.
- Savannah. **FEDERAL BUILDING AND U.S. COURTHOUSE**, Wright Sq., (6-7-74)
- Savannah. **FORT JACKSON**, Islands Expwy., (2-18-70) G.
- Savannah. **GREEN-MELDRIM HOUSE**, Macon and Bull Sts., (1-21-74) NHL; HABS.
- Savannah. **HODGSON, W. B., HALL**, 501 Whitaker St., (3-25-77)
- Savannah. **LOW, JULIETTE GORDON, BIRTHPLACE**, 10 Oglethorpe Ave., E., (10-15-66) NHL; HABS; G.
- Savannah. **MASSIE COMMON SCHOOL HOUSE**, 207 E. Gordon St., (4-13-77)
- Savannah. **OWENS-THOMAS HOUSE**, 124 Abercorn St., (5-11-76) NHL.
- Savannah. **SAVANNAH HISTORIC DISTRICT**, Bounded by E. Broad, Gwinnett, and W. Broad Sts. and the Savannah River, (11-13-66) NHL; HABS.
- Savannah. **SAVANNAH VICTORIAN HISTORIC DISTRICT**, (12-11-74)
- Savannah. **SCARBROUGH, WILLIAM, HOUSE**, 41 W. Broad St., (6-22-70) NHL; HABS; G.
- Savannah. **STURGES, OLIVER, HOUSE**, 27 Abercorn St., (7-14-71) HABS.
- Savannah. **TELFAIR ACADEMY**, 121 Barnard St., (5-11-76) NHL.
- Savannah. **U.S. CUSTOMHOUSE**, 1-3 E. Bay St., (5-29-74)

- Savannah vicinity. **BETHESDA HOME FOR BOYS**, S of Savannah at Ferguson Ave. and Bethesda Rd., (9-12-73)
- Savannah vicinity. **FORT PULASKI NATIONAL MONUMENT**, 17 mi. W of Savannah, Cockspar Island, (10-15-66) HABS.
- Savannah vicinity. **WILD HERON**, 15 mi. SW of Savannah off U.S. 17, (12-16-77) HABS.
- Savannah vicinity. **WORMSLOE PLANTATION**, Isle of Hope and Long Island, (4-26-73)
- chattahoochee county
- Fort Benning. **RIVERSIDE (QUARTERS NO. 1)**, 100 Vibbert Ave., (5-27-71)
- clarke county
- Athens. **BISHOP HOUSE**, Jackson St., University of Georgia campus, (3-16-72)
- Athens. **CARNEGIE LIBRARY BUILDING**, 1401 Prince Ave., (11-11-75)
- Athens. **CHASE, ALBON, HOUSE**, 185 N. Hull St., (8-19-74) HABS.
- Athens. **CHURCH-WADDELL-BRUMBY HOUSE**, 280 E. Dougherty St., (2-20-75)
- Athens. **COBB, T.R.R., HOUSE**, 194 Prince Ave., (6-30-75) HABS.
- Athens. **COMAK HOUSE**, 279 Meigs St., (7-7-75) HABS.
- Athens. **DEARING STREET HISTORIC DISTRICT**, Roughly bounded by Broad and Baxter Sts., Milledge Ave., and includes both sides of Finley St. and Henderson Ave., (9-5-75)
- Athens. **FRANKLIN HOUSE (OLD ATHENS HOTEL)**, 464-480 E. Broad St., (12-11-74) HABS.
- Athens. **GARDEN CLUB OF GEORGIA MUSEUM-HEADQUARTERS HOUSE (FOUNDER'S MEMORIAL GARDEN)**, Lumpkin St., University of Georgia campus, (4-26-72)
- Athens. **GRADY, HENRY W., HOUSE**, 634 Prince Ave., (5-11-76) NHL.
- Athens. **LUCY COBB INSTITUTE CAMPUS**, 200 N. Milledge Ave., University of Georgia campus, (3-16-72) HABS.
- Athens. **LUMPKIN, GOV. WILSON, HOUSE (ROCK HOUSE)**, Cedar St., University of Georgia campus, (3-16-72)
- Athens. **LUMPKIN, JOSEPH HENRY, HOUSE**, 248 Prince Ave., (6-27-75) HABS.
- Athens. **OLD NORTH CAMPUS, UNIVERSITY OF GEORGIA**, Bounded by Broad, Lumpkin, and Jackson Sts., (3-16-72) HABS.
- Athens. **PARROTT INSURANCE BUILDING**, 283 E. Broad St., (10-7-77)
- Athens. **PRESIDENTS HOUSE, UNIVERSITY OF GEORGIA (BENJAMIN HILL HOUSE)**, 570 Prince Ave., (3-16-72) HABS.
- Athens. **SLEDGE, JAMES A., HOUSE**, 749 Cobb St., (2-12-74)
- Athens. **UPSON HOUSE**, 1022 Prince Ave., (11-15-73) HABS.
- Athens. **WARE-LYNDON HOUSE**, 293 Hoyt St., (3-16-76)
- Athens. **WILKINS HOUSE**, 387 S. Milledge Ave., (5-19-70)
- clay county
- Fort Gaines. **DILL HOUSE**, 102 S. Washington St., (5-6-75)
- Fort Gaines. **GEORGE, WALTER F., DAM MOUND**, SE of Walter F. George Lock and Dam, (1-21-75)
- Fort Gaines vicinity. **FORT GAINES CEMETERY SITE**, (12-16-74)
- Fort Gaines vicinity. **TONEY-STANDLEY HOUSE**, NW of Fort Gaines off GA 39, (9-17-74)

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- clayton county
- Fayetteville vicinity. **ORKIN EARLY QUARTZ SITE**, (12-4-74)
- Jonesboro. **JONESBORO HISTORIC DISTRICT**, GA 54 and 3, (1-20-72)
- Jonesboro. **STATELY OAKS**, Jodeco Rd., (3-16-72)
- cobb county
- Austell. **CAUSEY, ISRAEL, HOUSE**, 5909 Maxham Rd., (8-13-75)
- Kennesaw. **GENERAL, THE**, Big Shanty Museum of Cherokee St., (6-19-73)
- Mableton vicinity. **JOHNSTON'S LINE**, SE of Mableton off U.S. 78 at Chattahoochee River, (7-5-73)
- Marietta. **BRUMBY, ARNOLDUS, HOUSE**, 472 Powder Springs St., (8-29-77)
- Marietta. **GLOVER-MCLEOD-GARRISON HOUSE**, 250 Garrison Rd., SE., (3-25-77)
- Marietta. **NORTHWEST MARIETTA HISTORIC DISTRICT**, (6-11-75)
- Marietta vicinity. **GILGAL CHURCH BATTLE SITE (FEDERAL ENTRENCHMENTS)**, 9 mi. W of Marietta on Sandtown Rd., (1-23-75)
- Marietta vicinity. **KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK**, 2 mi. W of Marietta, (10-15-66) G.
- Marietta vicinity. **SOPE CREEK RUINS**, E of Marietta on Paper Mill Rd., (4-27-73)
- columbia county
- Augusta vicinity. **STALLINGS ISLAND**, 8 mi. NW of Augusta in the Savannah River, (10-15-66) NHL.
- coweta county
- Newnan vicinity. **GORDON-BANKS HOUSE**, S of Newnan on U.S. 29, (1-20-72) HABS.
- crisp county
- Cordele vicinity. **CANNON SITE**, W of Cordele off GA 230, (9-5-75)
- dawson county
- Dawsonville vicinity. **STEELE'S COVERED BRIDGE**, 7 mi. NW of Dawsonville on SR 2275, (3-19-75)
- decalur county
- Bainbridge. **CALLAHAN, J. W., HOUSE**, 200 Evans St., (12-12-76)
- Bainbridge vicinity. **CURRY HILL PLANTATION**, 6 mi. E of Bainbridge on U.S. 84, (1-29-73)
- dekalb county
- Atlanta. **CALLANWOLDE**, 980 Briarcliff Rd., NE., (4-23-73)
- Atlanta. **EMORY UNIVERSITY DISTRICT**, N. Decatur Rd., (11-20-75)
- Atlanta and vicinity. **DRUID HILLS PARKS AND PARKWAYS**, Both sides of Ponce de Leon Ave. between Briarcliff Rd. and the Seaboard Coast Line RR. tracks, (4-11-75)
- Atlanta vicinity. **SOAPSTONE RIDGE**, S of Atlanta off River Rd., (5-7-73)
- Decatur. **GAY, MARY, HOUSE**, 524 Marshall St., (5-6-75)
- Decatur. **OLD DEKALB COUNTY COURTHOUSE (CIVIC CENTER)**, Court Sq., (8-26-71)
- dougherty county
- Albany. **BRIDGE HOUSE**, 112 N. Front St., (11-19-74)
- Albany. **FARKAS, SAMUEL, HOUSE**, 328 W. Broad Ave., (11-9-77)
- Albany. **MUNICIPAL AUDITORIUM**, 301 Pine Ave., (6-25-74)
- Albany. **OLD ST. TERESA'S CATHOLIC CHURCH**, 313 Residence Ave., (4-1-75)

Albany. SMITH, W. E., HOUSE, 516 Flint Ave., (8-30-77)
Albany. UNION DEPOT (TERMINAL STATION), Roosevelt Ave. and N. Front St., (2-13-75)

douglas county

Atlanta vicinity. SWEET WATER MANUFACTURING SITE, W of Atlanta off I-20, (11-23-77)

early county

Blakely vicinity. KOLOMOKI MOUNDS, 8 mi. N of Blakely on U.S. 27, Kolomoki Mounds State Park, (10-15-66) NHL.

Hilton vicinity. COHEELEE CREEK COVERED BRIDGE, 2 mi. N of Hilton on Old River Rd., (5-13-76)

effingham county

Springfield vicinity. EBENEZER TOWNSITE AND JERUSALEM LUTHERAN CHURCH, E of Springfield on GA 275 at Savannah River, (12-4-74)

elbert county

Elberton vicinity. ALLEN, WILLIAM, HOUSE (BEVERLY PLANTATION), 9 mi. E of Elberton on SR 6, (6-5-75)

Elberton vicinity. GAINES, RALPH, HOUSE, N of Elberton on GA 368, (10-5-77)

Ruckersville vicinity. ALEXANDER-CLEVELAND HOUSE, 3.5 mi. NE of Ruckersville, (9-15-77)

floyd county

Rome. CHIEFTAINS, 80 Chatillon Rd., (4-7-71) NHL; G.

Rome. U.S. POST OFFICE AND COURTHOUSE, W. 4th Ave. and E. 1st St., (5-6-75)

forsyth county

Cumming vicinity. POOL'S MILL COVERED BRIDGE, NW of Cummings off GA 369 on Pool's Mill Rd., (4-1-75)

franklin county

KESLER COVERED BRIDGE, Reference—see Banks County
Carnesville vicinity. CROMER'S MILL COVERED BRIDGE, 8 mi. S of Carnesville at Nails Creek, (8-17-76)

fulton county

Atlanta. ATLANTA AND WEST POINT RAILROAD FREIGHT DEPOT, 215 Decatur St., (3-26-76)

Atlanta. ATLANTA UNIVERSITY CENTER DISTRICT, Roughly bounded by transit right-of-way, Northside Dr., Walnut, Fair, Roach, W. End Dr., Euralee and Chestnut Sts., (7-12-76)

Atlanta. BALTIMORE BLOCK, 5,7,9,11,13,15,17,19 Baltimore Pl., (6-3-76)

Atlanta. CABBAGETOWN DISTRICT, Bounded by Boulevard, Pearl St., Memorial Dr., and the RR. tracks, (1-1-76)

Atlanta. CANDLER BUILDING, 127 Peachtree St., NE., (8-24-77)

Atlanta. CAPITAL CITY CLUB, 7 Harris St., NW., (9-15-77)

Atlanta. CHURCH OF THE SACRED HEART OF JESUS, 335 Ives St., NE., (5-13-76)

Atlanta. CITIZEN'S AND SOUTHERN BANK BUILDING, 35 Broad St., (8-18-77)

Atlanta. CYCLOPAMA OF THE BATTLE OF ATLANTA, Cherokee Ave., Grant Park, (12-9-71) G.

Atlanta. DEGIVE'S GRAND OPERA HOUSE, 157 Peachtree St., NE., (6-17-77)

Atlanta. DIXIE COCA-COLA BOTTLING COMPANY PLANT, 125 Edgewood Ave., (7-20-77)

Atlanta. ENGLISH-AMERICAN BUILDING, 74 Peachtree St., (3-26-76)

Atlanta. FOX THEATER, 660 Peachtree St., NE., (5-17-74) NHL.

Atlanta. GEORGIA STATE CAPITOL, Capitol Sq., (5-13-70) NHL.

Atlanta. HABERSHAM MEMORIAL HALL, 15th St., W of jct. with Piedmont Ave., (6-7-74)

Atlanta. HARRIS, JOEL CHANDLER, HOUSE (WREN'S NEST), 1050 Gordon St., SW., (10-15-66) NHL.

Atlanta. HEALEY BUILDING, 57 Forsyth St., (8-12-77)

Atlanta. HILLIER TRUST BUILDING, 140 Peachtree St., (7-25-77)

Atlanta. HURT BUILDING, 45 Edgewood Ave., NE., (4-13-77)

Atlanta. INMAN PARK, (7-23-73)

Atlanta. MARTIN LUTHER KING, JR., HISTORIC DISTRICT, Bounded roughly by Irwin, Randolph, Edgewood, Jackson, and Auburn Aves., (5-2-74) NHL.

Atlanta. NICOLSON, WILLIAM P., HOUSE, 821 Piedmont Ave., (3-25-77)

Atlanta. OAKLAND CEMETERY, 248 Oakland Ave., SE., (4-28-76)

Atlanta. ODD FELLOWS BUILDING AND AUDITORIUM, 228-250 Auburn Ave., NE., (5-2-75)

Atlanta. PEACHTREE SOUTHERN RAILWAY STATION, 1688 Peachtree St., NW., (9-14-76)

Atlanta. PETERS, EDWARD C., HOUSE, 179 Ponce de Leon Ave., (1-20-72)

Atlanta. PIEDMONT PARK, Bounded by 10th St., Southern Railway, and Piedmont Rd., (5-13-76)

Atlanta. RHODES MEMORIAL HALL, 1516 Peachtree St., (3-1-74)

Atlanta. ROSE, RUFUS M., HOUSE, 537 Peachtree St., (9-20-77)

Atlanta. SHRINE OF THE IMMACULATE CONCEPTION, 48 Hunter St., SW., (12-12-76)

Atlanta. SMITH, TULLIE, HOUSE, 3099 Andrews Dr., NW., (11-20-70) G.

Atlanta. STAFF ROW AND OLD POST AREA-FORT MCPHERSON, NE corner of Fort McPherson, (11-5-74)

Atlanta. TEXAS THE, Cyclorama Bldg., Grant Park, (6-19-73)

Atlanta. STONE HALL-ATLANTA UNIVERSITY, Morris-Brown College campus, (12-2-74) NHL; G.

Atlanta. SWAN HOUSE, 3099 Andrews Dr., NW., (9-13-77)

Atlanta. SWEET AUBURN HISTORIC DISTRICT, Auburn Ave., (12-8-76) NHL.

Atlanta. TECHWOOD HOMES HISTORIC DISTRICT, Roughly bounded by North Ave., Parker, Williams, and Lovejoy Sts., (6-29-76)

Atlanta. TOMPKINS, HENRY B., HOUSE, 125 W. Wesley Rd., NW., (12-12-76)

Atlanta. U.S. POST OFFICE AND COURTHOUSE, 76 Forsyth St., (5-2-74)

Atlanta. WESTERN AND ATLANTIC RAILROAD ZERO MILEPOST, Central Ave. between Wall St. and Railroad Ave., (9-19-77)

Fairburn. CAMPBELL COUNTY COURTHOUSE, E. Broad and Cole Sts., (3-26-76)

Fort McPherson. FORSCOM COMMAND SERGEANT MAJOR'S QUARTERS, Bldg. 532, (2-25-75)

Roswell. BARRINGTON HALL, 60 Marietta St., (12-9-71) HABS.

Roswell. BULLOCH HALL, Bulloch Ave., (5-27-71) HABS.

Roswell. ROSWELL HISTORIC DISTRICT, 1837-20th C., (5-2-74)

glyn county

Brunswick vicinity. BRUNSWICK OLD TOWN, (12-2-74)

Brunswick vicinity. FORT FREDERICA NATIONAL MONUMENT, 12 mi. N of Brunswick, (10-15-66)

Brunswick vicinity. HOFWYL-BROADFIELD PLANTATION, N of Brunswick on U.S. 17, (7-12-76)

Jekyll Island. FAITH CHAPEL, Old Plantation Rd., (7-14-71)

Jekyll Island. HORTON-DUBIGNON HOUSE, BREWERY RUINS, DUBIGNON CEMETERY, Riverview Dr., (9-28-71)

Jekyll Island. JEKYLL ISLAND CLUB, Between Riverview Dr. and Old Village Blvd., (1-20-72)

Jekyll Island. ROCKEFELLER COTTAGE, 331 Riverview Dr., (7-14-71)

St. Simons Island. ST. SIMONS LIGHTHOUSE KEEPERS BUILDING, 600 Beachview Dr., (4-13-72)

gordon county

Calhoun vicinity. NEW ECHOTA, NE of Calhoun on GA 225, (5-13-73) NHL.

Oakman vicinity. FREEMAN-HURT HOUSE, S of Oakman on U.S. 411, (1-1-76)

grady county

Beachton vicinity. SUSINA PLANTATION (CEDAR GROVE), W of Beachton on Meridian Rd., (8-12-70)

greene county

Greensboro vicinity. PENFIELD HISTORIC DISTRICT, 7 mi. N of Greensboro on GA 5925, (1-20-76)

gwinnett county

Lawrenceville. OLD SEMINARY BUILDING (LAWRENCEVILLE FEMALE SEMINARY BUILDING), Perry St., (12-29-70)

Lilburn vicinity. WYNNE, THOMAS, HOUSE, N of Lilburn on U.S. 29, (7-8-77)

habersham county

Clarksville vicinity. WOODLANDS AND BLYTHEWOOD, About 3 mi. N of Clarksville off U.S. 441, (12-30-75)

hall county

Buford. BOWMAN-PIRKLE HOUSE, NE of Buford off U.S. 23 on Friendship Rd., (8-14-73)

Gainesville. FEDERAL BUILDING AND COURTHOUSE, 126 Washington St., (1-24-74)

Gainesville. GREEN STREET DISTRICT, Both sides of Green St. from Green Street Pl. to Glenwood Rd., (8-15-75)

hancock county

Devereux vicinity. ROE-HARPER HOUSE, 2 mi. W of Devereux off SR 2133, (8-29-77)

Jewell vicinity. CHEELY-COLEMAN HOUSE, S of Jewell off GA 123 at Ogeechee River, (10-29-76)

Jewell vicinity. SHIVERS-SIMPSON HOUSE (ROCK MILL), N of Jewell on Mayfield Rd., (6-22-70)

Linton and vicinity. LINTON HISTORIC DISTRICT, Town of Linton and its environs, (6-18-75)

Mayfield vicinity. CAMILLA-ZACK COMMUNITY CENTER DISTRICT, Rte. 1, (12-2-74)

Sparta. SPARTA HISTORIC DISTRICT, (4-16-74) G.

Sparta vicinity. GLEN MARY, Linton Rd., S of Sparta, (5-8-74)

haralson county

Buchanan. HARALSON COUNTY COURTHOUSE, Courthouse Sq., (6-7-74)

harris county

West Point. WHITE HALL, Off U.S. 29, (8-19-74) HABS; G.

jenkins county

Millen vicinity. BIRDSVILLE PLANTATION, NW of Millen, (4-7-71)

jones county

Bradley vicinity. CABANISS-HANBERRY HOUSE, NE of Bradley, (1-1-76)

Clinton. OLD CLINTON HISTORIC DISTRICT, (9-12-74) HABS.

East Juliette vicinity. JARRELL PLANTATION, 6 mi. E of East Juliette off Dames Ferry Rd., (5-9-73)

Round Oak vicinity. CABINESS-HUNT HOUSE, SE of Round Oak off GA 11, (5-2-75)

laurens county

Dublin. CARNEGIE LIBRARY, Jct. of Bellevue, Academy, and Jackson Sts., (5-30-75)

Dublin vicinity. FISH TRAP CUT, (10-1-74)

Montrose vicinity. SANDERS HILL, S of Montrose off I 16/GA 404, (5-28-75)

liberty county

Midway. MIDWAY HISTORIC DISTRICT, Jct. U.S. 17 and GA 38, (3-1-73)

Midway vicinity. FORT MORRIS, About 10 mi. E of Midway off GA 38, (5-13-70)

Riceboro vicinity. WOODMANSTON SITE (LECONTE PLANTATION), SW of Riceboro off Barrington Rd., (6-18-73)

South Newport vicinity. ST. CATHERINES ISLAND, 10 mi. off GA coast between St. Catherines Sound and Sapelo Sound, (4-15-70) NHL.

lincoln county

Danburg vicinity. CHANNAULT HOUSE, NE of Danburg at jct. of GA 44 and GA 79, (10-14-76)

Danburg vicinity. MATTHEWS HOUSE, NE of Danburg on GA 79, (10-14-76)

lumpkin county

Dahlonega. DAHLONEGA COURTHOUSE GOLD MUSEUM (OLD LUMPKIN COUNTY COURTHOUSE), U.S. 19, (5-13-70) HABS.

Dahlonega. PRICE MEMORIAL HALL, College Ave., (1-20-72)

Dahlonega vicinity. CALHOUN MINE, 3 mi. S of Dahlonega off GA 60, (2-11-74) NHL.

macon county

Andersonville vicinity. ANDERSONVILLE NATIONAL HISTORIC SITE, 1 mi. E of Andersonville on GA 49, (10-16-70) (also in Sumter County)

madison county

Danielsville. LONG, CRAWFORD W., CHILDHOOD HOME, Old Ila Rd., (12-6-77)

marion county

Buena Vista vicinity. FORT PERRY, N of Buena Vista off GA 41, (7-30-75)

medulfe county

Thomson vicinity. CARR, THOMAS, DISTRICT, N of Thomson near jct. of GA 150 and I-20, (12-6-75)

medulfe county

Thomson. USRY HOUSE, 211 Milledge St., (10-1-74)

Thomson. WATSON, THOMAS E., HOUSE, 310 Lumpkin St., (5-11-76) NHL.

Thomson vicinity. OLD ROCK HOUSE, NW of Thomson on Old Rock House Rd., (12-29-70)

mcintosh county

Cox vicinity. FORT BARRINGTON, NW of Cox, (9-27-72)

Crescent. D'ANTIGNAC HOUSE, (12-16-77)

Darien vicinity. FORT KING GEORGE, E of U.S. 17, (5-13-70)

meriwether county

Alvaton vicinity. WHITE OAK CREEK COVERED BRIDGE, SE of Alvaton on Covered Bridge Rd., (6-19-73)

Greenville. MERIWETHER COUNTY COURTHOUSE, Court Sq., (5-7-73)

Greenville. MERIWETHER COUNTY JAIL, Gresham St. and GA 27 A, (5-7-73)

Greenville vicinity. CLARKLAND FARMS, La Grange Rd., (7-12-74)

Greenville vicinity. HARMAN-WATSON-MATTHEWS HOUSE, SW of Greenville on Odessdale/Durand Rd., (5-9-73)

Greenville vicinity. MARK HALL, SW of Greenville off GA 18, (5-7-73)

Warm Springs. WARM SPRINGS HISTORIC DISTRICT, S of GA 194 and W of GA 85W, (7-30-74)

Woodbury. RED OAK CREEK COVERED BRIDGE, N of Woodbury on Huel Brown Rd., (5-7-73)

monroe county

Bolingbroke vicinity. GREAT HILL PLACE, W of Bolingbroke off GA 41, (7-24-73)

Macon vicinity. MONTPELIER FEMALE INSTITUTE, W of Macon, (10-10-75)

morgan county

Madison. BENNETT, NATHAN, HOUSE, Dixie Ave., (11-13-74)

Madison. BONAR HALL, Dixie Ave., (1-20-72)

Madison. MADISON HISTORIC DISTRICT, Roughly bounded on both sides by U.S. 441/129/278 at GA 83, (10-29-74)

Madison vicinity. CEDAR LANE FARM, N of Madison off GA 83, (2-24-71)

murray county

Chatsworth vicinity. FORT MOUNTAIN, U.S. 76, (1-1-75)

Spring Place. VANN HOUSE, Jct. of U.S. 76 and GA 225, (10-28-69) HABS.

muscooke county

Columbus. BULLARD-HART HOUSE, 1408 3rd Ave., (7-28-77)

Columbus. CEDARS, THE, 2039 13th St., (11-23-71)

Columbus. COLUMBUS HISTORIC DISTRICT, Roughly bounded by 9th and 4th sts., 4th Ave., and the Chattahoochee River, (7-29-69)

Columbus. COLUMBUS IRONWORKS, 910 Front Ave., (7-29-69)

Columbus. DINGLEWOOD, 1429 Dinglewood St., (2-1-72)

Columbus. FIRST NATIONAL BANK (BANK OF COLUMBUS), 1048 Broadway, (11-1-74)

Columbus. GOETCHIUS-WELLBORN HOUSE, 405 Broadway, (7-29-69)

Columbus. GUNBOATS C.S.S. MUSCOGEE AND CHATTAHOOCHEE, 4th St. W of U.S. 27, (5-13-70)

Columbus. HILTON, 2505 Macon Rd., (1-20-72)

Columbus. ILLGES HOUSE, 1428 2nd Ave., (6-19-73)

Columbus. JOSEPH HOUSE, 828 Broadway, (7-29-69)

Columbus. LION HOUSE (HOXEY-CAR-GILL HOUSE), 1316 3rd Ave., (1-20-72) HABS.

Columbus. MCGEEHEE-WOODALL HOUSE, 1534 2nd Ave., (1-20-72) HABS.

Columbus. MOTT HOUSE, Front Ave., (12-3-74)

Columbus. OCTAGON HOUSE, 527 1st Ave., (7-29-69) NHL.

Columbus. PEABODY-WARNER HOUSE, 1445 2nd Ave., (12-29-70)

Columbus. PEMBERTON HOUSE, 11 7th St., (9-28-71)

Columbus. RANKIN HOUSE, 1440 2nd Ave., (3-16-72) HABS.

Columbus. RANKIN SQUARE, Bounded by Broadway, 1st Ave., 10th and 11th Sts., (10-7-77)

Columbus. SPRINGER OPERA HOUSE, 105 10th St., (12-29-70) G.

Columbus. ST. ELMO, 2810 St. Elmo Dr., (4-7-71) HABS.

Columbus. SWIFT-KYLE HOUSE, 303 12th St., (4-11-73) HABS.

Columbus. WALKER-PETERS-LANGDON HOUSE, 716 Broadway, (7-29-69)

Columbus. WELLS-BAGLEY HOUSE, 22 6th St., (7-29-69)

Columbus. WYNN HOUSE, 1240 Wynnton Rd., (2-1-72)

Columbus. WYNNTON ACADEMY, 2303 Wynnton Rd., (4-11-72)

Columbus. WYNNWOOD (THE ELMS), 1846 Buena Vista Rd., (1-20-72) HABS.

newton county

Covington. FLOYD STREET HISTORIC DISTRICT, Floyd St. from Elm to W of Sockwell St., (12-4-74)

Oxford. ORNA VILLA (ALEXANDER MEANS HOUSE), 1008 N. Emory St., (1-29-73)

Oxford. OXFORD HISTORIC DISTRICT, College and residential district centered around Wesley St., (6-5-75) HABS.

oconee county

Watkinsville. EAGLE TAVERN, U.S. 129, (5-13-70) HABS.

oglethorpe county

Crawford. CRAWFORD DEPOT, U.S. 78, (5-27-77)

Lexington. LEXINGTON HISTORIC DISTRICT, U.S. 78, (4-13-77)

Smithsonia vicinity. HOWARD'S COVERED BRIDGE, 3 mi. SE of Smithsonia on

5194 GEORGIA

pulaski county
Hawkinsville. **HAWKINSVILLE CITY HALL-AUDITORIUM (OLD OPERA HOUSE)**, Lumpkin and Broad Sts., (3-1-73)

putnam county
Eatonton. **EATONTON HISTORIC DISTRICT**, Most of town centered around courthouse and city hall, (6-13-75)
Eatonton vicinity. **GATEWOOD HOUSE**, 6 mi. NE of Eatonton off GA 44, (6-20-75)
Eatonton vicinity. **SINGLETON HOUSE**, SW of Eatonton off GA 16, (10-1-74)

randolph county
Cuthbert. **CUTHBERT HISTORIC DISTRICT**, centered around U.S. 82 and U.S. 27, (6-10-75)

richmond county
Augusta. **ACADEMY OF RICHMOND COUNTY**, 540 Telfair St., (4-11-73) HABS.
Augusta. **AUGUSTA CANAL INDUSTRIAL DISTRICT**, (5-27-71)

Augusta. **BENET, STEPHEN VINCENT, HOUSE (PRESIDENT'S HOME, AUGUSTA COLLEGE)**, 2500 Walton Way, (11-11-71) NHL; HABS.

Augusta. **BRAHE HOUSE**, 456 Telfair St., (4-11-73) HABS.

Augusta. **FIRST BAPTIST CHURCH OF AUGUSTA**, Greene and 8th Sts., (3-23-72)
Augusta. **FITZSIMONS-HAMPTON HOUSE**, GA 28, (10-29-76)

Augusta. **GERTRUDE HERBERT ART INSTITUTE (NICHOLAS WARE HOUSE)**, 506 Telfair St., (3-20-73) HABS.

Augusta. **HARRIS-PEARSON-WALKER HOUSE**, 1822 Broad St., (10-28-69) HABS.

Augusta. **MEADOW GARDEN**, 1230 Nelson St., (7-19-76)

Augusta. **OLD MEDICAL COLLEGE BUILDING**, Telfair and 6th Sts., (3-16-72) HABS.

Augusta. **SACRED HEART CATHOLIC CHURCH**, Greene and 13th Sts., (3-16-72)

Augusta. **ST. PAUL'S EPISCOPAL CHURCH**, 6th and Reynolds Sts., (4-11-73)

Augusta vicinity. **COLLEGE HILL (WALTON-HARPER HOUSE)**, 2216 Wrightsboro Rd., (11-11-71) NHL; HABS.

screven county
Sylvania vicinity. **GOODALL, SEABORN, HOUSE**, N of Sylvania at jct. of U.S. 301 and GA 24, (10-17-77)

spalding county

Griffin. **BAILEY-TEBAULT HOUSE**, 633 Meriwether St., (3-20-73) HABS.

Griffin. **HAWKES LIBRARY**, 210 S. 6th St., (3-20-73)

Griffin. **HILL-KURTZ HOUSE**, 570 S. Hill St., (3-20-73)

Griffin. **HUNT HOUSE (CHAPMAN-KINCAID-HUNT HOUSE)**, 232 S. 8th St., (3-26-73)

Griffin. **MILLS HOUSE**, 406 N. Hill St., (10-18-72) HABS.

Griffin. **OLD MEDICAL COLLEGE HISTORICAL AREA (MIDDLE GEORGIA MEDICAL COLLEGE)**, 223-233 E. Broadway St., (12-15-72)

Griffin. **PRITCHARD-MOORE-GOODRICH HOUSE**, 441 N. Hill St., (3-7-73)

Griffin. **SAM BAILEY BUILDING**, E. Poplar and 4th Sts., (3-20-73)

Griffin vicinity. **DOUBLE CABINS (MITCHELL-WALKER-HOLLBERG HOUSE)**, NE of Griffin on GA 16, (3-7-73)

Williamson vicinity. **OLD GAISSERT HOMEPLACE**, NE of Williamson on GA 362, (6-4-73)

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stephens county
Toccoa. **SCHAEFER-MARKS HOUSE**, 316 E. Doyle St., (12-12-76)
Toccoa vicinity. **TRAVELER'S REST**, E of Toccoa on U.S. 123, (10-15-66) NHL; HABS.

stewart county
Lumpkin. **BEDINGFIELD INN**, Cotton St., (5-7-73)
Lumpkin vicinity. **SINGER-MOYE ARCHEOLOGICAL SITE**, S of Lumpkin, (8-1-75)
Omaha vicinity. **ROODS LANDING SITE**, S of Omaha at confluence of Rood Creek and the Chattahoochee River, (8-19-75)

sumter county
ANDERSONVILLE NATIONAL HISTORIC SITE, Reference—see Macon County
Americus. **AMERICUS HISTORIC DISTRICT**, Irregular pattern along Lee St. with extensions to Dudley St., RR tracks, Rees Park, and Glessner St., (1-1-76)

talbot county
Talbotton. **LEVERT HISTORIC DISTRICT**, Roughly bounded by Washington Ave., RR tracks, Madison and Smith Sts., (1-11-76)
Talbotton. **TOWNS, GEORGE W. B., HOUSE**, GA 208, (5-7-73)
Talbotton vicinity. **ZION EPISCOPAL CHURCH**, S of Talbotton on U.S. 80, (5-8-74) HABS.

taliaferro county
Crawfordville. **LIBERTY HALL**, Alexander H. Stephens Memorial State Park, (5-13-70) HABS.

Crawfordville vicinity. **COLONSAY PLANTATION**, ENE of Crawfordville off SR 908, (11-21-74)

thomas county
Thomasville. **BRANDON, DR. DAVID, HOUSE (HAYES HOUSE)**, 329 N. Broad St., (9-4-70)
Thomasville. **BRYAN-DAVIS HOUSE (CATER HOUSE)**, 312 N. Broad St., (8-12-70)
Thomasville. **BRYAN, HARDY, HOUSE**, 312 N. Broad St., (8-12-70)
Thomasville. **BURCH-MITCHELL HOUSE**, 737 Remington Ave., (9-4-70)

Thomasville. **EAST SIDE SCHOOL**, 120 N. Hansell St., (12-16-77)

Thomasville. **GREENWOOD PLANTATION**, GA 84, (5-13-76)

Thomasville. **HANSELL, AUGUSTINE, HOUSE**, 429 S. Hansell St., (6-22-70)

Thomasville. **LAPHAM-PATTERSON HOUSE (SCARBOROUGH HOUSE)**, 626 N. Dawson St., (11-7-73) NHL; G.

Thomasville. **PARK FRONT (CHARLES HEBARD HOUSE)**, 711 S. Hansell St., (8-12-70)

Thomasville. **PONDER, EPHRAIM, HOUSE**, 324 N. Dawson St., (8-12-70)

Thomasville. **THOMAS COUNTY COURTHOUSE**, N. Broad St., (6-22-70)

Thomasville. **THOMASVILLE HISTORIC DISTRICT**, Irregular pattern extending N to North Blvd., S to Loomis, E to Hansell, and W to Oak St., (10-10-75)

Thomasville. **WRIGHT HOUSE**, 415 Fletcher St., (8-12-70)

Thomasville vicinity. **MILLPOND PLANTATION**, S of Thomasville on Pine Tree Blvd., (12-12-76)

troup county
La Grange. **BELLEVUE (BENJAMIN HARVEY HILL HOUSE)**, 204 Ben Hill St., (11-7-72) NHL.

La Grange. **HEARD-DALLIS HOUSE**, 206 Broad St., (3-4-75)

La Grange. **STRICKLAND HOUSE**, NW of La Grange on Glenn Rd., (12-12-76)

La Grange vicinity. **LIBERTY HILL**, NW of La Grange on Liberty Hill Rd., (2-24-75)

La Grange vicinity. **NUTWOOD**, N of Big Springs Rd. near Newsom Cemetery, (5-8-74)

La Grange vicinity. **REID-GLANTON HOUSE (HUTCHINSON HOUSE)**, E of La Grange at jct. of GA 109 and Pattillo Rd., (6-20-72)

LaGrange vicinity. **RUTLEDGE HOUSE**, S of LaGrange on Bartley Rd., (8-24-77)

Mountville vicinity. **VAN BODDIE, NATHAN, HOUSE**, W. of Mountville on GA 109, (8-29-77) HABS.

West Point vicinity. **LONG CANE HISTORIC DISTRICT**, N of West Point on U.S. 29, (5-24-76)

twigg county
Fitzpatrick vicinity. **MYRICK'S MILL**, NE of Fitzpatrick on SR 378, (12-6-75)

upson county
Thomaston vicinity. **AUCHUMPKEE CREEK COVERED BRIDGE**, 10 mi. SE of Thomaston off U.S. 19 on Allen Rd., (4-1-75)

walker county
Chickamauga. **GORDON-LEE HOUSE**, 217 Cove Rd., (3-22-76)

Kensington vicinity. **LANE HOUSE**, (12-12-76)

Rossville. **ROSS, JOHN, HOUSE**, Lake Ave. and Spring St., (11-7-73) NHL.

Rossville vicinity. **ASHLAND FARM**, SW of Rossville off GA 193, (10-18-73)

walton county
KILGORE MILL COVERED BRIDGE AND MILL SITE, Reference—see Barrow county

Good Hope vicinity. **CASULON PLANTATION**, E of Good Hope off GA 186, (10-10-75) HABS.

Monroe. **DAVIS-EDWARDS HOUSE**, 238 N. Broad St., (8-14-73) HABS.

ware county
Waycross. **WAYCROSS HISTORIC DISTRICT**, Roughly bounded by Plant Ave., Williams, Lee, Chandler, and Stephens Sts., (6-29-76)

washington county
Davisboro vicinity. **FRANCIS PLANTATION**, SE of Davisboro on SR 2189, (7-3-75)

white county
Cleveland. **OLD WHITE COUNTY COURTHOUSE**, On GA 115, (10-28-70) G.

wilkes county
Danburg. **ANDERSON HOUSE**, GA 44, (9-29-76)

Danburg vicinity. **WILLIS-SALE-STENNETT HOUSE**, N of Danburg off GA 79 on SR 1445, (10-14-76)

Tignall vicinity. **PHARR-CALLAWAY-SETHNESS HOUSE**, N of Tignall on GA 2193, (3-26-76)

Washington. **CAMPBELL-JORDAN HOUSE**, 208 Liberty St., (7-14-71)

Washington. **CEDARS, THE**, 210 Sims St., (4-11-72)

NOTICES

HAWAII 5195

Washington. **EAST ROBERT TOOMBS HISTORIC DISTRICT**, East Robert Toombs Ave. between Alexander Ave. and Grove St., (4-11-72)

Washington. **GILBERT-ALEXANDER HOUSE**, 116 Alexander Dr., (4-11-72)

Washington. **HOLLY COURT (FICKLEN HOUSE)**, 301 S. Alexander St., (4-11-72)

Washington. **MARY WILLIS LIBRARY**, E. Liberty and S. Jefferson Sts., (4-11-72)

Washington. **NORTH WASHINGTON DISTRICT**, Bounded by Jefferson and Court Sts., Poplar Dr., and U.S. 78, (3-7-73)

Washington. **OLD JAIL**, 103 Court St., (6-5-74)

Washington. **PEACEWOOD**, 120 Tignall Rd., (4-11-72) HABS.

Washington. **POPLAR CORNER**, 210 W. Liberty St., (4-11-72)

Washington. **TOOMBS, ROBERT, HOUSE**, 216 E. Robert Toombs Ave., (4-11-72) NHL; HABS; G.

Washington. **TUPPER-BARNETT HOUSE**, 101 W. Robert Toombs Ave., (4-11-72) NHL; HABS.

Washington. **WASHINGTON PRESBYTERIAN CHURCH**, 206 E. Robert Toombs Ave., (4-11-72) HABS.

Washington. **WASHINGTON-WILKES HISTORICAL MUSEUM (BARNETT-SLATON HOUSE)**, 308 E. Robert Toombs Ave., (5-13-70)

Washington. **WEST ROBERT TOOMBS DISTRICT**, W. Robert Toombs Ave. between Allison St. and Rte. 44 and Lexington Ave., (3-1-73)

Washington vicinity. **ARNOLD-CALLAWAY PLANTATION**, NW of Washington on U.S. 78, (4-11-72)

Washington vicinity. **KETTLE CREEK BATTLEFIELD (WAR HILL)**, 9 mi. SW of Washington off Tyrone Rd., (6-26-75)

GUAM

Agana. **AGANA SPANISH BRIDGE**, Aspinall St. and Rte. 1, (9-6-74)

Agana. **FORT SANTA AGUEDA**, Rte. 7, (8-30-74)

Agana. **GUAM INSTITUTE**, Off Rte 1, (10-6-77)

Agana. **PLAZA DE ESPANA**, Saylor St., (5-1-74)

Agana vicinity. **SPANISH DIKES**, (11-19-74)

Agat. **TAELAYAG SPANISH BRIDGE**, W of Rte. 2, (10-10-74)

Agat. **TALEYFAC SPANISH BRIDGE**, Off Rte. 2, (9-10-74) G.

Agat vicinity. **AGAT INVASION BEACH**, Coastline NW of Agat from Toocha Beach S to Bangi, (3-4-75)

Agat vicinity. **HILL 40**, 0.2 mi. SW of Agat off Rte. 2, (3-4-75)

Agat vicinity. **OROTE FIELD**, 5 mi. N of Agat on Orote Peninsula, (6-18-75)

Asan. **ASAN RIDGE BATTLE AREA**, Between Asan and Nimitz Hill, (7-18-75)

Asan. **MEMORIAL BEACH PARK**, Rte. 1, (8-7-74)

Asan vicinity. **MATGUE RIVER VALLEY BATTLE AREA**, 0.6 mi. SW of Asan off Marine Dr., (4-3-75)

Dededo vicinity. **URUNO BEACH SITE**, (12-27-74)

Dededo vicinity. **URUNO SITE**, (12-27-74)

Finagayan. **SOUTH FINAGAYAN LATTE STONE PARK**, 74 Golden Shower Lane, (9-5-75)

Finagayan vicinity. **HAPUTO BEACH SITE**, (11-20-74)

Inarajan. **INARAJAN VILLAGE**, Rte. 4, (11-7-77)

Inarajan. **NORTH INARAJAN SITE**, 2.3 mi. NW of Inarajan Village, (2-21-75)

Inarajan vicinity. **GADAO'S CAVE**, (11-19-74)

Inarajan vicinity. **INARAJAN RIDGE**, (12-4-74)

Inarajan vicinity. **NOMNA BAY SITE**, (12-27-74)

Inarajan vicinity. **TALOFOFO RIVER VALLEY SITE**, (12-27-74)

Inarajan vicinity. **WEST ATATE**, (12-4-74)

Mangilao vicinity. **MOCHOM (NISICHAN)**, (12-4-74)

Merizo. **MERIZO BELL TOWER**, Off Insular Rte. 4, (5-29-75)

Merizo. **MERIZO CONBENTO**, Rte. 4, (9-17-74)

Piti. **PITI COASTAL DEFENSE GUNS**, E of jct. of Insular Rtes. 1 and 11, (6-18-75)

Piti vicinity. **SMS CORMORAN** (cruiser), Arpa Harbor, (4-4-75)

Talofoto. **SOUTH TALOFOFO SITE**, 1.3 mi. SW of Talofoto Village, (2-24-75)

Talofoto vicinity. **ASQUIROGA CAVE**, N of Talofoto off Insular Rte. 4, (5-6-76)

Tamuning. **DUNGAS BEACH DEFENSE GUNS**, On Agana Bay off Rt. 1, (12-22-76)

Tamuning. **SAN VITORES MARTYRDOM SITE**, 0.7 mi. S of Bijia Point off Rte. 1, (10-31-75)

Tamuning vicinity. **FAFAI BEACH SITE**, (11-19-74)

Umatac. **AGAGA**, 2.5 mi. N of Umatac, (6-11-75)

Umatac. **CETTI BAY**, (11-21-74)

Umatac. **FORT SANTO ANGEL**, NW corner of Umatac Bay, (8-30-74)

Umatac. **SAN DIONISIO CHURCH RUINS**, Rte. 2, (8-30-74)

Umatac vicinity. **ACHUGAO BAY SITE**, 3 mi. N of Umatac, (8-19-75)

Umatac vicinity. **FORT NUESTRA SENORA DE LA SOLEDAD**, S of Umatac off Rte. 40, (10-18-74)

Umatac vicinity. **FORT SAN JOSE**, NW of Umatac on Rte. 2, (5-1-74) G.

Umatac vicinity. **FOUHA BAY**, (11-21-74)

Umatac vicinity. **SELLA BAY SITE (SIDYA)**, (11-8-74)

Yigo vicinity. **JINAPSAN SITE (INAPSAN)**, (12-27-74)

Yigo vicinity. **MATAGUAC HILL COMMAND POST**, Off Insular Rte. 1, (6-10-75)

Yigo vicinity. **PAGAT SITE**, 3 mi. S of Yigo, (3-13-74) G.

HAWAII

hawaii county

Captain Cook vicinity. **KEALAKEKUA BAY HISTORICAL DISTRICT**, SW of Captain Cook off HI 11, (12-12-73)

Hawaii Volcanoes National Park. **1790 FOOT-PRINTS**, (8-7-74)

Hawi vicinity. **HEIAU IN KUKUIPAHU**, SW of Hawi, (4-24-73)

Hawi vicinity. **MOOKINI HEIAU**, Northern tip of Hawaii, 1 mi. W of Upolu Point Airport, (10-15-66) NHL.

Hilo. **U.S. POST OFFICE AND OFFICE BUILDING**, Kinooole and Waianuenue Sts., (10-1-74)

Hilo vicinity. **KILAUEA CRATER**, SW of Hilo in Hawaii Volcanoes National Park, (7-24-74)

Hilo vicinity. **MAUNA KEA ADZ QUARRY**, 24 mi. NW of Hilo, (10-15-66) NHL.

Hilo vicinity. **OLD VOLCANO HOUSE NO. 42**, SW of Hilo on HI 11 in Hawaii Volcanoes National Park, (7-24-74)

Hilo vicinity. **WHITNEY SEISMOGRAPH VAULT NO. 29**, SW of Hilo on HI 11 in Hawaii Volcanoes National Park, (7-24-74)

Hilo vicinity. **WILKES CAMPSITE**, W of Hilo at Mauna Loa Volcano in Hawaii Volcanoes National Park, (7-24-74)

Holualoa vicinity. **KAHALUU HISTORIC DISTRICT**, (12-27-74)

Kailua-Kona. **HULIHEE PALACE**, Alii Dr., (5-25-73) HABS.

Kailua-Kona. **KAMAKAHONU, RESIDENCE OF KING KAMEHAMEHA I**, On NW edge of Kailu Bay, N and W of Kailua Wharf, (10-15-66) NHL.

Kailua-Kona vicinity. **HONOKOHAU SETTLEMENT**, Honokohau Bay, N of Kailua-Kona, (10-15-66) NHL.

Kailua-kona vicinity. **KUAMO'O BURIALS**, W of HA 11, (8-13-74)

Kailua-Kona vicinity. Island of Hawaii. **CITY OF REFUGE NATIONAL HISTORICAL PARK**, 20 mi. S of Kailua-Kona, (10-15-66)

Kawaihae vicinity. Island of Hawaii. **PUU-KOHOLA HEIAU NATIONAL HISTORIC SITE**, N end of Hawaii off HI 26, about 1 mi. SE of Kawaihae, (10-15-66)

Keauhou. **KEAUHOU HOLUA SLIDE**, E of HI 18, (10-15-66) NHL.

Mahukona. **LAPAKAHI COMPLEX**, 0.5 mi. S of Mahukona, Hawaii Island, (7-2-73)

Mauna Loa vicinity. **AINAPO TRAIL (MENZIES TRAIL)**, Hawaii Volcanoes National Park, (8-30-74)

Milolii vicinity. **AHOLE HOLUA COMPLEX**, S of Milolii on Ahole Bay, (11-26-73)

Naalehu vicinity. **SOUTH POINT COMPLEX**, South Cape, southern tip of Hawaii, Ka'u District, (10-15-66) NHL.

North Kona. **AHUA A UMI HEIAU**, Between Hualalai and Mauna Loa, (11-26-73)

Pahala vicinity. **PUNA-KA'U HISTORIC DISTRICT**, Hawaii Volcanoes National Park, (7-1-74)

Waimea. **IMIOLA CHURCH**, NE of Waimea on HI 19, (8-28-75)

Waiohinu vicinity. **MANUKA BAY PETROGLYPHS**, SW of Waiohinu at Manuka Bay, (9-19-73)

honolulu county

Aiea. **KEIWA HEIAU**, Aiea Heights Dr., (11-9-72)

Haleiwa vicinity. **KUPOPOLO HEIAU**, 3 mi. N of Haleiwa on Kamehameha Hwy. At Waimea Bay, (6-4-73)

Haleiwa vicinity. **PUU O MAHUKA HEIAU**, 4 mi. NE of Haleiwa on HI 83, overlooking Waimea Bay, (10-15-66) NHL.

Honolulu. **ALIOLANI HALE (JUDICIARY BUILDING)**, King St., (2-2-72) HABS.

Honolulu. **ALOHA TOWER**, Pier 9, Honolulu Harbor, (5-13-76)

Honolulu. **CHINATOWN HISTORIC DISTRICT**, Bounded roughly by Beretania St. on NE, Nuuanu Stream on N, Nuuanu Ave. on SE, and Honolulu Harbor, (1-17-73)

Honolulu. **FALLS OF CLYDE**, Pier 5, Honolulu Harbor, (7-2-73) G.

Honolulu. **HONOLULU ACADEMY OF ARTS**, 900 S. Beretania St., (3-25-72)

Honolulu. **IOLANI PALACE**, 364 S. King St., (10-15-66) NHL

5196 IDAHO

Honolulu. **KAWAIAHAWO CHURCH AND MISSION HOUSES**, 957 Punchbowl St., 553 S. King St., (10-15-66) NHL; HABS; G.

Honolulu. **MERCHANT STREET HISTORIC DISTRICT**, (6-19-73)

Honolulu. **MOANA HOTEL**, 2365 Kalakaua Ave., (8-7-72)

Honolulu. **OUR LADY OF PEACE CATHEDRAL**, 1183 Fort St., (8-7-72) HABS.

Honolulu. **PALAMA FIRE STATION**, 879 N. King St., (4-21-76)

Honolulu. **PUNAHOU SCHOOL CAMPUS**, 1601 Punahou St., (8-7-72) HABS.

Honolulu. **PUOWAINA-HILL OF SACRIFICE**, 2177 Pupwaina Dr., (1-11-76)

Honolulu. **QUEEN EMMA'S SUMMER HOME**, 2913 Pali Hwy., (8-7-72) HABS; G.

Honolulu. **ROYAL BREWERY**, 553 S. Queen St., (11-29-72)

Honolulu. **ROYAL MAUSOLEUM**, 2261 Nuuanu Ave., (8-7-72) HABS.

Honolulu. **ST. ANDREW'S CATHEDRAL**, Beretania St. (Queen Emma Sq.), (7-2-73)

Honolulu. **THOMAS SQUARE**, Bounded by King, S. Beretania, and Victoria Sts. and Ward Ave., (4-25-72)

Honolulu. **U.S. IMMIGRATION OFFICE**, 595 Ala Moana Blvd., (8-14-73)

Honolulu. **U.S. POST OFFICE, CUSTOM-HOUSE, AND COURTHOUSE**, 335 Merchant St., (1-27-75)

Honolulu. **WALKER, H. ALEXANDER, RESIDENCE**, 2616 Pali Hwy., (4-24-73)

Honolulu. **WASHINGTON PLACE**, Beretania and Miller Sts., (6-18-73) HABS.

Honolulu vicinity. **NUUANU PETROGLYPH COMPLEX**, S of Nuuanu Ave. and Pali Hwy. jct., (3-14-73)

Kaaawa vicinity. **SMALL HEIAU**, 1 mi. S of Kaaawa off Kaaawa Valley Rd., (3-14-73)

Kahaluu. **KAHALUU (KAHOONA) FISHPOND**, NW of Laenani St. off Kamehameha Hwy., (3-14-73)

Kahaluu. **KAHALUU TARO LO'I**, W of western end of Hui Kulu St., (3-14-73)

Kahuku vicinity. **BURIAL PLATFORM**, NW of Kahuku off Kamehameha Hwy., (8-14-73)

Kahuku vicinity. **KAHUKU HABITATION AREA**, 0.3 mi. NE of Kahuku Airport Rd., (9-11-72)

Kailua. **ULA PO HEIAU**, Off Kailua Rd., (11-9-72)

Kailua vicinity. **PAHUKINI HEIAU**, SW of Kapaa Quarry, (9-11-72)

Kaneohe. **HEEIA FISHPOND**, Off Kamehameha Hwy. adjacent to Heeia Point, (1-17-73)

Kaneohe. **KAWAEWAE HEIAU**, At the rear of 45-162 Namoku St., (8-21-72)

Kaneohe. **LELEAHINA HEIAU**, S of Haiku Plantation Dr., (3-20-73)

Kaneohe. **MOKAPU BURIAL AREA**, Off Moffet Rd. in the NE section of Kaneohe Marine Corps Air Station, (11-15-72)

Kaneohe vicinity. **HUILUA FISHPOND**, On Kahana Bay, 13 mi. N of Kaneohe on HI 83 adjacent to Kahana Bay State Park, (10-15-66) NHL.

Kaneohe vicinity. **KUALOA AHUPUA'A HISTORICAL DISTRICT**, Kamehameha Hwy., (10-16-74)

Kaneohe vicinity. **MOLII FISHPOND**, SE of Kamehameha Hwy. between Kualoa and Johnson Rds., (12-5-72)

Kaneohe vicinity. **POHAKU KA LUAHINE**, Near the center of Moanalua Valley, (7-23-73)

Kapapa Island. **KAPAPA ISLAND COMPLEX**, In Kaneohe Bay, (8-21-72)

NOTICES

Lualualei. **WAIALUA AGRICULTURAL COMPANY ENGINE NO. 6**, Off HI 78, (8-19-74)

Nanakuli vicinity. **OAHU RAILWAY AND LAND COMPANY RIGHT-OF-WAY**, Barbers Point, (12-1-75)

Pearl City vicinity. Island of Oahu. **U.S. NAVAL BASE, PEARL HARBOR**, 3 mi. S of Pearl City on HI 73, (10-15-66) NHL; HABS.

Pearl Harbor. **OKIOKILEPE POND**, 0.3 mi. NW of Iroquois Point at Pearl Harbor entrance, (3-14-73)

Wahiawa vicinity. **KUKANILOKO BIRTHSTONES**, NW of Wahiawa, off HI 80, (4-11-73)

Waianae vicinity. **WAIANAE DISTRICT**, N of Waianae off Farrington Hwy., (1-21-74)

Waikane vicinity. **WAIKANE TARO FLATS**, 1 mi. NW of Waikane in Upper Waikane Valley, (4-11-73)

Waimanalo vicinity. **BELLOWS FIELD ARCHEOLOGICAL AREA**, SE of Waimanalo, (8-14-74)

Waimanalo vicinity. **U.S. COAST GUARD MAKAPUU POINT LIGHT**, SE of Waimanalo off Kalaniana'ole Hwy., (12-7-77)

kawaii county

Hanalei. **WAIOLI MISSION DISTRICT**, Off HI 56, (10-3-73) G.

Koloa. **OLD SUGAR MILL OF KOLOA**, (10-15-66) NHL.

Lihue. **GROVE FARM**, On HI 501, about 1 mi. SE of Lihue, (6-25-74) G.

Lihue vicinity. **MENEHUNE FISHPOND (ALEKOKO FISHPOND)**, S of Lihue on Huleia River, (3-14-73)

Wailua vicinity. **WAILUA COMPLEX OF HEIAUS**, E coast of Kauai at mouth of Wailua River, Lihue District, (10-15-66) NHL.

Waimea. **COOK LANDING SITE**, 2 mi. SW of HI 50, (10-15-66) NHL.

Waimea vicinity. **RUSSIAN FORT**, On HI 50, 200 yds. SW of the bridge over the Waimea River, (10-15-66) NHL.

maui county

Hana vicinity. **PHILANIHALE HEIAU**, 4 mi. N of Hana, at the mouth of Honomalee Gulch near Kalahu Point, (10-15-66) NHL.

Kahului vicinity. **CRATER HISTORIC DISTRICT**, Haleakala National Park, (11-1-74)

Kalaupapa. **KALAUPAPA LEPROSY SETTLEMENT**, Molokai Island, (1-7-76) NHL.

Kaupo vicinity. **LOALOHA HEIAU**, SE coast of Maui, on HI 31, about 0.25 mi. N of Kaupo, (10-15-66) NHL.

Lahaina. **LAHAINA HISTORIC DISTRICT**, W side of Maui on HI 30, (10-15-66) NHL; HABS.

Lahainaluna. **HALE PA'I**, Lahainaluna High School, (5-13-76) HABS.

Lanai City vicinity. **KAUNOLU VILLAGE SITE**, On Kaunolu Bay on the SW cape of the Island of Lanai, (10-15-66) NHL.

Ualapue vicinity. **HOKUKANO-UALAPUE COMPLEX**, On HI 45, (10-15-66) NHL.

Wailuku. **KAHUMANU CHURCH**, S. High St., (5-12-75)

Wailuku. **OLD BAILEY HOUSE (HALE HOIKEIKE)**, Iao Valley Rd., (3-20-73) G.

IDAHO

ada county

Boise. **ADA THEATER**, 700 Main St., (11-21-74) G.

Boise. **ALEXANDER HOUSE**, 304 State St., (8-7-72) G.

Boise. **ASSAY OFFICE**, 210 Main St., (10-15-66) NHL.

Boise. **BOISE CAPITOL AREA DISTRICT**, Roughly bounded by 6th and Bannock, N. 8th, 8th, State, 5th and Jefferson Sts., (5-12-76)

Boise. **BOISE HISTORIC DISTRICT**, 5th and 6th Sts., both sides of Idaho and Main Sts., (11-9-77)

Boise. **CARNEGIE PUBLIC LIBRARY**, 815 Washington St., (11-21-74)

Boise. **CHRIST CHAPEL**, Broadway at Campus Dr., (7-17-74)

Boise. **CONGREGATION BETH ISRAEL SYNAGOGUE**, 1102 State St., (11-3-72)

Boise. **FORT BOISE**, About 1.5 mi. NE of State Capitol, (11-9-72)

Boise. **GAR HALL**, 714 W. State St., (1-21-74)

Boise. **IDANHA HOTEL**, 10th and Main Sts., (7-9-74) HABS.

Boise. **IMMANUEL EVANGELICAL LUTHERAN CHURCH**, 707 W. Fort, (6-17-76) G.

Boise. **JACOBS, CYRUS, HOUSE**, 607 Grove St., (11-27-72)

Boise. **LOGAN, THOMAS E., HOUSE**, 602 N. Julia Davis Dr., (9-22-71) G.

Boise. **MOORE-CUNNINGHAM HOUSE**, 1109 Warm Springs Ave., (4-29-77) HABS.

Boise. **OLD IDAHO STATE PENITENTIARY**, 2200 Warm Springs Ave., (7-17-74)

Boise. **SOUTH EIGHTH STREET HISTORIC DISTRICT**, Roughly bounded by 8th, 9th, Miller, and Broad Sts., (12-12-77)

Boise. **ST. ALPHONSUS HOSPITAL**, 508 N. 5th St., (7-30-76)

Boise. **UNION PACIFIC MAINLINE DEPOT**, 1701 Eastover Ter., (8-7-74)

Boise. **WEST WARM SPRINGS HISTORIC DISTRICT**, Warm Springs Ave., Main, 1st, 2nd, and Idaho Sts., (12-12-77)

Boise vicinity. **DIVERSION DAM AND DEER FLAT EMBANKMENTS**, SE of Boise on Boise River, (3-15-76) (also in Canyon County)

Boise vicinity. **OREGON TRAIL**, 2 mi. SE of Boise and continuing SE for 8 mi., (10-18-72)

Murphy vicinity. **SWAN FALLS DAM AND POWER PLANT**, E of Murphy at Snake River, (7-6-76) (also in Owyhee County)

bannock county

Fort Hall vicinity. **FORT HALL**, 11 mi. W of Fort Hall, Fort Hall Indian Reservation, (10-15-66) NHL.

Pocatello. **POCATELLO CARNEGIE LIBRARY**, 105 S. Garfield Ave., (7-2-73)

Pocatello. **POCATELLO FEDERAL BUILDING**, Arthur Ave. and Lewis St., (10-5-77)

Pocatello. **STANDROD HOUSE**, 648 N. Garfield Ave., (1-18-73)

Pocatello. **SULLIVAN-KINNEY HOUSE**, 441 S. Garfield, (11-9-77)

bear lake county

Paris. **BEAR LAKE COUNTY COURTHOUSE**, U.S. 89, (10-7-77)

Paris. **BEAR LAKE STAKE TABERNACLE**, Main St., (12-8-72)

Paris. **DANCE PAVILION**, Main and E. 1st South, (10-6-77)

Saint Charles. **NELSON, WILHELMINA, HOUSE AND CABINS**, U.S. 89, (5-3-76)

benewah county

Desmet. **COEUR D'ALENE MISSION OF THE SACRED HEART**, Off U.S. 95, (4-21-75)

bingham county

Blackfoot. **BLACKFOOT LDS TABERNACLE**, 120 S. Shilling St., (9-19-77)

Blackfoot. **BLACKFOOT RAILWAY DEPOT**, N.W. Main St., (11-20-74)

Fort Hall vicinity. **FORT HALL SITE**, 16 mi. N of Fort Hall, (11-21-74)

blaine county

Bellevue vicinity. **MILLER, HENRY, HOUSE**, S of Bellevue off U.S. 93, (5-30-75)

Hailey. **EMMANUEL EPISCOPAL CHURCH**, 101 2nd Ave. S., (10-5-77)

Hailey. **HIWATHA HOTEL (ALTURAS HOTEL)**, 1st Ave. and Croy St., (7-15-74)

Sun Valley vicinity. **SAWTOOTH CITY**, NW of Sun Valley off U.S. 93 in Sawtooth National Forest, (4-4-75)

boise county

Boise vicinity. **ARROWROCK DAM**, About 10 mi. E of Boise on U.S. Forest Service Roads, (11-9-72)

Idaho City. **IDAHO CITY**, Bounded by city limits, (6-27-75) G.

bonner county

Sandpoint. **SANDPOINT BURLINGTON NORTHERN RAILWAY STATION (NORTHERN PACIFIC DEPOT)**, Cedar St. at Sand Creek, (7-5-73)

bonneville county

Idaho Falls. **TRINITY METHODIST CHURCH**, 237 N. Water Ave., (12-16-77)

Idaho Falls vicinity. **EAGLE ROCK FERRY**, N of Idaho Falls on Snake River, (6-7-74)

Idaho Falls vicinity. **WASDEN SITE (OWL CAVE)**, W of Idaho Falls off U.S. 20, (5-24-76)

Iona. **IONA MEETINGHOUSE (STANGER MEMORIAL GALLERY)**, (5-7-73)

butte county

Arco vicinity. **EXPERIMENTAL BREEDER REACTOR NO. 1**, National Reactor Testing Station, (10-15-66) NHL.

Arco vicinity. **GOODALE'S CUTOFF**, S of Arco off U.S. 20, (5-1-74)

canyon county

DIVERSION DAM AND DEER FLAT EMBANKMENTS, Reference—see Ada County

Middleton. **MIDDLETON SUBSTATION**, (5-7-73)

Nampa. **FIRST SECURITY BANK (NAMPA PUBLIC LIBRARY)**, 101 11th Ave. S., (5-13-76)

Nampa. **NAMPA DEPOT**, 12th Ave. and Front St., (11-3-72)

Parma vicinity. **FORT BOISE AND RIVERSIDE FERRY SITES**, NW of Parma on Snake River, (12-24-74)

caribou county

Soda Springs. **LANDER ROAD**, NE of Soda Springs in Caribou National Forest S of ID 34, (4-24-75)

cassia county

Almo vicinity. **CITY OF ROCKS**, City of Rocks State Park, (10-15-66) NHL.

Burley vicinity. **GRANITE PASS**, SW of Burley, less than 0.5 mi. N of UT boundary, (6-28-72)

clark county

Blue Dome vicinity. **BIRCH CREEK ROCK SHELTERS**, (12-2-74)

NOTICES

clearwater county

Lolo Hot Springs vicinity. **LOLO TRAIL**, Parallel to U.S. 12 on ridges of Bitterroot Mountains, from Lolo Pass to Weippe in Clearwater and Lolo National Forest, (10-15-66) NHL. (also in Idaho County and Missoula County, MT)

Pierce. **PIERCE COURTHOUSE**, (11-3-72)

Spalding and vicinity. **NEZ PERCE NATIONAL HISTORICAL PARK**, Area 90 mi. S and 150 mi. E of Spalding, (10-15-66) (also in Idaho, Lewis, and Nez Perce counties)

Weippe vicinity. **WEIPPE PRAIRIE**, S of Weippe and ID 11, (10-15-66) NHL.

custer county

Challis vicinity. **BAYHORSE**, S of Challis off U.S. 93, (3-15-76)

Challis vicinity. **CHALLIS BISON JUMP SITE**, S of Challis off U.S. 93, (9-5-75)

Clayton vicinity. **EAST FORK LOOKOUT**, S of Clayton, (9-27-76)

elmore county

Atlanta vicinity. **ATLANTA DAM AND POWER PLANT**, W of Atlanta on Boise River, (10-5-77)

Mountain Home. **ST. JAMES EPISCOPAL CHURCH**, 305 N. 3rd East, (10-5-77)

Rocky Bar and vicinity. **SOUTH BOISE HISTORIC MINING DISTRICT**, In Boise and Sawtooth National Forests, (12-30-75)

franklin county

Franklin. **HATCH, L. H., HOUSE**, (5-7-73)

Preston. **COWLEY, MATTHIAS, HOUSE**, 110 S. 1st East, (7-19-76)

Preston. **ONEIDA STAKE ACADEMY**, NW corner of 2nd South and 2nd East Sts., (5-21-75)

Preston vicinity. **BEAR RIVER BATTLEGROUND**, NW of Preston off U.S. 91, (3-14-73)

Weston vicinity. **WESTON CANYON ROCK SHELTER**, (7-25-74)

gooding county

Hagerman vicinity. **PRIESTLY'S HYDRAULIC RAM**, 6 mi. S of Hagerman at Thousand Springs, (2-13-75)

idaho county

LOLO TRAIL, Reference—see Clearwater County

NEZ PERCE NATIONAL HISTORICAL PARK, Reference—see Clearwater County

Grangeville vicinity. **WYLIES PEAK LOOKOUT**, Nez Perce National Forest, (6-5-75)

Kamiah vicinity. **FIRST PRESBYTERIAN CHURCH**, U.S. 12, SE of Kamiah, (5-13-76)

Kamiah vicinity. **MCBETH, SUE, CABIN**, SE of Kamiah on U.S. 12, (6-3-76)

Warrens vicinity. **BURGDORF**, About 15 mi. W of Warrens, (4-14-72)

White Bird vicinity. **WHITE BIRD BATTLEFIELD**, N of White Bird off U.S. 95, (7-18-74)

White Bird vicinity. **WHITE BIRD GRADE**, NE of White Bird, (7-30-74)

jerome county

Hunt vicinity. **WILSON BUTTE CAVE**, (11-21-74)

Murtaugh vicinity. **CALDRON LINN**, 2 mi. E of Murtaugh, (6-27-72)

kootenai county

Cataldo. **CATALDO MISSION**, Off U.S. 10, (10-15-66) NHL; G.

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Coeur d'Alene. **COEUR D'ALENE FEDERAL BUILDING**, 4th and Lakeside, (12-16-77)

Coeur d'Alene. **INLAND EMPIRE ELECTRIC RAILWAY SUBSTATION**, Mullan Rd. and Northwest Blvd., (6-27-75)

Coeur d'Alene. **KOOTENAI COUNTY COURTHOUSE**, 501 Government Way, (12-23-77)

Coeur d'Alene. **ROOSEVELT SCHOOL**, 1st and Wallace Sts., (7-30-76)

Coeur d'Alene. **ST. THOMAS CATHOLIC CHURCH**, 919 Indiana Ave., (10-5-77)

Rathdrum. **RATHDRUM STATE BANK**, 1st and Millis Sts., (11-8-74)

Rathdrum. **ST. STANISLAUS KOSTKA MISSION**, McCartney and 3rd Sts., (11-17-77)

latah county

Moscow. **CORNWALL, MASON, HOUSE**, 308 S. Hayes St., (12-2-77)

Moscow. **MCCONNELL, W. J., HOUSE**, 110 S. Adams St., (11-21-74)

Moscow. **MEMORIAL GYMNASIUM**, University of Idaho campus, (10-5-77)

Moscow. **MOSCOW POST OFFICE AND COURTHOUSE**, Washington and 3rd Sts., (7-3-73) G.

Moscow. **RIDENBAUGH HALL**, University of Idaho campus, (9-14-77)

lemhi county

LEMHI PASS, Reference—see Beaverhead County, MT

Cobalt vicinity. **SHOUP ROCK SHELTERS**, (11-8-74)

Salmon. **MYERS, SOCRATES A., HOUSE**, 300 Hall St., (12-2-77)

Salmon vicinity. **CHARCOAL KILNS**, 6 mi. W of SR 28 in Targhee National Forest, (2-23-72)

Salmon vicinity. **FORT LEMHI (SALMON RIVER MISSION)**, About 18 mi. SE of Salmon, (2-23-72)

Salmon vicinity. **LEESBURG**, W of Salmon at Napias Creek in Salmon National Forest, (4-4-75)

Tendoy vicinity. **FIRST FLAG UNFURLING SITE, LEWIS AND CLARK TRAIL**, 5 mi. N of Tendoy in Bitterroot Mountains, (8-22-75)

Tendoy vicinity. **LEMHI PASS**, 12 mi. E of Tendoy off ID 28, in Beaverhead and Salmon National Forests, (10-15-66) NHL.

lewis county

NEZ PERCE NATIONAL HISTORICAL PARK, Reference—see Clearwater County

Culdesac vicinity. **ST. JOSEPH'S MISSION**, S of Culdesac off U.S. 95, (6-24-76)

lincoln county

Shoshone. **SHOSHONE HISTORIC DISTRICT**, Irregular pattern, includes N bank of Little Wood River and W. D. St. from S. Cherry St. to S. Alta St., (6-27-75) G.

madison county

Rexburg. **REXBURG STAKE TABERNACLE**, 25 N. Center St., (5-3-74)

minidoka county

Minidoka vicinity. **MINIDOKA DAM AND POWER PLANT**, S of Minidoka, (10-29-74)

nez perce county

NEZ PERCE NATIONAL HISTORICAL PARK, Reference—see Clearwater County

Lenore vicinity. **LENORE SITE**, (11-21-74)

Lewiston. **LEWISTON DEPOT**, 13th and Main Sts., (5-7-73)

Lewiston. **LEWISTON HISTORIC DISTRICT**, Irregular pattern between 1st and 5th Sts. and B. St. and the Snake River, (6-5-75)

5198 ILLINOIS

Lewiston vicinity. *HASOTINO*, S of Lewiston along E Bank of Snake River, (4-2-76)

owyhee county

SWAN FALLS DAM AND POWER PLANT, Reference—see *Ada County*

Reynolds vicinity. *CAMP LYON SITE*, 1 mi. E of U.S. 95, (12-27-72)

Silver City vicinity. *CAMP THREE FORKS (CAMP WINTHROP)*, S of Silver City, (12-15-72)

Silver City vicinity. *DELAMAR HISTORIC DISTRICT*, 6 mi. W of Silver City, (5-13-76)

Silver City vicinity. *SILVER CITY HISTORIC DISTRICT*, Silver City and its environs, (5-19-72)

payette county

Payette. *METHODIST EPISCOPAL CHURCH OF PAYETTE*, 1st Ave. S. and 9th St., (10-5-77)

power county

American Falls. *AMERICAN FALLS EAST SHORE POWER PLANTS*, ID 39, (10-29-76)

American Falls vicinity. *OREGON TRAIL HISTORIC DISTRICT (REGISTER ROCK AREA)*, SW of American Falls along U.S. 30N, (3-20-73)

shoshone county

Avery. *EVERY RANGER STATION*, Near St. Joseph National Forest, (6-27-74)

Wallace. *NORTHERN PACIFIC RAILWAY DEPOT*, Off U.S. 10, (4-2-76)

twin falls county

Buhl. *RAMONA THEATER*, 113 Broadway, (12-22-76)

washington county

Weiser. *BAPTIST CHURCH*, E. Main and 8th Sts., (10-7-77)

Weiser. *KNIGHTS OF PYTHIAS LODGE HALL*, 30 E. Idaho St., (5-13-76)

ILLINOIS

adams county

Quincy. *MORGAN-WELLS HOUSE*, 421 Jersey St., (11-16-77)

Quincy. *U.S. POST OFFICE AND COURTHOUSE*, 200 N. 8th St., (12-2-77)

Quincy. *WOOD, JOHN, MANSION*, 425 S. 12th St., (4-17-70)

alexander county

Cairo. *MAGNOLIA MANOR*, 2700 Washington Ave., (12-17-69) HABS.

Cairo. *OLD CUSTOMHOUSE*, Washington and 15th Sts., (7-24-73) HABS.

Thebes. *THEBES COURTHOUSE*, Off IL 3, (12-26-72) HABS.

bond county

Greenville. *OLD MAIN, ALMIRA COLLEGE*, 315 E. College St., (4-21-75)

bureau county

Manlius. *FIRST STATE BANK OF MANLIUS*, N side of Maple St., (5-12-75)

Princeton. *LOVEJOY, OWEN, HOMESTEAD*, Peru St. (U.S. 6), (5-24-73)

Princeton vicinity. *RED COVERED BRIDGE*, 2 mi. N of Princeton off IL 26 on Old Dad Joe Trail, (4-23-75)

Sheffield. *OLD DANISH CHURCH*, SE corner of Cook and Washington Sts., (10-2-73)

NOTICES

carroll county

Mt. Carroll. *CARROLL COUNTY COURTHOUSE*, Courthouse Sq., (11-26-73)

cass county

Virginia vicinity. *CUNNINGHAM, ANDREW, FARM*, 2.5 mi. E of Virginia off Gridley Rd., (5-12-75) HABS.

champaign county

Champaign. *CATTLE BANK*, 102 E. University Ave., (8-19-75) G.

Champaign. *U.S. POST OFFICE*, Randolph and Church Sts., (8-17-76)

Urbana. *ALTGELD HALL, UNIVERSITY OF ILLINOIS*, University of Illinois campus, corner of Wright and John Sts., (4-17-70)

Urbana. *GREEK REVIVAL COTTAGE*, 300 W. University Ave., (10-20-77)

Urbana. *MORROW PLOTS, UNIVERSITY OF ILLINOIS*, Gregory Dr. at Matthews Ave., (5-23-68) NHL.

clark county

Marshall. *ARCHER HOUSE HOTEL*, 717 Archer Ave., (3-16-76)

Marshall vicinity. *OLD STONE ARCH, NATIONAL ROAD*, Archer St., (2-20-75)

clinton county

Carlyle vicinity. *GENERAL DEAN SUSPENSION BRIDGE*, E of Carlyle over the Kaskaskia River, (4-3-73) HABS.

cook county

Chicago. *ABBOTT, ROBERT S., HOUSE*, 4742 Martin Luther King Dr., (12-8-76) NHL.

Chicago. *ALTA VISTA TERRACE HISTORIC DISTRICT*, Block bounded by W. Byron, W. Grace, N. Kenmore, and N. Seminary Sts., (3-16-72) HABS.

Chicago. *AUDITORIUM BUILDING, ROOSEVELT UNIVERSITY*, 430 Michigan Ave. and Congress St., (4-17-70) NHL; HABS; G.

Chicago. *CARSON, PIRIE, SCOTT AND COMPANY*, 1 S. State St., (4-17-70) NHL; HABS.

Chicago. *CHARNLEY, JAMES, HOUSE*, 1365 N. Astor St., (4-17-70) HABS.

Chicago. *CHICAGO AVENUE WATER TOWER AND PUMPING STATION*, Both sides of N. Michigan Ave. between E. Chicago and E. Pearson Sts., (4-23-75) HABS.

Chicago. *CHICAGO PUBLIC LIBRARY, CENTRAL BUILDING*, 78 E. Washington St., (7-31-72) HABS.

Chicago. *CHICAGO SAVINGS BANK BUILDING*, 7 W. Madison St., (9-5-75)

Chicago. *CLARKE, HENRY B., HOUSE*, 4526 S. Wabash Ave., (5-6-71) HABS.

Chicago. *COMPTON, ARTHUR H., HOUSE*, 5637 Woodlawn Ave., (5-11-76) NHL.

Chicago. *DE PRIEST, OSCAR STANTON, HOUSE*, 4236-4238 S. Dr. Martin Luther King, Jr. Dr., (5-15-75) NHL.

Chicago. *DEARBORN STATION*, 47 W. Polk St., (3-26-76) HABS.

Chicago. *DELAWARE BUILDING (BRYANT BLOCK)*, 36 W. Randolph St., (7-18-74)

Chicago. *DEWEES, FRANCIS J., HOUSE*, 503 W. Wrightwood Ave., (8-14-73) HABS.

Chicago. *DOUGLAS TOMB STATE MEMORIAL*, 636 E. State St., (5-28-76)

Chicago. *DU SABLE, JEAN BAPTISTE POINT, HOMESITE*, 401 N. Michigan Ave., (5-11-76) NHL.

Chicago. *FIELD MUSEUM OF NATURAL HISTORY*, E. Roosevelt Rd. at S. Lake Shore Dr., (9-5-75)

Chicago. *FIRST CONGREGATIONAL CHURCH OF AUSTIN*, 5701 W. Midway Pl., (11-17-77)

Chicago. *FIRST SELF-SUSTAINING NUCLEAR REACTION, SITE OF*, S. Ellis Ave. between E. 56th and 57th Sts., (10-15-66) NHL.

Chicago. *FISHER BUILDING*, 343 S. Dearborn St., (3-16-76) HABS.

Chicago. *FOURTH PRESBYTERIAN CHURCH OF CHICAGO*, 126 E. Chestnut St., (9-5-75)

Chicago. *GAULER, JOHN, HOUSES*, 5917-5921 N. Magnolia Ave., (6-17-77)

Chicago. *GERMANIA CLUB*, 108 W. Germania Pl., (10-22-76) HABS.

Chicago. *GETTY TOMB*, Graceland Cemetery, N. Clark St. and W. Irving Park Rd., (2-15-74) HABS.

Chicago. *GLESSNER, JOHN J., HOUSE*, 1800 S. Prairie Ave., (4-17-70) NHL; HABS; G.

Chicago. *HALSTED, ANN, HOUSE*, 440 Belden St., (8-17-73)

Chicago. *HELLER, ISADORE H., HOUSE*, 5132 S. Woodland Ave., (3-16-72) HABS.

Chicago. *HITCHCOCK, CHARLES, HALL*, 1009 E. 57th St., (12-30-74)

Chicago. *HOLY TRINITY RUSSIAN ORTHODOX CATHEDRAL AND RECTORY*, 1117-1127 N. Leavitt, (3-16-76) HABS.

Chicago. *HULL HOUSE*, 800 S. Halsted St., (10-15-66) NHL; HABS.

Chicago. *IMMACULATA HIGH SCHOOL*, 600 W. Irving Park Rd., (8-30-77)

Chicago. *JACKSON PARK HISTORIC LANDSCAPE DISTRICT AND MIDWAY PLAISANCE (SITE OF THE WORLD'S COLUMBIAN EXPOSITION OF 1893)*, Jackson and Washington parks and Midway Plaisance roadway, (12-15-72)

Chicago. *JEWELERS' BUILDING*, 15-19 S. Wabash Ave., (8-7-74) HABS.

Chicago. *KEHILATH ANSHE MA'ARIV SYNAGOGUE (PILGRIM BAPTIST CHURCH)*, 3301 S. Indiana Ave., (4-26-73)

Chicago. *KENT, SYDNEY, HOUSE*, 2944 S. Michigan Ave., (11-17-77)

Chicago. *KIMBALL, WILLIAM W., HOUSE*, 1801 S. Prairie Ave., (12-9-71) HABS.

Chicago. *LAKEVIEW PRESS BUILDING*, 731 S. Plymouth Court, (6-23-76) HABS.

Chicago. *LAKEVIEW HISTORIC DISTRICT*, Roughly bounded by Wrightwood, Lakeview, Sheridan, Belmont, Halsted, Wellington, Racine, and George Sts., (9-15-77)

Chicago. *LATHROP, BRYAN, HOUSE*, 120 E. Bellevue Pl., (2-15-74) HABS.

Chicago. *LEITER II BUILDING*, NE corner of S. State and E. Congress Sts., (1-7-76) NHL.

Chicago. *LILLIE, FRANK R., HOUSE*, 5801 Kenwood Ave., (5-11-76) NHL.

Chicago. *MADLENER, ALBERT F., HOUSE*, 4 W. Burton St., (10-15-70) HABS.

Chicago. *MANHATTAN BUILDING*, 431 S. Dearborn St., (3-16-76) HABS.

Chicago. *MARQUETTE BUILDING*, 140 S. Dearborn St., (8-17-73) NHL; HABS; G.

Chicago. *MCCARTHY BUILDING*, Washington and Dearborn Sts., (6-16-76) HABS.

Chicago. *McCLURG BUILDING (AYER BUILDING)*, 218 S. Wabash Ave., (8-17-70) HABS.

Chicago. *MILLIKAN, ROBERT A., HOUSE*, 5605 Woodlawn Ave., (5-11-76) NHL.

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Chicago. *MONADNOCK BLOCK*, 53 W. Jackson Blvd., (11-20-70) HABS.

Chicago. *NICKERSON, SAMUEL, HOUSE*, 40 E. Erie, (11-7-76) HABS.

Chicago. *OLD COLONY BUILDINGS*, 407 S. Dearborn St., (1-2-76) HABS.

Chicago. *OLD STONEGATE OF CHICAGO UNION STOCKYARDS*, Exchange Ave., (12-27-72)

Chicago. *PAGE BROTHERS BUILDING*, SE corner of Lake and State Sts., (6-5-75)

Chicago. *PONTIAC BUILDING*, 542 S. Dearborn St., (3-16-76) HABS.

Chicago. *PRAIRIE AVENUE DISTRICT (FORT DEARBORN MASSACRE SITE)*, Prairie Ave. on either side of 18th St., about 1 block in either direction, (11-15-72) HABS.

Chicago. *PULLMAN HISTORIC DISTRICT*, Bounded on the N by 103rd St., on the E by C.S.S. and S.B. Railroad spur tracks, on the S by 115th St., and on the W by Cottage Grove Ave., (10-8-69) NHL; HABS.

Chicago. *REID MURDOCH BUILDING*, 325 N. LaSalle St., (8-28-75) HABS.

Chicago. *RELIANCE BUILDING*, 32 N. State St., (10-15-70) NHL.

Chicago. *RIDGE HISTORIC DISTRICT*, Irregular patten, bounded roughly by 87th, RR tracks, Prospects, Homewood, 115th, Lothair, Hamilton, and Western, (5-28-76)

Chicago. *ROBIE, FREDERICK C., HOUSE*, 5757 S. Woodlawn Ave., (10-15-66) NHL; HABS; G.

Chicago. *ROLOSON, ROBERT, HOUSES*, 3213-3219 Calumet Ave., (6-30-77)

Chicago. *ROOKERY BUILDING*, 209 S. LaSalle St., (4-17-70) HABS; NHL.

Chicago. *ROOM 405, GEORGE HERBERT JONES LABORATORY, UNIVERSITY OF CHICAGO*, S. Ellis Ave. between E. 57th and 58th Sts., (5-28-67) NHL.

Chicago. *ROSEHILL CEMETERY ADMINISTRATION BUILDING AND ENTRY GATE*, 5600 N. Ravenswood Ave., (4-24-75)

Chicago. *SECOND PRESBYTERIAN CHURCH*, 1936 S. Michigan Ave., (12-27-74)

Chicago. *SHEDD PARK FIELDHOUSE*, 3660 W. 23rd St., (12-30-74)

Chicago. *SHEFFIELD HISTORIC DISTRICT*, Bounded roughly by Fullerton, Lincoln, Larabee, Dickens, Burling, Wisconsin, Clybourn, Lakewood, Belden, and Southport, (1-11-76)

Chicago. *SOUTH DEARBORN STREET-PRINTING HOUSE ROW HISTORIC DISTRICT*, 343, 407, 431 S. Dearborn St. and 53 W. Jackson Blvd., (1-7-76) NHL.

Chicago. *SOUTH SHORE COUNTRY CLUB*, 71st St. and S. Shore Dr., (3-4-75)

Chicago. *ST. IGNATIUS COLLEGE*, 1076 W. Roosevelt Rd., (11-17-77)

Chicago. *ST. PATRICK'S ROMAN CATHOLIC CHURCH*, 718 W. Adams St., (7-15-77)

Chicago. *STUDEBAKER BUILDING*, 410-418 S. Michigan Ave., (8-11-75) HABS.

Chicago. *TAFT, LORADO, MIDWAY STUDIOS*, 6016 S. Ingleside Ave., (10-15-66) NHL.

Chicago. *TREE STUDIO BUILDING AND ANNEXES*, 4 E. Ohio St., (12-16-74)

Chicago. *U.S.S. SILVERSIDES (S.S. 236)*, Naval Armory at foot of Lake St., (10-18-72) G.

Chicago. *WELLS-BARNETT, IDA B., HOUSE*, 3624 S. Martin Luther King Dr., (5-30-74) NHL.

Chicago. *WESTERN METHODIST BOOK CONCERN BUILDING*, 12 W. Washington St., (9-11-75) HABS.

Chicago. *WILLIAMS, DR. DANIEL HALE, HOUSE*, 445 E. 42nd St., (5-15-75) NHL.

Evanston. *CARTER, FREDERICK B. JR., HOUSE*, 1024 Judson Ave., (7-30-74) G.

Evanston. *DAWES, CHARLES GATES, HOUSE*, 225 Greenwood St., (12-8-76) NHL.

Evanston. *GROSSE POINT LIGHTHOUSE*, 2535 Sheridan Rd., (9-8-76)

Evanston. *WILLARD, FRANCES, HOUSE*, 1730 Chicago Ave., (10-15-66) NHL; HABS.

Forest View. *CHICAGO PORTAGE NATIONAL HISTORIC SITE*, S. Harlem Ave. at Chicago Sanitary and Ship Canal, (10-15-66) G.

Glenview. *KENNICOTT'S GROVE*, Milwaukee and Lake Aves., (8-13-73) NHL.

Lemont. *LEMONT CENTRAL GRADE SCHOOL*, 410 McCarthy Rd., (3-7-75)

Maywood. *CLUEVER, RICHARD, HOUSE*, 641 1st Ave., (11-17-77)

Oak Park. *FRANK LLOYD WRIGHT-PRAIRIE SCHOOL OF ARCHITECTURE HISTORIC DISTRICT*, Bounded roughly by Harlem Ave., Division, Clyde, and Lake Sts., (12-4-73) G.

Oak Park. *GALE, MRS. THOMAS H., HOUSE*, 6 Elizabeth Ct., (3-5-70)

Oak Park. *GALE, WALTER, HOUSE*, 1031 W. Chicago Ave., (8-17-73)

Oak Park. *PLEASANT HOME (MILLS HOUSE, FARSON HOUSE)*, 217 Home Ave., (6-19-72) G.

Oak Park. *THOMAS, FRANK, HOUSE*, 210 Forest Ave., (9-14-72) G.

Oak Park. *UNITY TEMPLE*, 875 Lake St., (4-17-70) NHL; HABS; G.

Oak Park. *WRIGHT, FRANK LLOYD, HOUSE AND STUDIO*, 428 Forest Ave. (house), 951 Chicago Ave. (studio), (9-14-72) NHL; HABS; G.

Park Ridge. *PICKWICK THEATER BUILDING*, 5 S. Prospect Ave., (2-24-75)

River Forest. *DRUMMOND, WILLIAM E., HOUSE*, 559 Edgewood Pl., (3-5-70) HABS.

River Forest. *RIVER FOREST HISTORIC DISTRICT*, Between Harlem Ave. and Des Plaines River with 2 extensions N of Chicago Ave. and 2 extensions S of Lake St., (8-26-77)

River Forest. *WINSLOW, WILLIAM H., HOUSE AND STABLE*, 515 Auvergne Pl., (4-17-70) HABS.

Riverside. *COONLEY, AVERY, HOUSE*, 290 and 300 Scottswood Rd., 281 Bloomingbank Rd., and 336 Coonley Rd., (12-30-70) NHL.

Riverside. *RIVERSIDE LANDSCAPE ARCHITECTURE DISTRICT*, (9-15-69) NHL.

Wilmette. *BAKER, FRANK J., HOUSE*, 507 Lake Ave., (11-8-74)

Wilmette. *CHICAGO AND NORTHWESTERN DEPOT*, 1135-1141 Wilmette Ave., (4-24-75)

Winnetka. *LLOYD, HENRY DEMAREST, HOUSE (THE WAYSIDE)*, 830 Sheridan Rd., (11-13-66) NHL.

Winnetka. *ORTH HOUSE*, 42 Abbotsford Rd., (10-8-76)

dekalb county

Dekalb. *ELLWOOD MANSION*, 509 N. 1st St., (6-13-75)

DeKalb. *GLIDDEN, JOSEPH F., HOUSE*, 917 W. Lincoln Hwy., (10-25-73)

dupage county

Elmhurst. *HAUPTGEBAUDE*, 190 Prospect St., (8-13-76)

Glen Ellyn. *STACY TAVERN*, Geneva Rd. and Main St., (10-29-74)

Naperville. *NAPERVILLE HISTORIC DISTRICT*, Roughly bounded by Julian, Highland, Chicago, Jackson, Eagle and 5th Sts., (9-29-77)

Naperville. *PINE CRAIG*, Aurora Rd. (Rte. 65), (8-15-75)

Oak Brook. *GRAUE MILL*, NW of jct. of Spring and York Rds., (5-12-75) HABS.

fayette county

Vandalia. *LITTLE BRICK HOUSE*, 621 St. Clair St., (6-4-73)

Vandalia. *VANDALIA STATEHOUSE*, 315 W. Gallatin St., (1-21-74)

fulton county

Canton. *ORENDORFF, ULYSSES G., HOUSE*, 345 W. Elm St., (12-9-71)

Canton vicinity. *ORENFORT SITE*, SE of Canton, (9-13-77)

Lewiston. *ST. JAMES EPISCOPAL CHURCH*, NE corner of MacArthur and Broadway, (12-31-74)

Lewistown vicinity. *DICKSON MOUNDS*, (5-5-72)

Lewistown vicinity. *OGDEN-FETTIE SITE*, (7-31-72)

gallatin county

Equality vicinity. *SALINE SPRINGS*, SE of Equality in Shawnee National Forest, (5-24-73)

New Haven vicinity. *DUFFY SITE*, S of New Haven, (8-26-77)

Old Shawneetown. *MARSHALL, JOHN, HOUSE SITE*, Off IL 13, (1-21-75)

Old Shawneetown. *STATE BANK (BANK OF ILLINOIS)*, Corner of Main St. and IL 13, (4-19-72) HABS; G.

greene county

Eldred vicinity. *KOSTER SITE*, (6-19-72) G.

hancock county

Carthage. *CARTHAGE JAIL*, Walnut and N. Fayette Sts., (3-20-73)

Nauvoo. *NAUVOO HISTORIC DISTRICT*, (10-15-66) NHL; HABS.

Warsaw. *WARSAW HISTORIC DISTRICT*, Roughly bounded by the Mississippi River, Marion and 11th Sts., (12-16-77)

hardin county

Elizabethtown. *ROSE HOTEL (M*

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iroquois county
Watseka. *OLD IROQUOIS COUNTY COURTHOUSE*, Cherry St. at 2nd St., (6-13-75)

jackson county
Carbondale. *WEST WALNUT STREET HISTORIC DISTRICT*, Roughly bounded by W. Elm, S. Poplar, W. Main, and S. Forest Sts., (5-2-75)
Rockwood vicinity. *CLEIMAN MOUND AND VILLAGE SITE*, E of Rockwood on IL 3, (10-18-77)

jefferson county
Mt. Vernon. *APPELLATE COURT, 5TH DISTRICT*, 14th and Main Sts., (7-2-73) HABS.

jersey county
Elsah. *ELSAH HISTORIC DISTRICT*, (7-27-73) HABS.

jo daviess county
Galena. *GALENA HISTORIC DISTRICT*, (10-18-69) HABS.
Galena. *GRANT, ULYSSES S., HOUSE*, 511 Southillier St., (10-15-66) NHL; G.
Galena. *OLD MARKET HOUSE*, Market Square-Commerce St., (7-16-73) HABS; G.
Galena. *WASHBURN, ELIHU BENJAMIN, HOUSE*, 908 3rd St., (7-5-73) HABS; G.
Warren. *OLD STONE HOTEL*, 110 W. Main St., (4-16-75)

kane county
Aurora. *FOX RIVER HOUSE*, 166 W. Galena, (5-4-76)
Aurora. *TANNER, WILLIAM A., HOUSE*, 304 Oak Ave., (8-19-76)
Batavia. *BATAVIA INSTITUTE*, 333 S. Jefferson St., (8-13-76)
Carpentersville. *LIBRARY HALL*, 21 N. Washington St., (8-14-73)
Dundee and vicinity. *DUNDEE TOWNSHIP HISTORIC DISTRICT*, Both sides of Fox River, including sections of E. Dundee, W. Dundee, and Carpentersville, (3-7-75)
Elgin. *ELGIN ACADEMY*, 350 Park St., (10-8-76)
St. Charles vicinity. *DURANT HOUSE*, NW of St. Charles off Dean St., (6-18-76)

knox county
Galesburg. *GALESBURG HISTORIC DISTRICT*, Roughly bounded by Berrien, Clark, Pearl, and Sanborn, (11-21-76)
Galesburg. *MEETINGHOUSE OF THE CENTRAL CONGREGATIONAL CHURCH*, Central Sq., (9-30-76)
Galesburg. *OLD MAIN, KNOX COLLEGE*, Knox College campus, (10-15-66) NHL
Yates City vicinity. *WOLF COVERED BRIDGE*, NW of Yates City, on CR 17 over Spoon River, (12-4-74)

la salle county
Ottawa. *HOSSACK, JOHN, HOUSE*, 210 W. Prospect St., (3-16-72) HABS.
Ottawa. *WASHINGTON PARK HISTORIC DISTRICT*, Bounded by Jackson, LaSalle, Lafayette, and Columbus Sts., (4-11-73)
Ottawa vicinity. *OLD KASKASKIA VILLAGE*, 4 mi. W of Ottawa on U.S. 6, (10-15-66) NHL
Ottawa vicinity. *STARVED ROCK*, 6 mi. from Ottawa on IL 71, Starved Rock State Park, (10-15-66) NHL

lake county
Fort Sheridan. *WATER TOWER, BUILDING 49*, Leonard Wood Ave., (12-4-74)
Lake Forest. *RAGDALE*, 1230 N. Green Bay Rd., (6-3-76)

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Zion. *SHILOH HOUSE*, 1300 Shiloh Blvd., (5-12-77)
Zion. *ZION HOSPICE*, 2561 Sheridan Rd., (6-18-76)

lasalle county
Streator. *WILLIAMS, SILAS, HOUSE*, 702 E. Broadway, (6-23-76)

logan county
Lincoln. *UNIVERSITY HALL*, 300 Keokuk St., (4-24-73)

macon county
Decatur. *DECATUR HISTORIC DISTRICT*, (11-7-76)
Decatur. *MILLIKIN, JAMES, HOUSE*, 125 N. Pine St., (12-3-74)

macoupin county
Carlinville. *CARLINVILLE HISTORIC DISTRICT*, Roughly bounded by Oak, Mulberry, Morgan, and E. city limits, (5-17-76)
Mount Olive. *UNION MINERS CEMETERY*, 0.5 mi. N of Mount Olive city park, (10-18-72)

madison county
Alton. *ALTON MILITARY PRISON SITE*, Corners of William, 4th, and Mill Sts., (12-31-74)
Alton. *GUERTLER HOUSE*, 101 Blair St., (7-30-74)
Alton. *HASKELL PLAYHOUSE*, Henry St. in Haskell Park, (7-30-74)
Alton. *TRUMBULL, LYMAN, HOUSE*, (5-15-75) NHL

marion county
Salem. *BRYAN, WILLIAM JENNINGS, BOYHOOD HOME*, 408 S. Broadway, (2-18-75)

massac county
Brookport vicinity. *KINCAID SITE*, E of Brookport on the Ohio River, (10-15-66) NHL; G. (also in Pope County)
Metropolis vicinity. *FORT MASSAC SITE*, SE of Metropolis on the Ohio River, (7-14-71)

mcdonough county
Macomb. *MCDONOUGH COUNTY COURTHOUSE*, Public Sq., (10-30-72) G.

mchenry county
Woodstock. *OLD MCHENRY COUNTY COURTHOUSE*, City Sq., (11-1-74)
Woodstock. *WOODSTOCK OPERA HOUSE*, 119 Van Buren St., (7-17-74) G.

mclean county
Bloomington. *CLOVER LAWN (DAVID DAVIS MANSION)*, 1000 E. Monroe Dr., (10-18-72) NHL
Bloomington. *FRANKLIN SQUARE*, 300 and 400 blocks of E. Chestnut and E. Walnut Sts., 900 block of N. Prairie and N. McLean Sts., (1-11-76)

mclean county
Bloomington. *MCLEAN COUNTY COURTHOUSE AND SQUARE*, Main, Washington, Center, and Jefferson Sts., (2-6-73)
Bloomington. *STEVENSON HOUSE*, 1316 E. Washington St., (5-24-74)
Hudson. *GILDERSLEEVE HOUSE*, 108 Broadway, (7-28-77)

menard county
Petersburg. *PETERSBURG HISTORIC DISTRICT*, IL 97/123, (6-17-76)
Petersburg vicinity. *LINCOLN'S NEW SALEM VILLAGE*, S of Petersburg in New Salem State Park, (6-19-72)

monroe county
FRENCH COLONIAL HISTORIC DISTRICT, Reference—see Randolph County
Columbia vicinity. *LUNSFORD-PULCHER ARCHEOLOGICAL SITE*, (7-23-73) (also in St. Clair County)
Waterloo. *PETERSTOWN HOUSE*, 275 N. Main St., (11-16-77)

morgan county
Jacksonville. *BEECHER HALL, ILLINOIS COLLEGE*, Illinois College campus, (4-8-74) HABS.
Jacksonville. *DUNCAN, JOSEPH, HOUSE (ELM GROVE)*, 4 Duncan Pl., (11-5-71) HABS; G.
Jacksonville. *JACKSONVILLE STATE HOSPITAL MAIN BUILDING*, 1201 S. Main St., (4-24-75)

ogle county
Grand Detour. *DEERE, JOHN, HOUSE AND SHOP*, (10-15-66) NHL
Polo. *BARBER, HENRY D., HOUSE*, 410 W. Mason St., (3-28-74)

sangamon county
Pleasant Plains vicinity. *CLAYVILLE TAVERN*, 0.5 mi. SE of Pleasant Plains on IL 125, (5-8-73) HABS.
Springfield. *DANA, SUSAN LAWRENCE, HOUSE*, 301 Lawrence Ave., (7-30-74) NHL

springfield county
Kirkapoo vicinity. *JUBILEE COLLEGE*, NW of Kirkapoo on U.S. 150 and I 74, (14-72) HABS.
Peoria. *FLANAGAN, JUDGE, RESIDENCE*, 942 NE. Glen Oak Ave., (9-5-75)

springfield county
Peoria. *GRAND ARMY OF THE REPUBLIC MEMORIAL HALL*, 416 Hamilton Blvd., (7-13-76)
Peoria. *JUDGE FLANAGAN RESIDENCE*, 942 NE. Glen Oak Ave., (9-5-75)
Peoria. *PEORIA CITY HALL*, 419 Fulton St., (2-6-73)
Peoria. *PETTINGILL-MORRISON HOUSE*, 1212 W. Moss Ave., (4-2-76)
Peoria. *WEST BLUFF HISTORIC DISTRICT*, Randolph, High, and Moss, E of Western Sts., (12-17-76)

st. clair county
Griggsville vicinity. *NAPLES MOUND 8*, E of Griggsville, (10-14-75)
Pittsfield. *PITTSFIELD EAST SCHOOL*, 400 E. Jefferson St., (2-12-71)

st. clair county
Kincaid SITE, Reference—see Massac County
Glendale vicinity. *MILLSTONE BLUFF*, In Shawnee National Forest, (10-15-73)
Golconda. *GOLCONDA HISTORIC DISTRICT*, IL 146, (10-22-76)

putnam county
Hennepin. *PUTNAM COUNTY COURTHOUSE*, 4th St., (3-4-75)

randolph county
Chester vicinity. *MARY'S RIVER COVERED BRIDGE*, About 4 mi. NE of Chester on IL 150, (12-31-74)

randolph county
Ellis Grove vicinity. *MENARD, PIERRE, HOUSE*, Fort Kaskaskia State Park, (4-15-70) NHL
Modoc vicinity. *MODOC ROCK SHELTER*, 2 mi. N of Modoc, (10-15-66) NHL
Prairie du Rocher. *CREOLE HOUSE*, Market St., (4-3-73) HABS.
Prairie du Rocher. *FRENCH COLONIAL HISTORIC DISTRICT*, From Fort Chartres State Park to Kaskasia Island, (4-3-74) (also in Monroe County)

NOTICES

Prairie du Rocher. *KOLMER SITE (MICHIGAMEA VILLAGE)*, N of Fort Chartres Island and W of Fort Chartres State Park, (5-1-74)

Prairie du Rocher vicinity. *FORT DE CHARTRES*, Terminus of IL 155, W of Prairie du Rocher, Fort Chartres State Park, (10-15-66) NHL; HABS; G.

rock island county
Hampton. *BLACK'S STORE*, 1st Ave., (5-28-76)
Rock Island. *DENKMANN-HAUBERG HOUSE (HAUBERG CIVIC CENTER)*, 1300 24th St., (12-26-72) HABS; G.
Rock Island. *OLD MAIN, AUGUSTANA COLLEGE*, 7th Ave. between 35th and 38th Sts., (9-11-75)
Rock Island. *ROCK ISLAND ARSENAL*, Rock Island in Mississippi River, (9-30-69) HABS.
Rock Island. *WEYERHAEUSER HOUSE*, 3052 10th Ave., (9-11-75)

sangamon county
Pleasant Plains vicinity. *CLAYVILLE TAVERN*, 0.5 mi. SE of Pleasant Plains on IL 125, (5-8-73) HABS.
Springfield. *DANA, SUSAN LAWRENCE, HOUSE*, 301 Lawrence Ave., (7-30-74) NHL

springfield county
Springfield. *EDWARDS PLACE*, 700 N. 4th St., (12-17-69) HABS.
Springfield. *EXECUTIVE MANSION*, 4th and Jackson Sts., (7-19-76)
Springfield. *LINCOLN HOME NATIONAL HISTORIC SITE*, 8th and Jackson Sts., (8-18-71)

springfield county
Springfield. *LINCOLN TOMB*, Oak Ridge Cemetery, (10-15-66) NHL
Springfield. *LINDSAY, VACHEL, HOUSE*, 603 S. 5th St., (11-11-71) NHL
Springfield. *OLD STATE CAPITOL*, Bounded by 5th, 6th, Adams, and Washington Sts., (10-15-66) NHL; HABS.

shelby county
Cowden vicinity. *THOMPSON MILL COVERED BRIDGE*, 0.5 mi. NE of Cowden over Kaskaskia River, (3-13-75)
Shelbyville. *SHELBYVILLE HISTORIC DISTRICT*, Roughly bounded by the railroad tracks, Will, N. 8th, and S. 6th Sts., (12-22-76)

st. clair county
EADS BRIDGE, Reference—see St. Louis, MO
LUNSFORD-PULCHER ARCHEOLOGICAL SITE, Reference—see Monroe County
Belleville. *BELLEVILLE HISTORIC DISTRICT*, Between E. S. Belt, Illinois, and Forest Sts., (11-7-76)
Cahokia. *CHURCH OF THE HOLY FAMILY*, E. 1st St., (4-15-70) NHL
Cahokia. *JARROT, NICHOLAS, HOUSE*, 1st St., (11-19-74) HABS.
Cahokia. *OLD CAHOKIA COURTHOUSE (FRANCOIS SAUCIER HOUSE)*, Corner of W. 1st and Elm Sts., (11-9-72) HABS.
Collinsville vicinity. *CAHOKIA MOUNDS*, 7850 Collinsville Rd., Cahokia Mounds State Park, (10-15-66) NHL; G.
Lebanon. *MERMAID HOUSE HOTEL*, 114 E. St. Louis St., (12-4-75) HABS.
Lebanon vicinity. *EMERALD MOUND AND VILLAGE SITE*, (10-26-71)

union county
Anna. *WILLARD HOUSE*, 608 S. Main St., (9-8-76)

Ware vicinity. *WARE MOUNDS AND VILLAGE SITE*, W of Ware, (10-18-77)

vermillion county
Danville. *FITHIAN HOUSE*, 116 N. Gilbert St., (5-1-75)

white county
Carmi. *RATCLIFF INN*, 214 E. Main St., (6-4-73)
Carmi. *ROBINSON-STEWART HOUSE*, 110 S. Main Cross St., (8-17-73)
Maunie vicinity. *WILSON MOUNDS AND VILLAGE SITE*, S of Maunie, (11-16-77)

whiteside county
Albany vicinity. *ALBANY MOUNDS SITE*, (10-9-74)

will county
Joliet vicinity. *ILLINOIS AND MICHIGAN CANAL (LOCKS AND TOWPATH)*, 7 mi. SW of Joliet on U.S. 6, in Channahon State Park, (10-15-66) NHL

will county
Lockport. *LOCKPORT HISTORIC DISTRICT*, Area between 7th and 11th Sts. and Canal and Washington Sts., (5-12-75)
Lockport. *WILL COUNTY HISTORICAL SOCIETY HEADQUARTERS (ILLINOIS AND MICHIGAN CANAL OFFICE BUILDING)*, 803 S. State St., (5-17-72) HABS; G.

winnebago county
Rockford. *SOLDIERS AND SAILORS MEMORIAL HALL*, 211-215 N. Main St., (1-31-76)
Rockford. *TINKER SWISS COTTAGE*, 411 Kent St., (12-27-72)

INDIANA

adams county
Geneva. *PORTER, GENE STRATTON, CABIN (LIMBERLOST CABIN)*, 200 E. 6th St., (7-27-74)

allen county
Fort Wayne. *ALLEN COUNTY COURTHOUSE*, 715 S. Calhoun St., (5-28-76)
Fort Wayne. *EDSALL, WILLIAM S., HOUSE*, 305 W. Main St., (10-8-76)
Fort Wayne. *EMBASSY THEATER AND INDIANA HOTEL*, 121 W. Jefferson St., (9-5-75)
Fort Wayne. *FORT WAYNE CITY HALL*, 308 E. Berry St., (6-4-73)
Fort Wayne. *JOHNNY APPLESEED MEMORIAL PARK*, Swanson Blvd. at Parnell Ave. along Old Feeder Canal, (1-17-73)

brown county
Nashville vicinity. *STEELE, THEODORE CLEMENT, HOUSE AND STUDIO*, SW of Nashville off IN 46, (10-2-73)

carroll county
Lockport. *BURRIS HOUSE AND POTAWATOMI SPRING*, Towpath Rd., (9-15-77)

cass county
Logansport. *POLLARD-NELSON HOUSE*, 7th and Market Sts., (10-29-75)

clark county
Borden. *BORDEN INSTITUTE*, West St., (6-13-73)
Clarksville vicinity. *OLD CLARKSVILLE SITE*, (12-16-74)
Jeffersonville. *HOWARD HOME*, 1101 E. Market St., (7-5-73)

INDIANA 5201

daviess county
Washington vicinity. *PRAIRIE CREEK SITE*, 4 mi. N of Washington, (5-12-75)

dearborn county
Aurora. *HILLFOREST (FOREST HILL)*, 213 5th St., (8-5-71) HABS.
Aurora vicinity. *LAUGHERY CREEK BRIDGE*, S of Aurora W of IN 56, (9-29-76) HAER. (also in Ohio County)
Aurora vicinity. *VERAESTAU*, 1 mi. S of Aurora on IN 56, (4-11-73)
Lawrenceburg vicinity. *JENNISON GUARD SITE*, 0.75 mi. NE of Lawrenceburg, (5-12-75)

decatour county
Greensburg. *DECATUR COUNTY COURTHOUSE*, Courthouse Sq., (4-27-73) HABS.

dekalb county
Auburn vicinity. *CORNELL, WILLIAM, HOMESTEAD*, SW of Auburn off IN 627, (8-14-73)

delaware county
Eaton. *FELT'S FARM*, Race St., (8-28-75)
Muncie. *MUNCIE PUBLIC LIBRARY*, 301 E. Jackson St., (6-17-76)

dubois county
Huntingburg. *HUNTINGBURG TOWN HALL AND FIRE ENGINE HOUSE*, 311 Geiger St., (5-12-75)

elkhart county
Bristol vicinity. *BONNEYVILLE MILLS*, 2.5 mi. E of Bristol on SR 131, (10-22-76)
Elkhart. *BUCKLEN THEATRE*, S. Main and Harrison Sts., (10-8-76)

franklin county
Connersville. *CANAL HOUSE*, 111 E. 4th St., (7-16-73)
Connersville vicinity. *ELMHURST*, S of Connersville on IN 121, (4-11-77) HABS.

floyd county
New Albany. *CULBERTSON MANSION*, 914 E. Main St., (6-28-74)
New Albany. *SCRIBNER HOUSE*, 106 E. Main St., (11-9-77)
New Albany. *YENOWINE-NICHOLS-COLLINS HOUSE*, 5118 State Rd., (5-12-75)

franklin county
Brookville. *BROOKVILLE HISTORIC DISTRICT*, Bounded by E and W fork of White-water River and IN 101, (7-25-75)
Brookville. *FRANKLIN COUNTY SEMINARY*, 412 5th St., (3-28-74)
Metamora. *WHITEWATER CANAL HISTORIC DISTRICT*, From Laurel Feeder Dam to Brookville, (6-13-73) G.

greene county
Bloomfield vicinity. *OSBORN SITE*, SW of Bloomfield, (5-12-75)

hamilton county
Carmel vicinity. *KINZER, JOHN, HOUSE*, E of Carmel on SR 234, (9-5-75)

hancock county
Greenfield. *RILEY, JAMES WHITCOMB, HOUSE*, 250 W. Main St., (9-28-77)
Greenfield vicinity. *LILLY BIOLOGICAL LABORATORIES*, W of Greenfield off U.S. 40, (11-23-77)

harrison county
Corydon. *CORYDON HISTORIC DISTRICT*, (8-28-73) HABS.

5202 INDIANA

henry county

Knightstown. **KNIGHTSTOWN ACADEMY**, Cary St., (9-29-76)
New Castle vicinity. **NEW CASTLE ARCHEOLOGICAL SITE**, N of New Castle, (4-26-76)

howard county

Kokomo. **SEIBERLING MANSION**, 1200 W. Sycamore St., (12-16-71)

jasper county

Rensselaer vicinity. **ST. JOSEPH'S INDIAN NORMAL SCHOOL**, St. Joseph's College campus off U.S. 231, (6-19-73)

jefferson county

Madison. **JEFFERSON COUNTY JAIL**, Courthouse Sq., (6-18-73) HABS.
Madison. **MADISON HISTORIC DISTRICT**, (5-25-73) HABS; G.

jennings county

North Vernon vicinity. **VERNON HISTORIC DISTRICT**, 1 mi. S of North Vernon on IN 3/7, (8-27-76)

johnson county

Franklin. **FRANKLIN COLLEGE LIBRARY (SHIRK HALL)**, 600 E. Monroe St., (10-29-75)
Franklin. **FRANKLIN COLLEGE-OLD MAIN**, 600 E. Monroe St., (10-29-75)

knox county

Vincennes. **GEORGE ROGERS CLARK NATIONAL HISTORICAL PARK**, 2nd St., S of U.S. 50, (10-15-66)
Vincennes. **HARRISON, WILLIAM HENRY, HOME (GROUSELAND)**, 3 W. Scott St., (10-15-66) NHL; HABS.
Vincennes. **OLD CATHEDRAL COMPLEX**, 205 Church St., (8-17-76)
Vincennes. **OLD STATE BANK**, N. 2nd St., (10-9-74)
Vincennes. **TERRITORIAL CAPITOL OF FORMER INDIANA TERRITORY**, Bounded by Harrison, 1st, Scott, and Park Sts., (7-2-73)
Vincennes. **VINCENNES HISTORIC DISTRICT**, (12-31-74)
Vincennes vicinity. **PYRAMID MOUND**, S of Vincennes, (5-12-75)

la grange county

Mongo. **OLDE STORE (JOHN O'FERRELL STORE)**, West and 2nd Sts., (10-29-75)

la porte county

Michigan City. **BARKER, JOHN H., MANSION**, 631 Washington St., (10-10-75)
Michigan City. **MICHIGAN CENTRAL RAILROAD ENGINE REPAIR SHOPS**, 104 N. Franklin St., (5-12-75)
Michigan City. **MICHIGAN CITY LIGHTHOUSE**, Washington Park, (11-5-74)

lagrange county

Mongo. **OLDE STORE (JOHN O'FERRELL STORE)**, West and 2nd Sts., (10-29-75)

lake county

Crown Point. **LAKE COUNTY COURTHOUSE**, Public Sq., (5-17-73)
East Chicago. **MARKTOWN HISTORIC DISTRICT**, Bounded by Pine, Riley, Diekev, and 129th Sts., (2-20-75)
Merrillville. **WOOD, JOHN, OLD MILL**, E of Merrillville on IN 330, (10-10-75)

laporte county

Laporte vicinity. **PINKHURST HALL**, 3042 N. I. S. 35, (6-3-76)

NOTICES

lawrence county

Bedford. **NORTON, C. S., MANSION**, 1415 15th St., (6-22-76)

madison county

Anderson. **GRUENEWALD HOUSE**, 626 N. Main St., (10-8-76)
Anderson. **WEST EIGHTH STREET HISTORIC DISTRICT**, Roughly bounded by 7th, 9th, Jackson, and Henry Sts., (8-27-76)
Anderson vicinity. **MOUNDS STATE PARK**, 3 mi. E of Anderson on IN 32, (1-18-73)
Elwood. **WILLKIE, WENDELL L., SCHOOL (CENTRAL SCHOOL)**, 1630 Main St., (5-12-75)

marion county

Indianapolis. **ALLISON MANSION**, 3200 Cold Spring Rd., (12-18-70) HABS.
Indianapolis. **ATHENAEUM (DAS DEUTSCHE HAUS)**, 401 E. Michigan St., (2-21-73)
Indianapolis. **AYRES, L. S., ANNEX WAREHOUSE (ELLIOTT'S BLOCK NOS. 14-22)**, Maryland St., (4-23-73) HABS.
Indianapolis. **BATES-HENDRICKS HOUSE**, 1526 S. New Jersey St., (4-11-77) HABS.

Indianapolis. **BENTON HOUSE**, 312 S. Downey Ave., (3-20-73) HABS.
Indianapolis. **CENTRAL LIBRARY (INDIANAPOLIS-MARION COUNTY PUBLIC LIBRARY)**, 40 E. St. Clair St., (8-28-75)

Indianapolis. **CHRIST CHURCH CATHEDRAL**, 131 Monument Circle, (7-10-73) HABS.

Indianapolis. **CITY MARKET**, 222 E. Market St., (3-27-74) HABS; HAER.

Indianapolis. **CROWN HILL CEMETERY**, Boulevard Pl., W 32nd St., and Northwestern Ave., (2-28-73) HABS.

Indianapolis. **HARRISON, BENJAMIN, HOUSE**, 1204 N. Delaware St., (10-15-66) NHL.

Indianapolis. **HOLLINGSWORTH HOUSE**, 6054 Hollingsworth Rd., (4-13-77)

Indianapolis. **INDIANA STATE CAPITOL**, W. Washington St., (8-28-75)

Indianapolis. **INDIANA STATE MUSEUM**, 202 N. Alabama St., (10-29-74) G.

Indianapolis. **INDIANAPOLIS UNION RAILROAD STATION**, 39 Jackson Pl., (7-19-74) HABS.

Indianapolis. **LOCKERBIE SQUARE HISTORIC DISTRICT**, (2-23-73) HABS.

Indianapolis. **MICHIGAN ROAD TOLL HOUSE**, 4702 Michigan Rd., NW., (8-7-74)

Indianapolis. **MILITARY PARK**, Bounded by West, New York, and Blackford Sts. and the canal, (10-28-69)

Indianapolis. **MORRIS-BUTLER HOUSE**, 1204 N. Park Ave., (2-20-73) HABS.

Indianapolis. **OLD PATHOLOGY BUILDING**, 3000 W. Washington St. (Central State Hospital), (4-25-72)

Indianapolis. **PROPYLAEUM, THE (JOHN W. SCHMIDT HOUSE)**, 1410 N. Delaware St., (6-19-73)

Indianapolis. **PROSSER HOUSE**, 1454 E. 10th St., (9-5-75) HABS.

Indianapolis. **RILEY, JAMES WHITCOMB, HOUSE**, 528 Lockerbie St., (10-15-66) NHL.

Indianapolis. **ST. MARY'S CATHOLIC CHURCH**, 317 N. New Jersey St., (11-9-77)

Indianapolis. **STATE SOLDIERS AND SAILORS MONUMENT**, Monument Circle, (2-23-73) HABS.

Indianapolis. **STEWART MANOR (CHARLES B. SOMMERS HOUSE)**, 3650 Cold Spring Rd., (10-8-76)

Indianapolis. **U.S. ARSENAL (ARSENAL TECHNICAL HIGH SCHOOL)**, 1500 E. Michigan St., (5-19-76) HABS.

Indianapolis. **U.S. COURTHOUSE AND POST OFFICE**, 46 E. Ohio St., (1-11-74)

Indianapolis. **WOODRUFF PLACE**, Roughly bounded by 1700-2000 E. Michigan and E. 10th Sts., (7-31-72) HABS; G.

Indianapolis. **INDIANAPOLIS MOTOR SPEEDWAY**, 4790 W. 16th St., (3-7-75)

marshall county

Plymouth. **MARSHALL COUNTY JAIL**, 601 N. Center St., (10-25-73) HABS.

monroe county

Bloomington. **MONROE COUNTY COURTHOUSE**, Courthouse Sq., (10-8-76)
Bloomington. **SEMINARY SQUARE PARK**, College Ave. and E. 2nd St., (9-19-77)
Bloomington. **WYLLIE, ANDREW, HOUSE**, 307 E. 2nd St., (4-18-77)
Bloomington vicinity. **STOUT, DANIEL, HOUSE**, NW of Bloomington off IN 46, on Maple Grove Rd., (11-30-73)

montgomery county

Crawfordsville. **MONTGOMERY COUNTY JAIL AND SHERIFF'S RESIDENCE**, 225 N. Washington St., (5-1-75) HAER.
Crawfordsville. **WALLACE, GEN. LEW, STUDY**, Pike St. and Wallace Ave., (5-11-76) NHL.

morgan county

Mooreville. **MOOREVILLE FRIENDS ACADEMY BUILDING**, 244 N. Monroe St., (5-12-75) HABS.

newton county

Brook vicinity. **ADE, GEORGE, HOUSE**, E of Brook off IN 16, (9-27-76)

noble county

Rome City vicinity. **PORTER, GENE STRATTON, CABIN (THE CABIN IN WILDFLOWER WOODS)**, SE of Rome City off IN 9, (6-27-74)

ohio county

LAUGHERY CREEK BRIDGE, Reference—see Dearborn County

orange county

Paoli. **ORANGE COUNTY COURTHOUSE**, Public Sq., (2-24-75) HABS.

West Baden. **WEST BADEN SPRINGS HOTEL (NORTHWOOD INSTITUTE OF INDIANA)**, W of IN 56, (6-27-74) HAER; HABS.

owen county

Gosport. **NEW ALBANY AND SALEM RAILROAD STATION**, North St. at White River, (8-6-76) HAER.

Patrickburg vicinity. **MOFFETT-RALSTON HOUSE**, 1.5 mi. NE of Patrickburg on Bixler Rd., (5-12-75)

parke county

Marshall. **LUSK HOME AND MILL SITE**, Off IN 47 in Turkey Run State Park, (10-29-74)

perry county

Cannelton. **CANNELTON COTTON MILLS**, Bounded by Front, 4th, Washington, and Adams Sts., (8-22-75) HAER.

porter county

Porter vicinity. **BAILLY, JOSEPH, HOMESTEAD**, W of Porter on U.S. 20 in Indiana Dunes National Lakeshore, (10-15-66) NHL.

Valparaiso. **HERITAGE HALL**, Campus Mall, S. College Ave., (7-12-76)
Valparaiso. **PORTER COUNTY JAIL AND SHERIFF'S HOUSE**, 153 Franklin St., (6-23-76)

posey county

Mount Vernon vicinity. **MURPHY ARCHEOLOGICAL SITE**, SW of Mount Vernon, (5-12-75)
Mt. Vernon vicinity. **MANN SITE**, (10-1-74)
New Harmony. **NEW HARMONY HISTORIC DISTRICT**, Main St. between Granary and Church Sts., (10-15-66) NHL; HABS.

putnam county

Greencastle. **EAST COLLEGE OF DEPAUW UNIVERSITY**, 300 Simpson St., (9-25-75)

rush county

Rushville. **MELODEON HALL**, 210 N. Morgan St., (11-15-73)
Rushville. **RUSH COUNTY COURTHOUSE**, Courthouse Sq., (10-10-75)

spencer county

Gentryville vicinity. **JONES, COL. WILLIAM, HOUSE**, W of Gentryville on Troy-Vincennes Rd., (5-12-75) HABS.
Lincoln City. **LINCOLN BOYHOOD NATIONAL MEMORIAL**, IN 162, (10-15-66)
Rockport. **BROWN-KERCHEVAL HOUSE**, 314 S. 2nd St., (9-20-73)

st. joseph county

Mishawaka. **BEIGER HOUSE**, 317 Lincolnway E., (8-28-73) G.
South Bend. **OLD COURTHOUSE (SECOND ST. JOSEPH COUNTY COURTHOUSE)**, 112 S. Lafayette Blvd., (9-4-70) HABS.

South Bend. **OLIVER, JOSEPH D., HOUSE (COPSHAHOLM)**, 808 W. Washington Ave., (8-28-73)

South Bend. **TIPPECANOE PLACE (STUDEBAKER HOUSE)**, 620 W. Washington Ave., (7-2-73)

South Bend. **WEST WASHINGTON HISTORIC DISTRICT**, Irregular pattern roughly bounded by Main St., Western Ave., W. LaSalle Ave., and McPherson St., (1-17-75)

steuben county

Angola. **STEUBEN COUNTY COURTHOUSE**, Public Sq., (5-12-75)
Angola. **STEUBEN COUNTY JAIL**, 201 S. Wayne, (4-2-76)

sullivan county

Merom vicinity. **MEROM SITE AND FORT AZATLAN**, N of Merom, (5-12-75)

switzerland county

Patriot vicinity. **MERIT-TANDY FARM-STEAD**, NE of Patriot on IN 156, (4-29-77)

Vevay. **EGGLESTON, EDWARD AND GEORGE CARY, HOUSE**, 306 W. Main St., (10-15-73)

tippecanoe county

Lafayette. **FWLER, MOSES, HOUSE**, Corner of 10th and South Sts., (8-5-71) G.

Lafayette. **TIPPECANOE COUNTY COURTHOUSE**, Public Sq., (10-31-72)

Lafayette vicinity. **ELY HOMESTEAD**, 4106 E. 200 North, NE of Lafayette, (10-8-76)

Lafayette vicinity. **FORT OULATENON**, (2-16-70)

Lafayette vicinity. **INDIANA STATE SOLDIERS HOME HISTORIC DISTRICT**, N of Lafayette off IN 43, (1-2-74)

Lafayette vicinity. **TIPPECANOE BATTLEFIELD**, 7 mi. NE of Lafayette on IN 225, (10-15-66) NHL.

NOTICES

vanderburgh county

Evansville. **EVANSVILLE POST OFFICE**, 100 block N.W. 2nd St., (7-2-71)

Evansville. **FORMER VANDERBURGH COUNTY SHERIFF'S RESIDENCE**, 4th St. between Vine and Court Sts., (10-6-70)

Evansville. **OLD VANDERBURGH COUNTY COURTHOUSE**, Entire block bounded by Vine, 4th, Court, and 5th Sts., (9-4-70)

Evansville. **REITZ, JOHN AUGUSTUS, HOUSE**, 224 S.E. 1st St., (10-15-73) G.

Evansville. **WILLARD LIBRARY**, 21 1st Ave., (9-28-72)

Evansville vicinity. **ANGEL MOUNDS**, 8 mi. SE of Evansville, Angel Mounds State Memorial, (10-15-66) NHL.

Evansville vicinity. **HOOKE-ENSEL-PIERCE HOUSE**, 6531 Oak Hill Rd., (4-28-77)

vigo county

Terre Haute. **ALLEN CHAPEL AFRICAN METHODIST EPISCOPAL CHURCH**, 224 Crawford St., (9-5-75)

Terre Haute. **CONDIT HOUSE**, 629 Mulberry St. on Indiana State University campus, (4-2-73)

Terre Haute. **DEBS, EUGENE V., HOUSE**, 451 N. 8th St., (11-13-66) NHL; G.

Terre Haute. **DRESSER, PAUL, BIRTHPLACE**, 1st and Farrington Sts., (1-22-73)

Terre Haute. **SAGE-ROBINSON-NAGEL HOUSE**, 1411 S. 6th St., (4-11-73)

Terre Haute. **STATE BANK OF INDIANA, BRANCH OF (MEMORIAL HALL)**, 219 Ohio St., (10-25-73)

warrick county

Newburgh vicinity. **ROBERTS-MORTON HOUSE**, 1.5 mi. E of Newburgh on IN 662, (12-16-74) HABS.

washington county

Salem. **HAY-MORRISON HOUSE**, 106 S. College Ave., (10-26-71)

wayne county

Cambridge City. **CONKLIN-MONTGOMERY HOUSE**, 302 E. Main St., (2-24-75)

Cambridge City. **LACKEY-OVERBECK HOUSE**, 520 E. Church St., (5-28-76)

Centerville. **CENTERVILLE HISTORIC DISTRICT**, Bounded by the corporation line, 3rd and South Sts., and Willow Grove Rd., (10-26-71) G.

Centerville. **MORTON, OLIVER P., HOUSE**, 319 W. Main St., (10-10-75)

Fountain City. **COFFIN, LEVI, HOUSE**, 115 N. Main St., (10-15-66) NHL.

Milton vicinity. **BEECHWOOD (ISAAC KINSEY HOUSE)**, 2 mi. S of Milton on Sarver Rd., (2-21-75) HABS.

Mount Auburn. **HUDDLESTON HOUSE TAVERN, THE**, U.S. Hwy. 40 East, (6-15-75)

Richmond. **BETHEL A.M.E. CHURCH**, 200 S. 6th St., (9-5-75)

Richmond. **EARLHAM COLLEGE OBSERVATORY**, National Rd., Earlham College campus, (10-21-75)

Richmond. **GAAR, ABRAM, HOUSE AND FARM**, 2411 Pleasant View Rd., (2-20-75)

Richmond. **HICKSITE FRIENDS MEETINGHOUSE (WAYNE COUNTY MUSEUM)**, 1150 N. A St., (10-14-75)

Richmond. **OLD RICHMOND HISTORIC DISTRICT**, Roughly bounded by C & O Railroad, S. 11th, South A, and alley S of South E St., (6-28-74)

Richmond. **SCOTT, ANDREW F., HOUSE**, 126 N. 10th St., (10-10-75)

IOWA 5203

Richmond. **STARR HISTORIC DISTRICT**, Roughly bounded by N. 16th, E and A Sts., and alley W of N. 10th St., (6-28-74)

white county

Wolcott. **WOLCOTT HOUSE**, 500 N. Range St., (10-10-75)

IOWA

adair county

Greenfield vicinity. **CATALPA**, SE of Greenfield, (11-13-74)

allamakee county

Lansing. **LANSING STONE SCHOOL**, SW corner Center and 5th Sts., (12-18-73) G.

Marquette vicinity. **EFFIGY MOUNDS NATIONAL MONUMENT**, 3 mi. N of Marquette on IA 13, (10-15-66) (also in clayton county)

New Albin. **IRON POST**, N end of Main St., (9-29-76)

Waukon. **ALLAMAKEE COUNTY COURTHOUSE**, 107 Allamakee St., (4-11-77)

appanoose county

Centerville. **STRATTON HOUSE**, 303 E. Washington St., (9-9-75)

audubon county

Exira. **AUDUBON COUNTY COURTHOUSE**, Washington and Kilworth Sts., (7-26-77)

benton county

Vinton. **BENTON COUNTY COURTHOUSE**, E. 4th St., (10-8-76)

black hawk county

Cedar Falls. **CEDAR FALLS ICE HOUSE**, Franklin Ave. and 1st St., (10-21-77)

Cedar Falls vicinity. **FIELDS BARN**, SW of Cedar Falls, (9-19-77)

Cedar Falls vicinity. **NEWELL, JAMES, BARN**, N of Cedar Falls off U.S. 218, (12-12-76)

Waterloo. **DUNSMORE HOUSE**, 902 Logan Ave., (11-17-77)

Waterloo. **RUSSELL, RENSSLAER, HOUSE**, 520 W. 3rd St., (7-5-73) G.

Waterloo. **SNOWDEN HOUSE**, 306 Washington St., (9-14-77)

blackhawk county

LaPorte City. **LAPORTE TOWN HALL AND FIRE STATION**, 413 Chestnut, (5-12-77)

boone county

Boone. **FINNEGAN FLATS**, 710-718 7th St., (9-20-77)

bremer county

Waverly. **WAVERLY HOUSE**, 402 W. Bremer Ave., (12-12-76)

buchanan county

Independence. **MUNSON BUILDING**, 210 2nd St., NE., (11-21-76)

Independence. **WAPSIPINICON MILL**, 100 1st St. W., (4-21-75) G

buena vista county

Albert City. **ALBERT CITY DEPOT**, Main and Railway Sts., (10-22-76)

carroll county

Carroll. **CARNEGIE LIBRARY BUILDING**, 125 E. 6th St., (11-13-76)

cass county

Lewis vicinity. **HITCHCOCK, GEORGE B., HOUSE**, W of Lewis, (11-9-77)

5204 IOWA

cedar county

Downey *DOWNEY SAVINGS BANK*, Front St., (7-12-76)
Tipton vicinity. *FLORAL HALL*, W of Tipton on Cedar County Fairgrounds, (11-7-76)
West Branch *HERBERT HOOVER NATIONAL HISTORIC SITE*, (10-15-66) NHL

cerro gordo county

Mason City *CITY NATIONAL BANK BUILDING*, 4 S Federal Ave., (9-14-72)
Mason City *PARK INN HOTEL*, 15 W State St., (9-14-72)

cherokee county

Cherokee vicinity. *BASTIAN SITE 13CK28*, N of Cherokee off U.S. 59, (7-19-76)
Cherokee vicinity. *CHEROKEE SEWER SITE*, (12-24-74)
Cherokee vicinity. *PHIPPS SITE*, 3 mi. N of Cherokee, (10-15-66) NHL

clarke county

Oskola *WEBSTER, DICKINSON, HOUSE*, 609 W Jefferson St., (7-20-77)

clayton county

EFFIGY MOUNDS NATIONAL MONUMENT, Reference—see Allamakee County
Ceres. *ST. PETERS UNITED EVANGELICAL LUTHERAN CHURCH*, U.S. 52, (12-12-76)
Clayton *CLAYTON SCHOOL*, 1st St., (7-30-74) G
Elkader. *CARTER HOUSE*, 101 High St., SE., (11-7-76)

Elkader *CLAYTON COUNTY COURTHOUSE*, 111 High St., NE., (10-8-76)

Elkader *DAVIS, TIMOTHY, HOUSE*, 405 1st St., NW., (6-22-76)

Elkader. *ELKADER KEYSTONE BRIDGE*, Bridge St., (11-7-76)

Elkader. *ELKADER OPERA HOUSE*, 207 N. Main, (10-8-76)

Elkader. *PRICE, RIALTO, HOUSE*, 206 Cedar, NW., (11-21-76)

Elkader. *SCHMIDT HOUSE*, 101 Oak St., NW., (3-25-77)

Elkader. *ST. JOSEPH CHURCH AND PARISH HALL*, 330 1st St., NW., (11-21-76)

Elkader. *STEMMER, J. C., HOUSE*, 113 Oak, NW., (10-21-76)

Elkader vicinity. *MOTOR TOWNSITE*, E of Elkader, (8-2-77)

Garnaville *FIRST CONGREGATIONAL CHURCH*, Washington St., (3-25-77)

Garnaville vicinity. *VALLEY MILLS*, E of Garnaville, (12-12-76)

clinton county

Clinton *VAN ALLEN STORE*, 5th Ave and S 2nd St., (1-7-76) NHL

Clinton *YOUNG, W. J., COMPANY MACHINE WORKS*, N of jct of 10th Ave. S and 1st St., (6-17-76)

crawford county

Denison. *CHAMBERLIN, CLARENCE D., HOUSE*, 1434 2nd Ave. S., (4-28-77)

Denison. *MCHENRY, WILLIAM A., HOUSE*, 1428 1st Ave., N., (11-7-76)

Dow City *DOW HOUSE*, Prince St at S city limit, (6-14-72) G

dallas county

Adel. *DALLAS COUNTY COURTHOUSE*, Town Sq., (11-26-73)

Dexter. *DEXTER COMMUNITY HOUSE*, 707 Dallas St., (3-3-75)

NOTICES

davis county

Bloomfield. *BLOOMFIELD SQUARE*, Madison, Jefferson, Franklin, and Washington Sts., (11-7-76)

Bloomfield *DAVIS COUNTY COURTHOUSE*, Bloomfield Town Sq., (5-3-74)

Bloomfield. *WEAVER, JAMES B., HOUSE*, Weaver Park Rd. (U.S. 63), (5-15-75) NHL

Bloomfield vicinity. *RUSSELL OCTAGON HOUSE*, SW of Bloomfield off U.S. 63, (10-8-76)

Centerville vicinity. *STRINGTOWN HOUSE*, E of Centerville on IA 2, (4-16-74)

Troy *TROY ACADEMY*, Off IA 2, (6-23-76) G

decatur county

Davis City. *UNION CHURCH*, Clark at Sycamore St., (12-12-76)

delaware county

Delhi vicinity. *BAY SETTLEMENT CHURCH AND MONUMENT*, SW of Delhi, (9-13-77)

Earlville. *SUCKOW, RUTH, HOUSE*, S. Radcliffe and 5th St., (12-23-77)

Hopkinton. *OLD LENOX COLLEGE*, College St., (12-19-74)

Manchester. *HOAG, J. J., HOUSE*, 120 E. Union, (8-13-76) G

Manchester vicinity. *COFFIN'S GROVE STAGECOACH HOUSE (HENRY BAKER HOUSE)*, 3 mi. W of Manchester, (2-20-75)

Manchester vicinity. *SPRING BRANCH BUTLER FACTORY SITE*, SE of Manchester on National Fish Hatchery Rd., (6-28-74)

des moines county

Burlington. *BURLINGTON AND MISSOURI RIVER RAILROAD PASSENGER STATION*, 237 S 4th St., (10-22-76)

Burlington. *BURLINGTON PUBLIC LIBRARY*, 501 N. 4th St., (3-27-75)

Burlington. *CRAPO PARK AND ARBORETUM HISTORIC DISTRICT*, Bounded by Parkway Dr., Koestner, Madison Rd., and the Mississippi River, (6-3-76)

Burlington. *FIRST CONGREGATIONAL CHURCH*, 313 N. 4th St., (11-21-76)

Burlington. *GERMAN METHODIST EPISCOPAL CHURCH*, 7th and Washington Sts., (9-22-77)

Burlington. *SNAKE ALLEY HISTORIC DISTRICT*, N. 6th St., between Washington and Columbia Sts., (5-21-75)

Sperry vicinity. *BAPTIST CHURCH*, W of Sperry off U.S. 61, (4-18-77)

dickinson county

Arnolds Park. *SPIRIT LAKE MASSACRE LOG CABIN (GARDNER LOG CABIN)*, Arnolds Park, W of Estherville on U.S. 71, (4-3-73)

Millford vicinity. *CLARK, GEROME, HOUSE*, E of Millford, (11-9-77)

Orleans vicinity. *TEMPLAR PARK*, NE of Orleans on IA 276, (8-3-77)

dubuque county

Dubuque. *CARNEGIE-STOUT PUBLIC LIBRARY*, 11th and Bluff Sts., (8-1-75)

Dubuque. *DIAMOND JO BOAT STORE AND OFFICE*, Jones and Water Sts., (11-23-77)

Dubuque. *DUBUQUE BREWING AND MALTING COMPANY BUILDINGS*, 30th and Jackson Sts., (12-6-77)

Dubuque. *DUBUQUE CITY HALL*, 50 W. 13th St., (11-26-73)

Dubuque. *DUBUQUE COUNTY COURTHOUSE*, 720 Central Ave., (6-23-71)

Dubuque. *DUBUQUE COUNTY JAIL*, 36 E. 8th St., (6-27-72)

Dubuque. *HAM, MATHIAS, HOUSE*, 2241 Lincoln Ave., (7-19-76)

Dubuque. *HOLLENFELZ HOUSE*, 1651 White St., (9-13-77)

Dubuque. *LANGWORTHY HOUSE (OCTAGON HOUSE)*, 1095 W. 3rd St., (10-14-75) NHL

Dubuque. *MCMAHON HOUSE*, 800 English Lane, (11-21-76)

Dubuque. *ORPHEUM THEATRE AND SITE (MAJESTIC THEATRE)*, 405 Main St., (11-14-72) G

Dubuque. *RATH, JOHANN CHRISTIAN FREDERICK, HOUSE*, 1204 Mt. Loretta Ave., (4-11-77)

Dubuque. *REDSTONE*, 504 Bluff St., (12-12-76)

Dubuque. *SHOT TOWER*, Commercial St. and River Front, (11-7-76)

Dubuque. *THEDINGA, J. H., HOUSE*, 340 W. 5th St., (11-7-76)

Dubuque. *WASHINGTON PARK*, Bounded by 6th, 7th, Bluff, and Locust Sts., (7-14-77)

Dubuque vicinity. *JOHNSON HOUSE AND BARN*, S of Dubuque, (11-5-74)

Dyersville. *ALLEN HOUSE*, 515 1st Ave. W., (7-10-75)

Farley vicinity. *LINCOLN SCHOOL*, About 4 mi. N of Farley, (7-24-75)

Holy Cross vicinity. *WESTERN HOTEL*, SE of Holy Cross on U.S. 52, (11-7-76)

fayette county

Clermont. *UNION SUNDAY SCHOOL*, McGregor and Larrabee Sts., (11-5-74)

Clermont vicinity. *MONTAUK (GOV. WILLIAM LARRABEE HOUSE)*, 1 mi. NE of Clermont on U.S. 18, (2-21-73)

Fayette. *COLLEGE HALL*, 200 block E. Clark, (11-7-76)

Wadena. *HARDWARE BUILDING*, 223 Mill St., (7-15-77)

floyd county

Charles City. *CENTRAL PARK-NORTH MAIN STREET HISTORIC DISTRICT*, N. Main St. and N. Jackson St., (8-10-76)

franklin county

Hampton. *FRANKLIN COUNTY COURTHOUSE*, Central Ave and 1st St., NW., (8-13-76)

fremont county

Riverton. *CHAUTAUQUA PAVILION*, IA 42, (10-22-76)

Tabor. *TODD HOUSE*, Park St., (8-15-75)

guthrie county

Panora. *PANORA-LINDEN HIGH SCHOOL*, Bounded by Main, Vine, Market, and 2nd Sts., (7-23-74)

hardin county

Iowa Falls. *METROPOLITAN OPERA HOUSE*, 515 Washington St., (2-20-75)

henry county

Mount Pleasant. *HARLAN-LINCOLN HOUSE*, 101 W. Broad St., (5-25-73)

Mount Pleasant. *OLD MAIN*, Iowa Wesleyan College campus, (3-26-73)

howard county

Cresco. *KELLOW HOUSE*, 324 4th Ave. West, (11-22-77)

Lime Springs. *LIME SPRINGS MILL COMPLEX*, SR 157, (4-11-77)

NOTICES

IOWA 5205

ida county

Holstein. *TURNER HALL*, SE corner of Keil and 2nd Sts., (1-22-75)

Ida Grove. *IDA COUNTY COURTHOUSE*, 401 Moorehead St., (3-15-74)

Ida Grove. *MOOREHEAD STAGECOACH INN*, Off U.S. 59, (8-27-74)

iowa county

Middle Amana vicinity. *AMANA VILLAGES*, NE Iowa County, (10-15-66) NHL; HABS; G

Williamsburg vicinity. *PILOT GROVE*, SW of Williamsburg, (11-17-77)

jackson county

Bellevue vicinity. *PARADISE FARM*, W of Bellevue, (7-13-77)

Maquoketa vicinity. *WILSON, ANSON, HOUSE*, S of Maquoketa off U.S. 61, (11-17-77)

Maquoketa vicinity. *WILLIAMS, SENECA, MILL*, E of Maquoketa on IA 64, (9-1-76)

jasper county

Lynnville. *LYNNVILLE MILL AND DAM*, East St., (11-25-77)

Newton. *ST. STEPHEN'S EPISCOPAL CHURCH*, 223 E. 4th St. N., (9-22-77)

jefferson county

Fairfield. *MCELHINNY HOUSE*, 300 N. Court St., (12-19-77)

Fairfield vicinity. *NEW SWEDEN CHAPEL*, E of Fairfield off U.S. 34, (3-25-77)

johnson county

Coralville. *CORALVILLE PUBLIC SCHOOL*, 402-404 5th St., (1-11-74) G

Coralville. *CORALVILLE UNION ECCLESIASTICAL CHURCH*, 405 2nd Ave., (4-11-77)

Downey vicinity. *SECRET-RYAN OCTAGON BARN*, W of Downey, (11-5-74)

Iowa City. *CAVANAUGH-ZETEK HOUSE*, 704 Reno St., (9-16-77)

Iowa City. *CLOSE HOUSE*, 538 S. Gilbert St., (5-31-74)

Iowa City. *COLLEGE BLOCK BUILDING*, 125 E. College St., (7-23-73)

Iowa City. *CONGREGATIONAL CHURCH OF IOWA CITY*, 30 N. Clinton St., (6-18-73)

Iowa City. *CZECHO SLOVAKIAN ASSOCIATION HALL*, 524 N. Johnson St., (11-7-76)

Iowa City. *JOHNSON COUNTY COURTHOUSE*, S. Clinton St., (3-27-75) G

Iowa City. *KIRKWOOD HOUSE*, 1101 Kirkwood, (9-17-74)

Iowa City. *LINSAY HOUSE*, 935 E. College, (8-2-77)

Iowa City. *MCCOLLISTER, JAMES, FARMSTEAD*, SE of jct. of U.S. 6 and U.S. 218, (10-8-76)

Iowa City. *NICKING HOUSE*, 410 E. Market St., (4-21-75)

Iowa City. *NORTH PRESBYTERIAN CHURCH*, 26 E. Market St., (8-28-73) G

Iowa City. *OLD CAPITOL*, University of Iowa campus, (5-31-72) NHL; HABS; G

Iowa City. *PLUM GROVE (ROBERT LUCAS HOUSE)*, 1030 Carroll Ave., (5-7-73)

Iowa City. *SOUTH SUMMIT STREET DISTRICT*, 301-818 S. Summit St., (10-9-73) G

Iowa City. *ST. MARY'S HIGH SCHOOL*, 104 E. Jefferson St., (12-19-77)

Iowa City. *TRINITY EPISCOPAL CHURCH*, 320 E. College St., (12-31-74)

Iowa City. *WENTZ, JACOB, HOUSE*, 219 N. Gilbert St., (8-27-74)

Iowa City. *WINDREM HOUSE*, 604 Iowa Ave., (9-13-77)

Iowa City vicinity. *FIRST WELSH CONGREGATIONAL CHURCH*, 5 mi. SW of Iowa City off IA 1, (4-13-77)

Kalona vicinity. *ST. JOHN'S LUTHERAN CHURCH*, N of Kalona, (4-5-77)

Solon vicinity. *BURESH FARM*, W of Solon off IA 382, (4-29-77)

keokuk county

Delta vicinity. *DELTA COVERED BRIDGE*, S of Delta off IA 108 across North Skunk River, (11-8-74)

What Cheer. *WHAT CHEER OPERA HOUSE*, 201 Barnes St., (6-4-73) G

lee county

Denmark. *DENMARK CONGREGATIONAL CHURCH*, Academy Ave. and 4th St., (12-2-77)

Fort Madison. *OLD FORT MADISON SITE*, 315-335 Ave. H., (5-7-73)

Ft. Madison. *LEE COUNTY COURTHOUSE*, 701 Avenue F., (9-30-76)

Keokuk. *BELKNAP, GEN. WILLIAM WORTH, HOUSE*, 511 N. 3rd St., (10-10-75)

Keokuk. *BROWN, DR. FRANK, HOUSE*, 318 N. 5th St., (10-10-72)

Keokuk. *MILLER, JUSTICE SAMUEL FREEMAN, HOUSE*, 318 N. 5th St., (10-10-72)

Keokuk. *U.S. POST OFFICE AND COURTHOUSE*, 25 N. 7th St., (1-24-74)

linn county

Cedar Rapids. *HIGHWATER ROCK*, Cedar River near 1st Ave. and 1st St. NE, (11-17-77)

Cedar Rapids. *MITTVATSKY HOUSE*, 1035 2nd St., SE., (9-5-75)

Cedar Rapids. *PARAMOUNT THEATER BUILDING*, 121-127 3rd Ave., SE; 305-307 2nd St., SE., (8-26-76)

Cedar Rapids. *SECURITY BUILDING*, 2nd Ave. and 2nd St., SE., (12-7-77)

Cedar Rapids. *SINCLAIR, T. M., MANSION*, 2160 Linden Dr., SE., (12-12-76)

Cedar Rapids vicinity. *SEMINOLE VALLEY FARMSTEAD*, W of Cedar Rapids, (10-8-76)

Marion. *GRANGER HOUSE*, 970 10th St., (8-13-76)

Mount Vernon. *KING MEMORIAL CHAPEL*, Cornell College campus, (11-7-76)

louis county

Columbus Junction. *COMMUNITY BUILDING*, 122 E. Maple St., (8-14-73)

Toolesboro vicinity. *TOOLESBORO MOUND GROUP*, N of Toolesboro, (10-15-66) NHL; G

lyon county

Larchwood vicinity. *KRUGER MILL*, SW of Larchwood on Sioux River, (11-3-75)

Rock Rapids. *ROCK RAPIDS DEPOT, RAILROAD TRACK, AND BRIDGE*, N. Story St., (11-7-76)

Rock Rapids vicinity. *MELAN BRIDGE*, E of Rock Rapids in Emma Sater Park, (10-18-74) G

Sioux Falls vicinity. *BLOOD RUN SITE*, S of Sioux Falls at jct. of Blood Run Creek and Big Sioux River, (8-29-70) NHL (also in Lincoln County, SD)

madison county

St. Charles vicinity. *IMES COVERED BRIDGE*, 3.5 mi. SW of St. Charles, (8-28-76)

Winterset. *BEVINGTON, C. D., HOUSE AND STONE BARN*, 805 S. 2nd Ave., (12-12-76)

Winterset. *CUTLER-DONAHUE COVERED BRIDGE*, Winterset City Park, (10-8-76)

Winterset. *MADISON COUNTY COURTHOUSE*, City Square, (8-13-76)

Winterset vicinity. *CEDAR COVERED BRIDGE*, 1.5 mi. E of Winterset, (8-28-76)

Winterset vicinity. *HOGBACK COVERED BRIDGE*, 4 mi. N of Winterset, (8-28-76)

Winterset vicinity. *HOLLOWELL COVERED BRIDGE*, 4 mi. SE of Winterset, (8-28-76)

Winterset vicinity. *MCBRIDE COVERED BRIDGE*, 2 mi. NE of Winterset, (9-8-76)

Winterset vicinity. *NORTH RIVER STONE SCHOOLHOUSE*, N of Winterset off U.S. 169, (4-11-77)

Winterset vicinity. *ROSEMAN COVERED BRIDGE*, W of Winterset off IA 94, (9-1-76)

mahaska county

Oskaloosa. *NELSON, DANIEL, HOUSE AND BARN*, SR 1, (11-20-74)

Oskaloosa. *SMITH-JOHNSON HOUSE*, 713 High Ave. E., (11-9-77)

marion county

Pella. *VAN LOON, DIRK, HOUSE*, 1401 University Ave., (11-17-77)

marshall county

Marshalltown. *MARSHALL COUNTY COURTHOUSE*, Courthouse Sq., (11-21-72)

Marshalltown. *WILLARD, LEROY R., HOUSE*, 609 W. Main, (10-22-76)

mills county

Glenwood vicinity. *PONY CREEK PARK*, (7-30-71)

mitchell county

Carpenter vicinity. *SEVERSON, NELS, BARN*, N of Carpenter, (7-15-77)

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5206 KANSAS

page county
Clarinda. **GOLDENROD SCHOOLHOUSE**, Block 48, Frazer Addition, (4-23-75)
Clarinda. **HEPBURN, COL. WILLIAM PETERS, HOUSE**, 321 W. Lincoln St., (6-4-73) NML.
palo alto county
Emmetsburg. **ORMSBY-KELLY HOUSE**, 2403 W. 7th St., (7-29-77)
plymouth county
LeMars. **ST. GEORGE'S EPISCOPAL CHURCH**, 400 1st Ave., SE., (11-21-76)
pocahontas county
Laurens. **LAURENS PUBLIC LIBRARY**, 263 N. 3rd St., (11-5-74)
polk county
Des Moines. **BANKERS TRUST BUILDING**, 605 Locust St., (4-22-76)
Des Moines. **BURNS UNITED METHODIST CHURCH**, 811 Crocker St., (6-15-77)
Des Moines. **FLYNN FARM, MANSION, AND BARN**, 2600 11th St., (11-30-73)
Des Moines. **FORT DES MOINES PROVINCIAL ARMY OFFICER TRAINING SCHOOL**, (5-30-74) NML.
Des Moines. **HERNDON HALL**, 2000 Grand Ave., (7-27-77)
Des Moines. **IOWA STATE CAPITOL BUILDING**, Grand Ave. and E. 12th St., (10-21-76)
Des Moines. **MAISH HOUSE**, 1623 Center St., (4-11-77)
Des Moines. **MUNICIPAL BUILDING**, E 1st and Locust Sts., (11-10-77)
Des Moines. **NAYLOR HOUSE**, 944 W. 9th St., (7-10-74)
Des Moines. **PUBLIC LIBRARY OF DES MOINES**, Locust St., (7-25-77)
Des Moines. **SALISBURY HOUSE**, 4025 Tonawanda Dr., (7-20-77)
Des Moines. **SHERMAN, HOYT, PLACE**, 1501 Woodland Ave., (9-19-77)
Des Moines. **SOUTHEAST WATER TROUGH**, SE. 11th and Scott St., (10-8-76)
Des Moines. **TERRACE HILL (HUBBELL MANSION)**, 2300 Grand Ave., (6-14-72) HABS, G.
Des Moines. **THE LEXINGTON**, 1721 Pleasant St., (12-12-76)
Des Moines. **U.S. POST OFFICE**, 2nd and Walnut Sts., (11-19-74)
West Des Moines. **JORDAN HOUSE**, 2251 Fuller Rd., (12-10-73) G.
pottawattamie county
Council Bluffs. **BERESHEIM, AUGUST, HOUSE**, 621 3rd St., (8-13-76) G.
Council Bluffs. **DODGE, GRENVILLE M., HOUSE**, 605 S. 3rd St., (10-15-66) NML.
Council Bluffs. **OGDEN HOUSE**, 169 W. Broadway, (9-13-76)
Council Bluffs. **POTTAWATTAMIE COUNTY JAIL**, 226 Pearl St., (3-16-72)
poweshiek county
Grinnell. **MERCHANT'S NATIONAL BANK**, 4th Ave. and Broad St., (1-7-76) NML.
Grinnell. **ROCK ISLAND LINES PASSENGER STATION**, Park and State Sts., (12-12-76)
Grinnell. **STEWART LIBRARY**, 926 Broad St., (11-21-76)
scott county
Davenport. **AMBROSE HALL**, 518 W. Locust, (4-11-77)
Davenport. **BARROWS, EDWARD S., HOUSE**, 224 E. 6th St., (11-21-76)

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Davenport. **BEIDERBECKE, LEON BISMARCK (BIX), HOUSE**, 1934 Grande Ave., (7-13-77)
Davenport. **COLLINS HOUSE**, 1234 E. 29th St., (10-8-76)
Davenport. **FRICK'S TAVERN**, 1402-1404 W. 3rd St., (9-9-74)
Davenport. **GILRUTH SCHOOLHOUSE**, 53rd and Marquette Sts., (9-16-77)
Davenport. **LECLAIRE, ANTOINE, HOUSE**, 630 E. 7th St., (3-22-74) G.
Davenport. **OUTING CLUB**, 2109 Brady St., (7-15-77)
Davenport. **SCHICK APARTMENTS**, 310-314 Gaines St., (7-24-74)
Davenport. **SIEMER HOUSE**, 632 W. 3rd St., (11-16-77)
Davenport. **TRINITY EPISCOPAL CHURCH**, 121 W. 12th St., (12-24-74)
LeClaire vicinity. **STONE SCHOOL**, W of LeClaire, (12-27-77)
Long Grove. **BROWNIE, ALEXANDER, HOUSE**, 206 Pine St., (12-22-76)
McCausland vicinity. **CODY HOMESTEAD**, S of McCausland, (1-24-74)
sioux county
Orange. **ZWEMER HALL, NORTHWESTERN COLLEGE**, 101 7th St., SW., (5-28-75)
Orange City. **SIOUX COUNTY COURTHOUSE**, Off IA 10, (4-11-77)
story county
Ames. **KNAPP-WILSON HOUSE (THE FARM HOUSE)**, Iowa State University campus, (10-15-66) NML; G.
tama county
Traer. **BROOKS AND MOORE BANK BUILDING**, 423 2nd St., (12-3-74)
Traer. **STAR-CLIPPER-CANFIELD BUILDING AND WINDING STAIRWAY**, 534 2nd St., (10-29-75)
taylor county
Bedford. **BEDFORD HOUSE**, 306 Main St., (6-14-77)
union county
Creston. **CRESTON RAILROAD DEPOT**, 200 W. Adams St., (8-15-73) G.
van buren county
Bonaparte and Keosauqua. **DES MOINES RIVER LOCKS NO. 5 AND NO. 7**, At Des Moines River, (12-7-77)
Keosauqua. **HOTEL MANNING**, River and Van Buren Sts., (4-23-73) HABS, G.
Keosauqua. **VAN BUREN COUNTY COURTHOUSE**, 904 4th St., (11-9-77)
Keosauqua vicinity. **BENTONSPORT**, E of Keosauqua on the Des Moines River, (4-25-72) G.
wapello county
Agency vicinity. **CHIEF WAPELLO'S MEMORIAL PARK**, SE of Agency off U.S. 34, (3-27-75)
Eldon. **AMERICAN GOTHIC HOUSE (DIBBLE HOUSE)**, Burton and Gothic Sts., (10-1-74)
Ottumwa. **U.S. POST OFFICE (OTTUMWA MUNICIPAL BUILDING)**, Court and 4th Sts., (8-13-76)
Ottumwa vicinity. **MARS HILL (MARS HILL CHURCH AND CEMETERY)**, SE of Ottumwa, (9-13-74)
warren county
Scotch Ridge. **UNITED PRESBYTERIAN CHURCH SUMMERSET**, U.S. 65/69, (11-7-76)

WASHINGTON COUNTY
Washington. **BLAIR HOUSE (CITY HALL)**, E. Washington St. and S. 2nd Ave., (6-4-73)
Washington. **CONGER, JONATHAN CLARK, HOUSE**, 903 E. Washington St., (6-28-74) G.
Washington. **KURTZ HOUSE**, 305 S. Avenue C, (9-22-77)
Washington. **WASHINGTON COUNTY HOSPITAL**, S. 4th Ave. and Clara Barton, (12-22-77)
Washington. **YOUNG, ALEXANDER, CABIN**, W. Madison St., between G and H Aves., (8-14-73)
Washington vicinity. **GRACEHILL MORAVIAN CHURCH AND CEMETERY**, SW of Washington on WA 314, (8-12-77)
WAYNE COUNTY
Lineville vicinity. **PLEASANT HILL SCHOOL**, 3 mi. N of Lineville on U.S. 65, (5-28-75) G.
WEBSTER COUNTY
Fort Dodge. **CORPUS CHRISTI CHURCH**, 416 N. 8th St., (10-8-76)
Fort Dodge. **OAK HILL HISTORIC DISTRICT**, 8th-12th Sts., 2nd and 3rd Aves., (5-5-77)
Fort Dodge. **VINCENT HOUSE**, 824 3rd Ave. S., (4-23-73) G.
Fort Dodge vicinity. **COFFIN, LORENZO S., BURIAL PLOT**, NW of Fort Dodge on IA 7, (11-17-77)
WINNEBAGO COUNTY
Decorah. **BROADWAY-PHELPS PARK HISTORIC DISTRICT**, W. Broadway from Winnebago St. to Park Dr.; Upper Broadway; Park St.; and Phelps Park, (11-13-76)
Decorah. **ELLSWORTH-PORTER HOUSE**, 401 W. Broadway, (8-6-75)
Decorah. **MILLER, NORRIS, HOUSE**, 118 N. Mill St., (6-8-76)
Decorah. **PAINTER-BERNATZ MILL**, 200 N. Mill St., (1-11-74)
Decorah vicinity. **HORN HOUSE**, NW of Decorah, (3-25-77)
WOODBURY COUNTY
Sioux City. **SERGEANT FLOYD MONUMENT**, Glenn Ave. and Lewis Rd., (10-15-66) NML.
Sioux City. **SIOUX CITY CENTRAL HIGH SCHOOL**, 1212 Nebraska St., (7-23-74) G.
Sioux City. **WOODBURY COUNTY COURTHOUSE**, 7th and Douglas Sts., (12-18-73)
WORTH COUNTY
Grafton. **CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD DEPOT**, IA 337, (6-23-76)
WRIGHT COUNTY
Eagle Grove. **EAGLE GROVE PUBLIC LIBRARY**, 401 W. Broadway, (11-22-77)
KANSAS
allen county
Iola. **ALLEN COUNTY JAIL**, 204 N. Jefferson St., (1-25-71)
Iola vicinity. **FUNSTON HOME**, 4 mi. N of Iola on U.S. 69, (9-3-71)
anderson county
Garnett. **ANDERSON COUNTY COURTHOUSE**, 4th and Oak Sts., (4-26-72)
Harris vicinity. **TIPTON, SAMUEL J., HOUSE**, 4 mi. SW of Harris, (1-23-75)

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ATCHISON COUNTY
Atchison. **ATCHISON COUNTY COURTHOUSE**, SW corner of 5th and Parallel Sts., (4-16-75)
Atchison. **ATCHISON POST OFFICE**, 621 Kansas St., (3-16-72)
Atchison. **BROWN, J. P., HOUSE**, 805 N. 4th St., (4-14-75)
Atchison. **EARHART, AMELIA, BIRTHPLACE**, 223 N. Terrace, (4-16-71)
Atchison. **HARWI, A. J., HOUSE**, 1103 Atchison St., (5-6-75)
Atchison. **HETHERINGTON, W. W., HOUSE**, 805 N. 5th St., (7-12-74)
Atchison. **HOWE, EDGAR W., HOUSE**, 1117 N. 3rd St., (3-16-72)
Atchison. **MCINTEER VILLA**, 1301 Kansas St., (3-26-75)
Atchison. **MOUNT ST. SCHOLASTICA CONVENT**, 801 S. 8th St., (4-13-72)
Atchison. **MUCHNIC, H. E., HOUSE**, 704 N. 4th St., (7-12-74)
Atchison. **PRICE VILLA**, 801 S. 8th St., (3-16-72)
Atchison. **WAGGENER, B. P., HOUSE**, 819 N. 4th St., (5-3-74)
barber county
Medicine Lodge. **NATION, CARRY A., HOUSE**, 211 Fowler Ave., (3-24-71) NML.
Medicine Lodge vicinity. **MEDICINE LODGE PEACE TREATY SITE**, SE of Medicine Lodge, (8-4-69) NML.
barton county
Great Bend vicinity. **WALNUT CREEK CROSSING (ALLISON'S RANCH, FORT ZARAH)**, E of Great Bend, off U.S. 56, (4-26-72)
Pawnee Rock vicinity. **PAWNEE ROCK**, 0.2 mi. N of Pawnee Rock off U.S. 56, (12-29-70)
bouillon county
Fort Scott. **MOODY BUILDING**, 15 E. 2nd St., (11-9-77)
bourbon county
Fort Scott. **FORT SCOTT HISTORIC SITE**, Old Fort Blvd., (10-15-66)
Fort Scott. **UNION BLOCK**, 24 S. Main St., (4-26-72)
brown county
Hiawatha vicinity. **DAVIS MEMORIAL**, 0.1 mi. E of Hiawatha, Mt. Hope Cemetery, (8-29-77)
butler county
Augusta. **JAMES, C. N., CABIN**, 305 State St., (4-13-73)
chase county
Clements vicinity. **CLEMENTS STONE ARCH BRIDGE**, 0.5 mi. SE of Clements over the Cottonwood River, (12-12-76)
Cotton Falls. **CHASE COUNTY NATIONAL BANK**, 301 Broadway, (11-9-77)
Cottonwood Falls. **CARTER BUILDING**, 303 Broadway, (11-23-77)
Cottonwood Falls. **CHASE COUNTY COURTHOUSE**, On the square at S end of Broadway, (2-24-71)
Cottonwood Falls vicinity. **WOOD HOUSE**, E of Cottonwood Falls, (3-17-74)
Elmdale vicinity. **CLOVER CLIFF RANCH HOUSE**, 4 mi. SW of Elmdale off U.S. 50, (11-9-77)
Matfield Green vicinity. **CROCKER RANCH**, 1.5 mi. N of Matfield Green on KS 177, (11-17-77)

Strong City vicinity. **LOWER FOX CREEK SCHOOL**, NW of Strong City on KS 13 and 57, (9-6-74)
Strong City vicinity. **SPRING HILL FARM AND STOCK RANCH HOUSE**, 3 mi. N of Strong City on KS 177, (4-16-71)
cherokee county
Baxter Springs. **JOHNSTON LIBRARY**, 210 W. 10th St., (11-21-76)
clark county
Ashland. **STOCKGROWERS STATE BANK (FIRST NATIONAL BANK)**, (4-26-72)
clay county
Clay Center. **CLAY COUNTY COURTHOUSE**, 5th and Court Sts., (1-29-73)
cloud county
Concordia. **BANKERS LOAN AND TRUST COMPANY BUILDING**, 101 E. 6th and 517 Broadway, (11-9-77)
Concordia. **BROWN GRAND OPERA HOUSE**, 310 W. 6th St., (7-26-73) G.
Concordia. **NAZARETH CONVENT AND ACADEMY**, 13th and Washington Sts., (1-18-73)
coffey county
Hartford vicinity. **WILLIAMSON ARCHEOLOGICAL SITE**, (11-19-74)
cowley county
Arkansas City. **OLD ARKANSAS CITY HIGH SCHOOL**, 300 W. Central St., (11-21-74)
Winfield. **HACKNEY, W. P., HOUSE**, 417 E. 10th St., (3-7-73)
Winfield vicinity. **MAGNOLIA RANCH (CHESBRO RANCH)**, 10 mi. SE of Winfield on U.S. 77, (3-7-73)
crawford county
Girard. **WAYLAND, JULIUS A., HOUSE**, 721 N. Summit, (11-21-76)
Pittsburg. **PITTSBURG PUBLIC LIBRARY**, 4th and Walnut Sts., (11-9-77)
dickinson county
Abilene. **EISENHOWER HOME**, 201 S.E. 4th St., (1-25-71) HABS.
Abilene. **LEBOLD, C. H., HOUSE**, 106 N. Vine St., (5-8-73)
Solomon. **UNION PACIFIC RAILROAD DEPOT (SOLOMON DEPOT)**, 3rd St. between Walnut and Pine Sts., (4-26-72)
doniphan county
Doniphan vicinity. **DONIPHAN ARCHEOLOGICAL SITE**, (3-1-74)
Fanning vicinity. **FANNING ARCHEOLOGICAL SITE**, (6-20-72)
Highland. **IRVIN HALL, HIGHLAND COMMUNITY JUNIOR COLLEGE**, Highland Community Junior College campus, (2-24-71) HABS.
Highland vicinity. **IOWA, SAC, AND FOX PRESBYTERIAN MISSION (HIGHLAND PRESBYTERIAN MISSION)**, 1.5 mi. E of Highland on U.S. 36 and 0.2 mi. N on KS 136, (12-2-70)
Troy. **DONIPHAN COUNTY COURTHOUSE**, Courthouse Sq., bounded by Walnut and Liberty Sts., (7-15-74)
Wathena. **HARDING, BENJAMIN, HOUSE**, 308 N. 5th, (8-29-77)
White Cloud. **POULET HOUSE**, Poplar St. between 1st and 2nd Sts., (9-3-71)
White Cloud. **WHITE CLOUD SCHOOL**, SW corner of 5th and Main Sts., (4-13-73)

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douglas county
Baldwin. **OLD CASTLE HALL, BAKER UNIVERSITY**, 513 5th St., (2-24-71)
Baldwin City. **PARMENTER MEMORIAL HALL**, 8th and Dearborn Sts., (9-19-77)
Clinton vicinity. **STEELE, J. C., HOUSE**, E of Clinton, (8-7-74)
Eudor. **PILLA, CHARLES, HOUSE**, 615 Elm St., (9-6-74)
Lawrence. **BLOOD, COL. JAMES, HOUSE**, 1015 Tennessee St., (2-23-72)
Lawrence. **DOUGLAS COUNTY COURTHOUSE**, SE corner of Massachusetts and 11th Sts., (4-14-75)
Lawrence. **DYCHE HALL, UNIVERSITY OF KANSAS**, 14th St. and Oread Ave., University of Kansas campus, (7-14-74)
Lawrence. **GREEN HALL, UNIVERSITY OF KANSAS**, Jayhawk Dr., (7-15-74)
Lawrence. **HASKELL INSTITUTE**, (10-15-66) NML.
Lawrence. **LUDINGTON HOUSE**, 1613 Tennessee St., (5-14-71)
Lawrence. **OLD LAWRENCE CITY HALL (WATKINS NATIONAL BANK)**, 1047 Massachusetts St., (2-24-71)
Lawrence. **OLD LAWRENCE CITY LIBRARY**, NW corner of 9th and Vermont Sts., (2-18-75)
Lawrence. **OLD WEST LAWRENCE HISTORIC DISTRICT**, Bounded roughly by Tennessee, 8th, Indiana, and 6th Sts., (2-23-72)
Lawrence. **RIGGS, SAMUEL A., HOUSE**, 1500 Pennsylvania, (8-29-77)
Lawrence. **ROBERTS, JOHN N., HOUSE**, 1307 Massachusetts St., (9-6-74)
Lawrence. **SPOONER HALL, UNIVERSITY OF KANSAS**, 14th St. and Oread Ave. on the University of Kansas campus, (7-15-74)
Lawrence. **USHER, JOHN PALMER, HOUSE**, 1425 Tennessee St., (3-7-75)
Lawrence. **ZIMMERMAN, S. T., HOUSE**, 304 Indiana St., (9-6-74)
Lecompton. **CONSTITUTION HALL**, Elmore St. between Woodson and 3rd Sts., (5-14-71) NML.
Lecompton. **LANE UNIVERSITY**, (3-24-71)
elk county
Moline vicinity. **DURBIN ARCHEOLOGICAL SITE**, SE of Moline, (5-2-75)
ellis county
Ellis. **CHRYSLER, WALTER P., HOUSE**, 104 W. 10th St., (2-23-72)
Hays. **FIRST PRESBYTERIAN CHURCH**, 100 W. 7th St., (1-25-71) G.
Hays. **FORT HAYS**, Frontier Historical Park, (1-25-71) G.
Victoria. **ST. FIDELIS CATHOLIC CHURCH**, SE corner of St. Anthony and Delaware Sts., (5-14-71)
Victoria vicinity. **GRANT, GEORGE, VILLA**, 5 mi. S and 2 mi. E of Victoria on secondary rds., (4-26-72)
ellsworth county
Ellsworth. **HODGDEN, PERRY, HOUSE**, 104 W. Main St., (1-29-73)
Ellsworth vicinity. **LARKIN, ARTHUR, HOUSE**, 0.25 mi. S of Ellsworth off KS 45, (2-24-75)
Kanopolis. **FORT HARKER GUARDHOUSE**, NW corner of Wyoming and Ohio Sts., (2-23-72)
Kanopolis. **FORT HARKER OFFICERS' QUARTERS**, Ohio St. between Kansas and Colorado Sts., (11-20-74)
Marquette vicinity. **INDIAN HILL SITE**, (12-31-74)

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finney county
Garden City. **WINDSOR HOTEL**, 421 N. Main St., (4-26-72)

ford county
Dodge City. **MUELLER-SCHMIDT HOUSE**, 112 E. Vine St., (2-23-72)
Dodge City vicinity. **SANTE FE TRAIL REMAINS**, 9 mi. W of Dodge City on U.S. 50, (10-15-66) NHL.

franklin county
Ottawa. **DIETRICH CABIN**, Ottawa City Park, (2-23-72)
Ottawa. **DOWNTOWN OTTAWA HISTORIC DISTRICT**, E side of S. Main St. from No. 135 to 3rd St., (6-29-72)
Ottawa. **FRANKLIN COUNTY COURTHOUSE**, Main St., (3-17-72)
Ottawa. **OLD SANTA FE RAILROAD DEPOT (OLD DEPOT MUSEUM)**, 135 W. Tecumseh St., (3-1-73)
Ottawa. **RANSOM, JAMES H., HOUSE**, 318 S. Locust St., (11-21-74)
Ottawa vicinity. **JONES, TAY, HOUSE**, 3 mi. NE of Ottawa on Tany Creek, (6-19-72)
Williamsburg vicinity. **SILKVILLE**, 2.5 mi. SW of Williamsburg on U.S. 50, (12-15-72)

geary county
Junction City vicinity. **BOGAN ARCHEOLOGICAL SITE**, (5-17-73)
Junction City vicinity. **FIRST TERRITORIAL CAPITOL**, On KS 18 in Fort Riley Military Reservation, (12-2-70) HABS.
Junction City vicinity. **MAIN POST AREA, FORT RILEY**, NE of Junction City on KS 18, (5-1-74)
Junction City vicinity. **WETZEL, CHRISTIAN, CABIN**, About 2 mi. E of Junction City at jct. of I-70 and KS 57, (10-15-73)

graham county
Nicodemus. **NICODEMUS HISTORIC DISTRICT**, U.S. 24, (1-7-76) NHL.

grant county
Ulysses vicinity. **WAGON BED SPRINGS**, 12 mi. S of Ulysses on U.S. 270, (10-15-66) NHL.

greeley county
Tribune. **GREELEY COUNTY COURTHOUSE**, Harper and 3rd Sts., (7-12-76)

greenwood county
Madison. **LONE CONE SITE**, W of Madison, (5-17-76)
Madison vicinity. **CURRY ARCHEOLOGICAL SITE**, (11-20-74)
Severy vicinity. **TWO DUCK SITE**, 5 mi. NE of Severy within limits of Fall River Reservoir, (3-26-75)

harper county
Harper. **OLD RUNNYMEDE CHURCH (ST. PATRICK'S EPISCOPAL CHURCH)**, 11th and Pine Sts., (2-6-73)

harvey county
Halstead vicinity. **WARKENTIN, BERNHARD, HOMESTEAD**, N of Halstead, (2-15-74)
Newton. **CARNEGIE LIBRARY**, 203 Main St., (5-31-74)
Newton. **WARKENTIN HOUSE**, 211 E. 1st St., (1-12-70)
Newton. **WARKENTIN MILL**, 3rd and Main Sts., (1-12-70)
North Newton. **BETHEL COLLEGE ADMINISTRATION BUILDING**, Bethel College campus, (3-16-72)

hedgesman county
Jetmore. **HAUN, T. S., HOUSE**, Main St., (1-18-73)

jackson county
Holton. **STATE BANK OF HOLTON**, 4th and Pennsylvania Ave., (11-9-77)
Whiting. **SHEDD AND MARSHALL STORE**, 3rd and Whiting Sts., (11-25-77)

jefferson county
Oskaloosa. **UNION BLOCK**, SW corner of Delaware and Jefferson Sts., (4-23-73)

jewell county
Mankato. **FIRST NATIONAL BANK**, Commercial and Jefferson Sts., (6-16-76)

johnson county
HILLSDALE ARCHEOLOGICAL DISTRICT, Reference—see Miami County
MAJORS, ALEXANDER, HOUSE, Reference—see Jackson County, MO
Fairway. **SHAWNEE MISSION**, 53rd St. at Mission Rd., (10-15-66) NHL, HABS.
Olathe. **MAHAFFLE, J. B., HOUSE**, 1100 Kansas City Rd., (8-29-77)

kingman county
Kingman. **KINGMAN CITY BUILDING**, Main St. and C Ave., (4-13-72)

kiowa county
Greensburg. **GREENSBURG WELL**, Sycamore St., (2-23-72)

labette county
Dennis vicinity. **BIG HILL ARCHEOLOGICAL DISTRICT**, W of Dennis, (11-23-77)
Parsons. **CARNEGIE LIBRARY**, 17th and Broadway, (4-14-76)

lawrence county
Louisa vicinity. **GARRED HOUSE, CHAPEL, AND BURIAL VAULT**, 9 mi. S of Louisa on U.S. 23, (10-29-75)

leavenworth county
Eastern vicinity. **BIEHLER BARN**, 2.5 mi. N of Easton, (4-11-77)
Fort Leavenworth. **QUARRY CREEK ARCHEOLOGICAL SITE**, (4-23-73)
Lansing vicinity. **LANSING MAN ARCHEOLOGICAL SITE**, SE of Lansing, (3-24-71)
Leavenworth. **ANGELL, A. J., HOUSE**, 714 S. Broadway, (11-17-77)
Leavenworth. **BREWER, DAVID J., HOUSE**, 403 5th Ave., (2-23-72)
Leavenworth. **ESPENSCHIED BUILDING**, 205 S. 5th St., (3-17-72)
Leavenworth. **FORT LEAVENWORTH**, (10-15-66) NHL, HABS.
Leavenworth. **HARVEY, FRED, HOUSE**, 624 Olive St., (4-26-72)
Leavenworth. **NORTH ESPLANADE HISTORIC DISTRICT**, 203-515 N. Esplanade, (12-12-77)
Leavenworth vicinity. **POWERS, DAVID W., HOUSE**, 2 mi. NW of Leavenworth off U.S. 73, (8-30-77)
Linwood vicinity. **HARRIS, SENATOR WILLIAM A., HOUSE**, NW of Linwood on KS 32, (11-5-74)

lincoln county
Lincoln. **LINCOLN COUNTY COURTHOUSE**, 3rd and Lincoln Ave., (7-13-76)

linn county
Mound City. **LINN COUNTY COURTHOUSE**, (7-15-74)

Pleasanton vicinity. **BATTLE OF MINE CREEK SITE**, 2.5 mi. SW of Pleasanton off U.S. 69, (12-12-73)

Trading Post vicinity. **MARAI DES CYGNES MASSACRE SITE**, 5 mi. NE of Trading Post, (6-21-71) NHL.

logan county
Russell Springs. **OLD LOGAN COUNTY COURTHOUSE**, Main St., (2-23-72)

lyon county
Emporia. **SODEN, HALLIE B., HOUSE**, 802 S. Commercial St., (11-9-77)
Emporia. **WHITE, WILLIAM ALLEN, HOUSE**, 927 Exchange St., (5-14-71) NHL
Hartford. **HARTFORD COLLEGIATE INSTITUTE**, SW corner of College and Plumb Aves., (2-23-72)

marion county
Burns. **BURNS UNION SCHOOL**, SW corner Ohio and Main Sts., (3-26-75)
Florence. **HARVEY HOUSE**, 204 W. 3rd St., (8-14-73)
Hillsboro. **PIONEER ADOBE HOUSE (PETER LOEWEN ADOBE HOUSE)**, U.S. 56 and S. Ash St., (3-30-73)
Lost Springs vicinity. **LOST SPRING**, 2.5 mi. W of Lost Springs, (9-30-76)

Marion. **HILL GRADE SCHOOL**, 601 E. Main, (5-28-76)
Marion. **MARION COUNTY COURTHOUSE**, 3rd and Williams Sts., (5-28-76)

Marion vicinity. **MARION ARCHEOLOGICAL DISTRICT**, N and S of Marion, (4-21-76)

Peabody. **OLD PEABODY LIBRARY**, Division and Walnut Sts., (7-2-73)

marshall county
Blue Rapids. **BLUE RAPIDS LIBRARY**, E side of public square, (3-17-72)
Blue Rapids vicinity. **ALCOVE SPRINGS**, 4 mi. N of Blue Rapids, (2-23-72)
Frankfort. **FRANKFORT SCHOOL**, 400 Locust St., (12-27-72)
Frankfort vicinity. **BARRETT SCHOOL-HOUSE**, 4 mi. SW of Frankfort on KS 99, (3-14-73)
Marysville. **KOESTER, CHARLES, HOUSE**, 919 Broadway, (5-12-75)
Marysville. **MARSHALL COUNTY COURTHOUSE**, 1207 Broadway, (11-5-74)
Marysville. **MARYSVILLE PONY EXPRESS BARN**, 108 S. 8th St., (4-2-73)
Marysville vicinity. **HUTCHINSON, PERRY, HOUSE**, 1 mi. NW of Marysville on U.S. 77, (4-13-72)
Oketo. **MOORE, Z. H., STORE**, State and Center Sts., (6-24-76)
Waterville. **POWELL, SAMUEL, HOUSE**, 108 W. Commercial St., (12-27-72)
Waterville. **WEAVER HOTEL**, 126 S. Kansas St., (8-28-75)

mcperson county
Lindsborg. **SMOKEY VALLEY ROLLER MILL**, Mill St., (2-23-72)
Lindsborg. **SWEDISH PAVILION**, Mill St., (3-20-73)
Lindsborg vicinity. **PAINT CREEK ARCHEOLOGICAL SITE**, (6-20-72)
Lindsborg vicinity. **SHARPS CREEK (SWENSON) ARCHEOLOGICAL SITE**, (6-22-72)
McPherson. **MCPHERSON COUNTY COURTHOUSE**, Maple and Kansas Ave., (11-21-76)
McPherson. **MCPHERSON OPERA HOUSE**, 221 S. Main St., (3-16-72)

miami county
Osawatimic. **BROWN, JOHN, CABIN (SAMUEL ADAIR CABIN)**, John Brown Memorial Park, (3-24-71) HABS.

Paola. **MIAMI COUNTY COURTHOUSE**, E of jct. of Miami and Silver Sts., (3-1-73)
Paola vicinity. **HILLSDALE ARCHEOLOGICAL DISTRICT**, NW of Paola, (5-12-77) (also in Johnson County)

mitchell county
Beloit. **HART, F. H., HOUSE**, 304 E. Main St., (1-29-73)

Beloit. **MITCHELL COUNTY COURTHOUSE**, Main St. and Hersey Ave., (11-23-77)

Beloit. **PERDUE, C. A., HOUSE**, 422 W. 8th St., (12-12-76)

Beloit. **ST. JOHN THE BAPTIST CATHOLIC CHURCH**, 701 E. Court St., (4-14-75)
Cawker City. **OLD CAWKER CITY LIBRARY**, 7th and Lake Sts., (3-7-73)
Glen Elder. **NORRIS, E. W., SERVICE STATION**, Market and Main Sts., (12-12-76)

montgomery county
Coffeyville. **BROWN, W. P., MANSION, S.** Walnut and Eldridge Sts., (12-12-76)
Coffeyville. **CONDON NATIONAL BANK**, 811 Walnut St., (1-12-73)

Independence vicinity. **INFINITY ARCHEOLOGICAL SITE**, (3-24-71)

morris county
Council Grove. **COUNCIL GROVE HISTORIC DISTRICT**, (10-15-66) NHL, HABS.
Council Grove. **COUNCIL GROVE NATIONAL BANK**, 130 W. Main, (6-3-76)
Council Grove. **FARMERS AND DROVERS BANK**, 201 W. Main St., (6-21-71)

Council Grove. **HAYS, SETH, HOUSE**, 203 Wood St., (9-25-75)
Council Grove. **LAST CHANCE STORE**, 500 W. Main St., (6-21-71)

Council Grove. **OLD KAW MISSION**, 500 N. Mission St., (3-24-71)
Council Grove vicinity. **YOUNG, WILLIAM, ARCHEOLOGICAL SITE**, N of Council Grove off KS 177, (2-24-71)

Wilsey vicinity. **DIAMOND SPRING**, 6 mi. W of Wilsey, (9-30-76)

nemaha county
Sabetha vicinity. **OLD ALBANY SCHOOL-HOUSE**, 2 mi. N of Sabetha, (4-13-72) HABS.

neosho county
Chanute vicinity. **AUSTIN BRIDGE**, SE of Chanute at Neosho River, (9-15-77)

ness county
Beeler vicinity. **CARVER, GEORGE WASHINGTON, HOMESTEAD SITE**, 1.5 mi. S of Beeler, (11-23-77)
Ness City. **NESS COUNTY BANK**, Main St. and Pennsylvania Ave., (2-23-72)

osage county
Melvern vicinity. **COW-KILLER ARCHEOLOGICAL SITE**, W of Melvern, (6-24-75)

osborne county
Osborne vicinity. **GEODETIC CENTER OF THE U.S.**, 17 mi. SE of Osborne off U.S. 281 on Meade's Ranch, (10-9-73)

ottawa county
Minneapolis vicinity. **MINNEAPOLIS ARCHEOLOGICAL SITE**, (6-2-72)

NOTICES

pawnee county
Larned vicinity. **FORT LARNED NATIONAL HISTORIC SITE**, 6 mi. W of Larned on U.S. 156, (10-15-66)

Larned vicinity. **LEWIS SITE**, SW of Larned off U.S. 56, (5-3-76)

pottawatomie county
Belvue vicinity. **VERMILLION CREEK CROSSING, OREGON TRAIL**, NW of Belvue, (3-10-75)

Olsburg. **COFFEY SITE**, N of Olsburg, (4-11-77)

Onaga vicinity. **VERMILLION CREEK ARCHEOLOGICAL DISTRICT**, Vermillion River and drainage pattern from Onaga S to its confluence with the Kansas River, (3-10-75)

St. Mary's vicinity. **POTTAWATOMIE INDIAN PAY STATION**, E of city limits on Mission St., near St. Mary's College campus, (4-13-72)

Wamego. **OLD DUTCH MILL (SCHONHOFF MILL)**, Wamego City Park, (1-8-73)

pratt county
Pratt vicinity. **PRATT ARCHEOLOGICAL SITE**, W of Pratt, (4-13-72)

republic county
Republic vicinity. **PAWNEE INDIAN VILLAGE SITE**, On KS 266 and the Republican River, (5-14-71)

rice county
Geneseo vicinity. **TOBIAS-THOMPSON COMPLEX**, 4 mi. SE of Geneseo, (10-15-66) NHL

Lyons vicinity. **MALONE ARCHEOLOGICAL SITE**, (6-26-72)

Saxman vicinity. **SAXMAN SITE**, S of Saxman, (5-3-76)

Sterling. **COOPER HALL (COOPER MEMORIAL COLLEGE)**, N. Broadway Ave., (5-3-74)

riley county
Manhattan. **GOODNOW HOUSE**, 2301 Claflin Rd., (2-24-71) G.

rush county
La Crosse. **RUSH COUNTY COURTHOUSE**, 715 Elm St., (4-13-72)

russell county
Lucas. **GARDEN OF EDEN**, 2nd and Kansas Ave., (4-28-77)

saline county
Brookville. **BROOKVILLE HOTEL (CENTRAL HOTEL)**, Perry St., (1-7-72)
Salina. **PRESCOTT, JOHN H., HOUSE**, 211 W. Prescott Ave., (5-17-76)

Salina. **SCHWARTZ, A. J., HOUSE**, 636 E. Iron St., (4-13-73)

Salina vicinity. **WHITEFORD (PRICE) SITE**, 3 mi. E of Salina, (10-15-66) NHL.

scott county
Scott City vicinity. **EL CUARTELEJO**, 12 mi. N of Scott City, Scott County State Park, (10-15-66) NHL.

sedgwick county
Wichita. **ALLEN, HENRY J., HOUSE (ARTHUR W. KINCADE HOUSE)**, 255 N. Roosevelt St., (3-7-73)

Wichita. **ARKANSAS VALLEY LODGE NO. 21, PRINCE HALL MASONS**, 615 N. Main St., (8-24-77)

Wichita. **CAMPBELL, B. H., HOUSE**, 1155 N. River Blvd., (4-13-73)

Wichita. **CAREY HOUSE (EATON HOTEL)**, 525 E. Douglas Ave., (4-13-72)

Wichita. **HILLSIDE COTTAGE**, 303 Circle Dr., (11-21-76)

Wichita. **OLD SEDGWICK COUNTY COURTHOUSE**, 504 N. Main St., (5-14-71)

Wichita. **ROCK ISLAND DEPOT**, 729 E. Douglas St., (4-23-73)

Wichita. **SCOTTISH RITE TEMPLE (YMCA BUILDING)**, NW corner of 1st St. at Topeka, (5-5-72)

Wichita. **UNIVERSITY HALL, FRIENDS UNIVERSITY**, 2100 University Ave., (2-24-71) G.

Wichita. **WICHITA CITY HALL**, 204 S. Main St., (5-14-71) G.

shawnee county

Dover. **SAGE INN**, 57th St. and Douglas Rd., (10-8-76)

Topeka. **CENTRAL NATIONAL BANK**, 701-703 Kansas Ave., (7-19-76)

Topeka. **COLUMBIAN BUILDING**, 112-114 W. 6th St., (9-5-75)

Topeka. **CRAWFORD BUILDING**, 501 Jackson St., (8-22-75)

Topeka. **CURTIS, CHARLES, HOUSE**, 1101 Topeka Ave., (1-25-73)

Topeka. **DAVIES BUILDING**, 725-727 Kansas Ave., (9-15-77)

Topeka. **HICKS BLOCK**, 600 W. 6th Ave., (11-9-77)

Topeka. **KANSAS STATE CAPITOL**, Bound by 8th and 10th Aves. and Jackson and Harrison Sts., (9-3-71)

Topeka. **MEMORIAL BUILDING**, 120 W. 10th Ave., (7-17-75)

Topeka. **MENNINGER CLINIC BUILDING**, 3617 W. 6th Ave., (2-13-75)

Topeka. **POTTAWATOMIE BAPTIST MISSION BUILDING AND SITE**, Off W. 6th St., 0.5 mi. W of Wanamaker Rd., (2-28-73) G.

Topeka. **ST. JOSEPH'S CATHOLIC CHURCH**, 235 Van Buren St., (2-24-71)

Topeka. **THACHER BUILDING**, 110 E. 8th St., (3-31-75)

Topeka. **WARD-MEADE HOUSE**, 124 N. Fillmore, (11-12-75)

smith county

Smith Center vicinity. **"HOME ON THE RANGE" CABIN**, 11 mi. NW of Smith Center off KS 8, (3-26-73)

sumner county

Argonia. **SALTER HOUSE**, 220 W. Garfield St., (9-3-71)

Caldwell vicinity. **BURESH ARCHEOLOGICAL SITE**, NW of Caldwell on SR 299, (5-14-71)

thomas county

Colby. **THOMAS COUNTY COURTHOUSE**, 300 N. Court, (11-21-76)

wabaunsee county

Wabaunsee. **BEECHER BIBLE AND RIFLE CHURCH**, SE corner of Chapel and Elm Sts., (2-24-71) HABS.

wallace county

Wallace. **POND CREEK STATION**, E of Wallace on U.S. 40, (2-23-72)

washington county

Hanover vicinity. **HOLLENBERG PONY EXPRESS STATION (COTTONWOOD PONY EXPRESS STATION)**, 1.5 mi E of Hanover, (10-15-66) NHL.

wilson county
Neodesha. **NORMAN NO. 1 OIL WELL SITE**,
E. Mill St., (8-28-74)

wyandotte county
Kansas. **WHITEFEATHER SPRING**, 3818
Ruhly Ave., (8-27-75)
Kansas City. **HURON CEMETERY**, On Min-
nesota Ave., between 6th and 7th Sts., (9-3-
71)
Kansas City. **ROSEDALE WORLD WAR I**
MEMORIAL ARCH, Mt. Marty Park, near
Booth and Drexel Sts., (8-2-77)
Kansas City. **SAUER CASTLE**, 945 Shawnee
Dr., (8-2-77)
Kansas City. **ST. AUGUSTINE HALL**
(**MATHER HALL**), 3301 Parallel Ave., (2-
24-71)
Kansas City. **TROWBRIDGE ARCHEOLOGICAL**
SITE, Between 61st and 63rd St., N of
May Lane and Leavenworth St., (2-24-71)
Kansas City. **WESTHEIGHT MANOR DIS-**
TRICT, Bounded roughly by 18th and 24th
Sts., Oakland and State Aves., (3-26-75)
Muncie. **GRINTER PLACE**, 1420 S. 78th St.,
(1-25-71) g.

KENTUCKY

adair county
Columbia. **ADAIR COUNTY COURTHOUSE**,
500 Public Sq., (8-27-74)
Columbia. **TRABUE, DANIEL, HOUSE**, 299
Jamestown St., (12-16-74)
Columbia vicinity. **ZION MEETINGHOUSE**
AND SCHOOL, SE of Columbia on KY 55,
(5-13-76)

anderson county
Lawrenceburg. **KAVANAUGH ACADEMY**,
241 E. Woodford St., (9-19-73)
Lawrenceburg vicinity. **CROSSFIELD, R. H.,**
HOUSE, SW of Lawrenceburg off Anderson
City Rd., (6-11-75)
Lawrenceburg vicinity. **MCBRAYER-CLARK**
HOUSE, N of Lawrenceburg on KY 326,
(9-19-73)
Lawrenceburg vicinity. **OLD WASH PLACE**, 9
mi. W of Lawrenceburg at jct. of U.S. 62
and KY 53, (6-11-75) g.

barren county
Glasgow. **FORT WILLIAMS (FORT HOB-**
SON), Between Glasgow Municipal Ceme-
tery and U.S. 31E Bypass, (6-10-75) g.

bath county
Owingsville vicinity. **BOURBON IRON**
WORKS (SLATE FURNACE), 2.6 mi. S of
Owingsville on KY 36, (9-1-76)

bell county
Middlesboro vicinity. **CUMBERLAND GAP**
NATIONAL HISTORICAL PARK, Along
U.S. 58, (10-15-66) (also in Claiborne
County, TN, and Lee County, VA)

boone county
Burlington. **CHAMBERS, ROBERT, HOUSE**,
301 E. Bend Rd., (10-10-75)
Burlington vicinity. **PLATT'S LANDING**, S of
Burlington of KY 338, (7-18-74)
Union. **HIG BONE LICK STATE PARK**, Rte.
1, (3-11-71)

bourbon county
Millersburg. **MCKEE-VIMONT ROW**
HOUSES, Main St., (9-9-75)
Millersburg vicinity. **COLVILLE COVERED**
BRIDGE, 4 mi. NW of Millersburg over
Hinkson Creek, (12-30-74)

NOTICES

Paris. **ALLEN-ALEXANDER HOUSE**
(**ALBEMARLE**), Off U.S. 68 near jct. with
U.S. 460, (7-24-75)
Paris. **BOURBON COUNTY COURTHOUSE**,
Courthouse Sq., (12-31-74) g.

Paris. **DUNCAN TAVERN**, 323 High St., (4-
11-73)
Paris. **EADES TAVERN (ROBERT TRIMBLE**
HOUSE), 421 High St., (10-2-73)
Paris. **PARIS RAILROAD DEPOT**, Between
10th St. and Winchester Pike, (4-11-73)
Paris vicinity. **AIRY CASTLE (G. W. HOWEN**
HOUSE), 8 mi. NE of Paris on LaRue Rd.,
(11-7-76)
Paris vicinity. **GRANGE, THE**, 4 mi. N of
Paris on U.S. 68, (4-11-73)
Paris vicinity. **KISER STATION**, N of Paris on
Peacock Rd., (12-12-77)
Paris vicinity. **WRIGHT, CAPT. JAMES,**
HOUSE AND CABIN, 1 mi. SW of Paris on
U.S. 27/68, (10-8-76)

boyd county
Ashland. **FIRST PRESBYTERIAN CHURCH**,
1600 Winchester Ave., (6-19-73)
Ashland. **INDIAN MOUNDS IN CENTRAL**
PARK, Central Park, Carter Ave., (1-21-74)
Ashland. **PARAMOUNT THEATRE**, 1304
Winchester Ave., (6-30-75) g.
Catlettsburg. **CATLETT HOUSE**
(**BEECHMOOR**), 25th and Walnut Sts., (5-
25-73)
Catlettsburg. **CATLETTSBURG NATIONAL**
BANK, 110 26th St., (5-25-73)
Catlettsburg. **FIRST UNITED METHODIST**
CHURCH, 2712 Louisa St., (11-19-74)
Catlettsburg vicinity. **STONE SERPENT**
MOUND, (1-21-74)

boyle county
Danville. **BOYLE COUNTY COURTHOUSE**,
Main and 4th Sts., (4-11-73)
Danville. **CONSTITUTION SQUARE**
HISTORIC DISTRICT, Bounded by Main
and Walnut Sts., 1st and 2nd Sts. (both
sides), (4-2-76)
Danville. **JACOBS HALL, KENTUCKY**
SCHOOL FOR THE DEAF, S. 3rd St., (10-
15-66) NHL.
Danville. **MCCLURE-BARBEE HOUSE**, 304
S. 4th St., (3-7-73)
Danville. **MCDOWELL, DR. EPHRAIM,**
HOUSE, 125-127 S. 2nd St., (10-15-66)
NHL, HABS.
Danville. **OLD CENTRE, CENTRE COL-**
LEGE, W. Walnut St., Centre College cam-
pus, (8-25-72)
Danville. **TODD-MONTGOMERY HOUSES**,
229, 243, 251, and 305 N. 3rd St., (3-26-
76)
Danville. **TRINITY EPISCOPAL CHURCH**,
320 W. Main St., (9-15-77)
Danville and vicinity. **THREE GOTHIC VIL-**
LAS, NW of Danville off U.S. 127, 525
Maple Ave., and S of Danville off KY 35,
(7-20-77)
Danville vicinity. **CAMBUS-KENNETH**, 3 mi.
NW of Danville off U.S. 127, (11-17-77)
Danville vicinity. **HARLAN'S STATION SITE**,
5 mi. W of Danville on Salt River Rd., (10-
21-76)
Danville vicinity. **WAVELAND (WILLIS**
GREEN HOUSE), S of Danville on
Houstonville Pike, (5-6-76)
Perryville. **PERRYVILLE HISTORIC DIS-**
TRICT, (10-25-73) g.

Perryville vicinity. **BOTTOM, H.P., HOUSE**,
NW of Perryville on old Mackville Rd., (1-
1-76)
Perryville vicinity. **CRAWFORD HOUSE**
(**BRAGG'S CONFEDERATE HEADQUAR-**

TERS), NE of Perryville off U.S. 68, (1-1-
76)
Perryville vicinity. **PERRYVILLE BAT-**
TLEFIELD, W of Perryville on U.S. 150,
(10-15-66) NHL.

bracken county
Augusta. **WATER STREET (RIVER SIDE**
DRIVE) HISTORIC DISTRICT, River Side
Dr. from property E of Frankfort St. W to
include property W of Ferry St., (9-24-75)
Augusta vicinity. **WINE CELLAR**, S of Au-
gusta on KY-1839, (12-30-74)
Brooksville vicinity. **WALCOTT COVERED**
BRIDGE, 3.5 mi. N of Brooksville on SR
1159 over Locust Creek, (6-10-75)

breckinridge county
Addison vicinity. **HOLT, JOSEPH, HOUSE**
AND CHAPEL, SE of Addison on KY 144,
(7-12-76)

bullitt county
Shepherdsville vicinity. **ASHWORTH ROCK**
SHELTERS SITE, N of Shepherdsville off
U.S. 65, (9-11-75)

caldwell county
Princeton. **ADSMORE**, 304 N. Jefferson St.,
(10-25-73)
Princeton. **FLOURNOY-HENRY HOUSE**,
221 E. Main St., (7-19-76)

calloway county
Murray. **DIUGUID, EDWIN S., HOUSE**, 601
W. Main St., (5-17-76)
Murray. **OLD NORMAL SCHOOL BUILD-**
ING, ADMINISTRATION BUILDING,
Murray State University campus, (6-11-75)
murray vicinity. **SECLUSAYAL (HAMLIN**
HOUSE), 8 mi. E of Murray on KY 614, (6-
10-75)
New Concord vicinity. **FORT HEIMAN SITE**,
1.6 mi. SE of New Concord off Fort Heiman
Rd., (12-12-76)

campbell county
Bellevue. **SACRED HEART CHURCH**, 337
Taylor Ave., (8-13-74)
Newport. **BELLEVUE (GEN. JAMES**
TAYLOR HOUSE), 335 E. 3rd St., (4-22-
76)
Newport. **JONES, THOMAS AND MARY,**
HOUSE (MOUNT ST. MARTIN), 15th and
Monmouth Sts., (1-17-76)
Newport. **SOUTHGATE-PARKER-MADDUX**
HOUSE, 24 E. 3rd St., (8-29-77)

carters county
Arlington. **NEVILLE-PATTERSON-LAMKIN**
HOUSE, KY 80, (6-16-76)
Bardwell. **ILLINOIS CENTRAL RAILROAD**
STATION AND FREIGHT DEPOT, Front
St., (7-19-76)

carroll county
Carrollton. **BUTLER, GEN. WILLIAM O.,**
HOUSE, Highland Ave., (5-28-76)
Carrollton. **MASTERSON, RICHARD,**
HOUSE, E of jct. of U.S. 227 and U.S. 42,
(7-1-75)
Carrollton. **TURPIN HOUSE**, Butler State
Park off 11th St., (12-2-77)
Carrollton vicinity. **HUNTER'S BOTTOM**
HISTORIC DISTRICT, W of Carrollton, (8-
11-76) (also in Trimble County)
Ghent vicinity. **GRASS HILLS (SANDERS**
FARM), 5 mi. SE of Ghent on KY 47 at I
71, (8-22-75)

carter county
Grayson vicinity. **KITCHEN, VAN, HOUSE**, S
of Grayson off KY 7, (5-2-74) HABS.

casey county
Liberty. **CASEY COUNTY COURTHOUSE**,
Courthouse Sq., (8-29-77)

christian county
Hopkinsville. **HOPKINSVILLE L & N RAIL-**
ROAD DEPOT, 425 E. 9th St., (8-1-75)
Hopkinsville vicinity. **CHURCH HILL**
GRANGE HALL, 5.5 mi. SW of Hopkin-
sville on Cox Mill Rd. (KY 695), (8-28-75)
Oak Grove vicinity. **CEDAR GROVE**, E of
Oak Grove off KY 115, (11-17-77)

clark county
Winchester. **BROWN-PROCTORIA HOTEL**,
Main St. and Lexington Ave., (7-29-77)
Winchester. **CLARK COUNTY**
COURTHOUSE, Main St., (8-7-74)
Winchester. **CLARK, GOV. JAMES A., MAN-**
SION (HOLLY ROOD), Burns Ave. and
Belmont St., (6-13-74) g.
Winchester vicinity. **VINEWOOD**, 4 mi. NE of
Winchester on U.S. 60, (8-12-77)
Winchester vicinity. **PROVIDENCE BAPTIST**
CHURCH, 6 mi. SW of Winchester off KY
627, (5-13-76)

daviess county
Owensboro. **GRIMES, FELIX, HOUSE**, 1301
Leitchfield Rd., (6-18-75)
Owensboro. **HAPHAZARD (MASON-**
TRIPLET-BELL HOUSE), Pleasant Valley
Rd., (8-22-75)
Owensboro. **SMITH, MAJOR HAMPDEN,**
HOUSE, 909 Frederica St., (9-28-76)
Owensboro. **TRINITY EPISCOPAL CHURCH**,
403 W. 5th St., (4-10-72)

edmonson county
Mammoth Cave. **HERCULES AND COACH**
NO. 2, Off KY 70 in Mammoth Cave Na-
tional Park, (10-10-75)

estill county
Fitchburg. **RED RIVER IRON FURNACE**,
KY 975, in Daniel Boone National Forest,
(5-17-74)
Irvine vicinity. **COTTAGE IRON FURNACE**,
7 mi. NE of Irvine in Daniel Boone National
Forest, (9-20-73)

fayette
Lexington. **FLORAL HALL**, 847 S. Broadway,
(8-29-77)

fayette county
Lexington. **ASHLAND (HENRY CLAY**
HOUSE), 2 mi. SE of Lexington on
Richmond Rd., (10-15-66) NHL.
Lexington. **BARTON, ABRAHAM, HOUSE**,
200 N. Upper St., (8-26-77)
Lexington. **BOTHERUM (MADISON C.**
JOHNSON HOUSE), 341 Madison Pl., (3-
7-73) HABS.
Lexington. **BRAND-BARROW HOUSE**, 203
E. 4th St., (8-11-76)
Lexington. **CHRIST CHURCH EPISCOPAL**,
Church and Market Sts., (10-21-76)
Lexington. **CLAY, HENRY, LAW OFFICE**,
176 N. Mill St., (3-11-71)
Lexington. **ELSMERE PARK HISTORIC DIS-**
TRICT, Off N. Broadway, between W. 6th
and 7th Sts., (4-26-76)
Lexington. **EPISCOPAL BURYING GROUND**
AND CHAPEL, 251 E. 3rd St., (6-24-76)
Lexington. **FIRST PRESBYTERIAN**
CHURCH, 174 N. Mill St., (12-30-74)
Lexington. **GRATZ PARK HISTORIC DIS-**
TRICT, Bounded by 2nd and 3rd Sts., the
Byway, and Bark Alley, (3-14-73) g.
Lexington. **HIGGINS BLOCK**, 145-151 W.
Main St., (8-12-77)

Lexington. **HIGHLAND HALL**, 6208
Richmond Rd., (12-16-77)
Lexington. **JANUARY, THOMAS, HOUSE**,
437 W. 2nd St., (12-27-74)
Lexington. **KENNEDY, MATTHEW, HOUSE**,
216 N. Limestone St., (6-19-73)
Lexington. **LEMON, JAMES, HOUSES**,
329-331 S. Mill St., (11-21-74)
Lexington. **LEXINGTON CEMETERY AND**
HENRY CLAY MONUMENT, 833 W. Main
St., (7-12-76)
Lexington. **LINCOLN, MARY TODD,**
HOUSE, 574 W. Main St., (8-12-71)
Lexington. **LOUDOUN HOUSE**, Corner of
Bryan Ave. and Castlewood Dr., (2-6-73) g.
Lexington. **MCADAMS AND MORFORD**
BUILDING, 200-210 W. Main St., (10-25-
73) g.
Lexington. **MCCONNELL SPRINGS**, Old
Frankfort Pike, (1-17-76)
Lexington. **MCGARVEY, DR. JOHN, HOUSE**,
362 S. Mill St., (5-15-74)
Lexington. **MCPHEETERS, CHARLES,**
HOUSE, 352 S. Mill St., (5-15-74)
Lexington. **MONSIEUR GIRON'S CONFEC-**
TIONARY, 125 N. Mill St., (12-27-74)
Lexington. **MOORE-REDD-FRAZER**
HOUSE (MALVERN HILL), Georgetown
Pike, (10-21-76)
Lexington. **MORTON, WILLIAM, HOUSE**,
518 Limestone St., (6-10-75)
Lexington. **OLD MORRISON, TRANSYL-**
VANIA COLLEGE, W. 3rd St. between
Upper St. and Broadway, (10-15-66) NHL;
HABS.
Lexington. **OPERA HOUSE AND YATES**
BOOKSHOP BUILDING, 141 and 145 N.
Broadway, (6-11-75)
Lexington. **POINDEXTER, WILLIAM,**
HOUSE, 359 S. Mill St., (5-15-74)
Lexington. **RIDGELY HOUSE**, 190 Market
St., (5-7-73)
Lexington. **ROSE HILL**, 461 N. Limestone
St., (12-30-74)
Lexington. **SCOTT AND WILSON HOUSES**
DISTRICT, 324, 328, 330, 336 S. Mill St.,
(12-31-74)
Lexington. **TROTTER'S WAREHOUSE**,
122-124 S. Mill St., (6-18-76)
Lexington. **WATT, HENRY, HOUSE**, 703 W.
High St., (12-16-77)
Lexington. **WESTERN SUBURB HISTORIC**
DISTRICT, Irregular pattern along W. Short
St. from Saunter to KY 922, (6-18-76)
Lexington. **WOODSTOCK**, Todds Rd., (5-12-
75)

Lexington. **WORLEY, ALLEN, AND**
FOUSHEE HOUSES, 355, 361, and 367 S.
Broadway, (1-20-76)
Lexington vicinity. **ELAM MOUND**
ARCHEOLOGICAL SITE, N of Lexington,
(10-10-75)
Lexington vicinity. **FAIRLAWN**
(**GREENTREE**), 6 mi. NE of Lexington on
U.S. 68, (10-14-76)
Lexington vicinity. **HURRICANE HALL**
(**QUARLES-THOMSON HOUSE**), N of
Lexington off U.S. 25, (4-22-76)
Lexington vicinity. **LEWIS MANOR**, NW of
Lexington on Viley Rd., (4-26-76)
Lexington vicinity. **MT. HOREB**
EARTHWORKS, UNIT A, N of Lexington,
(10-10-75)
Lexington vicinity. **PARIS PIKE HISTORIC**
DISTRICT, NE of Lexington, both sides of
U.S. 27/68, (5-16-77)
Lexington vicinity. **SHADY SIDE**, 4 mi. E of
Lexington on U.S. 68, (11-7-76)
Lexington vicinity. **WALNUT HILL**
PRESBYTERIAN CHURCH, E of Lexington
off U.S. 25/421, (5-7-73)

Lexington vicinity. **WAVELAND (JOSEPH**
BRYAN HOUSE), 5 mi. S of Lexington off
U.S. 27, (8-12-71)
Lexington vicinity. **WOODLAND (HART-**
FEATHERSTON HOUSE), 1 mi. E of Lex-
ington on Squires Rd. off U.S. 421, (8-28-
75)

fleming county
Elizaville. **ELIZAVILLE PRESBYTERIAN**
CHURCH, KY 32, (6-17-77)
Elizaville vicinity. **SOUSLEY, FRANKLIN R.,**
BIRTHPLACE, 4 mi. SW of Elizaville on
KY 170, (12-31-74)
Flemingsburg. **FIRST PRESBYTERIAN**
CHURCH, W. Main and W. Water Sts., (8-
12-77)
Flemingsburg vicinity. **RINGOS MILL**
COVERED BRIDGE, 13.7 mi. S of Fleming-
sburg on KY 158, (3-26-76)
Goddard. **GODDARD BRIDGE**, Maddox Rd.
at KY 32, (8-22-75)
Goddard. **GODDARD "WHITE" BRIDGE**,
Maddox Rd. at KY 32, (8-22-75)
Hillsboro vicinity. **HILLSBORO COVERED**
BRIDGE, S of Hillsboro on KY 111, (3-26-
76)
Sherburne. **SHERBURNE COVERED**
SUSPENSION BRIDGE, KY 11 at Licking
River, (3-26-76)

floyd county
Prestonsburg. **GARFIELD PLACE, THE**, 2nd
Ave., (12-4-74)

franklin county
Frankfort. **CORNER IN CELEBRITIES**
HISTORIC DISTRICT, (3-11-71) HABS; g.
Frankfort. **FRANKFORT BARRACKS DIS-**
TRICT, Bounded by New, Shelby, and Coke
Sts., and Woodland Ave., (11-20-75)
Frankfort. **FRANKFORT CEMETERY AND**
CHAPEL, 215 E. Main St., (7-12-74)
Frankfort. **GLEN WILLIS**, Leestown Pike, (6-
13-72)
Frankfort. **JACKSON HALL, KENTUCKY**
STATE UNIVERSITY, E. Main St., (4-11-
73)
Frankfort. **KENTUCKY GOVERNOR'S MAN-**
SION, E lawn of the Capitol at end of
Capital Ave., (2-1-72)
Frankfort. **KENTUCKY STATE ARSENAL**,
Main St. at Capital Ave., (4-11-73)
Frankfort. **KENTUCKY STATE CAPITOL**,
Capitol grounds at end of Capital Ave., (4-
13-73)
Frankfort. **LIBERTY HALL**, 218 Wilkinson
St., (11-11-71) NHL, HABS.
Frankfort. **MOREHEAD, GOV. CHARLES S.,**
HOUSE, 217 Shelby St., (12-30-74)
Frankfort. **OLD GOVERNOR'S MANSION**,
420 High St., (3-11-71)
Frankfort. **OLD STATEHOUSE**, On Broad-
way, bounded by Madison, Clinton, and
Lewis Sts., (3-11-71) NHL; HABS; g.
Frankfort. **OLD U.S. COURTHOUSE AND**
POST OFFICE, 305 Wapping St., (7-3-74)
Frankfort. **ZEIGLER, REV. JESSE R.,**
HOUSE, 509 Shelby St., (5-3-76)
Frankfort vicinity. **BLANTON-CRUTCHER**
FARM, 5 mi. SE of Frankfort off U.S. 60,
(10-29-75)
Frankfort vicinity. **SCOTLAND (SCOTT-**
MASON-TAYLOR HOUSE), 5 mi. E of
Frankfort on Versailles Rd., (12-12-76)
Frankfort vicinity. **STEWART HOME**
SCHOOL (KENTUCKY MILITARY IN-
STITUTE), 5.5 mi. S of Frankfort on U.S.
127, (6-3-76)
Frankfort vicinity. **TRUMBO, ANDREW, LOG**
HOUSE, E of Frankfort on Glenss Creek
Rd., (11-17-77)

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Frankfort vicinity. **VALLEY FARM RUINS** (MARSHALL-SMITH-SCOTT PLACE), E of Frankfort, (7-24-75)
Harvieland vicinity. **PENN-MARSHALL STONE HOUSE**, E of Harvieland on Stoney Creek Rd. at Kentucky River, (6-5-75)
Jett vicinity. **HEARN, ANDREW, LOG HOUSE AND FARM**, 3 mi. SW of Jett on Hanley Lane, (8-11-76)
Switzer. **SWITZER COVERED BRIDGE**, Off Rocky Branch Rd., over North Elkhorn Creek, (9-6-74)
fulton county
Fulton vicinity. **WHITESSELL, JESSE, HOUSE**, W of Fulton on KY 116, (8-29-77)
Hickman. **FULTON COUNTY COURTHOUSE**, Off KY 94, (4-22-76)
garrard county
Lancaster. **BOYLE-ROBERTSON-LETCHER HOUSE**, 106 W. Maple St., (4-14-75)
Lancaster. **BRADLEY, GOV. WILLIAM O., HOUSE**, Lexington St., (11-5-74)
Lancaster vicinity. **CAMP DICK ROBINSON HEADQUARTERS**, 7 mi. NW of Lancaster on U.S. 27, (12-12-76)
Lancaster vicinity. **FLOYD, JOHN, HOUSE**, NW of Lancaster on Burdett's Knob Rd. off U.S. 27, (8-28-75)
Lancaster vicinity. **NATION, CARRY A, HOUSE**, W of Lancaster on Fisher Ford Rd., (12-16-77)
Lancaster vicinity. **OWSLEY, GOV. WILLIAM, HOUSE (PLEASANT RETREAT)**, 0.5 mi. S of Lancaster on U.S. 27, (5-6-75)
graves county
Fulton vicinity. **MEACHAM MANOR**, 7 mi. E of Fulton off KY 116, (12-31-74)
grayson county
Leitchfield. **THOMAS, JACK, HOUSE**, 108 E. Main St., (4-21-76)
Leitchfield vicinity. **THE CEDARS (BENJAMIN LONE ROGERS HOUSE)**, E of Leitchfield on Ky 1214, (5-17-76)
green county
Greensburg. **GREENSBURG ACADEMY**, 101 2nd St., (12-12-76)
Greensburg. **OLD COURTHOUSE, THE**, Public Sq., (4-10-72) HABS.
greenup county
Greenup vicinity. **BENNETT'S MILL COVERED BRIDGE**, SR 2125 W of Greenup, (3-26-76)
Oldtown vicinity. **OLDTOWN COVERED BRIDGE**, S of Oldtown off KY 1, (3-26-76)
Wurtland vicinity. **MCCONNELL HOUSE, LAW OFFICE, AND SLAVE QUARTERS**, W of Wurtland on U.S. 23, (7-30-75)
hancock county
Hawesville. **HANCOCK COUNTY COURTHOUSE**, Courthouse Sq., (6-18-75) G.
Hawesville. **IMMACULATE CONCEPTION CHURCH**, Water St., (6-18-75)
Hawesville vicinity. **BEAUCHAMP, ROBERT C., HOUSE**, NW of Hawesville on U.S. 60, (7-6-76)
hardin county
Elizabethtown. **BROWN PUSEY HOUSE COMMUNITY CENTER**, 128 N. Maine St., (7-12-74)
Elizabethtown. **FIRST BAPTIST CHURCH**, 112 W. Poplar St., (12-31-74)
Elizabethtown vicinity. **HELM PLACE**, 1.5 mi. N of Elizabethtown on U.S. 31W, (11-9-76)

Elizabethtown vicinity. **LINCOLN HERITAGE HOUSE (HARDIN THOMAS HOUSE)**, N of Elizabethtown on Freeman Lake, (3-26-75)
harrison county
Cynthiana. **HARRISON COUNTY COURTHOUSE**, 100 Main St., (12-6-74)
Cynthiana. **MONTICELLO**, Monticello Heights, (12-31-74)
Cynthiana vicinity. **POPLAR HILL**, E of Cynthiana on KY 32/36, (11-7-76)
henry county
New Castle. **HENRY COUNTY COURTHOUSE, JAIL, AND WARDEN'S HOUSE**, Courthouse Sq., (4-11-77)
hickman county
Clinton. **HICKMAN COUNTY COURTHOUSE**, Court Sq., (9-11-75)
Clinton. **MARVIN COLLEGE BOYS DORMITORY (HOTEL JEWELL) AND PRESIDENT'S HOUSE**, 404 and 416 N. Washington St., (1-2-76)
Columbus. **COLUMBUS-BELMONT BATTLEFIELD STATE PARK**, On U.S. 80, (5-9-73)
hopkins county
Dawson Springs. **HAMBY WELL BUILDING**, 120 S. Main St., (4-19-72)
Madisonville. **LYON, CHITTENDEN P. JR., HOUSE**, 304 Union St., (10-18-76)
jefferson county
Anchorage. **CITIZENS NATIONAL LIFE INSURANCE BUILDING**, 100 Park Rd., (11-11-77)
Anchorage. **HITE-FORRE LOG HOUSE**, 12401 Lucas Lane, (7-30-76)
Eastwood. **LONG RUN BAPTIST CHURCH AND CEMETERY**, Long Run Rd., (8-6-75)
Louisville. **ADATH ISRAEL TEMPLE**, 834 S. 3rd St., (12-31-74)
Louisville. **BUTCHERTOWN HISTORIC DISTRICT**, Roughly bounded by Main, Hancock, Geiger, Quincy Sts., U.S. 42, S. Fork Beargrass Creek, and Baxter Ave., (8-11-76)
Louisville. **CATHEDRAL OF THE ASSUMPTION**, 443 S. 5th St., (9-21-77)
Louisville. **CENTRAL COLORED SCHOOL**, 542 W. Kentucky St., (9-13-76)
Louisville. **CHEROKEE TRIANGLE AREA RESIDENTIAL DISTRICT**, Roughly bounded by Bardstown Rd., Sherwood Rd., Broadway, E to jct of Grinstead Dr. and Cherokee Pkwy., (6-30-76)
Louisville. **CHRIST CHURCH CATHEDRAL**, 421 S. 2nd St., (8-14-73)
Louisville. **CHURCH OF THE MESSIAH (FIRST UNITARIAN CHURCH)**, 805 S. 4th St., (4-21-76)
Louisville. **FARMINGTON**, 3033 Bardstown Rd., (10-18-72) HABS; G.
Louisville. **HIKES-HUNSINGER HOUSE**, 2834 Hikes Lane, (10-10-75)
Louisville. **JEFFERSON COUNTY COURTHOUSE**, 527 W. Jefferson St., (4-10-72)
Louisville. **JEFFERSON COUNTY JAIL**, 514 W. Liberty St., (7-16-73)
Louisville. **L & N STEAM LOCOMOTIVE NO. 152**, 1837 E. River Rd., (12-30-74) G.
Louisville. **LANDWARD HOUSE**, 1385-1387 S. 4th St., (9-20-73)
Louisville. **LITTLE LOOMHOUSES**, 328 Kenwood Hill Rd., (6-30-75)
Louisville. **LOUISVILLE CITY HALL COMPLEX**, 601, 603, 617 W. Jefferson St., (9-1-76)

Louisville. **LOUISVILLE FREE PUBLIC LIBRARY, WESTERN COLORED BRANCH**, 604 S. 10th St., (12-6-75)
Louisville. **LOUISVILLE TRUST BUILDING**, 208 S. 5th St., (4-18-77)
Louisville. **LOUISVILLE WAR MEMORIAL AUDITORIUM**, 970 S. 4th St., (12-27-77)
Louisville. **LOUISVILLE WATER COMPANY PUMPING STATION**, Zorn Ave., (11-11-71) NHL; HABS.
Louisville. **MUNICIPAL COLLEGE CAMPUS (SIMMONS UNIVERSITY)**, 1018 S. 7th St., (11-21-76)
Louisville. **OLD LOUISVILLE RESIDENTIAL DISTRICT**, Irregular pattern roughly bounded by S. 7th St. on W. North-South Expwy. on E. Kentucky St. on N. and Avery St. on S., (2-7-75) G.
Louisville. **OLD U.S. CUSTOMSHOUSE AND POST OFFICE**, 300 W. Liberty St., (11-23-77)
Louisville. **OXMOOR**, 7500 Shelbyville Rd., (7-13-76)
Louisville. **PETERSON-DUMESNIL HOUSE**, 310 S. Peterson Ave., (10-31-75)
Louisville. **RIDGEWAY**, 4095 Massie Ave., (4-11-73)
Louisville. **RONALD-BRENNAN HOUSE**, 631 S. 5th St., (8-11-75) HABS.
Louisville. **BELLE OF LOUISVILLE**, Carrie Gaubert Cox Park, 3700 Upper River Rd., (4-10-72)
Louisville. **SEELBACH HOTEL**, 500 S. 4th St., (8-12-75)
Louisville. **SOUTHERN NATIONAL BANK (OLD BANK OF LOUISVILLE)**, 320 W. Main St., (8-12-71) NHL; HABS.
Louisville. **SPRING STATION**, 3241 Trinity Rd., (12-12-77)
Louisville. **ST. JAMES-BELGRAVIA HISTORIC DISTRICT (SOUTHERN EXPOSITION SITE)**, (12-5-72)
Louisville. **ST. THERESE ROMAN CATHOLIC CHURCH, SCHOOL, AND RECTORY**, 1010 Schiller Ave., (7-28-75)
Louisville. **STANDIFORD FIELD/KENTUCKY AIR NATIONAL GUARD ARCHEOLOGICAL SITE (DUCK CREEK BRANCH)**, N end of Grade Lane, (9-12-72)
Louisville. **TAYLOR, ZACHARY, HOUSE (SPRINGFIELD)**, 5608 Apache Rd., (10-15-66) NHL; HABS; G.
Louisville. **TOMPKINS-BUCHANAN HOUSE**, 851 S. 4th St., (4-27-77)
Louisville. **TRADE MART BUILDING (LOUISVILLE AND NASHVILLE RAILROAD OFFICE)**, 131 W. Main St., (5-25-73)
Louisville. **TYLER-MULDOON HOUSE**, 132 E. Gray St., (7-20-77)
Louisville. **UNION STATION**, 1000 W. Broadway, (8-11-75) HABS.
Louisville. **UNIVERSITY OF LOUISVILLE BELKNAP CAMPUS**, 2301 S. 3rd St., (6-25-76)
Louisville. **UNIVERSITY OF LOUISVILLE SCHOOL OF MEDICINE**, 101 W. Chestnut St., (7-30-75) HABS.
Louisville. **WEISSINGER-GAULBERT APARTMENTS**, 709 S. 3rd St., (12-12-77)
Louisville. **WEST MAIN STREET HISTORIC DISTRICT**, W. Main St., (3-22-74) G.
Louisville. **Y.M.C.A. BUILDING**, 227-229 W. Broadway, (12-16-77)
Louisville vicinity. **EIGHT-MILE HOUSE**, N of Louisville on Shelbyville Rd., (3-26-76)
Louisville vicinity. **LOCUST GROVE**, 561 Blankenbaker Lane, (3-11-71)
Middletown. **CHENOWETH FORT-SPRINGHOUSE**, Avoca Rd., (7-1-75)

Middletown. **HEAD HOUSE**, Main St., (6-28-74)
jessamine county
Nicholasville. **BROWN, GEORGE I., HOUSE**, 206 Linden Lane, (12-2-77)
Nicholasville vicinity. **CHAUMIERE DES PRAIRIES**, N of Nicholasville off U.S. 68, (9-25-75)
Nicholasville vicinity. **FORT BRAMLETTE**, 7 mi. S of Nicholasville off U.S. 27 at Kentucky River, (6-13-75)
johnson county
Oil Springs vicinity. **BLANTON ARCHEOLOGICAL SITE**, N of Oil Springs, (7-30-75)
Oil Springs vicinity. **SPARKS SHELTER ARCHEOLOGICAL SITE**, NE of Oil Springs on W side of Paint Creek, (7-30-75)
Paintsville. **MAYO, JOHN C. C., MANSION AND OFFICE**, 3rd St., (5-3-74)
Paintsville. **STAFFORD, FRANCIS M., HOUSE**, 102 Broadway, (10-29-75)
Paintsville vicinity. **DAMERON SHELTER ARCHEOLOGICAL SITE**, W of Paintsville, (8-1-75)
Paintsville vicinity. **DAVIS, DANIEL, HOUSE**, NW of Paintsville on U.S. 460, (10-9-74)
kenton county
Covington. **BEARD, DANIEL CARTER, BOYHOOD HOME**, 322 E. 3rd St., (10-15-66) NHL.
Covington. **CATHEDRAL BASILICA OF THE ASSUMPTION**, 1130 Madison Ave., (7-20-73)
Covington. **COVINGTON AND CINCINNATI SUSPENSION BRIDGE**, Spans Ohio River between Covington, KY and Cincinnati, OH, (5-15-75) NHL. (also in Hamilton County, OH)
Covington. **HEARNE HOUSE**, 500 Garrard St., (6-24-74)
Covington. **KENTON COUNTY LIBRARY (CARNEGIE LIBRARY AND AUDITORIUM BUILDING)**, 1028 Scott St., (10-31-72)
Covington. **LICKING RIVERSIDE HISTORIC DISTRICT**, roughly bounded by 4th, Scott, 8th Sts., and the Licking River, (7-30-75)
Covington. **MOTHER OF GOD ROMAN CATHOLIC CHURCH**, 119 W. 6th St., (7-24-73) G.
Covington. **RIVERSIDE DRIVE HISTORIC DISTRICT**, Bounded on the N by Riverside Dr., the S by 4th St., the E by Licking River, and the W by the alley between Greenup and Garrard Sts., (11-23-71) G.
Ludlow. **ELMWOOD HALL (THOMAS CARNEAL HOUSE)**, 244-246 Forrest Ave., (8-7-72)
knott county
Hindman vicinity. **STEWART, DR. JASPER, HOUSE**, 5.75 mi. of Hindman, (4-18-77)
knox county
Barboursville. **OLD CLASSROOM BUILDING, UNION COLLEGE**, College St., (5-30-75) G.
Barboursville. **OWENS HOUSE**, 335 Knox St., (6-18-75)
larue county
Hodgenville. **HODGENVILLE CHRISTIAN CHURCH**, 100 W. Main St., (12-20-77)
Hodgenville vicinity. **ABRAHAM LINCOLN BIRTHPLACE NATIONAL HISTORIC SITE**, 3 mi. S of Hodgenville, (10-15-66)

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laurel county
London. **FEDERAL BUILDING-COURTHOUSE**, Main and 3rd Sts., (8-19-74)
lawrence county
Fallsburg vicinity. **EAST FORK COVERED BRIDGE**, NW of Fallsburg over East Fork of Little Sandy River off KY 3, (3-26-76)
Fallsburg vicinity. **YATESVILLE COVERED BRIDGE**, S of Fallsburg over Blaine Creek off KY 3, (3-26-76)
Louisia. **VINSON, FRED M., BIRTHPLACE**, E. Madison and Vinson Blvd., (9-4-74)
Louisia vicinity. **GARRED HOUSE, CHAPEL, AND BURIAL VAULT**, 9 mi. S of Louisia on U.S. 23, (10-29-75)
lee county
Beattyville. **ST. THOMAS EPISCOPAL CHURCH**, Hill St., (4-21-76)
leslie county
Chappell vicinity. **SHELL, JOHN, CABIN**, S of Chappell on SR 2005, (11-12-75)
Hyden vicinity. **WENDOVER (FRONTIER NURSING SERVICE)**, S of Hyden off KY 80, (10-21-75)
letcher county
Whitesburg vicinity. **KINGDOM COME CREEK SCHOOL**, 5 mi. SW of Whitesburg off KY 588, (6-11-75)
lewis county
Tollesboro vicinity. **CABIN CREEK COVERED BRIDGE**, 4.5 mi. NW of Tollesboro on KY 984, (3-26-76)
lincoln county
Crab Orchard vicinity. **WILLIAM WHITLEY HOUSE STATE SHRINE (SPORTSMAN'S HILL)**, 2 mi. W of Crab Orchard off U.S. 150, (4-11-73)
Shelby City vicinity. **ARCADIA (ISAAC SHELBY, JR., PLANTATION)**, S of Shelby City on U.S. 127, (5-4-76)
Shelby City vicinity. **TRAVELER'S REST (GOV. ISAAC SHELBY PLANTATION) AND CEMETERY**, S of Shelby City off KY 300, (5-3-76)
Stanford. **BRIGGS, SAMUEL AND MARY LOGAN, HOUSE**, 315 W. Main St., (8-28-75)
Stanford. **LINCOLN COUNTY COURTHOUSE**, Main and Lancaster Sts., (4-22-76)
Stanford vicinity. **LOGAN, JOHN, HOUSE**, E of Stanford at jct. of U.S. 150 and Goshen Rd. (KY 642), (6-11-75)
Stanford vicinity. **MCCORMACK CHURCH**, 4 mi. W of Stanford on SR 1194, (3-16-76)
livingston county
Smithland. **GOWER HOUSE**, Water St., (5-24-73)
logan county
Adairville vicinity. **RED RIVER PRESBYTERIAN MEETINGHOUSE SITE AND CEMETERY**, NE of Adairville off KY 663, (6-18-76)
Adairville vicinity. **SAVAGE CAVE ARCHEOLOGICAL SITE**, 1 mi. E. of Adairville on KY 591, (4-3-70)
Russellville. **FORST, WILLIAM, HOUSE**, 4th and Winter Sts., (7-19-73)
Russellville. **RUSSELLVILLE HISTORIC DISTRICT**, Roughly bounded by 2nd, 9th, Caldwell, and Nashville Sts., (7-14-76)
Russellville vicinity. **MCGREADY, REV. JAMES, HOUSE**, W of Russellville off U.S. 68, (4-21-76)

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South Union. **SOUTH UNION SHAKER CENTER HOUSE AND PRESERVATORY**, U.S. 68, (6-28-74) G.
South Union and vicinity. **SOUTH UNION SHAKERTOWN HISTORIC DISTRICT**, KY 73 at Louisville and Nashville RR. tracks, and jct. of U.S. 68 and SR 1466, (4-3-75)
lyon county
Kuttawa vicinity. **KELLY'S SUWANEH FURNACE OFFICE**, 1.4 mi. W of Kuttawa, (8-26-71)
madison county
Berea. **LINCOLN HALL**, Berea College campus, (12-2-74) NHL.
Berea. **LOUISVILLE AND NASHVILLE RAILROAD PASSENGER DEPOT**, Broadway at Adams St., (8-22-75)
Big Hill vicinity. **JONES, MERRITT, TAVERN (GRANT HOUSE, WAYSIDE TAVERN)**, 1 mi. S of Big Hill on U.S. 421, (4-2-73)
Richmond. **BRECK, JUDGE DANIEL, HOUSE**, 312 Lancaster Ave., (11-7-76)
Richmond. **DOWNTOWN RICHMOND HISTORIC DISTRICT**, Main St. and Courthouse Sq., (9-30-76)
Richmond. **IRVINTON**, 319 Lancaster Ave., (5-6-75)
Richmond. **MADISON COUNTY COURTHOUSE**, Main St. between N. 1st and N. 2nd Sts., (5-12-75)
Richmond. **OLD CENTRAL UNIVERSITY (UNIVERSITY BUILDING)**, University Dr. on Eastern Kentucky University campus, (6-19-73)
Richmond vicinity. **BOGIE HOUSES AND MILL SITE**, 8 mi. W of Richmond on Silver Creek, (8-13-76)
Richmond vicinity. **WHITEHALL**, 7 mi. N of Richmond on Clay Lane off U.S. 25, (3-11-71)
marion county
Lebanon vicinity. **LEBANON NATIONAL CEMETERY**, 1 mi. SW of Lebanon off KY 208, (6-5-75)
Loretto vicinity. **BURKS' DISTILLERY (MAKER'S MARK DISTILLERY)**, E of Loretto off KY 49 and 52, (12-31-74)
marshall county
Benton. **LEMON, JAMES R., HOUSE**, 1309 Main St., (8-28-75)
Calvert City. **OAK HILL**, 26 Aspen St., (12-31-74)
mason county
Dover vicinity. **LEE'S CREEK COVERED BRIDGE**, S of Dover on Tuckahoe Rd. off KY 8, (3-26-76)
Maysville. **COURTHOUSE SQUARE AND MECHANICS' ROW HISTORIC DISTRICT**, W. 3rd St. between Market and Sutton Sts., (5-12-75)
Maysville. **LEE HOUSE**, Front and Sutton Sts., (12-20-77)
Maysville. **OLD LIBRARY BUILDING**, 221 Sutton St., (8-30-74)
Maysville. **WASHINGTON OPERA HOUSE**, 116 W. 2nd St., (6-11-75) G.
Maysville. **WEST FOURTH STREET DISTRICT**, 24, 29, 31, 32, 33 W. 4th St., (11-7-74)
Maysville vicinity. **NEWDIGATE-REED HOUSE**, W of Maysville at jct. of old KY 68 and U.S. 62/68, (10-10-75)
Maysville vicinity. **VALLEY PIKE COVERED BRIDGE**, W of Maysville off KY 8, (3-26-76)

Washington. *WASHINGTON HISTORIC DISTRICT*, Roughly bounded by Hoppe St., Bartlett Lane, and city limits on E and W, (1-21-70) HABS; G.

mccracken county

Paducah. *GRACE EPISCOPAL CHURCH*, 820 Broadway, (3-16-76)

Paducah. *THE ANGLES (QUIGLEY-BARKLEY HOUSE)*, Alben W Barkley Dr. near 40th St., (7-19-76)

Paducah. *YEISER, MAYOR DAVID A., HOUSE (ALBEN W. BARKLEY MUSEUM)*, 533 Madison St., (3-7-73)

mclean county

Calhoun. *GRIFFITH-FRANKLIN HOUSE (CRITTENDEN HEADQUARTERS)*, 207 W 2nd St., (7-7-75)

meade county

Rhodelia vicinity. *ST. THERESA ROMAN CATHOLIC CHURCH*, 3 mi. NW of Rhodelia on KY 144, (11-17-77)

mercier county

Harrodsburg. *CARDWELLTON*, 103 E. Broadway, (11-17-77)

Harrodsburg. *CLAY HILL (MAGOFFIN-THOMPSON HOUSE)*, 433 Beaumont Ave., (11-7-76)

Harrodsburg. *DORICHAM (STAGG-HAGGIN-STEPHENSON HOUSE)*, 409 N. College St., (10-22-76)

Harrodsburg. *MORGAN ROW*, 222, 230, 232 S. Chiles St., (2-16-73)

Harrodsburg. *SUTFIELD-THOMPSON HOUSE (COURTVIEW)*, 362 N. Main, (9-13-77)

Harrodsburg vicinity. *DUTCH REFORMED CHURCH (OLD MUD MEETINGHOUSE)*, 3 mi. SW of Harrodsburg on Dry Branch Rd., (2-16-73) G.

Harrodsburg vicinity. *SHAWNEE SPRINGS (GEORGE C. THOMPSON HOUSE)*, 4 mi. NE of Harrodsburg on Curry Rd., (7-19-76)

Harrodsburg vicinity. *TAYLOR, CAPT. SAMUEL, HOUSE (BACHELOR'S BARTER)*, NE of Harrodsburg on Chatham Pike, (4-13-77)

Salvisa vicinity. *MILLWOOD (LAMBERT BREWER HOUSE)*, S of Salvisa off U.S. 127, (7-6-76)

Salvisa vicinity. *NEW PROVIDENCE PRESBYTERIAN CHURCH*, 3 mi. S of Salvisa on U.S. 127, (10-10-75)

Shakertown and vicinity. *SHAKERTOWN AT PLEASANT HILL HISTORIC DISTRICT*, On U.S. 68, (11-11-71) NHL; HABS.

monroe county

Gamaliel vicinity. *MOUNT VERNON A.M.E. CHURCH*, N of Gamaliel on KY 100, (11-17-77)

Tompkinsville vicinity. *OLD MULKEY MEETINGHOUSE*, S of Tompkinsville on KY 1446, (5-7-73)

montgomery county

Mt. Sterling vicinity. *GAITSKILL MOUND ARCHEOLOGICAL SITE*, N of Mt. Sterling.

morgan county

Redbush. *FERGUSON, GAR, SITE*, NW of Redbush off KY 172, (7-24-75)

Redbush vicinity. *BURCHWELL, RAY, ARCHEOLOGICAL SITE*, NW of Redbush, (7-30-75)

Redbush vicinity. *HILL, RAY, ARCHEOLOGICAL SITE*, W of Redbush off KY 172, (7-30-75)

Redbush vicinity. *LONNIE HILL, SITE*, NW of Redbush, (8-22-75)

Redbush vicinity. *RAY BURCHWELL ARCHEOLOGICAL SITE*, NW of Redbush, (7-30-75)

Redbush vicinity. *RAY HILL ARCHEOLOGICAL SITE*, W of Redbush off KY 172, (7-30-75)

Relief vicinity. *PATOKER ARCHEOLOGICAL SITE*, S of Relief, (7-30-75)

Relief vicinity. *SHERMAN ARCHEOLOGICAL SITE*, S of Relief, (7-30-75)

West Liberty. *MORGAN COUNTY COURTHOUSE*, Main St., (7-19-76)

nelson county

Bardstown. *BRUNTWOOD*, 714 N. 3rd St., (9-9-75)

Bardstown. *EDGEWOOD*, 310 S. 5th St., (7-30-75)

Bardstown. *MY OLD KENTUCKY HOME (FEDERAL HILL)*, U.S. 150, Stephen Foster St., (3-11-71)

Bardstown. *OLD TALBOTT TAVERN*, Court Sq., (10-30-73)

Bardstown. *SPALDING HALL, ST. JOSEPH'S COLLEGE*, N. 5th St., (5-7-73)

Bardstown. *ST. JOSEPH CATHEDRAL AND COLLEGE COMPLEX*, W. Stephen Foster Ave., (6-3-76)

Bardstown. *ST. JOSEPH PROTO CATHEDRAL*, W. Stephen Foster Ave., (1-9-74)

Bardstown. *WICKLAND*, 0.5 mi. E of Bardstown on U.S. 62, (2-16-73)

Bardstown vicinity. *ST. THOMAS ROMAN CATHOLIC CHURCH AND HOWARD-FLAGET HOUSE*, 3 mi. S of Bardstown off U.S. 31E, (7-12-76)

nicholas county

Carlisle vicinity. *FOREST RETREAT FARM AND TAVERN*, NW of Carlisle at jct. of U.S. 68 and KY 32, (10-2-73) G.

Ellisville. *ELLIS, JAMES, STONE TAVERN*, U.S. 68, (3-16-76)

Millersburg vicinity. *THOMPSON, HENRY, STONE HOUSE*, 2.5 mi. N of Millersburg on Arthur Pike, (6-23-75)

ohio county

Hartford. *HARTFORD SEMINARY*, 224 E. Center St., (6-19-73)

Hartford. *PENDLETON HOUSE*, 403 E. Union St., (5-17-73)

Paradise vicinity. *INDIAN KNOLL*, 0.5 mi. upstream from Paradise ferry landing on the Green River, (10-15-66) NHL.

oldham county

Crestwood vicinity. *HARRODS CREEK BAPTIST CHURCH AND REV. WILLIAM KELLAR HOUSE*, NW of Crestwood on Old Brownsboro Rd., (9-8-76)

LaGrange. *GRIFFITH, D.W., HOUSE*, 206 N. 4th St., (6-3-76)

Pewee Valley. *LOCUST, THE*, LaGrange Rd off KY 146, (7-30-75)

owen county

Owenton. *HIGHFIELD*, 303 N. Adams St., (11-17-77)

Owenton. *OWEN COUNTY COURTHOUSE AND JAIL*, N. Thomas and N. Madison Sts., (5-4-76)

pendleton county

Butler vicinity. *FRYER HOUSE*, NE of Butler on U.S. 27, (10-8-76)

perry county

Buckhorn. *BUCKHORN PRESBYTERIAN CHURCH AND THE GREER GYMNASIUM*, Off KY 28, (6-27-75) G.

pike county

Pikeville. *PIKEVILLE COLLEGE ACADEMY BUILDING (PIKEVILLE COLLEGIATE INSTITUTE BUILDING)*, College St., (2-16-73) G.

Pikeville and vicinity. *HATHFIELD-MCCOY FEUD HISTORIC DISTRICT*, (8-5-76)

powell county

Clay City. *CLAY CITY NATIONAL BANK BUILDING*, 6th Ave., (7-13-76)

Slade vicinity. *SHEPHERD SITE*, W of Slade in Daniel Boone National Forest, (8-13-75)

Stanton vicinity. *ANDERSON SITE*, NE of Stanton in Daniel Boone National Forest, (8-14-75)

Stanton vicinity. *HAYSTACK ROCK SHELTER*, E of Stanton in Daniel Boone National Forest, (8-14-75)

Stanton vicinity. *MARTIN SITE*, NE of Stanton in Daniel Boone National Forest, (8-14-75)

Stanton vicinity. *SELDON SKIDMORE SITE*, E of Stanton in Daniel Boone National Forest, (8-14-75)

robertson county

Mt. Olivet vicinity. *JOHNSON CREEK COVERED BRIDGE*, NE of Mt. Olivet on SR 1029, (9-27-76)

scott county

Georgetown. *BRANHAM HOUSE*, 208 S. Broadway, (4-2-73)

Georgetown. *CANTRILL HOUSE*, 324 E. Jackson St., (4-2-73)

Georgetown. *GIDDINGS HALL, GEORGETOWN COLLEGE*, Giddings Dr. between Jackson and College Sts., (2-6-73)

Georgetown. *HOLY TRINITY EPISCOPAL CHURCH*, S. Broadway and W. Clinton Sts., (10-30-73)

Georgetown. *JOHNSTON-JACOBS HOUSE*, 205 N. Hamilton St., (10-2-73)

Georgetown. *MAIN STREET COMMERCIAL DISTRICT*, Both sides of E. Main St. from Mulberry to Broadway, S side from Elley Alley to Broadway, (2-24-75)

Georgetown. *MCFARLAND HOUSE*, 510 Fountain Ave., (10-15-73)

Georgetown. *PAYNE-DESHA HOUSE*, Kelly Ave., (12-2-74)

Georgetown. *ROYAL SPRING PARK*, Between Clinton and Jefferson Sts. W of Water, Broadway, and Georgetown Sts., (4-2-73)

Georgetown. *SCOTT COUNTY COURTHOUSE*, E. Main and Broadway, (9-28-72)

Georgetown. *SHOWALTER HOUSE (MCHATTON HOUSE)*, 316 N. Hamilton St., (4-2-73)

Georgetown. *SHROPSHIRE HOUSE*, 355 E. Main St., (4-2-73)

Georgetown vicinity. *ALLENHURST (OAKLAND)*, Cane Run Pike W of Georgetown, (4-2-73)

Georgetown vicinity. *AUDUBON*, SW of Georgetown off U.S. 62, on Moore's Mill Pike, (12-4-73)

Georgetown vicinity. *BLACKBURN, JULIUS, HOUSE*, W of Georgetown off U.S. 460, (4-14-77)

Georgetown vicinity. *BRADFORD, FIELDING, HOUSE*, N of Georgetown off U.S. 25 on Long Lick Pike, (12-4-73)

Georgetown vicinity. *BRADLEY, JOHN W., HOUSE*, SW of Georgetown off U.S. 62, (11-5-74)

Georgetown vicinity. *BUFORD-DUKE HOUSE*, SE of Georgetown off U.S. 75, (6-19-73)

Georgetown vicinity. *CARDOME (GOV. J. F. ROBINSON HOUSE)*, 0.5 mi. N of Georgetown on U.S. 25, (3-13-75)

Georgetown vicinity. *CHOCTAW INDIAN ACADEMY*, 4.5 mi. W of Georgetown off U.S. 227, (3-7-73)

Georgetown vicinity. *ELMWOOD*, NE of Georgetown off U.S. 227 and 460, (11-19-74)

Georgetown vicinity. *FLOURNOY-NUTTER HOUSE*, E of Georgetown off KY 922, (7-28-77)

Georgetown vicinity. *GAINES, JAMES, HOUSE*, S of Georgetown on Yarnallton Pike, (11-7-76)

Georgetown vicinity. *GARTH, JOHN M., HOUSE*, SE of Georgetown off I 75, (11-20-74)

Georgetown vicinity. *JOHNSON, GEORGE W., SLAVE QUARTERS AND SMOKEHOUSE*, SW of Georgetown off Ironworks Rd., (11-19-74)

Georgetown vicinity. *JOHNSON, LEONIDAS, HOUSE (CLIFTON)*, 7 mi. NW of Georgetown on U.S. 227, (10-8-76)

Georgetown vicinity. *LEATHERER-LEMON HOUSE*, Lemorffs Mill Pike, 0.5 mi. W of Newtown Pike, (7-20-77)

Georgetown vicinity. *LONGVIEW*, About 4 mi. W of Georgetown off U.S. 460, (10-25-73)

Georgetown vicinity. *MILLER, JOHN ANDREW, HOUSE*, 3 mi. E of Georgetown off U.S. 460, (11-9-77)

Georgetown vicinity. *OSBURN HOUSE*, 4 mi. N of Georgetown on U.S. 25, (4-11-73)

Georgetown vicinity. *PAYNE, GEN. JOHN, HOUSE*, 1.5 mi. W of Georgetown on U.S. 460, (3-3-75)

Georgetown vicinity. *PREWITT, LEVI, HOUSE*, S of Georgetown off I 64, (11-1-74)

Georgetown vicinity. *SANDERS, ROBERT, HOUSE*, 2 mi. S of Georgetown on U.S. 25, (10-15-73)

Georgetown vicinity. *SMITH, NELSON AND CLIFTON RODES, HOUSE*, NE of Georgetown off Leesburg Pike, (10-3-73)

Georgetown vicinity. *ST. FRANCIS MISSION AT WHITE SULPHUR (CHURCH OF ST. PIUS; CHURCH OF ST. FRANCIS)*, 7 mi. W of Georgetown on U.S. 460, (4-11-73)

Georgetown vicinity. *STONE-GRANT HOUSE*, E of Georgetown on E. Main St. extended, (1-11-74)

Georgetown vicinity. *UPSHAW, VIVION, BROOKING, HOUSE*, W of Georgetown off Stamping Ground Pike (KY 227), (5-28-75)

Georgetown vicinity. *WARD HALL*, 1.5 mi. W of Georgetown on U.S. 460, (4-2-73)

Great Crossing vicinity. *CRAIG-JOHNSON MILL DAM AND MILL SITES*, 2 mi. W of Great Crossing off U.S. 460, (6-10-75)

Stamping Ground. *BRADFORD, ALEXANDER, HOUSE*, Main St. at Locust Fork Pike, (6-27-74)

shelby county

Finchville. *SHELBY ACADEMY (SYLVAN SHADES)*, KY 55 and KY 148, (9-18-75)

Finchville vicinity. *GRASSLANDS (HORNSBY HOUSE)*, 4 mi. W of Finchville, (8-12-77)

Finchville vicinity. *KNIGHT-STOUT HOUSE*, 1 mi. N of Finchville on KY 55, (8-19-75)

Shelbyville. *SCIENCE HILL SCHOOL*, Washington St., (9-18-75)

Shelbyville. *SHELBYVILLE L & N RAILROAD DEPOT*, 220 N. 7th St., (6-20-75)

Shelbyville vicinity. *TODD, CHARLES AND LETITIA SHELBY, HOUSE*, 5 mi. N of Shelbyville on KY 55, (6-5-75)

Shelbyville vicinity. *WASHBURN, BENJAMIN, HOUSE*, Bellevue Pike, 8 mi. N of Shelbyville, (8-12-77)

Simpsonville vicinity. *OLD STONE INN*, E of Simpsonville on U.S. 60, (10-8-76)

Simpsonville vicinity. *YOUNG, WHITNEY M. JR., BIRTHPLACE*, SW of Simpsonville off U.S. 60, (10-18-72)

simpson county

Franklin. *GOODNIGHT HOUSE*, 201 S. Main St., (8-12-77)

spencer county

Taylorsville vicinity. *BEECHLAND (JACOB YODER HOUSE)*, 2.5 mi. N of Taylorsville, (11-7-76)

Taylorsville vicinity. *BOURNE-ANDERSON HOUSE*, 0.5 mi. N of Taylorsville on KY 55, (12-2-77)

taylor county

Campbellsville. *TAYLOR COUNTY CLERK'S OFFICE*, Courthouse Sq., (12-20-77)

Campbellsville vicinity. *CLAY HILL*, 5 mi. N of Campbellsville on KY 55, (10-10-75)

Campbellsville vicinity. *COWHERD, JONATHAN JR., HOUSE*, W of Campbellsville off KY 70, (4-11-77)

todd county

Elkton. *EDWARDS HALL*, S side of Goebel Ave., (1-11-74)

Elkton. *MCREYNOLDS HOUSE*, S. Main St., (10-22-76)

Elkton. *TODD COUNTY COURTHOUSE*, Public Sq., (8-22-75)

Fairview. *BETHEL BAPTIST CHURCH*, U.S. 68, (11-17-77)

Fairview. *DAVIS, JEFFERSON, MONUMENT*, On KY 115 near jct. with U.S. 68, (5-9-73)

trigg county

Golden Pond vicinity. *CENTER FURNACE*, N of Golden Pond, (5-12-77)

trimble county

Hunter's Bottom. *HISTORIC DISTRICT*, Reference—see Carroll County

warren county

Bowling Green. *MOORE, MARIA, HOUSE*, 801 State St., (6-20-72)

Bowling Green. *RIVERVIEW (HOBSON HOUSE)*, Hobson Grove Park at end of Main St., (2-23-72)

Bowling Green. *ST. JOSEPH ROMAN CATHOLIC CHURCH*, 430 Church St., (7-3-75)

Bowling Green. *WARREN COUNTY COURTHOUSE*, 429 E. 10th St., (8-2-77)

Bowling Green vicinity. *IRONWOOD*, Old Richardsville Rd., (7-2-73)

Bowling Green vicinity. *LOST RIVER ARCHEOLOGICAL CAVE*, S of Bowling Green at jct. of Cave Mill Rd. and U.S. 31W, (6-18-75)

Bowling Green vicinity. *MURRELL, SAMUEL, HOUSE (SUSANNAH HENRY MADISON FARM)*, 8 mi. NE of Bowling Green on U.S. 31 W, (3-26-76)

washington county

Mooreville vicinity. *MOUNT ZION COVERED BRIDGE*, N of Mooreville on KY 458, (3-26-76)

Springfield. *ELMWOOD*, KY 55, (12-20-77)

Springfield. *POPE, JOHN, HOUSE*, 207 Walnut St., (5-13-76)

Springfield. *WALTON MANOR COTTAGE (JOHN POPE LAW OFFICE)*, 2 mi. W of Springfield on KY 150, (8-24-77)

Springfield. *WASHINGTON COUNTY COURTHOUSE*, Public Sq., Main at Lincoln Park Rd., (7-25-77)

Springfield vicinity. *LINCOLN, MORDECAI, HOUSE*, 5.9 mi. N of Springfield on KY 528, (8-21-72) G.

wayne county

Mill Springs. *MILL SPRINGS MILL*, Off KY 90, (4-11-73)

Mill Springs vicinity. *WEST-METCALFE HOUSE*, 1.75 mi. S of Mill Springs off KY 90, (11-17-77)

Mt. Pisgah. *ADKINS-HURT MILL*, Off KY 167, (5-6-77)

whitley county

Williamsburg. *GATLIFF, J. B., HOUSE*, 10th and Main Sts., (12-16-77)

wolfe county

Slade vicinity. *TRINITY ROCKHOUSES*, E of Slade in Daniel Boone National Forest, (8-14-75)

woodford county

Midway. *PINKERTON HALL*, 650 East St., (11-20-74)

Versailles. *BIG SPRING CHURCH*, 121 Rose Hill St., (5-6-75)

Versailles. *CARTER HOUSE*, 110 Morgan St., (5-2-75)

Versailles. *DOWNTOWN VERSAILLES HISTORIC DISTRICT*, Both sides of Main St. between Rose Hill Ave. and Green St., (9-2-75)

Versailles. *MUNDAY'S LANDING*, Munday's Landing Rd., S of Versailles on Kentucky River, (9-5-75)

Versailles vicinity. *CRITTENDEN, JOHN JORDON, BIRTHPLACE CABIN*, U.S. 60, (10-18-72)

Versailles vicinity. *EDGEWOOD (DUPUY-JONES HOUSE)*, 1 mi. E of Versailles on U.S. 60, (5-28-76)

Versailles vicinity. *JOUETT, CAPT. JACK, HOUSE*, 5 mi. SW of Versailles off KY 1964, (6-13-72) G.

Versailles vicinity. *MUNDAY'S LANDING*, Munday's Landing Rd., S of Versailles on Kentucky River, (9-5-75)

Versailles vicinity. *OFFUTT-COLE TAVERN*, N of Versailles on U.S. 62, (11-23-77)

Versailles vicinity. *WELCOME HALL (LONG-GRADY HOUSE)*, 4 mi. W of Versailles off Clifton Rd., (10-10-75)

LOUISIANA

ascension parish

avoyelles parish

Mansura. *DES FOSSE, DR. JULES CHARLES, HOUSE*, L'Eglise St., (4-23-76) Marksville vicinity. *MARKSVILLE PREHISTORIC INDIAN SITE*, Marksville Prehistoric Indian Park State Monument, (10-15-66) NHL.

bossier parish

Benton vicinity. *HUGES HOUSE*, 13 mi. NE of Benton on LA 160, (5-24-76)

caddo parish

Shreveport. *LINDSAY, COL. ROBERT H., HOUSE (SYMPHONY HOUSE)*, 2803 Woodlawn Ave., (7-16-73) Shreveport. *OAKLAND CEMETERY*, Bounded by Milam, Christian, Sprague, and Baker Sts., (7-13-77) Shreveport. *STRAND THEATRE*, 630 Crockett, (5-26-77) Shreveport. *TALLY'S BANK*, 525 Spring St., (7-14-76) Shreveport. *U.S. POST OFFICE AND COURTHOUSE*, Marshall and Texas Sts., (9-12-74)

desoto parish

Gloster vicinity. *MYRTLE HILL PLANTATION HOUSE*, SE of Gloster off LA 5, (12-4-74) Mansfield vicinity. *MANSFIELD BATTLE PARK*, 4 mi. SE of Mansfield on LA 175, (4-13-73) Stonewall vicinity. *LAND'S END PLANTATION*, 7 mi. SE of Stonewall on Red Bluff Rd., (4-26-72)

east baton rouge parish

Baton Rouge. *BATON ROUGE WATERWORKS COMPANY STANDPIPE*, 131 Lafayette St., (12-4-73) Baton Rouge. *MAGNOLIA MOUND PLANTATION DEPENDENCY*, 2530 Vermont St.; to be moved to 2161 Nicholson Dr., (8-9-77) Baton Rouge. *MAGNOLIA MOUND PLANTATION HOUSE*, 2161 Nicholson Dr., (9-7-72) G. Baton Rouge. *OLD LOUISIANA GOVERNOR'S MANSION*, 502 North Blvd., (7-24-75) Baton Rouge. *OLD LOUISIANA STATE CAPITOL*, N. Blvd. and St. Philip St., (1-12-73) NHL. Baton Rouge. *PENTAGON BARRACKS*, North Riverside Mall, (7-26-73) Baton Rouge. *POTTS HOUSE*, 831 North St., (9-14-72) Baton Rouge. *POWDER MAGAZINE*, State Capitol Dr., (6-4-73) Baton Rouge. *STEWART-DOUGHERTY HOUSE*, 741 North St., (3-28-73) Baton Rouge. *WARDEN'S HOUSE-OLD LOUISIANA STATE PENITENTIARY*, 701-705 Laurel St., (12-2-74)

east felician parish

Clinton. *BRAME-BENNETT HOUSE*, 227 S. Baton Rouge St., (5-22-73) HABS. Clinton. *COURTHOUSE AND LAWYERS' ROW*, St. Helena, Woodville, Liberty, and Bank Sts., (10-16-74) NHL; HABS. Clinton. *MARSTON HOUSE*, Bank St., (6-29-72) G. Jackson vicinity. *ASPHODEL PLANTATION AND CEMETERY*, S of Jackson on LA 74, (11-15-72) G. Port Hudson and vicinity. *PORT HUDSON*, Port Hudson and environs along U.S. 61, (5-30-74) NHL.

iberia parish

Jeanerette vicinity. *ENTERPRISE PLANTATION*, 2 mi. W of Jeanerette in Patoutville community, (3-17-75) Jefferson Island. *JEFFERSON, JOSEPH, HOUSE (BOB ACRES PLANTATION)*, (6-4-73) New Iberia. *EPISCOPAL CHURCH OF THE EPIPHANY*, 303 W. Main St., (4-29-77) New Iberia. *SHADOWS-ON-THE-TECHE*, E. Main St., (10-5-72) NHL; HABS; G. New Iberia vicinity. *DARBY PLANTATION*, N of Iberia on Darby Lane, (3-26-73)

iberville parish

Plaquemine. *BAYOU PLAQUEMINE LOCK*, U.S. Government Reservation at confluence of Bayou Plaquemine and the Mississippi River, (5-19-72) Plaquemine. *ST. LOUIS PLANTATION*, 1 mi. S of Plaquemine on LA 405, (12-3-75) Rosedale. *LIVE OAKS PLANTATION*, LA 77 N, (11-20-74) St. Gabriel vicinity. *ST. GABRIEL ROMAN CATHOLIC CHURCH*, S of St. Gabriel off LA 75, (11-27-72)

jefferson parish

Grand Isle vicinity. *FORT LIVINGSTON*, W tip of Grande Terre Island, (8-30-74) Metairie. *CAMP PARAPET POWDER MAGAZINE*, Arlington St., E of Causeway Blvd., (5-24-77)

lafayette parish

Lafayette. *MOUTON, ALEXANDRE, HOUSE*, 1122 Lafayette St., (6-18-75) Lafayette. *OLD LAFAYETTE CITY HALL*, 217 W. Main St., (6-10-75)

lafourche parish

Thibodaux. *ST. JOHN'S EPISCOPAL CHURCH AND CEMETERY*, 702 Jackson St., (9-13-77) Thibodaux vicinity. *WHITE, EDWARD DOUGLASS, HOUSE*, 5 mi. N of Thibodaux on LA 1, (12-8-76) NHL.

lincoln parish

Ruston. *FEDERAL BUILDING*, Vienna and Mississippi Sts., (10-9-74)

morehouse parish

Oak Ridge vicinity. *CEDARS PLANTATION*, 3 mi. W of Oak Ridge on SR 5503, (5-19-76)

natchitoches parish

Cloutierville. *CLOUTIER, ALEXIS, HOUSE*, Main St., (12-31-74) Melrose. *MELROSE PLANTATION (YUCCA)*, LA 119 off LA 493, (6-13-72) NHL; HABS. Multiple public/private: Natchitoches. *NATCHITOCHES HISTORIC DISTRICT*, (6-5-74) Natchitoches vicinity. *CHEROKEE PLANTATION*, SE of Natchitoches on Cane River Rd., (8-14-73) Natchitoches vicinity. *NARCISSE PRUDHOMME PLANTATION*, SE of Natchitoches on Cane River Rd., (7-13-76)

orleans parish

New Orleans. *BANK OF LOUISIANA*, 334 Royal St., (6-19-73) New Orleans. *BIG OAK-LITTLE OAK ISLANDS*, NE part of New Orleans, (7-14-71) New Orleans. *CABILDO, THE*, Jackson Sq., Chartres and St. Peter Sts., (10-15-66) NHL; HABS.

New Orleans. *CABLE, GEORGE WASHINGTON, HOUSE*, 1313 8th St., (10-15-66) NHL

New Orleans. *CONFEDERATE MEMORIAL HALL*, Camp St., (6-11-75)

New Orleans. *DILLARD, JAMES H., HOUSE*, 571 Audubon St., (12-2-74) NHL.

New Orleans. *FAUBOURG MARIGNY*, Roughly bounded by Mississippi River, Esplanade Ave., Marias St., and Montegut St., (12-31-74)

New Orleans. *FRENCH MARKET (OLD VEGETABLE MARKET)*, 1000 Decatur St., (3-29-72)

New Orleans. *GALLIER HALL*, 545 St. Charles Ave., (3-20-74) NHL; HABS.

New Orleans. *GALLIER HOUSE*, 1132 Royal St., (2-15-74) NHL.

New Orleans. *GARDEN DISTRICT, THE*, Bounded by Carondelet, Josephine, and Magazine Sts., and Louisiana Ave., (6-21-71) NHL.

New Orleans. *GENERAL LAUNDRY BUILDING*, 2512 St. Peter St., (12-27-74)

New Orleans. *GIROD, NICHOLAS, HOUSE*, 500 Chartres St., (4-15-70) NHL; HABS.

New Orleans. *GREENVILLE HALL*, 7214 St. Charles Ave., (8-29-77)

New Orleans. *HERMANN-GRIMA HOUSE*, 818-820 St. Louis St., (8-19-71) NHL; HABS; G.

New Orleans. *IRISH CHANNEL AREA ARCHITECTURAL DISTRICT*, Roughly bounded by Jackson Ave., Aline and Magazine Sts., and the Mississippi River, (9-29-76)

New Orleans. *ISAACS-WILLIAMS MANSION (MILTON H. LATTER MEMORIAL LIBRARY)*, 5120 St. Charles Ave., (10-21-76)

New Orleans. *JACKSON BARRACKS*, 6400 St. Claude Ave., (11-7-76) New Orleans Barracks, LA

New Orleans. *JACKSON SQUARE (PLACE D'ARMES)*, Bounded by Decatur, St. Peter, St. Ann, and Chartres Sts., (10-15-66) NHL.

New Orleans. *JULIA STREET ROW*, 602-646 Julia St., (3-28-77) G.

New Orleans. *LAFAYETTE CEMETERY NO. 1*, 1400 Washington Ave., (2-1-72) G.

New Orleans. *LAFITTE'S BLACKSMITH SHOP*, 941 Bourbon St., (4-15-70) NHL; HABS.

New Orleans. *LECARPENTIER-BEAUREGARD-KEYES HOUSE*, 1113 Chartres St., (11-20-75) HABS.

New Orleans. *LEEDS IRON FOUNDRY*, 923 Tchoupitoulas St., (1-11-76)

New Orleans. *LOWER GARDEN DISTRICT*, Roughly bounded by Mississippi Ave., Phillips St., St. Charles Ave., U.S. 90, Annunciation St. and Race St., (9-7-72) G.

New Orleans. *MADAM JOHN'S LEGACY*, 632 Dumaine St., (4-15-70) NHL; HABS.

New Orleans. *MERIEULT HOUSE*, 533 Royal St., (5-5-72)

New Orleans. *OLD MEAT MARKET*, 800 Decatur St., (3-29-72)

New Orleans. *OLD URSULINE CONVENT*, 1114 Chartres St., (10-15-66) NHL; HABS; G.

New Orleans. *PERSEVERANCE HALL*, 901 St. Claude Ave., (10-2-73)

New Orleans. *PITOT HOUSE (DUCAYET HOUSE)*, 1440 Moss St., (9-28-71) G.

New Orleans. *PONTALBA BUILDINGS*, 500 St. Ann St. and 500 St. Peter St., (5-30-74) NHL.

New Orleans. *PRESBYTERE, THE*, 713 Chartres St., (4-15-70) NHL; HABS.

New Orleans. *RABASSA, JEAN LOUIS, HOUSE (MCDONOGH NO. 18 SCHOOL ANNEX)*, 1125 St. Ann St., (2-15-74)

New Orleans. *SAENGER THEATRE*, 1111 Canal St., (11-25-77)

New Orleans. *ST. ALPHONSUS CHURCH*, 2029 Constance St., (5-22-73)

New Orleans. *ST. CHARLES STREETCAR LINE (CARROLLTON LINE; NEW ORLEANS AND CARROLLTON RAILROAD COMPANY)*, St. Charles Ave. route from downtown to Carrollton, (5-23-73)

New Orleans. *ST. LOUIS CEMETERY NO. 1*, Bounded by Basin, St. Louis, Conti, and Tremé Sts., (7-30-75)

New Orleans. *ST. LOUIS CEMETERY NO. 2*, Bounded by Claiborne, Robertson, St. Louis, and Iberville Sts., (7-30-75)

New Orleans. *ST. MARY'S ASSUMPTION CHURCH*, 2039 Constance St., (8-12-71) NHL; G.

New Orleans. *ST. PATRICK'S CHURCH*, 724 Camp St., (5-30-74) NHL.

New Orleans. *ST. VINCENT DE PAUL ROMAN CATHOLIC CHURCH*, 3051 Dauphine, (4-13-76)

New Orleans. *TURPIN-KOFLER-BUIA HOUSE (JOHN TURPIN HOUSE)*, 2319 Magazine St., (5-8-73)

New Orleans. *U.S. COURT OF APPEALS-FIFTH CIRCUIT*, 600 Camp St., (2-15-74) G.

New Orleans. *U.S. CUSTOMHOUSE*, 423 Canal St., (7-17-74) NHL.

New Orleans. *U.S. MINT, NEW ORLEANS BRANCH*, 420 Esplanade Ave., (3-30-73) NHL; HABS.

New Orleans. *VIEUX CARRE HISTORIC DISTRICT*, Bounded by the Mississippi River, Rampart and Canal Sts., and Esplanade Ave., (10-15-66) NHL; HABS.

New Orleans vicinity. *FORT PIKE*, N of New Orleans off U.S. 90 E, (8-14-72)

ouachita parish

Monroe. *GARRETT, ISALAH, LAW OFFICE*, 520 S. Grand St., (7-12-76)

plaquemines parish

Phoenix vicinity. *FORT DE LA BOULAYE SITE*, Near Phoenix on the Mississippi River, near LA 50, (10-15-66) NHL.

Triumph vicinity. *FORT JACKSON*, 2.5 mi. SE of Triumph on LA 23, W bank of Mississippi River, (10-15-66) NHL.

Triumph vicinity. *FORT ST. PHILIP*, 2.5 mi. SE of Triumph on LA 23 on the E bank of the Mississippi River, (10-15-66) NHL.

pointe coupee parish

Innis vicinity. *ST. STEPHEN'S EPISCOPAL CHURCH*, N of Innis off LA 418, (4-24-74) G.

Mix vicinity. *PARLANGE PLANTATION HOUSE*, Jct. of LA 1 and 78, (4-15-70) NHL; HABS.

Simmesport vicinity. *WHITE HALL PLANTATION HOUSE*, E of Simmesport on LA 418, (5-26-77)

rapides parish

Alexandria. *BAILEY'S DAM SITE*, Red River S of U.S. 71/165/167, (6-29-76)

Alexandria vicinity. *KENT PLANTATION HOUSE*, W of Alexandria on Bayou Rapides at Virginia Ave., (8-5-71)

Alexandria vicinity. *ROSALIE PLANTATION SUGAR MILL*, S of Alexandria off U.S. 71/167, (1-2-76)

Cheneyville vicinity. *LOYD HALL PLANTATION*, NW of Cheneyville on Loyd Bridge Rd., (4-29-77)

Pineville vicinity. *OLD LSU SITE*, N of Pineville at 2500 Shreveport Hwy., (8-14-73)

sabine parish

Many vicinity. *FORT JESUP*, 7 mi. NE of Many on LA 6, Fort Jesup State Monument, (10-15-66) NHL.

Many vicinity. *STOKER HOUSE*, NE of Many, (6-23-76)

st. bernard parish

New Orleans vicinity. *CHALMETTE NATIONAL HISTORICAL PARK*, 6 mi. S of New Orleans, (10-15-66) HABS.

st. charles parish

Destrehan. *DESTREHAN PLANTATION*, Rover Rd. (LA 48), (3-20-73)

Hahnville vicinity. *HOMEPLACE PLANTATION HOUSE*, LA 18, 0.5 mi. S of Hahnville, (4-15-70) NHL; HABS.

st. james parish

Vacherie vicinity. *OAK ALLEY PLANTATION*, 2.5 mi. N of Vacherie, (12-2-74) NHL.

st. john the baptist parish

LaPlace vicinity. *BAYOU JASMINE ARCHEOLOGICAL SITE*, N of LaPlace, (7-12-76)

Reserve vicinity. *SAN FRANCISCO PLANTATION HOUSE*, 3 mi. W of Reserve on LA 44, (5-30-74) NHL.

st. landry parish

Grand Coteau vicinity. *SACRED HEART ACADEMY*, NE of Grand Coteau, (2-18-75) HABS.

Opelousas. *PRUDHOMME, MICHEL, HOUSE*, 1152 Prudhomme Circle, (5-24-77)

Sunset vicinity. *CHRETIEN POINT PLANTATION*, 2 mi. SW of Sunset on Blue Spring Rd., (5-26-77) HABS.

Washington. *LALANNE, DOMINIQUE, HOUSE AND STORE*, Bridge and Dejean Sts., (8-3-76) HABS.

Washington vicinity. *MOUNDVILLE PLANTATION HOUSE (WARTELLE HOUSE)*, 2.5 mi. NW of Washington off LA 103, (12-12-76)

st. martin parish

St. Martinville. *ACADIAN HOUSE*, LA 31 within Longfellow Evangeline State Park, (3-30-73) NHL.

St. Martinville. *ST. MARTIN OF TOURS CATHOLIC CHURCH*, 133 S. Main St., (4-10-72) G.

St. Martinville. *U.S. POST OFFICE*, Main and Port Sts., (4-5-72)

st. mary parish

Franklin vicinity. *OAKLAWN MANOR (OAK LAWN PLANTATION)*, 5 mi. NE of Franklin on Irish Bend Rd., (3-30-73)

st. tammany parish

Abita Springs. *ABITA SPRINGS PAVILION*, NW end of Main St., (8-19-75)

tangipahoa parish

Hammond. *GRACE MEMORIAL EPISCOPAL CHURCH*, 100 W. Church St., (2-23-73)

terrebone parish

Houma vicinity. *SOUTHDOWN PLANTATION*, 1 mi. SW of Houma on LA 311, (1-18-74) G.

west carroll parish

Delhi vicinity. *POVERTY POINT*, 12 mi. N of Delhi on Bayou Macon, (10-15-66) NHL.

west felician parish

St. Francisville. *PROPINQUITY*, Royal and Johnson Sts., (3-26-73)

St. Francisville vicinity. *COTTAGE PLANTATION*, 6 mi. N of St. Francisville on U.S. 61, (3-17-75)

St. Francisville vicinity. *OAKLEY PLANTATION HOUSE*, 4.5 mi. E of St. Francisville in Audubon Memorial State Park, (1-25-73)

Tunica vicinity. *TRUDEAU LANDING*, E of Tunica, (6-17-77)

Weyakoke vicinity. *LIVE OAK*, 1.3 mi. S of Weyakoke, (3-11-77) HABS.

Weyakoke vicinity. *ROSEBANK PLANTATION HOUSE*, SE of Weyakoke off LA 66, (4-13-73)

MAINE

androscoggin county

Auburn. *FOSS, HORATIO G., HOUSE*, 19 Elm St., (11-21-76)

Auburn. *HIGH STREET CONGREGATIONAL CHURCH*, High St., (6-5-75)

Auburn. *JORDAN, CHARLES A., HOUSE*, 63 Academy St., (7-15-74)

Auburn. *LITTLE, EDWARD, HOUSE*, 217 Main St., (5-12-76)

Lewiston. *FRYE, SEN. WILLIAM P., HOUSE*, 453-461 Main St., (10-8-76)

Lewiston. *HATHORN HALL, BATES COLLEGE*, Bates College campus, (8-25-70)

Lewiston. *KORA TEMPLE*, 11 Sabattus St., (9-11-75)

Lewiston. *LEWISTON CITY HALL*, Pine and Park Sts., (10-21-76)

Lewiston. *OAK STREET SCHOOL*, Oak St., (10-8-76)

Lisbon Falls. *ST. CYRIL AND ST. METHODIUS CHURCH*, Main and High Sts., (5-26-77)

Lisbon Falls. *WORUMBO MILL*, On the bank of the Androscoggin River, (10-15-73)

Lisbon Falls vicinity. *SHILOH TEMPLE*, S of Lisbon Falls on S bank of Androscoggin River, (5-12-75)

Livermore. *NORLANDS, THE*, Norlands Rd., (12-30-69) G.

Livermore Falls vicinity. *LIVERMORE, DEACON ELIAH, HOUSE*, 6 mi. S of Livermore Falls on Hillman's Ferry Rd., (2-24-75)

Mechanic Falls vicinity. *ALL SOUL'S CHAPEL*, S of Mechanic Falls on ME 26 at Poland Spring, (11-17-77)

Poland. *MAINE STATE BUILDING*, Poland Spring, (7-18-74)

Sabbathday Lake and vicinity. *SHAKER VILLAGE*, Near ME 26, (9-13-74) NHL; HABS. (also in Cumberland County)

arostook county

Eagle Lake vicinity. *BIG BLACK SITE*, SW of Eagle Lake, (9-9-75)

Fort Kent vicinity. *FORT KENT*, About 0.75 mi. SW of Fort Kent off ME 11, (12-1-69) NHL.

Grand Isle. *OUR LADY OF MOUNT CARMEL CATHOLIC CHURCH*, U.S. 1, (10-15-73)

Houlton. *FIRST NATIONAL BANK OF HOULTON*, Market Sq., (9-20-73)

Houlton. *PUTNAM, BLACKHAWK, TAVERN*, 22 North St., (1-30-76)

Littleton vicinity. *WATSON SETTLEMENT BRIDGE*, 2 mi. SE of Littleton over Meduxnekeag River, (2-16-70)

Madawaska vicinity. *ACADIAN LANDING SITE*, E of Madawaska on the St. John River off U.S. 1, (9-20-73) G.

Madawaska vicinity. *ST. DAVID CATHOLIC CHURCH*, E of Madawaska on U.S. 1, (10-2-73)

New Sweden vicinity. *TIMMERHUSET*, W of New Sweden on ME 161, (8-23-73)

Van Buren. *VIOLETTE HOUSE*, 464 Main St., (5-17-76)

Van Buren vicinity. *ACADIAN HISTORIC BUILDINGS*, N of Van Buren on U.S. 1, (12-13-77)

cumberland

Harpwell. *BAILEY ISLAND COBWORK BRIDGE*, On ME 24 connecting Bailey and Orrs Islands, (4-28-75)

cumberland county

SHAKER VILLAGE, Reference—see *Androscoggin County*

Bridgton. *PERRY, WILLIAM F., HOUSE*, 6 Main Hill, (9-25-75)

Brunswick. *BOODY, HENRY, HOUSE*, Maine St., (2-24-75)

Brunswick. *FEDERAL STREET HISTORIC DISTRICT*, Roughly bounded by Mason, Maine, College, and Federal Sts., (10-29-76)

Brunswick. *FIRST PARISH CHURCH*, 207 Maine St., (12-2-69)

Brunswick. *LINCOLN STREET HISTORIC DISTRICT*, Lincoln St. between Main and Union Sts., (12-12-76)

Brunswick. *MASSACHUSETTS HALL, BOWDOIN COLLEGE*, Bowdoin College campus, (7-27-71) HABS.

Brunswick. *RICHARDSON HOUSE (CAPT. GEORGE MCMANUS HOUSE)*, 11 Lincoln St., (5-16-74)

Brunswick. *STOWE, HARRIET BEECHER, HOUSE*, 63 Federal St., (10-15-66) NHL.

Brunswick vicinity. *HARPSWELL MEETINGHOUSE*, Harpswell Center on ME 123, 9 mi. S of Brunswick, (11-24-68) NHL; HABS.

Cape Elizabeth. *BECKETT'S CASTLE*, Off ME 77, (12-31-74)

Cape Elizabeth. *BROWN, C. A., COTTAGE*, 9 Delano Park, (7-30-74)

Cape Elizabeth. *PORTLAND HEADLIGHT*, Portland Head off Shore Rd., (4-24-73) HABS.

Cape Elizabeth. *SPURWINK CONGREGATIONAL CHURCH*, Spurwink Ave., (5-19-70)

Cape Elizabeth. *TWO LIGHTS*, Off ME 77, (12-27-74)

Casco vicinity. *FRIENDS MEETINGHOUSE*, S of Casco off U.S. 302, (9-9-75)

Falmouth. *SKELTON, THOMAS, HOUSE*, 124 U.S. 1, (5-7-73)

Freeport. *FREEPORT MAIN STREET HISTORIC DISTRICT*, Main St., (11-16-77)

Freeport. *HARRASECKET HISTORIC DISTRICT*, Roughly both sides of the Harraseeket River, including South Freeport, Porters Landing, and Mast Landing, (6-28-74)

Freeport. *PETTENGILL HOUSE AND FARM*, S of Bow St., (10-6-70)

Freeport. *POTE, CAPT. GREENFIELD, HOUSE (PETTENGILL HOUSE)*, Wolf Neck Rd., (10-6-70)

Gorham. *ACADEMY BUILDING (GORHAM ACADEMY; GORHAM SEMINARY)*, Gorham campus of University of Maine at Portland-Gorham, (1-18-73)

Gorham. *ART GALLERY (FREE MEETINGHOUSE, TOWN HOUSE)*, Gor-

ham campus of University of Maine at Portland-Gorham, (12-27-72)

Gorham. *MCLELLAN HOUSE*, School St., (12-5-72)

Harpwell. *EAGLE ISLAND (HOME OF ADM. ROBERT E. PEARY)*, (11-23-71)

Harpwell. *KELLOGG, ELIJAH, HOUSE*, N of North Harpswell on ME 123, (4-28-75)

Harpwell vicinity. *BAILEY ISLAND COBWORK BRIDGE*, On ME 24 connecting Bailey and Orrs Islands, (4-28-75)

Harrison vicinity. *BARROWS-SCRIBNER MILL*, SE of Harrison on Scribner's Mill Rd., (3-26-76)

Naples vicinity. *SONGO LOCK*, S of Naples off ME 114, (2-16-70)

New Gloucester. *NEW GLOUCESTER HISTORIC DISTRICT*, Both sides of ME 33 and ME 231, (11-13-74)

North Falmouth vicinity. *FALMOUTH HOUSE*, 340 Gray Rd., (9-1-76)

Otisfield vicinity. *NUTTING HOMESTEAD, THE*, S of Otisfield off ME 121, (12-3-74)

Portland. *BUTLER, A. B., HOUSE*, 4 Walker St., (5-8-74)

Portland. *CHESTNUT STREET METHODIST CHURCH*, 11-19 Chestnut St., (10-20-77)

Portland. *CLAPP, CHARLES Q., HOUSE*, 97 Spring St., (2-23-72) HABS; G.

Portland. *DOW, GEN. NEAL, HOUSE*, 714 Congress St., (4-11-73) NHL.

Portland. *EASTERN CEMETERY*, Congress St., corner Mountford St., (12-12-73)

Portland. *FIRST PARISH CHURCH*, 425 Congress St., (1-12-73) HABS.

Portland. *GOTHIC HOUSE, THE*, 387 Spring Street, (12-31-74)

Portland. *GREEN MEMORIAL A.M.E. ZION CHURCH (ABYSSINIAN CONGREGATIONAL CHURCH AND SOCIETY)*, 46 Sheridan St., (1-17-73)

Portland. *GREENOUGH, BYRON, BLOCK*, Free and Middle Sts., (3-10-77)

Portland. *HOW, DANIEL, HOUSE*, 23 Danforth St., (4-24-73)

Portland. *INGRAHAM, JOSEPH HOLT, HOUSE*, 51 State St., (7-16-73) HABS.

Portland. *MARINE HOSPITAL*, 331 Veranda St., (8-21-74)

Portland. *MARINER'S CHURCH*, 368-374 Fore St., (4-23-73)

Portland. *MCLELLAN-SWEAT MANSION*, 111 High St., (3-5-70) NHL; HABS.

Portland. *MECHANICS' HALL*, 519 Congress St., (10-3-73) HABS.

Portland. *MORSE-LIBBY MANSION*, 109 Danforth St., (5-19-70) NHL; HABS; G.

Portland. *PARK STREET ROW*, 88-114 Park St., (2-23-72) HABS.

Portland. *PORTLAND CITY HALL*, 389 Congress St., (5-7-73) HABS.

Portland. *PORTLAND CLUB (HUNNEWELL-SHEPLEY HOUSE)*, 156 State St., (1-25-73)

Portland. *PORTLAND OBSERVATORY*, 138 Congress St., (4-24-73) HABS.

Portland. *PORTLAND STOVE FOUNDRY*, 57 Kennebec St., (11-18-74)

Portland. *PORTLAND WATERFRONT*, Waterfront Area, (5-2-74)

Portland. *RACKLEFF BUILDING*, 127, 129, 131, 133 Middle St., (5-9-73)

Portland. *REED, THOMAS BRACKETT, HOUSE*, 30-32 Deering St., (5-7-73) NHL.

Portland. *SMITH, F.O.J., TOMB*, Stevens Ave. in Evergreen Cemetery, (12-31-74)

Portland. *SPRING STREET HISTORIC DISTRICT*, (4-3-70) HABS.

Portland. *STEVENS, JOHN CALVIN, HOUSE*, 52 Bowdoin St., (7-16-73) HABS.

Portland. *STROUDWATER HISTORIC DISTRICT*, Residential area at confluence of Stroudwater and Fore Rivers, (2-16-73) HABS.

Portland. *THOMPSON BLOCK*, 117, 119, 121, 123, and 125 Middle St., (2-28-73)

Portland. *U.S. COURTHOUSE*, 156 Federal St., (2-12-74)

Portland. *U.S. CUSTOMHOUSE*, 312 Fore St., (5-17-73) HABS.

Portland. *WADSWORTH-LONGFELLOW HOUSE*, 487 Congress St., (10-15-66) NHL; HABS.

Portland. *WESTBROOK COLLEGE HISTORIC DISTRICT*, 716 Stevens Ave., (9-15-77)

Portland. *WOODMAN BUILDING*, 133-141 Middle St., (2-23-72) HABS.

Portland vicinity. *FORT GORGES*, E of Portland on Hog Island, Portland Harbor, (8-28-73) HABS.

Scarborough. *HOMER, WINSLOW, STUDIO*, Winslow Homer Rd., Prout's Neck, (10-15-66) NHL.

Scarborough. *HUNNIWELL, RICHARD, HOUSE*, W of Scarborough at Winnock's Neck and Old County Rds., (5-12-76)

South Casco. *HAWTHORNE, NATHANIEL, BOYHOOD HOME*, Hawthorne and Raymond Cape Rds., (12-2-69)

South Portland. *PORTLAND BREAKWATER LIGHT*, NE end of Portland Breakwater in Portland Harbor, (6-19-73) HABS.

South Windham vicinity. *SMITH, PARSON, HOUSE*, SE of South Windham on River Rd., (7-16-73)

Standish. *FIRST PARISH MEETINGHOUSE*, Oak Hill Rd., (3-27-75)

Standish. *MARRETT, DANIEL, HOUSE*, On ME 25, (2-15-74)

Standish, Windham, Gorham, and Westbrook. *CUMBERLAND AND OXFORD CANAL*, From Sabago Lake Basin to Conant St., (11-1-74)

Steep Falls vicinity. *VALLEY LODGE*, NW of Steep Falls off ME 113, (9-19-77)

Stroudwater. *TATE HOUSE*, 1270 Westbrook St., (1-12-70) NHL; HABS.

Westbrook. *CUMBERLAND MILLS HISTORIC DISTRICT*, Both sides of Presumpscot River between railroad tracks and Warren Ave., (5-2-74)

Westbrook. *WARREN BLOCK*, Main St., (11-5-74)

Yarmouth. *MERRILL, CAPT. REUBEN, HOUSE*, 97 W. Main St., (7-12-74)

Yarmouth. *NORTH YARMOUTH ACADEMY*, On ME 115, (3-4-75)

franklin county

Farmington. *ABBOTT, JACOB, HOUSE*, ME 27, (11-26-73)

Farmington. *CUTLER MEMORIAL LIBRARY*, Academy and High Sts., (11-2-73)

Farmington. *FIRST CONGREGATIONAL CHURCH, UNITED CHURCH OF CHRIST*, Main St., (7-25-74)

Farmington. *FREE WILL BAPTIST MEETINGHOUSE*, Main St., (8-28-73)

Farmington. *RAMSDELL, HIRAM, HOUSE*, High and Perham Sts., (12-4-73)

Farmington Falls. *OLD UNION MEETINGHOUSE (UNION BAPTIST CHURCH)*, U.S. 2, (10-30-73) G.

Farmington vicinity. *NORDICA HOMESTEAD*, N of Farmington on Holly Rd. off ME 27, (12-23-69)

Kingfield. *WINTER, AMOS G., HOUSE*, Winter's Hill off ME 27, (5-3-76)

North Jay. *HOLMES-CRAFTS HOMESTEAD*, Old N. Jay Rd. on ME 4, (4-26-73)

North Jay. *NORTH JAY GRANGE STORE*, ME 17, (10-23-74)

Popham Beach vicinity to Coburn Gore. *ARNOLD TRAIL TO QUEBEC*, Along the Kennebec River, through Wayman and Flagstaff lakes, along the Dead River and Chain of Ponds to Quebec, Canada, (10-1-69) (also in Kennebec, Sagadahoc, and Somerset counties)

West Farmington vicinity. *LITTLE RED SCHOOLHOUSE*, S of West Farmington on Wilton Rd., (2-23-72)

hancock county

Bar Harbor. *TURRETS, THE*, Eden St., (12-24-74)

Blue Hill. *HINCKLEY, WARD, HOUSE*, (12-16-74)

Blue Hill vicinity. *JONATHAN FISHER MEMORIAL*, SW of Blue Hill on ME 15 (Outer Main St.), (12-30-69)

Brooksville. *TOPSIDE*, N bank of Walker Pond off ME 176, (8-13-75)

Bucksport. *BUCKSPORT RAILROAD STATION*, Main St., (4-28-75)

Bucksport. *EMERY, JAMES, HOUSE*, Main St., (8-13-74)

Castine. *CASTINE HISTORIC DISTRICT*, (2-23-73)

Castine. *CATE HOUSE*, Corner of Court and Pleasant Sts., (1-26-70)

Castine. *FORT GEORGE*, Wadsworth St. off Battle Ave., (12-30-69)

Castine. *PERKINS, JOHN, HOUSE*, Perkins St., (12-30-69)

East Sullivan vicinity. *WICKYUP (ADM. RICHARD E. BYRD ESTATE)*, 8 mi. NE of East Sullivan at the S end of Tunk Lake, (8-29-70) NHL.

Ellsworth. *BLACK MANSION*, W. Main St. (ME 172), (12-23-69)

Ellsworth. *ELLSWORTH CONGREGATIONAL CHURCH*, State St., (4-23-73)

Ellsworth. *JORDON, COL. MELTIAH, HOUSE (ELLSWORTH PUBLIC LIBRARY)*, State St., (8-13-74) HABS.

Ellsworth. *OLD HANCOCK COUNTY BUILDINGS*, Cross St., (11-23-77)

Ellsworth. *STANWOOD HOMESTEAD (BIRDSACK SANCTUARY)*, 1 mi. S of Ellsworth on ME 3, (6-19-73)

Mount Desert. *SOMESVILLE HISTORIC DISTRICT*, Somes Harbor and its environs, (1-8-75)

Northeast Harbor. *GILMAN, DANIEL COIT, SUMMER HOME (OVER EDGE)*, (10-15-66) NHL.

Sedgwick. *FIRST BAPTIST CHURCH*, Off ME 172, (4-24-73)

Sullivan. *GRANITE STORE*, U.S. 1, (12-16-74)

Sunset vicinity. *OLMSTED, FREDERICK LAW, SUMMER HOME*, SW of Sunset on Deer Isle, (11-7-76)

kennebec county

Oakland. *PRESSEY HOUSE*, 287 Summer St., (9-15-77)

Vassalboro. *RIVER MEETINGHOUSE*, U.S. 201, (9-19-77)

kennebec county

ARNOLD TRAIL TO QUEBEC, Reference—see Franklin County

Augusta. *BLAINE, JAMES G., HOUSE*, Capitol and State sts., (10-15-66) NHL.

Augusta. *FORT WESTERN*, Bowman St., (12-2-69) NHL; HABS.

Augusta. *HILL, GOV. JOHN F., MANSION*, 136 State St., (11-21-77)

Augusta. *KENNEBEC ARSENAL*, Arsenal St., (8-25-70)

Augusta. *KENNEBEC COUNTY COURTHOUSE*, 95 State St., (7-25-74)

Augusta. *LITHGOW LIBRARY*, Winthrop St., (7-24-74)

Augusta. *MAINE STATE HOUSE*, Capitol St., (4-24-73) HABS.

Augusta. *MORRILL, LOT, HOUSE*, 113 Winthrop St., (7-18-74)

Augusta. *OLD POST OFFICE*, Water St., (7-18-74)

China. *CHINA VILLAGE HISTORIC DISTRICT*, ME 9, (11-23-77)

Clinton. *BROWN MEMORIAL LIBRARY*, Downtown Clinton, (4-28-75)

Farmingdale. *GRANT, PETER, HOUSE*, 10 Grant St., (5-17-76)

Gardiner. *CHRIST EPISCOPAL CHURCH*, 1 Dresden Ave., (7-24-73)

Gardiner. *OAKLANDS*, S end of Dresden St., (7-27-73) HABS.

Gardiner. *ROBINSON, EDWARD ARLINGTON, HOUSE*, 67 Lincoln Ave., (11-11-71) NHL.

Hallowell. *ELM HILL FARM (MERRICK COTTAGE)*, Litchfield Rd., (8-25-70)

Hallowell. *HALLOWELL HISTORIC DISTRICT*, (10-28-70)

Hallowell. *ROW HOUSE (GAGE BLOCK)*, 106-114 2nd St., (7-1-70) G.

Hallowell. *VAUGHAN HOMESTEAD*, Middle St. off Litchfield Rd., (10-6-70)

Manchester vicinity. *COBOSSEECOTTEE DAM SITE*, S of Manchester off Pond Rd., (6-3-76)

Monmouth. *CUMSTON HALL*, Main St., (8-14-73) HABS; G.

Mt. Vernon vicinity. *BECK, KLIR, HOUSE*, W of Mt. Vernon off ME 41, (11-23-77)

Oakland. *MEMORIAL HALL*, Church St., (11-23-77)

Togus. *GOVERNOR'S HOUSE*, (9-23-74) NHL.

Waterville. *FIRST BAPTIST CHURCH*, Park and Elm Sts., (11-7-76)

Waterville. *WATERVILLE OPERA HOUSE AND CITY HALL*, Castonguay Sq., (1-1-76)

Waterville. *WATERVILLE POST OFFICE*, Main and Elm St., (4-18-77)

Waterville-Winslow. *TWO CENT BRIDGE*, Spans the Kennebec River at Temple St., (9-20-73)

Winslow. *FORT HALIFAX*, On U.S. 201 at Winslow, (11-24-68) NHL; HABS.

Winslow. *SHURTLEFF, JONAS B., HOUSE*, Augusta Rd., (12-30-74)

Winslow vicinity. *BRICK SCHOOL*, S of Winslow on Cushman Rd., (4-18-77)

knox county

Camden. *CONWAY HOUSE*, Conway Rd., (12-23-69)

Camden. *CURTIS ISLAND LIGHT (NEGRO ISLAND LIGHT)*, 0.8 mi. from Camden Harbor in Penobscot Bay, (5-17-73)

Camden. *NORUMBEGA*, High St., (7-12-74)

North Haven vicinity. *TURNER FARM SITE*, NE of North Haven, (3-26-76)

Rockland. *FARNSWORTH HOMESTEAD*, 21 Elm St., (5-25-73) HABS.

Rockland. *KNOX COUNTY COURTHOUSE*, 62 Union St., (4-18-77)

Rockport. *ROCKPORT HISTORIC DISTRICT*, Irregular pattern along Pascal Ave. from Russell, Union, and Winter Sts. on N to School St. on S, (5-28-76)

Rockport. *ROCKPORT HISTORIC KILN AREA*, On W side of mouth of Goose River at confluence with Rockport Harbor, (1-26-70)

Rockport. *SPIKE HOUSE*, Deadman's Point, (8-13-74)

Tenants Harbor. *SAIL LOFT*, Off ME 131, (10-28-77)

Thomaston. *THOMASTON HISTORIC DISTRICT*, Runs through Blue Star Memorial Hwy. between Wadsworth St. and ME 131, (5-2-74) HABS.

Union. *ALDEN, EBENEZER, HOUSE*, Off ME 131, (4-28-75)

Vinalhaven. *VINALHAVEN GALAMANDER, THE*, Bandstand Park, (7-1-70)

Warren, Union, Appleton, and Searsmont vicinity. *GEORGES RIVER CANAL*, Upper Falls, Georges River in Warren to Union town line, extending to Quantabacook Pond in Searsmont, (3-5-70) (also in Waldo County)

lincoln county

Alna. *ALNA SCHOOL*, Alna Center, (4-28-75) HABS.

Alna. *HEAD TIDE HISTORIC DISTRICT*, Both sides of Sheepscot River, (11-19-74)

Alna Center. *ALNA MEETINGHOUSE*, ME 218, (5-19-70) HABS.

Boothbay Harbor. *BOOTHBAY HARBOR MEMORIAL LIBRARY*, ME 27, (4-18-77)

Boothbay Harbor vicinity. *BURNT ISLAND LIGHT STATION*, S of Boothbay Harbor on Burnt Island, (11-23-77)

Damariscotta. *CHAPMAN-HALL HOUSE*, Main and Vine Sts., (5-19-70)

Damariscotta. *COTTRILL, MATTHEW, HOUSE*, Main St. (U.S. 1), (5-2-74) HABS.

Damariscotta vicinity. *DAMARISCOTTA OYSTER SHELL HEAPS*, Damariscotta River, N of Damariscotta, (12-30-69)

Dresden. *BOWMAN-CARNEY HOUSE*, Off ME 197, (4-7-71) HABS.

Dresden. *POWNALBOROUGH COURTHOUSE*, Cedar Grove Rd., (1-12-70) HABS.

Edgecomb. *FORT EDGECOMB*, On Davis Island in the Sheepscot River, (10-1-69)

New Castle. *GLIDDEN-AUSTIN BLOCK*, Jct. of U.S. 1 and ME 215, (4-28-75) HABS.

New Castle. *KAVANAUGH, GOV. EDWARD, HOUSE*, ME 213 (Damariscotta Mills), (5-3-74) HABS.

Newcastle. *ST. ANDREW'S CHURCH*, Glidden St., (10-8-76)

Newcastle. *ST. PATRICK'S CATHOLIC CHURCH*, Academy Rd., (4-23-73) HABS.

North Whitefield vicinity. *ST. DENIS CATHOLIC CHURCH*, W of North Whitefield on ME 218, (10-29-76)

Pemaquid Beach vicinity. *FORT WILLIAM HENRY*, NW of Pemaquid Beach, (12-1-69)

Pemaquid Beach vicinity. *PEMAQUID RESTORATION AND MUSEUM*, N of Pemaquid Beach at Pemaquid Point, (12-2-69)

Pemaquid vicinity. *HARRINGTON MEETINGHOUSE*, NW of Pemaquid on Old Harrington Rd., (5-19-70)

South Bristol. *THOMPSON ICEHOUSE*, ME 129, (12-31-74)

Waldoboro. *U.S. CUSTOMHOUSE AND POST OFFICE (WALDOBORO PUBLIC LIBRARY)*, Main St., (1-18-74)

Waldoboro. *WALDOBOROUGH TOWN POUND*, Washington Rd., (5-28-76)

Waldoboro vicinity. *GERMAN CHURCH AND CEMETERY*, 1 mi. S of Waldoboro Village on ME 32, (5-19-70) HABS.

Walpole vicinity. *WALPOLE MEETINGHOUSE*, N of Walpole on Meeting House Rd., (11-7-76) HABS.

Wiscasset. *NICKELS-SORTWELL HOUSE*, NE corner of Main and Federal Sts., (12-30-70) NHL; HABS.

5220 MAINE

Wiscasset. **RED BRICK SHCOOL (OLD ACADEMY BUILDING)**, Warren St., (10-6-70) HABS.
Wiscasset. **SCOTT, CAPT. GEORGE, HOUSE (OCTAGON HOUSE)**, Federal St., (2-23-72) HABS.
Wiscasset. **U.S. CUSTOMHOUSE (OLD CUSTOMHOUSE) AND POST OFFICE**, Water St., (8-25-70)
Wiscasset. **WISCASSET HISTORIC DISTRICT**, (1-12-73) HABS.
Wiscasset. **WISCASSET JAIL AND MUSEUM**, ME 218, (1-26-70) HABS.

oxford county

Andover vicinity. **MERRILL-POOR HOUSE**, NE of Andover on ME 120, (5-17-76)
Bethel. **BROAD STREET HISTORIC DISTRICT**, Broad St. and the Common, (12-28-77)
Bethel. **GEHRING CLINIC**, Off ME 5, (8-2-76)
Bethel. **MASON, DR. MOSES, HOUSE (ADA DURRELL HOUSE)**, Broad St., (10-17-72)
Fryeburg Center vicinity. **HEMLOCK BRIDGE**, NE of Fryeburg Center, over the Old Course Saco River, (2-16-70)
Gilead vicinity. **PEABODY TAVERN**, E of Gilead on U.S. 2, (12-13-76)
Hebron. **STURTEVANT HALL**, ME 119, (9-19-77)
Hiram vicinity. **WADSWORTH HALL**, S of Hiram, (1-21-74)
Hiram vicinity. **WATSON, JOHN, HOUSE**, 1 mi. NW of Hiram off ME 117, (12-31-74)
Newry vicinity. **SUNDAY RIVER BRIDGE**, W of Newry, over Sunday River, (2-16-70)
Paris Hill. **PARIS HILL HISTORIC DISTRICT**, (6-19-73)
Porter vicinity. **PORTER OLD MEETINGHOUSE**, N of Porter off ME 25, (4-2-73) HABS.
Porter vicinity. **PORTER-PARSONFIELD BRIDGE**, 0.5 mi. S of Porter over the Ossipee River, (2-16-70) (also in York County)
Rumford. **STRATHGLASS PARK DISTRICT**, Bounded by Lincoln Ave., Hancock St., Maine Ave., and York St., (10-18-74)
South Andover. **LOVEJOY BRIDGE**, Over Ellis River, (2-16-70)
Wilsons Mills vicinity. **BENNETT BRIDGE**, 1.5 mi. S of Wilsons Mills off ME 16, over Magalloway River, (2-16-70)

penobscot county

Bangor. **ADAMS-PICKERING BLOCK**, Corner of Main and Middle Sts., (5-2-74)
Bangor. **BANGOR CHILDREN'S HOME**, 218 Ohio St., (9-9-75)
Bangor. **BANGOR HOUSE**, 174 Main St., (2-23-72)
Bangor. **BANGOR STANDPIPE**, Jackson St., (8-30-74)
Bangor. **BANGOR THEOLOGICAL SEMINARY HISTORIC DISTRICT**, Union St., (8-2-77)
Bangor. **BLAKE HOUSE**, 107 Court St., (10-31-72)
Bangor. **BROADWAY HISTORIC DISTRICT**, (5-7-73)
Bangor. **FARRAR, SAMUEL, HOUSE**, 123 Court St., (5-23-74)
Bangor. **GODFREY-KELLOGG HOUSE**, 212 Kenduskeag Ave., (6-18-73)
Bangor. **GRAND ARMY MEMORIAL HOME**, 159 Union St., (10-31-72) G.
Bangor. **JONAS CUTTING-EDWARD KENT HOUSE**, 48-50 Penobscot St., (4-2-73)
Bangor. **LOW, JOSEPH W., HOUSE**, 51 Highland St., (12-4-73)

NOTICES

Bangor. **MORSE & CO. OFFICE BUILDING**, Harlow St., (4-2-73)
Bangor. **MORSE BRIDGE**, Valley Ave., over Kenduskeag Stream, (2-16-70)
Bangor. **MOUNT HOPE CEMETERY DISTRICT**, U.S. 2, (12-4-74)
Bangor. **SMITH, ZEBULON, HOUSE**, 55 Summer St., (1-21-74)
Bangor. **ST. JOHN'S CATHOLIC CHURCH**, York St., (4-2-73)
Bangor. **SYMPHONY HOUSE (ISAAC FARRAR HOUSE)**, 166 Union St., (10-26-72) G.
Bangor. **WHEELWRIGHT BLOCK**, 34 Hammond St., (7-18-74)
Bangor-Brewer vicinity. **PENOBSCOT EXPLORATION SITE**, Between Bangor and Brewer at jct. of Penobscot and Kenduskeag Stream, (4-23-73)
Corinna. **STEWART FREE LIBRARY**, ME 11/43, (7-30-74)
Dexter. **DEXTER GRIST MILL**, ME 7, (10-10-75)
Dixmont. **BUSSEY, LOUIS I., SCHOOL**, U.S. 202, (11-7-76)
East Corinth vicinity. **CORINTH VILLAGE (SKINNER SETTLEMENT)**, 3.5 mi. W of East Corinth, (6-4-73)
Garland. **GARLAND GRANGE HALL**, Off ME 94, (5-12-75)
Hampden. **HAMPDEN ACADEMY**, Alt. U.S. 1, (9-11-75)
Hudson vicinity. **YOUNG SITE**, E of Hudson, (3-26-76)
Medway. **CONGREGATIONAL CHURCH OF MEDWAY**, Off ME 11, (11-21-77)
North Brewer vicinity. **PENOBSCOT SALMON CLUB AND POOL**, N. Main St., (9-15-76)
Old Town. **ST. ANNE'S CHURCH AND MISSION SITE**, On Indian Island off ME 43, (11-26-73)
Old Town. **ST. JAMES EPISCOPAL CHURCH**, Centre St., (11-19-74)
Old Town vicinity. **HIRUNDO SITE**, W of Old Town off ME 43, (9-11-75) G.
Orono. **COLBURN, WILLIAM, HOUSE**, 91 Bennoch Rd., (6-19-73)
Orono. **ORONO MAIN STREET HISTORIC DISTRICT**, Main St. from Maplewood Ave. to Pine St., (12-7-77)
Orono. **TREAT, NATHANIEL, HOUSE**, 114 Main St., (9-20-73)
Orono. **WASHBURN, GOV. ISRAEL, HOUSE**, 120 Main St., (1-12-73)
Robyville. **ROBYVILLE BRIDGE**, Over Kenduskeag Stream, (2-16-70)

piscataquis county

Brownville Junction vicinity. **KATAHDIN IRONWORKS**, NW of Brownville Junction at Silver Lake, (12-23-69)
Chesuncook. **CHESUNCOOK VILLAGE**, NW shore, Chesuncook Lake, (4-11-73)
Dover-Foxcroft. **WILEY, JAMES SULLIVAN, HOUSE**, Main St., (11-21-76)
Millinocket vicinity. **AMBAJEJUS BOOM HOUSE**, About 11 mi. NW of Millinocket and Ambajejus Lake, (4-2-73)
Sangerville. **CARLETON, ROBERT, HOUSE**, N. Main St., (12-6-75)
Sangerville vicinity. **LOW'S BRIDGE**, Over Piscataquis River between Guilford and Sangerville, (2-16-70)

sagadahoc county

Reference—see Franklin County
Bangor. **ARNOLD TRAIL TO QUEBEC, HISTORIC DISTRICT**, (5-17-73) HABS; G.
Bangor. **KING, GOV. WILLIAM, HOUSE**, Whiskeag Rd., (5-24-76)

Bath. **PERCY AND SMALL SHIPYARD**, 451 Washington St., (7-27-71) G.
Bath. **SEGUIN (TUGBOAT)**, Bath Marine Museum, (12-2-69) G.
Bath. **U.S. CUSTOMHOUSE AND POST OFFICE**, 25 Front St., (10-6-70) HABS.
Bath. **WINTER STREET CHURCH**, Corner of Washington and Winter Sts., (7-27-71) HABS; G.
Bath vicinity. **DAYS FERRY HISTORIC DISTRICT**, N of Bath along ME 128, (2-20-75)
Georgetown vicinity. **SEGUIN ISLAND LIGHT STATION**, S of Georgetown, (3-8-77)
Georgetown vicinity. **STONE SCHOOL-HOUSE**, S of Georgetown on Bay Point Rd., (8-12-77)
Phippsburg. **MCCOBB-HILL-MINOTT HOUSE**, Parker Head Rd., (11-23-77) HABS.
Popham Beach vicinity. **FORT POPHAM MEMORIAL**, N of Popham on Hunnewell Point, (10-1-69)
Popham Beach vicinity. **POPHAM COLONY SITE**, NW of Popham Beach at the end of ME 209, (2-16-70)
Richmond. **RICHMOND HISTORIC DISTRICT**, Roughly bounded by South, High, Kimbal Sts., and the Kennebec River, (11-12-73) HABS.
Richmond. **SOUTHARD BLOCK**, 25 Front St., (2-23-72)
Topsham. **PEJEPSCOT PAPER COMPANY**, Off U.S. 201 at Androscoggin River, (9-17-74)

somersey county

Reference—see Franklin County
Bingham. **ARNOLD TRAIL TO QUEBEC, FREE MEETINGHOUSE**, S. Main St. (U.S. 201), (6-3-76)
Fairfield. **CONNOR-BOVIE HOUSE**, 22 Summit Street, (1-18-74)
Fairfield. **LAWRENCE LIBRARY**, (12-31-74)
Madison vicinity. **LAKEWOOD THEATER**, NE of Madison in town of Lakewood on bank of Lake Wesserunett, (6-18-75)
Madison vicinity. **OLD POINT AND SEBASTIAN RALE MONUMENT (NORRIDGEWOCK INDIAN VILLAGE SITE)**, S of Madison off Alt. US 201, (4-2-73) HABS.
Madison vicinity. **WESTON HOMESTEAD**, N of Madison on Weston Ave., (11-23-77)
Mercer. **INGALLS HOUSE**, Off U.S. 2, (6-5-75)
New Portland vicinity. **NEW PORTLAND WIRE BRIDGE**, Wire Bridge Rd., over the Carrabassett River, (1-12-70)
Norridgewock. **MAY, SOPHIE, HOUSE**, Sophie May Lane, (10-8-76)
Skowhegan. **COBURN, GOV. ABNER, HOUSE**, Main St., (7-30-74)

waldo county

Reference—see Knox County
Belfast. **BELFAST NATIONAL BANK**, Main and Beaver Sts., (4-23-73) HABS.
Belfast. **FIRST CHURCH OF BELFAST**, Church St., (11-7-76) HABS.
Belfast. **HAYFORD BLOCK**, 47 Church St., (8-29-77)
Belfast. **MASONIC TEMPLE**, High St. (U.S. 1), (4-26-73) HABS.
Belfast. **PRIMROSE HILL HISTORIC DISTRICT**, High and Anderson Sts., (10-3-73) HABS.
Belfast. **WHITE, JAMES P., HOUSE**, 1 Church St., (4-24-73) HABS.
Frankfort vicinity. **MOUNT WALDO GRANITE WORKS**, U.S. 1A, (3-15-74)

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Liberty. **OLD POST OFFICE**, Main St. (ME 173), (6-19-73)
Prospect vicinity. **FORT KNOX STATE PARK**, U.S. 1 near Prospect, (10-1-69) NHL.
Searsport. **PENOBSCOT MARINE MUSEUM**, Church St., (7-1-70)
Stockton Springs. **PRIVATEER BRIGANTINE DEFENCE SHIPWRECK SITE**, Stockton Springs harbor, (3-18-75) G.
Stockton Springs vicinity. **FORT POWNALL MEMORIAL**, SE of Stockton Springs on Fort Point, (10-28-69)
Winterport. **WINTERPORT CONGREGATIONAL CHURCH**, Alt. U.S. 1, (4-24-73)
Winterport. **WINTERPORT HISTORIC DISTRICT**, Irregular pattern along Main, Elm, Cushing, Lebanon, Commercial, Dean, and Water Sts., (10-3-75)

washington county

Cherryfield. **CAMPBELL, GEN. ALEXANDER, HOUSE**, Campbell Hill, (4-13-77)
Columbia Falls. **BUCKNAM HOUSE**, Maine St., (4-28-75)
Columbia Falls. **RUGGLES HOUSE**, Main St., (1-26-70) HABS.
East Machias. **EAST MACHIAS HISTORIC DISTRICT**, High, Water, and Bridge Sts., (4-11-73)
East Machias vicinity. **"THE RIM" AND SITE OF FORT FOSTER**, S of East Machias off U.S. 1, (7-23-73)
Eastport. **CENTRAL CONGREGATIONAL CHURCH**, Middle St., (6-23-76)
Eastport. **FORT SULLIVAN**, Moose Island, barracks, 74 Washington St., (1-26-70)
Machias. **BURNHAM TAVERN**, Main St., (4-11-73) HABS.
Machias. **CENTRE STREET CONGREGATIONAL CHURCH**, Centre St., (5-12-75)
Machias. **MACHIAS POST OFFICE AND CUSTOMHOUSE**, Main and Center Sts., (11-23-77)
Machias. **THE LION (locomotive)**, University of Maine at Machias, (12-15-76)
Machias. **WASHINGTON COUNTY COURTHOUSE**, Court St., (11-7-76)
Machiasport. **GATES HOUSE**, ME 92, (4-28-75)
Machiasport. **LIBERTY HALL**, ME 92, (11-23-77)
Machiasport vicinity. **FORT O'BRIEN (FORT MACHIAS)**, S of Machiasport on secondary rd., (10-1-69)
Machiasport vicinity. **LIBBY ISLAND LIGHT STATION**, S of Machiasport on Libby Island, (6-18-76)
Robbinston vicinity. **MANSION HOUSE, THE (GEN. JOHN BREWER HOUSE)**, N of Robbinston on U.S. 1, (5-22-73)
St. Croix Junction vicinity. **ST. CROIX ISLAND NATIONAL MONUMENT**, On the international boundary in the St. Croix River, (10-15-66)

Wayne

WAYNE TOWN HOUSE, ME 133, (1-1-76)

york county

Reference—see Oxford County
Alfred. **HOLMES, SEN. JOHN, HOUSE**, U.S. 202, (4-24-75) HABS.
Biddeford. **BIDDEFORD CITY HALL**, 205 Main St., (4-24-73)
Biddeford. **FIRST PARISH MEETINGHOUSE**, Old Pool Rd., (10-26-72)
Biddeford. **U.S. POST OFFICE**, 35 Washington St., (5-7-73)

Biddeford Pool. **FLETCHER'S NECK LIFESAVING STATION**, Ocean Ave., (11-1-74)
Buxton. **BREWSTER, ROYAL, HOUSE**, Buxton Lower Corner, (6-5-75)
Buxton Center. **BUXTON POWDER HOUSE**, ME 22, (1-2-76)
East Lebanon. **OLD GRIST MILL**, Little River Rd., (6-5-75)
Eliot vicinity. **FROST GARRISON AND HOUSE**, Frost's Hill, (6-27-71)
Kennebunk. **KENNEBUNK HISTORIC DISTRICT**, Both sides of ME 35 from Kennebunk River to U.S. 1, radiating streets at intersection, (6-5-74) HABS.
Kennebunk. **LORD MANSION (CLARK MANSION)**, 20 Summer St., (4-2-73)
Kennebunkport. **KENNEBUNK RIVER CLUB**, Ocean Ave., (9-9-75) HABS.
Kennebunkport. **KENNEBUNKPORT HISTORIC DISTRICT**, Bounded roughly by South, Maine, North, and Lock Sts., and the Kennebunkport River, (5-6-76)
Kennebunkport. **LORD, CAPT. NATHANIEL, MANSION**, Pleasant and Green Sts., (9-20-73)
Kennebunkport. **PERKINS TIDE MILL**, Mill Lane, (9-7-73) HABS.
Kennebunkport. **U.S. CUSTOMHOUSE (LOUIS T. GRAVES MEMORIAL PUBLIC LIBRARY)**, Main St., (1-18-74)
Kittery. **GERRISH WAREHOUSE**, Pepperrell Cove off ME 103, (5-26-77) HABS.
Kittery. **PORTSMOUTH NAVAL SHIPYARD**, Seavey Island, (11-17-77)
Kittery Point. **LADY PEPPERELL HOUSE**, ME 103, (10-15-66) NHL; G.
Kittery Point. **PEPPERELL, WILLIAM, HOUSE**, On ME 103, (8-14-73) HABS.
Kittery Point vicinity. **FORT MCCLARY**, Off ME 103 near Fort McClary State Park, (10-1-69)
Kittery vicinity. **ISLES OF SHOALS**, 6.5 mi. SE of Kittery, (5-16-74)
North Berwick vicinity. **MORRELL HOUSE**, N of N. Berwick on Bauneg Beg Pond Rd., (9-29-76)
Old Orchard Beach. **TEMPLE, THE**, Temple Ave. in Ocean Park, (4-28-75)
Saco. **THACHER-GOODALE HOUSE**, 121 North St., (11-21-76)
Sanford. **GOODALL, THOMAS, HOUSE**, 232 Main St., (4-28-75)
South Berwick. **HAMILTON, JONATHAN, HOUSE**, Vaughan's Lane and Old South Rd., (12-30-70) NHL.
South Berwick. **JEWETT, SARAH ORNE, HOUSE**, ME 4 and 236, (6-4-73) HABS.
South Berwick. **PORTSMOUTH COMPANY COTTON MILLS: COUNTING HOUSE**, ME 4 at Salmon Falls River, (10-10-75)
West Lebanon. **WEST LEBANON HISTORIC DISTRICT**, Irregular pattern along W. Lebanon, Rochester, Milton, Shapleigh and Meeting House Rds., (6-5-75)
Wolliis Center vicinity. **WIGGIN, KATE DOUGLAS, HOUSE (QUILLCOTE)**, E of Hollis Center on Salmon Falls Rd., (9-16-77)
York. **HANCOCK, JOHN, WAREHOUSE**, Lindsay Rd., (12-2-69)
York. **MOODY HOMESTEAD**, Ridge Rd., (4-28-75)
York. **OLD SCHOOLHOUSE**, York St. (on the Village Green), (4-2-73)
York. **OLD YORK GAOL**, 4 Lindsay Rd., (11-24-68) NHL; HABS.
York. **ROSE, ROBERT, TAVERN**, Off Long Sands Rd., (10-10-75)
York. **YORK HISTORIC DISTRICT**, (7-16-73) G.

MARYLAND 5221

York Corner vicinity. **BARRELL HOMESTEAD**, W of York Corner on Beech Ridge Rd., (12-12-76)
York Corner vicinity. **SEDGLEY, JOHN, HOMESTEAD**, N of York Corner on Chases Pond Rd., (1-2-76)
York vicinity. **MCINTIRE GARRISON HOUSE**, On ME 91 about 5 mi. W of York, (11-24-68) NHL; HABS.

MARYLAND

allegany county

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, (10-15-66) HABS. (also in Frederick, Montgomery, and Washington counties, MD; DC; and Morgan County, WV)
OLD NATIONAL PIKE MILESTONES, Along U.S. 40, Alt. U.S. 40, MD 144, and MD 165, (3-27-75) (also in Baltimore, Carroll, Frederick, Howard, and Washington counties)
Cumberland. **BELL TOWER BUILDING (ALLEGANY COUNTY LEAGUE FOR CRIPPLED CHILDREN)**, Bedford and Liberty Sts., (2-20-73) G.
Cumberland. **CITY HALL**, N. Center St. between Frederick and Bedford Sts., (2-27-73)
Cumberland. **PUBLIC SAFETY BUILDING (OLD POST OFFICE)**, Frederick and Liberty Sts., (4-13-73)
Cumberland. **WASHINGTON STREET HISTORIC DISTRICT**, (2-6-73)
Cumberland. **WESTERN MARYLAND RAILWAY STATION**, Canal St., (6-19-73)
Cumberland. **16 ALTAMONT TERRACE**, NE corner of Altamont Ter. and Union St., (7-7-75)
Cumberland. **200-208 DECATUR STREET**, 200, 202, 204, 206, 208 Decatur St., (7-7-75)
Cumberland vicinity. **BARTON VILLAGE SITE**, SW of Cumberland, (5-12-75)
Cumberland vicinity. **INNS ON THE NATIONAL ROAD**, E and W of Cumberland on U.S. 40 from Flintstone to Grantsville, (12-22-76) (also in Garrett County)
Cumberland vicinity. **PHOENIX MILL FARM**, NE of Cumberland off MD 220, (8-12-77)
La Vale. **LA VALE TOLLGATE HOUSE**, U.S. 40, (1-25-71) G.
Lonaconing. **LONACONING FURNACE**, E. Main St., (6-19-73)
Oldtown. **CRESAP, MICHAEL, HOUSE**, Main St. at Green Spring Rd., (4-14-72) G.
Oldtown vicinity. **SHAWNEE OLD FIELDS VILLAGE SITE (KING OPPRESSA'S TOWN)**, SE of Oldtown, (5-12-75)

anne arundel county

Annapolis. **ARTISAN'S HOUSE**, 43 Pinckney St., (11-29-72) HABS.
Annapolis. **BRICE HOUSE**, 42 East St., (4-15-70) NHL; HABS.
Annapolis. **CALLAHAN, JOHN, HOUSE**, 164 Conduit St., (10-2-73) HABS.
Annapolis. **CHASE-LLOYD HOUSE**, 22 Maryland Ave., (4-15-70) NHL; HABS.
Annapolis. **COLONIAL ANNAPOLIS HISTORIC DISTRICT**, District boundaries approximate city boundaries surveyed in 1695, (10-15-66) NHL; HABS.
Annapolis. **CREAGH, PATRICK, HOUSE**, 160 Prince George St., (1-29-73) HABS.
Annapolis. **HAMMOND-HARWOOD HOUSE**, Maryland Ave. and King George St., (10-15-66) NHL; HABS; G.
Annapolis. **HOUSE BY THE "TOWN GATES"**, 63 West St., (6-19-73)

Annapolis. **MARYLAND STATEHOUSE**, State Circle, (10-15-66) NHL; HABS.
Annapolis. **MT. MORIAH AFRICAN METHODIST EPISCOPAL CHURCH**, 84 Franklin St., (1-25-73)
Annapolis. **OLD CITY HALL AND ENGINE HOUSE**, 211-213 Main St., (1-29-73)
Annapolis. **PACA HOUSE AND GARDEN (CARVEL HALL HOTEL)**, 186 Prince George St., (11-11-71) NHL; G.
Annapolis. **PINKNEY-CALLAHAN HOUSE (ST. JOHN'S COLLEGE INFIRMARY)**, 5 St. John's St., (11-12-71) HABS.
Annapolis. **SCOTT, UPTON, HOUSE**, 4 Shipwright St., (6-5-75) HABS.
Annapolis. **PEGGY STEWART HOUSE**, 207 Hanover St., (11-7-73) NHL; HABS.
Annapolis. **THOMAS POINT SHOALS LIGHT STATION**, Kent Island, Chesapeake Bay, (2-20-75)
Annapolis. **U.S. NAVAL ACADEMY**, Maryland Ave. and Hanover St., (10-15-66) NHL.
Annapolis. **WHITEHALL**, Off St. Margaret's Rd., (10-15-66) NHL.
Annapolis vicinity. **MARTINS POND SITE**, W of Annapolis, (6-5-75)
Bristol vicinity. **ST. JAMES CHURCH (ST. JAMES, LOTHIAN)**, 3 mi. E of Bristol on MD 2, (5-7-72)
Crownsville. **ST. PAUL'S CHAPEL**, MD 178, (3-20-73)
Crownsville vicinity. **HELVOIR**, 0.5 mi. E of Crownsville on MD 178, (11-19-71) HABS.
Davidsonville. **MOUNT AIRY**, Mount Airy Rd. off MD 424, (4-13-73) HABS.
Davidsonville vicinity. **ALL HALLOWS' CHURCH**, Jct. of MD 2, All Hallows' Church Rd. and South River Club Rd., (5-15-69) HABS.
Davidsonville vicinity. **SUMMER HILL**, E of Davidsonville off MD 214, (7-25-74)
Deale vicinity. **SUDLEY (CUMBERSTONE)**, N of Deale off MD 468 on Old Sudley Rd., (6-18-73)
Friendship. **HOLLY HILL**, SE of Friendship off MD 631, (10-26-71)
Galesville vicinity. **CEDAR PARK**, N of Galesville off Cumberstone Rd., (5-15-69) HABS.
Galesville vicinity. **TULIP HILL**, About 2.5 mi. W of Galesville on Owensville Rd., (4-15-70) NHL; HABS.
Gambrills. **HAMMOND MANOR HOUSE (U.S. NAVAL ACADEMY DAIRY FARM)**, U.S. Naval Academy Dairy off MD 175, (10-15-66)
Harwood vicinity. **LARKIN'S HILL FARM**, Off MD 2 on Mill Swamp Rd., (5-15-69)
Harwood vicinity. **LARKIN'S HUNDRED**, NE of Harwood on Mill Swamp Rd., (5-15-69)
Harwood vicinity. **MARY'S MOUNT**, NE of Harwood off Mill Swamp Rd., (5-15-69)
Harwood vicinity. **OBLIGATION**, 1.8 mi. N of Harwood off MD 2, (5-15-69)
Iglehart. **IGLEHART (THE VINEYARD)**, MD 178, (3-7-73)
Lothian vicinity. **BURRAGES**, Nutwell Rd. off MD 2, (4-11-73)
Owensville. **CHRIST CHURCH**, Owensville Rd. (MD 255), (6-18-73)
Owensville vicinity. **EVERGREEN**, Sudley Rd., off MD 255, (5-15-69)
Pasadena. **HANCOCK'S RESOLUTION**, E of Pasadena on Bayside Beach Rd., (10-10-75) HABS.
Sandy Point. **SANDY POINT FARMHOUSE**, Sandy Point State Park, (2-11-72)
South River vicinity. **SOUTH RIVER CLUB**, W of South River on South River Club Rd., (5-15-69) HABS.

Woodland Beach vicinity. **LONDON TOWN PUBLIC HOUSE**, NE of Woodland Beach at the end of Londontown Rd., (4-15-70) NHL; HABS.
baltimore (independent city)
AMERICAN BREWERY (WIESSNER BREWERY), 1701 N. Gay St., (5-9-73) HABS.
BALTIMORE AND OHIO TRANSPORTATION MUSEUM AND MOUNT CLARE STATION, Pratt and Poppleton Sts., (10-15-66) NHL; HABS; HABS.
BALTIMORE CITY HALL, 100 N. Holliday St., (5-8-73)
BALTIMORE EQUITABLE SOCIETY, 21 N. Eutaw St., (10-6-77)
BALTIMORE HEBREW CONGREGATION SYNAGOGUE, 1901 Madison Ave., (11-7-76)
BATTLE MONUMENT, Calvert St. between Fayette and Lexington Sts., (6-4-73) HABS.
BELVEDERE HOTEL, 1 E. Chase St., (8-29-77)
BOLTON HILL HISTORIC DISTRICT, Roughly bounded by North Ave., Eutaw Pl., and the Pennsylvania RR. tracks, (9-17-71) G.
CARROLL MANSION, 800 E. Lombard St., HABS.
CARROLLTON VIADUCT, Gwynn's Falls near Carroll Park, (11-11-71) NHL; HABS.
CLIFTON PARK VALVE HOUSE, 2801 Harford Rd., (2-18-71) G.
CYLBURN HOUSE AND PARK DISTRICT, 4915 Green Spring Ave., (5-4-72)
DAVIDGE HALL, UNIVERSITY OF MARYLAND, 522 W. Lombard St., (4-24-74)
DICKETTSVILLE HISTORIC DISTRICT, Both sides of Forest Park Ave. in Gwynn's Falls area, (7-12-72)
DRUID HILL PARK HISTORIC DISTRICT, Druid Hill Park, (5-22-73)
EASTERN FEMALE HIGH SCHOOL, 249 Aisquith St., (9-10-71)
EMERSON BROMO-SELTZER TOWER, 312-318 Lombard St., (6-4-73)
ENGINE HOUSE NO. 6, 416 N. Gay St., (6-18-73)
EVERGREEN ON THE FALLS (SNYDER-CARROLL HOUSE), 3300 Falls Rd., (7-30-75)
FEDERAL HILL HISTORIC DISTRICT, Bounded on the E by Covington St., on the N by Hughes St., on the W by Charles St., and on the S by Hamburg St., (4-17-70) HABS.
FELLS POINT HISTORIC DISTRICT, Bounded on the N by Aliceanna St., on the E by Wolfe St., on the S by the harbor, and on the W by Dallas St., (3-28-69) G.
FIRST PRESBYTERIAN CHURCH AND MANSE, 200-210 W. Madison St., (6-18-73) HABS.
FIRST UNITARIAN CHURCH, 2-12 W. Franklin St., (2-11-72) NHL; HABS.
FLAG HOUSE, 844 E. Pratt St., (12-3-69) NHL.
FORT MCHENRY NATIONAL MONUMENT AND HISTORIC SHRINE, Locust Point, at E end of Fort Ave., (10-15-66) HABS.
FRANKLIN STREET PRESBYTERIAN CHURCH AND PARSONAGE, 100 W. Franklin St. (church), 504 Cathedral St. (parsonage), (11-5-71)
HOMWOOD, N. Charles and 34th Sts., (9-10-71) NHL; HABS; G.
HOWARD STREET TUNNEL, Beneath Howard St. from Mt. Royal Station to Camden Station, (7-2-73) HABS.

JOHNS HOPKINS HOSPITAL COMPLEX, 601 N. Broadway, (2-24-75)
LOMBARD STREET BRIDGE, Over Gwynn's Falls off Wetheredsville Rd., (6-30-75)
LONDONTOWN MANUFACTURING COMPANY, INC. (MEADOW MILL), 3600 Clipper Mill Rd., (1-12-73)
LOVELY LANE METHODIST CHURCH (FIRST METHODIST EPISCOPAL CHURCH), 2200 St. Paul St., (5-25-73)
MCCOLLUM, ELMER V., HOUSE, 2301 Monticello Rd., (1-7-76) NHL.
MCKIM'S SCHOOL, 1120 E. Baltimore St., (3-30-73) HABS.
MOTHER SETON HOUSE, 600 N. Paca St., (6-13-72)
MOUNT CLARE, Carroll Park, (4-15-70) NHL; HABS.
MOUNT ROYAL STATION, 1400 Cathedral St., (6-18-73)
MOUNT VERNON PLACE HISTORIC DISTRICT, Mount Vernon Pl. and Washington Pl., (11-11-71) NHL; HABS.
MOUNT VERNON PLACE UNITED METHODIST CHURCH AND ASBURY HOUSE, 2-10 E. Mount Vernon Place, (9-17-71)
OLD ROMAN CATHOLIC CATHEDRAL (MINOR BASILICA), 401 Cathedral St., (11-11-71) NHL; HABS.
OLD TOWN FRIENDS' MEETINGHOUSE (AISQUITTH STREET MEETING; BALTIMORE MEETING), 1201 E. Fayette St., (3-30-73)
ORCHARD STREET UNITED METHODIST CHURCH, 510 Orchard St., (11-12-75)
OTTERBEIN CHURCH, 112 W. Conway St., (10-28-69) HABS; G.
PASCAULT ROW, 651-665 W. Lexington St., (1-29-73) HABS.
PEALE'S BALTIMORE MUSEUM (MUNICIPAL MUSEUM OF THE CITY OF BALTIMORE), 225 N. Holliday St., (10-15-66) NHL; HABS.
PENNSYLVANIA STATION, 1525 N. Charles St., (9-12-75)
PHOENIX SHOT TOWER, SE corner of Fayette and Front Sts., (11-11-71) NHL.
POE, EDGAR ALLAN, HOUSE, 203 Amity St., (11-11-71) NHL.
POOLE AND HUNT COMPANY BUILDINGS, 3500 Clipper Rd., (7-2-73)
REMSEN, IRA, HOUSE, 24 Monument St., (5-15-75) NHL.
ROLAND PARK HISTORIC DISTRICT, Irregular pattern between Belvedere Ave., Falls Rd., 39th St., and Stoney Run, (12-23-74)
ROWLAND, HENRY AUGUST, HOUSE, 915 Cathedral, (5-15-75) NHL.
SETON HILL HISTORIC DISTRICT, Bounded by Pennsylvania Ave., Franklin, Eutaw, McCulloh, and Orchard Sts., (7-30-75)
ST. ALPHONSUS' CHURCH, RECTORY, CONVENT, AND HALLS, 112-116, 125-127 W. Saratoga St., (5-23-73)
ST. JOHN'S PROTESTANT EPISCOPAL CHURCH, 3009 Greenmount Ave., (3-27-74)
ST. LUKE'S CHURCH, 217 N. Carey St., (3-30-73)
ST. MARY'S SEMINARY CHAPEL, 600 N. Paca St., (11-11-71) NHL; HABS.
ST. PAUL'S CHURCH RECTORY, 24 W. Saratoga St., (3-20-73)
ST. PAUL'S PROTESTANT EPISCOPAL CHURCH (OLD ST. PAUL'S CHURCH), 233 N. Charles St., (3-30-73)

ST. PETER THE APOSTLE CHURCH AND BUILDINGS, 11-13 S. Poppleton St. and 848 Hollins St., (10-14-76)
ST. VINCENT DE PAUL ROMAN CATHOLIC CHURCH, 120 N. Front St., (2-12-74)
STEAMSHIP NOBSKA, Inner harbor, (5-2-74)
U.S. CUSTOMHOUSE, 40 S. Gay St., (2-15-74)
U.S. POST OFFICE AND COURTHOUSE, 111 N. Calvert St., (3-25-77)
U.S.S. CONSTELLATION, Pier 1, Pratt St., (10-15-66) NHL; G.
WEISKITTEL-ROEHLE BURIAL VAULT, Section P, Loudon Park Cemetery, (5-19-76)
WELCH, WILLIAM H., HOUSE, 935 St. Paul St., (1-7-76) NHL.
WESTMINSTER PRESBYTERIAN CHURCH AND CEMETERY, 509 W. Fayette St., (9-17-74)
baltimore county
OLD NATIONAL PIKE MILESTONES, Reference—see Allegany county
Brooklandville. **BROOKLANDWOOD (ST. PAUL'S SCHOOL FOR BOYS)**, Falls Rd., (2-11-72)
Brooklandville. **ROCKLAND HISTORIC DISTRICT**, Both sides of Falls Rd. (MD 25) at jct. of Old Court Rd. (MD 133), (4-11-73)
Brooklandville vicinity. **BROOKLANDVILLE HOUSE**, S of Brooklandville at Falls and Hillside Rds., (11-23-77)
Cantonsville vicinity. **PATTERSON VIADUCT RUINS**, S of Cantonsville at Patapsco River, (6-3-76) (also in Howard County)
Catonsville. **OLD SALEM CHURCH AND CEMETERY**, Ingleside Ave. and Calverton St., (12-13-77)
Cockeysville vicinity. **STONE HALL**, N of Cockeysville off MD 25 on Cuba Rd., (7-26-73)
Essex vicinity. **BALLESTONE MANSION**, E of Essex on Back River Neck Rd. in Rocky Point Park, (6-18-75)
Fort Howard. **TODD FARMHOUSE**, 900 Old North Point Rd. (MD 20), (10-18-73)
Glyndon. **WORTHINGTON VALLEY HISTORIC DISTRICT**, Bounded by Falls and Shawan Rds., Tufton and Worthington Aves., and the Baltimore Gas and Electric right-of-way, (12-12-76)
Glyndon and vicinity. **GLYNDON HISTORIC DISTRICT**, Town of Glyndon and its environs along MD 128, (9-20-73)
Lansdowne. **HULL MEMORIAL CHRISTIAN CHURCH**, 101 Clyde Ave., (9-15-77)
Long Green vicinity. **PROSPECT HILL**, NE of Long Green on Kanes Rd., (7-26-73) HABS.
Lutherville. **LUTHERVILLE HISTORIC DISTRICT**, Roughly bounded by 1 695, York and Ridgely Rds., and Lutherville Dr., (11-9-72)
Monkton vicinity. **ST. JAMES CHURCH**, SE of Monkton off Monkton Rd. (MD 138), (9-12-74)
Oella. **MT. GILBOA CHAPEL**, Oella and Westchester Aves., (10-21-76)
Oella. **OELLA HISTORIC DISTRICT**, Oella Ave., Glen and Hollow Rds., (11-7-76)
Oella vicinity. **ELLICOTT'S MILLS HISTORIC DISTRICT**, Both sides of MD 144 S of Patapsco River Bridge, (11-19-76)
Phoenix. **EAGLE'S NEST**, Jarrettsville Pike, (7-25-74)

Pikesville. **METTAM MEMORIAL BAPTIST CHURCH**, Old Court Rd. between Sudbrook and Reisterstown Rds., (4-24-75)
Pikesville vicinity. **SUDBROOK PARK**, S of Pikesville off U.S. 40 on Greenwood Rd., (6-19-73)
Relay. **THOMAS VIADUCT, BALTIMORE & OHIO RAILROAD**, Over the Patapsco River between Relay and Elkridge, (10-15-66) NHL; HABS. (also in Howard County)
Stevenson vicinity. **FORT GARRISON**, S of Stevenson at Garrison Farms Ct., (1-25-71) G.
Timonium. **BELLE FIELD (TIMONIUM)**, Timonium Rd., (10-29-75)
Towson. **AUBURN HOUSE**, Osler Dr. between Towsontown Blvd. and Stevenson Lane, (3-17-75) G.
Towson. **BALTIMORE COUNTY COURTHOUSE**, Washington Ave. between Pennsylvania and Chesapeake Aves., (10-27-72)
Towson. **HAMPTON NATIONAL HISTORIC SITE**, Hampton Lane, N off I 495, (10-15-66)
Towson. **SHEPPARD AND ENOCH PRATT HOSPITAL AND GATEHOUSE**, Charles St., (11-11-71) NHL.
Towson. **VILLA ANNESLIE**, 529 Dunkirk Rd., (12-13-77)
calvert county
Adeline vicinity. **TANEY PLACE**, S of Adeline on MD 508, (9-22-72) HABS.
Barstow vicinity. **CEDAR HILL (BIGGER)**, 2 mi. W of Barstow on Buena Vista Rd., (5-22-73)
Barstow vicinity. **WILLOW GLENN**, NW of Barstow off MD 507, (7-2-73)
Cove Point. **COVE POINT LIGHTHOUSE**, Off MD 497, (4-11-73)
Johnstown vicinity. **PRESTON-ON-THE-PATUXENT**, N of Johnstown off Sollers Mill Rd., (10-9-74)
Lower Marlboro. **GRAHAME HOUSE**, (4-26-72) G.
Lower Marlboro vicinity. **ALL SAINTS' CHURCH**, 3.4 mi. E of Lower Marlboro on MD 416, (3-14-73) HABS.
Lusby vicinity. **MIDDLEHAM CHAPEL**, 1 mi. SE of Lusby on U.S. 4, (2-20-75)
Lusby vicinity. **MORGAN HILL FARM**, Sollers Rd., W of Lusby, (4-3-76)
Mutual vicinity. **LA VILLE**, W of Mutual on La Velle Rd. off MD 264, (9-20-73)
Owings. **MAIDSTONE**, Chesapeake Beach Rd., (6-21-71)
Parran. **CORNEHILL**, Parran Rd., (10-31-72)
Port Republic vicinity. **CHRIST CHURCH**, SW of Port Republic on MD 264, (11-12-75)
Solomons Island. **DRUM POINT LIGHTHOUSE**, W shore of Black Creek, Calvert County Marine Museum, (4-11-73) G.
caroline county
Goldshoro. **CASTLE HALL (GOLDEN BOT-TOM)**, 8 mi. N of Goldshoro on MD 311, (12-4-75)
Greensboro vicinity. **WILLOW GROVE**, MD 475 off MD 213, (6-13-72)
Hillsboro. **ST. PAUL'S EPISCOPAL CHURCH**, S of MD 404, (5-12-75)
Hillsboro vicinity. **DAFFIN HOUSE**, 3 mi. S of Hillsboro on Deep Branch Rd., (10-21-75)
Ridgely vicinity. **OAK LAWN**, 2.8 mi. N of Ridgely on MD 312, (5-28-75)
West Denton. **NECK MEETINGHOUSE AND YARD**, MD 404, (10-22-76)

carroll county
OLD NATIONAL PIKE MILESTONES, Reference—see Allegany county
Taneytown vicinity. **ANTRIM**, S of Taneytown on Uniontown Rd., (9-16-77)
Union Bridge. **PIPE CREEK FRIENDS MEETINGHOUSE**, Quaker Hill Rd., (11-7-76)
Union Bridge. **UNION BRIDGE STATION**, Main St., (11-7-76)
Uniontown. **UNIONTOWN ACADEMY**, Uniontown Rd., (8-14-73) G.
Uniontown. **WEAVER-FOX HOUSE**, 3411 Main St. (Uniontown Rd.), (11-20-75)
Uniontown vicinity. **TREVANION**, 3 mi. NW of Uniontown on Trevanion Rd., (9-15-77)
Westminster. **UNION MILLS HOMESTEAD HISTORIC DISTRICT**, Jct. of U.S. 140 and Deep Run Rd., (1-25-71) G.
Westminster. **WESTERN MARYLAND COLLEGE HISTORIC DISTRICT**, W. Main and College Sts., (3-26-76)
Westminster vicinity. **AVONDALE**, 2.5 mi. SW of Westminster on MD 31, (10-10-75)
Westminster vicinity. **CARROLL COUNTY ALMSHOUSE AND FARM**, 500 S. Center St., (12-4-75)
Westminster vicinity. **FARM CONTENT**, 3 mi. SW of Westminster off MD 31, (6-20-75)
Westminster vicinity. **FRIENDSHIP VALLEY FARM**, S of Westminster at 950 Gist Rd., (9-16-77)
Westminster vicinity. **WESTERN MARYLAND COLLEGE HISTORIC DISTRICT**, W. Main and College Sts., (3-26-76)
cecil county
NEW CASTLE AND FRENCHTOWN RAILROAD RIGHT-OF-WAY, Reference—see New Castle County, DE
Cecilton vicinity. **GREENFIELDS**, S of Cecil-ton on U.S. 213, (2-11-72)
Charlestown. **CHARLESTOWN HISTORIC DISTRICT**, Bounded by Tasker and Ogle Sts., Louisa Lane, and the North East River, (4-14-75) G.
Charlestown. **INDIAN QUEEN TAVERN AND BLACK'S STORE**, Market St. between Bladen and Cecil Sts., (2-20-75) G.
Chesapeake City. **OLD LOCK PUMP HOUSE, CHESAPEAKE AND DELAWARE CANAL**, U.S. 213, (10-15-66) NHL.
Chesapeake City. **SOUTH CHESAPEAKE CITY HISTORIC DISTRICT**, E of U.S. 213, S of Chesapeake and Delaware Canal, (7-15-74)
Colora vicinity. **COLORA MEETINGHOUSE**, N of Colora on Lipencott Rd., (8-22-77)
Crystal Beach vicinity. **GREAR PREHISTORIC VILLAGE SITE**, S of Crystal Beach, (7-30-75)
Earleville. **BOHEMIA FARM (MILLIGAN HALL)**, 1 mi. S of Bohemia River off U.S. 213, (4-11-73)
Earleville vicinity. **MOUNT HARMON**, SW of Earleville, (6-5-74)
Earleville vicinity. **ROSE HILL**, SW of Earleville, (11-5-74)
Elkton. **HOLLY HALL**, 259 S. Bridge St., (10-8-76)
Elkton. **MITCHELL HOUSE**, 131 E. Main St., (5-13-76)
Elkton vicinity. **NEW CASTLE AND FRENCHTOWN RAILROAD RIGHT-OF-WAY**, S of Elkton from Frenchtown to DE state line, (9-1-76)
Perryville. **PERRY POINT MANSION HOUSE AND MILL**, Veterans' Administration Hospital grounds, (7-2-75)

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Perryville. **RODGERS TAVERN** (STEVENS'S TAVERN), W. Main St., (4-26-72) G.
Perryville vicinity. **PRINCIPIO FURNACE**, NE of Perryville off Post Rd. (MD 7), (2-11-72) HABS.
Port Deposit. **PAW PAW BUILDING**, 68 N. Main St., (11-28-77)
Rising Sun vicinity. **EAST NOTTINGHAM FRIENDS MEETING HOUSE**, E of Rising Sun at jct. of MD 272 and MD 273, (8-19-77)
Rising Sun vicinity. **WEST NOTTINGHAM MEETINGHOUSE**, SW of Rising Sun at jct. of Cox and Cowen Rds., (11-7-76)
Warwick vicinity. **ST. FRANCIS XAVIER CHURCH (OLD BOHEMIA)**, 2 mi. NW of Warwick off MD 299, (10-10-75) HABS.

charles county

Bel Alton vicinity. **RICH HILL**, NE of Bel Alton on Bel Alton-Newtown Rd., (11-12-75)
Bryan's Road vicinity. **MARSHALL HALL**, 5 mi. N of MD 210 on MD 227, (5-12-76)
La Plata. **LA GRANGE**, MD 6, W of U.S. 301, (10-22-76)
Mason's Springs. **ARABY**, SE of Mason's Springs off MD 225, (7-25-74)
Morgantown vicinity. **WAVERLEY**, SE of Morgantown off Wayside-Morgantown Rd., (8-11-75)
Newport vicinity. **SARUM**, SE of Newport off MD 234, (8-13-74)
Patuxent vicinity. **MAXWELL HALL**, E of Patuxent on Teagues Point Rd., (7-30-74)
Pomfret vicinity. **GREEN'S INHERITANCE**, NE of Pomfret on MD 227, (12-16-77)
Port Tobacco. **HABRE-DE-VENTURE**, Rose Hill Rd., near jct. with MD 225 and 6, (11-11-71) NHT; HABS.
Port Tobacco. **ROSE HILL**, Rose Hill Rd., (3-30-73)
Port Tobacco vicinity. **LINDEN**, N of Port Tobacco on Mitchell Rd., (11-23-77)
Port Tobacco vicinity. **MT. CARMEL MONASTERY**, N of Port Tobacco off MD 225 and Mitchell Rd., (12-4-73)
Waldorf vicinity. **ST. CATHARINE (DR. SAMUEL A. MUDD HOUSE)**, E of Waldorf near jct. of MD 232 and 382, (10-1-74)

dorchester county

Cambridge. **GLASGOW**, 1500 Hambrooks Blvd., (10-8-76)
Cambridge vicinity. **BRINSFIELD I SITE**, SE of Cambridge, (5-12-75)
Cambridge vicinity. **STANLEY INSTITUTE (ROCK SCHOOL)**, S of Cambridge on MD 16, (9-11-75)
East New Market. **EAST NEW MARKET HISTORIC DISTRICT**, MD 14 and MD 16, (10-1-75)
East New Market. **FRIENDSHIP HALL**, Off MD 14, (10-18-73) HABS.
El Dorado. **REHOBOTH (TURPIN PLACE, LEE MANSION)**, W side of Punkum Rd., (11-9-72) HABS.
Eldorado vicinity. **WILLIN VILLAGE SITE**, W of Eldorado, (5-12-75)
Taylor's Island vicinity. **RIDGETON FARM**, SW of Taylor Island on Bay Shore Rd., (10-5-77)

frederick county

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, Reference—see Allegany County
OLD NATIONAL PIKE MILESTONES, Reference—see Allegany County
Burkittsville. **BURKITTSVILLE**, MD 17 and Jefferson-Boonsboro Rd., (11-20-75)

NOTICES

Catoctin Furnace. **CATOCTIN FURNACE HISTORIC DISTRICT**, E side of U.S. 15, (2-11-72)
Creagerstown vicinity. **PENNTERRA**, SE of Creagerstown off MD 550, (1-30-76)
Creagerstown vicinity. **STRAWBERRY HILL**, SE of Creagerstown off MD 550, (1-30-76)
Dickerson vicinity. **MONOCACY SITE**, W of Dickerson, (7-30-75)
Emmitsburg. **ST. JOSEPH'S COLLEGE AND MOTHER SETON SHRINE**, MD 806, (1-1-76)

Emmitsburg vicinity. **SHOEMAKER III VILLAGE SITE**, E of Emmitsburg, (9-5-75)
Frederick. **FREDERICK HISTORIC DISTRICT**, 2 blocks E and 3 blocks W of Market St., from South St. to 7th St., (10-18-73)
Frederick. **HANSON-THOMAS HOUSES**, 108 and 110 W. Patrick St., (1-20-72)

Frederick. **HESSIAN BARRACKS**, 242 S. Market St., (1-25-71) HABS; G.
Frederick. **LOATS FEMALE ORPHAN ASYLUM OF FREDERICK CITY (HISTORICAL SOCIETY OF FREDERICK COUNTY BUILDING)**, 24 E. Church St., (10-10-72)

Frederick. **ROSE HILL MANOR**, 1611 N. Market St., (12-9-71) HABS.
Frederick. **SCHIEFFERSTADT**, W. 2nd and Rosemont Sts., (7-22-74) G.

Frederick vicinity. **BIGGS FORD SITE**, N of Frederick, (6-10-75)

Frederick vicinity. **GUILFORD**, S of Frederick on MD 85, (10-14-75)

Frederick vicinity. **NALLIN FARM HOUSE**, Fort Detrick, (5-23-74)

Frederick vicinity. **NALLIN FARM SPRINGHOUSE AND BANK BARN**, N of Frederick, (9-16-77)

Frederick vicinity. **ONE-MILLION-LITER TEST SPHERE**, N of Frederick on Fort Detrick, (11-23-77)

Frederick vicinity. **STANCIOFF HOUSE**, 8 mi. SE of Frederick off MD 80, (4-23-75)

Libertytown. **JONES, ABRAHAM, HOUSE**, Main St., (7-24-73)

New Market. **NEW MARKET HISTORIC DISTRICT**, Jct. of MD 144 and Old MD 75, (12-6-75)

Point of Rocks. **POINT OF ROCKS RAILROAD STATION (BALTIMORE & OHIO RAILROAD STATION)**, On U.S. 15, (4-11-73)

Thurmont vicinity. **GRACEHAM MORAVIAN CHURCH AND PARSONAGE**, 2 mi. E of Thurmont on MD 77, (5-13-76)

Urbana vicinity. **AMELING HOUSE AND GLASSWORKS**, 4 mi. SW of Urbana off U.S. 240, (10-3-73) HABS.

garrett county

INNS ON THE NATIONAL ROAD, Reference—see Allegany County

Bloomington. **BLOOMINGTON VIADUCT**, Potomac River, S of MD 135, (11-21-76)

Bloomington. **BORDERSIDE (BRYDON HOUSE)**, Oakland-Westernport Rd., (10-22-75)

Deer Park. **PENNINGTON COTTAGE**, Deer Park Hotel Rd., (5-17-76)

Grantsville vicinity. **CASSELMAN'S BRIDGE, NATIONAL ROAD**, E of Grantsville on U.S. 40, (10-15-66) NHT; HABS.

Grantsville vicinity. **FULLER-BAKER LOG HOUSE**, 0.5 mi. W of Grantsville on U.S. 40, (2-12-71) G.

Grantsville vicinity. **TOMLINSON INN AND THE LITTLE MEADOWS**, 3 mi. E of Grantsville on U.S. 40, (9-20-73)

Oakland. **BALTIMORE AND OHIO RAILROAD STATION, OAKLAND**, Liberty St., (2-5-74) HABS.

Oakland. **GARRETT COUNTY COURTHOUSE**, 3rd and Alder Sts., (11-12-75)

Oakland vicinity. **HOYE SITE**, N of Oakland, (5-12-75)

Westernport. **MEYER SITE**, N Branch of the Potomac River, (6-19-73)

harford county

Aberdeen. **POPLAR HILL**, 115 Poplar Hill Rd., (5-28-76)

Aberdeen Proving Ground. **GUNPOWDER MEETINGHOUSE**, Magnolia Rd., (6-5-74)

Aberdeen Proving Ground. **PRESBURY MEETINGHOUSE**, Austin and Parrish Rds., (5-23-74)

Aberdeen vicinity. **SOPHIA'S DAIRY**, SW of Aberdeen off U.S. 40, (9-20-73) HABS.

Bel Air. **HAYS-HEIGHE HOUSE**, 401 Thomas Run Rd., (2-11-72)

Bel Air. **ODD FELLOW LODGE (OLD FIRST PRESBYTERIAN CHURCH)**, 21 Pennsylvania Ave., (8-22-75)

Bel Air vicinity. **D. H. SPRINGHOUSE**, About 6 mi. NE of Bel Air on Sandy Hook Rd., (5-8-73)

Bel Air vicinity. **TUDOR HALL**, NE of Bel Air off MD 22, (3-14-73)

Berkley vicinity. **RIGBIE HOUSE**, SE of Berkley off MD 623, (8-14-73)

Churchville vicinity. **MEDICAL HALL HISTORIC DISTRICT**, W of Churchville off MD 154, (8-28-73)

Darlington vicinity. **WILDFELL (SCOTT HOUSE)**, NW of Darlington on U.S. 1, (9-20-73)

Emmorton. **ST. MARY'S CHURCH**, S of Emmorton on MD 24, (3-30-73)

Fallston vicinity. **BON AIR**, S of Fallston, (11-10-77) HABS.

Forest Hill. **ST. IGNATIUS CHURCH**, 533 E. Jarrettsville Rd., (4-16-74)

Havre de Grace. **HAVRE DE GRACE LIGHTHOUSE**, Concord and Lafayette Sts., (4-2-76)

Havre de Grace. **SOUTHERN TERMINAL, SUSQUEHANNA AND TIDEWATER CANAL**, N of Erie St. between Conestoga St. and the Susquehanna, (5-28-76)

Kalmia vicinity. **HUSBAND FLINT MILL SITE**, NE of Kalmia, (6-18-75)

Perryman. **ST. GEORGE'S PARISH VESTRY HOUSE**, 1522 Perryman Rd., (3-26-76)

Taylor vicinity. **LADIEW TOPIARY GARDENS AND HOUSE**, 0.5 mi. NE of Taylor on MD 146, (5-13-76)

Whiteford vicinity. **BROAD CREEK SOAPSTONE QUARRIES**, E of Whiteford, (5-12-75)

howard county

OLD NATIONAL PIKE MILESTONES, Reference—see Allegany County

PATTERSON VIADUCT RUINS, Reference—see Baltimore County

THOMAS VIADUCT, BALTIMORE & OHIO RAILROAD, Reference—see Baltimore County

Daniels. **DANIELS MILL**, Alberton Rd., (4-11-73)

Elkridge. **TRINITY CHURCH**, 7474 Washington Blvd., (5-6-74)

Ellicott City vicinity. **TEMORA**, 4252 Columbia Rd., (4-30-76)

Ellicott City. **ELLCOTT CITY STATION**, S of the Patapsco River Bridge, (11-24-68) NHT; HABS; G.

NOTICES

Ellicott City vicinity. **DOUGHOREGAN MANOR**, 8 mi. W of Ellicott City on Manor Lane, (11-11-71) NHT; HABS.

Ellicott City vicinity. **WHITE HALL**, W of Ellicott City at 4130 Chatham Rd., (8-12-77)

Glenwood vicinity. **UNION CHAPEL**, 1 mi. N of Glenwood on MD 97, (3-17-75) G.

Marriottsville vicinity. **WAVERLEY**, S of Marriottsville off U.S. 40, (10-18-74)

Savage. **BOLLMAN SUSPENSION AND TRUSSED BRIDGE**, Gorman and Savage Rds., (10-18-72) HABS.

Savage. **SAVAGE MILL HISTORIC DISTRICT**, N of Little Patuxent River off U.S. 1, (2-20-75)

kent county

Chestertown. **CHESTERTOWN HISTORIC DISTRICT**, (4-15-70) NHT; HABS; G.

Chestertown. **DENTON HOUSE**, 107 Water St., (3-11-71) G.

Chestertown. **GODLINGTON MANOR**, Wilkins Lane, (2-11-72)

Chestertown. **WIDEHALL**, 101 Water St., (10-31-72) HABS.

Chestertown vicinity. **CARVILL HALL**, Great Oak Estates, 10 mi. W of Chestertown, (3-14-73)

Chestertown vicinity. **REWARD-TILDEN'S FARM**, S of Chestertown, off MD 289 on Walnut Point Rd., (5-6-76)

Chestertown vicinity. **ROSE HILL**, 2 mi. N of Chestertown on MD 213, (12-12-76)

Fairlee vicinity. **FAIRLEE MANOR CAMP HOUSE**, 1.5 mi. W of Fairlee off MD 445, (4-11-73)

Kennedyville vicinity. **KNOCKS FOLLY**, N of Kennedyville on MD 448, (6-17-76)

Pomona vicinity. **CLARK'S CONVENIENCY**, 2 mi. S of Pomona on Quaker Neck Rd., (9-9-75)

Rock Hall vicinity. **HINCHINGHAM**, N of Rock Hall off MD 445, (9-5-75)

Sassafras. **RICH HILL**, MD 229, (12-15-72)

Still Pond vicinity. **SHEPHERD'S DELIGHT**, S of Still Pond on MD 292, (6-17-76)

montgomery county

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, Reference—see Allegany County

WASHINGTON AQUEDUCT, Reference—see District of Columbia

Bethesda. **BETHESDA MEETINGHOUSE**, 9400 Wisconsin Ave., (4-18-77)

Bethesda. **BETHESDA NAVAL HOSPITAL TOWER**, 8901 Wisconsin Ave., (3-8-77)

Bethesda. **MILTON (LOUGHBOROUGH HOUSE)**, 5312 Allendale Rd., (9-25-75) HABS.

Clarkshurg. **CLARKSBURG SCHOOL**, S of jct. of MD 121 and MD 355, (2-20-75)

Ednor. **CLIFTON**, 17107 New Hampshire Ave., (6-25-74)

Forest Glen. **NATIONAL PARK SEMINARY HISTORIC DISTRICT**, Linden Lane near I 495, (9-14-72)

Garrett Park. **GARRETT PARK HISTORIC DISTRICT**, Roughly bounded by B & O RR. tracks, Rock Creek Park, and Flanders Ave., (1-31-75) G.

Glen Echo. **CLARA BARTON NATIONAL HISTORIC SITE**, 5801 Oxford Rd., (10-15-66)

Glen Echo vicinity. **CABIN JOHN AQUEDUCT**, MacArthur Blvd. over Cabin John Creek and Cabin John Pkwy., (2-28-73) NHT.

Laytonsville. **LAYTON HOUSE**, SW corner MD 108 and MD 420, (9-25-75) HABS.

Poolesville and vicinity. **POOLESVILLE HISTORIC DISTRICT**, Area around jcts. of MD 107, 109, and Willard Rd., (5-29-75) HABS.

Poolesville vicinity. **CHISWELL'S INHERITANCE**, NW of Poolesville off MD 109, (9-10-74)

Poolesville vicinity. **OLD CHISWELL PLACE**, E of Poolesville on Cattail Rd., (9-9-75)

Poolesville vicinity. **WALKER PREHISTORIC VILLAGE ARCHEOLOGICAL SITE**, S of Poolesville, (5-12-75)

Rockville. **BEALL-DAWSON HOUSE**, 103 W. Montgomery Ave., (3-30-73)

Rockville. **ROCKVILLE RAILROAD STATION**, Church St. and Baltimore Rd., (7-18-74)

Rockville. **WEST MONTGOMERY AVENUE HISTORIC DISTRICT**, Residential area centered around W. Montgomery Ave., (5-29-75)

Sandy Spring. **SANDY SPRING FRIENDS MEETINGHOUSE**, Meetinghouse Lane and MD 108, (9-22-72) HABS.

Seneca. **SENECA QUARRY (POTOMAC RED SANDSTONE COMPANY)**, Tschiffeley Mill Rd., (4-24-73)

Silver Spring. **MILIMAR (LAZENBY HOUSE; GIRL'S GIFT)**, 410 Randolph Rd., (4-13-73)

Takoma Park. **TAKOMA PARK HISTORIC DISTRICT**, Roughly bounded by D.C., Silver Spring, and E to jct. of Woodland and Elm Aves., (7-16-76) (also in Prince Georges County)

prince georges county

TAKOMA PARK HISTORIC DISTRICT, Reference—see Montgomery County

Accokeek vicinity. **PISCATAWAY PARK**, (10-15-66)

Beltville. **AMMENDALE NORMAL INSTITUTE**, Jct. of Ammenendale Rd. and U.S. 1, (4-14-75)

Bladensburg. **BOSTWICK**, 3901 48th St., (8-19-75) HABS.

Bladensburg. **WASHINGTON, GEORGE, HOUSE (INDIAN QUEEN TAVERN)**, Baltimore Ave. at Upshur St., (8-7-74) HABS.

Bowie. **BELAIR**, Tulip Grove and Belair Drives, (9-16-77) HABS.

Bowie. **BELAIR STABLES**, Belair Dr., (5-8-73) G.

Brandywine vicinity. **ST. PAUL'S PARISH CHURCH**, SE of Brandywine off MD 381, (9-15-77) HABS.

Clinton. **SURRATT HOUSE**, 9110 Brandywine Rd., (3-30-73)

Clinton vicinity. **WOODYARD ARCHEOLOGICAL SITE**, (12-19-74)

College Park vicinity. **COLLEGE PARK AIRPORT**, E of College Park off Kenilworth Ave., (9-23-77)

Croom vicinity. **BELLEFIELDS**, S of Croom on Dudley Station Rd., (9-10-71)

Hyattsville. **ASH HILL**, 3308 Rosemary Lane, (9-16-77)

Laurel. **LAUREL RAILROAD STATION**, E. Main St., (3-30-73)

Laurel vicinity. **MONTPELIER**, 2.1 mi. E of Laurel on MD 197, (4-17-70) NHT; HABS.

Laurel vicinity. **SNOW HILL**, S of Laurel off MD 197, (8-13-74) HABS.

Mitchellville. **PLEASANT PROSPECT**, 12806 Woodmore Rd., (4-30-76)

Oxon Hill. **ST. IGNATIUS CHURCH**, 2317 Brinkley Rd., (6-27-74)

Oxon Hill. **ST. JOHN'S CHURCH**, 9801 Livingston Rd., (4-8-74) HABS.

MARYLAND 5225

Riverdale. **RIVERSDALE (CLAVERT MANSION)**, Riverdale Rd. between 18th and Taylor Sts., (4-11-73) HABS.

Rosaryville vicinity. **HIS LORDSHIP'S KINDNESS**, 3.5 mi. W of Rosaryville, (4-15-70) NHT; G.

Seat Pleasant. **ST. MATTHEW'S CHURCH**, Addison Rd. and 62nd pl., (4-10-72)

Upper Marlboro. **BOWIEVILLE**, 2300 Church Rd., (3-14-73)

Upper Marlboro. **MOUNT PLEASANT**, Mt. Pleasant Rd., (11-29-72) HABS.

Upper Marlboro vicinity. **MELWOOD PARK**, W of Upper Marlboro on MD 408, 0.5 mi. E of jct. with Mellwood Rd., (10-8-76) HABS.

Upper Marlboro vicinity. **NOTTINGHAM SITE**, SE of Upper Marlboro, (5-12-75)

Washington, DC, vicinity. **FORT WASHINGTON PARK**, 5.5 mi. S of D.C. line on MD 210, W on Old Fort Rd., (10-15-66)

queen annes county

Centreville vicinity. **READBOURNE**, 4.5 mi. NW of Centreville, (4-11-73) HABS.

Centreville vicinity. **REED'S CREEK FARM**, W of Centreville on Wright's Neck Rd. off MD 18, (7-7-75)

Church Hill. **ST. LUKE'S CHURCH**, Jct. of MD 213 and MD 19, (11-23-77)

Queenstown. **BLOOMINGDALE (MOUNT MILL)**, Bloomingdale Rd. and U.S. 50, (10-18-72)

Queenstown. **BOWLINGLY**, Off MD 18, (8-21-72)

Ruthsburg vicinity. **THOMAS HOUSE**, 1.8 mi. NE of Ruthsburg on MD 304, (5-13-76)

Wye Mills vicinity. **WILTON**, N of Wye Mills on MD 213, (12-12-77)

somerset county

Cokesbury vicinity. **CANON, BURTON, HOUSE**, 1 mi. N of Cokesbury on Dublin Rd., (4-3-75)

Crisfield vicinity. **MAKE PEACE**, 1.5 mi. SE of Crisfield on Johnson's Creek Rd., (11-20-75) HABS.

Kingston. **KINGSTON HALL**, W side of MD 667, 0.5 mi. from Kingston, (12-31-74) HABS.

Manokin vicinity. **SUDLER'S CONCLUSION**, NW of Manokin off MD 361, (8-28-73)

Pocomoke City vicinity. **HAYWARD'S LOTT**, 1.75 mi. NW of Pocomoke City on Hayward Rd., (5-13-76)

Princess Anne. **BECKFORD**, Beckford Ave., (8-13-74)

Princess Anne. **MANOKIN PRESBYTERIAN CHURCH**, N. Somerset Ave., (11-21-76)

Princess Anne. **TEACKLE MANSION (BECKFORD MANSION)**, Mansion St. (10-26-71)

Princess Anne vicinity. **BEVERLY**, S of Princess Anne on U.S. 13, (3-30-73)

Princess Anne vicinity. **HARRINGTON**, NW of Princess Anne off MD 362, (9-11-75)

Princess Anne vicinity. **MANOKIN HISTORIC DISTRICT**, SW of Princess Anne at Manokin River, (6-29-76) HABS.

Rehobeth. **REHOBETH PRESBYTERIAN CHURCH**, S of Rehobeth off MD 667, (11-5-74)

Shelton vicinity. **REWARD**, SE of Shelton on Williams Point Rd., (8-13-74)

Upper Fairmount vicinity. **TUDOR HALL (LOCKERMAN HOUSE)**, SE of Upper Fairmount off MD 36, (12-19-74)

Westover vicinity. **LIBERTY HALL**, S of Westover off MD 361, (12-27-76)

Westover vicinity. **SALISBURY PLANTATION**, SW of Westover off MD 361, (6-20-75)

st. marys county

Beauvue vicinity. *MULBERRY FIELDS*, About 4.5 mi. SE of Beauvue off MD 244, (3-14-73) HABS.

Bushwood vicinity. *OCEAN HALL*, Bushwood Rd off MD 239 at Bushwood Wharf, (10-25-73)

Chaplico. *BACHELOR'S HOPE*, Off MD 238, (11-7-72)

Chaplico vicinity. *DEEP FALLS*, 1 mi. SE of Chaplico on N side of MD 234, (5-12-75)

Colton vicinity. *ST. CLEMENT'S ISLAND HISTORIC DISTRICT*, S of Colton Point on the Potomac River, (4-10-72)

Compton. *ST. FRANCIS XAVIER CHURCH AND NEWTOWN MANOR HOUSE*, S of Compton on MD 243, (11-9-72)

Drayden. *PORTO BELLO*, MD 244 E of Drayden, (4-26-72)

Drayden vicinity. *WEST ST. MARY'S MANOR*, About 1 mi. E of Drayden on the St. Mary's River, (4-15-70) NHL; HABS.

Hollywood vicinity. *RESURRECTION MANOR*, 4 mi. E of Hollywood, (4-15-70) NHL; HABS.

Hollywood vicinity. *SOTTERLEY (BOWLES SEPARATION)*, E of jct. of MD 245 and Vista Rd., (11-9-72)

Hughesville vicinity. *CHARLOTTE HALL, HISTORIC DISTRICT*, S of Hughesville at jct. of MD 5 and 6, (5-2-75)

Leonardtown. *TUDOR HALL (AMERICA FELIX SECUNDUS)*, Tudor Hall Rd., (4-26-73)

Leonardtown vicinity. *ST. ANDREW'S CHURCH*, 5 mi. E of Leonardtown on St. Andrew's Church Rd., (3-14-73)

Oakley vicinity. *THE RIVER VIEW*, SE of Oakley on Burch Rd., (5-4-76)

Piney Point vicinity. *PINEY POINT COAST GUARD LIGHT STATION*, W of Piney Point on MD 498, (6-16-76)

Ridge vicinity. *BARD'S FIELD*, 1.2 mi. W of Ridge off Curleys Rd., (11-7-76)

St. Ingoes vicinity. *ST. IGNATIUS ROMAN CATHOLIC CHURCH*, W of St. Ingoes on Villa Rd., (11-3-75)

St. Marys City. *ST. MARYS CITY HISTORIC DISTRICT*, (8-4-69) NHL; HABS.

St. Marys City vicinity. *MARY W. SOMERS* (Chesapeake Bay skipjack), SE of St. Marys City at St. Ingoes Creek, (10-8-76)

Valley Lee vicinity. *ST. GEORGE'S PROTESTANT EPISCOPAL CHURCH (POPLAR HILL)*, W of Valley Lee, off MD 249 on MD 244, (10-3-73)

talbot county

Easton. *MYRTLE GROVE*, Goldsborough Neck Rd., (8-13-74)

Easton vicinity. *ANCHORAGE, THE*, NW of Easton off MD 370, (7-30-74)

Easton vicinity. *DONCASTER TOWN SITE*, NW of Easton, (9-5-75)

Easton vicinity. *ST. JOHN'S CHAPEL OF ST. MICHAEL'S PARISH*, 3 mi. W of Easton on MD 370, (3-30-73)

Easton vicinity. *TROTTS FORTUNE*, 3.25 mi. E of Easton on MD 331, (4-24-75) HABS.

Easton vicinity. *WYE HOUSE*, 7 mi. NW of Easton on Miles Neck River, (4-15-70) NHL.

St. Michaels. *CROOKED INTENTION*, W of MD 33, (7-24-74)

St. Michaels vicinity. *SHERWOOD MANOR*, 4 mi. N of St. Michaels on MD 451, (4-5-77)

St. Michaels vicinity. *VICTORIAN CORN CRIBS*, 6.8 mi. E of St. Michaels off MD, (1-11-76)

NOTICES

Tilghman. *RELIANCE* (CHESAPEAKE BAY SKIPJACK), Knapps Narrows off MD 33, (7-30-76)

Trappe vicinity. *COMPTON*, W of Trappe on Howell Point Rd., (7-25-74)

Trappe vicinity. *WILDERNESS, THE*, SW of Trappe on Island Neck Rd., (7-25-74)

washington county

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, Reference—see Allegany County

HARPERS FERRY NATIONAL HISTORICAL PARK, Reference—see Jefferson County, WV

OLD NATIONAL PIKE MILESTONES, Reference—see Allegany County

Antietam and vicinity. *ANTIETAM IRON FURNACE SITE AND ANTIETAM VILLAGE*, Confluence of Antietam Creek and Potomac River, (6-26-75)

Big Pool vicinity. *FORT FREDERICK STATE PARK*, SE of Big Pool near jct. of MD 56 and 44, (11-7-73) NHL.

Boonsboro. *BOWMAN HOUSE*, 323 N. Main St., (4-29-77)

Boonsboro vicinity. *KEEDY HOUSE*, NW of Boonsboro off U.S. 40A on Barnes Rd., (7-25-74)

Boonsboro vicinity. *WASHINGTON MONUMENT*, Washington Monument State Park, (11-3-72)

Cavetown vicinity. *WILLOWS, THE*, SW of Cavetown on MD 66, (2-23-73)

Hagerstown. *ELLIOT-BESTER HOUSE*, 205-207 S. Potomac St., (5-2-75)

Hagerstown. *HAGER HOUSE*, 19 Key St., (11-5-74) HABS.

Hagerstown. *HOUSES AT 16-22 EAST LEE STREET*, 16-22 E. Lee St., (11-25-77)

Hagerstown. *MARYLAND THEATRE*, 21-23 S. Potomac St., (11-13-76)

Hagerstown. *PRICE-MILLER HOUSE*, 131-135 W. Washington St., (5-24-76)

Hagerstown. *WASHINGTON COUNTY COURTHOUSE*, W. Washington St. and Summit Ave., (12-24-74)

Hagerstown. *WESTERN MARYLAND RAILWAY STATION*, Burhans Blvd., (4-22-76)

Hagerstown vicinity. *BRIGHTWOOD*, N of Hagerstown off MD 60, (7-30-74)

Hagerstown vicinity. *DITTO KNOLLS*, E of Hagerstown on Landis Rd., (7-12-76)

Hagerstown vicinity. *MCCAULEY, HENRY, FARM*, E of Hagerstown on Mt. Eatna Rd., (6-29-76)

Hagerstown vicinity. *TROVINGER MILL*, 3 mi. E of Hagerstown on Trovinger Mill Rd. and Antietam Creek, (4-21-75)

Hagerstown vicinity. *VALENTIA*, S of Hagerstown on Poffenberger Rd. off MD 65, (6-27-74)

Keedysville vicinity. *B & O BRIDGE*, NW of Keedysville over Antietam Creek, (11-23-77)

Keedysville vicinity. *GEETING FARM*, S of Keedysville at Geeting and Dog Rds., (11-25-77)

Knoxville vicinity. *MAGNOLIA PLANTATION (BOTELER-HOLDER FARM)*, NW of Knoxville off Sandy Hook Rd., (6-18-75)

Samples Manor. *JOHN BROWN'S HEADQUARTERS (KENNEDY FARM)*, Chestnut Grove Rd., (11-7-73) NHL; HABS; G.

Sharpsburg. *ANTIETAM NATIONAL BATTLEFIELD SITE*, N of Sharpsburg off MD 45, (10-15-66) HABS.

Sharpsburg. *CHAPLINE, WILLIAM, HOUSE*, 109 W. Main St., (10-8-76)

Smithsburg vicinity. *MAPLES, THE*, 2 mi. SW of Smithsburg on MD 66, (2-24-75)

Williamsport. *SPRINGFIELD FARM*, S of U.S. 11, (7-30-74)

Williamsport vicinity. *ROSE HILL*, 0.5 mi. S of Williamsport on MD 63, (4-11-73)

wicomico county

Allen vicinity. *BENNETT'S ADVENTURE (BRYAN'S MANOR)*, 3 mi. W of Allen on Clifford Cooper Rd., (11-20-75)

Hebron vicinity. *SPRING HILL CHURCH (ST. PAUL'S EPISCOPAL CHURCH)*, 1 mi. NE of Hebron at jct. of U.S. 50 and MD 347, (10-22-76)

Quantico. *ST. BARTHOLOMEW'S EPISCOPAL CHURCH*, Green Hill Church Rd., (6-5-75)

Salisbury. *GILLIS-GRIER HOUSE*, 401 N. Division St., (10-31-72) G.

Salisbury. *JACKSON, SEN. WILLIAM P., HOUSE*, 514 Camden Ave., (9-28-76)

Salisbury. *PEMBERTON HALL*, Pemberton Rd., (2-18-71) G.

Salisbury. *PERRY-COOPER HOUSE*, 200 E. William St., (11-17-77)

Salisbury. *POPLAR HILL MANSION*, 117 Elizabeth St., (10-7-71) G.

Wetipquin vicinity. *LONG HILL*, Wetipquin Ferry Rd; 1 mi. SE of Wetipquin, (12-31-74)

worchester county

Berlin. *BURLEY MANOR*, 3 S. Main St., (7-7-74)

Berlin vicinity. *BUCKINGHAM ARCHEOLOGICAL SITE*, 4 mi. S of Berlin, (2-24-75)

Berlin vicinity. *CALEB'S DISCOVERY*, 2 mi. W of Berlin on U.S. 50, (5-27-75)

Berlin vicinity. *GENESAR*, SE of Berlin on MD 611 off U.S. 50, (9-17-71) HABS; G.

Ocean City vicinity. *SANDY POINT SITE*, SW of Ocean City, (4-28-75)

Pocomoke. *COSTEN HOUSE*, 206 Market St., (12-6-75)

Pocomoke City vicinity. *BEVERLY*, 4.5 mi. SW of Pocomoke City off Cedarhall Rd., (10-29-75)

Showell vicinity. *ST. MARTINS CHURCH*, 1 mi. S of Showell at jct. of U.S. 113 and MD 589, (4-13-77)

Snow Hill vicinity. *NASSAWANGO IRON FURNACE SITE*, NW of Snow Hill off MD 12 on Old Furnace Rd., (10-31-75)

MASSACHUSETTS

barnstable county

Barnstable. *OLD JAIL*, Main St. and Old Jail Lane, (7-2-71) G.

Barnstable. *U.S. CUSTOMSHOUSE*, Cobbs Hill, MA 6A, (11-12-75)

Brewster. *OLD HIGGINS FARM WINDMILL*, Off Lower Rd., (6-10-75)

Brewster vicinity. *DILLINGHAM HOUSE*, W of Brewster on MA 6A, (4-30-76)

Chatham. *BRANDEIS, LOUIS, HOUSE*, Neck Lane, off Cedar St., 8 mi SW of Stage Harbor Rd intersection, (11-28-72)

SCG Station, MA NHL.

Chatham vicinity. *OLD HARBOR U.S. LIFE SAVING STATION (USCG STATION)*, NE of Chatham on Nauset Beach, (8-18-75)

Dennis. *DENNIS, JOSIAH, HOUSE*, Nobscusset Rd at Whig St., (2-15-74)

Dennis. *WEST SCHOOLHOUSE*, Nobscusset Rd at Whig St., (4-24-75)

East Sandwich. *WING FORT HOUSE*, Spring Hill Road, (6-3-76)

Eastham vicinity. *PENNIMAN, EDWARD, HOUSE AND BARN*, S of Eastham at Fort Hill and Governor Prence Rds., (5-28-76) HABS.

Harwich. *HARWICH HISTORIC DISTRICT*, Irregular pattern on both sides of Main St., W to Forest St. and E to jct. of Rte. 39 and Chatham Rd., (2-24-75)

Hyannis Port. *KENNEDY COMPOUND*, Irving and Marchant Aves., (11-28-72) NHL.

North Eastham vicinity. *FRENCH CABLE HUT*, E of North Eastham at jct. of Cable Rd. and Ocean View Dr., (4-22-76)

Orleans. *FRENCH CABLE STATION*, SE corner of Cove Rd. and MA 28, (4-11-72)

Provincetown. *CENTER METHODIST CHURCH*, 356 Commercial St., (10-31-75) G.

Provincetown. *FIRST UNIVERSALIST CHURCH*, 236 Commercial St., (2-23-72) G.

Provincetown. *PROVINCETOWN PUBLIC LIBRARY*, 330 Commercial St., (4-21-75)

Sandwich. *TOWN HALL SQUARE HISTORIC DISTRICT*, Irregular pattern centered around town square includes both sides of Main, Grove, and Water Sts., and Tupper Rd. from Beale Ave. to MA 6A., (10-31-75)

South Wellfleet. *MARCONI WIRELESS STATION SITE*, 1 mi. NE of Cape Cod National Seashore, (5-2-75)

Truro. *HIGHLAND HOUSE*, Off U.S. 6 on Cape Cod National Seashore, (6-5-75)

Wellfleet vicinity. *ATWOOD, THOMAS, HOUSE*, NW of Wellfleet on Boundbrook Island, (7-30-76)

Wellfleet vicinity. *SMITH, SAMUEL, TAVERN SITE*, SW of Wellfleet on Great Island, (11-11-77)

berkshire county

Adams. *QUAKER MEETINGHOUSE*, Maple St. Cemetery, (8-17-76) HABS.

Ashley Falls vicinity. *ASHLEY, COL. JOHN, HOUSE*, W of Ashley Falls on Cooper Hill Rd., (2-10-75) G.

Florida and Savoy vicinity. *MOHAWK TRAIL*, Along the bank of the Cold River, (4-3-73) (also in Franklin County)

Great Barrington. *DU BOIS, WILLIAM E. B., BOYHOOD HOMESITES*, MA 23, (5-11-76) NHL.

Great Barrington. *DWIGHT-HENDERSON HOUSE*, Main St., (3-26-76) HABS.

Great Barrington vicinity. *RISEING PAPER MILL*, N of Great Barrington on MA 183 at Risingdale, (8-11-75)

Hancock. *HANCOCK TOWN HALL*, MA 43, (9-26-75) G.

Interlaken. *CITIZENS HALL*, Off U.S. 90, (6-19-72) G.

Lanesborough. *ST. LUKE'S EPISCOPAL CHURCH*, U.S. 7, (2-23-72) G.

Lee. *HYDE HOUSE*, 144 W. Park St., (11-21-76)

Lee. *LEE LOWER MAIN STREET HISTORIC DISTRICT*, Main and Park Sts., (3-26-76)

Lenox. *LENOX LIBRARY*, 18 Main St., (4-3-73)

Lenox vicinity. *MOUNT, THE (EDITH WHARTON ESTATE)*, S of Lenox on U.S. 7, (11-11-71) NHL; G.

North Adams. *BEAVER MILL*, Beaver St., (5-11-73) HABS.

North Adams. *FREIGHT YARD HISTORIC DISTRICT*, W of the Hadley Overpass and SW of the Hoosac River, (6-13-72)

North Adams. *HOOSAC TUNNEL*, From North Adams on the W to the Deerfield River on the E, (11-2-73) HABS.

NOTICES

North Adams. *MONUMENT SQUARE-EAGLE STREET HISTORIC DISTRICT*, Monument Square and environs, at E end of Main St., (6-19-72)

North Adams. *WINDSOR PRINT WORKS*, 121 Union St., (5-17-73)

Pittsfield. *MELVILLE, HERMAN, HOUSE (ARROWHEAD)*, Holmes Rd., (10-15-66) NHL; HABS; G.

Pittsfield. *OLD CENTRAL FIRE STATION*, 66 Allen St., (11-2-77)

Pittsfield. *OLD TOWN HALL*, 32 East St., corner of Allen St., (4-26-72)

Pittsfield. *PARK SQUARE HISTORIC DISTRICT*, At jct. of North, South, East, and West Sts., (7-24-75)

Pittsfield vicinity. *HANCOCK SHAKER VILLAGE*, 5 mi. S of Pittsfield on U.S. 20, Hancock Tpke., (11-24-68) NHL; HABS; G.

Pittsfield vicinity. *SOUTH MOUNTAIN CONCERT HALL*, New South Mountain Rd., (8-14-73)

South Lee. *MERRELL TAVERN*, MA 102, (2-23-72) HABS.

Stockbridge. *MISSION HOUSE*, Main St., (11-24-68) NHL.

Stockbridge. *NAUMKEAG (JOSEPH HODGES CHOATE HOUSE)*, Prospect St., (11-3-75)

Stockbridge. *STOCKBRIDGE CASINO (BERKSHIRE PLAYHOUSE)*, E. Main St. at Yale Hill Rd., (8-27-76)

Stockbridge vicinity. *CHESTERWOOD (DANIEL CHESTER FRENCH HOUSE AND STUDIO)*, 2 mi. W of Stockbridge, (10-15-66) NHL; G.

Stockbridge vicinity. *OLD CURTISVILLE HISTORIC DISTRICT*, N of Stockbridge on MA 183, (10-29-76)

bristol county

Dighton vicinity. *DIGHTON ROCK*, Across the Taunton River from Dighton in Dighton Rock State Park, (7-1-70)

Easton. *BAY ROAD*, 416-535 Bay Rd. (Foundry St. to the Norton town line), (5-5-72)

Easton. *NORTH EASTON HISTORIC DISTRICT*, Section of town N of and including both sides of Main/Lincoln St., (11-3-72) G.

Fairhaven. *FORT PHOENIX*, S of U.S. 6 in Fort Phoenix Park, (11-9-72)

Fall River. *ACADEMY BUILDING*, S. Main St., (7-2-73)

Fall River. *U.S.S. JOSEPH P. KENNEDY JR.*, Battleship Cove, (9-30-76)

Fall River. *U.S.S. LIONFISH*, Battleship Cove, (9-30-76)

Fall River. *U.S.S. MASSACHUSETTS*, Battleship Cove, (9-30-76) G.

New Bedford. *CARNEY, SGT. WILLIAM H., HOUSE*, 128 Mill St., (4-21-75)

New Bedford. *COUNTY STREET HISTORIC DISTRICT*, Roughly bounded by Acushnet, Page, Middle, and Bedford Sts. (includes both sides), (8-11-76)

New Bedford. *FIRE STATION NO. 4*, 79 S. 6th St., (7-24-75)

New Bedford. *FIRST BAPTIST CHURCH*, 149 William St., (4-21-75) G.

New Bedford. *FORT TABER DISTRICT (FORT AT CLARK'S POINT)*, Wharf Rd. within Fort Rodman Military Reservation, (2-8-73) G.

New Bedford. *MERRILL'S WHARF HISTORIC DISTRICT*, MacArthur Dr., (11-11-77)

New Bedford. *NEW BEDFORD HISTORIC DISTRICT*, Bounded by Front St. on E, Elm St. on N, Acushnet Ave. on W, and Commercial St. on S, (11-13-66) NHL; HABS.

New Bedford. *OLD THIRD DISTRICT COURTHOUSE*, 2nd and William Sts., (9-28-71) HABS.

New Bedford. *U.S. CUSTOMHOUSE*, SW corner of 2nd and Williams Sts., (12-30-70) NHL; HABS.

North Attleborough vicinity. *ANGLE TREE STONE*, W of North Attleborough off High St., (1-1-76) (also in Norfolk County)

North Easton. *NORTH EASTON RAILROAD STATION*, Off Oliver St. on railroad right-of-way, (4-11-72) HABS; G.

Norton. *CLARKE, PITT, HOUSE*, 42 Mansfield Ave., (7-13-76) HABS.

Norton. *NORTON CENTER HISTORIC DISTRICT*, MA 123, (12-23-77)

Norton. *OLD BAY ROAD*, From Easton Town Line to Taunton Town Line, (11-8-74)

Seekonk. *MARTIN HOUSE*, 940 Court St., (5-2-74) HABS.

Taunton. *CHURCH GREEN*, U.S. 44 and MA 140, (12-16-77)

Westport. *CUFFE, PAUL, FARM*, 1504 Drift Rd., (5-30-74) NHL.

dukes county

Vineyard Haven. *RITTER HOUSE (JIREH LUCE HOUSE)*, Beach St., (12-6-77)

essex county

Amesbury. *ROCKY HILL MEETINGHOUSE AND PARSONAGE*, Portsmouth Rd. and Elm St., (4-11-72) HABS; G.

Amesbury. *WHITTIER, JOHN GREENLEAF, HOUSE*, 86 Friend St., (10-15-66) NHL.

Andover. *ABBOT, BENJAMIN, HOUSE*, 9 Andover St., (2-24-75) G.

Beverly. *BALCH, JOHN, HOUSE*, 448 Cabot St., (2-23-73)

Beverly. *CABOT, CAPT. JOHN, HOUSE*, 117 Cabot St., (4-16-75) G.

Beverly. *FISH FLAKE HILL (FRONT STREET) HISTORIC DISTRICT*, N and S sides of Front St. from Cabot to Bartlett Sts., (10-26-71) G.

Beverly. *HALE, REVEREND JOHN, HOUSE*, 39 Hale St., (10-9-74)

Beverly. *HOLMES, OLIVER WENDELL, HOUSE*, 868 Hale St. (Beverly Farms), (11-28-72) NHL.

Boxford. *BOXFORD VILLAGE HISTORIC DISTRICT*, Middleton and Topsfield Rds. and Main and Elm Sts., (4-11-73)

Boxford. *HOLYOKE-FRENCH HOUSE*, Elm St. and Topsfield Rd., (4-26-72) G.

Boxford. *SPOFFORD-BARNES HOUSE*, Kelsey Rd., (9-6-74)

Boxford vicinity. *HOWE VILLAGE HISTORIC DISTRICT*, NE of Boxford on MA 97, (4-3-73)

Danvers. *DERBY SUMMERHOUSE*, Glen Magna Estate, Ingersoll St., (11-24-68) NHL; HABS.

Danvers. *POTNAM, GEN. ISRAEL, HOUSE*, 431 Maple St., (4-30-76) HABS.

Danvers. *SALEM VILLAGE HISTORIC DISTRICT*, Irregular pattern along Centre, Hobart, Ingersoll, and Collins Sts., as far N as Brentwood Circle and S to Mello Pkwy., (1-31-75) G.

Danversport. *FOWLER HOUSE*, 166 High St., (9-17-74)

Gloucester. *FRONT STREET BLOCK (WEST END BUILDINGS)*, West End, 55-71 Main St., (5-8-74)

Gloucester. *GLOUCESTER CITY HALL*, Dale Ave., (5-8-73) G.

Gloucester. *HAMMOND CASTLE*, 80 Hesperus Ave., (5-8-73)

Gloucester. *LANE, FITZ HUGH, HOUSE*, Harbor side of Rogers St., (7-1-70)

Gloucester. *OAK GROVE CEMETERY*, Bounded by Derby, Washington, and Grove Sts., and Maplewood Ave., (4-3-75)
Gloucester. *PURITAN HOUSE*, 3 Washington St. and 2 Main St., (5-28-76)
Gloucester vicinity. *BEAUPORT*, Eastern Point Blvd., (4-26-76) g.
Hamilton. *HAMILTON HISTORIC DISTRICT*, 540-700 and 563-641 Bay Rd., (4-13-73)
Haverhill. *BRADFORD COMMON HISTORIC DISTRICT*, S. Main St., (9-14-77)
Haverhill. *WASHINGTON STREET SHOE DISTRICT*, Washington, Wingate, Emerson Sts., Railroad, and Washington squares, (10-14-76)
Haverhill vicinity. *ROCKS VILLAGE HISTORIC DISTRICT*, NE of Haverhill at Merrimack River, (12-12-76)
Haverhill vicinity. *WHITTIER, JOHN GREENLEAF, HOMESTEAD*, 4 mi. E of Haverhill at 105 Whittier Rd., (7-30-75) g.
Ipswich. *CHOATE BRIDGE*, MA 133/1A over the Ipswich River (S. Main St.), (8-21-72)
Ipswich. *WHIPPLE, JOHN, HOUSE*, 53 S. Main St., (10-15-66) NHL; HABS; G.
Ipswich vicinity. *CASTLE HILL*, E of Ipswich on Argilla Rd., (12-2-77)
Lawrence. *ESSEX COUNTY MACHINE SHOP*, Union St., (11-9-72) HABS.
Lawrence. *GRACE EPISCOPAL CHURCH*, Common and Jackson Sts., (11-7-76)
Lawrence. *GREAT STONE DAM*, Merrimack River and MA 28, (4-13-77)
Lawrence. *MECHANICS BLOCK HISTORIC DISTRICT*, 107-139 Garden St., 6-38 Orchard St., (4-3-73) g.
Lawrence. *NORTH CANAL*, Parallel to Canal St., (7-29-75)
Lynnfield. *MEETINGHOUSE COMMON DISTRICT*, Summer, S. Common, and Main Sts., (11-21-76)
Manchester vicinity. *THE NEW HAMPSHIRE*, SE of Manchester off Graves Island, (10-29-76)
Marble Road. *HOOPER, ROBERT "KING," MANSION*, 8 Hooper St., (5-12-76) HABS.
Marblehead. *ABBOT HALL*, Washington Sq., (9-6-74)
Marblehead. *FORT SEWALL*, Fort Sewall promontory, (4-14-75)
Marblehead. *GERRY, ELBRIDGE, HOUSE*, 44 Washington St., (7-2-73)
Marblehead. *GLOVER, GEN. JOHN, HOUSE*, 11 Glover St., (11-28-72) NHL.
Marblehead. *LEE, JEREMIAH, HOUSE*, Washington St., (10-15-66) NHL; HABS; G.
Marblehead. *OLD TOWN HOUSE*, Town House Sq., (8-13-76) HABS.
Marblehead. *ST. MICHAEL'S CHURCH*, 26 Pleasant St., (6-18-73) g.
Nahant. *LODGE, HENRY CABOT, HOUSE*, 5 Cliff St., (12-8-76) NHL.
Newbury. *NEWBURY HISTORIC DISTRICT*, Irregular pattern along High Rd., Green and Hanover Sts., (5-24-76) HABS.
Newbury. *SPENCER-PIERCE-LITTLE HOUSE*, At the end of Little's Lane on the E side of U.S. 1A, (11-24-68) NHL; G.
Newburyport. *BROWN SQUARE HOUSE*, 11 Brown Sq., (3-7-75)
Newburyport. *CUSHING, CALER, HOUSE*, 98 High St., (11-7-73) NHL; HABS.
Newburyport. *FIRST RELIGIOUS SOCIETY CHURCH AND PARISH HALL*, 26 Pleasant St., (4-2-76) HABS.
Newburyport. *MARKET SQUARE HISTORIC DISTRICT*, Market Sq. and properties fronting on State, Merrimac, Liberty, and Water Sts., (2-25-71) g.

Newburyport. *SUPERIOR COURTHOUSE AND BARTLETT MALL*, Bounded by High, Pond, Auburn, and Greenleaf Sts., (4-30-76)
Newburyport. *U.S. CUSTOMHOUSE*, 25 Water St., (2-25-71)
North Andover. *BARNARD, PARSON, HOUSE*, 179 Osgood St., (9-6-74) g.
North Andover. *KITTREDGE MANSION*, 56 Academy Rd., (12-12-76)
North Andover. *OSGOOD, SAMUEL, HOUSE*, 440 Osgood St., (12-30-74)
North Andover vicinity. *KUNHARDT, GEORGE, ESTATE (CHAMPION HALL)*, 1518 Great Pond Rd., (4-22-76)
Peabody. *FOSTER, GEN. GIDEON, HOUSE*, 35 Washington St., (6-23-76)
Peabody. *PEABODY CITY HALL*, 24 Lowell St., (6-27-72) g.
Peabody. *PEABODY INSTITUTE LIBRARY*, Main St., (6-4-73)
Rockport. *ROCKPORT DOWNTOWN MAIN STREET HISTORIC DISTRICT*, Portions of Main, Cleaves, Jewett, and School Sts., (5-28-76)
Salem. *BOWDITCH, NATHANIEL, HOUSE*, North St., (10-15-66) NHL.
Salem. *CHARTER STREET HISTORIC DISTRICT*, Bounded by Liberty, Derby, Central, and Charter Sts., (3-10-75)
Salem. *CHESTNUT STREET DISTRICT*, Bounded roughly by Broad, Flint, Federal, and Summer Sts., (8-28-73)
Salem. *CITY HALL*, 93 Washington St., (4-3-73)
Salem. *DERBY WATERFRONT DISTRICT*, Derby St. from Herbert St. to Block House Sq., waterfront Sts. between Kosciusko and Blaney Sts., (5-17-76) HABS.
Salem. *ESSEX COUNTY COURT BUILDINGS*, 32 Federal St., (5-17-76)
Salem. *ESSEX INSTITUTE HISTORIC DISTRICT*, (6-22-72) HABS; G.
Salem. *FORT PICKERING (FORT WILLIAM, FORT ANNE)*, Winter Island, (2-8-73)
Salem. *GARDNER-PINGREE HOUSE*, 128 Essex St., (12-30-70) NHL; HABS.
Salem. *GEDNEY AND COX HOUSES*, 19 and 21 High St., (10-1-74)
Salem. *HAMILTON HALL*, 9 Cambridge St., (12-30-70) NHL; HABS.
Salem. *HOUSE OF SEVEN GABLES HISTORIC DISTRICT*, Turner, Derby, and Hardy Sts., (5-8-73)
Salem. *OLD TOWN HALL HISTORIC DISTRICT*, Derby Sq. and 215-231 Essex, 121-145 Washington, and 6-34 Front Sts., (12-4-72)
Salem. *PEABODY MUSEUM OF SALEM*, 161 Essex St., (10-15-66) NHL; HABS.
Salem. *PEIRCE-NICHOLS HOUSE*, 80 Federal St., (11-24-68) NHL.
Salem. *SALEM COMMON HISTORIC DISTRICT*, Bounded roughly by St. Peter's, Bridge, and Derby Sts. and Collins Cove, (5-12-76) HABS.
Salem. *SALEM MARITIME NATIONAL HISTORIC SITE*, Derby St., (10-15-66) HABS.
Salem. *STORY, JOSEPH, HOUSE*, 26 Winter St., (11-7-73) NHL.
Salem. *WARD, JOHN, HOUSE*, 132 Essex St., (11-24-68) NHL.
Salem. *WOODBIDGE, THOMAS MARCH, HOUSE*, 48 Bridge St., (3-31-75) g.
Salem vicinity. *BAKERS ISLAND LIGHT STATION*, E of Salem on Bakers Island, (11-21-76)
Saugus. *BOARDMAN HOUSE*, Howard St., (10-15-66) NHL.

Saugus. *SAUGUS IRONWORKS NATIONAL HISTORIC SITE*, Off U.S. 1, (10-15-66)
Swampscott. *THOMSON, ELIHU, HOUSE*, 33 Elmwood Ave., (1-7-76) NHL.
Thacher's Island. *TWIN LIGHTS HISTORIC DISTRICT*, 1 mi. off the coast, E of Rockport, (10-7-71)
Topsfield. *CAPEN, PARSON, HOUSE*, Howlett St., (10-15-66) NHL.
Topsfield. *TOPSFIELD TOWN COMMON DISTRICT*, High and Main Sts., (6-7-76) HABS.
Wenham. *CLAFLIN-RICHARDS HOUSE*, 132 Main St., (4-3-73)
Wenham. *WENHAM HISTORIC DISTRICT*, Both sides of Main St. between Beverly and Hamilton city lines, (4-13-73)

franklin county
MOHAWK TRAIL, Reference—see *Berkshire County*
Buckland. *GRISWOLD, MAJ. JOSEPH, HOUSE*, Upper St., (2-23-72) g.
Deerfield. *OLD DEERFIELD VILLAGE HISTORIC DISTRICT*, (10-15-66) NHL; HABS; G.
Greenfield vicinity. *RIVERSIDE ARCHEOLOGICAL DISTRICT*, NE of Greenfield on MA 2, (7-9-75)
New Salem. *WHITAKER-CLARY HOUSE*, Elm St., (6-18-75)

hampden county
Agawam. *LEONARD, CAPT. CHARLES, HOUSE*, 663 Main St., (3-10-75)
Chicopee. *CITY HALL*, Market Sq., (7-30-74)
Chicopee. *DWIGHT MANUFACTURING COMPANY HOUSING DISTRICT*, Front, Depot, Dwight, Exchange, Chestnut Sts., (6-3-77)
Chicopee Falls. *BELLAMY, EDWARD, HOUSE*, 91-93 Church St., (11-11-71) NHL; G.
East Longmeadow. *BURT, ELIJAH, HOUSE*, 201 Chestnut St., (4-26-76)
Holyoke. *HADLEY FALLS COMPANY HOUSING DISTRICT*, Center, N. Canal, Grover, and Lyman Sts., (11-9-72) g.
Holyoke. *HOLYOKE CITY HALL*, 536 Dwight St., (12-6-75)
Holyoke. *WISTARIAHURST*, 238 Cabot St., (4-23-73)
Springfield. *MAPLE-UNION CORNERS*, 77, 83, 76-78, 80-84 Maple St., (4-26-76)
Springfield. *AMES HILL/CRESCENT HILL DISTRICT*, Bounded by section of Central, Maple, Mill, and Pine Sts., Crescent Hill, Ames Hill, and Maple Ct., (5-1-74)
Springfield. *COURT SQUARE HISTORIC DISTRICT*, Bounded by Main, State, Broadway, Pynchon Sts. and City Hall Pl., (5-2-74) HABS; G.
Springfield. *FIRST CHURCH OF CHRIST, CONGREGATIONAL*, 50 Elm St., (2-1-72) g.

Springfield. *HAMPDEN COUNTY COURTHOUSE*, Elm St., (2-1-72)
Springfield. *MCKNIGHT DISTRICT*, Roughly bounded by Penn Central, State St., the Armory, and includes both sides of Campus Pl. and Dartmouth St., (4-26-76)
Springfield. *MEMORIAL SQUARE DISTRICT*, Main and Plainfield Sts., (8-29-77)
Springfield. *MILLS-STEBBINS VILLA*, 3 Crescent Hill, (10-15-73) HABS.
Springfield. *QUADRANGLE-MATTOON STREET HISTORIC DISTRICT*, Bounded by Chestnut St. to the W, State St. to the S, and includes properties on Mattoon, Salem, Edwards, and Elliot Sts., (5-8-74) g.
Springfield. *SOUTH CONGREGATIONAL CHURCH*, 45 Maple St., (4-30-76)

Springfield. *SPRINGFIELD ARMORY NATIONAL HISTORIC SITE*, Armory Sq., (10-26-74)
Springfield. *STATE ARMORY*, 29 Howard St., (5-3-76)
Springfield. *1767 MILESTONES*, Between Boston and Springfield along Old Post Rd., (4-7-71) (also in Middlesex, Norfolk, Suffolk, and Worcester counties)
West Springfield. *DAY, JOSIAH, HOUSE*, 70 Park St., (4-16-75) g.

hampshire county
Amherst. *DICKINSON, EMILY, HOUSE*, 280 Main St., (10-15-66) NHL.
Amherst. *DICKINSON HISTORIC DISTRICT*, Kellogg Ave., Main, Gray, and Lessey Sts., (8-16-77)
Cummington vicinity. *BRYANT, WILLIAM CULLEN, HOMESTEAD*, 2 mi. from Cummington on side rd., (10-15-66) NHL.
Hadley. *HADLEY CENTER HISTORIC DISTRICT*, Middle and Russell Sts., (12-2-77)
Hadley. *PORTER-PHELPS-HUNTINGTON HOUSE*, 130 River Dr., (3-26-73)
Haydenville. *HAYDENVILLE HISTORIC DISTRICT*, Main and High Sts., and Kingsley Ave., (3-26-76)
Northampton. *COOLIDGE, CALVIN, HOUSE*, 19-21 Massasoit St., (12-12-76)
Northampton. *NORTHAMPTON DOWNTOWN HISTORIC DISTRICT*, Roughly bounded by Hampton, Pearl, Strong, Bedford, Elm, MA 66, and railroad tracks, (5-17-76)
Northampton. *SMITH ALUMNAE GYMNASIUM*, Smith College campus, Green St., (4-30-76)
Northampton. *THE MANSE*, 54 Prospect St., (10-14-76)
Pelham. *PELHAM TOWN HALL HISTORIC DISTRICT*, Amherst Rd. at the corner of Daniel Shays Hwy., (11-23-71) g.

middlesex county
ISAAC DAVIS TRAIL (ACTON'S TRAIL), Running E-W between towns of Acton and Concord, (4-11-72)
MIDDLESEX CANAL, Running SE between towns of Lowell and Woburn, (8-21-72) g.
1767 MILESTONES, Reference—see *Hampden County*
Acton. *FAULKNER HOMESTEAD*, High St., (12-16-71) HABS; G.
Arlington. *ARLINGTON TOWN CENTER DISTRICT*, Bounded by Massachusetts Ave. and Academy, Pleasant, and Maple Sts., (7-18-74)
Arlington. *FOWLE-REED-WYMAN HOUSE*, 64 Old Mystic St., (4-14-75) g.
Arlington. *OLD SCHWAMB MILL*, 17 Mill Lane and 29 Lowell St., (10-7-71) g.
Arlington. *RUSSELL, JASON, HOUSE*, 7 Jason St., (10-9-74)
Bedford. *BEDFORD CENTER HISTORIC DISTRICT*, Irregular pattern along Great Rd. from Bacon to Concord and North Rds., (11-17-77)
Bedford. *LANE, JOB, HOUSE*, 295 North St., (5-8-73) g.
Bedford vicinity. *BACON-GLEASON-BLODGETT HOMESTEAD*, 118 Wilson Rd., (4-14-77)
Belmont. *RED TOP (WILLIAM DEAN HOWELLS HOUSE)*, 90 Somerset St., (11-11-71) NHL.
Billerica. *BILLERICA TOWN COMMON DISTRICT*, Bounded by Cummings St., Concord Rd., and Boston Rd., (8-14-73)
Billerica. *SABBATH DAY HOUSE*, 20 Andover Rd., (8-14-73)

Burlington. *WYMAN, FRANCIS, HOUSE*, Francis Wyman St., (3-13-75) HABS; G.
Cambridge. *AUSTIN HALL*, Harvard University campus, (4-19-72)
Cambridge. *BALDWIN, MARIA, HOUSE*, 196 Prospect St., (5-11-76) NHL.
Cambridge. *BIRKHOFF, GEORGE D., HOUSE*, 22 Craigie, (5-15-75) NHL.
Cambridge. *BRATTLE, WILLIAM, HOUSE*, 42 Brattle St., (5-8-73) HABS.
Cambridge. *BRIDGMAN, PERCY, HOUSE*, 10 Buckingham Pl., (5-15-75) NHL.
Cambridge. *CAMBRIDGE COMMON HISTORIC DISTRICT*, Garden, Waterhouse, Cambridge, and Peabody Sts., and Massachusetts Ave., (4-13-73) HABS; G.
Cambridge. *CHRIST CHURCH*, Garden St., (10-15-66) NHL; HABS.
Cambridge. *COOPER-FROST-AUSTIN HOUSE*, 21 Linnaean St., (9-22-72)
Cambridge. *DALY, REGINALD A., HOUSE*, 23 Hawthorn St., (1-7-76) NHL.
Cambridge. *DAVIS, WILLIAM MORRIS, HOUSE*, 17 Francis St., (1-7-76) NHL.
Cambridge. *ELMWOOD (JAMES RUSSELL LOWELL HOUSE)*, 33 Elmwood Ave., (10-15-66) NHL.
Cambridge. *FIRST BAPTIST CHURCH*, Magazine and River Sts., (4-14-75) HABS; G.
Cambridge. *FORT WASHINGTON*, 95 Waverly St., (4-3-73) HABS; G.
Cambridge. *FULLER, MARGARET, HOUSE*, 71 Cherry St., (7-2-71) NHL.
Cambridge. *GRAY, ASA, HOUSE*, 88 Garden St., (10-15-66) NHL.
Cambridge. *HASTINGS, OLIVER, HOUSE*, 101 Brattle St., (12-30-70) NHL.
Cambridge. *LITTLE, ARTHUR D., INC. BUILDING*, Memorial Dr., (12-8-76) NHL.
Cambridge. *LONGFELLOW NATIONAL HISTORIC SITE*, 105 Brattle St., (10-15-66) HABS.
Cambridge. *MASSACHUSETTS HALL, HARVARD UNIVERSITY*, Harvard University Yard, (10-15-66) NHL.
Cambridge. *MEMORIAL HALL, HARVARD UNIVERSITY*, Cambridge and Quincy Sts., Harvard University campus, (12-30-70) NHL.
Cambridge. *MOUNT AUBURN CEMETERY*, 580 Mount Auburn St., (4-21-75) g.
Cambridge. *OLD HARVARD YARD*, Massachusetts Ave. and Cambridge St., (2-6-73)
Cambridge. *PRATT, DEXTER, HOUSE*, 54 Brattle St., (5-8-73)
Cambridge. *RICHARDS, THEODORE W., HOUSE*, 15 Follen St., (1-7-76) NHL.
Cambridge. *SANDS, HIRAM, HOUSE*, 22 Putnam Ave., (4-30-76)
Cambridge. *SEVER HALL, HARVARD UNIVERSITY*, Harvard Yard, (12-30-70) NHL.
Cambridge. *UNIVERSITY HALL, HARVARD UNIVERSITY*, Harvard Yard, (12-30-70) NHL.
Chelmsford. *OLD CHELMSFORD GARRISON HOUSE COMPLEX*, 105 Garrison Rd., (5-8-73) g.
Chelmsford Center. *FISKE HOUSE*, 1 Billerica Rd., (12-9-77)
Concord. *ALCOTT, LOUISA MAY, HOUSE (ORCHARD HOUSE)*, Lexington Rd., (10-15-66) NHL; HABS.
Concord. *BARRETT, COL. JAMES, FARM*, 448 Barrett's Mill Rd., (11-15-73)
Concord. *CONCORD MONUMENT SQUARE-LEXINGTON ROAD HISTORIC DISTRICT*, MA 2A, (9-13-77)
Concord. *EMERSON, RALPH WALDO, HOUSE*, Lexington Rd. and Cambridge Tpke., (10-15-66) NHL.

Concord. *OLD MANSE*, Monument St., (10-15-66) NHL; HABS.
Concord. *PEST HOUSE*, 153 Fairhaven Rd., (4-18-77)
Concord. *THOREAU-ALCOTT HOUSE*, 255 Main St., (7-12-76)
Concord. *WRIGHTS TAVERN*, Lexington Rd. opposite the Burying Ground, (10-15-66) NHL; HABS; G.
Concord-Lexington vicinity. *MINUTE MAN NATIONAL HISTORICAL PARK*, From Concord to Lexington on MA 2A, (10-15-66) HABS.
Concord vicinity. *BROOKS, DANIEL, HOUSE*, Brooks Rd. E., (10-25-73) HABS.
Concord vicinity. *CUMING, DR. JOHN, HOUSE*, W of Concord at Barretts Mill Rd. and Reformatory Circle, (11-11-77)
Concord vicinity. *WALDEN POND*, 1.5 mi. S of Concord, (10-15-66) NHL.
Framingham. *FRAMINGHAM RAILROAD STATION*, 417 Waverly St., (1-17-75)
Groton. *GROTON INN*, Main St., (8-3-76)
Hudson. *GOODALE HOMESTEAD*, 100 Chestnut St., (1-21-75)
Lexington. *BUCKMAN TAVERN*, Hancock St., on the E side of Lexington Green, (10-15-66) NHL; HABS.
Lexington. *CHANDLER, GEN. SAMUEL, HOUSE*, 8 Goodwin Rd., (4-13-77)
Lexington. *FOLLEN COMMUNITY CHURCH*, 755 Massachusetts Ave., (4-30-76) HABS.
Lexington. *HANCOCK-CLARKE HOUSE*, 35 Hancock St., (7-17-71) NHL; HABS; G.
Lexington. *HANCOCK SCHOOL*, 33 Forest St., (8-22-75)
Lexington. *LEXINGTON GREEN*, Massachusetts and Hancock Sts., (10-15-66) NHL.
Lexington. *LEXINGTON GREEN HISTORIC DISTRICT*, Bounded by Massachusetts Ave., Bedford St., and Harrington Rd., (4-30-76) HABS.
Lexington. *SANDERSON HOUSE AND MUNROE TAVERN*, 1314 and 1332 Massachusetts Ave., (4-26-76) HABS.
Lexington. *SHERBURNE, WARREN E., HOUSE*, 11 Percy Rd., (12-2-77)
Lexington. *SIMONDS TAVERN*, 331 Bedford St., (10-14-76)
Lexington. *STONE BUILDING*, 735 Massachusetts Ave., (4-30-76) HABS.
Lincoln. *GRANGE, THE*, Codman Rd., (4-18-74) g.
Lincoln. *HOAR TAVERN*, NE of Lincoln on MA 2, (7-23-73)
Lowell. *BOWERS, JONATHAN, HOUSE (ROUND HOUSE)*, 58 Wannalancit St., (6-18-76)
Lowell. *CHELMSFORD GLASS WORKS' LONG HOUSE*, 139-141 Baldwin St., (1-25-73) HABS.
Lowell. *CITY HALL HISTORIC DISTRICT*, Roughly area between Broadway and French Sts., Colburn St. and both sides of Kirk St., (4-21-75)
Lowell. *HOLY TRINITY GREEK ORTHODOX CHURCH*, Lewis St., (4-13-77)
Lowell. *LOWELL LOCKS AND CANALS HISTORIC DISTRICT*, Between Middlesex St. and the Merrimack River, (8-13-76) HABS.
Malden. *OLD CITY HALL*, Main St., (10-8-76)
Medford. *ALBREE-HALL-LAWRENCE HOUSE*, 353 Lawrence Rd., (4-30-76) HABS.
Medford. *ANGIER, JOHN B., HOUSE*, 129 High St., (4-23-75)

Medford. *BIGELOW BLOCK*, NE corner of Forest and Salem Sts., (2-24-75)
Medford. *BROOKS, CHARLES, HOUSE*, 309 High St., (6-18-75) G.
Medford. *BROOKS, JONATHAN, HOUSE*, 2 Woburn St., (6-26-75) HABS.
Medford. *BROOKS, SHEPHERD, ESTATE*, 275 Grove St., (4-21-75)
Medford. *CURTIS, PAUL, HOUSE*, 114 South St., (5-6-75)
Medford. *FERNALD, GEORGE P., HOUSE*, 12 Rock Hill St., (4-30-76)
Medford. *FLETCHER, JONATHAN, HOUSE*, 283 High St., (6-23-75)
Medford. *GRACE EPISCOPAL CHURCH*, 160 High St., (11-3-72) G.
Medford. *HALL, ISAAC, HOUSE*, 43 High St., (4-16-75) HABS.
Medford. *HILLSIDE AVENUE HISTORIC DISTRICT*, Property on both sides of Hillside and Grand View Aves., (4-21-75)
Medford. *LAWRENCE LIGHT GUARD ARMORY*, 90 High St., (3-10-75)
Medford. *OLD SHIP STREET HISTORIC DISTRICT*, Both sides of Pleasant St. from Riverside Ave. to Park St., (4-14-75)
Medford. *PARK STREET RAILROAD STATION*, 20 Magoun Ave., (4-21-75)
Medford. *ROYALL, ISAAC, HOUSE*, 15 George St., (10-15-66) NHL; HABS.
Medford. *TUFTS, PETER, HOUSE*, 350 Riverside Ave., (11-24-68) NHL
Medford. *UNITARIAN UNIVERSALIST CHURCH AND PARSONAGE*, 141 and 147 High St., (4-21-75) HABS.
Medford. *WADE, JOHN, HOUSE*, 253 High St., (6-18-75)
Medford. *WADE, JONATHAN, HOUSE*, 13 Bradlee Rd., (4-21-75)
Natick. *NATICK CENTER HISTORIC DISTRICT*, North Ave., Main, Central, and Summer Sts., (12-16-77)
Natick. *PARSONAGE, THE (HORATIO ALGER HOUSE)*, 16 Pleasant St., (11-11-71) NHL
Newton. *BIGELOW, Dr. HENRY JACOB, HOUSE*, 742 Dedham St., (1-1-76)
Newton. *DURANT, CAPT. EDWARD, HOUSE*, 286 Waverly Ave., (5-13-76) HABS.
Newton. *FESSENDEN, REGINALD A., HOUSE*, 45 Waban Hill Rd., (1-7-76) NHL
Newton. *JACKSON HOMESTEAD*, 527 Washington St., (6-4-73)
Newton. *WOODLAND, NEWTON HIGHLANDS, AND NEWTON CENTRE RAILROAD STATIONS, BAGGAGE AND EXPRESS BUILDING*, 1897 Washington Sts., 18 Station Ave., 80 and 50 Union St., (6-3-76)
Reading. *PARKER TAVERN*, 103 Washington St., (8-19-75)
Shirley vicinity. *SHIRLEY SHAKER VILLAGE*, S of Shirley on Harvard Rd., (5-24-76) (also in Worcester County)
Somerville. *BOW STREET HISTORIC DISTRICT*, Bow St., (3-26-76)
Somerville. *POWDER HOUSE PARK*, Powder House Circle, (4-21-75)
Sudbury. *SUDBURY CENTER HISTORIC DISTRICT*, Concord and Old Sudbury Rds., (7-14-76)
Sudbury. *WAYSIDE INN HISTORIC DISTRICT*, Old Boston Post Rd., (4-23-73) HABS.
Tyngsboro vicinity. *TYNG, COL. JONATHAN, HOUSE*, 80 Tyng Rd., (8-19-77) HABS.
Waltham. *GORE PLACE*, 52 Gore St., (12-30-70) NHL; HABS; G.
Waltham. *PAINE, ROBERT TREAT JR., HOUSE*, 577 Beaver St., (10-7-75)

NOTICES

Waltham. *VALE, THE (THEODORE LYMAN ESTATE)*, Lyman and Beaver Sts., (12-30-70) NHL; HABS; G.
Watertown. *COMMANDING OFFICER'S QUARTERS, WATERTOWN ARSENAL*, 443 Arsenal St., (1-30-76)
Watertown. *FOWLE, EDMUND, HOUSE*, 26-28 Marshall St., (11-11-77)
Wayland. *WAYLAND CENTER HISTORIC DISTRICT*, Irregular pattern along both sides of U.S. 20 and MA 27, (9-6-74) G.
Wayland vicinity. *OLD TOWN BRIDGE*, N of Wayland on MA 27, (5-2-75)
Weston. *GOLDEN BALL TAVERN*, 662 Boston Post Rd., (9-28-72) G.
Weston. *HARRINGTON HOUSE*, 555 Wellesley St., (6-22-76)
Weston. *WOODWARD, REV. SAMUEL, HOUSE*, 19 Concord Rd., (10-8-76)
Weston vicinity. *TRAIN, SAMUEL, HOUSE*, 342 Winter St., (12-12-76)
Wilmington. *HARDEN TAVERN*, 430 Salem St., (4-8-75)
Woburn. *BALDWIN, LOAMMI, MANSION*, 2 Alfred St., (10-7-71) HABS; G.
Woburn. *COUNT RUMFORD BIRTHPLACE*, 90 Elm St., (5-15-75) NHL
Woburn. *WOBBURN PUBLIC LIBRARY*, Pleasant St., (11-13-76)
Woburn. *1790 HOUSE*, 827 Main St., (10-9-74)

nantucket county

Nantucket. *COFFIN, JETHRO, HOUSE*, Sunset Hill, (11-24-68) NHL; G.
Nantucket. *NANTUCKET HISTORIC DISTRICT*, Nantucket Island, (11-13-66) NHL; HABS

norfolk county

1767 MILESTONES, Reference—see Hampden County
Braintree. *THAYER, GEN. SYLVANUS, HOUSE*, 786 Washington St., (12-3-74)
Brookline. *JOHN FITZGERALD KENNEDY NATIONAL HISTORIC SITE*, 83 Beals St., (5-26-67) HABS.
Brookline. *MINOT, GEORGE R., HOUSE*, 71 Sears Rd., (1-7-76) NHL
Brookline. *OLMSTED, FREDERICK LAW, HOUSE*, 99 Warren St., (10-15-66) NHL
Brookline. *OLMSTED PARK SYSTEM*, Encompassing the Back Bay Fens, Muddy River, Olmsted (Leverett Park), Jamaica Park, Arborway, and Franklin Park, (12-8-71) G. (also in Suffolk County)
Brookline. *PILL HILL HISTORIC DISTRICT*, Roughly bounded by Boylston St., Pond Ave., Aeron, Oakland and Highland Rds., (12-16-77)
Brookline. *ST. MARK'S METHODIST CHURCH*, 90 Park St., (12-17-76)
Cohasset. *LOTHROP, CALEB HOUSE*, 14 Summer St., (5-3-76)
Dedham. *FAIRBANKS HOUSE*, Eastern Ave. and East St., (10-15-66) NHL; HABS; G.
Dedham. *NORFOLK COUNTY COURTHOUSE*, 650 High St., (11-28-72) NHL
Franklin. *DEAN JUNIOR COLLEGE HISTORIC DISTRICT*, Dean Junior College campus, (4-23-75)
Franklin. *RED BRICK SCHOOL*, 2 Lincoln St., (1-1-76)
Medfield. *FIRST PARISH UNITARIAN CHURCH*, North St., (4-18-74)
Medfield. *PEAK HOUSE*, 347 Main St., (9-5-75)
Millis. *PARTRIDGE, JOHN, HOUSE*, 315 Exchange St., (10-15-74)
Milton. *FORBES, CAPT. ROBERT B., HOUSE*, 215 Adams St., (11-13-66) NHL

Milton. *HOLBROOK, DR. AMOS, HOUSE*, 203 Adams St., (4-18-74) G.
Milton. *HUTCHINSON, GOV. THOMAS, HA-HA*, 100, 112 Randolph Ave., (2-13-75)
Milton. *PAUL'S BRIDGE*, Neponset Valley Pkwy., over the Neponset River, (12-11-72) (also in Suffolk County)
Milton. *SUFFOLK RESOLVES HOUSE (DANIEL VOSE RESIDENCE)*, 1370 Canton Ave., (7-23-73) HABS.
Norfolk vicinity. *WARELANDS*, N of Norfolk at 103 Boardman St., (11-10-77)
North Attleborough vicinity. *ANGLE TREE STONE*, Reference—see Bristol County
Norwood. *DAY, FRED HOLLAND, HOUSE*, 93 Day St., (4-18-77)
Quincy. *ADAMS ACADEMY*, 8 Adams St., (9-6-74)
Quincy. *ADAMS, JOHN, BIRTHPLACE*, 133 Franklin St., (10-15-66) NHL; HABS; G.
Quincy. *ADAMS, JOHN QUINCY, BIRTHPLACE*, 141 Franklin St., (10-15-66) NHL; HABS; G.
Quincy. *ADAMS NATIONAL HISTORIC SITE*, 135 Adams St., (10-15-66)
Quincy. *MOSWETSET HUMMOCK*, Squantum St., near jct. with Morrissey Rd., (7-1-70)
Quincy. *QUINCY GRANITE RAILWAY*, Bunker Hill Lane, (10-15-73)
Quincy. *QUINCY GRANITE RAILWAY INCLINE*, Mullin Ave., (6-19-73)
Quincy. *QUINCY HOMESTEAD*, 34 Butler St., (7-1-70) G.
Quincy. *QUINCY, JOSIAH, HOUSE*, 20 Muirhead St., (5-28-76) HABS; G.
Quincy. *THOMAS CRANE PUBLIC LIBRARY*, 40 Washington St., (10-18-72)
Quincy. *UNITED FIRST PARISH CHURCH (UNITARIAN) OF QUINCY*, 1266 Hancock St., (12-30-70) NHL; HABS.
Quincy. *WINTHROP, JOHN, JR., IRON FURNACE SITE*, Crescent St., (9-20-77)
Randolph. *BELCHER, JONATHAN, HOUSE*, 360 N. Main St., (4-30-76)
Sharon. *COBB'S TAVERN*, 41 Bay Rd., (8-7-74)
Sharon. *SHARON HISTORIC DISTRICT*, Both sides of N. Main St. from Post Office Sq. to School St., (8-22-75)
Stoughton. *STOUGHTON RAILROAD STATION*, 53 Wyman St., (1-21-74)
Walpole. *LEWIS, DEACON WILLARD, HOUSE*, 33 West St., (10-29-75)
Wellesley. *EATON-MOULTON MILL*, 37 Walnut St., (5-13-76)
Wellesley. *WELLESLEY TOWN HALL*, 525 Washington St., (4-30-76)

plymouth county

Brockton. *BROCKTON CITY HALL*, 45 School St., (3-26-76)
Brockton. *CENTRAL FIRE STATION*, 40 Pleasant St., (7-25-77)
Brockton. *KINGMAN, GARDNER J., HOUSE*, 309 Main St., (7-25-77)
Brockton. *SNOW FOUNTAIN AND CLOCK*, N. Main and E. Main Sts., (7-25-77)
Cohasset vicinity. *CUSHING HOMESTEAD*, W of Cohasset on MA 128, (6-4-73)
Duxbury vicinity. *PLYMOUTH LIGHT STATION*, SE of Duxbury at Gurnet Point, (3-8-77)
Hingham. *LINCOLN, GEN. BENJAMIN, HOUSE*, 181 North St., (11-28-72) NHL; HABS.
Hingham. *OLD SHIP MEETINGHOUSE*, Main St., (10-15-66) NHL; HABS; G.
Hull. *TELEGRAPH HILL*, (7-12-76)
Lakeville. *TOWN HALL*, Bedford St., (10-22-76)

suffolk county

Marshfield. *WEBSTER, DANIEL, LAW OFFICE AND LIBRARY*, Careswell and Webster Sts., (5-30-74) NHL
Mattapoisett. *THIRD MEETINGHOUSE*, 1 Fairhaven Rd., (1-2-76)
Middleboro. *PEIRCE, PETER, STORE*, N. Main and Jackson Sts., (4-30-76)
Middleboro vicinity. *WAMPANOAG ROYAL CEMETERY*, S of Middleboro off MA 105, (11-11-75)
Middleboro vicinity. *WAPANUCKET SITE*, SW of Middleboro off MA 25, (6-4-73)
North Abington. *NORTH ABINGTON DEPOT*, Railroad St., (5-13-76)
Norwell. *BRYANT-CUSHING HOUSE*, 768 Main St., (3-26-76)
Plymouth. *BARTLETT-RUSSELL-HEDGE HOUSE*, 32 Court St., (4-30-76)
Plymouth. *COLE'S HILL*, Carver St., (10-15-66) NHL
Plymouth. *HARLOW OLD FORT HOUSE*, 119 Sandwich St., (12-27-74)
Plymouth. *HILLSIDE*, 230 Summer St., (9-18-75)
Plymouth. *HOWLAND, JABEZ, HOUSE*, 33 Sandwich St., (10-9-74) G.
Plymouth. *NATIONAL MONUMENT TO THE FOREFATHERS*, Allerton St., (8-30-74)
Plymouth. *OLD COUNTY COURTHOUSE*, Leyden and Market Sts., (2-23-72)
Plymouth. *PILGRIM HALL*, 75 Court St., (4-11-72) G.
Plymouth. *PLYMOUTH ANTIQUARIAN HOUSE*, 126 Water St., (12-27-74)
Plymouth. *PLYMOUTH ROCK*, Water St., (7-1-70)
Plymouth. *SPARROW, RICHARD, HOUSE*, 42 Summer St., (10-9-74) G.
Scituate Center. *LAWSON TOWER*, Off First Parish Rd., (9-28-76)
Wareham. *TREMONT NAIL FACTORY DISTRICT*, 21 Elm St., (10-22-76)

NOTICES

Boston. *BOSTON NATIONAL HISTORICAL PARK*, Inner harbor at mouth of Charles River, (10-26-74)
Boston. *BOSTON NAVAL SHIPYARD*, E of Chelsea St., Charlestown, (11-15-66) NHL
Boston. *BOSTON PUBLIC LIBRARY*, Copley Sq., (5-6-73)
Boston. *BUNKER HILL MONUMENT*, Breed's Hill, (10-15-66) NHL
Boston. *COPPS HILL BURIAL GROUND*, Charter, Snowhill, and Hull Sts., (4-18-74)
Boston. *CROWNINSHIELD HOUSE*, 164 Marlborough St., (2-23-72)
Boston. *CUSTOMHOUSE DISTRICT*, Between J.F.K. Expwy. and Kirby St. and S. Market and High Sts., (5-11-73) HABS.
Boston. *CYCLORAMA BUILDING*, 543-547 Tremont St., (4-13-73)
Boston. *DORCHESTER HEIGHTS NATIONAL HISTORIC SITE*, South Boston, (10-15-66)
Boston. *ELIOT BURYING GROUND*, Eustis and Washington Sts., (6-25-74) G.
Boston. *ETHER DOME, MASSACHUSETTS GENERAL HOSPITAL*, Fruit St., (10-15-66) NHL
Boston. *FANEUIL HALL*, Dock Sq., (10-15-66) NHL
Boston. *FIRST BAPTIST CHURCH*, Commonwealth Ave. and Clarendon St., (2-23-72)
Boston. *FULTON-COMMERCIAL STREETS DISTRICT*, Fulton, Commercial, Mercantile, Lewis, and Richmond Sts., (3-21-73)
Boston. *HARDING, CHESTER, HOUSE*, 16 Beacon St., (10-15-66) NHL
Boston. *HEADQUARTERS HOUSE*, 55 Beacon St., (10-15-66) NHL
Boston. *HOWE, SAMUEL GRIDLEY AND JULIA WARD, HOUSE*, 13 Chestnut St., (9-13-74) NHL
Boston. *KING'S CHAPEL*, Tremont and School Sts., (5-2-74) NHL
Boston. *KING'S CHAPEL BURYING GROUND*, Tremont St., (5-2-74)
Boston. *LONG WHARF AND CUSTOM-HOUSE BLOCK*, Foot of State St., (11-13-66) NHL
Boston. *MASSACHUSETTS GENERAL HOSPITAL*, Fruit St., (12-30-70) NHL; HABS.
Boston. *MASSACHUSETTS HISTORICAL SOCIETY BUILDING*, 1154 Boylston St., (10-15-66) NHL
Boston. *MASSACHUSETTS STATEHOUSE*, Beacon Hill, (10-15-66) NHL; HABS.
Boston. *NELL, WILLIAM C., HOUSE*, 3 Smith Court, (5-11-76) NHL
Boston. *OLD CITY HALL*, School and Providence Sts., (12-30-70) HABS; NHL
Boston. *OLD CORNER BOOKSTORE*, NW corner of Washington and School Sts., (4-11-73)
Boston. *OLD NORTH CHURCH, (CHRIST CHURCH EPISCOPAL)*, 193 Salem St., (10-15-66) NHL; HABS; G.
Boston. *OLD SOUTH CHURCH IN BOSTON*, 645 Boylston St., (12-30-70) NHL
Boston. *OLD SOUTH MEETINGHOUSE*, Milk and Washington Sts., (10-15-66) NHL; HABS; G.
Boston. *OLD STATEHOUSE*, Washington and State Sts., (10-15-66) NHL
Boston. *OLD WEST CHURCH*, 131 Cambridge St., (12-30-70) NHL; HABS.
Boston. *OTIS, (FIRST) HARRISON GRAY, HOUSE*, 141 Cambridge St., (12-30-70) NHL; HABS.
Boston. *OTIS, (SECOND) HARRISON GRAY, HOUSE*, 85 Mt. Vernon St., (7-27-73) HABS.

Boston. *PARK STREET DISTRICT*, Tremont, Park, and Beacon Sts., (5-1-74)
Boston. *PARKMAN, FRANCIS, HOUSE*, 50 Chestnut St., (10-15-66) NHL
Boston. *PIERCE-HICHBORN HOUSE*, 29 North Sq., (11-24-68) NHL; HABS.
Boston. *QUINCY MARKET*, S. Market St., (11-13-66) NHL
Boston. *REVERE, PAUL, HOUSE*, 19 North Sq., (10-15-66) NHL
Boston. *SEARS, DAVID, HOUSE*, 42 Beacon St., (12-30-70) NHL
Boston. *SOUTH END DISTRICT*, South Bay area between Huntington and Harrison Aves., (5-8-73) G.
Boston. *SOUTH STATION HEADHOUSE*, Atlantic Ave. and Summer St., (2-13-75)
Boston. *ST. PAUL'S CHURCH*, 136 Tremont St., (12-30-70) NHL
Boston. *ST. STEPHEN'S CHURCH*, Hanover St. between Clark and Harris Sts., (4-14-75)
Boston. *SUFFOLK COUNTY COURTHOUSE*, Pemberton Sq., (5-8-74)
Boston. *SUMNER, CHARLES, HOUSE*, 20 Hancock St., (11-7-73) NHL
Boston. *SYMPHONY AND HORTICULTURAL HALLS*, Massachusetts and Huntington Aves., (5-30-75) G.
Boston. *TREMONT STREET SUBWAY*, Beneath Tremont, Boylston, and Washington Sts., (10-15-66) NHL
Boston. *TRINITY CHURCH*, Copley Sq., (7-1-74) NHL
Boston. *TRINITY RECTORY*, Clarendon and Newbury Sts., (2-23-72)
Boston. *U.S.S. CONSTITUTION (OLD IRON-SIDES)*, Boston Naval Shipyard, (10-15-66) NHL
Boston. *WINTHROP BUILDING*, 7 Water St., (4-18-74)
Boston. *YOUTH'S COMPANION BUILDING (SAWYER BUILDING)*, 209 Columbus Ave., (5-2-74)
Boston Harbor. *FORT WARREN*, Georges Island, (8-29-70) NHL
Boston (Roxbury). *HALE, EDWARD EVERETT, HOUSE*, 12 Morley St., (5-8-73) HABS.
Boston vicinity. *FORT INDEPENDENCE (FORT WILLIAM)*, Castle Island, (10-15-70) G.
Charlestown. *PHIPPS STREET BURYING GROUND*, Phipps St., (5-15-74)
Charlestown. *TOWN HILL DISTRICT*, Bounded roughly by Rutherford Ave. and Main and Warren Sts., (5-11-73) HABS.
Chelsea. *BELLINGHAM-CARY HOUSE*, 34 Parker St., (9-6-74)
Chelsea. *NAVAL HOSPITAL BOSTON HISTORIC DISTRICT*, 1 Broadway, (8-14-73)
Dorchester. *BLAKE, JAMES, HOUSE*, 735 Columbia Rd., (10-15-66) HABS.
Dorchester. *CLAPP HOUSES*, 199 and 195 Boston St., (5-2-74) HABS; G.
Dorchester. *DORCHESTER NORTH BURYING GROUND*, Stoughton St. and Columbia Rd., (4-18-74)
Dorchester. *PIERCE HOUSE*, 24 Oakton Ave., (4-26-74) HABS.
Dorchester. *TROTTER, WILLIAM MONROE, HOUSE*, 97 Sawyer Ave., (5-11-76) NHL
Jamaica Plain. *LORING-GREENOUGH HOUSE*, 12 South St., (4-26-72) G.
Revere. *SLADE SPICE MILL*, 770 Revere Beach Pkwy., (6-30-72)
Roxbury. *GARRISON, WILLIAM LLOYD, HOUSE*, 125 Highland St., (10-15-66) NHL
Roxbury. *JOHN ELIOT SQUARE DISTRICT*, John Eliot Sq., (4-23-73) HABS.

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Roxbury. **KITTREDGE, ALVAH, HOUSE**, 12 Linwood St., (5-8-73)
Roxbury. **ROXBURY HIGH FORT (HIGHLAND PARK)**, Beech Glen St. at Fort Ave., (4-23-73)
Roxbury. **SHIRLEY-EUSTIS HOUSE**, 31-37 Shirley St., (10-15-66) NHL, HAB.
West Roxbury. **BROOK FARM**, 670 Baker St., (10-15-66) NHL.

worcester county

SHIRLEY SHAKER VILLAGE, Reference—see Middlesex County
1767 MILESTONES, Reference—see Hampden County
Auburn vicinity. **GODDARD ROCKET LAUNCHING SITE**, Ninth fairway, Pakachoag Golf Course, Pakachoag Rd., (11-13-66) NHL.
Barre. **BARRE COMMON DISTRICT**, Bounded roughly by South, Exchange, Main, Pleasant, Broad, School, and Grove Sts., (5-4-76)
Boylston. **GOUGH, JOHN B., HOUSE**, 215 Main St., (3-19-74) NHL.
Charlton. **NORTHSIDE VILLAGE HISTORIC DISTRICT**, Stafford St., Northside and Cemetery Rds., (10-5-77)
Charlton. **SPURR, JOHN, HOUSE**, Main St., (4-26-76)
Charlton vicinity. **RIDER TAVERN**, NE of Charlton on Stafford St., off U.S. 90, (5-19-76) g.
Harvard. **FRUITLANDS**, Prospect Hill, (3-19-74) NHL.
Holden. **HOLDEN CENTER HISTORIC DISTRICT**, Main, Maple, Highland, and Reservoir Sts., (12-22-77)
Lancaster. **CENTER VILLAGE DISTRICT**, Irregular pattern along Main St., (9-15-77)
Lancaster. **FIRST CHURCH OF CHRIST, LANCASTER**, Facing the Common, (12-30-70) NHL, HAB.; g.
Lancaster. **NORTH VILLAGE HISTORIC DISTRICT**, (11-23-77)
Lancaster. **THAYER, NATHANIEL, ESTATE**, 438 S. Main St., (7-6-76)
Lancaster vicinity. **LANCASTER INDUSTRIAL SCHOOL FOR GIRLS**, SE of Lancaster on Old Common Rd., (10-8-76)
Lancaster vicinity. **LANE, ANTHONY, HOUSE**, NE of Lancaster on Seven Bridge Rd., (11-7-76)
Milford. **MILFORD TOWN HALL**, 52 Main St., (9-22-77)
North Brookfield vicinity. **MATTHEWS FULLING MILL SITE**, NW of North Brookfield off Murphy Rd., (11-12-75)
North Uxbridge. **ROGERSON'S VILLAGE HISTORIC DISTRICT**, N and S sides of Hartford Ave., (11-23-71) g.
Northborough. **NORTHBOROUGH TOWN HALL**, NE corner of W. Main and Blake St., (2-23-72)
Northbridge and vicinity. **BLACKSTONE CANAL**, E of MA 122 between Northbridge and Uxbridge, (2-6-73)
Oxford. **BARTON, CLARA, HOMESTEAD**, 3 mi. W of Oxford on Clara Barton Rd., (9-22-77)
Petersham vicinity. **GAY FARM (NEGUS HILL)**, S of Petersham off Nichewaung Rd., (9-22-77)
Royalston. **ROYALSTON COMMON HISTORIC DISTRICT**, Main St., Frye Hill Rd., and Athol Rd., (12-12-76)
Rutland. **PUTNAM, GEN. RUFUS, HOUSE**, 344 Main St., (11-28-72) NHL, HAB.
Shrewsbury. **SHREWSBURY HISTORIC DISTRICT**, Church Rd., Main, Prospect, Boylston, and Grafton Sts., (10-8-76)

NOTICES

Shrewsbury. **WARD, GENERAL ARTEMAS, HOMESTEAD**, Main St., opposite Dean Park, (5-4-76)
South Lancaster. **SOUTH LANCASTER ENGINE HOUSE**, 283 S. Main St., (10-22-76)
Sturbridge. **STURBRIDGE COMMON HISTORIC DISTRICT**, Main St. between Hall Rd. and I-86, (11-9-77)
Uxbridge vicinity. **FRIENDS MEETINGHOUSE**, S of Uxbridge on MA 146, (1-24-74)
West Boylston. **OLD STONE CHURCH**, Off MA 140, (4-13-73)
West Brookfield vicinity. **WHITE HOMESTEAD**, NW of West Brookfield on Ware Rd. (MA 9), (4-14-75)
Worcester. **AMERICAN ANTIQUARIAN SOCIETY**, 185 Salisbury St., (11-24-68) NHL.
Worcester. **ELM PARK**, (7-1-70)
Worcester. **G.A.R. HALL**, 55 Pearl St., (3-13-75) g.
Worcester. **GREENDALE VILLAGE IMPROVEMENT SOCIETY BUILDING**, 480 W. Boylston St., (11-7-76)
Worcester. **LIBERTY FARM**, 116 Mower St., (9-13-74) NHL.
Worcester. **MASSACHUSETTS AVENUE HISTORIC DISTRICT**, Between Salisbury St. and Drury Lane, (12-16-71)
Worcester. **MECHANICS HALL**, 321 Main St., (11-9-72) g.
Worcester. **OXFORD-CROWN HISTORIC DISTRICT**, Roughly bounded by Chatham, Congress, Crown, Pleasant, Oxford Sts. and Oxford Pl., (5-6-76)
Worcester. **PAINE, TIMOTHY, HOUSE**, 140 Lincoln St., (4-30-76)
Worcester. **SALISBURY HOUSE**, 61 Harvard St., (6-10-75)
Worcester. **SALISBURY MANSION AND STORE**, 30, 40 Highland St., (5-30-75) g.
Worcester. **WHITCOMB HOUSE**, 51 Harvard St., (11-9-77)

MICHIGAN

alger county

AuTrain vicinity. **PAULSON HOUSE**, S of AuTrain on USFS Rd. 2278 in Hiawatha National Forest, (11-9-72)
Christmas vicinity. **BAY FURNACE**, NW of Christmas off MI 28 in Hiawatha National Forest, (9-31-71)
Munising. **LOBB HOUSE**, 203 W. Onota St., (10-8-76)
Munising vicinity. **SCHOOLCRAFT FURNACE SITE**, NE of Munising off MI 94, (12-28-77)

allegan county

HACKLANDER SITE, NW Allegan County, (7-27-73)

antrim county

HOLTZ SITE, Central Antrim County, (6-19-73)
Elk Rapids. **ELK RAPIDS TOWNSHIP HALL**, River St., (9-22-77)
Elk Rapids. **HUGHES HOUSE**, 19 Elm St., (5-6-76)

baraga county

SAND POINT SITE, Northern Baraga County, (6-19-73)
Assinins. **ASSININS**, U.S. 41, (5-19-72)

barry county

Hastings. **STRIKER, DANIEL, HOUSE**, 321 S. Jefferson St., (1-13-72)

bay county

FLETCHER SITE, Late Archaic, Early and Late Woodland, Hopewell, and Middle Historic, (4-16-71)
Bay City. **CITY HALL**, 301 Washington St., (7-18-75)
Bay City. **TROMBLE HOUSE**, 114, 116, 118 Webster St., (1-25-73)

benzie county

Benzonia. **MILLS COMMUNITY HOUSE (MILLS COTTAGE)**, 891 Michigan Ave., (8-21-72)

berrien county

SANDBURG HOUSE, (4-14-72)
Benton Harbor. **SHILOH HOUSE**, Britain Rd., (9-29-72)
Berrien Springs. **BERRIEN SPRINGS COURTHOUSE**, Corner of Union and Cass Sts., (2-16-70) g.
Buchanan vicinity. **MOCCASIN BLUFF SITE**, (4-13-77)
Niles. **FORT ST. JOSEPH SITE**, Off S. Bond St., (5-24-73)
Niles. **LARDNER, RING, HOUSE**, 519 Bond St., (5-16-72)
Niles. **PAINE BANK**, 1008 Oak St., (5-8-73) HAB.
Three Oaks. **UNION MEAT MARKET**, 14 S. Elm St., (9-22-72)

branch county

Coldwater. **EAST CHICAGO STREET HISTORIC DISTRICT**, Chicago St. from Wright St. to Division St. including parks, (5-12-75)
Coldwater. **WING HOUSE**, 27 S. Jefferson St., (2-24-75)

calhoun county

Albion. **GARDNER HOUSE**, 509 S. Superior St., (5-6-71)
Athens vicinity. **PINE CREEK POTAWATOMI RESERVATION (NOTTAWASIPPE RESERVATION)**, 1 mi. W of Athens, (3-30-73)
Battle Creek. **BATTLE CREEK POST OFFICE**, 67 E. Michigan St., (8-21-72)
Battle Creek. **FEDERAL CENTER (BATTLE CREEK SANITARIUM)**, 74 N. Washington St., (7-30-74)
Battle Creek. **PENN CENTRAL RAILWAY STATION (NEW YORK CENTRAL AND MICHIGAN CENTRAL RAILWAY STATION)**, W. Van Buren, (4-16-71) HAB.
Marshall. **BROOKS, HAROLD C., HOUSE (JABEZ S. FITCH HOUSE)**, 310 N. Kalamazoo Ave., (7-8-70) HAB.
Marshall. **CAPITOL HILL SCHOOL**, 603 Washington St., (3-16-72) g.
Marshall. **GOVERNOR'S MANSION**, 621 S. Marshall Ave., (1-8-75)
Marshall. **HONOLULU HOUSE (ABNER PRATT HOUSE)**, 107 N. Kalamazoo St., (7-8-70) HAB.; g.
Marshall. **JOY HOUSE**, 224 N. Kalamazoo Ave., (4-19-72)
Marshall. **OAKHILL**, 410 N. Eagle St., (12-31-74)
Marshall. **STONEHALL (ANDREW L. HAYES HOUSE)**, 303 N. Kalamazoo St., (6-28-72)
Marshall. **WAGNER'S BLOCK**, 143 W. Michigan Ave., (10-7-71) g.
Marshall. **WRIGHT-BROOKS HOUSE (DANIEL PRATT HOUSE)**, 122 N. High St., (3-16-72) HAB.

clinton county

Ovid. **MAIN STREET BUILDING, UNITED CHURCH OF OVID**, 222 Main St., (1-13-72) HAB.

delta county

SPIDER CAVE, Middle Woodland, (4-16-71)
WINTER SITE, SE Delta County, (5-19-76)
Escanaba. **CARNEGIE PUBLIC LIBRARY**, 201 S. 7th St., (7-25-77)
Escanaba vicinity. **PENINSULA POINT LIGHTHOUSE**, 6.5 mi. SE of Escanaba in Hiawatha National Forest, (4-28-75)
Fayette. **FAYETTE**, On a peninsula in Big Bay de Noc, on MI 149 in Fayette State Park, (2-16-70) g.
Garden vicinity. **WINTER SITE**, Southeastern Delta County, (5-19-76)
Summer Island. **SUMMER ISLAND SITE**, (9-3-71)

charlevoix county

O'Neill Site, (5-27-71) g.
PEWANGOING QUARRY, Western Charlevoix County, (6-20-72)

NOTICES

eaton county

PINE RIVER SITE, NW Charlevoix County, (11-15-72)
PIWAN-GO-NING PREHISTORIC DISTRICT, NW Charlevoix County, (10-3-73)
Charlevoix. **CHARLEVOIX CITY PARK SITE**, (3-16-72)
Charlevoix vicinity. **GREENSKY HILL MISSION (PINE RIVER INDIAN MISSION)**, E of Charlevoix at jct. of U.S. 31 and CR 630, (3-16-72)
Charlevoix vicinity. **MT. MCSAUBA SITE**, (9-29-76)
Charlevoix vicinity. **WOOD SITE**, Northern Charlevoix County, (5-19-76)
St. James. **MORMON PRINT SHOP**, Main and Forest Sts., (1-25-71)
St. James vicinity. **PROTAR, FEODAR, CABIN**, SW of St. James, on Beaver Island, (3-16-72)

cheboygan county

Mackinaw City vicinity. **MACKINAC POINT LIGHTHOUSE**, Michilimackinac State Park, (10-1-69) g.

chippewa county

NAOMIKONG POINT SITE, Middle Woodland (Laurel Focus), Chippewa (c. 1850), (4-16-71)
Brimley vicinity. **POINT IROQUOIS LIGHT STATION**, 6 mi. NW of Brimley in the Hiawatha National Forest, (5-30-75)
Drummond Island. **FORT DRUMMOND**, W end of Drummond Island, (10-1-69)
Sault Ste. Marie. **ELMWOOD (SCHOOLCRAFT HOUSE) INDIAN AGENCY**, 705 E. Portage Ave., (2-25-74)
Sault Ste. Marie. **FEDERAL BUILDING**, 209 E. Portage Ave., (9-9-77)
Sault Ste. Marie. **JOHNSTON, JOHN, HOUSE**, 415 Park Pl., (7-8-70) g.
Sault Ste. Marie. **NEW FORT BRADY**, Lake Superior State College campus, (1-13-72)
Sault Ste. Marie. **OLD FORT BRADY**, Bounded by the C.O.E. Service Plaza on the N, Portage St. on the S, Brady St. on the E, and Bingham St. on the W., (3-11-71)
Sault Ste. Marie. **S.S. VALLEY CAMP (LOUIS W. HILL)**, Old Union Carbide Dock, (2-1-72)
Sault Ste. Marie. **ST. MARY'S FALLS CANAL**, St. Mary's River, (11-13-66) NHL
Sheldrake vicinity. **WHITEFISH POINT LIGHTHOUSE**, 5 mi. NE of Sheldrake on Whitefish Rd., (2-28-73)

clinton county

Ovid. **MAIN STREET BUILDING, UNITED CHURCH OF OVID**, 222 Main St., (1-13-72) HAB.

delta county

SPIDER CAVE, Middle Woodland, (4-16-71)
WINTER SITE, SE Delta County, (5-19-76)
Escanaba. **CARNEGIE PUBLIC LIBRARY**, 201 S. 7th St., (7-25-77)
Escanaba vicinity. **PENINSULA POINT LIGHTHOUSE**, 6.5 mi. SE of Escanaba in Hiawatha National Forest, (4-28-75)
Fayette. **FAYETTE**, On a peninsula in Big Bay de Noc, on MI 149 in Fayette State Park, (2-16-70) g.
Garden vicinity. **WINTER SITE**, Southeastern Delta County, (5-19-76)
Summer Island. **SUMMER ISLAND SITE**, (9-3-71)

dickinson county

Iron Mountain. **ARDIS FURNACE**, Aragon and Antoine Sts., (6-29-72)

Bellevue. **BELLEVUE MILL**, W bank of Battle Creek on Riverside St., (3-4-75)
Charlotte. **EATON COUNTY COURTHOUSE**, W. Lawrence Ave. at Cochran and Bostwick Sts., (4-2-71) HAB.
Eaton Rapids. **REYNOLDS, ISAAC N., HOUSE**, 123 N. East St., (7-18-74)
Olivet. **HANCE HOUSE**, 217 Yale St., (8-21-72)
Vermontville. **FIRST CONGREGATIONAL CHURCH**, 341 S. Main St., (9-3-71) HAB.
Vermontville. **VERMONTVILLE CHAPEL AND ACADEMY**, N. Main St., (8-7-72) HAB.

emmet county

PONSHEWAINING POINT SITE, Central Emmet County, (5-5-72)
WYCAMPE CREEK SITE, (3-11-71)
Harbor Springs. **BLACKBIRD, CHIEF ANDREW J., HOUSE (CHIEF BLACKBIRD OTTAWA INDIAN MUSEUM)**, 368 E. Main St., (4-14-72)
Harbor Springs. **SHAY COMPLEX**, Main and Judd Sts., (11-7-72)
Mackinaw City. **FORT MICHILIMACKINAC**, Near Mackinac Bridge at the terminus of U.S. 31, (10-15-66) NHL, g.
Petoskey. **CHESAPEAKE & OHIO RAILWAY STATION (CHICAGO & WEST MICHIGAN RAILWAY STATION, PERE MARQUETTE RAILWAY STATION)**, Pioneer Park, W. Lake St., (10-15-70) g.
Petoskey. **ST. FRANCIS SOLANUS MISSION**, W. Lake St., (3-16-72)
Petoskey vicinity. **BAY VIEW**, NE of Petoskey on U.S. 131, (5-16-72)
Walloon Lake. **HEMINGWAY, ERNEST, COTTAGE (WINDEMERE)**, Between N shore of Walloon Lake and Lake Grove Rd., (11-24-68) NHL.

genesee county

Flint. **DURANT-DORT CARRIAGE COMPANY OFFICE**, 315 W. Water St., (9-2-75)
Flint. **SUPERINTENDENT'S COTTAGE**, Michigan School for the Deaf campus, (7-7-75)
Linden. **LINDEN MILL**, Tickner St., (8-21-72)

gogebic county

Ironwood. **COOPER PEAK (CHIPPEWA HILL; OLD PEAK)**, N. Black River Valley Pkwy., (1-4-73)

grand traverse county

SKEGEMOG POINT SITE, (3-24-72)
Traverse City. **CITY OPERA HOUSE**, 106-112 Front St., (9-7-72)
Traverse City. **HANNAH, PERRY, HOUSE**, 305 6th St., (3-16-72)

gratiot county

Ithaca. **GRATIOT COUNTY COURTHOUSE**, Center St., (3-1-76)

hillsdale county

Hudson. **TREADWELL, WILLIAM, HOUSE**, 446 N. Meridian Rd., (12-31-74)
Jonesville. **GRACE EPISCOPAL CHURCH**, 360 E. Chicago St., (5-6-71)
Jonesville. **GROSVENOR, E. O., HOUSE**, 211 Maumee St., (12-6-77)

houghton county

Calumet. **CALUMET AND HECLA INDUSTRIAL DISTRICT**, Roughly bounded by Hecla and Torch Lake RR. tracks, Calumet Ave., Mine and Depot Sts., (6-28-74)

MICHIGAN 5233

Calumet. **CALUMET DOWNTOWN HISTORIC DISTRICT**, 5th and 6th Sts. between Scott and Pine Sts., (6-25-74)
Calumet. **CALUMET FIRE STATION**, 6th St., (11-5-74) g.
Calumet. **CALUMET THEATRE**, 340 6th St., (8-5-71)
Hancock. **OLD MAIN, SUOMI COLLEGE**, Quincy St., Suomi College campus, (1-13-72) g.
Hancock vicinity. **QUINCY MINE NO. 2 SHAFT HOIST HOUSE**, Off U.S. 41, (2-16-70)
Houghton. **HOUGHTON COUNTY COURTHOUSE**, 401 E. Houghton St., (5-12-75)
Jacobsville vicinity. **JACOBSTOWN FINNISH LUTHERAN CHURCH**, W of Jacobsville, (10-8-76)
Lake Linden vicinity. **BIG TRAVERSE BAY HISTORIC DISTRICT**, E of Lake Linden at mouth of Traverse River, (11-20-75)

huron county

Bad Axe. **SLEEPER, ALBERT E., HOUSE**, 302 W. Huron St. (MI 53), (2-1-72)
Bay Port. **BAY PORT HISTORIC COMMERCIAL FISHING DISTRICT**, Off MI 25, (9-22-77)
Grindstone City. **GRINDSTONE CITY HISTORIC DISTRICT**, On U.S. 25, (9-3-71)
Harbor Beach. **MURPHY, FRANK, BIRTHPLACE**, 142 S. Huron St., (9-22-71)
Huron City vicinity. **POINTE AUX BARQUES LIGHTHOUSE**, E of Huron City on Light House Rd., (3-20-73)
Port Hope. **STAFFORD HOUSE**, 4467 Main St., (1-25-73)
Sebewaing. **INDIAN MISSION (LUCKHARD MUSEUM)**, 590 E. Bay St., (9-22-72)

ingham county

East Lansing. **EUSTACE HALL (HORTICULTURAL LABORATORY BUILDING)**, Michigan State University campus, (9-3-71)
East Lansing vicinity. **ST. KATHERINE'S CHAPEL**, 4650 Meridian Rd., E of East Lansing, (7-8-70) HAB.
Lansing. **DODGE MANSION**, 106 E. North St., (9-14-72)
Lansing. **MICHIGAN STATE CAPITOL**, Capitol and Michigan Aves., (1-25-71)
Lansing. **NORTH LANSING HISTORIC COMMERCIAL DISTRICT**, E. Grand River Ave. and Turner St., (4-30-76)
Mason. **INGHAM COUNTY COURTHOUSE**, Jefferson and Ash Sts., (12-13-71)

ionia county

Ionida. **BLANCHARD, JOHN C., HOUSE**, 253 E. Main St., (7-24-73) g.
Ionida. **HALL-FOWLER MEMORIAL LIBRARY (FREDERICK HALL HOUSE)**, 126 E. Main St., (5-6-71) HAB.
Ionida. **LOVELL-WEBBER HOUSE**, 111 E. Main St., (7-30-74)

iosco county

Alabaster. **ALABASTER HISTORIC DISTRICT**, Bounded by Lake Huron, Gypsum, Keystone, and Rempert Rds., (12-16-77)

iron county

Crystal Falls. **IRON COUNTY COURTHOUSE**, W end of Superior Ave., (2-24-75)

isabella county

Mt. Pleasant. **DOUGHTY HOUSE**, 301 Chipewa St., (10-29-74)

jackson county
CLARK-STRINGHAM SITE, North Central Jackson County, (6-19-73)
Concord. MANN HOUSE, 205 Hanover St., (10-15-70) G.
Grass Lake. SMITH, SIDNEY T., HOUSE, Michigan Ave., (1-13-72) HABS.
Jackson. SHARP, ELLA, HOUSE, 3225 4th St., (8-25-72)
Jackson. STONE POST OFFICE, Rear of 125 N. Jackson St., (3-16-72)
Waterloo Township. SIEBOLD FARM/RUEHLE (REALY) FARM (WATERLOO FARM MUSEUM), 9998 Waterloo-Munith Rd., (3-30-73) HABS.
kalamazoo county
Kalamazoo. KALAMAZOO STATE HOSPITAL WATER TOWER, Oakland Dr., (3-16-72)
Kalamazoo. LADIES LIBRARY ASSOCIATION BUILDING, 333 S. Park St., (7-8-70)
Kalamazoo. MICHIGAN CENTRAL DEPOT, 459 N. Burdick St., (6-11-75)
Kalamazoo. STUART, CHARLES E., HOUSE, 427 Stuart Ave., (3-16-72)
kent county
Ada vicinity. ADA COVERED BRIDGE, Across the Thornapple River, (2-16-70)
Grand Rapids. HERITAGE HILL HISTORIC DISTRICT, Bounded by Michigan Ave. on the N, Pleasant St. on the S, Union Ave. on the E, and Clarendon Place and Jefferson and Lafayette Aves. on the W, (3-11-71) HABS; G.
Grand Rapids. LADIES' LITERARY CLUB, 61 Sheldon St., SE., (10-26-71)
Grand Rapids. PIKE, ABRAM W., HOUSE (GRAND RAPIDS ART MUSEUM), 230 Fulton St., E., (7-8-70) HABS.
Grand Rapids. SIXTH STREET BRIDGE, Spans Grand River between Newberry and 6th Sts., (8-13-76) G.
Grand Rapids. ST. CECILIA SOCIETY BUILDING, 24-30 Ransom Ave. NE., (12-9-71) G.
Grand Rapids. TURNER HOUSE, 731 Front St., NW, (7-8-70) HABS.
Grand Rapids. U.S. POST OFFICE, Ionia and Pearl Sts., (7-10-74)
Grand Rapids vicinity. NORTON MOUND GROUP, (10-15-66) NHL; G.
Lowell. GRAHAM HOUSE (LOWELL LIBRARY), 323-325 Main St., (1-13-72)
Lowell vicinity. FALLSHURG COVERED BRIDGE, N of Lowell over the Flat River, (3-16-72)
keweenaw county
Central. CENTRAL MINE HISTORIC DISTRICT, U.S. 41, (6-28-74)
Central. CENTRAL MINE METHODIST CHURCH, About 1 mi. N of U.S. 41, (10-15-70)
Copper Harbor. FORT WILKINS, Fort Wilkins State Park, (7-8-70) G.
Copper Harbor vicinity. MINONG MINE HISTORIC DISTRICT, NW of Copper Harbor at McCargoe Cove in Isle Royale National Park, (11-11-77)
Eagle Harbor. EAGLE HARBOR SCHOOLHOUSE, Block 10, (9-22-72)
Eagle Harbor. HOLY REDEEMER CHURCH, Off U.S. 41, (3-16-72)
Isle Royale National Park. EDISEN FISHERY, Rock Harbor, (3-8-77)
Isle Royale National Park. ROCK HARBOR LIGHTHOUSE, Rock Harbor, (3-8-77)

NOTICES

lake county
Marlborough and vicinity. MARLBOROUGH HISTORIC DISTRICT, James Rd., (9-7-72)
lapeer county
YOUNGE SITE, NE Lapeer County, (10-29-76)
Almont. CURRIER HOUSE, 231 E. St. Clair St., (6-10-75)
Lapeer. LAPEER COUNTY COURTHOUSE, Courthouse Sq., Nepeessing St., (9-3-71)
leelanau county
Leland. LELAND HISTORIC DISTRICT (FISHTOWN), Roughly bounded by the park, Main St., Ave. A, and the harbor, (11-20-75)
Omena. GROVE HILL NEW MISSION CHURCH (OMENA PRESBYTERIAN CHURCH), On MI 22, (6-29-72)
lenawee county
Adrian. ADRIAN PUBLIC LIBRARY, 110 E. Church St., (12-6-77)
Adrian. CIVIL WAR MEMORIAL, Monument Park, (6-29-72)
Adrian. CROSWELL, GOV. CHARLES, HOUSE, 228 N. Broad St., (3-16-72)
Adrian. DENNIS AND STATE STREETS HISTORIC DISTRICT, Both sides of Dennis and State Sts. between Union St. and NYC RR. tracks, (4-14-75)
Blissfield. FIRST PRESBYTERIAN CHURCH OF BLISSFIELD, 306 Franklin St., (9-3-71)
Cambridge Junction. WALKER TAVERN (CAMBRIDGE STATE HISTORICAL PARK), On U.S. 12, (1-25-71)
Hudson. HUDSON DOWNTOWN HISTORIC DISTRICT, W. Main St. between Howard and Market Sts., and Church St. between Seward and Railroad Sts., (12-24-74)
Hudson. THOMPSON, GAMALIEL, HOUSE, 101 Summit St., (4-3-75)
Macon. PENNINGTON-FORD HOUSE, 8281 Clinton Macon Rd., (8-31-74)
Onsted vicinity. WHEELER, NATHANIEL S., HOUSE, N of Onsted at 7075 MI 50, (2-24-75)
Tecumseh. EVANS, MUSGROVE, HOUSE, 409-411 E. Logan St., (3-16-72)
livingston county
Brighton. BINGHAM HOUSE, 13270 Silver Lake Rd., (10-18-72)
Howell. ANN ARBOR RAILWAY STATION, 126 Wetmore St., (5-6-71)
Howell. LIVINGSTON COUNTY COURTHOUSE, Grand River Ave., (8-13-76)
Rushton vicinity. OLDS, ALONZO W., HOUSE, 10084 Rushton Rd., (5-5-72) HABS.
mackinac county
Gould City vicinity. SCOTT POINT SITE, Southwestern Mackinac County, (7-30-76)
Gros Cap vicinity. GROS CAP CEMETERY, SE of Gros Cap on U.S. 2, (4-16-71)
Mackinac Island. FORT MACKINAC, Huron Rd., (7-8-70) HABS.
Mackinac Island. GEARY, MATHEW, HOUSE, Market St., (5-6-71)
Mackinac Island. GRAND HOTEL, Grand Hotel Ave., (5-5-72)
Mackinac Island. INDIAN DORMITORY, Huron St., (11-5-71)
Mackinac Island. MACKINAC ISLAND, NE across the Straits of Mackinac from Mackinaw City, (10-15-66) NHL; HABS.
Mackinac Island. MISSION CHURCH, Huron St., (1-25-71) HABS.

Mackinac Island. MISSION HOUSE, Huron St., (4-16-71)
Mackinac Island. STUART, ROBERT, HOUSE (AGENCY HOUSE OF THE AMERICAN FUR COMPANY), Market St., (4-16-71) HABS; G.
Mackinac Island vicinity. ROUND ISLAND LIGHTHOUSE, S of Mackinac Island in Hiawatha National Forest, (8-21-74)
St. Ignace. LASSENEN SITE, 690 S. State St., (5-6-71)
St. Ignace. ST. IGNACE MISSION, State and Marquette Sts., Marquette Park, (10-15-66) NHL; G.
macomb county
HOLCOMBE SITE, (4-16-71)
Richmond. FIRST CONGREGATIONAL CHURCH, 69619 Parker, (12-6-75)
Romeo. ROMEO HISTORIC DISTRICT, (7-8-70)
Utica vicinity. CLINTON-KALAMAZOO CANAL, Between towns of Utica and Yates, (3-24-72) (also in Oakland County)
Washington. WASHINGTON OCTAGON HOUSE, 57000 Van Dyke St., (9-3-71)
manistee county
Manistee. FIRST CONGREGATIONAL CHURCH, 412 S. 4th St., (6-25-74) G.
Manistee. OUR SAVIOUR'S EVANGELICAL LUTHERAN CHURCH (DANISH LUTHERAN CHURCH), 300 Walnut St., (8-21-72)
Manistee. RAMSDELL THEATRE, 101 Maple St., (1-13-72) G.
marquette county
Big Bay vicinity. HURON ISLANDS LIGHTHOUSE, NW of Big Bay in Lake Superior, (9-2-75)
Lake Superior. STANNARD ROCK LIGHTHOUSE, Off Keweenaw Peninsula, (3-30-73)
Marquette. CALL HOUSE, 450 E. Ridge St., (1-13-72)
Marquette. MARQUETTE CITY HALL, 204 Washington St., (4-11-75)
Marquette. STATE HOUSE OF CORRECTION AND BRANCH PRISON, Off U.S. 41 and MI 28, (11-23-77)
Negaunee vicinity. JACKSON IRON COMPANY SITE, N of Negaunee limits off SR 492, (5-30-75)
Negaunee vicinity. JACKSON MINE, W of Negaunee, (9-3-71)
mason county
NOT-A-PE-KA-GON SITE (THE QUICK SITE), SE Mason County, (7-27-73)
menominee county
Menominee. FIRST STREET HISTORIC DISTRICT, (12-31-74) G.
Menominee. MENOMINEE COUNTY COURTHOUSE, 10th Ave. between 8th and 10th Sts., (3-7-75)
Menominee vicinity. ALVIN CLARK (schooner), Mystery Ship Seaport, Lake Michigan, (5-16-74)
midland county
OXBOW ARCHEOLOGICAL DISTRICT, Eastern Midland County, (6-19-73)
Midland. BRADLEY HOUSE, Corner of Cook Rd. and Main St., (7-31-72)
Midland. DOW, HERBERT H., HOUSE, 1038 W. Main St., (5-11-76) NHL.
missaukee county
AETNA EARTHWORKS, Central Missaukee County, (3-30-73)

NOTICES

BOVEN EARTHWORK, SW Missaukee County, (8e14-73)
monroe county
Monroe. FIX HOUSE, Sterling State Park, (3-16-72)
Monroe. MCCLELLAND, GOV. ROBERT, HOUSE, 47 E. Elm St., (9-3-71) HABS.
Monroe. NIMS, RUDOLPH, HOUSE, 206 W. Noble Ave., (10-18-72) HABS.
Monroe. SAWYER HOUSE, 320 E. Front St., (11-23-77)
Monroe vicinity. NAVARRE-ANDERSON TRADING POST, W of Monroe at N. Custer (MI 130) and Rainsville Rds., (7-31-72) G.
muskegon county
SPRING CREEK SITE, Central Muskegon County, (6-20-72)
Muskegon. HACKLEY, CHARLES H., HOUSE, 484 W. Webster Ave., (7-8-70) G.
Muskegon. HUME HOUSE, 472 W. Webster Ave., (1-13-72)
Muskegon. MUSKEGON HISTORIC DISTRICT, Bounded roughly by Clay, Muskegon, 2nd, and 6th Sts., (9-27-72)
newaygo county
TOFT LAKE VILLAGE SITE, Manistee National Forest, (6-20-72)
oakland county
CLINTON-KALAMAZOO CANAL, Reference—see Macomb County
Birmingham. HUNTER, JOHN W., HOUSE, 556 W. Maple Rd., (1-13-72)
Bloomfield Hills. CRANBROOK, Lone Pine Rd., (3-7-73)
Farmington. FARMINGTON HISTORIC DISTRICT, Grand River Ave. and Shiawassee Ave. from Warner St. to jct., (6-18-76)
Franklin. FRANKLIN HISTORIC DISTRICT, (2-10-69) G.
Milford vicinity. ROWE HOUSE, 2360 Lone Tree Rd., NW of Milford, (12-6-75)
Northville. YERKES, ROBERT, HOUSE, 535 E. Base Line Rd., (11-30-73)
Ortonville. ORTONVILLE MILL, 366 Mill St., (4-16-71)
Pontiac. MYRICK-PALMER HOUSE, 223 W. Huron St., (7-8-70)
Pontiac. WISNER HOUSE (PINE GROVE), 405 Oakland Ave., (7-8-70) G.
Rochester vicinity. STONY CREEK VILLAGE HISTORIC DISTRICT, NE of Rochester on Washington Rd., (6-26-72)
Troy. BROOKS FARM, 3521 Big Beaver Rd., (3-16-72)
Troy. CASWELL HOUSE, 60 W. Wattles Rd., (1-13-72)
oceana county
DUMAW CREEK SITE, NW Oceana County, (11-15-72)
GREEN QUARRY SITE, NW Oceana County, (11-9-72)
ontonagon county
Ontonagon. ONTONAGON LIGHTHOUSE, Off MI 64, (10-7-75)
oscoda county
Mio. OSCODA COUNTY COURTHOUSE, Morence St., (8-25-72)
ottawa county
SPOONVILLE SITE, NW Ottawa County, (3-30-73)
Coopersville. GRAND RADIDS, GRAND HAVEN AND MUSKEGON RAILWAY DEPOT, 363 W. Main St., (2-6-71)

Holland. THIRD REFORMED CHURCH, 110 W. 12th St., (4-16-71)
NW Ottawa County. BATTLE POINT SITE, (8-14-73)
presque isle county
Presque Isle. OLD PRESQUE ISLE LIGHTHOUSE, Off SR 405, (4-11-73)
saginaw county
Bridgeport. SCHMIDT SITE, Central Saginaw County, (7-27-73)
Saginaw. CASTLE STATION (SAGINAW POST OFFICE), S Jefferson at Federal St., (1-13-72)
Saginaw. PASSOLT HOUSE, 1105 S. Jefferson Ave., (10-18-72)
sanilac county
SANILAC PETROGLYPHS, (1-25-71)
Port Sanilac. LOOP, JOSEPH M., HOUSE, 228 S. Ridge, (11-9-72)
shiawassee county
Durand. GRAND TRUNK RAILWAY STATION, 200 Railroad St., (5-6-71)
Owosso. CURWOOD CASTLE, 224 John St., (9-3-71)
st. clair county
Marine City. WARD-HOLLAND HOUSE, 433 N. Main St., (1-13-72)
Port Huron. DAVIDSON, WILBUR F., HOUSE, 1707 Military St., (10-5-72) G.
Port Huron. FEDERAL BUILDING (U.S. POST OFFICE AND CUSTOMHOUSE), 526 Water St., (8-7-74)
Port Huron. FORT GRATIOT LIGHTHOUSE, Omar and Garfield Sts., (7-30-76)
Port Huron. GRAND TRUNK WESTERN RAILROAD DEPOT, 520 State St., (4-13-77)
Port Huron. HURON (LIGHTSHIP), Pine Grove Park on St. Clair River, (7-12-76)
Port Huron. ST. CLAIR RIVER TUNNEL, St. Clair River between Port Huron, Michigan, and Samia, Ontario, (10-15-70)
st. joseph county
Colon. FARRAND HALL, 451 Farrand Rd., (8-25-72)
Constantine. BARRY, GOV. JOHN S., HOUSE, 280 N. Washington St., (3-16-72) G.
Mendon. MARANTETTE, HOUSE, Simpson Rd., (4-11-73)
Nottawa vicinity. NOTTAWA STONE SCHOOL, E of Nottawa at jct. of Sturgis and Filmore Rds., (1-13-72)
tuscola county
Caro. TRINITY EPISCOPAL CHURCH, 106 Joy St., (5-12-77)
Mayville. RANDALL HOUSE, 5927 Treasurer Rd., (11-7-76)
Vassar. BURTIS, R. C., HOUSE, 2163 S. Ringle Rd., (6-26-75)
Vassar. MCKINLEY SCHOOL, 510 Butler St., (3-24-72)
Vassar. NORTH, TOWNSEND, HOUSE, 325 N. Main, (4-13-77)
Vassar. SMITH HOUSE, 113-115 Prospect St., (3-16-72)
Watrousville. WATROUS GENERAL STORE, 4607 W. Caro Rd., (10-1-74)
van buren county
Paw Paw. PAW PAW CITY HALL (VAN BUREN COUNTY COURTHOUSE), E. Michigan Ave., (8-21-72)

washtenaw county
Ann Arbor. ANN ARBOR CENTRAL FIRE STATION, Corner of 5th Ave. and Huron St., (1-13-72)
Ann Arbor. BENNETT, HENRY, HOUSE (REUBEN KEMPF HOUSE), 312 S. Division St., (3-1-73)
Ann Arbor. DETROIT OBSERVATORY, Observatory and Ann Sts., (9-20-73)
Ann Arbor. FRIEZE, HENRY S., HOUSE, 1547 Washtenaw Ave., (11-15-72)
Ann Arbor. MICHIGAN CENTRAL RAILROAD DEPOT, 401 Depot St., (3-10-75)
Ann Arbor. NEWBERRY HALL (FRANCIS W. KELSEY MUSEUM OF ARCHAEOLOGY), 434 S. State St., (3-24-72)
Ann Arbor. OLD WEST SIDE HISTORIC DISTRICT, Bounded roughly by 7th, Main, and Huron Sts., Pauline Blvd., and Crest Ave., (4-14-72)
Ann Arbor. PRESIDENTS HOUSE, UNIVERSITY OF MICHIGAN, 815 S. University, University of Michigan campus, (10-15-70)
Ann Arbor. TICKNOR, DR. BENAJAH, HOUSE, 2781 Packard Rd., (11-21-72) HABS; G.
Ann Arbor. WHITE, ORRIN, HOUSE, 2940 Fuller Rd., (4-16-71)
Ann Arbor. WILSON, JUDGE ROBERT S., HOUSE, 126 N. Division St., (3-16-72) HABS.
Dexter. GORDON HALL (SAMUEL W. DEXTER HOUSE), 8347 Island Lake Rd., (11-9-72) HABS.
Dixboro. DIXBORO UNITED METHODIST CHURCH, 5221 Church St., (3-16-72) HABS.
Saline. DAVENPORT, WILLIAM H., HOUSE, 300 E. Michigan Ave., (3-3-75)
Ypsilanti. LADIES' LITERARY CLUB BUILDING (WILLIAM M. DAVIS HOUSE), 218 N. Washington St., (3-16-72)
Ypsilanti. STARKWEATHER RELIGIOUS CENTER, 901 W. Forest, (4-13-77)
wayne county
Dearborn. COMMANDANTS QUARTERS, 21950 Michigan Ave., (10-15-70) HABS.
Dearborn. FAIR LANE (HENRY FORD ESTATE), 4901 Evergreen Rd., (11-13-66) NHL.
Dearborn. GREENFIELD VILLAGE AND HENRY FORD MUSEUM, Bounded by Michigan Ave. on the N, Village Rd. on the S, Southfield Expwy. on the E, and Oakland Blvd. on the W, (10-20-69)
Detroit. BAGLEY MEMORIAL FOUNTAIN, Woodward and Monroe Aves., (11-5-71)
Detroit. BELLE ISLE, Detroit River, (2-25-74)
Detroit. BOSTON-EDISON HISTORIC DISTRICT, Roughly bounded by Edison St., Woodward and Linwood Aves., and Glynn Court, (9-5-75)
Detroit. CHRIST CHURCH, DETROIT, 960 E. Jefferson Ave., (3-11-71) HABS.
Detroit. DETROIT CORNICE SLATE COMPANY BUILDING, 733 St. Antoine St. at E. Lafayette St., (12-16-74)
Detroit. EIGHTH PRECINCT POLICE STATION, 4150 Grand River, (12-31-74)
Detroit. FARWELL BUILDING, 1249 Griswold St., (4-30-76)
Detroit. FORT STREET PRESBYTERIAN CHURCH, 631 W. Fort St., (9-3-71) HABS.
Detroit. FORT WAYNE, 6053 W. Jefferson Ave., (5-6-71) HABS; G.
Detroit. FREER, CHARLES LANG, HOUSE (MERRILL-PALMER INSTITUTE OF

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HUMAN DEVELOPMENT AND FAMILY LIFE, 71 E. Ferry Ave., (4-16-71)
Detroit. *HARPER HOSPITAL*, John R St., (9-30-76)
Detroit. *HECKER, COL. FRANK J., HOUSE*, 5510 Woodward Ave., (9-3-71)
Detroit. *HUDSON-EVANS HOUSE*, 79 Alfred St., (3-5-75)
Detroit. *HUNTER HOUSE*, 3985 Trumbull Ave., (12-31-74)
Detroit. *HURLBUT MEMORIAL GATE*, E. Jefferson at Cadillac Blvd., (3-27-75)
Detroit. *INDIAN VILLAGE HISTORIC DISTRICT*, Bounded by Mack, Burns, Jefferson, and Seminole Aves., (3-24-72)
Detroit. *KAHN, ALBERT, HOUSE*, 208 Mack Ave., (10-18-72) g.
Detroit. *MARINERS' CHURCH*, 170 E. Jefferson Ave., (3-11-71)
Detroit. *MONROE AVENUE COMMERCIAL BUILDINGS*, 16-118 Monroe Ave., (2-13-75)
Detroit. *MOROSS HOUSE*, 1460 E. Jefferson Ave., (1-13-72) HABS.
Detroit. *ORCHESTRA HALL*, 3711 Woodward Ave., (4-16-71) g.
Detroit. *PARKE-DAVIS LABORATORY*, Joseph Campau St. at Detroit River, (5-11-76) NHL
Detroit. *PENN CENTRAL STATION*, 2405 W. Vernor St., (4-16-75)
Detroit. *PEWABIC POTTERY*, 10125 E. Jefferson Ave., (9-3-71)
Detroit. *SAINTS PETER AND PAUL CHURCH*, 629 E. Jefferson Ave., (9-3-71) HABS.
Detroit. *SECOND BAPTIST CHURCH OF DETROIT*, 441 Monroe St., (3-19-75)
Detroit. *SIBLEY HOUSE*, 976 Jefferson Ave., (4-16-71) HABS.
Detroit. *ST. JOSEPH'S ROMAN CATHOLIC CHURCH*, 1828 Jay St., (12-8-72)
Detroit. *ST. ANNE ROMAN CATHOLIC CHURCH COMPLEX*, Howard and Ste. Anne Sts., (6-3-76)
Detroit. *TAYLOR, ELISHA, HOUSE*, 59 Alfred St., (3-5-75)
Detroit. *THOMPSON HOME*, (6-3-76)
Detroit. *TROWBRIDGE, CHARLES, HOUSE*, 1380 E. Jefferson Ave., (5-28-76)
Detroit. *WAYNE COUNTY COURTHOUSE*, 600 Randolph St., (2-24-75)
Detroit. *WEST CANFIELD HISTORIC DISTRICT*, Canfield Ave. between 2nd and 3rd Sts., (5-27-71)
Detroit. *WHITNEY, DAVID, HOUSE*, 4421 Woodward Ave., (8-21-72)
Detroit. *WILSON THEATRE*, 350 Madison Ave., (8-9-77)
Detroit. *WOODWARD EAST HISTORIC DISTRICT*, Bounded by Alfred, Edmund, Watson, and Brush and John R Sts., (1-21-75)
Grosse Ile. *EAST RIVER ROAD HISTORIC DISTRICT*, E. River Rd., (8-13-74)
Grosse Ile. *ST. JAMES EPISCOPAL CHURCH*, 25150 E. River Rd., (11-19-71)
Grosse Pointe Farms. *DODGE MANSION (ROSE TERRACE)*, 12 Lakeshore Dr., (10-26-71)
Highland Park. *HIGHLAND PARK PLANT, FORD MOTOR COMPANY*, 15050 Woodward Ave., (2-6-73)
Livonia. *GREENMEAD FARMS*, 38125 Base Line Rd., (3-24-72)
Livonia. *WILSON BARN*, NE corner of Middlebelt and W. Chicago Rds., (12-12-73)
Northville. *NORTHVILLE HISTORIC DISTRICT*, Bounded roughly by Cady, Rogers, and Randolph Sts., (7-31-72)
Wyandotte. *MARX HOUSE*, 2630 Biddle Ave., (8-13-76)

NOTICES

MINNESOTA

aitkin county

Malmö vicinity. *MALMO MOUNDS AND VILLAGE SITE*, NW of Malmö on Mille Lacs Lake, (4-3-75)
McGregor vicinity. *SAVANNA PORTAGE*, Savanna Portage State Park, (4-23-73)

anoka county

Fridley. *LOCKE, CASSIUS M., HOUSE*, 6666 East River Rd., (12-12-76)

becker county

Detroit Lakes. *DETROIT LAKES LIBRARY*, 1000 Washington Ave., (3-16-76)

beltrami county

Blackduck vicinity. *RABIDEAU CCC CAMP*, 6 mi. S of Blackduck in Chippewa National Forest, (6-16-76)

benton county

Royalton vicinity. *POSCH SITE*, S of Royalton, (10-2-73)

blue earth county

Mankato. *HUBBARD, R.D., HOUSE*, 606 S. Broad St., (6-7-76)
Mankato. *OLD FIRST NATIONAL BANK OF MANKATO*, 229 S. Front St., (7-30-74)
Mankato vicinity. *SEPPMAN MILL*, W of Mankato off MN 68 in Minneopa State Park, (8-26-71)
St. Clair vicinity. *WINNEBAGO AGENCY HOUSE*, 1 mi. SE of St. Clair on CR 138, (2-20-75)

brown county

Hanska vicinity. *SYNSTEY SITE*, SW of Hanska, (5-12-75)
New Ulm. *FEDERAL POST OFFICE BUILDING*, Center St. and Broadway, (4-28-70)
New Ulm. *HERMANN MONUMENT*, Hermann Heights Park, (10-2-73)
New Ulm. *KIESLING HOUSE*, 220 N. Minnesota St., (2-23-72)
New Ulm. *LIND, GOV. JOHN, HOUSE*, 622 Center St., (12-31-74)
New Ulm. *MELGES BAKERY*, 213 S. Minnesota St., (6-28-74)
New Ulm. *SCHILL, AUGUST, BREWING COMPANY*, 20th St. South, (12-27-74)

carlton county

Duluth vicinity. *GRAND PORTAGE OF THE ST. LOUIS RIVER*, W of Duluth in Jay Cooke State Park off MN 210, (5-24-73)

carver county

St. Bonifacius vicinity. *GRIMM, WENDELIN, HOMESTEAD*, SE of St. Bonifacius on Carver Park Reserve, (12-30-74)
Waconia. *CONEY ISLAND OF THE WEST*, Lake Waconia off MN 5, (8-11-76)

cass county

Backus vicinity. *OLD BACKUS*, (12-24-74)
Barrows vicinity. *CROW WING STATE PARK*, 2 mi. SE of Barrows on U.S. 371, (7-28-70) (also in Crow Wing and Morrison counties)
Cass Lake. *SUPERVISOR'S OFFICE, CHIPPEWA NATIONAL FOREST*, S of U.S. 2, (1-31-76)
Pillager vicinity. *CHIPPEWA AGENCY HISTORIC DISTRICT*, (5-22-73)
Pillager vicinity. *GULL LAKE MOUNDS SITE*, (5-7-73)
Pillager vicinity. *HOLE-IN-THE-DAY II CABIN SITE*, N of Pillager on the NE corner of Hole-in-the-Day Lake, (6-19-73)
Pillager vicinity. *RICE LAKE HUT RINGS*, N of Pillager on SW corner of Rice Lake, (8-14-73)

chippewa county

Granite Falls vicinity. *SWENSSON FARM*, N of Granite Falls, (12-30-74)
Montevideo. *BUDD, CHARLES H., HOUSE*, 219 N. 3rd St., (9-19-77)
Montevideo. *CHIPPEWA COUNTY BANK*, N. 1st St. and Lincoln Ave., (9-19-77)
Montevideo vicinity. *LAC QUI PARLE MISSION SITE*, About 10 mi. NW of Montevideo at end of Lac qui Parle Lake, (3-14-73) (also in Lac qui Parle County)

chisago county

Franconia. *MUNCH, PAUL, HOUSE*, Block 21, lots 1 and 2, (5-4-76)
Taylors Falls. *ANGEL'S HILL HISTORIC DISTRICT*, (4-11-72) HABS.
Taylors Falls. *MUNCH-ROOS HOUSE*, 360 Bench St., (11-20-70)
Taylors Falls. *TAYLORS FALLS PUBLIC LIBRARY*, 417 Bench St., (10-15-70) HABS.

clay county

Moorhead. *COMSTOCK, SOLOMON GILMAN, HOUSE*, 5th Ave. and 8th St. South, (12-30-74)

clearwater county

ITASCA BISON SITE, (12-29-70)
Park Rapids vicinity. *ITASCA STATE PARK*, 21 mi. N of Park Rapids off U.S. 71, (5-7-73)

cook county

Grand Marais vicinity. *GRAND PORTAGE NATIONAL MONUMENT*, 38 mi. N of Grand Marais, (10-15-66)
Grand Marais vicinity. *HEIGHT OF LAND*, NW of Grand Marais in Superior National Forest, (10-18-74)
Hovland vicinity. *FOWL LAKE SITE*, N of Hovland in Superior National Forest, (12-30-74)

cottonwood county

Jeffers vicinity. *JEFFERS PETROGLYPH SITE*, (10-15-70)
Mountain Lake vicinity. *MOUNTAIN LAKE SITE*, (6-4-73)
Windom. *COTTONWOOD COUNTY COURTHOUSE*, 10th St., (4-18-77)

crow wing county

CROW WING STATE PARK, Reference—see Cass County
Brainerd. *BRAINERD WATER TOWER*, Washington at 6th St., (7-17-74)
Merrifield vicinity. *GORDON-SCHAUST PREHISTORIC EMBANKMENTS DISTRICT*, (12-23-74)
Pillager vicinity. *ST. COLUMBA MISSION SITE*, NE of Pillager on E shore of Gull Lake, (12-18-73)
Pine River vicinity. *HAY LAKE MOUND DISTRICT*, SE of Pine River off U.S. 371, (1-21-74)
Trommald vicinity. *FORT FLATMOUTH MOUND GROUP*, SE of Cass Lake, (8-14-73)

dakota county

Hastings. *LE DUC HOUSE*, 1629 Vermillion St., (6-22-70)
Mendota. *MENDOTA HISTORIC DISTRICT*, Roughly bounded by government lot 2, I 55, Sibley Hwy., D St., and Minnesota River, (6-22-70) g.
Mendota. *SIBLEY HOUSE*, (1-20-72)
St. Paul vicinity. *FORT SNELLING*, (10-15-66) NHL; g. (also in Hennepin County)

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dodge county

Kasson. *KASSON WATER TOWER*, 4th Ave. NW., (6-3-76)
Mantorville. *MANTORVILLE HISTORIC DISTRICT*, Both sides of MN 57 and 5th St., (6-28-74)
Waseoia. *WASIOJA HISTORIC DISTRICT*, N side of Zumbra River on both sides of SR 16, (3-13-75)

douglas county

Alexandria. *NELSON, KNUTE, HOUSE*, 420 12th Ave., SE., (4-13-77)
Osakis. *JOHNSON, J. B., HOUSE*, U.S. 52, (12-9-77)

faribault county

Blue Earth. *FARIBAULT COUNTY COURTHOUSE*, N. Main and 2nd Sts., (4-11-77)
Winnabago vicinity. *CENTER CREEK ARCHEOLOGICAL DISTRICT*, S of Winnabago, (9-15-76)

fillmore county

Harmony vicinity. *RAVINE HOUSE*, NW of Harmony, (12-6-77)
Preston vicinity. *FORESTVILLE TOWNSITE*, About 9 mi. SW of Preston in Forestville State Park, (4-13-73)
Racine vicinity. *TUNNEL MILL (J. A. STOUT MILL)*, E of Racine on Bear Creek, (5-12-75)
Spring Valley. *SPRING VALLEY METHODIST CHURCH*, 221 W. Courtland St., (5-12-75)

goodhue county

Kenyon. *GRONVOLD, DR. JUST CHRISTIAN, ESTATE*, CR 8, (4-23-73)
Kenyon. *GUNDERSON, MARTIN T., HOUSE*, 107 2nd St., (6-10-75)
Old Frontenac. *OLD FRONTENAC HISTORIC DISTRICT*, (6-4-73)
Red Wing. *CARLSON, G. A., LIME KILN*, E. 5th St., (9-27-76)
Red Wing. *HOYT, E. S., HOUSE*, 300 Hill St., (6-5-75)
Red Wing. *MINNESOTA STATE TRAINING SCHOOL*, E. 7th St., (6-4-73)
Red Wing. *OCTAGON HOUSE*, 927 W. 3rd St., (5-21-75)
Red Wing. *SHELDON, T.B., MEMORIAL AUDITORIUM*, 443 W. 3rd St., (6-3-76)
Red Wing. *SHELDON, THEODORE B., HOUSE*, 805 W. 4th St., (6-7-76)
Red Wing. *ST. JAMES HOTEL*, Bush and Main Sts., (9-15-77)
Red Wing vicinity. *BARTRON SITE*, (10-15-70)
Red Wing vicinity. *TOWER VIEW*, W of Red Wing in U.S. 61, (4-13-77)
Red Wing vicinity. *VASA*, SW of Red Wing in Minnesota Memorial Hardwood State Forest, (5-30-75)
Welch vicinity. *FORT SWENEY SITE*, (8-5-70)
Zumbrota. *ZUMBROTA COVERED BRIDGE*, Zumbrota Covered Bridge Park off MN 58, (2-20-75) HABS.

grant county

Ashby vicinity. *FORT POMME DE TERRE SITE*, SW of Ashby and W of Pelican Island, (5-23-74)

hennepin county

FORT SNELLING, Reference—see Dakota County
Bloomington. *POND, GIDEON H., HOUSE*, 401 E. 104th St., (7-16-70) HABS.

Edina. *CAHILL SCHOOL*, Eden Ave. and MN 100, (10-9-70) g.
Edina. *GRANGE HALL*, Eden Ave. at MN 100, (10-9-70)
Edina. *GRIMES, JONATHAN TAYLOR, HOUSE*, 4200 W. 44th St., (3-16-76)
Excelsior. *GIDEON, PETER, HOMESTEAD*, 24590 Glen Rd., (9-17-74)
Excelsior. *WYER-PEARCE HOUSE*, 201 Mill St., (4-18-77)

Minneapolis. *ADVANCE THRESHER/EMERSON-NEWTON COMPANY BUILDINGS*, 700-704 S. 3rd St., (9-20-77)

Minneapolis. *AMERICAN SWEDISH INSTITUTE (SWAN J. TURNBLAD RESIDENCE)*, 2600 Park Ave., (8-26-71)
Minneapolis. *BASILICA OF ST. MARY*, Hennepin Ave. at 16th St., (3-26-75)
Minneapolis. *BENNETT-MCBRIDE HOUSE*, 3116 3rd Ave. S., (9-19-77)
Minneapolis. *BUTLER BROTHERS BUILDING*, 1st Ave. N. at 6th St., (3-11-71)

Minneapolis. *CARPENTER, ELBERT L., HOUSE*, 314 Clifton Ave., (9-13-77)
Minneapolis. *COMO-HARRIET STREETCAR LINE AND TROLLEY*, 42nd St. W. and Queen Ave. S., (10-17-77)
Minneapolis. *CUPOLA HOUSE*, 2402 Fourth Ave. South, (12-12-76)
Minneapolis. *CUTTER, B. O., HOUSE*, 400 10th Ave. SE., (1-30-76)
Minneapolis. *DANIA HALL*, Corner of 5th St. and Cedar Ave., (12-27-74) g.
Minneapolis. *FLOUR EXCHANGE BUILDING*, 310 4th Ave. S., (8-29-77)
Minneapolis. *FORUM CAFETERIA*, 36-40 S. 7th St., (3-16-76)

Minneapolis. *GRAIN EXCHANGE BUILDING*, 4th Ave. S., and 4th St., (11-23-77)
Minneapolis. *HAYER, F. C., COMPANY BUILDING*, 256 N. 3rd St., (2-20-75)
Minneapolis. *JONES, HARRY W., HOUSE (ELMWOOD)*, 5101 Nicollet Ave., (6-7-76)
Minneapolis. *LEGG, HARRY F., HOUSE*, 1601 Park Ave. S., (6-3-76)
Minneapolis. *LOHMAR, JOHN, HOUSE*, 1514 Dupont Ave., N., (4-18-77)
Minneapolis. *MASONIC TEMPLE/MERCHANDISE BUILDING*, 528 Hennepin Ave., (9-5-75)
Minneapolis. *MILWAUKEE AVENUE HISTORIC DISTRICT*, Milwaukee Ave. from Franklin Ave. to 24th St., (5-2-74)
Minneapolis. *MINNEAPOLIS CITY HALL/HENNEPIN COUNTY COURTHOUSE*, Between 3rd and 4th Aves. S. and 4th and 5th Sts., (12-4-74)

Minneapolis. *MINNEAPOLIS PUBLIC LIBRARY: NORTH BRANCH*, 1834 Everson Ave. N., (12-7-77)
Minneapolis. *MINNEHAHA STATE PARK*, S of Minnehaha Pkwy. between Hiawatha Ave. and the Mississippi River, (11-25-69) HABS.
Minneapolis. *NEWELL, GEORGE R., HOUSE*, 1818 LaSalle Ave., (9-15-77)

Minneapolis. *OLSON, FLOYD B., HOUSE*, 1914 W. 49th St., (12-31-74)

Minneapolis. *PILLSBURY A MILL*, Main St. and 3rd Ave., SE., (11-13-66) NHL; HABS.
Minneapolis. *PITTSBURGH PLATE GLASS COMPANY BUILDING*, 616 S. 3rd St., (9-13-77)

Minneapolis. *PRESCOTT HOUSE*, 4458-4460 Snelling Ave. S., (5-21-75)
Minneapolis. *PURCELL, WILLIAM GRAY, HOUSE*, 2328 Lake Pl., (10-29-74)
Minneapolis. *SCOTTISH RITE TEMPLE/FOWLER METHODIST EPISCOPAL CHURCH*, 2011 Dupont Ave. S., (1-30-76)

Minneapolis. *SMITH, H. ALDEN, HOUSE*, 1405 Harmon Pl., (3-16-76)
Minneapolis. *ST. ANTHONY FALLS HISTORIC DISTRICT*, (3-11-71) HABS.
Minneapolis. *VAN CLEVE, HORATIO P., HOUSE*, 603 5th St. SE., (1-16-76)
Minnetonka. *BURWELL HOUSE*, McGinty Rd. and Minnetonka Blvd., (5-2-74)
St. Louis Park. *ST. LOUIS PARK DEPOT*, W 37th St. and Brunswick Ave., (11-25-69)

houston county
Brownsville. *EMMANUEL EVANGELICAL LUTHERAN CHURCH*, Main St., (6-2-70)

hubbard county
Park Rapids vicinity. *SHELL RIVER PREHISTORIC VILLAGE AND MOUND DISTRICT*, Confluence of Shell and Crow Wing Rivers, 15 mi. SE of Park Rapids, (6-19-73)

itasca county
Grand Rapids. *CENTRAL SCHOOL*, N. Pokegama and 4th St., (8-16-77)
Grand Rapids vicinity. *WHITE OAK POINT SITE*, (10-18-72)
Inger vicinity. *OLD CUT FOOT SIOUX RANGER STATION*, S of Inger off MN 46 in Chippewa National Forest, (8-7-74)
Inger vicinity. *TURTLE ORACLE MOUND*, Chippewa National Forest, (8-27-74)

jackson county
Jackson. *JACKSON COUNTY COURTHOUSE*, Bounded by Sherman, W. Ashley, 4th and 5th Sts., (4-13-77)

kanabec county
Mora. *KENABEC COUNTY COURTHOUSE*, Maple and Vine Sts., (4-11-77)
Mora vicinity. *KNIFE LAKE HISTORIC DISTRICT*, N of Mora off MN 65, (1-21-74)

koochiching county
Big Fork River vicinity. *LAUREL MOUNDS*, (1-20-72)
International Falls. *KOOCHICHING COUNTY COURTHOUSE*, 4th St. and 8th Ave., (9-15-77)
Island View vicinity. *GOLD MINE SITES*, NE of Island View, (5-6-77)
Island View vicinity. *LITTLE AMERICAN MINE*, N of Island View on Little American Island, (4-16-75)
Nett Lake vicinity. *NETT LAKE PETROGLYPH SITE*, Nett Lake Indian Reservation, (12-30-74)

lac qui parle county
LAC QUI PARLE MISSION SITE, Reference—see Chippewa County
Lac qui Parle vicinity. *THORESON, ANDREUS, HOUSE*, NW of Lac qui Parle, (11-5-74)
Montevideo vicinity. *CAMP RELEASE STATE MONUMENT*, About 2 mi. SW of Montevideo off U.S. 212, (3-14-73)

lake county
Two Harbors vicinity. *EDNA G.* (tugboat), Home port at S end of Poplar St. in Agate Bay, (6-5-75)
Two Harbors vicinity. *SPLIT ROCK LIGHTHOUSE*, About 20 mi. NE of Two Harbors on U.S. 61, (6-23-69)

lake of the woods county
Angle Inlet vicinity. *NORTHWEST POINT (NORTHWEST ANGLE)*, (2-23-73)

le sueur county
Cleveland vicinity. *GELDNER SAWMILL*, S of Cleveland on German Lake, (6-11-75)

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Le Sueur. *MAYO, DR WILLIAM W., HOUSE*, 118 N. Main St., (11-25-69) g.
Le Sueur. *TAYLOR, GEORGE W., HOUSE*, 103 S. 2nd St., (9-5-75)

lincoln county

Lake Benton. *LAKE BENTON OPERA HOUSE*, Benton St. between Fremont and Center Sts., (3-25-77)
Tyler. *DANEBOOD*, Dancho Court, (6-30-75)

marshall county

Newfolden vicinity. *OLD MILL*, 9 mi. W of Newfolden on the Middle River in Old Mill State Park, (6-4-73) HABS.

martin county

Fairmont. *MARTIN COUNTY COURTHOUSE*, Lake Ave. and 2nd St., (9-22-77)
Fairmont. *WOHLHETER, GEORGE, MAN-SION*, 320 Woodland Ave., (6-20-75)

mcleod county

Hutchinson. *HUTCHINSON FREE PUBLIC LIBRARY*, Public Sq., (12-12-77)

meeker county

Litchfield. *GRAND ARMY OF THE REPUBLIC HALL*, 370 N. Marshall St., (5-21-75)
Litchfield. *TRINITY EPISCOPAL CHURCH*, 400 N. Sibley Ave., (6-20-75)

mille laes county

Milaca. *MILLE LACS COUNTY COURTHOUSE*, 5th Ave., SE. and 2nd St., SE., (3-25-77)
Princeton. *GREAT NORTHERN RAILROAD DEPOT*, 1st St. and MN 95 W., (11-23-77)
Vineland. *KATHIO SITE*, U.S. 169, Mille Laes-Kathio State Park, (10-15-66) NHL.
Vineland vicinity. *COOPER SITE*, On S bank of Ogechie Lake within Mille Laes-Kathio State Park, (9-22-70)
Vineland vicinity. *PETAGA POINT*, Mille Laes-Kathio State Park, (9-22-70)
Vineland vicinity. *SAW MILL SITE*, Mille Laes-Kathio State Park, (9-22-70)
Vineland vicinity. *VINELAND BAY SITE (KATHIO SCHOOL SITE)*, Mille Laes-Kathio State Park, (9-22-70)

morrison county

CROW WING STATE PARK, Reference—see Cass County
Belle Prairie. *AYER MISSION SITE*, 0.5 mi. N of Belle Prairie off U.S. 371, (6-18-73)
Camp Ripley. *OLD FORT RIPLEY*, (9-10-71)
Little Falls vicinity. *BELLE PRAIRIE VIL-LAGE SITE*, N of Little Falls, (8-14-73)
Little Falls vicinity. *LINDBERG, CHARLES A., HOUSE AND PARK*, SW of Little Falls on SR 52, (11-20-70) NHL.
Little Falls vicinity. *PELKEY LAKE SITE*, E of Little Falls, (10-2-73)
Little Falls vicinity. *RICE LAKE PENINSULA PREHISTORIC DISTRICT*, SE of Little Falls, (10-2-73)
Little Falls vicinity. *SWAN RIVER INDIAN VILLAGE SITE*, S of Little Falls, (10-2-73)
Royalton vicinity. *OLD MCDOWGALL FARM*, NW of Royalton on CR 23, (12-7-74)

mower county

Grand Meadow. *EXCHANGE STATE BANK*, NW corner of Main and 1st Sts., (6-10-75)

murray county

Currie. *CURRIE RAILROAD TURNTABLE*, SR 38, (12-12-77)

NOTICES

Slayton. *MURRAY COUNTY COURTHOUSE*, Main and 7th Sts., (4-13-77)

nicollet county

Fairfax. *FORT RIDGELY*, (12-2-70)
New Ulm vicinity. *HARKIN, ALEXANDER, STORE*, 10 mi. W of New Ulm on CR 21, (6-4-73) g.
St. Peter. *COX, E. ST. JULIEN, HOUSE*, 500 N. Washington Ave., (11-20-70) g.
St. Peter. *NICOLLET HOUSE HOTEL*, Min-nesota Ave. at Park Row, (5-12-75)
St. Peter. *OLD MAIN-GUSTAVUS ADOLPHUS COLLEGE*, Gustavus Adolphus College Campus, (5-12-76)
St. Peter vicinity. *TRAVERSE DES SIOUX STATE PARK*, 2 mi. N of St. Peter off U.S. 169, (3-20-73)

nobles county

Adrian. *SLADE HOTEL*, 2nd and Main Sts., (6-30-75)
Worthington. *KILBRIDGE, DR. E. A., CLINIC*, 701 11th St., (11-23-77)

olmsted county

Rochester. *MAYO CLINIC BUILDINGS*, 110 and 115 2nd Ave., (8-4-69) NHL.
Rochester. *MAYO, DR. WILLIAM J., HOUSE*, 701 SW 4th St., (3-26-75)
Rochester. *QUARRY HILL*, 1091 Plummer Lane, (5-21-75)
Rochester. *TOOGOOD BARN*, 16th St. SW of U.S. 63, (6-26-75)
Rochester vicinity. *DODGE FARM*, S of Rochester, (5-12-75)
Stewartville vicinity. *MAYOWOOD*, NW of Stewartville on CR D, (9-22-70)

otter tail county

Battle Lake vicinity. *MORRISON MOUNDS*, (6-4-73)
Fergus Falls. *PAGE, HENRY G., HOUSE*, 219 N. Whitford St., (3-3-75)
Fergus Falls vicinity. *ORWELL SITE*, (12-4-74)

ottertail county

Phelps. *PHELPS MILL (MAINE ROLLER MILL)*, N side of confluence of Lion Lake with Otter Tail River, (2-24-75)

pine county

Hinckley. *HINCKLEY DEPOT (NORTHERN PACIFIC DEPOT)*, Old U.S. 61 and 1st St. SE., (5-7-73)
Pine City vicinity. *CONNOR'S FUR POST*, On the Snake River, W of Pine City, (8-7-72)
Pine City vicinity. *STUMNE MOUNDS*, (6-20-72)

pipestone county

Pipestone. *CALMET HOTEL*, 104 S. Hiawatha, (3-16-76)
Pipestone. *PIPESTONE ARCHITECTURAL DISTRICT*, Main St., (5-2-77)
Pipestone vicinity. *PIPESTONE NATIONAL MONUMENT*, 1 mi. N of Pipestone, (10-15-66)

ramsey county

St. Paul. *ASSUMPTION SCHOOL*, 68 Exchange St., (3-26-75) HABS.
St. Paul. *BEEBE, DR. WARD, HOUSE*, 2022 Summit Ave., (8-29-77)
St. Paul. *BLAIR FLATS (ALBION HOTEL)*, 165 Western Ave., (7-18-75)
St. Paul. *BRUNSON, BENJAMIN, HOUSE*, 485 Kenny St., (5-12-75)
St. Paul. *BURBANK-LIVINGSTON-GRIGGS HOUSE*, 432 Summit Ave., (10-15-70) g.
St. Paul. *C.S.P.S. HALL*, 381-383 Michigan St., (2-17-77)

St. Paul. *CHURCH OF THE ASSUMPTION*, 51 W. 9th St., (2-10-75)

St. Paul. *COMO PARK CONSERVATORY*, Como Park, (11-19-74)

St. Paul. *FITZGERALD, F. SCOTT, HOUSE (SUMMIT TERRACE)*, 599 Summit Ter., (11-11-71) NHL

St. Paul. *GERMANIA BANK BUILDING*, 6 W. 5th St., (12-6-77)

St. Paul. *GIBBS FARM*, 2097 Larpen-tuer Ave., (4-23-75)

St. Paul. *HILL, JAMES J., HOUSE*, 240 Sum-mit Ave., (10-15-66) NHL; HABS.

St. Paul. *HISTORIC HILL DISTRICT*, Irregu-lar pattern extending from Pleasant and Grand Aves. to Holly and Marshall, from Lexington Pkwy. to 4th and Pleasant Ave., (8-18-76)

St. Paul. *IRVINE, HORACE HILLS, HOUSE*, 1006 Summit Ave., (12-16-74)

St. Paul. *IRVINE PARK HISTORIC DIS-TRICT*, (11-27-73) g.

St. Paul. *KELLOGG, FRANK B., HOUSE*, 633 Fairmount Ave., (11-6-74) NHL

St. Paul. *LAUER FLATS*, 226 Western Ave., (6-5-75)

St. Paul. *LUCKERT, DAVID, HOUSE*, 480 In-glehart St., (5-12-75)

St. Paul. *MCCOLL BUILDING*, 366-368 Jackson St., (12-19-74)

St. Paul. *MCGILL, ANDREW R., HOUSE*, 2203 Scudder Ave., (12-31-74)

St. Paul. *MINNESOTA HISTORICAL SOCIETY BUILDING*, 690 Cedar St., (3-20-73)

St. Paul. *MINNESOTA STATE CAPITOL*, Au-rora Between Cedar and Park Sts., (2-23-72)

St. Paul. *MUENCH, ADOLF, HOUSE*, 653 E. 5th St., (5-12-75)

St. Paul. *MUSKEGO CHURCH*, 2375 Como Ave., (5-12-75) HABS.

St. Paul. *OLD FEDERAL COURTS BUILD-ING*, 109 W. 5th St., (3-24-69) g.

St. Paul. *OLD MAIN, MACALESTER COL-LEGE*, 1600 Grand Ave., (8-16-77)

St. Paul. *PIONEER AND ENDICOTT BUILDINGS*, 4th and Robert Sts., (7-10-74)

St. Paul. *RAMSEY, ALEXANDER, HOUSE*, 265 S. Exchange St., (11-25-69) g.

St. Paul. *RAMSEY COUNTY POOR FARM BARN*, 2020 White Bear Ave., (9-22-77)

St. Paul. *RAMSEY, JUSTUS, STONE HOUSE*, 252 W. 7th St., (5-6-75)

St. Paul. *RAU/STRONG HOUSE*, 2 George St., (6-18-75)

St. Paul. *SPANGENBERG, FREDERICK, HOUSE*, 375 Mt. Curve Blvd., (6-22-76)

St. Paul. *ST. JOSEPH'S ACADEMY*, 355 Marshall Ave., (6-5-75)

St. Paul. *ST. PAUL CATHEDRAL*, W side of Summit Ave., between Dayton and Shelby Aves., (6-28-74)

St. Paul. *ST. PAUL PUBLIC/HILL REFERENCE LIBRARY*, 4th and Market Sts., (9-11-75)

St. Paul. *ST. PAUL UNION DEPOT*, 214 E. 4th St., (12-18-74)

St. Paul. *UNIVERSITY HALL, HAMLINE UNIVERSITY*, 1536 Hewitt Ave., (9-22-77)

White Bear Lake. *NOYES, C. P., COTTAGE*, 303 Lake Ave., (12-12-76)

Belview. *ODEON THEATER*, Off MN 273, (8-30-74)

Redwood Falls vicinity. *LOWER SIOUX AGENCY*, 9 mi. E of Redwood Falls off CR N2, (9-22-70) g.

NOTICES

renville county

Morton vicinity. *BIRCH COULEE*, Birch Cou-lee State Park off U.S. 71, (6-4-73)

rice county

Dundas. *ARCHIBALD, E. T., HOUSE*, Off MN 218, (6-17-76)

Dundas. *ARCHIBALD/DUNDAS MILL SITE*, Off MN 218, (10-8-76)

Faribault. *CHAPEL OF THE GOOD SHEPHERD*, At Shattuck School, (4-4-75)

Faribault. *CONGREGATIONAL CHURCH OF FARIBAULT*, 227 NW. 3rd St., (5-12-77)

Faribault. *FARIBAULT, ALEXANDER, HOUSE*, 12 NE. 1st Ave., (9-22-70)

Faribault. *NOYES HALL*, Minnesota School for the Deaf campus, (5-12-75)

Faribault. *OLD PHELPS LIBRARY*, At Shat-tuck School, (4-4-75)

Faribault. *SEABURY DIVINITY SCHOOL (JOHNSTON HALL)*, On grounds of Dis-trict No. 1 Hospital, (3-21-75)

Faribault. *SHUMWAY HALL AND MORGAN REFECTORY*, At Shattuck School, (4-4-75)

Nerstrand vicinity. *VEBLEN FARMSTEAD*, NE of Nerstrand off MN 246, (6-30-75)

Northfield. *GOODSELL OBSERVATORY*, Carleton College campus, (5-12-75)

Northfield. *NUTTING HOUSE*, 217 Union St., (10-15-70)

Northfield. *OLD MAIN, ST. OLAF COL-LEGE*, St. Olaf College campus, (6-3-76)

Northfield. *ROLVAAG, O. E., HOUSE*, 311 Manitou St., (8-4-69) NHL

Northfield. *WILLIS HALL (NEW HALL)*, Carleton College campus, (6-13-75)

rock county

Luverne. *HINKLY, R. B., HOUSE*, 217 N. Freeman Ave., (6-10-75)

Luverne. *ROCK COUNTY COURTHOUSE AND JAIL*, Cedar St. N. and Luverne St. E., (4-18-77)

scott county

Shakopee. *SHAKOPEE HISTORIC DIS-TRICT*, Memorial Park, (4-11-72)

sherburne county

Elk River vicinity. *KELLEY, OLIVER H., HOMESTEAD*, 2 mi. SE of Elk River on U.S. 10, (10-15-66) NHL

st. louis county

Duluth. *AERIAL LIFT BRIDGE*, Lake Ave., (5-22-73)

Duluth. *BERGETTA MOE BAKERY*, 716 E. Superior St., (6-3-76)

Duluth. *DULUTH CENTRAL HIGH SCHOOL*, Lake Ave. and 2nd St., (11-9-72)

Duluth. *DULUTH UNION DEPOT*, 5th Ave. W and Michigan St., (12-9-71)

Duluth. *ENDION PASSENGER DEPOT*, 1504 South St., (4-16-75)

Duluth. *FIRE DEPARTMENT NUMBER ONE*, NW corner of 1st Ave. E. and 3rd St., (5-12-75)

Duluth. *KITCHI GAMMI CLUB*, 831 E. Su-perior St., (4-16-75)

Duluth. *MINNESOTA POINT LIGHTHOUSE*, On Minnesota Point, (12-27-74) HABS.

Duluth. *MUNGER TERRACE*, 405 Mesabi Ave., (12-12-76)

Duluth. *TRAPHAGEN, OLIVER G., HOUSE (REDSTONE)*, 1509-1511 E. Superior St., (4-4-75)

Hibbing vicinity. *HULL-RUST-MAHONING OPEN PIT IRON MINE*, 3rd Ave. E., (11-13-66) NHL

Mesaba vicinity. *LONGYEAR, E. J., FIRST DIAMOND DRILL SITE*, E of Mesaba, (7-20-77)

Mountain Iron vicinity. *MOUNTAIN IRON MINE*, N of Mountain Iron, (11-24-68) NHL

Ray vicinity. *KETTLE FALLS HOTEL*, E of Ray at Namakan Lake, (1-11-76)

Tower vicinity. *SOUDAN IRON MINE*, Tower-Soudan State Park, (11-13-66) NHL

stearns county

Sauk Centre. *LEWIS, SINCLAIR, BOYHOOD HOME*, 812 Sinclair Lewis Ave., (5-23-68) NHL

St. Cloud. *ST. CLOUD POST OFFICE/CITY HALL*, 314 St. Germain St., (6-7-76)

steELE county

Medford vicinity. *PIPER, DANIEL S., HOUSE*, S of Medford off MN 3, (2-24-75)

Owatonna. *ABBOTT, EZRA, HOUSE*, 345 E. Broadway, (6-10-75)

Owatonna. *ADMINISTRATION BUILD-ING—MINNESOTA STATE PUBLIC SCHOOL FOR DEPENDENT AND NEGLECTED CHILDREN*, West Hills, (5-12-75) g.

Owatonna. *NATIONAL FARMERS BANK*, N. Cedar St. and E. Broadway, (8-26-71) NHL

Owatonna. *OWATONNA FREE PUBLIC LIBRARY*, 105 N. Elm St., (6-7-76)

Owatonna. *STEELE COUNTY COURTHOUSE*, 111 E. Main St., (6-3-76)

swift county

Appleton. *APPLETON CITY HALL*, 23 S. Miles St., (6-17-77)

Benson. *SWIFT COUNTY COURTHOUSE*, Idaho Ave. and 14th St., (9-19-77)

wabasha county

Lake City vicinity. *RAHILLY, PATRICK HENRY, HOUSE*, 3 mi. W of Lake City on SR 15, (2-13-75)

wadena county

Menahga vicinity. *BLUEBERRY LAKE VIL-LAGE SITE*, NE of Menahga, (10-2-73)

Staples vicinity. *OLD WADENA SITE*, N of Staples, (10-9-73)

Wadena vicinity. *REAUME'S TRADING POST*, (12-24-74)

washington county

Cottage Grove vicinity. *SEVERENCE, COR-DENIO, HOUSE*, NE of Cottage Grove, (6-3-76)

Lakeland. *GROUT HOUSE*, Minnesota St. between Green and Prairie Sts., (9-10-71)

Lakeland. *OLIVER, CAPT. JOHN, HOUSE*, 1544 Rivercrest Rd., (12-16-77)

Marine on St. Croix. *MARINE MILL SITE*, Mill Reservation, Block 47, (1-26-70)

Marine on St. Croix. *MARINE ON ST. CROIX HISTORIC DISTRICT*, Roughly bounded by the St. Croix River, RR. tracks, and Ken-nedy and Spruce Sts., (6-28-74)

Scandia. *HAY LAKE SCHOOL*, On WI 3, (7-1-70)

Scandia vicinity. *ERICKSON, JOHANNES, LOG HOUSE*, S of Scandia on SR 3, (6-17-76)

Stillwater. *CHICAGO, MILWAUKEE AND ST. PAUL FREIGHT HOUSE AND DEPOT*, 233-335 Water St., (7-13-77)

Stillwater. *OLD WARDEN'S HOUSE*, 602 N. Main St., (12-17-74)

Stillwater. *WASHINGTON COUNTY COURTHOUSE*, W. Pine St. at S. 3rd St., (8-26-71) g.

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Stillwater vicinity. *ST. CROIX BOOM SITE*, 3 mi. N of Stillwater on St. Croix River, (11-13-66) NHL

Stillwater vicinity. *STONE BRIDGE*, NW of Stillwater crossing Browns Creek, (2-24-75) HABS.

winona county

Homer. *BUNNELL HOUSE*, U.S. 14, (4-23-73)

Stockton. *STOCKTON ROLLER MILL*, Off U.S. 14, (5-12-75)

Winona. *CHOATE BUILDING*, 51 E. 3rd St., (6-3-76)

Winona. *GRAIN AND LUMBER EXCHANGE BUILDING*, 51 E. 4th St., (12-2-77)

Winona. *HUFF-LAMBERTON HOUSE*, 207 Huff St., (12-12-76)

Winona. *KIRCHLATCH BUILDING*, 114-122 E. 2nd St., (5-21-75)

Winona. *MERCHANTS NATIONAL BANK*, 102 E. 3rd St., (10-16-74)

Winona. *JAMES P. PEARSON* (steamboat), Levee Park, foot of Main St., (6-11-75)

Winona. *WINONA COUNTY COURTHOUSE*, Washington St. between 3rd and 4th Sts., (12-2-70) g.

Winona. *WINONA FREE PUBLIC LIBRARY*, 151 W. 5th St., (7-29-77)

Winona. *WINONA SAVINGS BANK BUILD-ING*, 204 Main St., (9-15-77)

Winona vicinity. *PICKWICK MILL*, SE of Winona in Pickwick, off U.S. 14, (9-22-70)

wright county

Cokato. *AKERLUND, AUGUST, PHOTO-GRAPHIC STUDIO*, 390 Broadway Ave., (4-11-77)

Cokato vicinity. *COKATO TEMPERANCE HALL*, 3 mi. N of Cokato at jct. of SR 3 and SR 100, (12-12-76)

Monticello. *MEALEY, TOBIAS G., HOUSE*, Territorial Rd., (12-12-76)

yellow medicine county

Granite Falls. *VOLSTEAD, ANDREW JOHN, HOUSE*, 163 9th Ave., (12-30-74) NHL; g.

Granite Falls vicinity. *UPPER SIOUX AGEN-CY*, (10-15-70)

MISSISSIPPI

adams county

Natchez. *ARLINGTON*, Main St., (12-12-73) NHL; HABS.

Natchez. *AUBURN*, Duncan Park, (5-30-74) NHL; HABS.

Natchez. *BAYNTON, JOHN, HOUSE*, 821 Main St., (10-16-74)

Natchez. *COMMERCIAL BANK AND BANKER'S HOUSE*, 206 Main St. and 107 Canal St., (10-16-74) NHL

Natchez. *D'EVEREUX, D'Evereux Dr.*, (1-13-72) HABS.

Natchez. *DUNLEITH*, 84 Homochitto St., (9-14-72) NHL; HABS.

Natchez. *ELMS COURT*, 42 John R. Junkin Dr., (12-2-77) HABS.

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Natchez. *MONTEIGNE*, Liberty Rd., (12-11-74)
Natchez. *NATCHEZ BLUFFS AND UNDER-THE-HILL HISTORIC DISTRICT*, Bounded by S. Canal St., Broadway, and Mississippi River, (4-11-72)
Natchez. *OAKLAND*, 9 Oakhurst Dr., (10-21-76)
Natchez. *ROSALIE*, 100 Orleans St., (8-16-77) HABS.
Natchez. *ROUTHLAND*, 92 Winchester Rd., (8-22-77)
Natchez. *STANTON HALL*, High St. between Pearl and Commerce Sts., (10-16-74) NHL; HABS.
Natchez. *THE ELMS*, 215 S. Pine St., (11-7-76)
Natchez vicinity. *BRIARS*, SW of Natchez, (8-24-77) HABS.
Natchez vicinity. *ELIZABETH FEMALE ACADEMY SITE*, E of Natchez on U.S. 84/98, (5-6-77)
Natchez vicinity. *FAIR OAKS*, S of Natchez on U.S. 61, (11-13-76)
Natchez vicinity. *GLOUCESTER*, S of Natchez on Lower Woodville Rd., (11-7-76) HABS.
Natchez vicinity. *GRAND VILLAGE OF THE NATCHEZ INDIANS (FATHERLAND PLANTATION SITE)*, 3 mi. SE of Natchez, (10-15-66) NHL; G.
Natchez vicinity. *LONGWOOD (NUTTS FOLLY)*, 1.5 mi. SE of Natchez, (12-16-69) NHL; HABS.
Natchez vicinity. *MISTLETOE*, NE of Natchez on MS 554, (10-10-73)
Washington. *JEFFERSON COLLEGE*, North St., (8-25-70) HABS.
Washington vicinity. *FORT DEARBORN SITE*, N of Washington off U.S. 61, (9-17-74)
alcorn county
Corinth. *BATTERY WILLIAMS*, Fulton Dr. at Southern Railroad, (4-11-77)
Corinth. *BATTLE OF CORINTH, CONFEDERATE ASSAULT POSITION*, Shiloh Rd., (4-30-76)
Corinth. *FORT ROBINETTE*, Fort Robinette St., (4-11-72)
Corinth. *VERANDA HOUSE*, 711 Jackson St., (8-22-75)
Corinth vicinity. *FEDERAL SIEGE TRENCH*, N of Corinth off U.S. 45, (11-13-76)
Rienzi. *JACINTO COURTHOUSE*, Rte. 1, (11-25-69)
Rienzi vicinity. *MOORES CREEK SITE*, E of Rienzi, (7-7-75)
amite county
Liberty. *AMITE COUNTY COURTHOUSE*, Main St., (4-9-74)
Liberty vicinity. *BACHELOR, THOMAS, HOUSE*, 5 mi. E of Liberty on Olio Rd., (3-27-75)
attala county
Kosciusko. *BROWN, DAVID L., HOUSE*, 200 E. Washington St., (12-2-77)
Kosciusko vicinity. *OLD NATCHEZ TRACE (212-3K 213-3K)*, NE of Kosciusko, (11-7-76)
benton county
Michigan City. *DAVIS' MILLS BATTLE SITE*, Off MS 7, (10-2-73)
bolivar county
Alligator vicinity. *ALLIGATOR MOUNDS*, W of Alligator, (7-24-74)
Benoit vicinity. *HOLLYWOOD*, S of Benoit on MS 448, (4-1-75) HABS; G.

NOTICES

Duncan vicinity. *DONELSON HOUSE*, 2 5 mi. SW of Duncan, (8-13-76)
Mound Bayou. *MONTGOMERY, I. T., HOUSE*, W. Main St., (5-11-76) NHL.
carroll county
Avalon vicinity. *TEOC CREEK SITE*, (5-6-71)
Carrollton. *GEORGE, JAMES Z., LAW OFFICE*, Washington St. between Lexington and Green Sts., (1-13-72)
Carrollton. *MERRILL'S STORE*, Jackson and Lexington Sts., (1-13-72)
Carrollton vicinity. *MALMAISON SITE*, NE of Carrollton, (8-25-70) HABS.
chickasaw county
Old Houlika vicinity. *OWL CREEK SITE*, E of Old Houlika, (8-1-75)
choctaw county
Mathiston vicinity. *OLD NATCHEZ TRACE (230-3H)*, S of Mathiston, (11-7-76)
claiborne county
Alcorn. *OAKLAND CHAPEL*, Alcorn State University campus, (12-27-74) NHL; HABS.
Alcorn vicinity. *CATLEDGE ARCHEOLOGICAL SITE*, NW of Alcorn, (7-15-74)
Port Gibson. *VAN DORN HOUSE*, Van Dorn Dr., (6-21-71) G.
Port Gibson vicinity. *BUENA VISTA COTTON GIN*, NE of Port Gibson, (12-27-74)
Port Gibson vicinity. *GRAND GULF MILITARY STATE PARK*, 6 mi. W of Port Gibson, (4-11-72)
Port Gibson vicinity. *OLD NATCHEZ TRACE (132-37)*, NE of Port Gibson, (11-7-76)
Port Gibson vicinity. *PORT GIBSON BATTLEFIELD*, 4 mi. W of Port Gibson, (11-3-72)
Port Gibson vicinity. *WINDSOR RUINS*, 12 mi. SW of Port Gibson on MS 552, (11-23-71) HABS; G.
Russum vicinity. *CENTERS CREEK MOUND*, N of Russum, (8-14-73)
Willows vicinity. *NELSON, JOHN, SITE*, SW of Willows, (6-13-74)
clay county
West Point vicinity. *COLBERT AND BARTON TOWNSITES*, 15 mi. E of West Point off MS 50, (6-20-77)
West Point vicinity. *WAVERLEY*, 10 mi. E of West Point, (9-20-73) NHL; HABS.
coahoma county
Clarksdale vicinity. *OLIVER SITE*, (12-30-74)
Coahoma vicinity. *PARCHMAN PLACE SITE*, SW of Coahoma, (5-17-73)
Farrel vicinity. *HUMBER SITE*, 2.5 mi. W of Farrel, (5-12-75)
Lula vicinity. *WILSFORD (WILFORD) SITE*, (12-30-74)
Moon Lake vicinity. *YAZOO PASS LEVEE*, Near Moon Lake on MS 1, (6-19-73)
copiah county
Wesson. *WESSON HOTEL (RICHARDSON HOUSE)*, Railroad Ave. and Spring St., (10-10-72)
forrest county
Hattiesburg. *U.S. DISTRICT COURTHOUSE*, S corner of Pine and Forrest Sts., (9-18-73)
grenada county
Grenada vicinity. *CONFEDERATE EARTHWORKS*, W of Grenada off MS 8, (7-2-73)
Grenada vicinity. *EVERGREEN PLANTATION*, 4 mi. N of Grenada on Hardy Rd., (10-18-77)

hancock county

Pearlington vicinity. *JACKSON LANDING SITE*, 3 mi. SE of Pearlington, (7-27-73)

harrison county

Biloxi. *BEAUVOIR*, 200 W. Beach Blvd., (9-3-71) NHL; HABS.
Biloxi. *BILOXI GARDEN CENTER (OLD BRICK HOUSE)*, 410 E. Bayview Ave., (1-18-73)
Biloxi. *BILOXI LIGHTHOUSE*, On U.S. 90 at Porter Ave., (10-3-73)
Biloxi. *GILLIS HOUSE*, 806 W. Beach Blvd., (5-17-73) HABS.
Biloxi. *MAGNOLIA HOTEL*, 137 Magnolia St., (3-14-73)
Biloxi. *MARGARET EMILIE*, 1036 Fred Haise Blvd., (4-13-73)
Biloxi. *TOLEDANO-PHILBRICK-TULLIS HOUSE*, 947 E. Beach Blvd., (11-5-76) HABS.
Gulfport. *MILNER HOUSE (GRASS LAWN)*, 720 E. Beach Blvd., (7-31-72) G.
Gulfport vicinity. *FORT MASSACHUSETTS*, S of Gulfport on Ship Island, in Gulf Islands National Seashore, (6-21-71)

hinds county

Bolton vicinity. *CHAMPION HILL BATTLEFIELD*, 4 mi. SW of Bolton, (10-7-71) NHL.
Bovina vicinity. *FLOYD MOUND*, (11-25-69)
Clinton. *CEDARS, THE*, 405 E. College St., (1-4-77)
Edwards vicinity. *DUPREE MOUND AND VILLAGE ARCHEOLOGICAL SITE*, (11-25-69)
Jackson. *AYER HALL*, 1400 Lynch St. on Jackson State University campus, (7-14-77)
Jackson. *BAILEY HILL CIVIL WAR EARTHWORKS*, Off U.S. 51/55, (5-6-75)
Jackson. *CAPITOL GREEN*, Bounded on the N by Amite St., on the S by Pearl St., on the W by State St., and on the E by the Gulf, Mobile & Ohio RR., (11-25-69)
Jackson. *CENTRAL FIRE STATION*, S. President St., (10-30-75)
Jackson. *CITY HALL*, 203 S. President St., (11-25-69) HABS.
Jackson. *EDWARDS HOTEL*, Capitol and Mill Sts., (11-7-76)
Jackson. *MANSHIP HOUSE*, 412 E. Fortification St., (10-18-72) HABS; G.
Jackson. *MILLSAPS-BUIE HOUSE*, 628 N. State St., (6-19-73)
Jackson. *MISSISSIPPI GOVERNOR'S MANSION*, 316 E. Capitol St., (11-25-69) HABS.
Jackson. *MISSISSIPPI STATE CAPITOL*, Fronting Mississippi St., between N. President and N. West Sts., (11-25-69)
Jackson. *OAKS, THE (BOYD HOUSE)*, 823 N. Jefferson St., (5-25-73) HABS.
Jackson. *OLD STATE CAPITOL*, 100 N. State St., (11-25-69)
Jackson. *SMITH PARK ARCHITECTURAL DISTRICT*, Irregular pattern along N. West and N. Congress Sts. between Capitol St. and State Capitol, (4-23-76)
Jackson. *SPENGLER'S CORNER*, 101 N. State St., (10-20-77)
Pocahontas. *POCAHONTAS MOUND B*, (4-11-72)
Pocahontas vicinity. *SUB ROSA*, S of Pocahontas on U.S. 49, (4-28-75)
Raymond vicinity. *PEYTON HOUSE (WAVERLY)*, N of Raymond on Clinton Rd., (10-3-73) HABS.
Raymond vicinity. *RAYMOND BATTLEFIELD*, 2.5 mi. SW of Raymond on MS 18, (1-13-72)

Smith's Station vicinity. *BIG BLACK RIVER BATTLEFIELD*, On both banks of the Big Black River between Smith's Station and Bovina, (11-23-71)
Terry vicinity. *BERRY MOUND AND VILLAGE ARCHEOLOGICAL SITE*, (11-25-69)

holmes county

Richland. *EUREKA MASONIC COLLEGE (ROB MORRIS LITTLE RED SCHOOL-HOUSE)*, On MS 17, (11-10-70)

humphreys county

Belzoni vicinity. *JAKETOWN SITE*, About 3 mi. N of Belzoni, (6-19-73)

jackson county

Pascagoula. *LOUISVILLE AND NASHVILLE RAILROAD DEPOT*, Railroad Ave., (8-27-74)
Pascagoula. *OLD SPANISH FORT (OLD FRENCH FORT)*, 200 Fort St., (9-3-71) HABS.
Pascagoula. *U.S.S. CAIRO*, Ingalls Shipyard, (9-3-71)

jefferson county

Alcorn vicinity. *RODNEY PRESBYTERIAN CHURCH*, W of Alcorn in village of Rodney, (2-6-73) HABS.
Alcorn vicinity. *SACRED HEART ROMAN CATHOLIC CHURCH*, W of Alcorn in village of Rodney, (3-20-73) HABS.
Church Hill. *CHRIST CHURCH*, MS 553, (5-6-77) HABS.
Fayette vicinity. *SPRINGFIELD PLANTATION*, 8 mi. W of Fayette off MS 553, (11-23-71) HABS.
Rodney vicinity. *LAUREL HILL PLANTATION HOUSE*, 2 mi. SE of Rodney, (1-29-73)

lafayette county

Oxford. *AMMADELLE*, 637 N. Lamar St., (5-30-74) NHL; HABS.
Oxford. *FAULKNER, WILLIAM, HOUSE (ROWAN OAK)*, Old Taylor Rd., (5-23-68) NHL.
Oxford. *LAFAYETTE COUNTY COURTHOUSE*, Courthouse Sq., (9-23-77)
Oxford. *LAMAR, LUCIUS QUINTUS CIN-CINNATUS, HOUSE*, 616 N. 14th St., (5-15-75) NHL.
Oxford. *ST. PETER'S EPISCOPAL CHURCH*, 113 S. 9th St., (7-24-75) HABS.

lauderdale county

Meridian. *GRAND OPERA HOUSE*, 2208 5th St., (12-27-72)
Meridian. *MERREHOPE*, 905 31st Ave., (12-9-71)

lawrence county

Monticello. *LONGINO HOUSE*, Caswell St., (8-21-72)

leake county

Kosciusko vicinity. *ROBINSON ROAD (190-191-3M)*, SW of Kosciusko, (11-7-76)

lee county

Baldwyn vicinity. *BRICES CROSS ROADS NATIONAL BATTLEFIELD SITE*, 6 mi. W of Baldwyn on MS 370, (10-15-66)
Tupelo. *TUPELO NATIONAL BATTLEFIELD*, On MS 6 about 1 mi. W of its jct. with U.S. 45, (10-15-66)

lefllore county

Greenwood vicinity. *FORT PEMBERTON SITE*, W of Greenwood off US 49E, (6-19-73)

NOTICES

Greenwood vicinity. *STAR OF THE WEST (C.S.S. at St. Phillip)*, W of Greenwood on Tallahatchie River, (5-12-75)
Money vicinity. *LANE'S CHAPEL SITE*, NW of Money on the Tallahatchie River, (5-4-76)
Whaley vicinity. *NEILL ARCHEOLOGICAL SITE*, W of Whaley, (4-26-76)
Whaley vicinity. *WHALEY ARCHEOLOGICAL SITE*, NW of Whaley, (3-15-76)

lowndes county

Columbus. *HICKORY STICKS (WEIR-HADEN HOUSE)*, 1206 N. 7th St., (4-29-77)
Columbus. *LEE, S. D., HOUSE (BLEWETT-HARRISON-LEE HOUSE)*, 314 N. 7th St., (5-6-71) HABS.
Columbus. *MCLARAN, CHARLES, HOUSE (RIVERVIEW)*, 514 2nd St. S., (12-12-76) HABS.

madison county

Mannsdale. *CHAPEL OF THE CROSS*, 6 mi. NW of jct. of MS 463 and 1 55, (6-13-72) HABS.
Ridgeland vicinity. *OLD NATCHEZ TRACE (170-30)*, E of Ridgeland, (11-7-76)

marion county

Sandy Hook vicinity. *FORD HOUSE*, S of Sandy Hook on Old Columbia-Covington Rd., (6-21-71) HABS.

marshall county

Abbeville vicinity. *CIVIL WAR EARTHWORKS AT TALLAHATCHIE CROSSING*, Off MS 7, (8-14-73)
Holly Springs vicinity. *CONFEDERATE ARMORY SITE (JONES-MCELWAIN COMPANY IRON FOUNDRY)*, N of Holly Springs, (4-11-72)

monroe county

Aberdeen. *U.S. COURTHOUSE AND POST OFFICE*, 201 W. Commerce St., (9-29-76)
Amory vicinity. *COTTON GIN PORT SITE*, 3 mi. W of Amory off U.S. 278, (11-18-72)
Amory vicinity. *HESTER-STANDIFER CREEK SITE*, 2 mi. N of Amory, (6-5-75)
Amory vicinity. *INZER SITE*, 3 mi. W of Amory, off U.S. 278, (7-5-73)
Amory vicinity. *LAWSON SITE*, N of Amory, (7-7-75)
Amory vicinity. *MOUND CEMETERY SITE*, W of Amory, (10-14-75)

neshoba county

Philadelphia vicinity. *NANIH WAIYA CAVE MOUND*, (5-7-73)

noxubee county

Macon vicinity. *DANCING RABBIT CREEK TREATY SITE*, 13 mi. SW of Macon, (4-3-73)

oktibbeha county

Starkville. *STONE, JOHN M., COTTON MILL*, Gillespie St., (4-29-75)
Starkville vicinity. *LYON'S BLUFF SITE*, N of Starkville, (4-22-76)
Starkville vicinity. *MONTGOMERY HALL*, Mississippi State University campus, (3-26-75)
Starkville vicinity. *TEXTILE BUILDING*, S of Starkville on Mississippi State University campus, (5-12-75)

panola county

Sledge vicinity. *HOLLY GROVE SITE*, E of Sledge, (10-21-76)

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pontotoc county

Pontotoc vicinity. *TREATY OF PONTOTOC SITE*, 7 mi. SE of Pontotoc, (7-27-73)

quitman county

Lambert vicinity. *NORMAN SITE*, SW of Lambert near Cassidy Bayou, (5-2-75)

sharkey county

Rolling Fork vicinity. *ROLLING FORK MOUNDS*, (10-18-74)

tishomingo county

Iuka. *OLD TISHOMINGO COUNTY COURTHOUSE*, NE corner of Quitman and Liberty Sts., (4-11-73)

tunica county

Tunica vicinity. *HOLLYWOOD SITE (BOWDRE MOUNDS; DE BE VOISE MOUNDS)*, About 5 mi. SW of Robinsonville, (5-19-72)

warren county

BIG BLACK RIVER BATTLEFIELD, Reference—see *Hinds County*
Redwood. *SNYDER'S BLUFF (FORT ST. PETER; FORT SNYDER)*, MS 3, (2-6-73)
Vicksburg. *BALFOUR HOUSE*, 1002 Crawford St., (10-26-71) HABS.
Vicksburg. *BIEDENHARN CANDY COMPANY BUILDING*, 1107-1109 Washington St., (12-2-77)
Vicksburg. *BONHAM, ISAAC, HOUSE*, 601 Klein St., (5-26-77)
Vicksburg. *CEDAR GROVE*, 2200 Oak St., (7-19-76) HABS.
Vicksburg. *FLOWERREE, COL. CHARLES C., HOUSE*, 2309 Pearl St., (5-29-75) HABS.
Vicksburg. *MCCUTT HOUSE*, NW corner of Monroe and E. 1st St., (5-29-75)
Vicksburg. *OLD COURTHOUSE, WARREN COUNTY*, Court Sq., (5-23-68) NHL; HABS.
Vicksburg. *PEMBERTON'S HEADQUARTERS (WILLIS-COWAN HOUSE)*, 1018 Crawford St., (7-23-70) NHL.
Vicksburg. *PLANTERS HALL*, 822 Main St., (6-21-71) HABS.
Vicksburg. *SPRAGUE*, Vicksburg Harbor, (4-15-77)
Vicksburg. *ST. FRANCIS XAVIER CONVENT*, 1021 Crawford St., (4-18-77)
Vicksburg. *VICKSBURG SIEGE CAVE*, Near Vicksburg City Cemetery, (3-14-73)
Vicksburg and vicinity. *VICKSBURG NATIONAL MILITARY PARK*, (10-15-66)
Vicksburg vicinity. *CHICKASAW BAYOU BATTLEFIELD*, N of Vicksburg on U.S. 61, (4-24-73)
Youngton vicinity. *FEDERAL FORTIFICATIONS ALONG BEAR CREEK*, SW of Youngton, (8-30-74)

washington county

Erwin. *WARD, JUNIUS R., HOUSE*, Old Hwy. 1, (4-28-75)
Foote vicinity. *MOUNT HOLLY*, NW of Foote off MS 1, (8-14-73) HABS.
Greenville. *WETHERBEE HOUSE*, 509 Washington Ave., (10-28-77)
Greenville vicinity. *WINTERVILLE SITE*, N of Greenville, (8-17-73)
Wayside. *BELMONT*, Jct. of MS 1 and 438, (4-11-72) HABS.

wilkinson county

Fort Adams vicinity. *FORT ADAMS SITE*, S of Fort Adams, (1-11-74)
Woodville. *OFFICE AND BANKING HOUSE OF WEST FELICIANA RAILROAD COMPANY*, Depot St., (10-28-77)

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NOTICES

Woodville vicinity. *ROSEMONT (POPLAR GROVE)*, E of Woodville on MS 24, (12-30-74)

winston county

Fearns Springs vicinity. *NANIH WAIYA MOUND AND VILLAGE*, (3-28-73)
Louisville vicinity. *OLD ROBINSON ROAD*, 16.6 mi. NE of Louisville on Noxubee National Wildlife Refuge, (4-3-75)

yazoo county

Holly Bluff. *HOLLY BLUFF SITE*, About 2 mi. from Holly Bluff, (10-15-66) NHL
Vaughan vicinity. *CASEY JONES WRICK SITE*, 1 mi. N of Vaughan, (4-3-73)
Yazoo City. *RICKS MEMORIAL LIBRARY*, 310 N. Main St., (9-18-75)

MISSOURI

adair county

Adair. *ST. MARY'S CHURCH*, On MO 11, (12-16-74) G
Kirkville. *HARRIS, CAPT. THOMAS C., HOUSE*, 1308 N. Franklin St., (10-15-73) G
Kirkville vicinity. *THOUSAND HILLS STATE PARK PETROGLYPHS ARCHEOLOGICAL SITE*, 2.5 mi. W of Kirkville, (1-23-70)

atchison county

Tarkio. *MULE BARN THIFATRE (DAVID RANKIN MULE BARN)*, 10th and Park Sts., (10-15-70)
Watson vicinity. *GIBBS SITE*, (2-23-72)

barry county

Cassville vicinity. *NATURAL BRIDGE ARCHEOLOGICAL SITE*, Within Mark Twain National Forest, (5-5-72)
Monett vicinity. *OLD COURDIN HOUSE (DAVID COURDIN HOMESTEAD)*, 2.4 mi. SE of Monett, (11-5-71)

barton county

Lamar. *TRUMAN, HARRY, BIRTHPLACE MEMORIAL*, N corner, 11th St. and Truman Ave., (6-23-69)

benton county

Frstoe vicinity. *RODGERS SHELTER ARCHEOLOGICAL SITE*, 5 mi. W of Frstoe, (6-23-69)

boone county

Columbia. *CONLEY, SANFORD F., HOUSE*, 602 Sanford Pl., (12-18-73)
Columbia. *FRANCIS QUADRANGLE HISTORIC DISTRICT (RED CAMPUS)*, Bounded by Conley Ave. and Elm, 6th, and 9th Sts., (12-18-73)
Columbia. *GORDON TRACT ARCHEOLOGICAL SITE (HINKSON SITE)*, (3-16-72)
Columbia. *SANBORN FIELD AND SOIL EROSION PLOTS*, University of Missouri campus, (10-15-66) NHL
Columbia. *SENIOR HALL*, Stephens College campus, (8-2-77)
Rocheport. *ROCHEPORT*, MO 240, (10-8-76)

buchanan county

St. Joseph. *BUCHANAN COUNTY COURTHOUSE AND JAIL*, Courthouse Sq., (8-21-72)
St. Joseph. *KING'S HILL ARCHEOLOGICAL SITE*, S 1st St., (4-16-69)
St. Joseph. *MAPLE GROVE (JOSEPH DAVIS HOUSE)*, 2100 N. 11th St., (10-16-74)

St. Joseph. *MISSOURI VALLEY TRUST COMPANY HISTORIC DISTRICT*, Felix and 4th Sts., (3-4-75)

St. Joseph. *PATEE, JOHN, HOUSE*, 12th and Penn Sts., (10-15-66) NHL

St. Joseph. *PONY EXPRESS STABLES*, 914 Penn St., (4-3-70)

St. Joseph. *ROBIDOUX ROW*, 219-225 E. Poulin St., (3-7-73) G

St. Joseph. *WHOLESALE ROW*, Bounded by Jules, 3rd, 4th, and Francis Sts., (9-19-77)

butler county

Naylor vicinity. *KOEHLER FORTIFIED ARCHEOLOGICAL SITE*, 1 mi. N of Naylor, (12-18-70)
Naylor vicinity. *LITTLE BLACK RIVER ARCHEOLOGICAL DISTRICT*, (4-21-75) (also in Ripley County)
Neelyville vicinity. *WILBORN-STEINBERG SITE*, 2 mi. W of Neelyville, (11-9-72)

caldwell county

Kingston. *CALDWELL COUNTY COURTHOUSE*, Main St., (1-13-72)
Kingston vicinity. *FAR WEST*, 5.5 mi. W of Kingston via CR D and H, (9-22-70)

callaway county

Fulton. *WESTMINSTER COLLEGE GYMNASIUM*, Westminster College campus, (5-23-68) NHL

Fulton. *WINSTON CHURCHILL MEMORIAL (CHURCH OF ST. MARY THE VIRGIN, ALDERMANBURY)*, 7th St. and Westminster Ave., (3-16-72)

Mokane vicinity. *MEALY MOUNDS ARCHEOLOGICAL SITE*, 2 mi. NE of Mokane, (1-25-71)

Portland vicinity. *RESEARCH CAVE*, (10-15-66) NHL

Tebetts vicinity. *COTE SANS DESSEIN ARCHEOLOGICAL SITE*, 3 mi. SW of Tebbetts, (5-27-71)

cape girardeau county

Burfordville. *BURFORDVILLE MILL (BOLLINGER MILL)*, Off MO 34, (5-27-71) G

Burfordville vicinity. *BURFORDVILLE COVERED BRIDGE*, E edge of Burfordville on CR HH, (5-19-70)

Oriole vicinity. *TRAIL OF TEARS STATE PARK ARCHEOLOGICAL SITE*, NE of Oriole on the Mississippi River, (12-2-70)

carroll county

Carrollton. *U.S. POST OFFICE*, 101 N. Folger St., (5-12-77)

Miami Station vicinity. *WRIGHT II ARCHEOLOGICAL SITE*, 1 mi. S of Miami Station, (5-27-71)

cass county

Harrisonville vicinity. *BROWN, ROBERT A., HOUSE*, N of Harrisonville off Alt. U.S. 71, (6-15-70)

chariton county

Keytesville. *FIRST PRESBYTERIAN CHURCH*, Hill and East Sts., (11-23-77)
Keytesville. *REDDING-HILL HOUSE*, 100 W. North St., (7-29-69)

clark county

Canton vicinity. *BOULWARE MOUND GROUP ARCHEOLOGICAL SITE*, 10 mi. N of Canton and adjacent to W side of U.S. 61, (1-21-70)

clay county

Excelsior vicinity. *WATKINS MILL*, 6 mi. NW of Excelsior, (11-13-66) NHL

Kearney vicinity. *JAMES BROTHERS' HOUSE*, 2.25 mi. NE of Kearney, (3-16-72)

Liberty vicinity. *NEBO HILL ARCHEOLOGICAL SITE*, 3 mi. SE of Liberty, (3-4-71)

Smithville vicinity. *AKER CEMETERY*, NE of Smithville off MO W, (11-13-74)

cole county

Jefferson. *MISSOURI STATE CAPITOL HISTORIC DISTRICT*, Bounded roughly by Adams, McCarthy, Mulberry Sts. and the Missouri River, (6-18-76)

Jefferson City. *COLE COUNTY COURTHOUSE AND JAIL-SHERIFF'S HOUSE*, Monroe and E. High Sts., (4-3-73)

Jefferson City. *COLE COUNTY HISTORICAL SOCIETY BUILDING*, 109 Madison St., (5-21-69)

Jefferson City. *LOHMAN'S LANDING BUILDING*, W corner of Jefferson and Water Sts., (2-25-69) HABS

Jefferson City. *MISSOURI GOVERNOR'S MANSION*, 100 Madison St., (5-21-69)

Jefferson City. *MISSOURI STATE CAPITOL BUILDING AND GROUNDS*, High St. between Broadway and Jefferson Sts., (6-23-69)

Osage City vicinity. *GAY ARCHEOLOGICAL SITE*, 0.5 mi. NE of Osage City, (1-25-71)

cooper county

Blackwater vicinity. *IMHOFF ARCHEOLOGICAL SITE*, (8-7-72)

Boonville. *BOLLER HOUSE*, 223 E. Spring St., (8-2-77)

Boonville. *HARLEY PARK ARCHEOLOGICAL SITE*, (10-15-70)

Boonville. *LYRIC THEATER*, NE corner of Main and Vine Sts., (5-21-69)

Bunceton vicinity. *RAVENSWOOD*, NW of Bunceton on MO 5, (2-24-75)

Lamine vicinity. *MELLOR VILLAGE AND MOUNDS ARCHEOLOGICAL DISTRICT*, 2 mi. N of Lamine, (5-21-69)

Pilot Grove vicinity. *PLEASANT GREEN*, 8 mi. SW of Pilot Grove on U.S. 135, (7-29-77)

Wooldridge vicinity. *WOOLDRIDGE ARCHEOLOGICAL SITE*, 0.5 mi. NW of Wooldridge, (12-2-70)

crawford county

Leasburg vicinity. *SCOTIA IRON FURNACE STACK*, 6.3 mi. SE of Leasburg on CR H, (5-21-69)

dade county

South Greenfield vicinity. *DILDAY MILL*, SE of South Greenfield on Turnback Creek, (8-26-77)

dent county

Salem. *DENT COUNTY COURTHOUSE*, Main and 4th Sts., (2-23-72)

dunklin county

Harnersville vicinity. *LANGDON SITE*, N of Hornersville, (1-11-74)

franklin county

Moselle vicinity. *MOSELLE IRON FURNACE STACK*, 1 mi. SE of Moselle, (5-21-69)

St. Albans vicinity. *TAVERN CAVE*, 2 mi. NE of St. Albans, (6-15-70)

gasconade county

Bem vicinity. *PEENIE ARCHEOLOGICAL PETROGLYPH SITE*, 3 mi. E of Bem, (7-29-69)

Hermann. *HERMANN HISTORIC DISTRICT*, (2-1-72) G

Hermann. *OLD STONE HILL HISTORIC DISTRICT*, Bounded roughly by W. 12th, Goethe and Jefferson Sts., and Iron Rd., (5-21-69) G

greene county

Ash Grove vicinity. *BOONE, NATHAN, HOUSE*, 1.75 mi. N of Ash Grove on Hwy. V, (10-1-69)

Springfield. *DAY HOUSE*, 614 South St., (11-7-76)

Springfield. *LANDERS THEATER*, 311 E. Walnut, (8-12-77)

Springfield vicinity. *WILSON'S CREEK NATIONAL BATTLEFIELD*, SW of Springfield on MO 174, (10-15-66)

howard county

Boonsboro vicinity. *BOONSLICK STATE PARK*, 1 mi. N of Boonsboro on MO 87, 2 mi. SW on MO 187, (12-30-69)

Fayette vicinity. *MORRISON, ALFRED W., HOUSE (LILAC HILL)*, 1 mi. SW of Fayette on MO 5, (4-16-69)

Glasgow. *GLASGOW PUBLIC LIBRARY*, NW corner Market and 4th Sts., (5-21-69)

New Franklin. *RIVERCENE*, R.F.D. 1, (2-16-73)

iron county

Ironton. *ST. PAUL'S EPISCOPAL CHURCH*, NW corner of Knob and Reynolds Sts., (5-21-69)

Pilot Knob vicinity. *FORT DAVIDSON*, On MO 21, S of jct. with Rte. V in Clark National Forest, (2-26-70)

jackson county

Independence. *JACKSON COUNTY COURTHOUSE*, Bounded by Lexington and Maple Aves. and Liberty and Main Sts., (10-18-72)

Independence. *JACKSON COUNTY JAIL AND MARSHAL'S HOUSE*, 217 N. Main St., (6-15-70) G

Independence. *OVERFELT-CAMPBELL-JOHNSTON HOUSE*, 305 S. Pleasant St., (9-5-75)

Independence. *TEMPLE SITE*, Lexington Ave. and River Blvd., (9-22-70)

Independence. *TRUMAN, HARRY S., HISTORIC DISTRICT*, N. Delaware St. area, (2-23-72) NHL

Independence. *VAILE, HARVEY M., MANSION*, 1500 N. Liberty St., (10-1-69)

Kansas City. *BOLEY BUILDING (KATZ BUILDING)*, 1130 Walnut St., (3-9-71)

Kansas City. *BUNKER BUILDING*, 820 Baltimore Ave., (9-5-75)

Kansas City. *COATES HOUSE HOTEL*, 1005 Broadway, (2-23-72)

Kansas City. *CURTISS, LOUIS, STUDIO BUILDING*, 1116-1120 McGee St., (6-19-72)

Kansas City. *HARRIS, COL. JOHN, HOUSE*, 4000 Baltimore Ave., (10-18-72) HABS

Kansas City. *JANSSEN PLACE HISTORIC DISTRICT*, Janssen Pl., (11-7-76)

Kansas City. *KANSAS CITY PUBLIC LIBRARY*, 500 E. 9th St., (5-23-77)

Kansas City. *KELLY'S WESTPORT INN (ALBERT G. BOONE STORE)*, Westport Rd. and Pennsylvania Ave., (9-7-72)

Kansas City. *LOEW'S MIDLAND THEATER-MIDLAND BUILDING*, 1232-1234 Main St. and 1221-1233 Baltimore Ave., (9-28-77)

Kansas City. *MAJORS, ALEXANDER, HOUSE*, 8145 State Line Rd., (4-3-70) (also in Johnson County, KS)

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lawrence county

Kansas City. *MINERAL HALL (ROLAND E. BRUNER HOUSE)*, 4340 Oak St., (7-12-76)

Kansas City. *NEW YORK LIFE BUILDING*, 20 W. 9th St., (7-8-70)

Kansas City. *OLD NEW ENGLAND BUILDING*, 112 W. 9th St., (10-25-73)

Kansas City. *ROCKHILL NEIGHBORHOOD*, Both sides of 47th St. from Locust St. (S. Pierce St.) to both sides of Harrison St. (N. to Brush Creek Blvd.), (7-21-75)

Kansas City. *SAVOY HOTEL AND GRILL*, 219 W. 9th St. and 9th and Central Sts., (12-30-74)

Kansas City. *SCARRITT BUILDING AND ARCADE*, Corner of 19th and Grand Sts. and 819 Walnut St., (3-9-71)

Kansas City. *SCARRITT, EDWARD LUCKY, HOUSE*, 3500 Gladstone Blvd., (5-23-77)

Kansas City. *STANDARD THEATRE*, 300 W. 12th St., (6-5-74) G

Kansas City. *UNION STATION*, Pershing Rd. and Main St., (2-1-72)

Kansas City. *WALDO WATER TOWER*, 75th St. and Holmes Rd., Tower Park, (4-18-77)

Kansas City. *WARNER, MAJ. WILLIAM, HOUSE*, 1021 Pennsylvania Ave., (5-23-77)

Kansas City. *WEST NINTH STREET-BALTIMORE AVENUE HISTORIC DISTRICT*, Bounded roughly by Main, 8th, 10th, and Central Sts., (11-7-76)

Kansas City. *WEST 9th STREET-BALTIMORE AVENUE HISTORIC DISTRICT*, Roughly bounded by Main, 8th, 10th and Central Sts., (11-7-76)

Kansas City. *WORNALL HOUSE*, 146 W. 61st St., (5-21-69) HABS; G

Sibley. *FORT OSAGE*, N edge of Sibley on the Missouri River, (10-15-66) NHL

Sibley. *FORT OSAGE ARCHEOLOGICAL DISTRICT*, Fort Osage Park, (3-17-72) NHL

jasper county

Carthage. *JASPER COUNTY COURTHOUSE*, Courthouse Sq., (2-8-73)

Joplin. *JOPLIN CONNOR HOTEL*, 324 Main St., (2-28-73)

Joplin. *JOPLIN UNION DEPOT*, Broadway and Main St., (3-14-73)

jefferson county

Byrnes Mill vicinity. *BOEMLER ARCHEOLOGICAL DISTRICT*, (10-1-74)

Hillsboro. *FLETCHER, THOMAS C., HOUSE*, Elm between 1st and 2nd Sts., (11-19-74)

Hillsboro vicinity. *SANDY CREEK COVERED BRIDGE*, 5 mi. N of Hillsboro off U.S. 21, (7-8-70)

House Springs vicinity. *MODER ARCHEOLOGICAL DISTRICT*, (10-16-74)

Pevely vicinity. *GREYSTONE*, NE of Pevely off U.S. 61/67, (12-31-74) HABS

Times Beach vicinity. *BEAUMONT-TYSON QUARRY DISTRICT*, (10-10-74) (also in St. Louis County)

Times Beach vicinity. *BOLAND ARCHEOLOGICAL DISTRICT*, (10-1-74)

johnson county

Warrensburg. *JOHNSON COUNTY COURTHOUSE (OLD JOHNSON COUNTY COURTHOUSE)*, Old Public Sq., (6-15-70) G

Lexington. *ANDERSON HOUSE AND LEXINGTON BATTLEFIELD*, (6-4-69) HABS; G

Lexington. *LAFAYETTE COUNTY COURTHOUSE*, Public Sq., (9-22-70)

Lexington vicinity. *LINWOOD LAWN*, SE of Lexington off U.S. 24, (4-23-73)

lincoln county

Moscow Mills. *OLD ROCK HOUSE (SHAPLEY ROSS HOUSE)*, 2nd and Mill Sts., (10-18-72)

linn county

Laclede. *PERSHING, GEN. JOHN J., BOYHOOD HOME*, State and Worlow Sts., (5-21-69) NHL

Laclede vicinity. *LOCUST CREEK COVERED BRIDGE*, 3 mi. W of Laclede off U.S. 36, (5-19-70)

marion county

Hannibal. *OSTERHOUT MOUND PARK*, (4-11-73)

Hannibal. *TWAIN, MARK, BOYHOOD HOME*, 206-208 Hill St., (10-15-66) NHL

Hannibal vicinity. *SHARKEY MOUND GROUP*, Woodland, (12-18-73)

Palmyra. *GARDNER HOUSE*, 421 Hamilton and Main Sts., (3-4-71) G

mississippi county

Charleston. *MISSOURI PACIFIC DEPOT*, E of intersecting branches of Missouri Pacific RR., (11-30-72)

Charleston vicinity. *HEARNES SITE*, (11-26-73)

Charleston vicinity. *SWANK, JACOB, HOUSE*, 0.2 mi. W of Charleston on U.S. 60 and 62, (4-13-73)

Crosno vicinity. *CROSNO FORTIFIED VILLAGE ARCHEOLOGICAL SITE*, 1 mi. S of Crosno, (5-21-69)

East Prairie vicinity. *HESS ARCHEOLOGICAL SITE*, SE of East Prairie, (7-12-74)

East Prairie vicinity. *HOECAKE VILLAGE ARCHEOLOGICAL SITE*, (1-13-72)

East Prairie vicinity. *MUELLER ARCHEOLOGICAL SITE*, (8-13-74)

Wolf Island vicinity. *BECKWITH'S FORT ARCHEOLOGICAL SITE (TOWSAHGY STATE PARK)*, SW of Wolf Island, (7-29-69) G

Wyatt vicinity. *O'BRYAN RIDGE ARCHEOLOGICAL DISTRICT (WEEMS AND BURKETT SITES)*, (11-9-72)

moniteau county

California. *MONITEAU COUNTY COURTHOUSE SQUARE*, Public Sq., (10-15-70) G

Sandy Hook vicinity. *GEIGER ARCHEOLOGICAL SITE*, 3 mi. E of Jamestown, (7-29-69)

monroe county

Florida vicinity. *CRIGLER MOUND GROUP ARCHEOLOGICAL SITE*, 1 mi. N of Florida, (5-21-69)

Florida vicinity. *TWAIN, MARK, BIRTHPLACE CABIN*, Mark Twain State Park, 2.5 mi. S of Florida on MO 107, (5-21-69)

Holliday vicinity. *HOLLIDAY PETROGLYPHS*, NE of Holliday, (1-11-74)

Paris vicinity. *UNION COVERED BRIDGE*, 6 mi. W of Paris on Elk Fork of the Salt River, (6-15-70)

montgomery county

Big Spring vicinity. *PINNACLE LAKE ROCK SHELTER*, 3 mi. NE of Big Spring, (7-29-69)

Mineola vicinity. *GRAHAM CAVE*, 0.5 mi. N of Mineola, (10-15-66) NHL

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NOTICES

new madrid county

Bayouville vicinity. *ST. JAMES-LAPLANT IV ARCHEOLOGICAL DISTRICT*, 2 mi. W of Bayouville, (8-28-75)
Bayouville vicinity. *ST. JOHNS-LAPLANT IV ARCHEOLOGICAL DISTRICT*, 2 mi. W of Bayouville, (8-28-75)
Catron vicinity. *HURRICANE RIDGE SITE*, (11-9-72)
Howardville vicinity. *KING II ARCHEOLOGICAL SITE*, S of Howardville, (6-26-75)
La Forge vicinity. *LA PLANT ARCHEOLOGICAL SITE*, (7-25-74)
Lilbourn vicinity. *LILBOURN FORTIFIED VILLAGE ARCHEOLOGICAL SITE (MOUND CEMETERY)*, (7-29-69)
Portageville vicinity. *DOUBLE BRIDGES ARCHEOLOGICAL SITE*, (7-25-74)
Portageville vicinity. *PORTWOOD VILLAGE AND MOUND*, SE of Portageville, (11-25-77)
Sikeston vicinity. *SIKESTON FORTIFIED VILLAGE ARCHEOLOGICAL SITE*, 2 mi. SE of Sikeston, (2-12-71)

newton county

Diamond vicinity. *GEORGE WASHINGTON CARVER NATIONAL MONUMENT*, 3 mi. S of Monument, (10-15-66)

oregon county

Riverton vicinity. *PIGMAN MOUND ARCHEOLOGICAL SITE*, (3-4-71)

osage county

Westphalia. *ST. JOSEPH CHURCH*, Main St., (4-11-72)

pemiscot county

Caruthersville vicinity. *MURPHY MOUND ARCHEOLOGICAL SITE*, (5-21-69)
Cooter vicinity. *CAMPBELL (COOTER) ARCHEOLOGICAL SITE*, (7-24-74)
Denton vicinity. *DENTON MOUND AND ARCHEOLOGICAL SITE*, 1 mi. NE of Denton, (7-29-69)
Portageville vicinity. *DELTA CENTER MOUND*, (7-24-74)
Wardell vicinity. *WALLACE, J. M., ARCHEOLOGICAL SITE (WARDELL MOUNDS)*, 1 mi. SW of Wardell, (12-2-70)
Perry county
Perryville. *SHELBY-NICHOLSON-SCHINDLER HOUSE*, 701 W. St. Joseph St., (7-24-74)
Wittenburg vicinity. *TOWER ROCK*, 1 mi. S of Wittenburg in Mississippi River, (2-26-70)

perry county

Newburg vicinity. *GOURD CREEK CAVE ARCHEOLOGICAL SITE*, 8 mi. SE of Newburg, (7-29-69)
Newburg vicinity. *OZARK IRON FURNACE STACK*, 2 mi. W of Newburg, (6-15-70)
St. James vicinity. *MARAMEC IRON WORKS DISTRICT*, 7 mi. S of St. James on MO 8, (4-16-69)
St. James vicinity. *VERKAMP SHELTER*, (7-30-74)

pike county

Bowling Green. *CLARK, JAMES BEAUCHAMP, HOUSE*, 204 E. Chanip Clark Dr., (12-8-76) NHL
Eolia vicinity. *ST. JOHN'S EPISCOPAL CHURCH*, 0.25 mi. N of Eolia on CR D, 0.25 mi. E on CR H, (7-8-70)

platte county

Kansas City vicinity. *DEISTER ARCHEOLOGICAL SITE*, Within city limits, Line Creek City Park, (1-21-70)
Riverside vicinity. *RENNER VILLAGE ARCHEOLOGICAL SITE*, 0.25 mi. SW of Riverside, (4-16-69)
Waldron vicinity. *BABCOCK SITE*, (11-15-73)
Weston. *WESTON HISTORIC DISTRICT*, (8-21-72)
Weston vicinity. *MCCORMICK DISTILLERY*, MO JJ, (4-16-74)
Weston vicinity. *SUGAR CREEK SITE*, (12-12-73)

pulaski county

Buckhorn vicinity. *DECKER CAVE ARCHEOLOGICAL SITE*, 4 mi. SW of Buckhorn, (2-12-71)

ralls county

Hannibal vicinity. *GARTH, JOHN, HOUSE*, S of Hannibal off U.S. 61, (7-11-77)
New London. *RALLS COUNTY COURTHOUSE AND JAIL-SHERIFF'S HOUSE*, Courthouse Sq., (9-14-72)

randolph county

Cairo vicinity. *MITCHELL PETROGLYPH ARCHEOLOGICAL SITE*, 6 mi. E of Cairo, (6-23-69)

ripley county

LITTLE BLACK RIVER ARCHEOLOGICAL DISTRICT, Reference—see Butler County
Doniphan. *BARRETT, RANDOLPH COLUMBUS, HOUSE*, 209 Plum St., (11-7-76)
Doniphan. *RIPLEY COUNTY COURTHOUSE*, Courthouse Circle, (11-7-76)
Fairdealing vicinity. *MULE CAMP SITE*, 9 mi. NW of Fairdealing off U.S. 160, (11-11-75) IIAER
Grandin vicinity. *B-9 STRUCTURE ARCHEOLOGICAL SITE*, 9 mi. SE of Grandin, (10-7-75)

saline county

Arrow Rock. *ARROW ROCK*, Arrow Rock State Park, (10-15-66) NHL
Arrow Rock. *ARROW ROCK TAVERN*, Main St., (2-23-72) G
Arrow Rock. *BINGHAM, GEORGE CALEB, HOUSE*, 1st and High Sts. in Arrow Rock State Park, (10-15-66) NHL; IIABS
Arrow Rock vicinity. *SAPPINGTON, WILLIAM B., HOUSE*, 3 mi. SW of Arrow Rock on CR TT, (1-21-70) IIABS; G
Grand Pass vicinity. *GUMBO POINT ARCHEOLOGICAL SITE*, 3 mi. NW of Malta Bend, (8-25-69)
Malta Bend vicinity. *PLATTNER ARCHEOLOGICAL SITE*, 1 mi. N of Malta Bend, (3-4-71)
Marshall. *FIRST PRESBYTERIAN CHURCH*, 212 E. North St., (9-20-77)
Marshall. *SALINE COUNTY COURTHOUSE*, Courthouse Sq., (8-24-77)
Marshall vicinity. *UTZ SITE*, 12 mi. N of Marshall, adjoining Van Meter State Park, (10-15-66) NHL
Miami vicinity. *FISHER-GABBERT ARCHEOLOGICAL SITE*, (3-16-72)
Miami vicinity. *GUTHREY ARCHEOLOGICAL SITE*, 1.75 mi. ENE of Miami, (12-2-70)
Miami vicinity. *OLD FORT*, Van Meter State Park, (1-13-72)

schuyler county

Lancaster. *HALL, WILLIAM P., HOUSE*, U.S. 136, W of Schuyler County Courthouse, (4-1-75)

scott county

Diehlstadt vicinity. *BROWN, E. L., VILLAGE AND MOUND ARCHEOLOGICAL SITE*, 2 mi. NE of Diehlstadt, (2-12-71)
Diehlstadt vicinity. *SANDY WOODS SETTLEMENT ARCHEOLOGICAL SITE*, 2 mi. NW of Diehlstadt, (3-4-71)

shelby county

Bethel. *BETHEL HISTORIC DISTRICT*, (11-10-70) G
Bethel vicinity. *ELIM (DR. WILLIAM KEIL HOUSE)*, 1.5 mi. E of Bethel, (5-27-71)
Shelbina. *BENJAMIN HOUSE (VESPER PLACE)*, 322 S. Shelby St., (6-27-72) G

st. charles county

Defiance. *BOONE, DANIEL, HOUSE (NATHAN BOONE HOUSE)*, Hwy. F, (4-11-73)
Defiance vicinity. *HAYS, DANIEL BOONE, HOUSE (HAYS FARM)*, SW of Defiance off Hwy. F, (4-23-73) IIABS
St. Charles. *FIRST MISSOURI STATE CAPITOL BUILDINGS*, 208-216 S. Main St., (4-16-69) IIABS; G
St. Charles. *NEWBILL-MCELHINEY HOUSE*, 625 S. Main St., (4-11-72)
St. Charles. *ST. CHARLES HISTORIC DISTRICT*, Roughly bounded by the Missouri River and Madison, Chauncey, and 2nd Sts., (9-22-70)
St. Charles. *STONE ROW*, 314-330 S. Main St., (7-29-69)

st. francois county

Bonne Terre. *BONNE TERRE MINE*, MO 47, (9-9-74)

st. louis (independent city)

ANHEUSER-BUSCH BREWERY, 721 Pestalozzi St., (11-13-66) NHL
BISSELL STREET WATER TOWER, Jct. of Bissell St. and Blair Ave., (6-5-70) G
CAMPBELL, ROBERT G., HOUSE, 1508 Locust St., (4-21-77) IIABS
COMPTON HILL WATER TOWER, Reservoir Park, Grant and Russell Blvds. and Lafayette Ave., (9-29-72)
CUPPLES, SAMUEL, HOUSE, 3673 W. Pine Blvd., (10-21-76)
EADS BRIDGE, Spanning the Mississippi River at Washington St., (10-15-66) NHL
ERLANGER, JOSEPH, HOUSE, 5127 Waterman Blvd., (12-8-76) NHL
FIELD, EUGENE, HOUSE, 634 S. Broadway, (8-19-75) IIABS
FOX THEATER, 527 N. Grand Blvd., (10-8-76)
GRAND AVENUE WATER TOWER, Jct. of E. Grand Ave. and 20th St., (6-15-70)
HOLY CORNERS HISTORIC DISTRICT, Both sides of Kingshighway from Nos. 476 to 600, (12-29-75)
JEFFERSON NATIONAL EXPANSION MEMORIAL NATIONAL HISTORIC SITE, Mississippi River between Washington and Poplar Sts., (10-15-66) IIABS
JOPLIN, SCOTT, HOUSE, 2658-A Morgan St., (12-8-76) NHL
LACLEDE'S LANDING, Roughly bounded by Washington, N. 3rd, Dr. Martin Luther King Dr., and the Mississippi River, (8-25-76)
LAFAYETTE SQUARE, Area surrounding Lafayette Park, (6-28-72)

NOTICES

MONTANA 5245

MISSOURI BOTANICAL GARDEN (SHAW'S GARDEN), 2345 Tower Grove Ave., (11-19-71) NHL; IIABS; G
PORTLAND AND WESTMORELAND PLACES, NE corner of Forest Park, (2-12-74)
QUINN CHAPEL A.M.E. CHURCH, 227 Bowen St., (10-16-74)
SECOND PRESBYTERIAN CHURCH, 4501 Westminster Pl., (9-11-75)
GOLDENROD, 400 N. Wharf St., (12-24-67) NHL
SOULARD NEIGHBORHOOD HISTORIC DISTRICT, Roughly bounded by 7th Blvd., Souland, Lynch and 12th Sts., (12-26-72)
ST. JOHN NEPOMUCK PARISH HISTORIC DISTRICT, 11th and 12th Sts. between Carroll St. and Lafayette Ave., (6-19-72)
ST. LOUIS AIR FORCE STATION, 2nd and Arsenal Sts., (1-17-75)
ST. LOUIS UNION STATION, 18th and Market Sts., (6-15-70) NHL; IIABS
TOWER GROVE PARK, Bounded by Magnolia Ave. on N, Grand Blvd. on E, Arsenal St. on S, and Kings Highway Blvd. on W, (3-17-72) G
U.S. CUSTOMHOUSE AND POST OFFICE (OLD POST OFFICE), 8th and Olive Sts., (11-22-68) NHL; IIABS
WAINWRIGHT BUILDING, 709 Chestnut St., (5-23-68) NHL; IIABS
WAINWRIGHT TOMB, Bellefontaine Cemetery, 4947 W. Florissant Ave., (6-15-70)

st. louis county

BEAUMONT-TYSON QUARRY DISTRICT, Reference—see Jefferson County
Affton. *BENOIST, LOUIS AUGUSTE, HOUSE*, 7802 Genesta St., (6-23-69) IIABS; G
Chesterfield. *OLD STONE CHURCH (OLD BONHOMME CHURCH)*, Conway and White Rds., (4-13-73)
Chesterfield. *THORNHILL*, Olive Street Rd. in Faust County Park, (7-18-74) IIABS
Chesterfield vicinity. *BONHOMME CREEK ARCHEOLOGICAL DISTRICT*, (11-21-74)
Clayton. *HANLEY, MARTIN FRANKLIN, HOUSE*, 7600 Westmoreland Ave., (5-27-71) IIABS
Crescent vicinity. *CRESCENT QUARRY ARCHEOLOGICAL SITE*, 1 mi. E of Crescent, (2-12-71)
Crestwood. *SAPPINGTON, THOMAS J., HOUSE*, 1015 S. Sappington Rd., (6-28-74) IIABS
Florissant. *ARCHAMBAULT HOUSE*, 603 rue St. Denis, (5-13-76)
Florissant. *AUBUCHON, BAPTISTE G., HOUSE*, 450 rue St. Jacques, (5-6-76)
Florissant. *CASA ALVEREZ*, 289 rue St. Denis, (6-18-76)
Florissant. *MYERS, JOHN B., HOUSE*, 180 Dunn Rd., (12-13-74) IIABS
Florissant. *ST. STANISLAUS SEMINARY*, 700 Howdershell Rd., (9-22-72)
Florissant vicinity. *SIOUX PASSAGE PARK ARCHEOLOGICAL SITE*, (7-24-74)
Hazelwood. *UTZ-TESSON HOUSE*, 615 Utz Lane, (1-22-73)
St. Louis vicinity. *JEFFERSON BARRACKS HISTORIC DISTRICT*, 10 mi. S of St. Louis on the Missouri River, (2-1-72)
St. Louis vicinity. *WILLIAMS CREEK ARCHEOLOGICAL DISTRICT*, W of St. Louis, (11-23-77)
University. *CITY HALL PLAZA HISTORIC DISTRICT (CITY HALL PLAZA)*, Bounded by Delmar Blvd., Trinity, Harvard, and Kingsland Aves. and S. residential property line, (3-7-75)

University City. *UNIVERSITY CITY PLAZA (CITY HALL PLAZA)*, Bounded roughly by Delmar Blvd., Trinity, Harvard, and Kingsland Aves., (3-7-75) G
Webster Groves. *HAWKEN HOUSE*, 1155 S. Rock Hill Rd., (2-16-70)

ste. genevieve county

Ste. Genevieve. *BOLDUC, LOUIS, HOUSE*, 123 S. Main St., (4-16-69) NHL; IIABS
Ste. Genevieve. *GUIBOURD, JACQUES DUBREUIL, HOUSE*, NW corner of 4th and Merchant Sts., (5-21-69) IIABS
Ste. Genevieve. *KREILICH ARCHEOLOGICAL SITE*, 3 mi. NW of St. Mary, (5-21-69)
Ste. Genevieve. *STE. GENEVIEVE HISTORIC DISTRICT*, (10-15-66) NHL; IIABS
Ste. Genevieve vicinity. *COMMON FIELD ARCHEOLOGICAL SITE*, S of Genevieve, (7-29-69)

stoddard county

Bernie vicinity. *RICH WOODS ARCHEOLOGICAL SITE*, N of Bernie, (1-25-71)
Puxico vicinity. *MINGO NATIONAL WILDLIFE REFUGE ARCHEOLOGY DISTRICT*, W of Puxico, (5-12-75)

texas county

Buckyrus vicinity. *WHITE ROCK BLUFFS ARCHEOLOGICAL PICTOGRAPH SITE*, 2 mi. S of Buckyrus, (5-21-69)

vernon county

Arthur vicinity. *COAL PIT ARCHEOLOGICAL SITE*, NW of Arthur, (2-12-71)
Fair Haven vicinity. *BROWN ARCHEOLOGICAL SITE*, W of Fair Haven, (2-12-71)
Nevada. *VERNON COUNTY JAIL, SHERIFF'S HOUSE AND OFFICE*, 229 N. Main St., (8-16-77)
Nevada vicinity. *CARRINGTON OSAGE VILLAGE SITE*, N of Nevada, on W edge of Green Valley Prairie, (10-15-66) NHL
Shell City vicinity. *HALLEYS BLUFF SITE*, (7-24-74)

warren county

Marthasville vicinity. *BORGANN MILL*, 5 mi. E of Marthasville on CR D, (11-10-70)
Marthasville vicinity. *CALLAWAY, FLANDERS, HOUSE*, 1 mi. S of Marthasville off MO 94, (7-29-69)
Warrenton. *WARREN COUNTY COURTHOUSE AND CIRCUIT COURT BUILDING*, Main St., (3-17-72)

washington county

Caledonia vicinity. *LAND ARCHEOLOGICAL SITE*, 3 mi. NE of Caledonia on secondary rds., (5-5-72)
Caledonia vicinity. *LOST CREEK PICTOGRAPH ARCHEOLOGICAL SITE*, 2 mi. NE of Caledonia, (1-25-71)
Fertile vicinity. *CRESSWELL PETROGLYPH ARCHEOLOGICAL SITE*, 2 mi. E of Fertile, (2-12-71)
Fertile vicinity. *WASHINGTON STATE PARK PETROGLYPH ARCHEOLOGICAL SITE*, 1 mi. NE of Fertile, (4-3-70)

wright county

Mansfield vicinity. *WILDER, LAURA INGALLS, HOUSE*, 1 mi. E of Mansfield on U.S. Business 60, (5-19-70)

MONTANA

beaverhead county

LEMHI PASS, Reference—see Lemhi County, Idaho

Dillon vicinity. *BANNACK HISTORIC DISTRICT*, 22 mi. from Dillon off MT 278, (10-15-66) NHL; IIABS; G
Dillon vicinity. *LAMARCHE GAME TRAP*, (9-28-76)
Wisdom vicinity. *BIG HOLE NATIONAL BATTLEFIELD*, 12 mi. W of Wisdom, (10-15-66)

big horn county

Fort Smith. *BIGHORN DITCH HEADGATE*, W of Fort Smith at mouth of Bighorn Canyon, (12-12-76)
Fort Smith vicinity. *FORT C. F. SMITH HISTORICAL DISTRICT*, E of Fort Smith in Bighorn Canyon National Recreation Area, (10-10-75)
Hardin vicinity. *CUSTER BATTLEFIELD NATIONAL MONUMENT*, 15 mi. S of Hardin, (10-15-66)
Kirby vicinity. *BATTLE OF THE ROSEBUD SITE*, 6 mi. S of Kirby, (8-21-72)
Pryor vicinity. *CHIEF PLENTY COUPS MEMORIAL*, 1 mi. W of Pryor off MT 416, (10-6-70)

blaine county

Chinook vicinity. *CHIEF JOSEPH BATTLEGROUND OF THE BEAR'S PAW (BEARPAW MOUNTAIN FIGHT)*, About 15 mi. S of Chinook, (10-6-70)

broadwater county

Avalanche Gulch. *RANKIN RANCH*, (5-11-76) NHL

carbon county

Bridger vicinity. *DEMIJOHN FLAT ARCHEOLOGICAL DISTRICT*, (11-20-74)
Dryhead vicinity. *EWING-SNELLEN RANCH*, S of Dryhead, (5-12-77)
Hardin vicinity. *PRETTY CREEK ARCHEOLOGICAL SITE*, 70 mi. S of Hardin in Big Horn Canyon National Recreation Area, (1-17-75)
Hillsboro and vicinity. *CEDARVALE*, Present town of Hillsboro and its environs in Bighorn Canyon National Recreation Area, (8-19-75)
Warren vicinity. *BAD PASS TRAIL (SIOUX TRAIL)*, E of Warren along Big Horn River in Bighorn Canyon NRA, (10-29-75) (also in Big Horn County, WY)
Warren vicinity. *PETROGLYPH CANYON*, 6 mi. SE of Warren, (11-20-75)

cascade county

Great Falls. *GREAT FALLS CENTRAL HIGH SCHOOL*, 1400 1st Ave. N., (9-1-76)
Great Falls. *RUSSELL, CHARLES M., HOUSE AND STUDIO*, 1217-1219 4th Ave. N., (10-15-66) NHL
Great Falls vicinity. *GREAT FALLS PORTAGE*, SE of Great Falls at jct. of U.S. 87, 89, and 91, (10-15-66) NHL
Great Falls vicinity. *MULLAN ROAD*, N of Great Falls in Benton Lake National Wildlife Refuge, (3-13-75)
Ulm vicinity. *ULM PISKUN (ULM BUFFALO JUMP)*, (12-17-74)

chouteau county

Big Sandy vicinity. *LEWIS AND CLARK CAMP AT SLAUGHTER RIVER*, 40 mi. S of Big Sandy River on Missouri River, (12-16-74)
Fort Benton. *FORT BENTON*, (10-15-66) NHL
Fort Benton. *FORT BENTON HISTORIC DISTRICT*, (9-14-72) G
Fort Benton. *GRAND UNION HOTEL*, 14th and Front Sts., (1-2-76)

5216 NEBRASKA

Fort Benton vicinity. *CITADEL ROCK* (CATHEDRAL ROCK), E. of Fort Benton, (11-13-74)
Winifred vicinity. *JUDITH LANDING HISTORIC DISTRICT*, SR 236, NW of Winifred at Missouri River, (12-6-75) (also in Fergus County)

dawson county

Glendive. *KRUG, CHARLES, HOUSE*, 103 N. Douglas St., (6-3-76)
Glendive vicinity. *HAGEN SITE*, 5 mi. SE of Glendive, (10-15-66) NHL.

deer lodge county

Anaconda. *HEARST FREE LIBRARY*, Main and 4th Sts., (6-4-73) G.
Anaconda. *MARCUS DAILY HOTEL*, Park Ave. and S. Main St., (4-26-73) HABS.

fergus county

JUDITH LANDING HISTORIC DISTRICT, Reference—see Chouteau County
Landusky vicinity. *ROCKY POINT*, 30 mi. S of Landusky in Charles M. Russell National Wildlife Range, (5-21-75)

flathead county

Kalispell. *CONRAD, CHARLES F., MANSION*, 313 6th Ave. East, (2-20-75) G.
West Glacier vicinity. *SPIRRY CHALET*, E. of West Glacier, (8-2-77)

gallatin county

Logan vicinity. *MADISON BUFFALO JUMP STATE MONUMENT*, 7 mi. S of Logan, (4-28-70)

Three Forks vicinity. *THREE FORKS OF THE MISSOURI* NE of Three Forks on the Missouri River, Missouri Headwaters State Monument, (10-15-66) NHL

glacier county

Babb vicinity. *MANY GLACIER HOTEL HISTORIC DISTRICT*, W. of Babb, (9-29-76)

Browning vicinity. *CAMP DISAPPOINTMENT*, 12 mi. NE of Browning, (10-15-66) NHL.

granite county

Philipsburg vicinity. *MINERS UNION HALL*, E. of Philipsburg in Deerlodge National Forest, (12-19-74) HABS.
Philipsburg vicinity. *SUPERINTENDENT'S HOUSE*, E. of Philipsburg in Deerlodge National Forest, (12-17-74) HABS.

hull county

Havre vicinity. *TOO CLOSE FOR COMFORT SITE* (WAHPA CHUGN BUFFALO JUMP AND ARCHEOLOGICAL SITE), (12-30-74)

jefferson county

East Helena vicinity. *CHILD, W. C., RANCH*, S of East Helena on SR 518, (11-23-77)
Elkhorn. *FRATERNITY HALL*, Lot 14, Main St., (4-3-75) HABS.

lake county

St. Ignace. *ST. IGNATIUS MISSION*, About 0.1 mi. SE of MT 93 in St. Ignace, (6-19-73)

lewis and clark county

Helena. *FORMER MONTANA EXECUTIVE MANSION*, 6th Ave. and Ewing St., (4-28-70) HABS.
Helena. *HELENA HISTORIC DISTRICT*, Irregular pattern from Hauser Blvd. to Acropolis and between Garfield and Rodney Sts., (6-2-72) HABS; G.

NOTICES

Helena. *KLUGE HOUSE*, 540 W. Main St., (4-28-70) HABS.

madison county

Alder vicinity. *ROBBERS ROOST (DALY'S PLACE)*, 5 mi. N of Alder at MT 387A, (1-1-76)
Dillon vicinity. *BEAVERHEAD ROCK-LEWIS AND CLARK EXPEDITION*, About 14 mi. NE of Dillon, (2-11-70) G.
Virginia City. *VIRGINIA CITY HISTORIC DISTRICT*, Wallace St., (10-15-66) NHL; HABS.

meagher county

White Sulphur Springs. *SHERMAN, BYRON R., HOUSE*, 310 2nd Ave., NE., (9-15-77)
White Sulphur Springs vicinity. *FORT LOGAN AND BLOCKHOUSE*, 17 mi. NW of White Sulphur Springs, (10-6-70) HABS.

missoula county

LOLO TRAIL, Reference—see Clearwater and Idaho Counties, ID
Lolo vicinity. *FORT FIZZLE SITE*, 5 mi. W of Lolo, (7-21-77)
Lolo vicinity. *TRAVELER'S REST*, 1 mi. S of Lolo near U.S. 93, (10-15-66) NHL.
Missoula. *MISSOULA COUNTY COURTHOUSE*, 220 W. Broadway, (9-1-76)

pondera county

Browning vicinity. *TWO MEDICINE FIGHT SITE*, About 25 mi. SE of Browning, (10-6-70)

powell county

Deer Lodge. *GRANT-KOHR'S RANCH NATIONAL HISTORIC SITE*, Edge of Deer Lodge, (8-25-72)
Deer Lodge. *MONTANA TERRITORIAL AND STATE PRISON*, 925 Main St., (9-3-76)

ravalli county

Conner vicinity. *ALTA RANGER STATION*, S of Conner in Bitterroot National Forest, (12-19-74)
Hamilton vicinity. *CANYON CREEK LABORATORY OF THE U.S. PUBLIC HEALTH SERVICE*, W of Hamilton city limits, (10-15-70)
Stevensville. *ST. MARY'S CHURCH AND PHARMACY*, North Ave., (10-6-70) HABS.
Stevensville vicinity. *BIG CREEK LAKE SITE*, W of Stevensville, (5-17-76)
Stevensville vicinity. *FORT OWEN*, About 0.5 mi. NW of Stevensville, (10-6-70) HABS.

roosevelt county

FORT UNION TRADING POST NATIONAL HISTORICAL SITE, Reference—see Williams County, ND
Poplar. *FORT PECK AGENCY*, (5-19-70)

sheridan county

Medicine Lake vicinity. *TIPI HILLS*, SE of Medicine Lake in Medicine Lake National Wildlife Refuge, (8-1-75)

silver bow county

Butte. *BUTTE HISTORIC DISTRICT*, (10-15-66) NHL.
Butte. *CLARK, CHARLES W., MANSION*, 108 N. Washington St., (10-22-76)
Butte. *CLARK, W. A., MANSION*, 219 W. Granite, (10-6-70)
Butte. *WHEELER, BURTON D., HOUSE*, 1232 E. 2nd St., (12-8-76) NHL.

wibaux county

Wibaux. *WIBAUX, PIERRE, HOUSE*, Orgain Ave., (9-10-71) G.

yellowstone county

Billings. *BILLINGS CHAMBER OF COMMERCE BUILDING*, 303 N. 27th St., (1-20-72) HABS.
Billings. *NORTH, AUSTIN, HOUSE*, 622 N. 29th St., (11-23-77)
Billings. *O'DONNELL, I. D., HOUSE*, 105 Clark Ave., (11-23-77)
Billings. *PARMLEY BILLINGS MEMORIAL LIBRARY*, 2822 Montana Ave., (10-26-72) HABS.

Billings vicinity. *HOSKINS BASIN ARCHEOLOGICAL DISTRICT*, (11-20-74)
Billings vicinity. *PICTOGRAPH CAVE*, 7 mi. SE of Billings in Indian Caves Park, (10-15-66) NHL.
Pompey's Pillar vicinity. *POMPEY'S PILLAR*, W of Pompey's Pillar on U.S. 10, (10-15-66) NHL.

NEBRASKA

adams county

Hastings. *MCCORMICK HALL*, Hastings College campus, (5-12-75)
Hastings. *RINGLAND HALL*, Hastings College campus, (5-12-75)
Hastings vicinity. *THIRTY-TWO MILE STATION SITE*, 6 mi. SW of Hastings, (2-20-75)

antelope county

Neligh. *NELIGH MILL*, 111 W. 2nd St., (10-15-69) G.

box butte county

Marsland vicinity. *RUNNING WATER STAGE STATION SITE (HUGHES RANCHE)*, 3 mi. SW of Marsland on Niobrara River, (2-20-75)

boyd county

Lynch vicinity. *LYNCH ARCHEOLOGICAL SITE*, (12-2-74)

buffalo county

Kearney. *FRANK, GEORGE W., HOUSE*, Kearney State College, (2-23-73) G.

burt county

Oakland vicinity. *LOGAN CREEK SITE*, (1-26-70)

butler county

Abie vicinity. *BARCAL SITE (SKULL CREEK SITE)*, About 2 mi. N of Abie, (3-24-72)
Bellwood vicinity. *BELLWOOD ARCHEOLOGICAL SITE*, (8-13-74)
Linwood vicinity. *LINWOOD SITE*, SW of Linwood on NE 115, (3-16-72)

cass county

Ashland vicinity. *ASHLAND ARCHEOLOGICAL SITE*, 1 mi. SE of Ashland, (2-10-75)
Elmwood. *THE ELMS (BESS STREET ALDRICH HOUSE)*, Off NE 1, (3-24-77)
Murray vicinity. *GILMORE, WALKER, SITE (STERN'S CREEK SITE)*, 5 mi. SE of Murray, (10-15-66) NHL.
Murray vicinity. *NAOMI INSTITUTE*, 3 mi. E of Murray, (3-24-77)

Nehawka vicinity. *NEHAWKA FLINT QUARRIES*, (1-26-70)
Weeping Water. *WEEPING WATER HISTORIC DISTRICT*, (12-8-72)

Weeping Water vicinity. *DAVIS, THEODORE, SITE*, 1.5 mi. E of Weeping Water on SR Spur 350, (5-19-72)

cedar county

St. Helena vicinity. *SCHULTE ARCHEOLOGICAL SITE*, N of St. Helena, (7-30-74)

NOTICES

Wynot vicinity. *WISEMAN ARCHEOLOGICAL SITE*, (12-2-74)

chase county

Wauneta vicinity. *LOVETT SITE*, 12 mi. N of Wauneta on U.S. 6, (5-5-72)

cheyenne county

Potter vicinity. *STEVENS, WES, SITE*, E of Potter, (8-28-73)
Sidney. *FORT SIDNEY HISTORIC DISTRICT*, (3-28-73) G.

colfax county

Schuyler vicinity. *SCHUYLER SITE*, (8-14-73)
Schuyler vicinity. *WOLFE ARCHEOLOGICAL SITE*, NW of Schuyler, (7-30-74)

cuming county

Bancroft. *NEIHARDT, JOHN G., STUDY*, NW corner of Washington and Grove Sts., (7-28-70)

dakota county

Dakota City. *EMMANUEL LUTHERAN CHURCH*, 1500 Hickory St., (10-15-69) HABS.
Homer vicinity. *HOMER SITE*, (8-14-73)
Homer vicinity. *O'CONNOR, CORNELIUS, HOUSE*, E of Homer, (11-23-77)

dawes county

Chadron vicinity. *BORDEAUX TRADING POST*, 3 mi. E of Chadron on U.S. 20, (3-16-72)
Crawford vicinity. *FORT ROBINSON AND RED CLOUD AGENCY*, 2 mi. W of Crawford, (10-15-66) NHL; G. (also in Sioux County)

dawson county

Gothenburg vicinity. *MIDWAY STAGE STATION*, S of Gothenburg, (10-15-66)

deuel county

Big Springs. *PHELPS HOTEL*, NE corner of 2nd and Pine Sts., (10-15-70)

dixon county

Ponca. *COOK BLACKSMITH SHOP*, 204 3rd St., (12-27-74) G.

dodge county

Fremont. *LOVE-LARSON OPERA HOUSE*, 543 N. Broad St., (9-10-74)
Fremont. *NYE HOUSE*, 1643 N. Nye Ave., (11-23-77)

douglas county

Omaha. *AQUILA COURT BUILDING*, 1615 Howard St., (10-2-73)
Omaha. *ASTRO THEATER*, 2001 Farnam St., (8-13-74)
Omaha. *BANK OF FLORENCE*, 8502 N. 30th St., (10-15-69)
Omaha. *BARTON, GUY C., RESIDENCE*, 3522 Farnam St., (8-14-73)

Omaha. *BURLINGTON HEADQUARTERS BUILDING*, 1004 Farnam St., (12-4-74)
Omaha. *BURLINGTON STATION*, 925 S. 10th St., (8-7-74)

Omaha. *CITY NATIONAL BANK BUILDING AND CREIGHTON ORPHEUM THEATER*, 16th and Harney Sts., (3-26-73)
Omaha. *CORNISH, JOEL N., HOUSE*, 1404 S. 10th St., (8-13-74)

Omaha. *CROOK, GEN. GEORGE, HOUSE*, Quarters No. 1, Fort Omaha, (4-16-69)
Omaha. *FORT OMAHA HISTORIC DISTRICT*, 30th St. between Fort St. and Laurel Ave., (3-27-74)

Omaha. *JOSLYN, GEORGE A., MANSION*, 3902 Davenport St., (8-25-72)

Omaha. *MERCER, DR. SAMUEL D., HOUSE*, 3920 Cuming St., (6-17-76)

Omaha. *OMAHA NATIONAL BANK BUILDING (NEW YORK LIFE INSURANCE BUILDING)*, 17th and Farnam Sts., (10-18-72)

Omaha. *SPECHT, CHRISTIAN, BUILDING*, 1110 Deaglas St., (9-19-77)
Omaha. *STORZ, GOTTLIEB, HOUSE*, 3708 Farnam St., (8-7-74)

Omaha. *TRINITY CATHEDRAL*, 113 N. 18th St., (8-7-74)

Omaha. *UNION PASSENGER TERMINAL*, 10th and March Sts., (11-12-71) G.
Omaha. *WEBSTER TELEPHONE EXCHANGE BUILDING*, 2213 Lake St., (12-5-77)

Omaha vicinity. *CABANNE ARCHEOLOGICAL SITE*, About 2 mi. N of Omaha, (5-5-72)

Omaha vicinity. *CHAMPE-FREMONT I ARCHEOLOGICAL SITE*, W of Omaha, (10-21-75) (also in Sarpy County)

frontier county

Cambridge vicinity. *MOWRY BLUFF ARCHEOLOGICAL SITE*, NW of Cambridge, (7-12-74)

Stockville vicinity. *RED SMOKE ARCHEOLOGICAL SITE*, (10-1-74)

gage county

Barneston. *BARNESTON SITE*, (1-21-74)
Beatrice. *BEATRICE CITY LIBRARY*, 220 N. 5th St., (7-12-76)

Beatrice. *BURLINGTON NORTHERN DEPOT*, 118 Court St., (5-2-75)
Beatrice. *PADDOCK, ALGERNON S., HOUSE*, 1401 N. 10th St., (3-14-73)

Beatrice vicinity. *HOMESTEAD NATIONAL MONUMENT OF AMERICA*, 4 mi. NW of Beatrice on NE 4, (10-15-66)
Blue Springs vicinity. *BLUE SPRINGS SITE*, (8-14-73)

Filley vicinity. *FILLEY, ELIJAH, STONE BARN*, S of Filley off U.S. 136, (4-11-77)

garden county

Lewellen vicinity. *ASH HOLLOW CAVE*, 2 mi. SE of Lewellen, (10-15-66) NHL.
Lewellen vicinity. *ASH HOLLOW HISTORIC DISTRICT*, SW of Lewellen along U.S. 26, (8-6-75)

grant county

Hyannis. *HOTEL DEFAIR*, NE 2 and Main St., (10-29-76)

hall county

Grand Island. *GRAND ISLAND CARNEGIE LIBRARY*, 321 W. 2nd St., (5-2-75)

Grand Island. *HALL COUNTY COURTHOUSE*, 1st and Locust, (9-15-77)
Grand Island. *STOLLEY HOMESTEAD SITE/SITE OF FORT INDEPENDENCE*, Stolley Park, (3-16-72)

Grand Island vicinity. *GRAND ISLAND FCC MONITORING STATION*, 5 mi. W of Grand Island near NE Spur 430, (1-16-73)

hitchcock county

Trenton vicinity. *MASSACRE CANYON BATTLEFIELD*, NE of Trenton, (7-25-74)

holt county

O'Neill. *OLD NEBRASKA STATE BANK BUILDING*, Douglas and 4th Sts., (10-1-74) G.

O'Neill vicinity. *EAGLE CREEK ARCHEOLOGICAL SITE*, (10-1-74)
Redbird vicinity. *REDBIRD I SITE*, (11-21-74)

NEBRASKA 5247

hooker county

Mullen vicinity. *HUMPHREY ARCHEOLOGICAL SITE*, (1-21-74)
Mullen vicinity. *KELSO SITE*, Plains Woodland (c. 800), (1-21-74)

howard county

Cotesfield vicinity. *COUFAL SITE*, 6 mi. NW of Cotesfield on Davis Creek, (10-15-66) NHL.
Palmer vicinity. *PALMER SITE*, (10-15-66) NHL.

jefferson county

Fairbury. *JEFFERSON COUNTY COURTHOUSE*, Courthouse Sq., (11-27-72)

Fairbury vicinity. *SMITH, MORAL C., LIME KILN AND LIMESTONE HOUSE*, 2 mi. NW of Fairbury, (12-3-74) G.
Steele City. *STEELE CITY HISTORIC DISTRICT*, (3-16-72)

johnson county

Tecumseh. *TECUMSEH HISTORIC DISTRICT*, Irregular pattern roughly bounded by Atchison & Nebraska RR. tracks, 9th and Washington Sts., and U.S. 136, (6-20-75) G.

kearney county

Kearney vicinity. *DOBYTOWN*, SE of Kearney, (12-16-74)
Newark vicinity. *FORT KEARNEY*, 2 mi. W of Newark on NE 10, (7-2-71)

keith county

Brule vicinity. *BEAUVAIS RANCH SITE (STAR RANCHE)*, 4 mi. SW of Brule, (2-20-75)

Brule vicinity. *CALIFORNIA HILL*, W of Brule, (7-15-74)

Brule vicinity. *DIAMOND SPRINGS STAGE STATION SITE*, 1 mi. W of Brule exit on I 80, (10-15-70)

Ogallala. *BRANDHOEFER, LEONIDAS A., MANSION*, 10th and Spruce Sts., (10-3-73)

knox county

Santee. *CONGREGATIONAL CHURCH AND MANSE*, Santee Indian Reservation, (3-16-72)

Santee. *EPISCOPAL CHURCH (CHURCH OF OUR MOST MERCIFUL SAVIOR)*, On the Missouri River in the Santee Indian Reservation, (3-16-72) G.

Verdel vicinity. *PONCA FORT SITE*, (4-3-73)

lancaster county

SCHRADER ARCHEOLOGICAL SITE, (1-21-74)

Lincoln. *CITY HALL*, 920 O St., (10-15-69)
Lincoln. *FAIRVIEW (WILLIAM JENNINGS BRYAN HOUSE)*, 4900 Summer St., (10-15-69) NHL.

Lincoln. *FERGUSON, WILLIAM H., HOUSE*, 700 S. 16th St., (11-29-72) G.

Lincoln. *KENNARD, THOMAS P., HOUSE (NEBRASKA STATEHOOD MEMORIAL)*, 1627 H St., (4-16-69)

Lincoln. *LEWIS-SYFORD HOUSE*, 700 N. 16th St., (2-18-71) G.

Lincoln. *NEBRASKA STATE CAPITOL*, 1445 K St., (10-16-70) NHL.

Lincoln. *OLD MAIN, NEBRASKA WESLEYAN UNIVERSITY*, 50th and St. Paul Sts., (5-21-75)

Lincoln. *OLD UNIVERSITY LIBRARY*, 11th and R Sts., (8-6-75)
Lincoln. *ROCK ISLAND DEPOT*, 1944 O St., (9-3-71)

Lincoln. *ZIEMER, ARTHUR C., HOUSE*, 2030 Euclid St., (11-23-77)

5248 NEVADA

lincoln county

Sutherland vicinity. *O'FALLONS BLUFF*, SE of Sutherland, (7-12-74)

madison county

Norfolk. *U.S. POST OFFICE AND COURTHOUSE*, 125 S. 4th St., (10-9-74)

morrell county

Bayard vicinity. *CHIMNEY ROCK NATIONAL HISTORIC SITE*, 3 mi. SW of Bayard, (10-15-66)
Bridgeport vicinity. *CAMP CLARKE BRIDGE SITE*, W of Bridgeport, (11-8-74)
Bridgeport vicinity. *COURTHOUSE AND JAIL HOUSE ROCKS*, 5 mi. S of Bridgeport, (4-24-73)
Dalton vicinity. *MUD SPRINGS PONY EXPRESS STATION SITE*, About 8 mi. NW of Dalton, (4-24-73)

nance county

Belgrade vicinity. *COTTONWOOD CREEK ARCHEOLOGICAL SITE*, (10-18-74)
Fullerton vicinity. *CUNNINGHAM ARCHEOLOGICAL SITE*, 3 mi. SE of Fullerton, (2-13-75)
Fullerton vicinity. *FULLERTON ARCHEOLOGICAL SITE*, (11-1-74)
Fullerton vicinity. *HORSE CREEK PAWNEE VILLAGE*, SW of Fullerton, (7-12-74)
Genoa vicinity. *BURKEIT ARCHEOLOGICAL SITE*, SW of Genoa, (7-12-74)
Genoa vicinity. *GENOA SITE*, 1 mi. S of Genoa on NE 39, (10-15-70)
Genoa vicinity. *PAWNEE MISSION AND BURNT VILLAGE ARCHEOLOGICAL SITE*, (8-7-74)
Genoa vicinity. *WRIGHT SITE*, (8-14-73)

nemaha county

Brownville. *BROWNVILLE HISTORIC DISTRICT*, Bounded by Allen, Richard, Nemaha, Nebraska, 7th, and 2nd Sts. and the Missouri River, (5-19-70) HABS; G.
Brownville vicinity. *CAPTAIN MERIWETHER LEWIS DREDGE*, SE of Brownville, (10-28-77)

otoe county

Nebraska City. *MORTON-JAMES PUBLIC LIBRARY*, 11th St. and 1st Corso, (5-28-76)
Nebraska City. *NEBRASKA CITY HISTORIC DISTRICT*, Roughly bounded by 5th Ave., 3rd, 19th, and 1st Corso Sts., (10-29-76)
Nebraska City. *OTOE COUNTY COURTHOUSE*, 10th St. and Central Ave., (6-18-76) HABS.
Nebraska City. *SOUTH NEBRASKA CITY HISTORIC DISTRICT*, Roughly bounded by 4th, 11th, 1st Corso, and 4th Corso Sts., (10-22-76)
Nebraska City. *SOUTH 13TH STREET HISTORIC DISTRICT*, Roughly bounded by 12th, 14th, 1st Corso, and 6th Corso Sts., (10-29-76)
Nebraska City. *U.S. POST OFFICE*, 202 S. 8th St., (9-3-71)
Nebraska City vicinity. *ARBOR LODGE (J. STERLING MORTON HOUSE)*, Arbor Lodge State Park, W of Nebraska City, (4-16-69) NHL; G.
Nebraska City vicinity. *BOSCOBEL*, N of Nebraska City on Steamwagon Rd., (6-17-76)
Nebraska City vicinity. *LEE, GEORGE F., OCTAGON HOUSES*, S of Nebraska City off U.S. 73/75, (11-23-77)
Nebraska City vicinity. *WARE, JASPER A., HOUSE (WILDWOOD FARM)*, S of

NOTICES

Nebraska City on Steinhart Park Rd., (7-16-73)

pawnee county

Pawnee City. *HOTEL PAWNEE*, 700 G St., (7-24-74)
Table Rock vicinity. *TABLE ROCK ARCHEOLOGICAL SITE*, E of Table Rock, (7-12-74)

platte county

Columbus. *GLUR'S TAVERN*, 2301 11th St., (7-30-75)
Creston vicinity. *FEYE ARCHEOLOGICAL SITE*, (1-21-74)
Creston vicinity. *WURDEMAN-LAWSON ARCHEOLOGICAL SITE*, SE of Creston, (7-12-74)
Monroe vicinity. *LARSON, HANNA, ARCHEOLOGICAL SITE (LOOKING GLASS SITE)*, 4.5 mi. W of Monroe, (2-20-75)

polk county

Osceola. *MICKEY, GOV. JOHN HOPWOOD, HOUSE*, State St., (5-12-77)
Osceola vicinity. *CLARKS SITE*, (8-14-73)
Stromsburg vicinity. *MORRILL, CHARLES H., HOMESTEAD*, 0.5 mi. SE of Stromsburg on U.S. 81, (6-4-73)

red willow county

McCook. *NORRIS, SENATOR GEORGE WILLIAM, HOUSE*, 706 Norris Ave., (5-28-67) NHL.
McCook vicinity. *DOYLE ARCHEOLOGICAL SITE*, (12-4-74)

richardson county

Humboldt. *HOLMAN, JOHN, HOUSE*, 947 Nemaha St., (4-25-72)
Rulo vicinity. *LEARY SITE*, 4 mi. SE of Rulo on NE 7, (10-15-66) NHL.

saline county

Crete. *DOANE COLLEGE HISTORIC DISTRICT*, Doane College campus, (8-16-77)
Crete. *JOHNSTON-MUFF HOUSE*, 1422 Boswell Ave., (9-19-77)
Crete vicinity. *BICKLE, JESSE C., HOUSE*, W of Crete off NE 33, (11-23-77)

sarpy county

CHAMPE-FREMONT 1 ARCHEOLOGICAL SITE, Reference—see Douglas County
Bellevue. *BURLINGTON DEPOT (OMAHA & SOUTHERN RAILROAD STATION)*, Hawthorn Park, (10-16-70)
Bellevue. *FONTANELLE BANK*, 2212 Main St., (4-16-69)
Bellevue. *FONTENELLE FOREST HISTORIC DISTRICT*, 1111 Bellevue Rd., (1-21-74)
Bellevue. *HAMILTON, WILLIAM, HOUSE*, 2003 Bluff St., (10-15-69)
Bellevue. *OLD LOG CABIN*, 1805 Hancock St., (10-16-70)
Bellevue. *PRESBYTERIAN CHURCH*, 2002 Franklin St., (10-15-70) HABS.
Bellevue vicinity. *FORT CROOK HISTORIC DISTRICT*, SW of Bellevue on Offutt Air Force Base, (12-12-76)
Bellevue vicinity. *SARPY, PETER A., TRADING POST SITE*, NE of Bellevue on W bank of Missouri River, (6-10-75)
La Platte vicinity. *MOSES MERRILL MISSION AND OTO INDIAN VILLAGE*, 4 mi. W of La Platte, (3-16-72)
Papillion vicinity. *KURZ OMAHA VILLAGE*, (8-14-73)

saunders county

Ashland vicinity. *BETISON, ISRAEL, HOUSE*, SE of Ashland, (4-18-77)

Cedar Bluffs vicinity. *PAHUK*, (8-14-73)
Inglewood vicinity. *MCCLEAN (MCCLAIN) SITE*, 2 mi. S of Inglewood on U.S. 77, (3-16-72)
Inglewood vicinity. *WOODCLIFF BURIALS*, 2.5 mi. S of Inglewood off U.S. 77, (3-7-73)
Leshara vicinity. *LESHARA SITE*, NW of Leshara, (3-16-72)
Yutan vicinity. *YUTAN SITE*, SE of Yutan, off U.S. 92, (6-26-72)

scotts bluff county

Gering vicinity. *ROBIDOUX PASS*, 9 mi. W of Gering, (10-15-66) NHL.
Gering vicinity. *SCOTTS BLUFF NATIONAL MONUMENT*, 3 mi. W of Gering on NE 92, (10-15-66)
Gering vicinity. *SIGNAL BUTTE*, 13 mi. SW of Gering, (10-15-66) NHL.

sheridan county

Hay Springs vicinity. *CAMP SHERIDAN AND SPOTTED TAIL INDIAN AGENCY*, 11 mi. N of Hay Springs, (11-19-74)

sherman county

Sweetwater vicinity. *SWEETWATER ARCHEOLOGICAL SITE*, NW of Sweetwater, (7-29-74)

sioux county

FORT ROBINSON AND RED CLOUD AGENCY, Reference—see Dawes County
Agate vicinity. *COOK, HAROLD J., HOMESTEAD CABIN*, 3 mi. E of Agate off NE 29 on Agate Fossil Beds National Monument, (8-24-77)
Crawford vicinity. *HUDSON-MENG BISON KILL SITE*, In Nebraska National Forest, (8-28-73)

thayer county

Alexandria. *DILL, RICHARD E., HOUSE*, (1-29-73)

valley county

North Loup vicinity. *SCHULTZ SITE*, 3 mi. NW of North Loup, (10-15-66) NHL.

washington county

Blair vicinity. *BERTRAND SITE*, DeSoto National Wildlife Refuge, (3-24-69)
Fort Calhoun vicinity. *FORT ATKINSON*, 1 mi. E of Fort Calhoun, (10-15-66) NHL; G.

webster county

Guide Rock vicinity. *PIKE-PAWNEE VILLAGE SITE (HILL SITE)*, 4 mi. SW of Guide Rock, (10-15-66) NHL.
Red Cloud. *CATHER HOUSE*, SW corner of 3rd and Cedar Sts., (4-16-69) NHL.
Red Cloud vicinity. *STARKE ROUND BARN*, 4.5 mi. E of Red Cloud on U.S. 163, (3-16-72)

york county

York. *YORK COUNTY COURTHOUSE*, 5th St. and Lincoln Ave., (12-6-75)

NEVADA

carson city (independent city)

GOVERNOR'S MANSION, 606 Mountain St., (10-22-76)
NEVADA STATE CAPITOL, 101 N. Carson St., (6-10-75) HABS.
•
NYE, GOV. JAMES W., MANSION, 108 N. Minnesota St., (4-16-75) HABS.
RINCKEL HOUSE, 102 N. Curry St., (11-20-75) HABS.
U.S. MINT, 600 N. Carson St., (9-5-75) HABS.
VIRGINIA AND TRUCKEE RR. ENGINES NO. 18, THE DAYTON; AND NO. 22, THE

NOTICES

lyon county

Weeks vicinity. *FORT CHURCHILL*, U.S. 95A, 8 mi. S of U.S. 50, (10-15-66) NHL; G.

mineral county

Hawthorne vicinity. *AURORA*, SW of Hawthorne, (7-30-74)

nye county

Berlin. *BERLIN HISTORIC DISTRICT*, Off NV 23, (11-5-71) G.
Fish Springs vicinity. *JAMES WILD HORSE TRAP*, About 5 mi. E of Fish Springs, (11-19-74)
Tonopah vicinity. *BELMONT*, 46 mi. NE of Tonopah off NV 82, (6-13-72)
Tonopah vicinity. *TYBO CHARCOAL KILNS*, About 55 mi. NE of Tonopah off U.S. 6, (11-19-74)

ormsby county

Carson City vicinity. *RAYCROFT RANCH*, N of Carson City, on U.S. 395, (5-4-76)

pershing county

Lovelock vicinity. *LEONARD ROCK SHELTER*, 12 mi. S of Lovelock off NV 59, (10-15-66) NHL.

storey county

Virginia City. *VIRGINIA CITY HISTORIC DISTRICT*, (10-15-66) NHL; HABS.

washoe county

Carson City vicinity. *OLD WINTERS RANCH/WINTERS MANSION*, N of Carson City, (7-30-74)
Reno. *BILLINGHURST, BENSON DILLON, HOUSE*, 729 Evans Ave., (11-8-74)
Reno. *LAKE MANSION*, Adjacent to the Centennial Coliseum on U.S. 395, (6-29-72) G.
Reno. *MORRILL HALL, UNIVERSITY OF NEVADA/RENO*, University of Nevada campus, (5-1-74) G.
Reno. *MOUNT ROSE ELEMENTARY SCHOOL*, 915 Lander St., (11-25-77)
Reno. *NEWLANDS, SENATOR FRANCIS G., HOUSE*, 17 Elm Ct., (10-15-66) NHL.
Reno vicinity. *BOWERS MANSION*, 19 mi. S of Reno off U.S. 395, (1-31-76)

white pine county

Baker vicinity. *LEHMAN ORCHARD AND AQUEDUCT (NO. 22)*, Lehman Caves National Monument, (2-25-75)
Baker vicinity. *RIODES CABIN (NO. 19)*, Lehman Caves National Monument, (2-25-75)
Ely vicinity. *FORT SCHELLBOURNE*, 43 mi. N of Ely off U.S. 93 on NV 2, (2-23-72)
Ely vicinity. *WARD CHARCOAL OVENS*, S of Ely off U.S. 6/93, (9-28-71) G.
Hobson vicinity. *FORT RUBY*, Near Hobson on W side of Ruby Lake, (10-15-66) NHL.

NEW HAMPSHIRE

Fitzwilliam. *THIRD FITZWILLIAM MEETING HOUSE*, Village Green, (8-26-77)

belknap county

Laconia. *BELKNAP-SULLOWAY MILL*, Mill St., (1-25-71)
Laconia. *BUSIEL-SEEBURG MILL*, Mill St., (1-25-71)
Laconia vicinity. *WEIRS (AQUADOCTAN ARCHEOLOGICAL SITE)*, N of Laconia on U.S. 3, (5-12-75)

carroll county

Silver Lake. *JOY FARM (e e cummings HOUSE)*, Salter Hill Rd., (11-11-71) NHL.

NEW HAMPSHIRE 5249

cheshire county

East Swanzey vicinity. *CARLETON BRIDGE*, On Carleton Rd. over South Branch Ashuelot River, (6-10-75)
Harrisville and vicinity. *HARRISVILLE HISTORIC DISTRICT*, Town of Harrisville and its environs, (9-17-71) HABS; G.
Jaffrey vicinity. *JAFFREY CENTER HISTORIC DISTRICT*, NW of Jaffrey on NH 124, (6-11-75)
Keene. *DINSMOOR-HALE HOUSE*, Main and Winchester Sts., (4-26-76)
Keene. *ELLIOT HOUSE*, 305 Main St., (4-30-76)
Keene. *FISKE, CATHERINE, SEMINARY FOR YOUNG LADIES*, 251 Main St., (5-3-76)
Keene. *WYMAN TAVERN*, 339 Main St., (4-3-72)
Keene vicinity. *COOKE, NOAH, HOUSE*, W of Keene on Daniels Hill Rd., (4-23-73)
Nelson. *NELSON SCHOOLHOUSE*, Old Sullivan Rd., (6-7-76)
Walpole. *WALPOLE ACADEMY*, Main St., (5-21-75) HABS.
Winchester vicinity. *COOMBS COVERED BRIDGE*, N of Winchester off NH 10, (11-21-76)

coos county

Columbia. *COLUMBIA COVERED BRIDGE*, Across Connecticut River between U.S. 3 and VT 102, (12-12-76)
Lancaster. *WILDER-HOLTON HOUSE*, 226 Main St., (6-11-75)
Lancaster vicinity. *MOUNT ORNE COVERED BRIDGE*, SW of Lancaster off NH 135, (12-12-76)

grafton county

Bath. *BATH COVERED BRIDGE*, Off U.S. 302/NH 10, (9-1-76)
Bath vicinity. *SWIFTWATER COVERED BRIDGE*, S of Bath on Valley Rd., (11-21-76)
Bethlehem vicinity. *FELSENGARTEN*, SW of Bethlehem on Lewis Hill Rd., (6-18-73)
Canaan. *CANAAN MEETINGHOUSE (CANAAN TOWN HALL)*, Canaan St., (5-7-73) G.
Canaan. *CANAAN STREET HISTORIC DISTRICT*, Canaan St., (5-7-73)
Franconia vicinity. *FROST PLACE*, S of Franconia off NH 116 on Ridge Rd., (11-30-76)
Haverhill vicinity. *BEDELL BRIDGE*, Between Haverhill and Newbury, VT, over Connecticut River, (5-28-75) G. (also in Orange County, VT)
Littleton. *LITTLETON TOWN BUILDING (LITTLETON OPERA HOUSE)*, 1 Union St., (5-7-73)
Orford. *ORFORD STREET HISTORIC DISTRICT*, Orford St. (NH 10) from Rt. 25A to Archertown Rd., E to include cemetery, (8-26-77) HABS.

WOODSVILLE. *HAVERHILL-BATH COVERED BRIDGE*, NH 135, (4-18-77)

hillsborough county

Goffstown. *GOFFSTOWN RAILROAD BRIDGE*, NH 114 (Main St.) over Piscataquog River, (6-18-75)
Hillsborough. *CONTOOCCOOK MILLS INDUSTRIAL DISTRICT*, Between Mill St. and Contoocook River, (6-10-75)
Hillsborough. *HILLSBOROUGH RAILROAD BRIDGE*, Spans Contoocook River SW of NH 149, (6-10-75) HAER.
Hillsborough vicinity. *PIERCE, FRANKLIN, HOMESTEAD*, 3 mi. W of Hillsborough on NH 31, (10-15-66) NHL.

5250 NEW JERSEY

Manchester. *ASH STREET SCHOOL*, Bounded by Ash, Bridge, Maple, and Pearl Sts., (5-30-75)
Manchester. *ATHENS BUILDING (PALACE THEATER)*, 76-96 Hanover St., (5-30-75)
Manchester. *MANCHESTER CITY HALL*, 908 Elm St., (6-13-75)
Manchester. *STARK, GEN. JOHN, HOUSE*, 2000 Elm St., (6-29-73)
Manchester. *WESTON OBSERVATORY*, Oak Hill, Derryfield Park, (5-28-75)
Nashua. *HUNT MEMORIAL LIBRARY*, 6 Main St., (6-28-71)
Peterborough. *MACDOWELL COLONY*, W of U.S. 202, (10-15-66) NHL
Peterborough. *PETERBOROUGH UNITARIAN CHURCH*, Main and Summer Sts., (4-23-73)
Temple vicinity. *NEW ENGLAND GLASSWORKS SITE*, SW of Temple off Nashua Rd., (6-10-75) G.

merrimack county

Bradford. *BEMENT COVERED BRIDGE*, Center Rd., (11-21-76)
Canterbury vicinity. *CANTERBURY SHAKER VILLAGE*, 4 mi. E of Canterbury on Shaker Rd., (6-17-75)
Concord. *CONCORD HISTORIC DISTRICT*, Bounded by N. State St., Horse Shoe Pond, Boston and Main RR. tracks, Sen. Styles Bridges Hwy. and Church St., (6-11-75) HABS.
Concord. *OLD POST OFFICE*, N. State St., between Capitol and Park St., (8-13-73)
Franklin. *SULPHITE RAILROAD BRIDGE*, Off U.S. 3 over Winnepesaukee River, (6-11-75)
Hopkinton. *LONG, WILLIAM H., MEMORIAL*, Main St., (7-15-77)
Salisbury. *SALISBURY ACADEMY BUILDING*, Jct. of NH 127 and U.S. 4, (5-30-75) G.
Warner. *DALTON COVERED BRIDGE*, Joppa Rd., (11-21-76)
Waterloo. *WATERLOO COVERED BRIDGE*, Newmarket Rd., (11-21-76)
West Franklin. *WELSH, DANIEL, FAMILY HOME (THE ELMS)*, S. Main St., (5-30-74) NHL
West Hopkinton. *ROWELL'S COVERED BRIDGE*, Clement Hill Rd., (11-21-76)

rockingham county

Derry vicinity. *FROST, ROBERT, HOMESTEAD*, 2 mi. SE of Derry, (5-23-68) NHL; HABS.
Derry Village. *THORNTON, MATTHEW, HOUSE*, 2 Thornton St., (11-11-71) NHL
Exeter. *DUDLEY HOUSE (PERRY-DUDLEY HOUSE)*, 14 Front St., (6-21-71)
Exeter. *FIRST CHURCH (CONGREGATIONAL CHURCH)*, 21 Front St., (9-10-71)
Exeter. *FRONT STREET HISTORIC DISTRICT*, Front St. to the jct. of Spring and Water Sts., (7-5-73)
Exeter. *GILMAN GARRISON HOUSE*, 12 Water St., (9-27-76) HABS.
Exeter. *LADD-GILMAN HOUSE*, Governor's Lane and Water St., (12-2-74) NHL
Greenland. *WEEKS HOUSE*, Weeks Ave. off NH 101, (6-20-75)
Hampton Falls. *WEARE, GOV. MESHECH, HOUSE*, Exeter Rd. (NH 88), (6-29-73)
Kingston. *BARTLETT, JOSIAH, HOUSE*, Main St., (11-11-71) NHL
New Castle. *FORT CONSTITUTION (FORT WILLIAM AND MARY SITE)*, Walbach St. off NH Bl., (7-9-73)
Portsmouth. *BECK, SAMUEL, HOUSE*, The Hill, (4-3-73)

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Portsmouth. *BENEDICT HOUSE (THOMAS W. PENHALLOW HOUSE)*, 30 Middle St., (5-11-73)
Portsmouth. *HART, JEREMIAH, HOUSE*, The Hill, (11-14-72)
Portsmouth. *HART, JOHN, HOUSE*, The Hill, (11-14-72)
Portsmouth. *HART, PHOEBE, HOUSE*, The Hill, (4-2-73)
Portsmouth. *HART-RICE HOUSE*, The Hill, (8-7-72)
Portsmouth. *JACKSON, RICHARD, HOUSE*, Northwest St., (11-24-68) NHL
Portsmouth. *JONES, JOHN PAUL, HOUSE*, Middle and State Sts., (11-28-72) NHL
Portsmouth. *LANGDON, GOV. JOHN, MANSION*, 143 Pleasant St., (12-2-74) NHL
Portsmouth. *MACPHEADRIE-WARNER HOUSE*, Chapel and Daniel Sts., (10-15-66) NHL
Portsmouth. *MOFFATT-LADD HOUSE*, 154 Market St., (11-24-68) NHL
Portsmouth. *NEAL, JAMES, HOUSE*, 74 Deer St., (8-7-72)
Portsmouth. *NUTTER-RYMES HOUSE*, 48 School St., (11-3-72)
Portsmouth. *PINKHAM, DANIEL, HOUSE*, The Hill, (11-3-72)
Portsmouth. *PORTSMOUTH ATHENAEUM*, 9 Market Sq., (5-24-73)
Portsmouth. *PORTSMOUTH PUBLIC LIBRARY (PORTSMOUTH ACADEMY)*, 8 Islington St., (3-20-73)
Portsmouth. *ROGERS, GEORGE, HOUSE*, 76 Northwest St., (6-7-76)
Portsmouth. *RUNDLET-MAY HOUSE*, 364 Middle St., (6-7-76)
Portsmouth. *SHAPLEY TOWN HOUSE*, 454-456 Court St., (2-28-73) HABS.
Portsmouth. *SHERBURNE, HENRY, HOUSE (RICHARD SHORTRIDGE HOUSE)*, The Hill, (8-7-72)
Portsmouth. *SMITH, SIMEON P., HOUSE*, The Hill, (11-14-72)
Portsmouth. *STRAWBERRY BANKE HISTORIC DISTRICT*, Bounded by Court and Marcy Sts. and both sides of Hancock and Washington Sts., (6-20-75) HABS.
Portsmouth. *WENTWORTH-GARDNER HOUSE*, 140 Mechanic St., (11-24-68) NHL
Portsmouth. *WENTWORTH, GOV. JOHN, HOUSE*, 346 Pleasant St., (6-29-73)
Portsmouth. *WHIDDEN-WARD HOUSE*, The Hill, (11-5-71) HABS.
Portsmouth vicinity. *WENTWORTH-COOLIDGE MANSION*, 2 mi. S of Portsmouth, off U.S. 1A, (11-24-68) NHL

strafford county

Dover vicinity. *COUNTY FARM BRIDGE*, NW of Dover on County Farm Rd., (5-21-75)
Durham. *SULLIVAN, GEN. JOHN, HOUSE*, 23 New Market Rd., (11-28-72) NHL; HABS.

sullivan county

Acworth. *ACWORTH CONGREGATIONAL CHURCH*, N end of town common, (6-13-75) HABS; G.
Claremont. *CLAREMONT CITY HALL (CLAREMONT OPERA HOUSE)*, Tremont Sq., (4-26-73)
Claremont vicinity. *HUNTER ARCHEOLOGICAL SITE*, NW of Claremont, (6-7-76)
Claremont vicinity. *WRIGHT'S BRIDGE*, E of Claremont on Chandler Rd. over Sugar River, (6-10-75)
Cornish. *ST. GAUDENS, LOUIS, HOUSE AND STUDIO*, Dingleton Hill and Whitten Rds., (11-15-72)

Cornish City vicinity. *CORNISH-WINDSOR COVERED BRIDGE*, W of Cornish City, (11-21-76)
Cornish Flat. *CHASE, SALMON P., BIRTHPLACE*, 8 mi. N of Claremont, (5-15-75) NHL
Langdon vicinity. *COLD RIVER BRIDGE (MCDERMOTT BRIDGE)*, E of Langdon on McDermott Rd., (5-17-73)
Langdon vicinity. *PRENTISS BRIDGE (DREWSVILLE BRIDGE)*, S of Langdon off Old Cheshire Tpke., (5-24-73)
Newport. *NETTLETON HOUSE*, 26-30 Central St., (11-16-77)
Newport. *SULLIVAN COUNTY COURTHOUSE*, Court Sq., (6-25-73) G.
Newport vicinity. *CORBIN COVERED BRIDGE*, NW of Newport off NH 10, (12-12-76)
Newport vicinity. *PIER BRIDGE*, 3 mi. W of Newport on Chandler Rd. over Sugar River, (6-10-75)
Plainfield vicinity. *SAINT-GAUDENS NATIONAL HISTORIC SITE*, South of Plainfield off NH 12-A, (10-15-66) HABS.

NEW JERSEY

atlantic county

Atlantic City. *ABSECON LIGHTHOUSE*, Rhode Island and Pacific Aves., (1-25-71) HABS.
Atlantic City. *BLENHEIM HOTEL*, Boardwalk and Ohio Aves., (8-23-77)
Atlantic City. *MORTON HOTEL*, 150 S. Virginia Ave., (7-15-77)
Brigantine City vicinity. *U.S. COAST GUARD STATION*, About 3 mi. NNE of Brigantine City, (6-23-76)
Margate City. *LUCY, THE MARGATE ELEPHANT*, Decatur and Atlantic Aves., (8-12-71) NHL; HABS; G.
Somers Point. *SOMERS MANSION*, Shore Rd. and Somers Point Circle, (12-18-70) HABS.

bergen county

Palisades Interstate Park, W bank of the Hudson River, (10-15-66) NHL. (also in Orange and Rockland Counties, NY)
Bergenfield. *SOUTH SCHRAALENBURGH CHURCH*, Prospect Ave. and W. Church St., (12-6-75)
Englewood. *WESTERVELT, PETER, HOUSE AND BARN*, 290 Grand Ave., (3-19-75) HABS.
Fair Lawn. *GARRETSON, PETER, HOUSE*, 4-02 River Rd., (11-19-74)
Fair Lawn. *RADBURN*, Irregular pattern between Radburn Rd. and Erie RR. tracks N to Owen Ave. and S to Berdan Ave., (4-16-75)
Fort Lee. *CHURCH OF THE MADONNA*, Hoeftley's Lane, (4-8-76) HABS.
Hoboken. *HERMITAGE, THE (WALDWICOTTAGE)*, 335 N. Franklin Tpke., (8-29-70) NHL; HABS; G.
Lyndhurst. *RIVER ROAD SCHOOL*, 400 Riverside Ave., (11-11-77)
Mahwah. *HOPPER-VAN HORN HOUSE*, 398 Ramapo Valley Rd., (4-11-73) HABS.
Midland Park. *LOZIER HOUSE AND VAN RIPER MILL*, 34 Goffle Rd. and 11 Paterson Ave., (10-10-75) HABS.
Norwood vicinity. *ROCKLEIGH HISTORIC DISTRICT*, E of Norwood on Willow Ave., Rockleigh and Piermont Rds., (6-29-77)
Oakland. *VAN ALLEN HOUSE*, Corner of U.S. 202 and Franklin Ave., (7-24-73) G.
Paramus. *TERHUNE-GARDNER-LINDENMEYER HOUSE*, 218 Paramus Rd., (2-7-72)

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NEW JERSEY 5251

Park Ridge. *WORTENDYKE BARN*, 13 Pascack Rd., (5-7-73) HABS.
Ramsey. *WESTERVELT-ACKERSON HOUSE*, 538 Island Rd., (7-20-77)
Ridgewood. *PARAMUS REFORMED CHURCH HISTORIC DISTRICT*, Bounded by Franklin Tpke., NJ 17, Saddle River, S side of cemetery, and Glen Ave., (2-25-75)
Ridgewood vicinity. *ZABRISKIE, ALBERT J., FARMHOUSE*, E of Ridgewood at E. 37 Ridgewood Ave., (11-7-77) HABS.
River Edge. *STEUBEN HOUSE (ACKERMAN-ZABRISKIE-STEUBEN HOUSE)*, Old New Bridge Rd., at the Hackensack River, (12-18-70) HABS; G.
Rutherford. *WILLIAMS, WILLIAM CARLOS, HOUSE*, 9 Ridge Rd., (6-4-73)
Tenafly. *STANTON, ELIZABETH Cady, HOUSE*, 135 Highwood Ave., (5-15-75) NHL
Westwood (Washington Township). *SEVEN CHIMNEYS (ZABRISKIE-VANEMBURGH HOUSE)*, 25 Chimney Ridge Ct., (8-12-71)

hurlington county

Arney's Mount. *ARNEY'S MOUNT FRIENDS MEETINGHOUSE AND BURIAL GROUND*, Jct. of Mount Holly-Juliestown and Pemberton-Arney's Mount Rds., (1-18-73)
Atsion. *ATSION VILLAGE*, U.S. 206, (10-22-74)
Batsto. *BATSTO VILLAGE*, 10 mi. E of Hamonton on CR 542, (9-10-71) HABS.
Bordentown. *HOPKINSON, FRANCIS, HOUSE*, 101 Farnsworth Ave. at Park Ave., (7-17-71) NHL; HABS.
Bordentown. *POINT BREEZE*, U.S. 206 and Park St., (8-10-77)
Bridgeboro vicinity. *SCHOOLHOUSE*, 2 mi. E of Bridgeboro on Salem Rd., (4-21-75)
Brown's Mills vicinity. *HANOVER FURNACE*, E of Browns Mills, (3-1-74)
Burlington. *BURLINGTON HISTORIC DISTRICT*, Roughly L-shaped bounded by Delaware River and High, W. Broad, Albot, and Reed Sts., (3-13-75) HABS.
Burlington. *QUAKER SCHOOL*, York and Penn Sts., (12-31-74) G.
Burlington. *ST. MARY'S EPISCOPAL CHURCH (ST. MARY'S COMPLEX)*, N side of Broad St. between Tailbot and Wood Sts., (5-31-72) HABS.
Burlington vicinity. *IRICK, JOHN, HOUSE*, E of Burlington off NJ Turnpike, (9-16-77)
Chesterfield. *RECKLESSTOWN (VILLAGE OF CHESTERFIELD)*, Present town of Chesterfield along Chesterfield-Georgetown Rd. and NJ 528, (8-19-75)
Crosswicks. *CROSSWICKS*, Roughly bounded by Bordentown-Crosswicks and Ellisdale Rds. and Buttonwood, Front, and Main Sts., and Ward Ave., (5-3-76)
Jacobstown vicinity. *ARNEYTOWN HISTORIC DISTRICT*, N of Jacobstown, (12-12-77) (also in Monmouth County)
Medford vicinity. *HAINES, JONATHAN, HOUSE*, NE of Medford on Fostertown Rd., (6-16-76)
Medford vicinity (Medford Township). *KIRBY'S MILL (HAINES MILL)*, NE of Medford at Church and Fostertown Rds., (8-12-71)
Moorestown. *BREIDENHART*, 255 E. Main St., (12-22-77)
Moorestown. *PERKINS HOUSE*, Camden Ave. and King's Highway, (9-15-77)
Moorestown. *SMITH MANSION*, 12 High St., (10-22-76)
Moorestown. *TOWN HALL*, 40 E. Main St., (8-10-77)

Moorestown vicinity. *IVINS-CONOVER HOUSE*, N of Moorestown off U.S. 130 on Cox Rd., (4-29-77)
Mount Holly. *MOUNT HOLLY HISTORIC DISTRICT*, (2-20-73) HABS.
Mount Holly vicinity (Westampton Township). *PEACHFIELD*, N of Mount Holly on Burr Rd., (6-19-73)
Pemberton. *MORRIS MANSION AND MILL*, Hanover St., (9-13-77)
Rancocas. *RANOCAS HISTORIC VILLAGE*, Irregular pattern bounded N and W by Willingsboro line, E to Springside Rd. and S to 3rd St., (6-5-75) HABS.
Smithville. *SMITHVILLE HISTORIC DISTRICT*, Off NJ 38, (5-12-77)

camden county

Blenheim. *CHEW-POWELL HOUSE*, 500-502 Good Intent Rd., (3-27-75)
Camden. *COOPER, JOSEPH, HOUSE*, Head of 7th St. in Pine Point Park, (3-14-73) HABS; G.
Camden. *FAIRVIEW DISTRICT*, Roughly bounded by Newton Creek, Crescent Blvd., Mt. Ephraim Ave., Olympia and Hull Rds., (11-19-74)
Camden. *NEWTON FRIENDS' MEETINGHOUSE*, 722 Cooper St., (8-12-71)
Camden. *POMONA HALL (COOPER HOUSE)*, Park Blvd. and Euclid Ave., (8-12-71) HABS; G.
Camden. *TAYLOR, DR. HENRY GENET, HOUSE AND OFFICE*, 305 Cooper St., (8-12-71)
Camden. *WHITMAN, WALT, HOUSE*, 330 Mickle St., (10-15-66) NHL; HABS.
Cherry Hill. *COLES, SAMUEL, HOUSE*, 1743 Old Cuthbert Rd., (6-18-73)
Cherry Hill. *GATEHOUSE AT COLESTOWN CEMETERY*, Kings Hwy. and Church Rd., (5-21-75)
Chesilhurst. *GRANT A.M.E. CHURCH*, 4th and Washington Sts., (10-5-77)
Cinnaminson vicinity. *MORGAN, GRIFFITH, HOUSE*, 2 mi. W of Cinnaminson at confluence of Delaware River and Pennsauken Creek, (1-25-73)
Glendora. *HILLMAN HOSPITAL HOUSE*, 500 3rd Ave., (7-14-77) HABS.
Haddonfield. *GREENFIELD HALL*, 343 Kings Hwy. E., (6-5-74) HABS.
Haddonfield. *HADDON FORTNIGHTLY CLUB HOUSE (THIRD METHODIST CHURCH)*, 301 King's Hwy., (10-26-72)
Haddonfield. *INDIAN KING TAVERN (CREIGHTON TAVERN)*, 233 Kings Hwy. E., (12-18-70) HABS.
Haddonfield. *MICKLE, SAMUEL, HOUSE*, 345 Kings Hwy. E., (5-21-75) HABS.
Pennsauken. *BURROUGH-DOVER HOUSE*, Off the Haddonfield Rd., (10-25-73) HABS.

cape may county

Cape May. *CAPE MAY HISTORIC DISTRICT*, (12-29-70) NHL; HABS; G.
Cape May vicinity. *CAPE MAY LIGHTHOUSE*, On Cape May Point W of Cape May off Sunset Blvd., (11-12-73)
North Wildwood. *HEREFORD LIGHTHOUSE*, Central Ave., (9-20-77)

cumberland county

Bridgeton. *BUCK, JEREMIAH, HOUSE (JONATHAN ELMER HOUSE)*, 297 E. Commerce St., (12-30-75)
Bridgeton. *DEERFIELD PIKE TOLLGATE HOUSE*, 89 Old Deerfield Pike, (5-21-75)
Bridgeton. *OLD BROAD STREET PRESBYTERIAN CHURCH AND CEME-*

TERY, Broad and Lawrence Sts., (12-2-74) HABS; G.
Bridgeton. *POTTER'S TAVERN*, 49-51 Broad St., (9-10-71)
Bridgeton. *SEELEY, SAMUEL W., HOUSE*, 274 E. Commerce St., (5-3-76) HABS.
Cedarville vicinity. *OLD STONE CHURCH*, N of Cedarville on NJ 553, (5-12-77) HABS.
Greenwich. *GREENWICH HISTORIC DISTRICT*, Main St. from Cohansey River N to Othello, (1-20-72) HABS.
Greenwich vicinity. *MASKEL, THOMAS, HOUSE*, 2 mi. W of Greenwich on Bacon's Neck Rd., (6-10-75) HABS.

essex county

MORRIS CANAL, Irregular line beginning at Phillipsburg and ending at Jersey City, (10-1-74) (also in Hudson, Morris, Passaic, Sussex, and Warren counties)
Caldwell. *CALDWELL PRESBYTERIAN CHURCH MANSE*, 207 Bloomfield Ave., (11-16-77) HABS.
Cedar Grove. *JACOBUS HOUSE*, 178 Grove Ave., (4-1-75) HABS.
Fairfield. *FAIRFIELD DUTCH REFORMED CHURCH*, Fairfield Rd., (10-7-75)
Fairfield vicinity. *VAN NESS HOUSE*, 236 Little Falls Rd., (7-29-77) HABS.
Montclair. *CRANE, ISRAEL, HOUSE*, 110 Orange Rd., (3-14-73) HABS.
Montclair. *MONTCLAIR RAILROAD STATION*, Lackawanna Plaza, (1-8-73)
Newark. *BALLANTINE, JOHN, HOUSE*, 43 Washington St., (10-2-73)
Newark. *CATEDRAL EVANGELICA REFORMADA (FIRST REFORMED CHURCH)*, 27 Lincoln Park and Halsey St., (10-26-72)
Newark. *CATHEDRAL OF THE SACRED HEART*, 89 Ridge St., (12-22-76)
Newark. *CLARK, WILLIAM, HOUSE*, 346 Mount Prospect Ave., (11-10-77)
Newark. *ESSEX COUNTY COURTHOUSE*, 470 High St., (6-26-75)
Newark. *ESSEX COUNTY PARK COMMISSION ADMINISTRATION BUILDING*, 115 Clifton Ave., (11-11-77)
Newark. *FEIGENSPAN MANSION*, 710 High St., (10-5-77) HABS.
Newark. *FIRST BAPTIST PEDDIE MEMORIAL CHURCH*, Broad and Fulton Sts., (10-30-72) HABS.
Newark. *FIRST NATIONAL STATE BANK BUILDING*, 810 Broad St., (8-10-77)
Newark. *FIRST UNITED METHODIST CHURCH (CENTRAL METHODIST EPISCOPAL CHURCH)*, 227 Market St., (10-26-72)
Newark. *GRACE CHURCH*, Broad and Walnut Sts., (11-2-72)
Newark. *HOUSE OF PRAYER EPISCOPAL CHURCH AND RECTORY (PLUME HOUSE)*, Broad and State Sts., (10-30-72)
Newark. *KRUEGER MANSION*, 601 High St., (11-9-72)
Newark. *NEW POINT BAPTIST CHURCH (SOUTH BAPTIST CHURCH)*, 17 E. Kinney St., (11-2-72)
Newark. *NEWARK ORPHAN ASYLUM*, High and Bleeker Sts., Newark College of Engineering, (6-19-73)
Newark. *NORTH REFORMED CHURCH*, 510 Broad St., (10-5-72)
Newark. *OLD FIRST PRESBYTERIAN CHURCH*, 820 Broad St., (11-2-72) HABS.
Newark. *PAN AMERICAN C.M.A. CHURCH (CHRIST CHURCH)*, 76 Prospect St., (7-31-72)
Newark. *QUEEN OF ANGELS CHURCH (ST PETER'S CHURCH)*, Belmont Ave. at Morton St., (10-26-72)

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Newark. **SALAAM TEMPLE (NEWARK SYMPHONY HALL)**, 1020 Broad St., (10-5-77)
 Newark. **SOUTH PARK CALVARY UNITED PRESBYTERIAN CHURCH**, 1035 Broad St., (12-5-72)
 Newark. **ST. BARNABAS' EPISCOPAL CHURCH**, W. Market St. and Sussex and Roseville Aves., (10-18-72)
 Newark. **ST. COLUMBA'S CHURCH**, Pennsylvania Ave. and Brunswick St., (10-30-72)
 Newark. **ST. JAMES' A. M. E. CHURCH (HIGH STREET PRESBYTERIAN CHURCH)**, High and Court Sts., (10-18-72)
 Newark. **ST. JAMES' CHURCH**, Lafayette and Jefferson Sts., (11-2-72)
 Newark. **ST. JOHN'S CHURCH**, 22-26 Mulberry St., (10-30-72)
 Newark. **ST. MARY'S ABBEY CHURCH**, High and William Sts., (11-3-72)
 Newark. **ST. PATRICK'S PRO CATHEDRAL**, Washington St. and Central Ave., (11-3-72)
 Newark. **ST. STEPHAN'S CHURCH (UNITED CHURCH OF CHRIST)**, Ferry St. and Wilson Ave., (10-5-72)
 Newark. **SYDENHAM HOUSE**, Old Road to Bloomfield, at Heller Pkwy., (7-29-70) HABS.
 Newark. **TRINITY CATHEDRAL**, Broad and Reector Sts., (11-3-72) HABS.
 Nutley. **ENCLOSURE HISTORIC DISTRICT**, Enclosure and Calico Lane, (12-31-74)
 South Orange. **KELLY, EUGENE V. CARRIAGE HOUSE**, S. Orange Ave., Seton Hall University campus, (11-10-75)
 South Orange. **SOUTH ORANGE VILLAGE HALL**, S. Orange Ave. and Scotland Rd., (5-28-76)
 West Orange. **EDISON NATIONAL HISTORIC SITE**, Main St. between Alden and Lakeside Sts., (10-15-66) HABS.
 West Orange. **ST. MARK'S EPISCOPAL CHURCH**, 13 Main St., (9-22-77)
 gloucester county
 Barnsboro. **BARNSBORO HOTEL**, Jct. of Pitman and Sewell Rds., (1-25-73)
 Clarksboro. **ST. PETER'S EPISCOPAL CHURCH**, King's Hwy., (8-10-77)
 Colonial Manor (West Deptford Township). **LADD'S CASTLE (CANDOR HALL)**, 1337 Lafayette Ave., (10-31-72)
 Gibbstown. **NOITHAGLE, C. A., LOG HOUSE**, Swedesboro-Paulsboro Rd., (4-23-76) HABS.
 Glassboro. **ST. THOMAS EPISCOPAL CHURCH**, SE corner Main and Focer Sts., (3-3-75) HABS.
 Glassboro. **WHITNEY MANSION (HOLLY BUSH)**, Whitney Ave., (12-5-72)
 Mickleton. **OTTO, BODO, HOUSE**, SR 551 and Quaker Rd., (12-12-76)
 National Park. **RED BANK BATTLEFIELD**, E bank of Delaware River and W end of Heslian Ave., (10-31-72) NHL, HABS.
 National Park. **WHITALL, JAMES JR., HOUSE**, 100 Grove Ave., (2-6-73) HABS.
 Oliphant's Mill (Medford Township). **MORAVIAN CHURCH**, Swedesboro-Sharpstown Rd., (4-3-73) HABS.
 Pitman. **PITMAN GROVE**, Bounded by Holly, East, Laurel, and West Aves. (both sides), (8-19-77)
 Sewell (Mantua Township). **CHEW, JESSE, HOUSE**, 611 Mantua Blvd., (10-18-72)
 Swedesboro. **TRINITY CHURCH (OLD SWEDS CHURCH)**, NW corner of Church St. and King's Hwy., (1-29-73) HABS.
 Wenonah. **CLARK, BENJAMIN, HOUSE**, Glassboro Rd., (1-25-73)

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Woodbury. **HUNTER-LAWRENCE HOUSE**, 58 N. Broad St., (10-18-72)
 Woodbury. **WOODBURY FRIENDS' MEETINGHOUSE**, 120 N. Broad St., (2-6-73) HABS.
 Woolwich Township. **STRAITTON, GOV. CHARLES C., HOUSE**, 0.5 mi. E of Swedesboro on King's Hwy., (1-29-73) HABS.
 hudson county
 MORRIS CANAL. Reference—see Essex County
 STATUE OF LIBERTY NATIONAL MONUMENT. Reference—see New York County, NY
 Bayonne. **BAYONNE TRUCK (HOOK AND LADDER) HOUSE NO. 1**, 12 W. 47th St., (1-2-76)
 Hoboken. **CHURCH OF THE HOLY INNOCENTS**, Willow Ave. and 6th St., (5-24-77)
 Hoboken. **FRIE-LACKAWANNA RAILROAD TERMINAL AT HOBOKEN**, On the Hudson River at the foot of Hudson Pl., (7-24-73)
 Hoboken. **HOBOKEN CITY HALL**, 86-98 Washington St., (1-1-76)
 Jersey City. **BARROW, DR. WILLIAM, MANSION**, 83 Wayne St., (5-2-77)
 Jersey City. **HUDSON COUNTY COURTHOUSE**, Newark and Baldwin Aves., (8-25-70) HABS, G.
 Jersey City. **JERSEY CITY CENTRAL RAILROAD TERMINAL**, US 78 N of Ellis Island, (9-12-75)
 Jersey City. **OLD BERGEN CHURCH**, Bergen and Highland Aves., (8-14-73) HABS.
 West End York. **AESREL** (steam yacht), S end of River Rd., (8-12-77)
 hunterdon county
 Allerton vicinity. **FINK-TYPE TRUSS BRIDGE**, W of Allerton off NJ 31 over South Branch of Raritan River, (12-24-74) HABS.
 Annandale (Clinton Township). **BRAY-HOFFMAN HOUSE**, On Bray's Hill Rd., (1-25-73)
 Califon. **CALIFON HISTORIC DISTRICT**, Main and Academy Sts., (10-14-76)
 Clinton. **MCKINNEY, DAVID, MILL**, 56 Main St., (1-8-74)
 Clinton. **OLD GRANDIN LIBRARY**, 12 E. Main St., (11-1-74)
 Clinton vicinity. **PERRYVILLE TAVERN**, W of Clinton at I-78 and NJ 42, (7-15-77)
 Clinton vicinity. **TURNER-CHEW-CARHART FARM**, NW of Clinton on Syckles Corner Rd., (8-11-77)
 Glen Gardner. **GLEN GARDNER PONY PRATT TRUSS BRIDGE**, Mill St. at Spruce Run, (9-22-77)
 Hampton vicinity. **NEW HAMPTON PONY PRATT TRUSS BRIDGE**, N of Hampton over Musconetcong River, (7-26-77) (also in Warren County)
 Lambertville. **MARSHALL, JAMES W., HOUSE**, 60 bridge St., (12-18-70)
 Lambertville vicinity. **DELAWARE AND RARITAN CANAL**, Follows the Delaware River to Trenton, then E to New Brunswick, (5-11-73) G (also in Mercer, Middlesex, and Somerset counties)
 Pittstown vicinity. **MICHLINS CORNER TAVERN**, NW of Pittstown, (11-1-74)
 Pittstown vicinity. **ST. THOMAS EPISCOPAL CHURCH**, SW of Pittstown on Sky Manor Rd., (7-21-77)
 Stockton vicinity. **GREEN SERGEANTS COVERED BRIDGE**, N of Stockton off Rosemont-Sergeantsville Rd., (11-19-74)

Stockton vicinity. **LOCKTOWN BAPTIST CHURCH**, W of Stockton on Locktown-Sturgeonville Rds., (2-15-74)
 mercer county
 DELAWARE AND RARITAN CANAL. Reference—see Hunterdon County
 WASHINGTON CROSSING STATE PARK. Reference—see Bucks County, PA
 Ewing. **GREEN, WILLIAM, HOUSE**, Off NJ 69 on Green Lane, (12-4-73) G.
 Harbortown (Hopewell Township). **HARBOUTON HISTORIC DISTRICT**, Jct. of Harbortown/Rocktown Rd. and Harbortown/Mt. Airy Rd., (12-31-74)
 Hightstown. **SLOAN, SAMUEL, HOUSE**, 238 S. Main St., (3-28-74)
 Hopewell. **LEIGH, ICABOD, HOUSE**, Pennington-Rocky Hill Rd., (3-4-75)
 Hopewell vicinity. **STOUT, JOSEPH, HOUSE**, Province Line Rd., (10-29-74) HABS.
 Lawrence (Lawrence Township). **ANDERSON-CAPNER HOUSE**, 700 Trumbull Ave., (4-3-73)
 Lawrenceville (Lawrence Township). **LAWRENCE TOWNSHIP HISTORIC DISTRICT**, Lawrenceville and vicinity N, including both sides of U.S. 206, (9-14-72) HABS, G.
 Lawrenceville vicinity (Lawrence Township). **WHITE, JOHN, HOUSE**, 1 mi. N of Lawrenceville on Cold Soil Rd., (1-29-73)
 Pennington (Hopewell Township). **HART, JOHN D., HOUSE**, Curliis Ave., (10-18-72) HABS.
 Pennington (Hopewell Township). **PENNINGTON RAILROAD STATION**, Corner of Franklin and Green Ave., (12-31-74)
 Pennington (Hopewell Township). **WELLING, JOHN, HOUSE**, Curliis Ave. at Birch St., (3-14-73) HABS.
 Pennington vicinity. **WOOLSEY, JEREMIAH, HOUSE**, SW of Pennington on Washington Crossing Rd., (1-27-75) HABS.
 Pennington vicinity (Hopewell Township). **HART-HOCH HOUSE**, SW of Pennington on NJ 546 and Scotch Rd., (3-14-73)
 Princeton. **CLEVELAND, GROVER, HOME (WESTLAND)**, 15 Hodge Rd., (10-15-66) NHL
 Princeton. **DRUMTHWACKET**, 344 Stockton Rd., (6-10-75)
 Princeton. **HENRY, JOSEPH, HOUSE**, Princeton University campus, (10-15-66) NHL, HABS.
 Princeton. **MAYBURY HILL (JOSEPH HEWES BIRTHPLACE AND BOYHOOD HOME)**, 346 Snowden Lane, (11-11-71) NHL
 Princeton. **MORVEN**, 55 Stockton St., (1-25-71) NHL, HABS.
 Princeton. **NASSAU HALL, PRINCETON UNIVERSITY**, Princeton University campus, (10-15-66) NHL
 Princeton. **PRESIDENTS HOUSE (MACLEAN HOUSE)**, Nassau St., (7-17-71) NHL, HABS.
 Princeton. **PRINCETON BATTLEFIELD**, Princeton Battlefield State Park, (10-15-66) NHL, G.
 Princeton. **PRINCETON HISTORIC DISTRICT**, Irregular pattern between Lytle St. and Haslet Ave. from Lovers Lane to Olden St., (6-27-75) HABS.
 Titusville vicinity. **PHILLIPS, JOSEPH, FARM**, N of Titusville on Hunter Rd., (5-2-77)
 Titusville vicinity. **SOMERSET ROLLER MILLS**, NJ 29, (11-19-74)
 Trenton. **ABBOTT, JOHN II, HOUSE**, 2200 Kuser Rd., (6-18-76)

NOTICES

NEW JERSEY 5253

Trenton. **BOW HILL (BARNT DE KLYN HOUSE)**, Jeremiah Ave. off Lalor St., (1-25-73) HABS.
 Trenton. **DICKINSON, GEN. PHILEMON, HOUSE (THE HERMITAGE)**, 46 Colonial Ave., (5-17-74)
 Trenton. **DOUGLASS HOUSE**, Corner of Front and Montgomery Sts., (12-18-70) HABS, G.
 Trenton. **MANSION HOUSE (MCCALL HOUSE, ELLARSLIE)**, Cadwalader Park, (2-6-73) G.
 Trenton. **MERCER STREET FRIENDS CENTER (CHESTERFIELD FRIENDS MEETINGHOUSE)**, 151 Mercer St., (8-12-71)
 monmouth county
 ARNETOWN HISTORIC DISTRICT. Reference—see Burlington County
 Allentown vicinity. **WALNFORD**, S of Allentown off CR 539, (6-29-76)
 Atlantic Highlands. **ALEXANDER HAMILTON (Steamship)**, Off NJ 36, (3-25-77)
 Englishtown. **VILLAGE INN (DAVIS TAVERN)**, Water and Main Sts., (11-13-72) HABS.
 Fair Haven. **FISK CHAPEL**, Cedar Ave., (10-29-75)
 Farmingdale. **ALLAIRE VILLAGE (HOWELL WORKS, MONMOUTH FURNACE)**, 3 mi. SE of Farmingdale on NJ 524, (1-11-74) HABS.
 Freehold. **HANKINSON-MOREAU-COVENHOVEN HOUSE (CLINTON'S HEADQUARTERS)**, 150 W. Main St., (5-1-74) NHL, HABS, G.
 Freehold (Manalapan Township). **MONMOUTH BATTLEFIELD**, NW of Freehold on NJ 522, W of Rte. 9, (10-15-66) NHL
 Highlands. **TWIN LIGHTS (NAVESINK LIGHTHOUSE)**, S of NJ 36 on a promontory between the Navesink River and Sandy Hook Bay, (12-2-70)
 Holmdel vicinity. **KOVENHOVEN (KOVENHOVEN)**, N of Holmdel off NJ 34, (4-26-74) HABS.
 Holmdel vicinity. **OLD KENTUCK**, NW of Holmdel off NJ 34 on Pleasant Valley Rd., (11-6-73)
 Imlaystown vicinity. **UPPER FREEHOLD BAPTIST MEETING**, E of Imlaystown on Red Valley Rd., (4-21-75) G.
 Long Branch. **CHURCH OF THE PRESIDENTS**, 1260 Ocean Ave., (11-7-76) HABS.
 Matawan. **BURROWES, MAJ. JOHN, MANSION (ENCHANTED CASTLE)**, 94 Main St., (9-29-72) HABS, G.
 Middleton. **KINGS HIGHWAY DISTRICT**, Irregular pattern—both sides of Kings Highway, S and W of NJ 35, (5-3-74)
 Middletown. **CHRIST CHURCH**, 92 Kings Hwy., (11-12-71) HABS.
 Middletown. **SEABROOK-WILSON HOUSE**, 119 Port Monmouth Rd., (10-29-74)
 Navesink. **ALL SAINTS' MEMORIAL CHURCH COMPLEX**, Navesink Ave. and Locust Rd., (2-15-74)
 Navesink. **NAVESINK HISTORIC DISTRICT**, Both sides of Monmouth Ave. from Mulberry La. to 6000 E of Browns Dock Rd., N to jct. of Hillside and Grand Aves., (9-5-75)
 Ocean Grove. **OCEAN GROVE CAMP MEETING ASSOCIATION DISTRICT**, Bounded by Fletcher Lake, NJ 71, Lake Wesley, and the ocean, (4-12-76)
 Red Bank. **FORTUNE, T. THOMAS, HOUSE**, 94 W. Bergen Pl., (12-8-76) NHL
 Red Bank. **RED BANK PASSENGER STATION**, Ridge and Monmouth Sts., (5-28-76)

Piscataway. **FITZ-RANDOLPH, EPHRAIM, HOUSE**, 430 S. Randolphville Rd., (3-14-73) HABS.
 Piscataway. **IVY HALL (CORNELIUS LOWE HOUSE)**, 1225 River Rd., (5-27-71) HABS.
 Piscataway. **METLAR HOUSE (KNAPP HOUSE, BODINE HOUSE)**, 1281 River Rd., (3-7-73)
 Piscataway. **ONDERDONK, ISAAC, HOUSE**, 685 River Rd., (10-30-73)
 Piscataway. **SMOCK, MATTHIAS, HOUSE**, Off River Rd. (NJ 18), (12-4-73) HABS.
 Woodbridge. **BARRON LIBRARY**, 582 Rahway Ave., (11-11-77)
 morris county
 MORRIS CANAL. Reference—see Essex County
 Boonton. **BOONTON PUBLIC LIBRARY (JAMES HOLMES LIBRARY)**, 619 Main St., (11-13-72)
 Boonton. **DELAWARE, LACKAWANNA AND WESTERN RAILROAD STATION**, Myrtle Ave., Main, and Division Sts., (7-13-77)
 Boonton. **MILLER-KINGSLAND HOUSE**, Vreeland Ave., 9000 W of Montville Township boundary, (7-24-73) HABS.
 Boonton vicinity. **DIXON, JAMES, FARM**, NW of Boonton on Rockaway Valley Rd., (8-29-77)
 Boonton vicinity. **ROCKAWAY VALLEY METHODIST CHURCH**, NW of Boonton, (11-11-77)
 Boonton vicinity. **SPLIT ROCK FURNACE**, NW of Boonton, (11-6-74) HABS.
 Chester. **CHESTER HOUSE INN**, Main St. and Hillside Rd., (7-18-74) HABS.
 Chester. **FIRST CONGREGATIONAL CHURCH**, Hillside Rd., (8-10-77)
 Chester vicinity. **COOPER, NATHAN, GRIST MILL**, W of Chester at Hacklebarney Rd. and NJ 24, (11-21-76)
 Dover vicinity. **FORD-FAESCH HOUSE**, N of Dover at Mt. Hope Rd. and Mt. Hope Ave., (2-12-74)
 Dover vicinity (Randolph Township). **FRIENDS MEETINGHOUSE**, S of Dover at Quaker Ave. and Quaker Church Rd., off NJ 18, (6-4-73) HABS.
 East Hanover. **COOK, ELLIS, HOUSE (HALFWAY HOUSE)**, 174 Mount Pleasant Ave., (5-12-75) HABS.
 Flanders vicinity. **CAREY, LEWIS, FARM-HOUSE**, 208 Emmans Rd., (7-20-77)
 Florham Park. **FORD, SAMUEL JR.'S, HAMMOCK FARM**, 310 Columbia Tpke., (12-30-74)
 Florham Park. **LITTLE RED SCHOOLHOUSE**, Ridgedale Ave. at Columbia Tpke., (7-24-73)
 Ledgewood. **RIGGS, SILAS, HOUSE**, 217 Main St., (11-11-77)
 Lincoln Park. **DOD, JOHN, HOUSE AND TAVERN**, 11 Highland St. and 8 Chapel Hill Rd., (8-12-77) HABS.
 Livingston vicinity. **FIRST PRESBYTERIAN CHURCH OF HANOVER**, W of Livingston at Mount Pleasant and Hanover Aves., (11-10-77)
 Madison. **GIBBONS MANSION**, 36 Madison Ave., (8-10-77)
 Mendham. **THOMPSON, DAVID, HOUSE**, 56 W. Main St., (7-24-73) HABS.
 Mendham vicinity. **RAISTON HISTORIC DISTRICT**, 1 mi. W of Mendham at NJ 24 and Roxiticus Rd., (2-20-75) HABS.
 Millington. **BOYLE/HUDSPETH-BENSON HOUSE**, 100 Basking Ridge Rd., (2-10-75)
 Morristown. **ACORN HALL**, 68 Morris Ave., (4-3-73)

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Morristown *CONDICT, DR LEWIS, HOUSE*, 51 South St., (4-3-73)
Morristown *CUTLER HOMESTEAD*, 21 Cutler St., (3-10-75)
Morristown *MILLS, TIMOTHY, HOUSE*, 27 Mills St., (2-24-75) HABS.
Morristown *MORRIS COUNTY COURTHOUSE*, Washington St. between Court St. and Western Ave., (8-19-77)
Morristown *MORRISTOWN DISTRICT*, (10-30-73) HABS.
Morristown *MORRISTOWN NATIONAL HISTORICAL PARK*, At jct. of U.S. 202 and NJ 24, (10-15-66) HABS. (also in Somerset County)
Morristown *NAST, THOMAS, HOME (VILLA FONTANA)*, MacCulloch Ave. and Miller Rd., (10-15-66) NHL; HABS.
Morristown *SMITH, JOHN, HOUSE*, Washington Valley Rd., (1-1-76)
Morristown *SPEEDWELL VILLAGE*, 333 Speedwell Ave., (11-20-70) G.
Morristown *SPEEDWELL VILLAGE-THE FACTORY*, 333 Speedwell Ave., (9-13-74) NHL.
Morristown vicinity *BOISAUBIN MANOR*, SE of Morristown on Treadwell Ave., (10-22-76)
Morristown vicinity *REVERE, JOSEPH W., HOUSE*, NW of Morristown on Mendham Ave., (9-20-73)
Morristown vicinity *WHIPPANY FARM*, 53 E. Hanover Ave., (9-22-77)
Mountain Lakes *GRIMES HOMESTEAD*, 45 Bloomfield Ave., (4-1-77)
Oak Ridge vicinity *INGLING, ALFRED T., MANOR*, S of Oak Ridge on Berkshire Valley Rd., (6-3-76)
Parsippany *BOWERS-LIVINGSTON-OSBORN HOUSE*, 25 Parsippany Rd., (6-19-73) HABS.
Parsippany vicinity *CONDIT, STEPHEN, HOUSE*, NE of Parsippany on Beverwyck Rd. off U.S. 46, (2-15-74)
Pompton Plains *BERRY, MARTIN, HOUSE*, 581 NJ 23 at Jackson Ave., (6-19-73) HABS.
Riverdale *SLATER'S MILL*, 96 Paterson-Hamburg Tpke., (6-18-75)
Rockaway Borough *JACKSON, JOSEPH, HOUSE*, 82 E. Main St., (3-4-75) HABS.
Towaco *DOREUMS HOUSE*, 490 Main Rd., (10-31-72) HABS.
Washington Valley *WASHINGTON VALLEY SCHOOLHOUSE*, Washington Valley Rd. and Schoolhouse Lane, (10-15-73)
Whippany *TUTTLE HOUSE*, 341 NY 10, (10-5-77) HABS.

ocean county

Barnegat Light *BARNEGAT LIGHT PUBLIC SCHOOL*, 501 Central Ave., (6-7-76)
Barnegat Light *BARNEGAT LIGHTHOUSE*, N end of Long Beach Island, off Broadway Ave., (1-25-71) HABS.
Laurelton *ORIENT BAPTIST CHURCH (BURRISVILLE CHURCH)*, NJ 88, (8-10-77)
Manahawkin (Stafford Township) *MANAHAWKIN BAPTIST CHURCH*, N. Main St. (US 9) and Lehigh Ave., (4-3-73)
Manchester Township *HANGAR NO. 1, LAKEHURST NAVAL AIR STATION*, N of Lakehurst on CR 547, (5-23-68) NHL.

passaic county

MORRIS CANAL, Reference—see Essex County
Haledon *BOTTO, PIETRO, HOUSE*, 83 Norwood St., (7-30-74)
Newfoundland vicinity *CLINTON FURNACE*, Off NJ 23 at Clinton Reservoir, (6-18-76)

NOTICES

Paterson *BELLE VISTA (LAMBERT CASTLE)*, Valley Rd. in Garret Mountain Reservation, (6-3-76)
Paterson *CATHEDRAL OF ST JOHN THE BAPTIST*, Main and Grand Sts., (12-16-77)
Paterson *GREAT FALLS OF PATERSON'S U.M. HISTORIC DISTRICT*, At Passaic River on the N., (4-17-70) NHL; HABS.
Paterson *WESTSIDE PARK (VAN HOUTEN HOUSE)*, 114 Totowa Ave., (3-7-73) HABS.
Ringwood Borough *RINGWOOD MANOR*, 3 mi. E of Hewitt, Ringwood Manor State Park, (11-13-66) NHL; HABS.
Wayne *AILSA FARMS (HALEDON HALL)*, 300 Pompton Rd., (4-30-76)
Wayne *DEY MANSION*, 199 Totowa Rd., (12-18-70) HABS.
Wayne *SCHUYLER-COLFAK HOUSE*, 2343 Paterson Hamburg Tpke., (4-3-73) HABS.
Wayne vicinity *VAN RIPER-HOPPER HOUSE (WAYNE MUSEUM)*, 533 Berdan Ave., (8-21-72)
West Milford vicinity *LONG POND IRON-WORKS*, NE of West Milford on NJ 511, (1-11-74)

salem county

Alloway vicinity *DICKINSON HOUSE*, NE of Alloway on Brickyard Rd., (2-20-75) HABS.
Daretown *PITTSBOROUGH PRESBYTERIAN CHURCH*, Main St., (9-19-77) HABS.
Elmer *SMITH, DAVID V., HOUSE*, 104 S. Main St., (5-17-76)
Lower Alloways Creek Township *HANCOCK HOUSE*, Rte. 49 and Front St., (12-18-70) HABS.
Salem *MARKET STREET HISTORIC DISTRICT*, Irregular pattern on both sides of Market St. from Broadway to Fenwick Creek, (4-10-75) HABS; G.
Salem vicinity *BRICK, RICHARD, HOUSE*, NE of Salem off NJ 45 on Compromise Rd., (5-13-76)
Salem vicinity *NICHOLSON, SARAH AND SAMUEL, HOUSE*, 2 mi. S of Salem on Amwellbury Rd., (2-24-75)
Woodstown vicinity *DUNN, ZACCHEUS, HOUSE*, S of Woodstown on East Lake Rd., (8-10-77) HABS.
Woodstown vicinity *SEVEN STARS TAVERN*, N of Woodstown at jct. of Sharptown-Swedeshboro and Woodstown-Auburn Rds., (5-17-76) HABS.

somerset county

DELAWARE AND RARITAN CANAL, Reference—see Hunterdon County
Morristown *NATIONAL HISTORICAL PARK*, Reference—see Morris County
Basking Ridge *BASKING RIDGE CLASSICAL SCHOOL*, 15 W. Oak St., (7-21-76)
Basking Ridge *COFFEE HOUSE*, 214 N. Maple Ave., (11-7-77)
Basking Ridge *PRESBYTERIAN CHURCH IN BASKING RIDGE*, 6 E. Oak St., (12-31-74) HABS.
Bernardsville vicinity *FRANKLIN CORNERS HISTORIC DISTRICT*, N of Bernardsville on Hardscrabble and Child Rds. and U.S. 202, (5-12-75) HABS.
Bound Brook *MIDDLEBROOK ENCAMPMENT SITE*, Mountain Ave., (7-3-75)
Flagtown vicinity *HUFF HOUSE AND FARMSTEAD*, River Rd. at S branch of Raritan River, (11-7-76)
Franklin *MEADOWS, THE*, 1289 Easton Ave., (12-4-73) HABS.
Franklin Township *ROCKINGHAM (OLD BERRIEN HOUSE)*, E of Kingston on Old Rocky Hill Rd., (518), (12-18-70) HABS.

Martinsville vicinity *MOUNT BETHEL BAPTIST MEETINGHOUSE*, About 2 mi. N of Martinsville off U.S. 78, (6-3-76)
Millstone *MILLSTONE HISTORIC DISTRICT*, Amwell and River Rds., (9-13-76)
Millstone vicinity *MILLSTONE VALLEY AGRICULTURE DISTRICT*, S of Millstone on River Rd., (8-10-77)
Raritan *FRELINGHUYSEN, GEN. JOHN, HOUSE*, Somerset St. and Wyckoff Ave., (3-4-71) HABS.
Raritan vicinity *SOUTH BRANCH HISTORIC DISTRICT*, SW of Raritan, (12-13-77)
Rocky Hill vicinity *BRIDGEPOINT HISTORIC DISTRICT*, N of Rocky Hill off U.S. 206, (6-10-75)
Somerville *OLD DUTCH PARSONAGE*, 65 Washington Pl., (1-25-71) HABS.
Somerville *WALLACE HOUSE*, 38 Washington Pl., (12-2-70) HABS; G.

sussex county

MORRIS CANAL, Reference—see Essex County
Andover vicinity *WATERLOO*, 1 mi. S of Andover at Musconetcong River and SR 604, (9-13-77)
Branchville vicinity *LOG CABIN AND FARM*, N of Branchville on Mattison Ave., (8-24-77)
Monroe *OLD MONROE SCHOOL HOUSE*, NJ 94, (8-12-77)
Newton *MERRIAM, HENRY W., HOUSE*, 131 Main St., (12-18-70)
Stanhope *PLASTER MILL*, Off Main St. and Kelly Pl., (8-3-77)
Stillwater vicinity *HARMONY HILL UNITED METHODIST CHURCH*, N of Stillwater on Fairview Lake Rd., (9-19-77)
Stockholm *STOCKHOLM UNITED METHODIST CHURCH*, SR 515, (3-26-76)
Sussex vicinity *VAN BUNSCHÖOTEN, ELLAS, HOUSE*, NW of Sussex on NJ 23, (11-1-74)

union county

Cranford *DROESCHERS MILL (RAHWAY RIVER MILL)*, 347 Lincoln Ave. E., (1-8-74)
Elizabeth *BOXWOOD HALL (BOUDINOT MANSION)*, 1073 E. Jersey St., (12-18-70) NHL; HABS.
Elizabeth *FIRST PRESBYTERIAN CHURCH OF ELIZABETH*, 14-44 Broad St., (5-6-77) HABS.
Elizabeth *LIBERTY HALL (GOV. WILLIAM LIVINGSTON HOUSE)*, Morris and North Aves., (11-28-72) NHL; HABS.
Mountainside vicinity *BADGLEY HOUSE AND SITE*, N of Mountainside off New Providence Rd., Watchung Reservation, (9-27-76)
Plainfield *DRAKE, NATHANIEL, HOUSE*, 602 W. Front St., (6-19-73)
Rahway vicinity *CLARK TOWNSHIP SEVENTEENTH CENTURY CLARK HOUSE*, 593 Madison Hill Rd., (11-19-74) G.
Scotch Plains *DE CAMP, JOHN, HOUSE*, 2101 Raritan Rd., (12-4-73)
Scotch Plains *OLD BAPTIST PARSONAGE*, 547 Park Ave., (1-18-73)
Springfield vicinity *HUTCHINGS HOMESTEAD*, 126 Morris Ave., (9-16-77) HABS.
Union *FIRST PRESBYTERIAN CONGREGATION OF CONNECTICUT FARMS*, Stuyvesant Ave. at Chestnut St., (4-3-70) HABS.
Westfield *MILLER-CORY HOUSE*, 614 Mountain Ave., (11-3-72)

NOTICES

warren county

MORRIS CANAL, Reference—see Essex County
Columbia vicinity *FAIRVIEW SCHOOLHOUSE*, E of Columbia on Dean Rd., (8-12-77) HABS.
Columbia vicinity *WARRINGTON STONE BRIDGE*, NE of Columbia off NJ 94, (12-16-77)
Finesville vicinity *SEIGLE HOMESTEAD*, N of Finesville, (11-7-77)
Hampden vicinity *NEW HAMPDEN PONY PRATT TRUSS BRIDGE*, Reference—see Hunterdon County
Hope *HOPE DISTRICT*, (7-20-73) HABS.
Oxford *OXFORD FURNACE*, Belvidere and Washington Aves., (7-6-77)
Phillipsburg *ROSEBERRY, JOHN, HOMESTEAD*, 540 Warren St., (4-3-73)

NEW MEXICO

bernalillo county

Albuquerque *ARMUJO, SALVADOR, HOUSE*, 618 Rio Grande Blvd., NW., (10-8-76)
Albuquerque *FIRST METHODIST EPISCOPAL CHURCH*, 3rd St. and Lead Ave., (11-7-76)
Albuquerque *ILFELD, CHARLES, COMPANY WAREHOUSE*, 200 1st St. NW., (6-10-75)
Albuquerque *KIMO THEATER*, 421 Central Ave., (5-2-77)
Albuquerque *RANCHO DE CARNUE SITE*, Off U.S. 66, (5-4-77)
Albuquerque *SAN FELIPE DE NERI CHURCH*, Old Town Plaza, NW., (10-1-69)
Albuquerque *SPITZ, BERTHOLD, HOUSE*, 323 N. 10th St., (12-22-77)
Isleta *ISLETA PUEBLO (TUEI)*, U.S. 85, (9-5-75)

catron county

Datil vicinity *AKE SITE*, SE of Datil, (4-2-76)
Horse Springs vicinity *BAT CAVE*, S of Horse Springs, (4-23-76)
Silver City vicinity *GILA CLIFF DWELLINGS NATIONAL MONUMENT*, 47 mi. N of Silver City on NM 25 and 527, (10-15-66)

colfax county

Abbott vicinity *DORSEY MANSION*, About 12 mi. NE of Abbott off U.S. 56., (9-4-70) G.
Cimmaron *CIMMARON HISTORIC DISTRICT*, S edge of city along NM 21, (4-3-73)
Folsom vicinity *FOLSOM SITE*, 8 mi. W of Folsom, (10-15-66) NHL.
Raton *RATON DOWNTOWN HISTORIC DISTRICT*, Roughly bounded by Rio Grande, Clark, 1st and 3rd Sts., (10-21-77)
Raton vicinity *RATON PASS*, U.S. 85-87, CO/NM border, (10-15-66) NHL. (also in Las Animas County, CO)
Springer *MILLS HOUSE*, 509 1st St., (10-6-70)

de Baca county

Fort Sumner vicinity *FORT SUMNER RUINS*, SE of Fort Sumner off NM 212, (8-13-74)

dona ana county

El Paso vicinity *INTERNATIONAL BOUNDARY MARKER NO. 1, U.S. AND MEXICO*, W of El Paso off I 10, (9-10-74)
Las Cruces *ARMUJO, NESTOR, HOUSE*, Lohman Ave. and Church St., (12-12-76)

Las Cruces vicinity *FORT FILLMORE*, SE of Las Cruces, (7-30-74)
Las Cruces vicinity *FORT SELDEN*, 18 mi. N of Las Cruces, (7-9-70) G.
Las Cruces vicinity *MESILLA PLAZA*, 2 mi. S of Las Cruces on NM 28, (10-15-66) NHL.

eddy county

Carlsbad *FIRST NATIONAL BANK OF EDDY*, 303 West Fox St., (12-12-76)
Carlsbad vicinity *CARLSBAD RECLAMATION PROJECT*, N of Carlsbad, (10-15-66) NHL.
Carlsbad vicinity *PAINTED GROTTO*, SW of Carlsbad off U.S. 62/180 in Carlsbad Caverns National Park, (3-8-77)

grant county

Cliff vicinity *WOODROW RUIN*, 5 mi. NE of Cliff, (7-9-70) G.
Silver City *AILMAN, H. B., HOUSE*, 314 W. Broadway, (5-12-75)
Tyrone vicinity *BURRO SPRINGS SITE no. 2*, In Gila National Forest, (12-31-74)

hidalgó county

Lordsburg vicinity *SHAKESPEARE GHOST TOWN*, SW of Lordsburg, off NM 494, (7-16-73) G.

lincoln county

Capitan vicinity *FORT STANTON*, 7 mi. SE of Capitan near U.S. 380, (4-13-73)
Lincoln *LINCOLN HISTORIC DISTRICT*, U.S. 380, (10-15-66) NHL.
Lincoln vicinity *FEATHER CAVE*, (11-20-74)
White Oaks *WHITE OAKS HISTORIC DISTRICT*, 12 mi. NE of Carrizozo on NM 349, (9-4-70) G.

los alamos county

Los Alamos *LOS ALAMOS SCIENTIFIC LABORATORY*, Central Ave., (10-15-66) NHL; G.

luna county

Columbus *VILLAGE OF COLUMBUS AND CAMP FURLONG*, (5-15-75) NHL.
Deming *LUNA COUNTY COURTHOUSE AND PARK*, 700 S. Silver Ave., (10-5-77)

mckinley county

Gallup vicinity *HALONA PUEBLO (ZUNI PUEBLO)*, 36 mi. S of Gallup on NM 32 and NM 53, (2-10-75)
Manuelito vicinity *MANUELITO COMPLEX*, S of Manuelito, (10-15-66) NHL.
Thoreau vicinity *CHACO CANYON NATIONAL MONUMENT*, 64 mi. N of Thoreau on NM 56, (10-15-66)

mora county

Mora *ST. VRAIN'S MILL*, On NM 38, (8-28-73)
Mora vicinity *LA CUEVA HISTORIC DISTRICT*, 6 mi. SE of Mora at jct. of NM 3 and 21, (5-25-73)
Wagon Mound vicinity *WAGON MOUND*, E of Wagon Mound on U.S. 85, (10-15-66) NHL.
Watrous *WATROUS (LA JUNTA)*, U.S. 85, (10-15-66) NHL.
Watrous vicinity *FORT UNION NATIONAL MONUMENT*, 9 mi. N of Watrous on NM 477, (10-15-66)

rio arriba county

CUMBRES AND TOLTEC SCENIC RAILROAD (DENVER AND RIO GRANDE WESTERN RAILROAD), Reference—see Archuleta County, CO
Blanco vicinity *FRANCES CANYON RUIN*, 17 mi. NE of Blanco, (9-4-70)

NEW MEXICO 5255

Canones vicinity *TSIPING*, 7 mi. W of Abiquiú in Santa Fe National Forest, (9-4-70)

Espanola vicinity *PUYE RUINS*, 14 mi. W of Espanola, (10-15-66) NHL.
Espanola vicinity *SAN GABRIEL DE YUNGUE-QUINGE*, 4 mi. N of Espanola, (10-15-66) NHL.

Espanola vicinity *SANTA CLARA PUEBLO (KAPO' ONWI)*, S of Espanola off NM 30, (11-5-74)

Farmington vicinity *CROW CANYON ARCHEOLOGICAL SITE*, E of Farmington, (7-15-74) (also San Juan County)

Sante Fe vicinity *SAN JUAN PUEBLO (OKE'ONWI)*, N of Sante Fe, (7-30-74)

roosevelt county

Clovis vicinity *ANDERSON BASIN (BLACKWATER DRAW)*, 12 mi. S of Clovis, (10-15-66) NHL.

san juan county

CROW CANYON ARCHEOLOGICAL SITE, Reference—see also Rio Arriba County

Aztec vicinity *AZTEC RUINS NATIONAL MONUMENT*, 1 mi. N of Aztec, (10-15-66)
Farmington vicinity *GALLEGOS WASH ARCHEOLOGICAL DISTRICT*, SE of Farmington, (11-20-75)
Farmington vicinity *SALMON RUIN*, 9 mi. E of Farmington off NM 17, (9-4-70) G.

san miguel county

Bell Ranch vicinity *BELL RANCH HEADQUARTERS*, N and E of the Conchas Reservoir, (10-6-70)

Las Vegas *LAS VEGAS PLAZA*, Bounded by Valencia and Moreno Sts. and rear property line of building on Gonzales St. and Hot Springs Blvd., (12-16-74)

Las Vegas *OUR LADY OF SORROWS CHURCH*, W. National Ave., (9-8-76)

Las Vegas *ST. PAUL'S MEMORIAL EPISCOPAL CHURCH AND GUILD HALL*, 714-716 National Ave., (11-7-76)

Las Vegas vicinity *MONTEZUMA HOTEL COMPLEX*, 6 mi. NW of Las Vegas in Galinas Canyon, (5-3-74)

Pecos vicinity *PECOS NATIONAL MONUMENT*, S of Pecos on NM 63, (10-15-66)

San Jose vicinity *SAN MIGUEL DEL VADO HISTORIC DISTRICT*, SE of San Jose on NM 3, off U.S. 84/85, (7-17-72) G.

Santa Fe vicinity *GLORIETA PASS BATTLEFIELD*, 10 mi. SE of Santa Fe on U.S. 84-85, (10-15-66) NHL. (also in Santa Fe County)

sandoval county

Albuquerque vicinity *PUEBLO OF SANTO DOMINGO (KIUUA)*, 35 mi. NE of Albuquerque, off I 25, (12-12-73)

Bernalillo *OUR LADY OF SORROWS CHURCH*, U.S. 85, (4-29-77)

Bernalillo vicinity *JEMEZ PUEBLO*, 28 mi. N of Bernalillo on NM 4, (5-2-77)

Bernalillo vicinity *KUAA RUIN*, N of Bernalillo off NM 44, (1-1-76)

Bernalillo vicinity *SANDIA CAVE*, 11 mi. E of Bernalillo in Cibola National Forest, (10-15-66) NHL.

Bernalillo vicinity *TAMAYA (SANTA ANA PUEBLO)*, N of Bernalillo, (11-1-74)

Bernalillo vicinity *ZIA PUEBLO*, 18 mi. W of Bernalillo on NM 44, (4-3-73)

Casa Salazar vicinity *BIG BEAD MESA*, W of Casa Salazar in Cibola National Forest, (10-15-64) NHL.

Jemez Spring vicinity *SAN JUAN MESA RUIN*, 4 mi. E of Jemez Springs in Santa Fe National Forest, (7-9-70)

Jemez Springs. **JEMEZ STATE MONUMENT** (SAN JOSE DE LOS JEMEZ MISSION AND GIUSEWA PUEBLO), NM 4, (3-14-73)
Los Alamos vicinity. **BANDELIER NATIONAL MONUMENT**, 12 mi. S of Los Alamos on NM 4, (10-15-66) HABS
Santa Fe vicinity. **COCHITI PUEBLO**, 27 mi. SW of Santa Fe on the Rio Grande, (11-20-74)

santa fe county

GLORIETA PASS BATTLEFIELD, Reference—see San Miguel County
Chimayo vicinity. **PLAZA DEL CERRO (PLAZA DEL SAN BUENAVENTURA)**, SW of jct. of Rtes. 76 and 4, (7-17-72)
Española vicinity. **SAN ILDEFONSO PUEBLO**, SW of Espanola off NM 4, (6-20-74)
Madrid. **MADRID HISTORIC DISTRICT**, 25 mi. SW of Santa Fe on NM 14, (11-9-77)
Santa Cruz. **LA IGLESIA DE SANTA CRUZ AND SITE OF THE PLAZA OF SANTA CRUZ DE LA CANADA**, (8-17-73)
Santa Fe. **BARRIO DE ANALCO HISTORIC DISTRICT**, Roughly bounded by E. De Vargas and College Sts. and the Santa Fe River, (11-24-68) NHL
Santa Fe. **BERGERE, ALFRED M., HOUSE**, 135 Grant Ave., (10-1-75)
Santa Fe. **CRESPIN, GREGORIO, HOUSE**, 132 E. De Vargas St., (5-29-75)
Santa Fe. **DAVEY, RANDALL, HOUSE**, Upper Canyon Rd., (7-9-70)
Santa Fe. **FEDERAL BUILDING**, Cathedral Pl. at Palace St., (8-15-74)
Santa Fe. **FORT MARCY OFFICER'S RESIDENCE**, 116 Lincoln Ave., (6-20-75)
Santa Fe. **FORT MARCY RUINS**, Off NM 475, (4-14-75)
Santa Fe. **HAYT-WIENTGE HOUSE**, 620 Paseo de la Cuna, (5-6-77)
Santa Fe. **NATIONAL PARK SERVICE SOUTHWEST REGIONAL OFFICE**, Old Santa Fe Trail, (10-6-70)
Santa Fe. **PALACE OF THE GOVERNORS**, The Plaza, (10-15-66) NHL; HABS; G.
Santa Fe. **REREDOS OF OUR LADY OF LIGHT**, Christo Rey Church, Canyon Rd. and Cristo Rey St., (9-4-70)
Santa Fe. **SANTA FE HISTORIC DISTRICT**, (7-23-73) HABS; G.
Santa Fe. **SANTA FE PLAZA**, (10-15-66) NHL; HABS
Santa Fe. **SHONNARD, EUGENIE, HOUSE**, 226 Hickox St., (9-5-75)
Santa Fe. **SPIEGELBERG HOUSE (SPITZ HOUSE)**, 237 E. Palace St., (5-25-73)
Santa Fe. **TULLY, PINCKNEY R., HOUSE**, 136 Grant Ave., (11-5-74) G.
Santa Fe. **U.S. COURTHOUSE**, Federal Pl., (5-25-73)
Santa Fe. **VIGIL, DONACIANO, HOUSE**, 518 Alto St., (6-28-72)
Santa Fe vicinity. **OTOWI HISTORIC DISTRICT**, 25 mi. N of Santa Fe on NM 4, (12-4-75)
Santa Fe vicinity. **PUEBLO OF NAMBE**, About 16 mi. off NM 4, (1-21-74)
Santa Fe vicinity. **PUEBLO OF TESUQUE (TATUNGE)**, About 8 mi. N of Santa Fe on W bank of Tesuque River, (7-16-73) G.
Santa Fe vicinity. **SAN LAZARO**, 25 mi. S of Santa Fe, (10-15-66) NHL
Santa Fe vicinity. **SETON VILLAGE**, 6 mi. S of Santa Fe off U.S. 84/85, (10-15-66) NHL
Truchas vicinity. **EL SANTUARIO DE CHIMAYO**, S of Truchas in Chimayo, (4-15-70) NHL

NOTICES

socorro county

Bingham vicinity. **TRINITY SITE**, 25 mi. S of U.S. 380 on White Sands Missile Range, (10-15-66) NHL
Gran Quivira vicinity. **GRAN QUIVIRA NATIONAL MONUMENT**, 1 mi. E of Gran Quivira on NM 10, (10-15-66) (also in Torrance County)
Magdalena vicinity. **GALLINAS SPRINGS RUIN**, 25 mi. S of Santa Fe in Cibola National Forest, (9-4-70)
Socorro. **BURSUM HOUSE**, 326 Church St., (6-18-75)
Socorro. **GARCIA OPERA HOUSE**, Terry Ave. and California St., (8-13-74)
Socorro. **ILLINOIS BREWERY**, Neal Ave. and 6th St., (9-2-75)
Socorro. **VAL VERDE HOTEL**, 203 Manzanares St., (9-13-77)
Socorro vicinity. **FORT CRAIG**, 37 mi. S of Socorro, (10-15-70)

taos county

Las Trampas. **LAS TRAMPAS HISTORIC DISTRICT**, On NM 76, (5-28-67) NHL; HABS
Las Trampas. **SAN JOSE DE GRACIA CHURCH**, N side of the Plaza, (4-15-70) NHL
Ojo Caliente. **CHAPEL OF SANTA CRUZ**, S side of Plaza off U.S. 285, (4-14-75)
Ranchos de Taos. **SAN FRANCISCO DE ASIS MISSION CHURCH**, The Plaza, (4-15-70) NHL; HABS
Taos. **BLUMENSCHNEIN, ERNEST L., HOUSE**, Ledoux St., (10-15-66) NHL
Taos. **CARSON, KIT, HOUSE**, Kit Carson Ave., NHL; HABS
Taos. **HARWOOD FOUNDATION (SMITH H. SIMPSON HOUSE)**, LeDoux St., (12-22-76)
Taos. **MARTINEZ, SEVERINO, HOUSE**, 2 mi. from Taos Plaza, on the Lower Ranchitos Rd., (4-23-73) G.
Taos vicinity. **LA MORADA DE NUESTRA SENORA DE GUADALUPE**, E of Taos off U.S. 64, (6-29-76) G.
Taos vicinity. **PICURIS PUEBLO**, S of Taos, (8-13-74)
Taos vicinity. **TAOS PUEBLO**, 3 mi. N of Taos, (10-15-66) NHL; HABS
Vadito. **LAUREANO CORDOVA MILL**, Off NM 75, (11-5-74)

torrance county

GRAN QUIVIRA NATIONAL MONUMENT, Reference—see Socorro County
Abo vicinity. **ABO**, 3 mi. W of Abo on U.S. 60, (10-15-66) NHL; G.
Punta de Agua vicinity. **QUARAI**, 1 mi. S of Punta de Agua, (10-15-66) NHL; G.

union county

Clayton vicinity. **RABBIT EARS (CLAYTON COMPLEX)**, NW of Clayton, (10-15-66) NHL

valencia county

Acoma. **SAN ESTEVAN DEL REY MISSION CHURCH**, On NM 23, (4-15-70) NHL; HABS
Albuquerque vicinity. **LAGUNA PUEBLO**, 45 mi. W of Albuquerque off U.S. 66, (6-19-73)
Casa Blanca vicinity. **ACOMA**, 13 mi. S of Casa Blanca on NM 23, (10-15-66) NHL; HABS; G.
El Morro vicinity. **EL MORRO NATIONAL MONUMENT**, 2 mi. W of El Morro via NM 53, (10-15-66)
Granta vicinity. **DITTERT SITE**, S of Grants, (8-22-77)

Laguna Pueblo. **SAN JOSE DE LA LAGUNA MISSION AND CONVENTO**, (1-29-73)
Los Lunas vicinity. **TRANQUILINO LUNA HOUSE**, SW of Los Lunas at Jct. of U.S. 85 and NM 6, (4-16-75) G.
Tome. **TOME JAIL**, Tome Plaza, (10-5-77)
Zuni vicinity. **HAWIKUH**, 12 mi. SW of Zuni, Zuni Indian Reservation, (10-15-66) NHL

NEW YORK

albany county

Albany. **ALBANY ACADEMY (JOSEPH HENRY MEMORIAL)**, Academy Park, (2-18-71)
Albany. **ALBANY CITY HALL**, Eagle St. at Maiden Lane, (9-4-72)
Albany. **ALBANY INSTITUTE OF HISTORY AND ART**, 135 Washington Ave., (7-12-76)
Albany. **ALBANY UNION STATION**, E side of Broadway between Columbia and Steuben Sts., (2-18-71)
Albany. **CATHEDRAL OF ALL SAINTS**, S. Swan St., (7-25-74)
Albany. **CATHEDRAL OF THE IMMACULATE CONCEPTION**, 125 Eagle St., (6-8-76)
Albany. **CHERRY HILL**, S. Pearl St. between 1st and McCarthy Aves., (2-18-71)
Albany. **DELAWARE AND HUDSON RAILROAD COMPANY BUILDING**, The Plaza on State St., (3-16-72)
Albany. **FIRST REFORMED CHURCH**, 56 Orange St., (1-21-74)
Albany. **FIRST TRUST COMPANY BUILDING**, 35 State St., (1-18-73)
Albany. **HALL, JAMES, OFFICE**, Lincoln Park, (12-8-76) NHL
Albany. **NEW YORK EXECUTIVE MANSION**, 138 Eagle St., (2-18-71)
Albany. **NEW YORK STATE CAPITOL**, Capitol Park, (2-18-71)
Albany. **NEW YORK STATE COURT OF APPEALS BUILDING (STATE HALL)**, Eagle St. between Pine and Columbia Sts., (2-18-71) HABS
Albany. **NEW YORK STATE DEPARTMENT OF EDUCATION BUILDING**, Washington Ave. between Hawk and Swan Sts., (3-18-71)
Albany. **NUT GROVE**, McCarty Ave., (7-30-74)
Albany. **OLD POST OFFICE**, NE corner of Broadway and State St., (1-20-72)
Albany. **PASTURES HISTORIC DISTRICT**, Bounded on N by Madison Ave., on E by Green St., on S by South Ferry St., on W by S. Pearl St., (3-16-72)
Albany. **QUACKENBUSH HOUSE**, 683 Broadway, (6-19-72)
Albany. **SCHUYLER, PHILIP, MANSION**, Clinton and Schuyler Sts., (12-24-67) NHL; HABS
Albany. **ST. MARY'S CHURCH**, 10 Lodge St., (7-14-77)
Albany. **ST. PETER'S CHURCH**, 108 State St., (3-16-72)
Albany. **TEN BROECK MANSION**, 9 Ten Broeck Pl., (8-12-71) G.
Albany. **UNITED TRACTION COMPANY BUILDING**, 598 Broadway, (5-24-76)
Albany. **WASHINGTON PARK HISTORIC DISTRICT**, Washington Park and surrounding properties, (6-19-72)
Albany. **WHIPPLE CAST AND WROUGHT IRON BOWSTRING TRUSS BRIDGE**, 1000 Delaware Ave., (3-18-71) HAER
Albany vicinity. **ONESQUETHAW VALLEY HISTORIC DISTRICT**, About 10 mi. SW of Albany off NY 43, (1-17-74) HABS

NOTICES

clinton county

ADIRONDACK FOREST PRESERVE, NE New York State, (10-15-66) NHL (also in Essex, Franklin, Fulton, Hamilton, Herkimer, St. Lawrence, and Warren counties)
Plattsburgh. **CITY HALL**, City Hall Pl., (12-12-73) G.
Plattsburgh. **KENT-DELOD HOUSE**, 17 Cumberland Ave., (2-18-71)
Plattsburgh. **OLD STONE BARRACKS**, Rhode Island Ave., Plattsburgh Air Force Base, (2-18-71)
Plattsburgh vicinity. **PLATTSBURGH BAY**, Cumberland Bay, E of Plattsburgh, (10-15-66) NHL
Plattsburgh vicinity. **VALCOUR BAY**, 7 mi. S of Plattsburgh on the W shore of Lake Champlain, (10-15-66) NHL
Rouses Point. **FORT MONTGOMERY**, N of Rouses Point, (8-22-77)

columbia county

Ancram. **SIMONS GENERAL STORE**, Ancram Sq., (4-23-73)
Austerlitz vicinity. **STEEPLETOP (EDNA ST. VINCENT MILLAY HOUSE)**, NE of Austerlitz on E. Hill Rd., (11-11-71) NHL
Chatham. **SPANGLER BRIDGE**, Spangler Rd. over Kinderhook Creek, (2-23-73) G.
Chatham vicinity. **UNION STATION**, NY 66 at intersection with NY 295, (5-1-74)
Church Hill. **OLANA (FREDERIC E. CHURCH HOUSE)**, Church Hill, E end of Rip Van Winkle Bridge, (10-15-66) NHL; G.
Germantown. **CLERMONT**, Clermont State Park, (2-18-71) NHL; HABS
Germantown. **GERMAN REFORMED SANCTITY CHURCH PARSONAGE**, Maple Ave., (1-30-76)
Hudson. **EVANS, CORNELIUS H., HOUSE**, 414-416 Warren St., (11-1-74)
Hudson. **FRONT STREET-PARADE HILL-LOWER WARREN STREET HISTORIC DISTRICT**, (3-5-70)
Hudson vicinity. **BRONSON, DR. OLIVER, HOUSE AND STABLES**, S of Hudson off U.S. 9, (2-20-73)
Kinderhook. **KINDERHOOK VILLAGE DISTRICT**, Both sides of U.S. 9, (7-24-74) G.
Kinderhook vicinity. **MARTIN VAN BUREN NATIONAL HISTORIC SITE (LINDENWALD)**, E of Kinderhook on NY 9H, (10-15-66) NHL; HABS
Kinderhook vicinity. **VAN ALLEN, LUYCAS, HOUSE**, E of Kinderhook on NY 9H off U.S. 9, (12-24-67) NHL; HABS
Livingston. **LIVINGSTON, HENRY W., HOUSE (THE HILL)**, N of Bell's Pond at Jct. of U.S. 9 and NY 82, (2-18-71)
New Lebanon. **MOUNT LEBANON SHAKER SOCIETY**, U.S. 20, (10-15-66) NHL; HABS; G.
Spencertown. **SPENCERTOWN ACADEMY**, NY 203, E of jct. with CR 7, (4-3-73) G.
Stockport. **CHURCH OF ST. JOHN THE EVANGELIST**, Chittenden Rd., (4-13-72)
Stuyvesant. **VAN ALLEN, JOHANNIS L., FARM**, School House Rd., (4-26-73)
Stuyvesant Falls. **STUYVESANT FALLS MILL DISTRICT**, New St. and SR 22, (9-15-76)

cortland county

Cortland. **CORTLAND COUNTY COURTHOUSE**, Courthouse Park, (10-9-74)
Cortland. **CORTLAND FIRE HEADQUARTERS**, 21 Court St., (7-12-74) G.
Cortland. **TOMPKINS STREET HISTORIC DISTRICT**, Tompkins and intersecting sts. from Main St. to Cortland Rural Cemetery, (3-18-75)

Altamont. **DELAWARE AND HUDSON RAILROAD PASSENGER STATION (ALTAMONT VILLAGE HALL)**, Main St. and the Delaware and Hudson RR., (8-12-71)
Altamont. **HAYES HOUSE**, 104 Fairview Ave., (1-17-73) G.

Bethlehem vicinity. **BETHEHEM HOUSE (RENSSELAER NICOLL HOUSE)**, E of Bethlehem off NY 144, (4-11-73) HABS; G.
Coeymans. **COEYMANS, ARIAANJE, HOUSE**, Stone House Rd., (10-18-72) HABS
Coeymans. **COEYMANS SCHOOL (ACTON CIVIL POLYTECHNIC INSTITUTE)**, SW corner of Westerlo St. and Civill Ave., (12-29-70)
Cohoes. **HARMONY MILL NO. 3 (MASTODON MILL)**, 100 N. Mohawk St., (2-18-71) HAER

Cohoes. **LOCK 18 OF ENLARGED ERIE CANAL (DOUBLE LOCK)**, W of 252 N. Mohawk St., E of Reservoir St. near Manor Ave., (2-18-71) HAER
Cohoes. **MUSIC HALL**, NW corner of Remsen and Oneida Sts., (2-18-71)
Cohoes. **OLMSTEAD STREET HISTORIC DISTRICT**, (6-19-73)
Cohoes. **VAN SCHAIK HOUSE**, Van Schaick Ave. and the Delaware & Hudson RR. track, (3-18-71) HABS

Colonie. **WATERVLIET SHAKER HISTORIC DISTRICT**, Watervliet Shaker Rd., (2-20-73)
Green Island. **RENSSELAER AND SARATOGA RAILROAD: GREEN ISLAND SHOPS**, James and Tibbits Sts. and the Delaware and Hudson RR. tracks, (5-24-73) HAER
Newtownville. **NEWTONVILLE POST OFFICE (FIRST BAPTIST CHURCH)**, 534 Loudonville Rd. (NY 9), (3-14-73)
Watervliet. **SCHUYLER FLATTS**, W side of Hudson River, on NY 2, (1-21-74) G.
Watervliet. **WATERVLIET ARSENAL**, S. Broadway, (11-13-66) NHL
Watervliet. **WATERVLIET SIDE CUT LOCKS (DOUBLE LOCK)**, 23rd St. at the Hudson River, (8-12-71)

allegany county

Alfred. **ALLEN STEINHEIM MUSEUM**, Alfred University Campus, (6-4-73) G.
Alfred. **TERRA COTTA**, Main St., (3-16-72) G.
Angelica. **ANGELICA COURTHOUSE (ALLEGANY COUNTY COURTHOUSE)**, Park Circle, (8-21-72)
Belmont vicinity. **BELVIDERE**, 3 mi. N of Belmont on SR 408, (3-16-72) HABS
Belvidere vicinity. **CHRIST EPISCOPAL CHURCH**, Gibson Hill Rd., SW of Rtes. 19 and 408, (5-17-74)
Friendship. **WELLMAN HOUSE**, Main St., (6-20-74)

bronx county

HIGH BRIDGE AQUEDUCT AND WATER TOWER (AQUEDUCT BRIDGE AND WATER TOWER), Reference—see New York County
Bronx. **DODGE, WILLIAM E., HOUSE**, 690 W. 247th St., (8-28-77)
Bronx. **FORT SCHUYLER**, Throgs Neck at East River and Long Island Sound, (6-29-76)
New York. **BARTOW-PELL MANSION AND CARRIAGE HOUSE**, Pelham Bay Park, Shore Rd., (12-30-74) NHL; HABS; G.
New York. **RAINEY MEMORIAL GATES**, New York Zoological Park, (3-16-72)

NEW YORK

The Bronx. **NEW YORK BOTANICAL GARDENS**, Southern and Bedford Park Blvds., (5-28-67) NHL; G.
The Bronx. **VAN CORTLANDT, FREDERICK, HOUSE**, Van Cortlandt Park at 242nd St., (12-24-67) NHL

broome county

Binghamton. **BINGHAMTON CITY HALL**, Collier St. between Court and Academy Sts., (3-18-71) HABS; G.
Binghamton. **BROOME COUNTY COURTHOUSE**, Court St., (5-22-73)
Binghamton. **CHRIST CHURCH**, Corner of Washington and Henry Sts., (12-2-74)
Binghamton. **PHILIPS MANSION (MONDAY AFTERNOON CLUB)**, 191 Court St., (6-4-73)

cattaraugus county

Zawatski Site. **ZAWATSKI SITE**, (11-14-73)
Ellicottville. **ELLCOTTVILLE TOWN HALL**, Village Sq., NW corner of Washington and Jefferson Sts., (4-3-73)
Napoli. **GLADDEN WINDMILL**, Pigeon Valley Rd., (7-16-73)

cayuga county

Auburn. **FLATIRON BUILDING**, 1-3 Genesee St., (3-5-70)
Auburn. **HARRIET TUBMAN HOME FOR THE AGED**, 180-182 South St., (5-30-74) NHL
Auburn. **SEWARD, WILLIAM H., HOUSE**, 33 South St., (10-15-66) NHL
Auburn vicinity. **SAND BEACH CHURCH**, S of Auburn on NY 38, (6-10-75)
Aurora. **AURORA STEAM GRIST MILL**, Main St., (7-30-76)
Poplar Ridge. **WOOD, JETHRO, HOUSE**, NY 34B, (10-15-66) NHL

chautauqua county

Ashville. **BLY, SMITH, HOUSE**, 4 N. Maple St., (10-1-74) HABS
Busti. **BUSTI MILL**, Lawson Rd., (7-23-76)
Chautauqua. **CHAUTAUQUA INSTITUTION HISTORIC DISTRICT**, Bounded by Chautauqua Lake, North and Lowell Aves., and NY 17-J, (6-19-73)
Chautauqua. **MILLER, LEWIS, COTTAGE, CHAUTAUQUA INSTITUTION**, NY 17J, (10-15-66) NHL
Jamestown. **FENTON, GOV. REUBEN, MANSION (WALNUT GROVE)**, 68 S. Main St., (10-18-72)
Westfield. **BARCELONA LIGHTHOUSE AND KEEPER'S COTTAGE**, East Lake Rd., (4-13-72)

chemung county

Elmira. **CHEMUNG COUNTY COURTHOUSE COMPLEX**, 210-228 Lake St., between Market and E. Church Sts., (8-13-71)
Elmira. **NEWTOWN BATTLEFIELD**, 6 mi. SE of Elmira on NY 17, (11-28-72) NHL
Elmira. **PARK CHURCH**, 208 W. Gray St., (5-25-77)
Elmira. **QUARRY FARM**, Crane Rd., (3-13-75)

chenango county

Earlville. **EARLVILLE OPERA HOUSE (DOUGLASS OPERA HOUSE)**, 12-20 E. Main St., (1-22-73) G.
New Berlin. **MOSS, HORACE O., HOUSE (PREFERRED MANOR)**, 45 S. Main St., (5-17-74)
Norwich. **CHENANGO COUNTY COURTHOUSE DISTRICT**, Irregular pattern between Hayes and Mechanic Sts. and Maple Ave. and City Hall, (6-10-75)

Homer. *OLD HOMER VILLAGE HISTORIC DISTRICT*, (10-2-73)
Homer. *WATER, WALL, AND PINE STREETS LENTICULAR TRUSS BRIDGES*, Wall, Water and Pine Sts., (10-5-77)

delaware county

Delhi. *DELAWARE COUNTY COURTHOUSE SQUARE DISTRICT*, (7-16-73)
Delhi vicinity. *FRISBEE, JUDGE GIDEON, HOUSE*, NE of Delhi on NY 10, (12-12-76)
East Meredith. *HANFORD MILL*, On CR 12, (3-26-73)
Meredith. *MACDONALD FARM*, Elk Creek and Monroe Rds., (4-3-73)
Roxbury vicinity. *BURROUGHS, JOHN, HOME (WOODCHUCK LODGE)*, 2 mi. from Roxbury, (10-15-66) NHL

duchess county

Amenia vicinity. *WINEGAR, HENDRIK, HOUSE*, SE of Amenias on SR 2 off NY 343, (4-15-75) G
Barrytown vicinity. *ROKEBY*, S of Barrytown between Hudson River and River Rd., (3-26-75) HABS
Beacon. *BRETT, MADAM CATHARYNA, HOMESTEAD*, 50 Van Nydeck Ave., (12-12-76)
Beacon. *HOWLAND LIBRARY*, 477 Main St., (5-7-73)
Beacon. *TIORONDA BRIDGE*, South Ave., (10-8-76)
Fishkill. *FISHKILL VILLAGE DISTRICT*, Roughly along NY 52 from Cary St. to Hopewell St., (3-20-73)
Fishkill vicinity. *FISHKILL SUPPLY DEPOT SITE*, (1-21-74)
Fishkill vicinity. *VAN WYCK-WHARTON HOUSE*, S of Fishkill on U.S. 9, (4-13-72) HABS

Hyde Park. *BERGH-STOUTENBURGH HOUSE*, U.S. 9, (9-27-72)
Hyde Park. *HOME OF FRANKLIN D. ROOSEVELT NATIONAL HISTORIC SITE*, 2 mi. S of Hyde Park on U.S. 9, (10-15-66) HABS
Hyde Park. *STOUTENBURGH, WILLIAM, HOUSE*, U.S. 9G, East Park, (9-27-72)
Hyde Park. *VANDERBILT MANSION NATIONAL HISTORIC SITE*, N edge of Hyde Park, U.S. 9, (10-15-66) HABS
Pawling. *OBLONG FRIENDS MEETINGHOUSE*, Meetinghouse Rd. on Quaker Hill, (1-12-73)
Poughkeepsie. *CHURCH OF THE HOLY COMFORTER (EPISCOPAL)*, 13 Davies St., (4-13-72)
Poughkeepsie. *COLLINGSWOOD OPERA HOUSE AND OFFICE BUILDING*, 31-37 Market St., (10-20-77)
Poughkeepsie. *GARFIELD PLACE HISTORIC DISTRICT*, Both sides of Garfield Pl., (11-29-72)
Poughkeepsie. *ITALIAN CENTER*, 225-227 Mill St., (4-19-72)
Poughkeepsie. *LOCUST GROVE (SAMUEL F. B. MORSE HOUSE)*, 370 South St., (10-15-66) NHL

Poughkeepsie. *MAIN BUILDING, VASSAR COLLEGE*, Vassar College campus, (9-19-73)
Poughkeepsie. *MILL STREET-NORTH CLOVER STREET HISTORIC DISTRICT*, (2-7-72)
Poughkeepsie. *POUGHKEEPSIE CITY HALL*, 228 Main St., (1-20-72)
Poughkeepsie. *POUGHKEEPSIE RAILROAD STATION*, Main St., (11-21-76)
Poughkeepsie. *SECOND BAPTIST CHURCH*, 36 Vassar St., (1-20-72)

Poughkeepsie. *UNION STREET HISTORIC DISTRICT*, About 8 blocks in downtown Poughkeepsie centered around Union St., (12-9-71)
Poughkeepsie. *VASSAR HOME FOR AGED MEN*, 1 Vassar St., (4-13-72) G
Poughkeepsie. *VASSAR INSTITUTE*, 12 Vassar St., (1-20-72) G
Poughkeepsie. *VASSAR, MATTHEW, ESTATE (SPRINGSIDE)*, Academy and Livingston Sts., (8-11-69) NHL; HABS
Red Hook. *MAIZEFIELD*, 75 W. Market St., (11-26-73)
Rhinebeck. *DELAWARE, HENRY, HOUSE*, 44 Montgomery St., (5-7-73)
Rhinebeck vicinity. *EVANGELICAL LUTHERAN CHURCH OF ST. PETER*, 2.25 mi. N of Rhinebeck on U.S. 9, (4-24-75)
Rhinebeck vicinity. *SANDS, ROBERT, ESTATE*, 1.5 mi. E of Rhinebeck at NY 308 and NY 9, (2-24-75)
Sylvan Lake vicinity. *SYLVAN LAKE ROCK SHELTER*, (7-12-74)
Tivoli vicinity. *MONTGOMERY PLACE (CHATEAU DE MONTGOMERY)*, S of Tivoli, (5-2-75)

erie county
Buffalo. *ALBRIGHT-KNOX ART GALLERY*, 1285 Elmwood Ave., in Delaware Park, (5-27-71)
Buffalo. *BUFFALO GAS LIGHT COMPANY WORKS*, 249 W. Genesee St., (9-1-76)
Buffalo. *BUFFALO STATE HOSPITAL*, 400 Forest Ave., (1-12-73) HABS
Buffalo. *COUNTY AND CITY HALL*, 95 Franklin St., (5-24-76)
Buffalo. *DELAWARE AVENUE HISTORIC DISTRICT*, W side of Delaware Ave. between North and Bryant Sts., (1-17-74)
Buffalo. *GUARANTY BUILDING (PRUDENTIAL BUILDING)*, Church and Pearl Sts., (3-20-73) NHL; HABS
Buffalo. *MACEDONIA BAPTIST CHURCH*, 511 Michigan Ave., (2-12-74)
Buffalo. *MARTIN, D. D., HOUSE COMPLEX*, 123 Jewett Pkwy., (12-30-75) HABS
Buffalo. *PIERCE ARROW FACTORY COMPLEX*, Elmwood and Great Arrow Aves., (10-1-74)
Buffalo. *SHEA'S BUFFALO THEATER*, 646 Main St., (5-6-75) G
Buffalo. *ST. PAUL'S EPISCOPAL CATHEDRAL*, 125 Pearl St., (3-1-73) HABS
Buffalo. *THEODORE ROOSEVELT INAUGURAL NATIONAL HISTORIC SITE*, Delaware Ave., (11-2-66)
Buffalo. *U.S. POST OFFICE*, 121 Ellicott St., (3-16-72) HABS
East Aurora. *FILLMORE, MILLARD, HOUSE*, 24 Shearer Ave., (5-30-74) NHL
East Aurora. *ROYCROFT CAMPUS*, Main and W. Grove Sts., (11-8-74)
Irving. *THOMAS INDIAN SCHOOL*, NY 438 on Cattaraugus Reservation, (1-25-73)

essex county
Essex vicinity. *CHURCH OF THE NAZARENE*, W of Essex on NY 22, (6-19-73) G
Essex vicinity. *OCTAGONAL SCHOOL-HOUSE*, On Rte. 22 in Bouquet, (1-17-73)
Ironville. *IRONVILLE HISTORIC DISTRICT*, (12-27-74)
Lake Placid (North Elba). *BROWN, JOHN, FARM*, John Brown Rd., (6-19-72)
Port Kent. *WATSON, ELKANAH, HOUSE*, 3 mi. E of U.S. 9, (10-15-66) NHL
Tahawus vicinity. *ADIRONDACK IRON AND STEEL COMPANY UPPER WORKS*, N of Tahawus at Henderson Lake, (10-5-77)
Ticonderoga vicinity. *FORT TICONDEROGA*, 2.5 mi. S of Ticonderoga on NY 22, (10-15-66) NHL

franklin county

Adirondack Forest Preserve, Reference—see Clinton County
Malone. *HORTON GRISTMILL*, Mill St., (4-21-75)
Malone. *LINCOLN, ANSELM, HOUSE*, 49 Duane St., (4-21-75)
Malone. *MALONE FREIGHT DEPOT*, 99 Railroad St., (12-12-76)
Malone. *PADDOCK BUILDING*, 34 W. Main St., (11-7-76)

fulton county

Adirondack Forest Preserve, Reference—see Clinton County
Dolgeville. *DOLGE COMPANY FACTORY COMPLEX*, S. Main St., (9-17-74) (also in Herkimer County)
Gloversville. *GLOVERSVILLE FREE LIBRARY*, 58 E. Fulton St., (5-24-76)
Gloversville. *KINGSBORO HISTORIC DISTRICT*, Area surrounding Kingsboro Ave. Park to N side of Kingsboro Cemetery and S to include both sides of Gregory St., (2-24-75)
Johnstown. *FULTON COUNTY COURTHOUSE (TRYON COUNTY COURTHOUSE)*, N William St., (7-24-72) HABS
Johnstown. *JOHNSON HALL*, Hall St., (10-15-66) NHL; HABS

genesee county

Alexander. *ALEXANDER CLASSICAL SCHOOL*, Buffalo St., (10-25-73)
Batavia. *BATAVIA CLUB (BANK OF GENESEE)*, Main and Bank Sts., (6-19-73)
Batavia. *GENESEE COUNTY COURTHOUSE*, Main and Ellicott Sts., (6-18-73)
Batavia. *HOLLAND LAND OFFICE*, W. Main St., (10-15-66) NHL
Batavia. *RICHMOND MEMORIAL LIBRARY*, 19 Ross St., (7-24-74)
Morganville. *MORGANVILLE POTTERY FACTORY SITE*, Morganville Rd. off NY 237, (2-15-74)
Stafford. *STAFFORD VILLAGE FOUR CORNERS HISTORIC DISTRICT*, Jct. U.S. 5 and U.S. 237, (10-8-76)

greene county

Athens vicinity. *WEST ATHENS HILL SITE*, W of Athens, (3-20-73)
Catskill. *COLE, THOMAS, HOUSE*, 218 Spring St., (10-15-66) NHL
Catskill. *SUSQUEHANNAH TURNPIKE*, Beginning at Catskill, follows the Mohican Trail (NY 145) and CR 20 and 22 NW to the Schoharie County line, (1-2-74)
Coxsackie vicinity. *BRONCK, PIETER, HOUSE*, 2 mi. W of Coxsackie on W side of U.S. 9W, (12-24-67) NHL

Earlton vicinity. *FORESTVILLE COMMON-WEALTH*, NW of Earlton off NY 81, (11-20-74)
Greenville vicinity. *PREVOST MANOR HOUSE (HUSH-HUSH FARM)*, W of Greenville off NY 81, (11-15-72)

hamilton county

Adirondack Forest Preserve, Reference—see Clinton County
Blue Mountain. *BLUE MOUNTAIN HOUSE ANNEX*, NY 30, (12-7-77)
Blue Mountain Lake vicinity. *CHURCH OF THE TRANSFIGURATION*, N of Blue Mountain Lake on NY 30, (7-26-77)
Racquette Lake vicinity. *SAGAMORE*, Off NY 28 at W end of Sagamore Lake, (1-11-76)

herkimer county

Adirondack Forest Preserve, Reference—see Clinton County
Dolgeville. *DOLGE COMPANY FACTORY COMPLEX*, Reference—see Fulton County
Cold Brook. *COLD BROOK FEED MILL*, NY 8, (10-9-74)
Danube. *HERKIMER HOUSE*, Near NY 5 S., (2-12-74)
East Herkimer vicinity. *FORT HERKIMER CHURCH (REFORMED PROTESTANT DUTCH CHURCH OF GERMAN FLATS)*, NY 5S, (7-24-72) HABS
Herkimer. *HERKIMER COUNTY COURTHOUSE*, 320 N. Main St., (1-14-72) G
Herkimer. *HERKIMER COUNTY HISTORICAL SOCIETY (DR. A. WALTER SUITER HOUSE)*, 400 N. Main St., (4-13-72)
Herkimer. *HERKIMER COUNTY JAIL*, 327 N. Main St., (1-14-72) HABS; G
Herkimer. *REFORMED CHURCH, THE*, 405 N. Main St., (3-16-72) G
Ilion. *REMINGTON STABLES*, 1 Remington Ave., (10-29-76)
Indian Castle vicinity. *INDIAN CASTLE CHURCH*, NY 5S, (2-18-71)
Little Falls. *HERKIMER COUNTY TRUST COMPANY BUILDING*, Corner of Ann and Albany Sts., (3-5-70)
Salisbury Center. *SALISBURY CENTER COVERED BRIDGE*, Fairview Rd. over Spruce Creek, (6-19-72)

jefferson county

Adams vicinity. *TALCOTT FALLS SITE*, U.S. 11 at jct. with Old Rome State Rd., (6-5-74)
Alexandria Bay. *CORNWALL BROTHERS' STORE*, 2 Howell Pl., (5-2-75)
Black River vicinity. *LERAY MANSION*, NE of Black River on Camp Drum Military Reservation, (7-11-74)
Cape Vincent. *LERAY, VINCENT, HOUSE (STONE HOUSE)*, Broadway (NY 12E), (11-15-73)
Mannsville vicinity. *PIERREPONT MANOR COMPLEX*, N of Mannsville on Elliburg St., (9-15-77)
Sackets Harbor. *CAMP, ELISHA, HOUSE (BRICK CAMP MANOR)*, 310 General Smith Dr., (4-23-73)
Sackets Harbor. *MADISON BARRACKS*, Military Rd., (11-21-74)
Sackets Harbor. *SACKETS HARBOR BATTLEFIELD*, Coastline and area from Sackets Harbor SW to and including Horse Island, (12-31-74)
Sackets Harbor. *UNION HOTEL*, Main and Ray Sts., (6-19-72) G
Stone Mills. *STONE MILLS UNION CHURCH*, NY 180 near jct. with Carter St., (12-12-76)

Watertown. *JEFFERSON COUNTY COURTHOUSE COMPLEX*, SE corner of Arsenal and Sherman Sts., (6-7-74)
Watertown. *PADDOCK ARCADE*, Washington St., between Arsenal and Stone Sts., (6-15-76)

kings county

Brooklyn. *BOATHOUSE ON THE LULL-WATER OF THE LAKE IN PROSPECT PARK*, Prospect Park, (1-7-72)
Brooklyn. *BROOKLYN BRIDGE*, Across the East River from Brooklyn to Manhattan, (10-15-66) NHL; HAER. (also in New York County)
Brooklyn. *BROOKLYN HEIGHTS HISTORIC DISTRICT*, Borough of Brooklyn, bounded by Atlantic Ave., Court and Fulton Sts. and the East River, (10-15-66) NHL; HABS
Brooklyn. *BROOKLYN MUSEUM*, Eastern Parkway and Washington Ave., (8-22-77)
Brooklyn. *CASEMATE FORT, WHITING QUADRANGLE*, Fort Hamilton, off NY 27, (8-7-74)
Brooklyn. *COBBLE HILL HISTORIC DISTRICT*, Roughly bounded by Atlantic Ave., Court, Degraw, and Hicks Sts., (6-11-76)
Brooklyn. *EMMANUEL BAPTIST CHURCH*, 279 LaFayette Ave., (12-16-77)
Brooklyn. *ERASMUS HALL ACADEMY*, Between Flatbush, Bedford, Church, and Synder Aves., (11-11-75) HABS
Brooklyn. *FEDERAL BUILDING AND POST OFFICE*, 271 Cadman Plaza, E., (10-9-74)
Brooklyn. *FLATBUSH TOWN HALL*, 35 Snyder Ave., (7-24-72) G
Brooklyn. *FULTON FERRY DISTRICT*, Roughly bounded by the East River and Washington, Water, Front, and Doughty Sts., (6-28-74)
Brooklyn. *GRECIAN SHELTER (CROQUET SHELTER)*, Prospect Park near Parkside Ave., (1-20-72)
Brooklyn. *HOUSES ON HUNTERLY ROAD DISTRICT*, 1698, 1700, 1702, 1704, 1706, 1708 Bergen St., (12-5-72)
Brooklyn. *LITCHFIELD VILLA*, Prospect Park W. and 5th St., (9-14-77)
Brooklyn. *OLD BROOKLYN FIRE HEADQUARTERS*, 365-367 Jay St., (1-20-72)
Brooklyn. *PERRY, MATTHEW C., HOUSE*, Quarters A, U.S. Naval Facility, (5-30-74) NHL
Brooklyn. *PLYMOUTH CHURCH OF THE PILGRIMS*, 75 Hicks St., (10-15-66) NHL; HABS
Brooklyn. *ROBINSON, JOHN ROOSEVELT "JACKIE," HOUSE*, 5224 Tilden St., (5-11-76) NHL
Brooklyn. *STUYVESANT HEIGHTS HISTORIC DISTRICT*, Roughly bounded by Macon, Tompkins, Decatur, Lewis, Chauncey, and Stuyvesant Aves., (12-4-75)
Brooklyn. *WYCKOFF-BENNETT HOMESTEAD*, 1669 E. 22nd St., (12-24-74) NHL
Brooklyn. *WYCKOFF, PIETER, HOUSE*, 5902 Canarsie Lane, (12-24-67) NHL; HABS

lewis county

Constableville. *CONSTABLE HALL*, Off NY 26, (3-7-73)
Lowville. *HOUGH, FRANKLIN B., HOUSE*, Collins St., (10-15-66) NHL
Port Leyden vicinity. *WILSON, EDMUND, HOUSE*, S of Port Leyden off NY 12 on Talcottville Rd., (11-26-73)

livingston county

Dansville. *DANSVILLE LIBRARY*, 200 Main St., (9-14-77)

Dansville vicinity. *PIONEER FARM (MCCURDY HOUSE)*, S of Dansville on NY 36, (12-18-70)
Geneseo. *HOMESTEAD, THE*, NY 39 and U.S. 20A, (8-30-74)
Geneseo. *MAIN STREET HISTORIC DISTRICT*, Main St. from the courthouse at Court and North Sts. to South St., (7-9-77)
Geneseo vicinity. *WADSWORTH FORT SITE*, S. Geneseo, (6-11-75)
Groveland vicinity. *CLAUD NO. 1 ARCHEOLOGICAL SITE*, NW of Groveland, (8-19-75)
Lima. *GENESEE WESLEYAN SEMINARY AND GENESEE COLLEGE HALL*, College St., (7-19-76)
Livonia. *LIVONIA BAPTIST CHURCH*, 9 High St., (3-25-77)
Pittard. *WESTERLY*, Chandler Rd., (12-19-74)
West Sparta vicinity. *KEMP, R. P. NO. 1 SITE*, W of West Sparta, (8-22-77)

madison county

Cazenovia. *LORENZO*, Ledyard St. (U.S. 20), (2-18-71) HABS
Hamilton. *OLD BIOLOGY HALL*, Colgate University, (9-20-73)
Hamilton. *SMITH, ADON, HOUSE*, 3 Broad St., (5-2-74)
Oneida. *ONEIDA COMMUNITY MANSION HOUSE*, Sherrill Rd., (10-15-66) NHL

monroe county

Honeoye Falls. *LOWER MILL*, N. Main St., (5-17-73)
Pittsford. *PHOENIX BUILDING*, S. Main and State Sts., (8-7-74)
Pittsford. *SPRING HOUSE*, 3001 Monroe Ave., (11-20-75)
Rochester. *ANTHONY, SUSAN B., HOUSE*, 17 Madison St., (10-15-66) NHL
Rochester. *BEVIER MEMORIAL BUILDING*, Washington St., (10-25-73)
Rochester. *CAMPBELL-WHITTLESEY HOUSE*, 123 S. Fitzhugh St., (2-18-71) HABS
Rochester. *CHILD, JONATHAN, HOUSE AND BREWSTER-BURKE HOUSE HISTORIC DISTRICT*, 37 S. Washington St. and 130 Spring St., (2-18-71) G
Rochester. *CITY HALL HISTORIC DISTRICT*, S. Fitzhugh St. between Broad and W. Main Sts., (9-17-74) HABS
Rochester. *DAISY FLOUR MILL, INC.*, 1880 Blossom Rd., (6-26-72)
Rochester. *EASTMAN, GEORGE, HOUSE*, 900 East Ave., (11-13-66) NHL
Rochester. *ELY, HERVEY, HOUSE*, 138 Troup St., (8-12-71)
Rochester. *ERIE CANAL: SECOND GENESEE AQUEDUCT*, Broad St., (9-29-76)
Rochester. *FEDERAL BUILDING (OLD POST OFFICE)*, N. Fitzhugh and Church Sts., (4-13-72) HABS; G
Rochester. *FIRST PRESBYTERIAN CHURCH*, 101 S. Plymouth Ave., (10-25-73)
Rochester. *FIRST UNIVERSALIST CHURCH*, SE corner of S. Clinton Ave. and Court St., (5-27-71) HABS
Rochester. *GENESEE LIGHTHOUSE*, 70 Lighthouse St., (8-13-74)
Rochester. *LEOPOLD STREET SHULE*, 30 Leopold St., (6-7-74) G
Rochester. *MT. HOPE-HIGHLAND HISTORIC DISTRICT*, Bounded roughly by the Clarissa St. Bridge, Genesee River, Grove and Mt. Hope Aves., plus the entire Highland Park properties, (1-21-74)

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Rochester. **OLD STONE WAREHOUSE**, 1 Mt. Hope Ave., (10-15-73) HABS.
Rochester. **POWERS BUILDING**, W. Main and State Sts., (4-3-73) HABS.
Rochester. **ROCHESTER SAVINGS BANK**, 40 Franklin St., (3-16-72)
Rochester. **ST. JOSEPH ROMAN CATHOLIC CHURCH AND RECTORY**, 108 Franklin St., (5-29-75)
Rochester. **THIRD WARD HISTORIC DISTRICT**, Roughly bounded by Adams, and Peach Sts., I 490, and both sides of Troup and Fitzhugh Sts., (7-12-74)
Scottsville. **ROCHESTER STREET HISTORIC DISTRICT**, (10-25-73)
West Chili vicinity. **CHILI MILLS CONSERVATION AREA**, 1 mi. SW of West Chili off Stuart Rd. along Black Creek, (3-12-75)
montgomery county
Amsterdam. **GUY PARK**, W. Main St., (2-6-73) HABS.
Amsterdam vicinity. **ERIE CANAL**, 6 mi. W of Amsterdam on NY 55., (10-15-66) NHL; HABS.
Fonda vicinity. **BUTLER, WALTER, HOMESTEAD**, NE of Fonda on Old Trail Rd., (6-23-76)
Fonda vicinity. **CAUGHNAWAGA INDIAN VILLAGE SITE**, (8-28-73)
Fort Johnson. **FORT JOHNSON**, Jct. of NY 5 and 67, (11-28-72) NHL; HABS; G.
Nelliston vicinity. **REFORMED DUTCH CHURCH OF STONE ARABIA**, E of Nelliston on NY 10, (9-14-77)
Palatine. **PALATINE CHURCH No. 75**, Mohawk Tpke., (1-25-73) HABS.
Palatine Bridge. **WAGNER, WEBSTER, HOUSE**, E. Grand St., (3-7-73)
Palatine Bridge vicinity. **PALATINE BRIDGE FREIGHT HOUSE**, E of Palatine Bridge on NY 5, (3-7-73)
St. Johnsville. **FORT KLOCK**, 2 mi. E of St. Johnsville on NY 5, (11-28-72) NHL; HABS.
nassau county
Greenvale. **TOLL GATE HOUSE**, Northern Blvd., (8-16-77)
Hempstead. **ST. GEORGE'S CHURCH**, 319 Front St., (3-7-73) HABS.
Hicksville. **HEITZ PLACE COURTHOUSE**, Heitz Pl., (7-30-74)
Lawrence. **ROCK HALL**, 199 Broadway, (11-21-76) HABS.
Locust Valley. **MATINECOCK FRIENDS MEETINGHOUSE**, Piping Rock and Duck Pond Rds., (7-19-76)
Manhasset vicinity. **VALLEY ROAD HISTORIC DISTRICT**, S of Manhasset on Community Dr., (4-8-77)
Oyster Bay. **BEEKMAN, JAMES WILLIAM, HOUSE (THE CLIFFS)**, West Shore Rd., (12-12-73)
Oyster Bay. **ELMWOOD**, E side of Cove Rd., (4-3-75)
Oyster Bay. **FIRST PRESBYTERIAN CHURCH OF OYSTER BAY**, E. Main St., (12-12-76)
Oyster Bay. **RAYNHAM HALL**, 20 W. Main St., (6-5-74)
Oyster Bay. **SEAWANIIAKA CORINTHIAN YACHT CLUB**, Centre Island Rd., (1-8-74)
Oyster Bay. **SWAN, EDWARD H., HOUSE**, Cove Neck Rd., (5-24-76)
Oyster Bay, Long Island. **SAGAMORE HILL NATIONAL HISTORIC SITE**, End of Cove Neck Rd., (10-15-66) HABS.
Port Washington. **SOUSA, JOHN PHILIP, HOUSE (WILDBANK)**, 14 Hicks Lane, Sands Point, (10-15-66) NHL.

NOTICES

Roslyn. **MAIN STREET HISTORIC DISTRICT**, Main St. from N. Hempstead Tpke. to E. Broadway, including Tower St. and portions of Glen Ave. and Paper Mill Rd., (1-21-74)
Westbury vicinity. **OLD WESTBURY GARDENS (PHIPPS ESTATE)**, 71 Old Westbury Rd., (11-8-76)

new york county

BROOKLYN BRIDGE, Reference—see Kings County
New York. **ADMIRAL'S HOUSE (COMMANDING GENERAL'S QUARTERS)**, Governors Island, (7-24-72)
New York. **AMERICAN MUSEUM OF NATURAL HISTORY**, Central Park West and 77th St., (6-24-76)
New York. **ARTHUR, CHESTER A., HOUSE**, 123 Lexington Ave., (10-15-66) NHL.
New York. **ASSOCIATION RESIDENCE NURSING HOME**, 891 Amsterdam Ave., (2-20-75)
New York. **BAYARD-CONDUCT BUILDING**, 65-29 Bleecker St., (12-8-76) NHL; HABS.
New York. **BELL TELEPHONE LABORATORIES**, 463 West St., (5-15-75) NHL.
New York. **BIALYSTOKER SYNAGOGUE**, 7-13 Willett St., (4-26-72)
New York. **BLACKWELL HOUSE**, Welfare Island, (2-25-72)
New York. **BLOCK HOUSE, THE**, Governors Island, (7-24-72)
New York. **CARNEGIE, ANDREW, MANSION**, 2 E. 91st St., (11-13-66) NHL.
New York. **CARNEGIE HALL**, 7th Ave., 56th to 57th Sts., (10-15-66) NHL.
New York. **CASTLE CLINTON NATIONAL MONUMENT**, South Ferry, (10-15-66)
New York. **CASTLE WILLIAMS (THE TOWER)**, Governors Island, (7-31-72)
New York. **CENTRAL PARK**, Bounded by Central Park S., 5th Ave., Central Park W., 110th St., (10-15-66) NHL.
New York. **CENTRAL SYNAGOGUE (CONGREGATION AHAWATH CHESED-SHAAR HASHOMAYIM)**, 646-652 Lexington Ave., (10-9-70) NHL.
New York. **CHAMBER OF COMMERCE BUILDING**, 65 Liberty St., (2-6-73)
New York. **CHAPEL OF THE GOOD SHEPHERD**, Welfare Island, (3-16-72)
New York. **CHARLES STREET HOUSE AT NO. 131**, 131 Charles St., (11-3-72)
New York. **CHARLTON-KING-VANDAM HISTORIC DISTRICT**, (7-20-73)
New York. **CHELSEA HISTORIC DISTRICT**, Roughly bounded by 19th and 22nd Sts., 9th (including part of block E of Ave.) and 10th Aves., (12-6-77)
New York. **CHRYSLER BUILDING**, 405 Lexington Ave., (12-8-76) NHL; HABS; G.
New York. **CHURCH OF THE HOLY APOSTLES**, 300 9th Ave., (4-26-72)
New York. **CHURCH OF THE TRANSFIGURATION AND RECTORY**, I E. 29th St., (6-4-73)
New York. **CITY HALL**, Broadway and Chambers St., (10-15-66) NHL.
New York. **CITY HOSPITAL**, Welfare Island, (3-16-72)
New York. **CITY PIER A**, S end of Battery Pl. at Hudson River, (6-27-75) HABS; G.
New York. **COOK, WILL MARION, HOUSE**, 221 W. 138th St., (5-11-76) NHL.
New York. **COOPER UNION**, Cooper Square, 7th St., and 4th Ave., (10-15-66) NHL; HABS.
New York. **DAKOTA APARTMENTS**, 1 W. 72nd St., (4-26-72) NHL; HABS.

New York. **DEVINNE PRESS BUILDING**, 393-399 Lafayette St., (9-14-77)
New York. **DUKE, JAMES B., MANSION**, 1 E. 78th St., (11-10-77)
New York. **DYCKMAN, WILLIAM, HOUSE**, 4881 Broadway, (12-24-67) NHL; HABS.
New York. **ELLINGTON, EDWARD KENNEDY "DUKE," HOME**, 935 St. Nicholas Ave. Apt. 4A, (5-11-76) NHL.
New York. **FEDERAL HALL NATIONAL MEMORIAL**, Wall and Nassau Sts., (10-15-66)
New York. **FEDERAL OFFICE BUILDING (U.S. APPRAISERS' WAREHOUSE)**, 641 Washington St., (8-30-74)
New York. **FIREHOUSE, ENGINE COMPANY 31**, 87 Lafayette St., (1-20-72)
New York. **FIREHOUSE, ENGINE COMPANY 33**, 44 Great Jones St., (3-16-72)
New York. **FIRST NATIONAL CITY BANK (MERCHANT'S EXCHANGE)**, 55 Wall St., (8-18-72)
New York. **FISH, HAMILTON, HOUSE**, 21 Stuyvesant St., (5-15-75) NHL.
New York. **FORT JAY**, Governor's Island, (3-27-74)
New York. **FOUNDER'S HALL, THE ROCKEFELLER UNIVERSITY**, 66th St. and York Ave., (9-13-74) NHL.
New York. **FRAUNCES TAVERN BLOCK**, Bounded by Pearl, Water, Broad Sts. and Coenties Slip, (4-28-77)
New York. **GENERAL GRANT NATIONAL MEMORIAL**, Riverside Dr. and W. 122nd St., (10-15-66) HABS.
New York. **GOVERNOR'S HOUSE**, Governors Island, (4-26-73)
New York. **GRACE CHURCH AND DEPENDENCIES**, Broadway, 10th St., and 4th Ave., (6-28-74) G.
New York. **GRACIE, ARCHIBALD, MANSION**, East End Ave. at 88th St., (5-12-75)
New York. **GRAND CENTRAL TERMINAL**, 71-105 E. 42nd St., (1-17-75) NHL.
New York. **HAMILTON GRANGE NATIONAL MEMORIAL**, 287 Convent Ave., (10-15-66)
New York. **HARLEM FIRE WATCHTOWER**, Garvey Park at E. 122nd St., (6-21-76) HABS.
New York. **HAUGHWOUT, E. V., BUILDING**, 488-492 Broadway, (8-28-73)
New York. **HENDERSON PLACE TERRACE**, Henderson Pl., (6-20-74)
New York. **HENSEN, MATTHEW, HOUSE**, 246 W. 150th St., (5-15-75) NHL.
New York. **HIGH BRIDGE AQUEDUCT AND WATER TOWER (AQUEDUCT BRIDGE AND WATER TOWER)**, Harlem River at W. 170th St. and High Bridge Park, (12-4-74) HABS. (also in Bronx County)
New York. **HOTEL CHELSEA**, 222 W. 23rd St., (12-27-77)
New York. **HOUSE AT 51 MARKET ST.**, 51 Market St., (7-29-77)
New York. **INDIA HOUSE**, 1 Hanover Sq., (1-7-72)
New York. **J. P. MORGAN & CO. BUILDING**, 23 Wall St., (6-19-72)
New York. **JEFFERSON MARKET COURTHOUSE**, 425 Avenue of the Americas, (11-9-72)
New York. **JOHN STREET BUILDING NO. 170-176**, 170-176 John St., (5-13-71)
New York. **JOHN STREET METHODIST CHURCH**, 44 John St., (6-4-73)
New York. **JOHNSON, JAMES WELDON, HOUSE**, 187 W. 135th St., (5-11-76) NHL.
New York. **JUDSON MEMORIAL CHURCH, CAMPANILE, AND JUDSON HALL**,

Washington Sq. at Thompson St., (10-16-74) G.
New York. **JUMEL TERRACE HISTORIC DISTRICT**, W. 160th and 162nd Sts. between St. Nicholas and Edgecombe Aves., (4-3-73)
New York. **KING MANOR (RUFUS KING HOUSE)**, 150th St. and Jamaica Ave., (12-2-74) NHL.
New York. **LAGRANGE TERRACE**, 428-434 Lafayette St., (12-12-76)
New York. **LIGHTHOUSE**, Welfare Island, (3-16-72)
New York. **MADISON AVENUE FACADE OF THE SQUADRON A ARMORY**, Madison Ave. between 94th and 95th Sts., (3-24-72)
New York. **METROPOLITAN SAVINGS BANK (FIRST UKRAINIAN ASSEMBLY OF GOD)**, 9 E. 7th St., (12-12-76)
New York. **MILLS, FLORENCE, HOUSE**, 220 W. 135th St., (12-8-76) NHL.
New York. **MOONEY, EDWARD, HOUSE**, 18 Bowery, (12-12-76)
New York. **MOORE, WILLIAM H., HOUSE**, 4 E. 54th St., (3-16-72)
New York. **MORGAN, PIERPONT, LIBRARY**, 33 E. 36th St., (11-13-66) NHL; G.
New York. **MORRIS-JUMEL MANSION**, 160th St. and Edgecombe Ave., (10-15-66) NHL; HABS.
New York. **MORRIS, LEWIS G., HOUSE**, 100 E. 85th St., (2-12-77)
New York. **MOUNT MORRIS PARK HISTORIC DISTRICT**, Bounded roughly by Lenox Ave., Mount Morris Park West, and W. 124th and W. 119th Sts., (2-6-73)
New York. **MUNICIPAL BUILDING**, Chambers at Centre St., (10-18-72)
New York. **MUNICIPAL FERRY PIER**, 11 South St., (12-12-76) HABS.
New York. **NEW YORK AMSTERDAM NEWS BUILDING**, 2293 7th Ave., (5-11-76) NHL.
New York. **NEW YORK CANCER HOSPITAL**, 2 W. 106th St., (4-29-77)
New York. **NEW YORK PUBLIC LIBRARY**, 5th Ave. and 42nd St., (10-15-66) NHL.
New York. **NEW YORK SHAKESPEARE FESTIVAL PUBLIC THEATER (ASTOR THEATER)**, 425 Lafayette St., (12-2-70) G.
New York. **OCTAGON, THE**, Welfare Island, (3-16-72)
New York. **OLD MERCHANTS HOUSE (SEABURY TREDWELL HOUSE)**, 29 E. 4th St., (10-15-66) NHL; HABS; G.
New York. **OLD NEW YORK COUNTY COURTHOUSE**, 52 Chambers St., (5-11-76) NHL.
New York. **OLD NEW YORK EVENING POST BUILDING**, 20 Vesey St., (8-16-77)
New York. **OLD ST. PATRICK'S CATHEDRAL COMPLEX**, Mott and Prince Sts., (8-29-77)
New York. **PLAYERS, THE**, 16 Gramercy Park, (10-15-66) NHL.
New York. **PUPIN PHYSICS LABORATORIES, COLUMBIA UNIVERSITY**, Broadway and 120th St., (10-15-66) NHL.
New York. **ROBESON, PAUL, HOME**, 555 Edgecombe Ave., (12-8-76) NHL.
New York. **SALMAGUNDI CLUB**, 47 5th Ave., (7-25-74)
New York. **SCHERMERHORN ROW BLOCK (NEW YORK STATE MARITIME MUSEUM BLOCK)**, Block bounded by Front, Fulton, and South Sts., and Burling Slip, (2-18-71)
New York. **SCOTT, GEN. WINFIELD, HOUSE**, 24 W. 12th St., (11-7-73) NHL.
New York. **SEVENTH REGIMENT ARMORY**, 643 Park Ave., (4-14-75)

New York. **SMALLPOX HOSPITAL**, Welfare Island, (3-16-72)
New York. **SMITH, ABIGAIL ADAMS, HOUSE (STABLE)**, 421 E. 61st St., (1-12-73) G.
New York. **SMITH, ALFRED E., HOUSE**, 25 Oliver St., (11-28-72) NHL.
New York. **SNIFFEN COURT HISTORIC DISTRICT**, E. 36th St., between Lexington and 3rd Aves., (11-28-73)
New York. **SOUTH STREET SEAPORT**, Bounded by Burling (John St.) and Peck Slips, and Water and South Sts., (10-18-72)
New York. **ST. GEORGE'S EPISCOPAL CHURCH**, 3rd Ave. and E. 16th St., (12-8-76) NHL.
New York. **ST. JAMES CHURCH**, 32 James St., (7-24-72)
New York. **ST. MARK'S HISTORIC DISTRICT**, Roughly bounded by 2nd and 3rd Aves. and E. 9th and 11th Sts., (11-13-74)
New York. **ST. MARKS-IN-THE-BOWERY**, E. 10th St. and 2nd Ave., (6-19-72) HABS; G.
New York. **ST. NICHOLAS HISTORIC DISTRICT**, W. 138th and W. 139th Sts. (both sides) between 7th and 8th Aves., (10-29-75)
New York. **ST. PATRICK'S CATHEDRAL**, Bounded by 5th and Madison Aves., E. 50 and E. 51st Sts., (12-8-76) NHL.
New York. **ST. PAUL'S CHAPEL**, Broadway between Fulton and Vesey Sts., (10-15-66) NHL; HABS.
New York. **STATUE OF LIBERTY NATIONAL MONUMENT**, Liberty Island, New York Harbor, (10-15-66) (also in Hudson County, NJ)
New York. **STRECKER MEMORIAL LABORATORY**, Welfare Island, (3-16-72)
New York. **STUYVESANT-FISH HOUSE**, 21 Stuyvesant St., (7-31-72)
New York. **SURROGATES' COURT (HALL OF RECORDS)**, 31 Chambers St., (1-29-72)
New York. **THEODORE ROOSEVELT BIRTHPLACE NATIONAL HISTORIC SITE**, 28 E. 20th St., (10-15-66)
New York. **TILDEN, SAMUEL J., HOUSE**, 14-15 Gramercy Park S., (5-11-76) NHL.
New York. **TRINITY CHURCH AND GRAVEYARD**, Broadway and Wall St., (12-8-76) NHL.
New York. **TWEED COURTHOUSE (CRIMINAL COURT OF THE CITY OF NEW YORK)**, 52 Chambers St., (9-25-74)
New York. **U.S. CUSTOMHOUSE**, Bowling Green, (1-31-72) NHL.
New York. **U.S. GENERAL POST OFFICE**, 8th Ave. between 31st and 33rd Sts., (1-29-72)
New York. **VILLARD HOUSES**, 29 1/2 E. 50th St., 24-26 E. 51st St., and 451, 453, 455, and 457 Madison Ave., (9-2-75)
New York. **WATSON, JAMES, HOUSE (MISSION OF OUR LADY OF THE ROSARY)**, 7 State St., (7-24-72)
New York. **WOOLWORTH BUILDING**, 233 Broadway, (11-13-66) NHL.
New York. **YMCA BUILDING (CLAUDE MCKAY APARTMENT)**, 180 W. 135th St., (12-8-76) NHL.
New York. **75 MURRAY STREET BUILDING NO. 75**, 75 Murray St., (4-3-73)
New York City. **HENRY STREET SETTLEMENT AND NEIGHBORHOOD PLAYHOUSE**, 263-267 Henry St. and 466 Grand St., (9-13-74) NHL.

niagara county

Lewiston. **FRONTIER HOUSE**, 460 Center St., (7-8-74)

Lewiston. **LEWISTON MOUND**, Lewiston State Park, (1-21-74)
Lewiston vicinity. **LEWISTON PORTAGE LANDING SITE**, (7-18-74)
Lockport. **LOCKPORT INDUSTRIAL DISTRICT**, Bounded roughly by Erie Canal, Gooding, Clinton, and Water Sts., (11-11-75)
Lockport. **LOWERTOWN HISTORIC DISTRICT**, Roughly bounded by Erie Canal and New York Central RR., (6-4-73) HABS; G.
Lockport. **MOORE, BENJAMIN C., MILL (LOCKPORT CITY HALL; HOLLY WATER WORKS)**, Pine St. on the Erie Canal, (6-19-73) G.
Lockport. **UNION STATION**, 95 Union Ave., (12-2-77)
Niagara Falls. **ADAMS POWER PLANT TRANSFORMER HOUSE**, Buffalo Ave. near Portage Rd., (6-11-75)
Niagara Falls. **DEVEAUX SCHOOL COMPLEX**, 2900 Lewiston Rd., (6-5-74)
Niagara Falls. **NIAGARA FALLS PUBLIC LIBRARY**, 1022 Main St., (6-5-74)
Niagara Falls. **NIAGARA RESERVATION**, (10-15-66) NHL.
Niagara Falls. **U.S. CUSTOMHOUSE**, 2245 Whirlpool St., (7-16-73) HABS.
Niagara Falls. **WHITNEY MANSION**, 335 Buffalo Ave., (1-17-74)
Youngstown vicinity. **OLD FORT NIAGARA**, N of Youngstown on NY 18, (10-15-66) NHL.

oneida county

Boonville. **ERWIN LIBRARY AND PRATT HOUSE**, 104 and 106 Schuyler St., (8-14-73) G.
Boonville. **FIVE LOCK COMBINE AND LOCKS 37 AND 38, BLACK RIVER CANAL (BOONVILLE GORGE PARK)**, NY 46, (3-20-73) HABS.
Clinton. **HAMILTON COLLEGE CHAPEL**, Hamilton College campus, (11-3-72)
Clinton. **ROOT, ELIHU, HOUSE**, 101 College Hill Rd., (11-28-72) NHL.
New York Mills. **MIDDLE MILL HISTORIC DISTRICT**, NY 5A, (5-28-76)
Rome. **ARSENAL HOUSE**, 514 W. Dominick St., (7-18-74) HABS.
Rome. **FORT STANWIX NATIONAL MONUMENT**, Bounded by Dominick, Spring, Liberty, and James Sts., (10-15-66)
Rome. **GANSEVOORT-BELLAMY HISTORIC DISTRICT**, Roughly bounded by Liberty, Stuben, and Huntington Sts. to Bissel, (11-12-75)
Rome vicinity. **ORISKANY BATTLEFIELD**, 5 mi. E of Rome on NY 69, (10-15-66) NHL.
Utica. **CONKLING, ROSCOE, HOUSE**, 3 Rutgers St., (5-15-75) NHL.
Utica. **FOUNTAIN ELMS**, 318 Genesee St., (11-3-72)
Utica. **RUTGER-STEUBEN PARK HISTORIC DISTRICT**, (9-19-73)
Utica. **ST. JOSEPH'S CHURCH**, 704-708 Columbia St., (8-22-77)
Utica. **STANLEY THEATER**, 259 Genesee St., (8-13-76)
Utica. **UNION STATION**, Main St. between John and 1st Sts., (4-28-75)
Utica. **UTICA STATE HOSPITAL**, 1213 Court St., (10-26-71)
Waterville. **TOWER HOMESTEAD AND MASONIC TEMPLE**, 210 Tower St. and Sanger St., (10-5-77)
Westernville. **FLOYD, GEN. WILLIAM, HOUSE**, W side of Main St., (7-17-71) NHL.
Whitesboro. **WHITESTOWN TOWN HALL (COURTHOUSE)**, 8 Park Ave., (11-26-73) HABS.

onondaga county

Baldwinsville. **WHIG HILL AND DEPENDENCIES**, Jct. of W. Genesee and Gates Rds., (5-12-75)
 Camillus vicinity. **NINE MILE CREEK AQUEDUCT**, NE of Camillus on Thompson Rd., (5-17-76)
 Manlius. **MANLIUS VILLAGE HISTORIC DISTRICT**, Pleasant, Franklin, North, Clinton, and E. Seneca Sts., (11-6-73) G.
 Onondaga. **HUTCHINSON, GEN. ORRIN, HOUSE**, 4311 W. Seneca Tpke., (4-13-73) HABS.
 Syracuse. **CENTRAL NEW YORK TELEPHONE AND TELEGRAPH BUILDING**, 311 Montgomery St., (4-3-73)
 Syracuse. **CROUSE COLLEGE, SYRACUSE UNIVERSITY**, Syracuse University campus, (7-30-74)
 Syracuse. **GERE BANK BUILDING**, 121 E. Water St., (3-16-72)
 Syracuse. **GRACE EPISCOPAL CHURCH**, 819 Madison St., (3-20-73) HABS.
 Syracuse. **GRIDLEY, JOHN, HOUSE**, 205 E. Seneca Tpke., (8-16-77) HABS.
 Syracuse. **HALL OF LANGUAGES, SYRACUSE UNIVERSITY**, Syracuse University campus, (9-20-73) HABS; G.
 Syracuse. **HANOVER SQUARE HISTORIC DISTRICT**, 101-203 E. Water, 120-200 E. Genesee, 113 Salina, 109-114 S. Warren Sts., (6-22-76)
 Syracuse. **LOEW'S STATE THEATER**, 362-374 S. Salina St., (5-2-77)
 Syracuse. **ONONDAGA COUNTY SAVINGS BANK BUILDING**, 101 S. Salina St., (2-24-71) HABS.
 Syracuse. **SYRACUSE CITY HALL**, 233 E. Washington St., (8-27-76)
 Syracuse. **SYRACUSE SAVINGS BANK**, 102 N. Salina St., (2-18-71)
 Syracuse. **TEALL, OLIVER, HOUSE**, 105 S. Beech St., (3-16-72)
 Syracuse. **THIRD NATIONAL BANK (COMMUNITY CHEST BUILDING)**, 107 James St., (9-22-72)
 Syracuse. **WEIGHLOCK BUILDING**, SE corner of Erie Blvd. E. and Montgomery St., (2-18-71) G.
 Syracuse. **WHITE, HAMILTON, HOUSE**, 307 S. Townsend St., (7-20-73) HABS; G.
 Syracuse. **WHITE MEMORIAL BUILDING**, 106 E. Washington St., (2-6-73) HABS.
 Syracuse vicinity. **ALVORD HOUSE**, N of Syracuse on Berwick Rd., (8-27-76)

ontario county

Canandaigua. **NORTH MAIN STREET HISTORIC DISTRICT**, Between railroad tracks and Buffalo-Chapel St., (7-20-73) HABS.
 Canandaigua. **SONNENBERG GARDENS**, 151 Charlotte St., (9-28-73) G.
 Geneva. **ASHCROFT**, 112 Jay St., (11-20-75)
 Geneva. **GENEVA HALL AND TRINITY HALL, HOBART & WILLIAM SMITH COLLEGE**, S. Main St., (7-16-73)
 Geneva. **PARROTT HALL (DENTON HOUSE)**, W. North St. between Castle St. and Preemption Rd., (8-12-71)
 Geneva. **SOUTH MAIN STREET HISTORIC DISTRICT**, Irregular pattern along S. Main St., (12-31-74) HABS.
 Stanley vicinity. **SENECA PRESBYTERIAN (NUMBER NINE) CHURCH**, E of Stanley off NY 245 on Number Nine Rd., (5-25-73)
 Victor vicinity. **BOUGHTON HILL**, (10-15-66) NHL.

orange county

DELAWARE AND HUDSON CANAL, (11-24-68) NHL; HAER. (also in Sullivan and Ulster Counties and Pike and Wayne Counties, PA)
 Reference—see Bergen County, NJ
 Campbell Hall. **BULL STONE HOUSE**, Hamptonburgh Rd., (7-18-74)
 Campbell Hall vicinity. **BULL-JACKSON HOUSE (HILLHOLD)**, NY 416, NW of Campbell Hall, (5-17-74) HABS.
 Fort Montgomery vicinity. **FORT MONTGOMERY SITE**, S of Fort Montgomery, just N of Popolopen Creek, (11-28-72) NHL.
 Goshen. **HISTORIC TRACK**, Main St., (10-15-66) NHL.
 Goshen. **1841 GOSHEN COURTHOUSE**, 101 Main St., (3-4-75)
 Goshen vicinity. **DUTCHESS QUARRY CAVE SITE**, Palco-Indian; Archaic-Late Woodland, (1-18-74)
 Harriman. **ARDEN (E. H. HARRIMAN ESTATE)**, NY 17, (11-13-66) NHL.
 Highland Mills. **SMITH CLOVE MEETINGHOUSE**, Quaker Rd., (1-11-74)
 Monroe vicinity. **SOUTHFIELD FURNACE RUIN**, S of Monroe off NY 17, (11-2-73)
 New Windsor. **NEW WINDSOR CANTONMENT**, Temple Hill Rd., (7-31-72)
 New Windsor vicinity. **HASKELL HOUSE**, W of New Windsor off NY 32, (6-4-73)
 Newburgh. **CRAWFORD, DAVID, HOUSE**, 189 Montgomery St., (9-27-72) HABS.
 Newburgh. **DUTCH REFORMED CHURCH**, NE corner of Grand and 3rd Sts., (12-18-70) HABS.
 Newburgh. **MILL HOUSE (GOMEZ THE JEW HOUSE)**, Mill House Rd., (1-29-73)
 Newburgh. **MONTGOMERY-GRAND LIBERTY STREETS HISTORIC DISTRICT**, 19th-20th C., (7-16-73) G.
 Newburgh. **WASHINGTON'S HEADQUARTERS (HABROUCK HOUSE)**, Liberty and Washington Sts., (11-28-72) NHL; HABS.
 Port Jervis. **FORT DECKER**, 127 W. Main St., (6-13-74)
 Slate Hill. **PRIMITIVE BAPTIST CHURCH OF BROOKFIELD**, NY 6, (11-13-76)
 Vails Gate. **KNOX HEADQUARTERS (JOHN ELLISON HOUSE)**, Quassaick Ave. and Forge Hill Rd., (11-9-72) NHL.
 West Point. **U.S. MILITARY ACADEMY (WEST POINT)**, NY 218, (10-15-66) NHL.

orleans county

Albion. **MT. ALBION CEMETERY**, NY 31, (9-27-76)

oswego county

Brewerton. **FORT BREWERTON**, State and Lansing Sts., (3-7-73)
 Oswego. **FORT ONTARIO**, E. 7th St. and Lake Ontario, (12-18-70)
 Oswego. **MARKET HOUSE**, Water St., (6-20-74)
 Oswego. **OSWEGO CITY HALL**, W. Oneida St., (2-20-73)
 Oswego. **OSWEGO CITY LIBRARY**, 120 E. 2nd St., (9-22-71) HABS.
 Oswego. **RICHARDSON-BATES HOUSE**, 135 E. 3rd St., (9-5-75)
 Oswego. **U.S. CUSTOMHOUSE**, W. Oneida St. between 1st and 2nd Sts., (11-21-76)
 Oswego. **WALTON AND WILLET STONE STORE**, 1 Seneca St., (5-24-76)

otsego county

Cooperstown. **OTSEGO COUNTY COURTHOUSE**, 193 Main St., (6-20-72) G.

Gilbertsville. **GILBERTSVILLE HISTORIC DISTRICT**, Bounded roughly by Marion Ave., Cliff and Green Sts., Grover and Sylvan Sts., (5-17-74)
 Gilbertsville. **MAJOR'S INN AND GILBERT BLOCK**, Both sides of Commercial St. near NY 51, (4-11-73)
 Oneonta. **FAIRCHILD MANSION (MASONIC TEMPLE)**, 318 Main St., (2-12-74)
 Oneonta. **ONEONTA STATE NORMAL SCHOOL**, State St., (12-12-76)
 Springfield. **HYDE HALL**, Glimmerglass State Park, E of CR 31, (10-7-71) HABS.
 Worcester. **WORCESTER HISTORIC DISTRICT**, Both sides of Main St. (NY 7) between Decatur and Cook Sts., (6-10-75)

putnam county

Brewster vicinity. **OLD SOUTHEAST CHURCH**, N of Brewster on NY 22 off Putnam Lake Rd., (7-24-72)
 Carmel. **PUTNAM COUNTY COURTHOUSE**, At jct. of NY 52 and NY 301, (8-11-76)
 Cold Spring. **WEST POINT FOUNDRY**, Foundry Cove between NY 90 and NY Central RR, tracks, (4-11-73)
 Garrison. **CASTLE ROCK**, NY 9D, (12-12-77)
 Garrison vicinity. **BOSCOBEL**, N of Garrison on NY 9D, (11-7-77)

queens county

College Point. **POPPENHUSEN INSTITUTE**, 114-04 14th Rd., (8-18-77) HABS.
 Corona. **ARMSTRONG, LOUIS, HOUSE**, 3456 107th St., Long Island, (5-11-76) NHL.
 Flushing. **BOWNE, JOHN, HOUSE**, 37-01 Bowne St., (9-13-77)
 Flushing. **FLUSHING TOWN HALL**, 137-35 Northern Blvd., (3-16-72)
 Flushing. **KING MANOR**, 150th St. and Jamaica Ave., (12-2-74) NHL.
 Flushing. **KINGSLAND HOMESTEAD**, 37th St. and Parsons Blvd., (5-31-72)
 Flushing. **OLD QUAKER MEETINGHOUSE**, S side of Northern Blvd., (12-24-67) NHL; HABS; G.
 Kew Gardens. **BUNCHE, RALPH, HOUSE**, 115-25 Grosvenor Rd., (5-11-76) NHL.
 New York. **HUNTERS POINT HISTORIC DISTRICT**, Along 45th Ave., between 21st and 23rd Sts., (9-19-73)
 Ridgewood. **VANDER ENDE-ONDERDONK HOUSE**, 1820 Flushing Ave., (1-31-77)

rensselaer county

Nassau vicinity. **SMITH, HENRY TUNIS, FARM**, S of Nassau on NY 203, (9-18-75)
 Rensselaer. **AIKEN HOUSE**, NE corner of Riverside and Aiken Aves., (12-31-74)
 Rensselaer. **FORT CRAILO**, S of Columbia St. on Riverside Ave., (10-15-66) NHL; HABS.
 Schaghticoke. **KNICKERBOCKER MANSION**, Knickerbocker Rd., (12-11-72) G.
 Schodack. **MUITZES KILL HISTORIC DISTRICT**, An irregular pattern on both sides of Schodack Landing Rd., (7-24-74)
 Schodack Landing. **SCHODACK LANDING HISTORIC DISTRICT**, NY 9J, (9-15-77)
 Troy. **BURDEN IRON WORKS SITE**, E of Burden Ave., (11-10-77)
 Troy. **BURDEN IRONWORKS OFFICE BUILDING**, Polk St., (3-16-72) HAER, G.
 Troy. **BUSSEY, ESEK, FIREHOUSE**, 302 10th St., (7-16-73)
 Troy. **CANNON BUILDING**, 1 Broadway, (3-5-70)
 Troy. **CHURCH OF THE HOLY CROSS**, 136 8th St., (6-4-73) HABS; G.
 Troy. **FIFTH AVENUE-FULTON STREET HISTORIC DISTRICT**, Bounded by Grand,

William, and Union Sts., and Broadway, (3-5-70)
 Troy. **GLENWOOD (TITUS EDDY MANSION)**, Eddy's Lane, (5-25-73)
 Troy. **GRAND STREET HISTORIC DISTRICT**, Grand St. between 5th and 6th Aves., (2-27-73)
 Troy. **HART-CLUETT MANSION**, 59 2nd St., (4-11-73) HABS.
 Troy. **ILIUM BUILDING**, NE corner of Fulton and 4th Sts., (12-18-70)
 Troy. **LANSINGBURGH ACADEMY**, 114th and 4th Sts., (10-14-76)
 Troy. **MCCARTHY BUILDING**, 255-257 River St., (3-5-70)
 Troy. **NATIONAL STATE BANK BUILDING**, 297 River St., (12-29-70)
 Troy. **OLD TROY HOSPITAL**, 8th St., (10-25-73)
 Troy. **POWERS HOME**, 819 3rd Ave., (4-16-74)
 Troy. **RIVER STREET HISTORIC DISTRICT**, Both sides of River St. from Congress St. to jct. with 1st St., (6-3-76)
 Troy. **SECOND STREET HISTORIC DISTRICT**, Both sides of 2nd St., (8-7-74)
 Troy. **TROY GAS LIGHT COMPANY; GASHOLDER HOUSE**, NW corner of Jefferson St. and 5th Ave., (2-18-71) HAER.
 Troy. **TROY PUBLIC LIBRARY (HART MEMORIAL LIBRARY)**, 100 2nd St., (1-17-73) G.
 Troy. **W. & L. E. GURLEY BUILDING**, 514 Fulton St., (3-5-70) HAER; G.
 Troy. **WASHINGTON PARK HISTORIC DISTRICT**, Washington Park and adjacent properties on 2nd, 3rd, and Washington Sts. and Washington Pl., (5-25-73)
 Troy vicinity. **DEFREEST HOMESTEAD**, S of Troy at U.S. 4 and Jordan Rd., (8-2-77)
 Walloomsac vicinity. **BENNINGTON BATTLEFIELD**, NY 67, on VT state line, (10-15-66) NHL.

richmond county

New York. **NEW DORP LIGHT**, Altamont Ave., Staten Island, (8-28-73)
 Rosebank. **AUSTEN, ELIZABETH ALICE, HOUSE**, 2 Hyland Blvd., (7-28-70) HABS.
 Staten Island. **BATTERY WEED (FORT RICHMOND)**, Fort Wadsworth Reservation, (1-20-72)
 Staten Island. **BILLOU-STILLWELL-PIERINE HOUSE**, 1476 Richmond Rd., (1-1-76)
 Staten Island. **FORT TOMPKINS QUADRANGLE**, Building 37, Fort Wadsworth, 7-30-74)
 Staten Island. **KREUZER-PELTON HOUSE**, 1262 Richmond Ter., (1-29-73)
 Staten Island. **NEVILLE HOUSE**, 806 Richmond Terrace, (7-28-77)
 Staten Island. **SAILORS' SNUG HARBOR NATIONAL REGISTER DISTRICT**, Richmond Ter., (3-16-72) NHL.
 Staten Island. **VOORLEZER'S HOUSE**, Arthur Kill Rd., opposite Center St., (10-15-66) NHL.
 Tottenville, Staten Island. **CONFERENCE HOUSE**, Hyland Blvd., (10-15-66) NHL; HABS.

rockland county

PALISADES INTERSTATE PARK, Reference—see Bergen County, NJ
 New City. **ENGLISH CHURCH AND SCHOOLHOUSE**, 484 New Hempstead Rd., (11-23-77)
 Sloatsburg. **SLOAT HOUSE**, 19 Orange Tpke., (11-5-74)

Stony Point vicinity. **STONY POINT BATTLEFIELD**, N of Stony Point on U.S. 2 and 202, (10-15-66) NHL.
 Tappan. **DE WINT HOUSE**, Livingston Ave. and Oak Tree Rd., (10-15-66) NHL.
 West Haverstraw. **FRASER-HOYER HOUSE**, Treason Hill, off U.S. 9W, (4-22-76)
 West Haverstraw. **GARNER, HENRY, MANSION**, 18 Railroad Ave., (8-14-73)
 West Nyack. **TERNEUR-HUTTON HOUSE**, 160 Sickleton Rd., (4-23-73)

saratoga county

Albany vicinity. **SARATOGA NATIONAL HISTORICAL PARK**, 30 mi. N of Albany via U.S. 4 and NY 32, (10-15-66)
 Ballston Spa. **BROOKSIDE**, Charlton St., (5-21-75)
 Charlton. **CHARLTON HISTORIC DISTRICT**, Main St. (SR 51), (1-1-76)
 Clifton Park vicinity. **VISCHER FERRY HISTORIC DISTRICT**, SW of Clifton Park at jct. of River View, Vischer Ferry, and Crescent Rds., (10-15-75)
 Gansevoort. **GANSEVOORT MANSION**, Off NY 32, (6-23-76)
 Hadley. **HADLEY PARABOLIC BRIDGE**, Corinth Rd., (3-25-77)
 Mechanicville. **ELLSWORTH, COL. ELMER E., MONUMENT AND GRAVE**, Hudson View Cemetery, (11-13-76)
 Mount McGregor. **GRANT COTTAGE**, CR 101 N of Rte. 9, (2-18-71)
 Round Lake and vicinity. **ROUND LAKE HISTORIC DISTRICT**, U.S. 9, (4-24-75)
 Saratoga. **CASINO-CONGRESS PARK-CIRCULAR STREET HISTORIC DISTRICT**, Bounded by Broadway, Spring, and Circular Sts., (6-19-72)
 Saratoga Springs. **DRINKHALL, THE**, 297 Broadway, (11-20-74)
 Saratoga Springs. **FRANKLIN SQUARE HISTORIC DISTRICT**, In an irregular pattern from Beekman St. along both sides of Grand Ave., Franklin, and Clinton Sts. to Van Dam, (10-9-73)
 Saratoga Springs. **TODD, HIRAM CHARLES, HOUSE (MARI-SACKETT-TODD HOUSE)**, 4 Franklin Sq., (5-31-72)
 Troy vicinity. **CHAMPLAIN CANAL**, Extends N from Troy to Whitehall, (9-1-76) (also in Washington County)
 Waterford. **NORTHSIDE HISTORIC DISTRICT**, Both sides of Saratoga Ave. (NY 32) from Maple Ave. to Roosevelt Bridge (includes Old Champlain Canal), (12-4-75)
 Waterford. **PEEBLES (PEOBLES) ISLAND**, At jct. of Mohawk and Hudson rivers, (10-2-73)
 Waterford. **WATERFORD VILLAGE HISTORIC DISTRICT**, Roughly bounded by the Hudson River, Erie Canal, and State St., (7-14-77)

schenectady county

Delanson vicinity. **CHRISTMAN BIRD AND WILDLIFE SANCTUARY**, Schoharie Tpke., (8-25-70)
 Schenectady. **GENERAL ELECTRIC RESEARCH LABORATORY**, (5-15-75) NHL.
 Schenectady. **LANGMUIR, IRVING, HOUSE**, 1176 Stratford Rd., (1-7-76) NHL.
 Schenectady. **NOTT MEMORIAL HALL, UNION COLLEGE**, Union College campus, (5-5-72)
 Schenectady. **STOCKADE HISTORIC DISTRICT**, Roughly bounded by Mohawk River, railroad tracks, and Union St., (4-3-73)

schoharie county

Blenheim. **NORTH BLENHEIM HISTORIC DISTRICT**, Both sides of NY 30, beside Schoharie Creek, (12-31-74)
 Blenheim vicinity. **LANSING MANOR HOUSE**, 2 mi. S of North Blenheim on NY 30, (5-25-73)
 Breakabeen. **BREAKABEEN HISTORIC DISTRICT**, (12-31-74)
 Cobleskill vicinity. **BRAMANVILLE MILL**, E of Cobleskill on Caverns Rd., (8-27-76)
 North Blenheim. **OLD BLENHEIM BRIDGE**, NY 30 over Schoharie Creek, (10-15-66) NHL; G.
 Schoharie. **OLD LUTHERAN PARSONAGE**, Adjacent to Spring St. in Lutheran Cemetery, (6-19-72) G.
 Schoharie. **SCHOHARIE VALLEY RAILROAD COMPLEX**, Depot Lane, (4-26-72) G.
 Sharon Springs. **AMERICAN HOTEL**, Main St., (9-9-75)

schuyler county

Tyrone vicinity. **LAMOKA**, (10-15-66) NHL.
 Watkins Glen. **SCHUYLER COUNTY COURTHOUSE COMPLEX**, Franklin St., (6-5-74)

seneca county

Fayette vicinity. **ROSE HILL**, W of Fayette on NY 96A, (2-6-73) HABS.
 Ovid. **SENECA COUNTY COURTHOUSE COMPLEX AT OVID**, NY 414, (12-12-76)
 Seneca Falls. **FALL STREET-TRINITY LANE HISTORIC DISTRICT**, Off NY 414 at Van Cleef Lake, (2-11-74)
 Seneca Falls. **STANTON, ELIZABETH CADY, HOUSE**, 32 Washington St., (10-15-66) NHL.
 Willard. **WILLARD ASYLUM FOR THE CHRONIC INSANE**, Willard State Psychiatric Center, (3-7-75)

st. lawrence county

ADIRONDACK FOREST PRESERVE, Reference—see Clinton County
 Canton. **HERRING-COLE HALL, ST. LAWRENCE UNIVERSITY**, St. Lawrence University campus, (5-1-74)
 Canton. **RICHARDSON HALL, ST. LAWRENCE UNIVERSITY**, St. Lawrence University campus, (5-1-74)
 Canton. **VILLAGE PARK HISTORIC DISTRICT**, Both sides of Main and Park Sts., and Park Pl., (5-6-75)
 Massena vicinity. **ROBINSON BAY ARCHEOLOGICAL DISTRICT**, N of Massena at Robinson Bay, (9-13-77)
 Ogdensburg. **NEW YORK STATE ARMORY (THE ARSENAL)**, 100 Lafayette St., (12-12-76)
 Ogdensburg. **U.S. CUSTOMSHOUSE**, 127 N. Water St., (10-9-74)
 Ogdensburg. **U.S. POST OFFICE**, 431 State St., (8-16-77)

steuben county

Corning. **JENNING'S TAVERN (PATTERSON INN)**, 59 W. Pulteney St., (9-20-73)
 Corning. **MARKET STREET HISTORIC DISTRICT**, Market St. from Chestnut St. to Wall St., (3-1-74)
 Hornell. **HORNELL PUBLIC LIBRARY**, 64 Genesee St., (2-24-75)

suffolk county
Cutchogue. **OLD HOUSE, THE**, NY 25, (10-15-66) NHL; HAB.
Cutchogue vicinity. **FORT CORCHAUG SITE**, (1-18-74)
East Hampton. **EAST HAMPTON VILLAGE DISTRICT**, Bounded by Main St. and James and Woods Lanes, (5-2-74)
East Hampton, Long Island. **MORAN, THOMAS, HOUSE**, Main St., (10-15-66) NHL
East Hampton vicinity. **MONTAUK POINT LIGHTHOUSE**, Montauk Point, (7-7-69)
Great River vicinity. **CUTTING, BAYARD, ESTATE (WESTBROOK)**, N of Great River on NY 27, (10-2-73)
Great River vicinity. **SOUTHSIDE SPORTSMENS CLUB DISTRICT**, NE of Great River, off NY 27, (7-23-73)
Huntington. **EATONS NECK LIGHT**, Eatons Neck Point at Huntington Bay and Long Island Sound off NY 25A, (4-3-73)
Huntington vicinity. **LLOYD, JOSEPH, HOUSE**, (11-7-76)
Mastic. **FLOYD, WILLIAM, HOUSE**, 20 Washington Ave., (4-21-71)
Mattituck. **GILDERSLLEEVE, ANDREW, OCTAGON BUILDING**, Main Rd. and Love Lane, (8-19-76)
Miller Place. **MILLER PLACE HISTORIC DISTRICT**, N. Country Rd., (6-17-76)
Montauk vicinity. **MONTAUK ASSOCIATION HISTORIC DISTRICT**, E. of Montauk off NY 27 on DeForest Rd., (10-22-76)
Orient. **ORIENT HISTORIC DISTRICT**, NY 25, (5-21-76)
Sag Harbor. **SAG HARBOR VILLAGE DISTRICT**, (7-20-73)
Saint James. **SAINT JAMES DISTRICT**, On NY 25A, (7-20-73)
Smithtown. **FIRST PRESBYTERIAN CHURCH**, 175 E. Main St., (12-23-77)
Smithtown. **HALLIOCK INN**, 263 E. Main St., (8-7-74)
St. James vicinity. **BOX HILL ESTATE**, NW of St. James on Monches Rd., (12-4-73) G.
St. James vicinity. **MILLS POND DISTRICT**, W of St. James on NY 25A, (8-1-73)
Stony Brook. **MOUNT, WILLIAM SYDNEY, HOUSE**, Gould Rd. and NY 25, (10-15-66) NHL
West Bay Shore. **SAGTIKOS MANOR**, Montauk Hwy. (NY 27A), (11-21-76)
sullivan county
Delaware and Hudson Canal. **Reference—see Orange County**
Kenosha Lake vicinity. **STONE ARCH BRIDGE**, S of Jeffersonville on NY 52, (12-12-76)
tioga county
Nichols. **PLATT-CADY MANSION**, 18 River St., (8-13-76)
Owego. **TIOGA COUNTY COURTHOUSE**, Village Park, (12-26-72)
tompkins county
Ithaca. **BOARDMAN HOUSE**, 120 E. Buffalo St., (5-6-71)
Ithaca. **CLINTON HOUSE**, 116 N. Cayuga St., (8-12-71) G.
Ithaca. **DE WITT PARK HISTORIC DISTRICT**, A square bounded roughly by properties fronting on E. Buffalo, E. Court, N. Cayuga, and N. Tioga Sts., (10-26-71)
Ithaca. **LEHIGH VALLEY RAILROAD STATION**, W. Buffalo St. and Taughannock Blvd., (12-31-74)
Ithaca. **MORRILL HALL, CORNELL UNIVERSITY**, Cornell University campus, (10-15-66) NHL

Ithaca. **SECOND TOMPKINS COUNTY COURTHOUSE**, 121 E. Court St., (3-18-71) HAB.
Ithaca. **WHITE, ANDREW DICKSON, HOUSE**, 27 East Ave., (12-4-73)
Trumansburg. **CAMP, HERMON, HOUSE**, Camp St., (12-4-73)

ulster county
Delaware and Hudson Canal. **Reference—see Orange County**
Gardiner vicinity. **DECKER, JOHANNES, FARM**, SW of Gardiner on Red Mill Rd. and Shawangunk Kill, (3-5-74) HAB.
Gardiner vicinity. **LOCUST LAWN ESTATE**, NY 32, SE of Gardiner, (5-17-74) HAB.
Hurley. **HURLEY HISTORIC DISTRICT**, Hurley St., Hurley Mountain Rd., and Schoonmaker Lane, (10-15-66) NHL; HAB.
Kingston. **KINGSTON CITY HALL**, 408 Broadway, (12-9-71)
Kingston. **KINGSTON STOCKADE DISTRICT**, Area bounded by both sides of Clinton Ave., Main, Green, and Front Sts. (incorporates former Clinton Avenue Historic District), (2-5-70) and (6-19-75)
Kingston. **SENATE HOUSE**, NW side of Clinton Ave. near jct. with N. Front St., (8-12-71) HAB.
Kingston. **WEST STRAND HISTORIC DISTRICT**, West Strand and Broadway, (6-28-74)
New Paltz. **HASBROUCK, JEAN, HOUSE**, Huguenot and N. Front Sts., (12-24-67) NHL; HAB.
New Paltz. **HUGUENOT STREET HISTORIC DISTRICT**, Huguenot St., (10-15-66) NHL; HAB.
New Paltz. **LAKE MOHONK MOUNTAIN HOUSE COMPLEX**, NW of New Paltz, between Wallkill Valley on E and Roundout Valley on W, (7-16-73)
Rosendale vicinity. **PERRINE'S BRIDGE**, Off U.S. 87 over Wallkill River, (4-13-73) HAB.
West Park. **BURROUGHS, JOHN, RIVERBY STUDY**, Between NY 9W and the Hudson River, (11-24-68) NHL
West Park vicinity. **BURROUGHS, JOHN, CABIN (SLABSIDES)**, W of West Park, (11-24-68) NHL

warren county
Adirondack Forest Preserve. **Reference—see Clinton County**
Chestertown. **CHESTERTOWN HISTORIC DISTRICT**, Canada Dr. (U.S. 9), (8-22-77)
Glens Falls. **SHERMAN HOUSE**, 380 Glen St., (11-7-77)
Lake George. **OLD WARREN COUNTY COURTHOUSE COMPLEX**, Canada and Amherst Sts., (6-19-73)
Lake George. Joshua's Rock. **OWL'S NEST (EDWARD EGGLESTON ESTATE)**, NY 9L, (11-11-71) NHL
North Creek. **NORTH CREEK RAILROAD STATION COMPLEX**, Railroad Pl., (8-27-76)
Warrensburg. **WARRENSBURG MILLS HISTORIC DISTRICT**, Roughly bounded by the Osborne and Woolen Mill bridges, Schroon River, and the railroad right-of-way, (9-18-75)

washington county
Champlain Canal. **Reference—see Saratoga County**
Fair Haven. **MILLER, WILLIAM, CHAPEL AND ASCENSION ROCK**, W of Fair Haven on SR 11, (7-17-75)
Fort Edward. **ROGERS ISLAND**, In Hudson River, W of Fort Edward, (7-24-73)

Salem. **SALEM HISTORIC DISTRICT**, Both sides of Broadway and Main Sts. from railroad tracks on N and W to include White Creek on S and E, (5-28-75)
Schuylerville vicinity. **DERIDDER HOMESTEAD**, E of Schuylerville off NY 29, (3-22-74)
South Granville. **HAYNES, LEMUEL, HOUSE**, Rte. 149, (5-15-75) NHL
Whitehall. **MAIN STREET HISTORIC DISTRICT**, Both sides of Williams St. and both sides of Main St. Bridge to below Saunders St. Bridge., (4-24-75)
Whitehall. **POTTER, JUDGE JOSEPH, HOUSE**, Mountain Ter., (5-2-74)

wayne county
Lyons. **BROAD STREET-WATER STREET HISTORIC DISTRICT**, (8-14-73)
Ontario. **BRICK CHURCH CORNERS**, Jct. of Brick Church and Ontario Center Rds., (6-5-74)
Palmyra. **EAST MAIN STREET COMMERCIAL HISTORIC DISTRICT**, Between Clinton and William-Cuyler Sts., (11-21-74)
Palmyra. **MARKET STREET HISTORIC DISTRICT**, Both sides of Market St. between Canal and Main Sts., (12-8-72)
Sodus Point. **SODUS POINT LIGHTHOUSE**, Off NY 14 at Lake Ontario, (10-8-76)

westchester county
Ardsley-on-Hudson. **NUITS**, Hudson Rd. and Clifton Pl., (4-13-77)
Bedford. **BEDFORD VILLAGE HISTORIC DISTRICT**, (10-2-73)
Chappaqua. **OLD CHAPPAQUA HISTORIC DISTRICT**, Quaker Rd., (7-15-74)
Croton-on-Hudson. **VAN CORTLANDT MANOR**, U.S. 9 N of jct. with U.S. 9A, (10-15-66) NHL
Dobbs Ferry. **HYATT-LIVINGSTON HOUSE**, 152 Broadway, (10-5-72) HAB.
Greenburgh. **ODELL HOUSE (ROCHAMBEAU HEADQUARTERS)**, 425 Ridge Rd., (3-28-73)
Hastings-on-Hudson. **CROSEY, JASPER F., HOUSE AND STUDIO**, 49 Washington Ave., (5-17-73)
Hastings-on-the-Hudson. **DRAPER, JOHN W., HOUSE**, 407 Broadway, (5-15-75) NHL
Irvington. **ARMOUR-STINER HOUSE**, 45 W. Clinton Ave., (12-18-75) NHL; HAB.
Irvington. **VILLA LEWARO**, N. Broadway, (5-11-76) NHL
Katonah. **JAY, JOHN, HOMESTEAD (BEDFORD HOUSE)**, Jay St., (7-24-72) G.
Mount Vernon. **ST. PAUL'S CHURCH NATIONAL HISTORIC SITE**, Eastchester, (10-15-66) HAB.
Mount Vernon. **STEVENS, JOHN, HOUSE**, 29 W. 4th St., (4-26-72)
Mt. Pleasant. **ROCKEFELLER, JOHN D., ESTATE**, Pocantico Hills, (5-11-76) NHL
New Rochelle. **LELAND CASTLE**, 29 Castle Pl., (8-27-76)
New Rochelle. **PAINE, THOMAS, COTTAGE**, 20 Sicard Ave., (11-28-72) NHL; HAB.
North Tarrytown. **DUTCH REFORMED (SLEEPY HOLLOW) CHURCH**, N edge of Tarrytown on U.S. 9, (10-15-66) NHL; HAB.
North White Plains. **MILLER HOUSE**, Virginia Rd., (9-29-76)
Ossining. **FIRST BAPTIST CHURCH OF OSSINING**, S. Highland Ave. and Main St., (1-12-73)
Ossining. **JUG TAVERN**, Revolutionary Rd. and Rockledge Ave., (6-7-76)
Ossining vicinity. **OLD CROTON DAM, SITE OF NEW CROTON DAM**, N of Ossining on NY 129, (6-19-73)

Pelham Manor. **BOLTON PRIORY**, 7 Priory Lane, (6-28-74)
Purchase. **REID HALL, MANHATTANVILLE COLLEGE (OPHIR HALL)**, Manhattanville College, Purchase St., (3-22-74)
Purdys. **PURDY, JOSEPH, HOMESTEAD**, Jct. of NY 22 and 116, (1-25-73)
Rye. **WARD, WILLIAM E., HOUSE**, Comly Ave., (11-7-76)
Rye. **WIDOW HAVILAND'S TAVERN**, Purchase St., (4-16-74)
Scarsdale. **HYATT, CALEB, HOUSE (CUDNER-HYATT HOUSE)**, 937 White Plains Post Rd., (1-22-73)
Somers vicinity. **SOMERS TOWN HOUSE (ELEPHANT HOTEL)**, Jct. of U.S. 202 and NY 100, (8-7-74) HAB.
Tarrytown. **LYNDHURST (JAY GOULD ESTATE)**, 635 S. Broadway, (11-13-66) NHL; G.
Tarrytown vicinity. **SUNNYSIDE (WASHINGTON IRVING HOUSE)**, Sunnyside Lane, (10-15-66) NHL
Upper Mills. **PHILIPSBURG MANOR**, 381 Bellwood Ave., (10-15-66) NHL
Van Cortlandtville. **OLD ST. PETER'S CHURCH**, Oregon Rd. and Locust Ave., (3-7-73) HAB.
White Plains. **MAPLETON**, 52 N. Broadway, (9-28-76)
White Plains. **WESTCHESTER COUNTY COURTHOUSE COMPLEX**, Bounded by Maritime Ave., and Grand, Main, and Court Sts., (1-17-75)
Yonkers. **ARMSTRONG, EDWIN H., HOUSE**, 1032 Warburton Ave., (1-7-76) NHL
Yonkers. **PHILIPSE MANOR HALL**, Warburton Ave. and Dock St., (10-15-66) NHL
Yonkers. **TREVOR, JOHN BOND, HOUSE (GLENVIEW)**, 511 Warburton Ave., (6-19-72)
Yonkers. **INTERMYER PARK**, Warburton Ave. and N. Broadway S of jct. with Odell Ave., (5-31-74)
Yonkers and vicinity. **OLD CROTON AQUEDUCT**, Runs N from Yonkers to New Croton Dam, (12-2-74) HAER.

wyoming county
Wyoming. **MIDDLEBURY ACADEMY**, 22 S. Academy St., (1-17-73)
Wyoming. **WYOMING VILLAGE HISTORIC DISTRICT**, NY 19, (12-27-74)

NORTH CAROLINA

U.S.S. MONITOR. **Reference—see Outer Continental Shelf**

alamance county

Alamance vicinity. **ALAMANCE BATTLEGROUND STATE HISTORIC SITE**, SW of Burlington on Rte. 1, off NC 62, near jct. with Rte. 1129, (2-26-70)
Alamance vicinity. **HOLT, L. BANKS, HOUSE**, S of Alamance on NC 62, (4-18-77)
Burlington vicinity. **ALLEN HOUSE**, SW of Burlington on Rte. 1, off SC 62, (2-26-70)

allegany county

Piney Creek vicinity. **WEAVER, WILLIAM, HOUSE**, SW of Piney Creek on SR 1302, (11-7-76)
Whitehead vicinity. **BRINEGAR CABIN**, At mi. 238.5, Blue Ridge Pkwy., (1-20-72) HAB.

anson county

Wadesboro. **BOGGAN-HAMMOND HOUSE AND ALEXANDER LITTLE WING**, 210 Wade St., (9-14-72)

ashe county

Crumpler vicinity. **PIERCE, JOHN M., HOUSE**, N of Crumpler on SR 1559, (11-7-76)
Crumpler vicinity. **THOMPSON'S BROMINE AND ARSENIC SPRINGS**, W of Crumpler on SR 1542, (10-22-76)
Grassy Creek. **GRASSY CREEK HISTORIC DISTRICT**, SR 1535 and SR 1573, (12-12-76)
Grassy Creek vicinity. **WADDELL, WILLIAM, HOUSE**, W of Grassy Creek off NC 16 on SR 1532, (11-7-76)
Helton vicinity. **BAPTIST CHAPEL CHURCH AND CEMETERY**, E of Helton on SR 1527, (11-13-76)
Scottville vicinity. **BOWER-COX HOUSE**, SW of Scottville on SR 1595, (11-7-76)
Scottville vicinity. **COX, SAMUEL, HOUSE**, SW of Scottville off U.S. 221 on SR 1636, (11-7-76)

beaufort county

Bath. **BATH HISTORIC DISTRICT**, Bounded by Bath Creek, NC 92, and King St., (2-26-70) HAB.; G.
Bath. **BONNER HOUSE**, Front St., (2-26-70) G.
Bath. **PALMER-MARSH HOUSE**, Main St., S of NC 92, (2-26-70) NHL; HAB.; G.
Bath. **ST. THOMAS EPISCOPAL CHURCH**, Craven St., (11-20-70) HAB.
Latham vicinity. **BEUFONT PLANTATION HOUSE**, N of Latham on SR 1411, (12-12-76)
Washington. **BANK OF WASHINGTON, WEST END BRANCH**, 216 W. Main St., (2-18-71)
Washington. **BEAUFORT COUNTY COURTHOUSE**, Corner of W. 2nd and Market Sts., (3-31-71)

bertie county

Roxobel vicinity. **WOODBORNE**, W of Roxobel on SR 1139, (8-26-71)
Windsor vicinity. **HOPE PLANTATION**, 4 mi. NW of Windsor, off NC 308, (4-17-70) G.
Windsor vicinity. **JORDAN HOUSE**, S of Windsor on SR 1522, (8-26-71)
Windsor vicinity. **KING HOUSE**, NW of Windsor on SR 1116, (8-26-71)

bladen county

Carvers vicinity. **OAKLAND PLANTATION**, Off SR 1730, (4-25-72)
Clarkton vicinity. **BROWN MARSH PRESBYTERIAN CHURCH**, N of Clarkton on SR 1700 off SR 1762, (9-2-75)
Tar Heel vicinity. **PURDIE HOUSE AND PURDIE METHODIST CHURCH**, 2.8 mi. E of Tar Heel, (4-13-77)
Tar Heel vicinity. **WALNUT GROVE (ROBESON PLANTATION)**, E of Tar Heel on NC 87, (5-29-75)
White Oak vicinity. **HARMONY HALL**, W of White Oak on SR 1351, (3-24-72)

brunswick county

Orton vicinity. **ST. PHILIP'S CHURCH RUINS**, S of Orton off NC 1533, (2-26-70) HAB.; G.
Smithville Township. **ORTON PLANTATION**, On Cape Fear River at jct. of NC 1530 and 1529, (4-11-73)
Southport. **FORT JOHNSTON**, Moore St., (6-7-74)
Southport vicinity. **BALD HEAD ISLAND LIGHTHOUSE**, S of Southport on Smith Island at Bald Head, (4-28-75)

buncombe county

Asheville. **ARCADE BUILDING (GROVE ARCADE)**, Battery Park, Battle Sq., (5-19-76)
Asheville. **ASHEVILLE CITY HALL**, City County Plaza, (11-7-76)
Asheville. **BATTERY PARK HOTEL**, Battle Sq., (7-14-77)
Asheville. **BILTMORE ESTATE**, (10-15-66) NHL
Asheville. **FIRST BAPTIST CHURCH**, Oak and Woodfin Sts., (7-13-76)
Asheville. **GROVE PARK INN**, Macon Ave., (4-3-73)
Asheville. **MONTFORD AREA HISTORIC DISTRICT**, Irregular pattern along Montford Ave., (11-25-77)
Asheville. **RICHMOND HILL HOUSE**, 45 Richmond Hill Rd., (8-16-77)
Asheville. **5 AND W CAFETERIA**, Patton Ave., (3-28-77)
Asheville. **SMITH-MCDOWELL HOUSE**, 283 Victoria Rd., (8-1-75)
Asheville. **WOLFE, THOMAS, HOUSE**, 48 Spruce St., (11-11-71) NHL; G.
Asheville. **YOUNG MEN'S INSTITUTE BUILDING**, Market and Eagle Sts., (7-14-77)
Asheville. **ZEALANDIA**, 40 Vance Gap Rd., (3-14-77)
Fairview vicinity. **SHERILL'S INN**, 2.5 mi. S of Fairview off U.S. 74, (4-16-75) HAB.

burke county

Morganton. **BURKE COUNTY COURTHOUSE**, Courthouse Sq., (4-17-70) G.
Morganton. **GAITHER HOUSE**, 102 N. Anderson St., (4-23-76)
Morganton. **NORTH CAROLINA SCHOOL FOR THE DEAF: MAIN BUILDING**, U.S. 64 and Fleming Dr., (12-12-76)
Morganton. **TATE HOUSE**, 100 S. King St., (5-25-73)
Morganton. **WESTERN NORTH CAROLINA INSANE ASYLUM**, Off NC 18, (10-5-77)
Morganton vicinity. **BELLEVUE**, On SR 1419, N of Morganton off NC 18, (12-4-73)
Morganton vicinity. **CREEKSIDE**, W of Morganton at jct. of U.S. 70 and 70A, (2-1-72)
Morganton vicinity. **FORNEY, JACOB JR., HOUSE**, NW of Morganton on SR 1440, (10-14-76)
Morganton vicinity. **MAGNOLIA PLACE**, S of Morganton on U.S. 64, (6-4-73)
Morganton vicinity. **PLEASANT VALLEY**, Jct. of SR 1423, 1439, and 1438, (1-20-72)
Morganton vicinity. **QUAKER MEADOWS**, W of Morganton off NC 181, (10-3-73)
Morganton vicinity. **SWAN PONDS**, About 4 mi. W of Morganton off NC 126, (4-24-73)

cabarrus county

Concord. **CABARRUS COUNTY COURTHOUSE**, Union St., S., (6-5-74)
Concord vicinity. **MCCURDY HOME PLACE**, S of Concord off U.S. 601, (1-21-74)
Concord vicinity. **REED GOLD MINE**, 11 mi. SE of Concord, (10-15-66) NHL; G.
Kannapolis vicinity. **MILL HILL**, W of Kannapolis on SR 1616, (9-10-74)

caldwell county

Lenoir. **FORT DEFIANCE**, N of Lenoir on NC 268, (9-15-70) G.
Patterson vicinity. **CLOVER HILL**, E of Patterson off NC 268 on SR 1514, (5-25-73)

camden county

Camden. **CAMDEN COUNTY COURTHOUSE**, NC 343, (2-1-72)
Camden vicinity. **MILFORD**, On SR 1205, 0.5 mi. S of jct. with NC 343, (3-16-72)

5266 NORTH CAROLINA

carteret county

Atlantic Beach vicinity. **FORT MACON**, Bogue Point, on Fort Macon Rd., 4 mi. E of Atlantic Beach, (2-26-70) HABS.
Beaufort. **BEAUFORT HISTORIC DISTRICT**, (5-6-74) HABS.
Beaufort. **GIBBS HOUSE**, 903 Front St., (3-14-73)
Beaufort. **HENRY, JACOB, HOUSE**, 229 Front St., (5-7-73) HABS.
Beaufort. **OLD BURYING GROUND**, Bounded by Ann, Craven, and Broad Sts., (4-8-74)
Core Banks. **CAPE LOOKOUT LIGHT STATION**, On Core Banks, (10-18-72)

caswell county

Leasburg vicinity. **GARLAND-BUFORD HOUSE**, N of Leasburg on SR 1561, (1-24-74)
Locust Hill. **ROSE HILL**, On U.S. 158 at jet. with NC 150, (10-25-73)
Locust Hill vicinity. **MOORE HOUSE (STAMP'S QUARTER)**, E of Locust Hill off U.S. 158, (8-28-73) HABS.
Milton. **0**, Main (Broad) St., (4-13-73)
Milton. **MILTON HISTORIC DISTRICT**, (10-25-73) HABS.
Milton. **UNION TAVERN**, (5-15-75) NHL.
Milton vicinity. **LONGWOOD**, SW of Milton on NC 62, (9-15-76)
Prespect Hill. **WARREN HOUSE AND WARREN'S STORE**, On NC 86, (6-19-73)
Yanceyville. **CASWELL COUNTY COURTHOUSE**, Courthouse Sq., (6-4-73) HABS.
Yanceyville. **YANCEYVILLE HISTORIC DISTRICT**, W. Main St., Courthouse Sq., and North Ave. to Church St., (10-15-73) HABS.
Yanceyville vicinity. **BROWN-GRAVES HOUSE AND BROWN'S STORE**, SW of Yanceyville on NC 150, (7-15-74)
Yanceyville vicinity. **GRAVES HOUSE**, U.S. 158 at NC 86, (11-20-74)
Yanceyville vicinity. **YANCEY, BARTLETT, HOUSE**, (12-4-73)

catawba county

Catawba vicinity. **PERKINS HOUSE**, N of Catawba off 140, (10-1-74)
Catawba vicinity. **POWELL-TROLLINGER LIME KILNS**, S of Catawba, (11-8-74)
Claremont vicinity. **BUNKER HILL COVERED BRIDGE**, 2 mi. E of Claremont on U.S. 70, (2-26-70)
Denver. **MUNDAY HOUSE**, N of Denver, (8-22-75)
Hickory. **PROPST HOUSE**, Shuford Memorial Garden, (4-24-73)
Hickory. **SHUFORD HOUSE (MAPLE GROVE)**, 542 2nd St. NE., (4-24-73)
Hickory vicinity. **WEIDNER ROCK HOUSE**, S of Hickory on SR 1142, (12-4-73)
Newton vicinity. **RUDISILL-WILSON HOUSE**, SW of Newton off NC 10, (8-14-73)
Newton vicinity. **ST. PAUL'S CHURCH AND CEMETERY (LUTHERAN)**, Jct. of SR 1149 and SR 1164, (12-9-71)

chatham county

Durham vicinity. **MASON, JOHN A., HOUSE**, SW of Durham off NC 751, (10-23-74)
Pittsboro vicinity. **ALSTON-DEGRAFFENRIED HOUSE**, W of Pittsboro off U.S. 64, (11-18-74)
Pittsboro vicinity. **EBENEZER LOG CHURCH**, E of Pittsboro, (11-19-74)

NOTICES

cherokee county

Andrews vicinity. **WALKER'S INN**, S of Andrews on SR 1505 off SR 1393 and NC 19129, (8-19-75)

chowan county

Edenton. **ALBANIA**, U.S. 17 W of jct. with NC 32, (5-13-76)
Edenton. **BARKER HOUSE**, S terminus of Broad St., (3-24-72)
Edenton. **CHOWAN COUNTY COURTHOUSE**, E. King St., (4-15-70) NHL.
Edenton. **CUPOLA HOUSE**, 408 S. Broad St., (5-5-70) NHL; HABS; G.
Edenton. **EDENTON HISTORIC DISTRICT**, (7-16-73) NHL; HABS; G.
Edenton. **IREDELL, JAMES, HOUSE**, 107 E. Church St., (2-26-70) G.
Edenton. **PEMBROKE HALL**, W. King St., (11-7-76) HABS.
Edenton. **ST. PAUL'S EPISCOPAL CHURCH AND COURTYARD**, W. Church and Churton Sts., (5-29-75) HABS.
Edenton. **WESSINGTON HOUSE**, 120 W. King St., (3-20-73) HABS.
Edenton vicinity. **HAYES PLANTATION**, E. Water St. Extension, (2-26-74) NHL; HABS.
Edenton vicinity. **MULBERRY HILL**, SE of Edenton on SR 1114, (5-13-76) HABS.
Edenton vicinity. **SHELTON PLANTATION HOUSE**, Off NC 32, (10-29-74)
Somerville vicinity. **GREENFIELD PLANTATION**, E of Edenton on SR 1109, (5-6-76)

clay county

Hayesville. **CLAY COUNTY COURTHOUSE**, Main St., (10-29-75)

cleveland county

Shelby. **BANKER'S HOUSE**, 319 N. Lafayette St., (5-6-75)

craven county

Jasper vicinity. **CLEAR SPRINGS PLANTATION**, N of Jasper, (3-14-73)
New Bern. **ATTMORE-OLIVER HOUSE (CHAPMAN-TAYLOR HOUSE)**, 513 Broad St., (1-20-72)
New Bern. **BAXTER CLOCK**, 323 Pollock St., (7-2-73)
New Bern. **BLADES HOUSE**, 602 Middle St., (1-14-72)
New Bern. **BRYAN HOUSE AND OFFICE**, 603-605 Pollock St., (3-24-72)
New Bern. **CEDAR GROVE CEMETERY**, Bounded by Queen, George, Cypress, Howard, and Metcalf Sts., (12-5-72)
New Bern. **CENTENARY METHODIST CHURCH**, 209 New St., (9-11-72)
New Bern. **CENTRAL ELEMENTARY SCHOOL**, 311-313 New St. and 517 Hancock St., (1-20-72) HABS; G.
New Bern. **CHRIST EPISCOPAL CHURCH AND PARISH**, 320 Pollock St., (4-13-73)
New Bern. **COOR-BISHOP HOUSE**, 501 E. Front St., (11-9-72)
New Bern. **COOR-GASTON HOUSE**, 421 Craven St., (2-1-72) HABS; G.
New Bern. **FIRST BAPTIST CHURCH**, Middle St. and Church Alley, (3-24-72)
New Bern. **FIRST CHURCH OF CHRIST, SCIENTIST**, 406 and 408 Middle St., (10-2-73)
New Bern. **FIRST PRESBYTERIAN CHURCH AND CHURCHYARD**, New St. between Middle and Hancock Sts., (2-1-72) HABS.
New Bern. **GULL HARBOR**, 514 E. Front St., (8-14-73)
New Bern. **HARVEY MANSION**, 219 Tryon Palace Dr., (11-12-71)
New Bern. **HAWKS HOUSE**, 306 Hancock St., (3-16-72)

New Bern. **HOLLISTER, WILLIAM, HOUSE**, 613 Broad St., (6-30-72)
New Bern. **JERKINS, THOMAS, HOUSE**, 305 Johnson St., (10-18-72)
New Bern. **JONES-JARVIS HOUSE**, 528 E. Front St., (4-11-73) HABS.
New Bern. **MACE, ULYSSES S., HOUSE**, 518 Broad St., (6-4-73)
New Bern. **MASONIC TEMPLE AND THEATER**, 516 Hancock St., (3-16-72) HABS.
New Bern. **NEW BERN HISTORIC DISTRICT**, Roughly bounded by Neuse and Trent Rivers and Queen St., (6-19-73) HABS.
New Bern. **NEW BERN MUNICIPAL BUILDING (U.S. POST OFFICE)**, Pollock and Craven Sts., (6-4-73)
New Bern. **RHEM-WALDROP HOUSE**, 701 Broad St., (10-18-72)
New Bern. **SLOVER-BRADHAM HOUSE (BURNSIDE'S HEADQUARTERS)**, 201 Johnson St., (4-11-73) HABS.
New Bern. **SMALLWOOD, ELI, HOUSE**, 524 E. Front St., (12-5-72) HABS.
New Bern. **SMITH, BENJAMIN, HOUSE**, 210 Hancock St., (4-13-72)
New Bern. **SMITH-WHITEFORD HOUSE**, 506 Craven St., (4-13-72)
New Bern. **ST. PAUL'S ROMAN CATHOLIC CHURCH**, 510 Middle St., (3-24-72)
New Bern. **STANLY, EDWARD R., HOUSE**, 502 Pollock St., (3-24-72)
New Bern. **STANLY, JOHN WRIGHT, HOUSE**, 307 George St., (2-26-70) HABS.
New Bern. **STEVENSON HOUSE**, 609-611 Pollock St., (8-26-71)
New Bern. **TAYLOR, ISAAC, HOUSE**, 228 Craven St., (12-27-72) HABS.
New Bern. **TISDALE-JONES HOUSE**, 520 New St., (4-25-72)
New Bern. **YORK-GORDON HOUSE**, 213 Hancock St., (1-18-73)
New Bern vicinity. **BELLAIR**, W of New Bern off SR 1401, (8-25-72)

cumberland county

Erwin vicinity. **OAK GROVE**, S of Erwin near jct. of NC 82 and SR 1875, (2-6-73)
Fayetteville. **BELDON-HORNE HOUSE**, 233 Green St., (3-16-72)
Fayetteville. **COOL SPRING PLACE (COOL SPRING TAVERN)**, 119 N. Cool Spring St., (10-10-72)
Fayetteville. **FAYETTEVILLE WOMEN'S CLUB AND OVAL BALLROOM**, 224 Dick St., (2-6-73)
Fayetteville. **FIRST PRESBYTERIAN CHURCH**, Ann and Bow Sts., (4-30-76) HABS.
Fayetteville. **KYLE HOUSE**, 234 Green St., (6-19-72)
Fayetteville. **LIBERTY ROW**, N Side of the first block of Person St., bounded by Market Sq. and Liberty Point, (8-14-73)
Fayetteville. **MANSARD ROOF HOUSE**, 214 Mason St., (3-20-73)
Fayetteville. **MARKET HOUSE**, Market Sq., (9-15-70) NHL; HABS.
Fayetteville. **NIMOCKS HOUSE**, 225 Dick St., (1-20-72)
Fayetteville. **SEDBERRY-HOLMES HOUSE**, 232 Person St., (9-2-75)
Fayetteville. **ST. JOHN'S EPISCOPAL CHURCH**, Green St., (9-6-74)
Linden vicinity. **ELLERSLIE**, W of Linden on SR 1607 at jct. with SR 1606, (8-7-74)
Wade vicinity. **OLD BLUFF PRESBYTERIAN CHURCH**, N of Wade on SR 1709, (8-7-74)

NOTICES

currituck county

Corolla. **CURRITUCK BEACH LIGHTHOUSE**, Northern NC Outer Banks, (10-15-73)
Shawboro. **TWIN HOUSES**, On NC 168 at jct. of SR 1203 and 1147, (4-13-72)

dare county

Kitty Hawk. **WRIGHT BROTHERS NATIONAL MEMORIAL**, U.S. 158, (10-15-66)
Manteo vicinity. Roanoke Island. **FORT RALEIGH NATIONAL HISTORIC SITE**, 4 mi. N of Manteo on U.S. 158, (10-15-66)
Nags Head. **NAGS HEAD BEACH COTTAGES HISTORIC DISTRICT**, U.S. 158, (8-19-77)
Rodanthe. **CHICAMCOMICO LIFE SAVING STATION**, NC 12 and SR 1247, (12-12-76)
Rodanthe vicinity. **OREGON INLET STATION**, 12 mi. of Rodanthe on Pea Island, (12-23-75)

davidson county

Lexington. **OLD DAVIDSON COUNTY COURTHOUSE**, Main and Center Sts., (6-24-71)

davie county

Mocksville. **COOLEEMEE**, Terminus of SR 1812, (3-20-73) HABS.
Mocksville. **DAVIE COUNTY JAIL**, 20 S. Main St., (4-24-73)
Mocksville. **HELPER, HINTON ROWAN, HOUSE**, U.S. 64 off 140, (11-7-73) NHL.

duplin county

Albertson vicinity. **WATERLOO (GRADY HOUSE)**, 2 mi. S of Albertson on NC 111, (1-8-75)
Faison vicinity. **HILL, BUCKNER, HOUSE**, SE of Faison on SR 1354, (12-6-75)
Kenansville. **KENANSVILLE HISTORIC DISTRICT**, Downtown area centered around Main St. and Limestone Rd. as far N as Hill St., (3-13-75)

durham county

Bahama vicinity. **HARDSCRABBLE**, SW of Bahama on SR 1003 near jct. with SR 1461, (1-20-72)
Chapel Hill vicinity. **LEIGH FARM**, E of Chapel Hill off NC 54, (9-5-75)
Durham. **BENNETT PLACE STATE HISTORIC SITE**, Jct. of SR 1313 and 1314, (2-26-70)
Durham. **BULL DURHAM TOBACCO FACTORY (AMERICAN TOBACCO COMPANY)**, Pettigrew between Carr and Blackwell Sts., (9-10-74)
Durham. **DOWNTOWN DURHAM HISTORIC DISTRICT**, Roughly bounded by Peabody, Morgan, Seminary, Cleveland, Parrish, and Queen Sts., (11-1-77)
Durham. **NORTH CAROLINA MUTUAL LIFE INSURANCE COMPANY BUILDING**, 114-116 W. Parrish St., (5-15-75) NHL.
Durham. **ST. JOSEPH'S AFRICAN METHODIST EPISCOPAL CHURCH**, Fayetteville St. and Durham Expressway, (8-11-76)
Durham vicinity. **DUKE HOMESTEAD AND TOBACCO FACTORY**, 0.5 mi. N of Durham on Guess Rd., E of SR 1025, (11-13-66) NHL.
Durham vicinity. **FAIRNTOSH PLANTATION**, Near jct. of SR 1004 and 1632, (4-3-73)
Durham vicinity. **STAGVILLE**, Near jct. of SR 1004 and 1632, (5-25-73) G.

edgecombe county

Battleboro. **ST. JOHN'S EPISCOPAL CHURCH**, E. Main St., (2-18-71)
Battleboro vicinity. **OLD TOWN PLANTATION**, U.S. 97 off U.S. 301, (1-20-72)
Leggett vicinity. **MOUNT PROSPECT (EXUM LEWIS, JR. HOUSE)**, Jct. of SR 1409 and SR 1428, (11-20-74)
Tarboro. **BARRACKS, THE**, 1100 Albemarle St., (2-18-71)
Tarboro. **BRACEBRIDGE HALL**, Macklesfield vicinity, (2-18-71)
Tarboro. **CALVARY EPISCOPAL CHURCH AND CHURCHYARD**, 411 E. Church St., (2-18-71)
Tarboro. **COATS HOUSE**, 1503 St. Andrews St., (4-3-73)
Tarboro. **COTTON PRESS**, Town Common, (2-18-71) HABS.
Tarboro. **GROVE, THE (BLOUNT HOUSE)**, 130 Bridgers St., (2-18-71)
Tarboro. **REDMOND-SHACKELFORD HOUSE**, 300 Main St., (12-12-76)
Tarboro. **TARBORO TOWN COMMON**, Bounded by Wilson St., Albemarle Ave., Park Ave. and St. Patrick St., (9-30-70)
Tarboro. **WALSTON-BULLUCK HOUSE (PENDER MUSEUM)**, 1018 St. Andrews St., (2-18-71)
Tarboro vicinity. **COOLMORE PLANTATION**, Rte. 3 (U.S. 64 W of Tarboro), (2-18-71) HABS.
Tarboro vicinity. **PINEY PROSPECT (SUGG HOUSE)**, 5.7 mi. S of Tarboro off SR 1601, (2-18-71)
Tarboro vicinity. **WILKINSON-DOZIER HOUSE**, SE of Tarboro off SR 1524, (10-23-74)

forsyth county

Kernersville. **KORNER'S FOLLY**, Main St., (3-20-73)
Winston-Salem. **ARISTA COTTON MILL COMPLEX**, 200 Brookstown Ave., (8-18-77) HABS.
Winston-Salem. **BETHABARA MORAVIAN CHURCH**, 2147 Bethabara Rd., (9-28-71) HABS.
Winston-Salem. **OLD SALEM HISTORIC DISTRICT**, Salem College campus and area near Salem Sq., (11-13-66) NHL; HABS.
Winston-Salem. **SALEM TAVERN**, 800 S. Main St., (10-15-66) NHL.
Winston-Salem. **SHELL SERVICE STATION**, Sprague and Peachtree Sts., (5-13-76) HABS.
Winston-Salem. **SINGLE BROTHERS' HOUSE**, S. Main and Academy Sts., (4-15-70) NHL; HABS.
Winston-Salem. **ZEVELY HOUSE**, 734 Oak St., (4-24-73)
Winston-Salem vicinity. **BETHANIA HISTORIC DISTRICT**, N of Winston-Salem on NC 65, SR 1611, 1628, and 1688, (5-3-76)

franklin county

Centerville vicinity. **VINE HILL**, S of Centerville, (5-28-75)
Franklinton. **HARRIS, DR. J. H., HOUSE**, 312 E. Mason St., (8-1-75)
Franklinton vicinity. **KEARNEY, SHEMUEL, HOUSE**, 1 mi. S of Franklinton on U.S. 1, (6-5-75)
Gupton vicinity. **LAUREL MILL AND COLONEL JORDAN JONES'S HOUSE**, SW of Gupton at jct. of SR 1432 and 1436, (5-30-75)
Gupton vicinity. **PERRY, DR. SAMUEL, HOUSE**, E of Gupton on SR 1436, (6-5-75)
Ingleside vicinity. **MONREATH**, S of Ingleside on NC 39, (8-6-75)

NORTH CAROLINA 5267

Louisburg. **PERSON PLACE**, 603 N. Main St., (6-19-72)
Louisburg. **WILLIAMSON HOUSE**, 401 Cedar St., (6-20-75)
Louisburg vicinity. **CASCINE**, S of Louisburg on SR 1702, (4-26-73) HABS.
Louisburg vicinity. **COOKE HOUSE**, SW of Louisburg near jct. of SR 1114 and SR 1109, (10-14-75)
Louisburg vicinity. **DAVIS, ARCHIBALD H., PLANTATION (CYPRESS HALL)**, SE of Louisburg off NC 581, (7-24-75)
Louisburg vicinity. **DEAN FARM**, 6 mi. E of Louisburg on NC 56, (5-2-75)
Louisburg vicinity. **GREEN HILL HOUSE**, S of Louisburg near jct. of SR 1760 and 1761, (6-10-75) HABS.
Louisburg vicinity. **LOCUST GROVE**, N of Louisburg on U.S. 401, (11-20-75)
Louisburg vicinity. **MASSENBURG PLANTATION (WOODLEAF PLANTATION)**, E of Louisburg, (7-30-75)
Louisburg vicinity. **TAYLOR, PATTY PERSON, HOUSE**, NW of Louisburg, (2-13-75)
Wood vicinity. **TAYLOR, ARCHIBALD, HOUSE**, N of Wood, (5-12-75)
Youngsville vicinity. **JEFFREYS, WILLIAM A., HOUSE**, SE of Youngsville on SR 1101, (6-23-76)

gaston county

Belmont. **BELMONT ABBEY CATHEDRAL**, On SR 2093, (4-11-73)
Dallas. **DALLAS HISTORIC DISTRICT**, Bounded by Holland, Main, Gaston and Trade Sts., (7-26-73)
Gastonia vicinity. **WILSON, WILLIAM J., HOUSE**, S of Gastonia off SR 1109, (10-14-76)

gates county

Gatesville. **GATES COUNTY COURTHOUSE**, Court St., (10-22-76)
Gatesville vicinity. **ELMWOOD PLANTATION**, E of Gatesville near jct. of SR 1400 and NC 37, (2-1-72)

granville county

Stovall vicinity. **HILL AIRY**, S of Stovall, (10-29-74)

guilford county

Greensboro. **BLANDWOOD**, 411 W. Washington St., (4-17-70)
Greensboro. **BUMPAS-TROY HOUSE**, 114 S. Mendenhall St., (12-6-77)
Greensboro. **JEFFERSON STANDARD BUILDING**, Elm and Market Sts., (5-28-76)
Greensboro vicinity. **GUILFORD COURTHOUSE NATIONAL MILITARY PARK**, 5 mi. NW of Greensboro near U.S. 220, (10-15-66)
High Point. **HALEY, JOHN, HOUSE**, 1805 E. Lexington Ave., (8-26-71)
Jamestown. **JAMESTOWN HISTORIC DISTRICT**, Both sides of U.S. 29A/70A through Jamestown, (1-22-73) HABS.
Jamestown. **MENDENHALL, RICHARD, PLANTATION BUILDINGS**, U.S. 29/70A, off Lakeside Dr., (11-3-72) HABS.
Jamestown. **OAKDALE COTTON MILL VILLAGE**, SR 1352 and SR 1144, (3-16-76)
Jamestown vicinity. **GARDNER HOUSE**, E of Jamestown on SR 1383, (10-15-74)

halifax county

Airlie. **OAKLAND**, At Airlie, NE corner of NC 4 and SR 1310, (7-2-73)
Enfield vicinity. **BELLAMY'S MILL**, SW of Enfield, (11-5-74) (also in Nash County)

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Enfield vicinity. *SHELL CASTLE*, W of Enfield on NC 481, (4-11-73)
Halifax. *DAVIE, WILLIAM R., HOUSE*, Norman St., (6-19-73)
Halifax. *EAGLE TAVERN*, Main St., (4-24-73) G.
Halifax. *HALIFAX HISTORIC DISTRICT*, (1-21-70) HABS; G.
Halifax. *SALLY-BILLY HOUSE*, St. Andrews St. extended, (2-8-73) and (10-2-75) HABS; G.

Hollister vicinity. *MATHEWS PLACE (IVEY HILL)*, SE of Hollister, (11-11-74)
Roanoke Rapids and vicinity. *ROANOKE CANAL*, Roanoke Rapids Lake SE to Weldon, (10-8-76)
Tillery vicinity. *HERMITAGE, THE*, 1 mi. W of Tillery off NC 481, (5-29-75)

harnett county
Buies Creek. *CAMPBELL, JAMES ARCHIBALD, HOUSE*, U.S. 421, (11-17-77)
Dunn vicinity. *LEBANON*, 4.5 mi. SW of Dunn on NC 82, (1-29-73)

henderson county
Flat Rock. *FLAT ROCK HISTORIC DISTRICT*, (10-15-73) HABS.
Flat Rock vicinity. *CARL SANDBURG HOME NATIONAL HISTORIC SITE (CONNEMARA)*, W of Flat Rock, (10-17-68)

hertford county
Ahoskie vicinity. *MITCHELL, WILLIAM, HOUSE*, 3 mi. E of Ahoskie on NC 350, (12-4-72)
Como vicinity. *HARE PLANTATION HOUSE*, 1.6 mi. W of jct. of SR 1317 and U.S. 258, (2-18-71)
Como vicinity. *RIDDICK HOUSE*, 1 mi. S of jct. of SR 1319 and 1322, (2-18-71)
Murfreesboro. *COLUMNS, THE*, Jones Dr., (2-18-71) HABS.
Murfreesboro. *FREEMAN HOUSE (HERTFORD ACADEMY)*, 200 E. Broad St., (2-18-71) HABS.
Murfreesboro. *MELROSE*, 100 E. Broad St., (3-31-71)
Murfreesboro. *MURFREESBORO HISTORIC DISTRICT*, Roughly bounded by Broad, 4th, Vance, and Winder Sts., (8-26-71) HABS.
Murfreesboro. *MYRICK HOUSE*, 402 Broad St., (3-31-71)
Murfreesboro. *REA, WILLIAM, STORE*, E. Williams St., (9-15-70)
Murfreesboro. *ROBERTS-VAUGHAN HOUSE*, 130 E. Main St., (2-18-71)
Murfreesboro. *WHEELER, JOHN, HOUSE*, 403 E. Broad St., (3-31-71) G.

hoke county
Fayetteville vicinity. *LONG STREET CHURCH*, W of Fayetteville on SR 1300, (1-21-74)
Rockfish vicinity. *PUPPY CREEK PLANTATION*, NW of Rockfish on SR 1409, (12-12-76)

hyde county
Engelhard vicinity. *WYNNE'S FOLLY*, W of Engelhard on U.S. 264, (12-6-77)
Ocracoke. *OCRACOE LIGHT STATION*, SR 1326, (11-25-77)

iredell county
Elmwood vicinity. *FARMVILLE PLANTATION*, SE of Elmwood off U.S. 70 on SR 2362, (6-19-73)
Mooreville vicinity. *JOHNSON-NEEL HOUSE*, 4 mi. W of Morrisville off NC 150, (6-20-75)

NOTICES

Mount Mourne. *MOUNT MOURNE*, Off NC 115, (10-29-74) HABS.
Statesville. *MAIN BUILDING, MITCHELL COLLEGE*, Broad St., (1-25-73)
Statesville. *U.S. POST OFFICE AND COUNTY COURTHOUSE (STATESVILLE CITY HALL)*, 227 S. Center St., (1-24-74)
Statesville vicinity. *FORT DOBBS*, Fort Dobbs Rd., (9-15-70) G.

johnston county
Clayton vicinity. *SANDERS-HAIR HOUSE*, S of Clayton on SR 1525, (5-6-71)
Harper. *HARPER HOUSE*, Near jct. of SR 1008 and 1188, (2-26-70)
Princeton vicinity. *BENTONVILLE BATTLEGROUND STATE HISTORIC SITE*, S of Princeton, off U.S. 701 and SR 1008, (2-26-70) G.
Smithfield vicinity. *ATKINSON-SMITH HOUSE*, 10 mi. E of Smithfield off SR 1007, (6-5-75)

jones county
Pink Hill vicinity. *EAGLE NEST*, SE of Pink Hill off NC 41, (11-13-74)
Pollocksville vicinity. *FOSCUE PLANTATION HOUSE*, Off U.S. 17 near jct. with SR 1002, (11-19-71)
Pollocksville vicinity. *SANDERSON HOUSE*, SW of Pollocksville on SR 1115, (12-16-71)
Trenton. *GRACE EPISCOPAL CHURCH*, Lake View Dr. and Weber St., (1-20-72)
Trenton. *TRENTON HISTORIC DISTRICT*, 19th C., (7-3-74)

lee county
Cummock vicinity. *ENDOR IRON FURNACE*, SE of Cummock, (8-13-74)
Sanford. *RAILROAD HOUSE*, Carthage St. at Hawkins Ave., (1-29-73)

lenoir county
Falling Creek vicinity. *CEDAR DELL*, SE of Falling Creek on SR 1338, (8-26-71)
Falling Creek vicinity. *WOOD, DEMPSEY, HOUSE*, SW of Falling Creek on SR 1324, (8-26-71)
Kinston. *PEEBLES HOUSE (HARMONY HALL)*, 109 E. King St., (8-26-71)
Kinston vicinity. *JACKSON, JESSE, HOUSE*, SE of Kinston on U.S. 11, (6-24-71)
La Grange vicinity. *HERRING HOUSE*, NW of LaGrange off SR 1503, (10-25-73)

lincoln county
Catawba Springs vicinity. *VESUVIUS FURNACE*, On SR 1382, N of NC 73, (8-13-74)
Denver vicinity. *GRAHAM, WILLIAM A. JR., FARM*, S of Denver on SR 1360, (5-6-77)
Iron Station vicinity. *INGLESIDE*, S of jct. of NC 73 and SR 1383, (4-13-72) HABS.
Iron Station vicinity. *MAGNOLIA GROVE*, Jct. of SR 1309 and 1313, (3-16-72)
Lincolnton. *PLEASANT RETREAT ACADEMY*, 129 E. Pine St., (5-29-75)
Lincolnton. *SHADOW LAWN*, 301 W. Main St., (3-24-72)
Lincolnton vicinity. *LORETZ HOUSE*, NW of Lincolnton off SR 1204, (3-16-72)
Lincolnton vicinity. *ROCK SPRINGS CAMP MEETING GROUND*, SR 1373 off NC 16, (9-22-72)
Lincolnton vicinity. *WOODSIDE (JAMES PINCKNEY HENDERSON HOUSE)*, W of jct. of U.S. 182 and 27, (3-7-73)
Machpelah vicinity. *TUCKER'S GROVE CAMP MEETING GROUND*, N of Machpelah off SR 1360, (10-18-72)
Reepsville vicinity. *SEAGLE, ANDREW, FARM*, N of Reepsville off SR 1205, (2-24-75)

macon county
COWEE MOUND AND VILLAGE SITE, (1-18-73)

madison county
Marshall vicinity. *WHITE, JEFF, HOUSE*, NE of Marshall on NC 213, (6-5-75)

martin county
Hamilton. *DARDEN HOTEL*, Main St., (12-30-75)
Hamilton vicinity. *FORT BRANCH SITE*, SE of Hamilton on SR 1416, (6-18-73)

mcdownell county
Marion vicinity. *CARSON HOUSE*, W of Marion on U.S. 70, (9-15-70) HABS.

mecklenburg county
Charlotte. *ALEXANDER, HEZEKIAH, HOUSE*, 3420 Shamrock Dr., (4-17-70) G.
Charlotte. *BIDDLE MEMORIAL HALL, JOHNSON C. SMITH UNIVERSITY*, Beaties Ford Rd. and W. Trade St., (10-14-75)
Charlotte. *LATTA ARCADE*, 320 S. Tryon St., (10-29-75)
Charlotte. *LIDDELL-MCNINCH HOUSE*, 511 N. Church St., (12-12-76)
Charlotte. *ROSEDALE (FREW'S FOLLY)*, 3427 N. Tryon St., (9-11-72)
Charlotte. *VICTORIA*, 1600 The Plaza, (4-11-73)
Davidson. *EUMENEAN HALL, DAVIDSON COLLEGE*, Davidson College campus, (4-13-72)
Davidson. *PHILANTHROPIC HALL, DAVIDSON COLLEGE*, Davidson College campus, (4-13-72)

Huntersville vicinity. *CEDAR GROVE*, 3 mi. W of Huntersville off U.S. 21, (2-1-72)
Huntersville vicinity. *DAVIDSON, BENJAMIN W., HOUSE*, W of Huntersville on SR 2138, (4-26-76)
Huntersville vicinity. *HOLLY BEND*, W of Huntersville on SR 2720, (3-24-72)
Huntersville vicinity. *LATTA HOUSE*, 6 mi. S of Huntersville on SR 2125, (3-16-72)
Pinville. *DINKINS HOUSE*, NW side of SR 1126, 1.2 mi. from SR 1136 (Nation's Ford Rd.), (12-4-73)

montgomery county
Mount Gilead vicinity. *TOWN CREEK INDIAN MOUND*, 4.5 mi. SE of Mount Gilead on NC 73, (10-15-66) NHL.

moore county
Glendon vicinity. *ALSTON HOUSE*, SE of Glendon on SR 1624, (2-26-70) G.
Pinehurst. *PINEHURST HISTORIC DISTRICT*, (8-14-73)
Southern Pines. *BOYD, JAMES, HOUSE*, Ridge Rd. and Connecticut Ave., (5-12-77)

nash county
BELLAMY'S MILL, Reference—see Halifax County
Battleboro vicinity. *MEADOWS, THE*, NW of Battleboro on SR 1510, (5-16-74)
Dortches. *DORTCH HOUSE*, SR 1527 off NC 43, (12-26-72) HABS.
Hilliardston vicinity. *ARRINGTON, GEN. JOSEPH, HOUSE*, SE of Hilliardston on SR 1500, (7-15-74) HABS.
Red Oak vicinity. *BLACK JACK*, N of Red Oak, (7-31-74)
Rocky Mount vicinity. *STONEWALL*, Falls Rd. extension, (6-2-70) HABS.

new hanover county
Fort Fisher vicinity. *U.S.S. PETERHOFF* (Civil War blockader), 1 mi. offshore from Fort Fisher, (8-6-75)

Wilmington. *CITY HALL/ITALIAN HALL*, 100 N. 3rd St., (4-3-70) G.

Wilmington. *FEDERAL BUILDING AND COURTHOUSE*, N. Water between Market and Princess St., (5-2-74)

Wilmington. *MARKET STREET MANSION DISTRICT*, 1704, 1705, 1710, 1713 Market St., (4-21-75)
Wilmington. *WILMINGTON HISTORIC DISTRICT*, (5-6-74) HABS.
Wilmington vicinity. *FORT FISHER*, 18 mi. S of Wilmington on U.S. 421, (10-15-66) NHL.

northampton county
Jackson. *NORTHAMPTON COUNTY COURTHOUSE SQUARE*, Jefferson St. between Atherton and Brown Sts., (4-11-77)
Jackson vicinity. *MOWFIELD*, 2 mi. W of Jackson on U.S. 158, (2-13-75)
Jackson vicinity. *VERONA*, W of Jackson, (5-29-75) HABS.

orange county
Carrboro. *ALBERTA MILL COMPLEX*, NE corner Weaver and N. Greensboro Sts., (1-19-76)
Chapel Hill. *CHAPEL HILL HISTORIC DISTRICT*, Battle Park, E. Franklin and E. Rosemary Sts. residences, and central campus of University of North Carolina, (12-16-71)
Chapel Hill. *CHAPEL OF THE CROSS*, 304 E. Franklin St., (2-1-72) HABS.
Chapel Hill. *OLD EAST, UNIVERSITY OF NORTH CAROLINA*, University of North Carolina campus, (10-15-66) NHL.

Chapel Hill. *PLAYMAKERS THEATRE (SMITH HALL)*, Cameron Ave., University of North Carolina campus, (6-24-71) NHL.
Hillsborough. *AYR MOUNT*, St. Mary's Rd., (8-26-71)
Hillsborough. *BURWELL SCHOOL*, N. Churton St., (9-15-70) G.

Hillsborough. *COMMANDANT'S HOUSE (SUPERINTENDENT'S HOUSE, HILLSBOROUGH MILITARY ACADEMY)*, Barracks Rd., (11-9-72)
Hillsborough. *EAGLE LODGE*, 142 W. King St., (4-16-71) HABS.
Hillsborough. *HAZEL-NASH HOUSE*, 116 W. Queen St., (3-31-71) HABS.

Hillsborough. *HEARTSEASE*, 113 E. Queen St., (4-11-73) HABS.
Hillsborough. *HILLSBOROUGH HISTORIC DISTRICT*, (10-15-73) HABS.
Hillsborough. *NASH-HOOPER HOUSE*, 118 W. Tryon St., (11-11-71) NHL; HABS.

Hillsborough. *NASH LAW OFFICE*, 143 W. Margaret Lane, (9-28-71)
Hillsborough. *OLD ORANGE COUNTY COURTHOUSE*, 106 E. King St., (6-24-71) HABS.
Hillsborough. *RUFFIN-ROULHAC HOUSE*, Churton and Orange Sts., (8-5-71)
Hillsborough. *SANS SOUCI*, E. Corbin St., (8-26-71) HABS.

Hillsborough. *ST. MATTHEW'S EPISCOPAL CHURCH AND CHURCHYARD*, St. Mary's Rd., (6-24-71) HABS.
Hillsborough vicinity. *MOOREFIELDS*, N of jct. of SR 1134 and 1135, (4-25-72)

pamlico county
Oriental vicinity. *CHINA GROVE*, 3 mi. SW of Oriental on SR 1302, (2-6-73)

pasquotank county
Elizabeth City. *ELIZABETH CITY HISTORIC DISTRICT*, Irregular pattern along Main St., (10-18-77)

Elizabeth City. *OLD BRICK HOUSE*, 182 Brick House Lane, (3-16-72)
South Mills. *MORGAN HOUSE*, S of South Mills off U.S. 17/158, (2-1-72)

pender county
Burgaw vicinity. *BANNERMAN HOUSE*, NE of Burgaw off NC 53 on SR 1520, (5-31-74)
Vista vicinity. *SLOOP POINT*, NE of Vista off SR 1561, (1-20-72)
Wilmington vicinity. *MOORES CREEK NATIONAL MILITARY PARK*, 25 mi. NW of Wilmington on NC 210, (10-15-66)

perquimans county
Belvidere. *BELVIDERE*, NC 37, W of Perquimans River, (8-2-77) HABS.
Bethel vicinity. *MYERS-WHITE HOUSE (SYCAMORE GROVE)*, NE of Bethel on SR 1347, (1-20-72)

Hertford vicinity. *COVE GROVE*, E of Hertford near SR 1301 and 1302, (8-7-74) HABS.
Hertford vicinity. *LAND'S END (LEIGH HOUSE)*, SE of Hertford near jct. of SR 1300 and 1324, (9-30-73)
Hertford vicinity. *NEWBOLD-WHITE HOUSE*, SE of Hertford off SR 1336, (6-24-71) HABS; G.
Hertford vicinity. *NIXON, SAMUEL, HOUSE*, NW of Hertford on SR 1121, (10-15-73)
Hertford vicinity. *SUTTON-NEWBY HOUSE*, E of Hertford, (9-10-74) HABS.
Woodville vicinity. *STOCKTON*, S of Woodville, (6-7-74)

person county
Cunningham vicinity. *WAVERLY PLANTATION*, S of U.S. 58, (10-9-74)

pitt county
Grimesland vicinity. *GRIMESLAND PLANTATION*, E of Grimesland on SR 1569, (3-31-71)

polk county
Columbus. *POLK COUNTY COURTHOUSE*, Courthouse St., (11-8-74) HABS.
Columbus vicinity. *GREEN RIVER PLANTATION*, E of Columbus off SR 1005, (3-28-74)
Tryon vicinity. *BLACKBERRY HILL*, E of Tryon on SR 1516, (11-21-74) HABS.

Tryon vicinity. *BLOCKHOUSE SITE*, E of U.S. 176, (10-15-70)
Tryon vicinity. *SEVEN HEARTHS*, N of Tryon at jct. of U.S. 176 and Harmon Field Rd., (3-26-76)

randolph county
Coleridge. *COLERIDGE HISTORIC DISTRICT*, NC 22, (11-13-76)
Flint Hill vicinity. *SKEEN'S MILL COVERED BRIDGE*, 1.7 mi. W of Flint Hill on SR 1406 off SR 1408, (1-20-72)
Pisgah vicinity. *PISGAH COMMUNITY COVERED BRIDGE*, SE of Pisgah on SR 1109 off SR 1112, (1-20-72)

richmond county
Hamlet. *SEABOARD COAST LINE PASSENGER DEPOT*, Main St., (11-19-71)

robeson county
Lumberton vicinity. *HUMPHREY-WILLIAMS HOUSE*, W of Lumberton on NC 211, (7-24-73)
Pembroke. *OLD MAIN, PEMBROKE STATE UNIVERSITY*, W of jct. of NC 711 and SR 1340, (5-13-76)
Philadelphus. *PHILADELPHUS PRESBYTERIAN CHURCH*, SR 1318 SW of jct. with NC 72, (10-3-75)

Wilmington. *CITY HALL/ITALIAN HALL*, 100 N. 3rd St., (4-3-70) G.

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Red Springs. *MACDONALD, FLORA, COLLEGE*, College St. and 2nd Ave., (4-3-76)

rockingham county
Eden vicinity. *CASCADE PLANTATION*, NE of Eden off NC 770, (10-14-75)
Monroeton vicinity. *TROUBLESOME CREEK IRONWORKS (SPEEDWELL FURNACE)*, 1.5 mi. N of Monroeton on SR 2422, (9-29-72)
Reidsville. *REID, GOV. DAVID S., HOUSE*, 219 S. E. Market St., (4-26-74)
Reidsville vicinity. *HIGH ROCK FARM*, SE of Reidsville on SR 2619, (4-26-74)
Wentworth. *WRIGHT TAVERN (REID HOUSE)*, NC 65, (9-15-70) HABS; G.

rowan county
Granite Quarry vicinity. *BRAUN, MICHAEL, HOUSE*, NW of Granite Quarry on SR 2308 off U.S. 52, (9-28-71)
Mill Bridge vicinity. *KERR MILL*, W of Mill Bridge, on Sloan Rd., S of NC 1768, (5-11-76)
Rockwell vicinity. *GRACE EVANGELICAL AND REFORMED CHURCH*, S of Rockwell on SR 1221, (1-20-72)

Rockwell vicinity. *ZION LUTHERAN CHURCH (ORGAN CHURCH)*, SW of Rockwell on SR 1006 off SR 1221, (1-20-72)
Salisbury. *CHAMBERS, MAXWELL, HOUSE*, 116 S. Jackson St., (1-20-72)
Salisbury. *COMMUNITY BUILDING (ROWAN COUNTY COURTHOUSE)*, 200 N. Main St., (3-5-70) HABS.

Salisbury. *HENDERSON, ARCHIBALD, LAW OFFICE*, Church and Fisher Sts., (1-20-72) HABS.
Salisbury. *MCNEELY-STACHAN HOUSE (SALISBURY ACADEMY)*, 226 S. Jackson St., (2-1-72)
Salisbury. *SALISBURY HISTORIC DISTRICT*, roughly bounded by Jackson, Innis, Caldwell, Marsh, Church, E. Bank, Lee, and Liberty Sts., (11-12-75) HABS.

Salisbury. *SALISBURY SOUTHERN RAILROAD PASSENGER DEPOT*, E side of Depot St. between Kerr and Council Sts., (7-30-75)
Spencer vicinity. *LONG, ALEXANDER, HOUSE*, N of Spencer on Sowers Ferry Rd., (2-1-72)

rutherford county
Rutherfordton. *TRINITY LUTHERAN CHURCH (ST. JOHN'S EPISCOPAL CHURCH)*, 702 N. Main St., (3-24-72)
Rutherfordton vicinity. *FOX HAVEN PLANTATION*, SW of Rutherfordton off SR 1157, (9-14-72)

scotland county
Laurinburg vicinity. *STEWART-HAWLEY-MALLOY HOUSE*, SE of Laurinburg at jct. of SR 1610 and 1609, (8-1-75)
Wagram vicinity. *RICHMOND TEMPERANCE AND LITERARY SOCIETY HALL*, 1 mi. SW of Wagram on SR 1405, (4-11-73)

stokes county
Danbury vicinity. *MOORE, MATTHEW, HOUSE*, W of Danbury, (10-29-74)
Danbury vicinity. *MORATOCK IRON FURNACE (MOODY'S TUNNEL IRON WORKS, MORATOCK MINING AND MANUFACTURING COMPANY)*, E of Danbury off NC 8/89, (7-30-74)

King vicinity. *ROCK HOUSE*, N of King on SR 1186, (10-1-75)

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surry county

Dobson vicinity. **FRANKLIN, BERNARD, HOUSE**, NW of Dobson on SR 1442, (4-24-73) G.
Rockford. **ROCKFORD HISTORIC DISTRICT**, SR 2221, (8-27-76)

swain county

GOVERNOR'S ISLAND (KITUHW), (6-4-73)

Cherokee vicinity. **OCONALUFTEE (SMOKEMONT) BAPTIST CHURCH**, 6 mi. N of Cherokee on U.S. 441 in Great Smoky Mountain National Park, (1-1-76)

Fontana vicinity. **HALL CABIN**, 15 mi. NE of Fontana in Great Smoky Mountains National Park, (1-30-76)

transylvania county

Brevard vicinity. **BILTMORE FOREST SCHOOL**, NW of Brevard off U.S. 226 in Pisgah National Forest, (11-19-74)

union county

Monroe. **MONROE CITY HALL**, 102 W. Jefferson St., (7-27-71)

Monroe. **UNION COUNTY COURTHOUSE**, Courthouse Sq., (6-24-71)

Waxhaw vicinity. **PLEASANT GROVE CAMP MEETING GROUND**, NE of Waxhaw on SR 1327, (4-3-73)

vance county

Henderson vicinity. **ASHLAND**, N of Henderson on Satterwhite Point Rd., (3-14-73)

Kittrell vicinity. **ASHBURN HALL**, W of Kittrell on SR 1101, (8-16-77)

Kittrell vicinity. **CAPEHART, THOMAS, HOUSE**, W of Kittrell on SR 1105, (5-6-77)

Williamsboro. **ST. JOHN'S EPISCOPAL CHURCH**, SR 1329, (4-16-71) HABS.

Williamsboro vicinity. **BURNSIDE PLANTATION HOUSE**, On SR 1335, (4-16-71) HABS.

wake county

Cary vicinity. **LANE-BENNETT HOUSE**, S of Cary, (8-22-77)

Creedmoor vicinity. **WAKEFIELDS (HOME ACRES)**, SE of Creedmoor off U.S. 15A, (10-16-74)

Durham vicinity. **MANGUM, JAMES, HOUSE**, SW of Durham off NC 751, (11-18-74)

Raleigh. **AGRICULTURE BUILDING**, E. Edenton St., (6-16-76)

Raleigh. **ANDREWS-DUNCAN HOUSE**, 407 N. Blount St., (1-20-72)

Raleigh. **BRIGGS HARDWARD BUILDING**, 220 Fayetteville St., (10-25-73) HABS.

Raleigh. **CAPEHART HOUSE**, 403 N. Wilmington St., (1-17-75)

Raleigh. **CHRIST EPISCOPAL CHURCH**, 120 E. Edenton St., (7-28-70) HABS.

Raleigh. **DANIELS, JOSEPHUS, HOUSE**, 1520 Caswell St., (12-8-76) HABS.

Raleigh. **DODD-HINSDALE HOUSE**, 330 Hillsborough St., (11-12-71)

Raleigh. **ELMWOOD**, 16 N. Boylan Ave., (10-29-75)

Raleigh. **ESTEY HALL**, E. South St. on Shaw University campus, (5-25-73) G.

Raleigh. **FEDERAL BUILDING (RALEIGH POST OFFICE AND COURTROOM)**, 300 Fayetteville St., (5-6-71)

Raleigh. **HAWKINS-HARTNESS HOUSE**, 310 N. Blount St., (2-1-72)

Raleigh. **HAYWOOD HALL**, 211 New Bern Ave., (7-28-70)

Raleigh. **HAYWOOD, RICHARD B., HOUSE**, 127 E. Edenton St., (7-28-70)

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Raleigh. **HECK-ANDREWS HOUSE**, 309 N. Blount St., (1-20-72)

Raleigh. **HECK-LEE, HECK-WYNNE, AND HECK-POOL HOUSES (HECK HOUSES)**, 503 and 511 E. Jones St. and 218 N. East St., (4-13-73)

Raleigh. **J. S. DORTON ARENA**, North Carolina State Fairgrounds, W. Hillsborough St., (4-11-73)

Raleigh. **LANE, JOEL, HOUSE**, 728 W. Hargett St., (7-28-70) HABS; G.

Raleigh. **LEWIS-SMITH HOUSE**, 515 N. Wilmington St., (12-11-72)

Raleigh. **MERRIMON HOUSE**, 526 N. Wilmington St., (9-5-75)

Raleigh. **MORDECAI HOUSE**, Mimosa St., (7-1-70)

Raleigh. **NORTH CAROLINA EXECUTIVE MANSION**, 210 N. Blount St., (2-26-70)

Raleigh. **NORTH CAROLINA SCHOOL FOR THE BLIND AND DEAF DORMITORY**, 216 W. Jones St., (8-11-76)

Raleigh. **NORTH CAROLINA STATE CAPITOL**, Capitol Sq., (2-26-70) HABS.

Raleigh. **OAKWOOD HISTORIC DISTRICT**, Roughly bounded by N. Boundary, Person, Jones, and Linden Sts., and Oakwood Cemetery, (6-25-74)

Raleigh. **PEACE COLLEGE MAIN BUILDING**, Peace St. and N end of Wilmington St., (6-19-73)

Raleigh. **POLK, LEONIDAS L., HOUSE**, 612 N. Blount St., (4-13-77)

Raleigh. **PULLEN PARK CAROUSEL**, Pullen Park, Western Blvd., (9-8-76)

Raleigh. **RALEIGH WATER TOWER**, 115 W. Morgan St., (12-16-71)

Raleigh. **SEABOARD COAST LINE RAILROAD COMPANY OFFICE BUILDING**, 325 Halifax St., (5-6-71)

Raleigh. **ST. MARY'S CHAPEL**, 900 Hillsborough St., (11-20-70)

Raleigh. **STATE BANK OF NORTH CAROLINA (CHRIST CHURCH RECTORY)**, 11 New Bern Ave., (7-1-70) HABS.

Raleigh. **TUCKER CARRIAGE HOUSE**, 100 block of St. Mary's St., (2-13-75)

Raleigh. **WHITE-HOLMAN HOUSE**, 209 E. Morgan St., (4-16-71)

Raleigh. **YATES MILL**, Lake Wheeler Rd., (2-16-70)

Raleigh vicinity. **JONES, ALPHEUS, HOUSE**, NE of Raleigh on U.S. 401, (7-7-75)

Raleigh vicinity. **JONES, CRABTREE, HOUSE**, N of Raleigh off Old Wake Forest Rd., (6-4-73)

Raleigh vicinity. **MIDWAY PLANTATION**, E of Raleigh on U.S. 64, (9-15-70) HABS.

Wake Forest. **LEA LABORATORY**, Southeastern Baptist Theological Seminary campus, (5-29-75)

Wake Forest vicinity. **POWELL HOUSE**, SW of Wake Forest off U.S. 1, (10-15-74)

Zebulon. **WAKELON SCHOOL (ZEBULON ELEMENTARY SCHOOL)**, Arendell St., (5-13-76)

warren county

Arcola vicinity. **DALKEITH**, SW of Arcola off NC 43, (12-16-74)

Littleton. **PERSON'S ORDINARY**, SR 1001, (4-24-73)

Littleton vicinity. **LITTLE MANOR (MOSBY HALL)**, (4-24-73) HABS.

Manson vicinity. **DUKE, GREEN, HOUSE**, SE of Manson off SR 1100, (8-7-74)

Ridgeway vicinity. **CHAPEL OF THE GOOD SHEPHERD**, E of Ridgeway, (9-16-77)

Vaughan vicinity. **BUCK SPRING PLANTATION (NATHANIEL MACON HOUSE)**, N of Vaughan on SR 1348, (10-15-70) HABS; G.

Warrenton. **COLEMAN-WHITE HOUSE**, Halifax and Hall Sts., (10-25-73)

Warrenton. **WARRENTON HISTORIC DISTRICT**, U.S. 401, (8-11-76)

Warrenton vicinity. **CHERRY HILL**, SE of Warrenton on NC 58, (11-5-74)

Warrenton vicinity. **ELGIN**, SE of Warrenton on SR 1509, (2-6-73) HABS.

Warrenton vicinity. **REEDY RILL**, S of Warrenton off SR 1600, (12-3-74)

Warrenton vicinity. **SHADY OAKS**, SE of Warrenton on SR 1600, (3-16-76)

Warrenton vicinity. **THORNTON, MAN-SFIELD, HOUSE**, SE of Warrenton, (12-2-77)

Warrenton vicinity. **TUSCULUM**, SE of Warrenton off SR 1635, (10-23-74)

washington county

Creswell vicinity. **SOMERSET PLACE STATE HISTORIC SITE**, In Pettigrew State Park, (2-26-70) HABS; G.

Plymouth. **LATHAM HOUSE**, 311 E. Main St., (12-12-76)

Skinner'sville vicinity. **REHOBOTH METHODIST CHURCH**, U.S. 64 E of Skinner'sville, (5-13-76)

watauga county

Blowing Rock vicinity. **GRAGG HOUSE**, On U.S. 221, (10-25-73)

Valle Crucis vicinity. **MAST FARM**, E of Valle Crucis off SR 1112, (1-20-72)

Valle Crucis vicinity. **MAST GENERAL STORE**, S of Valle Crucis on SR 1112, (4-3-73)

wayne county

Fremont. **AYCOCK, CHARLES B., BIRTHPLACE**, 6 mi. from jct. of SR 1542 and U.S. 117, (2-26-70)

Goldsboro. **GOLDSBORO UNION STATION**, 101 North Carolina St., (4-13-77)

Goldsboro. **WEIL, SOLOMON AND HENRY, HOUSES**, 204 and 200 W. Chestnut St., (12-22-76)

Mt. Olive vicinity. **VERNON**, NW of Mt. Olive off NC 55, (10-9-74)

wilkes county

Purlear vicinity. **CLEVELAND, ROBERT, LOG HOUSE**, E of Purlear near jct. of SR 1300 and 1317, (2-1-72)

Wilkesboro. **OLD WILKES COUNTY JAIL**, N. Bridge St., (2-18-71)

yadkin county

Richmond Hill vicinity. **RICHMOND HILL LAW SCHOOL**, N of Richmond Hill on SR 1530, (10-15-70) G.

NORTH DAKOTA

benson county

Fort Totten vicinity. **FORT TOTTON**, S of Fort Totten off ND 57, (12-9-71) G.

billings county

KNIFE RIVER INDIAN VILLAGES NATIONAL HISTORIC SITE, (10-26-74)

Medora. **BILLINGS COUNTY COURTHOUSE**, 4th St. and 4th Ave., (12-16-77)

Medora. **ST. MARY'S CATHOLIC CHURCH**, 4th St. and 3rd Ave., (12-2-77)

Medora. **THEODORE ROOSEVELT NATIONAL MEMORIAL PARK**, (10-15-66) (also in McKenzie County)

Medora. **VON HOFFMAN HOUSE**, Broadway and 5th St., (11-21-77)

Medora vicinity. **CHATEAU DE MORES**, SW of Medora on W bank of Little Missouri River, (4-16-75)

Medora vicinity. **DE MORES PACKING PLANT RUINS**, NW of Medora boundary, (2-18-75)

Medora vicinity. **INITIAL ROCK**, SE of Medora on Custer National Forest, (11-7-76)

burke county

Flaxton. **FLAXTON HOTEL**, Davis St., (9-16-77)

burleigh county

Bismarck. **BISMARCK CIVIC AUDITORIUM**, 201 N. 6th St., (6-7-76)

Bismarck. **BISMARCK PUBLIC LIBRARY**, 519 E. Thayer Ave., (12-7-77)

Bismarck. **CAMP HANCOCK SITE**, 101 Main Ave., (2-23-72)

Bismarck. **FOLEY, JAMES W., HOUSE**, 522 6th St., (9-13-77)

Bismarck. **FORMER NORTH DAKOTA EXECUTIVE MANSION**, 320 Ave. B, E., (4-16-75)

Bismarck. **NORTHERN PACIFIC RAILWAY DEPOT**, 410 E. Main Ave., (9-19-77)

Bismarck. **PATTERSON HOTEL**, 422 E. Main Ave., (12-8-76)

Bismarck. **TOWNE-WILLIAMS HOUSE**, 722 7th St. N., (4-14-75)

Bismarck. **U.S. POST OFFICE AND COURTHOUSE**, 304 E. Broadway, (6-23-76)

Bismarck. **YEGEN HOUSE AND PIONEER GROCERY**, 808-810 E. Main Ave., (10-5-77)

Menoken vicinity. **MENOKEN INDIAN VILLAGE SITE**, N of Menoken in Verendrye State Park, (10-15-66) HABS.

cass county

Amenia. **BURLINGTON NORTHERN DEPOT**, Woodard Ave., (8-29-77)

Fargo. **FARGO AND SOUTHERN DEPOT**, 1101 2nd Ave. N., (4-14-75)

Fargo. **NORTHERN PACIFIC RAILWAY DEPOT**, 701 Main Ave., (2-13-75)

grand forks county

Grand Forks. **OXFORD HOUSE**, University of North Dakota campus, (5-2-73)

Grand Forks. **U.S. POST OFFICE AND COURTHOUSE**, 102 N. 4th St., (6-3-76)

griggs county

Cooperstown. **GRIGGS COUNTY COURTHOUSE**, Rollin Ave., (7-21-77)

mchenry county

Granville. **GRANVILLE STATE BANK**, Main and 2nd Sts., (9-13-77)

mckenzie county

THEODORE ROOSEVELT NATIONAL MEMORIAL PARK, Reference—see Billings County

mercer county

Hazen. **HAZEN HIGH SCHOOL**, 400 Central Ave., (8-12-77)

Stanton vicinity. **BIG HIDATSA VILLAGE SITE**, N bank of Knife River, 1 mi. N of Stanton, (10-15-66) HABS.

pembina county

Walhalla vicinity. **GINGRAS HOUSE AND TRADING POST**, NE of Walhalla off ND 32, (5-21-75) G.

NOTICES

richland county

Christine. **NELSON'S GROCERY**, Main and 3rd Sts., (10-5-77)

Christine. **POST OFFICE**, Main and 3rd Sts., (10-5-77)

slope county

Marmarth. **MYSTIC THEATRE**, Main St., (9-13-77)

steele county

Hope. **BALDWIN'S ARCADE**, Steele Ave. and 3rd St., (2-18-75) G.

stutsman county

Jamestown. **STUTSMAN COUNTY COURTHOUSE AND SHERIFF'S RESIDENCE/JAIL**, 504 3rd Ave., SE., (9-8-76)

Jamestown. **VOORHEES CHAPEL**, Jamestown College campus, (7-22-77)

trail county

Hatton. **EIELSON, CARL BEN, HOUSE**, 405 8th St., (4-11-77)

Hatton. **NESS, ANDRES O., HOUSE**, Oak Ave. and 6th St., (7-15-77)

Mayville. **GREAT NORTHERN RAILWAY DEPOT (GOOSE RIVER HERITAGE CENTER)**, Front St., (10-5-77)

Mayville. **MAYVILLE PUBLIC LIBRARY**, Center Ave. N., (4-11-77)

Mayville. **ROBINSON, COL. WILLIAM H., HOUSE**, 127 4th Ave., NE., (4-11-77)

ward county

Minot. **EASTWOOD PARK BRIDGE**, Central Ave. and 6th St., SE., (4-21-75) G.

wells county

Fessenden. **BEISEKER MANSION**, 2nd St. and Roberts Ave., (4-13-77)

Fessenden. **WELLS COUNTY COURTHOUSE**, Railway St. N., (9-15-77)

Hurdsfield vicinity. **HURD ROUND HOUSE**, 7 mi. SE of Hurdsfield, (4-11-77)

williams county

Buford vicinity. **FORT UNION TRADING POST NATIONAL HISTORIC SITE**, W of Buford, (10-15-66) (also in Roosevelt County, MT)

Williston vicinity. **FORT BUFORD STATE HISTORIC SITE**, SW of Williston at confluence of Yellowstone and Missouri Rivers, (4-1-75)

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adams county

Harshville. **HARSHVILLE COVERED BRIDGE**, CR 1, (3-16-76)

Locust Grove vicinity. **SERPENT MOUND**, 5 mi. NW of Locust Grove on OH 73, (10-15-66) HABS.

Manchester vicinity. **BUCKEYE STATION**, E of Manchester off U.S. 52, (5-1-74)

Sandy Springs vicinity. **ADAMS COUNTY PALEO-INDIAN DISTRICT**, (10-18-74)

Seaman vicinity. **WILSON, JOHN T., HOMESTEAD**, NE of Seaman on OH 32, (4-11-77)

Stout vicinity. **WAMSLEY VILLAGE SITE**, W of Stout, (7-30-74)

West Union. **WEST UNION PRESBYTERIAN CHURCH**, 108 S. 2nd St., (11-18-76)

West Union vicinity. **KIRKER COVERED BRIDGE**, SW of West Union off SR 136, (10-29-75) HABS.

West Union vicinity. **KIRKER, GOV. THOMAS, HOMESTEAD**, SW of West Union on SR 136, (11-3-75)

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West Union vicinity. **TREBER INN**, 5 mi. NE of West Union on OH 41, (5-17-76)

Wrightsville vicinity. **DAYTON POWER AND LIGHT COMPANY MOUND**, E of Wrightsville, (7-30-74)

allen county

Lima. **ALLEN COUNTY COURTHOUSE**, Courthouse Sq., (7-24-74)

Lima. **NEELY-SIEBER HOUSE**, 620 W. Spring St., (12-12-76)

Spencerville vicinity. **MIAMI AND ERIE CANAL, DEEP CUT**, 2 mi. S of Spencerville on OH 66, (10-15-66) HABS.

ashland county

Ashland. **ASHLAND COUNTY JAIL**, W. 2nd and Cottage Sts., (12-12-76)

Ashland. **CENTER STREET HISTORIC DISTRICT**, Center St. from Vernon to 414 Center St., (6-18-76)

Ashland. **FIRST NATIONAL BANK AND FIRESTONE BUILDING**, 2 and 10 W. Main St., (8-5-76)

Ashland vicinity. **ANDERSON SCHOOL-HOUSE**, SW of Ashland on U.S. 42, (3-25-77)

Ashland vicinity. **SPROTT'S HILL MOUNDS SITE**, NW of Ashland, (1-31-76)

Hayesville. **HAYESVILLE OPERA HOUSE**, 1 E. Main St., (5-6-76)

ashtabula county

Ashtabula. **ASHTABULA HARBOUR COMMERCIAL DISTRICT**, Both sides of W. 5th St. from 1200 block to Ashtabula River, (9-5-75)

Ashtabula. **HARMON, FRANCIS E., HOUSE**, 1641 E. Prospect Rd., (2-24-75)

Ashtabula. **HUBBARD, COL. WILLIAM, HOUSE**, Corner of Lake Ave. and Walnut Blvd., (3-20-73)

Austinburg. **AUSTIN, ELIPHALET, HOUSE**, 1879 OH 45, (2-24-75)

Conneaut. **CONNEAUT WORKS**, Off Mill Rd., (7-30-74)

Conneaut. **CUMMINS, DAVID, OCTAGON HOUSE**, 301 Liberty St., (9-9-74)

Conneaut. **KILPI HALL**, 1025 Buffalo St., (12-12-76)

5272 OHIO

Windsor Mills. **WINDSOR MILLS CHRIST CHURCH EPISCOPAL**, Wisell Rd. and U.S. 322, (5-29-75)
Windsor Mills vicinity. **WISWELL ROAD COVERED BRIDGE (WARNER HOLLOW BRIDGE; WINDSOR MILLS BRIDGE)**, Wiswell Rd. over Phelps Creek, (4-11-73) G.
Windsor vicinity. **WINDSOR MILLS FORT AND VILLAGE SITE**, W of Windsor, (10-21-75)

athens county

Athens. **MANASSEH CUTLER HALL, OHIO UNIVERSITY**, Ohio University campus, (10-15-66) NHL.
Glouster vicinity. **PALOS COVERED BRIDGE**, 1 mi. N of Gloucester off OH 13, (11-11-77)
Stewart. **FEDERALTON**, 51 State St., (8-13-76)
Truettown vicinity. **KIDWELL COVERED BRIDGE**, 1 mi. N of Truettown, (4-11-77)

auglaize county

New Bremen. **LUELLEMAN, WILLIAM, HOUSE**, 122 N. Main St., (5-21-75)
Wapakoneta. **AUGLAIZE COUNTY COURTHOUSE**, Courthouse Sq., (5-7-73)
Wapakoneta vicinity. **FORT AMANDA SITE**, 9 mi. NW of Wapakoneta on OH 198, (11-10-70)

belmont county

Barnesville vicinity. **BARNESVILLE PETROGLYPH**, SW of Barnesville, (7-15-74)
Bellair. **B & O RAILROAD VIADUCT (BELLAIRE VIADUCT)**, 31st St., (6-22-76) IIAER.
St. Clairsville vicinity. **BROKAW SITE**, W of St. Clairsville off U.S. 40, (6-17-76)
St. Clairsville vicinity. **OPATRYN VILLAGE SITE**, W of St. Clairsville off 170, (5-21-75)

brown county

Aberdeen vicinity. **ABERDEEN MOUND**, NW of Aberdeen, (7-15-74)
Decatur vicinity. **EAGLE CREEK COVERED BRIDGE (BOWMAN COVERED BRIDGE)**, 3 mi. S of Decatur on OH 763, (12-6-75) IIAER.
Decatur vicinity. **SUTTON HOUSE**, 0.3 mi. E of Decatur on OH 125, (3-25-77)
Fayetteville vicinity. **URSULINE CENTER**, NE of Fayetteville off OH 251, (6-29-76)
Fincaisle vicinity. **EAGLE TOWNSHIP WORKS I MOUND**, (9-10-71)
Georgetown. **BAILEY-THOMPSON HOUSE**, 112 N. Water St., (11-7-76) IIAES.
Georgetown. **GRANT, ULYSSES S., BOYHOOD HOME**, 219 E. Grant Ave., (10-8-76)
Georgetown vicinity. **THOMPSON FARM**, W of Georgetown off OH 221, (1-1-76)
Mount Orah. **MOUNT ORAH STATION**, N. High and Front Sts., (10-14-75)
Ripley vicinity. **MARTIN, HENRY, FARM**, 2 mi. N of Ripley on U.S. 68, (8-15-75)
Ripley vicinity. **RANKIN, JOHN, HOUSE**, E of Ripley, Liberty Hill, (11-10-70) IIAES.
Ripley vicinity. **STONEHURST**, 2 mi. N of Ripley off U.S. 68, (10-10-75)
St. Martin vicinity. **THUMANN LOG HOUSE**, 1 mi. S of St. Martin at jct. of OH 251 and U.S. 50, (3-27-75)

butler county

Auburn vicinity. **ROBERTS MOUND**, NW of Auburn, (3-27-75)
College Corner. **HOWE TAVERN**, U.S. 27, (1-30-76)

NOTICES

Excelllo. **HARDING-JONES PAPER COMPANY DISTRICT**, Both sides of S. Main St. at jct. with railroad tracks, (5-29-75)
Hamilton. **ANDERSON-SHAFFER HOUSE**, 404 Ross Ave., (1-18-74)
Hamilton. **BENNINGHOFFEN HOUSE**, 327 N. 2nd St., (5-17-73)
Hamilton. **EDGEOTON (JACOB SHAFFER HOUSE)**, 575 Harrison Ave., (4-3-75)
Hamilton. **LANE-HOOVAN HOUSE**, 319 N. 3rd St., (10-25-73)

Hamilton. **ROSSVILLE HISTORIC DISTRICT**, Roughly bounded by B, E, Main, and Amberly Dr., (10-6-75)
Hamilton vicinity. **BECKETT-MANROD HOUSE**, 2019 Stillwell-Beckett Rd., (11-11-77)
Hamilton vicinity. **FAIRFIELD TOWNSHIP WORKS I**, (11-5-71)
Hamilton vicinity. **FORTIFIED HILL WORKS**, W of Hamilton, (7-12-74)
Hamilton vicinity. **HUESTON, MATTHEW, HOUSE**, 1320 Four Mile Creek Rd., (9-16-77)

Hamilton vicinity. **HUGHES, PHILLIP, HOUSE**, E of Hamilton at jct. of OH 4 and OH 747.
Hamilton vicinity. **HUGHES SCHOOL**, 5994 Princeton Rd., (1-2-76)
Huntsville. **ROSE, D. S., MOUND**, N of Huntsville, (5-28-75)
Jacksonburg vicinity. **MANN MOUND (LESLIE MOUND)**, (10-7-71)

Maud vicinity. **WILLIAMSON MOUND ARCHEOLOGICAL DISTRICT**, N of Maud, (5-29-75)
Middleton vicinity. **GREAT MOUND**, (10-7-71)

Middletown. **TYTUS, JOHN B., HOUSE**, 300 S. Main St., (5-27-75) NHL.
Millville vicinity. **COCHRAN FARM**, 2900 OH 129, (7-16-73)
Oxford. **ELLIOTT AND STODDARD HALLS, MIAMI UNIVERSITY**, Miami University campus, (4-3-73)

Oxford. **FISHER HALL (OXFORD FEMALE COLLEGE)**, Miami University campus, (5-6-71) IIAES.
Oxford. **LANGSTROTH COTTAGE**, 303 Patterson Ave., (6-22-76)
Oxford. **MCGUFFEY, WILLIAM H., HOUSE**, 401 E. Spring St., (10-15-66) NHL.

Oxford. **OXFORD FEMALE INSTITUTE**, High St. and College Ave., (4-26-76)
Oxford vicinity. **DEWITT, ZACHARIAH PRICE, CABIN**, E of Oxford on U.S. 73, (4-13-73) G.

Oxford vicinity. **PUGH'S MILL COVERED BRIDGE**, 1 mi. N of Oxford off SR 732, (6-5-75)
Oxford vicinity. **UNZICKER-COOK HOUSE**, 2975 Oxford-Middletown Rd., (7-24-74)

Pisgah vicinity. **UNION TOWNSHIP WORKS II**, (10-7-71)
Ross vicinity. **DEMORET MOUND**, W of Ross, (10-21-75)

Ross vicinity. **HOGAN-BORGER MOUND ARCHEOLOGICAL DISTRICT**, N of Ross, (10-21-75)
Ross vicinity. **ROSS TRAILS ADENA CIRCLE**, NW of Ross, (10-10-75)

Ross vicinity. **SHAW FARM**, 3357 Cincinnati-Brookville Rd., (7-24-74)
Shandon. **THOMAS SELECT SCHOOL**, 3637 Millville-Shandon Rd., (4-11-77)

Shandon vicinity. **VAUGHAN, JOHN, HOUSE**, 3756 Hamilton-New London Rd., (5-29-75)

carroll county

Carrollton. **CARROLL COUNTY COURTHOUSE**, Courthouse Sq., (10-22-74)
Carrollton. **MCCOOK, DANIEL, HOUSE**, Public Sq., (11-10-70)
Carrollton vicinity. **PETERSBURG MILL**, 4.3 mi. S of Carrollton on OH 332, (11-20-70)
Minerva. **MINERVA GRADE SCHOOL**, SE corner W. Line St. at Grant Blvd., (10-15-73)
Waynesburg vicinity. **ST. MARY'S OF MORGES**, 8012 Bachelor Rd., NW., (4-11-77)

champaign county

Mechanicsburg vicinity. **POTTER, CARL, MOUND (HODGE MOUND II)**, (8-13-74)
Saint Paris. **MONITOR HOUSE**, 375 W. Main St., (5-2-74)
Urbana. **WARD, JOHN Q. A., HOUSE**, 335 College St., (7-30-74)
Urbana vicinity. **NUTWOOD PLACE**, 1428 Nutwood Pl., (12-12-76)

clark county

Enon. **ENON MOUND (NOB PRAIRIE MOUND)**, (2-23-72)
Springfield. **ARCADE HOTEL**, Fountain Ave. and High St., (10-16-74)
Springfield. **EAST HIGH STREET DISTRICT**, Roughly bounded by E. High, S. Sycamore, and Walnut Sts., (10-9-74)

Springfield. **LAGONDA CLUB BUILDING**, NW corner of High and Spring Sts., (5-28-75)
Springfield. **MUNICIPAL BUILDING (CITY HALL)**, S. Fountain Ave. between High and Washington Sts., (5-25-73)

Springfield. **MYERS HALL**, Wittenberg Ave. and Ward St., (6-30-75)
Springfield. **PENNSYLVANIA HOUSE**, 1311 W. Main St., (4-11-73)

Springfield. **ST. RAPHAEL CHURCH**, 225 E. High St., (6-22-76)
Springfield. **WESTCOTT HOUSE**, 1340 High St., (7-24-74)

Springfield vicinity. **BREWER LOG HOUSE**, 2665 Old Springfield Rd., (8-13-74)
Springfield vicinity. **CRABILL, DAVID, HOUSE**, 5 mi. E of Springfield off OH 4, (10-10-75)

Springfield vicinity. **NEWLOVE WORKS**, (6-4-73)

clemont county

Milford vicinity. **PFARR LOG HOUSE**, SE of Milford on Shaylor Run Rd., (9-16-77)

clerk county

Bantam vicinity. **ELK LICK ROAD MOUND**, N of Bantam, (2-20-75)
Bantam vicinity. **PINKHAM FARM**, NW of Bantam off OH 125, (7-23-73)

Bethel vicinity. **SALT HOUSE**, SW of Bethel on OH 222, (6-22-76)
Milford vicinity. **GATCH SITE**, (10-15-74)
Mt. Olive vicinity. **WINTER, WILLIAM, STONE HOUSE**, N of Mt. Olive on OH 133, (3-25-77)

Neville vicinity. **EDGINGTON MOUND**, E of Neville, (7-15-74)
Neville vicinity. **FERRIS SITE**, (10-29-74)
Neville vicinity. **SCHAFER HOUSE**, E of Neville off U.S. 52, (5-13-74)

Neville vicinity. **SNEAD MOUND**, Off U.S. 52, (7-30-74)
Perintown vicinity. **STONELICK COVERED BRIDGE**, E of Perintown, (9-10-74)

Point Pleasant vicinity. **CLARKE FARM SITE**, (11-19-74)

Withamsville vicinity. **GASKINS-MALANY HOUSE**, 726 Bradbury Rd., (10-29-75)

clinton county

Lynchburg. **COVERED BRIDGE**, Reference—see Highland county
Clarksburg vicinity. **PANSY METHODIST CHURCH AND SCHOOL HISTORIC DISTRICT**, S of Clarksburg on OH 730, (3-20-73)

Martinsville vicinity. **MARTINSVILLE ROAD COVERED BRIDGE**, W of Martinsville, (9-10-74)
Wilmington. **COLLEGE HALL, WILMINGTON COLLEGE**, E of College St. between Douglas St. and Fife Ave. on Wilmington College campus, (4-23-73)

Wilmington vicinity. **COWAN CREEK CIRCULAR ENCLOSURE**, SW of Wilmington, (7-15-74)
Wilmington vicinity. **KEITER MOUND**, N of Wilmington, (10-21-75)

columbiana county

Clarkson vicinity. **GASTON'S MILL-LOCK NO. 36, SANDY AND BEAVER CANAL DISTRICT**, About 1 mi. S of Clarkson in Beaver Creek State Forest, (5-23-74)
Columbiana. **JONES-BOWMAN HOUSE**, 540 Pittsburgh St., (12-12-76)

East Liverpool. **BEGINNING POINT OF THE U.S. PUBLIC LAND SURVEY**, On the OH/PA boundary, (10-15-66) NHL. (also in Beaver County, PA)
East Liverpool. **EAST LIVERPOOL POST OFFICE**, 5th and Broadways Sts., (11-21-76)

East Liverpool. **EAST LIVERPOOL POTTERY**, SE corner of 2nd and Market Sts., (10-7-71) G.
East Liverpool. **THOMPSON, CASSIUS CLARK, HOUSE**, 305 Walnut St., (9-28-71)

Hanover. **HANOVERTON CANAL TOWN DISTRICT**, U.S. 30, (8-3-77)
Lisbon vicinity. **CHURCH HILL ROAD COVERED BRIDGE**, 3 mi. E of Lisbon off SR 867, (6-11-75)

Salem. **STREET, JOHN, HOUSE**, 631 N. Ellsworth Ave., (10-10-73)
West Point vicinity. **MORGAN, JOHN H., SURRENDER SITE**, 3.1 mi. W of West Point on OH 518, (4-23-73)

coshocton county

Blissfield. **HELMICK COVERED BRIDGE**, E of Blissfield on Twnshp. Rd., (6-18-75)

coshocton county

Coshocton. **COSHOCTON COUNTY COURTHOUSE**, Courthouse Sq., (5-22-73)
Coshocton. **JOHNSON-HUMRICKHOUSE HOUSE**, 302 S. 3rd St., (10-9-74)
Coshocton. **ROSCOE VILLAGE**, (4-3-73)

crawford county

Bucyrus. **MCGRAW HOUSE**, 116 S. Walnut St., (7-18-75)
Bucyrus. **PICKING, D. AND COMPANY**, 119 S. Walnut St., (7-11-74)

Bucyrus. **SCROGGS HOUSE**, 202 S. Walnut St., (10-9-74)
Crestline. **CRESTLINE CITY HALL**, 121 W. Bucyrus St., (5-8-74)
Crestline vicinity. **HECKLER FARMHOUSE**, N of Crestline off OH 61 on Oldfield Rd., (5-3-76)

Galion. **BIG FOUR DEPOT**, SE corner of Church and Washington Sts., (7-7-75)
Galion. **CENTRAL HOTEL, HACKEDORN AND ZIMMERMAN BUILDINGS**, Harding Way E. and Market St., (11-13-76)

Galion vicinity. **HOSFORD HOUSE**, 6288 Hosford Rd., (4-30-76)

NOTICES

cuyahoga county

Bay Village. **BAY VIEW HOSPITAL**, 23200 Lake Rd., (8-27-74)
Bedford. **CLEVELAND AND PITTSBURGH RAILROAD BRIDGE**, Tinker's Creek, (7-24-75)
Bedford. **DUNHAM, HEZEKIAH, HOUSE**, 729 Broadway, (6-18-75)

Bedford. **GATES, HOLSEY, HOUSE**, 762 Broadway, (7-30-75)
Berea. **BEREA DISTRICT 7 SCHOOL**, 323 E. Bagley Rd., (4-3-75)
Berea. **BUEHL HOUSE**, 118 E. Bridge St., (4-30-76)

Berea. **LYCEUM VILLAGE SQUARE AND GERMAN WALLACE COLLEGE**, Seminary St., (10-29-75)
Berea. **WHITNEY, GEORGE W., HOUSE**, 330 S. Rocky River Dr., (10-22-74)

Bratenahl. **GWINN ESTATE (WILLIAM G. MATHER HOUSE)**, 12407 Lake Shore Blvd., (10-1-74)
Bratenahl. **HANNA, HOWARD M. JR., HOUSE**, 11505 Lake Shore Blvd., (7-24-74)

Brecksville. **BRECKSVILLE TOWN HALL**, Public Sq., (7-2-73)
Broadview Heights. **CLARK, JARED, HOUSE**, 6241 Wallings Rd., (8-1-75)

Chagrin Falls. **CHAGRIN FALLS TOWNSHIP HALL**, 83 N. Main St., (10-1-74) G.
Chagrin Falls. **CHAGRIN FALLS WEST SIDE DISTRICT**, Bounded by W. Washington, Church, Maple, and Franklin Sts., (10-9-74)

Chagrin Falls. **STONEMAN, JOSEPH, HOUSE**, 18 E. Orange St., (5-29-75)
Cleveland. **ADELBERT HALL, CASE WESTERN RESERVE UNIVERSITY**, Case Western Reserve University campus, (10-30-73) G.

Cleveland. **BINGHAM COMPANY WAREHOUSE**, 1278 W. 9th St., (11-2-73)
Cleveland. **BOHEMIAN NATIONAL HALL**, 4939 Broadway St., (5-28-75)

Cleveland. **CAXTON BUILDING**, 812 Huron Rd., SE., (10-30-73)
Cleveland. **CLEVELAND ARCADE**, 401 Euclid Ave., (3-20-73) NHL; HABS.

Cleveland. **CLEVELAND GRAYS ARMORY**, 1234 Bolivar Rd., (3-28-73)
Cleveland. **CLEVELAND HARBOR STATION, U.S. COAST GUARD**, New West Pier, (1-1-76)

Cleveland. **CLEVELAND MALL**, Roughly T-shaped mall area between E. 9th and W. 3rd Sts. and Superior Ave. and RR. tracks, (6-10-75) IIAES; G.

Cleveland. **CLEVELAND PUBLIC SQUARE**, Superior Ave. and Ontario St., (12-18-75)
Cleveland. **CLEVELAND TRUST COMPANY**, 900 Euclid Ave. at E. 9th St., (11-26-73)

Cleveland. **COZAD, JUSTUS L., HOUSE**, 1508 Mayfield Rd., (1-18-74)
Cleveland. **CUYAHOGA BUILDING**, 216 Superior Ave. NE., (12-31-74)

Cleveland. **DETROIT-SUPERIOR HIGH LEVEL BRIDGE**, Over Cuyahoga River Valley, between Detroit Ave. and Superior Ave., (1-18-74)

Cleveland. **DIVISION AVENUE PUMPING STATION**, Division Ave., at the foot of W. 45th St., (1-18-74)
Cleveland. **DUNHAM TAVERN**, 6709 Euclid Ave., (7-25-74)

Cleveland. **FEDERAL RESERVE BANK OF CLEVELAND**, E. 6th St. and Superior Ave., (10-8-76)
Cleveland. **FORD MOTOR COMPANY CLEVELAND PLANT**, 11610 Euclid Ave., (3-17-76)

OHIO 5273

Cleveland. **FOREST CITY BREWERY**, 6920-6922 Union Ave., (5-3-76)
Cleveland. **GARFIELD MEMORIAL**, 12316 Euclid Ave. in Lakeview Cemetery, (4-11-73)

Cleveland. **HAY-MCKINNEY AND BINGHAM-HANNA HOUSES**, 10825 E. Boulevard, (6-18-76)
Cleveland. **HESSLER COURT WOODEN PAVEMENT**, 11330 E. between Bellflower and Hessler Rds., (3-31-75) G.

Cleveland. **HOLY NAME HIGH SCHOOL—GALLAGHER BUILDING**, 8318 Broadway SE, (3-27-75)
Cleveland. **HOLY ROSARY CHURCH**, 12021 Mayfield Rd., (6-16-76)
Cleveland. **HOYT BLOCK**, 608 W. St. Clair St., (1-18-74)

Cleveland. **LORAIN-CARNEGIE BRIDGE**, Spans Cuyahoga River between Lorain and Carnegie Aves., (10-8-76)
Cleveland. **MATHER, FLORA STONE, COLLEGE DISTRICT**, Bellflower Rd. at Ford Dr., (2-15-74)

Cleveland. **MAY COMPANY**, 158 Euclid Ave. at Public Sq., (1-18-74)
Cleveland. **MERWIN, GEORGE, HOUSE (ROWFANT CLUB BUILDING)**, 3028 Prospect Ave., (6-4-73)

Cleveland. **MILES PARK HISTORIC DISTRICT (NEWBURGH PUBLIC SQUARE)**, Miles Park Ave. around Miles Park, (5-17-74)
Cleveland. **NEWBURGH TOWN HALL**, 9213 Miles Rd., (10-30-73)

Cleveland. **NORTH PRESBYTERIAN CHURCH**, 4001 Superior Ave., (10-29-74)
Cleveland. **NORTH UNION SHAKER SITE**, Between N. Park and S. Park Blvds., (8-13-74)

Cleveland. **NORTHERN OHIO LUNATIC ASYLUM**, 4455 Turney Rd., (10-30-73)
Cleveland. **OHIO CITY PRESERVATION DISTRICT**, Bounded by W. 26th, Clinton, W. 38th, and Carroll Sts., (10-9-74)

Cleveland. **OLD FEDERAL BUILDING AND POST OFFICE**, 201 Superior Ave., NE., (5-3-74) HABS.
Cleveland. **OLD STONE CHURCH**, 91 Public Sq., (2-23-73)

Cleveland. **PEERLESS MOTOR COMPANY PLANT NO. 1**, 9400 Quincy Ave., (5-29-75) IIAES.
Cleveland. **PERRY-PAYNE BUILDING**, 740 Superior Ave., (7-16-73)

Cleveland. **PILGRIM CONGREGATIONAL CHURCH (UNITED CHURCH OF CHRIST)**, 2592 W. 14th St., (3-17-76)
Cleveland. **PROSPECT AVENUE ROW HOUSE GROUP**, 3645, 3649, 3651, 3657 Prospect Ave., (3-27-74)

Cleveland. **ROCKEFELLER BUILDING**, 614 Superior Ave., (6-4-73) HABS.
Cleveland. **ROCKEFELLER PARK BRIDGES**, Rockefeller Park, (9-27-77)

Cleveland. **SCHWEINFURTH, CHARLES, HOUSE**, 1915 E. 75th St., (5-22-73)
Cleveland. **SHAKER SQUARE**, Shaker Blvd. and Moreland Blvd., (7-1-76)

Cleveland. **SOCIETY FOR SAVINGS BUILDING**, Public Square, (11-7-76) HABS.
Cleveland. **ST. ELIZABETH'S MAGYAR ROMAN CATHOLIC CHURCH**, 9016 Buckeye Rd., (1-30-76)

Cleveland. **ST. IGNATIUS HIGH SCHOOL**, 1911 W. 30th St. at Carroll Ave., (1-21-74)
Cleveland. **ST. JOHN'S EPISCOPAL CHURCH**, 2600 Church St., (2-23-73)

Cleveland. **ST. JOSEPH'S CHURCH AND FRIARY**, 2543 E. 23rd St. at Woodland, (6-17-76)

Cleveland *ST MICHAEL THE ARCHANGEL CATHOLIC CHURCH*, 3114 Scranton Rd., (1-18-74) HABS.

Cleveland *ST STANISLAUS CHURCH*, Forman and E. 65th Sts., (6-22-76)

Cleveland *ST STEPHEN CHURCH*, 1930 W. 54th St., (11-25-77)

Cleveland *ST THEODOSIUS RUSSIAN ORTHODOX CATHEDRAL*, 733 Starkweather Ave., (1-18-74)

Cleveland *STERLING SCHOOL*, 2104 E. 30th St., (2-25-74)

Cleveland *TEMPLE, THE (TIFEREH ISRAEL SOCIETY)*, University Circle at Silver Park, (8-30-74)

Cleveland *TRINITY CATHEDRAL*, Euclid Ave. at E. 22nd St., (6-4-73)

Cleveland *UNION CLUB*, 1211 Euclid Ave., (2-15-74)

Cleveland *UNION TERMINAL GROUP*, Public Sq., (3-17-76)

Cleveland *UNIVERSITY HALL, CLEVELAND STATE UNIVERSITY (SAMUEL MATHER MANSION)*, 2605 Euclid Ave., (2-6-73)

Cleveland *UPSON-WALTON COMPANY BUILDING*, 1310 Old River Rd. (W. 11th St.), (1-21-74)

Cleveland *WADE MEMORIAL CHAPEL*, 12316 Euclid Ave., inside Lakeview Cemetery, (6-18-73)

Cleveland *WEST SIDE MARKET*, W. 24th St. and Lorain Ave., (12-18-73) G.

Cleveland *WESTERN RESERVE BUILDING*, 1468 W. 9th St., (10-30-73)

Cleveland *WHITE, HENRY P., HOUSE*, NW corner of Euclid Ave. and E. 90th St., (7-16-73)

Cleveland Heights *BROWN, JOHN HART-NESS, HOUSE*, 2380 Overlook Rd., (11-7-76)

Cleveland Heights *BURDICK, HAROLD B., HOUSE*, 2424 Stratford Rd., (9-17-74)

Cleveland Heights *FAIRMOUNT BOULEVARD DISTRICT*, 2485-3121 Fairmount Blvd., (12-12-76)

Cleveland Heights *OVERLOOK ROAD CARRIAGE HOUSE DISTRICT*, Herrick Mews, behind Overlook Dr., (5-6-74)

Cleveland Heights *TREMAINE-GALLAGHER RESIDENCE*, 3001 Fairmount Blvd., (10-30-73) HABS.

East Cleveland *NELA PARK*, Entrance at 1901 Noble Rd., (5-29-75)

Gates Mills *GATES MILLS METHODIST EPISCOPAL CHURCH*, Old Mill Rd. off U.S. 322, (7-18-75) HABS.

Independence *INDEPENDENCE PRESBYTERIAN CHURCH*, U.S. 21, (4-13-77)

Independence vicinity *KUENZER, JOSEPH H., HOUSE*, 2345 Rockside Rd., (8-13-74)

Independence vicinity *SOUTH PARK SITE*, E. of Independence, (6-22-76)

Lakewood *CLIFTON PARK LAKEFRONT DISTRICT*, Roughly bounded by Clifton Blvd., Rocky River, Lake Erie, and Webb Rd., (11-20-74)

Lakewood *HONAM, JOHN, HOUSE*, 14710 Lake Ave., (4-13-77) HABS.

Mayfield Village *OLD CENTER SCHOOL*, 784 S.O.M. Center Rd., (4-3-73)

Middleburg Heights *OLD DISTRICT 10 SCHOOLHOUSE*, Corner of Sheldon and Fry Rds., (10-15-73)

North Olmsted vicinity *FORT HILL*, E. of North Olmsted off OH 252, (7-25-74)

Olmsted Falls *ADAMS, JOHN AND MARIA, HOUSE*, 7315 Columbia Rd., (10-10-75)

Olmsted Falls *GRAND PACIFIC HOTEL*, 8112 Columbia Rd., (10-10-75)

Olmsted Falls *NORTHROP, JULIA CARTER, HOUSE*, 7872 Columbia Rd., (10-14-75)

Rocky River-Lakewood *DETROIT AVENUE BRIDGE (ROCKY RIVER BRIDGE)*, Detroit Ave. at Rocky River, (2-23-73)

Seven Hills *FROELICH, JOHN, HOUSE*, 7095 Broadview Rd., (7-30-74)

Shaker Heights *WARREN, MOSES, HOUSE*, 3535 Ingleside Rd., (10-22-74)

South Euclid *TELLING, WILLIAM E., HOUSE*, 4645 Mayfield Rd., (10-16-74)

Strongsville *POMEROY, ALANSON, HOUSE*, Pearl Rd. at Westwood Dr., (6-20-75) HABS.

Valley View *FRAZEE, STEPHEN, HOUSE*, 7733 Canal Rd., (5-4-76)

Valley View Village *OHIO AND ERIE CANAL*, OH 631, (11-13-66) NML.

Westlake *CLAGUE HOUSE*, 1371 Clague Rd., (1-11-76)

darke county

Fort Jefferson *FORT JEFFERSON SITE*, (11-10-70)

Greenville *BEIR, ANNA, HOUSE*, 214 E. 4th St., (4-11-77)

Greenville *DARKE COUNTY COURTHOUSE, SHERIFF'S HOUSE, AND JAIL*, 4th and Broadway, (12-12-76)

Greenville *GARST HOUSE*, 205 N. Broadway, (11-16-77)

Greenville *GREENVILLE MAUSOLEUM*, West St., Greenville Cemetery, (10-21-76)

Greenville *LEFTWICH HOUSE*, 203 S. Washington St., (10-21-75)

Greenville *ROBESON, DR. DONOVAN, HOUSE*, 330 W. 4th St., (12-12-76)

Greenville *WARING HOUSE*, 304 W. 3rd St., (9-16-77)

Greenville vicinity *BEAR'S MILL*, 5 mi. W. of Greenville off U.S., 36 on Bear's Mill Rd., (6-10-75)

defiance county

Defiance *EAST SIDE FIRE STATION*, Douglas and Hopkins Sts., (12-12-76)

Defiance *RIVERSIDE CHAPEL*, S. Clinton St. in Riverside Cemetery, (4-11-77)

Defiance vicinity *BROOKE SITE*, S. of Defiance, (1-1-76)

Hicksville *ST. PAUL'S EPISCOPAL CHURCH*, High St., (6-7-76)

delaware county

Delaware *DELAWARE COUNTY COURTHOUSE*, N. Sandusky St. and Central Ave., (5-22-73)

Delaware *ELLIOTT HALL, STURGES LIBRARY, AND MERRICK HALL*, Ohio Wesleyan University campus, (4-23-73)

Delaware *MONNETT HALL*, Ohio Wesleyan University campus at Elizabeth and Winter Sts., (6-23-75)

Delaware vicinity *UFFERMAN SITE*, N. of Delaware, (7-24-74)

Galena vicinity *CURTISS, MARCUS, INN*, E. of Galena at 3860 Sunbury Rd., (12-12-76)

Galena vicinity *SPRUCE RUN EARTHWORKS*, About 3 mi. S. of Galena, (7-16-73)

Harlem vicinity *COOK, JOHN, FARM*, E. of Harlem at Miller Paul Rd. and Gorsuch Rd., (4-11-77)

Olive Green vicinity *CHAMBERS ROAD COVERED BRIDGE*, 1.5 mi. NE of Olive Green, (11-21-74)

Powell vicinity *HIGHBANKS METROPOLITAN PARK MOUNDS I AND II*, E. of Powell on U.S. 23, (3-19-75)

Sunbury *SUNBURY TAVERN (HOPKINS HOUSE)*, NW corner OH 37 and Galena Rd., (2-24-75)

Sunbury *SUNBURY TOWNSHIP HALL*, Town Sq., (2-20-75)

Worthington vicinity *HIGHBANK PARK WORKS*, E. bank of Olentangy River, (2-15-74)

erie county

Birmingham *BUTLER, CYRUS, HOUSE*, Edison Hwy., (3-17-76)

Florence *FLORENCE CORNERS SCHOOL (TOWN HALL)*, OH 113 at Davidson St., (3-19-75)

Huron *CHRIST EPISCOPAL CHURCH*, Park and Ohio Sts., (3-4-75)

Kelleys Island *INSCRIPTION ROCK*, (6-18-73)

Kelley's Island *KELLEY'S ISLAND SOUTH SHORE DISTRICT*, Water St., S. side of Kelley's Island, (3-27-75)

Milan *ANDREWS, EBENEZER, HOUSE*, 200 S. Main St., (7-25-74)

Milan *EDISON, THOMAS ALVA, BIRTHPLACE*, (10-15-66) NML; HABS.

Milan *JENKINS-PERRY HOUSE*, 37 W. Front St., (10-29-74)

Milan *LOCKWOOD, J. C., HOUSE*, 30 Edison Dr., (12-4-74)

Milan *MILAN HISTORIC DISTRICT*, Main and Church Sts., both sides of Front St., and Edison Dr., (3-13-75)

Milan *MITCHELL HISTORIC DISTRICT*, 115-137 and 118-136 Center St., (3-13-75)

Milan vicinity *ABBOTT-PAGE HOUSE*, 2.5 mi. NE of Milan on Mason Rd., (5-27-75) HABS.

Sandusky *ADAMS STREET DOUBLE HOUSE*, 106-108 E. Adams St., (10-10-75)

Sandusky *CARNEGIE LIBRARY*, Adams and Columbus Ave., (11-12-75)

Sandusky *ENGELS AND KRUDWIG WINE COMPANY BUILDINGS*, 220 E. Water St., (7-30-76)

Sandusky *ENGINE HOUSE NO. 3*, Meigs St. and Sycamore Line, (4-1-75)

Sandusky *ERIE COUNTY OFFICE BUILDING*, 1202 Sycamore Line, (11-20-74)

Sandusky *EXCHANGE HOTEL*, 202-204 E. Water St., (7-30-75)

Sandusky *FOLLETT-MOSS-MOSS RESIDENCES*, 404, 414, 428 Wayne St., (12-31-74)

Sandusky *LAKE SHORE & MICHIGAN SOUTHERN RAILROAD DEPOT*, N. Depot St. at Carr St., (7-17-75)

Sandusky *MAD RIVER BLOCK*, 1002-1018 W. Adams St., (10-16-74)

Sandusky *SLOANE, RUSH R., HOUSE*, 403 E. Adams St., (2-24-75)

Sandusky *ST. MARY'S CATHOLIC CHURCH*, 429 Central Ave., (10-10-75)

Sandusky *SYCAMORE SCHOOL*, 3rd and Sycamore Sts., (11-19-74)

Sandusky *WATER STREET COMMERCIAL BUILDINGS*, 101-165 E. Water St. and 101-231 W. Water St., (3-18-75)

Sandusky *WHITE, SAMUEL M., HOUSE*, 304 E. Adams St., (6-16-76)

Sandusky vicinity *ERIE COUNTY INFIRMARY*, S. of Sandusky on Columbus Rd., (9-5-75)

Sandusky vicinity *OHIO SOLDIERS AND SAILORS HOME*, NE of Sandusky between S. Columbus Ave. and U.S. 250, (9-13-76)

Vermilion *VERMILION TOWN HALL*, 736 Main St., (11-20-74)

fairfield county

Amanda vicinity *ALLEN, LYMAN, HOUSE AND BARN*, NW of Amanda on OH 188, (11-18-76)

Baltimore vicinity *BRIGHT, JOHN, COVERED BRIDGE*, 2.5 mi. SW of Baltimore over Poplar Creek, (5-28-75)

Canal Winchester vicinity *LOUCKS COVERED BRIDGE*, SE of Canal Winchester on SR 207, (10-8-76)

Canal Winchester vicinity *SCHAEER, THEODORE R., MOUND*, SE of Canal Winchester, (6-20-75)

Carroll vicinity *COON HUNTERS MOUND*, (5-2-74)

Carroll vicinity *ETY ENCLOSURE*, NE of Carroll, (7-12-74)

Carroll vicinity *ETY HABITATION SITE*, NE of Carroll, (7-12-74)

Lancaster *BUSH, SAMUEL, HOUSE*, 1934 Cold Spring Dr., (10-1-74)

Lancaster *SHERMAN, JOHN, BIRTHPLACE*, 137 E. Main St., (10-15-66) NML.

Lancaster *SQUARE 13 HISTORIC DISTRICT*, Roughly area along Broad and High Sts. between Mulberry and Chestnut Sts., (7-24-72) HABS; G.

Lancaster *TALLMADGE-MITHOFF HOUSE*, 720 Lincoln Ave., (5-6-76)

Lancaster vicinity *CHESTNUT RIDGE FARM*, 3375 Cincinnati-Zanesville Rd., SW., (7-24-72)

Lancaster vicinity *CONCORD HALL*, 1445 Cincinnati-Zanesville Rd., SW. (U.S. 22), (10-25-72)

Lancaster vicinity *REBER, VALENTINE, HOUSE*, W. of Lancaster at 8325 Lancaster-Circleville Rd. (OH 188), (7-30-75)

Lancaster vicinity *WILLOW LANE FARM (NATHANIEL WILSON HOUSE)*, SW of Lancaster on U.S. 22, (10-26-72)

Lithopolis vicinity *OLD MAID'S ORCHARD MOUND*, E. of Lithopolis, (7-15-74)

Lockville *LOCKVILLE CANAL LOCKS*, Off Pickerington-Lockville Rd., (9-10-74)

Pickerington vicinity *BLACKLICK COVERED BRIDGE*, 3.5 mi. NW of Pickerington, (4-11-77)

Pickerington vicinity *HIZEY COVERED BRIDGE*, E. of Pickerington on SR 235, (10-8-76)

Pinkerington vicinity *FORTNER MOUNDS I, II*, NE of Pinkerington, (7-12-74)

Rock Mill *ROCK MILL COVERED BRIDGE*, SR 41, (4-26-76)

Royalton *ROYALTON HOUSE*, Amanda Northern Rd., (7-30-75)

Rushville vicinity *WINEGARDNER VILLAGE*, (7-30-74)

Tarlton vicinity *TARLTON CROSS MOUND*, N. of Tarlton, (11-10-70)

fayette county

Pancoastburg vicinity *JACKSON MOUND*, N. of Pancoastburg, (10-21-75)

Washington Court House *SHARP, MORRIS, HOUSE*, 517 Columbus St., (1-21-74)

Washington Courthouse *FAYETTE COUNTY COURTHOUSE*, Main and Columbus Sts., (7-2-73)

franklin county

Canal Winchester vicinity *BERGSTRESSER COVERED BRIDGE*, W. of OH 674 over Walnut Creek, (5-3-74)

Central College vicinity *SQUIRE'S GLEN FARM*, 6770 Sunbury Rd., (8-13-74)

Columbus *AMERICAN INSURANCE UNION CITADEL*, 50 W. Broad St., (3-12-75)

Columbus *CAMP CHASE SITE*, 2900 Sullivant Ave., (4-11-73)

Columbus *CAMPBELL MOUND*, (11-10-70)

Columbus *COE MOUND*, W. of High St., (7-18-74)

Columbus *COLUMBUS COUNTRY CLUB MOUND*, 4831 E. Broad St., (2-15-74)

Columbus *COLUMBUS SAVINGS AND TRUST BUILDING (ATLAT BUILDING)*, 8 E. Long St., (9-15-77)

Columbus *EAST TOWN STREET HISTORIC DISTRICT*, Roughly bounded by Grant, Franklin Aves., Lester Dr., and E. Rich St., (7-30-76)

Columbus *FORT HAYES*, Cleveland Ave. and 171, (1-26-70)

Columbus *FRANKLIN PARK CONSERVATORY*, 1547 E. Broad St., (1-18-74)

Columbus *FRANKLINTON POST OFFICE (DAVID DEARDURF HOUSE)*, 72 S. Gift St., (3-20-73)

Columbus *GERMAN VILLAGE*, Roughly bounded by Livingston Ave., Pear Alley, Nursery Lane, Blackberry Alley, and Lathrop St., (12-30-74)

Columbus *HARRISON, GEN. WILLIAM HENRY, HEADQUARTERS (JACOB OBERDIER HOUSE)*, 570 W. Broad St., (12-15-72)

Columbus *HAYES AND ORTON HALLS, OHIO STATE UNIVERSITY*, The Oval, (7-16-70)

Columbus *OHIO ASYLUM FOR THE BLIND*, 240 Parsons Ave., (7-26-73)

Columbus *OHIO STADIUM*, 404 W. 17th Ave., (3-22-74)

Columbus *OHIO STATE ARSENAL*, 139 W. Main St., (7-18-74)

Columbus *OHIO STATEHOUSE*, SE corner of High and Broad Sts., (7-31-72)

Columbus *OHIO THEATRE*, 39 E. State St., (4-11-73) NML; G.

Columbus *OLD GOVERNOR'S MANSION (OHIO ARCHIVES BUILDING, CHARLES H. LINDENBERG HOUSE)*, 1234 E. Broad St., (6-5-72)

Columbus *RICKENBACKER, CAPT. EDWARD V., HOUSE*, 1334 E. Livingston Ave., (5-11-76) NML.

Columbus *SESSIONS VILLAGE*, Both sides of Sessions Dr., (2-20-75)

Columbus *SMITH, BENJAMIN, HOUSE*, 181 E. Broad St., (6-4-73)

Columbus *SULLIVANT, LUCAS, BUILDING*, 714 W. Gay St., (3-20-73)

Columbus *TOLEDO AND OHIO CENTRAL RAILROAD STATION*, 379 W. Broad St., (6-18-73) HABS; G.

Columbus *TRINITY EPISCOPAL CHURCH*, 125 E. Broad St., (11-13-76)

Columbus *U.S. POST OFFICE AND COURTHOUSE (OLD, OLD POST OFFICE)*, 121 E. State St., (4-11-73)

Columbus *WYANDOTTE BUILDING*, 21 W. Broad St., (2-23-72) HABS.

Columbus vicinity *DAVIS, SAMUEL, HOUSE*, 4264 Dublin Rd., (2-15-74)

Columbus vicinity *HARTLEY MOUND*, N. of Columbus, (7-15-74)

Columbus vicinity *HARTMAN STOCK FARM HISTORIC DISTRICT*, S. of Columbus on U.S. 23, (10-9-74)

Columbus vicinity *JACKSON FORT*, (12-16-74)

Columbus vicinity *NOBLE, JONATHAN, HOUSE*, 5030 Westerville Rd. (SR 3), (12-3-75)

Dublin vicinity *DAVIS, ANSON, HOUSE*, 4900 Hayden Run Rd., (7-7-75)

Dublin vicinity *HOLDER-WRIGHT WORKS*, (2-15-74)

Dublin vicinity *SELLS, BENJAMIN, HOUSE*, S. of Dublin at 4586 Hayden Run Rd., (7-30-75)

Galloway vicinity *GALBREATH, JOHN, MOUND*, W. of Galloway, (7-15-74)

Georgesville vicinity *CANNON, TOM, MOUND*, (5-2-74)

Groveport *GROVEPORT LOG HOUSES*, Wirt Rd., (5-6-76)

Riverlea *RUSSELL, MARK, HOUSE*, 5805 N. High St., (12-12-76)

Westerville *HANBY, BENJAMIN, HOUSE*, 160 W. Main St., (11-10-70)

Westerville *HART, GIDEON, HOUSE*, 7328 Hempstead Rd., (8-14-73)

Westerville *TOWERS HALL, OTTERBEIN COLLEGE*, Main and Grove Sts., Otterbein College campus, (3-4-71)

Westerville *WESTERVILLE HIGH SCHOOL-VINE STREET SCHOOL*, 44 N. Vine St., (5-29-75)

Westerville vicinity *EVERAL, JOHN W., FARM BUILDINGS*, 7610 Cleveland Ave., (9-18-75)

Westerville vicinity *OSBORN, CHARLES S.*, 5785 Cooper Rd., (3-28-77)

Worthington *JOHNSON, ORANGE, HOUSE*, 956 High St., (4-3-73)

Worthington *NEW ENGLAND LODGE*, 634 N. High St., (3-20-73)

Worthington *SNOW, JOHN, HOUSE*, 41 W. New England Ave., (7-26-73)

Worthington *WORthington MANUFACTURING COMPANY BOARDINGHOUSE*, 25 Fox Lane, (6-19-73)

Worthington vicinity *JEFFERS, H. P., MOUND*, (5-2-74)

fulton county

Delta vicinity *WINAMEG MOUNDS (COUNCIL OAK)*, (12-31-74)

Wauseon *FULTON COUNTY COURTHOUSE*, S. Fulton and Chestnut Sts., (5-7-73)

gallia county

Gallipolis *OUR HOUSE*, 434 1st Ave., (11-10-70)

geauga county

Auburn Corners *FRLE WILL BAPTIST CHURCH OF AUBURN*, 11742 E. Washington St., (5-28-76)

Burton *BURTON VILLAGE HISTORIC DISTRICT*, Surrounding Public Sq., (11-20-74)

Burton *GOODWIN, DR. ERASTUS, HOUSE*, 14485 Main St., (8-1-75)

Chardon *CHARDON COURTHOUSE SQUARE DISTRICT*, Public Green, roughly bounded by Main and Center Sts., (10-18-74)

Caldon *CLARIDON CONGREGATIONAL CHURCH*, U.S. 322, (8-13-74) HABS.

East Clardon *HATHAWAY, LOT, HOUSE*, 12236 Old State Rd., (10-16-74)

Mayfield Heights vicinity *WHITE, WALTER C., ESTATE*, E. of Mayfield Heights at U.S. 322 and County Line Rd., (10-8-76)

greene county

Bellbrook vicinity *BERRYHILL-MORRIS HOUSE*, S. of Bellbrook at 3113 Ferry Rd., (11-12-75)

Cedarville vicinity *POLLOCK WORKS (CEDARVILLE EARTHWORKS)*, (2-23-72)

Cedarville vicinity *REID, WHITELAW, HOUSE*, SW of Cedarville at 2587 Conley Rd., (5-7-73)

Cedarville vicinity *WILLIAMSON MOUND STATE MEMORIAL*, (12-13-71)

Clifton vicinity *WHITEMAN, BENJAMIN, HOUSE*, E. of Clifton, (4-3-73)

Fairborn vicinity *HUFFMAN FIELD*, Wright-Patterson Air Force Base, 1 mi. SW of Fairborn, (5-6-71)

Fairborn vicinity *WRIGHT BROTHERS MEMORIAL MOUND GROUP*, Skyline Dr., (2-12-74)

Fairborn vicinity. **WRIGHT-PATTERSON AIR FORCE BASE MOUND**, (2-23-72)
 Jamestown vicinity. **BALLARD ROAD COVERED BRIDGE**, NW of Jamestown on Ballard Rd. over Caesars Creek, (5-29-75)
 Jamestown vicinity. **DEAN FAMILY FARM**, 5 mi. NW of Jamestown off U.S. 35 on Ballard Rd., (5-29-75)
 Wilberforce. **YOUNG, COL. CHARLES, HOUSE**, Columbus Pike between Clifton and Stevenson Rds., (3-30-74) N.H.
 Xenia. **BANK OF XENIA**, NE corner of Detroit and E. 2nd Sts., (5-7-73)
 Xenia. **EAST SECOND STREET DISTRICT**, 235 and 209-213-215 E. 2nd St., (3-20-73)
 Xenia. **MILLEN-SCHMIDT HOUSE**, 184 N. King St., (11-7-76)
 Xenia. **PATTERSON, SAMUEL N., HOUSE**, 364 N. King St., (6-3-76)
 Xenia vicinity. **OLD CHILLICOthe SITE**, 3 mi. N of Xenia on U.S. 68, (4-21-75)
 Yellow Springs. **ANTIOCH HALL, NORTH AND SOUTH HALLS**, Hyde Rd., Antioch College campus, (6-30-75) HABS.
 Yellow Springs vicinity. **ORATORS MOUND**, E of Yellow Springs, (7-15-74)

guernsey county

Cambridge. **GUERNSEY COUNTY COURTHOUSE**, Courthouse Sq., (7-16-73)
 North Salem vicinity. **KENNEDY STONE HOUSE**, SE of North Salem off OH 271, (10-3-75)
 Old Washington. **OLD WASHINGTON HISTORIC DISTRICT**, Both sides of Main St., (5-29-75)
 Old Washington vicinity. **S BRIDGE, NATIONAL ROAD**, 4 mi. E of Old Washington on U.S. 40, (10-15-66) N.H.

hamilton county

Cincinnati. **ALBEE THEATRE**, 12 E. 5th St., (7-24-72)
 Cincinnati. **ALLEN TEMPLE**, 538 Broadway, (7-7-75)
 Cincinnati. **APOSTOLIC BETHLEHEM TEMPLE CHURCH**, 1205 Elm St., (4-11-73)
 Cincinnati. **BAUM, MARTIN, HOUSE**, 316 Pike St., (1-7-76) N.H.
 Cincinnati. **BENHAM MOUND**, Grand Vista Ave., (7-30-74)
 Cincinnati. **BEPLER, AUGUST, HOUSE (HOLLY RIDGE)**, 805 Tusculum Ave., (4-13-77)
 Cincinnati. **CINCINNATI CITY HALL**, 801 Plum St., (12-11-72)
 Cincinnati. **CINCINNATI MUSIC HALL**, 1243 Elm St., (1-26-70) N.H.
 Cincinnati. **CINCINNATI UNION TERMINAL**, 1301 Western Ave., (10-31-72) N.H.
 Cincinnati. **CINCINNATI ZOO DISTRICT**, Cincinnati Zoological Gardens, (1-27-75)
 Cincinnati. **CLOVERNOOK (CARY COTTAGE)**, 7000 Hamilton Ave., (6-18-73) G.
 Cincinnati. **COURT STREET FIREHOUSE**, 311 W. Court St., (7-18-74)
 Cincinnati. **COVENANT FIRST PRESBYTERIAN CHURCH**, 8th and Elm Sts., (1-29-73)
 Cincinnati. **COVINGTON AND CINCINNATI SUSPENSION BRIDGE**, Reference—see Kenton County, KY
 Cincinnati. **COX, GEORGE B., HOUSE (PARKVIEW)**, Brookline and Jefferson Aves., (11-6-73)
 Cincinnati. **COX, JACOB D., HOUSE**, 241-243 Gilman Ave., (4-14-75)
 Cincinnati. **CUVIER PRESS CLUB (MARCUS FECHHEIMER HOUSE)**, 22 Garfield Pl., (10-26-72) G.

Cincinnati. **DAYTON STREET HISTORIC DISTRICT**, (1-25-73) G.
 Cincinnati. **EDGECLIFF AREA HISTORIC GROUP**, 2220 Victory Parkway, (11-11-77)
 Cincinnati. **EPISCOPAL CHURCH OF THE RESURRECTION**, 7346-48 Kirkwood La., (4-13-77)
 Cincinnati. **FENWICK CLUB ANNEX**, 426 E. 5th St., (3-7-73)
 Cincinnati. **FERRIS, JOSEPH, HOUSE**, 5729 Dragon Way, (6-30-75) HABS.
 Cincinnati. **FINDLAY MARKET BUILDING**, Esplanade at Elder St., between Elm and Race Sts., (6-5-72)
 Cincinnati. **FIRST CONGREGATIONAL-UNITARIAN CHURCH**, 2901 Reading Rd., (5-28-76)
 Cincinnati. **GOSHORN, SIR ALFRED T., HOUSE**, 3540 Clifton Ave., (4-3-73)
 Cincinnati. **INGALLS BUILDING**, 6 E. 4th St., (3-7-75)
 Cincinnati. **LANGDON HOUSE**, 3626 Eastern Ave., (4-16-69)
 Cincinnati. **LLOYD, JOHN URI, HOUSE**, 3901 Clifton Ave., (3-7-73)
 Cincinnati. **LYTLE PARK HISTORIC DISTRICT**, Roughly bounded by 3rd, 5th, Sycamore, Commercial Sq., and Butler Sts., (3-26-76)
 Cincinnati. **MADISON-STEWART HISTORIC DISTRICT**, Jct. of Madison and Stewart Sts., (5-29-75)
 Cincinnati. **MLCKLENBURG'S GARDEN**, 302 E. University Ave., (11-7-76)
 Cincinnati. **MILLS' ROW**, 2201-2209 Park Ave., (4-29-77)
 Cincinnati. **MOORMANN, BERNARD H., HOUSE**, 1514 E. McMillan St., (3-20-73)
 Cincinnati. **MORRISON HOUSE**, 750 Ludlow Ave., (4-3-73)
 Cincinnati. **MOUNT AUBURN HISTORIC DISTRICT**, Both sides of Auburn Ave. from Ringgold St. to Howard Taft Rd., (3-28-73)
 Cincinnati. **OLD COLLEGE HILL POST OFFICE**, 1624 Pasadena Ave., (12-6-16-76)
 Cincinnati. **OLD GOTHIC BARN**, 6058 Colerain Ave., (7-20-76)
 Cincinnati. **OLD ST. MARY'S CHURCH, SCHOOL, AND RECTORY**, 123 E. 13th St., (3-13-76)
 Cincinnati. **PENDLETON, GEORGE HUNT, HOUSE**, 559 E. Liberty St., (10-15-66) N.H.
 Cincinnati. **PITMAN, BENN, HOUSE**, 1852 Columbia Pkwy., (7-7-69)
 Cincinnati. **PLUM STREET TEMPLE**, 8th and Plum Sts., (12-27-72) N.H.
 Cincinnati. **PROBASCO, HENRY, HOUSE**, 430 W. Cliff Lane, (11-9-72)
 Cincinnati. **RAWSON HOUSE**, 3767 Clifton Ave., (7-24-73)
 Cincinnati. **RESOR, WILLIAM, HOUSE**, 254 Greendale Ave., (3-7-73)
 Cincinnati. **ROOKWOOD POTTERY**, Celestial and Rookwood Pl., (12-5-72)
 Cincinnati. **SACRED HEART ACADEMY (NEFF CASTLE)**, 525 Lafayette St., (4-11-73)
 Cincinnati. **SCARLET OAKS**, 440 Lafayette Ave., (3-7-73)
 Cincinnati. **DELTA QUEEN (STEAMBOAT)**, Public Landing, (6-15-70)
 Cincinnati. **SPRING GROVE CEMETERY**, 4521 Spring Grove Ave., (5-13-76)
 Cincinnati. **ST. FRANCIS DE SALES CHURCH HISTORIC DISTRICT**, Woodburn Ave. and Madison Rd., (3-1-74)
 Cincinnati. **ST. PAUL CHURCH HISTORIC DISTRICT**, Spring and 12th Sts. and Dext Alley, (1-18-74)

Cincinnati. **ST. PETER-IN-CHAINS CATHEDRAL**, 325 W. 8th St., (1-18-73) HABS.
 Cincinnati. **STOWE, HARRIET B. CHURCH, HOUSE**, 2950 Gilbert Ave., (11-10-70)
 Cincinnati. **TAFT MUSLUM (MARTIN BAUM HOUSE)**, 316 Pike St., (1-29-73) HABS.
 Cincinnati. **WALDSCHMIDT CAMP DENNISON DISTRICT**, 7509 and 7567 Glendale-Milford Rd., (3-7-73)
 Cincinnati. **WALLACE, CHARLTON, HOUSE**, 2563 Haskberry St., (1-30-76)
 Cincinnati. **WEST FOURTH STREET HISTORIC DISTRICT**, Bounded by Central Ave., W. 5th, Plum, and McFarland Sts., (8-13-76)
 Cincinnati. **WESTWOOD TOWN CENTER HISTORIC DISTRICT**, Epworth and Harrison Aves., (12-2-74)
 Cincinnati. **WILLIAM HOWARD TAFT NATIONAL HISTORIC SITE**, 2038 Auburn Ave., (10-15-66)
 Cincinnati. **WILSON-GIBSON HOUSE**, 425 Oak St., (3-17-76)
 Cincinnati. **WORTH, GORHAM A., HOUSE**, 2316 Auburncrest Ave., (4-11-73)
 Cincinnati vicinity. **CLOUGH CREEK AND SAND RIDGE ARCHEOLOGICAL DISTRICT**, (10-1-74)
 Cincinnati vicinity. **HILL, JEDIAH, COVERED BRIDGE**, 7 mi. N of Cincinnati off U.S. 127 on Covered Bridge Rd., (3-28-73)
 Cincinnati vicinity. **MILLER-LEUSER LOG HOUSE**, Clough Pike and Newton Rd., (8-30-74)
 Cincinnati vicinity. **TURPIN SITE**, (12-27-74)
 Cincinnati vicinity. **WILLIAMS, W. L., HOUSE**, 280 Anderson Ferry Rd., (3-25-77)
 Cleves vicinity. **CONRAD MOUND ARCHEOLOGICAL SITE**, E of Cleves, (6-20-75)
 Cleves vicinity. **SHAWNEE LOOKOUT ARCHEOLOGICAL DISTRICT**, (12-2-74) G.
 Dunlap vicinity. **COLERAIN WORKS ARCHEOLOGICAL DISTRICT**, W of Dunlap, (4-26-76)
 Dunlap vicinity. **DUNLAP ARCHEOLOGICAL DISTRICT**, W of Dunlap, (10-21-75)
 Elizabethtown vicinity. **BUTLER, WESLEY, ARCHEOLOGICAL DISTRICT**, S of Elizabethtown, (7-24-75)
 Elizabethtown vicinity. **RENNERT MOUND ARCHEOLOGICAL DISTRICT**, W of Elizabethtown, (3-4-75)
 Elizabethtown vicinity. **STATE LINE ARCHEOLOGICAL DISTRICT**, W of Elizabethtown, (7-24-75)
 Evendale. **MATHEW MOUND**, Off Oak Rd., (5-29-75)
 Glendale. **GLENDAL HISTORIC DISTRICT**, OH 747, (7-20-76) N.H.
 Glendale. **GLENDAL POLICE STATION**, 305 E. Sharon Ave., (3-27-75)
 Greenhills. **WHALLON, JAMES, HOUSE**, 11000 Winton Rd., (5-17-73)
 Harrison. **LOOKER, OTHNIEL, HOUSE**, 10580 Marvin Rd., (6-5-75)
 Harrison vicinity. **BENNETT, GEORGE, HOUSE**, 10281 Harrison Pike, (5-29-75) HABS.
 Harrison vicinity. **CAMPBELL, HUGH, HOUSE**, 332 Weatherlane Rd., (11-7-76)
 Harrison vicinity. **EIGHTEEN MILE HOUSE**, 2 mi. SE of Harrison at Harrison Pike and Patriot Dr., (10-10-75) HABS.
 Harrison vicinity. **JOHN, JEHU, HOUSE**, E of Harrison on Stone Dr., (10-31-75) HABS.

Harrison vicinity. **ROUDEBUSH FARM**, 8643 Kilby Rd., (6-17-76)
 Indian Hill. **WASHINGTON HEIGHTS SCHOOL**, 8100 Given Rd., (7-30-75)
 Indiana Hill. **JEFFERSON SCHOOLHOUSE**, Indian Hill and Drake Rds., (3-17-76)
 Manemont. **FERRIS, ELIPHALET, HOUSE**, 3915 Plainville Rd., (5-29-75)
 Mariemont. **MARIEMONT EMBANKMENT AND VILLAGE SITE**, (10-16-74)
 Mariemont vicinity. **UNITED METHODIST CHURCH (ARMSTRONG CHAPEL)**, 5125 Drake Rd., NE of Mariemont, (12-4-75)
 Montgomery. **UNIVERSALIST CHURCH HISTORIC DISTRICT**, Montgomery Rd. from 9433 N to Remington Ave., (12-2-70)
 New Haven vicinity. **WHITEWATER SHAKER SETTLEMENT**, 11813, 11347, 11081 Oxford Rd., (1-21-74)
 Newtown. **ODD FELLOWS' CEMETERY MOUND**, (6-18-73)
 Newtown and vicinity. **PERIN VILLAGE SITE**, Off OH 32, (3-25-77)
 Newtown vicinity. **BROADWELL, CYRUS, HOUSE**, 3882 Mt. Carmel Rd., (5-29-75) HABS.
 Newtown vicinity. **HAHN FIELD ARCHEOLOGICAL DISTRICT**, (10-29-74)
 Newtown vicinity. **HARRISON-LANDERS HOUSE**, 3881 Newtown Rd., (5-29-75) HABS.
 North Bend. **HARRISON, WILLIAM HENRY, TOMB STATE MEMORIAL**, Mount Nebo on OH 128, (11-10-70)
 North Bend vicinity. **MT. NEBO ARCHEOLOGICAL DISTRICT**, Mt. Nebo and Brower Rd., (3-3-75)
 Norwood. **NORWOOD MOUND**, (5-2-74)
 Remington. **ELLIOTT HOUSE**, 9352 Given Rd., (10-29-76)
 Saylor Park. **SHORT WOODS PARK MOUND**, (10-1-74)
 Saylor Park. **STORY MOUND**, Gracely Dr., (6-11-75)
 Sharonville. **TWELVE MILE HOUSE**, 11006 Reading Rd., (9-1-76)
 Springdale vicinity. **BECKER HOUSE**, 179 Crescentville Rd., (7-18-74)
 Woodland vicinity. **BURCHENAL MOUND**, N of Woodland, (5-29-75)
 Wyoming. **TWIN OAKS**, 629 Liddle Lane, (5-29-75)

hancock county

Findlay. **FIRST HANCOCK COUNTY COURTHOUSE**, 819 Park St., (3-15-76)
 Findlay. **HANCOCK COUNTY COURTHOUSE**, Courthouse Sq., (5-7-73)
 Findlay. **HULL, JASPER G., HOUSE**, 422 W. Sandusky St., (5-7-73)

hardin county

Roundhead vicinity. **ZIMMERMAN KAME**, (7-30-74)

harrison county

Cadiz. **HARRISON COUNTY COURTHOUSE**, Courthouse Sq., (7-18-74)
 Freeport. **REAVES, JOHN, HOUSE**, Public Sq., (7-15-77)

henry county

Napoleon. **HENRY COUNTY COURTHOUSE**, N. Perry and E. Washington Sts., (2-28-73)

highland county

Buford vicinity. **HIRONS-BROWN HOUSE**, SW of Buford on Guernsey Rd., (12-12-76)
 Lynchburg. **LYNCHBURG COVERED BRIDGE**, East Fork of Little Miami River, (3-16-76) (also in Clinton County)

Marshall vicinity. **ROCKY FORK PARK GROUP**, (6-18-73)
 Rainsboro vicinity. **BARRETT'S MILLS, CR 1A and Rocky Fork Creek**, (12-26-72)
 Rainsboro vicinity. **ROCKY FORK PARK SITE**, (6-18-73)
 Salem Township. **WORKMAN WORKS**, (10-26-71)
 Sinking Springs vicinity. **FORT HILL STATE PARK**, (11-10-70)

hocking county

Haydenville. **HAYDENVILLE HISTORIC TOWN**, (3-20-73)
 Laurelville vicinity. **DAVIS WORKS**, SE of Laurelville, (7-15-74)
 Laurelville vicinity. **DEFFENBAUGH, GEORGE, MOUND**, NE of Laurelville, (7-15-74)
 Laurelville vicinity. **EDITH ROSS MOUND**, (6-18-73)
 Laurelville vicinity. **KARSHNER MOUND**, SE of Laurelville, (7-15-74)

holmes county

Millersburg. **BRIGHTMAN HOUSE**, Wooster Rd. and Walnut St., (10-29-74)
 Millersburg. **HOLMES COUNTY COURTHOUSE AND JAIL**, Courthouse Sq., (7-25-74)

huron county

Bellevue vicinity. **WRIGHT, JOHN, MAN-SION**, OH 113, W of OH 4, (2-27-74)
 Monroeville. **BROWN, SETH, HOUSE**, 29 Brown St., (5-3-74) HABS.
 Monroeville. **HOSFORD, JOHN, HOUSE**, 64 Sandusky St., (5-3-74)
 Monroeville. **ZION EPISCOPAL CHURCH**, Ridge St. at Monroe St., (5-3-74)
 Norwalk. **BENEDICT, DR. DAVID DE FOREST, HOUSE**, 80 Seminary St., (1-23-75)
 Norwalk. **HURON COUNTY COURTHOUSE AND JAIL**, E. Main St. and Benedict Ave., (7-12-74)
 Norwalk. **WEST MAIN STREET DISTRICT**, In an irregular pattern, both sides of W. Main St. for 6 blocks from W edge of business district, (2-27-74) HABS; G.
 Peru. **MACKSVILLE TAVERN**, Peru Hollow Rd., (5-3-76)
 Steuben vicinity. **PHOENIX MILLS**, E of Steuben on Mill Rd., (5-28-75)
 Willard. **BALTIMORE AND OHIO RAILROAD DEPOT**, B & O RR jct., (3-31-75)

jackson county

Byer. **BYER COVERED BRIDGE**, SR 31, (10-21-75)
 Coalton. **MINER'S SUPPLY STORE (WOOD, ENOCH AND SONS, HARDWARE STORE)**, Main and 2nd Sts., (11-1-77)
 Jackson vicinity. **BUCKEYE FURNACE**, 10 mi. E of Jackson, (11-10-70)
 Wellston vicinity. **BUCKEYE FURNACE COVERED BRIDGE**, 3 mi. SE of Wellston on SR 165, (2-24-75)

jefferson county

Mount Pleasant. **FRIENDS MEETINGHOUSE**, Near OH 150, (11-10-70)
 Mount Pleasant. **VILLAGE OF MOUNT PLEASANT HISTORIC DISTRICT**, Roughly bounded by 3rd, North, High, and South Sts., (6-28-74) G.
 Mt. Pleasant. **LUNDY, BENJAMIN, HOUSE**, Union and 3rd Sts., (5-30-74) N.H.
 Rayland. **STRINGER STONE HOUSE**, 224 Warren St., (7-10-74)

Steubenville. **FEDERAL LAND OFFICE**, U.S. 22 and OH 7, (4-3-73)
 Tiltonsville. **HODGEN'S CEMETERY MOUND**, Off OH 7, (9-25-75)
 Warrenton. **SPEEDWAY MOUND**, Off OH 7, (9-5-75)

*knox county

Fredericktown. **TUTTLE HOUSE**, 33 E. College St., (7-12-76)
 Fredericktown vicinity. **BRADDOCK MOUND AND WORKS**, (6-18-73)
 Fredericktown vicinity. **RALEIGH MOUND**, S of Fredericktown, (10-14-75)
 Gambier. **KENYON COLLEGE**, OH 229 and OH 308, (12-6-75)
 Gambier vicinity. **CHRIST CHURCH AT THE QUARRY**, E of Gambier at jct. of SR 235 and 233, (9-25-75)
 Mount Liberty. **MOUNT LIBERTY TAVERN**, U.S. 36, (5-3-74)
 Mount Vernon. **EAST GAMBIER STREET DISTRICT**, 100-519 E. Gambier St., (11-18-76)
 Mount Vernon. **KNOX COUNTY COURTHOUSE**, High St., (6-4-73)
 Mount Vernon. **PENNSYLVANIA DEPOT (COLUMBUS, AKRON, AND CLEVELAND DEPOT)**, S. Main St., (11-3-72)
 Mount Vernon. **ROUND HILL**, E. Pleasant and N. McKenzie Sts., (12-12-76)
 Mount Vernon. **WOODWARD OPERA HOUSE**, Main and Vine Sts., (10-10-75)
 Mount Vernon vicinity. **MCLAUGHLIN MOUND**, (12-11-72)

lake county

Fairport Harbor. **FAIRPORT MARINE MUSEUM**, 129 2nd St., (11-5-71) G.
 Kirtland. **KIRTLAND TEMPLE**, 9020 Chillicothe Rd., (6-4-69) N.H.; HABS.
 Kirtland. **OLD SOUTH CHURCH**, 9802 Chillicothe Rd., (9-20-73)
 Madison. **KIMBALL, ADDISON, HOUSE**, 390 W. Main St., (3-27-75)
 Madison. **KIMBALL, LEMUEL (II), HOUSE**, 467 W. Main St., (10-15-74)
 Madison. **PAIGE, DAVID R., HOUSE**, 21-29 W. Main St., (12-23-75)
 Madison. **PAIGE, JUDGE DAVID, HOUSE**, 21-29 W. Main St., (12-23-75)
 Madison. **WINANS, DR. J. C., HOUSE**, 143 River St., (4-26-76)
 Madison vicinity. **MADISON FORT**, SE of Madison, (7-30-74)
 Mentor. **CORNING-WHITE HOUSE**, 8353 Mentor Ave., (11-7-72)
 Mentor. **GARFIELD, JAMES A., HOME (LAWNFIELD)**, 1059 Mentor Ave., (10-15-66) N.H.; G.
 Mentor. **GRAY-COULTON HOUSE**, 8607-8617 Mentor Ave., (12-3-75)
 Mentor. **MASON, JAMES, HOUSE**, 8125 Mentor Ave., (9-18-75)
 Mentor vicinity. **SAWYER-WAYSIDE HOUSE**, 9470 Mentor Ave., (10-29-74)
 Painesville. **ADMINISTRATION BUILDING, LAKE ERIE COLLEGE (COLLEGE HALL)**, 391 W. Washington St., (3-20-73)
 Painesville. **CASEMENT HOUSE**, 436 Case-ment Ave., (7-30-75)
 Painesville. **LUZ'S TAVERN (RIDER TAVERN)**, 179 Mentor Ave., (4-23-73) HABS.
 Painesville. **MATHEWS HOUSE**, 309 W. Washington St., (4-23-73)
 Painesville. **PAINESVILLE CITY HALL (OLD LAKE COUNTY COURTHOUSE)**, 7 Richmond St., (7-24-72)
 Painesville. **SEELEY, URI, HOUSE**, 969 Riverside Dr., (8-14-73)

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NOTICES

Painesville. *SESSIONS HOUSE (TUSCAN HOUSE)*, 157 Mentor Ave., (8-14-73)
Painesville. *SMEAD HOUSE*, 187 Mentor Ave., (11-21-74)
Painesville. *ST. JAMES EPISCOPAL CHURCH*, 141 N. State St., (7-7-75)
Painesville vicinity. *INDIAN POINT FORT*, E of Painesville, (7-30-74)
Perry. *GREEN, LUCIUS, HOUSE*, 4160 Main St., (7-12-76)
Unionville. *CONNECTICUT LAND COMPANY OFFICE*, 7071 E. Main St., (8-14-73)
Unionville. *UNIONVILLE TAVERN*, On OH 84, (7-26-73) *IIABS.*

lawrence county

Burlington. *JOHNSTON, WILLIAM C., HOUSE AND GENERAL STORE*, Washington and Davidson Sts., (10-22-76)
Chesapeake vicinity. *MAPLEWOOD*, W of Chesapeake on Maplewood La., (4-13-77)
Scottown vicinity. *SCOTTOWN COVERED BRIDGE*, E of Scottown on SR 67, (11-12-75)

licking county

Brownsville vicinity. *FLINT RIDGE*, (11-10-70)
Croton vicinity. *BELLE HALL COVERED BRIDGE*, E of Corton on Dutch Cross Rd., (10-22-76)
Granville. *BUXTON INN*, 313 E. Broadway, (12-26-72)
Granville. *ST. LUKE'S EPISCOPAL CHURCH*, 111 E. Broadway St., (4-26-76) *IIABS.*
Granville vicinity. *ALLIGATOR EFFIGY MOUND*, (11-5-71)
Heath. *OHIO CANAL GROUNDBREAKING SITE*, OH 79, (5-24-73)
Homer. *DIXON MOUND (WILLIAMS MOUND)*, (6-4-73)
Newark. *CHAPEL HILL CEMETERY BUILDINGS*, Cedar St., Chapel Hill Cemetery, (4-13-77)
Newark. *HOME BUILDING ASSOCIATION BANK*, 6 W. Main St., (7-2-73)
Newark. *LICKING COUNTY COURTHOUSE*, Courthouse Sq., (3-20-73)
Newark. *NEWARK EARTHWORKS*, Mound Builders State Memorial, (10-15-66) *NHL.*
Newark. *SHERWOOD-DAVIDSON AND BUCKINGHAM HOUSES*, W. Main and 6th Sts., (11-10-77)
Reynoldsburg vicinity. *ETNA TOWNSHIP MOUNDS I AND II*, E of Reynoldsburg off 170, (9-5-75)
Utica vicinity. *MCDANIEL MOUND*, (5-2-74)
Utica vicinity. *MELICK MOUND*, S of North Fork of Licking River, (3-27-74)

logan county

Bellefontaine. *FIRST CONCRETE STREET IN U.S.*, E. Court Ave., (2-25-74)
Bellefontaine. *LOGAN COUNTY COURTHOUSE*, Public Sq., (6-4-73)
Bloom Center vicinity. *MCCOLLY COVERED BRIDGE*, 2 mi. SE of Bloom Center on SR 130, (5-28-75)
Huntsville vicinity. *DUNNS POND MOUND*, (7-30-74)
Russells Point vicinity. *LAKE RIDGE ISLAND MOUNDS*, (10-16-74)

lorain county

Amherst. *AMHERST TOWN HALL*, 206 S. Main St., (5-29-75)
Avon. *HURST, WILLIAM E., HOUSE*, 33065 Detroit Ave., (9-11-74)

Columbia Center. *COLUMBIA BAPTIST CHURCH*, 25514 Royalton Rd., (7-12-76)
Columbia Center. *COLUMBIA TOWN HALL*, 25496 Royalton Rd., (3-17-76)
Crafton. *IMMACULATE CONCEPTION CHURCH*, 708 Erie St., (3-16-76)
Elyria. *FIRST CHURCH OF CHRIST, SCIENTIST*, 309 East Ave., (7-18-75)
Elyria. *GARFORD, ARTHUR L., HOUSE*, 509 Washington Ave., (12-30-74)
Elyria. *LAUNDON, THOMAS W., HOUSE*, 307 West Ave., (10-21-75)
Elyria. *LORAIN COUNTY COURTHOUSE*, 308 2nd St., (6-18-75)
Elyria. *MONTEITH HALL*, 218 East Ave., (10-9-74)
Lorain. *SEHER, WILLIAM, HOUSE*, 329 W. 9th St., (6-17-76)
Lorain vicinity. *BURRELL, JABEZ AND ROBBINS, HOUSE AND CHEESE FACTORY*, N of Lorain off OH 301, (1-1-76)
North Ridgeville. *NORTH RIDGEVILLE CITY HALL*, U.S. 20, (12-30-74)
Oberlin. *CONGREGATIONAL CHURCH OF CHRIST*, W. Lorain and N. Main Sts., (8-13-74)
Oberlin. *LANGSTON, JOHN MERCER, HOUSE*, 207 E. College St., (5-15-75) *NHL.*
Oberlin. *OBERLIN COLLEGE*, Tappan Sq., (10-15-66) *NHL.*
Oberlin. *WESTERVELT HALL*, 39 S. Main St., (5-3-74)
Sheffield Lake vicinity. *BURRELL ORCHARD SITE*, S of Sheffield Lake, (9-15-77)
Vermilion vicinity. *MILL HOLLOW HOUSE*, SE of Vermilion on N. Ridge Rd., (6-29-76)
Vermilion vicinity. *MORRIS-FRANKS SITE*, SE of Vermilion, (9-5-75)
Wellington. *WELLINGTON CENTER HISTORIC DISTRICT*, Main St. and Herrick Ave., (11-21-74)

lucas county

Maumee. *FIRST PRESBYTERIAN CHURCH OF MAUMEE CHAPEL*, 200 E. Broadway, (8-13-73)
Maumee. *FORT MIAMIS SITE*, Between Michigan, Water, and Corey Sts., and the Maumee River, (6-18-75)
Maumee. *GOVERNOR'S INN*, 301 River Rd., (10-18-74)
Maumee. *HOUSE OF FOUR PILLARS*, 322 E. Broadway, (7-16-73)
Maumee. *HULL-WOLCOTT HOUSE*, 1031 River Rd., (1-26-70)
Maumee. *MAUMEE HISTORIC DISTRICT*, Bounded roughly by Allen, W. Harrison, Rosamond, W. Broadway, Cass, and W. Dudley Sts., (1-18-74)
Maumee. *MAUMEE SIDECUT*, N of Maumee River, SW of Ewing Island, (4-11-73)
Maumee vicinity. *FALLEN TIMBERS BATTLEFIELD*, 2 mi. W of Maumee on U.S. 24, (10-15-66) *NHL.*
Providence. *LUDWIG, ISAAC R., HISTORICAL MILL*, Mill Rd. in Providence Park, (6-28-74) *G.*
Providence. *PROVIDENCE HISTORIC DISTRICT*, Court and Main Sts.; Ludwig and Providence-Neopolis Rds., (8-13-75)
Toledo. *BERDAN BUILDING*, 601 Washington St., (5-29-75)
Toledo. *BRAND, R., AND COMPANY (WESTERN SHOE COMPANY)*, 120-124 St. Clair St., (5-27-75)
Toledo. *BURT'S THEATER*, 719-723 Jefferson St., (11-1-77)
Toledo. *EAST SIDE COMMERCIAL BLOCK*, 107-117 Main St., (5-3-76)

Toledo. *FORT INDUSTRY SQUARE*, (7-23-73)
Toledo. *LUCAS COUNTY COURTHOUSE AND JAIL*, (5-11-73)
Toledo. *MANHATTAN BUILDING*, 518 Jefferson Ave., (6-10-75)
Toledo. *MONROE STREET COMMERCIAL BUILDINGS*, SW side of Monroe St. between Nos. 513 and 623, (12-12-76)
Toledo. *NEUKOM, ALBERT, HOUSE*, 301 Broadway, (3-4-71)
Toledo. *OLD CENTRAL POST OFFICE*, 13th St. between Madison and Jefferson Aves., (2-23-72)
Toledo. *OLD WEST END DISTRICT*, (3-14-73)
Toledo. *PHILIPPS, HENRY, HOUSE*, 220 Columbia St., (2-23-72)
Toledo. *PYTHIAN CASTLE (BLECKNER MUSIC COMPANY)*, 801 Jefferson Ave., (2-23-72)
Toledo. *SECOR HOTEL*, 413-423 Jefferson Ave., (4-30-76)
Toledo. *ST. CLAIR STREET HISTORIC DISTRICT*, Both sides of St. Clair St. from Perry to S side of Lafayette, (5-29-75)
Toledo. *ST. PATRICK'S CATHOLIC CHURCH*, 13th St. and Avondale Ave., (2-23-72)
Toledo. *STANDART-SIMMONS HARDWARE COMPANY*, 36 S. Erie St., (5-29-75)
Toledo. *SUCCESSFUL SALES COMPANY (OLIVER HOUSE)*, 27 Broadway, (5-6-71) *G.*
Toledo. *TOLEDO CITY MARKET*, 237 S. Erie St., (2-23-72)
Toledo. *TOLEDO NEWS-BEE BUILDING*, 604 Jackson St., (2-23-72)
Toledo. *TOLEDO YACHT CLUB*, Bay View Park, (12-12-76)
Toledo. *WHEELER BLOCK*, 402 Monroe St., (5-29-75)
Waterville. *COLUMBIAN HOUSE*, River and Farnsworth Rds., (12-17-69) *IIABS.*
Waterville. *GILLETT-SHOEMAKER-WELSH HOUSE*, 133 N. 4th St., (7-18-75)
Waterville. *MOREHOUSE-DOWNES HOUSE*, 4 S. River Rd., (5-29-75)
Waterville. *PRAY-STARKWEATHER HOUSE*, 144 N. River Rd., (5-29-75)
Waterville. *WATERVILLE COMMERCIAL DISTRICT*, 3rd St., (12-12-76)
Waterville vicinity. *HASKINS, LIBERTY WHITCOMB, HOUSE*, N of Waterville at 625 Canal Rd., (7-1-75)
Waterville vicinity. *INTERURBAN BRIDGE (OHIO ELECTRIC RAILROAD BRIDGE, ROCHE DE BOEUF)*, 1 mi. S of Waterville over Maumee River, (6-19-72) (also in Wood County)

madison county

Lafayette. *RED BRICK TAVERN*, 1700 Cumberland Rd., (9-5-75) *IIABS.*
London. *MADISON COUNTY COURTHOUSE*, Public Sq., (3-14-73)
Mount Sterling. *MOUNT STERLING HISTORIC DISTRICT*, Both sides of London St., (10-1-74)
Plain City vicinity. *CARY VILLAGE SITE*, SE of Plain City, (5-13-75)
Somerford vicinity. *WILSON, VALENTINE, HOUSE*, About 1 mi. N of Somerford off 170, (5-22-73)
West Jefferson vicinity. *SKUNK HILL MOUNDS*, (7-30-74)

mahoning county

Austintown vicinity. *ANDERSON, JUDGE WILLIAM SHAW, HOUSE*, 7171 Mahoning Ave., (3-17-76)

Canfield. *NEWTON, JUDGE EBEN, HOUSE*, 105 N. Broad St., (7-18-74)
Canfield. *OLD MAHONING COUNTY COURTHOUSE*, 7 Court St., (10-7-74)
Canfield. *RUGGLES, CHARLES, HOUSE*, 17 Court St., (8-1-75)
Canfield vicinity. *NEFF, CONRAD, HOUSE*, 3967 Canfield-Boardman Rd., (10-9-74)
Coitsville Township. *MCGUFFEY, WILLIAM H., BOYHOOD HOME SITE*, McGuffey Rd., near OH 616, (10-15-66) *NHL.*
Lowellville. *LOWELLVILLE RAILROAD STATION*, Penn Central RR., (7-30-76)
Poland. *KIRTLAND, JARED P., HOUSE*, Audubon and Michigan Aves., (5-13-76)
Poland. *SOUTH MAIN STREET DISTRICT*, Both sides of S. Main St., (10-1-74)
Struthers vicinity. *HOPEWELL FURNACE SITE*, At Lake Hamilton off Hopewell Dr., (11-10-75) *IIAER.*
Youngstown. *ARLINGTON AVENUE DISTRICT*, 304-373 Arlington Ave., (8-13-74)
Youngstown. *BUTLER INSTITUTE OF AMERICAN ART*, 524 Wick Ave., (10-29-74)
Youngstown. *IDORA PARK MERRY-GO-ROUND*, Idora Park on Canfield Rd., (2-6-75)
Youngstown. *LANTERMAN MILL*, Canfield Rd. (U.S. 62) in Mill Creek Park, (7-10-74)
Youngstown. *MAHONING COUNTY COURTHOUSE*, 120 Market St., (8-13-74)
Youngstown. *MILL CREEK PARK SUSPENSION BRIDGE*, Mill Creek Park, (10-29-76)
Youngstown. *RAYEN SCHOOL*, 222 Wick Ave., (10-22-74)
Youngstown. *RENNER, GEORGE J. JR., HOUSE*, 277 Park Ave., (10-8-76)
Youngstown. *TOD HOMESTEAD CEMETERY GATE*, Belmont Ave., (10-22-76)
Youngstown. *WICK AVENUE HISTORIC DISTRICT*, Bounded by Wick, Bryson, Expwy., Spring, and Wick Oval, (11-20-74)
Youngstown vicinity. *AUSTINTOWN LOG HOUSE*, W of Youngstown on Raccoon Rd., (7-30-74) *G.*

marion county

Marion. *HARDING TOMB*, Marion Cemetery, (6-16-76)
Marion. *HARDING, WARREN G., HOUSE*, 380 Mount Vernon Ave., (10-15-66) *NHL.*
Marion. *MARION COUNTY COURTHOUSE*, Courthouse Sq., (7-25-74)
Marion. *PALACE THEATER*, 272 W. Center St., (3-26-76)

medina county

Lester. *COOK, ZIMRI, HOUSE*, 6994 Spieth Rd., (6-22-76)
Lodi vicinity. *BLACK RIVER VIADUCT, BALTIMORE AND OHIO RAILROAD*, 1 mi. W of Lodi, off OH 421, (5-6-76)
Lodi vicinity. *BURR, GEORGE, HOUSE*, 740 Wooster Rd., (5-3-76)
Medina. *MEDINA COUNTY COURTHOUSE*, Liberty St. and Broadway, Public Sq., (7-16-70) *G.*
Medina. *MEDINA PUBLIC SQUARE HISTORIC DISTRICT*, Public Sq. and surrounding properties, (6-11-75)
Medina. *ROOT, A. I. AND E. R., HOMESTEAD*, 622 W. Liberty St., (6-10-75)
Medina vicinity. *BLAKSLEE, BURRITT, HOUSE*, 3756 Fenn Rd., (12-4-74)
Valley City vicinity. *FRANK, CHARLES, HOUSE AND STORE*, W of Valley City at jct. of OH 303 and SR 23, (9-5-75)

Valley City vicinity. *ST. MARTIN'S CATHOLIC CHURCH*, SW of Valley City on Station Rd. (CR 23), (11-12-75)
Wadsworth. *ST. MARK'S EPISCOPAL CHURCH (WADSWORTH CONGREGATIONAL CHURCH: OLD MENNONITE CHURCH)*, 146 College St., (2-6-73)

meigs county

Alfred vicinity. *REEVES MOUND*, N of Alfred, (7-15-74)
Chester. *OLD MEIGS COUNTY COURTHOUSE AND CHESTER ACADEMY*, OH 248, (6-30-75) *IIABS.*
Chester vicinity. *MOUND CEMETERY MOUND*, (5-2-74)
Pomeroy vicinity. *BUFFINGTON ISLAND*, 20 mi. SE of Pomeroy on OH 124, (11-10-70)

mercer county

Fort Recovery. *FORT RECOVERY SITE*, OH 49, (11-10-70)
Maria Stein vicinity. *MARIA STEIN CONVENT*, St. John's and Rolfes Rds., (5-6-76)

miami county

Casstown vicinity. *SAUNDERS, ELIZABETH SHEETS, FARM*, 4525 McCandless Rd., (11-21-76)
Lockington and vicinity. *LOCKINGTON LOCKS HISTORICAL AREA*, (12-17-69) (also in Shelby County)
Piqua. *FORI PIQUA HOTEL (THE FAVORITE HOTEL, PLAZA HOTEL)*, 114 W. Main St., (2-15-74)
Piqua vicinity. *PIQUA HISTORICAL AREA STATE MEMORIAL (JOHN JOHNSTON FARM AND INDIAN AGENCY)*, OH 66, 1 mi. N of Piqua, (4-7-71) *G.*
Troy. *CULBERTSON, ROBERT, HOUSE*, 304 E. Franklin St., (10-10-75)
Troy. *DUNLAP, WILLIAM K., HOUSE*, 16 E. Franklin St., (12-12-76)
Troy. *FIRST PRESBYTERIAN CHURCH*, Franklin and Walnut Sts., (12-12-76)
Troy. *HAYNER, MARY JANE, HOUSE*, 301 W. Main St., (1-30-76)
Troy. *MIAMI COUNTY COURTHOUSE AND POWER STATION*, Bounded by Main, Short, Plum, and Water Sts., (5-30-75) *G.*
Troy. *OVERFIELD TAVERN*, 201 E. Water St., (1-30-76)
Troy. *TROY PUBLIC SQUARE*, Property surrounding jct. of Main and Market Sts., (6-30-75)
Troy. *WILLIAMS, JUDGE HENRY, HOUSE*, 16 S. Cherry St., (1-1-76)
Troy vicinity. *ELDEAN COVERED BRIDGE*, N of Troy across Miami River on CR 33, (2-20-75)
Troy vicinity. *IDDINGS, BENJAMIN, LOG HOUSE*, 6.5 mi. W of Troy, (11-21-76)

monroe county

Graysville vicinity. *FORAKER BRIDGE*, 3 mi. E of Graysville on SR 40, (6-5-75)

montgomery county

Brookville. *SPITLER, SAMUEL, HOUSE*, 14 Market St., (9-28-73)
Centerville. *CENTERVILLE HISTORIC DISTRICT*, Irregular pattern at Franklin and Main Sts., (12-17-74)
Centerville vicinity. *KELLOG, ETHOL, HOUSE*, W of Centerville off SR 755 on Yankee St., (6-18-76)
Centerville vicinity. *WATKINS HOUSE*, 9950 Lebanon Pike, (12-24-74)
Dayton. *BROOKS, JAMES, HOUSE*, 41 E. 1st St., (5-29-75)

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Dayton. *BROWN, SAMUEL N., HOUSE*, 1633 Wayne Ave., (4-11-77)
Dayton. *CLASSIC THEATER*, 815 W. 5th St., (2-10-75) *G.*
Dayton. *CONOVER BUILDING*, 4 S. Main St., (10-14-75)
Dayton. *DAYTON ARCADE*, From Ludlow to Main St. between 3rd and 4th Sts., (6-18-75)
Dayton. *DAYTON ART INSTITUTE*, Forest and Riverview Aves., (11-19-74)
Dayton. *DAYTON WOMAN'S CLUB (STEELE-DARST HOUSE)*, 225 N. Ludlow St., (2-24-75)
Dayton. *DUNBAR, PAUL LAURENCE, HOUSE*, 219 N. Summit St., (10-15-66) *NHL.*
Dayton. *GOTTSCHALL, OSCAR M., HOUSE*, 20 Livingston Ave., (4-11-77)
Dayton. *INCINERATOR SITE*, Along West River Rd., E of B & O RR. tracks, (4-1-75)
Dayton. *KELLY FAMILY HOME*, 657 S. Main St., (6-30-75)
Dayton. *KEMP, LEWIS, HOUSE*, 400 Burkhardt Ave., (1-23-75)
Dayton. *MCELHENNY-AUSENBAUGH HOUSE*, 7373 Taylorsville Rd., (7-18-75)
Dayton. *MILLER, DANIEL, HOUSE*, 3525 Dandridge Ave., (5-29-75)
Dayton. *MONTGOMERY COUNTY COURTHOUSE (OLD COURTHOUSE)*, NW corner 3rd and Main sts., (1-26-70) *G.*
Dayton. *OHMER, NICHOLAS, HOUSE*, 1350 Creighton St., (10-16-74)
Dayton. *OLD POST OFFICE AND FEDERAL BUILDING*, SE corner of W. 3rd and Wilkinson Sts., (3-10-75)
Dayton. *OREGON HISTORIC DISTRICT*, Between Patterson Blvd. and Wayne Ave. N to Gates St. and S to U.S. 35, (3-27-75)
Dayton. *POLLACK, ISAAC, HOUSE*, 319 W. 3rd St., (12-16-74)
Dayton. *RAYNOLDS, JOHN R., HOUSE*, 24 Klee St., (11-21-76)
Dayton. *RUBICON FARM*, 1815 Brown St., (9-29-76)
Dayton. *SMITH, EDWIN, HOUSE (DAYTON BICYCLE CLUB)*, 131 W. 3rd St., (8-13-74)
Dayton. *ST. MARY'S HALL, UNIVERSITY OF DAYTON*, 300 College Park, (5-25-73)
Dayton. *VICTORY THEATER BUILDING*, 138 N. Main St., (6-22-72)
Dayton. *WALTERS, DR. JEFFERSON A., HOUSE*, 35 E. 1st St., (11-20-74)
Dayton. *WOMEN'S CHRISTIAN ASSOCIATION*, 800 W. 5th St., (5-13-76)
Dayton. *WRIGHT, ORVILLE, LABORATORY*, 15 N. Broadway, (4-13-73)
Dayton vicinity. *ARNOLD HOMESTEAD*, N of Dayton on OH 201, (11-7-77)
Dayton vicinity. *DEERWOOD FARM*, N of Dayton at 7200 Peters Pike, (11-12-75)
Dayton vicinity. *LIHLITER MOUND AND VILLAGE SITE*, (6-4-73)
Dayton vicinity. *TAYLORSVILLE CANAL INN*, 4240 Taylorsville Rd., (11-16-77)
Germantown. *GERMANTOWN COVERED BRIDGE*, Center St., over Little Twin Creek, (9-3-71)
Germantown. *GUNKEL'S TOWN PLAN HISTORIC DISTRICT*, Roughly bounded by Mulberry and Walnut Sts., and Warren and Market Sts. (includes properties on both sides of streets), (5-13-76)
Germantown. *SHUEY'S MILL*, Main St., (9-5-75)
Germantown vicinity. *CARLISLE FORT*, S of Germantown on Eby Rd., (2-15-74)

Germantown vicinity. *KOEHNE-POAST FARM*, W of Germantown off OH 725, (4-11-77)
Germantown vicinity. *STUMP, JOHN, HOUSE AND MILL*, SW of Germantown at jct. of Sigal and Oxford Rds., (7-7-75)
Kettering. *DEEDS BARN*, Prugh Barn, (9-3-71)
Miamisburg. *MARKET SQUARE*, Both sides of Main St. including jcts. at Central and Linden Aves., (6-30-75)
Miamisburg vicinity. *MIAMISBURG MOUND*, (11-10-70)
Oakwood. *HAWTHORN HILL*, Harman and Park Aves., (10-18-74)
Trotwood vicinity. *WOLF CREEK MOUND*, (6-4-73)
morgan county
Stockport vicinity. *BIG BOTTOM MASSACRE SITE*, 1 mi. SE of Stockport on OH 266, (11-10-70)
morrow county
Mount Gilead. *FLORAL HALL*, Morrow County Fairgrounds, (12-12-76)
Mount Gilead. *MORROW COUNTY COURTHOUSE AND JAIL*, Courthouse Sq., (7-25-74)
muskingum county
Nashport vicinity. *NASHPORT MOUND*, (5-24-73)
New Concord. *PAUL HALL, MUSKINGUM COLLEGE*, Layton Dr., Muskingum College campus, (4-23-73) G.
New Concord vicinity. *"S" BRIDGE II*, U.S. 40 W of New Concord, (4-23-73)
Norwich vicinity. *SALT CREEK COVERED BRIDGE*, 3 mi. NW of Norwich, (9-10-74)
Zanesville. *MUSKINGUM COUNTY COURTHOUSE AND JAIL*, 4th and Main Sts., (7-16-73)
Zanesville. *PUTNAM HISTORIC DISTRICT*, Bounded by Penn Central RR, tracks, Van Buren St., and the Muskingum River, (6-30-75)
Zanesville. *ST. NICHOLAS'S CATHOLIC CHURCH*, 925 Main St., (9-25-75)
Zanesville. *Y BRIDGE*, At foot of Main St., over the Licking and Muskingum rivers, (11-2-73)
Zanesville vicinity. *FIVE MILE HOUSE*, S of Zanesville off U.S. 22, (4-11-77)
noble county
Middleburg vicinity. *HUFFMAN COVERED BRIDGE*, 1.5 mi. S of Middleburg off SR 564, (3-4-75)
ottawa county
Danbury. *JOHNSON ISLAND CIVIL WAR PRISON AND FORT SITE*, E shore area of Johnson Island, (3-27-75)
Genoa. *GENOA TOWN HALL*, Main and 6th Sts., (6-7-76)
Genoa. *OLD SCHOOL PRIVY*, 310 Main St., (7-31-75)
Gibraltar Island. *COOKE, JAY, HOUSE*, Put-in-Bay, Lake Erie, (11-13-66) NHL.
Marblehead. *MARBLEHEAD LIGHTHOUSE*, OH 163, (12-17-69)
Mineyha-on-the-Bay. *WAR OF 1812 BATTLE SITE*, East Bay Shore Rd., 1 mi. W of jct. with T-142, (2-23-72)
Port Clinton. *OTTAWA COUNTY COURTHOUSE*, W. 4th and Madison Sts., (5-3-74)
Port Clinton vicinity. *MO-JOHN, BETSY, CABIN*, 4 mi. E of Port Clinton, off OH 53, (5-6-76)

Put-in-Bay, South Bass Island. *PERRY'S VICTORY AND INTERNATIONAL PEACE MEMORIAL*, (10-15-66)
Put-in-Bay vicinity. *INSELRUHE*, NE of Put-in-Bay at jct. of Bayview Ave. and Chapman Rd. (South Bass Island), (12-12-76)
paulling county
Paulding. *PAULDING COUNTY COURTHOUSE*, Courthouse Sq., (5-3-74)
perry county
Glenford vicinity. *GLENFORD FORT (COOPERIDER FORT)*, (10-26-71)
Shawnee. *SHAWNEE HISTORIC DISTRICT*, 2nd St. to Walnut St., (3-17-76)
Somerset. *SOMERSET HISTORIC DISTRICT*, roughly both sides of Main St. from High St. to properties facing Market Sq.; both sides of Columbus St. from jct. with Sheridan and Gay Sts., (9-5-75) HABS; G.
Somerset vicinity. *PARKS COVERED BRIDGE*, N of Somerset on CR 33, (9-10-74)
pickaway county
Circleville vicinity. *ARLEDGE MOUNDS I AND II*, (7-30-74)
Circleville vicinity. *LUTHOR LIST MOUND*, (10-16-74)
Circleville vicinity. *MOUNT OVAL (TOLBERT HOUSE)*, Off U.S. 23, (7-25-74)
Fox vicinity. *CLEMMONS, W.C., MOUND*, (5-2-74)
Kingston vicinity. *BELLEVUE*, N of Kingston on OH 159, (3-17-76)
Marcy vicinity. *FRIDLEY-OMAN FARM*, W of Marcy in Slate Run Metropolitan Park, (12-6-75)
Tarlton vicinity. *HORN MOUND*, (8-7-74)
Williamsport vicinity. *SHACK, THE*, NW of Williamsport, (5-23-74)
Williamsport vicinity. *TICK RIDGE MOUND DISTRICT*, NW of Williamsport, (6-11-75)
pike county
Jasper. *JONES-CUTLER HOUSE*, Bridge St., (4-26-76) HABS.
Morgantown vicinity. *EAGER INN*, N of Morgantown off OH 772, (11-8-74)
Piketon. *FRIENDLY GROVE*, OH 220, E of Piketon, (1-26-70)
Piketon. *PIKETON HISTORIC DISTRICT*, Bounded by West and 3rd Sts., U.S. 23, and the Scioto River, (2-28-74)
Piketon vicinity. *PIKETON MOUNDS*, (5-2-74)
Piketon vicinity. *VANMETER STONE HOUSE AND OUTBUILDINGS*, S. of Piketon at jct. of U.S. 23 and OH 124, (3-31-75)
Wakefield vicinity. *SCIOTO TOWNSHIP WORKS I*, (10-9-74)
portage county
Atwater. *ATWATER CONGREGATIONAL CHURCH*, 1237 OH 183, (2-23-73) HABS.
Aurora. *AURORA CENTER HISTORIC DISTRICT*, Roughly both sides of OH 306 from and including Pioneer Trail to Rte. 82, also Maple Lane, (6-20-74) HABS.
Aurora. *HOWARD, C. R., HOUSE*, 411 E. Garfield St., (8-13-74) HABS.
Aurora vicinity. *KENT, ZENO, HOUSE*, 2.5 mi. SW of Aurora on Aurora-Hudson Rd., (4-23-73) G.
Edinburg vicinity. *WADSWORTH, FREDERICK, HOUSE*, 4889 OH 14, (5-29-75)

Freedom. *FREEDOM CONGREGATIONAL CHURCH*, Public Green on OH 88, (7-7-75)
Garrettsville vicinity. *CASCADE HOUSE*, NE of Garrettsville on OH 282 in Nelson Ledge State Park, (7-1-75)
Garrettsville vicinity. *ELLENWOOD HOUSE*, NW of Garrettsville on OH 82, (6-20-75)
Hiram. *GARFIELD, JAMES A., HOUSE*, 6825 Hinsdale St., (1-30-76)
Hiram. *YOUNG, THOMAS F., HOUSE*, Wakefield and Garfield Sts., (10-22-76)
Hiram vicinity. *JOHNSON, JOHN, FARM*, 6203 Pioneer Trail, (12-12-76)
Kent. *DAVEY, JOHN, HOUSE*, 338 Woodard St., (5-29-75)
Kent. *FRANKLIN TOWNSHIP HALL*, 218 Gougher Ave., (10-10-75) HABS.
Kent. *KENT INDUSTRIAL DISTRICT*, Roughly bounded by Main, River, and S. Franklin Sts. and S property line of Portage Co., (12-30-74)
Kent. *MASONIC TEMPLE (MARVIN KENT HOUSE; "THE HOMESTEAD")*, 409 W. Main St., (7-18-74)
Kent. *OHIO STATE NORMAL COLLEGE AT KENT*, Hilltop Dr. on Kent State University campus, (5-30-75)
Kent. *WEST MAIN STREET DISTRICT*, 409-625 W. Main St., (6-17-77)
Kent vicinity. *FERREY, AARON, HOUSE (WINAN SNYDER HOUSE)*, 5058 Sunny Brook Rd., (8-13-74)
Mantua. *HINE, HORACE L., HOUSE*, 4624 West Prospect St., (12-12-76)
Mantua. *MANTUA STATION BRICK COMMERCIAL DISTRICT*, Main and Prospect Sts., (12-24-74)
Mantua Center. *MANTUA CENTER DISTRICT*, Roughly bounded by OH 82 and Mantua Center Rd., (10-9-74)
Palmyra. *PALMYRA CENTER HOTEL*, OH 225 and SR 18, (4-30-76)
Ravenna. *RIDDLE BLOCK*, Public Sq., Chestnut, and Main Sts., (3-17-76)
preble county
College Corner vicinity. *HUESTON WOODS PARK MOUND*, (11-5-71)
Eaton vicinity. *CHRISTMAN COVERED BRIDGE*, 1.5 mi. NW of Eaton, (10-22-76)
Eaton vicinity. *FORT ST. CLAIR SITE*, 1 mi. W of Eaton, (11-10-70)
Eaton vicinity. *ROBERTS COVERED BRIDGE*, 3 mi. S of Eaton over Seven Mile Creek, (9-3-71)
Fairhaven vicinity. *HARSHMAN COVERED BRIDGE*, 4 mi. N of Fairhaven on Concord-Fairhaven Rd. spanning Four Mile Creek, (9-29-76)
Gratis vicinity. *BRUBAKER COVERED BRIDGE*, W of Gratis on Aukerman Creek Rd., (6-11-75)
Lewistown vicinity. *GEETING COVERED BRIDGE*, 2 mi. W of Lewistown on Price Rd., (8-19-75)
Lewistown vicinity. *WARNKE COVERED BRIDGE*, NE of Lewistown on Swamp Creek Rd., (10-8-76)
putnam county
Glandorf. *ST. JOHN THE BAPTIST ROMAN CATHOLIC CHURCH*, OH 694 and Main St., (6-17-77)
Ottawa. *OTTAWA WATERWORKS BUILDING*, 1035 E. 3rd St., (9-13-76)
Ottawa. *PUTNAM COUNTY COURTHOUSE*, Courthouse Sq., (5-3-74)

richland county
Bellville. *ALL SOULS UNITARIAN-UNIVERSALIST CHURCH*, 125 Church St., (1-1-76)
Bellville. *BELLVILLE BANDSTAND*, North Bellville Municipal Park, (11-26-73)
Bellville. *BELLVILLE VILLAGE HALL*, Park Pl. and Church St., (3-17-76)
Bellville. *GURNEY-KOCHHEISER HOUSE*, 174 Main St., (4-30-76)
Lucas vicinity. *MALABAR FARM*, SE of Lucas on Pleasant Valley Rd., (4-11-73)
Mansfield. *BUSHNELL, MARTIN, HOUSE*, 34 Sturges Ave., (4-26-74)
Mansfield. *KINGWOOD CENTER*, 900 Park Ave., W., (11-7-76)
Mansfield. *OAK HILL COTTAGE*, 310 Springmill St., (6-11-69)
Mansfield. *RENNER AND WEBER BREWERY*, 79 E. 4th St., (9-16-77)
ross county
Bainbridge. *HARRIS, DR. JOHN, DENTAL SCHOOL*, Main St., (7-23-73)
Bainbridge vicinity. *CAMPBELL, T. C., MOUND*, SW of Bainbridge, (7-15-74)
Bainbridge vicinity. *SEIP EARTHWORKS AND BILL MOUNDS DISTRICT*, U.S. 50 3 mi. E of Bainbridge, (8-13-74)
Bourneville vicinity. *SPRUCE HILL WORKS*, (2-23-72)
Chillicothe. *ADENA MOUND*, 947-999 Orange St., (6-5-75) G.
Chillicothe. *CANAL WAREHOUSE*, Main and Mulberry Sts., (4-24-73)
Chillicothe. *CHILLICOTHE'S OLD RESIDENTIAL DISTRICT*, (11-28-73)
Chillicothe. *KENDRICK-BARRETT HOUSE*, 475 Western Ave., (3-14-73)
Chillicothe. *MACOMB, MARY WORTHINGTON, HOUSE*, 490 S. Paint St., (4-26-76)
Chillicothe. *OAK HILL*, Dun Rd., (4-3-73)
Chillicothe. *RENICK HOUSE, PAINT HILL*, 17 Mead Dr., (5-9-73)
Chillicothe. *STORY MOUND STATE MEMORIAL*, (3-7-73)
Chillicothe vicinity. *ADENA, W. Allen Ave. extended*, (11-10-70) HABS.
Chillicothe vicinity. *ANDERSON, LEVI, HOUSE*, W of Chillicothe on Anderson Station Rd., (12-12-76)
Chillicothe vicinity. *BROWN, AUSTIN, MOUND*, NW of Chillicothe, (2-15-74)
Chillicothe vicinity. *CEDAR-BANK WORKS*, (2-15-74)
Chillicothe vicinity. *GREAT SEAL PARK ARCHEOLOGICAL DISTRICT*, (12-2-74)
Chillicothe vicinity. *HIGH BANKS WORKS*, (7-16-73)
Chillicothe vicinity. *HOPEWELL MOUND GROUP*, (2-12-74)
Chillicothe vicinity. *METZGER, CHARLES, MOUND*, (6-18-73)
Chillicothe vicinity. *MOUND CITY GROUP NATIONAL MONUMENT*, N of Chillicothe, (10-15-66)
Chillicothe vicinity. *STITT, DAVID, MOUND*, (11-9-72)
Frankfort. *FRANKFORT WORKS MOUND*, (5-17-73)
Hopetown vicinity. *HOPETON EARTHWORKS*, (10-15-66) NHL.
South Salem vicinity. *KINZER MOUND*, (1-17-74)
South Salem vicinity. *"SOUTH SALEM COVERED BRIDGE*, W of South Salem on Lower Twin Rd. across Bucksin Creek, (3-4-75)

sandusky county
Burgoon vicinity. *MULL COVERED BRIDGE*, E of Burgoon between OH 12 and 53, (10-15-74)
Clyde. *MCPHERSON, MAJ. GEN. JAMES B., HOUSE*, 300 E. McPherson Hwy., (10-18-74)
Fremont. *BUCKLAND, RALPH P., HOUSE*, 300 S. Park Ave., (12-17-74)
Fremont. *HAYES, RUTHERFORD B., HOUSE (SPIEGEL GROVE)*, Hayes and Buckland Aves., (10-15-66) NHL; G.
Fremont. *ST. PAUL'S EPISCOPAL CHURCH*, 200 N. Park Ave., (6-9-77)
scioto county
Otway. *OTWAY COVERED BRIDGE*, Off OH 348, (5-3-74)
Portsmouth. *FIRST PRESBYTERIAN CHURCH*, 221 Court St., (11-28-73) G.
Portsmouth. *HORSESHOE MOUND*, Within Mound Park, (5-2-74)
Portsmouth. *KINNEY, AARON, HOUSE*, Waller St., (7-2-73)
Portsmouth vicinity. *LYRIC THEATER*, 820 Gallia St., (5-15-74)
Portsmouth vicinity. *FEURT MOUNDS AND VILLAGE SITE*, (6-18-73)
West Portsmouth vicinity. *MOORE, PHILIP, STONE HOUSE*, S of West Portsmouth on OH 239, (10-21-75)
West Portsmouth vicinity. *TREMPER MOUND AND WORKS*, (12-8-72)
seneca county
Tiffin. *FOUNDERS HALL, HEIDELBERG COLLEGE*, Perry St. (OH 18), (3-20-73)
shelby county
Lockington. *LOCKS HISTORICAL AREA*, Reference—see Miami County
Lockington vicinity. *LOCKINGTON COVERED BRIDGE*, 1 mi. E of Lockington on SR 132, (6-10-75)
Sidney. *PEOPLE'S FEDERAL SAVINGS AND LOAN ASSOCIATION*, Public Sq., 101 E. Court St. at Ohio Ave., (6-5-72)
Sidney. *WHITBY MANSION*, 429 N. Ohio Ave., (12-12-76)
stark county
Alliance. *GLAMORGAN*, 1025 S. Union Ave., (10-5-72)
Alliance. *HAINES HOUSE*, 186 W. Market St., (7-30-74)
Alliance. *MOUNT UNION COLLEGE DISTRICT*, (10-5-72)
Canton. *MCKINLEY, WILLIAM, TOMB*, 7th St., NW., (11-10-70) NHL.
Canton. *ST. JOHN'S CATHOLIC CHURCH*, 6th St. and McKinley Ave., NW, (5-27-75)
Canton. *STARK COUNTY COURTHOUSE AND ANNEX*, Market and Tuscarawas Sts., (4-3-75)
Magnolia vicinity. *SEVEN RANGES TERMINUS*, W of Magnolia at jct. of Stark, Tuscarawas, and Carroll counties, (12-12-76)
Massillon. *FIVE OAKS*, 210 4th St., NE., (4-11-73)
Massillon. *SPRING HILL*, Wales Rd., NE., (4-14-72) G.
New Baltimore. *NEW BALTIMORE INN*, 14722 Ravenna Ave., (12-18-75)
Uniontown vicinity. *LAKE TOWNSHIP SCHOOL*, E of Uniontown at 1101 Lake Center St., (6-22-76)
Wilnot. *WILMOT UNITED BROTHERS CHURCH*, Massillon St., (6-22-76)
summit county
Akron. *FORT ISLAND WORKS*, (12-2-70)

Akron. *GOODYEAR AIRDOCK*, S side of Akron Municipal Airport, (4-11-73)
Akron. *HOWER MANSION*, 60 Fir Hill, (4-11-73) G.
Akron. *JACKSON, ANDREW, HOUSE (ODD FELLOWS TEMPLE)*, 277 E. Mill St., (2-13-75)
Akron. *LOEW'S THEATRE*, 182 S. Main St., (7-16-73)
Akron. *MILLER, LEWIS, HOUSE*, 142 King Dr., (1-30-76)
Akron. *OLD AKRON POST OFFICE*, 70 E. Market St., (6-19-72)
Akron. *PERKINS, COL. SIMON, MANSION*, 550 Copley Rd., (8-13-74)
Akron. *ST. PAUL'S SUNDAY SCHOOL AND PARISH HOUSE*, E. Market and Forge Sts., (11-7-76)
Akron. *STAN HYWET HALL AND GARDENS*, 714 N. Portage Path, (1-17-75)
Akron. *SUMMIT COUNTY COURTHOUSE AND ANNEX*, 209 S. High St., (10-15-74)
Akron. *WERNER COMPANY BUILDING*, (12-12-76)
Barberton. *ANNA-DEAN FARM*, OH 619, (7-14-77)
Barberton. *BARBER, O. C., BARN NO. 1*, 115 3rd St., (2-28-73)
Barberton. *BARBER, O. C., COLT BARN*, Austin Dr., (10-9-74)
Barberton. *BARBER, O. C., CREAMERY*, 365 Portsmouth Ave., (5-22-73)
Barberton. *BARBER, O. C., MACHINE BARN*, Austin Dr., (10-9-74)
Barberton. *BARBER, O. C., PIGGERY (PORK PALACE)*, 248 Robinson Ave., (5-22-73)
Bath. *HALE, JONATHAN, HOMESTEAD*, 2686 Oak Hill Rd., (4-23-73) HABS; G.
Cuyahoga Falls. *CHUCKERY RACE*, (12-15-72)
Cuyahoga Falls. *FIRST CONGREGATIONAL CHURCH*, 130 Broad Blvd., (11-3-75)
Everett vicinity. *EVERETT KNOLL COMPLEX*, S of Everett, (5-25-77)
Hudson. *HUDSON HISTORIC DISTRICT*, (11-28-73)
Hudson. *WESTERN RESERVE ACADEMY*, Roughly bounded by Aurora St. and both sides of Oviatt, High, and N. Main Sts., (6-30-75)
Hudson vicinity. *BROWN, JOHN, FARM-HOUSE*, 1842 Hines Hill Rd., (9-22-77)
Munroe Falls. *THORNTON-GUISE KITCHEN AND HOUSE*, 147 S. Main St., (5-6-76)
Northfield Center. *PALMER HOUSE*, 9370 Olde Eight Rd., (8-13-74)
Peninsula. *PENINSULA VILLAGE HISTORIC DISTRICT*, Both sides of OH 303, (8-23-74)
Peninsula vicinity. *EVERETT ROAD COVERED BRIDGE*, SW of Peninsula on Everett Rd. over Furnace Creek, (5-23-74)
Peninsula vicinity. *OHIO AND ERIE CANAL DEEP LOCK*, S of Peninsula on Riverview Rd., (9-9-74)
Sagamore Hills. *MCKISSON, ROBERT, HOUSE*, 7878 N. Gannett Rd., (12-4-74)
Tallmadge. *TALLMADGE TOWN SQUARE HISTORIC DISTRICT*, Public Sq., (5-6-71) HABS; G.
Twinsburg. *TWINSBURG CONGREGATIONAL CHURCH*, Twinsburg Public Sq., (5-3-74) HABS.
Twinsburg. *TWINSBURG INSTITUTE*, 8996 Darrow Rd., (1-1-76)
Twinsburg vicinity. *HERRICK, JONATHAN, HOUSE*, 8327 Darrow Rd., (7-18-74) HABS.

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trumbull county
Braceville vicinity. *ELWELL, AUGUSTUS, HOUSE*, NW of Braceville on OH 82, (11-3-75)
Braceville vicinity. *MASON, JOHN WESLEY, GOTHIC COTTAGE*, NW of Braceville on OH 534, (11-12-75)
Gustavus and vicinity. *GUSTAVUS CENTER HISTORIC DISTRICT*, Town of Gustavus situated at jct. of OH 193 and OH 87, (8-6-75)
Howland Corners vicinity. *SFELY, DR JOHN W., HOUSE*, 2245 Niles-Cortland Rd., (4-14-72)
Kendilworth. *RAYMOND, LIBERTY G., TAVERN AND BARN*, OH 87 and Dennison-Ashtabula Rd., (6-20-75)
Kinsman. *CON*, Near OH 5 and 7, (9-3-71) HABS.
Kinsman. *DARROW, CLARENCE, OCTAGON HOUSE*, OH 5 and 7, (9-10-71) G.
Kinsman vicinity. *ALLEN, DR PETER, HOUSE*, W. Williamsfield State Rd., N of intersection of OH 87, (9-3-71) HABS.
Mesopotamia. *MESOPOTAMIA VILLAGE DISTRICT*, OH 534 and 87, (12-24-74)
Newton Falls. *NEWTON FALLS COVERED BRIDGE*, Off OH 534, (10-16-74)
Niles. *MCKINLEY MEMORIAL*, 40 N. Main St., (10-31-75)
North Bloomfield. *BROWN, CHARLES, GOTHIC COTTAGE*, OH 45 S., (5-28-75)
North Bloomfield. *BROWN-WING HOUSE*, Park West Rd., (6-20-75)
North Bloomfield. *BROWNWOOD*, OH 45, (9-3-71) HABS.
Warren. *MAHONING AVENUE HISTORIC DISTRICT*, 241-391 Mahoning Ave., NW., (10-26-71) HABS.
Warren. *TRUMBULL COUNTY COURTHOUSE*, 160 High St., NW., (12-31-74)
Warren. *WARREN PUBLIC LIBRARY (CARNEGIE-SUTLIF PUBLIC LIBRARY)*, 120 High St., NW., (3-20-73)

tuscarawas county
Bolivar vicinity. *FORT LAURENS SITE*, Near OH 212, 0.5 mi. S of Bolivar, (11-10-70) G.
Dennison. *PENNSYLVANIA RAILROAD DEPOT AND BAGGAGE ROOM*, Center St., (9-8-76)
Gnadenhutten vicinity. *GNADENHUTTEN MASSACRE SITE*, S of Gnadenhutten on county rte., (11-10-70)
New Philadelphia. *SCHOENBRUNN SITE*, U.S. 250, (1-1-75)
New Philadelphia. *TUSCARAWAS COUNTY COURTHOUSE*, Courthouse Sq., (7-16-73)
Zoar. *ZOAR HISTORIC DISTRICT*, Bounded by 5th, Foltz, and 1st Sts. and by rear property lines of properties fronting West St. on the W., (6-23-69) HABS; G.

union county
Marysville vicinity. *ELLIS MOUNDS*, (7-30-74)
Marysville vicinity. *GILCRIST HOUSE*, 3.5 mi. SE of Marysville off U.S. 33, (8-13-76)
Marysville vicinity. *REED COVERED BRIDGE*, 3.5 mi. S of Marysville off SR 38, (3-4-75)

van wert county
Van Wert. *VAN WERT COUNTY COURTHOUSE*, 121 E. Main St., (7-30-74)

vinton county
Allensville vicinity. *MT. OLIVE ROAD COVERED BRIDGE*, 1 mi. NE of Allensville on Mount Olive Rd., (10-8-76)

NOTICES

Arbaugh. *EAKIN MILL COVERED BRIDGE*, Mound Hill Rd., (3-16-76)
Londonderry vicinity. *RATCLIFFE MOUND*, E of Londonderry, (8-28-75)
McArthur. *TRINITY EPISCOPAL CHURCH*, Sugar and High Sts., (3-16-76)
Wilkesville vicinity. *PONN HUMPBACK COVERED BRIDGE*, 4 mi. SW of Wilkesville over Raceoon Creek, (4-11-73)
Zaleski. *MARKHAM MOUND*, (5-3-74)
Zaleski. *RANGER STATION MOUND*, Off OH 278, (7-15-74)
Zaleski. *ZALESKI METHODIST CHURCH MOUND*, 22 N. Broadway, (7-15-74)
Zaleski vicinity. *HOPE FURNACE*, 5 mi. NE of Zaleski on OH 278, (5-25-73)

warren county
Foster vicinity. *LANDEN MOUNDS I AND II*, W of Foster, (5-27-75)
Franklin. *OLD LOG POST OFFICE*, 5th and River Sts., (3-17-76)
Franklin vicinity. *HILL-KINDER MOUND*, (11-5-71)
Harveysburg. *HARVEY, ELIZABETH, FREE NEGRO SCHOOL*, North St., (11-17-77)
Lebanon. *GLENDOWER*, U.S. 42 (Cincinnati Ave.), (11-10-70)
Lebanon vicinity. *CROSSED KEYS TAVERN*, E of Lebanon on OH 350, (10-21-76)
Lebanon vicinity. *FORT ANCIENT*, Hopewell and Fort Ancient cultures, (10-15-66) NHL.
Morrow vicinity. *MOAR MOUND AND VILLAGE*, W of Morrow, (1-1-76)
Oregonia vicinity. *BONE MOUND II*, NW of Oregonia, (7-15-74)
Oregonia vicinity. *BONE STONE GRAVES*, NW of Oregonia, (7-15-74)
Otterbein vicinity. *ARMCO PARK MOUND I*, NW of Otterbein, (5-29-75)
Otterbein vicinity. *ARMCO PARK MOUND II*, NW of Otterbein, (5-29-75)

washington county
Bartlett vicinity. *SHINN COVERED BRIDGE*, NE of Bartlett off OH 555, (10-8-76)
Dart vicinity. *HUNE COVERED BRIDGE*, 2.5 mi. N of Dart on SR 34, (10-8-76)
Decaturville vicinity. *ROOT COVERED BRIDGE*, 0.5 mi. N of Decaturville on SR 6, (3-27-75)
Marietta. *ERWIN HALL, MARIETTA COLLEGE*, 5th St. on Marietta College campus, (4-23-73)
Marietta. *FIRST UNITARIAN CHURCH OF MARIETTA*, 232 3rd St., (10-3-73)
Marietta. *HARMAR HISTORIC DISTRICT*, Roughly bounded by the Ohio and Muskingum Rivers and the rear property lines of Lancaster, George, and Franklin Sts., (12-19-74)
Marietta. *MARIETTA HISTORIC DISTRICT*, Roughly bounded by the Muskingum and Ohio Rivers and Warren, 3rd, 5th, and 6th Sts., (12-19-74) G.
Marietta. *MOUND CEMETERY MOUND (CONUS MOUND)*, 5th and Scammel Sts., (2-23-73)
Marietta. *OHIO COMPANY LAND OFFICE*, Washington and 2nd Sts., Campus Martius Museum, (11-10-70)
Marietta. *PUTNAM, RUFUS, HOUSE*, Campus Martius Museum, corner of 2nd and Washington Sts., (11-10-70)
Marietta. *W. P. SNYDER, JR. (STEAMBOAT)*, On Muskingum River at Sacra Via, (11-10-70)
Marietta. *WILCOX-MILLS HOUSE (PRESIDENT'S HOUSE, MARIETTA COLLEGE)*, 301 5th St., (4-13-73)

wyandot county
Upper Sandusky. *WYANDOT COUNTY COURTHOUSE AND JAIL*, Courthouse Sq., (7-2-73)
Upper Sandusky vicinity. *INDIAN MILL*, 3.5 mi. NE of Upper Sandusky on Crane Twship Rd., (11-10-70)
Upper Sandusky vicinity. *PARKER COVERED BRIDGE*, 5 mi. NE of Upper Sandusky on SR 40A, (3-31-75)
Upper Sandusky vicinity. *WYANDOT MISSION CHURCH*, N of Upper Sandusky off Church St., (1-20-76)
Wyandot vicinity. *SWARTZ COVERED BRIDGE*, NW of Wyandot on SR 130A, (10-8-76)

Marietta vicinity. *RINARD COVERED BRIDGE*, NE of Marietta on SR 406, (10-8-76)
Watertown vicinity. *HARRA COVERED BRIDGE*, 2 mi. NW of Watertown on SR 172, (10-8-76)

wayne county
Marshallville vicinity. *ZIMMERMAN, EZEKIEL B., OCTAGON HOUSE*, NW of Marshallville on OH 57, (5-28-75)
Millbrook. *KISTER MILL*, Jct. of Twship Rds. 34 and 228, (7-10-74)
Orrville vicinity. *BARNET-HOOVER LOG HOUSE*, NW of Orrville, (8-13-74)
Wooster. *BEALL, GEN. REASIN, HOUSE*, 46 E. Bowman St., (6-7-76)
Wooster. *McSWEENEY, JOHN, HOUSE*, 531 N. Market St., (7-30-74)
Wooster. *WAYNE COUNTY COURTHOUSE DISTRICT*, (7-26-73)

williams county
Bryan. *WILLIAMS COUNTY COURTHOUSE*, Main and High Sts., (5-7-73)
Kunkle vicinity. *KUNKLE LOG HOUSE*, 1 mi. E of jct. of CR 17 and 0, (8-5-76)
Nettle Lake vicinity. *NETTLE LAKE MOUND GROUP*, (3-27-74)

wood county
INTERURBAN BRIDGE (OHIO ELECTRIC RAILROAD BRIDGE, ROCHE DE BOEUF), Reference—see Lucas County
Bowling Green. *WOOD COUNTY COURTHOUSE AND JAIL*, 200 E. Court St., (6-25-74)
Grand Rapids. *HEETER-RUSSO HOUSE*, 24570 2nd St., (5-29-75)
Grand Rapids. *THURSTON BUILDING*, Front St., (5-29-75)
Grand Rapids. *TOWN HALL*, Front St., (5-27-75)
Perrysburg. *HOOD-SIMMONS HOUSE*, 202 W. 5th St., (12-30-74)
Perrysburg. *OLD WOOD COUNTY JAIL*, 240 W. Indiana Ave., (12-17-69) HABS; G.
Perrysburg. *PERRYSBURG HISTORIC DISTRICT*, Front St. (between E. Boundary St. and W. Boundary Lane), 2nd St. (between Pine and Hickory Sts.) and 3rd St. (at Louisiana Ave.), (4-14-75)
Perrysburg and vicinity. *EAST RIVER ROAD HISTORIC DISTRICT II*, 577 E. Front St. to 28589 E. River Rd., (11-21-76)
Perrysburg vicinity. *SPAFFORD HOUSE*, 27338 W. River Rd., (7-15-74)
Perrysville vicinity. *FORT MEIGS*, 1.3 mi. SW of Perrysville, (8-4-69) NHL.
Rossford vicinity. *EAST RIVER ROAD HISTORIC DISTRICT I*, 29455 to 30465 E. River Rd. (N side only), (11-21-76)

wyandot county
Upper Sandusky. *WYANDOT COUNTY COURTHOUSE AND JAIL*, Courthouse Sq., (7-2-73)
Upper Sandusky vicinity. *INDIAN MILL*, 3.5 mi. NE of Upper Sandusky on Crane Twship Rd., (11-10-70)
Upper Sandusky vicinity. *PARKER COVERED BRIDGE*, 5 mi. NE of Upper Sandusky on SR 40A, (3-31-75)
Upper Sandusky vicinity. *WYANDOT MISSION CHURCH*, N of Upper Sandusky off Church St., (1-20-76)
Wyandot vicinity. *SWARTZ COVERED BRIDGE*, NW of Wyandot on SR 130A, (10-8-76)

OKLAHOMA

adair county

Stilwell vicinity. *GOLDA'S MILL*, 12 mi. NW of Stilwell, (11-9-72)

alfalfa county

Cleo Springs vicinity. *SOD HOUSE*, About 4 mi. N of Cleo Springs, (9-29-70)

atoka county

Atoka vicinity. *BOGGY DEPOT SITE*, 14 mi. SW of Atoka, (4-19-72)
Atoka vicinity. *MIDDLE BOGGY BATTLEFIELD SITE AND CONFEDERATE CEMETERY*, 1 mi. N of Atoka, (4-19-72)
Limestone Gap vicinity. *LEFLORE, CAPT. CHARLES, HOUSE*, 0.5 mi. N of Limestone Gap on U.S. 69, (6-13-72)
Wapanucka vicinity. *FIRST OIL WELL IN OKLAHOMA (OLD FAUCETT WELL)*, 4 mi. NE of Wapanucka, (4-13-72)
Wesley vicinity. *WADDELL'S STATION SITE*, About 3 mi. SW of Wesley, (4-13-72)

beaver county

Beaver City. *LANE CABIN*, Main St. and Ave. C, (6-5-74)
Beaver City. *PRESBYTERIAN CHURCH*, 3rd St. and Ave. E, (5-16-74)
Turpin vicinity. *SHARPS CREEK CROSSING SITE*, 5 mi. SE of Turpin, (4-4-75)

beckham county

Carter vicinity. *EDWARDS ARCHEOLOGICAL SITE*, (9-19-73)
Elk City. *WHITED GRIST MILL*, 306 E. 7th St., (1-1-76)

blaine county

Canton vicinity. *CANTONMENT*, (4-28-70)
Geary vicinity. *CHISHOLM, JESSE, GRAVE SITE*, NW of Geary on SR, (12-16-71)
Okeene. *KEENE FLOUR MILL*, Off OK 51, (11-7-76)
Watonga. *FERGUSON, THOMPSON BENTON, HOUSE*, 521 N. Weigel St., (5-17-73)

bryan county

Achille vicinity. *BLOOMFIELD ACADEMY SITE*, S of Achille off OK 78, (11-15-72)
Bokchito vicinity. *ARMSTRONG ACADEMY SITE*, 3 mi. NE of Bokchito, (4-13-72)
Colbert vicinity. *COLBERT'S FERRY SITE*, 3 mi. SE of Colbert, (6-29-72)
Durant. *OKLAHOMA PRESBYTERIAN COLLEGE*, 601 N. 16th St., (12-12-76)
Durant vicinity. *CARRIAGE POINT (FISHER'S STATION)*, 4 mi. W of Durant, (6-29-72)
Kenefic vicinity. *FORT MCCULLOCH*, 2 mi. SW of Kenefic, (6-21-71) G.
Keneflick vicinity. *NAIL'S STATION (NAIL'S CROSSING ON THE BLUE RIVER)*, 2 mi. SW of Kenefick, (6-29-72)
Nida vicinity. *FORT WASHITA*, SW of Nida on OK 199, (10-15-66) NHL; G.

caddo county

Apache. *APACHE STATE BANK (AMERICAN NATIONAL BANK, INMAN BUILDING)*, Evans and Coblake Sts., (7-17-72)
Fort Cobb vicinity. *FORT COBB SITE*, 1 mi. E of Fort Cobb, (3-1-73)
Hinton vicinity. *ROCK MARY*, 4 mi. W of Hinton, (6-22-70)

canadian county

El Reno. *RED CROSS CANTEEN*, Rock Island Depot, (9-5-75)

NOTICES

El Reno vicinity. *DARLINGTON AGENCY SITE*, About 6 mi. NW of El Reno, (8-14-73)

El Reno vicinity. *FORT RENO*, 3 mi. W and 2 mi. N of El Reno, (6-22-70)

carter county

Ardmore vicinity. *BRADY CABIN*, 38 mi. NW of Ardmore, (12-5-77)

cherokee county

Park Hill. *MURRELL HOME (HUNTER'S HOME)*, (6-22-70) NHL.
Tahlequah. *CHEROKEE FEMALE SEMINARY*, Northeastern State College campus, (4-5-73)
Tahlequah. *CHEROKEE NATIONAL CAPITOL*, (10-15-66) NHL.
Tahlequah. *CHEROKEE NATIONAL JAIL*, Choctaw St. and Water Ave., (6-28-74)
Tahlequah. *CHEROKEE SUPREME COURT BUILDING*, Keetoowah St. and Water Ave., (6-28-74)
Tahlequah. *INDIAN UNIVERSITY OF TAHLEQUAH*, 320 Academy, (7-6-76)
Tahlequah vicinity. *FIRST CHEROKEE FEMALE SEMINARY SITE*, SE of Tahlequah, (4-30-74)

choctaw county

Fort Towson vicinity. *DOAKSVILLE SITE*, N of Fort Towson, (5-29-75)
Fort Towson vicinity. *FORT TOWSON*, 1 mi. NE of Fort Towson, (9-29-70) G.
Fort Towson vicinity. *SPENCER ACADEMY*, 10 mi. N of Fort Towson, (5-21-75)
Swink vicinity. *CHIEF'S HOUSE*, 1.5 mi. NE of Swink, (6-21-71)

cimarron county

Wheless vicinity. *CAMP NICHOLS*, 3 mi. NE of Wheless on Ranch Rd., (10-15-66) NHL.

cleveland county

Norman. *PRESIDENT'S HOUSE, UNIVERSITY OF OKLAHOMA*, 401 W. Boyd St., (7-6-76)

comanche county

Cache vicinity. *PARKER, QUANAH, STAR HOUSE*, Eagle Park, (9-29-70)
Elgin vicinity. *PENATEKA*, 3.5 mi. W of Elgin on U.S. 277, (11-7-76)
Fort Sill. *CAMP COMANCHE SITE*, Off U.S. 277, (5-12-77)
Fort Sill. *GENERAL OFFICERS QUARTERS (PATRICK HURLEY HOUSE)*, 1310 Shanklin Ct., (4-14-75)
Fort Sill. *MEDICINE BLUFFS*, Medicine Bluff Creek, (12-31-74)
Lawton. *BEAL, MATTIE, HOUSE*, 5th St. and Summit Ave., (8-19-75)
Lawton. *CARNEGIE LIBRARY*, B Ave. and 5th St., (8-19-76)
Lawton vicinity. *BUILDING 309, FORT SILL INDIAN SCHOOL*, E edge of Lawton, off U.S. 62, (10-15-73)
Lawton vicinity. *FORT SILL*, N of Lawton, (10-15-66) NHL.
Lawton vicinity. *OLD TOWER TWO*, NW of Lawton at jct. of Signal Mountain and Tower Two Rds., (12-31-74)

commanche county

Fort Sill. *INDIAN CEMETERIES*, Fort Sill Military Reservation, (8-10-77)

delaware county

Grove vicinity. *SPLITLOG CHURCH (CAYUGA MISSION CHURCH)*, About 9 mi. NE of Grove, (10-26-72)
Jay vicinity. *POLSON CEMETERY*, NE of Jay, (11-21-77)

Rose vicinity. *SALINE COURTHOUSE*, 1 mi. SE of Rose off OK 33, (1-1-76)
Siloam Springs vicinity. *HILDEBRAND MILL (BECK MILL)*, 10 mi. W of Siloam Springs, (10-18-72)

ellis county

Arnett vicinity. *GRAND TOWN SITE*, 14 mi. S of Arnett, (6-5-72)

garvin county

Davis vicinity. *INITIAL POINT*, About 7.5 mi. W of Davis on Garvin/Murray county line, (10-6-70) (also in murray county)
Erin Springs. *ERIN SPRINGS MANSION (FRANK MURRAY HOME)*, S of Washita River, (6-22-70) G.
Hoover. *FORT ARBUCKLE SITE*, About 0.5 mi. N of Hoover on SR, (6-13-72)

haskell county

Keota vicinity. *OTTER CREEK ARCHEOLOGICAL SITE*, (12-31-74)
Kinta vicinity. *MCCURTAIN, GREEN, HOUSE*, (6-21-71)

hughes county

Wetumka vicinity. *LEVERING MISSION*, NE of Wetumka, (5-16-74)

jackson county

Olustee vicinity. *FULLERTON DAM*, 7 mi. NW of Olustee, (11-7-76) HABS.

johnston county

Bromide vicinity. *WAPANUCKA ACADEMY SITE*, 2 mi. SE of Bromide, (6-13-72)
Emet vicinity. *WHITE HOUSE OF THE CHICKASAWS*, NW of Emet, (8-5-71) G.
Tishomingo. *CHICKASAW NATIONAL CAPITOLES*, Capitol Ave. between 8th and 9th Sts., (11-5-71)
Tishomingo. *TISHOMINGO CITY HALL*, W. Main St., (5-21-75)

kay county

Blackwell. *ELECTRIC PARK PAVILION*, 300 S. Main, (9-29-76)
Newkirk vicinity. *DEER CREEK SITE*, 6 mi. NE of Newkirk, (10-15-66) NHL; G.
Newkirk vicinity. *JENKINS, GOV. WILLIAM W., HOMESTEAD SITE*, 3 mi. SE of Newkirk, (10-14-76)
Ponca City. *MARLAND, E. W., MANSION (THE VILLA)*, Monument Rd., (4-11-73)
Ponca City. *MARLAND-PARIS HOUSE*, 1000 E. Grand, (9-28-76)
Ponca City vicinity. *101 RANCH*, 12 mi. SW of Ponca City on OK 156, (4-11-73) NHL.
Tonkawa vicinity. *NEZ PERCE RESERVATION*, (2-15-74)
Washunga. *KAW INDIAN AGENCY*, N of the Arkansas River, (4-11-73)

kingfisher county

Kingfisher. *SEAY MANSION*, 11th St. and Zellers Ave., (3-24-71)
Kingfisher vicinity. *KINGFISHER COLLEGE SITE*, 1 mi. E of Kingfisher, (10-22-76)

kiowa county

Lugert vicinity. *DEVIL'S CANYON*, About 3 mi. SE of Lake Altus Dam, (6-20-72)
Mountain Park. *CAMP RADZIMINSKI*, About 4 mi. NW of Mountain Park, (4-13-72)

latimer county

Higgins vicinity. *PUSLEY'S STATION*, 2 mi. SW of Higgins, (4-13-72)
Red Oak vicinity. *EDWARDS STORE*, 8 mi. NE of Red Oak, (4-13-72)
Red Oak vicinity. *HOLLOWAY'S STATION*, About 5 mi. NE of Red Oak, (4-13-72)

OHIO 5283

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Wilburton vicinity. *MCLAUGHLIN SITE*, (6-28-72) g.
Wilburton vicinity. *RIDDLE'S STATION SITE*, About 3 mi. E of Wilburton, (6-13-72)
Wister vicinity. *LAKE WISTER LOCALITY*, (8-19-75) (also in LeFlore County)

le flore county

Cameron vicinity. *REYNOLDS, JAMES E., HOUSE*, E of Cameron off OK 112, (4-13-77)
Hodgens vicinity. *CONSER, PETER, HOUSE*, 3.5 mi. W of Hodgens, (6-21-71)
Shadypoint. *TRAHERN'S STATION (COUNCIL HOUSE)*, 9 mi. W of Shadypoint, (4-25-72)
Spiro vicinity. *CHOCTAW AGENCY (WALKER STATION (OLD SKULLYVILLE))*, 1 mi. E of Skullyville on SR, (5-5-72)
Spiro vicinity. *SPIRO MOUND GROUP*, (9-30-69)
Talihina vicinity. *OLD MILITARY ROAD*, 7 mi. NE of Talihina on Ouachita National Forest, (10-22-76)
Wister vicinity. *LAKE WISTER LOCALITY*, Reference—see Latimer County

le flore county

Cameron vicinity. *JENSON TUNNEL*, NE of Cameron off OK 112, (5-13-76) HABS.

lincoln county

Chandler vicinity. *TILGHMAN, MARSHAL WILLIAM M., HOMESTEAD*, 2 mi. NW of Chandler off U.S. 66, (1-11-76)
Stroud vicinity. *KEOKUK, MOSES, HOUSE*, 6 mi. S of Stroud, (6-19-73)

logan county

Guthrie. *CARNEGIE LIBRARY*, Oklahoma Ave. and Ash St., (6-21-71)
Guthrie. *CO-OPERATIVE PUBLISHING COMPANY BUILDING (STATE CAPITAL BUILDING)*, Harrison Ave. and 2nd St., (3-7-73)
Guthrie. *GUTHRIE HISTORIC DISTRICT*, Roughly bounded by 14th St., College Ave., Pine St., and Lincoln Ave.; includes fairgrounds, (6-13-74) HABS.

love county

Marietta vicinity. *WASHINGTON, BILL, RANCHHOUSE*, About 4 mi. SW of Marietta, (7-27-71)

mayes county

Mazie vicinity. *UNION MISSION SITE*, About 5 mi. NE of Mazie, (9-10-71)
Pensacola vicinity. *CABIN CREEK BATTLEFIELD*, 3 mi. N of Pensacola, (7-27-71)

mc curtain county

Bethel vicinity. *PINE CREEK MOUND GROUP*, (1-21-74)
Eagletown vicinity. *GARDNER, JEFFERSON, HOUSE*, 3 mi. W of Eagletown off U.S. 70, (4-4-75)
Idabel. *SPAULDING-OLIVE HOUSE*, 601 SE Adams, (9-28-76)
Millerton vicinity. *WHELOCK ACADEMY*, E of Millerton on U.S. 70, (11-9-72) NHL.
Millerton vicinity. *WHELOCK CHURCH*, 2 mi. NE of Millerton, (11-9-72)

mcintosh county

Rentiesville vicinity. *HONEY SPRINGS BATTLEFIELD*, N of Rentiesville, (9-29-70) (also in Muskogee County)

NOTICES

murray county

INITIAL POINT, Reference—see Garvin County
Sulphur vicinity. *LOWRANCE SPRINGS SITE*, 3 mi. SE of Sulphur off OK 18, (3-10-75)

muskogee county

HONEY SPRINGS BATTLEFIELD, Reference—see McIntosh County
Fort Gibson. *FORT GIBSON*, (10-15-66) NHL; HABS.
Muskogee. *FOREMAN, GRANT, HOUSE*, 1419 W. Okmulgee St., (9-19-73)
Muskogee. *UNION AGENCY*, Agency Hill in Honor Heights Park, (10-6-70)
Muskogee vicinity. *FORT DAVIS*, 2.5 mi. NE of Muskogee, (11-23-71)

okfuskee county

Boley. *BOLEY HISTORIC DISTRICT*, (5-15-75) NHL.
Okemah. *GUTHRIE, WOODY, HOUSE*, 301 S. 1st St., (12-4-75)

oklahoma county

Arcadia. *ARCADIA ROUND BARN*, U.S. 66, (12-23-77)
Edmond. *OLD NORTH TOWER, CENTRAL STATE COLLEGE*, 400 E. Hurd St., Central State College campus, (6-21-71)
Jones vicinity. *"RINGING THE WILD HORSE" SITE*, (1-25-71)
Oklahoma City. *CAPITOL-LINCOLN TERRACE HISTORIC DISTRICT*, Irregular pattern roughly bounded by 13th, 23rd, Lincoln Blvd. and Kelley Ave., (9-30-76)
Oklahoma City. *CENTRAL HIGH SCHOOL*, 700 block of N. Robinson, (11-7-76)
Oklahoma City. *COLCORD BUILDING*, Robinson and Sheridan, (11-7-76)
Oklahoma City. *FAIRCHILD WINERY*, 1600 NE. 81st St., (3-13-75)
Oklahoma City. *HARN HOUSE*, NE 17th and Stiles Sts., (4-13-73) g.
Oklahoma City. *OKLAHOMA CITY DISCOVERY WELL*, SE 57th St. and ITIO Blvd., (12-9-77)
Oklahoma City. *OKLAHOMA STATE CAPITOL*, 22nd St. and Lincoln Blvd., (10-8-76)
Oklahoma City. *OVERHOLSER HOUSE*, 405 N.W. 15th St., (6-22-70)
Oklahoma City. *POST OFFICE, COURTHOUSE, AND FEDERAL OFFICE BUILDING*, Robinson at 3rd St., (8-30-74)
Oklahoma City. *ST. PAUL'S CATHEDRAL*, 127 NW. 7th St., (4-11-77)

okmulgee county

Beggs vicinity. *ISPARHECHER HOUSE AND GRAVE*, 4 mi. W of Beggs off OK 16, (7-12-76)
Okmulgee. *CREEK NATIONAL CAPITOL*, (10-15-66) NHL.
Okmulgee vicinity. *NUYAKA MISSION*, 9 mi. W of Okmulgee, (4-13-72)

osage county

Pawhuska. *CITY HALL (OSAGE COUNCIL HOUSE)*, Main and Grandview Ave., (1-1-76)
Pawhuska. *OSAGE AGENCY*, Agency Hill, (5-17-74)

pawnee county

Pawnee. *PAWNEE INDIAN AGENCY*, E edge of Pawnee, (4-11-73)
Pawnee vicinity. *BLUE HAWK PEAK RANCH*, W of Pawnee on U.S. 64, (10-10-75)

payne county

Stillwater. *OLD CENTRAL, OKLAHOMA STATE UNIVERSITY*, Oklahoma State University campus, (7-27-71) g.
Yale. *THORPE, JIM, HOUSE*, 704 E. Boston St., (3-24-71)

pittsburg county

McAlester vicinity. *PERRYVILLE*, SW of McAlester on U.S. 69, (5-5-72)
Pittsburg vicinity. *BLACKBURN'S STATION SITE*, 9 mi. SE of Pittsburg, (3-7-73)

pottawatomie county

Shawnee. *SANTA FE DEPOT*, Main St. and Minnesota Ave., (6-5-74)
Shawnee. *ST. GREGORY'S ABBEY AND COLLEGE*, 1900 W. MacArthur Dr., (8-15-75)
Shawnee vicinity. *SHAWNEE FRIENDS MISSION*, 2 mi. S of Shawnee, (3-7-73)

pushmataha county

Tuskahoma vicinity. *TUSKAHOMA (CHOCTAW COUNCIL HOUSE)*, 2 mi. N of Tuskahoma, (7-28-70)

roger mills county

Cheyenne vicinity. *WASHITA BATTLEFIELD*, NW of Cheyenne on U.S. 283, (10-15-66) NHL.

rogers county

Oologah vicinity. *ROGERS, WILL, BIRTHPLACE*, About 4 mi. NE of Oologah, (9-29-70)

seminole county

Seminole. *CRISSE, W. E., MANSION*, 612 Hwy. 9 East, (1-27-75)
Seminole vicinity. *MEKASUKEY ACADEMY*, SW of Seminole, (3-28-74)

sequoyah county

Akins vicinity. *SEQUOYAH'S CABIN*, OK 101, in Sequoyah's Cabin State Park, (10-15-66) NHL.
Marble City vicinity. *DWIGHT MISSION*, 3 mi. SW of Marble City, (3-20-73)
Sallisaw vicinity. *PARRIS MOUND*, (1-31-76) g.

texas county

Hardesty vicinity. *OLD HARDESTY*, NE of Hardesty, (6-20-74)
Optima vicinity. *STAMPER SITE*, 2.5 mi. S of Optima on the S bank of the North Canadian River, (10-15-66) NHL.

tulsa county

Tulsa. *CREEK COUNCIL TREE SITE*, 18th and Cheyenne Sts., (9-29-76)
Tulsa. *MCBIRNEY, JAMES H., HOUSE*, 1414 S. Galveston, (11-13-76)
Tulsa. *TULSA MUNICIPAL BUILDING*, 124 E. 4th St., (7-18-75)
Tulsa. *WESTHOPE*, 3704 S. Birmingham St., (4-10-75)

wagoner county

Coweta vicinity. *KOWETA MISSION SITE*, 1 mi. S of Coweta off OK 58B, (6-19-73)
Tulahassee. *TULLAHASSEE MISSION SITE*, NE of Tullahassee, (9-10-71)

washington county

Bartlesville. *NELLIE JOHNSTONE NO. 1*, Johnstone Park, (4-11-72)
Bartlesville. *PHILLIPS, FRANK, HOUSE*, 1107 Cherokee Ave., (3-13-75) g.
Bartlesville. *PRICE TOWER*, 6th St. and Dewey Ave., (9-13-74)
Dewey. *DEWEY HOTEL*, Delaware and Don Tyler Ave., (4-4-75)

NOTICES

washita county

Carnegie vicinity. *CEDAR CREEK DISTRICT*, N of Carnegie off OK 58, (5-29-75)
Colony vicinity. *MCLIMORE SITE*, 4 mi. SE of Colony on OK 69, (10-15-66) NHL.

woods county

Waynoka. *SANTA FE DEPOT AND READING ROOM*, Santa Fe Tracks, (6-20-74)

woodward county

Fort Supply. *FORT SUPPLY HISTORIC DISTRICT*, Western State Hospital grounds, (6-21-71)

OREGON

baker county

Baker. *BAKER MUNICIPAL NATATORIUM*, 12470 Grove St., (10-17-77)
Sumpter. *SUMPTER VALLEY GOLD DREDGE*, SW of Sumpter near Cracker Creek, (10-26-71)

benton county

Corvallis. *CORVALLIS ARTS CENTER (EPISCOPAL CHURCH OF THE GOOD SAMARITAN)*, 700 SW Madison Ave., (9-10-71)
Kings Valley vicinity. *FORT HOSKINS SITE*, SW of Kings Valley, (5-1-74) g.
Philomath. *PHILOMATH COLLEGE*, Main St., (12-11-72)
Philomath vicinity. *KING, ISAAC, HOUSE AND BARN*, N of Philomath off OR 223, (10-29-75)

clackamas county

Brightwood vicinity. *ROCK CORRAL ON THE BARLOW ROAD*, W of Brightwood off U.S. 26 near Sandy River, (12-19-74)
Camby vicinity. *BARLOW, WILLIAM, HOUSE*, SW of Camby, 24670 U.S. 99E, (2-15-77)
Carver vicinity. *BAKER, HORACE, LOG CABIN*, S of Carver off OR 224, (12-12-76)
Government Camp vicinity. *TIMBERLINE LODGE*, 6 mi. N of Government Camp in Mount Hood National Forest, (11-12-73)
Lake Oswego. *OREGON IRON COMPANY FURNACE*, George Rogers Park, (2-12-74)
Molalla. *DIBBLE, HORACE L., HOUSE*, 616 S. Molalla Ave., (12-19-74) HABS.
Molalla. *VONDER AHE, FRED, HOUSE AND SUMMER KITCHEN*, 625 Metzler Ave., (3-26-76)
Molalla vicinity. *ROCK CREEK METHODIST CHURCH*, W of Molalla off OR 211, (10-29-75)
Oregon City. *BARCLAY, DR. FORBES, HOUSE*, 719 Center St., (11-5-74)
Oregon City. *ERMATINGER, FRANCIS, HOUSE*, 1018 Center St., (9-27-77)
Oregon City. *McCARVER, MORTON MATTHEW, HOUSE*, 554 Warner-Parrot Rd., (1-21-74) HABS.
Oregon City. *MCLOUGHLIN HOUSE NATIONAL HISTORIC SITE*, McLoughlin Park, between 7th and 8th Sts., (10-15-66) HABS.
Oregon City. *ROSE FARM*, 534 Holmes Lane, (12-2-74) HABS.
Oregon City vicinity. *AINSWORTH, CAPT. JOHN C., HOUSE*, 19195 S. Leland Rd., (3-26-73)
Wemme vicinity. *OREGON TRAIL, BARLOW ROAD SEGMENT*, NW of Wemme, (11-20-74)
West Linn. *WILLAMETTE FALLS LOCKS*, W bank of Willamette River, (2-5-74)

clatsop county

Astoria. *ASTORIA COLUMN*, Coxcomb Hill, (5-2-74) g.
Astoria. *ELMORE, SAMUEL, CANNERY*, On the waterfront at the foot of Flavel St., (11-13-66) NHL.
Astoria. *FORT ASTORIA*, 15th and Exchange Sts., (10-15-66) NHL.
Astoria vicinity. *FORT CLATSOP NATIONAL MEMORIAL*, 4.5 mi. S of Astoria, (10-15-66)
Hammond. *FORT STEVENS*, Fort Stevens State Park, (9-22-71)

coos county

Bandon. *COQUILLE RIVER LIGHT*, Bland's Beach State Park, (3-22-74)
Coos Bay. *MARSHFIELD SUN PRINTING PLANT*, 1049 N. Front St., (3-21-73) g.

curry county

Agness vicinity. *ROGUE RIVER RANCH*, E of Agness near confluence of Mule Creek and Rogue River, (12-29-75)

douglas county

Glide vicinity. *SUSAN CREEK INDIAN MOUNDS SITE*, (11-20-74)
Roseburg. *FLOED, CRILD, HOUSE (JOSEPH LANE HOUSE)*, 544 S.E. Douglas St., (12-31-74)
Roseburg. *WILLIS, JUDGE WILLIAM R., HOUSE*, 744 SE. Rose St., (6-5-75)
Winchester Bay vicinity. *UMPAQUA RIVER LIGHT HOUSE*, SW of Winchester Bay off U.S. 101, (10-21-77)
Yoncalla vicinity. *APPLEGAIL, CHARLES, HOUSE*, NE of Yoncalla on Halo Trail, (3-17-75) HABS.

grant county

Canyon City. *ST. THOMAS' EPISCOPAL CHURCH*, 135 Washington St., (11-21-74) g.
John Day. *KAM WAH CHUNG COMPANY BUILDING*, Canton St., John Day City Park, (3-20-73) g.

harney county

Burns vicinity. *FRENCH ROUND BARN*, Diamond Station, (9-10-71)

hood river county

Cascade Locks. *CASCADE LOCKS MARINE PARK*, On the Columbia River, (5-15-74) g.
Mt. Hood. *CLOUD CAP INN*, NE flank of Mt. Hood in Mt. Hood National Forest, (10-18-74)

jackson county

Ashland. *CARTER, H. B., HOUSE*, 91 Gresham St., (11-2-77)
Eagle Point. *SNOWY BUTTE FLOUR MILL*, Off OR 62, (9-1-76)
Jacksonville. *JACKSONVILLE HISTORIC DISTRICT*, (4-11-72) NHL.
Jacksonville. *ORIH, JOHN, HOUSE*, Main and 3rd Sts., (4-11-72) g.
Medford vicinity. *BYBEE, WILLIAM, HOUSE*, 883 Old Stage Rd., (2-15-77) HABS.
Rogue River vicinity. *BIRDSEYE, DAVID N., HOUSE*, U.S. 99, S of Rogue River, (5-1-74) HABS.

josephine county

Grants Pass. *NEWMAN UNITED METHODIST CHURCH*, 128 NE B St., (12-23-77)
Wolf Creek. *WOLF CREEK TAVERN*, About 22 mi. N of Grants Pass, (9-22-72) HABS; g.

OREGON 5285

Wolf Creek vicinity. *WHISKY CREEK CABIN*, 10 mi. W of Wolf Creek at Rogue River, (9-5-75)

klamath county

LOWER KLAMATH NATIONAL WILDLIFE REFUGE, Reference—see Siskiyou County, CA
Fort Klamath vicinity. *FORT KLAMATH SITE*, (10-7-71)
Klamath Falls. *BALDWIN HOTEL*, 31 Main St., (10-2-73)

lake county

ABERT LAKE PETROGLYPH SITE, (11-20-74)
GREASER PETROGLYPH SITE, (11-20-74)
Fort Rock vicinity. *FORT ROCK CAVE*, (10-15-66) NHL.
Lakeview. *POST AND KING SALOON*, N 2nd and E Sts., (3-17-77)
Plush vicinity. *STONE BRIDGE AND THE OREGON CENTRAL MILITARY WAGON ROAD*, The Narrows S of Plush, (11-8-74)
Silver Lake vicinity. *PICTURE ROCK PASS PETROGLYPHS SITE*, SE of Silver Lake, (8-28-75)

lane county

Cottage Grove. *FIRST PRESBYTERIAN CHURCH*, 216 S. 3rd St., (12-31-74)
Eugene. *DEADY HALL*, University of Oregon campus, (4-11-72) NHL; HABS.
Eugene. *PALACE HOTEL*, 488 Willamette St., (12-23-77)
Eugene. *SMEEDE HOTEL*, 767 Willamette St., (1-17-74)
Eugene. *VILLARD HALL*, University of Oregon, (4-11-72) NHL; HABS.
Eugene vicinity. *FLANAGAN SITE*, W of Eugene, (7-20-77)
Eugene vicinity. *SPORES, JACOB C., HOUSE*, N of Eugene at 90311 Coburg Rd., (11-2-77)
Junction City. *LEE, DR. NORMAN L., HOUSE*, 655 Holly St., (11-2-77)

lincoln county

Newport. *OLD YAQUINA BAY LIGHTHOUSE*, Yaquina Bay State Park, (5-1-74)
Siletz. *SILETZ AGENCY SITE (GOVERNMENT HILL)*, Siletz-Logsdan Rd., (1-1-76)

linn county

Albany. *MONTEITH, THOMAS AND WALTER, HOUSE*, 518 W. 2nd Ave., (5-21-75) g.
Albany. *ST. MARY'S ROMAN CATHOLIC CHURCH*, 822 S. Ellsworth St., (6-5-75)
Albany vicinity. *BABER, GRANVILLE H., HOUSE*, NE of Albany off U.S. 99, (10-29-75) HABS.
Brownsville. *MOYER, JOHN M., HOUSE*, 204 Main St., (1-21-74)
Stayton vicinity. *MT. PLEASANT PRESBYTERIAN CHURCH (CHRISTIAN CHURCH AT MOUNT PLEASANT)*, S of Stayton on Stayton-Jordan Rd., (1-24-74)

malheur county

Arock vicinity. *SHEEP RANCH FORTIFIED HOUSE*, W of Arock, (11-1-74)
Danner vicinity. *CHARBONNEAU, JEAN BAPTISTE, MEMORIAL AND INSKIP STATION RUINS*, (3-14-73)
Jordan Valley. *PELOTA FRONTON*, Bassett St. (U.S. 95), (5-19-72)
Vale. *OLD STONE HOUSE (STONE HOUSE HOTEL)*, 283 S. Main St., (5-19-72) g.

Vale vicinity. *OREGON TRAIL HISTORIC DISTRICT* (LYTLE PASS AREA), 5 mi. SE of Vale at Lytle Blvd., (10-29-75)

marion county

Aurora. *AURORA COLONY HISTORIC DISTRICT*, (4-16-74)
Champoeg vicinity. *CASE, WILLIAM, HOUSE*, SE of Champoeg off Arbor Rd., (3-21-73) G.
Gervais vicinity. *BROWN, SAM, HOUSE*, E of Gervais, (11-5-74) HABS.
Hubbard vicinity. *STAUFFER, JOHN, HOUSE AND BARN*, NE of Hubbard, (5-1-74)
Jefferson. *CONSER, JACOB, HOUSE*, 114 Main St., (1-21-74) HABS.
Mount Angel. *ST. MARY'S ROMAN CATHOLIC CHURCH*, off OR 214, (10-22-76)
Salem. *BOON BRICK STORE*, 888 Liberty St., NE., (11-20-75)
Salem. *BOON, JOHN D., HOUSE*, 260 12th St. NE., (1-17-75)
Salem. *BUSH, ASAHIEL, HOUSE*, 600 Mission St., SE., (1-21-74) G.
Salem. *KAY, THOMAS, WOOLEN MILL*, 260 12th St. SE., (5-8-73) G.
Salem. *LEE, JASON, HOUSE*, 260 12th St. SE., (4-23-73)
Salem. *METHODIST MISSION PARSONAGE*, 260 12th St. NE., (12-31-74)
Salem. *PORT, DR. LUKE A., HOUSE (DEEPWOOD)*, 1116 Mission St., SE., (10-2-73) G.
Salem. *WALLER HALL, WILLAMETTE UNIVERSITY*, 900 State St., (11-20-75)
Silverton vicinity. *MCCORKLE, GEORGE F., HOUSE*, W of Silverton, (12-24-74) HABS.
West Stayton vicinity. *PLEASANT GROVE PRESBYTERIAN CHURCH*, NW of West Stayton, (8-7-74)
Woodburn. *SETTLEMIER, JESSE H., HOUSE*, 355 N. Settlemier Ave., (12-19-74)

multnomah county

Crown Point. *VISTA HOUSE*, Columbia River Scenic Hwy., (12-5-74)
Portland. *BARBER BLOCK*, 532-538 SE Grand Ave., (2-15-77) G.
Portland. *BISHOP'S HOUSE*, 219-223 S.W. Stark St., (10-18-74) G.
Portland. *COMMONWEALTH BUILDING*, 421 SW. 6th Ave., (3-30-76)
Portland. *CONCORD BUILDING*, 208 SW. Stark St., (10-21-77)
Portland. *FIRST CONGREGATIONAL CHURCH*, 1126 SW. Park St., (5-2-75) G.
Portland. *FIRST NATIONAL BANK (OREGON PIONEER SAVINGS LAND-MARK BUILDING)*, 401 S.W. 5th Ave., (10-15-74)
Portland. *FIRST PRESBYTERIAN CHURCH OF PORTLAND*, 1200 S.W. Alder St., (12-19-74)
Portland. *FORBES AND BREEDEN BUILDING*, 309 SW. 3rd Ave., (10-20-77)
Portland. *GRAND CENTRAL STATION*, NW. 6th Ave., (8-6-75)
Portland. *HAMILTON BUILDING*, 529 SW. 3rd Ave., (3-17-77)
Portland. *KAMM, JACOB, HOUSE*, 1425 S.W. 20th Ave., (11-5-74)
Portland. *MARKS, MORRIS, HOUSE*, 1501 S.W. Harrison St., (12-30-75) G.
Portland. *OLD CHURCH (CALVARY PRESBYTERIAN CHURCH)*, 1422 S.W. 11th Ave., (3-29-72) G.
Portland. *PARAMOUNT THEATRE*, 1037 SW. Broadway, (4-22-76)

NOTICES

Portland. *PIONEER COURTHOUSE (U.S. COURTHOUSE AND CUSTOMHOUSE)*, 520 S.W. Morrison St., (3-20-73) NHL.
Portland. *PITTOCK MANSION*, 3229 N.W. Pittock Dr., (11-21-74)
Portland. *PORTLAND ART MUSEUM*, 1219 S.W. Park Ave., (12-31-74)
Portland. *PORTLAND CITY HALL*, 1220 S.W. 5th Ave., (11-21-74)
Portland. *PORTLAND SKIDMORE/OLD TOWN HISTORIC DISTRICT*, Roughly bounded by Harbor Dr., Everett, 3rd, and Oak Sts., (12-6-75) NHL; G.
Portland. *PORTLAND YAMHILL HISTORIC DISTRICT*, Roughly bounded by Taylor, Morrison, 2nd Ave. (includes both sides), and Willamette River, (7-30-76)
Portland. *POULSEN, JOHAN, HOUSE*, 3040 SE McLoughlin Blvd., (3-14-77)
Portland. *ST. JAMES LUTHERAN CHURCH*, 1315 SW. Park Ave., (5-21-75)
Portland. *ST. JOHN'S EPISCOPAL CHURCH*, Foot of S.E. Spokane St., (12-27-74)
Portland. *ST. PATRICK'S ROMAN CATHOLIC CHURCH AND RECTORY*, 1635 N.W. 19th Ave., (5-1-74)
Portland. *U.S. CUSTOMHOUSE*, 220 N.W. 8th Ave., (5-2-74)
Portland. *WATZEK, AUBREY R., HOUSE*, 1061 S.W. Skyline Blvd., (11-1-74)
Portland. *WEST HALL*, 5000 N. Willamette Blvd., (9-22-77)
Sauvie Island. *BYBEE-HOWELL HOUSE*, Off Sauvie Island Rd., (11-5-74) HABS.

polk county

Salem. *BRUNK, HARRISON, HOUSE*, Brunk Corner and OR 22, (5-6-75)
Salem vicinity. *PHILLIPS, JOHN, HOUSE*, NW of Salem on Spring Valley Rd., (3-15-76)
Willamina vicinity. *FORT YAMHILL SITE*, (7-27-71) G.
Zena. *SPRING VALLEY PRESBYTERIAN CHURCH*, SE of McCoy, (5-15-74)

sheridan county

Grass Valley vicinity. *MACK CANYON ARCHEOLOGICAL SITE*, 5 mi. NW of Grass Valley, (8-22-75)

tilamook county

Manzanita vicinity. *WENTZ, HARRY F., STUDIO/BUNGALOW*, N of Manzanita off U.S. 101, (4-22-76)

umatilla county

Weston. *SALING, ISHAM, HOUSE*, Off OR 204, (1-1-76) G.

union county

Cove. *ASCENSION EPISCOPAL CHURCH AND RECTORY*, Church St., (12-3-74)
Union. *EATON, ABEL E., HOUSE*, 464 N. Main St., (11-2-77)

wasco county

The Dalles. *FIRST WASCO COUNTY COURTHOUSE*, 404 2nd St., (11-16-77)
The Dalles. *FORT DALLS SURGEON'S QUARTERS*, 15th and Garrison Sts., (9-10-71) G.
The Dalles. *ST. PETER'S ROMAN CATHOLIC CHURCH*, 3rd and Lincoln Sts., (6-20-74)
The Dalles vicinity. *FIVEMILE RAPIDS SITE*, (12-19-74)

washington county

Forest Grove. *SMITH, ALVIN T., HOUSE*, S. Elm St., (11-8-74) HABS.

Forest Grove. *TUALATIN ACADEMY (OLD COLLEGE HALL)*, Pacific University campus, (2-12-74) HABS; G.
Hillsboro. *OLD SCOTCH CHURCH*, Scotch Church Rd., (11-5-74)
Hillsboro vicinity. *IMBRIE FARM*, NE of Hillsboro off U.S. 26, (2-15-77)
Tualatin. *SWEEK, JOHN, HOUSE*, 18815 S.W. Boones Ferry Rd., (11-8-74) G.
West Union. *WEST UNION BAPTIST CHURCH*, W. Union Rd., (7-10-74) HABS.

yamhill county

Dayton. *SMITH, ANDREW, HOUSE*, 306 5th St., (6-23-76)
Dayton vicinity. *COOK, AMOS, HOUSE*, NW of Dayton on OR 233, (12-31-74) HABS.
Dayton vicinity. *FLETCHER, FRANCIS, HOUSE*, W of Dayton off OR 18, (10-29-75) HABS.
Dundee. *HAGEY, LEVI, HOUSE*, Off U.S. 99, (12-19-74) HABS.
Lafayette vicinity. *MATTEY, JOSEPH, HOUSE*, W of Lafayette at jct. of Matthey Lane and Rutherford Rd., (2-15-77)
Newberg. *MINTHORN, DR. HENRY J., HOUSE (HERBERT HOOVER HOUSE)*, 115 S. River St., (10-29-75)

PENNSYLVANIA

adams county

Fairfield. *FAIRFIELD INN*, Main St., (4-2-73) HABS.
Gettysburg. *ADAMS COUNTY COURTHOUSE*, Baltimore and W. Middle Sts., (10-1-74)
Gettysburg. *DOBBIN HOUSE*, 89 Steinwehr Ave., (3-26-73)
Gettysburg. *GETTYSBURG NATIONAL MILITARY PARK*, (10-15-66) HABS.

Gettysburg. *LUTHERAN THEOLOGICAL SEMINARY-OLD DORM*, Seminary Ridge, Lutheran Theological Seminary campus, (5-3-74) HABS.
Gettysburg. *PENNSYLVANIA HALL, GETTYSBURG COLLEGE*, Gettysburg College campus, (3-16-72) HABS.

Gettysburg. *SHEADS HOUSE*, 331 Buford Ave., (12-8-76)
Gettysburg and vicinity. *GETTYSBURG BATTLEFIELD HISTORIC DISTRICT*, Town of Gettysburg and its environs, (3-19-75)
Gettysburg vicinity. *EISENHOWER NATIONAL HISTORIC SITE*, SW edge of Gettysburg National Military Park, (11-27-67)
Hanover vicinity. *CONEWAGO CHAPEL*, 3 mi. NW of Hanover, (1-29-75)
Hunterstown. *GREAT CONEWAGO PRESBYTERIAN CHURCH*, Church Rd., (12-27-74)

New Oxford. *JOHN'S BURNT MILL BRIDGE*, SW of New Oxford, over South Branch of Conewago Creek, (12-16-74)

allegheny county

Bethel vicinity. *MILLER, JAMES, HOUSE*, E of Bethel on Manse Dr., (1-17-75)
Braddock. *CARNEGIE FREE LIBRARY OF BRADDOCK*, 419 Library St., (6-19-73)
Bruceton vicinity. *EXPERIMENTAL MINE*, S of Bruceton off Cochran Mill Rd., (10-18-77)
Churchill. *BEULAH PRESBYTERIAN CHURCH*, Beulah and McCready Rds., (11-3-75)
East. Pittsburgh. *WESTINGHOUSE, GEORGE, MEMORIAL BRIDGE*, U.S. 30 at Turtle Creek, (3-28-77)
Edgeworth. *SHIELDS, DAVID, HOUSE (NEWINGTON)*, Shields Lane, (10-29-75)

Heidelberg vicinity. *NEVILLE HOUSE*, S of Heidelberg on PA 50, (2-5-74) G.
Natrona Heights vicinity. *BURTNER STONE HOUSE*, NW of Natrona Heights on Burtner Rd., (11-13-72)
Oakdale vicinity. *WALKER-EWING LOG HOUSE*, NE of Oakdale on Nobletown Rd., (1-30-76)

Pittsburgh. *ALLEGHENY COUNTY COURTHOUSE AND JAIL*, 436 Grant St., (3-7-73) NHL; HABS.
Pittsburgh. *ALLEGHENY POST OFFICE (OLD NORTH POST OFFICE)*, Allegheny Center, (7-27-71) HABS; G.
Pittsburgh. *BUTLER STREET GATEHOUSE*, 4734 Butler St., (7-30-74)

Pittsburgh. *BYERS-LYONS HOUSE*, 901 Ridge Ave., (11-19-74)
Pittsburgh. *CARNEGIE FREE LIBRARY OF ALLEGHENY*, Allegheny Center, (11-1-74)
Pittsburgh. *CATHEDRAL OF LEARNING*, Forbes Ave. and Bigelow Blvd., (11-3-75)
Pittsburgh. *DOLLAR SAVINGS BANK*, 4th Ave. and Smithfield St., (7-14-76)

Pittsburgh. *DUQUESNE INCLINE*, 1220 Grandview Ave., (3-4-75)
Pittsburgh. *EAST LIBERTY MARKET*, Centre Ave. and Baum Blvd., (12-12-77)
Pittsburgh. *EMMANUEL EPISCOPAL CHURCH*, North and Allegheny Aves., (5-3-74)

Pittsburgh. *EVERGREEN HAMLET*, Evergreen Hamlet Rd., (9-17-74)
Pittsburgh. *FORKS OF THE OHIO*, Point Park, (10-15-66) NHL
Pittsburgh. *GARDNER BAILEY HOUSE*, 124 W. Swissvale Ave., (10-1-74)

Pittsburgh. *HEATHSIDE COTTAGE*, 416 Catoma St., (12-30-74)
Pittsburgh. *HIGHLAND TOWERS APARTMENTS*, 340 S. Highland Ave., (9-28-76)
Pittsburgh. *MAIN BUILDING, U.S. BUREAU OF MINES*, 4800 Forbes Ave., (5-24-74)

Pittsburgh. *MANHLSTER HISTORIC DISTRICT*, Irregular pattern contained with Faulsey, Chateau, Franklin, and Bidwell Sts., (9-18-75)
Pittsburgh. *MEXICAN WAR STREETS HISTORIC DISTRICT*, Irregular pattern between Brighton and Arch Sts. and between O'Hern and West Park, (5-28-75)
Pittsburgh. *OLD HILDLBERG APARTMENTS*, Braddock Ave. at Waverly St., (5-4-76)

Pittsburgh. *PENNSYLVANIA RAILROAD STATION*, 1101 Liberty Ave., (4-22-76)
Pittsburgh. *PHIPPS CONSERVATORY*, Schenley Park, (11-13-76)
Pittsburgh. *PITTSBURGH & LAKE ERIE RAILROAD STATION*, Smithfield St. at Carson St., (1-11-74) HABS.

Pittsburgh. *ROTUNDA OF THE PENNSYLVANIA RAILROAD STATION*, 1100 Liberty Ave. at Grant St., (4-11-73) HABS.
Pittsburgh. *SHADYSIDE PRESBYTERIAN CHURCH*, Amberson Ave. and Westminster Pl., (4-3-75)

Pittsburgh. *SINGER, JOHN F., HOUSE*, 1318 Singer Pl., (11-13-74)
Pittsburgh. *SMITHFIELD STREET BRIDGE*, Smithfield St. at the Monongahela River, (3-21-74) NHL.

Pittsburgh. *SNYDER, WILLIAM PENN, HOUSE*, 852 Ridge Ave., (5-3-76)
Pittsburgh. *SOLDIERS AND SAILORS MEMORIAL HALL*, 5th Ave. at Bigelow Blvd., (12-30-74)
Pittsburgh. *SOUTH SIDE MARKET BUILDING*, 2th and Bingham Sts., (10-14-76)

NOTICES

Pittsburgh. *ST. JOHN BAPTIST'S UKRANIAN CATHOLIC CHURCH*, 109 S. Carson St., (10-29-74)
Pittsburgh. *ST. STANISLAUS KOSTKA ROMAN CATHOLIC CHURCH*, 21st and Smallman Sts., (9-14-72)
Pittsburgh. *UNION TRUST BUILDING*, 435 Grant St., (1-21-74)

Pittsburgh (Mount Washington). *MONONGAHELA INCLINE*, Grandview Ave. at Wyoming Ave., (6-25-74)
Pittsburgh vicinity. *FULTON LOG HOUSE*, NW of Pittsburgh on Clifton-Bridgeville Rd. off PA 65, (12-6-75)
Springdale. *CARSON, RACHEL, HOUSE*, 613 Marion Ave., (10-22-76)

armstrong county

Dayton. *MARSHALL, THOMAS, HOUSE*, State St., (4-22-76)

beaver county

BEGINNING POINT OF THE U.S. PUBLIC LAND SURVEY, Reference—see *Columbia County, OH*
Ambridge vicinity. *OLD ECONOMY*, NE of Pittsburgh on PA 65, (10-15-66) NHL.

Beaver. *FORT MCINTOSH SITE*, River Rd., (4-24-75) G.
Beaver. *QUAY, MATTHEW S., HOUSE*, 205 College Ave., (5-15-75) NHL.

Darlington. *GREERSBURG ACADEMY*, Market St., (2-24-75)
Freedom. *VICARY, CAPT. WILLIAM, HOUSE*, 1251 4th St., (11-8-74)
Harmony. *LEGIONVILLE*, Between Duss Ave. and PA 65, (3-27-75)

bedford county

Bedford. *ESPY HOUSE*, 123 Pitt St., (11-19-74)

berks county

Albany vicinity. *BERK, DANIEL, LOG HOUSE*, S of Albany on Maiden Creek, (12-16-77)
Bally vicinity. *CHRISTMAN, PHILIP, HOUSE*, 1 mi. SE of Bally at the Berks/Montgomery County line, (3-7-73)

Birdsboro vicinity. *BOONE, DANIEL, HOMESTEAD SITE AND BERTOLET CABIN*, 2 mi. N of Birdsboro, (3-24-72)
Centerport vicinity. *BELLMAN'S UNION CHURCH*, SW of Centerport off Rte. 726, (12-4-73)

Douglasville. *OLD SWEDE'S HOUSE*, Old Philadelphia Pike, (1-21-74) HABS.
Douglasville. *WHITE HORSE TAVERN*, 509 Old Philadelphia Pike, (4-21-75)

Kutztown vicinity. *HOTTENSTEIN MANSION*, 2 mi. E of Kutztown on U.S. 222, (6-22-72)
Leesport. *LEESPORT LOCK HOUSE*, Wall St., (6-9-77)

Lobachsville vicinity. *KEIM HOMESTEAD*, W of Lobachsville, (5-1-74) HABS.
Morgantown vicinity. *HOPEWELL VILLAGE NATIONAL HISTORIC SITE*, 10 mi. NE of Morgantown off Pennsylvania Tpke., (10-15-66) HABS.

Pleasant Valley. *GRUBER WAGON WORKS*, SE of Mount Pleasant on PA 183, (6-2-72) HABS.
Reading. *ASKEW BRIDGE*, N 6th St. near Woodward St., (3-1-73) HABS.

Reading. *PAGODA*, Mount Penn. at jct. of Durycia Dr. and Skyline Blvd., (11-7-72) G.
Reading. *TRINITY LUTHERAN CHURCH*, 6th and Washington Sts., (6-7-76)
Stonersville vicinity. *MILL TRACT FARM*, NE of Stonersville on Mill Rd., (9-22-77) HABS.

Topton vicinity. *SALLY ANN FURNACE COMPLEX*, SW of Topton, (8-17-76)
Womelsdorf vicinity. *WEISER, CONRAD, HOUSE*, 2 mi. E of Womelsdorf, (10-15-66) NHL.

Yellow House vicinity. *FISHER, HENRY, HOUSE*, About 1.25 mi. N of Yellow House on PA 662, (6-4-73)

blair county

Altoona. *BAKER MANSION*, 3500 Baker Blvd., (6-5-75)
Altoona. *DUDLEY, CHARLES B., HOUSE*, 802 Lexington Ave., (5-11-76) NHL.

Altoona. *MISHLER THEATRE*, 1208 12th Ave., (4-11-73)
Altoona vicinity. *HORSESHOE CURVE*, 5 mi. W of Altoona on PA 193, (11-13-66) NHL.

Culp vicinity. *FORT ROBERDEAU*, W of Culp off U.S. 220, (5-29-74)
Hollidaysburg. *BLAIR COUNTY COURTHOUSE*, 423 Allegheny St., (6-17-76)

Johnstown vicinity. *ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE*, U.S. 22, (10-15-66) (also in Cambria County)

Williamsburg vicinity. *ETNA FURNACE*, N of Williamsburg, (4-11-73)
Williamsburg vicinity. *ROYER, DANIEL, HOUSE*, 5 mi. SW of Williamsburg on PA 866, (11-3-75)

bradford county

Troy. *VAN DYNE CIVIC BUILDING*, Main and Elmira Sts., (1-21-74)

bucks county

Cornwells Heights. *TREVOSE MANOR (JOSEPH GROWDEN HOUSE)*, 5408 Old Trevoise Rd., (5-24-76)
Doylestown. *FONTHILL*, E. Court St. at inter section of PA 313, (6-1-72)

Doylestown. *FOUNTAIN HOUSE*, State and Main Sts., (3-16-72)
Doylestown. *JAMES LORAIN HOUSE (JUDGE CHAPMAN HOUSE)*, 132 N. Main St., (10-17-72) HABS.

Doylestown. *MERCER MUSIUM*, Pine and Ashland Sts., (3-16-72)
Doylestown. *MORAVIAN POTTERY AND TILE WORKS*, Court St. and PA 313, (6-1-72)

Dublin vicinity. *GREEN HILLS FARM*, SW of Dublin on Dublin Rd., (2-27-74)
Durham. *DURHAM MILL AND FURNACE*, Durham Rd., (11-21-76)

Easton to Bristol. *DELAWARE DIVISION OF THE PENNSYLVANIA CANAL*, Parallels W bank of the Delaware River from Easton to Bristol, (10-29-74) NHL (also in Northampton County)

Fairless Hills. *SOTCHER FARMHOUSE*, 335 Trenton Rd., (12-27-77)
Fallsington. *FALLSINGTON HISTORIC DISTRICT*, S of U.S. 1, E of New Tyburn Rd., (6-19-72)

Langhorne vicinity. *EDGEMONT (JENKS HOMESTEAD)*, N of Langhorne on Bridgetown Rd., (12-16-77)
Levittown. *PEMBERION, PHINEAS, HOUSE (BOLTON MANSION)*, Holly Dr., (9-28-71) G.

Morrisville. *SUMMERSEAT (THOMAS BAR CLAY HOUSE)*, Clymer St. and Morris Ave., (7-17-71) NHL

Morrisville. *TRENTON CITY/CAHOUN STREET BRIDGE*, Spans Delaware River between Morrisville, PA and Trenton, NJ, (11-22-75) (also in Mercer County, NJ)

5288 PENNSYLVANIA

Morrisville vicinity. *PENNSBURG MANOR*, On the Delaware River S of Bordentown Rd., (10y28-69)
New Britain vicinity. *JAMES, MORGAN, HOMESTEAD*, NW of New Britain on Ferry Rd., (12-27-77)
New Hope vicinity. *CHAPMAN, JOHN, HOUSE*, S of New Hope off PA 232 on Eagle Rd., (1-24-74)
New Hope vicinity. *HONEY HOLLOW WATERSHED*, 2.5 mi. S of the Delaware River on PA 263, (8-4-69) NH.
Newtown. *HALF-MOON INN*, 101 and 105 Court St., (12-6-77)
Newtown. *NEWTOWN FRIENDS MEETINGHOUSE AND CEMETERY*, Court St., (7-21-77)
Newtown vicinity. *LEEDOM, DAVID, FARM*, SW of Newton off Richboro Rd., (1-1-76)
Newtown vicinity. *MAKEFIELD MEETING (MAKEFIELD MONTHLY MEETING)*, NE of Newtown at Mt. Eyre Rd. and Dolington Rd., (1-18-74)
Newtown vicinity. *TAYLOR, BENJAMIN, HOMESTEAD*, NE of Newtown off SR 532, (12-6-75)
Philadelphia vicinity. *ANDALUSIA (NICHOLAS BIDDLE ESTATE)*, 1.4 mi. N of Philadelphia on PA 32, (11-13-66) NH.
Richboro. *HAMILTON HILL (BENNETT-SEARCH HOUSE)*, 1269 Second Street Pike, (4-2-73)
Richboro. *TWIN TREES FARM*, 905 2nd St. Pike, (6-5-75)
Richboro vicinity. *THOMPSON, JOHN, HOUSE*, 1925 2nd St. Pike, (7-16-73)
Rushland vicinity. *VANSANT FARMHOUSE*, N of Rushland on Cedar Lane, (8-2-77)
Wrightstown. *SMITH, WILLIAM, HOUSE*, Mud and Penns Park Rd., (4-13-77)
Wrightstown. *WRIGHTSTOWN FRIENDS MEETING COMPLEX*, PA 413, (10-29-75)
Wrightstown vicinity. *HAYHURST FARM*, NE of Wrightstown on Eagle Rd., (2-12-74)
Yardley vicinity. *WASHINGTON CROSSING STATE PARK*, Between Yardley and New Hope, on the Delaware River, (10-15-66) NH; g. (also in Mercer County, NJ)

butler county

Butler. *BUTLER COUNTY COURTHOUSE*, S. Main and Diamond Sts., (9-15-77)
Harmony. *HARMONY HISTORIC DISTRICT*, PA 68, (9-13-74) NH.
Saxonburg. *ROEBLING, JOHN, HOUSE*, Rebecca and Main Sts., (11-13-76)
Zelienople. *PASSAVANT HOUSE*, 243 S. Main St., (4-11-77)

cambria county

ALLEGHENY PORTAGE RAILROAD NATIONAL HISTORIC SITE, Reference—see Blair County
Johnstown. *CAMBRIA PUBLIC LIBRARY BUILDING (CARNEGIE LIBRARY BUILDING)*, 304 Washington St., (6-19-72) g.
Johnstown. *JOHNSTOWN INCLINED RAILWAY*, Johns St. and Edgehill Dr., (6-18-73)
Johnstown vicinity. *JOHNSTOWN FLOOD NATIONAL MEMORIAL*, Jct. of U.S. 219 and PA 869, (10-15-66)

carbon county

Jim Thorpe. *CARBON COUNTY JAIL*, 128 Broadway St., (11-8-74)
Jim Thorpe. *CENTRAL RAILROAD OF NEW JERSEY STATION*, Susquehanna St., (1-1-76)
Jim Thorpe. *OLD MAUCH CHUNK HISTORIC DISTRICT*, Broadway, Susquehanna, Race, and High Sts., (11-10-77)

NOTICES

Jim Thorpe. *PACKER, ASA, MANSION*, Packer Rd., (12-30-74)
Jim Thorpe. *PACKER, HARRY, MANSION*, Packer Rd., (11-20-74)
Jim Thorpe. *ST. MARK'S EPISCOPAL CHURCH*, Race and Susquehanna Sts., (7-26-77)
Jim Thorpe, Summit Hill, and vicinity. *MAUCH CHUNK AND SUMMIT HILL SWITCHBACK RAILROAD*, Between Ludlow St. in Summit Hill and F.A.P. 209 in Jim Thorpe, (6-3-76)

centre county

Bellefonte. *BELLEFONTE ACADEMY*, 225 E. Bishop St., (11-7-76)
Bellefonte. *BELLEFONTE HISTORIC DISTRICT*, Roughly bounded by Stony Batter, Ardell Alley, Thomas, Armor Penn. Ridge, and Logan Sts., (8-12-77)
Bellefonte. *BROCKERTHOFF HOTEL*, High and Allegheny Sts., (4-11-77)
Bellefonte. *CENTRE COUNTY COURTHOUSE*, High St., (11-7-76)
Bellefonte. *GAMBLE MILL*, Dunlap and Lamb Sts., (8-1-75)
Bellefonte. *MILES-HUMES HOUSE*, 203 N. Allegheny St., (10-21-76)
Bellefonte. *THOMAS, WILLIAM, HOUSE*, 266 N. Thomas St., (11-13-76)
Bellefonte vicinity. *LOGAN FURNACE MANSION*, 3 mi. S of Bellefonte on PA 144, (4-11-77)
Boalsburg. *BOALSBURG HISTORIC DISTRICT*, U.S. 322, (12-12-77)
Boalsburg. *HILL HOUSE (COL. JAMES JOHNSTON HOUSE)*, Tennis St., (3-28-77)
Centre Hall vicinity. *GREGG, ANDREW, HOMESTEAD*, 2 mi. E of Centre Hall off PA 192, (7-28-77)
Centre Hall vicinity. *NEFF, MAJ. JOHN, HOMESTEAD*, SW of Centre Hall, (4-11-77)
Centre Hall vicinity. *POTTER-ALLISON FARM*, SE of Centre Hall on PA 144, (12-6-77)
Curtin. *CURTIN VILLAGE (EAGLE IRONWORKS)*, Off U.S. 220, (3-11-71)
Madisonburg. *PICKLE, SIMON, STONE HOUSE*, Jct. of PA 192 and PA 445, (4-18-77)
Milesburg. *IDDINGS-BALDRIDGE HOUSE*, Railroad St., (7-29-77)
Port Matilda vicinity. *GRAY, JOHN, HOUSE*, E of Port Matilda off PA 550, S of U.S. 220, (4-3-75)
Rebersburg vicinity. *CENTRE MILLS*, SW of Rebersburg off PA 445, (12-12-76)
Spring Mills vicinity. *ALLISON, WILLIAM, HOUSE*, 1 mi. W of Spring Mills on PA 45, (4-18-77)
Spring Mills vicinity. *FISHER, MAJ. JARED B., HOUSE*, NE of Spring Mills on PA 45, (9-14-77)
Stormstown. *ELDER, ABRAHAM, STONE HOUSE/TAVERN*, PA 550, (4-13-77)

chester county

Birmingham. *BIRMINGHAM FRIENDS MEETINGHOUSE AND SCHOOL*, 1245 Birmingham Rd., (7-27-71) HABS.
Birmingham vicinity. *DAVIS, DANIEL, HOUSE AND BARN*, Birmingham and Street Rd. (PA 926), (4-11-73)
Birmingham vicinity. *EDGEWOOD (CHARLES SHARPLESS HOUSE)*, SE of Birmingham at jct. of L.R. 15087 and 15221, (3-7-73)
Bucktown vicinity. *MICHENER, NATHAN, HOUSE*, W of Bucktown on Ridge Rd., (4-3-76)

Chadds Ford. *OAKDALE*, Hillendale Rd., (1-13-72)
Chadds Ford vicinity. *BRINTON, EDWARD, HOUSE*, NW of Chadds Ford on PA 100, (6-19-73)
Chadds Ford vicinity. *BRINTON'S MILL*, N of Chadds Ford on U.S. 100, (5-27-71)
Chadds Ford vicinity. *HARVEY, WILLIAM, HOUSE*, NW of Chadds Ford on Brinton's Bridge Rd. off U.S. 1, (5-27-71) HABS.
Chadds Ford vicinity. *PENNSBURG INN*, On U.S. 1 at jct. with Hickory Hill Rd., (3-16-72)
Chatham vicinity. *PRIMITIVE HALL*, 2 mi. NW of Chatham on PA 841, (3-19-75) HABS.
Chester Springs vicinity. *GOOD NEWS BUILDING (YELLOW SPRINGS SPA)*, N of Chester Springs on Art School Rd., (5-27-71) HABS.
Chester Springs vicinity. *HALL'S BRIDGE*, About 3 mi. N of Chester Springs at Sheeder Rd. and Birch Run, (4-23-73)
Coatesville. *HIGH BRIDGE*, Spans west branch of the Brandywine, (3-26-76)
Coatesville. *HUSTON, ABRAM, HOUSE AND CARRIAGE HOUSE*, 53 S. 1st Ave., (9-15-77)
Coatesville. *LUKENS MAIN OFFICE BUILDING*, 50 S. 1st Ave., (5-24-76)
Coatesville. *NATIONAL BANK OF COATESVILLE BUILDING*, 235 E. Lincoln Highway, (9-14-77)
Coventryville. *COVENTRY HALL*, Off PA 23, (12-16-74)
Dilworthtown. *DILWORTHTOWN HISTORIC DISTRICT*, Jct. of CR 15199 and 15087, (1-18-73)
Downingtown vicinity. *ROOKE, ROBERT, HOUSE*, N of Downingtown on Horseshoe Trail at Fellowship Rd., (9-19-73)
Downingtown vicinity. *WHEELER HOUSE*, NE of Downingtown on Fellowship Rd., (6-20-74)
Easttown. *WAYNESBOROUGH*, 2049 Waynesborough Rd., (3-7-73) NH; HABS.
Elverson vicinity. *WARWICK MILLS*, E of Elverson off PA 23 on James Mills Rd., (12-30-74)
Ercildoun vicinity. *PIERCE, LUKENS, HOUSE (FALLOWFIELD OCTAGONAL HOUSE)*, NW of Ercildoun on Wilmington Rd., (3-14-73) HABS.
Exton. *ZOOK HOUSE*, Off U.S. 30, (1-1-76)
Hamorton vicinity. *BARNES-BRINTON HOUSE*, E of Hamorton on U.S. 1, (5-27-71) HABS; g.
Hamorton vicinity. *LONGWOOD GARDENS DISTRICT*, On U.S. 1, (10-18-72)
Kennett Square vicinity. *CEDARCROFT (BAYARD TAYLOR HOUSE)*, N of Kennett Sq., (11-11-71) NH.
Kimberton. *KIMBERTON VILLAGE HISTORIC DISTRICT*, Both sides of Hares Hill Rd. between Kimberton and Cold Stream Rds., (5-6-76)
Kimberton vicinity. *KENNEDY BRIDGE*, N of Kimberton off PA 23 on Seven Stars Rd. over French Creek, (1-21-74)
Knauertown vicinity. *WARRENPOINT (WILLIAM BRANSON HOUSE)*, W of Knauertown off PA 23, (11-11-75) HABS.
Knauertown vicinity. *WARWICK FURNACE/FARMS*, S of Knauertown off PA 23 on Warwick Furnace Rd., (9-13-76)
Lenape vicinity. *SEAL BRADFORD BOARDING SCHOOL FOR BOYS*, 1 mi. E of Lenape at West Chester and Sennelltown Rds., (3-7-73)
Lionville. *UWCHLAN MEETINGHOUSE*, N. Village Ave. (Rte. 113), (9-20-73) g.

Marshallton. *BRADFORD FRIENDS MEETINGHOUSE*, E side of Northbrook Rd., (7-27-71)
Marshallton. *MARSHALL, HUMPHRY, HOUSE*, Strasburg Rd. (PA 62) at jct. of Northbrook Rd., (5-27-71) HABS.
Marshallton. *MARSHALLTON INN*, W. Strasburg Rd., (7-29-77)
Marshallton vicinity. *CARTER-WORTH HOUSE AND FARM*, 450 Lucky Hill Rd., (9-15-77)
Mendenhall. *PETERS, WILLIAM, HOUSE*, Hillendale Rd., (5-27-71)
Mendenhall vicinity. *SPRINGDALE FARM (ELWOOD MENDENHALL FARM)*, NW of Mendenhall on Hillendale Rd., (3-7-73)
Mont Clare vicinity. *RAPPS BRIDGE*, W of Mont Clare off PA 724 on Mowere Rd., (6-18-73)
Norristown vicinity. *VALLEY FORGE*, Valley Forge State Park, (10-15-66) NH; HABS. (also in montgomery county)
Northbrook. *DERBYDOWN HOMESTEAD*, At jct. of CR 15077 and 15080, (4-2-73)
Parkersville vicinity. *PARKERSVILLE FRIENDS MEETINGHOUSE*, S of Parkersville off PA 926, (3-20-73)
Phoenixville vicinity. *DEERY FAMILY HOMESTEAD*, W of Phoenixville, (12-23-77)
Phoenixville vicinity. *FAGLEY HOUSE*, W of Phoenixville on Art School Rd., (5-3-76)
Phoenixville vicinity. *HARTMAN, GEORGE, HOUSE*, W of Phoenixville on Church Rd., (3-26-76)
Phoenixville vicinity. *MARTIN-LITTLE HOUSE*, S of Phoenixville off PA 113 on Church Rd., (7-2-73)
Phoenixville vicinity. *MOORE HALL*, E of Phoenixville on Valley Forge Rd., (11-19-74) HABS.
Phoenixville vicinity. *PENNYPACKER, MATTHIAS, FARM*, S of Phoenixville on White Horse Rd., (12-27-77)
Phoenixville vicinity. *ST. PETER'S CHURCH IN THE GREAT VALLEY*, S of Phoenixville off PA 423, (11-21-77)
Phoenixville vicinity. *STONOROV, OSKAR G., HOUSE*, SW of Phoenixville on Pickering Rd., (12-6-75)
Pughtown vicinity. *MEREDITH, SIMON, HOUSE*, 0.5 mi. W of Pughtown on Pughtown Rd., (12-16-74)
Pughtown vicinity. *TOWNSEND HOUSE*, SW of Pughtown off PA 100, (12-16-74)
Romansville vicinity. *TEMPLE-WEBSTER-STONER HOUSE*, E of Romansville off PA 162, (3-7-73) HABS.
Tredyffrin. *WETHERBY-HAMPTON-SNYDER-WILSON-ERDMAN LOG HOUSE*, 251 Irish Rd., (4-2-73)
Valley Forge State Park. *STEUBEN, GEN. FREDERICK VON, HEADQUARTERS*, PA 23, (11-28-72) NH.
Valley Forge vicinity. *CRESSBROOK FARM (JOHN HAVARD HOUSE)*, S of Valley Forge, off U.S. 76, (10-26-72)
Valley Forge vicinity. *EAST, NICHOLAS, HOUSE*, W of Valley Forge on Kimberton Rd., (4-2-73)
Valley Forge vicinity. *ESHERICK, WHARTON, STUDIO*, SW of Valley Forge off Country Club Rd., (4-26-73)
Valley Forge vicinity. *HARVARD, DAVID, HOUSE*, S of Valley Forge off U.S. 76, (10-26-72)
Valley Forge vicinity. *LAFAYETTE'S QUARTERS*, SE of Valley Forge on Wilson Rd., (6-20-74)
Valley Forge vicinity. *LIGHTFOOT MILL*, W of Valley Forge off PA 401, (4-13-73)

Valley Forge vicinity. *STIRLING, MAJ. GEN. LORD, QUARTERS*, S of Valley Forge on Yellow Springs Rd., (2-15-74)
Wagontown vicinity. *HIBERNIA HOUSE*, N of Wagontown off PA 340, (11-20-75)
Warwick Township. *ROGERS, PHILIP, HOUSE (PENN WICK)*, Ridge Rd., (5-25-73) HABS.
West Chester. *CHESTER COUNTY COURTHOUSE*, 10 N. High St., (6-5-72) HABS.
West Chester. *COLLINS MANSION*, 633 Goshen Rd., (11-9-72) HABS.
West Chester. *FIRST PRESBYTERIAN CHURCH OF WEST CHESTER*, 130 W. Miner St., (11-27-72)
West Chester. *NATIONAL BANK OF CHESTER COUNTY*, 17 N. High St., (6-5-72)
West Chester. *STRODE'S MILL (ETTER'S MILL)*, Jct. of PA 100/52 and CR 15087, (5-27-71) HABS.
West Chester vicinity. *OLD KENNETT MEETINGHOUSE*, S of West Chester on U.S. 1, E of jct. of PA 52, (7-15-74)
West Chester vicinity. *ORTHODOX MEETINGHOUSE (BIRMINGHAM ORTHODOX MEETINGHOUSE)*, SW of West Chester on Birmingham Rd., (4-26-72)

clearfield county

Cooper Settlement vicinity. *ST. SEVERIN'S OLD LOG CHURCH*, W of Cooper Settlement off PA 53, (6-5-75)
DuBois. *DUBOIS MANSION*, College Pl., (4-16-75)
Clinton county

Lock Haven. *HEISEY HOUSE*, 362 E. Water St., (3-16-72) g.
Lock Haven. *WATER STREET DISTRICT*, (7-10-73)
Crawford county

Little's Corners. *MOSIER, DR. J. R., OFFICE*, PA 198, (5-13-76)
Meadville. *BALDWIN-REYNOLDS HOUSE*, Terrace St., (12-30-74)
Meadville. *BENTLY HALL*, Allegheny College campus, (5-6-77) HABS.
Meadville. *MOSIER, DR. J. R., OFFICE*, Terrace St., (3-28-77)
Prairie du Chien. *DOUSMAN HOTEL*, Water St., (10-15-66) NH.
Titusville. *TITUSVILLE CITY HALL*, 107 N. Franklin St., (3-31-75)
Cumberland county

Camp Hill. *PEACE CHURCH*, NW corner of Trindle and St. John's Rds., (3-24-72)
Carlisle. *CARLISLE INDIAN SCHOOL*, E edge of Carlisle on U.S. 11, (10-15-66) NH.
Carlisle. *HESSIAN POWDER MAGAZINE*, Guardhouse and Garrison Lanes, (5-17-74)
Carlisle. *OLD WEST, DICKINSON COLLEGE*, Dickinson College campus, (10-15-66) NH.
Dickinson vicinity. *PINE GROVE FURNACE*, S of Dickinson on PA 233, (4-13-77)
Mechanicsburg vicinity. *EBERLY, JOHANNES, HOUSE (OLD BRICKER HOUSE)*, NE of Mechanicsburg on U.S. 11, (4-2-73)
New Cumberland. *BLACK, WILLIAM, HOMESTEAD*, Drexel Hill Park Rd., (7-20-77)
Shippensburg. *SHIPPEN HOUSE*, 52 W. King St., (11-25-75)
Shippensburg. *WIDOW PIPER'S TAVERN (OLD COURTHOUSE)*, SW corner of King and Queen Sts., (1-17-74)

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Shippensburg vicinity. *BLTYHE, BENJAMIN, HOMESTEAD*, 217 Means Hollow Rd., (9-15-77)
Williams Grove vicinity. *WILLIAMS, JOHN, HOUSE*, 0.5 mi. S of Williams Grove, (7-28-77)
Wormleysburg. *WORMLEY, JOHN, HOUSE*, 126 N. Front St., (11-21-76)

dauphin county

Harrisburg. *BROAD STREET MARKET*, Verbeke St. between 3rd and 6th Sts., (12-27-74)
Harrisburg. *GERMAN EVANGELICAL ZION LUTHERAN CHURCH (TABERNACLE BAPTIST CHURCH)*, Capital and Herr Sts., (11-12-75)
Harrisburg. *GRIFFITH, WILLIAM R., HOUSE (CATHEDRAL HOUSE)*, 215 N. Front St., (10-21-76) HABS.
Harrisburg. *HARRIS, JOHN, MANSION (SIMON CAMERON HOUSE)*, 219 S. Front St., (9-20-73) NH.
Harrisburg. *HARRISBURG CENTRAL RAILROAD STATION AND TRAINSHED*, Aberdeen St., (6-11-75) NH.
Harrisburg. *HARRISBURG HISTORIC DISTRICT*, Bounded roughly by Forster, 3rd, Hanna Sts., and the Susquehanna River, (1-19-76)
Harrisburg. *MCALLISTER, ARCHIBALD, HOUSE (FORT HUNTER MANSION)*, 5300 N. Front St., (6-7-76) HABS.
Harrisburg. *SALEM UNITED CHURCH OF CHRIST*, 231 Chestnut St., (4-23-75)
Harrisburg. *STATE CAPITOL BUILDING*, 3rd and State Sts., (9-14-77)
Harrisburg. *WALNUT STREET BRIDGE*, Walnut St. over Susquehanna River, (6-5-72)
Marysville vicinity. *ROCKVILLE BRIDGE*, 0.5 mi. S of Marysville over the Susquehanna River, (8-15-75) (also in Perry County)
Middletown. *CAMERON, SIMON, HOUSE AND BANK*, 28 and 30 E. Main St., (11-21-76)
Middletown. *ST. PETER'S KIERCH*, 31 W. High St., (6-18-73)
Middletown. *SWATARA FERRY HOUSE*, 400 Swatara St., (9-27-76)

delaware county

Ardmore. *PONT READING*, 2713 Haverford Rd., (10-26-72) HABS.
Boothwyn. *CHICHESTER FRIENDS MEETINGHOUSE*, 611 Meetinghouse Rd., (3-14-73)
Broomall. *MASSEY, THOMAS, HOUSE*, Lawrence and Springhouse Rds., (11-16-70)
Bryn Mawr. *GLENAYS*, 926 Coopertown Rd., (12-27-77)
Chadds Ford. *BRANDYWINE BATTLEFIELD*, Brandywine Battlefield Park, (10-15-66) NH.
Chadds Ford. *CHAD HOUSE*, PA 100, (3-11-71) HABS.
Chadds Ford. *CHADDS FORD HISTORIC DISTRICT*, Jct. of U.S. 1 and PA 100, (11-23-71)
Chadds Ford. *GILPIN HOMESTEAD*, Harvey Rd., (5-27-71)
Chadds Ford vicinity. *PAINTER, WILLIAM, FARM*, 2 mi. NE of Chadds Ford on U.S. 1, (7-27-71)
Chadds Ford vicinity. *TWADDELL'S MILL AND HOUSE*, Rock Hill Rd. S of Chadds Ford, (3-7-73)
Chester. *PENN. WILLIAM, LANDING SITE*, Penn and Front Sts., (3-11-71)
Chester. *1724 CHESTER COURTHOUSE*, Market St. below 5th St., (5-27-71)

5290 PENNSYLVANIA

Concord Township. *IVY MILLS HISTORIC DISTRICT*, Corner of Ivy Mills and Pole Cat Rds., (8-21-72)

Concordville. *CONCORD FRIENDS MEETINGHOUSE*, Old Concord Rd., (6-17-77)

Concordville. *CONCORDVILLE HISTORIC DISTRICT*, Concord Rd. and Baltimore Pike, (4-3-73)

Concordville. *NEWLIN, NICHOLAS, HOUSE*, Concord Rd., (4-26-72)

Dilworthtown vicinity. *1704 HOUSE*, Oakland Rd., near jct. of U.S. 202 and CR 15199, (12-24-67) NHL, HAB.

Essington. *LAZARETTO, THE*, Wanamaker Ave. and 2nd St., (3-16-72) HAB.

Essington. *PRINTZHOFF, THE*, Taylor Ave. and 2nd St., (10-15-66) NHL.

Haverford. *FEDERAL SCHOOL*, Haverford-Darby Rd., (11-5-71)

Haverford. *NITRE HALL*, Karakung Dr., (12-18-70) G.

Haverford. *THE GRANGE*, Grove Pl., (1-11-76)

Media vicinity. *CHAMBERLAIN-PENNELL HOUSE*, W of Media off U.S. 1 at Valley Brook Rd., (12-27-77)

Media vicinity. *OLD ROSE TREE TAVERN*, N of Media at jct. of Rose Tree and Providence Rds., (6-21-71)

Media vicinity. *RIDLEY CREEK STATE PARK*, NW of Media between PA 3 and PA 352, (10-8-76)

Prospect Park. *MORTON HOMESTEAD*, 100 Lincoln Ave., (12-2-70)

Swarthmore. *WEST, BENJAMIN, BIRTHPLACE*, Swarthmore College campus, (10-15-66) NHL.

Thornbury. *CHESTER CREEK HISTORIC DISTRICT*, N, E, and S of Glen Mills along the W branch of Chester Creek, (3-24-72)

Upland. *CROZER, GEORGE K., MANSION (NETHERLEIGH)*, 6th St., (8-14-73)

Upland. *OLD MAIN (CROZER THEOLOGICAL SEMINARY, CROZER NORMAL SCHOOL)*, 21st St. and Upland Ave., (6-18-73)

Upland. *PUSEY, CALEB, HOUSE*, 15 Race St., (3-11-71) HAB.

Upland. *PUSEY-CROZIER MILL HISTORIC DISTRICT*, Race St., (9-27-76)

Wallingford. *LEIPER, THOMAS, ESTATE*, Avondale Rd., (12-29-70) HAB.

Wawa. *FORGE HILL*, Off U.S. 1, (3-7-73)

Westchester vicinity. *THOMPSON COTTAGE*, SE of Westchester on Thornton Rd., (4-13-77)

erie county

Erie. *CASHIER'S HOUSE*, 413 State St., (1-13-72) HAB.

Erie. *OLD CUSTOMHOUSE*, 409 State St., (1-13-72) HAB.

Erie. *U.S.S. NIAGARA*, State St. at Lake Erie, (4-11-73)

Waterford. *EAGLE HOTEL*, 32 High St., (10-28-77) HAB.

Jayette county

Brier Hill. *BRIER HILL*, On U.S. 40, (7-2-73)

Brier Hill. *COLLEY, PETER, TAVERN AND BARN*, On U.S. 40, (7-24-73)

Brownsville. *BOWMAN'S CASTLE*, Front St., (3-3-75)

Mill Run vicinity. *FALLINGWATER*, W of PA 381, (7-23-74) NHL.

Mount Braddock vicinity. *MEASON, ISAAC, HOUSE (DR. CHRISTOPHER GIST PLANTATION)*, U.S. 119 North, (1-25-71)

Perryopolis. *SEARIGHTS' FULFILLING MILL*, Cemetery Rd., (6-19-73)

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Point Marion vicinity. *GALLATIN, ALBERT, HOUSE (FRIENDSHIP HILL)*, 3 mi. N of Point Marion on PA 166, (10-15-66) NHL.

Uniontown vicinity. *FORT NECESSITY NATIONAL BATTLEFIELD*, 11 mi. E of Uniontown on U.S. 40, (10-15-66)

Uniontown vicinity. *GADDIS, THOMAS, HOMESTEAD*, S of Uniontown off U.S. 119, (4-26-74)

Uniontown vicinity. *SEARIGHTS TOLL-HOUSE, NATIONAL ROAD*, W of Uniontown off U.S. 40, (10-15-66) NHL.

franklin county

Blue Ridge Summit. *MONTEREY HISTORIC DISTRICT*, Off PA 16, (4-22-76)

Chambersburg. *BROWN, JOHN, HOUSE*, 225 E. King St., (3-5-70) G.

Chambersburg. *FRANKLIN COUNTY COURTHOUSE*, 1 N. Main St., on Memorial Sq., (1-18-74)

Chambersburg. *FRANKLIN COUNTY JAIL*, NW corner of King and 2nd Sts., (1-21-70)

Chambersburg. *MASONIC TEMPLE*, 74 S. 2nd St., (6-18-76)

Chambersburg vicinity. *FINLEY, JAMES, HOUSE*, Building No. 505, Letterkenny Army Depot, (11-19-74)

Chambersburg vicinity. *GASS HOUSE*, E of Chambersburg off U.S. 30, (4-11-77)

Fort Loudon vicinity. *SMALL HOUSE*, About 4 mi. N of Fort Loudon on PA 75, (12-31-74)

Greencastle vicinity. *MARTIN'S MILL COVERED BRIDGE*, SW of Greencastle over Conococheague Creek, (2-15-74)

Kauffman. *OLD BROWN'S MILL SCHOOL*, Off U.S. 11, (3-7-73)

Mercersburg. *LANE HOUSE*, 14 N. Main St., (1-13-72)

St. Thomas vicinity. *WOODLAND*, SW of St. Thomas on PA 416, (9-20-73)

Waynesboro. *ROYER-NICODEMUS HOUSE AND FARM*, 1010 E. Main St., (8-28-76)

Waynesboro vicinity. *SPRINGDALE MILLS (SHANK'S MILL)*, SE of Waynesboro off PA 16 on Amsterdam Rd., (9-18-75)

fulton county

McConnellsburg. *FULTON HOUSE*, 112-116 Lincoln Way East, (7-20-77)

McConnellsburg. *MCCONNELL HOUSE*, 114 Lincoln Way, W., (11-21-76)

greene county

Carmichaels. *GREENE ACADEMY*, 314 N. Market St., (12-12-76)

Jefferson. *HUGHES HOUSE*, Hatfield St., (12-27-72)

Waynesburg vicinity. *GREENE HILLS FARM*, 3.5 mi. E of Waynesburg on PA 21, (4-23-73) G.

huntingdon county

Rockhill Furnace. *EAST BROAD TOP RAILROAD*, 1 mi. W of Orbisonia on U.S. 522, (10-15-66) NHL.

indiana county

Georgeville vicinity. *MCCORMICK, JOHN B., HOUSE*, W of Georgeville off PA 210, (5-3-74)

Indiana. *JOHN SUTTON HALL*, Indiana University of Pennsylvania campus, (9-17-75)

Indiana. *OLD INDIANA COUNTY COURTHOUSE*, 601 Philadelphia St., (10-29-74)

juniata county

Mifflintown vicinity. *TUSCARORA ACADEMY*, 8 mi. S of Mifflintown at jct. of SR 34005 and 34028, (6-30-72)

lackawanna county

Scranton. *DELAWARE, LACKAWANNA AND WESTERN RAILROAD STATION*, Lackawanna and Jefferson Aves., (12-6-77)

Scranton. *FINCH BUILDING*, 424 Wyoming Ave., (6-14-76)

Scranton. *POWDERLY, TERENCE V., HOUSE*, 614 N. Main St., (10-15-66) NHL.

Scranton. *ST. PETER'S CATHEDRAL COMPLEX*, 315 Wyoming Ave., (7-19-76)

Scranton. *TRIPP FAMILY HOMESTEAD*, 1101 N. Main Ave., (6-19-72)

lancaster county

Bainbridge vicinity. *LOCUST GROVE*, S of Bainbridge off PA 441, (8-3-77)

Brickerville. *STIEGEL-COLEMAN HOUSE*, PA 501 and U.S. 322, (11-13-66) NHL.

Ephrata. *EPHRAATA CLOISTER*, (12-24-67) NHL, HAB.

Gap vicinity. *WHITE CHIMNEYS*, 1 mi NW of Gap on U.S. 30, (4-1-75)

Lancaster. *BUCHANAN, JAMES, HOUSE (WHEATLAND)*, 1120 Marietta Ave., (10-15-66) NHL.

Lancaster. *CENTRAL MARKET*, William Henry Pl., (7-12-72) HAB.

Lancaster. *ELLICOTT, ANDREW, HOUSE (SEHNER-ELLICOTT HOUSE)*, 123 N. Prince St., (1-13-72) HAB; G.

Lancaster. *FULTON OPERA HOUSE*, 12-14 N. Prince St., (8-11-69) NHL.

Lancaster. *HAND, GEN. EDWARD, HOUSE (ROCK FORD)*, 881 Rock Ford Rd., (11-21-76)

Lancaster. *OLD CITY HALL*, Penn Sq., (6-30-72)

Lancaster. *OLD MAIN, GOETHEAN HALL, AND DIAGNOTHIAN HALL*, Franklin and Marshall College campus, (7-30-75)

Lancaster. *SOLDIERS AND SAILORS MONUMENT*, Penn Sq., (4-2-73)

Lancaster vicinity. *HERR, HANS, HOUSE*, 1851 Hans Herr Dr., (5-3-71) HAB; G.

Letort vicinity. *CONESTOGA TOWN*, (6-18-73)

Liutz. *STURGIS, JULIUS, PRETZEL HOUSE*, 219-221 E. Main St., (12-16-74)

Mount Joy. *CENTRAL HOTEL (A BUBE'S BREWERY)*, 102 N. Market St., (6-4-73)

Mount Joy vicinity. *CAMERON ESTATE*, 2 mi. W of Mt. Joy on Donegal Springs Rd., (11-3-75)

Quarryville vicinity. *FULTON, ROBERT, BIRTHPLACE*, 8 mi. S of Quarryville on U.S. 222, (10-15-66) NHL.

Washington vicinity. *STRICKLER SITE*, (6-18-73)

lebanon county

Cornwall. *CORNWALL IRON FURNACE*, (11-13-66) NHL.

Lebanon. *CORNWALL & LEBANON RAILROAD STATION*, 161 N. 8th St., (12-4-74) HAB.

Lebanon. *READING RAILROAD STATION*, N. 8th St., (7-17-75)

Lebanon. *ST. LUKES EPISCOPAL CHURCH*, 6th and Chestnut Sts., (9-4-74)

Lebanon vicinity. *UNION CANAL TUNNEL*, W of Lebanon off PA 72, (10-1-74)

Myerstown. *MEIER, ISAAC, HOMESTEAD*, 520 S. College St., (4-2-73)

Myerstown vicinity. *TULPEHOCKEN MANOR PLANTATION*, 2 mi. W of Myerstown on U.S. 422, (5-12-75)

Newmanstown vicinity. *BOMBERGER'S DISTILLERY*, 7 mi SW of Newmanstown off PA 501, (6-26-75)

Newmanstown vicinity. *HOUSE OF MILLER AT MILLBACH*, SW of Newmanstown off Rte. 1, (4-23-73)

Newmanstown vicinity. *ZELLER, HEINRICH, HOUSE*, W of Newmanstown off SR 419, (5-12-75)

Palmyra vicinity. *BINDNAGLES EVANGELICAL LUTHERAN CHURCH*, N of Palmyra at jct. of SR 38003 and SR T330, (7-7-75)

Schaefferstown. *BRENDLE FARMS*, Jct. of PA 501 and 897, (7-24-72)

lehigh county

Allentown vicinity. *DORNEYVILLE CROSSROAD SETTLEMENT*, S of Allentown at jct. of U.S. 222 and PA 29, (12-7-77)

Bethlehem. *BETHLEHEM HISTORIC DISTRICT I, SUBDISTRICT A*, Bounded by Main, Nevada, and E. Broad Sts., and the river, (5-5-72) HAB, G. (also in Northampton County)

Catasauqua. *TAYLOR, GEORGE, HOUSE*, Front St., (7-17-71) NHL.

Emmaus. *KEMMERER HOUSE*, 3 Iroquois St., (9-14-77)

Fullerton vicinity. *HELFRICH'S SPRINGS GRIST MILL*, W of Fullerton on Mickle Rd., (10-14-77)

luzerne county

Eckley. *ECKLEY HISTORIC DISTRICT*, Both sides of Main St. through town of Eckley, (10-26-71)

Forty Fort. *DENISON HOUSE*, 35 Denison St., (12-2-70) HAB, G.

Hazleton. *KILLAR HOUSE*, 217 W. Broad St., (11-13-76)

Wilkes-Barre. *CAULIN HALL, WILKES COLLEGE*, 92 S. River St., (3-16-72)

Wilkes-Barre. *CENTRAL RAILROAD OF NEW JERSEY STATION*, 31-35 S. Baltimore St., (5-12-75)

Wilkes-Barre. *MCCINTOCK HALL*, 44 S. River St., (3-16-72)

Wilkes-Barre. *WISS HALL (JUDGE EDMUND TAYLOR HOUSE)*, 98 S. River St., (11-27-72)

lycoming county

Jersey Shore. *JERSEY SHORE HISTORIC DISTRICT*, Irregular shape roughly bounded by Lawshe Run, W Branch Susquehanna River, S borough boundaries, and Tomb Ave., (3-31-75)

Williamsport. *U.S. POST OFFICE*, W. 4th St. between Government Pl. and West St., (3-16-72) HAB.

Williamsport. *WILLIAMSPORT CITY HALL*, Pine St., (11-7-76)

mckean county

Bradford. *BRADFORD OLD CITY HALL*, Kennedy and Boylston Sts., (5-17-76)

Bradford vicinity. *CROOK FARM*, NE of Bradford on Seaward Ave. extended, (3-26-76)

Mt. Jewett. *KINZUA VIADUCT*, 4.2 mi. NE of Mt. Jewett, (8-29-77)

mercier county

Greenville vicinity. *KIDD'S MILLS COVERED BRIDGE HISTORIC DISTRICT*, 5 mi. S of Greenville off PA 58, (12-2-74)

Greenville vicinity. *NEW HAMBURG HISTORICAL AREA*, (12-2-74)

Mercer vicinity. *BIG BEND HISTORICAL AREA (SHENANGO RIVER LAKE)*, 6 mi. NW of Mercer on Shenango River, (4-21-75)

Mercer vicinity. *JOHNSTON'S TAVERN*, 6 mi. S of Mercer on U.S. 19, (3-24-72) HAB.

NOTICES

Sharon. *BUHL, FRANK H., MANSION*, 422 E. State St., (12-2-77)

mifflin county

Lewistown. *MIFFLIN COUNTY COURTHOUSE*, 1 W. Market St., (5-28-76)

mifflin county

Lewistown. *MCCOY HOUSE*, 17 N. Main St., (3-14-73)

monroe county

East Stroudsburg vicinity. *ZION LUTHERAN CHURCH*, Off River Rd., (11-9-72) HAB.

Sciota vicinity. *FENNER-SNYDER MILL*, U.S. 209, N of Sciota, (5-13-76)

Stroudsburg vicinity. *QUIET VALLEY FARM*, SW of Stroudsburg off U.S. 209, (4-23-73) G.

Swiftwater. *SWIFTWATER INN*, PA 611, (6-4-76)

montgomery county

VALLEY FORGE. *Reference—see Chester County*

Audubon. *MILL GROVE*, Pawling Rd., (3-16-72)

Bryn Mawr. *BRYN MAWR (HARRITON)*, 500 Harrinton Rd., (7-2-73)

Collegeville vicinity. *KUSTER MILL*, On Skippack Creek at Mill Rd. and Water St. Rd., (3-24-71)

Conshohocken. *MOUNT JOY (PETER LEGAUX MANSION)*, North Lane and Hector St., (3-11-71)

Conshohocken. *WASHINGTON HOSE AND STEAM FIRE ENGINE COMPANY, NO. 1*, 15 W. Hector St., (11-20-75)

Delphi. *KNURR LOG HOUSE*, Meng Rd., (11-5-74)

Erdenheim. *SPRINGFIELD MILL*, Northwestern Ave. between Germantown Ave. and Bethlehem Pike, (5-13-76)

Evansburg. *EVANSBURG HISTORIC DISTRICT (PROVIDENCE SQUARE)*, On U.S. 422, bounded by Cross Key Rd., Grange Ave., Mill Rd., and Ridge Pike, (6-19-72)

Evansburg vicinity. *SKIPPACK BRIDGE*, E of Evansburg on PA 422, (12-2-70)

Fort Washington. *FARMAR MILL (MATHER MILL)*, N of Flourtown at jct. of U.S. 309 and PA 73, (5-19-72)

Fort Washington. *HOPE LODGE*, 553 Bethlehem Pike, (4-26-72)

Fort Washington. *QUAKER MANOR HOUSE*, 1165 Pinestown Rd., (11-21-76)

Fort Washington vicinity. *THE HIGHLANDS*, W of Fort Washington at Skippack Pike and Sheaff Lane, (12-12-76)

Harleysville. *KLEIN MEETINGHOUSE*, Maple Ave., (4-13-73) G.

Harleysville vicinity. *BERGY BRIDGE HISTORIC DISTRICT*, NW of Harleysville off PA 63, (10-10-73)

Horsham vicinity. *GRAEME PARK*, Keith Valley Rd., (10-15-66) NHL, HAB.

King of Prussia. *KING OF PRUSSIA INN*, Jct. of U.S. 202 and PA 363, (12-23-75)

Kulpsville vicinity. *MORGAN, EDWARD, LOG HOUSE*, Off PA 363 on Weikel Rd., (5-17-73) G.

Lansdale. *JENKINS HOMESTEAD*, 137 Jenkins Ave., (9-15-77)

Lederach vicinity. *KOLB, DIELMAN, HOMESTEAD*, S of Lederach on Kinsey Rd., (8-17-73)

Merion. *GENERAL WAYNE INN*, 625 Montgomery Ave., (1-1-76)

Montgomeryville vicinity. *KNAPP FARM*, S of Montgomeryville off PA 309, (10-22-76)

PENNSYLVANIA 5291

Pennsburg vicinity. *RIETH, ANDREAS, HOMESTEAD*, SE of Pennsburg on Geryville Pike, (9-19-73)

Plymouth Meeting. *CORSON, ALAN W., HOMESTEAD*, 5130 Butler Pike, (6-19-73)

Plymouth Meeting. *HOVENDEN HOUSE, BARN AND ABOLITION HALL*, 1 E. Germantown Pike, (2-18-71)

Plymouth Meeting. *PLYMOUTH FRIENDS MEETINGHOUSE*, Corner of Germantown and Butler Pikes, (2-18-71)

Plymouth Meeting. *PLYMOUTH MEETING HISTORIC DISTRICT*, (2-18-71)

Pottstown. *POTTSTOWN ROLLER MILL*, South and Hanover Sts., (10-10-74)

Pottstown vicinity. *ANTES, HENRY, HOUSE*, NE of Pottstown on Colonial Rd., (5-12-75)

Pottstown vicinity. *POTTSGROVE MANSION*, W of Pottstown on Benjamin Franklin Hwy. (High St.), (1-18-74)

Schwenksville vicinity. *ENGLEHARDT, JOHN, HOMESTEAD*, W of Schwenksville off PA 73 on Keyser Rd., (6-4-73)

Schwenksville vicinity. *GRUBB, CONRAD, HOMESTEAD*, NW of Schwenksville off PA 73 on Perkiomenville Rd., (6-19-73)

Schwenksville vicinity. *LONG MEADOW FARM (PLANK HOUSE AND BARN)*, NW of Schwenksville on PA 73, (6-19-73)

Schwenksville vicinity. *PENNYPACKER MANSION*, 5 Haldeman Rd., (11-7-76)

Schwenksville vicinity. *SUNRISE MILL*, 3 mi. W of Schwenksville on Neiffer Rd., (4-11-77)

Skippack. *COLE, WARREN Z., HOUSE (KIDDER-DEHAVEN HOUSE)*, Skippack Pike and Evansburg Rd., (3-7-73)

Trappe. *AUGUSTUS LUTHERAN CHURCH*, 7th Ave. E and Main St., (12-24-67) NHL.

Tylersport vicinity. *LANDIS HOMESTEAD*, SW of Tylersport off PA 563 on Morwood Rd., (10-10-73)

Valley Forge State Park. *WASHINGTON'S HEADQUARTERS*, Valley Creek Rd. near jct. of PA 252 and 23, (2-11-73) NHL, HAB; G.

Worcester. *WENTZ, PETER, HOMESTEAD*, Schultz Rd., (5-8-73)

northampton county

BETHLEHEM HISTORIC DISTRICT I, SUBDISTRICT A. *Reference—see Lehigh County DELAWARE DIVISION OF THE PENNSYLVANIA CANAL, Reference—see Bucks County*

Bethlehem. *GEMEINHAUS-LEWIS DAVID DE SCHWEINITZ RESIDENCE*, W. Church St., (5-15-75) NHL.

Bethlehem. *GRISTMILLER'S HOUSE*, 459 Old York Rd., (6-18-73)

Bethlehem. *MORAVIAN SUN INN*, 564 Main St., (10-2-73) HAB; G.

Bethlehem. *OLD WATERWORKS*, Within Historic Subdistrict A near Monocacy Creek, (6-19-72) HAB.

Bethlehem. *TANNERY, THE*, Within Bethlehem Historic Subdistrict A near Monocacy Creek, (6-19-72)

Easton. *NICHOLAS, JACOB, HOUSE*, 458 Ferry St., (11-21-76)

Easton. *SEIPSVILLE HOTEL*, 2912 Old Nazareth Rd., (5-6-77)

Easton vicinity. *CHAIN BRIDGE*, SW of Glendon on Hugh Moore Pkwy. across the Lehigh River, (2-12-74)

Easton vicinity. *COFFEETOWN GRIST MILL*, 7 mi. S of Easton at Coffeetown and Kressman Rds., (11-16-77)

Nazareth vicinity. *JACOBSBURG HISTORIC DISTRICT*, 3 mi. NE of Nazareth off PA 115, (10-17-77)

5292 PENNSYLVANIA

northumberland county
McEwensville vicinity. **WARRIOR RUN PRESBYTERIAN CHURCH**, N of McEwensville on PA 147, (4-2-73)
Milton. **MILTON FREIGHT STATION**, 90 Broadway, (4-13-77)
Montandon vicinity. **SODOM SCHOOLHOUSE**, E of Montandon on PA 45, (2-12-74)
Northumberland. **PRIESTLEY, JOSEPH, HOUSE**, Priestley Ave., (10-15-66) NHL
Sunbury. **BECK HOUSE**, 62 N. Front St., (1-11-76)
Sunbury. **NORTHUMBERLAND COUNTY COURTHOUSE**, 207 Market St., (12-30-74)

perry county
Marysville vicinity. **ROCKVILLE BRIDGE**, Reference—see Dauphin County
New Bloomfield. **PERRY COUNTY COURTHOUSE**, Center Sq., (2-24-75)

philadelphia county
Philadelphia. **ACADEMY OF MUSIC**, Broad and Locust Sts., (10-15-66) NHL; HABS.
Philadelphia. **AMERICAN PHILOSOPHICAL SOCIETY HALL**, Independence Sq., (10-15-66) NHL.
Philadelphia. **ARCH STREET MEETINGHOUSE**, 302-338 Arch St., (5-27-71)
Philadelphia. **ARCH STREET PRESBYTERIAN CHURCH**, 1726-1732 Arch St., (5-27-71)
Philadelphia. **ATHENAEUM OF PHILADELPHIA**, 219 S. 6th St., (2-1-72) NHL; HABS.
Philadelphia. **BARTRAM, JOHN, HOUSE**, 54th St. and Eastwick Ave., (10-15-66) NHL; HABS; G.
Philadelphia. **BEGGARSTOWN SCHOOL**, 6669 Germantown Ave., (11-23-71)
Philadelphia. **BELLEVUE STRATFORD HOTEL**, 200 S. Broad St., (3-24-77) HABS.
Philadelphia. **BERGDOLL MANSION**, 2201-2205 Green St., (11-7-76)
Philadelphia. **BILLMEYER, DANIEL, HOUSE**, 6504 Germantown Ave., (12-13-71)
Philadelphia. **BILLMEYER, MICHAEL, HOUSE**, 4505-4507 Germantown Ave., (1-13-72)
Philadelphia. **CARPENTERS' HALL**, 310 Chestnut St., (4-15-70) NHL; HABS.
Philadelphia. **CATHEDRAL OF SAINTS PETER AND PAUL**, 18th St. and the Pkwy., (6-24-71)
Philadelphia. **CENTENNIAL NATIONAL BANK**, 3200 Market St., (3-11-71) HABS.
Philadelphia. **CHAMOUNIX**, West Fairmount Park on Chamounix Dr., (4-26-72)
Philadelphia. **CHRIST CHURCH**, 22-26 N. 2nd St., (4-15-70) NHL; HABS; G.
Philadelphia. **CHRIST CHURCH BURIAL GROUND**, 5th and Arch Sts., (6-24-71)
Philadelphia. **CHURCH OF ST. JAMES THE LESS**, Hunting Park Ave. and Clearfield St., (11-20-74)
Philadelphia. **CHURCH OF THE HOLY TRINITY**, 19th and Walnut Sts. facing Rittenhouse Sq., (2-6-73) HABS.
Philadelphia. **CLARKSON-WATSON HOUSE**, 5275-5277 Germantown Ave., (4-2-73)
Philadelphia. **CLIFFS, THE**, East Fairmount Park near 33rd St., (3-16-72) HABS.
Philadelphia. **CLINTON STREET HISTORIC DISTRICT**, Bounded by 9th, 11th, Pine, and Cypress Sts., (4-26-72)
Philadelphia. **CLIVEDEN (BENJAMIN CHEW HOUSE)**, 6401 Germantown Ave., (10-15-66) NHL; HABS; G.

philadelphia. **COLONIAL GERMANTOWN HISTORIC DISTRICT**, Germantown Ave. between Windrun Ave. and Upsal St., (10-15-66) NHL; HABS; G.
Philadelphia. **COMMANDANT'S QUARTERS**, U.S. Naval Base, (6-3-76)
Philadelphia. **CONYNGHAM-HACKLER HOUSE**, 5214 Germantown Ave., (1-13-72) HABS.
Philadelphia. **COPE, EDWARD DRINKER, HOUSE**, 2102 Pine St., (5-15-75) NHL
Philadelphia. **DENHILLER-MORRIS HOUSE**, 5442 Germantown Ave., (1-13-72)
Philadelphia. **DRINKER'S COURT**, 236-238 Delancey St., (5-27-71)
Philadelphia. **DROPSIE UNIVERSITY COMPLEX**, Broad and York Sts., (1-17-75)
Philadelphia. **EAKINS, THOMAS, HOUSE**, 1729 Mount Vernon Pl., (10-15-66) NHL; HABS.
Philadelphia. **EASTERN STATE PENITENTIARY**, 21st St. and Fairmount Ave., (10-15-66) NHL; HABS.
Philadelphia. **ELFRETH'S ALLEY HISTORIC DISTRICT**, Between 2nd and Front Sts., (10-15-66) NHL; HABS; G.
Philadelphia. **EYRE, WILSON, HOUSE**, 1003 Spruce St., (4-13-77)
Philadelphia. **FAIRMOUNT PARK**, Both banks of Schuylkill River and Wissahickon Creek, from Spring Garden St. to Northwestern Ave., (2-7-72) HABS; NHL; G.
Philadelphia. **FAIRMOUNT WATER WORKS**, E. banks of Schuylkill River, (5-11-76) NHL.
Philadelphia. **FIDELITY MUTUAL LIFE INSURANCE COMPANY BUILDING**, Fairmount and Pennsylvania Aves., (7-2-73)
Philadelphia. **FIRST UNITARIAN CHURCH**, 2121 Chestnut St., (5-27-71) HABS.
Philadelphia. **FORREST, EDWIN, HOUSE**, 1326 N. Broad St., (1-13-72)
Philadelphia. **FORT MIFFLIN**, Marina and Penrose Ferry Rds., (8-29-70) NHL; HABS.
Philadelphia. **FORT MIFFLIN HOSPITAL**, Marina and Penrose Ferry Rds., (9-29-69) HABS.
Philadelphia. **FOUNDER'S HALL, GIRARD COLLEGE**, Corinthian and Girard Aves., (8-4-69) NHL.
Philadelphia. **FRANKFORT ARSENAL**, Tacony and Bridge Sts., (3-16-72)
Philadelphia. **FREE QUAKER MEETINGHOUSE**, SW corner of 5th and Arch Sts., (9-22-71) HABS.
Philadelphia. **FURNESS LIBRARY**, 34th St. below Walnut on University of Pennsylvania campus, (5-19-72)
Philadelphia. **GIRARD COLLEGE COMPLEX**, Bounded by Poplar St., Girard, W. College, S. College, and Ridge Aves., (10-29-74)
Philadelphia. **GLORIA DEI (OLD SWEDEN'S) CHURCH NATIONAL HISTORIC SITE**, Swanson St., between Christian and Water Sts., (10-15-66) HABS.
Philadelphia. **GRAVER'S LANE STATION**, Gravers Lane and Reading Railroad Line, (11-7-77)
Philadelphia. **GRUMBLETHORPE TENANT HOUSE**, 5269 Germantown Ave., (6-19-72)
Philadelphia. **GRUMBLETHORPE (WISTER'S BIG HOUSE)**, 5267 Germantown Ave., (3-16-72)
Philadelphia. **HARPER, FRANCES ELLEN WATKINS, HOUSE**, 10006 Bainbridge St., (12-8-76) NHL.
Philadelphia. **HATFIELD HOUSE**, Fairmount Park, 33rd St. near Girard Ave., (3-16-72) HABS.

Philadelphia. **HEAD HOUSE SQUARE**, Both sides of the 400 block of S. 2nd St., (6-19-72) HABS.
Philadelphia. **HILL-PHYSICK HOUSE**, 321 S. 4th St., (5-27-71) NHL; HABS.
Philadelphia. **HOWELL HOUSE**, 5218 Germantown Ave., (1-13-72)
Philadelphia. **INDEPENDENCE NATIONAL HISTORICAL PARK**, Bounded by Walnut, 6th, Chestnut, and 2nd Sts., (10-15-66) HABS.
Philadelphia. **INSTITUTE OF THE PENNSYLVANIA HOSPITAL**, 111 N. 49th St., (10-15-66) NHL.
Philadelphia. **IRISH, NATHANIEL, HOUSE**, 704 S. Front St., (3-16-72)
Philadelphia. **IY LODGE**, 29 E. Penn St., (2-1-72)
Philadelphia. **JOHNSON, JOHN, HOUSE**, 6306 Germantown Ave., (1-13-72) HABS.
Philadelphia. **KNOWLTON (RHAWN HOUSE)**, 8001 Verree Rd., (10-1-74)
Philadelphia. **LAUREL HILL CEMETERY**, 3822 Ridge Ave., (10-28-77) HABS.
Philadelphia. **MARINE BARRACKS**, Building 100, Naval Base, Broad St., (7-13-76)
Philadelphia. **MARINE CORPS SUPPLY ACTIVITY**, 1100 S. Broad St., (8-6-75)
Philadelphia. **MASONIC TEMPLE**, 1 N. Broad St., (5-27-71) HABS.
Philadelphia. **MAXWELL, EBENEZER, HOUSE**, 200 W. Tulpehocken St., (2-24-71) HABS; G.
Philadelphia. **MEMORIAL HALL**, W. Fairmount Park, (12-8-76) NHL.
Philadelphia. **MENNONITE MEETINGHOUSE**, 6119 Germantown Ave., (7-23-73) HABS.
Philadelphia. **METROPOLITAN OPERA HOUSE**, 858 N. Broad St., (2-1-72)
Philadelphia. **MIKVEH ISRAEL CEMETERY**, NW corner of Spruce and Darien Sts., (6-24-71)
Philadelphia. **MONASTERY, THE**, Fairmount Park, Kitchen's Lane at Wissahickon Creek, (3-16-72)
Philadelphia. **MOORE, CAPT. THOMAS, HOUSE**, 702 S. Front St., (3-16-72) HABS.
Philadelphia. **MOORE, CLARENCE B., HOUSE**, 1321 Locust St., (5-8-73)
Philadelphia. **MOTHER BETHEL A.M.E. CHURCH**, 419 6th St., (3-16-72) NHL; G.
Philadelphia. **MOUNT PLEASANT**, Fairmount Park, (10-15-66) NHL; HABS.
Philadelphia. **MT. AIRY STATION**, E. Gowen Ave., (9-22-77)
Philadelphia. **MUSICAL FUND HALL**, 808 Locust St., (3-11-71) NHL.
Philadelphia. **NEW MARKET**, S. 2nd St., between Pine and Lombard Sts., (11-13-66) NHL; HABS.
Philadelphia. **NORTHERN SAVING FUND AND SAFE DEPOSIT COMPANY**, 600 Spring Garden St., (9-28-77) HABS.
Philadelphia. **OAKLEY, VIOLET, STUDIO**, 627 St. George's Rd., (9-13-77)
Philadelphia. **ODD FELLOW'S HALL**, 800 N. 3rd St., (6-19-73) HABS.
Philadelphia. **OLD CITY HISTORIC DISTRICT**, Old city area including parts of Washington Square East Development Area and Franklin Square East Development Area, (5-5-72) HABS.
Philadelphia. **OLD DREXEL BUILDING**, 34 S. 3rd St., (9-5-75)
Philadelphia. **OLD GERMANTOWN ACADEMY AND HEADMASTERS' HOUSES**, Schoolhouse Lane and Greene St., (1-13-72)

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PENNSYLVANIA 5293

Philadelphia. **PEALE, CHARLES WILLSON, HOUSE (BELFIELD)**, 2100 Clarkson Ave., (10-15-66) NHL.
Philadelphia. **PENNSYLVANIA ACADEMY OF THE FINE ARTS**, SW corner of Broad and Cherry Sts., (5-27-71) NHL; G.
Philadelphia. **PENNSYLVANIA HOSPITAL**, 8th and Spruce Sts., (10-15-66) NHL; HABS; G.
Philadelphia. **PHILADELPHIA CITY HALL**, Penn Sq., Broad and Market Sts., (12-8-76) NHL.
Philadelphia. **PHILADELPHIA COLLEGE OF ART (ASYLUM FOR THE DEAF AND DUMB)**, NW corner of Broad and Pine Sts., (5-27-71) G.
Philadelphia. **PHILADELPHIA CONTRIBUTIONSHIP**, 212 S. 4th St., (5-27-71) HABS.
Philadelphia. **PHILADELPHIA SAVINGS FUND SOCIETY BUILDING**, 12 S. 12th St., (12-8-76) NHL.
Philadelphia. **PLAYS AND PLAYERS (THE PLAYHOUSE)**, 1714 Delancey St., (3-14-73)
Philadelphia. **POE, EDGAR ALLAN, HOUSE**, (10-15-66) NHL; HABS; G.
Philadelphia. **POTTER, ROW**, 900-930 Spruce St., (12-16-77) HABS.
Philadelphia. **RANDOLPH HOUSE**, East Fairmount Park, (3-24-72) HABS.
Philadelphia. **READING TERMINAL AND TRAINSHED**, 115-1141 Market St., (6-30-72) NHL.
Philadelphia. **REYNOLDS-MORRIS HOUSE**, 225 S. 8th St., (12-24-67) NHL; HABS.
Philadelphia. **ROBERTS-QUAY HOUSE**, 1035-1037 Spruce St., 277 S. 11th St., (11-13-76)
Philadelphia. **RYERS MANSION**, Central and Cottman Aves., (11-21-76)
Philadelphia. **SANSOM, ROW**, 3402-3436 Sansom St., (12-27-77)
Philadelphia. **SIMS, JOSEPH, HOUSE**, 228 S. 9th St., (11-14-77) HABS.
Philadelphia. **SOCIETY HILL HISTORIC DISTRICT**, Bounded on the N by Walnut St., on the S by Lombard St., on the E by pier line of Delaware River, and on the W by 8th St., (6-23-71) HABS.
Philadelphia. **SOUTH FRONT STREET HISTORIC DISTRICT (SOUTHWARK)**, 700-712 S. Front St., W side Bainbridge St. to Kenilworth St., (4-25-72)
Philadelphia. **SOUTHWARK DISTRICT**, Bounded by Delaware, Washington Aves., 5th, Lombard, Front, and Catherine Sts., (5-19-72) HABS.
Philadelphia. **ST. AUGUSTINE'S CATHOLIC CHURCH**, 4th and New Sts., (6-15-76)
Philadelphia. **ST. CLEMENT'S PROTESTANT EPISCOPAL CHURCH**, SW corner of 20th and Cherry Sts., (11-20-70)
Philadelphia. **ST. GEORGE'S METHODIST CHURCH**, 324 New St., (5-27-71)
Philadelphia. **ST. JAMES HOTEL**, 1226-1232 Walnut St., (11-13-76)
Philadelphia. **STENTON (JAMES LOGAN HOME)**, 18th and Courtland Sts., (10-15-66) NHL; HABS.
Philadelphia. **STRICKLAND, WILLIAM, ROW**, 215-227 S. 9th St., (9-14-77)
Philadelphia. **SULLY, THOMAS, RESIDENCE**, 530 Spruce St., (10-15-66) NHL; HABS.
Philadelphia. **TANNER, HENRY O., HOUSE**, 2908 W. Diamond St., (5-11-76) NHL.
Philadelphia. **THADDEUS KOSCIUSZKO NATIONAL MEMORIAL**, 301 Pine St., (12-18-70)

Philadelphia. **U.S. NAVAL HOME (NAVAL ASYLUM)**, Gray's Ferry Ave. at 24th St., (8-21-72) NHL; HABS.
Philadelphia. **U.S.S. OLYMPIA**, Pier 40, at foot of Chestnut St., (10-15-66) NHL.
Philadelphia. **UPSALA**, 6430 Germantown Ave., (1-13-72) HABS.
Philadelphia. **WALNUT STREET THEATRE**, 9th and Walnut Sts., (10-15-66) NHL; HABS.
Philadelphia. **WANAMAKER, JOHN, HOUSE**, 2032 Walnut St., (12-6-71)
Philadelphia. **WIDOW MALOBY'S TAVERN**, 700 S. Front St., (3-16-72) HABS.
Philadelphia. **WOODFORD**, East Fairmount Park, (12-24-67) NHL; HABS.
Philadelphia. **WOODLAND TERRACE**, 501-519, 500-520 Woodland Ter., (3-16-72)
Philadelphia. **WOODLANDS, THE (WILLIAM HAMILTON HOUSE)**, 40th St. and Woodland Ave., W., (12-24-67) NHL; HABS.
Philadelphia. **WYCK HOUSE**, 6026 Germantown Ave., (10-26-71) HABS; G.

pike county
DELAWARE AND HUDSON CANAL, Reference—see Orange County, NY
Milford. **PINCHOT, GIFFORD, HOUSE (GREY TOWERS)**, W edge of Milford, (10-15-66) NHL.

potter county
Coudersport. **COUDERSPORT AND PORT ALLEGANY RAILROAD STATION**, 201 S. West St., (11-21-76)
Coudersport. **POTTER COUNTY COURTHOUSE**, E. 2nd St., (2-24-75)

schuylkill county
Tamaqua. **ORMROD, GEORGE, HOUSE**, 218 W. Broad St., (6-14-77)

snyder county
Beavertown vicinity. **GROSS BRIDGE**, 3 mi. W of Beavertown on SR 574, (8-29-77)

sullivan county
Hills Grove vicinity. **HILLSGROVE COVERED BRIDGE**, 3 mi. E of Hillsgrove off PA 87 over Loyalsock Creek, (7-2-73)

susquehanna county
Lanesboro. **STARRUCCA VIADUCT**, SR 57058 over Starrucca Creek, (10-29-75)
Montrose. **SILVER LAKE BANK**, 75 Church St., (3-7-75)
Susquehanna. **ERIE RAILROAD STATION (STARRUCCA HOUSE)**, S bank of Susquehanna River, (6-19-72) HAFR.

tioga county
Lawrenceville. **FORD, JAMES, HOUSE**, Cowanesque St., (12-6-75)
Lawrenceville. **RYON, JUDGE JOHN, HOUSE**, Main St., (12-16-77)
Wellsboro. **ROBINSON HOUSE**, 120 Main St., (8-3-77)

union county
Lewistown vicinity. **BUFFALO PRESBYTERIAN CHURCH**, W of Lewistown on PA 192, (1-30-76)
Lewistown vicinity. **SLIFER HOUSE**, N of Lewistown off U.S. 15 on SR 59024, (6-18-75)
New Berlin. **NEW BERLIN PRESBYTERIAN CHURCH (NEW BERLIN COMMUNITY CENTER)**, Vine and High Sts., (10-26-72)
New Berlin. **OLD UNION COUNTY COURTHOUSE**, Market and Vine Sts., (11-9-72)

venango county
Franklin. **DALE, SAMUEL F., HOUSE**, 1409 Elk St., (12-4-75)
Oil City. **U.S. POST OFFICE**, 270 Seneca St., (9-15-77)
Titusville vicinity. **DRAKE OIL WELL**, 3 mi. SE of Titusville on PA 36, in Drake Well Memorial Park, (11-13-66) NHL.
Titusville vicinity. **PITHOLE CITY, SITE OF**, (3-20-73)

warren county
Irvine. **IRVINE UNITED PRESBYTERIAN CHURCH**, Off U.S. 6, (8-27-76)
Warren. **HAZELTINE, A. J., HOUSE**, 710 Pennsylvania Ave., W., (11-21-76)
Warren. **PENNSYLVANIA RAILROAD PASSENGER STATION**, 316 Chestnut St., (11-19-74)
Warren. **STRUTHERS LIBRARY BUILDING**, 3rd Ave. and Liberty St., (10-10-75)
Warren. **WARREN COUNTY COURTHOUSE**, Market St. and 4th Ave., (4-18-77)
Warren. **WETMORE HOUSE**, 210 4th Ave., (4-28-75)

washington county
Avella. **MANCHESTER, ISAAC, HOUSE (PLANTATION PLENTY)**, 2 mi. S of Avella on PA 231, (5-21-75)
Blainsburg vicinity. **MAIDEN INN**, W of Blainsburg on U.S. 40, (1-24-74)

california. **OLD MAIN, CALIFORNIA STATE COLLEGE**, California State College campus, (5-2-74)
Canonsburg. **ADMINISTRATION BUILDING, WASHINGTON AND JEFFERSON COLLEGE**, Washington and Jefferson College campus, (8-16-77)
Canonsburg. **ROBERTS HOUSE**, 225 N. Central Ave., (4-10-75)

centerville. **HARRISON HOUSE**, Old Rte. 40, (12-30-74)
Claysville. **DERROW, MARGARET, HOUSE**, W. Main St., (11-5-74)
Claysville. **MONTGOMERY HOUSE**, W. Main St., (10-25-74)
Eighty-Four vicinity. **BROWNLEE, SAMUEL, HOUSE**, N of Eighty-Four on PA 519, (11-7-76)

fredericktown vicinity. **REGISTER LOG HOUSE**, N of Fredericktown off PA 88, (10-16-74)
Gastonsville vicinity. **DUSMAL HOUSE**, E of Gastonsville off Gilmore Rd., (2-24-75)
Monongahela. **ACHESON, EDWARD C., HOUSE**, 908 Main St., (5-11-76) NHL.
Scenery Hill. **HILL'S TAVERN (CENTURY INN)**, U.S. 40, (11-19-74)

washington. **BRADFORD, DAVID, HOUSE**, 175 S. Main St., (7-16-73) HABS.
Washington. **LEMOYNE, DR. JULIUS, HOUSE**, 49 E. Maiden St., (10-25-73)
Washington. **SACKVILLE HOUSE**, 309 E. Wheeling St., (11-21-76)
Washington. **WASHINGTON COUNTY COURTHOUSE**, S. Main St., (7-30-74)
Washington. **WASHINGTON COUNTY JAIL**, Cherry St., (7-30-74)
Washington vicinity. **"S" BRIDGE**, 6 mi. W of Washington on U.S. 40, (4-4-75)
Washington vicinity. **TRINITY HALL**, 1 mi. S of Washington on PA 18, (9-27-76)
West Brownsville. **DORSEY, JOSEPH, HOUSE**, 113 Cherry Ave., (11-19-74)

wayne county
DELAWARE AND HUDSON CANAL, Reference—see Orange County, NY
Bethany. **WILMOT HOUSE**, Wayne St., (2-15-74) HABS.

5294 PUERTO RICO

Equinunk vicinity. *HILL'S SAWMILL*, S of Equinunk off PA 191, (11-8-74)
South Canaan vicinity. *OCTAGON STONE SCHOOLHOUSE*, 1 mi. SW of South Canaan, (5-6-77)
Starrucca. *STONE ARCH BRIDGE, STARRUCCA CREEK*, SR 57054, (10-21-77)

westmoreland county

Greensburg. *GREENSBURG RAILROAD STATION*, Harrison Ave., (11-7-77)
Greensburg vicinity. *OLD HANNASTOWN, SITE OF*, (1-26-72)
Harrison City vicinity. *BUSHY RUN BATTLEFIELD*, 2 mi. E of Harrison City on PA 993, (10-15-66) NHL
Irwin. *BRUSH HILL*, 651 Brush Hill Rd., (10-14-75)
Ligonier. *FORT LIGONIER SITE*, S. Market St., (1-21-75)
New Florence vicinity. *LAUREL HILL FURNACE*, SE of New Florence on Baldwin Run, (4-28-75)
Torrance vicinity. *WESTERN DIVISION-PENNSYLVANIA CANAL (CONEMAUGH RIVER LAKE)*, N of Torrance, (9-17-74)

wyoming county

Meshoppen. *OLD WHITE MILL*, Off Welles St., (9-11-75)
Nicholson vicinity. *TUNKHANNOCK VIADUCT*, 0.5 mi. E of Nicholson at Tunkhannock Creek, (4-11-77)

york county

Felton vicinity. *WALLACE-CROSS MILL*, S of Felton, (12-22-77)
Hanover. *NACE (NEAS), GEORGE, HOUSE*, 113-115 W. Chestnut St., (4-26-72)
Laurel vicinity. *GUINSTON UNITED PRESBYTERIAN CHURCH*, E of Laurel off PA 74, (1-11-76)
Wellsville. *WARRINGTON MEETINGHOUSE*, Off PA 74, (2-20-75)
Wellsville. *WELLSVILLE HISTORIC DISTRICT*, PA 74, (12-6-77)
Wrightsville vicinity. *DRITT MANSION*, 3.5 mi. S of Wrightsville on PA 624, (8-16-77)
York. *BILLMEYER HOUSE*, E. Market St., (11-10-70)
York. *BOBB, BARNETT, HOUSE (OLD LOG HOUSE)*, Rear 157 W. Market St., (10-29-75)
York. *COOKES HOUSE (PAINE, THOMAS, HOUSE)*, 438-440 Cordus St., (10-5-72)
York. *FARMERS MARKET*, 380 W. Market St., (11-25-77)
York. *FORRY HOUSE*, 149 N. Newberry St., (12-27-77)
York. *GATES, GEN. HORATIO, HOUSE, AND GOLDEN PLOUGH TAVERN*, 157-159 W. Market St., (12-6-71)
York. *LAUREL-REX FIRE COMPANY HOUSE*, S. Duke St., (10-8-76)
York. *YORK MEETINGHOUSE*, 134 W. Philadelphia St., (5-6-75)
York vicinity. *STONER, SAMUEL, HOMESTEAD*, S of York off PA 182, (1-30-76)

PUERTO RICO

Arecibo vicinity. *FARO DE ARECIBO*, NE of Arecibo off Route 686, (11-23-77)
Esperanza vicinity. *HACIENDA CASA DEL FRANCES*, NW of Esperanza, (11-18-77)
Guanica vicinity. *FARO DE GUANICA*, S of Guanica, (3-28-77)
Guayama. *IGLESIA PARROQUIAL DE SAN ANTONIO DE PADUA DE GUAYAMA*, 5 Ashford St., (7-30-76)

Guayama. *INGENIO AZUCARERO VIVES*, Avenida Central, Barrio Machete, (9-1-76)
Guaynabo. *IGLESIA PARROQUIAL DE SAN PEDRO MARTIR DE GUAYNABO*, Plaza de Recreo, (9-8-76)
Hormigueros. *SANTUARIO DE LA MONSERATE DE HORMIGUEROS AND CASA DE PEREGRINOS*, Calle Peregrinos No. 1 on Insular Rte. 344, (12-31-74) and (4-17-75) G.
Humacao. *CASA ROIG*, Antonio Lopez 66, (11-17-77)
Isabel II. *FARO DE VIEQUES*, Off PR 38, (11-17-77)
Isabel II. *FUERTE DE VIEQUES*, Calle del Fuerte, (11-18-77)
Loiza Aldea. *PARROQUIA DEL ESPIRITU SANTO Y SAN PATRICIO*, Plaza de Loiza, (9-8-76)
Manati vicinity. *HACIENDA AZUCARERA LA ESPERANZA*, NNW of Manati on PR 616, (8-11-76) HAE.
Mayaguez. *EDIFICIO JOSE DE DIEGO*, University of Puerto Rico campus, (11-18-77)
San German. *CONVENTO DE PORTA COELI*, Plaza Porta Coeli, (9-8-76)
San Juan. *ANTIGUO CASINO DE PUERTO RICO*, Avenida Ponce de Leon 1, (9-22-77)
San Juan. *CARCEL DE PUERTO DE TIERRA*, Avenida Ponce de Leon, Parada 8, Puerta de Tierra, (8-11-76)
San Juan. *EL CAPITOLIO DE PUERTO RICO*, Avenida Ponce de Leon and Avenida Munez Rivera, (11-18-77)
San Juan. *SAN JUAN NATIONAL HISTORIC SITE*, (10-15-66) HABS.
San Juan. *ZONA HISTORICA DE SAN JUAN (CASCO DE SAN JUAN)*, NW triangle of the islet of San Juan, (10-10-72) HABS; G.
Toa Baja. *IGLESIA PARROQUIAL DE SAN PEDRO APOSTOL DE TOA BAJA*, Las Flores St. No. 47, (12-31-74) and (4-17-75)

san juan island

LA FORTALEZA, On San Juan Bay at W end of Calle Fortaleza, (10-15-66) NHL; HABS.

RHODE ISLAND

bristol county

Barrington. *BARRINGTON CIVIC CENTER*, RI 103/114, (12-12-76)
Barrington. *BELTON COURT*, Middle Highway, (6-30-76)
Bristol. *BRISTOL COUNTY COURTHOUSE*, High St., (4-28-70) G.
Bristol. *BRISTOL COUNTY JAIL*, 48 Court St., (4-24-73) G.
Bristol. *BRISTOL CUSTOMSHOUSE AND POST OFFICE*, 420-448 Hope St., (5-31-72) G.
Bristol. *BRISTOL WATERFRONT HISTORIC DISTRICT*, Bristol Harbor to E side of Wood St. as far N as Washington St. and S to Walker Cove, (3-18-75) G.
Bristol. *CHURCH, BENJAMIN, HOUSE*, 1014 Hope St., (9-22-71) G.
Bristol. *LONGFIELD (GIBSON, CHARLES DANA, HOUSE)*, 1200 Hope St., (7-17-72)
Bristol. *MOUNT HOPE BRIDGE*, RI 114 over Narragansett Bay, (1-31-76) (also in Newport County)
Bristol. *MOUNT HOPE FARM (GOV. WILLIAM BRADFORD HOUSE)*, Metacom Ave., (5-2-77) HABS.
Bristol. *REYNOLDS, JOSEPH, HOUSE*, 956 Hope St., (5-31-72)
Warren. *WARREN UNITED METHODIST CHURCH AND PARSONAGE*, 27 Church St., (8-12-71) G.

NOTICES

Warren. *WARREN WATERFRONT HISTORIC DISTRICT*, Bounded roughly by the Warren River, Belcher Cove, and the old town line (includes Main St. to Campbell St.), (2-28-74) G.

kent county

Coventry. *PAINE HOUSE (FRANCIS BRAYTON HOUSE)*, Station St., (5-1-74) HABS.
Coventry. *WATERMAN TAVERN*, Maple Valley Rd., (7-24-74)
Coventry (Anthony). *GREENE, GEN. NATHANAEL, HOMESTEAD*, 20 Taft St., (10-7-71) NHL; HABS; G.
Coventry vicinity. *HOPKINS MILL*, SW of Coventry on RI 3 at Nooseneck River, (1-11-74) HABS.
East Greenwich. *ARMORY OF THE KENTISH GUARDS*, Armory and Peirce Sts., (4-28-70) G.
East Greenwich. *KENT COUNTY COURTHOUSE*, 127 Main St., (4-28-70) G.
East Greenwich. *VARNUM, GEN. JAMES MITCHELL, HOUSE*, 57 Peirce St., (8-12-71) G.
East Greenwich. *WHITMARSH, COL. MICAH, HOUSE*, 294 Main St., (2-18-71) G.
East Greenwich. *WINDMILL COTTAGE*, 144 Division St., (5-22-73) HABS; G.
East Greenwich and Warwick. *EAST GREENWICH HISTORIC DISTRICT*, (6-13-74) HABS.
Warwick. *ARNOLD, JOHN WATERMAN, HOUSE*, 11 Roger Williams Ave., (9-10-71) G.
Warwick. *FORGE FARM*, 40 Forge Rd., (1-11-74) HABS.
Warwick. *GASPEE POINT (NAMQUID POINT)*, Off Namquid Dr., (6-8-72)
Warwick. *GREENE-BOWEN HOUSE*, 698 Buttonwoods Ave., (5-2-74) HABS; G.
Warwick. *PAWTUXET VILLAGE HISTORIC DISTRICT*, Bounded roughly by Bayside, S. Atlantic, and Ocean Aves.; Pawtuxet and Providence rivers; and Post Rd., (4-24-73) (also in Providence County)
Warwick. *PONTIAC MILLS*, Knight St., (6-5-72)
Warwick. *RHODES, CHRISTOPHER, HOUSE*, 25 Post Rd., (3-31-71)
West Warwick. *CLAPP, SILAS, HOUSE*, E. Greenwich Ave., (5-7-73)
West Warwick. *LIPPITT MILL*, 825 Main St., (1-11-74) HABS.
West Warwick. *PHENIX BAPTIST CHURCH*, 10 Fairview Ave., (6-30-76)

maury county

Spring Hill. *CHEARS, MARTIN, HOUSE*, U.S. 31, (12-12-76)
Spring Hill. *RITTER-MORTON HOUSE*, McLemore Ave., (12-12-76)

newport county

MOUNT HOPE BRIDGE, Reference—see Bristol County
Jamestown. *ARTILLERY PARK*, North Rd. and Narragansett Ave., (3-7-73)
Jamestown. *CONANICUT BATTERY*, W of Beaver Tail Rd., (7-2-73) G.
Jamestown. *FORT DUMPLING SITE*, (3-16-72)
Jamestown. *FRIENDS MEETINGHOUSE*, North Rd. and Weeden Lane, (3-7-73) HABS; G.
Jamestown. *JAMESTOWN WINDMILL*, North Rd., N of Weeden Lane, (3-14-73) HABS.
Jamestown vicinity. *BEAVERTAIL LIGHT*, S of Jamestown on Beavertail Rd., (12-12-77)

NOTICES

Little Compton. *LITTLE COMPTON COMMON HISTORIC DISTRICT*, (5-3-74) HABS.
Middletown. *JOSEPH, LYMAN C., HOUSE*, 438 Walcott Ave., (5-2-75)
Middletown. *WHITEHALL*, Berkeley Ave., (4-28-70) HABS; G.
Newport. *BALDWIN, CHARLES H., HOUSE*, Bellevue Ave., opposite Perry St., (5-6-71) HABS.
Newport. *BELL, ISAAC, HOUSE (EDNA VILLA)*, 70 Perry St., (1-13-72) HABS; G.
Newport. *BELLEVUE AVENUE HISTORIC DISTRICT*, 170-230 Bellevue Ave., (12-8-72) NHL; HABS.
Newport. *BREAKERS, THE*, Ochre Point Ave., (9-10-71)
Newport. *BRICK MARKET*, Thames St. and Washington Sq., (10-15-66) NHL; HABS.
Newport. *CHATEAU-SUR-MER*, Bellevue Ave., (11-8-68) HABS.
Newport. *CLARK, SHERMAN, HOUSE*, 279 Thames St., (1-13-72)
Newport. *CLARKE STREET MEETINGHOUSE*, Clarke St., (1-25-71) G.
Newport. *COMMANDANT'S RESIDENCE, QUARTERS NUMBER ONE, FORT ADAMS*, Harrison Ave., Fort Adams, (5-8-74)
Newport. *COMMON BURYING GROUND AND ISLAND CEMETERY*, Farewell and Warner Sts., (5-1-74) G.
Newport. *COTTON, DR. CHARLES, HOUSE*, 5 Cotton's Court, (1-13-72)
Newport. *COVELL, WILLIAM KING III, HOUSE*, 72 Washington St., (5-31-72) G.
Newport. *ELMS, THE*, Bellevue Ave., (9-10-71)
Newport. *GALE, LEVI H., HOUSE*, 89 Touro St., (5-6-71) HABS; G.
Newport. *GRISWOLD, JOHN, HOUSE*, 76 Bellevue Ave., (11-5-71) HABS.
Newport. *HUNTER HOUSE*, 54 Washington St., (11-24-68) NHL; HABS.
Newport. *KAY-CATHERINE STREET-OLD BEACH ROAD HISTORIC DISTRICT*, (5-22-73) NHL; HABS; G.
Newport. *KING, EDWARD, HOUSE*, Aquidneck Park, Spring St., (10-15-70) NHL
Newport. *KINGSOTE*, Bellevue Ave. and Bowery St., (5-17-73)
Newport. *LUCAS-JOHNSTON HOUSE*, 40 Division St., (5-6-71) HABS.
Newport. *LUCE HALL (NAVAL WAR COLLEGE AND TORPEDO SCHOOL)*, U.S. Naval War College, Coasters Harbor Island, (9-22-72) NHL
Newport. *MALBONE*, Malbone Rd., (10-22-76) HABS.
Newport. *MALBONE, FRANCIS, HOUSE*, 392 Thames St., (4-28-75) HABS.
Newport. *MARBLE HOUSE*, Bellevue Ave., (9-10-71)
Newport. *MAWDSLEY, CAPT. JOHN, HOUSE*, 228 Spring St., (7-2-73)
Newport. *MIANTONOMI MEMORIAL PARK*, Between Hillside and Girard Aves., (6-23-69)
Newport. *NEWPORT ARTILLERY COMPANY ARMORY*, 23 Clarke St., (6-30-72) G.
Newport. *NEWPORT CASINO*, 194 Bellevue Ave., (12-2-70) HABS; G.
Newport. *NEWPORT HISTORIC DISTRICT*, Bounded roughly by Van Zandt Ave., Farewell, Sherman, High, Thomas, Golden Hill, Thames, Marsh, and Washington Sts., (11-24-68) NHL; G.
Newport. *NEWPORT STEAM FACTORY*, 449 Thames St., (1-20-72) HABS.

Newport. *OCEAN DRIVE HISTORIC DISTRICT*, Ocean Dr., (5-11-76) NHL
Newport. *OCHRE POINT-CLIFFS HISTORIC DISTRICT*, Roughly bounded by Bellevue Ave. and coastline as far N as Memorial Blvd. and S to Sheep Point Cove, (3-18-75) HABS.
Newport. *OLD COLONY HOUSE (OLD STATEHOUSE)*, Washington Sq., (10-15-66) NHL; HABS; G.
Newport. *PERRY MILL*, 337 Thames St., (1-13-72)
Newport. *REDWOOD LIBRARY*, 50 Bellevue Ave., (10-15-66) NHL; HABS.
Newport. *ROGERS, JOSEPH, HOUSE*, 37 Touro St., (2-23-72)
Newport. *ROSECLIFF (HERMANN OELRICHS HOUSE; J. EDGAR MONROE HOUSE)*, Bellevue Ave., (2-6-73)
Newport. *SHERMAN, WILLIAM WATTS, HOUSE*, 2 Shepard Ave., (12-30-70) NHL; HABS.
Newport. *SHILOH CHURCH (TRINITY SCHOOLHOUSE)*, 25 School St., (8-12-71)
Newport. *STILES, EZRA, HOUSE*, 14 Clarke St., (3-16-72)
Newport. *TILLINGHAST, JOHN, HOUSE*, 142 Mill St., (4-11-73) HABS.
Newport. *TOURO SYNAGOGUE NATIONAL HISTORIC SITE*, 85 Touro St., (10-15-66) HABS.
Newport. *TRINITY CHURCH*, Spring and Church Sts., (11-24-68) NHL; HABS.
Newport. *U.S. NAVAL WAR COLLEGE*, Coaster's Harbor Island, (10-15-66) NHL
Newport. *UNITED CONGREGATIONAL CHURCH*, Spring and Pelham Sts., (11-19-71) HABS.
Newport. *VERNON HOUSE*, 46 Clarke St., (11-24-68) NHL; HABS.
Newport. *WANTON-LYMAN-HAZARD HOUSE*, 17 Broadway, (10-15-66) NHL; HABS.
Newport. *WHITE HORSE TAVERN*, 26 Marlborough St., (2-23-72) HABS.
Newport. *WHITEHORNE, SAMUEL, HOUSE*, 414 Thames St., (5-6-71) HABS.
Newport vicinity. *FORT ADAMS*, W of Newport at Fort Adams Rd. and Harrison Ave., (7-28-70) NHL; HABS.
Portsmouth. *BATTLE OF RHODE ISLAND SITE*, Lehigh Hill and both sides of RI 21 between Medley and Dexter Sts., (5-30-74) NHL
Portsmouth. *UNION CHURCH*, Union St. and E. Main Rd., (6-13-74) G.
Portsmouth vicinity. *WRECK SITES OF H.M.S. CERBERUS AND H.M.S. LARK*, Waters of Narragansett Bay adjacent to Aquidneck Island, (4-26-73)
Tiverton. *FORT BARTON SITE*, (3-7-73)
Tiverton. *TIVERTON FOUR CORNERS HISTORIC DISTRICT*, (6-20-74)

providence county

PAWTUXET VILLAGE HISTORIC DISTRICT, Reference—see Kent County
Central Falls. *CENTRAL FALLS CONGREGATIONAL CHURCH*, 376 High St., (7-12-76)
Central Falls. *JENKS PARK AND COWSWELL TOWER*, Adjoining 580 Broad St. to the N, (9-22-72) G.
Chepachet. *CHEPACHET VILLAGE HISTORIC DISTRICT*, (3-31-71) G.
Cranston. *JOY HOMESTEAD*, 156 Scituate Ave., (2-18-71)
Cranston. *OAK LAWN VILLAGE HISTORIC DISTRICT*, Wilbur Ave. from Natick Rd. to Oaklawn Ave., includes Searle, Exchange, and Wheelock Sts., (11-25-77)

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Cranston. *SPRAGUE, GOV. WILLIAM, MANSION*, 1351 Cranston St., (2-18-71)
Cumberland. *BURLINGAME-NOON HOUSE*, 3261 Mendon Rd., (2-15-74)
Cumberland (Berkeley). *BERKELEY MILL VILLAGE*, Bounded roughly by Martin St., Mendon Rd., railroad, and cemetery, (2-23-72)
East Providence. *CRESCENT PARK CAROUSEL*, Bullock's Point Ave., (4-21-76)
East Providence. *WALKER, PHILIP, HOUSE*, 432 W. Massasoit Ave., (6-24-72) G.
Esmond. *ALLENVILLE MILL*, 5 Esmond St., (1-20-72) HABS.
Forestdale. *FORESTDALE MILL VILLAGE HISTORIC DISTRICT*, E and W along Main St. and N on Maple Ave., (6-5-72)
Foster. *DORRANCE, CAPT. GEORGE, HOUSE*, Jencks Rd., (3-16-72)
Foster. *FOSTER CENTER HISTORIC DISTRICT*, (5-11-74) G.
Foster vicinity. *MOUNT VERNON TAVERN*, Plainfield Pike (RI 14), (5-8-74)
Georgiaville vicinity. *SMITH-APPLEBY HOUSE*, Stillwater Rd., SE of jct. with Capron Rd., (5-1-74) HABS.
Glocester. *GLOCESTER TOWN POUND*, Pound Rd. and Chopmist Hill Rd., (9-22-70)
Greenville vicinity. *WINSOR, STEPHEN, HOUSE*, 93 Austin Ave., (10-6-75)
Johnston. *ANGELL, DANIEL, HOUSE*, 15 Dean Ave., (4-21-75) G.
Johnston. *BROWN AVENUE HISTORIC DISTRICT*, Brown Ave., (4-24-73) G.
Johnston. *CLEMENCE-IRONS HOUSE*, 38 George Waterman Rd., (7-2-73) HABS.
Johnston. *FARNUM, EDWIN H., HOUSE (ANGELL HOUSE)*, U.S. 44 at jct. with Collins St., (5-17-74)
Lincoln. *ARNOLD, ELEAZER, HOUSE*, Great Rd. (RI 123) near jct. with RI 126, (11-24-68) NHL; HABS; G.
Lincoln. *ARNOLD, ISRAEL, HOUSE*, Great Rd., (12-18-70) HABS; G.
Lincoln. *BLACKSTONE CANAL*, From Steeple and Promenade Sts. to the Ashton Dam, (5-6-71)
Lincoln. *HEARTHSIDE (STEPHEN HOPKINS SMITH HOUSE)*, Great Rd., (4-24-73) HABS.
Lincoln. *LIMEROCK VILLAGE HISTORIC DISTRICT*, In irregular pattern along Smith, Wilbur, and Great Rds., and Old Louisiquisset Pike, (5-23-74) HABS; G.
Manville vicinity. *COLE, JOHN, FARM*, E of Manville on Reservoir Rd., (8-16-77)
North Providence. *ALLENDALE MILL*, 494 Woonasquatucket Ave., (5-7-73) HABS.
North Scituate. *OLD CONGREGATIONAL CHURCH*, Off U.S. 6 on Greenville Rd. (RI 116), (1-11-74)
Pawtucket. *OLD SLATER MILL*, Roosevelt Ave., (11-13-66) NHL
Pawtucket. *PAWTUCKET POST OFFICE*, 56 High St., (4-30-76)
Pawtucket. *PITCHER-GOFF HOUSE*, 56 Walcott St., (6-24-76) G.
Pawtucket. *SAYLES, DEBORAH COOK, PUBLIC LIBRARY*, 13 Summer St., (12-6-75)
Pawtucket. *SLATER PARK*, Armistice Blvd., (6-30-76) G.
Pawtucket. *SPAULDING, JOSEPH, HOUSE*, 30 Fruit St., (10-22-76)
Pawtucket. *TRINITY CHURCH*, 50 Main St., (1-13-72)
Providence. *ALDRICH, NELSON W., HOUSE*, 110 Benevolent St., (12-8-76) NHL

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Providence. ALLEN, CANDACE, HOUSE, 12 Benevolent St., (4-11-73) HABS.
Providence. ARCADE, THE, 130 Westminster St. and 65 Weybosset St., (5-6-71) NHL; HABS.
Providence. ARNOLD-PALMER HOUSE, 33 Chestnut St., (1-20-72)
Providence. BAILEY, WILLIAM L., HOUSE (HILLWOOD, DOMINIC HALL), Eaton St., Providence College campus, (3-7-73)
Providence. BELL STREET CHAPEL, 5 Bell St., (3-14-73)
Providence. BENEFICENT CONGREGATIONAL CHURCH, 300 Weybosset St., (1-13-72) HABS.
Providence. BRACKETT, CHARLES, HOUSE (GEORGE CORLISS HOUSE), 45 Prospect St., (4-3-70)
Providence. BRADLEY, GEORGE M., HOUSE (MARTIN HALL), Eaton St., Providence College campus, (1-13-72) G.
Providence. BRICK SCHOOLHOUSE (MEETING STREET SCHOOL), 24 Meeting St., (12-5-72) HABS.
Providence. BROADWAY-ARMORY HISTORIC DISTRICT, (5-1-74) HABS.
Providence. BROWN, JOHN, HOUSE, 52 Power St., (11-24-68) NHL; HABS; G.
Providence. BUTLER HOSPITAL, 333 Grotto Ave., (10-8-76)
Providence. CARR, DR. GEORGE W., HOUSE, 29 Waterman St., (3-7-73) HABS.
Providence. CATHEDRAL OF SAINTS PETER AND PAUL, Cathedral Sq., (2-10-75) HABS.
Providence. CHRIST EPISCOPAL CHURCH, 909 Eddy St., (6-30-76)
Providence. COLLEGE HILL HISTORIC DISTRICT, Roughly bounded by the Providence and Seekonk Rivers, Olney, Hope, and Governor Sts., Carrington and Whittier Aves., (11-10-70) NHL; G.
Providence. CONGDON STREET BAPTIST CHURCH, 17 Congdon St., (6-21-71) G.
Providence. CORLISS-CARRINGTON HOUSE, 66 Williams St., (12-30-70) NHL; HABS.
Providence. CORLISS, JOHN, HOUSE, 201 S. Main St., (5-1-74) HABS.
Providence. COVELL STREET SCHOOL, 231 Amherst St., (9-30-76)
Providence. CUSTOMHOUSE HISTORIC DISTRICT, Bounded by Westminster, Exchange, Dyer, Pine, and Peck Sts., (2-20-75)
Providence. DEXTER, EDWARD, HOUSE, 72 Waterman St., (6-21-71) HABS.
Providence. DEXTER, JEREMIAH, HOUSE, 957 N. Main St., (10-8-76) HABS.
Providence. ELIZABETH BUILDING, 100 N. Main St., (11-5-71)
Providence. FEDERAL BUILDING, Kennedy Plaza, (4-13-72)
Providence. FIRST BAPTIST MEETINGHOUSE, N. Main St., between Thomas and Waterman Sts., (10-15-66) NHL; HABS.
Providence. FIRST UNIVERSALIST CHURCH, 250 Washington St., (8-16-77)
Providence. GRACE CHURCH, 175 Mathewson St., (6-19-72) HABS.
Providence. HAILE, JOSEPH, HOUSE (GARDNER HOUSE), 106 George St., (5-19-72) HABS.
Providence. HOPE BLOCK AND CHEAPSIDE, 22-26 and 40 N. Main St., (5-21-75)
Providence. HOPE-POWER-COOKE STREETS HISTORIC DISTRICT, Roughly bounded by Angell, Governor, Williams, and Brook Sts., (1-12-73)

Providence. HOPKINS, ESEK, HOUSE, 97 Admiral St., (5-22-73) HABS.
Providence. HOPKINS, GOV. STEPHEN, HOUSE, 15 Hopkins St., (4-3-70) NHL; HABS; G.
Providence. HOPPIN, THOMAS F., HOUSE, 383 Benefit St., (2-6-73) HABS.
Providence. IVES, THOMAS P., HOUSE, 66 Power St., (12-30-70) NHL; HABS.
Providence. LIPPITT, GOV. HENRY, HOUSE, 199 Hope St., (11-27-72) NHL; HABS.
Providence. LOEW'S STATE THEATRE, 220 Weybosset St., (8-19-77)
Providence. MARKET HOUSE, Market Sq., (4-13-72) HABS.
Providence. MASON, ISRAEL B., HOUSE, 571 Broad St., (8-16-77)
Providence. MERCHANTS BANK BUILDING, 32 Westminster St., (11-21-77)
Providence. MOSHASSUCK SQUARE, Roughly bounded by Charles, Randall, N. Main, and Smith Sts., (9-8-70) HABS; G.
Providence. NORTH BURIAL GROUND, Between Branch Ave. and N. Main St., (9-13-77)
Providence. NORTH FREIGHT STATION (PROVIDENCE AND WORCESTER RAILROAD DEPOT: MERCHANDISE HOUSES), Canal St., (5-7-73) HABS; HABS.
Providence. OLNEY, CAPT. STEPHEN, HOUSE, 138 Smithfield Rd., (5-1-74) HABS.
Providence. PEARCE, NATHANIEL, HOUSE, 305 Brook St., (5-19-72) HABS.
Providence. PROVIDENCE-BILTMORE HOTEL, 11 Dorrance St., (5-27-77)
Providence. PROVIDENCE CITY HALL, Dorrance and Washington Sts., (1-23-75)
Providence. RHODE ISLAND HOSPITAL TRUST BUILDING, 15 Westminster St., (10-22-76)
Providence. RHODE ISLAND STATEHOUSE, 90 Smith St., (4-28-70) G.
Providence. ROGER WILLIAMS NATIONAL MEMORIAL, Bounded by N. Main, Canal, Smith, and Haymarket Sts., (10-15-66)
Providence. ROGER WILLIAMS PARK HISTORIC DISTRICT, Roger Williams Park, (10-15-66)
Providence. RUSSELL, JOSEPH AND WILLIAM, HOUSE, 118 N. Main St., (8-12-71)
Providence. SHEPARD COMPANY BUILDING, 259 Westminster Mall, 72-92 Washington St., (8-11-76)
Providence. SIXTH DISTRICT COURTHOUSE, 150 Benefit St., (4-28-70)
Providence. ST. JOSEPH'S ROMAN CATHOLIC CHURCH, 86 Hope St., (7-15-74)
Providence. ST. MICHAEL'S ROMAN CATHOLIC CHURCH, CONVENT, RECTORY, AND SCHOOL, 251 Oxford St., (3-25-77)
Providence. ST. STEPHEN'S CHURCH, 114 George St., (2-6-73) HABS.
Providence. STATE ARSENAL, 176 Benefit St., (4-28-70) HABS.
Providence. STIMSON AVENUE HISTORIC DISTRICT, Both sides of Stimson Ave. and Diman Pl. between Angell St. on S, Hope St. on W, and a stone wall on N., (4-24-73) HABS.
Providence. SWAN POINT CEMETERY, 585 Blackstone Blvd., (10-5-77)
Providence. TRINITY SQUARE REPERTORY THEATRE (MAJESTIC THEATER), 201 Washington St., (6-5-72)
Providence. U.S. CUSTOMSHOUSE, 24 Weybosset St., (4-13-72) HABS.
Providence. UNION STATION, Exchange Ter., (2-20-75)

Providence. UNION TRUST COMPANY BUILDING, 62 Dorrance St., (3-1-73)
Providence. UNIVERSITY HALL, BROWN UNIVERSITY, Brown University campus, (10-15-66) NHL; HABS.
Providence. WINSOR-SWAN-WHITMAN FARM, 416 Eaton St., (5-1-74)
Providence. WITHERBY, CONSTANCE, PARK, 210 Pitman St., (11-25-75)
Providence. WOODS-GERRY HOUSE, 62 Prospect St., (2-12-71) HABS; G.
Providence vicinity. MT. HYGEIA (SOLOMON DROWN HOUSE), W of Providence on RI 94, (8-12-77) HABS.
Saylesville vicinity. GREAT ROAD HISTORIC DISTRICT, W of Saylesville at Breakneck Hill and Grant Rds., (7-22-74) NHL; HABS.
Slatersville. SLATERSVILLE HISTORIC DISTRICT, Main, Green, Church, and School Sts. and Ridge Rd., (4-24-73)
Union Village. ARNOLD, PELEG, TAVERN, Woonsocket Hill Rd., (7-30-74)
Woonsocket. CATO HILL HISTORIC DISTRICT, Within area bounded by Arnold, Railroad, Blackstone, and Main Sts., (8-10-76)
Woonsocket. HARRIS WAREHOUSE, 61 Railroad St., (7-1-76)
Woonsocket. STADIUM BUILDING, 329 Main St., (6-30-76)
Woonsocket. WOONSOCKET CITY HALL (HARRIS INSTITUTE), 169 Main St., (5-1-74) G.
Woonsocket. WOONSOCKET COMPANY MILL COMPLEX, 100-115 Front St., (5-7-73) HABS.

washington county
Allenton vicinity. DOUGLAS, GEORGE, HOUSE, S of Allenton at Tower Hill and Gilbert Stuart Rds., (10-10-75)
Carolina. CAROLINA VILLAGE HISTORIC DISTRICT, (5-2-74)
Charlestown. FORT NINIGRET, Fort Neck Rd., (4-28-70)
Charlestown. HISTORIC VILLAGE OF THE NARRAGANSETTS IN CHARLESTOWN, Bound by RI 2/112 on E, U.S. 1 on S, Kings Factory Rd. on W, and RI 91 on N., (5-7-73)
Charlestown vicinity. INDIAN BURIAL GROUND, (4-28-70)
Davisville vicinity. CAMP ENDICOTT, Off U.S. 1, (12-21-77)
Exeter vicinity. AUSTIN FARM ROAD AGRICULTURAL AREA, 6 mi. W of Exeter off I-95, (8-16-77)
Hopkinton. HOPKINTON CITY HISTORIC DISTRICT, (5-1-74)
Hopkinton vicinity. TOMAQUAG, ROCK SHELTERS, S of Hopkinton, (8-12-77)
Kingston. KINGSTON VILLAGE HISTORIC DISTRICT, (5-1-74) HABS; G.
Narragansett. GREENE INN, 175 Ocean Rd., (6-24-76)
Narragansett. NARRAGANSETT PIER LIFE SAVING STATION, 40 Ocean Rd., (6-30-76)
Narragansett. TOWERS, THE, Ocean Rd., (11-25-69)
Narragansett vicinity. NARRAGANSETT BAPTIST CHURCH, N of Narragansett on S. Ferry Rd., (11-25-77)
New Shoreham. BLOCK ISLAND NORTH LIGHT, Sandy Point (off N end of Corn Neck Rd.), (5-23-74)
New Shoreham. OLD HARBOR HISTORIC DISTRICT, (5-8-74)
North Kingstown. OLD NARRAGANSETT CHURCH (ST. PAUL'S EPISCOPAL CHURCH), 60 Church Lane, Wickford, (7-2-73) HABS; G.

NOTICES

North Kingstown. WICKFORD HISTORIC DISTRICT, Roughly bounded by Tower Hill and Post Rds. as far N as Mill Cove and S to Lindley Ave., (12-31-74)
North Kingstown (Wickford). PALMER-NORTHROP HOUSE, 7919 Post Rd., (4-11-73) HABS.
North Kingstown (Wickford). SHAW, DR. WILLIAM G., HOUSE, 41 Brown St., (1-13-72)
North Kingstown (Wickford). ST. PAUL'S CHURCH, 76 Main St., (6-30-72)
North Kingstown (Wickford) vicinity. SMITH'S CASTLE, N of Wickford on the Post Rd., (2-23-72)
Quonochontaug. BABCOCK HOUSE, Main St., (1-1-76)
Quonochontaug. SHEFFIELD HOUSE, Beach Rd., (1-1-76)
Saunderstown. STUART, GILBERT, BIRTHPLACE, Gilbert Stuart Rd., (10-15-66) NHL; HABS.
Saunderstown vicinity. CASEY, SILAS, FARM, N of Saunderstown on RI 138, (8-14-73) HABS.
Westerly. BABCOCK-SMITH HOUSE, 124 Granite St., (7-24-72) HABS.
Westerly. FORMER IMMACULATE CONCEPTION CHURCH, 119 High St., (4-24-73) G.
Westerly. U.S. POST OFFICE, High and Broad Sts., (8-12-71)
Westerly. WILCOX PARK HISTORIC DISTRICT, Roughly bounded by Broad, Granite, High Sts. and Grove Ave. and running along Elm St., (5-7-73)
Wyoming. WYOMING VILLAGE HISTORIC DISTRICT, (5-2-74)

williamson county
Franklin. THE LOTZ HOUSE, 1111 Columbia Ave., (12-12-76)

SOUTH CAROLINA

abbeyville county
Abbeville. ABBEVILLE OPERA HOUSE, Court Sq., (7-1-70)
Abbeville. BURT, ARMISTEAD, HOUSE (STARK HOUSE), 306 N. Main St., (4-3-70) G.
Abbeville. TRINITY EPISCOPAL CHURCH AND CEMETERY, Church St., (5-6-71) G.
Abbeville and vicinity. ABBEVILLE HISTORIC DISTRICT, Town of Abbeville, (9-14-72) G.
Abbeville vicinity. CALHOUN, PATRICK, FAMILY CEMETERY, 9.5 mi. SW of Abbeville on SC 823, (8-28-75)
Due West. YOUNG PLACE, SC 185, (10-9-74)
aiken county
Aiken. CARROLL, CHANCELLOR JAMES P., HOUSE, 112 Gregg Ave., (11-23-77)
Aiken. LEGARE-MORGAN HOUSE, 241 Lauren St., SW., (9-22-77)
Aiken. PHELPS HOUSE, Barnwell Ave., (6-10-74)
Aiken vicinity. DAWSON-VANDERHORST HOUSE, NE of Aiken at jct. of Wire and New Bridge Rds., (6-29-76)
Beech Island vicinity. FORT MOORE-SAVANO TOWN SITE, (8-14-73)
Beech Island vicinity. REDCLIFFE, 1.5 mi. NE of Beech Island on SC 125, (5-8-73)
Jackson vicinity. SILVER BLUFF, 5 mi. W of Jackson on Savannah River, (11-1-77)
North Augusta. HAMMOND, CHARLES, HOUSE, 908 Martintown Road W., (10-2-73)

North Augusta. ROSEMARY HALL (JACKSON HOUSE), 804 Carolina Ave., (4-28-75)
allendale county
Allendale vicinity. ANTIOCH CHRISTIAN CHURCH, SW of Allendale on SC 3, (12-12-77)
Allendale vicinity. ERWIN HOUSE, SW of Allendale off U.S. 301, (5-24-76)
Allendale vicinity. GRAVEL HILL PLANTATION, SW of Allendale off U.S. 301, (5-28-76)
Allendale vicinity. RED BLUFF FLINT QUARRIES (RICE CHERT QUARRY), (6-22-72)
Allendale vicinity. ROSELAWN, 3 m. SW of Allendale on SC 47, (5-28-76)
Allendale vicinity. SMYRNA BAPTIST CHURCH, S of Allendale on SC 22, (5-28-76)
Johnson's Landing vicinity. LAWTON MOUNDS, (6-19-72)
Peoples vicinity. FENNEL HILL, (11-19-74)
anderson county
Anderson. ANDERSON HISTORIC DISTRICT, Bounded by Hampton, Main, Franklin, McDuffie, Benson, and Fant Sts., (12-13-71)
Anderson. CALDWELL-JOHNSON-MORRIS COTTAGE, 220 E. Morris St., (10-7-71)
Anderson. ORR, MARSHALL, HOUSE, 809 W. Market St., (4-13-73)
Pendleton. PENDLETON HISTORIC DISTRICT, (8-25-70) (also in Pickens County)
Pendleton vicinity. ASHTABULA, 1.25 mi. NE of Pendleton off SC 88, (3-23-72)
Pendleton vicinity. WOODBURN, End of Woodburn Rd., W of Pendleton, (5-6-71) HABS.

bamberg county
Bamberg. BAMBERG, GEN. FRANCIS MARION, HOUSE, N. Railroad Ave. and N. Carlisle St., (6-29-76)
Bamberg vicinity. WOODLANDS (WILLIAM GILMORE SIMMS ESTATE), 3 mi. S of Bamberg on SC 78, (11-11-71) NHL.
Ehrhardt vicinity. RIVERS BRIDGE STATE PARK, 6 mi. SW of Ehrhardt, (2-23-72)

barnwell county
Barnwell. BANKSIA HALL, 108 Reynolds Rd., (5-31-74)
Barnwell. CHURCH OF THE HOLY APOSTLES (EPISCOPAL), 1706 Hagood Ave., (4-13-72)
Barnwell. CHURCH OF THE HOLY APOSTLES RECTORY, 1700 Hagood Ave., (4-13-72)
Barnwell. OLD PRESBYTERIAN CHURCH, 1905 Academy St., (4-13-72)

beaufort county
Beaufort. ANCHORAGE, THE (WILLIAM ELLIOTT HOUSE), 1103 Bay St., (11-23-71)
Beaufort. BARNWELL-GOUGH HOUSE, 705 Washington St., (11-15-72)
Beaufort. BARNWELL, WILLIAM, HOUSE, 800 Prince St., (3-24-71)
Beaufort. BEAUFORT HISTORIC DISTRICT, Bounded by the Beaufort River, Bladen, Hamar, and Boundary Sts., (12-17-69) NHL; HABS.
Beaufort. CUTHBERT, JOHN A., HOUSE, 1203 Bay St., (6-13-72)
Beaufort. MARSHLANDS, 501 Pinckney St., (11-7-73) NHL.
Beaufort. SMALLS, ROBERT, HOUSE, 511 Pinckney St., (5-30-74) NHL.

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Beaufort. TABBY MANSE (THOMAS FULLER HOUSE), 1211 Bay St., (5-14-71) HABS.
Beaufort. VERDIER, JOHN MARK, HOUSE, 801 Bay St., (8-19-71) HABS; G.
Beaufort vicinity. CHARLES FORTE, S of Beaufort on Parris Island, (8-7-74)
Beaufort vicinity. HUNTING ISLAND STATE PARK LIGHTHOUSE, 17 mi. SSW of Beaufort on U.S. 21, (6-5-70)
Bluffton. CHURCH OF THE CROSS, Calhoun St., (5-29-75)
Frogmore vicinity. COFFIN POINT PLANTATION, 3 mi. E of Frogmore at NE end of Seaside Rd. on St. Helena Island, (8-28-75)
Frogmore vicinity. PENN CENTER HISTORIC DISTRICT (PENN SCHOOL), S of Frogmore on SC 37, (9-9-74) NHL.
Frogmore vicinity. TOMBEE PLANTATION, S of Frogmore on St. Helena's Island, (9-18-75)
Gardens Corner vicinity. SHELDON CHURCH RUINS, NW of Gardens Corner on U.S. 21, (10-22-70)
Hilton Head Island. SEA PINES, S of Opossum Point, (10-15-70)
Hilton Head Island vicinity. GREEN'S SHELL ENCLOSURE, NW of Hilton Head Island off U.S. 278, (8-7-74)
Hiltonhead vicinity. SKULL CREEK (HILTON HEAD), N of Hiltonhead off Hickory Bluff-Mount Calvary Church Rd., (11-10-70)
Laurel Bay vicinity. CHESTER FIELD, S of Laurel Bay on Port Royal Island, (10-15-70)
Port Royal vicinity. FORT FREDERICK, N of Port Royal off U.S. 281 at U.S. Naval Hospital, (12-31-74)
Port Royal vicinity. HASELL POINT SITE, (8-14-73)
Port Royal vicinity. LITTLE BARNWELL ISLAND, (8-14-73)
St. Helena Island. INDIAN HILL SITE, On St. Helena Island, E of Frogmore, (3-22-74)
Yemassee vicinity. OLD BRASS (AULDBRASS), E of Yemassee on River Rd., (6-3-76)
berkeley county
Cainhoy vicinity. CALAIS MILESTONES, On CR 98 and 44, (3-14-73)
Cainhoy vicinity. WHITE CHURCH (ST. THOMAS EPISCOPAL CHURCH), 2 mi. N of Cainhoy on CR 98, (3-23-72)
Cross vicinity. LAWSON'S POND PLANTATION, 5 mi. N of Cross off SC 6, (12-13-77)
Cross vicinity. LOCH DHU, N of Cross off SC 6, (9-22-77)
Goose Creek vicinity. ST. JAMES' CHURCH, GOOSE CREEK, S of Goose Creek, (4-15-70) NHL; HABS.
Huger. POMPHON HILL CHAPEL, 0.5 mi. SW of jct. of SC 41 and 402, (4-15-70) NHL; HABS; G.
Huger vicinity. MIDDLEBURG PLANTATION, 2 mi. SW of Huger on the E branch of the Cooper River, (4-15-70) NHL; HABS.
Moncks Corner. MULBERRY, Off U.S. 52 on Cooper River, (10-15-66) NHL.
Moncks Corner vicinity. BIGGIN CHURCH RUINS, 2 mi. NE of Moncks Corner on SC 402, (12-13-77)
Moncks Corner vicinity. LEWISFIELD PLANTATION, About 2.5 mi. S of Moncks Corner on U.S. 52, (5-9-73)
Moncks Corner vicinity. STRAWBERRY CHAPEL AND CHILDSBURY TOWN SITE, SE of Moncks Corner on CR 44, N of the Tee of the Cooper River, (4-26-72)
Mount Holly vicinity. MEDWAY, E of Mount Holly off U.S. 52, (7-16-70)

St. Stephens. *ST. STEPHEN'S EPISCOPAL CHURCH*, On SC 45, (4-15-70) NHL.

calhoun county

Cameron. *ULMER-SUMMERS HOUSE*, Old Orangeburg Rd. (SC 31), (10-25-73).

Fort Motte vicinity. *FORT MOTTE BATTLE SITE*, 2.3 mi. NE of Fort Motte on SR 13, (11-9-72).

Fort Motte vicinity. *MIDWAY PLANTATION*, S of Fort Motte off U.S. 601, (5-28-76).

Fort Motte vicinity. *OAKLAND PLANTATION*, S. of Fort Motte off SC 26 on SR 1, (5-30-75).

Fort Motte vicinity. *ZANTE PLANTATION*, SE of Ft. Motte off SC 601, (6-29-76).

St. Matthews. *CALHOUN COUNTY LIBRARY*, Railroad Ave., (5-29-75).

St. Matthews. *DANTZLER, COL. OLIN M., HOUSE*, 412 E. Bridge St., (3-30-73).

St. Matthews vicinity. *CHEROKEE PATH, STERLING LAND GRANT*, 5 mi. SE of St. Matthews on NC 6, (5-13-76).

St. Matthews vicinity. *PREHISTORIC INDIAN VILLAGE*, S of St. Matthews, (7-30-74).

St. Matthews vicinity. *PURITAN FARM*, W of St. Matthews, (7-25-74).

charleston county

Adams Run vicinity. *WILLTOWN BLUFF*, SW of Adams Run at end of CR 55 on banks of S. Edisto River, (1-8-74).

Awendaw vicinity. *SEWEE MOUND (THE OLD FORT)*, 2.8 mi. S of Awendaw in Francis Marion National Forest, (10-15-70).

Charleston. *AIKEN, GOV. WILLIAM, HOUSE*, 48 Elizabeth St., (11-21-77) HABS.

Charleston. *AIKEN, WILLIAM, HOUSE AND ASSOCIATED RAILROAD STRUCTURES*, 456 King St., (10-15-66) NHL; HABS.

Charleston. *BETHEL METHODIST CHURCH*, 57 Pitt St., (11-20-74).

Charleston. *BLACKLOCK, WILLIAM, HOUSE*, 18 Bull St., (11-7-73) NHL.

Charleston. *BLAKE TENEMENTS*, 2-4 Courthouse Sq., (8-25-70).

Charleston. *BRANFORD-HORRY HOUSE*, 59 Meeting St., (10-15-70).

Charleston. *BREWTON, MILES, HOUSE*, 27 King St., (10-15-66) NHL; HABS.

Charleston. *BREWTON, ROBERT, HOUSE*, 71 Church St., (10-15-66) NHL; HABS.

Charleston. *CASTLE PINCKNEY*, On Shute's Folly Island, (7-16-70) HABS.

Charleston. *CENTRAL BAPTIST CHURCH*, 26 Radcliffe St., (8-16-77).

Charleston. *CHARLESTON HISTORIC DISTRICT*, Total area corresponds to the Old and Historic District delineated in zoning ordinance of the City of Charleston, ratified Aug. 16, 1966, (10-15-66) NHL; HABS; G.

Charleston. *CHARLESTON'S FRENCH QUARTER DISTRICT (LODGE ALLEY)*, Bounded by Lodge Alley and Cumberland, E. Bay, and State Sts., (9-19-73).

Charleston. *CIRCULAR CONGREGATIONAL CHURCH AND PARISH HOUSE*, 150 Meeting St., (11-7-73) NHL.

Charleston. *CITIZENS AND SOUTHERN NATIONAL BANK OF SOUTH CAROLINA*, 50 Broad St., (5-6-71) HABS.

Charleston. *COLLEGE OF CHARLESTON*, Globe, George, St. Philip, and Green Sts., (11-11-71) NHL; HABS.

Charleston. *DOCK STREET THEATRE (PLANTERS' HOTEL)*, 135 Church St., (6-19-73).

Charleston. *EXCHANGE AND PROVOST, E. Bay and Broad Sts.*, (12-17-69) NHL; HABS.

Charleston. *FARMERS' AND EXCHANGE BANK*, 14 E. Bay St., (11-7-73) NHL.

Charleston. *FIREPROOF BUILDING*, 100 Meeting St., (7-29-69) NHL; HABS; G.

Charleston. *FORT SUMTER NATIONAL MONUMENT*, Charleston Harbor, (10-15-66) HABS.

Charleston. *GIBBES, WILLIAM, HOUSE*, 64 S. Battery, (4-15-70) NHL.

Charleston. *HEYWARD, DUBOSE, HOUSE*, 76 Church St., (11-11-71) NHL.

Charleston. *HEYWARD-WASHINGTON HOUSE*, 87 Church St., (4-15-70) NHL; HABS.

Charleston. *HIBERNIAN HALL*, 105 Meeting St., (11-7-73) NHL.

Charleston. *HUGUENOT CHURCH*, 136 Church St., (11-7-73) NHL.

Charleston. *MANIGAULT, JOSEPH, HOUSE*, 350 Meeting St., (11-7-73) NHL.

Charleston. *MARKET HALL AND SHEDS*, 188 Meeting St., (6-4-73) NHL.

Charleston. *MCCRADY'S TAVERN AND LONG ROOM*, 153 E. Bay St., (9-14-72).

Charleston. *MCLEOD PLANTATION*, 325 Country Club Dr., (8-13-74).

Charleston. *MILLS, CLARK, STUDIO*, 51 Broad St., (10-15-66) NHL.

Charleston. *NICHOLSON, JAMES, HOUSE (ASHLEY HALL SCHOOL)*, 172 Rutledge Ave., (8-30-74).

Charleston. *OLD BETHEL UNITED METHODIST CHURCH*, 222 Calhoun St., (4-21-75).

Charleston. *OLD MARINE HOSPITAL*, 20 Franklin St., (11-7-73) NHL.

Charleston. *OLD SLAVE MART*, 6 Chalmers St., (5-2-75).

Charleston. *POWDER MAGAZINE*, 79 Cumberland St., (1-5-72).

Charleston. *RHETT, ROBERT BARNWELL, HOUSE*, 6 Thomas St., (11-7-73) NHL.

Charleston. *ROPER, ROBERT WILLIAM, HOUSE*, 9 E. Battery St., (11-7-73) NHL.

Charleston. *ROSE, THOMAS, HOUSE*, 57-59 Church St., (10-15-70).

Charleston. *RUSSELL, NATHANIEL, HOUSE*, 51 Meeting St., (8-19-71) NHL; HABS.

Charleston. *RUTLEDGE, EDWARD, HOUSE*, 117 Broad St., (11-11-71) NHL.

Charleston. *RUTLEDGE, GOV. JOHN, HOUSE*, 116 Broad St., (11-7-71) NHL.

Charleston. *SIMMONS-EDWARDS HOUSE*, 12-14 Legare St., (1-25-71) NHL; HABS.

Charleston. *SOUTH CAROLINA NATIONAL BANK OF CHARLESTON*, 16 Broad St., (6-4-73).

Charleston. *SOUTH CAROLINA STATE ARSENAL (OLD CITADEL)*, 2 Tobacco St. (Marion Sq.), (7-16-70) HABS.

Charleston. *ST. MARY'S ROMAN CATHOLIC CHURCH*, 93 Hasell St., (11-7-76).

Charleston. *ST. MICHAEL'S EPISCOPAL CHURCH*, 80 Meeting St., (10-15-66) NHL; HABS.

Charleston. *ST. PHILIP'S EPISCOPAL CHURCH*, 146 Church St., (11-7-73) NHL.

Charleston. *STILES-HINSON HOUSE*, 940 Paul Revere Dr., (10-9-74).

Charleston. *STUART, COL. JOHN, HOUSE*, 104-106 Tradd St., (10-22-70) NHL; HABS.

Charleston. *SWORD GATE HOUSES*, 32 Legare St. and 111 Tradd St., (12-18-70) HABS.

Charleston. *U.S. CUSTOMHOUSE*, 200 E. Bay St., (10-9-74).

Charleston. *U.S. POST OFFICE AND COURTHOUSE*, 83 Broad St., (8-13-74).

Charleston. *UNITARIAN CHURCH*, 6 Archdale St., (11-7-73) NHL.

Charleston. *VESEY, DENMARK, HOUSE*, 56 Bull St., (5-11-76) NHL.

Charleston vicinity. *ASHLEY HALL PLANTATION*, SW of Charleston off SC 61 (Ashley River Rd.), (6-5-75).

Charleston vicinity. *DRAYTON, JOHN, HOUSE (DRAYTON HALL)*, 12 mi. W of Charleston on SC 61, (10-15-66) NHL.

Charleston vicinity. *FENWICK HALL*, S of Charleston on John's Island, U.S. 17, (2-23-72).

Charleston vicinity. *FORT JOHN-SON/POWDER MAGAZINE*, About 3 mi. SE of Charleston on James Island, (9-14-72).

Charleston vicinity. *JOHN'S ISLAND PRESBYTERIAN CHURCH*, 10 mi. W of Charleston on SR 20, (11-3-75).

Charleston vicinity. *MAGNOLIA PLANTATION AND GARDENS*, 10 mi. NW of Charleston on SC 61, (12-11-72).

Charleston vicinity. *SITE OF OLD CHARLES TOWNE*, (12-17-69).

Charleston vicinity. *ST. ANDREWS EPISCOPAL CHURCH*, 5 mi. NW of Charleston on SC 61, (10-15-73).

Charleston vicinity. *VANDER HORST, ARNOLDUS, HOUSE*, 25 mi. SW of Charleston on Kiawah Island, (10-25-73).

Edisto Island. *WINDSOR PLANTATION*, E of SC 174 near Little Edisto, (7-23-74).

Edisto Island vicinity. *BLEAK HALL PLANTATION OUTBUILDINGS*, 4 mi. SE of Edisto Island off SC 174, (3-7-73).

Edisto Island vicinity. *BRICK HOUSE RUIN*, S of Edisto Island, (4-15-70) NHL; HABS.

Edisto Island vicinity. *EDISTO ISLAND PRESBYTERIAN CHURCH*, 1.9 mi. N of Edisto Island on SC 174, (6-24-71) HABS.

Edisto Island vicinity. *MIDDLETON'S PLANTATION*, 3.5 mi. N of Edisto Island off SC 174, (5-6-71).

Edisto Island vicinity. *OLD HOUSE PLANTATION*, NE of Edisto Island via SC 174, (5-14-71).

Edisto Island vicinity. *PETER'S POINT PLANTATION*, SW of Edisto Island off SC 174 on CR 764, (6-19-73).

Edisto Island vicinity. *PRESBYTERIAN MANSE*, NW of Edisto Island off SC 174, (5-14-71).

Edisto Island vicinity. *SEABROOK, WILLIAM, HOUSE*, N of Edisto Island off SC 174, (5-6-71).

Edisto Island vicinity. *SPANISH MOUNT POINT (THE MOUND)*, (8-30-74).

Edisto Island vicinity. *TRINITY EPISCOPAL CHURCH*, About 1.2 mi. N of Edisto Island on SC 174, (5-14-71).

Georgetown vicinity. *ST. JAMES EPISCOPAL CHURCH, SANTEE*, 17 mi. S of Georgetown on the Santee River, (4-15-70) NHL; HABS; G.

James Island. *MARSHLANDS PLANTATION HOUSE*, N side of Fort Sumter Dr., (3-30-73).

McClellanville vicinity. *FAIRFIELD PLANTATION*, N of McClellanville, (7-25-74).

McClellanville vicinity. *HAMPTON PLANTATION HOUSE*, 8 mi. N of McClellanville, (4-15-70) NHL; HABS; G.

McClellanville vicinity. *HARRIETTA PLANTATION*, 5 mi. E of McClellanville off U.S. 17/701, (9-18-75).

Mount Pleasant. *MOUNT PLEASANT HISTORIC DISTRICT*, Bounded by Charleston Harbor, Shem Creek, Royal Ave., and McConis Dr., (3-30-73).

Mount Pleasant. *OLD COURTHOUSE*, 331 King St., (5-6-71).

Mount Pleasant vicinity. *AULD MOUND*, NE of Mount Pleasant, SE of US 17, (10-15-70).

Mount Pleasant vicinity. *BUZZARD'S ISLAND SITE*, NE of Mount Pleasant, 1.3 mi. SE of US 17, (10-15-70).

Mount Pleasant vicinity. *CHRIST CHURCH (EPISCOPAL)*, 4.6 mi. NE of Mount Pleasant on U.S. 17, (11-27-72).

Mount Pleasant vicinity. *OAKLAND PLANTATION HOUSE*, 7 mi. N of Charleston Harbor on U.S. 17, (7-13-77).

Mt. Pleasant vicinity. *PRITCHARD, PAUL, SHIPYARD*, N of Mt. Pleasant, (9-17-74).

Mt. Pleasant vicinity. *SNEE FARM*, 6 mi. W of Mt. Pleasant off U.S. 17, (4-13-73) NHL.

Rantowles vicinity. *STONE RIVER SLAVE REBELLION SITE*, Off U.S. 17 on W bank of Wallace River, (5-30-74) NHL.

Rockville and vicinity. *ROCKVILLE HISTORIC DISTRICT*, Town of Rockville on N bank of Bohicket Creek, (6-13-72).

Rockville vicinity. *FIG ISLAND SITE*, 2 mi. SW of Rockville, (10-15-70).

Rockville vicinity. *HANCKEL MOUND*, NW of Rockville on Wadmaw Island, (10-15-70).

Rockville vicinity. *HORSE ISLAND*, 1 mi. S of Rockville on Seabrook Island, (11-10-70).

Rockville vicinity. *SEABROOK, JOHN, PLANTATION BRIDGE*, NW of Rockville off SC 700, (10-9-74).

Sullivan's Island. *BATTERY GADSDEN*, 2017 Ion Ave., (6-25-74).

Sullivan's Island. *BATTERY THOMSON*, 2013 Ion Ave., (6-25-74).

Sullivan's Island. *U.S. COAST GUARD HISTORIC DISTRICT (SULLIVANS ISLAND STATION)*, Ion Ave. between Station 18 and Station 18 1/2 Sts., (6-19-73).

cherokee county

KINGS MOUNTAIN NATIONAL MILITARY PARK, Reference—see York County.

Chesnee vicinity. *COWPENS NATIONAL BATTLEFIELD*, 2 mi. E of Chesnee at jct. of SC 11 and 110, (10-15-66).

Gaffney. *DAVIS, WINNIE, HALL*, 1115 College Dr., (4-29-77).

Gaffney vicinity. *CHEROKEE FORD IRON WORKS SITE*, 6 mi. E of Gaffney at Broad River, (11-13-76).

chester county

Chester. *CHESTER CITY HALL AND OPERA HOUSE*, Corner of West End and Columbia Sts., (3-30-73) G.

Chester. *CHESTER HISTORIC DISTRICT*, Commercial area centered around jct. of U.S. 321 and SC 72, (6-13-72) G.

Chester vicinity. *CATHOLIC PRESBYTERIAN CHURCH*, 14 mi. S of Chester on SC 97 and CR 355, (5-6-71).

Chester vicinity. *FISHDAM FORD*, SW of Chester off SC 72, (8-14-73) (also in Union County).

Chester vicinity. *LEWIS INN*, NE of Chester off SC 72, (5-6-71).

Chester vicinity. *MCCOLLUM MOUND (TURKEY CREEK MOUND AND VILLAGE)*, (3-23-72).

Lockhart vicinity. *MCCOLLUM FISH WEIR*, (8-28-74).

Richburg vicinity. *ELLIOTT HOUSE*, N of Richburg off SC 901 on CR 136, (5-6-71).

Rowell. *LANDSFORD CANAL*, Off US 21, (12-3-69) G.

chesterfield county

Cheraw. *CHERAW HISTORIC DISTRICT*, Bounded by Front, Kershaw, 3rd, McIver, Cedar, Greene, Christian, and Church Sts., (11-20-74).

Cheraw. *ST. DAVID'S EPISCOPAL CHURCH AND CEMETERY*, Church St., (9-22-71) G.

clarendon county

Summerton vicinity. *SANTEE INDIAN MOUND*, S of Summerton, off U.S. 301, (7-29-69) G.

colleton county

Jacksonboro vicinity. *PON PON CHAPEL*, NW of Jacksonboro on Parker's Ferry Rd., (1-5-72) G.

Walterboro. *COLLETON COUNTY COURTHOUSE*, Corner of Hampton and Jeffries Sts., (5-14-71).

Walterboro. *OLD COLLETON COUNTY JAIL*, Jeffries Blvd., (5-14-71) G.

Walterboro. *WALTERBORO LIBRARY SOCIETY BUILDING*, 801 Wichman St., (10-14-71) HABS.

Williams vicinity. *WILLIAMS, TOM, HOUSE*, 0.25 mi. W of Williams on SC 362, (4-26-73).

darlington county

Bennettsville vicinity. *WELSH NECK-LONG BLUFF-SOCIETY HILL HISTORIC DISTRICT*, SW of Bennettsville along U.S. 15/401, (12-16-74).

Hartsville. *HARTSVILLE PASSENGER STATION*, 114 S. 4th St., (6-29-76).

Hartsville vicinity. *COKER EXPERIMENTAL FARMS*, W of Hartsville on SC 151, (10-15-66) NHL.

Hartsville vicinity. *KELLEY, JACOB, HOUSE*, W of Hartsville on SC S-16-12, (5-6-71) G.

dillon county

Bingham vicinity. *SELKIRK FARM*, E of Bingham on Old Cashua Ferry Rd., (7-24-74).

Dillon. *DILLON, JAMES W., HOUSE*, 1302 W. Main St., (5-6-71).

Hamer vicinity. *HAMER HALL*, N of Hamer on U.S. 301, (5-30-75).

Latta vicinity. *ALLEN, JOEL, HOUSE*, NW of Latta, (8-13-74).

Latta vicinity. *CATFISH CREEK BAPTIST CHURCH*, 5 mi. NW of Latta at intersection of CR 1741 and 1763, (1-17-75).

Latta vicinity. *EARLY COTTON PRESS*, Near jct. of SC 917 and 38, (11-15-72) HABS.

Little Rock. *ST. PAUL'S METHODIST CHURCH*, Off SC 9, (7-26-77).

dorchester county

St. George vicinity. *CARROLL PLACE*, Jct. of Quaker and Wire Rds., (7-25-74).

St. George vicinity. *INDIAN FIELDS METHODIST CAMPGROUND*, About 4 mi. NE of St. George on SC 73, (3-30-73).

Stallville vicinity. *NEWINGTON PLANTATION*, W of Stallville, (9-17-74).

Summerville. *SUMMERVILLE HISTORIC DISTRICT*, Roughly bounded by S. Railroad Ave., Magnolia, Main Sts., and town boundary, (5-19-76).

Summerville vicinity. *MIDDLETON PLACE*, SE of Summerville on SC 61, (5-6-71) NHL; HABS.

Summerville vicinity. *OLD DORCHESTER*, 6 mi. S of Summerville on SC 642, (12-3-69) G.

edgefield county

Edgefield. *EDGEFIELD HISTORIC DISTRICT*, Both sides of U.S. 25 through town of Edgefield, (3-23-72) G.

Edgefield vicinity. *BLOCKER HOUSE*, About 6 mi. NW of Edgefield on U.S. 25, (5-14-71).

Edgefield vicinity. *CEDAR GROVE*, 5 mi. NW of Edgefield on U.S. 25, (10-14-71).

Edgefield vicinity. *DARBY PLANTATION*, SE of Edgefield off U.S. 25, (8-13-74).

Edgefield vicinity. *HORN CREEK BAPTIST CHURCH*, S of Edgefield, (5-6-71).

Edgefield vicinity. *POTTERSVILLE*, 1 mi. N of Edgefield on SC 430, (1-17-75).

North Augusta vicinity. *BIG STEVENS CREEK BAPTIST CHURCH*, About 8 mi NW of North Augusta on SC 230, (5-6-71).

fairfield county

Jenkinsville. *KINCAID-ANDERSON HOUSE (FAIRFIELD)*, NE of Jenkinsville of SC 213, (7-30-74).

Jenkinsville vicinity. *EBENEZER ASSOCIATE REFORMED PRESBYTERIAN CHURCH (OLD BRICK CHURCH)*, 4.3 mi. N of Jenkinsville on SC 213, (8-19-71).

Jenkinsville vicinity. *LITTLE RIVER BAPTIST CHURCH*, 3.8 mi. N of Jenkinsville on SC 213, (4-13-72).

Monticello vicinity. *DAVIS PLANTATION*, S of Monticello on SC 215, (5-6-71).

Ridgeway. *CENTURY HOUSE (BRICK HOUSE)*, SC 34, (8-19-71).

Ridgeway vicinity. *BLINK BONNIE (ROBERTSON PLACE)*, About 10 mi NE of Ridgeway, (4-13-72).

Ridgeway vicinity. *ST. STEPHEN'S EPISCOPAL CHURCH*, NE of Ridgeway on CR 106, (5-6-71).

Ridgeway vicinity. *VALENCIA*, NW of Ridgeway on CR 106, (5-6-71).

Winnabow. *KETCHIN BUILDING*, 231 S. Congress St., (12-18-70) G.

Winnabow. *RURAL POINT (ROBERTSON HOUSE)*, Old Camden Rd., (2-23-72).

Winnabow. *WINNSBORO HISTORIC DISTRICT*, Roughly bounded by Gooding, Buchanan, Garden, and Fairfield Sts., (10-14-71) G.

Winnabow vicinity. *BLAIR MOUND*, NW of Winnabow, (8-23-74).

Winnabow vicinity. *MCMEEKIN ROCK SHELTER*, (8-23-74).

florence county

Florence. *U.S. POST OFFICE*, Irby and W. Evan Sts., (12-21-77).

Florence vicinity. *RANKIN-HARWELL HOUSE*, 6 mi. NE of Florence off SC 305, (10-9-74).

Johnsonville vicinity. *SNOW'S ISLAND*, E of Johnsonville at confluence of the Great Pee Dee River and Lynch's Creek, (3-14-73) NHL.

Mars Bluff. *SLAVE HOUSES, GREGG PLANTATION*, Francis Marion College campus, (7-22-74).

georgetown county

Georgetown. *GEORGETOWN HISTORIC DISTRICT*, Along N side of Santee River, (10-14-71) HABS; G.

Georgetown. *OLD MARKET BUILDING (GEORGETOWN COUNTY RICE MUSEUM)*, Front and Screven Sts., (12-3-69).

Georgetown. *PRINCE GEORGE WINYAH CHURCH (EPISCOPAL) AND CEMETERY*, Corner of Broad and Highmarket Sts., (5-6-71).

Georgetown vicinity. *ANNANDALE PLANTATION*, About 14 mi. S of Georgetown between SC 30 and SC 18, (10-25-73).

Georgetown vicinity. *CHICORA WOOD PLANTATION (MANTANZAS)*, 12 mi. NE of Georgetown on SC 52, (4-11-73).

Georgetown vicinity. *GEORGETOWN LIGHTHOUSE*, On North Island, about 12 mi. SE of Georgetown, (12-30-74).

Georgetown vicinity. *HORSEWEE (THOMAS LYNCH HOUSE)*, 12 mi. S of Georgetown on U.S. 17, (1-25-71) NHL.

5300 SOUTH CAROLINA

NOTICES

Georgetown vicinity. **MANSFIELD PLANTATION**, 5 mi. N of Georgetown off U.S. 701, (12-6-77)
Georgetown vicinity. **BATTERY WHITE**, S of Georgetown on Belle Isle Rd., (11-16-77)
Pawleys Island. **PAWLEYS ISLAND HISTORIC DISTRICT**, W side of Pawleys Island, (11-15-72)
Plantersville vicinity. **PRINCE FREDERICK'S CHAPEL RUINS**, SE of Plantersville on Rte. 52, (8-28-74)

greenville county

Conestee. **MCBEE METHODIST CHURCH**, Main St., (3-23-72)
Fountain Inn vicinity. **FAIRVIEW PRESBYTERIAN CHURCH**, W of Fountain Inn off SC 418, (8-16-77)
Greenville. **BEATTIE, FOUNTAIN FOX, HOUSE**, 1 Beattie Pl., (10-9-74)
Greenville. **CHERRYDALE**, 1500 Poinsett Highway, (6-17-76)
Greenville. **CHRIST CHURCH (EPISCOPAL) AND CHURCHYARD**, 10 N. Church St., (5-6-71)
Greenville. **EARLE TOWN HOUSE**, 107 James St., (8-5-69)
Greenville. **GREENVILLE BAPTIST CHURCH**, 101 W. McBee Ave., (8-16-77)
Greenville. **HAMPTON-PINCKNEY HISTORIC DISTRICT**, Hampton Ave. and Pinckney St. between Butler Ave. and Lloyd St., (12-12-77)
Greenville. **KILGORE, JOSIAH, HOUSE**, N. Church and Academy Sts., (4-28-75)
Greenville. **REEDY RIVER FALLS HISTORIC PARK AND GREENWAY (VARDRY PARK)**, Both banks of Reedy River from the falls to Church St., (4-23-73)
Greenville. **WHITEHALL**, 310 W. Earle St., (8-5-69)
Greer vicinity. **GILREATH'S MILL**, 4 mi. NW of Greer on SC 101, (5-28-76)
Tigerville vicinity. **POINSETT BRIDGE**, About 4 mi. N of Tigerville on CR 42, (10-22-70)

greenwood county

Cokesbury and vicinity. **OLD COKEBURY HISTORIC DISTRICT**, (8-25-70) g.
Greenwood vicinity. **BROOKS, J. WESLEY, HOUSE**, 2 mi. S of Greenwood on U.S. 25, (3-30-73)
Greenwood vicinity. **STONY POINT**, N of Greenwood at jct. of SC 246 and SR 39, (6-20-75)
Ninety Six vicinity. **OLD NINETY SIX AND STAR FORT**, 2 mi. S of Ninety Six between SC 248 and 27, (12-3-69) nhl; g.

hampton county

Brunson vicinity. **OAK GROVE**, SW of Brunson, (7-12-76)

horry county

Conway. **OLD HORRY COUNTY COURTHOUSE**, Main St., (4-7-71)
Conway vicinity. **HEBRON CHURCH**, 10 mi. S of Conway off U.S. 701, (5-16-77)

jasper county

Gillisonville. **GILLISONVILLE BAPTIST CHURCH**, U.S. 278, (5-14-71)
Robertville. **ROBERTVILLE BAPTIST CHURCH**, Jct. of U.S. 321 and CR 26, (2-23-72)

kershaw county

Camden. **CITY OF CAMDEN HISTORIC DISTRICT**, Bounded on S by city limits, on E and W by Southern RR. right-of-way, and on N by Dickey Creek Rd., (5-6-71)

Camden. **HISTORIC CAMDEN REVOLUTIONARY WAR RESTORATION**, Southern area of the city, DeKalb Township, (7-29-69)
Camden vicinity. **ADAMSON MOUNDS SITE**, About 2 mi. W of Camden, along left bank of Mound Creek, (7-16-70)
Camden vicinity. **CAMDEN BATTLEFIELD**, 5 mi. N of Camden on U.S. 521 and 601, (10-15-66) nhl.

Camden vicinity. **McDOWELL SITE (CHESTNUT MOUNDS)**, 2.5 mi. S of Camden, surrounding the mouth of Big Pine Tree Creek on the Wateree River, (7-16-70)

lancaster county

Heath Springs vicinity. **BATTLE OF HANGING ROCK HISTORIC SITE**, About 3.5 mi. S of Heath Springs off U.S. 521, (12-31-74)
Lancaster. **LANCASTER COUNTY COURTHOUSE**, 104 N. Main St., (2-24-71) nhl.
Lancaster. **LANCASTER COUNTY JAIL**, 208 W. Gay St., (8-9-71) nhl.
Lancaster. **LANCASTER PRESBYTERIAN CHURCH**, W. Gay St., (12-16-77)
Lancaster vicinity. **WAXHAW PRESBYTERIAN CHURCH CEMETERY**, 8 mi. N of Lancaster off U.S. 521, (9-11-75)

laurens county

Clinton vicinity. **DUNCAN'S CREEK PRESBYTERIAN CHURCH**, 5 mi. NE of Clinton, off SC 72, (11-15-73)
Laurens. **DUNKLIN, JAMES, HOUSE**, 544 W. Main St., (10-1-74)
Laurens. **LAURENS COUNTY COURTHOUSE**, Laurens Courthouse Sq., (6-19-72)
Laurens. **OCTAGON HOUSE**, 619 E. Main St., (3-20-73) g.
Laurens. **SIMPSON, WILLIAM DUNLAP, HOUSE**, 726 W. Main St., (7-24-74)
Laurens vicinity. **NICKELS-MILAM HOUSE**, S of Laurens off U.S. 221, (5-28-76)
Laurens vicinity. **SULLIVAN HOUSE (TUMBLING SHOALS)**, 10 mi. W of Laurens on U.S. 76, (5-22-73)

lee county

Lynchburg vicinity. **TANGLEWOOD PLANTATION**, SE of Lynchburg on SC 341, (9-22-77)
Woodrow vicinity. **REMBERT CHURCH**, 1.5 mi. E of Woodrow on SC 37, (2-25-75)

lexington county

Cayce. **CAYCE, WILLIAM J., HOUSE**, 517 Holland Ave., (4-16-75)
Cayce vicinity. **"CONGAREES" SITE**, About 2 mi. S of Cayce on Congaree River, (12-31-74)
Cayce vicinity. **TAYLOR SITE**, (11-21-74)
Lexington. **BERLY, WILLIAM, HOUSE**, 121 Berly St., (11-23-77)
Lexington. **BOOZER, LEMUEL, HOUSE**, 320 W. Main St., (8-16-77)
Lexington. **FOX HOUSE**, 232 Fox St., (7-1-10) g.
Lexington. **HAZELIUS, ERNEST L., HOUSE**, Fox St., (5-11-73)
West Columbia. **SALUDA FACTORY HISTORIC DISTRICT**, Along Saluda River SE of jct. of I 126 and I 26, (5-25-73) (also in Richland County)

marion county

Latta vicinity. **OLD EBENEZER CHURCH**, 5 mi. S of Latta on SC 38, (3-30-73)
Marion. **MARION HISTORIC DISTRICT**, (10-4-73) g.

marlboro county

Bennettsville. **JENNINGS-BROWN HOUSE**, 121 S. Marlboro St., (2-23-72) g.
Bennettsville. **MAGNOLIA (CHANCELLOR WILLIAM JOHNSON HOUSE)**, 508 E. Main St., (3-14-73)
Wallace vicinity. **PEGUES PLACE**, N of Wallace, off U.S. 1, (1-25-71)

mccormick county

Bradley vicinity. **SYLVANIA**, S of Bradley off SC 10/221, (11-28-77)
McCormick. **DORN'S FLOUR AND GRIST MILL**, SC 28, (7-12-76)
Parksville. **PRICE'S GRISTMILL**, E of Parksville on SC 138 at Steven's Creek, (11-22-72)
Troy vicinity. **BRADLEY'S COVERED BRIDGE**, 3 mi. W of Troy on SC 36, (12-22-77)
Wilmington vicinity. **GUILLEBEAU HOUSE**, About 2.5 mi. SE of Wilmington off SC 81, (3-7-73)

newberry county

Newberry. **COATESWOOD**, 1700 Boundary St., (4-28-75)
Newberry. **NEWBERRY COLLEGE HISTORIC DISTRICT**, 2100 College St., (6-23-76)
Newberry. **NEWBERRY HISTORIC DISTRICT**, Bounded roughly by Friend, College, McKibben, and Harrington Sts., (12-31-74)
Newberry. **NEWBERRY OPERA HOUSE**, Boyce and Nance Sts., (12-3-69) g.
Newberry. **OLD COURTHOUSE**, 1207 Caldwell St., (8-19-71)

oconee county

Seneca. **SENECA HISTORIC DISTRICT**, (12-31-74)
Seneca vicinity. **ALEXANDER-HILL HOUSE**, About 10 mi. N of Seneca off SC 183, (7-24-72) g.
Walhalla vicinity. **ELLICOTT ROCK**, N of Walhalla off SC 107, (7-24-73)
Walhalla vicinity. **OCONEE STATION AND RICHARDS HOUSE**, 11 mi. N of Walhalla via SC 11 and CR 95, (2-24-71) g.
Walhalla vicinity. **STUMPHOUSE TUNNEL COMPLEX**, 5 mi. N of Walhalla via SC 28 and Rte. 226, (4-7-71)
Westminster. **SOUTHERN RAILWAY PASSENGER STATION**, 129 Main St., (11-7-76)
Westminster vicinity. **PRATHER'S BRIDGE**, About 10 mi. SW of Westminster over Tugaloo River in Chattahoochee National Forest, (6-5-70)

orangeburg county

Branchville. **SOUTHERN RAILWAY PASSENGER DEPOT**, 110 N. Main St., (4-23-73)
Eutawville. **EUTAW SPRINGS BATTLEGROUND PARK**, 2 mi. E of Eutawville on SC 6 and 45, (6-5-70)
Eutawville vicinity. **ROCKS PLANTATION**, 7 mi. E of Eutawville off SC 6, (7-13-76)
Orangeburg. **ORANGEBURG COUNTY JAIL**, 44 Saint John St., (10-2-73)
Orangeburg vicinity. **WHITE HOUSE UNITED METHODIST CHURCH**, N of Orangeburg on U.S. 301, (5-13-74)

pickens county

Pendleton. **HISTORIC DISTRICT**, Reference—see Anderson County
Clemson. **FORT HILL (JOHN C. CALHOUN HOUSE)**, Clemson University campus, (10-15-66) nhl.

NOTICES

SOUTH DAKOTA 5301

union county

FISHDAM FORD, Reference—see Chester County

Cross Anchor vicinity. **MUSGROVE'S MILL HISTORIC BATTLE SITE**, 2.5 mi. S of Cross Anchor on SC 56, (3-4-75)
Cross Keys vicinity. **PAIDGETT'S CREEK BAPTIST CHURCH**, E of Cross Keys on SC 18, (5-6-71)

Jonesville vicinity. **MEANS HOUSE, THE**, 2 mi. SW of Jonesville on SC 12, (4-13-73)
Union. **CULP HOUSE**, 300 N. Mountain St., (4-9-75)

Union. **DAWKINS, JUDGE THOMAS, HOUSE (THE SHRUBS)**, Dawkins Court, N of E. Main St., (4-23-73)

Union. **EPISCOPAL CHURCH OF THE NATIVITY**, Church and Pinckney Sts., (8-30-74)

Union. **HERNDON TERRACE**, N. Pinckney St. and Catherine St., (8-25-70)

Union. **JETER, GOV. THOMAS B., HOUSE**, 203 Thompson Blvd., (12-2-74)

Union. **MENG HOUSE**, 117 Academy St., (7-12-76)

Union. **MERRIDUN**, 100 Merridun Pl., (6-20-74)

Union. **UNION COUNTY JAIL**, Main St., (8-30-74)

Union vicinity. **BATTLE OF BLACKSTOCK'S HISTORIC SITE**, W of Union off SC 49, (12-16-74)

Union vicinity. **CEDAR BLUFF**, SC 49, (7-20-74)

Union vicinity. **CROSS KEYS HOUSE**, SW of Union on SC 49, (6-24-71)

Union vicinity. **PINCKNEYVILLE**, 13 mi. NE of Union on SC 13, (12-3-69)
Union vicinity. **ROSE HILL**, 9 mi. SSW of Union on CR 16, (6-5-70)

williamsburg county

Kingstree. **THORNTREE (WITHERSPOON HOUSE)**, SC 527, in Fluit-Nelson Memorial Park, (10-28-70)

york county

Bethany vicinity. **KINGS MOUNTAIN NATIONAL MILITARY PARK**, NW of Bethany on SC 161, (10-15-66) (also in Cherokee County)

McConnells vicinity. **BETHESDA PRESBYTERIAN CHURCH**, 3.5 mi. NE of McConnells on SC 322, (8-16-77)

McConnells vicinity. **BRATTONSVILLE HISTORIC DISTRICT**, E of McConnells on CR 165 off SC 13, (8-19-71) g.

Rock Hill. **EBENEZER ACADEMY**, 2132 Ebenezer Rd., (8-16-77)

Rock Hill. **TILLMAN HALL**, Oakland Ave., Winthrop College campus, (12-2-77)

Rock Hill. **WHITE HOUSE**, 258 E. White St., (12-3-69)

York. **HART HOUSE**, 220 E. Liberty St., (12-2-77)

York. **WILSON HOUSE (YORKVILLE JAIL)**, 3 S. Congress St., (11-20-74)

SOUTH DAKOTA

beadle county

Huron. **CAMPBELL PARK HISTORIC DISTRICT OF HURON**, Roughly bounded by 5th, 7th, 9th, Wisconsin, California, Kansas, and Dakota Sts., (11-5-74)
Huron. **PYLE HOUSE**, 376 Idaho Ave., SE., (12-30-74)

brookings county

Brookings. **BROOKINGS COUNTY COURTHOUSE**, 4th St. and 6th Ave., (12-12-76)

Clemson. **ST. JULIEN-RAVENEL HOUSE (HANOVER HOUSE)**, Clemson University campus, (6-5-70)

Pendleton vicinity. **OLD STONE CHURCH AND CEMETERY**, 1.5 mi. N of Pendleton off U.S. 76, (11-5-71)

Pickens vicinity. **HAGOOD MILL**, 3.5 mi. NW of Pickens on U.S. 178, (12-11-72)

richland county

SALUDA FACTORY HISTORIC DISTRICT, Reference—see Lexington County
Columbia. **ALLEN UNIVERSITY**, 1530 Harden St., (4-14-75)

Columbia. **ARSENAL HILL (PALMETTO IRON WORKS AND ARMORY)**, 1800 Lincoln St., (11-23-71)

Columbia. **CALDWELL-HAMPTON-BOYLSTON HOUSE**, 829 Richland St., (5-6-71)

Columbia. **CHAPELLE ADMINISTRATION BUILDING**, 1530 Harden St., (12-8-76) nhl.

Columbia. **CHESNUT COTTAGE**, 1718 Hampton St., (5-6-71)

Columbia. **COLUMBIA CITY HALL**, Main at Laurel Sts., (6-19-73)

Columbia. **COLUMBIA HISTORIC DISTRICT I (ARSENAL HILL)**, (5-6-71)

Columbia. **COLUMBIA HISTORIC DISTRICT II**, (5-6-71)

Columbia. **DEBRUHL-MARSHALL HOUSE**, 1401 Laurel St., (3-23-72) nhl.

Columbia. **FIRST BAPTIST CHURCH**, 1306 Hampton St., (1-25-71) nhl.

Columbia. **FIRST PRESBYTERIAN CHURCH**, 1324 Marion St., (1-25-71)

Columbia. **HALL, AINSLEY, HOUSE**, 1616 Blanding St., (7-16-70) nhl.

Columbia. **HAMPTON-PRESTON HOUSE**, 1615 Blanding St., (7-29-69)

Columbia. **HORRY-GUIGNARD HOUSE**, 1527 Senate St., (5-6-71)

Columbia. **LACE HOUSE**, 803 Richland St., (12-17-69)

Columbia. **LORICK-BAKER HOUSE**, 1727 Hampton St., (2-23-72)

Columbia. **MANN-SIMONS COTTAGE**, 1403 Richland St., (4-23-73) g.

Columbia. **OLD CAMPUS DISTRICT, UNIVERSITY OF SOUTH CAROLINA**, Bounded by Pendleton, Sumter, Pickens, and Green Sts., (6-5-70) nhl; g.

Columbia. **PICRICORN HOUSE (HALE-ELMORE-SEIBELS HOUSE)**, 1601 Richland St., (5-6-71)

Columbia. **SOUTH CAROLINA GOVERNOR'S MANSION**, 800 Richland St., (6-5-70)

Columbia. **SOUTH CAROLINA STATE HOSPITAL, MILLS BUILDING**, 2100 Butt St., (11-7-73)

Columbia. **SOUTH CAROLINA STATE HOUSE**, Main St., (6-5-70) nhl.

Columbia. **SUPREME COURT OF SOUTH CAROLINA BUILDING (OLD U.S. POST OFFICE)**, NW corner of Gervais and Sumter Sts., (10-18-72)

Columbia. **SYLVAN BUILDING (CENTRAL NATIONAL BANK)**, 1500 Main St., (3-23-72) nhl.

Columbia. **TOWN THEATRE**, 1012 Sumter St., (10-9-74)

Columbia. **TRINITY EPISCOPAL CHURCH**, 1100 Sumter St., (2-24-71)

Columbia. **UNION STATION (ATLANTIC COAST AND SOUTHERN RAILWAY STATION)**, 401 S. Main St., (6-19-73)

Columbia. **WASHINGTON STREET UNITED METHODIST CHURCH**, 1401 Washington St., (12-18-70)

Columbia. **WILSON, THOMAS WOODROW, BOYHOOD HOME**, 1705 Hampton St., (2-23-72)

Columbia vicinity. **MILLWOOD**, E of Columbia on Garner's Ferry Rd., (3-18-71)

Eastover vicinity. **KENSINGTON PLANTATION HOUSE**, E of Eastover off Rte. 764, (1-25-71)

saluda county

Saluda. **BUTLER FAMILY CEMETERY**, NE of Saluda off SC 194, (12-31-74)

Saluda vicinity. **BONHAM HOUSE**, SE of Saluda off U.S. 178, (12-30-74)

Saluda vicinity. **SALUDA OLD TOWN SITE**, (6-28-72)

spartanburg county

Campobello vicinity. **INGLESIDE**, 1 mi. N of Campobello on U.S. 176, (10-15-73)

Glenn Springs vicinity. **CAMP HILL (SMITH HOUSE)**, S of Glenn Springs on SC 215, (7-6-70)

Lyman vicinity. **MCMAKIN'S TAVERN**, NW of Lyman off SC 358, (10-9-74)

Moore vicinity. **FREDONIA**, E of Moore off U.S. 221, (10-9-74)

Moore vicinity. **PRICE HOUSE (PRICE'S POST OFFICE)**, SE of Moore at jct. of CR 86, 199, 200, (10-28-69)

Roebuck vicinity. **SMITH'S TAVERN**, E of SC 49, (7-23-74)

Spartanburg. **BON HAVEN**, 728 N. Church St., (6-29-76)

Spartanburg. **CLEVELAND LAW RANGE**, 171 Magnolia St., (4-13-73) g.

Spartanburg. **CONVERSE COLLEGE HISTORIC DISTRICT**, 580 E. Main St., (11-12-75)

Spartanburg. **DUNCAN, BISHOP WILLIAM WALLACE, HOUSE**, 249 N. Church St., (7-12-76)

Spartanburg. **EVINS-BIVINGS HOUSE**, 563 N. Church St., (7-16-70)

Spartanburg. **FOSTER'S TAVERN**, 191 Cedar Spring Rd., (12-18-70)

Spartanburg. **SEAY, JAMMIE, HOUSE**, Darby Rd. off Crescent Ave., (10-7-71) g.

Spartanburg. **WOFFORD COLLEGE HISTORIC DISTRICT**, Wofford College, (12-27-74)

Spartanburg vicinity. **NICHOLLS-CROOK HOUSE**, 15 mi. SW of Spartanburg off U.S. 221, (3-20-73)

Spartanburg vicinity. **WALKER HALL**, SE of Spartanburg on SC 56, (12-6-77)

Spartanburg vicinity. **WALNUT GROVE PLANTATION**, 8 mi. SE of Spartanburg, about 1 mi. E of jct. of U.S. 921 and I 26, (7-1-70)

sumter county

Pinewood. **MILFORD PLANTATION**, W of Pinewood on SC 261, (11-19-71) nhl.

Rembert vicinity. **ELLERBE'S MILL**, About 3 mi. S of Rembert off U.S. 521 on Rafting Creek, (11-20-74)

Stateburg. **BOROUGH HOUSE PLANTATION**, SC 261, (3-23-72)

Stateburg. **HOLY CROSS EPISCOPAL CHURCH**, SC 261, (11-7-73) nhl.

Sumter. **SUMTER HISTORIC DISTRICT**, commercial area centered around Main and Liberty Sts., (4-21-75)

Sumter. **SUMTER TOWN HALL/OPERA HOUSE**, N. Main St., (5-24-73) g.

Sumter vicinity. **STATEBURG HISTORIC DISTRICT**, (2-24-71)

Wedgfield vicinity. **SINGLETON'S GRAVEYARD**, 6 mi. S of Wedgfield off SC 261, (5-13-76)

5302 SOUTH DAKOTA

Brookings. *CHICAGO AND NORTHWESTERN RAILROAD DEPOT*, U.S. 77, (10-8-76)
Brookings. *FISHBACK HOUSE*, 501 8th St., (10-8-76)
Volga. *HENRY-MARTINSON HOUSE*, 405 Kasan Ave., (12-20-77)

brown county
Aberdeen. *ABERDEEN HIGHLANDS HISTORIC DISTRICT*, Both sides of N. Main from 12th to 15th Ave. NE., (6-5-75)
Aberdeen. *ABERDEEN HISTORIC DISTRICT*, Both sides of 3rd-6th Aves. and Jay, Kline, and Arch Sts., (6-5-75)
Aberdeen. *BROWN COUNTY COURTHOUSE*, 1st Ave., (6-3-76)
Aberdeen. *CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD DEPOT*, Main St. and Railroad Ave., (9-20-77)
Aberdeen. *EASTON'S CASTLE*, 1210 2nd Ave. NW., (3-1-73)
Aberdeen. *FIRST UNITED METHODIST CHURCH*, S. Lincoln St. and SE 5th Ave., (5-28-76)
Aberdeen. *MINNEAPOLIS AND ST. LOUIS RAILROAD DEPOT*, 1100 S. Main St., (9-28-76)
Aberdeen. *WESTERN UNION BUILDING*, 21-23 S. Main St., (12-12-76)

buffalo county
Chamberlain vicinity. *CROW CREEK SITE*, 15 mi. N of Chamberlain on the E side of the Missouri River near SD 47, (10-15-66) NHL.
Fort Thompson vicinity. *FORT THOMPSON MOUNDS*, Near Fort Thompson on SD 50, Crow Creek Indian Reservation, (10-15-66) NHL.

butte county
Belle Fourche vicinity. *BELLE FOURCHE DAM (ORMAN DAM)*, E of Belle Fourche off U.S. 212, (11-23-77)
Newell vicinity. *BELLE FOURCHE EXPERIMENT FARM*, NW of Newell off SD 79, (12-22-76)

charles mix county
Geddes. *GEDDES HISTORIC DISTRICT*, Off SD 50, (5-8-73)
Greenwood vicinity. *HOLY FELLOWSHIP EPISCOPAL CHURCH*, SE of Greenwood, (6-5-75)
Greenwood vicinity. *RISEING HAIL COLONY*, 5 mi. NW of Greenwood along Seven Mile Creek, (4-28-75)

clay county
Vermillion. *AUSTIN-WHITEMORE HOUSE*, 15 Austin Ave., (10-18-72) G.
Vermillion. *INMAN HOUSE*, 415 E. Main St., (5-24-76)
Vermillion. *OLD MAIN (UNIVERSITY HALL)*, Clark St., University of South Dakota campus, (3-24-73)
Vermillion. *VERMILLION HISTORIC DISTRICT*, Bounded by N. Yale, E. Clark, Willow, and E. Main Sts., (2-24-75)
Vermillion vicinity. *SPIRIT MOUND (PAKA WAKAN)*, (11-19-74)

codington county
Florence vicinity. *HALSE HALFWAY HOUSE*, 6 mi. N of Florence, (6-5-75)
Watertown. *CARNEGIE FREE PUBLIC LIBRARY*, 25 1st Ave. SE., (6-18-76)
Watertown. *MELLETT HOUSE*, 421 5th Ave. NW., (8-13-76)
Watertown. *WATERTOWN POST OFFICE*, 26 S. Broadway, (12-12-76)

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corson county
McIntosh. *FORT MANUEL*, SD 12, (12-2-77)
custer county
Custer. *CUSTER COUNTY COURTHOUSE*, 411 Mt. Rushmore Rd., (11-27-72) G.
Custer. *WAY PARK MUSEUM (LOG CABIN MUSEUM)*, 4th St. and Rushmore Rd., (3-7-73)
Custer vicinity. *BADGER HOLE (BADGER CLARK HOUSE)*, 1 mi. E of Legion Lake on U.S. 16A, (3-7-73)
Custer vicinity. *COLD SPRINGS SCHOOLHOUSE*, SE of Custer off SR 336 in Black Hills National Forest, (3-7-73)
Custer vicinity. *NORBECK, PETER, SUMMER HOUSE*, W of Custer at Custer State Park, (9-13-77)

davison county
Mitchell. *DAKOTA WESLEYAN UNIVERSITY*, Bounded by E. and W. University Aves., and McCabe St., (12-22-76)
Mitchell. *HOLY FAMILY CHURCH, SCHOOL, AND RECTORY*, Kimball and Davison Sts., E. 2nd and E. 3rd Aves., (12-22-76)
Mitchell. *MITCHELL HISTORIC COMMERCIAL DISTRICT*, 210 S.-604 N. Main, 119-201 W. 3rd St., 117-219 E. 4th St., and 112-220 W. 5th St., (6-27-75) G.
Mitchell. *MITCHELL SITE*, Municipal golf course, (10-15-66) NHL.

deuel county
Clear Lake. *DEUEL COUNTY COURTHOUSE AND JAIL*, SD 22, (6-16-76)
Gary. *FIRST NATIONAL BANK*, Off SD 22, (12-2-77)
Gary. *OLD FELLOW'S BUILDING*, Main St., (6-3-76)

dewey county
Mohrbridge vicinity. *MOLSTAD VILLAGE*, 18 mi. S of Mohrbridge, overlooking the Oahe Reservoir, (10-15-66) NHL.

edmunds county
Ipswich. *BEEBE, MARCUS, HOUSE*, 4th St. and 5th Ave., (12-12-76)
Ipswich. *BEEBE, MARCUS P., LIBRARY*, Main St. and 2nd Ave., (11-16-77)

fall river county
Hot Springs. *HOT SPRINGS HISTORIC DISTRICT*, Roughly both sides of River St. in an irregular pattern from Summit Rd. S to Baltimore St., including part of Minnekahta Ave., (6-25-74) G.

faulk county
Faulkton. *PICKLER, MAJ. JOHN A., HOMESTEAD*, S edge of Faulkton city limits, (4-11-73) G.

grant county
Summit vicinity. *LEBANON LUTHERAN CHURCH*, 8 mi. SW of Summit, (9-15-77)

gregory county
Dallas. *DALLAS CARNEGIE LIBRARY*, (5-28-76)
Dixon vicinity. *POCAHONTAS SCHOOLHOUSE*, 4.5 mi. NE of Dixon, (4-26-73) G.
Pickstown vicinity. *FORT RANDALL*, 3 mi. SW of Pickstown, (4-22-76)

hanson county
Bloom vicinity. *BLOOM SITE*, E of Bloom on the James River, (10-15-66) NHL.

hughes county
Blunt. *GRAHAM, MENTOR, HOUSE*, U.S. 14, (12-13-76)
Pierre. *CRAWFORD-PETTYJOHN HOUSE*, 129 S. Washington St., (9-22-77)
Pierre. *KARCHER-SAHR HOUSE*, 222 E. Prospect St., (9-22-77)
Pierre. *MEADE, JUDGE C. D., HOUSE*, 106 W. Prospect St., (10-7-77)
Pierre. *SOUTH DAKOTA STATE CAPITOL AND GOVERNOR'S HOUSE*, Bounded by Broadway, Washington, and Capitol Aves., (9-1-76)
Pierre. *STEPHENS-LUCAS HOUSE*, 123 N. Nicolllette, (5-26-77)
Pierre vicinity. *ARZBERGER SITE*, 7.5 mi. E of Pierre on the Missouri River, (10-15-66) NHL.

jackson county
Interior vicinity. *PRAIRIE HOMESTEAD*, N of Interior on U.S. 16A/SD 40, (1-11-74)

jerault county
Wessington Springs. *WESSINGTON SPRINGS OPERA HOUSE*, 111 Wakota Ave. N., (7-21-76)

kingsbury county
De Smet. *INGALLS HOUSE*, 210 3rd St. W., (4-21-75) G.
De Smet. *RAILROAD CAMP SHANTY (SURVEYOR'S SHANTY)*, 1st and Olivet Sts., (3-20-73)
De Smet. *CHICAGO NORTHWESTERN DEPOT*, SD 25, (12-12-76)
De Smet. *KINGSBURY COUNTY COURTHOUSE*, SD 25, (9-22-77)

lake county
Madison. *MACKAY, WILLIAM A., HOUSE*, 304 N.E. 4th St., (6-3-76)
Madison. *MADISON HISTORIC DISTRICT*, bounded roughly by Egan Ave. (both sides), Washington, 4th and 7th Sts., (10-1-75)
Madison vicinity. *CHAPEL EMMANUEL RAILROAD CAR*, W of Madison on U.S. 81 in Prairie Village, (9-8-76)

lawrence county
Deadwood. *DEADWOOD HISTORIC DISTRICT*, (10-15-66) NHL.
Lead. *LEAD HISTORIC DISTRICT*, (12-31-74)
Spearfish. *EPISCOPAL CHURCH OF ALL ANGELS*, 129 W. Michigan, (4-22-76)
Spearfish. *HALLORAN-MATTHEWS-BRADY HOUSE*, 214 E. Jackson St., (12-12-76)
Spearfish. *LOWN, WILLIAM ERNEST, HOUSE*, 745 5th St., (5-28-76)
Spearfish. *SPEARFISH HISTORIC COMMERCIAL DISTRICT*, 544, 545, 603-645 Main St., 114-136 W. Illinois St., and 701-703 5th St., (6-5-75)
Spearfish vicinity. *FRAWLEY HISTORIC RANCH*, 6 mi. E of Spearfish on U.S. 14/85, (12-31-74) NHL.

lincoln county
BLOOD RUN SITE, Reference—see Lyon County, IA

lyman county
Lower Brule vicinity. *LANGDEAU SITE*, N of Lower Brule on SD 47W, (10-15-66) NHL.

marshall county
Britton vicinity. *FORT SISSETON (FORT WADSWORTH)*, SE of Britton, (5-10-73) G.

meade county
Sturgis. *STURGIS COMMERCIAL BLOCK*, 1000-1028 Main St., (6-20-75)

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Sturgis. *TALLENT, ANNIE, HOUSE*, 1603 Main St., (5-28-76)
Sturgis. *TUBBS, POKER ALICE, HOUSE*, N. Junction St., (6-5-75)
Sturgis. *WENKE, JOHN G., HOUSE*, 1340 Junction Ave., (5-28-76)
Sturgis vicinity. *BEAR BUTTE*, NE of Sturgis, (6-19-73)
Sturgis vicinity. *FORT MEADE DISTRICT*, E of Sturgis on SD 34, (5-22-73)

minnehaha county
Sioux Falls. *ALL SAINTS SCHOOL MAIN BUILDING*, 101 W. 17th St., (3-14-73)
Sioux Falls. *AUGUSTANA COLLEGE HISTORIC BUILDINGS*, 29th and S. Summit Sts., (3-25-77)
Sioux Falls. *BOWEN, MARION E., HOUSE*, 840 W. 9th St., (5-28-76)
Sioux Falls. *COUGHRAN, EDWARD, HOUSE*, 1203 S. 1st Ave., (5-28-76)
Sioux Falls. *FEDERAL BUILDING AND U.S. COURTHOUSE*, 400 S. Phillips Ave., (5-2-74)
Sioux Falls. *GRAND LODGE AND LIBRARY OF THE ANCIENT FREE AND ACCEPTED MASONS*, 415 S. Main Ave., (5-28-76)
Sioux Falls. *OLD MINNEHAHA COUNTY COURTHOUSE*, Main Ave. at 6th St., (5-10-73) G.
Sioux Falls. *ROCK ISLAND DEPOT*, 210 E. 10th St., (2-15-74)
Sioux Falls. *SIoux FALLS HISTORIC DISTRICT*, Bounded by W. 4th and 10th Sts., Spring, Prairie, and Summit Aves., (6-5-74)
Sioux Falls. *SIoux FALLS PUBLIC LIBRARY (CARNEGIE FREE PUBLIC LIBRARY)*, 235 W. 10th St., (3-14-73)

pennington county
Hill City. *HARNEY PEAK TIN MINING COMPANY BUILDINGS*, U.S. 16/85, (7-21-77)
Hill City. *HARNEY PEAKE HOTEL*, U.S. 16, (4-11-77)
Hill City. *VON WOEHMANN BUILDING*, U.S. 16, (4-13-77)
Keystone vicinity. *MOUNT RUSHMORE NATIONAL MEMORIAL*, 3 mi. W of Keystone off U.S. 16A, (10-15-66)
Rapid City. *CHURCH OF THE IMMACULATE CONCEPTION*, 918 5th St., (6-5-75)
Rapid City. *EMMANUEL EPISCOPAL CHURCH*, 717 Quincy St., (5-29-75)
Rapid City. *PENNINGTON COUNTY COURTHOUSE*, 301 St. Joseph St., (5-28-76)
Rapid City. *RAPID CITY HISTORIC COMMERCIAL DISTRICT*, Bounded by both sides of Main, St. Joseph, 7th, and 6th Sts., (10-1-74)
Rapid City. *RAPID CITY WEST BOULEVARD HISTORIC DISTRICT*, Bordered by Kansas City, Fairview, 11th, 7th, and 8th Sts., (12-31-74)

perkins county
Lemmon. *GOLDEN RULE DEPARTMENT STORE*, 201-203 Main St., (12-12-76)
Lemmon. *HARRIMAN, L. F., HOUSE*, 111 2nd Ave. W., (12-12-76)
Lemmon. *LEMMON, G. E., HOUSE*, 507 3rd Ave. W., (12-12-76)
Lemmon. *LEMMON PETRIFIED PARK*, Off U.S. 12, (11-21-77)

roberts county
Sisseton. *ROBERTS COUNTY COURTHOUSE*, SD 10, (12-12-76)

shannon county
Batesland vicinity. *WOUNDED KNEE BATTLEFIELD*, 11 mi. W of Batesland, Pine Ridge Indian Reservation, (10-15-66) NHL.
stanley county
Fort Pierre. *LA VERENDRYE SITE*, Off U.S. 83, (8-7-74)
Fort Pierre. *OLD FORT PIERRE SCHOOL*, 2nd Ave. and 2nd St., (11-25-77)
Fort Pierre. *STOCKGROWERS BANK BUILDING*, Deadwood and Main Sts., (11-11-77)
Fort Pierre. *SUMNER, GAYLORD, HOUSE*, 2nd and Wandel Sts., (12-21-77)
Fort Pierre. *UNITED CHURCH OF CHRIST, CONGREGATIONAL*, 2nd and Main Sts., (12-21-77)
Fort Pierre vicinity. *FORT PIERRE CHOUTEAU SITE*, N of Fort Pierre, (4-3-76)

todd county
St. Francis. *ST. FRANCIS MISSION*, Rosebud Indian Reservation, (6-20-75)

walworth county
Mobridge. *MOBRIDGE MASONIC TEMPLE*, 6th and Main Sts., (3-25-77)

washabaugh county
Wanblee vicinity. *LIP'S CAMP*, SE of Wanblee on E bank of Pass Creek, (6-11-75)

yankton county
Yankton. *BISHOP MARTY RECTORY*, 1101 W. 5th St., (12-27-74)
Yankton. *EXCELSIOR FLOUR MILL*, 2nd and Capital, (11-7-76)
Yankton. *OHLMAN-SHANNON HOUSE*, 205 Green St., (5-28-76)
Yankton. *YANKTON COLLEGE CONSERVATORY*, Yankton College campus, (2-24-75)
Yankton. *YANKTON COUNTY COURTHOUSE*, 3rd St. and Broadway, (9-3-76)
Yankton. *YANKTON HISTORIC DISTRICT*, Bounded by Marne Creek and 4th St., and includes both sides of Cedar and Mulberry Sts., (2-13-75)

TENNESSEE

anderson county
Lake City vicinity. *EDWARDS-FOWLER HOUSE*, 3.5 mi. S of Lake City on Dutch Valley Rd., (5-29-75)
Norris. *ARNWINE CABIN*, TN 61, (3-16-76)
Norris. *NORRIS DISTRICT*, town of Norris on U.S. 441/TN 71, (7-10-75)
Oak Ridge. *X-10 REACTOR, OAK RIDGE NATIONAL LABORATORY*, (10-15-66) NHL.

bedford county
Bell Buckle. *BELL BUCKLE HISTORIC DISTRICT*, Irregular pattern bounded roughly by Webb Rd., Abernathy, Maple, Cumberland, and Church Sts., (1-30-76)
Bell Buckle. *WEBB SCHOOL, JUNIOR ROOM*, Off TN 82, (4-11-73) G.
Shelbyville. *BEDFORD COUNTY JAIL*, N. Spring and Jackson Sts., (4-1-75)
Shelbyville. *COOPER, GOV. PRENTICE, HOUSE*, 413 E. Lane St., (6-5-75)
Shelbyville. *GILLILAND, JAMES, HOUSE*, 803 Lipscomb St., (5-12-75)
Shelbyville vicinity. *GRASSLAND FARM (ALEXANDER GREER HOUSE)*, 8 mi. SW of Shelbyville on Snell Rd., (3-4-75)
Wartrace vicinity. *MARTIN HOUSE*, 7 mi. NE of Wartrace off TN 64, (4-14-72)

TENNESSEE 5303

benton county
Big Sandy vicinity. *MOUNT ZION CHURCH*, 5.5 mi. SE of Big Sandy, (10-2-73)
Camden vicinity. *THOMPSON, WILLIAM, HOUSE*, S of Camden, off TN 69, (5-6-76)

blount county
Binfield vicinity. *HENRY HOUSE*, SE of Binfield on Henry Lane, (11-1-74)
Louisville. *LOUISVILLE HISTORIC DISTRICT*, Between railroad tracks and Tennessee River, (12-23-74)
Maryville. *ANDERSON AND MEMORIAL HALLS*, Maryville College campus, (2-20-75)
Maryville vicinity. *SAM HOUSTON SCHOOLHOUSE*, NE of Maryville on TN 8, (6-13-72)
Townsend. *CADES COVE HISTORIC DISTRICT*, 10 mi. SW of Townsend in Great Smoky Mountains National Park, (7-13-77)
Townsend. *LITTLE RIVER LUMBER COMPANY OFFICE*, TN 73, (11-8-74)

bradley county
Charleston. *HENEGAR HOUSE*, Market St., (7-6-76)
Cleveland. *CRAIGMILES, P. M., HOUSE (CLEVELAND PUBLIC LIBRARY)*, 833 Ocoee St., NW., (11-20-75)
Cleveland. *WILSON, C. J., STORE*, 3202 Ocoee St., (6-10-75) HABS.
Cleveland vicinity. *CONRAD, HAIR, CABIN*, W of Cleveland on Blythewood Rd., (9-13-76)
Cleveland vicinity. *RATTLESNAKE SPRINGS*, NE of Cleveland off Dry Valley Rd., (9-5-75)
Cleveland vicinity. *RED CLAY COUNCIL GROUND*, 13 mi. S of Cleveland on Blue Springs Rd., (9-14-72)

campbell county
Fincastle. *KINCAID-HOWARD HOUSE*, TN 63, (3-16-76)
LaFollette. *LAFOLETTE HOUSE*, Indiana Ave., (5-29-75)
Speedwell vicinity. *SMITH-LITTLE-MARS HOUSE*, W of Speedwell on TN 63, (11-7-76)

cannon county
Readyville. *READYVILLE MILL*, On U.S. 70S, (7-2-73)

carter county
Elizabethton. *CARTER, JOHN AND LANDON, HOUSE*, E. Broad St., (4-14-72) G.
Elizabethton. *ELIZABETHTON HISTORIC DISTRICT*, Bounded roughly by 2nd, 4th, East, and Sycamore Sts., (3-14-73) HAER.
Elizabethton. *SABINE HILL*, Off TN 67, (4-11-73)
Elizabethton vicinity. *SYCAMORE SHOALS*, 2 mi. W of Elizabethton on the Watauga River, (10-15-66) NHL.

cheatham county
Ashland City. *CHEATHAM COUNTY COURTHOUSE*, Court Sq., (12-12-76)
Ashland City vicinity. *INDIAN TOWN BLUFF*, (8-30-74)
Kingston Springs vicinity. *MOUND BOTTOM*, (9-3-71)
Kingston Springs vicinity. *NARROWS OF THE HARPETH*, Rte. 2, (4-16-71)

claiborne county
CUMBERLAND GAP NATIONAL HISTORICAL PARK, Reference—see Bell County, KY
Speedwell vicinity. *KINCAID-AUSMUS HOUSE*, NE of Speedwell off TN 63, (6-18-75)

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Springdale. *BIG SPRING UNION CHURCH*, off TN 32, (5-29-75)
Tazewell. *GRAHAM-KIVETTE HOUSE*, Main St. and Old Knoxville Rd., (5-29-75)
Tazewell. *PARKEY HOUSE*, Main St., (2-1-72)

clairborne county

Speedwell vicinity. *MCCLAIN-ELLISON HOUSE*, W of Speedwell on Rte. 2 off TN 63, (6-10-75)

clay county

Celina. *CLAY COUNTY COURTHOUSE*, TN 52, (9-22-77)

cocke county

Newport. *ELM HILL*, 206 W. Riverview St., (5-29-75)
Newport vicinity. *BEECHWOOD HALL*, N of Newport on Rankin Rd., (5-29-75)
Newport vicinity. *GREENLAWN*, NW of Newport on Old Rankin Rd., (5-29-75)
Newport vicinity. *O'DELL HOUSE*, NE of Newport on Greenville Hwy., (4-1-75)
Newport vicinity. *VINSON HOUSE*, 4.5 mi. S of Newport off Hartford Rd., (5-29-75)
Parrottsville. *YETT-ELLISON HOUSE*, Main St. (Greenville Hwy.), (4-16-75)
Parrottsville vicinity. *SWAGGERTY BLOCKHOUSE*, E of Parrottsville on U.S. 411, (6-18-73)

coffee county

Manchester. *COFFEE COUNTY COURTHOUSE*, Public Sq., (2-12-74)
Manchester. *OLD STONE FORT*, (2-20-73)

davidson county

OLD NATCHEZ TRACE, From AL/TN border to U.S. 100 in Davidson Co., (5-30-75) (also in Hickman, Lawrence, Lewis, Maury, Wayne, and Williamson Counties)
Antioch. *HAYS-KISER HOUSE*, 834 Reeves Rd., (9-10-74)
Antioch vicinity. *CANE RIDGE CUMBERLAND PRESBYTERIAN CHURCH*, SE of Antioch on Old Hickory Blvd., (12-12-76)
Bellevue. *BELLE VUE*, Old Harding Rd., off U.S. 70S, (10-25-73)
Donelson. *CLOVER BOTTOM MANSION*, 2930 Lebanon Rd., (4-3-75)
Hermitage. *TULIP GROVE*, Lebanon Rd., (2-26-70)
Nashville. *BELAIR*, 2250 Lebanon Rd., (5-6-71) HABS.
Nashville. *BELMONT*, Belmont Blvd., (5-6-71) HABS; G.
Nashville. *CHURCH OF THE ASSUMPTION*, 1227 7th Ave. N., (8-22-77)
Nashville. *COLE HOUSE*, 2001 Lebanon Rd., (12-27-74)
Nashville. *EDGEFIELD HISTORIC DISTRICT*, Roughly bounded by Woodland, S. 10th and S. 5th Sts., and Shelby Ave., (7-13-77)
Nashville. *FEDERAL OFFICE BUILDING (CUSTOMSHOUSE)*, Broadway, (12-26-72)
Nashville. *FIRST PRESBYTERIAN CHURCH (DOWNTOWN PRESBYTERIAN CHURCH)*, 154 5th Ave., N., (7-8-70)
Nashville. *FORT NEGLEY*, Ridley Blvd. and Chestnut St., (4-21-75)
Nashville. *GYMNASIUM, VANDERBILT UNIVERSITY*, West End and 23rd Aves., (2-23-72) HABS.
Nashville. *HERMITAGE HOTEL*, 231 6th Ave. N., (7-24-75)
Nashville. *HOLY TRINITY CHURCH*, 615 6th Ave., S., (4-14-72) HABS; G.

NOTICES

Nashville. *HUBBARD HOUSE*, 1109 1st Ave., S., (8-14-73)
Nashville. *HUME-FOGG HIGH SCHOOL*, 700 Broad St., (10-16-74)
Nashville. *JUBILEE HALL, FISK UNIVERSITY*, 17th Ave., N., (12-9-71) NHL; HABS.
Nashville. *NASHVILLE ARCADE*, Between 4th and 5th Aves., (5-22-73)
Nashville. *NASHVILLE CHILDREN'S MUSEUM (LINDSLEY HALL, UNIVERSITY OF NASHVILLE)*, 724 2nd Ave., S., (5-6-71) G.
Nashville. *NASHVILLE CITY CEMETERY*, 1001 S. 4th Ave., (10-18-72)
Nashville. *NASHVILLE UNION STATION AND TRAINSHED*, Broadway and 10th Ave., (12-30-69) NHL; HABS.
Nashville. *PARTHENON, THE*, Centennial Park, (2-23-72)
Nashville. *PEABODY COLLEGE FOR TEACHERS*, 21st Ave. S. and Edgehill Ave., (10-15-66) NHL.
Nashville. *RIVERWOOD*, 1833 Welcome Lane, (7-20-77)
Nashville. *RYMAN AUDITORIUM (GRAND OLD OPRY HOUSE)*, 116 Opry Pl., (5-6-71)
Nashville. *SECOND AVENUE COMMERCIAL DISTRICT*, 2nd Ave. between Brandon St. and Broadway, (2-23-72) HABS.
Nashville. *ST. CECILIA ACADEMY*, 8th Ave. and Clay St., (12-12-76)
Nashville. *ST. MARY'S CATHOLIC CHURCH*, 330 5th Ave., N., (7-8-70)
Nashville. *STUMP, FREDERICK, HOUSE*, 4949 Buena Vista Pike, (4-2-73)
Nashville. *SUNNYSIDE*, 3000 Granny White Pike, (10-1-74)
Nashville. *TENNESSEE STATE CAPITOL*, Capitol Hill, (11-11-71) NHL; HABS.
Nashville. *TRAVELLERS' REST*, Franklin Rd., (12-30-69) G.
Nashville. *TWO RIVERS (DAVID H. McGAVOCK HOUSE)*, 3130 McGavock Pike, (2-23-72) HABS.
Nashville. *WEST MEADE*, Old Harding Pike, (3-4-75)
Nashville vicinity. *BELLE MEADE*, Harding Rd. at Leake Ave., (12-30-69) G.
Nashville vicinity. *BRICK CHURCH MOUND AND VILLAGE SITE*, (5-7-73)
Nashville vicinity. *DEVON FARM*, S of Nashville on TN 100, (8-28-74)
Nashville vicinity. *HERMITAGE, THE*, 12 mi. E of Nashville on U.S. 70N, (10-15-66) NHL; G.
Nashville vicinity. *NEWSOM'S MILL*, W of Nashville at Big Harpeth River, (9-13-76)
Old Hickory. *CLEVELAND HALL*, 4041 Old Hickory Blvd., (4-16-71) HABS.

decatur county

Decaturville vicinity. *BROWNSPORT FURNACE*, SE of Decaturville at Furnace Hollow, (8-26-77)

dickson county

Charlotte. *CHARLOTTE COURTHOUSE SQUARE HISTORIC DISTRICT*, Public Square and environs, (11-25-77)
Cumberland Furnace. *DROUILLARD HOUSE*, Off TN 48, (12-27-77)
Cumberland Furnace. *ST. JAMES EPISCOPAL CHURCH*, Off TN 48, (8-22-77)
Dickson vicinity. *RUSKIN COLONY GROUNDS*, NW of Dickson on Yellow Creek Rd., (10-29-74)

fayette county

Brownsville vicinity. *LUCERNE*, 20 mi. S of Brownsville on TN 76, (12-23-77)

La Grange and vicinity. *LA GRANGE HISTORIC DISTRICT*, Bounded by La Grange town boundaries and including both sides of TN 57 E to jct. with TN 18, (4-4-75)

LaGrange. *IMMANUEL CHURCH (EPISCOPAL)*, 2nd and Chestnut Sts., (4-14-72)

Williston. *CRAWFORD GENERAL STORE*, Macon Rd., (7-8-75)

fentress county

Pall Mall. *SERGEANT YORK HISTORIC AREA*, Off Alvin York Hwy., (4-11-73)
Pall Mall vicinity. *YORK, ALVIN CULLOM, FARM*, U.S. 127, (5-11-76) NHL.

franklin county

Belvidere vicinity. *CIRCULAR BARN AT CLOVERDALE FARM*, S of Belvidere off U.S. 64, (12-12-76)
Belvidere vicinity. *ZAUGG BANK BARN*, SE of Belvidere off U.S. 64, (12-18-73)
Cowan vicinity. *CUMBERLAND MOUNTAIN TUNNEL*, SE of Cowan, (8-22-77)
Decherd vicinity. *LEWIS, COL. JAMES, HOUSE*, E of Decherd on Greenhaw Rd., (11-21-76)
Huntland vicinity. *FALLS MILL*, 1 mi. off U.S. 64, (2-23-72)
Old Salem vicinity. *MANN, R. N., HOUSE*, N of Old Salem off U.S. 64, (9-22-77)
Winchester. *HUNDRED OAKS*, Oak St. at U.S. 64, (5-28-75) HABS.
Winchester. *KNIES BLACKSMITH SHOP*, 118 N. Jefferson St., (4-11-73)
Winchester vicinity. *GRAY, ISAAC, HOUSE*, SW of Winchester off U.S. 64, (11-21-76)
Winchester vicinity. *SIMMONS, PETER, HOUSE*, 11 mi. SW of Winchester on U.S. 64, (8-16-77)

gibson county

Milan vicinity. *BROWNING HOUSE*, E of Milan on Milan Army Ammunition Plant, (6-28-74)
Trenton. *GIBSON COUNTY COURTHOUSE*, Court Sq., (11-7-76)

giles county

Dellrose vicinity. *WILSON-YOUNG HOUSE*, SW of Dellrose off I 65, (4-13-73)
Wales. *CLIFTON PLACE*, Campbellsville Rd., (4-11-73)

grainger county

Bean Station vicinity. *TATE SPRINGS SPRINGHOUSE*, E of Bean Station on U.S. 11W, (4-13-73)
Blaine. *SHIELDS' STATION*, U.S. 11W, (4-24-73) G.

Rutledge vicinity. *LEA SPRINGS*, 11 mi. SW of Rutledge off U.S. 11 W. on Lea Lake Rd., (5-29-75)

greene county

Greeneville. *ANDREW JOHNSON NATIONAL HISTORIC SITE*, Depot and College Sts., (10-15-66)
Greeneville. *GREENEVILLE HISTORIC DISTRICT*, (5-3-74) HABS.
Greeneville vicinity. *DOAK, SAMUEL, HOUSE*, 2.5 mi. E of Greeneville on U.S. 11/411, (2-18-75)

grundy county

Altamont. *GRUNDY COUNTY JAIL*, Off TN 56, (6-18-75)

hamblen county

Morristown. *HAMBLÉN COUNTY COURTHOUSE*, 511 W. 2nd North St., (4-13-73)

NOTICES

Morristown. *ROSE SCHOOL*, Jackson and W. 2nd North Sts., (10-18-76)
Morristown vicinity. *RURAL MOUNT*, 8 mi. SE of Morristown off TN 160, (7-30-75) HABS.

Russellville vicinity. *BETHESDA PRESBYTERIAN CHURCH*, About 2 mi. SW of Russellville of U.S. 11E, (4-11-73)

hamilton county

CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK, Reference—see *Catoosa County, GA*
Chattanooga. *BRABSON HOUSE*, 407 E. 5th St., (4-11-73)

Chattanooga. *BROWN'S FERRY TAVERN*, Brown's Ferry Rd., (3-24-71)
Chattanooga. *LOOKOUT MOUNTAIN INCLINE RAILWAY*, Off U.S. 11/41/64/72, (4-26-73)

Chattanooga. *NEWTON CHEVROLET BUILDING*, 329 Market St., (4-2-73)
Chattanooga. *OLD LIBRARY BUILDING*, 200 E. 8th St., (3-14-73)

Chattanooga. *OLD POST OFFICE*, E. 11th and Lindsay Sts., (4-13-73)
Chattanooga. *READ HOUSE*, Broad and 9th St., (12-23-76)

Chattanooga. *ROSS'S LANDING*, 101 Market St., (6-27-74)
Chattanooga. *TERMINAL STATION*, 1434 Market St., (2-20-73) HAEK.

Chattanooga. *TIVOLI THEATER*, 709 Broad St., (4-11-73)
Chattanooga vicinity. *CIVIL WAR FORTIFICATION*, Bonny Oaks Dr., (1-31-76)

Chattanooga vicinity. *WILLIAMS ISLAND (BROWN'S ISLAND)*, (4-11-73)
Georgetown vicinity. *MATTHEWS, PLEASANT L., HOUSE*, SW of Georgetown on Ooltewah-Georgetown Rd., (12-12-76)

Ooltewah. *JAMES COUNTY COURTHOUSE*, Mulberry St., (11-7-76)
Ooltewah vicinity. *BROWN HOUSE, THE*, About 10 mi. NE of Ooltewah on Georgetown Pike, (4-11-73)

Ooltewah vicinity. *DOUGLAS, HIRAM, HOUSE*, About 5 mi. N of Ooltewah on Snow Hill Rd., (4-24-73)
Signal Mountain vicinity. *CONNOR TOLL HOUSE*, 4212 Anderson Pike, (8-22-77)

Signal Mountain vicinity. *TOPSIDE*, N of Signal Mountain off TN 8 on Wilson Ave., (4-11-73)

hancock county

Sneedville. *OLD JAIL*, Jail St., (4-11-73)

hardeman county

Bolivar. *CAMPBELL HOUSE*, 607 W. Market St., (8-6-75)

hardin county

Savannah. *CHERRY MANSION*, 101 Main St., (8-16-77) HABS.
Shiloh. *SHILOH NATIONAL MILITARY PARK*, Off TN 22, (10-15-66)

hawkins county

Kingsport. *BOATYARD HISTORIC DISTRICT*, (12-12-73) (also in Sullivan County)
Rogersville. *ROGERSVILLE HISTORIC DISTRICT*, Bounded by N. Boyd, Kyle, Clinch, and N. Bend Sts., McKinney Ave., and S. Rogan Rd., (2-23-73)

Rogersville vicinity. *AMIS HOUSE*, E of Rogersville on Burem Pike, (6-19-73)
Surgoinsville vicinity. *FUDGE FARM*, NE of Surgoinsville on U.S. 11W, (12-12-76)

Surgoinsville vicinity. *LONG MEADOW*, N of Surgoinsville off U.S. 11W (Rte. 1), (1-11-74)
Surgoinsville vicinity. *STONY POINT*, NE of Surgoinsville on U.S. 11W, (4-26-73)

henry county

Elkhorn vicinity. *MT. ZION CHURCH AND CEMETERY*, NE of Elkhorn on Tennessee River, (12-23-74)

Paris. *PORTER HOUSE*, 407 S. Dunlap St., (4-11-73) HABS.

Paris vicinity. *OBION MOUNDS (WORK FARM SITE)*, (5-7-73)

hickman county

OLD NATCHEZ TRACE, Reference—see *Davidson County*
Williamsport vicinity. *GORDON, JOHN, HOUSE*, NW of Williamsport off TN 50, (4-18-74) (also in Maury County)

humphreys county

Hurricane Mills vicinity. *LINK FARM SITE (DUCK RIVER TEMPLE MOUNDS)*, (4-11-73)

jackson county

Gainesboro vicinity. *FORT BLOUNT-WILLIAMSBURG SITE*, On Cumberland River S of Gainesboro, (7-17-74)

jefferson county

Dandridge. *DANDRIDGE HISTORIC DISTRICT*, Town center around Main, Meeting, and Gay Sts., (1-22-73)
Dandridge. *SWANN, JUDGE JAMES PRESTON, HOUSE*, Cherokee Dr., (7-16-73)

Jefferson City. *GLENMORE*, Off U.S. 11E, (4-13-73)
Jefferson City vicinity. *BRANNER-HICKS HOUSE*, E of Jefferson City on Chucky Rd., (7-9-74)

White Pine vicinity. *FAIRFAX*, SE of White Pine off U.S. 25E, (4-13-73)
White Pine vicinity. *FRANKLIN, LAWSON D., HOUSE*, SE of White Pine off U.S. 25E, (4-13-73)

johnson county

Laurel Bloomery. *MORRISON FARM AND STORE*, TN 91, (4-11-73)
Mountain City. *BUTLER HOUSE*, 309 N. Church St., (4-11-73)

Shouns. *RHEA HOUSE*, U.S. 421, (4-11-73)

knox county

Concord. *RUSSELL, AVERY, HOUSE*, 11409 Kingston Pike, (6-5-75)
Knoxville. *BLOUNT, WILLIAM, MANSION (CAPITOL OF U.S. TERRITORY SOUTH OF THE OHIO RIVER)*, 200 W. Hill Ave., (10-15-66) NHL; HABS.

Knoxville. *CAMP HOUSE*, 1306 Broadway NE., (4-24-73)
Knoxville. *COMMERCE AVENUE FIRE HALL*, 201-205 Commerce Ave., (8-16-77) HABS.

Knoxville. *CRAIGHEAD-JACKSON HOUSE*, 1000 State St., (3-20-73)
Knoxville. *DULIN, H. L., HOUSE*, 3100 Kingston Pike, (10-15-74)

Knoxville. *JACKSON AVENUE WAREHOUSE DISTRICT*, Jackson Ave., (4-11-73) HABS.
Knoxville. *KNOLLWOOD*, 6411 Kingston Pike, (5-12-75)

Knoxville. *KNOX COUNTY COURTHOUSE*, Main Ave. and Gay St., (4-24-73)
Knoxville. *KNOXVILLE CITY HALL (TENNESSEE SCHOOL FOR THE DEAF)*, City Hall Park on Western Ave., (5-31-72)

Knoxville. *LAMAR HOUSE HOTEL (BIJOU THEATER)*, 803 Gay St., SW., (12-4-75) G.
Knoxville. *LEBANON-IN-THE-FORK PRESBYTERIAN CHURCH*, Asbury Rd., (5-27-75)

Knoxville. *MIDDLEBROOK*, 4001 Middlebrook Pike, (6-18-74)
Knoxville. *OLD POST OFFICE BUILDING*, Clinch and Market Sts., (3-20-73)
Knoxville. *PARK, JAMES, HOUSE*, 422 W. Cumberland Ave., (10-18-72)

Knoxville. *ZEIGLER, ISAAC, HOUSE*, 712 N. 4th Ave., (5-2-75) HABS.
Knoxville vicinity. *BUFFAT, ALFRED, HOMESTEAD*, 1 mi N of Knoxville on Love Creek Rd., (4-1-75)

Knoxville vicinity. *BUFFAT HOMESTEAD*, 1 mi. N of Knoxville on Love Creek Rd., (4-1-75)
Knoxville vicinity. *MARBLE SPRINGS*, S of Knoxville on Neubert Springs Rd., (5-6-71) G.

Knoxville vicinity. *RAMSEY HOUSE*, SE of Knoxville on Thomgrove Pike, (12-23-69) G.
Knoxville vicinity. *STATESVIEW*, About 10 mi. SW of Knoxville off U.S. 70, (4-24-73)
Mascot vicinity. *CHESTERFIELD*, N of Mascot off Old Rutledge Pike, (11-16-77)

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Fort Pillow. *FORT PILLOW*, TN 87, (4-11-73) NHL.

lawrence county

OLD NATCHEZ TRACE, Reference—see *Davidson County*
Lawrenceburg. *LAWRENCE COUNTY JAIL*, Waterloo St., (3-16-76)

lewis county

OLD NATCHEZ TRACE, Reference—see *Davidson County*

lincoln county

Fayetteville vicinity. *CONGER, ISAAC, HOUSE*, NE of Fayetteville off Hamstring Rd., (7-16-73)
Howell vicinity. *HARRIS-HOLDEN HOUSE*, E of Howell on Daves Hollow Rd., (3-19-75)

loudon county

Greenback. *NATIONAL CAMPGROUND (UNION CAMPGROUND)*, SR 1, (1-7-72)
Lenoir. *LENOIR COTTON MILL*, Depot St., (6-18-75) HABS.

Loudon. *BLAIR'S FERRY STOREHOUSE*, 800 Main St., (7-14-77) HABS.
Loudon. *LENOIR, ALBERT, HOUSE*, W of Loudon on River Rd. (TN 72), (4-11-73)

Loudon. *LOUDON COUNTY COURTHOUSE*, Grove and Mulberry Sts., (5-28-75)
Loudon vicinity. *BOWMAN HOUSE*, E of Loudon on Little River Rd., (7-8-70)

Loudon vicinity. *CANNON-CALLOWAY HOUSE*, W of Loudon off U.S. 11, (7-8-70)
Loudon vicinity. *CARMICHAEL INN*, Off U.S. 11, (7-8-70)

madison county

Jackson. *CASEY JONES HOME AND RAILROAD MUSEUM*, 211 W. Chester St., (9-7-72)
Jackson. *JACKSON FREE LIBRARY*, College and Church Sts., (6-26-75)

Pinson vicinity. *PINSON MOUNDS*, 3 mi. E of Pinson on secondary rd., (10-15-66) NHL; G.

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NOTICES

marion county

South Pittsburg. **CHRIST EPISCOPAL CHURCH AND PARISH HOUSE**, Corner of 3rd and Holly Sts., (8-22-77) HABS.
Victoria vicinity. **KETNER'S MILL AND BRIDGE**, E of Victoria on Ketner Mill Rd. and at Sequatchie River, (11-23-77)

marshall county

Chapel Hill vicinity. **FORREST, NATHAN BEDFORD, BOYHOOD HOME**, W of Chapel Hill, (7-13-77)

maury county

GORDON, JOHN, HOUSE, Reference—see Hickman County
OLD NATCHEZ TRACE, Reference—see Davidson County

Columbia. **ATHENAEUM, THE**, 808 Athenaeum St., (4-24-73)
Columbia. **BLYTHEWOOD**, Trotwood and Hatcher Lane, (4-11-73)

Columbia. **COLUMBIA ARSENAL (COLUMBIA MILITARY ACADEMY)**, W. 7th St., (9-19-77)

Columbia. **MAYES-HUTTON HOUSE**, 306 W. 6th St., (7-8-70)

Columbia. **POLK, JAMES K., HOUSE**, W. 7th and S. High Sts., (10-15-66) HABS. G.
Columbia. **POLK SISTERS' HOUSE**, 305 W. 7th St., (5-21-75)

Columbia vicinity. **BEECHLAWN**, S of Columbia on U.S. 31, (5-14-71)

Columbia vicinity. **CHERRY GLEN**, SW of Columbia off U.S. 43, (7-2-73)

Columbia vicinity. **CLIFTON PLACE**, SW of Columbia on Mt. Pleasant Hwy., (7-8-70) HABS.

Columbia vicinity. **HAMILTON PLACE**, Mt. Pleasant Pike, W of Columbia off U.S. 43, (7-16-73)

Columbia vicinity. **PILLOW-BETHEL HOUSE**, SW of Columbia off U.S. 43, (12-12-76)

Columbia vicinity. **PLEASANT MOUNT PRESBYTERIAN CHURCH**, SE of Columbia off TN 50, (8-16-77)

Columbia vicinity. **RATTLE AND SNAP**, Andrew Jackson Hwy. (TN 43), (11-11-71) HABS.

Columbia vicinity. **SKIPWITH HALL**, W of Columbia on TN 50, (11-23-77)

Columbia vicinity. **ST. JOHN'S EPISCOPAL CHURCH**, W of Columbia on U.S. 43, (7-8-70)

Columbia vicinity. **ZION PRESBYTERIAN CHURCH**, 6.3 mi. W of Columbia off TN 99, (6-13-72) HABS.

Spring Hill. **EWELL FARM**, Depot Lane, (5-24-76)

Spring Hill. **GRACE EPISCOPAL CHURCH**, U.S. 31, (5-17-76)

mcminn county

Athens vicinity. **CLEAGE, SAMUEL, HOUSE**, N of Athens on Lee Hwy., (5-12-75) HABS.

Delano vicinity. **TREW GENERAL MERCHANDISE STORE**, W of Delano at TN 163 and Bowater Rd., (12-22-76)

Etowah. **ETOWAH DEPOT**, U.S. 411, (10-17-77)

Niota. **NIOTA DEPOT**, Main St., (4-1-75)

monroe county

Madisonville. **COOK-KEFAUVER HOUSE**, Kefauver Lane, (10-9-74)

Madisonville. **STICKLEY HOUSE**, W of jct. of U.S. 411 and TN 68, (9-10-74)

Tellico Plains. **JOHNSON, ELISHA, MANSION**, Ballplay Rd., (12-24-74)

Vonore vicinity. **CHOTA AND TANASI CHEROKEE VILLAGE SITES**, SE of Vonore, (8-30-73)

Vonore vicinity. **FORT LOUDOUN**, U.S. 411, (10-15-66) HABS.

Vonore vicinity. **MCGHEE MANSION**, E of Vonore on Fort Loudoun Rd., (8-28-74)

Vonore vicinity. **TELLICO BLOCKHOUSE SITE**, 2 mi. E of Vonore off TN 72, (8-11-75)

montgomery county

Clarksville. **CLARKSVILLE ARCHITECTURAL DISTRICT**, Public Square, Legion, 3rd Franklin, Commerce Sts., (5-13-76)

Clarksville. **CLARKSVILLE FEDERAL BUILDING**, Commerce and S. 2nd Sts., (6-13-72)

Clarksville. **CLARKSVILLE INDUSTRIAL DISTRICT**, Bounded by Washington St., Crossland Ave., the ICG RR. and the Cumberland River, (4-30-76)

Clarksville. **EMERALD HILL (EAGLE'S NEST)**, N. 2nd St., (7-14-71)

Clarksville. **FIRST PRESBYTERIAN CHURCH**, 213 Main St., (4-30-76)

Clarksville. **MADISON STREET METHODIST CHURCH**, 319 Madison St., (5-13-76)

Clarksville. **POSTON BLOCK**, Main and Telegraph Sts., (6-13-72) HABS.

Clarksville. **REXINGER, SAMUEL, HOUSE**, 703 E. College St., (4-13-77)

Clarksville. **SEVIER STATION**, Walker St., S of B St., (5-6-71)

Clarksville. **SMITH-HOFFMAN HOUSE**, Beech and A Sts., (8-22-77)

moore county

Lynchburg. **JACK DANIEL DISTILLERY**, TN 55, (9-14-72)

morgan county

Rugby vicinity. **RUGBY COLONY**, TN 52, (4-26-72) (also in Scott County)

ohio county

Rives. **DICKEY'S OCTAGONAL BARBERSHOP**, SW corner High and N. Church Sts., (4-29-75)

Union City. **CONFEDERATE MONUMENT**, Sumner and Edwards Sts., (7-28-77)

overtown county

Livingston. **ROBERTS, GOV. ALBERT H., LAW OFFICE**, 114 E. Main St., (2-20-75) HABS.

perry county

Linden vicinity. **CEDAR CREEK FURNACE**, 9 mi. SW of Linden on Furnace Branch, (6-19-73)

pickett county

Byrdstown vicinity. **HULL, CORDELL, BIRTHPLACE**, About 2 mi. W of Byrdstown, (5-5-72)

polk county

Benton vicinity. **WARD, NANCY, TOMB**, S of Benton on U.S. 411, (4-11-73)

rhea county

Dayton. **RHEA COUNTY COURTHOUSE**, Market St. between 2nd and 3rd Aves., (11-7-72) HABS.

roane county

Harriman. **HARRIMAN CITY HALL**, Roane and Walden Sts., (4-16-71)

Kingston. **ROANE COUNTY COURTHOUSE**, Kentucky Ave., (7-14-71) G.
Kingston. **SOUTHWEST POINT**, 1 mi. SW of Kingston, (7-31-72) G.

Olive Springs. **COLONIAL HALL**, Spring and Main Sts., (9-11-75)

Oliver Springs. **COLONIAL HALL**, Spring and Main Sts., (9-11-75)

robertson county

Cedar Hill. **ST. MICHAEL'S CATHOLIC CHURCH**, 3.5 mi. W of TN 49, (7-5-73)

Cedar Hill vicinity. **GLEN RAVEN**, SW of Cedar Hill on Washington Rd., (10-2-73)

Cedar Hill vicinity. **WESSYNGTON**, S of Cedar Hill, (5-6-71)

Cross Plains. **RANDOLPH, WILLIAM, HOUSE**, On TN 25, (10-30-73)

Cross Plains vicinity. **CORNSILK (THOMAS STRINGER HOUSE)**, N of Cross Plains on Highland Rd., (1-11-74)

Cross Plains vicinity. **ROCK JOLLY**, NE of Cross Plains off TN 52, (10-30-73)

Springfield vicinity. **PITT, ARTHUR, HOUSE AND DISTILLERY**, NE of Springfield off TN 49, (12-18-73)

Springfield vicinity. **WOODARD HALL**, NE of Springfield on Owens Chapel Rd., (10-10-75)

Youngville vicinity. **SUDLEY PLACE**, N of Youngfield on State Line Rd., (1-11-74)

rutherford county

Eagleville vicinity. **SCALES, ABSALOM, HOUSE**, N of Eagleville off TN 16, on Rocky Glade Rd., (10-30-73)

Murfreesboro. **COLLIER-CRICHLOW HOUSE**, 511 E. Main St., (7-16-73)

Murfreesboro. **OAKLANDS**, N. Maney Ave., (2-26-70)

Murfreesboro. **PALMER, GEN. JOSEPH B., HOUSE**, 434 E. Main St., (9-20-73)

Murfreesboro. **RUTHERFORD COUNTY COURTHOUSE**, Public Square, (7-16-73)

Murfreesboro vicinity. **ELMWOOD**, NW of Murfreesboro, off U.S. 70S/41, (10-15-73)

Murfreesboro vicinity. **FORTRESS ROSECRANS SITE**, W of Murfreesboro at Stones River, (6-7-74) G.

Murfreesboro vicinity. **MARYMONT**, SW of Murfreesboro, off TN 99 on Rucker Lane, (10-30-73)

Murfreesboro vicinity. **STONES RIVER NATIONAL BATTLEFIELD**, 3 mi. NW of Murfreesboro on U.S. 41, (10-15-66)

Readyville. **READY, CHARLES, HOUSE (THE CORNERS)**, On U.S. 70S, (7-2-73)

Readyville vicinity. **MACON, UNCLE DAVE, HOUSE**, W of Readyville on U.S. 70S, (11-15-73)

Smyrna vicinity. **DAVIS, SAM, HOUSE**, NE of Smyrna off TN 102, (12-23-69) G.

Smyrna vicinity. **RIDLEY'S LANDING**, N of Smyrna on Jones Mill Rd., at Stoves River, (7-16-73)

scott county

RUGBY COLONY, Reference—see Morgan County

Huntsville. **OLD SCOTT COUNTY JAIL**, Courthouse Sq., (4-18-74)

Huntsville vicinity. **PAINT ROCK CREEK COVERED BRIDGE**, SE of Huntsville on Jacksboro Rd., (4-18-77)

Oneida vicinity. **BRYANT, LOUIS E., HOUSE**, 2 mi. E of Oneida on Bear Creek Rd., (5-29-75)

sevier county

Gatlinburg vicinity. **COLE, ALEX, CABIN**, 5 mi. S of Gatlinburg off U.S. 441 in Great Smoky Mountains National Park, (1-1-76)

Gatlinburg vicinity. **KING-WALKER PLACE**, W of Gatlinburg off TN 73, Great Smoky Mountains National Park, (3-16-76)

Gatlinburg vicinity. **LITTLE GREENBRIER SCHOOL/CHURCH**, About 9 mi. W of Gatlinburg off TN 73 in Great Smoky Mountains Natl. Park, (1-11-76) HABS.

Gatlinburg vicinity. **MCCARTER, TYSON, PLACE**, 10 mi. E of Gatlinburg on TN 73, Great Smoky Mountains National Park, (3-16-76)

Gatlinburg vicinity. **MESSER BARN**, SE of Gatlinburg near Greenbrier Cove in Great Smoky Mountains National Park, (1-1-76)

Gatlinburg vicinity. **OGLE, BUD, FARM**, 3 mi. SE of Gatlinburg, (11-23-77)

Gatlinburg vicinity. **OWNBY, JOHN, CABIN**, 3 mi. S of Gatlinburg off TN 73 in Great Smoky Mountains National Park, (1-1-76)

Gatlinburg vicinity. **ROARING FORK HISTORIC DISTRICT**, 5 mi. SE of Gatlinburg off TN 73, Great Smoky Mountains National Park, (3-16-76) HABS.

Harrisburg vicinity. **HARRISBURG COVERED BRIDGE**, S of Harrisburg off U.S. 411 over East Fork of Little Pigeon River, (6-10-75)

Pigeon Forge. **PIGEON FORGE MILL**, Off U.S. 441, (6-10-75)

Sevierville. **SEVIER COUNTY COURTHOUSE**, Court Ave., (3-24-71)

Sevierville. **WATERS HOUSE**, 217 Cedar St., (6-18-75)

Sevierville vicinity. **BRABSON'S FERRY PLANTATION**, NW of Sevierville off Sevierville Pike in Boyd's Creek area, (6-26-75)

Sevierville vicinity. **BUCKINGHAM HOUSE**, W of Sevierville on Sevierville Pike, (3-18-71) HABS.

Sevierville vicinity. **ROSE GLEN**, 4 mi. E of Sevierville on Newport Hwy., (7-18-75)

Sevierville vicinity. **TROTTER-MCMAHAN HOUSE**, S of Sevierville on Middle Creek Rd., (10-10-75)

Sevierville vicinity. **WHEATLANDS**, NW of Sevierville on Old Knoxville Hwy., (7-7-75)

shelby county

Germantown. **GERMANTOWN BAPTIST CHURCH**, 2216 Germantown Rd., (4-1-75)

Memphis. **BEALE STREET HISTORIC DISTRICT**, Beale St. from Main to 4th Sts., (10-15-66) HABS.

Memphis. **CHUCALISSA INDIAN VILLAGE (PREHISTORIC INDIAN TOWN)**, (5-7-73)

Memphis. **DAVIES MANOR**, 9336 Davies Plantation Rd., (3-19-75) HABS.

Memphis. **FIRST BAPTIST CHURCH**, 379 Beale Ave., (2-11-71)

Memphis. **FIRST METHODIST CHURCH**, 204 N. 2nd St., (3-19-76)

Memphis. **FOWLKES-BOYLE HOUSE**, 208 Adams Ave., (8-7-74)

Memphis. **HUNT-PHELAN HOUSE**, 533 Beale Ave., (2-11-71) HABS.

Memphis. **LEE AND FONTAINE HOUSES OF THE JAMES LEE MEMORIAL**, 680-690 Adams Ave., (2-11-71) G.

Memphis. **MAGEVNEY HOUSE**, 198 Adams Ave., (11-6-73)

Memphis. **ORPHEUM THEATRE**, 197 S. Main St., (8-15-77)

Memphis. **PEABODY HOTEL**, 149 Union Ave., (9-14-77)

Memphis. **PORTER, DR. D. T., BUILDING**, 10 N. Main St., (4-18-77)

Memphis. **RAYNER, ELI, HOUSE**, 1020 Rayner St., (5-9-77)

Memphis. **ST. MARY'S CATHOLIC CHURCH**, 155 Market St., (8-7-74)

Memphis. **TRI-STATE BANK**, 386 Beale St., (2-11-71)

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Memphis. **VICTORIAN VILLAGE DISTRICT**, Adams and Jefferson Sts., (12-11-72) G.

smith county

Dixon Springs. **DIXON SPRINGS DISTRICT**, 1.75 mi. NE of Cumberland River, (2-10-75)

Dixon Springs vicinity. **DIXONA**, NW of Dixon Springs on TN 25, (7-5-73)

stewart county

Dover vicinity. **DOVER FLINT QUARRIES**, (5-7-73)

Dover vicinity. **FORT DONELSON NATIONAL MILITARY PARK**, 1 mi. W of Dover on U.S. 79, (10-15-66)

Dover vicinity. **FORT HENRY SITE**, NW of Dover off U.S. 79 on Fort Henry Rd., (10-10-75)

Dover vicinity. **GREAT WESTERN FURNACE**, NW of Dover on TN 49, (10-6-75)

sullivan county

BOATYARD HISTORIC DISTRICT, Reference—see Hawkins County

Arcadia vicinity. **FAIN PLANTATION**, E of Bloomingdale off U.S. 11W, (4-11-73)

Blountville. **BLOUNTVILLE HISTORIC DISTRICT**, Center of Blountville along both sides of TN 126, (2-23-73)

Blountville. **FAIN, SQUIRE JOHN, BARN**, Lone Oak Estates, TN 126, (4-11-73)

Blountville. **OLD DEERY INN (OLD TAVERN, MANSION HOUSE AND STORE)**, Main St., (5-7-73)

Blountville vicinity. **ERWIN FARM (WALNUT SHADE)**, W of Blountville off TN 75, (4-11-73)

Blountville vicinity. **ROLLER-PETTYJOHN MILL**, W of Blountville on Creek Rd., (12-7-77)

Bluff City vicinity. **ALISON, JESSE, HOUSE**, SW of Bluff City off U.S. 11E, (4-2-73)

Bristol vicinity. **PEMBERTON MANSION AND OAK**, 9 mi. NE of Bristol on TN 34, (3-14-73)

Bristol vicinity. **STEEL-SENEKER HOUSES**, 4 mi. W of Bristol on TN 126, (8-22-77)

Kingsport. **CHURCH CIRCLE DISTRICT**, Center of Kingsport, along Sullivan St., (4-11-73)

Kingsport. **CLINCHFIELD RAILROAD STATION**, 101 E. Main St., (4-24-73)

Kingsport. **JOHNSON, J. FRED, HOUSE**, 1322 Watauga Ave., (4-11-73)

Kingsport. **MOUNT IDA**, 1010-1012 Sevier Terrace Dr., (4-2-73)

Kingsport. **NETHERLAND INN AND COMPLEX**, 2144 Netherland Inn Rd., (12-23-69) G.

Kingsport. **OLD KINGSPORT PRESBYTERIAN CHURCH**, Stone Dr. (Hwy. 11W) and Afton, (10-2-73)

Kingsport. **PRESTON FARM (EXCHANGE PLACE)**, 4812 Orebank Rd., (9-3-71) G.

Kingsport vicinity. **LONG ISLAND OF THE HOLSTON**, S fork of the Holston River, (10-15-66) HABS.

Kingsport vicinity. **PEARSON BRICK HOUSE**, E of Kingsport on Shipley Ferry Rd., (4-11-73)

Kingsport vicinity. **ROSELAND**, S of Kingsport on Shipp St., (4-2-73)

Kingsport vicinity. **SPRING PLACE**, NW of Kingsport on W. Carter's Valley Rd., off U.S. 23, (4-11-73)

Kingsport vicinity. **WILLS-DICKEY STONE HOUSE**, NW of Kingsport off U.S. 23 on W. Carter's Valley Rd., (3-30-73)

Kingsport vicinity. **YANCEY'S TAVERN**, E of Kingsport on TN 126, (4-11-73)

Piney Flats vicinity. **ALISON, FINLAY, HOUSE**, W of Piney Flats off U.S. 11/19, (4-11-73)

Piney Flats vicinity. **ROCKY MOUNT**, SW of Piney Flats off U.S. 11E, (2-26-70)

summer county

Castalian Springs. **CASTALLAN SPRINGS (WYANNEWOOD)**, Gallatin-Hartsville Pike, TN 25, (7-14-71) HABS. G.

Gallatin. **TROUSDALE PLACE**, 183 W. Main St., (6-5-75)

Gallatin vicinity. **CRAGFONT**, E of Gallatin off TN 25, (2-26-70)

Gallatin vicinity. **FAIRVIEW**, 4 mi. S of Gallatin on U.S. 31E, (6-10-75) HABS.

Goodlettsville vicinity. **BOWEN-CAMPBELL HOUSE**, E of Goodlettsville on Jackson Rd., (7-25-77)

Hendersonville vicinity. **ROCK CASTLE**, SE of Hendersonville on Indian Lake Rd., (7-8-70) HABS. G.

Hendersonville vicinity. **TALLEY-BEALS HOUSE**, N of Hendersonville off Saunderville Rd., (8-22-77)

tipton county

Covington. **ST. MATHEW'S EPISCOPAL CHURCH**, Munford St., (8-16-77)

unicoi county

Erwin vicinity. **CLARKSVILLE IRON FURNACE**, SW of Erwin off TN 107 in Cherokee National Forest, (6-4-73)

union county

Tazewell vicinity. **OUSLEY, BAITE, HOUSE**, 15 mi. SW of Tazewell, N of Morris Lake on Big Valley Rd., (3-4-75)

van buren county

Bone Cave vicinity. **BIG BONE CAVE**, (4-11-73)

warren county

McMinnville vicinity. **NORTH CUTT PLANTATION**, 7 mi. SW of McMinnville off TN 108 on Wheeler Lane, (5-12-75) HABS.

washington county

Johnson City. **ROBINS' ROOST**, S. Roane St., (1-20-76)

Johnson City vicinity. **DEVAULT, VALENTINE, HOUSE**, 5 mi. N of Johnson City off U.S. 11E on DeVault Lane, (7-29-77)

Johnson City vicinity. **DUNGAN'S MILL AND STONE HOUSE**, NE of Johnson City on Watauga Rd., (7-2-73)

white county
Sparta vicinity. **SPARTA ROCK HOUSE**, 3 mi. E of Sparta on U.S. 70, (8-14-73)

williamson county
OLD NATCHEZ TRACE, Reference—see Davidson County
Brentwood. **MOORELAND**, Off U.S. 31, (7-24-75)

Brentwood vicinity. **JOHNSTON, JAMES, HOUSE**, S of Brentwood on U.S. 31, (3-26-76)
Franklin. **CAMPBELL, WILLIAM S., HOUSE** (**MAGNOLIA HALL**), TN 96, (10-29-75)

Franklin. **CARNTON**, Confederate Cemetery Lane, (1-18-73)
Franklin. **FORT GRANGER**, Off Liberty Pike, (1-8-73) G.

Franklin. **FRANKLIN HISTORIC DISTRICT**, Centered around Main St. (TN 96) and 3rd Ave. (U.S. 31), (10-5-72)

Franklin. **HIRAM MASONIC LODGE NO. 7**, S. 2nd Ave., (11-7-73) NHL.

Franklin. **RAINEY-LAWRENCE HOUSE**, 244 1st Ave., (7-8-70)

Franklin. **ST. PAUL'S EPISCOPAL CHURCH**, 510 Main St., (2-23-72)

Franklin vicinity. **FRANKLIN BATTLEFIELD**, S of Franklin on U.S. 31, (10-15-66) NHL.

Franklin vicinity. **GLEN ECHO**, N of Franklin off U.S. 31 on Spencer Creek Rd., (11-7-76)

Franklin vicinity. **HARRISON HOUSE**, S of Franklin on Columbia Pike, (6-18-75)

Franklin vicinity. **WINSTEAD HILL**, 2 mi. S of Franklin on U.S. 31, (11-29-74)

Thompson Station vicinity. **HOMESTEAD MANOR**, N of Thompson Station on U.S. 31, (4-29-77)

wilson county
Lebanon. **MEMORIAL HALL, CUMBERLAND UNIVERSITY**, Cumberland University campus, (4-29-77)

Lebanon. **PICKETT CHAPEL METHODIST CHURCH**, E. Market St., (4-18-77)

Lebanon vicinity. **SELLARS INDIAN MOUND**, (12-11-72)

Mount Juliet vicinity. **CLOYD, JOHN, HOUSE**, NW of Mount Juliet on U.S. 70, (10-1-74)

TEXAS

aransas county
Fulton. **FULTON, GEORGE W., MANSION**, Fulton Beach Rd., (4-24-75) HABS.

Port Aransas vicinity. **ARANSAS PASS LIGHT STATION**, N of Port Aransas on Harbor Island, (8-3-77)

Rockport. **MATHIS, T. H., HOUSE**, 612 Church St., (6-21-71) HABS.

archer county
Archer City. **ARCHER COUNTY COURTHOUSE AND JAIL**, Public Sq. and Sycamore and Pecan Sts., (12-23-77)

armstrong county
Palo Duro vicinity. **J A RANCH**, Palo Duro Canyon, (10-15-66) NHL.

austin county
Wallis vicinity. **ALLENS CREEK OSSUARY SITE**, 4 mi. NW of Wallis off TX 36, (3-21-75)

bastrop county
Bastrop. **ALLEN-BELL HOUSE**, 1408 Church St., (1-25-71)

Bastrop. **BASTROP COUNTY COURTHOUSE AND JAIL COMPLEX**, Bounded by Pine, Walnut, Pecan, and Water Sts., (11-20-75) G.

Hills Prairie vicinity. **HILL, ABRAHAM WILEY, HOUSE**, 5 mi. SW of Hills Prairie, (3-11-71) HABS.

bell county
Belton. **BELL COUNTY COURTHOUSE**, Public Sq., (12-12-76)
Belton. **OLD ST. LUKE'S EPISCOPAL CHURCH**, 401 N. Wall St., (1-17-74)

bexar county
Fort Sam Houston. **POST CHAPEL, FORT SAM HOUSTON**, Bldg. 2200, Wilson St., (5-17-74)

San Antonio. **ALAMO PLAZA HISTORIC DISTRICT**, Roughly bounded by S. Broadway, Commerce, Bonham and Travis Sts., (7-13-77)

San Antonio. **ALAMO PORTLAND AND ROMAN CEMENT WORKS**, Brackenridge Park, (12-12-76)

San Antonio. **ALAMO, THE**, Alamo Plaza, (10-15-66) NHL; HABS.

San Antonio. **BEXAR COUNTY COURTHOUSE**, Main Plaza, (8-29-77) HABS.

San Antonio. **CHURCH OF NUESTRA SENORA DE LA CANDELARIA Y GUADALUPE**, 115 Main Ave., (2-25-75) HABS; G.

San Antonio. **ESPADA AQUEDUCT**, Espada Rd., E of U.S. 281S, (10-15-66) NHL; HABS.

San Antonio. **FIRST NATIONAL BANK OF SAN ANTONIO**, 213 W. Commerce St., (3-16-72) HABS.

San Antonio. **FORT SAM HOUSTON**, N edge of San Antonio, (5-15-75) NHL.

San Antonio. **HANGAR 9**, Brooks Air Force Base Inner Circle Rd., (5-21-70) NHL.

San Antonio. **INTERNATIONAL & GREAT NORTHERN RAILROAD PASSENGER STATION**, Medina and Houston Sts., (9-9-75)

San Antonio. **KING WILLIAM HISTORIC DISTRICT**, Roughly bounded by Durango, Alamo, Guenther Sts. and the San Antonio River, (1-20-72) HABS; G.

San Antonio. **LA VILLITA HISTORIC DISTRICT**, Bounded by Durango, Navarro, Alamo Sts. and San Antonio River, (1-20-72) HABS.

San Antonio. **MAJESTIC THEATRE**, 214 E. Houston St., (10-1-75)

San Antonio. **MENGER SOAP WORKS**, 400 block of N. Laredo St., (12-12-73) G.

San Antonio. **MISSION CONCEPCION**, 807 Mission Rd., (4-15-70) NHL; HABS; G.

San Antonio. **MISSION PARKWAY**, Along the San Antonio River, (10-6-75) HABS.

San Antonio. **MISSION SAN FRANCISCO DE LA ESPADA**, Espada Rd., (2-23-72) HABS; G.

San Antonio. **MISSION SAN JUAN CAPISTRANO**, Mission Rd., (2-23-72) G.

San Antonio. **NAVARRO, JOSE ANTONIO, HOUSE COMPLEX**, 228-232 S. Laredo St., (3-24-72)

San Antonio. **OLD LONE STAR BREWERY**, 110-116 Jones Ave., (10-26-72)

San Antonio. **PERSHING HOUSE (QUARTERS NO. 6, STAFF POST)**, Staff Post Rd., Fort Sam Houston, (7-30-74)

San Antonio. **QUADRANGLE, THE**, Grayson St., Fort Sam Houston, (7-30-74)

San Antonio. **SAN ANTONIO LOAN AND TRUST BUILDING**, 235 E. Commerce St., (7-12-76) HABS.

San Antonio. **SAN JOSE MISSION NATIONAL HISTORIC SITE**, 6519 San Jose Dr., (10-15-66) HABS; G.

San Antonio. **SCHROEDER-YTURRI HOUSE**, 1040 E. Commerce St., (4-14-75) HABS.

San Antonio. **SOUTHERN PACIFIC RAILROAD PASSENGER STATION**, 1174 E. Commerce St., (5-29-75)

San Antonio. **SPANISH GOVERNOR'S PALACE**, 105 Military Plaza, (4-15-70) NHL.

San Antonio. **U.S. SAN ANTONIO ARSENAL**, (12-18-69) HABS; G.

San Antonio. **URSULINE ACADEMY**, 300 Augusta St., (11-25-69) HABS; G.

San Antonio. **VOGEL BELT COMPLEX**, 111-121 Military Plaza, (4-10-75) G.

San Antonio. **WALKER RANCH**, N of San Antonio between West Ave. and Blanco Rd., (2-25-75)

blanco county
Blanco. **CONN, ADRIAN EDWARDS, HOUSE**, Jct. of U.S. 281 and SW boundary of courthouse square, (11-19-71)

Johnson City. **LYNDON B. JOHNSON NATIONAL HISTORIC SITE**, (12-2-69) (also in gillespie county)

bosque county
Meridian. **BOSQUE COUNTY COURTHOUSE**, Public Sq., (4-13-77)

Mosheim vicinity. **HOG CREEK ARCHEOLOGICAL DISTRICT**, 4 km NW of Mosheim and 13.5 km SW of Clifton, off FM 182, (7-20-77) (also in Coryell County)

bowie county
Boston. **BOWIE COUNTY COURTHOUSE AND JAIL**, Public Square, (11-16-77)

Texarkana. **DRAUGHN-MOORE HOUSE**, 420 Pine St., (6-29-76)

Texarkana. **OFFENHAUSER INSURANCE BUILDING**, State Line Ave. and 3rd St., (2-25-71)

Texarkana vicinity. **ROSEBOROUGH LAKE SITE (41BW5)**, NW of Texarkana, (7-6-76)

Texarkana vicinity. **TEXARKANA PHASE ARCHEOLOGICAL DISTRICT**, NW of Texarkana, (8-14-73)

brazoria county
Cedar Lake. **McCROSKEY, JOHN, CABIN**, 2 mi. NE of Cedar Lake on Stringfellow Ranch, (8-28-75)

East Columbia. **UNDERWOOD, AMMON, HOUSE**, Main St., (6-24-76)

brazos county
Bryan. **BRYAN CARNEGIE LIBRARY**, 111 S. Main St., (10-27-76)

Bryan. **CAVITT HOUSE**, 713 E. 30th St., (10-27-76)

brewster county
Big Bend National Park. **CASTOLON HISTORIC DISTRICT**, Along Rio Grande at jct. of Park Rtes. 5, 9, and 35, (9-6-74)

Big Bend National Park. **HOT SPRINGS**, W of Rio Grande Village, (9-17-74)

Big Bend National Park. **LUNA JACAL**, At base of Pena Mountain in Big Bend National Park, (11-8-74)

Big Bend National Park. **MARISCAL MINE**, River Rd., (9-13-74)

Big Bend National Park. **RANCHO ESTELLE**, On the Rio Grande River, (9-3-74)

Santa Elena Junction vicinity. **WILSON, HOMER, RANCH**, 8 mi. S of Santa Elena Junction on Park Rte. 5, Big Bend National Park, (4-14-75)

briscoe county
Quitque vicinity. **LAKE THEO FOLSOM SITE COMPLEX**, 3 mi. N of Quitque, (4-28-75)

Silverton vicinity. **MAYFIELD DUGOUT**, 7 mi. NW of Silverton, (6-18-73)

brown county
Brownwood. **SANTA FE RAILROAD STATION**, Washington Ave. between E. Depot and E. Adams Sts., (1-2-76)

caldwell county
Lockhart. **EMMANUEL EPISCOPAL CHURCH**, SE corner of N. Church and Walnut Sts., (6-5-74)

Lockhart vicinity. **WITHERS, M. A., HOUSE**, W of Lockhart on Borchert Loop Rd., (8-27-76)

cameron county
Brownsville. **BROWNE-WAGNER HOUSE**, 245 E. St. Charles St., (8-29-77)

Brownsville. **FORT BROWN**, (10-15-66) NHL.

Brownsville. **RESACA DE LA PALMA BATTLEFIELD**, N edge of Brownsville on Parades Line Rd., (10-15-66) NHL.

Brownsville vicinity. **OLD BRULAY PLANTATION**, E of Brownsville off TX 4, (10-10-75)

Brownsville vicinity. **PALO ALTO BATTLEFIELD**, 6.3 mi. N of Brownsville at jct. of FR 1847 and 511, (10-15-66) NHL.

Port Isabel. **POINT ISABEL LIGHTHOUSE**, Off TX 100, (4-30-76) HABS.

Port Isabel vicinity. **BRAZOS SANTIAGO DEPOT**, Off Port Isabel at N end of Brazos Island, (7-14-71)

Port Isabel vicinity. **GARCIA PASTURE SITE**, Loma del Mesquite, (2-23-72)

carson county
Panhandle. **CARSON COUNTY SQUARE HOUSE MUSEUM**, 5th and Elsie Sts., (3-7-73)

cass county
Queen City. **MATHEWS-POWELL HOUSE**, Miller St., (9-22-77)

chambers county
Cove vicinity. **SITE 41 CH 110**, (7-14-71)

Wallisville vicinity. **ORCOQUISAC ARCHEOLOGICAL DISTRICT**, (7-14-71)

cherokee county
Alto vicinity. **DAVIS, GEORGE C., SITE**, 6 mi. SW of Alto on TX 21, (10-15-70) G.

coke county
Bronte vicinity. **FORT CHADBOURNE**, (4-2-73)

collin county
Farmersville vicinity. **SISTER GROVE CREEK SITE**, 4 mi. W of Farmersville off U.S. 380, (8-22-77)

colorado county
Columbus. **COLORADO COUNTY COURTHOUSE**, Bounded by Milam, Spring, Travis and Walnut Sts., (7-12-76)

Columbus. **STAFFORD BANK AND OPERA HOUSE**, Milam and Spring Sts., (5-8-73) G.

Columbus vicinity. **STAFFORD, JOHN, HOUSE**, S of Columbus on U.S. 71, (5-3-76) G.

comal county
Gruene. **GRUENE HISTORIC DISTRICT**, Both sides of Sequin, New Braunfels, and Austin Sts., (4-21-75) G.

New Braunfels. **COMAL COUNTY COURTHOUSE**, N. Seguin Ave., (12-12-76)

New Braunfels. **FIRST PROTESTANT CHURCH (UNITED CHURCH OF CHRIST)**, 296 S. Seguin St., (7-14-71)

New Braunfels. **GUADALUPE HOTEL/SCHMITZ HOTEL**, 471 Main Plaza, (3-13-75)

New Braunfels. **KLEIN, STEPHEN, HOUSE**, 131 S. Seguin St., (8-25-70)

New Braunfels. **LINDHEIMER HOUSE**, 489 Comal Ave., (8-25-70) HABS.

concho county
Paint Rock. **CONCHO COUNTY COURTHOUSE**, Public Sq., (11-7-77)

Paint Rock vicinity. **PAINT ROCK INDIAN PICTOGRAPH SITE**, 1 mi. NW of Paint Rock off U.S. 83, (6-21-71)

Salt Gap vicinity. **BISHOP SITE**, W of Salt Gap, (6-17-77)

coryell county
Gatesville. **CORYELL COUNTY COURTHOUSE**, Pub. Sq., (8-18-77)

crockett county
Ozona. **CROCKETT COUNTY COURTHOUSE**, 907 Ave. D, (12-27-74)

Sheffield vicinity. **FORT LANCASTER**, 10 mi. E of Sheffield on U.S. 290, (3-11-71) G.

Sheffield vicinity. **LIVE OAK CREEK ARCHEOLOGICAL DISTRICT**, About 10 mi. E of Sheffield, (4-2-76) (also in Pecos and Terrell Counties)

culberson county
Gaudalupe Mountain National Park. **PINERY STATION**, Off U.S. 62/180, (10-9-74)

Guadalupe Mountain National Park. **PRATT, WALLACE, LODGE**, At jct. of N and S branch of McKittrick Canyon, (3-26-75)

Toyah vicinity. **GRANADO CAVE**, 36.6 mi. W of Toyah, (3-25-77)

dallas county
Dallas. **BELO, ALFRED HORATIO, HOUSE**, 2115 Ross Ave., (10-29-75)

Dallas. **DALLAS COUNTY COURTHOUSE**, Houston and Commerce Sts., (12-12-76)

Dallas. **DALLAS UNION TERMINAL**, 400 S. Houston St., (5-29-75)

Dallas. **MAJESTIC THEATRE**, 1925 Elm St., (11-14-77)

Dallas. **SANGER BROTHERS COMPLEX**, Block 32, bounded by Elm, Lamar, Main and Austin Sts., (4-1-75)

Dallas. **SWISS AVENUE HISTORIC DISTRICT**, Swiss Ave. between Fitzhugh and LaVista, (3-28-74) G.

Dallas. **TRINITY METHODIST EPISCOPAL CHURCH**, 2120 McKinney Ave., (4-24-75) G.

de witt county
Cuero. **DE WITT COUNTY COURTHOUSE**, Bounded by N. Gonzales, E. Live Oak, N. Clinton, and E. Courthouse Sts., (5-6-71)

denton county
Denton. **DENTON COUNTY COURTHOUSE**, Public Sq., (12-20-77)

dewitt county
Cuero vicinity. **CUERO HYDROELECTRIC PLANT**, 2 mi. N of Cuero on Guadalupe Plant, (9-19-77)

Yorktown. **ECKHARDT STORES**, Eckhardt and Main Sts., (6-29-76)

el paso county
El Paso. **CASTNER RANGE ARCHEOLOGICAL DISTRICT**, U.S. 54, (4-22-76)

El Paso. **CHAMIZAL NATIONAL MEMORIAL**, (2-4-74)

El Paso. **EL PASO UNION PASSENGER STATION**, SW corner of Coldwell at San Francisco St., (4-3-75)

El Paso. **MAGOFFIN HOMESTEAD**, 1120 Magoffin Ave., (3-31-71) G.

El Paso. **OLD FORT BLISS**, 1800 block of Doniphan St., (2-23-72)

El Paso. **TROST, HENRY C., HOUSE**, 1013 W. Yandell Dr., (7-12-76)

El Paso. **1800's MEXICAN CONSULATE**, 612 E. San Antonio St., (5-23-75)

El Paso vicinity. **DOYLE, SGT., SITE**, 4 mi. NE of El Paso, (4-11-77)

El Paso vicinity. **FUSSELMAN CANYON ROCK ART DISTRICT**, W of El Paso on RM 375, (6-3-76)

El Paso vicinity. **HOT WELL ARCHEOLOGICAL SITE**, 1 mi. S of Hot Well, (4-30-76)

El Paso vicinity. **HUECO TANKS**, (7-14-71)

El Paso vicinity. **NORTHGATE SITE**, N of El Paso on Fort Bliss Military Reservation, (3-16-72)

San Elizario. **PRESIDIO CHAPEL OF SAN ELIZARIO**, S side of plaza, (9-14-72) HABS.

Socorro. **SOCORRO MISSION**, Moon Rd. and TX 258, (3-16-72)

Ysleta. **YSLETA MISSION (MISSION DE CORPUS CHRISTI DE LA YSLETA)**, U.S. 80 near jct. with Zaragosa Rd., (7-31-72) HABS.

ellis county
Waxahachie. **ELLIS COUNTY COURTHOUSE HISTORIC DISTRICT**, Roughly bounded by both sides of Waxahachie Creek N to Union Pacific RR. tracks and between both sides of Elm and Flat Sts., (4-23-75)

Waxahachie. **WAXAHACHIE CHAUTAUQUA BUILDING**, Getzendaner Park, (5-3-74) G.

erath county
Bluff Dale. **BLUFF DALE SUSPENSION BRIDGE**, Berry's Creek Rd., (12-20-77)

Stephenville. **ERATH COUNTY COURTHOUSE**, Public Sq., (8-18-77)

fannin county
Bonham. **RAYBURN, SAMUEL T., HOUSE**, 1.5 mi. W of Bonham on U.S. 82, (6-5-72) NHL; G.

fayette county
Dubina vicinity. **PYTLOVANY, SIMON, HOUSE**, 1.5 mi. S of Dubina on FR 1383, (4-14-75)

Flatonia. **BUCKNER'S CREEK BRIDGE**, 10 mi. N of Flatonia over Buckner's Creek, (5-29-76)

La Grange. **FAYETTE COUNTY COURTHOUSE AND JAIL**, Courthouse Sq. and 104 Main St., (1-23-75) G.

La Grange. **KREISCHE, HENRY L., BREWERY AND HOUSE**, S of LaGrange off U.S. 77 on Monument Hill, (4-16-75)

La Grange. **ST. JAMES EPISCOPAL CHURCH**, Monroe and Colorado Sts., (6-18-76)

Round Top vicinity. **CUMMINS CREEK BRIDGE**, 2 mi. NW of Round Top over Cummins Creek, (4-21-75)

Schulenburg vicinity. **MULBERRY CREEK BRIDGE**, 2.5 mi. SW of Schulenburg on old Praha Rd., (4-21-75)

Warrenton. **NEESE, WILLIAM, SR., HOMESTEAD**, TX 237, (2-18-75) HABS.

5310 TEXAS

Winedale. *WINEDALE INN COMPLEX*, Off FM 1457, (6-22-70)

fisher county

Noodle vicinity. *STEADMAN, FOY, SITE*, 8.5 mi. NW of Noodle, (3-11-71)

floyd county

Quitaque vicinity. *QUITAQUE RAILWAY TUNNEL*, 10 mi. SW of Quitaque, (9-13-77)

galveston county

Galveston. *ASHBEL SMITH BUILDING (OLD RED)*, 914-916 Ave. B, (10-28-69) HABS.

Galveston. *ASHTON VILLA*, 2328 Broadway, (10-28-69)

Galveston. *BISHOP'S PALACE (GRESHAM HOUSE)*, 1402 Ave. J (Broadway), (8-25-70) HABS.

Galveston. *EAST END HISTORIC DISTRICT*, Irregular pattern including both sides of Broadway and Market Sts. between 11th and 19th Sts., (7-3-75) NHL.

Galveston. *GALVESTON CAUSEWAY*, Spans Galveston Bay from Virginia Point to Galveston Island, (12-12-76)

Galveston. *GALVESTON SEAWALL*, Seawall Blvd., (8-18-77)

Galveston. *GARTEN VEREIN PAVILION*, 27th St. and Avenue O (Kempner Park), (7-20-77)

Galveston. *GRACE EPISCOPAL CHURCH*, 1115 36th St., (4-3-75)

Galveston. *GRAND OPERA HOUSE*, 2012-2020 Ave. E, (1-2-74) HABS.

Galveston. *MCKINNEY-MCDONALD HOUSE*, 926 Winnie St., (5-4-76)

Galveston. *MENARD, MICHEL B., HOUSE*, 1605 33rd St., (12-12-76) HABS.

Galveston. *MOSQUITO FLEET BERTH, PIER 19*, N end of 20th St., Pier 19, (4-21-75)

Galveston. *OLD GALVESTON CUSTOM-HOUSE*, SE corner 20th and Post Office (Ave. E) Sts., (8-25-70) HABS.

Galveston. *POWHATAN HOUSE*, 3427 Avenue O, (10-6-75) HABS.

Galveston. *SEALY, GEORGE, HOUSE*, 2424 Broadway, (10-28-69) HABS.

Galveston. *ST. JOSEPH'S CHURCH*, 2202 Ave. K, (12-12-76)

Galveston. *ST. MARY'S CATHEDRAL*, 2011 Church Ave., (6-4-73) HABS; G.

Galveston. *STRAND HISTORIC DISTRICT, THE*, Roughly bounded by Ave. A, 20th St., alley between Aves. C and D, and railroad depot, (1-26-70) NHL; G.

Galveston. *THE MCKINNEY-MCDONALD HOUSE*, 926 Winnie St., (5-4-76)

Galveston. *TRUEHEART-ADRIANCE BUILDING*, 212 22nd St., (7-14-71) HABS.

Galveston. *WILLIAMS, SAMUEL MAY, HOUSE*, 361 Avenue P, (7-14-71) HABS; G.

Port Bolivar. *POINT BOLIVAR LIGHTHOUSE*, TX 87, (8-18-77)

Texas City. *DAVISON, FRANK B., HOUSE*, 109 3rd Ave. N., (6-29-76)

garza county

Post. *OLD ALGERITA HOTEL*, S corner of Main and Ave. I, (4-23-75) G.

Post. *OLD POST SANITARIUM*, 117 North Ave. N., (5-21-75)

gillespie county

LYNDON B. JOHNSON NATIONAL HISTORIC SITE, Reference—see Blanco County

Fredericksburg. *FREDERICKSBURG HISTORIC DISTRICT*, (10-14-70) G.

NOTICES

Fredericksburg. *FREDERICKSBURG MEMORIAL LIBRARY (MCDERMOTT BUILDING, GILLESPIE COUNTY COURTHOUSE)*, Courthouse Sq., (3-11-71) G.

goliad county

Goliad. *GOLIAD COUNTY COURTHOUSE HISTORIC DISTRICT*, Roughly bounded by E. Franklin, S. Washington, E. Fannin and S. Chilton Sts., (6-29-76)

Goliad. *OLD MARKET HOUSE MUSEUM*, S. Market and Franklin Sts., (10-18-72)

Goliad vicinity. *NUESTRA SENORA DEL ESPIRITU SANTO DE ZUNIGA SITE*, 0.5 mi. S of Goliad on U.S. 183, (8-22-77)

Goliad vicinity. *PIRESIDIO NUESTRA SENORA DE LORETO DE LA BAHIA*, 1 mi. S of Goliad State Park on U.S. 183, (12-24-67) NHL; HABS.

Goliad vicinity. *RUINS OF MISSION NUESTRA SENORA DEL ROSARIO DE LOS CUJANES*, (9-22-72)

gonzales county

CUERO I ARCHEOLOGICAL DISTRICT, Reference—see De Witt County

Gonzales. *GOZNALES COUNTY COURTHOUSE*, Bounded by St. Louis, St. Paul, St. Lawrence, and St. Joseph Sts., (6-19-72)

Gonzales. *GOZNALES COUNTY JAIL*, Courthouse Sq. on St. Lawrence St., (5-21-75)

Gonzales. *KENNARD HOUSE*, 621 St. Louis St., (1-25-71)

Gonzales vicinity. *BRACHES HOUSE*, 12 mi. SE of Gonzales off U.S. 90 A, (3-31-71)

grayson county

Denison. *BRAUN, GEORGE, HOUSE*, 421 N. Austin Ave., (11-20-75)

Denison. *KOHL, ERNST MARTIN, BUILDING*, 300 E. Main St., (7-12-76)

grimes county

Anderson. *ANDERSON HISTORIC DISTRICT*, (3-15-74) G.

Navasota. *P. A. SMITH HOTEL*, Railroad St., (4-16-76)

guadalupe county

Seguin. *ERSKINE HOUSE NO. 1 (HOLLAMON HOUSE)*, 902 N. Austin St., (8-25-70) HABS.

Seguin. *LOS NOGALES*, S. River and E. Live Oak Sts., (3-24-72)

Seguin. *SEBASTOPOL (ZORN HOUSE)*, NE corner of W. Court and N. Eikel Sts., (8-25-70) G.

Seguin vicinity. *WILSON UTILITY POTTERY KILNS ARCHEOLOGICAL DISTRICT*, 9 mi. E of Seguin on TX 466, (4-16-75)

hale county

Plainview. *PLAINVIEW SITE*, 0.5 mi. W of jct. of U.S. 70 and 87, (10-15-66) NHL.

harris county

Houston. *ANNUNCIATION CHURCH (ROMAN CATHOLIC)*, 1618 Texas Ave., (11-3-75)

Houston. *ANTIOCH MISSIONARY BAPTIST CHURCH*, 313 Robin St., (12-22-76)

Houston. *IDESON, JULIA, BUILDING*, 500 McKinney St., (11-23-77)

Houston. *KELLUM-NOBLE HOUSE*, 212 Dallas St., (4-3-75) HABS.

Houston. *OLD HOUSTON NATIONAL BANK*, 202 Main St., (7-17-75)

Houston. *PILLOT BUILDING*, 106 Congress St., (6-13-74)

Houston. *SEWALL, CLEVELAND HARDING, HOUSE*, 3452 Inwood St., (4-14-75)

Houston. *SWEENEY, COOMBS & FREDERICKS BUILDING*, 301 Main St., (6-20-74)

Houston. *U.S. CUSTOMHOUSE*, San Jacinto at Rusk St., (8-28-74)

Houston. *UNION STATION*, 501 Crawford St., (11-10-77)

Houston. *1879 HOUSTON WATERWORKS*, 27 Artesian St., (5-6-76)

Houston. *1884 HOUSTON COTTON EXCHANGE BUILDING*, 202 Travis St., (5-6-71) G.

Houston vicinity. *SAN JACINTO BATTLEFIELD*, 22 mi. E of Houston on TX 134, (10-15-66) NHL.

Houston vicinity. *U.S.S. TEXAS*, 22 mi. E of Houston on TX 134 at San Jacinto Battleground State Park, (12-8-76) NHL.

harrison county

Marshall. *GINOCCHIO HISTORIC DISTRICT*, Bounded by Grand Ave., and N. Franklin, Willow, and Lake Sts., (12-31-74)

Marshall. *HARRISON COUNTY COURTHOUSE*, Public Square, (8-16-77)

Marshall. *OLD PIERCE HOUSE (MAGNOLIA HALL)*, 303 N. Columbus St., (4-13-73)

Marshall vicinity. *EDGEMONT*, W of Marshall, (9-22-77)

Marshall vicinity. *MARSHALL ARSENAL, CSA*, N of Marshall on both sides of FM 1997, (7-1-76)

hays county

San Marcos. *COCK HOUSE*, 402 E. Hopkins St., (4-23-73) G.

San Marcos. *FIRST UNITED METHODIST CHURCH*, 129 W. Hutchison St., (11-8-74)

hidalgo county

Mission vicinity. *LA LOMITA HISTORIC DISTRICT*, 5 mi. S of Mission on FM 1016, (5-28-76)

hill county

BUZZARD CAVE, NW of Lake Whitney, (7-18-74)

Blum vicinity. *SHEEP CAVE*, SW of Blum, (7-9-74)

Hillsboro. *HILL COUNTY COURTHOUSE*, Courthouse Sq., (6-21-71) HABS.

Hillsboro vicinity. *MCKENZIE SITE*, SW of Hillsboro, (11-25-77)

Itasca vicinity. *TURNER, JOE E., HOUSE*, 3 mi. E of Itasca on SR 934, (4-13-77) HABS.

Lake Whitney Estates vicinity. *KYLE SHELTER*, NW of Lake Whitney Estates, (7-9-74)

Lake Whitney vicinity. *PICTOGRAPH CAVE*, 3.5 mi. NW of Lake Whitney Estates, (3-13-74)

hood county

Granbury. *HOOD COUNTY COURTHOUSE HISTORIC DISTRICT*, Courthouse Sq., bounded by Bridge, Pearl, and Houston Sts., (6-5-74)

hopkins county

Sulphur Springs. *HOPKINS COUNTY COURTHOUSE*, Church and Jefferson Sts., (4-11-77)

houston county

Crockett. *MONROE-CROOK HOUSE*, 707 E. Houston St., (3-31-71) G.

Kennard vicinity. *WESTERMAN MOUND*, 5.8 mi. SE of Kennard, (6-20-71)

NOTICES

howard county

Big Spring. *POTTON-HAYDEN HOUSE*, SW corner Gregg and 2nd Sts., (4-14-75) G.

hudspeth county

Allamore vicinity. *RED ROCK ARCHEOLOGICAL COMPLEX*, 4.8 mi. NE of Allamore, (5-2-77)

Sierra Blanca. *HUDSPETH COUNTY COURTHOUSE*, Millican St., (5-21-75) G.

hunt county

Greenville. *POST OFFICE BUILDING*, Lee at King St., (8-7-74)

hutchinson county

Fritch vicinity. *ANTELOPE CREEK ARCHEOLOGICAL DISTRICT*, (9-22-72)

irion county

Sherwood. *IRION COUNTY COURTHOUSE*, Public Sq., (8-29-77)

jack county

Jacksboro vicinity. *FORT RICHARDSON*, S of Jacksboro on U.S. 281, (10-15-66) NHL; G.

jasper county

Jasper. *BLAKE-BEATY-ORTON HOUSE*, 206 S. Main St., (4-16-75)

Jasper vicinity. *DOOM, COL. RANDOLPH C., HOUSE*, 7.5 mi. W of Jasper on FM 1747, (12-30-75)

jeff davis county

Fort Davis. *FORT DAVIS NATIONAL HISTORIC SITE*, Jct. of TX 17 and 118, (10-15-66) HABS.

jefferson county

Beaumont. *FRENCH HOME TRADING POST*, 2995 French Rd., (10-15-70)

Beaumont. *MCFADDIN HOUSE COMPLEX*, 1906 McFaddin St., (1-25-71)

Beaumont vicinity. *LUCAS GUSHER, SPINDLETOP OIL FIELD*, 3 mi. S of Beaumont on Spindletop Ave., (11-13-66) NHL.

Port Arthur. *POMPEIAN VILLA*, 1953 Lakeshore Dr., (5-23-73) G.

johnson county

Cleburne. *CLEBURNE CARNEGIE LIBRARY*, 201 N. Caddo St., (12-12-76)

Rio Vista vicinity. *HAM CREEK SITE*, SW of Rio Vista on TX 916, (2-15-74)

Rio Vista vicinity. *HART, MEREDITH, HOUSE*, E of Rio Vista on SR 916, (4-13-77)

jones county

Abilene vicinity. *FORT PHANTOM HILL*, N of Abilene on Ranch Rd. 600, (9-14-72) G.

karnes county

Panna Maria and vicinity. *PANNA MARIA HISTORIC DISTRICT*, TX 123, (5-13-76)

kaufman county

Terrell vicinity. *PORTER, WALTER C., FARM*, 2 mi. N of Terrell on FR 986, (10-15-66) NHL.

kendall county

Boerne. *KENDALL INN*, Off U.S. 87, (6-19-76)

Comfort. *BRINKMANN, OTTO, HOUSE*, 701 High St., (12-12-77)

Sisterdale. *SISTERDALE VALLEY DISTRICT*, SR 1376, (1-8-75)

kenedy county

Kingsville and its environs, (10-15-66) NHL. (also in Kleberg, Nueces, and Willacy counties)

Port Isabel vicinity. *MANSFIELD CUT UNDERWATER ARCHEOLOGICAL DISTRICT*, (1-21-74) G. (also in Willacy County)

kerr county

Camp Verde. *OLD CAMP VERDE*, (5-25-73)

Kerrville. *SCHREINER, CAPT. CHARLES, MANSION*, 216 Earl Garrett St., (4-14-75) G.

kleberg county

KING RANCH, Reference—see Kenedy County

Corpus Christi vicinity. *DUNN RANCH, NOVILLO LINE CAMP*, S of Corpus Christi in Padre Island National Seashore, (10-1-74)

lamar county

Faulkner vicinity. *MACKIN, A. C., ARCHEOLOGICAL SITE*, 1 mi. SW of Faulkner, (5-16-74)

Paris. *MAXEY, SAMUEL BELL, HOUSE*, 812 E. Church St., (3-18-71)

lampasas county

Lampasas. *LAMPASAS COUNTY COURTHOUSE*, Bounded by S. Live Oak, E. 4th, S. Pecan, and E. 3rd Sts., (6-21-71)

lavaca county

Hallettsville. *LAVACA COUNTY COURTHOUSE*, Bounded by LaGrange, 2nd, 3rd, and Main Sts., (3-11-71)

Hallettsville. *LAY-BOZKA HOUSE*, 205 Fairwinds, (1-25-71)

lee county

Giddings. *LEE COUNTY COURTHOUSE*, Bounded by Hempstead, Grimes, E. Richmond, and Main Sts., (5-30-75)

Giddings. *SCHUBERT HOUSE*, 183 Hempstead St., (8-25-70)

leon county

Centerville. *LEON COUNTY COURTHOUSE AND JAILS*, Public Sq., (12-12-77)

liberty county

Dayton vicinity. *SITE 41 LB 4*, (7-14-71)

limestone county

Mexia vicinity. *JOHNSTON, JOSEPH E., CONFEDERATE REUNION GROUNDS*, 4 mi. W of Mexia on F.M. 1633, (4-2-76)

Mexia vicinity. *WASHINGTON, BOOKER T., EMANCIPATION PROCLAMATION PARK*, 9 mi. W of Mexia, (5-24-76)

llano county

Llano. *LLANO COUNTY COURTHOUSE AND JAIL*, Public Sq., Oatman and Haynie Sts., (12-2-77)

lubbock county

Lubbock. *CANYON LAKES ARCHEOLOGICAL DISTRICT*, Yellowhouse Canyon off U.S. 84, (3-26-76)

Lubbock vicinity. *LUBBOCK LAKE SITE*, N of Lubbock near jct. of Clovis Hwy. and Loop 289, (6-21-71) G.

marion county

Jefferson. *ALLEY-CARLSON HOUSE*, 501 Walker St., (10-28-69) HABS.

Jefferson. *BEARD HOUSE*, 212 N. Vale St., (8-25-70) HABS.

Jefferson. *EPPELSON-MCNUIT HOUSE*, 409 S. Alley St., (10-28-69) HABS.

TEXAS 5311

Jefferson. *EXCELSIOR HOTEL*, Austin St., between Market and Vale Sts., (10-28-69) HABS.

Jefferson. *JEFFERSON HISTORIC DISTRICT*, (3-31-71) HABS.

Jefferson. *JEFFERSON PLAYHOUSE*, NW corner of Market and Henderson Sts., (3-31-71) HABS.

Jefferson. *MAGNOLIAS, THE*, 209 E. Broadway, (3-31-71) HABS.

Jefferson. *OLD U.S. POST OFFICE AND COURTS BUILDING*, 223 Austin St., (10-28-69) HABS.

Jefferson. *PERRY, CAPT. WILLIAM, HOUSE*, NW corner of Walnut and Clarksville Sts., (8-25-70)

Jefferson. *PLANTERS BANK BUILDING*, 224 E. Austin St., (3-11-71)

Jefferson. *PRESBYTERIAN MANSE*, NE corner of Alley and Delta Sts., (10-28-69) HABS.

Jefferson. *SEDBERRY HOUSE*, 211 N. Market St., (8-25-70)

Jefferson. *SINGLETON, CAPT. WILLIAM E., HOUSE*, 204 N. Soda St., (8-25-70) HABS.

Jefferson. *WOODS, PERRY M., HOUSE (OLD LIGON PLACE)*, 502 Walker St., (3-31-71) HABS.

Jefferson vicinity. *FREEMAN PLANTATION HOUSE*, 0.8 mi. W of Jefferson on TX 49, (11-25-69) HABS.

mason county

Mason. *MASON HISTORIC DISTRICT*, Irregular pattern along both sides of U.S. 87 and TX 29, (9-17-74)

Mason. *REYNOLDS-SEAQUIST HOUSE*, 400 Broad St., (11-20-74)

maverick county

Eagle Pass. *FORT DUNCAN*, Bounded by Monroe and Garrison Sts., city limits on the S, and the Rio Grande on the W, (12-9-71)

mcculloch county

Brady. *MCCULLOCH COUNTY COURTHOUSE*, Public Sq., (12-16-77)

Brady. *OLD MCCULLOCH COUNTY JAIL*, 117 N. High St., (4-3-75)

mcclennan county

Waco. *EARLE-NAPIER-KINNARD HOUSE*, 814 S. 4th St

5312 TEXAS

Menard vicinity. *SITE OF PRESIDIO SAN LUIS DE LAS AMARILLAS*, 1 mi. NW of Menard on TX 29, (8-25-72)

milam county

Cameron. *MILAM COUNTY COURTHOUSE AND JAIL*, Public Sq. and S. Fannin and E. 1st St., (12-20-77)

Rockdale vicinity. *SAN XAVIER MISSION COMPLEX ARCHEOLOGICAL DISTRICT*, 13 mi. W of Rockdale, (7-27-73)

mills county

Regency vicinity. *REGENCY SUSPENSION BRIDGE*, 0.75 mi. S of Regency at Colorado River, (12-12-76)

montague county

Spanish Fort vicinity. *SPANISH FORT SITE*, NW of Spanish Fort off F.M. 103, (4-14-75)

montgomery county

Montgomery vicinity. *KIRBEE KILN SITE*, S of Montgomery, (8-28-73)

nacogdoches county

Nacogdoches. *OLD NACOGDOCHES UNIVERSITY BUILDING*, Washington Sq., (6-21-71) HABS.

Nacogdoches. *STERNE, ADOLPHUS, HOUSE*, 211 S. Lanana St., (11-13-76)

Woden vicinity. *OIL SPRINGS OIL FIELD DISCOVERY WELL*, 4 mi. SE of Woden, (11-23-77)

navarro county

Corsicana. *CORSICANA OIL FIELD DISCOVERY WELL*, 400 block S. 12th St., (8-22-77)

nueces county

KING RANCH, Reference—see Kenedy County
Corpus Christi. *BRITTON-EVANS HOUSE*, 411 N. Broadway, (12-12-76)
Corpus Christi. *NUECES COUNTY COURTHOUSE*, Mesquite and Belden, (6-24-76)

oldham county

Adrian vicinity. *ROCKY DELL*, (2-23-72)
Vega vicinity. *LANDERGIN MESA*, E side of E. Alamosa Creek, Mansfield Ranch, (10-15-66) NHL.

orange county

Orange. *STARK, W. H., HOUSE*, 611 W. Green Ave., (12-12-76)

panola county

Carthage. *PANOLA COUNTY JAIL*, 110 N. Shelby St., (6-29-76)
Deadwood vicinity. *INTERNATIONAL BOUNDARY MARKER*, SE of Deadwood off SR 31 at LA State line, (4-13-77)

parker county

Tin Top vicinity. *TIN TOP SUSPENSION BRIDGE*, 2 mi. S of Tin Top on SR 1884, (3-25-77)

Weatherford. *PARKER COUNTY COURTHOUSE*, Courthouse Sq., (6-21-71)

pecos county

Fort Stockton. *FORT STOCKTON HISTORIC DISTRICT*, E edge of town, (4-3-73)
Sheffield vicinity. *CANON RANCH RAILROAD ECLIPSE WINDMILL*, W of Sheffield on Canon Ranch, (9-22-77)

potter county

Amarillo. *BIVINS HOUSE*, 1000 Polk St., (12-31-74)

NOTICES

Amarillo. *LANDERGIN-HARRINGTON HOUSE*, 1600 Polk St., (12-16-77)
Amarillo vicinity. *MCCBRIDE RANCHHOUSE*, N of Amarillo in Lake Meredith Recreation Area, (4-23-75)

Fritch vicinity. *ALIBATES FLINT QUARRIES AND TEXAS PANHANDLE PUEBLO CULTURE NATIONAL MONUMENT*, SW of Fritch on the Canadian River, (10-15-66)

presidio county

Marfa. *PRESIDIO COUNTY COURTHOUSE*, Public Sq., (12-20-77)

Presidio. *FORT LEATON*, 4 mi. E of Presidio on FM 170, (6-18-73) HABS.

Presidio vicinity. *SHAFTER HISTORIC MINING DISTRICT*, 20 mi. N of Presidio on U.S. 67, (5-17-76)

Redford vicinity. *TAPALCOMES*, S of Redford, (3-25-77)

Shafter vicinity. *FORTIN DE LA CIENEGA*, 15 mi. NE of Shafter on Cienega Creek, (10-8-76)

rains county

Emory vicinity. *GILBERT SITE*, 3 mi. N of Emory, (4-13-77)

Emory vicinity. *KOONS SITE*, 3 mi. N of Emory, (4-13-77)

Emory vicinity. *YANDELL SITE*, N of Emory, (4-13-77)

real county

Camp Wood. *MISSION SAN LORENZO DE LA SANTA CRUZ*, On TX 55 at N edge of city, (7-14-71)

red river county

Blakeney vicinity. *KAUFMAN, SAM, SITE*, 1 mi. N of Blakeney, (8-14-73)

Clarksville. *SMATHERS-DEMORSE HOUSE*, E. Comanche St., (5-17-76)

Kiomatica vicinity. *KIOMATIA MOUNDS ARCHEOLOGICAL DISTRICT*, (1-11-74)

robertson county

Calvert. *HAMMOND HOUSE*, Bounded by Burnet, China, Elm, and Hanna Sts., (10-28-70) G.

Franklin. *ROBERTSON COUNTY COURTHOUSE AND JAIL*, Public Sq., (12-22-77)

runnels county

Ballinger. *BALLINGER CARNEGIE LIBRARY*, 204 N. 8th St., (6-18-75) G.

Miles. *THIELE, J., BUILDING*, Robinson and 2nd Sts., (6-29-76) G.

rusk county

Tatum vicinity. *HARMONY HILL SITE*, SW of Tatum off TX 43, (5-13-76)

Tatum vicinity. *MUSGANO SITE*, SW of Tatum, (6-24-76)

sabine county

Milam vicinity. *OLIPHANT HOUSE*, 7 mi. E of Milam off TX 21, (8-18-77)

san augustine county

San Augustine. *CARTWRIGHT, MATTHEW, HOUSE*, 912 E. Main St., (1-25-71) HABS.

San Augustine. *CULLEN, EZEKIEL, HOUSE*, 207 S. Congress St., (6-21-71) HABS.

San Augustine. *HORN-POLK HOUSE*, 717 W. Columbia St., (11-7-76)

San Augustine vicinity. *BLOUNT, CAPT. THOMAS WILLIAM, HOUSE*, 2.5 mi. W of San Augustine on TX 21, (3-7-73) HABS.

San Augustine vicinity. *GARRETT, WILLIAM, PLANTATION HOUSE*, 1 mi. W of San Augustine on TX 21, (3-25-77) HABS.

San Augustine vicinity. *MISSION NUESTRA SENORA DE LOS DELORES DE LOS AIS SITE*, 0.5 mi. SE of San Augustine, (12-16-77)

san patricio county

San Patricio vicinity. *MCGLOIN, JAMES, HOMESTEAD*, 1 mi. NW of San Patricio on FM 666, (7-14-71)

shackelford county

Albany. *SHACKELFORD COUNTY COURTHOUSE HISTORIC DISTRICT*, Roughly bounded by S. 1st, S. 4th, S. Jacobs, and S. Pecan Sts., (7-30-76)

Albany vicinity. *FORT GRIFFIN*, 15 mi. N of Albany on U.S. 283, (3-11-71) G.

shelby county

Center. *SHELBY COUNTY COURTHOUSE*, Courthouse Sq., (3-31-71)

smith county

Teaserville vicinity. *DEWBERRY, COL. JOHN, HOUSE*, 1 mi. N of Teaserville on FM 346, (5-6-71) HABS.

Tyler. *GOODMAN-LEGRAND HOUSE*, 624 N. Broadway, (11-7-76)

Tyler vicinity. *TYLER HYDRAULIC-FILL DAM*, W of Tyler off TX 31,

starr county

Roma. *ROMA HISTORIC DISTRICT (ROMA-LOS SAENZ)*, Properties along Estrella and Hidalgo Sts. between Garfield St. and Bravo Alley, (7-31-72) HABS.

sutton county

Sonora. *SUTTON COUNTY COURTHOUSE*, Public Square, (7-15-77)

tarrant county

Fort Worth. *FLATIRON BUILDING*, 1000 Houston St., (3-31-71)

Fort Worth. *FORT WORTH STOCKYARDS HISTORIC DISTRICT*, Roughly bounded by 23, Houston, 28th Sts., and RR tracks, (6-29-76)

Fort Worth. *GULF, COLORADO AND SANTE FE RAILROAD PASSENGER STATION*, 1601 Jones St., (10-15-70)

Fort Worth. *KNIGHTS OF PYTHIAS BUILDING*, 315 Main St., (4-28-70)

Fort Worth. *PADDOCK VIADUCT*, Main St., (3-15-76)

Fort Worth. *POLLOCK-CAPPS HOUSE*, 1120 Penn St., (6-19-72)

Fort Worth. *TARRANT COUNTY COURTHOUSE*, Bounded by Houston, Belknap, Weatherford, and Commerce Sts., (10-15-70)

Fort Worth. *TEXAS & PACIFIC STEAM LOCOMOTIVE no. 610*, Felix and Hemphill Sts., (3-25-77)

Fort Worth. *WHARTON-SCOTT HOUSE*, 1509 Pennsylvania Ave., (4-14-75) G.

taylor county

Abilene. *SAYLES, HENRY, HOUSE*, 642 Sayles Blvd., (6-24-76)

terrell county

Dryden vicinity. *MEYERS SPRINGS PICTOGRAPH SITE*, (9-14-72)

tom green county

San Angelo. *FORT CONCHO*, S edge of San Angelo, (10-15-66) NHL; G.

San Angelo. *TOM GREEN COUNTY JAIL*, U.S. 67, (10-22-76)

travis county

Austin. *BARKER HISTORY CENTER (OLD LIBRARY)*, UNIVERSITY OF TEXAS, South Mall, University of Texas campus, (8-25-70)

Austin. *BREMOND BLOCK HISTORIC DISTRICT*, (4-3-70)

Austin. *BRIZENDINE HOUSE*, 507 W. 11th St., (7-22-74)

Austin. *CARRINGTON-COVERT HOUSE*, 1511 Colorado St., (8-25-70) G.

Austin. *CASWELL, DANIEL H. AND WILLIAM T., HOUSES*, 1404 and 1502 West Ave., (4-21-75)

Austin. *CLARKSVILLE HISTORIC DISTRICT*, Bounded by W. Lynn, Waterston, W. 10th and Mo-Pac Expressway, (7-12-76)

Austin. *DOYLE HOUSE*, 310 E. 14th St., (4-13-73)

Austin. *DRISKILL HOTEL*, 117 E. 7th St., (11-25-69)

Austin. *ELISABETH NEY STUDIO AND MUSEUM (FORMOSA)*, 304 E. 44th St., (11-29-72)

Austin. *FRENCH LEGATION*, 802 San Marcos St., (11-25-69) HABS.

Austin. *GETHESEMANE LUTHERAN CHURCH*, 1510 Congress Ave., (8-25-70) HABS; G.

Austin. *GOODMAN BUILDING*, 202 W. 13th St., (4-13-73)

Austin. *GOVERNOR'S MANSION*, 1010 Colorado St., (8-25-70) NHL.

Austin. *HANCOCK, JOHN, HOUSE*, 1306 Colorado St., (4-13-73)

Austin. *HARDEMAN HOUSE*, 401 E. 16th St., (2-23-72)

Austin. *HIRSHFELD, HENRY, HOUSE AND COTTAGE*, 303 and 305 W. 9th St., (4-13-73)

Austin. *LAGUNA GLORIA*, 3809 W. 35th St., (12-6-75)

Austin. *LITTLE CAMPUS (ASYLUM FOR THE BLIND)*, Bounded by 18th, Oldham, 19th, and Red River Sts., (8-13-74)

Austin. *LITTLEFIELD HOUSE*, 24th St. and Whitis Ave., (8-25-70)

Austin. *MOONLIGHT TOWERS*, (7-12-76)

Austin. *NEILL-COCHRAN HOUSE*, 2310 San Gabriel St., (8-25-70)

Austin. *OLD BAKERY*, 1006 Congress Ave., (12-17-69)

Austin. *OLD LAND OFFICE BUILDING*, 108 E. 11th St., (8-25-70)

Austin. *PAGGI, MICHAEL, HOUSE (GOODRICH HOMESTEAD)*, 200 Lee Barton Dr., (4-16-75)

Austin. *PARAMOUNT THEATRE*, 713 Congress Ave., (6-23-76) G.

Austin. *PORTER, WILLIAM SIDNEY, HOUSE (O. HENRY HOUSE)*, 409 E. 5th St., (6-18-73)

Austin. *RAYMOND-MORLEY HOUSE*, 510 Baylor St., (11-20-74) G.

Austin. *SHEEKS-ROBERTSON HOUSE*, 610 W. Lynn St., (6-24-76)

Austin. *SIXTH STREET HISTORIC DISTRICT*, Roughly bounded by 5th, 7th, Lavaca Sts. and I35, (12-30-75)

Austin. *ST. EDWARD'S UNIVERSITY MAIN BUILDING AND HOLY CROSS DORMITORY*, 3001 S. Congress St., (3-7-73) G.

Austin. *ST. MARY'S CATHEDRAL*, 201-207 10th St., (4-2-73)

Austin. *TEXAS STATE CAPITOL*, Congress and 11th Sts., (6-22-70)

Austin. *U.S. POST OFFICE AND FEDERAL BUILDING (O. HENRY HALL)*, 126 W. 6th St., (8-25-70)

Austin. *WOODLAWN (PEASE MANSION)*, 6 Niles Rd., (8-25-70) HABS.

NOTICES

Austin. *WOOTEN, GOODALL, HOUSE*, 700 W. 19th St., (4-3-75)

Austin vicinity. *COX, ANDREW M., RANCH SITE*, 5 mi. SW of Austin on Barton Creek, (12-6-75)

Austin vicinity. *LEVI ROCK SHELTER*, (6-21-71)

Austin vicinity. *MCKINNEY HOMESTEAD*, SW of Austin between TX 71 and U.S. 183, (10-16-74)

Austin vicinity. *ROGERS, EDWARD H., HOMESTEAD*, N of Austin off TX 1325, (12-27-74)

Austin vicinity. *SMITH ROCK SHELTER*, (10-1-74)

uvalde county

Uvalde. *GARNER, JOHN NANCE, HOUSE*, 333 N. Park St., (12-8-76) NHL.

Uvalde vicinity. *LEONA RIVER ARCHEOLOGICAL SITE*, N of Uvalde, (5-6-76)

Uvalde vicinity. *TAYLOR SLOUGH ARCHEOLOGICAL SITE*, 4 mi. NE of Uvalde off U.S. 83, (5-4-76)

Uvalde vicinity. *UVALDE FLINT QUARRY*, 4 mi. NW of Uvalde off TX 55, (6-3-76)

Uvalde vicinity. *WILLINGHAM SITE*, N of Uvalde, (4-26-76)

val verde county

Comstock vicinity. *LOWER PECOS CANYON ARCHEOLOGICAL DISTRICT*, 12 mi. W of Comstock on U.S. 90, (3-31-71)

Comstock vicinity. *SEMINOLE CANYON ARCHEOLOGICAL DISTRICT*, 7 mi. W of Comstock, S of U.S. 90, (1-25-71) G.

Comstock vicinity. *WEST OF PECOS RAILROAD CAMPS DISTRICT*, 15 mi. W of Comstock off U.S. 90, (4-3-73)

Del Rio. *SAN FELIPE CREEK ARCHEOLOGICAL DISTRICT*, (10-16-74)

Del Rio. *VAL VERDE COUNTY COURTHOUSE AND JAIL*, 400 Pecan St., (8-18-77)

Langtry vicinity. *MILE CANYON (EAGLE NEST CANYON)*, NE of Langtry off U.S. 90, (10-15-70)

Langtry vicinity. *RATTLESNAKE CANYON SITE (41 VV 180)*, SW of Langtry, (9-28-71)

victoria county

Inez vicinity. *FORT ST. LOUIS SITE*, 13 mi. S of Inez on Garcitas Creek, (3-31-71)

Victoria. *OLD VICTORIA COUNTY COURTHOUSE*, 101 N. Bridge St., (8-18-77)

Victoria. *VICTORIA GRIST WINDMILL*, Memorial Park in Victoria, (4-30-76)

walker county

Huntsville. *HOUSTON, SAM, HOUSE (WOODLAND)*, Avenue L, Sam Houston State University, (5-30-74) NHL.

waller county

Hempstead vicinity. *LIENDO*, 2 mi. NE of Hempstead off FM 1488, (6-21-71) HABS.

washington county

Brenham. *GIDDINGS-STONE MANSION*, 204 E. Stone St., (6-24-76) HABS.

Brenham. *GIDDINGS-WILKIN HOUSE*, 805 Crocket St., (12-12-76)

Brenham. *PAMELL-DAY HOUSE*, 409 W. Alamo St., (10-15-70)

Brenham vicinity. *HATFIELD PLANTATION*, NW of Brenham off FM 912, (1-25-71)

Chappell Hill. *STAGE COACH INN (HALLER HOUSE)*, Main and Chestnut Sts., (12-12-76)

TEXAS 5313

Chappell Hill vicinity. *BROWNING, W. W., HOUSE*, S of Chappell Hill near jct. of U.S. 290 and FM 1155, (1-20-72) HABS.

Gay Hill vicinity. *RED HOUSE*, NE of Gay Hill via TX 36 and FM 390, (1-25-71)

Independence. *HOUSTON, MRS. SAM, HOUSE*, FM 390, 1 block E of jct. with FM 50, (10-22-70)

Independence vicinity. *HOXEY, ASA, HOUSE*, W of Independence, (6-29-76)

Washington vicinity. *BROWN, JOHN M., HOUSE*, S of Washington on FM 912, (4-16-75)

webb county

Laredo. *FORT MCINTOSH*, Laredo Junior College campus, (6-25-75)

Laredo. *SAN AUGUSTIN DE LAREDO HISTORIC DISTRICT*, (9-19-73)

Laredo vicinity. *SAN JOSE DE PALAFOX HISTORIC/ARCHEOLOGICAL DISTRICT*, About 30 mi. NE of Laredo, (7-24-73)

Mirando City vicinity. *LOS OJUELOS*, 2.5 mi. S of Mirando City on SR 649, (12-22-76)

willacy county

KING RANCH, Reference—see Kenedy County

MANSFIELD CUT UNDERWATER ARCHEOLOGICAL DISTRICT, Reference—see Kenedy County

williamson county

Georgetown. *SOUTHWESTERN UNIVERSITY ADMINISTRATION BUILDING AND MOOD HALL*, University Ave., Southwestern University campus, (4-23-75)

Georgetown. *TINNEN HOUSE*, 1220 Austin St., (8-25-70)

Georgetown. *WILLIAMSON COUNTY COURTHOUSE HISTORICAL DISTRICT*, Rock and 9th Sts., Main and 7th Sts. (includes both sides), (7-26-77)

Old Round Rock. *INN AT BRUSHY CREEK (COLE HOUSE)*, Taylor Exit off U.S. 79, off I 35, (10-15-70)

Round Rock vicinity. *MERRELL, CAPT. NELSON, HOUSE*, NE of Round Rock on U.S. 79, (10-15-70) HABS.

wilson county

Floresville vicinity. *RANCHO DE LAS CABRAS*, 3 mi. W of Floresville on TX 97, (3-20-73) G.

wise county

Decatur. *ADMINISTRATION BUILDING, DECATUR BAPTIST COLLEGE*, 1602 S. Trinity St., (3-11-71) G.

Decatur. *WAGGONER MANSION*, 1003 E. Main, (5-1-74)

Decatur. *WISE COUNTY COURTHOUSE*, Public Sq., (12-12-76)

wood county

Alba vicinity. <

5314 TRUST TERRITORY OF THE PACIFIC ISLANDS

NOTICES

San Ygnacio vicinity. *CORRALITOS RANCH*, 2 mi. N of San Ygnacio off U.S. 83, (8-2-77)
San Ygnacio vicinity. *DOLORES VIEJO*, N of San Ygnacio, (8-17-73)
San Ygnacio vicinity. *SAN FRANCISCO RANCH*, 1 mi. N of San Ygnacio, (3-25-77)

TRUST TERRITORY OF THE PACIFIC ISLANDS

mariana islands district

Garapan Village, Saipan. *JAPANESE HOSPITAL*, Rte. 3, (12-19-74)
Navy Hill, Saipan. *JAPANESE LIGHTHOUSE*, Navy Hill at Garapan, (12-19-74)
Rota Island. *ROTA LATTE STONE QUARRY*, (12-23-74)
Saipan. *BANZAI CLIFF*, Banadero, Magpi area, (8-27-76)
Saipan. *SUICIDE CLIFF*, Banadero, (9-30-76)
Tinian Island. *HOUSE OF TAGA*, (12-19-74)

marshall islands district

Likiep Atoll. *DEBRUM HOUSE*, Likiep Island, (9-30-76)
Majuro Atoll. *MARSHALL ISLANDS WAR MEMORIAL PARK*, Kalap Island, (9-30-76)

palau district

Babelthup Island. *BAI RA IRRAI*, Airai, (9-30-76)
Babelthup Island. *KED RA NGCHEMIAN-GEL*, Aimeliik, (9-30-76)
Babelthup Island. *METEU 'L KLECHEM*, Melekeok, (9-30-76)
Babelthup Island. *ODALMELECH*, Melekeok, (9-30-76)
Babelthup Island. *ONGELULULU*, Melekeok, (9-30-76)

ponape district

Eastern Caroline Islands. *CHIEF AGRICULTURIST HOUSE*, Kolonia, (9-30-76)
Eastern Caroline Islands. *GERMAN CEMETERY*, Kolonia, (9-30-76)
Eastern Caroline Islands. *JAPANESE ARTILLERY ROAD AND POHNDOLAP AREA*, Sokehs, (9-30-76)
Eastern Caroline Islands. *JAPANESE ELEMENTARY SCHOOL FOR PONAPEAN CHILDREN*, Kolonia, (9-30-76)
Eastern Caroline Islands. *JAPANESE HYDRO-ELECTRIC POWER PLANT*, Kolonia, (9-30-76)
Eastern Caroline Islands. *JAPANESE SHRINE*, Kolonia, (9-30-76)
Eastern Caroline Islands. *SOKEHS MASS GRAVE SITE*, Kolonia, (9-30-76)
Kolonia. *SPANISH WALL*, Litkin Kel, (12-19-74)
Tamuen Island. *NAN MADOL*, E side of Tamuen Island, (12-19-74)

truk district

Dublon Island. *JAPANESE ARMY HEADQUARTERS*, Roro, (9-30-76)
Moen Island. *ST. XAVIER ACADEMY*, Winipis, (9-30-76)
Moen Island. *TONNACHAU MOUNTAIN*, Iras, (9-30-76)
Moen Island. *TONOTAN GUNS AND CAVES*, Nantaku, (9-30-76)
Moen Island. *TRUK LAGOON UNDERWATER FLEET*, (9-30-76)
Moen Island. *WIICHEN MEN'S MEETINGHOUSE SITE*, Peniesene, (9-30-76)

yap district

Balebat. *RULL MEN'S MEETINGHOUSE*, Rull, (9-30-76)

Colonia. *SPANISH FORT*, (9-30-76)
Colonia vicinity. *O'KEEFE'S ISLAND*, (9-30-76)

UTAH

beaver county

Beaver. *BEAVER COUNTY COURTHOUSE*, 90 E. Center St., (10-6-70) HABS; G.
Beaver vicinity. *FORT CAMERON*, E of Beaver on UT 153, (9-9-74)
Milford vicinity. *WILDHORSE CANYON OBSIDIAN QUARRY*, 10 mi. E of Milford, (5-13-76)

box elder county

Brigham City. *BOX ELDER STAKE TABERNACLE*, Main St. between 2nd and 3rd South St., (5-14-71) HABS.
Collinston vicinity. *HAMPTON'S FORD STAGE STOP AND BARN*, NW of Collinston on UT 154 at Bear River, (8-12-71) HABS.

Corinne. *CORINNE METHODIST EPISCOPAL CHURCH*, Corner of Colorado and S. 600 St., (5-14-71) HABS.

Ogden vicinity. *SOUTHERN PACIFIC RAILROAD: OGDEN-LUCIN CUT-OFF TRUSTLE*, 30 mi. W of Ogden at N arm of Great Salt Lake, (4-14-72) HAER.

Promontory. *GOLDEN SPIKE NATIONAL HISTORIC SITE*, NE of Great Salt Lake, (10-15-66)

Willard. *WILLARD HISTORIC DISTRICT*, Roughly bounded by 200 W., 200 N., 100 E., and 200 S. Sts., (6-25-74)

cache county

Logan. *ECCLES, DAVID, HOUSE*, 250 W. Center St., (7-30-76)
Logan. *LOGAN TABERNACLE*, Bounded by Center, 1st North, Main, and 1st East Sts., (10-10-75)
Logan. *LOGAN TEMPLE*, Between 2nd and 3rd East and 1st and 2nd North, (11-20-75)
Logan. *OLD MAIN, UTAH STATE UNIVERSITY*, Utah State University campus, (2-23-72)
Newton vicinity. *NEWTON RESERVOIR*, 3 mi. N of Newton, (11-30-73)

carbon county

Green River. *DESOLATION CANYON*, NHL, (also in Emery, Grand, and Uintah counties)
Price. *HELLENIC ORTHODOX CHURCH OF THE ASSUMPTION*, 61 S. 2nd East St., (4-11-73)

daggett county

Bridgeport vicinity. *PARSON, DR. JOHN, CABIN COMPLEX*, SW of Bridgeport, (11-21-76)
Manila vicinity. *MANILA PETROGLYPHS*, S of Manila, (10-6-75)

davis county

Bountiful. *BOUNTIFUL TABERNACLE*, Main and Centre Sts., (1-1-76)
Farmington. *RICHARDS HOUSE*, 386 N. 100 East, (12-23-77)

emery county

DESOLATION CANYON, Reference—see Carbon County
Emery vicinity. *ROCHESTER-MUDDY CREEK PETROGLYPH SITE*, 2.5 mi. SE of Emery, (6-26-75)
Hanksville vicinity. *TEMPLE MOUNTAIN WASH PICTOGRAPHS (42EM65)*, N of Hanksville, (3-15-76)

garfield county

Boulder. *COOMBS VILLAGE SITE*, UT 117, (1-1-76)
Hanksville vicinity. *STARR RANCH*, 46 mi. S of Hanksville, (4-23-76)

grand county

DESOLATION CANYON, Reference—see Carbon County
Moab. *WARNER, ORLANDO W., HOUSE*, Mill Creek Rd., (9-20-77)
Moab vicinity. *COURTHOUSE WASH PICTOGRAPHS*, 1 mi. NW of Moab in Arches National Park on UT 163, (4-1-76)
Moab vicinity. *WOLFE RANCH*, N of Moab in Arches National Monument, (11-20-75)

iron county

Cedar City vicinity. *OLD IRONTOWN*, About 22 mi. W of Cedar City, 3 mi. S of UT 56, (5-14-71)

Modena vicinity. *GOLD SPRING*, 9 25 mi. NW of Modena, (7-21-77)

Parowan. *PAROWAN MEETINGHOUSE*, Ctr. block of Main St., between Center and 100 S. St., (5-6-76)

Parowan. *SMITH, JESSE N., HOUSE*, 45 West 100 South, (6-20-75)

Parowan vicinity. *PAROWAN GAP PETROGLYPHS*, 10 mi. NW of Parowan off UT 130, (10-10-75)

juab county

Nephi vicinity. *NEPHI MOUNDS*, N of Nephi, (9-9-75)

kane county

Escalante. *HOLE-IN-THE-ROCK*, SE of Escalante in Glen Canyon National Recreation Area, (11-3-75)
Glen Canyon vicinity. *DAVIS GULCH PICTOGRAPH PANEL*, Glen Canyon National Recreation Area, (6-5-75)
Kanab. *BOWMAN-CHAMBERLAIN HOUSE*, 14 East 100 South, (7-8-75)

millard county

Cove Fort vicinity. *COVE FORT*, 2 mi. E of 15 on UT 4, (10-6-70) HABS.
Delta vicinity. *TOPAZ WAR RELOCATION CENTER SITE*, 16 mi. NW of Delta, (1-2-74)

Deseret vicinity. *FORT DESERET*, 2 mi. S of Deseret on UT 257, (10-9-70)
Fillmore. *UTAH TERRITORIAL CAPITOL*, Center St. between Main and 100 West St., (9-22-70) HABS.

Hinckley vicinity. *GUNNISON MASSACRE SITE*, 6 mi. SW of Hinckley on the Sevier River, (4-30-76)

Scipio vicinity. *PHARO VILLAGE*, S of Scipio, (10-10-75)

piute county

Junction. *PIUTE COUNTY COURTHOUSE*, Main St. at Center St., (4-16-71) G.

salk lake county

Salt Lake City. *KEITH-O'BRIEN BUILDING*, 242-256 S. Main St., (8-16-77)

salt lake county

Salt Lake. *UTAH COMMERCIAL AND SAVINGS BANK BUILDING*, 22 East 100 South, (6-18-75) HABS.
Salt Lake City. *AMUSSEN'S JEWELRY*, 60-62 S. Main St., (6-3-76)
Salt Lake City. *HAMBERGER, SIMON, HOUSE*, 623 East 100 South, (5-30-75)
Salt Lake City. *BEEHIVE HOUSE*, 67 E. South Temple St., (2-26-70)
Salt Lake City. *BEER, WILLIAM F., ESTATE*, 181 B St. and 222 4th Ave., (12-6-77)

NOTICES

UTAH 5315

sevier county

Joseph vicinity. *PARKER, JOSEPH WILLIAM, FARM*, 2.5 mi. NE of Joseph, (3-25-77)
Redmond. *REDMOND TOWN HALL*, 18 W. Main St., (9-13-76)
Richfield. *RAMSAY, RALPH, HOUSE*, 57 East 2nd North, (7-8-75)

summit county

Park City vicinity. *KIMBALL STAGE STOP*, (4-16-71)

tooele county

Dugway Proving Ground. *LINCOLN HIGHWAY BRIDGE*, In Dog Area on 2nd St. over Government Creek, (5-21-75)
Iosepa. *IOSEPA SETTLEMENT CEMETERY*, Skull Valley, (8-12-71)
Mills Junction vicinity. *BENSON MILL*, SW of Mills Junction on UT 138, (4-14-72)
Wendover vicinity. *BONNEVILLE SALT FLATS RACE TRACK*, 3 mi. E of Wendover off U.S. 40/80, (12-18-75)
Wendover vicinity. *DANGER CAVE*, 1 mi. E of Wendover on U.S. 40, (10-15-66) NHL.
Wendover vicinity. *WENDOVER AIR FORCE BASE*, S of Wendover off U.S. 40/180, (7-1-75)

uintah county

DESOLATION CANYON, Reference—see Carbon County
Vernal vicinity. *LITTLE BRUSH CREEK PETROGLYPHS (42Un416)*, N of Vernal, (3-15-76)
Vernal vicinity. *MCCONKIE RANCH PETROGLYPHS*, 8 mi. NW of Vernal, (9-25-75)
Whiterocks vicinity. *WHITEROCKS VILLAGE SITE*, 1.5 mi. SE of Whiterocks, (1-1-76)

utah county

Fairfield. *STAGECOACH INN*, (5-14-71)
Fairfield vicinity. *CAMP FLOYD SITE*, 0.5 mi. S of Fairfield, (11-11-74)
Payson. *DIXON, CHRISTOPHER F. (JACK) JR., HOUSE*, 248 N. Main St., (11-7-77)
Pleasant Grove. *DRIGGS, BENJAMIN W., HOUSE*, 119 E. Battlercreek Rd., (4-14-72)
Pleasant Grove. *OLPIN, JOSEPH, HOUSE*, 510 Locust Ave., (11-7-77)
Provo. *CLARK-TAYLOR HOUSE*, 306 N. 500 W., (10-6-75)
Provo. *EGGERTSEN, SIMON P. SR., HOUSE*, 390 S. 500 West, (9-13-77)
Provo. *KNIGHT BLOCK*, 1-13 E. Center St., 20-24 N. University Ave., (12-2-77)
Provo. *PROVO TABERNACLE*, 50 S. University Ave., (9-9-75)
Provo. *SMOOT, REED, HOUSE*, 183 E. 100 South, (10-14-75) NHL.
Provo. *YOUNG, BRIGHAM, ACADEMY*, 5th and 6th N. Sts. and University Ave. and 1st E. St., (1-1-76)
Provo vicinity. *OLMSTED STATION POWERHOUSE*, 5 mi. N of Provo on U.S. 189, (6-26-72) HAER.
Salem. *GARNER, IRA W., HOUSE*, 10 N. Main St., (7-28-77)

wasatch county

Heber City. *HATCH, ABRAHAM, HOUSE*, 81 E. Center St., (10-10-75) HABS.
Heber City. *WASATCH STAKE TABERNACLE AND HEBER AMUSEMENT HALL*, Main St. at 100 North St. and 100 West St. corners, (12-2-70) HABS; G.
Midway. *WATKINS-COLEMAN HOUSE*, 5 E. Main St., (5-14-71) HABS.

Salt Lake City. *BERTOLINI BLOCK*, 143 1/2-147 W. 200 South, (9-29-76)
Salt Lake City. *CATHEDRAL OF THE MADELEINE*, 331 E. South Temple St., (3-11-71) G.

Salt Lake City. *CHASE, ISAAC, MILL*, Liberty Park, 600 St. E., (6-15-70) HABS.
Salt Lake City. *CONSTITUTION BUILDING*, 34 S.W. 200 South, (9-29-76)

Salt Lake City. *COUNCIL HALL (OLD CITY HALL)*, Capitol Hill at head of State St., (5-14-71) NHL.

Salt Lake City. *CULMER, WILLIAM, HOUSE*, 33 C St., (4-18-74)

Salt Lake City. *DAFT BLOCK*, 128 S. Main St., (5-28-76)

Salt Lake City. *DENVER AND RIO GRANDE RAILROAD STATION*, 3rd South and Rio Grande, (9-25-75)

Salt Lake City. *DEVEREAUX HOUSE (STAINES-JENNINGS MANSION)*, 334 W. South Temple St., (3-11-71) HABS.

Salt Lake City. *DINWOODY, HENRY, HOUSE*, 411 E. 100 South St., (7-24-74)

Salt Lake City. *EMIGRATION CANYON*, E edge of Salt Lake City on UT 65, (10-15-66) NHL.

Salt Lake City. *FIRST CHURCH OF CHRIST SCIENTIST*, 352 E. 3rd South, (7-30-76)

Salt Lake City. *FIRST NATIONAL BANK*, 163 S. Main St., (5-24-76)

Salt Lake City. *FORT DOUGLAS*, Fort Douglas Military Reservation, (6-15-70) NHL.

Salt Lake City. *FRITSCH, J. A., BLOCK*, 158 E. 200 South, (7-30-76)

Salt Lake City. *GRANITE PAPER MILL*, 6900 Big Cottonwood Canyon Rd., (4-16-71) HABS.

Salt Lake City. *HERALD BUILDING*, 165-169 S. Main, (7-30-76)

Salt Lake City. *HILLS, LEWIS S., HOUSE*, 126 S. 200 West, (8-18-77)

Salt Lake City. *HOLY TRINITY GREEK ORTHODOX CHURCH*, 279 South 200 West, (7-8-75)

Salt Lake City. *INDEPENDENT ORDER OF ODD FELLOWS HALL*, 41 Post Office Pl., (11-7-77)

Salt Lake City. *KAHN, SAMUEL, HOUSE*, 678 E. South Temple, (7-21-77)

Salt Lake City. *KARRICK BLOCK*, 236 S. Main St., (6-16-76)

Salt Lake City. *KEITH-BROWN MANSION AND CARRIAGE HOUSE*, 529 E. South Temple St., (5-14-71) G.

Salt Lake City. *LOLLIN BLOCK*, 238 S. Main St., (8-18-77)

Salt Lake City. *MCCORMICK BUILDING*, 10 W. 100 South, (8-24-77)

Salt Lake City. *MCCUNE, ALFRED W., MANSION*, 200 N. Main St., (6-13-74)

Salt Lake City. *MCINTYRE BUILDING*, 68-72 S. Main St., (7-15-77)

Salt Lake City. *OLD CITY HALL*, (5-15-75) NHL.
Salt Lake City. *OLD PIONEER FORT SITE*, 400 South and 200 West Sts., (10-15-74)
Salt Lake City. *OREGON SHORTLINE RAILROAD COMPANY BUILDING*, 126-140 Pierpont Ave., (6-23-76)

Salt Lake City. *ORPHEUM THEATRE (CAPITOL THEATRE)*, 46 West 2nd South, (9-30-76)

Salt Lake City. *OTTINGER HALL*, 233 Canyon Rd., (4-16-71)

Salt Lake City. *PLATTS, JOHN, HOUSE*, 364 Quince St., (8-25-72) HABS; G.
Salt Lake City. *SALT LAKE CITY AND COUNTY BUILDING*, 451 Washington Sq., (6-15-70) HABS; G.

Salt Lake City. *SALT LAKE STOCK AND MINING EXCHANGE BUILDING*, 39 Exchange Place, (7-30-76)

Salt Lake City. *SALT LAKE UNION PACIFIC RAILROAD STATION*, S. Temple at 400 West, (7-9-75) HABS.

Salt Lake City. *ST. MARK'S EPISCOPAL CATHEDRAL*, 231 E. 100 South St., (9-22-70) HABS.

Salt Lake City. *TEMPLE SQUARE*, (10-15-66) NHL; HABS; HAER.

Salt Lake City. *TENTH WARD SQUARE*, 400 South and 800 East, (11-11-77)

Salt Lake City. *TRINITY AFRICAN METHODIST EPISCOPAL CHURCH*, 239 E. 600 South, (7-30-76)

Salt Lake City. *UTAH COMMERCIAL AND SAVINGS BANK BUILDING*, 22 East 100 South, (6-18-75) HABS.

Salt Lake City. *UTAH STATE HISTORICAL SOCIETY, MANSION AND CARRIAGE HOUSE*, 603 E. South Temple St., (2-26-70)

Salt Lake City. *WHEELER, HENRY J., FARM*, 6343 S. 900 St., (5-4-76)

Salt Lake City. *YOUNG, BRIGHAM, FOREST FARMHOUSE*, 732 Ashton Ave., (5-14-71)

Salt Lake City. *YOUNG, BRIGHAM, HOUSE (LION HOUSE)*, 63 S. Temple St., (10-15-66) NHL.

Salt Lake City. *Z.C.M.I. CAST IRON FRONT (ZIONS COOPERATIVE MERCANTILE INSTITUTE)*, 15 S. Main St., (9-22-70)

Salt Lake City. *19TH WARD MEETINGHOUSE AND RELIEF SOCIETY HALL*, 168 W. 500 N., (5-28-76)

Salt Lake City vicinity. *BINGHAM CANYON OPEN PIT COPPER MINE*, 16 mi. SW of Salt Lake City on UT 48, (11-13-66) NHL.

Salt Lake City vicinity. *LITTLE DELL STATION*, W of Salt Lake City in Mountain Dell Canyon, near jct. of UT 239 and 65, (8-12-71)

san juan county

HOVENWEEP NATIONAL MONUMENT, Reference—see Montezuma County, CO

Blanding vicinity. *EDGE OF CEDARS INDIAN RUIN*, (8-12-71)

Mexican Hat vicinity. *PONCHO HOUSE*, SE of Mexican Hat near Monument valley, (10-10-75)

Monticello vicinity. *ALKALI RIDGE*, 25 mi. SE of Monticello on secondary rd., 10 mi. E of Recapture Creek on UT 47, (10-15-66) NHL.

Monticello vicinity. *INDIAN CREEK STATE PARK*, 14 mi. N of Monticello, (3-15-76)

Monticello vicinity. *SALT CREEK ARCHEOLOGICAL DISTRICT*, 30 mi. W of Monticello in E section of Canyonlands National Park, (3-31-75)

sanpete county

Ephraim. *EPHRAIM UNITED ORDER COOPERATIVE BUILDING*, Main and 1st North Sts., (3-20-73) G.

Fountain Green. *OLSEN, HANS PETER HOUSE*, UT 11, (4-22-76)

Manti. *MANTI TEMPLE*, N edge of Manti, on U.S. 89, (8-12-71) HABS.

Manti. *PATTERSON, JOHN, HOUSE*, 95 W. 400 North, (8-22-77)

Manti. *TUTTLE-FOLSOM HOUSE*, 195 West 300 North, (7-21-77)

Moroni. *FAUX, JABEZ, HOUSE AND BARN*, UT 132, (11-7-76)

Mount Pleasant. *RASMUSSEN, MORTEN, HOUSE*, 417 W. Main St., (8-18-77)

5316 VERMONT

washington county
Enterprise vicinity. **MOUNTAIN MEADOWS HISTORIC SITE**, 7 mi. S of Enterprise on UT 18, (8-28-75)
Hurricane vicinity. **HURRICANE CANAL**, E of Hurricane, (8-29-77) HABS.
Pine Valley. **PINE VALLEY CHAPEL AND TITHING OFFICE**, Main and Grass Valley Sts., (4-16-71)
Rockville. **DESERET TELEGRAPH AND POST OFFICE**, On UT 15, (2-23-72) HABS.
Santa Clara. **HAMBLIN, JACOB, HOUSE**, (3-11-71)
Silver Reef. **WELLS FARGO AND COMPANY EXPRESS BUILDING**, Main St., (3-11-71)
St. George. **OLD WASHINGTON COUNTY COURTHOUSE**, 85 E. 100 North St., (9-22-70) G.
St. George. **ST. GEORGE TABERNACLE**, Jct. of Tabernacle and Main Sts., (5-14-71) HABS.
St. George. **ST. GEORGE TEMPLE**, Bounded by 200 East, 300 East, 400 South, and 500 South, (11-7-77)
St. George. **YOUNG, BRIGHAM, WINTER HOME AND OFFICE**, Corner of 200 North and 100 West Sts., (2-22-71)
Washington. **WASHINGTON COTTON FACTORY**, On U.S. 91 (Frontage Rd. West), (4-16-71)
Washington vicinity. **FORT PEARCE**, 12 mi. SE of Washington off I-15, (11-20-75)

wayne county
Bicknell vicinity. **NIELSON, HANS PETER, GRISTMILL**, 3 mi. SE of Bicknell, (6-18-75)
Fruit. **FRUITA SCHOOLHOUSE**, Capitol Reef National Park on UT 24, (2-23-72) HABS.
Green River vicinity. **HARVEST SCENE PICTOGRAPH**, 60 mi. S of Green River in Canyonlands National Park, (4-1-75)
Green River vicinity. **HORSESHOE (BARRIER) CANYON PICTOGRAPH PANELS**, (2-23-72)

weber county
North Ogden. **STEVENS, SIDNEY, HOUSE**, 2593 N. 400 East, (12-2-77)
Ogden. **BECKER, GUSTAV, HOUSE**, 2408 Van Buren Ave., (7-21-77)
Ogden. **BERTHA ECCLES COMMUNITY ART CENTER**, 2580 Jefferson Ave., (5-14-71) G.
Ogden. **BROWNING, JOHN MOSES, HOUSE**, 505 27th St., (4-24-73) G.
Ogden. **ECCLES AVENUE HISTORIC DISTRICT**, Bounded by 25th and 26th Sts., Van Buren and Jackson Aves. (includes both sides), (12-12-76)
Ogden. **EPISCOPAL CHURCH OF THE GOOD SHEPHERD**, 2374 Grant Ave., (4-3-73)
Ogden. **GOODYEAR, MILES, CABIN**, Tabernacle Sq., (2-24-71) HABS.
Ogden. **OGDEN UNION DEPOT**, 25th St. at Wall Ave., (4-11-71)
Ogden. **WARNER, ANDREW J., HOUSE**, 726 25th St., (12-13-77)

VERMONT

addison county
Addison. **CHIMNEY POINT TAVERN**, VT 125, (3-31-71) G.
Cornwall vicinity. **OLD STONE BLACKSMITH SHOP**, N of Cornwall on VT 30, (4-21-75)
Ferrisburg vicinity. **ROKEBY**, N of Ferrisburg off U.S. 7, (6-20-74) G.

NOTICES

middlebury
Middlebury. **MIDDLEBURY VILLAGE HISTORIC DISTRICT**, U.S. 7, (11-13-76)
Middlebury. **STONE MILL (MIDDLEBURY MANUFACTURING COMPANY MILL)**, Mill St., (4-11-73)
Middlebury. **WILLARD, EMMA, HOUSE**, Middlebury College campus, (10-15-66) NHL.
Middlebury vicinity. **HALPIN COVERED BRIDGE**, NE of Middlebury, (9-10-74)
Middlebury vicinity. **PULP MILL COVERED BRIDGE**, NW of Middlebury off VT 23, (9-10-74)
Orwell vicinity. **MOUNT INDEPENDENCE**, On Lake Champlain opposite Fort Ticonderoga, NW of Orwell, (9-3-71) NHL; G.
Orwell vicinity. **ORWELL SITE**, (4-11-77)
Orwell vicinity. **WILCOX-CUTTS HOUSE**, 2 mi. S of Orwell on VT 22A, (12-2-74) HABS.
Ripton. **RIPTON COMMUNITY HOUSE**, On VT 125, (7-3-73) G.
Ripton vicinity. **FROST, ROBERT, FARM (HOMER NOBLE FARM)**, 1 mi. N of VT 125, 3 mi. E of Ripton, (5-23-68) NHL.
Shoreham. **EAST SHOREHAM COVERED RAILROAD BRIDGE**, SE of Shoreham over Lemon Fair River, (6-13-74)
Shoreham vicinity. **DISTRICT SIX SCHOOLHOUSE**, N of Shoreham on Worcester Rd., (8-18-77)
Vergennes. **STRONG, GEN. SAMUEL, HOUSE**, 64 W. Main St., (4-11-73) HABS.
Vergennes. **VERGENNES HISTORIC DISTRICT**, U.S. 7, (9-3-76)
West Salisbury vicinity. **CEDAR SWAMP COVERED BRIDGE**, W of West Salisbury over Otter Creek, (9-10-74)
Weybridge. **UNIVERSITY OF VERMONT MORGAN HORSE FARM**, Morgan Horse Farm Rd. off U.S. 7, (4-11-73)

bennington county
Arlington vicinity. **ARLINGTON GREEN COVERED BRIDGE**, Off VT 313, W of Arlington, (8-28-73)
Bennington. **BENNINGTON BATTLE MONUMENT**, Monument Circle, (3-31-71)
Bennington. **BENNINGTON POST OFFICE**, 118 South St., (12-12-76)
Bennington. **FIRST CONGREGATIONAL CHURCH OF BENNINGTON**, Monument Ave., (4-24-73) HABS.
Bennington vicinity. **BENNINGTON FALLS COVERED BRIDGE**, NW of Bennington off VT 67A, (8-28-73)
Bennington vicinity. **HENRY COVERED BRIDGE**, NW of Bennington off VT 67A, (8-28-73)
Bennington vicinity. **SILK COVERED BRIDGE**, NW of Bennington off VT 67A, (8-28-73)
Manchester. **EQUINOX HOUSE**, Main St., (11-21-72)
Manchester vicinity. **HILDENE**, S of Manchester off U.S. 7, (10-28-77)
North Bennington. **NORTH BENNINGTON DEPOT**, Main St. at the Vermont Ry. tracks, (4-11-73)
North Bennington. **PARK-MCCULLOUGH HOUSE**, SW corner of West and Park Sts., (10-26-72) G.
Shaftsbury Center vicinity. **MUNRO (MUNROE)-HAWKINS HOUSE**, 0.5 mi. S of Shaftsbury Center on U.S. 7, (5-17-73) HABS.
South Shaftsbury. **FROST, ROBERT, FARM (THE GULLY)**, 0.25 mi. W of U.S. 7 on Buck Hill Rd., (5-23-68) NHL.
benton county
Prosser. **BENTON COUNTY COURTHOUSE**, Dudley Ave. at Market St., (12-12-76)

caldonia county

Danville vicinity. **GREENBANKS HOLLOW COVERED BRIDGE**, S of Danville over Joes Brook, (6-13-74)
East Burke. **BURKLYN HALL**, Bemis Hill Rd., (5-7-73)
Lyndon. **CHAMBERLIN MILL COVERED BRIDGE**, W of VT 114 over South Wheelock Branch of Passumpsic River, (7-30-74)
Lyndon. **OLD SCHOOLHOUSE BRIDGE**, S. Wheelock Rd. over Cold Hill Brook, (3-31-71)
Lyndon vicinity. **BRADLEY COVERED BRIDGE**, N of Lyndon on VT 122 over Miller Run, (6-13-74)
Lyndon vicinity. **BURRINGTON COVERED BRIDGE**, NE of Lyndon off VT 114 over East Branch of the Passumpsic River, (6-13-74)
Lyndon vicinity. **CENTRE COVERED BRIDGE**, NE of Lyndon off U.S. 5, over Passumpsic River, (6-20-74)
McIndoe Falls. **MCINDOES ACADEMY**, Main St., (5-6-75)
Ryegate vicinity. **WHITEHILL HOUSE**, N of Ryegate on Groton-Peacham Rd., (5-30-75)
St. Johnsbury. **RAILROAD STREET HISTORIC DISTRICT**, Roughly bounded N and S by Railroad St. and Canadian Pacific RR. tracks, (6-25-74)
St. Johnsbury. **ST. JOHNSBURY MAIN STREET HISTORIC DISTRICT**, Area along Main St. including intersecting streets, (5-28-75) G.
Stannard. **STANNARD SCHOOLHOUSE**, Off VT 16, (12-12-77)

chelan county

Wenatchee. **CENTENNIAL FLOUR MILL**, Skagit and Wenatchee Ave., (12-12-76)
chittenden county
Burlington. **BATTERY STREET HISTORIC DISTRICT**, Roughly bounded by Lake Champlain, Main, Maple, and St. Pauls Sts. (both sides), (11-2-77)
Burlington. **CARNEGIE BUILDING OF THE FLETCHER FREE LIBRARY**, College St. and S. Winoski Ave., (8-18-76)
Burlington. **CHITTENDEN COUNTY COURTHOUSE**, 180 Church St., (4-11-73)
Burlington. **ETHAN ALLEN ENGINE COMPANY NO. 4**, Church St., (4-16-71)
Burlington. **FOLLETT HOUSE**, 63 College St., (10-30-72)
Burlington. **GRASSEMOUNT (THADDEUS TUTTLE HOUSE)**, 411 Main St., (4-11-73) G.
Burlington. **HEAD OF CHURCH STREET HISTORIC DISTRICT**, Pearl and Church Sts., (7-15-74) HABS.
Burlington. **U.S. POST OFFICE AND CUSTOMHOUSE (SMITH-GOLDBERG U.S. ARMY RESERVE CENTER)**, SE corner of Main and Church Sts., (11-21-72)
Burlington. **UNIVERSITY GREEN HISTORIC DISTRICT**, University of Vermont campus, (4-14-75)
Burlington. **WINTERBOTHAM ESTATE**, 163 S. Willard St., (5-12-75)
Charlotte vicinity. **HOLMES CREEK COVERED BRIDGE**, NW of Charlotte over Holmes Creek, (9-6-74)
East Charlotte vicinity. **QUINLAN'S COVERED BRIDGE**, S of East Charlotte over Lewis Creek, (9-10-74)
East Charlotte vicinity. **SEQUIN COVERED BRIDGE**, SE of East Charlotte over Lewis Creek, (9-6-74)

Jericho. **OLD RED MILL AND MILL HOUSE**, VT 15, (7-31-72) G.
Richmond. **ROUND CHURCH**, Bridge St. and Cochran Rd., (6-20-74) G.
Shelburne. **TICONDEROGA (STEAMBOAT)**, Shelburne Museum, (10-15-66) NHL.
Williston. **WILLISTON CONGREGATIONAL CHURCH**, Center of Williston Village on VT 2, (5-17-73) G.
Winooski. **OLD STONE HOUSE (BROWNELL'S TAVERN)**, 73 E. Allen St., (5-8-73) G.
Winooski. **WINOOSKI BLOCK**, E. Allen and Main Sts., (11-20-74)

franklin county

East Fairfield. **EAST FAIRFIELD COVERED BRIDGE**, Off VT 108, over Black Creek, (11-19-74)
Enosburg. **HOPKINS COVERED BRIDGE**, Town Rd. over Trout River, (11-20-74)
Fairfax. **FAIRFAX COVERED BRIDGE**, Off VT 104 over Mill Brook, (11-5-74)
Highgate Falls. **ST. JOHN'S EPISCOPAL CHURCH**, Highgate Falls Village Green, (9-3-76)
Highgate Falls vicinity. **DOUGLAS & JARVIS PATENT PARABOLIC TRUSS IRON BRIDGE**, Rte. 2 over Missisquoi River, (3-21-74)
Montgomery. **COMSTOCK COVERED BRIDGE**, Off VT 118 over Trout River, (11-19-74)
Montgomery. **FULLER COVERED BRIDGE**, Town Rd. over Black Falls Brook at Montgomery Village, (12-23-74)
Montgomery Center vicinity. **HECTORVILLE COVERED BRIDGE**, 1.8 mi. S of Montgomery Center over South Branch of Trout River, (11-20-74)
Montgomery Center vicinity. **HUTCHINS COVERED BRIDGE**, S of Montgomery Center over South Branch of Trout River, (12-30-74)
Montgomery vicinity. **LONGLEY COVERED BRIDGE**, NW of Montgomery over Trout River, (12-30-74)
Montgomery vicinity. **WEST HILL COVERED BRIDGE**, 3.2 mi. S of Montgomery over West Hill Brook, (12-31-74)
St. Albans. **CENTRAL VERMONT RAILROAD HEADQUARTERS**, Bounded roughly by Federal, Catherine, Allen, Lower Welden, Houghton, and Pine Sts., (1-21-74)
St. Albans. **HOUGHTON HOUSE**, 86 S. Main St., (9-4-72)
Swanton vicinity. **SWANTON COVERED RAILROAD BRIDGE**, S of Swanton over Missisquoi River, (6-18-73)

grand isle county

Grand Isle. **HYDE LOG CABIN**, U.S. 2, (3-11-71)
South Hero. **SOUTH HERO INN**, South St. and U.S. 2, (4-16-75)

kittitas county

Ellensburg. **WASHINGTON STATE NORMAL SCHOOL BUILDING**, Eighth Ave., (12-12-76)

lamoille county

Belvidere. **MILL COVERED BRIDGE**, Off VT 109 over North Branch of Lamoille River, (11-19-74)
Belvidere. **MORGAN COVERED BRIDGE**, Off VT 109, over North Branch of Lamoille River, (11-19-74)
Cambridge. **GATES FARM COVERED BRIDGE**, Off VT 15, over Seymour River, (11-19-74)

NOTICES

Cambridge. **GRIST MILL COVERED BRIDGE**, E of Cambridge over Brewster River, (6-13-74)
Cambridge Junction. **POLAND COVERED BRIDGE**, Off VT 15, over Lamoille River, (10-9-74)
Johnson. **NYE BLOCK**, Main and Railroad Sts., (8-19-77)
Johnson. **POWER HOUSE COVERED BRIDGE**, Off VT 100, over Gihon River, (10-9-74)
Johnson vicinity. **SCRIBNER COVERED BRIDGE**, E of Johnson over Gihon River, (10-1-74)
Johnson vicinity. **WATERMAN COVERED BRIDGE**, S of Johnson over Waterman Brook, (6-13-74)
Morristown vicinity. **RED COVERED BRIDGE**, SW of Morristown, over Sterling Brook, (10-16-74)
Stowe vicinity. **GOLD BROOK COVERED BRIDGE**, S of Stowe, (10-1-74)
Waterville. **VILLAGE COVERED BRIDGE**, Over North Branch of Lamoille River, (12-16-74)
Waterville vicinity. **JAYNES COVERED BRIDGE**, NE of Waterville, over North Branch of Lamoille River, (10-1-74)
Waterville vicinity. **MONTGOMERY COVERED BRIDGE**, NE of Waterville, over North Branch of Lamoille River, (10-18-74)
Wolcott vicinity. **FISHER COVERED RAILROAD BRIDGE**, SE of Wolcott, over Lamoille River, (10-1-74)

orange county

BEDELL BRIDGE, Reference—see Grafton County, NH
Bradford and vicinity. **BRADFORD VILLAGE HISTORIC DISTRICT**, residential area along Main, Depot, Pleasant, High, and Mill Sts., Wrights Ave., Goshen Rd., and U.S. 5, (5-28-75) G.
Bradford vicinity. **GOSHEN CHURCH**, N of Bradford on Goshen Rd., (9-3-76)
Brookfield. **BROOKFIELD VILLAGE HISTORIC DISTRICT**, (3-28-74)
Chelsea. **CONGREGATIONAL CHURCH OF CHELSEA**, Chelsea Green, (9-3-76)
Chelsea vicinity. **MOXLEY COVERED BRIDGE**, S of Chelsea over First Branch of White River, (9-10-74)
East Randolph vicinity. **GIFFORD COVERED BRIDGE**, S of East Randolph off VT 14 over Second Branch of White River, (7-30-74)
East Randolph vicinity. **KINGSBURY COVERED BRIDGE**, S of East Randolph off VT 14 over Second Branch of White River, (7-30-74)
East Topsham. **CHASE, ELWIN, HOUSE**, Off VT 25, (11-2-77)
North Tunbridge. **LARKIN COVERED BRIDGE**, NE of North Tunbridge off VT 110 over First Branch of White River, (7-30-74)
Randolph. **CHANDLER MUSIC HALL AND BETHANY PARISH HOUSE**, 71 Main St., (7-16-73)
Randolph. **DEPOT SQUARE HISTORIC DISTRICT**, both sides of Main, Pleasant, and Salisbury Sts., and both sides of Central Vermont RY. tracks, (5-29-75)
Randolph vicinity. **BRALEY COVERED BRIDGE**, E of Randolph off VT 14, over Second Branch of White River, (6-13-74)
Strafford. **MORRILL, JUSTIN SMITH, HOMESTEAD**, S of the Common, (10-15-66) NHL; HABS; G.

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Strafford. **STRAFFORD VILLAGE HISTORIC DISTRICT**, Roughly both sides of Morrill Hwy. and Sharon Brook Rd., (6-20-74) HABS; G.
Thetford. **THETFORD CENTER COVERED BRIDGE**, Over Ompompanoosuc River, (9-17-74)
Tunbridge. **MILL COVERED BRIDGE**, W of VT 110, over First Branch of White River, (7-30-74)
Tunbridge vicinity. **CILLEY COVERED BRIDGE**, SW of Tunbridge, over First Branch of White River, (9-10-74)
Tunbridge vicinity. **FLINT COVERED BRIDGE**, NE of Tunbridge off VT 110, over First Branch of White River, (9-10-74)
Tunbridge vicinity. **HOWE COVERED BRIDGE**, S of Tunbridge off VT 110, over First Branch of White River, (9-10-74)
Union Village. **UNION VILLAGE COVERED BRIDGE**, Over Ompompanoosuc River, (9-17-74)
Wells River. **WELLS RIVER GRADED SCHOOL**, Main St., (9-3-76)

orleans county

Brownington. **BROWNINGTON VILLAGE HISTORIC DISTRICT**, Hinman and Brownington Center Rds., (5-9-73) G.
Coventry vicinity. **ORNE COVERED BRIDGE**, SW of Coventry off VT 14, over Black River, (11-20-74)
Derby Line. **HASKELL FREE LIBRARY AND OPERA HOUSE**, Caswell Ave., (9-8-76)
Greensboro Bend. **GREENSBORO DEPOT**, W side of Main St. at RR. track jct., (4-21-75) G.
Newport. **U.S. COURTHOUSE, POST OFFICE AND CUSTOMS HOUSE**, Main St. at Second St., (12-12-76)
North Troy vicinity. **RIVER ROAD COVERED BRIDGE**, S of North Troy off VT 101, over Missisquoi River, (11-19-74)
Orleans. **RANDOLPH CENTER HISTORIC DISTRICT**, West and Main Sts., (1-1-75)

rutland county

Brandon. **BRANDON VILLAGE HISTORIC DISTRICT**, U.S. 7, (12-22-76)
Brandon. **FORESTDALE IRON FURNACE**, VT 73 and Furnace Rd., (6-13-74)
Brandon vicinity. **DEAN COVERED BRIDGE**, S of Brandon, over Otter Creek, (9-10-74)
Brandon vicinity. **SANDERSON COVERED BRIDGE**, W of Brandon over Otter Creek, (6-13-74)
Castleton. **CASTLETON MEDICAL COLLEGE BUILDING**, South St., (3-11-71)
Clarendon Springs. **CLARENDON HOUSE**, Off VT 133, (5-17-76)
East Clarendon vicinity. **KINGSLEY COVERED BRIDGE**, SW of East Clarendon across the Mill River, (2-12-74)
Hubbardton. **HUBBARDTON BATTLEFIELD**, Jct. of Castleton-Hubbardton Rd. and Old Military Rd. to Independence, (3-11-71) G.
North Clarendon vicinity. **BROWN COVERED BRIDGE**, 2.9 mi. E of North Clarendon across the Cold River, (1-21-74)
Pittsford vicinity. **COOLEY COVERED BRIDGE**, 1.2 mi. S of Pittsford across Furnace Brook, (1-24-74)
Pittsford vicinity. **DEPOT COVERED BRIDGE**, 0.8 mi. W of Pittsford across Otter Creek, (1-21-74)
Pittsford vicinity. **HAMMOND COVERED BRIDGE**, NW of Pittsford across Otter Creek, (1-21-74)
Poultney. **POULTNEY CENTRAL SCHOOL**, Main St., (3-25-77)

5318 VIRGIN ISLANDS

Proctor vicinity. **GORHAM COVERED BRIDGE**, N of Proctor across Otter Creek off VT 3, (2-12-74)
Rutland **LONGFELLOW SCHOOL**, 6 Church St., (12-12-76)
Rutland **RUTLAND COURTHOUSE HISTORIC DISTRICT**, U.S. 7, (9-8-76)
Sudbury. **SUDBURY CONGREGATIONAL CHURCH**, VT 30, (10-28-77)

washington county

Barre **HARRE CITY HALL AND OPERA HOUSE**, 12 N. Main St., (1-18-73) G.
Barre. **ITALIAN BAPTIST CHURCH**, 10 N. Brook St., (4-23-75)
Barre City. **WHELOCK LAW OFFICE**, 135 N. Main St., (6-18-75)
Calais. **KENT'S CORNER HISTORIC DISTRICT**, Kent's Corner, (5-8-73) G.
Calais. **OLD WEST CHURCH**, 0.8 mi. S of Kent's Corner, (5-8-73) G.
East Montpelier vicinity. **COBURN COVERED BRIDGE**, NE of East Montpelier between VT 14 and U.S. 2, over Winooski River, (10-9-74)
Montpelier. **ATHENWOOD AND THOMAS W. WOOD STUDIO**, 41 and 39 Northfield St., (6-13-74)
Montpelier. **COLLEGE HALL**, Vermont College campus, Ridge St., (4-23-75) G.
Montpelier. **VERMONT STATEHOUSE**, State St., (12-30-70) NHL; G.
Northfield. **CENTRAL VERMONT RAILWAY DEPOT**, W end of Depot Sq., (4-1-75)
Northfield. **SLAUGHTERHOUSE COVERED BRIDGE**, N of Northfield off VT 12 over Dog River, (6-13-74)
Northfield Falls. **LOWER COX BROOK COVERED BRIDGE**, Off VT 12, (10-15-74)
Northfield vicinity. **NORTHFIELD FALLS COVERED BRIDGE**, N of Northfield off VT 12, over Dog River, (8-13-74)
Northfield vicinity. **STONY BROOK COVERED BRIDGE**, SW of Northfield off VT 12A, over Stony Brook, (11-20-74)
Northfield vicinity. **UPPER COX BROOK COVERED BRIDGE**, N of Northfield off VT 12 over Cox Brook, (10-1-74)
Plainfield vicinity. **MARTIN COVERED BRIDGE**, NE of Plainfield, over Winooski River, (10-9-74)
South Northfield. **OLD RED MILL**, VT 12, (10-20-77)
Waitsfield. **GREAT EDDY COVERED BRIDGE**, E of VT 100 over Mad River, (9-6-74)
Waitsfield vicinity. **PINE BROOK COVERED BRIDGE**, NE of Waitsfield over Pine Brook, (6-13-74) G.
Warren. **WARREN COVERED BRIDGE**, Off VT 100, over Mad River, (8-7-74)

windham county

Bartonville. **BARTONVILLE COVERED BRIDGE**, Across Williams River at S end of Bartonville, (7-2-73)
Bellows Falls vicinity. **HALL COVERED BRIDGE**, W of Bellows Falls across Saxtons River, off VT 121, (8-28-73)
Brattleboro. **CANAL STREET SCHOOLHOUSE**, Canal St., (8-19-77)
Brattleboro. **UNION STATION**, Jct. of Bridge St. and Boston and Maine RR. tracks, (6-7-74) G.
Brattleboro vicinity. **CREAMERY COVERED BRIDGE**, W of Brattleboro off VT 9, (8-28-73)
Brookline vicinity. **ROUND SCHOOLHOUSE**, S of Brookline, (11-23-77)

NOTICES

Dummerston. **WEST DUMMERSTON COVERED BRIDGE**, Dummerston Center Rd. and VT 30, over West River, (5-8-73)
East Putney. **EAST PUTNEY BROOK STONE ARCH BRIDGE**, Spans East Putney Brook off River Rd., (12-12-76)
Grafton vicinity. **KIDDER COVERED BRIDGE**, SE of Grafton, (7-2-73)
Green River. **GREEN RIVER COVERED BRIDGE**, Across the Green River, (8-28-73)
Newfane vicinity. **WILLIAMSVILLE COVERED BRIDGE**, SW of Newfane at Williamsville, (8-14-73)
Putney. **SACKETTS BROOK STONE ARCH BRIDGE**, Off U.S. 5 on Mill Rd., (12-12-76)
Rockingham vicinity. **WORRALL COVERED BRIDGE**, N of Rockingham across the Williams River, (7-16-73)
Townshend vicinity. **FOLLETT STONE ARCH BRIDGE HISTORIC DISTRICT**, W of Townshend off VT 30, (12-12-76)
Townshend vicinity. **SCOTT COVERED BRIDGE**, W of Townshend off VT 30, (8-28-73)
Townshend vicinity. **SIMPSONVILLE STONE ARCH BRIDGE**, N of Townshend on VT 35, (4-11-77)
West Townshend. **WEST TOWNSHEND STONE ARCH BRIDGE**, Spans Tannery Brook, (4-18-77)

windsor county

Bethel. **BETHEL VILLAGE HISTORIC DISTRICT**, Both sides of S. Main, Main, N. Main, and Church Sts., (9-3-76)
Bridgewater. **BRIDGEWATER WOOLEN MILL**, U.S. 4, (7-6-76)
Cavendish. **CAVENDISH UNIVERSALIST CHURCH**, VT 131, (4-24-73)
Chester. **JEFFREY HOUSE**, North St., (6-13-74)
Chester. **STONE VILLAGE HISTORIC DISTRICT**, Both sides of VT 103, (5-17-74)
Goulds Mill. **EUREKA SCHOOLHOUSE**, Charleston Rd., (3-11-71)
Hartford. **STRONG, JEDEDIAH II, HOUSE**, Clubhouse and Dewey's Mills Rds., (8-13-74)
Hartland vicinity. **MARTIN'S MILL COVERED BRIDGE**, S of Hartland off U.S. 5, (8-28-73)
Hartland vicinity. **WILLARD COVERED BRIDGE**, NE of Hartland off U.S. 5, (8-28-73)
Ludlow. **BLACK RIVER ACADEMY**, High St., (11-15-72)
North Springfield vicinity. **STELLAFANE OBSERVATORY**, S of North Springfield off Breezy Hill Rd., (11-7-77)
Perkinsville vicinity. **UPPER FALLS COVERED BRIDGE**, N of Perkinsville off VT 131, (8-28-73) G.
Plymouth. **PLYMOUTH HISTORIC DISTRICT**, (12-2-70) G.
Plymouth Notch. **COOLIDGE, CALVIN, HOMESTEAD DISTRICT**, Off VT 100A, (10-15-66) NHL.
Reading. **INDIAN STONES**, VT 106, (11-20-74)
Royalton vicinity. **SOUTH ROYALTON HISTORIC DISTRICT**, E of Royalton on VT 14, (9-3-76)
Weathersfield. **HISTORIC CROWN POINT ROAD**, Off VT 131, (12-2-74)
Windsor. **OLD CONSTITUTION HOUSE**, 16 N. Main St., (3-11-71)
Windsor. **ROBBINS AND LAWRENCE ARMORY AND MACHINE SHOP**, S. Main St., (11-13-66) NHL; G.

Windsor. **WINDSOR HOUSE**, N. Main St., N of jct. of Main and State Sts., (12-29-71)
Windsor. **WINDSOR VILLAGE HISTORIC DISTRICT**, Area centered around Main, Depot Ave., State St., and Court Sq., (4-23-75)
Windsor vicinity. **BEST'S COVERED BRIDGE**, About 8 mi. W of Windsor off VT 44, (7-2-73)
Windsor vicinity. **BOWERS COVERED BRIDGE**, W of Windsor, (8-28-73)
Woodstock. **MARSH, GEORGE PERKINS, BOYHOOD HOME**, 54 Elm St., (6-11-67) NHL.
Woodstock. **WOODSTOCK VILLAGE HISTORIC DISTRICT**, Along the Ottauquechee River, (1-22-73)
Woodstock vicinity. **LINCOLN COVERED BRIDGE**, SW of Woodstock off U.S. 4, (8-28-73)
Woodstock vicinity. **TAFTSVILLE COVERED BRIDGE**, E of Woodstock off U.S. 4, (8-28-73)

yakima county

Yakima. **CARBONNEAU MANSION**, 620 S. 48th Ave., (12-12-76)
Yakima. **DONALD HOUSE**, 304 N. Second St., (12-12-76)

VIRGIN ISLANDS

st. croix island

Christiansted. **CHRISTIANSTED HISTORIC DISTRICT**, (7-30-76)
Christiansted. **CHRISTIANSTED NATIONAL HISTORIC SITE**, Bounded by King, Queen, and Queens Cross Sts. and Christiansted Harbor, (10-15-66) HABS.
Christiansted. **DANISH WEST INDIA AND GUINEA COMPANY WAREHOUSE**, Church and Company Sts., (10-9-74)
Christiansted vicinity. **COAKLEY BAY ESTATE**, E of Christiansted, (7-23-76)
Christiansted vicinity. **DIAMOND SCHOOL**, W of Christiansted on Centerline Rd., (7-1-76) HABS.
Christiansted vicinity. **FAIR PLAIN ARCHEOLOGICAL DISTRICT**, SW of Christiansted, (9-29-76)
Christiansted vicinity. **FRIENDENFELD, MIDLANDS MORAVIAN CHURCH AND MANSE**, W of Christiansted, (7-1-76) HABS.
Christiansted vicinity. **GREAT POND ARCHEOLOGICAL SITE**, E of Christiansted, (7-12-76)
Christiansted vicinity. **GREEN KAY**, E of Christiansted, (7-19-76)
Christiansted vicinity. **LA GRANDE PRINCESSE SCHOOL**, NE of Christiansted, (7-12-76) HABS.
Christiansted vicinity. **LOWER GRANADA ARCHEOLOGICAL DISTRICT**, S of Christiansted, (7-1-76)
Christiansted vicinity. **SION HILL**, W of Christiansted, (7-19-76) HABS.
Christiansted vicinity. **UPPER SALT RIVER ARCHEOLOGICAL DISTRICT**, W of Christiansted, (9-1-76)
Frederiksted. **FREDERIKSTED HISTORIC DISTRICT**, Roughly bounded by Fisher St., the cemetery, Fort Frederick, and the shoreline, (8-9-76) HABS.
Frederiksted vicinity. **AKLIS ARCHEOLOGICAL SITE**, S of Frederiksted, (7-1-76)
Frederiksted vicinity. **LITTLE LA GRANGE**, NE of Frederiksted, (10-22-76)
Frederiksted vicinity. **PROSPERITY ARCHEOLOGICAL SITE**, N of Frederiksted, (7-12-76)
Frederiksted vicinity. **RIVER ARCHEOLOGICAL SITE**, NE of Frederiksted, (7-1-76)

Frederiksted vicinity. **ST. GEORGES ARCHEOLOGICAL SITE**, E of Frederiksted, (9-29-76)
Frederiksted vicinity. **WHIM**, 1.7 mi. SE of Frederiksted on Centerline Rd., (7-30-76)
Salt River Bay. **COLUMBUS LANDING SITE**, (10-15-66) NHL.

st. john island

Coral Bay. **EMMAUS MORAVIAN CHURCH AND MANSE**, (11-7-77)
Coral Bay vicinity. **ESTATE CAROLINA SUGAR PLANTATION**, W of Coral Bay on King Hill Rd., (7-19-76)
Coral Bay vicinity. **FORTSBERG**, SE of Coral Bay, (9-1-76) HABS.
Cruz Bay. **ENIGHED**, Cruz Bay Quarter, (7-1-76)
Cruz Bay. **KEATING'S INN**, (7-6-76)

st. thomas island

ST. THOMAS NATIONAL HISTORIC SITE, Charlotte Amalie, (10-15-66)
Charlotte Amalie. **FORT CHRISTIAN**, At St. Thomas Harbor, (5-5-77) NHL.
Charlotte Amalie. **CHARLOTTE AMALIE HISTORIC DISTRICT**, (7-19-76) HABS.
Charlotte Amalie vicinity. **BOTANY BAY ARCHEOLOGICAL DISTRICT**, W of Charlotte Amalie, (7-1-76)
Charlotte Amalie vicinity. **ESTATE BOTANY BAY**, W of Charlotte Amalie, (7-30-76)
Charlotte Amalie vicinity. **HASSEL ISLAND**, S of Charlotte Amalie in St. Thomas Harbor, (7-19-76) G.
Charlotte Amalie vicinity. **HULL BAY ARCHEOLOGICAL DISTRICT**, NNW of Charlotte Amalie on Hull Bay, (9-1-76)
Charlotte Amalie vicinity. **KRUM BAY ARCHEOLOGICAL DISTRICT**, W of Charlotte Amalie, (8-28-76)
Charlotte Amalie vicinity. **MAGENS BAY ARCHEOLOGICAL DISTRICT**, N of Charlotte Amalie, (7-30-76)
Charlotte Amalie vicinity. **NEW HERRNHUT MORAVIAN CHURCH**, E of Charlotte Amalie, (10-8-76)
Charlotte Amalie vicinity. **TUTU PLANTATION HOUSE**, 3 mi. NE of Charlotte Amalie, (7-12-76)

VIRGINIA

accomack county

Accomac. **BANK BUILDING**, No. 1 Court House Ave., (7-23-74)
Accomac. **DEBTORS' PRISON**, VA 764, (11-7-76) HABS.
Accomac. **ST. JAMES CHURCH**, Daugherty Rd. between Back St. and Ocean Hwy., (6-11-69) G.
Chincoteague vicinity. **ASSATEAGUE LIGHTHOUSE**, S of Chincoteague at S end of Assateague Island, (6-4-73)
Guilford vicinity. **MASON HOUSE**, N of Guilford off VA 658, (11-21-74) HABS.
Hallwood vicinity. **WESSELLS ROOT CELLAR**, NE of jct. of Rtes. 701 and 692, (2-26-70)
Hornstown vicinity. **CORBIN HALL**, E of Hornstown on VA 679, (11-9-72) HABS.
Mappsville vicinity. **WHARTON PLACE**, 0.7 mi. NE of jct. of VA 762 and 679, (11-3-72) HABS.
Metomkin Island vicinity. **BOWMAN'S FOLLY**, SE of jct. of Rtes. 652 and 13, (11-12-69)
New Church vicinity. **PITTS NECK**, 6 mi. W of New Church on VA 709, (10-21-76) HABS.
Onancock. **HOPKINS AND BROTHER STORE**, Market St., (11-12-69)

NOTICES

Onancock. **KERR PLACE**, NE corner of Crockett Ave. and Market St., (2-26-70) HABS; G.
Pungoteague. **ST. GEORGE'S CHURCH**, VA 178, NE of jct. with VA 180, (9-15-70) HABS.

albemarle county

Charlottesville vicinity. **ASH LAWN**, SE of Charlottesville off VA 53, (8-14-73) HABS.
Charlottesville vicinity. **BLLENHEIM**, S of Charlottesville on VA 727, (5-17-76)
Charlottesville vicinity. **FARMINGTON**, W of jct. of U.S. 250 and U.S. 29/250 bypass, (9-15-70) HABS.
Charlottesville vicinity. **MONTICELLO**, 2 mi. S of Charlottesville on VA 53, (10-15-66) NHL; HABS.
Charlottesville vicinity. **SHACK MOUNTAIN**, 2 mi. NNW of Charlottesville near jct. of VA 657 and 743, (9-1-76)
Cismont vicinity. **CASTLE HILL**, NE of Cismont near jct. of VA 231 and 640, (2-23-72) HABS.
Cismont vicinity. **GRACE CHURCH**, NE of Cismont on VA 231, (10-21-76)
Cobham vicinity. **COBHAM PARK**, S of VA 22, (7-18-74)
Coveseville vicinity. **REDLANDS**, Jct. of Rtes. 708 and 627, (11-12-69)
Coveseville vicinity. **SUNNY BANK**, NE of Coveseville, W of jct. of VA 712 and 631, (12-12-76)
Keene vicinity. **CHRIST CHURCH GLEN-DOWER**, On VA 713, 0.4 mi. SW of jct. with VA 712, (7-2-71)
Scottsville. **SCOTTSVILLE HISTORIC DISTRICT**, VA 6, (7-30-76) (also in Fluvanna County)
Simeon vicinity. **MORVEN**, W of Simeon off VA 20, (4-24-73)
Yancey Mills vicinity. **MILLER SCHOOL OF ALBEMARLE**, SE of Yancey Mills off VA 635, (2-15-74) G.

alexandria (independent city)

ALEXANDRIA HISTORIC DISTRICT, (11-13-66) NHL; HABS; G.
BANK OF ALEXANDRIA, 133 N. Fairfax St., (6-4-73) HABS.
CARLYLE HOUSE, 121 N. Fairfax St., (11-12-69) HABS.
CHRIST CHURCH, SE corner of Cameron and Columbus Sts., (4-15-69) NHL; HABS.
GADSBY'S TAVERN, 128 N. Royal St., (10-15-66) NHL.
LLOYD HOUSE, 220 N. Washington St., (7-12-76) HABS.
LYCEUM, THE, 201 S. Washington St., (5-27-69) HABS; G.

allegany county

Clifton Forge vicinity. **CLIFTON FURNACE**, SE of Clifton Forge off U.S. 220, (8-16-77)
Covington vicinity. **HUMPBACK BRIDGE**, Over Dunlop Creek, SW of jct. of U.S. 60 and CR 651, (10-1-69)
Earlhurst vicinity. **SWEET CHALYBEATE SPRINGS**, S of Earlhurst on VA 311, (1-21-74)

amelia county

Amelia vicinity. **HAW BRANCH**, N of Amelia off VA 667, (4-2-73)
Chula vicinity. **WIGWAM**, 8 mi. NW of Chula, (11-25-69)

amherst county

Clifford. **WINTON**, W of VA 151, (5-2-74)
Sweet Briar. **SWEET BRIAR HOUSE**, SW of jct. of U.S. 29 and VA 624, (9-15-70)

VIRGINIA 5319

appomattox county

Appomattox vicinity. **APPOMATTOX COURT HOUSE NATIONAL HISTORICAL PARK**, 3 mi. NE of Appomattox on VA 24, (10-15-66) HABS.

arlington county

Arlington. **ARLINGTON HOUSE, THE ROBERT E. LEE MEMORIAL**, Arlington National Cemetery, (10-15-66) HABS.
USTIS-LEE MANSION. See Arlington House.
107 Arlington. **BALL-SELLERS HOUSE**, 5620 S. 3rd St., (7-17-75)
Arlington. **BENJAMIN BANNEKER: SW-9 INTERMEDIATE BOUNDARY STONE**, 18th and Van Buren Sts., N., (5-11-76) NHL.
Arlington. **DREW, CHARLES RICHARD, HOUSE**, 2505 1st St., S., (5-11-76) NHL.
Arlington. **FORT MYER HISTORIC DISTRICT**, Arlington Blvd. (U.S. 50), (11-28-72) NHL.
Arlington. **GLEBE, THE**, 4527 N. 17th St., (2-23-72)
Arlington. **QUARTERS 1, FORT MYER**, Grant Ave., (11-28-72) NHL.

augusta county

Fishersville vicinity. **TINKLING SPRING PRESBYTERIAN CHURCH**, VA 608, 1 mi. S of jct. with VA 636 and VA 631, (4-11-73)
Fort Defiance. **AUGUSTA STONE CHURCH**, U.S. 11, (5-9-73) HABS.
Jolivue vicinity. **VALLEY RAILROAD STONE BRIDGE**, S of Jolivue off VA 654, (11-19-74) HAER.
Spottsville vicinity. **OLD PROVIDENCE STONE CHURCH**, Jct. of VA 613 and VA 620, (12-5-72)
Staunton vicinity. **FOLLY**, S of Staunton on U.S. 11, (10-25-73) HABS.
Waynesboro vicinity. **MT. TORRY FURNACE**, SW of Waynesboro on VA 664 in the George Washington National Forest, (2-25-74)
Waynesboro vicinity. **SWANNANOVA**, S of jct. of VA 610 and U.S. 250, (10-1-69) (also in Nelson County)

bath county

Bacova vicinity. **HIDDEN VALLEY (WARWICKTON)**, N of Bacova near jct. of Rtes. 621 and 39 in George Washington National Forest, (2-26-70)
Warm Springs vicinity. **WARM SPRINGS BATHHOUSES**, NE of Warm Springs off Rt. 220, (10-8-69)

bedford county

Bedford vicinity. **FANCY FARM**, On VA 43, N of jct. with VA 682, (1-7-72)
Bedford vicinity. **THREE OTTERS**, W of jct. of Rte. 838 and VA 43, (9-15-70)
Forest vicinity. **ELK HILL**, NW of Forest on VA 663, (4-2-73)
Forest vicinity. **NEW LONDON ACADEMY**, Near jct. of VA 297 and VA 211, (4-13-72)
Forest vicinity. **WOODBOURNE**, NE of Forest off VA 609, (7-2-73)
Lynchburg vicinity. **HOPE DAWN**, NW of Lynchburg off VA 761, (10-9-74)
Lynchburg vicinity. **POPLAR FOREST**, S of jct. of Rtes. 661 and 460, (11-12-69) NHL; HABS.
Perrowville vicinity. **OLD RECTORY**, S of Perrowville on VA 663, (7-24-73)

botetourt county

Eagle Rock vicinity. **PHOENIX BRIDGE**, NW of Eagle Rock off VA 615 over Craig Creek, (6-10-75)

5320 VIRGINIA

Fincastle. *FINCASTLE HISTORIC DISTRICT*, (11-12-69) HABS; G.
Fincastle vicinity. *SANTILLANE*, W of U.S. 220, (7-24-74)
Glen Wilton vicinity. *CALLIE FURNACE*, 1.5 mi. N of Glen Wilton in the George Washington National Forest, (1-21-74)

brunswick county

Lawrenceville. *BRUNSWICK COUNTY COURTHOUSE SQUARE*, U.S. 58, (12-31-74)
Lawrenceville vicinity. *BENTFIELD (MELROSE)*, SW of Lawrenceville off U.S. 58 and VA 656, (1-24-74)

buckingham county

Buckingham. *BUCKINGHAM COURTHOUSE HISTORIC DISTRICT*, Both sides of U.S. 60, (11-12-69)

Dillwyn vicinity. *FRANCISCO, PETER, HOUSE (LOCUST GROVE)*, SE of Dillwyn, 0.9 mi. S of SR 626, (3-16-72) G.

buena vista (independent city)

SOUTHERN SEMINARY MAIN BUILDING (BUENA VISTA HOTEL), Jct. of Ivy and Park Aves., (4-13-72)

campbell county

Kelly vicinity. *MOUNT ATHOS*, NE of Kelly, (7-24-75)
Long Island vicinity. *GREEN HILL*, SW of Long Island near jct. of Rtes. 633 and 728, (11-12-69) HABS.

caroline county

Bowling Green. *CAROLINE COUNTY COURTHOUSE*, Main St. and Court House Lane, (5-25-73) HABS.

Bowling Green vicinity. *OLD MANSION*, S of jct. of U.S. 301 and VA 207, (11-12-69) HABS.

Fredericksburg vicinity. *PROSPECT HILL*, SE of Fredericksburg off U.S. 17, (12-12-76)

Oak Corner vicinity. *SPRING GROVE*, S of Oak Corner, (12-12-76)

Port Royal. *PORT ROYAL HISTORIC DISTRICT*, (2-16-70) HABS.

Port Royal vicinity. *CAMDEN*, N of jct. of Rte. 686 and U.S. 17, (11-12-69) NHL; HABS.

Port Royal vicinity. *GAY MONT*, Off U.S. 17 near jct. with U.S. 301, (5-19-72) HABS.

Port Royal vicinity. *HAZELWOOD*, NW of Port Royal off U.S. 17, (1-11-74)

carroll county

Fancy Gap vicinity. *ALLEN, SIDNA, HOUSE*, N of Fancy Gap on U.S. 52, (7-15-74)

charles city county

Charles City. *CHARLES CITY COUNTY COURTHOUSE*, VA 5, (11-12-69) HABS.

Charles City vicinity. *BELLE AIR*, N of VA 5, (7-18-74)

Charles City vicinity. *BERKELEY (BENJAMIN HARRISON BIRTHPLACE)*, 8 mi. W of Charles City, (11-11-71) NHL; HABS.

Charles City vicinity. *GREENWAY*, On VA 5, (11-12-69) HABS.

Charles City vicinity. *TYLER, JOHN, HOUSE (SHERWOOD FOREST)*, 4 mi. E of Charles City on VA 5, (10-15-66) NHL; HABS; G.

Charles City vicinity. *WESTOVER*, 7 mi. W of Charles City on VA 5, (10-15-66) NHL; HABS.

Charles City vicinity. *WESTOVER CHURCH*, 5 mi. W of Charles City off VA 5, (12-5-72)

Hopewell vicinity. *EPPE'S ISLAND*, At confluence of the James and Appomattox rivers, (11-12-69)

NOTICES

Hopewell vicinity. *SHIRLEY*, 5 mi. N of Hopewell off VA 608, (10-1-69) NHL; HABS.

Ruthville vicinity. *WESTOVER PARISH GLEBE*, SW of Ruthville off VA 615, (6-5-75) HABS.

Tetlington vicinity. *MARGOTS*, NE of Tetlington off VA 621, (8-17-73)

charlotte county

Brookneal vicinity. *STAUNTON HILL*, SW of jct. of Rtes. 619 and 693, (10-1-69)

Charlotte Court House vicinity. *GREENFIELD*, E of Charlotte Court House on VA 656, (4-2-73)

Randolph vicinity. *MULBERRY HILL*, N of Randolph on VA 641, (3-20-73) HABS.

Saxe vicinity. *ROANOKE PLANTATION*, W of Saxe off VA 746, (4-11-73) HABS.

charlottesville (independent city)

ALBEMARLE COUNTY COURTHOUSE HISTORIC DISTRICT, Courthouse Sq. and surrounding properties, (6-30-72) G.

OAK LAWN, Cherry Ave. and 9th St., (5-25-73)

ROTUNDA, UNIVERSITY OF VIRGINIA, University of Virginia, (12-21-65) NHL; HABS.

UNIVERSITY OF VIRGINIA HISTORIC DISTRICT, Bounded by University and Jefferson Park Aves., and Hospital and McCormick Rds., (11-20-70) NHL; HABS.

chesapeake (independent city)

GREAT BRIDGE BATTLE SITE, Both sides of the Albemarle and Chesapeake Canal between Oak Grove and Great Bridge, (3-28-73)

chesterfield county

Chester. *CHESTER PRESBYTERIAN CHURCH*, Jct. of Osborne Rd. and VA 10, (11-21-76)

Chesterfield. *CASTLEWOOD (POINDEXTER HOUSE)*, VA 10, (11-21-76)

Colonial Heights vicinity. *SWIFT CREEK MILL*, N of Colonial Heights on U.S. 1, (1-11-74)

Matoaca vicinity. *OLIVE HILL*, 0.5 mi. W of Matoaca off VA 36, (4-3-75)

Midlothian vicinity. *BELLONA ARSENAL*, Off VA 673, NW of jct. with Rte. 147, (5-6-71) HABS.

Midlothian vicinity. *PLEASANT VIEW*, 1.5 mi. E of Midlothian on VA 677, (6-10-75)

Richmond vicinity. *KINGSLAND (RICHMOND VIEW)*, 1608 Willis Rd., (9-18-75)

Winterpock vicinity. *EPINGTON*, S of jct. of VA 621 and 602, (11-12-69)

clarke county

Berryville vicinity. *ANNEFIELD*, E of jct. of Rtes. 633 and 652, (11-12-69) HABS.

Berryville vicinity. *FAIRFIELD*, E of jct. of Rtes. 340 and 610, (2-26-70)

Berryville vicinity. *LONG BRANCH*, W of jct. of CR 626 and 624, (10-1-69)

Boyce vicinity. *SARATOGA*, SE of jct. of Rtes. 723 and 617, (2-26-70) NHL; HABS.

Millwood. *MILLWOOD MILL (BURWELL-MORGAN MILL)*, At jct. of Rtes. 723 and 255, (11-12-69) HABS; G.

Millwood vicinity. *CARTER HALL*, NE of Millwood off VA 255, (7-24-73) HABS.

Millwood vicinity. *OLD CHAPEL*, 3 mi. N of Millwood off U.S. 340, (4-2-73) HABS.

White Post vicinity. *GREENWAY COURT*, 1 mi. S of White Post on VA 277, (10-15-66) NHL; HABS.

White Post vicinity. *TULEYRIES, THE*, 1.5 mi. E of White Post off VA 628, (8-7-72) HABS.

colonial heights (independent city)

ELLERSLIE, Ellerslie Rd., (12-4-73)

OAK HILL, 151 Carroll Ave., (7-30-74) HABS.

VIOLET BANK, Royal Oak Ave., (7-30-74) HABS.

craig county

New Castle. *NEW CASTLE HISTORIC DISTRICT*, Main and Court Sts., (10-25-73) HABS.

culpeper county

Brandy Station vicinity. *FARLEY*, N of Brandy Station on VA 679, S of Hazel River, (5-6-76)

Culpeper. *HILL, A. P., BOYHOOD HOME*, 102 N. Main St., (10-2-73) G.

Stevensburg vicinity. *SALUBRIA*, E of jct. of Rtes. 3 and 663, (2-16-70)

Warrenton vicinity. *LITTLE FORK CHURCH*, Jct. of Rtes. 624 and 726, (11-12-69) HABS.

cumberland county

Cartersville vicinity. *AMPTHILL*, W side of VA 602, 3 mi. N of jct. with VA 45, (4-13-72)

Cartersville vicinity. *CARTERSVILLE BRIDGE*, VA 45 over James River, (9-14-72) HABS. (also in Goochland County)

Cartersville vicinity. *MUDDY CREEK MILL*, S of Cartersville off VA 684, (10-9-74)

Hamilton vicinity. *CLIFTON*, N of Hamilton off VA 690, (6-19-73)

danville (independent city)

DANVILLE HISTORIC DISTRICT, (4-11-73)

DANVILLE PUBLIC LIBRARY, 975 Main St., (11-12-69) G.

dinwiddie county

Dinwiddie. *DINWIDDIE COUNTY COURTHOUSE*, Jct. of U.S. 1 and VA 619, (3-21-73)

Dinwiddie vicinity. *BURNT QUARTER*, SW of jct. of Rtes. 627, 613, and 645, (11-25-69) HABS.

McKenny vicinity. *SAPPONY CHURCH*, S of Sappony Creek, off VA 692, (4-30-76) HABS.

Petersburg vicinity. *FIVE FORKS BATTLEFIELD*, 12 mi. W of Petersburg on CR 627 at Church Rd., (10-15-66) NHL.

Petersburg vicinity. *MANSFIELD*, W of Petersburg on VA 601, (5-28-76)

Petersburg vicinity. *MAYFIELD COTTAGE*, Central State Hospital Grounds, (11-12-69) G.

Petersburg vicinity. *PETERSBURG NATIONAL BATTLEFIELD*, SE, S, and SW of Petersburg, (10-15-66) (also in Prince George County)

Petersburg vicinity. *WALE*, W of Petersburg off VA 632, (12-23-74) HABS.

Petersburgh vicinity. *BURLINGTON*, W of Petersburg, off VA 600, (4-30-76) HABS.

Rowanta vicinity. *WILLIAMSON SITE*, NE of jct. of Rtes. 693 and 703, (12-3-69)

emporia (independent city)

KLUGEL, H. T., ARCHITECTURAL SHEET METAL WORK BUILDING, 135 Atlantic St., (4-2-73)

essex county

Caret vicinity. *BLANDFIELD*, E of jct. of Rtes. 624 and U.S. 17, (11-12-69)

NOTICES

Champlain vicinity. *GLEBE HOUSE OF SAINT ANNE'S PARISH*, 2.5 mi. NE of Champlain on N bank of Farmers Hall Creek, (3-3-75) HABS.

Loretto vicinity. *BROOKE'S BANK*, 1 mi. E of Loretto, 1.4 mi. N of VA 17, (9-28-71) HABS.

Loretto vicinity. *ELMWOOD*, SW of jct. of Rtes. 640 and U.S. 17, (9-15-70) HABS.

Loretto vicinity. *VAUTER'S CHURCH*, 1 mi. NW of Loretto on U.S. 17, (12-5-72) HABS.

Tappahannock. *TAPPAHANNOCK HISTORIC DISTRICT*, (4-2-73) HABS; G.

fairfax (independent city)

EARP'S ORDINARY (RATCLIFF-LOGAN-ALLISON HOUSE), 200 E. Main St., (2-16-73)

FAIRFAX COUNTY COURTHOUSE, 4000 Chain Bridge Rd., (5-3-74)

fairfax county

Accotink vicinity. *POPE-LEIGHEY HOUSE*, E of Accotink off U.S. 1, (12-18-70) HABS; G.

Accotink vicinity. *WOODLAWN PLANTATION*, W of jct. of U.S. 1 and Rte. 235, (2-26-70) HABS; G.

Alexandria vicinity. *GUNSTON HALL*, 15 mi. S of Alexandria on VA 242, (10-15-66) NHL; HABS.

Alexandria vicinity. *HUNTLEY*, 6918 Harrison Lane, (11-3-72)

Alexandria vicinity. *MOUNT VERNON*, 7 mi. S of Alexandria on George Washington Memorial Pkwy., (10-15-66) NHL; HABS.

Chantilly vicinity. *SULLY*, N of jct. of Rtes. 28 and U.S. 50, (12-18-70) HABS.

Dranesville vicinity. *DRANESVILLE TAVERN*, 11919 Leesburg Pike, (11-9-72)

Fairfax Station. *ST. MARY'S CHURCH*, 5605 Vogue Rd., (7-1-76)

Fairfax vicinity. *HOPE PARK MILL AND MILLER'S HOUSE*, 12124 Pope's Head Rd., (8-15-77)

Fort Belvoir. *BELVOIR MANSION RUINS AND FAIRFAX GRAVE SITE*, SE of jct. of 23rd St. and Belvoir Rd., (6-4-73)

Great Falls vicinity. *COLVIN RUN MILL*, S of Great Falls at 10017 Colvin Run Rd., (8-16-77)

Great Falls vicinity. *CORNWELL FARM*, SE of Great Falls, 9414 Georgetown Pike, (4-13-77)

Lorton. *POHICK CHURCH*, 9201 Richmond Hwy., (10-16-69) HABS.

McLean. *SALONA*, 1214 Buchanan St., (7-24-73)

falls church (independent city)

BIRCH HOUSE, 312 E. Broad St., (10-26-77)

CHERRY HILL, 312 Park Ave., (7-26-73) HABS.

FALLS CHURCH, 115 E. Fairfax St., (2-26-70) HABS.

fauquier county

Delaplane vicinity. *ASHLEIGH*, S of Delaplane, off U.S. 17, (8-14-73)

Delaplane vicinity. *OAK HILL*, 2.2 mi. S of Delaplane, (6-18-73)

Upperville. *UPPERVILLE HISTORIC DISTRICT*, On VA 50, (10-18-72) HABS.

floyd county

Floyd. *FLOYD PRESBYTERIAN CHURCH*, U.S. 221, (5-17-76)

fluvanna county

SCOTTSVILLE HISTORIC DISTRICT, Reference—see Albemarle County

Bremo Bluff vicinity. *BREMO*, N of the jct. of Rtes. 15 and 656, (11-12-69) HABS.

Bremo Bluff vicinity. *BREMO PLANTATION*, W of Bremo Bluff off U.S. 15, (11-12-69) NHL; HABS.

Bremo Bluff vicinity. *GLEN ARVON*, E of Bremo Bluff near jct. of VA 655 and VA 656, (5-28-76)

Columbia. *POINT OF FORK ARSENAL*, SE of jct. of Rtes. 624 and 656, (10-1-69)

Columbia vicinity. *POINT OF FORK PLANTATION*, W of Columbia off VA 624, (8-13-74)

Palmyra. *FLUVANNA COUNTY COURTHOUSE HISTORIC DISTRICT*, Roughly bounded by VA 601, VA 15, and the Rivanna River, (9-22-71) G.

franklin county

Rocky Mount. *WASHINGTON IRON FURNACE*, 108 Old Furnace Rd., (3-20-73)

Rocky Mount vicinity. *BOOKER T. WASHINGTON NATIONAL MONUMENT*, 16 mi. E of Rocky Mount on VA 122, (10-15-66)

frederick county

Middletown. *ST. THOMAS CHAPEL*, Jct. of SR 1102 and 1105, (4-11-73)

Middletown vicinity. *CEDAR CREEK BATTLEFIELD AND BELLE GROVE*, On I 81 between Middletown and Strasburg, (8-11-69) NHL; HABS. (also in Warren County)

fredericksburg (independent city)

CHIMNEYS, THE, 623 Caroline St., (4-3-75)

FEDERAL HILL, S side of Hanover St. between Jackson and Prince Edward Sts. 11 HABS, (3-26-75)

FREDERICKSBURG HISTORIC DISTRICT, (9-22-71) HABS; G.

KENMORE, 1201 Washington Ave., (6-4-69) NHL; HABS.

MONROE LAW OFFICE, 908 Charles St., (11-13-66) NHL

RISEING SUN TAVERN, 1306 Caroline St., (10-15-66) NHL; HABS.

WASHINGTON, MARY, HOUSE, 1200 Charles St., (6-5-75) HABS.

gloucester county

Gloucester. *GLOUCESTER COUNTY COURTHOUSE SQUARE HISTORIC DISTRICT*, (10-3-73) HABS.

Gloucester. *GLOUCESTER WOMEN'S CLUB (LONG BRIDGE ORDINARY)*, On U.S. 17, (1-24-74) HABS.

Gloucester vicinity. *ABINGDON GLEBE HOUSE*, S of jct. of U.S. 17 and VA 615, (9-15-70) HABS.

Gloucester vicinity. *BURGH WESTRA*, E of Gloucester off VA 314, (10-8-76)

Gloucester vicinity. *LITTLE ENGLAND*, E of Gloucester on VA 672, (12-18-70) HABS.

Gloucester vicinity. *REED, WALTER, BIRTHPLACE*, SW of Gloucester at jct. of VA 614 and 616, (9-20-73) HABS.

Gloucester vicinity. *ROARING SPRING*, 0.3 mi. E of VA 616, (9-22-72)

Gloucester vicinity. *ROSEWELL*, W of Carter Creek, SE of VA 644, (10-1-69) HABS.

Gloucester vicinity. *TODDSBURY*, E of jct. of Rtes. 662 and 14, (11-12-69) HABS.

Gloucester vicinity. *WARE PARISH CHURCH*, NE of Gloucester on VA 14, (3-20-73) HABS.

Naxera vicinity. *LANDS END*, SE of Naxera on VA 614, (11-6-74)

Ware Neck vicinity. *LOWLAND COTTAGE*, SW of Ware Neck, 0.5 mi. S of VA 623, (9-22-72)

White Marsh vicinity. *ABINGDON CHURCH*, U.S. 17, S of jct. with VA 614, (9-15-70) HABS.

VIRGINIA 5321

White Marsh vicinity. *FAIRFIELD SITE*, W of White Marsh near jct. of VA 633 and 614, (7-16-73)

goochland county

CARTERSVILLE BRIDGE, Reference—see Cumberland County

Cedar Point. *LOCK-KEEPER'S HOUSE*, Off VA 6 at James River, (11-21-74)

Goochland. *GOOCHLAND COUNTY COURT SQUARE*, On VA 6, (9-15-70) HABS.

Goochland vicinity. *BOLLING HALL*, W of Goochland off VA 600, (12-27-72)

Manakin vicinity. *POWELL'S TAVERN*, On VA 650, (4-2-73) HABS.

Manakin vicinity. *TUCKAHOE*, SE of Manakin near jct. of Rtes. 650 and 647, (11-22-68) NHL

Oilville vicinity. *WOODLAWN*, SE of Oilville at jct. of VA 250 and VA 612, (12-16-71)

Pemberton vicinity. *HOWARD'S NECK PLANTATION*, 1 mi. NW of Pemberton, (2-23-72)

Rock Castle vicinity. *ROCK CASTLE*, SR 600, (9-15-70)

grayson county

Trout Dale vicinity. *RIPSHIN*, Near jct. of VA 603 and 732, (9-22-71) NHL.

greene county

Stanardsville. *GREENE COUNTY COURTHOUSE*, S of jct. of U.S. 33 and VA 649, (2-26-70)

Stanardsville vicinity. *OCTONIA STONE*, N of Stanardsville, off VA 637, (9-15-70)

halifax county

Ingram vicinity. *CARTER'S TAVERN*, SE of Ingram, (10-11-74)

South Boston vicinity. *BERRY HILL*, S of jct. of Rtes. 659 and 682, (11-25-69

Montpelier. **SYCAMORE TAVERN**, W of U.S. 33, (7a24-74)
Montpelier vicinity. **OAKLAND**, N of Montpelier, (7-30-74) HABS.
Richmond vicinity. **RICHMOND NATIONAL BATTLEFIELD PARK**, E of Richmond, (10-15-66) HABS. (also in Henrico County and Richmond)
Richmond vicinity. **RUFFIN, EDMUND, PLANTATION (MARLBORNE)**, 11 mi. NE of Richmond on U.S. 360, (10-15-66) NHL.
Studley vicinity. **TOTOMOI**, W of Studley on VA 643, (12-12-76)

harrisonburg (independent city)

HARRISON, THOMAS, HOUSE, 30 W. Bruce St., (7-26-73)
MORRISON HOUSE, W. Market and N. Liberty Sts., (9-22-71)

henrico county

RICHMOND NATIONAL BATTLEFIELD PARK, Reference—see *Hanover County*
Dutch Gap vicinity. **HENRICO**, Farrar Island, (4-13-72)
Glen Allen. **RANDOLPH, VIRGINIA E., COTTAGE**, 2200 Mountain Rd., (12-2-74) NHL.
Glen Allen vicinity. **MEADOW FARM**, Mountain and Courtney Rds., (8-13-74) G.
Richmond vicinity. **FLOOD MARKER OF 1771**, 0.8 mi. SE of jct. of VA 5 and VA 156, (9-22-71)

Richmond vicinity. **JAMES RIVER AND KANAWHA CANAL HISTORIC DISTRICT**, Extends from Ship Locks to Boshers Dam, (8-26-71) HABS. (also in Richmond city)
Richmond vicinity. **MALVERN HILL**, SE of jct. of Rtes. 5 and 156, (11-12-69) HABS.
Richmond vicinity. **TREE HILL**, VA 5, (10-17-74)
Tuckahoe vicinity. **WOODSIDE**, SW of Tuckahoe off VA 157, (7-24-73)
Varina vicinity. **VARINA PLANTATION**, SE of Varina off VA 5, (4-29-77)

henry county

Martinsville vicinity. **MARTINSVILLE FISH DAM**, Off U.S. 220, S of Martinsville in Smith River, (1-21-74)
Ridgway vicinity. **BELLEVIEW**, S of VA 641, (6-10-74)

highland county

Monterey. **MONTEREY HOTEL**, Main St. (U.S. 250), (1-18-74)

hopewell (independent city)

APPOMATTOX MANOR, Cedar Lane, at confluence of James and Appomattox rivers, (10-1-69) HABS.
WESTON MANOR, Off VA 10 on S bank of Appomattox River, (4-13-72) G.

isle of wight county

Isle of Wight. **BOYKIN'S TAVERN**, W of U.S. 258, (6-19-74)
Smithfield. **OLD ISLE OF WIGHT COURTHOUSE**, NE corner of Main and Mason Sts., (9-15-70) HABS.
Smithfield. **SMITHFIELD HISTORIC DISTRICT**, (7-2-73) HABS.
Smithfield vicinity. **ST. LUKE'S CHURCH**, 4 mi. S of Smithfield on VA 10, (10-15-66) NHL; HABS.

Smithfield vicinity. **WOLFTRAP FARM**, NW of Smithfield off VA 627, (10-15-74)

james city county

Five Forks vicinity. **POWHATAN**, N of jct. of Rtes. 615 and 5, (9-15-70) HABS.

Jamestown. **JAMESTOWN NATIONAL HISTORIC SITE**, Jamestown Island, (10-15-66) HABS.

Jamestown and vicinity. **COLONIAL NATIONAL HISTORICAL PARK**, VA 359, (10-15-66) (also in York County)

Lightfoot vicinity. **PINEWOODS (WARBURTON HOUSE)**, 1.4 mi. SW of jct. of VA 613 and 614, (11-12-71) HABS.

Toano vicinity. **HICKORY NECK CHURCH**; N of Toano on U.S. 60, (7-2-73) HABS.

Toano vicinity. **STONE HOUSE SITE**, NE of Toano, off VA 600, (8-14-73)

Williamsburg vicinity. **CARTER'S GROVE**, SE of jct. of Rte. 667 and U.S. 60, (11-12-69) NHL; HABS.

Williamsburg vicinity. **GOVERNOR'S LAND ARCHEOLOGICAL DISTRICT**, W of Williamsburg, (9-21-73)

Williamsburg vicinity. **KINGSMILL PLANTATION**, 5 mi. S of Williamsburg, (4-26-72) HABS; G.

king and queen county

Aylett vicinity. **HOLLY HILL**, NE of Aylett off U.S. 360, (7-24-73)

Cumnor vicinity. **MATTAPONI CHURCH**, 0.5 mi. S of Cumnor off VA 14, (3-20-73)

Shanghai vicinity. **UPPER CHURCH, STRATTON MAJOR PARISH**, SE of Shanghai on VA 14, (4-2-73)

Walkerton vicinity. **HILLSBOROUGH**, 2 mi. SE of Walkerton off SR 633, (9-22-71) HABS.

king george county

Comom vicinity. **MARMION**, NE of jct. of SR 649 and 609, (2-26-70) HABS.

King George Court House vicinity. **NANZATICO**, S of jct. of SR 650 and 625, (11-12-69) HABS.

Owens vicinity. **ST. PAUL'S CHURCH**, W of Owens off VA 206, (5-25-73) HABS.

Port Conway. **BELLE GROVE**, On U.S. 301, (4-11-73) HABS.

Sealston vicinity. **LAMB'S CREEK CHURCH**, On VA 607, (9-22-72) HABS.

king william county

King William. **KING WILLIAM COUNTY COURTHOUSE**, Rte. 619, off VA 30, (10-1-69) HABS.

King William vicinity. **SWEET HALL**, S of King William, (11-7-77) HABS.

Mangohick. **MANGOICK CHURCH**, VA 638, S of VA 30, (12-5-72) HABS.

Sweet Hall vicinity. **ST. JOHN'S CHURCH**, N of Sweet Hall on VA 30, (4-24-73) HABS.

Tunstall vicinity. **ELSING GREEN**, SW of jct. of SR 632 and 623, (11-12-69) NHL; HABS.

West Point vicinity. **CHELSEA**, N of jct. of Chelsea Rd. and Rte. 30, (11-12-69) HABS.

lancaster county

Kilmarnock vicinity. **CHRIST CHURCH**, 3 mi. S of Kilmarnock on VA 3, (10-15-66) NHL; HABS.

Lancaster vicinity. **BELLE ISLE**, SW side of W end of VA 683, (2-6-73) HABS.

Lively vicinity. **ST. MARY'S WHITECHAPEL**, NW of jct. of Rtes. 354 and 201, (11-12-69) HABS.

Weems vicinity. **COROTOMAN**, Jct. of Rtes. 222 and 631, (9-15-70)

lee county

CUMBERLAND GAP NATIONAL HISTORICAL PARK, Reference—see *Bell County, KY*

Jonesville vicinity. **JONESVILLE METHODIST CAMPGROUND**, W of Jonesville at jct. of VA 652 and U.S. 58, (5-16-74)

lexington (independent city)

ALEXANDER-WITHROW HOUSE, Main and Washington Sts., (7-2-71)

BARRACKS, VIRGINIA MILITARY INSTITUTE, N edge of Lexington on U.S. 11, (10-15-66) NHL.

JACKSON, STONEWALL, HOUSE, 8 E. Washington St., (4-24-73) G.

LEE CHAPEL, WASHINGTON AND LEE UNIVERSITY, Washington and Lee University campus, (10-15-66) NHL; HABS.

LEXINGTON HISTORIC DISTRICT, (7-26-72) HABS; G.

STONO, N side of jct. of U.S. 11 and U.S. 11A, (4-1-75)

VIRGINIA MILITARY INSTITUTE HISTORIC DISTRICT, VMI campus, (5-30-74) NHL.

WASHINGTON AND LEE UNIVERSITY HISTORIC DISTRICT, W and L University campus, (11-11-71) NHL.

loudoun county

Aldie. **ALDIE HISTORIC DISTRICT**, Both sides of U.S. 50 from E of Rte. 612 to W of Rte. 732, (9-15-70)

Atoka vicinity. **GOOSE CREEK STONE BRIDGE**, NW of Atoka off U.S. 50, (10-9-74)

Leesburg. **LEESBURG HISTORIC DISTRICT**, Area of the original town centered at jct. of U.S. 15 and VA 9, (2-26-70) HABS; G.

Leesburg vicinity. **EXETER**, E of Leesburg on Edwards Ferry Rd., (8-14-73)

Leesburg vicinity. **MORVEN PARK**, 1 mi. NW of Leesburg off U.S. 15, (2-18-75)

Leesburg vicinity. **OAK HILL (JAMES MONROE HOUSE)**, 8 mi. S of Leesburg on U.S. 15, (10-15-66) NHL.

Leesburg vicinity. **OATLANDS**, S of jct. of Rtes. 15 and 651, (11-12-69) NHL; G.

Leesburg vicinity. **OATLANDS HISTORIC DISTRICT**, S of Leesburg off U.S. 15, (11-11-71) HABS.

Leesburg vicinity. **ROKEBY**, 2.4 mi. SW of Leesburg off VA 650, (5-30-76)

Leesburg vicinity. **WOODBURN**, 3 mi. SW of Leesburg off VA 704, (12-12-76)

Lincoln. **GOOSE CREEK MEETINGHOUSE COMPLEX**, S of VA 7, (7-24-74)

Lincoln vicinity. **SHELburne PARISH GLEBE**, 3.5 mi. S of Lincoln off VA 728, (4-1-75)

Middleburg vicinity. **FARMER'S DELIGHT**, About 3 mi. N of Middleburg off Rte. 745, (6-2-73)

Middleburg vicinity. **MITCHELL, GEN WILLIAM, HOUSE**, 0.5 mi. S of Middleburg on VA 626, (12-8-76) NHL.

Middleburg vicinity. **WELBOURNE**, NW of jct. of VA 743 and 6111, (2-23-72)

Sterling vicinity. **BROAD RUN BRIDGE AND TOLLHOUSE**, Jct. of Rtes. 7 and 28 with Broad Run, (4-17-70)

Waterford. **WATERFORD HISTORIC DISTRICT**, NW of Leesburg on Rte. 665, (6-3-69) NHL; HABS.

Waterford vicinity. **CATOCTIN CREEK BRIDGE**, Rte. 673, N of Waterford, (6-25-74)

louisiana county

Gordonsville vicinity. **BOSWELL'S TAVERN**, Jct. of VA 22 and U.S. 15, (11-25-69) HABS.

Gordonsville vicinity. **HAWKWOOD**, S of Gordonsville off U.S. 15, (9-17-70) HABS.

Gum Spring vicinity. **PROVIDENCE PRESBYTERIAN CHURCH**, NW of Gum Spring off U.S. 250, (4-13-73)

Trevelians vicinity. **IONIA (CLOVER PLAINS)**, 0.1 mi. E of VA 640 and 0.8 mi. N of jct. with VA 613, (6-30-72)

Trevelians vicinity. **GRASSDALE**, W of Trevelians off U.S. 15, (7-2-73)

Trevelians vicinity. **GREEN SPRINGS**, 0.2 mi. S of VA 617 and 1.5 mi. SW of jct. with VA 640, (6-30-72)

Trevelians vicinity. **WESTEND**, S of jct. of Rtes. 22 and 638, (9-17-70) HABS.

Zion Crossroads vicinity. **GREEN SPRINGS HISTORIC DISTRICT**, NE of Zion Crossroads on U.S. 15, (3-7-73) NHL.

lunenburg county

Lunenburg and vicinity. **LUNENBURG COURTHOUSE HISTORIC DISTRICT**, Town of Lunenburg and environs on VA 40/49, (2-23-72)

lynchburg (independent city)

ACADEMY OF MUSIC, 522-526 Main St., (6-11-69) G.

GARLAND HILL HISTORIC DISTRICT, Bounded roughly by 5th St., Federal Ave., and Norfolk Western Ry. tracks, (9-7-72)

GLASS, CARTER, HOUSE, 605 Clay St., (12-8-76) NHL.

LYNCHBURG COURTHOUSE, 9th St., between Court and Church Sts., (5-19-72) G.

MILLER-CLAYTOR HOUSE, Treasure Island Rd. at Miller-Claytor Lane, (5-6-76)

OLD CITY CEMETERY, 4th, Monroe, 1st Sts. and Southern RR. tracks, (4-2-73)

POINT OF HONOR, 112 Cabell St., (2-26-70) HABS; G.

SPENCER, ANNE, HOUSE, 1313 Pierce St., (12-6-76)

WESTERN HOTEL, 5th and Madison Sts., (7-22-74) HABS.

South River. **FRIENDS MEETING HOUSE**, 5810 Fort Ave., (8-28-75)

madison county

Madison. **MADISON COUNTY COURTHOUSE**, U.S. 29, (11-12-69) HABS.

Madison vicinity. **HEBRON LUTHERAN CHURCH**, 1 mi. NE of Madison off U.S. 29, (7-2-71) HABS.

mathews county

Cobbs Creek vicinity. **HESSE**, E of Cobbs Creek off VA 631, (2-12-74)

Hudgins vicinity. **CRICKET HILL (FORT CRICKET HILL)**, NE of Hudgins, E of jct. of Rtes. 669 and 223, (6-15-70)

Mathews. **MATHEWS COUNTY COURTHOUSE SQUARE**, VA 611, (8-18-77)

Mathews vicinity. **METHODIST TABERNACLE**, SE of Mathews on VA 611 at jct. with VA 644, (5-21-75)

New Point vicinity. **NEW POINT COMFORT LIGHTHOUSE**, Jct. of Chesapeake Bay and Mobjack Bay, (3-1-73)

Williams vicinity. **POPLAR GROVE MILL AND HOUSE**, SW of jct. of Rtes. 14 and 613, (11-12-69)

mecklenburg county

Boydton. **BOYD'S TAVERN**, Washington St., (9-29-76)

Boydton. **MECKLENBURG COUNTY COURTHOUSE**, SW corner of jct. of U.S. 58 and VA 92, (7-17-75)

Clarksville vicinity. **PRESTWOULD**, N of Clarksville, (10-1-69) HABS; G.

middlesex county

Hartfield vicinity. **LOWER CHURCH**, W of Hartfield on VA 33, (4-24-73)

Saluda vicinity. **CHRIST CHURCH**, Off VA 638, N of jct. with VA 33, (11-3-72) HABS.

Saluda vicinity. **DEER CHASE**, SE of Saluda off VA 629, (8-14-73)

Urbanna. **LANSDOWNE**, Virginia St. at Upton Lane, (11-8-74)

Urbanna. **MIDDLESEX COUNTY COURTHOUSE**, Off VA 602, (11-21-76)

Urbanna. **MILLS, JAMES, STOREHOUSE (OLD TOBACCO WAREHOUSE)**, S side of Rte. T-1002, (11-7-72) HABS.

Urbanna vicinity. **ROSEGILL**, E of Urbanna off VA 227, (11-27-73)

montgomery county

Blacksburg vicinity. **SMITHFIELD**, W of Blacksburg, (11-12-69)

Elliston vicinity. **FOTHERINGAY**, S of jct. of Rtes. 11 and 631, (11-12-69) HABS.

nelson county

SWANNANOVA, Reference—see *Augusta County*

Lovington. **NELSON COUNTY COURTHOUSE**, Off U.S. 29, (5-17-73) HABS.

Midway Mills. **MIDWAY MILL**, On the James River at end of VA 743, (4-11-73) G.

new kent county

New Kent. **ST. PETER'S CHURCH**, CR 642, (10-1-69) HABS.

New Kent vicinity. **CRISS CROSS**, SW of New Kent off VA 608, (5-11-73) HABS.

Toano vicinity. **MOYSONEC**, W of Toano on Chickahominy River, (6-20-75)

Tunstall vicinity. **FOSTER'S CASTLE**, NE of Tunstall off VA 608, (4-11-73) HABS.

Tunstall vicinity. **HAMPSTEAD**, 1 mi. NW of jct. of Rtes. 606 and 607, (12-18-70)

newport news (independent city)

DENBIGH PLANTATION SITE (MATHEWS MANOR HOUSE), SW of the southern end of Lukas Creek Rd., (2-16-70)

FORT CRAFTORD, Fort Eustis Military Reservation on Mulberry Island Point, (5-17-74)

HILTON VILLAGE, Bounded by the James River, Post St., Chesapeake and Ohio RR. tracks, and Hopkins St., (6-23-69)

JONES, MATTHEW, HOUSE, MacAuliffe Ave. and James River Rd., (6-11-69) HABS.

LEE HALL, Near jct. of U.S. 60 and VA 238, (12-5-72)

RICHNECK PLANTATION SITE, off VA 168, (7-8-77)

norfolk (independent city)

ALLMAND-ARCHER HOUSE, 327 Duke St., (9-22-71)

BOUSH-TAZEWELL HOUSE, 6225 Powhatan Ave., (7-18-74) G.

FORT NORFOLK, 803 Front St., (11-7-76)

FREEMASON STREET BAPTIST CHURCH, NE corner of Freeman and Bank Sts., (9-22-71)

JAMESTOWN EXPOSITION SITE BUILDINGS, Bounded by Bacon, Powhatan, Farragut, Gilbert, Bainbridge, and the harbor, (10-20-75)

MONTICELLO ARCADE, In 200 block E. City Hall Ave.; between City Hall Ave. and Plume St., (5-21-75)

MYERS, MOSES, HOUSE, SW corner of E. Freeman and N. Bank Sts., (2-16-70)

NORFOLK ACADEMY, 420 Bank St., (11-12-69)

NORFOLK CITY HALL (GEN. DOUGLAS MACARTHUR MEMORIAL), 421 E. City Hall Ave., (3-16-72)

ST. PAUL'S CHURCH, 201 St. Paul's Blvd., (7-2-71)

U.S. CUSTOMSHOUSE, 101 E. Main St., (4-17-70)

WEST FREEMASON STREET AREA HISTORIC DISTRICT, Both sides of Bute and Freeman Sts. between Elizabeth River, and York and Duke Sts., (11-7-72) HABS; G.

WHITTLE HOUSE (TAYLOR-WHITTLE HOUSE), 225 W. Freeman St., (9-22-71) HABS; G.

WILLOUGHBY-BAYLOR HOUSE, 601 Freeman St., (9-22-71)

northampton county

Bridgetown. **HUNGARS CHURCH**, E of jct. of Rtes. 619 and 622, (10-15-70)

Bridgetown vicinity. **VAUCLUSE**, S of jct. of Rtes. 619 and 657, (9-15-70) HABS.

Bridgetown vicinity. **WESTERHOUSE HOUSE**, W of Bridgetown off VA 619, (11-19-74)

Bridgetown vicinity. **WINONA</**

- patrick county*
Critz vicinity. **REYNOLDS HOMESTEAD**, VA 798 off VA 626, (9-22-71).
Stuart. **PATRICK COUNTY COURTHOUSE**, SE corner of Main and Blue Ridge Sts., (12-27-74).
Woolwine vicinity. **BOB WHITE COVERED BRIDGE**, About 2.5 mi. S of Woolwine off VA 618, over Smith River, (5-22-73).
Woolwine vicinity. **JACK'S CREEK COVERED BRIDGE**, About 2 mi. S of Woolwine off VA 8, over Jack's Creek, (5-22-73) G.
- petersburg (independent city)*
APPOMATTOX IRON WORKS, 20-28 Old St., (8-11-76) HAER, G.
BATTERSEA, 793 Appomattox St., (11-12-69) HABS.
BLANDFORD CHURCH, 319 S. Crater Rd., (5-31-72).
CENTRE HILL, N of Franklin St. at end of Centre Hill Lane, (12-27-72) HABS.
CITY MARKET, Rock and W. Old Sts., (6-11-69) HABS.
EXCHANGE BUILDING, 15-19 W. Bank St., (6-11-69) NHL; HABS, G.
FARMERS' BANK, NW corner of Bollingbrook St. and Cockade Alley, (4-13-72).
FRIEND, NATHANIEL, HOUSE, 27-29 Bollingbrook St., (8-11-76).
MCILWAINE HOUSE, Market Square at corner of Pellam and Cockade alleys, (7-16-73).
PETERSBURG COURTHOUSE, Court House Sq., (5-14-73).
STRAWBERRY HILL, 231-235-237 Hinton St., (12-23-74).
WALLACE, THOMAS, HOUSE, SW corner of Brown and S. Market Sts., (5-2-75).
- pittsylvania county*
Chatham vicinity. **LITTLE CHERYSTONE**, N of jct. of Rtes. 703 and 832, (11-12-69).
Gretna vicinity. **YATES TAVERN**, S of Gretna on U.S. 29, (12-19-74) HABS, G.
- portsmouth (independent city)*
CRADOCK HISTORIC DISTRICT, Bounded by Paradise Creek, Victory Blvd., and George Washington Hwy., (6-20-74).
DRYDOCK NO. 1, Norfolk Naval Shipyard, (11-11-71) NHL.
PORTSMOUTH COURTHOUSE (NORFOLK COUNTY COURTHOUSE), NE corner of Court and High Sts., (4-29-70) G.
PORTSMOUTH HISTORIC DISTRICT, Bounded by Crawford Pkwy., London St., the Elizabeth River, and extending 0.1 mi. W of Washington St., (9-8-70).
PORTSMOUTH NAVAL HOSPITAL, On Hospital Point at Washington and Crawford Sts., (4-13-72).
QUARTERS A, B, AND C, NORFOLK NAVAL SHIPYARD, (12-19-74).
TRINITY EPISCOPAL CHURCH, High and Court Sts., (5-14-73).
- powhatan county*
Powhatan. **POWATAN COURTHOUSE HISTORIC DISTRICT**, Jct. of Rtes. 13 and 300, (2-16-70).
Powhatan vicinity. **BELMEAD**, NW of jct. of Rtes. 663 and 600, (11-12-69).
Powhatan vicinity. **KESWICK**, NE of Powhatan off VA 711, (12-19-74) HABS.
- prince edward county*
Briery vicinity. **BRIERY CHURCH**, N of jct. of Rtes. 747 and 671, (11-12-69).

- Hampden-Sydney. **HAMPDEN-SYDNEY COLLEGE HISTORIC DISTRICT**, Bounded approximately by the Hampden-Sydney College campus, (2-26-70).
Worsham. **DEBTOR'S PRISON**, On U.S. 15, (9-22-72).
- prince george county*
PETERSBURG NATIONAL BATTLEFIELD, Reference—see Dinwiddie County.
Brandon vicinity. **BRANDON**, W bank of the James River at the end of Rte. 611, (11-12-69) HABS.
Garysville vicinity. **FLOWERDEW HUNDRED PLANTATION**, NE of Garysville on VA 639, (8-1-75) HABS.
Hopewell vicinity. **MERCHANT'S HOPE CHURCH**, W of jct. of Rte. 641 and VA 10, (10-8-69) HABS, G.
- prince william county*
Dumfries. **OLD HOTEL**, U.S. 1, (11-12-69) HABS.
Dumfries. **WEEMS-BOTTS HOUSE**, SW corner of Duke and Cameron Sts., (5-12-75).
Haymarket. **ST. PAUL'S EPISCOPAL CHURCH**, Off VA 55, (1-20-75).
Manassas vicinity. **MANASSAS NATIONAL BATTLEFIELD PARK**, NW of Manassas off VA 215, (10-15-66) HABS.
Minnieville vicinity. **BEL AIR**, W of Rte. 640, (2-26-70) HABS.
Occoquan. **ROCKLEDGE**, Telegraph Rd., (6-25-73) HABS.
Plains vicinity. **BEVERLEY MILL (CHAPMAN MILL)**, Jct. of VA 600 and 55, (2-23-72).
Woodbridge vicinity. **RIPPON LODGE**, 0.8 mi. N of jct. of U.S. 1 and VA 642, (7-2-71) HABS.
- pulaski county*
Dublin vicinity. **BACK CREEK FARM**, NW of Dublin off VA 100, (5-21-75).
Radford vicinity. **INGLES FERRY**, N of jct. of Rtes. 611 and 624, (11-25-69).
- radford (independent city)*
HARVEY HOUSE, 706 Harvey St., (7-30-76).
- rappahannock county*
Sperryville vicinity. **MONTPELIER**, S of Sperryville on VA 231, (4-11-73).
Washington and vicinity. **WASHINGTON HISTORIC DISTRICT**, Residential area N of U.S. 211/522, (5-28-75).
- richmond (independent city)*
BARRET HOUSE, 15 S. 5th St., (2-23-72) HABS.
BEERS, WILLIAM, HOUSE, 1228 E. Broad St., (4-16-69).
BELL TOWER, Capitol Sq., (6-11-69) HABS.
BLUES ARMORY, 6th and Marshall Sts., (5-17-76).
BRANCH BUILDING, 1015 E. Main St., (4-17-70) HABS.
BROAD STREET STATION, Broad and Robinson Sts., (2-23-72).
CABELL, HENRY COALTER, HOUSE, 116 S. 3rd St., (4-16-69).
CITY HALL, Bounded by 10th, Broad, 11th, and Capitol Sts., (10-1-69) NHL.
CONFEDERATE MEMORIAL CHAPEL, 2900 Grove Ave., (2-23-72).
CROZET HOUSE (CURTIS CARTER HOUSE), 100 E. Main St., (2-23-72) HABS.
DONNAN-ASHER IRON-FRONT BUILDING, 1207-1211 E. Main St., (2-26-70) HABS.
EGYPTIAN BUILDING, SW corner of E. Marshall and College Sts., (4-16-69) NHL.

- FIRST AFRICAN BAPTIST CHURCH**, NE corner of College and E. Broad Sts., (4-16-69).
FIRST BAPTIST CHURCH, NW corner of 12th and E. Broad Sts., (4-16-69).
GLASGOW, ELLEN, HOUSE, 1 W. Main St., (11-11-71) NHL; HABS.
HANCOCK-WIRT-CASKIE HOUSE, 2 N. 5th St., (4-17-70) HABS.
HAXALL, BOLLING, HOUSE, 211 E. Franklin St., (3-16-72).
HOLLYWOOD CEMETERY, 412 S. Cherry St., (11-12-69) HABS.
JACKSON WARD HISTORIC DISTRICT, Roughly bounded by 5th, Marshall, Gilmer Sts. and the Richmond-Petersburg Turnpike, (7-30-76) HABS.
JAMES RIVER AND KANAWHA CANAL HISTORIC DISTRICT, Reference—see Henrico County.
JEFFERSON HOTEL, 104 W. Main St., (6-4-69) HABS.
KENT-VALENTINE HOUSE, 12 E. Franklin St., (12-18-70) HABS.
LEIGH, BENJAMIN WATKINS, HOUSE, 1000 E. Clay St., (4-16-69).
LEIGH STREET BAPTIST CHURCH, 517 N. 25th St., (3-16-72) HABS.
LINDEN ROW, 100-114 E. Franklin St., (11-23-71) HABS.
MAIN STREET STATION AND TRAINSHED, 1020 E. Main St., (10-15-70) NHL; HAER.
MARSHALL, JOHN, HOUSE, 9th and Marshall Sts., (10-15-66) NHL; HABS.
MASON'S HALL, 1807 E. Franklin St., (7-2-73) HABS.
MAUPIN-MAURY HOUSE, 1105 E. Clay St., (4-16-69).
MAYMONT, Hampton St. (Spottswood Rd.), (12-16-71).
MAYO MEMORIAL CHURCH HOUSE, 110 W. Franklin St., (4-2-73) HABS.
MONROE, JAMES, TOMB, Hollywood Cemetery, 412 S. Cherry St., (11-11-71) NHL; HABS.
MONUMENT AVENUE HISTORIC DISTRICT, Bounded by Grace and Birch Sts., Park Ave., and Rosemeath Rd., (2-16-70) G.
MONUMENTAL CHURCH, 1224 E. Broad St., (4-16-69) NHL; G.
MORSON'S ROW, 219-223 Governor St., (6-11-69) HABS, G.
OLD STONE HOUSE, 1914 E. Main St., (11-14-73) HABS.
PACE-KING HOUSE, 205 N. 19th St., (7-30-76).
PUTNEY HOUSES, 1010-1012 E. Marshall St., (6-11-69).
RICHMOND NATIONAL BATTLEFIELD PARK, Reference—see Hanover County.
SCOTT-CLARKE HOUSE, 9 S. 5th St., (4-13-72) HABS.
SECOND PRESBYTERIAN CHURCH, 9 N. 5th St., (3-29-72) HABS.
SHELTERING ARMS HOSPITAL (WILLIAM H. GRANT HOUSE), 1008 E. Clay St., (4-16-69).
SHOCKOE SLIP HISTORIC DISTRICT, Roughly along E. Carey St. between S. 14th and S. 12th Sts., (3-29-72) HABS.
ST. JOHN'S CHURCH HISTORIC DISTRICT, Bounded roughly by 22nd, Marshall, 32nd, Main, and Franklin Sts. and Williamsburg Ave., (9-15-70) HABS.
ST. JOHN'S EPISCOPAL CHURCH, E. Broad St. between 24th and 25th Sts., (10-15-66) NHL; HABS.
ST. PAUL'S CHURCH, 815 E. Grace St., (6-4-69).

- ST. PETER'S CHURCH**, 800 E. Grace St., (6-23-69).
STEARNS IRON-FRONT BUILDING, 1007-1013 E. Main St., (2-26-70) HABS.
STEWART-LEE HOUSE, 707 E. Franklin St., (5-5-72) HABS.
THIRD STREET BETHEL A.M.E. CHURCH, 616 N. 3rd St., (6-5-75).
TREDEGAR IRONWORKS, Roughly bounded by the James River, Kanawha Canal, and VA 1/U.S. 301, (7-2-71) HAER.
TWO HUNDRED BLOCK WEST FRANKLIN STREET HISTORIC DISTRICT, (11-17-77).
U.S. POST OFFICE AND CUSTOMHOUSE, 1000 E. Main St., (6-4-69).
VALENTINE MUSEUM (WICKHAM-VALENTINE HOUSE), 1005-1015 E. Clay St., (6-11-69) NHL; HABS.
VIRGINIA GOVERNOR'S MANSION, Capitol Sq., (6-4-69).
VIRGINIA MUTUAL BUILDING (VIRGINIA TRUST COMPANY), 821 E. Main St., (11-7-77).
VIRGINIA STATE CAPITOL (CONFEDERATE CAPITOL), Capitol Sq., (10-15-66) NHL.
WALKER, MAGGIE LENA, HOUSE, 110A E. Leigh St., (5-15-75) NHL.
WALTER, MAGGIE, HOUSE, 110 A. E. Leigh St., (5-12-75).
WEST FRANKLIN STREET HISTORIC DISTRICT, W. Franklin St. between Laurel and Ryland Sts., (9-14-72).
WHITE HOUSE OF THE CONFEDERACY (BROCKENBROUGH MANSION), Clay and 12th Sts., (10-15-66) NHL; HABS, G.
WILLIAM J. CLARK LIBRARY AND BARCO-STEVEN'S HALL, VIRGINIA UNION UNIVERSITY (BELGIAN BUILDING), Lombardy St. and Brook Rd., (2-26-70).
WILTON, S of Richmond, on N bank of James River, (4-30-76) HABS.
WOODWARD HOUSE, 3017 Williamsburg Ave., (6-19-74).
2900 BLOCK GROVE AVENUE HISTORIC DISTRICT, 2901, 2905, 2911, and 2915 Grove Ave., (2-20-73).
- richmond county*
Ethel vicinity. **MENOKIN**, NW of jct. of Rtes. 690 and 621, (10-1-69) NHL; HABS.
Farnham. **FARNHAM CHURCH**, VA 3, (8-14-73) HABS.
Farnham vicinity. **LINDEN FARM**, N of Farnham on VA 3, (4-13-77).
Tappahannock vicinity. **SABINE HALL**, S of jct. of Rtes. 624 and 360, (11-12-69) NHL; HABS.
Warsaw. **RICHMOND COUNTY COURTHOUSE**, Jct. of U.S. 360 with VA 3, (12-5-72) HABS.
Warsaw vicinity. **MOUNT AIRY**, W of Warsaw on U.S. 360, (10-15-66) NHL; HABS.
- roanoke (independent city)*
BUENA VISTA, Penmar Ave. and 9th St., (7-30-74).
FIRE STATION NO. 1, 13 E. Church Ave., (5-7-73).
ST. ANDREW'S ROMAN CATHOLIC CHURCH, 631 N. Jefferson St., (5-7-73).
- roanoke county*
Hollins. **HOLLINS COLLEGE QUADRANGLE**, Hollins College campus, (11-5-74).
Roanoke vicinity. **DEYERLE, BENJAMIN, PLACE**, 3402 Grandin Road Extension SW., (4-11-73) HABS.
Roanoke vicinity. **MONTEREY**, Tinker Creek Lane, NE, (7-30-74).

- rockbridge county*
Brownsburg. **BROWNSBURG HISTORIC DISTRICT**, On VA 252, (7-2-73).
Lexington vicinity. **LIBERTY HALL SITE**, N of Lexington, (8-16-77).
Lexington vicinity. **THORN HILL**, SW of Lexington off VA 251, (6-18-75).
Lexington vicinity. **TIMBER RIDGE PRESBYTERIAN CHURCH**, SW of jct. of Rtes. 11 and 716, (11-12-69).
Staunton vicinity. **MCCORMICK, CYRUS, FARM AND WORKSHOP**, S of Staunton on U.S. 11 and CR 606 at Walnut Grove, (10-15-66) NHL.
- rockingham county*
Broadway vicinity. **LINCOLN HOMESTEAD AND CEMETERY (JACOB LINCOLN HOUSE)**, S of jct. of VA 684 and 42, (12-5-72) HABS.
Broadway vicinity. **TUNKER HOUSE (YOUNT-ZIGLER HOUSE)**, S of Broadway at jct. of VA 786 and 42, (7-2-71).
Dayton vicinity. **FORT HARRISON**, NE of Dayton on VA 42, (7-24-73).
Harrisonburg vicinity. **BAXTER HOUSE**, N of Harrisonburg on VA 42, (10-3-73).
Harrisonburg vicinity. **BEERY, JOHN K., FARM**, N of Harrisonburg off VA 42, (9-19-73).
Singers Glen. **FUNK, JOSEPH, HOUSE**, VA 613, (2-24-75).
- russell county*
Dickersonville vicinity. **OLD RUSSELL COUNTY COURTHOUSE (DICKENSON-FUGATE HOUSE)**, W of Dickersonville on U.S. 58A, (7-16-73).
- salem (independent city)*
EVANS HOUSE, 312 Broad St., (5-19-72) HABS.
MAIN CAMPUS COMPLEX, ROANOKE COLLEGE, Roanoke College, (3-7-73) HABS.
SALEM PRESBYTERIAN CHURCH, E. Main and Market Sts., (10-15-74) HABS.
WILLIAMS-BROWN HOUSE AND STORE, 523 E. Main St., (11-23-71) HABS.
- scott county*
Maces Spring vicinity. **CARTER, A. P., HOMEPLACE**, SE of Maces Spring near jct. of VA 614 and VA 691, (7-30-76).
Nickelsville vicinity. **KILLGORE FORT HOUSE**, SW of Nickelsville off VA 71, (5-19-72).
- shenandoah county*
Middletown vicinity. **FORT BOWMAN**, NE of jct. of Rtes. 660 and U.S. 11, (11-25-69) HABS.
Mt. Jackson vicinity. **MEEMS BOTTOM COVERED BRIDGE**, S of Mt. Jackson on VA 720 over North Fork of Shenandoah River, (6-10-75).
New Market. **NEW MARKET HISTORIC DISTRICT**, Jct. of U.S. 11 and 211, (9-22-72) HABS.
New Market vicinity. **NEW MARKET BATTLEFIELD PARK**, N of jct. of U.S. 11 and U.S. 211, (9-15-70).
Orkney Springs. **ORKNEY SPRINGS HOTEL**, VA 263, W of jct. with VA 610, (4-22-76).
Woodstock. **SHENANDOAH COUNTY COURTHOUSE**, W. Court and S. Main Sts., (6-19-73).
- smyth county*
Marion vicinity. **PRESTON HOUSE (HERNDON)**, S of jct. of Rtes. 645 and U.S. 11, (11-25-69).

- Saltville. **PRESTON HOUSE**, VA 107, (7-30-76).
- southampton county*
Capron vicinity. **BELMONT**, NE of Capron off VA 652, (10-3-73).
- spotsylvania county*
Fredericksburg vicinity. **FALL HILL**, NW of Fredericksburg off VA 639, (6-18-73) G.
Fredericksburg vicinity. **FREDERICKSBURG AND SPOTSYLVANIA COUNTY BATTLEFIELDS MEMORIAL NATIONAL MILITARY PARK**, Fredericksburg and W and SW areas in Spotsylvania County, (10-15-66).
Fredericksburg vicinity. **RAPIDAN DAM CANAL OF THE RAPPAHANNOCK NAVIGATION**, NW of Fredericksburg, (7-26-73).
Fredericksburg vicinity. **ST. JULIEN**, S of Fredericksburg between VA 609 and VA 2, (6-5-75).
Glenora vicinity. **ANDREWS TAVERN**, 2.6 mi. NE of Glenora on VA 601, (7-30-76).
- stafford county*
Brooke vicinity. **POTOMAC CREEK SITE**, 1.8 mi. SE of jct. of Rt. 621 and Rt. 608, (12-3-69).
Falmouth. **BELMONT (GARI MELCHERS HOUSE)**, Off U.S. 1, (10-15-66) NHL.
Falmouth. **CARLTON**, 501 Melchers Dr., (10-3-73) G.
Falmouth. **CLEARVIEW**, Off Telegraph Rd., 0.3 mi. E. of intersection of VA 664 and U.S. 1, (2-24-75).
Falmouth. **FALMOUTH HISTORIC DISTRICT**, Jct. of U.S. 1 and U.S. 17, (2-26-70) HABS.
Falmouth vicinity. **HUNTER'S IRONWORKS**, W of Falmouth off U.S. 17, (1-18-74).
Fredericksburg vicinity. **FERRY FARM SITE (GEORGE WASHINGTON'S BOYHOOD HOME SITE)**, E of Fredericksburg at 712 Kings Hwy., (5-5-72) HABS.
Garrisonville vicinity. **AQUIA CHURCH**, N of jct. of U.S. 1 and Va. 610, (11-12-69) HABS.
- staunton (independent city)*
MARY BALDWIN COLLEGE, MAIN BUILDING, Mary Baldwin College campus, (7-26-73).
SEARS HOUSE, Sears Hill Rd. in Woodrow Wilson City Park, (2-23-72) G.
STUART HALL (MAIN BUILDING), 235 W. Frederick St., (8-13-74).
STUART HOUSE, 120 Church St., (5-5-72) HABS.
TRINITY EPISCOPAL CHURCH, Beverley and Lewis Sts., (5-5-72).
VIRGINIA SCHOOL FOR THE DEAF AND BLIND, E. Beverly St. and Pleasant Ter., (11-12-69).
WESTERN STATE HOSPITAL COMPLEX, Jct. of U.S. 11 and U.S. 250, (11-25-69).
WHARF AREA HISTORIC DISTRICT, Middlebrook Ave. between S. New and S. Lewis Sts., including S. Augusta St. to Johnson St., (11-9-72).
WILSON, WOODROW, BIRTHPLACE, N. Coalter St. between Beverly and Frederick Sts., (10-15-66) NHL; HABS, G.
- suffolk (independent city)*
RIDDICK HOUSE, 510 Main St., (5-2-74).
Chesapeake City vicinity. **GLEBE CHURCH (BENNETT'S CREEK CHURCH)**, W of Chesapeake City on VA 337, (5-25-73).
Chuckatuck vicinity. **ST. JOHN'S CHURCH (CHUCKATUCK CHURCH)**, E of Chuckatuck on VA 125, (4-11-73).

surry county

Bacon's Castle. **BACON'S CASTLE**, Off VA 10, (10-15-66) NHL; HABS.
 Jamestown vicinity. **CHIPPOKES PLANTATION**, S bank of the James River opposite Jamestown Island, (10-1-69)
 Scotland vicinity. **PLEASANT POINT**, 1 mi. S of Scotland on VA 637, (7-16-76) HABS.
 Scotland vicinity. **SWANN'S POINT PLANTATION SITE**, 2 mi. NW of Scotland off VA 610, (4-1-75)
 Spring Grove vicinity. **GLEBE HOUSE OF SOUTHWARK PARISH**, E of Spring Grove on VA 10, (5-17-76)
 Surry vicinity. **ENOS HOUSE**, SW of Surry, (12-7-77)
 Surry vicinity. **FOUR-MILE TREE**, NE of the jct. of VA 618 and VA 610, (12-18-70) HABS.
 Surry vicinity. **SMITH'S FORT**, NE of jct. of Rts. 31 and 620, (6-15-70)
 Surry vicinity. **WARREN HOUSE**, NE of Surry off VA 31, (11-14-73) HABS.

sussex county

Grizzard vicinity. **FORTSVILLE**, SE of the jct. of Rtes. 612 and 611, (9-15-70)
 Homeville vicinity. **CHESTER**, N of jct. of Rtes. 625 and 35, (12-18-70) HABS.
 Littleton vicinity. **LITTLE TOWN**, W of Littleton on VA 622, (11-18-76)
 Sussex. **SUSSEX COUNTY COURTHOUSE HISTORIC DISTRICT**, (7-24-73)

tazewell county

Maiden Spring vicinity. **INDIAN PAINTINGS**, 2.7 mi. S of jct. of Rts. 610 and 19 (460), (12-3-69)
 Pocahontas and vicinity. **POCAHONTAS HISTORIC DISTRICT**, Corporate boundaries of Pocahontas including N cemetery, (11-3-72)

virginia beach (independent city)

CAPE HENRY LIGHTHOUSE, Atlantic Ave. at U.S. 60, (10-15-66) NHL.
KEELING HOUSE, 3157 Adam Keeling Rd., (6-19-73) HABS.
LAND, FRANCIS, HOUSE, 3133 Virginia Beach Blvd., (5-12-75)
OLD DONATION CHURCH, 4449 N. Witch Duck Rd., (4-13-72)
PEMBROKE MANOR, E of jct. of Rtes. 627, 647, and U.S. 58, (2-26-70)
PLEASANT HALL, 5184 Princess Anne Rd., (1-25-73) HABS.
THOROUGHGOOD HOUSE, E of Norfolk on Lynnhaven River, (10-15-66) NHL; HABS.
UPPER WOLFENBARE, E of jct. of Rte. 635 and Rte. 632, (3-26-75)
WEBLIN HOUSE, 5588 Moore's Pond Rd., (11-8-74)
WISHART-BOUSH HOUSE, E of jct. of VA 649 and Absalom Rd., (11-12-69) HABS; G.

warren county

CEDAR CREEK BATTLEFIELD AND BELLE GROVE, Reference—see Frederick County
 Front Royal vicinity. **FLINT RUN ARCHEOLOGICAL DISTRICT**, SW of Front Royal on U.S. 340, (12-22-76)
 Limeton vicinity. **THUNDERBIRD ARCHEOLOGICAL DISTRICT**, VA 623, (5-5-77) NHL.
 Milldale. **MOUNT ZION**, NE of jct. of Rtes. 624 and 639, (2-26-70) HABS.

washington county

Abingdon. **ABINGDON BANK**, 225 E. Main St., (11-12-69)

Abingdon. **ABINGDON HISTORIC DISTRICT**, Both sides of Main St., (2-26-70)
 Abingdon. **MONT CALM**, W of VA 75, (7-18-74) HABS.
 Abingdon vicinity. **WHITE'S MILL**, NW of Abingdon on White Mill Rd., (9-10-74)
 Blackwell vicinity. **CRABTREE-BLACKWELL FARM**, 1 mi. S of Blackwell on SR 686, (4-1-75)

waynesboro (independent city)

COINER-QUESENBERRY HOUSE, 332 W. Main St., (11-7-76)

westmoreland county

Fredericksburg vicinity. **GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT**, E of Fredericksburg off U.S. 301 and VA 3, (10-15-66)
 Hague vicinity. **JONES, MORGAN, 1677 POTTERY KILN**, NW of Hague, (10-16-74)
 Lerty vicinity. **STRATFORD HALL**, N of Lerty on VA 214, (10-15-66) NHL; HABS.
 Montross vicinity. **CHANTILLY**, NE of jct. of VA 609 and 622, (12-16-71)
 Tucker Hill vicinity. **YEOCOMICO CHURCH**, SW of Tucker Hill on Rte. 606, (11-12-69) NHL; HABS.

Wakefield Corner vicinity. **BLLENHEIM**, N of Wakefield Corner off VA 204, (6-5-75) HABS; G.
 Westmoreland. **SPENCE'S POINT (JOHN R. DOS PASSOS FARM)**, On Sandy Point Neck, on VA 749, (11-11-71) NHL.

williamsburg (independent city)

BRUTON PARISH CHURCH, Duke of Gloucester St., (5-10-70) NHL; HABS.
COLONIAL NATIONAL HISTORICAL PARK, Reference—see James City County
RANDOLPH, PEYTON, HOUSE, Corner of Nicholson and N. England Sts., (4-15-70) NHL; HABS.
SEMPLE, JAMES, HOUSE, S side of Frances St. between Blair and Walker Sts., (4-15-70) NHL; HABS.
WILLIAMSBURG HISTORIC DISTRICT, Bounded by Francis, Waller, Nicholson, N. England, Lafayette, and Nassau Sts., (10-15-66) NHL; HABS.
WREN BUILDING, COLLEGE OF WILLIAM AND MARY, College of William and Mary campus, (10-15-66) NHL; HABS.
WYTHE HOUSE, W side of the Palace Green, (4-15-70) NHL.

winchester (independent city)

ABRAM'S DELIGHT, Parkview St. and Rouss Spring Rd., (4-11-73) HABS.
HANDLEY LIBRARY, NW corner of Braddock and Piccadilly Sts., (11-12-69)
JACKSON, THOMAS J., HEADQUARTERS, 415 N. Braddock St., (5-28-67) NHL.
KURTZ, ADAM, HOUSE (WASHINGTON'S HEADQUARTERS), Braddock and Cork Sts., (5-17-76)
OLD STONE CHURCH, 304 E. Piccadilly St., (8-18-77) HABS.

wise county

Big Stone Gap. **FOX, JOHN JR., HOUSE**, 117 Shawnee Ave., (6-7-74)
 Big Stone Gap. **"JUNE TOLLIVER" HOUSE**, On VA 613, (8-28-73)
 Big Stone Gap. **U.S. POST OFFICE AND COURTHOUSE**, U.S. 58, (12-23-75)

wythe county

Fosters Falls vicinity. **MARTIN SITE**, (8-13-74)
 Max Meadows vicinity. **FORT CHISWELL MANSION**, 181 near jct. of U.S. 52 and VA 121, (5-6-71)

Max Meadows vicinity. **SHOT TOWER**, W of jct. of Rte. 608 and U.S. 52, (10-1-69)
 Wytheville. **HALLER-GIBBONEY ROCK HOUSE**, Monroe and Tazewell Sts., (11-9-72) HABS; G.

york county

COLONIAL NATIONAL HISTORICAL PARK, Reference—see James City County
 Lackay vicinity. **LEE HOUSE (KISKIACK)**, NE of jct. of VA 238 and 168, (11-12-69) HABS.
 Williamsburg vicinity. **PORTO BELLO**, On Queens Creek, in Camp Peary Military Reservation, (4-13-73)
 Yorktown. **GRACE CHURCH**, Rte. 1003 and Main St., (9-15-70)
 Yorktown vicinity. **GOOCH, WILLIAM, TOMB AND YORK VILLAGE ARCHEOLOGICAL SITE**, E of Yorktown on U. S. Coast Guard Reserve Training Center, (1-18-74)
 Yorktown vicinity. **YORKTOWN WRECKS**, 4 mi. of York River between Gloucester and York County shores at Yorktown, (10-9-73)

WASHINGTON

adams county

Hooper vicinity. **STRAP IRON CORRAL**, 5 mi. N of Hooper on Harder Ranch, (8-1-75)
 Ritzville. **BORROUGHS, DR. FRANK R., HOUSE**, 408 Main St., (11-20-75)

asotin county

Asotin. **FULL GOSPEL CHURCH (GRACE PRESBYTERIAN CHURCH)**, 1st and Monroe Sts., (1-19-72)
 Asotin vicinity. **SNAKE RIVER ARCHEOLOGICAL DISTRICT**, Includes both banks of Snake River from Asotin to Oregon border, (5-13-76)
 Clarkston. **VANARSDOL, C. C., HOUSE**, 15th and Chestnut Sts., (5-6-75)

benton county

Paterson vicinity. **TELEGRAPH ISLAND PETROGLYPHS**, 2 mi. SW of Paterson on Telegraph Island, (3-10-75)
 Prosser. **BENTON COUNTY COURTHOUSE**, Dudley Ave. and Market St., (12-12-76)
 Prosser vicinity. **GLADE CREEK SITE**, SE of Prosser, (10-21-77)
 Richland vicinity. **HANFORD ISLAND ARCHEOLOGICAL SITE**, 18 mi. N of Richland, (8-28-76)
 Richland vicinity. **HANFORD NORTH ARCHEOLOGICAL DISTRICT**, 22 mi. N of Richland, (8-28-76)
 Richland vicinity. **LOCKE ISLAND ARCHEOLOGICAL DISTRICT**, About 25 mi. N of Richland, (8-28-76)
 Richland vicinity. **RATTLESNAKE SPRINGS SITES**, 25 mi. NW of Richland, (5-4-75)
 Richland vicinity. **RYEGRASS ARCHEOLOGICAL DISTRICT**, In Hanford Works Reservation, along Columbia River, (1-31-76)
 Richland vicinity. **SNIVELY CANYON ARCHEOLOGICAL DISTRICT**, About 25 mi. NW of Richland, (8-28-76)
 Richland vicinity. **WOODED ISLAND ARCHEOLOGICAL DISTRICT**, 7 mi. N of Richland, (7-19-76)

chelan county

ROCK ISLAND RAILROAD BRIDGE, Reference—see Douglas County
 Berne vicinity. **STEVENS PASS HISTORIC DISTRICT**, W of Berne on U.S. 2, (10-22-76) (also in King County)
 Cashmere. **BURBANK HOMESTEAD WATERWHEEL**, Cottage Ave., (9-6-74) G.

Cashmere vicinity. **BLEWETT ARRASTRA**, S of Cashmere on U.S. 97, (9-17-74)
 Stehekin. **BUCKNER CABIN**, Lake Chelan National Recreation Area, (5-17-74)
 Stehekin. **COURTNEY CABIN**, Lake Chelan National Recreation Area, (5-31-74)
 Stehekin. **STEHEKIN SCHOOL**, Lake Chelan National Recreation Area, (5-31-74)
 Stehekin vicinity. **BLACK WARRIOR MINE**, N of Stehekin in North Cascades National Park, (10-15-74)
 Wenatchee. **CENTENNIAL FLOUR MILL**, Skagit and Wenatchees Aves., (12-12-76)
 Wenatchee. **U.S. POST OFFICE AND ANNEX**, Mission and Yakima Sts., (5-27-77)
 Wenatchee. **WELLS HOUSE**, 1300 5th St., (6-4-73)
 Wenatchee vicinity. **WENATCHEE FLAT SITE**, (8-14-73)

clallam county

Forks vicinity. **WEDDING ROCK PETROGLYPHS**, NW of Forks in Olympia National Park, (4-3-76)
 La Push vicinity. **OZETTE INDIAN VILLAGE ARCHEOLOGICAL SITE**, N of La Push on Cape Alava, (1-11-74)
 Olympic Peninsula. **TATOOSH ISLAND**, NW of Cape Flattery, (3-16-72)
 Port Angeles vicinity. **HUMES RANCH CABIN**, S of Port Angeles on Elwha River, (9-14-77)
 Sequim vicinity. **MCALMOND HOUSE**, N of Sequim on Dungeness Bay, (8-9-76) G.

clark county

Camas vicinity. **PARKERSVILLE SITE**, S of Camas, (8-11-76)
 Ridgefield vicinity. **LANCASTER, JUDGE COLUMBIA, HOUSE**, N of Ridgefield on Lancaster Rd., (2-20-75)
 Vancouver. **COVINGTON HOUSE**, 4208 Main St., (5-5-72) HABS.
 Vancouver. **FORT VANCOUVER NATIONAL HISTORIC SITE**, NE of Vancouver, (10-15-66) HABS.
 Vancouver. **OFFICERS ROW, FORT VANCOUVER BARRACKS**, 611-1616 E. Evergreen Blvd., (11-11-74)
 Vancouver. **SLOCUM HOUSE**, 605 Esther St., (1-18-73) HABS.
 Woodland vicinity. **CEDAR CREEK GRIST MILL**, 9 mi. E of Woodland on Cedar Creek, (3-26-75)

columbia county

Dayton. **COLUMBIA COUNTY COURTHOUSE**, 341 E. Main, (2-10-75)
 Dayton. **DAYTON DEPOT**, 2nd and Commercial Sts., (11-19-74) G.

cowlitz county

Kelso. **SMITH, NAT, HOUSE**, 110 W. Grant St., (3-3-75)
 Woodland. **HULDA KLAGER LILAC GARDENS**, 115 S. Pekin Rd., (7-17-75)

douglas county

East Wenatchee vicinity. **PANGBORN-HERNDON MEMORIAL SITE**, 3 mi. NE of East Wenatchee, (3-16-72)
 Mansfield vicinity. **GALLAHER HOUSE**, 11.5 mi. NW of Mansfield on Deyer Rd., (8-1-75)
 Rock Island vicinity. **ROCK ISLAND RAILROAD BRIDGE**, SW of Rock Island over the Columbia River, (7-30-75) (also in Chelan County)
 Waterville. **DOUGLAS COUNTY COURTHOUSE**, Off U.S. 2, (9-5-75)

ferry county

Kettle Falls vicinity. **KETTLE FALLS DISTRICT**, (11-20-74) (also in Stevens County)

franklin county

Lyons Ferry vicinity. **MARMES ROCKSHELTER**, 1 mi. N of Lyons Ferry on W side of Palouse River, (10-15-66) NHL.
 Richland vicinity. **SAVAGE ISLAND ARCHEOLOGICAL DISTRICT**, 15 mi. N of Richland, (8-28-76)

garfield county

Pomeroy. **GARFIELD COUNTY COURTHOUSE**, 8th and Main Sts., (7-24-74)
 Pomeroy vicinity. **LEWIS AND CLARK TRAIL-TRAVOIS ROAD**, 5 mi. E of Pomeroy, U.S. 12, (1-11-74)

grant county

Ephrata. **GRANT COUNTY COURTHOUSE**, C St. NW., (9-5-75)
 Warden vicinity. **LIND COULEE ARCHEOLOGICAL SITE**, (1-21-74)
 Wilson Creek. **WILSON CREEK STATE BANK**, Off WA 7, (9-25-75)

grays harbor county

Hoquiam. **HOQUIAM'S CASTLE (ROBERT LYTLE MANSION)**, 515 Chenault Ave., (4-11-73)
 Westport vicinity. **GRAYS HARBOR LIGHT STATION**, W of Westport, (11-2-77)

island county

Oak Harbor. **LOERS, BENJAMIN, HOUSE**, 2046 Swantown Rd., (8-29-77)
 Oak Harbor vicinity. **CENTRAL WHIDBEY ISLAND HISTORIC DISTRICT**, S of Oak Harbor, roughly 6 mi. either side of Coupeville, (12-12-73) HABS; G.

jefferson county

Port Townsend. **BARTLETT, FRANK, HOUSE**, 314 Polk St., (4-24-73)
 Port Townsend. **CITY HALL**, Water and Madison Sts., (5-14-71)
 Port Townsend. **FORT WORDEN**, Cherry and W Sts., (3-15-74) NHL.
 Port Townsend. **FOWLER, CAPT. ENOCH S., HOUSE**, Corner of Polk and Washington Sts., (9-29-70)
 Port Townsend. **JAMES, FRANCIS WILCOX, HOUSE**, Corner of Washington and Harrison Sts., (9-29-70)

Port Townsend. **JEFFERSON COUNTY COURTHOUSE**, Jefferson and Case Sts., (4-24-73)
 Port Townsend. **LEADER BUILDING (FOWLER BUILDING)**, 226 Adams St., (9-29-70)

Port Townsend. **MANRESA HALL (EISENBEIS CASTLE)**, Sheridan St., (9-29-70)
 Port Townsend. **OLD GERMAN CONSULATE**, 313 Walker St., (2-24-71)
 Port Townsend. **POINT WILSON LIGHTHOUSE**, On a point of land between Juan de Fuca Strait and Admiralty Inlet, (3-24-71)

Port Townsend. **PORT TOWNSEND HISTORIC DISTRICT**, Roughly bounded by Scott, Blaine, Walker, and Taft Sts., and the waterfront, (5-17-76) NHL; G. G.
 Port Townsend. **ROTHSCHILD HOUSE**, Taylor and Franklin Sts., (9-29-70) G.
 Port Townsend. **SAUNDERS, JAMES C., HOUSE**, Sims Way, (10-18-77)
 Port Townsend. **ST. PAUL'S EPISCOPAL CHURCH**, Corner of Jefferson and Tyler Sts., (9-29-70)

king county

Port Townsend. **STARRETT HOUSE**, 744 Clay St., (9-29-70)
 Port Townsend. **TUCKER, HORACE, HOUSE**, 706 Franklin St., (1-18-73) HABS.
 Port Townsend vicinity. **FORT FLAGLER**, SE of Port Townsend on Marrowstone Is., (5-3-76)

STEVENS PASS HISTORIC DISTRICT, Reference—see Chelan County
 Auburn vicinity. **NEELY, AARON SR., MANSION**, E of Auburn off WA 18, (10-15-74)
 Fort Lawton vicinity. **WEST POINT LIGHT STATION**, W of Fort Lawton, (8-16-77)

Kirkland. **KIRK, PETER, BUILDING**, 620 Market St., (8-14-73) G.
 Kirkland. **RELIEF (lightship)**, Central Waterfront at Moss Bay, (4-23-75)
 Redmond. **CLISE, JAMES W., HOUSE**, 6046 Lake Sammamish Pkwy. NE., (6-19-73)
 Redmond. **YELLOWSTONE ROAD, THE**, 196th St. between the Fall City Hwy. and 80th NE., (12-2-74)

Redmond vicinity. **MARYMOOR PREHISTORIC INDIAN SITE**, 6046 W. Lake Sammamish Pkwy., NE., (11-20-70)
 Seattle. **ALASKA TRADE BUILDING (UNION RECORD BUILDING)**, 1915-1919 1st Ave., (5-6-71) G.
 Seattle. **ASSAY OFFICE (GERMAN CLUB)**, 613 9th Ave., (3-16-72)
 Seattle. **BALLARD AVENUE HISTORIC DISTRICT**, Ballard Ave. from NW Market to NW Dock Sts., (7-1-76)

Seattle. **BALLINGER, RICHARD A., HOUSE**, 1733 39th Ave., (5-28-76)
 Seattle. **BARNES BUILDING**, 2320-2322 First Ave., (2-24-75)
 Seattle. **BELL APARTMENTS**, 2326 1st Ave., (7-12-74)
 Seattle. **BUILDING NO. 105, BOEING AIRPLANE COMPANY (E. W. HEATH SHIPYARD)**, 200 S.W. Michigan St., (8-26-71)

Seattle. **BUTTERWORTH BUILDING**, 1921 1st Ave., (5-14-71) G.
 Seattle. **COLISEUM THEATER**, 5th Ave. and Pike St., (7-7-75)
 Seattle. **COLMAN BUILDING**, 811 1st Ave., (3-16-72)
 Seattle. **CORNISH SCHOOL**, 710 E. Roy St., (8-29-77)
 Seattle. **DUWAMISH NUMBER 1 SITE**, S of Elliott Bay, (10-18-77)

Seattle. **FIRE STATION NO. 18 (BALLARD FIRE STATION)**, 5427 Russell Ave. NW., (6-19-73)
 Seattle. **FIRE STATION NO. 23**, 18th Ave. and Columbia St., (9-10-71)
 Seattle. **FIRE STATION NO. 26**, 1400 Harvard Ave., (4-14-72)
 Seattle. **HILL, SAMUEL, HOUSE**, 814 E. Highland Dr., (5-3-76)

Seattle. **HOLYOKE BUILDING**, 1018-1022 1st Ave., (6-3-76)
 Seattle. **IRON PERGOLA**, 1st Ave. and Yesler Way, (8-26-71)
 Seattle. **KING STREET STATION**, 3rd St. S. and S. King St., (4-13-73)
 Seattle. **LEARY, ELIZA FERRY, HOUSE**, 1551 10th Ave. E., (4-14-72)

Seattle. **MERRILL, R. D., HOUSE**, 919 Harvard Ave., E., (8-22-77)
 Seattle. **MOORE THEATRE AND HOTEL**, 1932 2nd Ave., (8-30-74)
 Seattle. **NAVAL MILITARY HANGAR-UNIVERSITY SHELL HOUSE**, University of Washington campus, (7-1-75)

5328 WASHINGTON

Seattle. *NORTHERN LIFE TOWER* (SEATTLE TOWER), 1212 3rd Ave., (5-30-75)
Seattle. *OLD PUBLIC SAFETY BUILDING*, 4th Ave. and Terrace St. and 5th Ave. and Yesler Way, (6-19-73) g.
Seattle. *PARAMOUNT THEATRE*, 901 Pine St., (10-9-74)
Seattle. *PARK DEPARTMENT, DIVISION OF PLAYGROUNDS*, 301 Terry Ave., (3-16-72)
Seattle. *PIKE PLACE PUBLIC MARKET HISTORIC DISTRICT*, Roughly bounded by 1st and Western Aves. and Virginia and Pike Sts., (3-13-70) g.
Seattle. *PIONEER BUILDING, PERGOLA, AND TOTEM POLE*, 5th Ave. and Yesler Way, (5-5-77) nhl.
Seattle. *PIONEER HALL*, 1642 43rd Ave. East, (6-5-70)
Seattle. *PIONEER SQUARE-SKID ROAD DISTRICT*, (6-22-70) g.
Seattle. *QUEEN ANNE PUBLIC SCHOOL*, 515 W. Galer St., (7-30-75)
Seattle. *RAINIER CLUB*, 810 4th Ave., (4-22-76)
Seattle. *RONALD, JUDGE JAMES T., HOUSE*, 421 30th South, (2-20-75)
Seattle. *STIMSON-GREEN HOUSE*, 1204 Minor Ave., (5-4-76)
Seattle. *STOREY, ELLSWORTH, COTTAGES HISTORIC DISTRICT*, 1706-1816 S. Lake Washington Blvd. and 1725-1729 S. 36th Ave., (7-6-76)
Seattle. *STOREY, ELLSWORTH, RESIDENCES*, 260, 270 E. Dorffel Dr., (4-14-72)
Seattle. *VIRGINIA V.*, 4250 21st Ave. W., (4-24-73) g.
Seattle. *W. T. PRESTON*, Lake Washington Ship Canal, Hiram Chittenden Locks, (3-16-72)
Seattle. *WAWONA*, Seattle Police Harbor Patrol Dock, foot of Densmore St., (7-1-70) g.
Seattle. *TRIANGLE HOTEL AND BAR*, 551 1st Ave. South, (5-3-76)
Seattle. *TURNER-KOEPF HOUSE (JEFFERSON PARK LADIES IMPROVEMENT CLUB)*, 2336 15th Ave., S., (4-22-76)
Seattle. *UNION STATION*, 4th South and S. Jackson Sts., (8-30-74)
Seattle. *VOLUNTEER PARK*, Between E. Prospect and E. Galer Sts., and Federal and E. 15th Aves., (5-3-76)
Seattle. *WARD HOUSE*, 1427 Boren Ave., (3-16-72)
Seattle. *WASHINGTON STREET PUBLIC BOAT LANDING FACILITY*, S. Washington St. W of Alaskan Way, (6-10-74)
Seattle. *WILKE FARMHOUSE*, 1920 2nd North St., (11-1-74)
Snoqualmie. *SNOQUALMIE DEPOT*, 109 King St., (7-24-74) g.
Snoqualmie vicinity. *SNOQUALMIE FALLS CAVITY GENERATING STATION*, N of Snoqualmie on Snoqualmie River, (4-23-76)
kitsap county
Bainbridge Island. *S.S. SAN MATEO*, Eagle Harbor, (4-7-71) g.
Bremerton. *U.S.S. MISSOURI*, Puget Sound Naval Shipyard, (5-14-71)
Olalla. *NELSON, CHARLES F., HOUSE*, Corner of Nelson and Crescent Valley Rds., (8-28-73)
Port Gamble. *PORT GAMBLE HISTORIC DISTRICT*, (11-13-66) nhl; g.

NOTICES

Port Orchard. *HOTEL SIDNEY (NAVY VIEW APARTMENTS)*, 700 Prospect St., (3-1-73) g.

kittitas county

Cle Elum vicinity. *SALMON LA SAC GUARD STATION*, N of Cle Elum in Wenatchee National Forest, (7-15-74)
Ellensburg. *ELLENSBURG HISTORIC DISTRICT*, Roughly bounded by 3rd and 6th Aves., and Main and Ruby Sts., (7-1-77)
Ellensburg. *WASHINGTON STATE NORMAL SCHOOL BUILDING*, 8th Ave., (12-12-76)
Ellensburg vicinity. *OLMSTEAD PLACE STATE PARK*, 4 mi. E of Ellensburg near the Kittitas Hwy., (3-31-71) g.
Ellensburg vicinity. *SPRINGFIELD FARM*, 9 mi. N of Ellensburg, (4-13-77)
Liberty. *LIBERTY HISTORIC DISTRICT*, Both sides of Williams Creek Wagon Rd., (10-15-74)
Roslyn. *NORTHWESTERN IMPROVEMENT COMPANY STORE*, 1st St. and Pennsylvania Ave., (4-13-73) g.
Thorp. *THORP MILL*, Thorp Highway off U.S. 10/97, (11-23-77)

lickitiat county

Glenwood vicinity. *WHITCOMP CABIN*, 8 mi. S of Glenwood on SR 163, (6-10-75)
Goldendale. *NEWELL, CHARLES, HOUSE*, 114 Sentinel St., (8-18-77)
Goldendale vicinity. *MARYHILL*, SW of Goldendale on U.S. 197, (12-31-74) g.
The Dalles vicinity. *WISHRAM INDIAN VILLAGE SITE*, Horsethief Lake State Park, (3-16-72)

lewis county

Centralia. *BORST, JOSEPH, HOUSE*, 302 Bryden Ave., (12-27-77)
Chehalis. *BURLINGTON NORTHERN DEPOT*, Off U.S. 99/WA 1, (11-6-74)
Chehalis. *MCFADDEN, O. B., House*, 1639 Chehalis Ave., (4-1-75) HABS.
Chehalis vicinity. *JACKSON, JOHN R., HOUSE*, At Mary's Corner, 11 mi. S of Chehalis on Jackson Hwy. (U.S. 12), (1-11-74)
Claquato. *CLAQUATO CHURCH*, Off WA 12, (4-24-73)
Curtis vicinity. *WOLFENBARGER SITE*, S of Curtis, (5-2-77)
Mineral. *MINERAL LOG LODGE*, E side of Mineral Lake on Hill Rd., (3-26-75)
Vader. *OLSEN, BEN, HOUSE*, S end of D St., (11-7-76)

okanogan county

Bridgeport vicinity. *FORT OKANOGAN, SITE OF*, (6-4-73)
Conconully vicinity. *OKANOGAN PROJECT: CONCONULLY RESERVOIR DAM*, S of Conconully, (9-6-74)
Nespelem. *CHIEF JOSEPH MEMORIAL (NEZ PERCE CEMETERY)*, Near jct. of WA 10A and Cache Creek Rd., (5-15-74)
Oroville vicinity. *SMITH, HIRAM F. (OKANOGAN), ORCHARD*, 2 mi. N of Oroville on Osoyos Lake, (11-12-75)
Winthrop vicinity. *PARSON SMITH TREE*, 40 mi. N of Winthrop on the Canadian border in Okanogan National Forest, (3-16-72)

pacific county

Chinook vicinity. *CHINOOK POINT*, 5 mi. SE of Fort Columbia Historical State Park on U.S. 101, (10-15-66) nhl.
Ilwaco. *COLBERT HOUSE*, Quaker and Lake Sts., (10-18-77)

Ilwaco vicinity. *CAPE DISAPPOINTMENT HISTORIC DISTRICT*, From 0.5 mi. S of Ilwaco to WA/OR boundary, (8-15-75)

Oysterville. *OYSTERVILLE HISTORIC DISTRICT*, WA 103, (4-21-76)

South Bend. *PACIFIC COUNTY COURTHOUSE*, Cowlitz and Vine Sts., (7-20-77)

South Bend. *RUSSELL HOUSE*, 902 E. Water St., (11-25-77)

pierce county

Dupont vicinity. *FORT NISQUALLY SITE*, NW of Dupont off I 5, (10-16-74)

Elbe. *ELBE EVANGELICAL LUTHERAN CHURCH*, WA 5, (10-8-76)

Puyallup. *MEEKER, EZRA, MANSION*, 321 Pioneer Ave. E., (8-26-71) g.

Steilacoom. *DAVIDSON HOUSE (PHILLIP KEACH HOUSE)*, 1802 Commercial St., (7-27-73) HABS.

Steilacoom. *ORR, NATHANIEL, HOUSE AND ORCHARD (ORKMOUNT)*, 1807 Rainier St., (11-21-72)

Steilacoom. *STEILACOOM CATHOLIC CHURCH (CHURCH OF THE IMMACULATE CONCEPTION)*, 1810 Nisqually St., (7-30-74) HABS.

Steilacoom. *STEILACOOM HISTORIC DISTRICT*, Between Nisqually St. and Puget Sound, (11-24-75) HABS.

Steilacoom vicinity. *FORT STEILACOOM*, NE of Steilacoom, (11-25-77)
Sumner. *RYAN HOUSE*, 1228 Main St., (6-30-76)

Tacoma. *CAMP SIX (WESTERN WASHINGTON FOREST INDUSTRIES MUSEUM)*, Point Defiance Park, (3-7-73)

Tacoma. *DRUM, HENRY, HOUSE*, 9 'St. Helens St., (7-20-77)

Tacoma. *ENGINE HOUSE NO. 9*, 611 N. Pine St., (7-30-75)

Tacoma. *FORT NISQUALLY GRANARY AND FACTOR'S HOUSE*, Point Defiance Park, (4-15-70) nhl; HABS.

Tacoma. *NORTHERN PACIFIC OFFICE BUILDING*, NE corner of 7th St. and Pacific Ave., (5-4-76)

Tacoma. *OLD CITY HALL*, 7th Ave. between Commerce and Pacific Aves., (5-17-74)

Tacoma. *OLD CITY HALL HISTORIC DISTRICT*, Roughly bounded by St. Helens Ave., Court C, freeway spur, 7th and 9th Sts., (12-23-77)

Tacoma. *PANTAGES THEATRE/JONES BUILDING*, 901 and 909 Broadway, (11-7-76)

Tacoma. *SAMSON HOTEL*, 1156 S. Fawcett St., (2-18-75) g.

Tacoma. *SLAVONIAN HALL*, 2306 N. 30th St., (11-7-76)

Tacoma. *ST. PETER'S EPISCOPAL CHURCH*, Starr between 29th and 30th Sts., (11-5-74)

Tacoma. *STADIUM-SEMINARY HISTORIC DISTRICT*, Roughly bounded by 1st, I, 10th Sts., and shoreline, (5-26-77)

Tacoma. *UNION PASSENGER STATION*, 1713 Pacific Ave., (3-15-74)

Tacoma. *WRIGHT PARK AND SEYMOUR CONSERVATORY*, Division Ave. to 6th Ave., between S. G and I Sts., (10-8-76)

Tacoma vicinity. *CABIN NO. 97 (WALTER CROOKS CABIN)*, NW of Tacoma on Salmon Beach, (12-13-77)

Wilkeson. *WILKESON SCHOOL*, Off WA 165, (10-8-76)

Wilkeson vicinity. *COKE OVENS*, SE of Wilkeson at RR. tracks, (6-10-74)

san juan county

East Sound vicinity. *PATOS ISLAND LIGHT STATION*, N of East Sound on Patos Island, (10-21-77)

Friday Harbor vicinity, San Juan Island. *SAN JUAN ISLAND NATIONAL HISTORICAL PARK*, Between Haro Strait and San Juan Channel, (10-15-66)

San Juan Island. *ROCHE HARBOR*, Northern San Juan Island, (8-29-77)

Shaw Island. *LITTLE RED SCHOOLHOUSE*, Corner of Hoffman Cove and Neck Point Cove Rd., (6-19-73)

skagit county

Anacortes. *ANACORTES PUBLIC LIBRARY*, 1305 8th St., (10-21-77)

Concrete vicinity. *BAKER RIVER BRIDGE*, On WA 20, over Skagit River, (5-4-76)

LaConner. *LACONNER HISTORIC DISTRICT*, (4-24-74)

Mount Vernon vicinity. *SKAGIT CITY SCHOOL*, 3.5 mi. S of Mount Vernon on Moore Rd., (7-15-77)

snohomish county

Edmonds. *CARNEGIE, ANDREW, LIBRARY*, 118 5th Ave. N., (4-24-73)

Everett. *EVERETT CARNEGIE LIBRARY*, 3001 Oakes Ave., (12-6-75)

Everett. *MCCABE BUILDING*, 3120 Hewitt Ave., (10-21-77)

Everett. *MONTE CRISTO HOTEL*, 1507 Wall St., (6-3-76)

Everett. *RUCKER HOUSE*, 412 Laurel Dr., (12-4-75)

Everett. *EQUATOR*, 14th St. Yacht Basin, (4-14-72) g.

Everett. *SNOHOMISH COUNTY COURTHOUSE*, Wetmore Ave. between Wall St. and Pacific Ave., (12-6-75)

Everett. *SWALLOW BLOCK AND ADJOINING COMMERCIAL BUILDINGS*, 2901-2909 and 2915 Hewitt Ave., (5-17-76)

Everett. *U.S. POST OFFICE AND CUSTOMSHOUSE*, 3006 Colby Ave., (6-22-76)

Everett vicinity. *"JACK KNIFE" BRIDGE*, Spans the Ebey Slough at Home Acres Rd. E of Everett, (11-2-73)

Index. *RED MEN HALL (REDMEN WIGWAM)*, Index Ave. at 6th St., (4-13-73)

Marysville vicinity. *INDIAN SHAKER CHURCH*, W of Marysville, Tulalip Reservation, N. Meridian Ave., (5-4-76)

Marysville vicinity. *ST. ANNE'S ROMAN CATHOLIC CHURCH*, W of Marysville on Mission Beach Rd., (6-18-76)

Marysville vicinity. *TULALIP INDIAN AGENCY OFFICE*, 3901 Mission Beach Rd., Tulalip Reservation, (5-3-76)

Mukilteo. *MUKILTEO LIGHT STATION*, WA 525, (10-21-77)

Snohomish. *SNOHOMISH HISTORIC DISTRICT*, Roughly bounded by Ave. E, 5th St., Union Ave., Northern Pacific RR., and Snohomish River, (10-22-74)

Stanwood. *PEARSON, D. O., HOUSE (HERITAGE HOUSE)*, Pearson and Market Sts., (5-25-73)

spokane county

Cheney vicinity. *DYBDALE GRIST MILL*, 10 mi. S of Cheney at Chapman Lake, (1-11-76)

Cheney vicinity. *ITALIAN ROCK OVENS*, S of Cheney, (9-29-76)

Cheney vicinity. *SUTTON BARN*, 0.5 mi. SW of Cheney off U.S. 395, (11-20-75)

NOTICES

Cheney vicinity. *TURNBULL PINES ROCK SHELTER*, S of Cheney in Turnbull National Wildlife Refuge, (5-6-75)

Medical Lake. *HALLETT HOUSE*, E. 623 Lake SE., (6-17-76)

Spokane. *BROWNE'S ADDITION HISTORIC DISTRICT*, Roughly bounded by Sunset Blvd., Maple, Latah Creek, and Spokane River, (7-30-76) g.

Spokane. *CAMPBELL HOUSE*, W. 2316 1st Ave., (5-31-74)

Spokane. *CLARK MANSION*, W. 2208 2nd Ave., (10-31-75)

Spokane. *COWLEY PARK*, S. Division St. between 6th and 7th Aves., (2-6-73)

Spokane. *DAVENPORT HOTEL*, 807 W. Sprague, (9-5-75)

Spokane. *EMPIRE STATE BUILDING*, W. 901 Riverside St., (8-18-77)

Spokane. *FINCH HOUSE*, W. 2340 1st Ave. S. 104 Poplar, (7-12-76)

Spokane. *GLOVER HOUSE*, W. 321 8th Ave., (8-14-73) g.

Spokane. *MONROE STREET BRIDGE*, Monroe St. between Ide Ave. and Riverfalls Blvd., (5-13-76)

Spokane. *NATATORIUM CAROUSEL*, Spokane Falls Blvd., (9-19-77)

Spokane. *REVIEW BUILDING*, SE corner, Riverside Ave. and Monroe St., (2-24-75)

Spokane. *RIVERSIDE AVENUE HISTORIC DISTRICT*, Riverside Ave., (7-30-76)

Spokane. *SPOKANE COUNTY COURTHOUSE*, W. 1116 Broadway, (1-21-74)

Spokane vicinity. *FORT GEORGE WRIGHT HISTORIC DISTRICT*, W. 4000 Randolph Rd., (5-17-76)

Spokane vicinity. *HUTTON SETTLEMENT*, 9907 Wellesley, (1-1-76)

stevens county

Kettle Falls District. Reference—see Ferry County

Chewelah. *OLD INDIAN AGENCY*, 3rd St., (5-17-74) HABS.

Ford vicinity. *LONG LAKE PICTOGRAPHS*, 5.5 mi. SE of Ford, (5-24-76)

thurston county

Bucoda. *SEATCO PRISON SITE*, Off WA 507, (5-2-75)

Olympia. *OLD CAPITOL BUILDING*, 600 block Washington St., (5-30-75)

Tenino. *TENINO DEPOT*, Off WA 507, (12-27-74) g.

wahkiakum county

Cathlamet. *PIONEER CHURCH (CONGREGATIONAL CHURCH)*, Alley St., (4-11-73)

Deep River vicinity. *DEEP RIVER PIONEER LUTHERAN CHURCH*, N of Deep River, (8-7-74)

Grays River vicinity. *GRAYS RIVER COVERED BRIDGE*, WA 4, 1.5 mi. E of Grays River, (11-23-71) g.

Skamokawa. *SKAMOKAWA HISTORIC DISTRICT*, WA 4, (4-21-76) g.

walla walla county

Waitsburg. *BRUCE, WILLIAM PERRY, HOUSE*, 4th and Main Sts., (11-20-75)

Walla Walla. *DACRES HOTEL*, 4th and Main Sts., (11-5-74)

Walla Walla. *FORT WALLA WALLA HISTORIC DISTRICT*, 77 Wainwright Dr., (4-16-74) g.

Walla Walla. *KIRKMAN HOUSE*, 214 N. Colville St., (12-27-74)

WASHINGTON 5329

Walla Walla. *MEMORIAL BUILDING, WHITMAN COLLEGE*, 345 Boyer Ave., (12-3-74) g.

Walla Walla. *WALLA WALLA PUBLIC LIBRARY*, 109 S. Palouse St., (11-20-74)

Walla Walla vicinity. *WHITMAN MISSION NATIONAL HISTORIC SITE*, 6 mi. W of Walla Walla off U.S. 410, (10-15-66)

whatcom county

Bellingham. *BACON, GEORGE, H., HOUSE*, 2001 Eldridge Ave., (11-21-74)

Bellingham. *FAIRHAVEN HISTORIC DISTRICT*, Roughly bounded by 10th and 13th Sts., Columbia and Larrabee Aves., (8-19-77)

Bellingham. *GAMWELL HOUSE*, 1001 16th St., (3-16-72)

Bellingham. *GREAT NORTHERN PASSENGER STATION*, S end of D St., (5-30-75)

Bellingham. *LARRABEE HOUSE*, 405 Fieldstone Rd., (5-30-75)

Bellingham. *MORSE, ROBERT I., HOUSE*, 1014 N. Garden St., (11-7-77)

Bellingham. *OLD MAIN, WESTERN WASHINGTON STATE COLLEGE*, 516 High St., (11-7-77)

Bellingham. *PICKETT HOUSE*, 910 Bancroft St., (12-13-71) HABS.

Bellingham. *ROEDER, VICTOR A., HOUSE*, 2600 Sunset Dr., (11-7-77)

Bellingham. *WHATCOM MUSEUM OF HISTORY AND ART (OLD CITY HALL)*, 121 Prospect St., (4-3-70) g.

Bellingham. *YOUNG WOMEN'S CHRISTIAN ASSOCIATION*, 1026 N. Forest St., (4-21-77)

Ferndale. *HOVANDER HOMESTEAD*, 5299 Neilson Rd., (10-16-74)

Newhalem vicinity. *DEVIL'S CORNER CLIFF WALK*, N of Newhalem in Ross Lake National Recreation Area, (6-7-74)

Point Roberts. *BOUNDARY MARKER NO. 1*, Marine Dr. at U.S./Canada border, (5-30-75)

whitman county

Colfax. *PERKINS, JAMES A., HOUSE*, N. 623 Perkins St., (12-11-72) g.

Elberton. *ELBERTON HISTORIC DISTRICT*, Off WA 272 at Palouse River, (5-26-77)

Garfield. *MCCROSKEY, R. C., HOUSE*, 4th and Manning Sts., (11-21-74)

Hay vicinity. *HENLEY SITE*, W of Hay, (9-19-77)

Pullman. *THOMPSON, ALBERT W., HALL (OLD ADMINISTRATION BUILDING)*, Administration Rd. on Washington State University campus, (3-1-73)

Rosalia vicinity. *STEPTOE BATTLEFIELD SITE*, SE of Rosalia, (5-6-76)

Uniontown vicinity. *COLLINS HOUSE AND GRANARY*, SE of Uniontown off U.S. 195, (7-30-74) HABS.

yakima county

Sawyer. *SAWYER, W. P., HOUSE AND ORCHARD*, U.S. 12, (11-23-77)

Sawyer vicinity. *MATTOON CABIN*, S of Sawyer on U.S. 12, (10-28-77)

Tampico vicinity. *ST. JOSEPH'S MISSION*, E of Tampico on Tampico Rd., (12-22-76)

Union Gap vicinity. *KAMIAKIN'S GARDENS*, W of Union Gap on Lower Ahtanum Rd., (12-22-76)

Yakima. *CAPITOL THEATRE (MERCY THEATRE, LOWE STATE THEATRE)*, 19 S. 3rd St., (4-11-73)

Yakima. *CARBONNEAU MANSION*, 620 S. 48th Ave., (12-12-76)

5330 WEST VIRGINIA

Yakima. *DONALD HOUSE*, 304 N. 2nd St., (12-12076)
Yakima vicinity. *FORT SIMCOE STATE PARK*, SW of Yakima on WA 220, (6-27-74)

WEST VIRGINIA

barbour county

Philippi. *PHILIPPI COVERED BRIDGE*, Main St., over Tygart Valley River, (9-14-72)

berkeley county

Arden vicinity. *AR-QUA SPRINGS (THOMAS THORNBROUGH HOUSE)*, SW of Arden on SR 37, (12-12-76)

Hedgesville vicinity. *CUNNINGHAM, SAMUEL, HOUSE*, SE of Hedgesville off WV 9, (12-12-76)

Hedgesville vicinity. *HEDGES, SAMUEL, HOUSE*, S of Hedgesville on SR 9/10, (12-12-76)

Hedgesville vicinity. *SNODGRASS TAVERN*, W of Hedgesville on WV 3, (4-24-73)

Martinsburg. *BOYDVILLE*, 601 S. Queen St., (10-15-70)

Martinsburg. *FEDERAL AVIATION ADMINISTRATION RECORDS CENTER (OLD COURT HOUSE)*, 300 W. King St., (9-10-74)

Martinsburg. *STEPHEN, ADAM, HOUSE*, 309 E. John St., (10-15-70)

Martinsburg vicinity. *SWAN POND*, E of Martinsburg on WV 5/3, (7-29-77)

Martinsburg vicinity. *VAN METRE FORD STONE BRIDGE*, E of Martinsburg across Opequon Creek on SR 36, (8-22-77)

brooke county

Bethany. *OLD BETHANY CHURCH*, Main and Church Sts., (12-12-76)

Bethany. *OLD MAIN, BETHANY COLLEGE*, Bethany College campus, (8-25-70) g.

Bethany. *PENDLETON HEIGHTS*, Bethany College campus, (6-26-75)

Bethany vicinity. *CAMPBELL, ALEXANDER, MANSION*, E of Bethany on WV 67, (10-15-70)

cabell county

Huntington. *BALTIMORE AND OHIO RAILROAD DEPOT*, 1100 block of 2nd Ave., (10-30-73)

Huntington. *CARROLL, THOMAS, HOUSE*, 234 Guyan St., (6-1-73)

Huntington. *HARVEY HOUSE*, 1305 3rd Ave., (8-21-72)

Huntington. *OLD MAIN, MARSHALL UNIVERSITY*, 16th St., Marshall University campus, (7-16-73)

Milton. *MUD RIVER COVERED BRIDGE*, Off U.S. 60 on SR 25 over Mud River, (6-10-75)

fayette county

Ansted. *CONTENTMENT*, Along U.S. 60, (12-30-74)

Clifftop vicinity. *TYREE STONE TAVERN (OLD STONE HOUSE)*, E of Clifftop off U.S. 19 on SR 10, (6-20-75)

grant county

Lahmansville vicinity. *SNYDER, NOAH, FARM*, 1.5 mi. S of Lahmansville on Rte. 5, (6-10-75)

Petersburg vicinity. *THE MANOR*, N of Petersburg off WV 42, (12-18-75)

William vicinity. *FAIRFAX STONE SITE*, N of William at corner of Grant, Preston, and Tucker counties, (1-26-70) (also in Preston and Tucker counties)

NOTICES

greenbrier county

Caldwell. *ELMHURST*, U.S. 60, (6-5-75)

Lewisburg. *GREENBRIER COUNTY COURTHOUSE AND LEWIS SPRING*, Corner of Court and Randolph Sts., (8-17-73)

Lewisburg. *JOHN WESLEY METHODIST CHURCH*, E. Foster St., (6-5-74)

Lewisburg. *MT. TABOR BAPTIST CHURCH*, Court and Foster Sts., (12-12-76)

Lewisburg. *NORTH, JOHN A., HOUSE (STAR TAVERN)*, 100 Church St., (10-9-74)

Lewisburg. *OLD STONE CHURCH (PRESBYTERIAN)*, Church and Foster Sts., (2-23-72)

Lewisburg. *PRICE, GOV. SAMUEL, HOUSE*, 224 N. Court St., (6-20-75)

Lewisburg. *SUPREME COURT LIBRARY BUILDING (GREENBRIER COUNTY LIBRARY AND MUSEUM)*, U.S. 60W and Courtney Dr., (2-23-72)

Lewisburg. *WITHROW, JAMES, HOUSE*, 200 N. Jefferson St., (12-31-74)

Lewisburg vicinity. *ARBuckle, ALEXANDER W., I, HOUSE (MICHAEL BAKER HOUSE)*, 2 mi. N of Lewisburg on Arbuckle Lane, (5-3-76)

Lewisburg vicinity. *CREIGH, DAVID S., HOUSE (MONTECENA)*, SW of Lewisburg off the Davis-Stuart Rd., (11-12-75)

Lewisburg vicinity. *HARTLAND (ROGERS FARM)*, 2 mi. W of Lewisburg on Houfnagle Rd., (6-10-75)

Lewisburg vicinity. *MORLUNDA (COL. SAMUEL MCCLUNG PLACE)*, NW of Lewisburg on SR 40, (3-25-77)

Lewisburg vicinity. *TUCKWILLER TAVERN*, 2 mi. NW of Lewisburg on U.S. 60, (3-4-75)

White Sulphur Springs. *GREENBRIER, THE*, Off U.S. 60, (10-9-74)

hampshire county

Junction vicinity. *SLOAN-PARKER HOUSE (STONE HOUSE)*, E of Junction on U.S. 50, (6-5-75)

Romney. *WILSON-WODROW-MYTINGER HOUSE*, 51 W. Gravel Lane, (8-22-77)

hancock county

New Manchester. *OLD COURTHOUSE*, High and Elm Sts., (7-2-73)

Weirton vicinity. *TARR, PETER, FURNACE SITE*, N of Weirton off WV 2, (1-1-76)

hardy county

Mathias vicinity. *LEE, LIGHTHORSE HARRY, CABIN*, W of Mathias in Lost River State Park, (7-30-74)

Moorefield. *OLD HARDY COUNTY COURTHOUSE*, Winchester Ave. and Elm St., (10-9-74)

Moorefield vicinity. *FORT PLEASANT*, N of Moorefield, (7-16-73)

Moorefield vicinity. *MILL ISLAND*, S of Moorefield, (7-2-73)

Moorefield vicinity. *WILLOWS, THE*, S of Moorefield, (7-2-73)

Old Fields vicinity. *WILLOW WALL*, S of Old Fields, (7-2-73)

harrison county

Clarksburg. *GOFF, NATHAN JR., HOUSE*, 463 W. Main St., (12-12-76)

Good Hope vicinity. *INDIAN CAVE PETROGLYPHS*, W of Good Hope, (3-16-76)

Lost Creek vicinity. *SMITH, WATTERS, FARM ON DUCK CREEK*, W of Lost Creek off U.S. 19 in Watters Smith Memorial State Park, (5-16-74)

Shinnston. *SHINN, LEVI, HOUSE*, Clarksburg Rd. (U.S. 19), (7-16-73)

jefferson county

Charles Town. *CEDAR LAWN*, 3.5 mi. W of Charles Town off VA 51, (12-4-74) HABS.

Charles Town. *JEFFERSON COUNTY COURTHOUSE*, N. George and E. Washington Sts., (7-10-73) HABS.

Charles Town. *RICHWOOD HALL*, About 4 mi. W of Charles Town off WV 51, (6-19-73)

Charles Town vicinity. *CLAYMONT COURT*, SW of Charles Town off U.S. 340, (7-25-73) HABS.

Charles Town vicinity. *HAREWOOD*, W of Charles Town off WV 51, (3-14-73)

Charles Town vicinity. *WASHINGTON, CHARLES, HOUSE (HAPPY RETREAT)*, S of Charles Town off WV 9, (7-2-73) HABS.

Charles Town vicinity. *WORTHINGTON, ROBERT, HOUSE (PIEDMONT)*, 2 mi. W of Charles Town off WV 51, (7-2-73) HABS.

Halltown vicinity. *BEALL-AIR*, W of Halltown off U.S. 340, (8-17-73)

Harpers Ferry. *HARPERS FERRY NATIONAL HISTORICAL PARK*, At confluence of Shenandoah and Potomac rivers, (10-15-66) HABS. (also in Washington County, MD)

Harpers Ferry. *ST. PETER'S ROMAN CATHOLIC CHURCH*, Church St. and Jefferson Rock Trail, (3-30-73)

Kearneysville. *TRAVELLER'S REST*, 3.3 mi. NW of Leetown on WV 48, (11-15-72) NHL; HABS.

Leetown. *PRATO RIO*, WV 48, (4-11-73) HABS.

Leetown vicinity. *WOODBURY*, NE of Leetown, (10-9-74)

Shenandoah Junction. *HAZELFIELD*, NW of Shenandoah Junction off Warm Springs Rd., (12-12-76)

Shepherdstown. *RUMSEY HALL (ENTLER HOTEL)*, German and Princess Sts., (3-30-73)

Shepherdstown. *SHEPHERD'S MILL*, High St., (5-6-71)

Shepherdstown. *SHEPHERDSTOWN HISTORIC DISTRICT*, Bounded roughly by Mill, Rocky, Duke, and Washington Sts., (8-17-73)

Shepherdstown vicinity. *COLD SPRING*, S of Shepherdstown on CR 17, (8-14-73) HABS.

Shepherdstown vicinity. *ELMWOOD*, S of Shepherdstown on CR 17, (8-17-73) HABS.

kanawha county

Cedar Grove. *CEDAR GROVE (WILLIAM TOMPKINS HOUSE)*, SE of Jct. of U.S. 60 and Kanawha and James River Tpke., (3-10-75)

Cedar Grove. *LITTLE BRICK CHURCH (VIRGINIA'S CHAPEL)*, 0.75 mi. E of Kelley's Creek on U.S. 60, (12-16-74)

Charleston. *CRAIK-PATTON HOUSE (ELM GROVE)*, U.S. 60 in Daniel Boone Roadside Park, (4-16-75)

Charleston. *FORT SCAMMON*, Fort Circle Dr., (3-26-76)

Charleston. *HOLLY GROVE MANSION*, 1710 E. Kanawha Blvd., (8-28-74)

Charleston. *SUNRISE (MACCORKLE MANSION)*, 746 Myrtle Rd., (7-24-74)

Charleston. *WEST VIRGINIA CAPITOL COMPLEX*, Along Kanawha Blvd., E., (12-31-74)

Dunbar. *DUTCH HOLLOW WINE CELLARS*, Dutch Hollow Rd., (12-18-70)

Malden. *AFRICAN ZION BAPTIST CHURCH*, 4104 Malden Dr., (12-27-74)

Marmet. *EBENEZER CHAPEL*, Ohio Ave., S at Hillview Dr., (12-16-74)

South Charleston. *SOUTH CHARLESTON MOUND (CRIEL MOUND)*, (10-15-70)

St. Albans. *CHITTON HOUSE*, Off U.S. 60, (4-29-77)

St. Albans. *ST. ALBANS SITE*, Between U. S. 60 and the Kanawha River, (5-3-74)

St. Albans. *ST. MARK'S EPISCOPAL CHURCH*, 405-407 B St., (11-7-77)

lewis county

Jackson Mill vicinity. *JACKSON'S MILL*, E of Jackson Mill on Rte. 1, (2-23-72)

marion county

Barrackville. *BARRACKVILLE COVERED BRIDGE*, WV 21, over Buffalo Creek, (3-30-73)

Fairmont vicinity. *PRICKETT'S FORT*, E of Fairmont, off WV 73, (2-13-74)

marshall county

Moundsville vicinity. *GRAVE CREEK MOUND*, (10-15-66) NHL.

mason county

Point Pleasant. *POINT PLEASANT BATTLEGROUND*, SW corner of Main and 1st Sts., (1-26-70)

mercer county

Athens vicinity. *FRENCH, COL. WILLIAM HENDERSON, HOUSE*, S of Athens off WV 20, (3-12-76)

Princeton. *HALE, DR. JAMES W., HOUSE*, 1034 Mercer St., (3-12-76)

mineral county

Fort Ashby. *FORT ASHBY*, South St., (12-18-70)

monongalia county

Cheat Neck vicinity. *HENRY CLAY FURNACE*, SE of Cheat Neck in Cooper's Rock State Forest, (1-26-70)

Morgantown. *OLD STONE HOUSE*, Chestnut St., (12-27-72)

Morgantown. *WADE, ALEXANDER, HOUSE*, 256 Prairie St., (10-15-66) NHL.

Morgantown. *WOODBURN CIRCLE*, University Ave., West Virginia University, (12-4-74)

Pentress vicinity. *MASON AND DIXON SURVEY TERMINAL POINT (BROWN'S HILL)*, 2.25 mi. NE of Pentress on WV 39, (6-25-73)

Ringgold vicinity. *HAMILTON FARM PETROGLYPHS*, (8-7-74)

monroe county

Salt Sulphur Springs vicinity. *INDIAN CREEK COVERED BRIDGE*, 1.5 mi. S of Salt Sulphur Springs on U.S. 219, (4-1-75)

Sweet Springs. *OLD SWEET SPRINGS*, WV 3, (1-26-70)

Union vicinity. *ELMWOOD (HUGH CAPERTON HOUSE)*, N of Union off U.S. 219, (5-13-76)

Union vicinity. *REHOBOTH CHURCH*, 2 mi. E of Union off WV 3, (12-31-74)

Union vicinity. *SPRING VALLEY FARM*, NE of Union on U.S. 219, (12-30-74)

Union vicinity. *WALNUT GROVE*, N of Union on U.S. 219, (8-22-77)

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morgan county

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK, Reference—see Allegany County, MD

Berkeley Springs. *BERKELEY SPRINGS STATE PARK*, S. Washington and Fairfax Sts., (5-24-76)

nicholas county

Kessler's Cross Lanes vicinity. *CARNIFEX FERRY STATE PARK*, S of Kessler's Cross Lanes off WV 129, (7-24-74)

ohio county

Wheeling. *CENTER WHEELING MARKET*, Market St. between 22nd and 23rd Sts., (2-20-75) HABS.

Wheeling. *INDEPENDENCE HALL*, 1524 Market St., (1-26-70) HABS; G.

Wheeling. *SHEPHERD HALL (MONUMENT PLACE)*, Monument Place and Kruger St., (12-18-70) HABS.

Wheeling. *WHEELING SUSPENSION BRIDGE*, Over Ohio River from 10th St., Wheeling, to Virginia St., Wheeling Island, (1-26-70) NHL; HABS.

pendleton county

Petersburg vicinity. *OLD JUDY CHURCH*, About 10 mi. S of Petersburg on U.S. 220, (5-13-76)

pocahontas county

Cass. *CASS SCENIC RAILROAD*, Along railroad tracks from Cass to Bald Knob, (7-12-74)

Green Bank vicinity. *REBER RADIO TELESCOPE*, National Radio Astronomy Observatory, NE of Green Bank on WV 28, (11-9-72)

Hillsboro vicinity. *BUCK, PEARL, HOUSE*, NE of Hillsboro on U.S. 219, (6-15-70) g.

Marlinton. *HUNTER, FRANK AND ANNA, HOUSE*, U.S. 219, (5-13-76)

Marlinton. *POCAHONTAS TIMES PRINT SHOP*, 810 2nd Ave., (9-22-77)

Marlinton vicinity. *DROOP MOUNTAIN BATTLEFIELD*, About 14 mi. S of Marlinton on U.S. 219, (1-26-70)

preston county

FAIRFAX STONE, Reference—see Grant County

Aurora vicinity. *RED HORSE TAVERN (OLD STONE HOUSE)*, 1 mi. E of Aurora on U.S. 50, (7-2-73)

putnam county

Buffalo vicinity. *BUFFALO INDIAN VILLAGE SITE*, (1-25-71)

raleigh county

Beckley. *WILDWOOD (GENERAL ALFRED BECKLEY HOME)*, 117 Laurel Ter., (8-25-70) g.

randolph county

Beverly. *BLACKMAN-BOSWORTH STORE*, Main and Court Sts., (4-14-75)

Elkins. *GRACELAND (HENRY GASSAWAY DAVIS HOME)*, Davis and Elkins College campus, (9-17-70)

Huttonsville. *HUTTON, E. E., HOUSE*, Jct. of U.S. 219/250 and Union St., (6-11-75)

summers county

Lowell vicinity. *GRAHAM, COL. JAMES, HOUSE*, SW of Lowell on WV 3, (3-16-76)

taylor county

Grafton. *ANDREWS METHODIST CHURCH (MOTHER'S DAY SHRINE)*, E. Main St.

WISCONSIN 5331

between St. John and Luzader Sts., (12-18-70)

tucker county

FAIRFAX STONE SITE, Reference—see Grant County

tyler county

Sistersville. *DURHAM, E. A., HOUSE*, 110 Chelsea St., (6-19-73)

Sistersville. *SISTERSVILLE CITY HALL*, City Sq., Main and Diamond Sts., (10-5-72) g.

Sistersville. *SISTERSVILLE HISTORIC DISTRICT*, From Chelsea to the Ohio River between Catherine and both sides of Virginia Sts., (8-13-75)

Sistersville. *WELLS INN (WELLS HOTEL)*, 316 Charles St., (10-5-72)

upshur county

French Creek. *FRENCH CREEK PRESBYTERIAN CHURCH*, Rte. 2, (12-24-74)

wirt county

Burning Springs. *BURNING SPRINGS COMPLEX*, Along the N bank of the Kanawha River from the confluence of Burning Springs Run, (5-6-71)

Elizabeth. *BEAUCHAMP-NEWMAN HOUSE*, Court St., (7-24-74)

wood county

Parkersburg. *JULIA-ANN SQUARE HISTORIC DISTRICT*, Both sides of Juliana and Ann Sts. from cemetery to 9th St., (5-24-77)

Parkersburg vicinity. *BLENNERHASSETT ISLAND HISTORIC DISTRICT*, On the Ohio River, 1.7 mi. S of Parkersburg, (9-7-72) g.

Williamstown. *TOMLINSON MANSION*, 901 W. 3rd St., (7-24-74)

WISCONSIN

ashland county

Ashland. *OLD ASHLAND POST OFFICE*, NW corner of 2nd St. and 6th Ave. W., (1-21-74)

Ashland. *SECURITY SAVINGS BANK*, 212-214 W. 2nd St., (12-27-74)

Ashland. *WHEELER HALL, NORTHLAND COLLEGE*, 1411 Ellis Ave., (9-13-77)

Bayfield vicinity. *APOSTLE ISLANDS LIGHTHOUSES*, N and E of Bayfield on Michigan, Raspberry, Outer, Sand, and Devils Islands, (3-8-77) (also in Bayfield County)

La Pointe vicinity. *HADLAND FISHING CAMP*, N of La Pointe on Rocky Island, (8-18-77)

LaPointe. *L'APOINTE INDIAN CEMETERY*, S. Old Main St., (8-3-77)

bayfield county

APOSTLE ISLANDS LIGHTHOUSES, Reference—see Ashland County

Bayfield. *BOOTH COOPERAGE*, Washington Ave. and Front St., (8-13-76)

Bayfield. *BOUTIN, FRANK JR., HOUSE*, 7 Rice St., (12-27-74)

Bayfield. *CHRIST EPISCOPAL CHURCH*, N. 3rd St. between Washington and Rice Aves., (12-27-74)

Bayfield. *OLD BAYFIELD COUNTY COURTHOUSE*, Washington St. between 4th and 5th Sts., (12-27-74)

Bayfield vicinity. *HOKENSON FISHING DOCK*, N of Bayfield at Little Sand Bay, (6-18-76)

5332 WISCONSIN

Bayfield vicinity. *SHAW FARM*, Sand Island, (6-18-76)
Washburn. *BAYFIELD COUNTY COURTHOUSE*, 117 E. 5th St., (1-17-75)

brown county

Green Bay. *BAIRD LAW OFFICE*, 2630 S. Webster Ave., (10-15-70)
Green Bay. *BROWN COUNTY COURTHOUSE*, 100 S. Jefferson St., (1-1-76)

Green Bay. *COTTON HOUSE*, 2632 S. Webster Ave., (4-28-70)
Green Bay. *EAST MORAVIAN CHURCH*, 512 Moravian St., (2-1-72) HABS.

Green Bay. *FORT HOWARD HOSPITAL*, NE corner of Kellogg St. and N. Chestnut Ave., (7-30-71) HABS.

Green Bay. *FORT HOWARD OFFICERS' QUARTERS*, 402 N. Chestnut Ave., (4-11-72)

Green Bay. *FORT HOWARD WARD BUILDING*, 402 N. Chestnut Ave., (8-14-72)

Green Bay. *HAZELWOOD*, 1008 S. Monroe Ave., (4-28-70) g.

Green Bay. *TANK COTTAGE*, 10th Ave. and 5th St., (4-28-70)

burnett county

Webster vicinity. *NORTHWEST AND XY COMPANIES TRADING POST SITES*, N of Webster on Yellow River, (2-15-74)

chippewa county

Chippewa Falls. *COOK-RUTLEDGE HOUSE*, 509 W. Grand Ave., (8-7-74)

columbia county

Columbus. *FARMERS AND MERCHANTS UNION BANK*, 159 W. James St., (10-18-72) NHL.

Merrimac. *MERRIMAC FERRY*, WI 113 at the Wisconsin River, (12-31-74) (also in Sauk County)

Portage. *FOX-WISCONSIN PORTAGE SITE*, Wauona Trail, (3-14-73)

Portage. *OLD INDIAN AGENCY HOUSE*, NE end of Old Agency House Rd. (Rte. 1) near NE city limits, (2-1-72) HABS.

Portage. *PORTAGE CANAL*, Between Fox and Wisconsin Rivers, (8-26-77)

Portage vicinity. *FORT WINNEBAGO SURGEON'S QUARTERS*, 0.1 mi. E of corporate city limits on WI 33, (10-28-70)

Wisconsin Dells. *BENNETT, H. H., STUDIO*, 215 Broadway, (10-8-76)

Wisconsin Dells. *KILBOURN PUBLIC LIBRARY*, 429 Broadway, (12-27-74) g.

crawford county

Lynxville vicinity. *FOLEY MOUND GROUP*, (7-15-74)

Lynxville vicinity. *WALL-SMETHURST MOUND GROUP*, (6-13-74)

Prairie du Chien. *ASTOR FUR WAREHOUSE*, Water St., St. Feriole Island, (10-15-66) NHL; g.

Prairie du Chien. *BRISBOIS, MICHAEL, HOUSE*, Water St., St. Feriole Island, (10-15-66) NHL; HABS.

Prairie du Chien. *ROLETTE HOUSE*, NE corner of N. Water and Fisher Sts., (2-1-72)

Prairie du Chien. *SECOND FORT CRAWFORD*, Bank of the Mississippi River, (10-15-66) NHL.

Prairie du Chien. *VILLA LOUIS*, St. Feriole Island, (10-15-66) NHL.

Seneca. *OLSON MOUND GROUP*, Lynxville vicinity, (2-12-74)

dane county

Daleville vicinity. *HAUGE LOG CHURCH*, 1 mi. N of Daleville on CR Z, (12-31-74)

NOTICES

Madison. *BASCOM HILL HISTORIC DISTRICT*, Bounded by Observatory Dr., University Ave., and N. Park, Langdon, and State Sts., (9-12-74)

Madison. *BASHFORD, ROBERT M., HOUSE* (H. K. LAWRENCE HOUSE), 423 N. Pinckney St., (3-14-73)

Madison. *BRADLEY, HAROLD C., HOUSE*, 106 N. Prospect Ave., (2-23-72) NHL.

Madison. *CAMP RANDALL*, Camp Randall Memorial Park, (6-7-71)

Madison. *COLLINS, WILLIAM, HOUSE*, 704 E. Gorham St., (12-3-74)

Madison. *ELY, RICHARD T., HOUSE*, 205 N. Prospect Ave., (12-16-74)

Madison. *GILMORE, EUGENE A., HOUSE*, 120 Ely Pl., (3-14-73) g.

Madison. *GRACE EPISCOPAL CHURCH*, 6 N. Carroll St., (1-1-76)

Madison. *HIRSIG, LOUIS, HOUSE*, 1010 Sherman Ave., (12-2-74)

Madison. *JACOBS, HERBERT A., HOUSE*, 441 Toefer Ave., (7-24-74)

Madison. *LEITCH, WILLIAM T., HOUSE*, 752 E. Gorham St., (7-18-75)

Madison. *NORTH HALL, UNIVERSITY OF WISCONSIN*, University of Wisconsin campus, (10-15-66) NHL.

Madison. *OLD EXECUTIVE MANSION* (JULIUS T. WHITE HOUSE), 130 E. Gilman St., (4-11-73) g.

Madison. *OLD SPRING TAVERN*, 3706 Nakoma Rd., (1-21-74)

Madison. *OLD SYNAGOGUE* (SHAARE SHOMAIM SYNAGOGUE), E. Gorham St. at N. Butler St., (12-29-70)

Madison. *PIERCE, CARRIE, HOUSE* (A. A. MCDONNELL HOUSE), 424 N. Pinckney St., (10-18-72)

Madison. *STATE HISTORICAL SOCIETY OF WISCONSIN*, 816 State St., (2-23-72)

Madison. *WISCONSIN STATE CAPITOL*, Capitol Sq., (10-15-70)

Madison vicinity. *BURROWS PARK EFFIGY MOUND AND CAMPSITE*, (12-31-74)

Madison vicinity. *FARWELL'S POINT MOUND GROUP*, (12-27-74)

Madison vicinity. *FOREST HILL CEMETERY MOUND GROUP*, (12-27-74)

Madison vicinity. *MENDOTA STATE HOSPITAL MOUND GROUP*, (12-27-74)

Madison vicinity. *VILAS CIRCLE BEAR EFFIGY MOUND AND THE CURTIS MOUNDS*, (12-30-74)

Maple Bluff. *LAFOLLETTE, ROBERT M., HOUSE*, 733 Lakewood Blvd., (10-15-66) NHL.

Middleton. *JACOBS, HERBERT, SECOND HOUSE*, 7033 Old Sauk Rd., (12-31-74)

Prairie du Sac vicinity. *KEHL WINERY*, E of Prairie du Sac on WI 188, (1-2-76)

Shorewood Hills. *FIRST UNITARIAN SOCIETY MEETINGHOUSE*, 900 University Bay Dr., (4-11-73)

Springfield Corners vicinity. *KOHLMANN, FRIEDERICH, HOUSE*, W of Springfield Corners off WI 19, (12-27-74)

dodge county

Beaver Dam. *WILLIAMS FREE LIBRARY*, 105 Park Ave., (8-7-74)

Mayville. *WHITE LIMESTONE SCHOOL*, N. Main St. between Day and Buchanan Sts., (10-22-76)

Waupun. *DAHL, MARTIN K., HOUSE*, 314 Beaver Dam St., (9-11-75)

door county

Baileys Harbor vicinity. *CANA ISLAND LIGHTHOUSE*, NE of Baileys Harbor on E side of Cana Island, (11-21-76)

Ellison Bay. *CLEARING, THE*, Off WI 42, (12-31-74)

Fish Creek vicinity. *CHAMBERS ISLAND LIGHTHOUSE*, 7 mi. NW of Fish Creek at NW tip of Chambers Island, (8-19-75)

Fish Creek vicinity. *EAGLE BLUFF LIGHTHOUSE*, 3.5 mi. N of Fish Creek on Shore Rd., in Peninsula State Park, (10-15-70)

Northport vicinity. *PORTE DES MORTS SITE*, S of Northport on Porte des Morts Straight, (3-16-76)

Washington vicinity. *ROCK ISLAND HISTORIC DISTRICT*, Rock Island, off NE tip of Washington Island, (5-19-72)

douglas county

Solon Springs vicinity. *BRULE-ST. CROIX PORTAGE*, 3 mi. NE of Solon Springs in Brule River State Park, (10-15-70)

Superior. *METEOR* (WHALEBACK CARRIER), NW tip of Barkers Island, (9-9-74)

dunn county

Menomonie. *TAINTER, LOUIS SMITH, HOUSE*, Broadway at Crescent, (7-18-74) g.

Menomonie. *TAINTER, MABEL, MEMORIAL BUILDING*, 205 Main St., (7-18-74)

eau claire county

Augusta vicinity. *DELLS MILL*, About 3 mi. NNW of Augusta off WI 27, (12-24-74)

Eau Claire. *COBBLESTONE HOUSE*, 1011 State St., (11-19-74)

Eau Claire. *COMMUNITY HOUSE, FIRST CONGREGATIONAL CHURCH*, 310 Broadway, (7-18-74)

Eau Claire. *DRUMMOND, DAVID, HOUSE*, 1310 State St., (7-30-74)

fond du lac county

Fond du Lac. *AETNA STATION NO. 5*, 193 N. Main St., (12-12-76)

Fond du Lac. *GALLOWAY, EDWIN H., HOUSE*, 336 E. Pioneer Rd., (5-28-76)

Fond du Lac. *OCTAGON HOUSE*, 276 Linden St., (11-3-72) g.

Ripon. *CERESCO SITE*, Bounded by North Church, Union, and both sides of Warren Sts., (9-5-75)

Ripon. *LITTLE WHITE SCHOOLHOUSE*, SE corner of Blackburn and Blossom Sts., (8-14-73) NHL; HABS.

Ripon. *PEDRICK, MARCELLUS, HOUSE*, 515 Ransom Ave., (9-29-76)

Ripon. *ST. PETER'S EPISCOPAL CHURCH*, 217 Houston St., (12-31-74)

Ripon. *WOODRUFF, JACOB, HOUSE*, 610 Liberty St., (12-30-74)

Waupun. *RECORDING ANGEL, THE*, Forest Mound Cemetery, N. Madison St., (7-15-74)

grant county

Bloomington. *BALLANTINE, JAMES, HOUSE*, 4th St., (6-7-76) g.

Cassville. *DENNISTON HOUSE*, 117 E. Front St., (2-20-75)

Cassville vicinity. *STONEFIELD*, 2.5 mi. W of Cassville, on CR VV, (5-19-70)

Platteville. *MITCHELL-ROUNTREE HOUSE*, Jewett and Lancaster Sts., (2-23-72) HABS.

Platteville. *ROUNTREE HALL*, University of Wisconsin campus, (12-17-74)

green county

Monroe. *BINGHAM, JUDGE JOHN A., HOUSE*, 621 14th Ave., (1-2-76)

Monroe. *CHENOWETH, FRANK L., HOUSE*, 2004 10th St., (10-8-76)

Monroe. *FIRST METHODIST CHURCH*, Corner of 11th St. and 14th Ave., (2-25-75) g.

Monroe. *JENNINGS, JANET, HOUSE*, 612 22nd Ave., (1-2-76)

Monroe. *WEST, GEN. FRANCIS H., HOUSE*, 1410 17th Ave., (1-1-76)

iowa county

Dodgeville. *IOWA COUNTY COURTHOUSE*, NW corner of Iowa and Chapel Sts., (2-1-72) HABS.

Mineral Point. *MINERAL POINT HILL*, (10-26-72) g.

Mineral Point. *MINERAL POINT HISTORIC DISTRICT*, (7-30-71) HABS.

Mineral Point. *PENDARVIS*, 114 Shake Rag St., (1-25-71) HABS; g.

Spring Green vicinity. *SHOT TOWER*, SE of Spring Green in Tower Hill State Park, (4-3-73)

Spring Green vicinity. *TALIESIN*, 2 mi. S of Spring Green on WI 23, (4-14-73) NHL; g.

Spring Green vicinity. *UNITY CHAPEL*, S of Spring Green off WI 23, (7-18-74)

iron county

Hurley. *IRON COUNTY COURTHOUSE*, 303 Iron St., (7-26-77)

jackson county

Alma Center vicinity. *SILVER MOUND ARCHEOLOGICAL DISTRICT*, Between Hixton and Alma Center on WI 95, (1-17-75)

jefferson county

Aztalan. *PIONEER AZTALAN SITE*, SE corner of intersection of CR B and CR Q, (2-25-75) g.

Fort Atkinson. *MAY, ELI, HOUSE* (SITE OF FORT KOSHONONG), 407 E. Milwaukee Ave., (9-14-72)

Fort Atkinson. *PANTHER INTAGLIO EFFIGY MOUND*, On WI 106 at the W corporate city limits, (10-15-70)

Lake Mills vicinity. *AZTALAN*, Near Lake Mills on WI 89, Aztalan State Park, (10-15-66) NHL.

Palmyra. *ENTERPRISE BUILDING*, 125 W. Main St., (6-5-75) HABS.

Waterloo vicinity. *ST. WENCESLAUS ROMAN CATHOLIC CHURCH*, SE of Waterloo at jct. of Blue Point and Island Rds., (5-12-75)

Watertown. *FIRST KINDERGARTEN*, 919 Charles St., (2-23-72)

Watertown. *OCTAGON HOUSE*, 919 Charles St., (11-23-71) HABS.

juneau county

Mauston. *BOORMAN, BENJAMIN, HOUSE*, 211 North Union St., (5-4-76)

kenosha county

Kenosha. *KEMPER HALL*, 6501 3rd Ave., (6-7-76) g.

Kenosha. *SIMMONS, GILBERT M., MEMORIAL LIBRARY*, 711 59th Pl., (12-17-74)

Kenosha. *WEED, JUSTIN, HOUSE*, 3509 Washington Rd., (12-3-74)

Kenosha vicinity. *BARNES CREEK SITE*, S of Kenosha, (7-20-77)

la crosse county

La Crosse. *ANDERSON, MONS, HOUSE*, 410 Cass St., (5-6-75)

La Crosse. *CARGILL, WILLIAM W., HOUSE*, 235 West Ave. S., (5-1-74)

La Crosse. *HIXON, GIDEON C., HOUSE*, 429 N. 7th St., (12-30-74) g.

NOTICES

West Salem. *GARLAND, HAMLIN, HOUSE*, 357 W. Garland St., (11-11-71) NHL.

lacrosse county

LaCrosse. *LAVERTY-MARTINDALE HOUSE*, 237 S. 10th St., (11-23-77)

lafayette county

Belmont vicinity. *FIRST CAPITOL* (WISCONSIN TERRITORIAL CAPITOL), (4-28-70)

New Diggings. *ST. AUGUSTINE CHURCH*, Off CR W, (2-23-72) HABS.

langlade county

Antigo. *LANGLADE COUNTY COURTHOUSE*, 800 Clermont St., (7-25-77)

lincoln county

Merrill. *SCOTT, T. B., FREE LIBRARY*, E. 1st St., (1-21-74)

manitowoc county

Manitowoc. *VILAS, JOSEPH JR., HOUSE*, 610-616 N. 8th St., (4-29-77)

marathon county

Wausau. *JONES, GRANVILLE D., HOUSE*, 915 Grant St., (12-7-77)

Wausau. *STEWART, HIRAM C., HOUSE*, 521 Grant St., (8-30-74)

Wausau. *YAWKEY, CYRUS C., HOUSE*, 403 McIndoe St., (12-31-74)

marquette county

Peshtigo. *PESHTIGO FIRE CEMETERY*, Oconto Ave. between Peck and Ellis Aves., (10-15-70)

milwaukee county

Franklin. *PAINESVILLE CHAPEL*, 2740 W. Ryan Rd., (11-7-77) HABS.

Greendale. *CURTIN, JEREMIAH, HOUSE*, 8685 W. Grange Ave., (11-7-72) HABS; g.

Milwaukee. *ALL SAINTS' EPISCOPAL CATHEDRAL COMPLEX*, 804-828 E. Juneau Ave., (12-27-74) HABS.

Milwaukee. *ALLIS, CHARLES, HOUSE*, 1630 E. Royall Pl., (1-17-75) g.

Milwaukee. *BOGK, FREDERICK C., HOUSE*, 2420 N. Terrace Ave., (10-18-72) HABS.

Milwaukee. *CENTRAL LIBRARY*, 814 W. Wisconsin Ave., (12-30-74) HABS.

Milwaukee. *CHURCH, BENJAMIN, HOUSE*, Parkway Dr., Estabrook Park, (2-23-72) HABS.

Milwaukee. *FEDERAL BUILDING*, 515-519 E. Wisconsin Ave., (3-14-73)

Milwaukee. *FIRST UNITARIAN CHURCH*, 1009 E. Ogden Ave., (12-30-74) HABS.

Milwaukee. *GERMAN-ENGLISH ACADEMY*, 1020 N. Broadway, (4-11-77)

Milwaukee. *HOLY TRINITY ROMAN CATHOLIC CHURCH* (HOLY TRINITY-OUR LADY OF GUADALUPE ROMAN CATHOLIC CHURCH), 605 S. 4th St., (11-7-72) HABS; g.

Milwaukee. *HOMER OFFICE*, NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY (NORTH BROADWAY BUILDING NO. 611), 605-623 N. Broadway, (3-20-73)

Milwaukee. *IMMANUEL PRESBYTERIAN CHURCH*, 1100 N. Astor St., (12-27-74) HABS.

Milwaukee. *IRON BLOCK*, 205 E. Wisconsin Ave., (12-27-74) HABS.

Milwaukee. *MACHEK, ROBERT, HOUSE*, 1305 N. 19th St., (10-28-77) HABS.

Milwaukee. *MACKIE BUILDING* (CHAMBER OF COMMERCE), 225 E. Michigan St., (4-3-73) HABS.

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Milwaukee. *MILWAUKEE CITY HALL*, 200 E. Wells St., (3-14-73)

Milwaukee. *MILWAUKEE COUNTY HISTORICAL CENTER* (SECOND WARD SAVINGS BANK), 910 N. 3rd St., (3-14-73) HABS.

Milwaukee. *MILWAUKEE-DOWNER "QUAD"*, NW corner of Hartford and Downer Aves., (1-17-74)

Milwaukee. *MITCHELL BUILDING*, 207 E. Michigan St., (4-3-73) HABS.

Milwaukee. *NORTH POINT WATER TOWER*, E. North Ave. between N. Lake Dr. and N. Terrace Ave., (2-23-73) HABS; g.

Milwaukee. *OLD ST. MARY'S CHURCH*, 844 N. Broadway, (3-7-73) HABS.

Milwaukee. *PABST, FREDERICK, HOUSE*, 2000 W. Wisconsin Ave., (4-21-75)

Milwaukee. *PABST THEATER*, 144 E. Wells St., (4-11-72) HABS.

Milwaukee. *PLANKINTON HOUSE* (KNIGHTS OF COLUMBUS BUILDING), 1492 W. Wisconsin Ave., (1-1-76)

Milwaukee. *SCHLITZ, JOSEPH, BREWING COMPANY SALOON*, 2414 S. St. Clair St., (4-11-77)

Milwaukee. *SMITH, LLOYD R., HOUSE*, 2220 N. Terrace Ave., (12-30-74) HABS.

Milwaukee. *ST. JOHN'S ROMAN CATHOLIC CATHEDRAL*, 812 N. Jackson St., (12-31-74)

Milwaukee. *ST. JOSAPHAT BASILICA*, 601 W. Lincoln Ave., (3-7-73) HABS.

Milwaukee. *ST. PATRICK'S ROMAN CATHOLIC CATHEDRAL*, 1105 S. 7th St., (12-16-74)

Milwaukee. *ST. PAUL'S EPISCOPAL CHURCH*, 904 E. Knapp St., (12-27-74) HABS.

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Kaukauna. *GRIGNON, CHARLES A.*,
HOUSE, Augustine St., (10-18-72) HABS.

ozaukee county

Cedarburg. *CEARBURG MILL*, 215 E.
Columbia Ave., (5-8-74) HABS; G.
Cedarburg. *HAMILTON HISTORIC DIS-*
TRICT, Hamilton and Green Bay Rds., (7-1-

76) G.
Cedarburg vicinity. *CONCORDIA MILL*, 252
Green Bay Rd., (4-26-74) HABS.

Cedarburg vicinity. *COVERED BRIDGE*, 1
mi. N of Five Corners over Cedar Creek, (3-

14-73) HABS.
Fort Washington. *OLD OZAUKEE COUNTY*
COURTHOUSE, 109 W. Main St., (12-12-

76)
Port Washington. *DODGE, EDWARD,*
HOUSE (PEBBLE HOUSE), 146 S.

Wisconsin St., (7-24-75)
Port Washington. *ST. MARY'S ROMAN*
CATHOLIC CHURCH, 430 N. Johnson St.,

(12-12-77)
Waukegan vicinity. *STONY HILL SCHOOL*,
NE of Waukegan on SR 1, (10-8-76)

pierce county

Diamond Bluff vicinity. *DIAMOND BLUFF*
SITE/MERO MOUND GROUP, SE of

Diamond Bluff, (8-1-75)
River Falls. *SOUTH HALL, RIVER FALLS*
STATE NORMAL SCHOOL, 320 E.

Cascade Ave., (11-7-76)
portage county

Plover. *MORGAN, J. H., HOUSE*, Madison
Ave. and Green Dr., (10-1-74)

Stevens Point. *MC MILLAN, DAVID, HOUSE*,
1924 Pine St., (12-16-74)

Stevens Point. *STEVENS POINT STATE*
NORMAL SCHOOL, 2100 Main St., (12-

12-76)
racine county

Burlington vicinity. *HAZELO, FRANKLYN,*
HOUSE, 34108 Oak Knoll Rd., (12-30-74)

Caledonia. *COLLINS, JOHN, HOUSE*, 6409
Nicholson Rd., (11-20-74)

Racine. *COOLEY, ELI R., HOUSE*
(WILLIAM F. KEUHNEMAN HOUSE),
1135 S. Main St., (4-11-73) HABS.

Racine. *FIRST PRESBYTERIAN CHURCH*,
716 College Ave., (3-20-73) HABS.

Racine. *HALL, CHAUNCEY, HOUSE*
(KNIGHT HOUSE), 1235 S. Main St., (1-2-

76)
Racine. *HARDY, THOMAS P., HOUSE*, 1319
S. Main St., (12-3-74)

Racine. *JOHNSON, HERBERT F., HOUSE*
(WINGSPREAD), 33 E. 4 Mile Rd., (1-8-

75)
Racine. *JOHNSON WAX ADMINISTRATION*
BUILDING AND RESEARCH TOWER,
1525 Howe St., (12-27-74) NHL.

Racine. *MCCLURG BUILDING*, 245 Main
St., (7-13-77)

Racine. *RACINE COLLEGE*, 600 21st St.,
(12-12-76)

Racine. *RACINE HARBOR LIGHTHOUSE*
AND LIFE SAVING STATION, Racine Har-

bor North Pier, (9-9-75)
Racine. *SOUTHSIDE HISTORIC DISTRICT*,
Roughly bounded by Lake Michigan,

DeKoven Ave., Villa, and 8th Sts., (10-18-

77)
richland county

Richland Center. *A. D. GERMAN*
WAREHOUSE, 316 S. Church St., (12-31-

74)
NOTICES

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rock county

Beloit. *FIRST CONGREGATIONAL*
CHURCH, 801 Bushnell St., (1-23-75)

Beloit. *HANCHETT-BARTLETT FARM-*
STEAD, 2149 St. Lawrence Ave., (4-11-77)

Beloit. *LATHROP-MUNN COBBLESTONE*
HOUSE, 524 Bluff St., (8-22-77)

Beloit. *RASEY HOUSE*, 517 Prospect St., (12-

27-74)
Beloit vicinity. *HOW-BECKMAN MILL*, W of
Beloit, (9-7-77)

Beloit vicinity. *TURTLEVILLE IRON*
BRIDGE, N of Beloit on Lathers Rd., (9-15-

77)
Clinton. *RICHARDSON-BRINKMAN COB-*
BLESTONE HOUSE, 607 W. Milwaukee

Rd., (7-28-77) HABS.
Clinton vicinity. *WYMAN-RYE FARMSTEAD*,
N of Clinton on Wyman-Rye Dr., (11-7-77)

Cooksville. *COOKSVILLE HISTORIC DIS-*
TRICT, Both sides of streets bordering the
Public Sq. and Rock St., (10-25-73) G.

Edgerton. *CULTON, CHARLES L., HOUSE*,
708 Washington St., (8-22-77)

Evansville. *EAGER FREE PUBLIC LIBRARY*,
39 W. Main St., (8-16-77)

Fulton. *FULTON CONGREGATIONAL*
CHURCH, Fulton St., (6-7-76)

Fulton vicinity. *MOUTH OF THE YAHARA*
ARCHEOLOGICAL DISTRICT, SE of Ful-

ton at confluence of Yahara and Rock
Rivers, (4-28-75)

Jamesville. *MYERS OPERA HOUSE*, 118 E.
Milwaukee St., (6-17-77)

Janesville. *COURT STREET METHODIST*
CHURCH, 36 S. Main St., (11-17-77)

Janesville. *LAPPIN-HAYES BLOCK*, 20 E.
Milwaukee St., (11-7-76)

Janesville. *TALLMAN HOUSE*, 440 N.
Jackson St., (10-15-70)

Janesville. *WILLARD, FRANCES, SCHOOL-*
HOUSE, Craig Ave., (10-5-77)

Janesville vicinity. *LAPRAIRIE GRANGE*
HALL NO. 79, SE of Janesville on Town
Hall Rd., (4-11-77)

Milton. *GOODRICH HOUSE AND LOG*
CABIN (MILTON HOUSE), 18 S. Janesville
St., (2-1-72) HABS.

Shopiere. *SHOPIERE CONGREGATIONAL*
CHURCH, Buss Rd., (8-13-76)

sauk county

MERRIMAC FERRY, Reference—see Colum-

bia County
Baraboo. *RINGLING, AL, THEATRE*, 136
4th Ave., (5-17-76)

Baraboo. *RINGLING, ALBRECHT C.,*
HOUSE, 623 Broadway, (5-17-76)

Baraboo. *RINGLING BROTHERS CIRCUS*
HEADQUARTERS (RINGLINGVILLE),
Bounded roughly by Water, Brian, Lynn,

and East Sts., (8-4-69) NHL.
sheboygan county

Greenbush. *WADE, SYLVANUS, HOUSE*, At
jct. of W 23 and Kettle Moraine Dr. in Old
Wade House State Park, (10-26-71) HABS.

Sheboygan. *FRIENDSHIP HOUSE*, 721 On-

tario Ave., (7-10-74)
Sheboygan. *JUNG CARRIAGE FACTORY*,
829-835 Pennsylvania Ave., (7-10-74)

Sheboygan. *TAYLOR, DAVID, HOUSE*, 3110
Erie Ave., (1-2-76)

Sheboygan. *THOMAS, I. C., DRUG STORE*,
632 N. 8th St., (7-10-74)

st. croix county

Hudson. *MOFFAT, JOHN S., HOUSE*, 1004
3rd St., (7-18-74)

Somerset vicinity. *SOO LINE HIGH BRIDGE*,
W of Somerset, (8-22-77)

taylor county

Jump River. *JUMP RIVER TOWN HALL*, S of
WI 73, (3-28-74)

trempealeau county

Trempealeau vicinity. *SCHWERT MOUND*
GROUP, (11-1-74)

vernon county

Ontario vicinity. *HAY VALLEY*
ARCHEOLOGICAL DISTRICT, (12-31-74)

Ontario vicinity. *ROCKTON ARCHEOLOG-*
ICAL DISTRICT, (12-31-74)

Rockton vicinity. *B. LAWRENCE SITE I*, S of
Rockton, (6-30-75)

Rockton vicinity. *MARKER SITE, VE-195*,
NE of Rockton, (8-22-75)

Viola vicinity. *HANSON PETROGLYPHS*,
(12-31-74)

walworth county

Burlington vicinity. *STRANG, JAMES JESSE,*
HOUSE (MORMON HOUSE), W of
Burlington on WI 11, (1-24-74) HABS.

Delavan Lake vicinity. *JONES, FRED B.,*
ESTATE (PENWERN), 3335 S. Shore Dr.,
(12-27-74)

Delavan vicinity. *MILE LONG SITE*, S of
Delavan, (6-23-77)

East Troy vicinity. *AMES, HOWARD,*
HOUSE, 2.4 mi. S of East Troy, (12-3-74)

Elkhorn. *ELDERKIN, EDWARD, HOUSE*
(ROUND HOUSE), 127 S. Lincoln St., (5-

3-74) HABS.
Elkhorn. *WEBSTER, JOSEPH P., HOUSE*, 9
E. Rockwell St., (2-23-72)

Whitewater vicinity. *HEART PRAIRIE*
LUTHERAN CHURCH, S of Whitewater on
Town Line Rd., (12-27-74)

washington county

Eagle vicinity. *TURCK, CHRISTIAN, HOUSE*,
Off WI 59 in Old World Wisconsin, (10-25-

73) HABS; G.
West Bend. *GADOW'S MILL*, Barton Ave. at
Commerce St., (12-24-74)

West Bend vicinity. *LIZARD MOUND STATE*
PARK, NE of West Bend, (10-15-70)

waukesha county

Delafield. *HAWKS INN*, 428 Wells St., (2-23-

72) HABS.
Delafield. *ST. JOHN CHRYSOSTOM*
CHURCH, 1111 Genesee St., (2-23-72)

Delafield. *ST. JOHN'S MILITARY ACADE-*
MY, Genesee St., (10-28-77)

Eagle vicinity. *INKLEY, AHIRA R., HOUSE*,
NE of Eagle off WI 59, (1-21-74)

Eagle vicinity. *KOEPSSEL HOUSE*, Old World
Wisconsin, off WI 59, (10-25-73) HABS; G.

Hartland vicinity. *BEAUMONT HOP HOUSE*,
N of Hartland, (11-23-77)

Menomonee Falls. *MILLER-DAVIDSON*
HOUSE, On County Line Rd., E of U.S. 41,
(4-24-73) HABS; G.

Nashotah vicinity. *CHAPEL OF ST. MARY*
THE VIRGIN, 2 mi. SW of Nashotah on
Nashotah House Rd., (2-23-72) HABS.

Pewaukee. *WEST, DEACON, OCTAGON*
HOUSE, 370 High St., (5-12-75) G.

Sayesville vicinity. *BOOTH, J. C. HOUSE*
(JOHN RANKIN HOUSE), About 1 mi. SW
of Saylesville on Saylesville Rd., (1-25-73)

HABS.
Waukesha. *CHANDLER, WALTER S.,*
HOUSE, 151 W. College Ave., (12-27-74)

Waukesha. *LAIN-ESTBURG HOUSE*, 229
Wisconsin Ave., (12-27-74) HABS.

Waukesha. *OLD WAUKESHA COUNTY*
COURTHOUSE, 101 W. Main St., (3-27-

75)
WYOMING

waupaca county

Bear Creek vicinity. *KASPER, PHILIP H.,*
CHEESE FACTORY, W of Bear Creek on
WI 22, (8-27-76)

winnebago county

Butte des Morts. *GRIGNON, AUGUSTIN,*
HOTEL, SE corner of Main and Washington
Sts., (4-14-75)

Eureka vicinity. *EUREKA LOCK AND LOCK*
TENDER'S HOUSE, S of Eureka on Fox
River, (9-29-76)

Neenah. *BABCOCK, HAVILAH, HOUSE*, 537
E. Wisconsin Ave., (8-7-74)

Neenah. *GRAND LOGGERY*, Doty Park
(Lincoln St.), (3-22-74) HABS.

Oshkosh. *ALGOMA BOULEVARD*
METHODIST CHURCH, 1174 Algoma
Blvd., (12-3-74)

Oshkosh. *FIRST PRESBYTERIAN CHURCH*,
110 Church Ave., (12-27-74)

Oshkosh. *OSHKOSH GRAND OPERA*
HOUSE, 100 High Ave., (1-21-74)

Oshkosh. *TRINITY EPISCOPAL CHURCH*,
203 Algoma Blvd., (12-30-74)

Oshkosh vicinity. *OVERTON ARCHEOLOG-*
ICAL DISTRICT, 6 mi. W of Oshkosh off WI
110, (5-2-75)

Winneconne vicinity. *KAMRATH SITE*, S of
Winneconne off WI 116, (5-6-75)

wood county

Marshfield. *UPHAM, GOV. WILLIAM H.,*
HOUSE, 212 W. Third St., (12-12-76)

Nekoosa. *WAKELEY'S TAVERN*, W end of
Wakeley Rd., (12-27-74)

WYOMING*albany county*

Centennial vicinity. *LIBBY LODGE*, NW of
Centennial on WY 130, (9-30-76)

Laramie. *IVINSON MANSION AND*
GROUNDS, Lots 1-8, block 178, (2-23-72)

G.
Rock River-Medicine Bow vicinity. *COMO*
BLUFF, On U.S. 30, along Como Ridge, (1-

18-73) (also in Carbon County)
Sherman vicinity. *AMES MONUMENT*, 3 mi.
NW of Sherman, (7-24-72) G.

Woods Landing vicinity. *BOSWELL, N. K.,*
RANCH, S of Woods Landing off WY 230,
(7-21-77)

big horn county

Basin. *BASIN REPUBLICAN-RUSTLER*
PRINTING BUILDING, 409 W. C St., (7-

19-76)
Cody vicinity. *BRIDGER IMMIGRANT*
ROAD-DRY CREEK CROSSING, 26 mi. E
of Cody on U.S. 14/16/20, (1-17-75)

Hyattville vicinity. *MEDICINE LODGE*
CREEK SITE, NE of Hyattville, (7-5-73) G.

Kane vicinity. *MEDICINE WHEEL*, 15 mi. E
of Kane in Bighorn National Forest, (4-16-

69) NHL.
carbon county

COMO BLUFF, Reference—see Albany Coun-

ty
Elk Mountain vicinity. *ALLEN, GARRETT,*
PREHISTORIC SITE, (8-7-74)

Elk Mountain vicinity. *FORT HALLECK*, (4-

28-70)
Encampment vicinity. *GRAND ENCAMP-*
MENT MINING REGION: BOSTON-

WYOMING SMELTER SITE, E of Encamp-

ment on Encampment River, (7-2-73)

Encampment vicinity. *GRAND ENCAMP-*
MENT MINING REGION: FERRIS-HAG-

GARTY MINE SITE, W of Encampment,
(7-2-73)

NOTICES

Fort Fred Steele vicinity. *FORT STEELE*, On
North Platte River at point of Union Pacific
RR. crossing, (4-16-69)

Independence Rock vicinity. *SUN, TOM,*
RANCH, 6 mi. W of Independence Rock on
WY 220, (10-15-66) NHL.

Rawlins vicinity. *BRIDGER'S PASS*, (4-28-70)

Saratoga. *HOTEL WOLF*, 101 E. Bridge St.,
(11-21-74)

Saratoga vicinity. *PLATTE RIVER*
CROSSING (BENNETT'S CROSSING), 17
mi. W of Saratoga, (8-12-71)

converse county

Glenrock vicinity. *GLENROCK BUFFALO*
JUMP, 2 mi. W of Glenrock Interchange on
125, (4-16-69)

Orpha vicinity. *FORT FETTERMAN*, 7 mi. N
of 125 on Orpha Rd., (4-16-69) G.

crook county

Sundance vicinity. *INYAN KARA MOUN-*
TAIN, About 15 mi. S of Sundance in Black
Hills National Forest, (4-24-73)

Sundance vicinity. *VORE BUFFALO JUMP*,
(4-11-73)

fremont county

UNION PASS, On the Continental Divide in
Teton National Forest, (4-16-69) (also in
Sublette County)

Ethete. *ST. MICHAEL'S MISSION*, (6-21-71)

G.
Fort Washakie vicinity. *FORT WASHAKIE*,
Wind River Indian Reservation on U.S. 287,
(4-16-69)

Fort Washakie vicinity. *SHOSHONE-*
EPISCOPAL MISSION, 3 mi. SW of Fort
Washakie on Moccasin Lake Rd., (4-11-73)

G.
Moneta vicinity. *CASTLE GARDENS*
PETROGLYPH SITE, About 28 mi. S of
Moneta on U.S. 20/26, (4-16-69)

South Pass City. *SOUTH PASS CITY*, (2-26-

70) G.
South Pass City vicinity. *SOUTH PASS*, About
10 mi. SW of South Pass City on WY 28,
(10-15-66) NHL.

goshen county

Fort Laramie vicinity. *FORT LARAMIE NA-*
TIONAL HISTORIC SITE, 3 mi. SW of Fort
Laramie, (10-15-66)

Fort Laramie vicinity. *FORT LARAMIE*
THREE-MILE HOG RANCH, 5.5 mi. W of
Fort Laramie along Laramie River, (4-23-

75)
Lusk vicinity. *CHEYENNE-BLACK HILLS*
STAGE ROUTE AND RAWHIDE BUTTES
AND RUNNING WATER STAGE STA-

TIONS, 1 mi. W to about 15 mi. SW of
Lusk, (4-16-69) (also in Niobrara County)

Torrington. *SOUTH TORRINGTON UNION*
PACIFIC DEPOT, U.S. 85, (12-31-74) G.

hot springs county

BATES BATTLEFIELD, (11-20-74)

Grass Creek vicinity. *LEGEND ROCK*
PETROGLYPH SITE, S of Grass Creek, (7-

5-73) G.
Thermopolis vicinity. *WOODRUFF CABIN*
SITE, 26 mi. NW of Thermopolis, (2-26-70)

johnson county

Buffalo. *CARNEGIE PUBLIC LIBRARY*, 90
N. Main, (11-7-76)

Buffalo. *JOHNSON COUNTY*
COURTHOUSE, 76 N. Main, (11-7-76) G.

Buffalo. *METHODIST EPISCOPAL*
CHURCH, Fort and N. Adams Sts., (9-13-

76)
Buffalo. *ST. LUKE'S EPISCOPAL CHURCH*,
178 S. Main, (11-7-76)

WYOMING 5335

Buffalo vicinity. *FORT MCKINNEY*, About 2
mi. W of Buffalo on U.S. 16, (7-30-76)

Story vicinity.

park county

Cody. **BUFFALO BILL BOYHOOD HOME**, 720 Sheridan Ave., (6-5-75)
 Cody. **BUFFALO BILL STATUE**, 720 Sheridan Ave., (8-12-71)
 Cody. **IRMA HOTEL**, 1192 Sheridan Ave., (4-3-73)
 Cody. **STOCK CENTER**, 836 Sheridan Ave., (1-1-76)
 Cody vicinity. **BUFFALO BILL DAM (SHOSHONE DAM)**, 7 mi. W of Cody, (8-12-71)
 Cody vicinity. **COLTER'S HELL**, W of Cody on U.S. 14/16/20, (8-14-73)
 Cody vicinity. **DEAD INDIAN CAMPSITE**, N of Cody in Shoshone National Forest, (5-3-74)
 Cody vicinity. **HORNER SITE**, 4 mi. NE of Cody on U.S. 20, (10-15-66) NHL.
 Cody vicinity. **PAHASKA TEPEE**, 2 mi. E of E entrance to Yellowstone National Park on U.S. 14/16/20, (3-20-73)
 Cody vicinity. **T E RANCH HEADQUARTERS**, 30 mi. SW of Cody on South Fork Rd., (4-3-73)
 Wapiti vicinity. **WAPITI RANGER STATION**, Shoshone National Forest, (10-15-66) NHL.

platte county

Chugwater. **SWAN LAND AND CATTLE COMPANY HEADQUARTERS**, E side of Chugwater, (10-15-66) NHL.
 Guernsey vicinity. **OREGON TRAIL RUTS**, S side of the North Platte River, 0.5 mi. S of Guernsey, (10-15-66) NHL; c.
 Guernsey vicinity. **REGISTER CLIFF**, (4-3-70) c.

sheridan county

FORT PHIL KEARNY AND ASSOCIATED SITES, Reference—see Johnson County
 Big Horn vicinity. **QUARTER CIRCLE A RANCH**, 2 mi. SW of Big Horn, (8-10-76)
 Ranchester. **CONNOR BATTLEFIELD (TONGUE RIVER BATTLEFIELD)**, City park on the Tongue River, (8-12-71)
 Sheridan. **SHERIDAN INN**, Broadway and 5th St., (10-15-66) NHL; HABS; G.
 Sheridan. **TRAIL END (JOHN B. KENDRICK MANSION)**, 400 Clerendon Ave., (2-26-70) c.
 Sheridan vicinity. **BIG GOOSE CREEK BUFFALO JUMP**, SW of Sheridan, (2-12-74)

sublette county

UNION PASS, Reference—see Fremont County
 Big Piney vicinity. **WARDELL BUFFALO TRAP**, 6 mi. E and 2 mi. N of Big Piney, (8-12-71)
 Daniel vicinity. **FATHER DESMET'S PRAIRIE MASS SITE**, (4-28-70)
 Daniel vicinity. **UPPER GREEN RIVER RENDEZVOUS SITE**, On Green River above and below Daniel, (10-15-66) NHL.
 Pinedale vicinity. **FORT BONNEVILLE**, (4-28-70)

sweetwater county

Farson vicinity. **PARTING-OF-THE-WAYS (OREGON TRAIL SITE)**, 15 mi. NE of Farson, (1-11-76)
 Granger. **GRANGER STATION**, (2-26-70) G.
 Green River. **EXPEDITION ISLAND**, S of Union Pacific RR. Bridge, near E bank of the Green River, NHL.
 Rock Springs vicinity. **DUG SPRINGS STATION SITE**, E of Rock Springs, (9-22-77)
 Rock Springs vicinity. **POINT OF ROCKS STAGE STATION**, (4-3-70) c.

NOTICES

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity. **Archeological Sites in Gainesville Project**, Tombigbee Waterway (also in Pickens and Sumter counties).
 Tombigbee River Multi-Resource District*, also in Pickens Co., AL and Tishomingo, Prentiss, Tawamba, Monroe, Clay, Lowndes, Noxubee Cos., MS.

Jefferson County

Site 1Je36. Project I-459-4(4).

Lowndes County

Jones Bluff Park Site (1 Au 139), Jones Bluff Lake Project.

Montgomery County

Quinter Hill Park Site (1 MT 134), Jones Bluff-Lake Project.

Washington County

Sunflower vicinity. **Dr. Williams Home**, AL project RF-98(7).

ALASKA

Fairbanks Division

Davidson Ditch, Steese Hwy.

Nome Division

Cape Nome vicinity. **Nuk Site**, Nome-Council Rd.
 Little Diomed Island, **Iyapanc**, John House.

Sitka Division

Crab Bay, Crab Bay Petroglyph.

ARIZONA

Apache County

Grand Canyon National Park. **Old Post Office**.

Apache County

Painted Cliffs Archeological District (Arizona K:12:3, K:12:87, K:12:238, K:12:239), Lupton Interchange of I-40.

Coconino County

Gray Mountain Site (AR-02-020-946).
House Rock Springs, Upper Houserock Valley.
Paria Plateau Archeological District.

Graham County

Foot Wash—No name Wash Archeological District.

Maricopa County

Cave Creek Archeological District.
 Glendale vicinity. **Cave Creek Dam**.
New River Dams Archeological District.
 Phoenix. **Beth Israel Synagogue**, 120 E. Culver
 Phoenix. **Brooks, M. B.**, House 334B 75th Ave.
 Phoenix. **Ellis-Shackelford House**, 1242 N. Central.
 Phoenix. **Evans Barn**, 67th Ave., between Van Buren and McDowell.
 Phoenix. **Fennemore House**, 501 E. Moreland.
 Phoenix. **Hidden-Porcher House**, 763 E. Moreland.
 Phoenix. **Ivy House**, 111 W. Monroe St.
 Phoenix. **Kenilworth Elementary School**, 1210 N. 5th Ave.
 Phoenix. **La Ciudad Archeological Site**.
 Phoenix. **Las Colinas** (Arizona T:12810), 1200 block of N. 27th Ave.
 Phoenix. **Pieri-Elliott House**, 767 E. Moreland.
 Phoenix. **Steward House**, 1115 N. Central.
 Phoenix. **Wilcox Property**, 2222 W. Washington St.
 Site T:4:6.
 Site U:1:30 (A.S.U.).
 Site U:1:31 (A.S.U.)
Skunk Creek Archeological District.

Mohave County

Colorado City vicinity. **Short Creek Reservoir States**, NA 13,257 and NA 13,258.

Navajo County

Holbrook vicinity. **Cholla-Saguero-Transission Line, Archeological Sites APS-CS-2; APS-CS-3; CS-221; APS-CS-61; CS-218; CS-219; CS-224; CS-220; APS-CS-222**.
 Polacca vicinity. **Walpi Hopi Village**, adjacent to Polacca.

Pima County

Tucson. **Convento Site**.

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Trail Mountains Archeological Site.

ARKANSAS

Archeological Sites, Black River Watershed (also in Missouri).

Clay County

Site 3CY34, Little Black River Watershed.

NOTICES

Craighead County

Mangrum Site (State Site Number 3CG636).

Faulkner County

Site, 3WH145, E Fork of Cadron Creek Watershed (also in White county).
 Site 3VB49-3VB51, N Fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed.

Lonoke County

Scott vicinity. **William S. Pemberton House**.

Ouachita County

Camden, **Old Post Office**, Washington St.

Poinsett County

Riverside Site (State Site Number 3P0395).

Sebastian County

Boonville, **Sliding Slab Shelter Site** (3SB29)

CALIFORNIA

Archeological Sites, Buchanan Dam at Chowchilla River.

Alameda County

Oakland, **First Unitarian Church**, 685 14th St.
 Oakland, **Ginn, Frederick B.**, House, 660 13th St.
 Oakland, **Greene, Charles S.**, Library Building, 659 14th St.
 Oakland, **Mahoney, Thomas**, House, 669 8th St.
 Oakland, **Preservation Park Historic District**, bounded by 10th, 14th, Castro, and Grove Sts.
 Oakland, **Quinn, William H.**, House, 1425 Castro St.
 Oakland, **Rectory, Church of the Immaculate Conception**, 662 7th St.
 Oakland, **Remillard, Pierre**, House, 654 13th St.
 Oakland, **St. Mary's Church**, Jefferson and 8th Sts.
 Oakland, **St. Mary's Church Rectory**, 707 Jefferson St.
 Oakland, **White, James**, House, 702 11th St.
 Oakland, **920 Brush Street**.
 Oakland, **1811-1813 Brush Street**.
 Oakland, **716 Castro Street**.
 Oakland, **1416 Castro Street**.
 Oakland, **905 Grove Street**.
 Oakland, **669 Ninth Street**.
 Oakland, **576 Sixth Street**.
 Oakland, **782-784 Twelfth Street**.
 Oakland, **1226-1228 West Street**.

Alpine County

Woodsford vicinity. **Archeological Site 4-Alp-105**.

Amador County

Amador City, 35 mi. (56 km) SE of Sacramento.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calaveras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Princeton, **Princeton Ferry Site**, Rte. 45 Stoneyford vicinity. **Upper and Lower Letts Valley Historical District**, 12 mi. (19.2 km) SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld-58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Helms Pumped Storage Archeological Sites, Sierra National Forest.
Home Camp T.S. (6 archeological sites) in Sierra National Forest.

Glenn County

Mendocino National Forest, **Black Saddle Site**, 05-08-53-89
 Willows vicinity. **White Hawk Top Site**, Twin Rocks Ridge Road Reconstruction Project.

Humboldt County

Eureka, **Eureka Historic District**.

Imperial County

Giamis vicinity. **Chocolate Mountain Archeological District**.
 Lake Cahulla, **Lot 1**.
 Lake Cahulla, **Lot 5**.

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.
The Twenty Mule Team Borax Wagon Road (also in Kern and San Bernardino counties).

Kern County

Site Ca-Ker-322.

Lassen County

Archeological Site HJ-1 and HJ-5.

Los Angeles County

Big Tujunga Prehistoric Archeological Site, I 210 Project.
 Los Angeles, **Fire Station No. 26**, 2475 W. Washington Blvd.
 Los Angeles, **Venice Short Line Tract**, Venice Blvd. from Lincoln Blvd. to Pacific Ave.
 Pico Rivera, **National Bank of Pico**, 9235 Whittier Blvd.
 South Pasadena, **Buena Vista District**, 917-1005 Buena Vista St.
 South Pasadena, **Oaklawn District**, Oaklawn Ave.
 South Pasadena, **Rhodes House**, 365 W. Bellevue Dr.
 South Pasadena, **West Bellevue Drive District**, portions of Naverley Dr., Bellevue Dr., Palmetto Dr., and Pasadena Ave.
 South Pasadena, **West Del Mar District**, 320-380 W. Del Mar Blvd; 280, 310 S. Orange Grove Blvd.
 Van Norman Reservoir, **Site CA-LAN 646, CA-LAN 643, Site CA-LAN 499, and a cluster made up of Sites CA-LAN, 475, 491, 492, and 493**.

Madera County

Archeological Sites, Buchanan Dam at Chowchilla River
Bass Lake Archeological Sites
 Hensley Dam vicinity, **CA-MAD 176-185**
 Lower China Crossing, **Hensley Dam**.
 New Site, **Hensley Dam**.

Marin County

Point Reyes, **P. E. Booth Company Pier**, Point Reyes National Seashore.
 Point Reyes, **Point Reyes Light Station**.

Mendocino County

Stick Lake Prehistoric Site, Case No. 05-08-67, Mendocino National Forest
Upper Leach Lake Prehistoric Site, Case No. 05-08-67, Mendocino National Forest

Modoc County

Alturas vicinity. **Rail Spring**, about 30 mi. (48 km) N. of Alturas in Modoc National Forest.
 Johnson Slough Site (Site 1).
 Tularelake vicinity. **Lava Bed National Monument Archeological District**, S. of Tularelake (also in Siskiyou County).

Mono County

Archeological Site CA-MNO-684.

Monterey County

Big Sur, **Point Sur Light Station**.

Napa County

Archeological Sites 4-Nap-14, 4-Nap-261.
 Napa River Flood Control Project.

Plumas County

Archeological Sites 05-11-55-11, 28, 33, 43, 44, Plumas National Forest
 Mineral, **Hay Barn and Cook's Cabin**, Drakesbad (Stifford Family) Guest House, Lassen Volcanic National Park.
 Mineral, **Summit Lake Ranger Station**, Lassen Volcanic National Park.

Riverside County

Twentynine Palms, **Cottonwood Oasis** (Cottonwood Springs), Joshua Tree National Monument.
 Twentynine Palms, **Lost Horse Mine**, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento Weir.
 Sacramento, **Tower Bridge**, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Ontario, **Euclid Avenue Railroad Grade Separation Properties**.
 Squaw Spring Well **Archeological District**.
 Steam Well **Petroglyph Archeological District**.
 Trona **Pinnacles Railroad Camp**.
 Twentynine Palms, **Twentynine Palms Oasis**, Joshua Tree National Monument.

San Diego County

Escondido vicinity. **Caltrans' Project** (Archeological Site 4-SDI-4558)
 North Island, **Camp Howard**, U.S. Marine Corps, Naval Air Station.
 North Island, **Rockwell field**, Naval Air Station.
 San Diego, **Marine Corps Recruit Depot**, Barnett Ave.

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San Francisco County
Forest Hill Station.
North Point Park/Marina (Eagle Cafe and Pier Facades), San Francisco northern waterfront.
San Francisco, Twin Peaks Tunnel.

San Luis Obispo County
New Cuyana vicinity, Caliente Mountain Aircraft Lookout Tower, 13 mi. (20.8 km) NW. of New Cuyana off Rte. 166.
San Luis Obispo, San Luis Obispo Light Station.

San Mateo County
Hillsborough, Point Montara Light Station.

Santa Barbara County
Santa Barbara, Site SBA-1330, Santa Monica Creek.
Site CA-SBA-1325.

Shasta County
Mineral, Park Entrance Station and Residence, Lassen Volcanic National Park.
Mineral, Park Naturalist's Residence, Lassen Volcanic National Park.
Mineral, Summit Lake Ranger Station, Lassen Volcanic National Park.
Mineral, Warner Valley Ranger Station, Lassen Volcanic National Park.
Redding vicinity, Squaw Creek Archeological Site, NE of Redding.
Whiskeytown, Irrigation System (165 and 166), Whiskeytown National Recreation Area.

Sierra County
Properties in Bass Lake Sewer Project.

Stskiy County
Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County
Dry Creek-Warm Springs Valley Archeological District.
Petaluma, Ferrell Home, 500 E. Washington St.
Santa Rosa, Santa Rosa Post Office.

Tehama County
Los Molinos vicinity, Ishi Site (Yahi Camp), E of Los Molinos in Deer Creek Canyon.

Tulare County
Atwell's Mill, Sequoia National Park.
Cattle Cabins, Sequoia National Park.
Quinn Ranger Station.
Tharp's Log, Sequoia National Park.

Ventura County
Los Padres National Forest, Archeological Sites 4 Ven-367 and 4-Ven-368.
Simi Valley, Archeological Site Ven-341.

COLORADO

Douglas County
Keystone Railroad Bridge, Pike National Forest.

El Paso County
Colorado Springs, Alamo Hotel, Tejon and Cucharras Sts.

Larimer County
Estes Park, Beaver Meadows Maintenance Area, Rocky Mountain National Park utility area.

NOTICES

Sites 5-LR-257 and 5-LR-263, Boxelder Watershed Project.

Montezuma County
Dolores vicinity, Anasazi Archeological District.

Pitkin County
Emma, Emma Historic District.

Pueblo County
Pueblo, Pueblo Federal Building (U.S. Post Office), 5th and Main Sts.

CONNECTICUT

Fairfield County
Bridgeport, Pequonnock River Bridge, crosses Pequonnock River.
Bridgeport Harbor, Bridgeport Canal Barges.
Cos Cob, Cos Cob Bridge, over Mianus River.

Devon, Devon Bridge, over Housatonic River between Stratford and Devon.
Norwalk, Washington Street—S. Main Street Area.
South Norwalk, Norwalk River Bridge.
Westport, Saugatuck River Bridge, over Saugatuck River.

Hartford County
Farmington, Gridley-Parsons-Staples Homestead, Rt. 4, Farmington Ave.
Granby, Granby Center.
Hartford, Christ Church Cathedral and Cathedral House, 955 Main St. and 45 Church St.
Hartford, Flat Iron Building (Molto Building).
Hartford, Hartford Main Post Office, 135-149 High St.
Manchester, Batson Farm House, Burnham St.
Manchester, Portions of Cheney Silk Mills Industrial Complex (Cheney Homes Area).
Simsbury vicinity, Farmington Canal, Granby Sewer facility (Simsbury portion).
South Windsor, Greek Revival House, 87 Long Hill Rd.
South Windsor, Late Federal House, 78 Long Hill Rd.
Southington, Lewis, Sally, House, 500 N. Main St.
Windsor, Mills, Elijah, House, 45 Deerfield Rd.

Middlesex County
Middletown, Cookson, John, House, S. Main St.
Middletown, Fuller, Caleb, House, Upper Williams St.
Middletown, Main Street Firehouse, 533 Main St.
Middletown, Main Street South Historic District, Mansion Block.
Middletown, Middletown High School, Court and Pearl Sts.
Middletown, Southmayd, William, House, Lower Williams St.
Old Saybrook, Connecticut River Bridge, Connecticut River between Old Saybrook and Old Lyme.

New London County
East Lyme, Niantic River Bridge, crosses Niantic River.
Groton, Groton Bridge, over Thames River between Groton and New London.
Mystic, Mystic River Railroad Bridge, Mystic River between Mystic and Groton.
New London, Bank Street Historic District.

New London, Buckingham Memorial Building, 307 Main St.
New London, Shaw's Cove Bridge, over Shaw's Cove.
New London, Starr Street Area, Starr St.
New London, Williams Memorial Institute Building, 110 Broad St.
Norwich, Washington Street Historic District, Project 103-159.

New Haven County
Ansonia Opera House, 100 Main St.
New Haven, Grand Avenue Drawbridge, over Quinnipiac River.

Windham County
Brooklyn, Quebec Historic District (Quebec Village).

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St.
Central Heating Plant, 13th and C Sts. SW. SE between 4th and 6th Sts. SE.
1700 Block Q Street NW, 1700-1744, 1746, 1748 Q St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.
Washington Navy Yard Annex, buildings 74, 137, 158, 159, 159E, 160, 167, 173, 187, 197, 202

FLORIDA

Broward County
Hillsboro Inlet, Coast Guard Light Station.

Collier County
Marco Island, Archeological Sites on Marco Island.

Monroe County
Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge, between Long Key and Conch Key.
Old Bahia Honda Bridge, between Spanish Harbor and Bahia Keys.

Pinellas County
Bay Pines, VA Center, Sections 2, 3, and 11 TWP 31-S, R-15E.

Polk County
Archeological Site PO 89
Archeological Site PO 90

St. Johns County
St. Augustine, St. Augustine National Cemetery.

GEORGIA

Bibb County
Macon, Vineville Avenue Area, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Camden County
Kings Bay, Mill Creek Shell Midden A
Kings Bay, King Plantation Outbuilding Site.

Carroll County
Carroll, Jordan-Hampton House, Route 1.

Chatham County
Archeological Site, end of Skidaway Island.
Savannah, 516 Ott Street.
Savannah, 908 Wheaton Street.
Savannah, 914 Wheaton Street.

Savannah, 920 Wheaton Street.
Savannah, 928 Wheaton Street.
Savannah, 930 Wheaton Street.
Skidaway Island, Priest's Landing Mounds.

Clay County
Archeological Site WGC-73, downstream from Walter F. George Dam.

Cobb County
Marietta, Bostwick, Charles C., House, 325 Atlanta St.
Marietta, Clay, Alexander Stephens, House, 353 Atlanta St.
Marietta, McCulloch-Wellons' House, 348 Powder Springs Rd.
Marietta, Marietta National Cemetery, 500 Washington Ave.
Marietta, Waterman Street School (Joseph T. Walker School), 205 Waterman St.
Marietta, Slaughter, M.G., Cottage, 216 Fraser St.

De Kalb County
Atlanta, Atkins Park Subdivision, St. Augustine, St. Charles, and St. Louis places.
Decatur, Sycamore Street Area.
Stone Mountain, Evans-Williams House, 459 Hairston Rd.

Fulton County
Atlanta, Cottingham Building, 97 Broad St. SW
Atlanta, Downtown Atlanta Historic District, beginning at jct. Atlanta St. and Central Ave.
Atlanta, Mitchell-Peachtree Street Historic District, 127, 129, 133 Peachtree; 143, 165-167, 168, 170, 176 Mitchell; N and W corners of Mitchell and Peachtree Sts.

Gordon County
Calhoun vicinity Haynes, Cleo, House and Frame Structure, University of Georgia.
Redbud Creek, Moss—Kelly House, Sallacoa Creek area.

Greene County
Wallace Reservoir Archeological District, (also in Hancock, Morgan, and Putnam counties).

Gwinnett County
Duluth, Hudgins, Scott, Home (Charles W. Summerour House), McClure Rd.

Hancock County
Wallace Dam vicinity, Archeological Site 9 Pm 215 (Wallace Dam Trailrace Project), SE of Wallace Dam on Oconee River (also in Putnam County).
Wallace Dam vicinity, Archeological Site 9 Pm 247 (Wallace Dam Trailrace Project), SW of SR 16 bridge (also in Putnam County).

Heard County
Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County
Augusta, Archeological Sites Project F-117-1 (7).
Augusta, Blanche Mill.
Augusta, Enterprise Mill.
Augusta, Green Street.

Sumter County
Americus, Aboriginal Chert Quarry, Souther Field.

NOTICES**HAWAII**

Hawaii County
Hawaii Volcanoes National Park, Mauna Loa Trail.
Kealahou Bay, Kona Field System.
South Kona vicinity, Great Wall of Kuakini.

Maui County
Hana vicinity, Kipahulu Historic District, SW of Hana on Rts. 31.

Oahu County
Barber's Point Harbor.
Moanalua Valley.

IDAHO

Ada County
Boise, Alexanders, 826 Main St.
Boise, Fells Department Store, 100 N. 8th St.
Boise, Idaho Building, 216 N 8th St.
Boise, Simplot Building (Boise City National Bank), 805 Idaho St.
Boise, Union Building, 712½ Idaho St.

Power County
Snake River, American Falls Power, Light, and Water Company Island Power Plant.

Clearwater County
Orofino vicinity, Canoe Camp—Suite 18, W of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County
Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County
Kamiah vicinity, East Kamiah—Suite 15, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County
Tendoy, Lewis and Clark Trail, Pattee Creek Camp.

Nez Perce County
Lapwai, Fort Lapwai Officer's Quarters, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, Spalding.
Lewiston, Fir Building, 211-213 Main St.
Lewiston, Lower Snake River Archeological District.
Lewiston, Moxley Building, 215 Main St.
Lewiston, Scully Building, 209 Main St.
Lewiston vicinity, Hatwayma Village Site, vicinity of Hatwal Creek on U.S. 12.

Power County
American Falls vicinity, Register Rock.

ILLINOIS

Bureau County
I & M Canal (also in Henry, Rock Island, and Whiteside counties).

Carroll County
Augusta, Blanche Mill.
Augusta, Enterprise Mill.
Augusta, Green Street.

Cook County
Chicago, Oliver Building, 159 N. Dearborn St.

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Chicago, Springer Block (Bay, State, and Kranz Buildings), 126-146 N. State St.
Chicago, Unity Building, 127 N. Dearborn St.

De Kalb County
De Kalb, Haish Barbed Wire Factory, corner of 6th and Lincoln Sts.

Henry County
Genesco, Ristau Brewery.

Lake County
Fort Sheridan, Museum Bldg. 33, Lyster Rd.

Madison County
American Botroms, 69 archeological sites in Madison, Monroe, and St. Clair counties.

Pike County
Flint Township, Napoleon Hollow Village Site and Associated Russell Mound Group.

Rock Island County
Archeological Site 11-Ri-337, East Moline Mississippi and Rock Rivers.

Sangamon County
Springfield vicinity, Archeological Site 11 Sg 385.

Scott County
Naples vicinity, Naples-Castle Site, SW of Naples.

Williamson County
Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Clark County
Jeffersonville, Clark Maritime Archeological District.

Crawford County
Leavenworth, Cole Site (12Cr).

Lawrence County
Bedford, Main Post Office, 1324 K St. Mitchell, Riley School.

Marion County
Indianapolis, Lockfield Gardens Public Housing Project, 900 Indiana Ave.
Indianapolis vicinity, Garfield Park Pagoda, 2 mi (3.2 km) S of Indianapolis in Garfield Park.

Monroe County
Bloomington, Carnegie Library.

Orange County
Cor Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.
Jackson, Ten Prehistoric Sites in the Patoka Lake.

Parke County
Montezuma vicinity, Leatherwood Creek Covered Bridge.

St. Joseph County
Mishawaka, 100 NW Block, properties fronting N. Main St. and W. Lincoln Way.

Spencer County
Evansville, Pollard, Maier, House.

5340

Switzerland County

Vevay, 612 Ferry Street, also known as 608 Ferry St.
Vevay, 508 Liberty Street, also known as 512 Liberty St.
Vevay, 510 Liberty Street.
Vevay, 410 Pearl Street.
Vevay, 504 Pike Street.
Vevay, 506 Pike Street.
Vevay, 403 Seminary Street.
Vevay, 305 Tell Street.
Vevay, 506 Walnut Street.

Vanderburgh County

Evansville, *Athambra Theater*, 50 Adams St.
Evansville, *Riverside Neighborhood*.

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S of jct.

IOWA

Allamakee County

Marquette vicinity, *Fire Point Site* (Nine Foot Channel Navigation Project).

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Ida County

Muri Brown Site (13-1A-4), County Court-house.

Johnson County

Indian Lookout.

KANSAS

Douglas County

Lawrence, *Curtis Hall* (Kiva Hall), Haskell Institute.

KENTUCKY

Boone County

Rabbit Hash, Sites 15Be75 and 15Be76.

Jefferson County

Ashville vicinity, *McCollough Estate*, 8300 Bardstown Rd.
Louisville, *Archeological Sites*: Section 2, SW Jefferson County Local Protection Project.
Louisville, *Levin Bates House*, Bardstown Rd.

Johnson County

Fishtrap United Methodist Church.
Volga, *McKenzie Log Cabin*, McKenzie Branch.

Lawrence County

Fort Ancient Archeological Site.

Nelson County

Highgrove vicinity, *Hibbs Home*, jct. of U.S. 31E/150 and KY 480.

Spence County

Taylorville vicinity, *McClain-Prevallet Site* (Archeological Site 15-Sp-243).

LOUISIANA

Cameron Parish

Hackberry, *Black Lake Site* (16-Cm-87).
Hackberry, *Ellender House*.
Hackberry, *Sanner House*.

NOTICES

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

Lassalle Parish

White Sulfer Springs Vicinity, *Whalley Site* (16-LA-37), SW of White Sulphur Springs.

Orleans Parish

New Orleans, *Algiers Point Historic District*, bounded by Mississippi River, Atlantic St., and Opelousas St.
New Orleans, *Beauregard Square*, bounded by St. Peter, Rampart, St. Anne Sts., and Municipal Auditorium Building.

New Orleans, *Bienville Hotel*, 1040 St. Charles Ave.
New Orleans, *Bradfield House*, 1236 Annunciation.

New Orleans, *Bradford, Mary, Rental Property*, 1238 Annunciation.

New Orleans, *Brooklyn Cooperage Company*, 1200 St. Peters St.

New Orleans, *Casey Kate, House*, 932-934 Howard.

New Orleans, *Central City District*.

New Orleans, *Cochran and Mims Foundry*, 1101 S. Peters St.

New Orleans, *Cordes, John, House*, 3027-3029 Royal St., Square 170.

New Orleans, *Deyron, Dr. J. A., House*, 3037 Royal St., Square 170.

New Orleans, *Dunn, Andrew Jackson, House*, 928-930 Calliope St., Square 119.

New Orleans, *Dwyer, James, House*, 933-935 Galenne St., Square 119.

New Orleans, *Gasquet, William, Houses*, 1128-1130 Constance St., Square 119.

New Orleans, *Hart, James S., House*, 615 Erato St., Square 71.

New Orleans, *I-Sea Storage and Transfer Company Building*, 2201 Clio St., Square 348.

New Orleans, *Israelite Divine Spiritual Church*, 631 S. Roman St.

New Orleans, *Jahucke Building*, 814 Howard Ave., Square 237.

New Orleans, *Kohlman Cotton Mill and Manufacturing*, 1226 St. Thomas St.

New Orleans, *Lee Circle and Lee Monument*, St. Charles Ave. at Howard Ave.

New Orleans, *Maginnis Cotton Mills*, 1054 Constance St., Square 120.

New Orleans, *Malloy House*, 1228-1230 Annunciation.

New Orleans, *Malloy Rental Property*, 1232 Annunciation.

New Orleans, *McLaughlin, M.A., House*, 1122-1126 Constance St., Square 119.

New Orleans, *McLeod, Euphenia Napir House*, 1523-1525 Calliope St., Square 183.

New Orleans, *Murray, Thomas, House*, 1131 S. Rampart St., Square 290.

New Orleans, *O'Brien, Thomas, House*, 1244 Annunciation.

New Orleans, *Old Firehouse*, 1045 Magazine St., Square 158.

New Orleans, *Peyton, William H., House*, 1135 S. Rampart St., Square 290.

New Orleans, *Roper, George W., House*, 1032 St. Charles Ave., Square 183.

New Orleans, *St. John the Baptist Church*, 1139 Dryades St., Square 277.

New Orleans, *Sautel, Marie Theresa, House*, 1218-1222 Annunciation St., Square 100.

New Orleans, *Schoegmaun, G. A., House*, 3044 Royal St., Square 142.

New Orleans, *Sincer, Louis, House*, 1061 Camp St., Square 183.

New Orleans, *Sporl, C. J., House*, 3015 Royal St., Square 142.

New Orleans, *Talen, Aaldemar Appollonius, Studio-House*, 1029 Calliope St., Square 137.

New Orleans, *Temple Sinai*, 1032 Ceroudelet St., Square 215.

New Orleans, *Verrel, Theodore, House*, 1216 Annunciation St., Square 109.

New Orleans, *Tourae, Nicholas, House*, 1169 Tchoupitoulas St., Square 71.

New Orleans, *Zangel, Frederick, House*, 1118 Constance St., Square 119.

Ouachita Parish

Logtown vicinity, *Filthol Mound Complex*, 1 mi. (1.6 km) S. of jct. of SR165 and SR841.

Red River County

Hanna Site (16RR4), town of Hanna.

St. Martins Parish

Morgan City vicinity, *Site 16, Sm-45*, Atchafalaya Basin Floodway.

Vernon Parish

Ft. Polk, *Site 16 VN 18 and 16 VN 24*.

West Feliciana Parish

Illinois Central Gulf RR Abandonment, Hardwood, AL to Woodville, MS (also in Wilkinson Co. MS).

MARYLAND

Allegany County

Flintstone, *Breakneck Road Historic District*.

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).

Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Chalborne, *Bloody Point Bar Light*, on Chesapeake Bay.

Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore (Independent city)

Baltimore Bell (Baltimore and Ohio) Railroad (Howard Street Tunnel and Power House).

Barre Circle Historic District, Lombard St., Fremont Ave., Scott St.

Eastern Avenue Sewage Pumping Station, SW corner of Eastern Ave. and President St.

Fayette Street Methodist Episcopal Church, 745 West Fayette St.

Mount Calvary Church Historic District, Biddle St., Madison Ave., N. Eutaw St.

601-607 Chase Street.

Baltimore County

Federal Hill-Riverside Park Historic District, Federal Hill and Riverside Park areas.

Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.

Hollins-Lombard Historic District, 800 blocks of Hollins and Lombard Sts., bet. Fremont and Callender: unit block of Parkin St.

New Owings Mills Railroad Station, W. of Reisterstown Rd.

Old Owings Mills Railroad Station, Reisterstown Rd.

Old Western Police Station (Old Pine Street Station).

Reisterstown Historic District, Butler and Walston Rds.

Ridgely's Delight Historic District.

Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

NOTICES

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MICHIGAN

Kalamazoo County

Kalamazoo, *Masonic Temple*, corner Rose and Eleanor Sts.

Marquette County

Ottawa National Forest, *White Deer Lake Camp*, buildings on the Cyrus H. McCormick Experimental Forest.

Midland County

Midland, *Little Forks Archeological District*.

Wayne County

Detroit, *David Mackenzie House*, 4735 Cass Ave.

MINNESOTA

Hennepin County

Minneapolis, *Minnesota Veterans Home*, E. 51st St. and Minnehaha Ave.

Itasca County

Deer River, *Lake Winnibigoshish Dam Archeological Site*.

St. Louis County

Duluth, *Morgan Park Historic District*.

Winona County

Winona, *Second Street Commercial Block*.

MISSISSIPPI

Lowndes County

Tibbee Creek Archeological site, Columbus lock and dam project.

Monroe County

Aberdeen vicinity, *East Aberdeen Site* (22Mo819).

Tishomingo County

Tennessee—Tombigbee Waterway.

MISSOURI

Dent County

Lake Spring, *Hyer, John, House*.

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Henry County

La Due, *Batschelett House*, near Harry S Truman Dam and Reservoir.

Little Black River Watershed (also in Ripley County.)

Monroe County

Florida vicinity, *Archeological District No. 1* (Clarence Cannon Dam and Reservoir Project), (also in Ralls County.)

Florida vicinity, *Archeological District No. 2* (Clarence Cannon Dam and Reservoir Project), (also in Ralls County.)

Florida vicinity, *Archeological District No. 3* (Clarence Cannon and Reservoir Project), (also in Ralls County.)

Florida vicinity, *Archeological District No. 4* (Clarence Cannon Dam and Reservoir Project), (also in Ralls County.)

Violette, *Alexander House*.

Newton County

Racine, *Smith Cabin Ruins* (Lost Creek Watershed Archeological Site).

MONTANA

Big Horn County

Decker vicinity, *Bunny Chase Archeological Site*, 10 mi. (16 km) W. of Decker.

Cascade County

Great Falls, Building at 108 Central Avenue, 108 Central Avenue.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District*.

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge*.

Valentine vicinity, *Newman Brothers House*.

Knox County

Niobrara Historic Properties.

NEVADA

Clark County

Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.

Las Vegas vicinity, *Las Vegas Wash Archeological District*.

Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.

Elko County

Carlin vicinity, *Archeological Sites* 26EK1669, 26EK1672.

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW. of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Ruddell Ranch Complex*.

Lovelock vicinity, *Lovelock Chinese Settlement Site*.

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. (30.4 km) E. of Sparks, along 180 (also in Washoe County).

Washoe County

Site 26Wa2065.

NEW HAMPSHIRE

Cheshire County

Arch Bridge, between N. Walpole and Belkows Falls (also in Windham County, Vt.).

Hillsborough County

Amoskaag Millyard Complex.

Smyth Tower.

Middlesex County

New Brunswick, *Deleware Raritan Canal*.

Rockingham County

Rye, *Pulpit Rock Observation Station*, Portsmouth Harbor.

5342

Strafford County
Dover, *Odd Fellow's Hall* (*Morning Star Block*).
Dover, *O'Neill House* (*Cocheco Co. Housing*).
Dover, *Public Market* (*Morrill Block*).
Dover, *Trella House* (*Dover Manufacturing Co. Housing*).
Dover, *Veteran's Building* (*Central Fire House*).
Dover, *Western Auto Block* (*Merchants Row*).

NEW JERSEY

Essex County
Montclair, *Montclair Railroad Station Historic District*, Bloomfield Ave., Lackawanna Plaza, and Grove St.

Hudson County
S.S. Newton, midway between Ellis and Liberty Islands.

Mercer County
Bordentown, *Blacks Creek Prehistoric Archeological Site*.
Hamilton and West Windsor Townships, *Asunpink Historic District*.
Trenton, *Champale Brewing Company Office Building*.
Trenton, *Lamberton Interceptor*.
Trenton, *Maddock China Company Dump Site*.
West Windsor Township *Wastewater Facilities* (*Archeological Site 3313.14*)—Extended.

Middlesex County
Cranbury *Historic District*.
Metuchen, *Metuchen Railroad Station*.
Monroe Township, *Ten Eycks Forge Site*.
Spotwood Borough, *Cedar Brook Site*.

Monmouth County
Long Branch, *The Reservation*, 1-9 New Ocean Ave.
Sandy Hook, *Ordnance/Quartermaster Warf No. 536*.

Morris County
Morristown, *Abbett Avenue Bridge*.

Ocean County
Joseph Holmes Mill (*the Mill Site*), SW corner of intersection of Mill and Parker Sts.

Passaic County
Forsberg House, 3 Edgemont Crescent.

Union County
Berkeley Heights Township, *Feltville (Deserted Village)*.
Elizabeth, *Bender Building* (*Plainfield Corridor Service Project*), 251-267 N. Broad St.
Elizabeth, *Freight Station* (*Plainfield Corridor Service Project*) 520-532 North Ave.
Elizabeth, *Slaughterhouse* (*Plainfield Corridor Service Project*), 247 Morris Ave.
Springfield Township, *Sayre House* (*I-78 Project*).
Tannery (*Plainfield Corridor Service Project*), 244-246 N. Broad St.

Warren County
Oxford, *Oxford Industrial Complex*.

NOTICES

NEW MEXICO

Chaves County
Cities LA11809-LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County
Placitas Arroyo, Sites SCSPA 1-8.

Guadalupe County
Los Esteros Lake Archeological Site.

Lee County
Laguna Plata Archeological District.

McKinley County
Zuni Pueblo Watershed, Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37

Otero County
Three Rivers Petroglyphs.

Rio Arriba County
Cerrito Recreation Site Archeological District.

Sandoval County
Tetilla Peak Recreation Area, Tetilla Peak.

NEW YORK
Albany County
Guilderland, *Nott Prehistoric Site*.
Tetilla Peak Site.

Bronx County
Hell Gate Bridge and Approach Viaducts and Bridges (also in New York and Queens Counties).
New York, *Bronx Post Office*.
New York, *North Brothers Island Light Station*, in center of East River.
Pelham Bay, *Pelham Bay Railroad Bridge*.

Broome County
Endicott, *Endicott-Johnson Workers Arch. Mill Site at Site 7-A*, Mantlooke Creek project (also in Tioga County).
Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Callanbugus County
Olean, *Forness Park Development-Archeological Sites*.

Chautauqua County
Dunkirk, *Properties in the city of Dunkirk*.
Loomis Archeological Site, South and Central Chautauqua Lake

Erie County
Erie Canal.

Greene County
New York, *Hudson City Light Station*, in center of Hudson River.

Herkimer County
Little Falls, *Dunn Property Buildings*, W. Mill St.

Kings County
Rheingold Office Building (*Brooklyn Industrial Park*), Forest and Stanwix Sts.
Steeplechase Parachute Jump.

Nassau County
Greenville, *Toll Gate House*, Northern Blvd.

Long Island, *Seafood Park Archeological Site*.

New York County
New York, *Colonial Park Pool Complex*, Bradhurst Ave.
New York, *Harlem Courthouse*, 170 E. 121st St.
New York, *New York Cancer Hospital* (*Tower's Nursing Home*), 2 W. 106th St.
New York, *Old Produce Exchange* (*Army Building Reservation*), 39 Whitehall.

Onondaga County
Syracuse, *Armos Block*, 208-220 W. Water St.

Orange County
Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.
Newburgh, *Brewster Hook and Ladder Company No. 1*, 75 Broadway.
New Windsor, *Hazard's Mill Lott**, between Forge Hill Rd. and Moodina Creek and E of U.S. 9W.

Oswego County
Gustlin-Earle Factory Site, village of Mexico.
Musico Motors Building, W. First and W. Seneca Sts.

Otsego County
Swart-Wilcox House

Putnam County
Carmel, *Lake Secor Historic and Archeological Cabin*.

Queens County
Fort Totten Officer's Club.
Queens, *Astoria Studio*.

Richmond County
New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.
Staten Island, *U.S. Coast Guard Base, St. George*.

Saratoga County
Saratoga Springs, *Yaddo House and Gardens, District*.
Saratoga Springs, *Yaddo House and Gardens, Saratoga Springs Historic District*.
Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.
Waterford, *Waterford Industrial Complex*.

Schoharie County
Valley Between the Villages of Breakabeen and North Blenheim.

Staten Island
Totenville, *Ward's Point, Oakwood Beach Project*.

Suffolk County
Janesport vicinity, *East End Site*.
Janesport vicinity, *Hallock's Pond Site*.
New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island 10 mi. N. of Orient Point.

Northville *Historic District*, houses along Sound Ave.

Ulster County
Kingston vicinity, *Esopus Meadows Light Station*, Middle of Hudson River.
Lloyd, *Christiana House*, 24 River Rd.
Lloyd, *Mid-Hudson Hotel*, jct. of River and Willow Dock Rds., and Maple Ave.
Lloyd, *Palmer House*, 28 River Rd.
Lloyd, *Yelverton House*, 39 Maple Ave.
New York, *Rondout North Dike Light*, center of Hudson River at jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.
Wildmere and Cliffhouse Resort Hotels (*Minnewaska Acquisition Project*), towns of Gardiner and Rochester.

Warren County
Lake George, *Boyau*, portion of Montcalm St.

Washington County
Greenwich, *Palmer Mill* (*Old Mill*), Mill St.

Westchester County
Ossining, *Old Ossining Furniture Store*, 1-3 S. Highland Ave.
Ossining, *Snowden Court*, 89 Snowden Ave.
Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Tarrytown, *Tarrytown Light Station*.
Yonkers, *Women's Institute Building*.
Yorktown, *Yorktown Railroad Station*.

NORTH CAROLINA

Alamance County
Burlington, *Clapp's Mill and Dam Site* (also in Guilford County).
Burlington, *Faust Mill* (also in Guilford County).
Burlington, *Low House* (also in Guilford County).
Burlington, *Southern Railway Passenger Depot*, NE Corner Main and Webb Sts.

Camden County
South Mills vicinity, *Burnham House*, US Route 17.

Caswell County
Archeological Sites CS-12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County
Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County
Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County
Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.
Nags Head, *Bodie Island Lifesaving/Coast Guard Station District*, 5.3 mi. (6.5 km) S of jct. of U.S. 64 and SR 12.
Wanchese, *Site 31DR35*, Wanchese Harbor Development.

NOTICES

Forsyth County

Winston-Salem, *Atkins, Dr. Simon Green, House*, 346 Atkins St.
Winston-Salem, *Col. William Allen Blair House*, 210 Cherry St.
Winston-Salem, *Fries, John Williams, House*, 224 S. Cherry St.
Winston-Salem, *Hill, James S., House*, 914 Stadium Dr.
Winston-Salem, *Old Salem Single Brothers' Brewery and Stillhouse*, off Academy and Marshall Sts.
Winston-Salem, *Old Salem Single Brothers' Slaughterhouse-Stable*, off Salem and Academy Sts.
Winston-Salem, *Old Salem Single Brothers' Red Tannery Site*, off Marshall and Academy Sts.
Winston-Salem, *Paisley, J. W., House*, 934 Stadium Dr.
Winston-Salem, *Patterson, Ackerman, and Sussdorf Houses*, 434, 440, 448 S. Trade St.

Guilford County

Greenboro, *Buick Motor Company*, 309 N. Elm St.
Greenboro, *Greensboro Motor Company*, 315 N. Elm St.
Greenboro, *O'Henry Hotel*, SW corner of intersection of N. Elm and Belmeade Sts.
Greenboro, *Wafo Mill* (*Greensboro Roller Mill*), 801 McGee St.

Hyde County

Ocracoke, *Ocracoke Lighthouse*.

Mecklenburg County

Charlotte, *U.S. Post Office and Courthouse*, 401 W. Trade St.

Onslow County

Swansboro, *Unifite Site* (31 ON 33), just beyond end of SR 1507.

Wayne County

Goldsboro, *Mouse Lodge No. 6—International Order of Odd Fellows*, 113-115 S. John St.

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site*.

OHIO

Adams County

Wrightsville vicinity, *Grimes Site* (33 AD 39), Killen Electric Generating Station.
Wrightsville vicinity, *Killen Bridge Site* (33 AD 36), Killen Electric Generating Station.

Astabula County

Astabula, *West Fifth Street Bridge*, over Astabula River.

Athens County

Shade, *Colburn Residence*, Route 1.

Belmont County

Bellaire, *Bergundthal, Rose, House*, 4710 Jefferson St.
Bellaire, *Guernsey Street Historic Grouping*, 4711-4825 Guernsey St.
Bellaire, *Independent Hose Company No. 3*, The, 19th and Belmont Sts.
Bellaire, *Mitchell Residence*, 4363 Guernsey St.
Bellaire, *Union Street Bridge*, Union St. over McMahon's Creek.

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Clark County

Pike Township, *Hallock, Mertie, House*.

Crawford County

Calvary Reformed Church, *First United Methodist Church*, *Crestline Shunk Museum*.

Darke County

DAR-S.R.-571-0.00

Licking County

Heath, *DiGiondomenico Site* (*Ohio LTC 343-0-0.00*).

Montgomery County

Columbia Bridge Works.
Lower Cratis Road Bridge.

Richland County

Mansfield, *Ritter, William, House*, 181 S. Main.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Summit County

Akron, *Untied Way Building*, Perkins St.

Tuscarawas County

Conotton Creek Bridge, CR 90 in Warren Township, over Conotton Creek.

Warren County

Corwin, *Shaffer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.
Massie, *Car Mill Site* (33Wa 75), Caesar Creek Lake Project.
Massie, *King Road Site* (33Wa 112), Caesar Creek Lake Project.
Massie, *Wood 73 Site* (33Wa 92), Caesar Creek Lake Project.
Massie, *Pipeline Site* (33Wa 78), Caesar Creek Lake Project.
Massie, *Oglesby-Harris Site* (33Wa 83), Caesar Creek Lake Project.
Massie, *Jonah's Run Site* (33Wa 82), Caesar Creek Lake Project.

Wayne County

Wooster, *Thorne House*, 1576 Beall Ave.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Caddo County

Delaware Canyon Sites Cd-257 and Cd-258, West Branch Delaware Creek.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Chief's Knoll, Post Cemetery*, N of

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

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OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. (16 km) E of Baker off Hwy. 86.

Columbia County

Scappoose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. (20.8 km) NW of Scappoose.

Coos County

Charleston, *Cape Arago Light Station*.

Curry County

Port Orford, *Cape Blanco Light Station*.

Gilliam County

Archeological Sites (Ghost Camp Reservoir). Arlington vicinity, *Four Mile Canyon Area* (Oregon Trail), 10 mi. (16 km) SE of Arlington.

Crum Gristmill, Ghost Camp Reservoir area.

Old Wagon Road, Ghost Camp Reservoir area.

Oler School, Ghost Camp Reservoir area. Steel Truss Bridge, Ghost Camp Reservoir area.

Jackson County

Medford, *McCredie House*, 2606 Old Stage Rd.

Klamath County

Crater Lake National Park, *Crater Lake Lodge*.

Lane County

Coburg vicinity, *McKenzie River Railroad Bridge*. Roosevelt Beach, *Heceta Head Lighthouse*. Roosevelt Beach, *Heceta Head Light Station*.

Lincoln County

Agate Beach, *Yakuina Head Lighthouse*.

Polk County

Salem, *Chemawa Indian School*.

Tillamook County

Tillamook, *Cape Meares Lighthouse*.

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901-1906.

PENNSYLVANIA

Adams County

Kuhn's *Fording Bridge*, spans Conewago Creek.

Allegheny County

McJunkin Site, New Texas Rd. Pittsburgh, *St. Boniface Church*, 2208 East St.

Berks County

Brownsville vicinity, *Lauer-Gerhart Farm*, Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.

Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.

Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.

Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.

Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.

Reading vicinity, *Blue Marsh Archeological District*.

Butler County

Butler, *Bonnie Brook Archeological Site*.

Chester County

Charlestown township, *Nature Center of Charlestown*, State Rd.

Charlestown, *Nessor House* (Thomas Davis House), State Rd.

Charlestown, *Pickering Creek Ice Dam*, State Rd.

Chester vicinity, *Lock Aerie*.

Schuylkill township, *The Blackwell House*, State Rd.

Schuylkill township, *The Showalter House*, State Rd.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.

Lockhaven, *Harvey, Judge, House*, 29 N. Jay St.

Lockhaven, *McCormick, Robert, House*, 234 E. Church St.

Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Cumberland County

Hampden township, *Croghan Site*, Route 1067.

Hampden township, *Weibly House*, Route 1067.

Delaware County

1 476 Historic Sites (20 Historic Sites), Mid-County Expwy., between Conshohocken and Chester (also in Montgomery County).

Minshall House, Media Borough.

Fayette County

Washington, *Cook, Joseph H., House*, Cook Rd.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank Bldg.*, 13 N. Main St.

Lancaster County

Bainbridge township, *Haldeman Mansion*.

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings*, I-78.

Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Faxon Co., Inc., Williamsport Beltway*.

Northampton County

Bethlehem, *Lehigh Canal*, Easton, *Easton Historic District*, Site 3: Farmhouse, barn, and outbuildings, I-78.

Site 4: Farmhouse, barn, and outbuildings, I-78.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.

Philadelphia, *Courthouse and Post Office*, 9th St., between Chestnut and Market Sts.

Philadelphia, *Franklin Square*, 6th, 7th, Vine, and Franklin Sts.

Philadelphia, *New Forest Theatre*, 1108-1114 Walnut St.

Philadelphia, *Poth, Frederick, House*, 216 N. 33rd St.

Philadelphia, *3400 Block of Sanson St.*

Philadelphia, *Tremont Mills*, Wigonocking St. and Adams Ave.

Pike County

Delaware Township, *Emery House*, I-316.

Washington County

Somerset Township, *Wright No. 22 Covered Bridge*.

York County

Wellsville Historic District.

RHODE ISLAND

Providence County

Pawtucket, *Lorenzo Crandall House*, 221 High St.

Providence, *Woonosquatucket Bridge*.

Woonsocket, *Club Marquette Building* (St. Anne's Gymnasium), Cumberland St.

Washington County

Narragansett, *Sprague, Gov., Bridge*, Boston Neck Rd.

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot*.

Charleston County

Charleston, *139 Ashley St.*

Charleston, *69 Barre St.*

Charleston, *69r Barre St.*

Charleston, *316 Calhoun St.*

Charleston, *316r Calhoun St.*

Charleston, *268 Calhoun St.*

Charleston, *274 Calhoun St.*

Charleston, *Old Rice Mill*, off Lockwood Dr.

SOUTH DAKOTA

Minnehaha County

Orpheum Theater, 315 N. Phillips Ave.

Pennington County

Rapid City, *612-632 Main St.*

Walworth County

Mobridge vicinity, *Travis II Site*.

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground*, section 203(b).

Jackson County

Gainsboro, *Cordell Hull Reservoir Archeological Sites* (40JK27; 40JK30).

TEXAS

Bexar County

Fort Sam Houston, *Eisenhower House*, Artillery Post Rd.

NOTICES

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Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Lateral Subwatershed* (also in McCulloch County).

Delta County

Copper Lake Archeological District, (also in Hopkins County).

Denton County

Hammons, *George House*, between Sangers and Pilot Point.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed, *Archeological Sites*.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.

Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.

Laredo, *Zoita De La, House*, 500 Iturbide St.

Laredo, *Leyedeker/Salinas House*, 702 Iturbide St.

Laredo, *Montemayor, Jose A., House* (Carols Vela House), 601 Zaragoza St.

Williamson County

Archeological districts of North Fork and Granger Lake.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Kosrea District

Lele Village, *Lele Archeological Sites*.

Truk District

Sapore Village, *Aikei/Wines, Fefen Island*.

UTAH

Emery County

Site ML-2145, *Manti-LaSal National Forest*.

VERMONT

Chittenden County

Clark Memorial Building.

Windham County

Rockingham, *Bellows Falls Armory*, 72 Westminster St., Bellows Falls.

Windsor County

Windsor, *Post Office Building*.

VIRGINIA

Charlottesville (Independent city)

U.S. Post Office and Courthouse (Old Post Office).

Accomack County

Captain's Cove Development, *Archeological Sites* (Chincoteague Bay).

Allegheny County

Galtright Lake Project (Archeological sites), (also in Bath County).

Lynchburg (Independent city)

Lynchburg, *Lynchburg Hill District*. Lynchburg, *College Hill Neighborhood Development Area*.

Wythe County

Fort Criswell.

WASHINGTON

Benton County

Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.

Callam County

Cape Alava vicinity, *White Rock Village Archeological Site*, S of Cape Alava.

Olympic National Park Archeological District, *Olympic National Park* (also in Jefferson County).

Seigum, *New Dungeness Light Station*.

King County

Burton, *Point Robinson Light Station*.

Seattle, *Alki Point Light Station*.

Seattle, *Home of the Good Shepherd*.

Seattle, *West Point Light Station*.

Kitsap County

Hansville, *Point No Point Light Station*.

Pierce County

Longmire, *Longmire Cabin*, Mount Rainier National Park.

Skamania County

North Bonneville, *Site 44SA11*, Bonneville Dam Second Powerhouse Project.

Wahkiakum County

Skamokawa village, *Archeological site 45-WK-5*.

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek, Watershed (also in Harrison County).

Cabell County

Huntington, *Old Bank Building*, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse*, St. Albans, *Chilton House*, 439 B St.

Ohio County

Wheeling, *U.S. Post Office, Courthouse, and Customhouse*, 12th and Chapline Sts.

Pendleton County

Wayside Inn (Site's Inn), *Monongahela National Forest*.

Wood County

Parkersburg, *Wood County Courthouse*.

Parkersburg, *Wood County Jail*.

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302*.

Fond du Lac County

Fond du Lac, *Aetna Station No. 5*, 193 N. Main St.

Green County

Madison, *Pratt Truss Bridge*, between Madison, WI and Freeport, IL (also in Dade Co, WI).

Madison, *Tunnel, Illinois Central Gulf RR*, between Freeport, IL and Madison, WI (also in Dade Co, WI).

Monroe, *Illinois Central Freight House*.

LaCrosse County

LaCrosse, *LaCrosse Post Office*.

Milwaukee County

Milwaukee, *Abbot Row*, 1019-1043 Ogden Ave.

Milwaukee, *Elwell, Edward, House*, 1363 N. Prospect Ave.

Milwaukee, *First Ward Triangle Historic District*, in irregular pattern around the intersection of N. Prospect, E. Juneau, N. Franklin, and E. Knapp.

Milwaukee, *Graham Row*, 1501-1507 N. Marshall St.

Milwaukee, *Puddlers' Hall*, 2461-2463 S. St. Clair St.

Milwaukee, *Richards, Edwards, House*, 2419-2421 S. Wentworth Ave.

Victor Schlitz House (Highland Community School), 2004 W. Highland Ave.

Outagamie County

Greenville, *The Culbertson Farmstead*.

Rock County

Portion of *Evansville Historic District*.

WYOMING

Albany County

Woods Landing vicinity, *Boswell Ranch*, WY 10.

Fremont County

Pilot Butte Powerplant, *Wind River Basin*.

Johnson County

Casper, *Castle Rock Archeological Site*.

Casper, *Dull Knife Battlefield*.

Casper, *Middle Fork Pictograph-Petroglyph Panels*.

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AREA CODE 202

523-5022

Federal Register

TUESDAY, FEBRUARY 7, 1978
PART III



**NATIONAL
OCCUPATIONAL
INFORMATION
COORDINATING
COMMITTEE**

**INTERAGENCY
AGREEMENT**

[4510-30]

NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

OCCUPATIONAL INFORMATION Interagency Agreement

ACTION: Notice.

SUMMARY: Published below is a revised Interagency Agreement of the National Occupational Information Coordinating Committee (NOICC). This agreement replaces the original interagency agreement of the NOICC signed on March 2, 1977 and published as a NOTICE in the FEDERAL REGISTER on April 21, 1977.

The National Occupational Information Coordinating Committee has been established with the general purpose of improving coordination communication, and cooperation in the development of an occupational information system designed to meet the common occupational information and data needs of the vocational education programs and employment and training programs at national, State, and local levels.

In addition, the NOICC is mandated to give special attention to the problems of unemployed youths and to assist and encourage the use of occupational information especially by promoting its use in career decisionmaking.

SUPPLEMENTARY INFORMATION: The Education Amendments of 1976 (Pub. L. 94-482) section 202(a) amends the Vocational Education Act of 1963 and establishes a National Occupational Information Coordinating Committee. An Interagency Agreement of the National Occupational Information Coordinating Committee specifying the purpose and designed to activate working arrangements was signed by the four statutory members March 2, 1977.

This revised agreement among the agencies, signed at a meeting of the four statutory members on January 24, 1978 incorporates those provisions as mandated in the Youth Employment and Demonstration Projects Act of 1977 (Pub. L. 95-93) which amend by the Comprehensive Employment and Training Act.

The Committee, as specified in the Act, is composed of the Commissioner of Education, the Administrator of the National Center for Education Statistics, the Assistant Secretary for Em-

NOTICES

ployment and Training and the Commissioner of Labor Statistics.

R. E. ALLYN,
Staff Director, National Occupational Information Coordinating Committee.

INTERAGENCY AGREEMENT OF THE NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

Section 161(b) of the Vocational Education Act of 1963, as amended by Title II of Pub. L. 94-482, the Education Amendments of 1976, establishes a National Occupational Information Coordinating Committee (NOICC). The Committee's legislative mandate was expanded by section 348(c) of the Comprehensive Employment and Training Act of 1973, as amended by Title II of Pub. L. 95-93, the Youth Employment and Demonstration Projects Act of 1977. The members of this Committee are the Commissioner of Education, the Administrator of the National Center for Education Statistics, the Commissioner of Labor Statistics, and the Assistant Secretary of Labor for Employment and Training.

This Agreement replaces the NOICC Interagency Agreement executed on March 2, 1977.

Specifically, the Office of Education and the National Center for Education Statistics of the U.S. Department of Health, Education, and Welfare, and the Bureau of Labor Statistics and the Employment and Training Administration of the U.S. Department of Labor agree to carry out the intent of Congress as set forth in section 161(b) of the Vocational Education Act as amended, and section 348(c) of the Comprehensive Employment and Training Act of 1973, as amended.

The parties agree to the following paragraphs:

1. The NOICC in the use of program data and employment data will improve coordination between and communication among vocational education and employment and training program administrators, planners, researchers, and other trainers. These efforts will be directed toward assuring the availability and systematic use of uniform program and occupational information and employment data giving special attention to the problems of unemployed youths. To this end a system will be designed so that accurate comparisons can be made from State to State and, whenever possible, will include reporting of data by labor market areas within the State for purposes of planning and program development.

2. The NOICC will develop and implement by September 30, 1978, an occupational information system to meet the common occupational information and data needs of the vocational education program and employment and

training programs at the national, State, and local levels. This system will include data on occupational demand and supply based on uniform definitions, standardized estimating procedures, and standardized occupational classifications. The system design will also include different delivery systems applicable to user needs including but not limited to the needs of administrators and planners of programs and of clients, students, and others making career choices.

3. The NOICC will assist each State's Occupational Information Coordinating Committee (SOICC) as required by law and as specified in regulations promulgated by NOICC.

4. The NOICC, in carrying out the activities under the Acts, will assist and encourage SOICC's (1) to adopt methods of translating national aggregate occupational outlook data into labor market terms; (2) to provide technical assistance for States and localities that seek to establish facilities to process, disseminate, implement or otherwise use occupational and outlook information and projections; and (3) to encourage and promote greater cooperation in the development of career information systems between those who collect and disseminate occupational information and those who utilize, plan or operate on the basis of such information.

5. NOICC will utilize funds for (1) national activities in improving coordination and communication; (2) designing and implementing an occupational information system (OIS); and (3) funding SOICC activities. These activities will meet the needs for planning and operating programs of the State Board for Vocational Education and administering agencies under the Comprehensive Employment and Training Act (CETA) of 1973.

6. The NOICC will determine the purposes for which disbursement of funds are to be made consistent with fulfilling the requirements of the Acts. Within the legislative authorization, the NOICC will annually estimate the amount of funds required to carry out its functions. A formal budget request to support NOICC's activities, based on such estimates, will be submitted by the Office of Education and the Department of Labor. All funds available to the NOICC under the Comprehensive Employment and Training Act and the Vocational Education Act may be used by the Committee to carry out any of its functions and responsibilities authorized by law.

7. Memoranda of Understanding will be developed, as needed, and agreed to by four statutory members of NOICC covering areas such as policy, staffing, administrative services, and space.

8. The signatories, the four statutory members of NOICC, agree that each will delegate authority to a person on

his or her staff to act as a member of a Technical Steering Group. The signatories further agree that the Commissioner of the Rehabilitation Services Administration should designate a person on his or her staff to work with the Technical Steering Group because the State vocational rehabilitation agency is legislatively required to be represented on each State Occupational Information Coordinating Committee.

9. The Technical Steering Group will, in accordance with Memoranda of Understanding agreed to by the members of the NOICC, carry out the functions assigned to it.

NOTICES

ERNEST G. GREEN,
Assistant Secretary for Employment and Training, Department of Labor.

ERNEST L. BOYER,
Commissioner, Office of Education, Department of Health, Education, and Welfare.

JULIUS SHISKIN,
Commissioner, Bureau of Labor Statistics, Department of Labor.

MARIE ELDRIDGE,
Administrator, National Center for Education Statistics, Department of Health, Education, and Welfare.

JANUARY 24, 1978.

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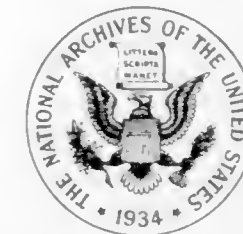
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TUESDAY, FEBRUARY 7, 1978
PART IV



DEPARTMENT OF
HEALTH,
EDUCATION,
AND WELFARE
Public Health Service

GRANTS FOR
COMMUNITY AND
MIGRANT HEALTH
SERVICES

Acquisition and Modernization
of Existing Buildings

[4110-84]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 51c—GRANTS FOR COMMUNITY HEALTH SERVICES

PART 56—GRANTS FOR MIGRANT HEALTH SERVICES

Acquisition and Modernization of Existing Buildings

AGENCY: Public Health Service, HEW.

ACTION: Final rule.

SUMMARY: On December 30, 1976, a new Subpart E of 42 CFR Part 51c, entitled "Acquisition and Modernization of Existing Buildings," was adopted and published in the FEDERAL REGISTER (41 FR 56999). The new Subpart E implements part of section 330 of the Public Health Service Act (42 U.S.C. 254c). Although Subpart E was effective upon publication, the Secretary invited public comment and stated that Subpart E of the regulations would be revised as warranted by the comments received. A summary of the substantive comments and actions taken with respect to the regulations appears in the Supplementary Information section below. A revised Part 56 of Title 42, Code of Federal Regulations, entitled "Grants for Migrant Health Services" and consisting of Subparts A through G, was published as interim regulations in the FEDERAL REGISTER on September 13, 1976 (41 FR 38887). The preamble to the interim regulations announced that Subpart H, which would contain specific requirements applicable to all grants under section 319 of the Public Health Service Act (42 U.S.C. 247d) for acquiring and modernizing existing buildings, would be published at a later date. Subpart H is published here following the revision of Subpart E. Publication of the two subparts is necessary to complete the implementation of sections 319 and 330.

EFFECTIVE DATE: February 7, 1978.
FOR FURTHER INFORMATION CONTACT:

For Subpart E: Youn Bock Rhee, Associate Bureau Director for Community Health Centers, Bureau of Community Health Services, Health Services Administration, Room 7A-55, Parklawn Building, Rockville, Md. 20857, 301-443-2260.

For Subpart H: Billy M. Sandlin, Associate Bureau Director for Migrant Health, Bureau of Community Health Services, Health Services Administration, Room 7A-55, Parklawn Building, Rockville, Md. 20857, 301-443-1153.

RULES AND REGULATIONS

SUPPLEMENTARY INFORMATION:

Comments received on Subpart E of 42 CFR Part 51c and the changes made to the regulations are as follows:

1. It was recommended that the regulations be revised to permit grantees to substitute new construction in lieu of acquiring and modernizing existing buildings. This recommendation was rejected because the Act specifically limits grants to the acquisition and modernization of existing buildings.

2. The definition of "existing building" in § 51c.502(b) has been revised to make clear, in response to inquiries, that purchase of a building without land (such as where a building is moved to the project site) may be supported under this subpart.

3. It was suggested that minimal requirements or exceptions for small projects—for example, those under \$10,000—should be established. This suggestion was not accepted because it is intended that most small projects be handled under the Department's usual procedures for alterations and renovations, rather than under these regulations for acquisition and modernization. Accordingly, § 51c.501 has been revised to limit explicitly the applicability of the regulations to project costs which could not otherwise be supported under the usual alteration and renovation procedures.

4. One commenter recommended that the period of not less than 20 years required by § 51c.503(7)(i) to assure undisturbed use and possession of the site for the purpose of the operation of the project be reduced to the duration of the grant period. This recommendation was not accepted because an interest sufficient to assure undisturbed use and possession for a 20-year period is believed to be reasonably close to a "fee simple" interest and thus more within the intent of the term "acquisition."

5. Minor technical corrections were made to 42 CFR § 51c.503 and § 51c.504.

Since Subpart H is identical in substance to Subpart E and issuance of the regulations at this time will enable currently appropriated grant funds to be used for needed acquisition and modernization, the Secretary has determined that public participation prior to the issuance of Subpart H and a delay in its effective date should be waived as unnecessary and contrary to the public interest, and, accordingly, that good cause exists for making Subpart H effective immediately upon publication.

NOTE.—The Department of Health, Education, and Welfare has determined that these documents do not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: November 23, 1977.

JULIUS B. RICHMOND,
Assistant Secretary
for Health.

Approved: January 31, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

1. Section 51c.501 of 42 CFR is revised to read as follows:

§ 51c.501 Applicability.

The regulations of this subpart, in addition to the regulations of the other applicable subparts of this part, are applicable to grants under section 330 of the Act for project costs which include the cost of acquisition and/or modernization of existing buildings (including the cost of amortizing the principal of, and paying the interest on, loans), except that, these regulations are not applicable to grants for project costs which include the costs of modernization of existing buildings if those costs can otherwise be supported under subparts B, C, or D of this Part.

2. Section 51c.502 of 42 CFR is revised to read as follows:

§ 51c.502 Definitions.

(a) "Equipment" means nonexpendable personal property as defined in 45 CFR 74.132.

(b) "Existing building" means a completed or substantially completed structure, and may include the realty on which it is or is to be located.

(c) "Modernization" means the alteration, repair, remodeling and/or renovation of a building (including the initial equipment thereof and improvements to the building's site) which, when completed, will render the building suitable for use by the project for which the grant is made.

§ 51c.503 [Amended]

3. 42 CFR 51c.503(a)(7)(vii) is amended by inserting the word "Disaster" between the words "Flood" and "Protection."

§ 51c.504 [Amended]

4. 42 CFR § 51c.504(c)(3)(ii) is amended by inserting the word "applicable" between the words "the" and "requirements."

5. The "Authority" provision of 42 CFR Part 51c is revised to read as follows:

AUTHORITY: Sec. 330, Public Health Service Act, 89 Stat. 342, (42 U.S.C. 254c); Sec. 215, Public Health Service Act, 58 Stat. 690, (42 U.S.C. 216).

6. A new subpart H of 42 CFR Part 56 is adopted, to read as follows:

Subpart H—Acquisition and Modernization of Existing Buildings

Sec.
56.801 Applicability of 42 CFR Part 51c, Subpart E.

RULES AND REGULATIONS

AUTHORITY: Sec. 319, Public Health Service Act, 89 Stat. 334, (42 U.S.C. 247d); Sec. 215, Public Health Service Act, 58 Stat. 690, (42 U.S.C. 216).

Subpart H—Acquisition and Modernization of Existing Buildings

§ 56.801 Applicability of 42 CFR Part 51c, Subpart E.

The provisions of 42 CFR Part 51c, Subpart E, establishing requirements for the acquisition and modernization of existing buildings, shall apply to all grants under section 319 of the Act for

project costs which include the cost of acquisition and/or modernization of existing buildings (including the cost of amortizing the principal of, and paying the interest on, loans); except that, for purposes of this Subpart, references within Subpart E to Part 51c, or to subparts of Part 51c, shall be deemed to be references to Part 56, or to the appropriate subparts of Part 56, and references to section 330 of the Act shall be deemed to be references to section 319 of the Act.

[FR Doc. 78-3254 Filed 2-6-78; 8:45 am]

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

S. 1585 Pub. L. 95-225
"Protection of Children Against Sexual Exploitation Act of 1977". (Feb. 6, 1978; 92 Stat. 7) Price: \$5.00

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS: FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Amendment of Administrative Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule would revise some of the district boundaries for independent producer membership positions of the Prune Administrative Committee. The marketing order for California dried prunes requires that these districts be as equal as practicable in terms of the number of independent producers and their collective prune production.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Notice of the proposed revision in district boundaries was published in the January 16, 1978, issue of the FEDERAL REGISTER (43 FR 2182). No comments were received.

This rule revises paragraph (a) of § 993.128 of Subpart—Administrative Rules and Regulations (7 CFR 993.101-993.174). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

As recommended by the Prune Administrative Committee, the rule revises some of the boundaries of the seven independent producer election districts in § 993.128(a). The districts are for the purpose of obtaining nominations for producer members to represent independent producers on the

Committee. The rule shifts: Butte and Yuba Counties from their current districts (Districts 2 and 6, respectively) to District 5; Monterey, San Benito, and part of Santa Clara Counties from District 5 to District 4; and Stanislaus County from District 4 to District 6. By making these realignments, the seven districts will have, insofar as practicable, equal representation by number of independent producers and production of dried prunes by such producers, as required by § 993.28.

After consideration of all relevant matter presented, including the proposals in the notice, the recommendation of the Committee, and other available information, it is found that the following regulation should be approved.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The districts, as defined by their boundaries, serve as the basis for selecting independent grower members of the Prune Administrative Committee and current membership positions end on May 31, 1978; (2) the Committee will begin holding nominations for new members soon in order to submit its recommendations to the Secretary by April 16, 1978; and (3) no useful purpose would be served by delaying the effective time of this action.

The regulation is as follows:

§ 993.128 Nominations for membership.

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

District No. 1. That portion of Sutter County south of a line extending along Nuestrro Road easterly to the Yuba County line and westerly to the Colusa County line.

District No. 2. That portion of Sutter County not included in District No. 1.

District No. 3. The counties of Del Norte, Humboldt, Lake, Marin, Mendocino, Siskiyou, Sonoma, and Trinity.

District No. 4. The counties of Alameda, Contra Costa, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Solano.

District No. 5. The counties of Butte and Yuba.

District No. 6. The counties of Amador, Fresno, Merced, Placer, Sac-

ramento, San Joaquin, San Luis Obispo, Stanislaus, Tulare, and all the counties in the area not included in Districts No. 1 through 5, inclusive, and in District No. 7.

District No. 7. The counties of Colusa, Glenn, Shasta, Tehama, and Yolo.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: February 3, 1978, to become effective February 10, 1978.

CHARLES R. BRADER,
Deputy Director,

Fruit and Vegetable Division.

[FR Doc. 78-3467 Filed 2-7-78; 8:45 am]

[4410-01]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Reductions of Certain Service Fees

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service to reduce the amount of certain fees in the Service's fee schedule. The amendments are necessary to comply with a stipulated order issued by the U.S. District Court for the District of Columbia.

EFFECTIVE DATE: February 8, 1978.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536, telephone 202-376-8373.

SUPPLEMENTARY INFORMATION:

A. BACKGROUND

Corporate plaintiffs, the Urban Law Institute of Antioch College, Ayuda, Inc., and other individual plaintiffs brought an action for declaratory judgment against the Commissioner of Immigration and Naturalization alleging that certain fee increases pub-

lished by the Service in the FEDERAL REGISTER on January 13, 1976, at 41 FR 1887-1888 to become effective February 12, 1976, were not authorized by the "user" statute (31 U.S.C. 483a) on which they were based; were arbitrary, capricious, unreasonable, and excessive in comparison with other Service fees and with the services performed; and that their imposition would inhibit the efforts of the persons dealing with the Immigration and Naturalization Service from obtaining fair administrative consideration and from seeking judicial review of Service actions, thus violating the due process clause of the Fifth Amendment. It was further alleged that enforcement of the Service order increasing the fees would cause immediate and irreparable injury to the individual plaintiffs and to the clients who would be represented by the corporate plaintiffs, and to other large numbers of persons having to deal with the Service throughout the United States, by requiring the payment of illegal and exorbitant fees.

In a stipulated order, the Court dismissed the action with prejudice and approved a stipulation entered into by the parties in which the Service agreed to promulgate an order in the FEDERAL REGISTER reducing certain fees. The stipulation provided that nothing contained in it would preclude the Service from raising any of its current fees, establishing new fees, or reinstating discontinued fees pursuant to 31 U.S.C. 483a or any other applicable statute, at any time after one year from the repromulgation of the revised fee schedule.

B. THE FEES INVOLVED AND THE COURT ORDER

The fees described below are the subject of the action.

(a) \$50 for filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. Prior to the increase, this fee was \$25. The Service agreed to reduce this fee to \$35.

(b) \$65 for filing application for waiver of the foreign-residence requirement under section 212(e) of the Act. Prior to the increase this fee was \$25. The Service agreed to reduce this fee to \$50.

(c) \$50 for filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals has appellate jurisdiction in accordance with § 3.1(b) of this chapter. Prior to the increase, this fee was \$25. The parties agreed that this fee should remain at \$50. They further agreed that the fee for an appeal from a bond decision of an Immigration Judge to the Board should be abolished.

(d) \$40 for filing application for stay of deportation under Part 243 of this chapter. Prior to the increase this fee was \$25. The Service agreed to reduce this fee to \$25.

(e) Finally, the Service agreed to reduce the fee for motions to reopen or reconsider any decision under the immigration laws (before the Service or before the Board) from \$50 to \$25.

Accordingly, the fee schedule in 8 CFR 103.7(b)(1) will be revised to effect the reductions in the fees stipulated by the parties and approved by the Court. A corollary amendment will be made in 8 CFR 103.3(a) to reduce the fee appearing therein.

C. REVISED FEES PRESCRIBED

1. In § 103.3(a) the third sentence is amended by changing \$50 to \$35. As amended the third sentence reads as follows:

§ 103.3 Denials, appeals, and precedent decisions.

(a) *Denials and appeals.* . . . When the applicant is entitled to appeal to another Service officer, the notice shall advise him that he may appeal from the decision, and that such appeal may be taken within 15 days after the service of the notification of decision, accompanied by a supporting brief if desired and a fee of \$35, by filing Notice of Appeal, Form I-290B, which shall be furnished with the written notice. . . .

2. § 103.7(b)(1) is revised by amending the description and reducing the amounts of four existing fees and by adding a new separate \$25 fee for the filing of a motion to reopen or reconsider any decision under the immigration laws in any type of proceeding. These fee schedule revisions read as follows:

§ 103.7 Fees.

(b) *Amounts of fees.* (1) The following fees and charges are prescribed:

For filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. (The fee of \$35 shall be charged whenever an appeal is filed by or on behalf of two or more aliens and all such aliens are covered by one decision), \$35.

For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act, \$50.

For filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigra-

tion Appeals has appellate jurisdiction in accordance with § 3.1(b) of this chapter, except that there shall be no fee for an appeal to the Board of Immigration Appeals from a bond decision of an Immigration Judge. (The fee of \$50 shall be charged whenever an appeal is filed by or on behalf of two or more aliens and all such aliens are covered by one decision), \$50.

For filing a motion to reopen or reconsider any decision under the immigration laws in any type of proceeding. When the motion to reopen or reconsider is made concurrently with any application under the immigration laws, such application will be considered an integral part of the motion and only the fee for filing the motion or the fee for filing the application, whichever is greater, is payable. (The fee of \$25 shall be charged whenever a motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision), \$25.

For filing application for stay of deportation under Part 243 of this chapter, \$25.

(Sec. 103, 8 U.S.C. 1103.)

These amendments are published in accordance with section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments made in this order reduce the amounts of certain Service fees in compliance with an order of the United States District Court for the District of Columbia.

Effective date: The amendments made in this order become effective on February 8, 1978.

Dated: February 2, 1978.

LEONEL J. CASTILLO,
Commissioner of
Immigration and Naturalization.
(FR Doc. 78-3373 Filed 2-7-78; 8:45 am)

[7590-01]

Title 10—Energy
CHAPTER I—NUCLEAR REGULATORY COMMISSION
PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Caution Signs, Labels, Signals, and Controls;
Notice of Approval by Comptroller General

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule. Approval of reporting and record keeping requirements by Comptroller General.

SUMMARY: On December 27, 1977, the Nuclear Regulatory Commission

published in the FEDERAL REGISTER a notice of rulemaking, effective March 14, 1978, amending its Standards for Protection Against Radiation.

The notice included a note that: (1) The Nuclear Regulatory Commission has submitted the rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, as amended and (2) the date on which the reporting and record keeping requirements of the rule become effective, unless advised to the contrary, accordingly reflects inclusion of the 45-day period which that statute allows for such review. The reporting and recordkeeping requirements set out in the rule have been approved by the U.S. General Accounting Office under No. B-180225 (R0084).

EFFECTIVE DATE: March 14, 1978. The reporting and record keeping requirements set out in § 20.203(c) of the rule published in the FEDERAL REGISTER on December 27, 1977 (42 FR 64619), have been approved by the U.S. General Accounting Office under No. B-180225 (R0084) and the effective date of the rule is March 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Rules and Procedures Branch, Division of Rules and Records, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, tel. 301-492-7211.

Dated at Bethesda, Md., this 1st day of February 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director
for Operations.

(FR Doc. 78-3454 Filed 2-7-78; 8:45 am)

[6210-01]

Title 12—Banks and Banking
CHAPTER II—FEDERAL RESERVE SYSTEM
SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
(Reg. Z; FC-0143 through FC-0145)
PART 226—TRUTH IN LENDING
Official Staff Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Official Staff Interpretation(s).

SUMMARY: The Board is publishing the following official staff interpretations of Regulation Z, issued by a duly authorized official of the Division of Consumer Affairs.

EFFECTIVE DATE: February 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3946.

SUPPLEMENTARY INFORMATION: (1) Identifying details have been deleted to the extent required to prevent a clearly unwarranted invasion of personal privacy. The Board maintains and makes available for public inspection and copying a current index providing identifying information for the public subject to certain limitations stated in 12 CFR 261.6.

(2) Official staff interpretations may be reconsidered upon request of interested parties and in accordance with 12 CFR 226.1(d)(2). Every request for reconsideration should clearly identify the number of the official staff interpretation in question, and should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

(3) 15 U.S.C. 1640(f).

12 CFR Part 226, FC-0143, § 226.8(b). Where customer is under no obligation to refinance balloon payment at end of term, and creditor may not increase APR during term of loan, § 226.8(b)(8) is inapplicable.

JANUARY 17, 1978.

This is in response to your letter of . . . , in which you ask whether the provisions of § 226.8(b)(8) of Regulation Z, which requires certain disclosures in connection with credit transactions in which the annual percentage rate is prospectively subject to increase, apply in the fact situation discussed below.

To begin our discussion, I would point out that staff, as a general matter, believes that § 226.8(b)(8) applies only when the rate is subject to increase during the term of the loan to which the customer is committed.

In the situation you pose, a bank makes a consumer loan to a customer for the purchase of a single family dwelling and takes as a security interest a first lien on the dwelling. The loan is repayable in fifty-nine equal monthly installments which are based upon a twenty year amortization schedule. In the sixtieth month, one final "balloon payment" (see § 226.8(b)(3) of Regulation Z) of all unpaid principal and interest is due. At no time during the sixty-month term of the loan may the bank increase, decrease or otherwise vary the annual percentage rate. Neither the bank nor the customer is under any commitment or obligation to refinance the balloon payment at the end of the sixty-month term of the loan.

In the foregoing circumstances, the staff is of the opinion that § 226.8(b)(8) is inapplicable. Inasmuch as the customer is not obligated to refinance the loan at the end of sixty months and can terminate all obligation to the bank by making the balloon payment when due, and since the annual percentage rate cannot be increased during the term of the loan, the loan is not a credit transaction in which the annual percentage rate is prospectively subject to increase, and the bank is not required to make the disclosures specified in § 226.8(b)(8) in connection with the loan. (Our Public Information Letter 1200 (June 27, 1977) bears upon the issue you raise, and a copy of that letter is enclosed for your reference.)

This is an official staff interpretation of Regulation Z, issued in accordance with

§ 226.1(d)(3) of the regulation and limited in its application to the facts and issues discussed above. I trust that this is responsive to your inquiry. If you have further questions, please contact the Federal Reserve Bank of St. Louis or this office.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

12 CFR Part 226, FC-0144, § 226.6(g). Purchase and financing by creditor of required property insurance upon customer's failure to do so is subsequent occurrence. § 226.8(j). Financing of required property insurance subsequent to consummation at customer's request is not a refinancing and requires no new disclosures.

JANUARY 18, 1978.

This is in response to your letter of . . . , which requested an official staff interpretation of Regulation Z. You asked several questions concerning a program that your company (the "creditor") may undertake in conjunction with an insurance company (the "insurer") by which the insurer would offer physical damage insurance to your company's credit customers.

Under this program the insurer, either on its own or with the help of the creditor, will contact customers of the creditor whose required physical damage insurance is about to expire and solicit them to purchase the insurance offered by the insurer. The creditor requires that the customer maintain physical damage insurance with respect to the goods used as security for the extension of credit. Upon expiration of the initial term of the insurance, the customer has the obligation to either renew the insurance or otherwise insure the goods. If the customer elects to purchase the required insurance from the soliciting insurer, he or she may do so either by paying cash or by requesting the creditor to finance the purchase of the insurance by increasing the existing obligation.

Your first question is whether the purchase of the insurance by the customer from the soliciting insurer where the customer requests the creditor to finance the cost of the premiums constitutes a refinancing under § 226.8(j) of Regulation Z. It is the staff's opinion that the financing of the insurance premium at the request of the customer is not a refinancing of the obligation subject to the Regulation. No disclosures would be required of the creditor. Section 226.8(j) of the regulation provides in part that "any increase in an existing obligation to reimburse the creditor for undertaking the customer's obligation in perfecting, protecting or preserving the security shall not be considered a new transaction subject to this Part." In this situation the creditor is undertaking the customer's obligation, at his or her request, to protect or preserve the security by continuing the insurance coverage. Therefore, it is unnecessary for the creditor to make disclosures regarding the transaction.

Your second question is whether your client must make disclosures when the customer fails to purchase the required physical damage insurance and the creditor purchases the insurance and adds the amount of the premium to the existing obligation. It is the staff's opinion that purchase by the creditor of the required insurance upon failure of the customer to do so constitutes a subsequent occurrence under § 226.6(g) of the regulation, and no new disclosures are required. (See footnote 6 to § 226.6(g).)

RULES AND REGULATIONS

Your third question is whether or not the promotional material sent to customers which solicits the purchase of the physical damage insurance constitutes an advertisement that must comply with § 226.10(d). It is the staff's opinion, as stated in Public Information Letters 227 and 861, that no disclosures would be required in solicitation material which advertises a credit transaction for which there are no disclosure requirements.

Your other questions concerning specific disclosure requirements are irrelevant, as the transaction is not subject to the regulation.

This is an official staff interpretation of Regulation Z issued in accordance with § 226.1(d)(3) of the regulation, and limited in its application to the facts and issues presented herein. I trust this is responsive to your inquiry.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

12 CFR Part 226, FC-0145, § 226.8(g). Loan by mail program in which the only contact between the creditor and the potential customer is by mail or national advertising is "without personal solicitation" within the meaning of § 226.8(g).

JANUARY 27, 1978.

This is in response to your letter of . . . in which you requested official staff interpretations of §§ 226.2(r) and 226.8(g) of Regulation Z. This letter will respond to your inquiry regarding § 226.8(g). Your remaining question will be considered in a separate letter.

Your question involves a client which operates a loan by mail program. The only contact between the lender and the customer is through national advertising or by mail. You request an official staff interpretation on the issue of whether your client's program is accomplished "without personal solicitation" so as to permit delayed delivery of disclosures pursuant to § 226.8(g). You state that the loan program complies in all other respects with that section.

In the staff's view, "without personal solicitation" means without direct, immediate influence by the creditor, such as a telephone conversation or a face-to-face interview with the customer. With this in mind, staff believes that magazine advertisements and contact by mail do not constitute "personal solicitation," since both methods allow applicants to review the credit information at their leisure without pressure by the creditor. In staff's view, the loan program complies with the provisions of § 226.8(g) of Regulation Z in that it is accomplished without personal solicitation. Thus, the delay in delivery of disclosures is permissible pursuant to that section. It might be noted that the Board itself originally suggested the legislative provision on which § 226.8(g) is based, and the plan you describe appears to be one of the types of programs which the Board considered in recommending this provision.

This is an official staff interpretation of Regulation Z, issued pursuant to § 226.1(d)(3) of the regulation. Its application is limited solely to the facts and issues

presented. We hope that it will be of assistance to you.

Sincerely,

NATHANIEL E. BUTLER,
Associate Director.

Board of Governors of the Federal Reserve System, February 2, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-3397 Filed 2-7-78; 8:45 am]

[6720-01]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

[No. 78-66]

PART 523—MEMBERS OF BANKS

Loans in Flood-Hazardous Areas

FEBRUARY 2, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final amendment.

SUMMARY: This amendment implements in part the recently enacted Housing and Community Development Act of 1977, by deleting provisions prohibiting certain loan transactions in communities not participating in the national flood insurance program and requiring lenders to give written notice whether Federal disaster relief assistance will be available if property in a designated flood-hazardous area is damaged by a flood. This opportunity has been taken to also simplify and remove obsolete language from the affected regulations.

EFFECTIVE DATE: February 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 202-376-3556, or the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 703(a) of the Housing and Community Development Act of 1977 changes the national flood insurance program by amending § 202(b) of the Flood Disaster Protection Act of 1973.

Prior to its amendment, § 202(b) required the Board to issue regulations which, with certain exceptions, prohibited member institutions from making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in a designated flood hazard area unless the area was participating in the National Flood Insurance Program. Section 523.29(c) of the regulations was issued to impose the prohibition mandated by the statute. This amendment deletes the regulatory prohibition, because the statute

no longer requires it. However, loans in communities participating in the National Flood Insurance Program are still required to have the flood insurance available under that program.

Section 202(b) of the Flood Disaster Protection Act of 1973, as amended by section 703(a) of the Housing and Community Development Act of 1977, requires the Board to issue regulations to require member institutions, as a condition of making, increasing, extending or renewing any loan secured by improved real estate or a mobile home located or to be located in an identified flood hazard area, to notify the property's purchaser or lessee whether, in the event of flood damage to the property, Federal disaster relief assistance will be available. This amendment implements that statutory requirement by revising § 523.29(h) of the regulations. This provision is also redesignated as § 523.29 (e) to reflect simplifying changes to § 523.29 made by this amendment.

This amendment simplifies § 523.29 by deleting paragraphs (f) and (g) thereof and including their substance in paragraph (a) and otherwise shortening and improving the language of the regulation. These simplifying changes are not intended to change the regulation's meaning or effect.

The Board finds that (1) notice and public procedure are unnecessary under 5 U.S.C. § 553(b) and 12 CFR 508.11, because this amendment is necessitated by statute, and (2) publication of said amendment for the 30-day period specified in 5 U.S.C. § 553(d) and 12 CFR 508.14 prior to effective date is unnecessary for the same reason.

Accordingly, 12 CFR Part 523.29 is revised to read as set forth below, effective February 8, 1978.

§ 523.29 Flood disaster protection.

(a) *General.* This section implements, in part, sections 4012a (b) and (c), 4104a, and 4106(b) of Title 42 of the United States Code. This section does not apply to a member whose accounts are insured by the Federal Deposit Insurance Corporation or to a service corporation or a holding company parent of a member. As used in this section, the term "loan" includes an installment sale contract.

(b) *Flood insurance.*—(1) *Requirement.* A member shall not make (including purchase, except as provided in paragraph (d) of this section), increase, extend, or renew any loan (other than a loan closed after March 1, 1974, as to which there was outstanding at the close of March 1, 1974, a commitment to make such loan) secured by improved real estate or a mobile home located or to be located in an area identified by the Secretary of Housing and Urban Development ("Secretary") as having special flood

hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended ("Act"), unless the property securing such loan is covered for the term of the loan by flood insurance at least equal to the outstanding principal balance of the loan or the maximum coverage available with respect to the particular type of property under the Act, whichever is less.

(2) *Exception.* However, flood insurance is not required on any State-owned property covered under an adequate State policy of self-insurance satisfactory to the Secretary. The Secretary is required by statute to publish and periodically revise a list of States which have such adequate self-insurance.

(c) *Records of compliance.* Each member shall maintain in connection with all loans secured by improved real estate or a mobile home sufficient records to indicate the method used by it to determine whether such loans require flood insurance under this section.

(d) *Purchase of loans.* This section does not prohibit purchase after March 1, 1974, of a loan if:

(1) As to a loan closed before that date, the loan has not thereafter been increased, extended, or renewed; or

(2) As to a loan closed on or after that date, the loan was closed under a loan commitment outstanding on that date and the loan has not thereafter been increased, extended or renewed.

(e) *Notice of special flood hazard area and availability of Federal disaster relief assistance.* A member shall, as a condition of making (including purchasing), increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area identified by the Secretary as having special flood hazards, mail or deliver as soon as feasible, but not less than 10 days before closing of the transaction (or not later than the member's commitment, if any, if the commitment and closing are less than 10 days apart) a written notice to the borrower stating that the property securing the loan is or will be located in an area so identified; or in lieu of such notification, a member may obtain satisfactory written assurances that a seller or lessor has notified the borrower, prior to execution of any agreement for sale or lease, that the property securing the loan is or will be located in an area so identified. A member shall similarly notify the borrower whether, in the event of damage to the property caused by flooding in a Federally-declared disaster, Federal disaster relief assistance will be available for the property. A member shall require the borrower, prior to closing, to provide the member with a written acknowl-

edgment that the property securing the loan is or will be located in an area so identified and the borrower has received the above-required notice regarding Federal disaster relief assistance.

(Sec. 17, 47 Stat. 736, as amended (12 U.S.C. § 1437); sec. 202(b) of the Flood Disaster Protection Act of 1973, 87 Stat. 982, as amended (42 U.S.C. 4106(b)); Reorg. Plan No. 3 of 1947, 12 CFR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-3455 Filed 2-7-78; 8:45 am]

[7535-01]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Share Draft Programs

AGENCY: National Credit Union Administration.

ACTION: Final rule—Delay of effective date.

SUMMARY: This regulation prescribes the requirements for the establishment and implementation of permanent share draft programs by Federal credit unions. A share draft program allows Federal credit union members to write drafts on their share accounts to obtain cash or to pay for goods or services. It eliminates the delay and inconvenience in making withdrawals by mail or in person.

EFFECTIVE DATE: March 6, 1978.

ADDRESS: National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT:

J. Leonard Skiles, Deputy General Counsel, at the above address, telephone 202-632-4870.

SUPPLEMENTARY INFORMATION: On December 8, 1977, this Administration published a final rule (42 FR 61977) which prescribed the requirements for the establishment and implementation of share draft programs for Federal credit unions (12 CFR 701.34).

On December 9, 1977, the American Bankers Association and Tioga State Bank filed suit to permanently enjoin the implementation of the rule by this Administration. Simultaneously, the same parties filed a motion for a temporary injunction to prevent additional approvals of share draft programs until the issues involved were finally litigated.

It being an objective of this Administration to have the legality of the

share draft program judicially determined as expeditiously as possible, it was considered that, even under the best of circumstances, a hearing on the motion for preliminary injunction would further delay a final resolution of the legal issues involved. This Administration, therefore, offered to delay the effective date of the rule until March 6, 1978, or if a hearing is held in the case prior to that date, until such time as an opinion was issued. After consultation with all parties present to ascertain any objections, the court agreed to the proposal and it was subsequently so ordered.

Accordingly, the effective date of the share draft rule (12 CFR 701.34) is amended to read March 6, 1978.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

LAWRENCE CONNELL,
Administrator.

FEBRUARY 3, 1978.

[FR Doc. 78-3469 Filed 2-7-78; 8:45 am]

[7535-01]

PART 720—DESCRIPTION OF OFFICE, DISCLOSURE OF OFFICIAL RECORDS—AVAILABILITY OF INFORMATION, PROMULGATION OF REGULATIONS

Simplification of Procedures

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This rule amends the National Credit Union Administration's (NCUA) regulations implementing the Privacy Act of 1974. Experience with the present regulations has indicated that individuals not sophisticated with administrative agencies may find certain requirements needlessly complex and discouraging. Changes made include simplifying requirements for identification of recipients of written requests, decreasing copying costs, extending the suggested time frame for appeals to access denial (and clarifying the nonmandatory nature of this limit), and shortening the time for agency acknowledgement of requests.

DATE: These regulations are to be effective on March 1, 1978.

ADDRESS: National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT:

Robert M. Fenner, Office of the General Counsel, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, telephone 202-632-4870.

SUPPLEMENTARY INFORMATION: On July 25, 1977, the Administration published a proposed rule (42 FR 37823) to amend the regulations implementing the Privacy Act of 1974. Public comment was invited to be received on or before August 5, 1977. No comments were received on the proposed rule, and after further review, the amendments are now published in final form without substantive change.

Accordingly, 12 CFR Part 720 is amended as set forth below:

§ 720.21 [Amended]

1. In § 720.21, by designating each paragraph as (a) through (g).

§ 720.22 [Amended]

2. Section 720.22(a) is revised as follows:

(i) The words "in person or in writing" are deleted; and

(ii) The following is inserted at the end of paragraph (a): "An individual who does not have access to the FEDERAL REGISTER and who is unable to determine the appropriate official to whom his request should be submitted may submit his request to the Assistant Administrator for Administration, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, in which case the request will then be referred to the appropriate Administration official(s) and the date of receipt of the request will be determined as the date of receipt by that official(s)."

§ 720.23 [Amended]

3. Section 720.23 is revised as follows:

(i) In paragraph (a) the word "minimum" is deleted, and after the word "request" the words "either in person or by mail" are added;

(ii) In paragraph (a)(1) the word "may" is deleted, and, in lieu thereof, the words "shall, if not personally known to the Administration official responding to the request," are added;

(iii) In paragraph (a)(2) the word "shall" is deleted, and, in lieu thereof, the word "may" is added. After the words "other document" a period and the following words are inserted: "If less than all of this requisite identifying information is provided, and unless that which is provided is considered sufficient to establish the requestor's identity, in view of the nature of the information requested, the Administration official responding to the request may require further identifying information prior to any notification or responsive disclosure;"

(iv) A new paragraph (c) is added as follows:

(c) Individuals may request notification of the existence of and access to

records about themselves and contained in a system of records by telephone. In such a case, the Administration official responding to the request shall require, for the purpose of comparison and verification of identity, at least two items of identifying information (such as date of birth, home address, social security number) which are already possessed by the Administration. If the requisite identifying information is not provided, or otherwise at the discretion of the responsible Administration official, the individual may be required to submit his request by mail or in person in accordance with paragraph (a), above;

(v) Paragraph (c) is redesignated as paragraph (d); and

(vi) Paragraph (d) is redesignated as paragraph (e). The word "and" after the words "in paragraph (a)," is deleted, and, in lieu thereof, a comma is inserted. After "(b)" the words "and (c)" are inserted.

§ 720.24 [Amended]

4. Section 720.24 is revised as follows:

(i) In paragraph (a), the words "within thirty days" are deleted the first time they appear therein, and, in lieu thereof, the words "preferably within 180 days" are inserted; and

(ii) In paragraph (b)(1) the number "20" is deleted, and, in lieu thereof, the number "10" is inserted.

§ 720.26 [Amended]

5. Section 720.26(a) is revised by adding the following to the end of paragraph (a): "An individual who does not have access to the Administration's 'Notices of Records Systems,' and to whom the appropriate address is otherwise unavailable may submit his request to the Assistant Administrator for Administration, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, in which case the request will then be referred to the appropriate Administration official and the date of receipt of the request will be determined as of the date of receipt by that official."

§ 720.27 [Amended]

6. Section 720.27 is revised as follows:

By adding a period following the words "by the individual", in paragraph (c). After that period, the words "It is requested that they be furnished" are added.

§ 720.34 [Amended]

7. Part 720.34 is revised as follows:

(i) In paragraph (a), the colon following the words "to pay" is deleted, and, in lieu thereof, the words "or the cost of collecting the fee:" are inserted;

(ii) In paragraph (a)(1) the figure "\$0.25" is deleted, and, in lieu thereof, the figure "\$0.10" is inserted; and

(iii) In paragraph (b) the words "Where it is anticipated" are deleted, and, in lieu thereof, the words "If it is determined" are added.

(Sec. 120, 73 Stat. 835 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

LAWRENCE CONNELL,
Administrator.

FEBRUARY 2, 1978.

[FR Doc. 78-3437 Filed 2-7-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 9083-c]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Perpetual Federal Savings & Loan Association

AGENCY: Federal Trade Commission.

ACTION: Final order to cease and desist.

SUMMARY: This order, among other things, requires a Washington, D.C. savings and loan association to cease having as directors individuals who simultaneously serve, or may serve, as directors for the American Security & Trust Co., National Bank of Washington, Union First Bank of Washington, or any other competitive financial institution.

DATES: Complaint issued, May 13, 1976, Final order issued, Dec. 6, 1977.

FOR FURTHER INFORMATION CONTACT:

David J. Saylor, Assistant Director, Bureau of Competition, Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, D.C. 20580. 202-724-1441.

SUPPLEMENTARY INFORMATION: In the Matter of Perpetual Federal Savings & Loan Association, a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Interlocking Directorates Unlawfully: § 13.1106 Interlocking directorates unlawfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

The Final Order to cease and desist, including further order requiring report of compliance therewith, is as follows:

¹ Copies of the Complaint, Initial Decision, Dissenting Opinion by Commissioner Collier, Opinion and Final Order filed with the original document.

FINAL ORDER

This matter having been heard by the Commission upon the appeal of respondent from the initial decision, and upon briefs and oral argument in support thereof and opposition thereto, and the Commission, for the reasons stated in the accompanying Opinion, having determined to sustain the initial decision with certain modifications:

It is ordered, That the initial decision of the administrative law judge, pages 1-49, be adopted as the Findings of Fact and Conclusions of Law of the Commission, except to the extent indicated in the accompanying Opinion.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to Cease and Desist be, and it hereby is, entered:

I

It is ordered, That the following definitions shall apply in this Order:

(a) "Director" includes voting members of boards of directors, non-voting members of boards of directors, advisory directors, and directors emeriti.

(b) "Financial services" means any financial service presently or hereafter offered by Perpetual including, but not limited to solicitation and maintenance of demand, savings or time deposits or accounts; residential loans; other mortgage loans; any other type of loans; retirement accounts; or direct deposit services.

(c) "Parent" of a corporation means any other corporation which owns or controls 50 percent or more of the voting stock of such corporation.

(d) "Residential loans" are loans secured by mortgages or other liens on non-farm property containing 1-4 dwelling units.

(e) "Savings" includes all savings accounts, savings deposits, passbook savings accounts, and savings deposit accounts offered by any business organization.

(f) "Sister" corporations are corporations sharing a common parent.

(g) "Subsidiary" of a corporation is any corporation of which the subject corporation is a parent.

(h) "Time deposits" are all deposits, including certificates of deposit, that are not demand deposits or savings.

II

It is further ordered, That for purposes of this Order, a corporation, including Perpetual Federal Savings and Loan Association ("Perpetual") and any corporation which shares a common director with Perpetual, shall be deemed to be engaged in the provision of a financial service, if any parent, subsidiary, or sister of such corporation is so engaged.

III

It is further ordered, That upon this order's becoming final respondent Perpetual, its successors and assigns, do forthwith cease and desist from having, and in the future shall not have any individual serve as a director who either:

(a) Is or would be at the same time a director of Perpetual and a director of American Security and Trust Co. ("American Security"), National Bank of Washington ("National Bank"), Union First National Bank of Washington ("Union First") or any other corporation, so long as such corporation is engaged in the provision of any financial service in competition with Perpetual;

(b) Fails to submit to Perpetual any statement required by Paragraph IV of this order.

IV

It is further ordered, That within thirty (30) days of the date of service of this order and prior to each election of directors or to the solicitation of proxies for such election, whichever is earlier, hereafter, Perpetual shall obtain a written statement from each member of its board of directors (except directors whose terms expire at the next election and who are not standing for re-election) and from each nominee for a directorship (who is not then a director) showing:

(a) The name and home mailing address of each director or nominee; and

(b) The name and principal office mailing address of, and a description of each product or service produced or sold by, each corporation in which each such person then serves as a director or has been nominated as a director.

The requirements of this Paragraph shall not apply to elections of directors occurring after five (5) years from the effective date of this order.

Nothing in this Paragraph shall be construed to relieve respondent of its obligation under Paragraph III(a) hereof.

V

It is further ordered, That within forty-five (45) days of the date of service of this order and annually for a period of ten (10) years thereafter, Perpetual shall file with the Commission a written report setting forth in detail the manner and form in which it has complied with this order. Copies of the statements obtained pursuant to Paragraph IV of this order shall be submitted to the Commission as part of the reports of compliance required by this Paragraph during the first five (5) years. Expiration of the obligations imposed by this Paragraph shall not excuse Perpetual's obligation to comply with Paragraph III of this order.

VI

It is further ordered, That the provisions of Paragraphs III through V hereof shall not apply where the interlocking corporation is Perpetual's (1) parent, (2) sister, or (3) subsidiary.

VII

It is further ordered, That Perpetual shall give the Commission at least thirty (30) days prior notice of any change in the corporation such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of a parent, sister or subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

Commissioner Collier dissented and issued a dissenting Opinion.

CAROL M. THOMAS,
Secretary.

DISSENTING OPINION OF COMMISSIONER COLLIER

I concur in the majority's conclusion that these interlocking directorates must be measured by the standard of Section 5 of the FTC Act which prohibits, among other things, unfair methods of competition. I dissent, however, from the Commission's holding that a violation has been proved and I would remand the case for further hearings.

The majority holds that a director interlock between competing corporations constitutes a per se violation of section 5. This rule is consistent with the standard of liability for such arrangements that is embodied in section 8 of the Clayton Act. By its terms, however, section 8 does not reach the instant transaction.

It is now familiar doctrine that the potential reach of section 5 may exceed the limitations of the Sherman and Clayton Acts. E.g., *FTC v. Brown Shoe Co.*, 384 U.S. 316, 321-22 (1966); *Grand Union Co. v. FTC*, 300 F.2d 92 (2d Cir. 1962). "[L]egislative and judicial authorities alike convince us that the Federal Trade Commission does not arrogate excessive power to itself if, in measuring a practice against the elusive, but congressionally mandated standard of fairness, it, like a court of equity, considers public values beyond simply those enshrined in the letter or encompassed in the spirit of the antitrust laws." *FTC v. Sperry and Hutchinson Co.*, 405 U.S. 233, 244 (1972). In my view, however, the Commission's invocation of a per se rule of section 5 liability for director interlocks is an unwise exercise of this extremely broad grant of statutory authority.¹

¹ Although this statement immediately follows a discussion of the Wheeler-Lea Amendment, 52 Stat. 111, to the FTC Act, its context makes clear its application to "unfair methods of competition."

² Further sources of Commission liberty in assessing business conduct are found in the general and established doctrines of judicial deference on review of administrative agency decisions. For example, under 5 U.S.C. §§ 556 and 706, Commission findings of fact are affirmed if supported by substantial evidence on the whole record; and, under the doctrine of *Udall v. Tullman*, 380 U.S. 1, 16 (1965), the Commission's interpretations of its own statute are entitled to great weight.

This case involves the discovery of neither a new form of business conduct nor familiar conduct in the context of new circumstances. Compare *FTC v. Sperry and Hutchinson, supra*, at 240-44. Even more importantly, the majority's rule is not based on independent evidence or other facts indicating that director interlocks between companies that compete to any extent are likely to cause consumer injury. Rather, the majority's interpretation of section 5 relies heavily upon the policies underlying section 8 of the Clayton Act. One difficulty with that approach is that the Congress which enacted this provision apparently did not regard these policies as absolute, as it did not include within the coverage of section 8 the class of interlock that this case represents.

Another difficulty with the majority's decision to establish a rule of per se illegality is that this approach ignores the recent teaching of *Continental TV, Inc. v. GTE Sylvania, Inc.*, U.S. (June 23, 1977):

Per se rules thus require the Court to make broad generalizations about the social utility of particular commercial practices. The probability that anticompetitive consequences will result from a practice and the severity of those consequences must be balanced against its procompetitive consequences. Cases that do not fit the generalization may arise, but a per se rule reflects the judgment that such cases are not sufficiently common or important to justify the time and expense necessary to identify them. Once established, per se rules tend to provide guidance to the business community and to minimize the burdens on litigants and the judicial system of the more complex rule of reason trials, see *Northern Pac. R. Co. v. United States*, 356 U.S. 1, 5 (1958); *United States v. Topco Associates*, 405 U.S. 596, 609-10 (1972), but those advantages are not sufficient in themselves to justify the creation of per se rules. If it were otherwise, all of antitrust law would be reduced to per se rules, thus introducing an unintended and undesirable rigidity in the law. — U.S. at — n. 16.

We need to know more than we do about the actual impact of these arrangements on competition to decide whether they have such a "pernicious effect on competition and lack . . . any redeeming virtue" (*Northern Pac. R. Co. v. United States*, *supra*, p. 5) and therefore should be classified as per se violations of the Sherman Act. (Quoting from *White Motor Co. v. U.S.*, 372 U.S. 253 (1963).)

It seems to me that these admonitions directed at courts in Sherman Act cases are no less salient when applied to the Commission in cases arising under section 5. Certainly the Commission's authority to ignore this counsel is not a reason to do so.

It is, of course, arguable that the Commission enjoys a relative advantage over Federal courts in fashioning per se rules. Our more frequent exposure to antitrust issues and varying factual situations, as well as our reservoir of economic analysts, equip us well to consider the adoption of such rules. Our authority to conduct broad investigations into business practices¹ and to initiate rule-making proceedings² certainly complement

this potential for enlightened lawmaking in the public interest.³

With regard to the class of transactions covered by the per se rule of this case, however, we can claim none of these advantages. Our prior experience with director interlocks has been acquired in the per se context of section 8. We therefore know little of the effects of these arrangements and even less of their consequences when employed by financial institutions. At most, we have gained some experience in framing remedial orders.⁴

In the absence of a factual foundation for inferring public injury and in cases such as this one that are outside the terms of a statutory per se rule, I would turn for policy guidance to the controlling standard of section 7 of the Clayton Act. In my view, arrangements such as the one before us should be declared unlawful if their effects "may be substantially to lessen competition . . . in any line of commerce in any section of the country . . ." While the antitrust laws are not without anomalies,⁵ I would not employ our discretion to proliferate new ones. And it is at least anomalous to me that a showing of competitive injury should be required for illegality when two corporations become one but not when they share a director. That this result is commanded in situations covered by § 8 is no reason to extend the anomaly to situations that are not.

While it might be argued in response that the social cost of limiting the supply of eligible directors is less than that of prohibiting mergers that cannot be expected to cause discernible injury to competition, I know of no basis for such a conclusion.⁶ Moreover, there is every reason to suppose that the presence of an interlocked director poses less threat to competition than does a permanent and complete union of the firms.

Because anticompetitive effects were neither alleged or proved in this case, I would

¹ 15 U.S.C. § 45.

² See, e.g., our recent orders in *Addressograph-Multigraph*, Docket No. 9084; *Kane-Miller Corp.*, et al., Docket No. 9034; *International Business Machines Corp.*, Docket No. C-2864; and *Kraftco Corp.*, Docket No. 9035.

³ For recent examples, see the diverse treatment of price and non-price vertical restrictions in the majority's opinion in *GTE Sylvania, supra*, n. 17 and accompanying text, as well as Justice White's comment on this distinction, n. 10 and accompanying text. See also the Third Circuit's decision in *U.S. v. U.S. Gypsum Co.*, 550 F.2d 115, 120-127 (1977), cert. granted, October 3, 1977, No. 76-1560, allowing, as a defense to a horizontal price-fixing allegation, the argument that communications concerning prices were necessary to avoid violations of the Robinson-Patman Act. See generally R. Bork & W. Bowman, *The Goals of Antitrust: A Dialogue on Policy*, 65 Colum. L. Rev. 363 (1965). Compare R. Bork, *The Rule of Reason and the Per Se Concept: Price Fixing and Market Division*, 74 Yale L.J. 775, 830 (1965).

⁴ One might, however, infer the low costs of regulating directorships from both the relatively modest compensation of directors and from the readiness with which corporate respondents have usually been prepared to settle section 8 cases.

amend the complaint and remand the case for further proceedings.

[FR Doc. 78-3375 Filed 2-7-78; 8:45 am]

[6740-02]

Title 18—Conservation of Power and Water Resources

CHAPTER 1—FEDERAL ENERGY REGULATORY COMMISSION, DEPARTMENT OF ENERGY

[Docket No. RM75-25]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Amendments to Policy Regarding Certification of Pipeline Transportation Agreements

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule.

SUMMARY: On June 24, 1977, the Federal Power Commission¹ issued a notice of its intent to review the policy set forth in Order No. 533 and 533-A (10 CFR 2.79) with respect to the transportation by jurisdictional pipelines of natural gas from the onshore domain and the offshore non-Federal domain to non-resale industrial and commercial customers for high priority uses. The purpose of the policy was to provide high priority users with a means to mitigate the effects of curtailments by purchasing supplemental gas supplies directly from producers.

At its inception, that policy was regarded as experimental in nature and as requiring a subsequent review based on experience with the program to determine if it should be continued. The June 24 notice therefore requested comments on whether the policy should be continued and on whether it should be modified in certain respects.

Upon review of the comments, staff reports and experience with the program, the Federal Energy Regulatory Commission has determined that the policy set forth in Order No. 533 and 533-A has been of assistance to high priority users, and that since the conditions which led to its adoption persist, it should be continued. The Commission has also adopted a number of minor modifications to the policy as explained in detail below.

EFFECTIVE DATE: February 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Frederick Cornelius, Office of Producer and Pipeline Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, 202-275-4496.

¹ On October 1, 1977, jurisdiction over this proceeding was transferred to the Federal Energy Regulatory Commission pursuant to the Department of Energy Organization Act, Pub. L. 95-91.

Jane Drennan, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, 202-275-4252.

I. PROCEDURAL BACKGROUND

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) the Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a) (1) or (2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC", 10 CFR —: *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

By notice issued June 24, 1977, and published at 42 FR 34521, July 6, 1977, the Federal Power Commission stated its intent to review the policy statement of Order Nos. 533 and 533-A. At its inception, the policy statement was viewed as experimental in nature, and recognizing that requests for renewal of previously issued authorizations under Order No. 533 would be filed this winter, the Commission concluded that it was appropriate to consider whether the policy should be continued, and if so, on what basis. Although the Commission set forth issues which it considered to be of primary importance, it also invited any interested person to raise any issue or suggestions believed to be helpful to its inquiry.

In Order No. 533, the Commission adopted as § 2.79 of its General Policy and Interpretations, 18 CFR Part 2, a statement of policy with respect to the transportation by jurisdictional pipelines of natural gas sold by certain

producers from the onshore domain and the offshore non-Federal domain to non-resale industrial and commercial customers for high priority uses. Due to the steady increase in curtailment levels on interstate pipelines, which resulted in production cutbacks, plant closing, employee layoffs, and shortages of various products and services, the Commission found it appropriate to issue the statement of policy with regard to specific pipeline transportation arrangements so that industrial customers requiring gas for high priority use could obtain an independent source of gas for their operations. The policy was viewed as a vehicle for obtaining required gas supplies for high priority use due to the anticipated severe curtailment on the interstate pipelines during the 1975-1976 winter.

The Commission projected that this policy would increase the amount of gas available to the interstate market, thereby resulting in utilization of idle pipeline capacity with attendant cost benefits to pipelines and their customers. There was also perceived a potential for increased producer revenues, which would then promote increased exploration and development of gas supplies. In adopting this policy statement, the Commission stated:

The policy is admittedly experimental and requires empirical evidence on its merits in specific applications and trial before we can determine whether the public convenience and necessity demand that the policy be made permanent. (Citations omitted.) If, upon review, it appears that the policy has not resulted in the attraction of incremental gas supplies to meet the demand of the interstate market and to avert an imminent crisis in the winter of 1975-1976, we will revise or abandon the experiment.²

In response to the notice of intent to review the program, an overwhelming majority of the parties filed comments in support of the policy's continuation asserting that the gas transported under Order No. 533 represented a crucial part of the energy supply for many industrial users requiring gaseous fuel for process, plant protection and other direct-fired applications in their manufacturing facilities. The parties supporting the program also maintained that it has reduced the adverse impact of the severe natural gas shortage on the United States' economy. Many comments detail the benefits to specific commercial and industrial establishments which otherwise could not have continued production or maintained their labor forces.

In its initial comments, the Commission Staff described the operation of the policy. As the 1975-1976 winter was considerably warmer than normal, only 28 arrangements were filed with the Commission during the heating season. As of May 1976, only 365,183 Mcf had been transported under the

² Order No. 533, Docket No. RM75-25, 54 FPC —, mimeo p. 28 (1975).

program, or an average seasonal daily volume of slightly more than 2,000 Mcf. From May 1, 1976, through December 31, 1976, 35 arrangements were filed; however, with the onset of the severe winter, a dramatic increase in applications occurred.

As of June 1977, a total of 106 separate arrangements have been filed pursuant to this program.³ For the period of August 1975 through March 1977, a total of 7,969,587 Mcf had been delivered of which 1,857,708 Mcf was delivered in the month of March 1977. The consumers served by eleven pipelines have purchased gas directly under this program,⁴ however direct and indirect customers of Columbia Gas Transmission Corp., Transcontinental Gas Pipe Line Corp. and Texas Gas Transmission Corp. have purchased more than 75 percent of the total supply transported under this program and more than 60 percent of the March volumes thereof.⁵ Of the applications filed from August 1975 to June 1977, 40 percent were filed during the emergency period.

II. POLICY CONSIDERATIONS

In its notice, the Commission set forth issues that interested parties should address. In light of the two years of actual experience with the experimental 533 program, the first question was whether the program should be continued. We have independently reviewed past transactions under Order No. 533 to ascertain the effects of this program.

A. CONTINUATION OF THE POLICY

Of the parties that filed comments, the majority were strongly in favor of continuing the 533 policy. The level of anticipated economic disruption that has been forestalled for the past two years through utilization of the 533 procedures is predicted to continue and therefore, the need for these supplemental supplies also will continue.

It is evident from our review that the program has become an important means of maintaining plant operations in facilities which use natural gas and are subject to curtailment. As of November 30, 1977, 113 certificates had been issued under this program,⁶ and

³ Each arrangement may involve a group of purchasers, multiple delivery points and/or a number of transporters so that the actual number of certificate applications filed with the Commission is greater.

⁴ This figure represents the primary pipelines who were directly responsible for the particular end-uses of supply.

⁵ See Appendix I, "Notice of Proposed Rulemaking to Review Policy Statement of Order Nos. 533 and 533-A," Docket No. RM75-25, — FPC — (June 24, 1977).

⁶ Twenty-two are currently being reviewed. One hundred and thirty five applications have been filed. See Appendix A which sets forth the number of applications certificated and the volumes delivered and consumed at plant facilities.

approximately 16 million Mcf of gas had been transported. The deliveries under this program were a critical element last winter in maintaining the operating capacity of many industries in the eastern United States. Approximately 40 percent of the certificates issued and 38 percent of the 533 deliveries occurred during last year's emergency period, from November 1, 1976, to March 31, 1977. Over 6 million Mcf of gas was delivered during the winter emergency period.⁷

These supplies were used primarily by customers in industrial states. The major states receiving the largest quantities of 533 supplies were Pennsylvania, North Carolina, and Ohio. Over 85 percent of the gas involved in these transactions was produced in the states of Louisiana, Ohio, and Texas where many marginal sources of supply are available. The following indicates the number of purchases which occurred in the consuming states:

Pennsylvania.....	27
South Carolina.....	24
Ohio.....	19
Tennessee.....	14
Indiana.....	13
Virginia.....	12
North Carolina.....	10
Kentucky.....	9
West Virginia.....	6
Maryland.....	3
New York.....	3
Alabama.....	2
Illinois.....	2
Iowa.....	2
Mississippi.....	2
New Jersey.....	1

The following table sets forth the number of applications for transportation and percentage of such which involved 533 gas from the eight producing states. Nine applications to transport industrial owned gas are not included.

	Number	Percent
Louisiana.....	70	56.0
Ohio.....	26	21.0
Texas.....	13	10.0
Oklahoma.....	7	5.0
West Virginia.....	6	5.0
Mississippi.....	2	2.0
Michigan.....	1	0.5
New Mexico.....	1	0.5
Total.....	126	100

The February 4, 1977, report of the Natural Gas Action Group of the Department of Commerce stated that 1.2 million workers were unemployed as a direct result of gas curtailments. The

⁷During the winter of 1976-77, a total of 6,065,969 Mcf was delivered. The monthly deliveries were as follows:

November 1976.....	666,344
December 1976.....	654,110
January 1977.....	1,444,039
February 1977.....	1,443,768
March 1977.....	1,857,708
Total.....	6,065,969

533 supplies offset curtailment into Priority 2 which was being experienced on many major interstate systems forestalling plant shut-downs and work stoppages. Of the 92 applications filed through March 31, 1976, the 533 transactions allowed more than 215,000 workers to continue their employment. Without this program, the number of unemployed workers could have been larger.

Through this policy, many natural gas consumers, including factories, schools and hospitals, have been able to remain in operation when gas curtailments otherwise would have forced them to shut down for extended periods of time. In addition to hospitals and public schools, over 100 industrial facilities in at least 16 states have remained in operation during periods of severe gas curtailment as a result of gas obtained under Order No. 533. Without these supplies, the economic repercussions would probably have been significant. Many of the products produced by these industrial consumers are essential and any shortage resulting from plant closings could have caused a ripple effect throughout both regional economies and the nation, as a whole. The applications indicating the end uses to which the gas has been utilized are as follows:⁸

General usage	Number of facilities
Metals.....	58
Glass.....	34
Textiles.....	32
General plant usage.....	18
Chemicals and synthetics.....	17
Commercial.....	17
Food processing.....	11
Brick.....	5
Paper.....	2
Oil production.....	2
Agriculture.....	1
Coal gas.....	1

The 533 program in conjunction with Emergency Natural Gas Act of 1977 proved to be critical programs as they provided means of securing necessary gas supplies for facilities without alternate fuel capability and allowed industrial production and the employment of workers to continue.

In summary, the effects of the policy have been positive as economic dislocation and unemployment were minimized. Pipeline curtailments are continuing and will certainly continue for the next several years. High priority industrial users must have access to additional gas supplies or the severe economic disruptions that were prevented in the past by the 533 policy will occur.

One of the arguments that has been proffered in opposition to the 533 policy is that it may divert gas from the interstate market. Most of the parties that filed comments dispute this

⁸Above total end use applications will exceed total of filed applications because a few applications were filed on behalf of a number of small industries.

contention. They view these limited gas supplies as being produced from marginal reserves that otherwise would not have been developed at the national ceiling prices or would have been sold to the intrastate market for boiler fuel or other low priority use.

Several of the interstate pipelines oppose the continuation of this policy. They argue that they are placed at a competitive disadvantage in securing additional supplies.⁹ While stating that deregulation is necessary, these pipelines maintain that Order No. 533 provides a method whereby a producer of new reserves may obtain a price above the national rate. They claim that the result of Order No. 533 is not to enable a prospective high priority customer to purchase gas actively sought by the intrastate market, but to allow industrial customers to obtain the same gas supplies sought by the interstate pipelines at the national rate for its system supply.

The American Public Gas Association (APGA)¹⁰ opposes Commission consideration of the continuation of the policy on two grounds. APGA argues that the Commission should wait for the issuance of a decision by the U.S. Court of Appeals for the District of Columbia Circuit as to the legality of Order Nos. 533 and 533-A.¹¹ APGA also excepts to this program on the basis that since certain interstate pipelines were curtailed into Priority 1 last winter, supplies might have been available to the interstate resale market to offset curtailment absent the alternative offered producers by Order No. 533.

After examining the certificate applications and reports filed pursuant to Order Nos. 533 and 533-A, the Bureau of Natural Gas, as part of the staff comments, concluded that there was no evidence of diversion. In its comments, Staff recommended that the current reporting requirements be expanded to elicit additional information from future applicants so as to better assess potential diversion. Staff suggested that the following factors be considered in reviewing future proposals: Location of the sale, proximity and availability to the interstate market, and the relative value of the gas. We adopt herein additional reporting requirements to obtain this information.¹²

⁹These pipelines are Florida Gas Transmission Co., Mid-Louisiana Gas Co., Southern Natural Gas Co., Arkansas-Louisiana Gas Co., Northern Natural Gas Co., and Cities Service Gas Co.

¹⁰Although the Consumers Federation of America is named in the instant petition, only counsel for APGA signed the filing.

¹¹"APGA v. FPC", No. 75-2105 (D.C.).

¹²The Commission has determined that in certain instances the information should be

The assertion that the implementation of the 533 program diverts gas from pipeline supply is the most serious challenge to the 533 program. The stated purpose of the policy was to supplement available pipeline supply by making what would otherwise be intrastate gas accessible to curtailed interstate customers through direct purchase.

While a bifurcated pricing system exists (intrastate versus interstate), gas will continue to be sold intrastate for prices in excess of the Commission's national rate. The Commission recognizes that most 533 sales were made at rates in excess of the nationwide rate as shown in Appendix B.¹³ It is also apparent that interstate pipelines can not compete for these supplies at that price, however, we have found no evidence that the 533 program has resulted in either an increase in intrastate prices or a deterrent to interstate dedications. So long as the intrastate market demand is greater than the supply, the prices unregulated, and the uses unrestricted, parity of access will not be restricted by Commission action; but it will be restricted instead by the dynamics of the marketplace.

In reviewing these transactions to determine whether this policy resulted in the diversion of gas from the intrastate pipeline systems, we assessed the nature of the producing properties. Staff experience indicated that most of the wells involved produced small amounts of gas. The volumes transported under those arrangements substantiated this finding. In addition, a further measure of the marginal nature of these producing properties was considered to be the number of amended applications filed. Amended applications were submitted by the transporting pipelines to allow the delivery of previously certificated volumes of gas from new sources of supply. The need for such amendments arises when the initial producing property did not deliver as projected. In the past 6 months, six applications were filed, about 15 percent of all applications filed during that period, which indicates the marginal nature of the 533 supply sources.

The Commission attempted to avoid any possibility of diversion by requiring the sellers of 533 gas to certify that the gas was otherwise not avail-

provided where "available". Availability is defined for the purpose of these requirements as that information which the non-resale industrial or commercial consumer has obtained as a result of a good-faith effort. All participants in Section 2.79 transactions are reminded that the Commission must base its findings on substantial evidence.

¹³See Appendix II of the June Notice, Supra, note 4.

able to the interstate market. Nevertheless, in order to further ensure that diversion does not occur, we will adopt the requirements suggested by Staff to assist in our continuing monitoring program.

Each applicant is required to submit data in support of the proposed price. In reviewing the proposed rate, the Commission will assess data available in Form 45, other publicly available sources and information supplied by the Applicant. Consideration will also be given to the intrastate price levels in determining whether a certificate should be issued. The Commission has sought to avoid approving applications that include a purchase price¹⁴ which would create upward pressure on gas prices in the area of production. Our review process is intended to ensure that the level of prices in the intrastate market will be unaffected by this program. It will be the intention of the Commission to review applications with regard to price following the policy stated above.

In response to APGA's argument that a Commission determination in the 533 review should be deferred pending a decision of the appellate court as to the legality of this program, it should be sufficient to refer to our discussion herein of the exigencies of the winter period, the deepening curtailment of most pipelines and the need to avoid severe economic disruption through extensive industrial shut-down.

Upon review, we have concluded that the program should be continued. Last winter many direct industrial consumers were able to maintain plant operations solely due to the availability of these 533 supplies. In the absence of this program, severe economic disruption caused by shut-down of many industrial plants would have occurred. This conclusion is substantiated by the number of authorizations which were issued by the FPC during the first three months of 1977.

The continued need for this program has been established in the recent omnibus pipeline hearings conducted to ascertain the magnitude and potential impact projected curtailments during the 1977-78 winter heating season. By

¹⁴The Commission has rejected certain applications where it found the rate to be excessive or has conditioned certificate authorization by limiting the term, volumes or price in order to limit the rate to an appropriate level. Transcontinental Gas Pipe Line Corp., et al., Docket Nos. CP77-427, et al., issued August 29, 1977; Natural Gas Pipeline Co. of America, et al., Docket Nos. CP77-242, et al., issued July 14, 1977; Texas Gas Transmission Corp., et al., Docket Nos. CP77-298, et al., issued May 31, 1977; Transcontinental Gas Pipe Line Corp. et al., Docket Nos. CP77-452, et al., and United Gas Pipeline Co., Docket No. CP77-428, issued January 6, 1978.

Order issued May 11, 1977,¹⁵ the FPC instituted proceedings to review the supply situation on 29 major interstate pipelines and to provide an overview of potential curtailment impact for the forthcoming winter on both a normal and 10 percent colder than normal basis.

As a result of these hearings, the Commission concluded that if the actual weather were 10 percent colder than normal, 23 pipelines would experience no significant economic dislocations; however, six pipelines anticipated severe industrial curtailments, which would undoubtedly result in plant closings. By Order issued September 14, 1977,¹⁶ the Commission reopened these proceedings to more thoroughly evaluate the curtailment impact on these six pipelines. In so doing, the Commission elicited information as to what self-help measures, such as implementation of Order No. 533 procedures, were under consideration. The results of these proceedings were set forth in Staff reports,¹⁷ which we incorporate into the record herein, detailing the projected impact of the 1977-78 winter curtailment on these pipelines which clearly establish that Order No. 533 procedures should be available this winter in order to provide a means of mitigating potentially severe industrial curtailment.

B. TERM OF THE CERTIFICATE

In Order No. 533, the certificates were limited to 2 years. The 533 program is an emergency type of measure designed to assist currently curtailed high priority users to secure supplemental gas supplies while they arrange to convert to more plentiful alternate fuels. It is not intended to be a permanent solution to these industries' energy needs. That answer is conversion to alternate and more abundant fuels, such as coal and other fuels. Legislation to effectuate such conversions and to encourage more efficient use of natural gas is presently before Congress.

This Commission will not, through its policy pronouncements, elevate an essentially stop-gap measure to the level of a permanent palliative to the natural gas shortage for the relatively small group of industrial concerns that are in a position to take advantage of this program. We recognize, however, that conversion to alternate

¹⁵Alabama-Tennessee Natural Gas Company, et al., Docket Nos. RP77-65, et al.

¹⁶East Tennessee Natural Gas Company, et al., Docket No. RP77-72, et al.

¹⁷El Paso Natural Gas Co., Docket No. RP77-74; East Tennessee Natural Gas Co., Docket No. RP77-72; Tennessee Gas Pipeline Co., Docket No. RP77-86; Tennessee Natural Gas Lines, Inc., Docket No. RP77-87; Transcontinental Gas Pipe Line Corp., Docket No. RP77-89; United Gas Pipeline Co., Docket No. RP77-92 and Reports were issued October 14, 1977.

sources of energy is expensive, difficult, often slow and sometimes infeasible depending on the state of the technology for any particular use. We do not want to unduly disrupt industrial processes by prematurely terminating the 533 policy, a result which would defeat the very purpose for which the program was begun. Therefore, we find that the certificates should be limited to no more than a two year period to avert critical economic dislocations and maintain the Commission's flexibility to review and respond to the changing national gas supply situation."

We will grant a buyer of 533 gas an extension of the existing authorization for 2 years if all qualifications are met. Any additional extension, however, will be granted only if substantial evidence establishes that conversion to an alternate fuel was infeasible during the term of the sale. In reviewing these requests on a case-by-case basis, the Commission will determine whether the industrial consumer has made a good faith effort to inquire into alternate fuel capability and conversion potential and further, that there is an insufficient period of time to develop such capability during the period of proposed use of 533 supplies. The reasons for the consumer's inability to implement alternate fuel capability should be clearly set forth in order to present adequate substantive evidence.

C. DIVERSION OF 533 GAS TO PRIORITY 1 CUSTOMERS

In its notice, the FPC requested the parties to comment on whether the Commission should condition transportation authorization for 533 supplies upon diversion to the transporting interstate pipeline when there is a threat of actual curtailment. Under such a condition, if the pipeline supply were inadequate to meet the requirements of residential, small commercial and human needs consumers in Priority 1, the pipelines would have an alternate method of coping with emergencies of limited duration.

Staff endorsed the proposed condition with certain limitations. Staff argued that if any gas were to be diverted, only those volumes over and above the amount necessary for plant protection should be made available, adequate notice should be provided in order to prevent damage to the equipment and materials being processed by the industrial consumer, and explicit assurance should be provided that the Commission will not assert jurisdiction upon the supplying producer. In addition, Staff advocated that the pipe-

lines be required to pay back the gas diverted from industrial customers; however, in the event the customer were unable to utilize the volumes in accordance with the provisions of the policy, an exception should be created whereby the customer could take the volumes for lower priority use during the term of the authorization.

Many of the parties disagreed sharply with Staff's proposal, stating that such a condition would violate the Natural Gas Act as producers would be selling gas to be resold in interstate commerce at rates in excess of those permitted under the Act without a certificate of public convenience and necessity authorizing such sales. Noting that some producers now require that the gas purchase contract covering the sale of 533 supplies contain a clause providing for its automatic cancellation if the gas is resold, they argued that the proposed amendment to the policy would result in the automatic termination of many 533 contracts. Many parties also cited the Emergency Natural Gas Act of 1977 as support for their contention of the inadvisability of requiring this limited diversion."

Others argued that "Priority 1 curtailment" at the pipeline level does not necessarily mean that there is actual curtailment of Priority 1 uses because the distributor customer may have supplemental supply sources in addition to pipeline supply. In order to mitigate these effects, some suggested that the emergency condition protecting Priority 1 customers adopted in Opinion No. 778¹ should be incorporated if the Commission finds that a protective condition is in the public interest.

Alternate means of protecting Priority 1 essential uses are available without Federal regulation. The distributors may defer delivery of gas to the 533 purchaser during an emergency, although the purchaser would continue to request gas at the wellhead making a supply available to the interstate pipeline. After the crisis passes, the distributor would deliver to the 533 purchaser an amount equal to that obtained during the emergency. This procedure is viewed as superior as there would be no unlawful passage of title of the 533 gas to a third party. Its viability depends upon the voluntary cooperation of the industrial consumer, distributor, pipeline. This commission cannot mandate such transactions; however, they appear desirable.

We find the arguments against our imposition of a diversion condition to

be persuasive and therefore reject the Staff's suggestion. Order No. 533 sales are exempt from Commission jurisdiction because they are direct sales and not sales for resale. If the Staff proposal were adopted, diversion of the gas to resale markets would result and the character of the transportation would be legally changed since title would change and the gas would be unlawfully sold to a third party for resale. We conclude that at the present time the policy need not be modified to incorporate the proposed condition. During the severe emergency last winter, the pipelines were able to provide natural gas to essential human uses through voluntary cooperative efforts.

D. PERMITTING PRIORITY ONE CONSUMERS TO PARTICIPATE

In the initial rulemaking proceeding, the FPC rejected arguments to expand the policy to include direct sales to Priority One consumers. In Order No. 533, the Commission found that due to the "exceedingly large number of residential and small commercial customers that might try to take advantage of such a policy,"² further study was necessary. The majority of the parties, including Staff, oppose the proposed expansion for a variety of reasons. They argue that these loads are temperature-sensitive and therefore do not require a relatively consistent gas supply. Moreover, the administrative and regulatory aspects of the proposed modification would create an unwarranted burden on the pipeline. It would be impractical for an individual household or a small commercial consumer to enter into such contracts. These arguments were previously considered during the initial rulemaking whereupon the Commission concluded that Priority One consumers should not be allowed to participate in this program. No new arguments have been raised which would form a basis for modification of that determination.

A related question is whether Order No. 533 should be modified to allow the transportation of gas purchased or developed by distribution companies. Northern Illinois Gas Co. (NI-Gas), Citizens Gas and Coke Utility (Citizens) and Michigan Gas Utilities Co. (Michigan Gas) argue that such a modification is necessary and in the public interest as it would encourage domestic drilling activity and production of additional gas supplies for consumers located outside gas producing States. Maintaining that many local distribution companies are experienced in finding gas, parties favoring this view state that these companies should be allowed to compete with in-

¹Supra, note 1 at Mimeo p. 22.

²By legislation, Congress created the authority to reallocate natural gas supplies under certain emergency situations; however, it specifically excluded Order No. 533 gas from such reallocation.

³Transcontinental Gas Pipe Line Corp., Docket No. RP72-99.

trastate purchasers and thereby divert additional gas from the intrastate market. Since some distributors operate large storage reservoirs and therefore can purchase gas which non-resale purchasers cannot economically purchase, these companies assert that they should be allowed to participate in an expanded 533 program.

These arguments are similar to those previously raised during the initial rulemaking proceedings. Upon review, the FPC determined that the proposed modification would be inadvisable since distributors would resell the supply which would be a jurisdictional activity and subject to the just and reasonable standard of sections 4 and 5 of the Natural Gas Act. For this reason, we find no basis upon which to amend the previous findings.

In a related matter, NI-Gas proposed that purchases by industrial and commercial users under this program not preempt pipeline capacity that would otherwise be available to local distributors and that all certificates issued under § 2.79 be conditioned to contain a provision subjecting that transportation to interruption where necessary to allow the pipeline capacity to be used in an emergency situation by local distributors acting under §§ 2.68 and 157.22 of the Commission's regulations. NI-Gas did not cite a single instance where the pipeline capacity on any interstate system has been preempted. In addition, one of the necessary findings in the approval of the 533 application is that there is available pipeline capacity. A concerned distributor could therefore address this issue in a specific proceeding when the proposed transportation is under consideration; however, since this problem does not appear to have actually happened, there is no basis at the present time for a general pronouncement on this point. Should the need for a condition as suggested by NI-Gas arise, the Commission will reexamine the question.

E. NEW CUSTOMERS

In the initial rulemaking, the FPC considered and rejected the application of § 2.79 to others than "existing customers" of interstate pipelines who are subject to curtailment. In its June notice, the FPC raised this point for discussion again and set forth three proposed categories for possible inclusion: (1) The transportation of direct sale gas to new customers, (2) customers not served by the interstate pipeline, and/or (3) volumes in excess of those presently being received by existing customers through jurisdictional pipeline suppliers.

Many parties favored the expansion of the policy beyond the current category of "existing customers", arguing that there is no basis to deny these customers the use of gas which would

not otherwise be available to the interstate market. The Commission's Office of Policy and Analysis (now Office of Regulatory Analysis) concurred with these arguments, stating that supplies to new customers represent an addition to the flow of interstate gas which would not have been forthcoming in the absence of these customers' efforts and further that there are economic benefits from permitting the transportation. Moreover, it concluded that the gas contracted for by such customers is no more likely to be diverted from potential interstate supplies than any other gas under Order No. 533.

In their comments, the Commission's Office of the General Counsel and the Bureau of Natural Gas (now Office of Pipeline and Producer Regulation) opposed the expansion of the present policy to allow the transportation of direct sales gas under the three proposed categories. Allowing the transportation of 533 gas to new customers, such as a new fertilizer plant constructed in 1977, was seen as creating an unwarranted dependence on supplies which are authorized for a limited term. The use of 533 gas would allow users to postpone development of a reliable energy supply for two years and could require the incurrence of an unjustifiable expense in subsequent conversion of plant facilities to utilize alternate energy sources. The Office of the General Counsel and Bureau of Natural Gas believe that a better energy policy would be for such customers to utilize alternate fuels from the inception rather than requiring the conversion to such after a limited term.

We concur with this recommendation for the reasons advanced. The underlying purpose of the 533 policy is temporarily to assist existing customers mitigate the effects of curtailment pending conversion to alternate fuels. Adding new customers would be contrary to that intent. The application of the current 533 policy should not be extended to customers not presently served by the interstate pipeline as that would also be contrary to the purpose of Order No. 533. Due to the unregulated price of gas supplies in the intrastate market, customers of an intrastate pipeline are in a better position to obtain needed gas supplies than the customers of an interstate pipeline. To allow this expansion of the policy could diminish the limited potential supplies available to ultimate existing users by permitting additional competition.

In a related matter, United Gas Pipeline Co. (United) proposed that the Commission expand its policy statement to include two new classes of industrial customers: (1) Small industrial customers with requirements under 300 Mcf per day; and, (2) large

industrial customers converting to alternate fuel but still lacking total alternate fuel capability. United maintained that the continued operation of these plants is essential to avoid the same type of economic dislocation with which Priority 2 and 3 consumers qualifying under the current policy statement are threatened.

As to the first category, United proposed that the small industrial with requirements of less than 300 Mcf per day should be included in the highest curtailment category available to industrial gas. United further argues that there is an apparent inconsistency in Commission policies in that these industrial requirements are often placed in the highest industrial category under Order No. 467-B type plans but remain ineligible for Order No. 533 consideration as they do not fall within the definition of plant protection, feedstock or process use. Because of economies-of-scale considerations discouraging their conversion to alternate fuels and the *de minimus* volumes involved, United asserts that there is adequate justification for expanding the policy.

Section 2.78(b) of the Commission's regulations provides for proceedings for extraordinary relief from curtailment and is the appropriate vehicle for seeking relief in the aforementioned situation. Order No. 533 would provide an alternate means to meet the projected curtailment of industrial customers, however, further consideration appears necessary prior to our adoption of the proposed modification. As to United's proposal to expand the policy to include large industrial consumers who are in the process of converting to alternate fuel, we find that it could have an adverse impact in minimizing the urgency of completing the necessary conversion. Moreover, there would be extreme difficulties administratively in distinguishing which plants made a good faith effort to effectuate such conversion on a prompt and expeditious basis resulting in an exemption to the current policy standards.

F. TRANSPORTATION OF USER OWNED GAS

In its initial policy statement, the FPC did not include the transportation of gas produced or owned by the industrial consumer; however, it did indicate that any filing requesting such authorization would be considered. In its recent notice, the Commission proposed to review the advisability of including this type of arrangement in the 533 program. Most parties, as well as the Office of Policy Analysis, supported the proposed expansion of the policy, arguing that the development of reserves in remote locations would be encouraged and supply of available gas for Priority 2 and Priority 3 uses would be augmented.

ed. It is asserted that marginal on-shore reserves will not be developed unless industrial consumers are willing to make the substantial effort and investment necessary and, therefore, the expansion of the policy in this manner would not create any additional risks of diversion from the interstate market.

The supporting parties stated that continuation of the two-year limitation on the transportation certificate would effectively preclude the development of such reserves despite modification of the policy to include consumer-owned gas or reserves-in-place because the industrial consumer (investor) would not be assured of an adequate opportunity to recover the substantial investment necessary to acquire a long-term gas supply. Consequently, long-term certificates for these projects were requested by these parties.

OGC and BNG contended that development of consumer-owned supplies or the purchase of reserves-in-place are not short-term ventures and the nature of these transactions places them outside the intent of Order Nos. 533 and 533-A. Staff argued that they should be subject to a case-by-case scrutiny under section 7(c) of the Natural Gas Act.

We concur that the requested modification of the policy does not fall within the intent of Order No. 533 as it would allow much more than short-term emergency measures to maintain high priority use. The considerations implicit in such proposals should be reviewed in the context of section 7(c) as they do not conform to the criteria of Order No. 533. The transportation of consumer-owned gas or reserves-in-place for a period not exceeding two years can be construed as falling within the scope of the policy.

G. INTERMEDIARIES (BROKERS)

In its notice, the FPC sought comments referring to the role of intermediaries (brokers) that attempt to bridge the gap between the industrial consumers seeking to purchase and the producers wanting to sell natural gas supplies. These intermediaries have acted in the role of "agents" in locating supplies of 533 gas for industrial and commercial buyers and arranging transportation from the point of production to consumption. They charge a fee for the various types of services performed, such as, planning, purchasing, contracting for gathering systems, negotiating transportation agreements, and fulfilling administrative requirements. They act solely for the industrial consumer from whom they receive all their compensation. In some instances, the brokers charge their industrial customer a fee based upon the number of Mcf's of gas delivered to the facility.

The Commission is not opposed to brokering activities and we do not want to discourage the use of these important services, but the Commission is concerned about the amount of any brokerage fee and any impact it may have on the price paid by the industrial customer. Although the Commission has no direct jurisdiction over the producer price in a direct sale, in reviewing the transportation certificate application the Commission is required to examine the effect of the price paid on market forces in the area of the purchase.¹¹ The Commission has examined several transactions in which brokers participated¹² and has concluded that the total cost of the gas delivered to the industrial must be reviewed in determining whether the proposed transportation is in the public interest. When brokers participate, the application for certification of the transportation must include a statement as to the total fee charged, how it is computed, and any affiliation between the broker and the seller, buyer, or pipeline applicant.

H. COST OF GATHERING FACILITIES

Some of the 533 applications recently received have included a provision whereby the buyer paid for the cost of installing gathering lines between the pipeline and the source of the gas, but the producer retained title to these facilities. The inclusion of these costs increases the total price of the gas to the industrial consumer. The Commission is not opposed to the consumer paying for such facilities provided that the total cost of the delivered 533 supplies remain consistent with the market price in the producing area.¹³ Accordingly, we will amend our filing requirements to ensure that the information necessary to make an informed judgment on this matter is before the Commission. Under such arrangements, the filing made with the Commission should itemize these costs incurred by the customer, ownership, date of construction and the terms of payment.

I. USE OF INTRASTATE PIPELINES

After reviewing past transactions under the existing policy statement,

¹¹ *Transcontinental Gas Pipe Line Corp. v. FPC*, 365 U.S. 1 (1961).

¹² *Transcontinental Gas Pipe Line Corporation*, Docket No. CP77-542, issued November 8, 1977; *Transcontinental Gas Pipe Line Corporation*, Docket No. CP76-423, issued November 5, 1976; and *Transcontinental Gas Pipe Line Corporation*, Docket No. CP77-240, issued October 26, 1977.

¹³ See *Consolidated Gas Supply Corp. (Westinghouse)* Docket No. CP77-211 (April 22, 1977) where the FPC analyzed a connection cost charged on an Mcf basis and conditioned the certificate by limiting the industrial payment to the actual cost of the facilities.

the Commission is aware that the transportation costs may be a major factor in the industrial consumer's consideration of the total costs of purchasing a particular supply. Under some arrangements that have been approved by the Commission the transportation of the supply from the producer to the consumer has required the participation of two or more interstate pipelines when intrastate pipelines might have transported the supply more efficiently and economically.

A hypothetical example is illustrative of the value of an intrastate pipeline participation in the transportation of 533 supplies. Assume a producer in the vicinity of Ward County, Tex., which is near Midland, has marginal supplies available and a high priority industrial consumer, which is a customer of Transcontinental Gas Pipe Line Corp., (Transco), needs these supplies to offset curtailment. For purposes of the hypothetical, it is assumed that the redelivery point to Transco will be at a point near Houston, Tex., where a potential intrastate pipeline company has facilities. In order to transport the available gas to the Transco system through solely interstate pipelines, the gas would go through three interstate systems prior to arrival at Transco's system at a point near Houston, Tex. The gas would be picked up by Northern Natural Gas Co. in Texas and be transported approximately 460 miles to Kansas where it would be transferred to Panhandle Eastern Pipeline Co. (Panhandle). The gas would travel 610 miles on this system where there would be a point of inter-connection with Trunkline Gas Co. which would exchange the gas with Transco by displacement in Texas. The total cost of this transportation would be approximately 35.4 cents per Mcf.¹⁴

If an intrastate facility in Texas with available capacity were willing to transport the gas approximately 600 miles to a point near Houston for delivery to Transco, the total cost of the transportation would be 18.0 cents.¹⁵ The cost savings are significant. This example focuses only on transportation costs; however, the reluctance of intrastate entities to participate in 533 transactions could result also in construction of unnecessary facilities, or the abandonment of potential arrangements.

Participation by an intrastate pipeline in a 533 transaction involves it in

¹⁴ Northern 460/100×14.5 cents/Mcf=20.70 cents, Panhandle 610/100×2.41 cents/Mcf=14.70 cents: Total=35.40 cents/Mcf.

¹⁵ Intrastate 600/100×3.0 cents/Mcf=18.00 cents/Mcf.

interstate transportation which is a jurisdictional activity. In order to encourage intrastate pipelines to participate in 533 arrangements, the Commission will assert only a limited claim of jurisdiction over participating intrastate pipelines. Commission jurisdiction will be restricted to the 533 service performed and will not serve as a basis for the assertion of authority over other activities of the intrastate pipeline nor its facilities. Should an intrastate entity choose to participate, the Commission will issue a certificate providing pregranted abandonment authorization to discontinue service upon expiration of the term.

We also find it appropriate to limit the filing requirements and waive most reporting requirements. We therefore will adopt Staff's proposals which provide two options for the intrastate entity. The intrastate pipeline may file a joint application with the interstate pipeline setting forth the proposed transportation fee and the cost basis thereof. Under this procedure, the intrastate pipeline would have the primary obligation of preparing the application; however, it would incorporate the required information relating to the intrastate transaction. Both applicants would receive the appropriate certificates. In the event that the intrastate pipeline chooses not to file a joint application, the second option allows the intrastate pipeline to file an abbreviated certificate application¹⁶ that would subject it to only limited jurisdiction arising only from the transportation transactions, with waiver of most of Section 157 filing requirements. These are procedural alternatives; the certificate issued to the intrastate pipeline would be identical under either method.

As part of this certification procedure the Commission must approve the proposed intrastate pipeline transportation rate as just and reasonable.¹⁷ In contrast to interstate pipelines, the Commission does not have tariffs on file which establish the appropriate transportation rate, although Section 5(b) of the Natural Gas Act provides a vehicle for obtaining such information.¹⁸ In the event an intrastate pipeline takes advantage of our invitation to participate on a limited jurisdictional basis, it will be incumbent upon the applicant to demonstrate that the proposed rate is just and reasonable by the submission of appropriate data. Proposed transportation rates derived

¹⁶ The intrastate pipelines may file an abbreviated application as provided for in § 157.7 of the regulations of the Natural Gas Act. The application will be deemed sufficient if it includes a general description of the facilities and location (or a map of the same), a statement concerning the proposed rates, and the cost-of-service used to develop such rates.

from rates approved by state regulatory commissions will be considered, and given some evidentiary weight when the intrastate transporter submits a statement of the proposed rates and the supporting data provided the state regulatory body.

J. TAKE OR PAY PROVISIONS

In its notice, the Commission characterized the [take-or-pay] provision, coupled with the limitations on the purpose for which the gas may be used, (as) possibly the most problematic issue resulting from the implementation of this program.¹⁹

Most of the parties agreed with the Commission's assessment and suggested that the Commission should modify the policy to allow for additional flexibility. The comments highlighted the conflict with the policy statement in that there is an attempt to attract intrastate gas to the interstate market while imposing strict limitations on its end use. We recognize that the fluctuations in an industrial customer's use of natural gas may not be conducive to the full realization of both of these objectives.

The problem arises because the producer desires a guarantee that as long as certain volumes are available for sale, the supplies will either be sold or paid for, even if not actually purchased. If the latter occurs, the price of each unit of gas obtained by the user increases. This is of concern to the Commission because of the price impact and the loss to the interstate market of supplies that have been purchased but not delivered. This situation arises because the level of curtailment fluctuates such that during the summer season many industrial users are not being curtailed and cannot use 533 gas. Also, if the winter curtailment is not deep enough to make up the difference, gas will be paid for but not taken. Consequently, some parties filing comments proposed extending the term of the certificate to permit make-up and/or easing the priority restrictions on the use of 533 gas.

One method of dealing with this problem was suggested by the Staff, which proposed that the policy should be amended to establish a general rule that the underlying sales contract should not include a take-or-pay provision that exceeds 80 percent on an annual basis. In the event that the take-or-pay provision is 100 percent, a limit of 75 percent should be established for the period April through October of the calendar year. The

¹⁷ Natural Gas Act, Section 4(a), 15 U.S.C. Section 717c(a); *FPC v. Texaco Inc.*, 417 U.S. 380, 394 (1974).

¹⁸ 15 U.S.C. Section 717d.

¹⁹ *Supra*, note 4, p. 6.

foregoing was proposed as a means of reducing the "inflated cost" of gas actually taken when the inability to take all of the gas which has been purchased exists. In conjunction with this, Staff proposed that a purchaser should be permitted to receive make-up gas for six months after the expiration of the original transportation authorizations.

Upon review we find that it would be inappropriate to approve any form of percentage limitations upon the take-or-pay provision in sales contracts. Such action could establish both the upper and lower limits of such provisions and would be disadvantageous to the parties and the public interest. Individual applications shall be analyzed with regard to this provision. We do find, however, that additional flexibility should be provided to allow the industrial consumer an opportunity to take the gas for which it has paid and we will therefore adopt Staff's proposal to grant a six month extension for receipt of these volumes upon compliance with certain reporting requirements.

Accordingly, contracts of sale that contain a take-or-pay provision must include a provision permitting the extension provided for herein. Furthermore, when an extension is needed, the certificated pipeline shall file a request for extension with the Commission stating the volumes that need to be made up and the estimated time necessary. Extension for the full six month term will be deemed approved upon receipt by the pipeline of a letter from the Secretary of the Commission acknowledging the filing.

Many parties proposed modifications to current end-use restrictions imposed by Order No. 533 in order to allow the industrial customer greater flexibility in receiving the supply. United proposed that § 2.79 (e) and (f) be amended to allow a customer to take up to 50 percent of his authorized MDQ under his direct purchase contract in addition to his entitlement under his supplier's curtailment plan, prior to being obligated to reduce curtailment entitlements. Others suggest that the Commission should require that the pipeline system supply be the "first through the meter" whereby 533 supplies would be backed off. In other words, the 533 deliveries could be "banked" by the pipeline for future delivery to the industrial customers. The Ohio Commission requires the "first through the meter" option in all the contracts that it approves under its self-help program. It reported that there have been no objections by the participating pipelines to this provision.

Some of the parties suggested that the Commission should provide for an automatic one-year extension of the certificate's original term or such

shorter period as is necessary for transportation of all make-up volumes outstanding under take-or-pay provisions of gas purchase contracts. Staff recommended that the end-use limitations be relaxed during the summer months to meet the dilemma that is particularly acute during this period. Under its proposal, the industrial consumer would be permitted to accept that volume of the 533 supply which would represent the difference between the actual pipeline supply and the total volume to which it is entitled under the pipeline's curtailment plan, regardless of the priority of service. An industrial consumer would be able to accept not only its pipeline supply, but a portion of its 533 pipeline supply limited by the total volumes to which it is entitled for all priorities of service. In the event that 533 volumes are still available, the Staff recommended that they be available to the industrial consumer for additional or new requirements.

We find that the priority restrictions on the use of 533 gas should not be changed. The 533 program was promulgated for the benefit of curtailed high priority users. If we were to implement the suggestions discussed above, gas supplies that were intended for these uses would be consumed for lower priority purposes, a result inconsistent with Commission policy. There is, however, the possibility that users could contract for storage service to store 533 gas during periods when it could not be used by the industrial for later delivery or arrange for an exchange of gas, and the Commission will entertain such applications.

A necessary factor of our decision to extend this policy is the promulgation of stricter reporting requirements with regard to alternate fuel capability. Order Nos. 533 and 533-A limited its application to situations "where gas is purchased for high priority uses that otherwise would be curtailed and without an alternate fuel capability." We intend to examine whether the industrial consumer has made a conscientious effort to develop and utilize alternate fuel capability. There are a number of industrial customers that do not have the ability to convert to more abundant fuels due to the present level of combustion technology. Nevertheless, there are many industrial processes which are classified as "process use" in most pipeline curtailment plans and are now using 533 supplies for which alternate fuel could easily be substituted. Certain information should be provided by the industrial customers in order for the Commission to have an opportunity to attempt to make this distinction. To accomplish this and meet the more stringent standard, the industrial consumer will have the burden of presenting substantial evidence that it has in-

quired into alternate fuel capability and conversion technology. The feasibility of implementing alternate fuel capability will be a primary consideration in our determinations of whether further extensions of existing authorizations should be granted subsequent to the first "rollover."

K. MISCELLANEOUS MATTERS

National Gypsum Co. supported the proposal that the Commission reexamine the criteria it has used in identifying high priority industrial uses. In determining which industrial uses are properly included in Priority 2 National Gypsum states the terms "feedstock" and "plant protection" have caused relatively little problems; however, "process gas" has been subject to multiple interpretations. In order to eliminate the uncertainty, it proposed an amendment to the language. Although the proposed definition may be preferable, staff and many of the parties do not support this amendment. We concur because this policy statement is not the appropriate vehicle to redefine what constitutes "process gas." A redefinition of this term should occur in the context of a reevaluation of Order Nos. 467, et seq., and 493-A.²⁰

During the past two years, the Commission has followed the practice of issuing temporary certificates, when warranted, to applicants for permanent 533 certificates. All parties to the proceeding supporting continuation of the policy also support the issuance of temporary certificates. Staff concurs in the continuation of the administrative practice, but emphasize that all necessary information must accompany the application if the Commission is to review the application on an expeditious basis. We will continue the administrative practice of issuing temporary certificates where the necessary requirements have been met.

Several parties suggested that certain of the reporting requirements established under Order No. 533 should be modified. For example, it was suggested that the intermediary pipelines which transport the supplies between the producer and the pipeline providing service to the industrial customer should not be required to file monthly reports but that the primary transporting pipeline should provide all necessary information. It has also been urged that the monthly reporting requirements should be changed to provide a quarterly reporting. Upon our reassessment of the reporting requirements, we find that only the delivering pipeline need file a monthly report. Monthly information from in-

²⁰FERC authority to take such action may be proscribed by section 402(a)(1)(E) of the DOE Act.

termediary transporting pipelines is unnecessary. However, we shall continue the requirement of monthly rather than quarterly reports from delivering pipelines in order to assist our assessment on the supply situation on major interstate pipelines during the winter.

III. CONCLUSION

Order No. 533 program was promulgated in 1975 as a statement of policy to clarify the circumstances under which the FPC would permit an interstate pipeline to transport certain supplies of gas not owned by the pipeline. Specifically, the FPC was responding to the ever-deepening curtailment situation on most jurisdictional pipelines by providing a method by which high priority industrial users could obtain supplemental supplies through direct purchase from producers. The criteria adopted for judging whether the proposed transportation of the purchased volumes was within the public convenience and necessity reflected judicial opinion²¹ as well as a review of the comments filed in response to the FPC's notice of proposed rulemaking.

When the FPC issued Order No. 533, it defined the program as "experimental" and requiring "empirical evidence of its merits."²² If the policy were to be continued. To that end, the FPC published a notice of proposed rulemaking to review the policy statement and numerous comments were filed. After careful review and consideration of these submittals, this Commission has determined to continue the 533 policy.

The evidence in the record, comprised of the historical experience of the past two years, the comments filed by the parties, and the Staff reports to the Commission in the omnibus pipeline proceedings, demonstrate that the 533 policy has been a success. The program has provided high priority users with a method whereby they can mitigate the effects of curtailment by purchasing supplemental supplies directly from producers for the express purpose of decreasing the likelihood that curtailment will cause industrial plant shut-downs, which could produce a severe economic disruption in the communities affected. The gas transported under 533 and the overwhelming support of the program, as displayed in the comments, demonstrate the efficacy of the program. Since the conditions that required the 533 policy in the past persist today and are anticipated to continue in the near future, this Commission considers it prudent to maintain the policy in operation, as modified herein.

²¹FPC v. Transcontinental Gas Pipe Line Corp., 365 U.S. 1 (1961); Arizona Public Service Co. v. FPC, 483 F. 2d 1275 (D.C. Cir. 1973).

²²Order No. 533, mimeo p. 28.

The Commission finds. (1) The notice and opportunity to participate in this proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553, Title 5 of the United States Code. Since the amendment prescribed here does not prescribe an added duty or restriction, compliance with the effective date requirements of 5 U.S.C. 553(d) is unnecessary.

(2) The amendment of Part 2, General Rules of Practice and Procedure, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations, § 2.79, Policy With Respect To Pipeline Transportation Agreements, as herein prescribed, is necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the modifications to § 2.79 prescribed herein which were not included in the notice of this proceeding are of a minor nature, and are consistent with the prime purpose of the proposed rulemaking, further notice thereof is unnecessary.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 7, 15 and 16 thereof (52 Stat. 824, 825, 829, 930; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 717n, and 717o) orders:

(A) Part 2, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended as set forth below, effective immediately:

§ 2.79 [Amended]

1. Section 2.79 is amended in paragraph (e) by deleting the "." and inserting in lieu thereof a phrase to read as follows:

.....
(e) * * *
; Provided further, That the gas may be used during an authorized six month extension of the transportation authorization.

.....
2. Section 2.79 is amended in paragraph (g) by inserting a new subdivision (viii) in subparagraph (1), by inserting new subdivisions (vii)-(xiii) in subparagraph (2), by revising subparagraph (1) in the introductory language, by revising subparagraph (2) (v) and (vi), and by revising subparagraph (3) to read as follows:

.....
(g) * * *
(1) Interstate pipelines transporting gas pursuant to this policy must file

the information set forth in subdivisions (i) through (vii) of this subparagraph. Intrastate pipelines transporting gas pursuant to this policy may file either a joint application with the interstate pipeline or an abbreviated application as provided in § 157.7, including the information set forth in subdivision (viii) of this subparagraph.

.....

(viii) Provide a general description of the facilities and specify their location or include a map thereof; provide a statement concerning their proposed rates and Schedules L, M and N of § 154.63. For purposes of this subdivision (viii), there is no requirement that omission of other filing requirements be justified. For purposes of this subdivision (viii), the following provisions are waived:

- (A) 18 CFR Part 154—Rate Schedules and Tariffs;
- (B) 18 CFR 157.13—Form of exhibits to be attached to applications;
- (C) 18 CFR 157.14—Exhibits;
- (D) 18 CFR Part 159—Fees and annual charges under the Natural Gas Act;
- (E) 18 CFR Part 201—Uniform system of accounts for natural gas companies; and
- (F) 18 CFR Part 260—Statements and reports (schedules).

.....

(2) * * *
(v) Provide a copy of the gas purchase contract with the producer underlying the proposed transportation, including the Btu content of the gas supply;

(vi) Provide a detailed description of the nature of the emergency necessitating the authorization of the proposed transportation including but not limited to the curtailment anticipated with respect to each priority of end use at the plant;

(vii) Provide a sworn statement by the consumer, supported by substantial evidence, that it has made a good faith effort to inquire into alternate fuel capability and conversion potential and further that it cannot develop such capability during the proposed use of 533 supplies;

(viii) Provide a complete description of the end use application and the facility in which the gas will be utilized, e.g., size and type of burner(s);

(ix) Provide a map showing the location of the wells and description of the acreage involved, along with the location of the nearest interstate and intrastate transportation facility;

(x) Indicate whether or not gas has previously been sold from the acreage and, if so, to whom, through what facilities and at what prices;

(xi) Provide available information as to:

(A) The ownership of adjoining acreage, and if productive, information as to whom the gas is being sold, and at what price;

(B) The current price, terms, and conditions of intrastate purchases for comparable gas produced within the immediate vicinity;

(C) Negotiations for the sale of the supply to any other purchaser (intrastate or interstate) and the suggested price;

(xii) If an intermediary participates in the transaction between the industrial customer and the producer and charges a fee, indicate the amount of the fee and terms of payment and the intermediary's affiliation, if any, with the producer and/or pipeline;

(xiii) If either the producer or the industrial customer assumes the cost of the construction of any gathering facilities in order to consummate the purchase, provide the cost, terms of payment, ownership and date of construction of the facilities.

(3) The information required by paragraph (g) (2) (i)-(xiii) of this section may be supplied by the applicant for a transportation certificate through submission of an appropriate affidavit from the non-resale industrial and commercial consumer whose gas is transported pursuant to this policy.

.....

3. Section 2.79 is amended in paragraph (h) by revising subparagraph (1), and is amended by redesignating paragraph (j) as paragraph (k) and by inserting a new paragraph (j) to read as follows:

.....

(h) * * *
(1) For each certificated transportation arrangement the delivering natural gas companies shall submit a monthly report to the Commission indicating the name of the producer, the volumes transported, the point of delivery to the distributor and/or non-resale industrial or commercial consumer, the name of the distributor and/or ultimate non-resale industrial or commercial consumer. An original and four copies of each such report shall be filed within 20 days after the end of each month included in the term of the transportation certificate. The delivering natural gas company shall submit a monthly report for any month during which gas was not transported.

.....

(j) If an industrial consumer is unable to receive gas supplies for which it has paid under the take-or-pay provision in the underlying sales contract, the transporting pipelines

may file a request for a six-month extension of the certificate authorization. The request shall include a statement of the undelivered volumes and the time necessary to complete delivery thereof. Upon receipt of a letter from the Secretary of the Commission acknowledging the filing, the request-

ed extension shall be deemed approved.

(B) The Secretary shall cause prompt publication hereof in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—Certificated applications

	Prior to Nov. 1, 1975	Nov. 1, 1975 to Mar. 31, 1976	Apr. 1, 1976 to Oct. 31, 1976	Nov. 1, 1976 to Mar. 31, 1977	Apr. 1, 1977 to Dec. 1, 1977	Total volumes through Nov. 30, 1977
Applications	8	14	28	44	21	113
Volumes/Mcf delivered.....	0	177,556	1,641,023	6,065,969	7,992,814	15,877,362

¹22 applications are currently under staff analysis.

APPENDIX B.—Range of initial producer prices

	Prior to Nov. 1, 1975	Nov. 1, 1975 to Mar. 31, 1976	Apr. 1, 1976 to Oct. 31, 1976	Nov. 1, 1976 to Mar. 31, 1977	Apr. 1, 1977 to Dec. 1, 1977 ¹
Less than \$1		1	1	1	
\$1 to \$1.24		3	1	1	
\$1.25 to \$1.49	1	6	12	4	2
\$1.50 to \$1.74	3	2	12	15	6
\$1.75 to \$1.99	2		1	10	15
\$2 and above				12	15

¹(Not included in above are 9 applications involving industry owned gas). Includes applications under staff analysis.

[FR Doc. 78-3365 Filed 2-7-78; 8:45 am]

[1505-01]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS (DOD Directive 4120.18)

PART 209—USE OF THE METRIC SYSTEM OF MEASUREMENT Correction

In FR Doc. 78-2571, appearing on page 4009 in the issue for Tuesday, January 31, 1978, in the first line of the address under "FOR FURTHER INFORMATION CONTACT:", the word "Mate" should read "Material".

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

(FRL 831-2)

PART 142—NATIONAL INTERIM PRIMARY DRINKING WATER REGULATION IMPLEMENTATION

Assessment of Penalties for Violation; Interim, Final Rule

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule.

SUMMARY: The section giving the State authority to assess penalties for violations is amended to clarify the intent of EPA that the State is to have authority to assess penalties for violation to both the State primary drinking water regulations and the State public notification regulations.

Second, the section requiring States to report to the EPA Administrator by January 1, of each year, a summary of inventory corrections, violations, enforcement actions, and status of variances and exemptions for the preceding fiscal year is amended to allow supplies serving fewer than 25,000 population to delay reporting of violations only for FY 1977 until June 1, 1978. All other reporting requirements under this section will be submitted on January 1, 1978, for FY 1977, and for subsequent fiscal years, all reporting requirements under this section will be submitted on January 1. This change is necessitated by the delay in implementation of the automated data processing system which is designed to handle the reporting data requirements.

EFFECTIVE DATE: February 8, 1978, comments on or before March 10, 1978.

ADDRESS: Drinking Water Regulations Implementation Branch, Office of Water Supply, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

James F. Manwaring, P.E., Chief, Drinking Water Regulations Implementation Branch, 401 M Street SW., Washington, D.C. 20460, 202-426-3983.

SUPPLEMENTARY INFORMATION: 40 CFR 142.15 requires each State with primacy to report by January 1 of each year the inventory corrections and the violations and enforcement actions taken during the preceding fiscal year. The States must also report on the current status of variances and exemptions.

The National Interim Primary Drinking Water Regulations (NIPDWR) went into effect June 24, 1977. Therefore, the report due on January 1, 1978, will contain information only for a 3-month period. It is unlikely that there will be many variances or exemptions granted in this period and there will be a very limited number of enforcement actions. Thus, for the most part, the January 1978 report will only have to deal with inventory and violation data. The delay in implementing an automated data handling system, the Model State Information System (MSIS), has made the reporting of this data much more difficult than previously expected. The purpose of this amendment is to minimize, as much as possible, problems involved with State reports due January 1, 1978.

Without MSIS it will not be easy to determine and report on all the violations which occurred between June 24, 1977 and September 30, 1977. The best approach to alleviate the problems caused by the delay in MSIS is to allow a delay in the reporting date for some of the community public water systems. However, it is necessary to get violation data from some public water systems in all States on January 1, 1978, in order to fulfill EPA reporting needs to Congress. The data on each violation to the NIPDWR is important because it provides our first complete assessment of water quality in community public water systems.

Since the larger public water supplies protect most of the population and are likely to have fewer violations, we would modify the regulations to require the annual summary of violations for FY 1977 to be submitted in

two parts. Violations in supplies serving more than 25,000 population would have to be submitted by January 1, 1978. Violations in supplies serving 25,000 or fewer people would be due June 1, 1978. This would allow the States an additional six months to get MSIS installed and get the FY 1977 data onto MSIS before most of the violations would be reported. There would be no deviation in the requirements for FY 1978 data which would be due on January 1, 1979. Since there will be very few variances and exemptions or enforcement actions, no change in the requirements of § 142.15 pertaining to these reports is warranted.

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

40 CFR Part 142 is amended as follows:

1. Section 142.10(b)(6)(vi) is amended to read:

§ 142.10 Requirements for a determination of primary enforcement responsibility.

• • • • •
(b) • • •
(6) • • •
(vi) Authority to assess civil or criminal penalties for violation of the State's primary drinking water regulations and public notification requirements, including the authority to assess daily penalties or multiple penalties when a violation continues.

• • • • •
2. Section 142.15(b)(1) is amended to read:

§ 142.15 Reports by States.

• • • • •
(b) • • •
(1) Summary of violations by public water systems in the State of primary drinking water regulations, except public water systems serving fewer than 25,000 population which will have until June 1, 1978, to report the FY 1977 violations only, and of enforcement actions taken by the State;

• • • • •
[FR Doc. 78-3362 Filed 2-7-78; 8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management Regulations

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

(FPMR Temp. Regs. A-12, G-34, G-35)

CENTRALIZED HOUSEHOLD GOODS TRAFFIC MANAGEMENT, CHANGES IN REQUIREMENTS FOR REPORTING MOTOR VEHICLE DATA, AND INVESTIGATION REPORT OF MOTOR VEHICLE ACCIDENT

Temporary Regulations

CROSS REFERENCE: For the text of three General Services Administration temporary regulations on the subjects of: centralized household goods traffic management, changes in requirements for reporting motor vehicle data, and completing Standard Form 91-A, Investigation Report of Motor Vehicle Accident, see FR Docs. 78-3411, 78-3412, and 78-3413 appearing in the Notices section of this issue under the heading "General Services Administration".

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 481—CERTIFICATION OF CERTAIN HEALTH FACILITIES

Rural Health Clinics: Conditions for Certification

AGENCY: Health Care Financing Administration (HCFA), HEW

ACTION: Final rule.

SUMMARY: These regulations establish the conditions that rural health clinics must meet in order to be certified as suppliers of services under Medicare and Medicaid. They implement some of the provisions of the Rural Health Clinic Services Act of 1977 (Pub. L. 95-210) which is effective on March 1, 1978, for Medicare, and on July 1, 1978, for Medicaid. The intent is to increase the availability of medical care and services to residents of rural areas that have a shortage of health manpower.

EFFECTIVE DATE: February 8, 1978. Although notice of proposed rulemaking has been waived, we will welcome written comments, suggestions, or objections received by (45 days) with a view to revising these regulations. Please refer to HSC-47-RC. Agencies and organizations are requested to submit comments in duplicate.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, P.O. Box 2382, Washington, D.C. 20013. Comments will be

available for public inspection, beginning approximately 2 weeks after publication, in room 5225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. 202-245-0950.

FOR FURTHER INFORMATION CONTACT:

Lorraine Kytte, Health Standards and Quality Bureau, HCFA, Rm. 349, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-9748.

SUPPLEMENTARY INFORMATION: Many isolated rural communities have not been able to attract or retain physicians and residents of these areas needing medical care must rely on clinics that cannot follow the traditional model of physician delivery of medical services. These clinics are, in many instances, staffed by nurse practitioners and physician assistants who are specially trained to provide medical care traditionally furnished by physicians. Although there is physician supervision, it is often indirect rather than "over-the-shoulder."

The Rural Health Clinic Services Act of 1977 (Pub. L. 95-210, December 13, 1977) extends Medicare and Medicaid coverage for medical services, furnished by a rural health clinic that meets the terms and conditions of the Act, which would otherwise be covered if furnished by a physician or incident to a physician's services.

The regulation sets forth the requirements which a clinic must meet in order to be certified for participation in Medicare or Medicaid. The Department will soon be issuing two more regulations to implement Pub. L. 95-210. One will govern coverage and reimbursement under Medicare, and will become effective for services furnished by a certified rural health clinic beginning March 1, 1978. The other will govern coverage and reimbursement under Medicaid, for which certified rural health clinics become eligible beginning July 1, 1978.

A rural health clinic interested in becoming certified under this regulation can obtain further information and application forms from the State agency responsible generally for certifying providers and suppliers of medical services for participation in Medicare and Medicaid. Typically, this is the State Health Department.

In drafting these regulations, the Department has tried to heed the clear legislative intent that the requirements for these clinics take into account their unique circumstances and be more flexible and less complex than requirements applicable to hospitals and other large institutions. (See House Report 95-548, Part II, p. 10.) The Department intends to implement these regulations in the same spirit.

MAJOR PROVISIONS

1. Location of the clinic. In order to be certified, a clinic must be located in

an area that has been designated by the U.S. Bureau of the Census as rural and has been designated by the Secretary of HEW as having a shortage of personal health services or primary medical care manpower. For convenience, the criteria for such designations are summarized in section 481.5 of the regulation, but the governing requirements are not reproduced in their entirety. A rural area is any area not designated as an urbanized area. Anyone who wishes to determine whether an area in question falls within the Bureau of Census criteria could inquire at the nearest public library.

Determinations of shortage areas are made by the Secretary under two alternative provisions. One is section 1302(7) of the Public Health Services Act, for which the responsibility within HEW has been given to the Bureau of Community Health Services, Health Services Administration. The most recent listing of shortage areas under this section was published on October 15, 1976 in volume 41 of the FEDERAL REGISTER, page 45718.

The other provision for designating shortage areas is section 332(a)(1)(A) of the Public Health Services Act, for which responsibility lies with the Bureau of Health Manpower, Health Resources Administration. Designations under this section are set forth at volume 42, page 1586 of the FEDERAL REGISTER (January 10, 1978).

The statute sets forth two "grandfather" provisions, under which a clinic may obtain or retain certification, even if the conditions for being in a rural, shortage area are not met. First, if a facility qualifies as a rural health clinic but the area in which it is located subsequently loses its designation as rural or as a shortage area, the clinic will remain qualified. Second, a private, nonprofit clinic that was operating on July 1, 1977 in a rural area which is not designated as a shortage area, but which the Secretary determines to have an insufficient supply of physicians, can qualify for certification. These two provisions are spelled out in section 481.5 of the regulation.

2. Staffing requirements. The major innovation accomplished by P.L. 95-210 is to provide Medicare and Medicaid coverage for medical services furnished by a qualified physician assistant or nurse practitioner. Although a clinic must still have one or more physicians available to provide medical direction and carry out other specified responsibilities, the clinic's services may be furnished by a nurse practitioner or physician assistant, as those terms are defined in the regulation. Moreover, every clinic must have at least one nurse practitioner or physician assistant on the staff, irrespective of how many hours a physician, in fact, is present at the clinic. (This is a

statutory requirement and means that rural health clinics can be certified only if the State permits—that is, does not explicitly prohibit—the delivery of primary health care by a nurse practitioner or a physician assistant.) The clinic staff may also include other health professionals, such as nurse midwives and other nurse practitioners who specialize in a particular range of services.

The respective responsibilities of physicians and the physician assistants or nurse practitioners are specified in section 481.8. In brief, a physician must provide medical supervision and guidance for the physician assistants and nurse practitioners, prepare medical orders, and review periodically the services furnished by the clinic. A physician must be present at the clinic for sufficient periods of time to fulfill these responsibilities and must be available at all other times, by direct means of communication, for advice and assistance on patient referrals and medical emergencies. In order to assure the presence of a physician on a regular, but only minimally necessary basis, the regulation requires that a physician be present at the clinic at least once in every two week period, subject to extraordinary circumstances. A clinic operated by a nurse practitioner or physician assistant may satisfy these requirements through agreements with one or more physicians.

In addition to furnishing clinic services, the nurse practitioners and physician assistants participate in developing and administering the clinic's patient care policies, assure proper maintenance of patient records, and arrange for patients to receive necessary services not furnished by the clinic.

In accordance with the statutory authorization to establish training, education and experience requirements for nurse practitioners and physician assistants, this regulation sets forth alternative, minimum credentials in the definition of those terms. We are aware that there are graduates of special education programs, that are not accredited or certified by the major accrediting body, who have been providing medical services in settings comparable to rural health clinics. The regulation, therefore, includes in the definition of these terms people who have graduated from such programs and have been providing primary medical care services for at least 12 months (not necessarily consecutive) during the 18 months immediately preceding the effective date of this regulation.

3. Services provided. The purpose of the Rural Health Clinic Services Act is primarily to make available outpatient or ambulatory care of the nature typically provided in a physician's office, or outpatient clinic, or emergency room and the like. The regulation, at

section 481.9, specifies the services which must be made available by the clinic, including specified types of diagnostic examinations, laboratory tests, and emergency treatments. In addition, the clinic must have made arrangements with other providers or suppliers of services, who are participating in Medicare or Medicaid, to make sure that its patients will receive other services not provided by the clinic, including other diagnostic examinations, physician services and inpatient hospital care.

It should be noted that a rural health clinic may also provide part-time or intermittent nursing care to home-bound patients, if it is located in an area in which there is a shortage of home health agencies. The terms and conditions for providing such services are not set forth in this regulation, but will be treated in the other regulations implementing P.L. 95-210, referred to above.

4. Physical facilities. Although clinic services may be furnished in the patient's home, in a nearby hospital or nursing home, or at any other location needed by the patient, the clinic must also have a facility at which the patient can receive services. This may be one or more buildings or structures or it may be a mobile unit. If services are provided at more than one permanent unit and the locations are widely dispersed, each such unit must be separately surveyed and certified under the regulation, even if all are treated as a single unit for purposes of reimbursement under Medicare or Medicaid.

The clinic facilities must meet minimum standards for the safety of patients, including measures to assure the safety of patients in case of a non-medical emergency.

5. Certification procedures. A rural health clinic will be certified for participation in Medicare in accordance with the normal certification process set forth in Subpart S of the Medicare regulations, 42 CFR Part 405. This means that, in most states, certification will be done by the State health department, pursuant to an agreement with HEW. The normal Medicaid certification will also be used and a clinic certified under Medicare will be deemed to meet the standards for certification under Medicaid.

In this regard, it should be noted that if a State permits the provision of primary medical care by a nurse practitioner or physician assistant, the State Medicaid plan must include rural health clinic services in accordance with section 1902(a)(13) and 1905(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(13), 1396d(a)(2)).

6. Other requirements. The regulation contains several other provisions relating to the organizational structure of the clinic, the development of

written patient care policies, the maintenance and confidentiality of patient records, and an annual evaluation of the clinic. Of particular note is the requirement that a clinic be assisted in the development of its patient care policies by a group of health professionals composed of one or more physicians and one or more nurse practitioners or physician assistants. At least one member of the group must be a health professional who is not a member of the clinic staff.

WAIVER OF PROPOSED RULEMAKING

As noted above, under the terms of Pub. L. 95-210 (which was enacted on December 13, 1977) rural health clinics become eligible for reimbursement under Medicare on March 1, 1978 and under Medicaid on July 1, 1978. In view of these severe time constraints, and the desire to have rural health clinic services available to Medicare and Medicaid patients as soon as possible, the Secretary has determined that there is good cause to waive Notice of Proposed Rulemaking and opportunity for public comment prior to issuing this regulation.

Although rulemaking has been waived, public comments and recommendations on the regulation are invited and will be evaluated with a view towards possible revision.

42 CFR Chapter IV is amended by adding a new Part 481 to read as follows:

Subpart A—Rural Health Clinics: Conditions for Certification

Sec.	
481.1	Purpose and scope.
481.2	Definitions.
481.3	Certification procedures.
481.4	Compliance with Federal, State and local laws.
481.5	Location of clinic.
481.6	Physical plant and environment.
481.7	Organizational structure.
481.8	Staffing and staff responsibilities.
481.9	Provision of services.
481.10	Patient health records.
481.11	Program evaluation.

AUTHORITY: Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

§ 481.1 Purpose and scope.

This subpart sets forth the conditions that rural health clinics must meet in order to qualify for reimbursement under Medicare (Title XVIII of the Social Security Act) and Medicaid (Title XIX of the Act).

§ 481.2 Definitions.

As used in this subpart, unless the context indicates otherwise:

(a) "Direct services" means services provided by the clinic's staff.

(b) "Nurse practitioner" means a registered professional nurse who is currently licensed to practice in the State, who meets the State's requirements governing the qualifications of

nurse practitioners, and who meets one of the following conditions:

(1) Is currently certified as a primary care Nurse Practitioner by the American Nurses' Association or by the National Board of Pediatric Nurse Practitioners and Associates; or

(2) Has satisfactorily completed a formal 1 academic year educational program that:

(i) prepares registered nurses to perform an expanded role in the delivery of primary care;

(ii) includes at least 4 months (in the aggregate) of classroom instruction and a component of supervised clinical practice; and

(iii) awards a degree, diploma, or certificate to persons who successfully complete the program; or

(3) Has successfully completed a formal educational program that does not meet the requirements of paragraph (b)(2) of this section, and has been performing an expanded role in the delivery of primary care for a total of 12 months during the 18-month period immediately preceding the effective date of this subpart.

(c) "Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine or surgery in the State.

(d) "Physician assistant" means a person who meets the applicable State requirements governing the qualifications for assistants to primary care physicians, and who meets at least one of the following conditions: (1) Is currently certified by the National Commission on Certification of Physician Assistants to assist primary care physicians; or

(2) Has satisfactorily completed a program for preparing physician's assistants that:

(i) Was at least 1 academic year in length;

(ii) Consisted of supervised clinical practice and at least 4 months (in the aggregate) of classroom instruction directed toward preparing students to deliver health care; and

(iii) Was accredited by the American Medical Association's Committee on Allied Health Education and Accreditation; or

(3) Has satisfactorily completed a formal educational program that does not meet the requirements of paragraph (d)(2) of this section and has been assisting primary care physicians for a total of 12 months during the 18-month period immediately preceding the effective date of this subpart.

(e) "Rural area" means an area that is not delineated as an urbanized area by the Bureau of the Census.

(f) "Rural health clinic" or "clinic" means a clinic that is located in a rural area designated as a shortage area, is not a rehabilitation agency or a facility primarily for the care and treatment of mental diseases, and meets all other requirements of this subpart.

(g) "Shortage area" means a defined geographic area designated by the Department as having either a shortage of personal health services (under section 1302(7) of the Public Health Service Act) or a shortage of primary medical care manpower (under Section 332 of that Act).

(h) "Secretary" means the Secretary of Health, Education, and Welfare, or any official to whom he has delegated the pertinent authority.

§ 481.3 Certification procedures.

A rural health clinic will be certified for participation in Medicare in accordance with Subpart S of 42 CFR Part 405. The Secretary will notify the State Medicaid agency whenever he has certified or denied certification under Medicare for a prospective rural health clinic in that State. A clinic certified under Medicare will be deemed to meet the standards for certification under Medicaid.

§ 481.4 Compliance with Federal, State and local laws.

The rural health clinic and its staff are in compliance with applicable Federal, State and local laws and regulations.

(a) *Licensure of clinic.* The clinic is licensed pursuant to applicable State and local law.

(b) *Licensure, certification or registration of personnel.* Staff of the clinic are licensed, certified or registered in accordance with applicable State and local laws.

§ 481.5 Location of clinic.

(a) *Basic requirement.* The clinic is located in a rural area that is designated as a shortage area, and may be a permanent or a mobile unit.

(1) *Permanent unit.* The objects, equipment and supplies necessary for the provision of the services furnished directly by the clinic are housed in a permanent structure.

(2) *Mobile unit.* The objects, equipment, and supplies necessary for the provision of the services furnished directly by the clinic are housed in a mobile structure which has fixed, scheduled location(s).

Under this requirement, if clinic services are furnished at permanent units in more than one location, each unit will be independently considered for certification as a rural health clinic.

(b) *Exceptions.* (1) A facility certified under this subpart will not be disqualified if the area in which it is located subsequently fails to meet the definition of rural, shortage area.

(2) A private, nonprofit facility that meets all other conditions of this subpart except for location in a shortage area will be certified if, on July 1, 1977, it was operating in a rural area that is determined by the Secretary (on the basis of the ratio of primary

care physicians to the general population) to have an insufficient supply of physicians to meet the needs of the area served.

(3) Determinations on these exceptions will be made by the Secretary upon application by the facility.

(c) *Criteria for designation of rural areas.* (1) Rural areas are areas not delineated as urbanized areas in the last census conducted by the Census Bureau.

(2) Excluded from the rural area classification are:

(i) central cities of 50,000 inhabitants or more;

(ii) cities with at least 25,000 inhabitants which, together with contiguous areas having stipulated population density, have combined populations of 50,000 and constitute, for general economic and social purposes, single communities;

(iii) closely settled territories surrounding cities and specifically designated by the Census Bureau as urban.

(3) Included in the rural area classification are those portions of extended cities that the Census Bureau has determined to be rural.

(d) *Criteria for designation of shortage areas.* (1) The criteria for determination of shortage of personal health services (under section 1302(7) of the Public Health Services Act), are:

(i) The ratio of primary care physicians practicing within the area to the resident population;

(ii) The infant mortality rate;

(iii) The percent of the population 65 years of age or older; and

(iv) The percent of the population with a family income below the poverty level.

(See 42 CFR 110.203(g) and 41 FR 45718, October 15, 1976.)

(2) The criteria for determination of shortage of primary medical care manpower (under section 332(a)(1)(A) of the Public Health Services Act) are:

(i) The area served is a rational area for the delivery of primary medical care services;

(ii) The ratio of primary care physicians practicing within the area to the resident population; and

(iii) The primary medical care manpower in contiguous areas is overutilized, excessively distant, or inaccessible to the population in this area.

(See 42 CFR Part 5; 42 FR 1588, January 10, 1978.)

§ 481.6 Physical plant and environment.

(a) *Construction.* The clinic is constructed, arranged, and maintained to insure access to and safety of patients, and provides adequate space for the provision of direct services.

(b) *Maintenance.* The clinic has a preventive maintenance program to ensure that:

(1) All essential mechanical, electrical and patient-care equipment is

maintained in safe operating condition;

(2) Drugs and biologicals are appropriately stored; and

(3) The premises are clean and orderly.

(c) *Emergency procedures.* The clinic assures the safety of patients in case of non-medical emergencies by:

(1) Training staff in handling emergencies;

(2) Placing exit signs in appropriate locations; and

(3) Taking other appropriate measures that are consistent with the particular conditions of the area in which the clinic is located.

§ 481.7 Organizational structure.

(a) *Basic requirements.* (1) The clinic is under the medical direction of a physician, and has a health care staff that meets the requirements of § 481.8.

(2) The organization's policies and its lines of authority and responsibilities are clearly set forth in writing.

(b) *Disclosure.* The clinic discloses the names and addresses of:

(1) Its owners, in accordance with Section 1124 of the Social Security Act (42 USC 132 A-3);

(2) The person principally responsible for directing the operation of the clinic; and

(3) The person responsible for medical direction.

§ 481.8 Staffing and staff responsibilities.

(a) *Staffing.* (1) The clinic has a health care staff that includes one or more physicians and one or more physician's assistants or nurse practitioners.

(2) The physician member of the staff may be the owner of the clinic, an employee of the clinic, or under agreement with the clinic to carry out the responsibilities required under this section.

(3) The physician's assistant or nurse practitioner member of the staff may be the owner of the clinic or an employee of the clinic.

(4) The staff may also include ancillary personnel who are supervised by the professional staff.

(5) The staff is sufficient to provide the services essential to the operation of the clinic.

(b) *Physician responsibilities.* (1) The physician:

(i) Provides medical direction for the clinic's health care activities and consultation for, and medical supervision of, the health care staff.

(ii) In conjunction with the physician's assistant and/or nurse practitioner member(s), participates in developing, executing, and periodically reviewing the clinic's written policies and the services provided to Federal program patients; and

(iii) Periodically reviews the clinic's patient records, provides medical

orders, and provides medical care services to the patients of the clinic.

(2) A physician is present for sufficient periods of time, at least once in every 2 week period (except in extraordinary circumstances), to provide the medical direction, medical care services, consultation and supervision described in paragraph (b)(1) of this section, and is available through direct telecommunication for consultation, assistance with medical emergencies, or patient referral. The extraordinary circumstances are documented in the records of the clinic.

(c) *Physician assistant and nurse practitioner responsibilities.* (1) The physician assistant and the nurse practitioner members of the clinic's staff:

(i) Participate in the development, execution and periodic review of the written policies governing the services the clinic furnishes;

(ii) Participate with a physician in a periodic review of the patients' health records.

(2) The physician assistant or nurse practitioner performs the following functions, to the extent they are not being performed by a physician:

(i) Provides services in accordance with the clinic's policies;

(ii) Arranges for, or refers patients to, needed services that cannot be provided at the clinic; and

(iii) Assures that adequate patient health records are maintained and transferred as required when patients are referred.

§ 481.9 Provision of services.

(a) *Basic requirements.* The clinic is primarily engaged in providing outpatient health services to persons of all ages and meets all other conditions of this subpart.

(b) *Patient care policies.* (1) The clinic's health care services are furnished in accordance with appropriate written policies which are consistent with applicable State law.

(2) The policies are developed with the advice of a group of professional personnel that includes one or more physicians and one or more physician assistants or nurse practitioners. At least one member is not a member of the clinic staff.

(3) The policies include:

(i) A description of the services the clinic furnishes directly and those furnished through agreement or arrangement.

(ii) Guidelines for the medical management of health problems which include the conditions requiring medical consultation and/or patient referral, the maintenance of health care records, and procedures for the periodic review and evaluation of the services furnished by the clinic.

(iii) Rules for the storage, handling, and administration of drugs and biologicals.

(4) These policies are reviewed at least annually by the group of professional personnel required under paragraph (b)(2) of this section, and reviewed as necessary by the clinic.

(c) *Direct services.*—(1) *General.* The clinic staff furnishes those diagnostic and therapeutic services and supplies that are commonly furnished in a physician's office or at the entry point into the health care delivery system. These include medical history, physical examination, assessment of health status, and treatment for a variety of medical conditions.

(2) *Laboratory.* The clinic provides basic laboratory services essential to the immediate diagnosis and treatment of the patient, including:

(i) Chemical examinations of urine by stick or tablet methods or both (including urine ketones);

(ii) Microscopic examinations of urine sediment;

(iii) Hemoglobin or hematocrit;

(iv) Blood sugar (stick or tablet method acceptable);

(v) Gram stain;

(vi) Examination of stool specimens for occult blood or pinworm;

(vii) Pregnancy tests; and

(viii) Primary culturing for transmittal to a certified laboratory.

(3) *Emergency.* The clinic provides medical emergency procedures as a first response to common life-threatening injuries and acute illness, and has available the drugs and biologicals commonly used in life saving procedures, such as analgesics, anesthetics (local), antibiotics, anticonvulsants, antidotes and emetics, serums and toxoids.

(d) *Services provided through agreements or arrangements.* (1) The clinic has agreements or arrangements with one or more providers or suppliers participating under Medicare or Medicaid to furnish other services to its patients, including:

(i) Inpatient hospital care;

(ii) Physician(s) services (whether furnished in the hospital, the office, the patient's home, a skilled nursing facility, or elsewhere); and

(iii) Additional and specialized diagnostic and laboratory services that are not available at the clinic.

(2) If the agreements are not in writing, there is evidence that patients referred by the clinic are being accepted and treated.

§ 481.10 Patient health records.

(a) *Records system.* (1) The clinic maintains a clinical record system in accordance with written policies and procedures.

(2) A designated member of the professional staff is responsible for maintaining the records and for ensuring that they are completely and accurately documented, readily accessible, and systematically organized.

(3) For each patient receiving health care services, the clinic maintains a record that includes, as applicable:

(i) Identification and social data, evidence of consent forms, pertinent medical history, assessment of the health status and health care needs of the patient, and a discharge summary;

(ii) Reports of physical examinations, diagnostic and laboratory test results, and consultative findings;

(iii) All physician's orders, reports of treatments and medications and other pertinent information necessary to monitor the patient's progress;

(iv) Signatures of the physician or other health care professional.

(b) *Protection of record information.*

(1) The clinic maintains the confidentiality of record information and provides safeguards against loss, destruction or unauthorized use.

(2) Written policies and procedures govern the use and removal of records from the clinic and the conditions for release of information.

(3) The patient's written consent is required for release of information not authorized by law.

(c) *Retention of records.* The records are retained for at least 5 years from date of last entry, and longer if required by State statute.

§ 481.11 Program evaluation.

(a) The clinic carries out, or arranges for, an annual evaluation of its total program.

(b) The evaluation includes review of:

(1) The utilization of clinic services, including at least the number of patients served and the volume of services;

(2) A representative sample of both active and closed clinical records; and

(3) The clinic's health care policies.

(c) The purpose of the evaluation is to determine whether:

(1) The utilization of services was appropriate;

(2) The established policies were followed; and

(3) Any changes are needed.

(d) The clinic staff considers the findings of the evaluation and takes corrective action if necessary.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; 13.800, Medicare-Hospital Insurance; 13.801 Medicare-Supplementary Medical Insurance.)

Dated: January 23, 1978.

ROBERT A. DERZON,
Administrator, Health,
Care Financing Administration.

Approved: February 2, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-3398 Filed 2-7-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20617; RM-2359; FCC 78-51]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Canada/United States Channeling Arrangements

AGENCY: Federal Communications Commission.

ACTION: Report and order amending the rules.

SUMMARY: Part 81 of the rules is amended to implement channeling arrangements between Canada and the United States for allocating VHF public coast station frequencies on the West Coast, Great Lakes and East Coast. These amendments are made in order to incorporate the arrangements, already final, in the rules.

EFFECTIVE DATE: March 11, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert P. DeYoung, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: January 25, 1978.

Released: February 1, 1978.

By the Commission. Commissioner Washburn absent.

In the matter of proposed Canada/United States channeling arrangements for the West Coast, Great Lakes and St. Lawrence Seaway, and the East Coast for Appendix 18 maritime mobile correspondence frequencies, Docket No. 20617, RM 2359.

REPORT AND ORDER—PROCEEDING TERMINATED

1. On October 28, 1975, we released a Notice of Inquiry in the above captioned matter. All comments received favored adoption of the proposed arrangements. We subsequently finalized the arrangements with Canada by a letter to Canada signed by the Chairman of the Commission on December 15, 1976. On August 3, 1977, we released a Notice of Proposed Rule Making the purpose of which is to incorporate these arrangements into the Commission's rules (FCC 77-525). The Notice was published in the FEDERAL REGISTER on August 10, 1977 (42 FR 40455). No comments were received in reply to the Notice. The time for filing comments has now passed.

2. Accordingly, the rules will be amended as proposed in the Notice. In

doing so, however, it is necessary to clarify the statement in paragraph 4 of the Notice that the duplication of service criteria in § 81.303 will not be applied to applications in accordance with the West Coast arrangements. It was not intended to permit electrical interference between stations. It was intended to relieve them of the duplication of service criteria when necessary to implement the West Coast arrangements.

3. The Commission has on file an application by the Whidbey Telephone Co. which is not in accordance with the United States/Canada channeling arrangement for the West Coast, as set forth below. Accordingly, this application will be dismissed without prejudice to Whidbey's right to refile in accordance with the arrangements within thirty days of the effective date of this Report and Order. Should Whidbey refile in accordance with the plan and within the provided period its application will become mutually exclusive with another pending application.

4. Accordingly, it is ordered, That the rules are amended, by adding a Subpart S, and by adding a new footnote (6) to § 81.304(a), in accordance with the attached below, effective March 11, 1978.

5. It is further ordered, That the application of Whidbey Telephone Co. (File No. 43-M-L-65) is dismissed without prejudice to its right to refile in accordance with the arrangements within thirty days of the effective date of these rule amendments.

6. Authority for this action is contained in sections 4(i), 303(b), (c), (d), (f) and (r) of the Communications Act of 1934, as amended.

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 81.303, a new paragraph (e) is added to read as follows:

§ 81.303 Duplication of service.

(e) The 20 percent duplication criterion of paragraph (b) of this section is not applicable to applications filed in accordance with the West Coast United States/Canada channeling arrangements in Subpart S of this Part when application of the criterion would prevent implementation of the arrangements.

2. In § 81.304 a limitation symbol "6" is added in the Limitations column for

§ 81.304 Frequencies available.			
(a)			
Carrier frequency	Conditions of use		
	Section	Limitations	
MHz Megahertz			
Kilohertz			
156.800	81.304	25	
161.800	81.304	6, 22, 24	
161.825	81.304	6, 22, 24, 63	
161.850	81.304	6, 22, 24	
161.875	81.304	6, 22, 24, 63	
161.900	81.304	6, 22	
161.925	81.304	6, 22, 63	
161.950	81.304	6, 22	
161.975	81.304	6, 22, 63	
162.000	81.304	6, 22	
162.025	81.304	22, 62	
(b)			
(6) This frequency is available for use by public coast stations serving the coastal areas of the State of Washington, including Puget Sound and the Province of British Columbia in accordance with the provisions of Subpart S of Part 81.			
3. A new Subpart S is added to read as follows:			
Subpart S—Canada/U.S.A. Channeling Arrangement for VHF Maritime, Public Correspondence			
Sec.			
81.901 Canada-U.S.A. arrangement.			
81.902 Definitions.			
81.903 Technical characteristics.			
81.904 Canada/U.S.A. Channeling arrangement for West Coast VHF maritime mobile public correspondence.			
81.905 Canada/U.S.A. VHF channeling arrangement on the Great Lakes and the St. Lawrence Seaway.			
81.906 Canada/U.S.A. channeling arrangement for East Coast VHF maritime mobile public correspondence.			
AUTHORITY: Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.			
Subpart S—Canada/U.S.A. Channeling Arrangement for VHF Maritime, Public Correspondence			
§ 81.901 Canada/U.S.A. arrangement.			
Pursuant to arrangements between the United States and Canada, assignment of VHF frequencies to public coast stations in certain areas of Washington State, the Great Lakes, and the East Coast of the United States shall be made in accordance with the provisions of this subpart.			

§ 81.902 Definitions.

On the West Coast, the following terms are defined as follows:

(a) *Public Correspondence Sector.* A distinct geographical area to which is allotted primary, supplementary and local channels.

(b) *Primary Channel.* A channel intended to cover the greater portion of a public correspondence sector. It may provide some coverage of an adjacent sector but must not cause harmful interference beyond the adjacent sector.

(c) *Supplementary Channel.* A channel intended to improve coverage of a portion of a sector poorly covered by a primary channel or to relieve traffic congestion on a primary channel. It must not cause harmful interference beyond the adjacent sector.

(d) *Local Channel.* A low-power channel designed to provide local coverage of certain bays, inlets and ports where coverage of primary or supplementary channels is poor or where heavy traffic loading warrants it. It must not cause harmful interference to primary or supplementary channels or to local channels in other sectors.

§ 81.903 Technical characteristics.

On the West Coast, technical characteristics of coast stations shall be as follows:

(a) For primary and supplementary channels the maximum transmitter power shall be 50 watts and the maximum ERP shall be 125 watts. Antennas shall be sited no higher than necessary to provide the desired coverage within the sector.

(b) For local channels the ERP shall not exceed 10 watts. Low siting, directive antennas and natural topography shall be employed to confine coverage to the local area and, in any event, to prevent harmful interference to channels in other sectors.

(c) For station design purposes the tolerable interference level shall be considered as a received signal of -107 dBm (-137 dBW) from a vertical dipole located 30 feet above the water.

§ 81.904 Canada/U.S.A. channeling arrangement for West Coast VHF maritime mobile public correspondence.

For purposes of this subpart, and on the West Coasts of Canada and the United States, channels shall be assigned, as follows:

(a) The provisions of the Canada/U.S.A. channeling arrangement apply to waters of the State of Washington and of the Province of British Columbia within the coordination boundaries of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz.

(b) The channeling arrangement applies to the following public correspondence channels: channels 24, 84, 25, 85, 26, 86, 27, 87 and 28.

(c) Coast stations may be established by either country in accordance with

the provisions of the arrangement without prior coordination with the other country. There shall, however, prior to implementation, be an exchange of information in respect of the establishment of new stations or a change in technical parameters of existing stations.

(d) Coast stations proposed for establishment which are not in accordance with the provisions of the arrangement shall be subject to prior coordination in accordance with the provisions of "Arrangement A" of the Canada/U.S.A. Frequency Coordination Agreement above 30 MHz. Such stations shall not be protected from interference or cause interference to existing or future stations which are established in accordance with the provisions of the arrangement.

(e) Existing stations shall comply with the provisions of the arrangement within 12 months after it becomes effective.

(f) The agreed channeling arrangement for the West Coast is as follows:

ment within 12 months after it be- comes effective.			(f) The agreed channeling arrange- ment for the West Coast is as follows:		
Public correspondence sector	Primary channel	Supplementary channel		Local channel	Remarks
<i>British Columbia</i>					
Tofino.....	24	26	86	84	25
Barkley Sound.....	27	84	26		25
Juan de Fuca (Canada).....	24	26	86	84	
Gulf Islands.....	27	84	26		
Strait of Georgia South.....	24	26	86	84	25
Strait of Georgia North.....	27	26	87	84	25
Campbell River.....	24	84	86	26	
<i>Washington</i>					
Cape Johnson.....	26		87	85	25
Point Grenville.....	28		85		25
Juan de Fuca (U.S.A.).....	28	25	85		Channel 28—Western portion; Chan- nel 25—Eastern portion.
San Juan Islands.....	28		85	87	
Puget Sound North.....	28	24	85		Channel 28—West Whidbey Island; Channel 24—East Whidbey Island.
Puget Sound Hood Canal.....	26	25	87	86	24
Lower Puget Sound.....	28	24	85		25

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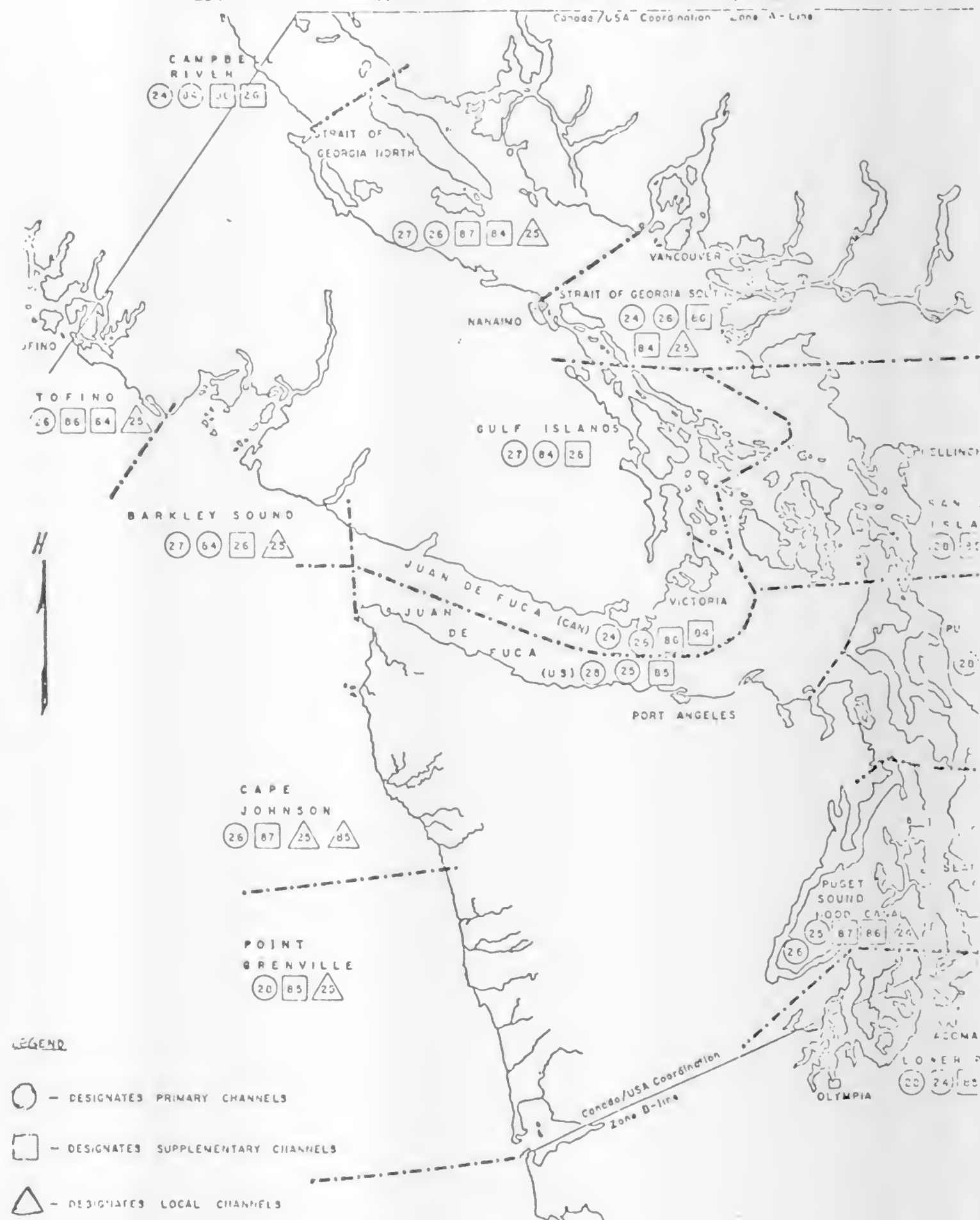
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UMI

RULES AND REGULATIONS

CANADIAN/USA CHANNELLING ARRANGEMENT FOR
WEST COAST VHF MARITIME MOBILE PUBLIC CORRESPONDENCE



RULES AND REGULATIONS

§ 81.905 Canada/U.S.A. VHF channel-
ing arrangement on the Great Lakes
and the St. Lawrence Seaway.

For purposes of this subpart, chan-
nels on the Great Lakes and the St.
Lawrence Seaway shall be assigned, as
follows:

(a) The provisions of the arrange-
ment apply to the waters of the Great
Lakes and the St. Lawrence Seaway
within the coordination boundaries of
"Arrangement A" of the Canada/
U.S.A. Frequency Coordination Agree-
ment above 30 MHz.

(b) The arrangement applies to the
following public correspondence chan-
nels: channels 24, 84, 25, 85, 26, 86, 27,
87, 28, and 88.

(c) Canada and the U.S.A. will use
one shared channel, the following
channeling arrangement is agreed:

- (1) Canadian channels: 24, 85, 27, 88 (Note 1).
- (2) U.S. channels: 84, 25, 86, 87, 28 (Note 2).
- (3) Shared channel: 26 (Note 3).

NOTE 1.—Also assignable to U.S. stations
within the frequency coordination zone, fol-
lowing successful coordination with Canada.

NOTE 2.—Also assignable to Canadian sta-
tions within the frequency coordination
zone, following successful coordination with
the United States.

NOTE 3.—Changes to existing assignments
and new assignments within the frequency
coordination zone of either country are sub-
ject to prior coordination with the other Ad-
ministration.

§ 81.906 Canada/U.S.A. channeling ar-
rangement for East Coast VHF mari-
time mobile public correspondence.

For purposes of this subpart, chan-
nels on the East Coast shall be as-
signed, as follows:

(a) The provisions of the arrange-
ment apply to the Canadian and
U.S.A. east coast waters including the
St. Lawrence River east of the St.
Lawrence Seaway within the coordina-
tion boundaries of "Arrangement A"
of the Canada/U.S.A. Frequency Co-
ordination Agreement above 30 MHz.

(b) The arrangement applies to the
following public correspondence chan-
nels: Channels 24, 84, 25, 85, 26, 86, 27,
87, 28, and 88.

(c) Canada and the U.S.A. will use
one shared channel; the following
channeling arrangement is agreed:

- (1) Canadian channels: 24, 85, 27, 88 (Note 1).
- (2) U.S.A. channels: 84, 25, 86, 87, 28 (Note 2).
- (3) Shared channel: 26 (Note 3).

NOTE 1.—Also assignable to U.S. stations
within the frequency coordination zone, fol-
lowing successful coordination with Canada.

NOTE 2.—Also assignable to Canadian sta-
tions within the frequency coordination
zone, following successful coordination with
the United States.

NOTE 3.—Changes to existing assignments
and new assignments within the frequency
coordination zone of either country are sub-
ject to prior coordination with the other Ad-
ministration.

[FR Doc. 78-3212 Filed 2-7-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y; Docket No. R-0001]

BANKHOLDING COMPANIES

Nonbanking Activities; Withdrawal of Proposed Rule Making

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Withdrawal of proposed rulemaking.

SUMMARY: In April 1974 the Board of Governors proposed to add to its list of permissible activities for bank holding companies underwriting and dealing in certain, Government-issued securities. The Board has considered the proposed amendment and has determined to proceed on a case-by-case basis rather than to adopt the proposed regulation. By considering each individual application to engage in the activity, the Board will be able to scrutinize closely the public benefits of the activity with respect to each individual applicant.

EFFECTIVE DATE: January 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Julius L. Loeser, Senior Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3236.

By notice of proposed rulemaking published in the FEDERAL REGISTER on April 10, 1974 (39 FR 13,007 (1974)), the Board of Governors proposed, in connection with an application filed by United Bancorp., Roseburg, Oreg., pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to add to the list of activities that it has determined to be closely related to banking or managing or controlling banks (§ 225.4(a) of Regulation Y) the following:

Underwriting and dealing in such obligations of the United States, general obligations of any State and of any political subdivision thereof, and other obligations that State member banks of the Federal Reserve System may from time to time be authorized to underwrite and deal in.

By Order of October 19, 1976, the Board deferred action on the proposed

activity "for 12 months unless before that time actions by the Municipal Securities Rulemaking Board—created by Congress in 1975 to regulate the municipal securities field—make reconsideration appropriate in the Board's judgment." (41 FR 47,083 (1976).) At the same time, consideration of the United Bancorp application was similarly suspended, and an application by A. F. Stepp, Inc., Kansas City, Mo., to become a bank holding company was granted with the understanding that Board approval would be necessary for Stepp to retain ownership of a subsidiary engaged in the described nonbanking activity for more than the two-year period provided in section 4(a)(2) of the Act.

In order for the Board to approve an activity as permissible for a bank holding company under section 4(c)(8) of the Bank Holding Company Act, the Board must find that the activity satisfies two distinct tests. The activity must be determined (1) to be "closely related to banking or managing or controlling banks;" and (2) to be a proper incident thereto. The second test involves a weighing of public benefits that may be expected to flow from a bank holding company engaging in the activity against the possible adverse effects.

In its October 19, 1976 Order, the Board stated that it had concluded that the activity was "closely related" to banking. That decision was based upon the record before it and upon relevant Court decisions to the effect that an activity generally engaged in by banks directly is considered "closely related" to banking.¹

With respect to whether the proposed activity would "be a proper incident thereto," the Board stated that it would not at that time attempt to weigh the public benefits that might be expected to flow from a bank holding company engaging in the activity against any possible adverse effects. The Board noted that the Municipal Securities Rulemaking Board ("MSRB") had been formed in 1975, while the Board was considering the proposed activity, to promulgate, inter alia, rules concerning sales of securities by municipal securities dealers to

¹ National Courier Association v. Board of Governors of the Federal Reserve System, 516 F. 2d 1229 (D.C. Cir. 1975); and Alabama Association of Insurance Agents v. Board of Governors of the Federal Reserve System, 533 F. 2d 224 (5th Cir. 1976).

their affiliates, and in October 1976, the Board was uncertain whether actions of the MSRB might substantially alter then-current practices and operations in the industry. Without knowing what actions the MSRB might take, the Board was unable to balance properly the public benefits and any adverse effects of bank holding company performance of municipal and government securities underwriting and dealing. Accordingly, the Board suspended consideration of the activity and of the two pending applications.

It now appears that the MSRB will limit its near-term actions to disclosure standards, and to a large extent the uncertainty with regard to MSRB actions has been removed. The Board finds that the reasons the Board expressly relied upon in 1976 to suspend consideration of the proposed regulation and of the pending applications are no longer valid. Consequently, the Board hereby terminates its suspension of its consideration of the proposed regulation to engage in the proposed activity and of the pending applications.

The Board has considered whether to permit bank holding companies to engage in the proposed activity by regulation by adding the activity to the list of permissible activities found in the Board's Regulation Y, or whether to proceed by order, that is, on a case-by-case basis. On the basis of the information before it, the Board has determined to proceed on a case-by-case basis. By considering each individual application to engage in the activity, the Board will be able to closely scrutinize the public benefits of the activity with respect to each individual applicant bank holding company. Moreover, future actions of the MSRB may impact upon the activity, and the Board believes that the lingering uncertainty weighs against adding the activity to the permissible list in Regulation Y.

For these reasons, the Board believes that it would not be prudent to add this activity to those listed in the Board's Regulation Y at this time, but rather will proceed in this area by order considering individual applications on a case-by-case basis. The Board therefore concludes that consideration of such an amendment to Regulation Y should be, and hereby is, terminated.

By order of the Board of Governors, effective.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-3416 Filed 2-7-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214]

[EDR-343-A; Docket No. 31229; Dated: February 6, 1978]

CHARTER FLIGHT DELAYS AND SUBSTITUTE AIR TRANSPORTATION

Supplemental Notice of Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice extends for 60 days the filing date for comments in a rulemaking proceeding about charter flight delays. This action was requested by several carriers.

DATE: Comments by April 14, 1978.

ADDRESSES: Comments should be sent to Docket 31229, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. Docket comments may be examined at the Docket Section, Civil Aeronautics Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Dyson, Office of General Counsel, Rules Division, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5444.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking EDR-343, dated December 22, 1977 (42 FR 64905, December 29, 1977), the Board proposed to change its regulations, so as to allow a maximum of six hours' delay on all charter flights by all types of carriers. Comments in response to the notice are due February 13, 1978.

In a letter dated January 30, 1978, counsel for the National Air Carrier Association (NACA) requested an extension of 60 days for filing comments in response to EDR-343. It also requested that a procedure be established for the filing of reply comments 31 days later. The request was supported in three letters dated January 31, 1978, from counsel for several charter-only foreign air carriers.¹

The NACA request stated that the NACA carriers have undertaken a detailed analysis of their historic operat-

¹ British Caledonian Airways, Ltd., Dan-Air Services Ltd., and Condor Flugdienst G.m.b.H.

PROPOSED RULES

ing data, the Board's consumer complaint files, and FAA records concerning flight delays. It stated that this analysis and the preparation of alternative proposals based on it requires additional time. It also suggested that, in light of the variety of alternatives likely to be recommended by the commenters, a period for reply comments would be appropriate.

Upon consideration of the above, the undersigned finds good cause to grant this request for a reasonable extension of time for the preparation of views on the proposed rule.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the time for filing comments is extended to April 14, 1978. However, insofar as there is a request for a period for reply comments, which also entails establishing a Service List, the undersigned does not have delegated authority to grant this relief, but he is recommending to the Board that it should issue promptly a supplemental notice announcing that this relief is granted.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 743, (49 U.S.C. 1324).)

SIMON J. EILENBERG,
Associate General Counsel,
Rules Division.

[FR Doc. 78-3713 Filed 2-7-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[Docket No. 9060]

DRIVER TRAINING INSTITUTE, INC., ET AL.

Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Brooklyn, N.Y., truck and tractor-trailer training school to cease misrepresenting job opportunities, potential earnings, employment demands for their graduates, and the effectiveness of their job placement activities. Further, firm is required to make timely, prescribed disclosures regarding cooling-off periods, cancellation rights, and job success of former trainees. Additionally, the order requires that firm establish a \$50,000 restitution fund to provide refunds to eligible, former students, and maintain a surveillance program designed to ensure proper compliance with the terms of the order.

DATE: Comments must be received on or before April 7, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, Sixth Street, and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

John F. Dugan, Acting Director, New Regional Office, 2243-EB Federal Building, 26 Federal Plaza, New York, N.Y. 10007, 212-264-1200.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

In the matter of Driver Training Institute, Inc., a corporation; Drivers Unlimited, Inc., a corporation; Ran-Lynn Rental and Service Corp., a corporation, and Herbert Gruen, a.k.a. Herbert Gruenstein, individually and as an officer of said corporations.

The Federal Trade Commission having issued its complaint on October 3, 1975 charging the respondents named in the caption hereof with violation of section 5 of the Federal Trade Commission Act, as amended, and it now appearing that Driver Training Institute, Inc., a corporation, Drivers Unlimited, Inc., a corporation, Ran-Lynn Rental and Service Corp., a corporation, and Herbert Gruen, a.k.a. Herbert Gruenstein, individually and as an officer of said corporations are willing to enter into an agreement containing a consent order to cease and desist, it is hereby agreed that the agreement herein, by and among Driver Training Institute, Inc., a corporation, Drivers Unlimited, Inc., a corporation, Ran-Lynn Rental and Service Corp., a corporation, by their duly authorized officer, and Herbert Gruen, a.k.a. Herbert Gruenstein, individually and as an officer of said corporations, and their attorneys, and counsel for the Federal Trade Com-

mission, is entered into in accordance with the Commission's Rules governing consent order procedure.

1. Respondents Drivers Unlimited, Inc., and Ran-Lynn Rental and Service Corp. are corporations organized, existing and doing business under and by virtue of the laws of the State of New York, with their principal office and place of business located at 50 Greenpoint Avenue, Brooklyn, N.Y. Driver Training Institute, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of New Jersey, with its principal office and place of business located at 50 Greenpoint Avenue, Brooklyn, N.Y.

Respondent Herbert Gruen, a.k.a. Herbert Gruenstein, is an individual and an officer of the corporate respondents and also does business under the firm name of Driver Training Institute. Said individual respondent formulates, directs and controls the policies, acts and practices of the corporate respondents, including the acts and practices hereinafter set forth. His business address is the same as that of the corporate respondents.

2. Respondents have been served with a copy of the complaint issued by the Commission on October 3, 1975, charging them with violation of section 5 of the Federal Trade Commission Act, as amended, together with a form of order the Commission believes warranted in the circumstances.

3. Respondents admit all the jurisdictional facts set forth in the said copy of the complaint issued by the Commission.

4. Respondent waive: (a) Any further procedural steps; (b) The requirement that the Commission's decision contains a statement of findings of fact and conclusions of law; and (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclosed facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commis-

sion, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(d) of the Commission's Rules, the Commission may, without further notice to the respondents: (1) Issue its decision containing the following order to cease and desist in disposition of the proceeding; and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the decision containing the agreed-to order to respondents' business address as stated in this agreement shall constitute service. Respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Respondents have read the complaint and order contemplated hereby. Respondents understand that the Commission may, at its discretion, require that a proposed agreement containing an order to cease and desist be accompanied by an initial report signed by respondents setting forth in precise detail the manner in which the respondents will comply with the order when and if entered pursuant to the provisions of § 3.25 of the Commission's Rules. Respondents further understand that once the order has been issued, respondents will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

9. Compliance with Part III of this Order satisfies fully any claim for consumer redress which the Commission has under sections 5(b) and 19 of the Federal Trade Commission Act, as amended, arising out of the acts and practices alleged in the complaint. By its final acceptance of this agreement, the Commission waives its right to commence a civil action under section 19 of the Federal Trade Commission Act, as amended, with respect to the acts and practices alleged in the Commission's complaint.

ORDER

I

It is ordered, That respondents Driver Training Institute, Inc., a corporation, Drivers Unlimited, Inc., a corporation, Ran-Lynn Rental and Service Corp., a corporation, their suc-

cessors and assigns and their officers, and Herbert Gruen, a.k.a. Herbert Gruenstein, individually, and as an officer of said corporate respondents, and doing business under the firm name of Driver Training Institute, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, franchise, or other device in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of truck driving or any other subject, trade or vocation in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing, orally, visually, in writing, or in any other manner, directly or by implication, that:

(a) There is a significant or substantial need or demand of any size or proportion for persons completing any of respondents' courses offered in the field of truck driving or any other field, or otherwise representing that opportunities for employment, or opportunities of any type or number are available to such persons, or that persons completing said courses will or may earn a specified amount of money, or otherwise representing by any means the prospective earnings of such persons, except as hereafter provided in Paragraph 5.

(b) The placement service offered by respondents has been successful in placing respondents' graduates in positions as truck and tractor-trailer drivers; or misrepresenting in any manner the effectiveness or success of respondents' placement service in obtaining employment for graduates of any course of training.

(c) Experience is not required or advantageous for employment as truck and tractor-trailer drivers; or misrepresenting in any manner the qualifications or requirements necessary to obtain employment as a truck or tractor-trailer driver.

2. Misrepresenting orally, visually, in writing or in any other manner, directly or by implication:

(a) The employment prospects of respondents' graduates or the ease with which respondents' graduates will attain employment.

(b) The types of jobs available to respondents' graduates, or that there will be job security or steady employment for respondents' graduates in positions for which respondents train such persons.

3. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any truck or tractor-trailer driver training course offered by respondents, the following information:

(a) The title "IMPORTANT INFORMATION" printed in ten (10) point

bold face type across the top of the form.

(b) Paragraphs providing the following information: (1) Many employers of truck or tractor-trailer drivers prescribe a minimum age of twenty-one (21) years of age for interstate drivers; (2) many employers of truck or tractor-trailer drivers give preferential consideration in hiring to driver-applicants with actual truck or tractor-trailer driving experience.

4. Failing to keep adequate records which may be inspected by Commission staff members upon reasonable notice which substantiate the data and information required to be disclosed by paragraph 5 of this Order and prescribed in Appendix A.

5. Failing to disclose, in writing, clearly and conspicuously, prior to the signing of any contract, to any prospective enrollee of any course of instruction in the field of truck driving or any other subject, trade or vocation offered by respondents, the following information in the format prescribed in Appendix A and for a base period designated as described in Appendix B:

(a) The number and percentage of enrollees who have failed to complete their course of instruction, such percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(b) The placement rate, ratio or percentage for enrollees and graduates, and also the numbers upon which such rates, ratios or percentages are based, such rate or percentage to be computed separately for each course of instruction offered by respondents at each school, location or facility;

(c) The salary range of respondents' graduates as to the same graduates used to compute the placement percentage in (b) above;

(d) A list of firms or employers which are currently hiring graduates of said courses in substantial numbers and in the positions for which such graduates have been trained, and the number of such graduates hired, as to the same graduates used to compute the placement percentage in (b) above.

Provided, however, This paragraph shall be inapplicable to any school newly established by respondents in a metropolitan area or county, whichever is larger, where they previously did not operate a school, or to any course newly introduced by respondents, until such time as the new school or course has been in operation for the base period established pursuant to Appendix B as prescribed in this paragraph. However, during such period the following statement, and no other, shall be made in lieu of the Appendix A Disclosure Form required by this paragraph:

DISCLOSURE NOTICE

This school (or course, as the case may be) has not been in operation

I hereby cancel this transaction.

(Buyer's signature)

(Date)

6. (a) Contracting for the sale of any course of instruction in the field of truckdriving or any other subject, trade or vocation in the form of a sales contract or any other agreement which does not contain in immediate proximity to the space reserved in the contract for the signature of the prospective enrollee in boldface type of a minimum size of ten (10) points, a statement in the following form:

You, the prospective enrollee, may cancel this transaction at any time prior to midnight of the seventh business day after the date of this transaction. See attached notice of cancellation form for an explanation of this right.

(b) Failing to furnish each prospective enrollee, at the time he signs the sales contract or otherwise agrees to enroll in a course of instruction in the field of truckdriving or any other subject, trade or vocation offered by respondents, a complete form in duplicate, which shall be attached to the contract or agreement, and easily detachable, and which shall contain in ten (10) point boldface type the following information and statements:

NOTICE OF CANCELLATION

(enter date of transaction)

(Date)

You may cancel this transaction, without any penalty or obligation, within seven (7) business days from the above date.

If you cancel, any payments made by you under the contract or sales, and any negotiable instrument executed by you will be returned within ten (10) business days following receipt by the seller of your cancellation notice, and any security interest arising out of this transaction will be cancelled.

If you cancel this transaction you must return, in substantially as good condition as when received, any books or other materials provided to you under this contract or sale. These materials must be mailed or delivered by you to (address of seller's place of business) within twenty (20) days of the date you cancel this transaction. If you fail to return these materials, then you will remain liable for payment of their reasonable costs. To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to (name or seller), at (address of seller's place of business) not later than midnight of

(Date)

(c) Failing to orally inform each prospective enrollee of his right to cancel at the time he signs a contract or agreement for the sale of any course of instruction.

(d) Misrepresenting in any manner the prospective enrollee's right to cancel.

(e) Failing or refusing to honor any valid notice of cancellation by a prospective enrollee and within ten (10) business days after the receipt of such notice, to: (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by respondents; (iii) cancel and return any negotiable instrument executed by the prospective enrollee in connection with the contract or sale.

(f) During the cancellation period described herein, respondents shall not initiate contacts with such contracting persons other than contact permitted by this paragraph, and other than contact no earlier than five (5) days following the signing of the contract by the prospective student, which contact shall be limited solely to determining whether the prospective student has obtained a learners permit.

(g) This paragraph 6 shall not apply to any course of instruction whose purpose is a vocational and which does not exceed seven (7) days in duration of less than full-time training and does not cost more than \$150.

7. Making any representations of any kind whatsoever, which are not already prescribed by other provisions of this Order, in connection with the advertising, promoting, offering for sale, sale or distribution of courses of study, training or instruction in the field of truck driver training or any other course offered to the public in any field in or affecting commerce, for which respondents have no reasonable basis prior to the making or dissemination thereof.

8. In the event the Commission promulgates a final Trade Regulation Rule on Advertising, Disclosure, Cooling-Off and Refund Requirements Concerning Proprietary Vocational and Home Study Schools, then, upon the effective date of such Rule, such Trade Regulation Rule shall completely supersede and replace the provisions of this Order set forth in Part I, Paragraphs 1(a), 4, 5 and 6, provided that if no provision of the Trade Regulation Rule relates in whole or in part to any matter covered by provisions of one of the aforesaid paragraphs of this Order, then said provi-

sions of said paragraph shall remain in full force and effect.

II

It is further ordered. That respondents: (1) Deliver, or cause to be delivered, a copy of this Order to all persons who now or in the future become franchisees of respondents for the operation of a vocational school program.

(2) Inform all franchisees that respondents are obligated to terminate those franchisees who continue the acts or practices prohibited by this Order.

(3) Institute a program of continuing surveillance to reveal whether the business operations of each of said franchisees conform to the requirements of this Order.

(4) Upon receiving actual knowledge from any source (including but not limited to respondents' program of surveillance, and representatives of the Federal Trade Commission) of facts indicating a violation of any provision of this Order by any of respondents' present or future franchisees, respondents shall within 24 hours notify such franchisee by certified mail, return receipt requested, that such violation of this Order has occurred ("Notice"), and that respondents will discontinue dealing with said franchisee upon receipt by respondents of actual knowledge of any further violations of this Order by such franchisee. Respondents shall obtain from such franchisee written acknowledgement of receipt of such Notice which acknowledgement shall indicate the date of receipt of such "Notice".

Upon receiving actual knowledge from any source (including but not limited to respondents' program of surveillance and representatives of the Federal Trade Commission) of facts indicating any violations of any provision of this Order, following a franchisee's receipt of the aforesaid "Notice", respondents shall permanently terminate such franchisee.

III

It is further ordered. That:

1. For the purposes of Part III of this Order, the following definitions shall apply:

(a) The term "Purchasers" shall mean those students who paid all or some portion of their own tuition to respondents and who did not have their tuition paid in full by any Federal, State or local government agency or department, or any private business or other organization;

(b) The term "Relevant Time Period" shall mean the period commencing October 1, 1972 and continuing through December 31, 1976.

2. Respondents shall submit to the New York Office of the Federal Trade

Commission, within five (5) days after the date this Order is served on respondents (hereinafter "date of service"), a notarized affidavit, executed by respondent Herbert Gruen, to the effect that respondents have made or have caused to be made a good faith search of documents that pertain to purchasers of respondents' truck and tractor-trailer training courses of instruction, and that respondents, to the best of their knowledge, have previously or simultaneously with said affidavit submitted to the Commission the names all such purchasers enrolled in said courses during the relevant time period.

3. Respondents or their designee shall make an inquiry in writing, on the ninetieth (90th) day after the date of service, in the language, manner and form shown in Appendices C and D, by first class mail with the envelope captioned "Address Correction Requested," accompanied by a self-addressed, postage prepaid envelope, to the home address of each former purchaser of respondents' truck or tractor-trailer courses whose name was submitted by respondents to the Commission. Counsel for respondents shall submit an affidavit of mailing, together with a postal certificate of mailing, to the New York Regional Office of the Federal Trade Commission within ninety-five (95) days after the date of service.

4. With respect to each purchaser whose mailed inquiry is returned undelivered, respondents or their designee shall have a duty to mail on the one hundred and thirtieth (130th) day after the date of service the same inquiry, by first class mail, to such purchaser's business address and to the address of such purchaser's nearest relatives as appear in personal information records, including but not limited to student or placement files, placement records and survey records maintained by respondents. Respondents shall submit to the New York Regional Office of the Federal Trade Commission, on or before the one hundred and thirty-fifth (135th) day after service, a notarized affidavit, executed by respondent Herbert Gruen, to the effect that respondents have made or have caused to be made, a good faith search of such personal information records as pertain to purchasers whose inquiries were returned undelivered, and that inquiries in writing, in the language, manner and form shown in Appendices C and D, were mailed to each such purchaser at his business address and the address of his nearest relative, as appear in his personal information records. Counsel for respondents shall submit an affidavit of mailing, together with a postal certificate of mailing, to the New York Regional Office of the Federal Trade Commission within one hundred and thirty-

five (135) days after the date of service.

5. Respondents shall use the information that they receive from the completed questionnaires solely for purposes of determining the eligibility of Purchasers who attended DTI during the Relevant Time Period for refunds.

6. "Eligible Class Member" means those purchasers who:

(a) Enrolled in respondents' truck and tractor-trailer training courses during the relevant time period; and

(b)(1) Completed respondents' truck and tractor-trailer courses; or (2) Elected not to complete respondents' truck and tractor-trailer courses because of a lack of job demand or lack of employment qualifications such as minimum age or experience; and

(c)(1) Sought employment as a truck or tractor-trailer driver; or (2) Elected not to seek employment as a truck or tractor-trailer driver because of a lack of job demand or lack of employment qualifications such as minimum age or experience; and

(d)(1) Did not attain employment as a truck or tractor-trailer driver; or (2) Worked as a truck or tractor-trailer driver for twenty percent (20%) of the time or less since terminating respondents' truck and tractor-trailer training courses.

7. Respondents shall make pro rata refund payments to each eligible class member based upon the proportion that total tuitions paid by or for all such eligible class members bear to the total amount available for refunds as provided in Part III of this Order, except that eligible class members whose tuition was paid in part by a federal, state or local government agency or department, or by a private business or other organization, shall receive a pro rata refund based only on that amount of the eligible class members' tuition not paid by a federal, state or local government agency or department, a private business or other organization. In no event shall any eligible class member receive an amount greater than the tuition paid by such eligible class member.

8. Respondents shall ultimately provide a sum of no greater than fifty thousand dollars (\$50,000) solely to provide refunds under Part III of this Order. No charges against this amount shall be made for administrative costs, which shall be absorbed by the respondents.

9. Respondents shall deposit, on or before the tenth business day after the date of service, the sum of fifty thousand dollars (\$50,000) into an escrow account at a banking institution to be agreed on between respondents and a member of the New York Office of the Federal Trade Commission. The principal amount of said bank account shall be available only

for the payment of refunds under the provisions of Part III of this Order. Withdrawals and orders against this account shall, by agreement, be effective only when countersigned by the individual respondent, together with the Commission's representative at the New York Regional Office of the Federal Trade Commission.

10. Respondent shall submit to the New York Regional Office of the Federal Trade Commission a written request for advice as to whether their determination of who is an eligible class member complies with the terms of Part III of this Order within one hundred and eighty (180) days after the date of service. Respondents shall submit simultaneously with their request all Appendix D questionnaires they have received as of the date said request for advice is filed. Respondents shall also, at this time, present any challenges to the factual accuracy of any Appendix D questionnaire, together with substantiating material, if any. The New York Regional Office of the Federal Trade Commission shall make the final determination of who is an eligible class member. The New York Regional Office of the Federal Trade Commission shall render its advice to respondents and return all Appendix D questionnaires to respondents within two hundred and five (205) days after the date of service.

11. On the two hundred and thirtieth (230th) day after the date of service, respondents or their designee shall deliver, or cause to be delivered, a refund check to each eligible class member, determined in accordance with part III of this Order. The amount of the refund check shall be derived in accordance with Part III of this Order.

12. Each refund shall be accompanied by a letter in the language, manner and form shown in Appendix E; and a notice in the language, manner and form shown in Appendix F shall be sent by first class mail, with the sender's return address on the face of the envelope, to the last known home address of all persons whose returned questionnaires showed them to be ineligible for a refund pursuant to Part III of this Order.

13. Respondents shall, on the two hundred and fifty-fifth (25th) day after the date of service, file with the New York Regional Office of the Federal Trade Commission a report in writing setting forth the manner and form in which they have complied with Part III of this Order.

14. Respondents shall maintain records and documents which demonstrate that respondents have complied with Part III of this Order for two (2) years after the date of service. Respondents shall return all completed appendix D questionnaires to the New York Regional Office of the Federal Trade

Commission at the end of the two year period.

15. It is agreed that should any duty required to be performed on a day certain under Part III of this Order fall on other than a business day, the parties hereto may perform such duties on the next following business day.

IV

It is further ordered. That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten years from the effective date of this Order, the individual respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this Part shall not affect any other obligation arising under this Order.

V

It is further ordered. That respondents maintain at all times in the future, complete business records relative to the manner and form of their continuing compliance with the above terms and provisions of this Order.

VI

It is further ordered. That the respondents shall forthwith distribute a copy of this Order to each operating division and to all of respondents' personnel now or hereafter engaged in the offering for sale, or sale of respondents' courses of study, training or instruction in the field of truck driving or any other subject, trade or vocation, and that respondents secure from each such person a signed statement acknowledging receipt of said Order.

VII

It is further ordered. That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation or corporations, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the Order.

VIII

It is further ordered. That the respondents herein shall within sixty (60) days after service upon them of

this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order, except as otherwise provided in Part III.

APPENDIX A

(NAME OF SCHOOL)—IMPORTANT INFORMATION FOR PROSPECTIVE STUDENTS

Below is the dropout rate, job placement rate and starting salaries for students in the (name of course) between (date) and (date). Please read this page carefully before you decide whether or not to enroll in this school.

1. Total number of students: (number)——

2. Students who failed to complete the course: (number)——(percent)——

3. Students (whether graduating or not) who obtained employment as truck or tractor-trailer drivers: (number)——(percent)——

4. Graduates who obtained employment as truck or tractor-trailer drivers: (number)——(percent)——

5. Starting salaries of students who obtained employment as truck or tractor-trailer drivers:

Less than \$120 per week: (number)——(percent)——

\$120-\$160 per week: (number)——(percent)——

\$161-\$200 per week: (number)——(percent)——

\$201-\$250 per week: (number)——(percent)——

\$251-\$300 per week: (number)——(percent)——

Over \$300 per week: (number)——(percent)——

6. Employers hiring graduates from the (name of course): Names of employers——; number of graduates hired——

NOTE.—In compiling the foregoing data, information was sought from all students (indicated by item 1 above) and responses were received from——students.

APPENDIX B

The first Base Period shall be the six (6) month period ending three (3) months prior to the effective date of this Order. Subsequent base periods shall be of six (6) months duration commencing on the next day following the termination of the prior base period. Base Periods shall be numbered consecutively beginning with the first base period (i.e. Base Period No. 1) as defined above.

The three (3) month period immediately following the close of a base period shall be used by respondents to record and compile the information required by Paragraph 5 and Appendix A. In addition, respondents may not include in the computation of students for the base period any person whose enrollment terminated during the three (3) month recordation period. Such persons will be included in the statistics for the subsequent base period.

On the first business day falling more than three (3) months after the termination of the base period, respondents shall begin dissemination of that base period's statistics as required by this Order. Respondents shall continue to distribute said statistics until the first business day falling three (3) months after the termination of the next base period, at which time dissemination of

this regard, it must be noted that this regulation basically relies on the authority of the Director, DCPA, to regulate, pursuant to Section 204 of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2284), use of the civil defense insignie.

Nothing in Part 1810 authorizes or limits issuance of other emergency identity cards in other circumstances on a national basis. An agency, if it has authority to issue such a card, is in no way limited by Part 1810 other than it cannot use the civil defense insignie except as prescribed in the regulation.

Furthermore, under the regulations in 32 CFR Part 1806, a local civil defense director can authorize issuance of an identity card using the insignie but, of course, it would be valid only within his jurisdiction.

In view of the foregoing, it is proposed to delete 32 CFR Part 1810 effective immediately upon adoption of the proposal. It is also proposed at that time to issue the following Notice informing all concerned of the action.

SF 138 IDENTITY CARD

Pursuant to authority contained in sections 201, 204, and 401 of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281, 2284, and 2253), Executive Order 10952, July 20, 1961, 26 FR 6577, and a delegation of authority published at 29 FR 5017, the Director of Civil Defense issued a regulation now appearing as Part 1810 of Title 32, Code of Federal Regulations. The purpose of the regulation was to establish a uniform identification system for Federal, and non Federal support, civilian personnel designated to perform essential duties during a civil defense emergency period or upon attack on the United States.

The Regulation prescribed a card, SF 138, which used the civil defense insignie prescribed in Part 1806 of this chapter, and a procedure for issuing the card.

In — FR —, for reasons stated in the Supplementary Information part it was proposed that the regulation be withdrawn, and the SF 138 Identity Card no longer be used. The time for comment has now passed, and the regulations have been withdrawn.

This notice informs all concerned that the SF 138 Identity Card is no longer valid and requests anyone holding such a card to return it to the agency which issued it to him/her for destruction.

BARDYL R. TIRANA,
Director.

[FR Doc. 78-3388 Filed 2-7-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FRL 831-51]

STATE AND LOCAL ASSISTANCE

State Public Water System Supervision
Program Grants

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This amendment to the State Public Water System Supervision Program Grant Regulations is necessary due to the addition of monitoring requirements for non-community public water systems for fiscal year 1979 and subsequent years. This amendment will: (1) Specify the data and source of inventory data for fiscal year 1979; and (2) change the grant allocation formula for fiscal year 1980 and subsequent years to include non-community public water systems.

The regulations promulgated on January 20, 1976, only included a fiscal year 1976 allotment formula due to limited inventory data. Although the Regulations were not revised, a similar formula was used for fiscal year 1977 and fiscal year 1978. Non-community public water systems will be added to the allocation formula to reflect the cost of providing monitoring for these systems starting in the last quarter fiscal year 1979.

DATES: Comments on or before April 10, 1978.

ADDRESS: Send comments to: Office of Water Supply, Drinking Water Regulations Implementation Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

James F. Manwaring, P.E., Chief, Drinking Water Regulations Implementation Branch, 401 M Street SW., Washington, D.C. 20460, 202-426-3983.

SUPPLEMENTARY INFORMATION: When these grants regulations were first promulgated, they included an allotment formula for fiscal year 1976 only. Although the regulations were not revised, a similar formula was used for fiscal year 1977 and fiscal year 1978. During that time, EPA has developed and improved our information on community public water systems. EPA procedures for obtaining data for the grant allocation formula has evolved from one of manual reporting of the number of community public water supplies to one in which the inventory information on each supply is stored

on a computer file. This change will provide formulae to be used for fiscal year 1979 and subsequent years.

Initial inventory data in January 1976 was not complete for community water systems and practically non-existent for non-community water systems. The monitoring requirements for community water systems started in June 1977, but the monitoring of non-community water systems is delayed until June 1979. EPA thus decided to utilize only community water systems in the original allocation formula.

The States have now submitted enough information so that EPA has a good inventory of community water systems. An inventory of non-community water systems is now underway. This makes it possible to include non-community water systems in the allocation formula for fiscal year 1980. States will have to provide surveillance for these systems starting in June 1979 so it is appropriate for the grant allocation formula to reflect the amount of work required by these systems.

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

It is proposed to amend 40 CFR Part 35 as follows:

1. By amending § 35.605(a)(3) to read as follows:

§ 35.605 Determination of allotments.

(a) * * *

(3)(i) For fiscal year 1979, the number of public water systems in each State in proportion to the number of such systems in all States (weight factor: 60 percent). Water systems statistics will be drawn from the Inventory of Public Water Systems maintained by the Agency based on input from the States, and for which the predominant service area characteristic has been reported to be at least one of the following:

(A) Community, (B) Company town, (C) Mobile home park, or (D) Institution.

For fiscal year 1979 the number of public water systems for each State will be determined from inventory data submitted to EPA prior to January 1, 1978, in accordance with 40 CFR 142.15(a).

(ii) For fiscal year 1980 and subsequent fiscal years, the number of community water systems in each State in proportion to the number of such systems in all States (weight factor 48 percent). Community water systems are those public water systems which serve at least 15 service connections used by year round residents or regularly serve at least 25 year-round resi-

dents. Number of non-community water systems in each State in proportion to the number of such systems in all States (weight factor 12 percent). Non-community water system are those public water systems that are not community water systems. Water system statistics will be determined from inventory data submitted to EPA prior to January 1 of the previous fiscal year in accordance with 40 CFR 142.15(a).

[FR Doc. 78-3363 Filed 2-7-78; 8:45 am]

[6560-01]

[40 CFR Part 228]

[FRL 831-41]

OCEAN DUMPING

Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule.

SUMMARY: EPA today proposes to establish a temporary ocean dumping site off Kwajalein Atoll, Marshall Islands, for the ocean dumping of motor vehicles, construction equipment, material handling equipment, household appliances, air conditioners, refrigeration units, miscellaneous technical and electronic equipment, and weapons system test equipment resulting from the operation of the Kwajalein Missile Range, and World War II ammunition washed ashore and discovered as unexpended rounds.

DATES: Comments must be received March 10, 1978.

ADDRESSES: Send comments to Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-548), EPA, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. T. A. Wastler, 202-245-3051.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act") gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in this Part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461).

Section 228.4(b) of the Ocean Dumping Regulations and Criteria states that the Administrator may designate specific locations for temporary use for disposal of small amounts of materials under a special permit without disposal site designation studies when

such materials satisfy the Criteria and the Administrator determines that the quantities to be disposed of will not result in significant impact on the environment.

The purpose of this notice is to provide the public an opportunity to comment on the designation as an EPA Approved Ocean Dumping Site of a new site 2.1 miles west of Kwajalein Atoll south pass, Marshall Islands Trust Territories of the Pacific Islands. The proposed site has a 1,000-yard radius with a center point of 08°46' north latitude and 167°36' east longitude. The depth at the proposed site is 1,655 fathoms (9,930 feet).

EPA Region IX has received an application from the United States Army, Ballistic Missile Defense Systems Command, Box 1500, Huntsville, Ala. 35807, for a special permit to transport and dump material into ocean waters pursuant to the Act. The Army proposes to dump waste materials resulting from the operation of the Kwajalein Missile Range. The waste material consists of (a) motor vehicles (vans, cars, trucks, etc.), heavy construction equipment (bulldozers, compactors, welding machines, etc.), material handling equipment (fork lifts, cranes, etc.), household appliances (washers, dryers, stoves, etc.), air conditioners, refrigeration units, miscellaneous technical and electronic equipment (oscilloscopes, voltmeters, ammeters, etc.), weapons system test equipment (antennas, equipment racks, electronic equipment); and (b) ammunition (World War II) washed ashore and discovered as unexpended rounds. None of the material contains free oil, gasoline, refrigerants, floatable matter, or toxic materials. There is currently no other available EPA ocean dumping site in the area.

The U.S. Army Engineer Division, Pacific Ocean, Corps of Engineers, prepared an Environmental Assessment in April 1976, on the ocean dumping of solid wastes at the Kwajalein Missile Range. This Assessment stated the following in conjunction with the proposed ocean dumping of waste materials:

1. The proposed method of disposal consists of towing a barge to the proposed site and pushing the material off the barge by mechanical means. The proposed site was selected over others because it had been utilized in the early 1960's or earlier for disposal of metal debris and equipment.

2. The proposed site would be initially used 90 days after receipt of an EPA ocean dumping permit, and every four months thereafter. The initial dump would total approximately 1,075 tons of metal items, and an estimated 1,000 tons per year would be dumped thereafter.

3. Kwajalein Island is located on the southern tip of Kwajalein Atoll and is

1.2 square miles in area. The material proposed to be dumped is located on this Island. Because of the small size of the island, land area is a valuable commodity. Stockpiling metal items on land prevents the use of land for other purposes.

4. Surface water drift at the vicinity of the proposed site is predominantly offshore to the west away from the island.

EPA Region IX has made a tentative determination, based upon scientific and other data, that the material proposed for dumping is in compliance with the Criteria and the dumping will not result in significant impact on the marine environment.

This new site for the disposal of waste materials as stated above is being published as proposed rulemaking. Management authority will be delegated to the Regional Administrator of Region IX, EPA.

Interested persons may participate in this rulemaking by submitting written comments on or before March 10, 1978, to Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-548), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

(33 U.S.C. 1412, 1418)

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, paragraph (b) of § 228.12 is proposed to be amended by adding subparagraph (3), an ocean dumping site, as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

(b) * * *

(3) Kwajalein Ocean Dumping Site—Region IX. Location—Latitude and Longitude—08°47' north latitude, 167°36' east longitude.

Size—1,000 yard radius.

Depth—1,655 fathoms (9,930 feet).

Primary Use—Waste materials resulting from the operation of the Kwajalein Missile Range.

Period of use—Three years after issuance of an ocean dumping permit for use of this site.

[FR Doc. 78-3364 Filed 2-7-78; 8:45 am]

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[41 CFR Part 114-50]

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

AGENCY: Office of the Secretary, Interior.

PROPOSED RULES

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites comments on a proposal to amend certain Departmental regulations pertaining to implementation and administration of Pub. L. 91-646 (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970) activities. The proposed amendments are intended to reflect Federal Property Management Regulations Amendment A-26 (issued March 7, 1977), to add specific guidelines pertaining to displacement of persons from mobile homes, and to clarify several definitions involving program coverage and eligibility requirements.

DATE: Comments must be received by March 20, 1978.

ADDRESS: Send comments to the Chief, Division of Property Management, Office of Administrative and Management Policy (PM/AMP), Room 5310, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

James O. Wyatt, Chief, Division of Property Management, telephone number 202-343-3185.

SUPPLEMENTAL INFORMATION: Section 213(c) of Pub. L. 91-646 (84 Stat. 1894) provides that, "The head of each Federal Agency may prescribe such other regulations and procedures consistent with the provisions of this act, as he deems necessary or appropriate to carry out this act." Regulations have therefore been developed from time to time implementing and clarifying provisions of the Act. A complete republication of 41 CFR 114-50 was published in the FEDERAL REGISTER on May 19, 1975 (40 FR 21854). Since then, several changes have been proposed. These include modification of the annual reporting requirements (§ 114-50.12), use of revised claim forms in filing for benefits (§ 114-50.107-2), clarification of regulation coverage (§ 114-50.103), revision and addition of definitions (§ 114-50.201(h) and (r)), determination of benefit eligibility (§ 114-50.701) and (§ 114-50.702), deletion of a directory of The Department of Housing and Urban Development Regional and Area offices (114-50.403(b)) and (§ 114-50.4, Appendix 1), and specific guidelines for determining eligibility of mobile home owners and tenants to benefits under the Act (§ 114-50.13).

All written submissions made pursuant to this notice will be available for public inspection at the Division of Property Management, Room 5310, Department of the Interior, during regular business hours, 7:45 a.m. to 4:15 p.m., except holidays.

The primary author of this proposal is George W. Sandberg, Room 5310,

Department of the Interior, Washington, D.C. 20240, Phone 343-3185.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular No. A-107.

Dated: January 27, 1978.

RICHARD R. HITE,
Deputy Assistant Secretary of
the Department of the Interior.

41 CFR Part 114-50 is amended as follows:

Subpart 114-50.1—General

Amend § 114-50.103 to read as follows:

§ 114-50.103 Applicability.

The provisions of the Act and the regulations in this part 114-50 apply to the acquisition (whether by purchase, donation, exchange or device) of all real property for, and the relocation of all persons displaced by, programs and projects undertaken by Federal agencies or by State agencies which receive Federal financial assistance for all or a part of the cost thereof. The Act and these regulations apply regardless of whether the real property is acquired by a Federal or State agency or whether Federal funds actually contributed to the cost of the real property acquired for a Federal assisted project.

Amend § 114-50.107-2 to read as follows:

§ 114-50.107-2 Forms used in filing application for benefits.

Bureaus and offices may utilize either Department of the Interior forms D.I. 380, a-f and accompanying schedules, or GSA Standard Form 262, a-f and accompanying schedules, to document claims for reimbursement of expenses incurred by property owners or tenants as the result of Pub. L. 91-646 activities.

Subpart 114-50.2—Definitions

Amend § 114-50.2 by revising § 114-50.201(h) and adding § 114-50.201(x) reading as follows:

§ 114-50.201 Definition of terms.

(h) *Dwelling.* The place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multi-family building; a unit in a condominium, or cooperative housing project; any other residential unit, including a mobile home.

(x) *Mobile homes.* A dwelling unit customarily constructed wholly or sub-

stantially offsite and assembled or moved onsite for residential use. Mobile homes may include travel trailers, house trailers, houseboats, modular housing, recreation vehicles or buses which otherwise meet the definition of a dwelling contained in § 114-50.201(h).

Subpart 114-50.4—Relocation Assistance Advisory Services

Revise § 114-50.403(b) to read as follows:

§ 114-50.403 Coordination of planned relocation activities.

(b) A directory of the Department of Housing and Urban Development Field Offices is available upon request. Delete in its entirety Appendix I to Subpart 114-50.4, a Directory of Regional and Area Offices of the Department of Housing and Urban Development.

Subpart 114-50.7—Payments in Lieu of Moving and Related Expenses

The table of contents of Subpart 114-50.7 is revised as follows:

Sec.
114-50.700 Eligibility.
114-50.701 Displaced occupant.
114-50.700-1 Moving allowance schedules.
114-50.702 Displaced farm operation.
114-50.703 Displaced business.
114-50.703-1 Determination of loss of existing patronage to a business.
114-50.703-2 Businesses not eligible to receive "In-lieu" payments.
114-50.704 Displaced nonprofit organizations.
114-50.705 Average annual net earnings.

Amend § 114-50.701 by deleting subsections (a) and (b) in their entirety, and revising § 114-50.701 to read as follows:

§ 114-50.701 Displace occupant.

A person displaced from a dwelling or a temporary or seasonally occupied housing unit such as a cabin, cottage, or mobile home, who elects to receive the payments authorized by this paragraph, in lieu of payment for actual moving expenses, may receive a moving expense allowance, determined in accordance with a schedule established by the bureau or office, not to exceed \$300, plus a dislocation allowance of \$200. Where two or more individuals, not families, living together in single family housing are displaced from such housing they shall be treated as one displaced person for purposes of entitlements under this section.

§ 114-50.702-1 [Deleted]

Delete § 114-50.702-1 in its entirety and amend § 114-50.702 to read as follows:

§ 114-50.702 Displaced farm operation.

A person displaced from his farm operation as defined in § 114-50.201(k), may elect to receive a fixed payment of not less than \$2,500 nor more than \$10,000 in accordance with the same criteria established for a person displaced from a business (see § 114-50.703). For a person to be entitled to this payment, a bureau or office must determine that:

(a) The farm operator has discontinued his entire farm operation at the present location or has relocated the entire farm operation, or
(b) In the case of a partial taking, the operator will be considered to have been displaced from a farm operation if:

(1) The part taken met the definition of a farm operation prior to the taking; or

(2) The taking caused the operator to be displaced from the farm operation on the remaining land, or

(3) The taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

NOTE.—If application of the above criteria obviously creates an inequity in any given case, the head of the bureau or office may approve the use of other criteria as determined appropriate.

Revise the subpart in its entirety to read as follows:

Subpart 114-50.12 Annual Report

Sec.
114-50.1200 General.
114-50.1201 Report contents.
114-50.1202 Submission.

Subpart 114-50.12 Annual Report

§ 114-50.1200 General.

Each bureau and office having responsibilities for Federal or Federally assisted programs that come within the purview of Pub. L. 91-646 shall prepare and submit an annual report to the Assistant Secretary—Policy, Budget and Administration, on its activities related to programs established and authorized by the Act.

§ 114-50.1201 Report contents.

The report shall consist of two parts.
(a) *Statistical portion.* This part of the report shall utilize GSA form 2997, Annual Report on Relocation and Real Property Acquisition Activities. A copy of the form appears as Appendix I to this subpart.

(b) *Racial and ethnic information.* This information, required by Title VI of the Civil Rights Act of 1964, Executive Order 11512 and other applicable Federal law, shall be reported using the format appearing as Appendix II to this subpart (formerly Part III of Appendix 1 to this subpart).

§ 114-50.1202 Submission.

The annual report shall be prepared on a fiscal year basis and submitted

PROPOSED RULES

(original only) to reach the Assistant Secretary—Policy, Budget and Administration by not later than December 1 of each year.

Add subpart 114-50.13 as follows:

Subpart 114-50.13 Mobile Homes

Sec.
114-50.1300 Scope of coverage.
114-50.1301 Moving and related expenses.
114-50.1302 Payments in-lieu of moving and related expenses.
114-50.1303 Replacement housing payments for mobile home owners.
114-50.1304 Eligibility of owner—occupant for rental differential payment.
114-50.1305 Replacement housing payments to tenants and certain others.
114-50.1306 Mobile home acquisition criteria.

Subpart 114-50.13 Mobile Homes

§ 114-50.1300 Scope of coverage.

The regulations in this subpart apply to all forms of housing customarily built or erected offsite and moved in whole or part, on site for final assembly and use (see § 114-50/201(x) for mobile home definition). Regulations specifically addressing displacements from mobile homes are necessitated by the wide variety of possible ownership-rental situations. These guidelines provide a basis for uniform treatment of displaced persons. The National Park Service has developed a complementing set of guidelines (Revised 2-2-77) for computation of relocation benefits for mobile home displacements which is recommended for use in actual benefit determinations.

§ 114-50.1301 Moving and related expenses.

Owners of mobile homes, or tenant-occupants of mobile homes who qualify as displaced persons, are eligible for actual reasonable expenses in moving their mobile home or its contents to a new location. The cost of moving a mobile home may include, inter alia, the cost of detaching and reattaching fixtures, appliances, and utilities.

§ 114-50.1302 Payments in-lieu of moving and related expenses.

(a) Any person displaced from a mobile home site, or who moves his personal property from a mobile home site, may elect to accept the actual reasonable costs of moving the mobile home and/or other personal property, or an in-lieu payment not to exceed \$300.00, plus a dislocation allowance of \$200.00.

(b) Where two or more unrelated individuals live together in a mobile home, they will be treated as if they were a family for the purposes of determining eligibility for replacement housing payments.

§ 114-50.1303 Replacement housing payment for mobile home owners.

A displaced owner of a mobile home who has occupied the mobile home on the site from which he is displaced for not less than 180 days immediately prior to initiation of negotiations, and who is otherwise eligible, may qualify for a total replacement housing payment not in excess of \$15,000.00 consisting of:

(a) The amount, if any, which when added to the acquisition cost of the mobile home, is necessary to purchase a comparable replacement dwelling. This differential payment shall be computed in accordance with the following criteria:

(1) Where both the mobile home and the site are acquired, the payment shall be the amount, if any, which, when added to the acquisition cost of the acquired property is necessary to purchase a comparable conventional dwelling or a comparable mobile home and site (either replacement unit being decent, safe and sanitary), whichever is less.

(2) Where only the mobile home site is acquired, the payment shall be the amount, if any, which, when added to the acquisition cost of the acquired property equals the amount the owner is required to pay for a comparable site. If the comparable site is unimproved, the amount shall include the estimated costs necessary to develop the site into a decent, safe and sanitary location. This may include, inter alia, access roads, pad preparation, utility and sanitation hookups and foundation construction.

(3) Where an acquired mobile home is located on a leased or rented site, the payment will be the amount, if any, which when added to the acquisition cost of the acquired mobile home, equals the lesser of:

(i) The amount the owner is required to pay for a comparable replacement dwelling; or

(ii) The amount necessary to purchase a comparable mobile home, plus the difference in the amount necessary to rent a comparable mobile home site for a period of four years, and 48 times the monthly rent paid on the site acquired.

(4) The differential housing payment in paragraphs 1, 2, and 3 above shall be based upon the amount actually paid by an owner for purchase of a replacement property if this amount is less than the estimated cost of a comparable conventional dwelling, mobile home, or mobile home site.

(b) The amount, if any, which is necessary to compensate the owner for increased interest costs to be computed in accordance with § 114-50.802-2 of this regulation.

(c) The amount, if any, which is necessary to reimburse the owner for reasonable costs incurred incidental to

PROPOSED RULES

purchase of a replacement dwelling to be computed in accordance with § 114-50.802-3 of this regulation.

§ 114-50.1304 Eligibility of owner-occupant for rental differential payment.

An owner-occupant who has occupied the mobile home on the site from which he is displaced for more than 90 days immediately prior to negotiations, and who is otherwise eligible, is eligible for a replacement housing payment as a tenant, provided that he rents or purchases a decent, safe and sanitary replacement conventional dwelling or mobile home. Computation of the amount, if any, to which the owner-occupant is entitled to shall be in accordance with the following criteria:

(a) Where the owner-occupant elects to rent:

(1) and both the mobile home and the mobile home site are acquired from the owner-occupant, the differential payment shall be the difference, if any, between the amount necessary to rent a comparable mobile home and mobile home site for a period of four years, and 48 times the monthly economic rent of the mobile home and the mobile home site acquired;

(2) and only the mobile home site is acquired from the owner-occupant, the differential payment shall be the difference, if any, between the amount necessary to rent a comparable mobile home and mobile home site for a period of four years, and 48 times the monthly economic rent of the site acquired;

(3) and a mobile home is acquired on a site rented by the owner-occupant of the mobile home, the differential payment shall be the difference, if any, between the amount necessary to rent a comparable mobile home and mobile home site for a period of four years, and 48 times the monthly economic rent of the mobile home and the actual rent of the homesite acquired.

This amount may be applied to the rental of a conventional dwelling.

(b) Where the owner-occupant elects to purchase and occupy either a comparable replacement mobile home site or a comparable conventional dwelling within one year from the replacement housing payment shall consist of the amount necessary to make a downpayment, including interest and incidental expenses, not to exceed \$4000.00, except that if such amount exceeds \$2000.00, such displaced person must match any amount in excess of \$2000.00 in making the downpayment.

§ 114-50.1305 Replacement housing payments to tenants and certain others.

(a) A displaced tenant of a mobile home who has occupied a mobile home for at least 90 days immediately prior to initiation of negotiations, and who is otherwise eligible, is eligible to receive either:

(1) A differential housing payment, not to exceed \$4000.00, to enable him to rent, for a period not to exceed four years, a decent, safe, and sanitary replacement dwelling, with the differential payment being the amount, if any, between the sum necessary to rent a comparable mobile home and mobile home site for a period of four years, and 48 times the actual monthly rent paid for the mobile home and the mobile home site acquired; or

(2) If, he purchases and occupies replacement housing within one year from displacement, the amount necessary to enable him to make a downpayment, including interest and incidental expenses, on the purchase of a decent, safe, and sanitary dwelling, but not to exceed \$4000.00, except that if such amount exceeds \$2000.00, such displaced person must equally match any such amount in excess of \$2000.00 in making the downpayment.

§ 114-50.1306 Mobile home acquisition criteria.

(a) Authority to acquire mobile homes as part of the real estate pursuant to Section 302 of the Act will be exercised under the following conditions:

(1) Whenever the mobile home has been annexed to the realty in a fashion to itself be considered real property; or

(2) Whenever the mobile home cannot be moved without substantial injury to it or the realty upon which it is situated; or

(3) Whenever the mobile home fails to meet decent, safe, and sanitary dwelling standards either due to dwelling condition or family size.

(b) Determination of whether a mobile home constitutes realty or personal property frequently must be objectively determined by reviewing the intention of the party through external evidence. The following factors have been held to evidence that the mobile home has retained its characteristic as personal property: (1) Wheels and tires remain affixed to the carriage, (2) lack of permanent connection of utilities, (3) mobile home has been registered as a vehicle, (4) lack of landscaping or other permanent improvements (e.g. patios, foundations, etc.).

NOTE.—Frequently mobile homes are placed on blocks or piers in lieu of a more substantial foundation. This may permit the retention of the under carriage. If hooked up to permanent utilities, the mobile home may still be considered realty.

(c) Where the evidence does not clearly indicate whether a mobile home is real or personalty, the expressed intention of the owner should be given consideration in determining the status and disposition of the mobile home.

(d) Where a mobile home does not meet the conditions under above and removal of the mobile home is required, a minimum notice of 90 days to remove said mobile home is required.

PROPOSED RULES

Appendix 1
Subpart 114-50.12

ANNUAL REPORT ON RELOCATION AND REAL PROPERTY ACQUISITION ACTIVITIES (UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970)			
REPORT FOR FISCAL YEAR	PROGRAM	PROGRAM TITLE	IRCN
19			1227-GSA-AN
AGENCY (Department, Bureau, Office, Division)			
SECTION I - RELOCATION ASSISTANCE PAYMENTS AND EXPENSES			
	ITEM	NUMBER OF CLAIMS PAID (a)	AMOUNT PAID (b)
1	Payments for expenses of moving individuals and families	Actual expenses (Sec. 202(a))	\$
2		Fixed payment including dislocation allowance (Sec. 202(b))	
3	Payments for searching and moving expenses for displaced businesses, farms and non-profit organizations	Actual expenses (Sec. 202(a))	
4		Payment in lieu of actual expenses (Sec. 202(c))	
5	Replacement housing payments for homeowners (Sec. 203)		
6	Rental assistance payments (Tenants and certain others) (Sec. 204(1))		
7	Down payment assistance (Tenants and certain others) (Sec. 204(2))		
8	Last resort housing (Sec. 206(a))		
9	Subtotal (Sum of lines 1 thru 8)		
10	Administrative costs in carrying out relocation program (Including cost of relocation advisory services provided under Section 205 of the Act)		
11	TOTAL (Sum of lines 9 and 10, column (b) only)		
12	TOTAL AMOUNT PAID FROM FEDERAL FUNDS THIS FISCAL YEAR		
13	TOTAL AMOUNT PROJECTED FOR NEXT FISCAL YEAR		
14	TOTAL AMOUNT PROJECTED FOR NEXT FISCAL YEAR TO BE PAID FROM FEDERAL FUNDS		
SECTION II - REAL PROPERTY ACQUISITION SETTLEMENTS COMPLETED			
	ITEM	NUMBER OF PARCELS (a)	COMPENSATION PAID (b)
15	Acquired by negotiation 1/		\$
16	Acquired by condemnation 2/		
17	TOTAL (Sum of lines 15 and 16)		
18	TOTAL AMOUNT PAID FROM FEDERAL FUNDS		

1/ Negotiated tracts include all tracts acquired by any method other than condemnation for reason of price disagreement. 2/ Include only tracts condemned because of price disagreement.

REMARKS

INSTRUCTIONS

Section I - Relocation Assistance Payments and Expenses. For each of the types of assistance or payments shown in lines 1 through 8, report the total number of claims paid in column (a) and the amounts thereof in column (b). Descriptions for lines 1 through 5 and 7 through 9 are considered adequate for completion without further instructions. For line 6, report total rental assistance claims paid including rental assistance to former homeowners who elect to rent in lieu of receiving a replacement housing payment authorized by Section 203 of the Act. In the case of claimants who elect to have their rental assistance payment in installments, the total amount of the rental assistance entitlement should be reported as paid during the reporting year in which the first installment is paid. In line 10, report the total amount of Administrative costs incurred in carrying out the relocation program including the cost of relocation assistance advisory services provided under Section 205 of the Act. Descriptions in lines 11 through 14 are considered to be adequate without further instructions.

Section II - Real Property Acquisition Settlements Completed. Report the number of parcels column (a) and the compensation paid column (b) for real property acquired and paid for during the reportable year. On line 15, report the total number of parcels and compensation paid for real property acquired by any method other than condemnation for reason of price disagreement. On line 16, report in the appropriate columns only tracts condemned because of price disagreement. Line descriptions for lines 17 and 18 are adequate for completion without further instructions. It is understood that this section will only include settlements completed. It excludes the reporting of parcels acquired by condemnation where settlements have not been completed. Such parcels should be reported when settlement has been completed.

APPENDIX 2
Subpart 114-50.12

AGENCY: _____ UNIFORM RELOCATION AND REAL PROPERTY ACQUISITION ACT OF 1970, FY 19 _____
PROGRAM: _____ PAYMENTS & EXPENSES UNDER TITLE II _____
☐ FEDERAL PROGRAM
☐ FEDERALLY ASSISTED PROGRAM

PART II RANGE OF PAYMENTS TO HOMEOWNERS, TENANTS AND CERTAIN OTHERS FY 19 _____			
REPLACEMENT HOUSING FOR HOMEOWNERS		REPLACEMENT HOUSING FOR TENANTS & CERTAIN OTHERS	
ACTUAL PAYMENTS FOR CONGRUABLE REPLACEMENT HOUSING		TOTAL RENTAL CLAIMS APPROVED	
RANGE:	NO. OF CLAIMS PAID	RANGE:	NO. OF CLAIMS
0 - 2,500	_____	0 - 500	_____
2,501 - 5,000	_____	501 - 1,000	_____
5,001 - 7,500	_____	1,001 - 2,000	_____
7,501 - 10,000	_____	2,001 - 3,000	_____
10,001 - 12,500	_____	3,001 - 4,000	_____
12,501 - 15,000	_____		_____
TOTAL	_____	TOTAL	_____

PART III RESIDENTIAL RELOCATION DISPLACEMENT STATISTICS										
*CLAIMANTS DISPLACED DURING FY _____										
UNDER AGE 62 62 AND OVER TOTAL	Negro/Black		Spanish Speaking		American Indian		Asian American/Oriental		All Others	
	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant	Owner	Tenant

**PEOPLE DISPLACED DURING FY _____						
TOTAL	Negro/Black		Spanish Speaking		All Others	
	Owner	Tenant	Owner	Tenant	Owner	Tenant

*Total shown should equal the total number of claims paid reported on lines 1 and 5, Exhibit 1, Part I
**Report total number of people displaced.
Notes: Under "Spanish Speaking" include persons of Puerto Rican, Mexican American, Cuban, Central or South American, or other Spanish descent. Under "Asian American/Oriental" include Chinese, Japanese and Korean. Under "All Others" include white persons not of Spanish descent.

[FR Doc. 78-3190 Filed 2-7-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 399]

[Docket No. MC-81; Notice No. 78-2]

AMBIENT TEMPERATURE IN HEAVY DUTY TRUCK CABS

Requests for Comments

AGENCY: Federal Highway Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Transportation, Federal Highway Administration (FHWA), has received a number of complaints alleging excessive in-cab heat which is harmful to driver health and may be affecting driver performance. Thus, this Advance Notice is being issued to invite comments and request information relative to the extent of the problem and to inquire as to what regulations, if any, should be issued. All comments will be considered before any further rulemaking action is taken.

DATES: Comments are due by May 9, 1978.

ADDRESS: Submit comments (original and 2 copies) to: Robert A. Kaye, Director, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Principal Program Contact—Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-9767.

Principal Lawyer—Attorney Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, 202-426-0834.

SUPPLEMENTARY INFORMATION: On March 14, 1973, the FHWA commissioned experimental research to determine the effects of heat, noise, and vibration on the driving performance, subjective feelings of alertness and fatigue, and physiological signs of stress among drivers of passenger cars and trucks.¹ Heat stress was shown to

¹A Study of Heat, Noise and Vibration in Relation to Driver Performance and Physiological Status, available from the U.S. Department of Transportation, National Technical Information Service, Springfield, Va. 22151, Accession No. PB 238 829, Paper Copy, Price \$9.00.

significantly affect both driver performance and various indices of central nervous system arousal related to driving safety. Recently, complaints from truck drivers, the International Brotherhood of Teamsters, and the Professional Drivers Council have been received on excessive in-cab heat.

The measurement of heat, as a stressor which affects man, is a sophisticated task. This is because air temperature and movement, relative humidity, and radiation are all environmental factors which interact in producing heat stress.

The American and Canadian military services have long employed the wet-bulb-globe-temperature (WBGT) index for measuring the intensity of exposures to heat. The National Institute for Occupational Safety and Health (NIOSH) recommended the use of the WBGT for all assessments of industrial exposures to heat.² The WBGT is the weighted sum of dry-bulb, wet-bulb, and globe thermometer readings. To estimate the intensity of heat exposure over time, NIOSH has further stipulated the use of a time weighted average of WBGT. This may be done by integrating a continuous recording of WBGT over time and by dividing the integral by its time base. The WBGT index is the measurement index in this study.

The FHWA research study consisted of two experiments which were concerned with heat stress. In the first experiment involving nonprofessional drivers, it was shown that a combination of high heat and humidity totaling 32.2° C. (90° F.) WBGT has significant adverse effects on driver physiology, levels of alertness and fatigue, and actual performance in driving passenger cars. There was evidence that female drivers were more susceptible than males to these effects, but both were affected to a significant degree.

In the second experiment, which involved professional truck drivers, it was shown that heat and humidity totaling 26.7° C. (80° F.) WBGT had somewhat adverse, but less dramatic, effects on driver physiology and level of arousal than the first experiment. The subjects in this experiment did experience notable stress, however, as reflected in their sweat rate, decreased urine production, depressed diastolic blood pressure, increased heart rate, and various indications of decreased psychophysiological arousal. These

²Occupational Exposure to Hot Environments, available from U.S. Department of Health, Education and Welfare; available from National Technical Information Service, Springfield, Va. 22151, Accession No. PB 210 794, Paper Copy, Price \$6.50.

subjects also rated themselves as generally less alert and more fatigued than when driving in "comfortable" conditions of 19.4° to 20.6° C. (67° to 69° F.) WBGT.

The contractor concluded that the region between 27.7° C. (80° F.) and 29.4° C. (85° F.) WBGT, commonly experienced in many parts of the United States during the summer months, is borderline with respect to adverse effects of heat on driver physiology and performance. This is in essential agreement with the current limits established by NIOSH, which recommends that countermeasures be taken to minimize physiological strain and performance impairment for personnel who, while performing sedentary tasks, are continuously exposed to temperatures above 26.1° C. (79° F.) WBGT. The contractor felt that the results of this study support the NIOSH recommendation for both professional and nonprofessional motor vehicle drivers, particularly when they are not acclimatized. Thus, they concluded that effective countermeasures should be available to drivers who will be exposed for extended periods of time to such environmental conditions.

The contractor further concluded that where exposures for periods of 8 to 10 hours are involved, an average temperature of 26.7° C. (80° F.) WBGT constitutes a conservative upper limit for professional drivers. This conclusion assumes that suitable rest breaks are taken every 2 to 3 hours as may be the custom of many professional drivers.

The principal reasons for issuing this advance notice are: first, whether there is a need to establish a new regulation dealing with ambient temperature; secondly, to provide the interested public an opportunity to comment; and thirdly, to make drivers and operators aware of a potential health and safety risk.

Interested persons are invited to comment especially in regard to the following areas:

1. Should the FHWA regulate the maximum ambient temperature in truck cabs?

2. Should the FHWA regulate both maximum and minimum ambient temperature in truck cabs?

3. Numerous complaints have been received concerning hot surfaces in the area of the engine cowl in cab-over-engine, because of these complaints should the FHWA regulate maximum temperature of exposed surfaces within the truck cab?

4. If the FHWA should measure ambient temperature, what should be the temperature limits for a given time of exposure and should these limits be different for female and male truck operators?

5. Where should the ambient temperature and exposed surface tempera-

ture measurements be made in the truck cab?

6. Describe the most effective means for the measurement of heat if different from WBGT.

7. Would it be desirable to have a new Federal motor vehicle safety standard related to heat in cabs?

Those desiring to comment on this Advance Notice of Proposed Rulemaking are asked to submit in writing three copies of their views, data, and arguments. All communications received will be considered before any proposals for rulemaking action are undertaken.

All comments submitted will be available, both before and after the closing date, for examination by interested persons in the Docket Room of the Bureau of Motor Carrier Safety, Room 3402, 400 Seventh Street SW., Washington, D.C. 20590. If it is determined to be in the public interest to proceed further after summarizing the comments and considering the available data and comments received in response to this Advance Notice, a Notice of Proposed Rulemaking will be issued.

(49 U.S.C. § 304, 49 U.S.C. § 1655, 49 CFR 1.48 and 49 CFR 301.60.)

Issued on January 27, 1978.

ROBERT A. KAYE,
Director,

Bureau of Motor Carrier Safety.

[FR Doc. 78-3372 Filed 2-7-78; 8:45 am]

[3510-12]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[50 CFR Part 611]

FOREIGN FISHING

Interim Policy

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: National Marine Fisheries Service Proposed Interim Policy.

SUMMARY: An interim policy is proposed to govern consideration of applications for permits by foreign vessels seeking to purchase or receive fish from U.S. fishing vessels in the Fishery Conservation Zone. Comments received by February 23, 1978, will be considered before adopting and implementing an interim policy.

DATE: Comments due on or before February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Alfred J. Bilik, Enforcement Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. De-

partment of Commerce, Washington, D.C. 20235, Telephone 202-634-7265.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service is proposing this interim policy governing issuance of foreign fishing vessel permits to allow foreign vessels to purchase or receive fish from U.S. fishing vessels in the Fishery Conservation Zone. The proposed interim policy is designed to address only permit applications submitted under Preliminary Management Plans (PMP's) in effect on January 1, 1978, for the 1978 fishing season and will be replaced by a more comprehensive policy covering both PMP's and Fishery Management Plans that are implemented by the Secretary. The Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq., (the Act), provides for a national program for the conservation and management of the Nation's fishery resources within the Fishery Conservation Zone (FCZ). Under the Act, procedures are established for foreign participation in fisheries under the exclusive management authority of the United States. Any foreign vessel harvesting fish or supporting fishing operations in the FCZ must have a foreign vessel permit. Activities in support of fishing include those in which a foreign vessel in the FCZ purchases, or receives transfer of, fish from a U.S. fishing vessel. The amount of fish that foreign vessels may harvest in the FCZ is limited by the allocation of part of the total allowable level of foreign fishing (TALFF) made by the Department of State to the flag nation of the vessel. However, purchases or transfers from U.S. vessels to foreign vessels do not count against the allocation to the foreign vessel's flag nation. The consequence of all this is that a potential conservation problem now exists. The new market for U.S. caught fish which would be created by such purchases or deliveries may induce greater U.S. fishing effort in a fishery which in turn may cause the optimum yield in a fishery to be exceeded. The proposed interim policy creates a mechanism to closely review foreign permit applications involving the sale of U.S. harvested fish to foreign vessels in the FCZ, thereby alleviating the possibility that the optimum yield in a fishery would be exceeded. At the same time the proposed interim policy seeks to preserve foreign market opportunities for U.S. fishermen when such sales or deliveries would not unduly affect the development of other segments of the U.S. fishing industry. This proposed interim policy is being published to solicit public comments. Comments received on or before February 23, 1978, will be considered by the Administrator before adopting an interim policy.

PROPOSED POLICY

In order to address pending or expected applications submitted under

Preliminary Management Plans effective January 1, 1978, the following interim policy is proposed to govern the Secretary's consideration of applications for permits to allow foreign vessels to purchase or receive fish from U.S. vessels within the FCZ during the 1978 fishing season.

The Secretary of Commerce shall encourage the development of all segments of the U.S. fishing industry consistent with the purposes of the Act and other applicable laws. As one means of carrying out this objective, the Secretary may approve applications for foreign fishing vessels permits to allow foreign vessels to purchase or receive fish from U.S. harvesting vessels within the Fishery Conservation Zone on a case-by-case basis. Any such permits granted shall contain appropriate conditions and restrictions.

Permits shall be approved only when the Secretary is satisfied that (1) the optimum yield for the fishery involved will not be exceeded; (2) the capability and intent of the U.S. fishing industry to harvest fish to be sold or delivered exceeds the capability and intent of the U.S. industry to process such fish; and (3) the relevant foreign vessel has capability and intent to process such fish. Actions with respect to applications for permits for 1978 shall have no precedential effect on any applications for permits for subsequent years.

In implementing this policy, the Secretary of Commerce may also take into consideration one or more of the following in evaluating a proposal to issue a permit to a foreign vessel to purchase or receive fish from a U.S. harvesting vessel within the Fishery Conservation Zone.

(1) Potential for displacement of any domestic fishing and associated industries for other stocks or species.

(2) Potential for gear conflicts between U.S. vessels involved in harvesting such fish and other stocks or species.

(3) Employment opportunities or losses for domestic labor.

(4) Impact on exvessel, wholesale, and retail prices.

(5) Impact on income of domestic fishermen, processors and industry workers.

(6) Impact on the U.S. consumer.

(7) Impact on the degree of market control by either U.S. or foreign processors.

(8) Impact on export or import restrictions imposed by foreign nations on United States products.

(9) Effect of overall U.S./foreign trade policy guidelines.

(10) Potential for expansion of U.S. fleets.

(11) Possible detrimental effects to any segment of the fishing industry.

Dated: February 3, 1978.

JACK W. GEHRINGER,
Deputy Director, National Marine
Fisheries Service.

[FR Doc. 78-3482 Filed 2-7-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Ohio Grain Inspection Area

Statement of considerations. Pursuant to sections 7(e)(1) and 7A(c)(1) of the U.S. Grain Standards Act, as amended, Pub. L. 94-582, effective November 20, 1976, and by Pub. L. 95-113, effective October 1, 1977, (7 U.S.C. 71 et seq.) (Act), the Federal Grain Inspection Service (FGIS) is required to provide official inspection and weighing services for all grains required to be inspected and weighed by the Act, at those export port locations where a State is not delegated to perform these official services (7 U.S.C. 79(e)(1) and 7 U.S.C. 79A(c)(1)).

Notice is hereby given that, on November 27, 1977, the FGIS assumed responsibility for providing official inspection services at the Pillsbury Co. elevator, Huron, Ohio, currently the only export elevator in the area previously serviced by the O. S. Smith Grain Inspection, Bellevue, Ohio, in accordance with section 7(e)(1) of the Act. The FGIS assumption of responsibility for providing official weighing services at this export elevator, originally scheduled for November 27, 1977, is postponed until the opening of the 1978 navigation season on the lower Great Lakes. With the exception of FGIS official weighing being provided at the area previously serviced by the Chicago Grain Inspection Bureau, Chicago, Ill., all other implementation of FGIS official weighing at lower Great Lakes ports is postponed until the opening of the 1978 navigation season.

The O. S. Smith Grain Inspection will remain operational as the official grain inspection agency providing services, on an interim basis, at the non-export elevators in its inspection area.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 9, Pub. L. 94-582, 90 Stat. 2875 (7 U.S.C. 79a); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note).)

Effective date: This notice shall become effective February 8, 1978.

Done in Washington, D.C., on: February 2, 1978.

L. E. BARTELT,
Administrator.

[FR Doc. 78-3459 Filed 2-7-78; 8:45 am]

[3410-16]

Soil Conservation Service

BICENTENNIAL PARK PUBLIC WATER-BASED RECREATION R.C. & D. MEASURE, INDIANA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bicentennial Park Public Water-Based Recreation R.C. & D. Measure, Indiana.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for public water-based recreation. The planned works of improvement include site preparation and landscaping, parking spaces for 25 vehicles, one canoe ramp, critical area planting, guard rail, screen planting, and refuse station.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency.

The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 10, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q.)

Dated: January 31, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation
Service.

[FR Doc. 78-3366 Filed 2-7-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 29123]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Granting Petition and Approving
Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of February, 1978.

In the matter of agreements adopted by Traffic Conference 1 of the International Air Transport Association relating to passenger fare matters. (Agreement C.A.B. 26932, R-1; Agreement C.A.B. 26945; Agreement C.A.B. 26946, R-4 through R-7; and Agreement C.A.B. 26947.)

By Order 77-12-74, December 13, 1977, the Chief of the Passenger and Cargo Rates Division, acting under delegated authority, summarized the contents of various agreements of the International Air Transport Association (IATA) dealing with longhaul fares within the Western Hemisphere, and established procedural dates for the submission of carrier justifications as well as comments and objections by interested persons. While the major part of the overall package is proposed for effect April 1, 1978, several individual agreements are proposed for expedited effect on dates from November 1, 1977 to January 15, 1978. The order noted, however, that because these expedited agreements were a part of an overall and substantial change in the fare structure, they should be evaluated in the context of the total fare package proposed for April 1, 1978 effect.

In a petition filed December 23, 1977, Braniff Airways, Inc. (Braniff) seeks Board review of that order and

early approval of certain specific resolutions.¹ In summary, Braniff's petition goes to three special fares, not the overall structure of fares in the Western Hemisphere: (1) A new advanced-booking group fare from Chile to replace at a slightly higher level affinity-group fares cancelled last April; (2) introduction of a new 29 to 60-day excursion fare between the United States and Chile/Argentina allegedly in an attempt to recoup a decline of approximately 50 percent in Braniff's traffic as a result of cancellation of affinity-group fares in these markets; and (3) a relaxation of the conditions applicable to travel on affinity-group fares from Brazil to the United States as well as setting this fare at a year-round level to avoid an increase during the last half of December, January, and February.

Braniff contends that the staff's deferral of action has effectively vetoed carefully restricted lower fares of short duration; and is unpersuasive in its claim that these particular fares involve a substantial fare-structure change. Braniff also cites the fact that the Board has been urging the carriers to experiment with new innovative low fares yet its staff has on unspecified grounds erected a roadblock to this end.

¹C.A.B. Agreements 26932, R-1; C.A.B. 26945; and C.A.B. 26946, R-5. The respective IATA Resolutions are 071rr, 071g, and 075g.

Upon consideration of Braniff's petition, we have decided to take review and, upon review, in the particular circumstances here posed, to reverse the staff's action and approve the three resolutions in question.

It goes without saying that the pattern of promotional fares is an integral part of the overall fare structure in any rate-making entity. However, we are here dealing with three specific promotional fares, involving only three countries in a large geographical area, which can hardly be taken as a significant measure of the structure as a whole. Two of the three, applicable only to inbound originating traffic, may not directly benefit the American traveler; however, to the extent they bring added tourism to the United States, they will prove beneficial. The third fare may be helpful in restoring Braniff's Chile/Argentina traffic. In these circumstances, we believe the three fares should be approved.²

This case emphasizes the importance

²We will also approve agreements for expedited effectiveness introducing new excursion, individual inclusive-tour, and group inclusive-tour fares between the United States and San Jose, C.R. The levels of the expedited fares to San Jose appear to reflect levels established in the overall package for application after April 1, 1978; however, introduction of the fares at this time results from new service in the market by Mexicana.

of prompt documentation of IATA agreements. The three resolutions in question were filed with the Board as early as October 7, 1977; however, the minutes of the meeting, which describe the fares and the rationale for introducing them were not filed until November 21, 1977, when the entire South/Central America fare package was filed.³ Any attempt at early action on expedited resolutions puts the Board in the position of picking and choosing with less than complete justification and, in this case, with the knowledge that IATA proposes an increase from 5 to 8 percent in economy-class fares next spring. We will, of course, evaluate that proposal on its merits, in light of the justifications and comments we receive. Our action here is no indication of our views on the basic agreement.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

³By letter of November 11, 1977, Braniff did provide its comments in support of the expedited agreements, but the comments were primarily explanation rather than justification. Pan American has provided no information to date on the expedited resolutions.

Agreement CAB	IATA No.	Title	Application
26932:			
R-1.....	071rr.....	TCI Advance Booking Group Fares from Chile to U.S.A. and Canada (New) (Expedited).	1
26945.....	071g.....	TCI 60 day Excursion Fares from U.S.A./Canada to Argentina/Chile (New) (Expedited).	1
26946:			
R-4.....	070cc.....	TCI Excursion Fares—North & Central America/Caribbean-South America (Amending) (Expedited).	1
R-5.....	075g.....	TCI Group Excursion Fares from Brazil to the U.S.A. (Amending) (Expedited).	1
R-6.....	080x.....	TCI 3/21 day Individual Inclusive Tour Fares Mexico/U.S.A.-Costa Rica (New) (Expedited).	1
R-7.....	084s.....	TCI Group Inclusive Tour Fares U.S.A.-Central America/Panama (Amending) (Expedited).	1
26947.....	070cc.....	TCI Excursion Fares—North and Central America/Caribbean-South America (Amending) (Expedited).	1

Accordingly, It is ordered that:
1. Agreements CAB 26932, R-1; CAB 26945; CAB 26946, R-4 through R-7; and CAB 26947 be approved subject,

where applicable, to conditions previously imposed by the Board;
2. Carriers be authorized to file tariffs implementing the approved resolu-

tions on not less than one day's notice for effectiveness not earlier than five days after the date of service of this order. The authority granted in this

paragraph expires 30 days after date of service of this order; and

3. Tariffs Implementing Agreements CAB 26932, R-1, CAB 26946, R-4 through R-7; and CAB 26947 be marked to expire March 31, 1978; and tariffs implementing Agreement CAB 26945 shall be marked to expire May 31, 1978.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

(FR Doc. 78-3287 Filed 2-7-78; 8:45 am)

[6320-01]

[Order No. 78-1-135; Docket Nos. 31071 and 31744]

DELTA AIR LINES
Order

Adopted by the Civil Aeronautics Board at its offices in Washington, D.C., on the 31st Day of January 1978.

In the matter of application of Delta Air Lines for an amendment of its certificate of public convenience and necessity for route 114. Application of Delta Air Lines for an exemption under section 416(b) of the Federal Aviation Act of 1958, as amended.

Delta Air Lines has applied for permission to carry local traffic on flights between Houston and New Orleans which also serve Venezuela. Currently, it is prohibited from doing so by a condition in its certificate of public convenience and necessity.¹

The carrier has requested that the Board amend its certificate by show-cause procedures and, in the meantime, grant it an exemption to perform the requested services until the show-cause order is made final.² The exemption request is limited to one weekly round trip flight.

This petition for local traffic rights has been made because on February 1, 1978, Delta will extend its Venezuela-New Orleans service to Houston on one flight per week. Without the requested authority the petitioner will be operating an aircraft between Houston and New Orleans, but will not have authority to carry local passengers, cargo, or mail between the two cities.

This is not the first time the Board has addressed the question of domestic fill-up rights on international flights. In Order 77-4-153, adopted April 29, 1977, we decided to grant local traffic rights to three carriers in six markets, including Houston-New Orleans. Since it was our first decision on this issue, we decided to limit our

¹This prohibition is contained in condition (4) of its certificate for route 114.

²Delta's exemption request, show-cause petition, and amended application were filed on November 23, 1977.

consideration at that time to markets where a need by the carrier had at least arguably been demonstrated by its having served the markets for a sustained period of time without fill-up authority.

Two carriers that have filed answers opposing Delta's application, National and Texas International, cite Order 77-4-153 as authority for denying the request.³ They argue that Delta is not extending the flight primarily to serve the needs of international traffic and that the application is merely a guise to obtain improved domestic authority.

We reject these arguments and have, therefore, decided to grant the requested exemption and order any interested person to show cause why Delta's certificate should not be amended as requested. This application is similar to one which we granted for Trans World Airlines in Docket 30976.⁴ Delta already has domestic authority between Houston and New Orleans. In fact, of the six nonstop carriers serving the market, Delta is the second largest participant. Delta's authority is long-haul restricted, but it still provides for and one-half daily round trips.⁵ The contentions by National and Texas International that this is merely one of a series of attempts by Delta to gain improved authority in the market are not very credible. Delta's authority will still be significantly restricted if the application is granted. If it wants to increase its frequencies between Houston and New Orleans, we doubt that it will choose to extend its flights more than 2,000 miles to Caracas, rather than less than 700 miles to Atlanta.⁶

Thus we tentatively find and conclude that the certificate of Delta Air Lines for route 114 should be amended to permit it to carry persons, property, and mail between Houston and New Orleans on flights serving a point or points in Venezuela. In addition, we will grant Delta an exemption under section 416(b) of the Act to perform the proposed transportation on one flight per week prior to a final decision on the certificate amendment application. We find that because of unusual circumstances affecting the proposed operations, enforcement of con-

³Texas International's answer was accompanied by a motion to file an unauthorized document. The motion will be granted.

⁴See Order 77-10-16, October 6, 1977.

⁵Condition (6) on its certificate for route 24 states that all Houston-New Orleans flights must also serve either Atlanta, Washington, Baltimore, Philadelphia, New York, or Newark.

⁶No additional flights will be added as a result of this decision. Thus, this does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

dition (4) of Delta's certificate for route 114 would be an undue burden on the carrier and not in the public interest.⁷

Interested persons will be given 30 days following adoption of this order to show cause why the tentative findings and conclusions set forth should not be made final. We expect such persons to support their objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts it would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, that: 1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and authorizing Delta Air Lines to transport persons, property, and mail in interstate air transportation between Houston and New Orleans on flights serving a point or points in Venezuela under authority of its certificate for route 114;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth here shall, within 30 days after the date of adoption of this order, file with the Board a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections; answers may be filed 15 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained;

5. In the event no objections are filed, all further procedural steps will

⁷The unusual circumstances are that Delta already has domestic traffic rights in the market and that the restrictions on its authority were never intended to preclude the type of long-haul operation proposed here. Enforcing this unnecessary restriction pending the outcome of a Section 401 proceeding would deprive the public of useful service and Delta of the ability to fill empty seats on a flight segment that it will operate in any event. It would also be an undue burden on Delta to deny it the right to carry this traffic on one flight per week which is even longer haul restricted than its other 28 weekly round trips in the market, pending the outcome of the section 401 proceeding.

be deemed to have been waived, and the case will be submitted to the Board for final action;

6. Delta Air Lines be exempted from section 401 of the Act and the terms, conditions and limitations of its certificate for route 114 to the extent necessary to permit it to transport persons, property, and mail in interstate air transportation between Houston and New Orleans on one round trip flight per week which also serves a point or points in Venezuela until 60 days after a final Board order on its application for a certificate amendment;

7. The motion of Texas International for leave to file an unauthorized document be granted; and

8. A copy of this order shall be served upon all persons listed on the certificate of service of Delta Air Line's application for exemption filed in Docket 31744.

This order shall be published in the FEDERAL REGISTER.

All Members concurred.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3448 Filed 2-7-78; 8:45 am]

[6320-01]

[Docket No. 31976]

MIAMI-LOS ANGELES LOW-FARE CASE

Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., January 31, 1978.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-3447 Filed 2-7-78; 8:45 am]

[6320-01]

[Docket No. 31976]

MIAMI-LOS ANGELES LOW-FARE CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 9, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1857 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence, (4) state-

ments of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 20, 1978, and the other parties on or before March 1, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 2, 1978.

ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc. 78-3445 Filed 2-8-78; 8:45 am]

[6320-01]

[Order No. 78-2-16; Docket No. 31292]

REISEBUD SCHWABEN

Order to Show Cause

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 1st day of February 1978.

In the matter of application of Reiseburo Schwaben, International G.m.b.H. (Germany), d.b.a. Schwaben Charters, Inc., for an indirect foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958, as amended.

By application filed August 18, 1977, Reiseburo Schwaben International G.m.b.H., d.b.a. Schwaben Charters, Inc. (RSI) requests issuance of a foreign air carrier permit authorizing it to engage in the indirect air transportation of persons and their accompanying baggage from any point or points in the United States to any point or points outside the United States and return.¹

No answers to the application and motion have been filed.

BACKGROUND

RSI is not a direct air carrier and is not affiliated directly or indirectly with a direct air carrier or direct foreign air carrier. It operates no aircraft of its own and does not propose to do so. RSI requests the Board to issue it a foreign indirect air carrier permit so as to authorize it to engage in indirect air transportation through the organization of advance booking charters, inclusive tour charters, one-stop inclusive tour charters, travel group charters, and study group charters in foreign air transportation.

OWNERSHIP AND CONTROL

RSI is a corporation organized and incorporated in 1973 under the laws of

the Federal Republic of Germany. RSI has its principal place of business in Stuttgart and engages in business from Germany to points throughout the world as a travel agency and as an indirect air carrier. The capital stock of RSI is entirely owned by Mrs. Renate Landhaeusser, a German national. Mrs. Landhaeusser is also the chief managing director of RSI. Five of the six key employees of RSI are citizens of Germany.² Based on the foregoing, we tentatively conclude that RSI is substantially owned and effectively controlled by citizens of the Federal Republic of Germany.

FINANCIAL AND OPERATIONAL FITNESS

RSI's balance sheet as of December 31, 1975 shows assets in excess of current and long-term liabilities.³ In 1974 and 1975 RSI earned profits before taxes of \$252,534 and \$212,695 and after taxes of \$176,908 and \$128,458, respectively.⁴ In addition to the company's sound financial position, Parts 371, 372a, 373, 378, and 378a of the Board's Special Regulations, which require surety bonding and escrow arrangements, provide further protection for the traveling public against fiscal irresponsibility. Finally, RSI carries a multi-million dollar comprehensive third-party liability insurance policy and maintains a \$480,000 indemnity bond for all transactions relating to its IATA travel agency obligations.⁵ Thus, it is tentatively concluded that all of the fitness requirements of section 402 of the Act are met by the applicant.

PUBLIC INTEREST

On the basis of comity and reciprocity, it is tentatively concluded that it is in the public interest to grant RSI a foreign indirect air carrier permit. Germany has not regulated indirect air carriers of either U.S. or German citizenship, and U.S. citizen tour operators do operate air charters from Germany to the United States and other countries.⁶

On the basis of the foregoing, it is tentatively found and concluded that:

1. Reiseburo Schwaben International G.m.b.H. (Germany), d.b.a. Schwaben Charters, Inc., is fit, willing and able properly to perform the indirect foreign air transportation proposed in its application and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board;

2. RSI is substantially owned and effectively controlled by citizens of the Federal Republic of Germany;

¹Appendix to Motion for Order to Show Cause, as amended, Exhibit 13.

²Ibid., Exhibit 19.

³Ibid., Exhibits 17 and 21.

⁴Ibid., Exhibits 4 and 8.

⁵Op. Cit., Exhibits 24 and 27.

3. Since no issues in this application appear to be contested, a hearing on the application is not required in the public interest;

4. It is in the public interest to issue a foreign indirect air carrier permit in the form of the attached specimen to Reiseburo Schwaben International G.m.b.H. (Germany), d.b.a. Schwaben Charters, Inc., authorizing the carrier to engage indirectly in foreign air transportation of persons from any point or points in the United States to any point or points outside the United States, and return for a period of five years; and

5. The public interest requires that the exercise of the privileges granted by this permit should be subject to the terms, conditions, and limitations prescribed there, the conditions set forth in paragraphs (a) and (b) below, and such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board:

(a) With respect to the operations conducted pursuant to the authority granted here, the holder shall be subject to the provisions of Parts 371, 372a, 373, 378, and 378a of the Board's Special Regulations, as now or later amended;

(b) In using the authority granted herein (1) the name Reiseburo Schwaben International G.m.b.H. (Germany) shall appear on all of the holder's advertising, tickets, stationery, and other public documents; (2) the above name will always be used in its entirety; and (3) words designating the holder's nationality shall be displayed at least as prominently as its most prominently displayed name on any material disseminated to the public. For purposes of this order, the holder's name shall include its legal name, trademarks, tradenames or any other name that may be used in conjunction with any of the above.

All interested persons will be given 21 days following the adoption of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific issues and to support such objections with detailed analysis. If an evidentiary hearing is requested the objector should state the issue with respect to which a hearing is requested and should state in detail why such a hearing is necessary and what relevant and material facts it would establish through such a hearing. Vague, general or unsupported objections will not be entertained.

Accordingly, *It is ordered*, That:

1. All interested persons be directed to show cause why the Board should not make final the tentative findings and conclusions here, and why an order to show cause should not be issued, subject to approval of the

President pursuant to section 801(a) of the Act, issuing an indirect foreign air carrier permit to Reiseburo Schwaben International G.m.b.H. (Germany), d.b.a. Schwaben Charters, Inc. in the attached form.

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions or to the issuance of the proposed indirect foreign air carrier permit, shall, within 21 days after adoption of this order, file with the Board and serve on the persons named in paragraph 5 below a statement of objections, together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the statement of objections;

3. If timely and properly supported objections are filed, full consideration will be accorded matters or issues raised before further action is taken by the Board; *Provided, however*, that the Board may proceed to enter an order in accordance with the tentative findings and conclusions here if its determinations that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions here; and

5. This order shall be served upon Reiseburo Schwaben International G.m.b.H. (Germany) d.b.a. Schwaben Charters, Inc., the Ambassador of the Federal Republic of Germany, and the Departments of State and Transportation.

This order shall be published in the FEDERAL REGISTER and transmitted to the President.

All Members concurred.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

UNITED STATES OF AMERICA, CIVIL
AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN INDIRECT CARRIER

Reiseburo Schwaben International G.m.b.H. (Germany), d.b.a. Schwaben Charters, Inc., is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules and regulations issued thereunder, to engage indirectly in foreign air transportation of persons from any point or points outside the United States, and return.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting the right to engage in indirect air transportation of persons now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the Federal Republic of Germany shall be parties.

This permit shall be subject to the condition that in the event any practice develops

which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto, and will use their best efforts to agree upon modifications thereof satisfactory to the Board and the holder.

The exercise of the privileges granted hereby shall be subject to the terms, conditions, and limitations set forth in Order dated — and to such other reasonable terms, conditions and limitations required by the public interest as may from time to time be prescribed by the Board.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

This permit shall be effective on —, and shall terminate five years thereafter. *Provided, however*, That if during said period the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention or agreement to which the United States and the Federal Republic of Germany are or shall become parties, then and in that event this permit is continued in effect during the period provided in said treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board and the seal of the Board to be affixed thereto, on the

Secretary.

Issuance of this permit to the holder approved by the President of the United States on — in —.

[FR Doc. 78-3449 Filed 2-7-78; 8:45 am]

[6320-01]

[Docket No. 30616]

"SUPER-SAVER" FARES INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will commence on March 14, 1978 at 9:30 a.m. (local time), in Room 1003, Hearing Room D, North Universal Building, 1875 Connecticut Avenue, Washington, D.C. 20428, before the undersigned.

For information concerning the issues involved and other details in this proceeding interested persons are referred to the prehearing conference report served May 19, 1977 as amended by the supplemental prehearing conference report served June 24, 1977, and other documents that are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 1, 1978.

MARVIN H. MORSE,
Administrative Law Judge.

[FR Doc. 78-3446 Filed 2-7-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS UTAH ADVISORY COMMITTEE

Meeting; Correction

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah Advisory Committee, originally scheduled for February 9, 1978 (FR Doc. 78-1918) on page 3147 was inadvertently cancelled (FR Doc. 78-2484) on page 3924. Please note that this meeting will be held on February 9, 1978, at 7:00 p.m. in Salt Lake City, Utah.

Dated in Washington, D.C., February 3, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

(FR Doc. 78-3474 Filed 2-7-78; 8:45 am)

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

The Bureau of the Census conducts a program whereby a local or State

government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 1, 1976, for which tabulations were completed between January 1, 1978, and January 31, 1978.

Dated: February 3, 1978.

MANUEL D. PLOTKIN,

Director,
Bureau of the Census.

State/place or special area	County	Date of census	Population
Arkansas:			
Conway City	Paulkner	Nov. 1, 1977	18,805
West Fork City	Washington	Nov. 7, 1977	1,424
Illinois:			
Bolingbrook Village	DuPage and Will	Nov. 10, 1977	34,886
Collinsville City	Madison and St. Clair	Apr. 19, 1977	18,909
Elkville Village	Jackson	Nov. 1, 1977	983
Mount Zion Village	Macon	Nov. 14, 1977	4,086
Vernon Hills Village	Lake	Nov. 8, 1977	5,587
Indiana: Portage City	Porter	Oct. 26, 1977	24,799
Kentucky: Bowling Green City	Warren	Oct. 3, 1977	38,529
Wisconsin:			
Oak Creek City	Milwaukee	Dec. 14, 1976	15,594
Onalaska City	LaCrosse	Nov. 7, 1977	7,306

(FR Doc. 78-3395 Filed 2-7-78; 8:45 am)

[3510-25]

Industry and Trade Administration

EXPORT MONITORING REPORT FOR COAL AND COKE OF COAL

Week Ending December 30, 1977

Total bituminous coal exports for the week were 128,822 short tons, representing a significant decline from the 580,609 short tons exported the

preceding week. These exports consisted of metallurgical coal only; no steam coal exports were reported during the week under review. This low level of exports is a reflection of: (a) The normal winter fall-off in steam coal exports to Canada via the Great Lakes; (b) a short work week due to the Christmas holiday; and (c) a diminished availability of metallurgical coal for export because of the strike, since export contracts reported to the

Department called for shipments aggregating more than 500,000 short tons during the week. Because of the constricted supply situation, exports will continue at a level well below normal for this time of year for the remainder of the strike, with coal going into export coming from non-UMW mines which are not participating in the strike and are not closed for other reasons.

With this low level of export activity, only a small number of firms reported coal shipments during the week. A breakdown of those exports by volatility and area of destination is, therefore, withheld from this report to prevent disclosure of information deemed to be confidential pursuant to section 7(c) of the Export Administration Act of 1969, as amended. For the same reason, only the weighted average price of bituminous coal exports is shown in the accompanying tables.

Exports of coke manufactured from coal for the week were 3,922 short tons compared with 2,843 short tons for the preceding week. The average price for these coke exports was \$123.14 per short ton with a high and low of \$137.79 and \$94.60 per short ton, respectively. No trend either in the level of coke exports or export prices for coke is discernible from these data.

Domestic bituminous coal production for the week was 5,700,000 short tons, an increase from the 5,515,000 short tons reported for the preceding week. Total United States coal consumption for the week was about 11,400,000 short tons. According to data reported to the Department of Energy, weekly consumption during the strike has remained relatively stable varying between a high of 12,376,000 short tons and a low of 11,291,000 short tons.

Total bituminous coal stocks at the end of this week were estimated to be about 152,800,000 short tons, a decrease of 7,000 short tons from that reported for the preceding week. With coal consumption of about 11,300,000 short tons during the week and an inventory decrease of only 7,000,000 short tons, coal receipts by domestic consumers are calculated to have been slightly more than 4,200,000 short tons during the week. Domestic coal prices remained stable.

STANLEY J. MARCUSS,

Deputy Assistant Secretary
for Trade Regulation.

TABLE 1.—U.S. exports of bituminous coal and coke of coal—(in short tons)

(For week ending Dec. 30, 1977)

Commodity	EXPORTS						
	Weekly average Dec. 1975	Weekly average Dec. 1976	Weekly average Nov. 1977	Week ending Dec. 9, 1977	Week ending Dec. 16, 1977	Week ending Dec. 23, 1977	Week ending Dec. 30, 1977
Low volatile metallurgical coal ¹	NA	n.a	***133,877	199,136	96,895	(¹)	(¹)
Medium volatile, metallurgical coal ²	NA	NA	NA	283,420	118,832	(¹)	(¹)
High volatile metallurgical coal ³	NA	NA	NA	47,055	176,827	(¹)	(¹)
Total metallurgical coal	NA	NA	889,125	*550,459	**436,605	521,109	128,822

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TABLE 1.—U.S. exports of bituminous coal and coke of coal—(in short tons)—Continued

EXPORTS—Continued							
Other bituminous coal ⁴	NA	NA	158,326	129,424	351,669	59,500	128,822
Total bituminous coal	1,023,827	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of coal	16,646	7,287	33,179	3,922	9,624	2,843	3,922

¹22 pct or less volatile matter.
²31 pct or less and more than 22 pct volatile matter.
³More than 31 pct volatile matter.

⁴Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

⁵Includes 20,848 short tons of metallurgical grade coal not identified as to volatility.

⁶Includes 44,251 short tons of metallurgical grade coal not identified by volatility.

⁷Partial, in content tons.

Sources: Office of Export Administration, and Bureau of the Census.

TABLE 2.—Contracts for export of bituminous coal and coke of coal—in short tons

(For week ending Dec. 30, 1977)

Commodity	CONTRACTS						
	Week ending Jan. 6, 1978	Week ending Jan. 13, 1978	Week ending Jan. 20, 1978	Week ending Jan. 27, 1978	Week ending Feb. 3, 1978	Week ending Feb. 10, 1978	Total for 12 weeks
Low volatile metallurgical coal ¹	185,236	112,420	112,420	112,420	175,420	112,420	797,524
Medium volatile metallurgical coal ²	194,170	256,408	221,949	283,709	318,859	342,417	1,924,877
High volatile metallurgical coal ³	132,850	31,510	92,310	40,470	47,210	36,710	292,811
Total metallurgical coal	512,256	400,338	426,499	436,599	541,489	491,547	3,015,212
Other bituminous coal ⁴							5,823,944
Total bituminous coal ⁵							
Coke of coal	31,498	37,434	2,234	2,234	29,904	23,059	36,848

¹22 pct or less volatile matter.
²31 pct or less and more than 22 pct volatile matter.
³More than 31 pct volatile matter.

⁴NA—not available.

⁵Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.

⁶Data withheld to avoid disclosure of data withheld above. See footnote 4.

Sources: Office of Export Administration, and Bureau of the Census.

TABLE 3.—U.S. exports by commodity and area of destination—in short tons

(For week ending Dec. 30, 1977)

Commodity and area of destination	EXPORTS						
	Weekly average Dec. 1975	Weekly average Dec. 1976	Weekly average Nov. 1977	Week ending Dec. 9, 1977	Week ending Dec. 16, 1977	Week ending Dec. 23, 1977	Week ending Dec. 30, 1977
Low volatile, metallurgical coal ¹							
Asia			7,458	111,525	24,808	(¹)	(¹)
Europe			43,463	40,893	69,440	(¹)	(¹)
Western Hemisphere			82,956	46,718	2,647	(¹)	(¹)
Total	NA	NA	**133,877	199,136	96,895	(¹)	(¹)
Medium volatile, metallurgical coal ²							
Asia				102,906	93,291	(¹)	(¹)
Europe				173,711	15,958	(¹)	(¹)
Western Hemisphere				6,803	9,383	(¹)	(¹)
Total	NA	NA	NA	283,420	118,632	(¹)	(¹)
High volatile, metallurgical coal ³							
Asia				11,331		(¹)	(¹)
Europe					76,532	(¹)	(¹)
Western Hemisphere				35,724	100,295	(¹)	(¹)
Total	NA	NA	NA	47,055	176,827	(¹)	(¹)
Total metallurgical coal							
Asia			377,151	225,762	118,099	134,389	(¹)
Europe			269,606	214,604	161,930	206,831	(¹)
Western Hemisphere			224,411	*110,093	*112,325	136,928	(¹)
Total	NA	NA	***889,125	*550,459	*436,605	521,109	128,822

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EXPORTS—Continued

Commodity and area of destination	Weekly average Dec. 1975	Weekly average Dec. 1976	Weekly average Nov. 1977	Week ending Dec. 9, 1977	Week ending Dec. 16, 1977	Week ending Dec. 23, 1977	Week ending Dec. 30, 1977
Other bituminous coal.....	NA	NA	158,326	129,424	351,669	59,500	
Total of bituminous coal.....	1,023,827	1,044,281	1,047,451	679,883	788,274	580,509	128,822
Coke of coal.....	16,646	7,287	33,179	3,922	9,624	2,843	3,922

¹ 22 pct or less volatile matter.
² 31 pct or less and more than 22 pct. volatile matter.
³ More than 31 pct volatile matter.
⁴ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
NA—Not available.
⁵ Includes 44,251 short tons of metallurgical grade coal not identified by volatility.
⁶ Partial, incontent tons.
⁷ Includes 17,957 short tons of metallurgical grade coal to destinations not listed above.
Source: Office of Export Administration, and the Bureau of the Census.

TABLE 4.—Anticipated exports by commodity and area of destination—in short tons
[For week ending Dec. 30, 1977]

Commodity and area of destination	Week ending Jan. 6, 1978	Week ending Jan. 13, 1978	Week ending Jan. 20, 1978	Week ending Jan. 27, 1978	Week ending Feb. 3, 1978	Week ending Feb. 10, 1978	Next 6 weeks	Total for 12 weeks
Total metallurgical coal: ¹								
Asia.....	244,685	150,425	249,886	170,386	257,926	234,930	1,582,758	2,890,998
Europe.....	232,184	214,526	141,226	230,826	248,176	167,426	1,227,884	2,462,248
Western Hemisphere.....	35,387	35,387	35,387	35,387	35,387	89,195	204,570	470,700
Total.....	512,256	400,338	426,499	436,599	541,489	491,551	3,015,212	5,823,944
Other bituminous coal: ¹								
Total bituminous coal: ¹								
Coke of coal.....	31,498	37,434	2,234	2,234	29,904	23,059	36,848	163,211

¹ Volatility data by destination have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
² Less than 100,000 tons. Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
³ Data withheld to avoid disclosure of data withheld above. See footnote 2.
Source: Office of Export Administration and Bureau of the Census.

TABLE 5.—Export prices of bituminous coal and coke of coal—in dollars per short ton
[Free on board U.S. port]

Commodity	Dec. 1975 average	Dec. 1976 average	Nov. 1977 weekly average	Weighted average	High	Low
Low volatile metallurgical coal ¹	NA	NA	NA	(⁴)	(⁴)	(⁴)
Medium volatile metallurgical coal ¹	NA	NA	NA	(⁴)	(⁴)	(⁴)
High volatile metallurgical coal ¹	NA	NA	NA	(⁴)	(⁴)	(⁴)
Total metallurgical coal.....	NA	NA	53.84	55.93	(⁴)	(⁴)
Other bituminous coal.....	NA	NA	35.01			
Total bituminous coal.....	49.24	49.76	50.99	55.93	(⁴)	(⁴)
Coke of coal.....	82.91	83.75	79.70	123.14	137.79	94.60

¹ 22 pct or less volatile matter.
² 31 pct or less and more than 22 pct volatile matter.
³ More than 31 pct volatile matter.
⁴ Due to a limited number of firms reporting this data, precise figures have been withheld to prevent disclosure of information deemed to be confidential pursuant to sec. 7(c) of the Export Administration Act of 1969, as amended.
⁵ Excludes 44,251 short tons on which price data are not available.

TABLE 6.—U.S. trade in bituminous coal and coke of coal—in short tons
[For week ending Dec. 30, 1977]

	Weekly average Dec. 1975	Weekly average Dec. 1976	Weekly average Nov. 1977	Week ending Dec. 9, 1977	Week ending Dec. 16, 1977	Week ending Dec. 23, 1977	Week ending Dec. 30, 1977
Imports:							
Bituminous coal ¹	20,097	21,452	31,158	NA	NA	NA	NA
Coke of coal.....	20,774	28,903	41,267	NA	NA	NA	NA
Exports:							
Bituminous coal ¹	1,023,827	1,044,281	1,047,451	679,883	788,274	580,609	128,822
Coke of coal.....	16,646	7,287	33,179	3,922	9,624	2,843	3,922

¹ Includes both metallurgical grade and steam coal.

Sources: Office of Export Administration, and Bureau of the Census.

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TABLE 7.—Bituminous coal and coke of coal* production, consumption, and stocks—in 000 short tons
[For week ending Dec. 31, 1977]

	Weekly average Dec. 1975	Weekly average Dec. 1976	Weekly average Nov. 1977	Week ending Dec. 10, 1977	Week ending Dec. 17, 1977	Week ending Dec. 24, 1977	Week ending Dec. 31, 1977
Total bituminous coal production **.....	12,019	12,593	14,798	9,100	5,080	(R) 5,515	5,700
Consumption:							
Metallurgical ***.....	1,519	1,568	NA	1,290	1,368	1,364	1,324
Other bituminous:							
Electric utility.....	8,414	9,387	NA	9,228	9,550	9,398	8,928
General industry.....	1,358	1,421	NA	1,330	1,252	1,163	1,146
Total other.....	9,772	10,808	NA	10,558	10,802	10,561	10,074
Total bituminous.....	11,291	12,376	NA	11,848	12,170	11,925	11,398
Bituminous coal stocks (end of specified periods):							
Metallurgical ***.....	8,671	9,804	NA	(R) 15,084	14,776	13,982	13,088
Other bituminous:							
Electric utility.....	109,707	117,468	NA	(R) 146,171	141,691	136,993	131,308
General industry.....	8,504	6,900	NA	9,485	9,248	8,896	8,425
Total other.....	118,211	124,368	NA	155,656	150,939	145,889	139,733
Total bituminous.....	126,882	134,172	NA	170,750	165,715	159,871	152,801

* Data on coke of coal production, consumption, and stocks are not available on a weekly basis.

** More detailed production data are not available.

*** More detailed data in terms of volatile content are not available.

(R) Revised.

Data source: Department of Energy

TABLE 8.—Representative domestic bituminous coal and coke of coal prices—in dollars per short ton free on board mine or coke plant
[For week ending Dec. 31, 1977]

		Metallurgical coal		Other		Coke	
		Low volume	Medium volume	High volume	Bituminous	Furnace	Poundry
December 1975.....	Spot.....	46.38	46.38	29.28	17.37	NA	110/117
	Contract.....	NA	NA	NA	NA	NA	NA
December 1976.....	Spot.....	33/50	28/33	27/33	16.12	85/97	121/125
	Contract.....	45.75/49.50	40/46.50	34/40	17.37	NA	NA
November 1977.....	Spot.....	42/51	31/37	29/36	16.75	85/90	129/132.5
	Contract.....	43/50	40/43	31/38	18.81	NA	NA
Week Ending December 10, 1977.....	Spot.....	44/51	31/37	29/36	18.87	85/90	129/134
	Contract.....	43/50	40/43	31/38	19.12	NA	NA
Week Ending December 17, 1977.....	Spot.....	44/51	31/37	29/36	18.87	85/90	129/134
	Contract.....	43/50	40/43	31/38	19.12	NA	NA
Week Ending December 24, 1977.....	Spot.....	44/51	31/37	29/36	18.87	80/90	129/134
	Contract.....	43/50	40/43	31/38	19.12	NA	NA
Week Ending December 31, 1977.....	Spot.....	44/51	31/37	29/36	18.87	80/90	129/134
	Contract.....	43/50	40/43	31/38	19.12	NA	NA

NA: Not available.

Source: McGraw-Hill's "Coal Week". Prices shown for the years 1975 and 1976 represent single quotes selected at random, as does the price shown for November 1977. Metallurgical coal source is Central Appalachia. Prices for "Other Bituminous Coal" are averaged from Northern Appalachian steam coal quotes.

[FR Doc. 78-3217 Filed 2-2-78; 12:21 pm]

[6355-01]

CONSUMER PRODUCT SAFETY
COMMISSION

[CP 78-9]

BOUNCE FABRIC SOFTENER

Denial of Petition

AGENCY: Consumer Product Safety Commission.

ACTION: Denial of petition.

SUMMARY: In this document the Commission denies a petition to ban Bounce Fabric Softener because cur-

5408

rently available information is insufficient to determine that Bounce presents an unreasonable risk of injury to the public.

FOR FURTHER INFORMATION CONTACT:

Mark Gulak, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, phone 301-492-6754.

SUPPLEMENTARY INFORMATION: Section 10 of the Consumer Product Safety Act (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies such a petition, it shall publish its reasons for denial in the *FEDERAL REGISTER*.

In a letter dated September 24, 1976, Solon Automatic Services, Inc., a supplier of laundry equipment service in multifamily housing, petitioned (CP 78-9) the Commission to ban Bounce. Bounce, manufactured by Procter & Gamble, is a roll of 9 x 11 in. nonwoven rayon sheets containing a fabric softener and a small amount of perfume. The potential hazard the petitioner alleges is that when Bounce is misused by consumers (reuse of individual sheets and use of multiple sheets in a single dryer load), it can cause shredding of the sheet, clogging of lint screens and build-up of lint in the dryer and duct systems. Petitioner claims that this build-up can restrict air flow, cause the temperature in the dryer to increase and eventually cause dryer fires. Petitioner also states that reuse and multiple use may result in dryer malfunctioning, specifically the coating of dryness sensors and prolonged or erratic drying cycles. The petition was originally docketed under the Federal Hazardous Substances Act (FHSA) as HP 76-20 because it appeared that the petition was claiming Bounce itself to be flammable and therefore, a hazardous substance. Upon closer examination, it was observed that the hazard of clothes dryers catching fire as a result of the interaction of Bounce and the dryer forms the basis of the petition. Such hazard not being cognizable under the FHSA, the petition was treated under the Consumer Product Safety Act (CPSA) and given a new petition number.

The epidemiology staff reported three in-depth investigations involving solid fabric softeners and clothes dryer fires. (Bounce was in use in two of these.) None of the investigation reports concluded that the softeners were definitely the cause of the fire. There were no personal injuries in any of the incidents and no property damage other than to the dryers and the clothes inside.

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Between February 1974 and February 1977, the Commission received 15 consumer complaints involving solid fabric softeners and dryer fires. Eight of the 15 complaints involved Bounce. Again, none of the complaints indicated that the fabric softener was the cause of the fire and no personal injury occurred in any of these incidents.

Epidemiology reported three other in-depth investigations that associated solid fabric softeners with dryer malfunctions (automatic shut-off dryers not shutting off when clothes are dry). None of these incidents resulted in a fire nor were any injuries reported.

The Commission received test data and reports from Procter & Gamble, the manufacturer of Bounce. Procter & Gamble made followup, onsite investigations for all consumer complaints received relating to the flammability of Bounce and could not find that Bounce was the cause of the fires. The great majority of cases were traced to excessive lint accumulation usually around the heating element. Procter & Gamble stated that Bounce actually decreases total lint generated because the lubricating action of Bounce reduces the formation of broken fibers (lint) which are separated from the fabric.

Procter & Gamble also asserted that the risk of fire due to a spark/flame within the dryer was an extremely unlikely possibility because the environment of a dryer is not conducive to igniting the items dried in the dryer by design. According to testing performed by Procter & Gamble, Bounce will not spontaneously ignite in dryers, and when exposed to oven temperatures of 400° for 2 hours (well above operating and safety shut-off temperatures) Bounce does not catch fire. Based on an analysis of this data and the results of tests conducted by Commission staff, the Commission believes that it is unlikely that Bounce presents any more of a risk of fires in clothes dryers than the clothes themselves.

After carefully considering the matters raised by the petitioner, and the information presently available to it, the Commission concludes that currently available information is insufficient for it to determine that Bounce fabric softener presents an unreasonable risk of injury to the public. Therefore, the petition is denied.

Copies of the petition and the staff's briefing package to the Commission on the petition may be seen in or obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, during working hours Monday through Friday.

Dated: February 21, 1978.

SADYE DUNN,
Acting Secretary, Consumer
Product Safety Commission.
[FR Doc. 78-3418 Filed 2-7-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DOD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, N.Y. 10014 on March 2, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems and microelectronics. The review will include classified program details throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

FEBRUARY 3, 1978.

[FR Doc. 78-3393 Filed 2-7-78; 8:45 am]

[3810-70]

ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DOD Advisory Group on Electron Devices (AGED), will meet in closed session at the National Bureau of Standards, 325 Broadway, Boulder, Colo. on February 22-23, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The meeting will be limited to review of research and development

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programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically, Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

FEBRUARY 3, 1978.

[FR Doc. 78-3394 Filed 2-7-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CS78-219, et al.]

ANTOINETTE C. ALEXANDER, ET AL.

Applications for "Small Producer" Certificates¹

FEBRUARY 2, 1978.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS78-219.....	1 12 78	Antoinette C. Alexander, 615-C Hampton Circle, Jackson, Miss. 39211.
CS78-220.....	1 12 78	George P. Post d.b.a. Post Petroleum Co., 2500 Liberty Tower, 100 North Broadway, Oklahoma City, Okla. 73102.
CS78-221.....	1 12 78	Alvin Kent Bayless, 729 Meadows Parkway, DeSoto, Tex. 75115.
CS78-222.....	1 12 78	Santa Fe No. 1 Ltd., 5941 Lancefield Dr., Huntington Beach, Calif. 92649.
CS78-223.....	1 12 78	Mel-Ray Oil Co., Route 2, Box 259, Nowata, Okla. 74048.
CS78-224.....	1 16 78	Michael L. Gaus, 1115 Augusta No. 16, Houston, Tex. 77057.
CS78-225.....	1 16 78	Lloyd W. Roberts, Box 1077, Spearman, Tex. 79081.
CS78-226.....	1 18 78	McCormick 1977 Oil & Gas program, 1204 Tenneco Bldg., Houston, Tex. 77002.
CS78-227.....	1 18 78	Unit Operations, Inc., 1210 1st National Center West, Oklahoma City, Okla. 73102.
CS78-228.....	1 17 78	Heritage Resources, P.O. Box 777, Davis, Okla. 73030.
CS78-229.....	1 18 78	Wasp Oil Inc., P.O. Box 3464, Fort Smith, Ark. 72913.
CS78-230.....	1 19 78	Thomas Granfill Campbell, 2661 1st International Bldg., Dallas, Tex. 75270.
CS78-231.....	1 19 78	Angle Oil Co., 2653 1st International Bldg., Dallas, Tex. 75270.
CS78-232.....	1 23 78	Strawn Auto Parts, Inc., (operator), et al. 1009 East Florida St., Midland, Tex. 79702.

Docket No.	Date filed	Applicant
CS78-233.....	1 23 78	McMoran Offshore Exploration Co., P.O. Box 8800, Metairie, La. 70009.
CS78-234.....	1 23 78	Robert W. Lansford, P.O. Box 1462, Eunice, N. Mex. 88231.
CS78-235.....	1 23 78	F. Howard Walsh, Jr., 1007 First National Bank Bldg., Fort Worth, Tex. 76102.
CS78-236.....	1 23 78	Madera Gas Ltd., 3333 South Bannock St., Suite 640, Englewood, Colo. 80110.
CS78-237.....	1 23 78	Archer-Cumming Oil and Gas Co., 529 East South Temple St., Salt Lake City, Utah 84102.
CS78-238.....	1 23 78	Charles Vance Campbell, Jr., 2661 First International Bldg., Dallas, Tex. 75270.
CS78-239.....	1 23 78	Richard P. Kincheloe V., 4020 University, Dallas, Tex. 75205.
CS78-240.....	1 23 78	Triad Drilling Corp., 700 Farm Credit Banks Bldg., Wichita, Kans. 67202.
CS78-241.....	1 24 78	Integral Energy Corp., 1816 Guaranty Bank Plaza, Corpus Christi, Tex. 78475.
CS78-242.....	1 25 78	Chapman & Schneider, P.O. Box 763, Hobbs, N. Mex. 88240.
CS78-243.....	1 25 78	Albert R. Crossland, P.O. Box 763, Hobbs, N. Mex. 88240.
CS74-6'.....	1 26 78	Summit Resources, Inc., 11211 Katy Freeway, Suite 260, Houston, Tex. 77079.

¹Being noticed to reflect termination of Small Producer Certificate CS74-6.

[FR Doc. 78-3439 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket Nos. G-3132, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES¹

FEBRUARY 1, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirement of the Commission's Rules of Practice and Procedure.

¹ This notice does not provide for consolidation for hearing of the several matters covered herein.

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sion's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and sub-

ject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public conve-

nience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3132, D, Jan. 18, 1978.....	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., Sandy Hook Field, Marion County, Miss.	Nonproductive, plugged and abandoned.	
CI64-23, C, Jan. 20, 1978.....	Amoco Production Co., Security Life Building, Denver, Colo. 80202.	Arkansas Louisiana Gas Co., Cleary-Yunker No. 2 Well, Sec. 19-19N-9W and the Cleary-Norris No. 2 Well, Sec. 20-19N-9W, Kingfisher County, Okla.	(¹)	14.65
CI65-98, D, Jan. 23, 1978.....	Texaco Inc., P.O. Box 3109, Midland, Tex. 79702.	El Paso Natural Gas Co., NE/4 of Sec. 80, Block 17, Panhandle East Field, Wheeler County, Tex.	Depleted, certain leases released, plugged and abandoned.	
CI76-485, C, Jan. 23, 1978.....	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., Hilliard "BF" Well No. 1-Y, Eddy County, N. Mex.	(¹)	14.65
CI77-789, A, Sept. 6, 1977.....	Mobil Oil Corp., Three Greenway Plaza East—Suite 800, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., certain acreage in the Ship Shoal Block 68 and South Pello Block 9 Fields, Federal offshore, Louisiana.	(¹)	15.025
CI77-841, C, Jan. 23, 1978.....	Keweenaw Oil Co., P.O. Box 2239, Tulsa, Okla. 74101.	Cities Service Gas Co., NE/4 of Section 35, T34S, R9E, Chautauqua County, Kans.	(¹)	14.65
CI78-281, F, Jan. 25, 1978.....	Highland Resources, Inc., et al., 800 San Jacinto Bldg., Houston, Tex. 77002.	Texas Eastern Transmission Corp., Union Church Area, limited to a depth down to the base of the Houston Formation, Jefferson County, Miss.	(¹)	15.025
CI78-316, CI65-829, B, Jan. 19, 1978.....	Aztec Oil & Gas Co., 1600 First National Building, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	Depleted.	
CI78-317, A, Jan. 19, 1978.....	General American Oil Co. of Texas, Meadows Building, Dallas, Tex. 75208.	Columbia Gas Transmission Corp., Block No. 34, East Cameron Area, Gulf of Mexico.	(¹)	15.025
CI78-318, A, Jan. 19, 1978.....	Cotton Petroleum Corp., Suite 4200, One Williams Center, Tulsa, Okla. 74103.	Kansas-Nebraska Natural Gas Co., Inc., Guymon Hugoton Field, Texas County, Okla.	(¹)	14.73
CI78-319, CI77-195, B, Jan. 16, 1978.....	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., South Fargo Field, Ellis County, Okla.	Nonproduction and certain leases expired.	
CI78-320, A, Jan. 23, 1978.....	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., V. T. Amacker "E-82" No. 2 Well, SW Amacker, Tippett (Wolfcamp) Field, Upton County, Tex.	(¹)	14.65
CI78-321, A, Jan. 23, 1978.....	do.....	POP Gas Products, Inc., certain acreage in the Abell Field, Pecos County, Tex.	(¹)	14.65
CI78-322, A, Jan. 16, 1978.....	do.....	El Paso Natural Gas Co., Grayburg San Andres Formation of the Britt A-1 Well, Monument Field, Lea County, N. Mex.	(¹)	14.65
CI78-323, CI69-867, B, Dec. 9, 1977.....	Highland Resources, Inc., 800 San Jacinto Building, Houston, Tex. 77002.	Trunkline Gas Co., Blocks 179 and 187, South Timballer Area, offshore, Louisiana.	Ceased production and leases expired.	
CI78-324, O-9616, B, Jan. 9, 1978.....	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Coastal States Gas Producing Co., Brownlee Field, Jim Wells County, Tex.	Sales ceased.	
CI78-325, CI71-863, B, Jan. 9, 1978.....	TransOcean Oil, Inc., 1700 First City East Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., Lake Tom Field, Iberia Parish, La.	Depleted, plugged and abandoned.	
CI78-326, B, Jan. 16, 1978.....	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Union Texas Petroleum Division, Mittle Rives Lease, Runnels County, Tex.	Lease terminated, plugged and abandoned.	
CI78-327, A, Jan. 17, 1978.....	Texaco Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Cities Service Gas Co., Ames, N.E. Field, Major County, Okla.	(¹)	14.65
CI78-328, CI65-1256, B, Jan. 17, 1978.....	Terra Resources, Inc., P.O. Box 2329, Tulsa, Okla. 74101.	Southern Natural Gas Co., North Kings Ridge Field, Lafourche Parish, La.	Ceased production and leases expired.	
CI78-329, A, Jan. 18, 1978.....	CIG Exploration, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., High Point Area, Carbon County, Wyo.	(¹)	14.73
CI78-330, A, Jan. 19, 1978.....	Northwest Exploration Co., 315 East Second South, Salt Lake City, Utah 84110.	Northwest Pipeline Corp., Great Divide Prospect (undesignated field, Moffat County, Colo.).	(¹)	15.025
CI78-331, B, Jan. 19, 1978.....	Fourth Enterprises, Inc., Suite 732—the Main Building, Houston, Tex. 77002.	Trunkline Gas Co., Lake Misere, Cameron Parish, La.	Depleted and leases expired.	
CI78-332, A, Jan. 20, 1978.....	CIG Exploration, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., Barrel Springs Area, Carbon County, Wyo.	(¹)	14.73
CI78-333, A, Jan. 20, 1978.....	Panhandle Western Gas Co., P.O. Box 1348, Kansas City, Mo. 64141.	Panhandle Eastern Pipe Line Co., certain acreage in Carbon County, Wyo.	(¹)	14.65
CI78-334, C, Jan. 20, 1978.....	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	El Paso Natural Gas Co., Sprayberry Field, Reagan and Upton Counties, Tex.	(¹)	14.65
CI78-335, A, Jan. 20, 1978.....	Enserch Exploration, Inc., 1817 Wood St., Dallas, Tex. 75201.	Natural Gas Pipeline Co. of America, Sawyer "113" No. 3 Well, NW/4 sec. 113 (5,417-6,688) and Sawyer "129" No. 3 Well, NE/4 sec. 129, (5,685-6,907), both B. H.E. & W.T. R.R. Co. survey, Sutton County, Tex.	(¹)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI78-336, CI87-1789, B, Jan. 20, 1978.....	Yucca Petroleum Co., P.O. Box 2585, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., SE NE sec. 10-34S-31W, Arkalon Field, Seward County, Kans.	Depleted, plugged and abandoned.	
CI78-337, A, Jan. 20, 1978.....	Amoco Production Co., Security Life Building, Denver, Colo. 80202.	Arkansas Louisiana Gas Co., South Boskhe Field, LeFlore County, Okla.	(¹)	14.65
CI78-338, A, Jan. 23, 1978.....	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77058.	Northern Natural Gas Co., Morrow Formation (13,150' to 13,400' per density log) underlying the State "XX" Com. No. 1 Well located in the E/2 of sec. 7, T17S, R34E, Lea County, N. Mex.	(¹)	14.65
CI78-339, G-5047, B, Jan. 23, 1978.....	Shell Oil Co., Two Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	Lone Star Gas Co., Dillard Plant, Carter County, Okla.	Sales ceased to Lone Star and remaining gas being used for water flood operations fuel.	
CI78-340, CI75-670, B, Jan. 23, 1978.....	Phillips Petroleum Co., 5 C4 Phillips Building, Bartlesville, Okla. 74004.	Kansas-Nebraska Natural Gas Co., Inc., Bowman "B" No. 2 Well located in SE/4 sec. 31-22S-15W, Pawnee County, Kans.	Depleted, lease terminated, plugged and abandoned.	
CI78-341, G-19498, B, Jan. 23, 1978.....	Aztec Oil & Gas Co., 1600 First National Building, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Blue Hill Field, San Juan County, N. Mex.	Depleted.	
CI78-342, A, Jan. 24, 1978.....	Amoco Production Co., Security Life Building, Denver, Colo. 80202.	Cities Service Gas Co., Champlin 451 Amoco A-1 Well, sec. 17-T21N-R94W, Sweetwater County, Wyo.	(¹)	15.025
CI78-343, A, Jan. 24, 1978.....	Texaco Inc., (partial succ. in interest of W. C. Pickens), P.O. Box 2420, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Putnam Field, Dewey County, Okla.	(¹)	14.73
CI78-344, CI88-1314, B, Jan. 24, 1978.....	J. A. Dykes, suite 1500 Beck Bldg., Shreveport, La. 71101.	Transcontinental Gas Pipe Line Co., Crowley Field, Acadia Parish, La.	Depleted, lease expired, plugged and abandoned.	
CI78-345, B, Jan. 24, 1978.....	J. A. Dykes.....	Natural Gas Pipeline Co. of America, Balders Field, Jim Hogg County, Tex.	Do.	
CI78-346, B, Jan. 24, 1978.....	do.....	Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La.	Do.	
CI78-347, CI67-1565, B, Jan. 24, 1978.....	do.....	Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La.	Do.	
CI78-348, CI68-1314, B, Jan. 24, 1978.....	E. L. Hilliard, Suite 1500 Beck Bldg., Shreveport, La. 71101.	Transcontinental Gas Pipe Line Co., Crowley Field, Acadia Parish, La.	Do.	
CI78-349, B, Jan. 24, 1978.....	do.....	Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La.	Do.	
CI78-350, B, Jan. 24, 1978.....	do.....	Natural Gas Pipeline Co. of America, Balders Field, Jim Hogg County, Tex.	Do.	
CI78-351, CI67-1565, B, Jan. 24, 1978.....	do.....	Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La.	Do.	
CI78-352, CI68-1314, B, Jan. 24, 1978.....	J. T. Palmer, Suite 1500 Beck Bldg., Shreveport, La. 71101.	Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, La.	Do.	
CI78-353, B, Jan. 24, 1978.....	do.....	Natural Gas Pipeline Co. of America, Balders Field, Jim Hogg County, Tex.	Do.	
CI78-354, B, Jan. 24, 1978.....	do.....	Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La.	Do.	
CI78-355, CI67-1565, B, Jan. 24, 1978.....	do.....	Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La.	Do.	
CI78-356, B, Jan. 24, 1978.....	C. H. Lyons, Jr., Suite 1500 Beck Bldg., Shreveport, La. 71101.	Natural Gas Pipeline Co. of America, Balders Field, Jim Hogg County, Tex.	Do.	
CI78-357, B, Jan. 24, 1978.....	do.....	Gas Gathering Corp., Lake Larose Field, St. Martin Parish, La.	Do.	
CI78-358, CI67-1565, B, Jan. 24, 1978.....	do.....	Michigan Wisconsin Pipe Line Co., Krotz Springs Field, St. Landry Parish, La.	Do.	
CI78-359, B, Jan. 24, 1978.....	Susybelles Wilkinson Lyons, Suite 1500 Beck Bldg., Shreveport, La. 71101.	Natural Gas Pipeline Co. of America, Balders Field, Jim Hogg County, Tex.	Do.	
CI78-360, B, Jan. 24, 1978.....	R. L. Naumann, Suite 1500 Beck Bldg., Shreveport, La. 71101.	do.....	Do.	
CI78-361, A, Jan. 25, 1978.....	Odeco Drilling Inc., P.O. Box 61780, New Orleans, La. 70161.	Transcontinental Gas Pipe Line Corp., South Timballer Area, blocks 148 (E/2) and 149 (SW/4), in the Gulf of Mexico, Offshore, Louisiana, (Federal domain).	(¹)	15.025
CI78-362, CI65-629, B, Jan. 25, 1978.....	Aztec Oil & Gas Co., 1600 First National Building, Fort Worth, Tex. 76102. Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	El Paso Natural Gas Co., Cha Cha Gallup Field, San Juan County, N. Mex. Transwestern Pipeline Co., North Burton Flats Field, Eddy County, N. Mex.	Depleted. (¹)	14.65

¹ Applicant is filing under Gas Sales Contract, dated May 13, 1963, amended by amendment, dated June 1, 1966.

² Applicant is filing under Gas Purchase Agreement dated Dec. 12, 1977.

³ Applicant is willing to accept the applicable national rate pursuant to Option No. 770, as amended.

⁴ Applicant requests that its application be amended to reflect that it is subject to Amoco Production Co.'s call on 50% of the gas in accordance with the farmout agreement dated Apr. 12, 1976.

⁵ Applicant is filing under Casinghead Gas Contract dated Dec. 1, 1977.

⁶ Not used.

⁷ Applicant is filing under Gas Purchase Contract dated Dec. 16, 1977.

⁸ Applicant is filing under Gas Sales Contract dated Jan. 6, 1978.

⁹ Applicant is filing under Gas Sales Contract dated Jan. 3, 1978.

¹⁰ Seller and Purchaser are affiliated.

¹¹ Applicant is requesting a Reinstatement of Certificate of Public Convenience and Necessity and FERC Gas Rate Schedule which was issued under old Docket No. G-7500.

¹² Applicant is filing under Gas Sales Contract, dated Nov. 17, 1977.

¹³ Applicant is filing under Contract dated Nov. 23, 1977.

¹⁴ Not used.

¹⁵ Applicant is filing under Gas Purchase Contract dated Apr. 10, 1963, as amended.

Filing code:

A—Initial service. C—Amendment to add acreage. E—Succession.

B—Abandonment. D—Amendment to delete acreage. F—Partial succession.

[FR Doc. 78-3262 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. RI77-58]

OUTLINE OIL CORP.

Order Granting Special Relief and Permitting Intervention

Issued: February 1, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "saving provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be effected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On April 11, 1977, Outline Oil Corporation (Outline) filed a petition for special relief in Docket No. RI77-58 pursuant to section 2.56(B)(h) of the Commission's General Policy and Interpretations. Outline initially requested a total rate of \$1.36 per Mcf at 14.65 psia for the sale of 100 percent of the natural gas produced from the Heinold No. 1 and No. 2, Lewis No. 1 and Lewis-Sager No. 1 wells in the Mission Valley Field, Victoria County, Texas, to Transcontinental Gas Pipeline Corporation (Transco). On Sep-

tember 29, 1977, Outline amended its original petition to exclude the Heinold No. 2 well and to request a price of \$1.1012 per Mcf for gas produced from the Heinold No. 1, the Lewis No. 1 and the Lewis-Sager No. 1 wells.

On December 5, 1977, Outline further amended its filing to reflect a lower requested rate of 99.01 cents per Mcf at 14.65 psia. Outline is filing on behalf of all interest owners.

Notices of the filings were published in the FEDERAL REGISTER. Philadelphia Gas Works and Transco filed petitions to intervene, but neither raised objections concerning Outline's filings or requested a hearing.

Outline is making this sale under its small producer certificate issued in Docket No. CS71-275 on August 1, 1972, and under a November 12, 1971, contract with Transco. It is currently receiving 35.0 cents per Mcf plus applicable adjustments. By a letter dated April 5, 1977, Transco has agreed to amend the contract to provide for the payment of a rate of \$1.36 cents per Mcf.

Outline avers that it will spend \$77,470 reworking the Heinold No. 1 well and the Lewis No. 1 well and installing compression facilities on all wells. The reworking of these wells is to include reperforating, cementing, packer replacement or redressing, purchasing and installing tubing, and testing. Reworking the wells and adding compression will enable the production of an estimated 542,645 Mcf of remaining reserves over the next five years.

Based on data filed by the Applicant, the Commission Staff determined that Outline's remaining net book investment of \$231,022, new investment of \$77,470, and estimated production expense over the remaining life of the project of \$169,805 were reasonable. Staff used these costs and the net working interest reserves of 542,645 Mcf, remaining after deducting an allowance for compressor fuel, in a traditional cost study wherein the modified Btu method was utilized to allocate costs between gas and liquids. The results of this study indicated that a total rate of 99.01 cents per Mcf is required to allow Outline to recoup all cost associated with this product including a 15 percent rate of return. (See Appendix A attached hereto.)

We note that although Outline filed its petition pursuant to section 2.56(B)(h) of the Commission's Gen-

eral Policy and Interpretations, it appears from the facts developed that it may more properly be considered pursuant to section 2.76. Therefore, we will treat the application as though it had been filed pursuant to section 2.76 of our General Policy and Interpretations.

After reviewing the costs to be incurred and the reserves to be recovered, we determine that Outline's petition for special relief is warranted and that it is in the public interest to grant the petition.

The Commission finds:

The petition for special relief filed by Outline should be granted. Philadelphia Gas Works and Transco should be permitted to intervene.

The Commission orders:

(A) The petition for special relief, as amended, filed by Outline Oil Corporation is hereby granted.

(B) Outline is authorized to charge and collect a total rate of 99.01 cents per Mcf at 14.65 psia for the sale of natural gas from its Heinold No. 1 well, Lewis No. 1 well, and Lewis-Sager No. 1 well to Transco effective on the date of this order or the date of completion of the reworking and recompletion of the wells and installation of compression, whichever is later, subject to the conditions set forth in paragraphs (C) and (D) below.

(C) Within 30 days of the effective date specified above, Outline shall file a statement signed by Transco that the proposed work has been completed to Transco's satisfaction.

(D) Outline shall file a Notice of Independent Producer Rate Change reflecting the above authorized rate and an executed amendment to its contract with Transco providing for payment of the rate granted above, within 30 days of the date of issuance of this order.

(E) Philadelphia Gas Works and Transco are permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission: Provided, however, that their participation shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene; and Provided, further, that the admission of such parties in the manner provided shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders entered in this proceeding.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX A.—Outline Oil Corp. Docket No. RI77-58, Heinold Well No. 1, Lewis Well No. 1, Lewis-Sager Well No. 1, Mission Valley Field, Victoria County, Tex., unit cost of gas

Line No. and Item	Amount
(a)	(b)
1 Net Working Interest Volumes:	
2 Gas—Mcf at 14.65 p.s.i.a. ¹	542,645
3 Liquids—Bbls. ²	6,860
4 Cost of Production:	
5 Return on rate base ³	\$73,199
6 D.D. & A. ⁴	300,992
7 Production expense ⁵	169,805
8 Subtotal	543,996
9 Allocated to gas ⁶	496,398
10 Regulatory expense ⁷	543
11 Total cost of production	496,939
12 Unit Cost of Gas (cents per Mcf)	91.58
13 Cost of production ⁸	7.43
14 Production tax ⁹	
15 Total unit cost of gas	99.01

¹Lewis Sager—236,372 Mcf minus 20,650 Mcf times 0.79146728 Heinold No. 1—231,000 Mcf minus 8,400 Mcf times 0.80 Lewis No. 1—258,000 Mcf minus 8,400 Mcf times 0.77655273.
²Lewis Sager—3,777 Bbls. times 0.79146728 Heinold No. 1—2,205 Bbls. times 0.80 Lewis No. 1—2,711 Bbls. times 0.77655273

AVERAGE ANNUAL INVESTMENT AND RATE BASE

Line No. and year	Annual N.W.I. production (Mcf)	Beginning of year investment	Depreciation ¹	End of year investment	Average investment ²
(a)	(b)	(c)	(d)	(e)	(f)
1. 1978	240,867	\$308,492	\$133,607	\$174,885	\$241,689
2. 1979	157,585	174,885	87,409	87,476	131,180
3. 1980	104,441	87,476	57,931	29,545	58,511
4. 1981	22,856	29,545	12,676	16,869	23,207
5. 1982	16,894	16,869	9,369	7,500	12,184
6. Total	542,645	300,992			466,771
7. Average annual investment ³					93,354
8. Annual rate base ⁴					93,354
9. Average annual investment					4,245
10. Average annual working capital allowance ⁵					
11. Total annual rate base					97,599

¹Col. (b) times line 7 of sheet 2.
²Col. (c) plus col. (e) divided by 2.
³Col. (f), line 6 divided by 5 yr of productive life.
⁴0.125 times line 7 of sheet 1 divided by 5 yr of productive life.

[FR Doc. 78-3261 Filed 2-7-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission
[Project No. 28231]
BOISE CASCADE
Application for Minor License

FEBRUARY 2, 1978.

Public notice is hereby given that an application was filed with the Federal

Energy Regulatory Commission on October 27, 1977, under the Federal Power Act (16 U.S.C. 791a-825r), by Boise Cascade (Applicant) (correspondence to: R. P. Langdon, Chief Engineer, Latex Fiber Products, Beaver Falls, N.Y. 13305) for Commission approval of an application for minor license for a proposed 1000-kW hydroelectric project located at an existing

¹Line 11 of sheet 3 times 15 percent times 5 years of productive life.
²Line 6 of sheet 2.
³Based on estimated base year of \$6,492 per well escalated 5 percent per year plus \$93,000 for compression expense.
⁴Line 12 of sheet 2 times line 8.
⁵Line 2 times 0.1 per Mcf.
⁶Line 11 divided by line 2.
⁷7.5 percent times line 15.

Investment and Allocation of Costs

Line No. and Item	Amount
(a)	(b)
1 Investment:	
2 Remaining net book value	\$231,022
3 Rework and recomple wells	77,470
4 Total investment	308,492
5 Less salvage value ¹	7,500
6 Depreciable investment	300,992
7 Depreciation per unit of production ²	55.47
8 Allocation of costs:	
9 Gas—MMBtu ³	584,429
10 Liquids—MMBtu ⁴	56,060
11 Total MMBtu	640,489
12 Percentage allocated to gas ⁵	91.25

¹From filing.
²Line 6 divided by 542,645 Mcf.
³Modified Btu method per opinion No. 749.
⁴542,645 Mcf times 1.077 MMBtu.
⁵6,860 Bbls. times 5.448 MMBtu per barrel times 1.5 modifier.
⁶Line 9 divided by line 11.

dam on the Beaver River in the Town of New Bremen, Lewis County, N.Y.

The proposed project would consist of: (1) A 4-acre reservoir formed by an existing 400-foot-long concrete gravity dam with a maximum height of 17 feet consisting of a 240-foot-long non-overflow section containing an 8-foot wide spillway and a 160-foot long overflow section; (2) an existing powerhouse to be modified to contain two 500-kW hydroelectric generating units; and (3) appurtenant facilities. A 2,400-volt transmission line would be installed across the Beaver River connecting the powerhouse to the Applicant's industrial facilities. The project would produce power for industrial use by the Applicant. Approximately 5 percent of the total power would be sold to the local electrical utility, Niagara Mohawk Power Corp., during times when the industrial facility is not operating.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before April 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3382 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. ER77-529]

COLUMBUS & SOUTHERN OHIO ELECTRIC CO.

Order Modifying Prior Order

FEBRUARY 2, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to

exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR—: *Provided*, That this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

PROCEDURAL HISTORY

On July 29, 1977, Columbus and Southern Ohio Electric Co. (hereinafter Columbus) tendered for filing a proposed increase in rates and charges to four (4) municipal customers.¹

By order issued August 26, 1977, the Federal Power Commission (FPC) suspended the proposed rates for the cities of Westerville and Jackson and the Village of Glouster for one day, to become effective August 30, 1977, subject to refund.² Further, the FPC suspended the proposed rates for the City of Columbus for one day to become effective January 2, 1978, subject to refund.³

On December 9, 1977, the city of Columbus filed a Motion for Expedited Reconsideration of the August 26, 1977 order of the FPC. The city re-

¹The filing would increase the Company's revenues by \$2,500,889 for the 12-month period ending June 30, 1978. Columbus requested an effective date of July 1, 1977 for the cities of Westerville, Jackson and the Village of Glouster, all in Ohio. The Company asked for an effective date of January 1, 1978 for the city of Columbus, Ohio.

²The FPC, *inter alia*, granted intervention to the city of Westerville and the city of Columbus and established price squeeze procedures in accord with Order No. 563.

³Based on the Company's representation in its transmittal letter, that the expiration date of the contract was December 31, 1977, the FPC suspended application of the proposed rates to the city of Columbus until January 2, 1978.

quests rejection of the Company's filing or alternatively, suspension of the effective date until February 9, 1978. This request is bottomed on the Mobile-Sierra doctrine.⁴ On December 27, 1977, the city of Columbus filed a motion for immediate action stating that to allow the proposed increased rates to become effective on January 2, 1978, would violate the terms of the fixed rate contract between the parties and work irreparable harm on Columbus.

The Company filed on December 29, 1977, its objections to the City's Motion for Expedited Reconsideration and in the alternative, for suspension for an additional period of time.⁵ In sum, the Company argues that the City's motion was untimely; that the effective date of the contract was January 1, 1976, and that its notice of termination effectively terminated the contract on December 31, 1977.

MOTION FOR RECONSIDERATION

The Company contends that the City of Columbus' Motion for Reconsideration should be rejected as untimely. The motion was filed 77 days after the expiration of the 30-day period for appeal of the August 26th order of the FPC.

The Company characterized the City's motion as nothing more than a tardy motion for rehearing. The Company's argument is based on section 313(a) of the Federal Power Act and § 1.34(a) of the Commission's rules of practice and procedure.⁶

Although the Act and the Commission's regulations are silent as to Motions for Reconsideration, we have construed Motions for Rehearing filed out of time as Motions or Applications for Reconsideration in some instances. "Appalachian Power Company", 52 FPC 317 (1974).⁷ This has been predicated on the theory that it is better

⁴*United Gas Pipeline Co. v. Mobile Gas Service Corp.*, 350 US 332 (1956) and *FPC v. Sierra Pacific Power*, 350 US 348 (1956).

⁵The Company's objection was filed out of time pursuant to the Commission's Regulation 1.18.

⁶Section 313(a) of the Federal Power Act provides, in pertinent part, that—Any person . . . aggrieved in an order issued by the Commission in a proceeding under this Act to which such person . . . is a party may apply for a rehearing within thirty days after the issuance of such order. . . . No proceeding to review any orders of the Commission shall be brought by any person (in the United States Court of Appeals) unless such person shall have made application to the Commission for a rehearing thereon.

Our pertinent rule, set forth at § 1.34 (18 CFR 1.34), is parallel: An application for rehearing of a proceeding may be filed within 30 days after the issuance of any final decision or order by the Commission.

regulatory practice to decide cases based on the merits rather than on procedural grounds.

However, the rule requiring a motion for rehearing to be filed within 30 days after the issuance of an order is also grounded in sound regulatory practice. Such a rule provides finality to Commission orders and preserves the orderly administrative process.

We believe that Motions for Reconsideration should be granted sparingly and only then in instances where significant substantive issues are raised.

The City's motion alleges that the Company misrepresented the expiration date of its fixed rate contract in its rate increase filing. The City further claims that to place the increased rates into effect prior to expiration date of the contract violates the Mobile-Sierra doctrine. The City of Columbus' allegation of a Mobile-Sierra violation is so fundamental to the determination of the validity of a rate filing that it may be properly raised out of time.⁸ However, by operation of law the City of Columbus' December 9, 1977, motion for reconsideration has been denied, Commission Rules and Regulations, section 1.12(e). Nevertheless, we shall on our own motion consider the Mobile-Sierra allegations raised by the City and objected to by the Company (section 309 of the Act).

MOBILE-SIERRA ISSUE

The City of Columbus argues that the present contract between it and

⁷The FPC cannot waive the 30-day filing requirement for applications or petitions for rehearing. For example, in *Power Authority of the State of New York*, 31 FPC 467 (1964), the FPC stated:

The application for rehearing must also be rejected upon the ground that it was not timely filed. Section 313(a) of the Federal Power Act . . . (provides) that an application for rehearing is to be filed within 30 days after the issuance of the original order. The Authority did not file its application until the 31st day. Since the 30-day period is the maximum period prescribed by the statute, this Commission has no power to grant any extension of time. (p. 468)

To the same effect are *Turnbull & Zoch Drilling Co.*, 36 FPC 782 (1966); *City of Detroit*, et al., 6 FPC 951 (1947); *Northern Natural Gas Co.*, 7 FPC 638 (1948); *American Louisiana Pipe Line Co.*, et al., 21 FPC 366 (1959); *Pacific Northwest Power Co.*, 26 FPC 174 (1961).

⁸The Commission has no power under the Federal Power Act to accept for filing rates that contravene existing contracts. The Court of Appeals in *Richmond Power & Light of Richmond, Ind. v. FPC*, 481 F.2d 490, 493 (D.C. 1973) clearly enunciated the Mobile-Sierra rule:

The rule . . . is refreshingly simple: the contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid; rate filings inconsistent with contractual obligations are invalid. . . .

the Company is a fixed rate contract which extends for a one-year term from the date of execution—February 9, 1976—and for one-year periods thereafter unless 90 days notice is given prior to the anniversary date. The contract provision in question reads:

This contract shall be in force for, and during, a period of one (1) year from date of execution by the City, and thereafter for successive periods of one (1) year unless 90 days' written notice of termination is given by either party to the other. (Paragraph 2, Term of Contract, of Section V, Technical Provisions Electric Service, at p. 5-1).

In its objection, the Company agrees that the contract is a fixed rate contract but argues that the term extends for one-year periods from January 1, 1976. The cornerstone of the Company's argument is the assertion that the discernible intent of the parties indicates that the contract became effective on January 1, 1976 for consecutive one-year terms.

In supporting this position, the company cites an ordinance passed on January 26, 1976, by the Columbus City Council that specifically provided that the contract was subject to the approval of the FPC as to price and effective date. Further, the Company stated that the Commission entered an order on March 18, 1976, accepting the amended rate schedule and ordering that it become effective January 1, 1976. Additionally, the Company pointed to the failure of the city to object to the billing of its January purchases at the "new contract rate" as further evidence of the intent of the parties.

We view the Company's argument as an attempt to create a cloud of ambiguity to obscure an otherwise clear contract provision. The Courts have provided us guidance in dealing with arguments of this kind. In *"Appalachian Power Co. v. FPC"*, 529 F.2d 342, 348 (D.C. Cir. 1976), the Court noted that the Company had reached "outside the unambiguous contracts for an argument seeking to impart uncertainty, and then again utilize(d) the extrinsic material to resolve the so-called doubt (footnote omitted). Well settled principles preclude both the Commission and this court from endorsing that technique (footnote omitted)."

We find that the term of the contract is based on the date of execution—February 9, 1976. The City's "Mobile-Sierra" argument is well founded. We amend our August 26, 1977 order in this docket and set the effective date for the rates to become effective as February 10, 1978, subject to refund.

We now turn to the City of Columbus' claim that the Company's July 29, 1977 letter to Columbus fails to constitute effective notice of termination. First, the City argues that the letter was ambiguous when read in light of the Company's transmittal letter to the Commission.⁹ The City states that the Director of the Department of Public Service for the City sent a letter to the Company requesting a clarification as to the termination date of the contract and that the Company did not respond.¹⁰

Second, the City contends that the letter fails to comply with the terms of the contract. Here the City states that the Company patently failed to comply with the express terms of the contract for notice of termination—90 days prior to the anniversary date—the notice was more than three months premature.¹¹

In its objection, Columbus states that the Company's notice of termination was clear. Further, Columbus aptly notes that the August 10, 1977 letter from the Director shows that he understood that the Company intend-

⁹The pertinent paragraphs of the Company's July 29, 1977 letter to the City of Columbus read: A copy of the filing by Columbus and Southern Ohio Electric Co. is enclosed for your information. This is to inform you that in accordance with the terms, we are terminating the contract for wholesale service to the City of Columbus, Ohio, which became effective as of January 1, 1976 (FPC Docket No. ER76-459).

¹⁰The Letter dated August 10, 1977 read in part: I would also like to confirm the effective date of this termination as discussed in our telephone conversation on August 1. I believe you stated at that time that the intention was to terminate the contract December 31, 1977. If this is not true, please advise.

¹¹The City cites a Montana case of 1896 vintage to support its argument. *Schultz v. O'Rourke*, 45 P 634 (1896). This antiquated case stands alone. See, Annot., 164 ALR 1014, 1015 (1946).

ed to terminate the contract on December 31, 1977. We find that the Company's notice of termination comports with the requirements of the contract, albeit the company mistakenly thought that the contract anniversary date was December 31, 1977.

Finally, the City of Columbus avers that the Commission's failure to act before January 2, 1978 will work undue hardship and irreparable harm on the City.

The proposed rates were put into effect on January 2, 1978 subject to refund. Further, the billing date for the first month of service probably will not occur until sometime in February. We find that the City's claim of irreparable harm is without merit in either fact or law. *"Algonquin Gas Transmission Co. v. FPC"* 534 F.2d 952 (D.C. Cir. 1976).

The Commission finds. (1) Good cause exists to consider the "Mobile-Sierra" allegations raised in the City of Columbus' Motion for Reconsideration.

(2) Good cause exists to modify the FPC's August 26, 1977 order in this docket to prescribe an effective date for Columbus' rate filing for the City of Columbus of February 10, 1978.

(3) Good cause exists to require Columbus to refund all amounts, if any, collected in the interim period under the subject rate schedules.

The Commission orders. (A) Ordering paragraph (C) in the FPC's August 26, 1977 order in this docket is terminated.

(B) The proposed increased rates and charges filed by Columbus on July 29, 1977 and identified above as associated with the City of Columbus are hereby accepted for filing, suspended and the use thereof deferred until February 10, 1978, when they shall become effective, subject to refund.

(C) Columbus shall refund with appropriate interest within 30 days all amounts, if any, collected during the interim period under the subject rate schedules.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-3383 Filed 2-7-78; 8:45 am]

[6740-02]

[Project No. 2332]

DUKE POWER CO.

Application for Approval of Exhibit R
(Recreational Use Plan)

FEBRUARY 1, 1978.

Public Notice is hereby given that application for approval of Exhibit R was filed by Duke Power Co. (correspondence to: William L. Porter, Esq., Duke Power Co., P.O. Box 2178, Charlotte, N.C. 28242 and Richard A. Brown, Esq. Wall, Harkrader and Ross, 1320 19th Street NW., Washington, D.C. 20036) on April 4, 1977, in compliance with regulations promulgated pursuant to the Federal Power Act, 16 U.S.C. §§ 791a-8251.

Applicant (Duke Power Co.) seeks approval of Exhibit R as part of, and in accordance with Article No. 30 of, its existing FERC license for the constructed Gaston Shoals Project No. 2332.

Gaston Shoals dam is located on the Broad River, a navigable water of the United States within Cherokee County in north central South Carolina, approximately 5 miles northeast of Gaffney and 4 miles northwest of Blacksburg, S.C. Gaston Shoals reservoir is 19 miles upstream from Ninety-Nine Islands reservoir. The reservoir behind Gaston Shoals dam extends approximately 4½ miles upstream. The reservoir was put into operation to generate hydroelectric sources in 1908 with an original full pond surface area of 251 acres.

The Applicant's Exhibit R states that it has no plans for any recreational development at the Gaston Shoals Project for the following reasons:

1. Accumulation of silt has reduced the usable head to approximately 3 feet at the project and has reduced the water surface acreage.

2. The reservoir is very shallow except for the river channel and many of the shallow areas have become filled with brush and other vegetation, thereby rendering the reservoir unsuitable for boating or water skiing. A possibility does exist for low profile activities such as canoeing and bank fishing which occur occasionally at the reservoir.

3. The river water, rated class B, remains muddy most of the year.

4. There are no existing facilities associated with water oriented recreation, i.e., marinas, piers, etc. at the reservoir.

5. No local or State agency contacted has stated any present or future plans for recreational development at the reservoir.

6. The people living near the Gaston Shoals Project have a choice of several alternative reservoirs on which to pursue water oriented activities. Within a 50 mile radius are Lake Wylie, Fishing Creek Lake, Great Falls, Rocky Creek, Lake Wateree, Mt. Island Lake, Lake Norman, and Lake Adger with a combined surface area of 66,900 acres.

7. Kings Mountain National Military Park, Kings Mountain State Park, Rose Hill State Park, Chester State Park, Paris Mountain State Park, Croft State Park, Landsford Canal State Park, Andrew Jackson Historical State Park, and Duke Power State Park are all within a 50 mile radius of reservoir. These parks provide camping, hiking, swimming, picnicking, and other related activities.

Any person desiring to be heard or to make protest with reference to the subject application should, on or before April 1, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426 protests or petitions to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.10 or § 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The Application is on file with the Commission and available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46467 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC

on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3376 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. ER78-188]

MONTANA POWER CO.

Filing

FEBRUARY 1, 1978.

Take notice that Montana Power Co. on January 24, 1977, tendered for filing Original Sheet No. 10 of FPC Electric Tariff M-1, which has been revised to show the addition of Southern California Edison Co. and the city of Glendale, Calif.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3377 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. ER78-40]

NEVADA POWER CO.

Supplemental Filing

FEBRUARY 2, 1978.

Take notice that Nevada Power Co. (Nevada) on December 23, 1977, tendered for filing a supplemental filing to the compliance filing filed by Nevada on September 1, 1977, as amended by amendment filed November 17, 1977. Said supplemental filing added new language concerning the fuel adjustment clause in Nevada FERC Rate Schedule No. 1.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before February 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3384 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. ER78-192]

NORTHERN STATES POWER CO.

Filing

FEBRUARY 2, 1978.

Take notice that Northern States Power Co. (Northern States) on January 25, 1978, tendered for filing Supplement No. 3, dated December 12, 1977, to the Manitoba-United States Winnipeg-Grand Forks 230 KV Interconnection Coordinating Agreement, dated January 16, 1969, between The Manitoba Hydro-Electric Board, Minnesota Power Cooperative, Inc., Northern States Power Co., and Otter Tail Power Co.

Northern States indicates that Supplement No. 3 provides for a revision in the Demand Charge for Participation Power, adds Service Schedule IX, Tertiary Energy, and increases the other-than-fuel component of the Average Production Cost from 1.00 mill per kWh to 1.70 mills per kWh.

Northern States proposes an effective date of March 1, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Com-

mission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3385 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. ER78-193]

PENNSYLVANIA POWER & LIGHT CO.

Filing

FEBRUARY 2, 1978.

Take notice that on January 26, 1978, Pennsylvania Power & Light Co. (PP&L) filed, pursuant to section 35 of the Commission's rules and regulations, a new contract relating to a change in status in the resale service to the Borough of Hatfield, Montgomery County, Pa.

PP&L indicates that the purpose of this filing is to reflect a change in status in the service to Hatfield from a partial-use customer to an all-requirements customer. PP&L further indicates that Hatfield has discontinued use of its municipal generating equipment and desires to purchase all energy requirements from PP&L. PP&L had indicated its willingness to provide all of Hatfield's energy requirements and the new contract has been executed.

PP&L proposes that the new contract become effective upon acceptance by the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before February 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3386 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-171]

SOUTHERN NATURAL GAS CO. ET AL.

Application

FEBRUARY 1, 1978.

Take notice that on January 24, 1978, Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala. 35202, Texas Gas Transmission Corp. (Texas Gas), 3800 Frederica Street, Owensboro, Ky. 42301, and United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001 (Applicants), filed in Docket No. CP78-171 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas for Mississippi Valley Gas Co. (Mississippi), a Mississippi corporation operating facilities for the distribution of gas wholly within the state of Mississippi for the benefit of Consumers in the state of Mississippi, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Mississippi purchases gas for resale from Applicants in different areas of the state of Mississippi, and that because of potential curtailment by such suppliers, it began seeking sources of supplemental supply and has succeeded in purchasing certain amounts of gas in the intrastate market.

It is indicated that in order to utilize these volumes of intrastate supplies, Mississippi has entered into separate agreements dated December 5, 1977, with Applicants, which agreements provide for the transportation of volumes displaced by said volumes of intrastate gas. It is stated that the proposed transportation would be effected by Mississippi's designating that a portion of its daily allocation of gas from Southern, up to the equivalent of the volume purchased from intrastate sources, be transported and delivered to Texas Gas United, and that Texas Gas or would redeliver said volumes, less fuel and company use volumes, to Mississippi's service areas served by gas obtained by Mississippi from United and Texas Gas. All gas so transported would be displaced by Mississippi's intrastate supplies, it is said.

It is stated that for the services to be performed hereunder, Mississippi has agreed to pay to Southern on each day such services are rendered an administrative charge of \$50 plus any other incidental costs resulting from the displacement service to be provided by Southern, and that Mississippi would reimburse Texas Gas for the transportation service to be rendered by it at the rate of 13.93 cents per Mcf of gas transported and delivered to Mississippi

pi or such other rates as may be determined from time to time by the Commission to be just and reasonable. It is further stated that Mississippi would reimburse United for all gas redelivered hereunder an amount equal to United's average jurisdictional transmission cost of service in effect from time to time in United's Northern Rate Zone, less any amount included in such average jurisdictional transmission cost of service which is attributable to gas consumed in the operation of United's pipeline system, which rate is currently 24.46 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20428, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3378 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-166]

TENNESSEE GAS PIPELINE CO., A DIVISION OF
TENNECO INC.

Application

FEBRUARY 1, 1978.

Take notice that on January 20, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-166 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Connecticut Natural Gas Corp. (Connecticut Natural), one of Applicant's existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Connecticut Natural for a primary term of fifteen years ending March 31, 1993, which gas would enable Connecticut Natural to store a portion of the natural gas it purchases from Applicant with National Gas Storage Corp. (Storage Corporation) under the storage service proposed by Storage Corporation in Docket No. CP78-492. It is indicated that Connecticut Natural has entered into a preliminary agreement with Storage Corporation under which Storage Corporation would, upon certification and development of the storage facilities proposed at Docket No. CP78-492, perform a storage service for Connecticut Natural extending through March 31, 1993.

Applicant proposes to receive from Connecticut Natural daily volumes of natural gas (injection transportation volumes) nominated by Connecticut Natural from its contracted demand purchases from Applicant under Applicant's CD-6 Schedule and to transport and deliver such volumes to Storage Corporation for storage for Connecticut Natural's account, in order to enable Connecticut Natural to utilize this aforementioned storage service.

It is stated that when requested by Connecticut Natural, Applicant proposes to receive daily volumes from Storage Corporation, for Connecticut Natural's account (withdrawal input volumes), and after deduction of a small portion of such volume for Applicant's system fuel and use requirements, to transport and deliver the remaining volumes (withdrawal transportation volumes) to Connecticut Natural.

The application states that the maximum daily injection transportation volume which Connecticut Natural may request Applicant to receive for transportation and delivery to Storage Corporation is 13,867 Mcf per day, and the total of the injection

transportation volumes during the April 1-October 31 period of each year would not exceed 2,080,000 Mcf. The application further states that the maximum daily withdrawal input volume which Connecticut Natural may request Applicant to receive from Storage Corporation for transportation and delivery to Connecticut Natural is 18,182 Mcf per day, and that on any day when a withdrawal input volume is made available to Applicant, the withdrawal transportation volume would equal 0.9824 times the withdrawal input volume. The remaining 0.0176 times the withdrawal input volume would be retained by Applicant as a supplement to Applicant's system gas supply for Applicant's system fuel and use requirements, it is said. It is stated that the total of the withdrawal transportation volumes which Connecticut Natural may request Applicant to transport during the November 1-March 31 period of each year would not exceed 2,000,000 Mcf.

Applicant states that the delivery point for all volumes to be received from and delivered to Connecticut Natural by Applicant would be at Applicant's various existing sales meter station delivery points to Connecticut Natural located in Connecticut, or when required by operating conditions, at any other mutually agreed to existing point of interconnection between the two companies. Applicant further states that the delivery point for all volumes to be delivered to and received from Storage Corporation by Applicant for Connecticut Natural's account would be at a point of interconnection between the facilities of Applicant and Storage Corporation to be established at or near Applicant's main line valve 313G-102 in Potter County, Pennsylvania.

It is indicated that the compensation to be paid each month by Connecticut Natural to Applicant for the transportation service by Applicant would consist of the following charges:

A. CHARGE FOR TRANSPORTATION OF BASE GAS FOR INJECTION

For each Mcf of natural gas made available to Applicant by Connecticut Natural at the Point of Receipt, which gas Applicant delivers during the month to Storage Corporation for the account of Connecticut Natural to enable Connecticut Natural to make base gas available to Storage Corporation, Connecticut Natural would pay to Applicant 12.07 cents per Mcf.

B. CHARGE FOR TRANSPORTATION OF WITHDRAWAL TRANSPORTATION VOLUMES

For each Mcf of withdrawal transportation volume which Applicant delivers during the month to Connecticut Natural, Connecticut Natural shall pay to Applicant 17.82 cents per Mcf;

provided, however, there would be no charge to Connecticut Natural for the transportation of any base gas for injection, which Connecticut Natural may have withdrawn hereunder.

C. ADDED VOLUME CHARGE

(a) For the purpose of calculating the Added Volume Charge, the following terms applicable to each period from November 1 through the following March 31 are defined:

(i) The CD-6 Underage Volume shall be the positive remainder, if any, of the total of Connecticut Natural's Curtailment Period Quantity Entitlements (CPQEs) during such period under Applicant's contracted demand gas sales contract with Connecticut Natural minus the volume for which Connecticut Natural pays Applicant at Applicant's CD-6 Commodity Rate under said gas sales contract during such period.

(ii) The Displaced Volume shall be the lesser of the CD-6 Underage Volume or, the volume, within the total of withdrawal transportation volumes during such period, which Connecticut Natural obtained from sources other than Applicant.

(iii) The terms Curtailment Period, CD-6 Commodity Rate and Curtailment Period Quantity Entitlement are defined in Volume 1 of Applicant's FERC Gas Tariff.

(b) The Added Volume Charge for each period from November 1 through the following March 31 shall consist of a sum equal to the product of 24.76 cents per Mcf times the Displaced Volume.

(c) The Added Volume Charge applicable to each period from November 1 through the following March 31 shall appear on Applicant's invoice issued during the month of April at the end of each such period.

D. MINIMUM ANNUAL BILL

Beginning with the month of April 1981, Connecticut Natural shall pay Applicant during April of each year 17.82 cents per Mcf multiplied by the difference in volume between (a) 0.9824 times (2,000,000 Mcf minus any Storage Corporation withdrawal fuel related to 2,000,000 Mcf for the period from November 1 through the following March 31) reduced by whatever portion of such volume which Applicant did not transport and deliver for the account of Connecticut Natural during such period because of Applicant's inability to transport and deliver volumes related to injection and withdrawal input volumes requested by Connecticut Natural, and (b) the total of the daily withdrawal transportation volumes during such period from November 1 through the following March 31.

Any person desiring to be heard or to make any protest with reference to

said application should on or before February 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20428, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3379 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-169]

TENNESSEE GAS PIPELINE CO., DIVISION OF
TENNECO INC.

Application

FEBRUARY 1, 1978.

Take notice that on January 23, 1978, Tennessee Gas Pipeline Co., Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-169 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Haverhill Gas Co. (Haverhill), one of Applicant's existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport gas for Haverhill for a

period of fifteen years ending March 31, 1993, in order to enable Haverhill to store a portion of the natural gas it purchases from Applicant with National Gas Storage Corp. (Storage Corp.) under the storage service proposed by Storage Corp. at Docket No. CP76-492. It is stated that Haverhill has entered into a preliminary agreement with Storage Corp. under which Storage Corp. would, upon certification and development of the storage facilities proposed at Docket No. CP76-492, perform a storage service for Haverhill extending through March 31, 1993.

Applicant states that in order to enable Haverhill to utilize this storage service, Applicant proposes to receive from Haverhill daily volumes of natural gas (injection transportation volumes) nominated by Haverhill from its contracted demand purchases from Applicant under Applicant's CD-4 Rate Schedule and to transport and deliver such volumes to Storage Corp. for storage for Haverhill's account.

When requested by Haverhill, Applicant proposes to receive daily volumes from Storage Corp., for Haverhill's account (withdrawal input volumes), and after deduction of a small portion of such volume for Applicant's system fuel and use requirements, to transport and deliver the remaining volumes (withdrawal transportation volumes) to Haverhill.

It is stated that the maximum daily injection transportation volume which Haverhill may request Applicant to receive for transportation and delivery to Storage Corp. is 2,427 Mcf of natural gas per day, and that the total of the injection transportation volumes during the April-October 31 period of each year would not exceed 364,000 Mcf. It is further stated that the maximum daily withdrawal input volume which Haverhill may request Applicant to receive from Storage Corp. for a transportation and delivery to Haverhill is 3,182 Mcf per day. It is indicated that on any day when a withdrawal input volume is made available to Applicant, the withdrawal transportation volume would equal 9.9734 times the withdrawal input volume, and the remaining 0.0266 times the withdrawal input volume would be retained by Applicant as a supplement to Applicant's system gas supply for Applicant's system fuel and use requirements. The total of the withdrawal transportation volumes which Haverhill may request Applicant to transport during the November 1-March 31 period of each year would not exceed 350,000 Mcf it is said.

The application states that the delivery point for all volumes to be received from and delivered to Haverhill by Applicant would be at Applicant's existing sales meter station delivery point to Haverhill located in Essex

County, Mass., or when required by operating conditions, at any other mutually agreed to existing point of interconnection between the two companies. The application further states that the delivery point for all volumes to be delivered to and received from Storage Corp. by Applicant for Haverhill's account would be at a point of interconnection between the facilities of Applicant and Storage Corp. to be established at or near Applicant's main line valve 313G-102 in Potter County, Pa.

Applicant states that it would charge Haverhill a rate of 33.86 cents per Mcf transported and delivered from National Fuel Gas's Ellsberg Storage meter station MLV 313-121, meter No. 2-0527 to Haverhill's delivery meter station MLV 270B-223, meter No. 2-0122. Additionally, for each Mcf of base storage gas that Applicant delivers to storage Haverhill would pay to Applicant a base gas injection rate of 22.80 cents per Mcf. The rates are calculated based upon Applicant's system average haul cost per 100 mile, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to

appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3380 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-170]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Application

FEBRUARY 1, 1978.

Take notice that on January 23, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-170 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Pennsylvania and Southern Gas Co. (Penn and Southern), one of Applicant's existing customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to render a transportation service for Penn and Southern for 15 years ending March 31, 1993, which transportation service would enable Penn and Southern to store a portion of the natural gas it purchases from Applicant with National Gas Storage Corp. (Storage Corporation) under the storage service proposed by Storage Corporation at Docket No. CP76-492. It is stated that Penn and Southern has entered into a preliminary agreement with Storage Corporation under which Storage Corporation would, upon certification and development of the storage facilities proposed at Docket No. CP76-492, perform a storage service for Penn and Southern extending through March 31, 1993.

Applicant states that in order to enable Penn and Southern to utilize this storage service, Applicant proposes to receive from Penn and Southern daily volumes of natural gas (injection transportation volumes) nominated by Penn and Southern from its contracted demand purchases from Applicant under Applicant's CD-4 Rate Schedule (Penn and Southern's conversion to which is proposed herein) and to transport and deliver such volumes to Storage Corporation for storage for Penn and Southern's account.

When requested by Penn and Southern, Applicant proposes to receive daily volumes from Storage Corporation, for Penn and Southern's account (withdrawal input volumes), and after deduction of a small portion of such volume for Applicant's system fuel and use requirements, to transport and deliver the remaining volumes

(withdrawal transportation volumes) to Penn and Southern.

The application states that the maximum daily injection transportation volume which Penn and Southern may request Applicant to receive for transportation and delivery to Storage Corporation is 1,387 Mcf of natural gas per day, and the total of the injection transportation volumes during the April 1-October 31 period of each year would not exceed 208,000 Mcf. The maximum daily withdrawal input volume which Penn and Southern may request Applicant to receive from Storage Corporation for transportation and delivery to Penn and Southern is 1,818 Mcf of natural gas per day, it is said. It is stated that on any day when a withdrawal input volume is made available to Applicant, the withdrawal transportation volume would equal 0.9945 times the withdrawal input volume, and that the remaining 0.0055 times the withdrawal input volume would be retained by Applicant as a supplement to Applicant's system gas supply for Applicant's system fuel and use requirement. It is further stated that the total of the withdrawal transportation volumes which Penn and Southern may request Applicant to transport during the November 1-March 31 period of each year would not exceed 200,000 Mcf.

The application states that the delivery point of all volumes to be received from and delivered to Penn and Southern by Applicant would be at Applicant's existing Towanda Sales meter station delivery point to Penn and Southern located in Bradford County, Pa., and that the delivery point for all volumes to be delivered to and received from Storage Corporation by Applicant for Penn and Southern's account would be at a point of interconnection between the facilities of Applicant and Storage Corporation to be established at or near Applicant's main line valve 313G-102 in Potter County, Pa.

Applicant states that in order for Penn and Southern to utilize such storage service, it would be necessary that Penn and Southern's purchases from Applicant be made under Applicant's CD-4 Rate Schedule since Applicant's G-4 Rate Schedule is not available to a purchaser who has access to underground storage.

Accordingly, Applicant requests authorization herein to render natural gas service to Penn and Southern under Applicant's CD-4 Rate schedule on a permanent basis, in lieu of its G-4 Rate Schedule. No change in Penn and Southern's maximum contract quantity would result, it is said.

It is stated that the rate that Applicant would charge Penn and Southern for the transportation service a price of 4.94 cents per Mcf transported and

delivered from National Fuel Gas' Ellsberg Storage Meter Station MLV 313-121, Meter No. 2-0527 to Penn and Southern's Towanda delivery Meter Station MLV 318-1, Meter No. 2-0216. Additionally, for each Mcf of base storage gas that Applicant delivers to storage, Penn and Southern would pay Applicant a base gas injection rate of 3.35 cents per Mcf, which rates are calculated based upon Applicant's system average haul cost per 100 mile applied to a haul distance of 86.26 miles, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3381 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Availability of the Data Verification Committee Report Pursuant to Order Dated November 17, 1977

FEBRUARY 2, 1978.

Take notice that on January 30, 1977, Transcontinental Gas Pipe Line Corp. (Transco) filed copies of a document entitled, "Data Verification Committee Report to The Federal Energy Regulatory Commission Pursuant To Order Dated November 17, 1977, Docket No. RP72-99" (DVC Report). The DVC Report responds to the Commission's requests for additional information and explanation of the following:

(1) *Load Splitting*. "... we direct the DVC to provide the Commission a complete explanation of the issue, including how it was handled in Transco's original data collection process in 1973." (p. 14).¹

(2) *Process*. "Con Ed alleges that certain Transco resale customers, in responding to this data questionnaire, did not look into either alternate fuel capacity or possibility to modify facilities so as to burn alternate fuels. ... Therefore, as a preliminary matter, we shall direct the DVC prepare a supplemental report to the Commission addressing Con Ed's challenge." (pp. 15 and 16).

(3) *Ignition Fuel*. "Con Ed and PSE&G contest the DVC's action of downgrading their electric generation ignition fuel requirements. ... We find that the DVC has not justified its treatment of these electric generation ignition fuel and start up requirements. In the original Transco base period market profile, upon which Transco has implemented its permanent curtailment plan from November 1976 to November 1977, Con Ed and PSE&G each had relatively small volumes of ignition or start-up fuel classified in priority 2. No issue had been raised below in this regard and the Commission accordingly did not make an affirmative finding on the propriety of priority 2 placement of ignition fuel requirements. Nevertheless, these requirements were in priority 2, and for the DVC to recommend that they now be downgraded, there must be complete justification. We shall therefore order the DVC to reinstitute these ignition fuel and start-up requirements in priority 2. The DVC shall then prepare and file with the Commission a detailed explanation for their priority a placement of these requirements." (p. 17).

¹All page references are to the Commission's November 17, 1977, Order Accepting In Part Recommendations of Data Verification Committee.

(4) *Correction of Errors.* "There are inadequate facts presently before the Commission upon which to decide this issue. Although the concept of upgrading requirements to account for original misclassifications in end-use data is meritorious, the need for thorough review of DVC recommendation of the specific upgrading before we can make a final decision. Therefore, we shall reserve judgement at this point and direct the DVC to delineate and explain each of the instances of upgrading. This report should be expeditiously filed with the Commission. In the interim, however, we shall not disturb these upgraded requirements." (p. 18).

(5) *Affect of the Elimination of the Firm-Interruptible Distinction.* "The DVC has not related to the Commission the results of its inquiry into the effect of the elimination of the firm-interruptible distinction. . . . We feel that the DVC should . . . relate to the Commission the result of its firm interruptible inquiry". (pp. 18 and 19).

In addition to the DVC Report, copies of the minutes of the Committee meetings on December 8, 1977, January 10, 1978, and January 25, 1978 were submitted.

Transco also filed, in the instant docket, three attachments to the DVC Report. Attachment A contains data on the upgrading of interruptible requirements due to elimination of the firm-interruptible distinction and base period quantities used for industrial purposes.

Schedule B is a compilation of state curtailment plans or company rules and regulations for administering curtailments. Schedule C is a summary by customer of base period sales upgraded in revised base period market data due to misclassification in the original data.

Copies of (a) the Report of the Data Verification Committee, (b) the minutes of the DVC meetings, and (c) the attachments described above are on file and available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426. Any person desiring to be heard or to comment on the filed report and its supporting material, should file written comments with the Federal Energy Regulatory Commission, Washington, D.C. 20426 on or before February 24, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc 78-3387 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. EL78-6]

ILLINOIS POWER CO.

Order Waiving Regulations, Treating Filing as Complaint, and Instituting Staff Investigation

FEBRUARY 1, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a) (1) and (2) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On January 20, 1978, the cities of Breese, Carlyle, Freeburg, Highland, Mascoutah, Peru, and Princeton, Ill. (Cities) filed with this Commission an emergency petition¹ for an order requiring the Illinois Power Co. (IP) to continue to provide short-term firm power to the Cities. All of the Cities, while generating a portion of their power and energy, purchase additional power and energy from IP pursuant to

¹The caption of the emergency petition refers only to section 202(c) of the Federal Power Act but the petition itself relies on section 202(c) and section 205 of the Federal Power Act.

²Those interconnection agreements were filed by IP with the Federal Power Commission and accepted for filing in the following dockets: Breese and Carlyle (ER78-372); Freeburg (ER78-143); Highland (ER78-455); Mascoutah (ER78-407); Peru (ER78-330); and Princeton, Ill. (ER78-298).

the terms of interconnection agreements between the respective Cities and IP.² The Cities state that on December 9, 1977, IP notified each of them that after January 31, 1978, it would not provide short-term firm or maintenance power to the Cities during the pendency of the current coal strike.³ The Cities maintain that without continuation of the short-term firm power service they would be unable to meet their respective anticipated loads with their largest units down.

The Cities contend that their interconnection agreements with IP accord special status⁴ to short-term firm power sales. They argue that IP may not curtail or discontinue short-term firm power sales to the Cities in a manner inconsistent with its treatment of its "native load." Cities argue that since IP does not plan to curtail firm power to its retail customers, it would violate the terms of the interconnection agreements to end short-term power service.

The Cities request that the Commission, pursuant to section 202(c) of the Federal Power Act, order IP to continue to deliver energy to the Cities at such levels necessary to maintain reliable service to their retail customers.

On January 30, 1978, IP filed a motion to reject and answer to the emergency petition of the Cities. It states that the Cities' petition should be rejected on the grounds that:

(1) The Cities' petition fails to meet the requirements of section 32.61 of the Federal Power Commission's Regulations which govern applications under section 202(c) of the Act;

(2) No emergency in fact exists;

(3) It has not violated the terms of its interconnection agreements with the Cities in that it made no commitment to provide short-term firm power service after January 31, 1978; additionally, the past conduct of the parties has not created an implied commitment;

(4) The discontinuance of short-term firm power service does not require notice under section 205(d) of the Act; and

(5) Article IX, section 1⁵ of the interconnection agreements relieves the Company of accepting reservations for short-term firm power sales during the pendency of the coal strike.

The Commission does not have the authority to act pursuant to section

³The letter from IP, which is attached as Exhibit 2 to the complaint, indicated that IP would continue to make Emergency Start-Up Energy services available pursuant to the interconnection agreements.

⁴That section states in relevant part that neither party is in default of any contractual obligation if prevented from fulfilling such obligations by uncontrollable forces, which include strikes and labor disturbances.

202(c) of the Federal Power Act. Pursuant to the Department of Energy Organization Act (42 U.S.C. 7101) and Department of Energy Delegation Order No. 0204-4, effective October 1, 1977, the Administrator of the Economic Regulatory Administration is vested with the authority to act under section 202(c) of the Federal Power Act.

Since the Cities' petition raises issues which are subject to the jurisdiction of the Administrator of the Economic Regulatory Administration (ERA), we will direct the Secretary of the Commission to promptly transmit a copy of this filing to the Administrator of ERA. In addition, we will direct Commission Staff to offer its assistance to ERA in the performance of its duties pursuant to section 202(c) of the Act.

However, we will treat the Cities' filing as a complaint pursuant to section 306 of the Act. The issue the complaint raises subject to this Commission's jurisdiction is whether the interconnection agreements between the respective Cities and IP obligate IP to supply short-term firm power to the Cities after January 31, 1978.

In light of the allegation of emergency, the Commission deems it appropriate to waive § 1.6 of its Regulations and to order an expedited Staff investigation and report concerning the matters complained of by the Cities which are subject to this Commission's jurisdiction including the issue of whether the interconnection agreements and the related course of conduct of the Cities and IP, require IP to continue to provide short-term firm power to the Cities after January 31, 1978. To aid the Staff investigation, we hereinafter designate Rhodell G. Fields an officer of the Commission pursuant to section 307(b) of the Federal Power Act.

The investigation will commence with the taking of sworn testimony of witnesses for the Cities and IP at 10 a.m. on Friday, February 3, 1978, at the John C. Kluszynski Building, room 3619, 230 South Dearborn Street, Chicago, Ill. 60604. The Cities and IP should be prepared to offer witnesses and documents on the issue of whether IP is contractually obligated to provide short-term firm power to the Cities after January 31, 1978. Mr. Fields should submit a written report to the Commission on or before Monday, February 6, 1978.

Cities have argued alternatively that even if IP has the contractual right to discontinue short-term firm power sales, it may not lawfully do so without giving notice pursuant to section 205(d) of the Act.

To effectuate the terms of section 205(d) of the Act, the Federal Power Commission promulgated § 35.15 of its Regulations which states in pertinent part:

When a rate schedule or part thereof required to be on file with the Commission is proposed to be cancelled or is to terminate by its own terms and no new rate schedule or part thereof is to be filed in its place, each party required to file the schedule shall notify the Commission of the proposed cancellation or termination on the form indicated in § 131.53 of this chapter at least thirty days but not more than ninety days prior to the date such proposed cancellation or termination is proposed to take effect. . . .

Historically, the FERC and its predecessor, the Federal Power Commission, have not required notice in instances where specific services were either initiated or terminated under the terms of filed interconnection agreements. In the instant case, IP is allegedly discontinuing specific services under filed interconnection agreements. We will defer ruling on this question until after the investigatory hearing is concluded.

The Commission finds: (1) Good cause exists for the Commission to treat the Cities' petition for relief as a complaint pursuant to Section 306 of the Act and to waive section 1.6 of its Regulations pertaining to complaint proceedings.

(2) Good cause exists to order a Staff investigation concerning the matters complained of by the Cities which are subject to this Commission's jurisdiction including the issue of whether IP is contractually obligated to provide short-term firm power to the Cities after January 31, 1978.

The Commission orders: (A) Pursuant to the Federal Power Act, an investigation shall be ordered concerning the matters complained of by the Cities which are subject to this Commission's jurisdiction including the issue of whether IP is contractually obligated to provide short-term firm power to the Cities after January 31, 1978.

(B) Rhodell G. Fields is hereby designated as an officer of the Commission pursuant to section 307(b) of the Federal Power Act.

(C) A Staff investigatory hearing shall be convened at 10 a.m. on Friday, February 3, 1978, at the John C. Kluszynski Building, Room 3619, 230 South Dearborn Street, Chicago, Ill. 60604. At that hearing, IP and the Cities shall provide testimony and documents concerning the matters complained of by the Cities which are subject to this Commission's jurisdiction including the issue of whether IP is required by the interconnection agreements to provide short-term firm power to the Cities after January 31, 1978.

(D) Mr. Fields shall submit a written report to the Commission on or before Monday, February 6, 1978.

(E) The Secretary is hereby directed to transmit a copy of the Cities' petition to the Administrator of ERA for

his review under section 202(c) of the Federal Power Act.

(F) Commission Staff is hereby directed to offer its assistance to ERA in the performance of its duties under section 202(c) of the Act.

(G) Section 1.6 of our Regulations is hereby waived in order to permit the expedited procedures prescribed in this order.

(H) The Secretary is hereby directed to make expeditious service upon Cities and IP.

(I) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

Commissioner Smith believes that the allegations raised in the Municipalities' Emergency Petition concerning IP's noncompliance with the terms of the Interconnection Agreements could be disposed of without recourse to the type of investigation instituted by this order. He nevertheless concurs in the investigation, because he believes it may improve the Commission's understanding of the power supply arrangements (e.g., interchanges, pooling, co-generation) which prevail in the market area served by IP and neighboring interconnected utilities.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3440 Filed 2-7-78; 8:45 am]

[6740-2]

[Docket No. ER78-191]

MISSISSIPPI POWER & LIGHT CO.

Filing

FEBRUARY 2, 1978.

Take notice that on January 24, 1978, Mississippi Power & Light Co. (MP&L) tendered for filing, pursuant to section 35 of the Regulations under the Federal Power Act an executed letter agreement between MP&L and the Tennessee Valley Authority (TVA). Under the agreement, MP&L indicates that it provided week-to-week emergency service to TVA during a 2-week period in December 1977 when serious forced outages on the TVA system occurred.

MP&L states that the Commission was notified by telephone prior to commencement of service under the agreement in December 1977 and requests that the formal notice requirements of section 35.11 of the Commission's regulations be waived due to the speed with which the parties were required to act to avoid load losses on the TVA system. MP&L requests an effective date of December 10, 1978, and states that the agreement may be used again if a similar emergency situation arises.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.,

Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3441 Filed 2-7-78; 8:45 am]

[6740-02]

NATURAL GAS PIPELINE CO. OF AMERICA ET AL.

Certification of Question

FEBRUARY 2, 1978.

In the matter of Natural Gas Pipeline Co. of America, (Docket No. CP77-71); Columbia Gas Transmission Corp., Columbia Gulf Transmission Co. (Docket No. CP77-118); and Texas Gas Transmission Corp. (Docket No. CP77-125).

Take notice that on February 2, 1978, Presiding Administrative Law Judge George P. Lewnes certified the several questions concerning the scope of the hearing to the Commission pursuant to section 1.28 of the Commission's rules of practice and procedures. Pursuant to a Commission order issued December 30, 1977, a prehearing conference was convened on January 31, 1978. The intention of the Commission order was called into question during such conference. After discussion by the parties (Tr. 12-52) the Presiding Judge ruled that the proceeding shall be limited to an examination of the issues raised in the instant applications and the potential implications of authorizing long-term transportation (beyond 2 years) of reserves purchased in-place by industrial customers and the need therefor.

As several parties objected to this ruling and indicated a desire to file an immediate appeal, the following questions were certified for the Commission's consideration and disposition:

(1) Did the Commission in its December 30, 1977, order intend that the scope of the hearing encompass consideration of the various policy issues raised by authorizing the long-term transportation (beyond 2 years) of gas discovered, purchased, developed or otherwise acquired, in whole or in part, by an industrial consumer?

(2) If the answer to question (1) is Yes, what should be the scope of the evidence adduced? In particular, should these parties in those proceedings in which certificate authorization

are expressly subject to the outcome of this proceeding¹ be required, permitted, or encouraged to present evidence related to their respective factual situations?

Any person desiring to be heard with reference to the certified questions should file comments no later than fifteen (15) days after issuance of this notice with the Federal Energy Regulatory Commission in accordance with the requirements of the Commission's rules of practice and procedure and the regulations under the Natural Gas Act. All comments filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in the hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3442 Filed 2-7-78; 8:45 am]

[6740-02]

[Docket No. RP78-33]

SOUTHERN NATURAL GAS CO.

Petition for Declaratory Order

FEBRUARY 2, 1978.

Take notice that on January 19, 1978, southern Natural Gas Co. (petitioner), P.O. Box 2563, Birmingham, Ala. 35202, filed in Docket No. RP78-33 a petition pursuant to § 1.7 of the Commission's rules of practice and procedure (18 CFR 1.7) requesting that the Commission grant such order and waivers of its rules and regulations as are necessary to enable petitioner to recoup certain nonjurisdictional gas purchase costs in the purchased gas adjustment clause of petitioner's FERC gas tariff, all as more fully set forth in the petition on file with the Commission and open to public inspection.

Petitioner states that it has entered into a gas purchase contract with Natural Gas Systems, Inc. (Systems) pursuant to the terms of which Systems has agreed to sell and deliver natural gas to petitioner at a point on the distribution system of the Water Works and Gas Board of the city of Jasper, Ala. (Jasper), in Walker County, Ala. Petitioner states that such contract provides for the sale by Systems to

¹E.g. Transcontinental Gas Pipeline Corp.'s exploration and drilling program in the Gulf Coast was sponsored through an affiliate and funded by Transco's distributors, by a Transco direct customer and by two indirect industrial customers (Tr. 28). See also staff reference to possibly as many as 20 other applications (Tr. 36, 42).

Southern of a daily quantity of natural gas up to such daily quantity as petitioner requires at such point in order to satisfy petitioner's obligation to deliver gas to Jasper under petitioner's service agreement with Jasper dated September 12, 1967, pursuant to petitioner's FERC gas tariff. It is stated that deliveries under the contract are anticipated to equal approximately 2,000 Mcf per day, and that the sale of gas pursuant to such contract is to continue for a term of 10 years. Petitioner states that the total price payable for gas delivered under the contract during the first five (5) years of the term thereof is \$2.25 per Mcf at 15.025 psia. It is stated that the authorization requested in the petition relates solely to such \$2.25 per Mcf price for gas delivered under such contract during said five (5) year period.

Petitioner states that the gas to be purchased under the contract will be produced from wells and gas producing fields located in Walker County, Ala., and transported by Systems in its own nonjurisdictional pipeline facilities directly to the point on Jasper's distribution system at which Southern will purchase and measure such gas and deliver same directly into the distribution system of Jasper. Petitioner submits that no portion of the gas purchased from Systems will cross a State line during its movement from wellhead to ultimate consumption, that no portion of such gas will be commingled prior to delivery to Jasper with other gas which has so crossed a State line, and that the physical arrangement of all facilities involved renders impossible the transportation of such gas to consumers outside the State of Alabama. Petitioner states that in view of these considerations, the sale of gas by Systems to petitioner under the contract will not be subject to the jurisdiction of the Commission under the Natural Gas Act.

Petitioner further states that on the basis of the considerations that:

(1) Systems will undertake extensive dehydration, gathering, and transportation operations with respect to the gas prior to its delivery to petitioner,

(2) The purchase price in question is comparable to other prices specified in recent contracts for comparable sales to intrastate purchasers of gas procured from sources located in the northwest Alabama area, and will not escalate during the five (5) year period with respect to which authorization is requested in the petition, and

(3) the purchase will increase the supply of gas available to petitioner and thereby benefit not only Jasper, but also all of petitioner's systemwide customers,

the proposed purchase under the contract is reasonable and prudent, and that petitioner will be acting as a rea-

sonable and prudent pipeline in incurring the purchase costs with respect to which authorization is sought in the petition.

Petitioner accordingly requests that the Commission issue such orders and grant such waivers of its rules and regulations as would determine that the purchase of gas by the petitioner from Systems pursuant to the contract during the first five (5) years of the term thereof is reasonable and prudent, and authorize petitioner to track the \$2.25 per Mcf price of the gas so purchased in petitioner's purchased gas adjustment clause.

Any person desiring to be heard or to make protest with reference to said petition should on or before February 15, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3443 Filed 2-7-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 852-3; OPP-50355]

CIBA-GEIGY CORP. AND PENNALT CORP.

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 100-EUP-43. Ciba-Geigy Corp., Greensboro, N.C. 27409. This experimental use permit allows the use of 6,270 pounds of the herbicide metolachlor on soybeans to evaluate control of various weeds. A total of 3,302 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and West Virginia. The experimental use permit is effective from January 6, 1978 to January 6, 1979. Temporary tolerances for residues of the active ingredi-

ent in or on soybeans, soybean forage and hay, and in meat, milk, poultry, and eggs have been established.

No. 4581-EUP-23. Pennwalt Corp., King of Prussia, Pa. 19406. This experimental use permit allows the use of 904 pounds of the insecticide ethyl parathion on citrus, cotton, small grains, and sorghum to evaluate control of various insect pests. A total of 1,586 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Washington. The experimental use permit is effective from January 6, 1978 to January 6, 1979. Permanent tolerances for residues of the active ingredient in or on citrus fruits, cottonseed, sorghum, barley, oats, rice, and wheat have been established (40 CFR 180.121).

Interested parties wishing to review the experimental use permits are referred to Room E-315 Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW, Washington, D.C. 20460. It is suggested that such interested persons call 202-755-4851 before visiting the EPA Headquarters Office so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) et seq.))

Dated: February 1, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-3357 Filed 2-7-78; 8:45 am]

[6560-01]

[FRL 852-5; PF-87]

PESTICIDE PROGRAMS

Filing of Food Additive Petition

Inter-Regional Research Project No. 4 (IR-4) on behalf of the IR-4 Technical Committee and the Agricultural Experimental Stations of Idaho, Indiana, Montana, Oregon, Washington, Wisconsin, and the U.S. Department of Agriculture has submitted a petition (FAP 8H5175) to the Environmental Protection Agency (EPA) which proposed that 21 CFR 561.55 be amended by establishing a regulation permitting the use of the herbicide bentazon (3-Isopropyl-1H-2,1,3-benzothiadiazin-4(3H)-one 2,2-dioxide) and its 6- and 8-hydroxy metabolites on spent mint hay with a tolerance limitation of 4.0 parts per million. Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug and Cosmetic Act.

Interested persons are invited to submit written comments on this peti-

tion to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, room 401, East Tower, 401 M St. SW., Washington, D.C. 20460.

Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Special Registration Branch, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-755-2516. Written comments should bear a notation indicating the petition number "FAP 8H5175." Comments may be made at any time while a petition is pending before the Agency. All written comments will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: February 1, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-3359 Filed 2-7-78; 8:45 am]

[6560-01]

[FRL 851-8]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of July 1, 1977 and July 31, 1977.

Appendix I below contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II below, and the EPA source for copies of the comments as set forth in Appendix VI below.

Appendix II below contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I below.

Appendix III below contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period.

The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV below contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI below.

Appendix V below contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the

title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI, below. Appendix VI below contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V, below.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202-755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: January 27, 1978.

PETER L. COOK,
Acting Director,
Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between July 1 and July 31, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
D-COE-F36051-OH.....	Port Clinton Harbor, Maintenance, and Dredging, Ottawa County, Ohio.	LO2	F
D-COE-F36052-WI.....	Racine Harbor, Interim II, Between Kenosha and Kewaunee, Small Boat Harbor, Racine County, Wis.	LO2	F
DS-COE-F36028-MN.....	Duluth Stormwater Flood Control Project, Minnesota.	LO1	P
DS-COE-F36041-OH.....	Muskingum River Basin, Water Resources Development, Ohio.	ER2	F
D-COE-F36050-OH.....	Hig Creek Flood Protection, Cleveland, Ohio.	ER2	F
DS-COE-G36047-TX.....	Flood Damage Prevention, Buffalo Bayou Tributaries, Upper White Oak Bayou, Harris County, Tex.	LO1	G
D-COE-H34015-NE.....	Operation and Maintenance, Harlan County Lake, Harlan County, Nebr.	ER2	H
D-COE-J36009-00.....	Missouri River, South Dakota, Nebraska, North Dakota, Montana.	ER2	I
DS-COE-L36037-OR.....	Stuslaw River Jetty Extension, Portland, Oreg.	LO1	K
DEPARTMENT OF AGRICULTURE			
D-AFS-K61018-CA.....	San Gabriel Planning Unit, Angeles National Forest, San Bernardino and Los Angeles Counties, Calif.	LO1	J
D-AFS-L61088-OR.....	McLoughlin-Klamath Planning Unit, Rogue River and Winema National Forest, Klamath and Jackson Counties, Oreg. (USDA-FS-R6-DES(ADM)-77-9).	LO2	K

APPENDIX I.—Draft environmental impact statements for which comments were issued between July 1 and July 31, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-C85016-PR.....	Metropolis Development, Carolina, P.R.	ER2	C
D-HUD-F85021-OR.....	Homestead Urban Development Corp., Eastwood Village, Ohio.	LO2	F
D-HUD-Q24006-AR.....	Water Construction Program, Mena, Polk County, Ark.	LO1	G
D-HUD-G85042-TX.....	Willowridge Subdivision, Harris and Fort Bend Counties, Tex.	LO1	G
D-HUD-G85044-TX.....	Inwood North Subdivision, Harris County, Tex.	LO2	G
D-HUD-G85047-LA.....	Beaver Bayou Drainage Project, East Baton Rouge Parish, La.	LO2	G
D-HUD-G85048-AR.....	West Side Sewer & Drain, Pine Bluff, Ark.	LO2	G
D-HUD-G85052-TX.....	Water Construction Program, Harris County, Tex.	LO2	G
D-HUD-G85054-TX.....	Rivera East Subdivision, Harris County, Tex.	LO1	G
D-HUD-J85011-CO.....	Kensington Park Apartments, Phase I and II, Denver, Colo.	LO1	I
D-HUD-J85012-CO.....	Bellehaven and Vista Grande Terrace, Colorado Springs and Clear View Estates, El Paso County, Colo.	ER2	I
D-HUD-K85009-CA.....	Carmelitos Public Housing Complex, Long Beach, Los Angeles County, Calif.	LO1	J
D-HUD-K85020-CA.....	South Park Neighborhood Development Program, Santa Rosa, Sonoma County, Calif.	LO1	J
D-HUD-G85051-TX.....	Greenkate Place and Birman Wood Subdivisions, Harris County, Tex.	LO2	G
D-CGD-D40048-00.....	Owens Lake and Relocated U.S. 22, Westwood, W. Va.	LO2	D
D-CGD-K35011-CA.....	New Berthing Repair Pier No. 2, Naval Station, San Diego, Calif.	LO1	J
RD-FAA-A52118-00.....	Noise Regulations and Typed Certification Alternatives for Civil Supersonic Aircraft, Kentucky Dan State Park Airport, Gilbertsville, Marshall County, Ky.	3	A
D-FAA-E51024-KY.....	Kentucky Dan State Park Airport, Gilbertsville, Marshall County, Ky.	LO2	E
D-FAA-K51010-CA.....	Hollywood-Burbank Airport, Hollywood, Calif.	LO1	J
D-FHW-B40022-CT.....	I-91, Hartford to Enfield, I-291, Windsor to Manchester, Hartford County, Conn.	ER2	B
D-FHW-B40025-RI.....	RI-4 extension, East Greenwich to North Kingstown, Kent and Washington Counties, R.I.	ER1	B
D-FHW-D40046-PA.....	IR 1037, secs. 5D and 5E, Allegheny Valley Expressway, Allegheny County, Pa.	ER2	D
D-FHW-E40110-TN.....	I-840, Knoxville, Broadway to I-40, Knox County, Tenn. (FHW-TN-EIS-76-05-D).	LO1	E
D-FHW-F40091-IL.....	Wheaton and Naperville Road extension, Dupage and Will Counties, Ill.	ER2	F
D-FHW-G40059-LA.....	Relocation of LA-70 at Pierre Port, Assumption Parish, La.	LO2	O
D-FHW-G50003-AR.....	White River Bridge, Eastern Arkansas County, Ark.	LO2	G
D-FHW-J40031-MT.....	MT-24, Potomac-West, Bonner and Missoula Counties, Mont.	LO2	I
D-FHW-L40051-ID.....	U.S. 95, Ferdinand to Craikmong, Idaho (FHW-ID-EIS-77-D).	LO1	K

APPENDIX I.—Draft environmental impact statements for which comments were issued between July 1 and July 31, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF AGRICULTURE			
D-AFS-L61090-OR.....	Future Development, Mount Hood Meadows Ski Area, Mount Hood Planning Unit, Oregon (USDA-FS-R6-DES(ADM)-77-11).	LO1	K
D-AFS-L61092-OR.....	Land Management Plan, Row, North Umpqua, and South Umpqua Planning Units, Douglas, Lane, and Jackson Counties, Oreg. (USDA-FS-R6-DES(ADM)-77-12).	LO1	K
D-AFS-L65032-00.....	Vegetation Management With Herbicides in Oregon and Washington.	ER2	K
D-REA-J07005-ND.....	Coyote Generating Station, 440 MW Unit, Merced County, N. Dak. and 9 Bernice Lake Power Plant Unit No. 3, 230 KV Transmission Additions, Alaska (USDA-REA-DES(ADM)-76-14-D).	ER2	I
D-REA-L08025-AK.....	Marathon Creek, Marylind and Delaware, Robinson Creek Watershed, Lincoln County, Oha.	LO2	K
D-SCS-D36024-00.....	Marshhope Creek Watershed and Flood Protection Project, Maryland and Delaware.	ER2	D
D-SCS-G36055-OK.....	Robinson Creek Watershed, Lincoln County, Oha.	LO1	G
D-SCS-H36032-NB.....	South Branch Little Nemaha Watershed, Johnson, Lancaster, and Otoe Counties, Nebr.	LO2	H
DEPARTMENT OF COMMERCE			
D-NOA-D90001-00.....	Atlantic Clam Fishery Management Plan, Mid-Atlantic Area.	LO2	D
D-NOA-E81020-FL.....	Rookery Bay Estuarine Sanctuary, Proposed Grant Award, Collier County, Fla.	LO1	E
DEPARTMENT OF DEFENSE			
D-USN-K03006-CA.....	Elk Hills/Coalinga Conveyance System, Tupman, Calif.	ER2	J
DEPARTMENT OF THE INTERIOR			
D-BIA-K67000-AZ.....	Vekol Hills Project, Papago Indian Reservation, Pinal County, Ariz.	3	J
D-IBR-J34005-ND.....	Lamoure Indian Reservation, Garrison Division, United Park-Sioux-Missouri Basin Program, North Dakota.	3	I
DEPARTMENT OF TRANSPORTATION			
RD-CGD-A32118-00.....	Regulations Requiring Double Bottoms on New Tankers and Segregated Ballast on Existing Tankers.	LO1	A
D-UMT-C54002-NY.....	Buffalo Light Rail Rapid Transit System, N.Y.	LO2	C
D-UMT-D54024-MD.....	Metrolbus Garage Facility, Montgomery County, Md. (IT-03-4032).	LO2	D
FEDERAL ENERGY ADMINISTRATION			
D-FEA-E06010-GA.....	Georgia Power Co., McManus Generating Station, power plant No. 2, coal conversion program, Brunswick, Ga. (DES-77-5).	LO2	E

APPENDIX I.—Draft environmental impact statements for which comments were issued between July 1 and July 31, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-FHW-L40052-WA.....	WA-90, Hilltop Interchange and Frontage Rd., Grant County, Wash. (FHW-WA-EIS-77-01-D).	LO1	K
D-FHW-L40053-WA.....	WA-2, Poles Hill to North Monroe Interchange, Snohomish County, Wash. (FHW-WA-EIS-77-02D).	LO2	K
NUCLEAR REGULATORY COMMISSION			
D-NRC-E06005-GA.....	Edwin I. Hatch Nuclear Plant, Unit No. 2, Georgia Power Co., Atlanta, Ga., Application No. 50-366.	LO1	E
VETERANS' ADMINISTRATION			
D-VAD-D80004-DC.....	Nursing Home Care Unit, Clinical Facilities and Underground Parking Facilities, Washington, D.C.	LO2	D

Category 1—adequate
The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—insufficient information
EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—inadequate
EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—Final environmental impact statements for which comments were issued between July 1, and July 31, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
FS-COE-A36133-VA.....	Buena Vista flood protection project, Buena Vista, Va.	EPA's concerns were adequately addressed in the supplement to the final EIS.	D
F-COE-D07002-WV.....	Powerplant, Appalachian Power Co., project 1301, New Haven, Ohio River, Mason County, W. Va.	EPA's review indicated that many concerns expressed during the draft EIS review period were not addressed in the final EIS. Specifically, EPA encouraged the corps to assess the cumulative effects of the powerplants airborne pollutants, particularly sulphur dioxides and total suspended particulates, in a region where a significant deterioration of air quality already exists. Furthermore, EPA questioned the validity of the air quality modeling studies and suggested specific errors be corrected. Therefore, EPA considers the final EIS to be unresponsive and cannot make a determination of environmental impacts based on the final EIS.	D
F-COE-E32019-FL.....	Punta Gorda Isles, Inc., sec. 15 permit, Punta Gorda, Charlotte County, Fla.	EPA's concerns were adequately addressed in the final EIS.	E
F-COE-E35029-MS.....	Rosedale Harbor, navigation improvements, Sunflower County, Miss.	do.....	E
F-COE-E35040-NC.....	Regulatory permit on North Carolina Phosphate Corp., North Carolina.	do.....	E
F-COE-K36014-CA.....	Santa Ana River main stem, Orange, Riverside, and San Bernardino Counties, Calif.	Generally, EPA's concerns were adequately addressed in the final EIS. However, the EIS does not quantitatively assess the effects of the proposal on the flora or fauna in the area.	J
DEPARTMENT OF INTERIOR			
F-BLM-A03087-00.....	Crude oil transportation system, Valdez, Alaska, to Midland, Tex., Sohio Transportation Co.	Generally, EPA's concerns were adequately addressed in the final EIS. However, based on the information provided in the final EIS, EPA is yet unable to adequately evaluate the impacts of withdrawal and disposal of hydrostatic test water used in the pipeline.	A
F-BLM-A60108-AZ.....	Planet township, land exchange, Mohave County, Ariz.	EPA's concerns were adequately addressed in the final EIS.	J
F-DOI-A36188-CA.....	Water system, de Luz Heights municipal water district, Calif.	do.....	J
F-IBR-J39002-00.....	Colorado River water quality improvement program, Colorado, Wyoming, Utah, Arizona, Nevada, New Mexico, and California.	EPA expressed serious environmental reservations regarding portions of the Colorado River water quality improvement program (the Las Vegas wash unit), and noted that there is a potential that water quality criteria may not be achieved. EPA noted that the successful implementation of the Colorado River water quality improvement program will not by itself be sufficient to achieve approved water quality criteria, and that this will require that other Federal actions, as well as State programs, will be required to meet the necessary salinity criteria. Regarding the Las Vegas wash unit, EPA noted that, because of the project's adverse effects on Las Vegas wash, and possible reductions in ground water salinity concentrations in the future, it cannot be assumed that the minimal salinity reductions which would result from the project are warranted. EPA recommended that additional studies and monitoring be conducted to determine minimum flows required for the wash, ground water qualities and flows, and the effects of flow changes in the wash on Lake Mead.	I
F-IBR-K07003-NV.....	Southern Nevada water project, 2d stage, Clark County, Nev.	EPA continues to have environmental reservations on the project as proposed. Specifically regarding the secondary impacts and the absence of mitigation measures in the final EIS.	J
F-IGS-J01008-MT.....	Proposed plan of mining and reclamation, east Decker and north extension mines, Big Horn County, Mont.	EPA's comments expressed concern that the proposed postmining topography portrayed for the north Decker site and for portions of the east Decker site, as well as selected features of the proposed surface water systems, are not responsive to requirements of existing laws and statutes and, therefore, should be stipulated against in the approvals of any mining and reclamation plans.	I
F-IGS-J01009-MT.....	Proposed 20-yr plan of mining and reclamation, Westmoreland resources, tract III, Crow Indian ceded area, Mont.	EPA continues to have environmental reservations on the proposed project. Furthermore, EPA believes the mining plan should not be approved until a suitable water management plan is developed and further hydrologic studies are undertaken.	I
DEPARTMENT OF TRANSPORTATION			
F-FAA-F51007-MI.....	Proposed development runway 9R-27L, Oakland Pontiac Airport, Oakland County, Mich.	EPA's concerns were adequately addressed in the final EIS.	F
F-FAA-K51005-GU.....	Guam International Airport, Agaña, Guam	do.....	J
F-FHW-A42009-MD.....	National Freeway, U.S. 48, Cumberland to Hancock, Allegany, and Washington Counties, Md.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA suggested further study to mitigate noise impacts and minimize stream relocations in the proposal.	D
F-FHW-A42423-AZ.....	I-40, Ash Fork, Flagstaff Highway, Ariz.	EPA's concerns were adequately addressed in the final EIS.	J
F-FHW-C40007-NY.....	Genesee Expressway, throughway to outer loop, arterial expansion, Monroe County, N.Y.	do.....	C
F-FHW-D40028-MD.....	MD-51, east of Cumberland to north branch, Allegany County, Md.	EPA's concerns were adequately addressed in the final EIS. However, EPA believes further consideration should be given to abating noise impacts.	D
F-FHW-F40043-MI.....	U.S. 131, Mille Rd. to north of Ashton, Lake Mecosta, and Osceola Counties, Mich.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-F40078-IN.....	West 10th St., I-465 to West St., Marion County, Ind.	do.....	P
F-FHW-H40026-IA.....	I-380, Cedar Rapids, Linn County, Iowa.	do.....	H
F-FHW-K40024-CA.....	Fresno Metropolitan Freeway project, CA-41 and CA-180, Fresno, Calif.	EPA feels the final EIS does not adequately respond to concerns raised during previous reviews of the EIS. Furthermore, EPA believes the final EIS fails to provide the representative disclosure of environmental impacts warranted by NEPA.	J

APPENDIX III.—Final environmental impact statements for which comments were issued between July 1, and July 31, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
FEDERAL ENERGY ADMINISTRATION			
FS-FEA-A07086-00.....	Coal conversion program, energy supply and environmental Coordination Act (as amended).	Generally, EPA's concerns were adequately addressed in the supplement to the final EIS. However, the final EIS does not thoroughly acknowledge the potential for ambient SO ₂ violations occurring in the context of the coal conversion program.	A
GENERAL SERVICES ADMINISTRATION			
F-GSA-J60001-CO.....	Cumulative effect of the GSA leasing program, West Denver metropolitan area, Colo.	EPA recommended that GSA planning efforts be more comprehensive, more inclusive of the Denver metro area and more sensitive to environmental impacts that may result from GSA leasing or cumulative construction policies.	I
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-B89005-MA.....	2d waterfront urban renewal project, Gloucester, Essex County, Mass.	After viewing the final EIS for this project EPA still has environmental reservations due to the following factors: (a) The EIS does not adequately address the impacts of dredge spoils disposal nor does HUD commit itself to necessary measures to mitigate water pollution during dredging; (b) the noise pollution impacts analysis is deficient; and (c) the potential for adverse impacts of additional wastewater flows on this municipal sewage treatment plant is underestimated.	B
F-HUD-C85007-PR.....	Estancias de Rio Hondo Development, Bayamon, P.R.	EPA considers the final EIS to be unresponsive to the questions raised in the draft EIS review. Specifically, EPA believes the alternative actions to the proposed project have been seriously limited due to 2 environmental clearances issued by HUD to permit construction of the 1st and 2d stages of the project.	C
F-HUD-D85011-PA.....	Wedgewood Estates, subdivision, Chester County, Pa.	EPA's concerns were adequately addressed in the final EIS.	D
F-HUD-F85015-IN.....	Merrillville Terrace multifamily project, Lake County, Ind. (HUD-R05-EIS-77-02-D).	do.....	F
F-HUD-F85018-IL.....	Proposed Indian Oaks subdivision, Will County, Ill. (HUD-R05-EIS-77-04-F).	do.....	F

APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between July 1, and July 31, 1977

Identifying No.	Title	Source of review
AGENCY FOR INTERNATIONAL DEVELOPMENT		
F-AID-A82098-00.....	AID pest management program.....	A
CORPS OF ENGINEERS		
FS-COE-A32067-MS.....	Tallahala Creek Lake, Miss.	E
F-COE-B39005-MA.....	Cape Cod Canal, Bourne and Sandwich, operation and maintenance, Bourne County, Mass.	B
F-COE-E35030-NC.....	Permit, Bald Head Island boat marina and access facilities, Cape Fear River, N.C.	E
F-COE-E81015-00.....	Big South Fork National River and Recreation Area, Tennessee and Kentucky	E
F-COE-G32017-00.....	Operation and maintenance, Broken Bow Lake, Mountain Fork River, and Pine Creek Lake, Oklahoma and Milwood Lake, Ariz.	G
F-COE-G34017-NM.....	Operation and maintenance, Abiquil Dam and Reservoir, Rio Chama, N. Mex.	G
F-COE-G36049-TX.....	Cooper Lake and Channels, Tex.	G
F-COE-G39002-00.....	Arkansas and Red River Basin, chloride control, Texas, Oklahoma, and Kansas	G
F-COE-H36000-IA.....	Burlington, local protection project, Des Moines County, Iowa	H
F-COE-H36014-MO.....	Union Township drainage district, Mississippi River, Durgens and Oyster Creeks, Mo.	H
F-COE-H36015-IA.....	Chelsea local protection project, Tama County, Iowa	H
F-COE-H36017-IA.....	Iowa River, Marengo local flood protection, Iowa	H
DEPARTMENT OF AGRICULTURE		
F-AFH-E28017-NC.....	Cape Hatteras water association, Avon water project, Dare County, N.C.	E
F-AFS-G65016-NM.....	Gallina planning unit, Santa Fe National forest, N. Mex.	G
F-AFS-L61079-ID.....	Elk River planning unit, St. Joe National Forest, Idaho (USDA-FS-R1-FES(ADM)76-21)	K
F-REA-L05006-AK.....	2 (60 MW) combustion turbines, Alaska 6 Golden Valley, Alaska (USDA-REA-EIS(ADM)76-13-F)	K
F-SCS-E36041-AL.....	Blue Eye Creek watershed, Calhoun and Talladega Counties, Ala. (USDA-SCS-EIS-WS-ADM-76-1-F-AL)	E
DEPARTMENT OF INTERIOR		
F-BIA-J61015-CO.....	Mancos Canyon Indian Park, Ute Mountain, Ute Tribal Lands, Colo.	I
DEPARTMENT OF TRANSPORTATION		
F-CGD-G50001-LA.....	West Bank Expressway, Jefferson Parish, La.	G
F-DOT-A40525-OR.....	I-505, Industrial Freeway, Multnomah County, Oreg. (FHWA-OR-EIS-73-08-F)	K
F-FHW-A41202-AL.....	Clay and Herron Sts. Extension, U.S. 31 to I-65, Montgomery County, Ala. (FHWA-AL-EIS-72-05-F)	E
F-FHW-A41927-TX.....	Highway loop 1, North segment, Austin and Travis Counties, Tex.	G
F-FHW-E40045-KY.....	U.S. 27, Flatrock to Greenwood, McCreary County, Ky. (FHWA-KY-EIS-75-07-F)	E

APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between July 1, and July 31, 1977—Con.

Identifying No.	Title	Source of review
DEPARTMENT OF TRANSPORTATION		
F-FHW-E40078-MS	I-55, Woodrow Wilson Dr. to I-220, Jackson, Hinds, and Madison Counties, Miss. (FHWA-MS-EIS-76-01-F)	E
F-FHW-E40084-NC	U.S. 74, Hallsboro to Bolton, Columbus County, N.C. (FHWA-NC-EIS-76-17-F)	E
F-FHW-E40091-NC	U.S. 74, Rutherfordton to Columbus, Polk, and Rutherford Counties, N.C. (FHWA-NC-EIS-76-19-F)	E
F-FHW-E40093-KY	Pikeville and Williamson Rds., U.S. 119, U.S. 23 to Caney Branch Buckley Creek Corridor, Pike County, Ky. (FHWA-KY-EIS-76-01-F)	E
F-FHW-G40052-TX	Spur 492 intersection of TX-158 and FM 1369, intercity route, Ector and Midland Counties, Tex	G
F-FHW-H40005-IA	Freeway 520, Grundy and Black Hawk Counties, Iowa	H
F-FHW-J40014-UT	Maple and Center Sts., Utah County, Utah	I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
PS-HUD-B89006-MA	Clearance of unsafe buildings, Boston, Suffolk County, Mass.	B
F-HUD-E85016-TN	Belinda City subdivision, sec. 203(B), Wilson County, Tenn. (HUD R04-76-20F)	E
F-HUD-E85017-FL	Bent Tree subdivision, Dade County, Fla. (HUD-R04-EIS-76-11-F)	E
F-HUD-G85022-TX	Memorial Parkway subdivision, Harris County, Tex	E
F-HUD-L85001-WA	West Campus, a planned community, King County, Wash. (HUD-R010-EIS-76-1F)	E

NUCLEAR REGULATORY COMMISSION		
F-NRC-G06001-AR	Arkansas nuclear 1, unit 2, Arkansas Power & Light Co., docket No. 50-368, Pope County, Ark. (NUREG-0254)	G

APPENDIX V.—Regulations, legislation, and other Federal agency actions for which comments were issued between July 1, and July 31, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF TRANSPORTATION			
R-CGD-A52113-00	46 CFR pt. 148, carriage of solid hazardous materials in bulk, proposed changes, table of permitted cargoes (CGD-76-198) (42 FR 17889)	EPA recommended that an additional qualification be included requiring the shipboard person in charge of oil transfer operations to have successfully completed a formal training course providing general knowledge of mitigation and cleanup techniques.	A
R-DOT-A29001-00	49 CFR pt. 171, radioactive materials imported into the United States, quantity limitations (docket No. HM-150, notice 77-4) (42 FR 27002)	Although EPA felt that the overall impact of this action was small, EPA expressed concern with the U.S. adoption and use of IAEA recommendations in the present incremental manner. EPA suggested that when more extensive changes in the regulations are being considered, DOT should derive them in accordance with the policy that all radiation exposure of the public be maintained "as far below the (Federal radiation protection) guides as practicable (25 FR 4402). EPA also suggested that before future changes are made, DOT should reexamine and possibly update the bases used to calculate the packaging requirements and quantity limits, including the calculation of environmental dose commitments to populations for both normal and accident situations.	A

APPENDIX VI
SOURCE FOR COPIES OF EPA COMMENTS

- Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460.
- Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.
- Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York N.Y. 10007.
- Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.
- Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE, Atlanta, Ga. 30308.
- Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.
- Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Tex. 75270.
- Director of Public Affairs, Region, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.

- Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo. 80203.
- Director of Public Affairs, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94108.
- Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

(FR Doc. 78-3180 Filed 2-7-78; 8:45 am)

[6560-01]

[FRL 852-3]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS AFFECTING THE ENVIRONMENT

Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protec-

tion Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of August 1, 1977, and August 31, 1977.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency re-

nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall S.W., Washington, D.C. 20460, telephone 202-755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: January 27, 1978.
PETER L. COOK,
Acting Director,
Federal Activities.

sponsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 1, and Aug. 31, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
D-COE-D35001-MD	Permit Application, Slag Filling, Bethlehem Steel, Sparrows Point Plant, Baltimore, Md.	EU2	D
D-COE-E35046-FL	Caselle Harbor, Maintenance Dredging, Franklin County, Fla.	ER2	E
S-COE-E82052-FL	Aquatic Plant Control, Florida	LO1	E
S-COE-F32038-OH	Cleveland Harbor, Modification, Navigation Project, Ohio.	LO2	F
D-COE-F32053-MI	Fiscal Years 1978-79, Navigation Season Extension Demonstration Program, Michigan.	LO2	F
D-COE-F32054-WI	Manitowoc Harbor, Interim 1, Manitowoc County, Wis.	LO2	F
D-COE-F35017-WI	Green Bay Harbor, Operation, Maintenance and Dredged Material Disposal, Brown County, Wis.	LO1	G
S-COE-G36032-OK	Arcadia Lake, Deep Fork River, Oklahoma.	ER2	I
S-COE-J35000-ND	Prairie Dog Management on Lands Administered by the Supervision of the Nebraska National Forest.		
D-AFS-J65087-00	Thompson River, Ashley National Forest, Utah and Wyoming.	LO1	F
D-AFS-L01091-OR	Illinois Wild and Scenic River Proposal, Ste-Klov National Forest, Josephine and Curry Counties, Oreg. (USDA-FS-DES(LEG) 77-02).	LO1	K
DEPARTMENT OF AGRICULTURE			
D-AFS-F61006-IL	Flourish Prospect, Lusk Creek Area, Shawnee National Forest, Illinois.	LO1	F
D-AFS-H5000-00	Prairie Dog Management on Lands Administered by the Supervision of the Nebraska National Forest.	LO1	H

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 1, and Aug. 31, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF AGRICULTURE—Continued			
D-DOA-C81003-NY	New York Animal Import Center, Stewart Airport, Newburgh, Orange County, N.Y.	LO2	C
D-SCS-G36038-TX	Tehuacan Creek Watershed, McLeannan, Hill, and Limestone Counties, Tex.	LO1	G
DEPARTMENT OF COMMERCE			
D-NOA-L90011-AK	Fishery Management Plan, Gulf of Alaska Groundfish Fishery, 1978 Alaska.	LO2	K
D-NOA-L90012-AK	Fishery Management Plan, Tanner Crab, Alaska.	LO2	K
DEPARTMENT OF DEFENSE			
D-UAF-EI0001-FL	Joint Readiness Exercise, Bald Eagle 78 Eglin Air Force Base Test Range Complex, Eglin Air Force Base, Okla. Waters, Oct. 11, 1977 to Nov. 11, 1977	LO1	E
D-USA-J10002-CO	Transportation of Chemical Material, Operation RMT, Rocky Mountain Arsenal, Colorado to Tooele Army Depot, South Area, Utah.	ER2	I
DEPARTMENT OF INTERIOR			
D-BIM-G81005-NM	Proposed Rio Puerco Livestock Grazing Management Program, New Mexico.	LO1	G
D-NPS-G61004-AR	Wilderness Recommendation, Buffalo National River, Arkansas.	LO1	G
DEPARTMENT OF TRANSPORTATION			
D-CGD-E50002-NC	Bridge Across Shallotte Creek, Brunswick County, N.C.	LO1	E
DS-FHW-A41178-FL	FL-45, U.S. 41, Lee County, Fla. (FHWA-FLA-EIS-72-13-DS).	LO1	E
D-FHW-B40023-MA	I-93 to U.S. 1, Reconstruction of Interchange with the Mystic River Bridge, Boston, Charleston, and Cambridge, Suffolk and Middlesex Counties, Mass.	LO2	B
D-FHW-B40024-CT	I-291, Farmington, New Britain, Newington, Rocky Hill, and Wethersfield, Hartford Counties, Conn.	3	B
DS-FHW-D40036-VA	I-95, Petersburg to I-64 interchange, Henrico County, Va.	ER2	D
D-FHW-D40049-PA	I-270 and East St. interchange, U.S. 19 to I-170, Pittsburgh, Allegheny County, Pa.	ER2	D
D-FHW-D40052-VA	VA-188, Great Bridge bypass, Chesapeake County, Va.	LO2	D
DS-FHW-E40062-GA	Appalachian Highway, Forsyth, Cherokee, Pickens, Oller, Fannin, Union, and Town Counties, Ga.	LO2	E
DS-FHW-E40111-AL	L-59 and I-359, Tuscaloosa County, Ala. (FHWA-ALA-EIS-71-39-DS).	LO1	E
D-FHW-E40112-GA	GA-166 and GA-61, Carrollton bypass to Villa Rica bypass, Carroll County, Ga. (FHWA-GA-EIS-76-01-DS).	LO2	E
D-FHW-E40113-FL	I-95, Winter Haven, Columbia County, Fla. (FHWA-FLA-EIS-77-4D).	LO2	E

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 1, and Aug. 31, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF TRANSPORTATION—Continued			
D-FHW-E0114-TN	TN-27, I-24 South of Jasper to TN-28 at Whitwell Marion County, Tenn. (FHW-TN-EIS-77-02-D).	LO1	E
D-FHW-F40092-OH	Development of Appalachian corridor D, Clermont, Brown, Highland and Adams Counties, Ohio.	ER1	F
D-FHW-F40093-MI	U.S. 27, Lansing to Itasca, Clinton and Grant Counties, Mich.	ER2	F
D-FHW-F40095-IN	Highway improvement, IN-17, OH-10 north to Culver to point U.S. 30, Marshall County, Ind.	LO1	F
D-FHW-F40098-WI	WI-89, WI-11, to Whitewater Rd., Wadsworth County, Wis.	LO2	F
D-FHW-F40097-IN	IN-18, Grant County, Ind. (FHW-IND-EIS-77-01-D).	LO2	F
D-FHW-G40060-OK	I-235, Central Expressway, North Broadway Oklahoma City to I-35 and I-40, Oklahoma City, Okla.	LO1	G
D-FHW-G40065-NM	NM-126, Forest Highway 12, Sandoval, Los Alamos and Santa Fe Counties, N. Mex.	LO2	G
D-FHW-H40073-NB	Improvement and relocation of NB-12, Nebraska, Knox County, Nebr. (FHW-NEBR-EIS-77-02-D).	LO2	H
FEDERAL ENERGY ADMINISTRATION			
D-FHW-K40053-CA	Death Valley Rd., CA-168 to Death Valley National Monument, Inyo County, Calif.	LO1	J
D-FEA-A03070-ID	Allocation of petroleum feedstocks to synthetic natural gas plants (DES-77-4).	LO1	A
FEDERAL POWER COMMISSION			
D-FPC-B03002-ID	Tenneco Atlantic Pipeline Co. project (TAPOCO), Canada and Maine.	ER3	B
D-FPC-C03009-TX	Matagorda Bay project, Tex.	ER2	G
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-C85017-NJ	Nassau Woods development, Franklin Township, Somerset County, N.J.	ER2	C
D-HUD-E85026-SC	Stonesfield Subdivision, James Island, Charleston area, S.C. (HUD-R04-EIS-77-10-D).	ER2	E
D-HUD-F85022-IL	Westlake Development, Bloomingtondale and Glendale Heights, Du Page County, Ill.	LO1	F
D-HUD-G24004-LA	Waterline, Marrero to Lafitte, Jefferson Parish, La.	ER3	G
D-HUD-G24005-TX	Tarrant County water project, Tex.	LO2	G
D-HUD-G85033-TX	Hunt County Park Subdivision, Quenchita Parish, La.	ER2	G
D-HUD-G85055-TX	Westpoint Development, Tarrant County, Tex.	LO1	G
D-HUD-J24002-UT	Lehi sewer system improvement, Lehi City, Utah	LO2	I
D-HUD-L85002-WA	Shiloh Hills, Spokane County, Wash (HUD-R10-EIS-77-1D).	LO2	K

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 1, and Aug. 31, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
NUCLEAR REGULATORY COMMISSION			
D-NRC-E06007-MS	Yellow Creek nuclear plant, units 1 and 2, Tennessee Valley Authority, Tishomingo County, Miss. (NUREG-0289).	LO2	E
D-NRC-G06003-TX	Blue Hills Station, units 1 and 2, Gulf States Utilities Co., Docket No. 50-510 and 50-511, Newton County, Tex. (NUREG-0276).	LO2	O
D-NRC-J00004-WY	Lucky MC uranium mill project, Fremont County, Wyo.	ER2	I
TENNESSEE VALLEY AUTHORITY			
D-TVA-E06006-MS	Yellow Creek nuclear plant units 1 and 2, Tishomingo County, Miss.	LO2	E
APPENDIX II			
<i>Definitions of Codes for the General Nature of EPA Comments</i>			
ENVIRONMENTAL IMPACT OF THE ACTION			
<i>Category 1—Adequate</i>			
The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.			
<i>Category 2—Insufficient information</i>			
EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.			
<i>Category 3—Inadequate</i>			
EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.			
<i>Category 4—Unsatissfactory</i>			
EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives			

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APPENDIX III.—Final environmental impact statements for which comments were issued between Aug. 1, and Aug. 31, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
F-COE-F32038-MI	Recreational boat harbor, detour, Chipewa County, Mich.	EPA's concerns were adequately addressed in the final EIS.	F
F-COE-K61014-CA	North Point Park and Marina, San Francisco County, Calif.	do.	J
DEPARTMENT OF AGRICULTURE			
F-AFS-J65054-MT	Mount Heben management alternatives, Gallitan National Forest, Mont.	EPA's review of this final EIS indicated the EIS was unresponsive to a majority of the concerns raised by EPA on the draft EIS. Specifically the lack of analysis on the subject areas raised in EPA's comments and the lack of consideration for secondary impacts or the adequacy of the mitigative measures for these impacts prevent EPA from adequately evaluating potential impacts of the proposed project.	I
F-AFS-J65055-UT	Land use plan, Markagunt Plateau planning unit, Dixie National Forest, Utah.	Generally, EPA's concerns were adequately addressed in the final EIS. EPA suggested the Forest Service implement the provisions of the recent Executive Order 11989 and limit the use of off-road vehicles in areas or on trails that are deemed suitable.	I
F-AFS-K61012-CA	Little Kern planning unit, Sequoia National Forest, Tulare County, Calif.	EPA's concerns were adequately addressed in the final EIS.	J
F-REA-D08002-PA	Susquehanna steam electric station, 500 kV transmission system, Pennsylvania.	EPA has no objections to the project as proposed.	D
F-REA-D08003-PA	Susquehanna steam electric station units 1 and 2, and 230 kV transmission facilities, Pennsylvania.	EPA has no objections to the project as proposed. However any modifications to the transmission line routing should be documented in a final supplement to the EIS.	D
F-SCS-K36017-AZ	Harquahala valley watershed, Maricopa and Yuma Counties, Ariz.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF COMMERCE			
F-EDA-K60004-CA	South Vallejo Industrial Park, Vallejo waterfront development project, Solano County, Calif.	EPA's concerns were adequately addressed in the final EIS.	J
DEPARTMENT OF INTERIOR			
F-BLM-J01001-CO	Proposed development of oil shale resources by the Colony development operation, Colorado.	Generally, EPA's concerns were adequately addressed in the final EIS. However there are 2 major unresolved environmental problems: (1) The inability of the proposed facility to meet class II prevention of significant deterioration (PSD) air quality regulations, and (2) the unlikely revegetation success on TOSCO spent shale. EPA has requested future meetings with BLM to resolve these issues.	I
F-BLM-K08003-OO	Sierra Pacific Power Co., 230-245kV transmission line, Oregan, Nev., to Hunt, Idaho.	EPA's concerns were adequately addressed in the final EIS.	J
F-SFW-K64000-CA	Aquisition, San Francisco Bay National Wildlife Refuge, Alameda County, Calif.	do.	J
DEPARTMENT OF TRANSPORTATION			
F-FAA-A52095-OO	Certification of Gates Learjet models 24 and 25, airplanes for operation at a maximum pressure altitude of 51,000 ft.	EPA's concerns were adequately addressed in the final EIS.	A
F-FAA-C51005-NY	Chemung County Airport, Elmira, N.Y.	EPA's comments have been adequately addressed on the final EIS.	C
F-FAA-D51006-PA	Erie International Airport, runaway extension, Erie County, Pa.	EPA's concerns were adequately addressed on the final EIS.	D
F-FAA-D51007-MD	Ocean City Airport, Ocean City, Md.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA suggested the FAA avoid wetlands where it is possible.	D
RF-DOT-A52094-OO	Proposed rulemaking concerning motor vehicle occupant crash protection.	EPA's concerns were adequately addressed in the final EIS.	A
F-FHW-A41723-MD	Relocated MD-193 to MD-55f, Prince Georges County, Md.	EPA continues to have environmental reservations on the project as proposed. Specifically, EPA is concerned with the filling and partial drainage of the wetlands on Folly Swamp and requested to be contacted prior to the department's application for a sec. 404 permit (if required). EPA suggested that these sensitive areas be avoided or crossed in a manner which would not degrade their wildlife and water quality value.	D
F-FHW-B40009-MA	I-391, Chicopee to Holyoke, Hampden County, Mass.	EPA's review of the final EIS indicated the Agency was unresponsive to EPA's comments on the draft EIS. Specifically, the project has not demonstrated to be consistent with the State implementation plan for achieving ambient air quality standards.	B
F-FHW-C40015-NY	City of Little Falls, southeast arterial highway, Montgomery and Herkimer Counties, N.Y.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA requested that information concerning ground water impacts be made available.	C
F-FHW-D40029-VA	I-64, VA-167 to Hampton Roads, Bridge Tunnel, Va.	EPA's concerns were adequately addressed in the final EIS.	D
F-FHW-D40047-PA	Everett bypass, LR 1064, sec. A00, Bedford County, Pa.	do.	D
F-FHW-D40050-MD	Relocated MD-32, Patuxent freeway, MD-108 to Baltimore/Washington Parkway, Anne Arundel and Howard Counties, Md.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA noted potential wetlands and water quality problems that might call for minor design changes prior to construction.	D
F-FHW-D40051-VA	I-464, Chesapeake and Norfolk, Va.	EPA continues to have environmental reservations on the project as proposed. Specifically, EPA believes the several stream crossings as proposed will have impacts on water quality and wetlands.	D

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APPENDIX III.—Final environmental impact statements for which comments were issued between Aug. 1, and Aug. 31, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF TRANSPORTATION—Continued			
F-FHW-F40035-OH	Detroit-Rocky River Bridge replacement, Lakewood Rocky River, Cuyahoga County, Ohio.	EPA's concerns were adequately addressed in the final EIS.	F
F-FHW-G40037-LA	LA-541, U.S. 61 to I-10, St. James Parish, La.	EPA continues to have environmental reservations concerning the possible adverse impacts to the wetlands within the proposed project area. The project may induce secondary development which could cause further deterioration and encroachment of valuable wetland habitat.	G
F-FHW-J40010-UT	I-70 through the Sevier Valley, Utah	EPA's concerns were adequately addressed in the final EIS.	I
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION			
F-ERD-A00116-NY	Brookhaven National Laboratory, Upton, Suffolk County, N.Y. (ERDA-1540).	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA made several suggestions on the radiological aspects of the proposal.	A
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
FS-HUD-A85099-CO	West side housing neighborhood development program, Denver County, Colo.	EPA's concerns were adequately addressed in the final EIS.	I
F-HUD-C24001-PR	Construction of sanitary sewer system, Rolo community, Humacao, P.R.	do	C
F-HUD-E85019-FL	Pinebrook Estates, unit 1-203B, Pinellas County, Fla. (HUD-R04-EIS-76-17-D).	Generally EPA's concerns were adequately addressed in the final EIS. However, EPA requested additional information be provided regarding the effects the total project development will have on water quality, ambient air quality, and noise levels.	E
F-HUD-E85020-FL	Seven Springs, subdivision, Pasco County, Fla. (HUD-R04-EIS-76-15-D).	EPA's concerns were adequately addressed in the final EIS.	E
F-HUD-E85021-FL	Vista Verde, subdivision, Dade County, Fla. (HUD-R04-EIS-76-18-F).	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA feels in more complete analysis on water quality and noise abatement should be conducted.	E
F-HUD-K85003-CA	Aliso Hills development, Orange County, Calif.	EPA continues to have environmental reservations on the proposed project relating to air quality impacts.	J
F-HUD-K89021-CA	Bunker Hill elderly housing project, Long Beach, Los Angeles County, Calif.	EPA's concerns were adequately addressed in the final EIS.	J
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION			
F-NAS-D09004-VA	Refuse-fired steam generating facility, Langley Research Center, Hampton, Va.	do	D
F-NAS-K12003-CA	Modification of 40 by 80 ft subsonic wind tunnel, Ames Research Center, Calif.	do	J
U.S. POSTAL SERVICE			
F-UPS-F81004-IL	Proposed relocation south Cicus Ave. Postal facility, Chicago, Cook County, Ill.	EPA's concerns have been adequately addressed in the final EIS.	F
NUCLEAR REGULATORY COMMISSION			
F-NRC-C08006-PR	North coast nuclear plant, unit 1, Isolate site, P.R.	EPA has environmental reservations concerning the suitability of the Isolate site for a nuclear powerplant. Inadequate data was presented in the EIS, specifically in the areas of plant design, representative meteorology, fisheries, and seismicity. The meteorological data provided does not appear to be representative of the site as EPA's analyses of 2 Dose pathways, using the meteorological data, indicate the Dose pathways exceed existing standards. The entrainment and impingement impacts upon fisheries may be acceptable, however, the lack of information on the system design and location prevents a firm conclusion. The geologic safety of the site area has not been addressed even though Puerto Rico is seismically active in general. Therefore, EPA has environmental reservations concerning this project.	C

APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Aug. 1, and Aug. 31, 1977

Identifying No.	Title	Source of review
CORPS OF ENGINEERS		
F-COE-G32024-TX	Maintenance dredging, Little Bay, Tex.	G
FS-COE-Q34002-TX	Lake Brownwood modification, Pecan Bayou watershed, Colorado River Basin, Tex.	G
F-COE-G34014-OO	Operation and maintenance program, Denison Dam, Lake Texoma, Red River (Okla. and Tex.)	G
F-COE-L36031-WA	Additional flood control, upper Baker project, Skagit River basin, Whatcom County, Wash.	K
F-COE-L38047-OO	Vancouver to the Dalles Channel, maintenance, Columbia River (Oreg. and Wash.)	K
DEPARTMENT OF AGRICULTURE		
F-AFS-D65003-PA	Timber management plan, Allegheny National Forest, Pa.	D
F-AFS-G65014-AR	St. Francis unit plan, Ozark National Forest, Lee and Phillip Counties, Ark.	O
F-AFS-J35002-MT	Proposed reconstruction, Big Creek Dam, Selway-Bitterroot Wilderness, use of motorized equipment, Bitterroot National Forest, Mont.	I

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APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Aug. 1, and Aug. 31, 1977—Cont'd

Identifying No.	Title	Source of review
DEPARTMENT OF AGRICULTURE—Continued		
F-AFS-J82000-00	Western spruce budworm management plan.	I
F-AFS-L61044-ID	Salmon River, wild and scenic river proposal, Idaho	K
F-AFS-L61087-ID	South fork Salmon River planning unit, Boise and Payette National Forests, Idaho (USDA-FS-R4-FES(ADM)R4-77-2).	K
F-REA-G07001-NM	Gamerco coal mine, McKinley County, Tex.	G
DEPARTMENT OF COMMERCE		
F-NOA-E61020-FL	Rookery Bay, Florida estuarine sanctuary, Collier County, Fla.	E
DEPARTMENT OF INTERIOR		
F-BIA-G85002-NM	Tesuque Indian pueblo, Santa Fe County, N. Mex.	G
DEPARTMENT OF TRANSPORTATION		
FS-DOT-A41472-VT	U.S. 7, Sunderland to Manchester, Bennington County, Vt.	B
F-FHW-E40040-KY	Appalachian development corridor J, Somerset London Rd., KY-80, Pulaski and Laurel Counties, Ky. (FHWA-KY-EIS-75-02-F).	E
F-FHW-E40060-GA	Columbus to GA-85, U.S. 27A, North Columbus bypass, Muscogee County, Ga. (FHWA-GA-75-13-F).	E
F-FHW-E40077-TN	TN-29, TN-27 spur to TN-153, Appalachian corridor J, Hamilton County, Tenn. (FHWA-TN-EIS-75-4-F).	E
F-FHW-G40024-TX	Loop 1, south segment, Travis County, Tex.	G
F-FHW-J40008-MT	Improvement of Forest Highway 13, U.S. 2, Glacier National Park, Flathead County, Mont.	I
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-E28003-NC	Great Alamance Creek water supply project, city of Burlington, N.C.	E
F-HUD-G85027-TX	Cimarron subdivision, Harris County, Tex.	G
F-HUD-J85011-CO	Kensington Park apartments, phase I and II, Denver, Colo.	I
NATIONAL SCIENCE FOUNDATION		
F-NSF-A84021-00	Ross ice shelf project (RISP), U.S. Antarctic research program	A
DEPARTMENT OF INTERIOR		
F-NPS-H61003-MO	Wilson's Creek national battlefield, Green and Christian Counties, Mo.	H
U.S. POSTAL SERVICE		
F-UPS-C81002-NY	General mail facility, Rochester, N.Y.	C

APPENDIX V.—Regulations, legislation and other federal agency actions for which comments were issued between Aug. 1, and Aug. 31, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF INTERIOR			
R-IGS-A02116-00	30 CFR pt. 250, Outer Continental Shelf (OCS) oil and gas operations suspension procedures (42 FR 36273).	EPA has reviewed the proposed rulemaking and has no comments at this time.	A
R-BLM-A02117-00	43 CFR pt. 3300, Outer Continental Shelf (OCS) oil and gas leases, suspensions and the 5-yr. term.	do	C
DEPARTMENT OF TRANSPORTATION			
R-CGD-A52122-00	33 CFR pts. 154-156, pollution prevention, vessels and oil transfer facilities, 33 CFR pt. 157, tank vessels carrying oil in bulk, 46 CFR pt. 162, oil pollution prevention equipment, approval requirements (42 FR 32670).	EPA made specific comments with regard to: (1) increasing the level of training for the persons in charge of oil transfer operations, and (2) providing documentation for approval of alternative procedures, methods or equipment standards in providing an equivalent level of protection from pollution by oil.	A
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION			
A-ERD-A00131-SC	Alternatives for long-term management of defense high-level radioactive waste, Savannah River plant, Aiken, S.C. (ERDA-77-42).	EPA continues to have concerns relative to the acceptability of the disposal of high level waste in bedrock alternative and furthermore EPA believes this alternative should be totally eliminated as a permanent high level waste disposal technique.	A

APPENDIX VI	Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.	Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.
SOURCE FOR COPIES OF EPA COMMENTS	A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.	E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308.
	B. Director of Public Affairs, Region 1, Environmental Protection Agency, Curtis	F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.

G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Tex. 75270.

H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.

I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo. 80203.

J. Director of Public Affairs, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94108.

K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc. 78-3348 Filed 2-7-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 238]

STATEWIDE FINANCIAL CORP.

Receipt of Application

FEBRUARY 3, 1978.

In the matter of the State Savings & Loan Co., South Euclid, Ohio, and the Citizens Home & Savings Association Co., Lorain, Ohio.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Statewide Financial Corp., South Euclid, Ohio, for approval of the acquisition of the State Savings & Loan Co. and of the Citizens Home & Savings Association Co., South Euclid, Ohio. Comments on the proposed acquisitions should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, by March 10, 1978.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-3456 Filed 2-7-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;
Temporary Reg. A-12]

CENTRALIZED HOUSEHOLD GOODS TRAFFIC MANAGEMENT

1. *Purpose.* This temporary regulation prescribes the General Services Administration (GSA) centralized household goods traffic management program.

2. *Effective date.* This regulation is effective February 8, 1978.

3. *Expiration date.* This regulation expires November 30, 1978, unless sooner revised or superseded.

4. *Background.* a. Section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C.

481(a)), as amended, states "The Administrator shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program activities of the agencies concerned . . . prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including . . . transportation and traffic management . . ."

b. To obtain the greatest economy, efficiency, and service in the movement of household goods and personal effects for employees of civilian agencies of the Federal Government, GSA has instituted a centralized household goods traffic management program. Under this program, GSA will provide agencies with carrier selections and routings for domestic moves based on cost comparisons. In addition, all carrier rate tenders covering the movement of household goods shall be filed with GSA to ensure a uniform domestic rate structure, establish a single set of standards, and reduce administrative costs for individual agencies.

5. *Household goods tender of service.* To achieve the objectives listed in subparagraph 4b, GSA has developed a master household goods tender of service (TOS) agreement. This agreement sets forth service and performance standards that participating carriers and forwarders (carriers) agree to provide. Carriers which participate under the TOS agreement shall submit rate tenders (section 22, Interstate Commerce Act, 49 U.S.C. 22) to GSA. GSA will accept or reject such tenders on behalf of all Federal agencies, except the Department of Defense and the U.S. Coast Guard. These rate tenders were effective on December 1, 1977.

6. *Actual expense method and the commuted rate schedule.* a. Paragraph 2-8.3c(4)(a) of the GSA publication, Federal Travel Regulations (FPMR 101-7) states " . . . the commuted rate system shall be used for individual transfers without consideration being given the actual expense method, except that the actual expense method may be used if the actual costs to be incurred by the Government for packing and other accessorial services are predetermined (at least as to price per 100 pounds) and if that method is expected to result in a real savings to the Government of \$100 or more."

b. Under the centralized household goods traffic management program, agencies are required to obtain household goods cost comparisons from the appropriate GSA regional Transportation Services Division. (See attachment A.) The GSA regional office will make the cost comparison between the two methods and will furnish agencies

with the information described in subparagraph 7b. Agencies will make the final determination as to the method of shipment to be used based on the results of the GSA cost comparison.

7. *Procedures—*a. *Cost comparison.* Agencies will furnish all pertinent details concerning the proposed move; i.e., name of employee to be moved, origin, destination, anticipated or actual moving date, estimated weight, and, if applicable, storage in transit (for 30 or 60 days), or other special requirements, to the appropriate GSA regional Transportation Services Division. Agencies may use GSA Form 2485, Cost Comparison for Shipping Household Goods (Commuted Rate System vs. Actual Expense Method), for this purpose. Shipment details should be provided to the GSA regional Transportation Services Division as far in advance of the moving date as possible. Each cost comparison will be assigned a GSA transportation control number which is to be shown on the Government bill of lading (GBL) in the "Route Order/Release No." block. In case of an emergency or an imminent moving date, these details may be transmitted to GSA by phone. All cost comparison and carrier selection information given telephonically will be confirmed in writing by GSA.

b. *Carrier selection or routings.* Results of the cost comparison will be furnished to the requesting agency together with the names of at least three qualified carriers capable of handling the particular shipment. If the rates of these carriers vary, the carrier offering the lowest rate shall be used. When two or more carriers offer the lowest rate, the carrier having been allocated the least tonnage distribution will be selected by GSA and the name and point of contact of the carrier provided to the requesting agency together with the names of two alternate carriers. Alternate carriers should only be used if the primary carrier cannot accept the shipment. The appropriate GSA regional Transportation Services Division is to be promptly notified of any change in the carrier routing. A carrier tonnage distribution record will be maintained at each GSA regional Transportation Services Division to facilitate equitable distribution of tonnage among carriers.

c. *Quality control.* An integral part of this program is the feedback from the relocated Government employee who has been moved by the selected carrier. Along with each completed cost comparison, GSA will furnish the employee with a GSA Form 3080, Household Goods Carrier Performance Report. The GBL number and the transportation control number assigned by GSA should be added to the form by the GBL issuing office. After

the move has been completed, the GSA Form 3080 is to be returned by the employee to the GSA regional Transportation Services Division that

provided the rate and routing information. Evaluation of the data on this form will enable GSA to monitor the performance of each carrier. Other information pertaining to any carrier's inadequate service or performance should be provided to GSA by agency shipping offices with sufficient details to identify the specific shipment.

8. *Additional details.* Information concerning this program may be obtained from the appropriate GSA regional Transportation Services Division.

9. *Availability of forms.* a. GSA Form 2485, Cost Comparison for Shipping Household Goods (Commuted Rate System vs. Actual Expense Method) (printed on NCR paper in pads of 100 sheets) may be obtained initially by sending a letter requesting the forms to the General Services Administration (3FND), Union and Franklin Streets Annex, Building 11, Alexandria, VA 22314. After obtaining an initial supply, agency regional or field offices should submit subsequent requirements for the form to their Washington headquarters office, which shall forward consolidated annual requirements to the General Services Administration (BRO), Washington, DC 20405.

b. Copies of the GSA Form 3080, Household Goods Carrier Performance Report, will normally be furnished with the cost comparison. However, additional copies of the form may be obtained from the appropriate GSA regional Transportation Services Division.

10. *Cancellations.* GSA Bulletins FPMR A-24 and supplements 1 and 2; A-32 and supplements 1, 2, and 3; and A-45 are canceled.

11. *Agency comments.* Any comments concerning this regulation should be submitted to the General Services Administration (FAF), Washington, D.C. 20406, no later than March 31, 1978, for possible incorporation into a permanent regulation.

Dated: January 26, 1978.

JAY SOLOMON,
Administrator
of General Services.

FPMR TEMP. REG. A-12, ATTACHMENT A
CENTRAL OFFICE—GENERAL SERVICES ADMINISTRATION (FZT) WASHINGTON, D.C. 20406, 703-557-8505

GSA region	Address and telephone No.	Areas of Jurisdiction
1	General Services Administration (1FZT), John W. McCormack, Post Office and Courthouse, Boston, Mass. 02109, 617-223-2735, FTS: 223-2735.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
2	General Services Administration (2FZT), 26 Federal Plaza, New York, N.Y. 10007, 212-264-1286, FTS: 264-1286.	New Jersey, New York, Puerto Rico, Virgin Islands.
3	General Services Administration (3FZT), Washington, D.C. 20407, 202-472-2003, FTS: 472-2003.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia.
4	General Services Administration (4FZT), 1776 Peachtree Street NW, Atlanta, Ga. 30309, 404-881-4443, FTS: 257-4443.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
5	General Services Administration (5FZT), 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-5375, FTS: 353-5375.	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.
6	General Services Administration (6FZT), 1500 East Bannister Road, Kansas City, Mo. 64131, 816-926-7555, FTS: 926-7555.	Iowa, Kansas, Missouri, Nebraska.

GSA TRANSPORTATION SERVICES DIVISION OFFICES

7	General Services Administration (7FZT), 819 Taylor Street, Fort Worth, Tex. 76102, 817-334-2733, FTS: 334-2733.	Arkansas, Louisiana, New Mexico, Oklahoma, Texas.
8	General Services Administration (8FZT), Building 41, Denver Federal Center, Denver, Colo. 80225, 303-234-2626, FTS: 234-2626.	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
9	General Services Administration (9FZT), 525 Market Street, San Francisco, Calif. 94105, 415-556-3271, FTS: 556-3271.	Arizona, California, Guam, Hawaii, Nevada.
10	General Services Administration (10FZT), GSA Center, Auburn, Wash. 98002, 206-833-6500, ext. 411, FTS: 396-5411.	Alaska, Idaho, Oregon, Washington.

[FR Doc. 78-3411 Filed 2-7-78; 8:45 am]

[6820-24]

[Federal Property Management Regs.;
Temporary Reg. G-1]

CHANGES IN REQUIREMENTS FOR REPORTING MOTOR VEHICLE DATA

1. *Purpose.* This regulation prescribes changes in the instructions for preparing Standard Form 82, Agency Report of Motor Vehicle Data, and

Standard Form 82-D, Agency Report of Sedan Data.

2. *Effective date.* This regulation is effective February 8, 1978.

3. *Expiration date.* This regulation expires September 30, 1978, unless revised or superseded sooner.

4. *Applicability.* This regulation applies to all executive agencies holding or using commercially rented motor vehicles.

5. *Background.* Standard Forms 82 and 82-D are prescribed by FPMR 101-38.100-1 and are used by executive agencies to report motor vehicle management data to GAS. The data is used by GSA to evaluate and analyze operations and management of the Federal motor vehicle fleet. Instructions for preparing the Standard Forms 82 and 82-D are located on the back of each form and include provisions for reporting data on term and trip rentals of motor vehicles from commercial sources. The data from these reports relating to trip rentals are not essential to GSA for evaluating and analyzing the Federal motor vehicle fleet. Because of the difficulty to agencies in collecting and tabulating commercial trip rental costs, this requirement is being deleted from the forms. Subsequent revisions of these forms will reflect this change.

6. *Agency action.* Effective with the development of data by agencies for submission of the report for fiscal year 1977, agencies shall make the following pen-and-ink changes:

a. Standard Form 82. On the back of the form in section I, part B, line 10, change the parenthetical phrase from "term and trip rentals" to "assigned and dispatch," and in line 11, delete from the parenthetical phrase the words "and trip."

b. Standard Form 82-D. On the back of the form in section I, part B, lines 10 and 12, change the parenthetical phrases from "term and trip rentals" to "assigned and dispatch," and in lines 11 and 13, delete from the parenthetical phrases the words "and trip."

JAY SOLOMON,
Administrator of General Services.
[FR Doc. 78-3412 Filed 2-7-78; 8:45 am]

[6820-24]

[Federal Property Management Regs.;
Temporary Reg. G-35]

COMPLETING STANDARD FORM 91-A, INVESTIGATION REPORT OF MOTOR VEHICLE ACCIDENT

1. *Purpose.* This regulation prescribes changes for completing Standard Form 91-A, Investigation Report of Motor Vehicle Accident.

2. *Effective date.* This regulation is effective February 8, 1978.

3. *Expiration date.* This regulation expires December 31, 1978, unless revised or superseded sooner.

4. *Applicability.* The provisions of this regulation apply to all executive agencies holding motor vehicles located within the United States, its territories, or possessions.

5. *Background.* a. FPMR 101-39.804-2 prescribes the use of Standard Form 91-A for investigating a motor vehicle accident. The Standard Form 91-A was revised in November 1976 and agencies were instructed to destroy all stocks of the June 1953 edition of the form.

b. It has recently been determined by GSA in coordination with the Department of Justice that certain questions on the form should not be answered since they may pose legal difficulties in future defenses of claims against the Government and in processing claims on behalf of the Government. Those questions will be deleted from the form when it is revised.

6. *General.* The questions to be deleted are located in Block 26, Reviewing Official's Statement, of the November 1976 edition of the Standard Form 91-A, and are as follows:

a. Was driver acting within scope of his employment?

b. What caused the accident?

c. How could it have been prevented?

d. What action has been taken?

7. *Agency action.* Until such time as the Standard Form 91-A is revised, the appropriate agency officials should not answer the questions on the form identified in par. 6, above.

Dated: January 31, 1978.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 78-3413 Filed 2-7-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

CAREER EDUCATION PROGRAM

Extension of Closing Date for Receipt of Applications

Notice is given that the January 18, 1978, deadline for filing grant applications under the Career Education Program published in the FEDERAL REGISTER on October 12, 1977, is extended to February 17, 1978.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages.

(a) *Applications sent by mail.*—An application sent by mail should be addressed to: U.S. Office of Education, Application Control Center, Attention: 13.554, Washington, D.C. 20202. Applications must be received by the Application Control Center on or before the closing date.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than February 13, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or,

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. In establishing the date of receipt, the Commissioner will rely on the time-date stamp of these mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

(b) *Hand-delivered applications.*—An application to be hand-delivered must be taken to the U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

(c) *Program information.*—Applications are being accepted from State and local educational agencies, institutions of higher education, and other public and private agencies, organizations, associations, institutions, and individuals for grants and assistance contracts to support projects to demonstrate the most effective methods and techniques in career education and to develop exemplary career education models (including models in which handicapped children receive appropriate career education either by participation in regular or modified programs with nonhandicapped children or, where necessary, in specially designed programs for handicapped children whose handicaps are of such severity that they cannot benefit from regular or modified programs).

In formulating applications, potential applicants should be aware of the amount of funds available for career education grants and assistance contracts for Fiscal Year 1978. It is anticipated that grants and assistance contracts will be awarded in each of the categories specified in 45 CFR 160d.5, with the total amount of the awards in each category being approximately as follows: (a) Incremental improvements in K-12 career education programs—\$1,000,000, (b) demonstrations in such settings as the senior high school—\$250,000, the community college—\$150,000, adult and community education agencies—\$150,000, and institutions of higher education—

\$150,000, (c) demonstrations for such special segments of the population as handicapped—\$750,000, gifted and talented—\$400,000, minority youth—\$600,000, low income youth—\$600,000, and to reduce sex stereotyping in career choices—\$500,000, (d) demonstrations of the training and retraining of persons for conducting career education programs—\$1,000,000, and (e) communication of career education philosophy, methods, program activities, and evaluation results to career education practitioners and to the general public—\$1,200,000. It is expected that a total of about 75 awards will be made in the above categories, and that the average amount per award will be approximately \$90,000.

All of these will be new awards; no funds are reserved for continuation awards. Projects are normally one year in duration.

In addition to the grants and assistance contracts awarded pursuant to this notice, it is anticipated that approximately \$3,385,000 worth of procurement contracts in career education will be awarded during Fiscal Year 1978. Requests for proposals for these procurement contracts will be published in the Commerce Business Daily at a later date.

(d) *State comment.*—All applicants must furnish an information copy of their application to the State educational agency of the State within which the applicant is located. This information copy must be submitted to the State Coordinator of Career Education, as designated by the Chief State School Officer, concurrently with the submission of the application to the U.S. Office of Education. The application submitted to the U.S. Office of Education must contain a statement that this has been accomplished. State educational agencies wishing to submit advice and comment on any application originating within their State may do so by forwarding that advice and comment to the Office of Career Education, at the address in paragraph (f) below.

(e) *For further information and forms contact.*—Dr. Sidney C. High, Jr., Office of Career Education, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3100, ROB No. 3), Washington, D.C. 20202; 202-245-2331.

(f) *Applicable regulations.*—The regulations applicable to the Career Education Program are the Office of Education General Provisions Regulations (45 CFR Parts 100, 100a, and appendices), the regulation for the Special Projects Act (45 CFR Part 160, especially Part III in the Appendix) published in the FEDERAL REGISTER on July 15, 1976, and the regulation for the Career Education Program (45 CFR Part 160d), published in the FEDERAL REGISTER on May 13, 1976.

(20 U.S.C. 1851-1853 and 1865; 45 CFR Part 160 and Part 160d.)

(Catalog of Federal Domestic Assistance Number 13.554, Career Education Program.)

Dated: February 3, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.
[FR Doc. 78-3453 Filed 2-7-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 62560]

WYOMING

Application

JANUARY 30, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co. of Oklahoma City, Okla., has filed an application for a right-of-way to construct a 4½ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 95 W.,

Sec. 18, NE¼NE¼.

The pipeline will transport natural gas from a point in Section 18 in a northerly direction to a point connecting with a gathering line in Section 7, T. 22 N., R. 95 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.
[FR Doc. 78-3419 Filed 2-7-78; 8:45 am]

[4310-84]

[Wyoming 61559 (Amendment)]

WYOMING

Application

JANUARY 27, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Stauffer Chemical Co. of Wyoming filed an amendment to its pending application, W-61559, for a right-of-way to construct 4 inch lateral pipe-

lines for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 103 W.,

Sec. 4.

T. 23 N., R. 103 W.,

Secs. 22, 26, and 34.

The purpose of this amendment is to construct an additional 4 inch lateral pipeline from the KD Luff Alternate Location 2-23C Amoco Champlin well located in the SE¼ of Section 23, T. 23 N., R. 103 W., to connect with Stauffer Chemical's proposed lateral pipeline located in the SE¼ of Section 22, T. 23 N., R. 103 W., Sweetwater County, Wyo. Stauffer Chemical Co. of Wyoming has also amended its application by relinquishing a 4 inch lateral pipeline included in its pending application which extends from the KB Luff well located in the NW¼ of Section 35, T. 23 N., R. 103 W., and which was to connect with Stauffer Chemical's proposed lateral pipeline in the NE¼ of Section 34, T. 23 N., R. 103 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.
[FR Doc. 78-3420 Filed 2-7-78; 8:45 am]

[4310-84]

[Wyoming 62547]

WYOMING

Application

JANUARY 30, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo. has filed an application for a right-of-way to construct a 6½ inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 90 W.,

Sec. 8, SE¼NE¼ and NE¼SE¼.

The pipeline will transport natural gas from a well in Section 8 to a point in Section 3 T. 38 N., R. 90 W., Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-3421 Filed 2-7-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on December 30, 1977, Knauf & Tesch Co., Chilton, Wis. 53014, made application to the Drug Enforcement Administration to be registered as an importer of marihuana, a basic class controlled substance in Schedule I, for the importation of seed only, to be rendered nonviable for use in feed.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than March 9, 1978.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: February 2, 1978.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.
(FR Doc. 78-3422 Filed 2-7-78; 8:45 am)

[4410-01]

Law Enforcement Assistance Administration

CRIMINAL INTELLIGENCE SYSTEMS

Operation Policies

Notice is hereby given that the Law Enforcement Assistance Administration is establishing funding and operating principles for LEAA Discretionary Funded Criminal Intelligence Systems. Consideration will be given to views and comments pertaining to the proposed policy set out in this notice. Comments should be submitted in writing no later than March 1, 1978, to Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, D.C. 20531. LEAA will be guided by the principles of this policy pending receipt of comments.

LEAA recognizes that certain criminal activities including but not limited to, loan sharking, narcotics, trafficking in stolen property, gambling, extortion, smuggling, bribery, and corruption of public officials often involve some degree of regular coordination and permanent organization involving a large number of participants over a broad geographical area. The exposure of such ongoing networks of criminal activity can be aided by the pooling of information about such activities. In recognition of the fact, however, that the collection and exchange of intelligence data necessary to support control of serious criminal activity may represent potential threats to the privacy of individuals to whom such data relates, the following LEAA policies shall be applicable to all projects in which LEAA discretionary funds are to be used for the collection and exchange of intelligence data. As used in these policies, 'Intelligence Systems' means the arrangements, equipment, facilities, and procedures used to store and exchange criminal

intelligence data, however, the term does not include modus operandi files; 'Interjurisdictional Intelligence Systems' means those systems for the continuing exchange of criminal intelligence data between local, county, or larger political subdivisions, including the exchange of data between State or local agencies and units of the Federal Government.

I. OPERATING PRINCIPLES FOR LEAA—DISCRETIONARY FUNDED INTELLIGENCE SYSTEMS

A. Criminal intelligence information concerning an individual shall be collected and maintained only if it is suspected that the individual is involved in criminal activity and it can be assumed that the information is relevant to that activity.

B. No records shall be maintained describing an individual's exercise of rights guaranteed by the First Amendment unless the information in question is pertinent to and within the scope of the particular criminal activity being investigated.

C. No information which has been obtained in violation of any applicable Federal or State law shall be included in any criminal intelligence system.

D. Intelligence information shall be disseminated only where there is a need to know/right to know the data in the performance of a law enforcement activity.

E. (1) Except as noted in (2) below, intelligence information shall be disseminated only to other law enforcement authorities who shall agree to follow procedures regarding data entry, maintenance, security, and dissemination which are consistent with these standards.

(2) Paragraph (1) above shall not limit the dissemination of an assessment of criminal intelligence information to a government official or to any other individual, when necessary, to avoid imminent danger to life or property.

F. Agencies maintaining criminal intelligence data shall adopt administrative, technical, and physical safeguards (including audit trails) to insure against unauthorized access and against intentional or unintentional damage. Information shall be labeled to indicate levels of sensitivity, levels of confidence, and the identity of control agencies and officials.

G. Periodic review shall be made, no less than every two years, to assure that all information which is retained has relevancy and importance. Any information retained through a two-year interval shall reflect name of reviewer, date of review, and explanation of decision to retain. Any information which is unverified, misleading, obsolete, or otherwise unreliable must be destroyed.

H. If automated equipment for use in connection with a criminal intelli-

gence system is to be obtained with funds under the grant, then:

Direct remote terminal access to data shall not be made available to system users;

No modifications to system design shall be undertaken without prior LEAA approval.

I. LEAA shall be notified prior to initiation of formal information exchange procedures with any Federal, State, Regional, or other information systems not indicated in the grant documents as initially approved at time of award.

J. Assurances shall be made that there will be no purchase or use in the course of the project of any electronic, mechanical, or other device for surveillance purposes that is in violation of the provisions of Title III of Pub. L. 90-351, as amended, and any applicable State statute related to wiretapping and surveillance.

K. Sanctions shall be adopted to control unauthorized access, utilization, or disclosure of information contained in the system.

II. FUNDING GUIDELINES

LEAA shall apply the following funding guidelines to all discretionary grant applications for the funding of interjurisdictional intelligence systems. Systems shall only be funded where a grantee agrees to adhere to the principles set forth above and the project meets the following criteria:

A. The proposed collection and exchange of data has been coordinated with and will support ongoing or proposed investigatory or prosecutorial activities relating to specific areas of criminal activity.

B. The area of criminal activity in connection with which intelligence data is to be utilized represents a significant and recognized threat to the population and: (1) is either undertaken for the purpose of seeking illegal power or profits or poses a threat to the life and property of citizens; (2) involves a significant degree of permanent criminal organization; and (3) is not limited to one geographical area.

C. Control and supervision over information collection and dissemination will be permanently retained by an office unit, or joint operation of a governmental entity.

D. The collection and dissemination of intelligence data will be utilized primarily for State and local law enforcement efforts—exceptions being made only for cases involving joint State-Federal efforts relating to concurrent jurisdiction offenses.

III. MONITORING AND AUDIT OF GRANTS INVOLVING COLLECTION AND EXCHANGE OF CRIMINAL INTELLIGENCE INFORMATION

A. Grants involving the collection and exchange of intelligence informa-

tion will receive specialized monitoring in accordance with a plan designed to ensure compliance with operating principles as set forth in Section I of this document. Such plan shall be approved prior to award of funds.

B. All grants involving collection and exchange of criminal intelligence information shall be awarded subject to a Special Condition requiring compliance with standards set forth in Section I of this document. A certification of compliance with these standards signed by a responsible official shall be included as part of the grant application.

C. An annual notice will be published by LEAA which will indicate the existence and objective of all systems for the continuing interjurisdictional exchange of intelligence data which are funded with LEAA discretionary funds.

JAMES M. H. GREGG,
Assistant Administrator, Office
of Planning and Management.
(FR Doc. 78-3436 Filed 2-7-78; 8:45 am)

[4410-01]

DEPARTMENT OF JUSTICE

[6715-01]

FEDERAL ELECTION COMMISSION

MEMORANDUM OF UNDERSTANDING

The following is intended to serve as a guide for the DEPARTMENT OF JUSTICE (hereinafter referred to as the "Department") and the Federal Election Commission (hereinafter referred to as the "Commission") in the discharge of their respective statutory responsibilities under the Federal Election Campaign Act and Chapters 95 and 96 of the Internal Revenue Code:

(1) The Department recognizes the Federal Election Commission's exclusive jurisdiction in civil matters brought to the Commission's attention involving violations of the Federal Election Campaign Act and Chapters 95 and 96 of the Internal Revenue Code. It is agreed that Congress intended to centralize civil enforcement of the Federal Election Campaign Act in the Federal Election Commission by conferring on the Commission a broad range of powers and dispositional alternatives for handling nonwilful or unaggravated violations of these provisions.

(2) The Commission and the Department mutually recognize that all violations of the Federal Election Campaign Act and the antifraud provisions of Chapters 95 and 96 of the Internal Revenue Code, even those committed knowingly and wilfully, may not be proper subjects for prosecution as

crimes under 2 U.S.C. 441j, 26 U.S.C. 9012 or 26 U.S.C. 9042. For the most beneficial and effective enforcement of the Federal Election Campaign Act and the antifraud provisions of Chapters 95 and 96 of the Internal Revenue Code, those knowing and wilful violations which are significant and substantial and which may be described as aggravated in the intent in which they were committed, or in the monetary amount involved should be referred by the Commission to the Department for criminal prosecution review. With this framework, numerous factors will frequently affect the determination of referrals, including the repetitive nature of the acts, the existence of a practice or pattern, prior notice, and the extent of the conduct in terms of geographic area, persons, and monetary amounts among many other proper considerations.

(3) Where the Commission discovers or learns of a probable significant and substantial violation, it will endeavor to expeditiously investigate and find whether clear and compelling evidence exists to determine probable cause to believe the violation was knowing and wilful. If the determination of probable cause is made, the Commission shall refer the case to the Department promptly.

(4) Where information comes to the attention of the Department indicating a probable violation of Title 2, the Department will apprise the Commission of such information at the earliest opportunity.

Where the Department determines that evidence of a probable violation of Title 2 amounts to a significant and substantial knowing and wilful violation, the Department will continue its investigation to prosecution when appropriate and necessary to its prosecutorial duties and functions, and will endeavor to make available to the Commission evidence developed during the course of its investigation subject to restricting law. Where the alleged violation warrants the impaneling of a grand jury, information obtained during the course of the grand jury proceedings will not be disclosed to the Commission, pursuant to rule 6 of the Federal rules of criminal procedure.

Where the Department determines that evidence of a probable violation of title 2 does not amount to a significant and substantial knowing and wilful violation (as described in paragraph 2 hereof), the Department will refer the matter to the Commission as promptly as possible for its consideration of the wide range of appropriate remedies available to the Commission.

(5) This memorandum of understanding controls only the relationship between the Commission and the Department. It is not intended to confer

any procedural or substantive rights on any person in any matter before the Department, the Commission or any court or agency of Government.

Dated: December 5, 1977.

For the United States Department of Justice.

BENJAMIN R. CIVILETTI,
Assistant Attorney General,
Criminal Division.

Dated: December 8, 1977.

For the Federal Election Commission.

WILLIAM C. OLDAKER,
General Counsel.

(FR Doc. 78-3415 Filed 2-7-78; 8:45 am)

[6820-31]

MARINE MAMMAL COMMISSION

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Meetings

Pursuant to the notice published in the FEDERAL REGISTER on December 13, 1977, further notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on February 23, 24, and 25, 1978, at the Ramada Inn North, 4225 North Freeway, Houston, Tex. 77022.

The Commission and Committee will meet together in public session from 11 a.m. to 5 p.m. on February 23, and from 9 a.m. to 5 p.m. on February 24, to discuss and consider the status of activities and problems affecting marine mammals, including matters relating to:

- (1) Federally funded marine mammal research activities and long-range plans;
- (2) The bowhead whale research plans, research funding, and management regime;
- (3) Preparations for the June 1978 meeting of the International Whaling Commission;
- (4) Tuna-porpoise research and protection;
- (5) Research related to optimum sustainable populations;
- (6) Research on California sea otters;
- (7) Hawaiian monk seal research and protection;
- (8) West Indian manatee research and protection;
- (9) Research on North Pacific fur seals;
- (10) Cooperative efforts with Mexico;
- (11) Conservation of the living resources of the Southern Ocean;
- (12) Workshop on Alaskan marine mammals;
- (13) Live capture of bottlenose dolphins in Florida;

(14) Workshop on marine mammal strandings;

(15) Standards and guidelines for marine mammal maintenance;

(16) Marine mammal/fisheries interactions; and

(17) Such other matters as may appropriately come before the meeting.

These sessions will be open to the public, and seating will be available to accommodate those who are interested.

The remainder of the meeting will consist of executive sessions of the Commission and Committee. These sessions will be devoted to the exchange of opinions and deliberations concerning internal personnel rules and practices, budget, interagency liaison, proposed agency policies and actions, and the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications and competence of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence.

Executive sessions will be held on February 23 from 9 a.m. to 10:40 a.m. and on February 25 from 9 a.m. to 5 p.m. These sessions are concerned with matters listed in 5 U.S.C. Sec. 552b(c) (2), (3), (4), (6), and (9)(B), and therefore will not be open to the public.

JOHN R. TWISS, JR.,
Executive Director,
Marine Mammal Commission.

FEBRUARY 1, 1978.
[FR Doc. 78-3367 Filed 2-7-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Meeting

JANUARY 31, 1978.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C., on February 23-24, 1978.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street,

NW., 1st Floor Conference Room, Washington, D.C. The session of the proposed meeting on February 23, 1978, and the afternoon session on February 24, 1978, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the committee.

The morning session on February 24, 1978, will convene at 8:30 a.m. and will be open to the public. The agenda for the morning session will be as follows:

MINUTES OF THE PREVIOUS MEETING: REPORTS

- Chairman's Introductory Remarks
- Introduction of New Staff.
- Summary of Recent Business.
- Chairman's Grants.
- Application Report.
- Gifts and Matching Report.
- Evaluation.
- Federal Reorganization.
- Congressional Budget Submission.
- Jefferson Lecture Arrangements.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee
Management Officer.

[FR Doc. 78-3356 Filed 2-8-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP ON THE REACTOR SAFETY RESEARCH PROGRAM FOR IMPROVED SAFETY SYSTEM CONCEPTS

Meeting

The ACRS Working Group on the Reactor Safety Research Program for Improved Safety System Concepts will hold an open meeting on February 23, 1978 in Room 1130, 1717 H Street, NW., Washington, D.C. 20555.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Sub-

committee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Thursday, February 23, 1978, 8:30 a.m. until the conclusion of business.

The Working Group will review and discuss an NRC draft report on Long Term Research Plans for New or Improved Reactor Safety System Concepts. The Research Plan is being prepared for Congress by the NRC in response to requirements contained in Pub. L. 95-209.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Dr. Andrew L. Bates, telephone 202-634-1919 between 8:15 a.m. and 5 p.m., EST.

Dated: February 1, 1978.

SAMUEL J. CHILK,
Acting Advisory Committee
Management Officer.

[FR Doc. 78-3236 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket No. PRM-150-11]

CHEM-NUCLEAR SYSTEMS, INC.

Filing of Petition for Rulemaking

Notice is hereby given that John L. West, Esquire, by letter dated December 9, 1977, has filed with the Nuclear Regulatory Commission a petition for rulemaking on behalf of Chem-Nuclear Systems, Inc., to amend the Commission's regulation "Exemptions and Continued Regulatory Authority in Agreement States Under section 274," 10 CFR Part 150.

Paragraph (a) of § 150.20 states that:

(a) Subject to the provisions of paragraph (b) of this section any person who holds a specific license from an Agreement State where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the same activity in non-Agreement States: *Provided*, That the specific license does not limit the activity authorized by the license to specified installations or locations.

Paragraph (b)(3) of § 150.20 provides, that any person who engages in activities in non-Agreement States under the general license:

(3) Shall not possess or use radioactive material, or engage in the activities authorized in paragraph (a) of this section for more than 180 days in any calendar year; . . .

The petitioner requests that the Commission amend § 150.20 by deleting paragraph (b)(3).

The petitioner states that the limitation in paragraph (b)(3) creates additional paperwork and expense for Chem-Nuclear Systems, Inc., and may in the future limit the performance of its services to public utilities. The petitioner contends also that:

One would imagine that if such licensed activities are appropriate and in the public interest for 180 days of the year, they would remain so for the balance of the year as well. As a matter of public policy, all of the reasons why such activities are considered proper for a substantial portion of the year tend to argue against the limit of 180 days on such activities.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington D.C. A copy of the petition may be obtained by writing to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch by April 10, 1978.

Dated at Washington, D.C. this 2nd day of February 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.
[FR Doc. 78-3260 Filed 2-7-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON WASTE MANAGEMENT

Meeting

The ACRS Subcommittee on Waste Management will hold an open meeting on February 23, 1978, in Room 1046, 1717 H St. NW., Washington, D.C. 20555, to review NUREG-0240, "The Nuclear Regulatory Commission Low-Level Radioactive Waste Management Program," and other waste management matters.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those

portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Thursday, February 23, 1978, 8:30 a.m. until the conclusion of business.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, various industry representatives, and their consultants, pertinent to this review. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Ragnwald Muller, telephone 202-634-1413, between 8:15 a.m. and 5:00 p.m., est.

Dated: February 1, 1978.

SAMUEL J. CHILK,
Secretary of the Commission.
[FR Doc. 78-3238 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket No. 50-272]

SALEM NUCLEAR GENERATING STATION, UNIT NO. 1; PUBLIC SERVICE ELECTRIC AND GAS CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-70, issued to Public Service Electric and Gas Co., Philadelphia Electric Co., Delmarva Power and Light Co. and Atlantic City Electric Co. (the licensees), which would revise the operating license for Salem Nuclear Generating Station, Unit No. 1 (the facility) located in Salem County, New Jersey.

The amendment would revise the provisions in the Technical Specifications to permit increase in fuel storage capacity from 264 to 1170 fuel assemblies in the spent fuel pool of the Salem Nuclear Generating Station, Unit No. 1. The amendment would also revise design features and associated operating limits for the storage pool, as necessary, to accommodate the increased storage capacity, in accordance with the licensee's application for amendment, dated November 18, 1977 (as supplemented by letter dated December 13, 1977).

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By March 10, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Troy B. Conner, Jr., Esquire, Suite 1050, 17 Pennsylvania Avenue NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely pe-

titions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated November 18, 1977 (as supplemented by letter dated December 13, 1977), which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey.

Dated at Bethesda, Maryland this 31st day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-3237 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 32 and 29 to Facility Operating License Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Co. (the licensee) which revised technical specifications for operation of the Zion Station, Unit Nos. 1 and 2, located in Zion, Ill. The amendments are effective as of the date of issuance.

These amendments (1) established limiting conditions for operation and surveillance requirements for the turbine building fire sump liquid release pathway and (2) clarify the technical specification requirements with regard to containment tendon surveillance.

The applications for these amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amend-

ments will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated August 3 and September 26, 1977, (2) Amendment Nos. 32 and 29 to License Nos. DPR-39 and DPR-48, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Zion-Benton Public Library District, 2600 Emmans Avenue, Zion, Ill. 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-3424 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 34 to Provisional Operating License No. DPR-20, issued to Consumers Power Co. (the licensee), which revised Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Mich. The amendment is effective as of its date of issuance.

This amendment allows both doors of the containment personnel air lock to be open during refueling operations and allows the removal of either one of two reactor vessel accelerated surveillance capsules during the second and fifth refueling outages.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment

was not required since the amendment did not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 6, 1978, (2) Amendment No. 34 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Mich. 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 27th day of January 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-3425 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket No. 50-321]

LOW PRESSURE COOLANT INJECTION SYSTEM

Issuance of Amendment to Facility; Correction

On January 13, 1978, a "Notice of Issuance of Amendment to Facility Operating License" was published on page 43 FR 2023 with an incorrect effective date. The last sentence in the first paragraph read, "The amendment is effective as of its date of issuance" and it should have read "The amendment is effective upon completion and implementation of the LPCI system modification".

The notice related to the low pressure coolant injection system of the Georgia Power Co.'s Edwin I. Hatch Nuclear Plant, Unit No. 1.

Dated at Bethesda, Md., this 31st day of January 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-3426 Filed 2-7-78; 8:45 am]

[7590-01]

[Dockets Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 36 and 35 to Facility Operating Licenses Nos. DPR-32 and DPR-37, issued to Virginia Electric & Power Co. (the licensee), which revised technical specifications for operation of the Surry Power Station, Units Nos. 1 and 2 (the facilities) located in Surry County, Va. The amendments are effective as of the date of issuance.

The amendments: (1) revise the reporting requirements to allow the use of monthly operating report formats; (2) delete the requirement for an annual operating report while retaining the requirement that occupational exposure data be reported on an annual basis; and (3) change the frequency from semiannual to annual for submittal of a nonradiological environmental monitoring report.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 20, 1977, (2) Amendments Nos. 36 and 35 to Licenses Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Va. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 27th day of January 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-3427 Filed 2-7-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Proposed Additional Staff Position

Regulatory Guide 1.63, Revision 1, "Electric Penetration Assemblies in Containment Structures for Light-Water-Cooled Nuclear Power Plants," was initially issued by the U.S. Nuclear Regulatory Commission for a 60-day comment period on May 26, 1977. Subsequent to this comment period, an additional NRC staff position that involves voltage impulse testing of electric penetration assemblies during qualification was proposed. Copies of the proposed position have been issued to recipients of Division 1 Regulatory Guides. A copy may be obtained by written request from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control.

Comments on regulatory guides are encouraged at any time. However, comments on this proposed addition to the revision of Regulatory Guide 1.63 will be particularly useful if received by April 7, 1978 in order that Regulatory Guide 1.63 can be issued as Revision 2 without undue delay.

Comments on this proposed addition to the revision of Regulatory Guide 1.63 should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 1st day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.
[FR Doc. 78-3428 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket 70-143]

NUCLEAR FUEL SERVICES, INC., FUEL FABRICATION FACILITIES, ERWIN, TENN.

Negative Declaration Regarding Renewal of License No. SNM-124

The U.S. Nuclear Regulatory Commission (the Commission) has issued a renewal of Special Nuclear Material License No. SNM-124 for the continued operation of the Nuclear Fuel Ser-

vices, Inc., Fuel Fabrication Facilities at Erwin, Tenn.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the renewal of license No. SNM-124. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular license renewal is not warranted because there will be no significant environmental impact attributable to the action. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Silver Spring, Md., this 27th day of January, 1978.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing and Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-3429 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket Nos. 50-275 and 50-323]

PACIFIC GAS AND ELECTRIC CO., DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2

Order Extending Construction Completion Dates

Pacific Gas and Electric Co. is the holder of construction permit Nos. CPPR-39 and CPPR-69 issued by the Atomic Energy Commission on April 23, 1968 and December 9, 1970, respectively, for construction of the Diablo Canyon Nuclear Power Plant, Units 1 and 2, presently under construction at the company's site in San Luis Obispo County, Calif.

On November 11, 1976, Pacific Gas and Electric Co. filed a request for an extension of the completion date for Unit 1. On May 10, 1977, Pacific Gas and Electric Co. filed an additional request for further extension of the completion date for Unit 1 as well as for an extension of the completion date for Unit 2. On December 16, 1977, Pacific Gas and Electric Co. filed a third request for further extension of the completion dates for Units 1 and 2.

On May 11, 1976 and September 10, 1976, the Commission's staff published supplements 4 and 5 to the Safety Evaluation Report for the Diablo Canyon Nuclear Power Plant docu-

Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

menting the need for a reevaluation of the plant's seismic capabilities, the criteria to be used in the reevaluation and the staff's request that Pacific Gas and Electric Co. perform such a reevaluation. Additional time is required to permit Pacific Gas and Electric Co. to evaluate the plant's seismic capabilities, for the Commission to review and evaluate the Company's work, and to conclude the licensing process.

This action involves no significant hazards consideration; good cause has been shown for the delays; an environmental statement, negative declaration or environmental impact appraisal need not be prepared in connection with the extension; and the requested extension is for a reasonable period, the bases for which are set forth in a staff evaluation dated February 1, 1978.

For further details with respect to this action, see (1) the applicant's requests for extension of the construction permit completion dates dated November 11, 1976, May 10, 1977, and December 16, 1977, and (2) the staff's related evaluation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., 20555 and at the Local Public Document Room located in San Luis Obispo County Free Library, P.O. Box X, San Luis Obispo, Calif. 93406.

It is hereby ordered that the latest completion date for CPPR-39 is extended from January 1, 1977, to September 30, 1978, for Unit 1 and the latest completion date for CPPR-69 is extended from July 31, 1977, to December 31, 1978, for Unit 2. Date of Issuance February 1, 1978.

For the Nuclear Regulatory Commission.

D. B. VASSALLO,
Assistant Director for Light
Water Reactors, Division of
Project Management.

[FR Doc. 78-3430 Filed 2-7-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Notice of Meeting

The meeting notice for the meeting to be held on February 9-11, 1978 (published on January 25, 1978—FEDERAL REGISTER Vol. 43, No. 17) is revised as detailed below. This revision reflects changes resulting from the cancellation of ACRS review of the Maine Yankee Atomic Power Station power level increase and the La Crosse boiling water reactor fuel performance.

THURSDAY, FEBRUARY 9, 1978

8:30 a.m.-9:30 a.m.: *Executive session (open)*—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities. The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for an Operating License for Arkansas Nuclear One, Unit 2. Portions of this session will be closed if necessary to discuss proprietary information applicable to this facility and provisions for physical protection of this plant.

9:30 a.m.-12:30 p.m. and 1:30 p.m.-2:30 p.m.: *Arkansas Nuclear One, Unit 2 (open)*—The Committee will hear and discuss presentations by representatives of the NRC staff and the applicant related to the request for operation of this unit. Portions of this session will be closed if necessary to discuss proprietary information applicable to this facility and provisions for physical protection of this plant.

2:30 p.m.-3 p.m.: *Executive session (open)*—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present on the design of containers for the air shipment of plutonium.

3 p.m.-5 p.m.: *Containers for air shipment of plutonium (open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the Sandia Laboratory regarding the design and qualification testing of containers to be used for the air shipment of plutonium.

5 p.m.-5:30 p.m.: *Executive session (open)*—The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present on the La Crosse boiling water reactor. Portions of this session will be closed if required to discuss proprietary information related to this plant.

5:30 p.m.-6:30 p.m.: *Executive session (open)*—The Committee will hear and discuss reports of subcommittees, working groups, and members on a number of generic matters related to reactor safety including proposed regulatory guides, program plans for resolution of generic matters, and calculation of control room doses following postulated accidents.

FRIDAY, FEBRUARY 10, 1978

8:30 a.m.-10 a.m.: *Meeting with NRC staff (open)*—The Committee will hear presentations from and hold discussions with members of the Nuclear Regulatory Commission staff regarding recent licensing actions and operating experience including seismic reevaluation of the Vallecitos boiling water reactor, combination of seismic and other loadings in the design of nuclear plants, requirements for key-card security systems for nuclear facilities.

The future schedule for ACRS activities will also be discussed including consideration of a request for information regarding the seismic design of the North Anna Power Station and the seismic design bases for the Perkins Nuclear Station.

10 a.m.-10:30 a.m.: *Executive session (open)*—The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present related to the request for an operating license for the Edwin I. Hatch Nuclear Plant, Unit 2. Portions of this session will be closed if required to discuss Proprietary Information related to this plant and provisions for physical protection of this facility.

10:30 a.m.-1 p.m.: *Edwin I. Hatch Nuclear Plant, Unit 2 (open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and the applicant related to the request for an operating license for this plant. Portions of this session will be closed if required to discuss proprietary information related to this plant and provisions for physical protection of this facility.

2 p.m.-4:30 p.m.: *Executive session (open/closed)*—The Committee will prepare its report to the Nuclear Regulatory Commission on the Edwin I. Hatch, Unit 2; Arkansas Nuclear One, Unit 2 and containers for air shipment of plutonium. Portions of this session will be closed as necessary to discuss matters involved in adjudicatory proceedings.

4:30 p.m.-5 p.m.: *Executive session (open)*—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present on plans and procedures for the decommissioning of nuclear facilities.

5 p.m.-7:30 p.m.: *Meeting on Decommissioning of Nuclear Facilities (open)*—The Committee will hear presentations by and hold discussions with representatives of the NRC staff, the Department of Energy, and the nuclear industry regarding procedures and practices related to the decommissioning of nuclear facilities. Portions of this session will be closed if required to discuss proprietary information related to this matter.

SATURDAY, FEBRUARY 11, 1978

8:30 a.m.-4 p.m.: *Executive session (open/closed)*—The Committee will prepare its reports to the Nuclear Regulatory Commission on the Edwin I. Hatch Nuclear Plant, Unit 2; and the Arkansas Nuclear One, Unit 2.

The Committee will complete the preparation of comments and positions discussed during this meeting including comments regarding the design of containers for air shipment of plutonium and procedures for decommissioning of nuclear facilities.

Portions of this session will be closed as necessary to discuss matters involved in adjudicatory proceedings.

I have determined in accordance with Subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect proprietary information (5 U.S.C. 552b(c)(4)), and to preserve the confidentiality of information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b(c)(1) and (4)). The portions of the meeting during which ACRS comments on matters involved in adjudication are prepared will be held in closed session pursuant to exemption (10) of 5 U.S.C. 552b(c). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Procedures for the conduct of and participation in this meeting were outlined in the FEDERAL REGISTER on October 31, 1977, page 56972. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the following public document rooms:

ARKANSAS NUCLEAR ONE, UNIT 2, Arkansas Polytechnic College, Russellville, Ark. 72801

E. I. HATCH NUCLEAR PLANT, UNIT 2, Applying County Public Library, Parker Street, Baxley, Ga. 31513

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m., e.s.t.

Dated: February 6, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-3685 Filed 2-7-78; 8:45 am]

[7590-01]

[Docket No. 50-317]

BALTIMORE GAS & ELECTRIC CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-53, issued to Baltimore Gas & Electric Co. (the licensee) for operation of the Calvert Cliffs Nuclear Power Plant Unit No. 1 (the facility) located in Calvert County, Md.

The amendment would authorize operation of Calvert Cliffs Unit No. 1 upon resolution of the Control Element Assembly (CEA) guide tube wear problem.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By March 10, 1978, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docket and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to James A. Biddison, Jr., General Counsel, P.O. Box 1475, Baltimore, Md. 21203, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to

matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Combustion Engineering submittal regarding CEA guide tube wear dated January 17 and 24, 1978, and Baltimore Gas & Electric Co., submittal regarding CEA guide tube wear required by February 7, 1978, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Md. 20678.

Dated at Bethesda, Md., this 6th day of February 1978.

For the Nuclear Regulatory Commission.

MARSHALL GROTEHUIS,
Acting Chief, Operating Reactors Branch No. 2, Division of
Operating Reactors.

[FR Doc. 78-3761 Filed 2-7-78; 11:04 am]

[6820-36]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

TRANSPORTATION POLICY

Hearings

Views on national transportation policy will be aired at a public hearing scheduled by the National Transportation Policy Study Commission for Monday, February 27, 1978, in New York City.

The hearings, part of a nationwide series planned by the Commission, are intended to help determine the needs of our Nation's communities, the transportation industry, shippers, the traveling public and the American taxpayer.

The Commission, composed of 19 members, including 6 Senators, 6 Representatives, and 7 public representatives, was created by Congress to examine, evaluate, and analyze our Nation's transportation needs, and resources through the year 2000. The Commission's final report and policy recommendations are due on December 31, 1978.

The hearing will be held in Room 305, Federal Office Building, 26 Feder-

al Plaza, New York, N.Y. 10007, commencing at 9:30 a.m.

Those interested in testifying personally or in submitting written statements should contact, no later than 6 p.m., February 17, 1978: Ms. Leslie Berkowitz, NTPSC, 1750 K Street NW., Suite 800, Washington, D.C. 20006. Telephone number 202-254-7453.

Dated: February 3, 1978.

EDWARD R. HAMBERGER,
General Counsel.

[FR Doc. 78-3390 Filed 2-7-78; 8:45 am]

[1505-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14358; File No. SR-Amex-77-39]

AMERICAN STOCK EXCHANGE, INC.

Proposed Rule Change

Correction

In FR Doc. 78-2719, appearing at page 4295 in the issue for Wednesday, February 1, 1978, in the heading, the last docket number "30", should read "39".

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE

Solicitation of Public Views

Pursuant to section 201 of the Trade Act of 1974, on February 3 the President received a report from the U.S. International Trade Commission (ITC) on the case of Citizens Band (CB) radio transceivers (Investigation No. TA-201-29). The Commission submitted a report containing an affirmative determination that Citizens Band transceivers, provided for in item 685.25 of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The Commission split by a three to three vote on the question of remedy as follows: (1) three Commissioners determine that adjustment assistance under chapters 2, 3, and 4 of Title II of the Trade Act can effectively remedy the serious injury found to exist, and recommend the provision of such assistance, and (2) three Commissioners find and recommend that to prevent

the serious injury threatened it is necessary to impose rates of duty, in addition to the present rates of duty, with respect to Citizens Band (CB) radio transceivers (except hand-held), provided for in item 685.25 of the TSUS, as follows—

1st yr.....	30 pct. ad val.
2d yr.....	25 pct. ad val.
3d yr.....	20 pct. ad val.
4th yr.....	15 pct. ad val.
5th yr.....	10 pct. ad val.

Within 60 days of receiving a report from the Commission containing an affirmative determination, the President must determine what method and amount of import relief he will provide or determine that the provision of relief is not in the national economic interest, and whether he will direct expeditious consideration of adjustment assistance petitions.

In determining whether to provide import relief and what method and amount of import relief he will provide, the President must take into account, in addition to other considerations he may deem relevant, the following factors:

(1) The probable effectiveness of the import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the nation's economy;

(2) The effect of import relief on consumers and on competition in the domestic markets for such articles;

(3) The effect of import relief on the international economic interest of the United States;

(4) The impact on U.S. industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(5) The geographic concentration of imported products marketed in the United States;

(6) The extent to which the U.S. market is a focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(7) The economic and social costs which would be incurred by taxpayers, communities and workers if import relief were or were not provided.

The Office of the Special Representative for Trade Negotiations chairs the interagency Trade Policy Committee structure that makes recommendations to the President as to what action, if any, he should take on reports submitted by the ITC under section 201(d). In order to assist the Trade Policy Staff Committee in developing recommendations to the President as to what action to take under sections 202 and 203 of the

Trade Act of 1974, the Committee welcomes briefs from interested parties on the above listed subjects. (Additional information on this case is available in USITC report 201-29.)

Briefs should be submitted in twenty (20) copies to Chairman, Trade Policy Staff Committee, Room 729, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C. 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received in the Office of the Special Representative for Trade Negotiations no later than the close of business Thursday, February 23, 1978.

WILLIAM B. KELLY, Jr.,
Chairman, Trade Policy
Staff Committee.

[FR Doc. 78-3470 Filed 2-7-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the sixteenth meeting of the Board for International Food and Agricultural Development on February 27, 1978.

The purpose of the meeting is to review the proposals for strengthening U.S. universities' capabilities to participate in Title XII activities; to consider the conceptual model and agenda of country studies for baseline studies in agricultural research, education and extension activities; to act on the proposed criteria for university eligibility to participate in Title XII; to review the annual report to Congress on Title XII activities; and to hear reports on strengthening of AID's professional manpower, AID's organizational structure for research, middle income country options, and on the activities of the Joint Research Committee and the Joint Committee on Agricultural Development.

The meeting will begin at 9 a.m., adjourn at 4:30 p.m., and will be held in Conference Room B of the Pan American Health Organization Building, 23rd Street and Virginia Avenue NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statements with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Associate Assistant Administrator, a Development

Support Bureau, AID, is designated as AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Date: February 1, 1978.

ERVEN J. LONG,
AID Advisory Committee Representative,
Board for International Food and Agricultural Development.

[FR Doc. 78-3436 Filed 2-7-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA General Docket H-77-3]

ABD TYPE OF POWER BRAKE EQUIPMENT; TEST AUTHORITY

Public Conference

The Federal Railroad Administration (FRA) has been considering a request submitted by the Association of American Railroads (AAR) for test authority to conduct a limited study and evaluation of the safe service life reliability of the ABD type of power brake equipment. The request for test authority is identified as FRA General Docket H-77-3 and it involves a temporary waiver of compliance with the testing and repair requirements of 49 CFR 232.17(a)(1) and (b).

The FRA issued a public notice describing this test program on August 23, 1977 (FR 42422). That notice indicated that approximately 2,300 freight cars, belonging to several different railroads, would be involved in the proposed test program. In response to that public notice, FRA has received considerable comment on the advisability of conducting such a test program and some comment on the terms and conditions which should be applicable if FRA determines that it is appropriate to institute such a test program.

The Administrator of the FRA has delegated to the Railroad Safety Board (Board) the responsibility to consider waivers of compliance with standards and regulations issued by the FRA (FRA Order No. 100.14c). Pursuant to its delegated authority, the Board has reviewed the available information to determine the proper course of action to be taken in this proceeding.

The Board believes that the type of test authority requested by AAR is a proper method for acquiring data which is relevant to the safe service life of power brake equipment. The acquisition of such data will permit FRA

to assess more fully the current regulatory provisions which are designed to ensure the safe operation of such equipment. In addition, the data available to the Board indicates that a waiver of compliance, to permit this test, is warranted. To date, the Board has learned of no reason why the initiation of this test program would impinge on the safety of railroad operations, if appropriate terms and conditions for the test program are strictly adhered to.

The Railroad Safety Board has formulated a number of terms and conditions which it contemplates imposing as provisions of an order permitting the initiation of this test program. The Board desires to obtain the comments and views of all interested parties on the suitability of the terms and conditions which it contemplates should be imposed in this proceeding.

In furtherance of the effort to refine the appropriateness of the contemplated terms and conditions the Board will hold a public conference. Accordingly, a public conference is hereby set for 10 a.m. on February 15, 1978 in Room 4234, Nassif Building, 400 Seventh Street SW., Washington, D.C.

The public conference will be an informal one conducted by a representative designated by the Board. The Board's representative will make an opening statement outlining the scope of the conference and the details of the Board's tentative terms and conditions. The conference will not be an adversary proceeding and any necessary procedures for the conduct of the conference will be announced at the conference.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation 49 CFR 1.49(n).

Issued in Washington, D.C., on February 2, 1978.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 78-3355 Filed 2-7-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[541501]

AMERICAN MANUFACTURERS' PETITION

Receipt of American Manufacturers' Petition Requesting Determination of Correct Appraised Value of Expanded Metal From the United Kingdom

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice of receipt of petition filed by American manufacturers.

SUMMARY: This notice is to advise the public that the Customs Service has received a petition filed by 12 American manufacturers requesting a determination of the correctness of the initial appraised value of certain expanded metal from the United Kingdom. Interested persons are invited to comment on this petition.

DATES: Comments must be received on or before March 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas Lobred, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 202-566-2938.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Special Project and Programs Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION: On June 2, 1977, a petition was received in proper form, pursuant to section 516(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1516(a)), from 12 American manufacturers of expanded metal asserting their belief that certain expanded metal imports from the United Kingdom were being appraised incorrectly. The petition requested the Customs Service to determine the correctness of the initial appraised value of the metal according to section 402 of the Tariff Act of 1930, as amended (19 U.S.C. 1401a).

In accordance with the provisions of section 175.21(a) of the Customs Regulations (19 CFR 175.21(a)), notice is hereby given that domestic manufacturers have filed a petition requesting that the Customs Service determine the correctness of the initial appraised value of expanded metal from the United Kingdom. Before a decision is made with regard to this petition, consideration will be given to any relevant data, views or arguments submitted in writing. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Written submissions will be available for public inspection in accordance with section 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Classification and Value Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Dated: February 2, 1978.

ROBERT E. CHASEN,
Commissioner of Customs.

[FR Doc. 78-3432 Filed 2-7-78; 8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order No. 190-4]

GENERAL COUNSEL

Delegation of Authority

Pursuant to the authority vested in me as Secretary of the Treasury, I hereby delegate to the General Counsel the authority to approve all regulations pertaining to the internal revenue laws, including the authority to ratify and approve, where necessary, any such regulations previously issued.

This delegation does not revoke any similar authority heretofore delegated to any other official of the Treasury Department.

Dated: January 30, 1978.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc. 78-3452 Filed 2-7-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[Notice No. 584]

ASSIGNMENT OF HEARINGS

FEBRUARY 3, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 41255 (Sub 78 M1), Glosson Motor Lines, Inc.; MC-F-13368, Carolina Western Express, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy; MC-F-13375, Russell Transfer, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles

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E. Herbert, Trustee in Bankruptcy, through assignment from B & P Motor Lines, Inc.; MC 68860 (Sub 27), Russell Transfer, Inc.; MC-F-13369, Old Dominion Freight Line—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy; MC 107478 (Sub 30), Old Dominion Freight Line; MC-F-13392, B & P Motor Lines, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy; MC 106074 (Sub 47), B & P Motor Lines, Inc.; MC-F-13412, Sherman and Boddie, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc.; MC-F-13418, Security Storage Co., Inc.—Purchase (Portion)—Glosson Motor Lines, Inc. (through assignment of B & P Motor Lines, Inc.); MC-F-13399, Roy Stone Transfer Corp.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee; and MC-F-13420, Colonial Refrigerated Transportation, Inc.—Purchase (Portion)—Glosson Motor Lines, Inc., Charles E. Herbert, Trustee in Bankruptcy, now being assigned April 18, 1978, for prehearing conference at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 133689 (Sub 131), Overland Express, Inc., now assigned February 15, 1978, at St. Paul, Minn., will be held in Courtroom 584, 5th Floor, Federal Building, 316 North Robert Street.

MC 133703 (Sub 8), Wisconsin Cheese Service, Inc., now assigned February 13, 1978, at St. Paul, Minn., will be held in Courtroom 584, 5th Floor, Federal Building, 316 North Robert Street.

MC 133689 (Sub 136), Overland Express, Inc., now assigned February 14, 1978, at St. Paul, Minn., will be held in Courtroom 584, 5th Floor, Federal Building, 316 North Robert Street.

MC 25798 (Sub 295), Clay Hyder Trucking Lines, Inc., now assigned February 7, 1978, at St. Paul, Minn., will be held in Courtroom 584, 5th Floor, Federal Building, 316 North Robert Street.

MC-F-13200, Overland Express, Inc.—Purchase (Portion)—C. G. Potter, d.b.a. Maumee Express, and MC 133689 (Sub 123), Overland Express, Inc., now assigned February 8, 1978, at St. Paul, Minn., will be held in Courtroom 584, Federal Building, 316 North Robert Street, and on February 9 and 10, 1978, will be held in the St. Paul Hotel, Queens Room, 363 St. Peter Street, in St. Paul.

MC 114457 (Sub 311), Dart Transit Co., now assigned February 7, 1978, at Atlanta, Ga., is canceled.

MC-F-13163, R. C. Van Lines, Inc.—Purchase—Trans-World Movers, Inc., successor

in interest, and MC 128155 (Sub 5), R. C. Van Lines Inc., now assigned February 13, 1978, at Denver, Colo., is postponed indefinitely.

H. G. Homme, Jr.,
Acting Secretary.

[FR Doc. 78-3462 Filed 2-7-78; 8:45 am]

[7035-01]

IRREGULAR ROUTE MOTOR COMMON
CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 1, 1978.

The following letter notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before February 20, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter notices by number.

No. MC 60014 (Sub-No. E126) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of September 22, 1975, and corrected, as published, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which by reason of their size or weight, require the use of special

equipment, (1) between those points in West Virginia south and west of a line beginning at the Pennsylvania-West Virginia State line and extending along West Virginia Highway 69, to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, on the one hand, and, on the other, those points in Connecticut, on and east of a line beginning at the Massachusetts-Connecticut State line and extending along Interstate Highway 91, to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction Connecticut Highway 85, thence along Connecticut Highway 85 to the Connecticut-Rhode Island State line (New York and points in Massachusetts within 35 miles of Boston)*; (2) between points in West Virginia, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at the Indiana-Ohio State line, and extending along Ohio Highway 122, to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction Ohio Highway 316, thence along Ohio Highway 316 to junction Ohio Highway 752, thence along Ohio Highway 752 to junction Ohio Highway 674, thence along Ohio Highway 674 to junction Ohio Highway 188, thence along Ohio Highway 188 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line, points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, Ohio, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio)*; and (3) between points in West Virginia, on the one hand, and, on the other, points in New Hampshire, Rhode Island, and Massachusetts within 35 miles of Boston, Mass. (New York and points in Massachusetts within 35 miles of Boston)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 60014 (Sub-No. E133) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of September 22, 1975, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, trans-

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porting: *Commodities*, requiring special equipment, restricted so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, between the District of Columbia, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, those in Massachusetts on and east of U.S. Highway 5, those in Rhode Island on and east of a line beginning at the Connecticut-Rhode Island State line and extending along Rhode Island Highway 138 to junction Rhode Island Highway 108, thence along Rhode Island Highway 108 to the Rhode Island Sound, and those in Vermont on and east of a line beginning at the New York-Vermont State line and extending along Vermont Highway 149 to junction Vermont Highway 30, thence along Vermont Highway 30 to junction Vermont Highway 100, thence along Vermont Highway 100 to junction Vermont Highway 112, thence along Vermont Highway 112 to the Vermont-Massachusetts State line (points in New York within 10 miles of Greenwich, Conn.; Greenwich, Conn.; and points in Massachusetts within 35 miles of Boston)*; and *commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in Ohio (West Virginia and points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, Ohio, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line, except points in Licking County)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 60014 (Sub-No. E144) (correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of September 22, 1975, and republished, as corrected, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between points in Ohio, on the one hand, and, on the other, those points in West Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 2, to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia

Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, Ohio, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio).

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 64932 (Sub-No. E121) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals and paint, and paint materials, synthetic resin, resin compound surface coating, estergum paint oil, varnish, glycerine, and liquid glue*, in bulk, in tank vehicles, from those points in Pennsylvania on, north and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 22 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to junction Pennsylvania Highway 136, to junction Pennsylvania Highway 31, to junction U.S. Highway 219, to the Pennsylvania-West Virginia State line, to those points in Indiana on and west of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 23 to junction Indiana Highway 331, to junction U.S. Highway 30 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Ferndale, Michigan.

NOTE.—The purpose of this republication is to clarify commodity description.

No. MC 64932 (Sub-No. E124) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W.

F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, between those points in Michigan on and east of a line beginning at Lake Michigan, and extending along U.S. Highway 27, to junction U.S. Highway 10 to junction Michigan Highway 47, to junction U.S. Highway 23, to junction Michigan Highway 59, to junction Interstate Highway 96, to junction U.S. Highway 23 to junction Michigan Highway 50, to Lake Erie, on the one hand, and, on the other, points in Missouri, and those points in Indiana on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to Junction Interstate Highway 69, to junction Interstate Highway 465, to junction U.S. Highway 40 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Ferndale, Mich.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 64932 (Sub-No. E128) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from those points in Michigan on and east of a line beginning at Lake Michigan and extending along U. S. Highway 27 to junction U. S. Highway 127, to the Michigan-Ohio State Line, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Ferndale, Mich., and Marshall, Ill.

NOTE.—The purpose of this republication is to add the destination State of Arkansas. Previously omitted.

No. MC 64932 (Sub-No. E130) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, between those points in Michigan on, south and east of a line beginning at the Saginaw Bay and extending along U.S. Highway 10 to junction Michigan Highway 47, to junction U.S. Highway 23, to junction Michigan Highway 59, to junction Interstate Highway 96, to junction U.S. Highway 23, to the Michigan-Ohio

State line, on the one hand, and, on the other, those points in Minnesota on and south of U.S. Highway 12, and those in Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to junction Wisconsin Highway 29 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Ferndale, Mich.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 64932 (Sub-No. E131) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except chemicals derived or produced from petroleum), in bulk, in tank vehicles, from those points in Ohio on, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction U.S. Highway 224, to the Ohio-Pennsylvania State line, to points in Kansas, Nebraska, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Ferndale, Mich., and Chicago Heights, Ill.

NOTE.—The purpose of this republication is to correct the territorial description adding the destination States, previously omitted.

No. MC 64932 (Sub-No. E132) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, this issue, as corrected. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from those points in Ohio on, east, and north of a line beginning at Lake Erie and extending along Ohio Highway 83 to junction Interstate Highway 224 to the Ohio-Pennsylvania State line, to points in California. The purpose of this filing is to eliminate the gateway of Ferndale, Mich., and the plantsites of Baird Chemical Industries, Inc., located at or near Mapleton, Ill.

NOTE.—The purpose of this republication is to add the destination State of California, previously omitted.

No. MC 64932 (Sub-No. E133) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735

South Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, between those points in Ohio on, east and north of a line beginning at the Michigan State line and extending along Interstate Highway 75 to junction U.S. Alternate Highway 20, to junction U.S. Highway 20, to junction U.S. Highway 250, to junction U.S. Highway 224 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Ferndale, Mich.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 64932 (Sub-No. E134) (correction), filed June 3, 1974, published in the FEDERAL REGISTER issue of September 9, 1975, and republished, as corrected, this issue. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and paint*, in bulk, in tank vehicles, between those points in Ohio on, east and north of a line beginning at the Lake Erie and extending along Ohio Highway 83 to junction Interstate Highway 224 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, those points in Indiana in the Chicago, Ill. Commercial Zone, those in Illinois on and north of a line beginning at the Indiana-Illinois State line, and extending along U.S. Highway 30 to junction Interstate Highway 80 to the Illinois-Iowa State line and those in Michigan on and north of Interstate Highway 94. The purpose of this filing is to eliminate the gateway of Ferndale, Mich.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 83539 (Sub-No. E509), filed June 6, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* each weighing 15,000 pounds or more (except in driveway service), and related machinery, parts, materials, and supplies; between points in Colorado and Kentucky, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Wichita, Kans., Oklahoma, and Kentucky.

No. MC 83539 (Sub-No. E510), filed June 6, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies between points in Colorado and points in Michigan in and east of Algen, Delta, and Menominee Counties, Mich.

NOTE.—The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 83539 (Sub-No. E511), filed June 6, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* each weighing 15,000 pounds or more (except in driveway service), and related machinery, tools, parts, and supplies, between points in Colorado and Ohio. The purpose of this filing is to eliminate the gateway of South Dakota.

No. MC 83539 (Sub-No. E576), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Connecticut, on the one hand, and, on the other, points in South Carolina. Restriction: The authority granted immediately above is subject to the condition that the carrier shall not transport aircraft and missiles, and parts thereof. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and points in Virginia and North Carolina.

No. MC 83539 (Sub-No. E578), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between (a) points in Delaware in and north of Kent County, on the one hand, and, on the other, points in North Carolina in and west of Surry, Yadkin, Davie, Rowan, Hanly, and Anson Counties, and (b) points in Delaware in New Castle County, on the one hand, and on the other, points in North Carolina in, west and south of Rockingham, Guilford, Randolph, Chatham, Harnett, Sampson, Bladen, Columbus, Brunswick, and New Hanover Coun-

ties. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Virginia.

No. MC 83539 (Sub-No. E579), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Delaware in and north of Kent County, on the one hand, and, on the other, points in South Carolina. Restriction: The authority granted immediately above shall be restricted against the transportation of aircraft and missiles and parts thereof. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., Virginia, and North Carolina.

No. MC 83539 (Sub-No. E581), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier*, motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Illinois, on the one hand, and, on the other, points in Vermont. Restriction: No service shall be performed in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Indiana, Philadelphia, Pa., and Worcester, Mass.

No. MC 83539 (Sub-No. E582), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Heavy machinery*, between points in Indiana, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateways of Pennsylvania, New York, and Worcester, Mass.

No. MC-106603 (Sub-No. E70), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400 Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building contractors' equipment, materials and supplies*, restricted to brick and tile which are building blocks and clay products, from the plant site of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in Iowa on and east of U.S. Highway 63. The purpose of this filing is to eliminate points in Indiana,

except the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind. and Vandalia, Ill. (2) *Such brick and tile as are building materials* (except commodities in bulk), from the plantsite of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in Kentucky on and west of Interstate Highway 65 (except Louisville, Ky.) and points in Tennessee on and west of Interstate Highway 65. The purpose of this filing is to eliminate the plantsite of the National Gypsum Co., near Shoals, Martin County, Ind. (3) *Such brick and tile as are roofing, building, and insulating materials*, from the plantsite of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in Missouri within the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways of points in Indiana, except the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind. and Vandalia, Ill. (4) *Building materials*, restricted to brick and tile, from the plantsite of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending north along Michigan Highway 35 to junction U.S. Highway 41, thence on U.S. Highway 41 to Marquette. The purpose of this filing is to eliminate the gateways of points in Indiana, except the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind. and Wilmington, Ill. (5) *Such brick and tile as are building contractors' equipment, materials, and supplies*, from the plantsite of Metropolitan Brick, Inc., near West Darlington, Pa., and from Bessemer, Beaver Falls, and Eastvale, Pa., to points in Illinois. The purpose of this filing is to eliminate the gateways of points in Indiana, except the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind.

No. MC 106603 (Sub-No. E97) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER issue of December 8, 1977, and republished, as corrected, this issue. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such building contractors' equipment, materials, and supplies* as are used in the manufacture, installation, or application of roofing and building materials (except

commodities in bulk), from points in Delaware, Maryland, New Jersey, points in New York, the District of Columbia, points in West Virginia on and east of a line beginning at the West Virginia-Ohio State line extending along West Virginia Highway 14 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 21, thence along U.S. Highway 21 to the West Virginia-Virginia State line, and points in Virginia on and east of U.S. Highway 21, to the points in Indiana on and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana Highway 124 to the Indiana-Ohio State line (except the plantsite of the Bethlehem Steele Corp., located at Burns Harbor, Porter County, Ind.). The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

NOTE.—The purpose of this correction is to state the correct origin territory.

No. MC 106603 (Sub-No. E98) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER issue of December 8, 1977, and republished, as corrected, this issue. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such building contractors' equipment, materials, and supplies* as are used in the manufacture, installation, or application of roofing and building materials (except commodities in bulk), from points in Delaware, Maryland, New Jersey, the District of Columbia, points in West Virginia on, north and east of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 19 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 50 thence along West Virginia Highway 72 to junction West Virginia Highway 32, thence along U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, and points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 33 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line, to points in Indiana on, south and west and north of a line beginning at the Indiana-Illinois State line extending along U.S. Highway 24 to junction Indiana Highway 124, thence along Indiana

Highway 124 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Interstate Highway 70 along Interstate Highway 70 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

NOTE.—The purpose of this filing is to state the correct origin territory.

No. MC 106603 (Sub-No. E99) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER issue of December 8, 1977, and republished, as corrected, this issue. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such building contractors' equipment, materials, and supplies* as are used in the manufacture, installation, or application of roofing and building materials (except commodities in bulk), from points in Delaware, Maryland, New Jersey, points in New York, the District of Columbia, points in West Virginia on, north and east of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 19, to junction West Virginia Highway 7, thence along West Virginia Highway 7 to junction West Virginia Highway 72, thence along West Virginia Highway 72 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Virginia State line, and points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, to points in Indiana, on, south and west of a line beginning at the Indiana-Illinois State line extending along Interstate Highway 70 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

NOTE.—The purpose of this correction is to state the correct origin territory.

No. MC 106603 (Sub-No. E100) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER issue of December 8, 1977, and republished, as corrected, this issue. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such building contractors' equip-*

ment, materials, and supplies as are used in the manufacture, installation, or application of roofing and building materials (except commodities in bulk), from points in Delaware, Maryland, New Jersey, points in New York, points in Pennsylvania north and east of a line beginning at the Pennsylvania-West Virginia State line extending along U.S. Highway 22 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, the District of Columbia, points in West Virginia on, north and east of a line beginning at the West Virginia-Maryland State line extending along U.S. Highway 50 to the West Virginia-Virginia State line, and points in Virginia on, north and east of a line beginning at the Virginia-West Virginia State line extending along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, to points in Indiana on, south and east of a line beginning at the Indiana-Ohio State line extending along Indiana Highway 124 to junction Indiana Highway 3, thence along Indiana Highway 3 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

NOTE.—The purpose of this correction is to state the correct origin territory.

No. MC 106603 (Sub-No. E106), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such urethane products as are included in roofing and building materials*, from the plantsite of the Phillip Carey Co., Division of Panacorp Corp., at Elizabethtown, Ky., to points in Delaware, Maryland, and New Jersey, and Virginia on and north of U.S. Highway 50, and Washington, D.C. The purpose of this filing is to eliminate the gateway of the plant site of Certain-teed Products Corporation at Avery, Ohio.

No. MC 106603 (Sub-No. E107), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such plastic and vinyl building materials backerboard, and materials and supplies used in the installation thereof* which are used in roofing and building materials and materials used in the installation and application of

such commodities (except iron and steel, portland cement and commodities in bulk), from the plantsite of Bird & Son, Inc. at Bardstown, Ky., to points in Delaware, Maryland, New Jersey, and Virginia on and north of U.S. Highway 50, and Washington, D.C. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp., at Avery, Ohio.

No. MC 106603 (Sub-No. E108), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such iron and steel articles* which are included in building contractor's equipment, materials, and supplies, from the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateway of points in Illinois and the plant and warehouse sites of Continental Steel Corp. at or near Kokomo, Ind.

No. MC 106603 (Sub-No. E109), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such iron and steel and iron and steel articles* that are included in building contractor's materials (except commodities in bulk), from the plantsite of the Bethlehem Steel Corp., located at Burns Harbor, Porter County, Ind., to points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Illinois, the plantsite of the National Gypsum Co., near Shoals (Martin County), Ind.

No. MC 106603 (Sub-No. E110), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture, installation, or application of roofing and roofing materials (except commodities in bulk), restricted to those roofing and roofing materials that are building contractor's equipment, materials, and supplies, from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington, D.C., and West Virginia, to points in the lower peninsula of Michigan on, north and west of a line commencing

at Lake Michigan at or near Frankfort and extending southeasterly along Michigan Highway 115 to junction Michigan Highway 55, thence easterly on Michigan Highway 55 to junction Interstate Highway 75, thence northerly on Interstate Highway 75 to the Mackinac Bridge. The purpose of this filing is to eliminate the gateways of the plantsite of Certain-teed Products Corp. at Avery, Ohio, and South Bend, Ind.

No. MC 106603 (Sub-No. E112), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington, D.C., and West Virginia, to points in Michigan. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E113), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Kentucky on and east of a line commencing at the Kentucky-Ohio State line and extending south on Interstate Highway 75 to the Kentucky-Tennessee State line, to points in Michigan on and east and north of a line commencing at the Michigan-Ohio State line and extending north on U.S. Highway 23 to junction U.S. Highway 10, thence northwesterly on U.S. Highway 10 to junction Michigan Highway 115, thence northwesterly on Michigan Highway 115 to Lake Michigan at or near Frankfort, and those points in the upper peninsula on and east of a line commencing at or near Marquette and extending south on U.S. Highway 41 to Escanaba. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E114), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Michigan on and east and north of a line commencing at the Michigan-Ohio State line and extending north on U.S. Highway 23 to junction U.S. Highway 10, thence

vitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Kentucky on and west of a line commencing at the Kentucky-Ohio State line and extending south on Interstate Highway 75 to the Kentucky-Tennessee State line, and on and east of a line commencing at the Kentucky-Indiana State line and extending south on Interstate Highway 65 to the Kentucky-Tennessee State line, to points in Michigan on and east of a line commencing at the Michigan-Ohio State line and extending north on U.S. Highway 23 to junction Interstate Highway 75, thence northwesterly on Interstate Highway 75 to the Straits of Mackinac, and those points in the upper peninsula on and east of a line commencing at or near Grand Marais and extending south on Michigan Highway 77 to junction U.S. Highway 2, thence southwesterly on U.S. Highway 2 to Manistique. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E115), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of building and roofing material* (except iron and steel, portland cement, and commodities in bulk), from points in Michigan, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Washington, D.C., and West Virginia. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E116), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Michigan on and east and north of a line commencing at the Michigan-Ohio State line and extending north on U.S. Highway 23 to junction U.S. Highway 10, thence

northwesterly on U.S. Highway 10 to junction Michigan Highway 115, thence northwesterly on Michigan Highway 115 to Lake Michigan at or near Frankfort, and those points in the upper peninsula on and east of a line commencing at Marquette and extending south on U.S. Highway 41 to Escanaba, to points in Kentucky on and east of a line commencing at the Kentucky-Ohio State line and extending south on Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E117), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Materials used in the installation and application of roofing and building materials* (except iron and steel, portland cement, and commodities in bulk), from points in Michigan on and east of a line commencing at the Michigan-Ohio State line and extending north on U.S. Highway 23 to junction Interstate Highway 75, thence northwesterly on Interstate Highway 75 to the Straits of Mackinac; and those points in the upper peninsula on and east of a line commencing at Grand Marais and extending south on Michigan Highway 77 to U.S. Highway 2, thence southwesterly on U.S. Highway 2 to Manistique, to points in Kentucky on and west of a line commencing at the Kentucky-Ohio State line and extending south on Interstate Highway 75 to the Kentucky-Tennessee State line; and on and east of a line commencing at the Kentucky-Indiana State line and extending south on Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 106603 (Sub-No. E118), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such building materials* (except commodities in bulk) and gypsum products which are used in the manufacture, installation, or application of roofing and building materials, from points in New York; points in Pennsylvania on and north of a line commencing at the Pennsylvania-Ohio State line and extending east on Interstate Highway 80

to junction U.S. Highway 15, thence south on U.S. Highway 15 to junction Pennsylvania Highway 61, thence southeasterly on Pennsylvania Highway 61 to junction Interstate Highway 78, thence easterly on Interstate Highway 78 to the Pennsylvania-New Jersey State line; points in New Jersey on and north of a line commencing at the New Jersey-Pennsylvania State line and extending east along U.S. Highway 22 to junction Interstate Highway 287, thence easterly on Interstate Highway 287 to the Atlantic Ocean at or near Perth Amboy, to points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line and extending southerly on Interstate Highway 65 to junction Kentucky Highway 61, thence southeasterly on Kentucky Highway 61 to junction U.S. Highway 31E, thence southerly on U.S. Highway 31E to the Kentucky-Tennessee State line (except Louisville, Ky.); and points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending southerly on U.S. Highway 231 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateways of the plantsite of Certain-teed Products Corp. at Avery, Ohio, and the plantsite of the National Gypsum Co., near Shoals (Martin County), Ind.

No. MC 107064 (Sub-No. E484), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Virginia to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E485), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum and potash), from points in Maryland to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E486), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Maryland to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E487), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Indiana to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 108064 (Sub-No. E488), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in South Carolina to points in Utah. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Castro County, Tex.

No. MC 107064 (Sub-No. E489), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Vermont to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part

of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.,

No. MC 107064 (Sub-No. E490), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Vermont to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E491), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New Hampshire to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E492), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Georgia to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E493), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*

(except petroleum products and potash), from points in Indiana to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E494), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Georgia to points in Oregon. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E495), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Delaware to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E496), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Delaware to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E497), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as

above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Connecticut to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E498), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Rhode Island to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E499), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Rhode Island to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E500), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Ohio to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co., in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

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No. MC 107064 (Sub-No. E508), filed January 19, 1976. Applicant: STEREO-TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New York to

No. MC 107064 (Sub-No. E512), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as

No. MC 107064 (Sub-No. E516), filed
January 19, 1976. Applicant: STEERE

No. MC 107064 (Sub-No. E519), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Maryland to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E523), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998 Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New Jersey to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of

Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E524), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New York to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E525), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New York to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E526), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Massachusetts to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E527), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Massachusetts

to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E528), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Mississippi to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E529), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New Hampshire to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 114019 (Sub-No. E470), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2a) *Glassware, and such materials, supplies, and equipment* as are used in the manufacture of glassware, between Zanesville, Ohio, on the one hand, and, on the other, Chicago, Ill., and points in Illinois within 40 miles thereof. The purpose of this application is to eliminate the Gary, Ind., and Waukegon, Ill., gateways.

No. MC 114019 (Sub-No. E472), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, (a) between points in Illinois within 40 miles of Chicago on the one hand, and on the other, points in Wisconsin and Iowa, (b) from points in Michigan, to points in Illinois, within 40 miles of Chicago, Ill., (c) from points in Illinois within 40 miles of Chicago, to St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich. The purpose of this application is to eliminate the Chicago, Ill., gateway.

No. MC 114019 (Sub-No. E473), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by wholesale, retail, and food business houses, (a) from Chicago, Ill., to Akron, Cleveland, Columbus, Dayton, Toledo, and Youngstown, Ohio, and Louisville, Ky., (b) from Louisville, Ky., Akron, Cleveland, Columbus, Dayton, Toledo, and Youngstown, Ohio, points in Ohio within 25 miles of each of such Ohio cities, Fort Wayne, Indianapolis, Muncie, South Bend, and Terre Haute, Ind., and points in Indiana within 25 miles of such Indiana Cities, Detroit, Flint, and Grand Rapids, Mich., and points in Michigan within 25 miles of such Michigan Cities, to Chicago, Ill. The purpose of this application is to eliminate the Burlington, Ill., gateway.

No. MC 114019 (Sub-No. E24) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER issue of May 5, 1976, and partially republished, as corrected, this issue. Applicant: TRUCK TRANSPORT INC., 230 St. Clair Avenue, East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (37) *Dry fertilizer and urea*, from Nebraska City, Nebr., to points in Illinois, Indiana, Michigan, and Ohio. The purpose of this filing is to eliminate the gateway of Fort Madison, Iowa.

NOTE.—The purpose of this republication is to correct the commodity description. (56(a)) *Dry fertilizer and dry fertilizer materials*, from the plantsite and warehouse facilities of W. R. Grace and Co. at or near Atlas, Mo., to points in Michigan and Ohio. The purpose of this filing is to eliminate the gateway of Henry, Ill.

NOTE.—The purpose of this republication is to include the correct No. 56a and descrip-

tion above, previously omitted. The remainder of this letter-notice remain as previously published.

No. MC 117574 (Sub-E68), filed June 24, 1975. Applicant: DIALY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and agricultural machinery, tractors with or without attachments, cranes, industrial and processing machinery, and attachments, accessories and parts* of all of the above described commodities, except commodities requiring special equipment between points in the New York Counties of Niagara and Erie on the one hand, and, on the other, points in Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, South Carolina, Texas, Utah, Washington, Wyoming, and points in Alabama on and east of a line commencing at Alabama/Mississippi line along State Highway 24, thence in an easterly direction along State Highway 24 to its junction with U.S. 43, thence in a northerly direction along U.S. 43 to its junction with State Highway 20, thence along State Highway 20 in an easterly direction to its junction U.S. 231, thence along U.S. 231 in a northerly direction to Alabama/Tennessee State line, points in Arkansas on and south of a line commencing at Oklahoma/Arkansas line along State Highway 8, thence in an easterly direction along State Highway 8 to its junction with State Highway 27, thence in a northerly direction along State Highway 27 to its junction with U.S. 270, thence along U.S. 270 in an easterly direction to its junction with U.S. 65, thence along U.S. 65 in a southeasterly direction to the Arkansas/Mississippi State line, points in Colorado on and west and south of a line commencing at Colorado/Nebraska line along State Highway 113, thence in a southerly direction along State Highway 113 to its junction with State Highway 61, thence in a southerly direction along State Highway 61 to its junction with U.S. 34, thence in an easterly direction along U.S. 34 to Colorado/Nebraska State line, points in Kansas on and west and south of a line commencing at Kansas/Nebraska line along State 27, thence in a southerly direction along State 27 to its junction with U.S. 24, thence along U.S. 24 to its junction with Interstate 70, thence along Interstate 70 to its junction with U.S. 183, thence along U.S. 183 to its junction with State Highway 96, thence in an easterly direction along State Highway 96 to its junction with U.S. 56, thence in an

easterly direction along U.S. 56 to its junction with U.S. 81, thence in a southeasterly direction along U.S. 81 to its junction with U.S. 54, thence along U.S. 54 to its junction with U.S. 77, thence along U.S. 77 to Kansas/Oklahoma State line, points in Kentucky commencing at Kentucky/Tennessee line, along State Highway 74 to Kentucky/Virginia State line, points in Maryland commencing at Maryland/West Virginia line on and east of a line along Interstate 81, thence in a northeasterly direction along Interstate 81 to Maryland/Pennsylvania State line, points in Mississippi on and south of a line commencing at Arkansas/Mississippi line along U.S. 82, thence in an easterly direction along U.S. 82 to its junction with State Highway 15, thence in a northerly direction along State Highway 15 to its junction with State Highway 6, thence in an easterly direction along State Highway 6 to its junction with U.S. 78, thence in an easterly direction along U.S. 78 to its junction with State Highway 23, thence in a northerly direction along State Highway 23 to Mississippi/Alabama State line, points in Nebraska on and west and south of a line commencing at Nebraska/South Dakota line along unnamed road, thence in a southerly direction along unnamed road to its junction with State Highway 29 near Harrison, thence in a southerly direction along State Highway 29 to its junction with U.S. 30, thence in an easterly direction along U.S. 30 to its junction with unnamed road near Sidney, thence in a southerly direction to Nebraska/Colorado State line, points in New York on and east of a line commencing at Pennsylvania/New York border along Interstate 81, thence in a northerly direction along Interstate 81 to its junction with State Highway 7, thence in a northeasterly direction along State Highway 7, thence to the New York/Vermont State line, points in North Dakota on and west of a line commencing at North Dakota/Canadian border along State Highway 256, thence in a southerly direction along State Highway 256 to its junction with U.S. 83, thence in a southerly direction along U.S. 83 to its junction with State Highway 23, thence in a westerly direction along State Highway 23 to its junction with State Highway 22, thence in a southerly direction along State Highway 22, to its junction with U.S. 12, thence in a southerly direction along U.S. 12 to North Dakota/South Dakota State line, point in Oklahoma on and west and south of a line commencing at Oklahoma/Kansas line along U.S. 177, thence in a southerly direction along U.S. 177 to its junction with Interstate 40, thence in an easterly direction along Interstate 40 to its junction with U.S. 75, thence in a southerly direction along U.S. 75 to its

junction with State Highway 1, thence in an easterly direction along State Highway 1 to its junction with State Highway 63 near Big Cedar, thence in a southeasterly direction along State Highway 63 to Oklahoma/Arkansas State line, points in Pennsylvania on and east of a line commencing at Pennsylvania/Maryland line along Interstate 81, thence in a northeasterly direction along Interstate 81 to Pennsylvania/New York State line, points in south Dakota on and west of a line commencing at South Dakota/North Dakota line along U.S. 12 to State Highway 73, thence in a southerly direction along State Highway 73 to its junction with U.S. 212, thence in a westerly direction along U.S. 212 to its junction with State 34 to Interstate 90, thence in a southeasterly direction along Interstate 90 to its junction with State Highway 79, thence in a southerly direction along State Highway 79 to its junction with State Highway 71, thence in a southerly direction along State Highway 71 to South Dakota/Nebraska State line, points in Tennessee on and east of a line commencing at Tennessee/Alabama line along U.S. 231, thence in a northerly direction along U.S. 231 to its junction with State Highway 50, thence in a northeasterly direction along State Highway 50 to its junction with State Highway 55, thence in a northeasterly direction along State Highway 55 to its junction with U.S. 70, thence in a northeasterly direction along U.S. 70 to its junction with U.S. 127, thence in a northerly direction along U.S. 127 to its junction with State Highway 62, thence in an easterly direction along State Highway 62 to its junction with U.S. 27, thence in a northerly direction along U.S. 27 to its junction with State Highway 63, thence in an easterly direction along State Highway 63 to its junction with Interstate 75, thence in a northeasterly direction along Interstate 75 to its junction with U.S. 25 west to its junction with State Highway 90, thence in a northeasterly direction to Tennessee/Kentucky State line, points in Vermont on and south and east of a line commencing at New York/Vermont line along State Highway 9 to its junction with U.S. 7, thence in a northerly direction along U.S. 7 to its junction with U.S. 4, thence in an easterly direction along U.S. 4 to its junction with U.S. 5, thence in a northerly direction along U.S. 5 to its termination at Vermont/Canadian Border, points in Virginia on and east and south of a line commencing at Virginia/Kentucky line along U.S. 53, thence in an easterly direction along U.S. 53 to its junction with Interstate 81, thence in a northeasterly direction along Interstate 81 to West Virginia/Virginia State line, points in West Virginia on and east of a line commencing at Virginia/West Virginia

line along Interstate 81 thence in a northeasterly direction along Interstate 81 to West Virginia/Maryland State line. Restrictions: (1) The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. (2) The authority granted immediately above is restricted against the transportation of shipments between Racine, Wis., Burlington and Bettendorf, Iowa, Rockford, and Rock Island, Ill. The purpose of this filing is to eliminate the gateways of Carlisle, Shadygrove, or Waynesboro, Pa.

No. MC 117574 (Sub-No. E69), filed June 24, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural implements and agricultural machinery, tractors with or without attachments, cranes, industrial and processing machinery, and attachments, accessories and parts of all of the above described commodities, (except commodities requiring special equipment)* (1) between points in the Onondago and Oswego Counties, N.Y. on the one hand, and on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, D.C., Wyoming, and points in Delaware on and north of a line commencing at the Pennsylvania/Delaware State line along U.S. Highway 13, thence in a southerly direction along U.S. Highway 13 to the Delaware/Maryland State line; points in Illinois south of a line commencing at the Illinois/Iowa State line along U.S. Highway 136 in an easterly direction to its junction with Illinois Highway 96, thence along Illinois Highway 96 in a southerly direction to its junction with U.S. Highway 24, thence along U.S. Highway 24 in a northeasterly direction to its junction with Illinois Highway 125, thence along Illinois Highway 125 in a southeasterly direction to its junction with U.S. Highway 36, thence along U.S. Highway 36, in an easterly direction to its junction with Illinois Highway 1, thence along Illinois Highway 1 in a southerly direction to its junction with U.S. Highway 50, thence along U.S. Highway 50 in an easterly direction to the Illinois/Indiana State line; points in Indiana on and south of a line commencing at the Illinois/Indiana State line along U.S. Highway 50 in an easterly direction to its junction with In-

terstate Highway 65, thence along Interstate Highway 65 in a southerly direction to the Indiana/Kentucky State line; points in Iowa on and west of a line commencing at the Minnesota/Iowa State line along U.S. Highway 69 in a southwesterly direction to its junction with Iowa Highway 9, thence along Iowa Highway 9 in a westerly direction to its junction with U.S. Highway 169, thence along U.S. Highway 169 in a southerly direction to its junction with Interstate Highway 80, thence along Interstate Highway 80 in an easterly direction to its junction with U.S. Highway 65, thence along U.S. Highway 65 in a southerly direction, to its junction with Iowa Highway 2, thence along Iowa Highway 2 in an easterly direction to its junction with U.S. Highway 218, thence along U.S. Highway 218 in a southeasterly direction to the Iowa/Illinois State line; points in Kentucky on and south of a line commencing at the Kentucky/Indiana State line along Interstate Highway 65 in a southerly direction to its junction with Interstate Highway 64, thence along Interstate Highway 64 in an easterly direction to junction with U.S. Highway 23, thence along U.S. Highway 23 in a northerly direction to the Kentucky/Ohio State line; points in Michigan on and west of a line commencing at the Wisconsin/Michigan State line along U.S. Highway 2, thence in an easterly direction to its junction with State Highway 28, thence in a northeasterly direction to its junction with U.S. Highway 45, thence along U.S. Highway 45 in a northerly direction to its junction with Michigan Highway 26, thence along Michigan Highway 26 in a northerly direction to its junction with U.S. Highway 41, thence along U.S. Highway 41 in a northeasterly direction to its termination at Lake Superior; points in Minnesota on and northwest of a line commencing at the Minnesota/Wisconsin State line along Interstate Highway 94 in a westerly direction to its junction with U.S. Highway 65, thence along U.S. Highway 65 in a southerly direction to its junction with U.S. Highway 69, thence along U.S. Highway 69 in a southwesterly direction to the Minnesota/Iowa State line; points in Ohio on and south of a line commencing at the Ohio/Kentucky State line along U.S. Highway 23 in a northerly direction to its junction with Ohio Highway 124, thence along Ohio Highway 124 in a northeasterly direction to its junction with Ohio Highway 346, thence along Ohio Highway 346 in a northeasterly direction to its junction with U.S. Alternate Highway 50, thence along U.S. Highway 50 to the Ohio/West Virginia State line; points in West Virginia on and south of a line commencing at the West Virginia/Ohio State line along West Virginia Highway 2 in a north-

easterly direction to its junction with West Virginia Highway 7, thence along West Virginia Highway 7 in a northeasterly direction to its junction with West Virginia Highway 69, thence West Virginia Highway 69 in a northerly direction to the West Virginia/Pennsylvania State line; points in Wisconsin on and north of a line commencing at the Wisconsin/Michigan State line along Wisconsin Highway 77 in a southwesterly direction to its junction with U.S. Highway 63, thence along U.S. Highway 63 in a southwesterly direction to its junction with Interstate Highway 94, thence along Interstate Highway 94 in a westerly direction to the Wisconsin/Michigan State line.

(2) Between points in the New York Counties of Warren and Washington, on the one hand, and, on the other, all points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, D.C., West Virginia, Wisconsin, Wyoming, and points in Indiana south and west of a line commencing at Gary, Ind., thence along Interstate Highway 65 in a southeasterly direction to its junction with U.S. Highway 24, thence along U.S. Highway 24 in an easterly direction to its junction with Indiana Highway 21, thence along Indiana Highway 21 in a southeasterly direction to its junction with Indiana Highway 18, thence along Indiana Highway 18 to its junction with Indiana Highway 67, thence along Indiana Highway 67 to the Indiana/Ohio State line; points in Maryland east of a line commencing at the Pennsylvania/Maryland State line along Interstate 83 in a southerly direction thence along Interstate 83 to its junction with Interstate 695 thence in a southerly direction to its junction with Interstate 95 thence in a southerly direction along Interstate 95 to the Maryland/Virginia State line; points in Michigan north of a line commencing at Tawas City along Michigan Highway 55 in a westerly direction to its junction with Michigan Highway 33, thence along Michigan Highway 33 in a northerly direction to its junction with Michigan Highway 72, thence along Michigan Highway 72 in a westerly direction to Lake Michigan; points in Ohio south of a line commencing at the Ohio/Indiana State line along Ohio Highway 29 in an easterly direction to its junction with U.S. Highway 33, thence along U.S. Highway 33 in an easterly direction to its junction with U.S. Highway 36, thence along U.S. Highway 36 in an easterly direction to its junction with U.S. Highway 62, thence

along U.S. Highway 62, in a northeasterly direction to its junction with Ohio Highway 39, thence along Ohio Highway 39 in an easterly direction to the Ohio/Pennsylvania State line; points in Pennsylvania south and west of a line commencing at the Ohio/Pennsylvania State line along State Highway 68 thence in an easterly direction along State Highway 68 to its junction with State Highway 65, thence in a northwesterly direction along State Highway 65 to its junction with Interstate 76, thence in an easterly direction along Interstate 76 to its junction with Interstate 83, thence in a southerly direction to the Pennsylvania/Maryland State line; points in Virginia east of a line commencing at the Virginia/Maryland State line along Interstate 95, thence in a southerly direction along Interstate 95 to its junction with Interstate 64, thence in a southeasterly direction along Interstate 64 to its termination at the Atlantic Ocean.

(3) Between points in Maryland County of Washington, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, Wyoming, and points in Delaware south of a line commencing at the Maryland/Delaware State line along State Highway 44 in an easterly direction to its junction with State Highway 8, thence in an easterly direction along State Highway 8 to its junction with U.S. Highway 13, thence in a northerly direction along U.S. Highway 13 to its junction with U.S. Highway 301, thence in a northerly direction along U.S. Highway 301 to its junction with U.S. Highway 202, thence in a northerly direction along U.S. Highway 202 to the Delaware/Pennsylvania State line; points in Maryland south of a line commencing at the Virginia/Maryland State line along U.S. Highway 50 in an easterly direction to its junction with U.S. Highway 301, thence in an easterly direction along U.S. Highway 301 to its junction with State Highway 300, thence along State Highway 300 to the Maryland/Delaware State line; points in Pennsylvania north, west, and east of a line commencing at the Delaware/Pennsylvania State line along State Highway 100, thence in a northerly direction to its junction with Pennsylvania Turnpike extension to its junction with U.S. Highway 11, thence along U.S. Highway 11 in a southwesterly di-

rection to its junction with U.S. Highway 22, thence along U.S. Highway 22 in a westerly direction to its junction with Interstate 79, thence along Interstate 79 to the Pennsylvania/West Virginia State line; points in Virginia south of a line commencing at the West Virginia/Virginia State line along U.S. Highway 33 in a southeasterly direction to its junction with U.S. Highway 29, thence along U.S. Highway 29 in a northeasterly direction to its junction with U.S. Highway 17 in a northerly direction to its junction with Interstate 66 thence in an easterly direction along Interstate 66 to its junction with Interstate 495, thence along Interstate 495 in an easterly direction to the Virginia/Maryland State line; points in West Virginia south and west of a line commencing at the Pennsylvania/West Virginia State line along U.S. Highway 19 in a southerly direction to its junction with U.S. Highway 119, thence in a southerly direction along U.S. Highway 119 to its junction with U.S. Highway 250, thence along U.S. Highway 250 to its junction with U.S. Highway 33, thence along U.S. Highway 33 in a southeasterly direction to the West Virginia/Virginia State line.

(4) Between points in the Maryland Counties of Garrett, and Allegheny, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming, and other points in the following described States; points in Illinois, on and west of a line commencing at Lake Michigan/Illinois State line along State Highway 50 in a southerly direction to its junction with State Highway 17, thence in an easterly direction to the Illinois/Indiana State line; points in Indiana on and west of a line commencing at the Illinois/Indiana State line along State Highway 2 in an easterly direction to its junction with U.S. Highway 41, thence in a southerly direction to the Indiana/Kentucky State line; points in Kentucky on and south and west of a line commencing at the Indiana/Kentucky State line along U.S. Highway 41 in a southerly direction to its junction with State Highway 15, thence in an easterly direction to the Kentucky/Virginia State line; points in Michigan on and west of a line commencing at the Canadian Border/Michigan State line along Interstate Highway 75, thence in a westerly direction along State Highway 55 to its junction with U.S. Highway 131, thence in a southerly di-

rection along U.S. Highway 131 to its junction with Interstate Highway 94, thence along Interstate Highway 94 in a westerly direction to Lake Michigan; points in Virginia on and south of a line commencing at the Kentucky/Virginia State line along U.S. Highway 23 in a southerly direction to its junction with U.S. Highway 50, thence in an easterly direction to the Atlantic Ocean.

Restrictions: (1) Restricted against the transportation of shipments between Racine, Wis., Burlington and Bettendorf, Iowa, Rockford and Rock Island, Ill. (2) The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right.

The purpose of this filing is to eliminate the gateways of Carlisle, Shadygrove, or Waynesboro, Pennsylvania.

No. MC 118831 (Sub-No. E52), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from points in North Carolina on, east, and south of a line beginning at the North Carolina-South Carolina State line on Alternate U.S. Highway 221, north to junction North Carolina Highway 120 to U.S. Highway 74, to junction North Carolina Highway 150, to junction North Carolina Highway 152, to junction U.S. Highway 52, to junction North Carolina Highway 27, to junction U.S. Highway 220, to junction North Carolina Highway 211, to junction U.S. Highway 401, to junction North Carolina Highway 24, to junction U.S. Highway 117, to junction North Carolina Highway 210, to junction U.S. Highway 17, to junction North Carolina Highway 132, to junction U.S. Highway 74, to Wrightsville Beach, N.C., to points in Ohio. The purpose of this filing is to eliminate the gateway of points in South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E53), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Rocky Mount, N.C., to points in Missouri (except points in the St. Louis,

Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, points in Ohio on and west of a line beginning on U.S. Highway south 52 at Aberdeen, Ohio, to junction U.S. Highway 62 to Columbus, Ohio, to junction U.S. Highway 23, to junction Ohio Highway 53, to junction U.S. Highway 224 at Tifton, Ohio, to junction Kentucky Highway 18, to junction Ohio Highway 199, to Toledo, Ohio, points in Kentucky on and west of a line beginning at Jenkins, Ky., on Kentucky Highway 197, to junction North Carolina Highway 80, to Belcher, Ky., to Kentucky Highway 460 to junction Kentucky Highway 80, at Howard, Ky., to junction U.S. Highway 23-460 to Louisa, Ky., and to points in Tennessee on and west of a line beginning at the North Carolina State line, on U.S. Highway 19W to junction U.S. Highway 19W-23, to junction U.S. Highway 23, at Johnson City, Tenn., to Bristol, Tenn. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E54), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical* (except petrochemicals, anhydrous ammonia fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Plymouth, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, points in Ohio on and west of a line beginning at U.S. Highway 52 at Aberdeen, Ohio, to junction U.S. Highway 62, to Columbus, Ohio, to junction U.S. Highway 23, to junction Ohio Highway 53, to junction U.S. Highway 224 at Tifton, Ohio, to junction Kentucky Highway 18, to junction Ohio Highway 199 to Toledo, Ohio, points in Kentucky on and west of a line beginning at Jenkins, Ky., to Kentucky Highway 197, to junction North Carolina Highway 80 to Belcher, Ky., to Kentucky Highway 460, a junction Kentucky Highway 80 at Howard, Ky., to junction U.S. Highway 23, to Louisa, Ky., and to points in Tennessee on and west of a line beginning at the North Carolina State line, on U.S. Highway 19W, to junction U.S. Highway 19W-23, to junction U.S. Highway 23 to Johnson City, Tenn., to junction U.S. Highway 11E-19, to Bristol, Tenn. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E55), filed April 2, 1976. Applicant: CENTRAL

TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Raleigh, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, points in Ohio on and west of a line beginning at the Ohio-Kentucky State line at Aberdeen, Ohio, on Ohio Highway 41 to junction Ohio Highway 138 at Greensfield, Ohio, to junction U.S. Highway 22, to Zanesville, Ohio, to junction U.S. Highway 40, west to junction Ohio Highway 13, north to Mansfield, Ohio, U.S. Highway 42 to junction U.S. Highway 30, to junction Interstate 71, to junction Interstate 76 to Akron, Ohio, Ohio Highway 59 to Ravenna, Ohio, Ohio Highway 5 to Warren, Ohio, Ohio Highway 11 to Ashtabula, Ohio, points in Kentucky on and west of a line beginning at the Kentucky-Virginia State line, on U.S. Highway 23 at Jenkins, Ky., to junction Kentucky Highway 317, to junction Kentucky Highway 7, to junction Kentucky Highway 80, to Allen, Ky., U.S. Highway 23-460 to Louisa, Ky., and to points in Tennessee on and west of a line beginning at the Tennessee-North Carolina State line and North Carolina Highway 194 at Elk Park, Tenn., to U.S. Highway 198 to Bristol, Tenn. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E56), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from New Bern, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, Kentucky, Tennessee, and points in Ohio on and west of a line beginning at Parkersburg, W. Va., on Ohio Highway 7, to junction Interstate Highway 77 at Marietta, Ohio, north to New Philadelphia, Ohio, to junction Ohio Highway 21, to Missillon, Ohio, to junction of U.S. Highway 30, to Ohio Highway 94, north to junction Ohio Highway 585 at Easton, Ohio, southwest to junction Ohio Highway 57, north to Elyria, Ohio.

The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E57), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Goldsboro, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, Tennessee, points in Kentucky on and west of a line beginning at the Kentucky-Virginia State line at Jenkins, Ky., on U.S. Highway 23 to junction U.S. Highway 119, to junction Kentucky Highway 317, to junction Kentucky Highway 7, north to junction Kentucky Highway 50, to junction Kentucky Highway 23, at Staffordville, Ky., to the Louisiana and Kentucky and West Virginia State lines, and to points in Ohio on and west of a line beginning at the Ohio-West Virginia State line at Parkersburg, W. Va., on Ohio Highway 7 to junction Interstate Highway 77 at Marietta, Ohio, north to junction Ohio 21 at or near New Philadelphia, Ohio, to junction of U.S. Highway 30 and Ohio Highway 94 at Massillon, Ohio, to junction Ohio Highway 585 at Easton, Ohio, southwest to junction Ohio Highway 57, north to Elyria, Ohio. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub E58), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), from Sanford, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, Tennessee, points in Kentucky in and west of a line beginning at the Kentucky-Virginia State line at Jenkins, Ky., on U.S. Highway 73 to junction U.S. Highway 119, to junction Kentucky Highway 317, to junction Kentucky Highway 7, to junction Kentucky Highway 50, to junction Kentucky Highway 23 at Staffordville, Ky., to Louisa, Ky., and the Kentucky-West Virginia State line and to points

in Ohio on and west of a line beginning on the Ohio-Kentucky State line on U.S. Highway 62 at Marysville, Ohio, to junction Ohio Highway 41, to junction U.S. Highway 50, to junction Ohio Highway 28, to junction U.S. Highway 23 at Chillicothe, Ohio, to junction, Ohio Highway 159, to junction U.S. Highway 22, to junction Interstate Highway 70 at Zanesville, Ohio, to junction Interstate Highway 77 at Cambridge, Ohio, to junction U.S. Highway 62 at Caton, Ohio, to junction Ohio Highway 44, to junction Highway 5 at Ravenna, Ohio, to junction Ohio Highway 11 at Warren, Ohio, to Ashtabula, Ohio. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub E59), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Kinston, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, Tennessee, points in Kentucky on and west of a line beginning at Belcher, Ky., on Kentucky Highway 80, to junction U.S. Highway 460, to Pikeville, Ky., to junction U.S. Highway 460-23 at Allen, Ky., to junction U.S. Highway 23, to Louisa, Ky., and to points in Ohio on and west of a line beginning at Parkersburg, W. Va., on Ohio Highway 7, to junction Interstate Highway 77 at Marietta, Ohio, to junction Ohio Highway 21, to junction U.S. Highway 30, to junction Ohio Highway 94, to junction Ohio Highway 585 at Easton, Ohio, to junction Ohio Highway 57, to Elyria, Ohio. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E60), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Moncure, N.C., to points in Missouri (except points in the St. Louis, Mo., commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Indiana, points in Tennessee on and

west of a line beginning on North Carolina Highway 194 at Elk Park, Tenn., to junction U.S. Highway 198, to Bristol, Tenn., points in Kentucky on and west of a line beginning at the Virginia State Line at U.S. Highway 23 at Jenkins, Ky., to junction Kentucky Highway 317, to junction Kentucky Highway 7, to junction Kentucky Highway 80, to junction U.S. Highway 23-460, to Louisa, Ky., and to points in Ohio on and west of a line beginning at the Ohio-Kentucky State line at Aberdeen, Ohio, on Ohio Highway 41 to junction Ohio Highway 138 at Greenfield, Ohio, to junction U.S. Highway 22, to junction U.S. Highway 40 at Zanesville, Ohio, to junction Ohio Highway 13, to junction U.S. Highway 42, to junction U.S. Highway 30, to junction U.S. Highway 71 at Leroy, Ohio, to junction U.S. 76 at Akron, Ohio, to junction Ohio Highway 59 at Ravenna, Ohio, to junction Ohio Highway 5 at Warren, Ohio, to junction Ohio Highway 11, to Ashtabula. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 118831 (Sub-No. E61), filed April 2, 1976. Applicant: CENTRAL TRANSPORT, INC., High Point, N.C. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Conway, N.C., to points in Missouri (except points in the St. Louis commercial zone), Illinois (except points in the East St. Louis, Ill., commercial zone), Wisconsin, Michigan, Tennessee, points in Kentucky on and west of a line beginning at Jenkins, Ky., on U.S. Highway 119 to junction Kentucky Highway 317, to junction Kentucky Highway 7, to junction Kentucky Highway 80 at Lackey, Ky., to junction Kentucky Highway 80, to U.S. Highway 23-460 at Prestonburg, north on U.S. Highway 23 to Louisa, Ky., and points in Ohio on and west of a line beginning at the Kentucky-Ohio State line at Aberdeen, Ohio, on U.S. Highway 52 to junction Ohio Highway 41, to junction Ohio Highway 247 at West Union, Ohio, to junction Ohio Highway 72 at Hillsboro, Ohio, to junction U.S. Highway 68 at Springfield, Ohio, to Bellefontaine, Ohio, to Findlay, Ohio, to Toledo, Ohio. The purpose of this filing is to eliminate the gateway of South Carolina and Charlotte, N.C.

No. MC 124174 (Sub-No. E43), filed June 4, 1974. Applicant: MOMSEN TRUCKING CO., P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momen (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides and tannery products* (except liquids, and commodities in bulk, in tank vehicles): (1) Between points in Maine, on and east of Ft. Kent on the International Boundary line between United States and Canada and extending southward along Maine Highway 11 to junction Maine Highway 6 and 16, to junction Maine Highway 150, to junction U.S. Highway 2, to junction Maine Highway 8, thence southward along Maine Highway 8 to junction Maine Highway 11, thence southward along Maine Highway 11 to junction Maine Highway 27, thence along Maine Highway 27 to Augusta, Maine, thence along Maine Highway 9 and 126, thence along Maine Highway 126 to junction U.S. Highway 202, thence along U.S. Highway 202 to a point 8 miles southeast of Sanford to unnumbered County Road, thence along unnumbered County Road to Berwick to its junction with Maine Highway 9, thence along Maine Highway 9 to the Maine-New Hampshire State line; (2) those points in New Hampshire on and east of a line beginning at the Maine-New Hampshire State line, and extending along New Hampshire Highway 9 from Somersworth, N.H., on unnumbered blacktop road to junction 3 miles southwest of Somersworth to junction New Hampshire Highway 16, to junction New Hampshire Highway 9, thence along New Hampshire Highway 9 to junction U.S. Highway 202, to junction U.S. Highway 4 to junction New Hampshire Highway 28, thence along New Hampshire Highway 28 to junction U.S. Highway 3, thence along U.S. Highway 3 and New Hampshire Highway 28 to junction New Hampshire Highway 114A, thence along New Hampshire Highway 114A to junction New Hampshire Highway 101, thence along New Hampshire Highway 101 to junction New Hampshire Highway 124 two miles, thence south via an unnumbered county highway to Webb, N.H., and the junction with New Hampshire Highway 12, thence westerly two miles to an unnumbered highway, thence southwesterly through East Swanzey to junction New Hampshire Highway 32 to junction New Hampshire Highway 10 at Westport, N.H., thence along unnumbered highway to New Hampshire Highway 10 to the Massachusetts-New Hampshire State line; (3) those points in Massachusetts on and east of a line beginning at the New Hampshire-Massachusetts State line and extending along Massachusetts Highway 10, thence along Massachusetts Highway 10 to junction Massachusetts Highway 63 to junction Massachusetts Highway 116, thence along Massachusetts Highway 141, fol-

lowing it until its junction with Massachusetts Highway 57, thence westerly along Massachusetts Highway 57 to the junction with Massachusetts Highway 8, thence along Massachusetts Highway 8 to the Massachusetts-Connecticut State line; (4) those points in New York on and south and west of a line beginning at the Connecticut-New York State line, and extending on and south of Interstate Highway 84 to junction Interstate Highway 684, thence southerly on to Katonah, N.Y., thence southwesterly on New York Highway 117 to junction U.S. Highway 9, thence south along U.S. Highway 9 to junction Interstate Highway 95, thence along Interstate Highway 95 to the New York-New Jersey State line; (5) those points in New Jersey on and south and west of a line beginning at the New York-New Jersey State line, and extending south along Interstate Highway 95, thence along Interstate Highway 95 to junction New Jersey Highway 3, thence along New Jersey Highway 3 to junction New Jersey Highway 17, thence along New Jersey Highway 17 to junction New Jersey Highway 27, to Garden State Expressway, thence along the Garden State Expressway to junction New Jersey Turnpike, thence along the New Jersey Turnpike to the Delaware-New Jersey State line; (6) those points in Maryland on and south and west of a line beginning at the Delaware-Maryland line and extending along U.S. Highway 40 to junction Interstate Highway 83, thence along Interstate Highway 83 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Maryland-Virginia State line; (7) those points in Virginia on and south of a line beginning at the Maryland-Virginia State line and extending along Interstate Highway 495 to junction U.S. Highway 211, thence along U.S. Highway 211 to junction U.S. Highway 340, thence

along U.S. Highway 340 to junction Virginia Highway 256, thence along Virginia Highway 256 to Weyers Cave, to junction U.S. Highway 11, thence along U.S. Highway 11 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Tennessee-Virginia State line, on the one hand, and, on the other, (1) those points in Missouri on and south of a line beginning at Neely's Landing, at or near the Missouri-Illinois State line, and extending along Missouri Road "J" to junction Missouri Highway 34, thence along Missouri Highway 34 to junction U.S. Highway 60, thence along U.S. Highway 60 to Springfield, Mo., to junction U.S. Highway 160, thence westerly along U.S. Highway 160 to the Kansas-Missouri State line; (2) those points in Kansas on and west of a line beginning at the Missouri-Kansas State line, and extending along U.S. Highway 160 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 59, thence westerly along U.S. Highway 59 to junction Kansas Highway 47, thence westerly along Kansas Highway 47 to junction U.S. Highway 169, thence along northerly U.S. Highway 169 to junction Kansas Highway 39, thence westerly along Kansas Highway 39 to junction Kansas Highway 96, thence westerly along Kansas Highway 96 to junction Kansas Highway 99, thence northerly along Kansas Highway 99 to junction U.S. Highway 54, thence westerly along U.S. Highway 54 to Rosalia, Kans., thence northerly on unnumbered highway to Cassoday, and westerly to junction U.S. Highway 81 at Newton, Kans., thence northwesterly along U.S. Highway 81 to junction U.S. Highway 56, thence westerly along U.S. Highway 56 to junction Kansas Highway 14, thence northerly along Kansas Highway 14 to junction Kansas Highway 4, thence westerly along Kansas Highway 4 to junction U.S. Highway 281, thence west and north along U.S. Highway 281 to junction U.S. Highway 40 and Interstate Highway 70, thence along Interstate

Highway 70 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateway of Buford, Ga.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3463 Filed 2-7-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 3, 1978.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC on or before February 23, 1978.

FSA No. 43498, Southwestern Freight Bureau, Agent's No. B-725, rates on clay, from Belle Fourche and Deadwood, S. Dak., and stations in Wyoming, to York Canyon, N. Mex., in sup. 5 to its tariff 329-E, ICC 5297, to become effective March 15, 1978. Grounds for relief—rate relationship.

FSA No. 43499, Southwestern Freight Bureau, Agent's No. B-726, annual volume rates on chemicals, between East St. Louis, Ill., and St. Louis, Mo., on the one hand, and, on the other, stations in Louisiana and Texas, in sup. 28 to its tariff 12-K, ICC 5272, to become effective March 5, 1978. Grounds for relief—market competition.

FSA No. 43500, Trans-Pacific Freight Conference of Japan/Korea, Agent's No. 104, for Korea Shipping Corp., Ltd., on intermodal rates on general commodities, from ports in Japan and Korea, to rail carrier terminal at Miami, Fla., by way of U.S. Pacific Coast ports, in its tariff No. 1, ICC No. 1, to become effective March 3, 1978. Grounds for relief—water competition.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3464 Filed 2-7-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION,
MEDICAL RESEARCH SERVICE MERIT REVIEW BOARDS

Meetings

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of meetings of the following Merit Review Boards.

Merit review board	Date	Time	Location
Nephrology.....	Feb. 27, 1978.....	8:30 a.m. to 5 p.m.....	Tower Suite C, Host International Motel. ¹
Cardiovascular studies.....	Mar. 3, 1978.....	do.....	Stratford Room, Sir Francis Drake Hotel. ²
Infectious diseases.....	Mar. 6, 1978.....	do.....	Room 817, VA Central Office. ³
Oncology.....	do.....	do.....	Room A53, VA Central Office.
Alcoholism and drug dependence (clinical pharmacology) ..	Mar. 21, 1978.....	do.....	Room 119, VA Central Office.
Respiration.....	Mar. 22, 1978.....	do.....	Do.
Behavioral sciences.....	Mar. 23, 1978.....	do.....	Room A, Holiday Inn. ⁴
Do.....	Mar. 24, 1978.....	do.....	Do.
Endocrinology.....	Mar. 30, 1978.....	do.....	Room A53, VA Central Office.
Immunology.....	do.....	7 p.m. to 11 p.m.....	Room A, Holiday Inn.
Do.....	Mar. 31, 1978.....	8:30 a.m. to 5 p.m.....	Do.
Neurobiology.....	Mar. 30, 1978.....	do.....	Room B, Holiday Inn.
Do.....	do.....	do.....	Do.
Gastroenterology.....	Apr. 4, 1978.....	do.....	Statler Room, Denver Hilton. ⁵
Basic Sciences.....	Apr. 13, 1978.....	7 p.m. to 11 p.m.....	Room A, Holiday Inn.
Do.....	Apr. 14, 1978.....	8:30 a.m. to 5 p.m.....	Do.
Hematology.....	do.....	do.....	Room A53, VA Central Office.
Surgery.....	Apr. 16, 1978.....	7 p.m. to 11 p.m.....	The Drawing Room, Rodeway Inn. ⁶
Do.....	Apr. 17, 1978.....	8 a.m. to 8 p.m.....	Do.

¹Host International Motel, 18700 Kennedy Blvd. Houston, Tex. 77205.

²Sir Francis Drake Hotel, 450 Powell St., San Francisco, Calif. 94102.

³VA Central Office, 810 Vermont Ave. NW., Washington, D.C. 20420.

⁴Holiday Inn, Thomas Circle, Massachusetts at Thomas Circle NW., Washington, D.C. 20005.

⁵Denver Hilton, 1550 Court Pl., Denver, Colo. 80202.

⁶Rodeway Inn, 5615 North Cumberland Ave., Chicago, Ill. 60631.

These meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms at the start of each meeting to discuss the general status of the program. In accordance with the provision set forth in section 552b(c)(6), title 5, United States Code, all of the Merit Review Board meetings will be closed to the public after approximately one-half hour from the start, for the review, discussion and evaluation

of initial, and renewal research projects.

The closed portion of the meetings involve: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols, and similar documents which are exempt from disclosure under the interagency memorandum exemption, section 552(b)(5), and section 552b(c)(6), of title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Because of the limited seating capacity of the rooms, those who plan to

attend should contact Jane S. Schultz, Ph. D., Chief, Program Development and Review Division, Medical Research Service, Veterans Administration, Washington, D.C., 202-389-5065 at least five days prior to each meeting. Minutes of the meeting and rosters of the members of the Boards may be obtained from this source.

Dated: February 1, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 78-3450 Filed 2-7-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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Civil Aeronautics Board.....	13
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Renegotiation Board.....	10, 11, 12

[6335-01]

COMMISSION ON CIVIL RIGHTS.
DATE AND TIME: Monday, February 13, 1978; 1 p.m.-4 p.m.
PLACE: Room 512, 1121 Vermont Avenue NW., Washington, D.C.
STATUS: Part of the meeting will be open to the public and part of the meeting will be closed to the public.
MATTERS TO BE CONSIDERED: Portion open to the public, 1 p.m.-4 p.m.

- I. Approval of agenda.
- II. Approval of minutes from last meeting.
- III. Staff Director's report: A. Status of funds. B. Personnel report. C. Correspondence: 1. Letter from Aaron E. Henry re Age Discrimination Study; 2. Motion on affirmative action by Union of American Hebrew Congregation; 3. Letters on Volume V Followup from: Jack H. Watson, Jr., The White House; Senator Daniel K. Inouye; Congressman Tom Railsback; Congressman Louis Stokes; Congressman Frank Thompson, Jr.; Congressman W. R. Poage; James H. Ebron, ICC. D. Office Directors' report.
- V. Discussion re Wyoming Advisory Committee Report on Abortion Services.
- VI. Discussion re Closed Commission Meetings.
- VII. Discussion re Civil Rights Act of 1977.
- VIII. Discussion re Clearinghouse Function of Civil Rights Digest.
- IX. Screening of WMAQ-TV videotape on "Desegregation".

MATTERS TO BE CONSIDERED: Portion closed to the public—4 p.m. to 5 p.m., Regional Advisory Committee Chartering.

FOR FURTHER INFORMATION CONTACT:

Loretta Ward, Public Affairs Unit, 202-254-6697.
[S-291-78 Filed 2-6-78; 1:48 pm]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION.
TIME AND DATE: Follows 9:30 a.m., Open Commission Meeting, Wednesday, February 8, 1978.
PLACE: Room 856, 1919 M Street NW., Washington, D.C.
STATUS: Closed Commission Meeting.
MATTERS TO BE CONSIDERED:

- Agenda, Item No., and Subject*
- Complaints and Compliance—1—Field investigation into the operations of WIGO, Atlanta, Ga.
 - Hearing—1—Applications for review of a Review Board Decision in the Warrensburg, Mo., CATV proceeding (Dockets Nos. 19151, 19152).
 - Hearing—2—Application for review of a Review Board Decision in the Overmyer transfer of control proceedings (Docket No. 18950).
 - Hearing—3—Settlement agreement and petition to finalize the initial decisions in the application for assignment of license for station WEFM-FM, Chicago, Ill. proceeding (Docket No. 20581).
 - Hearing—4—Petition to amend application in New York TV renewal/new applicant proceeding (Docket Nos. 19991-2).
 - Hearing—5—Review of order designating for hearing the Amateur Radio revocation/suspension proceedings of J. R. Sheller, R. T. Bennett, J. C. Gallucci, and T. L. Dillahunty (Docket Nos. 21446 to 21454).

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 1, 1978.

[S-296-78 Filed 2-6-78; 2:55 pm]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION.
TIME AND DATE: 9:30 a.m., Wednesday, February 8, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.
STATUS: Open Commission Meeting.
MATTERS TO BE CONSIDERED:

- Agenda, Item No., and Subject*
- General—1—Amendment of Parts 2, 13, 81 and 83 of the Commission's Rules relating to the use of radiotelegraphy in the maritime services (Docket No. 20813).
 - General—2—1978 Aeronautical World Administrative Radio Conference preparation (Docket No. 20290).
 - Safety and Special Radio Services—1—Amendment of Parts 89, 91, 93 and 95 of the Commission's Rules to allow optional use of automatic Morse Code identification of radio stations (Docket No. 21137).
 - Safety and Special Radio Services—2—Simplification of the licensing and call sign assignment systems in the Amateur Radio Service (Docket No. 21135).
 - Common Carrier—1—Section 214 application (File No. W-P-C-1214) of the Off-shore Telephone Co. to construct and operate a common carrier service in the North Atlantic.
 - Common Carrier—2—Amendment of Part 64 of the Commission's Rules to provide for a new priority system for carrier-provided intercity private line services (Docket No. 19308).
 - Common Carrier—3—Notice of proposed Rulemaking, concerning the use of telephone recording devices (Docket No. 20840).
 - Common Carrier—4—American Television Relay refund proposal.
 - Common Carrier—5—Inquiry into the telecommunication needs of the deaf and hard of hearing.
 - Common Carrier—6—Modification of procedures in Docket No. 20814, investigation into AT&T's Multi-Schedule Private Line (MPL) tariff.
 - Cable Television—1—Petition for declaratory ruling filed by Marsh Media, Ltd. (KVII-TV) Amarillo, Tex. (CSR-1177).
 - Cable Television—2—Petition for waiver of section 76.501 of the Commission's Rules filed by the Kansas State Network, Inc., Lyons and McPherson, Kans.
 - Cable Television—3—Notice of proposed Rule Making to allow continuous operation of Cable Television Relay Service stations.
 - Cable Television—4—Petitions for reconsideration of Report and Order concerning definition of a cable television system and the creation of classes of cable systems (Docket No. 20561).
 - Cable Television—5—Applications for construction permits for new stations in the Cable Television Relay Service and petition for waiver of the rules filed by Wernersville State Hospital, Wernersville, Pa. (CAR-12141-01, CAR-12142-01).
 - Cable Television—6—Application for review, filed by Forum Communications Compa-

SUNSHINE ACT MEETINGS

Dated: February 3, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-289-78 Filed 2-6-78; 8:59 am]

[6730-01]

FEDERAL MARITIME COMMISSION.

TIME AND DATE: February 15, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Monthly report of actions taken by the Managing Director pursuant to delegated authority during December 1977.
2. Agreement No. 10311: The North Atlantic Bridge Agreement providing for common agreement by conferences on rates, rules, and practices.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5727.

[S-299-78 Filed 2-6-78; 3:15 pm]

[6750-01]

FEDERAL TRADE COMMISSION.

TIME AND DATE: 9:45 a.m., Wednesday, February 8, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

ADJUDICATIVE MATTERS UNDER PART 3 OF THE RULES OF PRACTICE
Consideration of the status of pending Part III decisions.

CONTACT PERSON FOR INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; recorded message: 202-523-3806.

[S-298-78 Filed 2-6-78; 2:55 pm]

[7020-02]

(USITC SE-78-5)
INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, February 14, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

ny, licensee of KSFY-TV, Sioux Falls, KABY-TV, Aberdeen and KPRY-TV, Pierre all in S. Dak.

Renewal—1—Petition to deny application of Johnston Broadcasting Co. for renewal of WJLD, Birmingham, Ala. (BR-1174).

Aural—1—Application of Kingston Broadcasting Company for a new AM station at Kingston, Tenn. (BP-20056).

Aural—2—Application for major change in the facilities of KDAB(FM), Ogden, Utah (BPH-10056) filed by D&B Broadcasting Co.; and objections filed by Carman Corp. and Communications Investment Corp.

Broadcast—1—Three proposals to assign UHF TV Channel 56 to Fairfax or Goldvein, Va., and reassign UHF TV Channel 14 from Washington, D.C. to Fairfax, Va. (RM-2808).

Broadcast—2—Proposal to revise the method by which the "top 50 markets" are determined for prime time access (§ 73.658(k) of the rules) Docket No. 21115.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 1, 1978, and February 3, 1978.

[S-297-78 Filed 2-6-78; 2:55 pm]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 4:00 p.m. on February 2, 1978, by telephone conference call, to consider the initiation of cease-and-desist proceedings, under section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)), against an insured State nonmember bank.

In calling the meeting, the Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by subsections (c)(6), (c)(8), and (c)(9)(A)(ii) thereof (5 U.S.C. 552b, (c)(6), (c)(8), and (c)(9)(A)(ii)).

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary):
a. Sandals (Docket No. 487);
b. Telescopic site mounts (Docket No. 489);
c. Pressure pads (Docket No. 490); and
d. Leather wearing apparel (Docket No. 492).
5. Carbon steel bars and strips from the United Kingdom (Inv. AA1921-Inq-8 and 9)—briefing and vote.
6. Research Project 1-9 (Government-owned industries)—see action jacket ID-78-006.
7. Briefing by staff members on their recent overseas travels.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-292-78 Filed 2-6-78; 1:48 pm]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4750, February 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, February 9, 1978; 9:30 a.m. (NM-78-7).

CHANGE IN THE MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below:

1. *Railroad Accident Report*—Head-on Collision of Two Greater Cleveland Regional Transit Authority Trains, Cleveland, Ohio, July 8, 1977.
2. *Aircraft Accident Report*—Johnson & Johnson, Grumman Gulfstream II (G-1159) N500L, Hot Springs, Va., September 26, 1976.
3. *Discussion*.—Briefing by Managing Director on current management objectives.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6021.

[S-288-78 Filed 2-6-78; 8:59 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: February 10, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

5470

MATTERS TO BE CONSIDERED:

Friday, February 10, 9:30 a.m. Presentation by Bechtel representatives on Nuclear Power Plant Standardization (approximately 2 hours).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

FEBRUARY 3, 1978.

WALTER MAGEE,
Chief, Operations Branch.

[S-290-78 Filed 2-6-78; 11:52 am]

[7210-01]

10

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 4317, February 1, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Friday, February 10, 1978; 10 a.m.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 6, 1978.

GOODWIN CHASE,
Chairman.

[S-293-78 Filed 2-6-78; 1:48 pm]

[7210-01]

11

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 4750, February 3, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Thursday, February 9, 1978; 9:30 a.m.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street N.W., Washington, D.C. 20446, 202-254-8277.

Dated: February 6, 1978.

GOODWIN CHASE,
Chairman.

[S-294-78 Filed 2-6-78; 1:48 pm]

[7210-01]

12

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 3990, January 30, 1978.

NOTICES

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Tuesday, February 7, 1978; 10 a.m.

CHANGE IN MEETING: Cancellation.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: February 6, 1978.

GOODWIN CHASE,
Chairman.

[S-295-78 Filed 2-6-78; 1:48 pm]

[6320-01]

13

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 9, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 30918, United's application for deletion of Jacksonville, Fla. from segment 1(a)(ii) (Memo No. 7505-A, BOR).

3. Dockets 24385 and 30948—Rich—tentative findings in show cause Order 77-10-21 to revoke large aircraft exemption (Memo No. 3047-F, BOR).

4. Docket 31343, Bonanza Airlines Corp. Exemption to operate F-27J aircraft between Las Vegas and Aspen and Eagle/Vail (Memo No. 7733, BOR).

5. Docket 31013, Agreement among Members of the Air Traffic Conference of America permitting participation in the Area Settlement Plan by intrastate carriers operating large aircraft, Agreement CAB 16874-A68 (Memo No. 7750, BOR, OGC, BOE).

6. Docket 31660, Application for approval or exemption of Air Express International's acquisition of Trans Air Freight System, Inc. (Memo No. 7730, BOR).

7. Docket 31707, Evergreen's application for a section 416 exemption (Memo No. 7743, BOR, OGC).

8. Dockets 28696 and 28697, Applications of the Flying Tiger Line, Inc.; Docket 22669, Application of Airlift International, Inc.; Dockets 28818 and 28819, Application of Seaboard International, Inc.; Docket 30655, Application of Federal Express Corp.; Docket 30822, Application of American Airlines, Inc.; Docket 30828, Petition of the Dayton, Ohio Parties; Docket 31179, Application of the City and Chamber of Commerce of Charlotte, N.C. (Memo No. 7745, BOR).

9. Docket 29295, United States-Latin America All-Cargo Service Investigation, Petitions for Discretionary Review (OGC, OEA).

10. Docket 29445, Las Vegas-Dallas/Fort Worth Nonstop Service Investigation (recommendations on petition for review) (OGC).

11. Docket 28655, Seattle/Portland-Japan Service Investigation (request for instructions) (OGC, OEA, BIA).

12. Docket 21162, Ohio/Indiana Points Nonstop Service Investigation—Order on Discretionary Review (Memo No. 7748, OGC, OEA).

13. Docket 31728, Notice of proposed rule-making amending Part 223 of the Board's Economic Regulations to allow student fares to natives of Guam, American Samoa, and the Trust Territory of the Pacific Islands (Memo No. 7744, OGC, BFR).

14. Docket 27991, Amendment of Order 76-7-113, entered July 28, 1976 in the Pan American World Airways, Inc., Enforcement Proceeding (Memo No. 6128-C, OGC).

15. Dockets 25581 and 26078, Yugoslovskil Aerotransport, Renewal and Amendment of Foreign Air Carrier Permit (Memo No. 4632-I, OGC).

16. Docket 28196, California-Alberta Route Proceeding (request for instructions) (Memo No. 7332-C, OGC).

17. Docket 30679, Florida-Atlanta Competitive Nonstop Service Case, (1) Eastern Air Lines petition to change wording in ordering paragraph (3) of Order 77-12-22 to more accurately reflect intention of order, (2) Southern's petition application for Tampa authority (Memo No. 6739-C, BLJ, OGC).

18. Docket 30555, Peanuts Fares, TXI moves to terminate proceeding or dispose with hearing and rely on briefs (Memo No. 7747, BLJ, OGC).

19. Docket 30564, Petition for extension of prior approval of joint air carrier—motor carrier discussions of joint and through intermodal freight service (Memo No. 7216-A, BFR).

20. Docket 31415, Request of WITS Air Freight, an air freight forwarder, for an exemption from sections 403 and 404 of the Act and Part 221 of the Board's Economic Regulations (Memo No. 7734, BFR, BOE).

21. Docket 31459, Request of Edward Katz and Arthur Rosenblatt d.b.a. Choice Air Courier Service, an air freight forwarder, for an exemption from section 403 of the Act and Parts 296.11(a) and 296.72 of the Board's Economic Regulations (Memo No. 7735, BFR, BOR, BAS).

22. Dockets 30756, 31215 and 27785, Pan American requests to engage in discussions on various Far East/Pacific fare and rate matters (Memo No. 7310-A, BFR, BIA, OGC).

23. Docket 30777, IATA agreements covering matters ancillary to passenger fares (Memo No. 7737, BFR, BIA).

24. Docket 30332, Agreement C.A.B. 26883, IATA agreement proposing increase in North/Central Pacific cargo rates (Memo No. 5761-F, BFR, BIA).

25. Dockets 32028, 32030, 32033, Off-peak Freedom Fares in Mainland-Hawaii markets proposed by Continental (BFR).

26. Docket 31993, Rules governing the acceptance and carriage of handicapped persons proposed by various carriers (BFR).

27. Increased excess baggage charges proposed by Pan American, effective February 25 (BFR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary
202-673-5068.

WEDNESDAY, FEBRUARY 8, 1978
PART II



DEPARTMENT OF DEFENSE

Department of
the Navy

PRIVACY ACT OF 1974

Systems of Records; Additions,
Deletions, and Amendments

[3810-71]

DEPARTMENT OF DEFENSE

Department of the Navy

PRIVACY ACT OF 1974

New System of Records

Agency: Department of the Navy, DoD
Action: Notification of New System of Records.

Summary: The Department of the Navy has created a new system of records identified as: N00011 09B, entitled, "Reports of Disposition of Personal Money Allowances and Position Allowances." This new system of records is being published for public comment. The purpose of the system is to enable the Chief of Naval Operations and his designees to review the disposition of personal money allowances and position allowances paid under 37 U.S.C. § 414 (a) and (b) in order to provide assurance, as required, that the allowances have been expended by the recipient for purposes related to the duties or responsibilities of their official positions.

Dates: This system shall become effective as proposed without further notice in 30 calendar days from the date of this publication (March 10, 1978) unless comments are received on or before March 10, 1978, which would result in a contrary decision.

Address: Send comments to: The Assistant Vice Chief of Naval Operations, Director of Naval Administration, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350.

For further information contact: Commander H. R. Warwick, JAGC, U.S. Navy, Assistant for Legal and Legislative Matters (OP-09BL), Office of the Assistant Vice Chief of Naval Operations, Director of Naval Administration (OP-09B), Washington, D.C. 20350, telephone number: 202-695-3480.

Supplementary information: During the fiscal year 1977 budget review the personal money allowances and position allowances paid under 37 U.S.C. § 414 (a) and (b), the President decided to support the continued authorization for allowances with a mechanism for reporting and reviewing the disposition of the allowances. To comply with the President's decision, the Chief of Naval Operations was directed to institute such a reporting and reviewing process. This new system of records will contain the periodic letter reports of the recipients of the allowances, and it is estimated that the system will have the reports of 45 individuals in it at any given time. The Department of the Navy's systems of records notices as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a(c)(4) have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-28255 (42 FR 51229) September 28, 1977.
FR Doc. 77-36226 (42 FR 64333) December 22, 1977.

The Navy proposes to add a new system of records to its inventory. The Navy submitted this proposed new record system on December 21, 1977 pursuant to the provisions of the Office of Management and Budget (OMB) Circular No. A-108, Transmittal Memorandum No. 1, and No. 3, dated September 30, 1975 and May 17, 1976 respectively, which provide supplemental guidance to Federal agencies regarding the preparations and submissions of reports of their intention to establish or alter systems of personal records as required by 5 U.S.C. 552a(o). This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives,
Washington Headquarters Services, Department of Defense.

JANUARY 24, 1978.

N00011 09B

System name: Reports of Disposition of Personal Money Allowances and Position Allowances.

System location: Assistant Vice Chief of Naval Operations/Director of Naval Administration, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350.

NOTICES

Categories of individuals covered by the system: Officers entitled to receive personal money allowances or position allowances pursuant to 37 U.S.C. 414(a) or (b).

Categories of records in the system: Periodic letter reports of disposition of personal money allowances and position allowances submitted by recipients of the allowances, and other related correspondence.

Authority for maintenance of the system: 37 U.S.C. 414 and 44 U.S.C. 3101.

Routine uses of records maintained by the system, including categories of users and the purposes of such uses: Periodic letter reports will be filed with the Assistant Vice Chief of Naval Operations/Director of Naval Administration and will be reviewed by that official and such other personnel as may be designated by the Chief of Naval Operations to assure that the allowances in question have been expended for purposes related to the official duties or responsibilities of the recipients' official positions. The results of the review will be reported to the Comptroller of the Navy (NCD) and may be further reported to other cognizant officials of the Departments of the Navy and Defense. The reports will be subject to possible audit as directed by competent naval or Department of Defense authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reports and other related correspondence will be stored in file folders separately from other correspondence filed.

Retrievability: The correspondence is retrieved by name or billet of the recipient of the allowance.

Safeguards: The files pertaining to this system are maintained in a locked cabinet in a room which is locked when unattended by authorized personnel, located in a building in which visitor controls are enforced by guards. The files are accessible only to authorized personnel designated by the Chief of Naval Operations, on a need-to-know basis.

Retention and disposal: The correspondence is maintained in the system for a period of two years.

System manager and address: Assistant Vice Chief of Naval Operations/Director of Naval Administration, Office of the Chief of Naval Operations, Department of the Navy, Washington, D.C. 20350.

Notification procedure: Informational requests should be directed to the system manager. Requests should contain the full name of the individual. The requester may visit the office of the Assistant Vice Chief of Naval Operations/Director of Naval Administration (OP-09B), room 4E623, the Pentagon, Arlington, Virginia. A valid Armed Forces I.D. card will be considered adequate proof of identity.

Record access procedures: The agency's rules for access to correspondence may be obtained from the system manager.

Contesting record procedures: The agency's rules by which the individual concerned may contest contents and appeal initial determinations may be obtained from the system manager.

Record source categories: Periodic letter reports submitted by recipients of personal money allowances or position allowances, and related correspondence with those individuals or other Department of Defense officials concerning the allowances.

Exemption: None.

[FR Doc. 78-3001 Filed 2-7-78, 8:45 am]

[3810-71]

PRIVACY ACT OF 1974; U.S. MARINE CORPS

Systems of Records: Deletions and Amendments

Agency: U.S. Marine Corps (USMC), DON.

Action: Notification of deletions and amendments to Systems of Records.

Summary: The Marine Corps proposes to delete two and amend fifteen existing systems of records subject to the Privacy Act of 1974. The specific changes to each system being amended is set forth below followed by publication of all the systems in their entirety, as amended.

Dates: These systems shall be deleted and amended, as proposed without further notice in 30 calendar days from the date of this

NOTICES

publication (March 10, 1978) unless comments are received on or before March 10, 1978, which would result in a contrary determination and requiring republication for further comments.

Address: Send comments to the system manager identified in the particular system notice concerned.

For further information contact: Ms. Gwen Rhodes, HQ USMC (MC-MPI-40), Arlington Annex, Washington, D.C. 20380, telephone 202-694-4117.

Supplementary information: The USMC Systems of Records notices as prescribed by the Privacy Act of 1974 5 U.S.C. 552a(o) (Pub. L. 93-579) have been published in the FEDERAL REGISTER (FR Doc 77-28255) on September 28, 1977, at 42 FR 51177 and (FR 77-31445) on October 31, 1977 at 42 FR 56978. The USMC now proposes to delete two existing systems of records identified as MIL00020 and MMN00003 as set forth below for the reasons specified therein. The proposed changes for the amended systems are not within the purview of the provisions of the Office of Management and Budget (OMB) Circular A-108, Transmittal Memorandum No. 1, dated September 30, 1975 and Transmittal Memorandum No. 3, dated May 17, 1976 which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports as required by the Privacy Act. This OMB guidance was set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives,
Washington Headquarters Services, Department of Defense.

JANUARY 24, 1978.

DELETIONS

MIL00020

System name: First Marine Division Personnel Assigned to Operation New Arrivals (42 FR 51196 September 28, 1977).

Reason: Not a system.

MMN00003

System name: Manpower Management System (MMS) (42 FR 51209 September 28, 1977).

Reason: Records are included in system MFD00003—Joint Uniform Pay System/Manpower Management System (Jumps/MMS) set forth under the amended systems below.

AMENDMENTS

The following proposed changes are to systems of records published in the September 28, 1977 issue of the FEDERAL REGISTER.

MFD00003

System name: Joint Uniform Military Pay System/Manpower Management System (Jumps/MMS) (42 FR 51181).

Changes:

System location: Under "Decentralized Segments", add to the end of the entry: "...; first Marine Brigade, FPO San Francisco, CA 96615."

Category of records in the system: Delete the following phrases from lines 24, 25, 36: "Study Group Flag; Last Over-Sea Tour; Deployment Status", and substitute after the phrase "Sea or Foreign Duty" in line 25 the new data elements: "Program Element Number, Responsibility Center Number, Marital Status, Ethnic Group, Intermediate Monitored Command Code—Estimated Date of Arrival, Current Active Duty Begin Date, Estimated Date of Departure, Special Grade and Date of Rank, Old Reason for Transfer Code, New Reason for Transfer Code, Present Tour Control Factor, Prospective Officers Source Code, Reenlistment Bonus Zone Type, Selective Reenlistment Bonus Zone, Separation Document Type, Composite Score, Armed Services Vocational Aptitude Battery, Deployment Monitored Command Code, Data Dependents Location Begin, Visual Audit Field, Date Joined Present Unit, TAD Excess Flag, TAD DPI, Officers School Graduation, Active Duty Officer Base Date, Active Duty Aviation Service Base Date, Accession Code, Future Tour Control Factor, Intended Transfer, Date, Permanent Change of Station Code, Reason for Transfer Flag, Advanced Monitored Command Code,

Advanced Monitored Command Code—Estimated Date of Arrival, Intermediate Monitored Command Code—Estimated Date of Arrival." After the phrase "Power of Attorney" at the end of the listings of data elements, add the following entry: "The MMS master files consist of a complete magnetic record for each Marine serving on active duty for a period in excess of 30 days. The Remote Entry Data Display Terminal (REDDT) is a subsystem of MMS. It has the capability to directly access an extract of the master file. The procedure used to establish the initial computer record and add the individual to the Marine Corps strength is the accession process. The accession of recruits is accomplished through the Recruit Accession Management Subsystem (RAMS). The Commissioning Accession Management Subsystem (CAMS) is designed to access all officer records into JUMPS/MMS. Accession/reaccession of all nonrecruit enlisted records is accomplished through the Headquarters Accession Management Subsystem (HAMS) at Headquarters, U.S. Marine Corps. The Accession Transcription Form (ATF) is an OCR form which contains information extracted from the enlistment contract and transfer/assignment to active duty orders. The ATF is completed and processed to establish the computer record. The Manpower Management Information System (MMIS) consists of models and processes within MMS. These models and processes support manpower planners and programmers to optimize assignments to unaccompanied overseas tours, predict enlisted population by grade and military (occupational) speciality (MOS) and to test various policies related to unrestricted officer promotion planning."

Authority for maintenance of the system: Delete entire entry and substitute: "Title 10 and 37, U.S. Code Section 5031 and 5201."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete the last paragraph regarding the American Red Cross and the Navy Relief Society, and substitute: "By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member."

After the above entry, add three new entries as follows: "Federal, state and local government agencies—By officials and employees of federal, state and local government through official request for information with respect to law enforcement, investigatory procedures, criminal prosecution, civil court action and regulatory order. To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency initiate criminal or civil action against an individual on behalf of the U.S. Marine Corps, the Department of the Navy, or the Department of Defense. To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U.S. Marine Corps, by the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

Policy and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Delete the entire entry and substitute: "Data is recorded on magnetic records and discs, punch cards, computer printouts, microform, file folders, and other documents."

Retrievability: Add the following entry after the first sentence: "Computerized and conventional indices are required to retrieve individual records from the system."

Safeguards: At the end of entry add: "Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared, and trained."

Retention and disposal: At the end of entry add: "End calendar and fiscal year "snapshots" of the MMS data base are maintained indefinitely in magnetic form at Headquarters, U.S. Marine Corps."

Notification procedure: Delete the first sentence and substitute: "Requests from individuals for information concerning pay related matters should be addressed to the Commandant of the Marine Corps (Code FD). Requests from individuals for information concerning personnel matters should be addressed to the Commandant of the Marine Corps (Code MP)."

MFD00005

System name: Retired Pay/Personnel System (RPPS) (42 FR 51183).

Changes:

Routine uses of records maintained in the system, including categories of users and purposes of such uses: Delete the last paragraph regarding the American Red Cross and the Navy Relief Society, and substitute: "By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member."

MFD00008

System name: Civilian Labor Projection, Operations and Maintenance, MC Budget Report (Job Procedure 5576) (42 FR 51187).

Changes:

System location: Delete entire entry and substitute: "Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704."

System manager(s) and address: Delete entire entry and substitute: "Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704."

Notification procedure: Delete entire entry and substitute: "Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704."

Record access procedure: Delete entire entry and substitute: "Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704."

MIL00016

System name: Depot Maintenance Management Subsystem (DMMS) (42 FR 51194).

Changes:

System location: Delete entire entry and substitute: "Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704; Marine Corps Logistics Support Base, Pacific, Barstow, California 92311."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete the words "Supply Centers" and substitute: "Logistics Support Bases".

System manager(s) and address: Delete entire entry and substitute: "Commandant of the Marine Corps (Code LMM), Headquarters, U.S. Marine Corps, Washington, D.C. 20380; Director, DMA, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704; Director, DMA, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311."

Notification procedure: Delete entire entry and substitute: "Information may be obtained from Commandant of the Marine Corps (Code LMM), Headquarters, U.S. Marine Corps, Washington, D.C. 20380; CG, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704; CG, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311."

Records access procedure: Delete first paragraph and substitute: "Request from individuals should be addressed to the Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704 or Commanding General, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311."

MIL00017

System name: Transportation Data Financial Management System (TDFMS) (42 FR 51194).

Changes:

System location: Delete entire entry and substitute: "Commanding General (Code A470), Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete the words "Marine Corps Supply Center" and substitute: "Marine Corps Logistics Support Base".

Notification procedure: Delete the words "Marine Corps Supply Center" and substitute: "Marine Corps Logistic Support Base, Atlantic".

MJA00003

System name: Magistrate Court Case Files (42 FR 51199).

Changes:

System location: Delete entire entry and substitute: "All Marine Corps activities."

Categories of individuals covered by the system: Delete the words "at Camp Lejeune, North Carolina 28542."

System manager(s) and address: Delete entire entry and substitute: "Commanding Officer of activity concerned. (See Directory of Department of Navy Mailing Address.)"

MJA00004

System name: In Hands of Civil Authorities Case File (42 FR 51194).

Changes:

System location: Delete entire entry and substitute: "All Marine Corps activities."

System manager(s) and address: Delete entire entry and substitute: "Commanding Officer of activity concerned. (See Directory of Department of Navy Mailing Addresses.)"

MJA00005

System name: Financial Assistance/Indebtedness Files (42 FR 51200).

Changes:

System location: Delete entire entry and substitute: "All Marine Corps activities."

System manager(s) and addressing: Delete entire entry and substitute: "Commanding officer of activity concerned. (See Directory of Department of Navy Mailing Addresses.)"

MJA00008

System name: Letters of Indebtedness/Credit Inquiry (42 FR 51201).

Changes:

System location: Delete entire entry and substitute: "All Marine Corps activities."

System manager(s) and address: Delete entire entry and substitute: "Commanding officer of activity concerned. (See Directory of Department of Navy Mailing Addresses.)"

MJA00012

System name: Individual Accounts of Mail Order Clothing (Bill File) (42 FR 51202).

Changes:

System location: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

System manager(s) and address: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

Notification procedures: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

Record access procedures: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

Record source categories: Delete the words "Supply Center" and substitute: "Logistics Support Base, Atlantic".

MMN00002

System name: Listing of Retired Marine Corps Personnel (42 FR 51209).

Changes:

Categories of records in the system: Delete entire entry and substitute: "The system is a microfiche listing derived from automated sources, depicting the retiree's name, social security number, grade, mailing address and retirement component code."

Policies and practice for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Delete the word "publication" and insert "microfiche listing". Delete the word "locker" and insert "locked".

Retention: Delete the entry "Destroyed upon being superseded by updated annual publication" and substitute: "Destroyed upon being superseded by updated monthly listing."

MMN00005

System name: Marine Corps Education Program Applicant/Participant Information File (42 FR 51211).

Changes:

System location: Delete phrase "(Code MTES)" and insert "(Code OTTI)".

Notification procedure: Delete phrase "(Code MTES)" and insert "(Code OTTI)".

Record access procedures: Delete phrase "(Code MTES)" and insert "(Code OTTI)".

MMN00006

System name: Marine Corps Military Personnel Records (QQR/SRB) (42 FR 51211).

Changes:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete the entire entry regarding the American Red Cross and the Navy Relief Society, and substitute: "By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member."

MMN00007

System name: Marine Corps Motion Picture/Instructional Television (ITV) Archives (42 FR 51213).

Changes:

Notification: Delete phrase "(Code MTAV)" and insert "(Code HD)".

Record access procedures: Delete phrase "(Code MTAV)" and insert "(Code HD)". Delete phrase "Head, Audio-Visual Branch Training and Education Division (Code MTAV)", and insert, "Director of History and Museum Division (Code HD)".

MMN00008

System name: Marine Corps Still Photographic Archives (42 FR 51213).

Changes:

System location: Delete phrase "Audio Visual Branch, Training and Education Division, Manpower Department (Code MTAV)" and insert "Director of History and Museums Division (Code HD)".

Notification procedure: Delete phrase "(Code MTAV)" and insert "(Code HD)".

System name: Joint Military Pay System/Manpower Management System (Jumps/MMS)

Security classification: None

System location: Primary System—Marine Corps Automated Services Center, 1500 East Bannister Road, Kansas City, Missouri 64131; Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197. Decentralized segments—There are eight satellite/command data processing installations (SDPI/CDPI) which maintain files with similar records at the following locations: SDPI 02, Marine Corps Base, Camp Lejeune, NC 28542; SDPI 03, Marine Corps Base, Camp Pendleton, CA 92055; SDPI 06, FMF Pacific, FPO San Francisco, CA 96610; SDPI 09, Headquarters US Marine Corps, Washington, DC 20380; SDPI 11, Marine Corps Recruit Depot, Parris Island, SC 29905; SDPI 15, Marine Corps Recruit Depot, San Diego, CA 92140; CDPI 17, Marine Corps Base, Quantico, VA 22134; SDPI 27 Marine Corps Base, Camp SD Butler, FPO Seattle, WA 98773; First Marine Brigade, FPO San Francisco, CA 96615.

Categories of individuals covered by the system: All Marine Corps Personnel.

Categories of records in the system:

The JUMPS/MMS automated system of records contains the following fields (data elements and data sets) and sub-fields: Social Security Number and the last, first, and middle initial (key); Name, Member Service Number, Contract Legal Agreement, Duty Limita-

tion, Race/Sex/Ethnic Group, Present Unit Identification, Temporary Reporting Unit Code, Former Unit Identification, Intermediate Unit Identification, Future Unit Identification, Command Data Processing Installation Code, Individual Location, Message Routing Indicator, Pay Entry Base Data, Armed Forces Active Duty Base Date, Active Naval Service Base Date, Current Active Duty Began Date, Date of Enlistment/Acceptance, Date of Original Entry Armed Forces, Date of Birth, Estimated Date of Departure, Estimated Date of Arrival, Date Current Tour Began, Date Detached Last Command, Rotation Tour Date, Date Arrived U S Dependents Not Restricted, Date Arrived U S Enlistment, Careerist Flag, Contract Extension Data, Expiration of Obligated Service, Security Investigation, Permanent Grade, Incentive Pay, Proficiency Pay, Special Pay, Hostile Fire Pay, Basic Allowance for Subsistence, Basic Allowance for Quarters, Duty Status, Last Processing Cycle Information, Project Duty Status, Preference for Duty, Grade for Which Selected, Citizenship, Combat Service, Former Prisoner of War, Civilian Education, Accession Code (Program Enlisted Under), Military Occupational Specialties, Reserved for Future Use, Religion, Tour Control Factor, Sea or Foreign Duty, Program Element Number, Responsibility Center Number, Marital Status, Ethnic Group, Intermediate Monitored Command Code - Estimated Date of Arrival, Current Active Duty Begin Date, Estimated Date of Departure, Special Grade and Date of Rank, Old Reason for Transfer Code, New Reason for Transfer Code, Present Tour Control Factor, Prospective Officers Source Code, Reenlistment Bonus Type, Selective Reenlistment Bonus Zone, Separation Document Type, Composite Score, Armed Services Vocational Aptitude Battery, Deployment Monitored Command Code, Date Dependents Location Begin, Visual Audit Field, Date Joined Present Unit, TAD Excess Flag, TAD DPI, Officers School Graduation, Active Duty Officer Base Date, Active Duty Aviation Service Base Date, Accession Code, Future Tour Control Factor, Intended Transfer Date, Permanent Change of Station Code, Reason for Transfer Flag, Advanced Monitored Command Code, Advanced Monitored Command Code - Estimated Date of Arrival, Intermediate Monitored Command Code - Estimated Date of Arrival, Prospective Officers Source Code, Current Source of Entry Code, Home of Record, Prior Key, Days Lost Current Contract, Separation Document Type, Language Proficiency, Language Aptitude Test, Electronic Technician Selection Test (Enlisted Only), Reserved for Expansion, General Military Subjects Test Results, Classification Test, Computed General Technical or General Classification Test, Armed Forces Qualification Test/Army Qualification Test Score (Enlisted Only), Army Qualification Battery Scores, Service Schools, Dependents Information, Aeronautically Designated Officers & Noncommissioned Officers Information, Date Last Tour Combat/Combat Support Area, Optional Narrative Form, Aeronautically Designated, Officers & Noncommissioned Officers Information, Date Designated Military Pilot, Separation Date, Service Date (Officer), Lineal Control Number/Precedence Number Present Rank, Separation Data Addendum, Lineal Control Number/Precedence Number Permanent Rank, Month Attended Service Academy, Lineal Footnotes, Running Mate, Limited Duty Officer/Warrant Officer Footnotes, Date of Acceptance 1st Commission in the Marine Corps, Date of Rank 1st Commission in the Marine Corps, Date of Rank 1st Commission Limited Duty Officer, Visual Audit, Electronic Data Processing Test Score, Language Aptitude Test Date, Social Security Number Validation Monitor, Last Transfer Processing, Information, Temporary Additional Duty Excess Flag, Temporary Additional Duty Data Processing Installation, Graduates Obligation Code, Active Duty Spouse Identification, Fleet Assistance Program Unit Identification, Active Duty Off Service Base Date, Active Duty Officer Aviation Service Base Date, Program Enlisted For, Operational Flying Time, Operational Flying Computation Date, Operational Flying Start Date, Operational Flying Stop Date, Operational Flying Time Base Date, Operational Flying Gate One, Operational Flying Gate Two, Reserved, Platoon Number, Cycle Number, Last Type Transaction Code Touched, Not used at this time, Today's Date, Disbursing Officers Symbol, Command DPI of Parent Reporting Unit Code, Pay Group, Pay Status, Local Disbursing Office Cognizance, Payment Option/Leave and Earnings Statement Distribution/Pay Distribution Code, Federal Withholding Tax Data, Leave Account, Wage and Tax Summaries, Dependency Status, Dependency Determination, Basic Pay, Pay Grade, Years in Service, Serviceman's Group Life Insurance Deduction, Federal Income Tax Withholding, Federal Indemnity Compensation Act Tax Withholding, Payments, JUMPS Account Standing, Total Allotment Deductions, Last Update and Extract Date, Savings Deposits, Pay Extraction Flag, Regular Reenlistment Bonus, Variable Reenlistment Bonus, Time Lost, De-

tention of Pay, Repayment Date, Dislocation Allowance, Inadequate Quarters, Interim Housing Allowance, Indebtedness for Final Settlement, Incentive Pay 1, Proficiency Pay, Sea and Foreign Duty Pay, Diving Pay, Hostile Fire Pay, Subsistence Credit, Basic Allowance for Quarters, Personal Money Allowance, Family Separation Allowance, Incentive Pay 2, Cost of Living Allowance, Housing Allowance, Additional Federal Tax Withholding, Subsistence Debits, Court Martial/Nonjudicial Punishment Deductions, Miscellaneous Credits, Miscellaneous Debits, Other Continuing Monthly Deductions, Miscellaneous Leave Data, Retired Serviceman's Family Protection Plan Data, Temporary Lodging Allowance, Clothing Maintenance Data, Basic Allowance for Quarters Debits, Pay Change Flag, Pay Day Data, Miscellaneous Data, Check Mailing Address, Other Services Disbursing Officer Indicator, Reduced Tax, Unassigned, Saved Pay Original Entitlement, Saved Pay Current Entitlement, Tax Exclusion/Nonresident Alien Exempt Taxable Pay, Selective Reenlistment Bonus, Officer Status Change Flag, Aviation Career Incentive Pay, Advance Pay and Allowances, Power of Attorney.

The MMS master files consist of a complete magnetic record for each Marine serving on active duty for a period in excess of 30 days. The Remote Entry Data Display Terminal (RI-DDT) is a subsystem of MMS. It has the capability to directly access an extract of the master file. The procedure used to establish the initial computer record and add the individual to the Marine Corps strength is the accession process. The accession of recruits is accomplished through the Recruit Accession Management Subsystem (RAMS). The Commissioning Accession Management Subsystem (CAMS) is designed to access all officer records into JUMPS/MMS. Accession/reaccession of all nonrecruit enlisted records is accomplished through the Headquarters Accession Management Subsystem (HAMS) at Headquarters, U. S. Marine Corps. The Accession Transcription Form (ATF) is an OCR form which contains information extracted from the enlistment contract and transfer/assignment to active duty orders. The ATF is completed and processed to establish the computer record. The Manpower Management Information System (MMIS) consists of models and processes within MMS. These models and processes support manpower planners and programmers to optimize assignments to unaccompanied overseas tours, predict enlisted population by grade and military occupational specialty (MOS) and to test various policies related to unrestricted officer promotion planning.

Some manual files containing substantiating documents and other data relative to each member's JUMPS/MMS record are maintained. These file folders may contain any part of the JUMPS/MMS record and any one or more of the following documents: Military Pay Record, Military Payroll Money List, Military Pay Voucher, Certificate for Performance of Hazardous Duty, Application for Arrears in Pay, Cash Collection Voucher, Authorization/Designation for Emergency Pay and Allowances, Wage and Tax Statement, Employees Withholding Exemption Certificate (IRS W-4), Employees Withholding Exemption Certificate (IRS W-4E), Notice of Levy, General Accounting Office Notice of Exemption, Dependency Certificate (Wife or Child Under 21 Years), Dependency Certificate (Mother or Father), Dependency Certificate (Unmarried Child Over 21 Years), Dependency Application, Clothing Checkage, Statement to Substantiate Payment of Family Separation Allowance, Government Property Checkage, Personal Financial Records, Unit Diary, Dependent Travel Record, Allotment/Bond Authorization, Certificate for Cost of Living and/or Housing Allowance, Certificate for Temporary Lodging Allowance, Removal of Mark of Desertion, Field Rations Certificate, Liquidation of Indebtedness, Initial Uniform Allowance for Officers, Additional Uniform Allowance for Officers, Excess Weight-Household Goods Shipment, Hospital Rations Checkage, Excess Expense Involving Movement of House Trailer, Transportation Checkage, Meal Ticket Checkage, Advance Pay, Advance Pay and Allowances, Discharge Gratuity, Combat Arms Bonus, Health Care Coverage, Government Quarters Termination and Assignment, Inadequate Quarters Termination and Assignment, Lump-Sum Leave, Rations Commuted to Private Mess, Reenlistment Bonus, Variable Reenlistment Bonus, Selective Reenlistment Bonus, Sick Misconduct, Prorated Rations, Supplemental Rations, Basic Allowance for Quarters (Own Right).

Authority for maintenance of system:

Title 10 and 37, U. S. Code Section 5031 and 5201

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U. S. Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in matters relating to their assigned duties.

Department of Defense and its components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U. S. - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U. S. - By the Senate or the House of Representatives of the U. S. or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U. S. - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Federal, state and local government agencies - By officials and employees of federal, state and local government through official request for information with respect to law enforcement, investigatory procedures, criminal prosecution, civil court action and regulatory order.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency institute criminal or civil action against an individual on behalf of the U. S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U. S. Marine Corps, by the U. S. Marine Corps, the Department of the Navy, or the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is recorded on magnetic records and discs, punch cards, computer printouts, microform, file folders, and other documents.

Retrievability:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval, the data in the supporting file folders and other manual records is retrieved manually. Computerized and conventional indices are required to retrieve individual records from the system. Normally, all types of records are retrieved by Social Security Number and name.

Safeguards:

Building management employs security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours but must sign in and out. Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and Disposal:

Magnetic records are maintained on all Marine Corps personnel while they are in service, and for a period of 4 months after they are separated from the service. Paper and film records are maintained for a period of 10 years after the final transaction. End calendar and fiscal year 'snapshots' of the MMS data base are maintained indefinitely in magnetic form at Headquarters, U. S. Marine Corps.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters U. S. Marine Corps, Washington, D. C. 20380

Notification procedure:

Requests from individuals for information concerning pay related matters should be addressed to the Commandant of the Marine Corps (Code FD). Requests from individuals for information concerning personnel matters should be addressed to the Commandant of the Marine Corps (Code MP).

Requesting individual must supply full name and Social Security Number.

The requester may visit the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197 to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

Record access procedures:

Information on JUMPS may be obtained from the member's local disbursing officer. Information on MMS may be obtained from the member's immediate commanding officer. Requests for information from persons no longer in service should be signed by the person requesting the information. Dates of service, Social Security Number, and full name of requester should be printed or typed on the request. It should be sent to the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Recruiting offices, disbursing offices, administrative offices, and the individual Marine are the principle sources of the information contained in the JUMPS/MMS record for that person.

Systems exempted from certain provisions of the Act:

None

MFD00005

System name:

Retired Pay/Personnel System (RPPS)

System location:

Marine Corps Automated Services Center, 1500 East Bannister Road, Kansas City, Missouri 64131; and Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197.

Categories of individuals:

Pay account folders for retired Marine Corps members, Fleet Marine Corps Reservists (FMCR), and survivors of deceased retired and FMCR members, who are entitled to retired pay, retainer pay, and survivor annuities.

Categories of records in the system:

The RPPS automated system of records contains the following fields (data elements and data sets): Retired/Retainer Date; Retainer Date; Pay Change; Information Status; Social Security Number (SSN) and Last, First, and Middle Initial (Key); Deletion Date; SSN; Retired Category Code; Member's Name; Pay Entry Base Date; Service for Pay; Active Service; Other Military Service Number (MSN); Prior MSN/SSN/Key; Rank Code; Recompensation Code; Disability Percent; Heroism Pay; Pay Table Code; Recompensation Age; Retirement Laws; Functional Account Number; Ranks; Birthdates; Pay Delete/ Suspension Code; Retired Serviceman's Family Protection Plan; Reserve Retirement Credit Points; Allotment Data; Withholding Tax Data; Wage and Tax Summaries; Gross Pay; Taxable Pay; Withholding Tax; Dependency Indemnity Compensation; Pension Act of 1944 (Veterans Administration (VA) Waiver); Pension Act of 1964 (Dual Compensation G1); Retired Serviceman's Family Protection Plan; Survivor Benefit Plan; Social Security; Scheduled Collections; Net Pay; Special Handling Code (Check Delivery); Accumulated Summaries; Home Mailing Address; Check Mailing Address; Pay Distribution; Last Change Posted; Date Member Eligible to Retire; Date Arrived Continental United States Without Dependents; Primary Military Occupational Specialty; Districts; Highest Rank Held Satisfactorily; Service Prior to 1 July 1949; Service After 1 July 1949; Active Duty After Transfer to Fleet/Retired Rolls; Date Next Physical Year and Month; VA Disease Codes; Department of Defense Disease Codes; Nearest Hospital (See Table 9); Personnel Accounting Separation - Designator; Earnings Statement Flag; Disability Pay; Change of Address Flag; Last Time Processed by Update-Extractor; SSN Validation; Remarks Area; One-Time Credit/Checkage; Scheduled Collection.

Used for extraction or compilation of statistical data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense or by government agencies.

Authority for maintenance of system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Computation of retired pay, retainer pay, and survivor annuity accounts, perform audit of accounts, reply to correspondence, etc.

Creation of printed reports, records, checks, microforms, magnetic files, etc., based on information available in the system. This output is used by various departments of the Marine Corps for pay, personnel, audit, and other purposes. Some of this information is made available to authorized local, state, and Federal agencies.

Displaying all or part of any selected record on a cathode-ray tube for research, audit, update, and similar purposes.

Used for extraction or compilation of statistical data and reports for management studies and statistical analyses for use internally or externally as required by Department of Defense or by government agencies.

By officials and employees of the American Red Cross and the Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is recorded on magnetic records, punch cards, computer printouts, microform, file folders, and other documents.

Retrievability:

The data contained in magnetic records can be displayed on cathode-ray tubes, it can be computer printed on paper, and it can be converted to microform for information retrieval, the data in the supporting file folders and other manual records is retrieved manually. Normally all types of records are retrieved by SSN and name.

Safeguards:

Building management employees security guards; building is locked nights and holidays. Authorized personnel may enter and leave the building during nonworking hours, but must sign in and out.

Retention and Disposal:

Magnetic records are maintained on all persons who are eligible for retired pay, retainer pay, and survivor annuities while they are alive and for a period of 6 months after that person dies or ceases to be eligible. Paper and film records are maintained for a period of 10 years after the final transaction.

System manager(s) and address:

Commandant of the Marine Corps (Code FD), Headquarters, U. S. Marine Corps, Washington, D. C. 20380.

Notification procedure:

Requests from individuals for information should be referred to the SYSMANAGER.

Requesting individual must supply full name and SSN.

The requester may visit the Marine Corps Finance Center, 1500 East Bannister Road, Kansas City, Missouri 64197, to obtain information on whether the system contains records pertaining to him or her.

In order to personally visit the above address and obtain information, individuals must present a military identification card, a driver's license, or other suitable proof of identity.

Record access procedures:

Requests for information relative to the RPPS automated system should be signed by the person requesting the information. Dates of service, SSN, and full name of requester should be printed or typed on the request. It should be sent to the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Documents and correspondence received from Headquarters, U. S. Marine Corps, the Veterans Administration, the member, changes in laws, etc., are the principle sources of information contained in the RPPS automated system.

Systems exempted from certain provisions of the Act:

None

MFD00008

System name:

Civilian Labor Projection, Operations and Maintenance, MC Budget Report (Job Procedure 5576)

System location:

Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Categories of individuals:

All civilians in pay status.

Categories of records in the system:

Pay rates, scheduled within-grade increases, government portion of fringes.

Authority for maintenance of system:

MCO 7301.56D

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Budget, forecasting of civilian payroll needs for future time periods.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Computer Paper Printouts

Retrievability:

Employee badge number within Activity code

Safeguards:

None

Retention and Disposal:

Perpetual, updated quarterly

System manager(s) and address:

Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Notification procedure:

Information may be obtained from:

Commanding General
Marine Corps Logistics Support Base, Atlantic
Albany, Georgia 31704

Record access procedures:

Request from individuals should be addressed to: Commanding General Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Contesting record procedures:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Civilian payrolls

Systems exempted from certain provisions of the Act:

None

MII.00016

System name:

Depot Maintenance Management Subsystem (DMMS)

System location:

Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704
Marine Corps Logistics Support Base, Pacific, Barstow, California 92311

Categories of individuals:

Any military or civilian employee of USMC Depot Maintenance Activities

Categories of records in the system:

System contains individual's Personal History File, Labor Distribution Reports, Time and Attendance Reports and Payroll Reports

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps Logistics Support Bases - To provide payroll support and cost accounting

Congress of the United States
Naval Audit Service - To obtain audit trails for cost accounting
DOD Departments and agencies
USMC staff agencies and commands - To review cost accounting and financial management procedures, to monitor labor distribution
Federal, state, and local tax agencies
General Accounting Office
Treasury Department
Department of Justice

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Computer magnetic tapes and disks, computer paper printouts and microfiche

Retrievability:

Filed by employee badge number

Safeguards:

Buildings have security personnel. Records are maintained in areas accessible to authorized personnel that are properly screened.

Retention and Disposal:

Records are maintained until end of calendar year in which employee has worked. At the end of one year, the computer magnetic tapes and disks are erased and paper printouts are destroyed by shredding. Microfiche is destroyed by burning.

System manager(s) and address:

Commandant of the Marine Corps (Code LMM),
Headquarters, U S Marine Corps, Washington, D C 20380
Director, DMA, Marine Corps Logistics Support Base,
Atlantic, Albany, Georgia
Director, DMA, Marine Corps Logistics Support Base, Pacific,
Barstow, California

Notification procedure:

Information may be obtained from:

Commandant of the Marine Corps (Code LMM),
Headquarters, U S Marine Corps Washington, D C 20380
CG, Marine Corps Logistics Support Base, Atlantic, Albany,
Georgia 31704
CG, Marine Corps Logistics Support Base, Pacific, Barstow,
California 92311

Record access procedures:

Requests from individuals should be addressed to the Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704 or Commanding General, Marine Corps Logistics Support Base, Pacific, Barstow, California 92311.

Written requests for information should contain the full name of the individual, current address, telephone number.

For personal visits, the individual should be able to provide some acceptable identification, i.e., driver's license, social security card, etc.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Automated system interfaces
Application and related forms from the individual requesting employment.

Systems exempted from certain provisions of the Act:

None

MII.00017

System name:

Transportation Data Financial Management System (TDFMS)

System location:

Commanding General (Code A470), Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Categories of individuals:

All Marine Corps active duty, reserve, and retired personnel, federal Civil Service employees of the Marine Corps and their dependents.

Categories of records in the system:

The TDFMS Master Files consist of a complete automated record for all Marine Corps active duty, reserve and retired personnel, federal Civil Service employees of the Marine Corps and their

Record source categories:

Government and commercial carriers
Installation Transportation Officers
Authorized order writing activities
Paying or disbursing officers
Marine Corps Manpower Management System
Systems exempted from certain provisions of the Act:
None

MJA00003

System name:

Magistrate Court Case Files

System location:

All Marine Corps activities

Categories of individuals:

Civilians pending and tried by the assigned Federal magistrate for crimes committed on military reservation

Categories of records in the system:

Investigative reports, complaints, summons and warrants.

Authority for maintenance of system:

Title 18, U S Code 3041, Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Military Prosecutor for preparation of cases for trial by military prosecutor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Paper records in file folders.

Retrievability:

Filed alphabetically by name. Conventional indices are required for retrieval.

Safeguards:

Maintained in file cabinet in locked building

Retention and Disposal:

Retained and destroyed in accordance with SECNAVINST 5212.5B.

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses

Notification procedure:

Individual is personally served with a subpoena and is shown the file. Requires name for entry

Record access procedures:

Contact SYSMANAGER

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Law enforcement reports, bad check transmittal letters from Government agencies

Systems exempted from certain provisions of the Act:

None

MJA00004

System name:

In Hands of Civil Authorities Case File

System location:

All Marine Corps activities.

Categories of individuals:

All military personnel who are in hands of civil authorities or have charges pending against them by civil authorities

Categories of records in the system:

Civil court documents, advice to respondent, health statements/certificates and supporting documents pertaining to individual's status.

Authority for maintenance of system:

Title 10, U S Code 814; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

dependents concerning the movement of household goods, personal effects and passenger or personnel transportation by rail, bus, air or other means involving expenditures of Marine Corps funds.

Authority for maintenance of system:

Title 37, U S Code/Title 10, U S Code and Marine Corps Orders within the 4600 Series.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps, Marine Corps activities for analysis and research for budget forecasting; audit, verification, certification of O&MMC, Stock Fund, Reserve, Procurement, MPMC expenditure of Marine Corps funds; identifying movement of material by weight, commodity within areas by FY historical data of commodity movements, related cost, budget forecasting, validation, and special studies.

Marine Corps Supply Center to monitor and certify for payment transportation charges concerning the movement of personal property and personnel and to initiate collection/reimbursement action for cost incurred that exceeds entitlements.

Department of Defense and its components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch Agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - The Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the Files.

The Comptroller General of the U S - By the Comptroller or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Computer magnetic tapes and discs, computer printouts, microfiche and microfilm.

Retrievability:

Information is accessed and retrieved by name, social security number, etc. Conventional and computerized indices are required to retrieve individual records from the system.

Safeguards:

Records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and Disposal:

Records are maintained until statute of limitations has expired and/or litigation is concluded

System manager(s) and address:

The Commandant of the Marine Corps (Code LFS), Headquarters, U S Marine Corps, Washington, D C 20380.

Notification procedure:

Information may be obtained from:

Commanding General (Code A470)
Marine Corps Logistics Support Base, Atlantic
Albany, Georgia 31704
Telephone: Area Code 912/439-5674/5675/5676/5677

Record access procedures:

Written requests from individuals should be addressed to the address listed under the heading LOCATION.

Written requests for information should contain social security number, full name and current address, Government Bill of Lading number (if known), date of shipment or move of household goods.

For personal visits, the individual should be able to provide positive personal identification, such as valid military identification card, drivers license, etc.

Contesting record procedures:

The rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Working file utilized in administrative processing of individuals in hands of civil authorities. Used by command personnel in the execution of their official duties in processing individual for report of misconduct and discharge proceedings in accordance with Marine Corps Separation Manual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Filed alphabetically by last name of individual by calendar year in which processing is completed.

Safeguards:

Records are stored in metal file cabinets in Base Adjutant's office in Building 1, where full time security is maintained during off-duty hours. Accessible only to authorized personnel in the execution of their official duties.

Retention and Disposal:

On discharged personnel, record incorporated into administrative discharge file. Others retained for two years after completion of calendar year in which processed, then destroyed in accordance with the Navy and Marine Corps Records Disposal Manual.

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Requests should be addressed to the SYSMANAGER. Requester must be able to provide satisfactory identifying information.

Record access procedures:

Rules for access may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Service records, health records, civil court documents, law enforcement personnel and various DOD Agencies.

Systems exempted from certain provisions of the Act:

None

MJA00005

System name:

Financial Assistance/Indebtedness Files

System location:

All Marine Corps activities.

Categories of individuals:

Marines identified as owing debts and/or having dependents requiring financial aid.

Categories of records in the system:

File contains name, rank, social security number, military occupational specialty, component, marital and dependency status and supporting documents pertaining to indebtedness and/or financial assistance required.

Authority for maintenance of system:

Title 10, U. S. Code; Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Working file once inquiry initiated. Used by command personnel in the execution of their official duties of processing inquiry. Once processing is completed, record is filed in command office of record official correspondence file.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders.

Retrievability:

Chronologically by date of response.

Safeguards:

File accessible only to authorized personnel in the execution of their official duties. Maintained in locked building with full time duty personnel present during non-working hours.

Retention and Disposal:

Retained for two years and disposed of in accordance with Navy Marine Corps Records Disposal Instructions

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Requests should be addressed to the SYSMANAGER. Requester must be able to provide satisfactory identifying information.

Record access procedures:

Rules for access may be obtained from the SYSMANAGER.

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Previous and current commanders, private individuals and agencies.

Systems exempted from certain provisions of the Act:

None

MJA00008

System name:

Letters of Indebtedness/Credit Inquiry

System location:

All Marine Corps activities

Categories of individuals:

File on all Marines who receive letters of indebtedness

Categories of records in the system:

All correspondence and findings pertaining to the letter in question.

Authority for maintenance of system:

Title 5, U. S. Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Maintain a record of credit inquiries and alleged letters of indebtedness received from various firms and individuals, to conduct an investigation to determine validity prior to taking final action. Available to Personnel Officer, Legal Officer, and Commanding Officer, Headquarters Battalion.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Individual file folders

Retrievability:

By name and date

Safeguards:

Maintained in Headquarters files

Retention and Disposal:

One year

System manager(s) and address:

Commanding officer of activity concerned. See Directory of Department of Navy Mailing Addresses.

Notification procedure:

Information may be obtained from:

Commanding Officer, Headquarters Battalion (Code 200)

Marine Corps Supply Activity

Philadelphia, Pennsylvania 19146

Record access procedures:

Requests from individuals should be addressed to: Commanding Officer, Headquarters Battalion (Code 200), Marine Corps Supply Activity, Philadelphia, Pennsylvania 19146

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Complainant, other investigating officials and individual concerned

Systems exempted from certain provisions of the Act:

None

MJA00012

System name:

Individual Accounts of Mail Order Clothing (bill file)

System location:

Clothing Section (MAU), Direct Support Stock Control Branch, Materiel Division, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704

Categories of individuals:

File pertains to all Marine Corps personnel, active, reserve and retired who have a requirement and are authorized clothing, textiles and other related supplies.

Categories of records in the system:

Record includes individual's name, rank, SSN, military address, bill number, dollar amount of the shipment, shipping date and zip code.

Authority for maintenance of system:

NAVMCOMPT Manual, Part C, Collection and Reporting of Debts Due the United States.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Marine Corps Logistics Support Base, Atlantic, Albany, Georgia. To facilitate in a mechanized atmosphere the collection of information necessary to provide the capability of continued follow up on funds owed and due the U S Government through daily billing, cross referencing and processing of mail order clothing individual accounts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Data is stored on magnetic tapes and computer paper printouts.

Retrievability:

Data can be retrieved by account number, name and social security number.

Safeguards:

Computer printouts and source documents are retained in a single office accessible only to authorized personnel. Employees are properly trained in safeguarding information of a personal nature.

Retention and Disposal:

Computer records are retained until the bills are satisfied. Computer printouts and source documents are retained for a period of five years. Destruction of records is by mutilation.

System manager(s) and address:

Commanding General, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704.

Notification procedure:

Information may be obtained from:

Clothing Section (MAU), Direct Support Stock Control

Branch, Materiel Division

Marine Corps Logistics Support Base, Atlantic

Albany, Georgia 31704

Telephone: Area Code 912/439 5837

Record access procedures:

Written requests from individuals should be addressed to Clothing Section (MAU), Direct Stock Control Branch, Materiel Division, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia 31704.

Contesting record procedures:

The agency's rules for access to records, contesting contents and appealing initial determination by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Accounting records of the Clothing Section, Direct Support Stock Control Branch, Marine Corps Logistics Support Base, Atlantic, Albany, Georgia, supplemented with information from the employing activity of the individual.

Systems exempted from certain provisions of the Act:

None

MMN00002

System name:

Listing of Retired Marine Corps Personnel

System location:

The Commandant of the Marine Corps
Headquarters, U S Marine Corps
Washington, D C 20380

Categories of individuals:

All retired members of the Marine Corps, including those former Marines in the receipt of disability benefits from the Veteran's Administration.

Categories of records in the system:

The system is a microfiche listing derived from automated sources, depicting the retiree's name, Social Security Number, grade, mailing address and retirement component code.

Authority for maintenance of system:

Title 10, U S Code Section 5201

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Marine Corps - For making necessary identification of retired members in the performance of their official duties related to retirement and veterans affairs programs, benefits, entitlements, transportation, hospitalization, education, dependent affairs, etc.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

The Attorney General of the U S - By officials and employees of the Office of the Attorney General in connection with litigation, law enforcement or other matters under the direct jurisdiction of the Department of Justice or as carried out as the legal representative of the Executive Branch agencies.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly with the purview of said court.

Congress of the U S - By the Senate or House of Representatives of the U S or any committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Leatherneck Magazine and Marine Corps Gazette - For maintaining their mailing lists of subscribers to these semi-official, professional publications.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Controlled distribution microfiche listing. Stock copies maintained in locked room.

Retrievability:

Listings in alphabetical order, with officer personnel listed separate from enlisted personnel.

Safeguards:

Building employs security guards. Distribution is strictly controlled.

Retention and Disposal:

Destroyed upon being superceded by updated monthly listing.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Request by correspondence should be addressed to the Commandant of the Marine Corps (Code MS), Headquarters, U S Marine Corps, Washington, D C 20380. The letter should contain the full name, Social Security Number and signature of the requester.

The individual may visit Headquarters, U S Marine Corps, Columbia Pike & Arlington Ridge Road, Arlington, Virginia, Room 1206. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

Record access procedures:

Information may be obtained from:

Commandant of the Marine Corps

Headquarters, U S Marine Corps

Columbia Pike & Arlington Ridge Road

Arlington, Virginia 20380
Telephone Area Code 202/694-1043

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Staff agencies and subdivisions of Headquarters, U S Marine Corps
Veterans Administration
Systems exempted from certain provisions of the Act:
None

MMN00005

System name:

Marine Corps Education Program Applicant/Participant Information File

System location:

Primary system - Headquarters, U S Marine Corps (Code OTTI), Washington, D C 20380.

Secondary system - Local activity or command to which individual is assigned (See list of activities in Navy Standard Distribution List OPNAV PO9B3-107).

Categories of individuals:

Marine Corps personnel who have submitted written applications for participation in full-time, tuition assistance, off-duty, PREP, or other voluntary education programs.

Categories of records in the system:

File contains copies of individual's applications for participation in an education program; copies of correspondence between the Marine Corps, the individual and academic institutions involved; copies of academic transcripts; miscellaneous academic records and correspondence; test results; previous enrollments and disenrollments; and educational qualification data addressing the individual concerned.

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Headquarters, U S Marine Corps and Marine Corps commands, activities and organizations - By officials and employees of the Marine Corps in matters relating to their assigned duties in connection with educational and vocational counseling, recommendation, evaluation, selection and assignment. Also in the management and control of various educational and vocational programs attended by Marine Corps personnel.

Department of Defense and its Components - By officials and employees of the Department in the performance of their official duties.

Courts - By officials of duly established local, state and federal courts as a result of court order pertaining to matters properly within the purview of said court.

Congress of the U S - By the Senate or the House of Representatives of the U S or any Committee or subcommittee thereof, any joint committee of Congress or subcommittee of joint committee on matters within their jurisdiction requiring disclosure of the files.

The Comptroller General of the U S - By the Comptroller General or any of his authorized representatives in the course of the performance of duties of the General Accounting Office relating to the Marine Corps.

Educational Institutions - By officials and employees of those educational institutions to which the individual applies or which the Marine Corps contracts with, to provide full-time, off-duty or other educational programs.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper files as represented by card files, listings, log books, computer printouts, rosters and file folders stored in filing cabinets.

Retrievability:

Filed alphabetically by last name; by educational institution, educational program or unit of assignment. Cross referenced by SSN.

Safeguards:

Records are maintained in limited access working areas and are made available to persons other than the individual addressed only

on a strict 'need-to-know' basis. After duty hours storage areas are locked.

Retention and Disposal:

Records are maintained a maximum of three years and then destroyed. In instances where individual completes a program in less than three years, with no incurred service obligation, records are destroyed on program completion or transfer of individual from command maintaining record.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps
Headquarters, U S Marine Corps (Code OTTI)
Washington, D C 20380
Telephone: Area Code 202/694-2109

Record access procedures:

Requests from individuals should be addressed to the commander of the activity to which they are assigned for duty. Activity addresses are contained in the Navy Standard Distribution List (OPNAV PO9B3-107).

Requests from individuals who have made written application for the Special Education Program (SEP), Advanced Degree Program (ADP), Funded Legal Education Program (FLEP), College Degree Program (CDP), Marine Enlisted Commissioning Education Program (MECEP), Navy Enlisted Scientific Education Program (NESEP), Staff NCO Degree Completion Program (SNCODCP), or Marine Associate Degree Completion Program (MADCOP) should be addressed to the Commandant of the Marine Corps, Headquarters, U S Marine Corps (Code OTTI), Washington, D C 20380.

Written requests for information should contain name of the individual, current address and telephone number, and the academic program originally requested or in which participated.

For personal visits, the individual should provide personal identification.

Contesting record procedures:

Rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Application and related documents including correspondence from the individual requesting an education program; correspondence originating in the Educational Services Branch or other Headquarters Marine Corps Staff Agencies; academic transcripts from educational institutions; and educational selection board results.

Systems exempted from certain provisions of the Act:

None

MMN00006

System name:

Marine Corps Military Personnel Records (OQR/SRB)

System location:

PRIMARY SYSTEM - The Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Decentralized Segments - Custody of the commanding officer of the organization to which the Marine officer or enlisted individual is assigned for duty or administration of official records (OQR/SRB).

Decentralized Segments - National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132

Categories of individuals:

Headquarters, U S Marine Corps official military personnel records on Marine officers consist of a copy of the appointment acceptance and record and all supporting documents furnished by the officer and generated by Marine Corps procurement procedures necessary to evaluate the individual for a commission in the Marine Corps or Marine Corps Reserve. The system comprises non-automated records reflecting information pertaining to a Marine officer's identification, personal history, marital and dependency status, education, aptitude testing, training, previous employment, records of civil offenses and arrests, appraisals of performance and potential, awards, duty assignments, military orders, security clearances, promotion warrants, official photographs, official correspondence, physical examinations, psychiatric evaluations, record

of courts-martial, martial and other disciplinary matters, and other data needed in managing the officer personnel of the Marine Corps and Marine Corps Reserve.

Headquarters, U S Marine Corps official military personnel records on enlisted Marines consist of a duplicate enlistment contract or induction record and all supporting documents furnished by the enlisted Marine or generated by the Marine Corps recruiting procedures necessary to evaluate and approve the Marine for enlistment in the Marine Corps or Marine Corps Reserve. The system comprises non-automated records reflecting information pertaining to an enlisted Marine's identification, personal history, marital and dependency status, education, aptitude testing, training, previous employment, records of civil offenses and arrests, appraisals of performance and potential, awards, duty assignments, military orders, security clearances, promotion warrants, official photographs, official correspondence, physical examinations, psychiatric evaluations, record of courts-martial and other disciplinary matters, and other data needed in managing the enlisted personnel of the Marine Corps and Marine Corps Reserve.

Officer Qualification Record (OQR) is a field record of a Marine Officer which accompanies the officer throughout the various assignments of service with the Marine Corps or Marine Corps Reserve. Maintenance and custody of the OQR rests with the commanding officer of the organization to which the Marine officer is assigned for duty or administration of records. This record consists of the original appointment acceptance and record and non-automated records reflecting information pertaining to the officer's identification, marital and dependency status, education, aptitude testing, training, awards, chronological duty assignments, military orders and memoranda, security clearance, promotions, official photographs, official correspondence, prior separation documents (DD Form 214), leave and earnings statements, periodic print-outs of automated record contents, records of courts-martial and other disciplinary matters and any local orders or memoranda necessary for utilization of the Marine officer's background and experience in accomplishing the mission of the command.

Enlisted Service Record Book (SRB) is a field record of an enlisted Marine which accompanies the enlisted Marine throughout the various assignments of service with the Marine Corps or Marine Corps Reserve, maintenance and custody of the SRB rests with the commanding officer of the organization to which the enlisted Marine is assigned for duty or administration of records. This record consists of the original enlistment contract or record of induction and non-automated records furnished by the enlisted Marine or the recruiting procedures in effecting the enlistment or induction of the Marine. This record reflects information pertaining to the Marine's identification, marital and dependency status, education, aptitude testing, training, awards, chronological duty assignments, duty and conduct evaluations, security clearance, promotions, official photographs, official correspondence, prior separation documents (DD Form 214), Leave and Earnings statements, periodic print-outs of automated record content, courts-martial and other disciplinary matters, any other local military orders or memoranda necessary for the utilization of the Marine's background and experience in accomplishing the mission of the command.

Categories of records in the system:

Headquarters, U S Marine Corps, Official Military Personnel Records on Marine officers and enlisted are retained and maintained at Headquarters, U S Marine Corps, Washington, D C 20380 from acceptance/enlistment/induction to complete severance from the Marine Corps and the Marine Corps Reserve by retirement or discharge.

OQR/SRB's are retained and maintained by the commanding officer of the Marine Corps or Marine Corps Reserve field command to which the Marine is assigned.

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Officials and employees of the Marine Corps and Marine Corps Reserve in the performance of their official duties relating to management of personnel resources; screening and Selection for promotion, training and educational programs; administration of appeals, grievances, discipline, litigations and investigations adjudication of claims, benefits and entitlements; administration and management of retirement and veterans affairs programs; and, the providing of requested information from the records to the

Veterans Administration, Social Security Administration, Selective Service System, National Guard, Public Health Service (HEW), U. S. Coast Guard, Immigration and Naturalization Service, Treasury Department, Department of Labor, Department of State, General Accounting Office and State Bonus Bureaus in connection with such functions as processing and adjudication of claims, updating of records, administration of work programs, processing naturalization proceedings and verification of eligibility and entitlement to various benefits and programs.

Officials and employees of other components of DoD in the performance of their official duties relating to screening and selection of members for interservice transfer; procedures for appeals for correction of service records; reviews of discharges from the service; physical evaluations; research analyses; litigations and investigations; clemency and awards reviews and evaluations.

By representatives of the Civil Service Commission in connection with evaluation of prospective federal employees.

By court order in connection with matters before a federal, state or municipal court.

By the Comptroller General or his representatives in the course of the performance of duties relating to decisions or procedures by the General Accounting Office on manpower management programs.

By agents of the Federal Bureau of Investigation, Secret Service and office of Naval Intelligence in connection with matters under the jurisdiction of these investigative bodies upon presentation of credentials.

By private organization under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

By investigative, security and law enforcement agents of federal agencies who have submitted written requests for access to Marine Corps military personnel records with justification thereof as pertaining to the conduct of government business under their respective jurisdictions and providing the names of specified agents having a need for such access.

By state and county law enforcement bodies processing applications for employment, when applicants have given written authorization for access to respective military personnel records.

By officials and employees of the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 acting as agent for Headquarters, U S Marine Corps in storage and processing of Marine Corps maintained by that center.

By a Marine or former Marine or such individual(s) designated by him/her in writing for whatever purpose access to or release of their respective records is desired.

By the White House, Secretary of Defense, Secretary of the Navy, and members of Congress in response to inquiries regarding individual Marines.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentality initiate criminal or civil action against an individual on behalf of the U S Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U S Marine Corps, by the U S Marine Corps, the Department of the Navy, or the Department of Defense.

By officials and employees of the American Red Cross and Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records in file folders in open shelf filing equipment

Retrievability:

The records maintained at Headquarters, U S Marine Corps (all active and reserve officer records, all temporary disability retired records, all active and organized reserve and Fleet Marine Corps reserve enlisted records of personnel joined/transferred to these components subsequent to 30 June 1974, all former Commandants, all living retired officers (who served in a General Officer grade, records of all personnel separated/retired four months or less) are retrieved by Social Security Number (SSN) and name. Except for OQR's and SRB's of participating members, all other categories of Marine Corps military personnel records are maintained at the National Personnel Records center, St. Louis, Missouri. Those retired

to St. Louis prior to 1 January 1964 and/or those with military service numbers (MSN) below 1800000 are retrieved by MSN and name. All other Marine Corps records retired to St. Louis are accessed by MSN and/or SSN, name and are assigned a Registry Number. These records are retrieved by Registry Number.

Safeguards:

Buildings employs security guards, records are maintained in areas accessible only to authorized personnel that are properly screened, cleared and trained.

Retention and Disposal:

Records are permanent. Records maintained at Headquarters, U S Marine Corps are transferred to the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 four months after separation, placement on the Permanent Disability Retired List, retirement, retirement from Fleet Marine Corps Reserve, death of an officer who served in a General Officer grade and former Marines no longer considered of newsworth status.

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Correspondence pertaining to records maintained by Headquarters, U S Marine Corps should be addressed to:

Commandant of the Marine Corps (Code MS)
Headquarters, U S Marine Corps
Washington, D C 20380

Telephone: Area Code 202/694-1043

Correspondence pertaining to records maintained by National Personnel Records Center should be addressed to:

Director, National Personnel Records Center
9700 Page Boulevard
St. Louis, Missouri 63132

Telephone: Area Code 314/268-7155

Correspondence pertaining to OQR and SRB records maintained by the respective commanding officers should be addressed to the command concerned as is shown in the Standard Navy Distribution List - Part I (OPNAV P09B3-107)

Correspondence should contain the full name, Social Security Number and signature of the requester. The individual may visit any of the above activities for review of records. Proof of identification may consist of his active, reserve or retired identification card, his Armed Forces Report of Transfer or Discharge (DD Form 214), his discharge certificate, his driver's license or by providing such other data sufficient to insure that the individual is the subject of the inquiry.

Record access procedures:

Information may be obtained from:
Commandant of the Marine Corps (Code MS)
Headquarters, U S Marine Corps
Columbia Pike & Arlington Ridge Road
Arlington, Virginia 20380
Telephone: Area Code 202/694-1043

Contesting record procedures:

The agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned may be obtained from the SYSMANAGER.

Record source categories:

Staff agencies and subdivisions of Headquarters, U S Marine Corps

Marine Corps commands and organizations
other agencies of federal, state, and local governments
Medical reports
Correspondence from financial and other commercial enterprises
Correspondence and records of educational institutions
Correspondence of private citizens addressed directly to the Marine Corps or via the U S Congress and other agencies
Investigations to determine suitability for enlistment, security clearances, and special assignments
Investigations related to disciplinary proceedings

Systems exempted from certain provisions of the Act:

None

MMN00007

System name:

Marine Corps Motion Picture/Instructional Television (ITV) Archives

System location:

Motion Picture and TV Archives, Marine Corps Development and Education Command, Quantico, Virginia

Categories of individuals:

Personnel who have been photographed while participating in Marine Corps related events.

Categories of records in the system:

The archives contains motion picture photography and videotape footage documenting Marine Corps related events.

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Material contained in the archives is used for Marine Corps reports, education programs, public information, training programs, recruiting purposes, and for general release to the public. Material is available to other DOD and Federal agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Films and videotapes are stored on film racks in film vaults.

Retrievability:

Personnel identified in the films and videotapes are listed alphabetically in an index system

Safeguards:

Film vaults are locked when not in use. Only authorized personnel have access. During non working hours, rooms and buildings containing the films and videotapes are locked

Retention and Disposal:

Films and videotapes are maintained indefinitely

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps (Code HD)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/433-3027

Record access procedures:

Requests should be addressed to: Commandant of the Marine Corps (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380

Written requests should contain full name of the individual, current address and telephone number.

For personal visits, the individual concerned should contact the Director of History and Museums Division, (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380, Telephone: Area Code: 202-433-2616

Contesting record procedures:

Rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

Material within the archives is from Marine Corps Field Motion Picture and ITV Facilities.

Systems exempted from certain provisions of the Act:

None

MMN00008

System name:

Marine Corps Still Photographic Archives

System location:

Director of History and Museums Division (Code HD), Headquarters, U S Marine Corps, Building 159E, Washington Navy Yard, Washington, D C 20380

Decentralized system - organizational elements of the U. S. Marine Corps maintaining still photographic files.

Categories of individuals:

Personnel who have been photographed while participating in Marine Corps related events.

Categories of records in the system:

The Archives contains documentary photography of Marine Corps related events.

Authority for maintenance of system:

Title 5, U S Code 301

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Material contained in the archives is used for Marine Corps reports, education programs, manuals, public information, training programs, recruiting purposes, and for general release to the public. Material is available to other DOD and Federal agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Photographic records are maintained in large Dibold file machines.

Retrievability:

Personnel identified in the photographic records are listed alphabetically in an index system.

Safeguards:

Photographic records are maintained in large Dibold file machines which are locked when not in use. Only authorized personnel have access. During non-working hours, rooms containing the records are locked.

Retention and Disposal:

A 25-year archives is maintained. Older records are transferred to the National Archives, Washington, D C

System manager(s) and address:

Commandant of the Marine Corps, Headquarters, U S Marine Corps, Washington, D C 20380

Decentralized systems managed by local commands.

Notification procedure:

Information may be obtained from:
Commandant of the Marine Corps (Code HD)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/433-3027

Record access procedures:

Requests should be addressed to: Commandant of the Marine Corps (Code HD), Headquarters, U S Marine Corps, Washington, D C 20380

Written requests should contain full name of the individual, current address and telephone number.

For personal visits the individual should proceed to: Washington Navy Yard, Building 159E, Washington, D C

Contesting record procedures:

Rules for access to records and for contesting contents by the individual concerned may be obtained from the SYSMANAGER

Record source categories:

All material within the archives is from either Marine Corps Field Photographic Facilities or from Private donations.

Systems exempted from certain provisions of the Act:

None

Commandant of the Marine Corps (Code HD)
Headquarters, U S Marine Corps
Washington, D C 20380
Telephone: Area Code 202/433-3027

Record access procedures:

Requests should be addressed to: Commandant of the Marine

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WEDNESDAY, FEBRUARY 8, 1978
PART III



DEPARTMENT OF
AGRICULTURE

Farmers Home
Administration

AREA DEVELOPMENT
ASSISTANCE PLANNING
GRANTS

Rural Development

[78-3433]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[FmHA Instruction 1948-A]

[7 CFR Part 1948]

AREA DEVELOPMENT ASSISTANCE PLANNING GRANTS

Section 306(a)(11) Area Development Assistance Planning Grants for Comprehensive Planning for Rural Development

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes regulations concerning Area Development Assistance Grants for comprehensive planning for rural development. The intended effect of this action is to provide regulations for the making of grants to eligible organizations for comprehensive planning for rural development. This action is required in order to comply with Pub. L. 92-419.

DATES: Comments must be received on or before March 10, 1978.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Kugler, 202-447-2573.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration proposes to establish a new Subpart A and Part 1948, in Subchapter K of Chapter XVIII, Title 7, Code of Federal Regulations. This part will set forth proposed policies and procedures to implement Sec. 306(a)(11) of the Consolidated Farm and Rural Development Act concerning Area Development Assistance Planning Grants for comprehensive planning for rural development.

As added, Subpart A of Part 1948 reads as follows:

Subpart A—Area Development Assistance Planning Grants

Sec.

- 1948.1 General.
- 1948.2 [Reserved].
- 1948.3 Objectives.
- 1948.4 [Reserved].
- 1948.5 Definitions.
- 1948.6 [Reserved].
- 1948.7 Source of funds.
- 1948.8-9 [Reserved].
- 1948.10 Financial support.
- 1948.11-12 [Reserved].

Sec.

- 1948.13 Applicant eligibility.
- 1948.14 [Reserved].
- 1948.15 Comprehensive Planning Projects for Rural Development.
- 1948.16-17 [Reserved].
- 1948.18 Grant purposes.
- 1948.19 [Reserved].
- 1948.20 Ineligible activities.
- 1948.21-22 [Reserved].
- 1948.23 Environmental Impact requirements.
- 1948.24 Historic Preservation requirements.
- 1948.25-26 [Reserved].
- 1948.27 Equal Opportunity requirements.
- 1948.28 [Reserved].
- 1948.29 Application procedure.
- 1948.30-31 [Reserved].
- 1948.32 Grant selection.
- 1948.33-34 [Reserved].
- 1948.35 Grant approval and announcement.
- 1948.36-39 [Reserved].
- 1948.40 Grant closing and fund disbursement.
- 1948.41-42 [Reserved].
- 1948.43 Grant monitoring.
- 1948.44 [Reserved].
- 1948.45 Reporting requirements.
- 1948.46 [Reserved].
- 1948.47 Grant Agreement.
- 1948.48-50 [Reserved].

Exhibit A—Grant Agreement Comprehensive Planning for Rural Development.

AUTHORITY: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart A—Area Development Assistance Planning Grants

§ 1948.1 General.

This Subpart sets forth the policies and procedures for making grants under Section 306(a)(11) of the Consolidated Farm and Rural Development Act, Area Development Assistance Planning Grants for comprehensive planning for rural development. The Farmers Home Administration (FmHA) will fully consider all A-95 clearinghouse review comments and recommendations in selecting applications for funding. The appropriate vehicle for State Rural Development Committee comments shall be the A-95 review process. Federally recognized Indian Tribes are exempted from the provisions of the Office of Management and Budget (OMB) Circular A-95.

§ 1948.2 [Reserved]

§ 1948.3 Objectives.

The objective of the Area Development Assistance Planning Grant Program is to contribute to the development of comprehensive planning for rural development, especially as such planning affects the unemployed, the underemployed, those with low family income, and minorities, by providing grants which will:

- (a) Make possible the development of comprehensive planning processes for rural areas;

(b) Enable rural areas which already have plans to revise them and/or fill critical gaps when this is needed to ensure an integrated, usable package;

(c) Support the development of an aspect or aspects of a comprehensive planning process provided this will make it possible to put the plan into action. The actions should be consistent with other community plans.

§ 1948.4 [Reserved]

§ 1948.5 Definitions.

Terms used in this Subpart have the following meanings:

(a) "Clearinghouse" includes:

- (1) "State Clearinghouse"—agency of the State Government designated by the Governor or by State law to carry out the requirements of OMB Circular A-95.

(2) "Areawide clearinghouse"—an areawide agency designated by OMB or by the Governor or by State law to carry out the requirements of OMB Circular A-95.

(b) "Comprehensive planning" means a continuing process which develops guides for action which include goals, objectives, priorities, policies, or procedures relating to the provision of community facilities and/or other governmental services, and the effective development and utilization of human and natural resources. Rural comprehensive planning includes but is not limited to: (1) The provision of leadership, coordination, citizen involvement, data collection, and technical analysis; (2) the determination of planning project effectiveness through continuing evaluation; (3) the establishment of mechanisms for implementation; and (4) the provision of opportunities for citizens and governmental units to affect the overall rural development policy-making process.

(c) "Grantee" means an entity with whom FmHA has entered into a grant agreement under this program.

(d) "Rural" and "rural area" shall not include any area in any city or town which has a population in excess of ten thousand inhabitants.

(e) "Rural development policy-making process" means a process of problem and issue identification, evaluation and selection of policy and strategy options, monitoring and assessing effectiveness of strategies, and program implementation which systematically involves relevant Federal, State, and local government agencies, public and consumer interest groups, and the private sector.

(f) "Rural development strategy" means a coordinated set of Federal, State, and local actions targeted to the specific needs of diverse rural areas.

(g) "State" means any of the fifty States, Puerto Rico, or the Virgin Islands.

(h) "Substate district" means a county or group of contiguous coun-

ties or other multijurisdictional areas having common or related social, economic, or physical characteristics indicating a community of developmental interests and which have been formally designated or recognized by the State as an appropriate area for planning.

(i) "Units of general local government" means any county, parish, city, town, township, village, or other general purpose political subdivisions of a State, authorized to engage in comprehensive planning by law or State designation.

§ 1948.6 [Reserved]

§ 1948.7 Source of funds.

All grants awarded will be made from appropriated funds specifically allotted for this program.

§ 1948.8-§ 1948.9 [Reserved]

§ 1948.10 Financial support.

(a) Grants will not exceed 75 percent of the total funds required for the planning project. The Grantee's share must equal at least 25 percent of the total project costs, half of this share being cash and the other half being services or cash or a combination of both.

(b) Indirect costs associated with the project must not exceed 25 percent of the direct costs. Indirect costs shall include those incurred for a common or joint purpose benefiting more than one of the Grantee's programs and which are not susceptible to assignment as direct costs without an effort disproportionate to the results achieved.

(c) Grantees may request subsequent grants for comprehensive planning purposes subject to the criteria contained in these regulations.

§ 1948.11-§ 1948.12 [Reserved]

§ 1948.13 Applicant eligibility.

(a) Organizations eligible for grants include units of general local government, substate district organizations, areawide comprehensive planning agencies, regional and local planning commissions, State governments, Indian tribes or Nations on Federal or State reservations and Federally or State recognized Indian Tribes of Nations, and public, quasi-public, or private nonprofit organizations as may have authorization to prepare comprehensive plans for rural development or specific aspects of rural development. An applicant must have authority to receive and spend Federal and other funds and to contract for planning purposes. Applicants will furnish FmHA with evidence of legal existence and authority to prepare comprehensive plans for rural development or specific aspects of rural development.

(b) Except for Federally recognized Indian Tribes, an applicant for multijurisdictional area planning, if the applicant is other than the areawide comprehensive planning agency designated pursuant to OMB Circular A-95, shall submit an agreement between the applicant and such areawide between the applicant and such areawide agency covering the means by which their planning project activities will be coordinated. Such agreement will cover but need not be limited to the following:

(1) Identification of relationships between the planning project activities and the areawide comprehensive planning agency which will require coordination;

(2) The organizational and procedural arrangements for coordinating activities such as common board membership, procedures for joint reviews of projected activities and policies, and information exchange;

(3) Cooperative arrangements for sharing planning resources including funds, personnel, facilities, and services; and

(4) Agreements regarding social, economic, demographic, and environmental base data, statistics, and projections constituting the basis on which planning in the area will proceed.

When the applicant has been unable to develop such an agreement, a statement will be submitted to FmHA indicating what efforts have been made to secure an agreement and issues which have prevented obtaining it. In such case FmHA, in consultation with the State clearinghouse, will undertake to resolve these issues within 30 days of receipt of the application and before approving the application.

§ 1948.14 [Reserved]

§ 1948.15 Comprehensive Planning Projects for Rural Development.

(a) The rural area to be covered in a planning project may be any area where the people have common or closely related problems or interests. The area covered may not include any area in any city or town which has a population of more than ten thousand people.

(b) Planning projects financed with FmHA grants should consider present population distribution, projected population growth or decline, economic conditions and trends of the rural area concerned, and other area functions which are deemed essential for orderly growth of the rural area involved. The planning projects may include, but need not be limited to, the addressing of rural needs in the areas of housing, energy, community facilities, health, transportation, education, recreation, resource conservation, and the development of land for residential, agricultural, commercial, and industrial uses.

(c) Each planning project should analyze planning alternatives for the rural area. Consideration should be given to the recommendations and services available from local, State, Federal, and private agencies and private individuals.

(1) If the rural area to be covered is in an area covered by a State or regional plan, the plan already developed for the larger area must be carefully considered to avoid conflict or duplication.

(2) Each planning project should be coordinated with other comprehensive or special purpose plans including overall economic development plans and local industrial development plans.

(3) To the fullest extent possible, planning projects should be coordinated with related planning and development activities presently carried out by the areawide A-95 clearinghouse agency.

§ 1948.16-§ 1948.17 [Reserved]

§ 1948.18 Grant purposes.

Grant funds may be used for the preparation of comprehensive plans and for comprehensive planning purposes, as set forth in the grant agreement, including but not limited to:

(a) Payment of salaries of professional, technical, and clerical staff to carry out rural comprehensive planning and evaluation;

(b) Payment of necessary reasonable office expenses such as office rental, office utilities, and office equipment rental;

(c) Purchase of office supplies;

(d) Payment of necessary reasonable administrative costs such as workmen's compensation, liability insurance, employer's share of social security, and travel;

(e) Payment of costs to undertake tests or surveys necessary for the planning activity.

§ 1948.19 [Reserved]

§ 1948.20 Ineligible activities.

Grant funds may not be used for:

(a) Acquisition, construction, repair, or rehabilitation of development items, or permanent construction items which may be used in final operation;

(b) Replacement or substitution of any financial support previously provided or assured from any other source.

(c) Duplication of current services.

(d) Political activities.

§ 1948.21-§ 1948.22 [Reserved]

§ 1948.23 Environmental Impact requirements.

The policies and regulations contained in Part 1901, Subpart G of this

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Chapter apply to grants made under this Part.

§ 1948.21 Historic Preservation requirements.

The policies and regulations contained in Part 1901, Subpart F of this Chapter apply to grants made under this Part.

§ 1948.25-§ 1948.26 [Reserved]

§ 1948.27 Equal Opportunity requirements.

The policies and regulations contained in part 1901, Subpart E of this Chapter apply to grants made under this Part.

§ 1948.28 [Reserved]

§ 1948.29 Application procedure.

(a) Except for Federally recognized Indian Tribes, all applicants should notify the appropriate designated clearinghouse(s) of the intent to submit an application consistent with OMB Circular A-95.

(b) Applicants will file Form AD-621, "Preapplication for Federal Assistance," which is available in all FmHA offices, with the appropriate FmHA County Office. The County Office will forward the preapplications with written comments within five working days to the State Office. The State Office will forward the preapplications with written comments within five working days to the Administrator, Farmers Home Administration, Washington, D.C. 20250.

(c) Nonprofit and substate district applicants should submit written concurrence from the county governments affected that the project is beneficial and does not duplicate county activities.

(d) All preapplications shall be accompanied by:

- (1) Evidence of applicant's legal existence;
- (2) Evidence of applicant's authority to prepare comprehensive plans for rural development or specific aspects of rural development; and
- (3) A statement declaring whether multijurisdictional planning is contemplated.

(e) Upon receipt of a preapplication, FmHA National Office will:

- (1) Determine whether the area to be included in the plan is a rural area;
- (2) Determine whether the applicant organization has the authority to prepare comprehensive plans for rural development or specific aspects of rural development; and
- (3) Respond to the applicant within 45 days of the date of receipt of the preapplication on Form AD-622, "Notice of Preapplication Review Action," indicating the action taken on the preapplication.

(f) Upon notification on Form AD-622 that the applicant is eligible to

compete with other applicants for funding, an application on Form AD-623, "Application for Federal Assistance (Nonconstruction Programs)," may be submitted to FmHA consistent with paragraphs (a) through (e) of this section.

(g) Upon receipt of an application on Form AD-623 by FmHA National Office, a docket shall be prepared which will include the following:

- (1) Preapplication on Form AD-621;
- (2) Notice of Preapplication Review Action on Form AD-622;
- (3) A-95 Clearinghouse comments;
- (4) Application on Form AD-623;
- (5) Evidence of the applicant's legal existence and authority to prepare comprehensive plans for rural development or specific aspects of rural development;
- (6) Grant agreement;
- (7) Form FmHA 440-1, "Request for Obligation of Funds;"
- (8) Form FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request;"
- (9) Form FmHA 442-14, "Association Project Fund Analysis;"
- (10) Form FmHA 400-4, "Nondiscrimination Agreement;"
- (11) Form FmHA 400-1, "Equal Opportunity Agreement;"
- (12) Multijurisdictional Agreement, if required;
- (13) Form FmHA 449-10, "Applicant's Environmental Impact Evaluation;"
- (14) Form FmHA 440-46, "Environmental Impact Assessment."

§ 1948.30-§ 1948.31 [Reserved]

§ 1948.32 Grant selection.

The following specific criteria will be considered in the competitive selection of grant recipients:

- (a) Current rural development planning needs and priorities of the rural area covered by the application;
- (b) How well the applicant proposes to meet objectives of the program and the rural development planning needs and priorities of the rural area concerned;
- (c) The extent to which the project will assist the unemployed, the underemployed, those with low family incomes, and minorities;
- (d) The extent of citizen participation and involvement in the development of the application and project;
- (e) Applicant's demonstrated capability and past performance in administering its programs;
- (f) The nature of comments and recommendations from the A-95 clearinghouse;
- (g) The extent of planned coordination with other Federal, State, substate, and local planning activities affected by the project;
- (h) How well the proposed project will promote an effective rural development strategy.

§ 1948.33-§ 1948.34 [Reserved]

§ 1948.35 Grant approval and announcement.

(a) FmHA National Office will review the docket to determine whether the proposed grant complies with these regulations and that funds are available.

(b) If a grant is not approved after the docket is developed, FmHA National Office will notify the applicant in writing of the reasons for rejection.

(c) If a grant is recommended, Form FmHA 440-1, "Request for Obligation of Funds," and the proposed grant agreement will be prepared and forwarded to the Administrator. If the Administrator approves the grant he will: (1) Send completed Form FmHA 071-1, "Project Information Card," to the Director of Information, Farmers Home Administration. The Director of Information will make announcements as provided in FmHA Instruction 2015 Subpart C which is available in all FmHA offices.

(2) Five working days after sending form FmHA 071-1 to the Director of Information, the Administrator will: (i) Send executed Form FmHA 440-1 to the Finance Office and the applicant; and

(ii) Send four copies of the grant agreement to the applicant requesting that the applicant sign the agreements and return them to the Administrator, Farmers Home Administration, Washington, D.C. 20250.

(d) If it is determined that a project will not be funded or if major changes in the scope of the project are made after release of the approval announcement, the Administrator will notify the Director of Information by telephone giving the reasons for such action. The Director of Information will inform all parties who were notified by the project announcement if the project will not be funded or of major changes in the project, using a procedure similar to the announcement process. Form FmHA 440-10, "Cancellation of Loan or Grant Check and/or Obligation," will not be submitted to the Finance Office until five working days after notifying the Director of Information.

§ 1948.36-§ 1948.39 [Reserved]

§ 1948.40 Grant closing and fund disbursement.

Closing is the process by which FmHA determines that applicable administrative actions have been completed and the grant agreement is signed. The grant agreement (Exhibit A) will be executed by the Administrator at the time the initial request for grant funds is made. An executed original of the grant agreement shall be sent to the grantee and two copies sent to the appropriate FmHA State Director.

§ 1948.41-§ 1948.42 [Reserved]

§ 1948.43 Grant monitoring.

Each grant will be monitored by FmHA to ensure that the Grantee is complying with the terms of the grant and that the planning project activity is completed as approved. Ordinarily this will involve a review of quarterly and final reports by FmHA.

§ 1948.44 [Reserved]

§ 1948.45 Reporting requirements.

Standard Form 270, "Request for Advance or Reimbursement," and a project performance activity report will be required of all Grantees on a quarterly basis. Standard Form 269, "Financial Status Report," and a final project performance report will also be required. These final reports may serve as the last quarterly reports. Grantees shall constantly monitor performance to insure that time schedules are being met, projected work by time periods is being accomplished, and other performance objectives are being achieved. All Grantees should submit an original of each report to FmHA National Office and two copies to the appropriate FmHA State Office. The project performance reports shall include but need not be limited to the following:

(a) A comparison of actual accomplishments to the objectives established for the period;

(b) Reasons why established objectives were not met;

(c) Problems, delays, or adverse conditions which will materially affect attainment of planning project objectives, prevent the meeting of time schedules of objectives, or preclude the attainment of project work elements during established time periods; this disclosure shall be accompanied by a statement of the action taken or contemplated and any Federal assistance needed to resolve the situation;

(d) Objectives established for the next reporting period.

§ 1948.46 [Reserved]

§ 1948.47 Grant agreement.

Exhibit A of this subpart is a grant agreement which sets forth the procedures for making and servicing Area Development Assistance Planning Grants.

§ 1948.48-§ 1948.50 [Reserved]

EXHIBIT A

GRANT AGREEMENT

Comprehensive Planning for Rural Development

This Agreement is between _____ (name) _____ (address), (Grantee) and the United States of America acting through the Farmers Home Administration (Grantor or FmHA). Grantee has deter-

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mined to undertake certain comprehensive planning at an estimated cost of \$_____ and has duly authorized such planning. Grantee shall finance \$_____ of the costs through cash and in-kind contributions. Of that amount, \$_____ shall be in cash. The Grantor agrees to grant to Grantee a sum not to exceed \$_____ subject to the terms and conditions established by the Grantor; provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 306(a)(11) of the Consolidated Farm and Rural Development Act (7 USC 1926(a)(11)) for the purpose only of defraying a part of the planning costs as permitted by applicable Farmers Home Administration regulations:

Part A

Grantor and Grantee agree: 1. This agreement shall be effective when executed by both parties.

2. The work program set out below shall be completed within _____ days from the date of this agreement.

3. (a) The ratio of Federal and non-Federal contributions to the total budget is _____ percent and _____ percent, respectively. The same ratio will be used to establish the Federal and non-Federal share of allowable project cost, as determined by the Grantor, in accordance with provisions of FmHA regulations, the total of which costs will not exceed the grant total amounts shown in the approved grant budget. In no event will the grants exceed \$_____ or 75 percent of the total eligible costs of the Grantee whichever is the lesser. Use of grant funds for travel which is determined as being necessary to the program for which the grant is established may be subject to the travel policies of the Grantee institution if they are uniformly applied regardless of the source of funds in determining the amounts and types of reimbursable travel expenses of Grantee staff and consultants. Where the Grantee institution does not have such specific policies uniformly applied, the U.S. Standard Government Travel Regulations shall apply in determining the amount charged to the grant. Grantee may purchase furniture and office equipment only if specifically approved in the work program. Approval will be given only when Grantee demonstrates that purchase is necessary and would result in less cost to the Government in providing Federal-share funds or to the Grantee in providing its contributions. Commercial purchase under these circumstances will be approved only after consideration of Federal Supply sources.

(b) Expenses and Purchases Excluded: (i) In no event shall the Grantee expend or request reimbursement from Federal-share funds for obligations entered into or for costs incurred or accrued prior to the effective date of this grant.

(ii) Funds budgeted under this grant may not be used for entertainment expenses.

(iii) Funds budgeted under this grant may not be used to pay for capital assets, the purchase of real estate or vehicles, improvement and renovation of space, and repair and maintenance of privately-owned vehicles.

(c) Grant funds shall not be used to replace any financial support previously provided or assured from any other source. The Grantee agrees that the general level of expenditure by the Grantee for the benefit of program area and/or program covered by this agreement shall be maintained and not reduced as a result of the Federal share funds received under this grant.

4. (a) Grant funds will be disbursed as follows: (i) 30 percent of grant funds will be disbursed upon receipt from Grantee of the executed grant agreement.

(ii) A sum which, taken together with the sum provided in (i) above, will not exceed 70 percent of grant funds, will be based on projected needs for the ensuing quarter and will be disbursed after receipt of the first quarter performance report and Standard Form 270, "Request for Advance and Reimbursement."

(iii) A sum which, taken together with the sums provided in (i) and (ii) above, will not exceed 100 percent of grant funds will be based on projected needs for the ensuing quarter and will be disbursed after receipt of the second quarter performance report and Standard Form 270.

(iv) A sum which, taken together with the sums previously provided, will not exceed 100 percent of grant funds and will be based on the projected needs for the ensuing quarter will be disbursed after receipt of the third quarter performance report and Standard Form 270. It is estimated that grant payments will be made on or near the beginning of each of the periods listed below, and in the corresponding amounts:

Period and Amount

(b) All officers of Grantee organization authorized to receive and/or disburse Federal funds shall be covered by fidelity bond in the amount of \$_____ each. FmHA will delay all payments until it receives satisfactory evidence of such bonding from the Grantee.

(c) Contributions by the Grantee, whether in cash or in-kind, are expected to be paid out at the same general rate as Grantor funds. In any event, one-half of the Grantee's share of projected costs shall be available, incurred, or expended by the time one-half of the Grantor's share has been disbursed. Exceptions to this mid-point, pro rata requirement must be approved in writing by the Grantor.

(d) Where the Grantee shall have claimed credit for contributions-in-kind to the total cost of allowable expenses, the evaluation of such contributions-in-kind shall be subject to reevaluation by the Grantor at any time, and any deficiency so determined by the Grantor shall be compensated by supplemental contributions by the Grantee as a condition for further disbursements by the Grantor.

(e) Grant funds will be placed in a bank account(s) which shall be insured by Federal Deposit Insurance Corporation (FDIC). If for any reason grant funds are invested, income earned on such investments shall be identified as interest income on grant fund and forwarded to the Finance Office, FmHA, St. Louis, Missouri, unless the grantee is a State. "State" includes instrumen-

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talities of a State but not political subdivision of a State. A State grantee is not accountable for interest earned on grant funds. Investments may be in obligations of the United States or accounts insured by the FDIC, which investments may be readily liquidated.

5. The Grantee will submit Performance and Financial reports as indicated below:

(a) Quarterly, an original and 2 copies of Standard Form 270, "Request for Advance or Reimbursement," and a Project Performance report according to the Schedule below:

Period and Due Date

(b) Final, an original and 2 copies of Standard Form 269, "Financial Status Report," and a Project Performance report according to the schedule below:

Period and Due Date

Note.—Final reports may serve as the last quarterly reports.

(c) The original copy of reports and forms is to be submitted to the Administrator, Farmers Home Administration, Washington, D.C. 20250. The two copies of reports should be submitted to the appropriate FmHA State Office.

6. The budget covered by this agreement is:

(a) Federal Contribution: \$——. Grantee Contribution—Cash: \$——, In-kind: \$——. Total \$——.

(b)

Budget categories	Federal funds	Non-Federal share	Total
		Cash in kind	
Direct costs:			
1. Personnel.....	\$.....	\$.....	\$.....
2. Fringe benefits.....	\$.....	\$.....	\$.....
3. Travel	\$.....	\$.....	\$.....
4. Equipment.....	\$.....	\$.....	\$.....
5. Supplies.....	\$.....	\$.....	\$.....
6. Contractual	\$.....	\$.....	\$.....
7. Other	\$.....	\$.....	\$.....
Total direct costs.....	\$.....	\$.....	\$.....
8. Indirect costs	\$.....	\$.....	\$.....
Total.....	\$.....	\$.....	\$.....

(c) Authorized maximums for annual staff salaries chargeable to this grant are set out below. Any deviation must have prior written approval by the Administrator, Farmers Home Administration.

Position	Maximum annual salary	Percentage chargeable to the grant (if under 100 pct and maximum salary)
.....	\$.....
.....	\$.....
.....	\$.....

(d) Funds may be transferred within budget categories except for authorized maximums listed in (c) above. Any expenditure above the amount approved for travel must have prior written approval from FmHA.

7. (a) The work program is described in the attached exhibit 1. The Grantee accepts responsibility for establishing a development process which will expand the capacity of citizens to improve local conditions and alleviate problems associated with unemployment, underemployment, those with low family incomes, and minorities in the Grantee area. The Grantee shall:

(i) Endeavor to coordinate and provide liaison with State development organizations, where they exist.

(ii) Provide continuing information to FmHA on the status of Grantee programs, projects, related activities, and problems.

(iii) Contribute to a national rural development policy-making process.

(iv) Contribute to development of a national rural development strategy.

(b) The Grantee shall inform the Grantor as soon as the following types of conditions become known:

(i) Problems, delays, or adverse conditions which materially affect the ability to attain program objectives, prevent the meeting of time schedules or goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Grantor assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

PART B

Grantee agrees: 1. To comply with property management standards established by Attachment N of OMB Circular A-102 for expendable and nonexpendable personal property. "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible—having no physical existence—such as patents, inventions, and copyrights. "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of \$300 or more per unit. A Grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above. "Expendable personal property" refers to all tangible personal property other than nonexpendable property. When nonexpendable tangible property is acquired by a Grantee with project funds, title shall not be taken by the Federal Government but shall vest in the Grantee subject to the following conditions:

(a) Right to transfer title. For items of nonexpendable personal property having a unit acquisition cost of \$1,000 or more, FmHA may reserve the right to transfer the title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(1) The property shall be appropriately identified in the grant or otherwise made known to the Grantee in writing.

(2) FmHA shall issue disposition instructions within 120 calendar days after the end of the Federal support of the project for which it was acquired. If FmHA fails to issue disposition instructions within the 120 calendar day period, the Grantee shall apply the standards of paragraph (4) below.

(3) When FmHA exercises its right to take title, the personal property shall be subject to the provisions for federally owned nonexpendable property discussed in paragraph (4), below.

(4) When title is transferred either to the Federal Government or to a third party and the Grantee is instructed to ship the property elsewhere, the Grantee shall be reimbursed by the benefiting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(b) Use of other tangible nonexpendable property for which the Grantee has title.

(1) The Grantee shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer needed for the original project or program, the grantee shall use the property in connection with its other federally sponsored activities, in the following order of priority:

(a) Activities sponsored by FmHA.

(b) Activities sponsored by other Federal agencies.

(2) Shared use. During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the Grantee shall make it available for use on other projects or programs if such other use will not interfere with the work on the project or program for which the property was not originally acquired. First preference for such other use shall be given to other projects or programs sponsored by FmHA; second preference shall be given to projects or programs sponsored by other Federal agencies. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by FmHA. User charges should be considered if appropriate.

(c) Disposition of other nonexpendable property. When the Grantee no longer needs the property as provided in 1(a)(4) above, the property may be used for other activities in accordance with the following standards:

(1) Nonexpendable property with a unit acquisition cost of less than \$1,000. The Grantee may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(2) Nonexpendable personal property with a unit acquisition cost of \$1,000 or more. The Grantee may retain the property for other uses provided that compensation is made to FmHA or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the Grantee has no need for the property and the property has further use value, the Grantee shall request disposition

instructions from the original Grantor agency.

FmHA shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR), to the General Services Administration by FmHA to determine whether a requirement for the property exists in other Federal agencies. FmHA shall issue instructions to the Grantee no later than 120 days after the Grantee request and the following procedures shall govern:

(a) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the property and reimburse FmHA an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal share \$100 or ten percent of the proceeds, whichever is greater, for the Grantee's selling and handling expenses.

(b) If the Grantee is instructed to dispose of the property other than as described in 1(a)(4) above, the Grantee shall be reimbursed by FmHA for such costs incurred in its disposition.

(c) Property management standards for nonexpendable property. The Grantee's property management standards for nonexpendable personal property shall include the following procedural requirements:

(1) Property records shall be maintained accurately and shall include:

(a) A description of the property.

(b) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(c) Source of the property including grant or other agreement number.

(d) Whether title vests in the Grantee or the Federal Government.

(e) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(f) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired. (Not applicable to property furnished by the Federal Government.)

(g) Location, use and condition of the property and the date the information was reported.

(h) Unit acquisition cost.

(i) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value where a Grantee compensates the Federal agency for its share.

(2) Property owned by the Federal Government must be marked to indicate Federal ownership.

(3) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The Grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(4) A control system shall be in effect to insure adequate safeguards to prevent loss,

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damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the Grantee shall promptly notify FmHA.

(5) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(6) Where the Grantee is authorized or required to sell the property, proper sales procedures shall be established which would provide for competition to the extent practicable and result in the highest possible return.

(7) Expendable personal property shall vest in the Grantee upon acquisition. If there is a residual inventory of such property exceeding \$1,000 in total aggregate fair market value, upon termination or completion of the grant and if the property is not needed for any other federally sponsored project or program, the Grantee shall retain the property for use on nonfederally-sponsored activities, or sell it, but must in either case, compensate the Federal Government for its share. The amount of compensation shall be computed in the same manner as nonexpendable personal property.

2. To provide Financial Management Systems which will include:

(a) Accurate, current, and complete disclosure of the financial results of each grant. Financial Reporting will be on an accrual basis.

(b) Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Accounting records supported by source documentation.

3. To retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. Microfilm copies may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee which are pertinent to the specific grant program for the purpose of making audit, examination, excerpts, and transcripts.

4. To provide information as requested by the Grantor to determine the need for and complete any necessary Environmental Impact Statements.

5. To provide information as requested by the Grantor concerning the Grantee's actions in soliciting citizen participation in the application process, including published notice of public hearings, actual public hearings held, and content of written comments received.

6. To provide an audit report prepared in sufficient detail to allow the Grantor to determine that funds have been used in compliance with the proposal, any applicable laws and regulations, and this agreement.

7. To account for and to return to Grantor interest earned on grant funds pending

their disbursement for program purposes unless the Grantee is a State. See Part A 4.(e) above.

8. Not to encumber, transfer, or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in Part B 1.

9. To provide Grantor with such periodic reports as it may require of its operations by designated representative of the Grantor.

10. To execute Form FHA 400-1, "Equal Opportunity Agreement," to execute FHA 400-4, "Nondiscrimination Agreement," and to execute any other agreements required by Grantor to implement the civil rights requirements.

11. To include in all contracts in excess of \$100,000 a provision for compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to the Grantor and the Regional Office of the Environmental Protection Agency.

12. That, upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will, to the extent legally permissible, repay to Grantor forthwith the original principal amount of the grant stated hereinabove, with interest at the rate of five percentum per annum from the date of the default. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it of previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulation under which this grant is made.

13. That no member of Congress shall be admitted to any share or part of this grant, or any benefit that may arise therefrom; but this provision shall not be construed to bar as a contractor under the Grant a publicly held corporation whose ownership might include a member of Congress.

14. That all non-confidential information resulting from its activities shall be made available to the general public on an equal basis.

15. That the purpose and scope of work for which this grant is made shall not duplicate programs for which monies have been received, are committed, or are applied for from other sources, public and private.

16. That the Grantee shall relinquish any and all copyrights and/or copyright rights and/or privileges to the materials developed under this grant, such material being the sole property of the Federal Government. In the event any developed under this grant is published in whole or in part, the material shall contain notice and be identified by language to the following effect: "The material is the result of tax-supported research and as such is not copyrightable. It may be freely reprinted with the customary crediting of the source."

17. That the Grantee shall submit to FmHA for review and approval all contracts with consultants to be paid by grant funds under this agreement. The contract, including the schedule of fees and charges and provisions for payment, must be reviewed and approved by FmHA before it is executed by the recipient organization.

18. To the following termination provisions:

PROPOSED RULES

PART C

(a) Termination for cause: The Grantor agency may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. The Grantor agency shall promptly notify the Grantee in writing of the determination and the reasons for the termination, together with the effective date.

(b) Termination for convenience. The Grantor agency or Grantee may terminate grants in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Grantor agency shall allow full credit to the Grantee for the Federal share of the noncancelable obligations, properly incurred by the Grantee prior to terminations.

Grantor agrees: 1. That it will assist Grantee, within available appropriations, with such technical assistance as Grantor deems appropriate in planning the project and coordinating the plan with local official comprehensive plans and with any State or area plans for the area in which the project is located.

2. That at its sole discretion, Grantor may at any time give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (a) advisable to further the purposes of the grant or to protect Grantor's financial interest therein, and (b) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

This agreement is subject to current Grantor regulations and any future regulations not inconsistent with the express terms hereof.

Grantee on _____, 19—, has caused this agreement to be executed by its duly

authorized _____ and attested and its corporate seal affixed by its duly authorized _____.

Attest:

Grantee _____

By _____

(Title)

By _____

(Title)

Grantor: U.S. OF AMERICA,
FARMERS HOME ADMINISTRATION,
By _____

(Title)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 2, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
[FR Doc. 78-3433-Filed 2-7-78; 8:45 am]

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Register Preview

THURSDAY, FEBRUARY 9, 1978



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for March are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

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CITIZENS BAND RADIO TRANSCEIVERS

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NOISE POLLUTION

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RURAL HOUSING LOANS AND GRANTS

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
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	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.



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FEDERAL REGISTER, VOL. 43, NO. 28—THURSDAY, FEBRUARY 9, 1978

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[3195-01]

Title 3—The President

PROCLAMATION 4551

Red Cross Month, 1978

By the President of the United States of America

A Proclamation

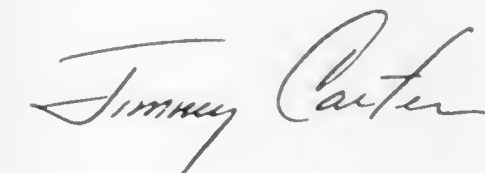
The American Red Cross is serving the needs of the American people now, as it has served them for nearly a century. Although its programs and services have grown in scope as well as in size over the years, the relief of human suffering remains its fundamental purpose. Throughout its proud history, its spirit of volunteerism has been the source of its strength.

It is the Red Cross volunteer—our neighbor—who helps ease the suffering of disaster victims; who teaches us first aid, water safety, and proper care of the ill and injured; who instills in our young people those qualities of leadership that will mean so much to this Nation in later years; who donates the blood that gives renewed life to the sick; and who comes to the assistance of the men and women of our armed forces, and to veterans and their families.

March has traditionally been observed as Red Cross Month. It is a time for concerned people to address their thoughts to those qualities of compassion, understanding and selflessness which identify the Red Cross spirit of volunteerism.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1978, as Red Cross Month. I urge all Americans to give generous support to the work of their local Red Cross chapter.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of February, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.



[FR Doc. 78-3810 Filed 2-7-78; 2:45 pm]

EDITORIAL NOTE: The President's memorandum of Feb. 7, 1978, to the heads of executive departments and agencies, on Red Cross Month, 1978, is printed in the Weekly Compilation of Presidential Documents (vol. 14, no. 6).

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-21]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Amdt. 2]

PART 20—EXPORT SALES REPORTING REQUIREMENTS

Daily Releases

AGENCY: Office of the General Sales Manager.

ACTION: Final rule.

SUMMARY: This rule amends the Export Sales Reporting regulations to provide that information regarding contracts for the export sales of agricultural commodities, required to be reported by exporters to the Department daily, pursuant to section 812 of the Agriculture Act of 1970, as amended (7 U.S.C. 612c-3), will be compiled and made available to the public daily. The requirement that this information be made available to the public daily was added to section 812 by section 1005 of the Food and Agriculture Act of 1977, Pub. L. 95-113, 91 Stat. 151.

EFFECTIVE DATE: February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard J. Finkbeiner, Director, Export Sales Division, Commercial Export Programs, Office of the General Sales Manager, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5651.

SUPPLEMENTARY INFORMATION: The export sales reporting regulations provide for exporters to report export sales transactions weekly or, when requested by the Office of the General Sales Manager, daily. Publication of information therefrom has been limited to weekly compilations following the week of reporting. This amendment provides that when daily reporting of export sales activity is required, information compiled from such individual reports shall be made public daily.

EFFECTIVE DATE

Since this amendment does not involve a change in exporters reporting requirements, it is found upon good cause that the notice and public rule-making procedures and effective date provisions of 5 U.S.C. 533 are unnecessary and contrary to the public interest.

Accordingly, Part 20 of Subtitle A of Title 7 of the Code of Federal Regulations is amended as follows:

1. By inserting in § 20.1 in the quoted language of section 812, immediately after the third sentence, the following new sentence:

§ 20.1 General.

• • • When the Secretary requires that such information be reported by exporters on a daily basis, the information compiled from individual reports shall be made available to the public daily. • • •

2. By revising § 20.7 to read as follows:

§ 20.7 Confidentiality of reports.

A reporting exporter's individual reports shall remain confidential and subject to examination only by designees of the General Sales Manager. Information from reports filed by exporters on a weekly basis will be compiled and published in compilation form each week following the week of reporting. Information from daily reports filed by exporters will be compiled and made available to the public daily.

(Sec. 812, 87 Stat. 238, as amended (7 U.S.C. 612c-3).)

Dated: February 3, 1978.

GEORGE S. SHANKLIN,
Acting General
Sales Manager.

(FR Doc. 78-3670 Filed 2-8-78; 8:45 am)

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 1, Amdt. 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Amendment of Tangerine Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment is applicable to domestic and export shipments of Honey Tangerines and to domestic shipments of Dancy Tangerines. It lowers to Florida No. 1 Golden the minimum grade requirement on all shipments of fresh Florida Honey Tangerines, during the period February 6 to September 24, 1978. It also lowers the minimum diameter requirement on domestic shipments of fresh Dancy Tangerines to 2 1/16 inches (size 246), during the same period. Grade and size requirements for other varieties of tangerines continue unchanged. Currently, the minimum grade for domestic and export shipments of Honey Tangerines is Florida No. 1, and the minimum size for domestic shipments of Dancy Tangerines is 2 1/16 inches (size 210). Specification of minimum grade and size requirements for Florida tangerines is necessary because of current and prospective supply and demand for the fruit and to maintain orderly marketing conditions in the interest of producers and consumers.

DATES: This amendment is effective during the period February 6 to September 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. (1) Pursuant to the marketing agreement and Order No. 905, both as amended, (7 CFR Part 905; 42 FR 59367; 61853), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committee established under the marketing agreement and order, and upon other information, it is found that the regulation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective supply and market demand conditions for Florida Honey and Dancy Tangerines. It is designed to assure an ample supply of acceptable quality and size tangerines to consumers consistent with the quality and size composition of the crop. Shipments of Honey Tangerines are in-

creasing seasonally, while remaining supplies of Dancy are expected to decline during the next few weeks.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act; and this amendment relieves restrictions on the handling of tangerines.

Accordingly, it is found that the provisions of § 905.301 (42 FR 57947, 59367, 59955, 60918, 61590, 63635, 63881; 43 FR 2820) should be and hereby are amended by revising in tables I and II the minimum grade applicable to Honey Tangerines and by revising in table I the minimum size applicable to Dancy Tangerines, effective February 6, 1978, as follows:

§ 905.301 Orange, grapefruit, tangerine, and tangelo regulation 1.
(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines:			
Dancy and similar	Feb. 6 to Sept. 24, 1978...	U.S. No. 1	2 1/2
Robinson	Dec. 12, 1977 to Sept. 24, 1978.	U.S. No. 1	2 1/2
Honey	Feb. 6 to Sept. 24, 1978...	Florida No. 1 golden	2 1/2

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines:			
Dancy and similar	Sept. 26, 1977 to Sept. 24, 1978.	U.S. No. 1	2 1/2
Robinson	Sept. 26, 1977 to Sept. 24, 1978.	U.S. No. 1	2 1/2
Honey	Feb. 6 to Sept. 24, 1978...	Florida No. 1 golden	2 1/2

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: February 3, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 78-3671 Filed 2-8-78; 8:45 am]

[Navel Orange Reg. 429, Amdt. No. 1; Navel Orange Reg. 430]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period February 10-16, 1978, and increases the quantity of such oranges that may be so shipped during the period February 3-9, 1978. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective February 10, 1978, and the amendment is effective for the period February 3-9, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings.—Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee established under this marketing order, and upon other information, it is found that the limitation of handling of navel oranges, as hereafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

The committee met on February 7, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee re-

ports the demand for navel oranges continues good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of navel oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Paragraph (a)(1), (2), and (3) in § 907.729 Navel Orange Regulation 429 (43 FR 4417), is hereby amended to read:

§ 907.729 Navel Orange Regulation 429.

(a) * * *

- (1) District 1: 1,095,000 cartons;
- (2) District 2: 405,000 cartons;
- (3) District 3: unlimited movement.

2.

§ 907.730 Navel Orange Regulation 430.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period February 10, 1978, through February 16, 1978, are established as follows:

- (1) District 1: 949,000 cartons;
- (2) District 2: 351,000 cartons;
- (3) District 3: unlimited movement.

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: February 8, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-3874 Filed 2-8-78; 11:36 am]

[3410-02]

[Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment relieves on February 5 and 12, 1978, the

Sunday packaging prohibition. Recent rains in the South Texas production area have interfered with the area's lettuce harvests. This will promote orderly marketing by allowing the South Texas industry additional operating time to satisfy its lettuce orders.

EFFECTIVE DATE: February 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 144 and Marketing Order No. 971 regulate the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment is based upon recommendations made February 2, 1978, by the South Texas Lettuce Committee, which was established under the order and is responsible for its local administration. It is hereby found that the amendment which follows will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, or to engage in public rulemaking procedures, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive maximum benefits from it, (2) compliance with this amendment will not require any special preparation on the part of handlers, and (3) this amendment relieves restrictions on the handling of lettuce grown in the production area.

REGULATION, AS AMENDED

In § 971.318 (42 FR 59373; 43 FR 2386) the introductory paragraph is hereby amended by adding the following to it:

§ 971.318 Handling regulation.

* * *, except that the prohibition against the packing of lettuce on Sundays shall not apply on February 5 and 12, 1978.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Effective date: Dated February 3, 1978, to become effective February 5, 1978.

CHARLES R. BRADER,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-3669 Filed 2-8-78; 8:45 am]

[3410-02]

PART 980—VEGETABLES: IMPORT REGULATIONS

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation will require imports of onions to be inspected and meet minimum grade, size, quality, and maturity requirements. The regulation should promote orderly marketing of such onions by keeping less desirable qualities and sizes from being imported.

EFFECTIVE DATE: March 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Notice of rulemaking regarding proposed requirements on the importation of onions into the United States to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), was published in the December 21 FEDERAL REGISTER (42 FR 63894). The notice afforded interested persons an opportunity to file written data, views, or arguments in regard thereto not later than January 3, 1978. This date was subsequently extended to January 13, 1978 (43 FR 1098) to afford interested persons additional time to file written data, views, or comments. None was filed.

Section 8e of the act provides that whenever a Federal marketing order is in effect for onions, the importation of onions shall be prohibited unless they comply with the grade, size, quality, and maturity provisions of such order. The provisions hereinafter set forth comply with those which are effective under Marketing Order No. 958 for onions grown in designated counties of Idaho and Malheur County, Oreg., and under Marketing Order No. 959 for onions grown in designated counties in South Texas.

The regulations is as follows:

§ 980.117 Import regulations; onions.

(a) Findings and determinations with respect to onions.

(1) Under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby found that:

(i) Grade, size, quality, and maturity regulations have been issued regularly under Marketing Orders No. 958 and 959, both as amended;

(ii) During the past several years, grade, size, quality, and maturity regulations have been in effect pursuant to these orders during the period August through April;

(iii) The marketing of onions can be reasonably distinguished by the seasonal categories, i.e., late summer and early spring. The bulk of the late summer crop is harvested and placed in storage in late summer and early fall and marketed over a period of several months extending into the following spring. But the onions harvested from the early spring crop are generally marketed as soon as the onions are harvested. The marketing seasons for these crops overlap;

(iv) Concurrent grade, size, quality, and maturity regulations under the two marketing orders are expected in future seasons, as in the past.

(2) Therefore it is hereby determined that:

Imports of onions during the August through approximately mid-March period are in most direct competition with the marketing of onions produced in designated counties in Idaho and in Malheur County, Oreg., covered by Order No. 958, as amended (7 CFR Part 958), and during the approximately mid-March through May period the marketing of imported onions is in most direct competition with onions produced in designated counties in South Texas covered by Order No. 959, as amended (7 CFR Part 959).

(b) Grade, size, quality, and maturity requirements.—On and after the effective date hereof no person may import onions as defined herein unless they are inspected and meet the following requirements:

(1) During the August through approximately mid-March period of each marketing year, whenever onions grown in designated counties in Idaho and Malheur County, Oreg., are regulated under Marketing Order No. 958, imported onions shall comply with the grade, size, quality, and maturity requirements imposed under that order.

(2) During the approximately mid-March through May period of each marketing year, whenever onions grown in designated counties in South Texas are regulated under Marketing Order No. 959, imported onions shall comply with the grade, size, quality

and maturity requirements imposed under that order.

(c) Minimum quantity exemption. Any importation which in the aggregate does not exceed 110 pounds (50 kilograms) may be imported without regard to the provisions of this section.

(d) Plant quarantine. Provisions of this section shall not supercede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) Designation of governmental inspection service. The Federal or the Federal-State Inspection Service, Food Safety and Quality Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of onions that are imported into the United States under the provisions of Section 8e of the act.

(f) Inspection and official inspection certificates.

(1) An official inspection certificate certifying the onions meet the U.S. import requirements for onions under section 8e (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (7 CFR Part 2851). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance notice (days)
All Texas points.	Officer-in-charge, 1301 West Expressway, Alamo, Tex. 78518. Phone 512-787-4091 or 512-787-8681.	1
All Arizona points.	Officer-in-charge, P.O. Box 1614, Nogales, Ariz. 85621. Phone 602-287-4783.	1
All California points.	Officer-in-charge, 784 South Central Ave., room 268, Los Angeles, Calif. 90021. Phone 213-688-2469.	3
All Hawaii points.	Officer-in-charge, P.O. Box 22159, Pawa Substation, Honolulu, Hawaii 96822. Phone 808-941-3071.	1

Ports	Office	Advance notice (days)
All Puerto Rico points.	Officer-in-charge, P.O. Box 9112, Santurce, P.R. 00906. Phone 809-783-2230 or 809-783-4118.	2
New York City, N.Y.	Officer-in-charge, room 28A, Hunts Point Market, Bronx, N.Y. 10474. Phone 212-991-7868 or 212-991-7868.	1
New Orleans, La.	Officer-in-charge, 5027 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113. Phone 504-589-6741 or 504-589-6742.	1
Miami, Fla.	Officer-in-charge, 1350 Northwest 12th Ave., room 530, Miami, Fla. 33136. Phone 305-324-6118 or 305-324-6117.	1
All other Florida points.	Officer-in-charge, P.O. Box 1232, Winter Haven, Fla. 33880. Phone 813-294-3511, extension 33.	1
All other points.	Chief, Fresh Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, Washington, D.C. 20250. Phone 202-447-5870.	3

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection; (ii) the name of the shipper, or applicant; (iii) the commodity inspected; (iv) the quantity of the commodity covered by the certificate; (v) the principal identifying marks on the containers; (vi) the railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and (vii) the following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(g) Reconditioning prior to importation. Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) Definitions. For the purpose of this section, "Onions" means all varieties of *Allium cepa* marketed dry, except dehydrated, canned, or frozen onions, pickling onions in brine, onion sets, green onions or braided red onions. The term "U.S. No. 2" shall have the same meaning as set forth in the U.S. Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 2851.3195-2851.3209), U.S. Standards for Grades of Creole Onions (7 CFR 2851.3955-2851.3970), or in the U.S. Standards for Grades of Onions Other Than Bermuda-Granex-Grano and Creole Types (7 CFR 2851.2830-2851.2854), whichever is applicable to the particular variety, and variations thereof specified in this section. The term "moderately cured" means the

onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the U.S. Bureau of Customs.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: February 3, 1978, to become effective March 20, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-3468 Filed 2-8-78; 8:45 am]

[3410-05]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[1977 Peanut Farm Stored Loan and Purchase Program Regs., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1977 Peanut Farm Stored Loan and Purchase Program, Price Support Rate on Peanuts Containing Mold

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

Summary: The purpose of this rule is to establish the price support rate on peanuts containing *Aspergillus flavus* mold. This rule will permit farmers to obtain price support on such peanuts. This rule is needed in order to alleviate hardship to producers whose peanuts are affected by *Aspergillus flavus* mold.

EFFECTIVE DATE: February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Dalton Ustynik, ASCS, 202-447-6611, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION: The price support rate of \$250 per ton is being established in order to save farmers producing peanuts containing *Aspergillus flavus* mold from disastrous losses on their 1977 crop peanuts. The mold problem is particularly acute in certain parts of the country. The threat of economic loss is forcing many farmers to have their peanuts inspected several times in order to pass inspection. The result is that, in some cases, peanuts containing mold are finding their way into edible peanut market channels due to sampling errors. Offering price support loans on peanuts containing mold at the announced loan rate will obviate this result, as the peanuts will be channeled into a separate category for

use as oil and byproducts. The price support rate of \$250 per ton is roughly equivalent to the normal value for these peanuts in those areas where the crushing and export market was active and maintains the normal price relationship between these peanuts and other peanuts.

It is essential that these provisions be made effective as soon as possible since farmers have harvested and are now obtaining loans on 1977 crop peanuts. Accordingly, it is hereby found and determined that compliance with notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is being issued without compliance with such procedure.

7 CFR, Part 1421, Final Rule is amended as follows:

1. Paragraph (a) of § 1421.294 is amended in order to reflect loan and purchase rate for peanuts containing *Aspergillus flavus* mold to read as follows:

§ 1421.294 Loan and purchase rates.

(a) Loan rate. Subject to the discounts specified in paragraph (b) of this section, the loan rates for farmers' stock peanuts placed under farm stored loan shall be the following rates by types per ton:

Type:	Dollars per ton
Virginia.....	430
Runner.....	433
Southeast Spanish.....	417
Southwest Spanish.....	417
Valencia (suitable for cleaning and roasting in southwest).....	429
(2) Peanuts containing <i>Aspergillus flavus</i> mold.....	250

2. Section 1421.295 is amended in order to delete the provision that peanuts must be free of *Aspergillus flavus* mold, to read as follows:

§ 1421.295 Eligible peanuts.

Farmers' stock peanuts must meet the requirements of § 1421.282 of the continuing supplement.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 101, 401, 403, and 405, 63 Stat. 1051, as amended (7 U.S.C. 1141, 1421, 1423, 1425).)

Signed at Washington, D.C., on February 2, 1978.

STEWART N. SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.
[FR Doc. 78-3732 Filed 2-8-78; 8:45 am]

[3410-05]

PART 1446—PEANUTS

1977 Crop Peanut Warehouse Storage Loans, Peanuts Containing Mold

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to delete the requirement that in order to be eligible for price support, peanuts must be free of *Aspergillus flavus* mold. This rule will permit farmers to obtain price support on such peanuts. This rule is needed in order to alleviate hardships to producers whose peanuts are affected by *Aspergillus flavus* mold.

EFFECTIVE DATE: February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Dalton Ustynik, ASCS, 202-447-6611, P.O. Box 2415, Washington, D.C., 20013.

SUPPLEMENTARY INFORMATION: A price support loan program for peanuts is being established in order to save farmers producing such peanuts, containing *Aspergillus flavus* mold, from disastrous losses on their 1977-crop peanuts. The mold problem is particularly acute in certain parts of the country. The threat of economic loss is forcing many farmers to have their peanuts inspected several times in order to pass inspection. The result is that, in some cases, peanuts containing mold are finding their way into edible peanut market channels due to sampling errors. Offering price support loans on peanuts containing mold at the announced loan rate will obviate this result as the peanuts will be channeled into a separate category for use as oil and by products.

It is essential that these provisions be made effective as soon as possible since farmers have harvested and are now obtaining loans on 1977 crop peanuts. Accordingly, it is hereby found and determined that compliance with the procedure for notice and public participation would be impracticable and contrary to the public interest. Therefore, this amendment is being issued without compliance with such procedure.

FINAL RULE

7 CFR, 1446.7 is amended by deleting subparagraph (7) of § 1446.7.

(Secs. 4 and 5, 62 Stat. 1070, as amended, (15 U.S.C. 714 b and c); secs. 101, 401, 63 Stat. 1051, as amended, (7 U.S.C. 1441, 1421).)

Signed at Washington, D.C., on February 2, 1978.

STEWART N. SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.
[FR Doc. 78-3733 Filed 2-8-78; 8:45 am]

[3410-05]

PART 1446—PEANUTS

1977 Crop Peanut Warehouse Storage Loan Supplement, Price Support Rate on Peanuts Containing Mold

AGENCY: Commodity Credit Corporation.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the price support value of peanuts containing *Aspergillus flavus* mold. This rule is needed in order to make price support available on 1977 crop peanuts containing mold. This rule is necessary in order to alleviate hardship to producers whose peanuts are affected by *Aspergillus flavus* mold.

EFFECTIVE DATE: February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Dalton Ustynik, ASCS, 202-447-6611.

SUPPLEMENTARY INFORMATION: The price support rate of \$250 per ton is being established in order to save farmers producing peanuts containing *Aspergillus flavus* mold from disastrous losses on their 1977 crop peanuts. The mold problem is particularly acute in certain parts of the country. The threat of economic loss is forcing many farmers to have their peanuts inspected several times in order to pass inspection. The result is that, in some cases, peanuts containing mold are finding their way into edible peanut market channels due to sampling errors. Offering price support loans on peanuts containing mold at the announced loan rate will obviate this result, as the peanuts will be channeled into a separate category for use as oil and by products. The price support rate of \$250 per ton is roughly equivalent to the normal value for these peanuts in those areas where the crushing and export market was active and maintains the normal price relationship between these peanuts and other peanuts.

It is essential that these provisions be made effective as soon as possible since farmers have harvested and are now obtaining loans on 1977 crop peanuts. Accordingly, it is hereby found and determined that compliance with the procedure for notice and public participation is impracticable and contrary to the public interest. Therefore, this amendment is being issued without compliance with such procedure. Final rule, 7 CFR, Part 1446 is amended as follows:

1. Section 1446.11 is amended in order to show the support level for peanuts containing *Aspergillus flavus* mold to read as follows:

RULES AND REGULATIONS

§ 1446.11 Average support values by type.

The support values by type per average grade ton of 1977 crop peanuts are:

(a) Peanuts not containing *Aspergillus flavus* mold:

Type	Dollars per ton
Virginia	\$429.62
Runner	433.09
Spanish	417.05
Valencia, in the Southwest area suitable for cleaning and roasting	429.62

(b) Peanuts containing *Aspergillus flavus* mold, \$250.

2. Paragraph (j) of § 1446.12 is amended in order to provide that deductions for storage, handling, and inspection shall not be made for peanuts containing *Aspergillus flavus* mold, and paragraph (k) of § 1446.12 is added in order to provide a method of calculating the support value on peanuts containing *Aspergillus flavus* mold to read as follows:

§ 1446.12 Calculation of support values.

(j) *Deduction for storage, handling, and inspection.* Except for peanuts containing *Aspergillus flavus* mold, a deduction of \$20 per net ton will be made from the price support value to cover cost of storage, handling, and inspection.

(k) *Price support value of peanuts containing Aspergillus flavus mold.* Notwithstanding all other provisions of this subpart, the price support value for peanuts containing *Aspergillus flavus* mold shall be 17 cents per pound of kernels (total kernel content).

3. Section 1446.13 is amended in order to delete provisions that peanuts containing *Aspergillus flavus* mold are ineligible for price support to read as follows:

§ 1446.13 Peanuts containing *Aspergillus flavus* mold.

(a) *Background.* Peanuts, as they are marketed, are inspected by the Federal-State Inspection Service for visible *Aspergillus flavus* mold, a mold known to produce toxins. It is essential that stocks of peanuts which are sold for commercial purposes remain free from contamination by peanuts containing *Aspergillus flavus* mold. The adverse effect on the market for peanuts which would result from seizure or other Governmental action with respect to contaminated peanuts is readily apparent. The associations designated in § 1446.8 and parties to the Peanut Marketing Agreement are subject to strict limitations upon their marketing of peanuts which contain such mold. Therefore, as a condition to his eligibility for price support on peanuts of any crop, the producer

shall dispose of any lot of peanuts of such crop found by the Federal-State Inspection Service to have visible *Aspergillus flavus* mold (herein referred to as "any affected lot") in the manner prescribed in paragraph (b) of this section.

(b) *Disposition of affected peanuts.* Each producer obtaining price support shall either: (1) At the point of first inspection, sell any such affected lot to a signer of the Peanut Marketing Agreement or turn it over to the Association for marketing on his behalf, or (2) reclean any affected lot, or have it recleaned, for the purpose of removing loose shelled kernels and foreign material. If the producer elects to reclean the affected lot, or to have it recleaned, he will be given a copy of the Inspection Certificate and Sales Memorandum, Form MQ-94, which will show that visible mold was found. The producer shall return such copy, along with the affected lot it represents, to an inspector for a second inspection by the close of business on the next workday following the initial inspection. If visible mold is, upon second inspection, again found in the lot, the producer shall, at the point of second inspection, either sell the affected lot to a signer of the Peanut Marketing Agreement or turn it over to the Association for loan.

(c) *Liquidated damages.* In view of the circumstances set forth in paragraph (a) of this section, CCC may incur substantial damages to its program to support the price of peanuts if peanuts containing *Aspergillus flavus* mold are disposed of other than in accordance with the provisions of paragraph (b) of this section by a producer obtaining price support on peanuts of the same crop. The amount of such damages is difficult, if not impossible, to ascertain exactly. Therefore, the producer shall, with respect to any lot of peanuts which is placed under price support by a producer after he has disposed of any affected lot other than in the manner prescribed in paragraph (b) of this section, pay to CCC as liquidated damages and not as a penalty, seven cents (\$0.07) per net weight pound of such peanuts. The provisions of § 1446.4(h) relating to the producer's liability (aside from liability under criminal and civil frauds statutes) shall not be applicable to such peanuts.

(Secs. 4, 5, 62 Stat. 1070, as amended (15 U.S.C. 714 (b) and (c)); secs. 101, 401, 403, and 405, 63 Stat. 1051, as amended, (7 U.S.C., 1441, 1421, 1423, 1425).)

Signed at Washington, D.C., on February 2, 1978.

STEWART N. SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-3731 Filed 2-8-78; 8:45 am]

RULES AND REGULATIONS

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

Subchapter B—Loans and Grants primarily for Real Estate Purposes

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

COMMUNITIES ELIGIBLE FOR ASSISTANCE

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations regarding communities eligible for assistance. This action is being taken because an official census shows that the communities of Mount Vernon, Wash.; Guayama, P.R.; Claremont, N.H.; and Flat River, Elvins, Desloge, Rivermines, Leddington, Esther, Mo., are rural areas of 10,000-20,000 population. The intended effect of this action is to designate these communities as eligible for FmHA Rural Housing assistance.

EFFECTIVE DATE: February 9, 1978. Comments submitted on or before March 13, 1978, will be considered for future revisions.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Wesley Harris, Director, Single Family Housing Loan Division, phone 202-447-4295.

SUPPLEMENTARY INFORMATION: Exhibit G to Subpart A, Part 1822, Title 7, of the Code of Federal Regulations is amended. An official census has been taken which shows the community of Guayama, P.R., to have a population of 18,527, and determination has been made that Mount Vernon, Wash., has a population of 10,021; Claremont, N.H., has a population of 14,221 and the Flat River, Elvins, Desloge, Rivermines, Leddington, Esther, Mo., area has a total population of approximately 10,769. They are, therefore, eligible areas for Farmers Home Administration assistance determined by the Secretary of Agriculture. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for com-

ment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since publishing for comment would delay these areas from becoming eligible for the financing they need and would thus be contrary to the public interest. The Farmers Home Administration nevertheless invites comments and requests that written comments be submitted to the office listed in the "Addresses" section of this document.

Accordingly, the additions to the list of towns in exhibit G are as follows:

Exhibit G [Amended]

Additions: The following places are added to Exhibit G, paragraph II as eligible areas:

Missouri: After "Carthage" add "Flat River, Elvins, Desloge, Rivermines, Leddington, Esther."

New Hampshire: After "Berlin" add "Claremont."

Puerto Rico: After "Fajardo" add "Guayama."

Washington: After "Moses Lake" add "Mount Vernon."

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 30, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
(FR Doc. 78-3734 Filed 2-8-78; 8:45 am)

[3410-07]

SUBCHAPTER I—LOANS AND GRANT PROGRAMS (INDIVIDUAL)

[FmHA Instruction 1904-C]

PART 1904—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

Subpart C—Farmer Program Loans

DELETION OF REQUIREMENT CONCERNING REFINANCING

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations to delete a requirement concerning refinancing. The intended effect of this action is to allow other Agency regulations regarding graduation to cover this requirement. This action is taken in an Agency effort to delete repetitive regulations.

EFFECTIVE DATE: February 9, 1978. FOR FURTHER INFORMATION CONTACT:

Reid E. Robison, Acting Director, Production Loan Division, 202-447-2288.

SUPPLEMENTARY INFORMATION: Section 1904.124(a)(1) of Subpart C, Part 1904, Chapter XVIII, Title 7, Code of Federal Regulations (42 FR 44672) is amended to delete the phrase "is unable to refinance the loan through another creditor" found in lines 12 and 13.

This requirement is already stated in FmHA's regulations regarding borrower graduation. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is not published for proposed rulemaking since the purpose of the change is to delete a requirement which merely repeated a regulation published in FmHA's graduation regulations and there is not a resulting effect on the public. Publications for proposed rulemaking is, therefore, unnecessary.

Accordingly, § 1904.124 (a) (1) as amended reads as follows:

§ 1904.124 Renewal and reamortization.

(a) *Eligibility requirements.* (1) For OL and EM (made for operating purposes) loans the principal and interest balance on a loan note may be reamortized or renewed, as appropriate, when it is determined it will be in the best interest of the borrower and the Government to do so. The justification for the action being taken will be recorded in the running record of the borrower's case file and will include documentation that the borrower is making satisfactory progress under prevailing conditions, the need for the action is due to conditions beyond the borrower's control and the farm operating plan shows the borrower can reasonably expect to meet the revised payment schedule.

(7 U.S.C. 1989, sec. 10 Pub. L. 93-357, 88 Statute 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 29, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-3735 Filed 2-8-78; 8:45 am]

[3410-07]

[FmHA Instruction 1904-C]

**PART 1904—LOAN AND GRANT PROGRAMS
(INDIVIDUAL)**

Subpart C—Farmer Program Loans

PAYMENT REQUIREMENTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is revising repayment requirements in its farmer program loans. This change allows for deferred payments on new loans made to applicants such as young farmers, those with limited income and resources, or those who have had losses because of conditions beyond their control, or those with income too low for full payments because of depressed economic conditions.

This action will provide a deferred period for payment, not to exceed five years, which may be needed by loan applicants to generate sufficient income to meet full installments.

EFFECTIVE DATE: February 9, 1978.

ADDRESS: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Carl O. Opstad, 202-447-4572.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration is revising §§ 1904.170(e)(4), 1904.175(d)(1), and 1904.180(d)(2)(iii) of Subpart C, Part 1904, Chapter XVIII, Title 7 in the Code of Federal Regulations (42 FR 44668), to allow deferred loan payments under certain conditions. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts, shall be published for comment, notwithstanding the exceptions in 5 U.S.C. 553 with respect to such rules. This revision however, is not published for proposed rulemaking since many farmers are currently suf-

fering economic hardship and have an immediate need for this favorable servicing action and any delay in implementing this revision would thus be contrary to the public interest. Although this revision is published as a final rule, The Agency is interested in receiving comments which should be submitted to the address given above. Accordingly, §§ 1904.170(e)(4), 1904.175(d)(1), and 1904.180(d)(2)(iii) read as follows:

§ 1904.170 Emergency loans.

(e) Rates and terms. . . .

(4) *Deferment of installments.* Principal and interest payments (for EM loans other than the five subsequent annual operating loans) may be deferred in whole or in part up to five full crop years as appropriate, following the date of the note. However, the deferral will never extend beyond the final due date of the note.

(i) Deferments will generally apply to loans when:

(A) The productive capacity of the farm or the applicant's income has been adversely affected by a qualifying disaster, or

(B) The applicant is a young farmer or one with limited resources and income and his/her income situation is likely to improve in the future, or

(C) Economic conditions prevent full payments from being made.

(ii) Deferred payments may be authorized under the following conditions:

(A) The initial Farm and Home Plan and Business Analysis-Nonagricultural Enterprise, when appropriate, show installments cannot be paid during the deferred period; and

(B) A Long-Time Farm and Home Plan is prepared, when appropriate; and

(C) A typical Farm and Home Plan and Business Analysis-Nonagricultural Enterprise, when appropriate, for a full crop year following the deferred period indicates full installments can be paid under normal conditions; and

(D) Development and improvements have been provided for on Form FmHA 424-1, "Development Plan," when appropriate; and

(E) Provisions are made through use of the forms listed in (A), (B), (C), and (D) of this subdivision to finance the enterprises, development, and improvements with the FmHA loan or other sources, including cost-share programs (such as ASCS cost-share programs) when cost-share funds are available.

(iii) When payments of principal and interest are deferred in whole or in part, the repayment schedule as established at the end of the deferred period will contain both accrued interest and principal which will be amor-

tized over the balance of the years authorized. However, the applicant will be advised to make payments on the loan in accordance with his/her repayment ability, even though the deferment period has not expired.

§ 1904.175 Operating loans.

(d) Rates and terms. . . .

(1) Principal and interest payments may be deferred in whole or in part up to five years from the date of the note. However, not more than two January 1 installments will be deferred at any one time and the deferral will never extend beyond the final due date of the note. Bearing in mind these limitations, payments will be scheduled on the earliest date the Farm and Home Plan indicates full installments can be paid. Use of deferred payment authority will generally involve loans made to young farmers, applicants with limited income and resources, applicants who have had losses because of conditions beyond their control or when economic conditions prevent full payments.

(i) Deferred payments may be authorized under the following conditions:

(A) The initial Farm and Home Plan and Business Analysis-Nonagricultural Enterprise, when appropriate, show installments cannot be paid during the deferred period; and

(B) A Long-Time Farm and Home Plan is prepared, when appropriate; and

(C) A typical Farm and Home Plan and Business Analysis-Nonagricultural Enterprise, when appropriate, for a full crop year following the deferred period indicates full installments can be paid under normal conditions;

(ii) When payments of principal and interest are deferred in whole or in part the repayment schedule as established at the end of the deferred period will contain both accrued interest and principal which will be amortized over the balance of years authorized. However, the applicant will be advised to make payments on the loan in accordance with his/her repayment ability, even though the deferment period has not expired.

§ 1904.180 Individual Farm Ownership (FO), Soil and Water (SW), and Recreation Loans (RL).

(d) Rates and terms. . . .

(2)

(iii) Principal and interest payments may be deferred in whole or in part up

to five full crop years from the date of the note. However, the deferral will never extend beyond the final due date of the note. Bearing in mind these limitations, payments will be scheduled on the earliest date the Farm and Home Plan indicates full installments can be paid. Use of deferred payment authority will generally involve loans made to young farmers, applicants with limited income and resources, applicants who have had losses because of conditions beyond their control or when economic conditions prevent full payments.

(A) Deferred payments may be authorized under the following conditions:

(1) The initial Farm and Home Plan and Business Analysis-Nonagricultural Enterprise, when appropriate, show installments cannot be paid during the deferred period; and

(2) A Long-Time Farm and Home Plan is prepared; and

(3) A typical Farm and Home Plan and Business Analysis-Nonagricultural Enterprise, when appropriate, for a full crop year following the deferred period indicates full installments can be paid under normal conditions, and

(4) Development and improvements have been provided for on Form FmHA 424-1; and

(5) Provisions are made through use of the forms listed in (1), (2), (3), and (4) of this subdivision (iii)(A) to finance the enterprises, development, and improvements with the FmHA loan(s) or other sources, including cost-share programs (such as ASCS cost-share programs) when cost-share funds are available.

(B) When payments of principal and interest are deferred in whole or in part, the repayment schedule as established at the end of the deferred period will contain both accrued interest and principal which will be amortized over the balance of years authorized. However, the applicant will be advised to make payments on the loan in accordance with his/her repayment ability, even though the deferment period has not expired.

(7 U.S.C. 1989 delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

NOTE.—The Farmers Home Administration has determined that the document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 31, 1978.

GORDON CAVANAUGH,
Administrator, Farmers
Home Administration.

[FR Doc. 78-3872 Filed 2-8-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17569, Amdt. 39-3137]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU-2B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which supersedes an existing AD applicable to Mitsubishi Model MU-2B series airplane with defective cowlings between the engine nacelle upper door and side doors. It requires the removal of the existing latch links and the installation of new high strength links. The AD is needed to prevent separation of the upper cowl panel and possible loss of control of the airplane.

DATES: Effective February 23, 1978. Compliance required within the next 25 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from Mitsubishi Heavy Industries, Ltd., Nagoya Aircraft Works, 10, Oye-cho, Minato-ku, Nagoya, Japan. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Gary K. Nakagawa, Chief, Engineering and Manufacturing District Office, APC-210, Pacific-Asia Region, Federal Aviation Administration, P.O. Box 4009, Honolulu, Hawaii 96813; telephone 808-546-8650.

SUPPLEMENTARY INFORMATION: This AD supersedes Amendment 39-2695 (41 FR 34009), AD 76-16-05, which requires inspection and modification, as necessary, of the cowlings between the engine nacelle upper door and side doors on certain Mitsubishi MU-2B series airplanes. After issuing AD 76-16-05, the FAA in coordination with the Japan Civil Aviation Bureau (JCAB) and the manufacturer, Mitsubishi Heavy Industries, Ltd. (MHI), has determined, based on service experience, that a new high strength latch link is necessary, and further, that the reasons for issuing AD 76-16-05 are also applicable to additional model and serial numbered airplanes. Therefore, AD 76-16-05, Amendment 39-2695, is being superseded by a new AD which requires the

removal of the existing latch link and the installation of a new high strength link, P/N 016A-13322-3 and, additionally to make the AD applicable to certain serial numbered MU-2B-26 and MU-2B-36 model airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

The principal authors of the document are G. K. Nakagawa, Pacific-Asia Region; F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

MITSUBISHI HEAVY INDUSTRIES, LTD. Applies to models MU-2B, MU-2B-10, MU-2B-15, MU-2B-20, MU-2B-25 and MU-2B-26 airplanes with serial numbers up through and including 347 except 313 and 321 and models MU-2B-30, MU-2B-35, and MU-2B-36 airplanes with serial numbers up through and including 696 except 652 and 661.

NOTE.—This AD is not applicable to MU-2B series airplanes having serial numbers with the suffix "SA."

Compliance is required as indicated. To prevent failure of the cowlings between the engine nacelle upper door and side doors, subsequent separation of the upper cowl panel, and possible loss of control of the airplane, accomplish the following:

Within the next 25 hours time in service after the effective date of this AD, unless already accomplished, replace the cowlings latch links between the engine nacelle upper door and side doors in accordance with the instructions contained in Mitsubishi MU-2 Service Bulletin No. 171A dated July 14, 1975, as supplemented by Mitsubishi MU-2 Service Bulletin No. 180 dated August 26, 1977, or Mitsubishi Service Bulletin No. 180A dated November 17, 1977, or an FAA-approved equivalent, approved by the Chief, Engineering and Manufacturing District Office, FAA, Pacific-Asia Region, Honolulu, Hawaii.

This supersedes amendment 39-2695 (41 FR 34009), AD 76-16-05.

This amendment becomes effective February 23, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1555(c); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 30, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.
[FR Doc. 78-3651 Filed 2-8-78; 8:45 am]

[4910-13]

[Docket No. 17568; Amdt. 39-3138]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp., Ltd., Viscount Model 744, 745D, and 810 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an amendment to an existing airworthiness directive (AD) which requires inspections to detect failed rivets and repair, as necessary, the cockpit direct vision windows on Viscount Model 744, 745D, and 810 series airplanes to prevent the loss of these cockpit windows and cabin pressurization.

DATES: Effective February 23, 1978. Compliance required as indicated.

ADDRESSES: The applicable service bulletin may be obtained from: British Aircraft Corp., Ltd., Commercial Aircraft Division, Brooklands Road, Weybridge, Surrey, England. A copy of the service bulletin is contained in the Rules Docket, Rm. 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to adopt an amendment to an existing airworthiness directive requiring inspections to detect failed rivets and repair, as necessary, the cockpit direct vision windows on Viscount Model 744, 745D, and 810 series airplanes to prevent the loss of these cockpit windows and cabin pressurization, was published in the FEDERAL REGISTER at 42 FR 38386 on July 28, 1977. The proposal was prompted by the determination that an additional area of the fuselage be added to the overall fuselage life inspections required for the subject aircraft.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. Accordingly, the proposal is adopted without change.

The principal authors of this document are D. C. Jacobsen, Chief,

Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and K. May, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-129 (30 FR 11169), AD65-20-4, as amended by Amendments 39-2283 (40 FR 31595) and 39-2760 (41 FR 48511) is amended by redesignating paragraph (j) as paragraph (k) and adding a new paragraph (j) as follows:

BRITISH AIRCRAFT CORPORATION, LTD. Applies to Viscount Model 744, 745D, and 810 series airplanes.

(j) Cockpit window structure—section 10—rivets in the direct vision window area, located at the bottom rear corner from Stn. 102 to Stn. 108 at both Port and Starboard positions. Compliance is required as indicated in BAC PTL No. 221, Issue 8, or BAC PTL No. 94, Issue 8, as applicable, or an FAA-approved equivalent, within the next 2000 landings after the effective date of the Amendment or prior to the accumulation of 20,000 landings, whichever occurs later, and thereafter at intervals not to exceed 4,000 landings since the last compliance.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 30, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-3652 Filed 2-8-78; 8:45 am]

[4910-13]

[Docket No. 77-WE-39-AD; Amdt. 39-3135]

PART 39—AIRWORTHINESS DIRECTIVES

Ted Smith Aerostar Models 600, 601, and 601P Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Ted Smith Aerostar Model 600 Series airplanes by deleting the time in service criterion for accomplishment of a low fuel level warning light installation.

DATES: Effective February 13, 1978. Compliance schedule: As prescribed in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from: Ted Smith Aerostar, Customer Service Department, 2560 Skyway Drive, Santa Maria, Calif. 93454. Copies of the AFM changes, placard and low fuel level warning light installation instructions and appropriate service bulletins are contained in: Rules Docket in Room 916, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Kyle Olsen, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. Telephone: 213-536-6351.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 39-3103 (42 FR 64111), AD 77-26-04 which currently requires the installation of a low fuel level warning light on Ted Smith Aircraft Model 600 Series airplanes within the next 100 hours time in service or 90 days from December 30, 1977, whichever occurs first.

The FAA considered that Amendment 39-3103 presented a reasonable balance of compliance time and exposure period. Subsequent to the issuance of Amendment 39-3103 the FAA has learned that certain operators of Ted Smith Aircraft Model 600 Series airplanes are achieving considerably higher utilization rates than were assumed in the drafting of Amendment 39-3103, thus creating a scheduling problem and potential economic burden.

The FAA now believes that the necessary level of safety can be maintained by maintaining the ninety day criterion and that the potential economic burden may be minimized by deleting the criterion relating to time in service.

Therefore the FAA is amending Amendment 39-3103 by deleting from Paragraph (b) all reference to hours time in service.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedures herein are unnecessary and the amendment may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Donald W. Watt, Aircraft Engineering Division, and Mark T. McDermott, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) Amendment 39-3103 (42 FR 64111), AD 77-26-04 is revised by amending Paragraph (b) to read:

(b) Within 90 days from December 30, 1977, install a low level fuel warning light in accordance with Ted Smith Aerostar Service Bulletin 600-71 dated December 12, 1977, or later FAA approved revision.

This amendment becomes effective February 13, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on January 27, 1978.

FRANK HAPPY,
Acting Director,
FAA Western Region.

[FR Doc. 78-3656 Filed 2-8-78; 8:45 am]

[4910-13]

[Docket No. 77-NW-27-AD, Amdt. 39-3136]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707 -100, -100B, and -200 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive (AD) establishes repetitive inspection requirements for the upper rear spar chord horizontal leg and adjacent wing skin areas on Boeing Model 707 -100, -100B, and -200 series airplanes. It supersedes a previous AD which required a one-time inspection of the same areas.

DATE: Effective date: March 1, 1978.

ADDRESSES: Boeing service bulletins specified in this directive may be obtained upon request to the Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Harold N. Wantiez, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: An NPRM (42 FR 57968) was issued which requested comments concerning the need for repetitive inspections on AD 77-06-03. Originally AD 77-06-03 required a one-time inspection of upper wing skin near the rear spar chord horizontal leg inboard of WS269. One comment was received which agreed with the need for continued inspections but requested that the time interval between inspections be extended to 1,500 landings instead of the proposed 1,000 landings. This request was based on the fact that out of 17 aircraft inspected by one operator, with over 20,000 total landings, only 4 spar cracks and 3 skin cracks were found and all the skin cracks were within the 750 landing deferral period. It was felt that 1,000 landing inspection interval would be unduly restrictive. Since the failsafe capability of the airplane is not compromised, the FAA agrees and the repetitive inspection interval has been extended to 1,500 landings.

DRAFTING INFORMATION

The principal authors of this document are Harold N. Wantiez, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

THE PROPOSED AMENDMENT

Accordingly, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended as follows:

BOEING: Applies to all Boeing 707-100/-100B/-200 series airplanes, certificated in all categories upon the accumulation of 20,000 landings.

Accomplish the following:

A. Within the next 750 landings, unless accomplished within the last 750 landings, and thereafter at intervals not to exceed 1,500 landings, X-ray inspect the upper rear spar chord horizontal leg and adjacent wing skin from the side of the body at BBL 70.5 to WS274 in accordance with Boeing Service Bulletin 3304, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Wing skins or rear spar chords found cracked are to be repaired prior to further flight in accordance with paragraph B.

B. Repair in accordance with 1 or 2 below as applicable, prior to further flight except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed:

1. Airplanes with skin cracks near the rear spar which do not extend beyond the fastener pattern of stringer No. 1 may continue in service for a maximum of 750 additional landings, subject to the following conditions:

(a) Crack ends must be stop drilled per Boeing Service Bulletin 3304.

(b) If crack ends in a fastener hole, the hole must be inspected per Boeing Service Bulletin 3304 to assure there is no crack

progression beyond fastener hole, then an additional 1/4" oversize must be made and an oversize fastener installed.

(c) Eddy current inspection per Boeing Service Bulletin 3304 of crack ends must be conducted at intervals not to exceed 50 landings. Any crack progression requires repair in accordance with 2 below prior to further flight.

(d) Cracks must be permanently repaired within 750 landings in accordance with 2 below.

2. Repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type.

This AD supersedes AD 77-06-03.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Wash. 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

This amendment becomes effective March 1, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11821 as amended by Executive Order 11949, and OMB Circular A107.

Issued in Seattle, Wash., on January 31, 1978.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 78-3657 Filed 2-8-78; 8:45 am]

[4910-13]

[Docket No. 76-SO-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Manteo, N.C., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the existing 700-foot transition area in the vicinity of Manteo, N.C. It will lower the base of controlled airspace from 1200 to 700 feet above ground level. This

action provides necessary controlled airspace for accommodation of instrument flight rule (IFR) operations at the Manteo Airport.

EFFECTIVE DATE: 0901 G.m.t., March 23, 1978.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

C. Herman Thompson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone 404-763-7648.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the *FEDERAL REGISTER* on February 26, 1976 (41 FR 8391) which proposed altering the Manteo, N.C., 700-foot transition area. The transition area is required to provide controlled airspace for aircraft executing a new NDB approach procedure to runway at the Manteo Airport.

The Department of the Air Force objected to the proposed transition area and the associated instrument approach procedure because it would infringe on the boundaries of a highly used Air Force/Navy Restricted Area, R-5314. The Department of the Navy strongly objected to the establishment and use of the NDB, Runway 4, approach to Manteo, N.C., and the proposed transition area because of the unacceptable encroachment it would have upon the Dare County target complex designated as Restricted Area, R-5314.

The objections received are not valid because the instrument approach procedure associated with the transition area is not authorized when Restricted Area R-5314 is in use. Therefore, there will be no impact upon the utilization of this airspace.

DRAFTING INFORMATION

The principal authors of this document are C. Herman Thompson, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

ADOPTION OF AMENDMENT

Accordingly, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., March 23, 1978, by altering the Manteo, N.C., transition area as follows: "• • • 343° bearing • • •" would be deleted and "• • • 229° and 343° bearings • • •" would be substituted therefor and "• • • north of the RBN." would be deleted and "• • • southwest and north of the RBN." would be substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), De-

partment of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on January 27, 1978.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

(IFR Doc. 78-3653 Filed 2-8-78; 8:45 am)

[4910-13]

(Docket No. 77-SO-58)

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Dayton, Tenn., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700-foot transition area in the vicinity of Dayton, Tenn. It will lower the base of controlled airspace from 1,200 to 700 feet above ground level. This action provides necessary controlled airspace for accommodation of instrument flight rules (IFR) operations at the Mark Anton Airport.

EFFECTIVE DATE: 0901 G.m.t., March 23, 1978.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the *FEDERAL REGISTER* on November 25, 1977, (42 FR 60161) which proposed the designation of the Dayton, Tenn., 700-foot transition area. No objections were received from this notice.

DRAFTING INFORMATION

The principal authors of this document are Ronald T. Niklasson, Airspace and Procedures Branch, Air Traffic Division, and Eddie L. Thomas, Office of Regional Counsel.

ADOPTION OF AMENDMENT

Accordingly, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., March 23, 1978, by adding the following:

DAYTON, TENN.

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the Mark Anton Airport (lat. 35°29'09" N., long. 84°55'58" W.) excluding the portions that coincide with the Athens, Tenn., and Chattanooga, Tenn., transition areas.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on January 27, 1978.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

(IFR Doc. 78-3654 Filed 2-8-78; 8:45 am)

[4910-13]

(Docket No. 77-SO-38)

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Mocksville, N.C., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700-foot transition area in the vicinity of Mocksville, N.C. It will lower the base of controlled airspace from 1,200 to 700 feet above ground level. This action provides necessary controlled airspace for accommodation of instrument flight rules (IFR) operations at the Twin Lakes Airport.

EFFECTIVE DATE: 0901 G.m.t., March 23, 1978.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

C. Herman Thompson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the *FEDERAL REGISTER* on October 3, 1977 (42 FR 53632) which proposed the designation of the Mocksville, N.C., 700-foot transition area. The transition area is required to provide controlled airspace for aircraft executing a new NDB approach procedure to the runway at the Twin Lakes Airport.

SUMMARY: This amendment alters the Latrobe, Pa., and Wrightstown, N.J., transition areas and Latrobe, Pa., and Lakehurst, N.J., control zones by changing the reference to the Latrobe Airport and Naval Air Station Lakehurst, to Westmoreland County Airport and Naval Air Engineering Center (NAEC) Lakehurst respectively.

EFFECTIVE DATE: 0901 G.m.t., February 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to alter the subject control zones and transition areas. The rule resulted from a change in the name of the referenced airports.

The change in name is editorial and will impose no additional burden on any person and thus notice or public procedure hereon are unnecessary, and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subparts F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., February 23, 1978, as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Latrobe, Pa. control zone by deleting, "Latrobe Airport" wherever it appears and by inserting, "Westmoreland County Airport," in lieu thereof.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Lakehurst, N.J. control zone by deleting, "NAS Lakehurst" and by inserting, "NAEC Lakehurst," in lieu thereof.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Latrobe, Pa. 700 foot floor transition area by deleting, "Latrobe Airport" wherever it appears and by inserting "Westmoreland County Airport," in lieu thereof.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to

amend the description of the Wrightstown, N.J. 700 foot floor transition area by deleting, "NAS Lakehurst" and by inserting, "NAEC Lakehurst" in lieu thereof.

(Sec. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, N.Y., on January 26, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.

(IFR Doc. 78-3658 Filed 2-8-78; 8:45 am)

[4910-13]

(Airspace Docket No. 77-SW-63)

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area: Waring, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This designates a transition area to provide controlled airspace for aircraft executing an RNAV instrument approach procedure to Rust Airport using the San Antonio VORTAC. Coincident with this action, the airport is changed from VFR to IFR.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

HISTORY

On November 28, 1977, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (42 FR 60570) stating that the Federal Aviation Administration proposed to designate the Waring, Tex., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. All comments received were favorable.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regu-

lations (14 CFR Part 71) designates the Waring, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing the RNAV instrument approach procedure to the Rust Airport.

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 G.m.t., May 18, 1978 as follows:

In Subpart G, 71.181 (43 FR 440), the following transition area is added:

WARING, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Rust Airport (latitude 29°57'25" N., longitude 98°45'25" W.) and within 2.5 miles either side of the 180° bearing from the runway 35 reference point, latitude 29°57'14" N., longitude 98°47'25" W.) extending 3 miles from the 5-mile radius, excluding that portion which overlies the San Antonio, Tex., transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on January 31, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-3659 Filed 2-8-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-NE-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airways and Jet Routes; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of January 26, 1978, Volume 43, page 3553, the Martha's Vineyard 273° radial and the Kenne-

bunk 181° radial were incorrectly stated in the amendatory paragraph to § 71.123 on page 3554. This correction reflects the correct radial of Martha's Vineyard as 272° and Kennebunk as 180°.

EFFECTIVE DATE: February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION: FR Doc. 78-2180 was published on January 26, 1978, (43 FR 3553) with an effective date of March 23, 1978, and realigned a segment of V-130 via the INT of Norwich, Conn., 120° and Martha's Vineyard, Mass., 273° radials; and extended V-451 via INT Whitman, Mass., 041° and Kennebunk, Maine, 181° radials; INT Kennebunk 181° and Brunswick, Maine, 211° radials; Brunswick, Incorrect radials from Martha's Vineyard and Kennebunk were inadvertently published. The correct radials should have been Martha's Vineyard 272° and Kennebunk 180°. Action is taken herein to correct this error.

DRAFTING INFORMATION

The principal authors of this document are Mr. Richard Huff, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 78-2180, appearing at page 3553 in the FEDERAL REGISTER of January 26, 1978, the amendatory language to § 71.123 appearing on page 3554, in the first column, under the paragraph entitled, "Adoption of the Amendment" is corrected by deleting the third line of V-130 and substituting "and Martha's Vineyard, Mass., 272° radials;" therefor, and deleting the third line of V-451 and substituting "Maine, 180° radials; INT Kennebunk 180°" therefor.

(Secs. 307(a), 313(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on February 3, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 78-3660 Filed 2-8-78; 8:45 am]

[4910-13]

[Docket No. 17570; Amdt. No. 1104]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

FOR PURCHASE

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Wash-

ington, D.C. 20402. The annual subscription price is \$135.00.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for

Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Floretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending 97.23 VOR-VOR/DME SIAPs identified as follows:

• • • Effective April 6, 1978:

Jacksonville, FL—Craig Muni, VOR Rwy 13, Amdt. 2
Twin Falls, ID—Twin Falls City-County (Joslin Field), VOR/DME Rwy 7, Original
Howell, MI—Livingston County, VOR Rwy 31, Amdt. 3
Astoria, OR—Clatsop County, VOR Rwy 7, Amdt. 9
Knoxville, TN—Downtown Island, VOR-A, Amdt. 2
Knoxville, TN—Downtown Island, VOR/DME-B, Amdt. 1

• • • Effective March 23, 1978:

Oxnard, CA—Oxnard, VOR Rwy 7, Amdt. 8
Santa Barbara, CA—Santa Barbara Municipal, VOR/DME Rwy 25, Amdt. 1
Homerville, GA—Homerville, VOR/DME-A, Original
Sioux City, IA—Sioux City Muni, VOR/DME Rwy 13 (TAC), Amdt. 13
Sioux City, IA—Sioux City Muni, VOR Rwy 31 (TAC), Amdt. 21
West Union, IA—George L. Scott Muni, VOR/DME-A, Original
Patterson, LA—Harry P. Williams Memorial, VOR/DME-A, Amdt. 6
Raeeford, NC—Raeeford Muni, VOR/DME-A, Original
Dumas, TX—Dumas Municipal, VOR/DME-A, Original

• • • Effective March 9, 1978:

Georgetown, TX—Georgetown Municipal, VOR/DME Rwy 35, Amdt. 3, cancelled
• • • Effective February 23, 1978:

Visalia, CA—Visalia Muni, VOR Rwy 30, Amdt. 3, cancelled
Visalia, CA—Visalia Muni, VOR/DME Rwy 30, Original
Dubuque, IA—Dubuque Muni, VOR Rwy 13, Amdt. 6
Dubuque, IA—Dubuque Muni, VOR Rwy 31, Amdt. 9
Dubuque, IA—Dubuque Muni, VOR Rwy 36, Amdt. 2

Mason City, IA—Mason City Muni, VOR Rwy 35 (TAC), Amdt. 1
Mason City, IA—Mason City Muni, VOR/DME Rwy 17 (TAC), Original
Mason City, IA—Mason City Muni, VORTAC Rwy 17, Amdt. 7, cancelled
Waterloo, IA—Waterloo Muni, VOR Rwy 12, Amdt. 6
Waterloo, IA—Waterloo Muni, VOR/DME Rwy 30 (TAC), Amdt. 11
Lubbock, TX—Lubbock International, VOR-A, Amdt. 4
Lubbock, TX—Lubbock International, VOR/DME Rwy 26 (TAC), Amdt. 5

• • • Effective February 9, 1978:

Deland, FL—Deland Muni/Sidney H. Taylor Field, VOR-A, Amdt. 3

• • • Effective January 27, 1978:

Coatesville, PA—Chester County, G. O. Carlson, VOR Rwy 29, Amdt. 3

NOTE.—The FAA published an amendment in Docket No. 17555, Amdt. No. 1103 to Part 97 of the Federal Aviation Regulations (Vol. 43 FR No. 18 Page 3555; January 26, 1978) under § 97.23 effective March 9, 1978, which is hereby amended as follows: By deleting Minneapolis, MN—Minneapolis-St. Paul Intl. Wold-Chamberlain, RNAV Rwy 29R Amdt. 3 from § 97.23 and adding the above procedure to § 97.23 with an effective date of March 9, 1978.

2. By amending 97.25 SDF-LOC-LDA SIAPs identified as follows:

• • • Effective April 6, 1978:

Akron, OH—Akron Municipal, LOC Rwy 25, Amdt. 8
• • • Effective March 23, 1978:
Sioux City, IA—Sioux City Muni, LOC(BC) Rwy 13, Amdt. 16
Tyler, TX—Pounds Field, LOC BC Rwy 31, Amdt. 13

• • • Effective February 23, 1978:

Visalia, CA—Visalia Muni, LOC/DME Rwy 30, Original, cancelled
Dubuque, IA—Dubuque Muni, LOC/DME BC Rwy 13, Amdt. 2
Mason City, IA—Mason City Muni, LOC/DME BC Rwy 17, Amdt. 2
Waterloo, IA—Waterloo Muni, LOC/DME BC Rwy 30, Amdt. 4
Norwood, MA—Norwood Memorial, LOC Rwy 35, Original
Norwood, MA—Norwood Memorial, SDF Rwy 35, Amdt. 3, cancelled
Lubbock, TX—Lubbock International, LOC BC Rwy 35L, Amdt. 7

3. By amending 97.27 NDB/ADF SIAPs identified as follows:

• • • Effective April 6, 1978:

Sedona, AZ—Sedona, NDB-A, Amdt. 2
Twin Falls, ID—Twin Falls City-County (Joslin Field), NDB Rwy 25, Amdt. 4
Greenville, ME—Greenville Muni, NDB Rwy 3, Amdt. 3
Boyne Falls, MI—Boyne Mountain, NDB Rwy 35, Amdt. 1
Akron, OH—Akron Municipal, NDB Rwy 25, Amdt. 8
Marysville, OH—Union County, NDB Rwy 27, Amdt. 1
Blackstone, VA—Blackstone AAF-Allen C. Perkinson Muni, NDB-A, Amdt. 7

• • • Effective March 23, 1978

Alturas, CA—Alturas Municipal, NDB Rwy 31, Original

Sioux City, IA—Sioux City Muni, NDB Rwy 13, Amdt. 12
Sioux City, IA—Sioux City Muni, NDB Rwy 31, Amdt. 19
Cuba, MO—Cuba Muni, NDB Rwy 18, Original
Cuba, MO—Cuba Muni, NDB Rwy 36, Original
Tyler, TX—Pounds Field, NDB Rwy 13, Amdt. 10

• • • Effective February 23, 1978:

Dubuque, IA—Dubuque Muni, NDB Rwy 31, Amdt. 6
Mason City, IA—Mason City Muni, NDB Rwy 35, Amdt. 2
Waterloo, IA—Waterloo Muni, NDB Rwy 12, Amdt. 5
Norwood, MA—Norwood Memorial, NDB Rwy 35, Amdt. 4, canceled
Norwood, MA—Norwood Memorial, NDB Rwy 35, Original
Lubbock, TX—Lubbock International, NDB Rwy 8, Amdt. 1
Lubbock, TX—Lubbock International, NDB Rwy 17R, Amdt. 13
Lubbock, TX—Lubbock International, NDB Rwy 26, Amdt. 1

• • • Effective January 26, 1978:

Andrews, SC—Andrews Muni, NDB Rwy 36, Amdt. 1

4. By amending 97.29 ILS-MLS SIAPs identified as follows:

• • • Effective April 6, 1978:

Twin Falls, ID—Twin Falls City-County (Joslin Field), ILS Rwy 25, Amdt. 5

• • • Effective March 23, 1978:

Chicago, IL—Chicago Midway, ILS Rwy 4R, Amdt. 4
Sioux City, IA—Sioux City Muni, ILS Rwy 31, Amdt. 19
Boston, MA—General Edward Lawrence Logan Int'l, ILS Rwy 4R, Amdt. 1
Boston, MA—General Edward Lawrence Logan Int'l, ILS/DME Rwy 27, Amdt. 1
Tyler, TX—Pounds Field, ILS Rwy 13, Amdt. 12

• • • Effective February 23, 1978:

Visalia, CA—Visalia Muni, ILS/DME Rwy 30, Original
Dubuque, IA—Dubuque Muni, ILS Rwy 31, Amdt. 8
Mason City, IA—Mason City Muni, ILS Rwy 35, Amdt. 2
Lubbock, TX—Lubbock International, ILS Rwy 17R, Amdt. 13

5. By amending 97.31 RADAR SIAPs identified as follows:

• • • Effective April 6, 1978:

Colorado Springs, CO—City of Colorado Springs Muni, RADAR-1, Amdt. 15
Jacksonville, FL—Craig Muni, RADAR-1, Amdt. 2
New Smyrna Beach, FL—New Smyrna Beach Muni, RADAR-1, Amdt. 1
Saginaw, MI—Tri City, RADAR-1, Amdt. 3

• • • Effective March 23, 1978:

Wetumpka, AL—Wetumpka Muni, RADAR-1, Original

• • • Effective February 23, 1978:

Lubbock, TX—Lubbock International, RADAR-1, Amdt. 4

6. By amending 97.33 RNAV SIAPs identified as follows:

• • • Effective March 23, 1978:

Sioux City, IA—Sioux City Muni, RNAV Rwy 17, Original
Sioux City, IA—Sioux City Muni, RNAV Rwy 35, Amdt. 2

• • • Effective February 23, 1978:

Dubuque, IA—Dubuque Muni, RNAV Rwy 38, Amdt. 2
Mason City, IA—Mason City Muni, RNAV Rwy 30, Amdt. 3
Lubbock, TX—Lubbock International, RNAV Rwy 8, Amdt. 1
Lubbock, TX—Lubbock International, RNAV Rwy 26, Amdt. 1

(Secs. 307, 313(a), 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1349, 1354(a), 1421, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Delegation: 25 FR 6489 and Paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11945, and OMB Circular A-107.

Issued in Washington, D.C., on February 3, 1978.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 78-3661 Filed 2-8-78; 8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, BUREAU OF TRADE REGULATION, DEPARTMENT OF COMMERCE

PART 369—RESTRICTIVE TRADE PRACTICES OR BOYCOTTS

Interim Reporting Guidelines; Final Rules; Correction

AGENCY: Industry and Trade Administration (formerly Domestic and International Business Administration), Bureau of Trade Regulation, Department of Commerce.

ACTION: Interim Reporting Guidelines and Final Rules; Correction.

SUMMARY: There are provided in this document interim guidelines for the filing of boycott reports pursuant to Title 15, Chapter III, Code of Federal Regulations, Part 369. See Supplementary Information. This document also corrects the amendatory language that appeared in the final regulations on restrictive trade practices or boycotts which were published on January 25, 1978, at 43 FR 3508.

FOR ADDITIONAL INFORMATION CONTACT:

Vincent J. Rocque, telephone 202-377-5491, or Kent N. Knowles, telephone 202-377-2512.

SUPPLEMENTARY INFORMATION: Department of Commerce final regulations concerning restrictive trade practices or boycotts, Title 15, CFR Chapter III, Part 369, were published in the FEDERAL REGISTER on January 25, 1978 (43 FR 3508). Pursuant to those regulations, the old § 369.4, dealing with reporting requirements, has been redesignated as § 369.6, to remain in effect until later revised.

Proposed regulations to revise old § 369.4 (new § 369.6) concerning reporting requirements were published for comment in the FEDERAL REGISTER on December 30, 1977 (42 FR 65592). The comment period closed on January 30, 1978, and final regulations on reporting are expected to be issued by March 1, 1978. Until such final regulations are issued and become effective, the reporting requirements set forth in new § 369.6 remain in effect. References therein to §§ 369.2 and 369.3 should be construed as references to those sections as they appear in 15 CFR 369.2 and 369.3 (1977), respectively. However, reporting entities should delay filing reports of boycott requests received or actions taken until the final reporting regulations setting forth the manner of and time for reporting are issued and become effective.

CORRECTION

In FR Doc. 78-1921 appearing at page 3508 in the FEDERAL REGISTER of January 25, 1978, information appearing on page 3512, column three, in which sections of Part 369 are revoked, issued and redesignated, is corrected by adding at the end thereof the following sentences:

§ 369.5 [Redesignated as § 369.8] § 369.7 [Reserved].

The old § 369.5 of this part is redesignated as § 369.8. Section 369.7 is reserved.

Dated: February 6, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulation.

[FR Doc. 78-3668 Filed 2-6-78; 12:20 pm]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 9050]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Block Drug Co., Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Final order to cease and desist.

SUMMARY: This order, among other things, requires a Jersey City, N.J., manufacturer and distributor of denture adhesives and denture cleansers to cease misrepresenting the effectiveness of its products and to cease making unsubstantiated performance claims.

DATES: Complaint issued July 29, 1975, Final Order issued Dec. 21, 1977.¹

FOR FURTHER INFORMATION CONTACT:

Albert H. Kramer, Director, Bureau of Consumer Protection, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3727.

SUPPLEMENTARY INFORMATION: In the Matter of Block Drug Co., Inc., a corporation, and Grey Advertising, Inc., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.20 Comparative data or merits; § 13.20-20 Competitors' products; § 13.170 Qualities or properties of product or service; § 13.170-30 Durability or permanence; § 13.190 Results; § 13.205 Scientific or other relevant facts. Subpart—Misrepresenting Oneself and Goods: § 13.1575 Comparative data or merits; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal: § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

The Final Order, including further order requiring report of compliance therewith, is as follows:

FINAL ORDER

The administrative law judge, filed his initial decision in this matter on October 4, 1977, and service of the initial decision was completed on October 28, 1977. No appeal from the initial decision has been filed, and the Commission has determined that the initial decision and order contained therein shall become the decision and order of the Commission, with the following minor changes:

Page 2, line 1, change "is" to "it."
Page 5, finding 2, line 2, delete final "r" in "manufacturer."
Page 12, line 5, change "principle" to "principal."

¹ Copies of the Complaint, Initial Decision and Final Order, filed with the original document.

Therefore, it is ordered, That the initial decision (as modified above) and order contained therein, shall become the decision and order of the Commission on the date of issuance of this order.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-3692 Filed 2-8-78; 8:45 am]

[6750-01]

[Docket C-2317]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Universal Figure Form of Youngstown, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Order modifying final order.

SUMMARY: This is an order modifying a final order to cease and desist issued November 15, 1972, 37 FR 28281, 81 F.T.C. 785, by deleting paragraph III, which required that disclosure notice of third party purchase be incorporated into instruments of indebtedness.

DATES: Final order issued November 15, 1972, order modifying final order issued December 28, 1977.¹

FOR FURTHER INFORMATION CONTACT:

Albert H. Kramer, Director, Bureau of Consumer Protection, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3727.

SUPPLEMENTARY INFORMATION: In the matter of Universal Figure Form of Youngstown, Inc., a corporation, and Jerome B. Kahn, George W. Jaconetti, and Donald W. Hudson, individually and as officers of said corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, remains unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

The order modifying final order, is as follows:

ORDER MODIFYING FINAL ORDER

Pursuant to section 3.72(b)(2) of the Commission's rules of practice, and after consideration of respondents' petition of October 6, 1977, to reopen and delete paragraph III of the final order to cease and desist dated November 15, 1972, and after further consideration of the response of the Bureau of Consumer Protection in support of such petition,

It is ordered, That the proceedings be, and they hereby are, reopened for

¹ Copies of the modifying order filed with the original document.

the limited purpose of deleting paragraph III from the final order to cease and desist.

It is further ordered, That paragraph III be deleted from the final order to cease and desist dated November 15, 1972.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-3682 Filed 2-8-78; 8:45 am]

[4910-22]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—PAYMENT PROCEDURES

PART 130—ADVANCE OF FUNDS

Advance Right-of-Way Revolving Funds; Amendment

AGENCY: Federal Highway Administration, DOT.

ACTION: Amendment to final rules.

SUMMARY: The Federal Highway Administration (FHWA) is amending the procedures and accounting requirements for advances from the right-of-way revolving fund to clarify the treatment of property management income received on such projects. The rule is necessary because differences of interpretation in FHWA field offices in the handling of property management income have occurred.

EFFECTIVE DATE: February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Harvey C. Wood, Office of Fiscal Services, 202-426-0562; or Ruth R. Johnson, Office of the Chief Counsel, 202-426-0781, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. EDT, Monday through Friday.

SUPPLEMENTARY INFORMATION: As previously issued, the procedures and accounting requirements were silent regarding the treatment of property management income. This resulted in differences of interpretation in some FHWA field offices in the proper handling of property management income for right-of-way revolving fund projects. This amendment clarifies the requirements to provide for the offset of such income against project expenses in the same manner as normal Federal-aid projects are administered.

This amendment to final rules was not issued in proposed form, and no comments were solicited, as the matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. § 553(a)(2), thus general notice of proposed rulemaking was not required.

In consideration of the foregoing, Title 23, Code of Federal Regulations,

Chapter I, Subchapter B, Part 130, Subpart D is amended as follows:

§ 130.403 [Amended]

1. The citation in the first sentence reading "Section 7, Chapter 2, Volume 7 of the Federal-Aid Highway Program Manual" is changed to read "23 CFR 712, Subpart G" and the accompanying footnote is deleted;

2. Paragraph (b)(1) is amended to read as follows: "meet estimated needs for the next 90 days after deducting property management income for the current period, or";

3. Paragraph (b)(2) is amended to read as follows: "pay grantors based on net recorded liabilities or net actual disbursements, after deduction of any property management income.";

§ 130.409 [Amended]

4. In paragraph (a) the last sentence is amended to read as follows: "Any net income remaining from property management activities shall be repaid by separate check.";

5. In paragraph (b) the last sentence is amended to read as follows: "Any net income remaining from property management activities may be shown as a previous payment on the first voucher submission on the regularly funded project or repaid by check as in paragraph (a) of this section.";

6. A new paragraph (c) is added to read:

§ 130.409 Method of repayment.

(c) Any cash remaining to the credit of an active right-of-way revolving fund project for which no further expenditures are anticipated shall be remitted to the Federal Highway Administration. Separate checks for amounts advanced and for net income from property management are required as in paragraph (a) of this section.

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal requiring the preparing of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

(23 U.S.C. §§ 108(c), 315; 49 CFR 1.48(b).)

Issued on: January 25, 1978.

WILLIAM M. COX,
Federal Highway Administrator.

[FR Doc. 78-3891 Filed 2-8-78; 8:45 am]

[4310-10]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Proceedings in Indian Probate; Miscellaneous Changes in Certain Rules

AGENCY: Department of the Interior, Office of Hearings and Appeals.

ACTION: Final rules.

SUMMARY: The amendments pertaining to the probate of individual Indian estates held in trust by the Federal Government as proposed are hereby finalized. The effect of these changes is to permit an Administrative Law Judge of proper jurisdiction to (1) reopen an estate after 3 years to prevent a manifest injustice without first obtaining permission to do so from the Interior Board of Indian Appeals (IBIA) located in Arlington, Va., (2) remove the limits on the scope of review on appeals to the IBIA from an Administrative Law Judge's ruling, and (3) require the IBIA to distribute its decisions to interested parties immediately on issuance.

EFFECTIVE DATE: February 9, 1978.
FOR FURTHER INFORMATION CONTACT:

Alexander H. Wilson, Room 1105, 4015 Wilson Boulevard, Arlington, Va. 22203, 703-557-1400.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior hereby amends 43 CFR Part 4 at sections 4.242(h), 4.290, and 4.296.

Notice of these proposed amendments was published in the FEDERAL REGISTER on October 6, 1977 (42 FR 54434). Interested persons were invited to comment on or before November 7, 1977. Two comments were received and considered. One comment urged a relaxation of the lack of notice of the original probate proceeding requirement for those filing petitions to reopen a probate after more than 3 years, and the other urged that the Interior Board of Indian Appeals be limited in its scope of review to matters set out in a petition for rehearing. The comments were considered, but neither was adopted. Accordingly, the proposed amendments as originally published on October 6, 1977, are adopted without change as set out below.

Dated: February 1, 1978.

JAMES A. JOSEPH,
Under Secretary.

1. Section 4.242 is amended by revising paragraph (h) to read as follows:

§ 4.242 Reopening.

• • • • •

(h) If a petition for reopening is filed more than 3 years after the entry of a final decision in a probate, it shall be allowed only upon a showing that a manifest injustice will occur; that a reasonable possibility exists for correction of the error; that the petitioner had no actual notice of the original proceedings; and that petitioner was not on the reservation or otherwise in the vicinity at any time while the public notices were posted. A denial of such petition may be made by the Administrative Law Judge on the basis of the petition and available Bureau records. No such petition shall be granted, however, unless the Administrative Law Judge has caused copies of the petition and all other papers filed by the petitioner to be served on those persons whose interest in the estate might be adversely affected by the granting of the petition, and after allowing such persons an opportunity to resist such petition by filing answers, cross petitions or briefs as provided in (c) of this rule.

2. Section 4.290 is revised to read as follows:

§ 4.290 Who may appeal.

Any party in interest aggrieved by the action taken by an Administrative Law Judge on a petition for rehearing or on a petition for reopening shall have a right of appeal to the Board of Indian Appeals. The Board shall not be limited in its scope of review and may exercise the inherent authority of the Secretary to correct a manifest injustice or error where appropriate.

3. Section 4.296 is revised to read as follows:

§ 4.296 Decisions.

Decisions of the Board will be made in writing. Immediate distribution of decisions shall be made by the Board to all parties and offices concerned, including the Administrative Law Judge, the Superintendent, the title plant designated under § 4.236(b), and to such other persons as the Board in its discretion deems appropriate. Decisions of the Board, which are final upon issuance, shall not be executed prior to the expiration of 60 days following the date of issuance of the decision. Immediately upon expiration of such period, the Administrative Law Judge shall issue any implementing or supplemental order which may be necessary in accordance with the Board's decision and shall notify the same offices and parties who received the decision of the Board.

NOTE.—The Department of the Interior has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

[FR Doc. 78-3604 Filed 2-8-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21479; RM-2890]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Augusta, Ark.; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first Class A FM channel to Augusta, Ark. The proposed assignment would bring a first full-time aural broadcast service to Augusta.

EFFECTIVE DATE: March 20, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: February 1, 1978.

Released: February 6, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Augusta, Ark.), Docket No. 21479, RM-2890.

1. The Commission herein considers the Notice of Proposed Rule Making adopted November 10, 1977, 42 FR 59764, in the above-entitled proceeding instituted in response to the petition filed by Service Communications, Inc. ("petitioner"). The petition proposed the assignment of Channel 249A to Augusta, Ark., as a first FM channel to that community. Petitioner filed supporting comments in which he reaffirmed his intention to file for the channel, if assigned. No other responses to the proposal were received.

2. Augusta (pop. 2,777) seat of Woodruff County (pop. 11,600) is located in east central Arkansas, approximately 97 kilometers (60 miles) northeast of Little Rock, Ark. Augusta receives local service from daytime-only AM Station KMCW, licensed to petitioner.

3. Petitioner states that Augusta is primarily an agricultural area. It also has some major industries, some of which are the Van Husen Corp., Royal Show Co., American Greeting Corp. and Nibco Corp. Petitioner asserts that the proposed assignment would fill an important need for prompt presentation of news items including

¹ Population figures are taken from the 1970 U.S. Census.

storm alerts and road reports as well as coverage of nighttime sports events.

4. We believe that the public interest would be served by the assignment of FM Channel 249A to Augusta, Ark. An interest has been shown for its use, and such an assignment would provide the community and Woodruff County with a first full-time local aural broadcast service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

6. Accordingly, it is ordered, That effective March 20, 1978, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended, as it pertains to the community listed below:

City and Channel No.

Augusta, Ark., 249A.

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS COMMISSION,

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-3699 Filed 2-8-78; 8:45 am]

[4910-62]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-133]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the Commandant of the Coast Guard

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to delegate to the Commandant of the Coast Guard, functions vested in the Secretary by Pub. L. 95-75 (July 27, 1977, 91 Stat. 308, 33 U.S.C. 1601) which relates to the implementation of the Convention on the International Regulations for Preventing Collisions at Sea, 1972.

EFFECTIVE DATE: This amendment is effective on February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Since this amendment relates to De-

partmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Booker Wade, Office of the General Counsel, and Lieutenant Edward J. Gill, Jr., Office of the Chief Counsel, U.S. coast Guard.

DISCUSSION OF DELEGATION

The following in the International Navigational rules Act of 1977 are powers vested in the Secretary which are delegated to the Commandant of the Coast Guard:

1. Exemption of certain vessels of special construction or purpose from any requirement of the International Regulations with respect to the number, positions, range, or arc of visibility of lights, with respect to shapes, or with respect to the disposition and character of sound-signaling appliances.

2. Promulgation of special rules with respect to additional station or signal lights for fishing vessels engaged in fishing as a fleet.

3. promulgation of rules and regulations to implement the Act and the International Regulations.

4. Assessment of civil penalties. Accordingly, Part 1 of Title 49 of the Code of Federal Regulations is amended by adding a new § 1.46(n)(11) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

(n) • • • • •
(11) International Navigational Rules Act of 1977 (Pub. L. 95-75, 91 Stat. 308).

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).)

Dated: Issued in Washington, D.C., February 1, 1978.

BROCK ADAMS,
Secretary of Transportation.

[FR Doc. 78-3696 Filed 2-8-78; 8:45 am]

[4910-62]

[OST Docket No. 1; Amdt. No. 1-132]

PART 1—ORGANIZATION AND DELEGATIONS OF POWERS AND DUTIES

Research and Special Program Directorate; Establishment

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This revision reflects the establishment of the Research and Special Program Directorate within the Department of Transportation. The Directorate consolidates, among other things, functions formerly assigned to the Materials Transportation Bureau. Consistent with the reorganization, the Secretarial delegations to the Director, Materials Transportation Bureau are rescinded and delegated to the Director, Research and Special Program Directorate with authority to redelegate.

EFFECTIVE DATE: September 23, 1977.

FOR FURTHER INFORMATION CONTACT:

Richard R. Clark, Office of the General Counsel, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-4723.

SUPPLEMENTARY INFORMATION: The persons responsible for the drafting of this document are Marie E. Birnbaum and Richard K. Pemberton, both of the Office of Management Systems. Richard R. Clark, Office of the General Counsel, is responsible for its legal sufficiency.

On July 20, 1977, the Secretary of Transportation determined that greater efficiencies could be accomplished in his management of the Department by reorganizing various offices within the Office of the Secretary. Consistent with that decision, the Research and Special Programs Directorate was established. The Directorate consolidates the functions formerly assigned in the Office of the Secretary and the Materials Transportation Bureau. This revision rescinds the delegations to the Director, Materials Transportation Bureau, and delegates the subject authorities to the Director, Research and Special Programs Directorate with authority for redelegation. This change also gives the Director the responsibility for coordinating individual Department-wide programs concerning cargo security.

Since this relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary.

In consideration of the foregoing—(1) Section 1.53 of title 49, of Code of Federal Regulations is revised to read as follows:

§ 1.53 Delegations to the Director of the Research and Special Programs Directorate.

The Director of the Research and Special Programs Directorate is delegated authority to exercise powers and perform duties, including duties under the specified statutes as follows:

(a) *Pipelines.* (1) Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671, et seq.).

(2) Mineral Leasing Act, as amended (Pub. L. 93-153, 30 U.S.C. 185).

(3) Deepwater Port Act of 1974 (Pub. L. 93-627; 33 U.S.C. 1501, et seq.) relating to the establishment, enforcement and review of regulations concerning the safe construction, operation or maintenance of pipelines on Federal lands and the Outer Continental Shelf (33 U.S.C. 1520).

(4) Section 5 of the International Bridge Act of 1972 (Pub. L. 92-434; 33 U.S.C. 535) as it relates to pipelines not over navigable waterways.

(5) Serves as the Department's point of contact and consults with the Environmental Protection Agency on matters arising under section 3003 of the Resources Conservation and Recovery Act (42 U.S.C. 6923) and section 9 of the Toxic Substances Control Act (15 U.S.C. 2608).

(b) *Hazardous materials.* (1) Sections 101-112 of the Hazardous Materials, Transportation Safety Act of 1974 (49 U.S.C. 1801-1811), except as delegated by §§ 1.46(t), 1.47(j), 1.48(u), and 1.49(s).

(2) Section 170 (7), (10), and (11) of title 46, United States Code, except as delegated by § 1.46(t).

(3) Sections 831-835 of title 18, United States Code, except as delegated by §§ 1.48(d) and 1.49(f).

(4) Sections 601(c) and 902(h)(1) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1421 and 1472(h)(1), respectively), as they relate to regulations governing the transportation of hazardous materials by air.

(c) *Passenger and Cargo Security.* (1) Serve as the Department's point of contact in relationships with Government, state, regional, local and private groups and organizations in matters relative to the Department-wide program for enhancing the safety and security of passengers and cargo in transit.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).

Issued in Washington, D.C., on December 16, 1977.

BROCK ADAMS,
Secretary of Transportation.
(FR Doc. 78-3697 Filed 2-8-78; 8:45 am)

[4910-59]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; DEPARTMENT OF TRANSPORTATION

[Docket No. 78-01; Notice 2]

PART 510—INFORMATION GATHERING POWERS

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Extension of comment period.

SUMMARY: This notice extends the period for comment on a notice which established an interim final rule on procedures for the agency's use of compulsory information gathering powers and proposed issuance of that rule on a permanent basis. This notice responds to a petition for an extension of the comment period.

DATE: The new comment closing date is March 2, 1978.

ADDRESS: Submit comments to Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

David A. Zisser, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-9511.

SUPPLEMENTARY INFORMATION: On December 27, 1977 (42 FR 64628), the National Highway Traffic Safety Administration (NHTSA) published an interim final rule and notice of proposed rulemaking relating to procedures for the agency's use of its authority to compel the submission of information in connection with carrying out its statutory responsibilities. The comment due date on the proposal was February 10, 1978. The law firm of Wilmer, Cutler & Pickering petitioned on behalf of the Motor Vehicle Manufacturers Association for a 30-day extension of the comment period. The petition states that the original comment due date does not provide sufficient time to review the proposal and prepare comments.

Although the NHTSA wishes to obtain and consider comments as soon as possible so that a permanent final rule can be promulgated, the agency also recognizes the need for well-developed, substantive comments. The agency believes that a 20-day extension of the comment period will allow all interested parties ample opportunity to submit well-reasoned, comprehensive comments without unduly delaying formulation of a permanent final rule. Therefore, the comment closing period is extended to March 2, 1978.

(National Traffic and Motor Vehicle Safety Act, as amended (sections 112 and 119, 15 U.S.C. 1401 and 1407), and the Motor Vehicle Information and Cost Savings Act, as amended (Titles I, II, IV and V), and the delegation of authority at 49 CFR 1.50.)

Issued: February 2, 1978.

JOAN CLAYBROOK,
Administrator.
(FR Doc. 78-3361 Filed 2-8-78; 8:45 am)

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Opening of Certain National Wildlife Refuges to Public Access, Use, and Recreation: Arizona, California, New Mexico, Oklahoma, and Texas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to public access, use, and recreation of certain national wildlife refuges in Arizona, California, New Mexico, Oklahoma, and Texas is compatible with the objectives for which the areas were established, and will provide additional recreational opportunity to the public through a nonconsumptive use. This document establishes special regulations effective for the upcoming public entry and use season.

DATES: January 1, 1978 through December 31, 1978.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

FOR FURTHER INFORMATION CONTACT:

W. O. Nelson, Jr., Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103, telephone: 505-766-2036.

SUPPLEMENTARY INFORMATION: Public access, use, and recreation is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR 26 and the following Special Regulations. Portions of refuges which are open to public access, use and recreation are designated by signs and/or delineated on maps available from addresses indicated below. No vehicle travel is permitted except on designated, maintained roads and trails. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, N. Mex. 87103. Public entry shall be in accordance with all applicable Federal and State laws and regulations subject to the following conditions:

§ 26.34 Special regulations; public access, use and recreation; for individual wildlife refuge areas.

Public access, use, and recreation is permitted on the following areas: Cabeza Prieta National Wildlife Refuge, P.O. Box 418, Ajo, Ariz. 85321.

Contact Kenneth W. Voget, Refuge Manager at 602-387-6483. Special Conditions: (1) For purposes of protecting human safety as well as the fragile environment of the 860,000-acre refuge, all entry, vehicular or otherwise, into the refuge is subject to the possession of a valid permit. Permits must be obtained in person at the refuge office at 1611 2nd Avenue, Ajo, between the hours of 8 a.m. and 5 p.m., Mondays through Fridays (except holidays). Permits may also be obtained at the Yuma, Ariz., office at 356 First Street during the same office hours.

Cibola National Wildlife Refuge, Box AP, Blythe, Calif. 92225. Contact George M. Constantino, Refuge Manager at 714-922-4433. Special Conditions: (1) Wildlife observation, photography, and hiking are permitted. (2) Possession of all handguns and all .22 caliber rimfire firearms is prohibited. Rifled firearms of legal caliber are only permitted on refuge lands during the State deer hunting season. (3) Carrying, possessing, or discharging firearms on the refuge is prohibited, except that firearms legal for a particular refuge hunt may be used during that open hunting season in designated areas. (4) Open campfires are permitted only on the ends of un-vegetated jetties. Charcoal fires are permitted only if contained in grills or similar equipment and all vegetation is cleared within an area scribed by a 10-foot radius of the fire. Fires must be closely attended and extinguished before leaving the site. (5) Waterskiing is prohibited in the Old River Channel section of the Colorado River north of Walter's Camp. This closure is due to submersed hazards to skiers and for the protection of wildlife values. The above-described waters lie north of the common line between Secs. 13 and 24, T. 2 S., R. 24 W. (6) Waterskiing is permitted in the Cibola Dry Cut section of the Colorado River. (7) Motorized vehicles, including motorcycles, are permitted only on designated, developed roads. Motorized vehicles must be licensed and registered, and in compliance with State vehicle codes, and vehicle operators must possess a valid State driver's license.

The degree of public access, use, and recreational activities permitted for the three refuge public use zones is described below. Zone I is marked by signs and described as including all lands bordered on the north by Baseline Road, on the east by the refuge boundary, on the south by an unimproved dirt road which enters the refuge from the east from a point on Cibola Road about four road miles south of the Gila and Salt River Meridian (base line). Within the refuge this unimproved road is common to the N $\frac{1}{2}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 19, T. 1 S., R. 23 W.; thence turning southerly for one-fourth mile on a line

common to R. 23 W. and R. 24 W.; thence turning westerly to the Cibola Dry Cut channel of the Colorado River on a line common to Secs. 24 and 25, T. 1 S., R. 24 W. Zone I is bounded on the west by the center line of the Cibola Dry Cut channel of the Colorado River. The above-described lands include all refuge lands east of the Cibola Dry Cut section of the Colorado River lying within Secs. 1, 2, 11, 12, 13, 14, 23 and 24, T. 1 S., R. 24 W., and Secs. 6, 7, 18, and the NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 19, all T. 1 S., R. 23 W. Zone I is closed to hunting. Also closed to public entry and use in Zone I is that area within the above-described zone that lies east of the Bureau of Reclamation tie-back levee as marked by signs. Zone II is marked by signs and described as all refuge lands west of the Cibola Dry Cut section of the Colorado River and all refuge lands east of the Dry Cut, south of Zone I and north of Zone III. Zone II lands east of the Dry Cut include all refuge lands lying in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 19, Secs. 30, 31 and 32, all T. 1 S., R. 23 W., and Secs. 5 and 6 and N $\frac{1}{2}$ Sec. 7, and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 8, all T. 2 S., R. 23 W., and Sec. 25, T. 1 S., R. 24 W. Zone II is open to public recreation throughout the year under provisions and special conditions listed above in Special Conditions 1 through 7, and according to Title 50, U.S.C. Part 26. Zone III is described as including all lands bordered by the refuge boundary on the east and south, the center line of the Cibola Dry Cut section of the Colorado River in the west, and on the north by the Hartmine Wash levee which follows the east-west half section line that bisects Secs. 7 and 8, T. 2 S., R. 23 W. The above-described lands include all refuge lands east of the center line of the Cibola Dry Cut section of the Colorado River lying in the S $\frac{1}{2}$ Sec. 7, plus all refuge lands in Secs. 18, 19, 30, and 31, all T. 2 S., R. 23 W. Zone III is closed to hunting. It is also closed to camping, fishing, boating, and hiking from January 1 through March 15, 1978, and from September 6 through December 31, 1978. Wildlife observation and photography are permitted from within vehicles while traveling on designated routes of travel during these periods. Zone III is open to fishing, boating, hiking, wildlife observation, and photography from March 16 through September 5, 1978.

Havasu National Wildlife Refuge, P.O. Box A, Needles, Calif. 92363. Contact Tyrus W. Berry, Refuge Manager at 714-326-3853. Special conditions: (1) Waterskiing is permitted only on the channelized segment of the Colorado River except for that portion of the river called "Topock Gorge," which is designated by buoys and signs as being "Closed to Waterskiing." The north buoy line is located between the 1-40

highway bridge and the A.T. & S.F. Railroad bridge. The south buoy line is located on an imaginary line between the point one-fourth mile south of the southern entrance to Jops Landing on the Arizona shoreline and a point one-fourth mile south of the southern entrance to Clear Bay on the California shoreline. (2) The observer of a person(s) in tow behind a boat shall continuously observe the person(s) being towed and shall display a flag immediately after the towed person(s) falls into the water and during the time preparatory to sking while the person(s) is still in the water. Such flag shall be a bright or brilliant orange or red color, measuring no less than twelve inches on each side, mounted on a handle, and displayed as to be visible in every direction. (3) Camping is restricted to tent and boat camping along the Arizona shoreline below the buoy line designating the southern entrance to Topock Gorge. Camping is also prohibited at Mesquite Bay, located within this stretch of shoreline. Recreational vehicle and tent camping is permitted at Five Mile Landing and Catfish Paradise concessions for a nominal fee. All camping is limited to stays of no longer than 7 days. (4) Boating is permitted in all waters of the refuge except where restricted by appropriate signs. Wakeless speed only is permitted east of the buoys on Bill Williams River and within the harbors of Five Mile Landing and Catfish Paradise. (5) All wheeled vehicles, including motorcycles, are permitted on developed roads and parking areas only. Driving off roads or roads closed by sign or barrier is prohibited. (6) Swimming, wading, scuba diving and skin diving are permitted except where restricted by signs. (7) Fires may be built only in areas where camping is allowed. (8) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting, hiking, or camping. (9) Additional attachments to mobile homes and travel trailers located at refuge concessions must be limited to cabanas, awnings, or similar types of shades that are easily removable, portable and not permanently fixed to the ground. They may be equipped with wind-breaks of a similar portable nature that do not completely enclose the sides, but may not be utilized for regular living or sleeping space or to house household equipment other than lounge furniture. (10) Residents are required to maintain their lots and trailers in a neat, orderly and hazard-free condition. Trailer slabs, porches, and cabanas are not to be used for permanent living space, storage, or to house household goods or other miscellaneous items with the exception of lounge furniture. No storage will be allowed under the mobile home, travel

trailer or porch area. The interior of the mobile home, travel trailer, storage shed or storage yard are the only authorized storage areas. (11) Concession operators and tenants will maintain their facilities and residences in accordance with Title 25, Housing and Community Development; Chapter 5, Mobile Home Parks, Special Occupancy Trailer Parks and Campgrounds, California Administration Code; State of California. (12) All trailers, attachments and other structures on the lots must be capable of being moved within 24 hours of notice. All tires must remain on mobile home or travel trailer at all times. (13) The mooring of unattended boats is allowed only at designated boat slips at Five Mile Landing and Catfish Paradise concessions. (14) Concession residents who repeatedly violate refuge regulations can and will be barred from living on or using refuge lands and facilities.

Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, Ariz. 85364. Contact Gerald E. Duncan, Refuge Manager at 602-783-3400. Special conditions: (1) An area on the west end of Martinez Lake, consisting of approximately 175 acres, and an area of approximately 1,400 acres in the north end of Ferguson Lake, shall be closed to public entry during the periods from January 1 through March 1, 1978, and from October 1 through December 31, 1978. (2) Waterskiing and towing of any device with a person(s) aboard, for recreational purposes, is prohibited on certain sections of the main stream (channel) of the Colorado River where designated by signs. Backwaters are closed to waterskiing. (3) Boating is permitted in all waters of the refuge except where prohibited by appropriate signs and in those areas closed to public entry. (4) Blocking of boat ramps or routes of public access is prohibited. (5) Hiking, sightseeing, and photography are permitted except in those areas closed to public entry. (6) The removal or disturbance of sand, gravel or rock is prohibited. (7) Camping; i.e., overnight camping is prohibited. It has been determined that camping is detrimental to the accomplishment of refuge wildlife ecological objectives. (8) The removal or disturbance of deadwood is prohibited. (9) Pets are permitted only if they are confined or kept on a leash not to exceed 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Kofa Game Range, P.O. Box 1032, Yuma, Ariz. 85364. Contact Monte M. Dodson, Refuge Manager at 602-726-2619. Special conditions: (1) Camping is limited for each person to 14 days during any 12-month period. (2) Recreational (noncommercial) rockhounding, including digging with simple hand tools, is permitted only in the designated area known as Crystal Hill, described as follows:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 18 W.,
Sec. 2, lots 3 and 4, S $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 3, lots 1 to 4, inclusive, S $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{4}$;
Sec. 4, lots 1 to 4 inclusive, S $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{4}$;
Secs. 9 and 10;
Sec. 11, W $\frac{1}{4}$;
Sec. 14, NW $\frac{1}{4}$;
Sec. 15, N $\frac{1}{4}$.

The areas described aggregate 3,684.39 acres.

(3) On the remainder of the Kofa Game Range, outside the Crystal Hill area, collecting of rocks or minerals, or both, is restricted to materials that are exposed and collectible without the use of tools. Digging, including the use of simple hand tools, is prohibited except in the designated area known as Crystal Hill.

Bitter Lake National Wildlife Refuge, Box 7, Roswell, N. Mex. 88201. Contact LeMoyné B. Marlatt, Refuge Manager at 505-622-6755. Special conditions: (1) All visitors are required to register before entry into the public recreation area, as per posted instructions. (2) Sightseeing, nature observation, photography and hiking are permitted year-round within designated areas. (3) Picnicking is permitted in conjunction with the above-listed recreational activities, but only at designated picnic sites. (4) Fires are permitted in the picnic area grills only. Only dead and fallen brush and trees may be taken for firewood. (5) Boating is permitted only during the refuge waterfowl hunting season and within designated hunting areas.

Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, N. Mex. 87801. Contact Richard W. Rigby, Refuge Manager at 505-835-1828. Special conditions: (1) Sightseeing, nature study, photography, and wildlife observation permitted year-round. (2) Vehicular access to refuge roads open to the public is permitted through the headquarters entrance only. The refuge is open to public access and use from one-half hour before sunrise to one-half hour after sunset only. (3) In the wilderness areas, entry is limited to foot travel only. Fires will be limited to self-contained camp stoves; open fires are not permitted. Only backpack-type camping is permitted. Horses are not permitted. Dogs may be used while hunting quail and doves; at all other times dogs and other pets must be on a leash and under the owner's physical control.

Salt Plains National Wildlife Refuge, Route 1, Box 76, Jet, Okla. 73749. Contact Ronald S. Sullivan, Refuge Manager at 405-626-4794. Special conditions: (1) The public is permitted to enter upon the Great Salt Plains from the west along designated routes of travel to collect gypsum (selenite) crystals from April 1 through

October 15, 1978, and only on Saturdays, Sundays, and holidays. (2) For the purpose of collecting selenite crystals, vehicles will be allowed only along such travel lanes and parking areas as are posted for the activity. (3) Each individual may collect for his/her personal use up to a maximum of 10 pounds plus one selenite crystal or selenite crystal cluster per day. (4) Digging for selenite crystals will be confined to areas posted for such activity.

Sequoyah National Wildlife Refuge, P.O. Box 398, Sallisaw, Okla. 74955. Contact Bert M. Anduss, Acting Refuge Manager at 918-775-4931. Special conditions: (1) An area of approximately 2,200 acres, south of Vian Creek and east of the refuge tour road, shall be closed, as posted, to all public access during the periods from January 1 through March 15, 1978, and from October 1 through December 31, 1978. This land is set aside to provide an area of minimum disturbance for waterfowl and other wildlife during the winter months. (2) Some refuge roads may be closed to vehicle entry from January 1 through March 15, 1978, and from October 1 through December 31, 1978, as posted, to prevent disturbance of wintering and migrating waterfowl. (3) Sightseeing, nature observation, photography and hiking are permitted. (4) Picnicking is permitted only at Vian Creek Recreation Area. Picnic fires may be built at the recreation area only in the fire grills provided or in camp stoves or charcoal grills. (5) Overnight camping is not permitted except for youth conservation groups supervised by adults. Permits must be obtained in advance from the Refuge Manager at the above-listed address. All other recreational uses are restricted to the period from 5 a.m. to 9 p.m. daily. (6) Firearms are prohibited except during authorized hunting seasons when only shotguns are permitted. Firearms being transported in a motor vehicle must be unloaded and dismantled or cased. Possession of any firearm on the refuge at night or in refuge areas closed to hunting is prohibited. Long bows and arrows are permitted only as authorized in current refuge hunting and State fishing regulations. (7) Boating is permitted in accordance with Federal and State regulations. (8) Waterskiing is prohibited in all refuge waters. (9) Pets must be confined or kept on a leash. Dogs may be used for hunting in accordance with refuge hunting regulations. (10) Pecan picking is limited to one gallon per person per day.

Washita National Wildlife Refuge, Route 2, Box 100, Butler, Okla. 73625. Contact Evan V. Klett, Refuge Manager at 405-473-2205. Special conditions: (1) Wildlife/wildland observation and photography are permitted from the observation platform located in Owl Cove Recreation Area and from vehicles using established routes of travel. Visitors may walk into other areas of the refuge during the public use season, from April 1 through October 14, 1978. (2) Parking is permitted only in locations designated by signs in hunter access and recreation areas. (3) Boating is permitted from April 1 through October 14, 1978. (4) Swimming, waterskiing and overnight camping are prohibited. (5) Overnight stays for organized youth and educational groups, with adult supervision, involved in wildlife/wildland associated activities are permitted. (6) Campstoves, charcoal burners and portable heaters may be used in recreation areas. Open fires are prohibited. (7) Dogs, cats and other pets must be leashed or otherwise confined.

Wichita Mountains Wildlife Refuge, P.O. Box 448, Cache, Okla. 73527. Contact Robert A. Karges, Refuge Manager at 405-429-3221. Special conditions: (1) Sightseeing, nature observation, and photography are permitted. (2) Hiking and backpacking are permitted during daylight hours only. (3) Camping is permitted only in recreational areas designated for that use, at the entrance, by sign. Exceeding posted unit capacities is prohibited. A written permit is required for stays exceeding 7 days. Campers must have shelter, bedding, cooking equipment and food. Any unnecessary noise or activity in camping areas after 10 p.m. is prohibited. No person, other than campers, shall enter or remain in a camping area between the hours of 10 p.m. and 6 a.m. (4) Picnicking with food and drink is permitted only in recreation areas designated for that use, at the entrance, by sign. Exceeding posted visiting hours or posted unit capacities is prohibited. (5) Fires are permitted only in recreation areas where camping or picnicking is allowed and only at such times or hours that the areas are open to these uses. Dead, fallen timber may be used. (6) Boating is permitted only on Elmer Thomas Lake. Under § 26.34 of this Subchapter C, all floating devices are prohibited on all other refuge waters unless permitted by other Federal regulations. Boating is prohibited in marked scuba diving and swimming areas. (7) Swimming, wading, snorkeling and skin diving are permitted only at swimming beaches designated by sign, and only when these beaches are manned by refuge supervised lifeguards. Lifejackets and buoyant vests may be worn while swimming. Food, beverages and pets are prohibited on swimming beaches. Beach users must comply with all official beach signs posted on the area and with the directions of authorized lifeguards. The use of any alcoholic beverage by anyone at a designated swimming beach or beach park-

ing area is prohibited. (8) Scuba diving is permitted only on Elmer Thomas Lake and only during daylight hours. Diving areas must be marked with appropriate warning flags when outside marked swimming areas. Flags must be removed before leaving the area. Inflatable vests may be worn while diving. (9) Pets are permitted only if they are confined or kept on a leash not to exceed 10 feet in length, one end of which is secured so as to restrict the movements of the animals. (10) The parking or leaving unattended of any vehicle is permitted only in those places which are designated for that purpose by sign, and only during daylight hours, except campers may park in camping areas, and fishermen may park in fishing areas during night hours. Vehicles found parked in any closed areas, any "no parking" area, or in any area after posted visiting hours may be removed from the area. Any charges or expenses incurred by such removal, including storage fees, shall be borne by the owner of the vehicle. (11) All recreational activities not permitted above are prohibited except those prescribed in 50 CFR 32.32 hunting regulations and in 50 CFR 33.5 fishing regulations. (12) Beer parties and other parties that are primarily for the purpose of using alcoholic beverages are prohibited. (13) Possession or use of any alcoholic beverage by persons under 21 years of age is prohibited.

Anahuac National Wildlife Refuge, P. O. Box 278, Anahuac, Tex. 77514. Contact Russel W. Clapper, Refuge Manager at 713-267-3337. Special conditions: (1) Sightseeing, hiking, nature observation, photography and sound recording of wildlife are permitted. (2) All motor vehicles, motor bikes and any other form of conveyance must be driven only on designated roads in a safe and responsible manner. Off-the-road travel is prohibited. (3) Boating is not permitted on any inland waters. Boats may be launched from the refuge into East Bay. (4) Dogs and other pets are permitted only if they are confined or kept on a leash not to exceed 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Aransas National Wildlife Refuge, P.O. Box 100, Austwell, Tex. 77950. Contact Frank Johnson, Refuge Manager at 512-286-3559. Special conditions: (1) Touring sightseeing, hiking, nature observation, photography and sound recording of wildlife are permitted along designated routes of travel except where restricted by appropriate signs. (2) Camping is not permitted. (3) Dogs and other pets are permitted only if they are confined or kept on a leash not to exceed 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Buffalo Lake National Wildlife Refuge, P.O. Box 228, Umbarger, Tex.

RULES AND REGULATIONS

79091. Contact Billy D. Long, Acting Refuge Manager at Muleshoe National Wildlife Refuge, P.O. Box 549, Muleshoe, Tex. 79347, telephone: 806-946-3341. Special conditions: (1) Touring, sightseeing, hiking, nature observation, photography and sound recording of wildlife are permitted along designated routes of travel except where restricted by appropriate signs. (2) Camping is not permitted. (3) Dogs and other pets are permitted only if they are confined or kept on a leash not to exceed 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Hagerman National Wildlife Refuge, Route 3, Box 123, Sherman, Tex. 75090. Contact Bert E. Blair, Jr., Refuge Manager at 214-786-2826. Special conditions: (1) Touring, sightseeing, nature study, photography and sound recording of wildlife are permitted along designated routes of travel except where restricted by appropriate signs. (2) Picnicking is permitted and fires may be built in access area fireplaces only and must be extinguished before leaving the area. (3) Pecan picking is permitted in areas not closed to access and is limited to one gallon per person per day. Commercial harvesting is not permitted. (4) Overnight camping is prohibited. (5) Dogs and pets are permitted only if they are confined or kept on a leash not to exceed 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Laguna Atascosa National Wildlife Refuge, P.O. Box 2683, Harlingen, Tex. 78550. Contact Robert H. Stratton, Jr., Refuge Manager at 512-423-8328. Special conditions: (1) Touring, sightseeing, hiking, nature observation, photography and sound recording of wildlife are permitted along designated routes of travel except where restricted by appropriate signs. (2) Camping is not permitted. (3) Dogs and other pets are permitted only if they are confined or kept on a leash not to exceed 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

Muleshoe National Wildlife Refuge, P.O. Box 549, Muleshoe, Tex. 79347. Contact Billy D. Long, Acting Refuge Manager at 806-946-3341. Special conditions: (1) Touring, sightseeing, hiking, nature observation, photography and sound recording of wildlife are permitted along designated routes of travel except where restricted by appropriate signs. (2) Camping is not permitted. (3) Dogs and other pets are permitted only if they are confined or kept on a leash not to exceed 10 feet in length, one end of which is secured so as to restrict the movements of the animal.

The provisions of this special regulation supplement the regulations which govern public access, use and recrea-

tion on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 26. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

W. O. NELSON, Jr.,
Regional Director,
Albuquerque, N. Mex.

JANUARY 31, 1978.

[FR Doc. 78-3684 Filed 2-8-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Cedar Creek Ponds, Lacreek National Wildlife Refuge, S. Dak. to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening of parts of the Lacreek National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: April 15, 1978 through October 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Harold H. Burgess, Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak. 57551, or telephone 605-685-6508.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on Cedar Creek Ponds Nos. 1 and 2, Lacreek National Wildlife Refuge, only on those areas designated by public fishing signs as being open to fishing. These areas are delineated on maps available at the refuge headquarters and at the office of the Area Manager, Federal Building, Pierre, S. Dak. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. The season for fishing on Cedar Creek Ponds 1 and 2 extends from April 15 through October 15, 1978, daylight hours only.
2. The use of boats and the use of live minnows as bait, on the Refuge portion of Cedar Creek are prohibited.

3. Public fishing on Lacreek National Wildlife Refuge may be closed by the manager whenever access roads are impassable, refuge wildlife need further protection from disturbances, or good refuge management dictates that the area be closed to the public.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-197.

HAROLD H. BURGESS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin,
S. Dak. 57551.

JANUARY 31, 1978.

[FR Doc. 78-3647 Filed 2-8-78; 8:45 am]

[3510-22]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 215—PRIBILOF ISLANDS

Administration of Pribilof Islands

AGENCY: National Marine Fisheries Service.

ACTION: Final rule.

SUMMARY: Wildlife research on the Pribilof Islands, other than research on North Pacific fur seals, is subject to certain conditions and prior approval of the Director, Pribilof Islands Program, National Marine Fisheries Service (NMFS). These regulations are considered necessary to protect the islands' wildlife and to facilitate the control of research conducted on the reservation.

EFFECTIVE DATE: February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Walter Kirkness, Director, Pribilof Islands Program, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone 206-442-7777.

SUPPLEMENTARY INFORMATION: The NMFS published proposed regulations in the FEDERAL REGISTER on December 22, 1977 (42 FR 64138), which would require researchers to obtain the approval of the Director of the Pribilof Islands Program, NMFS, prior to arriving on the Pribilof Islands to conduct research. These regulations

are considered necessary to protect the islands' wildlife and to facilitate the control of research conducted on the reservation.

No written comments were received on the proposed regulations. Therefore, these regulations, with minor changes to clarify their intent, are hereby adopted as originally proposed.

Dated: February 3, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

§ 215.27 Wildlife research.

(a) Wildlife research, other than research on North Pacific fur seals, including specimen collection, may be permitted on the Pribilof Islands subject to the following conditions: (1) Any person or agency, seeking to conduct such research shall first obtain any Federal or State of Alaska permit required for the type of research involved.

(2) Any person seeking to conduct such research shall obtain prior approval of the Director, Pribilof Islands Program, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 1700 Westlake Avenue North, Seattle, Wash. 98109, by filing with the Director an application which shall include:

(i) Copies of the required Federal and State of Alaska permits; and the required Federal and State of Alaska permits; and

(ii) A resume of the intended research program.

(3) All approved research shall be subject to all regulations and administrative procedures in effect on the Pribilof Islands, and such research shall not commence until approval from the Director is received.

(4) Any approved research program shall be subject to such terms and conditions as the Director, Pribilof Islands Program deems appropriate.

(5) Permission to utilize the Pribilof Islands to conduct an approved research program may be revoked by the Director, Pribilof Islands Program at any time for noncompliance with any terms and conditions, or for violations of any regulation or administrative procedure in effect on the Pribilof Islands.

[FR Doc. 78-3719 Filed 2-8-78; 8:45 am]

[3510-22]

PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

Taking of Marine Mammals Incidental to Commercial Fishing Operations

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

RULES AND REGULATIONS

ACTION: Final rule.

SUMMARY: The Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS), in consultation with the Department of State, finds that Costa Rica is in substantial conformance with U.S. regulations governing the taking of marine mammals (i.e., porpoise) incidental to commercial fishing operations. In finding that this nation is not fishing in a manner proscribed for persons subject to the jurisdiction of the United States, the Assistant Administrator for Fisheries exempts this nation from the yellowfin tuna and tuna products importation prohibition provisions of 50 CFR 216.24(e)(5).

EFFECTIVE DATE: February 6, 1978.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal Program Manager, Marine Mammal and Endangered Species Division, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-634-7461.

SUPPLEMENTARY INFORMATION: The NMFS published regulations in the FEDERAL REGISTER on December 23, 1977 (42 FR 64551-64560) governing the taking of marine mammals incidental to commercial fishing operations (50 CFR 216.24). These regulations include provisions concerning the importation of yellowfin tuna and tuna products from nations known to be involved in the tuna purse seine fishery in the eastern tropical Pacific Ocean (ETP). Importation of certain yellowfin tuna and tuna products from these countries is contingent upon certain findings by the Assistant Administrator for Fisheries in accordance with § 216.24(e)(5).

Bermuda, Canada, Ecuador, Mexico, the Netherlands Antilles, Nicaragua, and Panama previously supplied the NMFS with adequate information to indicate that their tuna purse seine operations in the ETP are in substantial conformance with U.S. regulations. Subsequently, the Assistant Administrator for Fisheries published in the FEDERAL REGISTER (42 FR 56617, October 21, 1977, 42 FR 64121, December 22, 1977, 43 FR 1093, January 6, 1978, and 43 FR 3566, January 26, 1978) notice that yellowfin tuna and tuna products from those seven nations are exempted from the importation prohibition provisions which would have affected them after December 31, 1977. Costa Rica is hereby given a similar exemption.

This finding by the Assistant Administrator for Fisheries, made in accordance with § 216.24(e)(5)(i), exempts Costa Rica from the import provisions

concerning yellowfin tuna and tuna products listed in § 216.24(e)(2)(ii). However, the import documentation requirements listed in § 216.24(c)(4) will continue to apply. The Assistant Administrator considered all available information in making this finding. Information submitted by Costa Rica is available to the public at the information contact address set out above, and is summarized in the following:

COSTA RICA

(a) *Fleet.* Seven Costa Rican tuna purse seine vessels will operate in the ETP in 1978. Three of these vessels are small seiners not capable of intentionally setting on porpoise to catch tuna. Their annual tuna catch is largely comprised of skipjack tuna with yellowfin only represented incidentally. Three of the four remaining vessels have recently transferred from U.S. flag and are known to be equipped with the proper porpoise release gear. The fourth vessel in this group was recently constructed in the United States and is fully equipped with the latest porpoise release devices. Costa Rican law requires vessel operators to apply the most effective porpoise release procedures available.

(b) *Porpoise Mortality.* The Costa Rican government estimated the 1977 total porpoise mortality among their small purse seiners to be not more than 5 animals. This estimate was based on interviews with skippers.

The government further estimated that the recent addition of four new large purse seiners would raise the porpoise mortality by Costa Rican seiners to 2,500 animals. However, the kill rate per vessel, based on the observed performance of the three former U.S. flag seiners, was not expected to exceed the average 1977 kill rates for the U.S. fleet.

(c) *Miscellaneous.* Costa Rica, as a member of the Inter-American Tropical Tuna Commission (IATTC), will participate in the IATTC international tuna-porpoise research and observer program. Costa Rica has already informed the National Marine Fisheries Service that they wish to send two biologists to San Diego, California to attend an observer training course during 1978, prior to placement on their vessels.

This finding will be subject to an annual review. The NMFS will require an update of the items listed in § 216.24(e)(5)(ii) to ensure that the conditions which supported the original finding continue to exist.

The NMFS will continue monitoring the status of the international tuna purse seine fleet operating in the ETP. Changes to the list of nations affected by the importation prohibitions of yellowfin tuna and tuna products under § 216.24(e)(5) will be published in the FEDERAL REGISTER.

Dated: February 6, 1978.

WINFRED H. MEIBOHM,
National Marine
Fisheries Service.

[FR Doc. 78-3667 Filed 2-8-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 36, 91]

[Docket No. 15376; Reference Notice No. 77-23]

PROPOSED NOISE AND SONIC BOOM REQUIREMENTS FOR CIVIL SUPERSONIC AIRPLANES

Public Hearing and Reopening of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public hearing and reopening of comment period.

SUMMARY: This notice announces the final public hearing to be conducted on February 27, 1978, in Los Angeles, Calif., to receive the views and comments of interested persons regarding the proposed amendments contained in Notice No. 77-23, regarding noise and sonic boom requirements for civil supersonic airplanes, and their relationship to the amendments recommended by the U.S. Environmental Protection Agency contained in Notice Nos. 75-15 and 76-1. Notice No. 77-23 was published October 13, 1977, in the FEDERAL REGISTER (42 FR 55176). Consistent with this action, the comment period for Notice 77-23 is reopened and extended from January 31, 1978 to February 28, 1978. The comment periods for Notices 75-15 and 76-1 are also reopened and extended to February 28, 1978 to coincide with the extended comment period for Notice 77-23.

DATES: Public hearing: February 27, 1978, at 9:30 a.m. Comments concerning Notices 75-15, 76-1, and 77-23 must be received on or before: February 28, 1978.

ADDRESSES: Airport Marina Hotel, Savoy Room, 8601 Lincoln Boulevard, Los Angeles, Calif. 90045. Make requests to be heard at the hearing to: Federal Aviation Administration, Western Region, Attention: AWE-4, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. Telephone: 213-536-6231. Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 15376, 800 Inde-

pendence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Tedrick, Program Management Branch (AEQ-220), Environmental Technical and Regulatory Division, Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; Telephone 202-755-9027.

SUPPLEMENTARY INFORMATION:

THE PUBLIC HEARING

At 9:30 a.m. on February 27, 1978, the Federal Aviation Administration (FAA) will hold, in Los Angeles, Calif., the last of a series of public hearings regarding proposed amendments to the Federal Aviation Regulations (14 CFR Chapter I). This hearing will afford interested persons a further opportunity to present views, data, and arguments regarding the substance and issues raised in the proposals contained in Notice No. 77-23, entitled "Proposed Noise and Sonic Boom Requirements for Civil Supersonic Airplanes," which was published in the FEDERAL REGISTER on October 13, 1977 (42 FR 55176). In addition, presentations and comments are specifically invited on the relationship of those proposals to the amendments recommended by the U.S. Environmental Protection Agency (EPA) contained in Notice Nos. 75-15 (40 FR 14093; March 28, 1975) and 76-1 (41 FR 6270; February 12, 1976), which are currently being considered by the FAA under section 611(c) of the Federal Aviation Act of 1958, as amended. Presentations and comments are also invited on the draft environmental impact statement prepared in conjunction with the notice.

The comment period for the proposal presented under Notice No. 77-23, as well as proposals presented under Notice Nos. 75-15 and 76-1 will close February 28, 1978.

HEARING PROCEDURE

The hearing will be informal in nature and will be conducted by a designated representative of the Administrator under 14 CFR 11.33. At the hearing, FAA spokesmen will make a brief opening statement regarding the proposals contained in the notice. Since the hearing will not be evidentiary or judicial in nature, there will be no cross-examination or other adju-

dicatory procedure applied to the presentations. However, interested persons wishing to make rebuttal statements will be given an opportunity to do so at the conclusion of the presentations in the same order in which initial statements are made.

Interested persons are invited to attend the hearing and to participate by making oral or written statements concerning the respective proposals. Written statements should be submitted in duplicate and will be made a part of the regulatory docket. Persons wishing to make oral statements at the hearing must notify the FAA that they desire to be heard, and indicate the amount of time requested for their initial statements. Presentations will be scheduled on a first-come-first-served basis, as time may permit. Requests to be heard at the hearing may be made by contacting the person identified above for that purpose.

WRITTEN COMMENTS TO THE RULES DOCKET INVITED

In addition to material presented for the purpose of the hearing, persons not participating in the hearing are invited to submit written comments to the regulatory docket established for the notice of proposed rulemaking. As stated in the notice, such written comments should identify the notice or docket number and be submitted in duplicate to the FAA Rules Docket at the address indicated above.

SCOPE OF INQUIRY

Notice No. 77-23 was issued by the FAA under section 611 of the Federal Aviation Act of 1958, as amended. The notice supplements FAA's review of several options for regulating the noise of civil supersonic airplanes proposed to the FAA by the U.S. Environmental Protection Agency (EPA) and previously published by the FAA pursuant to the Noise Control Act of 1972. These additional proposals would: (1) Require all SSTs, except Concorde with flight time before January 1, 1980, to comply with the Stage 2 noise limits of Part 36 in order to operate in the United States; (2) prohibit modifications of current SST types that increase their noise; (3) place operational restrictions on SSTs that do not comply with the Stage 2 noise limits of Part 36; and (4) add procedures adapting the flight test conditions of Part 36 to supersonic airplanes. A proposal to protect United States coastal areas from sonic boom is also included.

Those proposals respond to the public need for the control of sonic boom and of the noise of SSTs.

Notice Nos. 75-15, 76-1, and 77-23 contain the FAA's analysis of the background of the respective proposals and contain the material that is the subject of the public hearing. While all relevant comments are of interest, the FAA specifically invites statements or comments concerning the following:

(a) Available data relating to aircraft noise, including the results of research, development, testing, and related evaluation activities.

(b) The reviews and positions of other Federal, State, and interstate agencies.

(c) Whether the proposed regulations would be consistent with the highest degree of safety in air commerce and air transportation in the public interest.

(d) Whether the proposed regulations would be—

(1) Economically reasonable;

(2) Technologically practicable; and

(3) Appropriate for the particular types of aircraft, aircraft engines, appliances, or certificates to which they would apply.

(e) The extent to which the proposed regulations would contribute to providing protection to the public health and welfare by carrying out the purposes of section 611 of the Federal Aviation Act of 1958, as amended.

(f) The overall environmental impacts of the proposed regulations (including environmental factors other than noise).

(g) The economic impact that might result because of adoption of the proposed rules.

Before taking further action under section 611 of the Federal Aviation Act of 1958, the FAA will consider all statements presented at the hearing and all written statements and comments submitted to the regulatory docket. The specific terms and substance of proposals contained in the notice may be changed in the light of those statements and comments presented.

Transcripts of the hearing will be made and anyone may purchase copies from the reporter. A transcript of the hearing will be available for examination in the Rules Docket.

DRAFTING INFORMATION

The principal authors of this document are Richard N. Tedrick, Office of Environmental Quality Branch, and Richard W. Danforth, Office of the Chief Counsel.

REOPENING OF COMMENT PERIODS

In order to permit public comment following the public hearing, the comment period for Notice 77-23 is hereby reopened and extended to February

PROPOSED RULES

28, 1978. The issues involved in that notice may also affect decisions made in response to Environmental Protection Agency proposals contained in Notice No. 75-15, published in the FEDERAL REGISTER (40 FR 14093) and Notice No. 76-1, published in the FEDERAL REGISTER (41 FR 6270) on February 12, 1976. Therefore, the comment periods for those notices are also reopened and extended to February 28, 1978.

(Secs. 307, 313(a), 601(a), 603, 611, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421(a), 1423, 1431); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 1421 et seq.); Executive Order 11514; March 5, 1970; 14 CFR 11.45; and 44 U.S.C. 1508.)

Issued in Washington, D.C., on February 3, 1978.

JAMES E. DENSMORE,
Acting Director of
Environmental Quality.

[FR Doc. 78-3662 Filed 2-8-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 77-WA-24]

FEDERAL AIRWAYS

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter a segment of the V-7/V-115 airway northwest of Montgomery, Ala. Such action would reduce the airway distance between Birmingham, Ala., and Montgomery. Also airspace would be made available for a new high altitude instrument approach procedure to Dannelly Field at Montgomery.

DATES: Comments must be received on or before March 9, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 77-WA-24, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation

Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga., 30320. All communications received on or before March 9, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter a segment of V-7 and V-115 (an identical route) between Montgomery, Ala., and Birmingham, Ala., by using a radial from Montgomery that is 15° north of the present radial. Both V-7 and V-115 would then be aligned via the INT of Montgomery 323° T (320° M) and Birmingham 177° T (175° M) radials.¹

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Jack P. Zimmerman, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR

¹Map filed as part of the original document.

Part 71) as republished (43 FR 307) as follows:

1. In V-7 "INT Montgomery 308" is deleted and "INT Montgomery 323" is substituted therefor.
2. In V-115 "INT Montgomery 308" is deleted and "INT Montgomery 323" is substituted therefor.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on January 31, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 78-3663 Filed 2-8-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Docket No. 78-SO-11]

DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Proposed Designation of Transition Area,
Bunnell, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

Summary: Public use instrument approach procedures are being developed for the Flagler County Airport, Bunnell, Fla., and additional controlled airspace is required for containment of Instrument Flight Rules (IFR) operations. This proposed rule will designate the Bunnell, Fla., transition area and will lower the base of controlled airspace in the vicinity of the airport from 1,200 to 700 feet to accommodate the anticipated IFR operations.

DATE: Comments must be received on or before March 8, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

Donald Ross, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone: 404-763-7848.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submit-

ting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before March 8, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate the Bunnell, Fla., 700-foot transition area. This action will provide additional controlled airspace to accommodate aircraft performing IFR operations at Flagler County Airport.

DRAFTING INFORMATION

The principal authors of this document are Donald Ross, Airspace and Procedures Branch, Air Traffic Division, and Ronald R. Hagadone, Office of Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

BUNNELL, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the Flagler County Airport (Lat. 29°27'35" N, Long. 81°12'30" W) excluding that portion that coincides with the Daytona Beach, Florida, transition area.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), De-

partment of Transportation Act (49 U.S.C. 1655 (c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on January 17, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-3664 Filed 2-8-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 141]

[Docket No. RM77-2]

STATEMENTS AND REPORTS (SCHEDULES)

Public Conference

AGENCY: Federal Energy Regulatory Commission.

ACTION: Public Conference.

SUMMARY: On August 15, 1977 the Federal Power Commission issued a rulemaking notice in which it proposed to limit the public availability of data it presently collects on Form 423—Monthly Report of Cost and Quality of Fuels for Electric Plants, 42 FR 51609. The rulemaking was initiated in response to a petition by twelve electric utilities that the Commission discontinue data collection or provide the public only with monthly summaries of the data. The utilities allege that the current reporting system places "the reporting utilities at a decided disadvantage in negotiations for available fuel supplies" and may "set the stage for anticompetitive behavior." The comment period ended October 28, 1977.

Complete and comprehensive discussion of the issues raised in the rulemaking has not been provided in the comments. Several parties requested a public conference. In response to the requests and because the issues raised in the rulemaking are complex, the Staff believes that the public interest would be served by providing interested parties a further opportunity to present their views, the reason for this Notice.

A Public Conference will be convened in Washington, D.C. beginning on March 9, 1978 to receive oral and written comments. Participants are requested to focus on the issues raised in Sections A, B, C, and D of the Notice.

DATES: Parties intending to make an oral presentation should signify intent by March 1, 1978. Public Conference will be convened in Washington, D.C. on March 9, 1978.

ADDRESSES: Parties intending to make oral presentation should write to: Secretary, Federal Energy Regulatory Commission, Washington, D.C. 20426 Public Conference to be held at: Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. at 10 a.m.

FOR FURTHER INFORMATION CONTACT:

Bernard Tenenbaum, Office of Regulatory Analysis, 202-275-4110, Charles F. Reusch, Office of the General Counsel, 202-275-4328.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, (September 15, 1977), 42 FR 46267, the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —: Provided, That this proceeding would be continued before the FERC takes action in this proceeding in accordance with the above mentioned authorities.

Pursuant to § 1.3 of the Commission's rules of practice and procedure, 18 CFR 1.3, notice is hereby given that a public conference shall be convened on March 9, 1978, at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 at 10 a.m. to address certain matters relating to this Docket.

On August 15, 1977, the Commission issued a Notice of Proposed Rulemaking in Docket No. RM77-2, 42 FR 51609, in which it proposed to continue collecting the information presently required on Form No. 423, but to limit the distribution of the information once it is collected. The comment period was to run until September 30, 1977.

Publication of the Notice of Proposed Rulemaking in the FEDERAL REGISTER did not occur until September 29, 1977, 42 FR 51609. On October 13, 1977, the Office of Consumer Affairs (OCA), U.S. Department of Health, Education, and Welfare, requested a further extension of time in the period for filing comments. The Secretary granted the request. By Notice of Further Extension of Time issued October 14, 1977, the date for filing comments was extended to and including October 28, 1977, 42 FR 56756.

By request filed October 14, 1977, OCA requested a conference with the Commission's Staff concerning Docket No. RM77-2. In its comments filed on October 14, 1977, the Information Industry Association also requested a conference. By letter dated October 14, 1977, the U.S. Justice Department supported OCA's request for a conference. The FERC Staff also believes that a conference is necessary. Therefore, in response to these various requests and because of the complexity of the issues raised by this proposed rulemaking, the Staff believes that the public interest would be served by providing interested parties with a further opportunity to present their views on this matter. Consequently, a public conference in Docket No. RM77-2 will be convened in Washington, D.C. beginning on March 9, 1978, to receive oral and written comments.

The comments submitted to date have presented issues and raised questions on many aspects of the rulemaking. Complete discussion of the issues and proposed answers to the questions has not always been provided. The Staff believes it has the obligation to develop as complete a record as possible in this proceeding.

Therefore, participants in the public conference are requested to focus on the issues raised in Sections A, B, C and D below. The participants should provide as much factual data as they can that relate to the issues and they should provide a clear statement of all assumptions underlying their conclusions.

A. The petitioners allege that the current reporting system places "... the reporting utilities at a decided disadvantage in negotiations for available fuel supplies" and may "set the stage for anti-competitive behavior." Implicit in these allegations are certain assumptions regarding markets and market behavior.

¹See *Union Oil Company of California v. FPC*, 542 F. 2d 1036 (9th Cir. 1976), and *Pennzoil Company v. FPC*, 534 F. 2d 627 (5th Cir. 1976).

²Petition of Certain Electric Utilities for Amendment of Commission's Regulations with Respect to Form 423, October 15, 1976, pp. 5 and 12.

1. What are the relevant markets? Are they regional or national? Are the relevant markets limited to individual fuels or to all fuels used by utilities?

2. Is the allegation that the public disclosure of Form 423 data is creating a disincentive for fuel suppliers to lower prices, and/or facilitates supplier price coordination, based on the implicit assumption of an oligopolistic fuel market?

3. Is the allegation equally plausible if the fuel market is a bilateral oligopoly (a few buyers facing a few sellers)?

4. If the relevant market is found to be oligopsonistic (a few buyers facing many sellers), does the disclosure of Form 423 data place a restraint on the ability of utilities to exercise their market power? If so, is this desirable?

5. If the relevant market is determined to be competitive, would the adoption of the petitioners' recommendation (i.e. disclosure limited to average prices) tend to increase or decrease the average price of fuel for utilities? Would there be an increase or decrease in the variance of prices?

6. What direct evidence can be presented to support the petitioner's allegation that fuel suppliers have engaged in market conduct that has raised the price of fuel? Cite specific instances of such conduct and provide estimates of the impact on utility fuel costs. Estimate the overall impact of public availability of Form 423 data on utility fuel costs.

7. If the availability of Form 423 data improves the bargaining position of an individual fuel supplier, is it always correct to characterize this effect as "anti-competitive"? Which of the instances cited above can be considered anti-competitive? What criteria should the Commission use in deciding whether the price behavior of one or more fuel suppliers is "anti-competitive"?

B. Several parties submitting comments have stated that the proposal to release data averaged by plant or by utility will not provide sufficient information and detail to enable non-government intervenors to monitor fuel purchases and to participate effectively in cases before regulatory agencies.

1. Show, by means of sample problem, how the detailed data are presently used to monitor fuel purchases, and how the detailed data are used in the preparation of cases before Federal or state regulatory agencies.

2. If monthly disclosure of Form 423 is limited to the summary presently published, as shown in Appendix A, would this format provide sufficient information to allow non-government intervenors to perform the monitoring function?

3. Is there any other method by which the data could be summarized and still provide enough detail for monitoring utility fuel purchases?

PROPOSED RULES

4. Comment on the following alternative method for disclosing the Form 423 data: (1) summary disclosure as shown in Appendix A for deliveries from non-captive sources, and (2) detailed reporting, as is done presently, for deliveries from captive sources.

C. Several state commissions have contended that verification of fuel cost adjustment charges and comparisons of fuel costs between neighboring utilities require data on individual fuel deliveries as provided by the current Form 423 reporting system.

1. Show, by means of a sample problem, how the detailed data which are presently available are used to perform these two functions.

2. Show how summarized price and quantity data by plant and utility (as shown in Appendix A) is insufficient for these two functions.

D. There are some indications that certain state commissions are likely to continue making public data on specific fuel transactions, gathered by the state commissions, even if the FERC were to decide to limit disclosure to averaged data. Is it possible that such differences in information availability could affect utility fuel prices?

1. Is there any evidence which shows that prior to July 1972 (when Form

423 reporting was initiated) publicly owned utilities, which were generally required by law to reveal all bids received, paid a higher average price for fuel than utilities that were not subject to such a requirement?

2. If the FERC were to limit disclosure to average price data, would this tend, once again, to create a two-tier market? (The upper tier would include almost all publicly owned utilities and those investor-owned utilities which operate in states where complete fuel transaction data are made public by state regulatory commission. The lower tier would include all remaining utilities, largely private, that purchase a fuel without public disclosure of their individual transactions.)

3. Would utilities in the upper tier be placed at a competitive disadvantage vis-a-vis utilities in the lower tier in any markets where they might compete?

4. Is the two-tier market likely to develop only in a fuel market which is oligopolistic?

The conference is open to the public. One need not have submitted comments in this rulemaking previously in order to make a presentation, oral or written, at this conference. Appendix B is a list of those who submitted com-

ments in Docket No. RM77-2 subsequent to issue of the Notice of Proposed Rulemaking on August 15, 1977, 42 FR 51609.

The conference, which will be held before Staff, will consist of two parts. During Part I, parties may offer their responses to the questions posed above. Following each response, additional time will be set aside for questioning of the party by members of the FERC Staff. Parties intending to present material orally should signify their intent to do so in writing to the Secretary, Federal Energy Regulatory Commission, Washington, D.C. 20426, on or before March 1 1978. during Part II, parties may discuss other issues they deem relevant to this rule-making. Parties desiring to place written material into the record should provide the Staff with at least one original and fourteen copies of that material. Written material should be accompanied by a verification. If many parties wish to make oral statements, the presiding officer may set a time limit for each party's presentation.

The Secretary shall cause prompt publication of this Notice to be made in the FEDERAL REGISTER.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

PLANT FOSSIL FUEL QUANTITY, QUALITY, AND PRICE DATA FOR FEBRUARY 1971

STATE	COMPANY	PLANT	COAL				OIL				GAS				DELIVERED			S OF TOTAL DTUS
			QUANTITY/ 1000.LBMS	C/MH BTU	8/ 100	AV. S SMILE	QUANTITY/ 1000.BBLS	C/MH BTU	8/ 100	AV. S SMILE	QUANTITY/ 1000.BCF	C/MH BTU	8/ 100	COAL	OIL	GAS		
EAST-MIDWEST CENTRAL REGION																		
ILLINOIS																		
	CENTRAL ILLINOIS PUBLIC SERVICE																	
	COFFREY	106.2	87.3	17.29	5.34	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	GRAND TOWER	70.5	84.9	18.29	5.38	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	MUSCHVILLE	311.6	95.1	21.57	1.97	11.9	285.6	16.09	0.01	0.0	0.0	0.0	91.3	0.7	0.0			
	PERKINSVILLE	15.2	91.6	20.50	2.48	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	COMPANY TOTALS	239.6	86.6	18.14	3.10	11.9	285.6	16.09	0.01	0.0	0.0	0.0	99.0	1.4	0.0			
	CENTRAL ILLINOIS LIGHT																	
	DUKE LATER	46.8	149.5	35.50	0.47	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	EDWARDS	100.4	108.7	20.21	1.14	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	WALIGE	26.4	161.3	41.79	0.64	0.0	0.0	0.0	0.0	16.7	103.5	1.01	97.0	0.0	2.2			
	STIRLING AVE. CTY	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	103.5	1.01	0.0	0.0	100.0			
	COMPANY TOTALS	175.7	131.3	27.76	0.95	0.0	0.0	0.0	0.0	17.3	103.5	1.01	99.5	0.0	0.5			
	COMMONWEALTH EDISON																	
	FISK	42.0	121.9	33.26	0.40	9.2	277.5	14.69	0.16	15.0	217.9	2.24	94.4	4.0	1.8			
	BLOOM CTY	0.0	0.0	0.0	0.0	55.0	274.0	16.19	0.27	0.0	0.0	0.0	0.0	100.0	0.0			
	LAURET CTY	0.0	0.0	0.0	0.0	75.0	284.7	16.44	0.31	0.0	0.0	0.0	0.0	100.0	0.0			
	LEAHAMOND	0.0	0.0	0.0	0.0	84.0	285.7	16.55	0.31	0.0	0.0	0.0	0.0	100.0	0.0			
	OSION	14.0	123.3	25.49	2.55	0.0	0.0	0.0	0.0	1.0	194.0	2.00	99.7	0.0	0.3			
	ELIC JUNCTION CTY	0.0	0.0	0.0	0.0	48.0	281.3	16.18	0.31	0.0	0.0	0.0	0.0	100.0	0.0			
	JOELIA	250.0	104.3	20.00	0.40	40.2	280.4	16.42	0.29	30.0	183.8	1.90	84.4	4.0	0.6			
	KILCAIC	250.0	80.2	15.72	4.21	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	LOMBARD CTY	0.0	0.0	0.0	0.0	8.0	301.1	16.77	0.14	0.0	0.0	0.0	0.0	97.7	2.3			
	POWERTON	100.0	58.7	12.24	3.63	1.0	281.8	15.47	0.50	24.0	154.1	1.54	98.5	0.3	1.2			
	RIDGELAND	0.0	0.0	0.0	0.0	32.0	275.0	15.49	0.79	1.0	194.1	2.01	99.5	0.3	0.3			
	SABADOKE	0.0	0.0	0.0	0.0	50.0	281.8	16.37	0.31	0.0	0.0	0.0	0.0	100.0	0.0			
	WALCEN	155.1	76.8	15.65	0.74	29.0	318.0	17.79	0.15	0.0	0.0	0.0	95.1	4.0	0.0			
	*ILL. COUNTY	0.0	114.7	22.30	0.40	4.0	285.5	15.82	0.18	0.0	0.0	0.0	95.3	0.3	0.3			
	COMPANY TOTALS	860.1	89.3	17.49	2.00	409.4	282.9	16.39	0.32	174.0	187.0	1.92	84.6	12.2	0.9			
	ELECTRIC ENERGY																	
	JOPLA	214.6	100.6	23.61	2.19	1.0	258.3	15.03	0.36	0.0	0.0	0.0	95.9	0.1	0.0			
	COMPANY TOTALS	214.6	100.6	23.61	2.19	1.0	258.3	15.03	0.36	0.0	0.0	0.0	95.9	0.1	0.0			
	ILLINOIS POWER																	
	MAYANA	0.0	0.0	0.0	0.0	94.5	259.1	15.08	0.91	0.0	0.0	0.0	0.0	100.0	0.0			
	HEMPHILL	1.3	95.9	20.93	3.44	0.0	0.0	0.0	0.0	5.1	103.1	1.07	84.1	0.0	15.9			
	OGLESBY CTY	0.0	0.0	0.0	0.0	5.0	282.5	16.00	0.00	0.0	0.0	0.0	0.0	100.0	0.0			
	STALLINGS CTY	0.0	0.0	C.G.	0.0	4.0	275.1	15.95	0.03	0.0	0.0	0.0	0.0	100.0	0.0			
	VERMILION	42.2	92.6	19.74	2.69	0.0	278.4	16.14	0.02	0.0	0.0	0.0	99.4	0.4	0.0			
	WOOD RIVER	72.0	141.0	31.14	0.59	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	BALDWIN	193.4	67.7	14.07	3.07	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	COMPANY TOTALS	309.0	89.0	18.85	2.41	109.2	243.1	15.19	0.91	5.1	103.1	1.07	96.0	0.4	0.1			
	IOWA-ILLINOIS GAS & ELECTRIC																	
	MOLINE	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	57.0	204.3	2.11	0.0	0.0	100.0			
	COMPANY TOTALS	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	57.0	204.3	2.11	0.0	0.0	100.0			
	SOUTHERN ILLINOIS POWER COOP																	
	MAISON	16.9	42.2	17.57	3.43	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	COMPANY TOTALS	16.9	42.2	17.57	3.43	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	SPRINGFIELD WTR LT & PWR DEPT																	
	CALLAN	34.1	91.1	19.39	3.32	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	LAURETTE	18.5	91.5	21.78	2.97	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	COMPANY TOTALS	52.6	93.6	20.05	5.70	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	UNION ELECTRIC																	
	VINICE #2	32.0	124.8	32.95	1.08	79.0	281.9	16.34	0.30	0.0	0.0	0.0	40.1	59.9	0.0			
	COMPANY TOTALS	32.0	124.8	32.95	1.08	79.0	281.9	16.34	0.30	0.0	0.0	0.0	40.1	59.9	0.0			
	UNIVERSITY OF ILLINOIS																	
	ABUOTI	0.0	0.0	0.0	0.0	42.1	257.3	15.08	0.27	0.0	0.0	0.0	0.0	100.0	0.0			
	COMPANY TOTALS	0.0	0.0	0.0	0.0	42.1	257.3	15.08	0.27	0.0	0.0	0.0	0.0	100.0	0.0			
	W ILLINOIS PWR COOP																	
	PEARL (CTS)	7.7	85.8	19.22	3.20	3.1	278.5	14.14	0.70	0.0	0.0	0.0	90.5	9.5	0.0			
	COMPANY TOTALS	7.7	85.8	19.22	3.20	3.1	278.5	14.14	0.70	0.0	0.0	0.0	90.5	9.5	0.0			
	WINNETKA, VILLAGE OF																	
	WINNETKA	0.8	240.0	48.46	0.44	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	COMPANY TOTALS	0.8	240.0	48.46	0.44	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	INDIANA																	
	COMMONWEALTH EDISON-INDIANA																	
	STATE LINE	180.0	125.2	25.19	0.47	0.0	0.0	0.0	0.0	7.0	148.5	1.92	99.0	0.0	0.2			
	COMPANY TOTALS	180.0	125.2	25.19	0.47	0.0	0.0	0.0	0.0	7.0	148.5	1.92	99.0	0.0	0.2			
	CRAWFORDSVILLE ELEC LT & PWR																	
	CRAWFORDSVILLE	5.0	99.0	21.25	2.74	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	COMPANY TOTALS	5.0	99.0	21.25	2.74	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	FRANKFORT LT & PWR DEPT.																	
	FRANKFORT	4.4	108.0	24.26	3.83	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	COMPANY TOTALS	4.4	108.0	24.26	3.83	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	MOOREA ENERGY DIV-INDIANA REC																	
	FRANK F. BATES	62.7	93.4	11.77	3.92	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			
	COMPANY TOTALS	62.7	93.4	11.77	3.92	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0			

PROPOSED RULES

APPENDIX B

Comments Submitted to Docket No. RM77-2 Subsequent to Issue of the Notice of Proposed Rulemaking on August 15, 1977.

FEDERAL GOVERNMENT

Health, Education and Welfare, Department of, Office of Consumer Affairs (2), Justice, Department of.
Senate: Honorable John Glenn of Ohio; Honorable Edward M. Kennedy, Chairman, Subcommittee on Antitrust and Monopoly; Honorable Lee Metcalf, Chairman, Subcommittee on Reports, Accounting, and Management; Honorable Edmund S. Muskie of Maine.
Wage and Price Stability, Council on.

GOVERNMENT, NON-FEDERAL

Alameda (CA), City of, Department of Public Utilities, Bureau of Electricity.
California, State of, Public Utilities Commission.
Canton (OH), City of, Director of Law.
Charleston (WV), City of, Honorable John G. Hutchinson, Mayor.
Cincinnati (OH), City of, Office of City Solicitor.
Jamestown (NY), Board of Public Utilities, Electric and Water Divisions.
Kentucky, State of, Public Service Commission.
Los Angeles (CA), City of, Department of Water and Power.
Maryland, State of, People's Counsel (2).
Ohio, State of, Consumer's Counsel.
Salt River Project.
South Carolina Public Service Authority.
Tallahassee (FL), City of, Electric Department.
West Virginia, Senate of, Honorable Alan L. Susman, Chairman, Committee on Energy, Industry and Mining.

NON-GOVERNMENT

Alabama Power Co. et al., petitioners (3).
Amax Coal Co.
American Electric Power System.
American Public Power Association.
Boston Edison Co.
Cincinnati Gas & Electric Co., The.
Colorado Public Interest Research Group.
Columbus and Southern Ohio Electric Co. Common Cause.
Consolidated Edison Co. of New York, Inc.
Dayton Power and Light Co., The.
East Kentucky Power Co-op.
East Tennessee Research Corp.
Energy User News.
Environmental Action Foundation (2).
Environmental Defense Fund.
Gates Engineering Co.
Information Industry Association.
Interfaith Center on Corporate Responsibility.
Iowa Electric Light and Power Co.
Maryland Action.
McGraw-Hill, Inc.
Millburn Colliery Co.
Mississippi Power & Light Co.
Mountain Plains Congress of Senior Organizations.
National Association of Regulatory Utility Commissioners.
Olin Corp., Fine Paper and Film Group.
Pennsylvania Power & Light Co.
Petrochemical Energy Group.
Public Interest Research Group.
Public Service Electric and Gas Co.
Royalty Smokeless Coal Co.
Surface Mining Research Laboratory.
Utility Consumer Action Group.

Virginia Electric and Power Co.
Wisconsin Power and Light Co.

[FR Doc. 78-3752 Filed 2-8-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 11]

LAW AND ORDER ON INDIAN RESERVATIONS

Courts of Indian Offenses

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rulemaking.

SUMMARY: It is proposed to include in 25 CFR 11.1(a) a complete list of all CFR courts (also known as Courts of Indian Offenses). These are the Indian courts that derive the core of their substantive law from 25 CFR Part 11. All other Indian courts derive their substantive law from tribal codes or customs. The purpose of this amendment is to inform the public which reservations are governed by these regulations. With the exception of the Kootenai Reservation, which is being established at this time all reservations listed, presently have operating CFR courts.

In the future, CFR courts will be officially established or disestablished by amendments to 25 CFR 11.1(a). The Couer d'Alene and Navajo Reservations now have tribal courts rather than CFR Courts. For that reason, the special sections applicable to those tribes are deleted. Although the Hopi Reservation also has a tribal court, the tribe's attorney has asked that the special grazing regulations applicable to that reservation be retained.

DATE: Comments must be received on or before April 10, 1978.

ADDRESS: Written comments should be directed to: Director, Office of Indian Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Patrick A. Hayes, Judicial Services Officer, Division of Tribal Government Services, Office of Indian Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245. Telephone: 202-343-7885

SUPPLEMENTARY INFORMATION: The primary author of this document is: David C. Etheridge, Attorney, Division of Indian Affairs, Office of the Solicitor, Department of the Interior, Washington, D.C. 20240, 202-343-6967.

This revision is proposed under the authority contained in 5 U.S.C. 301 and 25 U.S.C. 2 and delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by

tant Secretary for Indian Affairs by 230 DM 2.

1. It is proposed to revise § 11.1(a) of Subchapter B, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

§ 11.1 Application of regulations.

(a) Except as otherwise provided in this part, § 11.1-11.87H of this part apply to the following Indian reservations:

- (1) Omaha (Nebraska)
- (2) Wind River (Wyoming)
- (3) Flandreau (South Dakota)
- (4) Yankton (South Dakota)
- (5) Menominee (Wisconsin)
- (6) Isabella (Michigan)
- (7) Cocopah (Arizona)
- (8) Fort Mojave (Arizona)
- (9) Kaibab (Arizona)
- (10) Yavapai-Prescott (Arizona)
- (11) Skull Valley (Nevada)
- (12) Duckwater (Nevada)
- (13) Fallon (Nevada)
- (14) Goshute (Nevada)
- (15) Lovelock (Nevada)
- (16) Reno Sparks (Nevada)
- (17) Te-Moak (Nevada)
- (18) Walker River (Nevada)
- (19) Washoe (Nevada)
- (20) Winnemucca (Nevada)
- (21) Yomba (Nevada)
- (22) Nez Perce (Idaho)
- (23) Kootenai (Idaho)
- (24) Nooksack (Washington)
- (25) Choctaw (Mississippi)

§§ 11.2CA, 11.3CA, 11.5CA, 11.6CA, 11.8CA, 11.22CA, 11.24CA, 11.25CA, 11.28CA, 11.30CA, 11.31CA, 11.33CA, 11.37CA, 11.49CA, 11.52CA, 11.53CA, 11.63CA, 11.75CA, and 11.76CA. [Reserved].

2. It is proposed to delete the following sections as set forth above.

§§ 11.77NH-11.85NH [Amended]

3. It is proposed to delete the letter "N" from section numbers § 11.77NH-11.85NH so that these sections will not apply to the Navajo Reservation.

FORREST G. GERARD,
Assistant Secretary for
Indian Affairs.

[FR Doc. 78-3701 Filed 2-8-78; 8:45 am]

PROPOSED RULES

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

AMENDMENT OF SUBPART F REGULATIONS TO CONFORM TO THE FOREIGN BASE COMPANY SHIPPING INCOME REGULATIONS AND TO THE REPEAL OF SUBPART F EXCEPTION FOR INVESTMENTS IN LESS DEVELOPED COUNTRIES

Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the taxation of earnings and profits of controlled foreign corporations and their shareholders. Changes to the applicable tax law were made by the Tax Reduction Act of 1975. The regulations would provide the public with the guidance needed to comply with that Act and would affect United States shareholders of controlled foreign corporations.

DATES: Written comments and requests for a public hearing must be delivered or mailed by March 27, 1978. In general, the amendments are proposed to be effective for taxable years of United States shareholders of controlled foreign corporations ending after December 31, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Jacob Feldman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3459, not a toll free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under the Internal Revenue Code of 1954 and to proposed amendments to such regulations made by the notices of proposed rule making published in the FEDERAL REGISTER (41 FR 33285) on August 9, 1976 (relating to foreign base company shipping operations), and (42 FR 12199) on March 3, 1977 (relating to repeal of section 963), in order to conform the regulations and amendments to certain provisions of section 602 of the Tax Reduction Act of 1975 (89

Stat. 58) (hereinafter referred to as "the Act"), relating to the taxation of earnings and profits of controlled foreign corporations and their shareholders. The regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

FOREIGN CORPORATIONS

Under present law foreign corporations are generally taxed at the corporate level by the United States only to the extent that they are engaged in business in the United States (and to some extent on other income derived here). As a result, the United States generally does not impose a tax at the corporate level on the foreign source income of a foreign corporation even though it is owned or controlled by a U.S. corporation or by individual U.S. citizens or residents. A foreign corporation is generally subject to tax at the corporate level, if at all, only by the foreign country in which it operates.

In addition, the foreign source income of a foreign corporation is generally subject to U.S. income tax at the shareholder level only when it is actually remitted to the U.S. corporate or individual shareholders as a dividend. The practice of not imposing a U.S. tax in this case at either the corporate or the shareholder level until (and unless) the income is distributed to the U.S. shareholders is sometimes referred to as tax deferral.

FOREIGN BASE COMPANY INCOME

Present law, however, provides for an exception to the general rule of deferral under the so-called subpart F provisions of the Code (sections 951 through 964). Under these provisions income from so-called tax haven activities ("foreign base company income") is currently taxed as income of the shareholder whether or not it is actually received in the form of a dividend. These rules apply only to U.S. shareholders owning 10 percent or more of the voting power of a foreign corporation, and only if more than 50 percent of the voting power in the corporation is owned by U.S. shareholders who each own 10 percent or larger interests.

PRIOR LAW

Before the enactment of the Act, section 954(b)(1) excluded from foreign base company income certain dividends, interest, and gains from qualified investments in less developed countries. Under sections 951(a)(1)(A)(ii) and 955, a U.S. shareholder was taxed on its pro rata share of this excluded income only when it was withdrawn from investment in less developed countries.

INVESTMENT IN LESS DEVELOPED COUNTRIES

Section 602(c) of the Act repealed the section 954(b)(1) exclusion from foreign base company income for certain dividends, interest, and gains from qualified investments in less developed countries. In addition, section 602(c) of the Act also repealed the provisions of section 955, but retained the section 951(a)(1)(A)(ii) imposition of tax on a U.S. shareholder's pro rata share of the controlled foreign corporation's previously excluded subpart F income withdrawn from investment in less developed countries. As a result of the retention of section 951(a)(1)(A)(ii), repealed section 955 (as in effect before amendment by the Act) retains its vitality after the enactment of the Act.

FOREIGN BASE SHIPPING INCOME

Section 602(d) of the Act provided for a new category of foreign base company income called "foreign base company shipping income." Under section 954(b)(2), foreign base company income does not include foreign base company shipping income to the extent such income does not exceed the increase in qualified investments in foreign base company shipping operations. Under sections 951(a)(1)(A)(iii) and 955 (as amended by the Act), previously excluded subpart F income withdrawn from investment in foreign base company shipping operations is included in the gross income of the U.S. shareholders. Proposed amendments to the Income Tax Regulations setting forth the general rules relating to foreign base company shipping income were published in the appendix to the notice of proposed rulemaking for August 9, 1976 (41 FR 33285).

PROPOSED REGULATIONS

The amendments proposed in this document generally provide for the repeal of the less developed country exception to subpart F and coordinate the existing subpart F regulations, including those pertaining to the withdrawal of previously excluded subpart F income from qualified investment in less developed countries, with the foreign base company shipping income regulations proposed on August 9, 1976. The proposed amendments also update and correct certain cross-references to and within the subpart F regulations.

In addition, the proposed amendments change certain reporting requirements under subpart F by requiring that taxpayer identification numbers also be furnished in cases in which taxpayer names and addresses are currently required to be furnished. The requirement that taxpayer identification numbers be furnished applies

only with respect to reports filed more than 30 days after the date on which this document is published as a Treasury decision.

All references in this document to provisions that would be amended by the proposed regulations published on August 9, 1976 (41 FR 33285), are to such provisions as they would be amended.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was Jacob Feldman of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

PARAGRAPH 1. Section 1.864-5(d)(2) is amended as follows:

1. Subdivision (i) is revised.
2. Subdivision (ii) is revised by changing "30 percent" to "10 percent."
3. Subdivision (ii) is revised by inserting "(30 percent in the case of taxable years of foreign corporations ending before January 1, 1976)" immediately after "10 percent."

The revised provision reads as follows:

§ 1.864-5 Foreign source income effectively connected with U.S. business.

(d) Excluded foreign source income. . . .
(2) Subpart F income of a controlled foreign corporation. . . .

(i) Foreign base company shipping income which is excluded under section 954(b)(2).
(ii) Foreign base company income amounting to less than 10 percent (30 percent in the case of taxable years of foreign corporations ending before January 1, 1976) of gross income which by reason of section 954(b)(3)(A) does not become subpart F income for the taxable year.

PAR. 2. Section 1.881-1 (e)(4)(i) is amended to read as follows:

§ 1.881-1 Manner of taxing foreign corporations.

(e) Other provisions applicable to foreign corporations. . . .

(4) Controlled foreign corporations.—(i) Subpart F income and increase of earnings invested in U.S. property. For the mandatory inclusion in the gross income of the U.S. shareholders of the subpart F income, of the previously excluded subpart F income withdrawn from investment in less developed countries, of the previously excluded subpart F income withdrawn from investment in foreign base company shipping operations, and of the increase in earnings invested in U.S. property, of a controlled foreign corporation, see sections 951 through 964, and the regulations thereunder.

PAR. 3. Section 1.951 is deleted.

PAR. 4. Section 1.951-1 is amended as follows:

1. Paragraph (a)(2) is revised as follows:

a. Subdivision (ii) is revised by deleting "paragraph (c)" and inserting in lieu thereof "paragraph (c) (1)," and by deleting the word "and" at the end thereof.

b. Subdivision (iii) is redesignated as subdivision (iv).

c. Immediately after subdivision (ii) new subdivision (iii) is added.

2. Paragraph (b)(1) is revised by deleting "paragraph (a)(1)" and inserting in lieu thereof "paragraph (a)(2) (i)."

3. Paragraph (c) is revised.

4. Paragraph (d) is revised by deleting "paragraph (a)(3)" both times it appears and inserting in lieu thereof "paragraph (a)(2)(iv)."

5. Paragraph (e)(1) is revised. The added and revised provisions read as follows:

§ 1.951-1 Amounts included in gross income of U.S. shareholders.

(a) In general. . . .

(2)

(iii) Such shareholder's pro rata share (determined under paragraph (c)(2) of this section) of the corporation's previously excluded subpart F income withdrawn from investment in foreign base company shipping operations for such taxable year of the corporation, and

(c) Limitation on a United States shareholder's pro rata share of previously excluded subpart F income withdrawn from investments.—(1) Investments in less developed countries.

For purposes of paragraph (a)(2)(i) of this section, a United States shareholder's pro rata share (determined in accordance with the rules of paragraph (e) of this section) of the foreign corporation's previously excluded subpart F income withdrawn from investment in less developed countries for the taxable year of such corporation shall not exceed an amount which bears the same ratio to such shareholder's pro rata share of such income withdrawn (as determined under section 955(a)(3), as in effect before the enactment of the Tax Reduction Act of

1975, and paragraph (c) of § 1.955-1) for such taxable year as the part of such year during which such corporation is a controlled foreign corporation bears to the entire taxable year. See paragraph (c)(2) of § 1.955-1 for a special rule applicable to exclusions and withdrawals occurring before the date on which the United States shareholder acquires his stock.

(2) Investments in foreign base company shipping operations. For purposes of paragraph (a)(2)(iii) of this section, a United States shareholder's pro rata share (determined in accordance with the rules of paragraph (e) of this section) of the foreign corporation's previously excluded subpart F income withdrawn from investment in foreign base company shipping operations for the taxable year of such corporation shall not exceed an amount which bears the same ratio to such shareholder's pro rata share of such income withdrawn (as determined under section 955(a)(3) and paragraph (c) of § 1.955A-1) for such taxable year as the part of such year during which such corporation is a controlled foreign corporation bears to the entire taxable year. See paragraph (c)(2) of § 1.955A-1 for a special rule applicable to exclusions and withdrawals occurring before the date on which the United States shareholder acquires his stock.

(e) "Pro rata share" defined.—(1) In general. For purposes of paragraphs (b), (c), and (d) of this section, a United States shareholder's pro rata share of a controlled foreign corporation's subpart F income, previously excluded subpart F income withdrawn from investment in less developed countries, previously excluded subpart F income withdrawn from investment in foreign base company shipping operations, or increase in earnings invested in United States property, respectively, for any taxable year is his pro rata share determined under paragraph (a) of § 1.952-1, paragraph (c) of § 1.955-1, paragraph (c) of § 1.955A-1, or paragraph (c) of § 1.956-1, respectively.

PAR. 5. Section 1.951-3 is amended as follows:

1. Example (4) is revised as follows:
a. Paragraph (a) is revised by deleting "paragraph (b)(1) of § 1.954-1" in the third sentence and inserting in lieu thereof "26 CFR 1.954-1(b)(1) (Rev. as of Apr. 1, 1975)" and by inserting in the sixth sentence "as in effect before the enactment of the Tax Reduction Act of 1975," immediately after "section 955(a)."

b. A new paragraph (c) is added.
2. Example (5) is revised by deleting "paragraph (a)(3)" each time it appears in paragraphs (a) and (b) and inserting in lieu thereof "paragraph (a)(2)(iv)."

The added provision reads as follows:

§ 1.951-3 Coordination of subpart F with foreign personal holding company provisions.

Example (4). . . .

(c) The principles of this example also apply to withdrawals (determined under sec-

tion 955(a), as in effect before the enactment of the Tax Reduction Act of 1975) or previously excluded subpart F income from investment in less developed countries effected after the effective date of such Act, and to withdrawals (determined under section 955(a), as amended by such Act) of previously excluded subpart F income from investment in foreign base company shipping operations.

PAR. 6. Section 1.952-1 is amended as follows:

1. Paragraph (a)(2) is revised by deleting "1.954-5," and inserting in lieu thereof "1.954-7)."

2. Paragraph (b)(1) is revised to read as follows:

§ 1.952-1 Subpart F income defined.

(b) Exclusion of U.S. income.—(1) Taxable years beginning before January 1, 1967. For rules applicable to taxable years beginning before January 1, 1967, see 26 CFR 1.952-1(b)(1) (Rev. as of April 1, 1975).

PAR. 7. Section 1.952-2(c)(5)(i) is amended to read as follows:

§ 1.952-2 Determination of gross income and taxable income of a foreign corporation.

(c) Special rules for purposes of this section. . . .

(5) Treatment of capital loss and net operating loss. . . .

(i) Capital loss carryback and carryover. The capital loss carryback and carryover provided by section 1212(a) shall not be allowed.

PAR. 8. The first sentence of § 1.954-1(b)(3)(v), as amended by paragraph 4 of the appendix to the notice of proposed rule making published on August 9, 1976 (41 FR 33290), is further amended by deleting "paragraph (d)(6)" and inserting in lieu thereof "paragraph (d)(7)," and by deleting "Corporate Tax Division" and inserting in lieu thereof "Corporation Tax Division."

PAR. 9. Section 1.954-2(d)(2)(iv)(b)(2) is amended as follows:

1. Subdivision (ii) is revised by deleting "and" at the end thereof.

2. Subdivision (iii) is revised by deleting the period at the end thereof and inserting in lieu thereof "and".

3. A new subdivision (iv) is added to read as follows:

§ 1.954-2 Foreign personal holding company income.

(d) Certain income received from unrelated persons in the active conduct of a trade or business. . . .

(2) Dividends, interest, and gains on securities, received in banking or other financing business from unrelated persons. . . .

(iv) Income of foreign corporations owned by Edge Act or Agreement corporations. . . .
(b) Foreign corporations included. . . .
(2)

(iv) Foreign base company shipping income, as defined in § 1.954-6.

§ 1.954-3 [Amended]

PAR. 10. Section 1.954-3(b) is amended as follows:

1. The first sentence of subparagraph (2)(i)(d) is revised by deleting "paragraph (b)(3)(iv)" and inserting in lieu thereof "paragraph (b)(4)(iv)".

2. The second sentence of subparagraph (3) is revised by deleting "30 percent" and inserting in lieu thereof "10 percent".

PAR. 11. Section 1.954-5 is amended to read as follows:

§ 1.954-5 Increase in qualified investments in less developed countries; taxable years of controlled foreign corporations beginning before January 1, 1976.

For rules applicable to taxable years of controlled foreign corporations beginning before January 1, 1976, see section 954(b)(1) (as in effect before the enactment of the Tax Reduction Act of 1975) and 26 CFR 1.954-5 (Rev. as of April 1, 1975).

§ 1.955 [Deleted]

PAR. 12. Section 1.955 is deleted.

PAR. 13. Section 1.955-0(a), as reserved in paragraph 9 of the appendix to the notice of proposed rule making published on August 9, 1976 (41 FR 33296), is proposed to read as follows:

§ 1.955-0 Effective dates.

(a) Section 955 as in effect before the enactment of the Tax Reduction Act of 1975.—

(1) In general. In general, §§ 1.955-1 through 1.955-6 are applicable with respect to withdrawals of previously excluded subpart F income from qualified investment in less developed countries for taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders (as defined in section 951(b)) within which or with which such taxable years of such foreign corporations end. However, such sections are effective with respect to withdrawals of amounts invested in less developed country shipping companies described in section 955(c)(2) (as in effect before the enactment of the Tax Reduction Act of 1975) only for taxable years of foreign corporations beginning before January 1, 1976, and for taxable years of United States shareholders (as defined in section 951(b)) within which or with which such taxable years of such foreign corporations end. For rules applicable to withdrawals of amounts invested in less developed country shipping companies described in section 955(c)(2) (as in effect before such enactment), in taxable years of foreign corporations beginning after December 31, 1975, see section 955(b)(5) (as in effect after amendment by the Tax Reduction Act of 1975) and §§ 1.955A-1 through 1.955A-4. For effective dates, see § 1.955-0.

PAR. 15. Section 1.955-3 is amended as follows:

1. The first sentence of paragraph (a) is revised by deleting "In lieu of determining the increase under" and inserting in lieu thereof "In lieu of determining the increase for a taxable year of a foreign corporation beginning before January 1, 1976, under".

2. Immediately after the last sentence of paragraph (b)(1) a new sentence is added to read as follows:

§ 1.955-3 Election as to date of determining qualified investments in less developed countries

(2) References. Except as otherwise provided therein, all references contained in

§§ 1.955-1 through 1.955-6 to section 954 or 955 or to the regulations under section 954 are to those sections and regulations as in effect before the enactment of the Tax Reduction Act of 1975. For regulations under section 954 (as in effect before such enactment), see 26 CFR 1.954-1 through 1.954-5 (Rev. as of April 1, 1975). For taxable years of foreign corporations beginning after December 31, 1975, and for taxable years of United States shareholders (as described in section 951(b)) within which or with which such taxable years of such foreign corporations end, the definitions of less developed countries and less developed country corporations contained in section 902(d) (as amended by such Act) and § 1.902-2 apply for purposes of determining the credit for corporate stockholders in foreign corporations under section 902.

PAR. 14. Paragraph (a) of § 1.955-1 is amended to read as follows:

§ 1.955-1 Shareholder's pro rata share of amount of previously excluded subpart F income withdrawn from investment in less developed countries.

(a) In general. Pursuant to section 951(a)(1)(A)(i) and the regulations thereunder, a United States shareholder of a controlled foreign corporation must include in its gross income its pro rata share (as determined in accordance with paragraph (c) of this section) of the amount of such controlled foreign corporation's previously excluded subpart F income which is withdrawn for any taxable year from investment in less developed countries. Section 955 provides rules for determining the amount of a controlled foreign corporation's previously excluded subpart F income for any taxable year of the corporation beginning after December 31, 1962, that is withdrawn from investment in less developed countries for any taxable year of the corporation beginning before January 1, 1976. Except for investments in less developed country shipping companies, section 955 also provides rules for determining the amount of a controlled foreign corporation's previously excluded subpart F income for any taxable year of the corporation beginning after December 31, 1962, which is withdrawn from investment in less developed countries in taxable years of the corporation beginning after December 31, 1975. To determine the amount of a controlled foreign corporation's previously excluded subpart F income withdrawn from investment in less developed country shipping companies described in section 955(c)(2) in taxable years of a controlled foreign corporation beginning after December 31, 1975, see section 955(b)(5) (as in effect after amendment by the Tax Reduction Act of 1975) and §§ 1.955A-1 through 1.955A-4. For effective dates, see § 1.955-0.

PAR. 15. Section 1.955-3 is amended as follows:

1. The first sentence of paragraph (a) is revised by deleting "In lieu of determining the increase under" and inserting in lieu thereof "In lieu of determining the increase for a taxable year of a foreign corporation beginning before January 1, 1976, under".

2. Immediately after the last sentence of paragraph (b)(1) a new sentence is added to read as follows:

§ 1.955-3 Election as to date of determining qualified investments in less developed countries

(b) *Time and manner of making election.*—(1) *Without consent.* . . . For taxable years of a foreign corporation beginning after December 31, 1975, no election under this section with respect to a controlled foreign corporation may be made without the consent of the Commissioner.

PAR. 16. The first sentence of § 1.958-1(a) is amended to read as follows:

§ 1.958-1 *Direct and indirect ownership of stock.*

(a) *In general.* Section 958(a) provides that, for purposes of sections 951 to 964 (other than sections 955(b)(1) (A) and (B) and 955(c)(2)(A)(ii) (as in effect before the enactment of the Tax Reduction Act of 1975), and 960(a)(1)), stock owned means—
(1) Stock owned directly; and
(2) Stock owned with the application of paragraph (b) of this section.

PAR. 17. Section 1.959-1 is amended as follows:

1. The second and third sentences of paragraph (a) are revised.
2. The third sentence of paragraph (b) is revised.
3. The second sentence of paragraph (c) is revised.
4. Paragraph (d)(2) is revised.
The revised provisions read as follows:

§ 1.959-1 *Exclusion from gross income of United States persons of previously taxed earnings and profits.*

(a) *In general.* . . . The amounts so taxed to certain United States shareholders are described as subpart F income, previously excluded subpart F income withdrawn from investment in less developed countries, previously excluded subpart F income withdrawn from investment in foreign base company shipping operations, and increases in earnings invested in United States property. Section 959 provides that amounts taxed as subpart F income, as previously excluded subpart F income withdrawn from investment in less developed countries, or as previously excluded subpart F income withdrawn from investment in foreign base company shipping operations are not taxed again as increases in earnings invested in United States property. . . .

(b) *Actual distributions to United States persons.* . . . Thus, earnings and profits attributable to amounts which are, or have been, included in the gross income of a United States shareholder of a foreign corporation under section 951 (a)(1)(A)(i) as subpart F income, under section 951 (a)(1)(A)(ii) as previously excluded subpart F income withdrawn from investment in less developed countries, under section 951 (a)(1)(A)(iii) as previously excluded subpart F income withdrawn from investment in foreign base company shipping operations, or under section 951 (a)(1)(B) as earnings invested in United States property, shall not be again included in the gross income of such shareholder when such amounts are actually distributed, directly or indirectly, to such shareholder. . . .

(c) *Excludable investment of earnings in United States property.* . . . Thus, earnings and profits attributable to amounts which are, or have been, included in the gross income of a United States shareholder of a foreign corporation under section 951 (a)(1)(A)(i) as subpart F income, under section 951 (a)(1)(A)(ii) as previously excluded subpart F income withdrawn from investment in less developed countries, or under section 951 (a)(1)(A)(iii) as previously excluded subpart F income withdrawn from investment in foreign base company shipping operations may be invested in United States property without being again included in such shareholder's income under section 951 (a). . . .

(d) *Application of exclusions to shareholder's successor in interest.* . . .
(2) The name, address, and taxpayer identification number of the person from whom the stock interest was acquired;

§ 1.959-3 [Amended]

PAR. 18. Section 1.959-3 is amended as follows:

1. Paragraph (a) is amended by inserting "previously excluded subpart F income withdrawn from investment in foreign base company shipping operations," immediately after "countries."
2. Paragraph (b) is amended by deleting "Earnings" the first time it appears in the fourth sentence of the flush material following subparagraph (3) and inserting in its place "For example, earnings".

3. Paragraph (b) is amended further by inserting "or foreign base company shipping operations" immediately after "assets" in the fourth sentence of the flush material following subparagraph (3).
4. Paragraph (c) is amended by deleting "or foreign base company shipping operations" immediately after "assets" in the fourth sentence of the flush material following subparagraph (3).

PAR. 19. Section 1.964-1 is amended as follows:

1. The second sentence of the flush material following paragraph (b)(2)(ii) is revised by inserting a comma after "section 957)", and by inserting a comma after "or (3)(B)", and by inserting before the period "or pays a dividend that is included in the foreign base company shipping income of a controlled foreign corporation under § 1.954-6(f)".

2. The first sentence of example (2) of paragraph (b)(3) is revised by deleting "Corporation N" and inserting in lieu thereof "In 1973, Corporation N".

3. The first sentence of paragraph (c)(2) is revised by inserting a comma after "section 957)", by inserting a comma after "or (3)(B)", and by deleting "section 952(d)", and inserting in lieu thereof "section 952(d), or pays a dividend that is included in the foreign base company shipping income of a controlled foreign corporation under § 1.954-6(f)".

4. Paragraph (c)(3)(ii) is revised.

5. Paragraph (c)(5) is revised by adding at the end thereof a new sentence.

6. Paragraph (c)(6) is revised as follows:

a. Subdivision (ii) is revised by deleting "section 955(c)" and inserting in lieu thereof "section 955(c), as in effect before the enactment of the Tax Reduction Act of 1975)".

b. Subdivision (iii) is revised by deleting the word "or" from the end thereof.

c. Subdivision (iv) is revised by deleting the period from the end thereof and inserting in lieu thereof "; or".

d. A new subdivision (v) is added.

e. The second sentence of the flush material following new subdivision (v) is revised by inserting immediately before the period "or pays a dividend that is included in the foreign base company shipping income of a controlled foreign corporation under § 1.954-6(f)".

The revised and added provisions read as follows:

§ 1.964-1 *Determination of the earnings and profits of a foreign corporation.*

(c) *Tax adjustments.* . . .
(3) *Action on behalf of a corporation.* . . .

(ii) *Written statement.* The written statement required by subdivision (i) of this subparagraph shall be jointly executed by the controlling United States shareholders, shall be filed with the Director of the Internal Revenue Service Center, 11601 Roosevelt Blvd., Philadelphia, Pennsylvania 19155, within 180 days after the close of the taxable year of the foreign corporation with respect to which the election is made or the adoption or change of method effected, or before May 1, 1965, whichever is later, and shall set forth the name and country or organization of the foreign corporation, the names, addresses, taxpayer identification numbers, and stock interests of the controlling United States shareholders, the nature of the action taken, the names, addresses, and taxpayer identification numbers of all other United States shareholders notified of the election or adoption or change of method, and such other information as the Commissioner may by forms require.

(5) *Controlling United States shareholders.* . . .

In the event that a foreign corporation is not a controlled foreign corporation but pays a dividend to a controlled foreign corporation that is attributable to foreign base company shipping income under § 1.954-6(f), the controlling United States shareholders (as defined in this subparagraph) of the controlled foreign corporation shall be considered the controlling United States shareholders of the foreign corporation.

(6) *Action not required until significant.* . . .

(v) It is sought to be established that the corporation has foreign base company shipping income (within the meaning of section 954(f)).

§ 1.964-2 [Amended]

PAR. 20. Section 1.964-2 (a) and (b)(1) are revised by inserting "(as in effect both before and after the enactment of the Tax Reduction Act of 1975)" immediately after "section 955".

PAR. 21. Section 1.964-2(c)(1) (i)(b) and (ii) are revised to read as follows:

§ 1.964-2 *Treatment of blocked earnings and profits.*

(c) *Removal of restriction or limitation—*
(1) *In general.* . . .

(i) *Treatment of deferred income.* . . .

(b) The applicable limitations under paragraph (c) of § 1.952-1, paragraph (b)(2) of § 1.955-1, paragraph (b)(2) of § 1.955A-1, or paragraph (b) of § 1.956-1, determined as of the last day of the immediately preceding taxable year, taking into account the provisions of subdivision (ii) of this subparagraph.

(ii) *Treatment of earnings and profits.* For purposes of sections 952, 955 (as in effect both before and after the enactment of the Tax Reduction Act of 1975), and 956, the earnings and profits which are no longer subject to a currency or other restriction or limitation shall be treated as included in the corporation's earnings and profits for the year in which such earnings and profits were derived.

PAR. 22. Section 1.964-3 is amended as follows:

1. Paragraph (b) is revised as follows:
a. Subparagraphs (3) and (4) are redesignated subparagraphs (4) and (5) respectively.

b. A new subparagraph (3) is inserted immediately after subparagraph (2).

2. Paragraph (c)(1)(i) is revised.
The added and revised provisions read as follows:

§ 1.964-3 *Records to be provided by United States shareholders.*

(b) *Records to be provided.* . . .
(3) The previously excluded subpart F income of such corporation withdrawn from investment in foreign base company shipping operations;

(c) *Special rules.* . . .
(1) . . .

(i) The locus and nature of such corporation's activities were such as to make it unlikely that the foreign base company income of such corporation (determined in accordance with paragraph (c)(3) of § 1.952-3) exceeded 5 percent of its gross income (determined in accordance with paragraph (b)(1) of § 1.952-3) for the taxable year. (For taxable years to which § 1.952-3 does not apply, such amounts shall be determined under 26 CFR 1.954-1(d)(3) (i) and (ii) (Rev. as of April 1, 1975)). and . . .

PAR. 23. Section 1.964-4 is amended as follows:

1. Paragraph (d) is revised as follows:
a. Subparagraphs (4) and (5) are revised.

b. Subparagraphs (6) and (7) are redesignated subparagraphs (7) and (10), respectively.

c. New subparagraphs (6), (8), and (9) are added.

d. Subparagraph (10) as redesignated is revised by changing "(1) through (6)" to "(1) through (9)".

2. Paragraph (g) is redesignated paragraph (g-1) and revised as follows:
a. The heading is revised by inserting "in less developed countries" immediately after "investment".

b. Subparagraph (1) is revised by inserting "(both as in effect for taxable years beginning before January 1, 1976, see 26 CFR 1.954 and 1.954-1(b)(1) (Rev. as of April 1, 1975))" immediately after "§ 1.954-1".

c. Subparagraph (2) is revised by inserting "(as in effect before the enactment of the Tax Reduction Act of 1975)" immediately after "section 955(a)".

d. Subparagraph (3) is revised by inserting "(as in effect before the enactment of the Tax Reduction Act of 1975)" immediately after "section 955(a)".

3. A new paragraph (g-2) is added immediately after redesignated paragraph (g-1).

The revised and added provisions read as follows:

§ 1.964-4 *Verification of certain classes of income.*

(d) *Foreign base company income and exclusions therefrom.* . . .

(4) *Qualified investments in less developed countries.* For rules in effect for taxable years of foreign corporations beginning before January 1, 1976, see 26 CFR 1.964-4(d)(4) (Rev. as of April 1, 1975).

(5) *Income derived from aircraft or ships.* For rules in effect for taxable years of foreign corporations beginning before January 1, 1976, see 26 CFR 1.964-4(d)(5) (Rev. as of April 1, 1975).

(6) *Foreign base company shipping income.* The foreign base company shipping income to which section 954(f) and § 1.954-6 apply, for which purpose there must be established—

(i) Gross income derived from, or in connection with, the use (or hiring or leasing for use) of any aircraft or vessel in foreign commerce, as determined under § 1.954-6(c),
(ii) Gross income derived from, or in connection with, the performance of services directly related to the use of any aircraft or vessel in foreign commerce, as determined under § 1.954-6(d),
(iii) Gross income incidental to income described in subdivisions (i) and (ii) of this subparagraph, as determined under § 1.954-6(e).

(iv) Gross income derived from the sale, exchange, or other disposition of any aircraft or vessel used (by the seller or by a person related to the seller) in foreign commerce,
(v) Dividends, interest, and gains described in § 1.954-6(f).

(vi) Income described in § 1.954-6(g) (relating to partnerships, trusts, etc.), and
(vii) Exchange gain, to the extent allocable to foreign base company shipping income, as determined under § 1.952-2(c)(2)(v)(b).

If the controlled foreign corporation has income derived from or in connection with, the use (or hiring or leasing for use) of any aircraft or vessel in foreign commerce, or derived from, or in connection with, the performance of services directly related to the use of any aircraft or vessel in foreign commerce, it shall be necessary to establish, from the books and records of the controlled foreign corporation, that such aircraft or vessel was used in foreign commerce within the meaning of subparagraphs (3) and (4) of § 1.954-6(b).

(8) *Qualified investments in foreign base company shipping operations.* The foreign base company shipping income that is excluded from foreign base company income under section 954(b)(2) and § 1.954-1(b)(1).

(9) *Special rule for shipping income.* The distributions received through a chain of ownership described in section 958 (a) which are excluded from foreign base company income under section 954(b)(6)(B) and § 1.954-1(b)(2).

(g-2) *Withdrawal of previously excluded subpart F income from investment in foreign base company shipping operations.* Books or records sufficient to verify the previously excluded subpart F income of the controlled foreign corporation withdrawn from investment in foreign base company shipping for the taxable year must establish—

(1) The sum of the amounts of income excluded from foreign base company income under section 954(b)(2) and paragraph (b)(1) of § 1.954-1 for all prior taxable years.

(2) The sum of the amounts of previously excluded subpart F income withdrawn from investment in foreign base company shipping operations for all prior taxable years, as determined under section 955(a) and paragraph (b) of § 1.955A-1.

(3) The amount withdrawn from investment in foreign base company shipping operations for the taxable year as determined under section 955(a) and paragraph (b) of § 1.955A-1, and

(4) If the carryover (as described in § 1.955A-1(b)(3)) of amounts relating to investments in less developed country shipping companies (as described in § 1.955-5(b)) is applicable, (i) the amount of the corporation's qualified investments (determined under § 1.955-2 other than paragraph (b)(5) thereof) in less developed country shipping companies at the close of the last taxable year of the corporation beginning before January 1, 1976, and (ii) the amount of the limitation with respect to previously excluded subpart F income (determined under § 1.955-1(b)(2)(i)(b)) for the first taxable year of the corporation beginning after December 31, 1975.

§ 1.970-1 [Amended]

PAR. 24. Section 1.970-1(c)(1) is amended by inserting "(as in effect before the enactment of the Tax Reduction Act of 1975)" immediately after "section 955".

§ 1.972-1 [Amended]

PAR. 25. Section 1.972-1(b)(3) is amended by inserting "(as in effect before the enactment of the Tax Reduction Act of 1975)" immediately after "section 955".

JEROME KURTZ,
Commissioner of Internal Revenue.

§ 1.864-5 Foreign source income effectively connected with U.S. business.

(d) *Excluded foreign source income.* Notwithstanding paragraphs (b) and (c) of this section, no income from sources without the United States shall be treated as effectively connected for any taxable year with the conduct of a trade or business in the United States by a nonresident alien individual or a foreign corporation if the income consists of—

(1) *Dividends, interest, or royalties paid by a related foreign corporation.* Dividends, interest, or royalties paid by a foreign corporation in which the nonresident alien individual or the foreign corporation described in paragraph (a) of this section owns, within the meaning of section 958(a), or is considered as owning, by applying the ownership rules of section 958(b), at the time such items are paid more than 50 percent of the total combined voting power of all classes of stock entitled to vote.

(2) *Subpart F income of a controlled foreign corporation.* Any income of the foreign corporation described in paragraph (a) of this section which is subpart F income for the taxable year, as determined under section 952(a), even though part of the income is attributable to amounts which, if distributed by the foreign corporation, would be distributed with respect to its stock which is owned by shareholders who are not U.S. shareholders within the meaning of section 951(b). This subparagraph shall not apply to any income of the foreign corporation which is excluded in determining its subpart F income for the taxable year for purposes of section 952(a). Thus, for example, this subparagraph shall not apply to—

(i) Foreign base company shipping income which is excluded under section 954(b)(2).

(ii) Foreign base company income amounting to less than 10 percent (30 percent in the case of taxable years of foreign corporations ending before January 1, 1976) of gross income which by reason of section 954(b)(3)(A) does not become subpart F income for the taxable year.

§ 1.881-1 Manner of taxing foreign corporations.

(e) *Other provisions applicable to foreign corporations—(1) . . .*

(4) *Controlled foreign corporations—(i) Subpart F income and increase of earnings invested in U.S. property.* For the mandatory inclusion in the gross income of the U.S. shareholders of the subpart F income, of the previously excluded subpart F income withdrawn from investment in less developed countries, of the previously excluded subpart F income withdrawn from investment in foreign base company shipping operations, and of the increase in earnings invested in U.S. property, of a controlled foreign corporation, see sections 951 through 964, and the regulations thereunder.

CONTROLLED FOREIGN CORPORATIONS

§ 1.951-1 Amounts included in gross income of United States shareholders.

(a) *In general.* If a foreign corporation is a controlled foreign corporation (within the meaning of section 957) for an uninterrupted period of 30 days or more (determined under paragraph (f) of this section) during any taxable year of such corporation beginning after December 31, 1962, every person—

(i) Who is a United States shareholder (as defined in section 951(b) and paragraph (g) of this section) of such corporation at any time during such taxable year, and

(2) Who owns (within the meaning of section 958(a)) stock in such corporation on the last day, in such year, on which such corporation is a controlled foreign corporation shall include in his gross income for his taxable year in which or with which such taxable year of the corporation ends, the sum of—

(i) Except as provided in section 963, such shareholder's pro rata share (determined under paragraph (b) of this section) of the corporation's subpart F income (as defined in section 952) for such taxable year of the corporation.

(ii) Such shareholder's pro rata share (determined under paragraph (c)(1) of this section) of the corporation's previously excluded subpart F income withdrawn from investment in less developed countries for such taxable year of the corporation.

(iii) Such shareholder's pro rata share (determined under paragraph (c)(2) of this section) of the corporation's previously excluded subpart F income withdrawn from investment in foreign base company shipping operations for such taxable year of the corporation, and

(iv) Such shareholder's pro rata share (determined under paragraph (d) of this section) of the corporation's increase in earnings invested in United States property for such taxable year of the corporation (but only to the

extent such pro rata share is not excluded from such shareholder's gross income for his taxable year under section 959(a)(2)).

For purposes of determining whether a United States shareholder which is a domestic corporation is a personal holding company under section 542 and § 1.542-1, the character of the amount includible in gross income of such domestic corporation under this paragraph shall be determined as if such amount were realized directly by such corporation from the source from which it is realized by the controlled foreign corporation. See paragraph (a) of § 1.957-2 for special limitation on the amount of subpart F income in the case of a controlled foreign corporation described in section 957(b). See section 970(a) and § 1.970-1 which provides for the reduction of subpart F income of export trade corporations.

(b) *Limitation on a United States shareholder's pro rata share of subpart F income—(1) In general.* For purposes of paragraph (a)(2)(i)(I) of this section, a United States shareholder's pro rata share (determined in accordance with the rules of paragraph (e) of this section) of the foreign corporation's subpart F income for the taxable year of such corporation is—

(i) The amount which would have been distributed with respect to the stock which such shareholder owns (within the meaning of section 958(a)) in such corporation if on the last day, in such corporation's taxable year, on which such corporation is a controlled foreign corporation it had distributed pro rata to its shareholders an amount which bears the same ratio to its subpart F income for such taxable year as the part of such year during which such corporation is a controlled foreign corporation bears to the entire taxable year, reduced by—

(ii) The amount of distributions received by any other person during such taxable year as a dividend with respect to such stock, by only to the extent that such distributions do not exceed the dividend which would have been received by such other person if the distributions by such corporation to all its shareholders had been the amount which bears the same ratio to the subpart F income of such corporation for the taxable year as the part of such year during which such shareholder did not own (within the meaning of section 958(a)) such stock bears to the entire taxable year.

(c) *Limitation on a United States shareholder's pro rata share of previously excluded subpart F income withdrawn from investments—(1) Investments in less developed countries.* For purposes of paragraph (a)(2)(ii) of this section, a United States shareholder's

pro rata share (determined in accordance with the rules of paragraph (e) of this section) of the foreign corporation's previously excluded subpart F income withdrawn from investment in less developed countries for the taxable year of such corporation shall not exceed an amount which bears the same ratio to such shareholder's pro rata share of such income withdrawn (as determined under section 955(a)(3), as in effect before the enactment of the Tax Reduction Act of 1975, and paragraph (c) of § 1.955-1) for such taxable year as the part of such year during which such corporation is a controlled foreign corporation bears to the entire taxable year. See paragraph (c)(2) of § 1.955-1 for a special rule applicable to exclusions and withdrawals occurring before the date on which the United States shareholder acquires his stock.

(2) *Investments in foreign base company shipping operations.* For purposes of paragraph (a)(2)(iii) of this section, a United States shareholder's pro rata share (determined in accordance with the rules of paragraph (e) of this section) of the foreign corporation's previously excluded subpart F income withdrawn from investment in foreign base company shipping operations for the taxable year of such corporation shall not exceed an amount which bears the same ratio to such shareholder's pro rata share of such income withdrawn (as determined under section 955(a)(3) and paragraph (c) of § 1.955A-1) for such taxable year as the part of such year during which such corporation is a controlled foreign corporation bears to the entire taxable year. See paragraph (c)(2) of § 1.955A-1 for a special rule applicable to exclusions and withdrawals occurring before the date on which the United States shareholder acquires his stock.

(d) *Limitation on a United States shareholder's pro rata share of increase in investment in United States property.* For purposes of paragraph (a)(2)(iv) of this section, a United States shareholder's pro rata share (determined in accordance with the rules of paragraph (e) of this section) of the foreign corporation's increase in earnings invested in United States property for the taxable year of such corporation shall not exceed an amount which bears the same ratio to such shareholder's pro rata share of such increase (as determined under section 956(a)(2) and paragraph (c) of § 1.956-1) for such taxable year as the part of such year during which such corporation is a controlled foreign corporation bears to the entire taxable year. The amount determined under the preceding sentence, however, shall be taken into account under paragraph (a)(2)(iv) of this section only to the extent such amount is not ex-

cluded from such shareholder's gross income for his taxable year under section 959(a)(2) and the regulations thereunder.

(e) *"Pro rata share" defined—(1) In general.* For purposes of paragraphs (b), (c), and (d) of this section, a United States shareholder's pro rata share of a controlled foreign corporation's subpart F income, previously excluded subpart F income withdrawn from investment in less developed countries, previously excluded subpart F income withdrawn from foreign base company shipping operations, or increase in earnings invested in United States property, respectively, for any taxable year is his pro rata share determined under paragraph (a) of § 1.952-1, paragraph (c) of § 1.955-1, paragraph (c) of § 1.955A-1, or paragraph (c) of § 1.956-1, respectively.

(2) *More than one class of stock.* If a controlled foreign corporation for a taxable year has more than one class of stock outstanding, the amount of such corporation's subpart F income, withdrawal, or increase in investment, for the taxable year which shall be taken into account with respect to any one class of such stock for purposes of subparagraph (1) of this paragraph shall be that amount which bears the same ratio to the total of such subpart F income, withdrawal, or increase in investment for such year as the earnings and profits which would be distributed with respect to such class of stock if all earnings and profits of such corporation for such year were distributed on the last day of such corporation's taxable year on which such corporation is a controlled foreign corporation bear to the total earnings and profits of such corporation for such taxable year. For purposes of the preceding sentence, if an arrearage in dividends for prior taxable years exists with respect to a class of preferred stock of such corporation, the earnings and profits for the taxable year shall be attributed to such arrearage only to the extent such arrearage exceeds the earnings and profits of such corporation remaining from prior taxable years beginning after December 31, 1962.

§ 1.951-3 Coordination of subpart F with foreign personal holding company provisions.

Example (4). (a) A, a United States shareholder, owns 100 percent of the only class of stock of controlled foreign corporation P, organized on January 1, 1963. Both A and P Corporation use the calendar year as a taxable year. During 1963, 1964, and 1965, P Corporation is not a foreign personal holding company as defined in section 552(a); in each of such years, P Corporation derives

dividend income of \$10,000 which constitutes foreign personal holding company income (within the meaning of § 1.954-2) but under 26 CFR 1.954-1(b)(1) (Rev. as of April 1, 1975) excludes such amounts from foreign base company income as dividends received from, and reinvested in, qualified investments in less developed countries. Corporation P's earnings and profits accumulated for 1963, 1964, and 1965 and determined under paragraph (b)(2) of § 1.955-1 are \$40,000. For 1966, P Corporation is a foreign personal holding company, has pre-distribution earnings and profits of \$10,000, derives \$10,000 of income which is both foreign personal holding company income within the meaning of section 553 and subpart F income within the meaning of section 952, distributes \$8,000 to A, and has undistributed foreign personal holding company income of \$2,000 within the meaning of section 556. In addition, for 1966 P Corporation has a withdrawal (determined under section 955(a), as in effect before the enactment of the Tax Reduction Act of 1975, but without regard to its earnings and profits for such year) of \$25,000 of previously excluded subpart F income from investment in less developed countries. A is required under section 551(b) to include in his gross income for 1966 as a dividend the \$2,000 undistributed foreign personal holding company income. The \$8,000 distribution is includible in A's gross income for 1966 under sections 61(a)(7) and 301 as a distribution to which section 316(a)(2) applies. Corporation P's \$25,000 withdrawal of previously excluded subpart F income from investment in less developed countries is includible in A's gross income for 1966 under section 951(a)(1)(A)(ii) and paragraph (a)(2) of § 1.951-1.

(b) If P Corporation's earnings and profits accumulated for 1963, 1964, and 1965 were \$15,000, instead of \$40,000, the result would be the same as in paragraph (a) of this example, except that a withdrawal of only \$15,000 of previously excluded subpart F income from investment in less developed countries would be includible in A's gross income for 1966 under section 951(a)(1)(A)(ii) and paragraph (a)(2) of § 1.951-1.

(c) The principles of this example also apply to withdrawals (determined under section 955(a), as in effect before the enactment of the Tax Reduction Act of 1975) of previously excluded subpart F income from investment in less developed countries effected after the effective date of such Act, and to withdrawals (determined under section 955(a), as amended by such Act) of previously excluded subpart F income from investment in foreign base company shipping operations.

Example (5). (a) The facts are the same as in paragraph (a) of example (4), except that, instead of having a \$25,000 decrease in qualified investments in less developed countries for 1966, P Corporation invests \$20,000 in tangible property (not described in section 956(b)(2)) located in the United States and such investment constitutes an increase (determined under section 956(a) but without regard to the earnings and profits of P Corporation for 1966) in earnings invested in United States property. Corporation P's earnings and profits accumulated for 1963, 1964, and 1965 and determined under paragraph (b)(1) of § 1.956-1 are \$22,000. The result is the same as in paragraph (a) of example (4), except that instead of including the \$25,000 withdrawal, A must include \$20,000 in his gross income for

1966 under section 951(a)(1)(B) and paragraph (a)(2)(iv) of § 1.951-1 as an investment of earnings in United States property.

(b) If P Corporation's earnings and profits accumulated for 1963, 1964, and 1965 were \$9,000 instead of \$22,000, the result would be the same as in paragraph (a) of this example, except that only \$9,000 would be includible in A's gross income for 1966 under section 951(a)(1)(B) and paragraph (a)(2)(iv) of § 1.951-1 as an investment of earnings in United States property.

§ 1.952-1 Subpart F income defined.

(a) *In general.* For purposes of sections 951 through 964, a controlled foreign corporation's subpart F income for any taxable year shall, except as provided in paragraph (b) of this section and subject to the limitations of paragraphs (c) and (d) of this section, consist of the sum of—

(1) The income derived by such corporation for such year from the insurance of United States risks (determined in accordance with the provisions of section 953 and §§ 1.953-1 through 1.953-6), and

(2) The income derived by such corporation for such year which constitutes foreign base company income (determined in accordance with the provisions of section 954 and §§ 1.954-1 through 1.954-7).

Pursuant to section 951 (a)(1)(A)(i) and § 1.951-1, a United States shareholder of such controlled foreign corporation must include his pro rata share of such subpart F income in his gross income for his taxable year in which or with which such taxable year of the foreign corporation ends. See section 952(a). However, see paragraph (a) of § 1.957-2 for special rule limiting the subpart F income to the income derived from the insurance of United States risks in the case of certain controlled foreign corporations described in section 957(b).

(b) *Exclusion of U.S. income.*—(1) *Taxable years beginning before January 1, 1967.* For rules applicable to taxable years beginning before January 1, 1967, see 26 CFR § 1.952-1(b)(1) (Rev. as of April 1, 1975).

§ 1.952-2 Determination of gross income and taxable income of a foreign corporation.

(c) *Special rules for purposes of this section.*—(1) *Nonapplication of certain provisions.* Except where otherwise distinctly expressed, the provisions of subchapters F, G, H, L, M, N, S, and T of chapter 1 of the Code shall not apply.

(5) *Treatment of capital loss and net operating loss.* In determining taxable

income of a foreign corporation for any taxable year—

(i) *Capital loss carryback and carryover.* The capital loss carryback and carryover provided by section 1212(a) shall not be allowed.

(ii) *Net operating loss deduction.* The net operating loss deduction under section 172(a) or the operations loss deduction under section 812 shall not be allowed.

§ 1.954-1 Foreign base company income.

(b) *Exclusions from foreign base company income.*

(The foreign base company shipping income notice redesignated this provision as subparagraph (3); formerly was subparagraph (4).)

(3) *Income of controlled foreign corporations not availed of to substantially reduce income or similar taxes.*

(v) *Manner of demonstrating lack of tax reduction purpose.* It is the U.S. shareholder's responsibility, in accordance with § 1.964-3 and paragraph (d)(7) of § 1.964-4, to provide the district director with books or records sufficient to verify the gross income excluded from foreign base company income under section 954(b)(4) and this subparagraph. However, if the U.S. shareholder of a controlled foreign corporation desires to establish in respect of a proposed transaction that neither the creation or organization (or acquisition) of such corporation under the laws of the foreign country or possession of the United States in which it is incorporated nor the effecting through such corporation of the transaction giving rise to an item or items of income has as one of its significant purposes a substantial reduction of income, war profits, excess profits, or similar taxes, he may forward a statement setting forth sufficient facts and circumstances to the Commissioner of Internal Revenue, Attention: Corporation Tax Division, Washington, D.C. 20224, for a ruling. Where the Commissioner determines that a ruling is appropriate, a letter setting forth the Commissioner's determination will be mailed to the taxpayer. If the Commissioner determines that, upon the basis of the facts presented, the exclusion of section 954(b)(4) and this subparagraph applies to the income involved, the taxpayer should retain a copy of the Commissioner's letter as authority for excluding such income from foreign

base company income for the taxable year.

§ 1.954-2 Foreign personal holding company income.

(d) *Certain income received from unrelated persons in the active conduct of a trade or business.*—(1) *Rents and royalties.*—(i) *In general.*

(2) *Dividends, interest, and gains on securities, received in banking or other financing business from unrelated persons.*—(i) *In general.*

(iv) *Income of foreign corporations owned by Edge Act or Agreement corporations.*—(a) *In general.*

(b) *Foreign corporations included.*

(2) For each taxable year of such controlled foreign corporation beginning after December 31, 1962, not more than 20 percent of the gross income (determined before the application of paragraph (d) of § 1.954-1) of such corporation consists of—

(i) Foreign personal holding company income, determined as provided in § 1.954-2 but by excluding from such foreign personal holding company income dividends, interest, and the excess of gains over losses from sales or exchanges of stock or securities,

(ii) Foreign base company sales income, as defined in § 1.954-3,

(iii) Foreign base company services income, as defined in § 1.954-4, and

(iv) Foreign base company shipping income, as defined in § 1.954-6.

§ 1.954-3 Foreign base company sales income.

(b) *Branches of controlled foreign corporation treated as separate corporations.*—(1) *General rules for determining when to apply separate treatment.*—(i) *Sales or purchase branch.*—(a)

(2) *Special rules.*—(i) *Determination of treatment as a wholly owned subsidiary corporation.*

(d) *Determination of hypothetical tax.* To the extent applicable, the prin-

ciples of paragraph (b)(4)(iv) of § 1.954-1 shall be used in determining, under subdivision (i) of subparagraph (1) of this paragraph, the effective rate of tax which would apply to the income of the branch or similar establishment under the laws of the country in which the controlled foreign corporation is created or organized, or in determining, under subdivision (ii) of such subparagraph, the effective rate of tax which would apply to the income of the branch or similar establishment under the laws of the country in which the manufacturing, producing, constructing, growing, or extracting branch or similar establishment is located.

(3) *Inclusion of amounts in gross income of United States shareholders.* A branch or similar establishment of a controlled foreign corporation and the remainder of such corporation shall be treated as separate corporations under this paragraph solely for purposes of determining the foreign base company sales income of each such corporation and for purposes of including an amount in subpart F income of the controlled foreign corporation under section 952(a). See section 954(b)(3) and paragraph (d)(4) of § 1.954-1 for rules relating to the treatment of a branch or similar establishment of a controlled foreign corporation and the remainder of such corporation as separate corporations for purposes of independently determining if the foreign base company income of each such corporation is less than 10 percent, or more than 70 percent, of its gross income. For all other purposes, however, a branch or similar establishment of a controlled foreign corporation and the remainder of such corporation shall not be treated as separate corporations. For example, if the controlled foreign corporation has a deficit in earnings and profits to which section 952(c) applies, the limitation of such section on the amount includible in the subpart F income of such corporation will apply. Moreover, income, war profits, or excess profits taxes paid by a foreign country will be treated as having been paid by the controlled foreign corporation for purposes of section 960 (relating to special rules for foreign tax credit) and the regulations thereunder. Also, income of a branch or similar establishment, treated as a separate corporation under this paragraph, will not be treated as dividend income of the controlled foreign corporation of which it is a branch or similar establishment.

§ 1.954-5 Increase in qualified investments in less developed countries; taxable years of controlled foreign corporations beginning before January 1, 1976.

For rules applicable to taxable years of controlled foreign corporations beginning before January 1, 1976, see section 954(b)(1) (as in effect before the enactment of the Tax Reduction Act of 1975) and 26 CFR 1.954-5 (Rev. as of April 1, 1975).

§ 1.955-0 Effective dates.

(a) *Section 955 as in effect before the enactment of the Tax Reduction Act of 1975.*—(1) *In general.* In general, §§ 1.955-1 through 1.955-6 are applicable with respect to withdrawals of previously excluded subpart F income from qualified investment in less developed countries for taxable years of foreign corporations beginning after December 31, 1962, and to taxable years of United States shareholders (as defined in section 951(b)) within which or with which such taxable years of such foreign corporations end. However, such sections are effective with respect to withdrawals of amounts invested in less developed country shipping companies described in section 955(c)(2) (as in effect before the enactment of the Tax Reduction Act of 1975) only for taxable years of foreign corporations beginning before January 1, 1976, and for taxable years of United States shareholders (as defined in section 951(b)) within which or with which such taxable years of such foreign corporations end. For rules applicable to withdrawals of amounts invested in less developed country shipping companies described in section 955(c)(2) (as in effect before such enactment) in taxable years of foreign corporations beginning after December 31, 1975, see section 955(b)(5) (as amended by such Act) and §§ 1.955A-1 through 1.955A-4.

(2) *References.* Except as otherwise provided therein, all references contained in §§ 1.955-1 through 1.955-6 to section 954 or 955 or to the regulations under section 954 are to those sections and regulations as in effect before the enactment of the Tax Reduction Act of 1975. For regulations under section 954 (as in effect before such enactment), see 26 CFR 1.954-1 through 1.954-5 (Rev. as of April 1, 1975). For taxable years of foreign corporations beginning after December 31, 1975, and for taxable years of United States shareholders (as described in section 951(b)) within which or with which such taxable years of such foreign corporations end, the definitions of less developed countries and less developed country corporations contained in section 902(d) (as amended by such Act) and § 1.902-2 apply for purposes of determining the credit.

(b) *Section 955 as amended by the Tax Reduction Act of 1975.* Except as

otherwise provided therein, §§ 1.955A-1 through 1.955A-4 are applicable to taxable years of foreign corporations beginning after December 31, 1975, and to taxable years of United States shareholders (as defined in section 951(b)) within which or with which such taxable years of such foreign corporations end.

§ 1.955-1 Shareholder's pro rata share of amount of previously excluded subpart F income withdrawn from investment in less developed countries.

(a) *In general.* Pursuant to section 951(a)(1)(A)(ii) and the regulations thereunder, a United States shareholder of a controlled foreign corporation must include in its gross income its pro rata share (as determined in accordance with paragraph (c) of this section) of the amount of such controlled foreign corporation's previously excluded subpart F income which is withdrawn for any taxable year from investment in less developed countries. Section 955 provides rules for determining the amount of a controlled foreign corporation's previously excluded subpart F income for any taxable year of the corporation beginning after December 31, 1962 that is withdrawn from investment in less developed countries for any taxable year of the corporation beginning before January 1, 1976. Except for investments in less developed country shipping companies, section 955 also provides rules for determining the amount of a controlled foreign corporation's previously excluded subpart F income for any taxable year of the corporation beginning after December 31, 1962 which is withdrawn from investment in less developed countries in taxable years of the corporation beginning after December 31, 1975. To determine the amount of a controlled foreign corporation's previously excluded subpart F income withdrawn from investment in less developed country shipping companies described in section 955(c)(2) in taxable years of a controlled foreign corporation beginning after December 31, 1975, see section 955(b)(5) (as in effect after amendment by the Tax Reduction Act of 1975) and §§ 1.955A-1 through 1.955A-4. For effective dates, see § 1.955-0.

§ 1.955-3 Election as to date of determining qualified investments in less developed countries.

(a) *Nature of election.* In lieu of determining the increase for a taxable year of a foreign corporation beginning before January 1, 1976, under the provisions of section 954(f) and paragraph (a) of § 1.954-5, or the decrease under the provisions of section 955(a)(2) and paragraph (b) of § 1.955-1, in a controlled foreign corporation's qualified investments in less developed countries for a taxable year in the

manner provided in such provisions, a United States shareholder of such controlled foreign corporation may elect, under the provisions of section 955(b)(3) and this section, to determine such increase in accordance with the provisions of paragraph (b) of § 1.954-5 and to determine such decrease by ascertaining the amount by which—

(1) Such controlled foreign corporation's qualified investments in less developed countries at the close of such taxable year exceed its qualified investments in less developed countries at the close of the taxable year immediately following such taxable year, and reducing such excess by

(2) The amount determined under paragraph (b)(1)(ii) of § 1.955-1 for such taxable year,

subject to the limitation provided in paragraph (b)(2) of § 1.955-1 for such taxable year. An election under this section may be made with respect to each controlled foreign corporation with respect to which a person is a United States shareholder within the meaning of section 951(b), but the election may not be exercised separately with respect to the increases and the decreases of such controlled foreign corporation. If an election is made under this section to determine the increase of a controlled foreign corporation in accordance with the provisions of paragraph (b) of § 1.954-5, subsequent decreases of such controlled foreign corporation shall be determined in accordance with this paragraph and not in accordance with paragraph (b) of § 1.955-1.

(b) *Time and manner of making election*—(1) *Without consent*. An election under this section with respect to a controlled foreign corporation shall be made without the consent of the Commissioner by a United States shareholder's filing a statement to such effect with his return for his taxable year in which or with which ends the first taxable year of such controlled foreign corporation in which—

(i) Such shareholder owns, within the meaning of section 958(a), or is considered as owning by applying the rules of ownership of section 958(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such controlled foreign corporation, and

(ii) Such controlled foreign corporation realizes foreign base company income from which amounts are excluded under section 954(b)(1) and paragraph (b)(1) of § 1.954-1.

The statement shall contain the name and address of the controlled foreign corporation and identification of such first taxable year of such corporation. For taxable years of a foreign corporation beginning after December 31, 1975, no election under this section

with respect to a controlled foreign corporation may be made without the consent of the Commissioner.

§ 1.958-1 Direct and indirect ownership of stock.

(a) *In general*. Section 958(a) provides that, for purposes of sections 951 to 964 (other than sections 955(b)(1)(A) and (B) and 955(c)(2)(A)(ii) (as in effect before the enactment of the Tax Reduction Act of 1975), and 960(a)(1)), stock owned means—

(1) Stock owned directly; and
(2) Stock owned with the application of paragraph (b) of this section.

The rules of section 958(a) and this section provide a limited form of stock attribution primarily for use in determining the amount taxable to a United States shareholder under section 951(a). These rules also apply for purposes of other provisions of the Code and regulations which make express reference to section 958(a).

§ 1.959-1 Exclusion from gross income of United States persons of previously taxed earnings and profits.

(a) *In general*. Sections 951 through 964 provide that certain types of income of controlled foreign corporations will be subject to United States income tax even though such amounts are not currently distributed to the United States shareholders of such corporations. The amounts so taxed to certain United States shareholders are described as subpart F income, previously excluded subpart F income withdrawn from investment in less developed countries previously excluded subpart F income withdrawn from investment in foreign base company shipping operations, and increases in earnings invested in United States property. Section 959 provides that amounts taxed as subpart F income, as previously excluded subpart F income withdrawn from investment in less developed countries, or as previously excluded subpart F income withdrawn from investment in foreign base company shipping operations are not taxed again as increases in earnings invested in United States property. Section 959 also provides an exclusion whereby none of the amounts so taxed are taxed again when actually distributed directly, or indirectly through a chain of ownership described in section 958(a), to United States shareholders or to such shareholders' successors in interest. The exclusion also applies to amounts taxed to United States shareholders as income of one controlled foreign corporation and later distributed to another controlled foreign corporation in such a chain of ownership where such amounts would otherwise be again included in the

income of such shareholders or their successors in interest as subpart F income of the controlled foreign corporation to which they are distributed. Section 959 also provides rules for the allocation of distributions to earnings and profits and for the non-dividend treatment of actual distributions which are excluded from gross income.

(b) *Actual distributions to United States persons*. The earnings and profits for a taxable year of a foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder of such corporation under section 951(a) shall not, when such amounts are distributed to such shareholder directly, or indirectly through a chain of ownership described in section 958(a), be again included in the gross income of such United States shareholder. See section 959(a)(1). Thus, earnings and profits attributable to amounts which are, or have been, included in the gross income of a United States shareholder of a foreign corporation under section 951(a)(1)(A)(i) as subpart F income, under section 951(a)(1)(A)(ii) as previously excluded subpart F income withdrawn from investment in less developed countries, under section 951(a)(1)(A)(iii) as previously excluded subpart F income withdrawn from investment in foreign base company shipping operations, or under section 951(a)(1)(B) as earnings invested in United States property, shall not be again included in the gross income of such shareholder when such amounts are actually distributed, directly or indirectly, to such shareholder. See paragraph (d) of this section for exclusion applicable to such shareholder's successor in interest. The application of this paragraph may be illustrated by the following example:

Example. (a) A, a United States shareholder, owns 100 percent of the only class of stock of R Corporation, a corporation organized on January 1, 1963, which is a controlled foreign corporation throughout the period here involved. Both A and R Corporation use the calendar year as a taxable year.

(b) During 1964, R Corporation derives \$100 of subpart F income, and A includes such amount in his gross income under section 951(a)(1)(A)(i). Corporation R's current and accumulated earnings and profits (before taking into account distributions made during 1964) are \$150. Also, during 1964, R Corporation distributes \$50 to A. The \$50 distribution is excludable from A's gross income for 1964 under this paragraph and § 1.959-3 because such distribution represents earnings and profits attributable to amounts which are included in A's gross income for such year under section 951(a).

(c) If instead of deriving the \$100 of subpart F income in 1964, R Corporation derives such amount during 1963 and has earnings and profits for 1963 in excess of \$100, A must include \$100 in his gross income for 1963 under section 951(a)(1)(A)(i). However, the \$50 distribu-

tion made by R Corporation to A during 1964 is excludable from A's gross income for such year under this paragraph and § 1.959-3 because such distribution represents earnings and profits attributable to amounts which have been included in A's gross income for 1963 under section 951(a).

(d) If, with respect to 1964—

(1) Instead of owning the stock of R Corporation directly, A owns such stock through a chain of ownership described in section 958(a), that is, A owns 100 percent of M Corporation which owns 100 percent of N Corporation which owns 100 percent of R Corporation.

(2) Both M and N Corporations use the calendar year as a taxable year and are controlled foreign corporations throughout the period here involved.

(3) Corporation R derives \$100 of subpart F income and has earnings and profits in excess of \$100.

(4) Neither M Corporation nor N Corporation has earnings and profits or a deficit in earnings and profits, and

(5) The \$50 distribution is from R Corporation to N Corporation to M Corporation to A.

A must include \$100 in his gross income for 1964 under section 951(a)(1)(A)(i) by reason of his indirect ownership of R Corporation. However, the \$50 distribution is excludable from A's gross income for 1964 under this paragraph and § 1.959-3 because such distribution represents earnings and profits attributable to amounts which are included in A's gross income for such year under section 951(a) and are distributed indirectly to A through a chain of ownership described in section 958(a).

(c) *Excludable investment of earnings in United States property*. The earnings and profits for a taxable year of a foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder of such corporation under section 951(a)(1)(A) shall not, when such amounts would, but for section 959(a)(2) and this paragraph, be included under section 951(a)(1)(B) in the gross income of such shareholder directly, or indirectly through a chain of ownership described in section 958(a), be again included in the gross income of such United States shareholder. Thus, earnings and profits attributable to amounts which are, or have been, included in the gross income of a United States shareholder of a foreign corporation under section 951(a)(1)(A)(i) as subpart F income, under section 951(a)(1)(A)(ii) as previously excluded subpart F income withdrawn from investment in less developed countries, or under section 951(a)(1)(A)(iii) as previously excluded subpart F income withdrawn from investment in foreign base company shipping operations may be invested in United States property without being again included in such shareholder's income under section 951(a). Moreover, the first amounts deemed invested in United States property are amounts previously included in the gross income of a United States shareholder under sec-

tion 951(a)(1)(A). See paragraph (d) of this section for exclusion applicable to such shareholder's successor in interest. The application of this paragraph may be illustrated by the following example:

Example. (a) A, a United States shareholder, owns 100 percent of the only class of stock of R Corporation, a corporation organized on January 1, 1963, which is a controlled foreign corporation throughout the period here involved. Both A and R Corporation use the calendar year as a taxable year.

(b) During 1964, R Corporation derives \$35 of subpart F income, and A includes such amount in this gross income under section 951(a)(1)(A)(i). During 1964, R Corporation also invests \$50 in tangible property (other than property described in section 956(b)(2)) located in the United States. Corporation R makes no distributions during the year, and its current earnings and profits are in excess of \$50. Of the \$5 investment of earnings in United States property, \$35 is excludable from A's gross income for 1964 under section 959(a)(2) because such amount represents earnings and profits which are attributable to amounts which are included in A's gross income for such year under section 951(a)(1)(A)(i) and therefore may be invested in United States property without again being included in A's gross income. The remaining \$15 is includible in A's gross income for 1964 under section 951(a)(1)(B).

(c) If, instead of deriving \$35 of subpart F income in 1964, R Corporation has no subpart F income for 1964 but derives the \$35 of subpart F income during 1963 and has earnings and profits for such year in excess of \$35. A must include \$35 in his gross income for 1963 under section 951(a)(1)(A)(i). However, of the \$50 investment of earnings in United States property made by R Corporation during 1964, \$35 is excludable from A's gross income for 1964 under section 959(a)(2) because such amount represents earnings and profits attributable to amounts which have been included in A's gross income for 1963 under section 951(a)(1)(A)(i). The remaining \$15 is includible in A's gross income for 1964 under section 951(a)(1)(B).

(d) *Application of exclusions to shareholder's successor in interest*. If a United States person (as defined in § 1.957-4) acquires from any person any portion of the interest in the foreign corporation of a United States shareholder referred to in paragraph (b) or (c) of this section, the rules of such paragraph shall apply to such acquiring person but only to the extent that the acquiring person establishes to the satisfaction of the district director his right to the exclusion provided by such paragraph. The information to be furnished by the acquiring person to the district director with his return for the taxable year to support such exclusion shall include:

(1) The name, address, and taxable year of the foreign corporation from which the distribution is received and of all other corporations, partnerships, trusts, or estates in any applicable chain of ownership described in section 958(a);

(2) The name, address, and taxpayer identification number of the person from whom the stock interest was acquired;

(3) A description of the stock interest acquired and its relation, if any, to a chain of ownership described in section 958(a);

(4) The amount for which an exclusion under section 959(a) is claimed; and

(5) Evidence showing that the earnings and profits for which an exclusion is claimed are attributable to amounts which were included in the gross income of a United States shareholder under section 951(a), that such amounts were not previously excluded from the gross income of a United States person, and the identity of the United States shareholder including such amounts.

The acquiring person shall also furnish to the district director such other information as may be required by the district director in support of the exclusion.

Example. (a) A, a United States shareholder, owns 100 percent of the only class of stock of R Corporation, a corporation organized on January 1, 1964, and a controlled foreign corporation throughout the period here involved. Both A and R Corporation use the calendar year as a taxable year.

(b) During 1964, R Corporation has \$100 of subpart F income and earnings and profits in excess of \$100. A includes \$100 in his gross income for 1964 under section 951(a)(1)(A)(i). During 1965, A sells 40 percent of his stock in R Corporation to B, a United States person who uses the calendar year as a taxable year. In 1965, R Corporation has no earnings and profits and experiences no increase in earnings invested in United States property. Corporation R distributes \$40 to B on December 1, 1965. If B establishes his right to the exclusion to the satisfaction of the district director, he may exclude \$40 from his gross income for 1965 under section 959(a)(1).

(c) If, instead of selling his 40-percent interest directly to B, A sells on February 1, 1965, 40 percent of his stock in R Corporation to C, a nonresident alien, and on October 1, 1965, B acquires the 40-percent interest in R Corporation from C, the result is the same as in paragraph (b) of this example, if B establishes his right to the exclusion to the satisfaction of the district director.

(d) If, instead of acquiring 40 percent, B acquires only 5 percent of A's stock in R Corporation and R Corporation distributes \$5 to B during 1965, B is not a United States shareholder (within the meaning of section 951(b)) with respect to R Corporation since he owns only 5 percent of the stock of R Corporation. Notwithstanding, B may exclude the \$5 distribution from his gross income for 1965 under section 959(a)(1) if he establishes his right to the exclusion to the satisfaction of the district director.

(e) If the facts are assumed to be the same as in paragraphs (a) and (b) of this example except that—

(1) A owns the stock of Corporation indirectly through a chain of ownership described in section 958(a), that is, A owns 100 percent of M Corporation which owns 100

percent of N Corporation— which owns 100 percent of R Corporation.

(2) B acquires from N Corporation 40 percent of the stock in R Corporation.

(3) Both M Corporation and N Corporation are controlled foreign corporations which use the calendar year as a taxable year.

(4) Neither M Corporation nor N Corporation has any amount in 1964 or 1965 which is includible in gross income of United States shareholders under section 951(a), and

(5) Neither M Corporation nor N Corporation has a deficit in earnings and profits for 1964;

the result is the same as in paragraph (b) of this example if B establishes his right to the exclusion to the satisfaction of the district director.

§ 1.959-3 Allocation of distributions to earnings and profits of foreign corporations.

(a) *In general.* For purposes of §§ 1.959-1 and 1.959-2, the source of the earnings and profits from which distributions are made by a foreign corporation as between earnings and profits attributable to increases in earnings invested in United States property, previously taxed subpart F income, previously excluded subpart F income withdrawn from investment in less developed countries, previously excluded subpart F income withdrawn from investment in foreign base company shipping operations, and other amounts shall be determined in accordance with section 959(c) and paragraphs (b) through (e) of this section.

(b) *Applicability of section 316(a).* For purposes of this section, section 316(a) shall be applied, in determining the source of distributions from the earnings and profits of a foreign corporation, by first applying section 316(a)(2) and then by applying section 316(a)(1)—

(1) First, as provided by section 959(c)(1), to earnings and profits attributable to amounts included in gross income of a United States shareholder under section 951(a)(1)(B) (or which would have been so included but for section 959(a)(2) and paragraph (c) of § 1.959-1).

(2) Secondly, as provided by section 959(c)(2), to earnings and profits attributable to amounts included in gross income of a United States shareholder under section 951(a)(1)(A) (but reduced by amounts not included in such gross income under section 951(a)(1)(B) because of the exclusion provided by section 959(a)(2) and paragraph (c) of § 1.959-1), and

(3) Finally, as provided by section 959(c)(3), to other earnings and profits. Thus, distributions shall be considered first attributable to amounts, if any, described in subparagraph (1) of this paragraph (first for the current taxable year and then for prior taxable years beginning with the most recent prior taxable year), secondly to

amounts, if any, described in subparagraph (2) of this paragraph (first for the current taxable year and then for prior taxable years beginning with the most recent prior taxable year), and finally to the amounts, if any, described in subparagraph (3) of this paragraph (first for the current taxable year and then for prior taxable years beginning with the most recent prior taxable year). See, however, paragraph (e) of § 1.963-3 for a special rule for determination of the source of distributions counting as minimum distributions. Earnings and profits are classified as to year and as to section 959(c) amount in the year in which such amounts are included in gross income of a United States shareholder under section 951(a) and are reclassified as to section 959(c) amount in the year in which such amounts would be so included but for the provisions of section 959(a)(2); any subsequent distribution of such amounts to a higher tier in a chain of ownership described in section 958(a) does not of itself change such classifications. For example, earnings and profits of a foreign corporation attributable to amounts of previously excluded subpart F income withdrawn from investment in less developed countries (or from investments in export trade assets or foreign base company shipping operations) shall be reclassified as amounts to which subparagraph (2), rather than subparagraph (3), of this paragraph applies for purposes of determining priority of distribution, and such earnings and profits shall be considered attributable to the taxable year in which the withdrawal occurs. This paragraph shall apply to distributions by one foreign corporation to another foreign corporation and by a foreign corporation to a United States person. The application of this paragraph may be illustrated by the following example:

Example. . . .

§ 1.964-1 Determination of the earnings and profits of a foreign corporation.

(b) Accounting adjustments—(1) In general. . . .

(2) *Historical cost.* For purposes of this section, the historical cost of an asset acquired by the foreign corporation during a taxable year beginning before January 1, 1963, shall be determined, if it is so elected by or on behalf of such corporation—

(i) In the event that the foreign corporation became a majority owned subsidiary of a United States person (within the meaning of section 7701(a)(30)) after December 31, 1949,

but before October 27, 1964, and the asset was held by such foreign corporation at that time, as though the asset was purchased on the date during such period the foreign corporation first became a majority owned subsidiary at a price equal to its then fair market value, or

(ii) In the event that subdivision (i) of this subparagraph is inapplicable but the asset was acquired by the foreign corporation during a taxable year beginning before January 1, 1950, as though the asset were purchased on the first day of the first taxable year of the foreign corporation beginning after December 31, 1949, at a price equal to the un depreciated cost (cost or other basis minus book depreciation) of that asset as of that date as shown on the books of account of such corporation regularly maintained for the purpose of accounting to its shareholders.

For purposes of this subparagraph, a foreign corporation shall be considered a majority owned subsidiary of a United States person if, taking into account only stock acquired by purchase (as defined in section 334(b)(3)), the United States person owns (within the meaning of section 958(a)) more than 50 percent of the total combined voting power of all classes of stock of the foreign corporation entitled to vote. The election under this subparagraph shall be made for the first taxable year beginning after December 31, 1962, in which the foreign corporation is a controlled foreign corporation (within the meaning of section 957), or for which it is included in a chain or group under section 963(c)(2)(B) or (3)(B), or has a deficit in earnings and profits sought to be taken into account under section 952(d), or pays a dividend that is included in the foreign base company shipping income of a controlled foreign corporation under § 1.954-6(f). Once made, such an election shall be irrevocable. For the time and manner in which an election may be made on behalf of a foreign corporation, see paragraph (c)(3) of this section.

(3) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). Corporation M is a controlled foreign corporation which regularly maintains books of account for the purpose of accounting to its shareholders in accordance with the accounting practices prevalent in country X, the country in which it operates. As a consequence of those practices, the profit and loss statement prepared from these books of account reflects an allocation to an arbitrary reserve out of current income and depreciation allowances based on replacement values which are greater than historical cost. Adjustments are necessary to conform such statement to accounting principles generally accepted in the United States. Assuming these adjustments to be material, the unacceptable practices

will have to be eliminated from the statement, an increase in the amount of profit (or a decrease in the amount of loss) thereby resulting.

Example (2). In 1973, Corporation N is a foreign corporation which is not a controlled foreign corporation but which is included in a chain, for minimum distribution purposes, under section 963(c)(2)(B). Corporation N regularly maintains books of account for the purpose of accounting to its shareholders in accordance with the accounting practices of country Y, the country in which it operates. As a consequence of those practices, the profit and loss statement prepared from these books of account reflects the inclusion in income of stock dividends and of corporate distributions representing a return of capital. Adjustments are necessary to conform such statement to accounting principles generally accepted in the United States. Assuming these adjustments to be material, the unacceptable practices will have to be eliminated from the statement, a decrease in the amount of profit (or increase in the amount of loss) thereby resulting.

(c) *Tax adjustments—(1) In general.* The tax accounting standards to be applied in making the adjustments required by paragraph (a)(3) of this section shall be the following: . . .

(2) *Adoption of method.* For the first taxable year beginning after December 31, 1962, in which the foreign corporation is a controlled foreign corporation (within the meaning of section 957), or for which it is included in a chain or group under section 963(c)(2)(B) or (3)(B), or has a deficit in earnings and profits sought to be taken into account under section 952(d), or pays a dividend that is included in the foreign base company shipping income of a controlled foreign corporation under § 1.954-6(f), there may be adopted or made by such corporation or on its behalf any method of accounting or election allowable under this section notwithstanding that, in previous years, its earnings and profits were computed, or its books or financial statements prepared, on a different basis and notwithstanding that such election is required by the Code or regulations to be made in a prior taxable year. For purposes of determining the amount of a deficit in earnings and profits taken into account pursuant to section 952(c)(1)(B), if a different basis is used in previous years, ratable adjustments shall be made in the earnings and profits attributable to such previous years to prevent any duplication or omission of amounts that would otherwise result from the adoption of such method or the making of such election. See subparagraph (3) of this paragraph for the manner in which a method of accounting or an election may be adopted or made on behalf of the foreign corporation.

(3) *Action on behalf of corporation—(i) In general.* An election shall be deemed made, or an adoption or change in method of accounting deemed effectuated, on behalf of the foreign corporation only if its controlling United States shareholders (as defined in subparagraph (5) of this paragraph)—

(a) Satisfy for such corporation any requirements imposed by the Code or applicable regulations with respect to such election or such adoption or change in method, such as the filing of forms, the execution of consents, securing the permission of the Commissioner, or maintaining books and records in a particular manner,

(b) File the written statement described in subdivision (ii) of this subparagraph at the time and in the manner prescribed therein, and

(c) Provide the written notice required by subdivision (iii) of this subparagraph at the time and in the manner prescribed therein.

For purposes of the preceding sentence, the books of the foreign corporation shall be considered to be maintained in a particular manner if the controlling United States shareholders or the foreign corporation regularly keep the records and accounts required by section 964(c) and the regulations thereunder in that manner. Any election required to be made or information required to be filed with a tax return shall be deemed made or furnished on behalf of the foreign corporation if its controlling United States shareholders file the written statement described in subdivision (ii) of this subparagraph with respect to such election within the period specified therein. For a special rule postponing the time for taking action by or on behalf of a foreign corporation until the amount of its earnings and profits becomes significant, see subparagraph (6) of this paragraph.

(ii) *Written statement.* The written statement required by subdivision (i) of this subparagraph shall be jointly executed by the controlling United States shareholders, shall be filed with the Director of the Internal Revenue Service Center, 11601 Roosevelt Blvd., Philadelphia, Pennsylvania 19155, within 180 days after the close of the taxable year of the foreign corporation with respect to which the election is made or the adoption or change of method effected, or before May 1, 1965, whichever is later, and shall set forth the name and country of organization of the foreign corporation, the names, addresses, taxpayer identification numbers, and stock interests of the controlling United States shareholders, the nature of the action taken, the names, addresses, and taxpayer identification numbers of all other United States shareholders notified of the election or adoption or

change of method, and such other information as the Commissioner may by forms require.

(iii) *Notice.* Prior to the filing of the written statement described in subdivision (ii) of this subparagraph, the controlling United States shareholders shall provide written notice of the election made or the adoption or change of method effected to all other persons known by them to be United States shareholders who own (within the meaning of section 958(a)) stock of the foreign corporation. Such notice shall set forth the name and country of organization of the foreign corporation, the names, addresses, and stock interests of the controlling United States shareholders, the nature of the action taken, and such other information as the Commissioner may by forms require. However, the failure of the controlling United States shareholders to provide such notice to a person required to be notified thereunder shall not invalidate the election made or the adoption or change of method effected, if it is established to the satisfaction of the Commissioner that reasonable cause existed for such failure.

(4) *Effect of action by controlling United States shareholders.* Any action taken by the controlling United States shareholders on behalf of the foreign corporation pursuant to subparagraph (3) of this paragraph shall be reflected in the computation of the earnings and profits of such corporation under this section to the extent that it bears upon the tax liability of a United States shareholder who either—

(i) Was a controlling United States shareholder with respect to the action taken;

(ii) Received the written notice provided by subparagraph (3)(iii) of this paragraph;

(iii) Failed to file any of the returns required by section 6046 and the regulations thereunder within the period prescribed by section 6046(d); or

(iv) Was notified by the Director of the Philadelphia Service Center of the action taken—

(a) Within 61 days after the last day (including extensions of time) prescribed with respect to the taxable year of the foreign corporation by subparagraph (3)(ii) of this paragraph for filing the written statement described in such subparagraph, or

(b) Within 180 days after the close of the first taxable year in which such shareholder becomes a United States shareholder, whichever is later.

To the extent that the computation of the earnings and profits of the foreign corporation bears upon the tax liability of any United States shareholder other than those enumerated in the preceding sentence, the computation shall reflect the action taken only if such shareholder assents to such

treatment. Such assent may be given at any time, but not later than 90 days after the shareholder is first apprised of such action by the Director of the Philadelphia Service Center. The shareholder shall signify his assent by filing a written statement with the Director of the Internal Revenue Service Center, 11601 Roosevelt Blvd., Philadelphia, Pennsylvania 19155, setting forth the name and country of organization of the foreign corporation, his own name, address, and stock interest in the corporation, the nature of the action being assented to, and such other information as the Commissioner may by forms require.

(5) *Controlling United States shareholders.* For purposes of this paragraph the controlling United States shareholders of a foreign corporation shall be those United States shareholders (as defined in section 951(b)), who, in the aggregate, own (within the meaning of section 958(a)) more than 50 percent of the total combined voting power of all classes of the stock of such corporation entitled to vote and who undertake to act on its behalf. In the event that the foreign corporation is not a controlled foreign corporation but is included in a chain or group under section 963(c)(2)(B) or (3)(B), the controlling United States shareholder with respect to such foreign corporation shall be deemed to be the domestic corporation which elects to receive the minimum distribution from such chain or group. In the event that the foreign corporation is neither a controlled foreign corporation nor included in a chain or group under section 963(c)(2)(B) or (3)(B) but has a deficit in earnings and profits sought to be taken into account under section 952(d), the controlling United States shareholder with respect to such foreign corporation shall be the shareholder seeking to take such deficit into account. In the event that the foreign corporation is a controlled foreign corporation but the United States shareholders (as defined in section 951(b)) do not, in the aggregate, own (within the meaning of section 958(a)) more than 50 percent of the total combined voting power of all classes of the stock of such corporation entitled to vote, the controlling United States shareholders of the foreign corporation shall be all those United States shareholders who own (within the meaning of section 958(a)) stock of such corporation. In the event that a foreign corporation is not a controlled foreign corporation but pays a dividend to a controlled foreign corporation that is attributable to foreign base company shipping income under § 1.954-6(f), the controlling United States shareholders (as defined in this subparagraph) of the controlled foreign corporation shall be considered the controlling United States shareholders of the foreign corporation.

(6) *Action not required until significant.* Notwithstanding any other provision of this paragraph, action by or on behalf of a foreign corporation (other than a foreign corporation subject to tax under section 882) to make an election or to adopt a method of accounting shall not be required until 180 days after the close of the first taxable year for which—

(i) An amount is includable in gross income with respect to such corporation under section 951(a);

(ii) It is sought to be established that such corporation is a less developed country corporation (within the meaning of section 955(c)), as in effect before the enactment of the Tax Reduction Act of 1975;

(iii) An amount is excluded from subpart F income (within the meaning of section 952) by section 952(c), section 952(d), or section 970(a);

(iv) Such corporation is the subject of an election to secure an exclusion under section 963; or

(v) It is sought to be established that the corporation has foreign base company shipping income (within the meaning of section 954(f)).

In the event that action by or on behalf of the foreign corporation is not undertaken by the time specified in the preceding sentence and such failure is shown to the satisfaction of the Commissioner to be due to inadvertence or a reasonable cause, such action may be undertaken during any period of at least 30 days occurring after such showing is made which the Commissioner may specify as appropriate for this purpose. Where the action necessary to make an election or to adopt a method of accounting is undertaken by or on behalf of the foreign corporation in accordance with this subparagraph, such election shall be deemed to have been made, or such adoption of accounting method effected, for the first taxable year of the foreign corporation beginning after December 31, 1962, in which such corporation is a controlled foreign corporation (within the meaning of section 957) or for which it is included in a chain or group under section 963(c)(2)(B) or (3)(B) or has a deficit in earnings and profits sought to be taken into account under section 952(d) or pays a dividend that is included in the foreign base company shipping income of a controlled foreign corporation under § 1.954-6(f). For special rules for computing earnings and profits for purposes of section 1248 or income for purposes of applying an exclusion set forth in section 954(b) where the taxable year of the foreign corporation occurs prior to the making of elections or the adoption of methods of accounting under this subparagraph, see the regulations under section 952 and section 1248.

§ 1.964-2 Treatment of blocked earnings and profits.

(a) *General rule.* If, in accordance with paragraph (d) of this section, it is established to the satisfaction of the district director that any amount of the earnings and profits of a controlled foreign corporation for the taxable year (determined under § 1.964-1) was subject to a currency or other restriction or limitation imposed under the laws of any foreign country (within the meaning of paragraph (b) of this section) on its distribution to United States shareholders who own (within the meaning of section 958(a)) stock of such corporation, such amount shall not be included in earnings and profits for purposes of section 952, 956, (as in effect both before and after the enactment of the Tax Reduction Act of 1975) and 956 for such taxable year.

(b) *Rules of application.* For purposes of paragraph (a) of this section—

(1) *Period of restriction or limitation.* An amount of earnings and profits of a controlled foreign corporation for any taxable year shall not be included in earnings and profits for purposes of sections 952, 955, (as in effect both before and after the enactment of the Tax Reduction Act of 1975) and 956 only if such amount of earnings and profits is subject to a currency or other restriction or limitation (within the meaning of subparagraph (2) of this paragraph) throughout the 150-day period beginning 90 days before the close of the taxable year and ending 60 days after the close of such taxable year.

(c) *Removal of restriction or limitation—(1) In general.* If, during any taxable year, a currency or other restriction or limitation (within the meaning of paragraph (b) of this section) imposed under the laws of a foreign country on the distribution of earnings and profits of a controlled foreign corporation to its United States shareholders is removed—

(i) *Treatment of deferred income.* Each United States shareholder of such corporation on the last day in such year that such corporation is a controlled foreign corporation shall include in his gross income for such taxable year the amounts attributable to such earnings and profits which would have been includable in his gross income under section 951(a) for prior taxable years but for the existence of the currency or other restriction or limitation except that the amounts included under this subdivision (i) shall not exceed his pro rata share of—

(a) The earnings and profits upon which the restriction was removed determined on the basis of his stock own-

ership on the last day of the immediately preceding taxable year, and

(b) The applicable limitations of paragraph (c) of § 1.952-1, paragraph (b)(2) of § 1.955-1, paragraph (b)(2) of § 1.955A-1, or paragraph (b) of § 1.956-1, determined as of the last day of the immediately preceding taxable year, taking into account the provisions of subdivision (ii) of this subparagraph.

(ii) *Treatment of earnings and profits.* For purposes of sections 952, 955, (as in effect both before and after the enactment of the Tax Reduction Act of 1975) and 956, the earnings and profits which are no longer subject to a currency or other restriction or limitation shall be treated as included in the corporation's earnings and profits for the year in which such earnings and profits were derived.

Amount with respect to which a currency or other restriction or limitation is removed shall be translated into United States dollars at the appropriate exchange rate for the translation period during which such currency or other restriction or limitation is removed. See paragraph (d) of § 1.964-1. Amounts with respect to which a currency or other restriction or limitation is removed shall not be taken into account in determining whether a deficiency distribution (within the meaning of § 1.963-6) is required to be made for the year in which such earnings and profits were derived.

§ 1.964-3 Records to be provided by United States shareholders.

(a) *Shareholder's responsibility for providing records.* For purposes of verifying his income tax liability in respect of amounts includable in income under section 951 for the taxable year of a controlled foreign corporation each United States shareholder (as defined in section 951(b)) who owns (within the meaning of section 958(a)) stock of such corporation shall, within a reasonable time after demand by the district director, provide the district director—

(1) Such permanent books of account or records as are sufficient to satisfy the requirements of section 6001 and section 964(c), or true copies thereof, as are reasonably demanded, and

(2) If such books or records are not maintained in the English language, either (i) an accurate English translation of such books or records or (ii) the services of a qualified interpreter satisfactory to the district director.

If such books or records are being used by another district director, the United States shareholder upon whom the district director has made a demand to provide such books or records shall file a statement of such

fact with his district director, indicating the location of such books or records. For the length of time the United States shareholder of a controlled foreign corporation must cause such books or records as are under his control to be retained, see paragraph (e) of § 1.6001-1.

(b) *Records to be provided.* Except as otherwise provided in paragraph (c) of this section, the requirements of section 6001 and section 964(c) for record keeping shall be considered satisfied if the books or records produced are sufficient to verify for the taxable year—

(1) The subpart F income of the controlled foreign corporation and, if any part of such income is excluded from the income of the United States shareholder under section 963 or section 970(a), the application of such exclusion.

(2) The previously excluded subpart F income of such corporation withdrawn from investment in less developed countries.

(3) The previously excluded subpart F income of such corporation withdrawn from investment in foreign base company shipping operations.

(4) The previously excluded export trade income of such corporation withdrawn from investment, and

(5) The increase in earnings invested by such corporation in United States property.

(c) *Special rules.* Verification of the subpart F income of the controlled foreign corporation for the taxable year shall not be required if—

(1) It can be demonstrated to the satisfaction of the district director that—

(i) The locus and nature of such corporation's activities were such as to make it unlikely that the foreign base company income of such corporation (determined in accordance with paragraph (c)(3) of § 1.952-3) exceeded 5 percent of its gross income (determined in accordance with paragraph (b)(1) of § 1.952-3) for the taxable year (For taxable years to which § 1.952-3 does not apply, such amounts shall be determined under 26 CFR 1.954-1(d)(3) (i) and (ii) (Rev. as of April 1, 1975).), and

(ii) If such corporation reinsures or issues insurance or annuity contracts in connection with United States risks, the 5-percent minimum premium requirement prescribed in paragraph (b) of § 1.953-1 has not been exceeded for the taxable year, or

(2) The United States shareholder's pro rata share of such subpart F income is excluded in full from his income under section 963 and the books or records verify the application of such exclusion.

§ 1.964-4 Verification of certain classes of income.

(d) *Foreign base company income and exclusions therefrom.*

(4) *Qualified investments in less developed countries.* For rules in effect for taxable years of foreign corporations beginning before January 1, 1976, see 26 CFR 1.964-4(d)(4) (Rev. as of April 1, 1975).

(5) *Income derived from aircraft or ships.* For rules in effect for taxable years of foreign corporations beginning before January 1, 1976, see 26 CFR 1.964-4(d)(5) (Rev. as of April 1, 1975).

(6) *Foreign base company shipping income.* The foreign base company shipping income to which section 954(f) and § 1.954-6 apply, for which propose there must be established—

(i) Gross income derived from, or in connection with, the use (or hiring or leasing for use) of any aircraft or vessel in foreign commerce, as determined under § 1.954-6(c).

(ii) Gross income derived from, or in connection with, the performance of services directly related to the use of any aircraft or vessel in foreign commerce, as determined under § 1.954-6(d).

(iii) Gross income incidental to income described in subdivisions (i) and (ii) of this subparagraph, as determined under § 1.954-6(e).

(iv) Gross income derived from the sale, exchange, or other disposition of any aircraft or vessel used (by the seller or by a person related to the seller) in foreign commerce.

(v) Dividends, interest, and gains described in § 1.954-6(f).

(vi) Income described in § 1.954-6(g) (relating to partnerships, trusts, etc.), and

(vii) Exchange gain, to the extent allocable to foreign base company shipping income, as determined under § 1.952-2(c)(2)(v)(b).

If the controlled foreign corporation has income derived from, or in connection with, the use (or hiring or leasing for use) of any aircraft or vessel in foreign commerce, or derived from, or in connection with, the performance of services directly related to the use of any aircraft or vessel in foreign commerce, it shall be necessary to establish, from the books and records of the controlled foreign corporation, that such aircraft or vessel was used in foreign commerce within the meaning of subparagraphs (3) and (4) of § 1.954-6(b).

(7) *Income on which taxes are not substantially reduced.* The gross income excluded from foreign base company income under section 954(b)(4) and paragraph (b) (3) or (4) of § 1.954-1 in the case of a controlled foreign corporation not availed of to substantially reduce income taxes, the

income or similar taxes incurred with respect thereto, and all other factors necessary to verify the application of such exclusion.

(8) *Qualified investments in foreign base company shipping operations.* The foreign base company shipping income that is excluded from foreign base company income under section 954(b)(2) and § 1.954-1(b)(1).

(9) *Special rule for shipping income.* The distributions received through a chain of ownership described in section 958(a) which are excluded from foreign base company income under section 954(b)(6)(B) and § 1.954-1(b)(2).

(10) *Deductions.* The deductions allocable, under paragraph (c) of § 1.954-1, to each of the classes and subclasses of gross income described in subparagraphs (1) through (9) of this paragraph.

(e) *Exclusion under section 963.* Books or records sufficient to verify the application of the exclusion provided by section 963 with respect to the subpart F income for the taxable year of a controlled foreign corporation must establish that the conditions set forth in paragraph (a)(2) of § 1.963-1 have been met.

(f) *Exclusion under section 970(a).* Books or records sufficient to verify the application for the taxable year of the exclusion provided by section 970(a) in respect of export trade income which is foreign base company income must establish for such year—

(1) That the controlled foreign corporation is an export trade corporation, as defined in section 971(a) and paragraph (a) of § 1.971-1.

(2) The export trade income, as determined under section 971(b) and paragraph (b) of § 1.971-1, which constitutes foreign base company income.

(3) The export promotion expenses, as determined under section 971(d) and paragraph (d) of § 1.971-1, which are allocable to the excludable export trade income.

(4) The gross receipts, and the gross amount on which is computed compensation included in gross receipts, from property in respect of which the excludable export trade income is derived, as described in section 970(a)(1)(B) and paragraph (b)(2)(ii) of § 1.970-1, and

(5) The increase in investments in export trade assets, as determined under section 970(c)(2) and paragraph (d)(2) of § 1.970-1.

(g-1) *Withdrawal of previously excluded subpart F income from qualified investment in less developed countries.* Books or records sufficient to verify the previously excluded subpart F income of the controlled foreign corporation withdrawn from investment in less developed countries for the taxable year must establish—

(1) The sum of the amounts of income excluded from foreign base company income under section

954(b)(1) and paragraph (b)(1) of § 1.954-1 (both as in effect for taxable years beginning before January 1, 1976, see 26 CFR 1.954 and 1.954-1(b)(1) (Rev. as of April 1, 1975)) for all prior taxable years.

(2) The sum of the amounts of previously excluded subpart F income withdrawn from investment in less developed countries for all prior taxable years, as determined under section 955(a) (as in effect before the enactment of the Tax Reduction Act of 1975) and paragraph (b) of § 1.955-1, and

(3) The amount withdrawn from investment in less developed countries for the taxable year as determined under section 955(a) (as in effect before the enactment of the Tax Reduction Act of 1975) and paragraph (b) of § 1.955-1.

(g-2) *Withdrawal of previously excluded subpart F income from investment in foreign base company shipping operations.* Books or records sufficient to verify the previously excluded subpart F income of the controlled foreign corporation withdrawn from investment in foreign base company shipping operations for the taxable year must establish—

(1) The sum of the amounts of income excluded from foreign base company income under section 954(b)(2) and paragraph (b)(1) of § 1.954-1 for all prior taxable years.

(2) The sum of the amounts of previously excluded subpart F income withdrawn from investment in foreign base company shipping operations for all prior taxable years, as determined under section 955(a) and paragraph (b) of § 1.955A-1.

(3) The amount withdrawn from investment in foreign base company shipping operations for the taxable year as determined under section 955(a) and paragraph (b) of § 1.955A-1, and

(4) If the carryover (as described in § 1.955A-1(b)(3)) of amounts relating to investments in less developed country shipping companies (as described in § 1.955-5(b)) is applicable, (i) the amount of the corporations qualified investments (determined under § 1.955-2 other than paragraph (b)(5) thereof) in less developed country shipping companies at the close of the last taxable year of the corporation beginning before January 1, 1976, and

(ii) the amount of the limitation with respect to previously excluded subpart F income (determined under § 1.955-1(b)(2)(i)(b)) for the first taxable year of the corporation beginning after December 31, 1975.

§ 1.970-1 Export trade corporations.

(c) *Withdrawal of previously excluded export trade income—(1) Inclusion of withdrawal in income of United States shareholders.* If—

(i) A controlled foreign corporation

was an export trade corporation for any taxable year,

(ii) Such corporation in any such taxable year derived subpart F income which, under the provisions of section 970(a) and paragraph (b) of this section, was reduced, and

(iii) Such corporation has in a subsequent taxable year a decrease in investments in export trade assets,

every person who is a United States shareholder, as defined in section 951(b), of such corporation on the last day of such subsequent taxable year on which such corporation is a controlled foreign corporation shall include in his gross income, under section 951(a)(1)(A)(ii) and the regulations thereunder as an amount to which section 955 (as in effect before the enactment of the Tax Reduction Act of 1975) applies, his pro rata share of the amount of such decrease in investments but only to the extent that such pro rata share does not exceed the limitations determined under subparagraph (2) of this paragraph. A United States shareholder's pro rata share of a controlled foreign corporation's decrease for any taxable year in investments in export trade assets shall be his pro rata share of such corporation's decrease for such year determined under section 970(c)(3) and paragraph (d)(3) of this section.

§ 1.972-1 Consolidation of group of export trade corporations.

(b) *Effect of consolidation.* * * *

(3) *Determination of pro rata share of consolidated withdrawal of previously excluded export trade income—*

(i) *In general.* If for any taxable year, there is a decrease in investments in export trade assets under section 970(b) and paragraph (c) (1) of § 1.970-1, determined on a consolidated basis, of export trade corporations includible in a consolidated chain of such corporations, each United States shareholder who has elected under paragraph (a) of this section to consolidate his interest in such chain of corporations shall include in his gross income, under section 951(a)(1)(A)(ii) and the regulations thereunder as an amount to which section 955 (as in effect before the enactment of the Tax Reduction Act of 1975) applies, his pro rata share of the amount of such consolidated decrease in investments but only to the extent such pro rata share does not exceed the lesser of the limitations provided by section 970 (b) and paragraph (c)(2) of § 1.970-1 with respect to such shareholder determined on a consolidated basis. The consolidated decrease in investments and the consolidated limitations shall be determined by aggregating the applicable amounts determined under paragraph (c) of § 1.970-1 with respect to such

shareholder's interest in each corporation includible in the consolidation.

[FR Doc. 78-3354 filed 2-8-78; 8:45 am]

[1505-01]

[26 CFR Part 1]

[LR-194-77]

DEFERRED TAX TREATMENT OF AMOUNTS OF COMPENSATORY PAYMENTS

Proposed Rulemaking

Correction

In FR Doc. 78-3041, appearing at page 4638 in the issue of Friday, February 3, 1978, make the following changes:

1. On page 4638, second column, the last line of the "Dates" paragraph should read, "on or after a date 30 days following publication of this regulation as a Treasury decision in the FEDERAL REGISTER."

2. On page 4638, third column, the last line of the paragraph headed "Exception" should read, "before a date 30 days following publication of this regulation as a Treasury decision in the FEDERAL REGISTER."

3. On page 4639, second column, the ninth line of § 1.61-16(b) should read, "prior to [date 30 days following publication of this section as a Treasury decision]."

[3710-92]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[36 CFR Parts 313, 322, 327]

PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

Notice of Proposed Rulemaking

AGENCY: Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: The proposed rule and regulation deletes Parts 313 and 322 and amends Part 327 of Title 36 of the Code of Federal Regulations. The purpose is to clarify and strengthen existing rules and regulations and eliminate duplication of regulations. It will provide more effective management of Corps of Engineer water resource development projects.

DATES: Comments must be received on or before March 27, 1978.

ADDRESSES: Send comments to: HQDA (DAEN-CWO-R) Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

Ray Mitchell, Recreation Resource Management Branch, Construction-Operations Division, Office, Chief of Engineers 202-693-7177.

SUPPLEMENTARY INFORMATION:

DELETIONS

The regulations contained in part 313 apply only to the Sam Rayburn Reservoir Area, Angelina River, Tex., which is administered as a joint venture by the Corps of Engineers and the U.S. Forest Service, Department of Agriculture, each operating under their respective laws and regulations. Each of the two agencies separate regulations are comparable and comprehensive enough to effectively manage their respective areas or jurisdiction. Part 327 contains those basic rules and regulations governing public use of Corps of Engineers water resource development projects; therefore Part 313 is duplicative and unnecessary.

The same rationale applies to Part 322 which contains rules and regulations for a joint venture of the Corps of Engineers with the U.S. Fish and Wildlife Service, Department of the Interior, at Great Salt Plains Dam and Reservoir Area, Okla.

AMENDMENT

The amendments to Part 327 are necessary to reflect new and increasing recreation activities and to clarify and strengthen selected rules and regulations for more effective management and enhanced public enjoyment of Corps water resource development projects.

Section 327.25 has been amended to allow for greater flexibility in establishing special recreation use fees for specific projects in accordance with the provisions of subsection 4(b) and 4(c) of Pub. L. 88-574 (78 Stat. 897) as amended.

NOTE.—The U.S. Army Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement Under Executive Order 11821 and OMB Circular A-107.

The proposed changes to the Rules and Regulations Governing Public Use of Water Resource Development Projects Administered by the Chief Of Engineers (36 CFR Chapter III) are as follows:

PART 313—WATER RESOURCE DEVELOPMENT PROJECTS HAVING JOINT REGULATIONS [DELETED]

1. Part 313 is deleted.

PART 322—PUBLIC USE OF SALT PLAINS NATIONAL WILDLIFE REFUGE AND GREAT SALT PLAIN DAM AND RESERVOIR AREA, SALT FORK OF ARKANSAS RIVER, OKLA. [DELETED]

2. Part 322 is deleted.

PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

3. The Table of Contents to Part 327 is revised as follows:

Sec.
327.0 Applicability.
327.1 Policy.

Sec.
327.2 Vehicles.
327.3 Vessels.
327.4 Aircraft.
327.5 Swimming.
327.6 Picnicking.
327.7 Camping.
327.8 Hunting, fishing and trapping.
327.9 Sanitation.
327.10 Fires.
327.11 Control of animals.
327.12 Restrictions.
327.13 Explosives, firearms, other weapons and fireworks.
327.14 Public property.
327.15 Abandonment of personal property.
327.16 Lost and found articles.
327.17 Advertisement.
327.18 Commercial activities.
327.19 Permits.
327.20 Unauthorized structures.
327.21 Special events.
327.22 Unauthorized occupation.
327.23 Outgranted lands.
327.24 Indian lands.
327.25 Recreation use fees.
327.26 Interference with Government employees.
327.27 Violation of rules and regulations.
327.28 [Reserved].
327.29 [Reserved].
327.30 Lakeshore management on civil works projects.

AUTHORITY: Sec. 4, Act of December 22, 1944, 58 Stat. 889, as amended, 16 U.S.C. 460 d; sec. 210 of Pub. L. 90-483, 82 Stat. 746; and Pub. L. 88-578, 78 Stat. 897, as amended, 16 U.S.C. 4601-6a.

4. Sections 327.0 through 327.3 are revised as follows:

§ 327.0 Applicability.

The regulations covered in this Part 327 shall be applicable to water resource development projects completed or under construction, administered by the Chief of Engineers, and to those portions of jointly administered water resource development projects which are under the administrative jurisdiction of the Chief of Engineers. All other Federal, State and local laws and regulations remain in full force and effect where applicable to those water resource development projects.

§ 327.1 Policy.

(a) It is the policy of the Secretary of Army acting through the Chief of Engineers to manage the natural and cultural resources of each project in the public interest, providing the public with safe and healthful recreational opportunities while protecting and enhancing these resources.

(b) Unless otherwise indicated herein, the term "District Engineer" shall include the authorized representatives of the District Engineer.

(c) The term "project" or "water resource development project" as used herein refers to all federally owned fee lands and all water areas and all facilities therein or thereon that are contained in any water resource development project.

(d) All water resource development projects open for public use shall be available to the public without regard to sex, race, color, creed, or national

origin. No lessee, licensee, or concessionaire providing a service to the public shall discriminate against any person because of sex, race, creed, color or national origin in the conduct of the operations under the lease, license or concession contract.

§ 327.2 Vehicles.

(a) This section pertains to all vehicles, including, but not limited to, automobiles, motorcycles, mini-bikes, trail bikes, snowmobiles, dune buggies, all terrain vehicles, bicycles, and trailers, campers or any other such equipment.

(b) Vehicles shall not be parked in violation of posted restrictions, or in such manner as to endanger any person or property. The owner of any vehicle parked in violation of this section shall be presumed to have parked it, and unless rebutted such presumption will be sufficient to sustain a conviction as provided for in § 327.27.

(c) The operation of a vehicle off roadways is prohibited except at locations and times designated by the District Engineer.

(d) (1) Vehicles shall be operated only in accordance with posted regulations. (2) No person shall operate any vehicle in a careless, negligent or reckless manner so as to endanger any person (including the operator and/or passenger(s) of the vehicle) or property.

(e) At developed areas, vehicles shall be used only for ingress and egress unless otherwise posted.

(f) Except as authorized by the District Engineer no person shall operate any motorized vehicle without a proper and effective exhaust muffler, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

§ 327.3 Vessels.

(a) The placement and/or operation of any vessel or watercraft for a fee or profit upon project waters or lands is prohibited except as authorized by permit, lease, license or concession contract with the Department of Army. This paragraph shall not apply to the operation of commercial tows or passenger carrying vessels not based at a Corps project which utilize project waters as a link in continuous transit over navigable waters of the United States.

(b) (1) Vessels or other watercraft may be operated in project waters, except in prohibited or restricted areas designated by the District Engineer. (2) The operation of vessels or other watercraft in a careless, negligent or reckless manner so as to endanger any property or person (including the operator and/or user(s) of the vessel or watercraft) is prohibited.

(c) Vessels or other watercraft shall not be utilized for overnight occupancy

while moored in commercial facilities, community or corporate docks or at any fixed or permanent mooring point. Any such moored vessel or other watercraft may only be used for overnight occupancy when such use is incidental to its primary use for recreational boating and the vessel or other watercraft is not used as a place of habitation.

(d) Water skis or other similar devices are permitted except they may not be used in a careless, negligent or reckless manner so as to endanger any property or person including the user or operator of the vessel.

(e) All vessels when not in actual use for 24 hours shall be removed from the project unless securely moored at mooring facilities approved by the District Engineer. The placing of floating or stationary mooring facilities to, or interfering with a buoy, channel marker, or other navigational aid is prohibited.

(f) (1) The use at a project of any vessel not constructed and maintained in compliance with the standards and requirements established by the National Safe Boating Act of 1971 (Pub. L. 92-75, 85 Stat. 213), or promulgated pursuant to such act, is prohibited. (2) The discharge of sewage, galley waste, garbage or pollutants into the project waters from any vessel or watercraft is prohibited.

(g) Except as authorized by the District Engineer no person shall operate any vessel or watercraft without a proper and effective exhaust muffler, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

5. Sections 327.5 through 327.11 are revised as follows:

§ 327.5 Swimming.

Swimming, diving, snorkeling or scuba diving at one's own risk is permitted, except at launching sites and other areas designated by the District Engineer.

§ 327.6 Picnicking.

(a) Picnicking is permitted, except in those areas where prohibited by the District Engineer.

(b) Picnickers shall remove all personal equipment and shall clean their sites upon departure.

§ 327.7 Camping.

(a) Camping is permitted only in areas and at sites designated by the District Engineer.

(b) Camping at one or more campsites at any one project for a period longer than 14 consecutive days is prohibited without the written permission of the District Engineer. Written permission is required to camp at any project in excess of 14 days during any 30 day period.

(c) Leaving a campsite unoccupied

during the first night after camping equipment or other property have been set up, or leaving camping equipment or other property unattended for more than 24 hours is prohibited without the written permission of the District Engineer.

(d) The digging or leveling of any ground or the construction of any structure without written permission of the District Engineer is prohibited.

(e) Campers shall keep their campsites free of trash and litter during the period of occupancy and shall clean their campsites and remove all personal equipment upon departure.

§ 327.8 Hunting, fishing and trapping.

Hunting, fishing and trapping are permitted in accordance with applicable Federal, State and local laws except in areas designated by the District Engineer.

§ 327.9 Sanitation.

(a) Garbage, trash, rubbish, litter or any other waste material or waste liquid generated on the project and incidental to authorized recreational activities shall be either removed from the project or deposited in receptacles provided for that purpose. The improper disposal of such wastes on the project is prohibited.

(b) The use of refuse containers or other refuse facilities for dumping or disposal of household or commercial garbage, trash, rubbish, debris, sewage, dead animals or litter of any kind brought onto the project is prohibited.

(c) It is a violation to bring onto a project any material for the purpose of disposal without written permission of the District Engineer.

§ 327.10 Fires.

(a) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping equipment or hand portable containers, shall not be carried onto or stored within the project without written permission of the District Engineer.

(b) Fires shall be confined to those areas designated by the District Engineer, and shall be confined to fireplaces, grills, or other facilities designed for this purpose. Fires shall not be left unattended and must be completely extinguished prior to departure.

(c) The gathering of wood is prohibited without written permission of the District Engineer except for the gathering of dead material on the ground for use in designated recreation areas.

§ 327.11 Control of animals.

(a) No person shall bring, or allow horses, cattle, or other livestock in camping, picnic, swimming or other recreation areas except in areas designated by the District Engineer.

(b) No person shall bring dogs, cats or other pets into developed recreation areas unless penned, caged, on a leash under 6 feet in length or otherwise

under physical restraint at all times. No animals or pets are permitted in swimming beach areas. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with State and local laws.

(c) Allowing unauthorized livestock to enter upon or to be upon project lands and failing or refusing to remove unauthorized livestock from such lands when requested by the District Engineer is prohibited.

(d) Any violation of (a), (b) or (c) above shall constitute a separate violation for each calendar day in which it occurs.

6. Paragraph (a) of § 327.12 is revised as follows:

§ 327.12 Restrictions.

(a) The District Engineer may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project. The District Engineer may close or restrict the use of a project or portion of a project when necessitated by reasons of public health, public safety, maintenance or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closure or restrictions is prohibited.

7. Paragraph (a) of § 327.13 is revised as follows:

§ 327.13 Explosives, firearms, other weapons and fireworks.

(a) The possession of loaded firearms, ammunition, projectile firing devices, bows and arrows, cross bows and explosives of any kind is prohibited unless: (1) in the possession of a State or local law enforcement officer on official business; or (2) in the possession of a Federal Government employee with law enforcement authority and on official business as approved by the District Engineer; or (3) to be used for hunting and fishing as permitted under § 327.8; or (4) to be used at authorized shooting ranges; or (5) written permission has been received from the District Engineer.

8. Section 327.14 is revised as follows:

§ 327.14 Public property.

Destruction, injury, defacement, removal or any alteration of public property, including, but not limited to constructed facilities, natural formations, historical and archeological features and vegetative growth, is prohibited without the written permission of the District Engineer. Any such destruction, removal or alteration of public property shall be in accordance with

the conditions of any permission granted.

9. Paragraph (a) of § 327.15 is revised as follows:

§ 327.15 Abandonment of personal property.

(a) Personal property of any kind shall not be abandoned or left unattended upon project lands or waters. After a period of 24 hours, unattended personal property shall be impounded and stored at a storage point designated by the District Engineer, who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owners.

10. Sections 327.16 and 327.17 are revised as follows:

§ 327.16 Lost and found articles.

All lost articles shall be deposited by the finder at the Resource Manager's Office or with a Ranger. The finder may leave his name, address and phone number. All lost articles shall be disposed of in accordance with the procedures set forth in § 327.15, above.

§ 327.17 Advertisement.

Advertising by the use of bill boards, signs, markers, audio devices or any other means whatsoever including handbills, circulars, and posters is prohibited without written permission of the District Engineer. Vessels and vehicles with semi-permanent or permanent painted or installed signs are exempt as long as they are used for authorized recreational activities and comply with all other rules and regulations pertaining to vessels and vehicles.

11. Sections 327.19 through 327.21 are revised as follows:

§ 327.19 Permits.

(a) It shall be a violation of these regulations to refuse to comply with the terms or conditions of any permit issued under the provisions of this regulation.

(b) (1) Permits for floating structures of any kind in waters or water resources development projects whether or not such waters are deemed navigable waters of the United States but where such waters are under the management of a Corps of Engineers lake Resources Manager shall be issued at the discretion of the District Engineer under the authority of this regulation. District Engineers will delineate those portions of the navigable waters of the United States where this provision is applicable and post notices of this designation, in the vicinity of the lake Resource Managers Office.

(2) Permits for non-floating structures of any kind constructed, placed

in or affecting waters of water resource development projects where such waters are deemed navigable waters of the United States shall be issued under the provisions of section 10 of the Act approved March 3, 1899. If a discharge of dredged or fill material in these waters is involved, a permit is required under section 404 of the Federal Water Pollution Control Act of 1972 (Pub. L. 92-500). (See 33 CFR 320.329.)

(3) Permits for non-floating structures of any kind in waters of water resources development projects where such waters are under the management of Corps of Engineers lake Resources Manager and where such waters are not deemed navigable waters of the United States shall be issued as set forth in subparagraph (1) of this paragraph. If a discharge of dredged or fill material into any waters of the United States is involved, a permit is required under section 404 of the Federal Water Pollution Control Act of 1972 (Pub. L. 92-500). (See 33 CFR 320.329.)

§ 327.20 Unauthorized structures.

The construction, placing or continued existence of any structure of any kind under, upon, in or over the project lands or waters is prohibited unless a permit, lease, license or other appropriate written agreement therefor has been issued by the District Engineer. Structures not so authorized are subject to summary removal or impoundment by the District Engineer. The design, construction, placing, existence, or use of structures in violation of the terms of the permit, lease, license or other written agreement therefor is prohibited.

§ 327.21 Special events.

(a) Special events, including but not limited to water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreation programs are prohibited unless written permission therefor have been granted by the District Engineer.

(b) The public shall not be charged any fee by the sponsor of such event unless the District Engineer has approved in writing the proposed schedule of fees. The District Engineer shall have authority to revoke his permission and require removal of any equipment upon failure of the sponsor to comply with terms and conditions of the permit/permission or with regulations in part 327. Any violation shall constitute a separate violation for each calendar day in which it occurs.

12. Paragraphs (a) and (b) of § 327.22 are revised as follows:

§ 327.22 Unauthorized occupation.

(a) Occupying any lands, buildings, vessels or other facilities within water resource development projects for the

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purpose of maintaining same as a full or part time residence without the written authorization of the District Engineer is prohibited. The provisions of this section shall not apply to the occupation of lands for the purpose of camping in accordance with the provisions of § 327.7.

(b) The ranging, grazing or watering of livestock on project lands and waters is prohibited except when authorized by lease, license or other agreement with the District Engineer. Any violation shall constitute a separate violation for each calendar day in which it occurs.

13. Paragraphs (a)(1), (d) and (g) of § 327.25 are revised as follows:

§ 327.25 Recreation use fees.

(a) (1) Section 2 of 86 Stat. 459 (Golden Eagle Passport Program, Pub. L. 92-347), which amends 78 Stat. 897 (The Public Land and Water Conservation Federal Act of 1965, Pub. L. 88-578), Section 4(b) which requires Federal agencies developing, administering or providing specialized sites, facilities, equipment or services related to outdoor recreation to collect special recreation use fees for the use of sites, facilities, equipment, or services furnished at Federal expense. Section 4(a), however, prohibits the Corps of Engineers from collecting entrance fees to projects. Section 210 of 82 Stat. 746 (Pub. L. 90-483) also prohibits the United States from collecting entrance or admission fees to Corps projects.

(d) All use fees shall be fair and equitable and will be based on the following criteria:

- (1) The direct and indirect amount of Federal expenditure.
- (2) The benefit to the recipient.
- (3) The public policy or interest served.
- (4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged.
- (5) The economic and administration feasibility of fee collection.
- (6) The extent of regular maintenance required, and
- (7) Other pertinent factors.

Based on the above criteria it shall be the policy of the Chief of Engineers to publish in the FEDERAL REGISTER as a general notice document, the established range of fees for recreation facilities, whenever such fees are adjusted. Fees for specialized outdoor recreation facilities not mentioned above may also be established in accordance with the criteria listed in this paragraph.

(g) Failure to pay authorized recreation use fees as established pursuant to Pub. L. 88-578, 78 Stat. 897, as amended, 16 U.S.C. 4601-6a is prohibited and is punishable by a fine of not more than \$100.

14. Section 327.26 is revised as follows:

§ 327.26 Interference with Government employees.

Interference with any Government employee in the conduct of his or her official duties pertaining to the administration of these regulations is prohibited.

15. The following headings are inserted to show that §§ 327.28 and 327.29 are reserved.

§ 327.28 [Reserved]

§ 327.29 [Reserved]

16. The appendices to § 327.30 are amended as follows:

§ 327.30 Lakeshore management at civil work projects.

LIST OF APPENDICES TO § 327.30

APPENDIX A—GUIDELINES FOR GRANTING PERMITS FOR PRIVATE FLOATING RECREATION FACILITIES

APPENDIX B—APPLICATION FOR LAKESHORE USE PERMIT [RESERVED]

APPENDIX C—LAKESHORE USE PERMIT CONDITIONS

APPENDIX D—PERMIT [RESERVED]

APPENDIX A—GUIDELINES FOR GRANTING PERMITS FOR PRIVATE FLOATING RECREATION FACILITIES

1. General.—a. Decisions regarding the granting of permits for private floating recreation facilities must be made in considered relationship to the operating objectives and physical characteristics of each project. Such decisions must avoid giving the appearance of converting public property, on which the permitted facility is located, to private, exclusive use. In every case, the foremost objective is to secure maximum storage of boats and related equipment at commercial concession areas. Through direction of the boat-owning public to such areas, the Corps strives to minimize the number of shoreline developments which could prove aesthetically distracting, unreasonably injurious to the environment or limit use of Federal property by the general public.

2. Applications for lakeshore use permits.

c. Effective on receipt of this regulation, the following will guide the issuance of this type of permit:

(1) The use of boating mooring facilities, including piers and boat houses, will be limited to the mooring of watercraft and

the storage of gear essential to the operation of the watercraft.

(2) Private floating recreation facilities, including boat mooring facilities described in (1) above, shall not be used for human habitation or in a manner which gives the appearance of converting the public property on which the facility is located to private, exclusive use.

APPENDIX B.—APPLICATIONS FOR LAKESHORE USE PERMIT [RESERVED]

APPENDIX C.—CONDITIONS OF PERMIT FOR LAKESHORE USE

12. The use of (the permitted facility) shall be limited to the mooring of watercraft and the storage, in inclosed locker facilities, of gear essential to the operation of such watercraft.

13. Neither (the permitted facility) nor any houseboat, cabin cruiser, or other vessel regularly moored thereto shall be used for human habitation or in any manner which gives the appearance of converting the public property, on which the facility is located, to private, exclusive use.

14. No houseboat, cabin cruiser or other vessel shall be used for human habitation at a fixed or permanent mooring point.

15. No charge may be made for use by others of the permitted facility nor commercial activity be engaged in thereon.

16. The size of all structures shall be kept to a minimum to limit encroachment on the water surface.

17. Boating mooring buoys and flotation units of floating facilities shall be constructed of materials which will not become waterlogged or sink when punctured.

18. Floating structures are subject to periodic inspection by the Corps rangers. If an inspection reveals conditions which make the facility unsafe in any way or conditions which deviate from the approved plans, such conditions will be corrected immediately by the owner upon receipt of notification. No deviation or changes from approved plans will be permitted without prior written approval of the Resource Manager.

19. Floating facilities shall be securely anchored to the shore in accordance with the approved plans by means of moorings which do not obstruct the free use of the lake-shore.

20. That the display permit tag provided shall be posted on the floating facility or on the land areas covered by the permit so that it can be visually checked with ease in accordance with instructions of the Resource Manager.

21. No vegetation other than that prescribed in the permit may be damaged, destroyed or removed.

22. No change in land form such as grading, excavation or filling may be done.

23. No vegetation planting or any kind may be done, other than that specifically prescribed in the permit.

24. This permit is non-transferable. Upon the sale or other transfer of the permitted facility or the death of the permittee, this permit is null and void.

25. By 30 days written notice, mailed to the permittee by registered or certified letter, the District Engineer may revoke this permit whenever he determines that the public interest necessitates such revocation or when he determines that the permittee

has failed to comply with the conditions of this permit. The revocation notice shall specify the reasons for such action. If within the 30 day period, the permittee, in writing requests a hearing, the District Engineer shall grant such hearing at the earliest opportunity. In no event shall the hearing date exceed 60 days from the date of the hearing request. At the conclusion of such hearing, the District Engineer shall render a final decision in writing and mail such decision to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the District Engineer appeal such decision to the Division Engineer. The decision of the Division Engineer shall be rendered as expeditiously as possible and shall be sent to the permittee by registered or certified letter. The permittee may, within 5 days of receipt of the decision of the Division Engineer appeal such decision in writing to the Chief of Engineers. The decision of the Chief of Engineers shall be final from which no further appeal may be taken.

26. Notwithstanding condition 25 above, if, in the opinion of the District Engineer, emergency circumstances dictate otherwise, the District Engineer may summarily revoke the permit.

APPENDIX D.—PERMIT [RESERVED]

Dated: February 6, 1978.

For the Chief of Engineers.

JAMES N. ELLIS,
Colonel, Corps of Engineers, Executive Director, Engineer Staff.

(FR Doc. 78-3674 Filed 2-8-78; 8:45 am)

[8320-01]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS EDUCATION

Policies and Procedures

AGENCY: Veterans Administration.

ACTION: Request for public comment.

SUMMARY: The Veterans Administration is publishing for public comment new and revised statements of policy and procedures which have been adopted by the Agency to implement the GI Bill Improvement Act of 1977. These policy and procedural statements will better acquaint veterans, eligible persons, educational institutions, and the public at large with the way in which this Act will be administered.

DATES: Comments must be received on or before March 9, 1978.

ADDRESS: Send written comments to: The Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until March 20, 1978.

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FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: This publication contains DVB Circular 20-77-97, Appendix B and Appendix C. These appendices deal with the policy and procedures necessary to implement provisions of the GI Bill Improvement Act of 1977 as to extending the delimiting dates for using educational assistance allowance under limited conditions and revised criteria for obtaining a Veterans Administration education loan. These appendices have been implemented and have or will be distributed through normal channels to interested persons.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding these documents to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays), until March 20, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to a VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

APPROVED: February 1, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

(DVB Circular 20-77-97)

APPENDIX B—EXTENDED DELIMITING DATES

1. Purpose. This appendix provides detailed instructions for extending the delimiting dates of veterans and eligible spouses under certain limited conditions.

2. General. (a) Pub. L. 95-202 has amended title 38 U.S.C. 1662(a) and 1712(b) to provide that the delimiting dates of veterans and eligible and surviving spouses may be extended if such persons were prevented from initiating or completing a chosen program of education within their basic delimiting period because of a physical or mental disability which did not result from the claimants' own willful misconduct. The length of any extension granted will be the length of time it is determined that the veteran or spouse was prevented from initiating or completing a chosen program of edu-

cation within the basic 10-year period of eligibility. These provisions are effective retroactively to May 31, 1976.

(b) An application must be made by the individual for consideration of extending a delimiting date; no special review will be conducted of cases with expired delimiting dates.

(c) For the purpose of extended delimiting dates, "program of education" refers to a course or curriculum pursued in an educational institution or training establishment (38 U.S.C. 1652 (b) and (c), and 1787(c)).

3. Applications. Application for a delimiting date extension must be received by the VA (Veterans Administration) within 1 year after the claimant's basic delimiting date, or within 1 year after November 23, 1977, or within 1 year after the date on which the claimant ceased to be unable to initiate or continue training because of disability, whichever date is later. Application may be made on VA Form 22-1990, 22-1995, 22-5490w, or 22-5495w as appropriate, with the additional required information cited below attached. Pending development of a form letter, any information required from a claimant will be solicited by dictated letter with VA Form 21-4138 enclosed. If only an application for a program of education is received, and the claimant's delimiting date has expired, the claim will be disallowed with notice furnished by dictated letter, which will also briefly explain the requirements for extended delimiting dates and list the information needed for an application. No further action will be taken until the requested information is submitted.

(a) The claimant's signed statement is required giving this specific information:

(1) The type of claimed disability.

(2) The beginning and ending dates of any period or periods during which the claimant was unable to pursue training because of the claimed disability.

(3) The claimant's statement of how the disability was incurred, if known.

(4) A statement of the claimant's employment history during the period that he or she was unable to pursue training because of the existence of a disability. Dates and weekly hours of employment, names and addresses of employers, and types of jobs held should be specified.

(b) Medical evidence clearly establishing the nature and duration of the disability must be submitted. Such evidence will consist of at least a statement by an attending physician, verifying the disability, the period of disability, and the physician's evaluation of the feasibility of employment or training for the claimant. The statement should clearly indicate periods when, in the opinion of the physician, training was medically infeasible. Other supporting evidence, such as hospital reports or results of laboratory tests, should also be submitted.

(c) If, after full development, the claimant is unable to furnish medical evidence of a disability, the claim will be disallowed without referral to the rating board. End product code 220 will be taken.

4. Determinations. A favorable decision to extend a claimant's delimiting date under this provision requires finding the existence of a physical or mental disability which precluded training, establishing the duration of such a disability, and finding the absence of willful misconduct on the part of the claimant in incurring the disability.

(a) Judging the existence of a physical or mental disability will be the responsibility of a VA rating board, and will include estab-

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lishing beginning and ending dates for the period or periods during which training was precluded by disability. These decisions will be presented in a memorandum rating; M21-1, chapter 47, will be changed to reflect this additional memorandum rating responsibility of the rating board.

(1) Existence of a physical or mental disability which precluded training will be found if medical evidence clearly establishes a diagnosable disease, injury, or other defect judged to have made training medically infeasible. The rating board must also fix inclusive dates defining the period during which training was not medically feasible.

(2) Notwithstanding medical evidence of a disability, medical infeasibility of training ordinarily may not be found for any period during which the claimant was employed full time. However, the rating board will ensure that such employment was not part of a medically prescribed rehabilitation program or did not otherwise indicate an inability to pursue training effectively before finding that training was not precluded.

(b) When necessary, determinations concerning willful misconduct will be made in accordance with M21-1, paragraph 14.04. If such a decision is within jurisdiction of the rating board (cases involving disease—see par. 14.04e(1)), the decision will be incorporated in the memorandum rating provided for in subparagraph a above. Otherwise a separate administrative decision prepared by the Authorization activity will be required.

(c) A disability of less than 30 days' duration will not entitle a veteran or eligible spouse to a delimiting date extension unless the claimant shows exceptional circumstances in which he or she was prevented from enrolling or reenrolling in the chosen program of education (see par. 5), or was forced to discontinue attendance, because of the short disability. A statement from the claimant citing the specific circumstances (including, for example, registration or examination dates with which the disability interfered) will be accepted in the absence of contradictory information. Any necessary development of information for this minimum length of disability requirement will be accomplished by the Authorization activity after the rating board has determined inclusive dates of the disability.

(d) Until further notice, end product code 220 will be assigned for extended delimiting date approvals and disallowances with rating board action.

5. *Chosen Program of Education.* The program of education to be pursued during an extended delimiting period will be whichever of the following applies. Once a program is initiated or continued during the extended period, no changes of program will be permitted.

(a) If the claimant had no prior training under chapter 34 or 35, any approved program of education may be initiated.

(b) If the claimant had chapter 34 or 35 training after the end of his or her disability, only training for completion of the last program of education for which VA benefits were paid may be pursued.

(c) If the claimant received no chapter 34 or 35 training after the period of disability, he or she may pursue only completion of the last program for which VA benefits were paid, unless a VA counseling psychologist recommends approval of a change of program because of limitations resulting from the disability.

6. *Length of Period of Disability.* The length of the period during which training was precluded by disability will be determined as follows:

(a) The beginning of the period will be the first day of the claimant's basic 10-year delimiting period or the first day on which the claimant's disability rendered training medically infeasible as determined by the rating board, whichever date is later.

(b) The end of the period will be the earliest of the following dates:

(1) The date on which the claimant could have first enrolled or reenrolled in an ordinary term (summer sessions excluded) in the chosen program of education after training became medically feasible as determined by the rating board. The term in question depends on the school formerly attended, if training was not completed, or the school the claimant now wishes to attend if training is being initiated.

Example: A claimant was disabled and regained medical feasibility for training on August 1, 1975. The claimant had been enrolled last at State University (or will now initiate a program at State University). This school began its ordinary fall term on September 10, 1975. The end of the period during which training was precluded would be September 10, 1975. Reference to back issues of school catalogs or bulletins, or contact with school officials, may be required to determine such dates in the past which represented a claimant's next opportunity to enroll. For claimants whose program of education is not organized on a term basis, the ending date of the period will be the date on which training became medically feasible.

(2) The date on which the claimant enrolled or reenrolled, if such date preceded the date specified in subparagraph (1).

(3) The claimant's basic delimiting date. The length of any extension granted will not provide any individual with more than 10 years of eligibility during which training was medically feasible.

7. *Beginning and ending dates.* (a) The effective (beginning) date of an extended delimiting period will be elected by the claimant.

(1) The elected effective date may be any date on or after the claimant's basic delimiting date, but no later than the first day of the first ordinary term at the claimant's school beginning 90 days or more after VA approval of the extension (or no later than 90 days after VA approval of the extension for courses not offered on a term basis).

(2) Explanation of this election, including a statement as to the claimant's best advantage if this can be determined, will be included in notification of the approval of the delimiting date extension.

(3) The claimant will also be informed that this election, once it has been made, is irrevocable.

(b) The ending date of the extended period will be established by adding to the beginning date the length of the period of disability as determined under paragraph 6. The day after this ending date becomes the claimant's new delimiting date for all educational benefit purposes. Once an extended delimiting period has been granted, it will not be extended further because of either recurrence of disability or the onset of a new disability. Note that although benefit payments may be made up to the new delimiting date, payments will not be continued beyond completion of the chosen program of education. Changes of program

during an extended delimiting period will not be allowed. Normal progressions of courses (i.e., from bachelor of arts degree to a master of arts program) are not changes of program and therefore are permitted during an extended delimiting period.

8. *Notification to the claimant.* (a) The claimant will be informed of a disallowance of the application for extended delimiting date by dictated letter giving the specific reason for disallowance and enclosing full statement of appellate and procedural rights.

(b) If the application for an extended delimiting date is approved, the claimant will be notified at once by dictated letter, which will include the following information:

(1) The length of time the extended period will run, and a clear explanation of how this period was determined.

(2) An explanation of the possible beginning dates for the extended delimiting period as specified in paragraph 7a and a request for the claimant's election of the beginning date. VA Form 21-4138 will be enclosed for the claimant's use. He or she must also be made aware that the election will be final after it has been made and the extended delimiting date will run continuously from the chosen beginning date.

(3) The claimant will also be informed that benefits will be paid during the extended delimiting period only for the chosen program of education, and payments will not be made beyond the completion of such program or the new delimiting date, whichever occurs first.

(4) Notice of appellate and procedural rights will also be enclosed.

9. *Award procedures.* (a) Before any educational benefits can be paid during an extended delimiting period, it will be necessary to establish a new delimiting date in the claimant's master record. The new delimiting date will be computed using the effective date of the extended period (par. 7a) and adding to it the approved length of the extended period (par. 8). The delimiting date (first no-pay date) will be the date resulting from this computation. For example, assume a claimant's extended period is elected to begin with enrollment on January 20, 1978. Adding an approved extended period of 11 months and 15 days to this date yields January 5, 1979, which will be established as the claimant's new final delimiting date.

(1) Chapter 34 veterans—Until the computer system can be modified, it will be necessary to change the released from active duty (RAD) date in the claimant's service data to generate the proper new delimiting date. This may be accomplished on VA Form 22-1997S by entering a computed (fictitious) RAD along with all other required service data (see M22-2, pt. IV, ch. 4, par. 4.10e and footnote 1). The correct RAD entry for the above example would be January 5, 1969. All cases for which the fictitious adjustment is made must be controlled for readjustment of service date after system modifications are completed. Note that if a chapter 34 claimant has less than 45 months of original entitlement, the entered on active duty date (EOD) will also have to be adjusted in accordance with the RAD adjustment to maintain the correct original net entitlement in the master record.

(2) Chapter 35 spouses—The proper new delimiting date will be established by transaction 02V to correct field 392. Until further notice, this correction will not be processed on VA Form 22-1997S.

(b) After a new delimiting date has been established, any required award action may be prepared on VA Form 22-1997S. Legislative rate change lines need not be inserted if the award covers retroactive periods; the scan program will generate the required change lines. Initial awards for an extended delimiting period will require a dictated award letter confirming the claimant's chosen program of education and the elected beginning date of the extended period, and explaining all rates and effective dates.

DOROTHY L. STARBUCK,
Chief Benefits Director.

(DVB Circular 20-77-97)

APPENDIX C—VETERANS ADMINISTRATION
EDUCATION LOANS

1. *Purpose.* This appendix provides instructions for implementing the provisions of Pub. L. 95-202 which amended 38 U.S.C. 1798 to increase the education loan amount effective January 1, 1978. Pub. L. 95-202 also made numerous other changes in the education loan program.

2. *General.* (a) Pub. L. 95-202 increased the absolute maximum a veteran or eligible person may borrow, not to exceed \$311 multiplied by the months of entitlement remaining at the beginning of the academic year or other period to which the loan is to apply. This provision is effective October 1, 1977.

(b) The following provisions are effective January 1, 1978: (1) The maximum loan amount was increased to an amount not to exceed \$2,500 in any one regular academic year.

(2) NCD (non-college-degree) courses that are less than 6 months in length may be considered for a waiver of the 6-month requirement for students seeking NCD loans; (3) Guaranteed Student Loan Program denials are no longer required;

(4) Each veteran or eligible person, upon application for a loan, must assign to the VA (Veterans Administration) any accelerated payment to which he/she may become entitled and any matching contribution by a State or local governmental unit; and

(5) Loan payment checks will generally be mailed to the veteran's or eligible person's school for delivery to the veteran or eligible person.

(c) Loans can now be made up to 2 years following a veteran's or eligible spouse's delimiting date under certain limited conditions. This provision is effective November 23, 1977, and applies to any veteran, spouse, or surviving spouse whose delimiting date was May 31, 1976 or later.

3. *Increased loan amounts.* (a) Effective October 1, 1977, the absolute maximum that a claimant may borrow may not exceed \$311 multiplied by the months of remaining entitlement at the beginning of the academic year or other period to which the loan applies. Loan amounts will be rounded upwards to the nearest \$10. Notwithstanding the limitation imposed on loan amounts by the veteran's or eligible person's remaining entitlement, the maximum loan amount that may be paid up through December 31, 1977, may not exceed \$1,500 per academic year, and the maximum loan amount that may be paid on or after January 1, 1978, may not exceed \$2,500 per academic year. Effective January 1, 1978, the maximum loan amount for an academic year of \$2,500 is adjusted for various enrollment periods as follows:

(1) Courses organized on a term basis:

Period:	Maximum
Academic year ¹	\$2,500
Semester	1,250
Quarter or summer session ²	825
Academic year plus summer session ..	3,325
Semester plus summer session	2,075
Quarter plus summer session	1,650

¹Academic year means the 9-month period, usually from August or September to May or June, which generally includes 2 semesters or 3 quarters. ²For purposes of the VA education loan program, summer session means a designated summer term of at least 10 weeks' duration. A summer term is the whole of the summer period of instruction, regardless of divisions made for administrative purposes. For example, the 10-week requirement would be met if the student were to enroll in the first of 2 5-week sessions and intended to reenroll in the second 5-week session.

(2) Courses not organized on a term basis:

Length of course (months):	Maximum (per month)
3 through 5	\$275
6 through 8	1,650
9 through 11	2,500
12	3,325

Note.—No loan will be made for a course of less than 3 full months in length. Above 3 full months, 15 calendar days or more will be rounded to next higher month.

(b) Loan requests being considered or reconsidered after receipt of this circular will be handled under the following procedures:

(1) If a loan request is being considered and the VA Form 22-8726, Promissory Note, has not yet been released, the VA Form 22-8727, Education Loan Worksheet, items 7C and 7D, must be amended to reflect the new maximum (\$2,500) and absolute maximum (\$311 multiplied by months of remaining entitlement) loan amounts payable. These adjustments might also result in a different approved loan amount (item 8). If necessary, the Promissory Note must be completed to reflect the new approved loan amount.

(2) If the Promissory Note has been released but has not yet been returned, the Finance activity, upon its return, will immediately process it for payment. If the original loan amount was the old maximum (\$1,500) or old absolute maximum (\$292 multiplied by months of remaining entitlement), the Finance activity will following payment, refer the case to Adjudication for reconsideration of the loan amount. (In such cases a specific request for reconsideration is not required.) If it is determined that an additional amount is payable, a Promissory Note will be sent to the claimant showing only the additional amount payable along with an explanation of the loan reconsideration under Pub. L. 95-202.

(3) Loans paid to veterans or eligible persons for enrollment periods during which there was an increase in the maximum (\$1,500 increased to \$2,500) or absolute maximum (\$292 increased to \$311 multiplied by months of remaining entitlement) loan amount payable may be reconsidered for a possible adjustment to a higher amount. Such reconsideration shall be made for the entire enrollment period based upon the increased rates in effect at the end of the enrollment period. Items 7C and 7D on the Education Loan Worksheet must be adjusted as appropriate. If it is determined that an additional amount is payable, a Promissory Note will be sent to the claimant showing only the additional amount payable. It should be noted, however, that loans shall only be reconsidered pursuant to a specific request received from the veteran or eligible

person within 1 year from the end of the applicable enrollment period (except as indicated in subpar. (2), above). No general review of cases will be made nor will any action be taken when such cases are encountered during routine processing.

4. *Waiver of NCD 6-month requirement.* (a) 38 U.S.C. 1798(c)(1)(B) previously limited NCD education loans to those veterans and eligible persons attending NCD courses which require 6 months or longer to complete. Pub. L. 95-202 amended 38 U.S.C. 1798(c)(1)(B) to provide for a waiver of this 6-month requirement if it is determined to be in the interest of the veteran or eligible person and the Federal Government.

(b) Applications for education loans from veterans or eligible persons attending approved NCD courses which require less than 6 months to complete will be disapproved unless a waiver has been granted by the VA. The applicant will be given the reasons for the disapproval by dictated letter and informed that a waiver of the 6-month requirement may be requested by the school (if the school has not previously applied).

(c) A school may apply for a waiver to the VA regional office Director having jurisdiction of the area where the school is located. The application must be accompanied by an affidavit signed by the President, owner of Chief Official of the school. The affidavit must certify:

(1) The percentage of students, whose enrollment ended during the past 2 years, who completed the course (this information may be established from the most recent Occupational Graduate employment report (Schools), VA Form 22-8723 (Oct. 1976), by dividing entry on line 3 by entry on line 1, and multiplying by 100;

(2) The percentage of all students (no exclusions for any reason) completing the course over the past 2 years who obtained employment in the occupational category for which the course was designed to provide training or in a closely related occupation (this information may be established from the most recent Occupational Graduate Employment Report (Schools), VA Form 22-8723 (Oct. 1976), by dividing the sum of the entries on line 16 and line 17 by the entry on line 12, and multiplying by 100;

(3) The approved length of the course;

(4) The training time for which the course is approved (e.g., full time);

(5) The percentage of all students currently enrolled in the school receiving VA educational benefits; and

(6) The default rate under any DHEW (Department of Health, Education and Welfare) loan program where students at the school have been eligible for and granted such loans. (If loans have been granted under any DHEW loan program, the school must submit, with this certification, a statement signed by a DHEW official verifying the default rate.)

Note.—The application for waiver, other related information and any decision based on the application will be made a part of the approval folder.

(d) The regional office Director shall review waiver requests to determine if they meet the following requirements:

(1) The course completion rate must be 75 percent or more for the preceding 2 years (this may be taken from the most recent VA Form 22-8723 (Oct. 1976), by dividing entry on line 3 by entry on line 1, and multiplying by 100);

(2) 75 percent or more of the graduates of the course during the preceding 2 years must have gained employment in the occupation for which trained or in a closely related occupation (this may be taken from the most recent VA Form 22-8723 (Oct. 1976), by dividing the sum of the entries on line 16 and line 17 by the entry on line 12, and multiplying by 100);

(3) The course must require at least 3 months to complete;

(4) The course must be approved for full-time attendance only;

(5) The percentage of all students currently enrolled in the school receiving VA educational benefits must not exceed 35 percent;

(6) The cumulative default experience on all VA education loans made at the educational institution must not exceed 5 percent or 5 cases, whichever is greater. (This will be determined by the station fiscal officer from the station's current RCS 22-8, VA Educational Loan Payment/Default Report. The percentage will be the total defaults divided by the total loans disbursed.)

(7) The cumulative default experience on DHEW loans must not exceed 5 percent or 5 cases, whichever is greater (refer to school affidavit and DHEW statement); and

(8) There must have been no serious discrepancies discovered at the school by the SAA (State approving agency) on supervisory visits or the VA on compliance surveys during the previous 2 years.

(e) If the above requirements have not been met, the regional office Director is authorized to deny requests for waiver. The denial letter to the school will state the reason for denial and advise the school that it may request an administrative review of the decision by Central Office within 1 year from the date of the denial letter. A copy of the denial letter shall be filed in the approval folder. Such a request for review should be made to the regional office. If a request for review is received, the complete record, including the approval folder and compliance survey file, will be sent to the Field Director (225B) for review and decision. The regional office shall notify the school by letter when the record is forwarded to Central Office. The Central Office decision will be sent to the regional office Director for written notice to the school.

(f) If the requirements of subparagraph d, above, have been met, the waiver request shall be forwarded to Central Office. The complete record, including the approval folder and compliance survey file, will be sent to the Field Director (225B) for review and decision. The regional office shall notify the school by letter when the record is forwarded to Central Office. The Central Office decision will be sent to the regional office Director for written notice to the school. If a waiver is granted, appropriate notice must be given the Authorization activity.

5. *Guaranteed student loan denials not required.* (a) Applicants are no longer required to seek and be unable to obtain a loan under the GSLP (Guaranteed Student Loan Program) as provided for under part B of title IV of the Higher Education Act of 1965. Veterans and eligible persons applying for VA education loans are therefore no longer required to submit two denials from lenders for GSLP loans or a statement that such loans are not available. VA Form 22-8725, Application for Education Loan, will be revised to account for this change. Existing application forms must be modified by hand pending publication of this revised form.

(1) Modifications to the instructions should be as follows: Delete item 2A(3); change rates to reflect the new rates; delete item 3B (item 10A); and delete item 5.

(2) Modifications to the application should be as follows: Delete the "NOTE" under PART II; delete "Name and Address of Lender" after item 10A and add "Guaranteed Student Loan"; and delete the Supplement to Application for Education Loan.

(b) Although GSLP loan denials are no longer required, such loans, as well as other non-VA financial assistance, must be considered when determining need for the VA education loan program. If the application indicates that non-VA financial assistance (including GSLP loans) has been applied for but not yet approved, the amount applied for must be considered available to the applicant when determining need for the VA education loan.

(1) If the applicant's available resources, excluding the amount of non-VA assistance applied for but not received, exceed expenses, the application should be immediately disallowed.

(2) If available resources, including the amount of non-VA assistance applied for but not received, exceed expenses, the application must be deferred pending finalization of the applications for non-VA assistance. A pending end product 230 will be established for a 60-day control period. The applicant must be notified that further action on the VA education loan application cannot be taken until final action has been taken on the applications for non-VA financial assistance. The applicant should also be asked to notify the VA of the dates and total amounts approved. If the applicant fails to respond within the control period, the end product 230 will be taken without further notification to the applicant.

(3) If the application indicates that non-VA assistance has been applied for but does not specify the dollar amount applied for, development action must be undertaken to determine the specific amount.

(4) If available resources, including the amount of non-VA assistance applied for but not received, do not exceed expenses, a loan may be approved without waiting for the application for non-VA assistance to be finalized. The amount of non-VA assistance will be considered available income in determining the amount of the loan to be granted. The applicant must then be notified that the loan amount may be reconsidered if the non-VA assistance is not received, or is received in a lesser amount than applied for. Such notification will be by dictated letter and will also contain the general information contained on FL 22-891.

8. *Assignment of accelerated payments.* (a) 38 U.S.C. 1798(f)(1) has been added which requires that each veteran or eligible person eligible for a VA education loan shall, upon application for a loan, assign to the benefit of the VA the amount of any accelerated payment to which such veteran or eligible person may become entitled and any matching contribution by a State or local governmental unit. Until VA Form 22-8725 can be amended to accomplish this, the following statement must be signed and dated by the applicant and attached to the application: "I hereby assign to the benefit of the VA the amount of any accelerated payment to which I may become entitled from the VA and any matching contribution from a State or local governmental unit pursuant to 38 U.S.C. 1682A(b)(8)."

(b) If the above assignment is not included with loan applications processed on or after

January 1, 1978 and the tuition exceeds \$700 per school year and the student is attending full-time, immediate action should be taken to obtain the assignment. The above statement (subpar. a) may be typed on a VA Form 21-4138 and forwarded to the applicant. The applicant should also be informed that his/her loan application cannot receive final approval until the signed and dated assignment has been received by the VA.

7. *Processing loan applications.* (a) 38 U.S.C. 1798(f)(2) has been added which requires that each loan payment will be drawn in favor of the veteran or eligible person and mailed to the school in which the veteran or eligible person is enrolled. The school will then deliver the check to the veteran or eligible person as soon as practicable after its receipt and certify to the VA that the check has been delivered.

(1) The delivery of the check by the school and the certification to the VA that the check was delivered will entitle the school to the \$11 advance payment reporting fee. Further instructions on the advance payment reporting fee for delivery of loan payment checks will be covered in a future publication.

(2) If a school does not choose to deliver loan payment checks to veterans and eligible persons, or if it is determined that the school cannot satisfactorily care for and deliver them, loan payment checks will be mailed directly to the veteran or eligible person. Under such circumstances, the Finance activity will process loan payments using the veteran's or eligible person's current mailing address as shown on the Promissory Note. A certification of delivery will not be required.

(b) VA Form 22-8725 will be modified as soon as possible to specifically ask if the school will agree to participate in the delivery of loan payment checks. Pending receipt of the revised forms, all field stations will take immediate action to contact schools within their jurisdiction to determine if the schools will process the loan payment checks. Contact should be made by letter or telephone with the certifying official and/or financial aid officer at all IHL's and those NCD institutions that offer programs of at least 6 months' duration. As the information is received, a list will be prepared to show the schools' responses. This information will be made available to Authorization and Finance personnel involved in the processing of education loans. If a school has not yet responded when a loan application is received, telephone contact will be made to obtain the school's decision prior to preparing the Promissory Note.

(c) The Promissory Note will be revised by Authorization to show that the loan payment will be mailed to the student in care of the school or sent directly to the student's current address. Until the revised forms are available, the Promissory Note must be appropriately modified whenever the school agrees to deliver the loan payment check. The modification will be as shown in the following example:

"Your education loan check will be mailed to you in care of your school at the following address:

University of Nebraska, For Ron Oldsmobile, 14th and R Streets, Lincoln, Nebr. 68508."

The address of the school to be shown on the Promissory Note must be the official school address that is maintained in the ap-

proval file. If the school will not process the loan check, the Promissory Note will be modified by Authorization to show: "Your education loan check will be mailed to your current address shown below."

(d) A new form to obtain the school certification of delivery of the education loan payment check, VA Form 4-5220a, Certification of Delivery of Education Loan Payment, (CODL), will be used to verify delivery (see Exhibit A). This form is a three-part set that will be initiated by the Finance activity when the loan payment checks are to be mailed to the schools. This form must have the same mailing address for the school as that maintained in the approval file. This address will be obtained by the Finance activity from the Promissory Note.

(1) Upon delivery of the check, the veteran or eligible person must sign the certification of delivery. The school certifying official will then certify the delivery of the loan payment check. The school will retain a copy of the certification for their records and return the original to the VA regional office at the address shown on the certification.

(2) If no school address is shown on the Promissory Note, the loan payment check will be mailed to the veteran's or eligible person's mailing address, and the Finance activity will not prepare a certification of delivery.

(3) The Finance activity will prepare the CODL in an original and two copies. Pending receipt of the CODL carbon sets, a temporary supply of single sheet forms will be furnished stations as soon as possible (see Exhibit A). The original and one copy will accompany the SF1166, Voucher and Schedule of Payments, to the Treasury Disbursing Center for insertion with the loan payment check. The other copy will be retained by Finance as a pending control. The veteran or eligible person will sign the statement to certify receipt of the check. The school certifying official will also sign the CODL to certify delivery and return the original to the VA. The copy will be kept by the school for their records. Additional finance instructions will be published shortly.

8. *Loans after delimiting date.* (a) 38 U.S.C. 1662(a)(2) and 1712(f) were added to allow education loans for up to 2 years after a veteran's spouse's or surviving spouse's delimiting date. (It should be noted that this provision does not apply to children.) After a veteran's, spouse's or surviving spouse's delimiting date, unused entitlement may be used to establish eligibility to an education loan if the veteran, spouse or surviving spouse was pursuing an approved program of education at a full-time rate on the delimiting date. He/she must be enrolled full time in the same approved program of edu-

cation during the period for which the loan is requested. The claims or DEA folder must be carefully reviewed to determine if these two conditions are met. A veteran, spouse or surviving spouse will be considered enrolled on his/her delimiting date if the delimiting date occurs during a scheduled school break and he/she was enrolled at a full-time rate in the immediately preceding term. Enrollment in a summer term is not required. Unused entitlement may be used to establish loan eligibility until the earliest of the following:

(1) Two years from the date of enactment of Pub. L. 95-202 (November 23, 1979), or 2 years from delimiting date, whichever is later; or

(2) Unused entitlement used to establish loan eligibility has been exhausted (entitlement is used at the rate of 1 month for each month of entitlement that would have been used had the veteran, spouse or surviving spouse been in receipt of educational assistance allowance); or

(3) Approved program of education in which enrolled on delimiting date is completed. (Normal progression will be permitted.)

(b) Once a veteran, spouse or surviving spouse has qualified for an education loan after his/her delimiting date, full-time enrollment in the same program would be required to qualify for any subsequent loan. For example, a veteran who has received a loan after his/her delimiting date for the spring semester of the 1977-78 school year, would be eligible for a loan for fulltime attendance in the same program in the spring semester of the 1978-79 school year (even though there was an intervening summer session or semester during which the veteran was not enrolled or was enrolled at less than full time). If a veteran's, spouse's or surviving spouse's delimiting date occurs during an enrollment period for which a loan is requested, two separate loans will be required for that enrollment period.

(1) The first, if allowable, will cover the period beginning with the start of the enrollment period and ending with the last date of eligibility (delimiting date). The loan amount for that portion of the enrollment period that occurs prior to the delimiting date will be based upon the entire enrollment period except that the aggregate amount of the loan will be based on the actual number of months, including fractional months, from the beginning of the enrollment period to the delimiting date. A second loan, if allowable, will be made for the period following the delimiting date.

(2) A second application must be filed after the delimiting date for that portion of the enrollment period that follows the delimiting date. When the Promissory Note is

sent covering the period up to the delimiting date, the claimant will be fully informed of this and also informed of the requirements that must be met in order to qualify for a loan after the delimiting date.

(c) If eligibility is determined, FL 22-891 must be modified prior to release to include a caution that the Promissory Note may not be submitted to the VA for payment unless the veteran, spouse or surviving spouse is attending school on a full-time basis on the date the note is signed. If he/she has completed the term at the time the note is signed, he/she must have completed the term on a full-time basis.

(d) Reporting instructions for loans made after the claimant's delimiting date will be issued at a later date. Pending receipt of these reporting instructions, all loans made after the claimant's delimiting date will be identified with a "D" suffix in the education loan number.

(e) The Authorization activity must maintain a record of remaining entitlement used to establish loan eligibility. The example shown below demonstrates the type of accounting required. Such an accounting should be made on sturdy white 8"x10 1/4" paper (e.g., bond) and backfiled on the left flap of the claims or DEA file. As shown in the example, the entitlement remaining at the delimiting date is reduced after each loan is made, by an amount equal to the number of months of entitlement that would have been used had the veteran, spouse or surviving spouse been in receipt of full-time educational assistance allowance for the period to which the loan applies. This accounting must be updated after each loan is made beyond a veteran's, spouse's or surviving spouse's delimiting date.

EXAMPLE: LOAN AFTER DELIMITING DATE

Delimiting date.....	June 10, 1977.
Program	BA.
In full-time attendance through.....	May 20, 1977.
Entitlement remaining to establish loan eligibility.....	24 mo.
End of 2-yr period (or earlier ending date).....	Nov. 23, 1979.
Loan after delimiting date approved for the period.....	Feb. 1, 1978 to June 1, 1978.
Entitlement remaining to establish additional loan eligibility.....	20 mo.
Additional loan after delimiting date approved for the period.....	Sept. 1, 1978 to May 1, 1979.
Entitlement remaining to establish additional loan eligibility.....	12 mo.

DOROTHY L. STARBUCK,
Chief Benefits Director.

PROPOSED RULES

Exhibit A

FILE NO.	PAYEE	NAME OF PAYEE	RO NO.	FACILITY CODE
I hereby certify that I received a VA education loan check in the amount indicated and on the date signed. I further certify that I continue to meet the enrollment conditions as outlined in the promissory note.			LOAN NO.	AMOUNT OF CHECK \$
NAME AND ADDRESS OF VA OFFICE			SIGNATURE OF STUDENT	DATE SIGNED
NAME AND ADDRESS OF SCHOOL				
I hereby certify that a VA education loan check in the amount indicated was delivered to the student named above on the date I have signed.			SIGNATURE AND TITLE OF CERTIFYING OFFICIAL	DATE SIGNED

VETERANS ADMINISTRATION

CERTIFICATION OF DELIVERY OF EDUCATION LOAN PAYMENT
(Chapters 34, 34, and 35, Title 38, U.S.C.)

IMPORTANT INSTRUCTIONS - Read these instructions carefully. After completion of this form and delivery of the enclosed loan payment check to the student, return the original (VA COPY) to the VA office shown on the reverse. If the student is no longer in attendance at your institution you must return the loan payment and this form to the Department of the Treasury as shown on the envelope. DO NOT FOLD, STAPLE OR TEAR THIS CARD. If damaged or destroyed, notify the VA immediately.

COMPLETION OF REVERSE BY SCHOOL OFFICIALS

- Verify that the file number, name of student and amount of check printed on the check is the same as printed on this form.
- Have student sign and date the appropriate blocks on both copies and release the check to him or her.
- Sign and date both copies of the form in the appropriate blocks.
- Retain the school copy for your files and forward the VA copy to the VA office indicated.

[FR Doc. 78-3451 Filed 2-8-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6110-01]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON AGENCY ORGANIZATION AND PERSONNEL

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Agency Organization and Personnel of the Administrative Conference of the United States, to be held at 10:30 a.m., February 21, 1978 in the library of the Administrative Conference, the Gelman Building, 2120 L Street NW., Suite 500, Washington, D.C.

The Committee will meet to consider a report prepared by Neil J. Sullivan of Rutgers University on the effects on policy of the separation of rule-making and adjudication under the Occupational Safety and Health Act.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Richard K. Berg, 202-254-7020. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

FEBRUARY 3, 1978.

[FR Doc. 78-3675 Filed 2-8-78; 8:45 am]

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A567]

NEW MEXICO

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Curry County, N.

Mex., as a result of drought with hot and dry winds which caused abnormal infestation of the Banks grass mite during the growing season May 1 through October 31, 1977; and hailstorms April 10, May 7, 16, 23, June 14, and July 21 and 28, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Jerry Apodaca that such designation be made.

Applications for emergency loans must be received by this Department no later than August 2, 1978, for physical losses and February 1, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 3rd day of February 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
[FR Doc. 78-3730 Filed 2-8-78; 8:45 am]

[3410-11]

Forest Service

KEELER PLANNING UNIT LAND MANAGEMENT PLAN

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Management Plan—Keeler Planning Unit, Forest Service Report Number USDA-FS-R1(14)-DES-Adm-78-6.

The environmental statement concerns the proposed implementation of a revised Land Management Plan for the Keeler Planning Unit, Troy Ranger District, Kootenai National Forest, Lincoln County, Mont. About 46,887 acres of National Forest land are affected. The planning unit is divided into twelve subunits of similar

resource potential and limitations to management. Significant values, management direction, and specific statements to guide land management have been developed for each subunit.

This draft environmental statement was transmitted to EPA on February 1, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230,
12th St. & Independence Avenue SW.,
Washington, D.C. 20250.
USDA, Forest Service,
Northern Region,
Federal Building,
Missoula, Mont. 59801.
USDA, Forest Service,
Kootenai National Forest,
P.O. Box AS,
Libby, Mont. 59923.
USDA, Forest Service,
Troy Ranger Station,
Troy, Mont. 59935.

A limited number of single copies are available upon request to:

USDA, Forest Service,
Kootenai National Forest,
P.O. Box AS,
Libby, Mont. 59923.
USDA, Forest Service,
Troy Ranger Station,
Troy, Mont. 59935.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the EPA guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Floyd J. Marita, Kootenai National Forest, P.O. Box AS, Libby, Mont. 59923.

Comments must be received by March 31, 1978, in order to be considered in the preparation of the final environmental statement.

JAMES E. REID,

Acting Regional Forester, Forest Service, Northern Region.

FEBRUARY 1, 1978.

[FR Doc. 78-3681 Filed 2-8-78; 8:45 am]

[3410-01]

Office of the Secretary
CRIMINAL INVESTIGATORS
Authority To Administer Oaths

Pursuant to 7 U.S.C. 2217, Office of Inspector General personnel employed as criminal investigators are hereby authorized to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in the enforcement of any law committed to the Secretary of Agriculture or the Department of Agriculture for administration.

BOB BERGLAND,
Secretary.

FEBRUARY 6, 1978.

[FR Doc. 78-3727 Filed 2-8-78; 8:45 am]

[3410-16]

Soil Conservation Service
KEYS SCHOOL CRITICAL AREA TREATMENT
RC&D MEASURE, OKLAHOMA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Keys School Critical Area Treatment RC&D Measure, Cherokee County, Okla.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include shaping, adding of topsoil, vegetation, and fertilizing drainage areas. Two small concrete channel liners will be installed to control roof and other water runoff.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland Willis, State Conservationist, Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Okla. 74074, 405-624-4360. An environmental

impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: January 31, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-3503 Filed 2-8-78; 8:45 am]

[3410-16]

LEE COUNTY CRITICAL AREA TREATMENT
RC&D MEASURE, SOUTH CAROLINA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lee County Critical Area Treatment RC&D Measure, Lee County, S.C.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George E. Huey, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan to stabilize about 915 acres of critically eroding fields, 183 acres of critically eroding roadbanks, and 45 acres of gullied areas. The planned works of improvement include planting grasses and legumes, shaping smoothing, and installing brush dams where needed and tree plantings. Roadbanks will be sloped, planted in grasses and legumes, and mulched.

Most of the gullies will require sloping, shaping, and smoothing. Gully growth will be controlled by constructing diversions, small gully plugs, or grade control structures. Grasses and legumes or trees will be planted on all gullied or disturbed areas.

Fences will be installed on all treated areas where needed to maintain permanent cover and facilitate proper land use.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George E. Huey, State Conservationist, Soil Conservation Service, One Greystone West, 240 Stoneridge Drive, Columbia, S.C. 29210, 803-765-5681. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No Administrative action on implementation of the proposal will be taken until March 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: January 3, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-3504 Filed 2-8-78; 8:45 am]

[3410-16]

LINCOLN COUNTY ROADSIDE CRITICAL AREA
TREATMENT RC&D MEASURE, KANSAS

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lincoln County Roadside Critical Area Treatment RC&D Measure, Lincoln County, Kans.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for controlling water erosion by critical area treatment. The planned works of improvement include 14 acres of grassed waterways, 14 grade stabilization structures, and 10 acres of critical area planting.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environ-

mental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, 760 South Broadway, P.O. Box 500, Salina, Kans. 67401, 913-825-9535. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests of the above address.

No administrative action on implementation of the proposal will be taken until March 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: January 31, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-3505 Filed 2-8-78; 8:45 am]

[3410-16]

NORTH NEWTON SCHOOL CORP. LAND
DRAINAGE RC&D MEASURE, IND.

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the North Newton School Corp., Land Drainage RC&D Measure, Ind.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include 6,650 feet of subsurface drains and one grade stabilization structure.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind.

Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: January 31, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-3506 Filed 2-8-78; 8:45 am]

[3410-16]

OHIO COUNTY ROADBANK CRITICAL AREA
TREATMENT RC&D MEASURE, IND.

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ohio County Roadbank Critical Area Treatment RC&D Measure, Ohio County, Ind.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include shaping, grading, and preparing a seedbed on 12 acres along Ohio County roads. After a seedbed is prepared, lime, fertilizer, seed, and mulch will be applied.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind.

46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: January 31, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-3507 Filed 2-8-78; 8:45 am]

[3410-16]

SAINT JOSEPH COLLEGE-LAKE BENNETT CRITICAL AREA TREATMENT RC&D MEASURE, IND.

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Saint Joseph College-Lake Bennett Critical Area Treatment RC&D Measure, Jasper County, Ind.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include reshaping 2,300 feet of shoreline, along with riprap and critical area planting and 1,100 feet of diversion terrace.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared

and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: January 31, 1978.

EDWARD C. THOMAS,
Assistant Administrator for
Land Resources, Soil Conser-
vation Service.

[FR Doc. 78-3508 Filed 2-8-78; 8:45 am]

[3410-16]

SMITHVILLE ELEMENTARY SCHOOL CRITICAL AREA TREATMENT RC&D MEASURE, OKLAHOMA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Smithville Elementary School Critical Area Treatment RC&D Measure, McCurtain County, Okla.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include concrete retaining walls, concrete lined channels, and a concrete chute to control runoff from the contributing drainage areas. Disturbed and eroded areas will be filled, graded, vegetated, and fertilized.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland Willis, State Conservationist, Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Okla. 74074, 405-624-4360. An environmental

impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. Law 87-703, 16 U.S.C. 590a-f, q.)

Dated: January 31, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conser-
vation Service.

[FR Doc. 78-3509 Filed 2-8-78; 8:45 am]

[3410-16]

WYTHOUGHAN PARK LAND DRAINAGE RC&D MEASURE, IND.

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Wythougan Park Land Drainage RC&D Measure, Starke County, Ind.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for land drainage. The planned works of improvement include 8,500 feet of subsurface drains, 1,300 feet of drainage field ditches, seven surface inlets, 3 acres of land smoothing, and 4 acres of critical area planting.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A

limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: January 31, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conser-
vation Service.

[FR Doc. 78-3510 Filed 2-8-78; 8:45 am]

[3510-03]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-595]

CHESTNUT SHIPPING CO.

Application

Notice is hereby given that Standard Oil Co. of Ohio (Sohio), on February 3, 1978, requested approval for the 91,300 deadweight ton tanker SS *Chestnut Hill*, operated by Chestnut Shipping Co., to make one voyage in the domestic trade from Valdez, Alaska to California or Parito Bay, Republic of Panama, to carry North Slope crude oil. The vessel is scheduled to arrive in Valdez on or about February 10, 1978.

The *Chestnut Hill* was built with construction-differential subsidy and is operating under a long-term operating-differential subsidy contract. Written permission pursuant to section 805(a) of the Merchant Marine Act, 1936, as amended, is required to make the proposed voyage notwithstanding the fact that the proposed voyage would not be eligible for operating differential subsidy, and payback of construction-differential subsidy will be required pursuant to section 506 of the Act.

It will also be necessary to extend the same written permission to Margate Shipping Co., a related or affiliated Company holding a long-term operating-differential subsidy contract, as well as the following related companies who are holders of operating-differential subsidy contracts covering ships engaged in carrying bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics: Juniper Tankers, Inc., Fredericksburg Shipping Co., Keystone Shipping Co., and Keystone Tankship Corp.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such applica-

tion and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on February 13, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS).)

Dated: February 6, 1978.

By order of the Assistant Secretary for Maritime Affairs.

ROBERT J. PATTON, Jr.,
Assistant Secretary.

[FR Doc. 78-3737 Filed 2-8-78; 8:45 am]

[3510-13]

National Bureau of Standards

NATIONAL BUREAU OF STANDARDS' VISITING COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet on Monday, February 27, 1978, from 9 a.m. to 3:15 p.m. in Room 1107, Radio Building, 325 Broadway, National Bureau of Standards, Boulder, Colo., and Tuesday, February 28, 1978, from 9 a.m. to 1:30 p.m. in Room 1107.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting. Any persons wishing to attend the meeting should inform Ms. Kay Byerly, Office of the Associate Director for Programs, National Bureau of Standards, Washington, D.C. 20234, telephone 301-921-2637.

Dated: February 3, 1978.

ERNEST AMBLER,
Acting Director.

[FR Doc. 78-3565 Filed 2-8-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

SHORELINE EROSION ADVISORY PANEL

Open Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Shoreline Erosion Advisory Panel on 7-8 March 1978.

The meeting will be held in the third floor meeting room of the Holiday Inn, 1850 N. Fort Myer Drive, Arlington (Rosslyn) Va., from 0830 hours to 1610 hours on 7 March 1978 and from 0830 hours to 1230 hours on 8 March 1978.

The meeting will be devoted to briefings on Information Dissemination by the Office, Chief of Engineers, and Marine Advisory Service; briefings on Reconnaissance Reports by the New Orleans and Philadelphia Districts; a report from the Panel's Device Committee; briefings on Pre-Construction Reports by the San Francisco, Seattle, Philadelphia, Jacksonville, Mobile, and Charleston Districts; and a report on the status of the Kotzabue, Alaska, demonstration site.

Participation by the public is scheduled for 1400 to 1430 hours on 7 March 1978.

The meeting will be open to the public subject to the following:

1. Since seating capacity of the meeting room at the Holiday Inn limits public participation to not more than 30 people, advance notice of intent to attend, although not required, is requested in order to assure adequate arrangements for those wishing to attend.

2. Oral participation by public attendees is encouraged during the time scheduled on the agenda, written statements may be submitted prior to the meeting or up to 30 days after the meeting.

Inquiries and notice of intent to attend the meeting may be addressed to Colonel John H. Cousins, Executive Secretary, Shoreline Erosion Advisory Panel, Kingman Building, Fort Bel-

voir, Va. 22060, telephone: 202-325-7000.

Dated: January 26, 1978.

By authority of the Secretary of the Army.

ROME D. SMYTH,
Colonel, U.S. Army, Director, Ad-
ministrative Management,
TAGCEN.

[FR Doc. 78-3690 Filed 2-8-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Western Area Power Administration

COLORADO RIVER STORAGE PROJECT

General Power Marketing Criteria

AGENCY: Western Area Power Administration, Department of Energy.

ACTION: Revision of general power marketing criteria, Colorado River storage project.

SUMMARY: In March 1962, the Secretary of the Interior approved "general power marketing criteria" for the Colorado River storage project (CRSP). Since that time, many changes have occurred which require updating of that criteria. These changes include redefinition of the geographical marketing area, availability of additional peaking power, and revised delivery conditions.

In keeping with present policy of public participation in this agency's power marketing program, a preliminary draft of the revised power marketing criteria was sent to all CRSP preference customers. A series of customer-agency meetings were held in Salt Lake City, Utah; Denver, Colo.; and Phoenix, Ariz., during the week of September 13-17, 1976, to discuss the draft. As a result of those meetings, the customers formed a committee to serve as liaison between all CRSP customers and this agency to formulate mutually acceptable criteria.

Another series of meetings between this agency and the committee (the final meeting was held in Denver on January 13, 1977) resulted in the formulation of a final draft of the proposed revised criteria. That draft was published in the *FEDERAL REGISTER*, Vol. 42, No. 77, Thursday, April 21, 1977. Comments on the draft were solicited from all interested parties by June 1, 1977. Those comments have been received and analyzed, and a final document has been prepared giving consideration to all comments received.

DATES: Effective date of new criteria—February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

John W. Mueller, Acting Area Manager, Western Area Power Administration, Department of Energy, Salt Lake Area Office, Room 7207, 125 South State Street, Salt Lake City, Utah 84147, 801-524-5493.

John J. DiNucci, Acting Chief, Division of Power Management, Western Area Power Administration, Department of Energy, Interior Building, Room 7612, 19th and C Streets NW., Washington, D.C. 20240, 202-343-5337.

SUPPLEMENTARY INFORMATION: Pursuant to Pub. L. 84-485, April 11, 1956 (70 Stat. 105), and by virtue of authority under the Reclamation Project Act of 1939, August 4, 1939 (53 Stat. 1187, 1194, 1198), the Secretary of the Interior, in March 1962, approved a set of power marketing criteria governing the sale of power from the CRSP by the Bureau of Reclamation. Pursuant to Pub. L. 95-91, August 4, 1977, the responsibility for the transmission and marketing of CRSP power now falls under the purview of the Department of Energy (DOE).

Eleven interested parties sent letters commenting on one or more aspects of the proposed revised general power marketing criteria which was published in Vol. 42, No. 77, of the April 21, 1977, FEDERAL REGISTER (42 FR 20682-20684).

A detailed review of these comments has been made. Copies of the letters are available for public inspection at either of the offices listed below:

Acting Chief, Division of Power, Western Area Power Administration, Department of Energy, Interior Building, Room 7612, 19th and C Streets NW., Washington, D.C. 20240, telephone 202-343-5337.

Acting Area Manager, Western Area Power Administration, Department of Energy, Salt Lake Area Office, Room 7207, 125 South State Street, Salt Lake City, Utah 84147, telephone 801-524-5493.

The principal changes which have been made in the general power marketing criteria from that published on April 21, 1977, are as follows:

Article 2. Market area has been revised to indicate that a portion of the area in Arizona served by the Navajo Tribal Utility Authority is in the Northern Division. It has also been corrected to include the State of New Mexico.

Article 9. Delivery conditions has been revised to include "New Castle" in the table, under the State of Utah.

INTRODUCTION

The purpose of this revision to the general power marketing criteria is to recognize changes which have occurred since the original criteria were promulgated in March 1962. These changes include redefinition of the market area, availability and allot-

ments of additional peaking power, additional points of delivery, and revised delivery conditions.

BACKGROUND

Power produced at CRSP powerplants has been marketed as long-term firm power since 1963. Certain additional amounts have been offered for sale on a season-to-season basis as excess capacity. Additional amounts of power will soon be available due to completion of Crystal powerplant on the Gunnison River in western Colorado, which will have the effect also of increasing the marketable capacity produced at Morrow Point powerplant.

The power available from these sources will be combined with that capacity from existing CRSP powerplants, heretofore only marketed on a seasonal basis, to comprise the total amounts to be offered for sale as long-term peaking capacity. The general power marketing criteria recognizes the plan to market this additional storage project power as peaking capacity as well as recognizing certain adjustments in power marketing policy such as the addition of a portion of the State of Nevada to the Northern Division. It also includes certain other changes. All have been presented to preference customers at meetings in Denver, Colo.; Salt Lake City, Utah; and Phoenix, Ariz., and have been worked out in detail between the Joint Colorado River Storage Basinwide Preference Customer Committee and representatives of the Colorado River storage project. In addition, certain minor editorial and structural changes have been made, along with the necessary changes, to recognize the responsibility of the Department of Energy and the Western Area Power Administration (WAPA) in the allocation and marketing of storage project power. On April 21, 1977, the proposed criteria was published in the FEDERAL REGISTER, and all interested parties were invited to submit written comments on or before May 9, 1977.

DISCUSSION OF PUBLIC COMMENTS

A total of 11 entities responded, 2 of which are not existing preference customers. All of the comments offered by the 11 entities fall into one or more of the categories listed below:

1. One customer was concerned that the criteria did not discuss provisions for the return of energy associated with delivery of peaking capacity.

The return of energy is regarded as an operating matter and, therefore, was not provided for in the criteria; however, CRSP intends to cooperate with customers in this regard to effect efficient operation of the storage project.

2. One customer pointed out that the State of New Mexico was omitted from article 2A.

This has been corrected.

3. Four customers requested that a provision be included in article 5 indicating that priority uses, which develop during the 1985-1989 period, are expected to be supplied by central Utah project generation.

Delays have occurred in expected on-line dates of central Utah project generation, presently shown on Bureau of Reclamation schedules as being available for load in 1989. Therefore, the requested language cannot be responsibility included.

4. Two customers pointed out that New Castle tap was omitted from the table in article 9.

This has been corrected.

5. Two customers requested that the last sentence of the first paragraph of article 7 be eliminated.

While the customers do not further detail their support for this request, it is assumed the intent is to protect against a rigid interpretation of policy under which a customer could be billed for energy it scheduled but did not utilize. Actual procedures under this article are an operating matter and are, therefore, not detailed here; however, CRSP has and will continue to cooperate with customers to adjust schedules of power deliveries to achieve efficient operation of the customer's system as provided in article 7A(1)(b).

6. One customer requested that the commitment to assure the delivery of 2,550 kilowatt-hours per kilowatt of contract of delivery not be limited to the terms of existing power sales contracts.

Preference customers will be offered all CRSP power surplus to project needs and priority loads. Since the remaining amount of available energy will be based on long-term hydrological conditions, we do not see the merit in precommitting a fixed amount of energy which may or may not be supportable 12 years hence.

7. One customer requested that the third sentence of article 7B be deleted.

Here, as in comment No. 5 above, the intent is to remove language the customer feels may be employed in a rigid way; in this instance, in regard to billing for unauthorized overruns. The primary purpose of the referent sentence is to establish WAPA's delivery obligation and to assure that this obligation is within the capacity limitations of the transmission and substation facilities over which the power will flow. The imposition of penalty charges for unauthorized overruns is an administrative decision relating to the administration of the provisions of the CRSP rate schedules and does not properly belong in the power marketing criteria.

8. Two entities which are not existing preference customers and one existing customer complain that the cri-

teria provide for offering peaking power initially to existing preference customers.

Initially, it was anticipated that the power being offered as peaking capacity would be available at an earlier time to be offered on a continuing basis to customers in significant amounts sufficient to effect a meaningful contribution to the customers' purchase power requirements. It was not felt then, and it is not presently deemed prudent, to enter into an allocation of power to all entities entitled to preference in the market area. Such an allocation would necessarily be related to an entity's load with a few large entities predictably obtaining the right to purchase a major share of the available peaking capacity while leaving a considerably smaller amount for allocation to a large number of smaller entities. In this matter, which has been studied at great length, we have decided to allocate peaking power first to existing customers since we believe this to be the most equitable method of allocating the relatively small amounts of peaking power available for sale.

9. One customer expressed concern that the minimum scheduled rate of delivery discussed in article 7A(2)(b) may be too rigid to fit into its operation.

This provision was developed in order to assure that minimum water releases from storage project reservoirs could be utilized for power production to serve customer loads during offpeak periods. These minimum water release requirements are provided for in a number of documents, certain of which are set forth below:

1. The Colorado River Basin Project Act, dated September 30, 1968 (Pub. L. 90-537).

2. The Colorado River Storage Act, dated April 11, 1956.

3. General principles to govern, and operating criteria for, Glen Canyon Reservoir and Lake Mead during Lake Powell filling period, April 3, 1962; this is commonly referred to as the filling criteria.

4. Criteria for coordinated long-range operation of Colorado River reservoirs, July 10, 1970.

5. Colorado River Compact, November 4, 1922.

6. Mexican Water Treaty, November 27, 1945.

CRSP will, however, cooperate with customers with special problems in this area subject to the prudent operation of the storage project.

10. One customer complained that, in offering peaking power rather than firm power, the storage project has damaged customers.

The existing preference customers are presently receiving the full energy output of the storage project. In offering peaking power for sale, the storage

project is simply recognizing that the full energy capability of the storage project is already fully committed. Thus, all that CRSP can offer is capacity without energy. The customers were made aware of this well over 3 years ago.

11. One customer indicated that article 4 should include, in the last sentence of the initial paragraph, language providing that sales to nonpreference customers be on a monthly basis, recapturable on notice.

All storage project power will be offered for sale first to preference customers. However, if preference customers do not purchase the full amounts offered for sale, the balance may be offered to nonpreference customers. If so, the marketability and value of the power are enhanced by offering it on a firm basis, be it monthly or seasonally. Therefore, we feel that the policy outlined in the referent sentence is beneficial to the storage project and, therefore, to its customers.

12. One customer suggested that a provision be included in article 5 which would guarantee that any increases in Federal project priority uses would not reduce amounts distributed for long-term firm and long-term peaking.

The priority of uses of water and power generation on a Federal project is well established under reclamation law. First priority, under the law, is given to the use of water and power for project needs, irrigation purposes, and domestic uses. We cannot guarantee, therefore, not to retain certain amounts of power for these purposes; however, we will endeavor to anticipate project needs accurately and offer power, not available for long-term sale, on a short-term basis.

13. One customer suggested that article 6C include a provision for recapture upon notice of any power sold to others.

Here, as in the response to comment No. 11 above, we feel that in order to obtain the full storage project rate for such power it must be sold for a given period of time, be it monthly or seasonally, but with a recapture right at the end of the period.

14. One customer suggested deletion of the phrase "by billing period" in article 7A(1)(a).

The storage project requires a firm awareness of its customers' monthly needs in order to operate in an efficient manner. Therefore, we feel the language should be retained as written.

15. One customer asked that consideration be given to providing customers a minimum of 5 years' advance notice before reducing energy entitlement below 2,550 kilowatt-hours per kilowatt.

Such provision is set forth in article 8D of the criteria.

16. One customer suggested article 8C be amended to provide for marketing peaking power on a monthly basis, subject to recapture upon notice.

See responses to comment Nos. 11 and 13.

17. One customer suggested article 8D include language in the second sentence to specify that joint discussion be between preference customers and WAPA.

Although we believe this is understood, we have made the requested change.

18. One customer asked that the first sentence of article 7A(2)(c) have appended a provision which would add, "as they may be amended under section 8D hereof."

We feel such language is superfluous since the criteria assures the delivery of 2,550 kilowatt-hours per kilowatt per season through the September 1984 billing period.

19. One customer suggested that, to avoid misunderstanding, article 7A(2)(c) should become subparagraph 3.

This has been done.

20. One customer wished to include a provision in article 4E that CRSP could purchase energy to supplement preference customers' fossil-fuel requirements.

The last sentence of article 4E is intended to provide a means for utilizing power from the storage project to achieve conservation of fossil fuel. The governing consideration here was to assure that such interruptible fossil-fuel replacement energy was used as a replacement rather than as a supplemental power source. To include the language suggested by the customer would imply that WAPA has utility responsibility and would serve as an energy broker. All customers have already been informed that they must acquire other supplemental power sources since CRSP cannot meet load growth.

In lieu of this language, a provision was included indicating that interruptible fossil-fuel replacement energy service may be available as a result of these purchases or exchanges.

21. One customer expresses concern that the last sentence of article 7A(2)(c) may limit the customers' ability to take their full energy entitlement.

This sentence will not be employed to reduce the customers seasonal energy entitlement. It is only intended to indicate that energy deliveries shall be scheduled according to a predetermined pattern.

22. One customer asked that, if the reference to Central Utah Project generation mentioned in Comment 3 was not included in the Criteria, following the words "expiration of existing contracts," in article 5, the phrase "as they may be amended under section 8D thereof" be inserted.

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We feel such language is superfluous since article 8D insures that present contract commitments will be extended through the September 1989 billing period.

23. One customer asked that the last sentence of the first paragraph of article 7 be excluded. If not, then following the words "accounting procedures" in article 7B the phrase "but shall not reduce the customer's entitlement under section 7A(2)(c) and 7A(2)(c) hereof" should be added.

We feel that such additional language is unnecessary. The provisions of article 7A already assure the customers of their full entitlements of power during their peak periods and 2,550 kilowatt-hour per kilowatt per season.

24. One customer asks that the final sentence of article 7A(2)(c) be eliminated in view of article 7A(2)(a).

Article 7A(2)(a) discusses capacity whereas the sentence referred to in this comment is in regard to energy.

The revised General Power Marketing Criteria for CRSP appears below:

Issued in Washington, D.C., January 30, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

DEPARTMENT OF ENERGY

WESTERN AREA POWER ADMINISTRATION

COLORADO RIVER STORAGE PROJECT (CRSP)

GENERAL POWER MARKETING CRITERIA

1. *General*—These criteria are based upon the provisions of the Act of Congress approved June 17, 1902 (32 Stat. 388), the Act of Congress approved August 4, 1939 (53 Stat. 1187), the Act of Congress approved April 11, 1956 (70 Stat. 105), the Act of Congress approved August 4, 1977 (91 Stat. 565), and acts amendatory or supplementary to the foregoing acts, and shall become effective upon approval and promulgation by the Secretary of the Department of Energy (DOE), but existing contract arrangements will only be affected upon amendment by the parties. These criteria shall supersede and replace the "General Power Marketing Criteria" for sale of power from CRSP approved March 1962 and continue to be subject to change upon reasonable notice by the Secretary of DOE and the opportunity for comment by interested parties.

2. *Market Area*—The market area within which the power from CRSP shall be marketed is divided into two divisions:

A. *The Northern Division*, which consists of the States of Colorado, New Mexico, Utah, Wyoming, the town of Page, Ariz., a portion of the area in Arizona to be served by the Navajo Tribal Utility Authority, and White Pine County and portions of Elko and Eureka Counties in Nevada.

B. *The Southern Division*, which consists of the remaining portion of the State of Arizona, that part of the State of Nevada in Clark, Lincoln, and Nye Counties which comprise the southern portion of the State, and that part of the State of California east of the 115th degree of longitude, or, generally, the area contiguous to the Colorado River.

3. *Service Seasons*—A. *Summer Season*. The 6-month period from the first day of the April billing period through the last day of September billing period in any calendar year.

B. *Winter Season*. The 6-month period from the first day to the October billing period of any calendar year through the last day of the March billing period of the next succeeding calendar year.

The establishment of service seasons does not preclude the furnishing of supplemental monthly requirements to CRSP customers in any month.

4. *Power Marketing*—All classes of CRSP power available for marketing shall be stated herein and those entitled statutorily entitled to preference will be given preference in the sale of all CRSP power and/or energy. All sales of CRSP power and/or energy to a nonpreference customer for a term longer than one season shall be subject to recapture for the use or benefit of CRSP and its preference customers.

A. *Long-Term Firm Power (Capacity with Energy)*—Long-term firm seasonal capacity available shall be as stated in section 5, and associated energy available therewith will depend upon long-term hydrological conditions on the Colorado River. The greatest practicable amount of available energy that can be sold at firm energy rates will be associated with firm power and made available to contractors on an equitable basis.

B. *Short-Term Firm Power (Capacity with Energy)*—To the extent that priority uses as indicated in section 5 do not develop as rapidly as contemplated and/or annual system streamflow conditions exceed those on which the amounts of firm power in section 5 are based, short-term firm power will normally be offered for sale on a season-by-season or monthly basis. Energy availability will depend upon short-term hydrological conditions on the Colorado River and availability of energy from other Reclamation projects. The greatest practicable amount of available energy that can be sold at firm energy rates will be associated with firm power, including short-term firm power, and made available to contractors on an equitable basis.

C. *Long-Term Peaking Power (Capacity without Energy)*—Long-term peaking capacity available shall be as stated in section 5 and will be offered first to preference customers having long-term firm power contract commitments.

D. *Short-Term Peaking Power (Capacity without Energy)*—To the extent that priority uses as indicated in section 5 do not develop as rapidly as contemplated and/or annual system streamflow conditions exceed those on which the amounts of peaking power in section 5 are based, short-term peaking power without energy will normally be offered for sale on a season-by-season or monthly basis.

E. *Other Power*—In addition to marketing the above classes of power, CRSP will engage in normal transactions such as delivering or receiving interchange, emergency, or maintenance services to the extent hydrological conditions permit. In order to conserve fossil fuel, enhance the environment, and ensure the availability to preference customers of contracted amounts of CRSP power and energy, CRSP will purchase or exchange capacity and energy as necessary or desirable to supplement its resources. Interruption of fossil-fuel replacement energy service may be available as a result of these purchases or exchanges.

5. *Power Available for Load*—The minimum capacity available from the project for long-term marketing at the designated points of delivery listed in section 9 shall be 1,324 MW after the addition of the Crystal Dam and Powerplant. Through the 1989 summer season, this capacity will be distributed among the following classes of service:

CAPACITY (MW)

Purpose	Summer	Winter
Federal project priority uses...	55	6
Long-term firm.....	1,161	1,041
Long-term peaking.....	108	277
Total.....	1,324	1,324

To the extent the amount available for Federal project priority uses is not required for such uses, it shall be made available to preference customers as short-term firm power, and Northern Division customers shall be given first right to contract therefor. The amounts shown for priority uses are those required to serve CRSP and participating projects' pumping and desalting loads which are expected to develop by 1985 and to firm up Rio Grande Project generation during the summer seasons. The quantities shown will be reexamined prior to expiration of existing contracts and may be modified to adapt to conditions as they exist.

6. *Allotment of Firm Power and Peaking Power*—A. *Firm Power*—(1) *Southern Division*. In April 1963, preference customers in the Southern Division were allotted firm power amounting to 240 MW in the summer season and 84 MW in the winter season, and the allocation was updated in September 1975.

(2) *Northern Division*. The remaining available firm power was allotted to Northern Division preference customers and amounted to 922 MW in the summer season and 957 MW in the winter season.

B. *Peaking Power*—(1) *Southern Division*. Based on the Southern Division's entitlement of 20 percent of net capacity available for load in the summer and 7 percent in the winter, as provided in the "General Power Marketing Criteria" approved in March 1962 and reaffirmed by these criteria, Southern Division preference customers have been allocated 24,800 kW and 8,700 kW of peaking power, without energy, in the summer and winter seasons, respectively.

These figures for the Southern Division were determined as follows:

	Summer MW	Winter MW
Total entitlement.....	(*)	(**)
Less firm power entitlement...	240.0	84.0
Peaking power entitlement.....	24.8	8.7

* $(0.2 \times 1,324) = 264.8$.

** $(0.07 \times 1,324) = 92.7$.

(2) *Northern Division*. Northern Division preference customers have been allocated the remainder of the presently proposed allocation of peaking power.

C. *Sale of Peaking Power Not Contracted for by Preference Customers*. Any amounts of peaking power allotment offered to and not accepted by existing firm power prefer-

ence customers shall be reallocated among those preference customers requesting peaking power. Any amount not contracted for by existing preference customers will be offered for sale to others.

7. *Firm Capacity and Energy Obligations*—The Western Area Power Administration (WAPA), in cooperation with the preference customers, will establish mutually agreeable scheduling and accounting practices based upon standard utility industry procedures which will provide efficient practicable utilization of CRSP power and energy, including peaking capacity. These shall be set forth in the CRSP contracts or in separate written agreements made a part thereof. CRSP capacity and energy obligations shall be based on amounts established pursuant to these scheduling and accounting procedures.

A. *Scheduling*—(1) *By Mutual Agreement*. (a) A pre-season schedule of the customer's CRSP power and energy requirements (entitlements) by billing period shall be developed at least 60 days prior to the beginning of each season.

(b) Departures from the pre-season schedule will be permitted to accommodate changes in customers' seasonal peakloads.

(c) daily CRSP capacity and energy deliveries shall be scheduled to best satisfy the loads for which they are intended, consistent with the resources available.

(2) In the event of failure to reach mutual agreement, and in order to allow CRSP to schedule major maintenance outages for its plants and to comply with required water releases, treaties, and other requirements, CRSP shall establish schedules of capacity and energy deliveries within the following limitations:

(a) The maximum rate of delivery for CRSP firm and peaking power in each billing period shall be scheduled to follow approximately the customer's system load pattern during each season by months with the full contract rate of delivery for CRSP firm and peaking power being available for the customer's seasonal peakload month(s). The customer shall be obligated to furnish the auxiliary power required to meet its power requirements in excess of the amounts of power scheduled to be furnished by the CRSP.

(b) The minimum scheduled rate of delivery for CRSP firm power shall be the least of:

(i) The customer's proportionate share of projected minimum load requirements on the CRSP system; or

(ii) 35 percent of the customer's firm-power rate of delivery; or

(iii) The customer's total load.

(3) The CRSP firm energy obligation shall be 2,550 kilowatt-hours per kilowatt of contract rate of delivery for CRSP firm power per season for the terms of existing power sales contracts.

This established limit may be increased from time to time at CRSP's discretion should short-term conditions allow. In the event that during the terms of existing contracts the established limit shall be increased for any season, it may be decreased in future seasons; but in no event shall it be decreased below 2,550 kWh per kW. The established limit for the season shall be scheduled in each billing period to follow approximately the customer's system energy pattern during each season by months.

B. *Accounting*. The amounts of CRSP power and/or energy to be paid for by the customer shall be determined in accordance

with the accounting procedures set forth in the CRSP contracts, or in separate written agreements made a part thereof, and need not be the amounts scheduled pursuant to "A" above. Any deviation between the quantity of energy scheduled and that delivered in a billing period shall be accounted for by increasing or decreasing the entitlement of CRSP energy available to the customer in subsequent months of the current season as agreed by the customer and CRSP. Said accounting procedures shall include procedures for determining amounts of CRSP power and energy delivered to the customer at each point of delivery or point of use.

In order to assure the availability of the amounts of firm power and energy contracted for, WAPA will purchase or exchange capacity and/or energy as necessary to meet contract commitments.

8. *contractual Arrangements*—A. *Long-Term Firm Power (Capacity with Energy)*. Subject to the provisions of section 8.D. of these criteria, contracts for long-term firm power will be for periods of 20 years unless otherwise mutually agreed.

B. *Short-Term Firm Power (Capacity with Energy)*. As water conditions permit, short-term firm power will be offered on a season-by-season or monthly basis.

C. *Peaking Power (Capacity without Energy)*. For existing customers with long-term firm power contracts, peaking power will be sold for the term of the existing contracts. Any amount not contracted for by existing preference customers will be offered first to other preference customers and then to others for periods not to exceed 10 years subject to recapture on not more than 5 years' notice.

D. *Expiration of contracts*—Long-term firm contract commitments expiring before 1989 shall be extended to the end of the September 1989 billing period so that all CRSP long-term firm power and/or long-term peaking power commitments expire concurrently. Joint discussions between WAPA and preference customers for extension or renewal of CRSP contracts shall begin by January 1, 1979.

In recognition of the deadline required to place major generation projects in operation, WAPA will provide a minimum of 5 years' notice should it propose to reduce, upon expiration of a firm power contract between WAPA and a customer, the amount of firm power or long-term peaking power allocated to the customer or substantially change the amount of energy available to the customer under the customer's firm power allocation.

Unless otherwise agreed, drafts of contracts or supplements to existing contracts proposed by WAPA or the customer shall be submitted for review and comment at least one hundred and twenty (120) calendar days prior to the execution deadline of the contract or supplement.

9. *Delivery conditions*. Subject to WAPA approval as to location and voltage, normal delivery will be made at CRSP transmission system voltages or at the customer's transmission voltage, but not less than 115 kilovolts. Delivery will continue to be made at lower voltages at powerplant and substation locations where customers already have systems operating at such lower voltage levels.

Designated or Equivalent Federal Points of Delivery will be at: (a) Points on the CRSP transmission system; or

(b) Points on the system of a non-Federal entity which have been established as delivery points under arrangements between WAPA and that entity.

If such arrangements are terminated, then the delivery points under (b) above will be rescinded. These points are listed below and may be modified as hereinafter provided.

DESIGNATED OR EQUIVALENT FEDERAL POINTS OF DELIVERY, TAP POINTS, AND VOLTAGES

Arizona	Kilovolt
Glen Canyon.....	89
Mesa.....	230
Pinnacle Peak.....	230
Colorado	
Ault.....	230
Beaver Creek.....	115
North Main Tap (Gunnison).....	115
Gore Pass Tap.....	138
Green Mountain.....	115
Gunnison.....	115, 12.5
Hayden.....	138
Midway.....	230, 115
Montrose.....	115
Pueblo.....	115
Rangely.....	138
Salida (Poncha Junction).....	115
Skitto Tap.....	115
Story.....	230
Weid.....	230, 115
New Mexico	
Albuquerque.....	115
Ambrosia Lake.....	115
Shiprock.....	230, 115
Utah	
Brigham City Tap.....	138
Bountiful Tap.....	138
Centerfield.....	138
Fillmore.....	138
Flaming Gorge.....	69, 24.9
Hale Plant Tap.....	138
Hytum.....	138
Murray Tap.....	138
New Castle Tap.....	138
Paragonah.....	138
Sigurd.....	138
Smithfield Tap.....	138
South Provo Tap.....	138
Springville.....	138
St. George.....	138
Vernal.....	138
Upalco Tap.....	138
Henrieville Tap.....	230
Wyoming	
Archer.....	230, 115
Casper.....	115
Glenrock.....	230, 115
Thermopolis.....	115
Montana	
Yellowtail.....	230

*Deliveries to Nevada customers made from Pinnacle Peak.
*Points of delivery on system of non-Federal entity.

The listing of the above Points of Delivery does not imply any obligation for CRSP to furnish additional facilities at those points. Additional delivery points requested by the customers and approved by WAPA will be permitted provided that they meet the above criteria and will not result in any expense or loss of revenue to CRSP. Delivery will not be made from transformer capacity required for CRSP purposes. Taps on the CRSP or other transmission system, at the customer's expense, will be on a case-by-case basis with final determination of necessity and desirability to be made by CRSP and/or the owner of such transmission system.

Additional delivery points on the systems of other Federal projects may be considered if wheeling charges are promulgated by the Secretary of Energy as provided in section 10.D. hereof.

10. *Delivery of power beyond delivery points*. All costs, including losses, for delivery

ery of power and energy beyond the delivery points specified in section 9 hereof shall be borne by the customer. Instances where additional transmission line capacity is required to effect delivery beyond CRSP delivery points will be considered as individual cases to be justified on their own merits. WAPA participation in joint ownership of facilities will be avoided in any plans for providing the additional transmission line facilities. The following alternatives are available to customers for accomplishing delivery of CRSP power beyond the CRSP system delivery points shown in the table in section 9 hereof:

A. The customer or customers may build all facilities to accept delivery at the established voltage at identified CRSP delivery points, in which case the customer will pay the standard CRSP rates for power.

B. Arrangements may be made with a third party to wheel and deliver power to a customer's point of use. Such arrangements may be made by WAPA, by the customer, or by a group of customers. If WAPA makes the wheeling arrangements, WAPA will add a surcharge to the customer's billing to recover the costs thereof. If the customer makes its own wheeling arrangements, the customer will pay the wheeling charges directly to the wheeling agent.

C. WAPA may construct the transmission line facilities required beyond the identified CRSP delivery points, in which case a surcharge above the rate for CRSP power at the identified delivery points on the CRSP system will be applied to recover from the beneficiaries thereof the costs of facilities constructed by WAPA beyond such delivery points.

D. WAPA will transmit CRSP power to customers over existing transmission systems of other projects to the extent that capacity is determined to be available. Capacity in these other project transmission systems to the extent possible will be available for the term of the CRSP contracts involved. No additional charges will be imposed unless additional substation or switching station capacity is required or where utilization of another project's system would delay project repayment beyond the point in time which would otherwise be the case. At some future date, the Secretary may charge for transmission service for delivery of CRSP power over other Federal systems such as the Parker-Davis and Pick-Sloan Missouri Basin Projects. The customer will pay for such service at a rate determined by the Secretary which may be assessed as early as 1978 but shall not be later than the termination date of the customer's existing power sales contracts as they may be amended, or in any event, by October 1, 1989.

[FR Doc. 78-3389 Filed 2-8-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 852-6]

MANAGEMENT ADVISORY GROUP TO THE MUNICIPAL CONSTRUCTION DIVISION

Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Management Advisory Group (MAG)

to the Municipal Construction Division will be held at the Hilton Inn Gateway in Orlando, Fla., on February 27, 28, and March 2, 1978. The meeting will begin at 9 a.m.

The purpose of the meeting is to review and discuss MAG Task Force Reports on the new Clean Water Act of 1977.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Executive Secretary, Mr. Harold P. Cahill, Jr., Director, Municipal Construction Division, EPA, Washington, D.C. 20460. The telephone number is area code 202-426-8986.

Dated: February 3, 1978.

JOHN T. RHETT,
Acting Assistant Administrator,
for Water and Hazardous Materials.

[FR Doc. 78-3477 Filed 2-8-78; 8:45 am]

[6560-01]

[FRL 853-1; PF-89]

PESTICIDE PROGRAMS

Filing of Pesticide Petition

E. I. Du Pont Nemours & Co., Wilmington, Del. 19898, has submitted a petition (PP 8F2039) to the Environmental Protection Agency (EPA) which proposes that 40 CFR 180.209 be amended by establishing a tolerance of 0.1 part per million for combined residues of the herbicide terbacil (3-tert-Butyl-5-chloro-6-methyluracil) and its metabolites 3-tert-Butyl-5-chloro-6-hydroxymethyluracil; 6-Chloro-2,3-dihydro-7-hydroxy-methyl-3,3-dimethyl-5H-oxazolo(3,2-a)pyrimidin-5-one; and 6-Chloro-2,3-dihydro-3,3,7-trimethyl-5H-oxazolo(3,2-a)pyrimidin-5-one (calculated as terbacil) in or on the raw agricultural commodity shelled pecans. The proposed analytical method for determining residues is measurement by halogensensitive microcoulometric gas chromatography after formation of silyl derivatives of metabolites.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. Inquiries concerning this petition may be directed to Product Manager (PM) 25, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-755-8930. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a peti-

tion is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: February 3, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.
[FR Doc 78-3478 Filed 2-8-78; 8:45 am]

[6560-01]

[FRL 852-8; PP6G1708/T142]

PESTICIDE PROGRAMS

Renewal of Temporary Tolerances—Metolachlor

On April 30, 1976, the Environmental Protection Agency (EPA) gave notice (41 FR 18140) that in response to a pesticide petition (PP6G1708) submitted to the Agency by Ciba-Geigy Corp., P.O. Box 11422, Greensboro, N.C. 27409, temporary tolerances were established for combined residues of the herbicide metolachlor (2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl) acetamide) and its metabolites determined as 2-[(2-ethyl-6-methylphenylamino) propanol and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone (calculated as the herbicide) in or on soybean forage and hay at 1.25 parts per million (ppm); in or on soybeans at 0.1 ppm; and in meat, milk, poultry, and eggs at 0.02 ppm. These temporary tolerances expired April 23, 1977.

Ciba-Geigy Corp. requested a 1-year renewal of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit that was renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances would protect the public health. Therefore, the temporary tolerances have been renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.
2. Ciba-Geigy Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire January 6, 1979. Residues not in excess of 1.25 ppm remaining in or on soybean forage and hay; 0.1 ppm in or on soybeans; and 0.02 ppm in meat, milk, poultry, and eggs after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Special Registrations Branch, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M Street SW., Washington, D.C. 20460, 202-755-4851.

(Sec. 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: February 3, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.
[FR Doc. 78-3479 Filed 2-8-78; 8:45 am]

[6560-01]

[FRL 852-7]

POLICY ON PAYMENTS TO CONSULTANTS

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice announces policy for the payment of consultants retained by the Environmental Protection Agency (EPA) directly or under grants. The fiscal year 1978 Appropriations Act, Pub. L. 95-119, limits payments to consultants to the daily equivalent of the maximum rate paid for GS-18.

SUPPLEMENTAL INFORMATION: The Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1978, Pub. L. 95-119, dated October 4, 1977, contains a provision limiting payments to consultants. Section 409 states:

None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

This limitation applies to individual consultant services (i.e., consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate) as opposed to contracts negotiated with engineering or other firms. The limitation applies

to consultants retained directly by EPA or grantees and flows down to contractors and subcontractors of grantees.

The maximum daily rate paid to consultants retained by EPA, grantees, or contractors and subcontractors of grantees will in no event exceed the maximum daily rate for GS-18, which is currently \$182.72 (based on an annual salary rate of \$47,500). This rate does not include transportation and subsistence costs for travel performed, which would be paid in accordance with the normal travel reimbursement practices.

This policy will be applicable to all grants awarded in fiscal year 1978 whether carryover or current year funds are used. The policy will be incorporated in the EPA grant regulations.

Dated: January 30, 1978.

WILLIAM DRAYTON, Jr.,
Assistant Administrator for
Planning and Management.
[FR Doc. 78-3480 Filed 2-8-78; 8:45 am]

[6560-01]

[FRL 853-2]

REGULATION OF CARCINOGENIC AIR POLLUTANTS

Meeting

A public meeting to solicit recommendations useful in developing a comprehensive program for the regulation of carcinogenic air pollutants will be held on March 23, 1978, beginning at 8:30 a.m. at the Environmental Protection Agency, Waterside Mall, Room 3906, 401 M Street SW., Washington, D.C. This meeting will provide an opportunity for concerned parties to present their views and submit information which will be used by the Agency in evaluating possible revisions to the regulatory process for the control of airborne carcinogens.

Comments are specifically requested on a petition submitted to EPA by the environmental defense fund (EDF) on November 4, 1977. This petition requests EPA to set up a comprehensive mechanism for the classification and control of airborne carcinogens. The classification system EDF proposes is somewhat similar to one proposed by the Occupational Safety and Health Administration in the October 4, 1977, FEDERAL REGISTER for the "Identification, Classification, and Regulation of Toxic Substances Posing a Potential Occupational Carcinogenic Risk."

EDF is requesting EPA to promulgate regulations which would establish a two step process for control of airborne carcinogens. These steps are: (1) A classification and testing scheme that would classify all carcinogenic substances under one of three categories—confirmed, probable, and possible carcinogens—with testing required of all probable and possible carcinogens to determine whether they should be placed in a higher classification, and (2) a regulatory scheme in which all confirmed carcinogens would be regulated automatically under section 112 of the Clean Air Act. Probable carcinogens would be regulated under section 111, if warranted. Time schedules are proposed for each of the actions under the two step process.

EPA will provide a copy of the EDF petition to interested parties. Copies of two reports on the Agency's cancer policy also are available.¹ Requests for this information should be directed to the address given in the final paragraph of this notice. The issues on which EPA requests comments and information with respect to the EDF petition or any other control program include the following:

Are the criteria for classification proposed by EDF sound in light of current medical and scientific knowledge? If not, what criteria should be used?

Is the classification procedure proposed by EDF, or any classification procedure, necessary, practical, and desirable?

Should regulation be tied directly to classification or should other factors such as extent of exposure be considered?

Should classification force further testing? By whom?

In determining the appropriate degree of control, to what extent should each of the following factors be considered: the risk caused, the benefits conferred, the availability of substitutes and the costs of control? Should these factors be balanced against each other, and if so, how?

Should a policy objective of zero emission for carcinogenic air pollutants be adopted? Is such a policy practical?

Assuming that no safe level of exposure is known, can an acceptable level of risk be established for a pollutant or class of pollutants if the cost of eliminating exposure is too great?

Assuming that no air pollution control system can completely eliminate emissions, should new sources of carcinogenic emissions be permitted to construct? If so, under what conditions?

The Agency also invites comments on any other issues relating to a classification and control program for carcinogenic air pollutants. All of those wishing to make oral presentations at the March 23, 1978, meeting should contact by March 9, 1978, the person indicated at the end of this notice. Those who wish to submit data, views, or comments in writing rather than at the meeting, are requested to send them to the same address postmarked

¹These reports are Interim Procedures and Guidelines for Health Risk and Economic Impact Assessments of Suspected Carcinogens, FR 41:21402 (May 25, 1976) and Rationale Developed by the Environmental Protection Agency for the Assessment of Carcinogenic Risk, J. Nat. Cancer Inst. 58:1537-41, May 1977.

no later than March 23, 1978. All comments received will be made available to the public. Copies of all comments received and a verbatim transcript of the meeting will be available for public inspection and copying during normal working hours at the U.S. Environmental Protection Agency's Public Information and Reference Unit, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

All communications and correspondence should be directed to U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, MD-12, Research Triangle Park, N.C. 27711, Attn.: Mr. Joseph Padgett, 919-541-5204.

Dated: February 2, 1978.

EDWARD F. TUEBK,
Acting Assistant Administrator
for Air and Waste Management.
[FR Doc. 78-3476 Filed 2-8-78; 8:45 am]

[6560-01]

[FRL 831-3]

SPOKANE VALLEY-RATHDRUM PRAIRIE AQUIFER

Determination

Notice is hereby given that pursuant to section 1424(e) of the Safe Drinking Water Act (Pub. L. 93-523) the Administrator of the Environmental Protection Agency has determined that the Spokane Valley-Rathdrum Prairie Aquifer is the sole or principal source of drinking water for an area in Idaho and Washington. The Aquifer supplies water to public water supplies and individual wells in Kootenai County, Idaho, and Spokane County, Wash.

BACKGROUND

The Safe Drinking Water Act was enacted on December 16, 1974. Section 1424(e) of the Act states: "(e) If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the FEDERAL REGISTER. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer."

During the fall 1976, petitions were presented on behalf of the Idaho Co-

alition for Shorelands Preservation, Spokane Audubon Society, Spokane Vera Valley Citizens Committee, and Spokane Sierra Club urging the U.S. Environmental Protection Agency to make a "Sole Source" determination under section 1424(e) for the Spokane Valley-Rathdrum Prairie Aquifer in Idaho and Washington. The petitioners are interested in protecting their drinking water source from contamination. They desire controls which are not tied to local politics and industrial and commercial influence. A Notice of Receipt of this petition, together with a request for comments, was published in the FEDERAL REGISTER on January 31, 1977. In response to the notice and request for comments, written comments were received from both the public and private sectors. On March 4, 1977, the EPA held a public hearing in Spokane, Wash., to hear the views of interested persons on the Spokane Valley-Rathdrum Prairie Aquifer issue.

Among the determinations which the Administrator must make in connection with the designation of an area under section 1424(e) are: (1) Is the Aquifer the area's sole or principal source Aquifer of water supply, and (2) if contaminated, would a significant hazard to public health be created? EPA does not construe this provision to require a determination that projects planned or likely to be constructed will in fact create such a hazard; it is sufficient to demonstrate that approximately 338,000 people depend on the Spokane Valley-Rathdrum Prairie Aquifer as their principal source of drinking water, and that the aquifer is vulnerable to contamination through its recharge zone. Obviously, threats to the quality of the drinking water supply for such a large population could create a significant hazard to public health.

In public comments, the view was expressed that EPA should refrain from designating the Aquifer because a system of State and local controls to prevent contamination already existed or special 208 studies would promote the controls needed. While the existence and effectiveness of local controls are clearly relevant to the question of reviewing future Federal financially assisted projects, section 1424(e) does not make designation contingent on the absence of State or local regulations. Therefore, these factors do not properly bear on the decision whether or not to designate the Aquifer.

A. DESIGNATION OF "SOLE SOURCE" AQUIFER

The Agency has carefully reviewed both the data presented at the public hearing for the Spokane Valley-Rathdrum Prairie Aquifer and subsequent written comments. Most speakers at

the hearing expressed the view that the Aquifer provided the sole source of drinking water for a large area in Idaho and Washington and that there would be a danger to public health if it were contaminated. A "sole source or principal source aquifer" means an aquifer which supplies 50 percent or more of the drinking water for an area (large territory, usually encompassing more than one county).

On the basis of the substantial amount of information which is available to this Agency and that presented by the public, the Administrator has made the following findings, which are the basis for the determination noted above:

1. The Spokane Valley-Rathdrum Prairie Aquifer is the "sole source" of high quality drinking water for over 338,000 people, including cities and towns and people using individual wells. Current water supply treatment practice is limited to minimal disinfection for some systems and no treatment for other systems for drinking purposes, and there is no alternative source of drinking water supply which could economically replace the Spokane Valley-Rathdrum Prairie Aquifer.

2. The Aquifer is vulnerable to contamination through its recharge zone primarily because the glaciated soils which are highly permeable. There is evidence of localized contamination from industrial sources and septic tanks. Since contamination of a ground water aquifer can be difficult or impossible to reverse, contamination of the Spokane Valley-Rathdrum Prairie Aquifer could pose a significant hazard to those people dependent on the aquifer for drinking purposes.

B. DESCRIPTION OF SPOKANE VALLEY- RATHDRUM PRAIRIE AQUIFER RE- CHARGE AND STREAMFLOW SOURCE ZONE

The Aquifer begins in Idaho near Spirit Lake and Pend Oreille Lake stretching through the Rathdrum Prairie and into the Washington Spokane Valley through the City of Spokane, terminating at the confluence of the Spokane River and Little Spokane River. The Aquifer consists of unconsolidated glacial deposits which have a high capacity to store and transmit large quantities of water.

Section 1424(e) of the Act requires that after publication of the Administrator's decision, "no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health . . ." The recharge zone is that area through which water enters or could enter into the aquifer. This

recharge zone in the case of the Spokane Valley-Rathdrum Prairie Aquifer is the land area directly overlying and adjacent to the Aquifer. The Aquifer extends from near Spirit Lake and Pend Oreille Lake in Bonner and Kootenai Counties, Idaho, southwest across the Rathdrum Prairie and down the Spokane Valley to the Little Spokane River and the Spokane River in Spokane County, Wash., and it includes the cities of Spirit Lake, Athol, Rathdrum, Hayden Lake, Coeur d'Alene, Post Falls, Spokane and several other small towns. This is the zone which will receive high priority for project review.

There is an upstream headwaters area draining into the recharge zone and contributing over 90 percent of the recharge flow to the Aquifer. This is the streamflow source zone. EPA may also review projects in this outlying zone. Since such a high percentage of the recharge flow to the Aquifer originates in this area, it could have a significant impact on the quality of the water in the Aquifer. This streamflow or lake source includes the drainage area of the Spokane River-Coeur d'Alene Lake Basin (approximately 5,000 square miles) and, therefore, encompasses the area to be designated a "sole source." Some recharge occurs from precipitation on the Aquifer but the major recharge comes from Spirit Lake, Twin Lakes, Hayden Lake, Coeur d'Alene Lake, Hauser Lake, Newman Lake, Liberty Lake, Spokane River and miscellaneous tributary streams from secondary upland flow onto the Aquifer recharge zone. The area includes much of the counties of Kootenai, Benewah and Shoshone, Idaho and Spokane, Wash., and parts of the counties of Lincoln and Whitman, Wash., and Latah and Clearwater, Idaho.

The designated area includes the drainage and recharge areas to the Aquifer. The surface water drainage basin above the Pend Oreille Lake (22,900 square miles) is not included within the designated area because recharge from Pend Oreille Lake to the Aquifer is small (about 50 cubic feet per second). It is doubtful that a project located in the drainage basin above the outlet of Pend Oreille Lake could significantly impact the Aquifer. The ground-water divide between the Aquifer and the Pend Oreille River Basin is not accurately known. Therefore, this short stretch of the boundary has been determined by applying the best hydrogeological judgment contained in the background document prepared by the U.S. Geological Survey.

The data upon which these findings are based are available to the public and may be inspected during normal business hours at the office of the Environmental Protection Agency, M/S

605, Region X, 1200 Sixth Avenue, Seattle, Wash. 98101, and at the following public libraries: Spokane, West 906 Main Street, Spokane County, East 11811 First Avenue, Wash., and 702 Lakeside, Coeur d'Alene, Idaho. The data include:

(1) Maps outlining the Spokane Valley-Rathdrum Prairie Aquifer, the recharge zone and the streamflow source zone (major replenishment area);

(2) The exact coordinates of the designated area which includes the recharge zone and the streamflow source zone;

(3) A copy of the transcript of the public hearing and copies of public comments; and

(4) A technical support document for designation of the Spokane Valley-Rathdrum Prairie Aquifer under section 1424(e) of the Safe Drinking Water Act.

A copy of the above documentation is also available at the U.S. Environmental Protection Agency, Office of Public Awareness, 401 M Street SW., Washington, D.C. 20460.

The proposed National Regulations for Implementation of section 1424(e) of the Safe Drinking Water Act (Pub. L. 93-523, FEDERAL REGISTER dated September 29, 1977) contain the procedures for review of Federal financially assisted programs or actions which may contaminate "Sole Source" aquifers through the recharge zone so as to create a significant hazard to public health.

EPA Region X is working with the Federal agencies, which may in the near future fund projects in the area of concern to EPA, to develop interagency procedures whereby EPA will be notified of proposed commitments for projects which could contaminate the aquifer. Although the project review process cannot be delegated, the Regional Administrator in Region X will rely to the maximum extent possible upon any existing or future State and local control mechanisms in protecting the ground-water quality of the Spokane Valley-Rathdrum Prairie Aquifer.

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-3475 Filed 2-8-78; 8:45 am]

[6560-01]

[FRL 852-4; OPP-66041]

PESTICIDE PROGRAMS

Cancellation of Registration of Pesticide Products

Pursuant to section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C.

136(a) et seq.), the firms listed below have requested that the Environmental Protection Agency (EPA) cancel the registrations of several pesticide products. Such cancellation shall be effective within 30 days after receipt of a certified letter from EPA or publication of this notice in the FEDERAL REGISTER, whichever occurs later, unless the registrant or an interested person with the concurrence of the registrant, requests that the registration be continued in effect.

The Agency has determined that the distribution and sale of stocks of these products which were in existence on the effective date of cancellation would not be inconsistent with the purposes of FIFRA and would not have an unreasonable adverse effect on the environment. Pursuant to section 6(a)(1) of FIFRA, therefore, the distribution and sale of existing stocks of these products shall be permitted until the supply is exhausted or for one year from receipt of the notice of intended cancellation sent to each registrant by certified mail, whichever occurs earlier; *Provided*, That these products shall be used only in a manner consistent with the label and labeling registered with EPA.

Requests that the registration of these products be continued may be submitted in triplicate to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460. Any comments filed regarding this notice of intended cancellation will be available for public inspection in the office of the Product Control Branch from 8:30 a.m. to 4 p.m. Monday through Friday.

The registrants concerned and the products affected by this action are listed below.

Dated: February 2, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

EPA Reg. No.	Product name	Registrant
4-137.....	Bonide Paris Green Pellets Mosquito Larvicide.	Bonide Chemical Co., 2 Wuz Ave., Yorkville, N.Y. 13495.
88-15.....	Dogonex Dog Repellent Outdoor Spray.	The Hyponex Co., Inc., P.O. Box 4300, Copley, Ohio 44321.
100-469.....	Geigy Garden-Tox.	Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409.
108-36.....	Rawleigh Malathion Insecticide Powdered.	W. T. Rawleigh Co., 223 East Main St., Freeport, Ill. 61032.

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EPA Reg. No.	Product name	Registrant	EPA Reg. No.	Product name	Registrant
148-106.....	BHC E-1	Thompson-Hayward Chemical Co., P.O. Box 2382, Kansas City, Kans. 66110.	279-79.....	Suspense Lead Arsenate.	Do.
148-549.....	BHC W-12.....	Do.	279-81.....	Kolotex.....	Do.
168-277.....	Endrin Emulsible.	Wasatch Chemical Co., P.O. Box 6219, Salt Lake City, Utah 84106.	279-85.....	Calcium Arsenate	Do.
			279-275.....	Niagara BHC 1.2 Dust.	FMC Corp., Agricultural Chemical Division, 2000 Market St., Philadelphia, Pa. 19103.
168-414.....	Dacthal W-50 (50 pct Wettable Powder).	Entrada Industries, Inc., Wasatch Chemical Division, P.O. Box 6219, Salt Lake City, Utah 84106.	279-461.....	L-15 Dust.....	Do.
			279-506.....	Niagara BHC Miscible.	Do.
201-195.....	Gardona 75 Wettable Insecticide.	Shell Chemical Co., a Division of Shell Oil Co., Suite 200, 1025 Connecticut Ave. NW., Washington, D.C. 20036.	279-566.....	BHC 10 Spray.....	Do.
			279-727.....	Lead Kolozinc No. 2.	FMC Corp., Agricultural Chemical Division, 100 Niagara St., Middleport, N.Y. 14105.
201-243.....	Gardona Insecticide Solution.	Do.	279-755.....	Malathion 4 Dust.	Do.
201-256.....	Gardona Insecticide 50 Wettable Powder.	Do.	279-775.....	Kolodust Malathion 25-4 Dust.	Do.
201-271.....	2.5 pct Gardona Insecticide Dust.	Do.	279-776.....	Kolodust Malathion 50-4 Dust.	Do.
201-272.....	5 pct Oardona Insecticide Dust.	Do.	279-835.....	Kolo Phygion 1 Dust.	Do.
201-273.....	3 pct Gardona Insecticide Dust.	Do.	279-1044.....	Niacide M Lead Arsenate 15 Dust.	Do.
201-288.....	Gardona 2 Insecticide Emulsible Concentrate.	Do.	279-1179.....	Kolodust Malathion 4 Dust.	Do.
201-305.....	Gardona Insecticide 15 pct Wettable Powder for Forest and Shade Trees.	Do.	279-1272.....	Phygion 2 Sulphur 30 Dust.	Do.
218-17.....	Arcadian—Powdered Calcium Arsenate..	Allied Chemical, Agricultural Division, P.O. Box 2120, Houston, Tex. 77001.	279-1281.....	Dichloro 3 Sulfur 20 Dust.	Do.
226-38.....	Tobacco States Brand 10 pct BHC Wettable Powder.	Tobacco States Chemical Co., Inc., P.O. Box 12046, Lexington, Ky. 40512.	279-1311.....	Copper Kolo Lead Arsenate 15 Dust.	Do.
239-4229.....	Ortho Cyprax 4 Dust.	Chevron Chemical Co., Ortho Division, 940 Hensley St., Richmond, Calif. 94804.	279-1464.....	Niacide M4 Arsenate 15 Parathion 1.5 Dust.	Do.
239-4249.....	Dibrom Omite 4.3 Dust.	Do.	279-1963.....	Niacide M4 Ethion 4 Lead Arsenate 15 Dust.	Do.
239-4250.....	Dibrom Omite Orthocide 4-3-5 Dust.	Do.	279-2031.....	Ferbam 11.4 Parathion 1.0 Dust.	Do.
255-105.....	APC Pyrethrum Powder 0.5 pct.	American Fluoride Corp., 17 Huntington Pl., New Rochelle, N.Y. 10801.	279-2066.....	Malathion 4 Sulfur 20 Dust.	Do.
255-143.....	Lucide Eight.....	Do.	279-2074.....	Malathion 5 Coated Granules.	Do.
279-29.....	Standard Lead Arsenate.	FMC Corp., Agricultural Chemical Division, 100 Niagara St., Middleport, N.Y. 14105.	279-2302.....	Pelleted Snail Bait.	Do.
279-46.....	Basic Powdered Arsenate of Lead.	Do.	279-2539.....	Phygion Seed Protectant.	Do.
279-78.....	Kolokil.....	Do.	279-2728.....	Copper 5 Kilo Lead Arsenate 15 Dust.	Do.
			279-2850.....	Budworm Dust.....	Do.
			279-2871.....	Sodium Arsenite 4.0 Solution.	Do.
			279-2984.....	W-B Pet Aerosol Concentrate.	Do.
			279-2991.....	Carine Aerosol Insecticide.	Do.
			323-43.....	Holcomb Soringvale Room Deodorant and Air Sanitizer	Premier Industrial Corp., 4415 Euclid Ave., Cleveland, Ohio 44103.
			323-52.....	Clinic Disinfectant.	J. I. Holcomb Manufacturing Co., 4015 Euclid Ave., Cleveland, Ohio 44103.
			352-246.....	Telvar Monuron Weed Killer (80 pct Wettable Powder).	E. I. DuPont DeNemours & Co., Legal Department D 7045, Wilmington, Del. 19888.

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EPA Reg. No.	Product name	Registrant	EPA Reg. No.	Product name	Registrant
642-14.....	Thompson's Weedicide 45 pct Isopropyl Ester.	Do.	935-18.....	BHC (Hexachlorocyclohexane).	Hooker Chemical Plastics Corp., 345 Third St., Box 728, Niagara Falls, N.Y. 14302.
642-41.....	Thompson's Penta Fix Concentrate.	Do.	935-25.....	BHC 30 Dust Concentrated Insecticide.	Do.
642-119.....	Thompson's Weedicide LV-1.0-48.	Do.	1001-24.....	Thimer Turf Fungicide and Crabgrass Killer.	W. A. Cleary Chemical Corp., P.O. Box 10, Somerset, N.J. 08873.
642-145.....	Thompson's Chickweed and Clover Killer.	Do.	1001-40.....	PMAS-100.....	Do.
642-160.....	Thompson's Citrus Fix 45 pct Isopropyl Ester.	Do.	1001-43.....	PMAS-10.....	Do.
642-161.....	Thompson's Color Fix 128, a Hormone-type Spray.	Do.	1022-144.....	BHC 1 Emulsifiable Concentrate.	Chapman Chemical Co., P.O. Box 9158, Memphis, Tenn. 38109.
642-183.....	Thompson Tomato Fix (Concentrate).	Do.	1022-229.....	Chapman Methyl Parathion-4.	Do.
642-185.....	Thompson's Tomato Fix Ready To Use.	Do.	1112-24.....	Scab-Eze Lamco ...	L. A. Mosher Co., 2130 Marietta Blvd. NW., Station N, Box 19878, Atlanta, Ga. 30325.
642-198.....	Technical Isooctyl Ester of 2,4-D.	Do.	1202-138.....	Gavicide Malathion Sulfur 4 Dust.	Puregro Co., 1111 West Sixth St., Los Angeles, Calif. 90017.
642-199.....	Technical Isooctyl Ester of 2,4,5-T.	Do.	1202-167.....	Gavicide Malathion Sulfur 4-50 Dust.	Do.
642-200.....	Technical 2-Ethylhexyl Ester of 2,4,5-T.	Do.	1258-189.....	Mathieson Malathion 5 pct Dust.	Olin Chemicals, Olin Corp., 120 Long Ridge Rd., Stamford, Conn. 06904.
642-201.....	Ester of 2,4-D.....	Do.	1258-468.....	Mathieson Malathion 5 pct Dust.	Do.
642-202.....	Technical Isopropyl Ester of 2,4-D.	Do.	1258-864.....	Ammo Phos Lawn Fertilizer 12-12-12 with Dacthal Preemergence Herbicide.	Do.
642-203.....	Technical n-Butyl Ester of 2,4,5-T.	Do.	1418-21.....	Asepticide.....	Churchill Chemical Co., P.O. Box 312, Galesburg, Ill. 61401.
642-204.....	Technical n-Butyl Ester of 2,4-D.	Do.	1418-23.....	OR3D Neutral Detergent Germicide Hospital Grade.	Do.
702-21.....	Super Denol with Calar.	Alfeo, Inc., P.O. Box 267, Marietta, Ohio 45750.	1421-46.....	20 pct Chlordane Emulsifiable Concentrated.	Dettelbach Chemical Corp., 4181 Peachtree Rd. NE., Atlanta, Ga. 30319.
702-24.....	Cadex A Liquid Cadmium Turf Fungicide.	Do.	1469-2.....	Pine Oil Disinfectant Coef. 5.	Analab Laboratories, Inc., 285 Washington St., Somerville, Mass. 02143.
702-27.....	Flitz MCP—K ...	Do.	1469-11.....	Penta Pine Disinfectant Coef. 5.	Do.
702-30.....	Blitz 48 Chlordane Insecticide.	Do.	1469-14.....	Safeticide Brand Grade AA Fly Spray.	Do.
728-84.....	Pearson's Poison Paste.	Southland Pearson & Co., P.O. Box 7151, Mobile, Ala. 36607.	1469-19.....	Safeticide Fly Spray Concentrate.	Do.
781-17.....	PC 430.....	Plunkett Chemical Co., 3500 S. Morgan St., Chicago, Ill. 80609.	1471-98.....	Topocide.....	Elanco Products Co., a Division of Eli Lilly & Co., P.O. Box 1750, Indianapolis, Ind. 46206.
784-37.....	Con-Sol Red-Weed Killer.	Consolidated Chemical, Inc., 1470 South Vandeventer Ave., St. Louis, Mo. 63110.			
784-88.....	Germo-Phene.....	Do.			
876-50.....	Banvel D + 2,4-D Clover Knotweed & Chickweed Killer.	Velsicol Chemical Corp., 341 East Ohio St., Chicago, Ill. 60611.			
888-4.....	CS-125 Pine Oil Disinfectant.	Crystal Soap & Chemical Co., Inc., P.O. Box 550, Lansdale, Pa. 19448.			
888-5.....	CS-146 Crystal Cresylic Disinfectant.	Do.			
888-7.....	CS-128 Cresol Solution Sapon, W.F.	Do.			
352-274.....	Telvar ML Monuron Weed Killer (28 pct Liquid).	Do.			
352-250.....	Trysben 200 Weed Killer.	Do.			
352-328.....	Monuron Technical.	Do.			
359-42.....	Chipman Calcium Arsenate.	Rhodia, Inc., P.O. Box 125, Monmouth Junction, N.J. 08852.			
359-190.....	Chipman Malathion W-25.	Do.			
359-487.....	Chipco Malathion W-25.	Do.			
359-522.....	Chipman Calcium Arsenate-M Special.	Do.			
411-68.....	Improved Flair.....	Jensen-Salsbery Laboratories, Division of Richardson-Merrell, Inc., 520 West 21st St., Kansas City, Mo. 64141.			
419-52.....	Cenol Nicotine Sulphate Solution.	Cenol Company, Inc., Box 177 Route 45 and Peterson Rd., Libertyville, Ill. 60048.			
436-17.....	Standard's Lin-Tox Livestock Spray and Dip.	Standard Chemical Mfg. Co., 701 South 42nd St., Omaha, Nebr. 68103.			
442-10.....	Sohio Herd Oil High Level Pyrethrin.	Standard Oil Co., Midland Bldg., Cleveland, Ohio 44115.			
450-133.....	Miller Stox-Spray Concentrate.	Miller Chemical Co., Inc., 9100 F St., Omaha, Nebr. 68127.			
464-485.....	Dow Propazine 80W Herbicide.	Dow Chemical U.S.A., P.O. Box 1706, Midland, Mich. 48640.			
476-1099.....	Stauffer MCP Amine 4 Weed Killer.	Stauffer Chemical Co., Western Research Centers, 1200 South 47th St., Richmond, Calif. 94804.			
477-121.....	Farmrite Malathion 25-W.	Grow-All, Inc., Division of Central Chemical Corp., P.O. Box 918, Hagerstown, Md. 21740.			
477-260.....	Farmrite 4 pct Malathion Dust.	Do.			
541-86.....	Frisky Disinfectants Cleanser Paste.	Puritan Chemical Co., P.O. Box 93247, Martech Station, Atlanta, Ga. 30318.			
567-6.....	Arsenic Trioxide 95 pct.	Asarco, Inc., 120 Broadway, New York, N.Y. 10005.			
567-7.....	Arsenic Trioxide 99 pct.	Do.			
615-18.....	Bay Mor BHC Roost Paint.	Whitmoyer Laboratories, Inc., 1 Gibraltar Pl., Worsham, Pa. 19044.			
642-12.....	Thompson's Weedicide Concentrate (Amine Salt).	Thompson Chemicals Corp., P.O. Box 6201, Carson, Calif. 90749.			
1526-441.....	BHC BC-10.....	Arizona Agrochemical Co., Route 2, P.O. Box 369, Tempe, Ariz. 85281.			
1553-86.....	MOMAR MD 8000 Lawn Weed Killer.	MOMAR, Inc., 1830 Elsworth Industrial Dr. NW., Atlanta, Ga. 30318.			
1618-91.....	Warlasco Emulsion Toilet and Urinal Cleaner.	Warren-Douglas Chemical Co., 3002 F St., Omaha, Nebr. 68107.			
1624-13.....	Monobor Chlorate 2.	U.S. Borax & Chemical Corp., 3075 Wilshire Blvd., Los Angeles, Calif. 90010.			
1624-14.....	Monobor Chlorate 1.	Do.			
1624-83.....	Herbicide NP Weed Killer.	Do.			
1691-32.....	Nicotine Sulfate Solution.	Chemical Compounding Corp., 680 Elton Ave., Riverhead, N.Y. 11901.			
1691-106.....	Disinfectant, Germicidal Concentrate, Int. Fed. Spec. 0-D-001277, Type 1.	Do.			
1757-34.....	Blocide 203.....	Drew Chemical Corp., 701 Jefferson Rd., Box 248, Parsippany, N.J. 07054.			
1757-35.....	Biosperse 215 for Control of Slime and Algae.	Do.			
1783-68.....	Insecticide, Malathion 1 pct Dusting Powder.	Trio Chemical Works, 341 Scholes St., Brooklyn, N.Y. 11200.			
2124-374.....	DAVCO 3G Granulated 6-12-12 containing 0.125 pct Di-System.	W. R. Grace & Co., Agricultural Chemicals Group, P.O. Box 277, 100 North Main St., Memphis, Tenn. 38101.			
2124-375.....	DAVCO 3G Granulated 10-20-10 containing 0.4 pct Di-System.	Do.			
2124-376.....	DAVCO 3G Granulated 12-12-12 containing 0.2 pct Di-System.	Do.			
2124-405.....	DAVCO 3G Granulated 3G contains 0.5 pct Di-System.	Do.			
2124-407.....	DAVCO 3G Granulated 8-16-16 contains 0.2 pct Di-System.	Do.			
2124-429.....	DAVCO Granulated 15-15-15 with 0.40 pct Di-System.	Do.			
2124-620.....	Nutri-Gran 4-8-16 Tobacco Food contains 0.4 pct Di-System.	Do.			
2124-621.....	Nutri-Gran 5-10-15 Tobacco Food.	Do.			

public meeting of the Aeronautical Communications Services Subcommittee of the National Industry Advisory Committee to be held Thursday, April 20, 1978. The Subcommittee will meet at the Federal Communications Commission, Room 8210, 2025 M Street, NW., Washington, D.C. at 10 a.m.

Purpose: To consider emergency communications matters.
Agenda: As follows:

ITEMS

1. Chairman's opening remarks.
2. Review of Aeronautical Emergency Communications System (AECS) Plan.
3. Review status of operations.
4. Consideration of the effect on aeronautical users of proposed changes to Part 64, Subpart D, Appendix A of the FCC Rules: Priority System for the Restoration of Common Carrier-provided Intercity Private Line Services.
5. Other business.
6. Closing comments and adjournment.

Any member of the general public may attend or file a written statement with the committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC 202-632-7232.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3702 Filed 2-8-78; 8:45 am]

[6712-01]

NATIONAL INDUSTRY ADVISORY COMMITTEE,
INDUSTRIAL COMMUNICATIONS SERVICES
SUBCOMMITTEE

Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Industrial Communications Services Subcommittee of the National Industry Advisory Committee to be held Wednesday, March 15, 1978. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A-110, 1229 20th Street NW., Washington, D.C. at 10 a.m.

Purpose: To consider emergency communications matters.
Agenda: As follows.

ITEMS

1. Chairman's opening remarks.
2. Consideration of the effect on industrial users of proposed changes to Part 64, Subpart D, Appendix A of the FCC Rules: Priority System for the Restoration of Common Carrier-provided Intercity Private Line Services.
3. Review of Industrial Emergency Communications Plan (ICEP).
4. Other business.

5. Closing comments and adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, 202-632-7232.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3703 Filed 2-8-78; 8:45 am]

[6712-01]

AMATEUR RADIO SERVICES SUBCOMMITTEE

Meeting

FEBRUARY 2, 1978.

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Amateur Radio Services Subcommittee of the National Industry Advisory Committee to be held Friday, March 31, 1978. The Subcommittee will meet at the Federal Communications Commission Annex Building, Room A-110, 1229 20th Street NW., Washington, D.C. at 9 a.m.

Purpose: To consider emergency communications matters.
Agenda: As follows.

ITEMS

1. Chairman's opening remarks.
2. Review of the Subcommittee's action items from the previous meeting of December 7, 1976.
3. Reports of the working groups: Electromagnetic pulse (EMP), Operational problems, Emergency Communications Plan requirements.
4. MARS-ARS-RACES interface issues.
5. EBS-ARS communications support concept.
6. Representative views from U.S. government agencies.
7. Critique of ARS operations during the Johnstown, Pennsylvania flood.
8. Closing comments and adjournments.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, 202-632-7232.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3704 Filed 2-8-78; 8:45 am]

[6712-01]

NATIONAL INDUSTRY ADVISORY COMMITTEE,
CITIZENS BAND RADIO COMMUNICATIONS
SUBCOMMITTEE

Meeting

FEBRUARY 1, 1978.

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Citizens Band Communications Subcommittee of the National Industry Advisory Committee to be held Thursday, March 16, 1978. The Subcommittee will meet at the Federal Communications Commission, Room 8210, 2025 M Street, NW., Washington, D.C. at 10 a.m.

Purpose: Initial meeting to organize the subcommittee and to consider emergency communications matters.
Agenda: As follows.

ITEMS

1. Chairman's opening remarks.
2. Organization.
3. Membership.
4. Goals and plans.
5. Other business.
6. Closing comments and adjournment.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, 202-632-7232.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3705 Filed 2-8-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AMERICAN CRUISE LINES, INC., STEAMBOAT
LANDING, HADDAM, CONN.

Order of Revocation

In the matter of certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-147 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,152.

Whereas, American Cruise Lines, Inc. has ceased to operate the passenger vessel *American Eagle*.

It is ordered, That Certificate (Performance) No. P-147 and Certificate (Casualty) No. C-1,152 issued to American Cruise Lines, Inc. applying to the *American Eagle*, be and are hereby revoked effective February 3, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificant.

By the Commission, February 3, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-3706 Filed 2-8-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON THE EDU-
CATION OF DISADVANTAGED CHILDREN

Cancellation of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the meeting of the National Advisory Council on the Education of Disadvantaged Children scheduled to be held on February 10 and 11, 1978 at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C., is hereby cancelled.

The National Advisory Council on the Education of Disadvantaged Children is established under Section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Signed at Washington, D.C. on February 8, 1978.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 78-3885 Filed 2-8-78; 12:06 pm]

[4110-12]

Office of the Secretary

HEALTH CARE FINANCING ADMINISTRATION

Statement of Organization, Function and
Delegation of Authority

Part F of the Statement of Organization, function and Delegations of Authority of the Department of Health, Education, and Welfare, Health Care Financing Administration (42 FR 33071, dated June 20, 1977) is amended to revise that part of the division level statement for headquarters regarding the Medicaid Bureau as follows:

Abolish the Office of Information Systems and reconstitute it as a Division of Information Systems under the Office of State Operations.

Revise the functional statements of the Institute for Medicaid Management and the Division of State Management under the Office of State Operations to reflect the assigned functions.

The revised functional statements for the Office of State Operations, the new Division of Information Systems, the Institute for Medicaid Management, and the Division of State Management are as follows:

OFFICE OF STATE OPERATIONS (OSO)—
FPM 4

The Office of State Operations develops, provides direction, and coordinates the activities of the Division of State Management in the implementation of State program monitoring activities and management effectiveness surveys. Directs the activities of the Institute for Medicaid Management to identify State and Federal Medicaid Staff needs for training and technical assistance and develops and conducts programs and issues various publications to meet those needs, in cooperation with other bureaus, HCFA, HEW, the States, and other resources. Provides direction to the Division of Information Systems in the development and use of automatic data processing systems (including the Medicaid Management Information System) and other systems for State and Federal Medicaid management purposes. Develops and provides direction in the implementation of Medicaid compliance strategy; coordinates compliance systems and procedures. Develops and provides direction in the development and implementation of standards and guides for the approval and monitoring of State Medicaid contracts and procurements.

DIVISION OF INFORMATION SYSTEMS
(DIS)—FPM 43

The Division of Information Systems is responsible for direction, system control, policy, planning, development, implementation, and approval of Medicaid Information Systems activities including the Medicaid Management Information Systems. DIS reviews and evaluates systems performance and approves State ADP Plans and operations for Federal financial participation. DIS coordinates, maintains liaison, and advises on aspects of Medicaid Information Systems, data processing, current and advanced system technology and telecommunications activities. In coordination with the Institute of Medicaid Management, provides technical assistance to the States and others on Medicaid Information Systems and related technical matters. It maintains liaison activities and represent the Bureau on all Information Systems and related functions. DIS coordinates systems policy standards for development, implementation, and controls. DIS assists States and Regional Offices, in coordination with State Contract Advisory Staff, in State hardware and software contracting procedures by reviewing, consulting and advising on the operational as-

pects of hardware, software, and related computer technology.

INSTITUTE FOR MEDICAID
MANAGEMENT—(IMM)—FPM 42

The Institute for Medicaid Management develops and conducts or arranges for a comprehensive program of training and technical assistance for State and Federal Medicaid employees to improve the quality and efficiency of the Medicaid program and the effectiveness of program management. Identifies and meets the training needs of State agencies in the administration of their medical assistance programs as well as that of Federal Medicaid personnel. Evaluates the effectiveness of seminars, training sessions, etc., to improve the future scope of subject matter and mode of delivery. Identifies, evaluates, publishes, and disseminates exemplary practices in specific Medicaid management areas as well as other material of interest to State Medicaid Directors and their staff. Coordinates all Medicaid related training activities. Develops and conducts, sometimes in coordination with State personnel, educational programs related to Medicaid for providers and provider groups and for Medicaid recipients. Maintains a repository of State and Federal produced materials of interest to State Medicaid staffs.

DIVISION OF STATE MANAGEMENT—
(DSM)—FPM 41

The Division of State Management develops priorities and objectives for the monitoring of State programs. Coordinates with other Bureau units on State visits for monitoring and evaluation. Assures that criteria and standards for State management performance are developed and applied in the monitoring of State operations. Provides direction for Regional Office monitoring, including financial reviews. Instructs Regional Office staff on monitoring and review of State administration. Guides the development and implementation of State corrective action plans to follow-up on State survey findings. Analyzes the adequacy of Medicaid monitoring techniques. In conjunction with the Office of Financial Management, reviews audit findings to identify trends in State program management. Reviews State plans and plan amendments and maintains a current file of State plans. Compiles and updates State Data Books and compiles State characteristics. In cooperation with the Division of Analysis and Evaluation, analyzes Medicaid data to evaluate the effectiveness of State management of its Medicaid program. Maintains procedures for analyzing program-related data which reflect on the management of State Medicaid programs. Participates with other HCFA and HEW elements in developing principles and

guidelines for combined health program monitoring systems. Assesses the extent to which management-related program objectives are being met and how they might be better met through the conduct of State surveys and the direction and evaluation of Regional Office monitoring activities. Develops and conducts special studies and projects to detect the need for legislative, regulatory, and/or policy and procedural revisions to improve State management. In cooperation with the Institute for Medicaid Management, identifies and investigates potential exemplary practices for possible dissemination to State agencies.

I authorize and approve the attached functional statements for the Health Care Financing Administration.

Dated: January 27, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

(FR Doc. 78-3720 Filed 2-8-78; 8:45 am)

[4110-12]

HEALTH CARE FINANCING ADMINISTRATION Statement of Organization, Functions, and Delegations of Authority

Part F of the Statement of Organization Functions and Delegations of Authority of the Department of Health, Education & Welfare, Health Care Financing Administration (HCFA), (42 FR 3306-33072), June 29, 1977, is amended to add functional statements for division-level organizations of the HCFA Regional Offices. These functional statements read as follows:

OFFICE OF THE REGIONAL ADMINISTRATOR—FD (1-X)

Provides leadership and guidance on behalf of the Administrator, HCFA, to all components at the regional level. Takes action to develop and implement coordination and integration of ongoing operational activities and special projects within HCFA and to assure effective coordination of HCFA with other DHEW and Federal agencies. Undertakes resolution of major regional issues. In conjunction with all units of HCFA, develops a HCFA-wide program of liaison with organizations and individuals affected by agency programs. Work with the Office of the Principal Regional Official to assure effective working relationships with State and local governments. Provides administrative and management support services for HCFA regional activities.

MEDICARE REGIONAL OFFICE—FD1 (1-X)

Represents the Medicare Bureau, HCFA, on a regional level. Assures the

effective administration of the Medicare program in the region through day-to-day working relationships with Medicare contractors, providers, physicians, SSA Regional office and district office personnel, and other organizations and individuals concerned with the program operations. Assures continuing surveillance and appraisal of Medicare contractors in the administration of certain health insurance provisions. Identifies problems and initiates action to ensure contractor adherence to national Medicare policy and procedures. Directs Medicare regional financial management activities. Directs a program of in-depth surveys to evaluate the effectiveness of the Medicare program. Conducts quality assurance programs and onsite performance appraisals and analyzes statistical performance reports. Negotiates and approves contractor budgets, modifications to budget allotments and final cost settlements. Coordinates day-to-day contractor financial management activities; reviews and approves certain subcontracts and leases, and monitors banking activities and evaluates the cost allocation procedures of contractors. Conducts contractor appraisals and comprehensive reviews of district office Medicare operations. Provides direction to Medicare contractors in carrying out their responsibilities for interfacing with and monitoring Professional Standards Review Organizations. In coordination with the Office of the HCFA Regional Administrator and other HCFA components, as appropriate: Develops and implements a program of liaison with organizations representing health care professionals, providers of health care services, and program beneficiaries; takes necessary action on matters relating to the Freedom of Information Act and the Privacy Act; performs regional responsibilities relating to experimental and demonstration projects; assumes responsibility for program training; and assures timely responses to congressional and public inquiries. Provides current feedback to central office counterpart on operations, activities, and problems. Provides regional perspective in the development of counterpart central office policies, objectives and work plans.

DIVISION OF PROGRAM OPERATIONS— FD11 (1-X)

Plans, directs and coordinates regional office activities in assuring the effectiveness of Medicare contractor operations in the region through a regular program of surveillance and appraisal, and day-to-day working relationships with contractor personnel. Including: A regular contractor visit program, onsite performance appraisals, evaluation of contractor operating systems, formal quality assurance pro-

grams under both Part A and B, and preparation of periodic formal contractor evaluation reports. Reviews, negotiates and recommends for contract renewal, nonrenewal, or termination. Provides direction and guidance to Medicare contractors for the implementation of program policies, standards, and directives, including: substantive policies relating to services provided by hospitals, skilled nursing facilities, home health agencies; physicians (including provider-based and teaching physicians), and other suppliers of services; provider reimbursement and accounting policies and procedures; medical necessity and utilization safeguards; nonmedical coverage exclusions, deductibles, and coinsurance. Coordinates the dissemination of regional Medicare instructional issuances. Identifies problems and initiates action to ensure contractor adherence to national HCFA policy and procedures. Assures coordination of all matters within area of responsibility with appropriate components in Medicare Bureau Central Office.

DIVISION OF PROGRAM MANAGEMENT— FD 12 (1-X)

Provides direction for Medicare regional fiscal and administrative relationships with carriers, intermediaries, SSA district offices, State agencies, providers and suppliers of services, and other individuals and groups concerned with health care administration and financing. Directs all regional financial management activities involving Medicare contractors including reviewing, negotiating, and approving Part A and Part B contractor budgets; negotiating and approving final cost settlements based on DHEW Audit Agency audits; analyzing monthly financial reports; approving bank agreements and monitoring contractors' banking activities; and evaluating contractors' cost allocation procedures. Reviews and approves contractors' leases and subcontracts, reviews and makes recommendations concerning approval of EDP subcontracts; directs regional activities concerning special fixed price and incentive contract procurements with Part B contractors. Monitors contractor's overpayment identification and collection activities; prepares overpayments cases for submission to GAO for collection, and/or to the Department of Justice for possible prosecution. Coordinates with the SSA Office of the Regional Commissioner and provides program direction and technical assistance to the Social Security District Offices concerning the Medicare entitlement, postentitlement and beneficiary education functions they perform under agreement with HCFA. Monitors the performance of these functions and recommends changes in the district office procedures, changes in policies, and training

needed by district office personnel to enhance performance; coordinates with the SSA Office of the Regional Commissioner. Acts to resolve Medicare entitlement problems not covered by regular procedures. Develops and oversees regional procedures for coordinating between district offices and contractors. Negotiates and approves State buy-in agreement and provides direction and assistance to State buy-in agencies in carrying out their responsibilities. Plans, directs, and coordinates activities to assure that Medicare beneficiaries, participating providers, physicians and other suppliers are informed of program benefits, their rights and responsibilities, including: maintaining ongoing relationships with provider and beneficiary groups; preparing regional informational issuances; and providing direction to and monitoring the performance of Medicare contractors in carrying out their responsibilities for verifying beneficiary overpayment and refund collection, and professional and provider relations activities. Provides Medicare orientation, training, and day-to-day liaison with direct-dealing providers, Comprehensive Health Centers (CHCs), Group Practice Prepayment Plans (GPPs), and Health Maintenance Organizations (HMOs). Acts as a resource to these organizations for policy and procedural questions; conducts continuing appraisal of the Medicare procedures of direct-dealing providers; and analyzes CHC budgets and recommends approval of interim rates. Responsible for preparation of responses to requests for disclosure of information under the Freedom of Information and Privacy Acts, coordinating with the HCFA Regional Administrator, the Office of the Regional Attorney, and the Office of the Secretary at the regional level. Develops, coordinates, and prepares responses to congressional and beneficiary correspondence. Reviews, analyzes, and takes necessary action for the authorization or disallowance of emergency foreign service claims.

MEDICAID REGIONAL OFFICE—FD 2 (1-X)

Represents the Medicaid Bureau, HCFA, on a regional level. Plans, manages, and provides Federal leadership and assistance to State agencies in program implementation, maintenance, and the regulatory review of State Medicaid program management activities under title XIX of the Social Security Act. Provides technical assistance, and guidance to States to determine the feasibility of implementing new or optional programs or redesigns current programs to meet the changing needs of the State. Interprets Medicaid program and financial regulation and policy. Maintains day-to-day liaison with State agencies and monitors

their Medicaid program activities and practices by conducting periodic comprehensive onsite program management and financial reviews to assure State adherence to Federal law and regulations; reviews, approves, and maintains official State plans and plan amendments for medical assistance. Provides technical assistance to States in the administration of and the amount, duration, scope and reimbursement of health services available under the State program. Reviews, approves and monitors State reimbursement systems and cost allocation plans. Reviews, analyzes, and approves State expenditures for State Medicaid contracts. Stimulates State action toward achievement of selected program objectives; assists States in the maintenance of ongoing program objectives; and resolves audits with States. Reviews Medicaid formula grant awards requests and expenditures and recommends approval/disapproval to the Associate Administrator for Medicaid. Issues orders suspending Federal financial participation (FFP) on behalf of State payments to title XIX provider institutions and revocation of such suspension orders. Advises, provides technical assistance, supports and evaluates State MI and claims payment systems. Implements title XIX special initiatives such as Prepaid Health Plans, Health Maintenance Organizations (HMOs) and other special or experimental programs, and operation of major management initiatives such as quality control. Provides for State and regional input to operational plans, policy, regulations, legislation and budget formulation. In coordination with the Office of HCFA Regional Administrator and other HCFA components, as appropriate: develops and implements a program of liaison with organizations representing health care professionals, providers of health care services, and program beneficiaries; takes necessary action on matters relating to the Freedom of Information Act and the Privacy Act; performs regional responsibility for program training; and assures timely responses to congressional and public inquiries. Provides current feedback to central office counterpart on operations, activities, and problems. Provides regional perspective in the development of counterpart central office policies, objectives and work plans.

DIVISION OF PROGRAM OPERATIONS (MEDICAID)—FD21 (1-X)

Plans, directs and coordinates Federal regional office activities related to Medicaid State program operations. Maintains continuous liaison with State agencies and surveillance over their respective programs with reference to providing technical program assistance on overall management im-

plementation and the correction of deficiencies. Serves as central review and resource point providing States with interpretation of Federal regulations, program objectives and policies and provides technical assistance on programmatic and administrative requirements to assure effective and economical operational control. Reviews and recommends approval/disapproval of State Plans and amendments thereto and assures currency, accuracy and maintenance of official State Plan files. Reviews and recommends approval/disapproval of project grants with responsibility for overall administration. In conjunction with the Division of Management, reviews State reimbursement systems, cost allocation plans. Serves as principal regional resource for the development, planning and conduct of State assessment reviews. Provides testimony and technical assistance to State legislative committees and various State governing boards. Responsible for program audit follow-up and for clearing all program audit findings providing advice and consultation on audit dollar findings to the Division of Management and on State financial issues related to retroactive or undocumented claims. Monitors and coordinates State activities regarding Health Maintenance Organizations (HMOs), and other special or experimental health delivery programs. Provides technical program support to State long term care, utilization review and Professional Standard Review Organization (PSRO) activities in coordination with other HCFA components. Advises and provides hardware/software technical assistance to States on management information systems. Provides technical support to HCFA program integrity efforts. Carries primary responsibility for long-range planning necessary to assure the effectiveness of overall State operations, developing methodologies and establishing priorities related to the accomplishment of mission goals.

DIVISION OF MANAGEMENT (MEDICAID)— FD22 (1-X)

Manages, plans, coordinates and directs the analyses and monitoring of State Medicaid financial management, assessment and control activities. Controls, coordinates and resolves DHEW financial audits and other Agency findings with respect to financial management; reviews and analyzes State contracts and State grant estimates, expenditures and cost allocation plans, and makes recommendations for approval/disapproval. Reviews, approves and monitors State institutional reimbursement procedures and practices for adherence to Federal requirements. Negotiates with respective States to resolve Federal financial participation (FFP), issues and provides

technical assistance in the areas of financial management. Recommends issuance of orders to State suspending FFP with respect to title XIX provider institutions and revocation of such orders. Monitors State buy-in programs and gives technical assistance designed to improve procedures. Develops regional input to Medicaid budget formulation and development; coordinates day-to-day financial management activities with DHEW components (OHD, SSA). Provides technical assistance during State planning and implementation of Medicaid Eligibility Quality Control (MEQC) programs; conducts periodic (Medicaid Quality Control) reviews and assists in the resolution of deficiencies. Conducts review of the State for purposes of specific Federal penalty provisions to determine if regulatory requirements have been met. Provides State assistance in developing, implementing and operating a third-party identification and recovery system. Reviews and analyzes State reports and statistics to determine State trends, and to detect program deficiencies.

HEALTH STANDARDS AND QUALITY REGIONAL OFFICE—FD3 (1-X)

Represents the Health Standards and Quality Bureau, HCFA, at the regional level and provides leadership and program direction to assure that health care services provided under Medicare and Medicaid are furnished in the most economical manner consistent with recognized professional standards of care, and serves as the regional focus for assuring accountability to health care consumers for the quality of health care services. Participates in the formulation and development of health standards and quality policies and programs, interprets and implements health and safety standards and evaluates their impact on the utilization and quality of health care services. Ensures appropriate review and application of conditions of participation for providers and suppliers of health services under the Social Security Act and other related Federal programs. Exercises final authority for approval/denial/termination of all provider/supplier certification actions under the Medicare programs. Administers the provisions and exercises final authority on all fiscal matters relating to 1864 agreements. Directs, monitors and evaluates the State Medicaid agency health standards and certification program and determines necessity for and initiates corrective actions. Interprets and evaluates policies and procedures for review and utilization control programs under the Social Security Act and other Federal programs. Administers contracts/agreements with Professional Standards Review Organizations (PSROs), Professional Standards Review (PSR)

State Councils and End-Stage Renal Disease (ESRD), Networks and Medical Review Boards. Identifies and explores alternative methods of reimbursement and health delivery systems. In coordination with the Office of the HCFA Regional Administrator and other HCFA components, as appropriate: develops and implements a program of liaison with organizations representing health care professionals, providers of health care services, and program beneficiaries; takes necessary action on matters relating to experimental and demonstration projects; assumes responsibility for program training and assures timely responses of congressional and public inquiries. Provides current feedback to central office counterpart on operations, activities, and problems. Provides regional perspective in the development of counterpart central office policies, objectives and work plans.

DIVISION OF PROFESSIONAL STANDARDS REVIEW—FD 31 (1-X)

Assesses the performance of the State agency in interpreting and applying quality health standards and procedures in their survey and certification review process under appropriate Federal programs and in their assessment of providers for compliance with performance standards. Assures that the Professional Standards Review Organizations (PSRO) program and Utilization Review and Utilization Control (UC) requirements under the Social Security Act and related regulations are implemented and effectively maintained to provide accountability for quality care and promote, develop, and expand the quality review process to all types of levels of health care covered under Federal programs including End Stage Renal Disease (ESRD). Conducts Federal survey of providers and suppliers and health services to ensure that the standards and procedures are being applied in a uniform and consistent manner. Assesses State agency performance in applying appropriate requirements through a variety of evaluative techniques. Assures that providers' performance meets quality standards. Provides professional consultation to State agencies and where appropriate to providers and suppliers of health care services. Performs program assessments through a review of State agency survey documents, visits to State agencies, analysis of Medicare/Medicaid Automated Certification System (MMACS) output data and other selective indications. Assists the State agencies in developing the capabilities to provide direct assistance to providers and suppliers of health services in improving their performance and/or to take necessary corrective action to remove deficiencies. Assists the Division of Survey and Cer-

tification Operations in making professional judgments involving selective certification actions such as terminations and reconsiderations. Provides expert witnesses in cases of litigation related to providers and suppliers. Determines the need for and coordinates with other HSQ components in conducting or assisting State agencies and providers with appropriate training programs. Serves as the focal point for analysis of MMACS data and other data sources for identification of problem areas, policy and operational inconsistencies, development of work plans, establishment of program priorities and reorientation of program emphasis. Conducts studies, pilot projects, experimental programs and assists in implementing innovative techniques designed to improve survey certification process and peer review systems in a cost effective manner. Administers the proficiency testing program for health professionals. Manages the PSRO contracts/agreements and interprets applicable policies, procedures and regulations. Makes budget evaluations and assures that PSRO and State PSR Council proposals effectively and economically meet program objectives. Monitors and assesses the performance of contractors to assure fulfillment of provisions of these contracts. Coordinates inter-program activities between PSROs and Medicare fiscal agents, Medicaid State agencies and other participating organizations. Assures that Federal regulations for Utilization Control are appropriately applied and implemented by State Medicaid agencies. Promotes and assists in the integration of all UC activities into effective PSRO operations. Manages End Stage Renal Disease (ESRD) Network programs and Medical Review Board processes. Assesses the Medical Review (MR) and Independent Professional Review (IPR) systems of the State Medicaid programs and provides consultation and assistance. In coordination with the other Health Standards and Quality components and the health care industry, develops and assesses alternative peer review systems which more accurately measure the quality of direct patient care.

DIVISION OF SURVEY AND CERTIFICATION OPERATIONS—FD 32 (1-X)

Ensures that all participating health care providers and suppliers meet all applicable Federal requirements. Makes final decisions on all provider certification matters involving the Medicare program. Monitors and evaluates the State Medicaid certification program and takes necessary action to assure that all Federal requirements are met. Assists and directs State agencies in the day-to-day management of the Medicare/Medicaid certification programs. Negotiates State

agency (1864) agreements and makes modification to such agreements as necessary; reviews for acceptability all sub-agreements between the State survey agency and other departments with the State. Develops and issues substantive Regional guidelines containing policy and procedural interpretations relating to survey and certification activities. Makes final determinations on all initial budget and supplemental budget requests submitted by State agencies. Monitors and analyzes State spending patterns to assure that funds are economically and appropriately utilized through an ongoing audit process. Makes final recommendations to HEW Inspector General questions or recommendations involving fiscal, management and program practices. Identifies need for and cooperates with Division of Professional Standards Review in developing and conducting training programs. Participates in selected studies and projects relating to the certification program and effectuates changes and modifications to policies and procedures. Conducts surveillance and assessment of all State agency operations and assists them in implementing necessary corrections or improvements. Assures that the various certification programs under Medicare and Medicaid are applied in a uniform and consistent manner. Collaborates with other components of the Department in the enforcement of the standards relating to the certification program, in particular the Office of Civil Rights, the Regional Attorney's Office, the Regional Office of Facilities Engineering and Construction, the Public Health Service, the National Institute of Mental Health. Authorizes sample validation of accredited institutions to determine their compliance and comparability with Federal standards and where significant deficiencies exist, takes appropriate action to assure compliance. Conducts and authorizes investigations of complaints from public, media, Congress, etc. alleging deficient standards in provider facilities. Establishes and maintains a data and information gathering system involving all aspects of the certification program.

PROGRAM INTEGRITY REGIONAL OFFICE FD 4 (1-X)

Represents the Office of Program Integrity, HCFA, on a regional level. Plans, administers, and oversees programs designed to prevent improper expenditures of funds through Medicaid and Medicare programs and ensures that titles XVIII and XIX pay on behalf of eligible recipients, only the amount allowed by existing reimbursement schedules and only at the level indicated by the recipients' medical condition. Determines the overall level of fraud and abuse in Medicare

and Medicaid as well as pursuing investigations of abuse brought to the attention of program management. Monitors States' performance in conducting Medicaid fraud and abuse investigations. Assumes complete control of investigation where State effort is inadequate. Refers cases of suspected criminal fraud to the Office of the Inspector General, but retains independent authority for civil fraud and works with the Department of Justice in prosecuting cases under the False Claims Act. Participates in negotiating settlements to avoid court proceeding. Works with State Medicaid Agencies and Medicare contractors to install and maintain systems for detecting and eliminating abuse. Provides quantifiable and objective sources of information to line management and the HCFA Administrator on improper program expenditures; provides feedback from improper expenditures measurement system for the purpose of improved program operation; coordinates communications and joint activities with the Office of Inspector General, Department of Justice and other organizations, (Federal, State, and local) interested in issues related to Program Integrity. In coordination with the Office of the HCFA Regional Administrator and other HCFA components, as appropriate: develops and implements a program of liaison with organizations representing health care professionals, providers of health care services, and program beneficiaries; takes necessary action on matters relating to the Freedom of Information Act and the Privacy Act; performs regional responsibilities relating to experimental and demonstration projects; assumes responsibility for program training and assures timely responses to congressional and public inquiries. Provides current feedback to central office counterpart on operations, activities, and problems. Provides regional perspective in the development of counterpart central office policies, objectives and work plans.

DIVISION OF CASE DEVELOPMENT—FD 41 (1-X)

Directs and coordinates the development and investigation of Medicare and Medicaid fraud and abuse cases; pursues prosecution in concert with the Office of Inspector General; establishes overpayments and turns cases over to Medicare/Medicaid for collection; coordinates activities with law enforcement and administrative agencies. Activities of this nature which impact on Medicare contractor and Medicaid State Agencies require frequent and continuing liaison with Medicare/Medicaid in order to develop methods and procedures to prevent fraud and abuse and maintain a high degree of integrity in the programs. Recommends to the Office of Inspec-

tor General cases for prosecution and participates in the presentation of case to U.S. Attorneys. Assists in the development of legal procedures including testifying before grand juries and trial juries. Medicaid fraud and abuse cases are referred to State investigative units for development. Monitors Medicaid cases and provides assistance where appropriate. Conducts Medicaid investigations where State effort is inadequate or the State lacks capability.

DIVISION OF MANAGEMENT REVIEW—FD 42 (1-X)

Reviews, evaluates and provides appropriate guidance, direction, and assistance in matters relating to Medicare contractor and Medicaid State agency activities in fraud and abuse detection and control. In coordination with Medicare and Medicaid regional components, the Division participates in the evaluation and monitoring of contractors' and State agencies' performance in fraud and abuse detection and control; provides training and other technical assistance in these areas and serves as a focal point for reporting and analysis of fraud and abuse data. Specifically, the Division participates in the conduct of onsite inspection, noting deficiencies impacting negatively on program integrity objectives, makes appropriate findings and recommendations to the regional program components for corrective action and works directly with and assists the program components to secure correction of deficiencies; monitors and assists program components in the resolution of GAO, HEW Audit exceptions regarding State and contractor fraud and abuse programs; provides direct assistance and support to program components to assure State Medicaid agency and contractor compliance with general instructions, Federal regulations and the law related to fraud and abuse activities; provides direct assistance and support to the Medicare and Medicaid program agencies in the review of State agency and contractor budgets and makes appropriate recommendations to assure that sufficient resources are being devoted to fraud and abuse activities. In addition, this Division provides assistance to the program components and State agencies and Medicare contractors in interpreting Federal statutes, regulations, instructions, and guidelines related to fraud and abuse control; identifies best practices of States and contractors in areas of fraud and abuse control for possible application to other sites; coordinates and otherwise encourages consistent approaches in program integrity initiatives among State agencies and Medicare contractors; provides title XVIII exclusion, termination, and reinstatement information to appropriate HCFA regional

component for notification to States; provides direct support and assistance to the Regional Medicaid and Medicare agencies in working with contractors and State agencies to establish and maintain utilization controls which may serve as effective indicators of possible attempts at fraud or abuse, bringing to the attention of the Regional Medicare and Medicaid agencies those problems which require modifications in the claims processing systems; participates in sponsors and/or conducts workshops and training sessions for State agencies, Medicare contractors, and Social Security Offices concerning prevention, detection, investigation, and prosecution of fraud and abuse; and provides input on specific cases or program integrity techniques to be used as public information for provider and recipients groups. Related to the collection of fraud and abuse data, develops and maintains internal and external program integrity case control and management reporting systems; identifies, through special studies, trends and patterns of fraud and abuse and recommends national and/or local revisions of policy and procedures to prevent same; designs, conducts, and monitors special fraud and abuse studies; participates with central office in research and development projects involving fraud and abuse, participates with other components of HCFA to achieve compatibility in data bases within States for Medicare, Medicaid, and Professional Standard Review Organizations (PSROs) to assure the capturing of all pertinent fraud, abuse, and program integrity related data pertaining to individual providers; handles public inquiries and correspondence related specifically to program components to ensure their disclosure instructions for disclosure of program integrity information under the Freedom of Information Act are proper. Additionally, initiates and manages the development and activities of Program Review Teams (PRTs); coordinates with PSROs and PSRO Project Office along with other HCFA components regarding PRT related activities and sanctions; works with other HCFA Regional Office components to develop approaches through peer review (primarily PSROs) to render medical opinions on specific cases of suspected fraud. I authorize and approve the attached functional statements for the Health Care Financing Administration.

Dated: December 12, 1977.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc. 78-3721 Filed 2-8-78; 8:45 am]

[4110-12]

HEALTH CARE FINANCING ADMINISTRATION Statement of Organization Function and Delegation of Authority

Part F of the Statement of Organization, Functions and Delegations of Authority of the DHEW, Health Care Financing Administration (42 FR 33071, dated June 29, 1977) is amended to provide approved organization statements down to and including the division-level. The functional statements read as follows:

OFFICE OF FINANCIAL AND ACTUARIAL ANALYSIS (OFAA)—FAR 1

Conducts and directs the actuarial program for HCFA, and directs the development of methodologies for macroeconomic analysis of health care financing issues. Performs actuarial and demographic research on health insurance and related programs, and makes actuarial appraisals of existing and proposed programs; studies questions concerned with financing present and future health insurance programs, and with current and anticipated Trust Fund expenditures, and develops and maintains a simulation model to assess the economic impact of national health insurance proposals and other reimbursement modifications. Performs macroeconomic analysis for the purpose of assessing the impact of various facets of health care financing upon costs of Federal programs; develops and conducts studies to estimate and project national health expenditure; analyzes trend data sources such as the Consumer Price Index (CPI) to develop projections of health care cost; analyzes drug prices to determine factors in current levels, and makes recommendations concerning reasonable reimbursement guidelines (e.g., Estimated Acquisition Costs and Maximum Allowable Costs). Analyzes data on physicians' costs and charges to develop reimbursement indices, and monitors expansion of services and inflation of costs in the health care sector. Publishes cost projections and economic analyses, and provides actuarial, technical advice and consultation to HCFA components, governmental components, Congress, and outside organizations.

OFFICE OF STATISTICS AND DATA MANAGEMENT (OSDM)—FAR 2

Directs the development, maintenance, and utilization of data and statistical systems for policy, planning and research purposes. Plans and designs operational systems, procedures, EDP programs, and automated and clerical processing to provide data and/or to support data requirements. Develops procedures for assuring the integrity of all data from multiple records and sources. Establishes uniform

specifications for research and statistical tapes obtained from outside contractors and examines the latest technological developments in data processing equipment and assesses their appropriateness for the policy, planning and research data system. Plans and directs the ongoing statistical program designed to describe the various facets of the HCFA program, utilization of services, enrollment figures, and nature of benefits. Prepares for other HCFA components, data for policy analysis, legislative planning and research. Represents the Office of Policy Planning and Research on various internal and external work groups. Provides technical advice and consultation to other HCFA components concerning data and statistical questions; analyzes proposed policy and legislative changes to determine their impact upon policy, planning and research data and statistical systems, and makes necessary modifications to those systems.

DIVISION OF DATA MANAGEMENT (DDM)—FAR 21

Directs and manages the planning, design, and development of operational systems, procedures, EDP programs, files, and automated and clerical processing to provide data for recurring statistical processes and/or support data requirements for such processes. Directs the implementation of procedures for assuring the integrity of all data input and for extracting statistical data from multiple records and sources. Develops and maintains procedures (including site visits to intermediaries and carriers) to assure the accuracy of information received on magnetic tape, billing forms, and other source documents of the recurring statistical program. Reviews the operational use of automated systems of medical coding and makes recommendations concerning applications to the statistical programs. Develops and implements, where appropriate, new statistical data systems. Maintains and refines a medical coding system for classifying data on bills for medical services provided under Federal programs. Assists in formulating the goals and objectives of the OPPIR Statistics program, identifying problem areas, and establishing relative priorities.

DIVISION OF STATISTICAL AND COMPUTER SUPPORT (DSCS)—FAR 22

Directs and manages the statistical data reporting, analysis, and processing programs of OPPIR, designs and supervises the operation of a comprehensive statistical reporting system which provides quantitative data for measuring and assessing program efficiency, effectiveness, and performance, provides expertise in design of statistical methodologies and in solving attendant problems, such as non-

response or sampling errors, bias, etc., identifies areas for improvement in the collection of program data and implements where appropriate, prepares and analyzes data for dissemination to the public, develops and implements computer standards, techniques, and applications necessary for the production of tabular and analytical data, assumes lead responsibility within OPPIR for monitoring data developments, for developing and applying (where appropriate) new mathematically-oriented programs, provides response to data problems encountered in statistical operations, directs and manages the planning of the OPPIR management and statistical information system and assesses the need for new data bases, technical training software packages, and statistical methodologies, manages the development and implementation of data policies and represents OPPIR at discussions of data needs and applications, works with the HCFA Office of Public Affairs to develop and implement guidelines and procedures for maintaining confidentiality of data files within appropriate Federal disclosure provisions and with other HCFA components to assure that clearance procedures for forms and reports are maintained.

OFFICE OF DEMONSTRATIONS AND EVALUATION (ODE)—FAR 3

Plans and directs the development, conduct, monitoring, and evaluation of studies, experiments, and demonstration projects designed to assess the cost and effectiveness of alternate methods of reimbursement, alternate benefit packages, and expanded or changed provider status of Federal health programs. Assesses the impact of new and innovative reimbursement concepts and questions about those programs; develops alternate systems of information collection, rate setting, institution classifications, statistics, and accounting, and assesses and synthesizes the results of all projects to determine the potential impact on the health sector. Recommends modifications to existing program policy and legislation. Provides technical advice and consultation to other Federal and external organizations on potential experimental projects and publishes results and analyses of experimental findings.

DIVISION OF LONG TERM CARE EXPERI- MENTATION (DLTCE)—FAR 31

Directs and manages the development, implementation, and monitoring of intra and extramural long term care financing and reimbursement experiments and studies, including prospective and incentive reimbursement for skilled nursing care, intermediate care facilities, residential care facilities, and home health services. Develops and implements state rate setting

demonstrations in long term care, and develops, implements, and monitors experiments and studies involving alternatives to institutional long term care services. Develops and tests integrated delivery systems for long term care services including such concepts as: triage, swing beds, and hospices. Consults with other Division Directors to develop or refine data resources and experimental procedures.

DIVISION OF HOSPITAL EXPERIMENTA- TION (DHE)—FAR 32

Directs and manages the development, implementation, and monitoring of intra and extramural hospital financing and reimbursement studies and experiments, including prospective and incentive reimbursement experimentation for hospitals, and the development and testing of alternative state rate setting programs. Directs and manages the development and testing of methods of coordinating health planning and rate setting, and directs and manages the study, development, and testing of alternative hospital payment systems designed to impact hospital and money market decisions related to capital investment and alternative payment units.

DIVISION OF HEALTH SYSTEMS AND SPE- CIAL STUDIES (DHS&SS)—FAR 33

Directs and manages the development, implementation, and monitoring of intra and extramural financing, reimbursement, organizational, and operational studies related to health care delivery systems; directs the development and testing of cost effective alternatives to existing institutional and ambulatory care patterns; directs the development of crosscutting special studies in such areas as long term care substitutes, ambulatory services, provision of durable medical equipment, management of end-stage renal disease and minimization of fraud and abuse. Participates in the development of alternative uniform systems of information, data collection, and statistics accounting.

OFFICE OF POLICY ANALYSIS (OPA)— FAR 4

Directs the interpretation and development of long term objectives for health care financing policies in such areas as cost containment, reimbursement limitations, and alternative methods of reimbursement and coverage. Assumes the primary responsibility for coordinating technical and operating policy issues to insure that appropriate statutory modifications are introduced through the Office of Legislative Planning. Develops methods for, and directs the conduct of, evaluations for assessing the effectiveness of the health care financing program and policies. Works closely with the Office

of Demonstrations and Evaluations to insure that experimental results are incorporated into program plans and objectives, and with the Office of Financial and Actuarial Analysis to insure that cost factors are considered in developing new policies. Provides technical services to other HCFA components, governmental agencies, and other organizations interested in the policy implications of modifications to Federal health programs. Plans, directs, and develops HCFA "forward planning" documents.

OFFICE OF RESEARCH (OR)—FAR 5

Directs the development and conduct of research concerning: The impact of Federal financing programs on the health care industry, program beneficiaries, and health care providers, including physicians; the impact of technological change as it affects the quality assurance programs of the Health Standards and Quality Bureau and health care financing; the trends related to and factors affecting health care costs. Directs the design of analytical studies to be undertaken by internal staff and outside contractors/grantees in a wide variety of economic and financial aspects of health care delivery in the United States, including the structure of the drug and health insurance industries and the financing of capital investment. Provides technical support to HCFA and HEW components in research design, sampling design, mathematical and statistical analysis, and the application of economic analysis. Makes available research findings to assist in the formulation of reimbursement and other policy questions and publishes results and analysis of these findings.

DIVISION OF REIMBURSEMENT STUDIES (DRS)—FAR 51

Directs and manages the design and development of a research program, both intramural and extramural, to assess the economic, financial, and behavioral implications of alternative reimbursement methods for providers, including hospital, long-term care facilities, ambulatory care centers, physicians, and physician extenders. Directs the assessment of costs and benefits associated with alternative reimbursement schemes to providers, patients, fiscal intermediaries, and financing programs; also develops the quantitative models and other technical tools needed to undertake these assessments. Assesses the implications of utilizing different methods for measuring and insuring quality of care and utilization standards, and coordinates its research agenda with the operational programs to finance health care in HCFA and SSA.

DIVISION OF BENEFICIARY STUDIES (DBS)—FAR 52

Directs and manages the design and development of a research program to

assess the coverage, utilization patterns, and out-of-pocket expenses for health care beneficiaries and public and private health insurance programs in the United States. Directs the development of estimates of the gaps in insurance coverage and the use of supplementary insurance to fill the gaps left by coverage provisions of public programs. Directs and manages an annual survey of the private health insurance sector including a representative sample of independent plans, to develop estimates of health insurance enrollment, and coverage by type, and a reasonably accurate picture of the private health care sector, and publishes and disseminates results.

**DIVISION OF ECONOMIC ANALYSIS
(DEA)—FAR 53**

Directs and manages the design and development research program, both intramural and extramural, which analyzes the economic factors affecting health care costs, expenditures, and utilization of services. Supports longer range research projects which are designed to produce an understanding of the relationship between health care financing approaches and the consumption of health care services; conducts research on factors which affect the demand for and supply of services including supplies of manpower and the structure and future of the health care delivery systems, and undertakes research to further the understanding of the industrial organization of the health industry including the drug industry, the insurance industry, the equipment producers. Assesses the likely implications of these industries as they affect health care coverage, either in benefits, or beneficiary population. Examines the role of capital in the expansion and replacement of plant and equipment in the health care sector and the effects of alternative sources and costs of capital in this regard.

**OFFICE OF LEGISLATIVE PLANNING
(OLP)—FAR 6**

Directs the legislative planning and analysis program of HCFA. Develops and evaluates recommendations concerning legislative proposals for changes in health care financing. Develops the long-range HCFA legislative plans. Analyzes and makes recommendations to the Administrator and the Department on related health legislative proposals, including those which may require coordination with programs conducted by other DHEW components and/or which relate to methods other than health insurance or providing economic security through social insurance. Prepares technical specifications for legislation and coordinates Congressional testimony and briefing materials for all of HCFA. Coordinates its activities with

the Office of the Assistant Secretary for Legislation and serves as the principal contact point with the Office of the Assistant Secretary for Legislation. Provides technical and advisory services on legislative matters to officials within the Executive Branch, Congressional committees, individual Congressmen, and private organizations interested in health care financing legislation.

**OFFICE OF PROGRAM POLICY (OPP)—
FPH 1**

Develops, promulgates, interprets, and evaluates policies in six areas: Coverage of Medicare institutional and non-institutional services under Part A and Part B; reimbursement of physicians, and other suppliers of services, under Part B; coverage and reimbursement of services provided by Health Maintenance Organizations (HMO), Group Practice Prepayment Plans (GPPP), and ambulatory care centers; safeguards for the utilization of services covered under Medicare; reimbursement for services furnished by institutional providers of services, including reimbursement, accounting, auditing, cost reporting, and payment policy and procedures, cost limitations, guidelines for identifying out-of-line cost situations, etc.; beneficiary eligibility, deductibles and coinsurances, overpayments, non-medical exclusions from coverage, etc., and policy and procedures for reconsiderations, hearings and appeals, provider agreements, and disclosure of information. Maintains liaison on coverage and reimbursement policies with national organizations of providers, physicians, suppliers, contractors, auditors, and other Federal and State agencies, etc. Coordinates the development of program regulations and develops standards, and coordinates and arranges for the issuance of all program-related manual and instructional issuances. Ensures that inter-related program policies are coordinated. Handles all program litigation, including provider cost reimbursement disputes, constitutional challenges, individual claims challenges, etc., as well as provides the Provider Reimbursement Review Board (PRRB) witnesses, case reviews, and recommendations re the Secretary's review of decisions. In addition, OPP provides leadership in considering and making recommendations to the Associate Administrator for Medicare on matters concerning national and program health care administration and financing.

**DIVISION OF PROVIDER AND MEDICAL
SERVICES POLICY—FPH 11**

Develops, evaluates, and promulgates policies in six areas: Coverage of Medicare services under Parts A and B; reimbursement of physicians (including provider-based and teaching

physicians) and other suppliers of services under Part B; coverage and reimbursement of services in HMO's, GPPP's, and ambulatory care centers reimbursed on a cost basis; policies for participation, development, and criteria for operation of Professional Standards Review Organizations; standards and procedures for use by intermediary personnel in identifying out-of-line providers and services, and for evaluating providers' utilization safeguards; and guidelines for utilization review committees to follow in carrying out their prior approval and length-of-stay certification programs. Studies and evaluates existing related policies to determine their effectiveness.

**DIVISION OF PROVIDER REIMBURSEMENT
AND ACCOUNTING POLICY (DPRAP)—
FPH 12**

Develops, evaluates, and maintains policies for reimbursement of reasonable costs of Medicare providers and related accounting policies and procedures and determines the nature and extent of deviations by intermediaries from the reasonable cost concept of provider reimbursement and recommends appropriate corrective action. Maintains liaison on reimbursement policy and accounting with the American Institute of Certified Public Accountants, intermediary advisory groups, the American Hospital Association, and others.

**DIVISION OF TECHNICAL POLICY
(DTP)—FPH 13**

Develops, evaluates, and maintains policies pertaining to technical and non-medical program issues such as beneficiary eligibility, deductibles and coinsurance, overpayments, non-medical exclusions from coverage, etc., and policy and procedures for reconsiderations, hearings, and appeals. Coordinates the development of specifications for Medicare regulations, develops standards, coordinates and arranges for the issuance of all Medicare program related manual and instructional issuances, and prepares the Medicare Bureau's case and represents it at hearings involving determinations on provider participation and other administrative determinations.

**OFFICE OF PROGRAM OPERATIONS
(OPO)—FPH 2**

Provides national leadership and executive direction for Medicare operating systems and program operations involving contractual relations with intermediaries and carriers, develops and evaluates the terms of intermediary and carrier contracts, policies and procedures regarding contract renewals, and criteria for the approval of sub-contracts, develops regulations, policies, and procedures for the selec-

tion, termination and replacement of intermediaries and carriers, develops, evaluates and maintains fiscal and operating policies, standards, and instructions for contractor operations and guidelines for regional office administrative and financial management relationships with contractors, develops appropriate guidelines and instructions, presents the national budget for Medicare contractor operations, and maintains relations with national Medicare contractors. Develops a program for evaluation of contractor performance and analyzes the effectiveness of contractor operations on a national basis. In coordination with the Office of Policy Planning and Research, P.O. administers the fixed price or performance incentive contracts experimentation as directed by section 402(a)(1)(F) of the Social Security Amendments of 1967, Pub. L. 90-248, as amended by section 222(b) of the Social Security Amendments of 1972, Pub. L. 92-603, develops and maintains quality control programs for Part A intermediaries and Part B carriers, directs the development and issuance of specifications, procedures and other instructional material to implement and maintain operational systems for the Social Security Administration with respect to the enrollment and eligibility of beneficiaries, their notification as to the utilization of services, and the collection of premiums. Develops procedures and systems requirements for claims processing by contractors, develops requirements for submittal of claims by providers, provides model systems maintenance support to Part B carriers, plans, conducts, and evaluates studies aimed at operational improvements in systems, methods, and procedures, develops the amount of overpayments to providers, physicians and suppliers of services in unusually sensitive or complex cases, develops an ongoing program of regional direction and related oversight with respect to the operation of the Medicare program, negotiates with providers, physicians, and suppliers as to the acceptability of the statistical and sampling techniques used to determine the overpayment and negotiates the method of repayment, and provides technical assistance to other Government components in connection with efforts to recover Medicare overpayments. Provides Bureau leadership in considering and making recommendations to the Associate Administrator on issues concerning National Health Care administration and financing and develops and recommends legislative proposals for the improvement of the Medicare program.

**DIVISION OF CONTRACT
ADMINISTRATION (DCA)—FPH 21**

Develops regulations, policies, and procedures for the negotiations, selec-

tion, renewals, and legal issues surrounding the contracts with intermediaries and carriers; develops and evaluates the terms of intermediary and carriers contracts, policies and procedures regarding contract renewals, and criteria for the approval of sub-contracts. Develops, evaluates and maintains fiscal and operating policies, standards, and instructions for contractor operations and guidelines for regional office administrative and financial management relationships with contractors; maintains relations with national Medicare contractors; as well as serves as liaison and coordinates with the Inspector General and General Accounting Office (IG, GAO) on audits and financial reviews of contractors. Develops and presents the national budget for contractor operations and conducts operations analysis of Medicare program operations. Reviews and assesses impact of policy changes on contractor operations, reviews contractor standards to assess their propriety from a cost-benefit viewpoint; serves as liaison and coordinates with contractor representative groups; it provides direction to Regional Offices in furtherance of these functions and; administers the fixed price or performance incentive contracts experimentation as directed by section 402(a)(1)(F) of the Social Security Amendments of 1967, Pub. L. 90-248, as amended by sections 222(b) of the Social Security Amendments of 1972, Pub. L. 92-603.

**DIVISION OF CONTRACTOR PERFORMANCE
EVALUATION (DCPE)—FPH 22**

Develops a program for evaluation of contractor performance and analyzes the effectiveness of contractor operations on a national basis and develops and maintains quality assurance programs for Part A intermediaries and Part B carriers. Develops and maintains a contractor workload reporting and measurement system; develops recommendations for recognition of outstanding contractor performance, and terminations or non-renewals of poor performers and; develops and maintains a program of standard development, coordination and control. Implements and maintains a program for the collection and dissemination of national provider cost data; maintains capability to respond to various operational issues arising in all phases of the program; serves as liaison and coordination with outside reviewing organizations, Inspector General and General Accounting Office with respect to operational issues and; provides guidance and develops oversight program of regional contractor operations.

**DIVISION OF METHODS AND SYSTEMS
(DMS)—FPH 23**

Directs the development and issuance of specifications, procedures, and

other instructional material to implement and maintain operational systems for the Social Security Administration with respect to the enrollment and eligibility of beneficiaries, their notification as to the utilization of services, and the collection of premiums; directs the development and issuance of specifications, requirements, procedures, functional standards and instructional material to implement and maintain operational systems for claims processing by intermediaries, carriers, providers and suppliers of services; prepares general systems plans and develops requirements for the detailed design and programming for model systems used by intermediaries and; develops and maintains a Part B Model system and provides support to carriers using the system. Plans, conducts, and evaluates studies aimed at long range improvements in systems, methods, and procedures; provides direction and liaison with SSA components dedicated to the maintenance of health insurance utilization records and related entitlement and premium collection matters; develops and implements a program of testing and validating contractor EDP claims processes and; directs and coordinates systems security matters for the Medicare Bureau as required under the Privacy Act and HEW regulations.

RECOVERY STAFF (RS)—FPH 24

Develops and monitors a program for evaluating overpayment recovery policies and procedures and their implementation. Provides instructions, guidance, and assistance to regional offices for the review and evaluation of overpayment recovery activities of contractors. In preparation for referral to the General Accounting Office, reviews provider, physician, and supplier overpayment cases for adequacy of documentation and conformity to technical and procedural policies. Prepares necessary operating instructions for contractors and regional offices for documenting overpayment cases to be referred to the General Accounting Office. In unusually sensitive and complex cases, advises and assists the regional offices, intermediaries, and carriers in the conduct of complex negotiations with institutional providers, physicians, and other suppliers relating to the acceptability of the particular techniques of determining the amount of overpayment, responsibility for repayment, and method of recovery. Reviews compromise offers involving Medicare claims to determine when compromise action is appropriate, and provides technical assistance to other Government components in connection with efforts to recover Medicare overpayments and attempts recovery of overpayments by issuing demand letters.

OFFICE OF CENTRAL OPERATIONS (OCO)—FPH 3

The Office of Central Operations (OCO) serves as the Part A intermediary for direct-dealing entities and as a Part B carrier under some circumstances. Directs a program of audit and financial review and analysis of cost reports and authorization of payments pertaining to direct-dealing providers of services; develops, plans, and directs a comprehensive program to contract with and make payments to Health Maintenance Organizations, Group Practice Prepayment Plans and comprehensive health centers for providing services under the Medicare Program. In coordination with Office of Health Standards and Quality, plans and directs the implementation of the chronic renal disease program, directs and monitors the implementation of the reconsideration process, and plans, directs, and coordinates the disposition of inquiries from a variety of sources including members of Congress, State, and local government agencies, and private organizations, and evaluates the public impact and quality of correspondence prepared by the Bureau, SSA district offices and Medicare contractors. Develops and implements the Bureau's management analysis program encompassing operation planning and reporting, operations analysis, organizational planning, position control, directives management, management advisory services, manpower utilization; plans and executes the Bureau's financial management program, including the collection, compilation, and preparation of operating management data; conducts a manpower management program encompassing employee development, fair employment and employee-management relations; directs and implements the Bureau's training program for employee development; provides a full range of administrative services for the Bureau, including space, property, building services, printing, distribution, forms and records, conference services; plans, directs, and coordinates the Bureau's management information system and project management systems. In addition, maintains professional relations with a variety of organizations through the dissemination and collection of Medicare related information, prepares a variety of informational issuances to advise the health community on policy and procedural decisions which affect their participation in the Medicare program and the background and rationale for such decisions, and meets with external groups such as health organizations, unions, and community groups to maintain direct relationships between the private sector and the Medicare program; serves as the Bureau's focal point for audit liaison and is responsible for coordinating

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for the Bureau the preparation and assuring the appropriateness of the Bureau's replies to the audit reports from GAO, HEW, Office of Inspector General, etc., and acts as liaison between the Bureau and advisory bodies studying the Medicare Program.

DIVISION OF GROUP HEALTH PLANS OPERATIONS (DGHP)—FPH 31

Develops, plans, and conducts a comprehensive program to contract with and make payments to Group health Plans (Health Maintenance Organizations, Group Practice Prepayment Plans and Comprehensive Health Centers) for provision of services under the Medicare Program. Coordinates and monitors the implementation with other Bureaus, HCFA, and DHEW components as necessary on problems involving capitation formulae, medical reimbursement policies, system and data collection; determines the payment to Group Health Plans and the amounts, methods, and frequency of retroactive adjustments; evaluates cost reporting and conducts a continuing audit program to determine final program liability and; conducts and evaluates studies aimed at long-range improvements and overall evaluation of the Group Health Plans.

DIVISION OF MANAGEMENT INFORMATION (DMI)—FPH 32

Provides Bureau leadership, guidance, and direction to the Bureau's management information and planning programs and develops, designs, monitors and maintains management information, work measurement, and reporting systems that generate data for decision-making and analysis of existing operations and for planning future operations of the Bureau. Directs an operational analysis program that involves an evaluation of management systems, practices, and techniques in terms of recommending improvements in the Bureau's operational and administrative effectiveness and resources allocation.

PROFESSIONAL RELATIONS STAFF (PRS)—FPH 33

Plans, develops, coordinates and conducts a comprehensive program to establish and maintain effective professional relations with individuals and organizations in the health community. Participates with the Office of Public Affairs in the preparation of information for professional organizations and professional media covering the administration, operation, and provisions of the Medicare program.

DIVISION OF DIRECT REIMBURSEMENT (DDR)—FPH 34

Plans, directs, coordinates, and performs the examination, review, authorization or disallowance, and deter-

minations on payment of bills submitted by direct-dealing providers. In this role, develops methods and procedures for processing the bills of direct-dealing entities; directs and coordinates liaison and communication as needed by direct-dealing entities on all aspects of the health insurance program; collaborates with other Bureau and HCFA components, as necessary, on problems involving direct-dealing entities; determines the methods, procedures, policies, and reimbursement formulae for current payments to direct-dealing entities as well as the amounts, methods, and frequency of retroactive adjustments and; analyzes cost reports from direct-dealing entities to validate aggregate costs previously reimbursed and, as part of a continuing audit program, to determine final program liability for specific accounting periods. Implements reimbursement activities for certain experimental programs; implements tests of certain intermediary functions and activities for possible application to the operations of all intermediaries and carriers.

AUDIT LIAISON STAFF (ALS)—FPH 35

Serves as the Bureau's focal point for audit liaison and is responsible for coordinating the preparation and assuring the appropriateness of the Bureau's replies to audit reports from GAO, HEW Office of Inspector General, etc. Acts as liaison between the Bureau and advisory groups studying the Medicare Program.

DIVISION OF MANAGEMENT (DM)—FPH 36

Develops, coordinates, and implements a comprehensive management program for the Bureau, including organizational analysis and planning, internal Bureau financial management, employee development and training, position control and manpower utilization; develops, implements and monitors for effectiveness a variety of administrative and program delegations of authority for the Bureau and; develops and issues Bureau administrative directives.

DIVISION OF SPECIAL OPERATIONS (DSO)—FPH 37

Makes determinations to affirm or reverse intermediaries decisions on all Part A claims on which a beneficiary or his/her representative has requested reconsideration and reviews the liability and the amount of overpayment in individual beneficiary overpayment cases, and refers case files to the proper components for appropriate action. Plans, directs, and coordinates the Bureau's inquiries analysis program, including responses to complex health insurance inquiries and analysis of inquiries to determine trends in Congressional and public

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thinking. Coordinates and directs the implementation of the chronic renal disease program within the Medicare Bureau in conjunction with the Office of Health Standards and Quality.

THE EXECUTIVE SECRETARIAT (DES)—FAM 1

Advises headquarters and field components on the adequacy and quality of policy documents; facilitates the movement and coordination of policy documents with HCFA and written communications between HCFA and the Office of the Secretary; reviews, analyzes and insures coordination of memoranda and other written communications directed to the Office of the Administrator. Participates in the Administrator's staff meetings, records decisions and action requests, and communicates the decisions and requests to the organizations. Serves as the HCFA Federal Register contact point.

DIVISION OF BUDGET (DB)—FAM 2

Prepares, presents, and executes the total budget of the Health Care Financing Administration. Serves as the principal advisor to the Administrator and Executive Staff on all budgetary matters. Develops and operates the HCFA budget system. Acts as liaison for the Administrator in budget matters with the Office of the Assistant Secretary for Management and Budget, the Office of Management and Budget, and the Congress. Serves as the central coordination point for all budgetary matters, including inter-agency agreements, impacting HCFA funding and transfers of funds to and from other agencies. Develops cost data in coordination with other HCFA components for activities funded for HCFA programs and operations. Reviews proposed and existing legislation and assures the development of materials detailing budgetary impact. Provides advice on reporting of program and financial data necessary for presentation and defense of budget requests. Serves as liaison with the Office of Policy, Planning and Research and other offices to insure that long-range plans, issues, and objectives are adequately supported for translation into budget estimates and justification. Provides advice, guidance and assistance to HCFA components in the development of budget justification materials and analysis, including implementation of Zero Base Budgeting, Mission Budgeting, Current Services Budgeting and other budgetary principles required by OMB and the Congress. Insures that appropriate cost allocation systems for both trust funds and general funds are developed and carried out for use in formulating and executing the HCFA budget. Provides technical direction to HCFA regional components on all budgetary matters.

Develops budget control systems necessary to insure that appropriate measures are in place to prevent violation of Anti-Deficiency Act. Maintains and monitors an allotment and allowance system sufficient to pin-point responsibility and accountability of Federal funds.

DIVISION OF FINANCE (DF)—FAM 3

Develops, implements, and administers the HCFA accounting system. Performs accounting functions for appropriations received through Congressional action, fund warrants issued by the Treasury, apportionments issued by the Office of Management and Budget and allotment and/or allowances issued by the Division of Budget. Processes all obligation and expenditure documents, including verification of entitlement for all commercial and intergovernmental financial transactions for the compensation and related costs of personnel (payroll), and for employee travel and transportation (domestic and foreign). Reviews time and attendance reports prior to transmittal to the Central Payroll Office, resolves employee leave and payroll problems, and conducts a time and attendance report preparation training program. Performs accounting for all grants issued to fund programs; issues letters-of-credit to States or schedules payments by check to those grantees not funded through the letter-of-credit system; monitors letter-of-credit withdrawals and monthend cash balances in the hands of grantees to insure adherence to Treasury regulations. Reviews and reconciles grantees' quarterly reports of expenditures and relieves grantees' advance accounts on the basis of verified expenditures. Prepares periodic and special reports for Agency management, Office of the Secretary, Treasury Department and Office of Management and Budget and maintains liaison with Office of the Secretary, Treasury Department, Office of Management and Budget, and the General Accounting Office on accounting and reporting requirements. Monitors and reconciles data generated in Agency appropriations as a result of entries made in the Regional Accounting System, and provides cashier services, processes collections, and maintains accounts receivable control records. Provides a central point in the Health Care Financing Administration for the coordination of action on all General Accounting Office and HEW audit agency reports.

DIVISION OF MANAGEMENT (DM)—FAM 5

Coordinates the development, review, and processing of all HCFA organization proposals and assures that all necessary administrative action is taken for the implementation of approved organizational changes. Maintains the official records of approved organizations and assigns administrative codes. Coordinates the development, preparation, and issuance of all functional statements and delegation of authority including the updating of the Departmental system. Responsible for the issuance of position ceilings and for monitoring the distribution of the ceilings throughout HCFA components. Works closely with the Office of Systems and Organizational Integration in ensuring that problems and obstacles are identified to improve operational and administrative efficiency and suitable organizational solutions achieved. Analyzes and establishes improved internal administrative systems and procedures.

DIVISION OF AUTOMATION AND COMMUNICATION TECHNOLOGY (DACT)—FAM 6

Provides leadership, planning, policy, and direction in automatic data processing, telecommunication, and teleprocessing functions and services for the Health Care Financing Administration, including the design, development, operation, and evaluation of automated management information processing, and related statistical support activities; serves as the central

DIVISION OF ADMINISTRATIVE MANAGEMENT SERVICES (DAMS)—FAM 4

Provides leadership, direction, and control in all administrative management services programs for the Health Care Financing Administration. This leadership includes: Project grant and

staff resource of technical skills involving management and computer sciences and standards development for automation and; designs, develops programs, and implements all information, files, and data bases in support of HCFA management and administrative requirements. Develops, programs, and implements automated systems, data bases, and applications in direct support to the Medicaid Program; is responsible for liaison with appropriate HCFA components to develop and deliver automated and semi-automated systems for management and administration of the Medicaid Program and; provides technical assistance to Regional offices, and when called upon, the States. Procures, controls, and operates computer-based systems, hardware and software, within HCFA; provides data preparation, processing, and communications services to HCFA; provides policy, procedural and contractual liaison with the Office of the Secretary components, other HEW agencies, contractors and vendors of automatic data processing and communications services; conducts a continuing review and evaluation of the use of ADP and communication systems and all associated equipment to assure compliance with policy and regulations and sound economic practice; develops documentation, programming and systems standards. Coordinates and disseminates HEW ADP and communications policy, and develops and issues HCFA policies and procedures regarding ADP and communications and; performs all administrative duties associated with automatic data processing and communications including development of budget estimates, maintaining fund control, providing technical and user training, performing technical writing, establishing and providing text editing facilities and services.

DIVISION OF PERSONNEL STAFF SUPPORT (DPSS)—FAP 1

Develops long-range plans and programs for the recruitment, selection, and training of personnel to staff HCFA; plans and carries out evaluations of the personnel program operations; and determines the impact of pending legislation on agency personnel programs. Provides advisory services on the Equal Employment Opportunity Program; develops the agency's affirmative action plans; and administers the program throughout HCFA, and determines the validity of EEO grievances and complaints. Provides advisory services to management in formulating and implementing labor-management policies for HCFA; provides HCFA representation in union elections and recognition matters, contract negotiations, and contract administration. Plans, develops, and directs HCFA's training and devel-

opment programs including special employee development activities.

DIVISION OF PERSONNEL OPERATIONS (DPO)—FAP 3

Plans and controls personnel service activity for HCFA in all aspects of recruitment, in-service staffing, career development, employee-management relations, incentive, awards, benefits, services, payroll, security, pre-employment investigations, and follow-up survey activity, for all types of appointments and all classes and levels of work. Serves to evaluate, plan, and control personnel program activities in the operations area and advises program administrators, operations managers, and the staff offices in all aspects of work, and develops special projects for large-scale recruitment, mass transfer, in service career development, employee management cooperation and to accommodate the program integration needs resulting from the emergence of the new Agency. Develops programs for employee orientation, counseling, career development, and placement follow-up, to insure adequate merit system employee satisfaction with new assignments, organizational change, and in day-by-day transactions. Insures the validity of all personnel actions, benefits, and services and builds the employment data base for routine and special reports and statistical studies related to the employee base. Performs liaison functions throughout HCFA and with all regulatory authority to introduce new "state of the art" personnel program plans, and to justify personnel actions taken by HCFA in programmatic areas of personnel management. Plans and controls the central system for all personnel transaction processes; serves as official custodian for all personnel folders, clearances, building passes, confidential reports, employment agreements, and other matters of employment and agency interest.

DIVISION OF CLASSIFICATION (DC)—FAP 2

Develops and executes the position classification and position management programs for HCFA. Classifies all central office positions and standard job descriptions that are utilized by the Regional Offices. Evaluates programs for adequacy and recommends corrective action when deficiencies are disclosed. Plans and implements position classification surveys and issues reports and recommendations for improvement and coordinates the results with the Office of the Secretary and the Civil Service Commission as required. Reviews and comments on standards and guides issued by the Civil Service Commission or the Office of the Secretary. Interprets regulations and legislation concerning position classification and position man-

agement and published HCFA guides, directions, and bulletins concerning these subjects. Provides liaison between the Office of Personnel, the Regional Offices, and HCFA and HEW elements to insure adequate personnel program development and coordination to timely identify potential and existing problems and to resolve the problems. Responsible for providing information on the position structure for entry into the automated personnel information system and publishes statistical information concerning number, type, grade, average grade, and trend information by cost center.

DIVISION OF PUBLIC INFORMATION (DPI)—FAN 1

Carries out programs to inform the public about HCFA activities and their roles in those activities. These programs are aimed at communicating with the general public, health care industry, health insurance industry, intergovernmental organizations, and beneficiary/recipient audiences. Prepares news releases, fact sheets, and other public information materials related to HCFA programs. Maintains contact with general and specialized news media, including the programming components of the national and local electronic media, to provide newsworthy and program-worthy materials and counsel for a broad range and variety of general and special audiences. Develops, produces, and distributes public service materials including films to the electronic media and other appropriate outlets. Develops and coordinates news media interviews with HCFA senior staff. Prepares, distributes, and evaluates a wide variety of publications on all HCFA program areas. Conducts program of internal communications for HCFA employees and contractors.

DIVISION OF PROGRAM DEVELOPMENT (DPD)—FAN 2

Initiates and maintains close and continuing contacts with HCFA program components and outside groups and organizations to assess nationwide public information needs and to develop public affairs programs to meet those needs. Develops and manages the HCFA External Affairs Plan and maintains direct liaison with leadership of the health care industry, health insurance industry, intergovernmental, and voluntary and recipient organizations. Coordinates HCFA resources in behalf of maintaining a continuing flow of information and views between outside organizations and HCFA. Plans and manages a field information program designed to assist public information managers of State and local agencies administering HCFA-supported programs and funds.

OFFICE OF PHARMACEUTICAL REIMBURSEMENT (OPR)—FPM 1

Provides data gathering, analytical, and operating support for the administration of the maximum allowable cost program. Coordinates and supports the activities of the Pharmaceutical Reimbursement Advisory Committee and the Pharmaceutical Reimbursement Board.

OFFICE OF CHILD HEALTH (OCH)—FPM 2

The Office of Child Health has overall program management responsibility for EPSDT and for developing, planning, and implementing new child health programs. Drafts regulations, policy interpretations, and other policy issuances. Defines Federal and State information needs and analyzes data. Provides direction in technical assistance and program development activities, in conjunction with the Institute for Medicaid Management. Plans and coordinates interagency activities to support the program.

OFFICE OF INFORMATION SYSTEMS (OIS)—FPM 7

Responsible for direction, system control, policy, planning, development, implementation, approval, and monitoring of Medicaid Information systems activities including the Medicaid Management Information systems. Reviews and evaluates systems performance and approves State ADP Plans and operations for federal financial participation. Coordinates, maintains liaison, and advises on all aspects of Medicaid Information systems, data processing, current and advanced system technology and telecommunications activities. In coordination with the Office of State Operations, provides technical assistance to the States and others on Medicaid Information systems and related technical matters. Maintains liaison activities and represents the Bureau on all Information systems and related functions. Coordinates systems policy standards for development, implementation, and controls. Assists States and Regional Offices in State contracting procedures by reviewing contracts, consulting with State officials, and advising on the operational aspects of contracts.

DIVISION OF SYSTEMS DEVELOPMENT AND IMPLEMENTATION (DSDI)—FPM 71

Plans, analyzes, designs, implements, and provides Medicaid information systems including model systems to meet requirements of management at the State and Federal levels. Develops systems criteria standards and guides for approval of Federal financial participation including the Medicaid Management Information Systems. In coordination with the Office of State Operations, provides technical assis-

tance to State and Federal program managers on Model Information systems activities and conducts reviews and performs analysis on Information Systems functions such as data management, systems analysis, computer programming, and operation security. Coordinates information systems demonstration projects, and participates in the review and evaluation of information systems research and related projects.

DIVISION OF SYSTEMS OPERATIONS (DSO)—FPM 72

Provides overall coordination for Medicaid operational information systems activities including the Medicaid Management Information Systems. Reviews, evaluates, and recommends approval/disapproval of State plans for Medicaid automated information systems. Reviews and recommends approval/disapproval of State applications for Federal financial participation and the acquisition of automatic data processing and telecommunication equipment, software, or the design and operation of automated information systems activities in support of Medicaid. Performs certification of State systems to assure compliance with Federal reporting requirements. Determines, individual State requirements and develops proposals and implementation plans for systems improvements, with Regional Office participation. In cooperation with the Office of State Operations and Regional Offices provides technical guidance to regional and State offices on Information Systems functions and activities.

OFFICE OF FINANCIAL MANAGEMENT (OFM)—FPM 3

Develops and controls the program budget for Medicaid, including estimation, justification, and presentation within broad Agency and Departmental guidance. Develops and implements forecasting techniques and prepares detailed budget forecasts and analyses. Reviews and issues State grants for Medicaid. Develops and implements quality control systems for States programs. Provides continuous evaluation and followup on HCFA financial reviews to assure that corrective actions are taken, and to recommend priority areas for future action. Administers the reconsideration process on disallowances, deferrals, and penalties taken against States.

DIVISION OF FINANCIAL SERVICES (DFS)—FPM 31

Maintains financial control over grants to States issued under Title XIX of the Social Security Act. Administers the cost allocation and grants administration policy under 45 CFR Part 74 for the Medicaid pro-

gram. Reviews proposed and existing legislation and Federal regulations, provides comments on the financial implications of proposals, and develops implementing instructions to exercise the financial controls necessary for the effective administration of the Medicaid law and regulations. In conjunction with the Office of State Operations, provides technical assistance to Regional staff in the financial review of the Medicaid program to determine the allowability of costs in accordance with Federal law and regulations and approved State plans. Determines the amount to be paid to each State or jurisdiction for each quarter in accordance with Section 1903(d) of the Social Security Act based on review and approval of Regional recommendations. Identifies evidence of inappropriate claims or payments under the Medicaid program and initiates action to correct reported deficiencies and to investigate the applicability of the specific findings, including those in GAO and HEW Audit Agency reports, to the Medicaid program in all States. Reviews Regional recommendations to disallow or defer State claims made under the Medicaid program or to take any other actions that may result in a disallowance and prepares recommendations on the action to be taken. Provides continuous evaluation and follow-up on Medicaid financial reviews to ensure that corrective actions are taken and recommends priority areas for future action.

DIVISION OF BUDGET (DB)—FPM 32

Develops annual program budget requirements for all stages of the President's Budget preparation and presentation from initial estimates to HCFA through the Congressional justification; integrates grant award data and develops estimates for the Quarterly Report on the Status of Public Assistance Funds for the Medicaid Program and prepares narrative explanation/justification; develops and implements an integrated system for budget formulation and execution including budget data requirements; maintains the data for budget formulation; provides guidance and technical assistance to Medicaid RO staff for budget analysis and review of States' quarterly estimates of expenditures and expenditure statements; prepares operating plan; develops appropriate budget techniques and prepares detailed forecasts and budget analysis.

DIVISION OF QUALITY CONTROL (DOC)—FPM 33

Develops policies, standards, and guidelines for the Federal/State Medicaid Eligibility Quality Control (MEQC) System, Utilization Control (UC), and EPSDT Penalty Survey functions for improving management

of the Medicaid program. Provides direction in the operations of MEQC, UC, and EPSDT Penalty Survey functions to evaluate the accuracy and effectiveness of State and beneficiary compliance. In coordination with the Office of State Operations, monitors and assesses the performance of State systems and corrective action plans pursuant to the goals of the Medicaid program and provides consultation and technical assistance to States and Regional Offices on MEQC, UC, and EPSDT Penalty Survey functions. Prepares analytical reports on Quality Control, Utilization Control, and EPSDT Penalty Survey functions, also prepares progress reports and recommends changes as required. Participates with other components of the Medicaid Bureau in the development of regulations and policies for program administration. Develops, implements, and monitors various other quality control systems including Third Party Liability. In conjunction with the Office of State Operations, develops and maintains standards of performance that States shall meet in administering the Medicaid Program.

OFFICE OF STATE OPERATIONS (OSO)—
FPM 4

Develops, provides direction for, and coordinates the implementation of State program monitoring activities and management effectiveness surveys. Directs the activities of the Institute for Medicaid Management to identify State and Federal Medicaid staff needs for training and technical assistance and develops and conducts programs to meet those needs, in cooperation with other HCFA elements, HEW, the States, and other organizations. Develops and provides direction in the implementation of Medicaid compliance strategy; coordinates compliance systems and procedures.

DIVISION OF STATE MANAGEMENT
(DSM)—FPM 41

Develops priorities and objectives for the monitoring of State programs. Coordinates with other Bureau units on State programs. Coordinates with other Bureau units on State visits for monitoring and evaluation. Assures that criteria and standards for State management performance are developed and applied in the monitoring of State operations. Provides direction for Regional Office monitoring, including financial reviews. Instructs Regional Office staff on monitoring and review of State administration. Guides the development and implementation of State corrective action plans to follow-up on State survey findings. Analyzes the adequacy of Medicaid monitoring techniques. In conjunction with the Office of Financial Management, reviews audit findings to identify trends in State pro-

gram management. Reviews State plans and plan amendments and maintains a current file of State plans. Compiles and updates State Data Books and compiles State characteristics. In cooperation with the Division of Analysis and Evaluation, analyzes Medicaid data to evaluate the effectiveness of State management of its Medicaid program. Maintains procedures for analyzing program-related data which reflect on the management of State Medicaid programs. Participates with other HCFA and HEW elements in developing principles and guidelines for combined health program monitoring systems. Assesses the extent to which management-related program objectives are being met and how they might be better met through the conduct of State surveys and the direction and evaluation of Regional Office monitoring activities. Develops and conducts special studies and projects to detect the need for legislative, regulatory, and/or policy and procedural revisions to improve State management. In cooperation with the Institute for Medicaid Management, identifies and investigates potential exemplary practices for possible dissemination to State agencies.

INSTITUTE FOR MEDICAID MANAGEMENT
(IMM)—FPM 42

Develops and conducts or arranges for a comprehensive program of training and technical assistance for State and Federal Medicaid employees to improve the quality and efficiency of the Medicaid program and the effectiveness of program management. Identifies and meets the training needs of State agencies in the administration of their medical assistance programs as well as that of Federal Medicaid personnel. Evaluates the effectiveness of seminars, training sessions, etc., to improve the future scope of subject matter and mode of delivery. Identifies, evaluates, publishes, and disseminates exemplary practices in specific Medicaid management areas as well as other material of interest to State Medicaid Directors and their staff. Coordinates all Medicaid related training activities. Develops and conducts, sometimes in coordination with State personnel, educational programs related to Medicaid for providers and provider groups and for Medicaid recipients. Maintains a repository of State and Federal produced materials of interest to State Medicaid staffs.

OFFICE OF POLICY AND PROGRAM
DEVELOPMENT (OPPD)—FPM 5

Directs operational policy formulation and interpretation. Assures conformity with legislation and general HCFA policy direction. Assesses and assures continuity of policy and program development. Has primary responsibility for operational research

and evaluation activities within Bureau. Encourages the utilization of research findings. Serves as lead in developing long-range management goals and objectives for Medicaid. Coordinates program information needs and analysis of data.

DIVISION OF POLICY AND STANDARDS
(DPS)—FPM 51

Develops and interprets Medicaid program policies regarding eligibility, services, providers, HMO's and contracts, reimbursement, State administrative requirements, such as confidentiality, fair hearings, Statewide, State agency organization, and miscellaneous issues related to cost sharing, XVIII Buy-in, third party liability and personal needs items, relatives' responsibility and recoupment. Drafts program regulations, guidelines, and policy interpretations. Identifies and analyzes policy issues. Assists Regional Offices in their State policy interpretation and State plan functions. Reviews State eligibility operations. Develops training presentations and workshops in conjunction with the Institute for Medicaid Management.

DIVISION OF ANALYSIS AND EVALUATION
(DAE)—FPM 52

Develops program data specifications required for the effective management at the Federal level of the Medicaid program, such as the minimum Medicaid data set. Works with the States in installing minimum Medicaid data set. Assembles, reviews and analyzes Medicaid management data and prepares appropriate reports and analysis of Medicaid program management. Performs analysis related to trends of the management of Medicaid. Provides focus within Medicaid for liaison with the Office of Policy Planning and Research with respect to research and impact evaluation functions conducted by that organization. Serves as focal point within the Medicaid program for the conduct of operational evaluation and demonstrations. Provides legislative focus for Medicaid in relationships with the Office of Policy Planning and Research. Provides input to HCFA planning process from Medicaid.

OFFICE OF ADMINISTRATION (OA)—FPM
6

Responsible for all internal administration functions, including the S & E budget, manpower and work planning, organizational analysis, and appraisal of the performance of individual Central Office and Regional Office units in reaching their goals. Oversees the activities of the Public Inquiries unit to assure appropriate responses to correspondence. Controls the activities relating to recipient input, recipients' rights, and consumer education.

Serves as Regional Office representative in Central Office on operational issues. Represents Central Office at Regional Office operations meetings when appropriate. Handles special and urgent requests to Regional Offices. Acts as an ombudsman for individual consumer problems and assures that the interests of consumers are represented in the development of regulations and policies that affect them. Maintains liaison with a variety of consumer organizations in the health field and coordinates consumer education activities.

DIVISION OF ADMINISTRATION AND
MANAGEMENT (DAM)—FPM 6

Develops and coordinates a comprehensive internal management improvement and support program. Performs all administrative support services for the bureau, in coordination with HCFA elements. DAM prepares and controls the S & E budget. Studies operating systems within the bureau to identify most efficient and effective methods. Performs organizational analysis on various levels to determine best alignments for meeting goals. Conducts independent appraisals of the program effectiveness of Central Office and Regional Office components and reviews program areas encountering special problems. Analyzes Regional Office performance in areas of policy implementation, operations, and liaison activities. Develops, implements, monitors, and evaluates work planning and work measurement systems.

DIVISION OF PUBLIC INQUIRIES (DPI)—
FPM 62

Analyzes and prepares responses to written public inquiries pertaining to the Medicaid program. Develops replies to correspondence regarding policy and program issues directed to the Secretary, Administrator, Associate Administrators, Staff Offices, and Divisions. Follows-up on unresolved issues to provide completed staff work for final reply. Develops standard replies to large volume correspondence on program issues. Maintains liaison with program divisions to insure up-to-date information on all policy areas.

DIVISION OF FIELD OPERATIONS
(DFO)—FPM 1

The coordinating office of multi-regional investigations, reviews the workload of the regions to assure that regional offices, State agencies, and contractors are fulfilling their Program Integrity responsibilities as defined in OPI standards, directives, regulations, manuals, issuances, and policies. To accomplish this, employs a number of methods which include maintaining day-to-day contact with

regional offices, addressing problems and conducting periodic onsite evaluations of regional program integrity activities. Conducts reviews of fraud and abuse cases to assure compliance with national requirements and directs and guides the regional offices in their fraud investigative programs, assists and provides guidance to the regions in their inspection and evaluations of contractors and States, and reviews all cases of exclusion and termination prior to submission for final determinations. Reviews regional office recovery procedures in fraud and abuse cases and reviews and refers case related correspondence to the regions. Serves as liaison with the Inspector General, Justice Department, and other law enforcement agencies on case investigation matters and coordinates with other HCFA components, Program Review Teams, and Professional Standards Review Organizations on fraud and abuse matters. Responsible for all professional training of Program Integrity personnel in CO and the regions as well as provider and beneficiary/recipient education programs. Provides training and technical assistance by developing training and conference material and facilitating such programs for Medicare contractors, State agencies and their contractors, Social Security Administration District Office, and others involved in Program Integrity.

DIVISION OF PLANNING AND
DEVELOPMENT (DPD)—FPM 3

Initiates, develops, writes, promulgates, and interprets Title XVIII and Title XIX program integrity policies, standards, directives, regulations, manuals and issuances for use by HCFA Regional Offices, carriers, intermediaries, state agencies and SSA District Offices, and develops methods and procedures to be used in complying with these national program integrity requirements. Continually appraises same to determine the extent to which they are effective, and takes the lead to modify, eliminate, or change them where they are found to be ineffective. DPD assembles comments related to pending legislation and identifies areas where changes are needed. Sets written standards for reviewing, monitoring, evaluating, and improving carrier, intermediary, and state agency performance in the prevention, detection, and handling of program fraud and abuse. As an integral part of its on-going research mission, the Division designs, conducts, and evaluates the results of experimental and other special studies for the purpose of determining the soundness of potential changes in program integrity policies and standards or methods and procedures. Coordinates with and serves as liaison to other HCFA components, the Office of the

General Counsel, the Inspector General, the Department of Justice, and other appropriate agencies on all matters pertaining to legislative recommendations or modifications and all policy, regulations, and methods and procedures questions relating to the integrity of HCFA-administered programs. Serves as the planning area for the Office of Program Integrity, and, in this capacity, provides the Director with expert advice and counsel regarding all program integrity priorities and direction. Develops and maintains management information systems in order to coordinate Program Integrity data needs with external components, to develop and operate case control and management data and report systems, to develop and implement special data reporting projects, and to provide data system-related technical assistance. Establishes data requirements for Medicaid, Medicare, contractors and State agencies, and coordinates with other such systems; e.g., HEW Computer Audit Systems.

END-STAGE RENAL DISEASE STAFF
(ESRDS)—FQR

Plans, develops, and implements quality assessment and patient care, service policies and procedures, and assists in review of reimbursement procedures for the End-Stage Renal Disease (ESRD) Program; assesses the operational experience of the ESRD Program as a model for the development of policies and procedures for other universal health care entitlement programs; provides support, technical assistance, and monitors the performance of ESRD networks consisting of facilities, Networks Coordinating Councils, and Medical Review Boards; develops and operates the National End-Stage Renal Disease Medical Information System in support of DHEW and other ESRD activities; coordinates the development of and assists in the implementation of procedures for reviewing ESRD care and services; conducts special studies and estimates the costs and technology necessary for the development and delivery of ESRD services; provides technical expertise and participates with other HCFA units in developing and implementing health and safety standards for facilities providing ESRD patient care; coordinates the operation of the inter-agency work group dealing with ESRD facility adjudications; maintains liaison with the medical community through participation at professional meetings and through continuing discussion with expert consultants and other advisory bodies; coordinates activities with other elements of the Department and other Federal agencies and non-Federal organizations relating to the planning, delivery, and monitoring of ESRD services.

OFFICE OF PROGRAM SUPPORT (OPS)—
FQM

The Office of Program Support advises and assists the Director in the acquisition and allocation of staff and financial resources; provides administrative services in the areas of personnel management, financial management, contracts management, travel, and office management; interprets and implements HCFA management policies, procedures, and systems, and develops policies and procedures to satisfy internal management requirements of the Bureau as necessary; interprets policy and provides direction in conduct of the Bureau of Health Standards and Quality's contract and agreement activities; maintains liaison with the HCFA Office of Management and Budget, on matters relating to personnel, financial and office management, and administrative support activities; provides guidance on financial management activities, including program policy interpretation in budget formulation and execution, preparing budgeting data, and financial management activities; provides administrative and program support services to the operating components of the Bureau of Health Standards and Quality.

OFFICE OF PROGRAM DEVELOPMENT
(OPD)—FQD

The Office of Program Development acts as the principal staff in Bureau of Health Standards and Quality (HSQ) for the development and interpretation of program alternatives, regulations development and coordination, and development of policy positions for those programs administered by the Bureau, including program positions and alternatives that relate to such non-medical areas as PSRO appeals, confidentiality of data, relationships between PSROs and Renal Medical Review Boards; develops with the HSQ staff long (including five year plans) and short range program plans, budget plans, priority program areas, and justification for program implementation for programs administered by HSQ; conducts analyses, prepares reports, and makes recommendations on the implications of Federal and State legislation directly related to the programs administered by the Bureau; develops policies for reimbursing PSROs and State PSR Councils; coordinates with HCFA and for the HSQ the development of plans, legislative materials and regulations pertaining to health standards and quality programs; prepares policy analysis papers in support of policy formulation and program implementation for activities of the Bureau; coordinates with all of HCFA the program planning and policy positions and alternatives for the health standards and quality assurance activities; serves as the focal

point for review and control of manual issuances, transmittals, and other policy and instructional materials; and it initiates, researches, and prepares issues for review by the Office of General Council relating to legal aspects of HSQ programs and develops appropriate policies regarding the legal aspects of health standards, peer review and quality.

DIVISION OF HOSPITAL SERVICES
(DHS)—FQS I

Directs and coordinates activities that develop, implement and monitor health quality and safety standards and other health care policies for hospitals and end stage renal disease facilities (ESRD) under Medicare, Medicaid and other Federal programs; prepares, coordinates and applies regulations and procedures for the improvement of standards enforcement in hospitals and in validation procedures of accredited hospitals; reviews and analyzes existing standards to determine their effectiveness and impact on utilization, quality and cost of hospital services, and initiates new or revised standards as necessary; develops, reviews and maintains guidelines and instructions for interpretation, implementation and enforcement of health quality and safety standards by the regional offices and State agencies; prepares provider/supplier participation materials and instructions; develops survey and certification forms and procedures utilized by State agencies in the certification process; monitors the enforcement of health quality and safety standards and policies by State agencies and other public and private organizations participating in the Medicare/Medicaid programs; conducts liaison with professional groups and standards setting organizations and is the HCFA center for health quality and safety standards policies and procedures for clinical laboratories, ambulatory care facilities, health clinics, outpatient physical therapy and speech pathology, independent physical therapists, and home health agencies.

DIVISION OF LABORATORY AND
AMBULATORY SERVICES (DLAS)—FQS 2

Directs and coordinates activities that develop, implement and monitor health quality and safety standards and other health care policies for clinical laboratories, ambulatory care facilities, health clinics, outpatient physical therapy and speech pathology, independent physical therapists, and home health agencies (HHA), under Medicare, Medicaid, and other Federal programs; prepares, coordinates, and applies regulations and procedures for the improvement of standards enforcements for these facilities and health care personnel; reviews and analyzes existing standards to determine their effectiveness and impact on utilization, quality and cost of ambula-

tory care services, initiating new or revised standards as necessary; develops, reviews and maintains guidelines and instructions for interpretation, implementation and enforcement of health quality and safety standards by the regional offices and State agencies; prepares provider/supplier participation materials and instructions; develops survey and certification forms and procedures utilized by State agencies in the certification process; monitors the enforcement of health quality and safety standards and policies by State agencies and other public and private organizations participating in the Medicare/Medicaid programs; conducts liaison with professional groups and standards setting organizations and is the HCFA center for health quality and safety standards policies and procedures for clinical laboratories, ambulatory care facilities, health clinics, outpatient physical therapy and speech pathology, independent physical therapists, and home health agencies.

DIVISION OF LONG TERM CARE
(DLTC)—FQS 3

Directs and coordinates activities that develop, implement and monitor health quality and safety standards and other health care policies for skilled nursing facilities (SNF), intermediate care facilities (ICF), and intermediate care mental retardation facilities (ICF/MR) under Medicare, Medicaid, and other Federal Programs; prepares and applies regulations and procedures for the improvement of standards enforcement in these facilities; reviews and analyzes existing standards to determine their effectiveness and impact on utilization, quality, and cost of long term care services, and initiates new or revised standards as necessary; develops, reviews and maintains guidelines and instructions for interpretation, implementation and enforcement of health quality and safety standards by the regional offices and State agencies; prepares provider/supplier participation materials and instructions; develops survey and certification forms and procedures utilized by State agencies in the certification process; monitors the enforcement of health quality and safety standards and policies by State agencies and other public and private organizations participating in the Medicare/Medicaid programs; provides liaison with professional groups and standard setting organizations and is the HCFA center for health quality and safety standards policies and procedures for skilled nursing facilities, intermediate care facilities, and intermediate care mental retardation facilities.

DIVISION OF PROGRAM ANALYSIS AND
TRAINING (DPAT)—FQS 4

Develops, conducts and monitors an integrated training program, including

basic and specialized courses, for regional and State agency personnel on interpretation of regulations, surveyor techniques, and certification issues; delineates new approaches for standards and survey procedures on the basis of needs identified in other divisions, MMACS data, regional office direct surveys and comments from State agencies; designs experiments and studies to improve the management of the State agency certification process through modification of reporting procedures, utilization of personnel, and use of financial incentives; develops criteria for setting surveyor qualifications and a method for reviewing the performance of survey personnel; administers a provider personnel training program based on an analysis of provider-supplier deficiencies, results of studies, and suggestions from provider groups; conducts, with other Divisions, on assessment requirements, and develops data formats and specifications that will provide the most effective method for analyzing and assessing provider and supplier performance; collects and analyzes data derived by MMACS for use by regional offices and State agencies in pinpointing specific certification problems and for development of criteria and procedures to assess the quality of care being recorded by Medicare and Medicaid providers; examines and revises, in coordination with other standards and certification divisions, the survey report forms, guidelines, and instructions to ensure constance of application and interpretation by both surveyors and providers, adaptation to the MMACS, and conformity to existing HCFA policies.

DIVISION OF FIELD OPERATIONS
(DFO)—FQS 5

Develops and coordinates policies, procedures, and guidelines of the administrative and fiscal involvement of State Agencies (SA) in Medicare and Medicaid activities; initiates SA and Regional Office (RO) budget instructions and provides direction for budget allocations and monthly estimates of SA expenditures; reviews and monitors with RO's the reprogramming of SA funds, SA spending patterns, SA quarterly expenditure reports, SA budget requests and maintains records of SA fiscal management, maintains the Comprehensive Program Review of State Agencies activities by continuous surveillance of SA operations and certification functions through regular onsite visits, direct survey of providers, and participation in program and administrative reviews; develops policies, procedures, and guidelines applicable to providers participating in HCFA programs under the provisions of the Freedom of Information and Privacy Acts; analyzes the standards enforcement activities and develops policies,

procedures and guidelines for the various providership issues; develops policy, procedures, and guidelines for the proficiency testing program for licensed practical nurses, clinical laboratory technologists, cytotechnologists and other health care personnel participating in HCFA programs; directs and coordinates activities concerned with the Medicare-Medicaid Automated Certification System (MMACS) including developing data input and output requirements, specifications for modification to adapt to new forms, and guidelines and technical assistance for regional office input processing; develops and maintains the MMACS Users' Manual and resolves problems resulting from incorrect data input; trains regional office personnel in the operation of the MMACS and utilization of the data output; is responsible for coordination and dissemination of provider/supplier participation materials and instructions developed by other division as State Operations Manual, etc.

DIVISION OF PROFESSIONAL STANDARD
REVIEW ORGANIZATION PROGRAM
OPERATIONS (DPSROPO)—FQP 1

Provides overall programmatic and technical management of BHSQ contracts and financial agreements with all categories of PSROs and with State PSR Councils, including establishment of expenditure levels and final approval of funding requests; provides program guidance and assistance to Regional Office staff in their performance of PSRO related responsibilities and monitors Regional Office operations; determines eligibility of physician groups to be designated as PSROs and the qualifications of established PSROs for successive levels of development; communicates and interprets departmental policies to PSROs and provides or arranges for the provision of all forms of technical assistance to PSROs; administers a comprehensive system for assessment of individual PSROs to determine compliance with program requirements and to document the effectiveness and impact of PSRO performance; operates special demonstration programs of PSRO applications in long-term care settings; compiles, maintains, and disseminates information on all aspects of PSRO implementation and operation, including responsibility for such documents as the PSRO Program Manual, PSRO Project Officer Manual, Contract Management Manual and PSRO Fact Book.

DIVISION OF PEER REVIEW (DPR)—
FQP 2

Designs, develops, and interprets all peer review and quality assurance policies, procedures, and methods for programs of health care review under Titles XI, XVIII, XIX, and V of the

Social Security Act, including PSRO review, utilization review, utilization control, medical review, and independent professional review; plans and refines policies and methods and develops guidelines and regulations for the performance of PSRO review, including concurrent review, medical care evaluation studies, and profile analysis; develops policies and procedures for review of institutional and non-institutional care including approaches for review of hospital care, long-term care, and ambulatory care, and for review of ancillary services and physician services; designs policies and guidelines for the involvement of physicians and other health care practitioners in the review system; develops policies and procedures for the application of norms, criteria, and professional standards of care in the review system; directs the demonstration and assessment of review methods to be used in new settings and the testing of new or alternative methods and techniques of peer review; develops and implements training programs to support PSRO/UR activities; provides technical assistance and a source of professional expertise in health care review to other Agency components, PSROs, and health care providers to support PSRO/UR activities.

DIVISION OF DATA PLANNING AND
ANALYSIS (DDPA)—FQP 3

Develops data systems policies, procedures, guidelines, methods and requirements, including specifications for the PSRO data systems, minimum data sets and associated technical assistance materials; designs and implements statistical and other reporting systems necessary for the effective management and evaluation of the activities performed by the Office of Professional Standards Review (OPSR); designs, tests, and operates the PSRO Management Information System and its subsystems to reduce, process and route program data to assure the proper exchange of data between funded projects and the OPSR including the development and issuance of comparative reports and profiles of PSRO activity and performance, and operation of a medical care evaluation study clearinghouse; provides technical assistance to PSROs to facilitate the implementation of PSRO data systems, data quality control, analysis, and federal reporting; develops policies, tests approaches and provides technical assistance to PSROs in the conduct of profile analysis; acts as OPSR center for liaison with major data collection organizations both in and out of government; provides technical support to the activities of all OPSR components as they relate to data; in coordination with other components of HCFA, evaluates the performance of PSROs

to assess the effectiveness of OPRS policies and procedures in assuring acceptable levels of performance by PSROs; carries out ongoing statistical monitoring and special studies to evaluate the performance of PSRO and other peer review activity; prepares documentation for, processes and monitors Office of Management and Budget ADP clearances for OPRS."

I authorize and approve the attached functional statement for the Health Care Financing Administration.

Dated: November 23, 1977.

Approved: _____

HALE CHAMPION,
Acting Secretary.

[FR Doc. 78-3722 Filed 2-8-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

PACIFIC OUTER CONTINENTAL SHELF

Availability of Official Protraction Diagram

AGENCY: Department of the Interior, Bureau of Land Management, Pacific Outer Continental Shelf.

ACTION: Availability of Official Protraction Diagram.

ADDRESS: 300 North Los Angeles Street, Los Angeles, Calif. 90012.

FOR FURTHER INFORMATION CONTACT:

William E. Grant, 213-688-7234.

Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams approved on the dates indicated, are available, for information only, in the Pacific Outer Continental Shelf Office, Bureau of Land Management, Los Angeles, Calif. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic records for the description of mineral and oil and gas lease offers in the geographic area they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAM

Description:	Approval date
NK 9-6, Blanco Saddle.....	Oct. 12, 1977.
NL 9-3, Cascadia Basin.....	Do.
NL 9-6, Astoria Canyon.....	Dec. 1, 1977.
NL 9-9, Astoria Fan.....	Oct. 12, 1977.

Copies of these diagrams are for sale at two dollars (\$2) per copy by the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 300 North Los Angeles Street, room 7127, Los Angeles, Calif. 90012. Checks or money orders should be

NOTICES

made payable to the Bureau of Land Management.

WILLIAM E. GRANT,
Manager, Pacific Outer
Continental Shelf Office.

[FR Doc. 78-3678 Filed 2-8-78; 8:45 am]

[4310-84]

Bureau of Land Management

[OR 14346 (Washington)]

WASHINGTON

Termination of Proposed Withdrawal and Reservation of Lands

FEBRUARY 1, 1978.

Notice of an application filed by the Corps of Engineers, U.S. Department of the Army, OR 14346 (Washington), for withdrawal and reservation of land for use in construction of a dam, navigation lock and reservoir, to provide power, navigation benefits, and flood control on the Snake River was published as FEDERAL REGISTER Document 75-18421 on page 29902 of the issue of July 16, 1975. The applicant agency has cancelled its application as to the following described land:

WILLAMETTE MERIDIAN

T. 13 N., R. 38 E.,
Sec. 32, all of the south 500 feet of lot 1 and all of the south 300 feet of lot 2.

The area described contains 21.67 acres.

Therefore, pursuant to the regulation contained in 43 CFR 2091.2-5(b)(1) such land will be at 10 a.m., on March 14, 1978, relieved of the segregative effect of the above-mentioned application.

HAROLD A. BERENDS,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-3511 Filed 2-8-78; 8:45 am]

[4310-84]

(W-62539)

WYOMING

Application

JANUARY 30, 1978.

Notice is hereby given that pursuant to section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185), the Power River Pipeline Corp. of Casper, Wyo. filed an application for a right-of-way to construct a 6% inch crude oil pipeline transmission system and a tank battery site across the following described national resource lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 44 N., R. 77 W., 6th P.M., Wyoming,
Sec. 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 2, lots 1, 2 and SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The pipeline will transport crude oil from wells in sec. 1, T. 44 N., R. 77 W.,

Johnson County, Wyo. to the proposed tank battery site and present facilities in sec. 2, T. 44 N., R. 77 W., Johnson County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 951 Union Boulevard, Casper, Wyo. 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-3512 Filed 2-8-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-42]

CERTAIN ELECTRIC SLOW COOKERS

Investigation

Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 20, 1977, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Rival Manufacturing Co., Kansas City, Mo. 64129, alleging that unfair methods of competition and unfair acts exist in the importation of certain electric slow cookers into the United States, or in their sale, by reason of the alleged coverage of such electric slow cookers by the claims of U.S. Letters Patent 3,881,090. The complaint alleges such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests permanent exclusion from entry into the United States of the articles in question. Complainant also requests exclusion from entry into the United States, except under bond, of the articles in question during the investigation of this matter.

Having considered the complaint, the United States International Trade Commission on January 6, 1978, ordered:

1. That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is a violation or reason to believe that there is a violation of sub-

NOTICES

section (a) of this section in the unauthorized importation of certain electric slow cookers or the components thereof into the United States, or in their sale, by reason of the alleged coverage of such electric slow cookers by the claims of U.S. Letters Patent 3,881,099, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

2. That, for the purpose of the investigation so instituted, the following persons alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the complaint and this notice are to be served:

IMPORTERS AND/OR AGENTS

Lakewood Manufacturing Co., Inc., 530 East Wardlow Road, Long Beach, Calif. 90807.
Sanyel New York Corp., 1199 Broadway, New York, N.Y. 10001.

H&H Appliances, 5020 Rosemead Blvd., Pico Rivera, Calif. 90660.

MANUFACTURERS, EXPORTERS AND/OR AGENTS

Imanishi Flexible Tube Mfg. Co., Ltd., (also known as Imaflex Mfg. Co., Ltd.) P.O. Box 75, Higashinari, Osaka, 537-91, Japan.
Kusumi Electric Mfg. Co., Ltd., 1010 Tomuro, Atsugi City, Kanagawa Pref., Japan.

H&H Mfg. Co., Higashihaze, Kizu-cho, Soraku-gun, Kyoto 619-02, Japan.
Nippon Gashi Mfg. Ltd., No. 2-56, Suda-cho, Mizuho-ku, Nagoya City, Aichi Pref., Japan.

Electrical & Electronics, Ltd., 7th-10th Floor, Yuen Shing Bldg., 64 Ho' Yuen Road (also P.O. Box 9594), Kowloon, Hong Kong.

Sanyel Corp., No. 1-2 4-chome, Kotobuki, Taito-ku, Tokyo, Japan.

3. That, for the purpose of the investigation so instituted, Judge Myron R. Renick, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, is hereby appointed as presiding officer.

4. That, for the purpose of the investigation so instituted, Edward M. Lebow, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, is hereby named Commission investigative attorney.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, April 27, 1976). Pursuant to §§ 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of

the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.

By Order of the Commission.

Issued: February 6, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3724 Filed 2-8-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-34]

CERTAIN NUMERICALLY CONTROLLED MACHINING CENTERS AND COMPONENTS THEREOF

Commission Determination and Action

The Commission's rules allow any party to move for an order to terminate the investigation. A favorable ruling on such motion by the Presiding Officer, when the Presiding Officer is not the Commission, constitutes a recommended determination under Rule 210.53. The instant motion is based upon a settlement agreement including a non-exclusive patent licensing agreement between Complainant, Burgmaster Division of Houdaille Industries, Inc. and Respondents Yamazaki Machining Works, Ltd. Japan, and Yawazaki Machinery Corp., a domestic wholly-owned subsidiary concerning, inter alia, claims 1 and 2 of U.S. Patent No. 3,891,910, alleged misappropriation of trade secrets, and the alleged unfair use of Houdaille's trademark, "BURGMASER."

The Commission has decided to accept, with minor clerical correction, proposed findings of fact 1-15 and proposed conclusions of law 1 and 2, which were proposed jointly by the private parties in this proceeding and were recommended by the presiding officer, and to terminate this investigation without further action.

FINDINGS OF FACT

1. The products involved in this investigation are certain machine centers with automatic tool changers,

¹Rule 210.51(a).

²Rule 210.51(c).

that are multi-function machine tools capable of milling, drilling, and boring. The automatic tool changers allow the machining center to use a variety of different tools, which are selected automatically. The machining centers are controlled by numerical control (N/C) units, that have a capability for allowing tool off-set data to be established by means of hand-operated switches, allowing the use of different size tools without modifying a control program defining relative movement between tool and work piece. Such a tool off-set system is disclosed in U.S. Letters Patent No. 3,891,910.

2. Complainant Houdaille, through its Burgmaster Division, is a manufacturer of various machine tools including machine centers equipped with automatic tool changers. Houdaille's principal place of business is in Fort Lauderdale, Florida and the principal place of business of its Burgmaster Division is in Los Angeles, Calif.

3. Houdaille is the owner of U.S. Letter Patent No. 3,891,910.

4. Yamazaki Machining Works Ltd. (YMW) is a manufacturer and supplier of machine tools including machining centers with a principal place of business in Nogoya, Japan. Yamazaki Machinery Corporation (YMC) is a wholly owned subsidiary of YMW, and among other functions, works with the Japanese firm in the promotion and marketing of the Japanese manufactured products in the United States.

5. The Hearing in this investigation commenced on November 14, 1977 with evidence being introduced each day through November 18, 1977, at which time the hearing was adjourned to November 28, 1977 in accordance with a pre-arranged schedule.

6. Complainant and Respondents filed a joint motion to continue the hearing on November 28, 1977, based on a preliminary settlement agreement which had been agreed to between counsel. The Commission Investigative Staff supported the motion.

7. The Complainant and Respondents filed a joint motion to terminate the investigation accompanied with a final copy of the final settlement agreement and proposed findings of fact and conclusions of law on December 2, 1977. This motion superseded the joint motion for continuance filed November 28, 1977 and was supported by the Commission Investigative Staff in a response filed December 8, 1977.

8. The settlement agreement between Complainant and Respondents is the sole agreement between those parties as to the matters in issue in this investigation.

9. The settlement agreement releases YMW and YMC from any liability in connection with the machining centers complained of in this investigation and grants to these Respondents a license under U.S. Letters

Patent No. 3,891,910. These Respondents have undertaken to discontinue the use of the trademarks "Burgmaster" and "Mazak-Burgmaster".

10. The settlement agreement between Complainant and Respondents disposes of all outstanding allegations of violation of 19 U.S.C. 337 regarding the importation and sale of the machining centers that are the subject of this investigation.

11. The settlement agreement does not conflict with United States anti-trust law, patent law, nor does it have any effects which might be detrimental to the public interest.¹

12. The know-how and the trade secrets in question constitute information made available to YMW by Complainant pursuant to a 1970 license agreement between those parties under which certain machining centers designed by Houdaille or its predecessors were licensed to be manufactured and sold by YMW. The settlement agreement between the parties terminates the 1970 license agreement as amended.

13. The trademarks in question are "Burgmaster" and "Mazak-Burgmaster". The trademark "Burgmaster" is owned by Houdaille and is used in connection with goods manufactured or sold by it or its licensees to designate the origin of the goods.

14. U.S. Letters Patent No. 3,891,910 for "Machine Tool Motor Control With Position Offset" was issued on June 24, 1975. The patent has been assigned to Houdaille.

15. By virtue of the licenses and covenants of the settlement agreement, it is no longer possible for the alleged unfair acts or unfair methods of competition to exist.

CONCLUSIONS OF LAW

1. The Commission has found jurisdiction, although this was contested by Respondents, over the subject matter of this investigation and of the Respondents named by the Commission in its notice.

2. There is no violation of 19 U.S.C. 1337 because the Complainant has released Respondents from all liability in connection with the use of know-how and trade secrets related to the

¹ Vice Chairman Parker and Commissioner Ablondi do not concur in finding No. 11. However, in lieu of finding No. 11, we find that the recommended determination, which was based on the joint motion of the parties, was served upon the Department of Justice, and the Federal Trade Commission and neither these agencies nor any other person, including the Investigative Staff of the Commission, claimed that the recommended action would result in anything adverse to the public interest. Nor does it appear to Vice Chairman Parker and Commissioner Ablondi that the recommended action would result in anything adverse to the public interest.

numerically controlled machining centers that are the subject of this investigation, and Complainant has licensed Respondents under U.S. Letters Patent No. 3,891,910 and Respondents have discontinued the use of the trademarks incorporating the name of Houdaille's Division.

Accordingly, these proceedings are hereby terminated.

By order of the Commission.

Issued: February 6, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3725 Filed 2-8-78; 8:45 am]

[Inv. No. TA-201-29]

CITIZENS BAND (CB) RADIO TRANSCEIVERS

Report to the President

FEBRUARY 2, 1978.

To the President:

In accordance with section 201(d)(1) of the Trade Act of 1974 (88 Stat. 1978), the United States International Trade Commission herein reports the results of an investigation relating to Citizens Band (CB) radio transceivers.

The investigation to which this report relates (Investigation No. TA-201-29) was undertaken to determine whether—Citizens Band (CB) radio transceivers, provided for in item 685.25 of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The Commission instituted the investigation under the authority of section 201(b)(1) of the Trade Act on August 10, 1977, following receipt, on August 2, 1977, of a petition for import relief under section 201 filed by the E. F. Johnson Co.

The Commission held a public hearing on this matter in Washington, D.C., November 1-4, 1977. All interested persons were given an opportunity to be present, to present evidence, and to be heard.

Notice of the institution of the investigation and hearing was published in the FEDERAL REGISTER of August 16, 1977 (42 FR 41329).

The information for this report was obtained from field work and interviews by members of the Commission's staff, from other Federal agencies, from responses to the Commission's questionnaires, from information presented at the public hearing, from briefs submitted by interested parties, and from the Commission's files.

A transcript of the hearing and

copies of briefs submitted by interested parties in connection with the investigation are attached.¹

There were no significant imports of CB radio transceivers from countries whose imports are presently subject to the rates of duty set forth in column 2 of the TSUS. The import relief recommended herein, therefore, is not addressed to imports from such countries. Certain recommended relief measures would involve the imposition of rates of duty on imports from countries whose imports are currently subject to rates of duties in column 1 which are higher than the rates set forth in column 2. Should such recommended, or any other, rates of duty higher than the column 2 rates be proclaimed by the President, it would be necessary for him to conform column 2 by proclaiming rates thereof that are the same as those proclaimed in column 1.²

DETERMINATIONS, FINDINGS, AND RECOMMENDATIONS OF THE COMMISSION

DETERMINATIONS

On the basis of the investigation, the Commission determines (Commissioner Alberger dissenting) that Citizens Band (CB) radio transceivers, provided for in item 685.25 of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to be a substantial cause of serious injury³ or the threat thereof,⁴ to the domestic industry producing an article like or directly competitive with the imported article.

FINDINGS AND RECOMMENDATIONS

Chairman Minchew and Commissioners Ablondi and Alberger determine that adjustment assistance under chapters 2, 3, and 4 of title II of the Trade Act can effectively remedy the serious injury found to exist and recommend the provision of such assistance.

Vice Chairman Parker and Commissioners Moore and Bedell find and recommend that to prevent the serious injury threatened it is necessary to

¹ Attached to the original report sent to the President, and available for inspection at the U.S. International Trade Commission, except for material submitted in confidence.

² See Article I, General Agreement on Tariffs and Trade (*Basic Instruments and Selected Documents*, vol. IV, March 1969), and General heading 4, Tariff Schedules of the United States (19 U.S.C. 1202).

³ Chairman Minchew and Commissioner Ablondi find serious injury with respect to imports of such articles.

⁴ Vice Chairman Parker and Commissioners Moore and Bedell find threat of serious injury with respect to imports of such articles.

impose rates of duty, in addition to the present rates of duty, with respect to Citizens Band (CB) radio transceivers (except hand-held), provided for in item 685.25 of the TSUS, as follows—

1st year.....	30% ad val.
2nd year.....	25% ad val.
3rd year.....	20% ad val.
4th year.....	15% ad val.
5th year.....	10% ad val.

VIEWS OF VICE CHAIRMAN JOSEPH O. PARKER AND COMMISSIONERS GEORGE M. MOORE AND CATHERINE BEDELL

The present investigation, conducted under section 201 of the Trade Act of 1974 (19 U.S.C. 2251), was instituted by the United States International Trade Commission on August 10, 1977, to determine whether Citizens Band (CB) transceivers provided for in item 685.25 of the Tariff Schedules of the United States (TSUS), are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

The Trade Act of 1974 requires that each of the following conditions be met before an affirmative determination can be made:

(1) There are increased imports (either actual or relative to domestic production) of an article into the United States;

(2) A domestic industry producing an article like or directly competitive with the imported article is seriously injured, or threatened with serious injury;

(3) Such increased imports of an article are a substantial cause of serious injury, or the threat thereof, to the domestic industry producing an article like or directly competitive with the imported article.

DETERMINATION

After considering the information obtained in this investigation, we have determined that increased imports are a substantial cause of the threat of serious injury to the domestic industry producing CB radio transceivers which are like or directly competitive with the imported articles under investigation.

Issued: February 6, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3728 Filed 2-8-78; 8:45 am]

[7020-02]

[303-TA-2]

LEATHER WEARING APPAREL FROM URUGUAY

Investigation, Hearing, and Request for Written Views

Having received advice from the Department of the Treasury on January 24, 1978, that a bounty or grant is being paid with respect to leather wearing apparel imported from Uruguay, entered under item 791.7600 of the Tariff Schedules of the United States and accorded duty-free treatment under section 501 of Title V (Generalized System of Preferences) of the Trade Act of 1974, the United States International Trade Commission on February 3, 1978, instituted investigation No. 303-TA-2 under section 303(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(b)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in New York City, beginning at 9:30 a.m., e.s.t., on Tuesday, March 14, 1978. The place of the hearing will be announced later. All interested persons will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be addressed to the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and should be received not later than noon Thursday, March 9, 1978.

Written statements. In addition to, or in lieu of, an appearance at the hearing, interested persons are requested to submit to the Commission, in writing, any information pertinent to whether an industry in the United States is being or is likely to be injured or is prevented from being established, by reason of the importation of the subject wearing apparel. Written statements should be addressed to the Secretary of the Commission at the Commission's office in Washington, D.C., and should be submitted not later than March 17, 1978.

Issued: February 6, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3726 Filed 2-8-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-40]

MONUMENTAL WOOD WINDOWS

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on January 3, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Wrand Industries, Inc., Box 182, Chester, Pa. 19016 alleging that unfair methods of competition and unfair acts exist in the importation of monumental wood windows into the United States, and in their sale, by reason of:

A. A combination of conspiracy to monopolize or attempt to monopolize trade and commerce in monumental wood windows in the United States;

B. A combination or conspiracy to restrain trade and commerce in monumental wood windows in the United States;

C. Offers for sale and sales of monumental wood windows at prices that are unreasonably low or below costs with the intent to restrain trade and commerce in monumental wood windows in the United States; and

D. An attempt to monopolize and/or restrain trade and commerce in monumental wood windows in the United States.

The complaint alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States or to prevent the establishment of such an industry, or to restrain and monopolize trade and commerce in the United States. Complainant requests a temporary order of exclusion from entry into the United States of the imports in question. Complainant further requests that, after a full investigation a permanent exclusion of said imports be ordered, or alternately, a cease and desist order be issued.

Having considered the complaint, the United States International Trade Commission, on February 3, 1978, Ordered—

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint, there is, or there is reason to believe there is a violation of subsection (a) of this section in the importation into the United States and the sale to customers within the United States of monumental wood windows.

(2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the importation of such articles into the

United States, or in their sale, are hereby named as respondents upon which the complaint and this notice are to be served:

FOREIGN MANUFACTURERS AND EXPORTERS

A.B. Electrolux, S-105 45, Stockholm, Sweden.
A.B. Overums Bruk, Fact S-590 96, Overums, Sweden.

(3) That, for the purpose of the investigation so instituted, Judge Myron R. Renick, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436 is hereby appointed as presiding officer; and

(4) That, for the purpose of investigation so instituted, Donald R. Dinan, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436 is hereby named as Commission investigative attorney.

Responses must be submitted by the parties in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, April 27, 1976). Pursuant to sections 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefore is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission Building, Washington, D.C. and in the New York City Office of the Commission, 6 World Trade Center.

Issued: February 6, 1978.

By Order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-3729 Filed 2-8-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. LEGGETT & PLATT, INC.

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Pen-

alties Act, 15 U.S.C. § 16 (b) through (h), that a proposed Final Judgment and a Competitive Impact Statement as set out below have been filed with the United States District Court for the Southern District of Ohio, Western Division, in Civil Action No. C-1-78-36, *United States of America v. Leggett & Platt, Inc.* The Complaint in this case alleged that the acquisition by Leggett & Platt, Inc. ("Leggett & Platt") of the Metal Bed Rail Co. ("Metal Bed Rail") violated section 7 of the Clayton Act. The case was originally filed in the U.S. District Court for the Western District of Missouri, Southwestern Division as Civil Action No. 74 CV 18-SW.

The proposed Judgment requires Leggett & Platt to divest itself of its interest in the manufacturing assets and facilities at its Hominy, Okla., plant which manufactures and sells a number of product lines, including metal bed frames. Leggett & Platt would be enjoined by the judgment for five (5) years from acquiring any company located east of the Rocky Mountains engaged in the manufacture and sale of metal bed frames, metal bed rails, metal trundle beds, metal pop-ups, metal rollaway beds, trundle bed springs, or bunk bed springs, to parties independent of it, unless Leggett & Platt first obtains the consent of the United States or the approval of the Court.

Public comment is invited within the statutory 60-day waiting period. Such comments and the Department of Justice's responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Field Office, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Dated: January 25, 1978.

CHARLES F. B. McALEER,
Special Assistant for Judgment
Negotiations, Office of Oper-
ations, Antitrust Division, De-
partment of Justice.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO, WESTERN DI-
VISION

*United States of America, Plaintiff v. Leg-
gett & Platt, Inc., Defendant.*
Civil Action No. C-1-78-36.

Judge Carl B. Rubin.

Filed: January 25, 1978.

STIPULATION

It is stipulated by and between the under-
signed parties, by their respective attorneys,
that:

1. A final judgment in the form hereto at-
tached may be filed and entered by the
Court, upon the motion of either party or
upon the Court's own motion, at any time
after compliance with the requirements of
the Antitrust Procedures and Penalties Act
(15 U.S.C. 16), and without further notice to

either party or other proceedings. *Provided*,
That Plaintiff has not withdrawn its con-
sent, which it may do at any time before the
entry of the proposed Final Judgment by
serving notice thereof on Defendant and by
filing that notice with the Court.

2. In the event Plaintiff withdraws its con-
sent or if the proposed Final Judgment is
not entered pursuant to this Stipulation,
this Stipulation shall be of no effect what-
ever and the making of this Stipulation
shall be without prejudice to Plaintiff and
Defendant in this and any other proceeding.

For the Plaintiff: Hugh P. Morrison, Jr.,
Acting Assistant Attorney General;
William E. Swope, Charles F. B. McAleer,
John L. Wilson, John A. Weedon,
Attorneys, Department of Justice;
James E. Rattan, United States Attorney;
Anthony K. Nyktos, Assistant
United States Attorney; William A. Le-
Faiver, David F. Hills, Sandra B. Wal-
lack, Donald S. Scherzer, Attorneys,
Department of Justice, Antitrust Division,
995 Celebrezze Federal Building,
Cleveland, Ohio 44199, Telephone 216-
522-4083.

For the Defendant: Leggett & Platt,
Inc., Shughart, Thomson & Kilroy,
Harry P. Thomson, Jr., Ninth Floor,
Commerce Bank Building, Kansas
City, Mo. 64199.

Dated: January 25, 1978.

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO, WESTERN DI-
VISION

*United States of America, Plaintiff, v. Leg-
gett & Platt, Inc., Defendant.*

Filed: January 25, 1978.

FINAL JUDGMENT

Plaintiff, United States of America,
having filed its Complaint herein on June
28, 1974; Defendant, Leggett & Platt, Inc.,
having filed its Answer denying the substan-
tive allegations of the Complaint; and the
parties, by their respective attorneys,
having consented to the entry of this Final
Judgment without trial or adjudication of
or finding on any issues of fact or law
herein and without this Final Judgment
constituting any evidence against or admis-
sion by any party in respect to any issue of
fact or law herein;

Now, therefore, without any testimony
having been taken herein, and without trial
or adjudication of or finding on any issue of
fact or law herein, and upon consent of the
parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject
matter hereof and the parties hereto. The
Complaint states claims upon which relief
may be granted against the Defendant
under Section 7 of the Clayton Act.

II

As used in this Final Judgment:

(A) "Leggett & Platt" means the Defen-
dant, a Missouri corporation, and its sub-
sidiaries and divisions or any of them, and any
successors or assigns.

(B) "East of the Rocky Mountains" means
the geographical area of the United States
which is located east of the eastern borders
of the States of Idaho, Utah, and Arizona.

(C) "Metal bed frame" means a metal
frame which consists, essentially, of steel

angle rails riveted together in such a
manner as to form, together with casters
and brackets, a platform which is used to
support a bedding ensemble (i.e., mattress
and boxsprings).

(D) "Metal bed rails" means the steel
angle side rails of a bed which connect head-
board and footboard and support a boxspr-
ing and mattress.

(E) "Metal trundle beds" means a high
and low steel bed combination sold in pairs
where the low bed slides under the high bed
for storage when not in use. Both beds are
foundation supports for mattresses.

(F) "Metal pop-up" means a low height
steel bed section generally on casters or
glides which is a foundation for a mattress
and which activates with a tension helical
manually to raise up to average level sleep-
ing height. It may be sold separately or in
combination with other beds.

(G) "Metal rollaway bed" means a steel
angle link fabric metal bed that jackknives
when not in use so that it can be rolled
away into a closet for storage. It is usually
made with a small foot and head attach-
ment to contain the bed clothes and is
mounted on casters. It acts as a foundation
spring for a mattress.

(H) "Trundle bed springs" means a steel
angle link fabric spring suspended from a
head and foot trundle bed section and used
as a foundation support for a mattress.

(I) "Bunk bed springs" means a steel angle
link fabric spring suspended from a head
and foot bunk bed section and used as a
foundation support for a mattress.

(J) "Hominy" means Leggett & Platt's in-
terest in the manufacturing assets and fa-
cilities listed on Exhibit A.

(K) "Winchester" means the building
presently owned by Leggett & Platt and lo-
cated at 301 West Broadway, Winchester,
Kentucky.

(L) "Person" means any individual, part-
nership, firm, corporation, association, or
any other business or legal entity.

III

The provisions of this Final Judgment ap-
plicable to the Defendant, Leggett & Platt,
shall apply also to its officers, directors,
agents and employees, and to its sub-
sidiaries, successors and assigns, and to any
person in active concert or participation
with any of them who receives actual notice
of this Final Judgment by personal service
or otherwise.

IV

(A) Leggett & Platt is ordered and direct-
ed to sell Hominy and, at the option of the
purchaser of Hominy, to sell Winchester to
such purchaser. Such sales shall be made
within thirty (30) months as provided in
this Section IV.

(B) For twelve (12) months from the date
of entry of this Final Judgment, Leggett &
Platt shall actively and in good faith at-
tempt to sell Leggett & Platt's interest in
Hominy and, at the option of the purchaser
of Hominy, Winchester.

(C) If Hominy has not been sold within
twelve (12) months from the date of entry
of this Final Judgment, the Court shall ap-
point a Trustee to effect the sale, who shall
serve at the cost and expense of Leggett &
Platt. Leggett & Platt shall place its inter-
est in Hominy and Winchester in the con-
trol of a Trustee promptly after the Trust-
ee's appointment by this Court. The Trust-
ee shall have full authority to dispose of
such interest in accordance with the provi-

sions of this Final Judgment. The Trustee
shall be governed in all matters hereunder
by standards of reasonableness. Leggett &
Platt shall fully cooperate with the Trustee
in the performance of Trustee's duties here-
under.

(D) Leggett & Platt and thereafter the
Trustee shall use their best efforts to sell
Hominy to a person (i) who intends to op-
erate Hominy as a going business for the man-
ufacture of metal bed frames and related
products and for the sale of such products to
parties independent of such person and
(ii) who is deemed suited to increase competi-
tion in the sale of such products.

(E) If the purchaser of Hominy elects to
purchase Winchester, Leggett & Platt shall
prepare and provide to such purchaser all
plans and layouts necessary to give Win-
chester the capability of producing
\$1,500,000 of metal bed frames annually.

(F) At the option of the purchaser of
Hominy, Leggett & Platt shall buy, F.O.B.,
Hominy, Oklahoma, during the first eight-
teen (18) months following the divestiture
of Hominy, at least \$500,000 of metal bed
frames at Leggett & Platt's list price for
purchases of comparable quantity, less 20
percent. Leggett & Platt shall have the
right to establish reasonable specifications
for such frames.

(G) If such a purchaser for Hominy is not
found within twenty-four (24) months from
the entry of this Final Judgment, the Trust-
ee shall sell the assets of Hominy individu-
ally or collectively for the best obtainable
price.

(H) The sale shall be for cash or cash
equivalent and, when made, shall be abso-
lute and unqualified. Thereafter, Leggett &
Platt shall have no interest in or liability
(contingent or otherwise) as to Hominy, pro-
vided that neither this paragraph nor any
other part of this decree shall prevent Leg-
gett & Platt from assigning its leases or sub-
letting its leased premises to a purchaser
hereunder, and to such extent remaining
liable as to its leases.

(I) Not less than sixty (60) days prior to
the closing date of any proposed sale made
pursuant to Section IV, Leggett & Platt or
Trustee, whichever is then acting, shall
notify Plaintiff and, if the Trustee is acting,
Leggett & Platt in writing of the proposed
sale. The notice shall set forth the details of
the proposed transaction. Within thirty (30)
days thereafter, Plaintiff may request sup-
plementary information concerning the pro-
posed sale. Within thirty (30) days after the
receipt of the notice or within thirty (30)
days after receipt of the supplementary in-
formation, Plaintiff shall notify Leggett &
Platt and the Trustee, if then acting, in
writing if Plaintiff objects to the proposed
sale. Upon objection by the Plaintiff, the
proposed sale shall not be consummated
unless approved by the Court. If the Trust-
ee is acting, the Court shall provide the De-
fendant with the opportunity for a hearing
on the proposed sale should Defendant raise
an objection within thirty (30) days after
Trustee has furnished Defendant notice of
the sale.

(J) Leggett & Platt and Trustee, after ap-
pointment, shall furnish to any bona fide
prospective purchaser all information re-
garding the business of Hominy and Win-
chester which is reasonably necessary and
shall permit such prospective purchaser to
inspect Hominy and Winchester, provided
that any information so obtained shall be
held in confidence, not used for commercial
purposes, and used only by the prospective

purchaser to evaluate the merits of the pro-
posed acquisition. If necessary, Leggett &
Platt may request the Court to issue an ap-
propriate protective order.

V

During the first twelve (12) months after
the entry of this Final Judgment, Defen-
dant shall cause reports to be submitted
every sixty (60) days to the United States
Assistant Attorney General in charge of the
Antitrust Division ("Assistant Attorney
General") outlining in detail the efforts
made to comply with the provisions of Sec-
tion IV above and setting forth the names
and addresses of all persons who have made
an offer to acquire Hominy, together with
the terms and conditions of such offer.
Thereafter, within the time specified by
Section IV above, Trustee shall cause such
reports to be submitted every sixty (60)
days, or as requested by either party, to the
Assistant Attorney General and to Leggett
& Platt.

VI

For a period of five (5) years from the
date of entry of this Final Judgment, Leg-
gett & Platt shall not acquire any of the
assets (except goods or merchandise ac-
quired in the normal course of business),
stock or share capital of, or merge with,
a person located East of the Rocky Mountains
and engaged in the manufacture and sale of
metal bed frames, metal bed rails, metal
trundle beds, metal pop-ups, metal rollaway
beds, trundle bed springs, or bunk bed
springs to parties independent of such
person, unless it first obtains the consent of
Plaintiff or the approval of this Court.

VII

(A) For the purpose of securing or deter-
mining compliance with this Final Judg-
ment:

(1) Duly authorized representatives of the
Department of Justice shall, on written re-
quest of the Attorney General or the As-
sistant Attorney General in charge of the
Antitrust Division, and on reasonable notice
to the Defendant made to its principal
office, be permitted, subject to any legally
recognized privilege:

(a) Access during the office hours of De-
fendant, who may have counsel present, to
inspect and copy all books, ledgers, ac-
counts, correspondence, memoranda and
other records and documents in the posses-
sion or under the control of Defendant
which relate to any matters contained in
this Final Judgment; and

(b) Subject to the reasonable convenience
of Defendant and without restraint or inter-
ference from it, to interview officers, direc-
tors, agents, servants, or employees of De-
fendant, who may have counsel present, re-
garding any such matters.

(2) Defendant, upon written request of
the Attorney General or the Assistant At-
torney General in charge of the Antitrust
Division made to its principal office, shall
submit such reports in writing, under oath
if requested, with respect to any of the mat-
ters contained in this Final Judgment as
may from time to time be requested.

(B) No information or documents ob-
tained by the means provided for in this
Section VII shall be divulged by any rep-
resentative of the Department of Justice to
any person other than a duly authorized
representative of the Executive Branch of
the United States, except in the course of
legal proceedings to which the United

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States is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

(C) If at the time information or documents are furnished by the Defendant to Plaintiff, the Defendant represents and identifies in writing the material in any such information or documents which is of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the Defendant marks each pertinent page of such material, "Subject to Claim of Protection under the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by Plaintiff to Defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which Defendant is not a party.

VIII

Jurisdiction of this cause is retained by the Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, and for the enforcement of compliance therewith and the punishment of violations thereof.

IX

Entry of this Final Judgment is in the public interest.

Dated: _____

U.S. District Judge.

EXHIBIT A

(1) EQUIPMENT (LEASED OR OWNED)

Airco Welder 300 Amp
3000 Lift Truck Towmotor
Sleeper Hartley Close Wound Helical Machine
2 Anderson Reels
Wells Gang Press
IBM Selectric Typewriter
Underwood Sunstrand Adder
Marchant Ten Keymatic—Elec
Western Safe
Standard Underwood Typewriter
IBM Elec Int Typewriter
Wood Office Desk 42 x 76
Wood Credenza 21 x 66
Wood Office Desk 42 x 75
Remington Elec Typewriter
Burroughs Billing Mach W/Stand
Eastman 6 in Camera
Nuarc Vacuum Plate
Nuarc-Arc Burner
Lott Enlarger
Sears 1/2 Ton Air Cond
Little Giant Speed Lite Camera W/Flash
Gestetner Duplicator
IBM Elec Typewriter
2 Ton Hoist—Yale
Curtis Air Compressor
Simplex Time Clock W/Card Rack
Lincoln Welder
2 Elec Suction Fans for Welding Booths
32 in Hydraulic Break
P & H DC Arc Welder
Lincoln 200 Amp Welding Generator
Horizontal Pipe Bender W/Access
Walker-Turner Elec Floor Drill Press
Blue Air Vise
P & H DC Elec Welder
Linde Elec Welder Wire Feed
DBL Elec Welding Booth
2 Wire Feed Gas Bernurd Welding Guns

UI 200 Elec Weld Generator-Linde Type
Portable Elec DC Weld W/Leads
Glenn 250 Cont Slope Voltage Gen
Wire Feed Weld W/Guns-Absco Elec
Elec Grob Friction Saw W/Motor
Famco 48 In Elec Steel Cutter W/Motor
Elec Johnson #4 Vert Press W/Motor
Elec Vernon 1 1/4 Vert Press W/Motor
Elec & Air Oster Turret Lathe W/Mtrs
WR Brown Air Vise W/Hose
Floor Mod Drill Press
Elec Hacksaw W/Mtr & Stand
30 In Elec Tumbler
2 Baldor Air Comps W/Mtrs
2 Ft x 6 Ft Air Storage Tanks W/Gauges
2 Wheel Gas Welding Truck
Gasoline Floor Sweeper
Ramset Fastening System
Elec Dbl Head Grinder
Elec Milling Mach W/Mtr
Elec Dunmore High Speed Grinder
Elec Surface Grinder W/Mtr
Elec #12 Milling Mach
Elec Floor Mod File W/Mtr & File
Air Compressor
Arc Welder W/Leads
2 Elec Drill Presses W/Mtrs
Lathe W/Mtr
Dunmore Elec High Speed Grinder W/Mtr
Elec Radial Drill Press W/Mtr
Floor Stand Dbl Head Elec Grnder
Elec Regal Lathe 17 In W/Mtr
2 Ton 1962 Ford Truck
1959 El Camino Chev Pickup
Gasoline Yard Lift 2-Ton Fork Lift
Elec Yale Fork Lift
Electric Beamer W/Reduction Gear & Motor
2 Punch Presses
Slat Twister
Compression Riveter
Wells Gang Punch #6
Punch Press Bliss #12
Punch Press Bliss #58
V&O Punch Press
Punch Forming Press
Spinning Rotary Rivet Machine
Compression Riveter
Single End Bender-Air Operated
250 LB. Budget Hoist
Wells Fabric Machine
Convert Link Fab
Compression Riveter
Mod Valve Chicago Pneumatic
Milling Machine #4
Dies For Trund-L-Lounge
Punch Press Tooling
Bed Lock Die Set
New Style Crimper
Automatic Fabric Machine
OH Link Fabric Machine
Angle Iron Bender
Throat Riveter
Bending Dies For Side Rail
T-J Automatic Riveters
2 Slotting Dies For Hollywood Bed Frames
Single Crank Press
Single Crack Press
Electric Welding Machine
Punch Press Overhaul
Die For Townhouse Frame
Notch Die
2 Link Fabric Machines
Die—For TV Frame
Auto-Cutoff For Sleeper Hartley
Die For Lok-Frame DO 7-783
Paint Transfer Pumps—5
Driquik Indust Vert Oven Freight
4 Driquik Indust Vert Ovens
2 Wells Punch Presses
Link Fabric Mach-Wells-OH
OH Wells Link Fabric Mach
Wells Link Fabric Machine Parts

Set of Dies
2 Washers
Press Brake
5 Riveters
Fork Lift—Yale GP120-SBS-093
15 Dry Chemical Extinguishers
4 Flocoaters
HYD Rivet Gun Assembly
Elec Service For Washers Ovens Flow-coaters & Misc Equip
Toledo Scale
Accuweigh Scale
Punches & Dies
OH Link Fabric
OH Link Fabric Machine
Fabric Machine—Wells
Regular Die Blocks
Double Keyhole Die
Water Purifier
2 Staplers
Rebuild Link Machine
Repair Link Fabric Machine
Modify Wire Reel
OH Riveter
Label Machine
L & P Wire Reel #10
Johnson Press #5—Used To Cut Small Parts
Johnson Press #5—Used For Steel Cutter
Dies and Krump Press
Dies and Krump Press
Wells Press
Verson Press
Johnson Press #7
Niagara Press—Used To Rivet Helper Spring
Small Press Riveter—Rivets Trundle Yokes
Small Press Riveter—Rivets Bottom Section of Trundle
Small Toledo Press Rivet
Rousselle Press Riveter—Rivetes #341 Springs
Yale Fork Truck 5000 LB Capacity—42 In Type A Forks
5000# Sampson Fork Truck Scale
Wire Reel
Wire Reel
Baker Lift Upright Edg5000
Glue Gun
Make-up Air Unit—Natural Gas Fired
4 My-T-Veyor Monrail Heavy Duty Conveyors
Conveyors
Exhaust Hood
2-661OK48 Truck Dock Plates
Steel Storage Area
Punch Press Conversion
Sprinkler System
Bending Die Set For Press Bender
Set of 1 1/4 In Tube Dies & Material
Butterfly Die
End Trim Die
Rug Roller Die Set
Slot Die Set Pop Up
Side Rail Die
Side Rail HDBD
2 Uniflo Light Duty Slider Belt Conveyors

(2) LEASED REAL ESTATE

I

A tract of land lying in the W/2 of the NW/4 of the SW/4 of Section 30 T23N R9E, Osage County, Okla. and described as follows:
Beginning at the Northwest corner of the NW/4 of the SW/4 of Section 30 T23N R9E; thence South along the West Section line of said Section 30 for a distance of 75 feet; thence East 50 feet to the right of way line of State Highway 99 to the point of beginning; thence South and parallel to the Section line for a distance of 1230.1 feet; thence East for a distance of 350 feet; thence North for a distance of

1230.1 feet; thence West for a distance of 325 feet to the point of beginning and containing 9.4 acres more or less.

and all buildings, structures, fixtures and other improvements now constructed, erected or placed thereon.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

United States of America, Plaintiff, v. Leggett & Platt, Inc., Defendant.
Judge Carl B. Rubin.
Filed: January 25, 1978.

COMPETITIVE IMPACT STATEMENT

The United States, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

NATURE AND PURPOSE OF THE PROCEEDING

On June 28, 1974, the United States instituted this civil action against Leggett & Platt, Inc. ("Leggett & Platt") under Section 15 of the Clayton Act (15 U.S.C. § 25), to prevent and restrain the continuing violation by Leggett & Platt of Section 7 of the Clayton Act (15 U.S.C. § 18). The Complaint alleged that the 1972 acquisition by Leggett & Platt of the Metal Bed Rail Co. ("Metal Bed Rail") violated Section 7 of the Clayton Act by eliminating actual and potential competition between Leggett & Platt and Metal Bed Rail in the manufacture and sale of metal bed frames in the area of the United States located east of the Rocky Mountains. The Complaint requested that the acquisition be declared unlawful and that Leggett & Platt be required to divest itself of all the assets and interests acquired from Metal Bed Rail.

II

THE EVENTS GIVING RISE TO THE ALLEGED VIOLATION

Leggett & Platt is a Missouri corporation which had approximately \$48 million in total sales and \$1.4 million in sales of metal bed frames in 1971. Prior to its merger with Metal Bed Rail, the Complaint alleged, Leggett & Platt was the eighth largest manufacturer of metal bed frames operating east of the Rocky Mountains, with 5.03 percent of that market.

Metal Bed Rail, the acquired company, had approximately \$3.8 million in total sales and \$1.9 million in sales of metal bed frames in 1971. Metal Bed Rail was engaged in the manufacture and sale of three principal product lines, the major line being metal bed frames.

A metal bed frame is a structure which consists, essentially, of metal rails riveted together in such a manner as to form, together with casters and brackets, a platform that is used to support a bedding ensemble, i.e., a mattress and boxspring. Metal bed frames are sold by manufacturers directly to retailers, as well as to bedding and case goods manufacturers who, acting as distributors, resell them to retailers. Retailers sell metal bed frames to consumers.

The Complaint alleged that Metal Bed Rail, prior to its merger with Leggett & Platt, was the fourth largest company in the metal bed frame market east of the Rocky Mountains, with 6.74 percent of that

market, and that, combined, Leggett & Platt and Metal Bed Rail were third largest in the sale of metal bed frames east of the Rocky Mountains, with 11.77 percent of the market. The Complaint also alleged that the four largest manufacturers, after the merger, in the metal bed frame market accounted for about 62.82 percent of the sales east of the Rocky Mountains.

The Complaint alleged that Leggett & Platt's acquisition of Metal Bed Rail eliminated actual and potential competition between Leggett & Platt and Metal Bed Rail in the manufacture and sale of metal bed frames in the area east of the Rocky Mountains; enhanced Leggett & Platt's competitive advantage in the manufacture and sale of metal bed frames in the area east of the Rocky Mountains to the detriment of competition; substantially lessened competition in the manufacture and sale of metal bed frames in the area east of the Rocky Mountains; and increased concentration in the manufacture and sale of metal bed frames in the area east of the Rocky Mountains, all in violation of Section 7 of the Clayton Act.

III

EXPLANATION OF THE PROPOSED FINAL JUDGMENT

The United States and the defendant have agreed, in a Stipulation, that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The Stipulation also provides that there has been no admission by either party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(e), entry of the Judgment by the Court is conditioned upon its determination that the proposed Judgment is in the public interest.

The proposed Final Judgment requires Leggett & Platt to divest itself of its interest in its manufacturing assets and facilities at its production facility in Hominy, Oklahoma, and at the option of the purchaser of Hominy, to sell its idle plant in Winchester, Kentucky to the purchaser of Hominy. (The interest of Leggett & Platt in Hominy is specified in Exhibit A to the proposed Final Judgment. Leggett & Platt may also assign or sublet its existing Leases.) If Leggett & Platt does not accomplish the divestiture within twelve (12) months from the date of entry of the Judgment, the Court will appoint a trustee who will have full authority to sell Leggett & Platt's interest in Hominy and, at the option of the purchaser of Hominy, to sell Winchester to the purchaser of Hominy. If a purchaser for Hominy is not found within twenty-four (24) months from the date of entry of the Judgment, the trustee is required to sell the assets of Hominy, individually or collectively, for the best obtainable price. While the Complaint requested that Leggett & Platt be ordered to divest Metal Bed Rail, the divestiture of Hominy and Winchester, at the option of the purchaser of Hominy, will achieve the relief desired in the metal bed frame market. That is, concentration in that market will decrease, and competition will increase as a result of Hominy, and, possibly, Winchester, being independent of Leggett & Platt.

The proposed Final Judgment also requires that, at the option of the purchaser of Hominy, Leggett & Platt, during the first eighteen (18) months after the divestiture of Hominy, would purchase at least \$500,000

of metal bed frames from the new owner of Hominy at a price equal to Leggett & Platt's list price for such purchases, less 20 percent. In addition, if the new owner of Hominy wishes to purchase Winchester, Leggett & Platt is required to supply plans and other information needed to give the Winchester plant the capability of manufacturing \$1,500,000 of metal bed frames annually. These requirements should enhance competition in the manufacture and sale of metal bed frames in the area east of the Rocky Mountains and diminish any potential anti-competitive effects of the merger in this market.

The proposed Final Judgment prohibits Leggett & Platt for a period of five (5) years from acquiring any of the assets, stock, or share capital of, or merging with, any company located east of the Rocky Mountains engaged in the manufacture and sale of metal bed frames, metal bed rails, metal trundle beds, metal pop-ups, metal rollaway beds, trundle bed springs, or bunk bed springs, to parties independent of it, unless Leggett & Platt first obtains the consent of the United States or the approval of the Court.

Finally, the proposed Final Judgment provides the Antitrust Division with the right to inspect Leggett & Platt's records and to interview its officers and employees in order to determine and secure compliance with the Final Judgment.

IV

REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered as well as costs and reasonable attorney's fees. Entry of the proposed final judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), the proposed final judgment will have no prima facie effect in any subsequent private lawsuit which may be brought against the Defendant since it is a consent judgment that will be entered before any testimony has been taken.

V

PROCEDURES AVAILABLE FOR THE MODIFICATION OF THE PROPOSED JUDGMENT

The proposed Final Judgment is subject to a Stipulation between the United States and the defendant, which provides that the United States may withdraw its consent to the proposed Final Judgment at any time until the Court has found that entry of the proposed Judgment is in the public interest. Within the statutory period of sixty (60) days (15 U.S.C. § 16) following the filing of the proposed Final Judgment with the District Court for the Southern District of Ohio in Cincinnati, Ohio, any person may submit written comments regarding the proposed Final Judgment to:

John A. Weedon, Chief, Great Lakes Field Office, Antitrust Division, U.S. Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Such comments and the Antitrust Division's responses thereto will be filed with the District Court and published in the FED-

ERAL REGISTER. The Department of Justice will evaluate such comments and determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

VI

ALTERNATIVE RELIEF PROPOSALS ACTUALLY CONSIDERED BY THE UNITED STATES

It should be noted at the outset that settlement of this case and of *United States v. Leggett & Platt, Inc.*, Civil Action No. 7976, Southern District of Ohio, are contingent on each other.

As previously noted, the Prayer for relief in the Complaint in this action sought divestiture of all of the assets and interests acquired by Leggett & Platt from Metal Bed Rail. Due to internal considerations, Leggett & Platt would not agree to settle this case on the basis of divestiture of Metal Bed Rail. It alleged that its Hominy plant is now a substantial equivalent of Metal Bed Rail at the time of its acquisition.

Since the acquisition occurred in 1972 and substantial changes have been made in the equipment and production facilities of Metal Bed Rail since then, the United States determined that, for settlement purposes, it would view Metal Bed Rail as of 1972. The plant at Hominy is a relatively new plant with the capability of making a wider range of products than Metal Bed Rail was capable of making at the time of the acquisition. Further, the Hominy plant can convert its production facilities to produce only metal bed frames with relative ease. At trade sales selling prices in 1976, Hominy had total sales (public and intra-company) of \$2,773,346, and metal bed frame sales (public and intra-company) of \$1,163,552. The products sold were produced on a one-shift basis, at less than full capacity. In comparison, in 1972, Metal Bed Rail had total sales of non-proprietary products, which included all of its metal bed frames, of \$3,712,637, and metal bed frame sales of \$2,516,805. (Hominy did not commence production until 1973 and its annual total sales and sales of metal bed frames have never equalled those of Metal Bed Rail.) If Hominy devoted its entire facility to the production of metal bed frames and operated at full capacity, Leggett & Platt has stated that Hominy could produce substantially equivalent volumes of metal bed frame products to those produced by Metal Bed Rail in 1972.

While the United States would have preferred divestiture of Metal Bed Rail, it agreed to the sale of Hominy as a compromise. It did, however, insist that the purchaser of Hominy also have the right to acquire Leggett & Platt's idle plant in Winchester. This plant does not presently have machinery for producing metal bed frames, but is capable of again being used for such production. Leggett & Platt is required to supply the necessary plans and other information to any purchaser of Winchester wishing to engage in such manufacturing.

Since no customer accounts will be transferred with Hominy, the United States and Leggett & Platt agreed that during the first eighteen (18) months after the divestiture of Hominy, Leggett & Platt would, at the option of the purchaser of Hominy, purchase \$500,000 of metal bed frames from the new owner at a price equal to Leggett & Platt's list price for such bed frames, less 20 percent.

In the Complaint, the Prayer for relief also sought an injunction against further

NOTICES

acquisitions by Leggett & Platt of companies engaged in the manufacture of home furnishings. The evidence in this case related primarily to metal bed frames. Thus, the United States was willing to compromise by limiting the injunction to the acquisition of any company engaged in the manufacture and sale, to persons independent of it, of metal bed frames, metal bed rails, metal trundle beds, metal pop-ups, metal rollaway beds, trundle bed springs, or bunk bed springs.

Certain requirements of the divestiture order were a principal subject of disagreement between the parties and delayed settlement of this case for a number of years. Leggett & Platt for many years refused to agree to a judgment absolutely requiring the sale of any of its facilities.

The United States initially considered requiring the use of a broker to assist Leggett & Platt in the sale. Ultimately, this requirement was dropped after the United States obtained sufficiently strong powers for the trustee and the absolute requirement to sell Hominy, and, thus, deemed that Leggett & Platt had it in its self-interest to use the best means available to sell Hominy.

VII

DETERMINATIVE DOCUMENTS

There are no materials or documents which were determinative in formulating the proposed Final Judgment. Consequently, none are being filed by the Plaintiff pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b).

JOHN A. WEEDON, Attorney, Department of Justice; WILLIAM A. LEFAVER, DAVID F. HILS, SAUNDRA B. WALLACK, DONALD S. SCHERZER, Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, telephone, 216-522-4083.

[FR Doc. 78-3677 Filed 2-8-78; 8:45 am]

[4410-01]

UNITED STATES OF AMERICA v. LEGGETT & PLATT, INC.

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed final judgment and a Competitive Impact Statement as set out below have been filed with the United States District Court for the Southern District of Ohio, Western Division, in Civil Action No. 7976, *United States of America v. Leggett & Platt, Inc.* The Complaint in this case alleged that the acquisition by Leggett & Platt, Inc. (Leggett & Platt) of Motor City Spring Co. (Motor City) and The J. R. Greeno Co. (Greeno) violated Section 7 of the Clayton Act.

The proposed Judgment requires Leggett & Platt to divest itself absolutely of its interest in the manufacturing assets and facilities of Greeno, which manufactures and sells innersprings and boxsprings. Leggett & Platt would be enjoined for ten (10) years from acquiring any company located in the United States engaged in the manufacture and sale of innersprings or boxsprings to parties independent of it, unless Leggett & Platt first obtains the consent of the United States or the approval of the Court.

Public comment is invited within the statutory 60-day waiting period. Such comments and the Department of Justice's responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Field Office, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Dated: January 25, 1978.

CHARLES F. B. McALEER,
Special Assistant for Judgment
Negotiations, Office of Operations,
Antitrust Division, Department of Justice.

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

Judge Carl B. Rubin

United States of America, Plaintiff, v. Leggett & Platt, Inc., Defendant.

Civil Action No. 7976.

Filed: January 25, 1978.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to either party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on Defendant and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to Plaintiff and Defendant in this and any other proceeding.

For the Plaintiff: United States of America—Hugh P. Morrison, Jr., Acting Assistant Attorney General; William E. Swope, Charles F. B. McAleer, John L. Wilson, John A. Weedon, Attorneys, Department of Justice; James E. Rattan, U.S. Attorney; Anthony K. Nyktas, Assistant U.S. Attorney, Diane Rubin Williams, Sandra B. Wallack, David F. Hils, Donald S. Scherzer, Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, telephone 216-522-4080.

For the Defendant: Leggett & Platt, Inc., Taft, Stettinius & Hollister, Murray S. Monroe, Dixie Terminal Building, Cincinnati, Ohio 45202.

Dated: January 25, 1978.

NOTICES

U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

United States of America, Plaintiff, v. Leggett & Platt, Inc., Defendant.

Civil Action No. 7976.

Filed: January 25, 1978.

Entered: _____

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on May 18, 1971; Defendant, Leggett & Platt, Inc., having filed its Answer denying the substantive allegations of the Complaint; and the parties, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of or finding on any issues of fact or law herein and without this Final Judgment constituting any evidence against or admission by any party in respect to any issue of fact or law herein;

Now, therefore, without any testimony having been taken herein, and without trial or adjudication of or finding on any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter hereof and the parties hereto. The Complaint states claims upon which relief may be granted against the Defendant under Section 7 of the Clayton Act.

II

As used in this Final Judgment:

(A) "Leggett & Platt" means the Defendant, a Missouri corporation, and its subsidiaries and divisions or any of them, and any successors or assigns.

(B) "Greeno" means Leggett & Platt's interest in the manufacturing assets and facilities listed on Exhibit A.

(C) "Innerspring" means a non-upholstered wire unit which consists, essentially, of a number of connected high carbon steel coil springs tied together with and in a border of high carbon steel wire and which is used in the bedding industry.

(D) "Boxspring" means a non-upholstered wire unit which consists, essentially, of a number of connected high carbon steel coil springs tied together with and in a border of low carbon steel wire and which is used in the bedding industry. Boxsprings may be either mounted in a wood frame or unmounted.

(E) "Person" means any individual, partnership, firm, corporation, association, or any other business or legal entity.

III

The provisions of this Final Judgment applicable to the Defendant, Leggett & Platt, shall apply also to its officers, directors, agents and employees, and to its subsidiaries, successors and assigns, and to any person in active concert or participation with any of them who receives actual notice of this Final Judgment by personal service or otherwise.

IV

(A) Leggett & Platt is ordered and directed to sell Greeno. Such sale shall be made within thirty (30) months as provided in this Section IV.

(B) For twelve (12) months from the date of entry of this Final Judgment, Leggett &

Platt shall actively and in good faith attempt to sell Leggett & Platt's interest in Greeno.

(C) If Greeno has not been sold within twelve (12) months from the date of entry of this Final Judgment, the Court shall appoint a Trustee to effect the sale, who shall serve at the cost and expense of Leggett & Platt. Leggett & Platt shall place its interest in Greeno in the control of a Trustee promptly after the Trustee's appointment by this Court. The Trustee shall have full authority to dispose of such interest in accordance with the provisions of this Final Judgment. The Trustee shall be governed in all matters hereunder by standards of reasonableness. Leggett & Platt shall fully cooperate with the Trustee in the performance of Trustee's duties hereunder.

(D) Leggett & Platt and thereafter the Trustee shall use their best efforts to sell Greeno to a person (i) which intends to operate Greeno as a going business for the manufacture of innersprings and boxsprings and for the sale of such products to parties independent of such person and (ii) which is deemed suited to increase competition in the sale of such products.

(E) If such a purchaser for Greeno is not found within twenty-four (24) months from entry of this Final Judgment, the Trustee shall sell the assets of Greeno individually or collectively for the best obtainable price.

(F) The sale shall be for cash or cash equivalent and, when made, shall be absolute and unqualified. Thereafter Leggett & Platt shall have no interest in or liability (contingent or otherwise) as to Greeno.

(G) Not less than sixty (60) days prior to the closing date of any proposed sale made pursuant to Section IV, Leggett & Platt or Trustee, whichever is then acting, shall notify Plaintiff and, if the Trustee is acting, Leggett & Platt in writing of the proposed sale. The notice shall set forth the details of the proposed transaction. Within thirty (30) days thereafter, Plaintiff may request supplementary information concerning the proposed sale. Within thirty (30) days after the receipt of the notice or within thirty (30) days after receipt of the supplementary information, Plaintiff shall notify Leggett & Platt and the Trustee, if then acting, in writing if Plaintiff objects to the proposed sale. Upon objection by the Plaintiff, the proposed sale shall not be consummated unless approved by the Court. If the Trustee is acting, the Court shall provide the Defendant with the opportunity for a hearing on the proposed sale should the Defendant raise an objection within thirty (30) days after Trustee has furnished Defendant notice of the sale.

(H) Leggett & Platt and Trustee, after appointment, shall furnish to any bona fide prospective purchaser all information regarding the business of Greeno which is reasonably necessary and shall permit such prospective purchaser to inspect Greeno, provided that any information so obtained shall be held in confidence, not used for commercial purposes, and used only by the prospective purchaser to evaluate the merits of the proposed acquisition. If necessary, Leggett & Platt may request the Court to issue an appropriate protective order.

V

During the first twelve (12) months after the entry of this Final Judgment, Defendant shall cause reports to be submitted every sixty (60) days to the United States Assistant Attorney General in Charge of

the Antitrust Division ("Assistant Attorney General") outlining in detail the efforts made to comply with the provisions of Section IV above and setting forth the names and addresses of all persons who have made an offer to acquire Greeno, together with the terms and conditions of such offer. Thereafter, within the time specified by Section IV above, Trustee shall cause such reports to be submitted every sixty (60) days, or as requested by either party, to the Assistant Attorney General and to Leggett & Platt.

VI

For a period of ten (10) years from the date of entry of this Final Judgment, Leggett & Platt shall not acquire any of the assets (except goods or merchandise acquired in the normal course of business), stock or share capital of, or merge with, a person located in the United States and engaged in the manufacture and sale of innersprings or boxsprings to parties independent of such person, unless it first obtains the consent of Plaintiff or the approval of this Court.

VII

(A) For the purpose of securing or determining compliance with this Final Judgment:

(1) Fully authorized representatives of the Department of Justice shall, on written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to the Defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(a) Access during the office hours of Defendant, who may have counsel present, to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of Defendant which relate to any matters contained in this Final Judgment; and

(b) Subject to the reasonable convenience of Defendant and without restraint or interference from it, to interview officers, directors, agents, servants, or employees of Defendant, who may have counsel present, regarding any such matters.

(2) Defendant, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to its principal office, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

(B) No information or documents obtained by the means provided for in this Section VII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party or for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

(C) If at the time information or documents are furnished by the Defendant to Plaintiff, the Defendant represents and identifies in writing the material in any such information or documents which is of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and the Defendant marks each pertinent page of such material, "Subject to Claim of Protection under the Federal Rules of Civil Procedure."

NOTICES

BONNELL EQUIPMENT

- 4 Anderson assembly tables with Wells D.E. Auto Collers Attached
- 5 Anderson Assembly Tables with Wunderlich D.E. Auto Collers Attached
- 2 Wells Assembly Tables with Wunderlich D.E. Auto Collers Attached
- 2 Johnson Assembly Tables with Wells D.E. Auto Collers Attached
- 3 Anderson Type Helical Formers with Greeno Heat Treat. Attach.
- 3 Border Wire Framing Tables with Helical Former
- 4 Inspection Tables
- 2 Bock Spring Crating Presses
- 1 Ingersoll-Rand Air Cooled Air Compressor
- 1 Cushion Baling Press
- 3 Wells D.E. Automatic Collers (Spare)

EXHIBIT A.—(2) LEASED REAL ESTATE

(A) *Main Building.* The building leased to Leggett & Platt, Inc. by The J. R. Greeno Co. on or about January 1, 1969 and known as the Main Building and presently used for the manufacturing of springs, and located on the south side of Ellis Street in the City of Cincinnati, County of Hamilton, and State of Ohio.

(B) *Bonnell Building.* The building leased to Leggett & Platt, Inc. by The J. R. Greeno Co. on or about January 1, 1969 and known as the Bonnell Building and presently used as a warehouse, and located on the north side of Ellis Street in the City of Cincinnati, County of Hamilton, and State of Ohio.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

United States of America, Plaintiff, v. Leggett & Platt, Inc., Defendant.

Civil Action No. 7976.
Judge Carl B. Rubin. Filed: January 25, 1978.

COMPETITIVE IMPACT STATEMENT

The United States, pursuant to section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. §§ 16 (b)-(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

NATURE AND PURPOSE OF THE PROCEEDING

On May 18, 1971, the United States instituted this civil action against Leggett & Platt, Inc. ("Leggett & Platt") under Section 15 of the Clayton Act (15 U.S.C. § 25) to prevent and restrain the continuing violation by Leggett & Platt of Section 7 of the Clayton Act (15 U.S.C. § 18). The Complaint alleged that Leggett & Platt's 1968 acquisition of all of the stock of Motor City Spring Co. ("Motor City") and its 1969 acquisition of all of the assets of The J. R. Greeno Co. ("Greeno") violated Section 7 of the Clayton Act by eliminating actual and potential competition between Leggett & Platt, Motor City, and Greeno in the manufacture and sale of innersprings and boxsprings in the area east of the Rocky Mountains and in various sections in that area. The Complaint requested that both mergers be declared unlawful and that Leggett & Platt be required to divest itself of all the assets and interests acquired from Motor City and Greeno.

THE EVENTS GIVING RISE TO THE ALLEGED VIOLATION

Leggett & Platt is a Missouri corporation which had \$6.8 million in innerspring sales and \$5.3 million in boxspring sales east of the Rocky Mountains in 1968. In 1969, Leggett & Platt had innerspring sales of \$9.1 million and boxspring sales of \$7.7 million east of the Rocky Mountains. Leggett & Platt is engaged in the manufacture and sale of various products for the home furnishings industry, including innersprings and boxsprings. Prior to its merger with Motor City and Greeno, the Complaint alleged, Leggett & Platt was the second largest innerspring manufacturer operating east of the Rocky Mountains, with 15.4 percent of that market, and the largest boxspring manufacturer operating east of the Rocky Mountains, with 17.22 percent of that market.

Motor City manufactured innersprings and boxsprings and had innerspring sales of \$558,000 and boxspring sales of \$1.1 million in 1968. These sales were made primarily in Michigan and Ohio. Greeno manufactured innersprings and boxsprings which were sold in Ohio and in 1968 had innerspring sales of \$2.1 million and boxspring sales of \$1.7 million.

An innerspring is a non-upholstered wire unit which consists, essentially, of a number of connected high carbon steel coil springs tied together with and in a border of high carbon steel wire. A boxspring is a non-upholstered wire unit which consists, essentially, of a number of connected high carbon steel coil springs tied together with and in a border of low carbon steel wire. Boxsprings may be either mounted in a wood frame or unmounted. Innersprings and boxsprings are primarily sold by innerspring and boxspring manufacturers to bedding manufacturers. The bedding manufacturers upholster the innersprings into mattresses which are resold for use either alone or as the upper portion of a bedding ensemble, which consists of a mattress and finished boxspring. Boxsprings are upholstered by bedding manufacturers, who may also mount them in wooden frames, and then resold for use as the lower or supporting portion of a bedding ensemble.

The Complaint alleged that in 1968 Motor City ranked eighteenth in innerspring sales east of the Rocky Mountains (with 1.37 percent of the market) and tenth in boxspring sales east of the Rocky Mountains (with 4.25 percent of the market). In 1968, Greeno ranked seventh (with 5.22 percent of the market) in innerspring sales east of the Rocky Mountains and third (with 6.9 percent of the market) in boxspring sales east of the Rocky Mountains. As a result of the acquisitions, in the area east of the Rocky Mountains, Leggett & Platt obtained the leading position in the manufacture and sale of innersprings with 21.99 percent of the market and strengthened its already leading position in the manufacture and sale of boxsprings, increasing its share of the market to 28.64 percent. The Complaint also alleged that these acquisitions increased the share of the four largest innerspring manufacturers east of the Rocky Mountains to 55.7 percent and increased the share of the four largest boxspring manufacturers east of the Rocky Mountains to 52.17 percent.

The Complaint alleged that Leggett & Platt's acquisition of Motor City and

Greeno eliminated actual and potential competition between Leggett & Platt, Motor City, and Greeno in the manufacture and sale of innersprings and boxsprings; enhanced Leggett & Platt's competitive advantage in the manufacture and sale of innersprings and boxsprings to the detriment of competition; substantially lessened competition in the manufacture and sale of innersprings and boxsprings; and increased concentration in the manufacture and sale of innersprings and boxsprings, all in the area east of the Rocky Mountains and in various sections in that area, and all in violation of Section 7 of the Clayton Act.

III

EXPLANATION OF THE PROPOSED FINAL JUDGMENT

The United States and the defendant have agreed, in a Stipulation, that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The Stipulation also provides that there has been no admission by either party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(e), entry of the Judgment by the Court is conditioned upon its determination that the proposed Judgment is in the public interest.

The proposed Final Judgment requires Leggett & Platt to absolutely divest itself of all of its interest in the manufacturing assets and facilities of Greeno within thirty (30) months from the date of entry of the Judgment. (The interest of Leggett & Platt in Greeno is specified in Exhibit A to the proposed Final Judgment.) If Leggett & Platt does not accomplish the divestiture within twelve (12) months from the date of entry of the Judgment, then the Court will appoint a trustee who will have full authority to sell Greeno. If a purchaser for Greeno is not found within twenty-four (24) months from entry of the Judgment, the trustee is required to sell the assets of Greeno, individually or collectively, for the best obtainable price.

In addition, the proposed Final Judgment prohibits Leggett & Platt for ten (10) years from acquiring any of the assets, stock, or share capital of, or merging with, any company located in the United States engaged in the manufacture and sale of innersprings or boxsprings to parties independent of it, unless Leggett & Platt first obtains the consent of the United States or the approval of the Court. While the Complaint requested that Leggett & Platt be ordered to divest all of the assets and interests acquired from both Motor City and Greeno, the divestiture of the Greeno interest and the nationwide injunction against future acquisitions of companies engaged in the business of manufacturing and selling innersprings and boxsprings will help end the trend toward concentration in those markets.

Finally, the proposed Final Judgment provides the Antitrust Division with the right to inspect Leggett & Platt's records and to interview its officers and employees in order to determine and secure compliance with the Final Judgment.

IV

REMEDIES AVAILABLE TO POTENTIAL PRIVATE LITIGANTS

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person who has been

injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal Court to recover three times the damages such person has suffered as well as costs and reasonable attorney's fees. Entry of the proposed final judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), the proposed final judgment will have no prima facie effect in any subsequent private lawsuit which may be brought against the Defendant since it is a consent judgment that will be entered before any testimony has been taken.

V

PROCEDURES AVAILABLE FOR THE MODIFICATION OF THE PROPOSED JUDGMENT

The proposed Final Judgment is subject to a Stipulation between the United States and the defendant, which provides that the United States may withdraw its consent to the proposed Final Judgment at any time until the Court has found that entry of the proposed Judgment is in the public interest. Within the statutory period of sixty (60) days (15 U.S.C. § 16) of the filing of the proposed Final Judgment with the District Court for the Southern District of Ohio in Cincinnati, Ohio, any person may submit written comments regarding the proposed Final Judgment to:

John A. Weedon, Chief, Great Lakes Field Office, Antitrust Division, U.S. Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Such comments and the Antitrust Division's response thereto will be filed with the District Court and published in the FEDERAL REGISTER. The Department of Justice will evaluate such comments and determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

VI

ALTERNATIVE RELIEF PROPOSALS ACTUALLY CONSIDERED BY THE UNITED STATES

The Complaint in this action sought divestiture of all of the assets and interests acquired by Leggett & Platt from Motor City and from Greeno. The United States also sought, during negotiations, the divestiture of a new plant built by Leggett & Platt in Cincinnati. This plant was producing innersprings and boxsprings of the type previously manufactured by Greeno and selling them to Greeno's principal customer.

The United States ultimately determined that a principal purpose of this case was to end a trend toward concentration in these markets achieved by way of merger. Thus, the nationwide injunction against future acquisitions of companies engaged in the business of manufacturing innersprings and boxsprings for sale to parties independent of the seller was deemed to be significant and important relief. This relief was not specifically sought in the prayer for relief.

The United States determined that there was a substantial likelihood that, after trial of this case, the Court would not order divestiture of Motor City. The United States also determined that there was a substantial doubt whether the Court would order the sale of the new plant built in Cincinnati.

Thus, the divestiture of the assets and interest acquired from Greeno as provided for in the proposed Judgment appeared an ac-

ceptable compromise to settle this litigation. It did not appear imperative to force Leggett & Platt out of the Michigan and Ohio markets by requiring divestiture of Motor City and the new plant, so long as the series of acquisitions by Leggett & Platt of innerspring and boxspring manufacturers could be stopped.

Certain requirements of the divestiture order were a principal subject of disagreement between the parties and delayed settlement of this case for several years. Defendant for many years refused to agree to a judgment absolutely requiring sale of Greeno. Because of this dispute, the parties proceeded in discovery and trial preparation until the decision by the Court of Appeals, *United States v. Leggett & Platt, Inc.*, 542 F.2d 655 (6th Cir. 1976).

The United States considered requiring the use of a broker to assist Leggett & Platt in the sale. Ultimately, the United States obtained sufficiently strong powers for the trustee and the absolute requirement to sell Greeno, and thus deemed that Leggett & Platt had it in its self interest to use the best means available to sell Greeno.

It should be noted that settlement of this case and of *United States v. Leggett & Platt*, Civil Action No. 1-78-36, Southern District of Ohio are contingent on each other.

VII

DETERMINATIVE DOCUMENTS

There are no materials or documents which were determinative in formulating the proposed Final Judgment. Consequently, none are being filed by the Plaintiff pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b).

JOHN A. WEEDON,

Attorney, Department of Justice.

DIANE RUBIN WILLIAMS,

SAUNDRA B. WALLACK,

DAVID F. HILLS,

DONALD S. SCHERZER,

Attorneys, Department of Justice,

Antitrust Division, 995 Celebrezze

Federal Building, Cleveland, Ohio

44199. Telephone: 216-522-4080.

[FR Doc. 78-3678 Filed 2-8-78; 8:45 am]

[4110-02]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Meeting

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Extension and Continuing Education and its two standing committees. It also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (5 U.S.C. Appendix I, 10(a)(2)). This document is intended to notify the general public of their opportunity to attend.

NOTICES

with the exception of a 1-hour period for a closed meeting of the council from 4 p.m. to 5 p.m. on March 1, 1978.

DATE: Meeting—March 1-3, 1978.

ADDRESS: Breckenridge Pavilion Hotel, One Broadway, St. Louis, Mo.

FOR FURTHER INFORMATION CONTACT:

James A. Turman, Executive Director, National Advisory Council on Extension and Continuing Education, 425 13th Street NW., Suite 529, Washington, D.C. 20004, telephone 202-376-8888.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89-329. The council is required to report annually to the President, the Congress, the Secretary of HEW, and the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Part A of Title I (HEA) including policies and procedures governing the approval of State plans under section 105; and to advise the Assistant Secretary of HEW on Part B (Lifelong Learning activities) of the title. The Council is required to review the administration and effectiveness of all federally supported extension and continuing education programs.

The meeting of the Council will be open to the public beginning on March 1, 1978, at 2:30 p.m. until 4 p.m.; on March 2, from 8:45 a.m. until 5 p.m.; and on March 3, from 8:45 a.m. ending at 12 Noon.

The agenda for the meeting will include the following items:

- (1) Executive Director's Report.
- (2) Chairperson's Report.
- (3) Action on previous meeting minutes.
- (4) Title I Committee report and discussions.
- (5) Continuing Education Policy Committee report and discussions.
- (6) Discussion of the Council's twelfth annual report.
- (7) Discussion of public policies for postsecondary continuing education.
- (8) Review of the Title I-A (HEA) legislation.
- (9) Community Service and Continuing Education Program report.
- (10) Plans for future NACECE activities.
- (11) Administrative and related issues.
- (12) Other Council business.

The two standing committees of the Council will meet separately on Wednesday, March 1, 1978 from 9 a.m. to 1 p.m., prior to the full Council meeting which begins at 2:30 p.m.

On March 1, 1978, the meeting will be closed to the public from 4 p.m. to 5 p.m. for discussion relating to internal staff personnel matters. The meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and under the exemptions contained in the

Government in the Sunshine Act, section 552b(c) (2) and (6) of Title 5, U.S.C. (Pub. L. 94-409).

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5, U.S.C. 552b(c) will be available to the public within 14 days of the meeting.

All records of the council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th Street NW., Washington, D.C.

Dated: January 31, 1978.

JAMES A. TURMAN,
Executive Director.

[FR Doc. 78-3679 Filed 2-8-78; 8:45 am]

[4110-02]

Public Hearing

AGENCY: National Advisory Council on Extension and Continuing Education.

ACTION: Notice.

SUMMARY: This notice describes the purpose of a forthcoming hearing on policies and procedures relating to extending the resources of postsecondary education institutions to address problems of States and communities, and provide continuing education activities to adult learners. It also describes the functions of the Council. This document notifies the public of the opportunity to participate.

DATE: Meeting—March 1, 1978, from 9 a.m. to 1 p.m.

ADDRESS: Breckenridge Pavilion Hotel, One Broadway, St. Louis, Mo. 63102 (Room: Hawthorne II).

FOR FURTHER INFORMATION CONTACT:

Jessie K. Ulin, Director of Research and Evaluation, National Advisory Council on Extension and Continuing Education, 425 13th Street NW., Suite 529, Washington, D.C. 20004, telephone 202-376-8888.

The National Advisory Council on Extension and Continuing Education was established by Title I of the Higher Education Act of 1965 (Pub. L. 89-329) to advise the President, the Congress, the Secretary of Health, Education, and Welfare, and the Commissioner of Education on policies and procedural matters relating to extension, continuing education and community service programs.

The Council is specifically charged with reporting annually to the President and the Congress on its findings and recommendations for changes in Federal laws and regulations to improve the effectiveness of Federal support for extension, continuing education, and community service programs.

This year, the Council's annual report will include a description of the administrative structures and procedures developed by States and institutions to provide continuing education and community problem-solving activities.

The Council considers it to be particularly important to hear the views and concerns of State and local government officials, representatives of public and private community groups and organizations, and the general public. In order to provide an opportunity for presentation and discussion of issues, the Council has scheduled the second of three open hearings. Notice of the date and site of the final hearing will be published in future issues of the FEDERAL REGISTER.

The Council is interested in a discussion of the following topics but encourages witnesses to direct their presentations to any other issues related to the delivery of continuing education or community service activities.

1. The proper roles and interrelationships of the Federal Government, the States, postsecondary education institutions, and communities in bringing the resources of postsecondary education institutions to address community problems and/or to serve the continuing education needs of adult learners;

2. The ways in which the administration of the community service and continuing education program has enabled States, community groups and organizations, and learners to achieve their goals;

3. The ways in which the administration of the community service and continuing education program might be altered to better accomplish the goals of States, institutions, community organizations and groups, and individuals;

4. The ways in which the priorities and objectives of Federal, State, and institutional community service and continuing education programs are, or should be, arrived at.

Background materials are available upon request. Those interested in testifying personally, in submitting written statements, or in attending the meeting should contact: Mrs. Jessie K. Ulin, Director of Research and Evaluation, National Advisory Council on Extension and Continuing Education, 425 13th Street NW., Suite 529, Washington, D.C. 20004, telephone 202-376-8888.

All records of the Council proceedings are available for public inspection at the Council's staff office, located in Suite 529, 425 13th Street NW., Washington, D.C.

Dated: January 31, 1978.

JAMES A. TURMAN,
Executive Director.

[FR Doc. 78-3680 Filed 2-8-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329-A and 50-330-A]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Reconstitution of Board

A vacancy has existed on this Board and it is necessary to appoint a third member for the further proceedings in this matter. Marshall E. Miller, Esq., is therefore designated as the third member of this Board.

Accordingly, the Board as reconstituted consists of the Chairman:

Hugh K. Clark, Esq., P.O. Box 127A, Kenndyville, Md. 21645.

and the following members:

Dr. J. Venn Leeds, 10807 Atwell, Houston, Tex. 77096.

Marshall E. Miller, Esq., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 3rd day of February 1978.

JAMES R. YORE,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc. 78-3688 Filed 2-8-78; 8:45 am]

[7590-01]

[Docket Nos. 50-275 and 50-323]

PACIFIC GAS AND ELECTRIC CO. (DIABLO CANYON NUCLEAR POWER STATION UNITS 1 AND 2)

Request for Order To Require Pacific Gas and Electric To Cease Certain Work

Notice is hereby given that by letter dated January 3, 1978, the Center for Law in the Public Interest, Los Angeles, Calif., requested that work involving modifications to the Diablo Canyon Nuclear Power Station Units 1 and 2 be halted pending seismic review of such modifications by the Staff and notice to the Advisory Committee on Reactor Safeguards. This request is being treated in accordance with 10 CFR 2.206 of the Commission's regulations. Action will be taken on this request within a reasonable time.

A copy of the request is available for inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the local public document room for the Diablo Canyon Nuclear Power Station located at the San Luis Obispo County Free Library, P.O. Box X, San Luis Obispo, Calif. 93406.

Dated at Bethesda, Md., this 31st day of January, 1978.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of
Nuclear Reactor Regulation.

[FR Doc. 78-3687 Filed 2-8-78; 8:45 am]

[7590-01]

[Docket No. 50-255]

PALISADES NUCLEAR GENERATING PLANT
Availability of Final Addendum to the Final
Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Final Addendum to the Final Environmental Statement (NUREG-0343) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed conversion of the Palisades Plant from a provisional operating license to a full-term operating license at an increased power level. The Palisades Plant is located in Van Buren County, Michigan and is operated by the Consumers Power Company.

The Final Addendum is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Mich. The Final Addendum is also being made available at the Department of Management and Budget, Lewis Cass, Building, Lansing, Mich. 48913, and the southwestern Michigan Regional Planning Commission, 2907 Division Street, St. Joseph, Mich. 49085.

The notice of availability of the Draft Addendum to the FES for the Palisades Nuclear Plant and request for comments from interested persons was published in the FEDERAL REGISTER on November 29, 1976 (41 FR 52333). The comments received from Federal, State, and local organizations and interested members of the public have been included as an appendix to the Final Addendum to the FES.

Copies of the Final Environmental Statement (Document No. NUREG-0343) may be purchased, at current rates, from the National Technical Information Service, Springfield, Va. 22161. (Printed copy: \$6.50; Microfiche: \$3.)

Dated at Bethesda, Md., this 1st day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE KNIGHTON,
Chief, Environmental Projects
Branch 1, Division of Site
Safety and Environmental
Analysis.

[FR Doc. 78-3689 Filed 2-8-78; 8:45 am]

[7590-01]

[Docket Nos. 50-516A and 50-517A]

LONG ISLAND LIGHTING CO. AND NEW YORK STATE ELECTRIC & GAS CORP.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following additional advice from the Attorney General of the United States, dated January 26, 1978:

You have requested antitrust advice pursuant to Section 105 of the Atomic Energy Act, as amended, in regard to the above-cited nuclear generating station.

Jamesport Nuclear Station, Units 1 and 2 were originally wholly owned by Long Island Lighting Co. (LILCO). On January 7, 1975, we rendered antitrust advice in which we concluded that no hearing would be necessary with regard to LILCO's application for a construction permit for those units.

Additionally, on December 27, 1974, we rendered antitrust advice concerning New York State Electric & Gas Corp. with respect to its application to construct the Somerset Nuclear Stations 1 and 2. At that time we advised of our conclusion that the activities under the license applied for would not create or maintain a situation inconsistent with the antitrust laws.

After examination of the current application and review of the relevant data, we have concluded that no intervening circumstances have appeared to warrant a reversal of the advice given with respect to the Somerset Nuclear Station.

We express no opinion, however, concerning the legality under the antitrust laws of the manner in which, or any arrangements pursuant to which, the plants will be operated, should they differ from or extend beyond those matters specifically disclosed in the company's application.

Accordingly, from the information available to us at the present time we conclude that no antitrust hearing by the Nuclear Regulatory Commission will be required with respect to this application.

Any person whose interest may be affected by this proceeding may, pursuant to section 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 13, 1978, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity
Group Nuclear Reactor Regulation.

[FR Doc. 78-3423 Filed 2-8-78; 8:45 am]

[7590-01]

[Docket No. 50-471 and 50-471A]

BOSTON EDISON CO., ET AL.¹Receipt of Additional Antitrust Information;
Time for Submission of Views on Antitrust
Matters

Boston Edison Co., et al.,¹ pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed on July 25, 1977 and December 9, 1977, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information adds Massachusetts Municipal Wholesale Electric Co. as an owner of the Pilgrim Nuclear Generating Station Unit 2.

The information was filed by Boston Edison Co., et al.,¹ in connection with their application for a construction permit and operating license for the Pilgrim Nuclear Generating Station, Unit No. 2, a pressurized water reactor. The site for this plant is located near the Town of Plymouth, in Plymouth County, Mass.

The original antitrust portion of the application was submitted on December 21, 1973 (originally submitted for Units 2 and 3; Unit 3 was subsequently dropped from the application) and notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786). The Notice of Hearing was also published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786).

Copies of the above stated documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Plymouth Public Library, North Street, Plymouth, Mass. 02360.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to the Massachusetts Municipal Wholesale Electric Co. presented to

¹Central Maine Power Co., Central Vermont Public Service Corp., Fitchburg Gas & Electric Light Co., Montpelier Electric Co., New Bedford Gas & Edison Light Co., New England Power Co., Public Service Co. of New Hampshire, the United Illuminating Co., Town of Hudson Light & Power Department, Burlington Electric Department, Vermont Electric Cooperative, Inc., Taunton Municipal Lighting Plant Commission and Massachusetts Municipal Wholesale Electric Co.

NOTICES

the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission on or before April 10, 1978.

Dated at Bethesda, Md., this 6th day of February 1978.

For The Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors
Branch No. 3, Division of Project Management.

[FR Doc. 78-3854 Filed 2-8-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION
SAFETY BOARD

[N-AR-78-6]

PIPELINE ACCIDENT REPORT

Availability

The official investigation report concerning the January 25, 1977 gas explosion and fire near Williamsport, Pa., has been released by the National Transportation Safety Board.

The report number NTSB-PAR-77-4, indicated that the probable cause of the accident was the failure due to thermal contraction of a substandard weld on a 4-inch high pressure gas main which had been lowered and severely stressed by open cut sewer construction.

Two persons were killed and 23 others were injured. Contributing to the fatalities and the large number of injuries to firemen was the gas company's failure to detect the accumulation of gas in the second house that exploded, to evacuate its occupants, and to warn the volunteer firemen of the potentially hazardous conditions that can be created when a high pressure gas main is leaking and is capped by frozen earth.

Eight corrective recommendations have been issued by the Safety Board as a result of its investigation into this accident. Last June 6, Recommendations P-77-6 thru 8 asked the Pennsylvania Gas and Water Co. to nondestructively test a random sample of the welds in the failed pipeline, to instruct personnel in inspection techniques, and to consult with fire departments on the proper response to every type of gas emergency.

On December 9, the Pennsylvania Gas and Water Co. was further asked to (1) conduct an information program for both gas customers and the general public on the characteristics and hazards of natural gas (P-77-38); (2) test the effectiveness of its emergency training procedures for operating personnel, and provide added training, if it is found necessary (P-77-39); and (3) verify the location of all high-pressure

shutoff valves shown on its gas main atlases and update the maps, if necessary (P-77-40).

Also on December 9, the Board recommended that the U.S. Department of Transportation's Materials Transportation Bureau extend its Emergency Services Training Course contract to include a section on the hazardous materials aspects of flammable pipeline materials such as natural gas and liquid hydrocarbons (PP-77-41), and instruct all Office of Pipeline Safety regional compliance offices and State agents to inspect gas companies for compliance with amended 49 CFR 192.615 (emergency plans), particular attention to be given to the provisions of the plans which require the gas companies to effectively train personnel in emergency procedures (P-77-42).

For additional information concerning this accident see 42 CFR 30701, June 16, 1977, and 42 FR 63238, December 15, 1977.

NOTE.—For three months after the date of issuance, January 31, single copies of the report may be obtained without charge by writing to the Publications Section, National Transportation Safety Board, Washington, D.C. 20594, and also multiple copies may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

BARBARA J. BUSH,
Acting Federal Register
Liaison Officer.

FEBRUARY 6, 1978.

[FR Doc. 78-3723 Filed 2-8-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

Office of the Secretary

[CM-8/9]

OCEAN AFFAIRS ADVISORY COMMITTEE

Meeting

The Ocean Affairs Advisory Committee, Marine Science Section, will meet at 10 a.m. on March 16, 1978, in conference room 1406 of the Department of State, Washington, D.C.

The Committee will discuss the future of international cooperation in marine science and technology in view of changes taking place in the concept of jurisdiction over marine science and its management internationally, or changes which might take place in the future. This session will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussions according to the instructions of the Chairman.

NOTICES

The Ocean Affairs Advisory Committee will continue that afternoon and, as necessary, on March 17 in a session which will not be open to the public since the discussions will be devoted to matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and the public interest requires that such discussions be withheld from disclosure. The purpose of these discussions will be to elicit views on alternatives and options open to the United States in development of international marine science and technology policy and its application in the conduct of U.S. foreign relations, and to assist in the preparations for future negotiations in these areas. The disclosure of the alternatives and options under consideration at this time, and the discussions of their pros and cons, could be prejudicial to the U.S. negotiating position and the conduct of foreign relations. This portion of the meeting will include classified briefings and examination and discussion of classified documents, pursuant to Executive Order 11652.

Dated: January 27, 1978.

WILLIAM L. SULLIVAN, JR.,
Director, Office of Marine,
Science and Technology Affairs.
[FR Doc. 78-3513 Filed 2-8-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) (UTILIZED AS AN ADVISORY COMMITTEE)

Reestablishment

Notice is hereby given of the reestablishment of the Radio Technical Commission for Aeronautics (RTCA) as an advisory committee utilized by the Federal Aviation Administration (FAA) and other Government agencies. The Associate Administrator for Engineering and Development, Federal Aviation Administration, is the sponsor.

The membership of RTCA comprises over 100 Government and industry organizations. At this time, nine Government agencies, the Departments of State, Commerce, Army, Navy, and Air Force; the Federal Aviation Administration (FAA) and U.S. Coast Guard of the Department of Transportation; the National Aeronautics and Space Administration (NASA); and the Federal Communications Commission (FCC), participate in RTCA. Private sector members include Aeronautical Radio, Inc. (ARINC); Air Line Pilots Association (ALPA); Air Transport Association of America (ATA); Aircraft Owners and Pilots Association (AOPA); the National Business Air-

craft Association (NBAA); Electronics Industries Association (EIA) Members; and Affiliated Independent Members.

The objective of RTCA is to advance the art and science of aeronautics through the investigation of all available or potential applications of the telecommunication art, their coordination with allied arts, and the adaptation thereof to recognized operational requirements. To achieve this objective, the RTCA through its special committees seek solutions to problems involving the application of electronics and telecommunications to aeronautical operations and frequently recommend technical performance standards and operational requirements for consideration by Government, industry, and aviation users.

The Secretary of Transportation has determined that the utilization of RTCA is necessary in the public interest in connection with the performance of duties imposed on the Federal Aviation Administration by law. Except as provided in section 10(d) of the Federal Advisory Committee Act (86 Stat. 770), meetings of all RTCA committees when utilized as an advisory committee, will be open to the public.

Issued in Washington, D.C. on February 3, 1978.

J. W. COCHRAN,
Associate Administrator for
Engineering and Development.
[FR Doc. 78-3517 Filed 2-8-78; 8:45 am]

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Abbott, Homer W., P.O. Box 252, Cusick, Wash., convicted on October 20, 1975, in the Pend Oreille County Superior Court, Newport, Wash.

Anderson, James D., Route No. 1, Clarksville, Ga., convicted on November 26, 1973, in the U.S. District Court, Athens, Ga.

Arnold, Edward L., 816 South 50th Avenue, Yakima, Wash., convicted on January 2,

1952, in the Superior Court of the State of Washington, Yakima County, Yakima, Wash.

Barnes, Mark S., 904 1/2 South Highland Park Avenue, Chattanooga, Tenn., convicted on June 13, 1972, in the Court of Record, Brevard County, Fla.

Brake, Maloy E., 911 East Dale, Springfield, Mo., convicted on April 13, 1953, in the Douglas County Circuit Court, Douglas County, Mo.

Butts, Sylvester, 4440 Reese Drive, Macon, Ga., convicted on October 19, 1970, in the U.S. District Court, Middle District, Ga.

Camp, John T., Route 3, Box 337, Magnolia, Ark., convicted on October 22, 1974, in the Circuit Court of Columbia County, Ark.

Choate, Percy Owen Dean, 808 East Ironwood Drive, No. 3, Phoenix, Ariz., convicted on May 23, 1967, in the Maricopa County Superior Court, Phoenix, Ariz.; and on August 15, 1968, in the U.S. District Court, Tucson, Ariz.

Coniglio, Henry, Sr., 2233 Brainard Street, New Orleans, La., convicted on August 16, 1949, in the Criminal Court, New Orleans, La.

Crawley, George E., 420 South West 7th, Pendleton, Oreg., convicted on July 9, 1971, in the Circuit Court, Umatilla County, Oreg.

Dobb, Joseph, 12328 Park Heights Avenue, Owings Mills, Md., convicted on January 7, 1960, in the Criminal Court of Baltimore, Baltimore, Md.

Drenson, James H., 1915 Zephyr Way, Sparks, Nev., convicted on July 29, 1963, in the District Court, Chippewa County, Minn.

Eddings, Bruce C., 4315 Yates Drive, Columbus, Ga., convicted on November 3, 1967, in the Muscogee Superior Court, Muscogee County, Ga.

Ellis, Frank M., 108 1/2 Keuka Street, Penn Yan, N.Y., convicted on May 20, 1968, in the Yates County Court, Penn Yan, N.Y.; and on June 8, 1970, in the Seneca County Court, Waterloo, N.Y.

Forrest, Winfred C., 10772 14th S.W., Seattle, Wash., convicted on August 23, 1960, in the Superior Court, King County, Wash.

French, Stanley E., 2860 Hoopes Avenue, Thatcher, Ariz., convicted on July 17, 1972, in the U.S. District Court, Tucson, Ariz.

Gasche, Johnnie Ray, Route 2, Box 1217, Port Angeles, Wash., convicted on July 15, 1974, in the Superior Court of the State of Washington, Clallam County.

Glausier, James W., 451 Pine Street, Camilla, Ga., convicted on August 18, 1972, in the U.S. District Court, Middle District, Albany, Ga.

Greene, Otis B., R.R. 1, Box 190C, Rosedale, Ind., convicted on March 12, 1948, in the Parke County Circuit Court, Parke County, Ind.; and on March 2, 1951, in the Montgomery County Circuit Court, Crawfordville, Ind.

Hall, Terry I., 827 Main Street, Quincy, Calif., convicted on April 28, 1969, in the Superior Court of the State of California, County of Plumas.

Ham, George M., 9406 Sandstone, Houston, Tex., convicted on October 1, 1976, in the 180th District Court of Harris County, Tex.

Hardy, Michael T., 1128 West Augusta, Spokane, Wash., convicted on June 6, 1975, in the Superior Court, County of Spokane, Wash.

Harrelson, Billy C., 5842 Woodview, Humble, Tex., convicted on November 18,

1974, in the District Court of Harris County, Tex.
Hartgrove, Robert D., P.O. Box 10, Ola, Idaho, convicted on July 18, 1970, in the Circuit Court of the State of Oregon for Multnomah County, Portland, Oreg.
Hinson, Martin F., 95 Snyder Circle, Concord, N.C., convicted on August 20, 1956, in the Superior Court, Cabarrus County, N.C.
Holland, James B., North 5329 Madison Street, Spokane, Wash., convicted on May 17, 1971, in the Superior Court of the State of Washington for Spokane County.
Hubbard, James D., 6146 South King Drive, Chicago, Ill., convicted on August 3, 1960, and on January 17, 1967, in the U.S. District Court, Northern District of Illinois, Eastern Division, Chicago, Ill.
Johnston, Darrell W., Route 1, Box 29, Van, Tex., convicted on December 19, 1969, in the Criminal District Court of Dallas County, Tex.; and on November 1, 1974, in the Criminal District Court No. 2 of Dallas County, Tex.
Kaellin, James E., 3307 Old Greenwood Road, Fort Smith, Ark., convicted on March 9, 1966, in the Circuit Court, Sebastian County, Ark.
Kavanagh, Michael E., 318 High School Lane, Irving, Tex., convicted on March 29, 1973, in the Criminal District Court, Dallas, Tex.
Kirby, Eugene I., 90-50 Parsons Boulevard, Jamaica, N.Y., convicted on February 19, 1936, in the Court of General Sessions of the County of New York, N.Y.
Lankford, Melvin D., 1143 Lindell Avenue, Hannibal, Mo., convicted on April 24, 1947, in the Circuit Court of Marion County, Hannibal, Mo.
Lanter, William C., 309 East Main Street, Simpsonville, Ky., convicted on June 16, 1967, in the U.S. District Court, Athens, Ga.; and on February 4, 1970, in the Shelby County Circuit Court, Ky.
Leonard, Johnnie M., Route No. 3, Berry, Ala., convicted on December 12, 1961, in the Circuit Court, Sixth Judicial Circuit of Alabama.
McBride, Dana P., 9242 Lawncrest, Clio, Mich., convicted on April 29, 1974, in the Circuit Court for Genesee County, Flint, Mich.
McClure, Robert J., 7710 Penn Avenue South, Richfield, Minn., convicted on June 20, 1975, in the U.S. District Court, District of Minnesota, Minneapolis, Minn.
McKelley, Steven R., Route 1, Shelley, Idaho, convicted on April 6, 1971, in the District Court, Booneville County, Idaho.
Mayer, Frederick R., 2224 Jackson Street, Lodi, Calif., convicted on February 3, 1964, in the U.S. District Court for the Northern District of California, Northern Division, Sacramento, Calif.
Mills, Henry C., 3626 South Boots Street, Marlon, Ind., convicted on February 8, 1939, in the U.S. District Court, Northern District, Fort Wayne, Ind.
Nelson, Michael R., 118 East I Street, Yakima, Wash., convicted on November 6, 1967, in the Superior Court of the State of Washington in and for Yakima County.
Nicholson, Hughie K., Route 2, Box 90-P1, Hamptonville, N.C., convicted on October 16, 1973, in the U.S. District Court for the Middle District of North Carolina, Wilkesboro Division.
Ort, David L., 53134 C.R. 9, Elkhart, Ind., convicted on August 6, 1948, in the Elkhart County Circuit Court, Indiana.
Overturf, Bobby R., 2716 Shawn Drive, Denison, Tex., convicted on March 23,

1954, in a Military Court Martial, Amarillo Air Force Base, Amarillo, Tex.
Pinter, Larry E., Route 9, Box 149B, Philadelphia, Miss., convicted on May 21, 1975, in the U.S. District Court for the Western District of Kentucky, Paducah Division; and on October 10, 1974, in the Ballard Circuit Court of the Commonwealth of Kentucky.
Powell, Calvin W., 5443 Haverford Avenue, Philadelphia, Pa., convicted on January 24, 1961, in the Common Pleas Court, City and County of Philadelphia, Pa.
Priest, James R., 933A West Lincoln Avenue, Milwaukee, Wis., convicted on May 21, 1971; and on August 31, 1971, in the State of Wisconsin, Circuit Court, Milwaukee County.
Ramsey, Joseph B., Route 5, Box 225F, Bassett, Va., convicted on September 22, 1975, in the Federal District No. 2 Court, Western District of Virginia, Roanoke, Va.
Richardson, Jerry E., Route 1, Box 531-C, Stanley, N.C., convicted on November 1, 1973, in the Rutherford County, Superior Court, Rutherfordton, N.C.
Slack, Raymond T., R.R. No. 15, Brazil, Ind., convicted on October 4, 1937, in the Clay County Circuit Court, Brazil, Ind.
Sorah, Roy H., 13662 Bowen Street, Garden Grove, Calif., convicted on January 4, 1946, in the U.S. District Court, Southern District, Dayton, Ohio; and on July 15, 1963, in the California Superior Court for Los Angeles County, Torrance, Calif.
Stacy, Willis, Jr., P.O. Box 409, Clay City, Ky., convicted on September 21, 1964, in the Estill County Circuit Court, Kentucky.
Stephens, James B., 621 Pelham Road, Greenville, S.C., convicted on April 20, 1977, in the U.S. District Court, District of South Carolina, Greenville, S.C.
Stitt, Jack R., 717 Crawford Street, Flint, Mich., convicted on August 2, 1949, in the Circuit Court, Livingston County, Howell, Mich.
Stoddard, Mark W., PSC-391, Fairchild Air Force Base, Spokane, Wash., convicted on December 12, 1967, and on March 6, 1969, in the Circuit Court of Bay County, Mich.
Story, Hammer B., 898 Brooks Street, Lynchburg, Va., convicted on January 17, 1947, in the U.S. District Court, Western District of Virginia, Roanoke.
Taylor, Otis, Jr., 447 Warren Acres, Lebanon, Ky., convicted on May 9, 1958, in the Marion County Circuit Court, Lebanon, Ky.
Tinney, Patrick H., Route 11, Box 467-A, Olympia, Wash., convicted on or about October 7, 1974, in the Superior Court, State of Washington, Thurston County.
Waterson, Robert N., 7111 Schoolcraft Drive, Davison, Mich., convicted on October 3, 1961, in the Circuit Court of the County of Genesee, Flint, Mich.
Weeks, Donald R., 2110 West Hayes Street, Pensacola, Fla., convicted on September 25, 1973, in the U.S. District Court, Laredo, Tex.
West, Reuben T., 727 Lincoln Street, Norfolk, Va., convicted on February 13, 1970, in the Norfolk Circuit Court, Norfolk, Va.
Zulio, Fred A., 3544 Dover Street, Los Angeles, Calif., convicted in or about January 1962, in the Los Angeles County Superior Court, Los Angeles, Calif.

Signed at Washington, D.C., this 24th day of January 1978.

REX D. DAVIS,
Director, Bureau of
Alcohol, Tobacco and Firearms.
[FR Doc. 78-3762 Filed 2-8-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[Notice No. 585]

ASSIGNMENT OF HEARINGS

FEBRUARY 6, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 121489 (Sub-No. 12), Nebraska-Iowa Express, Inc., now assigned February 28, 1978, at Omaha, Nebr., is canceled and reassigned to Lincoln, Nebr., and will be held at the Nebraska Public Service Commission, 301 Centennial Mall South.
MC 67121 (Sub-No. 10), Harp Transportation Line, now assigned February 22, 1978, at Denver, Colo., will be held at the OSHRC-Courtroom, Suite 1718, 1050 17th Street.
MC 59856 (Sub-No. 72), Salt Creek Freightways, is assigned for continued hearing on February 14, 1978 (4 days), at Spokane, Wash., and will be held at the Sherraton-Spokane, 322 Spokane Falls Court.

H. G. HOMME, JR.
Acting Secretary.

[FR Doc. 78-3717 Filed 2-8-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 48; Rev. S. O. No. 1252]

BALTIMORE & OHIO RAILWAY CO. AND
CHESAPEAKE & OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, The Chesapeake & Ohio Railway Co. and The Baltimore & Ohio Railway Co., comprising the Chessie System, are unable to transport traffic over certain of their lines in the States of Illinois, Indiana, Michigan, Ohio, Kentucky, Pennsylvania, and New York, because of heavy snow.
It is ordered, That:
(a) The Baltimore & Ohio Railway Co. (B&O) and The Chesapeake &

Ohio Railway Co. (C&O), comprising the Chessie System, being unable to transport traffic over certain of their lines in the States of Illinois, Indiana, Michigan, Ohio, Kentucky, Pennsylvania, and New York, because of heavy snow, these lines are authorized to reroute or divert such traffic via any available route within the Chessie System to expedite the movement.

(b) Concurrence of receiving road to be obtained. The B&O and C&O, in rerouting cars in accordance with this order, shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. The B&O and C&O, when rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 8 a.m., January 30, 1978.

(g) Expiration date. This order shall expire at 11:59 p.m., February 3, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 30, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-3465 Filed 2-8-78; 8:45 am]

[7035-01]

[Docket No. AB-7 (Sub-No. 35)]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC
RAILROAD CO.

Abandonment Near Shakopee and Cologne, in Scott and Carver Counties, Minn.; Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated January 17, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions: (1) for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), (2) for public use as set forth in said order, and (3) applicant submit an order from the United States District Court for the Northern District of Illinois, Eastern Division, authorizing Milwaukee Road to file and prosecute the instant application, or if a trustee has been appointed by the court, the joinder of that trustee in the application, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. of that portion of its line of railroad, extending from railroad milepost 25.5 near Shakopee, Minn., in a westerly direction to railroad milepost 38.0 near Cologne, a distance of 12.5 miles, in Scott and Carver Counties, Minn. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

H. G. HOMME, JR.
Acting Secretary.

[FR Doc. 78-3714 Filed 2-8-78; 8:45 am]

[7035-01]

[Docket No. AB-7 (Sub-No. 33)]

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC
RAILROAD CO.

Abandonment Between Spencer and Milford, in Clay and Dickinson Counties, Iowa; Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated January 24, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the: (1) protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), (2) for public use as set forth in said order, and (3) applicant submit an order from the United States District Court for the Northern District of Illinois, Eastern Division, authorizing Milwaukee Road to file and prosecute the instant application, or if a trustee has been appointed by the court, the joinder of that trustee in the application, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. of its line, known as the Spencer to Milford Branch, from milepost 158.0 near Spencer, Iowa, in a northerly direction to milepost 171.9 near Milford, Iowa, a distance of 13.9 miles in Clay and Dickinson Counties, Iowa. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

H. G. HOMME, JR.
Acting Secretary.

[FR Doc. 78-3715 Filed 2-8-78; 8:45 am]

[7035-01]

(Docket No. AB-43 (Sub-No. 29))

ILLINOIS CENTRAL GULF RAILROAD CO.

Abandonment Between Lexington and Gwin in Holmes County, Miss.; Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by an order entered on December 5, 1977, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Illinois Central Gulf Railroad Co. of its line of railroad extending from milepost 12.7 in Lexington to milepost 24.2 in Gwin, a distance of 11.5 miles, all in Holmes County, Miss. A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Co. based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line or railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases"

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published in the *FEDERAL REGISTER* on March 31, 1976, 41 FR 13691. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced order.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-3716 Filed 2-8-78; 8:45 am)

[7035-01]

(Notice No. 291)

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before March 13, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77445, filed January 18, 1978. Transferee: BASIL B. GORDON, d.b.a. VALLEY SPREADER CO. 260 North 9th Street, Brawley, Calif. 92227. Transferor: National Molasses Co., Willow Grove, Pa. 19090. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought for purchase by transferee of the operating rights of transferor in Certificate No. MC 128173 issued August 8, 1966, as follows: *Animal and poultry*

feeds between points in California. Transferee holds no Commission authority and does not seek section 210a(b) temporary authority.

No. MC-FC-77525, filed January 24, 1978. Transferee: FREIGHTMATE, INC., Box 474, Arch Street Extension, Carnegie, Pa. 15106. Transferor: Edward C. Malley, d.b.a. Malley Trucking, 2061 Monongahela Avenue, Pittsburgh, Pa. 15218. Applicant's representative: Arthur J. Diskin, Attorney at Law, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 123308, issued June 14, 1977, as follows: *Bakery products materials, equipment, and supplies incidental to the production of bakery products, potato chips in containers, empty containers for potato chips and bakery products advertising material used in connection with the above commodities, from, to, or between specified points in the States of Pennsylvania, West Virginia, Ohio, and Maryland, and bakery equipment, materials, and supplies incidental to the production of bakery products, and empty containers for bakery materials and supplies, with restrictions, between the plantsite of Malley & Co., Inc., in the Borough of Rosslyn Farms, Allegheny Counties, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, Maryland, Maine, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, North Carolina, Michigan, Missouri, New Jersey, and the District of Columbia. Bakery equipment, materials, and supplies incidental to the production of bakery products, and empty containers for bakery materials and supplies, with restrictions between the plantsite of Malley & Co., Inc., in the Borough of Rosslyn Farms, Allegheny County, Pa., on the one hand, and, on the other, points in Vermont, New Hampshire, Delaware, Virginia, South Carolina, Kentucky, Tennessee, Georgia, Florida, Mississippi, Alabama, Texas, Kansas, Indiana, Illinois, and Wisconsin. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).*

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-3718 Filed 2-8-78; 8:45 am)

[7035-01]

(Volume No. 58)

MOTOR CARRIER OPERATING RIGHTS APPLICATIONS

FEBRUARY 1, 1978

NOTICE

The following applications are governed by Special Rule 247 of the Com-

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mission's General Rules of Practice (49 CFR §1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(E)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(E)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the *FEDERAL REGISTER* of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

MC 4405 (Sub-No. 567), filed December 12, 1977. Applicant: DEALERS TRANSIT, INC., 522 South Boston Avenue, Tulsa, Okla. 74103. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority to operate as a common carrier, by motor vehicle, over irregular routes, in inter-

state or foreign commerce, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles (except travel trailers and camping trailers) in initial movements, (2) *buildings*, complete or in sections, mounted on wheeled undercarriages, in initial movements, from points in Texas to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the application requests it be held at Dallas, Tex.

No. MC 8544 (Sub. 30), filed November 30, 1977. Applicant: GALVESTON TRUCK LINE CORP. d.b.a. GALVESTON TRUCK LINES, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Joe G. Fender, 711 Louisa, 1150 Pennzoil Place, South Tower, Houston, Tex. 77002. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, in the transportation of (1) *such merchandise* as is dealt in or used in the operations of the wholesale, retail, and chain store grocery business (except commodities in bulk, fresh fruits, and vegetables and frozen foods) from the facilities of the Clorox Co., located at Houston, Tex., to points in Oklahoma (except Oklahoma City and points in its commercial zone); and (2) *glass* other than glassware from the plantsite and facilities of Ford Motor Co.—Glass Division, at or near Tulsa, Okla., to points in Texas on and east of a line extending from the Oklahoma-Texas State Line along U.S. Highway 83 to junction U.S. Highway 277, thence along U.S. Highway 277 to the United States-Mexico boundary line at or near Del Rio, Texas (except Denton, Denison, Sherman, Waco, Austin, and San Antonio, Tex.).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Tulsa, Oklahoma or Dallas, Tex.

No. MC 11610 (Sub-No. 14), filed December 12, 1977. Applicant: CANADA TRANSPORT, INC., P.O. Box 271, Norfolk, Neb. 68701. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, Neb. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, from points in Kansas to points in Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Omaha, Neb.

No. MC 24784 (Sub-No. 10), filed December 12, 1977. Applicant: BARRY, INC., 463 South Water Street, Olathe, Kan. 66061. Applicant's representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, Mo. 64141. Authority is sought to operate as a common carrier by motor vehicle, over irregular routes, trans-

porting (1) *vermiculite and cellulose products and manufacturing and application equipment* from the plantsite and storage facilities of Diversified Insulation, Inc., at or near Wellsville, Kan., to points in Arkansas, Illinois, Iowa, Missouri, Nebraska, Oklahoma, South Dakota, and Texas and (2) *chemicals, paper, ore, manufacturing equipment, materials and supplies* used in the manufacture of vermiculite and cellulose products, from points in Arkansas, Illinois, Iowa, Missouri, Nebraska, Oklahoma, South Dakota, and Texas to the plantsite and storage facilities of Diversified Insulation, Inc., at or near Wellsville, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Kansas City, Mo.

No. MC 26396 (Sub-No. 162), filed December 8, 1977. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billing, Suite 300, 2033 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the International Boundary line between the United States and Canada located in Minnesota and North Dakota, South Dakota, Nebraska, Colorado, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Billings, Mont.

No. MC 28636 (Sub-No. 1), filed December 8, 1977. Applicant: E. L. HOLLINGSWORTH & CO., a corporation, 1807 N. Saginaw Street, Flint, Mich. 48503. Applicant's representative: Robert A. Sullivan, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *automobile parts and material, supplies, and equipment* used in the manufacture of motor vehicles between Fenton, Lansing, Flint, and Detroit, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C. or Chicago, Ill.

No. MC 29698 (Sub-No. 20), filed December 9, 1977. Applicant: LESTER FELLOWS CO. (a corporation), Tathan and East Pearl Street, Burlington, N.J. 08016. Applicant's representative: Charles J. Williams, 1815 Front Street, Scotch Plains, N.J. 07076. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and pipe fittings*, from Phillipsburg, N.J., to the District of Columbia, and points in Delaware,

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Maryland, and Virginia, and refused or damaged shipments on return, under a continuing contract or contracts with Atlantic States Cast Iron Pipe Co., of Phillipsburg, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 31389 (Sub-No. 235), filed December 5, 1977. Applicant: MC LEAN TRUCKING CO., (a corporation), 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Wichita, Kans., and Kansas City, Kans.; from Wichita over Interstate Highway 35 to Kansas City, Kans., and return over the same route (also from Wichita over Interstate Highway 135 to junction U.S. Highway 50, thence over U.S. Highway 50 to the junction of Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, Kans., and return over the same route). Serving as intermediate or off-route points in connection with the described regular routes, points in Sedgwick, Reno, McPherson, Harvey, Sumner, and Cowley Counties, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Washington, D.C.

Docket No. MC 35320 (Sub-No. 154), filed December 12, 1977. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Kenneth G. Thomas (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except class A and B explosives, articles requiring other than van-type equipment and household goods as defined by the Commission); Serving the plantsites and facilities of Ace Comb Co., Division of J. B. Williams Co., located at or near Booneville, Ark., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark., or Dallas, Tex.

No. MC 41404 (Sub-No. 136), filed December 12, 1977. Applicant: ARGO COLLIER TRUCK LINES CORP., P.O. Box 440, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Citrus prod-*

ucts, in containers, in vehicles equipped with mechanical refrigeration, from Winston-Salem, N.C., to points in Illinois, Indiana, Kansas, Kentucky, Missouri, Ohio, and Tennessee.

NOTE.—If hearing is deemed necessary, applicant requests it be held at Winston-Salem, N.C., or Raleigh, N.C.

No. MC 53965 (Sub-No. 136), filed December 9, 1977. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: Larry E. Gregg, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Great Bend, Kans., to points in Alabama, Georgia, Mississippi, and Tennessee. Restriction: Restricted to traffic originating at the above-named origin points and destined to the above-named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Topeka or Kansas City, Kans.

No. MC 59150 (Sub-No. 112), filed December 12, 1977. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections, and materials, supplies, and accessories* used in the manufacture and installation thereof (except in bulk in tank vehicles), between the facilities utilized by Robintech, Inc., located at or near Anderson, S.C., and Springfield, Ky., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Fort Worth, Tex.

No. MC 59264 (Sub-No. 65), filed December 12, 1977. Applicant: SMITH & SOLOMON TRUCKING CO., a corporation, How Lane, New Brunswick, N.J. 08903. Applicant's representative: Herbert Burstein, 2373 One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum cans*, in trailers equipped with roller beds, from the plantsite of Reynolds Metals Co., at or near Woodbridge and Carteret, N.J., to the facilities of the Miller Brewing Co., located at or near South Volney, N.Y., and the return of packing materials and re-

fused or rejected shipments to the aforesaid plantsite of Reynolds Metals Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Newark, N.J., or New York, N.Y.

No. MC 59720 (Sub-No. 6), filed December 9, 1977. Applicant: KENMORE TRANSPORTATION CO. (a corporation), 22 Eskow Road, Worcester, Mass. 01604. Applicant's attorney: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a common carrier, over irregular routes, transporting: *Metal containers, component parts of metal containers, and materials, equipment, and supplies* used in the manufacture and distribution of metal containers (except in bulk): Between Baltimore and Fruitland, Md., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C., or Boston, Mass.

No. MC 60253 (Sub-No. 30), filed December 2, 1977. Applicant: ARLINGTON TRUCK CO., a corporation, 524 Oregon Road, Toledo, Ohio 43619. Applicant's representative: Michael M. Briley, 500 Madison Avenue, 12th Floor, Toledo, Ohio 43604. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Glass*, from Toledo, Ohio, to points in Texas; limited to transportation services performed for and under continuing contract with Libbey-Owens-Ford Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio or Washington, D.C.

No. MC 61231 (Sub-No. 114), filed December 12, 1977. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts of irrigation systems*, from Brooten, Minn., to points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Omaha, Nebr.

No. MC 82079 (Sub-No. 58), filed December 23, 1977. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, Mich. 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49503. Authority sought to operate as a common

carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* in mechanically refrigerated vehicles, except in bulk, from the plantsites and warehouse facilities of Terminal Ice & Cold Storage Co., in Bettendorf, Iowa, to points in Indiana and Michigan. Restricted to traffic originating at the above-named origin sites and destined to named Indiana and Michigan points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill. Common control may be involved. Dual operations may be involved.

No. MC 82492 (Sub-No. 172), filed December 1, 1977. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Kalamazoo County, Mich., to points in Kansas, Minnesota, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 90794 (Sub-No. 6), filed December 13, 1977. Applicant: DIJUB LEASING CORP., P.O. Box 155, Uptown, Hoboken, N.J. 07030. Applicant's representative: Thomas F. X. Foley, Colts Neck Professional Plaza, State Highway 34, Colts Neck, N.J. 07722. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), in containers or in trailers having a prior or subsequent movement by water, between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to junction U.S. Highway 11 at or near Camp Hill, Pa., thence along U.S. Highway 11 to Pennsylvania-Maryland State line, and points in that part of New York on, west and north of a line beginning at the New York-Pennsylvania State line at or near Lawrenceville, Pa., and extending along U.S. Highway 15 to Corning, N.Y., thence along New York Highway 17 to Horseheads, N.Y., thence along New York Highway 13 to Cortland, N.Y., thence along U.S. Highway 11 to Syracuse, N.Y., thence along U.S. Highway 5 to Schenectady, N.Y., thence along New York Highway

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50 to Saratoga Springs, N.Y., thence along U.S. Highway 9, via Glens Falls, N.Y., to junction New York Highway 149, thence along New York Highway 149 to junction U.S. 4, at or near Fort Ann, N.Y., thence along U.S. Highway 4 to the New York-Vermont State line at or near Fair Haven, Vt.; (2) *containers and chassis*, between points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island.

NOTE.—If a hearing is required applicant requests it be held in Newark, N.J., or New York, N.Y.

MC 95876 (Sub-No. 226), filed January 13, 1978. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron, steel, zinc, lead, and articles or products thereof, building materials, construction materials, supplies, and equipment, springs*, from the plantsites and warehouse facilities of Penn-Dixie Steel Corp., located at or near Kokomo, Ind.; Elkhart, Ind.; Toledo, Ohio; Columbus, Ohio; Lansing, Mich.; Grand Rapids, Mich.; Denver, Colo.; Albuquerque, N. Mex.; Centerville, Iowa; Blue Island, Ill.; Joliet, Ill.; Jackson, Miss.; Nazareth, Pa.; Cabot, Pa.; Petoskey, Mich.; Holland, Mich.; Detroit, Mich.; Chicago, Ill.; Milwaukee, Wis.; West Des Moines, Iowa; Kingsport, Tenn.; Knoxville, Tenn.; Richard City, Tenn.; Atlanta, Ga.; Salisbury, N.C.; North Arlington, N.J.; North Judson, Ind.; Cicero, Ind.; and Newton, Kans., to points in the United States (except Alaska and Hawaii); (2) *materials, supplies, and equipment* used in the manufacture and distribution of commodities named in (1) above, from points in the United States (except Alaska and Hawaii), to the plantsites and warehouse facilities of Penn-Dixie Steel Corp., located at or near Kokomo, Ind.; Fort Wayne, Ind.; Elkhart, Ind.; Toledo, Ohio; Columbus, Ohio; Lansing, Mich.; Grand Rapids, Mich.; Denver, Colo.; Albuquerque, N. Mex.; Centerville, Iowa; Blue Island, Ill.; Joliet, Ill.; Jackson, Miss.; Nazareth, Pa.; Cabot, Pa.; Petoskey, Mich.; Holland, Mich.; Detroit, Mich.; Chicago, Ill.; Milwaukee, Wis.; West Des Moines, Iowa; Kingsport, Tenn.; Knoxville, Tenn.; Richard City, Tenn.; Atlanta, Ga.; Salisbury, N.C.; North Arlington, N.J.; North Judson, Ind.; Cicero, Ind.; and Newton, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. Common control may be involved.

No. MC 97310 (Sub-No. 25), filed November 15, 1977. Applicant: SHAR-

RON MOTOR LINES, INC., P.O. Box 5636, Meridian, Miss. 39301. Applicant's representative: John P. Carlton, 727 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives and commodities which by reason of size or weight require the use of special equipment): (1) Between Birmingham, Alabama, and Memphis, Tennessee, (a) from Birmingham over U.S. Highways 31 and Interstate 65 to Athens, Ala., thence over U.S. Highway 72 to Memphis, and return over the same route; (b) from Birmingham over U.S. Highway 78 to Memphis, and return over the same route; and (c) from Birmingham over U.S. Highway 11 and Interstate Highways 59 and 20, to Tuscaloosa, Ala., thence over U.S. Highway 82 to Columbus, Miss., thence over U.S. Highway 45 to Tupelo, Miss., thence over U.S. Highway 78 to Memphis and return over the same route; (2) between Montgomery, Ala., and Greenville, Miss.: From Montgomery over U.S. Highway 82 to Greenville and return over the same route; (3) between Columbus, Miss., and Demopolis, Ala.: From Columbus over Mississippi Highway 69 to its intersection with Alabama Highway 14 at the Alabama-Mississippi state boundary line, thence over Alabama Highway 14 to its intersection with U.S. Highway 43, thence over U.S. Highway 43 to Demopolis, and return over the same route; (4) between Tupelo and Clarksdale, Miss.: From Tupelo over Mississippi Highway 6 to Clarksdale and return over the same route; (5) between Eupora and Oakland, Miss.: From Eupora over Mississippi Highway 9 to its intersection with Mississippi Highway 32, thence over Mississippi Highway 32 to Oakland and return over the same route; (6) between Greenwood and Granada, Miss.: From Greenwood over Mississippi Highway 7, to its intersection with Mississippi Highway 8, thence over Mississippi Highway 8 to Granada, and return over the same route; (7) between Greenwood and Clarksdale, Miss.: From Greenwood over U.S. Highway 49E to its intersection with U.S. Highway 49, thence over U.S. Highway 49 to Clarksdale and return over the same route; (8) between Forest, Miss., and the intersection of Interstate Highway 55 with Mississippi Highway 35 at or near Vaiden, Miss.: From Forest over Mississippi State Highway 35 to its intersection with U.S. Highway Interstate 55 and return over the same route; (9) between Meridian and Corinth, Miss.: From Meridian over U.S. Highway 45 to Corinth and return over the same route; and (a) between the intersection of U.S. Highways 45 and Alternate 45 at or near Brooksville, Miss., and the

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intersection of U.S. Highways 45 and Alternate 45 at or near Shannon, Miss., over U.S. Highway Alternate 45 and return over the same route; (10) between Meridian and New Albany, Miss.: From Meridian over Mississippi Highway 15 to New Albany and return over the same route; and (a) between Philadelphia, Miss., and the intersection of U.S. Highway Interstate 20 and Mississippi State Highway 50: From Philadelphia over Mississippi State Highway 21 to Forest, Miss., thence over Mississippi State Highway 501 to its intersection with U.S. Highway Interstate 20, and return over the same route; (11) between Jackson, Miss., and Memphis, Tenn.: From Jackson over U.S. Highway 51 (also over Interstate Highway 55), to Memphis and return over the same route; and (a) between the intersection of U.S. Highways 49E and 49 at or near Yazoo City and Jackson, Miss.: From the intersection of U.S. Highways 49E and 49 at or near Yazoo City, Miss., over U.S. Highway 49 to Jackson, and return over the same route; (12) between Vicksburg and Greenwood, Miss.: From Vicksburg over Mississippi Highway 3 to its intersection with U.S. Highway 49E, thence over U.S. Highway 49E to Greenwood and return over the same route; and (13) between Vicksburg, Miss., and Memphis, Tenn.: From Vicksburg over U.S. Highway 61 to Memphis and return over the same route, serving all intermediate points lying on Routes 1-13 above and serving all other points in Mississippi lying on and North of U.S. Highway 80 as off-route points in conjunction with Routes 1-13 above, restricted against provisions of single-line service to or from points in Arkansas and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at either Birmingham, Ala., Jackson, Miss., or Memphis, Tenn., and as an alternate choice, Montgomery, Ala., Meridian or Tupelo, Miss.

No. MC 98327 (Sub-No. 25) (correction), filed October 26, 1977, published in the FEDERAL REGISTER issue of December 15, 1977, and republished as corrected this issue. Applicant: SYSTEM 99, a corporation, 8201 Edgewater Drive, Oakland, Calif. 94621. Applicant's representative: Michael J. O'Neill, 8201 Edgewater Drive, Oakland, Calif. 94621. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission and commodities requiring special equipment): (1) Between Reno, Nev., and the junction of Idaho State Highway 55 and U.S. Highway 30 as an alternate route for operating convenience only. Serving

no intermediate points: From Reno, Nev., over Interstate Highway 80, to its junction with U.S. Highway 95 (near Winnemucca, Nev.), thence over U.S. Highway 95 to its junction with Idaho State Highway 55, thence over Idaho State Highway 55 to its junction with U.S. Highway 30 and return over the same route.

NOTE.—The purpose of this republication is to indicate applicant's regular route authority, as requested, which was inadvertently published in error in the FEDERAL REGISTER. Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at San Francisco, Calif.

No. MC 100449 (Sub-No. 81), filed December 12, 1977. Applicant: MAL-LINGER TRUCK LINE, INC., RFD No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in App. 1, sections A and C 61 MCC 209 and 766 (except hides and commodities in bulk) from the facilities of Geo. A. Hormel & Co., at Fort Dodge, Iowa, Austin, Minn., and Fremont, Nebr., to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Minneapolis, Minn.

No. MC 100449 (Sub-No. 81), filed December 12, 1977. Applicant: MAL-LINGER TRUCK LINE, INC., RFD No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Indianapolis, Ind., to points in North Dakota and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests that the hearing be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 105045 (Sub-No. 78) filed: December 12, 1977. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, Ind. 47701. Applicant's representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Metal forming, punching and stamping machinery, and parts and accessories*, from Minster, Ohio, to points in Connecticut,

Delaware, Massachusetts, New Jersey, New York, North Carolina, Rhode Island, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Columbus, Ohio, or Washington, D.C.

MC 106497 (Sub-No. 152), filed: December 12, 1977. Applicant: PARK-HILL TRUCK CO., a corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: (1) *Cable*, from points in Madison County, Ky., to points in the United States (including Alaska, but excluding Hawaii); and (2) *empty cable reels*, from points in the United States (including Alaska, but excluding Hawaii), to points in Madison County, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Washington, D.C. or Philadelphia, Pa.

MC 106497 (Sub-No. 153), filed: December 12, 1977. Applicant: PARK-HILL TRUCK CO., a corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Pipe, boiler tubing and fabricated steel pipe, boilers and boiler parts (valves), coal crusher-feeders and burners, fabricated steel weldments, steel castings, and steel plate*, from the plantsites of Riley Stoker Corp. located at Erie, Pa., and Sapulpa, Okla., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary the applicant requests that it be held at either Pittsburgh, Pa., or Washington, D.C.

No. MC 106644 (Sub-No. 246), filed: December 9, 1977. Applicant: SUPERIOR TRUCKING CO., INC., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: Frank Hall, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, over irregular routes, by motor vehicle, transporting: (1) *Agricultural machinery and implements, including parts and attachments*, (2) *Industrial and construction machinery and equipment, parts, and attachments* when moving in mixed loads with such commodities: From the facilities of Allis Chalmers Co. in Jackson County, Mo.; and Shawnee County, Kans., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If an oral hearing is deemed necessary, we request it be held at either Milwaukee, Wis., or Washington, D.C.

No. MC 106674 (Sub-No. 271), filed December 2, 1977. Applicant: SCHILLI

MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47877. Applicant's representative: Linda J. Sundry (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper craft bags*, and *poly-bags*, from the facilities of the Apex Bag Co. at or near Spencer-ville, Ohio, to Lee, Mass.; Oskaloosa, Iowa; and points in Illinois, Indiana, Kentucky, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Wisconsin, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Indianapolis, Ind. or Chicago, Ill.

No. MC 106674 (Sub-No. 272), filed December 2, 1977. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47877. Applicant's representative: Linda J. Sundry (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery products* from the plant-site and storage facilities of Peter Paul, Inc., at or near Frankfort, Ind. to points in Michigan, Missouri, and Ohio. (2) *Materials, equipment and supplies* (except in bulk) used in the manufacture, distribution and sale of candy and confectionery products from points in the above named States to the plantsite and storage facilities of Peter Paul, Inc., at or near Frankfort, Ind. Restriction: Parts (1) and (2) restricted to the transportation of traffic originating at or destined to the plantsite and warehouse facilities of Peter Paul, Inc., at or near Frankfort, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in either Chicago, Ill. or Indianapolis, Ind.

No. MC 108341 (Sub-No. 76), filed December 9, 1977. Applicant: MOSS TRUCKING CO., INC., 3027 N. Tryon St., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Morton E. Kiel, suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Chatham County, Ga., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga., or Washington, D.C. Common control may be involved.

No. MC 109397 (Sub-No. 374), filed December 9, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant).

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wire, wire mesh and nails*, from the facilities of Atlas Steel and Wire Corp. located at or near Harahan, La., to points in Florida, Georgia, South Carolina, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New Orleans, La. or Mobile Ala.

No. MC 109397 (Sub-No. 376), filed December 12, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Buildings*, complete, knocked down or in sections, (b) *building sections and building panels*, and (c) *metal prefabricated structural components and panels*, from the plantsite and facilities of American Buildings Co. located in Lyon County, Nev., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Texas, Utah, Washington, and Wyoming; (2) *materials, supplies and parts* (except commodities in bulk) used in the manufacture and servicing of commodities in (1) (a), (b) and (c) above, from points in the United States (except Alaska and Hawaii), to points in Lyon County, Nev.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Reno, Nev. or Carson City, Nev.

No. MC 109397 (Sub-No. 378), filed December 12, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mechanical lifting equipment, parts and attachments*, (1) from the facilities of Snorkel Division of A-T-O, Inc. located in St. Joseph, Mo., to points in the United States (including Alaska, but excluding Hawaii), and (2) from the facilities of Snorkel Division of A-T-O, Inc. located in St. Joseph, Mo., to all ports of entry on the International Boundary line between the United States and Canada, restricted to traffic destined to the Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Saskatchewan, and the Yukon, Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Kansas City, Mo. or Tulsa, Okla.

No. MC 109397 (Sub-No. 380), filed December 12, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Light construction equipment*, (a) from Honeoye, N.Y. and Brunswick, Ga., to points in the United States (including Alaska, but excluding Hawaii), and (b) from Honeoye, N.Y. and Brunswick, Ga., to ports of entry on the International Boundary line between the United States and Canada located at all ports of entry, restricted to traffic destined to the Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Saskatchewan, and the Yukon, Canada; (2) *equipment, materials and supplies* used or useful in the manufacture of commodities in (1) above, from points in the United States (except Alaska and Hawaii), to Honeoye, N.Y. and Brunswick, Ga. Restricted to traffic originating at or destined to the plantsites or warehouse facilities of Stone Construction Equipment, Inc., located at or near Honeoye, N.Y. and Brunswick, Ga., and further restricted against shipments which because of size or weight require special handling or special equipment; and further restricted against the transportation of commodities in bulk.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Buffalo, N.Y. or Washington, D.C.

No. MC 109397 (Sub-No. 381), filed December 12, 1977. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Mechanical work platforms and parts and attachments* of mechanical work platforms, between the plantsite and storage facilities of Mark Industries, Inc., located in Los Angeles County, Calif., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests that it be held at either Los Angeles or San Francisco, Calif.

No. MC 109443 (Sub-No. 27), filed December 1, 1977. Applicant: SEABOARD TANK LINES, INC., Monahan Avenue, Dunmore, Pa. 18512. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a common carrier, over irregular routes, transporting: *Litharge*, dry, in bulk, from Dunmore, Pa. to points in Kentucky.

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NOTE.—If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 109633 (Sub-No. 25), filed December 12, 1977. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, Ill. 60627. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, commodities in bulk, commodities requiring special equipment), between Darke, Shelby, Champaign, Madison, Franklin, Pickaway, Fayette, Clark, Miami, Preble, Montgomery, Greene, Clinton, Warren, Butler, Hamilton, Clermont, Allen, Auglaize, Mercer, and Van Wert Counties, Ohio, on the one hand, and on the other, points in Illinois on and south of U.S. Highway 36, and St. Louis, Mo.

NOTE.—The purpose of this application is to eliminate the Clinton County, Ind., gateway and to redescribe the portion of Ohio which applicant is authorized to serve. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 774), filed December 13, 1977. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier, by motor vehicle over irregular routes, transporting: Chemicals, in bulk, in tank vehicles, between Gurnee, Ill., on the one hand, and on the other, Macon, Ga.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Cincinnati, Ohio. Common control may be involved.

No. MC 110525 (Sub-No. 1219), filed December 12, 1977. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier, by motor vehicle over irregular routes, transporting: Liquid chemicals, in bulk, in tank vehicles, from: Watford, N.Y., to Fitchburg and Pittsfield, Mass.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at New York, N.Y.

No. MC 111231 (Sub-No. 224), filed December 12, 1977. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: Don A. Smith,

P.O. Box 43, 510 North Greenwood, Fort Smith, Ark. 72902. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Cheese, cheese food, and cheese spreads, and refused and rejected shipments, from Monett, Mo., to points in Pennsylvania, restricted to traffic originating at the plantsite or storage facilities of L. D. Schreiber Cheese Co. at Monett, Mo.*

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

Docket No. MC 111309 (Sub-No. 11), filed December 5, 1977. Applicant: NEWPORT TRUCKING CORP., a corporation, 4600 Fifth Street, Long Island City, N.Y. 11101. Applicant's representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield N.J. 07006. Authority sought to operate as a *contract carrier, by motor vehicle, over irregular routes, in the transportation of: (1) Carbonated beverages, in containers, and empty containers, from the plantsite of Pepsi-Cola Metropolitan Bottling Co., Inc. at Teterboro, N.J., to points in Connecticut, Massachusetts, Rhode Island, New York, and Pennsylvania, (2) new and used containers, closures and lids, and packaging materials, from points in Pennsylvania, New York, Connecticut, New Jersey, and Massachusetts, to the plantsites of Pepsi-Cola Metropolitan Bottling Co., Inc. at Teterboro, N.J., Philadelphia, Pa., and Long Island City, N.Y., and (3) carbonated beverages, in containers, and packaging materials, from the plantsite of Pepsi-Cola Metropolitan Bottling Co., Inc. at Philadelphia, Pa., to points in Connecticut, Massachusetts, Rhode Island, New York, and New Jersey, and (4) new and used containers, closures and lids, and packaging materials, from points in Delaware to the plantsites of Pepsi-Cola Metropolitan Bottling Co., Inc., at Philadelphia, Pa., Teterboro, N.J., and Long Island City, Brooklyn, Bronx, and Mount Vernon, N.Y., and points in Massachusetts and Rhode Island, under a continuing contract or contracts in (1) through (4) above with Pepsi-Cola Metropolitan Bottling Co., Inc.*

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. Common control may also be involved.

No. MC 111812 (Sub-No. 552), filed December 8, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Paper and paper products from the plantsite and warehouse facilities of*

the International Paper Co. at or near Corinth and Ticonderoga, N.Y. to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming, District of Columbia, points in New York on and west of Interstate Highway 81, and Pennsylvania on and west of U.S. Highway 15.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in New York, N.Y. Common control may be involved.

No. MC 111812 (Sub-No. 553), filed December 8, 1977. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Logansport, Ind. to points in California and Nevada. Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Dallas, Tex.

No. MC 112801 (Sub-No. 196), filed December 5, 1977. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Plastic materials, dry, in bulk, in tank vehicles, from Illinois, Ill., to points in Georgia, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, Virginia, and Wisconsin.*

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Columbus, Ohio, or Washington, D.C.

No. MC 112822 (Sub-No. 442), filed December 2, 1977. Applicant: BRAY LINES INC., 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant).

Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Cheese, cheese products and synthetic cheese* (except in bulk), from the plantsite and storage facilities of or utilized by L. D. Schreiber Cheese Co., Inc., in Barry and Lawrence Counties, Mo., to points in Arizona, California, and Colorado. Restricted to traffic originating at the named origin points and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Tulsa, Okla. Common control may be involved.

No. MC 112822 (Sub-No. 443), filed December 9, 1977. Applicant: BRAY LINES, INC., 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs* (except dairy products, chilled and frozen bakery products, frozen fruits, frozen vegetables, frozen berries, frozen french fries, frozen pizza and pizza pie ingredients), from the facilities of Merchants Refrigerating Co., at or near Denver, Colo., to points in Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113362 (Sub-No. 314), filed December 9, 1977. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., P.O. Box 439, Austin, Minn. 55912. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Albert Lea, Minn., Cedar Rapids, and Des Moines, Iowa, to points in Tennessee. Restriction: Restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

MC 113651 (Sub-No. 247), filed December 12, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Muncie, Ind. 47305. Applicant's representative: George E. Batty (same address as applicant). Authority sought to operate as a *common carrier,*

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er, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from Columbus, Ind., to points in Texas. Restriction: Restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

MC 113855 (Sub-No. 395), filed December 12, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: Fireplace air heaters and ventilators, iron, parts and accessories for fireplace air heaters and ventilators, from Fullerton, Calif., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Louisiana* (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

MC 113855 (Sub-No. 396), filed December 12, 1977. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, in interstate or foreign commerce, transporting: (1) Aircraft, aircraft engines and aircraft assemblies, (2) equipment used in the maintenance, servicing, and operation of aircraft, (3) parts of (1) and (2) above, between points in the United States (including Alaska but excluding Hawaii), for the account of United Airlines.*

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114211 (Sub-No. 332), filed December 1, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier over irregular routes, by motor vehicle, transporting: Such commodities as are dealt in or used by agricultural equipment and industrial equip-*

ment dealers and manufacturers (except commodities in bulk), between Armstrong, Iowa, on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii) and including all Ports of Entry between the United States and Canada for furtherance in foreign commerce.

NOTE.—If a hearing is deemed necessary, we request it be held at either Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 114211 (Sub-No. 334), filed December 12, 1977. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa 50704. Applicant's representative: Mr. Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Lumber, lumber mill products, forest and wood products from points in Arkansas to points in the United States* (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, we request it be held at either Little Rock, Ark., Ft. Smith, Ark., or Memphis, Tenn.

No. MC 114273 (Sub-No. 317), filed December 12, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Wood and plastic moldings, from the plantsite and storage facilities utilized by Abitibi Corp., located at or near Middlebury, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin. Restricted to traffic originating at and destined to the above-mentioned points.*

NOTE.—Common Control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 114273 (Sub-No. 319), filed December 9, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier, by motor vehicle, over irregular routes, transporting: Containers, from the plantsite and storage facilities of Brockway Glass at Zanesville, Ohio, to Davenport, Marion, Muscatine, and Riverdale, Iowa, and Rock Island, Ill. Restricted to traffic originating at the above-named plantsite and destined to the above-named points.*

NOTE.—The purpose of this application is to substitute single-line service for existing joint-line service. Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at either Chicago, Ill., or Washington, D.C.

No. MC 114273 (Sub-No. 320), filed December 9, 1977. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Kenneth L. Core (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed* (except bulk, in tank vehicles) from Marion, Ohio, to points in Delaware, Maryland, Michigan, New Jersey, New York, Pennsylvania, and Virginia. Restricted to traffic originating at Marion, Ohio, and destined to the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 114457 (Sub-No. 343), filed December 13, 1977. Applicant: DART TRANSIT CO. (a corporation), 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plastic articles* (except in bulk), from the plantsite and warehouse facility of Mobil Chemical Co., Plastics Division at Frankfort, Ill., to points in Oklahoma, Arkansas, Wisconsin, Illinois, Tennessee, Kentucky, Indiana, Ohio, Michigan, Colorado, Texas, Georgia, New York, California, South Carolina, West Virginia, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 114552 (Sub-No. 145), filed December 8, 1977. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections and materials, supplies and accessories* used in the manufacture and installation thereof (except in bulk, in tank vehicles), between the facilities utilized by Robintech Inc. at or near Anderson, S.C., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary applicant requests it be held at either Columbia, S.C., Charlotte, N.C., or Ft. Worth, Tex.

No. MC 114890 (Sub-No. 78), filed December 12, 1977. Applicant: C. E. REYNOLDS TRANSPORT, INC., P.O. Box "A", Joplin, Mo. 64801. Applicant's representative: T. M. Brown,

223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, and *ingredients and materials used in the manufacture of liquid feed*, in bulk, in tank vehicles, between Carthage, Mo., on the one hand, and, on the other, points in Arkansas, Iowa, Kansas, Nebraska, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Oklahoma City or Tulsa, Okla., or Kansas City, Mo.

No. MC 115162 (Sub-No. 399), filed December 8, 1977. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, Registered Practitioner, P.O. Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Plastic, plastic articles, plastic pipe, tubing, fittings, connections, and materials, supplies, and accessories* used in the manufacture and installation thereof, between the facilities utilized by Robintech, Inc., at or near Grinnell, Iowa, Rolla, Mo., Hillsboro, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Washington, D.C.

No. MC 115826 (Sub-No. 280), filed December 5, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088 T.A., Denver, Colo. 80217. Applicant's representative: Howard Gore, P.O. Box 5088 T.A., Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *candies and confectioneries*; from Salt Lake City, Utah to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Iowa, Illinois, Kansas, Mississippi, Minnesota, Missouri, Nebraska, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Salt Lake City, Utah.

No. MC 115826 (Sub-No. 281), filed December 9, 1977. Applicant: W. J. DIGBY, INC., P.O. Box 5088, Terminal Annex, 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Howard Gore, P.O. Box 5088, Terminal Annex, 1960 31st Street, Denver, Colo. 80217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meat and meat products* (except commodities in bulk) from Searcy, Ark. to Denver, Colo.

NOTE.—If a hearing is deemed necessary, applicant requests it to be held in Denver, Colo.

No. MC 115841 (Sub-No. 585), filed December 9, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, Tenn. 37919. Applicant's representative: E. Stephen Heasley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by John Morrell & Co., at or near Shreveport, La. to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. Restricted to traffic originating at the named origins and destined to points in the named destination States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Chicago, Ill. or Washington, D.C.

No. MC 115841 (Sub-No. 587), filed December 7, 1977. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, Tenn. 37919. Applicant's representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums, aquarium supplies, and materials and supplies* used in the manufacturing and distribution thereof (except commodities in bulk), from Canton, Ga. to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held in Atlanta, Ga., or Washington, D.C.

No. MC 117303 (Sub-No. 13), filed December 1, 1977. Applicant: HUDSON VALLEY CEMENT LINES, INC., P.O. Box 203, Claverack, N.Y. 12513. Applicant's representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Hartford, Conn. to points in Connecticut, Massachusetts, New Hampshire, Vermont, Rhode Island, and New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York or Albany, N.Y.

No. MC 117815 (Sub-No. 271), filed December 9, 1977. Applicant: PULLY

FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Dewey Marselle 405 SE. 20th Street, Des Moines, Iowa 50317. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hot water heaters and parts and accessories thereof*, from the facilities of or utilized by Lochinvar Water Heater Corp., located at or near Nashville, Tenn., to points in Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Nashville, Tenn., or Des Moines, Iowa.

No. MC 117940 (Sub-No. 245), filed December 9, 1977. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, P.O. Box 104, Maple Plain, Minn. 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* dealt in by wholesale, retail, chain grocery, and food business houses, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) from the plantsite and warehouse facilities of Kraft, Inc. at Springfield, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. Restricted to traffic originating at the above named origin and destined to the above named destination States.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo. or Dallas, Tex. Applicant holds contract carrier authority in MC 114789, Sub 16 and other subs, therefore dual operations may be involved.

No. MC 119522 (Sub-No. 36), filed December 9, 1977. Applicant: McLAIN TRUCKING, INC., 2425 Walton Street, P.O. Box 2159, Anderson, Ind. 46011. Applicant's representative: John B. Leatherman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel bars and billets*, from Owensboro, Ky. to Indianapolis, New Castle, Muncie, and Portland, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Louisville, Ky., or Chicago, Ill.

No. MC 119555 (Sub-No. 19), filed December 8, 1977. Applicant: OIL AND INDUSTRY SUPPLIERS LTD.,

P.O. Box 3500, Calgary, Alberta T2P 2P9, Canada. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rapeseed oil*, in bulk, in tank vehicles, from the port of entry on the International Boundary line at or near Noyes, Minn. to Huntington, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at any city in Montana.

No. MC 119642 (Sub-No. 6), filed December 9, 1977. Applicant: JANESVILLE AUTO TRANSPORT CO., a Corporation, 1800 South Jackson Street, P.O. Box 959, Janesville, Wis. 53545. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: *Motor vehicles*, in initial movements, in truckaway service, from Flint and Lansing, Mich., to points in Wisconsin, Illinois, Iowa, and Minnesota, under a continuing contract or contracts with General Motors Corp.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 119726 (Sub-No. 112), filed November 17, 1977. Applicant: N.A.B. TRUCKING CO., INC., 1644 W. Edgewood Avenue, Indianapolis, Ind. 46217. Applicant's representative: James L. Beaty, 130 East Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical care products and materials, equipment, and supplies* (except commodities in bulk), from the plant and warehouse facilities of Baxter Travenol Laboratories located at or near Cleveland, Miss. and Memphis, Tenn., to Mansfield, Mass., Edison, N.J.; Buffalo, N.Y.; Pittsburgh, Pa.; Jessup, Md.; Richmond, Va.; Raleigh and Charlotte, N.C.; Lockland, Columbus, and Cleveland, Ohio; Melvindale, Mich.; Indianapolis, Ind.; Morton Grove, Ill.; St. Louis, Mo.; Birmingham, Ala.; Morrow, Ga.; Tampa and Miami, Fla.; New Orleans, La.; Tulsa, Okla.; Minneapolis, Minn.; Omaha, Nebr.; Grand Prairie, San Antonio, and Houston, Tex.; Denver, Colo.; Billings, Mont.; Phoenix, Ariz.; Seattle, Wash.; Union City and Buena Park, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC 119777 (Sub-No. 339), filed December 12, 1977. Applicant: LIGON

SPECIALIZED HAULER, INC., Madisonville, Ky., 42431. Applicant's representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, Ky., 42431. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from the facilities of Masonite Corp. located in Lauderdale County, Miss., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—Common control and dual operations may be involved. Applicant holds contract carrier authority in MC 126970 Subs 1 and 3. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.; Nashville, Tenn., or St. Louis, Mo.

No. MC 119789 (Sub-No. 399), filed December 2, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kegs, Glass, Bottle caps, Empty Bottles, Pallets, Cartons, Empty Cans, Plastic carriers, Glue, Aluminum cans, Aluminum, sheets or rolls, materials and supplies* (except commodities in bulk) used in the manufacture and distribution of malt beverages, from points in and East of Wisconsin, Illinois, Missouri, Oklahoma, and Texas to Pabst, Houston County, Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Macon or Atlanta, Ga.

No. MC 119789 (Sub-No. 400), filed December 9, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carriers Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk) from the facilities of Peter Eckrich & Sons, Inc. at or near Allen, Hillsdale County, Mich., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Fort Wayne or Indianapolis, Ind.

No. MC 119789 (Sub-No. 401), filed December 9, 1977. Applicant: CARA-

VAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr., P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Transformers and parts* (except commodities which because of size or weight require the use of special equipment) from Arcadia, Fla., to points in California, Idaho, Iowa, Kansas, Minnesota, Missouri, New Mexico, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Tampa, Fla.

No. MC 119789 (Sub-No. 402), filed December 12, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Lewis Coffey, P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building panels; panels; finished or unfinished; panels, insulated; custom made insulated building panels; panels, flashing, screws, tapes and accessories* used in the installation of panels from Dallas, Tex., to points in the United States (except Alaska, Hawaii, Washington, Idaho, Montana, Oregon, California, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island).

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Dallas, Tex.

No. MC 119789 (Sub-No. 404), filed December 12, 1977. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Lewis Coffey, P.O. Box 6188, Dallas, Tex. 75222. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: (1) *Paint*, in containers, from Ennis, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Virginia, and Wyoming; (2) *materials, equipment, and supplies* used in the manufacture and distribution of paint from points in the above named destination states to Ennis, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Dallas, Tex.

No. MC 120436 (Sub-No. 2) (correction), filed September 28, 1977, published in the FEDERAL REGISTER issue of November 25, 1977, and republished, as corrected, this issue. Applicant: NUSSBAUM TRUCKING, INC., Route 51, North, Normal, Ill. 61761.

Applicant's representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *General commodities*, (except those of unusual value, Class A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (1) between points in Illinois, and (2) between points in Illinois, on the one hand, and on the other, points in the commercial zones of all points contiguous to the borders of the State of Illinois.

NOTE.—Applicant states the purpose of part (1) of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. The purpose of this correction is to indicate that only part (1) is a conversion request. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 121649 (Sub-No. 5), filed November 18, 1977. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, Tenn. 38358. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a common carrier, by motor vehicle over regular routes, transporting: *General commodities*, (except household goods, Classes A and B explosives, and commodities requiring special equipment), (1) between Atwood and Memphis, Tenn.: (a) from Atwood over U.S. Highway 79 to Memphis, and return over the same route; (b) from Atwood over U.S. Highway 79 to junction with U.S. Highway 45-E; thence over U.S. Highway 45-E to junction with U.S. Highway 45; thence over U.S. Highway 45 to junction with Interstate Highway 40; thence over Interstate Highway 40 to Memphis, and return over the same route, serving the intermediate points of Milan and Gibson on both routes; (2) from Milan to Jackson, Tenn.; from Milan over U.S. Highway 45-E to junction with U.S. Highway 45; thence over U.S. Highway 45 to Jackson, and return over the same route, serving all intermediate points which originates at or interline at Memphis, Tenn., destined to Jackson or points beyond, or originating at, or interlined at Jackson, Tenn., destined to Memphis, Tenn., or points beyond; (3) between Jackson and Milan, Tenn.; from Jackson over U.S. Highway 45 to junction with U.S. Highway 45-E; thence over U.S. Highway 45-E to Milan and return, over the same route serving as off-route points Savannah, and points on and in an area bounded as follows: Beginning at Rutherford, Tenn., eastwards along Tennessee Highway 105 to junction with Tennessee Highway 54; thence along Tennessee Highway 54 to Greenfield; thence along Tennessee Highway 124 to McKenzie; thence along Tennessee Highway 22 to Lexington; thence along Tennessee Highway 20 to Parsons; thence along Tennessee Highway 69 to Adamsville; thence along U.S. Highway 64 to Selmer; thence along U.S. Highway 45 to Eastview; thence along Tennessee Highway 57 to Middleton; thence along Tennessee Highway 125 to Bolivar; thence along U.S. Highway 64 to Whiteville; thence along Tennessee Highway 100 to Somerville; thence along unnumbered road to Stanton; thence along U.S. Highway 70 to Brownsville; thence along Tennessee Highway 19 to Ripley; thence along U.S. Highway 51 to junction with Tennessee Highway 77; thence along Tennessee Highway 77 to Dyer; thence along U.S. Highway 45W to Rutherford. Restriction: (1) Restricted against service at Dyersburg and Newbern, Tenn., and points in their respective commercial zones, and (2) restricted against the handling of traffic which originates at, is destined to, or interchanged at Memphis and Nashville, Tenn., and points in their respective commercial zones. Restriction: Service at Memphis, Tenn., restricted against that part of its commercial zone which lies in Arkansas.

way 20 to Parsons; thence along Tennessee Highway 69 to Adamsville; thence along U.S. Highway 64 to Selmer; thence along U.S. Highway 45 to Eastview; thence along Highway 57 to Middleton; thence along Tennessee Highway 125 to Bolivar; thence along U.S. Highway 64 to Whiteville; thence along Tennessee Highway 100 to Somerville; thence along unnumbered road to Stanton; thence along U.S. Highway 70 to Brownsville; thence along Tennessee Highway 19 to Ripley; thence along U.S. Highway 51 to junction with Tennessee Highway 77; thence along Tennessee Highway 77 to Dyer; thence along U.S. Highway 45W to Rutherford. Restriction: (a) Restricted against tacking; (b) restricted against service at Dyersburg and Newbern, Tenn., and points in their respective commercial zones; (c) restricted against the interchange of traffic with other motor carriers at Jackson, Tenn., and points within 4 miles thereof; (d) restricted against the interlining of traffic originating at or destined to Jackson, Tenn., from either Nashville or Memphis, Tenn.; (4) between Jackson, Tenn., and Tupelo, Miss., from Jackson, Tenn., over U.S. Highway 45 to Tupelo, Miss., and return over the same route, serving all intermediate points in Mississippi, and serving as off-route points, Savannah, Tenn., and all points on and in an area bounded as follows: Beginning at Rutherford, eastwards along Tennessee Highway 105 to junction with Tennessee Highway 54; thence along Tennessee Highway 54 to Greenfield; thence along Tennessee Highway 124 to McKenzie; thence along Tennessee Highway 22 to Lexington; thence along Tennessee Highway 20 to Parsons; thence along Tennessee Highway 69 to Adamsville; thence along U.S. Highway 64 to Selmer; thence along U.S. Highway 45 to Eastview; thence along Tennessee Highway 57 to Middleton; thence along Tennessee Highway 125 to Bolivar; thence along U.S. Highway 64 to Whiteville; thence along Tennessee Highway 100 to Somerville; thence along unnumbered road to Stanton; thence along U.S. Highway 70 to Brownsville; thence along Tennessee Highway 19 to Ripley; thence along U.S. Highway 51 to junction with Tennessee Highway 77; thence along Tennessee Highway 77 to Dyer; thence along U.S. Highway 45W to Rutherford. Restriction: (1) Restricted against service at Dyersburg and Newbern, Tenn., and points in their respective commercial zones, and (2) restricted against the handling of traffic which originates at, is destined to, or interchanged at Memphis and Nashville, Tenn., and points in their respective commercial zones. Restriction: Service at Memphis, Tenn., restricted against that part of its commercial zone which lies in Arkansas.

NOTE.—Routes 1 through 3 represent presently held registered authority which applicant seeks to convert to a Certificate of Public Convenience and Necessity. A similar application seeking conversion of said Routes 1 through 3 is presently pending in its Sub 4 application. If a hearing is deemed necessary, applicant requests it be held at Jackson, Tenn., or Tupelo, Miss. Common control may be involved.

No. MC 121664 (Sub-No. 29), filed December 12, 1977. Applicant: G. A. HORNADY, CECIL M. HORNADY, AND B. C. HORNADY, d.b.a., HORNADY BROTHERS TRUCK LINE, P.O. Box 846, Monroeville, Ala. 36460. Applicant's representative: W. E. Grant, 1702 1st. Avenue South, Birmingham, Ala. 35233. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, plastic pipe fittings, and connections, valves, and materials and supplies* used in the installation thereof, from Geneva County, Ala., to points in the United States in and east of Texas, Oklahoma, Kansas, Missouri, Iowa, and Minnesota; (2) *materials and supplies* used in the manufacture of commodities names in (1) above from points in the United States in and east of Texas, Oklahoma, Kansas, Missouri, Iowa, and Minnesota to Geneva County, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Montgomery, or Birmingham, Ala.

No. MC 121683 (Sub-No. 2), filed December 2, 1977. Applicant: JACKSON EXPRESS, INC., P.O. Box 3310, Jackson, Tenn. 38301. Applicant's representative: Roland M. Lowell, 618 United American Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, (except explosives, household goods, commodities in bulk, and those requiring special equipment), (1) Between Nashville, and Memphis, Tenn., serving the intermediate point of Jackson, Tenn., and serving all other points in Madison County, Tenn., as off-route points: From Nashville over Interstate Highway 40 to Memphis, and return over the same route; service at Memphis, Tenn., is restricted to serving that portion of Memphis and its Commercial Zone as defined by the Commission, lying wholly within Tennessee and Mississippi, and service at that part of Memphis and its Commercial Zone lying in Tennessee is restricted against handling of traffic originating at, destined to, or interchanged at Nashville, Tenn., and its Commercial Zone as defined by the Commission; (2) Between Jackson, and Selmer, Tenn., serving all intermediate points: From Jackson over U. S. Highway 45 to Selmer, and return over the same route; (3) Between Selmer, Tenn., and Tupelo,

Miss., serving all intermediate points in Mississippi and the off-route point of Yellow Creek Port Authority and Industrial Park: From Selmer over U. S. Highway 45 to Tupelo, and return over the same route; (4) Alternate Routes for operating convenience only: (a) Between Henderson, and Nashville, Tenn.: From Henderson over Tennessee Highway 100 to Nashville, and return over the same route; (b) Between Henderson, and Memphis, Tenn.: From Henderson over Tennessee Highway 100 to its junction with U. S. Highway 64, thence over U. S. Highway 64 to Memphis, and return over the same route; (c) Between Selmer over U. S. Highway 64 to Memphis, and return over the same route; (d) Between Nashville, and Jackson, Tenn.: From Nashville over Tennessee Highway 100 to its junction with Tennessee Highway 20, thence over Tennessee Highway 20 to Jackson, and return over the same route; (e) Between the junction of Interstate Highway 40 and Tennessee Highway 22 over Tennessee Highway 22A; thence over Tennessee Highway 22A to the junction of Tennessee Highway 100, thence over Tennessee Highway 100 to Henderson, and return over the same route, serving the junction of Interstate Highway 40 and Tennessee Highway 22 for the purpose of joinder only.

NOTE.—Applicant holds authority under Certificates of Registration for part (1) (except that portion in Mississippi) and part (2); applicant seeks to convert these routes to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Jackson, Tenn.

No. MC 123407 (Sub-No. 416), filed November 28, 1977. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: H. E. Miller, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fibre forms* from Akron, Ind.; Arlington, Tex.; and Louisiana, Missouri, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 124083 (Sub-No. 56), filed December 12, 1977. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 South Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregu-

lar routes, transporting: *Dolomite limestone*, in dump vehicles, from Portland, Ind., to Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 124212 (Sub-No. 97), filed December 12, 1977. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, between points in Massachusetts and Rhode Island, restricted to traffic originating at the plantsite of Alpha Portland Cement Co., and restricted to shipments having an immediately prior movement by rail.

NOTE.—Common and dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 124251 (Sub-No. 43), filed December 12, 1977. Applicant: JACK JORDAN, INC., Highway 41 South, P.O. Box 689, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, Ga. 30345. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic liquid*, in tank vehicle, from the plantsite of Dow Chemical, U.S.A., in Whitfield County, Ga., to points in Alabama, Florida, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124679 (Sub-No. 87), filed December 9, 1977. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah, 84119. Applicant's representative: Daniel E. England. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from the plantsites and/or storage facilities of the Nestle Co., Inc., at Fulton, N.Y., and New Milford, Conn., to points in California, Colorado, and Oregon.

NOTE.—Applicant holds motor contract carrier authority in No. MC 128813 and sub numbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York City, N.Y., or Salt Lake City, Utah. The purpose of this application is to substitute single-line service for existing joint-line operations.

No. MC 124711 (Sub-No. 49), filed December 12, 1977. Applicant: BECKER CORP., P.O. Box 1050, El Dorado, Kans. 67042. Applicant's rep-

representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, in bulk, in dump vehicles, from points in Kansas, to points in Arkansas, Colorado, Missouri, Nebraska, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Oklahoma City, Okla.; Kansas City, Mo.; or Tulsa, Okla. Common control may be involved.

No. MC 124947 (Sub-No. 88), filed December 12, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except in bulk), from the plant-site and shipping facilities of Norfolk Iron & Metal Co., located at or near Norfolk, Nebr., to points in Michigan, Minnesota, South Dakota, North Dakota, Wyoming, Colorado, Utah, Kansas, Oklahoma, and Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 124947 (Sub-No. 89), filed December 12, 1977. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, Stroud, Okla. 74079. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operations, repair, servicing, maintenance, dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites, and (d) injection or removal of commodities into or from holes or wells, except commodities in bulk, between Houston, Tex., on the one hand, and, on the other,

points in the United States (excluding Hawaii and Alaska), restricted to shipments originating at or destined to the plant-site and shipping facilities of Pyramid Derrick Co. located at or near Houston, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Salt Lake City, Utah.

No. MC 125777 (Sub-No. 206), filed December 9, 1977. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coke breeze*, in bulk, from Portsmouth, Ohio, to Coatesville, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

No. MC 126243 (Sub-No. 24), filed December 12, 1977. Applicant: ROBERTS TRUCKING CO., INC., P.O. Drawer G, Poteau, Okla. 74953. Applicant's representative: Prentiss Shelley (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Expanded plastic articles* (except commodities in bulk, in tank vehicles), from Oklahoma City, Okla., to points in Alabama, Georgia, Florida, Mississippi, Louisiana, Kentucky, Tennessee, North Carolina, South Carolina, and Virginia, under a continuing contract or contracts with Alprod Corp. of Oklahoma City, Okla.

NOTE.—Applicant holds motor common carrier authority in No. MC 140849 (Sub-No. 2) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 127042 (Sub-No. 196), filed December 7, 1977. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tassar (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plant-site and warehouse facilities of Wilson Foods Corp., located at Logansport, Ind., to points in Idaho, Montana, Oregon, Washington, and Wyoming. Restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Dallas, Tex., or Kansas City, Mo.

No. MC 127042 (Sub-No. 197), filed December 2, 1977. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Robert G. Tassar (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plant-site and warehouse facilities of Wilson Foods Corp., located at Cedar Rapids, Iowa, to points in Montana and Wyoming. Restricted to traffic originating at the named origin and destined to the named States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Dallas, Tex., or Kansas City, Mo.

No. MC 127187 (Sub-No. 33), filed December 12, 1977. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Boulevard, Fergus Falls, Minn. 56537. Applicant's representative: Greg C. Johnson, 1728 Industrial Park Boulevard, Fergus Falls, Minn. 56537. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corn and soybean products*, from the plant and storage facilities of Archer Daniels Midland Co. and its subsidiaries in North Kansas City, Mo., to points in Illinois, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Colorado, New Mexico, Texas, Louisiana, Mississippi, Alabama, Tennessee, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at either Fargo, N. Dak., or Minneapolis-St. Paul, Minn.

No. MC 127840 (Sub-No. 58), filed December 5, 1977. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, Ill. 60438. Applicant's representative: William H. 180 North LaSalle Street, Suite 3520, Chicago, Ill. 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum oil, petroleum lubricating oil, petroleum naphtha, petroleum transformer oil, petroleum or paraffin wax, and petroleum or petrolatum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except petroleum chemicals as described in appendix XV to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209), in bulk, in tank vehicles, from Petrolia, Bradford, and Karns City, Pa., to points in Indiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Pittsburgh, Pa.

No. MC 128205 (Sub-No. 42), filed December 12, 1977. Applicant: BULK-MATIC TRANSPORT CO., a corporation, 12000 South Doty Avenue, Chicago, Ill. 60628. Applicant's representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, Ill. 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, in tank type vehicles, from Indianapolis, Ind., to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill.

MC 128527 (Sub-No. 95), filed December 12, 1977. Applicant: MAY TRUCKING CO. (a corporation), P.O. Box 398, Payette, Idaho 83661. Applicant's representative: J. Michael Alexander, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hides, green and salted, and meat and meat byproducts*, from Torrington and Revere, Wyo.; Grand Junction and Denver, Colo.; Salt Lake City, Utah; Gooding, Roberts, Caldwell, and Nampa, Idaho; to Boise, Idaho, and points in Oregon, Wash., and California; and from Boise and Eagle, Idaho, to points in Oregon, Wash., and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at (1) Boise, Idaho, or (2) Portland, Oreg.

No. MC 128527 (Sub-No. 96), filed December 9, 1977. Applicant: MAY TRUCKING CO., A CORPORATION, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: Timothy R. Silvers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from McMinnville, Oreg., to points in Arizona, California, Nevada, and Oregon.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 133097 (Sub-No. 21), filed December 1, 1977. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Avenue, Cypress, Calif. 90630. Applicant's representative: Charles E. Creager, P.O. Box 1417/Hagerstown, Md. 21740. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by a manufacturer of power tools and materials, supplies, and equipment* used in the conduct of such business, (1) between ports of entry on the international boundary line between the United States and Canada

located in Michigan and New York; and Hampstead and Easton, Md., Taboro and Fayetteville, N.C., and Lancaster, Pa., on the one hand, and, on the other, points in Washington, Oregon, Montana, Utah, Idaho, California, Arizona, New Mexico, Nevada, and Colorado; and (2) from Richmond, Calif., to points in California under a continuing contract or contracts with the Black & Decker Manufacturing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 133562 (Sub-No. 25), filed December 1, 1977. Applicant: HOLIDAY EXPRESS CORP., P.O. Box 115, Estherville, Iowa 51334. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Estherville, Iowa, to points in Delaware, New Hampshire, Vermont, and West Virginia. Restriction: Restricted to the transportation of shipments originating at the plant-sites and storage facilities of John Morrell & Co., at or near the above-described origin and destined to points in the above-named States, except when moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held in Chicago, Ill. or Omaha, Nebr.

No. MC 133689 (Sub-No. 161), filed December 9, 1977. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Estherville, Humboldt, and Sioux City, Iowa, and Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plant-site and storage facilities of John Morrell & Co. and destined to points on the above-named destination States.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 133920 (Sub-No. 15), filed December 12, 1977. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, Ga. 31082. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of: *Soda ash and phosphates*, in bulk, in pneumatic tank vehicles, from the plant-site of Burris Chemical, Inc., at East Point, Ga., to Wallace and Charleston, S.C.; and (2) *bauxite ore*, in bulk, in pneumatic tank vehicles, from the plant-site of Burris Chemical, Inc., at or near Charleston, S.C., to Atlanta and Augusta, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Charleston, S.C.

No. MC 133928 (Sub-No. 15), filed December 12, 1977. Applicant's name: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, Orange, Calif. 92667. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, and accessories, and supplies used in the installation thereof*, from the plant-site of the Masonite Corp., located at Ukiah, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Restricted to a transportation service to be performed under a continuing contract, or contracts, with the Masonite Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Lincoln, Nebr.

No. MC 134477 (Sub-No. 203), filed December 2, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising materials, premiums and malt beverage dispensing equipment*, when moving at the same time in the same vehicle with malt beverages (except commodities in bulk), from New York, N.Y. and Newark, N.J., to points in Colorado, Iowa, Kansas, Nebraska, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 205), filed December 8, 1977. Applicant: SCHANNO TRANSPORTATION,

INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts, dairy products and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Sioux City, Iowa and Sioux Falls, S. Dak., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Restricted to traffic originating at the plantsite and storage facilities of John Morrell & Co. at or near Sioux City, Iowa and Sioux Falls, S. Dak., and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134574 (Sub-No. 26), filed December 13, 1977. Applicant: FIGOL DISTRIBUTORS LTD., 11233 156th Street, Edmonton, Alberta, Canada T5m 1Y2. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt liquor*, in containers, from the facilities of Pearl Brewing Co. at San Antonio, Tex. to points in Montana.

NOTE.—Applicant also hold contract carrier authority in No. MC 124972 (sub 2), and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 135902 (Sub-No. 5), filed December 12, 1977. Applicant: KENNETH M. MOODY, d.b.a. K. M. MOODY, 3100 Dogwood Street NW., Washington, D.C. 20015. Applicant's representative: David C. Venable, Suite 805, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes and accessories for tires and tubes* (1) between Buffalo, N.Y., and Greenville, Ohio, on the one hand, and, on the other, District of Columbia, Wilmington, Del., Baltimore and Dickerson, Md., Norfolk, Newport News, Richmond, Fredericksburg, and Virginia Beach, Va., (2) between District of Columbia, on the one hand, and, on the

other, Wilmington, Del., Baltimore and Dickerson, Md., Newport News, Norfolk, Richmond, Fredericksburg, and Virginia Beach, Va., and (3) between Akron, Dayton, Cincinnati, and Columbus, Ohio, on the one hand, and, on the other, Richmond and Fredericksburg, Va., under a continuing contract or contracts with Friend's Tire & Fleet Service, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136221 (Sub-No. 10), filed November 30, 1977. Applicant: H. L. STANSELL, INC., 1015 Illinois Avenue, Palm Harbor, Fla. 33653. Applicant's representative: David C. Venable, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Porcelain coated steelware and porcelain coated earthenware*, from Robinson and Abingdon, Ill. and Knoxville, Tenn., to points in Arizona, California, Colorado, Nevada, Oregon, Utah and Washington, under a continuing contract or contracts with Briggs Co. of Tampa, Fla.

NOTE.—Applicant also holds motor common carrier authority in No. MC 142592, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Tampa, Fla., or Washington, D.C.

No. MC 136408 (Sub-No. 39), filed December 5, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Surgical, health care, and medical products*, from Sherman Tex., to points in California and Colorado, restricted to traffic originating at the plantsites and/or storage facilities of Johnson & Johnson, under a continuing contract or contracts with Johnson & Johnson of New Brunswick, N.J.

NOTE.—Applicant holds common carrier authority in No. MC 140829 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it to be held in Washington, D.C.

No. MC 136711 (Sub-No. 32), filed December 12, 1977. Applicant: McCORKLE TRUCK LINE, INC., P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, Suite 200, Timbergate Office Gardens, 6161 North May Avenue, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry rendered tankage, meat meal, bone*

meal, and dried fish oil residuum, between points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Oklahoma City, Okla., or Kansas City, Mo.

No. MC 136771 (Sub-No. 3), filed December 7, 1977. Applicant: HY-WAY TRANSIT, INC., Route No. 1, Cedar Grove, Wis. 53013. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *Dairy products* (except in bulk, in tank vehicles), from Blair and Portage, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, under a continuing contract or contracts with Associated Milk Producers, Inc., North Central Region, (2) *bananas* from points in New York, New Jersey, and Pennsylvania, to points in Illinois, Indiana, Ohio, Michigan, and Pennsylvania, under a continuing contract or contracts with Pacific Fruit, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Milwaukee, Wis.

No. MC 138126 (Sub-No. 22), filed December 8, 1977. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from the plantsite and storage facilities of Pepperidge Farms, Inc., at or near Downers Grove, Ill., to points in Connecticut, Delaware, Florida, Georgia, Massachusetts, Maryland, New Jersey, New York, Pennsylvania, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Washington, D.C.

No. MC 138176 (Sub-No. 6), filed December 8, 1977. Applicant: MARVIN RENTZ, d.b.a., RENTZ FARM SUPPLY, Route 1, Brinson, Ga. 31725. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, liquid or dry, in bulk, in tank or hopper type vehicles, or dry in bags; (2) *Anhydrous ammonia*, in bulk, in tank vehicles; (3) *Liquid nitrogen fertilizer solutions*, in bulk, in tank vehicles; and, (4) *Phosphatic fertilizer solu-*

tions, in bulk, in tank vehicles, between points in Florida, Georgia, Alabama, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Atlanta, Ga.

No. MC 138635 (Sub-No. 45), filed December 2, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., P.O. Box 3961, Gastonia, N.C. 28052. Applicant's representative: Eric Meierhoefer, Suite 712, 1511 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in the construction, maintenance and operation of amusement facilities and theatrical productions (except commodities in bulk) between the facilities of Krofft Entertainment, Inc., located at or near Los Angeles, Calif. on the one hand and, on the other, points in the United States (excluding Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in No. MC 138464 (Sub-No. 2) and other subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, Calif.

No. MC 139482 (Sub-No. 30), filed December 5, 1977. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, New Ulm, Minn. 56073. Applicant's representative: James E. Balenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department and hardware stores, between Rosemont and Cary, Ill. on the one hand and, on the other, Mankato, Minnesota; Grandview, Mo.; Fogelsville, Pa.; Manchester, N.H.; Jonesboro, Ga.; Sante Fe Springs, Calif.; Dallas, Tex.; West Lake, Ohio; and Rockwood, Ore.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Paul, Minn.

No. MC 139495 (Sub-No. 294), filed December 12, 1977. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard boards or sheets* from Rocklin, Calif. to points in the United States, in and east of the States of Wisconsin, Illinois, Kentucky, Tennessee, and Mississippi.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 296), filed December 8, 1977. Applicant: NA-

TIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from the facilities of American Potato Co. located at or near Plover, Beaver Dam, and Milwaukee, Wis. to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 139847 (Sub-No. 3), filed December 8, 1977. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, 1205 West Street, Wausau, Wis. 54401. Applicant's representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, Wis. 54956. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Truck bodies or vans* from Marion, Wis. to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, and Ohio and (2) *Equipment and supplies used in the manufacture of truck bodies or vans* from points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota and Ohio to Marion, Wisconsin, under a continuing contract or contracts with Marion Body Works, Inc., Marion, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 139958 (Sub-No. 4) (amendment), filed September 29, 1977, published in the FEDERAL REGISTER issue of December 8, 1977, and republished as amended this issue. Applicant: R. T. TRUCK SERVICE, INC., 801 S. 13th Street, Louisville, Ky. 40210. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Materials, supplies, and equipment* used in the manufacture of paper and paper products, between the plantsite of the WesCor Corp., located in Hawesville, Ky. on the one hand and, on the other, points in Kentucky, Ohio, West Virginia, Indiana, Illinois, Michigan, Missouri, Tennessee, Georgia, and North Carolina, restricted against the transportation of commodities in bulk.

NOTE.—The purpose of this republication is to (a) include a radial movement in lieu of a nonradial movement; and (b) to add a restrictive amendment. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140578 (Sub-No. 4), filed December 9, 1977. Applicant: ROBERT

E. L. SMITH AND SHIRLEY A. SMITH, d.b.a. SMITH TRUCKING CO., 918 Ednor Road, Silver Spring, Md. 20904. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Scrap metals*, between the District of Columbia on the one hand and, on the other, points in Virginia, Delaware, Pennsylvania, New Jersey, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140612 (Sub-No. 41), filed December 8, 1977. Applicant: ROBERT F. KAZIMOUR, P.O. Box 2207, Cedar Rapids, Iowa 52406. Applicant's representative: J. L. Kazimour (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, articles distributed by meat packing plants, and foodstuffs* (except hides and commodities in bulk), from the plantsites of Geo. A. Hormel & Co. located at or near Fort Dodge, Iowa and Austin, Minn. to points in California.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138003 and subnumbers thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Lincoln, Nebr. or Austin, Minn.

No. MC 140665 (Sub-No. 20), filed December 9, 1977. Applicant: PRIME, INC., Route 1, Box 115-B, Urbana, Mo. 65767. Applicant's representative: Clayton Geer, P.O. Box 786, Ravenna, Ohio 44266. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Welding equipment and welding supplies*, from Troy, Ohio, to points in the States of Arkansas, Louisiana, Oklahoma, Mississippi, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Columbus, Ohio. Common control may be involved.

No. MC 140829 (Sub-No. 66), filed December 1, 1977. Applicant: CARGO CONTRACT CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and/or storage facilities utilized by the Howard Paper Mills, Inc., at or near Urbana and Dayton, Ohio, to points in Illinois, Iowa, Kansas, Missouri, and Texas, restricted to the transportation of traffic originating at the named ori-

gins and destined to points in the above named destination states.

NOTE.—Applicant holds contract carrier authority in MC 136408 (Sub-No. 7) and other subs thereunder; therefore dual operation may be involved. If a hearing is deemed necessary, the applicant requests it to be held in Washington, D.C.

No. MC 140829 (Sub-No. 67), filed December 1, 1977. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, supplies and equipment* used by foodstuffs manufacturers (except commodities in bulk, in tank vehicles), from the plantsite and/or storage facilities utilized by Golden Dipit Co. at or near Melrose Park, Millstadt, and East St. Louis, Ill., to Boston, Mass., and Carrollton, Tex., restricted to the transportation of traffic originating at the named plantsites or storage facilities of Golden Dipit Co. and destined to the named destination points.

NOTE.—Applicant holds contract carrier authority in MC 136408 (Sub-No. 7) and other subs thereunder; therefore dual operation may be involved. If a hearing is deemed necessary, the applicant requests it to be held in Washington, D.C.

No. MC 141255 (Sub-No. 3) (correction), filed May 24, 1976, published in the FEDERAL REGISTER issue of July 8, 1976, and republished as corrected in this issue. Applicant: TANDY TRANSPORTATION, INC., P.O. Box 7135, 3501 Fairview, Fort Worth, Tex. 76111. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Antenna masts*, from Tarrant City, Ala., to Groveport, Ohio, Braintree, Mass., Detroit, Mich., and Buffalo, N.Y.; (2) *electronic stands KD*, from St. Louis, Mo., to Braintree, Mass.; (3) *plastic rolls*, from New London, Wis., to Fort Worth, Tex.; (4) *electronic equipment*, from Mundelein, Ill., to Braintree, Mass.; (5) *electronic equipment and supplies*, from Palmer, Mass., to Fort Worth, Tex.; (6) *printing calculators*, from Greenwich, Conn., to Fort Worth, Tex., and Garden Grove, Calif.; (7) *speaker parts for electronic equipment*, from Grand Rapids, Mich., to Fort Worth, Tex.; (8) *knitting yarn in skeins*, from Oregon, Ill., to Fort Worth, Tex.; (9) *wood frames and parts for needlework*, from Chicago, Ill., to Fort Worth, Tex.; and (10) *kits of linen or canvas, threads, tapestry, rug yarns, and artists materials*, from New York, N.Y., to Fort Worth, Tex.,

restricted in (1) through (10) above to a transportation service to be performed under a continuing contract or contracts with Tandy Corp. and Tandydycrafts, Inc., and their subsidiary corporations.

NOTE.—The purpose of this republication is to correct applicant's territorial description. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Dallas, Tex.

No. MC 141804 (Sub-No. 91), filed December 12, 1977. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, P.O. Box 422, Goodlettsville, Tenn. 37072. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Toys, games, children's vehicles, and related parts and accessories and articles* used in the distribution thereof, from the facilities utilized by Tomy Corp. at or near Carson, Calif., to points in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Nashville, Tenn., or Los Angeles, Calif.

No. MC 142559 (Sub-No. 6), filed December 12, 1977. Applicant: BROOKS TRANSPORTATION, INC., 30650 Carter Road, Solon, Ohio 44319. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural limestone and gypsum* (except in bulk) from Irvington, Ky., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill., or Washington, D.C. Applicant holds contract carrier authority in MC 139254 and subs thereunder, therefore dual operations may be involved. Common control may also be involved.

No. MC 142567 (Sub-No. 2), filed December 12, 1977. Applicant: GREENVILLE TRANSIT, INC., Route 1, Box 452, Scuffletown Road, Simpsonville, S.C. 29681. Applicant's representative: Mitchell King, Jr., P.O. Box 1628, Greenville, S.C. 29602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the facilities of South Carolina Steel Corp. in Greenville County, S.C., on the one hand, and, on the other, points east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, under a continuing contract or contracts with the South Carolina Steel Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Greenville, S.C., Columbia, S.C., or Charlotte, N.C.

No. MC 142897 (Sub-No. 2), filed December 1, 1977. Applicant: KENNEDY FREIGHT LINES, INC., P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Paul F. Beery Co., 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Auto parts, and equipment materials and supplies* used in the manufacture of auto parts, and related advertising materials (except commodities in bulk and those requiring special equipment): Between Dyersburg, Tenn., on the one hand, and, on the other, points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, under a continuing contract or contracts, with Questor, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held in Columbus, Ohio.

No. MC 143135 (Sub-No. 1), filed December 5, 1977. Applicant: AIR VAN LTD., a corporation, 2741 West Harvard Blvd., Roseburg, Ore. 97476. Applicant's representative: Ernest E. Cantril (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except class A and B explosives) between Mahlin-Sweet Airport, near Eugene, Ore., on the one hand, and, on the other, points in Douglas County and Cresswell and Cottage Grove, Ore., restricted to traffic having an immediately prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roseburg, or Eugene, Ore.

No. MC 143226 (Sub-No. 1), filed November 22, 1977. Applicant: LOON AIR CARGO LTD., 763 Lajoie Avenue, Dorval, Quebec, H9P 1G7. Applicant's representative: Dieter Wende 406 Crepeau Avenue, Apt. No. 506, St. Laurent Quebec, Canada. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, those of unusual value, classes A & B explosives, household goods as defined by the Commission), restricted to commodities having a prior or subsequent movement by air. Between the port of entry on the International boundary line between the United States and Canada at or near Champlain, N.Y., on the one hand, and, on the other, Plattsburgh Airport, Plattsburgh,

N.Y., and Burlington International Airport, Burlington, Vt.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Burlington, Vt., Montpelier, Vt., or Boston, Mass.

No. MC 143236 (Sub-No. 8), filed December 9, 1977. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, N.J. 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a common carrier, over irregular routes, transporting: *Air pollution equipment*, consisting of aluminum tubes, sheeting and extrusions, used to prevent evaporation losses of volatile organic compounds, between the facilities of Mayflower Vapor Seal Corp., Little Ferry, N.J., on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C. Applicant holds pending contract carrier authority in MC 142766 (Subs 2 thru 7) therefore dual operation may be involved.

No. MC 143351 (Sub-No. 1), filed December 23, 1977. Applicant: DANTRAC, INC., P.O. Box 92, Fair Play, S.C. 29643. Applicant's representative: George W. Clapp, 109 Hartsville Street, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Sewing thread*, from the facilities of Textiles-Inc., and its wholly-owned subsidiary, Threads-Inc., located at or near Gastonia, N.C., to Los Angeles, Calif., and Dallas and El Paso, Tex., and points in their Commercial Zones; and (2) *knit fabric*, from the facilities of Textiles-Inc., and its wholly-owned subsidiary, Caro-Knit-Inc., located at or near Jefferson, S.C., to Los Angeles, Calif., and points in its Commercial Zone; under a continuing contract, or contracts, with Textiles-Inc., and its wholly-owned subsidiaries, Threads-Inc., and Caro-Knit-Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Charlotte, N.C.

No. MC 143466 (Sub-No. 2), filed December 8, 1977. Applicant: CLAYTON'S INC., P.O. Box 38, Ucon, Idaho 83454. Applicant's representative: David E. Wishney, P.O. Box 837, Boise, Idaho 83701. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Bricks*, from Denver and Pueblo, Colo., to points in the Idaho Counties of: Fremont, Madison, Jefferson, Bonneville, Bingham, Teton and Bannock, under a continuing contract with Reid Squires Brick & Masonry.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise or

Idaho Falls, Idaho. Applicant holds common carrier authority in MC 136939 Sub 2 therefore dual operations may be involved.

No. MC 143865 (Sub-No. 2), filed December 6, 1977. Applicant: PIKE'S LTD., P.O. Box 215, Stephenville, Newfoundland. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Bakery goods, namely chocolate, and marshmallow covered cookies* from ports of entry on the International Boundary line between the United States and Canada located at or near Houlton or Calais, Maine, to points in the Boston commercial zone and New York City commercial zone, restricted to the transportation of traffic originating from points in Newfoundland, Canada, under continuing contract or contracts with Bayshore Foods Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Portland, Maine or Boston, Mass. Applicant holds motor common carrier authority in MC 142115, therefore dual operations may be involved.

No. MC 143953 (Sub-No. 1), filed December 7, 1977. Applicant: ELITE TRUCKING CO., a corporation, Route 2, St. Joseph, Mo. 64505. Applicant's representative: Dale E. Spordeder, 614 Central Trust Building, Jefferson City, Mo. 65101. Authority is sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix 1 to the report in the Descriptions case, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site of Dugdale Packing Co., St. Joseph, Mo., to Illinois, Indiana, Ohio, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, South Carolina, Kentucky, Michigan, and Virginia. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of shipments originating at the facilities of Dugdale Packing Co., St. Louis, Mo. Said operations are limited to a transportation service to be performed under a continuing contract, or contracts, with Dugdale Packing Co., of St. Joseph, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Joseph, or Kansas City, Mo.

No. MC 143955 (Sub-No. 1), filed December 2, 1977. Applicant: M. FRANK THOMPSON, d.b.a. Double T Trucking, 1280 Monache Avenue, Porterville, Calif. 93257. Applicant's representative: Fred H. Mackensen, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to

operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cottonseed meal, cottonseed hull pellets, safflower meal, meat and bone meal, grape and tomato pomace*, in bulk in hopper, in dump vehicles, and in mixed loads with exempt agricultural commodities, between points in California on the one hand, and, on the other, points in Oregon and Washington, including the ports of entry on the International Boundary Line between the United States and Canada, located at points in Washington; for furtherance into the province of British Columbia, Canada, under continuing contract or contracts with Sterncomco, Inc. and Snow Commodities Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Los Angeles, Calif.

No. MC 144059 (Sub-No. 1), filed December 7, 1977. Applicant: AMERICAN INTERNATIONAL EXPORTS, INC., 1346 Connecticut Avenue, N.W., Washington, D.C. 20014. Applicant's representative: Daniel B. Johnson, 4304 East-West Highway, Washington, D.C. 20014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods and appliances*: from District of Columbia, and its commercial zone to Baltimore Md., restricted to a service performed in conjunction with packing and crating and to the transportation of shipments having a subsequent movement by water in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, D.C.

No. MC 144076 filed December 5, 1977. Applicant: SCHWINNEN GRAIN & TRUCKING, INC., R.F.D. 21, Venedocia, Ohio 45984. Applicant's representative: John L. Alden, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes transporting: (1) *Tomatoes, tomato juice, ketchup, beans, corn, peas, and sauerkraut*, (except in bulk). From Rockford, and Ohio City, Ohio and Bluffton, Ind., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, District of Columbia, West Virginia, and Wisconsin, (2) *commodities, materials and supplies* used in processing and packaging the commodities in (1) above from the destination states in (1) above, to Rockford and Ohio City, Ohio, and Bluffton, Ind. Restricted against transportation of bulk commodities. Under a continuing contract or contracts with Sharp Canning Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland Ohio, or Washington, DC.

No. MC 144085, filed December 12, 1977. Applicant: WALKER HAULING CO., INC., Route 2, Box 8, Milan, Ga. 31060. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and Plywood*, between points in Georgia and Jacksonville, Fla. on the one hand, and, on the other, points in South Carolina, Georgia, North Carolina, Virginia, Maryland, New Jersey, Ohio, Kentucky, Florida, Tennessee, Alabama, Indiana, Louisiana, West Virginia, Mississippi, Pennsylvania, and Delaware.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta or Macon, Ga.

No. MC 144117, filed December 12, 1977. Applicant: T.L.C. LINES, INC., 97 Produce row, St. Louis, Mo. 63102. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, inedible corn and soybean products, and animal and poultry drug supplements* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Decatur, Ill. to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the named origin and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 144142, filed December 12, 1977. Applicant: EBONY MESSENGER SERVICE, INC., 31A Newark Way, Maplewood, N.J. 07040. Applicant's representative: Thomas F. X. Foley, Colts Neck Professional Plaza, State Highway 34, Colts Neck, N.J. 07722. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *general commodities*, limited to shipments weighing not more than 2,000 lbs., from one consignor to one consignee at one location, at any one time, between points in Essex, Camden, Hudson, Middlesex, Mercer, Morris, Somerset, and Union Counties, N.J. on the one hand, and, on the other, points in Connecticut; New Castle County, Del.; Baltimore, Delaware; Boston, Pittsfield, Springfield, and Worcester, Mass.; Broome, Cattaraugus, Nassau, New York, Oneida, Queens, Suffolk, Tioga, Washington,

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Westchester, Kings, Dutchess, Putnam, Orange, and Delaware Counties, N.Y.; Bucks, Chester, Cumberland, Dauphin, Luzerne, Montgomery, Montour, Northumberland, Philadelphia, and Lebanon Counties, Pa.; Richmond, Alexandria, Norfolk, Suffolk, Portsmouth, Virginia Beach, Va.; and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Newark, N.J.

No. MC 144144, filed December 8, 1977. Applicant: RAINS TRUCKING SERVICE, INC., P.O. Box 73, DuQuoin, Ill. 62832. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *inert gas cylinders*, from Columbus, Ohio to the plant site of Turco Manufacturing Corp. at DuQuoin, Ill. and; (2) *playground equipment and revolving chairs*, from the plant site of Turco Manufacturing Corp. at DuQuoin, Ill. and the warehouse facilities of Turco Manufacturing Corp. at Murphysboro and Ordill, Ill. to Columbus, Ohio. Restriction: Restricted to service to be performed under a continuing contract or contracts with Turco Manufacturing Corp.

NOTE.—If a hearing is deemed necessary, applicant request that it be held at Indianapolis, Ind. or Chicago, Ill.

No. MC 144148, filed December 16, 1977. Applicant: PATRICK D. BEAVER d.b.a. P.I.B. TRUCKING, 14 Longview Drive, Beverly, Mass. 01915. Applicant's representative: Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton, Mass. 02187. Authority sought to operate as a contract carrier, over irregular routes, transporting: *structural wood, structural wood products, and commercial and fabricated metal hardware* when moving as a part of a shipment of structural wood or structural wood products, from North Billerica, Mass., to points in the United States in and east of Wisconsin, Illinois, Tennessee, Kentucky, and Mississippi, under a continuing contract or contracts with Wood Fabricators, Inc., N. Billerica, Mass.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Nashua, N.H.

No. MC 144188, filed November 4, 1977. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Muselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) (1) *Dairy equipment*, (2) *food and beverage processing and handling equipment*, (3) *dry materials, mining, processing, and handling equipment*, and

(4) *parts, materials, and supplies* used in the manufacture, installation, and use of the commodities named in (1), (2), and (3) above, between the plant site of Girtan Manufacturing Co. at Millville, Pa. on the one hand and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (B) *Prepared foodstuffs*, not frozen and not in bulk, and *advertising materials, displays, dispensing equipment, premiums, and office equipment and supplies*, from the facilities of Wise Foods Division of Borden Foods, Borden, Inc., at Berwick, Pa., to points in Connecticut, Delaware, Florida (except St. Augustine), Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; (C) *Packing materials, display racks, machinery, office equipment and supplies; foodstuff ingredients*, (except in bulk) and *prepared foodstuffs*, not frozen and not in bulk, *advertising materials, displays, dispensing equipment and premiums*, from points in Connecticut, Delaware, Florida (except St. Augustine), Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, to the facilities of Wise Foods Division of Borden Foods, Borden, Inc., at Berwick, Pa.; (D) (1) *Dairy equipment*, (2) *food and beverage processing and handling equipment*, (3) *dry materials mixing, processing and handling equipment*, and *parts, materials, and supplies* used in the manufacture, installation and use of the commodities described in (1), (2), and (3) above, between the plant site of Girtan Manufacturing Co., at Millville, Pa. on the one hand and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Washington, and Wyoming, restricted against the transportation of chemicals and liquids, in bulk, and commodities which because of size or weight require the use of special equipment, between the plant site of Girtan Manufacturing Co., at Millville, Pa. on the one hand and, on the other, points in Arizona, California, Idaho, Kansas, Montana, Nebraska,

ka, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming; (E) *Prepared foodstuffs*, not frozen and not in bulk, and *advertising materials, displays, dispensing equipment, premiums, and office equipment and supplies*, from the facilities of Wise Foods Division of Borden Foods, Borden, Inc., located in St. Johns County, Fla., to points in Georgia, North Carolina, South Carolina, Virginia, and West Virginia; (F) *Building sections, panels, curtain wall units, doors and door frames, and window and window frames, and architectural shapes*, from the facilities of Kawneer Co. Inc., subsidiary of Alumax, Inc., at Bloomsburg Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and *returned shipments* of the above-named commodities, from the above-named destination points, to the facilities of Kawneer Co. Inc., subsidiary of Alumax, Inc., at Bloomsburg, Pa.; (G) (1) *Building sections, panels, curtain wall units, doors and door frames, windows and window frames, and molding and architectural shapes*, and (2) *parts and accessories* for the commodities named in (1) above, (a) between facilities of Kawneer Co., Inc., subsidiary of Alumax, Inc., at Bloomsburg, Pa., Harrisburg, Va., Jonesboro, Ga., and Niles, Mich.; and (b) from the facilities of Kawneer Co., Inc., subsidiary of Alumax, Inc., at Bloomsburg, Pa., and Harrisburg, Va., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington); (H) (1) *Component parts, accessories, and materials* used in the manufacture of mobile homes, modular and assembled buildings, and recreational vehicles, and (2) *metal sheets and slabs*, between the facilities of Alumax Mill Products, Inc., subsidiary of Alumax, Inc., at Bloomsburg, Pa. on the one hand and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (I) (1) *Building sections, panels, curtain wall units, doors and door frames, windows and window frames, and molding and architectural shapes*, (a) from the facilities of Kawneer Co., Inc., subsidiary of Alumax, Inc., at Franklin, Ind., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Indiana, Nevada, Oregon, Utah, and Washington); and (b) from the facilities of Kawneer Co., Inc., subsidiary of Alumax, Inc., at Jonesboro, Ga., to points in Florida and Texas; and (2) *returned shipments* of the commodities in (1) above, from the named destina-

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tions to the named origins in parts (1) (a) and (b) above, (3) *parts and accessories* for the commodities in (1) above, from points in Michigan to the facilities of Kawneer Co., Inc., subsidiary of Alumax, Inc., at Bloomsburg, Pa., Franklin, Ind., and Harrisburg, Va.; (4) *scrap aluminum*, from the facilities of Kawneer Co., Inc., subsidiary of Alumax, Inc., at Bloomsburg, Pa., and Franklin, Ind., to the facilities of Kawneer Co., Inc., subsidiary of Alumax, Inc., at Harrisburg, Va., and Jonesboro, Ga.; and (5) *equipment, materials, and supplies* used in the production, storage, and distribution of the commodities in (1) above, between the facilities of Kawneer Co., Inc., a subsidiary of Alumax, Inc., at Bloomsburg, Pa., Franklin, Ind., Harrisburg, Va., and Jonesboro, Ga.; (J) *prepared foodstuffs* (except frozen and in bulk), from the facilities of Old London Foods Division of Borden Foods, Borden, Inc., located at New York, N.Y., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; (K) (1) *prepared foodstuffs* (except frozen and in bulk), from the facilities of Old London Foods, Division of Borden Foods, Borden, Inc., at New York, N.Y., to points in Illinois and Tennessee; (2) *prepared foodstuffs* (except frozen and in bulk), and *advertising materials, displays, dispensing equipment, premiums and office equipment and supplies*, from the facilities of Wise Foods Division of Borden Foods, Borden, Inc., at Berwick, Pa., to points in Alabama, Illinois, Kentucky, Missouri, and Tennessee; and (3) *packing materials, display racks, machinery, office equipment and supplies, foodstuff ingredients* (except in bulk), *prepared foodstuffs* (except frozen and in bulk), *advertising materials, displays, dispensing equipment, and premiums*, from points in Alabama, Illinois, Kentucky, Missouri, and Tennessee, to the facilities of Wise Foods Division of Borden Foods, Borden Inc. at Berwick, Pa.; (L) *aluminum ingots, billets, and slabs*, from the production facilities utilized by Alumax, Inc. at points in Frederick County, Md., to Morris, Ill., Ellenville and Oswego, N.Y., and St. Louis, Mo.; (M) (1) *scrap aluminum*, from the facilities of Alumax Mill Products, Inc., subsidiary of Alumax, Inc., at Bloomsburg, Pa., to the facilities of Alumax Mill Products, Inc., subsidiary of Alumax, Inc., at Decatur, Ala. and Morris, Ill.; (2) *aluminum gutters and accessories for aluminum gutters*, from the facilities of Alumax, Mill Products, Inc., subsidiary of Alumax, Inc., at Ocala, Fla., to the facilities of Alumax Mill Products, Inc.,

subsidiary of Alumax, Inc. to Peachtree City, Ga., Reidsville, N.C. and Bloomsburg, Pa.; and (3) *aluminum coil and sheet*, from the facilities of Alumax Mill Products, Inc., subsidiary of Alumax, Inc., at Decatur, Ala., to the facilities of Alumax Mill Products, Inc., subsidiary of Alumax, Inc., at Reidsville, N.C. and Bloomsburg, Pa.; and from the facilities of Alumax Mill Products, Inc., subsidiary of Alumax, Inc. at Morris, Ill., to the facilities of Alumax Mill Products, Inc., subsidiary of Alumax, Inc., at Bloomsburg, Pa.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 128762 Subs 1, 2, 3, 4, 5, 6, 7, 8, 10, and 13, and pending Sub 14; applicant seeks to convert this contract carrier authority to common carrier authority by this application. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3460 Filed 2-8-78; 8:45 am]

[7035-01]

[Volume No. 59]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION, OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOTICE

FEBRUARY 3, 1978.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

The Commission has recently provided for easier identification of substantive petition matters and all documents should clearly specify the "docket," "sub," and "suffix" (e.g. M1, M2) numbers identified by the FEDERAL REGISTER notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before March 13, 1978. Such protest shall comply with Special Rule 247(E) of the Commission's General Rules of Practice (49 CFR 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 64808 (Sub-No. 11 and 20) M1 (Notice of filing of petition to change name of shipper facility), filed December 1, 1977. Petitioner: WS THOMAS TRANSFER, INC., 404 Auburn Street, Fairmont, W. Va. 26554. Petitioner's representative: David O'Boyle, 2310 Grant Building, Pittsburgh, Pa. 15219. Petitioner holds a motor common carrier certificate in No. MC 64808 (Sub-No. 11), issued October 18, 1972, authorizing transportation over irregular routes of, *glazing units, glass and glass products and machinery, materials, equipment, and supplies*, used in connection with the manufacture, sale, transportation, or distribution of glazing units, glass and glass products (except commodities in bulk), between Clarksburg, W. Va., on the one hand, and on the other, points in AL, CT, DE, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NY, except New York City and its commercial zone, OH, that part of PA east of U.S. Highway 219, RI, TN, VT, WV, and WI. Restriction: The authority granted herein is restricted to traffic originating at or destined to the plantsites or other facilities of Fourco Glass Co., and PPG Industries Inc., at Clarksburg, W. Va., and destined to or originating at points in the States or portions of States named above. By the instant petition, petitioner, as a result of Hordis Glass, Inc., purchasing one of Fourco's plants at Clarksburg, W. Va., wishes to include Hordis Glass, Inc., as an additional facility to be served. Petitioner holds a motor common carrier certificate in No. MC 64808 (Sub-No. 20), issued December 17, 1976, authorizing transportation over irregular routes of glazing units and glass and glass products from the facilities of Fourco Glass Co. at Clarksburg, W. Va., to New York, NY and points in AR, CO, FL, GA, NE, NJ, NM, NC, ND, OK, SC, SD, VA, and DC. By the instant petition, petitioner wishes to add Hordis Glass, Inc., as an additional facility to be served at Clarksburg, W. Va.

No. MC 86247 (Sub-No. 3) (M1) (Notice of filing of petition to delete restriction), filed December 2, 1977. Petitioner: I.C.L. INTERNATIONAL CARRIERS LTD., 1333 College Avenue, Windsor, Ontario, Canada. Petitioner's representative: Joseph P. Allen, P.O. Box 09259, Detroit, MI 48209. Petitioner holds a motor common carrier certificate in No. MC 86247 (Sub-No. 3), issued July 18, 1974, authorizing transportation, over irregular routes, of: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between the port of entry on the United States-Canada Boundary line at Port Huron, MI, on the one hand, and, on the other, Detroit, MI,

restricted against the transportation of traffic originating at, destined to, or interlined at Sarnia, Ontario, Canada, or Port Huron, MI. By the instant petition, petitioner seeks to delete the words "or interlined at Sarnia, Ontario Canada" from the restriction.

No. MC 135760 (Sub-Nos. 10 and 21) (M1) (Notice of filing of petition to add contracting shippers), filed November 28, 1977. Petitioner: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, NC 28445. Petitioner's representative: Julius Schaumburg (same address as applicant). Petitioner holds motor contract carrier Permits in No. MC 135760 (Sub-No. 10) issued December 23, 1976, authorizing transportation, over irregular routes, of *pork products*, in vehicles equipped with mechanical refrigeration, or in bulk, in tank vehicles, from Detroit and Grand Rapids, MI, to points in and east of MI, WI, IL, KY, TN, and MS, and from Detroit and Grand Rapids, MI, to points in CA and WA, under a continuing contract or contracts with Frederick & Herrud, Inc., of Detroit, MI, on its behalf and on behalf of its subsidiaries, Herrud & Co., and Herrud Smoked Meats, Inc., restricted against the transportation to or from the facilities of Vlasco Foods, Inc., located at or near Greenville, MS, and in No. MC 135760 (Sub-No. 21), issued September 15, 1977, authorizing transportation, over irregular routes of *pork products* in vehicles equipped with mechanical refrigeration, from Detroit and Grand Rapids, MI, to points in MN, IA, NE, KS, and TX, under a continuing contract or contracts with Frederick & Herrud, Inc. of Detroit, MI. By the instant petition, petitioner seeks to change the contracting shippers to read: under a continuing contract or contracts with Frederick & Herrud, Inc. and/or its subsidiary corporations, Herrud Smoked Meats, Inc., and Crown Packing Co., and its divisions, Herrud & Co. Division, Herco Processing Division, and Peters Sausage Co.

MOTOR CARRIER, WATER CARRIER, AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to reasonably to file a protest will be construed as a waiver of opposition and

participation in the proceeding. A protest under these rules should comply with section 247(E)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(E)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 340 (Sub-No. 45), filed December 15, 1977. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Noodles*, from Bellwood, Ill., to points in Hidalgo County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or San Antonio, Tex.

No. MC 20861 (Sub-No. 8), filed December 15, 1977. Applicant: FROZEN FOOD DELIVERY SERVICE, INC.,

300 West Street, Berlin, Mass. 01503. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, restricted to a transportation service to be performed under a continuing contract or contracts with Seabrook Foods, Inc., Seabrook Farms Division.

NOTE.—If a hearing is deemed necessary, the applicant requests that it be held at Boston, Mass.

No. MC 93980 (Sub-No. 74), filed December 12, 1977. Applicant: VANCE TRUCKING CO., INC., P.O. Box 1119, Henderson, N.C. 27536. Applicant's representative: Edward G. Villalón, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of: *Lumber and composition board*, from Ashtabula, Ohio, to points in the United States in and east of Indiana, Kentucky, Tennessee, Michigan, and Alabama.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 995), filed December 15, 1977. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Applicant's representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, Fla. 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk); from the plantsite and/or warehouse facilities of Hy-Plains Dressed Beef Co., located at or near Dodge City, Kans., to points in Florida, Georgia, Alabama, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., Washington, D.C., or Tampa, Fla.

No. MC 106401 (Sub-No. 41), filed December 15, 1977. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan, P.O. Box 10877, Charlotte, N.C. 28234. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising*

materials, from Eden, N.C., to points in Alabama, Delaware, District of Columbia, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and West Virginia, and (2) *materials, supplies, and equipment used in the manufacture, sale, and distribution of malt beverages, and returned empty malt beverage containers* (except commodities in bulk), from points in Alabama, Delaware, District of Columbia, Georgia, Kentucky, Maryland, South Carolina, Tennessee, Virginia, and West Virginia, to Eden, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Charlotte, N.C.

No. MC 106674 (Sub-No. 265) (Correction), filed November 7, 1977, published in the FEDERAL REGISTER issue of January 19, 1978, and republished as corrected this issue. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Plumbing, bathroom, and laundry fixtures and accessories*, from the facilities utilized by the Powers Flat Corp., at or near Plainview, Long Island, N.Y., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, and the District of Columbia; and (2) *materials, equipment, and supplies*, used in the manufacture, distribution, and sale of plumbing, bathroom, and laundry fixtures and accessories, (a) from points in and east of North Dakota, Nebraska, Kansas, Oklahoma, South Dakota, and Texas (except New York), to the facilities utilized by the Powers Flat Corp., located at or near Plainview, Long Island, N.Y.; and (b) from points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas (except Ohio), to the facilities utilized by Powers Flat Corp., at or near Monroe, Ohio.

NOTE.—The purpose of this correction is to indicate the addition of South Dakota in part (2)(a) of the commodity description; and to have the hearing held at Indianapolis, Ind., or Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 109692 (Sub-No. 50), filed December 14, 1977. Applicant: GRAIN BELT TRANSPORTATION CO., a corporation, Route 13, Kansas City, Mo. 64161. Applicant's representative: Warren H. Sapp, 4420 Madison, Suite 230, Kansas City, Mo. 64111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregu-

lar routes, transporting: *Roofing, building, and insulating materials*, from the plantsite of CertainTeed Corp. located at or near Kansas City, Mo., to points in Illinois, Indiana, and Kentucky.

NOTE.—If hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo., Philadelphia, Pa., or Washington, D.C.

No. MC 114457 (Sub-No. 334) (Correction), filed October 31, 1977, published in the FEDERAL REGISTER issue of December 22, 1977, and republished as corrected this issue. Applicant: DART TRANSIT CO., (a corporation), 2102 University Avenue, St. Paul, Minn. 55114. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends, accessories, materials, and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight, require the use of special equipment), from Lakeville, Minn., to points in the United States in and east of Montana, Wyoming, Colorado, Oklahoma, and Texas.

NOTE.—The purpose of this correction is to modify the commodity description. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C., or St. Paul, Minn.

No. MC 118989 (Sub-No. 170) (correction), filed November 14, 1977, published in the FEDERAL REGISTER issue of January 5, 1978, and republished as corrected this issue. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 180 North La Salle Street, Chicago, Ill. 60601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic containers*, (a) from Lockport, Ill., to points in the United States (except Alaska and Hawaii); (b) from at or near Cabery, Ill., to points in the United States (except Alaska and Hawaii); and (c) from Elk Grove Village and Hebron, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies*, used or useful in the manufacture and distribution of plastic containers, from points in the United States (except Alaska and Hawaii), to the origin points in (a), (b), and (c) of Part (1).

NOTE.—The purpose of this correction is to modify the territorial description in (1)(a) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124251 (Sub-No. 42), filed December 2, 1977. Applicant: JACK JORDAN, INC., Highway 41 South,

P.O. Box 689, Dalton, Ga. 30720. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, Ga. 30345. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Compounds, boiler cleansing liquid, and rubber preservatives*, in tank vehicles, from Whitfield County, Ga., to points in New Jersey, Texas Louisiana, and North Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124679 (Sub-No. 88), filed December 15, 1977. Applicant: C.R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 975 West 2100 South, Salt Lake City, Utah 84119. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: *Cheese, cheese products, synthetic cheeses, and materials, equipment, and supplies* used in the manufacture of cheese, cheese products, and synthetic cheeses from points in Illinois, Indiana, Minnesota, and Wisconsin to the plantsite and/or storage facilities used by the L. D. Schreiber Cheese Co. at or near Logan, Utah.

NOTE.—Applicant holds motor contract carrier authority in No. MC 128813 (Sub-No. 2) and other subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Green Bay, Wis., or Salt Lake City, Utah.

No. MC 133566 (Sub-No. 97) (correction), filed December 7, 1977, published in the FEDERAL REGISTER issue of February 2, 1978, and republished, as corrected, this issue. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinbauer, Suite 4959, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), and *dairy products*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by John Morrell & Co., at or near Sioux City, Iowa; Humboldt, Iowa; and Sioux Falls, S. Dak., to points in the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Restricted to traffic originating at the above-

named origins and destined to points in the named destination States.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or New York, N.Y. The purpose of this correction is to include dairy products in the commodity description.

No. MC 133566 (Sub-No. 98) (correction), filed December 6, 1977, published in the FEDERAL REGISTER issue of February 2, 1978, and republished, as corrected, this issue. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinbauer, Suite 4959, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), and *dairy products*, in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities utilized by John Morrell & Co., at or near Sioux City, Iowa; Estherville, Iowa; Humboldt, Iowa; and Sioux Falls, S. Dak., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic originating at the above-named origins and destined to points in the named destination States.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Chicago, Ill., or New York, N.Y. The purpose of this correction is to show dairy products in the commodity description above.

No. MC 133796 (Sub-No. 46), filed December 15, 1977. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a common carrier, over irregular routes transporting: *Printed matter*, from Exeter, Pa., to points in the United States (except Alaska and Hawaii), *materials, supplies, and equipment* used in the manufacture of printed matter on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. Dual operations may be involved.

No. MC 133796 (Sub-No. 47), filed December 14, 1977. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, Pa. 18517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by*

retail department stores (except commodities in bulk, foodstuffs, and fireworks), between Exeter, Pa., on the one hand, and, on the other points in the United States (except Alaska, Arizona, California, Nevada, Oklahoma, Oregon, Texas, Utah, and Washington).

NOTE.—Applicant also holds contract carrier authority MC 129239, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held in Washington, D.C.

No. MC 134387 (Sub-No. 53), filed December 15, 1977. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Avenue, South Gate, Calif. 92080. Applicant's representative: Lucy Kennard Bell, 1800 United California Bank Building, 707 Wilshire Boulevard, Los Angeles, Calif. 90017. Applicant seeks authority as a common carrier, by motor vehicle, over irregular routes, in the transportation of: *Empty glass containers*, from points in Alameda and Los Angeles Counties, Calif., to points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134477 (Sub-No. 202), filed December 8, 1977. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Polymeric products* (except in bulk), from Oxford and Worcester, Mass., to Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, Wisconsin, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant request it be held at Minneapolis, Minn.

No. MC 135152 (Sub-No. 23), filed December 15, 1977. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box No. 327, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Expanded plastic articles* from Oklahoma City, Okla., to points in Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138469 (Sub-No. 52), filed December 15, 1977. Applicant:

DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Pharmaceutical, nutritional, veterinary, and industrial products and cosmetics*, in soft elastic geletin capsules, in vehicles equipped with mechanical refrigeration, from the facilities of R. P. Scherer Corp., located at or near Detroit, Mich., and Monroe, N.C., to points in the United States, and (2) *equipment, materials, and supplies used in the manufacture of* (1) above, *returned pallets and returned damaged and rejected products in* (1) above, from points in the United States to the facilities of R. P. Scherer Corp., located at or near Detroit, Mich., and Monroe, N.C. Restricted in (1) above to traffic originating at the named origins, and in (2) above to traffic destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 136375 (Sub-No. 2) and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 138469 (Sub-No. 53), filed December 14, 1977. Applicant: DONCO CARRIERS, INC., P. O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, inedible corn and soybean products and animal and poultry drug supplements* (except commodities in bulk), from Decatur, Ill., to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the named origin and destined to the named destinations.

NOTE.—Applicant holds contract carrier authority in MC 136375 (Sub-No. 2) and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 138882 (Sub-No. 29), filed December 12, 1977. Applicant: WILEY SANDERS, INC., Box 621, Troy, Ala. 36081. Applicant's representative: George A. Olsen, P. O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a common carrier, over irregular routes, transporting: (1) *construction materials, displays, and literature* from points in Pike County, Ala., to points located in the United States, east of and including Texas,

Kansas, Oklahoma, Nebraska, South Dakota, and North Dakota; (2) *lumber* from points in Arizona, Washington, and Oregon to Pike County, Ala. (except commodities in bulk).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 142827 (Sub-No. 1), filed December 15, 1977. Applicant: DE MARLIE TRUCKING, INC., Box 338, Reynolds, Ill. 61279. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C or appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766, from the plantsite and warehouse facilities of Wilson Foods Corp. located at Cedar Rapids, Iowa, to Chicago, Ill. Restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Kansas City, Mo.

No. MC 143151 (Sub-No. 4), filed December 15, 1977. Applicant: MICHIGAN CONTRACT CARRIER, INC., 7746 South Division Avenue, Grand Rapids, Mich. 49508. Applicant's representative: James R. Neal, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Flexible packing film in rolls, sheets, or bags, composed of polyethylene, polypropylene, cellophane, and mylar, plain or laminated*, between the plantsite and storage facilities of Cello-Foil Products, Inc. at Battle Creek, Mich., and points in Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and Wisconsin, under a continuing contract or contracts with Cello-Foil Products, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Grand Rapids, Mich. or Lansing, Mich.

No. MC 143890 (Sub-No. 1), filed December 14, 1977. Applicant: C. H. EURE TRUCKING, INC., Route 1, Box 363, Hobbsville, N.C. 27946. Representative: C. H. Eure, Route 1, Box 363, Hobbsville, N.C. 27946. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wood residuals, wooden fencing, and lumber* in mixed shipments with wooden fencing from

the plantsite of Atlantic Forest Products in Edenton, N.C., to points in Virginia and the District of Columbia and its commercial zone.

NOTE.—If a hearing is deemed necessary, applicant request that it be held at Charlotte, N.C.

No. MC 143902 (Sub-No. 1), filed December 1, 1977. Applicant: ENIS P. BAUDINO (an individual), BAUDINO TRANSFER, 415 East Main Street (P.O. Box 525), Aguilar, Colo. 81020. Applicant's representative: Edward A. O'Donnel, 1004 29th Street, Sioux City, Iowa 51104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal*, (1) from Huerfano and Las Animas Counties, Colo., to points located in Huerfano and Las Animas Counties, Colo. Restriction: Restricted in (1) above to the transportation of shipments that will have a subsequent movement by pipeline or rail. (2) From Huerfano and Las Animas Counties, Colo., to points in New Mexico; Barber, Barton, Cheyenne, Clark, Commanche, Decatur, Edwards, Ellis, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Kearney, Kiowa, Lane, Logan, Meade, Morton, Ness, Norton, Pawnee, Pratt, Rawlins, Rush, Russell, Scott, Seward, Sheridan, Sherman, Stafford, Stanton, Stevens, Thomas, Trego, Wallace, Wichita Counties, Kansas; Arthur, Banner, Chase, Cheyenne, Deuel, Dundy, Frontier, Gorden, Hays, Hitchcock, Keith, Kimball, Lincoln, Morrill, Perkins, Red Willow, Scottsbluff Counties, Nebraska; Beaver, Cimmaron, Texas Counties, Oklahoma; Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Childress, Collingsworth, Cottle, Crosby, Dallam, Deafsmith, Dickens, Donley, El Paso, Floyd, Gray, Hansford, Hale, Hall, Hartley, Hemphill, Hockley, Hutchinson, King, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held in Denver or Pueblo, Colo.

No. MC 144080 (Sub-No. 1), filed December 15, 1977. Applicant: ROBERT VERN PONTIUS d.b.a. PONTIUS TRUCKING, 11640 Seola Beach Drive SW., Seattle, Wash. 98146. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal* (a) from points in Wyoming, Montana, and Utah to points in Washington; (b) from points in Lewis, Thurston, Snohomish, Pierce, Skagit, Kittitas, and King Counties, Wash., to points in Oregon, excluding shipments originating at Black Diamond, Wash.,

and (c) from points in Washington to points in Washington and Oregon, restricted to shipments having a prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Seattle, Wash.

No. MC 144109 (Sub-No. 1), filed December 14, 1977. Applicant: FINE ARTS EXPRESS, INC., 20 Albion Road, Wellesley Hills, Mass. 02181. Applicant's representative: David M. Marshall, 101 State Street, Suite 304, Springfield, Mass. 01103. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paintings, statues, cultural artifacts, antiques, tapestries, objects of art, and materials and supplies and equipment* used or useful in the display or distribution of such commodities, between New York, N.Y.; the District of Columbia; Philadelphia, Pa.; Baltimore Md.; Providence, R.I., and points in Connecticut and Massachusetts on the one hand, and, on the other, points in the United States east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass., Hartford, Conn., or New York, N.Y.

No. MC 144120 filed December 14, 1977. Applicant: KW TRANSIT, INC., Route 2, Box 410, Mosinee, Wis. 54455. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, in the transportation of (1) such commodities as are dealt in by wholesalers and retailers of flowers, foliage, and live plants, and (2) *flowers, foliage, and live plants*, otherwise exempt from regulation, when moving in the same vehicle with the commodities named in Part (1) from the town of Weston, Marathon County, Wis. to points in Illinois, Iowa, Minnesota, North Dakota, and the Upper Peninsula of Michigan, restricted to traffic moving in vehicles equipped with mechanical refrigeration units, under a continuing contract or contracts with Krueger Wholesale Florist, Inc. and Tropical Gardens Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Wausau, Wis., Madison or Minneapolis, Minn.

No. MC 98396 (Sub-No. 3), filed December 9, 1977. Applicant: THE BEE LINE, INC., 363 N. Gratiot, Mt. Clemens, Mich. 48043. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Passengers and their baggage in the same vehicle with pas-*

sengers, in round-trip and one-way sightseeing and pleasure tours, in special operations, between Macomb, Oakland, St. Clair, Washtenaw, and Wayne Counties, Mich. on the one hand and, on the other hand, all points in the United States (except Hawaii.) Restriction: The one-way operations authorized immediately above are restricted to the transportation of passengers and their baggage having a prior or subsequent movement from or to one of the above named counties in Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 143578 (Sub-No. 1), filed December 14, 1977. Applicant: WILSON BUS CO., INC., 314 Alexander Street, Fayetteville, N.C. 28301. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, and in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Cumberland, Sampson, Johnston, Wilson, Green, and Bladen Counties, N.C., and extending to points in and east of the States of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Fayetteville, N.C. or Wilson, N.C.

No. MC 143715 (Sub-No. 2), filed November 29, 1977. Applicant: TERRENS POLESHUCK, 1601 Highland Avenue, Cinnaminson, N.J. 08077. Applicant's representative: John B. Mathews, 313 East Broad Street, Palmyra, N.J. 08065. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in vehicle limited to not more than 8 persons, excluding driver, in special operations, between Eagle Point and Westville, N.J.; Philadelphia, Pa.; Big Stone Beach and Milford, Del.; and points along the Delaware River in New Jersey, Pennsylvania and Delaware, a nonradial movement, under a continuing contract or contracts with B. H. Sobelman & Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Trenton or Camden, N.J.

No. MC 143809 (Sub-No. 2), filed December 12, 1977. Applicant: ARLENE WHITE d.b.a. RELIABLE MESSENGER SERVICE, P.O. Box 3208, Trenton, N.J. 08619. Applicant's representative: Thomas C. White, 750 Estates Blvd. Apt. 250, Trenton, N.J. 08619.

Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Passengers and baggage, interoffice mail, documents, drawings, computer data, and packages*, limited to transporting of not more than 7 passengers in any one vehicle not including the driver thereof in special operations, between the site of Mobil Research and Development Corp. (Pennington, Mercer county, N.J.) on the one hand and, on the other, New York, N.Y., under continuing contract or contracts with Mobil Research and Development Corp.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Trenton, N.J.

No. MC 144040, filed November 28, 1977. Applicant: PINETREE TRANSPORTATION CO., a corporation, 1175 East Spring Street, P.O. Box 16005, Long Beach, Calif. 90806. Applicant's representative: Robert J. Corber, 1747 Pennsylvania Avenue NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in vehicles specially designed and equipped for the transportation of handicapped persons, in charter operations and in special operations: Between points in Alabama, Arizona, California, Colorado, Florida, Idaho, Louisiana, Montana, Mississippi, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If an oral hearing is deemed necessary, applicant requests that it be held in Long Beach, Calif., or Los Angeles, Calif.

No. MC 144072, filed December 2, 1977. Applicant: ALVA CHERREY, d.b.a. CHERREY BUS LINES, P.O. Box 83, Drayton, Ontario, Canada NOG 1P0. Applicant's representative: Jeremy Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter and special operations, beginning and ending at all ports of entry on the United States-Canada International Boundary Line, and extending to points in the United States, including Alaska but excluding Hawaii, restricted to: (1) The service authorized herein is restricted to transportation in foreign commerce, and (2) the service authorized herein is restricted to transportation beginning and ending at Drayton, Ontario, and points within 15 miles thereof, and Listowel, Ontario, and points within 15 miles thereof.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Buffalo, N.Y.

BROKER

No. MC 12819, (Sub-No. 1), filed December 23, 1977. Applicant: WESTOURS HYWAY HOLIDAYS, INC., 100 West Harrison Plaza, Seattle, Wash. 98119. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to engage in operation in interstate or foreign commerce as a broker at San Francisco and Los Angeles, Calif., Seattle, Wash., and Juneau, Anchorage, and Fairbanks, Alaska, to sell or offer to sell the transportation of passengers and their baggage in the same vehicle with passengers in all-expense one-way and round-trip special and charter sightseeing and pleasure tours, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests that the initial hearing be held at Seattle, Wash., with probable additional hearings in California and Alaska. Common control may be involved.

FREIGHT FORWARDER

No. FF-507, filed December 8, 1977. Applicant: PARAGON FORWARDING, 71-79 Washington Street, Mount Holly, N.J. 08060. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, D.C. 20036. Authority sought to operate as a freight forwarder, by railroad, motor vehicle, water, express, in the transportation of used household goods, unaccompanied baggage, and used automobiles, (restricted as to used automobiles as to export and import traffic): Between points in the United States, including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Trenton, N.J.

FINANCE APPLICATIONS

NOTICE

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers or motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13489. Authority sought for purchase by RYDER TRUCK

LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209, of a portion of the operating rights of England Transportation Co. of Texas, 2301 McKinney Street, Houston, Tex. 77003, and for acquisition by IU Transportation Services, Inc., which in turn is controlled by: IU International Corp., both of 1105 North Market Street, The Wilmington, Tower, Wilmington, Del. 19801, of control of such rights through the transaction. Applicants' attorneys: Roland Rice, Suite 501, Perpetual Building, Washington, D.C. 20004, Laurence A. Winkle, P.O. Box 45538, Dallas, Tex. 75245, and H. Beatty Chadwick, 1500 Walnut Street, Philadelphia, Pa. 19102. Operating rights sought to be transferred: General commodities, with exceptions, as a common carrier over irregular routes from Houston, Tex., to those points in Texas as hereinafter described, west of a line beginning in Houston, Tex., and extending southeasterly along Interstate Highway 45 to Galveston, Tex.; and to those points in Texas on and south of a line from Houston, Tex., extending along Interstate Highway 10 to Columbus, Tex., thence along Texas Highway 71 to Austin, Tex., thence along U.S. Highway 290 to Fredericksburg, Tex.; and to those points in Texas on and east of a line beginning at Fredericksburg, Tex., extending along U.S. Highway 87 to San Antonio, Tex., thence along U.S. Highway 81 to Laredo, Tex. Vendee is authorized to operate as a common carrier in all 48 contiguous States. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13491. Authority sought for control by INTERIOR TRANSPORT, INC., P.O. Box 3347, Spokane, Wash. 99220, of Inland Empire Transport, Inc., P.O. Box 3347, Spokane, Wash. 99220, and for acquisition by James C. Williams, E1527 Woodcliff, Spokane, Wash. 99203 and William J. Haley, E1511 Woodcliff, Spokane, Wash. 99203, of control of such rights through the transaction. Applicants' attorney: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Operating rights sought to be controlled: General commodities, with exceptions, as a common carrier over irregular routes between Spokane, Wash., and the site of U.S. Army Air Corps Maintenance and Supply Depot at Galena, Wash. Between points within 3 miles of Spokane, Wash., including Spokane; Machinery, camp supplies, fencing materials, fruit, tires, paper, and iron culverts, between Spokane, Wash., on the one hand, and, on the other, Portland, Ore., points in Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties, Idaho, and points in that part of Montana west of the Continental Divide. Livestock, agricultural commodities, poultry, coal, lumber,

posts, and emigrant movables, between Alliance, Nebr., and points within 30 miles thereof, on the one hand, and, on the other, points in Colorado, Wyoming, and South Dakota. Vendee is authorized to operate as a contract carrier Washington, Oregon, California, Idaho, Montana, North Dakota, Minnesota, Nevada, Arizona, Utah, New Mexico, Colorado, Wyoming, Texas, Oklahoma, Kansas, Nebraska, Iowa, Illinois, South Dakota, Wisconsin, and Missouri and as a common carrier in Idaho, California, Colorado, Arizona, and New Mexico. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13492. Authority sought for purchase by SCHULZE MOTOR FREIGHT, INC., 1916 Occidental South, Seattle, Wash., 98134, of a portion of the operating rights and property of Eyres Transfer & Warehouse Co., 1762 Sixth Avenue South, Seattle, Wash., 98134, and for acquisition by Gary F. Schulze, and Jeanine E. Schulze, both of 4127 93rd Ave., SE., Mercer Island, Wash., 98040 and Rose M. Schulze, 3921 Greenbriar Lane, Mercer Island, Wash., 98040, of control of such rights and property through the transaction. Applicants' attorney: George H. Hart, 1100 IBM Building, Seattle, Wash., 98101. Operating rights sought to be transferred: Household goods and general commodities, with exceptions as a common carrier over irregular routes between points within three miles of Seattle, Wash., including Seattle, with restrictions. Vendee is authorized to operate as a common carrier in Washington. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Schulze Motor Freight, Inc., was formerly known as Tlger Motor Freight, Inc.

No. MC-F-13493. Authority sought for purchase by ACME INTER-CITY FREIGHT LINES, 3414 Second Avenue South, Seattle, Wash., 98134, of the operating rights and property of Mountain Trucking Co., Ltd., 3414 Second Avenue South, Seattle, Wash., 98134, and for acquisition by Harmon R. Leonard, Sr., 1657 73rd N.E., Bellevue, Wash., 98004, Harmon R. Leonard, Jr., 8818 S.E. 62nd, Mercer Island, Wash., 98040, and Richard A. Palander, 8401 S.E. 134th Place, Mercer Island, Wash., 98040, of control of such rights through the transaction. Applicants' attorney: George H. Hart, 1100 IBM Building, Seattle, Wash., 98101. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between Tacoma, Wash. and Chehalis, Wash., serving all intermediate points; and the off route points of Nesika and Clinebar, Wash.: From Tacoma over Washington High-

way 5 via La Grande, Elbe, Morton, and Riffe, Wash., to Ethel, Wash., thence over unnumbered highway to Onalaska, Wash., thence over unnumbered Highway to Forest, Wash., and thence over U.S. Highway 99 to Chelalis, and return over the same route. Between Elbe, Wash. and Ashford, Wash., serving the intermediate and off route points of Longmire, Wash., and the Southwest Entrance of Mount Ranier National Park: From Elbe over Washington Highway 5 to Ashford, and return over the same route. Between Morton, Wash. and Packwood, Wash., serving all intermediate points; and the off route points of Lower Cispus, Upper Cispus, Courtwright Creek, and Ohanapecosh, Wash.: From Morton over Washington Highway 5 to Packwood, and return over the same route. Between Junction U.S. Highway 99 and Washington Highway 5K (near Forest, Wash.) and Ethel, Wash., serving all intermediate points: From Junction U.S. Highway 99 and Washington Highway 5K over U.S. Highway 99 to Mary's Corner, Wash., and thence over Washington Highway 5 to Ethel, and return over the same route. Between Onalaska, Wash., and Morton, Wash., serving all intermediate points: From Onalaska over Washington Highway 5K to Morton, and return over the same route. Between Morton, Wash., and Riffe, Wash., serving all intermediate points: From Morton over Washington Highway 5L to Riffe, and return over the same route. Vendee is authorized to operate as a common carrier in the State of Washington. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13494. Authority sought for the purchase by STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Avenue, SW., P.O. Box 1095, Mason City, Iowa, 50401, of the operating rights of Redfeather Fast Freight, Inc., 2606 North 11th Street, Omaha, Nebr., 68110, and for the acquisition by Fred J. Stockberger, Mabel Stockberger, Lloyd E. Stockberger, and James L. Rassmussen, 524 Second Avenue, SW., Mason City, Iowa, 50401, of control of such rights through purchase. Applicants' representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa, 50309. Operating rights sought to be transferred are issued under Docket No. MC 139999 as a common carrier over irregular routes as follows: Meats, meat product and meat byproducts, and articles distributed by meat packing houses, as described in Section A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of Armour and Co., near Worthington, Minn., to points in Illinois, Iowa,

Kansas, Missouri, and Nebraska, with restrictions; Frozen meats, from the storage facilities utilized by Armour and Co. at or near Worthington and Mankato, Minn., to points in Illinois, Iowa, Kansas, Missouri, and Nebraska, with restrictions; Vendee is authorized to operate as a common carrier in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-13495. Authority sought for purchase by K&R DELIVERY, INC., 255 West Oakton Street, Des Plaines, Ill. 60018, of a portion of the operating rights of Navajo Freight Lines, Inc., 1205 South Platte River Drive, Denver, Colo. 80223, and for acquisition by K&R Enterprises, Inc., 255 West Oakton Street, Des Plaines, Ill. 60018, of control of such rights through the purchase. Applicants' attorney: Carl L. Steiner, Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between Chicago, Ill. and Bloomington, Ill., serving all intermediate points; General commodities, with exceptions as a common carrier over regular routes between Bloomington, Ill. and St. Louis, Mo., serving the intermediate and off route points of Springfield, Edwardsville, Collinsville, and Mitchell, Ill., and those within the St. Louis, Mo.-East St. Louis, Ill. commercial zone as defined by the Commission in 1 M.C.C. 656 and 2 M.C.C. 285; General commodities, with exceptions as a common carrier over regular routes between Bloomington, Ill. and Peoria, Ill., serving all intermediate points as follows: From Bloomington, Ill. to Peoria, Ill. over U.S. Highway 150, and return over the same route; between Peoria, Ill. and South Pekin, Ill., serving all intermediate points: From Peoria over Illinois Highway 29 to South Pekin, and return over the same route. Alternate routes for operating convenience only: General commodities, with exceptions as a common carrier over regular routes between South Pekin, Ill. and Springfield, Ill., serving no intermediate points: From South Pekin, Ill. over Illinois Highway 29 to Springfield, and return over the same route. Between Morton, Ill. and Lincoln, Ill., with no service at intermediate points or at the terminal of Lincoln: from Morton over Illinois Highway 121 to Lincoln, and return over the same route. Vendee is authorized to operate as a common carrier in Illinois, Wisconsin, Indiana, and Michigan. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC 76032 (Sub-No. 332) is a directly related matter.

No. MC-F-13496. Authority sought for purchase by SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, Wyo., 82601, of a portion of the operating rights of BN Transport Inc., 6775 East Evans Avenue (P.O. Box 22694—Wellshire Station), Denver, Colo., 80224, and for acquisition by William Utzinger, William D. Utzinger, and C. E. Ogden, all of 3333 West Yellowstone, Casper, Wyo., 82601, of control of such rights through the purchase. Applicants' attorney: John R. Davidson, 805 Midland Bank Building, Billings, Mont., 59101. Operating rights sought to be transferred: General commodities, with exceptions as a common carrier over regular routes between Missoula, Mont. and Barby, Mont., serving all intermediate points: From Missoula over U.S. Highway 93 via Florence, Mont., to Darby (also from Florence, Mont. over unnumbered highway to Hamilton, Mont., and thence over U.S. Highway 93 to Darby), and return over the same routes; between Darby, Mont. and the Trapper Creek Job Corps Camp located approximately 10.5 miles southwest of Darby, serving all intermediate points: From Darby over U.S. Highway 93 to Junction Montana Highway 473; thence over Montana Highway 473 to the Trapper Creek Job Corps Camp, and return over the same route. Vendee is authorized to operate as a common carrier in Colorado, Wyoming, South Dakota, Montana, and Idaho. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

NOTICE

The following operating rights application(s) are filed in connection with pending finance applications under Section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this FEDERAL REGISTER notice. Such protests shall comply with Special Rules 247(d) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality

of the human environment resulting from approval of its application.

No. MC 76032 (Sub-No. 332), filed January 20, 1978. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Chicago, Ill. and St. Louis, Mo., serving Springfield, Ill. for joinder only: From Chicago over U.S. Highway 66 to St. Louis, and return over the same route; From Chicago over Interstate Highway 55 to St. Louis, and return over the same route. Restriction: The above authority is restricted against local service between Chicago, Ill. and St. Louis, Mo., and points within their respective commercial zones.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Chicago, Ill. This application is directly related to MC-F-13495, K&R Delivery, Inc.—Purchase (Portion)—Navajo Freight Lines, Inc., published in a previous section of this FEDERAL REGISTER issue. Common control may be involved. The purpose of this application is to maintain continuity of operations between point beyond those involved in the authorities sought to be transferred in the directly related application.

No. MC 94201 (Sub-No. 158), filed January 25, 1978. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and commodities requiring special equipment), between Louisville, Ky., and points in Kentucky within 10 miles of Louisville on the one hand and, on the other, Henderson, Ky., St. Louis, Mo., Cincinnati, Ohio, and points in Illinois.

NOTE.—Purpose of application is to eliminate the gateway of New Albany, Ind. This is a matter directly related to a section 5(2) proceeding in No. MC-F-12945, published in the FEDERAL REGISTER issue of September 2, 1976. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 120799 (Sub-No. 2) (Correction), filed December 28, 1977, published in the FEDERAL REGISTER issue of January 26, 1978, and republished, as corrected, this issue. Applicant: COLONIAL TRUCKING, INC., 38 May

Avenue, Brockton, Mass. 02401. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk and those commodities requiring special equipment), between points in Massachusetts.

NOTE.—The purpose of this filing is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity. This matter is directly related to a Section 5(2) finance proceeding in Docket No. MC-F-13476 published in the FEDERAL REGISTER issue of January 26, 1978. The purpose of this correction is to show applicant's correct name. If a hearing is deemed necessary, applicant requests that it be held at Boston, Mass.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3461 Filed 2-8-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 30950; Order 78-2-23]

AEROVÍAS NACIONALES DE COLOMBIA, S.A. (AVIANCA)

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 2nd day of February 1978. Aerovías Nacionales de Colombia, S.A. (AVIANCA) is the holder of a foreign air carrier permit¹ authorizing: (a) Foreign air transportation of persons, property, and mail over three routes between a point or points in Colombia via specified intermediate points to Miami, Fla.; New York, N.Y.; Los Angeles or San Francisco, Calif.; and San Juan, P.R.; and beyond San Juan to specified points in Europe; and (b) the performance of charter trips in foreign air transportation pursuant to Part 212 of the Board's economic regulations.

By application filed on June 2, 1977,² AVIANCA requests amendment of one of its routes³ so as to add

¹ Issued pursuant to Order 71-4-177, approved April 24, 1971.

² A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

³ Between a point or points in Colombia; the intermediate points Caracas, Venezuela; San Juan, P.R.; the Azores, Lisbon, Portugal; Madrid, Spain; Paris, France; Zurich, Switzerland; and the terminal point Frankfurt, Germany.

London, England, as an intermediate point.

In granting AVIANCA routes to the United States, the Board found that the carrier met the fitness standards of the Act and that its services were in the public interest. AVIANCA has performed its presently authorized services successfully. It currently serves the Colombia-United States market with 22 round-trip frequencies with B-720B, 727, and 747 equipment, and the Colombia-San Juan-Europe market with 3 round-trip frequencies with B-707 and 747 equipment. Service to Europe beyond San Juan is provided for in the United States-Colombia Air Transport Services Agreement and AVIANCA has been appropriately designated by the Government of Colombia.

In view of the foregoing and all the facts of record, the Board tentatively finds:

1. That it is in the public interest to amend the foreign air carrier permit held by Aerovías Nacionales de Colombia, S.A. so as to authorize the carrier under route 2 to engage in the foreign air transportation of persons, property, and mail between a point or points in Colombia; the intermediate points Caracas, Venezuela; San Juan, P.R.; the Azores; Lisbon, Portugal; Madrid, Spain; London, England; Paris, France; Zurich, Switzerland; and the terminal point Frankfurt, Germany;

2. That the public interest requires that the exercise of the privileges granted by said amended permit shall be subject to the terms, conditions, and limitations contained in the specimen form of permit attached to this order, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board;

3. That Aerovías Nacionales de Colombia, S.A. is substantially owned and effectively controlled by nationals of Colombia;⁴

4. That Aerovías Nacionales de Colombia, S.A. is fit, willing, and able properly to perform the air transportation proposed in its application; and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board;⁵

⁴ In granting AVIANCA its initial foreign air carrier permit, the Board found that the carrier was owned and controlled by Colombian nationals. 7 C.A.B. 149, approved July 17, 1946.

⁵ In its most recent order amending AVIANCA's foreign air carrier permit, the Board found that the carrier met the fitness standards of the Act, and that AVIANCA's services were in the public interest. Order 71-4-177, approved April 24, 1971. The present application continues to support these findings. AVIANCA has performed its currently authorized services successfully.

5. That AVIANCA's present application presents no questions of fact or law that will require an evidentiary hearing for their resolution;

6. That except to the extent granted, the application of Aerovias Nacionales de Colombia, S.A. in Docket 30950 should be denied; and

7. That the amendment of Aerovias Nacionales de Colombia, S.A.'s foreign air carrier permit is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969, and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975 (EPACA), as defined in section 313.4(a)(1) of the Board's regulations.*

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here, and why an amended foreign air carrier permit substantially in the form attached to this order should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Aerovias Nacionales de Colombia, S.A.;

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated here shall file a statement of objections supported by evidence within 21 days after the adoption of this order. If an evidentiary hearing is requested, the objection should state in detail why such hearing is considered necessary and what relevant and material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;*

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth here; and

*Our tentative finding is based upon the fact that amendment of AVIANCA's permit will not result in a significant increase in civil aviation operations at U.S. points: no new U.S. point will receive service as a result of this amendment, which adds a single European point to an existing AVIANCA route.

*Since provision is made for the filing of objections to this order petitions for reconsideration will not be entertained.

5. Copies of this order shall be served upon Aerovias Nacionales de Colombia, S.A. Braiff Airways, Inc., and the Ambassador of Colombia in Washington, D.C.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

SPECIMEN PERMIT—UNITED STATES OF AMERICA, CIVIL AERONAUTICS BOARD, WASHINGTON, D.C.

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Aerovias Nacionales De Colombia, S.A. (Avianca) is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail as follows:

1. Between a point or points in Colombia, the intermediate point Panama City, Panama, an intermediate point in Jamaica, and the coterminal points Miami, Fla., and New York, N.Y.

2. Between a point or points in Colombia; the intermediate points Caracas, Venezuela; San Juan, P.R.; the Azores; Lisbon, Portugal; Madrid, Spain; London, England; Paris, France; Zurich, Switzerland; and the terminal point Frankfurt, Germany.

3. Between a point or points in Colombia; the intermediate points Panama City, Panama, and Mexico City, Mexico; and the terminal point Los Angeles or San Francisco, Calif.: Provided, That the right to serve Los Angeles shall automatically terminate upon the initiation of service to San Francisco.

The holder shall not serve San Francisco, Calif., on segment 3 until the Government of Colombia has notified the United States through diplomatic channels that it has selected San Francisco as the point to be served in lieu of Los Angeles.

The holder shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's economic regulations.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of Colombia for Colombian international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Colombia shall be parties.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to the liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreements which may be approved by the Board and to which the holder becomes a party.

*All Members concurred.

The holder: (1) Shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of \$1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation of persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The holder shall not commence any service authorized here, except pursuant to an initial tariff setting forth rates, fares, and charges no lower than the lowest rates, fares, or charges that are then in effect for any U.S. air carrier engaged in the same foreign air transportation.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The exercise of the privileges granted here shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on _____, unless otherwise terminated at an earlier date pursuant to the terms of any treaty, convention, or agreement, this permit shall terminate: (1) Upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the routes hereby authorized from the routes which may be operated by airlines designated by the Government of Colombia (or in the event of the elimination of any part of a route or routes hereby authorized, the authority granted shall terminate to the extent of such elimination), or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of Colombia in lieu of the holder hereof, or (3) upon the termination or expiration of the Air Transport Services Agreement between the Government of the United States and the Government of Colombia, effective January 1, 1957, as last amended by an exchange of notes dated October 23, 1968: Provided, however, That clause (3) of this paragraph shall not apply if, prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention or agreement to which the United States and Colombia are or shall become parties.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed

by the Secretary of the Board, and the seal of the Board to be affixed on the _____.

Secretary.

Issuance of this permit to _____, the holder approved by the President of the United States on _____ in Order _____.

[FR Doc. 78-3709 Filed 2-8-78; 8:45 am]

[6320-01]

[Docket 29160; Order 78-2-201]

INVESTIGATION OF THE LOCAL SERVICE CLASS SUBSIDY RATE, CLASS RATE VIII

Amendment Three to Order 76-12-159

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of February 1978.

On December 30, 1976, the Board adopted Order 76-12-159, which established class rate VIII as the fair and reasonable final subsidy rate for the local service carriers (locals) on and after July 1, 1976. Sections IV.C. and VII.B. of the rate formula set forth in Order 76-12-159 provide for the concurrent review of ineligible and eligible services, respectively, on a 6-month moving basis for annual periods ending in March and September of each year.

The carriers have submitted the data required for the review of both ineligible and eligible services for the year ended September 30, 1977, in the form and detail specified in sections IV.C.7. and VII.B.10. Such data have been reviewed in detail and adjustments have been made in accordance with established subsidy ratemaking principles.

Adjusted operating results, adjusted investment, calculations of ineligible

¹In Order 76-11-12, issued November 4, 1976, the Board determined an adjusted subsidy level for each carrier, and proposed a formula for equitable distribution of the subsidy payments among the seven local service carriers in class rate VIII. Except as modified, Order 76-12-159 reaffirmed and made final all of the findings and conclusions set forth in Order 76-11-12.

APPENDIX A.—Local service class subsidy rate computation of excess ineligible* profit, excess charter profit, and 6-month subsidy rate effective Jan. 1, 1978, in thousands of dollars

	Frontier	Hughes Airwest	North Central	Ozark	Piedmont	Southern	Texas International	Industry total
System								
Adjusted operating profit or (loss)—								
Appendix B ¹	14,655	3,391	2,877	1,792	830	(1,070)	3,095	25,570
Return—Appendix C.....	11,552	11,069	17,485	9,401	9,757	5,727	4,674	69,665
Taxes—Federal—Appendix C.....	8,853	4,862	9,718	5,260	4,541	2,885	.....	35,919
Taxes—State—Appendix C.....	666	528	354	318	114	44	49	2,071
System (need).....	(6,416)	(12,866)	(24,680)	(13,187)	(13,582)	(9,726)	(1,628)	(82,085)

and charter profits to be shared and net formula provision changes are contained in the attached appendices.

Three of the locals—Frontier, Ozark, and Texas International—achieved excess profits on their ineligible services. Frontier's offset increased by nearly \$0.6 million from the previous review period, while Ozark's decreased by \$0.5 million.² Texas International, which had no offset during the previous review period, achieved one in this review period, amounting to \$1.1 million. Southern was the only local to realize a charter profit offset, amounting to \$9,000.

Two carriers showed an improvement in their eligible needs during the review period in relation to the comparable needs in the base period. These carriers—Piedmont and Texas International—had improvements of slightly less than 12 percent and slightly more than 55 percent, respectively. The remaining five carriers registered comparative deficiencies, ranging from just under 6 percent for Hughes Airwest to nearly 21 percent for North Central. For this review period, Southern was the median carrier in terms of relative change in net formula provision. Therefore, the net formula provision for each of the locals will be increased by the percentage change experienced by Southern, 6.59 percent.

Expressed as an annual rate, the level of the computed subsidy for this review period is \$70.2 million, a reduction of \$3.5 million from the rate established in the base period of class rate VIII, and a decrease of \$0.1 million from the rate established in the second review. The reduction from the base period rate is the result of greater ineligible excess profits and recent downward ad hoc adjustments which together offset the effect of the positive percentage change in the median carrier's net formula provision.

Based on the attached adjusted operating results and adjusted investment for the year ended September

²Consistent with Order 78-1-116, we have combined the profits earned by Frontier on its Denver-Sacramento route with the carrier's other ineligible results.

30, 1977, we find that the fair and reasonable annual subsidy due and payable to the seven carriers in class rate VIII, on and after January 1, 1978, is \$70.2 million. In addition, it is provided that the subsidy due and payable to each carrier on and after January 1, 1978, shall be computed on the basis of the daily subsidy rate set forth for each carrier in the amended appendix K attached to this order.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302,

It is ordered, That: 1. Effective on and after January 1, 1978, the attached appendices A, B, C, D, E, K, and L supersede the corresponding appendices attached to Order 77-8-30, dated August 9, 1977;

2. The subsidy due and payable to each carrier on and after January 1, 1978,³ shall be computed on the basis of the daily subsidy rate set forth for each carrier in the amended appendix K attached to this order;

3. This order shall become effective on the seventh day after service, unless prior to that date exceptions, together with supporting reasons, have been filed with the Board by any party to this proceeding. If exceptions and supporting reasons are filed by any party within the prescribed time, the effective date of this order shall be stayed, only for the party or parties filing exceptions, pending further action by the Board; and

4. This order will be served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.*

PHYLLIS T. KAYLOR,
Secretary.

³This order is not intended to disturb the service mail rates established pursuant to other orders of the Board.

⁴The profit offsets from ineligible and charter services and the change in the net formula provision as determined in this order are effective from January 1, 1978, through June 30, 1978.

*All Members concurred.

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NOTICES

APPENDIX A.—Local service class subsidy rate computation of excess ineligible* profit, excess charter profit, and 6-month subsidy rate effective Jan. 1, 1978, in thousands of dollars—Continued

	Frontier	Hughes Airwest	North Central	Ozark	Piedmont	Southern	Texas International	Industry total
<i>Ineligible*</i>								
Adjusted operating profit or (loss)—								
Appendix B ¹	28,854	11,846	13,122	11,876	7,879	1,967	5,659	81,203
Return—Appendix C.....	8,823	8,597	12,406	8,982	7,362	4,107	3,463	51,540
Taxes—Federal—Appendix C.....	6,609	3,621	6,900	3,931	3,529	2,104	.....	26,694
Taxes—State—Appendix C.....	497	408	251	238	89	32	38	1,553
Adjusted operating profit in excess of full return and taxes ¹	13,125	(780)	(6,435)	725	(3,101)	(4,276)	2,158	1,416
<i>Charter</i>								
Adjusted operating profit or (loss)—								
Appendix B ¹	(1)	(822)	(1,141)	(693)	(45)	638	15	(2,049)
Return—Appendix C.....	2	1,241	734	594	172	410	250	3,403
Taxes—Federal—Appendix C.....	2	529	406	335	83	208	.....	1,563
Taxes—State—Appendix C.....	.....	60	15	20	2	3	3	103
Adjusted operating profit in excess of full return and taxes ¹	(5)	(2,652)	(2,296)	(1,642)	(302)	17	(238)	(7,118)
<i>Eligible</i>								
Adjusted operating profit or (loss)—								
Appendix B ¹	(14,196)	(7,633)	(9,104)	(9,391)	(7,004)	(3,875)	(2,579)	(53,584)
Return—Appendix C.....	2,927	1,231	4,345	1,825	2,223	1,210	961	14,722
Taxes—Federal—Appendix C.....	2,242	512	2,412	994	929	573	.....	7,662
Taxes—State—Appendix C.....	169	58	88	60	23	9	8	415
Adjusted eligible need.....	19,536	9,434	15,949	12,270	10,179	5,467	3,548	76,383
Base year adjusted net formula provision.....	15,714	8,399	11,288	9,843	10,373	4,748	7,785	68,130
Adjusted eligible need less Federal tax—year ending September 30, 1977 ¹	17,783	8,899	13,640	10,880	9,138	5,061	3,473	68,874
Improvement/Deficiency.....	(2,069)	(500)	(2,352)	(1,037)	1,235	(313)	4,292	(744)
Percent change in adjusted eligible need less Federal tax ¹	(13.17)	(5.95)	(20.84)	(10.54)	11.91	(6.59)	55.27	(1.09)
Recognized improvement/deficiency based on median percent change ¹	(1,036)	(554)	(744)	(649)	(684)	(313)	(435)	(4,415)
<i>Subsidy calculation</i>								
Base year adjusted net formula provision after Federal tax.....	17,745	9,014	13,026	10,695	11,236	5,204	6,593	73,513
Plus or minus recognized improvement/deficiency based on median percent change ¹	1,036	554	744	649	684	313	435	4,415
Less 50 percent of ineligible* profits.....	(8,583)	.....	.....	(363)	.....	.....	(1,079)	(8,005)
Less 50 percent of charter profits.....	.....	.....	.....	(9)	.....	.....	.....	(9)
Computed 6-month subsidy rate ¹	12.218	9.588	13.770	10.981	11.920	5.508	5.949	69.914

* Consists of hub-to-hub operations and certificate ineligible operations.
¹ Reported operating profit or (loss) after subsidy ratemaking adjustments. For detailed adjustments, see Appendix B.
² Applies to 6-month reviews only.
³ As compared to base year adjusted net formula provision after the elimination of ad hoc adjustments relating to suspensions or deletions effective on or before the last day of the applicable review period.
⁴ The rate for Hughes Airwest is \$9,816,000 while this carrier continues to serve Crescent City.
⁵ (Adjusted eligible need—Federal taxes) times net formula provision percent of subsidy need from Appendix J, page 2 of 2.

APPENDIX B.—Local service class subsidy rate computation of system operating profit of (loss) year ended Sept. 30, 1977,¹ in thousands of dollars

	Frontier	Hughes Airwest	North Central	Ozark	Piedmont	Southern	Texas International	Industry total
<i>System operations</i>								
Reported operating profit or (loss) ¹	11,096	2,158	2,698	1,374	(294)	(2,071)	482	15,443
<i>Adjustments:</i>								
Conformance with form 41 reports ¹	(212)	.....	.....	.....	1	.....	(4)	(215)
Mutual-aid payments ¹	727	148	54	38	46	.....	474	1,487
Excess salary expense ¹	602	159	264	110	213	309	270	1,927
Excess legal fees ¹	305	419	284	118	53	301	228	1,708
Developmental and preoperating amortization ¹	27	.....	.....	.....	.....	.....	.....	27
Nonoperating income offset ¹	1,574	716	1,264	495	461	224	653	5,387
Net strike revenues ¹	(688)	.....	.....	.....	.....	.....	(197)	(885)
Other miscellaneous ratemaking adjustments ¹	189	216	205	162	163	127	138	1,200
Depreciation adjustment ¹	762	(928)	(1,892)	(690)	187	34	444	(2,083)
Commuter support payments ¹.....	.....	.....	.....	.....	.....	6	.....	6
Economic savings adjustment ¹	273	503	.....	185	.....	.....	607	1,568
Adjusted operating profit of (loss) ¹	14,655	3,391	2,877	1,792	830	(1,070)	3,095	25,570
<i>Eligible operations</i>								
Reported operating profit or (loss) ¹	(15,673)	(8,387)	(9,388)	(9,831)	(6,977)	(3,955)	(4,237)	(58,448)

NOTICES

APPENDIX B.—Local service class subsidy rate computation of system operating profit of (loss) year ended Sept. 30, 1977,¹ in thousands of dollars—Continued

	Frontier	Hughes Airwest	North Central	Ozark	Piedmont	Southern	Texas International	Industry total
<i>Adjustment:</i>								
Conformance with form 41 reports ¹	(47)	(37)	19	139	(321)	.....	48	(199)
Mutual-aid payments ¹	222	30	16	8	13	.....	127	416
Excess salary expense ¹	210	35	84	26	62	86	71	574
Excess legal fees ¹	107	91	90	28	16	84	61	477
Developmental and preoperating amortization ¹	20	52	32	11	9	10	.....	134
Nonoperating income offset ¹	481	141	368	105	126	59	167	1,447
Net strike revenues ¹	(210)	.....	.....	.....	.....	.....	(53)	(263)
Other miscellaneous ratemaking adjustments ¹	87	46	65	39	48	35	38	338
Depreciation adjustment ¹	352	(107)	(390)	(101)	20	4	582	370
Commuter support payments ¹.....	.....	.....	.....	.....	.....	2	.....	2
Economic savings adjustments ¹	273	503	.....	185	.....	.....	607	1,568
Adjusted operating profit or (loss) ¹	(14,198)	(7,633)	(9,104)	(9,391)	(7,004)	(3,675)	(2,579)	(53,584)
<i>Ineligible operations</i>								
Reported operating profit or (loss) ¹	26,770	11,252	12,570	11,883	6,743	1,332	4,764	75,314
<i>Adjustments:</i>								
Conformance with form 41 reports ¹	(165)	43	625	(139)	322	.....	(57)	630
Mutual-aid payments ¹	505	118	38	30	35	.....	347	1,071
Excess salary expense ¹	392	119	171	79	146	204	186	1,299
Excess legal fees ¹	198	315	185	64	36	199	156	1,173
Developmental and preoperating amortization ¹	7	(2)	(42)	(12)	(10)	(34)	.....	(93)
Nonoperating income offset ¹	1,093	554	858	368	329	150	455	3,807
Net strike revenues ¹	(478)	.....	.....	.....	.....	.....	(144)	(622)
Other miscellaneous ratemaking adjustments ¹	122	163	133	115	113	84	94	824
Depreciation adjustment ¹	410	(716)	(1,416)	(533)	165	28	(142)	(2,204)
Commuter support payments ¹.....	.....	.....	.....	.....	.....	4	.....	4
Economic savings adjustment ¹.....	.....	.....	.....	.....	.....	.....	.....	.....
Adjusted operating profit or (loss) ¹	28,854	11,846	13,122	11,876	7,879	1,967	5,659	81,203
<i>Charter operations</i>								
Reported operating profit or (loss) ¹	(1)	(707)	(484)	(678)	(60)	552	(45)	(1,423)
<i>Adjustments:</i>								
Conformance with form 41 reports ¹.....	.....	(6)	(646)	(1)	.....	.....	(5)	(644)
Mutual-aid payments ¹.....	.....	.....	.....	.....	.....	.....	.....	.....
Excess salary expense ¹.....	.....	5	9	5	3	19	13	54
Excess legal fees ¹.....	.....	13	9	6	1	18	11	58
Developmental and preoperating amortization ¹.....	.....	(50)	10	1	1	24	.....	(14)
Nonoperating income offset ¹.....	.....	21	38	22	6	15	31	133
Net strike revenues ¹.....	.....	.....	.....	.....	.....	.....	.....	.....
Other miscellaneous ratemaking adjustments ¹.....	.....	.....	7	8	2	8	6	38
Depreciation adjustment ¹.....	.....	(105)	(88)	(56)	2	2	(6)	(249)
Commuter support payments ¹.....	.....	.....	.....	.....	.....	.....	.....	.....
Economic savings adjustment ¹.....	.....	.....	.....	.....	.....	.....	.....	.....
Adjusted operating profit or (loss) ¹	(1)	(822)	(1,141)	(693)	(45)	(638)	15	(2,049)

¹Based on special reports to the Board reflecting the results of operations for the year ended Sept. 30, 1977.
²Each carrier submitted financial and traffic data allocated to eligible operations, ineligible operations, charter operations, and system operations.
³Adjustment has been made to the reported results to reconcile differences between that data and form 41 data. An adjustment has also been made to the reported data for each type of service after verification of the prescribed allocation procedures.
⁴Six of the seven local service carriers belong to the mutual-aid pact. During the reporting period, \$1,487,000 of mutual aid payments were made by this group to struck carriers. The amounts were allocated to ineligible and eligible services based on the ratio of each service's revenue (less other revenue) plus each service's expense compared to the total of system revenue (less other revenue) plus system expense, exclusive of charter.
⁵To eliminate officers' salaries in excess of \$50,000 for the chief executive officer and \$35,000 for all others on an annual basis. Amounts were based on data for the year ended Dec. 31, 1976. The allocation to eligible, ineligible, or charter service is based on the ratio that each carrier's eligible, ineligible, or charter operating cash costs (excluding general and administrative expenses) bear to the system operating cash costs (excluding general and administrative expenses).
⁶Legal expenses charged to account 6840, legal fees and expenses, in excess of the \$70,000 maximum limit, have been eliminated. The amounts were allocated to eligible, ineligible, or charter services based on the ratio as discussed in footnote 5 above.
⁷To reflect the difference between the recognized amortization of developmental and preoperating expenses in eligible, ineligible, and charter services and the amounts reported by the carriers in their special reports to the Board. Some of these expenses are directly assignable to the various types of service, while others, not directly assignable, are allocated on an applicable unit rate basis. Aircraft preoperating costs are allocated on the basis of revenue hours by aircraft type. Amortization of expenses related to reservation systems is allocated on the basis of passenger enplanements, excluding charter. All other allocable expenses are allocated on an appropriate operating statistic as closely related as possible to the type of expense involved.
⁸Unapplied cash discounts, interest income, dividend income, miscellaneous credits, and income from subsidiaries and nontransport ventures in excess of a 12.35 pct return plus applicable taxes have been offset against the break-even need for all carriers. The allocation to eligible, ineligible, or charter services was made on the basis as set forth in footnote 4 above, but including charter.
⁹This adjustment excludes the net reporting revenues underlying the computations for the windfall payments under the mutual aid agreement which are determined to be atypical to the carriers' financial base for determining the prospective needs of the carriers. The allocation to eligible or ineligible services was made on the basis as set forth in footnote 4 above.
¹⁰These items include, but are not limited to, contributions, financing expenses, liquor, and entertainment. The total industry disallowance was allocated to each carrier based on the industry expense. The eligible, ineligible, or charter allocation is based on the ratio each carrier's eligible, ineligible, or charter operating expense bears to its system expense. The industry disallowances are based on the same level as in class rate VII. The same disallowances will be used pending an audit that is now in progress. As soon as the results of the present audit are available, the updated data will be used to compute the miscellaneous disallowances.
¹¹This adjustment eliminated any differences between reported and regulatory depreciation expense for each aircraft type. The amount of depreciation expense reported which is above or below the regulatory amount for each aircraft type is allocated to each type of service in the same proportions as the aircraft types were utilized in each of the services (by revenue aircraft hour). The equity base is adjusted to reflect the change in operating expense.
¹²This adjustment eliminated payments to a replacement carrier serving Natchez, Miss. The allocation was made on the basis as set forth in footnote 4 above.
¹³The economic savings adjustment reflects the changes in the need in a specific service resulting from a suspension or deletion of a point by a carrier. See app. D (2d revision).

NOTE.—The footnotes in this table are identical to those shown in app. B, pp. 2 and 3.
* Consists of hub-to-hub operations and certificate ineligible operations.

APPENDIX C—Local service class subsidy rate computation of system investment, return, and tax provision year ended Sept. 30, 1977, in thousands of dollars

	Frontier	Hughes Airwest	North Central	Ozark	Piedmont	Southern	Texas International	Industry total
SYSTEM SERVICES¹								
INVESTMENT AS ALLOCATED, Adjusted average investment								
Debt.....	31,113	37,831	83,094	49,377	58,390	31,841	32,207	323,853
Equity.....	62,367	50,636	56,938	27,179	22,923	14,943	7,704	242,690
Total.....	93,480	88,467	140,032	76,556	81,313	46,784	39,911	566,543
Developmental and preoperating adjustment.....	57	1,165	1,550	283	186	479	50	3,770
Adjusted average investment								
Debt.....	31,132	36,329	84,014	49,560	58,523	32,167	32,247	325,972
Equity.....	62,405	51,303	57,568	27,279	22,976	15,096	7,714	244,341
Total.....	93,537	89,632	141,582	76,839	81,499	47,263	39,961	570,313
Return on adjusted investment								
Return at 12.35 pct.....	11,552	11,069	17,485	9,401	9,757	5,727	4,674	69,665
Added risk return for leased aircraft adjustment.....	11,552	11,069	17,485	9,401	9,757	5,727	4,674	69,665
Adjusted return.....	11,552	11,069	17,485	9,401	9,757	5,727	4,674	69,665
Tax provision								
Federal taxes.....	8,853	4,662	9,718	5,260	4,541	2,885	49	35,919
State taxes.....	666	526	354	318	114	44	49	2,071
Total tax provision.....	9,519	5,188	10,072	5,578	4,655	2,929	49	37,990
ELIGIBLE SERVICES								
INVESTMENT AS ALLOCATED, Adjusted average investment								
Debt.....	7,886	4,263	20,698	9,968	14,706	7,210	7,975	72,706
Equity.....	15,807	5,705	14,183	5,487	5,774	3,383	1,908	52,247
Total.....	23,693	9,968	34,881	15,455	20,480	10,593	9,883	124,953
Developmental and preoperating adjustment.....	4	305	40	18	98	11	476	476
Adjusted average investment								
Debt.....	7,887	4,263	20,679	9,994	14,719	7,278	7,984	73,002
Equity.....	15,810	5,705	14,307	5,501	5,779	3,415	1,910	52,427
Total.....	23,697	9,968	35,186	15,495	20,498	10,691	9,894	125,429
RETURN ON ADJUSTED INVESTMENT								
Differentiated return								
Debt at 7.25 pct.....	572	309	1,514	725	1,067	527	579	5,293
Equity at 20 pct.....	3,162	1,141	2,861	1,100	1,156	683	382	10,465
Total.....	3,734	1,450	4,375	1,825	2,223	1,210	961	15,778
Percent return on adjusted investment.....	15.76	14.55	12.43	11.78	10.84	11.32	9.71	12.58
Allowable return—minimum of 9 pct and maximum of 12.35 pct.....	2,927	1,231	4,345	1,825	2,223	1,210	961	14,722
Added risk return for leased aircraft adjustment.....	2,927	1,231	4,345	1,825	2,223	1,210	961	14,722
Adjusted return.....	2,927	1,231	4,345	1,825	2,223	1,210	961	14,722
Tax provision								
Federal taxes.....	2,242	512	2,412	994	929	573	8	7,662
State taxes.....	169	58	88	60	23	9	8	415
Total tax provision.....	2,411	570	2,500	1,054	952	582	8	8,077
INELIGIBLE SERVICES								
INVESTMENT AS ALLOCATED, Adjusted average investment								
Debt.....	23,221	29,382	58,889	36,319	42,687	22,374	22,598	235,470
Equity.....	46,549	39,326	40,353	19,991	16,758	10,500	5,406	178,883
Total.....	69,770	68,708	99,242	56,310	59,445	32,874	28,004	414,353
Developmental and preoperating adjustment.....	53	906	1,214	227	166	378	38	2,982
Adjusted average investment								
Debt.....	23,239	29,769	59,610	38,465	42,806	22,631	22,629	237,149
Equity.....	46,584	39,845	40,846	20,072	16,805	10,821	5,413	180,186
Total.....	69,823	69,814	100,456	58,537	59,611	33,252	28,042	417,335

APPENDIX C—Local service class subsidy rate computation of system investment, return, and tax provision year ended Sept. 30, 1977, in thousands of dollars—Continued

	Frontier	Hughes Airwest	North Central	Ozark	Piedmont	Southern	Texas International	Industry total
Return on adjusted investment								
Return at 12.35 pct.....	8,623	8,597	12,406	6,982	7,362	4,107	3,463	51,540
Added risk return for leased aircraft adjustment.....	8,623	8,597	12,406	6,982	7,362	4,107	3,463	51,540
Adjusted return.....	8,623	8,597	12,406	6,982	7,362	4,107	3,463	51,540
Tax provision								
Federal taxes.....	6,609	3,621	6,900	3,931	3,529	2,104	38	26,694
State taxes.....	497	408	251	238	89	32	38	1,553
Total tax provision.....	7,106	4,029	7,151	4,169	3,618	2,136	38	28,247
CHARTER SERVICES								
INVESTMENT AS ALLOCATED, Adjusted average investment								
Debt.....	6	4,187	3,506	3,090	997	2,258	1,634	15,678
Equity.....	11	5,604	2,403	1,701	392	1,059	391	11,561
Total.....	17	9,791	5,909	4,791	1,389	3,317	2,025	27,239
Developmental and preoperating adjustment.....		259	31	16	1	3		310
Adjusted average investment								
Debt.....	6	3,298	3,525	3,100	998	2,260	1,634	15,821
Equity.....	11	5,752	2,415	1,707	392	1,060	391	11,728
Total.....	17	10,050	5,940	4,807	1,390	3,320	2,025	27,549
Return on adjusted investment								
Return at 12.35 pct.....	2	1,241	734	594	172	410	250	3,403
Added risk return for leased aircraft adjustment.....	2	1,241	734	594	172	410	250	3,403
Adjusted return.....	2	1,241	734	594	172	410	250	3,403
Tax provision								
Federal taxes.....	2	529	406	335	83	208		1,563
State taxes.....		60	15	20	2	3	3	103
Total tax provisions.....	2	589	421	355	85	211	3	1,666

¹Adjusted system average (5 quarter weighted) investment (excluding developmental and preoperating investment) for each carrier is allocated to individual aircraft types on the ratio of each carrier's net flight equipment, adjusted for regulatory depreciation, and to eligible, ineligible, and charter operations based on the ratio that the revenue aircraft hours flown in eligible, ineligible, or charter services bear to the total system aircraft hours. The eligible, ineligible, and charter investment is then allocated to debt and equity on the same ratio as the system adjusted average investment.

²The adjustments to investment are as follows: (a) Current portion of long-term debt. Increases debt portion of investment. (b) Unamortized discount and expense on debt. Decreases debt portion of investment. (c) Unamortized capital stock expense. Decreases equity portion of investment. (d) Investments in subsidiary companies. Excluded from investment on a pro rata basis. (Sec (1) below.) (e) Advances to nontransport divisions. Same as (d). (f) Special funds—other. Same as (d). (g) Nonoperating property and equipment—net. Same as (d). (h) Developmental and preoperating cost. Same as (d). (i) Property acquisition adjustment. Same as (d). (j) Other intangibles. Same as (d). (k) Depreciation Adjustment. Any depreciation adjustment to operating expense will be applied as a direct adjustment to the equity portion of investment using a cumulative 5-quarter weighted average. (l) All pro rata allocations are based on the percentage relationship that debt and equity bear to the total investment after the direct adjustment have been made.

³Developmental and preoperating investment is recognized on an actual basis, adjusted for subsidy purposes, apportioned to eligible, ineligible, and charter services, and allocated to debt and equity as in footnote 1 above.

⁴To reflect recognition of added risks for levels of leased equipment significantly in excess of the industry average; allocated to charter, ineligible and eligible services based on the percentage of revenue aircraft hours flown in each type of service for each of those aircraft types that are leased.

⁵Represents the amount of system Federal taxes applicable to eligible, ineligible, and charter services. To compute Federal taxes for each service: subtract interest expense from the computed return; multiply the subtotal by the Federal tax rate (.48); eliminate surtax which is allocable on same basis as Federal tax derived at .48 rate; and then divide by the complement of the Federal tax rate (.52) to arrive at the applicable Federal tax.

⁶Represents the amount of system State taxes submitted by the carrier. Allocation to eligible, ineligible, and charter services is made on the basis of the ratio of each service's Federal tax to system Federal tax.

⁷Consists of hub-to-hub operations and certificate ineligible operations.

APPENDIX D.—Local service class subsidy rate economic savings adjustment relating to route suspensions, deletions, and transfers, in dollars

Airline	Point	3d review	4th review	5th review	6th review
Frontier.....	Stillwater.....	(4,830)			
	Cortez.....	10,148			
	Paris.....	(46,600)	(24,542)	(10,947)	
	Lamar.....	(32,782)	(6,880)	(2,523)	
	Parsons.....	(143,989)	(72,050)	(26,427)	
	Goodland, Garden City, and Hays.....	(54,992)	(30,907)	(14,024)	
Hughes Airwest.....	Crescent City ¹	(273,045)	(134,361)	(53,021)	
	Cedar City and Page.....	(81,327)	(81,327)	(81,327)	(81,327)
		(421,303)	(246,587)	(102,821)	(43,329)
Ozark.....	Clinton.....	(502,630)	(327,914)	(183,948)	(124,656)
	Kirkville.....	(5,623)			
	Galesburg and Sterling/ Rock Falls.....	(63,626)			
		(115,485)	(52,744)		
		(184,734)	(52,744)		

APPENDIX D.—Local service class subsidy rate economic savings adjustment relating to route suspensions, deletions, and transfers, in dollars—Continued

Airline	Point	3d review	4th review	5th review	6th review
Texas International	Jonesboro	(42,217)		(5,242)	
	Temple	(65,524)	(35,223)		
	Brownwood	(37,533)	(21,182)	(5,295)	
	El Dorado/Canden	(313,569)	(198,088)	(104,235)	(15,587)
	El Paso	(148,604)	(95,709)	(51,343)	(9,996)
		(607,447)	(350,202)	(166,115)	(25,583)

¹ Assumes Airwest will continue to serve Crescent City.

APPENDIX E.—Local service class subsidy rate, hypothetical application of class rate VIII—by carrier¹ for an annual period—based on year ended Mar. 31, 1976

	Frontier	Hughes Airwest	North Central	Ozark	Piedmont	Southern	Texas International	Industry total
Number of stations ²	80	35	58	34	40	32	34	313
Departures performed ³	104,463	41,837	87,762	46,023	63,583	45,798	39,959	431,225
Revenue plane miles flown ⁴	12,853	6,434	8,335	5,362	7,880	4,716	5,218	50,596
Revenue passengers ⁵	2,211,018	956,104	1,860,516	1,069,184	1,452,833	1,028,817	897,670	9,476,142
Revenue passenger miles (thousands) ⁶	276,419	150,795	182,921	121,765	166,063	109,636	121,124	1,148,725
COMPUTED SUBSIDY								
Expense provision								
Stations	5,930	2,485	4,245	2,515	2,790	2,260	2,340	22,565
Departures	16,888	6,852	14,020	7,872	10,157	7,316	6,383	68,888
Revenue plane miles	35,036	17,815	23,081	14,846	21,821	13,056	14,449	140,106
Total	57,854	28,952	41,346	25,033	34,768	22,834	23,172	231,559
Required revenues								
Passengers	23,171	10,041	19,498	11,205	15,226	10,782	9,408	99,331
Revenue passenger miles	15,010	8,168	9,933	6,812	10,103	5,953	6,577	62,376
Total	38,181	18,229	29,431	17,817	25,329	16,735	15,985	161,707
Gross formula provision	19,473	8,723	11,915	7,216	9,439	5,899	7,187	69,852
Need adjustment	-3,272	171	-627	2,827	934	-1,151	1,354	36
Net formula provision ⁷	15,714	8,399	11,288	9,843	10,373	4,748	6,593	66,958
Median percentage change ⁸	6.59	6.59	6.59	6.59	6.59	6.59	6.59	6.59
Adjusted net formula provision	16,750	8,953	12,032	10,492	11,057	5,061	7,028	71,373
Federal income taxes	2,031	815	1,738	852	863	456	555	6,555
Offset	(6,563)			(363)		(9)	(1,079)	(8,014)
Computed subsidy	12,218	9,568	13,770	10,981	11,920	5,508	5,949	69,914
Adjustment for prospective suspension ⁹		248						248
Computed subsidy	12,218	9,816	13,770	10,981	11,920	5,508	5,949	70,162

¹ For subsidy-eligible non-hub operations per rate formula provisions.
² App. E, p. 6 of 8, of order 76-11-12.
³ App. E, p. 4 of 6, of order 76-11-12.
⁴ App. E, p. 5 of 6, of order 76-11-12.
⁵ App. E, p. 3 of 6, of order 76-11-12.
⁶ Base year net formula provision adjusted for ad hocs through Dec. 31, 1977.
⁷ App. A, p. 2 of 2, the median percentage change in adjusted eligible need less Federal tax.
⁸ The adjustment for Hughes Airwest is for operations conducted at Crescent City, Calif. The formula makes no provision for these operations on the assumption that service at this point will be suspended shortly after the effective date of this subsidy rate. This upward adjustment is necessary to provide subsidy payments for operations at Crescent City, and will remain in effect until operations there have been suspended.

APPENDIX K.—Local service class subsidy rate, daily rates by carrier,¹ effective Jan. 1, 1978, class rate VIII (rate per day in dollars)

Carrier	Eligible operations					
	Base year adjusted net formula provision, sec. II ¹	Adjusted net formula provision, sec. II, VII ^{2,3}	Federal taxes, sec. III ⁴	Ineligible ⁵ profit offset, sec. IV ⁶	Chapter profit offset, sec. IV ⁶	Total subsidy offset
Frontier	43,052.51	45,889.87	5,564.38	-17,980.82		-17,980.82
Hughes Airwest	*23,011.96	*24,528.45	1,684.93			
North Central	30,926.03	32,964.06	4,761.64			
Ozark	26,967.12	28,744.25	2,334.25	-994.52		-994.52
Piedmont	28,419.18	30,292.00	2,364.38			
Southern	13,008.22	13,865.46	1,249.32		-24.66	-24.66
Texas International	18,063.73	19,254.13		-2,956.16		-2,956.16

¹ Pursuant to secs. II, III, IV, and VII of the class rate formula.
² The maximum cumulative subsidy payable under sec. II shall be the product of the applicable daily rate times the number of days in the period to date.
³ The number of days shall be determined in accordance with the third and fourth provisions of sec. II, D.2. of the class rate formula.
⁴ This daily rate is the base year adjusted net formula provision in col. 1 adjusted by the median percentage change computed pursuant to sec. VII.
⁵ For ineligible services, the rates are effective from Jan. 1, 1978, through June 30, 1978.
⁶ This amount shall be increased by \$636.33 per day until Hughes Airwest suspends service at Crescent City.
⁷ This amount shall be increased by \$680.40 per day until Hughes Airwest suspends service at Crescent City.
⁸ Consists of hub-to-hub operations and certificate-ineligible operations.

APPENDIX L.—Local service class subsidy rate determination of profit offset and Federal tax allowance under CR VIII ineligible¹ and charter services, in thousands of dollars

Carrier	Adjusted operating profit (loss) ¹	Return and Interest	Maximum Federal tax provisions ²	Excess earnings			Ineligible ³ profit offset
				Before Federal tax	after tax		
INELIGIBLE ⁴ SERVICES							
Frontier.....	28,854	9,120	1,441	6,609(A)	19,734	13,125	6,563
Hughes Airwest.....	11,846	9,005	4,652	3,621(A)	2,841	(780)	.....
North Central.....	13,122	12,657	4,910	6,900(A)	465	(6,435)	.....
Ozark.....	11,876	7,220	2,704	3,931(A)	4,656	725	363
Piedmont.....	7,879	7,451	3,517	3,529(A)	428	(3,101)	.....
Southern.....	1,967	4,139	1,808	2,104(A)	(2,172)	(4,276)	.....
Texas International.....	5,659	3,501	1,543	1,750(B)	2,158	2,158	1,079
CHARTER SERVICE							Charter profit offset
Frontier.....	(1)	2	.....	2(A)	(3)	(5)	.....
Hughes Airwest.....	(822)	1,301	563	529(A)	(2,123)	(2,652)	.....
North Central.....	(1,141)	749	292	406(A)	1,890	(2,296)	.....
Ozark.....	(693)	814	230	335(A)	(1,307)	(1,642)	.....
Piedmont.....	(45)	174	82	83(A)	(219)	(302)	.....
Southern.....	658	413	182	208(A)	225	17	9
Texas International.....	15	253	111	127(B)	(238)	(238)	.....

¹ Reported operating profit or (loss) after subsidy ratemaking adjustments. For detailed adjustments, see app. B.
² App. C.
³ As reported by carrier on form 41 reports for the year ended Sept. 30, 1977, and allocated to ineligible¹ and charter operations.
⁴ Indicates maximum Federal taxes to be provided for ineligible¹ and charter services under the rate when a carrier has excess profits subject to offset after taxes. Amounts suffixed by (A) represent carriers in a current tax status, and (B) represent carriers with current tax loss carryforward credits.
⁵ Consists of hub-to-hub operations and certificate-ineligible operations.

[6320-01]

[Docket 31842; Order 78-2-18]

COMPANIA MEXICANA DE AVIACION, S.A.**Order Dismissing Complaint**

By tariff revision filed November 30, 1977, for effect January 14, 1978, Compania Mexicana de Aviacion, S.A. (Mexicana) proposes to eliminate the travel-together requirement on its group-40 inclusive-tour (GIT-40) fares and to permit individual return travel from Mexico to the United States.¹

In a complaint filed December 16, 1977, Braniff Airways, Inc. (Braniff) requests suspension and investigation of the rule change. Braniff argues that in the past the Board has opposed the opportunity for individual return on both international and domestic group fares and should oppose its introduction in the U.S.-Mexico market. Individual returns destroy the concept of group travel and eliminate any related cost savings; permit "discounted fares where travel is actually geared to a mass departure date and leads to unjustified consolidation of passengers not truly traveling as a group"; and violate the concept of group fares to such an extent that it is totally unjustifiable.

Mexicana requests dismissal of the complaint, alleging that Braniff's justification for investigation and suspension is inadequate; the rule change is needed to permit scheduled-tour operators to compete with advance-purchase excursion (APEX) fares recently introduced by American Airlines at levels comparable to the GIT-40 fares; if the individual return aspect is so antithetical to the concept of group travel, Braniff has failed to explain why the Board has permitted this option on a number of domestic and international scheduled-service fares or why the Board has recently proposed to permit intermingling of

¹ Air Tariffs Corp., Agent, C.A.B. No. 74, 9th Revised Page 34, Rule No. 151. The tariff revision affects the Mexico City/Acapulco-Chicago/Dallas/Detroit markets. Eastern has filed for effect February 3, 1978, to match Mexicana's rule in its Acapulco/Mexico City-Chicago/Detroit markets.

NOTICES

groups on certain types of charter programs; the GIT-40 fares would still retain distinguishing restrictions such as advance purchase and minimum/maximum stay requirements as well as stopover limitations which would offer a strong incentive to passengers to continue moving as a group; these restrictions remain more stringent than those applicable to other discount fares in effect in the Mexico market, thus guarding the economic soundness of the GIT-40 fares; and the cost saving lost in handling individual-return passengers is not of sufficient magnitude to undermine the economic soundness of the fare. Mexicana also contends that, in any event, under the terms of the Air Transport Services Agreement with Mexico, the Board may not now suspend the filing; and, finally, the proposed change is in harmony with commitments expressed by the U.S. Government on broadening the availability of low-cost fares to the public.

Upon consideration, the Board has decided to dismiss Braniff's complaint. We are not entirely persuaded that an individual-return option on a discounted group fare, which is premised on the alleged lesser cost to the carrier of providing the service for a group, rather than on an individual passenger basis, is justified. The Board has, moreover, preferred increased reliance on individually ticketed as compared with group service.² On the other hand, as we have repeatedly said, we believe carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. Mexicana seems to believe that individual return travel is necessary if its GIT-40 fares are to remain competitive with recently introduced APEX fares. This may be true. In a sense it supports the argument for a competitively priced inclusive-tour fare geared to individual travel, rather than arrangements such as the one here before us to strengthen group travel arrangements. We will, however, not challenge Mexicana's position that the individual-return option is necessary to compete with the new APEX fares.

² See, e.g., Order 76-5-119, May 25, 1976.

Accordingly, pursuant to sections 102, 204, 403 and 1002(j) of the Federal Aviation Act of 1958,

It is ordered, That: 1. The complaint of Braniff Airways, Inc., in Docket 31842 is dismissed; and

2. Copies of this order shall be served upon Braniff Airways, Inc., and Compania Mexicana de Aviacion, S.A.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

All Members concurred.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3710 Filed 2-8-78; 8:45 am]

[6320-01]

[Docket No. 30646]

NORTH CENTRAL AIRLINES, INC.**Notice of Hearing**

Notice is hereby given that a hearing in this proceeding is assigned to be held on February 10, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., February 3, 1978.

RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc. 78-3707 Filed 2-8-78; 8:45 am]

[6320-01]

[Docket No. 32061]

ST. LOUIS/KANSAS CITY-SAN DIEGO ROUTE PROCEEDING**Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge Henry M. Switkay. Future communications should be addressed to Judge Switkay.

Dated at Washington, D.C., February 2, 1978.

NAHUM LITT,
Chief Administrative Law Judge.

[FR Doc. 78-3708 Filed 2-8-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: February 3, 1978, 43 FR 4748.

PREVIOUSLY ANNOUNCED DATE AND TIME: February 9, 1978, 2 p.m.

CHANGES IN THE MEETING: The Commission has added a discussion of the administrative claim of A. K. Electric Corp. under the Federal Tort Claims Act to the closed portion of this meeting.

[S-309-78 Filed 2-7-78; 2:44 pm]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4649, February 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 8, 1978, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

ER-8-ER78-107, ER78-108, and ER78-109, Pennsylvania-New Jersey-Maryland Interconnection.

ER-9-ER77-422, ER78-20, and ER78-49, Public Service Co. of Oklahoma and Oklahoma Gas and Electric Co.

KENNETH F. PLUMB,
Secretary.

[S-308-78 Filed 2-7-78; 2:44 pm]

[6720-01]

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 43, No. 25, Page 4914, Monday, February 6, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 10, 1978, 9:30 a.m.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall, 202-377-6679.

CHANGES IN THE MEETING: The following item has been added to the agenda for the open portion of the meeting: Consideration of Loan Agency Application—Valley Federal Savings and Loan Association, Easton, Pa., Consideration of Appointment of Public Interest Directors of the Federal Home Loan Banks.

No. 135, February 7, 1978.

[S-310-78 Filed 2-7-78; 3:45 pm]

[7030-01]

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., February 15, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the Public: Dockets 64, 335 and 338, Shawnee; Docket 134, S'Klallam; Docket 182, Fort Sill Apache; and Docket 229, Navajo.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington D.C. 20006, Telephone 202-653-6174.

[S-302-78 Filed 2-7-78; 2:44 pm]

[7035-01]

INTERSTATE COMMERCE COMMISSION.

FEBRUARY 7, 1978.

TIME AND DATE: 9:30 a.m., Wednesday, February 15, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open Special Conference.

MATTERS TO BE CONSIDERED: 1. State of the Bus Industry (Briefing by Bureau of Economics and discussion); and 2. Impact of Motor Carrier Passenger Regulations ("Passenger Bill of Rights") (Briefing by the Bureau of Operations and discussion).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone: 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-311-78 Filed 2-7-78; 3:50 pm]

NATIONAL RAILROAD PASSENGER CORPORATION BOARD OF DIRECTORS.

In accordance with rule 4a. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on Wednesday, February 8, 1978. The meeting will be closed to the public.

A. The agenda item to be discussed at the meeting follows:

1. Litigation Matters.

B. Board members Besson, Dunlop, Head, Jacobs, Lorentzen, Luna, MacDonald, Quinn, Reistrup and Sullivan affirmed that no earlier announcement of the meeting was possible and directed the issuance of this notice at the earliest practicable time. Board member Langdon did not vote.

C. The meeting will be held on Wednesday, February 8, 1978, in the Board Room of the Amtrak headquarters, 400 N. Capitol Street NW., Washington, D.C. 20001.

D. The meeting will begin at 5 p.m. starting with agenda item no. 1, as identified above, and will be closed to the public.

E. Inquiries regarding the information required to be made available to the public pursuant to Appendix A of the Corporation's By-laws should be directed to the Corporate Secretary at 202-383-3973.

Dated: February 6, 1978.

ELYSE G. WANDER,
Corporate Secretary.
[S-301-78 Filed 2-7-78; 10:17 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4539, February 2, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., February 7, 1978.

CHANGES IN THE MEETING SCHEDULE: Additional item considered.

The Commission held an open meeting on February 7, 1978, at 10 a.m., to discuss the following matter:

Request by the Investment Company Institute and Fidelity Management Company for an emergency order suspending redemptions and sales of shares because of the emergency conditions and the impracticability of the Funds conducting business today under the provisions of section 22(e) of the Investment Company Act of 1940.

Commissioners Loomis, Evans, Pollock, and Karmel determined that Commission business required the additional matter to be considered and that no earlier notice thereof was possible.

FEBRUARY 7, 1978.

[S-303-78 Filed 2-7-78; 2:44 pm]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of February 13, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting, which was previously noticed in 43 FR 4750, February 3, 1978, will be held on Tuesday, February 14, 1978, at 10 a.m., followed by a closed meeting. An open meeting will be held on Wednesday, February 15, 1978, at 2:30 p.m., followed by a closed meeting. An open meeting will be held on Thursday, February 16, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission and recording secretaries will attend the closed meeting. Certain staff members who are responsible for

the calendared matters may be present.

The General Counsel of the Commission, or his designee has certified that, in his opinion, the items to be considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Commissioners Loomis, Evans, Pollock, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the open market scheduled for Tuesday, February 14, 1977, at 10 a.m., will be:

Proposed preliminary response to the recommendations of the Advisory Committee on Corporate Disclosure.

The subject matters of the closed meeting scheduled for the above date, following the open meeting, will be:

Formal orders of investigation.
Referral of investigative files to Federal, state or self-regulatory authorities.
Chapter X proceeding.
Settlement of administrative proceeding.
Institution of administrative proceedings of an enforcement nature.
Administrative proceedings order in enforcement case.
Institution of injunctive actions.
Settlement of injunctive action.
Freedom of Information Act appeals.

The subject matter of the open meeting scheduled for Wednesday, February 15, 1978, at 2:30 p.m., will be:

Oral argument in the matter of Howard J. Schultz, concerning an appeal from disciplinary action taken against him by the Chicago Board Options Exchange, Inc.

The subject matter of the closed meeting following the above open meeting will be:

Administrative proceedings of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, February 16, 1978, at 10 a.m., will be:

1. Consideration of application of Phillip S. Sassower, Lawrence I. Schneider, Adolf Marcus, and Alexander Goren for exemption from the provisions of section 9(a) of the Investment Company Act of 1940, and for an order of temporary exemption pending determination of the application.
2. Consideration of a proposed Rule 17Ad-8 under the Securities Exchange Act of 1934, prescribing terms for the transmission by registered clearing agencies of securities listings to issuers and others.
3. Consideration of a proposed amendment to Rule 14a-3(d) under the Securities Exchange Act of 1934 pertaining to transmission of issuer communications to beneficial shareholders.
4. Consideration of an application filed by Vance, Sanders Municipal Bond Fund, Ltd. for an order exempting the Fund and its general partners from certain provisions of the Investment Company Act of 1940.

5. Consideration of a proposed bill for submission to Congress which would amend section 3(a)(2) of the Securities Act of 1933 by deleting the existing exemption from registration of certain industrial revenue bonds.

FOR FURTHER INFORMATION CONTACT:

Edward A. Scallet at 202-755-1234 or Lawrence A. Horn at 202-755-1286.

FEBRUARY 6, 1978.

[S-304-78 Filed 2-7-78; 2:44 pm]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 3793, January 27, 1978.

Previously Announced Time and Date of Meeting 10 a.m. February 2, 1978.

CHANGES IN THE MEETING SCHEDULE: Additional items considered.

The following items were considered by the Commission at the closed meeting on Thursday, February 2, 1978, at 10 a.m.:

Settlement of injunctive action and administrative proceeding.
Formal order of investigation.
Institution of administrative proceeding of an enforcement nature.
Interagency Report.
Administrative proceeding order.
Personnel matters.

The following item was not considered at the closed meeting on Thursday, February 2, 1978, at 10 a.m.:

Regulatory matter arising from or bearing enforcement implications.

The General Counsel of the Commission, or his designee, certified that, in his opinion, the items considered at the closed meeting were so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i) and (10).

Commissioners Loomis, Evans, Pollock, and Karmel determined that Commission business required the additional matters to be considered and that no earlier notice thereof was possible.

FEBRUARY 6, 1978.

[S-305-78 Filed 2-8-78; 2:44 pm]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4539, February 2, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:20 a.m., February 3, 1978.

CHANGES IN THE MEETING SCHEDULE: Additional meeting held.

The Commission held a closed meeting on Friday, February 3, 1978, at 10:20 a.m., to discuss the following matter:

Formal order of investigation.

The General Counsel of the Commission, or his designee, certified that, in his opinion, the item considered at the closed meeting was so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Commissioners Loomis, Evans, Pollock, and Karmel determined that Commission business required the additional matter to be considered and that no earlier notice thereof was possible.

FEBRUARY 6, 1978.

[S-306-78 Filed 2-7-78; 2:44 pm]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4750, February 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE: Tuesday, February 7, 1978, 10 a.m.

STATUS: Closed meeting.

PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING:

The following items have been rescheduled from the closed meeting on Tuesday, February 7, 1978, at 10 a.m., to a closed meeting to be held on Wednesday, February 8, 1978, at 10 a.m.:

Regulatory matters arising from or bearing enforcement implications.
Settlements of administrative proceedings.
Settlement of injunctive action.
Other litigation matters.
Institution of injunctive action.

The General Counsel of the Commission, or his designee has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Commissioners Loomis, Evans, Pollock, and Karmel determined that Commission business required the rescheduling of the above matters and that no earlier notice thereof was possible.

FEBRUARY 6, 1978.

[S-307-78 Filed 2-7-78; 2:44 pm]

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THURSDAY, FEBRUARY 9, 1978
PART II



**ENVIRONMENTAL
PROTECTION
AGENCY**

Interim Primary Drinking
Water Regulations

■

**CONTROL OF ORGANIC
CHEMICAL
CONTAMINANTS IN
DRINKING WATER**

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 141]

(FRL 851-5)

INTERIM PRIMARY DRINKING WATER
REGULATIONSControl of Organic Chemical Contaminants in
Drinking WaterAGENCY: Environmental Protection
Agency.

ACTION: Proposed Rule.

SUMMARY: This proposed amendment to the National Interim Primary Drinking Water Regulations is intended to protect the public health from organic chemical contaminants in drinking water. The Administrator has determined that the presence in drinking water of chloroform and other trihalomethanes, and synthetic organic chemicals may have an adverse effect on the health of persons and that therefore human exposure to these chemicals should be reduced.

DATES: All comments should be submitted in triplicate by May 31, 1978. Proposed effective dates: See Supplementary Information. Hearing dates: See Supplementary Information.

ADDRESSES: Submit comments in triplicate to: Victor J. Kimm, Deputy Assistant Administrator for Water Supply, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Hearing addresses: See Supplementary Information.

FOR FURTHER INFORMATION
CONTACT:

Joseph A. Cotruvo, Director, Criteria and Standards Division, Office of Water Supply (WH-550), Room 1111, WSME, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460., 202-755-5643 or 202-472-5016.

SUPPLEMENTARY INFORMATION: This proposed amendment to the National Interim Primary Drinking Water Regulations is intended to protect the public health from organic chemical contaminants in drinking water. It consists of two parts: I—a Maximum Contaminant Level (MCL) of 0.10 mg/l (100 parts per billion) for total trihalomethanes (TTHM's) including chloroform, which occur in drinking water as the result of the interaction of the chlorine applied for disinfection and other purposes, with the organic substances which naturally occur in raw water, and II—a treatment technique requiring the use of granular activated carbon in the treat-

PROPOSED RULES

ment process for the control of synthetic organic chemicals associated with industrial pollution and urban and agricultural run off contaminating drinking water supplies. The Administrator has determined that the presence in drinking water of chloroform and other trihalomethanes, and synthetic organic chemicals may have an adverse effect on the health of persons and that therefore human exposure to these chemicals should be reduced.

The MCL for total trihalomethanes (TTHM's) is initially applicable only to community water systems serving a population of greater than 75,000 people and which add a disinfectant to the water in any part of the treatment process. Prior to the effective date, these water systems are required to conduct monitoring under section 1445 of the Safe Drinking Water Act.

Community water systems serving populations between 10,000 and 75,000 are only required to monitor for the level of TTHM's in their systems for one year. Community water systems serving fewer than 10,000 persons are not required to comply with the MCL or conduct monitoring under this regulation.

Additional microbiological monitoring is required for systems that change their treatment practices as a result of this regulation to ensure that no degradation in bacteriological quality of the drinking water occurs as a result of any such modification.

In addition this proposed regulation limits the application of two of the disinfectants, chlorine dioxide and chloramines, which might be utilized in place of chlorine to reduce TTHM generation.

The treatment technique regulation initially requires community water systems with populations greater than 75,000 people to use granular activated carbon in their drinking water treatment systems. Community water systems which demonstrate that this treatment is not necessary to protect the health of persons due to the nature of their raw water source may be granted a variance from the treatment technique requirement. A system may also be granted a variance to use an alternative treatment technique if it can demonstrate to EPA's satisfaction that its proposed alternative is at least as effective as granular activated carbon in reducing synthetic organic chemicals in drinking water.

Unless a community water system subject to the treatment technique is granted a variance, it is required to design, construct and operate a treatment system which uses granular activated carbon (GAC) to reduce the level of synthetic organic chemicals to the maximum extent feasible and is designed to meet specified criteria.

In some cases, these criteria may be achieved through addition of GAC in

the existing system with only the carbon reactivation frequency being affected. In many cases, however, economics or practical feasibility will require the design and construction of post-filtration contactors and on-site reactivation facilities. In the latter cases, the regulation provides 3½ years after the effective date for design and construction of filters and furnaces.

Optimal design specifications, including contact time, type of carbon and regeneration frequency to meet the effluent criteria are to be determined on a case-by-case basis for each system, with approval by EPA or the State Director where the State has primary enforcement responsibility. The State is further authorized to impose such monitoring, operation and maintenance, and reporting requirements as it deems necessary to assure that the system, once completed, is being operated to minimize the presence of synthetic organic chemicals in the drinking water.

In addition, as an interim measure, some systems are required to replace the media in the existing filters of their treatment plants with GAC.

As additional operating and technical experience is gained with respect to the use of alternative disinfectants and the use of GAC in the treatment of drinking water, the scope of these regulations will be expanded to include smaller community water systems. In accordance with the requirements of the SDWA, Revised Primary Drinking Water Regulations will be forthcoming which will impose additional MCL's on organic chemicals as well as require further reductions in the levels of TTHM as additional toxicological, technological and analytical information becomes available.

PROPOSED EFFECTIVE DATES

I. MCL for TTHM's—Monitoring requirements for water systems serving more than 75,000 individuals would become effective 3 months from the date of promulgation. Monitoring requirements for water systems serving between 10,000 and 75,000 individuals would become effective 6 months from the date of promulgation. The MCL for TTHM's under section 141.12(c) and the alternative disinfectant limitations under section 141.21 (j) and (k) would become effective 18 months after the date of promulgation.

II. Treatment Technique Requirements—The effective date of the treatment technique regulation is 18 months after its promulgation. By the effective date, community water systems serving a population of greater than 75,000 individuals and desiring a variance from the requirement must have submitted a request for a variance. Within 6 months after the effective date, systems not granted a variance must submit design specifications

based on the results of pilot studies of the GAC treatment system. Within 18 months after the effective date, they must submit their final design plans and a construction schedule. Finally, by 3½ years after the effective date, all systems must have a GAC treatment system in operation in compliance with the regulations.

Some systems will, in addition, be required to implement an interim control measure of replacing their existing filter media with GAC within 12 months after the effective date of these regulations. Systems which demonstrate to the State either that they will have a GAC treatment system in operation within 24 months after the effective date of these regulations, or that due to compelling circumstances related to physical constraints at the treatment plant, it would be infeasible to replace their existing filter media with GAC, could have the interim requirement waived by the State.

Comments: Comment is solicited on all technical, economic and policy aspects of this proposed regulation, including the selected Maximum Contaminant Level for TTHM's, proposed treatment technique requirement, population coverage and phasing concept. The following are a number of issues to which EPA would like particular attention addressed in the public comments:

1. MCL for TTHM's. 1. The reasonableness of the concept of phasing the application of the regulation by making the MCL mandatory initially only for large water systems and for the time being requiring monitoring only in others, and no requirements in the smallest systems. Should the regulations differentiate in their application between ground and surface water supplies? Are monitoring frequencies sufficient to identify locations with high TTHM levels?

An alternative approach on which public comments are solicited would be to make the MCL applicable to all public water systems and affect phasing of implementation by establishing a deferred monitoring schedule. Systems serving more than 75,000 people would be required to begin monitoring within one year of promulgation, systems serving between 10,000 and 75,000 would be required to begin monitoring within three years and all other communities within five years.

2. The magnitude of the MCL at 0.10 mg/l. Does the current information warrant more restrictive regulations at this time, for example, 0.050 mg/l or less? How rapidly can the MCL be reduced to lower feasible levels?

3. The feasibility and timing of the treatment modifications that will be necessary to achieve compliance. Will 18 months provide adequate time for most impacted systems to take steps to come into compliance?

PROPOSED RULES

4. The economic impact on large, medium, and small water systems either for the proposed regulation or for more restrictive regulations. Are EPA's estimates of the cost of compliance reasonable?

5. The concept of averaging the concentrations of the TTHM's for compliance—both the annual averaging of quarterly samples, and the averaging of representative samples within the distribution system.

6. The use of the Standard Plate Count as a more sensitive indicator of microbiological quality while treatment modifications are being introduced and the limitations on chlorine dioxide and chloramines.

II. Treatment Technique: 1. Limiting the application of the treatment technique initially only to large water systems of greater than 75,000 population. If the initial coverage of the regulation was extended to cover all community systems serving populations greater than 10,000 rather than those greater than 75,000 population contained in this proposed regulation, an additional 2,300 systems would be covered; of which about 500 systems would be required to modify treatment, and the associated capital costs would rise from 350 to 400 million to slightly under one billion dollars. Such an expansion in coverage would provide protection to another 60 million citizens but the associated administrative problems for the States and EPA in this new area of responsibility would be significantly increased as coverage expanded from 390 to 2,700 systems. How rapidly should the phasing to include smaller systems be instituted?

2. The use of the variance process to relieve from the treatment technique requirement systems that can demonstrate that their raw water sources are not subject or likely to be subject to synthetic organic chemical contamination. Are the existing criteria sufficiently clear to allow unambiguous determinations to be made?

3. The feasibility and desirability of an interim control measure requiring replacement of existing filter media with granular activated carbon to more quickly reduce chemicals in drinking water while optimal measure are being developed by the system.

4. The feasibility and timing of the treatment technique requirements, including the interim control measures and intermediate milestones.

5. The soundness and reasonableness of the 3 criteria specified for determining the design parameters for the treatment technique.

6. The validity of the assumption that variances would be more readily justified for systems with raw water sources such as the Great Lakes, deep ground water, and protected surface waters.

7. The information which should be considered in granting or denying a variance. Is the demonstration now required to be made by a system seeking a variance too stringent or too lenient?

8. The existence of alternative treatment techniques which are at least as effective as GAC in reducing levels of a broad spectrum of synthetic organic chemicals in drinking water.

9. The feasibility of the time frame established for the monitoring requirements associated with obtaining a variance from these treatment regulations.

10. The reasonableness of the estimated costs of compliance for the affected community water systems.

EPA understands that the introduction of new interim primary regulations at this time will necessitate that States with primary enforcement responsibility modify their existing regulations or laws. In addition, modification of laws or regulations might be needed in some states to permit the use of disinfectants other than chlorine where chlorination is now specified, if these options are to be available for compliance with the MCL for TTHM's, or for replacement of existing filter media with GAC. Comment is requested from each State as to whether sufficient time has been provided to accomplish those changes so as to make the State regulations consistent with the national interim primary regulations by their effective date.

All comments should be submitted by May 31, 1978, in triplicate to expedite review to: Victor J. Kimm, Deputy Assistant Administrator for Water Supply, EPA, 401 M Street SW., Washington, D.C. 20460. Later comments will be considered as time permits.

Supporting documentation: The following supporting documentation referenced in this preamble and available on request includes the Advance Notice of Proposed Rulemaking (ANPRM) titled "Control Options for Organic Chemicals in Drinking Water" (41 FR 28991, July 14, 1976) and a review of public comments received on the ANPRM; a report titled, "Drinking Water and Health" (June 1977) prepared for EPA by the National Academy of Sciences; synopses of data from the National Organics Reconnaissance Survey (NORS), (EPA, MERL, 1975), and the National Organics Monitoring Survey (NOMS), (EPA, Office of Water Supply, 1977), the "Interim Treatment Guide for the Control of Chloroform and other Trihalomethanes" (EPA, Water Supply Research Division, MERL, June 1976); "Statement of Basis and Purpose for the Regulation of Trihalomethanes" (EPA, Office of Water Supply, 1977); the "Economic" Impact of a Trihalomethane Regulation for Drinking

Water" prepared by Temple, Barker and Sloane, Inc. (EPA, Office of Water Supply, August 1977); copies of two analytical procedures for trihalomethane analyses, the "purge and trap" method; and the liquid/liquid extraction method; "Statement of Basis and Purpose for an Amendment to the National Interim Primary Drinking Water Regulations on a Treatment Technique for Synthetic Organic Chemicals," (EPA, Office of Water Supply, 1977); "Economic Analysis of Proposed Regulations on Organic Contaminants in Drinking Water" prepared by Temple, Barker and Sloane (EPA, Office of Water Supply, 1977); and "Draft Interim Treatment Guide for the Control of Synthetic Organic Contaminants in Drinking Water using Granular Activated Carbon," (EPA, Water Supply Research Division, 1978).

Requesters should specify which of the documents is desired.

Further information. Requests for supporting documentation listed above and for further information should be sent to: Joseph A. Cotruvo, Director, Criteria and Standards Division, Office of Water Supply (WH-550), Room 1111, WSME, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-755-5643 or 202-755-5016. Public comments and supporting documentation will be available for inspection at the above address and at the EPA Public Information Reference Unit, Room 2922, 202-755-2808. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of all supporting documentation will also be available for inspection at all 10 (ten) EPA Regional Offices.

In addition to considering public comments sent to EPA in a timely manner, the Agency will hold public hearings at several locations to receive comments and statements on the proposed regulations from interested persons. Hearings will be held in Miami, New Orleans, Boston, Los Angeles, St. Louis, Louisville, and Washington, D.C. Scheduled locations include:

Miami, Fla., March 23, 1978, Sheraton for Ambassadors, Crystal Ball Room, 9 a.m.

New Orleans, La., March 29, 1978, Council Chambers, City Hall, 9 a.m.

Boston, Mass., April 6, 1978, J. F. Kennedy Federal Building, 20th Floor Conference Room, 9 a.m.

Los Angeles, Calif., April 11, 1978, Los Angeles Convention Center, Rm. 214, 1201 S. Figueroa St., 9 a.m. and 7:30 p.m.

St. Louis, Mo., April 25, 1978, Fed. Bldg. Auditorium, 405 S. 12th St., 9 a.m.

Louisville, Ky., April 27, 1978, Galt House, Cochran Ball Room, 4th and River Sts., 9 a.m.

Washington, D.C., May 5, 1978, Waterside Mall, Room 3906, 401 M St., SW., 9 a.m.

Persons who wish to make statements at these hearings are urged to submit written copies of their remarks in triplicate if possible at the time they are presented for inclusion in the record. Persons wishing to attend are also urged to confirm by telephone the exact locations and times of the hearings.

BACKGROUND

Under Section 1401(a)(1) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300(f) et seq., EPA is required to prescribe National Primary Drinking Water Regulations for those contaminants which the Administrator determines may have an adverse effect on human health. In the House Report, No. 93-1185, which accompanied the passage of the Act, Congress strongly emphasized the preventive philosophy underlying the Act (see House Report at p. 10). Conclusive proof of an adverse effect is not a prerequisite to regulation. This is particularly important with respect to the Agency's authority to control organic chemicals in drinking water since these chemicals are most often found in only very small amounts. Even at these low levels, however, they are believed to pose a significant health risk to consumers of drinking water as a result of long-term exposure. Particularly, there is evidence to suggest that such exposure may increase the risk of human cancer and other chronic effects. Thus, although it is not possible to quantify the harm caused by these chemicals, the Administrator has determined, based upon the toxicological and epidemiological data presently available, that the presence of organic chemicals in drinking water may have an adverse effect on human health and therefore should be controlled.

Under Section 1412(a)(2) of the SDWA, Interim Primary Drinking Water Regulations are required to protect health to the maximum extent feasible using treatment methods which are generally available (taking costs into consideration) when the Act was enacted. On December 24, 1975, EPA promulgated Interim Primary Drinking Water Regulations, 40 CFR Part 141, 40 FR 59556 et seq., which became effective on June 24, 1977. These regulations only controlled organic chemicals to the extent of establishing Maximum Contaminant Levels for six organic pesticides based upon data then available to the Agency. An MCL for carbon-chloroform extract (CCE) was proposed by EPA during the rulemaking process but was subsequently deleted from the final regulations because it was determined that CCE had many failings as an indicator of health protection from organic chemical contamination (see 40 FR at 59568-59569). Nevertheless, at the time it promulgated the Interim Pri-

mary Regulations in December 1975, the Agency noted that when sufficient information concerning organic chemicals was derived from ongoing monitoring and other research programs, the Interim Primary Regulations would be amended as authorized under Section 1412(a)(1) of the Act (40 FR at 59568).

Concurrent with the promulgation of the Interim Regulations, EPA published Special Monitoring Regulations under Section 1445 of the Act, aimed at gathering a comprehensive data base on the occurrence of the organic chemicals in drinking water, and on means for determining their presence. This resulted in the National Organic Monitoring Survey (NOMS).

On July 14, 1976, EPA published an Advance Notice of Proposed Rulemaking (ANPRM), titled "Control Options for Organic Chemicals in Drinking Water" 41 FR 28991 et seq.). The ANPRM described the many facets of the issue of organic chemicals in drinking water including the legislative background, health effects data, the state of available control technology and costs. Advantages and disadvantages of various regulatory and nonregulatory options were examined, and the ANPRM solicited comments and information regarding the problem and options presented.

The ANPRM addressed the problem of organic contaminants in general, placing emphasis on the monitoring and control of specific chemical groups, particularly chloroform and the other trihalomethanes, as well as the treatment approach for controlling organic chemicals in general, including the use of Granular Activated Carbon.

Over 100 comments were received on the ANPRM, and the consensus of those comments was that when sufficient information becomes available, organic contaminants should be controlled by means of establishing Maximum Contaminant Levels (MCLs) rather than by establishing required treatment techniques, and that surrogate parameters, if available, would be preferred over limits for individual compounds. Many of the compounds contained expressions of concern over the lack of data in support of regulation of the broad spectrum of organic contaminants. The comments generally supported the control of contaminants or groups of contaminants for which evidence of hazard to health could be presented.

Since the appearance of the ANPRM, a considerable amount of additional data on the occurrence and treatment of synthetic organic chemicals, and on possible human health effects from consumption of drinking water has become available. The NAS report "Drinking Water and Health" was released in June 1977 and provides

the most comprehensive compilation of data presently available on the health effects of organic chemicals in drinking water. Additional toxicological information, particularly on drinking water concentrations, as well as epidemiological studies, suggest the possibility of a drinking water variable related to a human health risk. Although granular activated carbon (GAC) was a treatment technology available at the time the Act was passed, its use by the American waterworks industry was very limited. Pilot and full scale demonstration projects utilizing GAC and other adsorbents have given further assurance of the practical feasibility of the application of GAC in drinking water treatment plants.

The Administrator has concluded that the regulation of both THMs and synthetic organic chemicals in drinking water should be initiated at this time by amending the National Interim Primary Drinking Water Regulations. Consideration was given to the issuance of these requirements as part of the Revised Primary Drinking Water Regulations since there is no question that Congress expected the Revised Regulations to include such controls. However, it is equally clear that the establishment of Interim Regulations for these chemicals was left to the Administrator's discretion based upon the availability of data which would provide sufficient support for such Agency action.

Both in the House Report and the floor debate accompanying the passage of the Act, Congress expressed concern with the presence of organic chemicals in drinking water. Due to their increasing influx into the environment and their extreme variation, Congress anticipated that organic chemicals would be regulated as a group. A comprehensive approach to standard-setting was encouraged. As a first step toward comprehensive control of organic chemical contamination of drinking water, it is consistent with the purpose of the Act to propose these regulations as amendments to the Interim Regulations.

The Agency's failure to include more comprehensive requirements governing the control of organic chemical contaminants in drinking water in the Interim Regulations promulgated in December 1975 has been the subject of litigation and continued Congressional concern. A decision in the court suit brought by the Environmental Defense Fund in the United States Court of Appeals for the District of Columbia Circuit seeking more comprehensive control of organic chemicals under the Interim Regulations is still pending. During the Congressional debates over the amendments to the Safe Drinking Water Act in July 1977, the Agency was also criticized for its

failure to control organic chemicals. It was noted that the 1962 Public Health Service standards had indicated such a need and indeed had included a standard for carbon-chloroform extract (CCE). The Congressional floor managers urged EPA to update its regulations to include more comprehensive controls for organic chemicals. The authorization for EPA to conduct additional studies on organic chemicals in drinking water was accompanied by the explicit caveat that such studies should not delay the standard-setting process.

Based upon further information presently available, it is necessary to proceed with efforts to reduce the level of organic chemicals in drinking water in the earliest feasible time-frame. Such controls take time to implement and it would not be prudent to delay the imposition of controls while the means are available. The Revised Regulations will be promulgated concurrent with the establishment of recommended maximum contaminant levels and will seek to establish long-range requirements based upon the most current toxicological, occurrence and technological information available at that time. By amending the Interim Primary Regulations as authorized by the Act to include more comprehensive control of organic chemicals, the Agency is clearly acting consistent with the congressional intent to protect the public health to the maximum extent feasible using control methods which have been available since the Act's passage.

ORGANIC CHEMICALS IN DRINKING WATER

More than 700 specific organic chemicals have been identified in various drinking water supplies in the United States. These compounds result from such diverse sources as industrial and municipal discharges, urban and rural runoff, and natural decomposition of vegetative and animal matter, as well as from water and sewage chlorination practices. Compositions and concentrations vary from virtually nil in protected groundwater to substantial levels in many surface waters and contaminated ground waters.

Organic chemical contaminants in drinking water can be divided into two major classes: those of natural origin and those of synthetic origin. The natural substances represent by far the greatest portion and consist primarily of undefined humus and fulvic materials and others produced by normal organic decomposition or biotic transformation and are not known to be harmful in themselves.

The synthetic chemicals in water can be subdivided into two groups. The first group consists of those chemicals that result from water

treatment practices (e.g. trihalomethanes). Recent EPA studies indicate that, except for certain cases, the trihalomethanes constitute the largest portion of the identifiable synthetic chemicals in drinking water. Unlike other synthetic chemicals, chloroform and other trihalomethanes are formed during the treatment process. They are thus found in virtually every drinking water supply that is disinfected with chlorine, and not uncommonly at concentrations of several hundred parts per billion (ppb or micrograms per liter).

Studies by Sontheimer and Kuhn indicate that the THM's may represent only a portion of the total halogenated products of chlorination of water. Methods are being developed to quantify the total halogenated organic compounds produced during chlorination; however, for other than the chlorinated phenols and a few other substances, identification is very difficult.

Halogenated organics such as carbon tetrachloride, chloroform and hexachloroethane have also been detected at parts-per-million levels as contaminants in chlorine. Chlorine manufactured by the graphite-anode process is more likely to have higher levels of organics than chlorine from metal anodes, particularly if the chlorine has not been "scrubbed" properly after manufacture. Chlorine used for potable water disinfection should be of the highest purity to avoid introduction of these by-products into drinking water.

The second group of synthetic chemicals consists of those chemicals introduced as a result of point and non-point sources of pollution. Nationally, both surface waters and to a lesser degree ground waters are contaminated with a variety of these pollution-related synthetic organic chemicals ranging generally from the lower molecular weight halogenated hydrocarbons and monocyclic aromatic compounds to higher molecular weight pesticides, polycyclic aromatic compounds, and pesticide-like compounds.

These classes of compounds have been found in drinking water using gas chromatography or gas chromatography/mass spectroscopy. However, the large bulk of organic matter (primarily natural products but also higher molecular weight synthetics) in water is not amenable to detection by these commonly used methods. Those organic contaminants which have been identified in drinking water constitute only a small percentage of the total amount of organic matter present.

Because the chemicals thus far identified in drinking water account for only a small fraction of the total organic content, the possibility, and indeed the probability, exists that additional substances of equal or greater toxicological significance may be pre-

sent but remain undetected by present monitoring capabilities.

Recent studies provide abundant evidence of the presence of organic chemicals in drinking water. A 1972 report on pollution in the lower Mississippi River indicated a link between compounds present in the wastes of industrial discharges and those chemicals detected in the raw and treated water supplies in that area. A more thorough examination of the finished drinking water in the New Orleans area was conducted in 1974 using the most sophisticated analytical methods available. Concentrations of 82 tentatively identified organic compounds ranged from 0.004 µg/l to 12 µg/l (ppb).

In 1974 additional monitoring of 10 cities for a broad range of organic compounds was conducted as part of the National Organics Reconnaissance Survey (NORS). Contamination of finished water supplies revealed the presence of 129 organic compounds, attributable to industrial, agricultural and municipal sources. A ground water source was also found to be contaminated.

The most recent comprehensive data on the presence of organic chemicals in drinking water can be found in the National Organics Monitoring Survey (NOMS) in 1976 and 1977. The NOMS was intended to provide a more comprehensive survey of synthetic organic contaminants in finished drinking water by monitoring for approximately 20 specific organic compounds as well as such general organic indicators as Total Organic Carbon (TOC) and Carbon Chloroform Extract (CCE).

The NOMS data clearly demonstrated that the THMs have the greatest occurrence in finished water. A large number of other synthetic chemicals were also detected at lower levels. Some apparent correlation could be found between TOC and THM, but no correlations could be made for the remaining organics and any of the surrogate indicators used.

As the sensitivity of analytical methods has improved, greater numbers of organic compounds have been found. Ongoing studies being conducted by EPA's National Screening Program will further help to identify those water systems vulnerable to contamination by organic chemicals.

PART I: TRIHALOMETHANES

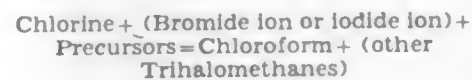
The trihalomethanes found in drinking water are members of the family of organohalogen compounds which are named as derivatives of methane, where three of the four hydrogen atoms have been replaced by three atoms of chlorine, bromine or iodine. Ten distinct compounds are possible by various combinations of three halogenated atoms, one hydrogen and carbon atom. Current analytical technology applied to drinking water has

thus far detected chloroform (trichloromethane), bromodichloromethane, dibromochloromethane, bromoform (tribromomethane) and dichloriodomethane.

The principal source of chloroform and other trihalomethanes in drinking water is the chemical interaction of the chlorine added for disinfection and other purposes with the commonly present natural humic and fulvic substances and other precursors produced either by normal organic decomposition or by the metabolism of aquatic biota. Recent EPA studies of the chlorination of certain algae in culture indicate the formation of THM. The actual human exposure potential, however, will vary depending upon the season, contact time, water temperature, pH, type and chemical composition of raw water and treatment methodology.

Since the natural organic precursors are more commonly found in surface water, water taken from a surface source is more likely than ground water (with notable exceptions) to produce high THM levels.

Generally, the THM producing reaction is as follows:



Chloroform is the most common trihalomethane found in drinking water and it is also usually present in the highest concentration. In a number of cases the concentrations of the brominated trihalomethanes were found to far exceed the chloroform concentrations. The mixed trihalomethanes appear to form by way of an initial oxidation of bromide ion in solution by added chlorine, followed by rapid and apparently preferential bromination of the organic precursors. Bromine may also be introduced as a contaminant of chlorine.

Iodination probably occurs by a similar process, however, the details are less well understood. Dichloriodomethane has been detected in drinking water along with the chlorinated and brominated THMs but it is not included

in the present regulation because of analytical and quantification difficulties. Chloroform is also a common contaminant in chlorine.

Chloroform and other trihalomethanes were first reported in drinking water in late 1974. EPA initiated the National Organics Reconnaissance Survey (NORS) of 80 water utilities, which confirmed that THMs were being formed during chlorination in the drinking water treatment process. Water samples were collected at the treatment plant and used for shipment but not dechlorinated. Concentrations in finished water appeared to be roughly related to the amounts of natural chemicals present in the water.

In late 1975, EPA initiated the National Organics Monitoring Survey (NOMS) in 113 cities throughout the United States, and this study is now virtually complete. The NOMS expanded on the NORS by including analyses for THMs throughout the year in three phases at each utility, as well as quantifying a large number of other synthetic chemicals found in the water. THM samples were collected at water treatment plants and also in the distribution systems. Phase I analyses in the NOMS were conducted similarly to the NORS. Phase II analyses were performed after the THM-producing reactions were allowed to run to completion (terminal). Phase III analyses were conducted on both dechlorinated samples and on samples that were allowed to run to completion (terminal).

The NOMS demonstrated that considerable amounts of THMs could form in the water after it has entered the distribution systems on the way to the consumer's tap. It also showed that THMs far exceeded the concentrations of other synthetic organic contaminants in finished drinking water, and that brominated THMs could also exceed the chloroform concentrations. Part of the THM concentration variation between Phases I, II, and III might also be attributable to seasonal effects. Additional information on these studies is contained in Table I and in the "Statement of Basis and Purpose" and other supporting documentation.

TABLE I.—Analytical results of chloroform, bromoform, bromodichloromethane, and dibromochloromethane and trihalomethane in water supplies from NORS and NOMS
(Concentrations in milligrams per liter)

	NORS		NOMS			
			Phase I	Phase II	Phase III	
Chloroform:						Dechlorinated terminal
Median	0.021	0.027		0.059	0.022	0.044
Mean	—	0.043		0.063	0.035	0.069
Range	NF—0.311	NF—0.271	NF—0.47	NF—0.20	NF—0.540	
Bromoform:						LD
Median	0.005	0.003		0.004	0.002	0.004
Mean	—	0.003		0.004	0.002	0.004
Range	NF—0.092	NF—0.039	NF—0.280	NF—0.137	NF—0.190	
Dibromochloromethane:						LD
Median	0.001	0.004		0.004	0.002	0.003
Mean	0.001	0.008		0.012	0.006	0.011
Range	NF—0.100	NF—0.190	NF—0.290	NF—0.114	NF—0.250	

TABLE I.—Continued

	NORS		NOMS			
			Phase I	Phase II	Phase III	
Bromodichloromethane:						
Median	0.006	0.010	0.014	0.006	0.011	
Mean	—	0.018	0.018	0.009	0.017	
Range	NF—0.116	NF—0.183	NF—0.180	NF—0.072	NF—0.125	
Total trihalomethane (TTHM):						
Median	0.027	0.045	0.087	0.037	0.074	
Mean	0.067	0.068	0.117	0.053	0.100	
Range	NF—0.482	NF—0.457	NF—0.784	NF—0.295	NF—0.695	

NF = not found.
LD = less than detection limit.

HUMAN HEALTH CONSIDERATIONS

Past use of some of the trihalomethanes, particularly chloroform and bromoform in anesthesia and medicinal preparations, respectively, has provided an extensive catalog of health effects data from high levels of human exposure.

Chloroform has been shown to be rapidly absorbed upon oral and peritoneal administration and subsequently metabolized to carbon dioxide and unidentified metabolites in urine. Chloroform is metabolized *in vitro* to 2-oxothiazolidine-4-carboxylic acid and methylene chloride. The metabolic profile of chloroform in animal species such as mice, rats, and monkeys is qualitatively similar to that in man. Trihalomethanes other than chloroform may be expected to be absorbed rapidly by ingestion and metabolized in a similar manner to chloroform in both humans and experimental animals because of their structural and chemical similarities with chloroform.

Human exposure to chloroform may result from several sources including ambient air, residues in food (from its use as a fumigant or from natural sources), toothpaste and cough medicines (until recently), and occupational exposures, as well as from drinking water. The Food and Drug Administration prohibits the use of chloroform in human drugs and cosmetics, and has proposed its prohibition in food packaging, because of the potential risk associated with its use. Depending upon the ranges of chloroform (and trihalomethanes) concentrations that have been detected in dustrialization), drinking water may contribute from none to 90 percent or more of the total daily intake.

Mammalian bioeffects following exposure to chloroform include its effects on the central nervous system, hepatotoxicity, nephrotoxicity, teratogenicity, and carcinogenicity. These responses are discernible in mammals from exposure to high levels of chloroform ranging from 30-350 mg/kg; the intensity of response was dependent upon the dose. Short term exposure to the low levels of chloroform common in air, food, and water (which are functions of location, urbanization and in-

ly found in drinking water supplies are not known to manifest acute toxic effects. The potential for human effects from chronic lifetime exposure at low concentrations is the basis for this regulation.

Evidence of the carcinogenicity of chloroform in mammals has been confirmed by several studies. These data are extensively reviewed in the report of the National Academy of Sciences titled "Drinking Water and Health" (June 1977) and in the "Statement of Basis and Purpose" incorporated by reference herein. Chloroform produced malignant and metastatic neoplasms (cancers) in at least one feeding study in mice, and has produced tumors in both rats and mice in other studies. Malignancies have been produced in a dose-related fashion in both rats and mice in the studies by the National Cancer Institute (NCI, 1976), and the latency period for the carcinogenic effect decreased as the dose increased in the male animals. Those studies established that chloroform was carcinogenic to the animals under the test conditions and therefore, might also present a carcinogenic risk to humans.

Data on the oncogenic (tumor causing) effect of other trihalomethanes are very limited, but several of them will be tested in the NCI Bioassay Screening Program. Bromoform generated excess lung tumors in preliminary pulmonary tumor induction tests with strain A mice, but chloroform did not. Brominated compounds have exhibited more carcinogenic activity than their chlorinated analogs in several cases in similar studies. Tests of the mutagenicity of a number of halogenated compounds including trihalomethanes, in the *Salmonella typhimurium* bacterial system *in vitro* have demonstrated that, in general, brominated compounds are more active than chlorinated compounds. Although chloroform was not mutagenic in that test, other trihalomethanes containing bromine and iodine were mutagenic in the bacterial test system.

Thus, although less toxicological information is available for the brominated THM's than for chloroform, toxicity, mutagenicity, and carcinogen-

icity have been detected in some test systems. Because of the liability of organically-bound bromine, physiological chemical activity would be expected to be greater for the brominated THMs than for chloroform. For these reasons, as well as the chemical structural similarity and common route of formation, the brominated THMs are also included with chloroform in this regulation.

Epidemiological evidence relating THM concentrations or other drinking water quality factors and cancer morbidity/mortality is not conclusive, but suggestive of a health risk. Positive statistical correlations have been found in several studies, but causal relationships cannot be established on the basis of those epidemiological studies. One preliminary epidemiological study investigated the association between chloroform and TTHM and cancer mortality and obtained some positive correlations particularly with bladder cancer. The correlation was stronger for the brominated THMs than with chloroform. Several other preliminary studies have been conducted on the relationship between chlorination, sources of drinking water supplies and cancer morbidity/mortality. The evidence from these studies thus far is incomplete due to limitations in the scope of the studies, the small sample sizes, the lack of water quality data and the trends and patterns of association not having been fully developed. When viewed collectively, however, the epidemiological studies provide sufficient evidence for maintaining the hypothesis that a potential health risk may exist and that the positive statistical correlations may be due to some association with drinking water quality. More definitive studies are being conducted by EPA and the National Cancer Institute. In addition, EPA has requested the National Academy of Sciences to provide an independent assessment of those epidemiology studies already completed. Their assessment should become available in the spring of 1978.

The human health considerations are discussed in detail in the "Statement of Basis and Purpose for the Regulation of Trihalomethanes in Drinking Water", and the National Academy of Sciences Report titled "Drinking Water and Health." Although it is generally agreed that it is not possible to project with accuracy from risk estimates to absolute numbers of cancers in a human population exposed to a given agent, the approximate impact of the standard has been estimated using statistical extrapolation models derived from animal data. Statistical assessments of risk have been attempted using several mathematical models, and they indicate that the excess risk for lifetime exposure at the regulation level (0.10 mg/l)

would be on the order of 10^{-4} to 10^{-5} ; that is, an excess lifetime (70 year) cancer risk in the range of 1 in ten thousand to 1 in one hundred thousand. This will be reduced considerably as actual average levels below 0.10 mg/l are achieved and as the standard itself is reduced in the future. Those risk estimates are computed on the basis of chloroform alone, and do not consider the presence of other substances which might be introduced concurrently with chloroform or pollution-related contaminants and which would contribute to a higher level of risk.

CONTROL OF TRIHALOMETHANES

There are three basic ways of controlling trihalomethanes in drinking water:

1. Use of a disinfectant that does not generate trihalomethanes in water.
2. Treatment to reduce the precursor concentration prior to chlorination.
3. Treatment to reduce the trihalomethane concentration after formation.

Each of these general approaches can be further divided into other control options, depending upon individual circumstances. However, these should not be considered as mutually exclusive options. Indeed, in many cases some combination of all three may be necessary to simultaneously minimize organics and optimize pathogen control.

Since any of the disinfectants or their corresponding by-products may have some undesirable properties, a fundamental principle should be to apply whatever treatment is needed to produce water of high quality and low chemical content prior to the application of the disinfectant. Thus, the chemical disinfectant demand of the water will be minimized and pathogen control will be maintained while disinfectant use and by-product formation will be minimized.

Disinfectants other than free chlorine or hypochlorite, such as ozone, when used in conjunction with a disinfectant residual such as a chloramine or chlorite dioxide, will eliminate or greatly reduce the formation of THM. Ozone in combination with a chlorine residual may be usable in some waters, although preliminary data indicate that ultimate THM precursor concentrations are not reduced.

More efficient operating control of chlorination at the treatment plant may also result in decreased trihalomethane formation. Use of a chlorine residual in a less active form such as chlorine combined with ammonia (chloramine) will significantly reduce trihalomethane formation, however, chloramines are much less potent disinfectants than free chlorine. In fact, early studies, subsequently confirmed, demonstrated that chloramines re-

quired approximately a 100-fold increase in contact time to inactivate coliform bacteria and enteric pathogens as compared to free available chlorine. For this reason, chloramines are not recommended for use as primary disinfectants in drinking water treatment. Chloramine treatment finds its widest application in maintenance of chlorine residuals in the distribution systems, after primary disinfection with free available chlorine or other disinfectant. The health effects of water treatment with chloramine have not been studied in detail. Although these disinfectants in the absence of chlorine do not produce trihalomethanes, questions have been raised on the issue of the toxicology of chlorine dioxide and other disinfectants and their byproducts. Chlorine dioxide introduces chlorite ion upon partial reduction.

Studies with cats have shown that chlorite has a deleterious effect on red blood cell survival rate at chlorine dioxide concentrations above 10 mg/l. Therefore, a limit of 1.0 mg/l is necessary to prevent potential adverse effects on sensitive individuals, particularly children. Additional studies are underway to clarify this matter.

The Administrator is authorized to restrict the use of alternative disinfectants such as chloramines and chlorine dioxide under Section 1401(1)(D) of the Act which provides that in addition to a maximum contaminant level, a Primary Drinking Water Regulation must include "criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels; including quality control and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system . . . Congress anticipated that additional safeguards would be necessary to assure that public water systems dependably supply safe drinking water (see House Report at p. 13). While the Administrator is prohibited by Section 1412(b)(6) of the Act from requiring the addition of any substance for preventive health care purposes, he is not precluded from restricting the use of chemicals which he finds might jeopardize the provision of a safe supply of drinking water.

Because the establishment of an MCL for trihalomethanes attributable to chlorination practices will cause many water suppliers to turn to alternative disinfectants which are either less effective than chlorine or have undesirable side-effects of their own, it is necessary to restrict the use of such alternatives in order to assure that the most healthful drinking water is being provided to consumers while efforts are being made to comply with the specific MCL requirements for TTHM and microbiological contaminants.

High Total Organic Carbon (TOC) levels in water can be indicators of potentially high disinfectant demand because of consumptive chemical processes (e.g. THM production from chlorine). Ozonation of high TOC waters can also lead to aftergrowth of flora in distribution systems. Thus, particular care must be taken in the selection of the total treatment scheme, especially in waters with TOC concentrations above approximately 2 mg/l, to avoid the potential problems that can be introduced by excessive application of any disinfectant.

The trihalomethanes precursors, which are probably complex mixtures of humic and fulvic substances and may also include simpler low molecular weight compounds containing the acetyl group ($\text{CH}_3\text{—C=O}$), can be reduced to some degree by effective coagulation and filtration. The maximum benefit from this technique for precursor removal is not achieved unless the chlorine is added only at that point in the treatment process where precursor concentration is lowest (i.e. after coagulation and settling or after filtration).

Use of fresh granular activated carbon (GAC) is the best technique among all of the control options because it is effective both for precursor and trihalomethane removal (to a lesser degree) as well as for general removal of contaminating organic chemicals. The versatility of GAC application for general organic chemical removal is important because Revised National Primary Drinking Water Regulations, to be based on the recent National Academy of Sciences Report, "Drinking Water and Health," will contain MCL's or treatment techniques for additional organic chemicals. Thus the use of GAC for THM control could obviate the need for additional treatment modifications to control other contaminants and to provide added protection from other undesirable organic chemicals such as from upstream pollution. Thus, EPA recommends that public water systems drawing water from sources subject to contamination with synthetic organic chemicals should use adsorbents like GAC in their treatment processes in order to provide the best level of protection of the public health from organic chemical contamination. This is consistent with the accompanying proposed treatment regulation for synthetic organic chemicals.

Some operational problems with GAC use include its relatively short life for THM control in some waters and bacterial growth on the adsorbents. In some water treatment procedures, in German practice, biological activity on the GAC, "biological activated carbon (BAC)," is encouraged as an effective means of reducing organic chemical loadings and extending the

time between reactivation of the carbon. A typical treatment train utilizing the BAC approach might include raw water chlorination and coagulation followed by ozonation, contact with deep beds of granular carbon, then application of a disinfectant such as chlorine dioxide for maintenance of a residual. EPA encourages the use of adsorbents such as GAC where appropriate to reduce THM precursors as well as other contaminants and our research program is actively studying all aspects of its application.

Two techniques have been tested for removal of THM from water after formation. These include aeration with a high gas-to-water ratio and the use of an adsorbent specifically designed for THM removal. Neither of these techniques would alter the continued generation of THM in the distribution system from the reaction of remaining precursors and a free chlorine residual.

The NORS and NOMS studies have shown some degree of correlation between concentrations of trihalomethanes and Non-Purgeable Total Organic Carbon (NPTOC) measurements on finished water. NPTOC and TOC measurements can now be made readily and at low cost per sample. Thus TOC or NPTOC analyses conducted along with the THM monitoring might provide some insights to the water system operators as to water quality factors influencing THM formation. NPTOC or TOC measurements might ultimately be useful for predicting THM formation potential in a water system using a particular treatment method.

Discussions of the various treatment techniques in detail, including the estimated cost of treatment, specific suggestions for modifications of several different types of water treatment plants, and recommendations for operational monitoring, as well as of NPTOC analyses are contained in the "Interim Treatment Guide for the Control of Chloroform and other Trihalomethanes" and the "Economic Impact Analysis of a Trihalomethane Regulation for Drinking Water." In addition EPA is funding an investigation of the worldwide use of ozone, chlorine dioxide and "biological activated carbon," to include operating experiences, engineering details, design criteria and economics. This report, being developed by Public Technology Inc., will be available in early 1978.

REGULATORY APPROACH

The Safe Drinking Water Act mandates that substances in drinking water that may have adverse human health effects should be controlled to the extent feasible using available technology and taking costs and other factors into consideration. In the Interim Primary Drinking Water Regulations promulgated December 24,

1975, 40 CFR at 5956B, the Administrator stated that as soon as sufficient information was developed from the monitoring programs and related research, the regulations would be amended to deal with additional organic chemicals beyond the six pesticides regulated at that time. The Administrator has now determined that a maximum contaminant level for chloroform and related trihalomethanes under the Interim Primary Regulations is warranted and that means are available to larger water systems to control trihalomethanes without increasing the risk of microbiological contamination. This decision was reached based on the following factors:

1. The health effects data, including bioassay, monitoring, mutagenicity, and epidemiology are further developed for chloroform and by implication for THMs than for other organic chemicals in drinking water.
2. THMs are generally present in greater concentrations than other organic chemicals in drinking water, thus facilitating feasible monitoring and analytical techniques.
3. THMs are more ubiquitous contaminants of drinking water than other synthetic organic chemicals.
4. Several treatment procedures are available for THM control in drinking water.

The decision process also included the responses to the ANPRM and the concurrence of the National Drinking Water Advisory Council.

These regulations should not be construed as compromising the absolute principle of providing drinking water of the highest microbiological quality, or of discouraging the use of chlorine (or hypochlorite), but rather as encouraging application of the most effective treatments under optimal conditions so as to minimize formation of undesirable by-products, be they organic or inorganic. This philosophy encourages selection of the best available raw water source and application of the most appropriate physical and chemical processes to produce water of very high quality (and low disinfectant demand) prior to application of the disinfectant. This amendment to the Interim Regulations will initially affect those situations where excessive quantities of trihalomethanes are being generated by current treatment practices. In addition, the techniques that will be utilized to reduce trihalomethane concentrations will also concurrently result in reductions of many other contaminants that are undesirable by-products of the treatment process or are contaminants in raw water. The causes and incidences of waterborne disease outbreaks demonstrate the essentiality of water disinfection and the continued use of chlorine. Except for the demonstrated public

health benefits of chlorination, trihalomethane concentrations might have been controlled at a lower level sooner. At least in the near term, chlorination must be continued to prevent infectious waterborne disease and thus at this time THM concentrations are being reduced by technologically and economically feasible methods rather than being eliminated. The NAS report, "Drinking Water and Health," articulated principles which were generally utilized in the rationale for these regulations:

1. Effects in animals, properly qualified, are applicable to man.
2. Methods do not now exist to establish a threshold for long-term effects of toxic agents.
3. Exposure of experimental animals to toxic agents in high doses is a necessary and valid method of discovering possible carcinogenic hazards in man.
4. Material should be assessed in terms of human risk, rather than as "safe" or "unsafe."

Thus the proposed MCL of 0.10 mg/l should not be construed as a "safe" level. The current scientific thought on human exposure to substances which have been demonstrated to be carcinogens in animals in appropriate tests is that they be considered potential carcinogenic risks to humans. The presumption is that health risk is related to the extent of exposure and that no threshold exposure level without risk can be demonstrated for a genetically diverse population. Thus, translated into a regulatory philosophy, exposure to those substances should be minimized so as to minimize risks. Therefore, water systems should strive to reduce THM concentrations to levels as low as is economically and technologically feasible, without compromising the microbiological quality of the drinking water.

Based upon these considerations, an MCL of 0.10 mg/l for TTHM has been proposed under interim regulations as a reasonable level providing health protection to the extent feasible. This should not lead to complacency on the part of systems with a THM of 0.09 mg/l for example, but should be construed only as a starting point which will, over time, be lowered progressively as technologic, economic, and practical constraints permit. Within 2 years after the effective date of this regulation, EPA will review the implementation experience. Assuming successful implementation, it is expected that the MCL will be reduced and/or coverage of impacted public water systems will be expanded to include additional smaller systems. As soon as sufficient practical experience has been gained so as to optimize the application of these or other technologies, EPA expects that levels as low as 0.010 mg/l or less will be attainable in many cases.

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Selection of a Maximum Contaminant Level of 0.10 mg/l for THM was based on a balancing of public health considerations and feasibility of achievement. This included such practical considerations as availability of control technology, monitoring methods and trained personnel, economic considerations, new risks which may be introduced from changes in current treatment practice and the resource-limited technical assistance available from EPA. Establishment of a specific MCL is therefore not a license for those systems with lower THM levels to allow concentrations to increase to the MCL. Rather, all water systems should strive to minimize THM concentrations by technologically and economically feasible methods that will not compromise protection from waterborne infectious disease. EPA expects that application of the various control possibilities will probably result in many water systems achieving levels well below the MCL.

Analogous to the use of the coliform test as a simple indicator of the presence of microbial pathogens in water, THM concentrations should be treated as indicators of the presence of other undefined halogenated compounds concurrently produced during chlorination. Thus, measures that are taken to reduce THM concentrations will concurrently provide the additional benefit of reducing human exposure to the other undefined by-products.

Because of the structural, and likely biochemical and toxicological similarities of the trihalomethanes, and their common occurrence in drinking water in much higher quantities than other synthetic chemicals, and because the exposed human population is very large, EPA has determined that an MCL for trihalomethanes should be part of the first phase in its approach to synthetic organic chemical control in drinking water. Pollution-related contaminants will be more comprehensively controlled in the concurrent proposed treatment regulations for synthetic organics and in the Revised National Primary Drinking Water Regulations.

SELECTION AND APPLICABILITY OF THE MCL

This part of the amended interim regulations is the first step in a phased regulatory approach to controlling potentially harmful organic chemicals in drinking water. This part consists of a Maximum Contaminant Level for total trihalomethanes and of monitoring requirements that apply to community water systems in a manner that is dependent upon population served, as follows:

1. Systems serving populations greater than 75,000 persons—MCL for total trihalomethanes at 0.10 mg/l would be effective 18 months from the date of promulgation of

the regulations. Monitoring at a minimum of 5 analyses per quarter would be effective 3 months from the date of promulgation of the regulations. Standard Plate Count analyses are required to ensure maintenance of microbiological quality when treatment changes are implemented and is also effective 3 months after promulgation.

2. Systems serving populations between 10,000 and 75,000 persons—the MCL is not applicable. Monitoring for one year at a minimum of 2 analyses per quarter effective 6 months from the date of promulgation of the regulation would be required. These results must be periodically reported to the responsible State agency and EPA.

3. Systems serving populations smaller than 10,000 persons are not subject to the MCL for THM or monitoring requirements at this time.

The selection of an MCL, monitoring requirements and population coverage in these interim regulations was based upon the feasibility of achieving reductions of THM's and the concern that any attempted modification of disinfection practice to control trihalomethanes must not in any way affect the microbiological quality of drinking water which would increase the possibility of transmission of infectious disease.

The interim MCL of 0.10 mg/l total trihalomethanes was selected from a number of higher and lower options that were considered. Available control and monitoring technology, national and per capita costs, population coverage, and availability of personnel, equipment and materials were among the feasibility factors influencing the decision. The mean levels of TTHMs from Phase II and Phase III of the National Organics Monitoring Survey (NOMS, Table 1) were 0.117 mg/l and 0.100 mg/l, respectively, in water samples that were allowed to react to completion. Averages between dechlorinated and terminal samples could be considered as estimates representative of likely concentrations to be found at the tap of the average consumer. These were 0.093 mg/l in Phase II and 0.077 mg/l in Phase III. Maximum THM levels ranged as high as 0.695 mg/l and 0.784 mg/l in terminal samples. Therefore, an interim MCL of 0.10 mg/l, will result in substantial reduction of THM concentrations in many water systems now exceeding the MCL and provide adequate health protection.

The MCL and its associated monitoring requirements apply to community water systems serving populations greater than 75,000 persons. Water systems serving between 10,000 and 75,000 persons are required only to monitor for trihalomethanes and report the results to EPA and the State. There are 390 community water systems in the United States serving populations greater than 75,000 persons and they represent a total population of 100 million persons, or 52 percent of the total population served

by community water systems. Initial limitations of the MCL to systems serving populations greater than 75,000 provides an achievable level of protection and introduces a manageable demand on the supplier industries for instrumentation, raw materials, construction, activated carbon and disinfectants, and expert personnel. Control is thus technologically and economically feasible in that size range. The 2,300 community water systems serving populations between 10,000 and 75,000 persons represent a total population of 62 million persons or 32 percent of the total population served by community water systems. In these communities reasonable steps to minimize THM concentrations should be evaluated and utilized where feasible under proper supervision. EPA feels that requiring water systems serving populations between 25 and 10,000 persons to meet the MCL or monitoring requirements would not be feasible at this time in most instances, and it encourages their continued use of chlorine and other necessary disinfection treatment methods while additional information is being generated by the first phase of this regulatory program.

A considerable level of protection is provided by this regulation since it applies to those locations where the likelihood of THM contamination is greatest. The great majority of larger public water systems that are covered by those regulations utilize surface water which is more likely to produce greater quantities of trihalomethanes. The majority of small systems utilize groundwater, a less likely source of trihalomethanes. In addition, many of the small systems do not now chlorinate and therefore would not be producing THMs.

The almost 40,000 public water systems in the United States ranging in size from 25 to several million persons serve water to almost 200 million people in total. Because of the intimate relation of THM control to the disinfection process and the limited THM control technology experience in the United States, EPA feels it is imperative that any changes in current treatment practice must be carefully supervised and supported by technical assistance from the States and EPA.

Both EPA and State resources for this type of technical assistance are very limited. In a number of cases the changes in treatment practice attendant to this regulation will involve application of fairly sophisticated new procedures involving close cooperation of engineers, chemists and microbiologists to assure successful treatment without sacrificing microbiological quality of drinking water. It is not prudent nor feasible therefore to deal with all public water systems in the short term. Rather, EPA chose as an initial

step to select an MCL for TTHM that would be protective and to limit its application to a large but reasonable number of public water systems that would have the financial base and access to expertise necessary to achieve that MCL.

Using a phased regulatory approach, EPA intends to initially affect the public water systems serving the largest populations and the worst cases of high level exposure to THM. In the future, as additional experience is gained, the MCL for THMs will become more restrictive and coverage will be extended to smaller water systems as necessary to adequately protect the public health. At this time, while EPA believes that exposure of consumers of drinking water to THM's should be reduced to the extent feasible, no less health protection is necessarily being provided to those smaller public water systems not covered by the MCL, many of which utilize ground water. Because THM levels are not expected to be high for ground water sources of drinking water, smaller water systems are being required to monitor for the presence of THMs in order to better ascertain the scope of the problem in that size category. EPA believes that it is consistent with the Act's objective of health protection to proceed with care in controlling THM's in light of the delicate balance between THM reduction and adequate disinfection.

A number of community water systems which are not now impacted by this regulation presumably will either voluntarily or due to State action also attempt to reduce THM concentrations. While such action is encouraged, EPA recommends that this be attempted only under appropriate State supervision, and the Agency will provide technical assistance to such efforts within available resources.

THM MONITORING REQUIREMENTS

THM monitoring pursuant to Section 1445(a) in systems larger than 75,000 persons should be performed at least quarterly, and a minimum of 5 samples should be collected on the same day and analyzed according to EPA approved procedures, and the results arithmetically averaged. Initial sampling must begin within 3 months of promulgation of these amendments so that data will be available in time for systems to determine corrective actions before the effective date of the regulation. The sampling locations should be selected to be representative of the THM concentrations at the consumers' taps. No more than 20 percent of the samples should be collected at the entry point of the distribution system and no less than 20 percent should be at extremes in the system. The remaining 60 percent should be from locations representative of popu-

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lation density throughout the distribution system.

Compliance with the MCL is computed by averaging the quarterly values from the preceding 12 months. This method was selected, rather than basing compliance on the highest value obtained in any single sample, because of the large and possibly uncontrollable variations of raw and finished water quality that occur in the short term. These and other factors which must be dealt with on a case-by-case basis could lead to wide variations of THM concentrations. At this time it would be unreasonable to demand the kind of pinpoint control that would be necessary to maintain THM levels below a particular figure at all times and at all locations in the distribution system of every water system. This approach could be changed as additional experience is gained through the implementation of this regulation.

Monitoring for THMs in smaller systems (10,000 to 75,000 persons) pursuant to Section 1445(a) of the Safe Drinking Water Act should be initiated within 6 months of promulgation of these amendments and should continue for a period of one year. These data will assist EPA in assessing the magnitude of THM concentrations in these systems and in making determinations as to the need and feasibility of revised regulations in that size category. In addition, identification of locations with high THM levels will allow the system, State or EPA to take appropriate action on a case-by-case basis when feasible. Monitoring requirements are minimal, involving only 2 analyses per quarter. Both samples should be collected at the entry to the distribution system at the same time. One sample should be dechlorinated immediately; the other sample should be dechlorinated and should be stored for 7 days in the sample container at room temperature (20° to 25° C) prior to analysis to permit the chlorination reactions to go to completion. The results from the two samples should thus reflect the extremes of possible THM concentrations in the drinking water. These data must be reported to EPA and the State. Data from the 1976-1977 NOMS has been transmitted to each of the 113 participating water systems, so a number of them already have sufficient information in hand from which to plan compliance needs. To assure that sufficient qualified laboratories will be available to perform the required analyses, EPA is developing a Quality Assurance program and will expand the current laboratory certification program. This will assure the validity of the analytical data used by water systems to determine compliance and possible treatment modifications.

ADDITIONAL MICROBIOLOGICAL MONITORING REQUIREMENTS

To assure that any steps taken to reduce THM concentrations in drinking water will not increase the possibility of microbial contamination, additional microbiological monitoring is required for a water system that is modifying existing treatment practice. Standard Plate Count (SPC) determinations must be made at least daily both at the treatment plant and in the distribution system, for one month before and six months subsequent to the treatment change to assure that no degradation of water quality occurs. Analyses prior to the change are intended to provide a baseline to which subsequent effects can be compared. The appropriate number and sampling locations of SPC analysis should be determined by the State or EPA depending on local conditions. Significant deviations from the "normal" range must be reported to the State or EPA and corrective actions taken immediately.

The normal microbiological organisms in public water supplies originate from the source water. This initial population of bacteria may be drastically reduced through chemical treatment and filtration. Disinfection will further reduce the remaining population significantly to perhaps one ten thousandth of the bacterial population in the source water. These survivors may be joined by other organisms that penetrate the treatment barrier along with turbidity or during momentary lapses in treatment. Microbial contaminants carried by airborne dust introduced through clear well vents, installation and repair of distribution lines, cross-connections, and negative line pressure situations all contribute to a microbial population that is partially enumerated by the Standard Plate Count.

Water treatment regimes are designed to minimize the public health risk associated with organisms of sanitary significance, but the process becomes selective of certain microbial strains. Although the genera of organisms detected by the Standard Plate Count may not be harmful or dangerous to normal persons when present in drinking water in low numbers, under certain conditions, these organisms are known to produce severe or chronic human infections. The National Academy of Science Report "Drinking Water and Health" underscores the usefulness of the Standard Plate Count in evaluating these organisms and recognizes that the Standard Plate Count should be used in conjunction with the total coliform procedure(s) to measure the sanitary quality of potable water. In that report, the Academy recommends use of the Standard Plate Count to:

1. Provide a method of monitoring for changes in the microbiological quality of finished water,

2. Determine whether the normal flora of a water supply may be interfering with coliform detection, and,

3. Monitor the effectiveness of a disinfectant or treatment practice within the plant and distribution system and provide an indication of filter-effluent quality deterioration and the occurrence of the positive breakthrough of pathogenic microorganisms.

Use of the Standard Plate Count in evaluating disinfectant efficiency should be coupled with total coliform determinations at various plants in the treatment process. This information will provide an indication of relative efficiency of each treatment process so that when changes are made, any deterioration of water quality can be detected. It should be clearly understood that the Standard Plate Count is not a substitute for total coliform as a measurement of the sanitary significance of potable water, but rather a sensitive tool to signal an increased potential risk of breakthrough of undetected pathogens such as viruses or protozoa.

The presence of coliform bacteria in water is still considered the most reliable indicator of possible fecal contamination and any associated enteric pathogenic microorganisms. Certain viruses and the cysts of *Entamoeba histolytica* and *Giardia lamblia*, however, are capable of surviving in water for longer periods of time than the indicator coliform bacteria. In addition, these pathogenic organisms are also somewhat more resistant to disinfection than the indicators.

Thus, use of the Standard Plate Count at least during periods of treatment alteration will provide a more sensitive indication of any changes in the effectiveness of microbial control resulting from process changes.

STATE DISCRETION FOR MONITORING FREQUENCIES

The State is granted discretion to adjust monitoring requirements after one year upon a determination that local conditions are such that THM concentrations would not be likely to approach or exceed the MCL. After THM data have been collected according to the requirements for a full year, a community water system may request that the State allow a reduction of the monitoring frequency. The State's case-by-case decision should be based on such factors as the monitoring data, the quality and source of the raw water, and the type of treatment employed. Monitoring cannot be reduced to less than one sampling every six months. After the first year's monitoring data have been obtained this minimal additional monitoring should be sufficient to demonstrate that conditions have not changed to the extent that the water supply might later exceed the MCL. However, a change in the source of water or

modification of the treatment program would require that the initial monitoring requirement be reinstated to reestablish the baseline.

EFFECTIVE DATES OF MONITORING REQUIREMENTS

The regulations would require that baseline quarterly monitoring for THM's for the larger systems (about 75,000 persons and above) would be initiated within 3 months of promulgation of these amendments, and for smaller systems (about 10,000 to 75,000 persons) within 6 months of the date of promulgation.

The effective date for the TTHM Maximum Contaminant Level would then be 18 months after the promulgation date. This schedule is proposed so that sufficient time will be available to the affected Public Water Systems for the acquisition of equipment and personnel, the accumulation of baseline compliance data, conducting of engineering feasibility studies and the introduction of control technology. In addition, 18 months is deemed sufficient time for States with primary enforcement responsibility to incorporate the new Federal requirements into their statutory and/or regulatory authorities.

ECONOMIC IMPACT OF THM REGULATIONS

The economic impact was projected based on several control options available to satisfy the regulatory requirements—modifying chlorination or other treatment procedures, changing disinfectants, or using an adsorbent. The calculation of cost projections for the THM regulation requires an estimation of the number of systems which are likely to select each of these treatment strategies to comply with the regulation. An incremental cost will accrue to all systems impacted, whether or not treatment is required, to cover monitoring expenses. Because no empirical method exists for predetermining the choice of treatment that would be made by each affected public water system, a more probabilistic and structured approach was used. A logical sequence of decision points was designed to distribute the systems covered by the regulation according to the most likely path they would follow. The decision made at each point is consistent with certain criteria as follows:

1. The treatments currently used: If a system does not add chlorine it will not be affected by a THM regulation, and therefore will require no new treatment.

2. Water source used: If a system uses surface water (except the Great Lakes and some high quality mountain waters) as its primary source, it is more likely to exceed a given level of THM contamination. Hence, the number of water systems using water from ground or surface sources affects the

number of systems which will exceed the MCL and therefore require treatment.

3. Degree to which water quality exceeds MCL: If the presence of THM is only slightly in excess of the initial MCL, then minimal modifications to procedures may be adequate for compliance. As the level of contamination increases, a system must consider more significant (and costly) treatment techniques.

4. Economic considerations: The presumption was that systems would adopt the least costly treatment strategy that satisfies the regulations.

5. Treatment effectiveness: The presence of THMs above certain levels can probably be best controlled by the use of adsorbents. This is because of the likelihood that high disinfectant demand waters cannot be disinfected adequately without generating considerable amounts of by-products of unknown hazard. Consequently, those systems with very high levels of THMs are likely to use adsorbents.

Of the 390 public water systems that serve more than 75,000 people, 60 purchase the majority of their water from other systems that are presumed to provide treatment. Thus a total of 330 systems would be initially affected, although 18 of these are excluded because they do not presently add chlorine. Of the remaining 312, some 86 were estimated to have TTHM levels above 0.10 mg/l and hence would require treatment changes.

The 21 systems estimated to exceed the level by less than 25 percent were assumed to be able to comply by the least costly method; modifying current chlorination or other procedures. The remaining 65 systems are split into those above and below 0.25 mg/l of TTHM. Of those estimated to be over the 0.25 mg/l level, 20 percent were assumed to be able to comply by changing disinfectant and 80 percent would probably use an adsorbent to achieve compliance, because changing disinfectants alone might not be an appropriate method to bring the systems into compliance with the regulation considering the quantity of other by-products that might be formed. Eighty percent of those between 0.125 and 0.25 mg/l were estimated to change disinfectant and the remaining 20 percent would also use an adsorbent. On the basis of the above assumptions, national cost, exclusive of monitoring costs, for compliance with the proposed regulations are as follows:

SUMMARY OF ESTIMATED TOTAL COSTS FOR AN MCL REGULATION FOR TRIHALOMETHANE CONCENTRATION OF 0.10 MG/L

(In millions of 1976 dollars)	
Capital expenditures, cumulative to 1981	154.4
External financing, cumulative to 1981	145.2
Operating and maintenance expenses, 1981	25.9/yr.
Revenue requirements, 1981	38.0/yr.
Annual per capita costs* (dollars)	2.07/person.

*Revenue requirements divided by population served by the cost-impacted systems

Per capita costs vary depending upon the type of treatment selected.

population and other factors and range from 28 to 93 cents for alternate disinfectants and \$3.30 to \$6.11 for an adsorbent assuming a 60 day regeneration cycle. Detailed analyses of costs of the options are contained in the "Economic Impact Analysis of a Trihalomethane Regulation for Drinking Water", available on request.

Monitoring costs were computed based upon a survey of contract analytical laboratories currently performing TTHM analyses. Per sample costs ranged from 25 dollars to 100 dollars. After these regulations have been promulgated, the increased volume of business and competitive factors would be expected to reduce the analytical costs to below 25 dollars per sample.

Annual monitoring costs for a large community water system (greater than 75,000 population), assuming the minimum frequency of 5 samples per quarter and 25 dollars per sample, amount to \$500. Annual costs for a smaller water system (10,000 to 75,000 population) at the minimum frequency of 2 per quarter amount to \$200. Annual national monitoring costs amount to \$153,500 for the 307 out of 390 (less 18 that do not chlorinate) large systems that probably would not need to alter their current treatment practice and \$464,000 for the approximately 2300 smaller systems affected.

EPA expects that a number of community water systems will choose to purchase the equipment and monitor for THM on-site more frequently than the minimum, for operational control as well as for compliance purposes. An additional benefit from purchase and on-site analytical capability, is that the gas chromatograph is versatile and can be used to monitor for the presence of many other organic chemical contaminants besides THMs. The cost of equipping an existing laboratory with an appropriate gas chromatograph is dependent upon which analytical procedure is selected and the type of instrument. The basic instrumentation for the "liquid-liquid" extraction method consists of a gas chromatograph with an "Electron Capture" detector and recorder; cost approximately \$5,000. The basic instrumentation for the "purge and trap" method consists of a gas chromatograph, a halogen-specific detector "purge and trap" sample concentrator, and recorder; cost approximately \$10,000. In either case, additional expenditures for accessories should be added. Costs would also be greater for more sophisticated instrumentation beyond the basic system.

EPA is concurrently conducting studies on analytical methods based on gas chromatography alone that would be feasible for direct monitoring and operational use by public water system personnel. This project titled the National Screening Program for

Organic Chemicals, is attempting to develop methodology and demonstrate applicability in several hundred public water systems.

PART II. SYNTHETIC ORGANIC CHEMICALS

A large number of synthetic organic chemicals have been identified in various drinking water supplies in the United States. Since these chemicals are normally present in only very small quantities, it has only been within the past few years that sufficiently sensitive analytical methods have been developed to detect and quantify such chemicals at low levels. As analytical techniques become more sensitive and as new techniques are developed, the number of chemicals detected continues to grow.

These chemicals have been found for the most part in surface water supplies which have become the repository for the waste discharges of numerous industrial facilities and municipalities as well as for urban and agricultural runoff. Groundwater supplies, however, have not been spared from contamination due to the leaching of these chemicals from poor maintenance practices at industrial facilities and improper on-land disposal of wastes.

At the time of the passage of the Safe Drinking Water Act in 1974, there were more than 12,000 chemical compounds known to be in commercial use, and many new chemical compounds are being added to the list each year.

The causes of synthetic organic chemical contamination are both chronic and variable in nature. Industrial discharges from point sources are regulated by this Agency under the Federal Water Pollution Control Act's National Permit Discharge Elimination System. However, despite the control of industrial discharges through a comprehensive nation-wide permit system, a certain amount of toxic pollutants continues to be discharged into surface waters. In addition, there is always the possibility of accidental spills. A large quantity of chemicals may thus enter a water supply system against which current water treatment practices are not presently equipped to provide protection. Finally, there are an undefinable number of non-point sources of pollution which contribute to the problem. Many pesticides used for agricultural purposes are known to be highly toxic. Stormwater runoff carrying other potentially harmful toxic chemicals is another pollution-related source of contamination. EPA has conducted several surveys since the passage of the Safe Drinking Water Act in an effort to assess the occurrence of synthetic organic chemicals in the nation's drinking water supplies. The National Organics Recon-

naissance Survey (NORS) conducted in 1974-1975 detected as many as 129 organic compounds in finished water supplies throughout the country. Synthetic organic chemicals that were found included carbon tetrachloride and 1,2-dichloroethane.

The most recent comprehensive data on the occurrence of synthetic organic chemicals in drinking water is from EPA's National Organics Monitoring Survey (NOMS) conducted under the National Interim Primary Drinking Water Regulations. The synthetic organic chemicals identified encompass many of the known classes of compounds including halogenated aliphatic and aromatic hydrocarbons such as carbon tetrachloride, dichloroethane, vinyl chloride, and chlorobenzenes; pesticides such as dieldrin and lindane; aromatics such as benzene, toluene and styrene; polynuclear aromatics such as fluoranthene; nitrogenous compounds such as aniline and nitrobenzene; esters such as dibutylphthalate; and many others. The three compounds most frequently found at average concentration levels in the low parts per billion range were pentachlorophenol, dichlorobenzene and trichloroethylene. The data from the NOMS is discussed in greater detail in the Statement of Basis and Purpose which is incorporated by reference herein.

This and other occurrence data clearly demonstrate that synthetic organic chemical contamination in many of the nation's drinking water supplies is a reality. As part of the Agency's pronounced objective to reduce the public's exposure to toxic chemicals in the environment generally, this proposed regulatory action to reduce the levels of such chemicals in the nation's drinking water supplies to the maximum extent feasible was deemed necessary at the present time.

HUMAN HEALTH CONSIDERATIONS

Synthetic organic chemical contaminants have been found to cause both acute and chronic adverse effects in humans at high exposure levels. However, at the lower concentrations at which they occur in drinking water, EPA's primary concern is with their potential contribution to elevated cancer risks. At the present time, the specific cause(s) of cancer is not yet understood. Nevertheless, there is growing agreement within the scientific community that prolonged exposure to carcinogenic contaminants in the environment, including food, air and water, contributes significantly to the incidence of this dread disease which accounts for approximately 350,000 deaths annually in the United States. Other long-term risks such as mutagenicity and teratogenicity are also of serious concern.

Thus, EPA as well as other federal agencies such as the Food and Drug

Administration, the Occupational Safety and Health Administration and the Consumer Product Safety Commission, and other public health institutions around the world have adopted policies of limiting human exposure to carcinogens to the maximum extent feasible. This policy is clearly consistent with the protective philosophy of the Safe Drinking Water Act and forms the basis for EPA's proposed action to reduce the level of synthetic organic chemicals in drinking water through the prescription of a treatment technique.

Although the concentrations of each synthetic organic compound, when detected in drinking water, have been generally at the parts per billion level or lower, the aggregate exposure to such chemicals from a lifetime of water consumption is significant in terms of potential risk to human health. Moreover, EPA data on the occurrence of such chemicals in drinking water indicate that unique exposure to one or a few of these compounds is never the case. Thus, there is the possibility of synergistic interactions among chemicals thereby enhancing the associated risks.

Our ability to assess the effects of synthetic organic chemicals on man is primarily based on animal tests which necessarily use higher levels of exposure than those encountered in the environment.

Toxicological studies with animals are the best available means of predicting hazards to humans from exposure to toxic substances. Additionally, in some cases, direct evidence of human cancer attributable to chemical exposure has been obtained, particularly in the working environment. EPA's concern about increased cancer risk associated with some of the organic substances in drinking water is thus primarily related to those compounds which have been classified as carcinogens based on animal studies. This concern has been increased by the results of a number of recent preliminary epidemiological studies, which suggest a statistically significant association between drinking water quality and cancer. The toxicological and epidemiological studies are discussed in greater detail in the Statement of Basis and Purpose incorporated by reference herein.

In a recent report funded by EPA and conducted by the National Academy of Sciences (NAS) entitled "Drinking Water and Health," the NAS identified 22 known or suspected carcinogens which have been found in some drinking water. They also discussed the issue of assessment of human health risks associated with exposure to chemicals in the environment and drew several conclusions:

PRINCIPLE 1

Effects in animals, properly qualified, are applicable to man. This premise

underlies all of experimental biology and medicine. But, because it is continually questioned with regard to human cancer, it is desirable to point out that cancer in men and animals is strikingly similar. Virtually every form of human cancer has an experimental counterpart; and every form of multicellular organisms is subject to cancer, including insects, fish, and plants. Although there are differences in susceptibility between different animal species, between different strains of the same species, and between individuals of the same strain, carcinogenic chemicals will affect most test species; also large bodies of experimental data indicate that many chemicals that are carcinogenic to animals are likely to be carcinogenic to man, and vice versa.

PRINCIPLE 2

Methods do not now exist to establish a threshold for long-term effects of toxic agents. With respect to carcinogenesis, it seems plausible at first thought, and it has often been argued, that a threshold must exist, below which even the most toxic substance would be harmless. Unfortunately, a threshold cannot be established experimentally that can be applied to a total population. A time-honored practice of classical toxicology is to establish maximal tolerated (no-effect) doses in humans on the basis of finding a no-observed-adverse-effect dose in chronic experiments in animals and to divide this dose by a "safety factor" of say, 100, to designate a "safe" dose in humans. There is no scientific basis for such estimations of safe doses in connection with carcinogenic effects.

Experimental bioassays in which even relatively large numbers of animals are used are likely to detect only strong carcinogens. Even when negative results are obtained in such bioassays, it is not certain that the agent tested is unequivocally safe for man. Therefore, we must accept and use possibly fallible measures of estimating hazard to man.

PRINCIPLE 3

The exposure of experimental animals to toxic agents in high doses is a necessary and valid method of discovering possible carcinogenic hazard in man. The most commonly expressed objection to regulatory decisions based on carcinogenesis observed in animal experiments is that the high dosages to which animals are exposed have no relevance in assessment of human risks. It is therefore important to clarify this crucial issue.

Practical considerations in the design of experimental model systems require that the number of animals used in experiments of long-term exposure to toxic materials will always be small compared with the size of the human populations similarly at risk.

To obtain statistically valid results from such small groups of animals requires the use of relatively large doses so that the effect will occur frequently enough to be detected. For example, an incidence as low as 0.01 percent would represent 20,000 people in a population of 200 million and would be considered unacceptably high, even if benefits were sizable. To detect such a low incidence in experimental animals directly would require hundreds of thousands of animals. For this reason, we have no choice but to give large doses to relatively small experimental groups and then to use biologically "reasonable" models in extrapolating the results to estimate risk at low doses. Several methods for making such calculations have been considered and used, but we think that the best method available to us today is to assume that there is no threshold and that a direct proportionality exists between the size of the dose and the incidence of tumors. However, it is important to recognize that such a calculation may give either too small or too large an estimate of risk. The actual risk to humans might be even greater over a human lifetime, because it is about 35 times that of a mouse; and there is evidence that the risk of cancer increases rapidly with the length of exposure. Moreover, experimental assays are conducted under controlled dietary and environmental conditions with genetically homogeneous animals, whereas humans live under diverse conditions, are genetically heterogeneous, and are likely to include subpopulations of unusual susceptibility.

PRINCIPLE 4

Material should be assessed in terms of human risk, rather than as "safe" or "unsafe." The limitations of the current experimental techniques do not allow us to establish safe doses, but with the help of statistical methods we may be able to estimate an upper limit of the risk to human populations. To calculate such a risk we need data to estimate population exposure; a valid, accurate, precise, and reproducible assay procedure in animals; and appropriate statistical methods.

These principles reaffirmed EPA's reliance on data based on animal testing at high dosage levels as a reasonable basis for assessing potential human carcinogenic effects and its conclusion that no "safe" or "unsafe" level for such contaminants can be identified with existing scientific techniques. NAS suggested that the risk could be approximated with available extrapolation techniques and, applying such techniques, derived risk estimates for the identified carcinogens.

As with most pathways of exposure to cancer-causing agents in the environment, there is no direct evidence

that consumption of drinking water has actually caused human cancers. However, EPA believes that such carcinogens when present in drinking water pose an unreasonable risk to public health. The precise magnitude of the risks cannot be quantified since there are many unmeasured and untested chemicals in drinking water and because the extrapolation models are imprecise and require more comprehensive national occurrence data than are currently available. However, for one group of chemicals, the THMs, a statistical extrapolation of the data indicates that a life-long exposure to these contaminants in drinking water may account for 200 excess fatalities per year nationwide. This projection assumes that the effects of chloroform are representative of THMs and that our limited occurrence data is representative of its presence generally in drinking water. Other studies would indicate even higher risks. Moreover, that computation probably underestimates the total risk since it relates only to chloroform for which occurrence and dose/response data exist. It does not include risks from any of the other trihalomethanes or other products of chlorination, or the risk from any of the myriad other synthetic organic chemicals which have been detected in drinking water.

Based on this information, EPA has concluded that synthetic organic contaminants in drinking water constitute a public health concern and that the use of granular activated carbon (GAC) in the treatment process to reduce human exposure to these chemicals where they occur is a reasonable preventive health measure. We believe that the mainstream of thinking within the scientific community will support EPA's conclusions. Since it is unlikely that the uncertainties in interpreting the toxicological data will be resolved in the near future, regulatory action to reduce these apparent risks using the best technology presently available, GAC, is deemed warranted at the present time.

REGULATORY APPROACH

In developing National Interim Primary Drinking Water Regulations for the control of synthetic organic chemicals, EPA considered the two regulatory approaches available under Section 1401 of the Safe Drinking Water Act. These two regulatory options consist of establishing a maximum contaminant level for the contaminant and/or prescribing a treatment technique for the control of such contaminant.

For synthetic organic chemicals in drinking water, the Administrator has concluded that a treatment technique should be prescribed based upon his judgment that it would not be technologically or economically feasible to

monitor for the presence of all the synthetic organic chemicals in drinking water which may have an adverse effect on human health. As previously noted in the introduction to this two-part amendment to the regulations, there are thousands of organic compounds potentially present in drinking water in small quantities. Only with the application of sophisticated analytical techniques such as gas chromatography/mass spectrometry in the early 1970's have researchers been able to begin to identify and quantify many of the trace synthetic organic contaminants in drinking water. However, based upon what we presently know about these chemicals that have been identified and for which toxicological data are available, there is sufficient reason to believe that the presence of synthetic organic chemicals in drinking water, both those we can currently measure and those which may be identified in the future, pose a risk to human health. Moreover, it is likely that this health risk may be heightened by the potential for synergistic effects among the many chemicals known to be, and which may be, present in drinking water.

Monitoring feasibility is the critical determinant as to whether a contaminant or group of contaminants should be controlled by means of an MCL or a treatment technique under Section 1401 of the Act. If an MCL(s) is specified, a public water system is required to conduct periodic monitoring to insure that the level of such contaminant in the drinking water does not exceed that established by the MCL.

The infeasibility of monitoring on a routine basis for all the synthetic organic chemicals about which there is cause for concern was a key determining factor in the Administrator's decision to prescribe a treatment technique. For the purposes of this treatment technique, approximately 60 individual compounds have been listed in Table I, representing key indicators of synthetic organic chemical contamination and each of them can be and has been detected in drinking water by available methods. However, there are presently no surrogates or group analytical schemes which would permit economical routine sampling and analyses to be performed to determine whether specific maximum contaminant levels have been exceeded. Research is continuing on identifying and demonstrating methods for detecting groups of compounds. Total organic halogen (TOH) or total organic chlorine (TOC) is one method being developed which shows promise. TOC could have application in assessing raw water quality as an indicator of synthetic chemical contamination, or as a measure of the performance of GAC over time in reducing those con-

taminants, thus indicating the need for reactivation. TOC and other such group parameters are being actively considered for possible future use in applications related to this regulation.

Monitoring for the list of chemical indicators is feasible for the limited purpose of determining whether a public water system's raw water supply is subject to significant contamination by synthetic organic chemicals and thereby eligible for a variance from the treatment technique requirement. However, the combined costs of monitoring for even all known synthetic organic chemicals to determine specific levels of such contaminants as would be required for judging compliance with a lesser number of MCL's would be clearly excessive and thereby unreasonable.

Based upon these considerations, the establishment of an MCL(s) for synthetic organic chemicals was not deemed to be a feasible regulatory approach at this time. As additional knowledge is gained with respect to the use of surrogate parameters as a means for monitoring for synthetic organic chemicals, and as analytical capabilities are improved and methods and technologies further developed, MCL's for synthetic organics or their surrogates will be included in EPA's Revised Primary Drinking Water Regulations.

A treatment technique is also preferable to MCL requirements for the control of synthetic organic chemicals because of the flexibility which it affords as a regulatory tool. Whereas an MCL requires a public water system to provide treatment to reduce the concentration below the acceptable level however much that MCL has been exceeded, the treatment technique requires the system to operate a treatment process using GAC which has been designed to achieve a specified set of conditions. Once the system has been so designed and is operational, it must thereafter be operated in such a manner so as to reduce the level of synthetic organic chemicals to the maximum extent feasible, using the appropriate type of carbon, contact time and regeneration frequency. Because States with primary enforcement responsibility would have the ability to take into account diverse factors such as the nature of the raw water source, and other local conditions in issuing variances from a treatment technique, they would have the lead role in controlling synthetic organic contamination. These factors are not easily incorporated into an inflexible national standard such as an MCL.

Finally, variances may be granted from an MCL requirement only if the MCL cannot be achieved despite the application of best available technology, and such variances must be conditioned upon a compliance schedule

which requires compliance as expeditiously as practicable. Variances from a treatment technique are issued under entirely different conditions in that they may be granted upon a showing that the system's raw water is of such quality that the application of a treatment technique is not necessary for the protection of the health of persons.

The treatment technique requirement proposed herein is intended to limit the public's exposure to all of the synthetic organic chemicals present in drinking water which are believed to pose a risk to human health, and not just those chemicals for which MCLs could conceivably be established. This approach is clearly consistent with the preventive philosophy of the Safe Drinking Water Act and its legislative history. There is no doubt that by requiring systems to install and properly operate a granular activated carbon system as part of their treatment process, the public will be the beneficiaries of cleaner, more healthful drinking water.

SELECTION AND APPLICABILITY OF THE TREATMENT TECHNIQUE REQUIREMENT

Under Section 1401 of the Safe Drinking Water Act, the Administrator is directed to specify each treatment technique known to him which would lead to a reduction in the level of the contaminant sufficient to protect public health to the extent feasible. As discussed in the Statement of Basis and Purpose, and Treatment Guide, several available treatment technologies for organic chemical reduction have been examined by the Administrator. These included carbon adsorption, resin adsorption and aeration. The use of GAC has been found to be the best broad spectrum treatment technology currently available for controlling these contaminants and therefore is the only technology being specified at this time. However, although GAC is required in the proposed treatment regulation, a system which can demonstrate that an alternative treatment technique is at least as efficient as GAC in reducing the levels of a broad spectrum of synthetic organic chemicals may be granted a variance conditioned on the use of that alternative treatment technique.

In accordance with the Agency's phased regulatory approach to the control of organic chemicals in drinking water, the proposed treatment technique requirement is initially made applicable to community water systems serving a population of more than 75,000 individuals. As noted in the discussion of the MCL for total trihalomethanes, this requirement will affect 52 percent of the total population served by community water systems.

As with the MCL for TTHMs, a considerable level of protection is provided by this regulation since it applies to those locations most likely to be subject to contamination from synthetic organic chemicals. Synthetic organic chemical contamination is mainly found in surface water sources of drinking water which receive upstream chemical discharges from industrial facilities and urban and agricultural runoff. Surface waters are the predominant source of drinking water for most large community water systems covered by this regulation, whereas most smaller systems receive their drinking water from groundwater sources, less likely to be subject to synthetic organic contamination.

Furthermore, the use of granular activated carbon in the treatment of drinking water is a relatively new and sophisticated technology. It is not now standard practice in the United States, although about 40 cities now use GAC filtration to improve the taste and odor of their drinking water. Careful supervision is essential for the proper design and operation of GAC system to efficiently and consistently reduce the levels of synthetic organic chemicals in drinking water.

The larger systems generally have access to the requisite engineering experience and trained personnel to implement the GAC treatment technique. Moreover, due to the limited amount of technical assistance available from EPA and the States, it was deemed necessary to limit the initial number of systems that would be required to make treatment modifications. Finally, because GAC is a costly technology, it was not deemed economically feasible for the smaller systems to incur the relatively higher per capita costs of GAC treatment technology at the present time. Larger systems will be better able to keep the added cost burden on the individual consumer to a reasonable level.

As additional operating and technical experience is gained with respect to the use of GAC for the treatment of drinking water, the scope of this treatment technique requirement will be expanded to include smaller community water systems. Based upon further knowledge to be gained through experience within the next two years, it is also possible that the design criteria for GAC treatment may be modified to reflect such additional experience gained. Smaller systems will thus benefit from the experience gained in the initial application in large systems.

In the meantime, all water systems should strive to minimize synthetic organic chemical concentrations to the extent technologically and economically feasible. To this end, the smaller public water systems are strongly urged to seek technical assistance from the States and EPA to reduce these undesirable contaminants from

their drinking water supplies. A few smaller systems with sufficient resources are already using granular activated carbon in their treatment processes and are encouraged to continue doing so. EPA will be actively expanding its data base with respect to the application to GAC technology to small systems.

THE TREATMENT TECHNIQUE REQUIREMENT

The proposed technique requirement ultimately requires each community water system which serves a population of greater than 75,000 individuals (and which is not granted a variance from the regulation) to operate a treatment system using granular activated carbon (GAC) no later than 3 1/2 years after the effective date of this regulation. Since the effective date will be 18 months after promulgation of this regulation, a system would actually have 5 years to comply with this ultimate treatment technique requirement. The treatment system using GAC would have to be designed to meet designated criteria to ensure maximized reduction of synthetic organic chemicals in drinking water.

This lengthy timeframe was deemed necessary in order to provide systems a reasonable amount of time to gather the information prerequisite to the granting of a variance where appropriate, to conduct pilot studies to determine the specific optimal design parameters of each GAC treatment system and to construct the system. The Agency is fully aware that this treatment technique requirement involves a significant departure from existing water treatment practice. It is therefore desirable to accord systems subject to the regulation sufficient time to proceed with care in designing a treatment process which will provide the most effective reduction in the level of synthetic organic chemicals in drinking water for maximizing public health protection. On the other hand, it was also deemed necessary to prescribe a timeframe which would require action with all deliberate speed. Exemptions may be granted from this timeframe according to Section 1416 of the Safe Drinking Water Act.

Important consideration was also given to the necessity of providing States with primary enforcement responsibility adequate time to incorporate these new regulations into their State enforcement programs. In order for a State to maintain primacy, its statutory and regulatory authority must satisfy the requirements of Section 1413 of the Safe Drinking Water Act which requires that State regulations be no less stringent than those federal regulations which are in effect. Eighteen months was deemed to be a reasonable amount of time to allow States to amend their regulations

and/or enabling legislation in conformance with this requirement. Once the new regulations have been incorporated, States with primary enforcement responsibility will have the authority to grant or deny variances from the treatment technique and to ensure that systems ultimately subject to the treatment technique requirements comply with the regulations, including the intermediate milestones contained herein.

The treatment technique requirement as set forth in Subpart F of 40 CFR Part 141 requires that the treatment system using GAC be designed to meet three specific criteria to insure that the system has been designed to optimize the reduction of synthetic organic chemicals in drinking water. These three criteria are related to the breakthrough of "volatile" halogenated organic compounds and total organic carbon (TOC) and have been determined to be the current best surrogate indicators for determining whether a GAC system is providing maximum effective removal of a broad spectrum of synthetic organic chemicals generally. The Agency's selection of these design criteria is more fully discussed below.

Due to the extended timeframe (3 1/2 years after the effective date) provided for the ultimate construction and operation of the GAC treatment system, and the unavailability of exemptions conditioned upon compliance schedules that extend beyond January 1, 1981 (or of a case of a system which enters into an enforceable agreement to become part of a regional water supply system, January 1, 1983), it was deemed necessary to establish intermediate compliance milestones. This enables the enforcement authority to ensure that satisfactory progress is being made and due diligence is being exercised towards meeting the final goal. These increments of progress will not only serve as an enforcement mechanism for the State and/or EPA, but will provide each affected system with assurance that it is proceeding in conformance with the requirements in the regulations.

Thus, a community water system which serves a population of greater than 75,000 persons will initially have to determine whether it will request a variance from the treatment technique requirement based upon an assessment as to whether its drinking water source is subject to significant contamination by synthetic organic chemicals. During the 18 month period between the promulgation of these regulations and their effective date, a system which decides to request a variance should be conducting such monitoring and gathering such other information which would be necessary to demonstrate to the State, or EPA where the State does not have

primary enforcement responsibility, that it satisfies the variance conditions. By not later than the effective date of the regulation, those systems desiring variances are required to have submitted a variance request to the appropriate enforcement authority.

Pilot studies should be begun as soon as possible so that by not later than six months after the effective date of the regulations, the system will be prepared to submit to the State for approval the design specifications of its GAC treatment system which will satisfy the three criteria set forth in the regulation. Such pilot studies may be conducted using as influent either the system's actual raw water supply or such other water of comparable quality which can serve as a reasonable surrogate for the presence (in comparable quantity and types) of synthetic organic chemicals in the actual water to be treated. Thus, data from pilot studies conducted on the raw water supply of a system whose intake point is upstream from a second system's intake point, and where there are no significant sources of synthetic contamination between the two points might be used by the second system as the basis for the establishment of its design criteria.

In some cases, a system may be delayed in conducting its pilot studies, and thereby be unable to submit its design specifications by the sixth month after the effective date of the regulations, due to an unforeseen delay in the processing of its variance request. Such systems may request an exemption from that particular requirement which may extend the compliance date until not later than January 1, 1981, or January 1, 1983 for those systems which have entered into an enforceable agreement to become part of a regional public water system.

Due to the statutory limitations of such time extensions, however, systems are encouraged to submit their variance requests as early as possible prior to the effective date.

At that point, the system should have determined the scope of the changes which will have to be made to its existing treatment process in order to comply with the treatment technique requirement. In some cases, this may involve merely replacing the system's existing filter media with GAC. In most cases, however, it will be necessary for a system to install GAC post-contactors which will involve significant new construction. Which of these options will be chosen to comply with the treatment technique requirement in any given situation will be dependent upon water quality and the configuration of the existing facility, as well as optimization of technological and economic considerations. Each specific system's design will be determined on a case-by-case basis upon ap-

propriate pilot studies and consultation with the State and EPA who will be equipped to provide the technical assistance in implementing this treatment technique requirement.

In light of the need to reduce public exposure to synthetic organic chemicals in drinking water by the best available means as soon as possible, it was deemed necessary to require the use of an interim control measure in those cases where treatment systems using GAC would not be operational until from 2 to 3 1/2 years after the effective date. Contamination of some public water supplies by synthetic organic chemicals is sufficiently significant to warrant short-term improvement of water quality while further work is underway. It was therefore not believed to be prudent to wait as long as 5 years after the promulgation for optimal systems to be installed and operative for accomplishing any reduction in the level of synthetic organic chemicals in drinking water.

Thus, any community water system subject to the treatment technique requirement is also required to replace its existing filter media with GAC as in interim control measure not later than one year after the effective date of the regulations, unless it demonstrates to the satisfaction of the State that the failure to implement such a control measure will not result in an unreasonable risk to health, and that either of two conditions are satisfied. First, the interim control measure may be waived by the State if the system shows that its GAC treatment system will in fact be operational in compliance with the treatment technique requirement not later than 2 years after the effective date. The interim control measure may also be waived by the State if the System demonstrates that due to compelling physical circumstances, the cost of replacing its existing filter media with GAC would be unreasonably high when considered in light of the accompanying reduction in the level of synthetic organic chemicals that would be achieved using such an interim remedial measure. For example, a vulnerable water system subject to the treatment technique requirement may be excused from the interim control measure if it shows that the depth of its filter beds is so small that the removal capacity of that small amount of carbon would be inconsequential and the cost unreasonably high. The case might arise that in order to achieve a reasonable removal efficiency with GAC, it would be necessary to increase the size of the existing filter beds at a cost which would be unreasonable or which would be physically impossible due to structural constraints at the treatment facility. The decision as to whether this interim control is waived for any particular system would be

made on a case-by-case basis by the State, or EPA where the State did not have the primary enforcement responsibility.

Once the existing filter media have been replaced with GAC by those systems required to implement the interim control measure, the carbon is required to be replaced or regenerated not less frequently than once every 6 months. This was deemed a reasonable time based upon a consideration of the removal efficiency of GAC being replaced in an average filter bed and cost of replacement of such a frequency. Under these operating conditions, although weakly adsorbed compounds like dichloroethane would break through the GAC, many strongly adsorbed chemicals such as polynuclear aromatic hydrocarbons would still be removed efficiently. Also the GAC would constitute a protective barrier from unusual events such as chemical spills into the raw water sources. Comment is solicited from the public as to whether this is a reasonable requirement.

In some cases, a system might demonstrate through monitoring data that even after six months, the use of GAC in its existing filter beds is allowing its treatment system to meet the three design criteria specified for the treatment technique requirement. In those cases, such a system may regenerate the carbon less frequently. Regeneration must then occur at a frequency which will not allow the criteria to be consistently exceeded.

Approximately 40 public water systems in the United States currently use GAC in their filter beds, principally for taste and odor control. The required interim control measure is therefore feasible and can be installed with minimum delay in other systems to provide some degree of interim public health protection.

Whether or not a system replaces its existing filter media with GAC as an interim control measure, by not later than 18 months after the effective date, the system must submit to the State for approval its final design plans and specifications and a construction schedule for the GAC treatment systems. Finally, by not later than 3½ years after the effective date, each system subject to the treatment technique requirement must notify the State that construction of the GAC treatment system has been completed and that it is being operated to maximize the removal of synthetic organic chemicals in drinking water.

DESIGN CRITERIA FOR THE REQUIRED TREATMENT TECHNIQUE

The performance of a granular activated carbon (GAC) treatment system has been shown to vary considerably with the design of the system and the characteristics of the raw water. For a

discussion of the scientific data on which these and the following judgments are based, see the "Interim Treatment Guide for Controlling Organic Contaminants in Drinking Water Using Granular Activated Carbon," incorporated by reference herein. If inadequate contact time is provided in the system, then removal of organic contaminants will be less than ideal with fresh carbon. Further, as the GAC remains in the treatment system, in time its adsorptive capacity will gradually be used up, resulting in the breakthrough of some organic chemicals. Finally, different types of carbon vary in their adsorptive capacity (for which no generally accepted measurement technique exists). Thus, the design of the system must specify at least three factors: contact time, regeneration frequency, and type of carbon.

In the absence of pilot study data on the specific water to be treated, the performance of the GAC system will not in general be predictable since it can and does vary widely with the characteristics of the raw water, particularly the types and amounts of organic chemicals present. Because of this, it is not possible to specify maximum or minimum values for these parameters applicable to all systems in the proposed regulations. On the other hand, some criteria must be provided so that the requirements imposed on public water systems can be adequately specified.

To deal with this problem, the regulations specify three criteria which the GAC system should be designed to achieve. The design of each system should be based in part on pilot studies using the system's raw water to determine the configuration which would best satisfy the criteria in a particular situation. These criteria are:

1. The concentration in the effluent of any of the volatile halogenated organic compounds (except for trihalomethanes) determinable by the purge-and-trap/gas chromatography method shall not exceed 0.5 µg/l;
2. The removal of influent total organic carbon with fresh activated carbon shall be at least 50 percent; and
3. The effluent total organic carbon may not exceed the value with fresh activated carbon by more than 0.5 mg/l. Of course, the design must also assure that the requirements specified in the interim primary regulations are also met, including THM concentrations, disinfectant demand and concentrations of other regulated chemicals.

The first criterion has been chosen because the volatile halogenated organic compounds measurable by the purge and trap technique tend to break through GAC earlier than other, heavier compounds. The vola-

tile halogenated organics are common industrial chemicals found as contaminants in drinking water. The presence of these chemicals should also be indicative of the presence of other potentially hazardous substances which would be more difficult to detect. In addition, some of them, such as carbon tetrachloride and trichloroethylene, have been identified as carcinogens by the National Academy of Sciences. Thus, using these compounds as the basis for one of the design criteria provides a margin of safety, in that it is unlikely that other, possibly carcinogenic, compounds will break through the carbon before these do. The value of 0.5 µg/l has been chosen as an operational value, which is above that achievable by a system using fresh GAC with reasonable contact times and one which is really measured by the stated analytical method without excessive analytical error, thus making the breakthrough relatively unambiguous. The system should be designed so that GAC which has been used long enough to allow these compounds to break through consistently (3 week running average) should be regenerated. In most cases this is expected to permit at least several months of operation between regenerations.

The second and third criteria are designed to deal with the situation in which a system's raw water source may not contain significant amounts of the volatile compounds measurable by the first criterion. Total organic carbon (TOC) is a measurement of all of the organic compounds present in the water. Because it tends to give excessive weight to naturally occurring high molecular weight compounds which are not believed to be hazardous, it is not suitable as the sole criterion for the design of a GAC system. However, when a consistent significant breakthrough of TOC is observed, it could indicate that the GAC is becoming saturated in its ability to remove some of the potentially harmful synthetic organic compounds and is therefore ready to be regenerated. The target value of 0.5 mg/l allowable increase in TOC is unambiguous analytically. The second criterion of at least 50 percent initial removal of TOC should be easily achievable with GAC but is necessary to make the third criterion meaningful and to assure sufficient adsorptive activity of the carbon.

It should be emphasized that these criteria should not be construed as maximum contaminant levels in disguise. Rather, they are intended to be the objectives which the GAC treatment system should be designed to achieve in those public water systems subject to the treatment technique requirement. Thus, for example, a system whose raw water does not satisfy the first criterion would not automatically be denied a variance. More-

over, the second and third criteria cannot by their nature be interpreted as MCL's. The Agency solicits comments on the appropriateness of its approach to satisfying the required treatment technique and on the particular criteria proposed. MCL's will ultimately be established in Revised Drinking Water Regulations in accordance with the SDWA for compounds for which monitoring is technological and economically feasible.

VARIANCES FROM THE REQUIRED TREATMENT TECHNIQUE

Although the GAC treatment technique is initially applicable to all community water systems serving a population of greater than 75,000 people, a system may request a variance from its requirements. The system should follow the procedures established for requesting a variance provided in Section 142.20 for State-issued variances or Subpart E of Part 142 of the implementation regulations for EPA-issued variances.

In accordance with Section 1415(a)(B) of the Safe Drinking Water Act (SDWA), to receive a variance, a system must demonstrate that the prescribed treatment technique is not necessary to protect the health of persons because its raw water source is not subject to, nor likely to be subject to, significant synthetic organic chemical contamination. These proposed regulations prescribe the demonstration which a system must make in order to satisfy the statutory requirement. By the use of the variance procedure, only those systems whose raw water sources warrant treatment for synthetic organics will be required to install granular activated carbon. Nevertheless, each affected system has the burden of proof in demonstrating that its particular circumstance warrants the granting of a variance from the treatment technique requirement designed to protect the public health.

In order to be considered for a variance, a system must submit information of two basic types to the appropriate authority. First, the system must provide information with respect to those point and non-point sources of pollution that would likely be potential sources of synthetic organic chemical contamination for the system's drinking water supply. This requirement was included because upstream polluters are considered to be one of the most important contributors to chemical contamination of drinking water. The identification of these pollution sources will serve as a significant link between drinking water programs and programs under the Federal Water Pollution Control Act. Systems are thereby encouraged as a preventive measure to look for the sources of contamination problems and to the extent possible to improve

the quality of their raw water supplies. To the extent feasible, systems must provide information with respect to the location of the particular dischargers and the characteristics of their discharges, such as types and concentrations of chemicals in the normal discharges as well as the potential for accidental spills. This information is needed to give the variance-issuing authority the ability to assess the likelihood that a system's raw water supply may be contaminated by synthetic organic chemicals on a case-by-case basis based upon local conditions.

The second type of information which a system requesting a variance is required to provide is analytical data on the quality of the system's raw water. As previously discussed, although it is not feasible to require systems to monitor for the presence of all the specific synthetic organics which may pose a potential public health risk to drinking water consumers, the presence of particular compounds which have been identified and which are known to present significant health problems is deemed to be a reasonable surrogate indicator of the presence of other potentially harmful contaminants. Variance-issuing authorities are therefore required to utilize the data provided by the variance-seeker on the presence of chemical indicators in Table I as well as any other available information in making the determination of the appropriateness of issuing a variance in a given situation.

As a guide to the variance-issuing authorities, the following list of chemical indicators (Table I) of industrial contamination has been prepared. This list includes compounds which have been found in drinking water supplies and for which there is suspicion or confirmation of adverse health effects. This list is derived from the report of the National Academy of Sciences, "Drinking Water and Health" and from EPA's list of 129 priority pollutants in effluent discharges. For convenience it is divided into general classes of organic compounds as these are easier to discuss because of their chemical similarities. This list is intended to serve as a guide for the purpose of aiding in the determination for the granting variances. Testing for these compounds is feasible and their presence would be indicative of chemical pollution and therefore of the fact that the particular water source is vulnerable to synthetic chemical contamination. Obviously many other chemicals besides those listed could be present. Therefore, the list does not comprise all possible pollutant chemicals but is intended as a surrogate for the possible presence of many other chemicals for which analysis would be technically as well as economically in-

feasible. This list may be modified as additional information is gathered.

TABLE I.—Chemical indicators of industrial contamination

- I. Aliphatic halogenated hydrocarbons:**
Methane derivatives: Dichloromethane, trichlorofluoromethane, dichlorodifluoromethane, and carbon tetrachloride
Ethane derivatives: 1,1 dichloroethane; 1,2 dichloroethane; hexachloroethane; 1,1,1-trichloroethane; 1,1,2-trichloroethane; 1,1,2,2-tetrachloroethane
Unsaturated hydrocarbons: Trichloroethylene, tetrachloroethylene, vinyl chloride, 1,1-dichloroethene; 1,2-dichloroethene; 1,3-dichloropropene; hexachlorobutadiene; 2-chlorovinyl ether
Other halogenated compounds: 1,2-dichloropropane, bis (2-chloroethyl) ether, bis (2-chloroisopropyl) ether
- II. Cyclic aliphatic compounds:**
Chlorinated hydrocarbons: Lindane and BHC, Kepone, toxaphene
Cyclodienes: Hexachlorocyclopentadiene, aldrin, dieldrin, chlordane, heptachlor, heptachlor epoxide, endrin
- III. Aromatic hydrocarbons:** 3,4-benzofluoranthene; benzo (k) fluoranthene; 1,12-benzoperylene; fluoranthene, indeno (1,2,3-cd) pyrene and benzo(a)pyrene
Benzenes: Benzene, toluene, xylenes, ethylbenzene, propylbenzene, styrene
Halogenated aromatics: Chlorinated naphthalenes, chlorobenzene, dichlorobenzenes, trichlorobenzenes, polychlorinated biphenyls, bromobenzene, DDT, DDE, DDD, chlorophenols, pentachlorophenol, 4-bromophenylphenyl ether; 4-chlorophenylphenyl ether, hexachlorobenzene
Other aromatic hydrocarbons: Nitrobenzene, dimethyltoluene, phthalate esters, atrazine

The proposed regulations further provide the variance-issuing authority with the flexibility to require submission of such other information as it may deem necessary in determining whether a variance is warranted. All information available to the variance-issuing authority should be taken into consideration, including such information which it may have in its possession with respect to other regulatory programs, under the FWCPA, such as through the NPDES permit program, and the Section 208 plan program. Comments are solicited from the public as to the reasonableness of requiring the submission of these types of information as the basis for granting or denying variances from the treatment technique requirement.

The Agency expects that particular sources of drinking water are less likely to be subject to contamination by synthetic organic chemicals. These include systems whose raw water sources consist exclusively of water from deep ground aquifers, protected watersheds such as upland reservoirs, the Great Lakes where substantial dilution is known to take place, or water purchased from a supplier of water which is treating its water using granular activated carbon, because the

likelihood of potential synthetic organic chemical contamination of these sources is smaller. These systems are expected to receive variances relatively easily. Nevertheless, variance-issuing authorities are precluded from granting a variance if based on other information, it finds that significant contamination exists which requires the system to comply with the treatment technique to protect the public health from the adverse effects of synthetic organic chemicals. Comments are solicited as to the Agency's assumption that these raw water sources of drinking water are not likely to be subject to contamination and whether they may warrant the imposition of less stringent requirements for being granted a variance.

In addition to a variance based on water quality considerations and the need for the designated treatment to be installed, Section 1415(a)(3) of the SDWA also allows variances to be granted by EPA upon a showing that an alternative treatment not included in the treatment requirement is at least as efficient in lowering the level of contaminants being controlled. Comment is also requested on other treatments which would be equivalent to GAC for organics control.

ECONOMIC IMPACT

The proposed regulation for the control of synthetic organics in drinking water is a treatment technique requirement. It specifies the use of granular activated carbon for community water supplies which are susceptible to contamination by synthetic organic compounds. In its proposed form it will initially apply only to systems serving resident populations over 75,000.

It is expected that most community water systems affected by this regulation will incorporate granular activated carbon into their treatment trains by construction of post-filtration contractors for the carbon. A typical plant serving 280,000 persons in 1981 (producing 50 MGD) would have 10 to 20 contactors depending on the required empty bed contact time (expected to range from nine to eighteen minutes), to achieve the specified operating criteria.

On-site regeneration of the spent carbon is anticipated through the use of furnaces constructed especially for this purpose. Regeneration frequencies will vary from site to site depending upon raw water quality and other factors, but should generally be between two and six months.

These variations in the use of GAC—contact time and regeneration frequency—result in large ranges in the possible costs. Contact time affects almost all in the capital expenditures

almost linearly—a doubling requires twice as many contactors, twice the initial carbon fill, and twice the furnace capacity for regeneration. Different frequencies of regeneration, on the other hand, affect only the furnace capacity and operating costs, not the other capital improvements.

In addition to the treatment costs for the individual water systems, the other major factor determining the national cost totals is the estimated number of systems likely to be required by the regulation to aid treatment. EPA has reviewed monitoring data and the inventory of community water systems and has estimated that approximately 50 systems would be impacted by the proposed regulation on synthetic organics. These systems constitute about one-eighth of all water systems serving over 75,000 persons and one-fourth of systems in this size capacity with surface water sources.

The national costs of applying granular activated carbon to these 50 systems are shown in Table II below. These costs do not include systems affected by only the THM regulation.

TABLE II.—Annual national costs of GAC treatment requirement
(In millions of 1976 dollars)

	Regeneration frequency			
	6 mo	2 mo	2 mo	2 mo
Contact time.....	9 min	18 min	9 min	18 min
CAPITAL EXPENDITURES				
Population served				
75,000 to 100,000.....	31	54	44	76
100,000 to 1 million.....	157	288	197	360
Over 1 million.....	37	68	45	83
Total.....	225	410	286	519
ANNUAL O&M EXPENSES				
Population served				
75,000 to 100,000.....	3	5	5	9
100,000 to 1 million.....	12	23	24	43
Over 1 million.....	5	9	9	17
Total.....	20	37	38	69
ANNUAL REVENUE REQUIREMENTS				
Population served				
75,000 to 100,000.....	5	9	9	15
100,000 to 1 million.....	26	47	40	74
Over 1 million.....	8	15	13	24
Total.....	39	71	62	113

The aggregate national costs for the proposed treatment requirement range as follows:

Capital expenditures will be in the range of \$225 to \$286 million if an average nine

minute contact time will be adequate to achieve the desired organics removal levels. If contact times have to increase to the point where they average 18 minutes nationally, then the capital expenditures would be \$410 to \$519 million.

Operation and maintenance expenses are more dependent upon regeneration frequency than contact time. The national range of O&M expenses will be \$20 to \$37 million if an average regeneration frequency of six months will be adequate to achieve the desired performance. However, if the average has to be as low as two months then the O&M expenses would be \$38 to \$69 million per year.

Annual revenue requirements reflect both sets of uncertainties and fall in three general positions under the range of assumptions shown. Under the best conditions they could total \$39 million per year for the 50 systems. Under the least favorable assumptions they could be as high as \$113 million. However, if either one of the key operating characteristics, contact time or regeneration frequency, turned out favorably and the other did not, then revenues would total \$63 to \$71 million per year.

These costs would ultimately be borne by the utilities' customers and reflected in their water bills.

The cost per capita shown in Table III is simply the total annual revenue requirement divided by the population served by the water system. It provides a measure of the cost of this form of health protection and is an upper bound on the possible cost to individual consumers if no cost were allocated to non-resident customers. By this measure, the utilization of GAC treatment will result in cost of approximately \$2 to \$4 per capita under the most favorable conditions and \$7 to \$11 capita under the least favorable conditions.

TABLE III.—Annual per capita and customer costs of GAC, 1981 individual water systems
(In 1976 dollars)

	Regeneration frequency			
	6 mo	2 mo	2 mo	2 mo
Contact time.....	9 min	18 min	9 min	18 min
ANNUAL COSTS PER CAPITA				
Population served				
75,000 to 100,000.....	3.80	6.70	6.30	11.00
100,000 to 1 million.....	3.10	5.80	4.80	8.70
Over 1 million.....	2.20	4.00	3.60	6.50
ANNUAL RESIDENTIAL CUSTOMER BILL IMPACT*				
Population served				
75,000 to 100,000.....	5.70	10.00	9.50	16.50
100,000 to 1 million.....	4.70	8.40	7.20	13.10
Over 1 million.....	2.90	5.30	4.80	8.60

* For a family of 3.

Actually, the increase in water rates will usually be less than this per capita cost because some of the costs will be borne by non-residential cus-

tomers of the water system. The other set of figures in the table is an estimate of the likely increase in annual water rates for an average family of three, assuming that non-residential customers pick up the same proportion of GAC costs that they do of other system costs. On this basis, the GAC treatments will result in annual increased water bills of approximately \$3 to \$6 per family under the best conditions shown and \$9 to \$17 per family under the worst conditions shown. Those figures would be equivalent to increased residential water charges of 3¢ to 7¢ and 10¢-19¢ per thousand gallons consumed, respectively.

The interim control measure requires systems which are susceptible to synthetic organic chemical contamination to replace the sand or other media in the existing filter bed with GAC, while the comprehensive treatment system is being designed and constructed.

The incremental per capita costs of an interim requirement to use GAC in existing filters are dependent upon the regeneration frequency and the use of on-site regeneration facilities. The annual per capita costs for an average system serving 280,000 people (50 MGD) are \$1.70 for 12-month regeneration and \$3.30 for 6-month regeneration where on-site regeneration is not available. With on-site regeneration the costs are \$1.10 and \$1.50 per capita.

COMBINED COSTS OF TRIHALOMETHANE AND SYNTHETIC ORGANICS REGULATIONS

The two proposed regulations have each been evaluated separately in terms of economic impacts on the country, individual systems, and customers. The impact of the proposed trihalomethane regulation was assessed in the August 1977 report referred to earlier and discussed earlier in this preamble. The impact of the proposed treatment requirement was described briefly in the preceding section, and in detail in the report entitled: "Economic Analysis of Proposed Regulations on Organic Contaminants in Drinking Water," by Temple, Barker and Sloan, Inc., December 13, 1977.

The majority of the systems impacted by these regulations are expected to be affected by only one of them.

For those systems and their customers, the costs of compliance will simply be the costs which are described in the appropriate individual analysis.

A small number of systems, approximately 15, are expected to be both of the regulations as shown in Table IV. Since the costs for these systems have been included in both of the separate cost analyses, the combined costs of the two regulations are less than the sum of the individual costs.

For those systems affected by both

regulations, the choice of compliance method will be constrained to the use of granular activated carbon, and the operating parameters of contact time and regeneration frequency will have to be designed to achieve both sets of requirements. Accordingly, some individual systems may be forced to operate with longer contact times or more frequent regeneration than would be possible if affected by only one regulation, though all are expected to fall within ranges described in the previous chapter.

TABLE IV.—Estimated number of systems affected by both proposed regulations

	Regulation			Total systems affected
	THM only	Treatment requirement only	Both	
Total number of systems affected.....	71	35	15	121
Number of systems using GAC.....	11-28	35	15	61-78

In combination, the two regulations are expected to require between 61 and 78 large water systems to utilize granular activated carbon or an equivalent treatment. Of that number 11 to 28 systems will install carbon treatment solely to comply with the triha-

lometane regulation, 35 will install it solely to meet the treatment requirement, and 15, as noted above will use it to meet both requirements.

The national costs of the combined regulations are shown in Table V below.

TABLE V.—National combined costs THM and treatment requirement regulations
(Millions of 1976 dollars)

	Regulation			
	THM only	Treatment requirement only	Both	Total costs
Low cost assumptions*				
Capital expenditures.....	\$66	\$155	\$70	\$291
O/M Expenses.....	14	14	6	34
Annual revenues.....	18	27	12	57
Mid-cost assumptions*				
Capital expenditures.....	66-166	198	88	352-45
O/M expenses.....	14-23	26	12	52-61
Annual revenues.....	18-32	43	19	80-94
High-cost assumptions*				
Capital expenditures.....	166	359	160	685
O/M expenses.....	23	46	21	92
Annual revenues.....	32	78	35	145

* See text for explanation of assumptions.

The national costs may vary significantly depending upon the local conditions which prevail at the systems affected by the regulations. The table presents costs for three different sets of assumption:

The range associated with the trihalomethane regulation shown in this and later tables reflects uncertainty on the proportion of affected systems which will utilize carbon, ranging from a low of 30 percent to a high of 50 percent.

PROPOSED RULES

Low cost assumptions, which project that only 11 systems would add GAC treatment under the trihalomethane regulation alone and that the treatment requirement could be satisfied with 9 minute contact time and 6 month carbon regeneration.

Mid cost assumptions, which show a range of 11 to 28 systems which will add carbon under the trihalomethane regulation alone and which assume that the regeneration frequency would be shortened to 2 months with 9 minute contact time.

High cost assumptions, which project that 28 systems would add carbon under the trihalomethane regulation alone and that the regeneration frequency would be reduced to 2 months and the contact time would be increased to 18 minutes.

The total national capital expenditures required for these combined regulations is estimated to be \$291 million under the low-cost assumptions, \$352 to \$452 million under the mid-cost assumptions. The aggregate operations and maintenance expenses are estimated to range from \$34 million to \$92 million under these various assumptions, and \$685 million under the high-cost assumptions. The annual revenues required to cover the capital and operating expenses for those 121 affected systems are projected to be \$57 million under the low-cost assumptions, \$80 to \$94 million for the mid-cost case, and \$145 million for the high-cost case.

The per capita and per customer costs of a specific treatment at the in-

dividual systems level, of course, will be no different than the costs shown under the individual regulation analyses.

DEMAND ON SUPPLYING INDUSTRIES

The treatments required by both the THM and the synthetic organics regulations will result in large increases in the demand for GAC and for regeneration furnaces. The demand for GAC as initial fill will be determined by the number of systems adding GAC treatment and the contact time required. The annual replacement of GAC lost in the regeneration process will be set by the frequency of regeneration.

Each water system adding GAC treatment is likely to purchase a regeneration furnace, the size of which will vary according to the quantity of carbon the system plans to regenerate. For the largest systems, generally those serving more than 1 million people, the purchase of more than one furnace would be required. Systems with multiple treatment plants would also generally be expected to purchase two or more furnaces.

Table VI estimates the quantity of carbon, both as initial fill and annual replacement, which will likely result from the combined THM and treatment regulations. The three rows of this table represent the low-cost and high-cost assumptions discussed in the previous chapter.

TABLE VI.—Demand on supplying industries of the combined regulations

	Number of systems selecting GAC *	Demand for GAC (millions of pounds)		Expected demand for furnaces
		Initial fill ¹	Annual replacement ²	
Low-cost assumptions	61	112	26	64-80
Mid-cost assumptions	61-78	112-134	47-56	64-97
High-cost assumptions	78	211	89	81-100

¹ Assumes 22,600 lbs. of GAC per MGD for 9-minute contact time and 45,200 lbs. of GAC for 18-minute contact time.

² Based on 7 pct. losses per regeneration cycle.

The demand for both GAC and regeneration furnaces generated by the proposed regulations is within the capacity of the respective industries. The activated carbon industry was reported to have an unutilized annual production of some 100 million pounds of GAC in mid-1976. Since that time, one firm has announced plans to add new capacity for GAC production. The industry's expanded capacity appears likely to exceed anticipated demand (excluding new uses for drinking water treatment) by the same 100 million pound level until 1980. Hence, the industry is capable of supplying the 112 to 211 million pounds of GAC needed by the affected water utilities over the next three years. It should be noted, however, that the highest estimate of

211 million pounds corresponding to the high-cost assumptions that would require full use of the industry's capacity for more than two years and could only be supplied within that time frame with advance planning and contracting and in the absence of large competing demands. In the longer perspective, beyond the initial requirement of this regulation in its first two or three years, the carbon industry has indicated an intent to expand its capacity to whatever level is required to supply the recurring annual volumes of carbon needed by the water supply industry.

The regeneration furnaces needed by the utilities adding GAC could be supplied by the furnace manufactur-

ers over a three-year time period. Multi-hearth furnace producers have estimated that their collective capacities could be increased by as many as 100 furnaces annually. Rotary kilns, infra-red electric furnaces, and fluidized bed furnaces also could be made available to water utility customers. The design and installation of reactivation furnaces, particularly multi-hearth furnaces, requires some 18 months of lead-time, though this time frame might be reduced by the availability of pre-engineered designs in the future.

Fuel use by regeneration furnaces ranges widely by furnace type, size, and rate of utilization. Using 3700 Btu per pound of GAC regenerated as an estimated midpoint of this range, annual fuel consumption under the mid-cost assumptions reviewed earlier would be from 2.5 to 3.0 trillion Btu. This converts to 426 to 510 thousand barrels of distillate fuel oil or 2.5 to 3.0 BCF (billion cubic feet) of natural gas. On a national basis, these are relatively small quantities. If fuel oil were used exclusively, demand would equal approximately 0.04 percent of 1976 domestic distillate fuel oil demand or less than 0.01 percent of domestic crude oil demand. If natural gas were used, demand would be between 0.01 and 0.02 percent of 1976 domestic production.

The furnaces used for regeneration would need to be equipped with after burner and scrubber equipment to meet air pollution standards. This equipment is available and effective in reducing emissions to required levels. Its costs have been included in the capital and operating costs for regeneration furnaces and incorporated in the above figures.

Neither an environmental impact statement (EIS) nor an inflationary impact statement (IIS) was prepared in conjunction with the proposal of these regulations. However, this proposed regulation, including the supporting documentation incorporated by reference herein, provides information fundamentally equivalent to that which would be provided through an EIS and IIS. Therefore it has not been deemed necessary to prepare the formal EIS and IIS with respect to these regulations.

Dated: January 26, 1978.

DOUGLAS COSTLE,
Administrator.

Accordingly, Part 141, Chapter 40 of the Code of Federal Regulations is hereby proposed to be amended as follows:

1. By amending § 141.2 to include the following new paragraphs (p) through (s):

§ 141.2 Definitions.

(p) "Halogen" means one of the chemical elements chlorine, bromine or iodine.

(q) "Trihalomethane" (THM) means one of the family of organic compounds, named as derivatives of methane, wherein three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

(r) "Total trihalomethanes" (TTHM) means the sum of the concentrations in milligrams per liter of the trihalomethane compounds (trichloromethane, dibromochloromethane, bromodichloromethane and tribromomethane, rounded to two significant figures).

(s) "Disinfectant" means any substance added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

2. By revising § 141.6 to read as follows:

§ 141.6 Effective dates.

(a) Except as limited by paragraphs (b) and (c) the regulations set forth in this part shall take effect on June 24, 1977.

(b) The regulations for trihalomethanes set forth in § 141.12(c) and the requirements of § 141.21 (j) and (k) shall take effect 18 months after the date of promulgation of those regulations. The sampling and analytical requirements under § 141.21(i) and 141.24 (g) through (j) shall take effect 3 months after the date of promulgation. Sampling and analysis requirements under § 141.25(b) shall take effect 6 months after promulgation.

(c) The treatment technique requirements of Subpart F of this Part shall take 18 months after the date of promulgation of that subpart.

3. By revising the introductory paragraph and adding a new paragraph (c) in § 141.12 to read as follows:

§ 141.12 Maximum contaminant levels for organic chemicals.

The following are the maximum contaminant levels for organic chemicals. The maximum contaminant levels for organic chemicals apply only to community water systems.

The maximum contaminant level for total trihalomethanes applies only to community water systems which serve a population of greater than 75,000 individuals and which add a disinfectant to the water in any part of the drinking water treatment process. Compliance with maximum contaminant levels for organic chemicals is calculated pursuant to § 141.24.

(c) Total trihalomethanes [the sum of the 0.10 mg/l concentrations of bromodichloromethane, dibromochlo-

romethane, tribromomethane (bromomethane) and trichloromethane (chloromethane)]

4. By amending § 141.21 to include the following new paragraphs (i), (j) and (k).

§ 141.21 Microbiological contaminant sampling and analytical requirements.

(i) Whenever a community water system, in order to achieve compliance with § 141.12(c), makes any modification to existing disinfection practice, monitoring for the presence of general bacterial populations (in addition to the coliform analyses required by §§ 141.14 and 141.21) shall be performed on finished water at the treatment plant and in the distribution system to ensure that no degradation in bacteriological quality of the water has or is likely to occur as the result of such modification. These analyses shall be performed using the Standard Plate Count (SPC) method in conjunction with the coliform analyses. (Standard Methods, 14th Ed., pp. 908-913). An appropriate number of SPC analyses as determined by the State shall be performed at least daily for at least one month prior to and for six months subsequent to the modifications. Any significant degradation of water quality (beyond normal ranges) shall be corrected immediately and shall be reported to the State.

(j) Chlorine dioxide may be used as a primary disinfectant provided that the total quantity which is added to drinking water during the treatment process shall not exceed one milligram of chlorine dioxide per liter of water.

(k) Chloramines shall not be utilized as the primary disinfectant in drinking water. Chloramines may be added for the purpose of maintenance of an active chlorine residual in the distribution system only to water that already meets primary drinking water regulations.

5. By revising the title, paragraph (a) introductory text and paragraph (b) of § 141.24 to read as follows:

§ 141.24 Organic chemical other than total trihalomethanes sampling and analytical requirements.

(a) An analysis of substances for the purpose of determining compliance with § 141.12(a) and § 141.12(b) shall be made as follows:

(b) If the result of an analysis made pursuant to paragraph (a) of this section indicates that the level of any contaminant listed in § 141.24 (a) and (b) exceeds the maximum contaminant level, the supplier of water shall report to the State within 7 days and

initiate three additional analyses within one month.

6. By revising § 141.25 to read as follows:

§ 141.25 Total trihalomethanes sampling and analytical requirements.

(a) Community water systems which serve a population of greater than 75,000 individuals and which add a disinfectant to the water in any part on the drinking water treatment process shall analyze for trihalomethanes at quarterly intervals. Such analyses shall begin not later than three months after the date of promulgation of this regulation. Each analysis shall be based on samples collected at a representative entry point(s) to the water distribution system and at points throughout the distribution systems, including samples collected at the extreme ends of the distribution system. Each quarterly analysis shall be performed on at least five such samples collected on the same day and the results shall be arithmetically averaged and reported to the State and EPA within 30 days. No more than 20 percent of the samples shall be taken at the entry point(s) and at least 20 percent of the samples shall be taken at the extreme ends of the distribution system. The remaining 60 percent shall be at locations in the distribution system representative of the population being served. (All samples collected according to the above the formula shall be used in the computation of the average, unless the analytical results are invalidated for technical reasons. Analyses should be conducted in accordance with the methods listed in paragraph (d) below.

(b) Community water systems which serve a population of between 10,000 and 75,000 individuals and which add a disinfectant to the water in any part of the drinking water treatment process shall analyze for trihalomethanes at quarterly intervals. Such analyses shall begin not later than six months after the date of promulgation of this regulation and shall continue thereafter for one year. The quarterly analyses shall be performed on at least two water samples collected at the entry point to the water distribution system at the same time; one water sample shall be dechlorinated upon collection, while the other shall be retained 7 days at a temperature not less than 25° C without being dechlorinated to permit the trihalomethane reaction to proceed to completion, prior to analysis. Analyses shall be conducted in accordance with methods listed in paragraph (d) below, and trihalomethane concentrations shall be reported to the State and to EPA within 30 days.

(c) Compliance with Section 141.12(c) shall be determined on a run-

ning annual average of quarterly samples collected as prescribed in paragraph (a) of this section. If the average of quarterly samples covering any 12 month period exceeds the Maximum Contaminant Level, the supplier of water shall report to the State pursuant to Section 141.31 and notify the public pursuant to Section 141.32. Monitoring after public notification shall be at a frequency designated by the State and shall continue until a monitoring schedule as a condition to variance, exemption or enforcement action shall become effective.

(d) Sampling and analyses made pursuant to this section shall be conducted by one of the following procedures:

1. "The Analysis of Trihalomethanes in Finished Waters by the Purge and Trap Method" EMSL, EPA, Cincinnati, Ohio, September 8, 1977.

2. "The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction" EMSL, EPA, Cincinnati, Ohio, September 9, 1977. Unless otherwise indicated, samples shall be dechlorinated upon collection to prevent further production of trihalomethanes, according to the procedures described in the above two methods.

(e) The sampling frequencies required by this section may be reduced by the State to not less than one sampling every six months based upon the data from at least 1 year of compliance monitoring, upon a determination by the State that local conditions are such that trihalomethane concentrations could not approach or exceed the maximum contaminant level. A change in the source of water or treatment program shall reinstate the applicable sampling requirements of this section.

7. By adding a new Subpart F and appendix as follows:

Subpart F—Treatment Techniques for Synthetic Organic Chemicals

Sec.

- 141.51 Scope and purpose.
- 141.52 Specialized definitions.
- 141.53 Treatment techniques for synthetic organic chemicals.
- 141.54 Variance from treatment technique.
- 141.55 Analytical methods.

APPENDIX: Chemical Indicators of Industrial Contamination.

Subpart F—Treatment Techniques for Synthetic Organic Chemicals

§ 141.51 Scope and purpose.

(a) The provisions of this subpart shall apply to each public water system which regularly serves a population of greater than 75,000 individuals and which is not granted a variance under § 141.54 of this subpart.

(b) The treatment technique prescribed by this subpart shall be designed, constructed and operated to minimize the presence of synthetic organic chemicals in drinking water.

PROPOSED RULES

§ 141.52 Specialized definitions.

As used in this subpart, and except as otherwise specifically provided:

(a) "Treatment technique" means a requirement of the national primary drinking water regulations which specifies for a contaminant or group of contaminants the treatment practice(s) known to the Administrator which leads to a reduction in the level of such contaminant(s) sufficient to satisfy the requirements of Section 1414 of the Act.

(b) "Synthetic organic chemical" means an organic chemical introduced into surface or ground water sources of drinking water as a result of industrial, agricultural, or other human activities. For the purpose of this subpart, synthetic organic chemicals are distinguished from those organic chemicals naturally occurring in the environment or introduced into drinking water as a by-product of water treatment processes.

(c) "Regeneration frequency" or "re-activation frequency" means the average length of time that a given amount of granular activated carbon remains in a water treatment system before being regenerated (thermally reactivated) to a fresh state.

(d) "Granular activated carbon" means organic material which has been dehydrated and carbonized followed by activation at a temperature between 750 and 950 degrees in stream or carbon dioxide producing an internal porous particle structure. The total surface area of granular activated carbon is usually around 1,000 square meters per gram.

(e) "Contact time" means the length of time that is required for water to pass through an adsorption column, assuming that all the liquid passes through at the same velocity. It is equal to the volume of the empty bed divided by the flow rate.

§ 141.53 Treatment techniques for synthetic organic chemicals.

(a) Each public water system subject to this subpart is required to design, construct and operate a treatment system using granular activated carbon to reduce the level of synthetic organic chemicals in the finished drinking water to the maximum extent feasible not later than three and one-half years after the effective date of this regulation.

(b) The design of a granular activated carbon treatment system, installed and operated pursuant to paragraph (a) above, including specification of type of carbon, contact time, and regeneration frequency, shall be in accordance with reasonable engineering practice. In order to assure that adequate contact time is provided for the removal of a broad spectrum of synthetic organic chemicals and that regeneration of replacement of the

carbon is frequent enough to prevent saturation, the system shall be designed to consistently achieve, to the extent feasible, all of the following criteria, as determined by a running average of 3 consecutive weekly analyses.

(1) The concentration in the effluent of any of the volatile halogenated organic compounds (except for the trihalomethanes) determinable by the purge-and-trap gas chromatography method (as specified in Section 141.55) shall not exceed 0.5 µg/l;

(2) The removal of influent total organic carbon with fresh granular activated carbon shall be greater than fifty percent percent; and

(3) The effluent total organic carbon shall not exceed the values with fresh granular activated carbon by more than 0.5 mg/l.

(c) Each public water system subject to this subpart shall further comply with the following intermediate requirements:

(1) A public water system desiring a variance shall submit the request for variance by not later than the effective date.

(2) By not later than six months after the effective date of this regulation, submit to the State for approval, the design specifications for the treatment system using activated carbon to satisfy the criteria specified in paragraph (b) of this section. Such plans and specifications shall have been based on pilot studies performed using as influent the system's actual raw water or water of reasonably similar quality.

(3) By not later than eighteen months after the effective date of this regulation, submit to the State for approval, the final design plans and specifications and construction schedule for the treatment system using granular activated carbon.

(4) By not later than three and one-half years after the effective date of this regulation, notify the State that construction has been completed and that the treatment system using granular activated carbon is in operation in compliance with paragraphs (a) and (b) of this section.

(d) Unless the State determines that a public water system meets the conditions specified in paragraph (e) of this section, each public water system subject to this subpart shall replace the existing filter media in its treatment process with granular activated carbon by not later than twelve months after the effective date of this regulation. This carbon shall be replaced or regenerated once every six months, unless monitoring data shows that the design criteria specified in paragraph (b) of this section will not be exceeded for a longer period of time, whereupon the carbon shall be replaced or regenerated at that time.

(e) A State may waive the requirements of paragraph (d) of this section

if it finds that a public water system has adequately demonstrated that the failure to replace the existing filter media with granular activated carbon will not result in an unreasonable risk to health and that either:

(1) The system will comply with the requirements of paragraph (a) of this section by not later than 24 months after the effective date of this regulation; or

(2) Because of compelling physical circumstances, the cost to the system of replacing the existing filter media with granular activated carbon is unreasonably high when viewed in light of the accompanying reduction in the level of synthetic organic chemicals that would be achieved.

(3) After the treatment system is in operation each public water system subject to this subpart shall submit to the State such other information as it may reasonably require to assure that the treatment system using granular activated carbon is being operated to achieve the criteria specified in paragraph (b) of this section to the maximum extent feasible.

§ 141.54 Variance from treatment technique.

(a) Any public water system subject to this subpart may request a variance from a prescribed treatment technique from the State in accordance with Section 1415(a)(1)(B) of the Act and 40 CFR 142.20 or 142.40, whichever is applicable upon making the requisite showing contained in paragraphs (c), (d), and (e) of this section.

(b) If, based on consideration of all available information, including information provided in accordance with subsections (c), (d), and (e), and, to the extent feasible, information developed pursuant to Sections 208, 303(e), and 402 of the Federal Water Pollution Control Act, as amended, the State determines that the public water system's raw water sources are not subject to significant contamination from synthetic organic chemicals and that the treatment technique is not necessary to protect the health of persons from adverse effects of such chemicals, it may grant a variance in accordance with 40 CFR 142.20 or 142.40, whichever is applicable.

(c) In the absence of information to the contrary, the State may make the finding required in paragraph (b) above and grant a variance to a public water system upon a demonstration that all of the system's raw water is drawn from one or more of the following types of sources:

- (1) Deep ground water;
- (2) Watersheds protected from man-made pollution;
- (3) The Great Lakes;
- (4) Water purchased from a supplier subject to this subpart who has complied with the requirements of this subpart.

PROPOSED RULES

(d) Notwithstanding paragraph (c) of this section, the State may require a public water system whose raw water is of the type listed in (c)(1)-(4) to provide such additional information and to perform analyses of raw water and finished water as it deems necessary to make a determination as to whether to grant or deny a variance in accordance with paragraph (b) of this section.

(e) If any of a public water system's raw water sources is not of a type listed in paragraph (c)(1)-(4) of this section, the public water system shall submit to the State the following information as part of its request for a variance:

(1) Characterization, to the extent feasible, of both point and non-point source discharges of pollutants which are likely to be potential sources of synthetic organic chemical contamination of the system's raw water source. This may include the volume of effluent discharge, frequency of discharge, and chemical concentration in the discharge and likelihood of chemical spills contaminating the drinking water source.

(2) The results of analyses performed in accordance with § 141.55 on samples of the raw water in the immediate area of all raw water intakes of the affected system for the chemicals listed in Appendix A. The analytical results, including gas chromatograms, of not less than four samples taken at least 30 days apart shall be provided.

(3) Such other information or data otherwise required by the State in order to assess the likely presence of synthetic organic chemicals in the system's raw water source.

(f) The State shall require, as a condition of any variance granted pursuant to this section, that:

(1) The public water system promptly report to the State any known circumstance which would significantly change the vulnerability of the system's raw water sources to contamination by synthetic organic chemicals; and

(2) The public water system submit an updated report to the State at least annually concerning the information which was submitted as part of the system's request for variance under paragraphs (c), (d) or (e) of this section.

(g) Pursuant to Section 1415(a)(3) of the Act, the Administrator may grant a variance to the treatment technique specified in this subpart upon a showing by any person that an alternative treatment technique is at least as efficient in lowering the levels of a broad spectrum of synthetic organic chemicals as that specified in this subpart. A variance under this paragraph shall be conditioned on the use of the alternative treatment technique which is the basis for the variance.

§ 141.55 Analytical methods.

(a) Analysis pursuant to § 141.53(b) and § 141.54(e)(2) shall be conducted according to the following methods:

(1) "The Analysis of Trihalomethanes in Finished Waters by the Purge and Trap Method," Environmental Monitoring and Support Laboratory, EPA, Cincinnati, Ohio, September 9, 1977.

(2) "The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," Environmental Monitoring and Support Laboratory, EPA, Cincinnati, Ohio, September 8, 1977.

(3) "Method for Organochlorine Pesticides in Industrial Effluents," MDQARL, EPA, Cincinnati, Ohio, November 28, 1973.

(4) Hunt, D. C., Wild, P. J., and Crosby, N. T., 1977. "Phthalimido-propylsilane—A New Chemically Bonded Stationary Phase for the Determination of Polynuclear Aromatic Hydrocarbons by High-Pressure Liquid Chromatography." *Journal of Chromatography*, 130: 320-323.

(5) "High Pressure Liquid Chromatography for the Measurement of Polynuclear Aromatic Hydrocarbons in Water," Sorrell, R. K., Dressman, R. C., and McFarren, E. F., AWWA Water Quality Technology Conference, Kansas City, Mo., December 1977.

(6) "Ultra Low Level TOC Analysis of Potable Waters," Takahashi, Toshihiro, AWWA Water Quality Technology Conference, San Diego, Calif., 1976. AWWA Denver, Colo., 1977.

PROPOSED RULES

(7) Lingg, D. R., Melton, R. G., Kopfler, P. C., Coleman, W. E., and Mitchell, D. E., "Quantitative Analysis of Volatile Organic Compounds by GC-MS," *Journal AWWA*, November 1977, pp. 605-612.

(8) Munch, D. J., Feige, M. A., Brass, H. J., "The Analysis of Purgeable Compounds in the National Organics Monitoring Study," AWWA Technical Conference Proceedings, Kansas City, December 6, 1977.

(9) U.S. Environmental Protection Agency. "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," Environmental Monitoring and Support Laboratory, Cincinnati, Ohio.

APPENDIX A—CHEMICAL INDICATORS OF INDUSTRIAL CONTAMINATION

Industrial Chemicals

Benzene,
Bis (2-chloroethyl) ether,
Bis (2-chloroisopropyl) ether,
Bromobenzene,
4-Bromophenylphenyl ether,
Carbon tetrachloride,
Chlorinated Naphthalenes,
Chlorobenzene,
4-Chlorophenylphenyl ether,
Chlorophenols,
2-Chlorovinyl ether,
Dichlorobenzenes,
Dichlorodifluoromethane,
1,1-Dichloroethane,
1,2-Dichloroethane,
1,1-Dichloroethene,
1,2-Dichloroethene,
Dichloromethane,
1,2-Dichloropropane,
1,3-Dichloropropene,

Dinitrotoluenes,
Ethylbenzene,
Hexachlorobenzene,
Hexachlorobutadiene,
Hexachlorocyclopentadiene,
Hexachloroethane,
Nitrobenzene,
Phthalate esters,
Polychlorinated biphenyls,
Propylbenzene,
Styrene,
1,1,2,2-Tetrachloroethane,
Tetrachloroethylene,
Toluene,
Trichlorobenzenes,
1,1,1-Trichloroethane,
1,1,2-Trichloroethane,
Trichloroethylene,
Trichlorofluoromethane,
Vinyl Chloride, and
Xylenes.

Pesticides

Aldrin,
Atrazine,
Chlordane,
DDD, DDE, DDT,
Dieldrin,
Endrin,
Heptachlor,
Heptachlor epoxide,
Kepone,
Lindane and Hexachlorocyclohexanes,
Pentachlorophenol, and
Toxaphene.

Polynuclear Aromatic Hydrocarbons

3,4-Benzofluoranthene,
1,12-Benzoperylene,
1,12-Benzofluoranthene (Benzo(K) Fluoranthene),
Benzo(a)pyrene,
Fluoranthene, and
Indeno(1,2,3-cd)pyrene.

[FR Doc. 78-3414 Filed 2-3-78; 12:21 pm]

THURSDAY, FEBRUARY 9, 1978
PART III



ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE PROGRAMS

Optional Procedures for
Classification of
Pesticide Uses by Regulation;
Pesticide Use Restrictions

[6560-01]

Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL PROTECTION
AGENCY

(FRL 840-3; OPP-30016B)

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Optional Procedures for Classification of Pesticide Uses by Regulation

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.

ACTION: Final rule.

SUMMARY: This rule establishes the procedures to be followed by registrants when a use of a pesticide product is classified for restricted use by regulation. This rule sets forth deadlines for submittal of appropriate applications for amended registration, label and labeling requirements for products with uses classified for restricted use by regulation, and deadlines for compliance with the label and labeling requirements. This notice also amends regulations concerning labeling requirements by deleting the requirement for applicator categories on the label and by revising the restricted use classification label statement.

EFFECTIVE DATE: February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

James H. White, Project Leader (WH-570), Office of Pesticide Programs, Environmental Protection Agency, Room E509A, 401 M Street SW., Washington, D.C. 20460, 202-755-8297.

SUPPLEMENTARY INFORMATION: On September 1, 1977 (42 FR 44170), the Agency published final rules which established optional procedures for the classification by regulation of uses of pesticide products for restricted use (40 CFR 162.30 (a), (b), and (c)). On the same date, the Agency also proposed rules to establish the procedures to be followed by registrants after the promulgation of a final rule classifying uses of pesticide products for restricted use.

The Agency solicited comments on these proposed rules and on October 17, 1977, conducted a public meeting in Washington, D.C. to obtain additional views on potential problems involved in the implementation of the labeling requirements outlined in the proposal. Based on the discussions at the meeting and on the written comments received, the proposed rules have been modified and are hereby promulgated as final regulations. The major issues commented upon and the Agency's responses thereto are discussed below.

RULES AND REGULATIONS

I. RESTRICTED USE ADVERTISING

Section 12(a)(2)(E) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) makes it unlawful for any person who is a registrant, wholesaler, dealer, retailer, or other distributor to advertise a product without including a statement of its restricted use classification. Two commenters noted that lead time would be needed in order to convert their advertising since large amounts of product literature are already in the field and would be difficult to recall.

The Agency agrees that it is necessary to set a specific date for compliance with section 12(a)(2)(E). The Agency believes that advertising for products that have been classified as restricted should reflect such classification after the 120th day after the effective date of the final rule. It is the Agency's position that such advertising will serve as another means of alerting applicators to products that have been classified restricted, and the Agency believes that 120 days is ample lead time for persons to convert broadcast and printed media advertising. However, the Agency recognizes that registrants may have large inventories of material such as brochures and technical pamphlets in final printed form on the effective date of the final rule. Accordingly, such final printed material may be distributed until the 270th day after the effective date of the final rule.

II. EFFECTIVE CONTROL OF PESTICIDE PRODUCTS

Several commenters challenged the Agency's view that effective control of a product includes those products at the distributor level. They argued that once a pesticide is shipped by a registrant to a distributor, the legal title is transferred and the registrant has no legal control over this material. The Agency has considered these comments and has modified the regulations to clarify that the registrant is responsible for ensuring that all restricted use products released for shipment by the registrant are properly labeled or accompanied by appropriate supplemental labeling. The registrant also has responsibility for ensuring that amended labels and/or supplemental labeling are delivered to distributors and retailers in time to meet the deadlines prescribed by these regulations. Distributors and retailers have the responsibility under section 162.30(l)(2) to assure that such labels and/or labeling accompany the product through further channels of commerce.

III. INTRASTATE PRODUCTS

There have been several questions raised regarding the applicability of these regulations to those products

registered under state pesticide registration laws and shipped or distributed for sale solely within intrastate commerce, for which a notice of application for Federal registration has been submitted under 40 CFR § 162.17, but for which a final Federal registration decision has not yet been made. Since §§ 12(a)(2)(E) and 12(a)(2)(F) of FIFRA—concerning unlawful activities in the advertisement, making available for use, or use of restricted use pesticides—only apply to federally registered products, these classification regulations do not apply to the class of "intrastate" products described above. However, since the individual States in which such products are registered may have available regulatory mechanisms to restrict the use of such products to certified applicators, the Agency will furnish each State regulatory agency with a list of such products which contain the active ingredients with uses classified restricted under § 162.31.

IV. STATE REGISTRATIONS FOR SPECIAL LOCAL NEEDS

The commenters raised the question whether these regulations would apply to registrations provided by the States under section 24(c) of FIFRA. Section 24(c) states that registration under that section "shall be deemed registration under section 3 for all purposes of [FIFRA]." Accordingly, the classification provisions of section 3 apply to section 24(c) registrations, and these regulations are therefore applicable to all such registrations.

V. CONDITIONAL ACCEPTANCE

Several commenters asked for clarification of the term "conditional acceptance." They expressed concern that the Agency might withdraw its conditional acceptance of draft labeling prior to its approval of final printed labeling, thus imposing unnecessary expense and delay upon a registrant who relied on the conditional acceptance and began to print new labels. Others suggested that conditional acceptance was not provided for in FIFRA. Still another believed that it would be unnecessary for the Agency to burden itself with acknowledgment of conditional acceptance.

Conditional acceptance is not a new concept introduced by these regulations. It is currently part of the registration procedures found at § 162.6(b)(3)(ii) dealing with applications for amended registration, and it allows applicants to submit to the Agency, in draft form, proposed revisions to existing labeling. Such proposed revisions are conditionally accepted by the Agency, and the applicant can then proceed to the production of final printed labeling with the assurance that such final printed labeling will be approved by the

Agency—provided that it is identical to the conditionally accepted draft.

Since copies of "the complete final printed labeling" must accompany applications for amended registration, this procedure allows the applicant to obtain approval of the amended label and labeling before it goes to the expense of printing such material.

However, an applicant is not obligated under these procedures to submit drafts for conditional acceptance, and an application for amended registration under paragraph (d) of this regulation may simply be accompanied by "the complete final printed labeling" if the registrant is confident that it complies with paragraph (g) of this regulation. In such cases, the time periods for compliance found in paragraphs (i)(3) and (i)(4) of this regulation will be keyed to approval of the final label instead of conditional acceptance of the draft label.

As explained elsewhere, supplemental labeling as used in these regulations will not be conditionally accepted or approved by the Agency. Accordingly, registrants should not delay compliance with these regulations on the grounds that they have not received an Agency response to submitted supplemental labeling.

VI. CERTIFICATION OF COMPLIANCE STATEMENT

Many commenters objected to the requirement of § 162.30(i)(3) as proposed, that within 120 days of conditional label approval, a registrant's production establishment(s) must submit a written statement attesting to the fact that all products within the control of that establishment are in compliance with these regulations.

Registrants believed this requirement was unnecessary and impractical, creating additional regulatory burdens for both the registrant and the Agency, while doing little to assist in the implementation of these regulations. The Agency has considered these comments and agrees with the commenters' position. This requirement has accordingly been deleted from the final regulations.

VII. AMENDED REGISTRATION—THIRD OPTION

A few commenters suggested that the Agency adopt the "third option" relating to labeling amendments referred to in the preamble to the proposed regulations. Under that option, the registrant could have requested an amended registration that would have allowed the marketing of the product with a label describing only those uses that had not been classified for restricted use. The label could have borne a statement indicating that other product uses had been classified restricted and would have referred the purchaser to the retailer for further

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information. Under that option, supplemental labeling containing all label information such as the restricted uses, directions for use, and precautions would have been required, and a certified applicator who desired to purchase the product for a restricted use would have been issued the supplemental labeling by the retailer.

The Agency continues to believe that this option would be unenforceable at the retail level and would also rely too heavily on the retailer to distribute supplemental labeling. Since there were no suggestions by the commenters as to how to reduce this burden or as to how to implement such a program, the Agency has not incorporated this option as part of the final regulation.

VIII. LABELING REQUIREMENTS FOR MANUFACTURING USE ONLY PESTICIDES

One commenter recommended that technical grade material sold by manufacturers for formulation or final packaging only be exempt from a restricted use classification and the related labeling requirements. The Agency's intent was to exclude "manufacturing use only" chemicals from these regulations and has added language in paragraph (g) of the regulation to that effect.

IX. PURCHASE BY UNCERTIFIED PERSONS FOR USE BY CERTIFIED APPLICATORS

An area of concern that goes back several years relates to the farmer who buys pesticides in the fall or when prices are favorable, and has them applied by a commercial applicator at a later time. The farmer frequently does not know the identity of the applicator at the time of purchase since he will contract with the bidder who best meets his needs. Thus, such purchase cannot reasonably be construed to be "under the direct supervision of a certified applicator;" a procedure allowed by current regulations. The argument can be made that certification is sufficiently easy to obtain and that it is not unduly burdensome to require the non-applicator farmer to become certified in order to purchase a restricted use pesticide. The Agency also believes that it would be environmentally beneficial and administratively simpler to limit the sale of restricted-use pesticides to certified applicators and persons working under their direct supervision. However, the House of Representatives has recently passed a bill to amend FIFRA which, among other things, would allow uncertified persons to make such purchases. In addition the State-Federal Implementation Advisory Committee, composed primarily of State regulatory officials who are responsible for certification, as well as individual State program administrators, have advocated the controlled authorization of purchase of

restricted pesticides by uncertified persons.

In light of the urgent need to finalize these regulations, the Agency cannot postpone their promulgation until final resolution by Congress. The Administrator has therefore determined that sale of a restricted use pesticide to, or purchase, transportation, or storage of a restricted use pesticide by, an uncertified person is not inconsistent with the intent of the Act if they occur in any State which the Administrator has determined, upon request by the State, has in effect laws and/or regulations governing sale, purchase, transportation, and storage which: (a) require uncertified purchasers of restricted use pesticides to furnish written evidence that the pesticide is being purchased for use by a certified applicator, and (b) require sellers to maintain adequate records of such evidence. Any acquisition of a restricted use pesticide by an uncertified person must be in compliance with those laws and/or regulations. Notice of the Administrator's determination will be published in the FEDERAL REGISTER.

In addition, in those States authorized to make such sales, the seller shall provide the uncertified farmer purchasing a restricted use product with supplemental information covering minimum Federal standards as outlined in 40 CFR Part 171 in terms of transportation, storage, and disposal safety. The Agency is prepared to work cooperatively with the registrants, States and the U.S. Department of Agriculture in developing adequate supplemental information in terms of a generic pamphlet that will suffice under most conditions relating to transportation, storage, and disposal.

X. DATA COMPENSATION

The Agency took the position in the proposed rules that since the use of data by the Agency to classify a use of a registrant's product as restricted would not give advantage or benefit to the registrant, the data would not be "considered . . . in support of" an application for new or amended registration, and thus the "data compensation" provisions of section 3(c)(1)(D) of FIFRA would not apply to applications for amended registration made pursuant to the proposed regulations.

Several commenters argued that data which might be submitted and which would support a decision not to classify a use as restricted would thereby benefit other registrants whose products would similarly not be classified for restricted use. However, in such circumstances the status of such products would not be affected—they would remain unclassified—and section 3(c)(1)(D) would not be involved since no application for amend-

ed registration would be required to be submitted under these regulations.

Similarly, several commenters argued that if a use of a product is restricted as an alternative to cancellation of that use, then data considered in support of the decision to restrict would therefore be "in support of" an application for amended registration. However, the Agency does not believe that Congress intended section 3(c)(1)(D) to apply in these particular circumstances. That section was enacted to provide reasonable compensation to the owners of data when that data is used in support of other parties' initial applications for registration, applications for reregistration, or applications for amendments to existing registrations to add new uses; in other words, in situations where a party is seeking to achieve registration of a particular use in reliance upon another party's data. The Agency believes that completely different considerations are involved when data are used to support a classification decision intended to reduce the risks attendant to an existing registered use of a pesticide product. Accordingly, the Agency continues to take the position that section 3(c)(1)(D) does not apply to applications for amended registration made under these regulations.

Another commenter agreed with the Agency's position, provided that the use of the data under these regulations would not be construed as a waiver by a registrant of the trade secret status of such data or as a precedent in establishing reasonable compensation due the registrant for subsequent use of such data in other circumstances. The Agency adopts these comments as clarification of its original intent.

Finally, the Agency wishes to clarify that data which has been utilized under these regulations to restrict a use of a product may, at the time of reregistration of that product, be "considered . . . in support of" the application for reregistration and thus be compensable under section 3(c)(1)(D).

XI. HEARING RIGHTS

The Agency received several comments pertaining to the scope of the hearing which an applicant or registrant could request if the Administrator issued a notice of intent to deny or cancel registration in accordance with paragraphs (d) or (e) of this regulation. As explained in the preamble to the proposed rules, there will be ample opportunity during the rulemaking proceeding under paragraph (c) of this regulation for examination and challenge of the factual basis of the Administrator's proposed classification and for submission of relevant data relating to any risk criterion or to the in-

cremental risk/benefit analysis. Accordingly, in the interest of administrative efficiency and to avoid prolonged and duplicative evidentiary hearings, the proposed regulation stated that any hearing requested under paragraph (h) of this regulation would be limited to the sole issue of whether the registrant or applicant had submitted an application for new or amended registration which complied with the provisions of this regulation.

The commenters argued that they would be entitled to unlimited adjudicatory hearings in which all issues concerning the classification decision could be challenged, pursuant to sections 3(d)(2) and 6(b)(1) of FIFRA. However, with respect to changes in classification, those provisions of FIFRA only apply when the Agency proposes to change the classification of any use of a pesticide from general use to restricted use; they do not apply to the initial classification decision itself. Since all pesticide products are currently unclassified, sections 3(c)(2) and 6(b)(1) do not require a hearing broader than that provided by this regulation with respect to the classification decision itself.

A proposed cancellation under paragraph (h) of this regulation will be based on the failure of the registrant to timely submit "material required to be submitted"—namely, an appropriate application for amended registration. The submission requirement will have been imposed as a regulation after a rulemaking proceeding in which the registrant will have had a full opportunity to challenge the Agency's proposed action. Accordingly, the only factual issues to be resolved in any cancellation hearing requested pursuant to section 6(b)(1) will be whether material was required to be submitted, and, if so, whether it was timely submitted. If a registrant wishes to challenge the basis of the submission requirement—i.e., the validity of the regulation—the proper recourse will be to raise that issue in the cancellation hearing and to seek judicial review of the regulation pursuant to § 16 of FIFRA.

XII. LABELING COMMENTS

There were many comments to the effect that the timetable established by the Agency for the amended labeling procedures was too short and did not allow enough flexibility. Registrants were concerned with the 45 days allotted for submission of the application for amended registration, as well as with the 90 days for label changes for products within their effective control and the 180 days for label changes for products at the retail level. There was also considerable interest expressed in finding some role for supplemental labeling in this pro-

cedure to ease the complications of compliance. In addition, several commenters indicated that by not allowing supplemental labeling, excessive costs would be incurred and a potential health hazard might result where it became necessary to break down pallets or cartons in order to relabel. Some believed that the labeling requirements should pertain only to new production of the restricted use pesticide.

Finally, there were several commenters who suggested a simplified procedure for implementing the restricted use labeling of pesticide products. Basically, this procedure would have allowed the registrant to send a letter to the Agency attesting to the fact that it would make the restricted use label and labeling changes in accordance with § 162.30 and would make no other changes.

The Agency is interested in finding the most expeditious way of handling labeling with the least disruptions to industry and the user groups, while still remaining within the scope of existing section 3 regulations which require the Agency to explicitly approve label amendments. Accordingly, the Agency has developed what it believes is a workable compromise position that allows companies internal flexibility to make necessary changes and also remains reasonably close to the timetable set forth in the proposed regulations. This labeling compliance system is as follows:

Sixty days after the effective date of a final rule classifying a product as restricted, the registrant of a pesticide product registered for that use must submit an application for amended registration in accordance with paragraph (d) of these regulations. The Agency wishes to emphasize that under paragraph (d), the only changes to the label and labeling which may be proposed in the application are those changes which are necessary to bring the product into compliance with paragraph (g) of these regulations—either by deleting the restricted uses or by including the restricted use classification language (or, if applicable, the language specified in the final rule under paragraph (c)(4)). No other proposed changes to the label and labeling may be included in any application for amended registration submitted under paragraph (d) of these regulations.

The application must be accompanied by: (1) copies of the proposed amended label(s) and labeling (in either draft or final form), and (2) a sample of any supplemental labeling to be used as an interim compliance measure (for instance, to be affixed to or to accompany existing stocks of products which have a use or uses classified restricted). For the purposes of this regulation, supplemental labeling

is: (1) an adhesive sticker containing the restricted use statement specified in § 162.10(j)(2); (2) a separate form containing the product name, as it appears on the current product label, the EPA registration number of the product, and the restricted use statement specified in § 162.10(j)(2); or (3) a copy of the conditionally accepted or final amended label.

One hundred and twenty days after the effective date of the final rule, no registrant or producer may release for shipment any product unless it: (1) bears the amended label, (2) has the supplemental labeling affixed, or (3) is accompanied by supplemental labeling. The Agency has noted many problems in the past resulting in enforcement actions when supplemental labeling did not accompany the product through the distribution channels. Therefore, the Agency is strongly encouraging the manufacturer to affix the supplemental labeling to each container prior to releasing any pesticide product for shipment. However, to minimize costs to industry and to avoid disrupting the production and distribution process, the Agency will not require labels to be affixed to all containers prior to shipment for those products that are already packaged for shipment where it is not practical to do so, e.g., when the containers are loaded on pallets or are packed in such a manner that the registrant would have to break open cartons. The Agency also realizes that the physical nature of certain pesticide containers, e.g., oil coated cans, may preclude a registrant from affixing the supplemental labeling or an amended label. Such products may necessarily have to be shipped accompanied by supplemental labeling until such time as the amended label is incorporated as part of the routine packaging process.

Nine months (270 days) after the effective date of the final rule, no product may be distributed or sold (at the retail level or by any other person) unless it bears the amended label, has the supplemental labeling affixed, or is accompanied by supplemental labeling.

Nine months (270 days) after the conditional acceptance of the draft amended label, or approval of the final amended label if the registrant does not submit a draft amended label, all products released for shipment by the registrant or producer must bear the amended label. A registrant who has a unique situation, e.g., a large supply of labeled containers or the non-availability of new containers, may request a delay in the effective date by submitting to the Agency a statement as to why such a delay is needed, and setting forth a plan for compliance and such other information as may be necessary to demonstrate the existence of a genuine problem, and to demon-

XIII. LABELING WORDING

The Agency is amending 40 CFR 162.10 by revising subsection (j)(2)(i)(B) thereof. This amendment changes the wording of the statement which must appear on the label of a restricted use pesticide to read: "For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification." Certified applicators or persons under their direct supervision may not purchase or use restricted use pesticides for uses that are not covered by the applicator's certification. The purpose of the change is to clarify that an applicator who is certified for one or more restricted uses of a product is not necessarily certified for all restricted uses of that product.

This change is necessary since the Agency is deleting 40 CFR 162.10(i)(2)(x)(D) which requires the certification categories to appear on the labels of restricted use pesticides. Several commenters believe that deleting applicator categories from the label would put too much pressure on the seller to analyze the labeling and match it to the customer's certification categories and needs. After careful consideration, it is the Agency's decision to maintain the proposed deletion of said labeling requirements and not require the listing of certification categories. The Agency had discussed the feasibility of this approach with State Regulatory and Extension Service personnel. They also believed this was the most reasonable approach as it eliminates the severe administrative and State enforcement problems that would arise because of the differences in certification subcategories in the States, and as it places the major responsibility for using a pesticide for a use not covered by the applicator's certification on the applicator himself.

Concern has been expressed by several registrants regarding liability when supplemental labeling for restricted use products is provided by the registrant to distributors or retailers, but the distributor or retailer fails to affix supplemental labeling to the products or fails to provide supplemental labeling to purchasers. The Agency must necessarily judge each case upon its own merits. As a general rule, however, if a registrant has made reasonable efforts to ensure that sufficient supplemental labeling accompanies each shipment of restricted use products together with adequate instructions to distributors and retailers as to the disposition of such labeling, the Agency will not take enforcement action against the registrant.

Finally, the Agency has added a new provision to clarify its original intent that a registrant be allowed to comply with a final rule classifying some but not all uses of a product as restricted by submitting an application for amended registration which would delete the uses which have been classified as restricted. This provision is designated as paragraph (d)(2)(ii). Paragraphs (d)(2)(ii) and (d)(2)(iii), as proposed, have been redesignated as paragraphs (d)(2)(iii) and (d)(2)(iv), respectively. It is the Agency's intent not to require existing stocks of such products to be relabeled or supplementally labeled at the distributor or retail level. However, no such product may be released for shipment by the registrant or producer after six months (180 days) after the conditional acceptance of the draft amended label (or the approval of the final amended label if no draft label is submitted) unless the product bears the approved amended label.

The Agency is amending 40 CFR 162.10 by revising subsection (j)(2)(i)(B) thereof. This amendment changes the wording of the statement which must appear on the label of a restricted use pesticide to read: "For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification." Certified applicators or persons under their direct supervision may not purchase or use restricted use pesticides for uses that are not covered by the applicator's certification. The purpose of the change is to clarify that an applicator who is certified for one or more restricted uses of a product is not necessarily certified for all restricted uses of that product.

This change is necessary since the Agency is deleting 40 CFR 162.10(i)(2)(x)(D) which requires the certification categories to appear on the labels of restricted use pesticides. Several commenters believe that deleting applicator categories from the label would put too much pressure on the seller to analyze the labeling and match it to the customer's certification categories and needs.

After careful consideration, it is the Agency's decision to maintain the proposed deletion of said labeling requirements and not require the listing of certification categories. The Agency had discussed the feasibility of this approach with State Regulatory and Extension Service personnel. They also believed this was the most reasonable approach as it eliminates the severe administrative and State enforcement problems that would arise because of the differences in certification subcategories in the States, and as it places the major responsibility for using a pesticide for a use not covered by the applicator's certification on the applicator himself.

XIV. LABELS BEARING BOTH RESTRICTED AND UNCLASSIFIED USES

One commenter expressed concern that since the Agency was permitting registrants to market products with labels bearing both restricted and unclassified uses, individuals would be able to purchase and use such products without being certified.

Although the Agency does allow a registrant to include both the restricted and unclassified uses of a product on the same label, such a product is considered to be a "restricted use product" and can only be sold to (1) a certified applicator, (2) someone acting under the direct supervision of a certified applicator, or (3) an individual acting in accordance with provisions outlined in this preamble under Item IX, "Purchase by Uncertified Persons for Use by Certified Applicators".

The Agency appreciates the cooperative support of the pesticide industry, user groups, environmental organizations, the States and the general public in developing the regulations to follow.

ECONOMIC IMPACT ANALYSIS

The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an economic impact analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

STATUTORY REVIEW

The U.S. Department of Agriculture has reviewed the final regulations in accordance with section 25(a) of FIFRA and concurs with their publication in the FEDERAL REGISTER. The FIFRA Scientific Advisory Panel has reviewed the final regulations in accordance with section 25(d) of FIFRA and has expressed concern with the Agency's decision to allow, in certain circumstances, uncertified persons to purchase restricted use pesticides for later application by certified applicators. The panel believes that adoption of this approach "... if not fully understood by the general public might seriously undermine the applicator certification program and circumvent expectations by the Agency for protection of health and the environment ..."

The Agency is sensitive to the reservations expressed by the panel and is concerned with preserving the integrity of the certification program and with the impact of this provision on human health and the environment. However, the Agency believes it has accommodated these concerns by stating that such purchases are not inconsistent with the intent of the Act only when they occur in those States which the Administrator has determined has laws and/or regulations which adequately minimize the potential for abuse and only when they are transacted in accordance with those laws and regulations. In this regard, the Agency believes it has strengthened its previous position by requiring that the State laws and/or regulations require written evidence that purchase of a restricted use pesticide is for application by a certified applicator, instead of "verifiable" evidence as appeared in the version reviewed by the Scientific Advisory Panel.

The Scientific Advisory Panel report is published in its entirety following the text of the regulations.

STATUTORY AUTHORITY

(Secs. 3 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 136, et seq.).)

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

40 CFR Part 162 is herewith amended by deleting § 162.10(j)(2)(x)(D) and by revising § 162.10(j)(2)(x)(B). Section 162.10(j)(2)(i)(A) is repeated here for informational purposes only (see Section 3 Regulations, 40 FR 28279, July 3, 1975).

§ 162.10 Labeling requirements.

(j) * * *

(2) *Restricted Use Classification.* Pesticide products bearing direction for use(s) classified restricted shall bear statements of restricted use classification on the front panel as described below:

(i) *Front panel statement of restricted use classification.* (A) At the top of the front panel of the label, set in type of the same minimum sizes as required for human hazard signal words (see table in § 162.10(h)(1)(iv)), and appearing with sufficient prominence relative to other text and graphic material on the front panel to make it unlikely to be overlooked under customary conditions of purchase and use, the statement "Restricted Use Pesticide" shall appear.

(B) Directly below this statement on the front panel, a summary statement of the terms of restriction imposed as a precondition to registration shall appear. If use is restricted to certified applicators, the following statement is required: "For retail sale to and use only by Certified Applicators or persons under their direct supervision and only for those uses covered by the Certified Applicator's certification." If, however, other regulatory restrictions are imposed, the Administrator will define the appropriate wording for the terms of restriction by regulation.

40 CFR Part 162 is herewith amended by adding the new paragraphs (d) through (i) to § 162.30, reading as follows:

§ 162.30 Optional procedures for classification of pesticide uses by regulation.

(d) *Compliance: Currently registered products.* No later than 60 days after the effective date of the final rule classifying a use of a registered product as restricted, the registrant shall submit an appropriate application for amended registration. The application must also be accompanied by a copy of any supplemental labeling to be used as an interim compliance measure. For the purposes of this section, supplemental labeling means: an adhesive sticker containing the restricted use statement specified in § 162.10(j)(2); a separate form containing the product name as it appears on the current product label, the EPA registration number of the product, and the restricted use statement specified in

§ 162.10(j)(2); or the conditionally accepted or final approved amended label.

(1) *Amended registration; all uses restricted.* If all uses of a product have been classified for restricted use, the application for amended registration shall be based solely on a proposed label and proposed labeling which:

(i) Contain the language specified in the final rule under paragraph (c)(4) of this section, if applicable; or

(ii) Comply with paragraph (g) of this section.

(2) *Amended registration; some but not all uses restricted.* If some but not all uses of a product have been classified for restricted use, the application for amended registration shall:

(i) Be based solely on a proposed label and proposed labeling which contain the language specified in the final rule under paragraph (c)(4) of this section, if applicable; or

(ii) Be based solely on a proposed label and proposed labeling which delete the uses which have been classified as restricted; or

(iii) Be based solely on a proposed label and proposed labeling which comply with paragraph (g) of this section with respect to the uses which have been classified as restricted, and which may also contain use directions for the remaining unclassified uses; or

(iv) Request that the registration be split into two registrations. One registration shall pertain only to those uses that have been classified as restricted; the application shall propose a label and labeling for this product which comply with paragraph (g) of this section with respect to the uses which have been classified as restricted, and which may also contain use directions for the remaining unclassified uses. The other registration shall pertain only to those uses not classified for restricted use; the application shall propose a label and labeling for this product. The application shall request amendment of the existing registration for one of these products and request a new registration number for the other product.

(3) *Conditional acceptance.* The Administrator, in accordance with § 162.6, shall conditionally accept proposed label(s) and labeling submitted under paragraph (d)(1) or (d)(2) of this section, if he determines that they comply with the applicable requirements of this section.

(e) *Compliance: new products.* An application for registration of a new pesticide product, any use of which has been classified for restricted use under this section, shall include proposed product label(s) and labeling which meet the pertinent requirements of (d)(2)(i) or (d)(2)(iii) of this section.

(f) *Consideration of data.* It is the Agency's position that the fact that an

item of data is relied upon in making a determination under paragraph (b) of this section does not mean that the item of data was thereby "... considered by the Administrator in support of any ... application for registration ..." within the meaning of Section 3(c)(1)(D) of the Act.

(g) *Label and labeling.* (1) A pesticide product which has a use classified for restricted use shall bear a label, or to the extent permitted by paragraph (i) by accompanied by supplemental labeling or have supplemental labeling affixed, which contains the statements of restricted use classification required by § 162.10(j)(2) or, if applicable, the language specified in the final rule under paragraph (c)(4) of this section.

If any use of a pesticide product has been classified for restricted use, any labeling (other than supplemental labeling) accompanying the product shall contain directions for use which are consistent with the terms of the restriction.

(2) Pesticide products intended solely for manufacturing use in the formulation of other registered pesticide products are not subject to the classification label and labeling requirements of this section.

(h) *Notice of intent to cancel or deny registration; hearing rights.* The Administrator shall issue a notice of intent to cancel the registration or deny the application for registration of any pesticide product which has a use classified under this section for restricted use unless the registrant or applicant submits an appropriate application for amended or new registration in accordance with paragraph (d) or (e) of this section. The Administrator shall issue a final order of cancellation or denial of registration unless the registrant or applicant, as provided by law:

(1) requests a hearing in accordance with section 3(c)(6) or 6(b)(1) of the Act, which hearing shall be limited to the sole issue of whether the registrant or applicant had timely submitted an application for amended or new registration which complied with the provisions of this section; and

(2) sustains the affirmative burden of proving that it had timely submitted an application for amended or new registration which complied with the provisions of this section.

(i) *Enforcement.* (1) No product with a use classified under this section for restricted use may be released for shipment by the registrant or producer after the 120th day after the effective date of the final rule unless the product bears an approved amended label which complies with paragraph (g), has the supplemental labeling affixed, or is accompanied by supplemental labeling.

(2) No product with a use classified under this section for restricted use

may be distributed or sold by a retailer or other person after the 270th day after the effective date of the final rule unless the product bears an approved amended label which complies with paragraph (g), has the supplemental labeling affixed, or is accompanied by supplemental labeling.

(3) No product with a use classified under this section for restricted use may be released for shipment by the registrant or producer after the 270th day after the conditional acceptance of the draft amended label (or after approval of the final amended label, if the registrant does not submit a draft amended label), unless the product bears the final approved amended label.

(4) In cases where a registrant submits an application for amended registration in accordance with paragraph (d)(2)(ii) of this section to delete the restricted uses of a pesticide product, no such product may be released for shipment by the registrant or producer after the 180th day after the conditional acceptance of the draft amended label (or after approval of the final amended label, if the registrant does not submit a draft amended label), unless the product bears the final approved amended label.

(5) No product with a use classified under this section for restricted use may be advertised without including the classification assigned to it after the 120th day after the effective date of the final rule. However, brochures, technical pamphlets and similar material which are in final printed form on the effective date of the final rule may be distributed until the 270th day after the effective date of the final rule.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

SCIENTIFIC ADVISORY PANEL

REVIEW OF FIFRA SECTION 3(D) OPTIONAL PROCEDURES FOR CLASSIFICATION OF PESTICIDE USES BY REGULATIONS.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel completed review of final rulemaking for classification of pesticide uses by regulation in an open meeting held in Arlington, Va., on January 12, 1978.

The manner in which EPA staff personnel developed the classification regulation is worthy of special praise. In response by EPA for scientific support while reviewing draft documents, the Panel conducted a series of open meetings to mark up a progressively improving proposed and final regulation. Following each session the Agency would appropriately amend the document in consideration of public comments and recommendations of the Panel. The Panel wishes to commend the Agency for being exceptionally cooperative and responsive to suggestions for improvement.

Final regulations on classification of pesticides were submitted to the Panel for review on December 16, 1977. In response to a request by EPA for expeditious review, the

documents were mailed to members of the Panel with a request for comments within one week. Although plans were to conduct a telephonic roll call to obtain concurrence, these plans were abandoned when it became clear that the regulations contained several changes of serious concern to the Panel, which were not incorporated in the Proposed Regulation reviewed by the Panel. A special interim report detailing the concerns of the Panel was submitted to EPA on December 23, 1977. At that time special notice was given that the Panel would complete review of the document on January 12, 1978.

Maximum public participation has been encouraged at all meetings of the FIFRA Scientific Advisory Panel. In respect to the January 12, 1978, meeting, the FEDERAL REGISTER Notice of the general meeting dated December 28, 1977, was amended on January 3, 1978, to modify the agenda to include review of final rulemaking on classification of pesticides. In addition telephonic notice and special mailings were sent to the general public who had previously expressed an interest in the regulation. Written statements relative to final consideration of the document on classification were received from the following sources: American Farm Bureau Federation, Dow Chemical Co., and Monsanto Co. In addition to comments by EPA staff, informal comments were received during the meeting by representatives of the Environmental Defense Fund, and members of the pesticide industry.

In consideration of all matters brought out during the Panel meeting, matters articulated in written statements, and a careful review of the final rulemaking document, the Panel submits the following report:

The FIFRA Scientific Advisory Panel is of the opinion that the document describing Optional Procedures for Classification of Pesticide Uses by Regulations submitted to the Panel on January 12, 1978, deals effectively with this procedure with the following two exceptions:

Exception 1: The pending Congressional Amendment to modify FIFRA Section 12(a)(2)(F) to allow purchase of restricted use pesticides by uncertified farmers for application by a certified applicator. The Panel wishes to express concern on a philosophical basis that such a proviso if not fully understood by the general public might seriously undermine the applicator certification program and circumvent expectations by the Agency for protection of health and the environment under the provisions of Section 3(d) for classification of pesticide uses. The Panel unanimously recommends that the Agency seek an appropriate method for modification of the regulation to strengthen personal accountability and promote attainment of certified applicator status by farmers who use pesticides. This recommendation is made in the hope that stronger controls on this issue would be both compatible with Congressional intent and legally possible under the provisions of FIFRA, as amended.

Exception 2: The classification status of 90 percent wettable powder formulations of methomyl in water soluble bags and 25 percent wettable powder formulations (not in water soluble bags) is in contention by the Panel. Concern centers around the incidence of human pesticide poisonings to farm workers occupationally exposed to methomyl. The Panel is aware of the shortcomings of the present national program for reporting pesticide related illness to

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humans, and that EPA at best is the recipient of incomplete and unverified information. In this particular situation, it would appear that at least one member of the Panel has received advance information of human illness associated with the use of methomyl in North Carolina and California. Currently this data has not been sent to EPA for analysis. Conclusions by the Panel on this issue are as follows:

a. The majority of the Panel recommends that formulations of 90 percent wettable powder in water soluble bags as well as 25 percent wettable powder formulations (not in water soluble bags) be classified as restricted. This is recommended with the understanding that the Agency will report back to the Panel in approximately six months to present the results of a special literature search and compilation of human toxicity relative to exposure of workers to methomyl, with special emphasis on all formulations remaining in an unclassified status.

b. A minority report is submitted on this issue. Two members of the Panel recognize the need for the Agency to proceed with classification by the triggers described in the regulations and, consequently believe that both the 90 percent in water soluble bags and 25 percent formulations should be unclassified.

For the Chairman.

Dated: January 17, 1978.

H. WADE FOWLER, JR.
Executive Secretary, FIFRA
Scientific Advisory Panel.

[FR Doc. 78-3648 Filed 2-8-78; 8:45 am]

[6560-01]

[FRL 840-4; OPP-30017A]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Pesticide Use Restrictions

AGENCY: Environmental Protection Agency, Office of Pesticide Programs.
ACTION: Final rule.

SUMMARY: This final rule amends regulations concerning the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act by adding a new regulation for pesticide use classification which lists uses of certain pesticides that the Agency has classified as restricted under the current procedures.

EFFECTIVE DATE: February 9, 1978.

FOR FURTHER INFORMATION CONTACT:

James H. White, Project Leader (WH-570), Office of Pesticide Programs, Environmental Protection Agency, Room E509A, 401 M Street SW., Washington, D.C. 20460, 202-755-8297.

SUPPLEMENTARY INFORMATION: On September 1, 1977, notice was published in the FEDERAL REGISTER (40 FR 44176) proposing to amend 40 CFR

Part 162 by adding a new § 162.31 listing uses of pesticides that the Agency classified as restricted under the procedures of 40 CFR 162.30. The purpose was to notify the public and to solicit comments on the proposed use restrictions.

It is important to note that this regulation only classifies uses as restricted. If a use is not classified restricted by this regulation, it does not mean that it is classified as general under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); it merely means that that use has not yet been classified as either general or restricted. The Agency is not, by regulation, classifying uses as general primarily because such a decision requires an evaluation of chronic data. Review of chronic data has not been a part of classification by regulation because of the time necessary to accomplish such review.

Any product use classified for restricted use under these regulations is limited to use by or under the direct supervision of a certified applicator.

Responses to the proposed restricted uses of the 23 published chemicals were submitted by State and Federal Agencies, registrants, private laboratories, and environmental organizations. EPA received comments on the following chemicals:

Aldicarb, endrin, methomyl, mevinphos, strychnine, azinphos-methyl, ethyl parathion, methyl parathion, picloram.

Following is a discussion of the comments on a chemical-by-chemical basis. The only changes from the proposed regulations are in certain formulations of azinphos-methyl and aldicarb.

ALDICARB

The many comments concerning aldicarb dealt with two areas of use, non-domestic indoor and non-domestic outdoor. All comments pertaining to non-domestic indoor use were in agreement with EPA's proposed restriction. The subject of concern was the restriction of aldicarb for outdoor use based on residue effects on avian species. The opinion of the majority of commenters was that based on field experience, aldicarb did not present a hazard to avian species and that, in any event, such concern is an invalid reason for restriction. However, many commenters believed that aldicarb should be restricted for outdoor use based on the hazard it posed for the applicator.

In light of these numerous comments we are planning to do a comprehensive survey of interested parties, including user and regulatory groups concerning the restriction of non-domestic outdoor uses. Therefore, the Agency is leaving the agricultural uses of aldicarb unclassified at this time.

The Agency anticipates a classification decision on aldicarb in the near future.

AZINPHOS-METHYL

One commenter asked the Agency to review the restricted classification of granular formulations of azinphos-methyl for aerial application to sugar cane and the restricted classification of the 50 percent wettable powder formulation in water soluble bags in light of additional data. The Agency is undertaking this review and consequently, at this time, is only classifying the liquid formulations of azinphos-methyl greater than 13.5 percent for restricted use.

METHOMYL

One comment was received on the proposed restrictions of methomyl. The commenter proposed that formulations marketed in water soluble bags be classified as restricted and not left unclassified. He believed a restricted use classification would be more efficient and ensure that problems were in fact reduced. However, the Agency wants to encourage registrants to develop packaging and formulations that reduce hazards. Since the problems with methomyl have occurred during mixing and loading operations, the Agency believes that the water soluble bags would greatly reduce this hazard.

Accordingly, these formulations will remain unclassified, but the Agency will monitor future accidents involving methomyl to determine whether the water soluble bag formulations are involved. In addition, the commenter believed that hazards would be further reduced if this pesticide were applied by certified applicators only and not by persons under their supervision. This point is addressed under the heading "Additional Chemicals."

METHYL PARATHION

Two responses were received regarding the proposed restrictions of methyl parathion. One commenter suggested that the hazards associated with the uses of methyl parathion could be reduced by limiting application to certified applicators only and not allowing application by persons under their direct supervision. This comment is addressed under the heading "Additional Chemicals." The second commenter believed that the microencapsulated formulation should be left unclassified. Although microencapsulation of methyl parathion has reduced the hazard to the applicator, this formulation is just as hazardous to birds as other formulations of methyl parathion, and is more hazardous to bees. Microencapsulated methyl parathion and pollen are the same size (30-50 microns), so that foraging bees can inadvertently carry the methyl parathion back to the hive along with

RULES AND REGULATIONS

STRYCHNINE

pollen. There it will be slowly released and the hive will be partially or completely destroyed. Indeed, residue analyses show twice as much methyl parathion in dead bees when the microencapsulated formulation is used in place of emulsifiable concentrates. If the microencapsulated formulation is restricted, we can reasonably expect that certified applicators will be more knowledgeable about hazards to wildlife and bees and the possibility of adverse effects will be reduced.

PICLORAM

Two responses were received regarding the proposed restrictions of picloram. One State Agency official commented that no picloram formulation required a restricted use classification. This was based on picloram's safe use history in that State. Concerning the sole unclassified picloram formulation (Tordon 101 R), one commenter wrote, "If the rationale for not restricting is based on the limitation to forestry personnel, who would be expected to be trained, we hope labeling covers potential problems, and that cut surface treatment is for basal stump application, which limits the amount used and thus avoids injury to non-target plant species."

As indicated in the proposed use restrictions, picloram is a highly phytotoxic, persistent and mobile chemical even at very low use concentrations. These specific product characteristics require special attention by the user in order to minimize the risk of causing adverse effects to non-target organisms and/or contamination of the aquatic environment. We believe this special attention and reduction of adverse effects to the environment can be achieved through restriction and applicator certification. In addition, safe use history in one State is not necessarily sufficient justification to withdraw restricted use classification, since other user States have previously endorsed restriction.

Our rationale for leaving Tordon 101 R Forestry Herbicide unclassified was based on the low rate of application, coupled with the selective use sites and application methods (tree injection, frill or girdle treatment, and stump treatment) claimed on the labeling, and not on any product limitation to a certain user group. The Agency believes that under these specific and limited use conditions, the risk of causing phytotoxic effects to non-target plants and/or contamination of the aquatic environment would be reduced.

One response was received regarding the proposed restrictions of strychnine, concerning the Agency's ability to enforce the various uses of strychnine and other pesticides. The commenter believed that products bearing labels with unclassified uses only would be used by some individuals for other (restricted) uses since users had previously relied on such control measures. The commenter stated that the possibility of this occurring is greater when these compounds are made available to untrained persons.

The possibility of products containing only unclassified uses being used for a restricted use by persons not certified is a problem for all pesticides, not just strychnine. However, the Agency must premise its classification actions on the basic integrity of the individual. To abandon this reasoning would lead the Agency to restrict uses even when an analysis of the hazards associated with the use do not call for restriction. Also, persons guilty of using pesticides for uses not on the labels are subject to civil and criminal sanctions.

ADDITIONAL CHEMICALS

One commenter suggested that the hazards associated with the uses of endrin, ethyl parathion, methomyl, methyl parathion, and mevinphos could be reduced by limiting application to certified applicators only and not by persons under their direct supervision. The Agency believes that the statutory provision for use by an uncertified applicator working under the direct supervision of a certified applicator is sound. It allows needed flexibility for pesticide users without causing any increase in potential applicator or environmental hazards, since the certified applicator is responsible for ensuring that the non-certified applicator understands the potential hazards to himself and the environment. Accordingly, any restricted use pesticide may be applied by a non-certified applicator who is working under the direct supervision of a certified applicator.

Economic impact analysis: The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an economic impact analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Statutory review: The U.S. Department of Agriculture has reviewed the final regulations in accordance with section 25(a)(2) of FIFRA and concurs with their publication in the FEDERAL

REGISTER. The FIFRA Scientific Advisory Panel has reviewed the final regulations in accordance with section 25(d) of FIFRA. The majority of the panel disagrees with the Agency's decision to leave 90 percent wettable powder formulations of methomyl packaged in water soluble bags and 25 percent wettable powder formulations of methomyl (regardless of packaging) unclassified at this time. However, the Agency must base its decisions upon the classification criteria for previously registered pesticides found at 40 CFR § 162.11(c)(2). Both formulations referred to above do not meet the criteria for restricted use classification.

Although accident data may also be grounds for restriction under § 162.11(c)(4), available accident data for methomyl indicates that many of the accidents associated with methomyl use have occurred at the time of mixing and loading. The Agency believes that these hazards can be greatly reduced by the use of water soluble packaging and also believes industry should generally be encouraged to pursue hazard reduction through formulation and packaging. However, the Agency also agrees with the Scientific Advisory Panel that a more in-depth analysis and comprehensive survey of methomyl accidents is warranted. The Agency will accordingly initiate a special literature search and compilation of human toxicity relating to methomyl accidents and present its findings to the panel in approximately six months. If it is determined that a significant problem still exists with methomyl during mixing and loading operations, with water soluble packaging, or that there is a significant problem during application and storage, the Agency will reconsider its classification decision.

The panel has also issued a minority report on the decision relative to methomyl recognizing the need for the Agency to proceed with classification by the triggers described in the regulations.

The Scientific Advisory Panel report is published in its entirety following the text of the regulations to OPP-30016B.

STATUTORY AUTHORITY

(Secs. 3 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 136, et seq.))

Dated: January 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

Section 162.31 is added to read as follows:

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§ 162.31 Pesticide use classification.

The following uses of pesticide products containing the active ingredients specified below have been classified for restricted use and are limited to use by or under the direct supervision of a certified applicator.

Active ingredient	Formulation	Use pattern	Classification	Criteria influencing restriction
Acrolein.....	As sole active ingredient. No mixtures registered.	All uses.....	Restricted.....	Inhalation hazard to humans. Residue effects on avian species and aquatic organisms.
Acrylonitrile.....	In combination with carbon tetrachloride. No registrations as the sole active ingredient.	.....do.....	.....do.....	Other hazards—accident history of both acrylonitrile and carbon tetrachloride products.
Aldicarb.....	As sole active ingredient.....	Ornamental uses (indoor and outdoor).....	.....do.....	Other hazards—accident history.
Allyl alcohol.....	No mixtures registered.....	Agricultural crop uses.....	Under further evaluation.....	
Aluminum phosphide.....	All formulations.....	All uses.....	Restricted.....	Acute dermal toxicity. Inhalation hazard to humans.
Azinphos methyl.....	As sole active ingredient. No mixtures registered.	.....do.....	.....do.....	Inhalation hazard to humans.
	All liquids with a concentration greater than 13.5 pct.	.....do.....	.....do.....	
	All other formulations.....	.....do.....	Under further evaluation.....	
Calcium cyanide.....	As sole active ingredient. No mixture registered..	.....do.....	Restricted.....	Inhalation hazard to humans.
Demeton.....	1 pct fertilizer formulation, 1.985 pct granular formulation.	All uses, including domestic uses.	.....do.....	Domestic uses: Acute oral toxicity. Acute dermal toxicity.
				Nondomestic outdoor uses. Residue effects on avian and mammalian species.
	All granular formulations, emulsifiable concentrates and concentrated solutions.	All uses.....	.....do.....	Acute dermal toxicity. Residue effects on mammalian and avian species.
Endrin.....	All emulsions, dusts, wettable powders, pastes, and granular formulations 2 pct and above.	.....do.....	.....do.....	Acute dermal toxicity. Hazard to nontarget organisms.
	All concentrations less than 2 pct.	.....do.....	.....do.....	Hazard to nontarget organisms.
Ethyl parathion.....	All granular and dust formulations greater than 2 pct, fertilizer formulations, wettable powders, emulsifiable concentrates, concentrated suspensions, concentrated solutions.	.....do.....	.....do.....	Inhalation hazard to humans. Acute dermal toxicity. Residue effects on mammalian, aquatic, avian species.
	Smoke fumigants.....	.....do.....	.....do.....	Inhalation hazard to humans.
	Dust and granular formulations 2 pct and below.	.....do.....	.....do.....	Other hazards—accident history.
Fluoroacetamide/1081.....	As sole active ingredient in baits. No mixtures registered.	.....do.....	.....do.....	Acute oral toxicity.
Hydrocyanic acid.....	As sole active ingredient. No mixtures registered.	.....do.....	.....do.....	Inhalation hazard to humans.
Methomyl.....	As sole active ingredient in 1 pct to 2.5 baits (except 1 pct fly bait).	Nondomestic outdoors—agricultural crops, ornamental and turf. All other registered uses.	.....do.....	Residue effects on mammalian species.
	All concentrated solution formulations.	.....do.....	.....do.....	Other hazards—accident history.
	90 pct wettable powder formulations (not in water soluble bags).	.....do.....	.....do.....	Do.
	90 pct wettable powder formulation in water soluble bags.	.....do.....	Unclassified.....	
	All granular formulations....	.....do.....	.....do.....	
	25 pct wettable powder formulations.	.....do.....	.....do.....	
	In 1.24 pct to 2.5 pct dusts as sole active ingredient and in mixtures with fungicides and chlorinated hydrocarbon, inorganic phosphate and biological insecticides.	.....do.....	.....do.....	
Methyl bromide.....	All formulations in containers greater than 1.5 lb.	All uses.....	Restricted.....	Do.
	Containers with not more than 1.5 lb of methyl bromide with 0.25 pct to 2.0 pct chloropicrin as an indicator.	Single applications (nondomestic use) for soil treatment in closed systems.	Unclassified.....	
	Container with not more than 1.5 lb having no indicator.	All uses.....	Restricted.....	Do.

Active ingredient	Formulation	Use pattern	Classification	Criteria influencing restriction
Methyl parathion.....	All dust and granular formulations less than 5 pct.	.....do.....	.....do.....	Other hazards—accident history. All foliar applications restricted based on residue effects on mammalian and avian species.
	Microencapsulated.....	.....do.....	.....do.....	Residue effects on avian species. Hazard to bees.
	All dust and granular formulations 5 pct and greater and all wettable powders and liquids.	.....do.....	.....do.....	Acute dermal toxicity. Residue effects on mammalian and avian species.
Mevinphos.....	All emulsifiable concentrates and liquid concentrates.	.....do.....	.....do.....	Do.
	Psycodid filter fly liquid formulations.	.....do.....	.....do.....	Acute dermal toxicity.
	2 pct dusts.....	.....do.....	.....do.....	Residue effects on mammalian and avian species.
Paraquat (dichloride) and paraquat bis(methyl sulfate).	All formulations and concentrations except those listed below.	.....do.....	.....do.....	Other hazards. Use and accident history, human toxicological data.
	Pressurized spray formulations containing 0.44 pct Paraquat bis(methyl sulfate) and 15 pct petroleum distillates as active ingredients.	Spot weed and grass control	Unclassified.....	
	Liquid fertilizers containing concentrations of 0.025 pct paraquat dichloride and 0.03 percent atrazine; 0.03 pct paraquat dichloride and 0.37 pct atrazine, 0.04 pct paraquat dichloride and 0.49 pct atrazine.	All uses.....	.....do.....	
Picloram.....	All formulations and concentrations except tordon 101 R.	.....do.....	Restricted.....	Hazard to nontarget organisms (specifically nontarget plants both crop and noncrop).
	Tordon 101 R forestry herbicide containing 5.4 pct picloram and 20.9 pct 2,4-D.	Control of unwanted trees by cut surface treatment.	Unclassified.....	
Sodium cyanide ¹	All capsules and ball formulations.	All uses.....	Restricted.....	Inhalation hazard to humans.
Sodium fluoroacetate.....	All solutions and dry baits ..	.....do.....	.....do.....	Acute oral toxicity. Hazard to nontarget organisms. Use and accident history.
Strychnine.....	All dry baits, pellets and powder formulations greater than 0.5 pct.	.....do.....	.....do.....	Acute oral toxicity. Hazard to nontarget avian species. Use and accident history.
	All dry baits, pellets and powder formulations.	All uses calling for burrow builders.	.....do.....	Hazard to nontarget organisms.
	All dry baits, pellets and powder formulations 0.5 pct and below.	All uses except subsoil .....	.....do.....	Do.
Sulfotepp.....	.....do.....	All subsoil uses	Unclassified.....	Do.
	Sprays and smoke generators.	All uses.....	Restricted.....	Inhalation hazard to humans.
Tepp.....	Emulsifiable concentrate formulations.	.....do.....	.....do.....	Inhalation hazard to humans. Dermal hazard to humans. Residue effects on mammalian and avian species.

¹(NOTE.—M-44 sodium cyanide capsules may only be used by certified applicators who have also taken the required additional training.)

[FR Doc. 78-3469 Filed 2-8-78; 8:45 am]

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[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Community Services Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: One position of Secretary (Typing) to the Assistant Director for Management is excepted from the competitive service under Schedule C on the basis of confidentiality.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3373(m) is added as set out below:

§ 213.3373 Community Services Administration.

(m) Office of Management.

(1) One Secretary (Typing) to the Assistant Director for Management.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION

JAMES C. SPRY,

Executive Assistant

to the Commissioners.

[FR Doc. 78-3834 Filed 2-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare; Securities and Exchange Commission

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This document shows that: (1) Schedule A authority for 30 positions on the staff of the White House Conference on Families is redesignated for general use in the Department of Health, Education, and Welfare to reflect changes in organizational responsibility; and (2) Schedule A authorities covering positions of Directors of the Divisions of Corporation Finance, Corporate Regulation and

Trading Markets, and nine positions of Regional Administrator are revoked because they are no longer needed. The positions are all filled by attorneys appointed under Schedule A authority 213.3102(d).

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3116(e)(2) is added and 213.3116(k), 213.3130 (a) and (b) are revoked as set out below:

§ 213.3116 Department of Health, Education, and Welfare.

(e) General. . . .

(2) Thirty positions at GS-15 and below for employment not to exceed September 30, 1980, on the staff of the White House Conference on Families.

(k) [Reserved]

§ 213.3130 Securities and Exchange Commission.

(a) [Reserved]

(b) [Reserved]

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION

JAMES C. SPRY,

Executive Assistant

to the Commissioners.

[FR Doc. 78-3833 Filed 2-9-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Excepted Schedules; Miscellaneous Revocations

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Subpart C of Part 213 is amended to show that 13 positions are revoked under the provisions of § 213.3301b because they have been vacant longer than 60 days.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR Part 213 is amended as follows:

1. Section 213.3307 (a)(4) is revoked as follows:

§ 213.3307 Department of the Army.

(a) Office of the Secretary. . . .

(4) [Revoked].

2. Section 213.3309(a)(10) is revoked as follows:

§ 213.3309 Department of the Air Force.

(a) Office of the Secretary. . . .

(10) [Revoked].

3. Section 213.3312(a)(16) is revoked as follows:

§ 213.3312 Department of the Interior.

(a) Office of the Secretary. . . .

(16) [Revoked].

4. Section 213.3339 (a), (b), and (c) are revised to read as follows:

§ 213.3339 U.S. International Trade Commission.

(a) One Administrative Assistant and one Staff Assistant (Legal) to a Commissioner.

(b) One Staff Assistant (Legal), and one Staff Assistant to a Commissioner.

(c) One Staff Assistant (Legal), and one Confidential Assistant to a Commissioner.

5. Section 213.3344(d) is revoked as follows:

§ 213.3344 Occupational Safety and Health Review Commission. . . .

(d) [Revoked].

6. Section 213.3384(a)(24) and (m)(3) are revised; (a)(31) and (46) are revoked as follows:

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary. . . .

(24) One Executive Secretary to the Under Secretary.

(31) [Revoked].

(46) [Revoked].

(m) *Office of Legislation and Inter-governmental Relations.*

(3) One Senior Assistant for Congressional Relations.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., P. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

(FR Doc. 78-3852 Filed 2-9-78; 8:45 am)

[6325-01]

CAREER AND CAREER-CONDITIONAL EMPLOYMENT; ADVERSE ACTIONS BY AGENCIES; APPEALS TO THE COMMISSION

Editorial Amendments

AGENCY: Civil Service Commission.

ACTION: Editorial amendments.

SUMMARY: The following changes are being submitted to conform with the amendments to Part 713—Equal Opportunity, published in the FEDERAL REGISTER, p. 37530, July 22, 1977. Part 713 was amended to redefine the age group covered by the regulations from employees or applicants who are at least 40 and less than 65 years of age; to (a) employees who are at least 40 and less than 70 years of age and (b) applicants who are at least 40 and less than 65 years of age. The purpose of these amendments was to comply with a court decision (*Christie v. Marston*, 7th Circuit Court 1977, 551 F. 2d 1080).

EFFECTIVE DATE: March 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Donna M. Hartung, Civil Service Commission, Bureau of Policies and Standards, 1900 E Street NW., Washington, D.C. 20415, 202-632-5623.

Accordingly, 5 CFR 315.806(b)(1), 752.304(b)(2), and 772.306(a) are amended as follows:

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

§ 315.806. Appeal rights to the Commission.

(b) *On Discrimination.* (1) An employee may appeal under this subparagraph a termination which he/she alleges was based on discrimination because of race, color, religion, sex, or national origin; or age, *Provided*, That at the time of the alleged discriminatory action the employee was at least 40 years of age but less than 70 years of age. The Commission refers the

issue of discrimination to the agency for investigation of that issue and a report thereon to the Commission.

(5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218. §§ 315.605 and 315.801(a)(8) also issued under Pub. L. 93-113 and E.O. 11103, 3 CFR, 1959-1963 Comp., p. 762; §§ 315.201(c)(3), 315.601 and 315.801(a)(3) interpret and apply 76 A Stat. 18; 2 C.Z.C. 149(c)(2); E.O. 9830, 3 CFR, 1943-1948 Comp., p. 606.)

PART 752—ADVERSE ACTIONS BY AGENCIES

§ 752.304. Appeal rights to the Commission.

(b) *Scope of review.*

(2) When an employee alleges that a suspension was taken as a result of discrimination on grounds of race, color, religion, sex, or national origin, or because of age: *Provided*, That the employee was at least 40 years of age but less than 70 years of age, the Commission refers the allegation of discrimination to the agency for investigation of that issue and a report thereon to the Commission.

(5 U.S.C. 1302, 3301, 3302, 7701; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218; E.O. 11491, 3 CFR, 1966-1970 Comp., p. 861.)

PART 772—APPEALS TO THE COMMISSION

§ 772.306. Allegations of discrimination.

(a) Except as provided in paragraph (e) of this section, when an employee makes a timely allegation in writing in connection with an appeal under this subpart that the agency's action was based in whole or in part on discrimination because of race, color, religion, sex, or national origin, or because of age: *Provided*, That at the time of the action the employee was at least 40 years of age but less than 70 years of age, the Appeals Authority shall determine whether the appellant has been informed by the agency of his/her right to proceed under this subpart or under Part 713 of this chapter and of the scope of the review provided in each procedure. If the appellant has not been informed of the separate rights of appeal, the Appeals Authority shall refer the matter to the agency so the agency may explain the

alternate rights of appeal to the appellant as provided in § 713.236 of Part 713 of this chapter and afford him/her the opportunity, if appropriate, to elect which avenue of appeal he/she wishes to pursue.

(5 U.S.C. secs. 1302, 3301, 3302, 5115, 5338, 7512, 7701, 8347; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218; E.O. 11491, 3 CFR, 1966-70 Comp., p. 803; 772.401-772.404 also issued under 5 U.S.C. secs. 7151, 7154; E.O. 11478, 3 CFR, 1966-70 Comp., p. 861.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

(FR Doc. 78-3835 Filed 2-9-78; 8:45 am)

[3410-30]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

PART 230—NONFOOD ASSISTANCE PROGRAM

Appendix—Initial Apportionment of Food Service Equipment Funds Pursuant to Child Nutrition Act of 1966, For Fiscal Year 1978

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This action apportions food service equipment assistance funds (formerly nonfood assistance funds) among States in compliance with subsections 5 (b) and (e) of the Child Nutrition Act.

EFFECTIVE DATE: January 31, 1978.

FOR FURTHER INFORMATION:

Margaret O'K. Glavin, School Programs Division Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8130.

Pursuant to sections 5 (b) and (e) of the Child Nutrition Act of 1966, Pub. L. 89-642, 80 Stat. 887, as amended, food service equipment assistance funds available for the fiscal year ending September 30, 1978, are apportioned among the States as follows:

SECTION 5(b)

State	Total apportionment	State agency	Withheld for private schools
Alabama.....	431,213	423,704	7,509
Arkansas.....	244,884	240,782	4,102
California.....	1,144,726	1,144,726	
Colorado.....	207,401	202,170	5,231
Connecticut.....	190,463	190,463	
Delaware.....	56,368	56,368	
District of Columbia.....	49,910	49,910	
Florida.....	733,117	733,117	
Georgia.....	671,330	670,969	361
Idaho.....	413,499	413,499	
Illinois.....	320,960	320,960	
Indiana.....	676,330	676,330	
Iowa.....	365,597	365,597	
Kansas.....	452,212	452,212	
Kentucky.....	754,936	754,936	
Louisiana.....	498,882	498,882	
Maine.....	552,348	552,348	
Massachusetts.....	419,443	419,443	
Michigan.....	803,918	803,918	
Minnesota.....	379,753	379,753	
Mississippi.....	240,782	240,782	
Missouri.....	346,220	346,220	
Montana.....	183,144	183,144	
Nebraska.....	268,733	268,733	
Nevada.....	114,205	114,205	
New Hampshire.....	32,240	32,240	
New Jersey.....	430,950	430,950	
New Mexico.....	1,144,726	1,144,726	
New York.....	905,747	905,747	
North Carolina.....	335,087	335,087	
North Dakota.....	515,046	515,046	
Ohio.....	15,193	15,193	
Oklahoma.....	178,379	178,379	
Oregon.....			
Rhode Island.....			
South Carolina.....			
South Dakota.....			
Tennessee.....			
Texas.....			
Utah.....			
Vermont.....			
Virginia.....			
West Virginia.....			
Wisconsin.....			
Wyoming.....			
Total.....			

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SECTION 5(b)—Continued

State	Total apportionment	State agency	Withheld for private schools
Alabama.....	1,103,003	1,103,003	
Arkansas.....	1,534,129	1,534,129	
California.....	373,808	373,808	
Colorado.....	124,133	124,133	
Connecticut.....	114,589	114,589	
Delaware.....	6,682	6,682	
District of Columbia.....	50,595	50,595	
Florida.....	3,490,802	3,490,802	
Georgia.....	37,267	37,267	
Idaho.....	40,453	40,453	
Illinois.....	26,652	26,652	
Indiana.....	35,113	35,113	
Iowa.....	84,646	84,646	
Kansas.....	51,942	51,942	
Kentucky.....	18,158	18,158	
Louisiana.....	9,362	9,362	
Maine.....			
Massachusetts.....	303,593	303,593	
Michigan.....	1,283,303	1,283,303	
Minnesota.....	106,492	106,492	
Mississippi.....	836,673	836,673	
Missouri.....	41,482	41,482	
Montana.....	281,227	281,227	
Nebraska.....	111,419	111,419	
Nevada.....			
New Hampshire.....	2,642,596	2,642,596	
New Jersey.....			
New Mexico.....	10,411	10,411	
New York.....	119,583	119,583	
North Carolina.....	12,872	12,872	
North Dakota.....	1,692	1,692	
Oklahoma.....	294,814	294,814	
Oregon.....			
Rhode Island.....	439,372	439,372	
South Carolina.....			
South Dakota.....			
Tennessee.....	63,601	63,601	
Texas.....	19,760	19,760	
Utah.....	45,170	45,170	
Vermont.....	57,087	57,087	
Virginia.....	38,846	38,846	
West Virginia.....	69,596	69,596	
Wisconsin.....	12,728	12,728	
Wyoming.....	13,737	13,737	
Total.....	4,431	4,431	
Alaska.....	15,705	15,705	
American Samoa.....			
Arizona.....	340,659	340,659	
California.....	52,808	52,808	
Guam.....	2,082	2,082	
Hawaii.....	81,329	81,329	
Idaho.....	905,215	905,215	
Illinois.....	1,874	1,874	
Indiana.....	9,179	9,179	
Iowa.....	17,002	17,002	
Kansas.....	17,852	17,852	
Kentucky.....			
Louisiana.....			
Maine.....			
Massachusetts.....			
Michigan.....			
Minnesota.....			
Mississippi.....			
Missouri.....			
Montana.....			
Nebraska.....			
Nevada.....			
New Hampshire.....			
New Jersey.....			
New Mexico.....			
New York.....			
North Carolina.....			
North Dakota.....			
Oklahoma.....			
Oregon.....			
Rhode Island.....			
South Carolina.....			
South Dakota.....			
Tennessee.....			
Texas.....			
Utah.....			
Vermont.....			
Virginia.....			
West Virginia.....			
Wisconsin.....			
Wyoming.....			
Total.....			

SECTION 5(b)—Continued

State	Total apportionment	State agency	Withheld for private schools
Alabama.....	431,213	423,704	7,509
Arkansas.....	244,884	240,782	4,102
California.....	1,144,726	1,144,726	
Colorado.....	207,401	202,170	5,231
Connecticut.....	190,463	190,463	
Delaware.....	56,368	56,368	
District of Columbia.....	49,910	49,910	
Florida.....	733,117	733,117	
Georgia.....	671,330	670,969	361
Idaho.....	413,499	413,499	
Illinois.....	320,960	320,960	
Indiana.....	676,330	676,330	
Iowa.....	365,597	365,597	
Kansas.....	452,212	452,212	
Kentucky.....	754,936	754,936	
Louisiana.....	498,882	498,882	
Maine.....	552,348	552,348	
Massachusetts.....	419,443	419,443	
Michigan.....	803,918	803,918	
Minnesota.....	379,753	379,753	
Mississippi.....	240,782	240,782	
Missouri.....	346,220	346,220	
Montana.....	183,144	183,144	
Nebraska.....	268,733	268,733	
Nevada.....	114,205	114,205	
New Hampshire.....	32,240	32,240	
New Jersey.....	430,950	430,950	
New Mexico.....	1,144,726	1,144,726	
New York.....	905,747	905,747	
North Carolina.....	335,087	335,087	
North Dakota.....	515,046	515,046	
Ohio.....	15,193	15,193	
Oklahoma.....	178,379	178,379	
Oregon.....			
Rhode Island.....			
South Carolina.....			
South Dakota.....			
Tennessee.....			
Texas.....			
Utah.....			
Vermont.....			
Virginia.....			
West Virginia.....			
Wisconsin.....			
Wyoming.....			
Total.....			

SECTION 5(c)

State	Total apportionment	State agency	Withheld for private schools
Alabama.....	\$255,732	\$255,732	
Arkansas.....	135,320	135,320	
California.....	315,586	315,586	
Colorado.....	34,896	34,896	
Connecticut.....	32,887	32,887	
Delaware.....	20,610	20,610	
District of Columbia.....			
Florida.....	795,131	795,131	
Georgia.....			
Idaho.....			
Illinois.....			
Indiana.....			
Iowa.....			
Kansas.....			
Kentucky.....			
Louisiana.....			
Maine.....			
Massachusetts.....			
Michigan.....			
Minnesota.....			
Mississippi.....			
Missouri.....			
Montana.....			
Nebraska.....			
Nevada.....			
New Hampshire.....			
New Jersey.....			
New Mexico.....			
New York.....			
North Carolina.....			
North Dakota.....			
Oklahoma.....			
Oregon.....			
Rhode Island.....			
South Carolina.....			
South Dakota.....			
Tennessee.....			
Texas.....			
Utah.....			
Vermont.....			
Virginia.....			
West Virginia.....			
Wisconsin.....			
Wyoming.....			
Total.....			

SECTION 5(e)—Continued			
State	Total apportionment	State agency	Withheld for private schools
Oregon	85,454	85,454	.....
Trust Territory	37,025	37,025	.....
Washington	111,360	66,639	44,721
Total	1,321,180	1,287,280	53,900
Total	9,333,333	8,725,190	608,143

(Secs. 2, 5, 6 and 9 through 16, 80 Stat. 885-790; 42 U.S.C. 1771, 1774, 1775, 1778-1785.)

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A 107.

Dated: January 31, 1978.

PATRICIA W. DEITZ,
Acting Administrator.

[FR Doc. 78-3183 Filed 2-9-78; 8:45 am]

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

(Lemon Reg. 131, Amdt. 1; Lemon Reg. 132)

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period February 12-18, 1978, and increases the quantity of such lemons that may be so shipped during the period February 5-11, 1978. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective February 12, 1978, and the amendment is effective for the period February 5-11, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings.—Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on February 7, 1978, to consider supply and market

conditions and other factors affecting the need for regulation, and recommended quantities of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is similar to last week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.132 Lemon Regulation 132.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period February 12, 1978, through February 18, 1978, is established at 210,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

2. Paragraph (a) of § 910.431 Lemon Regulation 131 (43 F.R. 4586) is amended to read as follows:

§ 910.431 Lemon Regulation 131.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period February 5 through February 11, 1978, is established at 225,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: February 8, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-4027 Filed 2-9-78; 11:22 am]

FEDERAL REGISTER, VOL. 43, NO. 29—FRIDAY, FEBRUARY 10, 1978

[3410-34]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Areas Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of Brown, Haakon, and Kingsbury Counties in South Dakota because of the existence of cattle scabies. Psoroptic cattle scabies was confirmed by Veterinary Services Laboratories in South Dakota. Therefore, in order to prevent the dissemination of cattle scabies it is necessary to quarantine the infested areas.

EFFECTIVE DATE: February 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8322.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of Brown, Haakon, and Kingsbury Counties in South Dakota because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, a new paragraph (g) relating to the State of South Dakota is added to read:

§ 73.1a Notice of quarantine.

(g) Notice is hereby given that cattle in certain portions of the State of South Dakota are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of Brown County comprised of NE ¼ sec. 13, R. 60 W., T. 126 N.

(2) That portion of Haakon County comprised of SE ¼ sec. 7, R. 21 E., T. 1 N.

(3) That portion of Kingsbury County comprised of SW ¼ sec. 28, R. 56 W., T. 111 N.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3rd day of February 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-3468 Filed 2-9-78; 8:45 am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1978 Interpretations of the General Counsel

AGENCY: Department of Energy.

ACTION: Notice of Interpretations.

SUMMARY: Attached is the Interpretation issued by the Office of the General Counsel of the Department of Energy under 10 CFR Part 205, Subpart F, during the period January 1, 1978, through January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Diane Stubbs, Office of the General Counsel, Department of Energy,

EDITORIAL NOTE.—Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

12th and Pennsylvania Avenue NW., Room 1121, Washington, D.C. 20461, 202-566-9070.

SUPPLEMENTARY INFORMATION: Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the FEDERAL REGISTER in accordance with the editorial and classification criteria set forth in 42 FR 7923, February 8, 1977, as modified in 42 FR 46270, September 15, 1977.

These Interpretations depend for their authority on the accuracy of the factual statement used as a basis for the Interpretation (10 CFR 205.84(a)(2)) and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom Interpretations are addressed and other persons upon whom Interpretations are served are entitled to rely on them (§ 205.85(c)). An Interpretation is modified by a subsequent amendment to the regulation(s) or ruling(s) interpreted thereby to the extent that the Interpretation is inconsistent with the amended regulation(s) or ruling(s) (§ 205.85(e)). In addition, Interpretations are subject to appeal. The Interpretations appended hereto are published today only for general guidance in accordance with the reasons set forth in the Notice first cited above.

Issued in Washington, D.C., February 7, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

APPENDIX

No.—1978-1, To—Alaska Petrochemical Co., Date—Jan. 24, Category—Allocation.

INTERPRETATION 1978-1

To: Alaska Petrochemical Co.

Date: January 25, 1978.

Rule Interpreted: 10 CFR 211.63.

Code: GCW—A1—December 1 Rule.

FACTS

The State of Alaska (the State) owns the lands in the vicinity of Prudhoe Bay, Alaska, beneath which large crude oil reserves have been discovered (North Slope crude oil). The State has leased these lands to various companies which are producing and marketing that crude oil. Under the terms of the leases, the State has reserved a royalty interest of 12½ percent of the crude oil (royalty oil), which it may take in "value" or in "kind." Presently, the State has elected to receive its royalty oil in value rather than in kind.

The State, however, is interested in receiving its royalty interest in kind and marketing that royalty oil so as to more directly benefit Alaska. To further this goal, the State sought and received an Interpretation from the Federal Energy Administration (FEA), a predecessor agency of the Department of Energy (DOE), which determined that the State could require the present producers of its royalty oil to prospectively waive the protective provisions of the crude oil supplier/purchaser rule (the rule), as set forth in 10 CFR 211.63, for themselves and

for all subsequent purchasers of the State's royalty oil. See "State of Alaska," Interpretation 1977-7, 42 FR 31143 (June 20, 1977). Under the terms of that Interpretation, the State has been assured, the crude oil supplier/purchaser rule notwithstanding, that it may elect to take its royalty interest in kind rather than be required to continue to permit the present producers of the royalty crude oil to market that oil.

The State has now entered into discussions with four companies, each of which is interested in building a refinery complex in Alaska to process the State's royalty oil. The Alaska Petrochemical Co. (Alpetco) is one of these competing companies. Alpetco, a consortium of the Alaska Interstate Co., Alaska Consolidated Shipping, Inc., and the Barbour Oil Co., was recently formed expressly for the purpose of constructing a refinery complex in Alaska.

While all four companies involved in the discussions with the State plan to purchase the State's royalty oil for use in their proposed refineries, Alpetco alone proposes to purchase and resell the State's royalty oil for the interim period during which its refinery is under construction. Any profits Alpetco earns on the resale of the royalty oil during this interim period would be contributed toward the construction of the refinery. Alpetco views this interim arrangement to purchase and market the State's royalty oil as an essential element in its effort to secure adequate financing for the refinery construction project.

In its submission, Alpetco states that Alaska seeks assurances, similar to those granted in Interpretation 1977-7, that the crude oil supplier/purchaser rule will not prevent the State from terminating sales of its royalty oil to Alpetco. In a letter to the DOE supporting Alpetco's request for Interpretation, the State has confirmed that it desires this assurance in order to ensure that it will be free to market its royalty oil elsewhere should Alpetco default under the terms of its contract with the State.

Basing its request upon Interpretation 1977-7, therefore, Alpetco requests a determination that the State and Alpetco, and Alpetco and all subsequent purchasers of the State's royalty oil, may enter into valid and binding agreements which would waive the benefits of the crude oil supplier/purchaser rule for sales of royalty oil to Alpetco.

In its request for Interpretation, Alpetco has indicated that there are three possible categories of purchasers to which it would attempt to sell the State's royalty oil during the interim period: The U.S. Government for placement in the Strategic Petroleum Reserve; major petroleum companies; and small and independent refiners. Alpetco states that as its refinery nears completion, it will be able to give adequate advance notice to these purchasers of the termination of the sales of the State's royalty oil, and contends, therefore, that it would not be inequitable for purchasers in each of these categories to prospectively waive the benefits of the crude oil supplier/purchaser rule.

ISSUE

May the State of Alaska and Alpetco enter into a valid and binding agreement for the sale of the State's royalty crude oil to Alpetco, where the provisions of that agreement would waive the benefits otherwise given to Alpetco and to all subsequent purchasers of the State's royalty oil by the

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crude oil supplier/purchaser rule, as set forth in 10 CFR 211.63?

INTERPRETATION

For the reasons set forth below, it has been determined that Alpetco may enter into an agreement with the State of Alaska for the sale of the State's royalty oil, which agreement would waive Alpetco's right under § 211.63 to continue to receive that royalty oil if for any reason the State should unilaterally deem it necessary to cancel the sales agreement. Moreover, Alpetco may enter into agreements with subsequent purchasers of the State's royalty oil, which agreements would require those purchasers to relinquish the benefits conferred by § 211.63 to continued delivery of the royalty crude oil in the event the State should cease selling that oil to Alpetco.

The question of the applicability of the general crude oil supplier/purchaser rule of § 211.63 to the State of Alaska's royalty crude oil was first discussed in Interpretation 1977-7. In the request for that Interpretation, the State of Alaska, concerned with the consequences of the crude oil supplier/purchaser rule on its future marketing policies for its royalty oil, asserted that the provisions of § 211.63 should be interpreted to permit the purchasers of the State's royalty oil to waive any benefits the crude oil supplier/purchaser rule would otherwise afford to their interest in continuing to receive that crude oil.

Interpretation 1977-7 contains a brief review of the history and purpose of the crude oil supplier/purchaser rule, in which the FEA noted that the primary purpose of the rule was "to preserve in effect the domestic (crude oil) distribution pattern as it existed on December 1, 1973." 42 FR at 31144. Because the State of Alaska's royalty oil would not enter into the national crude oil distribution system until the summer of 1977, the Interpretation concluded that the waivers contemplated by the State would "in no way relate to preserving the December 1, 1973, national distribution system." Id.

Significantly, the Interpretation also found that waiver of the benefits of the crude oil supplier/purchaser rule by purchasers of the State's royalty oil would have certain beneficial effects. Specifically, it was noted that:

"... First, they [the waivers] will provide flexibility to a portion of the domestic crude market and offer the possibility for sales being made to a greater number of companies.

In addition, the proposed waivers will further the policy of Section 4(b) (F) of the EPAA in a way that might not otherwise be possible. Alaska has stated that it is interested in maintaining its lease option so that, among other reasons, Alaska's royalty crude oil could be kept for sale and processing within the State. Such use would further the purpose of "equitable distribution of crude oil ... at equitable prices ... among all ... areas of the United States." The Prudhoe Bay oil may prove to be the most feasible means in the future of fulfilling Alaska's needs for petroleum products.

Accordingly, it was determined that the purposes of the EPAA were best served, in such circumstances, by granting the Interpretation sought by the State. The result reached in Interpretation 1977-7 does not, however, mark a general retreat from the provisions of § 211.63(b)(2), which extend the crude oil supplier/purchaser rule to all

first sales of new crude oil production. Rather, it represents a practical and workable interpretation of the regulation in light of the unique situation of the State of Alaska's royalty oil.

In order to analyze the provisions of the rule as they relate to the State's royalty oil, for purposes of evaluating Alpetco's request for Interpretation, it would be useful to first review the history and purposes of the crude oil supplier/purchaser rule. The rule was originally set forth in 10 CFR 211.64, 39 FR 1924 (January 15, 1974).^{*} It basically provided that all contracts for sales, purchases, and exchanges of domestic crude oil in effect on December 1, 1973, were to be maintained for the duration of the crude oil allocation program. In addition, for any first sale of crude oil after December 1, 1973, a continuing supplier/purchaser relationship was established.

The rule, of course, was adopted to further the objectives of the Emergency Petroleum Allocation Act of 1973 (the EPAA), Pub. L. No. 93-159. In Section 4(b)(1) of the EPAA, Congress directed that the Mandatory Petroleum Allocation and Price Regulations provide, inter alia, for:

(D) * * * [C]ompetition in the producing, refining, distribution, marketing, and petrochemical sectors of such (petroleum) industry, and (preservation of) of the competitive viability of independent refiners, small refiners, nonbranded independent marketers, and branded independent marketers;

(E) the allocation of suitable types, grades, and quality of crude oil to refineries in the United States * * *.

(F) equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among oil regions and areas of the United States and sectors of the petroleum industry * * *.

In the preamble to certain proposed amendments to the rule, issued on January 15, 1976, the FEA discussed the purposes underlying the original rule, noting (among other things) that the rule: (1) Maintained the national crude oil distribution system, which had been seriously threatened by the Arab oil embargo, as it existed on December 1, 1973; (2) established a supply floor upon which supply estimates could be furnished to implement a crude oil buy-sell program; and (3) preserved small and independent refiners' access to price-controlled domestic crude oil. 41 FR at 2630. The January 15, 1976, preamble determined that the "rationale for the original adoption of the rule is still valid in most respects, and requires that the rule be continued in effect * * *." Id. at 2631. Indeed, the FEA found that, despite the plentiful supply of imported crude oil, there was less price-controlled domestic crude oil available in 1976 than was available in December 1973, and that continued allocation of the available quantity of that crude oil was required to assure that all refiners had equitable access to it.

Many of the reasons the FEA noted in 1976 for continuing the crude oil supplier/purchaser rule are still valid today. Despite the first deliveries of Alaskan North Slope crude oil in 1977, domestic crude oil produc-

^{*}The rule was renumbered as 10 CFR 211.63 on May 14, 1974 (39 FR 17287).

tion continues to be inadequate to meet total domestic needs, and small and independent refiners continue to rely upon the rule to assure that they will have access to price-controlled domestic crude oil.

It is clear, then, that preservation of the December 1, 1973, national crude oil distribution system, although highlighted in Interpretation 1977-7, is only one of several important reasons for continuing to maintain the crude oil supplier/purchaser rule. In light of the manifest need to continue the rule, it is recognized that universal application of the "waiver" principle enunciated in Interpretation 1977-7 would vitiate the provisions of 10 CFR 211.63(b)(2) and weaken the regulatory protections the rule affords to crude oil suppliers and purchasers.

In the present case, however, as in Interpretation 1977-7, competing considerations must also be examined. Crude oil produced in the Prudhoe Bay area is in a remote area of Alaska, distant from the contiguous United States. Construction of a major new pipeline was required to transport the crude oil to a tanker terminus in Southern Alaska, and virtually all of the Alaskan North Slope crude oil must be transported many thousands of miles to be refined.

The exploration for and production of this crude oil has contributed to rapid population growth and industrial expansion in Alaska, accompanied by a greatly increased demand for refined petroleum products. Most of these products must be shipped into Alaska from the contiguous United States at substantial cost. This new demand makes it increasingly important for the State to find feasible means of retaining a portion of North Slope crude oil production for use within the State. Under these circumstances, it is readily apparent that the State's declared intention to keep its royalty oil for use and sale within Alaska directly serves an important purpose of the EPAA by providing for the "equitable distribution of crude oil * * * at equitable prices among all regions and areas of the United States * * *." EPAA, Section 4(b)(1)(F).

These considerations, viewed in light of the paramount purposes of the EPAA, formed the basis for the decision in Interpretation 1977-7 to permit the producers of the State of Alaska's royalty oil to prospectively waive the benefits of the crude oil supplier/purchaser rule. Alpetco's request that it too be permitted to enter into such a waiver, should it purchase the State's royalty oil, clearly serves the same interests and considerations that led to the decision in Interpretation 1977-7, by permitting Alaska to negotiate for the construction of refinery facilities which will eventually utilize the State's royalty oil as its feedstocks and produce finished petroleum products for sale and use in Alaska.

In addition, subsequent "interim" purchasers of the royalty oil from Alpetco must be accorded particular consideration. If the DOE were to permit the State to enter into a contract with Alpetco which contains a waiver of the benefits of the crude oil supplier/purchaser rule, without allowing Alpetco, in turn, to enter into similar waivers with the subsequent purchasers of that crude oil, then the subsequent purchasers could face a sudden, complete loss of that source of crude oil should the State cease selling the crude oil to Alpetco. Such a result would be particularly serious here, because Alpetco, a company formed for the express purpose of constructing a refinery

complex in Alaska, would have no other source of crude oil to draw upon to provide substitute crude oil supplies for its purchasers. Should the State sell its royalty oil to Alpetco, therefore, it is important that all subsequent purchasers of that crude oil be able to enter into knowing waivers of the benefits of the crude oil supplier/purchaser rule, in order to minimize the adverse consequences of a decision by the State to cease selling its royalty oil to Alpetco.

Thus, in accordance with Interpretation 1977-7, the State of Alaska and Alpetco may enter into a valid and binding agreement for the sale of the State's royalty oil, which agreement contains a waiver of the benefits of the crude oil supplier/purchaser rule. Further, Alpetco may, in turn, enter into similar agreements with subsequent purchasers of the State's royalty oil, which agreements also contain express waivers of the benefits afforded by the rule.

This Interpretation is limited solely to the State of Alaska's royalty crude oil derived from North Slope production, and does not extend to any non-royalty crude oil which the State may, in the future, offer for sale to Alpetco.

[FR Doc. 78-3838 Filed 2-9-78; 11:28 am]

[3128-01]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Computation of Landed Costs: Timing¹

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending the definition of landed cost to provide that, with respect to arms-length transactions (That is, transactions between unaffiliated companies), the landed cost of oil shall be considered to be incurred when it is recognized as having been incurred by application of the refiner's customary accounting procedures. The amendment to the definition makes the timing of landed costs in arms-length transactions consistent with the timing of landed costs in inter-affiliate transactions. The use of a single standard by a firm will facilitate administration of the transfer pricing program under which DOE analyzes data from arms-length sales in order to determine the proper cost of crude oil purchased in particular months through inter-affiliate transactions.

EFFECTIVE DATE: March 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Elliot Cohn (Office of Transfer Pricing), 2000 M Street NW., Room

¹EDITORIAL NOTE: Chapter II will be amended at a future date to reflect that it contains regulations administered by the Department of Energy.

B110, Washington, D.C. 20461, 202-634-7610.

Martin S. Kaufman (Office of General Counsel), 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9380.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

SUPPLEMENTARY INFORMATION:

I. *Background.* Section 212.84(h) of DOE's Mandatory Petroleum Price Regulations provides, in pertinent part, that with respect to inter-affiliate transactions, "the landed cost shall be considered to be incurred when that cost is recognized as having been incurred by application of the refiner's customary accounting procedures generally accepted and consistently and historically applied." Present DOE regulations do not explicitly address the question of timing of landed costs in arms-length transactions; however, regulations first issued by the Cost of Living Council (CLC) (whose authority was transferred to the Federal Energy Office (FEO), then the Federal Energy Administration (FEA) and now to DOE), required that landed costs be incurred at the time of landing. "Landing" is recognized by the current refiner rules at § 212.83; however, the rule adopted today does not change the underlying requirement that for purposes of computing cost recovery under § 212.83, an incurred cost must be a known obligation to pay a specific amount and not merely a cost which is anticipated to be incurred in the future and thus not susceptible of precise and definite quantification. (See Case No. FEA-0257, *The Standard Oil Company (Ohio)*, 2 CCH Fed. Energy Guidelines, Par. 80,519). To make the procedures applicable to the timing of recording of the landed cost of crude oil for purposes of reporting to FEO, FEA and DOE consistent in both arms-length and inter-affiliate transactions, FEA, on September 30, 1977, issued a proposal (42 FR 54301, October 5, 1977) to amend paragraph (5) of the definition of "landed cost" in § 212.82, which pertains to arms-length transactions, to conform it to § 212.84(h), which establishes the timing for the incurring of costs in inter-affiliate transactions.

Written comments were solicited in connection with the proposed amendment and a public hearing was scheduled for October 27, 1977. Because of lack of interest, the hearing was canceled (42 FR 56348, October 25, 1977). Ten written submissions were received from interested persons. Nine submissions supported the amendment without qualification. One of these, plus the tenth submission which did

not support the proposal, raised issues that will be discussed below.

II. *Discussion.* One firm supporting the proposal inquired about the proper procedure for adjusting costs in situations where a return to customary accounting procedures generally accepted and consistently and historically applied will alter the timing a company has used for accrual of costs and the basis on which those costs have been reported to DOE or its predecessor agencies. The comment assumed that DOE would apply the proposed amendment, if adopted, retroactively in every respect. That is not the case.

The preamble to the proposed amendment stated that it is DOE's intention not to initiate enforcement procedures against any firm for having incurred costs on the basis set forth in this amendment prior to its effective date. This conclusion is consistent with the reasoning in FEA Ruling 1977-4 (42 FR 12161, March 3, 1977), in which FEA stated that it would not institute disallowance proceedings against those firms that incurred costs in inter-affiliate transactions during the period preceding adoption of § 212.84(h) in accordance with the procedures specified therein—i.e., pursuant to their customary accounting procedures generally accepted and consistently and historically applied—even though that may not have been a proper application of the rules in effect at that time. Thus, to the extent that firms have previously been following the rule adopted today, they will not be considered to have been in violation of the prior rules. This result is justified because it is consistent with the treatment of inter-affiliate transactions; because it will create minimum disruption and distortion of a firm's normal accounting procedures; and because on the average it should not significantly affect a firm's total cost recoveries over time.

DOE also recognizes that certain firms (including the one submitting the comment in question), in response to their correct interpretation of the rule currently in effect, have been using procedures for timing of landed costs that differ from the firms' customary procedures, consistently and historically applied in the period preceding the August 1973 promulgation of the CLC regulations. The adoption of this amendment will require them to switch back to their customary accounting procedures. However, computations of costs incurred in the past are not intended to be affected by the amendment now being adopted. Restatements or adjustments of landed costs for prior months of measurement would unduly complicate DOE's compliance audits, since all pending audits would have to be redone using the revised cost-pass-through calcula-

tions that would have to be made for each month since August 1973. Moreover, no refiner has indicated to DOE that it either would or should benefit by such recalculation.

To the extent that, as a result of this amendment, any firm prospectively will return to its accounting procedure generally accepted and consistently and historically applied for the incurring and reporting of landed costs in arms-length transactions, DOE expects that the accounting procedure utilized will be the procedure employed for financial reporting in May 1973. The generally accepted accounting practice must have been used for purposes of reports to stockholders. In connection with any audit, DOE may require a statement from the firm or its independent auditor that the accounting procedure employed had been consistently and historically applied.

A transition from an accounting procedure currently used to the accounting procedure prescribed in this amendment shall not have the effect of permitting the reporting of costs or quantities of the same barrels of crude oil more than once.

The one firm that opposed the adoption of the proposed amendment suggested that although the amendment's objective of attaining consistent treatment for the accrual of landed costs in arms-length and inter-affiliate transactions was appropriate, the amendment would not achieve that result. It was suggested that all landed costs be considered to have been incurred at the time of physical loading, because historical accounting procedures will vary among firms. The consistent treatment being sought by DOE through this rulemaking is within a firm, not among firms; it is recognized that different accounting approaches may be used by various firms. As was the case with respect to the rule regarding inter-affiliate transfers, to the extent that there will not be any overall adverse effect on consumer prices, it is preferable to utilize accounting procedures for regulatory purposes that are consistent with a firm's usual accounting procedures. This amendment seeks only to rectify the situation where, as a result of FEA's regulations, a different accounting method was used for arms-length transactions than was employed for inter-affiliate transactions.

The effective date will be March 1, 1978, to coincide with the beginning of a monthly reporting period.

III. *Regulations prescribed.* After a careful consideration of the written comments, DOE has determined to adopt the amendment as proposed (42 FR 54301, October 5, 1977).

In consideration of the foregoing, Part 212, Chapter II, Title 10, Code of Federal Regulations, is amended as set forth below effective March 1, 1978.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., February 3, 1978.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration, Department of Energy.

Section 212.82 is amended in paragraph (5) of the definition of "landed cost" to read as follows:

§212.82 Definitions.

• • • • •

"Landed cost" means: • • •

(5) For purposes of crude oil purchased in an arms-length transaction or purchased in a transaction to which § 212.84(g) is applicable, the purchase price (or the cost if § 212.84(g) is applicable) plus the cost of transportation, if any, computed pursuant to § 212.85, from the point of delivery to the firm to the U.S. port of entry (or the actual cost of transportation to the U.S. border in the case of crude oil not transported by sea), plus the cost of domestic transportation to the refinery, plus import fees and duties incurred. For purposes of this paragraph (5), the landed cost shall be considered to be incurred when the cost is recognized as having been incurred by application of the refiner's customary accounting procedures generally accepted and consistently and historically applied.

[FR Doc. 78-3789 Filed 2-7-78; 1:46 pm]

[7535-01]

Title 12—Banks and Banking CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION PART 747—RULES OF PRACTICE AND PROCEDURE

Grounds for Removal Orders

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This document amends the Administration's rules and procedures applicable to proceedings relating to suspension and removal orders issued under a provision of the Federal Credit Union Act (the Act). This rule is issued under a recent amendment to the Act to provide that personal dishonesty need not be shown along with other grounds for suspension or removal of Federal credit

union directors, officers, committee members, or other persons participating in the conduct of the affairs of an insured credit union.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

James J. Engel, Office of the General Counsel, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456. Telephone 202-632-4870.

SUPPLEMENTARY INFORMATION: Section 206(g) of the Federal Credit Union Act (12 U.S.C. 1786(g)) provides the Administrator of the National Credit Union Administration with the authority to suspend, and remove from office, directors, officers, or committee members of federally insured credit unions, and prohibit other persons from participating in the conduct of the affairs of such insured credit unions. Subpart D of Part 747 of the National Credit Union Administration's rules and regulations (12 CFR Part 747) provides the rules and procedures relating to suspension and removal orders, and § 747.37 of the rules and regulations (12 CFR 747.37) states that the scope of Subpart D applies to those proceedings based "upon the grounds set forth in section 206 of the Federal Credit Union Act" Section 747.38, in setting forth the grounds for removal orders, merely repeats, word for word, the contents of section 206(g) (1) and (2) of the Act (12 U.S.C. 1786(g) (1) and (2)).

On April 19, 1977, Pub. L. 95-22 was enacted amending various provisions of the Federal Credit Union Act. Section 206(g)(1) of the Act (12 U.S.C. 1786(g)(1)) was amended by striking out "and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director, officer, or committee member" Section 206(g)(2) of the Act (12 U.S.C. 1786(g)(2)) was amended by changing "dishonesty and unfitness" to read "dishonesty or unfitness" each place it appears.

Since § 747.38 of the rules and regulations merely restates the wording of section 206(g) (1) and (2) of the Federal Credit Union Act, the National Credit Union Administration is amending the regulation so as to bring it up to date. No interpretation of, or change in, the language set forth in Pub. L. 95-22 is involved in this amendment of the regulation, and the change made by Pub. L. 95-22 is already part of the regulation by virtue of the reference, in § 747.37, to the grounds set forth in section 206 of the Act. Due to the fact that these amendments are necessitated by, and conform the regulations to, the provisions of the April 19, 1977, amendments to

the Federal Credit Union Act, the Administrator finds that the procedures prescribed by the provisions of 5 U.S.C. 553 are unnecessary.

Accordingly, the Administrator hereby revises § 747.38 of the National Credit Union Administration rules and regulations, effective February 10, 1978, as set forth below.

LAWRENCE CONNELL,
Administrator.

FEBRUARY 8, 1978.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1104 (12 U.S.C. 1789); sec. 206, 91 Stat. 49 (12 U.S.C. 1786).)

Section 747.38(a) of the regulations involving grounds for removal orders is amended by striking out the words "and that such violation, practice, or breach of fiduciary duty is one involving personal dishonesty on the part of such director, officer, or committee member."

Section 747.38(b) of the regulations involving grounds for removal orders is amended by changing "dishonesty and unfitness" to "dishonesty or unfitness" each time it appears therein.

[FR Doc. 78-3928 Filed 2-9-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER 1—SMALL BUSINESS ADMINISTRATION

[Revision 1]

PART 129—MANAGEMENT ASSISTANCE

Services Available to New or Prospective Owners and Managers

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This rule prescribes the various types of management assistance available to the new or prospective small business owner/manager by the Management Assistance Program within the Small Business Administration. This description is intended to fully describe the scope and delivery of services provided since previous rules regarding management assistance are out of date.

EFFECTIVE DATE: February 10, 1978.

ADDRESS: Small Business Administration, Assistant Administrator for Management Assistance, 1441 L Street NW., Room 606, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Judith B. Peters, Small Business Administration, 1441 L Street NW., Room 606, Washington, D.C. 20416, 202-653-6668.

SUPPLEMENTARY INFORMATION: Services provided to the new or pro-

spective small business owner/manager were previously covered as a section of Part 124, "Procurement and Technical Assistance," in the January 1, 1977 "Code of Federal Regulations." The Management Assistance portion is out of date and is being withdrawn from Part 124 and resubmitted as Part 129. Additionally, Part 129, as it appeared in the 1977 Code, "Service Corps of Retired Executives", etc., is now included as a section of Part 129.

Part 129 now deals exclusively with the Management Assistance program, of which the SCORE and ACE Programs are a part.

Only the numbers of the various sections have been changed in the SCORE and ACE portion.

Inasmuch as the rules set forth below are rules of Agency organization, procedures, and practices, notice of proposed rulemaking and public procedure thereon are not required by section 553 of Title 5 of the United States Code.

Accordingly, Part 129 of Chapter I of Title 13 of the Code of Federal Regulations is amended as follows: 1. Old §§ 129.1-129.4 are redesignated as §§ 129.6-129.9. New §§ 129.1-129.5 are added as amended. Part 129 reads as follows:

GENERAL

- Sec.
- 129.1 Management Assistance Programs.
- 129.2 Counseling.
- 129.3 Training.
- 129.4 Publications.
- 129.5 International Trade.

SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) AND ACTIVE CORPS OF EXECUTIVES (ACE) PAYMENT OF OUT-OF-POCKET EXPENSES

- 129.6 Introduction.
- 129.7 Reimbursement for expenses within 50 miles.
- 129.8 Reimbursement for expenses for services beyond 50 miles.
- 129.9 Meetings, conferences, and workshops.

AUTHORITY: Sections 2 and 8 of the Small Business Act, as amended. 15 U.S.C. 631, 637(b). Sections 7(i) and 7(j) of the Small Business Act, as amended. 15 U.S.C. 636 (i) and (j). Sec. 302(c)(2), Domestic Volunteer Service Act, Pub. L. 93-113, 87 Stat. 404, Executive Order 11871 dated July 18, 1975.

GENERAL

§ 129.1 Management Assistance Programs.

The need for assistance in starting, managing, and operating a business is heightened by the number of failures that continue to increase every year in the small business community. It is estimated that managerial deficiencies cause 9 out of 10 business failures. A major objective of the Small Business Administration is to remedy this situation. Through the programs of the Office of Management Assistance, SBA works to improve and strengthen the management capabilities of small business.

§ 129.2 Counseling.

Individualized management and technical assistance is provided to small business persons, and those who are considering starting a business, through the various resources of the management assistance counseling programs at no charge. Management assistance counseling programs are based primarily on private sector resources, as follows:

(a) *SCORE and ACE.* The Service Corps of Retired Executives (SCORE), is a group of experienced retired executives who volunteer their services and offer a wide range of management and technical counseling to the small business community. Many were owners of small business concerns. The Active Corps of Executives (ACE) is an important auxiliary to SCORE. ACE is composed of executives who are still active in the business world. Members of ACE frequently furnish needed special talents which may not be represented among the SCORE volunteers of a specific locality.

(b) *Small Business Institute.* This program is a three-way cooperative among collegiate schools of business administration, members of the nation's small business community and the Small Business Administration. Graduate and upper division level students of business administration, under faculty supervision, provide counseling assistance to small business owner/managers. The program operates under formal contracts or voluntary agreements between SBA and the schools.

(c) *Professional Consulting Services.* The Small Business Administration enters into contracts with professional consulting concerns to provide management and technical assistance to small business concerns meeting the eligibility requirements specified in Section 119.21 of this chapter.

Services provided under this program may include accounting services, production, engineering and technical advice, feasibility studies, marketing analyses, etc.

§ 129.3 Training.

Training provided by the Small Business Administration is designed to impart the principles and skills of small business management to those persons who own or manage a business, or to those who intend to try. To meet these needs, four types of classroom training are offered—courses, conferences, and problem clinics for those already in business, and prebusiness workshops for those who intend to go into business. Except for prebusiness workshops, which are structured to provide a basic "going into business" orientation, this training is designed to meet local small business needs. To provide a wide variety of management subjects in hundreds of

locations throughout the nation, SBA cosponsors training with educational institutions, local business organizations, chambers of commerce, professional or trade associations, business groups, and other government agencies.

Cosponsorship of training activities is enhanced by the availability of films and other training materials produced for SBA. Information about specific training schedules on cosponsorship procedures may be obtained from any SBA field office.

§ 129.4 Publications.

SBA produces a series of business management publications which provide small business owner/managers, or those persons considering going into business, with information about modern management techniques. The publications are practical and easy to read. There are four series of free publications: Management Aids for Small Manufacturers, Small Marketers Aids, Small Business Bibliographies, and Counseling Notes. These 6-8 page leaflets covering marketing and manufacturing business information, as well as bibliographical information on specific trades and industries, are available free of charge from SBA field offices. A series of management publications explaining business subjects like "cash planning" in considerable detail, and a series on starting and managing various types of businesses are available at nominal prices through the Superintendent of Documents, Washington, D.C. 20402.

§ 129.5 International trade.

SBA offers several publications and programs designed to encourage and assist existing and prospective small business exporters to develop their international marketing potential. Counseling assistance is available from local field offices and the agency periodically offers and cosponsors various export workshops and training programs. Application for management assistance services may be made through SBA district offices.

SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) AND ACTIVE CORPS OF EXECUTIVES (ACE) PAYMENT OF OUT-OF-POCKET EXPENSES

§ 129.6 Introduction.

The Small Business Act, as amended, Pub. L. 90-104, and the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, authorize the reimbursement of volunteers of the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) for certain out-of-pocket and travel expenses. The out-of-pocket expenses must be incident to their provision of services under this Act. Travel expenses are authorized while the volun-

teers are providing services away from their home or regular place of business. Travel expenses include per diem in lieu of subsistence.

§ 129.7 Reimbursement of expenses within a 50-mile radius of home.

A volunteer will be reimbursed while performing services within a 50-mile radius of his home or regular place of business for the following expenses: Local phone calls, parking fees, public transportation, bus and train fares; local taxis; personal automobile mileage charges authorized by the Standardized Government Travel Regulations; highway tolls and related expenses necessary to the provision of volunteer services approved by the appropriate District or Regional Office.

§ 129.8 Reimbursement of expenses for services beyond 50 miles.

A volunteer may provide services beyond a radius of 50 miles from his home or regular place of business only with the prior approval of the appropriate SBA Regional or District Office. Upon receipt of such approval, he will be reimbursed only for the following expenses:

(a) Automobile travel, including personal automobile mileage charges authorized by Standardized Government Travel Regulations, highway and related tolls; and parking fees.

(b) Other travel, including bus and rail, airplane (where specifically authorized by the appropriate SBA District or Regional Office official), local taxis, and public transportation.

(c) Per diem expenses in lieu of subsistence as authorized by the Standard Government Travel Regulations.

(d) Miscellaneous related expenses including local phone calls, approved by the appropriate SBA District or Regional Office.

§ 129.9 Meetings, conferences, and workshops.

With prior approval of the appropriate SBA District or Regional Office, an authorized delegate to SCORE and ACE national, regional, or district meetings, conferences, or workshops, is authorized to receive travel expenses and per diem as provided in §§ 129.2 and 129.3. Members of the National SCORE Council may also be reimbursed for necessary expenses to attend authorized meetings, conferences, and workshops in accordance with the provisions of §§ 129.2 and 129.3.

(Catalog of Federal Domestic Assistance Program No. 59.005, Management Assistance to Small Business.)

Dated: February 3, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-3787 Filed 2-9-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Requests for Disclosure of Records

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule delegates to the Deputy Bureau Directors the power to act as alternate "responsible officials" in denying initial requests under the Freedom of Information Act for material in active investigatory files. This change is designed to speed up the processing of FOIA requests by providing for an alternate "responsible official".

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Barry R. Rubin, Office of the General Counsel, Federal Trade Commission, Washington, D.C. 20580, 202-523-3865.

Accordingly, 16 CFR 4.11(a)(1)-(iv)(B) is amended to read as follows:

§ 4.11 Requests for disclosure of records.

(a) * * *

(1) Initial determination. * * *

(iv) * * *

(B) The Secretary is deemed to be the sole official responsible for all denials of initial requests, except denials to materials contained in active investigatory files in which case the Director or Deputy Director of the Bureau or Director of the Regional Office responsible for the investigation shall be the responsible official.

(15 U.S.C. 46(g).)

By direction of the Commission.

Dated: February 1, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-3759 Filed 2-9-78; 8:45 am]

[6750-01]

[Docket No. C-2915]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Ryder System, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, among other things, requires a Miami, Fla., vocational training correspondence school to cease misrepresenting or failing to disclose pertinent facts regarding industry demand, government and industry requirements; job placement; and location of training sites. Respondent is required to provide enrollees with prescribed forms and disclosures relating to rights of cancellation and refund; and employment success of former graduates. Further, respondent is required to make restitution to those former students determined to be eligible, in the manner and form set forth in the order.

DATES: Complaint and order issued December 28, 1977.¹

FOR FURTHER INFORMATION CONTACT:

Donald Williams, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3909.

SUPPLEMENTARY INFORMATION: On Friday, February 18, 1977, there was published in the FEDERAL REGISTER (42 FR 10047) a proposed consent agreement with analysis in the Matter of Ryder System, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

Comments were filed and considered by the Commission.

The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.15 Business status, advantages or connections; 13.15-20 Business methods and policies; 13.15-90 Government endorsement; 13.15-100 History; 13.15-245 Prospects; 13.15-250 Qualifications and abilities; 13.15-255 Reputation, success, or standing; 13.15-265 Service; § 13.42 Connection of others with goods; § 13.50 Dealer or seller assistance; § 13.55 Demand, business or

¹ Copies of the complaint, and the decision and order filed with the original document.

other opportunities; § 13.60 Earnings and profits; § 13.75 Free goods or services; § 13.85 Government approval, action, connection or standards; 13.85-65 States; § 13.90 History of product or offering; § 13.115 Jobs and employment service; § 13.143 Opportunities; § 13.155 Prices; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170-35 Educational, informative, training; § 13.175 Quality of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.225 Services; § 13.250 Success, use or standing; § 13.285 Value. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; 13.330-90 United States Government; 13.330-90(1) Veterans Administration. Subpart—Contracting For Sale in Any Form Binding on Buyer Prior to End of Specified Time Period: § 13.527 Contracting for sale in any form binding on buyer prior to end of specified time period. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-5 Arbitration; 13.533-20 Disclosures; 13.533-35 Employment of independent agencies; 13.533-45 Maintain records; 13.533-55 Refunds, rebates and/or credits. Subpart—Failing to Maintain Records: § 13.1051 Failing to maintain records. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1395 Connections and arrangements with others; § 13.1430 Government endorsement, sanction or sponsorship; § 13.1435 History; § 13.1540 Reputation, success or standing; § 13.1553 Services.—Goods: § 13.1608 Dealer or seller assistance; § 13.1610 Demand for or business opportunities; § 13.1615 Earnings and profits; § 13.1625 Free goods or services; § 13.1632 Government endorsement or recommendation; § 13.1650 History of Product; § 13.1670 Jobs and employment; § 13.1697 Opportunities in product or service; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1755 Success, use, or standing; § 13.1775 Value.—Prices: § 13.1778 Additional costs unmentioned.—Services: § 13.1835 Cost. Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1854 History of products; § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1892 Sales contract, right-to-cancel provision; § 13.1892-2 Commencing contractual obligations prior to end of cooling-off period; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements to Purchase or Deal: § 13.1935 Earnings and profits;

§ 13.1960 Free service; § 13.2015 Opportunities in product or service; § 13.2063 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-3820 Filed 2-9-78; 8:45 am]

[6355-01]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1012—MEETINGS: ADVANCE PUBLIC NOTICE, PUBLIC ATTENDANCE, AND RECORDKEEPING

Pre-Proposal Conferences

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's meetings policy. The amendment provides that pre-proposal conferences the Commission conducts involving confidential procurements made in conjunction with potential litigation matters are not subject to the advance notice or public attendance requirements of the meetings policy. The amendment also provides that summaries of these preproposal conferences need not be made public until after the procurements are made public. The purpose of the amendment is to protect the confidentiality of such meetings.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard W. Allen, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, 202-634-7770.

SUPPLEMENTARY INFORMATION: The Commission's meetings policy (16 CFR Part 1012) requires, with limited exceptions, that all meetings between Commission employees and outside parties concerning substantial interest matters be announced to the public in advance and be open to the public. It also requires records of such meetings to be kept and made available to the public. This amendment to the commission's meetings policy was prompted by a petition from David A. Swit, Washington, D.C., to amend the meetings policy to assure that the Commission staff provides advance notice to the public of all pre-proposal conferences and that the conferences be open to the public. The purpose of Mr.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
New York	Nassau	Long Beach, city of	Mar. 5, 1971, emergency; June 30, 1972, regular; Feb. 20, 1978, suspended.	July 1, 1972 Oct. 24, 1975	365338-A
Do	Suffolk	Lloyd Harbor, village of	Dec. 19, 1973, emergency; Apr. 12, 1974, regular; Feb. 20, 1978, suspended.	Apr. 12, 1974 Sept. 24, 1976	360799-A
Do	Oswego	Richland, town of	Mar. 21, 1974, emergency; July 26, 1974, regular; Feb. 20, 1978, suspended.	July 26, 1974 June 1, 1976	360860-A
Do	Nassau	Sea Cliff, village of	Sept. 17, 1973, emergency; Feb. 1, 1974, regular; Feb. 20, 1978, suspended.	Feb. 1, 1974 Apr. 30, 1976	360493-A
Do	Wayne	Sodus, town of	Aug. 16, 1974, emergency; Aug. 16, 1974, regular; Feb. 20, 1978, suspended.	Aug. 16, 1974 Oct. 8, 1976	360898-A
Do	Suffolk	Shelter Island, town of	Aug. 31, 1973, emergency; May 3, 1974, regular; Feb. 20, 1978, suspended.	May 31, 1974 July 30, 1976	360809-A
Do	Steuben	Urbana, town of	June 20, 1973, emergency; May 10, 1974, regular; Feb. 20, 1978, suspended.	May 10, 1974 May 31, 1976	360783-A
Do	Oneida	Whitesboro, village of	Mar. 15, 1974, emergency; Feb. 22, 1974, regular; Feb. 20, 1978, suspended.	Feb. 22, 1974 May 21, 1976	360566-A
Do	Niagara	Wilson, town of	May 21, 1973, emergency; Feb. 22, 1974, regular; Feb. 20, 1978, suspended.	May 17, 1974 July 23, 1976	360514-A
North Carolina	Gaston	Gastonia, city of	Nov. 26, 1973, emergency; Apr. 12, 1974, regular; Feb. 20, 1978, suspended.	June 21, 1974 Aug. 20, 1976	370100-A
Do	Wilkes	North Wilkesboro, city of	Dec. 28, 1973, emergency; June 21, 1974, regular; Feb. 20, 1978, suspended.	Apr. 12, 1974 Aug. 13, 1976	370257-A
Oregon	Polk	Unincorporated areas	Dec. 10, 1971, emergency; Feb. 7, 1975, regular; Feb. 20, 1978, suspended.	Feb. 7, 1975 Aug. 31, 1973	410186
Pennsylvania	Mifflin	Burnham, borough of	Feb. 9, 1973, emergency; Aug. 31, 1973, regular; Feb. 20, 1978, suspended.	Aug. 31, 1973 May 7, 1976	420684-A
Do	Erie	Corry, city of	July 11, 1973, emergency; Apr. 12, 1974, regular; Feb. 20, 1978, suspended.	Apr. 12, 1974 Aug. 27, 1976	420447-A
Do	York	Fairview, township of	Sept. 8, 1972, emergency; Feb. 22, 1974, regular; Feb. 20, 1978, suspended.	Feb. 22, 1974 May 3, 1974	420923
Do	Cumberland	Hampden, township of	Apr. 14, 1972, emergency; May 3, 1974, regular; Feb. 20, 1978, suspended.	May 3, 1974 June 28, 1974	420360
Do	Mifflin	Newton-Hamilton, borough of	Jan. 30, 1974, emergency; June 28, 1974, regular; Feb. 20, 1978, suspended.	June 28, 1974 Apr. 23, 1976	420689-A
Do	Berks	Kenhorst, borough of	Dec. 29, 1972, emergency; Nov. 5, 1976, regular; Feb. 20, 1978, suspended.	Nov. 5, 1976 Mar. 6, 1974	420135-A
Do	Bucks	Sellersville, borough of	July 9, 1973, emergency; Mar. 8, 1974, regular; Feb. 20, 1978, suspended.	Mar. 8, 1974 May 31, 1974	420203
Do	Crawford	Titusville, city of	July 23, 1973, emergency; May 31, 1974, regular; Feb. 20, 1978, suspended.	May 31, 1974 Jan. 30, 1976	420354-A
Do	Mercer	Wheatland, borough of	Feb. 15, 1974, emergency; July 19, 1974, regular; Feb. 20, 1978, suspended.	July 19, 1974 July 30, 1976	420681-A
Do	Bradford	Wysox, township of	Sept. 26, 1973, emergency; July 26, 1974, regular; Feb. 20, 1978, suspended.	July 26, 1974 July 9, 1976	420977-A
Tennessee	Williamson	Brentwood, city of	Mar. 23, 1973, emergency; Nov. 30, 1973, regular; Feb. 20, 1978, suspended.	Nov. 30, 1973 Nov. 2, 1973	470205
Washington	Cowlitz and Clark	Woodland, city of	June 23, 1972, emergency; Nov. 2, 1973, regular; Feb. 20, 1978, suspended.	Nov. 2, 1973 June 11, 1976	530035-A
West Virginia	Harrison	Clarksburg, city of	Sept. 18, 1973, emergency; Dec. 28, 1973, regular; Feb. 20, 1978, suspended.	Dec. 28, 1973 Mar. 26, 1976	540056-A
Wisconsin	Ashland	Unincorporated areas	Oct. 4, 1973, emergency; Feb. 15, 1978, regular; Feb. 20, 1978, suspended.	Feb. 15, 1978 Feb. 15, 1978	550004
Colorado	Jefferson	Lakewood, city of	Apr. 16, 1971, emergency; July 21, 1972, regular; Feb. 23, 1978, suspended.	July 21, 1972 Nov. 30, 1973	085075-A
Ohio	Cuyahoga and Geauga	Hunting Valley, village of	Sept. 10, 1973, emergency; Jan. 5, 1978, regular; Feb. 23, 1978, suspended.	Nov. 30, 1973 June 4, 1976	390594-B

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969, as amended 39 FR 2787, Jan. 24, 1974.)

Issued: January 26, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3502 Filed 2-9-78; 8:45 am)

[4210-01]

(Docket No. FI-2891)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Frederick, Frederick County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Frederick, Frederick County, Md. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Frederick, Frederick County, Md.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Frederick, Frederick County, Md., are available for review at City Hall, Frederick, Md.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Frederick, Frederick County, Md.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Carroll Creek	Confluence with Monocacy River.	271
	Highland St	271
	Wisner St	275
	Carroll St	280
	South Court St	286
	Bentz Ave	287
	College Ave	289
	College Ter	294
	Fairview Ave	299
	Shookstown Rd	308
	Baughman's Lane	310
Rock Creek	Confluence with Carroll Creek.	308
	Baughman's Lane	313
	Confluence with tributary No. 5.	325
	Willowdale Dr	336
	Waverly Dr	369
	Private road (corporate limits).	434
Tributary No. 5	Confluence with Rock Creek.	325
Tributary No. 8	West Patrick St	302
	Valley St	312
	Braddock Ave	318
	Unnamed road crossing upstream of Interstate 15.	348
Tributary No. 8	East corporate limits.	272
	Fairview Ave	317
Tributary No. 9	East corporate limits.	274
	North Market St	281
Tributary No. 10	North corporate limits.	274
Tributary No. 11	do	274

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3483 Filed 2-9-78; 8:45 am)

[4210-01]

(Docket No. FI-2593)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Berkley, Bristol County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Berkley, Bristol County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Berkley, Mass.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Berkley, are available for review at Town Hall, Rural Route 1, Berkley, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Berkley, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

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The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Taunton River.....	Peters Point.....	14.5
	Berkley Bridge.....	14.5
	Three Mile River.....	14.0
	Berkley-Taunton Line.....	13.5
Assonet River.....	Corporate limits...	14.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3484 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3407]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Acton, Middlesex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Acton, Middlesex County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Acton, Mass.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Acton, are available for review at Town Hall, Main Street, Acton, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Acton, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Conant Brook.....	Musket Dr.....	203
	Newton Rd.....	196
	Nagog Hill Rd.....	196
	Main St.....	148
Nashoba Brook.....	do.....	172
	Carlisle Rd.....	170
	Wheeler Lane Dam.....	188
	Dam.....	153
	ConRail (12,800 ft upstream of Concord Road Dam).....	147
	Great Rd.....	144
	Brook St Dam.....	141
	Brook St.....	139
	ConRail (6,850 ft upstream of Concord Road Dam).....	139
	ConRail (4,800 ft upstream of Concord Road Dam).....	138
	Concord Rd.....	138
	Concord Rd Dam.....	137
	ConRail (1,100 ft downstream of Concord Road Dam).....	128
Tributary 2.....	Wetherbee St.....	128
	Acorn structures ..	127
Tributary 1.....	Fernwood Rd.....	151
	Arborwood Rd.....	151
	Brucewood Rd.....	151
Cole's Brook.....	Sandalwood Rd.....	150
	Robinwood Rd.....	147
	Hosmer St.....	143
	School St Dam.....	133
	School St.....	133
Pratt's Brook.....	Boston & Maine RR.....	143

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fort Pond Brook...	Boston and Maine RR (21,000 ft upstream of Route 27).....	206
	Arlington St.....	204
	Route 11.....	203
	Boston & Maine RR (12,800 ft upstream of Route 27).....	202
	Central St.....	201
	Martin St.....	199
	Stow St.....	198
	Boston & Maine RR (950 ft upstream of Route 27).....	195
	Route 27.....	195
	Erikson Dam.....	194
	Boston & Maine RR (500 ft downstream of Route 27).....	181
	Cement Dam.....	178
	River St (3,450 ft downstream of Route 27).....	156
	River St (6,700 ft downstream of Route 27).....	151
	Merriam Dam.....	151
	River St (7,650 ft downstream of Route 27).....	139
	Parker St.....	135
	Laws Brook Rd.....	128
Assabet River.....	Old High St.....	146
	Powder Mill Dam.....	146
	Route 62.....	134

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3485 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3266]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Chesterfield, Macomb County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Chesterfield, Macomb County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show

evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Chesterfield, Macomb County, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and their final elevations for the Township of Chesterfield, Macomb County, Mich., are available for review at the lobby of the Township Hall, 501-77 North Grathiot, Mount Clemens, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Chesterfield, Macomb County, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Salt River.....	Jefferson Ave.....	578
	Callens Rd.....	578
	23 Mile Rd.....	580
	24 Mile Rd.....	585
	Washington Ave.....	591
	Interstate 94.....	595
	Upstream corporate limits.....	602
Fish Creek.....	Callens Rd.....	578
	23 Mile Rd.....	583
	Sass Rd.....	589
	24 Mile Rd.....	592
Auvase Creek, Sutherland-Oemig Drain.....	Jefferson Ave.....	578
	Sugarbush Rd.....	579
	Graham Rd.....	581

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Source of flooding	Location	Elevation in feet above mean sea level
	Cotton Rd.....	584
	Douglass Rd.....	587
Deer Creek.....	Downstream corporate limits.....	613
	Hagen Rd., (downstream).....	614
	Hagen Rd., (upstream).....	615
	Upstream corporate limits.....	621

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3486 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3446]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of China, St. Clair County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of China, St. Clair County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for the participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of China, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of China, are available for review at Township Hall, 4560 Indian Trail Road, Marine City, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of China, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pine River.....	Old Fred W. Moore Highway.....	594
Belle River.....	King Rd.....	591
	Indian Trail.....	599
	Westrick Rd.....	610
	Trail Rd.....	616

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3487 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3562]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of East China, St. Clair County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

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lected locations in the Township of East China, St. Clair County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program. (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of East China, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of East China, are available for review at East China Township Hall, 298 Recor Road, St. Clair, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of East China, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 191.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Clair River	State Hwy. M-29 and Point Dr.	580
	Puttygut Rd.....	581
Jordan Creek	Railroad Spur	586
	Private road.....	586
Belle River	Melner Rd	586
	Port Huron-Detroit RR.	588

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3488 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3228]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Carroll County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Carroll County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Carroll County, Miss.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Carroll County, are available for review at Carroll County Courthouse, Carrollton, Miss.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Carroll County, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 191.4(a)). An opportunity for the community or

individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Sand Creek (near McCarley).	Upstream McCarley Rd.	265
	Downstream McCarley Rd.	264
Big Sand Creek (near North Carrollton).	George St	227
Potacocowa Creek.	State Hwy. No. 7..	152
Teoc Creek	State Hwy. No. 7..	133
Yalobusha River ..	Avalon Bridge.....	135
	Whaley Bridge	134
	Illinois Central Gulf RR.	131
Beasley Creek.....	North corporate limits, North Carrollton.	222

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3489 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3564]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Isola, Humphreys County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Isola, Humphreys County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Isola, Miss.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Isola, are available for review at Town Hall, Isola, Miss.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Isola, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 191.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jackson Bayou	Illinois Central RR.	107
	Bridge Hwy 49W ..	108
Jackson Bayou Lateral.	Belzoni St.....	111
	Illinois Central RR.	112

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4228; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3490 Filed 2-9-78; 8:45 am]

RULES AND REGULATIONS

[4210-01]

[Docket No. FI-3526]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Advance, Stoddard County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Advance, Stoddard County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Advance, Stoddard County, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Advance are available for review at City Clerk's Office, City Hall, Advance, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Advance, Stoddard County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 191.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ditch No. 1.....	At the downstream face of State Hwy. 25 & 91.	351
	At the downstream face of Vine St. West Street Bridge.	353
		354

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3491 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3451]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Olivette, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Olivette, St. Louis County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Olivette, St. Louis County, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Olivette, St. Louis County, Mo., are available for review at City Hall, Olivette, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

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SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Olive, St. Louis County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
River Des Peres.....	Arrowhead Dr. (extended), Upstream of Diehlman Rd. Bridge.	558 587

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3492 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3383]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Springfield, Greene County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Springfield, Greene County, Mo.

These base (100-year) flood elevations are the basis for the flood plain

management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Springfield, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Springfield, are available for review at City Hall, 830 Bloomville Street, Springfield, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Springfield, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ward Branch.....	Republic St., Highway M, Corporate limits...	1,218 1,210
Dickerson Branch.....	Livingston St., Evergreen St., Norton St., Zoo Park Rd., Corporate limits...	1,227 1,207 1,200 1,188 1,159
Dolling Branch.....	Highway I-44, Norton St., Orchard Crest	1,217 1,211 1,246
Nichols Branch.....	Eldon Ave., Nichols St., Wilsons Creek.	1,240 1,255

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wilsons Creek.....	Waddill St., Highway 160 bypass, State St., Highway 160 bypass, Missouri Pacific RR., Golden Ave., Corporate limits, Benton Ave., Main St., Fort St., Mount Vernon St., Grand St., Bennett St., Oak Grove Ave.	1,240 1,220 1,210 1,200 1,218 1,212 1,198 1,272 1,263 1,251 1,241 1,231 1,222 1,352
Jordan Creek.....	Glenstone Ave., Fremont Ave., Hampton Ave., Sherman Ave., St. Louis & San Francisco Ry., Patterson Ave.	1,328 1,311 1,292 1,286 1,275 1,329
North Branch, Jordan Creek.	East Traffic Way, Glenstone Ave., Fremont Ave., Sherman Ave., Jefferson Ave., Thelma St., Fort Ave., National Ave., Campbell Ave., Forts Ave., Scenic Avenue and Missouri Pacific RR., Golden Ave., Battlefield Rd., Laguna Ave., Barton St., Republic Street, Highway M, U.S. Highways 60 and 65, Corporate limits (upstream).	1,313 1,304 1,289 1,275 1,274 1,253 1,240 1,301 1,273 1,255 1,228
South Branch, Jordan Creek.	Golden Ave., Battlefield Rd., Laguna Ave., Barton St., Republic Street, Highway M, U.S. Highways 60 and 65, Corporate limits (upstream).	1,209 1,226 1,204 1,189 1,177 1,156 1,158
Passnight Creek.....	Golden Ave., Battlefield Rd., Laguna Ave., Barton St., Republic Street, Highway M, U.S. Highways 60 and 65, Corporate limits (upstream).	1,209 1,226 1,204 1,189 1,177 1,156 1,158
South Creek.....	Golden Ave., Battlefield Rd., Laguna Ave., Barton St., Republic Street, Highway M, U.S. Highways 60 and 65, Corporate limits (upstream).	1,209 1,226 1,204 1,189 1,177 1,156 1,158
James River.....	Golden Ave., Battlefield Rd., Laguna Ave., Barton St., Republic Street, Highway M, U.S. Highways 60 and 65, Corporate limits (upstream).	1,209 1,226 1,204 1,189 1,177 1,156 1,158

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3493 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3290]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Parkville, Platte County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Parkville, Platte County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Parkville, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Parkville, are available for review at City Hall, 8701 River Park Drive, Parkville, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Parkville, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River.....	Upstream corporate limits, Downstream corporate limits, 12th St.	763 761 771 762
White Aloe branch.	12th St.	771 762

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Highway M-9..... Burlington Northern RR.	762 762

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3494 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3524]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Pittsfield, Merrimack County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Pittsfield, Merrimack County, N.H. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Pittsfield, Merrimack County, N.H.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for Selectmen's Office, Town Hall, Main Street, Pittsfield, N.H., are available for review at the town of Pittsfield.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations

of flood elevations for the town of Pittsfield, Merrimack County, N.H.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selection locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Suncook River.....	5,960 ft downstream of Webster Mills Rd., At Webster Mills Rd., 1,425 ft upstream of Webster Mills Rd., 5,600 ft upstream of Webster Mills Rd., At confluence of Gas House Brook, 1,750 ft downstream of Main St., 100 ft downstream of Main St., At Pittsfield Dam, At Route 107 bridge, 3,000 ft upstream of Route 107 bridge, 9,600 ft upstream of Route 107 bridge.	351 396 409 427 439 448 459 481 482 483 491

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3495 Filed 2-9-78; 8:45 am]

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[4210-01]

[Docket No. FI-3525]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for The Town of Epsom, Merrimack County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Epsom, Merrimack County, N.H. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Epsom, Merrimack County, N.H.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Epsom are available for review at the Town Hall, Route 202, Epsom, N.H.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Epsom, Merrimack County, N.H.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Suncook River	Confluence of Fowler Brook.	305
	210 ft downstream of Short Falls Bridge.	308
	At confluence with the west channel of Suncook River.	311
	1,850 ft downstream of Hucks Mill Dam.	315
	210 ft upstream of Hucks Mill Dam.	335
	210 ft downstream of Route 4 Bridge.	339
	At town boundary	344
	3,170 ft downstream of Hucks Mill Dam.	313
	2,000 ft downstream of Hucks Mill Dam.	318
	110 ft downstream of Hucks Mill Dam.	323
West channel of Suncook River.	At railroad bridge near confluence with Suncook River.	339
	580 ft downstream of Black Hall Road Bridge.	340
	At confluence with Lockes Brook.	357
	1,585 ft upstream of confluence of Lockes Brook.	372
	At Center Hill Road Bridge.	398
	422 ft upstream of the confluence of Blake Brook.	409
	At a private dam	412
	1,055 ft upstream of confluence of Blake Brook.	430
	105 ft downstream of Cass Road Bridge.	437
	105 ft upstream of Cass Road Bridge.	440
Little Suncook River.	285 ft downstream of confluence with Gulf Brook.	443
	At confluence with Gulf Brook.	445
	2,425 ft upstream of confluence with Gulf Brook.	485
	635 ft downstream of Route 107 Bridge.	506
	75 ft downstream of Route 107 Bridge.	510
	53 ft downstream of Northwood Lake Dam.	

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	53 ft upstream of Northwood Lake Dam.	519
	At town boundary	519

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3496 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-2747]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Hanover, Grafton County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Hanover, N.H. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Hanover, N.H.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Hanover, are available for review at Town Hall, Hanover, N.H.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Hanover, N.H.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	Route 120	389
Mink Brook	King Rd.	793
	Great Hollow Rd.	644
	Buck Rd.	594
	South Main St.	390
Monahan Brook	Dogford Rd.	643
	Etna Rd.	818
Slade Brook	River Rd.	398

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: September 8, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 70-3497 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-2746]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Borough of Far Hills, Somerset County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Far Hills, Somerset County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

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order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Far Hills, N.J.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Far Hills, are available for review at Borough of Far Hills, Far Hills, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Far Hills, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North branch Raritan River.	Smith Picnic Bridge.	237
	ConRail	160
	Peapack Rd.	150
	Main St.—U.S. 202.	137
Moggy Brook	Layton Rd.*	243
	Layton Rd	266
	1-287 West culvert.*	233
	Private Rd. (station location 142).	163
Mine Brook	Private road (station location 122).	160
	ConRail*	184
	Dam*	158
	Private Way Bridge.*	155

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary B	Far Hills Rd.*	150
	Abandoned road.*	265
	Driveway (station location .866).*	224
	Dam (station location .667).*	209
Tributary C	Route 202*	175
	Dam station location .315).*	171
	ConRail*	157
	Far Hills Rd.	146
Tributary D	Ravine Lake Rd	227
	Driveway	210
Tributary D	Dam*	265
	Ravine Lake Rd.*	248

* Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 21, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3498 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3121]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Babylon, Suffolk County, N.Y.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of final rule.

SUMMARY: The Federal Insurance Administration has erroneously published at 42 FR 58494 on November 9, 1977, the final flood elevation determination for the town of Babylon, Suffolk County, N.Y. This notice will serve as a cancellation of that publication. A new notice of final flood elevation determination will be published in the near future.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3499 Filed 2-9-78; 8:45 am]

[4210-01]

[Docket No. FI-3146]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for The Village of Fort Edward, Washington County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Fort Edward, Washington County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Fort Edward, Washington County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for village of Fort Edward are available for review at the Village Clerk's Office, 118 Broadway, Fort Edward, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Fort Edward, Washington County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River (east and west channel).	At south corporate limits.	128
	At Brightwood St. (extended) 3,080 ft. upstream from State Route 197.	130
	At north corporate limits.	134
Bond Creek	At Baldwin Ave....	128

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3500 Filed 2-9-78; 8:45 am]

[4510-27]

Title 29—Labor
CHAPTER V—WAGE AND HOUR DIVISION
PART 522—EMPLOYMENT OF LEARNERS
Increases in Subminimum Wage Rates for Learners in Certain Industries

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: On December 16, 1977, a notice was published in the FEDERAL REGISTER which proposed increasing the wage rates paid learners by an amount equal to the increase in the statutory minimum wage effective under the 1977 Amendments to the Fair Labor Standards Act. This notice provided for public comment until December 27, 1977. No unfavorable comments were received. Therefore, the wage rates as proposed are adopted.

EFFECTIVE DATE: March 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Arthur H. Korn, Director, Division of Special Minimum Wages, Wage and Hour Division, U.S. Department

of Labor, 200 Constitution Avenue NW., Room C4316, Washington, D.C. 20210, 202-523-8727.

SUPPLEMENTARY INFORMATION: On December 16, 1977, there was published in the FEDERAL REGISTER (42 FR 63434-6) a notice of proposed rule making setting forth the proposed increases in the subminimum wage rates for learners under Title 29 of the Code of Federal Regulations, Part 522. These increases reflect the increases in the statutory minimum wage under the 1977 Amendments to the Fair Labor Standards Act. Interested parties were given the opportunity to submit, not later than December 27, 1977, data, views and recommendations regarding the proposed wage rates.

No unfavorable comments have been received, and the proposed wage rates are hereby adopted without change.

Accordingly, §§ 522.24, 522.35, 522.43, 522.65 and 522.85 of Title 29 are amended as proposed in the FEDERAL REGISTER Notice of December 16, 1977 and as authorized under Section 14 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, Secretary's Order No. 16-75, dated November 25, 1975 (40 FR 55913), and Employment Standards Order No. 76-2, dated February 23, 1976 (41 FR 9016).

This document was prepared under the direction and control of Xavier M. Vela, Administrator, Wage and Hour Division.

1. § 522.24 of Part 522, Title 29, Code of Federal Regulations is amended to read as follows:

§ 522.24 Special minimum wage rates.

(a) The special minimum rates of learners employed in occupations for which a 320-hour period is authorized under § 522.23(a) shall during that period be not less than \$2.50 an hour through December 31, 1978; not less than \$2.75 an hour through December 31, 1979; not less than \$2.95 an hour through December 31, 1980; and not less than \$3.20 an hour thereafter.

(b) The rates for experienced workers in any one of the occupations shown in § 522.23(a) for which a 320-hour learning period is authorized, who are being retrained under the terms of a learner certificate in any other occupation shown in that paragraph having such a 320-hour maximum period, shall be not less than \$2.50 an hour for the first 160 hours and not less than \$2.55 an hour for the remaining 160 hours through December 31, 1978; not less than \$2.75 an hour for the first 160 hours and not less than \$2.80 an hour for the remaining 160 hours through December 31, 1979; not less than \$2.95 an hour for the first 160 hours and not less than \$3 an hour for the remaining 160 hours through December 31, 1980; and

not less than \$3.20 an hour for the first 160 hours and not less than \$3.25 an hour for the remaining 160 hours thereafter.

(c) The rates for learners employed in the occupation of final inspection of assembled garments under § 522.23(b) shall be not less than \$2.55 an hour during the authorized 160-hour learning period through December 31, 1978; not less than \$2.80 an hour during such authorized learning period through December 31, 1979; not less than \$3 an hour during such authorized learning period through December 31, 1980; and not less than \$3.25 an hour during such authorized learning period thereafter.

(d) The rates for learners employed in any occupation, other than final inspection of assembled garments, for which a 160-hour learning period is authorized in § 522.23 (a) or (b) shall be not less than \$2.50 an hour through December 31, 1978; not less than \$2.75 an hour through December 31, 1979; not less than \$2.95 an hour through December 31, 1980; and, not less than \$3.20 an hour thereafter.

2. § 522.35 of Part 522, Title 29, Code of Federal Regulations is amended to read as follows:

§ 522.35 Special minimum wage rates.

(a) The special minimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than \$2.55 an hour through December 31, 1978; not less than \$2.80 an hour through December 31, 1979; not less than \$3 an hour through December 31, 1980; and, not less than \$3.25 an hour thereafter.

3. § 522.43 of Part 522, Title 29, Code of Federal Regulations is amended to read as follows:

§ 522.43 Learner occupations, learning periods and special minimum wage rates.

(1) In the seamless branch, knitting (transfer top only) and looping, for 960 hours, at not less than \$2.50 an hour for the first 480 hours and at not less than \$2.575 for the remaining 480 hours through December 31, 1978; not less than \$2.75 an hour for the first 480 hours and not less than \$2.825 for the remaining 480 hours through December 31, 1979; at not less than \$2.95 an hour for the first 480 hours and at not less than \$3.025 for the remaining 480 hours through December 31, 1980; and not less than \$3.20 an hour for the first 480 hours and not less than \$3.275 for the remaining 480 hours thereafter.

(2) In the seamless branch, pairing (women's nylon) and mending (women's nylon), for 720 hours at not

less than \$2.50 an hour for the first 360 hours and at not less than \$2.575 for the remaining 360 hours through December 31, 1978; not less than \$2.75 an hour for the first 360 hours and not less than \$2.825 an hour for the remaining 360 hours through December 31, 1979; not less than \$2.95 an hour for the first 360 hours and not less than \$3.025 an hour for the remaining 360 hours through December 31, 1980; and not less than \$3.20 an hour for the first 360 hours and not less than \$3.275 an hour for the remaining 360 hours thereafter.

(3) In the seamless branch, topping, welting, and mending (other than women's nylon), for 480 hours at not less than \$2.50 an hour through December 31, 1978; not less than \$2.75 an hour through December 31, 1979; not less than \$2.95 an hour through December 31, 1980; and, not less than \$3.20 an hour thereafter.

(4) In the seamless branch, boarding (women's nylon), folding (women's nylon and rayon) and pairing (other than women's nylon), for 360 hours, at not less than \$2.50 an hour through December 31, 1978; not less than \$2.75 an hour through December 31, 1979; not less than \$2.95 an hour through December 31, 1980; and not less than \$3.20 an hour thereafter.

(5) In the seamless branch, knitting (except transfer top), seaming, examining and inspection, folding (other than women's nylon and rayon), and boarding (other than women's nylon), for 240 hours, at not less than \$2.50 an hour through December 31, 1978; at not less than \$2.75 an hour through December 31, 1979; and not less than \$2.95 an hour through December 31, 1980; and not less than \$3.20 an hour thereafter.

(6) In the full-fashioned branch, seaming (leg and foot), for 960 hours, at not less than \$2.55 an hour for the first 480 hours and \$2.625 an hour for the remaining 480 hours through December 31, 1978; at not less than \$2.80 an hour for the first 480 hours and \$2.875 an hour for the remaining 480 hours through December 31, 1979; at not less than \$3 an hour for the first 480 hours and at not less than \$3.075 an hour for the remaining 480 hours through December 31, 1980; and at not less than \$3.25 an hour for the first 480 hours and at not less than \$3.325 an hour for the remaining 480 hours thereafter.

(7) In the full-fashioned branch, pairing and mending, for 720 hours at not less than \$2.55 an hour for the first 360 hours and not less than \$2.625 an hour for the remaining 360 hours through December 31, 1978; at not less than \$2.80 an hour for the first 360 hours and at not less than \$2.875 an hour for the remaining 360 hours through December 31, 1979; at not less than \$3 an hour for the first 360 hours and at not less than \$3.075

an hour for the remaining 360 hours through December 31, 1980; and at not less than \$3.25 an hour for the first 360 hours and at not less than \$3.325 an hour for the remaining 360 hours thereafter.

(8) In the full-fashioned branch, boarding and folding, for 360 hours, at not less than \$2.55 an hour through December 31, 1978; at not less than \$2.80 an hour through December 31, 1979; at not less than \$3 an hour through December 31, 1980; and at not less than \$3.25 an hour thereafter.

(9) In the full-fashioned branch, examining and inspecting, and seaming (sewing—other than leg and foot), for 240 hours at not less than \$2.55 an hour through December 31, 1978; at not less than \$2.80 an hour through December 31, 1979; at not less than \$3 an hour through December 31, 1980; and at not less than \$3.25 an hour thereafter.

(d) a worker who has had full training in any authorized learner occupation may be transferred to any other learner occupation for a period not to exceed one half of the learning period authorized for the occupation at not less than \$2.575 an hour in the seamless branch and at not less than \$2.625 an hour in the full-fashioned branch through December 31, 1978; at not less than \$2.825 an hour in the seamless branch and at not less than \$2.875 an hour in the full-fashioned branch through December 31, 1979; at not less than \$3.025 an hour in the seamless branch and at not less than \$3.075 an hour in the full-fashioned branch through December 31, 1980; and, at not less than \$3.275 an hour in the seamless branch and at not less than \$3.325 an hour in the full-fashioned branch thereafter. A worker who has partial training in any authorized learner occupation may be transferred to any other learner occupation for either: (1) A period not to exceed one-half of the learning period authorized for that occupation, at not less than \$2.575 an hour in the seamless branch and at not less than \$2.625 an hour in the full-fashioned branch through December 31, 1978; at not less than \$2.825 an hour in the seamless branch and at not less than \$2.875 an hour in the full-fashioned branch through December 31, 1979; at not less than \$3.025 an hour in the seamless branch and at not less than \$3.075 an hour in the full-fashioned branch through December 31, 1980; and, at not less than \$3.275 an hour in the seamless branch and at not less than \$3.325 an hour in the full-fashioned branch thereafter; or (2) the balance of the number of hours permitted as a learning period for the occupation to which he or she is being transferred, at the applicable special minimum rates set forth in

paragraph (a) of this section: *Provided, however*, That (i) no worker may be employed as a learner at learner rates in more than two authorized occupations; (ii) no worker who has completed the authorized learning period in the occupation of pairing may be employed as a learner at learner rates in the occupation of folding or inspection; and (iii) no worker who has completed the authorized learning period may be employed as a learner at learner rates when transferring from the seamless branch of the hosiery industry to the full-fashioned branch or from the full-fashioned branch to the seamless branch, if the worker is employed in the same occupation as that in which he or she has been previously employed.

4. § 522.65 of Part 522, Title 29, Code of Federal Regulations is amended to read as follows:

§ 522.65 Special minimum wage rates.

(a) The special minimum wage rates which may be authorized in special certificates issued in the glove industry shall be as follows: (1) In the leather glove, woven or knit fabric glove, and knitted glove branches of the industry, not less than \$2.50 an hour for the first 320 hours and at not less than \$2.60 an hour for the remaining 160 hours through December 31, 1978; at not less than \$2.75 an hour for the first 320 hours and at not less than \$2.85 an hour for the remaining 160 hours through December 31, 1979; at not less than \$2.95 an hour for the first 320 hours and at not less than \$3.05 an hour for the remaining 160 hours through December 31, 1980; and at not less than \$3.20 an hour for the first 320 hours and not less than \$3.30 an hour for the remaining 160 hours thereafter. (2) In the work glove branch of the industry, not less than \$2.50 an hour for the first 320 hours and not less than \$2.55 an hour for the remaining 160 hours through December 31, 1978; at not less than \$2.75 an hour for the first 320 hours and not less than \$2.80 an hour for the remaining 160 hours through December 31, 1979; at not less than \$2.95 an hour for the first 320 hours and not less than \$3.00 an hour for the remaining 160 hours through December 31, 1980; and, at not less than \$3.20 an hour for the first 320 hours and not less than \$3.25 an hour for the remaining 160 hours.

5. § 522.65 of Part 522, Title 29, Code of Federal Regulations is amended to read as follows:

§ 522.85 Special minimum wage rates.

(a) The special minimum wage rates which may be authorized in special certificates issued in the cigar industry

shall be as follows: (1) In the occupations of cigar machine operating and cigar packing, not less than \$2.50 an hour through December 31, 1978; not less than \$2.75 an hour through December 31, 1979; at not less than \$2.95 an hour through December 31, 1980; and not less than \$3.20 an hour thereafter. (2) In the occupations of hand rolling and hand bunch making, not less than \$2.50 an hour for the first 480 hours and \$2.575 an hour for the second 480 hours through December 31, 1978; at not less than \$2.75 an hour for the first 480 hours and \$2.825 for the second 480 hours through December 31, 1979; not less than \$2.95 an hour for the first 320 hours and \$2.825 an hour for the second 320 hours through December 31, 1979; not less than \$2.95 an hour for the first 320 hours and \$3.025 an hour for the second 320 hours thereafter. (4) In the occupations of hand stripping and machine stripping, not less than \$2.50 an hour through December 31, 1978; not less than \$2.75 an hour through December 31, 1979; not less than \$2.95 an hour through December 31, 1980; and not less than \$3.20 an hour thereafter.

(Secs. 11, 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; secs. 501, 602, 80 Stat. 843, 844 (29 U.S.C. 211, 214).)

Signed at Washington, D.C., this 2nd day of February 1978.

XAVIER M. VELA,
Administrator, Wage and Hour
Division, U.S. Department of
Labor.

(FR Doc. 78-3831 Filed 2-10-78; 8:45 am)

[4510-27]

PART 525—EMPLOYMENT OF HANDICAPPED CLIENTS IN SHELTERED WORKSHOPS

Increases in Monetary Tests for Qualifying as a Work Activities Center

AGENCY: Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: The Fair Labor Standards Act permits the employment of handicapped clients, whose physical or

mental impairment is so severe as to make their productive capacity inconsequential, in work activities centers (centers planned and designed exclusively to provide therapeutic activities for such clients) at wages which are less than the minimum applicable under section 6 of the Act under regulations of the Secretary of Labor. Among other things, the regulations set monetary criteria for qualifying as a work activities center. Since these criteria are based on the minimum wage, it is necessary to amend regulations for employment of handicapped clients in sheltered workshops to increase the monetary tests to reflect the changes in the statutory minimum wage resulting from the 1977 Amendments to the Act.

EFFECTIVE DATE: March 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Arthur H. Korn, Director, Division of Special Minimum Wages, Wage and Hour Division, U.S. Department of Labor, 200 Constitution Avenue NW., Room C-4316, Washington, D.C. 20210, 202-523-8727.

SUPPLEMENTARY INFORMATION: Section 14(c) of the Fair Labor Standards Act (29 U.S.C. 214(c)) authorizes the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of handicapped workers at subminimum wages under regulations of the Secretary. Title 29 of the Code of Federal Regulations, Part 525, establishes the terms and conditions of such employment, including criteria for qualifying as a work activities center. The concept of work activities centers was established under the 1966 amendments to the Act. At that time two sets of monetary criteria were established to determine whether the handicapped clients of a workshop or a part of a workshop met the test of "inconsequential" productive capacity.

One test was average annual client productivity (total annual earned income of the work activities center less the cost of material divided by the average number of clients employed during the year) and the other was average annual client earnings (total annual client earnings divided by average number of clients). The latter test was limited to centers which paid piece rates to more than half of the clients in the work activities center. A workshop meeting either test would qualify as a work activities center. The original formula for average annual earnings was developed by assuming a 1,500-hour work year (30 hours a week for 50 weeks) and average earnings of 25 percent of the minimum wage. The original average annual productivity formula (earned income of the workshop) used the average annual earn-

ings and added a markup in order to take into account overhead over the labor rate for work performed by the work activities center.

The monetary tests were subsequently adjusted to reflect each increase in the minimum wage by increasing the test amounts by the same percentage as the increase in the minimum wage. On December 16, 1977 (42 FR 35715), there was published a proposal to make the same adjustment to reflect minimum wage increases under the 1977 Amendments and rounding to the nearest \$25. It is necessary to amend § 525.2(c) to accomplish this change.

A comment period ending December 27, 1977, was allowed due to the time constraints of the 1977 Amendments to the Fair Labor Standards Act. No comments were received during this period.

As necessitated by the Fair Labor Standards Amendments of 1977 and as authorized under section 14 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, Secretary's Order No. 16-75, dated November 25, 1975 (40 FR 55913), and Employment Standards Order No. 76-2, dated February 23, 1976 (41 FR 9016), § 525.2(c) of Title 29 shall be amended to reflect the statutory increases.

This document was prepared under the direction and control of Xavier M. Vela, Administrator, Wage and Hour Division.

Accordingly, § 525.2(c) of Part 525, Title 29, Code of Federal Regulations, is amended as follows:

§ 525.2 Definitions.

(c) "Work activities center" shall mean a workshop, or a physically separated department of a workshop having an identifiable program, separate supervision and records, planned and designed exclusively to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make their productive capacity inconsequential. Therapeutic activities include custodial activities (such as activities where the focus is on teaching the basic skills of living), and any purposeful activity so long as work or production is not the main purpose. No sheltered workshop or separate department thereof shall qualify as a work activities center if the average productivity per handicapped worker is \$1,400 (\$1,550 effective January 1, 1979, \$1,650 effective January 1, 1980, and \$1,775 effective January 1, 1981) or more per year as measured by dividing the total annual earned income of the work program, less the cost of purchased materials used, by the average number of clients in the work program, or, if wage payments are primarily at piece rates, the

average annual labor rate per client is \$1,000 (\$1,100 effective January 1, 1979, \$1,175 effective January 1, 1980, and \$1,275 effective January 1, 1981) or more as measured by dividing the total annual wages of the clients by the average number of clients in the work program. (The average number of clients shall be determined by taking the average of the total number of clients in the work program on the last day of each quarter in the previous fiscal year, provided such average is representative of the average number of clients employed during the entire year.) No individual worker whose productivity substantially exceeds this average shall be employed at less than the statutory minimum wage under a work activities center certificate. (A handicapped worker, whose productivity substantially exceeds the average, may be certificated under Regulations, Part 524 of this chapter, in rare and unusual cases where necessary to avoid extreme hardship, if he is unable to earn the statutory minimum because of his handicap, and if his production and earnings are included in the averages provided in this paragraph.) Where information is not available for a year, a temporary certificate for not more than 6 months may be issued based on the limited information available, if it is represented that the center expects and has good reason to believe that the conditions hereinabove specified will be satisfied when 1 year's data are available. Information to be considered will include the severity of disability of the handicapped workers employed, or other pertinent factors.

(Secs. 11, 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; secs. 501, 602, 80 Stat. 843, 844 (29 U.S.C. 211, 214).)

Signed at Washington, D.C., on this 2d day of February 1978.

XAVIER M. VELA,
Administrator, Wage and Hour
Division, U.S. Department of
Labor.

(FR Doc. 78-3830 Filed 2-9-78; 8:45 am)

[4510-26]

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Supplements to Hawaii Plan

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This document amends regulations to acknowledge completion

of four developmental steps under the Hawaii Occupational Safety and Health Plan, approved December 28, 1973 (39 FR 1010). The completed steps are: Administrative regulations, a management information system, and certain amendments to the Hawaii Occupational Safety and Health Law.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Majorie N. Sauber, Office of State Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8041.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On August 6, 1976, a notice was published in the FEDERAL REGISTER (41 FR 32912) acknowledging the receipt of the supplements containing the procedural regulations, the Management Information Systems, and legislative amendments in Act 95 of the 1976 Hawaii legislative session, and their availability for public comment.

DESCRIPTION OF SUPPLEMENTS

a. *Procedural rules.* These rules provide procedures for various operations of the Hawaii Division of Occupational Safety and Health, as promulgated in September 1972, and revised in January 1974. Six chapters of the rules were included in the supplement as follows:

- (1) Chapter 101—General Provisions and Definitions;
- (2) Chapter 102—Regulations on Inspections, Citations and Proposed Penalties, corresponding to the Federal regulations in 29 CFR Part 1903;
- (3) Chapter 103—Regulations for Recording and Reporting Occupational Injuries and Illnesses, corresponding to the Federal regulations in 29 CFR Part 1904;
- (4) Chapter 104—Rules of Practice for variances, corresponding to the Federal regulations in 29 CFR Part 1905;
- (5) Chapter 105—Regulations concerning Administration Witnesses and Documents in Private Litigation, corresponding to 29 CFR Part 1906; and
- (6) Regulations for Promulgating, Modifying or Revoking Occupational Safety and Health Standards, corresponding to the Federal Regulations in 29 CFR Part 1911.

b. *Hawaii management information system.* The system was fully computerized and in operation by December 31, 1975. It produces information for internal management reports for the Division of Occupational Safety and Health as well as for the quarterly reports required by the Occupational Safety and Health Administration.

c. *Amendments to the Hawaii enabling legislation* (Chapter 396, *Hawaii Revised Statutes*). The legislation, Act 95, was passed by the Hawaii Legislature in its 1976 session and became effective on May 13, 1976. Among other things, the legislation provides for the following:

(1) The definition of the Director of Industrial Relations has been broadened to include his designee and the definition of an "Employer of the State" has been added which includes officers and employees of the Department of Industrial Relations and persons acting on behalf of the Department in an official capacity (section 396-3, H.R.S., as amended);

(2) Procedures and criteria for the issuance of emergency temporary standards are prescribed and criteria for the granting of a variance are also prescribed (section 396-4(a), H.R.S., as amended);

(3) A provision has been added providing that an employee of the State acting within the scope of his employment will be represented by the State Attorney General in any civil action against that employee growing out of the administration or enforcement of the Hawaii Occupational Safety and Health Law (section 396-4(b)(8), H.R.S., as amended);

(4) The enabling legislation is clarified to provide that the Division of Occupational Safety and Health is authorized to issue citations for violations of the law or standards as well as issue orders (section 396-4(d), H.R.S., as amended);

(5) The requirement concerning the posting of citations and notices is clarified by requiring that they be posted at the worksite involved or at a place where notices to employees are normally posted (section 396-10(m), H.R.S., as amended); and

(6) The abatement provisions of the Hawaii legislation have been revised to provide, among other things, that an employer may file a petition for modification of abatement after the twenty day period for contesting the citation has expired and employees of an employer may challenge the reasonableness of an abatement period (section 396-11, H.R.S., as amended).

ISSUES

No public comments or requests for a hearing were received during the period provided for public comment. However, a number of issues on the first three supplements were discerned during review of the supplements by OSHA and the State responded to these issues as follows:

a. *Discrimination protections*. Section 396-8 of the Hawaii Revised Statutes provides that no employer may discriminate against an employee for exercising rights under the Hawaii Law. This was found to be narrower

than the comparable Federal provision which provides that no person shall discriminate against an employee for such exercise of rights (section 11(c) of the Act, 29 U.S.C. 660(c)). By a letter dated December 14, 1976, from E. R. Turner, Administrator, Division of Occupational Safety and Health, to Maria Barcos, Project Officer, Occupational Safety and Health Administration, the State has made a commitment to amend section 396-8 of the Hawaii Revised Statutes to substitute "person" for "employer".

b. *Recordkeeping regulations*. The Hawaii Recordkeeping Regulations, Chapter 103 of the Administrative Rules of Procedure, were found to need some revisions to be consistent with the Federal recordkeeping requirements. Among the revisions required were specification of the forty-eight hour requirement for the reporting of accidents resulting in fatalities or multiple hospitalizations and the requirement that employers may request exceptions to the recordkeeping and reporting requirements only from the United States Bureau of Labor Statistics. By a letter dated September 7, 1976, from Joshua C. Agsalud, Director, Hawaii Department of Labor and Industrial Relations, to Maria Barcos, the State agreed to make the necessary changes in its recordkeeping regulations.

c. *Petitions for modification of abatement dates*. It was discerned that the State did not provide procedures for petitions for modification of abatement dates and provisions concerning the right of employees or their representatives to contest the reasonableness of abatement periods in its procedural regulations. By letters dated December 14, 1976 and March 7, 1977, from E. R. Turner to Maria Barcos and Gabriel Gillotti, Regional Administrator, the State has agreed to amend Chapter 102 of its procedural regulations to provide these provisions concerning abatement petitions.

d. *Special temporary variances*. The variance regulations provide for a special temporary variance for which there is no comparable Federal provision. Section 104.9 provides that a special temporary variance may be granted for a particular job of limited duration, inability to comply with a standard, or any other legitimate reason for not being able to comply with a standard. It was felt that this provision might weaken the stringent requirements for the consideration and granting of temporary variances. According to the State, the section is designed for specific or unusual jobs of short duration and would be granted only if equivalent or superior protection is provided to employees as compared to that required by the standard. The section is also designed to apply to situations where existing

standards might lead employers into procedures that are inferior, and perhaps unsafe, in relation to alternatives available; e.g. highly unusual or dangerous working conditions. By a telegram dated June 15, 1977, and a letter dated July 15, 1977, from Joshua C. Agsalud to Raymond E. Donnelly, Chief State Programs Operations Staff, the State has agreed to amend §104.9 of its variance regulations to provide that such a temporary variance will be granted under specified conditions for equivalent or superior employee protection to that afforded by standards and that the procedure approved will be the safest feasible solution after all relevant factors are considered. Because of the novelty of these revisions, they are approved, subject to close monitoring and evaluation by the Occupational Safety and Health Administration. If it is found that adequate employee protection is not provided, the State will be required to amend its variance regulations to delete this provision.

LOCATION OF THE PLAN AND ITS SUPPLEMENTS FOR INSPECTION AND COPYING

A copy of the supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3608, 200 Constitution Avenue, NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 9470; 450 Golden Gate Avenue, San Francisco, Calif. 94210; and the Department of Labor and Industrial Relations, Room 308, 825 Milliani Street, Honolulu, Hawaii 96813.

PUBLIC PARTICIPATION

Interested persons were afforded thirty days to submit written comments or request a hearing concerning the supplements regarding the Administrative Rules of Procedure, the Management Information System and the amendments to the enabling legislation. No public comments or request for a hearing were received.

DECISION

After careful consideration, the Hawaii plan supplements with assurances described above are hereby approved under Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

In accordance with this decision, Subpart Y of 29 CFR Part 1952 is amended:

(1) By adding new paragraphs (f) and (g).

§ 1952.314 Completed developmental steps.

(f) The Rules of Procedure of the Hawaii Division of Occupational Safety and Health were promulgated in September, 1972, and revised in January, 1974. These rules include: Regulations on inspections, citations, and proposed penalties (chapter 102); regulations for recording and reporting occupational injuries and illnesses (chapter 103); rules or practice for variances (chapter 104); regulations concerning administration witnesses and documents in private litigation (chapter 105); and regulations for promulgating, modifying, or revoking occupational safety and health standards (chapter 106).

(g) In accordance with 29 CFR 1952.313(c), as amended, the Hawaii Management Information System was completed and in operation by December 31, 1975.

2. By amending paragraph (a). The period is changed to a comma and the following is added thereafter: "and amended by Act 95 of the 1976 Hawaii Legislative Session."

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g)(2), 667).)

Signed at Washington, D.C. this 31st day of January 1978.

EULA BINGHAM
Assistant Secretary
of Labor.

[FR Doc. 78-3812 Filed 2-9-78; 8:45 am]

[3410-11]

Title 36—Parks, Forests, and Public Property CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 254—LANDOWNERSHIP

Subpart B—National Forest Townsites

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This document sets forth regulations governing the set-aside and designation of tracts of land from National Forest System lands for townsite development. The purpose of the new regulations is to provide for implementation of the National Forest townsite provisions in the Federal Land Policy and Management Act.

EFFECTIVE DATE: February 10, 1978.

FOR FURTHER INFORMATION CONTACT:

George Liddicoatt, Lands Staff, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, 703-235-8107.

SUPPLEMENTARY INFORMATION: On July 27, 1977, there was published

in the FEDERAL REGISTER (36 CFR 38193) a notice of proposed rulemaking setting forth the proposed implementation of the National Forest Townsite Act in the 11 Western States and Alaska. Interested parties were given the opportunity to submit, not later than September 12, 1977, comments and recommendations regarding the procedure for designating a tract of National Forest System land as a townsite.

No unfavorable comments have been received, and the proposed procedure for designating townsites is hereby adopted with changes as are set forth below.

The Department of Agriculture has determined that the publication of this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that a detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is not required.

Therefore 36 CFR Chapter II is amended by adding the following new Part 254, Subpart B, National Forest Townsites.

Signed at Washington, D.C. on February 3, 1978.

RICHARD L. DUESTERHAUS,
Acting Assistant Secretary.

Subpart B—National Forest Townsites

Sec.
254.20 General.
254.21 Definitions.
254.22 Applications.
254.23 Examination of tract and processing application.
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254.25 Survey and appraisals.
254.26 Deeds.
254.27 Standards.
254.28 Delegation of authority.

AUTHORITY.—Pub. L. 85-569, 72 Stat. 438 as amended by sec. 213, Pub. L. 94-579, 90 Stat. 2743.

Subpart B—National Forest Townsites

§ 254.20 General.

(a) When the Secretary of Agriculture determines that a tract of National Forest System land in Alaska or in the eleven contiguous Western States is located adjacent to or contiguous to an established community, and that transfer of such land would serve indigenous community objectives that outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership, he may, upon application, set aside and designate as a townsite an area of not to exceed six hundred and forty acres of National Forest System land for any one application. After public notice, and satisfactory showing of need therefor by any county, city, or other local governmental subdivision, the Secretary may offer such

area for sale to a governmental subdivision at a price not less than the fair market value.

(b) Conveyances will be limited to essential community needs resulting from internal growth and from the need to improve and modernize community facilities and services. The regulation of this subpart establishes procedures for processing townsite applications and sets standards for the enactment, maintenance, and enforcement of local zoning ordinances. These ordinances will ensure that any land so conveyed will be controlled by the governmental subdivision so that, in the judgment of the Secretary, the use of the area will not interfere with the protection, management, and development of adjacent or contiguous National Forest System lands.

§ 254.21 Definitions.

The following definitions apply to this subpart:

(a) "Eleven contiguous Western States" means the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

(b) "Applicant" means the designated official(s); authorized to do business in the name of a county, city, or local governmental subdivision recognized under State law, who makes application in accordance with § 254.22.

§ 254.22 Applications.

(a) An applicant may request transfer of not more than 640 acres nor less than 5 acres of National Forest System land by letter, ordinance, or resolution. The application shall be filed with the District Ranger or the Forest Supervisor for the National Forest area in which the lands are situated.

(b) The application must be accompanied by:

(1) A precise description of the land desired;

(2) A development plan, consisting of a narrative statement and map description;

(3) Evidence that transfer of such land would serve indigenous community objectives that outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership; and

(4) A proposed zoning ordinance setting forth specific standards in accordance with § 254.27.

§ 254.23 Examination of tract and processing application.

(a) Upon receipt of an application meeting the requirements of § 254.22, the Forest Supervisor will:

(1) Determine whether mineral claims, special land uses, or Forest Service administrative facilities exist on the tract requested.

(2) Follow the Forest Service NEPA guidelines to assess the environmental

impact of the applicant's proposed development plan on the area.

(b) Any area on which there are pre-existing mineral claims or special land uses, or which is required for administrative purposes, will not be included in a townsite designation until the following applicable condition(s) is met:

(1) The claim(s) is either removed or excluded;

(2) Arrangements are made for continuance or discontinuance of special uses; and/or

(3) A satisfactory alternative location is available for the administrative site.

(c) When it has been determined that no valid conflicts exist with mineral claims, special uses or administrative needs, and the requirements of NEPA have been met pursuant to Forest Service guidelines, the application will be forwarded through channels to the Secretary for written approval relative to conformance with the applicable standards of § 254.27. Within 60 days following submission, the applicant will be notified of the Secretary's approval or disapproval of the application and zoning ordinance or amendment thereto. If additional time is required, the applicant will be advised of the expected date of decision.

§ 254.24 Public notice of intention to designate.

(a) When the Secretary has determined that the community needs the requested area and that the community's objectives outweigh the public objectives and values served by continued Federal ownership, the Regional Forester will prepare:

(1) A news release for wide distribution in the State or States affected by the townsite; and

(2) A notice to be inserted weekly for 4 consecutive weeks in a newspaper having circulation in the community to be affected by the townsite.

(b) The notice should include a description of the area, name of the community or governmental body making the application, and copies of the zoning ordinance and development plan proposed for the townsite. A period of 45 days will be allowed in which public comments may be filed.

§ 254.25 Survey and appraisal.

Townsites designated by the Secretary of Agriculture will be surveyed by a qualified surveyor, licensed in the State in which the townsite is located or by the Forest Service, to standards required in the Manual of Surveying Instructions, 1973, United States Department of the Interior, Bureau of Land Management. The survey will be submitted for review and approval to the appropriate Forest Service regional land surveyor. Upon designation as a townsite, the Forest Service or the

applicant will survey, mark, and post the property boundary. The Forest Service will determine the appraised fair market value of the townsite.

§ 254.26 Deeds.

Title to the townsite will be conveyed to the governmental body filing the application by quitclaim deed executed by the Secretary of Agriculture or his designee. Executed deeds will be held by the Forest Supervisor for delivery to the governmental body upon adoption of a valid zoning ordinance and development plan which conforms to the standards contained in § 254.27 and upon notice from the Regional Fiscal Agent that payment has been received in full for the townsite.

§ 254.27 Standards.

(a) *Applicability.* The land use standards set forth in this section apply to each townsite designated by the Secretary in accordance with § 254.20, paragraph (a) and section 213 of the Federal Land Policy and Management Act of 1976.

(b) *Changes in standards.* Changes in and addition to the standards may be made from time to time by the local government subdivision with concurrence by the Forest Service.

(c) *General standards.* The following standards shall apply to each townsite designated by the Secretary:

(1) Use and development of the property will be in conformance with applicable Federal, State, and local laws, regulations and ordinances.

(2) There will be adequate provision for disposal of solid and liquid waste originating on or resulting from use of the property.

(3) All new utilities will be underground, unless waived by the Secretary.

(4) Roads will be designed, located, and constructed to minimize esthetic impact and soil movement.

(5) No structures or other improvements will be constructed within 150 feet of the exterior boundaries of the townsite adjacent to National Forest System lands except as may be necessary to construct, operate and maintain utilities, roads, trails, and similar facilities or improvements. Removal of live trees and other vegetation is limited to that necessary to accommodate installation of the improvements.

§ 254.28 Delegation of authority.

The Chief or Acting Chief, Forest Service, is authorized to prescribe such supplemental procedures and conditions or delegate such functions or authority as may be necessary or desirable to carry out the provisions of this subpart.

[FR Doc. 78-3808 Filed 2-9-78; 8:45 am]

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart T—Health Maintenance Organizations

REIMBURSEMENT OF REINSURANCE COSTS FOR RISK-BASIS HEALTH MAINTENANCE ORGANIZATIONS

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final regulation.

SUMMARY: The regulation provides for the Department to share in the cost of reinsurance for basic health services provided under title XVIII (Medicare) by certain Health Maintenance Organizations (HMOs) when the aggregate cost of providing those services to an HMO member exceeds \$5,000 in any contract period.

The regulation implements section 201(c) of Pub. L. 94-460, the Health Maintenance Organization Amendments of 1976.

For risk-basis HMOs (i.e., those reimbursed on an incentive basis), but not for those reimbursed on a reasonable cost basis, the regulation broadens the Medicare reimbursement policy and makes it more consistent with reinsurance policies under title XIII of the Public Health Service Act (42 U.S.C. 300e(c)(2)(A)). See also 42 CFR 110.108(b)(1).

EFFECTIVE DATE: This amendment shall be effective February 10, 1978.

ADDRESSES: Although the amendment is being published as a final regulation and is effective immediately, consideration will be given to any data, views, or arguments pertaining to the amendment which are submitted in writing to the Administrator, Health Care Financing Administration, Department of Health, Education and Welfare, P.O. Box 2372, Washington, D.C. 20013. Please refer to MAB-28-RC. Agencies and organizations are requested to submit their comments in duplicate. Copies of all comments received in response to this amendment will be available for public inspection, beginning approximately 2 weeks after publication, Monday through Friday of each week from 8:30 a.m. to 5 p.m. in Room 5225 of the Department offices at 330 C Street SW., Washington, D.C. 20201, telephone 202-245-0950.

FOR FURTHER INFORMATION, CONTACT: Mr. Marinos Svolos, Medicare Bureau, 301-594-9314.

SUPPLEMENTARY INFORMATION: Section 201(c) of Pub. L. 94-460

amended section 1876(i)(6)(B) of the Social Security Act (42 U.S.C. 1395mm(i)(6)(B)), to authorize the health insurance program under title XVIII of the Act to include in allowable reinsurance costs for risk-basis HMO's, "the cost of providing any member with basic health services the aggregate value of which exceeds \$5,000 in any year." This amendment, which applies to contracts between the Secretary and a risk-basis HMO for contract periods beginning on or after December 1, 1976, recognizes the cost of reinsurance for catastrophic illness, a type of reinsurance frequently used by HMO's. This amendment does not apply to HMO's reimbursed on a reasonable-cost basis in accordance with section 1876(a)(3)(B) of the Social Security Act.

Prior to the HMO Amendments of 1976, section 1876(i)(6)(B) of the Social Security Act limited payment of reinsurance costs by the Medicare program to out-of-area covered services. Section 201(c) of Pub. L. 94-460 authorizes the Medicare program to also reimburse its share of the cost of reinsurance for covered services provided to an enrollee in a risk-basis HMO, the aggregate value of which exceeds \$5,000 during a contract period.

This amendment is being issued as a final regulation without a notice of proposed rulemaking for several reasons. First, the statute is quite specific as to the type and extent of reinsurance costs that are allowable. The amendment merely conforms the regulations to the amended statute, which applies to contract periods beginning on or after December 1, 1976. In addition, implementation of this amendment to the regulations will mean a less restrictive policy for risk-basis HMO's that purchase reinsurance for catastrophic coverage since the health insurance program under title XVIII of the Social Security Act will reimburse its share of such reinsurance costs. Accordingly, notice and public procedure on the notice would be unnecessary and contrary to the public interest. A delay in the effective date of this amendment is, therefore, also being dispensed with.

(Secs. 1102, 1871, 1876, Social Security Act, 49 Stat. 647, as amended, 79 Stat. 331, and 86 Stat. 1396 (42 U.S.C. 1302, 1395hh, 1395mm).)

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, health insurance for the Aged—Supplementary Medical Insurance.)

NOTE.—The Health Care Financing Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: August 10, 1977.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: February 2, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

42 CFR 405.2050 is amended by deleting the word "and" at the end of paragraph (b)(1)(ii), revising paragraph (b)(1)(iii), and adding paragraph (b)(1)(iv) to read as follows:

§ 405.2050 Determining adjusted incurred cost.

• • • • •

(b) *Reinsurance.* (1) The health insurance program's share of the reasonable cost for reinsurance (i.e., protection against all or part of the financial risk that the HMO is obligated to assume under its subscriber agreement with enrollees who are title XVIII beneficiaries) is allowable to the extent that the HMO incurs reinsurance costs for:

(i) • • • • •

(ii) Covered items and services, other than those described in paragraphs (b)(1)(i) and (b)(1)(ii) of this section, furnished outside the HMO's enrollment area through arrangements (§ 405.2005(a)(2)), and

(iv) Effective with contract periods beginning on or after December 1, 1976, covered items and services with allowable costs as determined under this subpart, the aggregate value of which exceeds \$5,000 provided to an HMO enrollee in any contract period.

• • • • •

[FR Doc. 78-3694 Filed 2-9-78; 8:45 am]

[4110-35]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

PART 449—SERVICES AND PAYMENTS IN MEDICAL ASSISTANCE PROGRAMS

Health Maintenance Organizations and State Medicaid Contracts

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final Rules with Comment Period.

SUMMARY: These amendments to current regulations (1) revise qualification and related grievance requirements that must be met if an organization is to participate as a health maintenance organization (HMO) under the Medicare program and (2) revise requirements for contracts between State agencies and health care contractors (including HMOs) who pro-

vide care to recipients under the Medicaid program.

The Medicare amendments are required by section 201 of Pub. L. 94-460 (the Health Maintenance Organization Amendments of 1976). Section 201 modified the Medicare definition of an HMO to make it more consistent with the HMO definition under Title XIII of the Public Health Service (PHS) Act. The Medicaid amendments incorporate section 202 of Pub. L. 94-460, as amended by section 105(a) of Pub. L. 95-83, which defines HMO for Medicaid purposes and prescribes certain requirements.

The intent of the amended regulations is to create more uniformity in HMO policy and administration.

EFFECTIVE: These regulations are effective February 10, 1978. However, comments received by April 11, 1978, will be considered.

ADDRESSES: Address written comments to: Administrator, Health Care Financing Administration, U.S. Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013. When commenting, please refer to MAB-25 (Medicare) or MMB-224-RC (Medicaid). Agencies and organizations are requested to submit comments in duplicate. Comments will be available for public inspection, beginning 2 weeks after publication, in Room 5225 of the Department's offices at 330 C Street SW., Washington, D.C. 20201, on Monday through Friday of each week from 8:30 a.m. to 5 p.m.; telephone: 202-245-0950.

FOR FURTHER INFORMATION, CONTACT:

For Medicare regulations: Marinos Svolos, 301-594-9315. For Medicaid regulations: Emily J. Nichols, 202-245-0701.

SUPPLEMENTARY INFORMATION:

BACKGROUND

To the extent permitted by the law, these Medicare and Medicaid regulations impose consistent requirements for HMOs. The basic differences between the Medicare (title XVIII of the Social Security Act) and Medicaid (title XIX of the Act) statutory provisions are:

1. *Payment of HMOs on Cost Basis.* Pub. L. 94-460 rules out cost basis HMOs under title XIX. Entities which operate on a cost basis are, therefore, referred to as "prepaid health plans." Title XVIII however, specifically provides for payment of HMOs on a cost basis (as well as on a risk basis).

2. *Membership.* Title XVIII provides that at least half of the enrolled membership of the HMO must be individuals under age 65. On the other hand, title XIX provides that less than 50 percent of the membership must be Medicare beneficiaries or Medicaid re-

ciipients. Both statutes provide a 3-year period in which to achieve these membership standards, and both provide that the waiver (in title XVIII) and the grace period (in title XIX) are contingent upon the HMO's demonstration, to the satisfaction of the Secretary, that it is making effort and progress toward achieving these standards.

3. *Open enrollment.* Pub. L. 94-460, by cross-reference to section 1301(c) of the Public Health Service (PHS) Act, requires HMOs under title XIX to have the same open-enrollment requirement as HMOs qualifying under title XIII of the PHS Act. Section 1301(c) of the PHS Act limits application of the open-enrollment provision to HMOs that (a) have not incurred a financial deficit in the previous fiscal year and (b) either have been in existence for at least 5 years or have a minimum of 50,000 members. The law also permits a suspension of the normal 30-day open enrollment period as soon as the HMO has successfully enrolled a certain minimum of new members. This requirement may also be waived by the Secretary if it would jeopardize the HMO's financial stability.

The substance of the Medicare open-enrollment provision was not changed by Pub. L. 94-460. The Medicare requirement provides that an organization, regardless of experience or size of membership, that wishes to participate as an HMO under Medicare must have an open enrollment period at least once a year. During this period, it must accept eligible Medicare beneficiaries, up to the limits of its capacity, in the order in which they apply for membership. The Secretary, however, may waive this requirement if it would result in the HMO having a membership in which over 50 percent are Medicare beneficiaries or Medicaid recipients or in certain other situations described in the regulations.

Pub. L. 94-460 provides that a title XVIII HMO shall have an enrolled membership at least half of which consists of individuals who have not attained age 65 and provides that the open enrollment of Medicare beneficiaries does not apply where additional enrollment would result in a failure to meet this 50-percent requirement. The existing regulatory provision which permits a waiver of open enrollment when the added enrollment would result in over 50-percent Medicare/Medicaid enrollees in the entity is not changed in the regulations. This provision is retained for purposes of achieving maximum conformity with the policies of the Public Health Services Act regulations and the Medicaid regulations which have 50-percent Medicare/Medicaid requirement. The provision is supportable by the language in section 1876(k), as added by Pub. L.

94-460, which authorizes restrictions in open enrollment "as may be authorized in regulations."

It is important to emphasize, however, that a qualified organization that wishes to participate under the Medicare program only, and not under title XIII of the PHS Act, does not have to meet an open enrollment requirement for its non-Medicare members.

CHANGES UNDER THE MEDICARE PROGRAM

The existing qualifying conditions for HMO and related grievance procedure requirements under the Medicare program were published in the FEDERAL REGISTER on July 2, 1975 (40 FR 28016) and March 4, 1976 (41 FR 9307), respectively. Section 1876 of the Social Security Act (42 U.S.C. 1395mm), the statutory basis for these regulations, was amended by Pub. L. 94-460 on October 8, 1976.

Pub. L. 94-460 made the PHS Act provisions dealing with the organization and operation of HMOs applicable to HMOs under Medicare, with certain exceptions. The PHS provisions require that:

- (1) Health services be available and accessible to each HMO member 24 hour a day, 7 days a week;
- (2) The HMO have a fiscally sound operation, including an approach which safeguards against the risk of insolvency; and
- (3) A minimum of one-third of the HMO's governing body be enrolled members who have no ownership or financial interest in the HMO.

The title XVIII statutory requirements concerning HMOs retained by Pub. L. 94-460 either as exceptions to the requirements of the PHS Act or as additional requirements are:

- (1) The HMO must provide its enrollees with the services and benefits included under Parts A and B of title XVIII, rather than the basic health services required under title XIII of the PHS Act;
- (2) Services and benefits must be provided through institutions, entities, and persons that meet applicable requirements of section 1861 of the Social Security Act;
- (3) At least half of the HMO's membership must be individuals under age 65;
- (4) The HMO must enroll Medicare beneficiaries on a first come, first-served basis, up to the limits of its capacity and without restrictions (except as authorized in the regulations); and
- (5) The HMO must meet certain minimum enrollment size and operating experience standards to qualify as a risk-basis.

Pub. L. 94-460 also provides for the Secretary to delegate to the Assistant Secretary for Health the responsibility for determining whether an organization qualifies as an HMO under Medi-

care. An organization that has been determined qualified must enter into a contract with the Secretary in order to participate and receive payment as an HMO under title XVIII. (Proposed regulations on the contract provisions were published in the FEDERAL REGISTER on December 22, 1976.) These rules will soon be published as final regulations.

The major effect of Pub. L. 94-460 upon title XVIII was to make the Medicare program's definition of an HMO more consistent with the HMO definition under title XIII of the PHS Act. While the Medicare definition of an HMO was more closely aligned with the PHS definition, the Medicare law does not require an organization to be eligible to participate under the PHS Act in order to be eligible to participate under Medicare. Therefore, a qualified organization that wishes to participate as an HMO under only the Medicare program and not under the other Federal HMO programs is permitted to do so under these regulations. The new Medicare definition is effective for all title XVIII contracts entered into on or after December 1, 1976.

AMENDMENTS TO REGULATIONS

Below is a summary of the amendments made to Medicare regulations under 42 CFR Part 405:

OVERALL CHANGES

The major changes made in the Medicare regulations deal with organizational and structural qualification requirements rather than requirements on types of title XVIII HMOs, membership, and minimum range of services, etc. These changes apply to the HMO itself as well as to certain types of entities with which a qualified HMO may make arrangements to furnish services to its enrollees. For the most part, these amendments revoke or substantially modify a number existing title XVIII qualification and grievance procedure requirements and incorporate, by cross-reference, the applicable PHS regulations. Other editorial changes have been made to reorganize or clarify existing requirements that are not significantly affected by Pub. L. 94-460.

ADDED QUALIFICATION REQUIREMENTS FOR MEDICARE HMOs

In linking the requirements HMOs must meet under title XVIII of the Social Security Act with the requirements for HMOs under title XIII of the PHS Act, Pub. L. 94-460 added a number of requirements to Medicare's HMO qualifying conditions that now apply to HMOs under title XIII. Interim regulations reflecting the amendments to the PHS Act made by Pub. L. 94-460 were published in the FEDERAL

REGISTER on June 8, 1977 (42 FR 29400). The revised Medicare regulations incorporate by cross-reference to these PHS interim regulations, the definitions of "medical group" and "Individual Practice Association (IPA)". The substantive element of the "medical group" definition includes: (a) Pooling of income from the physician member's group practice, and distribution of the income in some manner which is unrelated to the provision of specific services; (b) shared use of records and equipment; (c) continuing education of its members; and (d) the requirements that each physician member devote at least 50 percent of his or her time to group patients and that the group as a whole devote at least 35 percent of its time to the HMO enrollees. The PHS interim regulations also place definite limits on the extent to which care may be furnished by the HMO through entities other than medical groups and IPAs.

The Medicare regulations are amended to require that: (a) A minimum of one-third of the HMO's governing body be composed of enrolled members of the HMO who have no ownership or financial interest in the HMO; (b) no more than 75 percent of the organization's members be drawn from any medically underserved area unless such area is also a rural area as defined in the regulations; and (c) the HMO furnish health education services and medical social services to its members. (The furnishing of these services is solely a qualification requirement mandated by Pub. L. 94-460; the amendments to title XVIII did not change Medicare's coverage to include these items where they are not now covered.)

The Department intends to issue shortly a Notice of Proposed Rulemaking revising the interim PHS regulation requirements which have been incorporated into these regulations by cross-references. Therefore, as changes are made in the PHS regulations, corresponding changes will be reflected in the Medicare regulations.

REVOCATION OR MODIFICATION OF QUALIFICATION AND RELATED REQUIREMENTS

The revised Medicare regulations also revoke or otherwise modify certain existing qualifying conditions and related grievance procedure requirements to conform them to requirements of the PHS Act and related regulations:

1. Section 405.2003 is revoked in its entirety and replaced by a new § 405.2003 that addresses the HMO requirements under the PHS Act which were incorporated into Medicare's HMO definition.

2. Section 405.2006 on effective arrangements, § 405.2009 on access to services, § 405.2010 on grievance proce-

dures, § 405.2011 on ongoing program review of services provided, and § 405.2012 on financial responsibility are revoked in deference to the PHS Act requirements on these matters.

3. Portions of § 405.2007 on physician staffing and supervision and § 405.2008 on assurance of quality of care have been consolidated into a new § 405.2007 on provision of services to reflect Pub. L. 94-460 and to better organize requirements that relate to one another.

4. As a result of the revocation of § 405.2010 on grievance procedures, § 405.2057 has been revoked, and other minor conforming changes have been made elsewhere in the regulations.

UNCHANGED REQUIREMENTS

As noted above, a number of requirements under title XVIII were retained by Pub. L. 94-460 as exceptions to PHS requirements or as additional requirements. Therefore, related requirements in existing regulations have not been changed. All of these provisions are authorized by section 1876 of the Social Security Act.

GOOD CAUSE TO DISPENSE WITH NOTICE AND COMMENT

There is a need to issue these amended Medicare regulations so that organizations can qualify as HMO's under the amended title XVIII. Also, under the amended regulations, organizations that are interested in qualifying as HMO's under title XVIII of the Social Security Act and title XIII of the PHS Act will benefit substantially from the uniform qualification requirements. Therefore, the Department has determined that public participation in rulemaking prior to issuance of these regulations, and a delay in their effective date, would be contrary to the public interest, and, accordingly, that good cause exists for making these regulations effective immediately.

CHANGES UNDER MEDICAID PROGRAM

BACKGROUND

The existing regulations for contracts under the Medicaid program (42 CFR 499.82, previously 45 CFR 249.82) were published in the FEDERAL REGISTER (40 FR 20517) on May 9, 1975. They set forth requirements for State agencies contracting with fiscal agents, health care project grant centers, and providers reimbursed on a prepaid capitation basis (including HMO's) for the provision of or payment for medical services under title XIX of the Social Security Act. The amendments to section 1903 of the Social Security Act made by Pub. L. 94-460 require a change in Medicaid regulations. The statute now contains a definition of an HMO in section 1903(m)(1)(A) that differs from the

definition in the existing regulations, and places certain limits on title XIX funding of organizations operating on a "risk" basis.

The revised Medicaid regulations incorporate the definition of an HMO as prescribed by Pub. L. 94-460 for Medicaid, and list the "basic health services" which must be provided to eligible title XIX enrolled recipients. Also since Pub. L. 94-460 prohibits Federal financial participation (FFP) in State payments to certain entities which provide specified services on a risk basis unless an entity has been determined to be an HMO, the regulations clarify the differences between risk contracts and contracts with prepaid health plans and set forth the requirements for each.

STATUTORY AND REGULATORY AMENDMENTS

Pub. L. 94-460 defines the term "Health Maintenance Organization," for Medicaid purposes, as applying only to entities which have been determined to meet the definition in section 1903(m)(1)(A) of the Social Security Act. They may operate only on a risk basis. These regulations incorporate the specific requirements of the law that Federal title XIX matching funds are not available for State payments to certain entities which operate on a prepaid capitation risk basis, or any other risk basis, unless the entity has been determined to be an HMO by the Secretary, or has been provisionally determined to be an HMO by a State. This exclusion from FFP, however, does not apply to entities which meet the criteria contained in sections 1903(m)(2)(B) (i), (ii), or (iii) of the Social Security Act. These sections provide for "grandfathering" certain organizations funded under Public Health Service grant programs or the Appalachian Regional Development Act, and certain organizations in operation before 1970. These organizations, since they are exempted from the requirement for HMO determination, will only be termed HMO's if they have requested and been determined to meet the definition. Otherwise, they are included in the group of organizations which are not HMO's and which are referred to as "Prepaid Health Plans."

An additional condition under Pub. L. 94-460 for the use of title XIX funds in payments to HMO's is that less than 50 percent of the enrolled members of the qualified HMO must be individuals receiving benefits under title XVIII of the Social Security Act, or individuals receiving assistance under title XIX. This requirement does not apply, however, for a period of 3 years from the date an HMO enters into a contract with a State agency or October 8, 1979 (whichever is later), if the HMO demonstrates to

the satisfaction of the Secretary that it is making continuous efforts and progress toward achieving compliance with this requirement. The HMO must submit a plan detailing its effort and progress during each of the 3 years.

With respect to prepaid health plans, the 50 percent membership requirement in the existing regulations is being carried forward in a modified version. The time-frame for achieving the 50 percent membership standard has been extended to 3 years so that it is consistent with the requirements of Pub. L. 94-460. The waiver of the requirement for good cause is not limited to 3 years. The Department believes the "good cause" waiver is in accord with the intent of Congress that quality medical care be available to all persons.

In addition to incorporating the provisions of Pub. L. 94-460, the regulation also retains the existing contract requirements applicable to all types of contracts, since the Department considers these essential to effective arrangements for services to recipients.

In summary, the changes in the Medicaid regulations published today result in: A revised § 449.82 applying to contracts with fiscal agents, health care project grant centers, and providers (including HMO's) reimbursed on a prepaid capitation or other basis; and incorporation of the prohibition of FFP for entities covered by § 1903(m)(2)(A) of the Social Security Act not determined to be HMO's.

The revision incorporates the definitions and requirements which became effective by virtue of the statute. These revised Medicaid regulations, are therefore, effective upon publication in the FEDERAL REGISTER.

GOOD CAUSE TO DISPENSE WITH NOTICE AND COMMENT

No substantive changes in existing regulatory requirements other than those enacted by Pub. L. 94-460 and the modification of the 50/50 membership requirements for prepaid health plans reimbursed on a non-risk basis, as discussed above, have been implemented by the Medicaid regulations. The basic result of these regulations is to conform the existing regulations to the statute. Accordingly, the Secretary finds that it is in the public interest and there is good cause to dispense with proposed rulemaking prior to issuance of the regulation.

Although only changes related to the statutory amendments are being made at this time, the Department also has underway a review of the overall regulations for all types of Medicaid contracts and expects to publish shortly a Notice of Proposed Rulemaking containing substantive changes. These will relate to such items as competitive bidding, duration of contracts, extent of subcontracting,

prior HEW approval, etc. The Notice will solicit comments on these and other provisions from all interested persons.

PUBLIC COMMENT

Although Notice of Proposed Rulemaking has been dispensed with for both the Medicare and Medicaid regulations for the stated reasons, consideration will be given (for future changes) to any comments, suggestions, or objections which are submitted to the Administrator, Health Care Financing Administration by April 11, 1978.

Part 405 of Chapter IV of Title 42 of the Code of Federal Regulations is amended as set forth below:

1. Section 405.2001 is amended by revising paragraph (a) and the material in (b) preceding (b)(1) to read as follows and by revoking paragraph (b)(5):

§ 405.2001 Health maintenance organizations; general.

(a) *Introduction.* The regulations in this Subpart T set forth the requirements which an organization must meet in order to be eligible to enter into a contract with the Secretary as a health maintenance organization (HMO) under the health insurance program for the aged and disabled (title XVIII of the Social Security Act) and to be reimbursed through capitation payments for covered items or services the organization furnishes title XVIII beneficiaries who have enrolled with it.

(1) *HMO Amendments of 1976.* The requirements described in this subpart reflect the provisions of section 201 of Pub. L. 94-460 (the HMO Amendments of 1976) which amended section 1876 of the Social Security Act, to align the title XVIII definition of an HMO more closely with the definition of an HMO under title XIII of the Public Health Service (PHS) Act. The 1976 amendments, however, preserved a number of statutory requirements which apply to any organization which wishes to participate as an HMO under title XVIII. These regulations include the PHS requirements that apply to an HMO under title XVIII. They are specified in § 405.2003. The requirements which are unique to title XVIII are described in § 405.2001(b), § 405.2004, § 405.2005, and § 405.2007, and include those dealing with types of HMO's, HMO membership (including an open-enrollment provision which is different from that applied under the PHS Act), range of services, method of reimbursement, and other requirements as specified.

(2) *General definition of a title XVIII HMO.* For title XVIII purposes, an HMO is defined as a legal entity which, except as provided by section 1876(b)(1) of the Social Security Act, provides health services on a prepay-

ment basis to its enrolled members in a manner prescribed by section 1301(b) of the PHS Act (42 U.S.C. 300e), and is organized and operated in a manner prescribed by section 1301(c) of the PHS Act, and meets all other applicable requirements of section 1876 and this subpart.

(3) *Contract with the Secretary.* In order to participate and receive payment as an HMO under title XVIII, an organization must enter into a contract with the Secretary as an HMO. The requirements pertaining to the Secretary's contract with an HMO are described in § 405.2028 through § 405.2035.

(b) *Types of title XVIII health maintenance organizations.* HMO's may be distinguished according to their level of development or method of Medicare (title XVIII) reimbursement.

• • • • •
(5) [Reserved]

2. Section 405.2002 is revised to read as follows:

§ 405.2002 Qualifying conditions: General.

An HMO which wishes to contract with the Secretary pursuant to section 1876 of the Act must be able to demonstrate its ability to provide to its enrollees who are title XVIII beneficiaries, a specified range of comprehensive services efficiently, effectively, and economically. An assessment of an organization's ability to meet the definitional requirements of an HMO under title XVIII of the Act as defined in section 1876 is necessarily based on the organization's ability to enroll members and deliver high quality health services. The qualifying conditions specified in §§ 405.2003 through 405.2005 and § 405.2007 are designed to assure the Secretary or his delegate of the HMO's ability to fulfill these requirements as provided by section 1876 of the Act. Generally, each qualifying condition is interpreted by a series of standards. Reference to these standards is made by the Secretary when surveying an HMO to document its activities, to establish the nature and extent of its deficiencies, if any, and if the Secretary enters into a contract with the HMO, to assess the HMO's need for improvement in relation to the prescribed qualifying conditions. The application of the standard indicates the extent and degree to which an applicant organization is complying with each condition. To qualify as an HMO under title XVIII of the Act, a mature HMO must be in compliance with all of the qualifying conditions and applicable standards set forth in §§ 405.2003 through 405.2005 and § 405.2007. A developing HMO in order to qualify as an HMO under title XVIII of the Act must be in compliance with all of the qualifying condi-

tions and standards set forth in §§ 405.2003 through 405.2005 and § 405.2007 except for the standards specified in §§ 405.2004(a) and 405.2005(a), and must demonstrate that it is making reasonable efforts, as described in § 405.2001(b)(2), to meet fully the standards in §§ 405.2004(a) and 405.2005(a).

3. Section 405.2003 is revised to read as follows:

§ 405.2003 Qualifying conditions: Public Health Service Act requirements.

An HMO must demonstrate that, except as provided by section 1876(b)(1) of the Social Security Act, it meets the applicable requirements of section 1301(b) and section 1301(c) of the PHS Act and applicable regulations (see 42 CFR Part 110 on Health Maintenance Organizations). In complying with this condition, an HMO must meet the PHS regulatory requirements in 42 CFR 110.101 (i) or (j); 110.104(a) (1), (2), and (3); 110.105(a) (1) and (2); 110.106(a); 110.107; 110.108 (a) and (c); and 110.108 (f) through (r).

4: the designation "V" is deleted in § 405.2004(c)(2) and § 405.2004(e)(3) is revoked and reserved.

§ 405.2004 Qualifying condition: Membership.

• • • • •
(3) [Reserved]

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5. Paragraphs (a) (1) and (2) of § 405.2005 are revised to read as follows:

§ 405.2005 Qualifying condition: Range of services.

(a) • • •
(1) (i) The mature HMO must provide to its enrollees who are title XVIII beneficiaries, directly or through arrangements with others (see 42 CFR 110.104), basic health services which, for purposes of this subpart, means all of the items and services covered under the health insurance program (see Subparts A and B of this part) which are available to individuals who are not enrolled in the HMO (non-enrollees) residing in the HMO's service area. (See 42 CFR 110.101(d).) In its service area, the organization must offer its full range of covered title XVIII items or services to its enrollees who are title XVIII beneficiaries. The HMO's service area is different from an HMO's enrollment area (i.e., the geographic area encompassing the permanent residences of its enrollees) which may include locations outside the organization's service area where it offers less than its full

range of covered title XVIII items or services.

(ii) The Secretary shall determine whether a service is available to individuals residing in an HMO's service area on the basis of all relevant facts, including:

(a) Whether part or all of the HMO's service area has been designated as a medically underserved area; or
(b) Whether the Secretary has otherwise determined that there is in the service area a scarcity of covered items and services or qualified personnel to provide them.

(iii) A "medically underserved area" for purposes of this subpart is an urban or nonurban geographic area designated by the Secretary as an area with a shortage of one or more basic types of health services, e.g., physicians' services and inpatient hospital services. (Designations with respect to such urban or nonurban areas are made by the Secretary as described in 42 CFR 110.203(g).)

(2) Even though a particular item or service covered under the health insurance program is not available from physicians, suppliers, or providers of services which are located in the HMO's service area, the organization must be responsible for arranging and paying for those covered items or services if patients in its service area (other than enrollees of the organization) are commonly referred for those services, when needed, to sources outside the area.

• • • • •
§ 405.2006 [Reserved]

6. Section 405.2006 is revoked and reserved.

7. Section 405.2007 is revised to read as follows:

§ 405.2007 Qualifying condition: Provision of services.

An HMO must provide the services and benefits required in § 405.2005 to its enrollees who are insured for benefits under the hospital insurance and supplementary medical insurance programs of title XVIII, or for benefits under the supplementary medical insurance program alone, through institutions, entities, and persons meeting the applicable requirements of section 1861 of the Social Security Act, as amended (42 U.S.C. 1395x).

(a) *Standard: Conformance with title XVIII conditions of participation and conditions for coverage.* If title XVIII covered items or services are provided by a hospital, skilled nursing facility, home health agency, or a provider of outpatient physical therapy or speech pathology services, such provider of services must meet the applicable conditions of participation as described in Subparts J, K, L, and Q of this part. Similarly, if services are pro-

vided by independent laboratories or portable X-ray suppliers, or suppliers of end-stage renal disease or kidney transplantation services, those laboratories or suppliers must meet the applicable conditions for coverage, as set forth in Subparts M, N, and U of this part.

(b) *Standard: Physician supervision.* The HMO's health delivery system must provide for supervision by a physician as prescribed in section 1861 of the Social Security Act (42 U.S.C. 1395x) of other health care professionals who are directly involved in the provision of health care.

(1) In the case of services furnished by the HMO's clinics (or its arranged-for physician offices), the HMO must demonstrate to the satisfaction of the Secretary or his delegate that:

(i) services by other health care professionals are under the direct supervision of a physician, and

(ii) a physician (or physicians) is present to perform medical (rather than administrative) services at all times that the HMO's clinics (or its arranged-for physician offices) are open, and

(iii) each patient is under the care of an HMO physician (or HMO arranged-for physician).

(2) For purposes of this subpart, the term "other health care professionals" refers to those paramedical, ancillary, and other nonphysician personnel who are engaged in the delivery of health services.

§§ 405.2008, 405.2009, 405.2010, 405.2011 and 405.2012 [Reserved]

8. Sections 405.2008 through 405.2012 are revoked and reserved.

§ 405.2025 [Amended]

9. Section 405.2025(a)(1) is amended by deleting the reference to "§ 405.2057" after "pursuant to" and adding in place of that reference the phrase "section 1301(c)(7) of the Public Health Service Act".

10. Paragraphs (b), (c), and (d) of § 405.2056 are revised to read as follows:

§ 405.2056 Beneficiary appeals.

• • • • •

(b) *General.* (1) Sections 405.2056-405.2063 establish procedures for the presentation and resolution of initial determinations, reconsiderations, hearings, Appeals Council reviews, court reviews, and finality of decisions which are applicable only in matters arising under section 1876 of the Social Security Act, as amended. The grievance procedures established under section 1301(c) of the Public Health Service Act (42 FR 29400) apply to all complaints that do not involve initial determinations.

(2) The appeals procedure pertains to disputes involving:

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(i) Initial determinations (see § 405.2058) with which the enrollee is dissatisfied (i.e., the enrollee has received items or services for which he is held liable by the HMO); or

(ii) Requests for services which may be paid for under title XVIII of the Act and which the HMO has refused to provide or arrange for and which have not been provided elsewhere.

(3) Any determinations regarding items or services which were furnished by the HMO, either directly or through arrangement, for which the enrollee is not liable are, therefore, not subject to appeal. Services excluded from coverage under title XVIII of the Act and recognized as such in the contract between the HMO and the enrollee by their inclusion in a supplemental plan (see § 405.2022(a)) or otherwise, are subject only to a grievance procedure. (See section 1301(c) of the Public Health Service Act.) Physicians and other individuals who are furnishing items or services under arrangements with an HMO have no right of appeal under this subpart. The provisions of Subpart J of 20 CFR Part 404 dealing with representation of parties under title II of the Act are, unless otherwise provided in this subpart, also applicable to matters arising under section 1876 of the Act.

(c) *Responsibility for establishing appeal procedures.* (1) The provisions of this subpart apply equally to all beneficiaries under title XVIII of the Act who are enrollees in an HMO, regardless of the method of claims processing adopted by the particular HMO. The HMO is responsible for establishing and maintaining the appeals procedures which are specified within this subpart.

(2) If, however, a carrier or intermediary processes the claims for the HMO's enrollees, that carrier or intermediary:

(i) Is acting in the place of the HMO (except with regard to initial determinations as specified in § 405.2058(a)(4)); and

(ii) Conducts the appeals procedures specified in this subpart, except that § 405.2059(h)(1)(ii) shall not apply to that carrier or intermediary.

(d) *Written description of appeals procedure.* It is the responsibility of each HMO to ensure that all enrollees who are beneficiaries under title XVIII of the Act are informed in writing of the appeals procedures which are available to them.

§ 405.2057 [Reserved]

11. Section 405.2057 is revoked and reserved.

42 CFR 449.82 is revised to read as set forth below:

§ 449.82 Contracts with fiscal agents, health care project grant centers, health maintenance organizations, and providers reimbursed on a prepaid capitation basis (prepaid health plans).

(a) *Purpose.* This section sets forth the requirements for certain State contracts for the provision of or payment for medical and remedial services under title XIX of the Social Security Act.

(b) *Definitions.* (1) "Contractor" means a health insuring organization, a health maintenance organization or other medical provider reimbursed on a prepaid capitation basis, for medical services to enrolled recipients, a private nonmedical institution, a health care project grant center, or a fiscal agent which contracts with the single State agency, under the terms of this section, to pay for or provide medical services under a State medical assistance plan, in consideration of a payment.

(2) "Health insuring organization" means an organization legally operating within the State which pays for the cost of medical services available under the State plan to eligible recipients in exchange for a premium or subscription charge paid by the State agency, and which assumes an underwriting risk. A "Health insuring organization" includes a health maintenance organization or other medical provider which is reimbursed on a prepaid capitation basis if an underwriting risk is assumed by the contractor under the contract.

(3) "Fiscal agent" means a contractor which processes or pays vendor claims on behalf of the single State agency.

(4) "Private nonmedical institution" means a facility such as a child-care institution or a maternity home, whose regular business is not that of a prepaid health insuring organization, or community health care center, but which provides medical care through contracts or other arrangements with medical providers, and which receives payments on a prepaid capitation basis through contract with the single State agency. No assumption of underwriting risk is borne by the institution.

(5) "Health care project grant center" means an organization supported in whole or in part by Federal project grant financial assistance which provides or arranges for medical services to an enrolled population and receives payment for services to eligible recipients through contract with the single State agency.

(6) "Prepaid health plan" means a health care provider which is not a health maintenance organization, and which provides medical services to enrolled recipients under contract with the State medical assistance agency on a prepaid capitation basis. This includes the entities which meet the cri-

teria contained in section 1903-(m)(2)(B) (i), (ii) or (iii) of the Social Security Act.

(7) "Health maintenance organization" (HMO) means a legal entity determined by the Assistant Secretary of Health (Public Health Service) to meet the definition contained in section 1903(m)(1)(A) of the Social Security Act. (The definition contained in that section provides that an entity is an HMO if it satisfies the following three conditions: (i) The entity provides to its Medicaid eligible enrollees the following services: inpatient hospital and outpatient hospital services, laboratory and X-ray services, family planning services and supplies, physicians' services, and to the extent provided for under a State's Medicaid plan, home health care services. These listed services shall be the "basic health services" for purposes of making determinations under sections 1301(b) and 1301(c) of the Public Health Service Act. (ii) The entity provides those services and benefits in a manner prescribed in section 1301(b) of the Public Health Service Act. (iii) The entity is organized and operated in the manner prescribed by section 1301(c) of the Public Health Service Act.)

(8) "Provisional HMO" means a legal entity for which a State has made a provisional determination that such entity is an HMO as defined in section 1903(m)(1)(A) of the Social Security Act. Such determination may be made only after 90 days have expired from the time the HMO applied to the Public Health Service, and when no determination of whether the entity meets the definition in section 1903(m)(1)(A) of the Social Security Act has been made.

(9) "Premium or subscription charge" means the per capita amount paid by the single State agency to a contractor for each eligible recipient enrolled under a contract for the provision of medical and remedial care and services under the State plan, whether or not they receive such medical or remedial care and services during the contract period.

(10) "Enrolled recipient" means an eligible recipient who has entered into an agreement to receive services from a medical provider reimbursed under the terms of a prepaid capitation contract with the State title XIX agency under the provisions of paragraphs (c) (5) and (6) of this section.

(11) "Risk" or "underwriting risk" means a significant risk of loss assumed by the contractor which receives the premium or subscription charge under a contract with the single State agency for providing medical services to enrolled recipients. Such risk arises because the contractor's cost of providing services may exceed the premiums, subscription

charges or capitation fees it has received under the contract with the State agency during the contract period.

(c) *State plan requirements for contracts under this section.*—(1) *All contractors.* A State plan under title XIX of the Social Security Act which provides part or all of its medical assistance, or provides for processing or paying vendor claims for medical assistance, through arrangements with contractors must provide that the contract shall be in writing and will:

(i) Specify the contract period;

(ii) Specify the functions of the contractor;

(iii) Identify the population to be covered by the contract and specify any necessary procedures for their enrollment or reenrollment;

(iv) Specify the amount, duration and scope of medical assistance to be provided or paid for;

(v) Provide that the single State agency and the Department shall have the right to inspect or otherwise evaluate the quality, appropriateness, and timeliness of services performed under such contract, and to audit and inspect any books and records of such contractor which pertain to services performed and determination of amounts payable under such contract;

(vi) Establish provisions and criteria for extension, renegotiation and termination of the contract. Termination procedures must include provisions requiring the contractor to supply promptly all information necessary for the reimbursement of any outstanding claims of enrolled participants;

(vii) Provide that the contractor shall establish and maintain an appropriate record system for services rendered title XIX enrollees and that these records shall be preserved for the period of time specified by the Secretary.

(viii) Provide that the contractor shall conform to the requirements of 45 CFR 205.50 regarding confidentiality of information about eligible recipients;

(ix) Specify how the requirements of § 450.31 of this chapter with respect to third party liability will be carried out by the contractor and by the State agency; and

(x) Specify which functions undertaken by the contractor may be carried out under subcontracts and that all such subcontracts shall be in writing and fulfill the provisions of this section which are appropriate to the service or activity delegated under the subcontract. No subcontract can terminate the legal responsibility of the contractor to the State agency to assure that all the activities under the contract will be carried out.

(2) *Health insuring organizations.* In addition to the requirements specified in paragraph (c)(1) of this section,

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a State plan which provides for contracts with health insuring organizations (including contracts with health maintenance organizations and other medical providers reimbursed on a prepaid capitation basis which have assumed an underwriting risk under the contract) must also provide that such contracts will:

(i) Provide that the premium or subscription charge must be reasonable, and may not exceed the amount set forth in § 450.30 of this chapter;

(ii) Provide that the premiums or subscription charges paid on behalf of each enrolled recipient shall not be subject to renegotiation during the contract period if the contract is for one year or less, or more often than annually if the contract period is for more than one year, except when changes in Federal or State law or regulations so require. The premium or subscription charge may be renegotiated more often with respect to eligible persons who are not enrolled recipients at the time of the renegotiation.

This restriction applies to contracts entered into by the State agency after the effective date of these regulations; (iii) Provide that the premiums or subscription charges shall not include payment for recoupment of any losses incurred by the contractor for which he has assumed the risk under the same or any prior contract between the parties;

(iv) Provide, for the assumption by the contractor of the underwriting risk. Where the contractor has assumed the full underwriting risk, the contract must provide that the premium or subscription charge paid to the contractor in the contract period constitutes the full discharge of all responsibility of the State agency for the costs of medical care and services covered under the contract and provided to enrolled recipients during such period. In other situations, a risk contract must specify the apportionment of the underwriting risk;

(v) Specify how any "savings" (excess of premiums over allowable costs) will be apportioned between the contractor and the State agency;

(vi) Specify whether the contractor may obtain reinsurance. In the case of health maintenance organizations or other medical providers reimbursed on a prepaid capitation basis and which have assumed an underwriting risk under the contract, the contract shall require the contractor to retain, after reinsurance, a substantial portion of the risk; and

(vii) Specify the actuarial basis for computation of the premium rate or subscription charge specified in the contract.

(3) *Fiscal agents.* In addition to the requirements specified in paragraph (c) (1) of this section, a State plan which provides for contracts with

fiscal agents must also provide that such contracts will:

(i) Include termination procedures requiring the contractor to supply promptly all material necessary for the continued operation of the payment and related systems. In the event the fiscal agent or his subcontractors have proprietary rights to this material, the contracts and subcontracts must provide that the fiscal agent or subcontractor offer to the State one or more of the following options: Purchase, lease, or buying the use of such material. Such material includes:

(A) Computer programs;

(B) All necessary data files;

(C) User and operation manuals, and other documentation;

(D) System and program documentation; and

(E) Training programs for State agency staff, their agents or designated representatives, in the operation and maintenance of the system;

(ii) Establish the amount to be paid the contractor for performing the required functions, the basis for the amount and when payment is to be made; and

(iii) Provide that payment to providers shall be made in accordance with § 450.30 of this chapter.

(4) *Private nonmedical institutions.* In addition to the requirements specified in paragraph (c)(1) of this section, a State plan which provides for contracts for prepayment of services from private nonmedical institutions must also provide that such contracts will:

(i) Specify the capitation amount which shall be based on the cost of services provided (in accordance with § 450.30 of this chapter);

(ii) Specify when the capitation amount shall be paid.

(5) *Additional requirements for contracts with medical providers reimbursed on a prepaid capitation basis for medical services to enrolled recipients and health maintenance organizations.* In addition to the requirements specified in paragraphs (c) (1) and (2) of this section, a State plan for medical assistance which provides for contracts with other medical providers reimbursed on a prepaid capitation basis for medical services to enrolled recipients and health maintenance organizations must also provide that such contracts will:

(i) Specify the period during which enrollment shall be open and provide that the contractor will accept persons eligible to be covered under the contract in the order in which they apply for enrollment without restrictions, except as may be authorized by the Secretary, up to the limits authorized in the contract with the State. In the case of an HMO, open enrollment must be in accordance with the provisions of section 1301(c) of the Public

Health Service Act as amended by Pub. L. 94-460;

(ii) Provide, in the case of an HMO or prepaid health plan, that the contractor will serve a population broadly representative of the various age, social, and income groups within the area it serves, and that less than 50 percent of the enrolled members will be individuals receiving benefits under title XVIII and individuals receiving assistance under title XIX of the Social Security Act. The 50 percent requirement will not apply for a period of three years from the date on which an HMO or prepaid health plan enters into a contract with the State agency, or three years from October 6, 1976 (whichever is later) under the following conditions:

(A) A HMO contractor must make continuous efforts and progress toward achieving compliance with this requirement. This must be demonstrated to the satisfaction of the Secretary by the yearly submission of plans showing milestones for each year of the three year period.

(B) A prepaid health plan contractor may apply to the Secretary for waiver of this requirement based on good cause shown, and for an indefinite period.

(iii) Provide, in the case of other medical providers reimbursed on a prepaid capitation basis that the contractor will serve a population broadly representative of the various age, social, and income groups within the area it serves;

(iv) Provide that enrollment is voluntary;

(v) Specify the period of enrollment, which shall be for a reasonable period of time, so as to assure continuity of care and avoid excessive costs due to rapid turnover of enrollment;

(vi) Specify the reasons for which a recipient's enrollment may be terminated. Such reasons may not include termination by the contractor because of an adverse change in a recipient's health status. The contract must provide that the recipient shall have the right to terminate his enrollment without cause within 30 days of such enrollment, and may allow termination without cause at any time during the contract period. Each termination by the contractor shall have the approval of the director of the medical assistance unit of the single State agency or his designee.

(vii) Provide that to the extent feasible and appropriate, each enrollee is afforded the choice of a health professional providing services who will supervise and coordinate his care;

(viii) Provide that all medical services covered under the contract which are required on an emergency basis be available on a 24-hour, seven-day-a-week basis, either in the contractor's own facilities, or through ar-

rangements, to be approved by the single State agency, with another provider;

(ix) Provide for prompt payment by the contractor, in accordance with §450.30 of this chapter of all in-area or out-of-area services which are required by the contract and rendered by providers with which the contractor does not have arrangements, and which are medically urgent, that is, they are necessary to prevent jeopardization of the patient's health or infliction of severe pain and discomfort which would occur if use of the contractor's facilities were required;

(x) Provide for an internal enrollee grievance procedure, approved in writing by the director of the medical assistance unit of the single State agency. Such procedure shall provide for expeditious resolution of grievances by personnel at a decisionmaking level with authority to require corrective action;

(xi) Provide for an internal quality assurance system consistent with Federal requirements under title XIX. This system shall provide for review by appropriate health professionals of the process followed in the provision of health services; and shall utilize systematic data collection of performance and patient results, provide interpretation of such data to the practitioners, and provide for instituting needed change;

(xii) Provide that the contractor shall submit to the single State agency for prior approval its marketing plans, procedures and materials.

(xiii) Provide that enrollees will be advised concerning the appropriate use of health care and the contributions they can make to the maintenance of their own health;

(xiv) Provide for development of a medical record-keeping system through which all pertinent information relating to the medical management of the enrollee is accumulated and is readily available to appropriate professionals; and

(xv) Provide, in contracts in which the contractor does not assume any underwriting risk, that payment to the contractor for services provided under the contract (including any necessary retroactive adjustments) will not exceed the amounts which could be paid for such covered medical and remedial care and services actually delivered by the contractor to eligible recipients under the requirements imposed for specific provider services as set forth in §450.30 of this chapter.

(xvi) Provide in contracts with HMOs, that the HMO will provide services and benefits in the manner prescribed by section 1301(b), and be organized and operated in the manner prescribed by section 1301(c) of the Public Health Service Act.

(6) *Additional State plan requirements relating to medical providers re-*

imbursed on a prepaid capitation basis for medical services to enrolled recipients and health maintenance organizations. In addition to the requirements specified in paragraph (c) (1), (2), and (5) of this section, a State plan which provides for contracts with other medical providers reimbursed on a prepaid capitation basis for medical services to enrolled recipients and health maintenance organizations must also provide:

(i) That the single State agency will obtain from the contractor proof of financial responsibility, including adequate protection against the risk of insolvency, and proof of capability to provide the services under the contract efficiently, effectively, and economically;

(ii) That the single State agency will determine that adequate feasibility and planning studies have been made for the enrollment of a sufficient number of members to assure the economic viability of the organization;

(iii) That the single State agency will obtain assurances that the health services required by its members will be received promptly as appropriate and that the services which are received will meet quality standards;

(iv) That the single State agency will establish a system of periodic medical audits (at least once a year for each contractor) to assure quality and accessibility of health care to Medicaid enrollees. This system will provide for the identification and collection of management data for use by medical audit personnel, including reasons for enrollment and disenrollment, and use of services;

(v) For the establishment and implementation of a system for approval of marketing plans, procedures and materials for enrolling eligible recipients in a health maintenance organization, including written criteria for such approval; this system must include provisions that the contractor will not engage in marketing practices which would mislead, misinform, confuse or defraud recipients or the single State agency, for example, claims that the recipient must enroll or lose his Medicaid coverage;

(vi) For dissemination through appropriate health or social service agencies to eligible recipients in the service area of the contractor of factually accurate information, presented in clear, readable and concise form, regarding at least coverage, locations and hours of service, and enrollment and disenrollment practices;

(vii) That payment will not be made on the enrolled recipient's behalf to providers other than the contractor for services rendered during the term of the contract if such services are available under the contract;

(viii) That upon termination of a contract or upon termination of en-

rollment of an enrollee, arrangements will be made to enable recipients formerly enrolled in the HMO to obtain without delay the services to which they are entitled;

(ix) That the single State agency will document the basis for computation of the premium rates or subscription charges it negotiates with the contractor or, if these rates or charges are fixed by the single State agency without negotiation, it will document the basis for computation of these fixed rates or charges;

(x) For the establishment of procedures to monitor enrollment and disenrollment practices and insure proper implementation of grievance procedures of the contractor; and

(xi) Provide that, where the contract does not include all services available under the State plan, those services not included shall be accessible and available either by referral arrangement with the contractor or by some other effective means; services in addition to those available under the State plan may be covered under the contract in accordance with §449.10(a)(6)(vii) of this chapter.

(d) *Federal financial participation.* (1) Federal financial participation (FFP) shall be available for payments made to a contractor under this section only for periods in which a contract fulfilling all the requirements of this section and the appropriate requirements of Part 74 of 45 CFR is in effect. The Secretary may deem such a contract not to be in effect, for the purposes of this paragraph, for any period, if, after investigation, he determines that for such period there was a substantial failure of either party to the contract to carry it out in accordance with its terms or the requirements of this section. States upon request will receive, in accordance with section 1116(d) of the Act, a reconsideration of the Secretary's determination under the provisions of this paragraph.

(2) FFP will be available in payments to provisional HMOs. A provisional determination that an entity is an HMO remains effective until a final determination is made by the Secretary, or until the contract expires whichever is earliest. A determination by the Secretary is not considered final until all administrative (but not judicial) appeal procedures have been exhausted or until the time for making a request for administrative review has lapsed without a request for review of an adverse determination. Adverse determinations will not result in denial of FFP for any period during which an entity was determined to be a provisional HMO.

(3) All expenditures which can reasonably be expected to exceed \$100,000 in total during the contract must be approved in writing by the

Regional Medicaid Director prior to the execution of the contract.

(4) No payment shall be made to a State for expenditures for services provided by any entity:

(i) Which is paid on a prepaid capitation or other risk basis and;

(ii) Provides for inpatient hospital services and any other required Medicaid service or any three or more of the required Medicaid services, unless that entity has been determined to be an HMO or a provisional HMO. However, payments made to organizations specified in section 1903(m)(2)(B) (i), (ii), or (iii) of the Act may be made without regard to this limitation;

(iii) Under all contracts in which an underwriting risk is assumed, the total amount paid for carrying out the provisions of the contract will be regarded as a medical assistance cost;

(iv) Under other contracts in which no underwriting risk is assumed, the amounts paid for furnishing medical care and services to eligible recipients will be regarded as a medical assistance cost. Amounts paid for performing other agreed-upon functions will be regarded as an administrative cost; and

(v) Under contracts with fiscal agents the amount paid to the provider of medical services will be considered as a medical assistance cost, and the amount paid to the contractor for performing the agreed-upon functions will be regarded as an administrative cost.

(Secs. 1102, 1871, 1876 of the Social Security Act, 49 Stat. 647 as amended, 79 Stat. 331, 86 Stat. 1396; (42 U.S.C. 1302, 1395hh, and 1395mm).)

(Catalog of Federal Domestic Assistance Program No. 13.714 Medical Assistance Program; No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance; No. 13.801, Health Insurance for the Aged and Disabled—Supplementary Medical Insurance.)

NOTE—The Health Care Financing Administration has determined that these documents do not require preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: October 27, 1977.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: February 2, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-3695 Filed 2-9-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS
COMMISSION

(Docket No. 21399; FCC 78-69)

PART 89—PUBLIC SAFETY RADIO SERVICES

One-Way Paging Operations in Special
Emergency Radio Service

AGENCY: Federal Communications
Commission.

ACTION: Report and order.

SUMMARY: This document permits the use of one-way alerting transmissions by ambulance and rescue organizations on certain Special Emergency Radio Service base/mobile frequencies. This action is taken so volunteer groups will not have to purchase additional radio equipment.

EFFECTIVE DATE: March 20, 1978.

ADDRESS: Federal Communications
Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION
CONTACT:

Richard Taube, Safety and Special
Radio Services Bureau, 202-632-
6497.

REPORT AND ORDER—(PROCEEDING
TERMINATED)

Adopted: January 31, 1978.

Released: February 8, 1978.

In the matter of amendment of Part 89 of the Commission's rules and regulations concerning one-way paging operations in the Special Emergency Radio Service, Docket No. 21399.

1. On September 14, 1977, published at 42 FR 49488, September 27, 1978, the Commission proposed to change its rules concerning the frequencies which can be used for radio paging operations in the Special Emergency Radio Service.

2. Under the present rules, because of interference and compatibility problems that normally result when one-way paging operations are combined with regular two-way voice communications, all paging operations in the Special Emergency Radio Service must be moved to exclusive paging-only frequencies after 1979. The changes in this proceeding would allow continued use of certain of the regular two-way base/mobile frequencies on a limited basis for alert-paging operations.

3. This alert-paging use would be to signal rescue squad and ambulance personnel when they are needed to respond to an emergency situation. After being alerted, these personnel usually go to a vehicle or station where they can radio transmit back to the dispatcher for detailed instructions. The basis for allowing this type of paging on the regular base/mobile

frequencies is that the Commission has found that alert-paging messages do not generate the interference problems associated with most other paging operations.

4. In general, the comments supported this proposal. Most parties stated that allowing alert-paging on regular frequencies would afford licensees convenience and flexibility in their rescue and medical operations and also would result in significant cost savings by permitting use of the same radio equipment for both alerting their personnel and dispatching their vehicles.

5. There were objections, however, from State public health communications offices in Nebraska and Tennessee. These parties essentially contend that the interference from alert-paging operations is not distinguishable from the interference generated by other paging transmissions and would cause similar serious compatibility problems.

6. The Commission finds that it cannot agree with this position. The intermittent nature and the comparative low volume of alert-paging messages in most rescue squad and ambulance operations have been clearly demonstrated. These operations simply do not require nor do they generate the air traffic that is typical in regular hospital administrative activities. A number of the comments addressed this issue as follows:

The Associated Public Safety Communications Officers, Inc. (APCO) states:

APCO believes that the differences between "page alerting" which is emergency-

The following parties submitted timely comments or reply comments in response to the Notice of Proposed Rule Making in this proceeding: North Carolina Department of Human Resources; S.W. Pennsylvania Emergency Medical Service Institute; Virginia Association of Volunteer Rescue Squads, Inc.; Chatham County, North Carolina; Six-County Commissioners Organization, Richfield, Utah; Utah Department of Social Services; Permian Basin Regional Planning Commission, Midland, Texas; Utah State Hospital Association; Iowa Chapter, Associated Public-Safety Communications Officers, Inc.; Chatham County Emergency Medical Service Executive Committee, North Carolina; Michigan Department of Public Health; Thomasville Rescue Squad, North Carolina; Motorola, Inc.; Maryland Institute for Emergency Medical Services; National Associated Public-Safety Communications Officers, Inc.; New Jersey Department of Health; South Orange Rescue Squad, North Carolina; Pee Dee Council of Governments, Troy, North Carolina; Alamance County Rescue Unit, Inc., North Carolina; New Jersey Hospital Association; Tennessee Department of Public Health; New Jersey Office of Frequency Coordination; National Ski Patrol System, Inc.; Illinois Department of Public Health; North Mississippi EMS Authority; Missouri Department of Social Services; Nebraska Department of Health; Bethesda-Chevy Chase Rescue Squad, Inc., Maryland.

dispatch oriented, and "paging" which is often administrative, non-emergency in nature, are sufficient to warrant different considerations in the rules.

Similarly, the Virginia Association of Volunteer Rescue Squads, Inc. (VAVSR) notes:

A survey conducted in 1977 indicates that tone-alert receivers are used or planned for use for 160 or 71 percent of Virginia's rescue squads . . . by E.M.S. alerting . . . It is the position of the VAVSR that hospital paging activities and E.M.S. alerting on the frequencies designated in FCC R&R 89.525(f)(2) are not compatible.

Motorola also commented on these issues:

Paging is a self-contained, one-way mode of communications. Once the page is sent, the recipient knows exactly what to do; no further communication is needed. That is why many paging users have relatively elaborate codes to assure that complete information is transmitted. Because paging is the communications vehicle of this type of licensee, the volume of paging transmissions tends to be substantial, reaching as high as 3,000 per day at a large metropolitan hospital.

By contrast, "alerting" is generally merely the prelude to a two-way transmission; it in effect announces to the recipient: "There is a problem, an emergency". While in a few cases, the alert signal can, by itself, direct emergency personnel to proceed to a predetermined location, in most instances it demands a follow-up two-way communication . . . Since the "alerting" function is at most a preliminary adjunct to the fundamental base-mobile use of radio, it would be employed sporadically (11-12 times a day) would encompass the heaviest predicted use and will be of extremely short duration.

These arguments are consistent with the Commission's experience. It is our conclusion that a frequency structure as proposed in this proceeding is a valid and necessary approach to accommodate alert-paging operations.

7. The specific proposals were to permit alert-paging on four frequencies in the 30-50 MHz band and on eight frequencies in the 155 MHz band. There were differing views in the comments as to the adequacy of these allocations. In the 30-50 MHz band, a number of parties argued for permitting alert paging on all of the twenty-three frequencies available in the Special Emergency Radio Service in this range. Bethesda-Chevy Chase Rescue Squad, Inc. noted:

We believe that restricting alert-paging to only four low band frequencies will result in a significant economic burden for the vast majority of licensees in the low band sector of the Special Emergency Service. They will be required to either purchase and operate two separate systems, or change their operating frequency to be able to obtain the needed alerting service.

New Jersey is concerned with the loading effect as developed by its statistical survey of alert-paging requirements for its systems on these low band frequencies:

. . . transmissions on these frequencies will increase 118 percent . . . We question whether radio channels in some areas can accommodate doubling of transmission time . . . If the Commission elects to permit paging/alerting in the 30-50 MHz band, it should be permitted on all 19 channels.

Similar views were presented by the Maryland Institute for Emergency Medical Services, VAVSR, and APCO, with the latter organization stating:

APCO submits there is no reason to restrict such operations from any of the channels in the 30-50 MHz band, with perhaps the exception of the 47.42 MHz channel.

8. The arguments for allowing alert-paging on all of the 30-50 MHz band frequencies are compelling. Permitting use of these additional channels should contribute to greater flexibility and will tend to spread the loading of this type of operation so as to further minimize any adverse impact on regular two-way voice operations. The Commission is adopting this recommendation.

9. Some comments suggested expansion as well in the 155 MHz band. Here, the Commission proposed to allow alert-paging on all of the available channels, excepting those five frequencies that are primarily assignable for emergency medical systems. As its reason for denying alert-paging operations on medical channels, the Commission stated in its Notice that "since these five channels carry medical communications associated with life and death situations, we will continue to preclude 'alerting' transmissions on these frequencies." Nevertheless, it is suggested that we permit alert-paging on these frequencies when the system is utilized only for dispatch operations. The point being asserted is that channels for dispatch operations would not involve life and death "doctor-talk" messages so there could be no interference to that type of emergency situation. However, while this may be true in a given system, the frequencies involved are required to be shared by multiple licensees in every geographic area. Thus, there is every expectation that even though, for example, Licensee A may be operating a simple medical ambulance dispatch system, Licensee B in the same area may be providing physician instruction for the emergency treatment of enroute patients on the same channels. In short, the likelihood of an alert-paging signal interfering with emergency transmissions on medical channels is too great to justify use of this technique and we are not modifying the proposals in this regard.

10. A different approach appears to be appropriate, however, with regard

*47.42 MHz is available only to national organizations established for relief purposes.

to medical operations in the 460-470 MHz band. In this frequency band, the Commission's rules provide two frequencies that are primarily intended for ambulance dispatch in emergency medical systems. Eight additional frequencies are allocated for bio-medical telemetry, "doctor-talk", and other emergency hospital-to-ambulance medical purposes. The two dispatch channels are 462.950/467.950 and 462.975/467.975 MHz. Many of the comments recommended that alert-paging be permitted on these two dispatch channels.

North Carolina states:

. . . as emergency medical communications systems are improved and upgraded, there will be a requirement for appropriate dispatching and alerting capabilities within the UHF frequency band . . . Since the Commission in its present rule making is attempting to alleviate some of the difficulties associated with the dispatching of ambulance units, the North Carolina Office of Emergency Medical Services requests the frequency pairs of 462.950/467.950 and 462.975/467.975 MHz be included in the frequencies proposed as available for alerting via radio page . . .

Motorola, The Maryland Institute for Emergency Medical Services, APCO, and VAVSR also noted the trend to utilizing the UHF dispatch channels in medical ambulance operations and urged the addition of the alert-paging capability at this frequency range.

11. The Commission has considered these arguments very carefully. We recognize the economies that can be afforded and the simplicity that can be achieved by permitting alert-paging in UHF medical radio systems. Pending a clear picture of the trends and requirements in medical radio applications, paging of any nature has not been previously authorized on the EMS frequencies at this frequency range. It is our belief, however, that the alert-paging function can be accommodated to a limited extent at this frequency range on the 462/467 MHz band frequency pairs available for dispatch operations in medical systems and we are including provisions for this capability. We note, nevertheless, that additional transmissions of this nature can present a frequency loading problem on only two frequency pairs. Accordingly, we believe alert-paging on these frequencies would best be accomplished in those medical radio systems that are centrally dispatched under an area-wide coordinated radio communications plan. Licensees are encouraged, therefore, to employ these system approaches to help assure that necessary priorities are adhered to in the medical dispatching function.

12. Remaining comments dealt with suggestions for clarification of proposed § 89.525(f)(25) as to the limitations on use and licensing for alert-paging. We have modified the adopted

rule to incorporate these clarifications. There were also a number of comments with proposals for minimizing the interference potential of alert-dispatch transmissions. These include recommendations for limitations on audibility, duration, and power of tone alert transmissions; and suggestions for greater emphasis on pre-monitoring, and for restrictions to emergency-only use. The Commission believes, however, that while any or all of these limitations could prove to be required, the basic premise of this rule making proceeding is that alert-paging is inherently a controlled and moderate communication requirement which should not unduly encroach on the use of the frequencies involved. Moreover, this function will be permissible only on a secondary basis and any given alert-paging operation that unduly interferes with primary transmission needs would have to be curtailed. The Commission feels that this is adequate safeguard for dealing with any problems that might develop.

13. In consideration of the foregoing, the Commission determines that adoption of the rule changes proposed in the Notice, as modified herein for permitting alert-paging operations on certain frequencies in the Special Emergency Radio Service is in the public interest.

14. Accordingly, it is ordered, That, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 89 of the Commission's rules is amended, effective March 20, 1978, as shown below. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 89 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

1. Section 89.523(d) is amended as follows:

§ 89.523 Station limitations.

(d) Effective August 15, 1974, paging operations may be authorized in the Special Emergency Radio Services only on frequencies assigned under the provisions of § 89.525(f) (12) and (25). Paging operations on other frequencies, authorized prior to August 15, 1974, may be continued for the balance of the license term then effective. In addition, such operations may be renewed until January 1, 1980, subject to the condition that harmful interference is not caused to regularly authorized operations in the Special Emergency Radio Service.

2. Section 89.525(e) table is amended and paragraph (f)(25) is added to read as follows:

§ 89.525 Frequencies available to the Special Emergency Radio Service.

(e) . . .

Frequency or band	Class of station(s)	Limitations
Megahertz:		

33.02.....	Base and mobile...	6.25
33.04.....	do	6.25
33.06.....	do	6.25
33.08.....	do	25
33.10.....	do	6.25
35.64.....	Base.....	12.13
35.68.....	do	12.13
37.90.....	Base and mobile...	6.25
37.94.....	do	6.25
37.98.....	do	6.25
43.64.....	Base	12

43.68.....	Base	12
45.92.....	Base and mobile...	25
45.96.....	do	25
46.00.....	do	25
46.04.....	do	25
47.42.....	do	7.25
47.46.....	do	25
47.50.....	do	25
47.54.....	do	25
47.58.....	do	25
47.62.....	do	25
47.66.....	do	25

155.160.....	Base and mobile...	16.25
155.175.....	do	16.25
155.205.....	do	16.25
155.220.....	do	25
155.235.....	do	16.25
155.285.....	do	16.25
155.280.....	do	25
155.295.....	do	16.25
155.325.....	do	16.17

462.950.....	Base and mobile...	1.8,24,25
462.975.....	do	1.8,24,25

467.950.....	Mobile only	1.8,22,24,25
467.975.....	do	1.8,22,24,25

(f) . . .

(25) A licensee regularly conducting two-way communication operations on this frequency may also transmit one-way alert-paging signals to ambulance and rescue squad personnel.

[FR Doc. 78-3751 Filed 2-9-78; 8:45 am]

[4910-62]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amend. No. 1-132]

PART 1—ORGANIZATION AND DELEGATIONS OF POWERS AND DUTIES

Appendix A—Delegations and Redelegations by Secretarial Officers

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: This is the public notice of the redelegation from the Director, Research and Special Programs Directorate, to the Director, Materials Transportation Bureau, of authority in 49 CFR 1.53 (a) and (b) related to the transportation of hazardous materials and pipeline safety.

EFFECTIVE DATE: October 21, 1977.
FOR FURTHER INFORMATION CONTACT:

Richard R. Clark, Office of the General Counsel, Department of Transportation, 400 Seventh Street NW., Washington, D.C. 20590, 202-426-4723.

SUPPLEMENTARY INFORMATION: Richard R. Clark, Office of the General Counsel, is responsible for the legal sufficiency of this redelegation.

Appendix A [Amended]

Appendix A of Part 1, Title 49, Code of Federal Regulations, is amended as follows:

Director, Materials Transportation Bureau. The authority delegated to the Director of the Research and Special Programs Directorate by the Secretary of Transportation in 49 CFR 1.53 (a) and (b) relating to the transportation of hazardous materials and pipeline safety is hereby redelegated to the Director of the Materials Transportation Bureau.

(49 CFR 1.53 (a) and (b).)

Issued in Washington, D.C., on October 21, 1977.

JOHN J. FEARNSIDES,
Acting Director, Research and
Special Programs Directorate.

[FR Doc. 78-3873 Filed 2-9-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1300]

PART 1033—CAR SERVICE

Chicago & North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. at Oshkosh, Wis., and Fond Du Lac, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (Service Order No. 1300).

SUMMARY: The lines of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) serving Oshkosh, Wis., and Fond du Lac, Wis., are inoperable because of heavy snow at these two locations, which is depriving industries located adjacent to the MILW tracks at these two locations of railroad service. Service Order No. 1300 authorizes the Chicago & North Western Transportation Co. to operate over tracks of the MILW in Oshkosh and Fond du Lac in order to restore railroad service to these shippers.

DATES: Effective 11:59 p.m., February 3, 1978. Expires 11:59 p.m., February 28, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 3rd day of February 1978.

The lines of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) serving Oshkosh, Wis., and Fond du Lac, Wis., have become inoperable because of heavy snow. Numerous shippers located adjacent to the tracks of the MILW have been deprived of essential railroad service because of the inability of the MILW to switch the industries at Oshkosh and Fond du Lac. The Chicago & North Western Transportation Co. (CNW) has agreed to operate over the tracks of the MILW at Oshkosh and Fond du Lac in order to restore essential railroad service to these shippers. The MILW has consented to such use of its tracks by the CNW.

It is the opinion of the Commission that an emergency exists requiring operation of CNW trains over these

tracks of the MILW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice. It is ordered, That:

§ 1033.1300 Car Service Order 1300.

Chicago & North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. at Oshkosh, Wis., and Fond Du Lac, Wis.

(a) The Chicago & North Western Transportation Co. (CNW) is authorized to operate over tracks of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. (MILW) at Oshkosh, Wis., and Fond du Lac, Wis., for the purpose of serving industries located adjacent to such tracks.

(b) Application. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Rates applicable. Inasmuch as this operation by the CNW over tracks of the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the MILW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) Effective date. This order shall become effective at 11:59 p.m., February 3, 1978.

(e) Expiration date. The provisions of this order shall expire at 11:59 p.m., February 28, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, John R. Michael. Member John R. Michael not participating.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-3821 Filed 2-9-78; 8:45 am]

[7035-01]

(Ex Parte 252 (Sub-No. 2)

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS AND GONDOLA CARS

Incentive Per Diem Charges—Gondolas

AGENCY: Interstate Commerce Commission.

ACTION: Stay of effective date of regulations which concern incentive per diem charges on gondola cars.

SUMMARY: By order served January 31, 1978, the Interstate Commerce Commission stayed the effective date of the regulations until further order of the Commission. The stay was issued in order to allow the Commission to reopen the record and allow the parties to the proceeding an opportunity to comment on a revised economic forecast and the conclusion therefrom that the supply of plain gondola cars is adequate for purposes of section 1(14)(a) of the Interstate Commerce Act.

EFFECTIVE DATE: January 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy Director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423; phone No.: 202-275-7693.

SUPPLEMENTAL INFORMATION: A petition was jointly filed October 14, 1977, by Chicago and North Western Transportation Co.; Soo Line Railroad Co.; Chicago, Milwaukee, St. Paul and Pacific Railroad Co.; and Trustee of Rock Island and Pacific Railroad Co., requesting that the Commission reopen the record in this proceeding to receive evidence not available at the time the record was made; or in the alternative to stay the effective date of the Commission's order served April 14, published 40 CFR page 23511 on May 9, 1977, and order of September 16, 1977, published in 42 CFR page 48883, pending judicial review; or vacation of the effective date of the application of incentive per diem pending judicial review.

The new evidence offered by petitioners concerns the changed economic conditions and future forecasts of the steel industry that have occurred within the last year. Specifically, the petitioners allege that the Commission's conclusion regarding future steel production and hence a shortage of gondola cars has been thoroughly impeached by the report issued on Friday, October 7, 1977, by the Administrative Council on Wage and Price Stability. The Chessie and Norfolk and Western Railway replied in opposition.

By order served October 28, 1977 and published at 42 CFR page 57367, on November 11, 1977, the effective date of the incentive per diem regulations was postponed to December 1, 1977. By a subsequent order served November 29, 1977, the regulations were further postponed until February 1, 1978, in order to allow the Commission sufficient time to review the Commission's projection of the future demand for gondola cars. Therein, the Commission stated that upon completion of its analysis, it would report its findings and that further comments of the parties would be invited.

The Commission has completed its analysis of the current economic situation and has revised downward the prior forecast for gondola car demand. The Commission's revised analysis shows: (1) That while the overall economic outlook between now and 1985 has not changed dramatically, expectations for the production of steel are down considerably, (2) steel products are shown to be a major user of plain gondola cars (GB type), (3) importation of foreign steel products is shown to have a marginal influence on the total demand for plain gondola cars, (4) average daily plain gondola shortages occurring in 1977 were short term, (5) that in comparing plain gondola carloadings in the revised forecast to the prior Ex Parte No. 252 (Sub-No. 2) forecast in terms of "carloadings per car" that a substantial decrease in the demand for gondola cars is shown through 1985, and (6) that projected "carloadings per car" will not recover to its 1973 and 1974 level until at least 1983.

Based upon the attached revised economic forecast the Commission concludes that the supply of plain gondola cars is adequate for purposes of section 1(14)(a) of the Interstate Commerce Act.

The Commission has ordered: (1) That the proceeding be reopened and that the revised economic forecast be entered into the record.

(2) That the parties to the proceeding be allowed to comment upon the economic analysis and the Commission conclusion within 60 days from the service date of its order, and that replies thereto be filed no later than 45 days thereafter.

(3) That the incentive per diem regulations prescribed in the Commission report, 353 I.C.C. 612, and modified by Commission order dated September 14, 1977, and later postponed until February 1, 1978, be stayed until further order of the Commission.

Decided January 31, 1978.

By the Commission (Commissioner Murphy concurring in part, dissenting in part, Commissioner Gresham, concurring in part).

COMMISSIONER MURPHY, Concurring in part, dissenting in part:

I am in accord with the majority to the extent that it reopens the proceeding and stays the effective date of the regulations.

My disagreement lies with the majority's conclusion, based on a purported revision of an economic forecast, that the supply of plain gondolas is now adequate. Conclusions must be supported by appropriate findings. Moreover, the conclusion, if valid, would nullify any further proceedings herein. In all fairness, I believe that the parties and other interested persons should be allowed to present their views on the revised economic forecast before any decision on the adequacy of the plain gondola fleet is reached.

Accordingly, to the extent that the views expressed above differ from the majority's decision, I respectfully dissent therefrom.

COMMISSIONER GRESHAM, Concurring in part:

I agree with the majority's decision to stay the effective date of the regulations and to reopen the proceeding for the receipt of new evidence.

I cannot, however, endorse the procedures chosen for the reopening. The appendix to this order was prepared by the Commission's Bureau of Economics and it should be clearly labeled as the staff's work product. Instead, the majority enthusiastically embraces the study as "the Commission's conclusions." This gives the unfortunate appearance that we have already made up our minds on the issue and that subsequent comments by the parties will receive little serious consideration. I believe that the prudent course is to withhold any "Commission conclusions" until all parties have commented upon the staff's study.

It is obvious that an ultimate finding of an adequate gondola car supply will moot all other issues in this proceeding. However, our prior report made the specific finding (353 I.C.C. at 633) that: "Because there are no seasonal shortages of plain gondola cars, unlike boxcars, a year-round application of IPD is warranted."

The staff's forecast of recurring peak demand for gondolas in the second quarter flatly contradicts our prior finding. I would encourage the parties to address this issue in their comments on the staff's forecast.

H. G. HOMME, JR.,
Acting Secretary.

Section 1036.7 of Part 1036 of Chapter X of Title 49 of the Code of Federal Regulations is amended as follows:

§ 1036.7. Effective date.

The rules set forth in §§ 1036.1 and 1036.2 shall apply for a 6-month period from September 1 of each year

through February 28 of the following year on general service, unequipped boxcars. The rules as they apply to gondola cars are stayed until further order of the Commission.

[FR Doc. 78-3754 Filed 2-9-78; 8:45 am]

[7035-01]

SUBCHAPTER B—PRACTICE AND PROCEDURE
[Ex Parte No. 338]

PART 1109—REQUIREMENTS AND PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

Standards and Procedures for the Establishment of Adequate Railroad Revenue Levels

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission is adopting regulations to set forth standards and procedures to be followed by the Commission in determining the adequacy of railroad revenues and in assisting the railroads to attain adequate revenues. Adequate revenue levels should cover operating expenses and include an economic profit or return on capital employed in the business. The regulation is necessary to implement recent legislation.

EFFECTIVE DATE: February 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, Deputy Director, or Harvey Gobetz, Assistant Deputy Director, Section of Rates, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20434, 202-275-7693 or 202-275-7656.

SUPPLEMENTARY INFORMATION: This proceeding was instituted to implement section 15a(4) of the Interstate Commerce Act (49 U.S.C. 15a(4)). That section was enacted by section 205(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210, 90 Stat. 41). As pertinent, it provides that:

With respect to common carriers by rail, the Commission shall, within 24 months after the date of enactment of this paragraph, after notice and an opportunity for a hearing, develop and promulgate (and thereafter revise and maintain) reasonable standards and procedures for the establishment of revenue levels adequate under honest, economical, and efficient management to cover total operating expenses, including depreciation and obsolescence, plus a fair, reasonable, and economic profit or return (or both) on capital employed in the business. Such revenue levels should (a) provide a flow of net income plus depreciation adequate to support prudent capital outlays,

assure the repayment of a reasonable level of debt, permit the raising of needed equity capital, and cover the effects of inflation, and (b) insure retention and attraction of capital in amounts adequate to provide a sound transportation system in the United States. The Commission shall make an adequate and continuing effort to assist such carriers in attaining such revenue levels.

Notice of the institution of this proceeding was published in the FEDERAL REGISTER on March 16, 1977 (42 FR 14740).

Comments from interested parties have been received and considered, and the Commission has issued a report and order adopting a final regulation. The regulation provides that a proceeding shall be conducted each year to determine revenue adequacy for the Nation's railroads individually and on a composite basis. It further provides that adequacy of revenue will be a factor considered both in general rate increase proceedings and in individual rate proceedings. The regulation, effective February 5, 1978, is set forth below.

Issued at Washington, D.C., January 31, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

Accordingly, 49 CFR 1109 is amended by adding a new § 1109.25 as follows:

§ 1109.25 Standards and procedures for the establishment of adequate railroad revenue levels.

In order to assist the Nation's railroads in attaining adequate revenue levels, within the meaning of section 15a(4) of the Interstate Commerce Act (49 U.S.C. 15a(4)), the Commission will observe the following standards and procedures.

(a) *Standards.* (1) The revenue adequacy of the Nation's railroads on a composite level shall be judged in accordance with the criteria of section 15a(4) and upon consideration of all pertinent financial indicators, including a rate of return on net investment equal to the cost of capital, other financial ratios, and the flow of funds.

(2) The revenue adequacy of an individual carrier shall be determined in accordance with the criteria of section 15a(4), upon consideration of all pertinent financial indicators and other evidence as to ability to make needed investment.

(3) The need for revenue adequacy will be taken into account and regarded as a highly important factor both in general rate increase proceedings and in individual rate proceedings.

(b) *Procedures.* Each year, the Commission shall make a determination of revenue adequacy for the Class I railroads as a national composite, as a district composite, and individually, according to the following procedures:

(1) On or before April 30 of each year, the Commission shall issue a notice and order, with a concurrent press release, announcing that a revenue adequacy proceeding is to be conducted. The notice and order shall make the Nation's Class I railroads respondents in the proceeding, and shall provide for the submission by interested persons of notices of intent to participate. The notice shall be published in the FEDERAL REGISTER.

(2) By May 31 of each year, the Commission shall issue a list of all persons who have indicated an intent to participate, and shall serve the list on the railroads and on all listed participants. Each of the filing and issuances set forth in the following paragraphs of this subsection (b) shall be served on the railroads and on each listed participant.

(3) On or before June 30 of each year, the Commission shall publish a funds flow projection for comment by participants.

(4) By June 30 of each year, all Class I railroads individually and jointly, as appropriate, shall file verified statements containing data consistent with the following requirements. For the purposes of this rule, the revenue requirements used to determine whether a carrier is a class I line-haul railroad, will include only freight service revenues.

(A) Schedules A, I, and J, as set forth and explained at the end of this section. In addition, data on transactions with affiliate shall be submitted as follows: each railroad shall submit details of transactions with its parent, subsidiary, or affiliated companies in each of the last 3 calendar years as follows: (a) advances, whether in cash or property; (b) encumbrances of railroad assets or the assets of a parent, and affiliate, or subsidiary for noncarrier purposes; and (c) any other monetary or property transactions, including the payment and receipt of dividends. Normal transactions, such as interline settlements, and any other considered necessary to and normally considered in the course of railroad business, need not be reported for the purpose of this particular section. After the initial submission of data based on the preceding three calendar years, the carriers are required only to report data based on the immediately preceding calendar year.

(B) A cost of capital study sufficient to support the findings described in paragraph (5)(c) below;

(C) A fair rate of return analysis on a national basis;

(D) A statement of adequate revenue levels based on (1) traffic volume and expenses in the prior calendar year, and (2) estimated traffic volume and expenses for the current year;

(E) Evidence of each carrier's most recent bond ratings and, in the initial submission, of ratings during the preceding three calendar years; and

(F) Such other evidence as they desire to present pertaining to the standards set forth in this regulation. All underlying data used in preparation of the material outlined above shall be made available for inspection upon reasonable request in writing, and shall be furnished by the railroads to the Commission upon request. Official notice will be taken of all the railroads' annual and quarterly reports on file with the Commission.

(5) By July 30 of each year, other interested parties may file reply state-

ments, including evidence and arguments pertinent to the standards set forth in this regulation, and their comments, if any, on the Commission's funds flow projections.

(6) By August 20 of each year, rebuttal to the reply statements may be filed by the railroads, including their comments, if any, on the Commission's funds flow projections.

(7) By October 30 of each year, the Commission will issue a report setting forth the following findings:

(A) An adequate revenue level for the Nation's railroads as a whole and for each of the three districts, stated as a percentage return on net investments.

(B) A determination (with explanation) for each class I railroad as to whether its existing revenue is adequate or inadequate.

(C) A determination of the following cost of capital items:

(i) The cost of embedded debt for each class I railroad, and for the district and national composite.

(ii) The cost of new debt for a selected group of railroads.

(iii) The cost of equity capital based on market value studies of a selected group of railroads.

(iv) The cost of equity capital indicated by studies of comparable earnings.

SCHEDULE A.—Selected financial data
(Dollars in thousands)

Line No. and item (a)	Source ¹ (b)	Calendar year		
		19— (c)	19— (d)	19— (e)
1. Net Income.....	A.R. sch. 300.			
2. Depreciation and retirements—road.....	A.R. sch. 322, total depr. and retire. cols.			
3. Depreciation and retirements—equipment.....	A.R. sch. 330, total depr. and retire. cols.			
4. Long-term debt due within 1 yr.....	A.R. sch. 200, acct. 764.			
5. Long-term debt due after 1 yr.....	A.R. sch. 200, total of accts. 765, 766, 766.5, 767, 768, 769, 770.1, and 770.2.			
6. Long-term debt due after 1 yr ²	See L. 5.			
7. Income available for fixed charges.....	A.R. sch. 300.			
8. Fixed and contingent charges.....	A.R. sch. 300, add accts. 546, 547, and 548.			
9. Railway operating expenses.....	A.R. sch. 300, acct. 531.			
10. Railway operating revenues.....	A.R. sch. 300, acct. 501.			
11. Net railway operating income.....	A.R. sch. 300, footnote.			
12. Provision for deferred taxes.....	A.R. sch. 300, acct. 557.			
13. Equity in earnings (losses) of affiliated companies.....	A.R. sch. 300, Income from affiliated cos.			
14. Total current assets.....	A.R. sch. 200, total current assets.			
15. Total current liabilities.....	A.R. sch. 200, total current liabilities.			
16. Shareholders' equity.....	A.R. sch. 200, total (net) stockholders' equity.			
17. Shareholders' equity ³	See L. 16.			
18. Cash dividends paid.....	A.R. sch. 305, acct. 623.			
19. Interest expense, amortization of discount on funded debt, contingent interest and release of premiums on funded debt.....	A.R. sch. 300, accts. 546 (int. exp.) + 547 + 548 + 546 (contingent interest) = 517.			
20. Net investment in railroad property.....	(A.R. sch. 200, accts. 701 + 712) + (sch. 211 N-1, line 39, col. (d) minus col. (e)).			
21. Net investment in railroad property ⁴	See L. 20.			
22. Current ratio.....	L. 14 ÷ L. 15.			
23. Dividend pay-out ratio.....	L. 18 ÷ L. 1.			
24. Rate of return on net investment in railroad property.....	L. 11 ÷ L. 21.			
25. Rate of return on shareholders' equity.....	L. 1 ÷ L. 17.			
26. Cash flow.....	Ls. 1 thru 3 + L. 13.			
27. Throw-off to debt ratio, current maturities.....	L. 26 ÷ L. 4.			
28. Capital structure ratio.....	L. 5 ÷ L. 5 + L. 16.			
29. Rate of return on total capitalization.....	L. 1 ÷ L. 19 + L. 8 + L. 17.			
30. Fixed and contingent charge coverage (times).....	L. 7 ÷ L. 8.			
31. Ratio ry. operating expenses (includes net rents) to ry. operating revenue.....	L. 9 ÷ L. 10.			

¹Annual report sources refer to 1978 proposed annual report form R-1. For years subsequent to 1978, use the comparable annual report sources. For years prior to 1978, see conversion table for schedule A.

²Show average of beginning and end-of-year figure.

³Show average of beginning and end-of-year figure. Annual report sch. 211N provides year-end data only. Refer to prior annual reports for comparable beginning-of-year data.

RULES AND REGULATIONS

SCHEDULE A
PURPOSE

The purpose of Schedule A is to ascertain the financial posture of the individual railroads and groups of railroads by the analysis of certain key financial data with a view to determining future revenue needs.

INSTRUCTIONS

Schedule A should report financial data for class I carriers only. A separate Schedule A must be prepared for the following: (1) each individual class I carrier; (2) composite district class I carriers; (3) composite nationwide class I carriers, if appropriate.

Each separate Schedule A outlined above must be submitted on two different bases. The first requires that all of the data reported in Schedule A include the effects of the Commission's January 1, 1974, accounting rules changes. Under this basis, a restatement of data for all periods prior to January 1, 1974, is necessary. The second basis requires that all of the data reported in Schedule A exclude the effects of the January 1, 1974, accounting rules changes. Under this second basis, a restatement of 1974 and later data is necessary.

TIME FRAME REQUIREMENTS

Column c—The data reported in column c should be based on the 3d calendar year

preceding the filing of the involved schedule.

Column d—The date reported in column d should be based on the 2d calendar year preceding the filing of the involved schedule.

Column e—The data reported in column e should be based on the calendar year immediately preceding the filing of the involved schedule.

NOTE.—After the initial submission of data for Schedule A, the carriers are required to report only column e data.

SCHEDULE I.—Statement of changes in financial position
(Dollars in thousands)

Line Schedule No.	Line (a)	Column (b)	Description (d)	Calendar year 19— (e)	Calendar year 19— (f)	Calendar year 19— (g)
SOURCES OF WORKING CAPITAL						
1	300	62	(b) Working capital provided by operations:.....			
			(b) Net income (loss) before extraordinary items			
			Add expenses not requiring outlay of working capital; (subtract) credits not generating working capital:.....			
2	324	17	(b) Retirement of nondepreciable property			
3	396		Loss (gain) on sale or disposal of tangible property			
4	NOTE A		Add depreciation and amortization expenses			
5	300	5	(b) Net increase (decrease) in deferred income taxes			
6	300	35	(a) Net decrease (increase) in parent's share of subsidiary' undistributed income for the year			
7	200	74, 77	(b)-(c) Net increase (decrease) in noncurrent portion of estimated liabilities			
			Other (specify):.....			
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18			Total working capital from operations before extraordinary items			
19	300	68	(b) Extraordinary items and accounting changes			
			Add expenses not requiring outlay of working capital; (subtract) credits not generating working capital:.....			
20	300	63	(b) Loss (gain) on extraordinary items			
21	300	65	(b) Net increase (decrease) in deferred income taxes			
22	300	67	(b) Cumulative effect of changes in accounting principles			
			Other (specify):.....			
23						
24						
25						
26						
27						
28			Total working capital from extraordinary items and accounting changes.....			
29			Total working capital from operations (lines 18 and 28)			
			Working capital from sources other than operating:.....			
30			Proceeds from issuance of long-term liabilities			
31			Proceeds from sale/disposition of carrier operating property			
32			Proceeds from sale/disposition of other tangible property			
33	205	99	(l) Proceeds from sale/repayment of investments advances			
	206	99	(k)			
34	204	41	(f) Net decrease in sinking and other special funds			
35	229	15	(e)+(f)-(l) Proceeds from issue of capital stock			
			Other (specify):.....			
36						
37						
38						
39						
40						
41			Total working capital from sources other than operating			
42			Total sources of working capital (lines 29 and 41)			

RULES AND REGULATIONS

SCHEDULE I.—Statement of changes in financial position—Continued
(Dollars in thousands)

Line Schedule No.	Line (a)	Column (b)	Description (d)	Calendar year 19— (e)	Calendar year 19— (f)	Calendar year 19— (g)
APPLICATION OF WORKING CAPITAL						
43			Amount paid to acquire/retire long-term liabilities			
44	305	10	(b) Cash dividends			
45	211	52	(e) Purchase price of carrier operating property			
46			Purchase price of other tangible property			
47	205	99	(j) Purchase price of long-term investments and advances			
	206	99	(i)			
48	204	41	(e) Net increase in sinking or other special funds			
49	229	15	(j) Purchase price of acquiring treasury stock			
50			Other (specify):.....			
51						
52						
53						
54						
55			Total application of working capital			
56			Net increase (decrease) in working capital (line 42 less Line 55) (show computations in Schedule 309S).			

*Annual report sources refer to the 1977 Annual Report R-1. For years subsequent or prior to 1977, use comparable annual report sources.
NOTE A.—Furnish the actual amount of depreciation and amortization expenses taken during the year. The following can be used as references.

Schedule	Line	Column
322	26	(b)
326	3	(b)
330	9	(b)
214	22	(j)
200	72	(b)-(c)
200	73	(b)-(c)

SCHEDULE I

PURPOSE

Schedule I is designed to provide the Commission with an indication of the carriers' sources and uses of funds over the recent past.

INSTRUCTIONS

Schedule I should report funds flow data for class I carriers only. A separate Schedule I must be prepared for the following: (1) each individual class I carrier; (2) composite district class I carriers; (3) composite nationwide class I carriers, if appropriate.

The term "funds" for the purpose of this Schedule shall include all assets or financial resources even though a transaction may not directly affect cash or working capital. For example, the purchase of property in exchange for bonds or shares of stock would be an application of funds for investment in property provided by the issue of securities.

Sources and uses of funds should be individually disclosed. For example, outlays for fixed assets should not be reported net of retirements.

TIME FRAME REQUIREMENTS

Column e—The data reported in column e should be based on the 3d calendar year preceding the filing of the involved schedule.

Column f—The data reported in column f should be based on the 2d calendar year preceding the filing of the involved schedule.

Column g—The data reported in column g should be based on the calendar year immediately preceding the filing of the involved schedule.

NOTE.—After the initial submission of data for Schedule I, the carriers are required to report only column g data.

SCHEDULE J

Composite affiliate charges to respondents for services rendered

Line No. and nature of service	Calendar year
	19— 19— 19—
(a)	(b) (c) (d)

1. Management services.....
2. Legal services
3. Accounting services.....
4. Procurement of materials, supplies, and equipment.....
5. Leasing of land and structures.....
6. Leasing of equipment
7. Miscellaneous services.....
8. Total charges to respondents

SCHEDULE J—Continued

Composite affiliate charges to respondents for services rendered

Line No. and nature of service	Calendar year
	19— 19— 19—
(a)	(b) (c) (d)

9. Affiliate revenues derived from services to parties other than respondents.....
10. Total affiliate revenues (line 8 and line 9)
11. Total affiliate income from operations before income taxes

SCHEDULE J

PURPOSE

Schedule J is designed to facilitate an assessment of the effect on the carriers' profits of transactions with affiliates.

INSTRUCTIONS

Schedule J should report affiliate data for class I carriers only. A separate Schedule J must be prepared for the following: (1) each individual class I carrier; (2) composite dis-

strict class I carriers; (3) composite nationwide class I carriers, if appropriate. Affiliate transactions aggregating less than \$30,000 need not be reported in this Schedule.

TIME FRAME REQUIREMENTS (SAME AS SCHEDULE A)

Column b—The data reported in column b should be based on the 3d calendar year

preceding the filing of the involved schedule.

Column c—The data reported in column c should be based on the 2d calendar year preceding the filing of the involved schedule.

Column d—The data reported in column d should be based on the calendar year imme-

diately preceding the filing of the involved schedule.

NOTE.—After the initial submission of data for Schedule J, the carriers are required to report only column d data.

(Sec. 205, Pub. L. 94-210, 90 Stat. 41 (49 U.S.C. 15a(4)).)

(FR Doc. 78-3811 Filed 2-9-78; 8:45 am)

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 991]

HOPS OF DOMESTIC PRODUCTION

Proposed Salable Quantity and Allotment Percentage for the 1978-79 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would establish the quantity of hops that may be freely marketed from the 1978 crop. The action is taken under the marketing order for domestic hops to promote orderly marketing conditions.

DATE: Comments due February 28, 1978.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written materials should be submitted, and they shall be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTAL INFORMATION: The proposed salable quantity and allotment percentage would be established in accordance with the provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Hop Administrative Committee.

The proposed salable quantity and allotment percentage for the ensuing marketing year are based upon a recommendation of the Committee made at its meeting of January 17, 1978, and the following estimates for the marketing year beginning August 1, 1978.

- (1) Total domestic consumption of 35,500,000 pounds of hops;
- (2) Minus imports of 11,500,000 pounds of hops to result in domestic consumption of U.S. hops of 24,000,000 pounds;
- (3) Plus total U.S. exports of 29,000,000 pounds of hops to equal 53,000,000 pounds total usage of U.S. hops;

(4) Plus 2,500,000 pounds to adjust for weight loss for hops processed into pellets and extract;

(5) Plus an adjustment of 4,770,000 pounds to provide for adequate supplies should some producer allotments not be fully produced.

Under the proposal, the salable quantity during the 1978-79 marketing year would be 60,270,000 pounds.

The proposed salable percentage of 100 percent is computed by subtracting from this salable quantity 1,000,000 pounds for additional allotment bases for hops of the Fuggle variety pursuant to §§ 991.38(b) and 991.138(c) and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pounds additional allotment bases for Fuggle variety hops.

The proposal is as follows:

§ 991.216 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1978.

The allotment percentage during the marketing year beginning August 1, 1978, shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

Dated: February 7, 1978.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

(FR Doc. 78-3824 Filed 2-9-78; 8:45 am)

[3128-01]

DEPARTMENT OF ENERGY

Office of Conservation and Solar Application

[10 CFR Part 1010]

ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECT

Proposed Rulemaking and Public Hearing Regarding Performance Standards

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy is proposing to amend its regulations in order to prescribe performance standards for electric and hybrid vehicles to be purchased or leased for a demonstration program under the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976. This proposal is intended to solicit comments before

the performance standards are prescribed.

DATES: Comments by March 17, 1978, 4:30 p.m.; requests to speak by February 27, 1978, 4:30 p.m.; statements by March 7, 1978, 4:30 p.m.; hearing to be held on March 9, 1978 at 9:30 a.m.

ADDRESSES: Comments, requests to speak at the hearing and statements to: Regulations Management, Room 2214, Box RR, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. Hearing location: Room 3000-A, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Charles E. Pax, (Office of Conservation and Solar Applications), 20 Massachusetts Avenue NW., Washington, D.C. 20545, 202-376-4893.

Robert C. Gillette, (Hearing Procedures), 2000 M Street NW., Room 222A, Washington, D.C. 20461, 202-566-9833.

SUPPLEMENTARY INFORMATION

A. BACKGROUND

Section 4(a) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (Act) (Pub. L. 94-413) requires, the Energy Research and Development Administration (ERDA) to establish the Electric and Hybrid Vehicle Research, Development, and Demonstration Project. Section 4(c) of the Act gives ERDA, as a management objective of the project, specific responsibility to "conduct demonstration projects with respect to the feasibility of commercial electric and hybrid vehicles . . ." Section 7(b)(1) of the Act requires ERDA to "promulgate rules establishing performance standards for electric and hybrid vehicles to be purchased or leased pursuant to subsection (c)(1) (acquisition of vehicles for demonstrations)."

The Department of Energy (DOE) became responsible for carrying out the functions of ERDA under the Act, pursuant to section 301 of the Department of Energy Organization Act (Pub. L. 95-91). Pursuant to section 7(b) of the Act, DOE proposes to amend Chapter X of Title 10, Code of Federal Regulations, in order to prescribe performance standards for electric and hybrid vehicles to be purchased or leased for use in the demonstration projects to be conducted by DOE under section 7 of the Act.

As required by section 7(a) of the Act, DOE, through an interagency agreement with the National Aeronautics and Space Administration (NASA), developed data characterizing the present state-of-the-art respecting electric and hybrid vehicles to serve as baseline data to be utilized to assist in establishing the performance standards. Track and dynamometer tests were conducted to obtain performance data on a representative number of electric and hybrid vehicles. Information relative to user experience was collected from fleet operators, individual owners and domestic as well as foreign manufacturers of electric vehicles. Data on performance and physical characteristics of many vehicles were obtained from manufacturers and the available literature. This information was compiled and evaluated in the report CONS/1011-1, NASA TM-73756, State-of-the-Art Assessment of Electric and Hybrid Vehicles. This report is available as provided for later in this notice.

The information developed by NASA was used by private contractors, along with information obtained by the contractors themselves, in developing and recommending electric and hybrid vehicle performance standards for DOE. Interim reports on the work of the contractors, Arthur D. Little, Inc. (DAL) and General Research Corp. (GRC), were presented at the Fourth International Symposium on Automotive Propulsion Systems in Washington, D.C. during April 1977. The final reports of ADL (SAN/1335-1, Recommended Performance Standards for Electric and Hybrid Vehicles) and GRC (SAN/1215-1, Electric and Hybrid Vehicle Performance and Design Goal Determination Study) were reviewed and evaluated for DOE by the Society of Automotive Engineers (SAE) in CONS/5053, Final Report: Evaluation and Recommendation of Electric and Hybrid Vehicle Performance Standards. These reports are available as provided for later in this notice.

There was generally close agreement between the recommendations of ADL and GRC and those contained in SAE's review and critique. SAE did, however, recommend that no standard be proposed for the number of passengers or cargo carrying capacity which it believed should be determined by the manufacturers based on the marketplace. SAE also declined to recommend standards for energy consumption, for agricultural vehicles, and for hybrid vehicles due to its stated lack of sufficient test data or background information at its disposal in these areas.

By notice of September 26, 1977 (42 FR 53630, October 3, 1977), ERDA invited written public comments and recommendations with respect to the

standards recommended by the contractors. The September 26 notice referenced 10 CFR Part 791, an ERDA Code of Federal Regulations citation already encompassing the Electric and Hybrid Vehicle Research Development and Demonstration Project's proposed loan guarantee program. With the formation of DOE, DOE is proposing the performance standards in a separate chapter and part of Title 10 of the Code of Federal Regulations, Chapter X, Part 1010.

Eight comments were received from the public, including the battery industry, electric vehicle and components manufacturers and individual citizens. Several expressed the view that standards should be kept at a minimum for this emerging technology. Several expressed the view that the standards should allow top speeds of only 30 to 40 miles per hour (48 to 64 km/h) while others recommended standards requiring sustained cruise capability of 55 miles per hour (88 km/h) with acceleration and size characteristics similar to subcompact vehicles with internal combustion engines. The comments expressed a general desire for higher vehicle range with some recommending ranges of over 100 miles (160 km) while still requiring an inexpensive vehicle. The public comments showed general agreement with the desire for safety comparable to that found in other vehicles. Special hazards associated with the electric vehicle battery (such as shock, explosions and shorts) were also suggested as appropriate for new safety standards.

B. DEVELOPMENT OF THE STANDARDS

As required by section 7(b)(1) of the Act, the proposed standards have been developed taking into account factors of energy conservation, urban traffic characteristics, patterns of use for "second" vehicles, consumer preferences, maintenance needs, battery recharging characteristics, agricultural requirements, materials demand and their ability to be recycled, vehicle safety and insurability, costs, the best current state-of-the-art and reasonable estimates as to the near-term future state-of-the-art, and other relevant considerations. The factors and considerations have been taken into account by the contractors in their reports and by DOE in the entire process of development of performance standards.

In developing the standards, factors affecting energy use and conservation were analyzed and appropriate trade-offs were made between the standards and energy conservation. Surveys and interviews with consumers, urban planners, traffic managers and insurance professionals produced information on use patterns of "second" vehicles, urban traffic characteristics, con-

sumer preferences, costs, safety, and maintenance and insurance considerations. A review of the relevant literature, examination and testing of actual vehicles and discussions with industry and other experts contributed to development of standards based on the best current state-of-the-art and reasonable estimates as to the near-term future state-of-the-art and, in particular, provided information relevant to battery recharging characteristics and other component and subsystem characteristics, costs, materials demand and their ability to be recycled, and other relevant considerations. Agricultural requirements and possibilities of applying vehicles to agricultural uses were considered in consultation with personnel from the Department of Agriculture, agricultural colleges and other knowledgeable individuals.

Section 7(b)(1) of the Act also requires that DOE, in developing the standards, "consult with appropriate experts concerning design needs for electric and hybrid vehicles which are compatible with long-range urban planning, traffic management and vehicle safety," and section 5(a) requires that DOE, in carrying out the project, consult and coordinate with the Department of Transportation (DOT) concerning any functions of DOE, under the Act relating to regulatory activities or other DOT responsibilities, including safety and programs. DOE, in considering questions of compatibility of design needs, has consulted with contractor personnel and other experts in long-range urban planning, traffic management and vehicle safety. Extensive consultation and coordination has been carried out with DOT including the National Highway Traffic Safety Administration and the Transportation Systems Center in determining the applicability of safety and damageability standards to electric and hybrid vehicles. This has included cooperation in conducting tests and obtaining and evaluating vehicle data and in reviewing contractor draft recommendations.

C. THE PROPOSED PERFORMANCE STANDARDS

The performance standards proposed today, as required, by section 7(b)(2) of the Act, represent the minimum level of performance which is required for vehicles to be considered for use in the electric and hybrid vehicle demonstrations. These initial standards have been set at the levels which DOE has determined are necessary to promote the acquisition and use of such vehicles for transportation purposes within the capability (determined by DOE) of electric and hybrid vehicles. Section 7(b)(3) requires DOE to revise these standards periodically as the state-of-the-art improves, and

not later than six months prior to the date for contracts for the purchase of advanced electric or hybrid vehicles.

The performance standards only specify minimum levels of performance, and these minimum standards do not represent the sole basis for acceptability of vehicles for demonstration. DOE, as part of its solicitation and selection process, may specify varying priorities for increased performance levels and additional considerations within and among the designated categories in order to provide a broad spectrum of vehicles that best meet the needs of the program. Those vehicles meeting the minimum performance standards will be eligible to be considered for selection using evaluation criteria which may include consumer/user needs and preferences, reliability, durability, maintainability, safety, passenger and cargo capacity, energy use, noise, costs, warranties, and other qualitative factors which will provide the project to the extent practicable, pursuant to section 7(c)(1) of the Act, with demonstration vehicles which represent a cross-section of the available technologies and types of uses. DOE has adopted the recommendations of DOT (in its report on its study of the applicability of safety standards and regulations to electric and hybrid vehicles pursuant to section 13(d) of the Act) and DOE's contractors that electric and hybrid vehicles comply with all applicable Federal regulations for safety, crashworthiness, damageability, crash avoidance and hazards. In addition, DOE accepted the recommendation of certain additions to these requirements. It is also proposed that vehicle emissions levels comply with Federal regulations.

Other proposed minimum performance standards are substantially less than the performance capabilities of conventional vehicles and represent compromises between user needs, the capabilities of existing vehicles, projected capabilities of near-term future vehicles, benefits and costs. Proposed minimum dynamic performance requirements such as acceleration, gradeability and top speed are quite low in order to permit latitude in achieving higher range and lower overall vehicle costs. Proposed minimum ranges for the electric vehicles are quite low in general agreement with contractor recommendations to permit tradeoffs, particularly with respect to costs for those missions having low range demand. The proposed minimum hybrid vehicle range is greater than that of the electric vehicle since the use of non-electrical propulsion energy should permit substantially increased range. An upper limit of non-electrical propulsion energy is proposed for hybrid vehicles to insure that there is at least some minimum substitution of electric energy for petroleum. The

proposed upper limit on non-electrical energy which can be used by a hybrid vehicle was derived by considering the fuel consumption characteristics of heat engine propulsion systems and the substitution capability of stored electrical energy. The amount of substitution beyond the minimum may receive further consideration in selecting vehicles for demonstration. Proposed recharge time and recharge control reflects the minimum judged to be consistent with daily vehicle use.

Proposed battery life minimum levels were selected in general agreement with contractor recommendations and what was judged to be achievable with available technology. Considerable improvement above the minimum values are desired. A passenger heater was judged to be required to be available as an option with the adequacy of such a heater to be considered in final vehicle selection. An odometer and state-of-charge meter were judged to be necessary for reasonable vehicle use.

Vehicle capacity, costs and electric energy use standards are not proposed due to the wide variability among vehicles and vehicle missions. Setting minimum standards which would represent true limiting values for the wide spectrum of vehicles and missions was judged to be counterproductive to bringing forth the best capability for each particular application. Therefore, capacity, costs, electric energy consumption and other performance characteristics for which no minimum level has been proposed will be evaluated, if at all, on a comparative basis in the selection of demonstration vehicles from among those meeting the minimum performance standards.

The proposed regulation establishes Electric Vehicle Test Procedure—SAE J227a as the applicable test conditions and procedures for determining the levels of performance for those categories for which performance standards have been set. This is an SAE recommended practice establishing uniform conditions and procedures for testing electric battery powered vehicles which are capable of being operated on public and private roads, and it is proposed for use with the standards since it is regarded as the most appropriate test procedure which is publicly available and in use and which will permit cross-comparisons on a common basis.

The standards involve the use of SAE J227a test procedure and terminology with respect to acceleration, gradeability at speed, gradeability limit, range and energy, and indirectly for other standards through definitions standardizing methods of obtaining a set battery condition (such as 80 percent discharged specified in the standard on recharge time and battery life). A copy of SAE J227a is included

as an appendix to the SAE report on recommended standards mentioned above.

D. PUBLIC HEARING AND WRITTEN COMMENT PROCEDURES

1. *Written Comments.* Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed performance standards. Comments should be submitted to the address indicated in the addresses section of this preamble and should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Electric and Hybrid Vehicle—Proposed Performance Standards." Fifteen copies should be submitted. All comments received by March 17, 1978, before 4:30 p.m., e.d.t., and all other relevant information, will be considered by DOE before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and treat it according to its determination.

2. *Public Hearing.*—(a) *Request procedures.* The time and place of the public hearing are indicated in the dates and address sections of this preamble. The hearing will be continued, if necessary, on March 10, 1978.

DOE invites any person who has an interest in the proposed rulemaking issued today, or who is a representative of a group or class of persons that has an interest in today's proposed rulemaking, to make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address indicated in the address section of this preamble and must be received before 4:30 p.m. on February 27, 1978. Such a request may be hand delivered to such address, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Electric and Hybrid Vehicles—Proposed Performance Standards."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where she or he may be contacted through the day before the hearing.

DOE will notify, before 4:30 p.m., e.d.t., March 1, 1978, each person selected to appear at the hearing. Each person selected to be heard must submit 50 copies of her or his statement to the address and by the date

given in the addresses and dates section of this preamble.

b. *Conduct of Hearings.* DOE reserves the right to select the persons to be heard at this hearing, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of the persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all information available to DOE. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions to be asked of any person making a statement at the hearing to the address indicated above for requests to speak before 4:30 p.m., e.d.t., February 27, 1978. DOE will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer, will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office are the NASA, ADL, GRC and SAE reports. A copy of these reports may be obtained from the Office of Electric and Hybrid Vehicle Systems, Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20545. Additional copies of these reports may be obtained from the National Technical Information Service, U.S. Depart-

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ment of Commerce, 5282 Port Royal Road, Springfield, Va. 22121.

E. ENVIRONMENTAL AND INFLATIONARY REVIEW

In compliance with the National Environmental Policy Act of 1969 (NEPA), DOE has prepared a draft Environmental Development Plan (EDP) that identifies the potential environmental, ecological, social/economic, health, safety, and natural resource issues associated with the entire electric and hybrid vehicle project. Information contained within the EDP provides a status of the potential environmental problems and outlines in detail a plan for resolving these problems. As an environmental planning document, the EDP sets forth a schedule for responding to NEPA compliance. The first milestone on the schedule calls for the preparation of an environmental impact assessment (EIA). The EIA will identify all environmental impacts (physical environment, ecological, socioeconomic, health, safety, and resource) resulting directly and indirectly from the project. It will also identify the state of knowledge about the severity of the impacts and estimate the time and amount of research necessary to characterize the impacts. The EIA is scheduled to be completed in late 1979.

The proposed rule has been reviewed in accordance with Executive Order 11821, as amended by Executive Order 11949, and OMB Circular No. A-107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein.

(Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976, Pub. L. 94-413; Energy Reorganization Act of 1974, Pub. L. 93-438; Department of Energy Organization Act, Pub. L. 95-91.)

In consideration of the foregoing, it is proposed to amend Chapter X of Title 10, Code of Federal Regulations, by establishing Part 1010, as set forth below.

Issued in Washington, D.C., February 6, 1978.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

Chapter X of Title 10, Code of Federal Regulations, is amended by establishing Part 1010 as follows:

Subpart A—General Provisions

§ 1010.1 Purpose and scope.

This part contains performance standards for electric and hybrid vehicles required to be prescribed by the Department of Energy pursuant to section 7(b)(1) of the Act.

§ 1010.2 Definitions.

As used in this part—

"Act means the Electric and Hybrid Vehicle Research, Development and Demonstration Act of 1976 (Pub. L. 94-413, 90 Stat. 1263 et seq.).

"Commercial vehicle" means a vehicle other than a personal use vehicle.

"Electric vehicle" means a vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a non-electrical source of power designed to charge batteries and components thereof.

"Hybrid vehicle" means a vehicle propelled by a combination of an electric motor and an internal combustion engine or other power source and components thereof.

"Personal use vehicle" means a vehicle designed to carry ten persons or less and which is designed and primarily used for transporting the vehicle operator and passengers.

"Vehicle" means an electric or hybrid vehicle.

"Vital accessories" means headlights, taillights, windshield wipers, windshield defroster, defroster blowers, and heater blowers.

§ 1010.3 Test conditions and procedures.

The conditions and procedures in Electric Vehicle Test Procedure—SAE J227a, as revised February 1976, of the Society of Automotive Engineers, shall be used to determine the levels of performance of vehicles for those categories for which minimum levels of performance are prescribed in Subpart B.

§ 1010.4 Units.

The units and unit symbols and abbreviations used in this part are those of the International System of Units (Système International) or SI as established by the General Conference of Weights and Measures in 1960 and interpreted and modified for the United States pursuant to the U.S. Department of Commerce notice on the Interpretation and Modification of the International System of Units for the United States (41 FR 54018, December 10, 1976).

Subpart B—Minimum Levels of Performance

§ 1010.10 Minimum levels of performance for personal use vehicles.

The following minimum levels of performance are required with respect to any personal use vehicles purchased or leased pursuant to section 7(c) of the Act.

(a) Acceleration. The time required to accelerate from rest to 50 km/h shall not exceed 12s.

(b) Gradeability at speed. The grade which can be traversed up at 25 km/h shall be at least 15 percent.

(c) Gradeability limit. The grade on which the vehicle can start and climb for 20s either backward or forward shall be no less than 20 percent.

(d) Forward speed capability. The speed which can be maintained for five minutes shall be 88 km/h.

(e) Range. The distance which the vehicle can be operated with vital accessories on or equivalent shall be:

(1) For an electric vehicle, at least 50 km on the SAE J227a/C cycle, and

(2) For a hybrid vehicle, at least 200 km on the SAE J227a/C cycle.

(f) Battery recharge time. The battery shall be capable of being fully recharged from 80 percent discharge in 10h or less from 110V or 220V AC by use of an on-board charger.

(g) Recharge control. The vehicle shall have a recharge control which is adequate to meet the requirements of energy, life, maintenance and safety.

(h) Energy consumption. (1) For an electric vehicle, the maximum amount of non-electrical energy consumed shall be that used for operation of the accessories only.

(2) For a hybrid vehicle, non-electrical energy consumed shall not exceed 1.3 MJ/km and shall also not exceed 75 percent of total energy consumed for propulsion and vital accessories, based on being fully loaded on a driving schedule of 33 km on SAE J227a/C cycle plus 33 km at 75 km/h (higher heating value of gasoline taken as 32.7 MJ/L) and with vital accessories on.

(i) Battery life. The vehicle shall be capable of 75 percent of its required range with the battery fully charged and 100 percent of its required acceleration and grade capabilities with the battery from fully charged to 80 percent discharged after 15,000 km or 12 months of normal use.

(j) State-of-charge meter. The vehicle shall have a state-of-charge meter for the propulsion battery system.

(k) Odometer. The vehicle shall have an odometer.

(l) Passenger comfort heater. The vehicle shall have a passenger comfort heater available as an option.

(m) Documentation. Adequate user manuals, maintenance (service) manuals and parts lists shall be provided.

(n) Emissions. The vehicle shall comply with all applicable Federal emissions regulations for motor vehicles.

(o) Safety, crashworthiness, damageability, crash avoidance and hazards.

(1) The vehicle shall comply with all applicable Federal regulations for motor vehicles concerning safety, crashworthiness, damageability, crash avoidance and hazards, unless a waiver or modification is obtained from the Department of Transportation.

(2) Until the Department of Transportation issues regulations which cover the same subjects, the vehicle shall also have the following performance characteristics.

(i) The electric propulsion circuit shall be electrically isolated from other conductive portions of the vehicle.

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(ii) The vehicle shall be capable of undergoing the test procedure of Federal Motor Vehicle Safety Standard 208 and 301 with all battery materials remaining outside the passenger compartment.

(iii) The vehicle's battery caps shall be of the "explosive proof" type.

(iv) Ventilation shall be adequate within the battery compartment to maintain the concentration of hydrogen below 4% by volume during vehicle operation (including charging and system malfunctions).

(v) The vehicle shall have a device which provides for the positive disconnection of the battery and which is operable from the normal operator position.

(vi) The vehicle shall not be damaged or present a hazard due to being parked for up to 8 hours or operated in normal weather and temperatures within -25°C to 50°C.

§ 1010.11 Minimum levels of performance for commercial vehicles.

The following minimum levels of performance are required with respect to any commercial vehicles purchased or leased pursuant to section 7(c) of the Act.

(a) Acceleration. The time required to accelerate from rest to 50 km/h shall not exceed 15s.

(b) Gradeability at speed. The grade which can be traversed up at 25 km/h shall be at least 15%.

(c) Gradeability limit. The grade on which the vehicle can start and climb for 20s either backward or forward shall be no less than 20%.

(d) Forward speed capability. The speed which can be maintained for five minutes shall be 75 km/h.

(e) Range. The distance which the vehicle can be operated with vital accessories on or equivalent shall be—

(1) For an electric vehicle, at least 50 km on the SAE J227 a/B cycle, and

(2) For a hybrid vehicle, at least 200 km on the SAE J227 a/B cycle.

(f) Battery recharge time. The battery shall be capable of being fully recharged from 80 percent discharge in 10h or less.

(g) Recharge control. The vehicle shall have a recharge control which is adequate to meet the requirements of energy, life, maintenance and safety.

(h) Energy consumption. (1) For an electric vehicle, the maximum amount of non-electrical energy consumed shall be that used for operation of the accessories only.

(2) For a hybrid vehicle, non-electrical energy consumed shall not exceed 9.8 kJ/kmkg of cargo and shall also not exceed 75% of total energy consumed for propulsion and vital accessories, based on being fully loaded on a driving schedule of 100 km on SAE J227 a/B cycle, the cargo not including the operator, and with vital accessories on.

(i) Battery life. The vehicle shall be capable of 75% of its required range with the battery fully charged and 100% of its required acceleration and grade capabilities with the battery from fully charged to 80% discharged after 15,000 km or 12 months of normal use.

(j) State-of-charge meter. The vehicle shall have a state-of-charge meter for the propulsion battery system.

(k) Odometer. The vehicle shall have an odometer.

(l) Passenger comfort heater. The vehicle shall have a passenger comfort heater available as an option.

(m) Documentation. Adequate user manuals, maintenance (service) manuals and parts lists shall be provided.

(n) Emissions. The vehicle shall comply with all applicable Federal emissions regulations for motor vehicles.

(o) Safety, crashworthiness, damageability, crash avoidance and hazards.

(1) The vehicle shall comply with all applicable Federal regulations for motor vehicles concerning safety, crashworthiness, damageability, crash avoidance and hazards, unless a waiver or modification is obtained from the Department of Transportation.

(2) Until the Department of Transportation issues regulations which cover the same subjects, the vehicle shall also have the following performance characteristics.

(i) The electric propulsion circuit shall be electrically isolated from other conductive portions of the vehicle.

(ii) The vehicle shall be capable of undergoing the test procedure of Federal Motor Vehicle Safety Standards 208 and 301 with all battery materials remaining outside the passenger compartment.

(iii) The vehicle's battery caps shall be of the "explosive proof" type.

(iv) Ventilation shall be adequate within the battery compartment to maintain the concentration of hydrogen below 4% by volume during vehicle operation (including charging and system malfunctions).

(v) The vehicle shall have a device which provides for the positive disconnection of the battery and which is operable from the normal operator position.

(vi) The vehicle shall not be damaged or present a hazard due to being parked for up to 8 hours or operated in normal weather and temperatures within -25°C to 50°C.

[FR Doc. 78-3806 Filed 2-9-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of SBA Loans for Radio and Television Broadcasting

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to set a size standard for small radio and television broadcasting firms to receive Small Business Administration financial assistance. This rule is necessary because there currently is no size standard for these industries. It is intended to result in the establishment of eligibility criteria for small radio and TV firms for SBA assistance.

COMMENT DATE: Comments must be received by March 13, 1978.

ADDRESS COMMENTS TO: Director, Size Standards Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Harvey D. Bronstein, 202-653-6373.

SUPPLEMENTARY INFORMATION: In the past, the Small Business Administration did not make loans to firms engaged in the dissemination of ideas. The purpose of this policy was to avoid giving the appearance of Government influence on the exercise of freedom of speech.

On November 10 and 25, 1977, the SBA published in the FEDERAL REGISTER a proposed rule to make financial assistance available to purchase existing, or to construct new, radio and television broadcasting firms. The proposal was motivated by a desire to help "small business concerns owned and controlled by socially or economically disadvantaged persons," although assistance would not be limited to such firms. This proposal was adopted as a final rule on January 19, 1978.

Analysis of these two industries reveals a concentrated market structure with the top 1 percent of radio firms controlling 68 percent of sales and the top 1 percent of TV firms controlling 66 percent of that industry's sales. The 1976 average firm size in radio was \$1 million annual sales and in TV, \$8.4 million. Combined revenues for the radio and TV industries in 1976 were \$7 billion.

In establishing a size standard for financial assistance, we considered the profitability of the industries. Rate of return on sales before taxes in 1976 was 7 percent for radio and 25 percent for the TV industry. These factors are

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important because they indicate investment attractiveness, an important consideration in providing financial assistance.

We estimate that a size standard of \$2 million annual revenues will include 95 percent of radio and 63 percent of TV firms; a \$5 million standard will include 99 percent of radio and 85 percent of TV firms. For the reasons of market structure and rate of return, we propose a \$2 million size standard for radio and a \$5 million standard for TV broadcasting firms.

This proposal would be implemented by amending Part 121 of Chapter I, Title 13, of the Code of Federal Regulations by:

Revising § 121.3-10 by adding a new paragraph (1) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

(1) *Communications.* (1) Any firm primarily engaged in radio broadcasting is small if its annual receipts do not exceed \$2 million.

(2) Any firm primarily engaged in television broadcasting is small if its annual receipts do not exceed \$5 million.

Dated: February 2, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.

[FR Doc. 78-3788 Filed 2-9-78; 8:45 am]

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 742 3130]

INSILCO CORP. ET AL.

Consent Agreement With Analysis To Aid
Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent order, among other things, would require a Meriden, Conn., distributor of pre-cut housing products and its subsidiary to cease misrepresenting or failing to make relevant disclosures with regard to product assembly, delivery costs, legal building requirements, need for skilled building tradesmen, mortgage liens, and cancellation rights—in Spanish, if applicable. The order further requires the firm to acknowledge and resolve complaints in a prescribed manner. Additionally, the firm must cease failing to provide consumers, in

connection with the extension of credit, such material disclosures as required by Federal Reserve Board regulations.

DATE: Comments must be received on or before April 10, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Paul Turley, Director, Chicago Regional Office, Federal Trade Commission, 55 East Monroe Street, Suite 1437, Chicago, Ill. 60603, 312-353-4423.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the FTC Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 742 3130]

INSILCO CORP., AND MILES HOMES, INC.
AGREEMENT CONTAINING CONSENT ORDER
TO CEASE AND DESIST

The Federal Trade Commission, having initiated an investigation of certain acts and practices of Insilco Corp., a corporation, and Miles Homes, Inc., a corporation, and it now appearing that said corporations, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Insilco Corp. and Miles Homes, Inc., by their duly authorized officers, and counsel for the Federal Trade Commission that:

1. Proposed respondent Insilco Corp. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Connecticut, with its office and principal place of business located at 1000 Research Parkway, Meriden, Conn.

Proposed respondent Insilco Corp. has numerous wholly-owned subsidiaries in various states of the United States which it collectively terms "Miles Homes Companies" and which includes, among others, Miles Homes, Inc.

Proposed respondent Miles Homes, Inc. is a wholly-owned subsidiary of respondent Insilco Corp., and is a corporation organized, existing and doing business under and by virtue of the laws of the State of Minnesota, with its office and principal place of business located at 4500 Lyndale Avenue, North, Minneapolis, Minn.

Proposed respondent Insilco Corp. by reason of its ownership of Miles Homes, Inc. has the power to and does control the acts and practices of Miles Homes, Inc.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive: (a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respon-

dents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER**I****Definitions**

For purposes of this order, the following definitions shall apply:

(a) The term "pre-cut housing" means homes sold to the general public by any of the Miles Homes Companies in the form of unassembled or partially assembled materials and components other than a package.

(b) The term "package" means the materials and components for the plumbing, electrical or heating systems, kitchen cabinets not included with pre-cut housing, or tile or paint which any of the Miles Homes companies offers to purchasers of pre-cut housing.

(c) The term "legal holiday" means any one of the following business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day.

(d) The term "receipt" means three days following the date post-marked on written requests from purchasers provided that respondents are not precluded from establishing by other means the actual date of receipt of any written or oral request.

(e) The term "business days" means the days of the week that respondent Miles Homes, Inc. customarily conducts its business.

II

It is ordered, That respondents Insilco Corp., a corporation, and Miles Homes, Inc., a corporation, and respondents' successors and assigns, and their officers, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, sale or delivery of pre-cut housing, packages,

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homes or housing, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, by any means that:

(a) The only skill required for the assembly of respondents' pre-cut housing or packages is the ability to drive a nail or use a hammer, or that respondents' pre-cut housing or packages can be assembled by everyone without any construction skills or experience.

(b) Pre-cut housing or packages sold by respondents can in all cases be completely assembled without utilizing the services of a mason, carpenter, plumber, electrician or any other skilled building tradesman or other person experienced in building construction.

(c) Instructions furnished to purchasers for the assembly of respondents' pre-cut housing or packages are simple and are easily followed in all cases without any assistance from persons experienced in the building construction trades.

(d) No additional charge is made to purchasers for packages or other optional materials or components.

(e) All deliveries of materials and components for pre-cut housing or packages purchased from respondents are made without charge to purchasers.

2. Using the term "precision-cut" or any other words or terms of similar import or meaning which represents, directly or by implication, that materials or components for pre-cut housing or packages are delivered to purchasers accurately cut to size and fit when such materials or components require measuring and cutting after delivery to purchasers for assembly or installation in pre-cut housing purchased from respondents.

III

It is further ordered, That respondents, in connection with the advertising, offering for sale, sale or delivery of pre-cut housing, packages, homes or housing, shall include in all catalogues furnished to prospective purchasers, and shall furnish to each purchaser prior to the time such purchaser enters into any initial binding agreement for the purchase of respondents' pre-cut housing, a written statement that will set forth the following disclosures in a clear and conspicuous manner:

1. That purchasers who do not possess building construction skills or experience may find it necessary to hire or to otherwise secure the assistance of persons experienced in the building construction trades, such as a mason to lay the foundation, a carpenter to measure and cut materials and components to size for the house plan, a plumber to assemble and install plumbing and heating systems, and an

electrician to install the electrical system, and that in some localities certain of such work is required by law to be performed by licensed tradesmen;

2. That purchasers who do not possess building construction skills or experience may find it necessary to hire or to otherwise secure the assistance of persons experienced in building construction to explain or interpret the instructions furnished by respondents;

3. That the land upon which respondents' pre-cut housing is to be built will be subject to a mortgage lien as security for a note in an amount that will cover all purchases made from respondents, and that respondents may require that the purchaser furnish respondents with a copy of the deed showing ownership of such land;

4. That in those instances where the purchaser has not completed payment for the land upon which the pre-cut housing is to be built, respondents may require a copy of the contract evidencing sale of the land to the purchaser of such pre-cut housing and a permission-to-build agreement from the seller of the land;

5. That purchasers will be charged an additional amount for packages or other optional materials or components ordered when such are not included in the original purchase price;

6. That only specified deliveries will be made without charge to each purchaser and that other delivery charges which will vary depending on the number of orders a purchaser places, the quantity of materials purchased, the location of the shipper, and the method of shipment will be added to each purchaser's total indebtedness to respondents;

7. That respondents do not arrange long-term financing for individual purchasers from institutions that customarily furnish mortgage loans;

8. That the monthly payments made by purchasers to respondents will be, for the most part, in payment of the interest on the total amount financed with little, or no reduction in the total amount financed;

9. That materials or components delivered to purchasers should be inventoried and, in some cases must be sorted, after unloading;

10. That procedures, which respondents shall specifically identify and describe, have been established for the informal settlement of complaints and disputes concerning the shortage, omission or replacement of any material or component, and that purchasers will not be charged any fee by respondents for use of these procedures.

IV

It is further ordered, That respondents, in connection with the sale of pre-cut housing shall, at the time a purchaser enters into any initial con-

tract or agreement for the purchase of such housing from respondents, inform each such purchaser orally of his right to cancel such contract or agreement and shall furnish to each such purchaser:

1. A fully completed copy of such purchase agreement or contract which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the purchaser and in bold face type of a minimum size of ten points, a statement in substantially the following form:

"You, the buyer, may cancel this transaction at any time prior to midnight of the third business day, excluding Sundays and legal holidays, after the date of this transaction. See the attached notice of cancellation form for an explanation of this right."

2. A completed form in duplicate, captioned "Notice of Cancellation" attached to the purchase agreement or contract and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

Date _____ (enter date of transaction).

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled. If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk. If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract. To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to _____ (Name of Seller), at _____ (Address of seller's place of business) not later than midnight of _____ (Date). I hereby cancel this transaction.

Date: _____.

(Buyer's Signature)

3. The requirements set out in subparagraphs 1 and 2 above, do not

apply in any case in which the purchaser is accorded the right of rescission by the provisions of the Consumer Credit Protection Act (15 U.S.C. 1635) or regulations issued pursuant thereto.

V

It is further ordered, That respondents, in connection with the sale or delivery of pre-cut housing, packages, homes or housing shall:

1. Upon the receipt of a purchaser's written request for delivery of materials or components, acknowledge each such request within ten (10) business days and notify the purchaser in writing within thirty (30) days of the receipt of such request of the date on which such delivery will be scheduled; *Provided*: That, if a purchaser has not furnished respondents with satisfactory documentary evidence that all conditions precedent to such purchaser's contractual right to the requested delivery have been fulfilled and that the construction of such purchaser's house has progressed to the point where delivery of the requested materials or components is appropriate, then respondents need not arrange for the requested delivery but must advise such purchasers, within thirty (30) days of the receipt of the request, of the reason or reasons why the request for delivery will not be honored;

2. Schedule the delivery date referred to in subparagraph 1 above for a date within ten (10) business days of the date requested by the purchaser; *Provided*: That, if the requested delivery date is less than thirty (30) days from the date of receipt by respondents of the request for delivery, then respondents shall schedule delivery for a reasonable time thereafter;

3. Notify each purchaser at the time the initial purchase contract is made where purchasers are directed to address inquiries or complaints concerning:

(a) The purchaser's contractual agreement with respondents,

(b) The delivery of materials or components,

(c) Shortages, omissions, or replacement of materials or components, and

(d) The construction, assembly, and installation of pre-cut housing or packages.

4. Furnish to each purchaser a reasonable number of pre-addressed post cards for the purpose of submitting the inquiries or complaints referred to in subparagraph 3 above;

5. Acknowledge receipt of each written inquiry or complaint received from purchasers within ten (10) business days, and notify each such purchaser in such acknowledgment of the approximate date on which response to the inquiry or complaint will be furnished; such response shall be in writing and no later than thirty (30) days

from the date of the receipt of the inquiry or complaint;

6. Make a disposition relating to the purchaser's inquiry or complaint on or before the expiration of the thirty (30) day period referred to in subparagraph 5 above. Respondents' response to an inquiry or complaint relating to the shortage, omission or replacement of any material or component shall state:

(a) Whether or not respondents will furnish such material or component,

(b) The date on which delivery of the requested material or component will be scheduled, which date shall not be unreasonably distant in the future, and

(c) The reason or reasons why respondents will not furnish the requested material or component, if such be the case.

Provided, That this subparagraph 6 shall not be construed to preclude respondents from furnishing any purchaser with a credit for the purchase price and delivery charges of any material or component or from taking other remedial action with respect to any material or component.

7. Designate a single focal point within the operations of the Miles Homes Companies for the receipt of complaints which have not been resolved to the satisfaction of any purchaser under the procedures set out in subparagraphs 3, 4, 5, and 6 above, and notify each such purchaser at the time the response is made under subparagraph 6 above of the focal point and individual to whom such disputed complaints are to be directed;

8. Acknowledge, in writing, each complaint received pursuant to subparagraph 7 above within ten (10) business days of the date such complaint was received and within thirty (30) days of receipt of such complaint notify the purchaser in writing of the disposition made with respect to such dispute;

9. Establish a procedure whereby disputes with purchasers concerning the shortage, omission, or replacement of any material or component which cannot be resolved on a mutually agreeable basis within forty (40) business days after the receipt of a complaint from a purchaser under the procedures described in subparagraph 7 and 8 above, are promptly referred to and reviewed by an officer of Insilco Corp. Such officer shall: be an officer who is not responsible for the day-to-day operation of Miles Homes, Inc., or for the day-to-day operation of any of the Miles Homes Companies; fairly and expeditiously settle each dispute no later than thirty (30) business days from the date the dispute is received by the officer; and, notify the purchaser promptly, and in writing, of the disposition of the dispute.

10. Specifically perform without unreasonable delay and in good faith in

each instance where a complaint or dispute is resolved in favor of a purchaser through the procedures in Part V of the Order;

11. Use good faith efforts to meet each and every delivery date scheduled under Part V of the Order, *Provided*: That, in the event respondents are unable to make such deliveries as required due to intervening circumstances beyond their control such as labor strike, supplier failure to deliver, or unsuitable weather conditions, then respondents' obligation to deliver shall be suspended for the duration of such intervening circumstance and purchasers shall be notified in writing of the reason or reasons why delivery will be delayed.

Provided, however, In the event respondents adopt open-end credit plans under § 226.7 of Regulation Z, respondents may petition the Commission to modify Part V of this Order to make the time periods consistent with the time periods required under §§ 226.7 and 226.14 of Regulation Z (12 CFR Part 226).

VI

It is ordered, That respondents Insilco Corp., a corporation, and Miles Homes, Inc., a corporation, and respondents' successors, assigns, officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division, or any other device, in connection with any extension of or arrangement for consumer credit, or any advertisement to aid, promote, or assist, directly or indirectly any extension of or arrangement for consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act 15 U.S.C. 1601-65 (1970) as amended 15 U.S.C. 1601-65(a) (Supp. IV) 1974, do forthwith cease and desist from:

1. Failing in any consumer credit transaction to disclose the price at which respondents, in the regular course of business, offer to sell for cash the property or services which are the subject of the credit sale, and to describe that price as the "cash price", as required by § 226.8(c)(1) of Regulation Z.

2. Failing to disclose the amount of any downpayment in money made in connection with any consumer credit transaction and to describe that amount as the "cash downpayment", as required by § 226.8(c)(2) of Regulation Z.

3. Failing to disclose the "unpaid balance of cash price" to describe the difference between the "cash price" and the "cash downpayment", as required by § 226.8(c)(3) of Regulation Z.

4. Failing to disclose the "unpaid balance" to describe the sum of the "unpaid balance of cash price" and all

other charges included in the amount financed but which are not part of the finance charge, as required by § 226.8(c)(5) of Regulation Z.

5. Failing to disclose the amount of credit extended, and to describe that amount as the "amount financed", as required by § 226.8(c)(7) of Regulation Z.

6. Failing to disclose the sum of all charges made to the customer which are required by § 226.4 of Regulation Z to be included in the finance charge, and to describe that sum as the "finance charge", as required by § 226.8(c)(8)(i) of Regulation Z.

7. Failing to disclose accurately the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and to describe that sum as the "deferred payment price" as required by § 226.8(c)(ii) of Regulation Z.

8. Failing to disclose the "annual percentage rate" accurately to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

9. Failing to disclose the number, amount, and due dates or period of payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

10. Failing to disclose the sum of the payments scheduled to repay the indebtedness, and to describe the sum of the "total payments" as required by § 226.8(b)(3) of Regulation Z.

11. Stating, utilizing, or placing any information or explanation not required or authorized by Regulation Z in a manner which might tend to mislead or confuse the customer or contradict, obscure, or detract attention from the information required by Regulation Z to be disclosed, as required by § 226.6(c) of Regulation Z.

12. Failing to give notice to each customer of the right to rescind the credit transaction by furnishing the customer with two copies of the "Notice to customers required by Federal law", set forth in § 226.9(b) of Regulation Z, as required by § 226.9(b) of Regulation Z, and in the required type size set out in § 226.9(b) of Regulation Z.

13. Failing to delay the making of deliveries to the residence of the customer until after the rescission period has expired, as required by § 226.9(c)(4) of Regulation Z.

14. Failing to provide customers with two copies of the "effect of rescission", set forth in § 226.9(d) of Regulation Z, in the manner and form prescribed by § 226.9(b) of Regulation Z.

15. Failing to furnish customers with disclosures prescribed by § 226.8 of Regulation Z at the time and in the manner and form required by that section.

16. Failing to furnish customers with a duplicate of the instrument or a statement by which the disclosures prescribed by § 226.8 of Regulation Z are made, and on which the creditor is identified, as required by § 226.8(a) of Regulation Z.

17. Failing to disclose a description or identification of the type of security interest held or to be retained or acquired by the creditor in connection with the extension of credit, as required by § 226.8(b)(5) of Regulation Z.

18. Representing in any advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(d) The amount of the finance charge expressed as an equal percentage rate; and

(e) The deferred payment price if applicable.

Provided: That, respondents may make disclosures for open-end credit under § 226.7 of Regulation Z without regard to any provisions required under § 226.8 above of Regulation Z.

19. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with § 226.4 and § 226.5 of Regulation Z at the time and in the manner, form, and amount required by § 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

VII

It is further ordered. That respondents in connection with the sale or delivery of pre-cut housing, packages, homes, or housing shall:

1. Furnish each purchaser of respondents' pre-cut housing or packages with an itemized statement of account at least once every six months which sets forth to such date all purchases, credits, payments credited to interest, payments credited to principal, and current balance owed to respondents.

2. Secure from each purchaser of respondents' pre-cut housing a written acknowledgment which shall state the following information:

(a) That the disclosures referred to in Part III of this Order were received.

(b) The date on which the disclosures referred to in Part III of this Order were received.

3. Notify each existing and future purchaser of respondents' obligations under Part V of this Order.

VIII

It is further ordered. That respondents shall maintain and, upon reasonable notice, provide access to the Commission or its representatives for the purpose of inspection and copying, for a period of three years from the date each complaint is received.

1. All complaints made to respondents by purchasers concerning the shortage, omission, replacement or delivery of materials, components and packages.

2. All correspondence and documents regarding complaints, and disputes made by purchasers concerning the shortage, omission, replacement or delivery of materials, components and packages, including all records concerning the disposition of such complaints and disputes.

IX

It is further ordered. That no provision of this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, order, regulations, or building codes or directives of any kind issued or required by any governmental agency, or any other state or local laws, or act as a defense to actions instituted by municipal or state regulatory agencies, or be construed as a waiver of legal rights either party may have which vary from state to state.

It is further ordered. That respondents shall within thirty (30) days of the effective date of this Order distribute a copy of the Order to:

1. Each of respondents' operating divisions and subsidiaries engaged in the advertising, offering for sale, sale or delivery of pre-cut housing, packages, homes or housing.

2. All personnel of the respondent corporations and of the operating divisions and subsidiaries of all of respondents' corporations who are engaged or who may hereafter become engaged in the consummation of any extension of consumer credit, and in the advertising, offering for sale, sale or delivery of respondents' pre-cut housing, packages, homes, or housing and that in connection with such distribution, respondents shall secure a signed statement from each person acknowledging receipt of a copy of this Order.

It is further ordered. That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale result-

ing in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the Order.

It is further ordered. That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

INSILCO CORP., AND MILES HOMES, INC.

(File No. 7423130)

ANALYSIS OF PROPOSED CONSENT ORDER
TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Insilco Corporation and its Minnesota subsidiary, Miles Homes, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint charges the respondents with unfair and deceptive acts and practices relating to representations made in advertising in connection with the sale of pre-cut, build-it-yourself houses to the public. Specific allegations of the complaint charge Insilco Corporation of Meriden, Connecticut and its subsidiary Miles Homes, Inc. of Minneapolis, Minnesota with representing, contrary to fact, that: Their pre-cut housing is easy to assemble and can be completely constructed by anyone and without utilizing the services of skilled building tradesmen; the parts are delivered to purchasers pre-cut with such accuracy that they need only to be nailed in place; the instructions furnished are designed for the specific house ordered by each purchaser, and are so simple the can be easily followed by anyone.

The complaint also alleges that deliveries were not timed to meet the construction needs of purchasers; purchasers were not always furnished with an adequate supply of materials; and that purchasers were required to pay certain delivery charges. Further allegations relate to the failure to disclose certain information concerning the financial obligations assumed by purchasers. The complaint also alleges violations of the Truth-in-Lending Act.

The proposed order covers the parent Insilco Corporation and is ap-

plicable to all of Insilco's Miles Homes Companies subsidiaries throughout the United States that are engaged in the sale or delivery of housing. It prohibits the use of the above unfair and deceptive practices and also requires that pre-sale written disclosures be made to purchasers including information that purchasers may find it necessary to secure assistance from persons experienced in the building construction trades, and that some localities by law require licensed tradesmen to perform certain elements of the construction; and that the land upon which the house is to be built will be subject to a mortgage lien as security for a note to cover the purchased of the home.

The proposed order also establishes a specific step-by-step procedure for the handling of purchasers' complaints in a timely manner, and requires that disputed complaints are to be referred to an officer of Insilco Corporation for settlement. Furthermore, the order requires that all purchasers receive a 3-day right of cancellation of their purchase contract. The order also requires the respondents to comply with Truth-in-Lending Act provisions.

It is believed that the provisions of the proposed consent order agreement offer adequate assurance that the respondents will not be able to employ unfair and deceptive practices in the offering or sale of housing. The proposed consent order agreement should also assure that prospective purchasers will have disclosed to them essential information concerning the housing and their financial commitment.

The purpose of this analysis is to facilitate public comment on the proposed order and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

(FR Doc. 78-3760 Filed 2-9-78; 8:45 am)

[4110-03]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 101]

[Docket No. 78N-0004]

SACCHARIN

Proposed Rule Making

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to amend the food for human consumption regulations to require that vend-

ing machines that dispense food containing saccharin bear a statement warning prospective purchasers of the risks to health which may be presented by the use of saccharin.

DATES: Comments by March 13, 1978; tentative effective date of a final regulation based on this proposal is 30 days after its date of publication of the final rule in the FEDERAL REGISTER.

ADDRESS: Written comments should be sent, preferably four copies, to the Hearing Clerk (HFC-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Caesar Roy, Bureau of Foods (HFF-310), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-6567.

SUPPLEMENTARY INFORMATION: The Saccharin Study and Labeling Act (SSLA), Pub. L. 95-203, became law on November 23, 1977. Section 4(c) of the SSLA, 21 U.S.C. 343a, authorizes the Commissioner of Food and Drugs to prescribe regulations to require vending machines that dispense food containing saccharin (e.g., diet soft drinks) "to bear a statement of the risks to health which may be presented by the use of saccharin." Section 4(c) of the SSLA also requires that the vending machine warning statement "be located in a conspicuous place on such vending machine and as proximate as possible to the name of each food containing saccharin which is sold through such machine." After a regulation prescribing the vending machine warning statement becomes effective, food containing saccharin sold through a vending machine that does not bear the warning statement would be misbranded under section 403a of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343a).

The Commissioner proposes to establish a new § 101.12 (21 CFR 101.12), which would require that vending machines that dispense food containing saccharin bear a statement warning prospective consumers of the risks to health that may be presented by the use of saccharin. The warning statement on vending machines will ensure that consumers have notice, at the point of sale, of the potential hazards to health presented by the use of saccharin.

Substantial numbers of diet beverages are sold through vending machines. In 1976, \$675 million of soft drinks in cups were sold through vending machines (approximately 3,880 million cups); 8 percent of those beverages were of the diet variety. Moreover, in 1976, 75 percent of the vending machines dispensing soft drinks in

cups contained diet beverages. Even greater quantities of beverages in cans were sold through vending machines. The total dollar value in 1976 was \$1,425 million (approximately 5,165 million cans), 10 percent of which were diet beverages. Ninety percent of vending machines dispensing cans contained diet beverages. Vending machine sales of diet soft drinks clearly constitute a sizable portion of the sales of diet beverages, and consumers who purchase diet beverages from those machines should be apprised of the risks to health that may be presented by the use of saccharin.

The Commissioner proposes to permit the warning statement to be displayed in either of two ways. These alternatives are described below.

ALTERNATIVE I

Each vending machine would bear a warning statement, at least 5 inches wide by 3 inches high, printed in contrasting colors on a durable stick-on label. The label would be conspicuously located on the front of the vending machine so that a person approaching the machine is likely to see the label.

The warning statement, printed in type at least 1/16 inch high, would read as follows: "This machine contains (insert name(s) of food in machine which contains (or contain) saccharin). Use of this product (or these products) may be hazardous to your health. This product (or these products) contains (or contain) saccharin which has been determined to cause cancer in laboratory animals".

ALTERNATIVE II

This alternative involves more than one label on each vending machine. The first label would be conspicuously located on the front of the vending machine, at least 5 inches wide by 3 inches high, printed in contrasting colors on a durable stick-on label. The text, printed in type at least 1/16 inch high, would read: "The products in this machine which contain saccharin may be hazardous to your health. Saccharin has been determined to cause cancer in laboratory animals".

The second label under this alternative would be located as close as possible to the name of the individual products in the machine and would be printed in contrasting colors on a durable stick-on label. Its text, printed in type at least 1/16 inch high, would read: "This product contains saccharin". Comments are solicited on the appropriate size for this label.

Although alternative II involves two or more labels per vending machine, it does have an advantage over the alternative I, because the text of the labels would be uniform. Under the alternative I, the text of the single label would vary depending on the contents of the machine. Since both alterna-

tives would convey essentially the same information to consumers, a preference for either alternative, or any other reasonable one, depends largely on which is easier to implement and less costly for manufacturers.

Comments should address the amount of time needed to implement the vending machine warning requirement. The Commissioner has decided, tentatively, to make a final regulation effective 30 days after its date of publication in the *FEDERAL REGISTER* and to require all vending machines to bear the warning statement within 60 days thereafter.

In addition to the warning statement on the vending machine, individual food products containing saccharin dispensed by the vending machine will be required to bear the saccharin warning label in accordance with the final guidelines published in the *FEDERAL REGISTER*, December 9, 1977 (42 FR 62209).

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 301, 403, and 701(a), 52 Stat. 1042-1043 as amended, 1055, 72 Stat. 1784 as amended (21 U.S.C. 321(s), 331, 343, and 371(a)), and the Saccharin Study and Labeling Act, (sec. 4(c), 91 Stat. 1453 21 U.S.C. 343a), and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 101 of Chapter I of Title 21 of the Code of Federal Regulations be amended by adding new §101.12 to read as follows:

§101.12 Saccharin and its salts; vending machine warning statement.

Each vending machine that dispenses food containing saccharin shall bear either the warning statement set forth in paragraph (a) of this section or the warning statements set forth in paragraph (b) of this section.

(a) The following warning statement shall be affixed to the front of each vending machine in a conspicuous location:

This machine contains (Insert name(s) of food(s) in machine which contains (or contain) saccharin). Use of this product (or these products) may be hazardous to your health. This product (or these products) contains (or contain) saccharin which has been determined to cause cancer in laboratory animals.

The warning statement shall be printed in type at least 1/8 inch high in con-

trasting colors on a durable stick-on label at least 5 inches wide by 3 inches high.

(b)(1) The following warning statement shall be affixed to the front of each vending machine in a conspicuous location:

The products in this machine which contain saccharin may be hazardous to your health. Saccharin has been determined to cause cancer in laboratory animals.

The warning statement shall be printed in type at least 1/8 inch high in contrasting colors on a durable stick-on label at least 5 inches wide by 3 inches high.

(2) The following warning statement shall also be affixed to each vending machine as close as possible to the name of the specific products in the machine which contain saccharin:

This product contains saccharin.

This statement shall be printed in type at least 1/8 inch high in contrasting colors on a durable stick-on label.

Interested persons may, on or before March 13, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 (as amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: February 6, 1978.

JOSEPH P. HILE,
Associate Commissioner
for Compliance.

[FR Doc. 78-3763 Filed 2-9-78; 8:45 am]

[1505-01]

[21 CFR Part 1040]

[Docket No. 75N-0047]

SUNLAMP PRODUCTS

Performance Standard

Correction

NOTE.—This document originally appeared in the *FEDERAL REGISTER* for Monday, Febru-

ary 6, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

In FR Doc. 77-36862 appearing on page 65189 in the issue of Friday, December 30, 1977, the following corrections are made:

On page 65190, in the second column, the 2nd complete paragraph, the 13th line reading " * * * intended for tanning or related effects * * * " should now read " * * * intended solely for the purposes other than * * * "

On page 65191 in the 1st paragraph under "LAMP BASE REQUIREMENT," the third word in the 12th line should read "designed."

On page 65192 the 5th and 6th lines in the 1st paragraph under "USER INSTRUCTION REQUIREMENTS" should read " * * * instructions would include the reproduction of the labels prescribed in §1040.20 * * * ". In the third column under §1040.20(c)(5)(i) in the 6th and 8th lines the word "nanometers" should read "nanometers."

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-213-74]

REGULATED INVESTMENT COMPANY STOCK

Custodial Accounts

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to custodial accounts for regulated investment company stock. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974 and the Tax Reform Act of 1976. The regulations would provide the public with guidance needed to comply with those Acts and would affect public school teachers and employees of certain tax-exempt organizations.

DATE: Written comments and requests for a public hearing must be delivered or mailed by March 27, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-213-74), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

H.B. Hartley of the Legislation and

Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-6624 (not a toll free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 403(b) of the Internal Revenue code of 1954. These amendments are proposed to conform the regulations to section 1022(e) of the Employee Retirement Income Security Act of 1974 (88 Stat. 940) and section 1504(a) of the Tax Reform Act of 1976 (90 Stat. 1378) and are to be issued under the authority contained in section 7805 of the Internal Revenue code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

GENERAL INFORMATION

Under prior law, contributions to a section 403(b) plan (a plan funded by public schools or tax-exempt organizations for teachers or other employees) could be invested only in annuity contracts. In order to provide more flexibility in this area, section 1022(e) provides that these contributions may instead be placed in a custodial account and invested in mutual funds. However, section 1022(e) also makes the custodial account subject to certain requirements of the Code, such as those pertaining to reporting, unrelated business income, and, in many cases, prohibited transactions (see section 503 of the code). In addition, the custodian must be either a bank or another person who has been approved by the Commissioner.

Under the Employee Retirement Income Security Act of 1974, the assets of the custodial account had to be invested in stock of an open-end investment company. Under the Tax Reform Act of 1976, however, the assets may also be invested in stock of a closed-end investment company.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *FEDERAL REGISTER*.

DRAFTING INFORMATION

The principal author of these proposed regulations was H.B. Hartley of

the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

§1.403(b) [Deleted]

PARAGRAPH 1. Section 1.403(b) is deleted.

PAR. 2. Section 1.403(b)-1 is amended by adding a new paragraph (h) at the end thereof to read as follows:

§1.403(b)-1 Taxability of beneficiary under annuity purchased by a section 501(c)(3) organization or public school.

(h) *Custodial accounts*—(1) *Effective date*. This paragraph applies to contributions made after December 31, 1973.

(2) *Description of custodial account*. A custodial account is described in section 403(b)(7) if all of the following requirements are satisfied:

(i) The custodial account must be established by an employer described in section 403(b)(1)(A) for an employee.

(ii) The employer must make at least one contribution to the custodial account that is excluded from the gross income of the employee under section 403(b).

(iii) The custodian must be a bank or must be a person who has been approved by the Commissioner under §401-12(n).

(iv) The employee's interest in the custodial account must be nonforfeitable and nontransferable.

(v) There must be a written custodial agreement, and it must be impossible under the agreement for any part of the amounts received by the custodial account or of the earnings thereon to be used for, or diverted to, purposes other than for the exclusive benefit of the employee or his beneficiaries. In particular, the assets held in the account must not be subject to the claims of the employer's creditors.

(vi) The custodial account must be established and maintained primarily to provide for the payment of benefits to the employee over a period of years, usually for life, after retirement. Thus, for example, the custodian must begin to make payments to the employee within a reasonable time after the employee retires. In addition, the custodial agreement must provide that the custodian is not to make any distributions to the employee or his beneficiaries before the employee attains age 65, unless (A) the employee be-

comes disabled or dies, or (B) the employee attains age 55 and leaves the service of the employer.

(vii) Section 401(f)(1) must not apply to the custodial account.

(viii) The custodial agreement must provide that the investment of the funds in the account is to be made solely in stock of one or more regulated investment companies (as defined section 403(b)(7)(C)) to be held in that account. The requirement described in the preceding sentence applies, for example, to amounts paid by the employer and to any earnings on such amounts. The requirement also applies to capital gains realized upon the sale of stock described in this subdivision, to any capital gain dividends received in connection with the stock, and to any refunds described in section 852(b)(3)(D)(ii) (relating to undistributed capital gains of a regulated investment company) that are received in connection with the stock. However, the custodian may deposit funds with a bank, in either a checking or savings account, while awaiting an appropriate time to make additional investments.

(3) *Treatment of custodial account*. Except as provided in section 403(b)(7)(B), a custodial account described in section 403(b)(7) is treated as an annuity contract for all purposes of the Internal Revenue Code.

(4) *Distributions*. (i) Amounts received by or made available to an employee or his beneficiary from a custodial account described in section 403(b)(7) are treated as amounts received or made available under an annuity contract to which section 403(b) applies. (See paragraph (c) of this section.)

(ii) If a custodial account described in section 403(b)(7) purchases a non-transferable annuity contract for an employee and distributes it to the employee and if the contract contains a cash surrender value that may be available to the employee by surrendering the contract, the cash surrender value will not be considered income to the employee unless and until the contract is surrendered. If, however, the contract distributed by the custodial account is a retirement income, endowment, or other life insurance contract, the entire cash value of the contract at the time of distribution must be included in the distributee's income in accordance with the provisions of paragraph (c) of this section, except to the extent that within 60 days after the distribution of the contract, all or any portion of its value is irrevocably converted into a non-transferable contract under which no part of any proceeds payable on death at any time would be excludable under section 101(a) (relating to life insurance proceeds).

(5) *Employee contributions*. An employee is permitted to make contribu-

PROPOSED RULES

tions to a custodial account described in section 403(b)(7). The earnings on an employee contribution (like the earnings on any other contribution) are exempt from the income tax. However, an employee contribution is not excluded from gross income and may be subject to an excise tax on excess contributions. See section 4973.

(6) *Excess contributions.* (i) See section 4973 for rules relating to an excise tax on excess contributions.

(ii) The earnings on an excess contribution (like the earnings on any other contribution) are exempt from the income tax.

(iii) If an employer makes an excess contribution to a custodial account described in section 403(b)(7), the contribution is taxed to the employee to the extent provided under section 403(c) as if it were a premium paid for an annuity contract.

(7) *Life insurance.* The custodian of a custodial account described in section 403(b)(7) is permitted to buy life insurance for the protection of the employee. However, unless the insurance contract is distributed within 30 days after it is purchased, the contract must have no cash surrender value, the insurance protection must be merely incidental to other benefits, and the cost of the insurance must be included in the gross income of the employee. For purposes of this subparagraph, life insurance protection is merely incidental if, in each taxable year of the employer, the cost of the insurance does not exceed 25 percent of the employer's contribution to the custodial account.

(8) *Two or more employees.* A custodial account described in section 403(b)(7) may be established and maintained for the benefit of two or more employees. In such a case, the custodian must account separately for the interest of each employee.

(9) *Substitution of custodian.* Anything that has the effect of merely substituting one custodian for another is not considered as terminating or interrupting the existence of a custodial account described in section 403(b)(7).

(10) *Employee power to change investments.* A power authorizing the employee to direct the custodian to change the investment of assets held in the account solely from stock in one regulated investment company to stock in another such company will not be considered to terminate or interrupt the existence of a custodial account described in section 403(b)(7).

(11) *Other requirements.* Under section 403(b)(7)(B), the custodian of a custodial account described in section 403(b)(7) is subject to the same reporting requirements as the trustee of a qualified trust. Thus, for example, the custodian must file the returns described in sections 6033 and 6041. In addition, the custodial account is

treated as an organization described in section 401(a) for purposes of subchapter F of chapter 1 (see especially sections 511 to 515).

(12) *Meaning of terms.* For purposes of this paragraph—

(i) The term "bank" means a bank as defined in section 401(d)(1).

(ii) The term "custodial account" includes a trust.

(iii) The term "custodian" includes a trustee, and

(iv) The term "excess contribution" means an excess contribution as defined in section 4973(c).

(13) *Investment of custodial account funds in section 403(b) annuity contract.* [Reserved]

JEROME KURTZ,
Commissioner of
Internal Revenue.

[FR Doc. 78-3472 Filed 2-6-78; 1:06 pm]

[4830-01]

[26 CFR Parts 1 and 301]

[LR-214-74]

EMPLOYEE RETIREMENT BENEFIT PLANS

Annual Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the filing of annual returns for employee retirement benefit plans. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974 ("ERISA"). The regulations would provide the public with the guidance needed to comply with ERISA and would also affect all employers and plan administrators with funded plans of deferred compensation.

DATES: Written comments and requests for a public hearing must be delivered or mailed by March 27, 1978. The regulations are generally proposed to be effective for plan years beginning after September 2, 1974.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

William D. Gibbs, of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T; LR-214-74), 202-566-3293 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) and the Procedure and Administration Regulations (26 CFR Part 301) under sections 404, 6033, 6047, 6058 and 6652 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 1031 of the Employee Retirement Income Security Act of 1974 (88 Stat. 943) and are to be issued under the authority contained in sections 6058 and 7805 of the Internal Revenue Code of 1954 (88 Stat. 945 and 68A Stat. 917; 26 U.S.C. 6058 and 7805).

REQUIREMENT TO FILE ANNUAL REPORT

Internal Revenue Code section 6058 requires every employer who maintains a pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation to file an annual return. The proposed regulations provide that the annual return to be filed is the Form 5500 series prescribed by the Internal Revenue Service. The present Form 5500 series also satisfied some of the filing requirements of ERISA for the Department of Labor and the Pension Benefit Guaranty Corporation. It should be pointed out that certain plans may be required to file reports with the Service under these proposed regulations which may not have to be filed under title I of ERISA. It should also be pointed out that although certain plans may not be required to file reports under these proposed regulations, they may, nevertheless, be required to file under title I of ERISA.

PENALTY FOR FAILURE TO FILE

The proposed regulations provide rules relating to the imposition of the penalty under Code section 6652(f) for failure to file the required returns.

OTHER AMENDMENTS AND DELETIONS

Conforming amendments are being made to regulations under Code sections 404, 6033 and 6047. Further, those sections of the regulations which repeat the statute are being deleted.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was William D. Gibbs of the Legislator and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 and 26 CFR Part 301 are as follows:

INCOME TAX REGULATIONS

PARAGRAPH 1. Section 1.404 (a)-2A is amended by revising the section title and the first sentence of paragraph (a). As amended, § 1.404 (a)-2A reads as follows:

§ 1.404 (a)-(A) Information to be furnished by employer; taxable years ending on or after December 31, 1971, and before December 31, 1975.

(a) *In general.* For any taxable year ending on or after December 31, 1971, and before December 31, 1975, any employer who maintains a pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation shall file the forms prescribed by this section. . . .

§ 1.6033 [Deleted]

PAR. 2. Section 1.6033 is deleted.
PAR. 3. Section 1.6033-2 is amended by revising paragraphs (a) (3) (ii) and (h) (3) to read as follows:

§ 1.6033-2 Returns by exempt organizations; taxable years beginning after December 31, 1969.

(a) *In general.* . . .

(ii) For taxable years ending on or after December 31, 1971, and before December 31, 1975, every employee's trust described in section 401 (a) which is exempt from taxation under section 501 (a) shall file an annual return on Form 990-P. The trust shall furnish such information as is required by such form and the instructions issued with respect thereto.

(h) *Records, statements, and other returns of tax-exempt organizations.* . . .

(3) An organization which has established its exemption from taxation under section 301 (a), including an organization which is relieved under section 6033 and this section from filing annual returns of information, is not

PROPOSED RULES

relieved of the duty of filing other returns of information. See, for example, sections 6041, 6043, 6051, 6057, and 6058 and the regulations thereunder.

§ 1.6047 [Deleted]

PAR. 4. Section 1.6047 is deleted.
PAR. 5. Paragraph (c) of § 1.6047-1 is amended to read as follows:

§ 1.6047-1 Information to be furnished with regard to employee retirement plan covering an owner-employee.

(c) *Penalties.* For civil penalty for failure to file a return required by this section, and for criminal penalty for furnishing fraudulent information under this section, see §§ 301.6652-3 and 301.7207-1, respectively.

REGULATIONS ON PROCEDURE AND ADMINISTRATION

PARAGRAPH 6. There is inserted in the appropriate place the following new section:

§ 301.6058-1 Information required in connection with certain plans of deferred compensation.

(a) *Reporting of information—(1) Annual return.* For each funded plan of deferred compensation an annual return must be filed with the Internal Revenue Service. The annual return of the plan is the appropriate Annual Return/Report of Employee Benefit Plan (Form 5500 series) as determined under these forms. The annual period for the annual return of the plan shall be either the plan year or the taxable year of the employer maintaining the plan as determined under these forms. These forms are hereinafter referred to as the "forms prescribed by section 6058(a)."

(2) *Plans subject to requirements.* For purposes of this section, the term "funded plan of deferred compensation" means each pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation described in part 1 of subchapter D of chapter 1. Accordingly, the term includes qualified plans under sections 401(a), 403(a), and 405(a); individual retirement accounts and annuities described in sections 408(a) and 408(b); and custodial accounts under section 403(b)(7). The term also includes funded plans of deferred compensation which are not qualified plans and such plans which are governmental plans, church plans, and plans maintained outside the United States primarily for nonresident aliens (as defined, respectively, in subsection (b)(1), (2), and (4) of section 4 of part 2

of subtitle B of Title I of the Employee Retirement Income Security Act of 1974 (88 Stat. 839)). The term does not include annuity contracts described in section 403(b)(1) or individual retirement accounts (an individual participant or surviving beneficiary in such account must file under paragraph (d)(2) of this section) and bonds described in sections 408(c) and 409.

(3) *Required information.* The information required to be furnished on the forms prescribed by section 6058(a) shall include such information concerning the qualification of the plan, the financial condition of the trust, fund, or custodial or fiduciary account which is a part of the plan, and the operation of the plan as shall be required by the forms, accompanying schedules and related instructions applicable to the annual period.

(4) *Time of filing.* The forms prescribed by section 6058(a) shall be filed in the manner and at the time as required by the forms and related instructions applicable to the annual period.

(b) *Who must file—(1) In general.* The annual return required to be filed under section 6058(a) and paragraph (a) of this section for the annual period shall be filed by either the employer maintaining the plan or the plan administrator (as defined in section 414(g)) of the plan for that annual period. Whether the employer or plan administrator files shall be determined under the forms prescribed by section 6058(a) and related instructions applicable to the annual period. Nothing in these forms shall preclude an employer from filing the return on behalf of the plan administrator, or the plan administrator from filing on behalf of the employer.

(2) *Definition of employer.* For purposes of subparagraph (1) of this paragraph, the term "employer" includes a sole proprietor and a partnership.

(c) *Other rules applicable to annual returns—(1) Extensions of time for filing.* For rules relating to the extension of time for filing, see section 6081 and the regulations thereunder and the instructions on the forms prescribed by section 6058(a).

(2) *Amended filing.* Any form prescribed by this section may be filed as an amendment to a form previously filed under this section with respect to the same annual period pursuant to the instructions for such forms.

(3) *Additional information.* In addition to the information otherwise required to be furnished by this section, the district director may require any further information that is considered necessary to determine allowable deductions under section 404, qualification under section 401, or the financial condition and operation of the plan.

(4) *Records.* Records substantiating all data and information required by

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this section to be filed must be kept at all times available for inspection by internal revenue officers at the principal office or place of business of the employer or plan administrator.

(5) *Relief from filing.* Notwithstanding paragraph (a) of this section, the Commissioner may, in his discretion, relieve an employer, or plan administrator, from reporting information on the forms prescribed by section 6058(a) which is reported on other returns filed with the Service. This discretion includes the ability to relieve an employer, or plan administrator, from filing the applicable form.

(d) *Special rules for individual retirement arrangements—(1) Application.* This paragraph, in lieu of paragraph (a) of this section, applies to an individual retirement account described in section 408(a) and an individual retirement annuity described in section 408(b), including such accounts and annuities for which a deduction is allowable under section 220 (spousal individual retirement arrangements).

(2) *General rule.* For each taxable year beginning after December 31, 1974, every individual who during such taxable year—

(i) Establishes or maintains an individual retirement account described in section 408(a) (including an individual who is a participant in an individual retirement account described in section 408(c)),

(ii) Purchases or maintains an individual retirement annuity described in section 408(b), or

(iii) Is a surviving beneficiary with respect to an account or annuity referred to in this subparagraph which is in existence during such taxable year, shall file Form 5329 (or any other form designated by the Commissioner for this purpose), as an attachment to or part of the Form 1040 filed by such individual for such taxable year, setting forth in full the information required by that form and the accompanying instructions.

(3) *Special information returns.* If an individual described in subparagraph (2) of this paragraph is not required to file a Form 1040 for such taxable year, such individual shall file a Form 5329 (or any other designated form) with the Internal Revenue Service by the 15th day of the 4th month following the close of such individual's taxable year setting forth in full the information required by that form and the accompanying instructions.

(4) *Relief from filing.* The Commissioner may, in his discretion, relieve an individual from filing the form prescribed by this paragraph.

(5) *Retirement bonds.* An individual who purchases, holds, or maintains a retirement bond described in section 409 may be required to file a return under other provisions of the Code.

(e) *Actuarial statement in case of mergers, etc.* For requirements with re-

spect to the filing of actuarial statements in the case of a merger, consolidation, or transfer of assets or liabilities, see section 6058 (b) and section 414 (l) and the regulations thereunder.

(f) *Effective dates—(1) Section 6058 (a) requirements.* The rules with respect to annual returns required under section 6058 (a) (the rules in this section, other than paragraph (e) thereof) are effective for plan years beginning after September 2, 1974.

(2) *Section 6058 (b) requirements.* The requirements of section 6058 (b) relating to mergers, etc., and paragraph (e) of this section are effective on September 2, 1974, with respect to events described in section 6058 (b) occurring on or after such date.

PAR. 7. Section 301.6652-3 is amended by adding a new paragraph (a) (3) to read as follows:

§ 301.6652-3 Failure to file information with respect to employee retirement benefit plan.

(a) Amount imposed. . . .

(3) *Annual return of funded plan of deferred compensation.* Under section 6652 (f) the amount described in this subparagraph is imposed in each case in which there is a failure to file the annual return described in section 6058 (a) on behalf of a plan described in § 301.6058-1 (a) at the time and in the manner prescribed therefor (determined with regard to any extension of time for filing). The employer maintaining the plan is liable for the amount imposed with respect to a failure to so file the annual return in each case in which the employer must file the return under § 301.6058-1 (a). The plan administrator (within the meaning of section 414 (g)) is liable for the amount imposed in each case in which the plan administrator must file the return under § 301.6058-1 (a). In the case of an individual retirement account or annuity described in section 408, the individual described in § 301.6058-1 (d) (2) who must file the annual return under § 301.6058-1 (d) is liable for the amount imposed with respect to a failure to so file the annual return. The amount imposed is \$10 for each day during which the failure to file the annual return on behalf of a plan for a year continues. However, the total amount imposed with respect to a failure to file on behalf of a plan for any year shall not exceed \$5,000

JEROME KURTZ,
Commissioner of
Internal Revenue.

[FR Doc. 78-3473 Filed 2-9-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Women's Air Forces Service Pilots

AGENCY: Veterans Administration.

ACTION: Proposed Rulemaking.

SUMMARY: The Veterans Administration is amending its regulations to indicate that service in the Women's Air Forces Service Pilots (WASP) during World War II or similar groups, may be considered active service when so certified by the Department of Defense. This change results from enactment of a new law. The effect of this change is to provide authority for granting benefit entitlement to former WASP's.

DATES: Comments must be received on or before March 13, 1978. It is proposed to make this amendment effective November 23, 1977, the date of enactment of the new law (Pub. L. 95-202, 91 Stat. 1449).

ADDRESS: Send written comments to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. Comments will be available for inspection at the address shown above during normal business hours until March 22, 1978.

FOR FURTHER INFORMATION CONTACT:

T. H. Spindle, 202-389-3005

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until March 22, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: February 1, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 3.7, paragraph (x) is added to read as follows:

§ 3.7 Persons included.

The following are included:

(x) Women's Air Forces Service Pilots, or other similarly situated groups. Service as certified by the Department of Defense. (Pub. L. 95-202, 91 Stat. 1449).

[FR Doc. 78 3764 Filed 2-9-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

[FRL 853-7; OPP-250007]

PESTICIDE PROGRAMS; GUIDELINES FOR REGISTERING PESTICIDES IN THE UNITED STATES

Notification of the Secretary of Agriculture of a Proposed Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of proposed regulation.

SUMMARY: Notice is given as required by section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, that the Administrator, EPA, has forwarded to the Secretary of the U.S. Department of Agriculture a copy of EPA's proposed regulation to implement section 3(c)(2) of FIFRA, which requires the Administrator to publish guidelines specifying the kinds of information which will be required to support the registration of a pesticide.

FOR FURTHER INFORMATION CONTACT:

William Preston, Criteria and Evaluation Division (WH-568), Office of Pesticide Programs, EPA, Washington, D.C. 20460, 703-557-7351.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture a copy of any proposed regulation at least 60 days prior to signing it for publication in the FEDERAL REGISTER. If the Secretary comments in writing regarding the proposed regulation within 30 days after receiving it, the Administrator shall publish in the FEDERAL REGISTER (with the proposed regulation) the comments of the Secretary, and the response thereto of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign such regulation for publication in the FEDERAL REGISTER anytime after such 30-day period.

Pursuant to FIFRA section 25(a)(3), a copy of this proposed regulation has also been forwarded to the Committee

on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate. The section 3(c)(2) proposed regulation was submitted to the FIFRA Scientific Advisory Panel on January 31, 1978, as required by Section 25(d).

(Sec. 25. Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92-516; 89 Stat. 973; Pub. L. 94-140, 89 Stat. 751 (7 U.S.C. 136 et seq).)

Dated: February 3, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 78-3842 Filed 2-9-78; 8:45]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1103]

(Ex Parte No. 55 (Sub-No. 30))

PRICE COMPETITION AMONG PRACTITIONERS

Proposed Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The proposed rules would amend the Commission's Canons of Ethics to allow price competition among ICC practitioners through the use of advertising. The Commission believes this action would result in reduced fees and lower costs to small carrier applicants and aid those applicants in overcoming the financial advantage possessed by the larger more established carriers. Further, the proposed rules would bring the Commission's regulations into conformance with a recent Supreme Court decision which held that attorney advertising could not be subjected to blanket suppression.

DATES: Written comments should be filed with the Commission by March 27, 1978.

ADDRESS: Send comments to: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Richard Armstrong, Policy Review Office, Interstate Commerce Commission, Washington, D.C. 20423. Phone 202-275-1912.

SUPPLEMENTARY INFORMATION: Practice before the Commission is governed by the rules of practice, namely, 49 CFR 1100.7-1100.11. Persons seeking information with regard to becoming practitioners may inquire of the Secretary of the Commission.

In revising the Commission's former general rules of practice (now rules of

practice), the Commission's rules Committee gave active consideration to a revision of the Canons of Ethics but deferred action on certain of those canons. More recently, a Commission staff task force submitted a report containing 39 recommendations for improving motor carrier entry regulation (Improving Motor Carrier Entry Regulation, Ex Parte No. MC-113, July 6, 1977). Recommendation 36 of the staff task force report proposed that the Commission's Canons of Ethics (49 CFR Part 1100, Appendix A, Item 32) be amended to allow ICC practitioners to advertise their fees for services rendered in practicing before the Commission. The task force based this recommendation, in part, upon the assumption that price competition would result in reduced fees and lower costs to small carrier applicants. The lower costs would aid the small carrier applicant in overcoming the financial advantage possessed by the larger, more established carriers.

The task force also took note of the recent decision by the United States Supreme Court in *Bates v. State Bar of Arizona*, 97 S. Ct. 2691 (1977). There, the Supreme Court held that attorney advertising could not be subjected to blanket suppression and that the attorney advertisement in issue was constitutionally protected. The advertisement had been placed in a newspaper and consisted of a truthful advertisement setting forth the availability and terms of routine legal services. In its decision, the Supreme Court did state that false, deceptive, or misleading advertising is subject to restraint and that reasonable restrictions may be placed on the time, place and manner of advertising.

From September through November, the Commission held a series of public hearings in seven cities to seek comments on the task force recommendations. Both oral testimony and written comments were received concerning these recommendations and other aspects of motor carrier entry regulation. Several were addressed to recommendation 36 (see Public Response to Proposals for Improving Motor Carrier Entry Regulation, Ex Parte No. MC-113, December, 1977). One such comment suggested that Canon 32 be amended either to incorporate the American Bar Association's Code provisions by reference or adapt its language to the Commission's canons of Ethics. Another comment was that the public would be served better by encouraging the advertising of special backgrounds rather than the advertising of fees. One suggested that competition was in order but that the real problem was a shortage of ICC practi-

* Copies may be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

tioners. One stated that the only good in attorney advertising was in informing the public where the attorney is located. Another remarked that a great deal of price competition currently exists. Finally, an individual endorsed practitioner advertising but with some controls.

For ICC practitioners, Canon 32 of the Commission's Canons of Ethics embraces the traditional ban against advertising by attorneys. Canon 32 states, in part, as follows:

[S]olicitation of employment by circulars or advertisements . . . is unethical.

This amounts to blanket suppression similar to that which the Supreme Court refused to uphold in the *Bates* decision. Therefore, this Commission must amend its Canons of Ethics to allow at least the type of advertising approved in the *Bates* decision.

The rules proposed in this proceeding are designed to carry out recommendation 36 in addition to bringing the Commission's Canons of Ethics into compliance with the *Bates* decision. This would be accomplished by the amendment of Canons 14, 32, and 33. Canon 14 involves the fixing of fees. The proposed revision of Canon 14 would establish a minimum period of time for an advertised fee to be effective unless a different period is specifically set forth in the advertisement. Otherwise, it would be considered to be misleading to advertise a fee for a specific service without adhering to it in charging clients.

Canon 32 addresses direct or indirect advertising. In amending Canon 32, the proposed rules would adopt a general antifraud approach for practitioner advertising rather than listing the items allowed to be advertised. Specifically, the proposed rules would allow the use of public communications containing any information which is not "false, fraudulent, misleading, or deceptive." Guidelines would be established in the amended canon for use in determining what would constitute such prohibited information. These guidelines would consist of certain types of statements which would always be considered as "false, fraudulent, misleading or deceptive." This is the same approach and language used in one of the two proposals on attorney advertising considered by the American Bar Association.

Additionally, the proposed rules would allow practitioners to advertise on radio and television. Such a communication would have to be prerecorded and approved for broadcast by the practitioner, and a recording of the actual transmission would have to be kept by the practitioner for a specified period of time. The proposed rules would require that a paid advertise-

ment be identified as such unless it is apparent from the context. They would also amend Canon 32 to prohibit a practitioner from identifying himself as such in any advertisement in connection with any other profession or business in which he might be engaged. This would continue the prohibition against using a practitioner's status in furtherance of advertising and solicitation activities of traffic bureaus as set forth in *In re Pollack and Axelrod*, 315 ICC 391 (1962). The proposed rules would prohibit one-to-one solicitation with certain exceptions. They would prohibit practitioners from using billboards or electrical signs in advertising. The proposed rules would amend Canon 32 to make the standards for a public communication applicable to information to be placed on professional cards, letterheads, and announcement cards or in biographical insertions. This would make it unnecessary to retain any of the language in Canon 33, which would be eliminated. Finally, the proposed rules would amend Canon 32 to prohibit a practitioner from compensating a representative of any communication medium for professional publicity in a news item.

Interested parties are encouraged to submit comments on the proposed rules. (An original and 15 copies, if possible, should be submitted.)

Comments are particularly invited as to the need to include in the rules the second sentence of the proposed revision of Canon 32 setting forth examples of false, fraudulent, misleading or deceptive statements which are prohibited.

The proposed regulations would amend Items 14, 32, and 33, Appendix A, Part 1100 of Title 49 of the Code of Federal Regulations to read as follows:

14. Fixing the amount of the fee. In fixing fees, practitioners should avoid charges which overestimate their advice and services. A client's ability to pay cannot justify a charge in excess of the value of the service, although his poverty may require a less charge, or even none at all. It is misleading to advertise a fee for a specific service without adhering to it in charging clients. Practitioners are bound to charge no more than the advertised rates for 30 days following the date of the advertisement unless a different period of time for the effectiveness of such rates is clearly specified in the advertisement, or permission to charge a different rate is obtained from the Vice Chairman of the Commission.

32. Advertising, direct or indirect. A practitioner shall not in any way use or participate in the use of any form of public communication containing a false, fraudulent, misleading, or deceptive statement or claim. Such prohibition includes, but is not limited to, the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading; statements intended or likely to create an unjustified ex-

pectation; statements of fee information which are not complete and accurate; statements containing information on past performance or prediction of future success; statements of prior Commission employment outside the context of biographical information; statements containing a testimonial about or endorsement of a practitioner; statements containing an opinion as to the quality of a practitioner's services; or statements intended or likely to attract clients by the use of showmanship, puffery, or self-laudation, including the use of slogans, jingles, or sensational language or format. If the public communication is to be made through the use of radio or television, it must be prerecorded and approved for broadcast by the practitioner. A recording of the actual transmission must be retained by the practitioner for a period of 1 year after the date of the final transmission. A paid advertisement must be identified as such unless it is apparent from the context that it is a paid advertisement.

A practitioner who is also engaged in another profession or business shall not so indicate on his letterhead, office sign, or professional card, nor shall he identify himself as a practitioner in any publication or advertisement in connection with his other profession or business.

Solicitation of employment by personal communications made to anyone other than close friends, relatives, former clients (in regard to matters germane to former employment), and regular clients is unethical. Solicitation by personal communications includes in-person contacts, telephone contacts, contacts by direct mailings, or contacts through the use of citizens band radios or broadcasts on other than commercial radio or television. A practitioner is forbidden from making or assisting another person in making such solicitation. Similarly, practitioners are prohibited from using billboards or electrical signs in advertising. However, the customary circulation or use of professional cards, letterheads, or announcement cards which meet the standards for a public communication is not improper. Also, the insertion in reputable lists of biographical information which meets the standards for a public communication is proper.

Indirect advertisement for employment by furnishing or inspiring media comments concerning causes in which the practitioner has been or is engaged, or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the practitioner's positions, and all other like self-laudation, lower the tone of the calling and are intolerable. A practitioner shall not compensate or give anything of value to a representative of any communication medium in anticipation of or in return for professional publicity in a news item.

33. (None).

These rules are issued under the authority of 49 U.S.C. 12, 17, 304, 305, 904, 916, 1003 and 1017.

By the Commission.

H. G. HOMME, JR.,
Acting Secretary.

JANUARY 26, 1978.

[FR Doc. 78-3888 Filed 2-9-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

BADGER-JORDAN LAND MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for the Badger-Jordan Land Management Plan, Mount Hood National Forest, USDA-FS-R6-FES(Adm)-77-5.

The Environmental Statement concerns a proposed Land Management Plan and alternatives for the Badger-Jordan Planning Unit, Mount Hood National Forest. The Land Management Plan applies to approximately 58,000 acres within the National Forest boundary.

The preferred alternative proposes land use and would give management direction for six areas within the Planning Unit. The General Forest Area (Unit A) and the Scenic Influence Area (Unit C) would be managed for a variety of uses; Wildlife Management Area (Unit B) would be managed primarily for wildlife winter range with other activities permitted as compatible with the Unit goal; Unroaded Recreation Area (Units D and E) would be managed for an unroaded type recreation experience; and a Watershed Protection Area (Unit F) would be managed primarily for water quality (Dufur Watershed). Major values inherent to each area are recognized and management activities which protect those values are emphasized. This alternative would provide a good balance between all resources and National Forest users without sacrificing any resource or use at the expense of another, while leaving future management options open for changes in social and economic values. This alternative is also responsive to a wide range of public input.

The Final Environmental Statement was transmitted to EPA on February 3, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Ore. 97204.
Mount Hood National Forest, Supervisor's Office, 2440 Southeast 195th Avenue, Portland, Ore. 97233.
Mount Hood National Forest, Hood River Ranger District, Mount Hood-Parkdale, Ore. 97041.
Mount Hood National Forest, Barlow Ranger District, Dufur, Ore. 97021.
Wasco County Planning Commission, Courthouse, The Dalles, Ore. 97058.
Hood River County Planning Commission, Courthouse, Hood River, Ore. 97031.

In addition, colleges and universities in the vicinity of the Mount Hood National Forest have reference copies available.

A limited number of single copies are available upon request to Forest Supervisor, Mount Hood National Forest, 2440 Southeast 195th, Portland, Ore. 97233.

Copies of the Environmental Statement have been set to various Federal, State and local agencies as outlined in the CEQ guidelines.

EINAR L. ROGET,
Associate Deputy Chief.

FEBRUARY 3, 1978.

[FR Doc. 78-3813 Filed 2-9-78; 8:45 am]

[3410-11]

Forest Service

DRAFT ENVIRONMENTAL STATEMENT

Extension of Comment Period

On November 7, 1977, the Forest Service, Department of Agriculture, transmitted to the Council on Environmental Quality (CEQ) a draft environmental statement for the Chimney Rock Section, Gasquet-Orleans Road, Six Rivers National Forest, Calif., USDA-FS-R5-DES(Adm)-78-02, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Notice of availability of this draft environmental statement was published in the FEDERAL REGISTER on November 14, 1977 (42 FR 58965). Comments were requested within 60 days after transmittal to CEQ.

To provide additional opportunity for public review and for the holding of public workshops, the comment period for this draft environmental statement was extended an additional 30 days (42 FR 65225) to February 6, 1978.

The comment period for this draft environmental statement is now being

extended an additional 30 days to March 8, 1978.

Copies of the draft environmental statement are available for inspection at the locations listed in the Notice of Availability of Draft Environmental Statement (42 FR 58965).

Copies of a summary booklet, as well as a limited number of single copies of the environmental statement, are available, upon request, from Forest Supervisor Richard E. Burke, Six Rivers National Forest, 710 E. Street, Eureka, Calif. 95501.

Comments concerning the proposed action should be addressed to Supervisor Burke and should be received by March 8, 1978, in order to be considered in the preparation of the final environmental statement.

JOHN W. CHAFFIN,
Deputy Regional Forester.

FEBRUARY 3, 1978.

[FR Doc. 78-3825 Filed 2-9-78; 8:45 am]

[3410-02]

Agriculture Marketing Service

Packers and Stockyards Administration

HUNTSVILLE LIVESTOCK AUCTION, HUNTSVILLE, ARK., ET AL.

Depositing of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., Name, Location of Stockyard, and Date of Posting

AR-121—Huntsville Livestock Auction, Huntsville, Ark., December 12, 1958.
LA-132—Rayville Livestock Auction, Inc., Rayville, La., July 13, 1960.
LA-135—Joe Tate Commission Barn, Inc., Ville Platte, La., March 23, 1959.
MS-152—Davis Livestock Commission Co., Ecorse, Miss., April 22, 1974.
MS-122—Liberty Livestock, Liberty, Miss., February 17, 1959.
MS-129—Bill Ivey's Stockyard, Inc., Monticello, Miss., September 20, 1968.
MS-132—Olive Branch Sales Co., Olive Branch, Miss., May 26, 1959.
MS-150—Prentiss Stockyards, Inc., Prentiss, Miss., July 31, 1973.

TN-123—Hartsville Livestock Market, Hartsville, Tenn., January 21, 1967.
VA-100—Abingdon Livestock Market, Inc., Abingdon, Va., July 23, 1953.
VA-121—Lynchburg Livestock Market, Inc., Lynchburg, Va., March 11, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposing a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective February 10, 1978.

(42 Stat. 159, as amended and supplemented (7 U.S.C. 181 et seq.))

Done at Washington, D.C., this 6th day of February 1978.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and
Reports Branch, Livestock
Marketing Division.

(FR Doc. 78-3782 Filed 2-9-78; 8:45 am)

[3410-15]

Rural Electrification Administration
BASIN ELECTRIC POWER COOPERATIVE
Supplement to the Draft Environmental Impact
Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Supplement to the Draft Environmental Impact Statement (DEIS) in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request from Basin Electric Power Cooperative of Bismarck, N. Dak., for a loan guarantee commitment from the Rural Electrification Administration. The proposed loan guarantee commitment would assist in obtaining financing for the construction of two 455 MW lignite-fired generating units planned for construction near Beulah, N. Dak., in conjunction with a proposed adjacent gasification plant to be built by American Natural Gas Coal Gasification Co., a major transmission facility between the plantsite and Huron, S. Dak., other minor area transmission facilities, and coal mining equipment. The Supplement to the DEIS expands upon possible alternate plant site locations for the proposed project.

This information supplements the material presented in the DEIS which was made available to the Council on Environmental Quality and the public on September 27, 1977, and was developed as a result of comments received on the DEIS.

Additional information may be secured on request submitted to Mr.

Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Supplement to the DEIS are being sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Supplement to the DEIS may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received within forty-five (45) days of the date of this FEDERAL REGISTER Notice to be considered in connection with the proposed action.

Final REA with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 3d day of February 1978.

C. R. BALLARD,
Acting Administrator, Rural
Electrification Administration.

(FR Doc. 78-3832 Filed 2-9-78; 8:45 am)

[3410-15]

Rural Electrification Administration
PACIFIC NORTHWEST GENERATING CO.,
HERMISTON, OREG.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a proposed application for financing by the Rural Electrification Administration for Pacific Northwest Generating Co., P.O. Box 48, Hermiston, Oreg. 97838, to finance a 10-percent share of the Boardman Coal Plant, a 550 MW coal-fired, steam-electric generating station near Boardman in Morrow County, Oreg., and associated transmission lines all in the State of Oregon.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator, Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310 or at the borrower's address indicated above. Final action may be taken with respect to this matter after thirty (30) days.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 27th day of January, 1978.

DAVID A. HAMIL,
Administrator, Rural
Electrification Administration.

(FR Doc. 78-3650 Filed 2-9-78; 8:45 am)

[6325-01]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Economics, Policy Analysis and Budget, Office of the Director for Economics, Policy Analysis and Budget.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the
Commissioners.

(FR Doc. 78-3807 Filed 2-9-78; 8:45 am)

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1978 a service to be provided by and commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: February 10, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On November 11, 1977, September 2, 1977, and October 7, 1977 the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 58775), (42 FR 44261), and (42 FR 54591) of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the service and commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following service and commodities are hereby added to Procurement List 1978:

SIC 5812

Catered Noon Meals (SH), Armed Forces Examining and Entrance Station, Seattle, Wash.

CLASS 8465

Clipboard, Pilot's (SH), 8465-01-012-9174.

CLASS 9905

Sign (U.S. Property-No Trespassing) (IB), 9905-00-559-2971.

C. W. FLETCHER,
Executive Director.

(FR Doc. 78-3791 Filed 2-9-78; 8:45 am)

[6820-33]

PROCUREMENT LIST 1978

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1978 a service to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 13, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1978, November 14, 1977 (42 FR 59015):

SIC 7349

Janitorial/Custodial Services, Veterans Administration, 252 Seventh Avenue, New York, N.Y.

C. W. FLETCHER,
Executive Director.

(FR Doc. 78-3792 Filed 2-9-78; 8:45 am)

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

(ERA Docket No. SEPA 78-1)

LAUREL PROJECT, SOUTHEASTERN POWER ADMINISTRATION

Hearing

On November 10, 1977, the Acting Assistant Secretary for Resource Applications transmitted to the Administrator of the Economic Regulatory Administration (ERA) a contract for the sale of power by the Southeastern Power Administration from the Laurel Project to East Kentucky Power Cooperative, Inc., for the period November 1, 1977, to January 31, 1978. The Administrator was asked to confirm and approve the short term rates contained in that contract.

On December 20, 1978, ERA issued a notice of intent to act on this proposal, 42 FR 64406 (December 23, 1977), which invited interested parties to submit written comments on or before January 23, 1978. The notice was amended on January 10, 1978, 43 FR 2206 (January 16, 1978), to afford interested parties the opportunity to present oral testimony at a public hearing. The cities of Barbourville, Corbin, and Palmouth, Ky., have made a request for an oral presentation, which has been granted.

Notice is hereby given that the public hearing will be held on February 23, 1978, at 9:30 a.m., in Room 2105, 2000 M Street NW., Washington, D.C. Time permitting, other interested parties may be permitted to speak at the hearing.

Issued in Washington, D.C., February 7, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility
Systems, Economic Regulatory
Administration.

(FR Doc. 78-3837 Filed 2-9-78; 8:45 am)

[3128-01]

Economic Regulatory Administration

ISSUANCE OF DECISIONS AND ORDER BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of November 14 through November 18,
1977

Notice is hereby given that during the week of November 14 through November 18, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Buck's Butane & Propane Service, Inc., San Jose, Calif., FRA-1315, Propane

Buck's Butane and Propane Service, Inc. (Buck's) filed an Appeal from a Remedial Order which the Director of the Compliance Division of FEA Region IX issued to the firm on April 21, 1977. In the Remedial Order, the FEA found that during the period November 1, 1973 through February 29, 1976, Buck's had improperly sold propane at prices which were in excess of the maximum permissible price levels computed pursuant to 6 CFR 150.359 and 10 CFR 212.93. In addition, the Remedial Order found that Buck's had charged its customers unlawful prices for propane tank rentals. Buck's was therefore directed to refund the overcharges, plus interest, to its customers. In its Appeal, Buck's challenged the determination in the Remedial Order that the firm's propane prices had violated applicable regulations. In rejecting this portion of the Appeal, the DOE found that there was no merit to the firm's assertion that a corporation which supplied propane to Buck's and which is owned by the same individuals who own Buck's was not a part of the same "firm," as that term is defined in 10 CFR 212.31. The DOE therefore concluded that Buck's had improperly determined its product costs under Section 212.93, and had sold propane at unlawful price levels. Buck's also raised a number of issues concerning the firm's tank rental violations. The DOE rejected the firm's argument that the FEA lacked the authority to regulate tank rental prices. In addition, the DOE found that Buck's tank rental activities constituted a "tie-in arrangement" within the meaning of 10 CFR 210.62. Finally, Buck's contended that the DOE should be estopped from enforcing the provisions of the April 21 Remedial Order. In considering this contention, the DOE noted that the record in the proceeding indicated that the overcharges

specified in the Remedial Order were largely attributable to Buck's reliance upon the incorrect advice of FEA and IRS auditors. In addition, the DOE found that certain IRS and FEA personnel involved in the audit of the Buck's firm had acted beyond the scope of their authority. Nevertheless, the DOE determined that a balancing of the equitable considerations involved in the case led to the conclusion that Buck's should not be permitted to retain revenues which the firm was never legally entitled to receive from its customers. The DOE concluded, however, that there were several issues which must be reexamined in order to determine the nature and extent of Buck's current refund obligation, viz., the propriety of assessing interest against Buck's, and the proper treatment of the refunds which the firm has already made to its customers in accordance with the unauthorized instructions of FEA personnel. The Buck's Appeal was therefore denied in part and remanded in part.

Lake Region Gas Co., Paducah, Ky., FRA-1335, Propane

Lake Region Gas Co. (Lake Region) filed an Appeal from a Remedial Order which was issued to the firm on April 21, 1977 by FEA Region IV. In the Remedial Order, the FEA found that Lake Region had charged unlawful prices for propane which it sold. The Remedial Order directed Lake Region to immediately refund to its customers the amount of the overcharges, plus interest. In considering the Appeal, the DOE found that contrary to Lake Region's assertion, May 15, 1973 is not an arbitrary and unreasonable date for the purposes of calculating maximum permissible selling prices. The DOE found that the fact that Lake Region was not aware of the existence of the Mandatory Petroleum Price Regulations during the period of time in which the overcharges occurred does not excuse the firm from its clear legal obligation to comply with the provisions of those regulations. The DOE also found that Lake Region failed to establish that the price reductions which it made were implemented for the sole purpose of restitution for previous overcharges and should therefore be permitted to offset a portion of the firm's liability for refunds. Finally, the DOE found that in view of the undue administrative delay on the part of the FEA Region IV in issuing the Remedial Order and reaching a determination on an exception application filed by Lake Region, it would be inappropriate to require the firm to refund interest on the overcharges accrued during the period of time during which the exception application was pending. The Remedial Order was therefore modified to require Lake Region to refund interest accrued on the overcharges until May 14, 1975. In all other respects the Lake Region Appeal was denied.

Wild, Carter, Hamlin, Tipton & Quaschnick, Fresno, Calif., DFA-0006, Freedom of Information

The law firm of Wild, Carter, Hamlin, Tipton & Quaschnick (Wild Carter) appealed from a partial denial by the FEA Information Access Officer of a Request for Information which the firm had submitted under the Freedom of Information Act (the Act). In its Appeal, Wild Carter requested that the DOE reverse the initial determination and order the release of six documents which the Information Access Officer had withheld from the firm. The Information

Access Officer denied the firm access to those documents on the grounds that they were exempt from mandatory disclosure as intra-agency memoranda under the provisions of 5 U.S.C. 552(b)(5). In considering the Appeal, the DOE found that the documents which were withheld from the firm generally summarized and analyzed a number of problems associated with the application of the Mandatory Petroleum Price Regulations to crude oil producers. The DOE determined that the material withheld was predecisional in nature and that it was precisely the type of information which Exemption 5 of the Act was designed to protect from disclosure. In addition, the DOE determined that there were no portions of the documents which contain purely factual material which could be easily severable from the policy discussions contained in the documents and released to the firm. Accordingly, the DOE affirmed the denial of access to the six documents which were withheld by the FEA Information Access Officer. However, the DOE also concluded that other documents which properly fall within the scope of Wild Carter's Request for Information may exist within the Office of Congressional Affairs of the Office of Intergovernmental and Institutional Relations and had not been reviewed by the Information Access Officer. The FEA therefore remanded the matter and directed that an immediate review of those documents be conducted to determine which are releasable.

REQUESTS FOR EXCEPTION

William P. Carr, Dallas, Tex., FEE-4384, Crude Oil

William P. Carr filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which if granted, would permit the firm to sell a portion of the crude oil produced from the Stratmann Lease located in Ellsworth County, Kans., at upper tier ceiling prices. In considering the exception request, the DOE found that the cost of producing crude oil from the Stratmann Lease property had increased since 1973 to a level where those costs now exceed the revenues which the firm may realize from the sale of the crude oil at lower tier ceiling prices. The DOE concluded that under these circumstances Carr has no apparent economic incentive to continue producing crude oil from the Stratmann Lease. The DOE also found that it was highly unlikely that the crude oil from the reservoir underlying the lease would be recovered by any other firm in the absence of exception relief. On the basis of precedents involving similar factual situations, the DOE concluded that the application of the lower tier ceiling price rule under these circumstances resulted in a gross inequity to Carr. Accordingly, on the basis of the operating data which the firm submitted for its most recently completed six month period, Carr was granted exception relief which permits the firm to sell at upper tier ceiling prices 48.38 percent of the crude oil produced and sold from the Stratmann Lease for the benefit of the working interest owners.

Lampton-Love, Inc., Jackson, Miss., FEE-4099; FEE-435a, Propane

Lampton-Love, Inc. filed an Application for Exception from the provisions of 10 CFR 212.93 which, if granted, would permit the firm to increase the prices which it may charge for propane which it sells to three classes of purchaser in the firm's southern Louisiana market area. Lampton-Love filed

a second Application for Exception in which it requested the same type of exception relief on a retroactive basis. Since both exception requests involved the same facts, they were consolidated for resolution in one proceeding. In its exception applications, Lampton-Love contended that as a result of unusual supply difficulties, the markup which it applied on May 15, 1973 in sales to three classes of purchaser in southern Louisiana was unrepresentative of its normal operating position. According to the firm, it sold propane to the three classes of purchaser concerned on May 15, 1973 at a negative gross margin because it was unable to obtain product from its major historical supplier as a result of a labor dispute, and was forced to purchase higher-priced propane from other sources on a temporary basis. In considering Lampton-Love's request for prospective relief, the DOE found that the firm's May 15, 1973 financial position in southern Louisiana was clearly unrepresentative of the firm's historical operating posture in that market area. Consequently, Lampton-Love was permitted to increase the maximum allowable prices of the propane which it sells to three classes of purchaser in southern Louisiana to reflect the firm's historical operating margin. With respect to the firm's request for retroactive relief, the DOE noted that the record did not contain sufficient information to enable the DOE to reach a determination on that request. Accordingly, Lampton-Love's request for retroactive exception relief was dismissed without prejudice to a refiling at a later date.

W. N. McMurry, Casper, Wyo., FEE-4796, Crude Oil

W. N. McMurry (McMurry) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of exception relief previously granted to McMurry and would permit McMurry to continue to sell a portion of the crude oil produced from the West Sage Creek Lease located in Park County, Wyo. at upper tier ceiling prices. In considering the exception application, the DOE found that the West Sage Creek Lease is incurring a loss in its production operations and that in the absence of an extension of exception relief, the working interests would lack an incentive to produce crude oil from the property. On the basis of precedents involving similar factual situations, the DOE concluded that the application to McMurry of the lower tier ceiling price rule would continue to result in a gross inequity and that an extension of exception relief should be granted. In previous Decisions, the FEA granted exception relief which permitted a firm to reflect in its selling prices the increased operating costs per barrel incurred between the quarter which includes May 15, 1973 and the firm's most recently completed fiscal quarter. However, since the application of the methodology used in prior exception proceedings would not provide the firm with a sufficient economic incentive to continue its operations at the Lease because of substantial expenses projected for the latter half of the 1977 fiscal year which are not reflected in actual data for the first two fiscal quarters of 1977, the DOE concluded that an alternative type of relief was necessary. Exception relief was granted to permit the firm to reflect in its selling prices the difference between the cost of producing a barrel of crude oil during the 1973 calendar year

and the projected cost of producing a barrel of oil during the calendar year ending December 31, 1977. The extension of exception relief permits McMurry to sell at upper tier ceiling prices 27.63% of the crude oil produced and sold from the West Sage Creek Lease for the benefit of the working interest owners.

PETITION FOR SPECIAL REDRESS

American Service Stations, Ozona Park, N.Y. FSG-0046 Motor Gasoline

On May 24, 1977, American Service Stations filed a Petition for Special Redress in which it requested that the DOE Region VI be required to reinstitute a compliance investigation concerning the prices that Exxon Company, U.S.A. was charging it for motor gasoline. American had submitted a complaint to FEA Region VI on October 31, 1975 in which it alleged that Exxon had unlawfully withdrawn a discount that was in effect on May 15, 1973. On March 18, 1977, the Regional Office sent a letter to American in response to the Complaint in which it concluded that on the basis of the information available, it did not appear that Exxon had violated the Mandatory Petroleum Price Regulations by withdrawing its May 15, 1973 discounts from a group of purchasers that included American. In its Petition, American claimed that it had standing to challenge the statement of reasons given by Region VI for terminating the compliance investigation. In considering the American Petition, the DOE noted that the agency's consideration of a complaint is generally a matter of prosecutorial discretion. Because American alleged that it was adversely affected in a concrete manner by DOE action and had no alternative means of seeking administrative relief, the DOE concluded that American could present its contentions in a petition for special redress. The DOE concluded that the scope of review of agency actions involving prosecutorial discretion was very restricted and that the decision of whether or not to pursue a particular complaint was generally accorded great deference by a reviewing body. In the absence of a *prima facie* showing of wholly improper conduct by agency officials or a collateral attack on the objectivity of the decision-maker, the DOE held that the enforcement officials of the agency are not required to provide a complainant with an explanation of the reasons for their decisions. Moreover, where a statement of reasons is voluntarily provided by the enforcement officials, the scope of review in a special redress proceeding was very limited in nature. In applying these standards to the American Petition, the DOE found that the response of Region VI to American provided a satisfactory explanation for terminating its investigation of Exxon's pricing practices. Accordingly, the American Petition was denied.

REQUESTS FOR STAY

A. Johnson and Co., Inc., New York, N.Y., DES-0161, Crude Oil

A. Johnson and Co., Inc. (Johnson) requested that certain provisions of the Mandatory Petroleum Allocation and Price Regulations be stayed during the pendency of an Application for Exception which the firm had filed. Specifically, Johnson requested permission to treat the two refineries which it operates as separate entities for all purposes of the DOE Regulatory Program. After examining the firm's position under the Petroleum Allocation and Price

Regulations the DOE found that the question of separate refinery treatment has relevance only to Johnson's position under the provisions of the Entitlements Program (10 CFR 211.67). In addition, the DOE determined that Johnson had failed to show that it would experience either a serious hardship or a gross inequity in the absence of the specific stay relief which it requested. The DOE further determined that Johnson had failed to establish a likelihood of success on the merits of its Application for Exception. Accordingly, the Johnson Application for Stay was denied.

Chevron USA Inc., San Francisco, Calif., DES-0022 Crude Oil

Chevron USA Inc. (Chevron) filed an Application for Stay of an Order which was issued to the firm on October 19, 1977, under the Mandatory Crude Oil Allocation Program. The Order directed Chevron to sell 397,953 barrels of suitable crude oil to Plateau, Inc. during the allocation period October 1, 1977 through March 31, 1978. The Stay Request, if granted would temporarily relieve Chevron of this obligation pending a determination by the DOE on an Appeal of the October 19 Order which Chevron has also filed. After considering the contentions raised by Chevron and Plateau, the DOE determined that the October 19 Order may provide Plateau with unwarranted benefits at the expense of Chevron. In order to maintain the *status quo ante* pending further analysis and the resolution of several contested issues of fact, the DOE determined that Chevron's Request for Stay be granted in part.

Husky Oil Co. of Delaware, Washington, D.C., DES-0079 Crude Oil

Husky Oil Co. of Delaware requested that its obligations under 10 CFR 211.67 (the Entitlements Program) be stayed beginning with the month of December 1977 pending judicial review of a Decision and Order with the FEA in *Husky Oil Co. of Delaware*, 5 FEA Par. 80,649 (June 2, 1977). In considering the Husky request, the DOE found that the material which the firm had submitted did not make a *prima facie* showing that the firm satisfied any of the applicable criteria in Section 205.125(b) for the approval of a stay. The DOE therefore denied the request for stay.

REQUESTS FOR MODIFICATION OR RECISSION

Sabre Refining, Inc., Bakersfield, Calif., FMR-0126 Crude Oil

Sabre Refining, Inc. filed an Application for Modification of a Decision and Order issued in *Sabre Refining, Inc.*, 6 FEA Par. 83,030 (July 5, 1977). In the July 5 Order the FEA granted Sabre an exception from the provisions of 10 CFR 211.67 (the Entitlements Program) which relieved the firm of a portion of its obligation to purchase entitlements during the six month period July through December 1977 for its crude oil runs to stills and receipts during the months of May through October 1977. Sabre's request, if granted, would have resulted in a modification of the July 5 Order and thereby relieved the firm of its entire obligation to purchase entitlements during the July through December 1977 period. In support of its request for modification, Sabre claimed that the amendment of Section 211.67(e)(2), which prevents Sabre and other small refiners from earning bias entitlements with respect to the crude oil which is processed for their account by other re-

finers, constituted a significantly changed circumstance which resulted in a higher entitlement purchase obligation for Sabre. In considering the request, the DOE noted that the amendment to Section 211.67(e)(2) was issued on April 20, 1977, and published in the *FEDERAL REGISTER* on April 28, 1977, well before the June 8, 1977 date on which Sabre initially submitted its exception application and more than two months before July 5, 1977 when the exception Decision and Order was issued to Sabre. Since Sabre had ample time to give notice of the effect of the amendment to Section 211.67(e)(2) on the firm but failed to do so, the DOE found that no showing had been made of the existence of significantly changed circumstances. In the course of its evaluation of the Sabre petition, the DOE also discovered a calculational error in the computation of the exception relief which was specified in the July 5 Decision. Sabre was therefore granted additional exception relief in the months of November and December 1977 to account for the error in the July 5 Decision and Order. In all other respects, the Request for Modification was denied.

Tenneco Oil Co., Washington, D.C., FRR-0114, Motor Gasoline

Tenneco Oil Co. filed an Application for Modification of a Remedial Order which was issued to it by FEA Region VI on February 2, 1977. In the Remedial Order, the FEA found that as a result of improperly calculating its May 1973 cost and quantity of purchased gasoline, Tenneco had sold motor gasoline at prices which exceeded the firm's maximum allowable selling prices during six months of the period June 1974 through January 1976. The firm was as a result directed to refund overcharges of \$12,216,000 to its customers. In its Application, Tenneco contended that the FEA erred in calculating the amount of the firm's overcharges. Tenneco claimed that it could have reallocated unrecouped increased product costs which were attributable to the general refinery products category to support its prices for gasoline during the period in which the overcharges occurred. In rejecting this contention, the DOE found that the type of retroactive reallocation of increased costs which Tenneco proposed has never been permitted by DOE price regulations. When over-recoveries of increased product costs occur in a particular category with respect to a particular product, those overcharges must be eliminated by reductions in the firm's base price computations for the particular product involved and cannot be transferred to other product categories. Tenneco also contended that it could have had additional non-product cost increases which were available to support the prices for motor gasoline which it actually charged. With respect to this issue, the DOE found that the FEA had failed to consider that Tenneco may have had non-product cost increases available for recovery during the period January 1975 through January 1976 and that these additional increased costs could have supported the prices which it actually charged for motor gasoline. Tenneco had not raised this issue at an earlier stage of the compliance proceeding as required by Section 205.191(c) of the DOE regulations, and accordingly the Office of Administrative Review noted that it had the discretion to decline to consider the issue. In this regard, the DOE emphasized the obligation of a firm charged with violating the regulations to raise any avail-

able defense in its reply to an NOPV and stated that as a general rule the Office of Administrative Review will decline to consider new issues that were not raised during the enforcement proceeding unless a showing is made that good cause exists for the firm's failure to raise the issue or that the public interest requires that the issue be considered. Nevertheless, in view of the fact that this policy had not previously been em-

phasized by the DOE, it was determined that the issue of Tenneco's available non-product cost increases should be remanded to the Office of Enforcement for further consideration. In all other respects, Tenneco's Application was denied.

REQUESTS FOR EXCEPTION RECEIVED FROM
NATURAL GAS PROCESSORS

The office of Administrative Review of

the Department of Energy has issued Decisions and Order granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain non-product costs increases:

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Mobil Oil Corp.	FEE-4706	Cameron	Cameron Parish, La.	\$0.0083
	FEE-4707	Dewey County	Dewey County, Okla.	(1)
	FEE-4708	Indian Basin	Eddy County, N. Mex.	.0068
	FEE-4709	Shell Selling	Dewey County, Okla.	.0230
	FEE-4710	South Sarepta	Booster Parish, La.	.0262
	FEE-4711	Spivey	Harper County, Kans.	.0079
	FEE-4712	Tenneco Ames	Major County, Okla.	.0147
Standard Oil Co. (Indiana)	FEE-4765	Cotton Valley	Webster Parish, La.	.0324
	FEE-4766	Patterson	St. Mary's Parish, La.	.0177
	FEE-4767	South Sarepta	Booster Parish, La.	.0444
	FEE-4768	Toca	St. Bernard Parish, La.	.0065
	FEE-4769	Vermillion	Vermillion Parish, La.	.0194
	FEE-4812	Elk Basin	Park County, Wyo.	.0100

¹ Denied.

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Doss, Inc., Washington, D.C., FXA-1434

The following submission was dismissed on the grounds that the request is now moot:

Young Coal Co., Waterloo, Iowa, DRS-0031

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of
Administrative Review.

FEBRUARY 2, 1978.

IFR Doc. 78-3795 Filed 2-9-78; 8:45 am)

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY
THE OFFICE OF ADMINISTRATIVE REVIEW

Week of November 21 through November 25,
1977

Notice is hereby given that during the week of November 21 through No-

vember 25, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Arent, Fox, Kintner, Plotkin & Kahn, Washington, D.C., DFA-0010, freedom of information

The law firm of Arent, Fox, Kintner, Plotkin & Kahn appealed from a denial of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In its initial request, Arent, Fox had requested that the DOE release the average annual profit margins realized by Pamariss Oil Corp., Powerline Oil Co. and Husky Oil Co. of Delaware during the years when each firm was expanding its refinery capacity, as well as the profit margins which the DOE used for determining exception relief from the Entitlements Program for each of those firms. Arent, Fox had also requested similar information with respect to the San Joaquin Refining Co. during its first four years of operation. In considering the Appeal, the DOE found that the Information Access Officer had correctly determined that the information concerning Pamariss, Powerline and San Joaquin was confidential under the standards established in *National Parks & Conservation*

Ass'n. v. Morton, 498 F. 2d 765 (D.C. Cir. 1974). The DOE also found that the confidentiality of this data could not be maintained by the deletion of the names and identifying details of these three firms. However, because Husky had voluntarily disclosed the requested financial data in a federal court proceeding, the DOE concluded that the information regarding Husky could no longer be considered confidential under the FOIA. The DOE further determined that, contrary to the Arent, Fox assertion, the deletion of confidential data in the agency's Decisions and Orders was the most rational and effective means of accomplishing the objectives of the FOIA. Accordingly, the Arent, Fox Appeal was granted with respect to the data requested concerning Husky but denied in all other respects.

Blouin Brothers, Inc., Enosberg Falls, VT, FRA-1384, refined products

Blouin Brothers, Inc. filed an Appeal from a Remedial Order which was issued to the firm on June 16, 1977 by the FEA Region I Office. In the Remedial Order, the FEA determined that during the period November 1, 1973 through May 31, 1974, Blouin had sold No. 2 fuel oil, kerosene, diesel fuel and gasoline at prices which exceeded the maximum permissible price levels permitted under Section 212.93, and directed the firm to make refunds to the customers which it had overcharged. In considering the Appeal, the DOE found no merit to Blouin's contention that the computation of its weighted average cost of product in inventory should include the product which it was entitled to purchase but had not as yet purchased. The DOE also determined that Blouin should not be relieved of its obligation to refund the overcharges on the grounds that the oral advice which it received from an Inter-

nal Revenue Service/Cost of Living Council auditor was erroneous. The Blouin Appeal was accordingly denied.

Continental Oil Co., Houston, Tex., DFA-0018; Standard Oil Co., of Ohio, Cleveland, Ohio, DFA-0024, freedom of information

The Continental Oil Co. and the Standard Oil Co. of Ohio (SOHIO) filed Appeals from partial denials of their Requests for Information. Each firm had requested the disclosure under the Freedom of Information Act (the FOIA) of documents relating to the FEA Transfer Pricing Program. The FEA Information Access Officer had released to each firm a computer printout listing summaries of price and volume information for transactions in various crude oils which had been reported to the FEA. However, the Information Access Officer deleted the aggregate quantities and average prices of crude oils for months when three firms or less participated in transactions. In considering the Appeals, the DOE determined that the price and volume information which was traceable to individual firms transacting in the crude oils was properly exempted from disclosure under Section 552(b)(4) of the FOIA. However, the DOE held that the Information Access Officer erred in deleting aggregate quantities and average prices in months when three or more firms had reported transactions in a given crude oil. The DOE determined that in those instances the Information Access Officer must provide Continental and SOHIO with aggregate volume and average price information unless (i) one of the three firms involved is a governmental entity or a public utility which generally discloses the details of its crude oil purchases, or (ii) fewer than three firms actually lifted the particular type of crude oil during that month. The DOE also found that an additional document existed which was within the scope of the firms' requests, and directed the Information Access Officer to determine whether that document should be released.

Empire State Fuel, Inc., New York, N.Y., FRA-1321, No. 2 heating oil

Empire State Fuel, Inc. appealed from a Remedial Order which was issued to the firm by the FEA Region II Office on April 29, 1977. In the Remedial Order, the Regional Office found that Empire had sold No. 2 heating oil at prices in excess of the maximum permissible levels permitted under Section 212.93, and directed the firm to make refunds to the customers which it had overcharged. In considering the Appeal, the DOE found that Empire had failed to substantiate its claim that it had undercharged its customers for the purpose of making restitution for past overcharges. The DOE also determined that the Regional Office had properly treated the transportation costs incurred by the firm as non-product costs which could be reflected in the firm's maximum lawful selling prices only to the extent permitted by Section 212.93(b). However, the DOE found that, in calculating Empire's weighted average cost of product-in-inventory on May 15, 1973, the Regional Office had failed to include a portion of the product which was in inventory on that date. The DOE therefore made the proper calculations and modified the Remedial Order in order to assess the additional overcharges against the firm.

Farmers Gas and Oil Co., Ithaca, Mich., FRA-1393, motor gasoline

Farmers Gas and Oil Co. (Fargo) filed an Appeal from a Remedial Order which was issued to the firm by the FEA Region V Office on June 28, 1977. In the Remedial Order, the Regional Office found that Fargo had charged prices for motor gasoline which were in excess of the maximum levels permitted under 10 CFR 212.93 and directed the firm to refund the revenues which it had improperly received. In considering the Appeal, the DOE determined that Fargo had failed to comply with repeated requests that the firm provide sufficient information to substantiate its claims of error in the Remedial Order. Accordingly, the Fargo Appeal was denied.

Jay Oil Co., Tulsa, Okla., FRA-1330, motor gasoline; diesel fuel

Jay Oil Co. filed an Appeal from a Remedial Order issued to the firm by the FEA Region VI Office on May 6, 1977. In the Remedial Order, the Regional Office found that, during the period from November 1, 1973 through February 28, 1975, Jay had charged prices in excess of the maximum permissible levels for motor gasoline and diesel fuel permitted under Section 212.93 as the result of an erroneous determination of its classes of purchaser. The Regional Office therefore directed Jay to refund the overcharges. In considering the Appeal, the DOE rejected Jay's contention that it should be relieved of the refund obligation because it was entitled to rely on the oral advice which it received from a Cost of Living Council auditor. The DOE also rejected the firm's claim that it should not be required to make the refunds specified the Remedial Order since it had allegedly reduced its selling prices in order to make restitution for the amounts in question. In this regard, the DOE found that Jay had failed to provide any evidence which established that it did in fact reduce its selling prices for that purpose. However, the DOE found that the firm might experience an inordinate degree of difficulty in meeting the repayment terms specified in the Remedial Order. Accordingly, the Remedial Order was remanded to Region VI for modification of the terms of repayment.

Marathon Oil Co.; Ingram Corp., Washington, D.C., FXA-1377, unleaded gasoline

The Marathon Oil Co. and the Ingram Corp. filed joint Appeals from a consolidated Decision and Order which the FEA issued on May 26, 1977. *Marathon Oil Co.*, 5 FEA Par. 83,166 (May 26, 1977). In the prior Decision, the FEA denied Ingram's request that exception relief be approved which would have resulted in Ingram being considered as a base period purchaser of unleaded gasoline from Marathon. That determination was based on the FEA's finding that Ingram had been a party to the sale of a Garyville, Louisiana refinery to Marathon in 1976 and had realized substantial economic benefits from that transaction which significantly outweighed any inconvenience resulting from the firm's inability to receive an assured supply of unleaded motor gasoline from the refinery. In considering the Appeal, the DOE determined that Ingram had made a discretionary business decision to accept certain risks associated with the construction of the refinery. The DOE also determined that Ingram's position was distinguishable from that of three other firms which had received exception relief since Ingram received substantial economic benefits from the sale of the Garyville refinery.

Accordingly, the joint Marathon and Ingram Appeal was denied.

Midland Cooperatives, Inc., Minneapolis, Minn., FXA-1362, crude oil

Midland Cooperatives, Inc. filed an Appeal from a Decision and Order which the FEA issued to it on November 5, 1976. *See Beacon Oil Co.*, 4 FEA Par. 87,024 (November 5, 1976). In the previous Decision, the FEA determined that Midland had received an excessive measure of exception relief from its 1975 entitlements purchase obligation. The November 5 Order therefore required Midland to purchase entitlements valued at \$1,057,841 during the period November 1976 through October 1977, in order to make restitution for the excessive benefits which the firm had received. In considering the Appeal, the DOE rejected the firm's contention that its historical profit margin was erroneously calculated by the inclusion of patronage refunds which Midland was required to distribute to its cooperative members. The DOE also rejected the firm's contention that it would incur an additional income tax liability as a result of the firm's status as a non-profit cooperative business entity. The DOE did, however, find that the November 5 Decision was based in part upon erroneous factual data submitted by the firm which did not exclude its crude oil production activities. The DOE concluded that since Midland's action did not appear to be intentional, the firm should be permitted to recalculate its financial and operating results for the historical measurement period, as well as for its 1975 fiscal year, by including only the financial and operating results for its petroleum refining and marketing operations. Accordingly, the Midland Appeal was granted in part and the firm's entitlements purchase obligation was reduced.

M. J. Mitchell, Dallas, Tex., FXA-1410, crude oil

M. J. Mitchell filed an Appeal from a Decision and Order which the FEA had issued to him on July 8, 1977. *M. J. Mitchell*, 6 FEA Par. 83,030 (July 8, 1977). In the previous Decision, the FEA denied Mitchell's request for an extension of exception relief which had permitted him to sell the crude oil produced from the Mitchell State Minnelusa Sand Unit in Campbell County, Wyo. at upper tier ceiling prices. The Appeal, if granted, would rescind the July 8 Decision and reinstate Mitchell's exception relief. In considering the Appeal, the DOE found that the FEA had excluded \$38,829.21 in expenses which were attributable to the repair and replacement of a Reda pump and cables on the grounds that these were extraordinary capital improvements. When the expenses were excluded, the FEA had found that the revenue which Mitchell obtained from the Unit exceeded the expenses attributable to the Unit and that operation of the Unit had therefore become economically viable. The DOE reviewed the analysis which had been employed by the FEA in order to determine whether a given expenditure should be treated as a capital item or an operating expense for purposes of the exceptions process. The DOE concluded that a more precise series of determinations would be useful and established the following presumptions: an expenditure will be treated as an operating expense if (i) it is less than \$15,000, or (ii) it will have a productive life of less than 18 months, or (iii) the overall expenses (excluding any expenditures associated with drilling new wells or enhanced

recovery projects) for the category in which the individual expenditure is included do not exceed by more than one-third the average level of expenses in that category for the preceding three years. In applying these criteria to the present Appeal, the DOE found that the pump repair expenditures which the FEA had excluded were the type of expenditures which must be repeated within an 18 month period and may therefore be properly included as operating expenses for the year in which they were incurred. Therefore, the DOE adjusted the financial data which Mitchell submitted to reflect these additional operating costs. On the basis of that adjustment, the DOE concluded that, in order to provide Mitchell with an economic incentive to continue production, exception relief should be granted which permits the firm to sell at upper tier ceiling prices 46.25 percent of the crude oil produced and sold from the Unit for the benefit of the working interest owners.

Shank, Irwin, Conant, Williamson and Grevelle, Dallas, Tex., DFA-0023, Freedom of Information

The law firm of Shank, Irwin, Conant, Williamson and Grevelle filed an Appeal from a denial of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). Shank, Irwin had requested the release of any documents not previously made public which related to the FEA's determination of transactions that were deemed to constitute "a firm sale into U.S. commerce" and "a transaction pursuant to which a product is imported," as those phrases were used in FEA Interpretation 1975-24. In the initial determination, the FEA Information Access Officer had located a memorandum which was within the scope of the firm's request, but found that the memorandum was exempt from mandatory disclosure under 5 U.S.C. 552(b)(5). In considering the Appeal, the DOE determined that the deliberative content of the memorandum was properly withheld from Shank, Irwin since it constituted a predecisional intraagency communication whose disclosure could impair the quality of agency decisions. However, the DOE determined that section 552(b)(5) did not apply to those factual passages in the document which were readily segregable from the policy discussions contained therein. The Shank, Irwin Appeal was therefore granted with respect to the memorandum. The DOE also discovered a second memorandum which fell within the scope of Shank, Irwin's request, however, the DOE determined that this document should not be released since it was within the scope of the section 552(b)(5) exemption. In addition, the DOE was apprised of the existence of other documents which fell within the scope of Shank, Irwin's Request for Information. With respect to these documents, the DOE directed the Information Access Officer to determine whether the information contained therein should be released to Shank, Irwin under the FOIA.

REQUESTS FOR EXCEPTION

City of Long Beach, Calif., Long Beach, Calif., FFE-4856, crude oil

The city of Long Beach, Calif., filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted to the city and would permit Long Beach to sell at upper tier ceiling prices cer-

NOTICES

tain quantiles of the crude oil produced from Fault Block Unit 3 (Unit 3) of the Wilmington Field, located in Long Beach, Calif. City of Long Beach, Calif., 5 FEA Par. 83,153 (May 10, 1977). In considering the Long Beach Application, the DOE found that operating costs at Unit 3 had increased substantially since the issuance of the May 10 Decision and Order and that Long Beach had continued to experience operating losses at the Unit despite the exception relief approved in that proceeding. Accordingly, the DOE concluded that exception relief should be approved for an additional six-month period in order to provide Long Beach with an adequate economic incentive to continue production operations. In calculating the percentage of relief which should be approved under the traditional formula, the DOE determined that the actual market prices for new crude oil and old crude oil should be utilized instead of the applicable upper tier and lower tier ceiling prices. However, the DOE found no merit to Long Beach's contention that the application of the standard formula in all other respects failed to provide the City with a sufficient economic incentive to continue production operations. Accordingly, exception relief was approved for a six-month period which permitted Long Beach to sell at upper tier ceiling prices 66.41 percent of the crude oil produced and sold from Unit 3 for the benefit of the working interest owners.

Ely Crude Oil Co., Ely, Nev., FEE-4413 crude oil

Ely Crude Oil Co. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). The exception request, if granted, would permit any refiner which purchases crude oil from Ely to exclude the volumes of crude oil involved from the reports of that refiner's crude oil runs to stills. After considering Ely's request, the DOE issued a Proposed Decision and Order on October 21, 1977, in which it found that all of the crude oil which Ely had produced was old crude oil of a particularly low quality. Based upon that determination, and in view of the high cost of transporting the crude oil to the nearest refinery, the DOE found that it was not economical for a refiner to purchase crude oil from Ely if the refiner was also required to incur an entitlements purchase obligation for the crude oil. As a result, Ely was unable to locate a purchaser for its crude oil and was forced to suspend production. Therefore, the DOE granted Ely exception relief based upon the principles established in *Western Oil Lands, Inc.*, 4 FEA Par. 83,232 (December 6, 1976), so that any refiner which purchased crude oil from Ely would be permitted to exclude that quantity from its crude oil runs to stills for purposes of the Entitlements Program. Since no Notice of Objection to the Proposed Decision was filed, the determination was issued in final form on November 22, 1977, and exception relief was made effective as of October 21, 1977.

Gulf Oil Corp., Tulsa, Okla., FFE-4620, FFE-4621, FFE-4622, FFE-4623, FFE-4624, FFE-4625, FFE-4626, FFE-4627, FFE-4628, FFE-4629, FFE-4630, FFE-4631, FFE-4632, FFE-4633, FFE-4634, FFE-4635, FFE-4636, FFE-4637, FFE-4638, FFE-4640, FFE-4641, FFE-4642, FFE-4643, FFE-4644, FFE-4645, FFE-4647, natural gas liquid products

Gulf Oil Corp. filed 26 Applications for Exception from the provisions of 10 CFR

212.165. The exception requests, if granted, would permit the firm to increase its prices for natural gas liquid products to reflect the nonproduct cost increases which the firm has incurred at twenty-six of its natural gas processing plants. In considering the applications, the DOE noted that exception relief will generally be granted to any natural gas processor which can demonstrate that the nonproduct costs which it has experienced since the fiscal quarter including May 1973 have increased by an amount substantially in excess of the \$0.005 per gallon pass through permitted under the provisions of section 212.165. The DOE determined that Gulf had made that type of showing with respect to each of the 26 plants, and therefore proposed to grant exception relief for those plants for the October 1, 1977, through March 31, 1978 period. A Decision and Order was issued in proposed form to Gulf on September 30, 1977.

On October 20, 1977, Gulf filed a Notice of Objection to the Proposed Decision and Order in accordance with the procedures which afford the firm the right to contest any finding of fact or conclusion of law reached in that determination. However, Gulf subsequently indicated that it did not wish to file a Statement of Objections in the proceeding and requested that its Notice of Objection be withdrawn. Since no other aggrieved party filed a Notice of Objection within the ten day period following service of the Proposed Decision and Order as required by the applicable DOE procedures, a Decision and Order was issued in final form which established September 30, 1977 as the effective date for the exception relief.

P&M Petroleum Management, Denver, Colo., FEE-4464, crude oil

P&M Petroleum Management filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit P&M to sell the crude oil produced from the Track Lease, Well No. 1 in Roosevelt County, Mont., at upper tier ceiling prices. P&M also requested that exception relief be made retroactive to May 1, 1977. In considering the exception request, the DOE found that the operating costs associated with the production of crude oil at the Track Lease had increased to the point where P&M no longer had an economic incentive to continue the production of crude oil from that lease. The DOE also determined that if P&M abandoned its operations at the lease, a substantial quantity of domestic crude oil would not be recoverable. The DOE therefore concluded that the application of the lower tier ceiling price rule resulted in a gross inequity to P&M. On the basis of the operating data presented for the most recent six month period, P&M was granted exception relief which permitted the firm to sell at upper tier ceiling prices 23.78 percent of the crude oil produced from the Track Lease for the benefit of the working interest owners. However, the DOE also determined that P&M had failed to establish that exception relief should be made retroactive to May 1, 1977.

Phillips Petroleum Co., Bartlesville, Okla., FFE-4802, crude oil

The Phillips Petroleum Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief which would permit Phillips and certain other working

interest owners to sell at upper tier ceiling prices the crude oil produced for their benefit from the Hopkins "A" Lease in Panola County, Tex. See *Phillips Petroleum Co.*, 5 FEA Par. 83,175 (June 9, 1977). In considering the Phillips application, the DOE determined that the working interest owners were no longer experiencing the high operating expenses and the resulting operating losses upon which the previous exception relief was founded. Accordingly, the DOE found no basis for an extension of exception relief and the Phillips request was denied.

Quincy Oil, Inc., Quincy, Mass., FEE-4060, No. 6 fuel oil

Quincy Oil, Inc., filed an Application for Exception from Ruling 1977-5. The exception request, if granted, would relieve Quincy of its obligation to refund overcharges relating to its sales of No. 6 fuel oil during the period prior to June 1, 1976. Ruling 1977-5 concerned the application of the term "transaction" for purposes of computing a firm's weighted average May 15, 1973, selling prices. The overcharges in question resulted from Quincy's erroneous application of the term "transaction" in establishing its May 15, 1973, selling prices. In considering the Quincy Application, the DOE noted that the FEA had historically granted retroactive exception relief only where an applicant, in addition to satisfying the criteria for all exception requests, showed compelling reasons why exception relief was warranted or demonstrated that it would experience a severe and irreparable injury in the absence of such relief. However, the DOE determined that this standard should not be applied in evaluating requests for exception relief from Ruling 1977-5. The DOE noted that, although the treatment to be accorded variable-price contracts set forth in Ruling 1977-5 was the only one that was consistent with the overall regulatory program, it might have been difficult for Quincy and other firms to arrive at the precise application of the transaction definition to variable-price contracts which was eventually set forth in the Ruling. Consequently, the DOE concluded that, in considering requests for exception relief from Ruling 1977-5, it would examine whether the applicant would have received prospective relief on the grounds of serious hardship or gross inequity if it had filed an exception application in a timely manner.

Quincy claimed that the prices which the firm was permitted to charge as a result of the transaction definition were anomalous in terms of Quincy's general business operations and did not reflect the historic position of the firm prior to the implementation of the price control program. The DOE noted that the FEA had previously held that exception relief could be granted on gross inequity grounds where a firm demonstrated that: (i) unusual or anomalous events occurred during a base period; (ii) those conditions seriously distorted the intended use of the base period for measurement purposes as a normal and customary period of business activity; and (iii) the consequent distortion seriously affected the firm in a significant manner. See *Tenneco Oil Co.*, 2 FEA Par. 83,108 (March 31, 1975). The DOE determined that the present record was insufficient to permit a determination as to whether Quincy satisfied the *Tenneco* standard. Quincy's Application was therefore dismissed without prejudice to a refiling at a later date. In dismissing the Application, the DOE described the material to

be submitted by Quincy in connection with any further Application. This material included data showing historical markups and profitability on sales of No. 6 fuel oil to each customer for which Quincy seeks exception relief. The DOE also stated that it was not clear as to which segment of Quincy's operations the DOE should focus in determining whether exception relief was warranted. The DOE therefore requested that Quincy submit data relating to its markups and profits for each class of purchaser involved, including its institutional customers and its retail customers of No. 6 fuel oil.

SUPPLEMENTAL ORDER

Dorchester Gas Corp.; American Petrofina, Inc., Washington, D.C., DEX-0008, crude oil, refined petroleum products

Dorchester Gas Corp. and American Petrofina, Inc. (Fina) requested that the DOE finalize certain provisions of a Decision and Order which was issued to the firms in proposed form on October 17, 1977. In the previous determination, the DOE proposed to grant the firms various types of administrative relief to facilitate the acquisition by Dorchester of a refinery which Fina owns and operates in Mount Pleasant, Texas. However, the DOE concluded that, in granting exception relief, Dorchester should not be permitted to earn any entitlements under the small refiner bias for crude oil receipts at the Mount Pleasant refinery in excess of the benefits which Fina would earn under the small refiner bias if it did not sell the facility. Subsequent to the issuance of the Proposed Decision and Order, Dorchester and Fina submitted a joint Notice of Objection in which the firms stated that they intended to challenge those aspects of the Proposed Decision and Order which related to the Entitlements Program. In their present submission, Dorchester and Fina indicated that they planned to immediately proceed with the transfer of the Mount Pleasant refinery without awaiting a resolution of the issues which they had raised in their Notice of Objection. The firms therefore requested that the DOE immediately finalize those aspects of the October 17 Proposed Decision and Order which related to the pricing and allocation of crude oil and covered products at the Mount Pleasant facility. After considering the request, the DOE concluded that a number of provisions of the October 17 determination should be issued as an Interim Order. However, the DOE also held that Dorchester and Fina would remain subject to the conditions contained in the Proposed Decision and Order which related to the Entitlements Program, pending the issuance of a final Decision and Order in this matter.

SUMMARY DECISIONS

The following firm filed a Motion for Evidentiary Hearing with the Office of Administrative Review in connection with the DOE's consideration of a Proposed Decision and Order. That motion was granted.

Finnegan's of Virginia, Washington, D.C., DRC-0001

The following firms filed an Application for Stay of a Remedial Order which had been issued to it by the DOE. In considering the stay request, the DOE referred to a recent Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in

which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that the public interest required immediate compliance with the Remedial Order. Since the record in these cases did not indicate that the public interest required immediate compliance with the Remedial Orders, the DOE granted the requests for stay pending consideration of the Appeals.

Davison Oil Co., Inc., Mobile, Ala., DRS-0007

Klotzman, Melvin, Pendleton, Jess d.b.a. Victoria Equipment, San Antonio, Tex., DRS-0014

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Asamera Oil, Inc., Washington, D.C., FEE-4854

Dyco Petroleum Corp., Tulsa, Okla., DEE-0057

Maynard Oil Co., Dallas, Tex., FEE-4843

The following submission was dismissed for failure to correct deficiencies in the firm's filing as required by the DOE Procedural Regulations:

H. & F. Oil Co., Rock Springs, Wyo., DEE-0030

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of
Administrative Review.

FEBRUARY 2, 1978.

[FR Doc. 78-3796 Filed 2-9-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of November 28 through December 2, 1977

Notice is hereby given that during the week of November 28 through December 2, 1977, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Arent, Fox, Kintner, Plotkin & Kahn, Washington, D.C., DFA-0020, freedom of information

The law firm of Arent, Fox, Kintner, Plotkin & Kahn appealed from a partial denial by the FEA Information Access Officer of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In its request, Arent sought copies of all DOE documents relating to requests for approval of the use of alternative cost figures for calculating the "Y" factor pursuant to 10 CFR, Part 212. The Information Access Officer denied Arent's request with respect to certain portions of the material on the basis that such information was exempt from mandatory disclosure under Section (b)(5) of the FOIA. In considering the Arent Appeal, the DOE found that the material which was withheld consisted of the recommendations of an FEA employee to his superiors with respect to the disposition of a request to use the alternate "Y" factor to compute maximum allowable prices. The DOE determined that this material was predecisional and advisory in nature and properly fell within the intra-agency memorandum exemption of the FOIA. The DOE further determined that the material which was withheld did not lose its exempt status merely because a final agency decision had been made regarding the issue discussed in the document. The Arent Appeal was consequently denied.

Austral Oil Co., Houston, Tex., FEA-0940, crude oil

Austral Oil Co. filed an Appeal of a Decision and Order which the FEA issued to the firm on July 15, 1976. *Austral Oil Co., Inc.*, 4 FEA Par. 83,004 (July 15, 1976). In that Decision the FEA granted in part Austral's request for an exception from the provisions of 10 CFR, Part 212, Subpart D, and permitted the firm to sell at upper tier ceiling prices certain volumes of crude oil produced from the Ackery Dean Sand Unit located in Dawson and Martin Counties, Texas. In its Appeal, Austral contended that the FEA should have granted it additional exception relief in order to permit the firm to expand its crude oil recovery operations. Austral asserted that in calculating the level of relief the FEA should have calculated its return on invested capital on an after-tax basis and should have included the cost of capital as an operating expense. In addition, Austral contended that the FEA should have allowed a greater than 15 percent rate of return on the investment, and that the royalty interest owners should have been permitted to benefit directly from exception relief. In considering Austral's Appeal, the DOE concluded that the use of a pre-tax rate of return permits greater uniformity in the consideration of crude oil investment cases and that the cost of capital is not generally considered as an operating cost in investment analyses. The DOE also noted that a 15 percent rate of return was designed to allow Austral a profit on the crude oil investment project and that the firm had presented no material which indicated that such a rate of return was insufficient to induce it to undertake the project. In addition, the DOE also determined that Austral had failed to demonstrate that the royalty interest owners incurred any cost in connection with the proposed investment and consequently no proper basis existed for including the royalty interest owners in any exception relief. The DOE therefore denied

these aspects of Austral's Appeal. However, the DOE did find that there was a distortion of the economics because FEA projections were based on escalating crude oil prices while operating costs were held constant. The DOE therefore granted this portion of Austral's Appeal and recalculated the exception relief on a basis of current crude oil prices and current per well operating costs.

C. C. Operating Co., Victoria, Tex., FRA-1274, crude oil

The C. C. Operating Co. (CCOC) filed an Appeal from a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to the firm on April 14, 1977. In the Remedial Order, the Regional Office determined that CCOC had improperly classified its State Tract 9 lease as stripper well property and consequently sold crude oil produced from the lease at price levels which exceeded the ceiling prices specified in 10 CFR 212.73. On the basis of these findings, CCOC was directed to refund the overcharges which it had obtained. In considering the CCOC Appeal, the DOE determined that the record indicated that the production of crude oil from the property was not maintained at the maximum feasible rate during 1973. Therefore, the DOE concluded that the Regional Office had acted properly in adjusting the calculations of average daily production to reflect the disruptions which CCOC had experienced in 1973 and that the Regional Office had correctly determined that the lease did not qualify as stripper well property. Accordingly, the CCOC Appeal was denied.

Cotten, Day & Doyle, Washington, D.C., DFA-0025, freedom of information

The law firm of Cotten, Day & Doyle appealed from a denial by the DOE Information Access Officer of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In its Request for Information Cotten sought certain documents relating to an Application for Exception which had been filed with the DOE by Guam Oil and Refining Co. (Gorco). The Information Access Officer found that those portions of the requested documents which had been deleted from copies in the DOE Public Docket Room were exempt from mandatory disclosure under Section (b)(4) of the FOIA. In considering Cotten's Appeal, the DOE determined that some of the information which the Information Access Officer had withheld had previously been made public and therefore should have been released to Cotten. In addition, the DOE determined that several other items of information which had been withheld should be released since the firm submitting that information had notified the DOE that it had no objection to its release. The DOE determined that the remainder of the information requested by Cotten was commercial or financial information dealing with Gorco's operations and that its public release would likely cause substantial harm to the competitive position of the firm. The DOE therefore concluded that this material was properly withheld under Exemption (b)(4) of the FOIA. Cotten's Appeal was accordingly granted in part and denied in part.

Mobil Oil Corp., New York, N.Y., FXA-1269, FXA-1270, natural gas liquids

Mobil Oil Corp. filed Appeals from a consolidated Decision and Order which the

FEA issued to the firm on April 1, 1977. In its Appeals, Mobil requested that the exception relief which had been granted to the firm permitting it to increase the non-product cost passthrough for two of its natural gas processing plants be increased to reflect certain accounting errors in the material which it had furnished in the prior proceeding. Specifically, Mobil claimed that it had erroneously subtracted the service revenues it had received from other firms for compressing natural gas from its own cost of operating the two plants. Mobil asserted that the full cost of its operating expenses should be used in calculating its increased non-product costs. In considering the Mobil Appeals, the DOE concluded that it would be inappropriate to disregard the service revenues since the amount of the unrecovered increase in non-product costs at the two plants would then be overstated by the amount of those revenues. The Mobil Appeals were accordingly denied.

Wayne S. Lockhard & Sons, Inc., Indiana, Pa., FRA-1386, No. 2 fuel oil

Wayne S. Lockhard & Sons, Inc. filed an Appeal from a Remedial Order which the Director of Compliance of FEA Region III issued to the firm on June 17, 1977. In the Remedial Order, the Director of Compliance found that Lockhard had sold No. 2 fuel oil at prices which exceeded the maximum permissible selling prices specified in 10 CFR 212.93. On the basis of this finding, the Remedial Order directed Lockhard to refund the revenues which it had improperly received. In its Appeal, Lockhard contended that the DOE improperly calculated the firm's increased product costs by including in the computation of cost of product in inventory on May 15, 1973 product which Lockhard claims was never commingled in inventory. Lockhard also contended that the Remedial Order erroneously failed to permit the firm to increase its selling prices to reflect a product cost increase which it had experienced as a result of the elimination of a transportation allowance by its supplier. In considering the firm's first contention, the DOE found that prior to the adoption of regulatory amendments on May 1, 1976, a retailer or reseller was required to determine its maximum permissible selling price for a particular product by reference to the increased product costs which it had incurred since May 15, 1973, calculated on the basis of the firm's entire inventory of that product whether or not physically commingled. In considering Lockhard's second contention, the DOE found that the elimination of a transportation allowance by its supplier effectively increased Lockhard's product costs. Consequently, Lockhard was permitted under the Mandatory Petroleum Price Regulations to pass through the cost increase which resulted from the elimination of the transportation allowance. Therefore, there was no basis for Lockhard's claim that it was unable to reflect the loss of the transportation allowance in its selling prices of No. 2 fuel oil. Accordingly, the DOE denied Lockhard's Appeal.

REQUESTS FOR EXCEPTION

City of Long Beach, Calif., Long Beach, Calif., DXE-0071, crude oil

The City of Long Beach, Calif. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previ-

ously granted to the City and would permit it to sell at upper tier ceiling prices certain quantities of the crude oil produced from Fault Block Unit 2 of the Wilmington Field, located in Long Beach, Calif. (Unit 2). City of Long Beach, Calif., 5 FEA Par. 83,173 (June 6, 1977); City of Long Beach, Calif., 4 FEA Par. 83,212 (December 3, 1976). In considering the Long Beach exception request, the DOE found that the City had continued to experience operating losses at Unit 2 despite the exception relief previously granted. The DOE also found that Long Beach would have no economic incentive to continue its operations at Unit 2 unless the type of exception relief previously approved were extended for an additional six-month period. In view of this situation and on the basis of operating data which Long Beach submitted for the most recently completed six-month period, Long Beach was permitted to sell at upper tier prices 53.14 percent of the crude oil produced from Unit 2 for the benefit of the working interest owners through June 30, 1978.

M. J. Mitchell, Dallas, Tex., FXE-4656, crude oil

M. J. Mitchell filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of the exception relief previously granted to Mitchell and would permit him to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Pickrel Ranch Minnelusa Sand Unit in the Pickrel Ranch Field, Campbell County, Wyo. (the Unit). M. J. Mitchell, 5 FEA Par. 83,078 (February 25, 1977); M. J. Mitchell, 4 FEA Par. 83,128 (October 1, 1976); and M. J. Mitchell, 3 FEA Par. 83,146 (April 2, 1976). In considering the exception request, the DOE found that the firm had continued to incur increased operating costs at the Unit and that in the absence of continued exception relief Mitchell would lack an economic incentive to produce crude oil from the Unit. The DOE also found that permitting Mitchell to sell his share of the crude oil at upper tier ceiling prices would still be an insufficient incentive for continued operation of the Unit. In view of this situation and on the basis of the operating data which Mitchell submitted for the most recently completed six-month period, the DOE concluded that Mitchell should be permitted to sell at market prices 100 percent of the crude oil produced and sold for his benefit from the unit.

Allen K. Trobaugh, Midland, Tex., FXE-4848, crude oil

Allen K. Trobaugh filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The request, if granted, would result in an extension of exception relief previously granted to Trobaugh and would permit him to continue to sell at upper tier ceiling prices a portion of the crude oil produced from the No. 1 well in the Bailey Lease, located in Hockley County, Tex. Allen K. Trobaugh, 5 FEA Par. 83,150 (May 6, 1977). In considering the exception request, the DOE found that Trobaugh had continued to incur increased operating costs in connection with the No. 1 well and that in the absence of continued exception relief Trobaugh would lack an economic incentive to produce crude oil from the well. In view of this situation and on the basis of the operating data which Trobaugh submitted for the previous six months, the DOE permitted the working in-

terest owners to sell at upper tier ceiling prices 89.09 percent of the crude oil produced from the well for their benefit.

REQUEST FOR MODIFICATION OR RESCISSION
Sun Co., Inc., Dallas, Tex., DMR-0005, natural gas liquids; natural gas liquid products

The Sun Co., Inc. filed an Application for Modification of a Decision and Order which the Office of Exceptions and Appeals of the Federal Energy Administration issued to Sun concerning exception relief for the passthrough of non-product cost increases on sales of natural gas liquids and natural gas liquid products. In support of its Application, Sun argued that its non-product costs were increasing and that the use of data for the most recent fiscal quarter would therefore provide a more accurate indication of Sun's current non-product costs than the period upon which the FEA had based relief in the original Decision. In considering Sun's Application, the DOE found that the firm had failed to demonstrate that the rate of cost increases which it had recently experienced was likely to continue. In addition, the DOE noted that examination of non-product cost data submitted by Sun in a number of exception requests indicated that its per gallon costs varied frequently and had actually declined in half of the cases considered. Accordingly, Sun's Application for Modification was denied.

REQUEST FOR STAY

C. H. Sprague & Son Co., Boston, Mass., DRS-0013, residual fuel oil

C. H. Sprague & Son Co. filed an Application for Stay of certain provisions of a Remedial Order which DOE Region I issued to the firm on November 7, 1977. In the Remedial Order, Region I determined that Sprague had sold residual fuel oil to its customers at prices in excess of the maximum permissible selling prices and directed Sprague to refund the overcharges. Region I stayed the refund provisions of the Remedial Order pending a determination on the merits of and Appeal, but it directed Sprague to submit certain reports to the DOE concerning its purchasers of residual fuel oil during the audit period. Region I stated that it required this information in order to prepare Ancillary Orders to resellers who purchased residual fuel oil from Sprague and who would be required to remit any refunds to their own customers. In considering the stay request, the DOE referred to a Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which the FEA held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appears that the public interest requires immediate compliance with the Remedial Order. The DOE found that the issuance of Ancillary Orders to resellers was necessary in certain cases in order to permit consolidation in an Appeal of common issues arising out of those Orders and the Remedial Order, and to ensure that refunds are promptly made to individuals who have been charged improper prices. The DOE therefore determined that Region I was correct in concluding that the public interest requires Sprague to provide the Office of Enforcement with the data necessary for the issuance of Ancillary Orders. However, the DOE also determined that a portion of the information which the firm was directed to submit was unrelated to the issuance of Ancillary Orders and the

Sprague Application for Stay was therefore granted with respect to those portions of the Remedial Order.

Inger Oil Corp., Inc., Metairie, La., DES-0032, crude oil

Inger Oil Corp., Inc. filed an Application for Stay in which it requested that the DOE defer a reduction in the firm's entitlement sales obligations in the November 1977 Entitlement Notice. The reduction was intended to correct for an error previously made by the firm in reporting its old oil receipts for the month of April 1976. In its Application for Stay, Inger contended that it would experience an irreparable injury if its entitlement sales obligations were reduced. In considering Inger's Application, the DOE noted that the firm had not submitted any financial material whatsoever to support its contention that it would experience an irreparable injury. The firm's Application for Stay was accordingly denied.

TOSCO Corp., Los Angeles, Calif., DES-0033, crude oil

TOSCO Corp. filed an Application for Stay of the provisions of 10 CFR 211.67 (the Entitlements Program) pending a determination by the DOE on an Application for Exception which the firm had filed. The stay request, if granted, would have relieved TOSCO of a portion of its entitlement purchase obligation set forth in the November 1977 Entitlement Notice. In considering the TOSCO request, the DOE found that the firm had demonstrated a substantial likelihood of success on the merits of its exception request. However, the DOE noted that other factors must be considered in evaluating TOSCO's stay request, including the possible adverse effects which a stay of TOSCO's purchase obligation might have on the operations of those small refiners who were eligible to sell entitlements pursuant to the November 1977 Entitlement Notice. In addition, the DOE found that the data which TOSCO presented with respect to its present financial position indicated that the firm would not suffer an irreparable injury if its stay request were denied. The Application for Stay was accordingly denied.

PETITION FOR SPECIAL REDRESS

Standard Oil Co. of Indiana, Chicago, Ill., FSG-0056, motor gasoline

The Standard Oil Co. of Indiana (Amoco) filed a Petition for Special Redress in which it requested that an Assignment Order issued to it by FEA Region V on April 4, 1977 be rescinded. In its Petition Amoco contended that the statement of facts and law contained in the Assignment Order was insufficient as a matter of law. Amoco also argued that the Regional Office had improperly applied the criteria set forth in 10 CFR 205.35(b). In considering the Amoco Petition, the DOE concluded that FEA Region V had sufficiently indicated the factual and legal basis for issuing the Order. In addition, the DOE determined that the Regional Office had properly applied the criteria set forth in 10 CFR 205.35(b). The Amoco Petition for Special Redress was therefore denied.

SUPPLEMENTAL ORDER

Leonard E. Belcher, Inc., Springfield, Mass., DRX-0009, No. 2 fuel oil

Leonard E. Belcher, Inc. filed 28 Interrogatories in connection with an Appeal from

a Remedial Order which the firm had submitted. In the present submission, Belcher sought information relating to the internal procedures of the DOE Office of Administrative Review and Information concerning any oral or written communication between the Office of Administrative Review and other DOE employees during the course of the Belcher Appeal proceeding. In considering Belcher's request for discovery, the DOE observed that the DOE Administrative Procedures and Sanctions Regulations, 10 CFR, Part 205, contain no formal provision for discovery by a party in the course of an administrative appeal. (Editor's Note: This provision has subsequently been amended, see 10 CFR 205.198). In addition, the DOE determined that the information which the firm requested was unrelated to Belcher's challenge to the substantive findings and conclusions contained in the Remedial Order. Accordingly, the Belcher request was denied.

SUMMARY DECISIONS

The following firms filed Applications for Stay of Remedial Orders which had been issued to them by the DOE. In considering the stay requests, the DOE referred to a recent Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that the public interest required immediate compliance with the Remedial Order. Since the record in these cases did not indicate that the public interest required immediate compliance with the Remedial Orders, the DOE granted the requests for stay pending consideration of the Appeals.

Ernest E. Allerkamp, Denver, Colo., DRS-0042

Ruthven, Inc., Seminole, Okla., DRS-0040

DISMISSALS

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Citadel Corp., and Belvoir Terminal Corp., Washington, D.C., DOP-0001

The following submissions were dismissed after the applicants repeatedly failed to respond to requests for additional information:

Eddy Refining Co., Washington, D.C., FEE-4364

Kenwance Oil Co., Tulsa, Okla., FEE-4797

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a

NOTICES

commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of
Administrative Review.

FEBRUARY 2, 1978.

[FR Doc. 78-3797 Filed 2-9-78; 8:45 am]

[3128-01]

SMALL REFINER BIAS UNDER THE
ENTITLEMENTS PROGRAM

Inquiry as to Independent Study

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Inquiry.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") gives notice of the availability of an independent report it has commissioned on an analysis of the appropriate level for the small refiner bias under the entitlements program. The report generally concludes that the current bias level may compensate many refiners below the 50,000 barrel per day (B/D) crude run level beyond the apparent extent of their diseconomies of scale relative to larger refiners processing typical crude oils. The ERA will hold a public hearing and receive written comments concerning the analysis set forth and the findings of this report.

DATES: Comments by March 7, 1978, 4:30 p.m.; requests to speak by February 24, 1978, 4:30 p.m.

HEARING DATES: Washington hearing: March 6 and 7, 1978, 9:30 a.m. Dallas hearing: March 9, 1978, 9:30 a.m. San Francisco hearing: March 9, 1978, 9:30 a.m.

ADDRESSES: All comments to: Public Hearing Management, Room 2313, Department of Energy, 2000 M Street NW., Box RN, Washington, D.C. 20461. Copies of Small Refiner Bias—Final Report available at the Office of Management Operations, Room B210, 2000 M Street NW., Washington, D.C. 20461. Department of Energy, 2626 West Mockingbird Lane, Dallas, Tex. 75235; Department of Energy, Third Floor, 111 Pine Street, San Francisco, Calif. 94111.

REQUESTS TO SPEAK: Washington hearing: Public Hearing Management, Room 2313, Department of Energy, 2000 M Street NW., Box RN, Washington, D.C. 20461. Dallas hearing: Department of Energy, Attention: Arlene Millard, 2626 West Mockingbird Lane, Dallas, Texas 75235. San Francisco hearing: Department of Energy, Attention: R. Laffel, Third Floor, 111 Pine Street, San Francisco, Calif. 94111.

HEARING LOCATIONS: Washington hearing: Room 3000A, 12th and Penn-

sylvania Avenue NW., Washington, D.C. 20461. Dallas hearing: Department of Energy Training Room 250, 2626 West Mockingbird Lane, Dallas, Tex. 75235. San Francisco hearing: Federal Courthouse, Courtroom 14, 7th and Mission Street, San Francisco, Calif. 94111.

FOR FURTHER INFORMATION
CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street NW., Room 2214, Washington, D.C. 20461, 202-554-5201.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Mary B. Jones (Regulations and Emergency Planning), 2000 M Street NW., Room 2222, Washington, D.C. 20461, 202-254-3234.

Douglas McIver (Entitlements Program Office), 2000 M Street NW., Room 61281, Washington, D.C. 20451, 202-254-8660.

Fred Wolgel (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461, 202-566-2454.

SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. History of the Small Refiner Bias
- III. Availability of Report
- IV. Request for Comments
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I. INTRODUCTION

The DOE's domestic crude oil allocation ("entitlements") program provides for the issuance to small refiners of additional entitlements over and above the number of entitlements issued to all refiners generally with respect to their crude oil runs to stills. Under the monthly entitlement calculations, each refiner is issued a number of entitlements equivalent to the result of application of the domestic crude oil supply ratio to the volume (in barrels) of that refiner's crude oil runs to stills for that month. Under 10 CFR 211.67(e), which provides for the small refiner bias, small refiners (defined in § 211.62 as those having a refinery capacity not exceeding 175,000 B/D) are issued bias entitlements in addition to those issued by application of the domestic crude oil supply ratio. The number of additional entitlements issued under the bias is dependent on the level of the particular small refiner's crude oil runs in the month involved. The per barrel bias is highest at crude run levels of up to 10,000 B/D and declines as the small refiner's crude run volume increases over 10,000 B/D. Above the 175,000 B/D crude run level no bias entitlements are issuable. The general effect of the small refiner bias is to lower crude

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costs for small refiners, by either permitting them to sell a greater number of entitlements or requiring them to purchase fewer entitlements with respect to their crude oil receipts.

II. HISTORY OF THE SMALL REFINER
BIAS

The initial entitlements program notice of proposed rulemaking issued by the Federal Energy Administration ("FEA") on August 28, 1974 (39 FR 31650, August 30, 1974) solicited comments on the desirability of providing for a small refiner bias but offered no specific regulatory provision therefor.

Provision for a small refiner bias first appeared in FEA's further notice of proposed rulemaking issued on November 7, 1974 (39 FR 39740, November 11, 1974). The sliding scale bias proposed thereby provided that each small refiner would receive additional entitlements as a percentage of its crude runs and that the number of entitlements so issued would be greater

at the lower run levels. The rationale for providing favorable treatment for small refiners was based on FEA's belief that a bias was necessary to compensate for the higher operating costs and proportionately greater capital expenditure requirements that small refiners experienced relative to larger refiners, and on FEA's belief at that time that to remain competitive many small refiners priced their products below those marketed by major branded refiners. The bias, therefore, was designed principally to ensure the competitive viability of the small refiner segment of the petroleum industry. The method initially proposed by FEA to favor small refiners was based on the sliding scale used for issuances of oil import tickets under the Mandatory Oil Import Program when ticket values were in the \$1 per barrel range.

The final rule adopting the entitlements program, which was issued on November 29, 1974 (39 FR 42246, December 4, 1974), reflected FEA's affirmation of the need for a small refiner

bias but concluded that, while its reference to the historic treatment afforded under the Oil Import Program was valid, the benefits proposed were insufficient to ensure the competitive viability of small refiners. Accordingly, the rule adopted contained small refiner bias provisions that related the incremental entitlement issuances up to the first 30,000 B/D of crude runs to the maximum economic preferences granted under the Oil Import Program with respect to the PAD District V ticket issuances.

On December 20, 1974, FEA adopted corrective amendments (39 FR 44710, December 27, 1974) to the entitlements program, which included technical changes relating to the small refiner bias provisions, since FEA had determined that the value of import tickets issuable to small refiners had been incorrectly computed. These corrective amendments adjusted bias entitlements issuances to the following levels, which were applicable through March 1976.

VALUE OF SMALL REFINER BIAS PRIOR TO APRIL 1976

	Number of bias entitlements	Daily value of bias entitlements ¹	Per barrel value of bias entitlements ¹
Crude runs:			
10,000	1,256	\$10,659.18	\$1.07
30,000	1,639	14,550.90	.49
50,000	1,667	13,491.87	.27
100,000	1,258	10,831.38	.11

¹Based on the November 1977 entitlement price of \$8.61.

On December 22, 1975, the Energy Policy and Conservation Act, Pub. L. 94-163 (the "EPCA") became law. Section 403 of the EPCA exempted refiners whose refining capacity did not, on January 1, 1975 or thereafter, exceed 100,000 barrels per day from entitlement purchase requirements as to the first 50,000 barrels per day of their inputs or receipts, or both. On December 31, 1975 (41 FR 1044, January 6, 1976), FEA adopted Special Rule No. 6 for Subpart C (the "special rule") on an emergency basis to implement these exemption requirements of the EPCA. The special rule exempted all qualified small refiners from any purchase requirements they would otherwise have as to the first 50,000 barrels per day of their crude runs. For small refiners having run levels in excess of 50,000 barrels per day, the special rule exempted a portion of the entitlement purchase requirements they would otherwise have.

Section 455 of the EPCA generally permitted FEA to modify the small refiner purchase exemption (as was implemented by the special rule) where FEA determined that the exemption resulted in an unfair economic or competitive advantage for its beneficiaries with respect to other small refiners or otherwise seriously impaired FEA's ability to provide for the attainment of the objectives of the EPAA. Any FEA modification of the exemption, however, was subject to review by both Houses of Congress under the procedures set forth in section 551 of the EPCA, and would become effective only if neither House disapproved the modification within 15 days of submission.

On February 28, 1976 (41 FR 9391, March 4, 1976) FEA stated its initial determination that the full exemption as in effect under the special rule had certain unfair effects, and it proposed modifications to the exemption. As a

part of that proceeding, FEA invited comments on whether the exemption should be modified such that both small refiner entitlement purchasers and sellers would receive equivalent benefits. FEA suggested that such a modification could be accomplished by eliminating the exemption for small refiner entitlement purchasers, and by increasing the amount of the bias to all small refiners, thereby keeping such refiners on the same competitive basis.

On May 12, 1976 (41 FR 20392, May 18, 1976), FEA confirmed its determination that the exemption had been operating to seriously impair its ability to attain the objectives of the EPAA and was resulting in an unfair economic or competitive advantage for certain small refiners with respect to other small refiners. Accordingly, FEA modified the exemption by revoking the special rule and increased the

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amount of additional entitlements issuable to all small refiners under the general regulatory provisions providing for the small refiner bias. These

amendments were not subsequently disapproved by either House of Congress under the procedures provided by the EPCA and thus became effective with respect to entitlement issuances for April 1976.

These amendments increased the value of the bias to its current level:

VALUE OF CURRENT SMALL REFINER BIAS*

	Number of bias entitlements	Daily value of bias entitlements	Per barrel value of bias entitlements
Crude Runs:			
10,000	2,288	\$19,699.68	\$1.97
30,000	3,123	26,889.03	.90
50,000	2,079	17,900.19	.36
100,000	1,258	10,831.38	.11

*Based on the November 1977 entitlement price of \$8.61.

With respect to firms with volumes of crude oil runs to stills of less than 100,000 B/D, the benefits at the 10,000 B/D level increased by approximately an additional 2 cents per gallon and by declining additional amounts as the refiner's volume of crude oil runs increases. At the 100,000 B/D and higher run levels, no increase was provided for.

On February 10, 1977, FEA tentatively concluded that the rationale underlying the small refiner bias did not appear to support the issuance of bias entitlements for processing agreements at other refineries, and accordingly proposed to eliminate issuances of all bias entitlements with respect to processing agreements for the account of small refiners (42 FR 9394, February 16, 1977). On April 30, 1977, FEA affirmed its tentative conclusion that there was no justification for the issuance of bias entitlements for processing agreements outside a small refiner's plant, and adopted the final rule essentially as proposed, effective for June 1977 crude oil runs to stills.

III. AVAILABILITY OF REPORT

The ERA has commissioned an independent analysis to provide data and information to assist in our evaluation of the small refiner bias. Copies of

Effective October 1, 1977, all functions previously performed by the FEA were transferred to the Department of Energy (DOE) pursuant to the Department of Energy Organization Act (DOE Act, Pub. L. 95-91) and Executive Order 12009 (42 FR 46267, September 15, 1977). In DOE Delegation Order No. 0204-4, the Secretary of Energy delegated to the Administrator of the Economic Regulatory Administration (ERA) the authority previously exercised by FEA to take action with regard to the allocation and pricing of crude oil.

the report may be obtained from the Office of Management Operations, Room B210, 2000 M Street NW., Washington, D.C. 20461. A limited number of copies are also available in the following regional offices: Department of Energy, 2626 West Mockingbird Lane, Dallas Texas 75235; Department of Energy, Third Floor, 111 Pine Street, San Francisco, Calif. 94111.

The report contains an analysis of plant economies of scale based on a detailed economic and engineering analysis of a large number of possible refinery operations, focusing primarily on differences in refinery size, refinery type and complexity, and the effect of different crude quality and cost combinations on operating costs and margins. A detailed engineering and economic analysis of 69 possible refining operations ranging in size from 1,000 B/D to 250,000 B/D is included. For each of the cases there is an analysis of crude oil costs, investment costs, operating costs, product realizations, and operating margins before and after capital charges. The analysis also examines crude oil acquisition costs and product realizations to determine if there is a general relationship between these factors and refinery size. In addition, the report considers the effects of other factors such as access to special marketing situations, the variations in supply logistics of individual companies, and the lower initial investment costs required for refineries built from used equipment or by reactivating refineries.

The analysis of crude oil acquisition costs contained in the report suggests that substantial disparities exist between the post-entitlement adjusted prices of some foreign and domestic

crude oils of similar quality. The report also indicates that the entitlements program has not fully equalized prices of domestic crude oils of the same quality but of different pricing composition. However, the analysis did not show significant differences in average crude oil acquisition costs as function of company of refinery size. Similarly, analysis of product realizations shows that, for most products, the average of small refiners' wholesale and rack prices are not significantly lower than those of large refiners.

The cost and margin analyses for the various refining operations yield as many results as there are cases, but in a comparison of the most typical U.S. refineries processing equivalent cost crude oils, and realizing similar product netbacks the report indicates that:

Present bias levels are approximately correct from 175,000 B/D through 50,000 B/D.

Growing overcompensation begins at about 50,000 B/D.

At 10,000 B/D the bias can be twice the operating margin disadvantage.

Slight undercompensation may occur below 3,000 B/D but this is probably offset for many refiners in this size range by their access to special conditions such as exclusive markets. In addition, margins calculated using investment costs for new grass roots refineries of a basically constant standard of construction may be understated in that entry at very small size levels is usually accomplished with used equipment or reactivation of a shut-down refinery.

To the degree that a bias is necessary to compensate for manufacturing

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diseconomies of scale, a separate bias calculation for individual facilities under common ownership would appear to be justified.

IV. REQUEST FOR COMMENTS

The ERA seeks comments from interested parties on the report, including comments on the factual bases used for the analysis, the method of analysis, and its results. Views and comments on conclusions which are drawn in the report are also solicited. Anyone that has prepared an analysis of the bias is requested to submit copies of their analysis for review by the ERA. In addition, the ERA solicits specific comments on whether any further downstream marketing analysis should be undertaken.

The ERA also solicits specific comments on whether, in light of the report and any additional considerations commenters may consider relevant, the small refiner bias should be altered, and if so, the appropriate manner in which the bias should be altered at the various crude run levels. Following receipt of comments, the ERA will evaluate the report, the comments received, and the existing bias provisions to determine what further actions should be taken concerning this subject.

V. PUBLIC HEARING AND WRITTEN COMMENT PROCEDURES

A. WRITTEN COMMENTS

You are invited to participate in this inquiry by submitting data, views, or arguments with respect to the issues set forth in this notice. Comments should be submitted by 4:30 p.m., e.s.t., March 7, 1978, to the address indicated in the "Addresses" section of this preamble and should be identified on the outside envelope with the designation "Small Refiner Bias Inquiry." Box RN. Fifteen copies should be submitted. All comments received by the ERA will be available for public inspection in the ERA Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to that determination.

B. PUBLIC HEARING

1. Procedure for Request to Make Oral Presentation. The time and place for the hearing is indicated in the "Dates" and "Addresses" section of this notice. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the first business

day following the date of the hearing shown above.

If you have an interest in, or represent a group or class of persons who have an interest in the small refiner bias, you may make a written request for an opportunity to make an oral presentation. The dates and places for requests to speak are indicated in the "Dates" and "Addresses" sections of this notice. You should be prepared to describe the interest concerned and, if appropriate, to state why you are a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified before 4:30 p.m., e.s.t., on February 28, 1978, and will be required to submit 100 copies of your statement to the address indicated in the "Addresses" section of this notice before 9:30 a.m., e.d.t. on March 3, 1978.

2. Conduct of the hearing. We reserve the right to select the persons to be heard at this hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An ERA official will be designated to preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements by other interested parties. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may submit questions to be asked of any person making a statement at the hearing to the address indicated above for requests to speak before 9:30 a.m., e.s.t., March 3, 1978. If you wish to ask a question at the hearing, you may submit the question, in writing, to the presiding officer. The ERA or, if the question is submitted at the hearing, the presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcripts,

will be retained by the ERA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcripts from the reporter.

A transcript of the Dallas hearings will be made available for inspection at the Department of Energy, 2626 West Mockingbird Lane, Dallas, Tex. 75235. A transcript of the San Francisco hearing will be made available for inspection at the Department of Energy, Third floor, 111 Pine Street, San Francisco, Calif. 94111.

Issued in Washington, D.C., February 5, 1978.

DAVID J. BARDIN,
Administrator, Economic
Regulatory Administration.

[FR Doc. 78-3793 Filed 2-7-78; 3:24 pm]

[6740-02]

[Docket No. ER78-197]

CENTRAL TELEPHONE & UTILITIES CORP.

Notice of Filing of Addendum

FEBRUARY 3, 1978.

Take notice that Central Telephone & Utilities Corp. on January 30, 1978, tendered for filing an addendum dated December 15, 1977, to the contract between Central Telephone & Utilities Corp. and NCK Electric Cooperative, Inc., dated October 18, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3767 Filed 2-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-172]

EL PASO NATURAL GAS CO.

Notice of Application

FEBRUARY 3, 1978.

Take notice that on January 24, 1978, El Paso Natural Gas Co. (Applicant), P.O. Box 1492, El Paso, Tex. 79978, filed in Docket No. CP78-172 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to implement the Barker Dome Storage project, and authorizing the transportation, on a best efforts basis, of natural gas in interstate commerce for Western Gas Interstate Co. (WGI), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Applicant faces a potential peak day east-of-California (EOC customers) Priority 1 and 2 curtailment in the 1978-79 winter heating season of approximately 297,000 Mcf, after full use of the Rhodes Reservoir Storage Project and Clay Basin Interim arrangements as presently authorized. It is stated that the Barker Dome Storage Project would materially assist Applicant in reducing the potential peak day shortfall of supply necessary to meet the projected EOC Priority 1 and 2 requirements.

It is indicated that the Barker Dome Dakota Reservoir covers an area of approximately 5,600 acres located on the Ute Mountain Tribe Indian Reservation in north central San Juan County of New Mexico and southern La Plata County of Colorado, approximately 17 miles north of Applicant's San Juan River Plant in the San Juan Basin. It is further indicated that of the 16 wells which have been drilled and completed in the Dakota Reservoir, production is now being obtained from only 5 of the wells at a total daily delivery rate of approximately 1,100 Mcf.

Applicant proposes to plug and abandon the existing 16 wells and requests authorization to construct and operate the following facilities:

1. INJECTION/WITHDRAWAL WELLS

30 injection and withdrawal wells, including wellhead and dehydration facilities, consisting of 27 wells located in San Juan County, N. Mex., and 3 wells located in La Plata County, Colo. Wellhead dehydration units will be operated on the withdrawal phase only.

2. OBSERVATION WELLS

9 observation wells, consisting of 5 wells located in San Juan County, N. Mex., and 4 wells located in La Plata County, Colo.

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3. INJECTION AND WITHDRAWAL PIPELINE

A. STORAGE TRUNK PIPELINE

Approximately 19.6 miles of 20-inch O.D. x 0.344-inch w.t., 16-inch O.D. x 0.250-inch w.t. and 10- $\frac{3}{4}$ -inch O.D. x 0.188 w.t. pipeline, with appurtenances, commencing at Applicant's San Juan River Plant in San Juan County, N. Mex., and terminating in the north portion of the Barker Dome gas field in La Plata County, Colo.

B. LATERAL AND WELL-TIE PIPELINE

Approximately 9.8 miles of lateral and well-tie pipeline consisting of approximately 1.2 miles of 16-inch O.D. x 0.325-inch w.t., 3.7 miles of 10- $\frac{3}{4}$ -inch O.D. x 0.188-inch w.t., and 4.9 miles of 4- $\frac{1}{2}$ -inch O.D. x 0.156-inch w.t. pipeline, with appurtenances, all located in La Plata County, Colo., San Juan County, N. Mex.

4. MEASUREMENT FACILITIES

A dual direction flow 20-inch O.D. check meter, with appurtenances, located on the proposed 20-inch O.D. storage trunk pipeline, within Applicant's San Juan River Plant boundary, San Juan County, N. Mex.

5. BARKER RESERVOIR COMPRESSOR STATION

Two 3,830 (ISO) horsepower Centaur CST-4000 gas turbine-driven centrifugal compressor units, with appurtenances, located within Applicant's San Juan River Plant boundary, in San Juan County, N. Mex.

In addition to the wells, pipeline, metering and compressor facilities specifically described above, Applicant proposes to construct and operate, under authority of § 2.55(a) of the Commission's General Policy and Interpretations, (18 CFR 2.55(a)) those facilities described as follows:

1. SAN JUAN RIVER PLANT PIPING AND COOLING FACILITIES

Approximately 0.2 miles of 16-inch O.D. and 10- $\frac{3}{4}$ -inch O.D. piping, with appurtenances, including two (2) air-gas heat exchangers, located within Applicant's San Juan River Plant boundary, San Juan County, N. Mex.

2. CENTRAL DEHYDRATION UNIT

A 124,000 Mcf per day capacity central dehydration unit is located within applicant's San Juan River Plant boundary, in San Juan County, N. Mex.

It is indicated that the total estimated cost of Applicant's proposed project facilities is \$19,367,796, which cost Applicant proposes to finance through working funds, supplemented, as necessary, by short-term borrowing.

Applicant indicates that it would inject approximately 14,300,000 Mcf of

natural gas into the Barker Dome Dakota Reservoir during the month of August and September 1978, which, with the present 8,100,000 Mcf of natural gas remaining reserves in-place, would fill the Dakota Reservoir to its indicated maximum storage capacity. This inventory would consist of 10,100,000 Mcf of working gas and 12,300,000 Mcf of cushion gas. It is stated. Applicant states that storage injection rates would range from 266,000 Mcf per day, and storage withdrawal rates would range from 124,000 Mcf to 59,000 Mcf per day, at the design pressure.

Applicant states that in order to secure the Barker Dome Dakota Reservoir for use by it as a storage reservoir, mutually satisfactory arrangements have been negotiated among Applicant, the Ute Mountain Ute Tribe of the Ute Mountain Ute Reservation, Supron Energy Corp. (Supron), Southern Union Gathering Co. and WGI. Applicant further states that these arrangements achieve several principal objectives: first, Applicant is vested by the Mountain Utes and Supron with all contractual rights necessary to construct facilities and operate the Dakota Reservoir as a storage project; second, Supron would not be economically disadvantaged by Applicant's use of the reservoir as an interstate storage project; third, the gas distribution divisions of Southern Union through WGI, would continue to receive the same quantity of gas which would have been received had the storage reservoir not been made available to Applicant for use as an interstate storage project.

It is indicated that Applicant has acquired the rights necessary to construct facilities and operate the Barker Dome Storage Project through two agreements, the gas storage lease agreement, and the sublease agreement. It is further indicated that on September 12, 1977, Applicant, the Mountain Utes and Supron executed the gas storage lease agreement, and that pursuant to such agreement Mountain Utes grant Applicant the right to establish, maintain and operate a gas storage project in the Barker Dome Dakota Reservoir underlying the Mountain Utes lands. The right is granted for a term of ten years and for so long thereafter as Applicant continues to use the Barker Dome Dakota Reservoir as a gas storage project, it is said. Applicant states that in consideration for such right, it would pay the Mountain Utes an annual rental of \$28,960 for the subsurface storage rights, $\frac{1}{4}$ cent for each Mcf of gas injected and $\frac{1}{4}$ cent for each Mcf of gas withdrawn from the storage reservoir (including native or indigenous gas). Applicant indicates that the gas storage lease agreement amends in certain respects the provision of the existing

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oil and gas mining leases between the Mountain Utes, as lessor, and Supron, as Lessee, insofar as they pertain to the Barker Dome Dakota Reservoir. Applicant, the Mountain Utes, and Supron stipulate that the Barker Dome Dakota Reservoir contains 4,000,000 Mcf of recoverable indigenous gas (at 15.025 psia and 60° F) as of the date of the above said agreement, it is indicated. It is stated that implicitly recognizing that Applicant's operation of the Barker Dome Dakota Reservoir as a storage reservoir would be inconsistent with Supron's rights and obligations under the oil and gas mining leases to produce gas from the reservoir and pay royalty to the Mountain Utes on the basis of such production, the Mountain Utes and Supron have agreed for purposes of determining royalty under the Oil and Gas Mining leases that the stipulated 4,000,000 Mcf of recoverable indigenous gas would be deemed to be produced from the Barker Dome Dakota Reservoir during the 10-year period beginning September 12, 1977, at the rate of 100,000 Mcf per each calendar quarter. It is further stated that to the extent that the recoverable indigenous gas continues to be produced between September 12, 1977, and the actual plugging and abandoning of the producing wells, royalty payments would be calculated on the basis of the 100,000 Mcf per calendar quarter or actual production, whichever is higher.

The application states that the Sublease Agreement, the second agreement by which Applicant has acquired the rights necessary to implement the Barker Dome Storage Project, was executed January 20, 1978, between Applicant and Supron, which agreement resolves the basic inconsistency between Supron's rights under the oil and gas mining leases to explore, drill, produce and market oil and gas from the Barker Dome Dakota Reservoir and Applicant's acquired rights under the gas storage lease agreement to utilize under the Barker Dome Dakota Reservoir for natural gas storage.

It is indicated that Supron is selling production from the aforementioned 5 wells completed in the Barker Dome Dakota Reservoir in intrastate commerce to Gathering Co. in accordance with the provisions of a natural gas purchase contract dated January 1, 1961, as supplemented and amended between Southern Union Production Co. (now Supron) as Seller, and Gathering Co. (as assignee from Southern Union Gas Co.) as Buyer. It is further indicated that by August 1, 1978, the base sales rate under this contract would be \$1.47 per Mcf at 15.025 psia and 60° F. The application states that Supron has a contractual expectancy of a stream of revenue into the future from the sale of Barker Dome Dakota

Reservoir gas, as produced, to Gathering Co., and that Southern Union, through Gathering Co., has a contractual expectancy of a supply of gas into the future from Supron. It is stated that that future recoverable supply of gas has been stipulated by Supron, Applicant, and the Mountain Utes (for the purpose of royalty calculations) to be a total of 4,000,000 Mcf at 15.025 psia as of September 12, 1977. Applicant indicates that Supron is willing to assist Applicant by permitting implementation of the Barker Dome Storage Project as long as it does not result in an economic disadvantage to Supron. It is stated that Southern Union desires to assist Applicant in implementing the storage project through arrangements which would assure that quantities of gas equivalent to the stipulated 4,000,000 Mcf recoverable reserves in the Barker Dome Dakota Reservoir continues to flow to Southern Union.

The application states that the arrangements among the parties accomplish these objectives. It is further stated that Gathering Co.'s present right to buy Barker Dome Dakota Reservoir gas production from Supron under the 1961 natural gas purchase contract would be converted to a sale and purchase in interstate commerce by assignment to WGI (another Southern Union subsidiary) and the amendment thereto which provides that the point of delivery would be at either the existing Barker Dome Dakota Reservoir wells or at other mutually agreeable points where Applicant would make the gas available for Supron's account. The 1961 natural gas purchase contract has also been amended to provide that Supron would collect the applicable interstate base rate for its sale of the gas to WGI, it is said. It is indicated that the parties intend that the transition of the present intrastate sale by Supron to Gathering Co. to an interstate sale to WGI would occur when Applicant commences the injection of natural gas into Barker Dome Dakota Reservoir on August 1, 1978.

Applicant indicates that those deliveries would be made by it for Supron's account to WGI (actually to its designee, Gathering Co.) under the 1961 natural gas purchase contract, as assigned and amended, and that after the equivalent of the 4,000,000 Mcf has been delivered for Supron, the sublease agreement provides that Supron would assign the oil and gas mining leases to Applicant insofar as they related to the Barker Dome Dakota Reservoir.

It is indicated that Applicant and Gathering Co. are parties to a composite supplemental agreement to a gas purchase agreement dated May 1, 1975, which composite agreement is on file with the Commission as Appli-

cant's special X-13 Rate Schedule, and which provides that Gathering Co. would gather and redeliver to Applicant quantities of Applicant's gas from certain San Juan wells attached to Gathering Co.'s gathering system. It is stated that commencing with the injection of gas into the Barker Dome Dakota Reservoir, Applicant would utilize gas from these wells to perform its obligation under the sublease agreement to deliver 1,120 Mcf per day of natural gas to WGI for Supron's account until the equivalent of the stipulated 4,000,000 Mcf Barker Dome Dakota Reservoir recoverable indigenous gas has been delivered. This arrangement has been contractually accomplished by an amendment to the composite agreement between gathering company and Applicant dated January 20, 1978, which amendment provides that the first 1,120 Mcf per day delivered to Gathering Co. each day from certain wells shall be deemed delivered to Gathering Co. for the account of WGI until the aggregate stipulated quantity has been so delivered.

It is stated that in consideration for Southern Union's assistance in the arrangements enabling Applicant to acquire the rights necessary to utilize Barker Dome Dakota Reservoir as a storage project, and cognizant of Southern Union's desire to make the equivalent of the Barker Dome Dakota Reservoir gas production available to its gas distribution divisions, Applicant would transport in interstate commerce up to 1,120 Mcf of natural gas per day on a best efforts basis for WGI's account. Applicant states that this arrangement is set forth in a gas transportation agreement between it and WGI dated January 20, 1978, which is set forth herein as Applicant's proposed initial special transportation Rate Schedule T-12. Applicant further states that the gas to be transported would be received from Gathering Co. for the account of WGI at one or both of two existing points of interconnection between the facilities of Applicant and Gathering Co. in the San Juan Basin and the points of delivery by Applicant after transportation would be at various of the existing points of delivery from Applicant's system to Southern Union's gas distribution divisions in the States of Arizona, New Mexico and Texas. The aforementioned points of receipt in the San Juan Basin of the gas to be transported for WGI are presently utilized by Applicant and Gathering Co. under exchange agreements on file and in effect as Gathering Company's FERC Gas Rate Schedule No. 1.

It is indicated that Applicant's charges to WGI for the transportation of its gas in interstate commerce would be the applicable rates in effect from time to time as reflected in Applicant's Third Revised Volume No. 2 of its FERC Gas Tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3768 Filed 2-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-190]

FLORIDA POWER & LIGHT CO.

Proposed New Delivery Point

FEBRUARY 3, 1978.

Take notice that on January 17, 1978, Florida Power & Light Co. (FP&L) tendered for filing an Exhibit A which provides for a new delivery point to Clay Electric Cooperative, Inc.

The proposed effective date is the date on which service commences at the new delivery point, estimated to be February 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.,

Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3769 Filed 2-9-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

GAS POLICY ADVISORY COUNCIL

Meeting

Agenda: meeting of Supply-Technical Advisory Task Force-Nonconventional Natural Gas Resources Sub-Task Force I: Methane in Water, Conference Room 3200 (North Building), Federal Energy Regulatory Commission, Union Plaza Building, 941 North Capitol Street NE., Washington, D.C. 20426, March 2, 1978, 9 a.m.

Presiding: Thomas Jennings, Petroleum Engineer, Gas Policy Advisory Council-Coordinating Representative and Secretary.

(1) Call to order—Thomas Jennings.
(2) Discussion of Sub-Task Force progress to date—Dr. John Harbaugh.
(3) Assignment of work and completion dates to Sub-Task Force members.

(4) Other business.
(5) Adjournment—Thomas Jennings.
This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting, or if oral, at the time and in the manner permitted by the Committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3765 Filed 2-9-78; 8:45 am]

[6740-02]

[Docket No. E-7561]

HOLYOKE WATER POWER CO. ET AL

Filing of Settlement Agreement

FEBRUARY 3, 1978.

Public notice is hereby given that on December 30, 1977, the Commonwealth of Massachusetts filed with the Federal Energy Regulatory Commission (FERC) a motion for approval of

a proposed settlement agreement in the above-captioned proceeding. New England Power Co. is the licensee for three hydroelectric projects on the Connecticut River—Projects No. 1904 (Vernon), No. 1855 (Bellows Falls), and No. 1892 (Wilders). Related settlement agreements have been previously approved with Holyoke Water Power Co. for Project No. 2004 and Western Massachusetts Electric Co. for Project No. 1889, both downstream on the Connecticut River. The parties to the instant agreement are New England Power Co.; the States of Connecticut, Massachusetts, New Hampshire, and Vermont; Department of the Interior; Environmental Defense Fund (EDF); Western Massachusetts Public Interest Research Group (PIRG); For Land's Sake (FLS); and Trout Unlimited (Trout).

The proposed agreement provides a schedule for the installation by licensee of fish passage facilities at its three projects in order to facilitate re-establishing the runs of Atlantic salmon and American shad to the Connecticut River. The licensee has the responsibility for constructing the facilities as well as for their operation and maintenance. An operating schedule will be established after fish migration over Holyoke Dam in reasonable numbers is established. The agreement does not provide for the construction of fishways at Bellows Falls and Wilders for American shad alone, nor does it provide for specific downstream fish migration facilities. The agreement provides that the projects shall be operated to provide additional discharges, over and above, but not duplicative of, those necessary to maintain 1,200 cfs minimum stream flow past Vernon now being provided for Vermont Yankee Nuclear Power Corp., to provide a minimum instantaneous flow of 0.20 cubic feet per second per square mile of drainage area through each of the Projects, subject to Commission approval or modification. In addition the agreement provides that all outstanding issues relating to erosion raised by EDF, PIRG, FLS and Trout will be satisfied by the inclusion of a standard license article in each of the licenses for the three projects. Said article provides generally that licensee will be responsible for, and take reasonable measures to prevent, soil erosion and stream sedimentation. The settlement agreement is expressly subject to the jurisdiction of the FERC.

Any person desiring to make any protest or comment with reference to the settlement agreement should file a letter of protest or comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before March 13, 1978. Protests or comments will be considered by the Commission in determining the appropriate action

to be taken. A copy of the proposed settlement agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3770 Filed 2-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-174]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

FEBRUARY 3, 1978.

Take notice that on January 25, 1978, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), P.O. Box 608, Hastings, Nebr. 68901, filed in Docket No. CP78-174 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to render natural gas service pursuant to an agreement dated October 27, 1977, between Applicant and Michigan Wisconsin Pipe Line Co. (Mich Wis), and to construct and operate certain facilities in Hemphill County, Tex. necessary to accomplish delivery of natural gas under a proposed exchange arrangement, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that pursuant to the agreement dated October 27, 1977, between Applicant and Mich Wis, Mich Wis would deliver natural gas to Applicant at an initial delivery point in Fremont County, Wyo., and that Applicant would purchase a portion of the subject gas delivered to it by Mich Wis and gather, transport, and redelivery by exchange the balance thereof, to a proposed interconnection of Applicant's system and Mich Wis' system in Hemphill County, Tex.

Applicant proposed to install a tap and valve at the proposed redelivery point in Hemphill County, Tex., at an estimated total cost of \$7,000 which cost is proposed to be financed out of current working capital or certain bank loans.

It is stated that if Applicant elects to purchase the natural gas which Mich Wis has purchased from a non-affiliated producer, Applicant would pay Mich Wis a price on the same terms and conditions as Mich Wis's purchase from such producer, and that if Applicant elects to purchase gas which is produced by Mich Wis or by Mich Wis's subsidiary, Applicant would pay a price applicable to FERC area price and would include all adjustments, taxes and other charges permitted or prescribed for such price.

Applicant indicates that Mich Wis would pay Applicant a transportation

fee equal to 18.74 cents for each Mcf of gas redelivered by Applicant to Mich Wis, and that Mich Wis would pay Applicant a gathering fee which would be determined for each well on an individual basis, which gathering fee would be determined each month by multiplying the total cost of service of the facilities installed by Applicant to connect each well by the proportion of the total gas delivered through said facilities attributed to the account of Mich Wis plus the average cost of service per Mcf of that portion of Applicant's gathering system which is used to deliver Mich Wis's gas to Applicant's transmission systems multiplied by the volume of gas (before adjustment for Btu) attributable to the account of Mich Wis.

Additionally, Applicant requests that such authorization specifically provide for the exchange of gas from additional wells pursuant to the agreement as each such producing well becomes available.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3771 Filed 2-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-196]

KANSAS POWER & LIGHT CO.

Notice of Filing of Addendum

FEBRUARY 3, 1978.

Take notice that Kansas Power & Light Co. on January 30, 1978, tendered for filing Addendum No. 1, dated December 27, 1977, to the Electric Interconnection Agreement dated January 18, 1972, between Kansas Power & Light Co. and the city of McPherson, Kansas, Board of Public Utilities, and designated KPL Rate Schedule FPC No. 127. Kansas Power & Light Co. indicates that Addendum No. 1 is an extension of the term of agreement to 25 years from October 27, 1977, from the original term of 25 years from January 18, 1972.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3772 Filed 2-9-78; 8:45 am]

[6740-02]

[Docket No. E-9104]

NEVADA POWER CO.

Notice of supplemental Filing

FEBRUARY 3, 1978.

Take notice that Nevada Power Co. (Nevada) on December 23, 1977, tendered for filing a supplement to Nevada's filing of September 22, 1977. Said supplemental filing makes an addition to the fuel adjustment clause language of Nevada's FPC Rate Schedule No. 2, as filed on September 22, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such protests should be filed on or before February 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but

will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3773 Filed 2-9-78; 8:45 am]

[6740-02]

[Docket No. EL78-7]

POTOMAC ELECTRIC POWER CO.

Notice of Application

FEBRUARY 3, 1978.

Take notice that Potomac Electric Power Co. (Pepco) on January 24, 1978, tendered for filing, pursuant to section 203(a) of the Federal Power Act, an application for authorization of the sale by Pepco, and the purchase by Southern Maryland Electric Cooperative, of certain real estate and a transmission line located thereon.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 28, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3774 Filed 2-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-67]

PUBLIC SERVICE CO. OF OKLAHOMA

Informal Conference and Extension of Time

FEBRUARY 3, 1978.

On January 9, 1978, Public Service Co. of Oklahoma (PSCO) filed a motion requesting an informal conference with the Commission Staff to determine the appropriate cost support which should be filed in the above-captioned docket pursuant to the Commission's order of November 30, 1977, in Docket Nos. ER77-422, ER78-20 and ER 78-49. The Motion states that the Intervenor Municipalities join in the request for a conference.

Upon consideration, notice is hereby given that an informal conference will be held at the Federal Energy Regula-

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tory Commission, 825 North Capitol Street, Washington, D.C. at 10 a.m. on February 15, 1978. In consideration of the motion and conference, the date for the required filing is hereby extended to and including March 1, 1978, on or before which date PSCO shall file the rates and cost support required by the November 30, 1977, order.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3775 Filed 2-9-78; 8:45 am]

[3128-01]

International Affairs

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (Pub. L. 94-163), notice is hereby provided of the following meeting:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on February 16 and 17, 1978, at the headquarters of the IEA, 2 Rue Andre Pascal, Paris 16, France, beginning at 10:45 a.m. on February 16. The purpose of this meeting of the IAB is to permit attendance by representatives of the IAB at a meeting of the IEA Standing Group on Emergency Questions (SEQ) which is being held on February 16 and to permit representatives of the IAB to meet on February 17 with representatives of the IEA Secretariat and representatives of the Directorate-General for Energy of the Commission of the European Communities to discuss the development of EEC emergency measures and the relationship between such measures and the IEA emergency sharing system.

The agenda for the meeting of the SEQ on February 16, and participation of the representatives of the IAB at that meeting, is under the control of the SEQ. It is expected that the following draft agenda will be followed at the meeting of the SEQ on February 16 and that representatives of the IAB will be invited to join that meeting during discussion of items 4 through 10 of the agenda, or such other items as may be determined by the SEQ.

1. Approval of draft agenda.

2. Summary Record of the Nineteenth Meeting.

3. Quarterly Oil Forecast 4Q77-3Q78.

4. Special Section of the Information System:

(a) Current Issues of Quarterly Oil Statistics (up to 3Q77) and Base Period Final Consumption (BPFC) (4Q76-3Q77);

(b) Meeting of N.W. European data experts on intra-IEA import/export imbalances (oral statement by the Secretariat);

(c) Procedure to adjust Base Period Final Consumption during an emergency;

(d) Base Period Final Consumption (BPFC) (3Q76-2Q77) for the second Allocation Systems Test (AST-2).

5. Spring 1978 Allocation Systems Test;

(a) National Emergency Sharing Organization (NESO) contacts;

(b) NESO briefing meetings—agenda;

(c) Final Systems Test Guide;

(d) Sequence of events and timetables/deadlines;

(e) NESO activities vis-a-vis non-reporting companies;

(f) Demand restraint, stock draw-down and product balancing;

(g) Standing Group on Emergency Questions (SEQ) Emergency Group;

(h) AST-2 Press Release.

6. EEC matters:

(a) EEC clearance for industry participation in NESOs in AST-2;

(b) Presentation of development of EEC emergency measures to date.

7. National Emergency Sharing Organizations:

(a) Presentation by the U.S. delegation;

(b) Presentation by the German delegation.

8. Emergency Management Manual:

(a) Report by the Chairman on January 19th Governing Board meeting;

(b) Issue of new Manuals (oral statement by the Secretariat).

9. Future meeting dates

10. Any other business.

The agenda for the portion of the meeting of the IAB on February 17th is set out below.

Discussion of the development of EEC emergency measures and the relationship between such measures and the IEA emergency sharing system.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public. As provided by section 209.32 of DOE regulations, IEP requirements and unanticipated procedural delays in processing this notice require the usual 7 day notice period to be shortened.

Issued in Washington, D.C., February 6, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration,
Department of Energy.

[FR Doc. 78-3794 Filed 2-9-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 853-31]

COMMENTS ON ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of September 1, 1977, and September 30, 1977.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in appendix II, and the EPA source for copies of the comments as set forth in appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, and the source of the EPA review as set forth in appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listed in appendices I, III, IV, and V.

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Copies of the EPA manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202-755-2808. Copies of the draft and final environmental

impact statements referenced herein are available from the originating Federal department or agency.

Dated: January 30, 1978.

PETER L. COOK,
Acting Director,
Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Sept. 1, 1977 and Sept. 30, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers			
DS-COE-A32498-MS.....	Gulfport Harbor, Channel Deepening and Navigation, Harrison County, Miss.	ER2	E
DS-COE-D36025-PA.....	Flood Control Improvements, South Harrisburg, Pa.	LO1	D
D-COE-F39004-MN.....	Lake Rebecca Recreational Development, Fish and Wildlife Enhancement, Minn.	LO2	F
D-COE-G32025-TX.....	Channel Improvements for Navigation, Brazos Island Harbor, Tex.	ER2	G
D-COE-K36021-CA.....	Marysville Lake, Yuba River, Sutter and Nevada Counties, Calif.	3	J
Department of Agriculture			
D-AFS-B61008-NH.....	Waterville Planning Unit, White Mountain National Forest, N. H.	LO2	B
D-AFS-G65026-00.....	Timber Management Plan, Quachita National Forest, Arkansas and Oklahoma.	LO1	G
D-AFS-J61017-MT.....	Great Bear Wilderness Proposal, Flathead and Lewis and Clark National Forests, Mont.	LO1	I
D-AFS-L61093-WA.....	Bear Planning Unit, Land Management Plan, Gifford Pinchot National Forest, Skamania County, Wash. (USDA-FS-R6-DES (ADM) 77-1).	LO1	K
D-REA-L07001-OR.....	Boardman Coal Plant, 550 MW Coal-fired, Steam Electric Generating Station Pacific Northwest Generating Co., Morrow County, Oreg. (USDA-REA-EIS (ADM) 77-4D).	ER2	K
D-SCS-E36045-TN.....	Pine Creek Watershed project, Scott County, Tenn. (USDA-SCS-EIS-WS (ADM)-1-D-TN).	LO2	E
D-SCS-F36051-WI.....	Tri-Creek Watershed, Monroe County, Wis. ...	LO2	F
Department of Defense			
D-USN-E11006-GA.....	Preferred Alternative Location for a Fleet Ballistic Missile (FBM) Submarine Support Base, Kings Bay, Ga.	ER2	E
Department of Interior			
D-BLM-J35003-CO.....	Proposed Foothills Project, Colo.	ER2	I
D-IBR-G39003-00.....	Pecos River Basin Water Salvage Project, New Mexico and Texas.	LO1	G
Department of Transportation			
D-CGD-E50003-KY.....	Johns Creek Railway Line Bridge, Levisa Fork of the Big Sandy River, Pike County, Ky.	LO1	E
D-FHW-B40027-NH.....	NH-101 Relocation, Candia to Raymond, Rockingham County, N. H.	LO2	B
D-FHW-E40115-AL.....	AL-35, Rainsville to Port Payne, Dekalb County, Ala. (FHWA-ALA-EIS-77-01D).	LO1	E
D-FHW-E40116-AL.....	University Blvd., Mobile County, Ala. (FHWA-ALA-EIS-77-02D).	LO1	E
D-FHW-E40117-TN.....	TN-153, Hixson Pike to Hamill Rd., Hamilton County, Tenn. (FHWA-TN-EIS-77-01).	LO2	E
D-FHW-E40118-KY.....	Louisa and Catlettsburg Rd., Appalachian Development Corridor B, U.S. 23, Boyd County, Ky. (FHWA-KY-EIS-77-01-DS).	ER2	F
D-FHW-F40098-MN.....	24th Ave. to Mississippi River Bridge, I-494, Hennepin and Dakota Counties, Minn. ...	ER2	K
D-FHW-L40054-WA.....	WA-509, Pacific Ave. Interchange to port of Tacoma Rd., Tacoma, Kitsap County, Wash. (FHWA-WA-EIS-77-03-D).	ER2	K

APPENDIX I.—Draft environmental impact statements for which comments were issued between Sept. 1, 1977 and Sept. 30, 1977—Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
Federal Energy Administration			
DS-FEA-F09001-IN.....	Naptha Allocation and Synthetic Natural Gas Production, Marion County, Ind..	ER2	F
DS-FEA-G03006-TX.....	Strategic Petroleum Reserve, Bryan Mound Salt Dome, Brazoria County, Tex.	LO2	G
Energy Research and Development Administration			
D-ERD-A00132-WA.....	High Flux Neutron Source Facility (HFNS) Hanford Reservation, Richland, Wash.	LO2	K
Federal Power Commission			
D-FPC-L08028-AK.....	Soloman Gulch Project No. 2742, Alaska.....	LO2	K
Department of Housing and Urban Development			
D-HUD-D40053-VA.....	Graham Rd. Extension and Widening, Petersburg, Va.	LO2	D
D-HUD-E28022-AL.....	Rural Water System Improvements, Bullock County, Ala.	ER2	E
D-HUD-E39001-NC.....	Big Ditch, Southern Side, (CDBG) High Point, N. C.	LO1	E
D-HUD-G85058-TX.....	Country Colony Subdivision, Montgomery County, Tex.	LO2	G
D-HUD-G85057-TX.....	Camden Park Subdivision, Harris County, Tex.	LO2	G
D-HUD-G85058-TX.....	North Spring Subdivision, Harris County, Tex.	LO2	G
D-HUD-G85059-TX.....	Greensbrook and Kings Lake Forest Subdivision, Harris County, Tex.	LO2	G
D-HUD-G85060-NM.....	Heritage Hills Subdivision, Albuquerque, Bernalillo County, N. Mex.	LO2	G
D-HUD-G85081-NM.....	Taylor Ranch Planned Community, Bernalillo County, N. Mex.	LO2	G
D-HUD-H85000-NB.....	The Highlands North Subdivision, Lincoln, Lancaster County, Nebr.	ER2	H
D-HUD-J24001-CO.....	Sloan Lake Sanitary Sewer Improvements, Denver, Colo.	LO1	I
National Capital Planning Commission			
D-NCP-D61005-DC.....	Location and Program, Washington D.C. Civic Center and Related Modifications to the Urban Renewal and Comprehensive Plans, Washington D.C.	ER1	D
Department of Commerce			
D-NOA-C90001-VI.....	Virgin Islands Coastal Zone Management Program.	LO2	C

APPENDIX II.—DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—Final environmental impact statements for which comments were issued between Sept. 1 and Sept. 30, 1977

Identifying No.	Title	General nature of comments	Source for copies of comments
CORPS OF ENGINEERS			
FS-COE-A35118-MN.....	Duluth-Superior Harbor, Operation and Maintenance Diked Disposal Facility, Minnesota.	EPA's concerns were adequately addressed in the final EIS.....	F
F-COE-F36023-MN.....	Winoma, Flood Control Project and Waterfront Development, Minnesota.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA continues to be concerned with the impact of truck noise along Pelzer St.	F
F-COE-F36041-OH.....	Muskingum River, Basin Flood Control System, Holmes and Richland Counties, Ohio.	EPA's comments were adequately addressed in the final EIS.....	F
F-COE-F36045-WI.....	Flood Control, Mississippi River at Prairie Du Chien, Crawford County, Wis.	do.....	F
FS-COE-J36007-CO.....	South Platte River Flood Control, Chatfield Dam to Denver, Arapahoe County, Colo.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA made several comments regarding the responses the Corps made to EPA's draft comments.	I
DEPARTMENT OF AGRICULTURE			
F-AFS-K65017-00.....	Alpine Planning Unit, Toiyabe National Forest, Nev. and Calif.	EPA's concerns were adequately addressed in the final EIS.....	J
F-AFS-L67003-AK.....	U.S. Borax Mining Access Road, Quartz Hill Prospect, Tongass National Forest, Alaska (USDA-FS-R10-FES (ADM) 77-04).	do.....	K
F-SCS-C36023-NJ.....	Furnace Brook Watershed, Warren County, N.J.	do.....	C
DEPARTMENT OF COMMERCE			
F-NOA-K88001-CA.....	State of California Coastal Management Program, Calif.	do.....	J
DEPARTMENT OF TRANSPORTATION			
F-CGD-F50001-WI.....	Highway Bridge, Wolf River, Fremont, Waupaca County, Wis.	do.....	F
F-FHW-B40018-NH.....	NH-9, Sullivan, Nelson and Stoddard, Cheshire County, N.H.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA made several comments to assist FHWA's preparation of future EIS's.	B
F-FHW-C40026-NY.....	Sprain Brook Parkway, Westchester County, N.Y.	Generally, EPA's concerns were adequately addressed in the final EIS. However, supplementary data was provided on the analysis for hydrocarbon emissions.	C
F-FHW-C40029-NJ.....	Ocean Blvd., Morris to Ocean Ave., Long Branch, Monmouth County, N.J.	EPA's concerns were adequately addressed in the final EIS.....	C
F-FHW-D40016-PA.....	LR 1036 and LR 1013, Tioga County, Pa.....	EPA's concerns were adequately addressed in the final EIS. EPA did request that data supporting water quality statements made in the final EIS be supplied at the sec. 404 permit application review stage.	D
F-FHW-E40119-TN.....	South Knoxville Blvd., U.S. 441, Chapman Highway, Knoxville to TN-158, Knox County, Tenn (FHWA TN-EIS-75-2-F).	EPA's concerns were adequately addressed in the final EIS.....	E

APPENDIX III.—Final environmental impact statements for which comments were issued between Sept. 1 and Sept. 30, 1977—Cont'd

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF TRANSPORTATION			
F-FHW-F40063-MN.....	MN-43, Winoma County, Minn.....	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA expressed its concerns for the potential impacts upon water quality due to stream modification. Furthermore, EPA requested that the necessity for stream modification be looked into prior to construction.	F
F-FHW-F40065-MN.....	I-35E, MN-35 to MN-110, Dakota County, Minn.	EPA's concerns were adequately addressed in the final EIS. However, EPA has recommended the A2 alternative be selected through Blackhawk Lake. This route would minimize the impact upon the lake and associated wetlands.	F
F-FHW-H40046-KS.....	U.S. 36 Location Study, Brown and Doniphan Counties, Kans.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA requested a chemical analysis of the Missouri River bottom sediments prior to a decision to dredge the waterway to obtain roadway fill. The analysis is needed to determine the effects of dredging on the Missouri River ecosystem and whether the water quality of the return flows should be monitored. EPA also requested more consideration be given to obtaining borrow material from inland sites.	H
F-FHW-K40042-NV.....	East Leg, U.S. 95 Expressway and I-515 Spur, Clark County, Nev.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA reiterated comments previously made on the draft EIS regarding increased emissions and secondary impacts.	J
FEDERAL POWER COMMISSION			
F-FPC-G03009-TX.....	Matagorda Bay Project, Tex.....	EPA's review of the final EIS indicated the FPC was unresponsive to comments made on the draft EIS. EPA recommended the FPC prepare a supplemental statement fulfilling the requirements to adequately respond to draft comments.	G
GENERAL SERVICES ADMINISTRATION			
F-GSA-J81003-UT.....	Bureau of Mines Metallurgy Research Center, Salt Lake City, Utah.	EPA's concerns were adequately addressed in the final EIS. However, EPA encouraged GSA to take advantage of Utah's climate and design the building to utilize solar energy.	I
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-D85010-VA.....	Downtown West Conservation Project, Norfolk, Va.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA did recommend that further study of potential air quality impacts be undertaken prior to the closing of Duke St. to through traffic.	D
F-HUD-E85023-SC.....	Sangaree, a Planned Community, Berkeley County, S.C.	EPA's concerns were adequately addressed in the final EIS.....	E
F-HUD-F85014-IL.....	Oak Park Towers, Oak Park, Cook County, Ill.	EPA's concerns were adequately addressed in the final EIS.....	F
F-HUD-K89020-CA.....	South Park Neighborhood Program, Santa Rosa, Calif.	do.....	J
INTERSTATE COMMERCE COMMISSION			
F-ICC-F53003-WI.....	Chicago and Northwestern Transportation Cos., Ashland County, Wis., Docket No. AB-18, Sub-No. 21, AB-31, Sub No. 5.	do.....	F
APPENDIX IV.—Final environmental impact statements which were reviewed and not commented on between Sept. 1 and Sept. 30, 1977			
Identifying No.	Title	Source of review	
CORPS OF ENGINEERS			
F-COE-G34022-TX.....	Operation and Maintenance, Town Bluff Dam, B.A. Steinhagen Lake and Sam Rayburn Dam and Reservoir, Neches and Angelina Rivers Basin.	G	
DEPARTMENT OF AGRICULTURE			
F-AFS-E65017-SC.....	10-yr Management Plan, Francis Marion National Forest, Berkeley and Charleston Counties, S.C.....	E	
F-AFS-G65021-NM.....	Algecide Treatment, Snow and Quemado Lakes, Gila National Forest, Catron County, N. Mex.....	G	

APPENDIX III.—Final environmental impact statements for which comments were issued between Sept. 1 and Sept. 30, 1977 cont'd

Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF AGRICULTURE—continued			
F-AFS-J40027-MT.....	Buck Creek and Yellow Mules Special Use Road Permit to Burlington Northern, Inc., Gallatin National Forest, Mont.....		I
F-AFS-L61043-ID.....	Land Management Plan, Smith Creek Planning Unit, Kaniksu National Forest, Boundary County, Idaho (USDA-FS-R1-04)-FES(ADM)78-2).		K
F-AFS-L61084-ID.....	Land Management Plan, Lowell Planning Unit, Clearwater National Forest, Idaho County, Idaho (USDA-FS-R1-FES-ADM).		K
F-SCS-D36024-DE.....	Marshhope Creek Drainage and Flood Control Project, Delaware and Maryland.....		D
F-SCS-E36043-AL.....	Dynne Creek Watershed, Cleburne County, Ala.....		E
DEPARTMENT OF DEFENSE			
F-UAF-E10001-FL.....	Joint Readiness Exercise "Bold Eagle 78" Eglin AFB Test Range Complex, Santa Rosa, Okaloosa and Walton Counties, Fla.....		E
F-USN-E60003-FL.....	Air Installation Compatible Use Zone (AICUZ) Restrictive Easement Fee Title Acquisition, Naval Air Station, Cecil Field/OLF Whitehouse, Fla.....		E
DEPARTMENT OF INTERIOR			
F-BIM-A08032-00.....	500 kV Transmission Line, Midpoint, Idaho to Meford, Oreg., Pacific Power and Light Co. (FES 77-30).....		K
F-BPA-L08024-WA.....	Electrical Service to the Northwest Alloys Magnesium Plant, Stevens County, Wash. (DES 77-7).....		K
F-IBR-G07010-NM.....	San Juan Powerplant, Expansion, San Juan County, N. Mex.....		G
F-IBR-L36052-WA.....	Esquatzel Coulee Wasteway, Columbia Basin Project, Franklin County, Wash. (FES-30).....		K
DEPARTMENT OF TRANSPORTATION			
F-FHW-E40085-NC.....	Freman Mill Rd., Meadowview Randleman Rd., Greensboro, Guilford County, N.C. (FHWA-NC-EIS-76-06-F).....		E
F-FHW-E40090-KY.....	U.S. 127 and KY-151, Alton Bypass, Anderson and Franklin Counties, Ky. (FHWA-KY-EIS-75-09-F).....		E
F-FHW-E40094-AL.....	U.S. 280, Business 280 and U.S. 431, Phenix City, Russell County, Ala. (FHWA-AL-EIS-71-21-FS-1).....		E
F-FHW-E40101-MS.....	Halley Ave. to Illinois Central Gulf RR. Overpass, Jackson, Hines County, Miss. (FHWA-MS-EIS-77-01-D).....		E
F-UMT-B54001-MA.....	Red Line Extension, Harvard Sq. to Arlington Heights, Boston, Suffolk County, Mass.....		B
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-G24006-AR.....	Water Construction Program, City of Mena, Polk County, Ark.....		G
F-HUD-G85032-TX.....	Pebble Hills Addition, Leavell Development, El Paso County, Tex.....		G
F-HUD-G85033-TX.....	Golf Resort Joint Venture, El Paso County, Tex.....		G
F-HUD-G85038-TX.....	Candleridge/Southridge Community, Tarrant County, Tex.....		G
F-HUD-G85039-TX.....	Parkway Forest Subdivision, Harris County, Tex.....		G
F-HUD-G85043-TX.....	Summerfields Community, Tarrant County, Tex.....		G
APPENDIX V.—Regulations, legislation and other Federal agency actions for which comments were issued between Sept. 1 and Sept. 30, 1977			
Identifying No.	Title	General nature of comments	Source for copies of comments
DEPARTMENT OF AGRICULTURE			
A-SCS-A39124-00.....	Channel Modifications Guidelines.....	EPA offered several comments on the proposed guidelines in order to strengthen the environmental aspects.	A
DEPARTMENT OF INTERIOR			
A-BIM-A02093-AK.....	Beaufort Sea Outer Continental Shelf (OCS) (Sale No. 50), Off the Northern Coast of Alaska, Call for Nominations.....	EPA recommended that BLM conduct a full environmental analysis of the potential impacts of causeway construction and the alternatives there to prior to any decision on whether to proceed with the proposed lease sale.	A
DEPARTMENT OF TRANSPORTATION			
R-CGD-A52120-00.....	33 CFR Pt. 157, Tank Vessels Carrying Oil in Trade, Protection of Marine Environment, 33 CFR Pt. 157, Improved Emergency Steering Standards.....	EPA believes the potential impact of the proposed regulations on air quality should be analyzed and suggested preparing an environmental impact statement as a tool for this analysis.	A

APPENDIX VI

SOURCES FOR COPIES OF EPA COMMENTS

- A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 922, Waterside Mall SW., Washington, D.C. 20460.
- B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.
- C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.
- D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.
- E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308.
- F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.
- G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Tex. 75270.
- H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.
- I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo. 80203.
- J. Director of Public Affairs, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94108.
- K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc. 78-3481 filed 2-9-78; 8:45 am]

[6560-01]

PHOTOCHEMICAL OXIDANTS AND RELATED ORGANICS

Availability of Second Draft of External Review Draft of Air Quality Criteria

On February 10, 1978, the second draft of the external review draft of "Air Quality Criteria for Photochemical Oxidants and Related Organics" will be available from the Criteria and Special Studies Office, Health Effects Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone No. 919-549-8411, ext. 2266 or 2267.

Dated: February 6, 1978.

D. S. BARTH,
Acting Assistant Administrator
for Research and Development.
[FR Doc. 78-3840 Filed 2-9-78; 8:45 am]

NOTICES

[6560-01]

[FRL 853-8; OPP-180171]

STATES OF CALIFORNIA AND UTAH

Issuance of Specific Exemptions To Use BAAM (Amitraz) To Control Pear Psylla

The Environmental Protection Agency (EPA) has granted specific exemptions to the California Department of Food and Agriculture and the Utah Department of Agriculture (hereafter referred to as "California" and "Utah" respectively) to use BAAM¹ for the control of Pear Psylla on pears grown commercially in those two States. There were two separate specific exemptions issued; this notice will discuss both, pointing out similarities and differences. These exemptions were granted in accordance with, and are subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the applications on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

Earlier in 1977, EPA approved issuance of specific exemptions to Washington State and Oregon to use BAAM to control pear psylla on commercial pears; notice of this action was published in the FEDERAL REGISTER on July 21, 1977 (42 FR 37437). Subsequently, two additional States, California and Utah, requested approval to use, under the provisions of specific exemptions, a portion of this insecticide previously authorized in order to control populations of the pear psylla in their pear-growing areas. Pear psylla (*Psylla pyricola*) appears to be one of the most serious and difficult to control pests on pears in the Northwest. A description of the pest was published as part of the July 21, 1977, notice; California and Utah apparently faced the same potential problems as did Washington State and Oregon.

At the present time, there are ten (10) available insecticides registered for use in the Northwest for the control of pear psylla. Four of these are organophosphates and when used by themselves or in combination with other insecticides are providing little economic control of this pest. There

¹contains 19.8 percent N-(2,4-dimethylphenyl)-N-[(2,4-dimethylphenyl) imino] methyl-N-methylmethanildamide, which has the common name Amitraz.

appear to be only three pesticides which provide some control during the growing season in California and Utah—Endosulfan, and Dithane M-45 and volek oil. Endosulfan is effective against the early nymphal stages; however, due to the overlays of generations of this pest, economic control of the pest is not achieved by this insecticide during the summer. Dithane M-45, an ethylene bisdithiocarbamate, is also only effective against early nymphs. Therefore, the main problem is the present unavailability of an effective insecticide that would control the pear psylla during the summer growing season. Chlordimeform, recently withdrawn from the market by its producers, has been effective for control of this pest during the summer season; however, while Chlordimeform is still registered for this use, it is not expected to be available to pear growers this year.

In California, the counties of Mendocino and Lake were at first the only counties in serious need of BAAM (representing a total of 14,000 acres), although specific orchards in other counties were potential problem areas as well; permission was requested to treat these areas where an emergency condition was found to exist based on the written recommendation of authorized county personnel. In Utah, the total acreage designated for treatment was 704, with a similar request that additional acreage should be treated upon establishment of an emergency condition.

In terms of possible adverse effects on man and the environment, issuance of exemptions to use BAAM in California and Utah does not appear to constitute an additional risk to the public. As also stated in the notice published on July 21, 1977, the EPA is currently investigating BAAM as a potential oncogen (see FEDERAL REGISTER of April 6, 1977 (42 FR 18299)). The original risk assessment by the Carcinogenic Assessment Group (CAG) relating to the problems in Washington State and Oregon (42 FR 37438) was based on 200,000 pounds active ingredient Amitraz; to date, the total quantity of BAAM (Amitraz) available in the United States is 82,500 pounds active ingredient. Thus, the overall risk should be less.

After reviewing the applications and other available information, EPA determined that: (a) Pest outbreaks of pear psylla have occurred or are likely to occur; (b) there is no pesticide presently registered and available for use to effectively control the pear psylla in California and Utah; (c) significant economic problems may result if the

pest is not controlled; and (d) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. The Administrator has weighed the risks and benefits of this use of BAAM on pears in relation to both economics and the hazard to man. Accordingly, California and Utah have been granted specific exemptions to use the pesticide noted above. The Utah specific exemption terminated on August 30, 1977; however, the California specific exemption was amended twice and will terminate on January 31, 1978.

The amendments to the California exemption and the additional conditions pertaining to both exemptions are discussed below.

UTAH

The Utah specific exemption to use BAAM to control pear psylla was subject to the following conditions:

1. The Upjohn product BAAM, which contains 1.5 pounds Amitraz per gallon, was used;
2. The dosage rate was 3 to 4 quarts of product (1 to 1.5 pounds active ingredient) per acre;
3. Applications were to be made by ground application only (airblast sprayers or handgun);
4. Only State-certified commercial or private applicators were to apply this pesticide. Special emphasis was to be placed on the potential hazard of this pesticide to humans;
5. The use of BAAM was authorized only when an emergency condition was found to exist. The criteria to be used in making this determination were as follows: (1) The judicious use of currently registered pesticides for pear psylla are not providing adequate control of this pest and (2) in a particular orchard, a majority of the trees sampled have 10 percent or more of the shoots in the scaffolding infested with nymphs of the pear psylla. For each orchard, a minimum of 10 trees were to be sampled;
6. Only State-licensed pest control consultants were authorized to determine when an emergency condition exists (using the criteria above). Determinations were to be made on an orchard-by-orchard basis. Upon a determination that an emergency condition was present, as defined by fulfilling the criteria above, the consultant was to sign a State-approved form which authorized the grower to purchase BAAM. This form was to include the name of the grower, number of acres to be treated, amount of BAAM authorized to be purchased, and the dosage

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CALIFORNIA

analyzed by a high pressure liquid chromatography method.

rate to be applied (1 to 1.5 pounds A.I. per acre);

7. Up to 704 acres of pears could be treated. Two applications were authorized. If a third treatment was necessary, the EPA Regional office was to approve it before application was made;

8. Pesticide dealers were not to be allowed to sell BAAM to any grower or applicator unless the signed authorization was presented;

9. Pesticide distributors were responsible for keeping accurate records of the amount of BAAM received from Upjohn and the amounts which were sold to dealers. Dealers were also to maintain accurate records of the amounts of BAAM received and sold;

10. Agricultural workers were not to reenter any orchard sprayed with BAAM until the foliage was completely dry;

11. Applicators were required to wear protective clothing and masks;

12. There was to be a preharvest interval of not less than seven (7) days;

13. Pears with a residue level of Amitraz not exceeding 3 ppm could enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, was advised of this action;

14. The Utah Department of Agriculture was to participate in residue studies to determine the residue level of BAAM in pears at harvest and during storage;

15. A final report was to be submitted to EPA by the end of 1977; this report will outline the acreage that was treated, the total amounts of BAAM applied, the results of the program, and any adverse effects (such as phytotoxicity);

16. All label precautions were to be followed;

17. All unused, unopened containers of BAAM were to be returned to the manufacturer at the end of the growing season;

18. This exemption applied only to the preharvest application of BAAM; and

19. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.

A final report submitted by Utah indicated that 16 pear growers applied BAAM this year; with the exception of one grower, only one application of BAAM was made. Approximately 200 acres were treated. Fruit samples were taken in the field and in storage facilities and analyzed by the State Chemist for residues of BAAM. According to Utah, no detectable residues of BAAM were found when the samples were

The California exemption to use BAAM to control pear psylla has been amended twice since it was originally issued. The original exemption was for preharvest application of BAAM; however, BAAM was not used during the growing season. Subsequently the first amendment was submitted, which requested that the use of BAAM be allowed for postharvest treatment in three counties of California (Lake, Mendocino, and Sonoma) due to a unique situation with mite control which complicated the pear psylla control program. Modifications of some of the restrictions earlier imposed were also requested, the most notable of which was to extend the time limit of the exemption. Inclusion of Sonoma County also increased the acreage to be treated to 15,000. The second amendment requested permission to apply BAAM in the county of Santa Clara, which involved a total of 1,537 acres. After consideration of all factors, the amendments were approved; the time limit of the specific exemption was extended to January 31, 1978. This specific exemption is also subject to the following conditions:

1. The first three conditions of the California exemption are identical to those of the Utah exemption;

2. Due to the limited supply of BAAM, only the orchards in need of treatment and which are identified as such in writing by the Agricultural Commissions in Lake, Mendocino, Sonoma, and Santa Clara Counties are authorized for treatment. Only after all methods of pear psylla control have failed are such orchards designated for treatment;

3. Where pear psylla is deemed a serious problem in counties other than those listed above, the respective Agricultural Commissioners must notify the EPA Regional office of the seriousness of the problem. No other counties are authorized for treatment unless the Regional Office is notified and approves such treatment. This approval must be transmitted in writing both to EPA Headquarters and the county involved within 1 week;

4. Only State-certified commercial or private applicators may apply this pesticide. Special emphasis must be placed on the potential hazard of this pesticide to humans;

5. The use of BAAM is authorized only when an emergency condition is found to exist. The criteria to be used in making this determination are the same as those mentioned in condition No. 5 of the Utah specific exemption;

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6. Only State-licensed pest control consultants are authorized to determine when an emergency condition exists, using the criteria just mentioned. Determinations will be made on an orchard-by-orchard basis. Upon a determination that an emergency condition is present, as defined by fulfilling the criteria, the consultant will sign a State-approved form which authorizes the grower to purchase BAAM. This form will include the same information as specified in condition No. 6 of the Utah exemption;

7. Up to two applications are authorized. If additional treatments are determined to be necessary, approval must be obtained by the State from the Regional Office, which will in turn, transmit this approval to EPA Headquarters;

8. Pesticide dealers will not be allowed to sell BAAM to any grower or applicator unless the signed authorization form is presented;

9. Pesticide distributors will be responsible for keeping accurate records of the amount of BAAM received from Upjohn and the amounts which are sold to dealers. Dealers will also maintain accurate records of the amounts of BAAM received and sold;

10. Agricultural workers will not reenter any orchard sprayed with BAAM until the foliage is completely dry;

11. Applicators must wear protective clothing, face shields and cartridge-type respirators. Applications are now authorized postharvest, but in no case later than January 31, 1978. If additional time is needed, an amendment may be considered;

12. Pears with a residue level of Amtraz not exceeding 3 ppm may enter interstate commerce. Pear fruit with residue levels of BAAM exceeding 3 ppm must be destroyed. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. The California Department of Food and Agriculture should participate in residue studies to determine the residue level of BAAM in pears at harvest and during storage;

14. A final report will be submitted to EPA by June 10, 1978; this report will provide the same information as required under condition 15 of the Utah exemption;

15. All label precautions will be followed;

16. All unused, unopened containers of BAAM will be returned to the manufacturer at the end of the growing season;

17. This exemption applies only to the postharvest application of BAAM and expires on January 31, 1978; and

18. The EPA shall be immediately informed of any adverse effects resulting from the use of this pesticide in connection with this exemption.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751 (7 U.S.C. 136(a) et seq.))

Dated: February 3, 1978.

EDWIN L. JOHNSON,
Deputy Assistant
Administrator
for Pesticide Programs.

[FR Doc. 78-3839 Filed 2-9-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

ADVISORY COMMITTEES CHARTERED UNDER PROVISIONS OF THE FEDERAL ADVISORY COMMITTEE ACT, PUB. L. 92-463

Annual Comprehensive Review

The Federal Communications Commission has eighteen advisory committees which are currently chartered under the Federal Advisory Committee Act, Pub. L. 92-463. As required by section 7(b) of the Public Law, this agency is undertaking its annual review of the activities and responsibilities of each committee to determine whether, in each case, (1) a committee is indispensable to Commission proceedings and should therefore be continued, (2) there are more effective ways of performing the tasks or studies for which a committee is responsible, or (3) the tasks or studies assigned to a committee, as expressed in the committee charter, have been completed, thereby permitting termination of the committee.

Transmittal Memorandum No. 5 to the Office of Management and Budget Circular No. A-63 requires that Federal agencies provide a means by which members of the public may participate in the review process. Accordingly, we invite comments from interested members of the public on the need for and performance of FCC advisory committees.

Fourteen of the eighteen current FCC advisory committees were established to assist the Commission in its preparations for the 1979 General World Administrative Radio Conference (WARC) of the International Telecommunication Union. The WARC committees advise the Commission on anticipated future (1980 to the year 2000) frequency requirements in the specific radio service with which they are concerned, examine pertinent provisions of the international radio regulations, and recommend changes to the regulations. The fourteen WARC preparatory committees are as follows:

WARC Advisory Committee for Amateur Radio.
WARC Advisory Committee for Aural-AM.
WARC Advisory Committee for Aural-FM.
WARC Advisory Committee for Auxiliary Broadcast Services.

WARC Advisory Committee for Domestic Land Mobile Radio.

WARC Advisory Committee for Fixed Satellite.

WARC Advisory Committee for International Broadcast.

WARC Advisory Committee for Land Mobile Radio.

WARC Advisory Committee for Private Microwave.

WARC Advisory Committee for Radio Astronomy.

WARC Advisory Committee for Radio Relay (Common Carrier).

WARC Advisory Committee for Broadcasting Satellite Service (11.7-12.2 GHz Frequency Band).

WARC Advisory Committee for Television.

WARC Industry Advisory Committee (this committee will be terminated on March 31, 1978).

There are four additional FCC advisory committees:

Radio Technical Commission for Marine Services, chartered to advise the FCC and Executive Departments and Agencies on matters related to maritime communications, practices and needs in marine communications, and present and projected systems for improving telecommunication facilities;

National Industry Advisory Committee, chartered to advise the Commission on emergency communication policies, plans, systems, and procedures for all FCC licensed and regulated communications in order to provide emergency communication services under conditions of crisis or war;

Personal Use Radio Advisory Committee, chartered to advise the Commission on potential solutions to the interference and enforcement problems currently being experienced in the Citizens Band Radio Service. This committee will be terminated on May 1, 1978;

Advisory Committee on Cable Signal Leakage, chartered to advise the Commission in the design and monitoring of a research program to protect against interference to aeronautical and marine navigation and communications from cable television systems.

It is requested that individuals wishing to comment on any of the above FCC advisory committees submit written statements to Bernard I. Kahn, Advisory Committee Management Officer, Federal Communications Commission, 1919 M Street NW., Room 414, Washington, D.C. 20554. Comments should be specific in nature and address particular committees. To permit thorough consideration of all public comments prior to preparation of our report to the General Services Administration (due April 1, 1978), comments should be received no later than March 16, 1978. Records maintained at the Commission pertaining to advisory committees are available for public inspection. Individuals wishing to review committee files should contact the Advisory Committee Man-

agement Officer at the address shown above or by telephone 202-632-7513.

WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3826 Filed 2-9-78; 8:45 am]

[6712-01]

BROADCAST SERVICE WORKING GROUPS, 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Schedule of Meeting

FEBRUARY 7, 1978.

Pursuant to Pub. L. 92-463, notice is hereby given of the following meeting.

WARC ADVISORY COMMITTEE FOR INTERNATIONAL BROADCAST

Wednesday, March 1, 1978, 10 a.m. to 12:30 p.m., Room 8210, 2025 M Street NW., Washington, D.C.

Chairman: Stanley Lelwoll.
FCC Liaison: Lloyd R. Smith.

The Agenda will be as follows:

1. Call to order by the Chairman.
2. Approval of Minutes of meeting of August 10, 1977.
3. Election of a new secretary.
4. Report of Chairman on results of meeting of international broadcasters held in Vienna, Austria, February 6 and 7, 1978.
5. Plan the work of the committee for the remainder of 1978.
6. Setting next meeting date and adjournment.

The above meeting is open to broadcast industry representatives and interested members of the general public.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-3829 Filed 2-9-78; 8:45 am]

[6712-01]

COMMON CARRIER SERVICES INFORMATION

[Report No. 896]

Applications Accepted for Filing

FEBRUARY 6, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see

§ 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed applications; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPLICATION ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20628-CD-P-78 Cannon Mobilphone, Inc. (KUD239) C.P. for additional facilities to operate on 454.05 MHz at a new site described as loc. No. 3: Rt. 97, 0.5 mile east of Pleasanton, Tex.

20670-CD-MP-(3)-78 Mt. Vernon Telephone Co. (KUC854) C.P. for additional facilities to operate on 72.72 MHz at loc. No. 1: 2.8 miles SE. of Verona; 75.84 MHz at loc. No. 2: Hwy. 106, 1.5 miles east of Fort Atkinson; 75.88 MHz at loc. No. 3: Sunny Hill, 5 miles ESE of Baraboo, Wisc.

20712-CD-P-78 Comex, Inc. (KCC797) C.P. to change antenna system, replace transmitter and change frequency from 454.275 to 72.40 MHz (repeater) at loc. No. 5: North Peak, Mt. Ascutney near Ascutney, Vt.

20737-CD-TC-(2)-78 Tele-Page Corp., consent to transfer of control from Robert C. Conrad and Allen Gerth, transferor to Conrad Comsystems, Inc. transferee. Stations: KSV960, KWU342, Cincinnati, Ohio.

20738-CD-P-(9)-78 General Communications Service, Inc. (KKG565) C.P. to change antenna system and relocate facilities operating on 152.09, 152.15, 454.125, 454.225, 454.300 MHz (Base); 72.14, 454.05,

454.25, 454.35, 454.15 MHz (control) at loc. No. 1: U.S. Highway 80 approx. 1.5 miles SW. of Midland, Tex.

20739-CD-P-78 Ohio Mobile Telephone Co., Inc. (KUC956) C.P. to relocate facilities operating on 43.58 MHz to be located 180 East Broad Street, Columbus, Ohio.

20740-CD-P-78 General Communications Service, Inc. (KLF601) C.P. to change antenna system and relocate facilities operating on 152.24 MHz to be located on Hwy. 80 approx. 1.5 miles SW. of Midland, Tex.

20745-CD-P-(2)-78 Radiocall, Inc. (KSV932) C.P. for additional facilities to operate on 72.06 MHz at loc. No. 1: 347 College Street, Macon; 152.24 MHz at a new site described as loc. No. 2: 1400 Watson Boulevard, Warner Robins, Ga.

20746-CD-AL-78 Hopkinton Telephone Co., consent to assignment of license from Hopkinton Telephone Co., assignor to Merrimack County Telephone Co., assignee. Station: KCI302, Contoocook, N.H.

20747-CD-AL-78 James H. Cerqui d.b.a. Central Answering & Paging, consent to assignment of license from James H. Cerqui d.b.a. Central Answering & Paging, assignor to Central Answering & Paging, a division of James H. Cerqui, Inc., assignee.

20748-CD-TC-78 Rockbridge Radio Phone, Inc., consent to transfer of control from G. Wayne Raborn, transferor, to Edgar Warren Denton, Jr., transferee. Station: KUD220, Lexington, Va.

20749-CD-MP-(2)-78 Adirondack Mobile Telephone Co., Inc. (KDS634) C.P. to change antenna system, replace transmitter and relocate facilities operating on 454.125, 454.350 MHz at loc. No. 1 to be located at Champlain Valley Physicians Hospital, Plattsburgh, N.Y.

20751-CD-P-(2)-78 Advance Radio Communications Co. (KQZ755) C.P. to change antenna system operating on 454.200, 454.350 MHz at loc. No. 4: Riggs Road and First Street NE., Washington, D.C.

20752-CD-P-(6)-78 Caprock Communications, Inc. d.b.a. Caprock Radio Dispatch (KKO353) C.P. to change antenna system, replace transmitter and relocate facilities operating on 152.03, 152.21 MHz at loc. No. 1 to a new site described as loc. No. 9 and 75.46, 75.88 MHz (repeater) at the same site: Loop Highway, 1 mile north of Eunice; additional control facilities 72.72, 72.80 MHz at loc. No. 7: 601 North Grimes Street, Hobbs, N.H.

20753-CD-AI-78 Island Telepage Systems, Inc., consent to assignment of license from Island Telepage Systems, Inc., assignor to Pacific Northwest Communications, assignee. Station: KDS787, Blyn, Wash.

20754-CD-P-(3)-78 Western Radio Communications (new) C.P. for a new 2-way station to operate on 454.350 MHz (base) 75.54 MHz (repeater) at loc. No. 1: 8 miles south of Jeffery City on Green Mountain in south central; 72.34 MHz (control) at loc. No. 2: 112 Big Horn Rd., Casper, Wyo.

20755-CD-P-(4)-78 Tele-Page Corp. (KSV960) C.P. to change antenna system operating on 454.30 MHz at loc. No. 1: 3747 Warsaw Ave., Cincinnati; relocate facilities operating on 454.30 MHz at loc. No. 2: 5956 Buckwheat Road, Mt. Repose; change antenna system operating on 459.30 MHz (control) at loc. No. 3: 917 West Galbraith Road, Cincinnati; additional facilities to operate on 454.30 MHz at a new site described as loc. No. 4 to be located 1200 Hunter Road, Fairfield, Ohio.

20756-CD-P-78 Nashville Mobilphone, Inc. (KIY750) C.P. for additional facilities to

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operate on 152.18 MHz at loc. No. 2: 0.5 mile north of Old Hickory Blvd. and 1 mile west of Granny White Pike, Nashville, Tenn.

20757-CD-MP-78 Business Communications, Inc. (KLF617) C.P. to change antenna system operating on 35.58 MHz: 700 Poydras Street, New Orleans, La.

20758-CD-P-78 Mobile Radio System of Ventura, Inc. (KSV976) Mobile Radio System of Ventura, Inc. (KSV976) C.P. for additional facilities to operate on 152.24 MHz at a new site described as loc. No. 4 to be located at South Mountain, approx. 3 miles SE. of Santa Paula, Calif.

20759-CD-P-78 Wayne Alan Bird d.b.a. Wyoming Mobilphone (new) C.P. for a 2-way station to operate on 454.300 MHz (base) 75.90 MHz (repeater) at loc. No. 1: 10.5 miles to NNW. from Cody, on Heart Mountain; 72.10 MHz (control) at loc. No. 2: 337 North 6th, Thermopolis; 72.10 MHz (control) at loc. No. 3: 144 West North Street, Powell, Wyo.

CORRECTION

21834-CD-P-78 Michigan Bell Telephone Co. (KQA811) Lansing, Mich. Correct PN to read major amendment to application file No. 21712-CD-P-78 to change frequency 152.69 MHz for base and standby stations to 152.60 MHz. All other particulars to remain as reported on PN Nos. 761 and 764, dated July 7, and 28, 1975, respectively.

RURAL RADIO

60097-CR-P-78 RCA Alaska Communications, Inc. (new). C.P. for a new rural subscriber station to operate on 157.86 MHz to be located at village located 177 miles SW. of Barrow, Point Lay, Alaska.

1138-CF-R-78 General Telephone Co. of California: (KZ131) Renewal of developmental radio station license expiring March 1, 1978, Term March 1, 1978 to March 1, 1979.

HI-1139-CF-P-78 Hawaiian Telephone Co. (WDD39) Bishop 1177 Bishop St., Honolulu, (Honolulu) Lat. 21°18'47" N., Long. 157°51'43" W. C.P. to add transmitters and frequencies on 10955V, 11035V, 11115V MHz toward Tantalus R, Hawaii.

HI-1140-CF-P-78 Same (KUV80) Tantalus R 2.9 miles NE. of Honolulu, (Honolulu) Hawaii. Lat. 21°20'21" N., Long. 157°48'56" W. C.P. to add frequencies 11485H, 11565H, 11645H MHz toward Bishop, Hawaii, and add a new point of communication on frequencies 3730V, 3810V, 3890V MHz on azimuth 117.4° toward Ulupalakua, Hawaii.

HI-1141-CF-P-78 Same (KUP40) Ulupalakua 0.2 miles NW. of Puu Mahoe Vabm, (Maui) Hawaii. Lat. 20°38'12" N., Long. 156°23'20" W. C.P. to add frequencies on 3770V, 3850V MHz toward Wailuku, Hawaii and add a new point of communication on frequencies 4010V, 4090V, 4170V MHz on azimuth 297.9° toward Tantalus R, Hawaii and 3770V, 3850V MHz on azimuth 139.9° toward Mauna Loa, Hawaii.

HI-1142-CF-P-78 Same (KUP41) 53 South Church St., Wailuku, (Maui) Hawaii. Lat. 20°53'24" N., Long. 156°30'21" W. C.P. to add frequencies 4130H and 3970H MHz toward Ulupalakua, Hawaii.

HI-1143-CF-P-78 Same (new), Mauna Loa Mauna Loa Mountain, (Hawaii) Hawaii. Lat. 19°35'11" N., Long. 155°27'28" W. C.P. for a new station on frequencies 4050V, 4130V MHz on azimuth 320.2° toward Ulupalakua, Hawaii, 3970V, 3730V MHz on azimuth 67.8° toward Hilo, Hawaii.

HI-1144-CF-P-78 Same (KUR98) 115 Kailakua St., Hilo, (Hawaii) Hawaii. Lat. 19°43'41" N., Long. 155°05'28" W. C.P. to add a new point of communication on frequencies 4170H and 4090H MHz on azimuth 247.9° toward Mauna Loa, Hawaii.

FL-1147-CF-P-78 General Telephone Co. of Florida (K1065) Pine Place and Bamboo Lane, Sarasota, (Sarasota) Fla. Lat. 27°20'06" N., Long. 82°32'10" W. C.P. to replace transmitters and change frequencies from 6197.2V to 6345.5H MHz and 6315.9V to 6404.8H MHz toward Nokomis, Fla.

FL-1148-CF-P-78 General Telephone Co. of Florida (KPP64) 1.8 miles east of Laurel Nokomis, (Sarasota) Fla. Lat. 27°08'15" N., Long. 82°25'45" W. C.P. to change frequencies 5945.2V and 6063.8V MHz to 6093.5V and 6152.8V MHz toward Sarasota, Fla., replace transmitters on 5974.8V and 6093.5V MHz on azimuth 117.8° toward Port Charlotte, Fla.

WY-1168-CF-P-78 American Telephone and Telegraph Company (KOU88) 1919 Capitol Ave., Cheyenne, (Laramie) Wyoming. Lat. 41°08'11" N., Long. 104°49'0" W. C.P. to add frequency 4170V MHz toward Cheyenne Junction.

WY-1169-CF-P-78 Same (KOU87) Cheyenne Junction 7 miles SW. of Cheyenne, (Laramie) Wyo. Lat. 41°02'54" N., Long. 104°53'29" W. C.P. to add frequencies 4130 H MHz toward Cheyenne, Wyo. and 4130V MHz toward Buckhorn Mountain, Wyo.

CO-1170-CF-P-78 Same (KAC81) Buckhorn Mountain 8 miles west of Bellvue, (Larimer) Colo. Lat. 40°37'04" N., Long. 105°19'42" W. C.P. to add frequency 4170V MHz toward Cheyenne Junction.

UT-1171-CF-P-78 Same (KOB26) 3100 Kennedy Dr., Salt Lake City, (Utah) Utah. Lat. 40°45'0" N., Long. 111°48'03" W. C.P. to add frequency on 11175H MHz toward Salt Lake City, Utah.

UT-1172-CF-P-78 Same (KRR69) 70 South State St., Salt Lake City, (Salt Lake) Utah. Lat. 40°46'03" N., Long. 111°53'16" W. C.P. to add frequency on 11345H MHz toward Salt Lake City Junction, Utah.

UT-1181-CF-P-78 Mountain States Telephone and Telegraph Co. (KXR39) Little Creek 7.8 miles SE. of Hurricane, (Washington), Utah. Lat. 37°05'47" N., Long. 113°11'11" W. C.P. to add a new point of communication on 2170V MHz on azimuth 121.6° toward Colorado City, Utah.

MS-1185-CF-P-78 American Telephone and Telegraph Co. (KKN22) 201 E. Capital St., Jackson, (Hinds) Miss. Lat. 32°17'58" N., Long. 90°11'09" W. C.P. to add frequency 4030V MHz and change V to H on 3770, 3850, 3930, 4010, 4290, and 4170, MHz, change H to V on frequencies 3710, 3790, 3870, and 3950 MHz toward Cynthia, Miss.

MS-1186-CF-P-78 Same (KRT25) 8 miles SW. of Canton, (Madison) Miss. Lat. 32°33'52" N., Long. 90°10'42" W. C.P. to add frequency on 4030V MHz toward Cynthia, and Pickens, Miss.

TX-1160-CF-P-78 The Western Union Telegraph Co. (WPE48) Olmos Towers Bldg., San Antonio, Tex. (Lat. 29°27'54" N., Long. 98°28'41" W.) construction permit for new point of communication, 11015V MHz towards San Antonio, 2, Tex. on azimuth 195.9°.

TX-1161-CF-P-78 Same (new) 205/207 E. Travis Street, San Antonio, Tex. (Lat. 29°25'39" N., Long. 98°29'25" W.) construction permit for new station, 11465V MHz towards San Antonio, Tex. on azimuth 15.9°.

TX-1084-CF-P-78 Andrews Tower Rental, Inc. (new) Agnes, Tex. (Lat. 32°58'37" N., Long. 97°46'59" W.): Construction permit for new station—6226.9H, 6286.2H, and 6345.5H MHz toward Bowie, Tex., on azimuth 353.8°.

IN-1096-CF-P-78 Video Service Co. (KSP 64) 0.8 mile NW. of Monticello, Ind. (Lat. 40°45'00" N., Long. 86°47'03" W.): Construction permit to add 6271.4H MHz toward W. Lafayette, Ind., via power split.

OK-1106-CF-P-78 United Video, Inc. (new) Tulsa city hall, 200 Civic Center, Tulsa, Okla. (Lat. 36°09'01" N., Long. 95°59'43" W.) Construction permit for new station—11665H MHz toward Tulsa CATV, Okla., on azimuth 123.7°.

CA-1111-CF-P-78 American Television & Communications Corp. (KTR 46) Frazier Mountain, 7 miles West of Gorman, Calif. (Lat. 34°46'30" N., Long. 118°58'05" W.): Construction permit to add 5945.2V, 6004.5V, 6063.8V, 6123.1V, 5974.8H, 6034.2H, 6093.5H and 6212H MHz toward Broadcast Peak, Calif., on azimuth 253.3°.

MS-1187-CF-P-78 American Telephone and Telegraph Co. (KRT26) 0.3 miles SW. of Cynthia, (Hinds) Miss. Lat. 32°23'36" N., Long. 90°15'21" W. C.P. to add frequency on 4070V MHz toward Jackson, and Canton, Miss. Change V to H on frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz. Change H to V on frequencies 3750, 3830, 3910, and 3990 MHz toward Jackson, Miss.

MS-1188-CF-P-78 Same (KLN22) 7.6 miles West of Pickens, (Yazoo) Miss. Lat. 32°52'11" N., Long. 90°06'04" W. C.P. to add frequency on 4070V MHz toward Canton, Miss.

NC-1182-CF-TC-12-78 Norfolk Carolina Telephone Co. Application for transfer of control from Norfolk Telephone Co., transferor to United Telecommunications, Inc., transferee for the following stations.

KJG96 Elizabeth City, N.C.

KJG97 Coinjock, N.C.

WGH94 Corolla, N.C.

KJG98 Mame, N.C.

KJG99 Kill Devil Hills, N.C.

KJH20 Manteo, N.C.

WBB369 Bodie Island, N.C.

KV125 Waves, N.C.

KV124 Buxton, N.C.

KSV96 Hertford, N.C.

WG141 Welch, N.C.

KSV95 Edenton, N.C.

CORRECTIONS

911-CF-P-78 Mountain States Telephone and Telegraph Co. Correct entry to read: (KPC67) All other particulars remain the same as reported on Public Notice No. 892 January 9, 1978.

[FR Doc. 78-3827 Filed 2-9-78; 8:45 am]

[6712-01]

[Report No. 1-434]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications Accepted for Filing

FEBRUARY 6, 1978.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further ex-

amination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

FEDERAL COMMUNICATIONS COMMISSION,

WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

NJ, 270-DSE-R-78 RCA Corp., Princeton, NJ (WD49). Renewal of this station license from: March 8, 1978 to: March 8, 1979.

OH, 276-DSE-P/L-78 Perry Cablevision, Inc., New Lexington, OH. Authority to construct, own, and operate a domestic communications satellite receive-only Earth Station at this location. Lat. 39°43'01" N., Long. 82°11'19" W. Rec. freq. 3700-4200 MHz. Emission 36000F9. With a 5-meter antenna.

NC, 283-DSE-P/L-78 Tar River Cable TV, Inc., Rocky Mount, NC. Authority to construct, own, and operate a domestic communications satellite receive-only Earth station at this location. Lat. 35°55'30" N., Long. 77°50'20" W. Rec. freq. 3700-4200 MHz. Emission 36000F9. With a 5-meter antenna.

FL, 284-DSE-P/L-78 Teleprompter Corp., New Smyrna Beach, FL. Authority to construct, own, and operate a domestic communications satellite receive-only Earth station at this location. Lat. 28°58'34" N., Long. 80°56'43" W. Rec. freq. 3700-4200 MHz. Emission 36000F9. With a 6-meter antenna.

WY, 285-DSE-P/L-78 Dubois Community Cable Television, Inc., Dubois, WY. Authority to construct, own, and operate a domestic communications satellite receive-only Earth station at this location. Lat. 43°31'38" N., Long. 109°38'00" W. Rec. freq. 3700-4200 MHz. Emission 36000F9. With a 4.5-meter antenna.

CA, 286-DSE-P-78 Community Television of Southern California, Los Angeles, CA. Authority to construct, own, and operate a domestic communications satellite receive-only Earth station at this location. Lat. 34°05'51" N., Long. 118°17'03" W. Rec. freq. 3700-4200 MHz. Emission 36000F9. With a 10-meter antenna.

CO, 287-DSE-P/L-78 Cable TV of Durango, Inc., Durango, CO. Authority to construct, own, and operate a domestic communications satellite receive-only Earth Station at this location. Lat. 37°16'46" N., Long. 107°52'37" W. Rec. freq. 3700-4200 MHz. Emission 36000F9. With a 5-meter antenna.

AK, 288-DSE-P-78 Alaska Public Television, Inc., Anchorage, AK. Authority to construct, own, and operate a domestic communications receive-only Earth station at this location. Lat. 61°17'50" N., Long. 149°26'34" W. Rec. freq. 3700-4200 MHz. Emission 36000F9. With a 10-meter antenna.

ND, 289-DSE-P/L-78 Meyer Broadcasting Co., Bismarck, ND. Authority to construct, own, and operate a domestic communications satellite receive-only Earth station at this location. Lat. 46°48'24" N., Long. 100°47'10" W. Rec. freq. 3700-4200 MHz. Emission 36000F9. With a 5-meter antenna.

KS, 290-DSE-P/L-78 American Satellite Corp., Wichita, KS. Authority to con-

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struct and operate a domestic communications receive-transmit Earth Station at this location. Lat. 37°37'26" N., Long. 97°16'51" W. Rec. freq. 3700-4200 MHz. Trans. freq. 5925-6425 MHz. Emission 90F9Y. With a 5-meter antenna.

PA, 291-DSE-P/L-78 American Satellite Corp., Essington, PA. Authority to construct and operate a domestic communications receive/transmit Earth station at this location. Lat. 39°52'22" N., Long. 75°15'30" W. Rec. freq. 3700-4200 MHz. Trans. freq. 5925-6425 MHz. Emission 90F9Y. With a 5-meter antenna.

TN, 292-DSE-P-78 Pulaski Multiple Channel Cable Systems, Inc., d.b.a. Fayetteville Community TV, Fayetteville, TN. Authority to construct, own, and operate a domestic communications satellite receive-only Earth station at this location. Lat. 35°09'50" N., Long. 86°34'18" W. Rec. freq. 3700-4200 MHz. Emission 36000F9. With a 4.5-meter antenna.

TX, 293-DSE-P/L-78 Television Cable Services, Inc., d.b.a. Great Plains Community Television, Perryton, TX. Authority to construct, own, and operate a domestic communications satellite receive-only Earth station at this location. Lat. 36°22'38.1" N., Long. 100°48'22.6" W. Rec. freq. 3700-4200 MHz. Emission 34000F9. With a 4.5-meter antenna.

[FR Doc. 78-3828 Filed 2-9-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

FIRST STEUBEN BANCORP, INC.

Acquisition of Bank

First Steuben Bancorp, Inc., Toronto, Ohio, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Community National Bank, Flushing, Ohio. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 1, 1978.

Board of Governors of the Federal Reserve System, February 2, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-3783 Filed 2-9-78; 8:45 am]

[6210-01]

GIBSON BANCSHARES CORP.

Formation of Bank Holding Company

Gibson Bancshares Corp., Gibson City, Ill., has applied for the Board's approval under § 3(a)(1) of the Bank

Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First National Bank & Trust Co. in Gibson City, Gibson City, Ill. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 1, 1978.

Board of Governors of the Federal Reserve System, February 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-3814 Filed 2-9-78; 8:45 am]

[6210-01]

HOME STATE BANCSHARES, INC.

Formation of Bank Holding Company

Home State Bancshares, Inc., McPherson, Kans., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 85.42 percent of the voting shares of Home State Bank & Trust Co. of McPherson, Kans. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than March 3, 1978.

Board of Governors of the Federal Reserve System, February 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-3815 Filed 2-9-78; 8:45 am]

[6210-01]

MIZRAHI HOLDINGS ASSOCIATION, UNITED MIZRAHI BANK LTD.

Formation of Bank Holding Company

Mizrahi Holdings Association, Tel Aviv, Israel, and United Mizrahi Bank Ltd., Tel Aviv, Israel, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring 70 percent or more of the voting shares of UMB Bank & Trust Co., New York, N.Y., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than March 2, 1978.

Board of Governors of the Federal Reserve System, February 3, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-3784 Filed 2-9-78; 8:45 am]

[6210-01]

ROYAL TRUST BANK CORP., ROYAL TRUSTCO LTD.

Acquisition of Bank

Royal Trust Bank Corp., Miami, Fla., and Royal Trustco Ltd., Ottawa, Canada, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Baymeadows Bank, Jacksonville, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 1, 1978.

Board of Governors of the Federal Reserve System, February 2, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-3785 Filed 2-9-78; 8:45 am]

[6820-23]

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPMR D-151]

PUBLIC BUILDINGS AND SPACE

Redesignation of Federal building

1. *Purpose.* This bulletin announces the redesignation of a Federal building.
2. *Expiration date.* This bulletin expires April 30, 1978. However, the building redesignation announced by this bulletin will remain in effect until canceled or superseded.
3. *Redesignation.* The name of the building being redesignated is as follows:

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FORMER NAME

U.S. Post Office and Courthouse, Willow and Broadway Streets, Beaumont, TX 77701.

NEW NAME

Jack Brooks Federal Building, U.S. Post Office and Courthouse, Willow and Broadway Streets, Beaumont, TX 77701.

Dated: January 19, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-3800 Filed 2-9-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of March 1978:

MENTAL HEALTH SMALL GRANT COMMITTEE

March 22-25; 1:00 p.m., Board Room, Council Room, and The Cabinet Room, The Shoreham Hotel, 2500 Calvert Street NW., Washington, D.C. 20008. Open, March 22, 1-2 p.m. Closed, otherwise. Contact, Mary E. Enyart, Room 10C-14, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4337.

Purpose: The Committee is charged with the initial review of small grant applications for Federal assistance in all disciplines relevant to the National Institute of Mental Health and for small grant projects submitted for support to the other Institutes of the Alcohol, Drug Abuse, and Mental Health Administration, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1 p.m.-2 p.m., March 22, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

BOARD OF SCIENTIFIC COUNSELORS, NIMH

March 30-31; 9:30 a.m., Building 36, Conference Room 1B-07, National Institutes of Health, Bethesda, Md. 20014. Open, March 30, 9:30-10 a.m. Closed, otherwise. Contact, Dr. John C. Eberhart, Building 36, Room 1A-05, National Institutes of Health, Bethesda, Md. 20014, 301-496-3501.

Purpose: The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda: The Board will meet in Building 36, Room 1B-07, Bethesda, Md., for approximately 30 minutes for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. The remainder of the two-day session will be devoted to the review of intramural research projects in experimental and physiological psychology and in psychiatric genetics, and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

Substantive program information may be obtained from the contact person listed above. The NIMH Information Officer who will furnish upon request summaries of the meeting and rosters of the committee members is Dr. Jacquelyn Hall, Acting Chief, Public Information Branch, Division of Scientific and Public Information, NIMH, Room 15C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4573.

Dated: February 2, 1978.

CAROLYN T. EVANS,
Committee Management Officer,
Alcohol, Drug Abuse, and
Mental Health Administration.

[FR Doc. 78-3368 Filed 2-9-78; 8:45 am]

[1505-01]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

Correction

In FR Doc. 78-915, appearing at page 1998 in the issue of Friday, January 13, 1978, the fifth line of the first column on page 1999 should read, "mittee Act (Pub. L. 92-463, 86 Stat.)."

[4110-03]

Food and Drug Administration

[Docket No. 77F-0368]

DESOTO, INC.

Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: DeSoto, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of components of a flexible laminated pouch intended to contact food under retort conditions.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5)), 72 Stat. 1786 (21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7B3297) has been filed by DeSoto, Inc., 1700 S. Mount Prospect Road, Des Plaines, Ill. 60018, proposing that the food additive regulations be amended to provide for the safe use of components of a flexible laminated pouch intended to contact food under retort conditions. The petitioned food-contact surface is a polypropylene film in compliance with § 177.1520 (21 CFR 177.1520). The adhesive component of the system is a polyester adhesive manufactured from polyethylene phthalate polymer utilizing components listed in § 177.1630 Polyethylene phthalate polymers (21 CFR 177.1630), hexamethylene diol, neopentyl glycol and adipic acid and reacted with the toluene diisocyanate adducts of 1,1,1-trimethylolpropane and 1,3-butylene glycol.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 31, 1978.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc. 78-3369 Filed 2-9-78; 8:45 am]

NOTICES

[4110-83]

Health Resources Administration

DETERMINATION OF POPULATION OF HEALTH SERVICE AREAS

Correction

FR Doc. 77-25342 published as a Notice in the FEDERAL REGISTER of September 2, 1977 (42 FR 44288-44289) contained a list of health service areas with their populations. Several errors were made on this list.

The purpose of this Notice is to correct the population figures for Kansas Health Service Areas 2 and 3, Massachusetts Health Service Areas 1 and 3, and North Carolina Health Service Area 1 as follows:

Page 44289 the list of populations for the State of Kansas is amended as follows:

AREA 2 POPULATION

Replace 591,100 with 577,300

AREA 3 POPULATION

Replace 787,400 with 801,200

State of Massachusetts is amended as follows:

AREA 1 POPULATION

Replace 820,594 with 822,480

AREA 3 POPULATION

Replace 480,558 with 478,672

State of North Carolina is amended as follows:

AREA 1 POPULATION

Replace 934,922 with 939,700

Dated: January 31, 1978.

HENRY A. FOLEY,
Administrator.

[FR Doc. 78-3514 Filed 2-9-78; 8:45 am]

[4110-84]

Health Services Administration

ASSISTANCE UNDER THE SOCIAL SECURITY ACT MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S SERVICES PROJECT GRANTS TO INSTITUTIONS OF HIGHER LEARNING

Announcement of Availability of Grants

The Bureau of Community Health Services, Health Services Administration, announces that competitive applications are now being accepted for grants in fiscal year 1978 for specialized training in maternal and child health of several categories of health professionals. The grants are offered under the authority of sections 503(2), 504(2), and 511 of the Social Security Act (42 U.S.C. 703(2), 704(2), and 711) which authorize the Secretary of Health, Education, and Welfare to make grants to institutions of higher learning for that purpose. Regulations

for the program appear at 42 CFR 51a, Subpart D.

"Institution of higher learning" is defined as any college or university accredited by a recognized body or bodies approved for such purpose by the U.S. Commissioner of Education, and any teaching hospital which has higher learning among its purposes and functions and which has a formal affiliation with an accredited school of medicine and a full time academic medical staff holding faculty status in such school of medicine.

Grants to eligible applicants may be made by the Secretary for projects which will best promote the purposes of sections 503, 504, and 511 of the Act, taking into account:

1. The relative extent to which the project will contribute to a nationwide distribution of needed services and training with special emphasis on how the applicant will place graduates in State and local health departments and the extent to which the applicant has been successful in recruiting trainees or fellows from minority groups.

2. The capability of the applicant to provide training of high quality and effectiveness.

3. The relative extent to which the project will provide more effective utilization of personnel currently providing health services to mothers and children.

4. The extent to which the project will assist in the development of new information or innovative methods relating to the provision of maternal and child health and crippled children's services.

5. The degree to which the project provides for the stipulated requirements as set forth in Regulations (42 CFR Part 51a.405).

A document regarding intended disbursement of funds is available to applicants from:

Health Services Training, Bureau of Community Health Services, Health Services Administration, Parklawn Building, Room 7-36, 5600 Fishers Lane, Rockville, Md. 20857.

Consultation and technical assistance relative to the development of an application is also available upon request to that address.

Completed applications must be received at the above address by March 31, 1978, and will be subject to competitive, objective review.

The amount available for new maternal and child health training grants under this announcement is \$4,275,000. Approximately 26 grants will be awarded.

Dated: January 23, 1978.

GEORGE I. LYTCHCOTT,
Administrator,
Health Services Administration.

[FR Doc. 78-3515 Filed 2-9-78; 8:45 am]

[4110-84]

SUDDEN INFANT DEATH SYNDROME PROGRAM

Announcement of Competitive Grant Applications

The Bureau of Community Health Services (BCHS), Health Services Administration, announces that competitive applications for Sudden Infant Death Syndrome (SIDS) Information and Counseling project grants will be accepted until April 1, 1978, under the grant program established by section 1121(b) of the Public Health Service Act (42 U.S.C. 300c-11, as added by section 3(a) of the Sudden Infant Death Syndrome Act of 1974, Pub. L. 93-270).

Section 1121 of the Public Health Service Act authorizes project grants to public and nonprofit private entities for support of selected SIDS projects for the collection, analysis, and furnishing of information (derived from postmortem examination and other means) relating to the causes of SIDS and the provision of information and counseling to families affected by SIDS.

Regulations applicable to this program are set forth at Subpart E of Part 51a of Title 42, Code of Federal Regulations "Project Grants for SIDS Information and Counseling," published on June 6, 1975, (40 FR 24436).

SCOPE OF THIS PROGRAM ANNOUNCEMENT

This program announcement identifies the general program objectives and funding priorities of the Project Grants for SIDS Information and Counseling Program for fiscal year 1978.

A. PROGRAM PURPOSES

There are an estimated 6,500-8,000 cases of SIDS in the United States each year. These deaths occur in all geographical areas and socioeconomic classes, as well as in all ethnic and racial groups. The purposes of the project grants are to provide comprehensive, coordinated and humanitarian services to families whose infants have died suddenly and unexpectedly and to learn more about this syndrome. The SIDS program, administered by the Office of Maternal and Child Health in BCHS, currently provides grant funds to 29 organizations in 25 States.

B. ELIGIBLE APPLICANTS

Any public or nonprofit private entity is eligible to apply for a grant under this announcement. Individuals are not eligible applicants. Applications with evidence of active support of the various community resources necessary to provide a comprehensive approach to this serious problem are encouraged.

C. AVAILABLE FUNDS

Of the \$2,802,000 approved under a continuing resolution by the Congress for the SIDS program in fiscal year 1978, the SIDS program expects to award \$2,072,260 for new and competing renewal grants. This sum includes \$200,000 in competitive funds to assist federally-funded projects whose service boundaries currently are less than statewide to extend their services. A new grant is the initial grant made in support of a project requested in an application. A competing renewal grant continues a project beyond the project period for which the initial grant was made.

It is expected that approximately 35 new and renewal grants will be awarded pursuant to this announcement. The range of funds per grant is expected to be from \$35,000 to \$140,000, with the average award expected to be \$60,000. Generally, projects will be supported for periods of 1 to 3 years. The funds currently available will sustain the budget of the new and renewal awards for a 1-year period. Support for any additional time remaining in the project period depends on funds available and on the Secretary's assessment of the grantee's satisfactory performance on the project for which the grant was awarded and of the likelihood of the grantee's continued contribution to the priorities of the SIDS program.

D. PROGRAM OBJECTIVES AND PRIORITIES FOR FUNDING

Regulations under the Sudden Infant Death Syndrome Act call for programs which provide services, including: (1) autopsies in sudden and unexpected deaths of infants, (2) use of SIDS as a cause of death on the death certificate where appropriate, (3) prompt notification of the parents about the cause of death, within a 24 hour period, wherever possible, (4) information and voluntary counseling of families affected by a SIDS loss, (5) consultation and arrangements with official and voluntary community resources for referral of families affected by SIDS and for furnishing information and suggestions for dealing with SIDS cases to such resources and (6) the collection and dissemination of information on SIDS cases in the project area to appropriate public officials and interested members of the general public in the project area.

Priority will be given to projects that provide statewide coordinated services: (1) to geographic areas with a population of one million or more persons, (2) located in areas with an infant mortality rate higher than the national average, (3) have community resources available which enable the projects to meet the requirements of the program, (4) are assured of community support, and (5) provide indi-

cations of how continuation of services will be maintained after Federal funding is concluded.

E. THE APPLICATION PROCESS

A-95 Clearinghouse Notice: In compliance with the Department of Health, Education, and Welfare's implementation of Office of Management and Budget Circular No. A-95 Revised, applicants which request grant support must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouses of their intent to apply for Federal assistance. If the application is for a statewide project which does not affect areawide or local planning and programs, the notification need be sent only to the State Clearinghouse (listed at 42 FR 2210, January 10, 1977).

It is strongly recommended that the clearinghouses be notified at least sixty (60) days before the submission deadline date for receipt of applications. Applications will not be formally reviewed without clearinghouse comments or verification that no comments were made within the applicable period available to the clearinghouse for comment. Comments received from the clearinghouse should be included with the application.

Application Consideration: Applications which do not conform to this announcement, are late, or are incomplete, will not be accepted for review and applicants will be notified accordingly. Otherwise, all applications will be notified accordingly. Otherwise, all applicants will be subject to a competitive review and evaluation in accordance with the established objective review process.

FOR ADDITIONAL PROGRAM INFORMATION, PLEASE WRITE OR TELEPHONE:

Mrs. Geraldine J. Norris, SIDS Program Director, BCHS Parklawn Building, Room 7-15, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-6600.

Once the Secretary has reached a decision to disapprove competing grant applications, or if funds are not available to support all approved competing grant applications, the unsuccessful applicants will be notified.

F. CRITERIA FOR REVIEW AND EVALUATION OF APPLICATIONS

Competing grant applications will be reviewed and evaluated against the criteria which are delineated in SIDS program regulations (42 CFR 51a, Subpart E). Applicants will be furnished with application forms and instructions (see item H of this notice).

G. CLOSING DATE FOR RECEIPT OF APPLICATIONS

The closing date for receipt of applications under this program announcement is April 1, 1978. Applications may be mailed or hand delivered. Hand delivered applications are accepted during the usual working hours of 8:30 a.m. and 5 p.m.

An application will be considered to have arrived by the closing date if:

1. The application is in the Grants Management Branch (see item H, below) on or before the announced closing date, or
2. The application is postmarked at least two (2) days prior to the announced closing date.

H. AVAILABILITY OF APPLICATION FORMS

Application kits, including all necessary forms, instructions and information may be obtained from, and completed applications returned to, the address below:

Grants Management Branch
Bureau of Community Health Services
Room 6-49, Parklawn Building
5600 Fishers Lane
Rockville, Md. 20857

Dated: January 23, 1978.

GEORGE I. LYTCHCOTT,
Administrator,
Health Services Administration.
(FR Doc. 78-3515 Filed 2-9-78; 8:45 am)

[4110-08]

National Institutes of Health

AGING REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on March 24, 1978, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Md.

The meeting will be open to the public from 9 a.m. to 10 a.m. for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mrs. Suzanna H. Porter, Committee Management Officer, NIA, Building 31, Room 5C07, National Institutes of

[4110-08]

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on March 20-21, 1978, from 8:30 a.m. to 5 p.m. on March 20, and from 8:30 a.m. to adjournment on March 21, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Md.

This meeting will be open to the public from 8:30 to 11 a.m. on March 20 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 20 from 11 a.m. to 5 p.m., and from 8:30 a.m. to adjournment on March 21 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Md. 20014, telephone number 301-496-4191, will provide summaries of the meeting, rosters of committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352, 13.861—National Institutes of Health.)

Dated: February 1, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3405 Filed 2-9-78; 8:45 am)

[4110-08]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, March 23-24, 1978, Federal Building, Conference Room 6C01, Bethesda, Md.

This meeting will be open to the public on March 23, from 9 a.m. to 10:30 a.m. when the current progress of the Multiple Risk Factor Interv-

Health, Bethesda, Md., Area Code 301, 496-5345, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: February 1, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3407 Filed 2-9-78; 8:45 am)

[4110-08]

ALLERGY AND CLINICAL IMMUNOLOGY RESEARCH COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Allergy and Clinical Immunology Research Committee, National Institute of Allergy and Infectious Diseases on March 6, 1978, at the National Institutes of Health, Building 31C, Conference Room 7, Bethesda, Md.

This meeting will be open to the public from 9 a.m. to 10:30 a.m. on March 6 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public from 10:30 a.m. to adjournment on March 6 for the review, discussion, and evaluation of individual grant applications. These applications, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, Building 31, Room 7A32, National Institutes of Health, Bethesda, Md. 20014, telephone 301-496-5717, will provide summaries of the meeting, and rosters of the Committee members.

Dr. Luz A. Froehlich, Executive Secretary, Allergy and Clinical Immunology Research Committee, NIAID, NIH, Westwood Building, Room 703, telephone 301-496-7131, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health.)

Dated: February 1, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
(FR Doc. 78-3402 Filed 2-9-78; 8:45 am)

tion Trial will be discussed. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 23, from 10:30 a.m. to adjournment, and on March 24, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets and personal information such as privileged unblinded medical data about individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of meetings and rosters of committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Federal Building, Room 4C10, Bethesda, Md. 20014, phone 301-496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: February 1, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

(FR Doc. 78-3406 Filed 2-9-78; 8:45 am)

[4110-08]

CONTRACT PROPOSALS AND GRANT APPLICATIONS

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building

31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Name of committee: Biometry and Epidemiology Contract Review Committee.

Dates: March 6-7, 1978; 7 p.m.

Place: Building 31A, Conference Room 4, National Institutes of Health.

Times: Open: March 6, 7 p.m. to 10:30 p.m.; Closed: March 7, 8:30 a.m. to 5 p.m.

Closure reason: To review research contract proposals.

Executive secretary: Mr. Harvey Geller, Landow Building, Room 5C19, National Institutes of Health, phone 301-496-6014.

(Catalog of Federal Domestic Assistance No. 13.393, National Institutes of Health.)

Name of committee: Cancer Control Grant Review Committee.

Dates: March 6-7, 1978; 8:30 a.m.

Place: Building 31C, Conference Room 8, National Institutes of Health.

Times: Open: March 6, 8:30 a.m. to 9 a.m.; Closed: March 6, 9 a.m. to 5 p.m.; and March 7, 8:30 a.m. to adjournment.

Closure reason: To review research grant applications.

Executive secretary: Dr. Robert F. Brown, Room 7A07, Blair Building, National Institutes of Health, phone 301-427-7944.

(Catalog of Federal Domestic Assistance No. 13.399, National Institutes of Health.)

Name of committee: Developmental Therapeutics Committee.

Date: March 9, 1978, 9 a.m.

Place: Blair Building, Room 110, 8300 Colesville Road, Silver Spring, Md. 20910.

Times: Open: March 9, 9 a.m. to 9:30 a.m.; closed: March 9, 9:30 a.m. to adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. J. A. R. Mead, Blair Building, Room 5A03, National Institutes of Health, phone 301-427-7263.

(Catalog of Federal Domestic Assistance No. 13.395, National Institutes of Health.)

Name of committee: Subcommittee for Bladder Cancer of the Bladder and Prostatic Cancer Review Committee.

Dates: March 13-14, 1978, 8:30 a.m.

Place: Landow Building, Room C418, 7910 Woodmont Avenue, Bethesda, Md. 20014.

Times: Open: March 13, 8:30 a.m. to 11 a.m.; agenda/open portion: Review of progress reports; closed: March 13, 11 a.m. to 5 p.m. and March 14, 8:30 a.m. to adjournment.

Closure reason: To review research grant applications.

Executive Secretary: Dr. William E. Stralle, Westwood Building, Room 853, National Institutes of Health, phone 301-496-7194.

(Catalog of Federal Domestic Assistance Nos. 13.393, 13.394, 13.395, National Institutes of Health.)

Name of committee: Diagnostic Research Advisory Group.

Dates: March 15-16, 1978, 8:30 a.m.

Place: Building 31C, Conference Room 10, National Institutes of Health.

Times: Open: March 15, 11 a.m. to 5 p.m. and March 16, 8:30 a.m. to adjournment; agenda/open portion: General business related to cancer diagnosis contract research program and review of current contracts; closed: March 15, 8:30 a.m. to 11 a.m.

Closure reason: To review research contract proposals.

Executive secretary: Dr. R. Quentin Blackwell, Building 31, Room 3A10, National Institutes of Health, phone 301-496-1591.

(Catalog of Federal Domestic Assistance No. 13.394, National Institutes of Health.)

Name of committee: Subcommittee for Prostatic Cancer of the Bladder and Prostatic Cancer Review Committee.

Dates: March 20, 1978, 8:30 a.m.

Place: Building 31C, Conference Room 8, National Institutes of Health.

Times: Open: March 20, 8:30 a.m. to 9 a.m.; closed: March 20, 9 a.m. to adjournment.

Closure reason: To review research grant applications.

Executive secretary: Dr. Andrew Chiarodo, Westwood Building, Room 853, National Institutes of Health, phone 301-496-7194.

(Catalog of Federal Domestic Assistance Nos. 13.393, 13.394, 13.395, National Institutes of Health.)

Name of committee: Cancer Center Support Review Subcommittee of the Clinical Cancer Program Project and Cancer Centers Support Review Committee.

Dates: March 23-24, 1978, 8:30 a.m.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open: March 23, 8:30 a.m. to 10 a.m.; closed: March 23, 10 a.m. to 6 p.m. and March 24, 8:30 a.m. to adjournment.

Closure reason: To review research grant applications.

Executive Secretary: Dr. Robert Manning, Westwood Building, Room 803, National Institutes of Health, phone 301-496-7721.

(Catalog of Federal Domestic Assistance No. 13.397, National Institutes of Health.)

Name of committee: Breast Cancer Task Force Committee.

Dates: March 29-31, 1978, 8:30 a.m.

Place: March 29 (Wilson Hall, Building 1, National Institutes of Health) and March 30-31 (Holiday Inn, Bethesda, Md.).

Times: Open: March 29, 8:30 a.m. to 5 p.m.; closed: March 30, 8:30 a.m. to 5 p.m. and March 31, 8:30 a.m. to adjournment.

Closure reason: To review research contract proposals.

Executive Secretary: Dr. D. Jane Taylor, Landow Building, Room 4A22, National Institutes of Health, phone 301-496-6178.

(Catalog of Federal Domestic Assistance Nos. 13.394, 13.395, 13.396, National Institutes of Health.)

Name of committee: Clinical Trials Committee.

Dates: March 30-31, 1978; 8:30 a.m.

Place: Building 31C, Conference Room 8, National Institutes of Health.

Times: Open: March 30, 8:30 a.m. to 9 a.m. and March 31, 8:30 a.m. to 9 a.m.; closed: March 30, 9 a.m. to 5 p.m. and March 31, 9 a.m. to adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Dr. Jane E. Henney, Landow Building, Room C808, National Institutes of Health, phone 301-496-2522.

(Catalog of Federal Domestic Assistance No. 13.395, National Institutes of Health.)

Name of committee: Virus Cancer Program Scientific Review Committee.

Dates: March 30-31, 1978; 9 a.m.

Place: Landow Building, Room 4C18, 7910 Woodmont Avenue, Bethesda, Md. 20014.

Times: Open: March 30, 9 a.m. to 9:30 a.m.; closed: March 30, 9 a.m. to 5 p.m. and March 31, 9 a.m. to adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Dr. Wilna A. Woods, Landow Building, Room 9A08, National Institutes of Health, phone 301-496-4533.

(Catalog of Federal Domestic Assistance No. 13.393, National Institutes of Health.)

Name of committee: Clinical Cancer Program Project Review Subcommittee of the Clinical Cancer Program Project and Cancer Center Support Review Committee.

Dates: March 30-April 1, 1978; 8:30 a.m.

Place: Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, Md.

Times: Open: March 30, 8:30 a.m. to 10:30 a.m.; closed: March 30, 10:30 a.m. to 5:30 p.m., March 31, 8:30 a.m. to 5:30 p.m., and April 1, 8:30 a.m. to adjournment.

Closure reason: To review research grant applications.

Executive secretary: Dr. Louise G. Thomson, Westwood Building, Room 809, National Institutes of Health, phone 301-496-7924.

(Catalog of Federal Domestic Assistance No. 13.397, National Institutes of Health.)

Name of committee: Committee on Cancer Immunobiology.

Date: March 31, 1978; 2 p.m.

Place: Building 10, Conference Room 4B14, National Institutes of Health.

Times: Open: March 31, 2 p.m. to 2:30 p.m., and closed: March 31, 2:30 p.m. to adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Mrs. Judith M. Whalen, Building 10, Room 4B17, National Institutes of Health, phone 301-496-1791.

(Catalog of Federal Domestic Assistance No. 13.396, National Institutes of Health.)

Name of committee: Committee on Cancer Immunotherapy.

Dates: March 30-31, 1978; 8:30 a.m.

Place: Building 31C, Conference Room 8, National Institutes of Health.

Times: Open: March 30, 8:30 a.m. to 9 a.m. and March 31, 8:30 a.m. to 9 a.m.; closed: March 30, 9 a.m. to 5 p.m. and March 31, 9 a.m. to adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Dr. Jane E. Henney, Landow Building, Room C808, National Institutes of Health, phone 301-496-2522.

(Catalog of Federal Domestic Assistance No. 13.395, National Institutes of Health.)

Name of committee: Virus Cancer Program Scientific Review Committee.

Dates: March 30-31, 1978; 9 a.m.

Place: Landow Building, Room 4C18, 7910 Woodmont Avenue, Bethesda, Md. 20014.

Times: Open: March 30, 9 a.m. to 9:30 a.m.; closed: March 30, 9 a.m. to 5 p.m. and March 31, 9 a.m. to adjournment.

Closure reason: To review research contract proposals.

Executive secretary: Dr. Wilna A. Woods, Landow Building, Room 9A08, National Institutes of Health, phone 301-496-4533.

(Catalog of Federal Domestic Assistance No. 13.393, National Institutes of Health.)

in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal personal information concerning individuals associated with the proposals.

Meeting dates: March 2, March 9, March 13, March 16, March 30, 1978.

Meeting place: Building 10, Room 4B14, National Institutes of Health.

Meeting times: Open—1:15 p.m.-1:45 p.m., each day; closed—1:45 p.m.-adjournment, each day.

Mrs. Marjories F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members, upon request.

Dr. George M. Steinberg, Executive Secretary, National Cancer Institute, Building 10, Room 4B09, National Institutes of Health, Bethesda, Md. 20014, 301-496-1791, will furnish substantive program information.

(Catalog of Federal Domestic Assistance No. 13.395, National Institutes of Health.)

Dated: February 1, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

(FR Doc. 78-3401 Filed 2-9-78; 8:45 am)

[4110-08]

Notional Institutes of Health

INTERAGENCY PRIMATE STEERING COMMITTEE

General Announcement; Solicitation of Comments on a Proposed National Primate Plan

As a result of the critical need for monkeys and apes in biomedical research, along with the difficulty in acquiring many species of these animals, a steering committee was established at the National Institutes of Health to develop a unified approach to ensure short-and long-term availability of nonhuman primates. Since these animals are also important to the activities or other Federal agencies, the Assistant Secretary for Health, Department of Health, Education, and Welfare (DHEW) later expanded the Committee, and membership now includes representatives from the National Science Foundation, the Department of defense, and five DHEW components: the Alcohol, Drug Abuse, and Mental Health Administration; the Center for Disease Control; the Food and Drug Administration; the Office of International Health; and the National Institutes of Health, the lead agency. Representatives of other agencies participate in the work of the Committee on an ad hoc basis. The Committee was given responsibility for the preparation of a plan to ensure adequate and continuing supplies of primates for essential biomedical research and health activities.

The Interagency Primate Steering Committee has completed preparation of a proposed National Primate Plan. This plan presents recommendations designed to structure, balance, and extend the many already existing programs of the Federal Government and others, together with the development of new programs to ensure that the requirements for nonhuman primates of all essential health activities can be met now and in the future. Specifically, increased conservation measures, additional programs of domestic primate production and the establishment of international arrangements to ensure a stable supply and long-term availability of primates from their countries of origin, are recommended.

Prior to placing this plan in final form, comments are hereby solicited from all interested parties. The final plan will be based, in part, on an evaluation of responses to this announcement.

Single copies of the proposed National Primate Plan may be obtained by writing to:

Executive Director, Interagency Primate Steering Committee, NIH Building, 14 G, Bethesda, Md. 20014.

Comments should be sent on or before April 11, 1978, to the above address.

Dated: February 7, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

(FR Doc. 78-3873 Filed 2-9-78; 8:45 am)

[4110-08]

MICROBIOLOGY AND INFECTIOUS DISEASES ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Microbiology and Infectious Diseases Advisory Committee, National Institute of Allergy and Infectious Diseases on March 6, 1978, in Building 31C, Conference Room 9, at the National Institutes of Health, Bethesda, Md.

This meeting will be open to the public from 9 a.m. until 10:30 a.m. on March 6 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, the meeting of the Committee will be closed to the public 10:30 a.m. to adjournment on March 6 for the review, discussion, and evaluation of individual grant applications and contract proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building

31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members, upon request.

Dr. George M. Steinberg, Executive Secretary, National Cancer Institute, Building 10, Room 4B09, National Institutes of Health, Bethesda, Md. 20014, 301-496-1791, will furnish substantive program information.

(Catalog of Federal Domestic Assistance No. 13.395, National Institutes of Health.)

Dated: February 1, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

(FR Doc. 78-3404 Filed 2-9-78; 8:45 am)

[4110-08]

COMMITTEE ON CANCER IMMUNOTHERAPY

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of meetings of the Committee on Cancer Immunotherapy, for March 1978, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.

Some of these meetings will be open to the public to discuss committee business as indicated in the notice. Attendance by the public will be limited to space available.

Some of these meetings will be closed to the public as indicated below in accordance with provisions set forth

in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, for the review, discussion, and evaluation of individual contract proposals. These proposals and the discussions could reveal personal information concerning individuals associated with the proposals.

Meeting dates: March 2, March 9, March 13, March 16, March 30, 1978.

Meeting place: Building 10, Room 4B14, National Institutes of Health.

Meeting times: Open—1:15 p.m.-1:45 p.m., each day; closed—1:45 p.m.-adjournment, each day.

Mrs. Marjories F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members, upon request.

Dr. George M. Steinberg, Executive Secretary, National Cancer Institute, Building 10, Room 4B09, National Institutes of Health, Bethesda, Md. 20014, 301-496-1791, will furnish substantive program information.

(Catalog of Federal Domestic Assistance No. 13.395, National Institutes of Health.)

Dated: February 1, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

(FR Doc. 78-3401 Filed 2-9-78; 8:45 am)

[4110-08]

Notional Institutes of Health

INTERAGENCY PRIMATE STEERING COMMITTEE

General Announcement; Solicitation of Comments on a Proposed National Primate Plan

As a result of the critical need for monkeys and apes in biomedical research, along with the difficulty in acquiring many species of these animals, a steering committee was established at the National Institutes of Health to develop a unified approach to ensure short-and long-term availability of nonhuman primates. Since these animals are also important to the activities or other Federal agencies, the Assistant Secretary for Health, Department of Health, Education, and Welfare (DHEW) later expanded the Committee, and membership now includes representatives from the National Science Foundation, the Department of defense, and five DHEW components: the Alcohol, Drug Abuse, and Mental Health Administration; the Center for Disease Control; the Food and Drug Administration; the Office of International Health; and the National Institutes of Health, the lead agency. Representatives of other agencies participate in the work of the Committee on an ad hoc basis. The Committee was given responsibility for the preparation of a plan to ensure adequate and continuing supplies of primates for essential biomedical research and health activities.

The Interagency Primate Steering Committee has completed preparation of a proposed National Primate Plan. This plan presents recommendations designed to structure, balance, and extend the many already existing programs of the Federal Government and others, together with the development of new programs to ensure that the requirements for nonhuman primates of all essential health activities can be met now and in the future. Specifically, increased conservation measures, additional programs of domestic primate production and the establishment of international arrangements to ensure a stable supply and long-term availability of primates from their countries of origin, are recommended.

Prior to placing this plan in final form, comments are hereby solicited from all interested parties. The final plan will be based, in part, on an evaluation of responses to this announcement.

Single copies of the proposed National Primate Plan may be obtained by writing to:

Executive Director, Interagency Primate Steering Committee, NIH Building, 14 G, Bethesda, Md. 20014.

Comments should be sent on or before April 11, 1978, to the above address.

Dated: February 7, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

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These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, National Institutes of Health, Building 31, Room 7A32, Bethesda, Md. 20014, 301-496-5717, will provide summaries of the meeting and rosters of the Committee members.

Dr. Thelma N. Fisher, Executive Secretary, Microbiology and Infectious Diseases Advisory Committee, NIAID, National Institutes of Health, Westwood Building, Room 706, Bethesda, Md. 20014, 301-496-7465, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.856, National Institutes of Health.)

Dated: February 1, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-3403 Filed 2-9-78; 8:45 am]

[4110-08]

NATIONAL CANCER INSTITUTE COMMITTEES

Renewals

The Director, National Institutes of Health, announces the merger on January 3, 1978, of the National Large Bowel Cancer Project Working Cadre and the National Pancreatic Cancer Project Working Cadre and the renewal of these committees as one under the new title of Large Bowel and Pancreatic Cancer Review Committee, under the authority of sections 410(a)(3) and 410A(a) of the Public Health Service Act (42 U.S.C. 286d and 286e). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

This committee provides to the Director, NCI, and the Director, Division of Cancer Research Resources and Centers, NCI, advice on the planning and review of programs of research, and on the review of grant applications submitted in response to publication of research plans. The committee will terminate January 3, 1980, unless renewed by appropriate action as authorized by law.

Dated: January 31, 1978.

DONALD S. FREDRICKSON,
M.D., Director,
National Institutes of Health.
[FR Doc. 78-3408 Filed 2-9-78; 8:45 am]

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[4110-08]

NATIONAL CANCER INSTITUTE COMMITTEES

Renewals

The Director, National Institutes of Health, announces the merger on January 3, 1978, of the Clinical Cancer Program Project Review Committee and the Cancer Center Support Grant Review Committee and the renewal of these committees as one under the new title of Clinical Cancer Program Project and Cancer Center Support Review Committee, under the authority of section 410A(a) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

This committee provides to the Director, NCI and the Director, Division of Cancer Research Resources and Centers, NCI, advice concerning merit review of applications for cancer center support grants and for clinical program project grants. This committee will terminate January 3, 1980, unless renewed by appropriate action as authorized by law.

Dated: January 31, 1978.

DONALD S. FREDRICKSON,
M.D., Director,
National Institutes of Health.
[FR Doc. 78-3409 Filed 2-9-78; 8:45 am]

[4110-08]

NATIONAL CANCER INSTITUTE COMMITTEES

Renewals

The Director, National Institutes of Health, announces the merger on January 3, 1978, of the National Bladder Cancer Project Working Cadre and the National Prostatic Cancer Project Working Cadre and the renewal of these committees as one under the new title of Bladder and Prostatic Cancer Review Committee, under the authority of sections 410(a)(3) and 410A(a) of the Public Health Service Act (42 U.S.C. 286d and 286e). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

This committee provides to the Director, NCI, and the Director, Division of Cancer Research Resources and Centers, NCI, advice on the planning and review of programs of research, and on the review of grant applications submitted in response to publication of research plans. The committee will terminate January 3, 1980, unless renewed by appropriate action as authorized by law.

Dated: January 31, 1978.

DONALD S. FREDRICKSON,
M.D., Director,
National Institutes of Health.
[FR Doc. 78-3410 Filed 2-9-78; 8:45 am]

[4110-12]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs, and activities of the Department on the status of women, will hold its Child Care and Family Task Force meeting February 27, 1978, from 6 p.m. to 10 p.m., in Room 624D, HEW-Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. The agenda will include a briefing on child care and family issues within the Department of Health, Education, and Welfare.

Further information on the Committee may be obtained from: Susan C. Lubick, Executive Secretary, telephone 202-245-8454.

This meeting is open to the public.

Dated: February 6, 1978.

SUSAN C. LUBICK,
Executive Director, Secretary's
Advisory Committee on the
Rights and Responsibilities of
Women.
[FR Doc. 78-3816 Filed 2-9-78; 8:45 am]

[4110-12]

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs, and activities of the Department on the status of women, will hold its Health Task Force meeting on February 28, 1978 from 9 a.m. to 1 p.m., in Room 624-D, HEW-Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. The agenda will include discussion of HEW health issues.

Further information on the Committee may be obtained from: Susan C. Lubick, Executive Secretary, telephone 202-245-8454.

This meeting is open to the public.

Dated: February 6, 1978.

SUSAN C. LUBICK,
Executive Director, Secretary's
Advisory Committee on the
Rights and Responsibilities of
Women.
[FR Doc. 78-3817 Filed 2-9-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-840]

TASK FORCE ON TENANT PARTICIPATION IN THE MANAGEMENT OF LOW-INCOME PUBLIC HOUSING

Meeting

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Notice is given announcing the fourth meeting date of the Task Force.

SUMMARY: The Secretary is announcing the fourth meeting and agenda for the Task Force on Tenant Participation in the Management of Low-Income Public Housing. Meetings are scheduled for February 26-28, 1978 and the agenda for the meetings are stated.

DATE OF FOURTH MEETING: The fourth meeting of the Task Force is scheduled to be held over a three-day period beginning on February 26, 1978 at 10 a.m. in Washington, D.C. at the Department of Housing and Urban Development, located at 451 Seventh Street SW., in Room 10233.

ADDRESS: James F. Anderson, Acting Director, Project Management Division, Office of Assisted Housing Management, Room 6248, or Joseph Smith, Director, Consumer Liaison Division, Office of Consumer Affairs, Room 4212, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

James F. Anderson, 202-755-6429; Joseph Smith, 202-755-5360; or Donald McLain, 202-755-5333.

SUPPLEMENTARY INFORMATION: Meetings of the Task Force on Tenant Participation in the Management of Low-Income Public Housing have been scheduled for the dates and time indicated above. The two Working Groups are scheduled to meet on the first day and the next two days will be for the Task Force business. This will be the fourth full-session meeting convened by the Task Force as prescribed in its Charter. The first meeting of the Task Force was held over a two-day period

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which began on November 7, 1977. The second meeting was also held over a two-day period which began on November 29, 1977. The third meeting was held over a four-day period which began on January 6, 1978 in Denver, Colo.

The agenda for the February meeting includes the following:

1. Minutes of the previous meeting.
2. Report from Working Groups.
3. Other Task Force business.

The meeting of the Task Force will be open to the public. Issued at Washington, D.C., February 7, 1978.

JAY JANIS,
Acting Secretary, Department of
Housing and Urban Development.
[FR Doc. 78-3886 Filed 2-9-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CHIEF, TITLE AND RECORDS SECTION, DIVISION OF MANAGEMENT SERVICES, NEW MEXICO STATE OFFICE

Redelegation of Authority by State Director

Pursuant to the authority contained in section 1.1 of Bureau Order No. 701 dated July 23, 1964, as amended, authority is hereby redelegated to the Chief, Title and Records Section to take the below listed actions under sections 1.6(k) as to mining claim instruments filed for recordation with BLM under 43 CFR Part 3833:

- (1) Accept and record instruments meeting recordation requirements;
- (2) Notify owners to take curative actions to complete defective filings.
- (3) Reject instruments and void claims not filed within the prescribed time periods.

This delegation is effective January 1, 1978.

MAXWELL T. LIEURANCE,
Acting State Director.

Approved: February 2, 1978.

ARNOLD E. PETTY,
Acting Associate.
[FR Doc. 78-3738 Filed 2-9-78; 8:45 am]

[4310-84]

[M 39381]

MONTANA

Proposed Withdrawal and Reservation of Lands: Correction

FEBRUARY 1, 1978.

Notice of Proposed Withdrawal and Reservation of Lands under Serial No. M 39381, dated January 11, 1978, published as FR Doc. 78-1526 on pages 2767 and 2768 for the issue of January

19, 1978, is hereby corrected to add the following paragraphs:

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for hearing to the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Mont. 59107, by March 10, 1978. Upon determination by the State Director that a public hearing will be held, the time and place will be announced.

For a period of two years from January 11, 1978, the lands will be segregated from location and entry under the mining laws only, subject to existing valid rights, unless the application is rejected or the withdrawal is approved prior to that time. If the withdrawal is approved by the Secretary, the segregation will remain in effect for a period of 20 years from the date of such approval.

The 30-day period provided for the submission of comments concerning this proposed withdrawal is extended to March 10, 1978.

ROLAND F. LEE,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-3739 Filed 2-9-78; 8:45 am]

[4310-84]

[NM 32646]

NEW MEXICO

Application

JANUARY 31, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Co. has applied for one 4 1/2-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 34 E.,
Sec. 27, E 1/4 NW 1/4 and SW 1/4 NW 1/4.

This pipeline will convey natural gas across 0.576 miles of public lands in Lea County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land

Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-3740 Filed 2-9-78; 8:45 am]

[4310-84]

(NM 32642)

NEW MEXICO

Application

JANUARY 31, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Co. has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 8 W.,
Sec. 31, lot 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

This pipeline will convey natural gas across 0.49 miles of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-3741 Filed 2-9-78; 8:45 am]

[4310-84]

(NM 32641)

NEW MEXICO

Application

JANUARY 31, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 10 W.,
Sec. 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

This pipeline will convey natural gas across 0.044 miles of public lands in San Juan County, N. Mex.

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The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.
[FR Doc. 78-3742 Filed 2-9-78; 8:45 am]

[4310-84]

(NM 32610, 32649)

NEW MEXICO

Applications

JANUARY 31, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 7 W.,
Sec. 11, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 32 N., R. 12 W.,
Sec. 25, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

These pipelines will convey natural gas across 0.446 mile of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-3743 Filed 2-9-78; 8:45 am]

[4310-84]

(NM 32609, 32611 and 32612)

NEW MEXICO

Applications

FEBRUARY 1, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as

amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for three 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 10 W.,
Sec. 11, lot 13;
Sec. 13, lots 4 and 5;
Sec. 14, lot 1.
T. 31 N., R. 11 W.,
Sec. 5, lot 8.

These pipelines will convey natural gas across 0.399 miles of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-3744 Filed 2-9-78; 8:45 am]

[4310-84]

(NM 32602 and 32647)

NEW MEXICO

Applications

FEBRUARY 1, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Co. has applied for two 4-inch and one 3-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 27 E.,
Sec. 3, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 14, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 23, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 15 S., R. 29 E.,
Sec. 31, lots 1, 2 and 3.
T. 16 S., R. 29 E.,
Sec. 4, lots 10, 15 and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, E $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 16 S., R. 30 E.,
Sec. 27, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, E $\frac{1}{2}$ SE $\frac{1}{4}$.

These pipelines will convey natural gas across 5.074 miles of public lands in Chaves and Eddy Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will

be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-3745 Filed 2-9-78; 8:45 am]

[4310-84]

(NM 32668)

NEW MEXICO

Application

FEBRUARY 1, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 12 W.,
Sec. 26, S $\frac{1}{2}$ NW $\frac{1}{4}$.

This pipeline will convey natural gas across 0.064 of a mile of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.
[FR Doc. 78-3746 Filed 2-9-78; 8:45 am]

[4310-84]

(NM 32663)

NEW MEXICO

Application

FEBRUARY 3, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Co. has applied for two 4-inch natural gas pipelines right-of-way across the following land:

NOTICES

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 11 W.,
Sec. 1, lots 11, 12, 14, 15 and 16;
Sec. 11, lots 3 and 4;
Sec. 12, lots 4 and 5.

These pipelines will convey natural gas across 1.41 miles of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.
[FR Doc. 78-3747 Filed 2-9-78; 8:45 am]

[4310-84]

(NM 32662)

NEW MEXICO

Application

FEBRUARY 3, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Co. has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 S., R. 25 E.,
Sec. 15, lot 15;
Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$.

This pipeline will convey natural gas across 0.22 of a mile of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.
[FR Doc. 78-3748 Filed 2-9-78; 8:45 am]

[4310-84]

(W-62555)

WYOMING

Application

FEBRUARY 3, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Cities Service Gas Co., of Oklahoma City, Okla., filed an application for a right-of-way to construct a 4-inch pipeline and install anodes for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 17 N., R. 93 W.,
Sec. 8, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The pipeline will extend from the Champlin 226 A-1 Amoco A-1 well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 11, T. 17 N., R. 93 W., to a point of connection with Colorado Interstate Gas Co.'s existing pipeline in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 8, T. 17 N., R. 93 W., Carbon County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of
Lands and Minerals Operations.
[FR Doc. 78-3749 Filed 2-9-78; 8:45 am]

[4310-84]

(NM 32670, 32671 and 32672)

NEW MEXICO

Applications

FEBRUARY 1, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for three 4-inch natural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 6 W.,
Sec. 23, W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, lot 1 and NW $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 25, lot 1.

These pipelines will convey natural gas across 0.433 of a mile of public land in Rio Arriba County, New Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-3803 Filed 2-9-78; 8:45 am]

[4310-84]

[NM 32665]

NEW MEXICO

Application

FEBRUARY 1, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 12 W.,
Sec. 12, lots 3 and 4.

This pipeline will convey natural gas across 0.16 of a mile of public land in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-3804 Filed 2-9-78; 8:45 am]

[4310-84]

OUTER CONTINENTAL SHELF OIL AND GAS
LEASES

Bidders

For OCS Lease Sale 43 and 45, consideration is being given by the Departments of the Interior and Energy to the use of a cash bonus bidding system with royalty rates fixed accord-

ing to a predetermined schedule for some of the tracts offered. The schedule would establish in advance a royalty rate applicable during each accounting period dependent upon the value of production during that period. The schedule would apply higher rates to higher values of production and lower rates to lower values of production. The value of production for each accounting period will be adjusted for the rate of general inflation using the implicit price deflator for gross national product. The levied royalty may range from a minimum of 12.5 percent to a maximum level, such as 60 percent, depending on the gross value of production achieved in each accounting period. The royalty rate schedule may specify a different royalty rate for each of several ranges of production value or it may be specified by an equation that gives a unique royalty rate for each level of production value. Different groups of tracts in a lease sale may be governed by different rate schedules.

Bidders will be informed of the decisions to use this system and of the applicable royalty rate schedules in the Notices of Sale or by earlier notice in the FEDERAL REGISTER.

Other applicable regulations and leasing procedures will apply to the submission of bids and the award of leases under this system.

Potential bidders under this system should recognize that the Department of Energy is authorized, under Section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal leases.

GEORGE L. TURCOTT,
Acting Director,
Bureau of Land Management.

Approved: February 6, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant
Secretary of the Interior.

JANUARY 26, 1978.

[FR Doc. 78-3790 Filed 2-9-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Alaska Area Director, U.S. Fish and Wildlife Service, Anchorage, Alaska 99501.

The applicant intends to trap, hold temporarily, band, mark, radio tag salvage, extract blood and feather samples, survey and census Aleutian Canada goose (*Branta canadensis leucopareia*). Not more than 25 birds per year will be captured to act as guide birds for migration when released with captive-reared birds for the purpose of

reestablishing the Aleutian Canada goose to its former range. Humane shipment and care has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1705. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 13, 1978. Please refer to the file number when submitting comments.

Dated: February 6, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-3955 Filed 2-9-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: David William Belitsky, Scientific Research Area, Department of Natural Resources, Box 5887—Pta. de Tierra, San Juan, Puerto Rico 00906.

The applicant requests a permit to take (kill) up to 20 yellow-shouldered blackbirds (*Agelaius xanthomus*) for food habit studies and capture and band as many as possible.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1806. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: February 6, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-3756 Filed 2-9-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Charles Siville, 41 West-cliff Drive, Dix Hills, N.Y. 11746.

The applicant requests a permit to import one pair of Cabot's tragopan pheasants (*Tragopan caboti*) from the Pheasant Trust, Norfolk, England for the purpose of enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1892. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: February 6, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-3758 Filed 2-9-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Louisiana Purchase Gardens & Zoo, P.O. Box 123, Monroe, La. 71201.

The applicant wishes to apply for a Captive Self-Sustaining Population permit authorizing the purchase and sale for propagation, those species of mammals and pheasants listed in 50 CFR Section 17.11 as T(C/P). Humane shipment and care in transit is assured.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1837. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: February 6, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-3757 Filed 2-9-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE
COMMISSION

[Investigation No. 337-TA-41]

CERTAIN CERAMIC TILE SETTERS

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on January 4, 1978, and an amendment thereto was filed on January 20, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Ferro Corp., One Erlevue Plaza, Cleveland, Ohio 44115, alleging that unfair methods of competition and unfair acts exist in the importation of certain ceramic tile setters into the United States, or in their sale, by reason of:

- (1) The alleged coverage of such ceramic tile setters by claims 1, 4, 6, 7 and 8 of U.S. Letters Patent 3,169,295;
- (2) The alleged unfair use of complainant's know-how and trade secrets;
- (3) The alleged discriminatory and/or unfairly low pricing with the intent to destroy or injure competition;
- (4) An alleged conspiracy to price discriminatorily and/or unfairly low;
- (5) An alleged attempt and intent to monopolize; and
- (6) An alleged conspiracy to attempt to monopolize.

The amended complaint alleges that the unfair methods of competition and unfair acts listed as 1 to 4 above have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States, and that the unfair methods of competition and unfair acts referred to as 5 and 6 above have the effect or tendency to restrain or monopolize trade and commerce in the United States. Complainant requests permanent exclusion from entry into the United States of the articles in question. Complainant also requests exclusion from entry into the United States, except under bond, of the articles in question during the investigation of this matter.

Having considered the amended complaint, the United States International Trade Commission on February 3, 1978, ordered:

1. That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is a violation or reason to believe that there is a violation of subsection (a) of this section in the unauthorized importation of certain ceramic tile setters into the United States, or in their sale, by reason of:

- (a) The alleged coverage of such ceramic tile setters by claims 1, 4, 6, 7 and 8 of U.S. Letters Patent 3,169,295;

- (b) The alleged unfair use of complainant's trade secrets and know-how;
- (c) The alleged charging of discriminatory and/or unfairly low prices for such ceramic tile setters with the intent to destroy or injure competition;

- (d) An alleged conspiracy to charge discriminatory and/or unfairly low prices for such ceramic tile setters;

- (e) An alleged attempt and intent to monopolize the United States market for such ceramic tile setters; and

- (f) An alleged conspiracy to monopolize the United States market for such ceramic tile setters,

the effect or tendency of which, in the case of (a) to (d) above, is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or the effect or tendency of which, in the case of (e) and (f) above, is to restrain or monopolize trade and commerce in the United States.

2. That, for purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, are hereby named as respondents upon which the amended complaint and this notice are to be served:

DOMESTIC IMPORTER

Dallas Ceramic Tile Co., 7834 Hawyn Freeway, Dallas, Tex. 75217.

FOREIGN MANUFACTURERS

Refractarios Monterrey, S.A., Apdo. Postal 2691, Monterrey, N.L., Mexico.
Ceramica Regiomontana, S.A., Apdo. Postal 1269, Monterrey, N.L., Mexico.

3. That, for the purpose of the investigation so instituted, Judge Myron R. Renick, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer.

4. That, for the purpose of the investigation so instituted, Steven David Moskowitz, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney.

Responses must be submitted by the name respondents in accordance with § 210.21 of the Commission's rules of practice and procedure, as amended (41 FR 17710, April 27, 1976). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the amended complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended

complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The amended complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.

Issued: February 7, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

(FR Doc. 78-3845 Filed 2-9-78; 8:45 am)

[7020-02]

[332-73]

DRAFT CHAPTERS OF THE HARMONIZED COMMODITY DESCRIPTION AND CODING SYSTEM

Hearing

AGENCY: United States International Trade Commission.

ACTION: Public hearing, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, concerning a draft of, and draft U.S. comments on, the following chapters of the Harmonized Commodity Description and Coding System:

- Chapter 41: Raw hides and skins and leather.
- Chapter 42: Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut).
- Chapter 43: Furskins and artificial fur; manufactures thereof.
- Chapter 44: Wood and articles of wood.
- Chapter 45: Cork and articles of cork.
- Chapter 46: Manufactures of straw, of esparto and of other plaiting materials; basketwork and wickerwork.

TIME AND LOCATION: Beginning on March 1, 1978, at 10 a.m., e.d.t., in the Hearing Room of the United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

REQUESTS TO APPEAR: Requests to appear at the hearing must be filed in writing with the Secretary of the Commission not later than February 22, 1978. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as

soon as possible after February 27, 1978. Any person who fails to receive such notification by February 27, 1978, should immediately communicate with the Office of the Secretary of the Commission.

WRITTEN SUBMISSIONS: Parties wishing to submit written comments in lieu of attendance at the hearing should do so by March 10, 1978.

COPIES OF DOCUMENTS: Copies of the draft chapters and draft U.S. comments thereon which are the subject of the hearings are available for public inspection at the offices of the Commission, 701 E Street NW., Washington, D.C. 20436, or at 6 World Trade Center, New York, N.Y. 10048. The Commission will also send copies to interested parties who notify the Commission of their interest with respect to any particular chapter or group of chapters.

FOR FURTHER INFORMATION CONTACT:

Eugene A. Rosengarden, Director, Office of Nomenclature, Valuation, and Related Activities, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0370.

SUPPLEMENTARY INFORMATION: The purpose of this hearing is to obtain the comments and views of interested parties with respect to the above mentioned draft chapters of the Harmonized Commodity Description and Coding System, and of the draft U.S. comments thereon.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (40 FR 6239), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974 which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) Full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of commodity identification and specification and modern producing methods and trading practices . . .

The Harmonized Commodity Description and Coding System (Harmonized Code) is being developed by the Customs Cooperation Council (CCC), an 80-member intergovernmental organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of

transactions in international trade. The Harmonized Code will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature, formerly known as the Brussels Tariff Nomenclature or BTN.

Currently, a technical team working under the auspices of the CCC prepares drafts of the various chapters of the Harmonized Code for consideration by the Harmonized System Committee which was established in order to develop the code. These drafts are forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee meets three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters may extend to more than one meeting.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized Code, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on the various chapters of the Harmonized Code for consideration by the interagency committee in the determination of U.S. positions with respect to the Harmonized Code. In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

The draft U.S. comments on the chapters of the Harmonized Code released for public comment today relate specifically to the technical team drafts of these chapters and should be read in conjunction therewith.

In its public notice issued May 10, 1976, regarding hearings on the chapters of the Harmonized Commodity Description and Coding System (41 FR 1871 of May 13, 1976) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of May 10, 1976, applies to the hearing on the chapters being released today to the extent that it is applicable.

In its public notices of May 4, 1976 (41 FR 1871 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13,

1976), December 20, 1976 (41 FR 55948 of December 23, 1976), and September 1, 1977 (42 FR 44852 of September 7, 1977), the Commission identified those chapters which have been considered thus far by the Harmonized System Committee, and the chapters for which a technical team draft has been released. Since those notices were issued the Commission has received the following draft chapters prepared by the technical team:

- Chapter 32: Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints, and varnishes; putty, fillers, and stoppings; inks.
- Chapter 91: Clocks and watches and parts thereof.

Copies of these chapters are also available for inspection as specified above; the Commission will send copies of these chapters to interested parties upon request.

Issued: February 7, 1978.

By order of the Commission.

KENNETH R. MASON,
Secretary.

(FR Doc. 78-3845 Filed 2-9-78; 8:45 am)

[4810-25]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Joint Board Advisory Committee on Actuarial Examinations

ADVISORY COMMITTEE ANNUAL REVIEW

Request for Public Comment

In compliance with the General Services Administration's directive of January 9, 1978, the Office of Management and Budget Circular A-63, Transmittal Memorandum No. 5, and with section 7(b) of the Federal Advisory Committee Act (Pub. L. 92-463), the Joint Board is conducting its annual review of the Joint Board Advisory Committee on Actuarial Examinations ("the Committee"). The Committee's purpose is to assist the Joint Board in fulfilling its responsibility, imposed by 29 U.S.C. 1242(a), to insure that persons enrolled to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act of 1974 applies meet certain standards and qualifications. The specific functions performed by the Committee in this connection are:

1. Recommendation of topics and questions for inclusion on the Joint Board's examinations in actuarial mathematics and methodology.
2. Recommendations regarding the adequacy for enrollment purposes of other actuarial examinations, and
3. Recommendations regarding the demonstration of the education and training required for enrollment by university and college programs in actuarial mathematics.

The Joint Board's annual review of the Committee is set forth in proposed form below. Interested persons may participate in this review process by submitting written data, views, and arguments to the Joint Board for the Enrollment of Actuaries, c/o Department of the Treasury, Washington, D.C. 20220. Comments received by March 13, 1978, will be considered in the process of the Joint Board's review of the Committee.

Dated: February 7, 1978.

ROWLAND E. CROSS,
Chairman, Joint Board for the
Enrollment of Actuaries.

JUSTIFICATION STATEMENT

1. COMMITTEE FUNCTION

The Joint Board for the Enrollment of Actuaries is responsible for the enrollment of individuals who wish to perform actuarial services with respect to plans to which the Employee Retirement Income Security Act of 1974, Pub. L. 93-406, applies. The standards and qualifications for enrollment of those applying on or after January 1, 1976, as set forth in 29 U.S.C. 1242(a)(1), include education and training in actuarial mathematics and methodology as evidenced by:

1. A degree in actuarial mathematics or its equivalent from an accredited college or university.
2. Successful completion of an examination in actuarial mathematics and methodology to be given by the Joint Board, or
3. Successful completion of other actuarial examinations deemed adequate by the Joint Board.

The Committee renders assistance to the Joint Board in the Joint Board's fulfillment of its responsibility to administer examinations in actuarial mathematics and methodology to individuals wishing to demonstrate that they satisfy the standards and qualifications required for enrollment. Specifically, the Committee considers topics and questions appropriately covered by and included in the Joint Board's examinations and will recommend topics and questions for inclusion in future examinations. In addition, the Committee may review other actuarial examinations offered by actuarial organizations and make recommendations regarding the adequacy of such other examinations to demonstrate the education and training required for enrollment. The Committee also reviews university and college programs in actuarial mathematics for the purpose of recommending to the Joint Board curricula which will meet the requirement for enrollment of education and training.

2. NEED FOR CONTINUATION OF THE COMMITTEE

The Joint Board for the Enrollment of Actuaries is comprised of five indi-

viduals, each of whom has other, full-time government positions. In accordance with its bylaws, only three of the Joint Board members are actuaries. Further, staff provided the Joint Board is minimal. While the Director of Practice (Office of the Secretary, Department of the Treasury) serves as the Joint Board's Executive Director, he has no actuarial expertise at his disposal. Finally, from their experience in writing actuarial examinations which were administered to those individuals who applied for enrollment before January 1, 1976, the actuarial members of the Joint Board have determined that their fulfillment of the entire responsibility for the design of examinations entails too great a sacrifice of their other governmental responsibilities. Accordingly, the Joint Board felt the need to employ the technical expertise of an advisory committee of actuaries outside the government to assist it in writing future examinations.

The Joint Board has neither created nor used an advisory committee other than the Committee discussed herein. Consequently, the Committee's efforts do not duplicate the work of another advisory committee within the agency. As far as the Joint Board is aware, it is the only Federal agency responsible for writing actuarial examinations or setting other criteria to determine actuaries' qualifications. Therefore, the Joint Board does not believe that the work of its Committee is duplicated elsewhere in the Federal Government.

In addition, other means to fulfill the responsibilities of the Committee are not feasible. Public hearings are not the kind of forum in which sophisticated tests of actuarial knowledge can be developed and treated. Further, breaches of the security necessary for prospective examination materials are unavoidable in the context of public hearings. The Joint Board considered the possibility of obtaining examination materials from consultants in the educational testing field. However, it determined that consulting firms do not have the expertise to provide examination questions in all highly specialized areas of actuarial education.

In the past year, the Committee has had nine meetings and submitted four reports to the Joint Board. These reports were the Advisory Committee Report on Basic Examinations, the Advisory Committee Report on Pension Examinations, the Advisory Committee Syllabus Report, and the Advisory Committee Report on Adequacy. These reports assisted the Joint Board in deciding which societal examinations would be deemed adequate for purposes of educational requirements as set forth in 20 CFR 901.12. Further, the Committee provided questions for the Joint Board basic examination given September 29, 1977, and for the

Joint Board pension examination, given September 30, 1977. The total operating cost of the Committee for 1977 was \$14,711.00.

Currently, the Committee is in the process of formulating questions for the Joint Board 1978 examinations. The Committee has met once this year, and it is anticipated two or three additional meetings will be needed to complete questions for the 1978 examinations. Costs for the year 1978 are projected to be considerably lower than they were for the year 1977.

3. BALANCED MEMBERSHIP

Section 5(c) of the Federal Advisory Committee Act, Pub. L. 92-463, requires that, to the extent the requirement is applicable, the membership of an advisory committee shall be fairly balanced in terms of the points of view represented and the functions the advisory committee performs. In attempting to insure maximum practicable representation on the Committee of points of view regarding the Joint Board's examinations extant in the community of actuaries, the Joint Board published an invitation to submit applications for Committee membership in the FEDERAL REGISTER and through a news release.

Several considerations affected the Joint Board's judgment in achieving balanced representation. The Committee's purposes are such that it must be comprised, to the extent possible, of persons experienced in actuarial education. In addition, because the Committee works on examinations to be taken by applicants for enrollment, consideration for membership could be given only those already enrolled. It is clearly inappropriate for examination candidates to participate in writing parts of the examination which they intend to take. Those applicants for membership who were considered qualified for enrollment under the regulations governing enrollment before January 1, 1976. The Joint Board believes that the method by which individuals satisfied the education or examination requirement for enrollment as actuaries under those regulations (20 CFR 901.12) will be a significant influence on their perspectives on future Joint Board examinations. That requirement was satisfied in any one of the following ways:

1. Successful completion of an examination in actuarial mathematics and methodology administered by the Joint Board;
2. Certain classes of membership in actuarial organizations attained by proctored examination;
3. A bachelor's or higher degree from an accredited college or university granted after satisfactory completion of a course of study in actuarial science; or a bachelor's or higher degree from an accredited college or university granted after successful completion of a course of study in which the major area of concentration was mathematics, sta-

tistics or computer science, but only if the applicant has also successfully completed courses in life contingencies of a prescribed number of hours given by accredited schools.

Of the eight members of the Committee, one satisfied the education or examination requirement by successful completion of the Joint Board's examination, five by organization membership, and two by bachelor's or higher degrees in actuarial mathematics and methodology. It should be noted that three different actuarial organizations are represented by the five members who qualified for enrollment in that fashion. Further, the work experience of the Committee's members is comprised of employment by consulting firms (4), university (1), insurance companies (2), and manufacturing company (1).

Because the Committee does not consider policy other than that discussed above, the Joint Board is of the view that representation of consumer and other public interest groups on the Committee is not warranted. The possibility of breaches of security with respect to prospective examination materials also underlies this view.

[FR Doc. 78-3809 Filed 2-9-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is

likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All person wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to:

Deputy Assistant Secretary for Employment and Training, 601 D St. NW., Washington, D.C. 20213.

Signed at Washington, D.C., this sixth day of February 1977.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING FEBRUARY 3, 1978

Name of applicant, location of enterprise and principal product or activity

Down East Peat Co., Deblois, Maine—Peat humus mining.
Potomac Eastern Fuels Co., Roncveerts, W.Va.—Nursing home.
Universal Manufacturers & Rebuilders, Inc., Fairmont, W.Va.—Rebuilding and repairing of coal cars for the coal mines.
Cherry River Cinema, Inc., Richwood, W.Va.—Movie theatre.
The Julia Ribaud Home, Wayne County, Pa.—Nursing services.
Rensselaer Care Center, Inc., Rensselaer, Ind.—Comprehensive nursing care facility.

Polymer Ecology Corp., Royersford, Pa.—Grinding and reprocessing of raw materials.

Liberty Footwear, Inc., Bedford, Pa.—Manufacture of men's shoes.

Meadowdale Coal Corp., Springdale, W. Va.—Coal mining operation.

Charles W. Whitaker, Decatur, Ala.—Motel and restaurant.

J. LaMar Dugan, D.D.S. Athen, Tenn.—Complete professional dental services.

Sartain Associates, Inc., Canton, Miss.—Manufacture of boats—aluminum.

Aufstieg Quelle S.A., Ltd., Barnesville, Ga.—Pizza parlor.

Sir Steak, Ltd., Gulfport, Miss.—Food and drinks services.

Atlantic & Western Financial Corp., Sanford, N.C.—Short line railroad.

Arthur H. Boylan, Jr. & wife, Karen T., Pike County, Ky.—Motel.

Lee Textiles, Inc., Lake City, Tenn.—Manufacture of knit shirts, fabrics, and outerwear coats.

G&W Chrysler-Plymouth, Inc., Tarboro, N.C.—Sales of new and used cars.

Timber Island Seafood, Inc., Carrabelle, Fla.—Processing of shrimp.

Skyline Manufacturing Co., Inc. (Tenant of the Town of Cheraw), Cheraw, S.C.—Manufacture of children's clothing.

Grand Traverse Development Co., Inc., Acme, Mich.—Hotel.

American Fabri-Craft Corp. Delta, Ohio—Manufacture of fabricated iron and steel.

Skyview Supper Club, Presque Isle, Wis.—Supper club and motel.

Donald L. and Joyce N. Levey, Viking Inn, Luverne, Minn.—Motor-hotel.

LCP Plastics, Inc., Carrollton, Ohio—Manufacture of plastic pipes and fittings.

Centennial Co., Cabot, Arkansas Cotton Plant, Arkansas—Manufacture of prefabricated mobile homes.

Hynes Aviation Industries, Inc., Frederick, Okla.—Retail-helicopters.

La Barge Electronics (Tenant of City of Flippin), City of Flippin, Ark.—Manufacture of electronic components, i.e., military intrusion detection devices, cables and circuits for computers, etc.

Navajo Textiles of New Mexico, Inc., Las Vegas, N. Mex.—Manufacture of various parachute models and accessories.

Milton E. Mooney, Olney, Tex.—Motel.

H-L Industries, Inc., Ruidoso, N.Mex.—Dining facility and shopping mall.

Gilmer Hospital, Inc., Gilmer, Tex.—General health care.

Carroll County Newspapers, Inc., Berryville, Ark.—Publishing of newspaper.

Jimmie D. Sybert and Marjorie M. Sybert Rock Port, Mo.—Room rentals.

Mid-America Tanning Co., Inc., Sergeant Bluff, Iowa—Tanning and finishing of leather.

Dwight A. Harrison, Huerfano County, Colo.—Ski area and supporting facilities.

I.P. & W. Industries, Inc., Lindon, Utah—Manufacture of vessels and pipes.

Wheels Unlimited, Chubbuck, Idaho—Sales of new and used trailers and service.

Marvin Landplane, Woodland, Calif.—Manufacture of agricultural implements and pickup-truck bumpers.

Cascade Airways, Inc., Walla Walla, Wash.—Provision of scheduled airline services.

[FR Doc. 78-3736 Filed 2-9-78; 8:45 am]

[4510-30]

SUBCOMMITTEE ON EQUAL APPRENTICESHIP OPPORTUNITY, FEDERAL COMMITTEE ON APPRENTICESHIP

Rescheduled Meeting

On January 20, 1978, the Notice of Meeting was published in the FEDERAL REGISTER (43 FR 2945) for a meeting of the Subcommittee on Equal Apprenticeship Opportunity, Federal Committee on Apprenticeship, to be held February 23, 1978, at the Americana Hotel, Oceanfront at 9701 Collins Avenue, Miami Beach, Fla.

The meeting has rescheduled for February 27, 1978, at the Hollywood Beach Holiday Inn Resort, 4000 South Ocean Drive, Hollywood, Fla. 33019.

There are no other changes to the notice.

Signed at Washington, D.C., this 6th day of February 1978.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training Administration.

[FR Doc. 78-3836 Filed 2-9-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-2364, 2365, 2366]

FAIRFIELD WORKS, U.S. STEEL CORP., BESSEMER, ALA., BIRMINGHAM, ALA., FAIRFIELD, ALA.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2364, 2365, 2366: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigations were initiated on September 19, 1977, in response to worker petitions received on September 2, 1977 which were filed by the United Steelworkers of America on behalf of workers and former workers involved in the operation of steelmaking at the Fairfield Works of the United States Steel Corp.

It was subsequently determined at a meeting of officials of the United Steelworkers of America, U.S. Steel Corp. and the U.S. Department of Labor that the entire operation at the Fairfield Works could be defined to be; basic steelmaking plus the production of the following products:

1. Structural.
2. Plate.
3. Wire and Wire Products.

4. Cold Rolled Sheet.
5. Coated Sheet and Painted Sheet.
6. Tin Mill Products.
7. Hot Rolled Sheet.
8. Railroad Products.
9. Cotton Bale Ties.
10. Merchant Bars.

Workers engaged in employment related to the production of structurals, plate, wire and wire products at the Fairfield Works have previously been certified as eligible to apply for adjustment assistance as a result of earlier petitions (TA-W-1429, 1451, 1452).

The Notice of Investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54032). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U.S. Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met. With respect to workers engaged in employment related to the production of one of the products listed below, it is concluded that all of the criteria have been met on or after the impact date as listed for each product:

Product and impact date

Cold Rolled Sheet, August 31, 1976.
Coated Sheet and Painted Sheet, August 31, 1976.
Tin Mill Products, January 1, 1977.
Hot Rolled Sheet, January 1, 1977.

COLD ROLLED SHEET

INCREASED IMPORTS

Imports of cold rolled carbon steel sheet increased from 2,067.1 thousand tons in 1975 to 2,350.7 thousand tons in 1976 and increased from 1,627.1 thousand tons in the first 3 quarters of 1976 to 2,174.7 thousand tons in the first 3 quarters of 1977. The ratio of imports to domestic shipments declined from 16.5 percent in 1975 to 13.2 percent in 1976. The ratio increased from 11.8 percent in the first 3 quarters of 1976 to 16.4 percent in the first 3 quarters of 1977.

CONTRIBUTED IMPORTANTLY

A survey of customers that purchased cold rolled sheet from the Fairfield Works revealed that in 1976 and 1977 several of these customers had reduced their purchases from the Fairfield Works while increasing purchases of imported cold rolled sheet.

COATED SHEET AND PAINTED SHEET

INCREASED IMPORTS

Imports of galvanized steel sheet, a category which includes the coated

sheet and painted sheet manufactured at the Fairfield Works, increased from 739.0 thousand tons in 1975 to 1,471.5 thousand tons in 1976 and increased from 1,076.5 thousand tons in the first 3 quarters of 1976 to 1,319.5 thousand tons in the first 3 quarters of 1977. The ratio of imports to domestic shipments increased from 19.9 percent in 1975 to 28.4 percent in 1976 and increased from 26.6 percent in the first 3 quarters of 1976 to 31.1 percent in the first 3 quarters of 1977.

CONTRIBUTED IMPORTANTLY

A survey of customers that purchased coated and painted sheet from the Fairfield Works revealed that in 1976 and 1977 several of these customers had reduced purchases from the Fairfield Works and increased purchases of imported sheet. Nearly every customer surveyed indicated that imports of these products were available in the U.S. marketplace at prices substantially below the domestic equivalent.

TIN MILL PRODUCTS

INCREASED IMPORTS

Imports of tin plate, a category which includes the tin mill products produced at the Fairfield Works, declined from 407.1 thousand tons in 1975 to 309.3 thousand tons in 1976. Imports increased from 230.1 thousand tons in the first three quarters of 1976 to 360.2 thousand tons in the first three quarters of 1977. The ratio of imports to domestic shipments declined from 9.7 percent in 1975 to 6.4 percent in 1976. The ratio increased from 6.1 percent in the first 3 quarters of 1976 to 9.4 percent in the first three quarters of 1977.

CONTRIBUTED IMPORTANTLY

A survey of customers that purchase tin plate from the Fairfield Works revealed that in 1977 some of these customers had reduced purchases from Fairfield while increasing purchases of imported tin plate. All of the customers indicated there was import influence in the marketing of this product. None of the customers decreased purchases from Fairfield while buying imports in 1976.

HOT ROLLED SHEET

INCREASED IMPORTS

Imports of hot rolled carbon steel sheet increased from 1,509.2 thousand tons in 1975 to 1,635.9 thousand tons in 1976 and increased from 1,071.6 thousand tons in the first 8 months of 1976 to 1,786.8 thousand tons in the first 8 months of 1977. The ratio of imports to domestic shipments declined from 14.0 percent in 1975 to 11.3 percent in 1976. The ratio increased from 9.5 percent in the first 8 months of

1976 to 17.0 percent in the first 8 months of 1977.

CONTRIBUTED IMPORTANTLY

A survey of customers that purchase hot rolled sheet revealed that some of these customers had increased purchases of imported sheet in 1977 while decreasing purchases from the Fairfield Works. None of the customers decreased purchases from Fairfield while buying imports in 1976.

Product and impact data

Cold Rolled Sheet, August 31, 1976.
Coated Sheet and Painted Sheet, August 31, 1976.

Tin Mill Products, January 1, 1977.

Hot Rolled Sheet, January 1, 1977.

In accordance with provisions of the Act, I make the following certifications:

All workers engaged in employment related to the production of cold rolled sheet at the Fairfield Works of U.S. Steel Corp. who became totally or partially separated from employment on or after August 31, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of coated sheet and painted sheet at the Fairfield Works of U.S. Steel Corp. who became totally or partially separated from employment on or after August 31, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of tin mill products at the Fairfield Works of U.S. Steel Corp. who became totally or partially separated from employment on or after January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of hot rolled sheet at the Fairfield Works of U.S. Steel Corp. who became totally or partially separated from employment on or after January 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

The investigation has further revealed that without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to railroad products:

That increased imports have "contributed importantly" to the separations, or threat thereof, and to the decrease in sales or production of the firm or subdivision.

A survey of customers representing a substantial proportion of sales of rails, tie plates and spikes at the Fairfield Works indicated that none of these customers purchased imports of these products. A survey of customers representing a substantial proportion of sales of axles at the Fairfield Works indicated that only one customer had decreased purchases from the Fairfield Works and increased purchases of imports. This customer bought one

shipment of imported axles in 1976 but none in either 1975 or 1977. One other customer purchased a small quantity of imports but increased purchases from the Fairfield Works. None of the other customers surveyed purchased imports.

The investigation has further revealed that workers engaged in the production of cotton bale ties and merchant bars cannot be found eligible for adjustment assistance under these petitions for the reasons as listed below:

COTTON BALE TIES

Production of cotton bale ties at the Fairfield Works of U.S. Steel was terminated in July 1975. Since the earliest possible date of certification for these petitions is August 31, 1976 and production of cotton bale ties ceased prior to that date, workers engaged in the production of cotton bale ties cannot be covered under the eligibility period for these petitions.

MERCHANT BARS

The merchant mill at the Fairfield Works of U.S. Steel Corp. which was used to produce merchant bars, discontinued commercial operations in 1974. Since the earliest possible date of certification for these petitions is August 31, 1976 and production of merchant bars ceased prior to that date, workers engaged in the production of merchant bars cannot be covered under the eligibility period for these petitions.

Signed at Washington, D.C., this 31st day of January 1978.

HARRY GRUBERT,
Director, Office of
Foreign Economic Research.

[FR Doc. 78-3293 Filed 2-9-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

SUBCOMMITTEE ON ANTHROPOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

NAME: Subcommittee on Anthropology of the Advisory Committee for Behavioral and Neural Sciences.

DATE AND TIME: March 1, 2, 3, 4, 1978; 9 a.m. to 6 p.m. each day.

PLACE: Room 338 National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON:

Dr. John Yellen, Program Director, Anthropology Program, Room 320,

National Science Foundation, Washington, D.C. 20550, telephone 202-632-4208.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for research in Anthropology.

AGENDA: To review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

FEBRUARY 7, 1978.

[FR Doc. 78-3819 Filed 2-9-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON METABOLIC BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

NAME: Subcommittee on Metabolic Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

DATE AND TIME: February 27 and 28, 1978; 9 a.m. to 5 p.m. each day.

PLACE: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

TYPE OF MEETING: Closed.

CONTACT PERSON: Dr. Elijah B. Romanoff, Program Director, Metabolic Biology Program, Room 331, National Science Foundation, Washington, D.C. 20550, telephone 202-632-4312.

PURPOSE OF SUBCOMMITTEE: To provide advice and recommendations concerning support for research in Metabolic Biology.

AGENDA: To review and evaluate research proposals as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

AUTHORITY TO CLOSE MEETING: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

FEBRUARY 7, 1978.

[FR Doc. 78-3818 Filed 2-9-78; 8:45 am]

[6820-36]

NATIONAL TRANSPORTATION
POLICY STUDY COMMISSION

PAST ACCOMPLISHMENTS AND FUTURE PLANS

Annual Review

Pursuant to GSA directives implementing OMB Circular No. A-63, Transmittal Memorandum No. 5, the National Transportation Policy Study Commission is conducting an annual comprehensive review of its past accomplishments and future plans. Consequently, the Commission is soliciting public comment on the importance and scope of the Commission's mandate, its future plans and past achievements. Comments should be sent to Edward R. Hamberger, General Counsel, 1750 K Street NW., Suite 800, Washington, D.C. 20006, and must be received in writing no later than March 3, 1978.

Dated: February 6, 1978.

BUD SHUSTER,
Chairman.

[FR Doc. 78-3753 Filed 2-9-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY
COMMISSION

[Docket No. STN 50-591]

EBASCO SERVICES, INC.

Receipt of Standard Safety Analysis Report

Ebasco Services, Inc., in accordance with 10 CFR Part 50, Appendix O, has filed with the Commission a document entitled "Ebasco Standard Safety Analysis Report" (ESSAR), which was docketed February 2, 1978. The ten-

dered application for ESSAR was received on November 23, 1977. Following a preliminary review for completeness, it was accepted on January 25, 1978, for docketing. Docket No. STN 50-591 has been assigned to ESSAR and should be referenced in any correspondence relating thereto.

10 CFR Part 50, Appendix O permits an entire facility design or major portions of it to be identified as a standard design to be used in multiple applications. ESSAR describes and analyzes the balance-of-plant (BOP) of a pressurized water reactor standard nuclear power plant utilizing the standard designs of nuclear steam supply system (NSSS) vendors that have been or are presently being reviewed by the Commission. The standard plant is designed for an initial core power level of 3800 megawatts thermal.

When its review of ESSAR is complete, the Commission's staff will prepare and publish a Safety Evaluation Report documenting the results of the review. In addition, ESSAR will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. The Commission's staff will also prepare and publish a determination as to whether or not the ESSAR design is acceptable, subject to such conditions as may be appropriate. Copies of the Safety Evaluation Report, the ACRS report and the staff's determination will be made available to the public. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

All interested persons who desire to submit written comments for consideration by the staff and the ACRS should send them to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by April 11, 1978.

A copy of ESSAR is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. When available, the Safety Evaluation Report, the ACRS report, and the staff's determination will be made available for inspection by the public at the NRC Public Document Room.

Dated at Bethesda, Md., this 3d day of February 1978.

For the Nuclear Regulatory Commission.

HARRY ROOD,
Acting Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc. 78-3686 Filed 2-9-78; 8:45 am]

[7590-1]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO. ET AL.
Proposed Issuance of Amendment to Facility
Operating License

The Nuclear regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Co., The Hartford Electric Light Co., Western Massachusetts Electric Co. and Connecticut Light and Power Co. (the licensees) for operation of the Millstone Nuclear Power Station Unit No. 2, located in Waterford, Conn.

The amendment would change the Technical Specifications to authorize operation of Millstone Unit No. 2 with resolution of Control Element Assembly Guide Tube Wear and Steam Generator tube support plate cracking problems.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations.

By March 13, 1978 the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Conn. 06103, attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts

on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the Combustion Engineering submittal regarding CEA Guide Tube Wear dated January 17, 1978; Northeast Nuclear Energy Co., submittal regarding steam generator support plate cracking dated January 11, 1978; and Northeast Nuclear Energy Co. submittal regarding CEA Guide Tube Wear dated January 25, 1978, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. 06385. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated in Bethesda, Md., this 6th day of February 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-3855 Filed 2-9-78; 8:45 am]

[7555-02]

**OFFICE OF SCIENCE AND
TECHNOLOGY POLICY**
INTERGOVERNMENTAL SCIENCE,
ENGINEERING, AND TECHNOLOGY ADVISORY
PANEL
Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology

Policy announces the following meeting:

NAME: Intergovernmental Science, Engineering, and Technology Advisory Panel; Natural Resources and Environment Task Force.

DATE: March 1, 1978—1 to 5 p.m.; March 2, 1978—9 to 4 p.m.

PLACE: New Executive Office Building, 726 Jackson Place NW., Room 3104, Washington, D.C.

TYPE OF MEETING: Open.

CONTACT PERSON:

Mr. Louis H. Blair, Office of Science & Technology Policy, Executive Office of the President; telephone 202-395-4596. Anyone who plans to attend should contact Mr. Blair by February 27.

PURPOSE OF THE PANEL: The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings.

MINUTES OF THE MEETING: Executive minutes of the meeting will be available from Mr. Blair.

TENTATIVE AGENDA

1. Overview of Research Activities in U.S. Environmental Protection Agency (EPA) Related to State and Local Governments.

2. Detailed Briefings on Federal Research and Research Utilization Activities on:

a. Remote Sensing (briefings from U.S. Department of the Interior, National Aeronautics & Space Administration and EPA).

b. Land Applications of Waste Water.

c. Handling and Disposal of Solid Wastes Including Toxic Wastes.

3. Discussion of Future Task Force activities.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology Policy.

FEBRUARY 6, 1978.

[FR Doc. 78-3802 Filed 2-9-78; 8:45 am]

[7555-02]

**WORKING GROUP ON BASIC RESEARCH IN
THE DEPARTMENT OF ENERGY**
Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Working Group on Basic Research in the Department of Energy.

DATE: February 26, 27, 28, 1978.

TIME: 9 a.m. to 4 p.m.

PLACE: Room 3104, New Executive Office Building, Washington, D.C.

TYPE OF MEETING: Open.

CONTACT PERSON:

Mr. William J. Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

SUMMARY MINUTES: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

PURPOSE OF ADVISORY COMMITTEE: The Office of Science and Technology Policy is conducting a study which will lead to the formulation of policy governing the performance of basic research by or for the mission agencies. Under the guidance of the Steering Committee on Basic Research in Mission Agencies, the Working Group on Basic Research in the DOE is to examine the policies and procedures and research programs of that agency for adequacy and balance between near-term and long-term technical objectives.

AGENDA: 9 a.m. to 4 p.m. Meetings will be used to discuss reports from subgroup chairmen and to draft preliminary portions of the final report. There also will be some briefings by Government officials.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc. 78-3801 Filed 2-9-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION
ADVISORY COUNCILS
Establishment

In accordance with Pub. L. 92-463 committees for the following ten Regional Advisory Councils have been established for two years and will expire on February 1, 1980, unless renewed or dissolved before that date:

Region I—Advisory Council.
Region II—Advisory Council.
Region III—Advisory Council.
Region IV—Advisory Council.
Region V—Advisory Council.
Region VI—Advisory Council.
Region VII—Advisory Council.
Region VIII—Advisory Council.
Region IX—Advisory Council.
Region X—Advisory Council.

The above ten Regional Councils supersede the original 63 District Advisory Councils.

The geographical areas covered by each of the ten Regional Councils are as follows:

Region I—Boston, Augusta, Concord, Hartford, Montpelier, and Providence.
Region II—New York, Hato Rey, Newark, and Syracuse.
Region III—Philadelphia, Clarksburg, Pittsburgh, Richmond, Baltimore, and Washington, D.C.
Region IV—Atlanta, Charlotte, Columbia, Miami, Jacksonville, Louisville, Jackson, and Nashville.
Region V—Chicago, Cleveland, Columbus, Detroit, Indianapolis, Madison, and Minneapolis.
Region VI—Dallas, Albuquerque, Houston, Little Rock, Lower Rio Grande Valley, Lubbock, New Orleans, Oklahoma City, and San Antonio.
Region VII—Kansas City, Des Moines, Omaha, St. Louis, and Wichita.
Region VIII—Denver, Casper, Fargo, Helena, Salt Lake City, and Sioux Falls.
Region IX—San Francisco, Honolulu, Las Vegas, Los Angeles, Phoenix, and San Diego.
Region X—Seattle, Spokane, Anchorage, Boise, and Portland.

For further information or any comments, write or call K. Drew, Deputy Advocate for Advisory Councils, 1441 L Street NW., Washington, D.C. 20416, 202-653-6748.

Dated: January 27, 1978.

K. DREW,
Deputy Advocate for
Advisory Councils.
[FR Doc. 78-3777 Filed 2-9-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1425]

KANSAS

Declaration of Disaster Loan Area

The 400 Block of South Oak Street and the 100 Block of West 4th Street in the city of Garnett, in Anderson County, Kans., constitute a disaster area because of damage resulting from a fire which occurred on January 2, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 3, 1978, and for economic injury until the close of business on November 1, 1978, at:

Small Business Administration, District Office, 12 Grand Building—5th Floor, 1150 Grand Avenue, Kansas City, Mo. 64106,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 1, 1978.

PATRICIA M. CLOHERTY,
Deputy Administrator.
[FR Doc. 78-3778 Filed 2-9-78; 8:45 am]

[8025-01]

[License No. 08/08-0038]

MERCHANTS FINANCE CO., INC.

**Filing of an Application for Approval of a
Conflict of Interest Transaction**

Notice is hereby given that Merchants Finance Co., Inc. (MFCI), 1700 South 1800 West, Salt Lake City, Utah 84107, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR § 107.1004 (1977), for an exemption from the provisions of the conflict of interest regulation.

The exemption, if granted, will permit MFCI to loan \$100,000 (at 10 percent interest for 10 years) to Miller's Supermarket, Inc. (Millers, Inc.), 702 South Main Street, Moab, Utah 84532. Mr. Ralph J. Miller, Jr., is President and General Manager of Millers, Inc.

Approximately \$10,000 to \$12,000 of the borrowed funds would be used by Miller's, Inc., to purchase equipment from Merchants, Inc., the parent of the Licensee, MFCI.

Pursuant to Paragraph (b) of the definition of "Associate of a Licensee" in § 107.3 of the Regulations, Merchants, Inc., is considered to be an associate of MFCI. As such, the transaction will require an exemption pursuant to § 107.1004(b)(5) of the Regulations.

Notice is hereby given that any person may, no later than February 27, 1978, submit to the Small Business Administration (SBA), in writing, relevant comments on the proposed transaction. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Salt Lake City and Moab, Utah.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 6, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 7-3781 Filed 2-9-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1406; Amdt. No. 1]

NEW JERSEY

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 61347), is amended by ex-

tending the date for physical damage until the close of business on February 24, 1978, and for economic injury until the close of business on September 22, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 2, 1978.

RICHARD HERNANDEZ,
Acting Administrator.

[FR Doc. 78-3779 Filed 2-9-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1429]

WEST VIRGINIA

Declaration of Disaster Loan Area

Boone, Braxton, Gilmer, Harrison, Kanawha, Lewis, Logan, McDowell, and Mingo Counties and adjacent counties within the State of West Virginia constitute a disaster area as a result of damage caused by flooding which occurred on January 25-28, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on April 6, 1978 at:

Small Business Administration, District Office, 109 North Third Street, Clarksburg, W. Va. 26301,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 2, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-3780 Filed 2-9-78; 8:45 am]

[4710-01]

[Public Notice 591]

DEPARTMENT OF STATE

Bureau of Consular Affairs

EXCHANGE-VISITOR SKILLS LIST

Amendment to Exchange-Visitor Skills List. Pursuant to the provisions of section 212(e) of the Immigration and Nationality Act, as amended (8 U.S.C. 1182(e)), the Secretary of State designated on April 25, 1972, a list of fields of specialized knowledge or skill (Referred to as the Exchange-Visitor Skills List) and those countries which clearly required the services of persons engaged in one or more of such fields. Any alien who was a national or resident of one of those countries and obtained an exchange-visitor visa and/or became a participant in an Exchange-Visitor Program involving a designated field of specialized knowledge or skill after the effective date of that notice was subject to the 2-year foreign residence (home-country physical presence) requirement of section 212(e) of

said Immigration and Nationality Act as provided by said section and 22 CFR 41.65(b).

1. Part I is amended by making the following changes:

1. Field 2A is changed to read "2A. General Practice of Medicine (including osteopaths who also practice medicine)."

2. Field 2H is changed to read "2H. Chiropractic and Osteopathy (not including osteopathic physicians who also practice medicine)."

3. Field 2I is changed to read "2I. All Therapies, Prosthetics, and Healing (except Medicine, Osteopathy or Osteopathic Medicine, Nursing, Dentistry, Chiropractic, and Optometry)."

4. Field 3A is changed to read "3A. Journalism (including, but not limited to, editors and reporters; and including text-book writers, interpreters, and translators)."

5. Field 5A is changed to read "5A. Industrial and Business Administration and Management (including, but not limited to, programmers), and Project Evaluation."

Amended Part I is given below in its entirety:

EXCHANGE-VISITORS SKILLS LIST

PART I—GENERAL LIST OF DESIGNATED FIELDS OF SPECIALIZED KNOWLEDGE OR SKILL

Group (1) Fields in the Administration of Public or Public-Oriented Affairs:

1A. Public Administration (including but not limited to: City Planning and Rural Development).

1B. Public Social Administration (including, but not limited to: Welfare, Dietetics, Nutrition, Family Planning, and Public Health).

1C. Primary School Administration.

1D. Secondary School Administration.

1E. Technical or Vocational School Administration.

1F. Hospital Administration.

1G. Labor Union Administration.

Group (2) Fields in the Social Arts and Professions:

2A. General Practice of Medicine (including osteopaths who also practice medicine). (Amended)

2B. Recognized Medical Specializations (including, but not limited to: Anesthesiology, Dermatology, Internal Medicine, Neurological Surgery, Obstetrics and Gynecology, Ophthalmology, Orthopedic Surgery, Otolaryngology, Pathology, Pediatrics, Physical Medicine and Rehabilitation, Plastic Surgery, Preventive Medicine, Proctology, Psychiatry and Neurology, Radiology, Surgery, Thoracic Surgery, and Urology).

2C. Nursing (including, but not limited to: Registered nurses, practical nurses, physician's receptionists, (and medical records clerks).

2D. Medical Technology.

2E. Dentistry.

2F. Dental Technology.

2G. Optometry.

2H. Chiropractic and Osteopathy (not including osteopathic physicians who also practice medicine). (Amended)

2I. All Therapies, Prosthetics, and Healing (except Medicine, Osteopathy, or Osteopathic Medicine, Nursing, Dentistry, Chiropractic and Optometry). (Amended)

2J. Sociology (except Economics, and, including Criminology).

2K. Psychology.

2L. Law (including Judicature).

2M. Religion (including, but not limited to, Ministry).

2N. Primary School Teaching (including, but not limited to: Kindergartens, Nursery Schools).

2O. Secondary School Teaching (including, but not limited to Remedial Teaching, and, Teaching of English as a Foreign Language).

2P. Vocational and Technical School Teaching.

2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology (except Agriculture).

2R. Agricultural School Teaching.

2S. College and University Teaching of Education.

2T. College and University Teaching of Social Sciences, Liberal Arts and Literature.

2U. Teaching in Medical Schools (including, but not limited to, lecturers).

2V. Teaching in Law Schools (including, but not limited to, lecturers).

Group (3) Fields in Communication, Transport, and Construction Professions and Skills:

3A. Journalism (including, but not limited to, editors and reporters; and including text-book writers, interpreters, and translators). (Amended)

3B. Electrical Communication Technology.

3C. Radio Operation.

3D. Airplane Piloting.

3E. Architecture (including Marine Architecture).

3F. Construction (including, but not limited to, bulldozers, but not including skilled and unskilled laborers).

3G. Drafting.

3H. Skilled Operation of Construction Machines.

Group (4) Fields in Scientific Professions and Skills:

4A. Chemistry (including chemical engineers and all branches and specialties in Chemistry, but except in Pharmacy).

4B. Life Sciences (including, but not limited to Pharmacy and Biology).

4C. Physics (including physical chemists, metallurgists, and all branches and specialties in Physics).

4D. Mathematics.

4E. Laboratory Technology (including, but not limited to, physical and chemistry laboratory technicians).

4F. Metal Fabrication (including, but not limited to skilled metal craftsmen).

4G. Mining and Lumbering Engineering and Technology.

4H. Marine and Aeronautical Engineering and Technology (including, but not limited to, marine and flight engineers).

4I. Civil Engineering (including Airport Engineering).

4J. Mechanical Engineering (including, but not limited to: systems, safety, and production engineers, and, including Automatic Data Processing).

4K. Electrical Engineering.

4L. Electronic Engineering (including Radio Engineering).

4M. Repair and Maintenance Technology.

4N. Agriculture and Agronomy (including veterinarians and plant pathologists).

4O. Forestry.

4P. Fisheries (or other marine products).

4Q. Geology (including all branches and specialties, e.g., Oceanology and all branches of Applied Geology, and, including geophysicists and geochemists).

4R. Hydrology (including, but not limited to, Water Pollution).

4S. Desalinization.

4T. Surveying (including Oceanography).

Group (5) Fields in Business:

5A. Industrial and Business Administration and Management (including, but not limited to, programmers), and Project Evaluation. (Amended)

5B. Economics.

5C. Statistics.

5D. Insurance (including actuaries).

5E. Administration of Financial Institutions (including, but not limited to Savings and Loan Organizations and Credit Unions).

5F. Banking.

Group (6) Field of Library Science:

6A. Library Science (including, but not limited to, Electric Data Storage and Retrieval).

2. Part II, the following amendments concern only changes in the names or order of countries.

1. Under United Arab Emirates, correct the spelling of "Ajman."

2. Change "Dahomey" to read "Benin" and insert identical listing in proper alphabetical order.

3. Change "Central African Republic" to read "Central African Empire."

4. Change "Khmer Republic" to "Cambodia" and insert identical listing in proper alphabetical order.

5. Change "Ceylon" to "Sri Lanka" and insert identical listing in proper alphabetical order.

6. Insert "Lebanon" at the beginning of the listing for that country. The listing, which falls between those for Laos and Liberia, was mistakenly not identified in the original list.

3. Part II, the following amendments involve substantive changes:

1. Cancel the entire listing or South Africa.

2. Cancel the entire listing of Switzerland.

3. Correct Field 2V. for Malawi to read "2V. Teaching in Law Schools" instead of "2V. Teaching in Medical Schools."

4. Add the following new listing for Bahamas in proper alphabetical order:

BAHAMAS

GROUP 1

1A. Public Administration.

1B. Public Social Administration.

1E. Technical or Vocational School Administration.

1G. Labor Union Administration.

GROUP 2

2J. Sociology.

2K. Psychology.

2N. Primary School Teaching.

2O. Secondary School Teaching.

2P. Vocational and Technical School Teaching.

2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering, and Technology (except Agriculture).

2R. Agricultural School Teaching.

2S. College and University Teaching of Education.

WESTERN SAMOA

All Fields in all 6 groups listed in Part I.
8. Add the following new listing for Yemen Arab Republic in proper alphabetical order:

YEMEN ARAB REPUBLIC

GROUP 1

All Fields listed in Part I.

GROUP 2

2A. General Practice of Medicine.
2B. Recognized Medical Specializations.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.
2G. Optometry.
2H. Chiropractic and Osteopathy.
2I. All Therapies, Prosthetics, and Healing.
2J. Sociology.
2K. Psychology.
2L. Law.
2N. Primary School Teaching.
2O. Secondary School Teaching.
2P. Vocational and Technical School Teaching.
2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology.
2R. Agricultural School Teaching.
2S. College and University Teaching of Education.
2T. College and University Teaching of Social Science, Liberal Arts and Literature.
2U. Teaching in Medical Schools.
2V. Teaching in Law Schools.

GROUP 3

3B. Electrical Communication Technology.
3C. Radio Operation.
3D. Airplane Piloting.
3E. Architecture.
3F. Construction.
3G. Drafting.
3H. Skilled Operation of Construction Machines.

GROUP 4

4A. Chemistry.
4B. Life Sciences.
4C. Physics.
4D. Mathematics.
4E. Laboratory Technology.
4F. Metal Fabrication.
4G. Mining and Lumbering Engineering and Technology.
4H. Marine and Aeronautical Engineering and Technology.
4I. Civil Engineering.
4J. Mechanical Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

GROUP 5

5A. Industrial and Business Administration and Management, and Project Evaluation.
5B. Economics.
5C. Statistics.
5E. Administration of Financial Institutions.
5F. Banking.

GROUP 6

6A. Library Science.
5. Add the following new listing for Haiti in proper alphabetical order:

HAITI

All Fields in all 6 groups listed in Part I.

6. Add the following new listing for Papua New Guinea in proper alphabetical order:

PAPUA NEW GUINEA

GROUP 1

1A. Public Administration.

GROUP 2

2B. Recognized Medical Specialization.
2C. Nursing.
2D. Medical Technology.
2E. Dentistry.
2F. Dental Technology.

GROUP 3

3C. Radio Operation.
3D. Airplane Piloting.
3G. Drafting.

GROUP 4

4A. Chemistry.
4B. Life Sciences.
4E. Laboratory Technology.
4I. Civil Engineering.
4K. Electrical Engineering.
4L. Electronic Engineering.
4M. Repair and Maintenance Technology.
4N. Agriculture and Agronomy.
4P. Fisheries.
4Q. Geology.
4R. Hydrology.
4S. Desalinization.
4T. Surveying.

GROUP 5

5A. Industrial and Business Administration and Management and Project Evaluation.
5C. Statistics.
7. Add the following new listing for Western Samoa in proper alphabetical order:

GROUP 6

6A. Library Science.
9. The listing for the Philippines is amended by adding Groups (1), (5) and (6) and amending Groups (2), (3) and (4). Following is the entire amended listing for the Philippines:

PHILIPPINES

GROUP (1) (ENTIRE GROUP ADDED)

- 1A. Public Administration.
- 1B. Public Social Administration.
- 1D. Secondary School Administration.
- 1E. Technical or Vocational School Administration.
- 1F. Hospital Administration.
- 1G. Labor Union Administration.

GROUP (2)

- 2A. General Practice of Medicine.
- 2B. Recognized Medical Specializations. (Amended)
- 2C. Nursing, Including only registered nurses in a recognized nursing specialty.
- 2G. Optometry. (Added)
- 2J. Sociology. (Added)
- 2K. Psychology. (Added)
- 2P. Vocational and Technical School Teaching.
- 2Q. College and University Teaching in Natural Sciences, Mathematics, Engineering and Technology (Including teachers of anthropology and psychology). (Amended)
- 2R. Agricultural School Teaching.
- 2T. College and University Teaching of Social Sciences, Liberal Arts and Literature (particularly, teachers of sociology and economics). (Added)
- 2U. Teaching in Medical Schools.

GROUP (3)

- 3B. Electrical Communication Technology. (Added)
- 3D. Airplane Piloting.
- 3E. Architecture. (Added)
- 3H. Skilled Operation of Construction Machines. (Added)

GROUP (4)

All Fields listed in Part 1. (Fields 4A, 4B, 4C, 4D, 4E, 4F, 4N, 4O, and 4P added.)

GROUP (5) (ENTIRE GROUP ADDED)

All Fields listed in Part 1.

GROUP (6)

- 6A. Library Science. (Added)

The changes made in the Exchange-Visitor Skills list by this Public Notice shall be applied to any alien who obtains an exchange-visitor visa and/or becomes a participant in an Exchange-Visitor program on or after March 15, 1978.

This Notice amends Public Notice No. 356-37 FR 8099-8177, April 25, 1972.

Dated: January 27, 1978.

BARBARA M. WATSON,
Assistant Secretary for
Consular Affairs.

[FR Doc. 78-3805 Filed 2-8-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Edu-

cational Allowances that on March 2, 1978, at 10 a.m., the San Diego Regional Office Station Committee on Educational Allowances shall at Room 902, 2022 Camino del Rio North, San Diego, Calif. 92108 conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in North Park Beauty College, 4071 30th Street, San Diego, Calif. 92104 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: January 31, 1978.

HERBERT R. RAINWATER,
Director, VA Regional Office,
2022 Camino del Rio North
San Diego, Calif. 92108.

[FR Doc. 78-3750 Filed 2-9-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

ASSIGNMENT OF HEARINGS

(Notice No. 588)

FEBRUARY 7, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MCC 9650, Carolina Coach Co., et al. v. Roy L. Rouse Transportation Co., now assigned March 7, 1978, at Washington, D.C., is canceled and transferred to modified procedure.

MC 117851 (Sub-No. 23), John Cheeseman Trucking, Inc., now assigned February 15, 1978, at Washington, D.C., is canceled.

MC 141966 (Sub-No. 1), Gina Marie Express Co., Inc., now assigned March 7, 1978, at Chicago, Ill., will be held in Room 3855A, 230 South Dearborn Street.

MC 121509 (Sub-No. 4), Daufeldt Transport, Inc., now assigned March 8, 1978, at Chicago, Ill., will be held in Room 3855A, 230 South Dearborn Street.

MC 138627 (Sub-No. 21), Smithway Motor Xpress, Inc., now assigned March 10, 1978, at Chicago, Ill., will be held in Room 3855A, 230 South Dearborn Street.

MCP 13251, Chief Truck Lines, Inc.—Purchase—Murphy Transportation, Inc.,

Charles Johnson Trustee in Bankruptcy and MC 43963 (Sub-No. 11), Chief Truck Lines, Inc., now assigned March 15, 1978, at Chicago, Ill., will be held in Room 3855A, 230 South Dearborn Street.

MC 82492 (Sub-No. 157), Michigan & Nebraska Transit Co., Inc., and MC 113434 (Sub-No. 83), Gra-Bell Truck Line, Inc., now assigned March 13, 1978, at Chicago, Ill., will be held in Room 3855A, 230 South Dearborn Street.

MC 118431 (Sub-No. 28), Denver Southwest Express, Inc., and MC 126844 (Sub-No. 40), R.D.S. Trucking Co., Inc., now assigned March 9, 1978, at Chicago, Ill., will be held in Room 3855A, 230 South Dearborn Street.

MC 111871 (Sub-No. 10), Southeastern Freight Lines, is assigned for continued hearing on March 20, 1978 (3 days), at Charlotte, N.C., and will be held at the Holiday Inn, Sugar Creek Road and Interstate 85 North.

MCC 9855, Presley Tours, Inc. v. National Mehl Tours, Inc., et al., now being assigned March 20, 1978 (1 day), at Chicago, Ill., in a hearing room to be later designated.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-3822 Filed 2-9-78; 8:45 am]

[7035-01]

[Finance Docket No. 28674]

KNAPPTON TOWBOAT CO.—CONTROL—BRUSCO TOWBOAT CO. AND ROLAND E. BRUSCO AND MICHAEL E. BRUSCO, INDIVIDUALS

Knappton Towboat Co. (Transferor), 110 Southeast Caruthers, Portland, Ore. 97214, represented by Alex L. Parks, of White, Sutherland, Parks & Allen, 1200 Jackson Tower, Portland, Ore. 97205, and Donald Macleay, Lynch, Bernhard & Gree, 1625 K Street NW., Washington, D.C. 20006, hereby give notice that on the 31st day of January 1978, it filed with the Interstate Commerce Commission at Washington, D.C., an application under section 5(2) of the Interstate Commerce Act for an order approving and authorizing Knappton Towboat Co. to acquire, by stock exchange and purchase all of the outstanding stock of Brusco Towboat Co. (Transferor) and Roland E. Brusco, and individual (Transferor) and Michael E. Brusco, an individual (Transferor) and upon Commission approval, to thereafter merge the properties of Brusco Towboat Co. into Knappton Towboat Co. by statutory merger, which application is assigned Finance Docket No. 28674.

The operating authority of the acquiring carrier (Knappton Towboat Co.) pursuant to authority granted in Docket No. W-420 currently embraces operations by towing vessels in the performance of general towage of commodities generally between ports and points in Oregon and Washington along the Columbia River and its tri-

butaries from the mouth of the Columbia River to and including Alderdale, Wash., and by non-self-propelled vessels with the use of separate towing vessels in the transportation of commodities generally between ports and points in Oregon and Washington along the Columbia River and its tributaries from the mouth of the Columbia River to and including Celilo, Ore.

The operating authority of the carrier being merged (Brusco Towboat Co.) pursuant to a certificate issued in Docket No. W-71 is embraced within the foregoing operating authority of the acquiring carrier, Knappton Towboat Co. If the transaction is consummated, any duplications with respect to the respective operating rights of the two carrier corporations will be eliminated.

No application for temporary authority has been filed under section 311(b).

In the opinion of the applicant, the granting of the authority sought will

not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28674 and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce

Commission, Washington, D.C. 20423, not later than 45 days after the date notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to formally participate in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation and the Attorney General.

H. G. HOMME, JR.,
Acting Secretary.

[FR Doc. 78-3823 Filed 2-9-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

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[6712-01]

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2:30 p.m., Thursday, February 2, 1978.

PLACE: Room 847, 1919 M Street NW., Washington, D.C.

STATUS: Emergency open meeting.

MATTER TO BE CONSIDERED: Complaint by the Labor Party against television station WNET, Newark, N.J.

The prompt and orderly conduct of Commission business did not permit announcement prior to this meeting.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 3, 1978.

[S-313-78 Filed 2-8-78; 8:56 pm]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, February 8, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following agenda items should be deleted:

Agenda, Item No., and Subject

General—1—Amendment of Parts 2, 13, 81, and 83 of the Commission's Rules relating to the use of radiotelegraphy in the maritime services (Docket No. 20813).

Common Carrier—6—Modification of procedures in Docket No. 20814, investigation into A.T. & T.'s Multi-Schedule Private Line (MPL) tariff.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 6, 1978, February 7, 1978.

[S-312-78 Filed 2-8-78; 8:56 am]

[6715-01]

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, February 15, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audits, Compliance, Personnel.

DATE AND TIME: Thursday, February 16, 1978 at 10 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

I. Future meetings.

II. Correction and approval of minutes.

III. Advisory opinions: 1977-57, 1977-61, 1978-3.

IV. FOIA regulations.

V. Procedures on nonfilers: Part 1.

VI. FEC clearinghouse fiscal year 1978 research program.

VII. Appropriations and budget.

VIII. Classification actions.

IX. Pending legislation.

X. Pending litigation.

XI. Liaison with other Federal agencies.

XII. Routine administrative matters.

ALSO: Any items from the open meeting of February 9, 1978 which may be carried over.

Portions closed to the public:

Any items continued from the executive session of February 15, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-321-78 Filed 2-8-78; 3:39 pm]

[6715-01]

FEDERAL ELECTION COMMISSION.

FEDERAL REGISTER NO. S-100-78-624.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 9, 1978 at 2 p.m.

CHANGE IN MEETING: The meeting will start at 10 a.m. due to the change in time and date for the Commission to testify before the House Appropriations Committee.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-320-78 Filed 2-8-78; 2:38 pm]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4649, February 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m. February 8, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CP-5(A)—CP77-591, Southern Natural Gas Co.

CP-5(B)—CI77-783 and CI77-784, Kerr-McGee Corp.

KENNETH F. PLUMB,
Secretary.

[S-315-78 Filed 2-8-78; 9:11 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

DATE: February 7, 1978.

SUNSHINE ACT MEETINGS

5915

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: February 15, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items in the agenda, however, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA—53D MEETING, FEBRUARY 15, 1978, REGULAR MEETING (10 A.M.)

I. ELECTRIC RATE MATTERS

ER-1. Docket Nos. ER78-70 and ER78-71, Pennsylvania Power & Light Co.

CAP-1. Docket No. ER78-177, Northern States Power Co. of Minnesota.

CAP-2. Docket Nos. ER78-84, ER78-85, and ER78-86, Southern California Edison Co., Arizona Public Service Co., Nevada Power Co., and Tucson Gas & Electric Co.

CAP-3. Project No. 2146, Alabama Power Co.

CAP-4. Lands withdrawn in projects Nos. 373, 521, 937, 1024, 1415, 1546, 1547, and 1825.

CAP-5. Lands withdrawn in project No. 941—Colorado.

CAP-6. Lands withdrawn in project No. 907—Colorado.

CAP-7. Lands withdrawn in project No. 1144—Alaska.

CAP-8. Lands withdrawn in project Nos. 385, 445, 506, 519, 1220, 1296, 1418, 1519, 1576, 1615, 1616, 1618, 1678, 1682, and 1750—Colorado.

CAP-9. Docket No. DA-117-Alaska, Bureau of Land Management.

CAP-10. State Director, Bureau of Land Management, Denver, Colo. Applications (C-099597, C-22081).

CAP-11. State Director, Bureau of Land Management, Denver, Colo. Application (C-25932).

CAP-12. Docket No. ID-1734, John R. Burton.

GAS AGENDA—53D MEETING, FEBRUARY 15, 1978, REGULAR MEETING

I. PIPELINE RATE MATTERS

RP-1. Docket No. RP77-56, Northern Natural Gas Co.

RP-2. Docket No. RP78-25 (DCA78-1), Transcontinental Gas Pipe Line Corp.

RP-3. Docket Nos. RP78-19 and RP-78-20, Columbia Gulf Transmission Co. and Columbia Gas Transmission Corp.

II. PRODUCER MATTERS

A. Producer Certificates:

CI-1. Docket No. CI77-298, Tenneco, Inc.

CI-2. Docket No. CI77-718, South Louisiana Production Co., Inc. (operator), et al.

CI-3. Docket No. CI77-721, Harkins & Co. (operator, et al.), Docket No. CI77-724, C. & K. Petroleum, Inc., et al. Docket No. CI77-758, Amerada Hess Corp.

CI-4. Reserved.

CI-5. Reserved.

CI-6. Reserved.

B. Producer Rates:

CI-7. Docket Nos. CI76-633 and CI76-644, Tenneco Exploration, Ltd. Docket No. CI76-678, Tenneco Oil Co. Docket Nos. CI76-722 and CI76-784, Texaco, Inc.

CI-8. Docket No. RI77-136, Chevron U.S.A., Inc.

CI-9. Reserved.

CI-10. Reserved.

CI-11. Reserved.

C. Special relief:

CI-12. Docket No. RI77-123, Dorfman Production Co., operator.

II. PIPELINE CERTIFICATE MATTERS

A. Pipeline certificates:

CP-1. Docket No. CP76-118, U-T Offshore system.

CP-2. Docket Nos. CP77-597 and CP77-851, Trunkline Gas Co.

CP-3.

(A) Docket No. CP77-363, Columbia Gas Transmission Corp. and National Fuel Gas Supply Corp.

(B) Docket No. CP77-38, Tennessee Gas Pipeline Co., a division of Tenneco Inc. and National Fuel Gas Supply Corp.

(C) Docket No. CI76-432, Cabot Corp., Docket No. CP76-19, Columbia Gas Transmission Corp., and the Sylvania Corp., Docket No. CP76-361, Columbia Gas Transmission Corp.

(D) Docket No. CP77-477, Panhandle Eastern Pipe Line Co.

CP-4. Docket No. CP77-383 (Phase I), Panhandle Eastern Pipe Line Co., Docket No. CP77-423 (Phase I), Colorado Interstate Gas Co.

CP-5. Reserved.

CP-6. Reserved.

CP-7. Reserved.

B. Pipeline physical connection:

CP-8. Docket No. CP77-607, city of Marletta, Tex., applicant; Natural Gas Pipeline Co. of America, respondent.

CP-9. Reserved.

CP-10. Reserved.

CP-11. Reserved.

C. Synthetic natural gas:

CP-12. Docket Nos. CP77-495, CP77-596 and CP77-598, Transcontinental Gas Pipe Line Corp.

CP-13. Reserved.

CP-14. Reserved.

CP-15. Reserved.

D. Liquefied natural gas:

CP-16. Docket No. CP77-418, Texas Eastern Transmission Corp. and Consolidated System LNG Co., Docket No. CP71-290, Consolidated System LNG Co.

CP-17. Reserved.

CP-18. Reserved.

CP-19. Reserved.

E. Storage:

CP-20. Docket No. CP66-237, Natural Gas Pipe Line Co. of America.

CP-21. Reserved.

CP-22. Reserved.

CP-23. Reserved.

F. Curtailment:

CP-24. Docket No. RP72-99, Transcontinental Gas Pipe Line Corp.

CP-25. Docket No. RP75-80, Alabama-Tennessee Natural Gas Co.

GAS AGENDA—53D MEETING, FEBRUARY 15, 1978, REGULAR MEETING

CAG-1. Docket No. CP78-110, South Georgia Natural Gas Co.

CAG-2. Docket No. CP77-461, Cities Service Gas Co.

CAG-3. Docket No. CP76-464, Equitable Gas Co.

CAG-4. Docket No. CP78-101, Montana-Dakota Utilities Co.

CAG-5. Docket No. CP78-94, Tennessee Gas Pipeline Co., a division of Tenneco Inc.

CAG-6. Docket No. CP78-80, Mountain Fuel Resources, Inc.

CAG-7. Docket No. CP78-75, Arkansas Louisiana Gas Co., Docket No. CP78-113, Panhandle Eastern Pipe Line Co.

CAG-8. Docket No. CP78-51, Southern Natural Gas Co. and United Gas Pipe Line Co.

CAG-9. Docket No. CP78-48, Arkansas Oklahoma Gas Corp.

CAG-10. Docket No. CP73-73, Natural Gas Pipeline Co. of America.

CAG-11. Docket No. CP73-43, Mountain Fuel Supply Co.

KENNETH F. PLUMB,
Secretary.

[S-319-78 Filed 2-8-78; 2:18 pm]

[6210-01]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, February 15, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Appointment of an officer at a Federal Reserve Bank.

2. Proposed negotiation of competitive purchases of computers and computer equipment within the Federal Reserve System.

3. Possible amendments to section 23A of the Federal Reserve Act to be submitted to the Congress.

4. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

Dated: February 7, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-314-78 Filed 2-8-78; 8:56 am]

8

NATIONAL RAILROAD PASSENGER CORPORATION.

In accordance with rule 4d. of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the following item will be added to the agenda for the Special Board of Directors Meeting of February 8, 1978:

5916

SUNSHINE ACT MEETINGS

[7710-12]

10

POSTAL SERVICE.

On February 7, 1978, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of its meeting currently scheduled for March 7, 1978. Each of the members of the board voted in favor of partially closing the meeting, which is expected to be attended by the following persons: Governors Wright, Holding, Ching, Coddling, Hardesty, and Robertson; Postmaster General Ballar; Deputy Postmaster General Bolger; Secretary to the Board Cox; and Senior Assistant Postmaster General (Employee and Labor Relations) Conway.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in anticipated collective bargaining negotiations involving parties to the 1975 National Agreement between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1978.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditionally depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions,

and consequently the cost, quality, and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3) and 552b(c)(9)(B) of title 5 and section 410(c)(3) of title 39, United States Code, and sections 7.3(c) and 7.3(i) of title 39, Code of Federal Regulations.

Louis A. Cox,
Secretary.

[S-318-78 Filed 2-8-78; 2:18 am]

2. Internal personnel matters.

Board members Besson, Dunlop, Head, Jacobs, Langdon, Lorentzen, Luna, MacDonald, Quinn, and Rels-trup determined by recorded vote that the business of the Corporation requires the change in subject matter by addition of the agenda item, and affirmed that no earlier announcement of the change was possible, and directed the issuance of this notice at the earliest practicable time.

The revised agenda for the meeting follows:

Closed session:

1. Litigation matters.
2. Internal personnel matters.

Inquiries regarding the agenda for the February 8, 1978, Special Board Meeting should be directed to the Corporate Secretary at 202-383-7973.

Dated: February 7, 1978.

ELYSE G. WANDER,
Corporate Secretary.

[S-317-78 Filed 2-8-78; 10:26 am]

[4910-58]

9

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, February 16, 1978 (NM-78-8).

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Pipeline Accident Report.—Alyeska Pipeline Service Co., Explosion and Fire, Pump Station 8, near Fairbanks, Alaska, July 8, 1977.
2. Discussion.—Closeout of Safety Recommendations A-786-109, A-76-114, and A-76-115.
3. Discussion.—Closeout of Intermodal Safety Recommendations.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming 202-472-6022.

[S-316-78 Filed 2-8-78; 9:37 am]

FRIDAY, FEBRUARY 10, 1978

PART II

DEPARTMENT OF
LABOROccupational Safety and
Health AdministrationOCCUPATIONAL
EXPOSURE TO BENZENEOccupational Safety and Health
Standards

[4510-26]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Occupational Exposure to Benzene

AGENCY: The Occupational Safety and Health Administration, Department of Labor.

ACTION: Permanent standard for the regulation of benzene.

SUMMARY: This standard is based on a determination by the Occupational Safety and Health Administration (OSHA) that the available scientific evidence establishes that employee exposure to benzene presents a cancer hazard—specifically, the hazard of developing leukemia. Therefore, in accordance with OSHA's regulatory approach to the control of employee exposure to carcinogens, this standard limits employee exposure to benzene to the lowest feasible level, in this case 1 part benzene per million parts of air (1 ppm) as an 8 hour time-weighted average concentration, with a ceiling level of 5 ppm for any 15 minute period during the 8 hour day. The standard also prescribes limits on eye and skin contact with benzene.

The standard provides for the measurement of employee exposure, engineering controls, work practices, personal protective clothing and equipment, signs and labels, employee training, medical surveillance and record-keeping.

EFFECTIVE DATE: March 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Gail Brinkerhoff, Office of Compliance Programs, OSHA, Third Street and Constitution Avenue NW., Room N3112, Washington, D.C. 20210, telephone 202-523-8034.

SUPPLEMENTARY INFORMATION: This permanent Occupational Safety and Health standard is issued pursuant to sections 6(b), 6(c) and 8(c) of the Occupational Safety and Health Act of 1970 (the Act) (84 Stat. 1593, 1596, 1599; 29 U.S.C. 655, 657), the Secretary of Labor's Order No. 8-76 (41 FR 25059) and 29 CFR Part 1911. The new standard on occupational exposure to benzene which appears at 29 CFR 1910.1028, applies to all employment in all industries covered by the Act. For reasons set out below, the standard does not apply to the distribution or use of gasoline and other fuels, used as fuels, subsequent to discharge from bulk terminals. Moreover, the standard applies labelling and training requirements only to sealed, intact containers of benzene.

This document also amends Table Z-2 of 29 CFR 1910.1000 by adding a footnote which provides that benzene exposures not covered by the new § 1910.1028 are still covered by the exposure level and other requirements of § 1910.1000. Pursuant to section 4(b)(2) of the Act, OSHA has determined that this standard is more effective than corresponding standards now applicable to the maritime and construction industries and currently contained in Subpart B of Part 1910, and Parts 1915, 1916, 1917, 1918 and 1926 of Title 29, Code of Federal Regulations. Therefore, those corresponding standards are superseded by the new standards in § 1910.1028. A new paragraph (c) is added to § 1910.19 to clarify the applicability of this new benzene standard to the construction and maritime industries.

I. BACKGROUND

Benzene (C₆H₆) is a clear, colorless, non-corrosive, highly flammable liquid with a strong, rather pleasant odor. Benzene's low boiling point and high vapor pressure cause it to evaporate rapidly under ordinary atmospheric conditions, giving off vapors nearly three times heavier than air.

Benzene is produced primarily by the petrochemical and petroleum refining industries by a process called catalytic reformation, which converts certain lower octane hydrocarbons into higher octane aromatics. These two industries are responsible for 94 percent of the total U.S. production of benzene. Recovery through catalytic reformation, including the benzene formed from the hydroalkylation of toluene, accounts for almost 80 percent of the total quantity produced. Recovery of coal-derived benzene, primarily as a by-product of the coking process in steel mills, was once the major source of benzene. Today, however, it accounts for only 6 percent of the total U.S. production.

The production of benzene is rapidly expanding with approximately 11 billion pounds produced in 1976. Only eleven other chemicals and only one other hydrocarbon (ethylene) are produced in greater tonnage in the U.S. Approximately 86 percent of this benzene is used chiefly as an intermediate in the production of other organic chemicals, including styrene, phenol, and cyclohexane. The remaining amount is used primarily in the manufacture of detergents, pesticides, solvents and paint removers. Benzene is also present as a component of motor fuels, averaging less than 2 percent in gasoline.

The first major industrial use of benzene, however, was as a solvent in the rubber industry just preceding World War I. During World War I, benzene production was stimulated greatly by the demand for and result-

ing production of toluene in the manufacture of explosives. The large quantities of benzene which were produced, resulted in its more widespread use as a starting point for the manufacture of various organic compounds. This situation led to greatly increased uses of benzene as a solvent in the artificial leather, rubber goods, and rotogravure industries.

Industries and processes currently using benzene include the chemical, printing, lithograph, rubber cements, rubber fabricating, paint, varnish, stain removers, adhesives, and petroleum industries. Benzene is also used extensively in chemical laboratories as a solvent and as a reactant in numerous chemical applications. Where benzene is produced and used in large amounts, it is generally used in enclosed systems, although exposures can occur during liquid transfer operations, from equipment leakage and carryover losses, and in maintenance operations.

II. HISTORY OF REGULATION

Benzene has been recognized as a toxic substance capable of causing acute or chronic effects since 1900. In 1927, on the basis of extensive examination of exposed workmen and animal inhalation data, Winslow recommended an exposure limit of 100 ppm for benzene (Ex. 156-3, Annex D).¹ In 1934, partially as a result of the fact that benzene toxicity in the shoe leather industries was a serious problem in that state, the Massachusetts Department of Labor and Industries established a Division of Occupational Hygiene (Ex. 156-3, p. 2). Relying on reports by Bowditch, Hunter, Mallory and Elkins of cases of benzene poisoning occurring at concentrations below 100 ppm, the Massachusetts Division of Occupational Hygiene reduced the maximum acceptable limit (MAC) to 75 ppm (Ex. 156-3, p. 6-7). In the 1940's, as a result of blood abnormalities and one death among leather workers exposed to benzene concentrations ranging from 40 to 80 ppm, Massachusetts lowered the permissible limit of benzene exposure to 35 ppm (Elkins Ex. p. 7).

The American Conference of Governmental Industrial Hygienists

¹The exhibit numbers used in this document refer to the certified exhibit list of the benzene rulemaking proceeding. The first number designates the particular exhibit on that list. Where the exhibit contains more than one item, the second number references the particular item of the exhibit. The designation "PC" refers to posthearing comments in Exhibit 217. The designation "Tr" refers to the transcript of the benzene hearing and indicates the pages of that transcript which are referenced.

All references in this document are intended to provide examples of record support for the information stated.

(ACGIH) recommended in 1946 a threshold limit value (TLV) for benzene exposure of 100 ppm. This TLV was reduced in 1947 to 50 ppm. In 1948, following Massachusetts' lead, ACGIH adopted a TLV of 35 ppm. In 1963, a TLV of 25 ppm was proposed by the ACGIH. The effects of benzene noted by ACGIH at this time were blood changes, aplastic anemia and other blood dyscrasias. No mention was made of any association of leukemia with benzene exposure (Ex. 191). It was not until 1974 that the ACGIH adopted the TLV of 10 ppm which had sometime earlier been recommended by the American National Standards Institute (Ex. 156-3, p. 7).

The present OSHA standard for benzene (29 CFR Part 1910.1000, Table Z-2) was adopted in 1971 from the Z 37.4-1969 consensus standard of the American National Standards Institute (ANSI). The OSHA standard was adopted without rulemaking under the authority of section 6(a) of the Act. It prescribes, as the ANSI standard, an 8-hour TWA of 10 ppm with an acceptable ceiling concentration of 25 ppm and, in addition, allows excursions above the ceiling to a maximum peak concentration not to exceed 50 ppm for more than 10 minutes in any 8-hour work period. Neither the ANSI standard nor the resultant OSHA standard was based on the possible leukemogenic effects of exposure to benzene.

In 1974, pursuant to section 22(d) of the Act, the Director of NIOSH submitted to the Secretary of Labor a criteria document concerning occupational exposure to benzene which stated that "the possibility that benzene can induce leukemia cannot be dismissed." (Ex. 32A, p. 1). However, NIOSH recommended retention of the existing permissible exposure limit of 10 ppm and ceiling concentration of 25 ppm as measured over a 10 minute period. This recommendation was not based on benzene's potential leukemia hazard.

In a letter to the Secretary of Labor, dated April 23, 1976, the United Rubber, Cork, Linoleum, and Plastic Workers of America urged that an emergency temporary standard regulating occupational exposure to benzene be issued (Ex. 2-42). This request was denied on May 18, 1976 by then Secretary of Labor, William J. Usery (Ex. 2-43).

Also in 1976, the National Academy of Sciences, under contract with the United States Environmental Protection Agency, reviewed the literature concerning health effects of benzene exposure (Ex. 2-4). The Academy concluded that benzene must be considered a suspect leukemogen.

In August 1976, NIOSH submitted to OSHA an updated criteria document which revised its earlier assessment of

1974 (Ex. 2-6). On the basis of a review of old studies and new data, NIOSH concluded in that document that benzene was a leukemogen. This report further pointed out that "it is apparent from the literature that benzene leukemia continues to be reported." NIOSH, therefore, recommended that since no safe level for benzene exposure could be established that, "no worker be exposed to benzene in excess of 1 ppm in air." Following publication of the updated criteria document, the Director of NIOSH recommended to the Assistant Secretary of Labor, by letter dated October 27, 1976, that OSHA publish an emergency temporary standard for benzene establishing the exposure level at 1 ppm (Ex. 2-6).

Based on the information supplied by NIOSH, OSHA issued on January 14, 1977, voluntary "Guidelines for Control of Occupational Exposure to Benzene," recommending that exposure to benzene in air not exceed an 8-hour time-weighted average to 1 ppm in any 8-hour shift of a 40 hour week (Ex. 2-44).

In January 1977, NIOSH informed OSHA that workplace environments had been found in St. Mary's and Akron, Ohio where a sufficient number of employees had been exposed to benzene for a number of years to facilitate an epidemiological study of health risks (Ex. 2-45). The worksite was a manufacturing plant owned by Goodyear Tire and Rubber Company which utilized benzene at various stages in the production of piliolite. The preliminary conclusions of the epidemiological study, which NIOSH conducted of the piliolite workers, were transmitted to OSHA on April 15, 1977. In his letter of April 15, 1977, transmitting this report, the Director of NIOSH again urged that an emergency standard be issued (Ex. 2-7).

On May 3, 1977, the Assistant Secretary for OSHA issued an Emergency Temporary Standard for Occupational Exposure to Benzene (42 FR 22516), pursuant to sections 6(c) and 8(c) of the Act, Secretary of Labor's Order No. 8-76, and 29 CFR Part 1911. A correction document was published on May 10, 1977 (41 FR 23601), and an amendment to the emergency temporary standard was published on May 24, 1977 (42 CFR 26429). The evidence and findings supporting issuance of the emergency temporary standard and its amendment and a discussion of its provisions are set forth in the aforementioned FEDERAL REGISTER publications. The emergency temporary standard was to have been effective on May 21, 1977. However, as a result of challenges to that standard, filed both in the Court of Appeals for the District of Columbia (*Industrial Union, AFL-CIO v. Bingham*, No. 77-

1395) and in the Court of Appeals for the Fifth Circuit (*API v. OSHA*, No. 77-1516), a temporary restraining order was issued by the Fifth Circuit on May 20, 1977, and the standard never officially went into effect.

On May 27, 1977, OSHA published a proposed permanent standard to control occupational exposure to benzene (42 FR 27452). The emergency temporary standard and its preamble, which the new proposal supplemented, were incorporated in that proposal. The FEDERAL REGISTER document setting forth the proposal also contained a notice of hearing scheduling an informal public hearing to be held pursuant to section 6(b)(3) of the Act, and requesting the submission of written comments, data, views and arguments on all the issues raised by the proposed permanent standard and the emergency temporary standard. Subsequently, on June 24, 1977 (42 FR 32263), OSHA excluded from the scope of the benzene hearing and from the final permanent standard those activities related to the storage, transportation, distribution, dispensing and sale of gasoline as a fuel subsequent to its discharge from bulk terminals. OSHA explained in that notice its intention to assess the regulatory action to be taken to protect workers involved in these activities after conclusion of the deliberations of a joint EPA-NIOSH-OSHA Task Force.

The public hearings on the benzene proposal were held July 19 through August 10, 1977. A total of 95 individuals appeared at these hearings as witnesses. Among the witnesses were employers and employer associations from a variety of industries: petroleum refining, petrochemical, oil and gas production, aviation fueling, and coke ovens and coke by-products. In addition, representatives of the affected workforce, including a number of employees who have been exposed to benzene, unions, government agencies, public interest groups and other interested parties appeared. Furthermore, comments were received from representatives of other industries, such as analytical and research laboratories, paint manufacturing, construction, maritime, and rubber manufacturing and from users of pure benzene as well as users of benzene contaminated solvents. Public participation was representative of a large segment of the benzene users. The verbatim transcript of the hearings, as well as the numerous comments, exhibits and briefs submitted to OSHA before, during and after the hearings, are part of this rulemaking record, along with other relevant documents. The hearing record was originally scheduled to close on August 20, 1977 but, at the request of industry participants, the record was kept open until September 2, 1977 for the submission of addition-

al evidence and until September 27, 1977 for the submission of briefs, summaries and arguments.

In conjunction with the development of the proposed standard, OSHA prepared a draft environmental impact statement. The draft environmental impact statement was published in the FEDERAL REGISTER (42 FR 27455). On June 17, 1977, the Council on Environmental Quality published a notice of availability of the benzene draft environmental impact statement (Ex 7). In addition to the 45 day comment period specified in 29 CFR 1999.4(g), the environmental impact of the proposed standard was also an issue for the benzene hearing as provided by 29 CFR 1999.4(h) and the notice of proposed rulemaking (42 FR 27452). A notice of availability of the final environmental impact statement for benzene was published on February 3, 1978 by EPA (43 FR 4674).

In addition to the draft environmental impact statement, OSHA prepared an economic and inflationary impact assessment of the proposed standard evaluating factors relevant under section 6(b) of the Act (29 U.S.C. 655 (b)(5), Secretary of Labor's Order 15-75 (40 FR 54484) and Executive Orders Nos. 11821 (39 FR 41501) and 11949 (42 FR 1017). The notice of the proposed standard indicated that the economic impact of this proposal was to be considered at the hearing (42 FR 27452) and certified that the economic and inflationary impact of the proposed standard has been carefully evaluated in accordance with Executive Orders 11821 and 11949.

This permanent benzene standard is based on a careful consideration of the entire record in this proceeding, including materials relied on in the emergency temporary standard, materials referenced in the proposal, and the record of the informal rulemaking hearing including the transcript, exhibits and pre-hearing and post-hearing written comments. Copies of the official list of hearing exhibits, comments, and notices of intent to appear at the hearing can be obtained from the Docket Office, Docket H-059, Room S6212, U.S. Department of Labor, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

III. PERTINENT LEGAL AUTHORITY

The primary purpose of the Act is to assure, so far as possible, safe and healthful working conditions for every working man and woman. One means prescribed by Congress to achieve this goal is the authority vested in the Secretary of Labor to set mandatory safety and health standards.

Occupational safety and health standards provide notice of the requisite conduct or exposure level and provide a basis for assuring the existence of safe and healthful workplaces. The act provides that:

The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. (Section 6(b)(5).)

Sections 2(b) (5) and (6), (20), (21), (22), and (24) of the Act reflect Congress' recognition that conclusive medical or scientific evidence including causative factors, epidemiological studies or dose-response data may not exist for many toxic materials or harmful physical agents. Nevertheless, standards cannot be postponed because definitive medical or scientific evidence is not currently available. Indeed, standards need only be based on the best available evidence. The legislative history makes it clear that "it is not intended that the Secretary be paralyzed by debate surrounding diverse medical opinion." House Committee on Education and Labor, Report No. 91-1291, 91st Cong., 2d Session, p. 18 (1970). This Congressional judgment is supported by the courts which have reviewed standards promulgated under the Act. In sustaining the standard for occupational exposure to vinyl chloride (29 CFR 1910.1017), the U.S. Court of Appeals for the Second Circuit stated that "it remains the duty of the Secretary to act to protect the working man, and to act even in circumstances where existing methodology or research is deficient." "Society of the Plastics Industry Inc. v. Occupational Safety and Health Administration," 509 F. 2d 1301 (C.A. 2 1975), cert. den. 95 S. Ct. 1998, 4 L. Ed. 2d 482 (1975). A similar rationale was applied by the U.S. Court of Appeals for the District of Columbia Circuit in reviewing the standard for occupational exposure to asbestos (29 CFR 1910.1001). The Court stated that:

Some of the questions involved in the promulgation of these standards are on the frontiers of scientific knowledge, and consequently as to them insufficient data is presently available to make a fully informed factual determination. Decision-making must in that circumstance depend to a greater extent upon policy judgments and less upon purely factual judgments.

"Industrial Union Department, AFL-CIO v. Hodgson," 499 F. 2d 467, 474 (C.A.D.C. 1974).

In setting standards, the Secretary is expressly required to consider the fea-

sibility of the proposed standards. Senate Committee on Labor and Public Welfare, S. Rep. No. 91-1282, 91st Cong., 2d Sess., p. 58 (1970). Nevertheless, considerations of technological feasibility are not limited to devices already developed and in use. Standards may require improvements in existing technologies or require the development of new technology. "Society of the Plastic Industry, Inc. v. Occupational Safety and Health Administration," supra at 1309.

Where appropriate, the standards are required to include provisions for labels or other forms of warning to apprise employees of hazards, suitable protective equipment, control procedures, monitoring and measuring of employee exposure, employee access to the results of monitoring, and appropriate medical examination (section 6(b)(7)). Standards may also prescribe recordkeeping requirements where necessary or appropriate for enforcement of the Act or for developing information regarding occupational accidents and illnesses (section 8(c)). The permanent standard for benzene was developed on the basis of the above legal considerations.

IV. HEALTH EFFECTS

A. GENERAL

Inhalation is the primary route of entry of benzene in man. Benzene diffuses rapidly through the lungs and is quickly absorbed into the blood. The rate of absorption is greatest during the first five minutes and thereafter declines significantly. Benzene saturation of the circulating blood may reach as high as 70-80 percent saturation level within the first 30 minutes. However, relatively complete saturation of the blood may not be attained for two to three days.

The benzene absorbed by the circulating blood is distributed throughout the body where, because of its liposolubility, it tends to accumulate in various body organs in proportion to their fat content.

Upon removal from benzene exposure, the concentration of benzene in the expired breath follows an exponential decay curve, reflecting removal of benzene from various body compartments. Elimination via this route for relatively high concentrations has been estimated to range from 12 to 50 percent of the total amount of benzene absorbed in humans.

Most of the absorbed benzene remaining ultimately is metabolized by enzymes contained in the liver to derivatives which are more water soluble thereby facilitating their removal by the kidneys. A first intermediate in the biotransformation of benzene is believed to be benzene epoxide, a highly reactive chemical. This is one of several candidates—others: Hydro-

quinone and catechol, (Snyder Tr. 3229) suggested as the active agent responsible for benzene's hematotoxic effects. Phenol, and to a lesser extent, hydroquinone, pyrocatechol, and phenyl-mercapturic acid are the primary metabolites of benzene found in urine.

B. ACUTE EFFECTS

Exposures to high concentrations of benzene produce an almost immediate effect upon the central nervous system. Benzene concentrations near 20,000 ppm are fatal within minutes, with death occurring from acute circulatory failure or coma, with or without convulsions. Milder exposures produce a period of nervous excitation, euphoria, headache and nausea, followed by a period of depression which can result in cardiovascular collapse and/or unconsciousness. The occurrence of nonspecific nervous disturbances as an after-effect of acute exposures is dependent on duration of unconsciousness and/or severity of circulatory failure. Breathlessness, nervous irritability, and unsteadiness in walking have been observed to persist for a period of several weeks. Inhalation of still lower concentrations (250-500 ppm) yields signs and symptoms of mild poisoning, characterized by vertigo, drowsiness, headache, and nausea. Rapid recovery from these symptoms usually occurs following cessation of exposure.

These effects due to acute exposures to high concentrations of benzene have been recognized for many years and are well documented in classic toxicological textbooks and literature.

Direct contact with the liquid may cause erythema and blistering. Prolonged or repeated skin contact, even with small quantities of benzene, has been associated with the development of a dry, scaly dermatitis, or with secondary dermal infections.

C. CHRONIC EFFECTS

1. *Background.* The primary focus of this regulation is to minimize worker risk resulting from chronic exposure to low levels of benzene. These effects of benzene exposure in man have been recognized for approximately 80 years. As benzene attacks the hematopoietic (blood-forming) systems and especially the bone marrow, its toxicity is manifested primarily by alterations in the level of the formed elements in the circulating blood (red cells, white cells, and platelets). The degree of severity ranges from mild and transient episodes to severe and fatal disorders. The mechanism by which benzene produces its toxic effects, although under investigation, is still unknown. (Goldstein, Ex. 43.B, p. 132).

The adverse hematopoietic effects of benzene, including leukemia, have been documented in a variety of indus-

tries and occupations and include the rubber, shoe, rotogravure, painting, chemical processing, can manufacturing industries and more recently, the manufacture of natural rubber cast film. These studies range from single case reports, through cross-sectional studies to retrospective studies of morbidity-mortality among a defined cohort of workers industrially exposed to benzene. An important distinction among these investigations is that the cross-sectional method detects cases of mild benzene-induced hematotoxic effects in current employees who do not demonstrate signs of overt toxicity, whereas the retrospective method detects overt and fatal toxic effects subsequent to termination of employment.

OSHA is aware of the varying quality of the individually reported studies. Based on a review of the entire set of studies, taken as a whole, the accumulated evidence is conclusive that benzene exposure is causally related to the induction of leukemia (a cancer of the blood-forming system), various cytopenias (decreased levels of a formed element in the circulating blood), aplastic anemia (a non-functioning bone marrow) and to development of chromosomal aberrations.

The evidence supportive of this conclusion is derived from: (a) A high degree of association of blood dyscrasias with benzene exposure; (b) the apparent lack of a similar association with other known volatile chemicals in the same workplace; (c) outbreaks of hematotoxicity temporarily related to the introduction of benzene to an industry and conversely, a reduction in blood-related disease when other solvents are substituted for benzene; and (d) the experimental demonstration of marrow toxicity in animals solely exposed to benzene (Goldstein, Ex. 43.B, p. 133).

The following studies are representative, although by no means all inclusive, of the published literature on the chronic effects of benzene exposure. These investigations do, however, illustrate the diversity and variability of the effects which dominate published reports. There are also several recent reviews and summaries concerning the hematological effects resulting from benzene exposure (See: Vigliani and Fornì, Ex. 2-15; National Research Council, Ex. 2-4; NIOSH, Ex. 2-3, 2-5; NYU report; Ex. 43.B and ORC/Jandl, P.C. 34; Snyder and Kocsis, Ex. 2.B-288, and the International Workshop on the Toxicology of Benzene ("International Workshop") (Ex. 18).

2. Non-Malignant Blood Disorders.

a. *Human studies.* The most common effect resulting from chronic exposure to benzene is a decrease in the levels of erythrocytes (red blood cells), leukocytes (white blood cells) and thrombocytes (platelets) in the

circulating blood. In simplified terms, a decline in red cells is termed anemia, a decrease in the level of white cells is leukopenia and a decline in the platelet count is called thrombocytopenia. Persons found to have depressed blood cell counts may or may not depending, in part on the severity of the decline, display overt physical symptoms. Anemia results in a decreased capacity of the blood to transport oxygen to various parts of the body, and persons so diagnosed may appear pale and weak and fatigue easily. However, the non-specific symptoms may develop gradually and not require medical attention until there are significant declines in red cell counts and blood hemoglobins. Chronic anemia may also result in physiological adjustments by the cardiovascular system and exacerbate difficulties in those with coexisting disease such as coronary insufficiency or chronic obstructive bronchopulmonary disease (Wintrobe, Ex. 2A-107, p. 532). Since white cells provide a defense against many diseases, persons with leukopenia are prone to recurrent infections. Goldstein has written that "Infections are a dreaded complication of bone marrow toxicity and not uncommonly associated with a cause of death in benzene-induced pancytopenia" (Ex. 43.B, p. 144). Thrombocytopenia results in an impaired clotting of the blood, and persons with this disorder may exhibit bleeding tendencies, such as easy bruising, nosebleeds, and hemorrhage.

*In the NYU review of "A Critical Evaluation of Benzene Toxicity", Goldstein uses the term pancytopenia in a general sense, defined as a decrease in the level of circulatory erythrocytes, granulocytes, and platelets. His rationale is that there is excellent evidence which suggests that all of these cell lines originate from a common precursor stem cell (Exhibit 43B, p. 135). While noting that aplastic anemia is, in a pure sense, an absence or a decrease in identifiable granulocyte, erythrocyte, and platelet precursors within the marrow itself, Goldstein finds that it is useful to include aplastic anemia or hypoplastic anemia under the category of pancytopenia. This is because in some human cases of pancytopenia induced by benzene and in some animal experiments, a hyperplasia of the bone marrow is observed; also there exists the possibility that sampling errors may affect attempts to quantitate bone marrow precursor cells, since only a small fraction of the marrow is observed by aspiration techniques.

However, Jandl feels that aplastic anemia is not a sufficiently explicit term to describe failure of "marrow to provide an adequate population of dividing blood cells for the 3 series of formed elements," and observes that the terminology "aplastic anemia" has been applied to states of chronic or non-acute marrow suppression, whether or not anemia was the most striking feature (ORC/Jandl PC 34, p. 83, Add. 3(i)). Other terms used synonymously have been "hypoplastic anemia, bone marrow failure, refractory anemia and regenerative anemia." Based on the degree of severity exhibited, Jandl recognizes 2 phases of marrow failure:

Footnote continued on next page.

Pancytopenia and aplastic anemia are more serious conditions in which all 3 formed elements are depressed. These non-cancerous diseases may, in and of themselves, be fatal. An additional concern is that some or all of these disorders induced by benzene, may, if allowed to continue, either progress to or represent a preleukemia stage which may eventually evolve into a frank leukemia.

Among the early studies describing benzene toxicity was that of Selling (Ex. 2-12). He observed a significant depression in the levels of circulating blood cells in workers employed where benzene was used as a solvent for rubber. Because of the depressed condition seen in the marrow of his patients and the results of extensive animal experiments (where he was able to produce both destructive and "regenerative" effects by subcutaneous injection of benzene), Selling suggested that the cause of the cytopenias observed in the workers was due to an aplasia of the marrow.*

An important early milestone of the benzene literature was the 1922 report by Hamilton entitled "The Growing Menace of Benzene (Benzol) Poisoning in American Industry" (Ex. 159.C).

The document attempted to alert the medical community to the dangers associated with chronic benzene poisoning which was less well known than acute toxicity. This was followed several years later by the reports of the National Safety Council (NSC) which reported the prevalence of known cases by chronic benzene poisoning. These results are summarized by Jandl as follows:

The magnitude of toxicity—primarily consisting of lowered blood cell counts—was shockingly high. Over half of the workers exposed for a year or more had abnormalities or cytopenias of the blood cells, a great proportion had pancytopenia, and a number of deaths were noted, characterized by preceding pallor, weakness, easy bruising, hemorrhage and often fulminant infections (ORC/Jandl, PC 34, p. 10-11).

More data relating occupational exposure to benzene to the occurrence of

Footnote continued from preceding page.

"(By convention, a diminution in the level of all blood cells produced in the marrow accompanied by evidence that bone marrow cellularity is deficient, but from which recovery occurs, usually, termed 'pancytopenia.' And by convention, a more sustained, more severe, more likely fatal suppression of the marrow is termed 'aplastic anemia.'" (P.C. 26B, p. 83, Add. 3(1)).

OSHA recognizes the usefulness and the technical reasons for Jandl's establishment of quantitative diagnostic criteria for various non-malignant blood disorders and his "reassignment" of diagnoses contained in the literature according to this classification scheme. However, for convenience sake, the terms "pancytopenia" and "aplastic anemia" are used interchangeably throughout the preamble except when discussing particular points contained in Jandl's review. In these instances, the terminology will reflect Jandl's more definitive nomenclature.

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blood disorders was provided in the late 30's and mid-40's by the studies of Greenburg et al., Mallory et al., and those of Hardy and Elkins.

Greenburg and co-workers (Ex. 2-8) investigated the problem of benzene toxicity among 332 workers employed in three rotogravure processes in New York City. In addition to physical examinations, including medical and occupational histories and laboratory tests, workplace air samples, and chemical analysis of ink solvents was performed in an attempt to provide a correlation with medical findings. Exposure data in Plant A revealed that of 11 samples taken, 8 were in excess of 100 ppm, in Plant B, 14 of 24 samples showed levels above 100 ppm and in Plant C, 6 of 13 samples exceeded 100 ppm, but of the total 48 samples taken, 33 were below 200 ppm. The medical results revealed that clinically evident degrees of "poisoning" were seen in 130 workers of which 22 had severe poisoning and 6 required hospitalization. Five of the workers with the most severe hematologic pictures expressed no subjective complaints, and physical examinations were negative. It is noteworthy that the individual sensitivity to benzene varied greatly. Moreover, the authors noted that the benzene-related blood changes may be persistent and could continue to develop even after exposure had ceased.

In the same year, Mallory et al. (Ex. 2-9) reported autopsy findings in 19 workers exposed to benzene from 6 months to 12 years, but no data from the work environment was available. The author noted that significant changes were consistently found throughout the entire hematopoietic system including the marrow, liver, spleen, and lymph nodes. Of the 19 cases studied, 6 exhibited hypoplasia of the bone marrow, whereas 9 cases showed hyperplasia and 2 were diagnosed as leukemic (1 acute myeloid; 1 acute leukemic). The authors concluded that exposure to benzene under varying conditions provided diverse reactions and that individual variation was of great importance.

In 1948, Hardy and Elkins (Ex. 2-10) investigated an artificial leather plant in Massachusetts where in 1946, a man employed as a coater for 12 years became ill and died from benzene poisoning. Sixteen of the 52 workers at the plant exhibited a "remarkable deviation" in more than one blood component, but none were clinically ill. Benzene concentrations taken in 1938 ranged from 45 to 80 ppm, and thereafter repeated tests at the work station of the deceased subject revealed a concentration of about 60 ppm. Elkins stated "[D]uring World War II, however, the plant worked long hours, so that presumably his (the decedent's) exposure overall had been greater

than would be indicated by the concentration of benzene found." (Elkins, Ex. 156.3, p. 7). However, on the basis of this case, Elkins and others revised the PEL in Massachusetts to 35 ppm. The authors also concluded that workers exposed to benzene should have routine complete blood examinations and stressed the importance of preemployment medical evaluations which should include a medical history and a hematologic baseline.

In 1956, Savilahti reported on 147 workers who used a rubber adhesive dissolved in benzene, and who were exposed to approximately 400 ppm benzene (Ex. 2-95). Blood tests demonstrated hematological deficiencies in 73% of those examined. Thrombocytopenia, the most common symptom, was observed in 62% of those tested, followed by anemia (35%) and leukopenia (32%). Deficiencies in all 3 cell types were observed in 21% of those examined and deficiencies in two cell-types in 14%. As a result of this investigation, the use of benzene as an adhesive solvent was discontinued.

In a nine-year follow-up to the Savilahti report, Hernberg et al. (Ex. 2A-252) reexamined 125 of these workers previously exposed to benzene who were free of such exposure since 1956. This is one of the few studies available which presents a longitudinal assessment of workers previously exposed to benzene for which follow-up exceeded 2 years. The results showed a greater tendency toward recovery of leukocytes than erythrocytes or platelets; a finding which is in agreement with other investigations. Among male workers, the mean erythrocyte levels remained depressed for 9 years and were significantly less than the values reported for the control group. Despite recovery in the mean level of the platelet counts during the nine-year interval, concentrations for both men and women remained significantly below that of a control group. Based on their findings, the authors stated that "The analysis also showed that the prognosis of the severe cases did not differ from that of the mild ones, provided the acute stage had been passed." (p. 204).

Worker exposure in the rubber coating industry to petroleum naphtha containing up to about 10% benzene was reported by Pagnotto et al. in 1961 (Ex. 159A). Several hemoglobin values less than the lower limit of normal were observed among 47 men given blood examinations. Benzene concentrations ranged from essentially zero to over 100 ppm, with a substantial number between 10 and 25 ppm. Their exposure to benzene ceased in 1965.

In 1973, blood tests were repeated on 18 of these workers who were still employed by the firm, the others having retired or left for other jobs (Pagnotto et al., Ex. 156.3.B). Selection bias may

be inherent in this report as the retirees who were excluded may have been more likely to have had blood abnormalities. The blood picture of 14 out of 18 employees was characterized as "essentially normal" (Elkins, Ex. 156.3, p. 9); of the remaining 4, one was anemic, 2 were leukopenic and 1 was both anemic and exhibited leukocytosis (an elevated white blood cell count).

In 1969 Klinche et al. reported hematological damage at relatively low benzene concentrations (Ex. 2B-304). Eighteen roofers engaged in painting operations for an average of 17 years were investigated. Based upon a careful evaluation of the available results of hematological examinations, 6 were classified as suffering from early stages of benzene intoxication, 7 were suspected of chronic benzene intoxication and the remaining 5 were classified as having a normal blood picture. The paint solvent contained 0.12 percent benzene and benzene concentrations (as determined by Dräger gas detector tubes) ranged from trace amounts to 15 ppm. Concentrations of toluene and xylene vapor up to 133 ppm were also found. It was not possible to quantitate past exposure to aromatic solvents. The authors concluded, however, that:

In the case of painted or coated areas of sufficient size, even small traces of these aromatics in the work material (benzene, toluene, and xylene) even in the open air, can cause respiratory air concentrations of the level of the MAC value (15 ppm for benzene). After the workers have been exposed for a sufficiently long time, one must assume that hematological damage will result.

In a recent survey, Aksoy et al. compared the hematological findings of 217 apparently healthy male workers who were exposed to as much as 210 ppm benzene when adhesives containing benzene were utilized (Ex. 2-11). The duration of exposure ranged from 3 months to 17 years. Hematological abnormalities were seen in 23.5% of the workers. Leukopenia, with or without thrombocytopenia, was the most common finding. In addition, relative to controls, benzene exposed workers were found to have a statistically significant reduction (p less than 0.001) in mean white cell and platelet counts. Aksoy and his colleagues reported a considerable variability in the 11 bone marrow specimens studied. The aspirates showed both hypocellularity and hypercellularity (a decrease and an increase in the number of cells present), a finding consistent with his previous reports. (See Aksoy et al. Ex. 2A-290). In 33 percent of the workers examined, the hemoglobin levels fell below the lower limit of normal. Aksoy was reluctant to ascribe the anemia to benzene exposure since it was correctable by iron therapy. However, Goldstein

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commenting on Aksoy's findings that "the mean corpuscular volume (MCV) was in the high normal to slightly elevated range (80-96 μ m³) which is unusual for iron deficiency and more in keeping with a benzene effect." (Ex. 43B, p. 140).

In 1977, Dow reported that 2 of the 594 individuals occupationally exposed to benzene died of non-malignant blood disorders, compared to 0.2 deaths expected (DOW/OH/Ex. 154, Table 6). One worker died of pernicious anemia 4 years after retirement. His exposure was estimated to have averaged 30 ppm for approximately 184 months. The second employee, who died of aplastic anemia, had an estimated exposure of 5 ppm for approximately 98 months. Because of the small numbers involved, the significance of Dow's findings is subject to some question, but the trend of excess death is consistent with the evidence presented above.

An issue deserving discussion is the similarity and difference between benzene-induced non-malignant blood disorders and those resulting from other causes. In the NYU report, Goldstein noted that:

While the literature is inadequate to draw firm conclusions, the progression and outcome (fatality rate) of benzene-induced pancytopenias does not appear to differ substantially from that of published series of patients with idiopathic aplastic anemia (Ex. 43.B, p. 145).^{*} (Ex. 43.B, p. 148)

The NRC report comes to a similar conclusion:

[T]he available evidence does not indicate that the reported benzene-induced blood dyscrasias differ in any way from similar dyscrasias which are caused by other myelotoxic agents or for which the etiology is unknown (NRC, Ex. 2-4 p. 4).

On the other hand, Jandl contends that the high degree of reversibility of benzene-induced non-malignant blood disorders distinguishes these disorders from those caused by other agents which are idiopathic in nature. He reports that the chance for recovery in idiopathic aplastic anemia is 16%, that for drug-related aplastic anemia it is 33% and that based upon a review of 169 patients with benzene-induced aplasia reported between the years 1939-1975, the prognosis for recovery is 87%. (ORC/Jandl, Ex. 34, p. 37) Furthermore, he notes that milder forms of blood disorders resulting from benzene exposure appears to be 100% reversible (ORC/Jandl, PC 34, p. 39).

^{*}However, Goldstein does suggest three possible differences between benzene-induced pancytopenia and so-called idiopathic aplastic anemia: the first is the observance of marrow hyperplasia in benzene-induced disease; the second is the presence of lymphocytopenia; and the third is "relatively frequent but inconsistent" reports of red blood cell macrocytosis resulting from benzene exposure. (Ex. 43.B, p. 148)

OSHA is aware that literature indicates that many cases of nonmalignant blood disorders may be reversed. For example, Maugeri has stated:

the hemopathy due to benzol can, as in most cases studied by us, be cured if it is diagnosed immediately (Maugeri & Pollini Ex. 156.1 p. 2).

Hernberg et al. in a follow-up study of 125 workers stated that: "the prognosis of these patients proved to be more favorable than might have been expected." (Ex. 2A-252, p. 209). Also, both Tabershaw and Aksoy have noted the reversibility of various cytopenias (Tr. 2547).

However, certain other investigators report that these disorders have persisted for as long as 12 years after cessation of benzene exposure. Goldwater and Tewksbury noted continued blood abnormalities in 10% of 108 men examined 24 months after exposure ended. (Ex. 141). Helmer observed abnormalities in 25% of 60 patients followed for 16 months, including 2 deaths. Rejcek and Rejskova found that 8 of 4500 workers manifested persistent leukopenia 12 years after exposure. (Cf. Hernberg, Ex. 2A-252, p. 204). Aksoy observed a further distinguishing feature of severe blood disorders resulting from benzene exposure. In over 100 cases of aplastic anemia classified as idiopathic or associated with etiological agents other than benzene, no cases of leukemia were observed (Aksoy, Ex. 60, p. 6A). This contrasts to the development of leukemia among some cases of aplastic anemia associated with benzene exposure.

As is apparent from the above discussion, there is no unanimity of opinion whether benzene-induced blood disorders persists, and are reversible after cessation of benzene exposure and whether such disorders differ from those resulting from other known or unknown causes.

OSHA recognizes that in many cases these disorders appear to be reversible, within the definitions of "normality" or "reversibility" used by the individual authors. However, it is not known whether for particular workers the blood indices actually return to pre-exposed or baseline values. Because the original literature does not provide suitable long-term longitudinal analysis including adequate sample size, preexposure values nor baseline hematological values for comparative purposes on an individual basis, it is difficult to decide how much reliance can be placed on such studies. Moreover, the evidence is insufficient to determine whether or not individuals who have "recovered" are at greater risk to subsequent development of leukemia.

Finally, OSHA is unable to verify Jandl's quantitative estimates of recovery as the sources selected for his calculations are not adequately presented to permit the development of

valid inferences. Consequently, the Agency does not believe it appropriate to conclude that these non-malignant blood disorders will in all cases, be reversed to the individual's normal values.

b. *Animal Studies.* One of the first studies describing experimentally induced benzene toxicity was published by Selling in 1916 (Ex. 2-12). He was able to produce both destructive and "regenerative" effects in rabbits by subcutaneous injections of commercially pure benzene in olive oil. Bone marrow specimens clearly demonstrated a constant, well defined aplasia associated with the disappearance of leukocytes in the peripheral blood. Later studies conducted by Gerarde demonstrated that a reversible hematopoietic injury in rats was produced at a concentration of 1 ml/kg administered by subcutaneous injection for 14 days (Ex. 2-64).

In an extensive review of experimental benzene intoxication (Ex. 43B, Ch. V), Leong observed that the results from most of the inhalation studies reported up to Spring (1977) are difficult to interpret due to inadequacies in the experimental design. Many of the studies were conducted without proper control groups to allow comparison of hematologic values against experimental results. Factors such as age, sex, strain, hormone status and to a greater extent, emotional reactions of the animals and techniques used for blood sampling are known to affect hematological parameters. Because of these defects, many of the animal studies do not provide sufficiently definitive exposure-effect information.

In 1944, Svrbely and colleagues exposed rats to benzene vapors at a concentration of 1,000 ppm for 7 hours per day, 5 consecutive days a week for 28 weeks (Ex. 2A-201). Benzene-induced leukopenia was observed during the first half of the exposure period, followed by an increase in the white cell count during the latter part of the experiment. The significance of these results is unclear since similar shifts in the white cell count occurred in the non-exposed control group.

The hematological findings obtained in inhalation experiments at lower concentrations have demonstrated considerable variation. Guinea pigs and rats exposed to an average of 88 ppm benzene for 8 hours per day for 5 days a week demonstrated a mild leukopenia after 32 and 136 days of exposure, respectively (Cf Leong, Ex. 43B, pp. 89-90). Deichman et al. reported in 1963, that benzene can effect hematological changes, at even lower concentrations (Ex. 2-16). Eight groups of rats were exposed to benzene vapors at average concentrations of 831, 65, 61, 47, 44, 31, 29, and 15 ppm, respectively. The duration of exposure was 5 hours per day, 4 days per week for periods

ranging from 5 weeks to 7 months. Exposure to the 3 highest concentrations resulted in significant leukopenia after 2-4 weeks. A moderate, but definite leukopenia was reported in the groups exposed to 47 and 44 ppm after 5 to 8 weeks. No demonstrable alterations were observed at the 3 lowest concentrations during the 7 month experiment.

In a preliminary report submitted to OSHA prior to the rulemaking proceedings, Reinhart found no significant deviation of blood counts in test rats exposed to 388 ppm for 6 hours/day, 5 days a week for 12 consecutive weeks (Ex. 115, B.8). However, significantly depressed WBC counts were observed in mice, while in guinea pigs a progressive leukocytosis was observed which continued even into the post-exposure period. Reinhart used no control group, and the number of animals used per test group is considered to be inadequate.

Finally, Laskin and Goldstein prepared an abstract for the International Workshop on Toxicology of Benzene in Paris, November 9-11, 1976 describing their chronic benzene exposure studies (cf. Snyder, 156.2, p. 5; Ex. 178). For more than two years 150 Sprague-Dawley rats and 300 mice of 3 different strains were exposed to 100 or 300 ppm benzene 6 hours daily, 5 days per week. Anemia was observed in mice but not in rats. However, lymphocytopenia was observed in all animals without similar reduction in the granulocytes until the terminal stages of benzene poisoning. This study suggests that lymphocytopenia may be an early marker for benzene toxicity.

Based on the record, the extent of non-malignant blood disorders resulting from benzene exposure is uncertain. Based only on reports contained in the literature, Jandl has calculated a number of cases and deaths annually due to aplastic anemia in the United States. Based upon data derived from several consecutive case series over the past 15 years, Jandl estimates that a 2% "probable" and 2% "possible" benzene etiology for cases of aplastic anemia (presumably not including milder disorders such as pancytopenia). Using the annual figure of 420 cases of aplastic anemia in the United States, Jandl arrived at an approximation that "about 10 and possibly 20 patient die annually due to benzene exposure." (P.C. 26B, p. 40-1, 86-87).

Goldstein suggested several reasons why the true incidence of pancytopenia resulting from benzene exposure may be seriously underestimated (Ex. 43B, pp. 138-39):

(a) That mild cases of pancytopenia may not be discovered unless searched for since they often cause no overt symptoms.

(b) That since hematotoxicity induced by benzene is a phenomenon well

known to the medical community, such cases tend not to be recorded in the literature, and

(c) In cases of idiopathic aplastic anemia, possible relevant exposure to benzene may have been overlooked.

OSHA believes that the present data does not permit an accurate assessment of the morbidity or mortality for benzene-induced on nonmalignant blood disorders.

C. CONCLUSIONS

Industry participants have argued that the present permissible exposure limits (10 ppm TWA and 25 ppm ceiling) provide adequate protection against the non-malignant effects of chronic exposure to benzene. (AISI brief, PC 36, p. 51, 66; MCA brief, PC 35, p. 32).

Snyder has noted, "[i]n both animals and man the lowest level of exposure demonstrated to produced bone marrow toxicity was approximately 40 ppm." (Tr. 3224-25). Elkins believes that threshold-for injury to the blood-forming system is between 25 to 50 ppm (Tr. 3210); Tabershaw (Ex. 149A, p. 6) stated that cytopenia has not been demonstrated to occur below 25 ppm. ACGIH (Ex. 156.3D) and the International Workshop on Toxicology for Benzene, both recommended a 10 ppm TWA and 25 ppm ceiling. (Ex. 17).

Attention was drawn to the Dow morbidity study in which no abnormal blood findings were observed among 287 workers exposed to benzene for 1 to 20 years, at concentrations estimated to range from 2 to 30 ppm (Ex. 154).

The Pennzoll Company commented to OSHA that from the past nine years, 160 employees exposed to 1-5 ppm benzene have been monitored by blood test, with up to 25 years work experience for some there has been "no clinical evidence of medical problems associated with benzene". (Ex. 41.1, p. 2). However, no data were presented to allow an assessment of this statement. Others have reported similar views to OSHA again without formal presentation of data. (Joyner, Tr. 2286-87; Texaco, Ex. 41-4, p. 2, P.P.G. Industries, Ex. 6-41, p. 2 and Up John, Ex. 6-4, p. 1). It should be noted that these submissions were characterized by the American Iron and Steel Institute as largely "... anecdotal in nature" (Ex. 36, p. 64). In further support of its position, industry cites the 1974 NIOSH criteria document recommendation that a 10 ppm TWA as a "conservative limit" (Ex. 2-2, p. 73).

It is clear, there is no dispute that bone marrow toxicity can result from exposure to benzene above 25-40 ppm range. Furthermore, it is recognized that higher dosages produce increased response and that lower dosages are

associated with reduced response. It is not clear, what adverse health effects occur below 20 ppm.

There are suggestions of hematological alterations (other than chromosomal aberrations) at concentrations below 25 ppm. Pagnotto et al. indicated that such effects occurred among workers employed in rubber coating industry exposed to concentrations for the most part between 6 and 25 ppm benzene (Ex. 2A-116; Tr. pp. 360-361). Horiguchi has reported small changes in leukocyte function concentrations as low as 10 ppm, in the absence of any marrow change and with only slight variations in leukocyte count and leukocyte phagocytic activity among workers exposed to benzene in concentrations of 0.8-8 ppm (Ex. 2A-161, p. 7). And there are also other reports of less apparent effects at airborne levels of 6-16 ppm in workers who do not exhibit characteristic hematological abnormalities. (Kahn and Muzyka, Ex. 2A-260). It is not possible at this time to establish with any confidence a consistent dose-response relationship between benzene exposure and adverse health effects.

Where exposure information is available, it is generally area sampling and not personal exposure data that is reported. It is difficult to determine individual worker exposure based on area sampling. Compounding this difficulty are problems related to the fluctuating character of occupational exposure; the small amount of long-term data; and the fact that in small populations, workers with heightened sensitivity may not be encountered. At lower exposure levels, there is a paucity of data to provide a basis for definitive conclusions as to the extent of nonmalignant effects. In this regard Battle states that:

[E]ven a cursory study of the literature reveals a distressing lack of exposure-hematologic effect data particularly in the low benzene exposure area of less than 10 parts per million. (PC 26C, p. 2).

Moreover, the absence of pre-exposure hematological values for comparative purposes limits the usefulness of the few studies and reports which are available, because we cannot tell whether a particular worker studied with blood values at either extreme of the normal range is suffering adverse effects. Therefore, the available literature is insufficient to permit construction of dose-effect curve.

As indicated above, the quality of evidence available in the record is considered insufficient to permit meaningful conclusions concerning exposure to benzene at low levels and resulting health effects. Industry participants have cited the 10 ppm level established by the ACGIH as evidence that this level can be considered safe. However, in establishing TLV's, ACGIH recognizes that for some work-

ers harmful health effects may result from exposure to the toxic substance at levels below the TLV. Therefore, the 10 ppm TLV for benzene is recognized by ACGIH as a level which does not protect all workers from material impairment of health.

Leukemia aside, with benzene we are dealing with an etiological agent well-documented to produce a variety of blood abnormalities, some of which are fatal. OSHA is aware of several studies reporting blood abnormalities at levels below 25 ppm, at levels perhaps as low as 10 ppm. Because of these considerations, and the wide range of human sensitivity to benzene, OSHA cannot determine a minimum effect level for benzene and, furthermore, cannot conclude that 10 ppm provides sufficient protection against non-neoplastic effects to all workers. OSHA recognizes that prudent public health policy, and established toxicological principles necessitates setting the permissible exposure limit sufficiently below the levels at which adverse effects have been observed to assure adequate protection for all exposed employees. It is customary to use a safety factor of 10-100 or greater depending on the seriousness of the toxic effects and the nature of the data being relied upon. That is, the lowest levels at which effects had been observed would be reduced by the safety factor chosen in establishing the exposure limit. Taking this approach in the case of benzene would lead to a permissible exposure substantially less than 10 ppm without regard to the issue of leukemia and the view that no safe level can be established for the carcinogenic risk.

IV. LEUKEMIA

A. DEFINITION AND DESCRIPTION OF THE DISEASE

Robbins defines leukemia as:

Leukemia may best be considered as a neoplasm (cancer) of the white blood cells and is so classified in the International Lists of Causes of Death. It is characterized chiefly by: The appearance of abnormal, immature white cells in the circulating blood; diffuse and almost total replacement of the bone marrow with the leukemic cells; and widespread infiltrates of the liver, spleen, and other tissues, analogous to metastatic dissemination of solid tissue cancer. (Ex. 2-24, p. 728).

Once leukemia is diagnosed there is virtually no chance of recovery. There are different categories of leukemia, depending on the duration of the disease, i.e., acute or chronic; an increase or non-increase in the number of abnormal cells, i.e., leukemia or aleukemia; and the cell type involved, i.e., myeloid, monocytic or lymphoid. Goldstein also emphasizes that, "there are other differences between various subtypes of leukemia in terms of incidence, clinical course, prognosis and

presumably etiological mechanism" (Ex. 43B, p. 156).

The most prevalent subtype of leukemia in adults, and the type most commonly associated with benzene is acute myelogenous leukemia (AML). This disease is variously known as acute myeloid leukemia, acute granulocytic leukemia, and acute myeloblastic leukemia (ORC/Jandl, PC 34). There are several variants of AML, probably related to the pluripotential of the precursor cell and include erythroleukemia, (DiGuglielmo's Syndrome) and acute monocytic leukemia (myelomonocytic, or monomyelocytic). (ORC/Jandl, PC 34, p. 71).

Despite advances in leukemia therapy and the fact that half the adults diagnosed with AML enter into a remission (generally averaging 6 to 8 months) the prognosis of this disease remains poor (ORC/Jandl, P.C. 34, p. 73). Those who enter into remission have life expectancies averaging from 12 to 18 months, and those who fail to respond to therapy have a 50 percent survival rate of only 3 to 6 months. Aksoy noted that in his experience, for cases of benzene-induced leukemias, the period of survival after discovery was short, usually less than 6 months (Tr-275).

Myeloproliferative disorders, including chronic myelogenous leukemia (CML) have only occasionally been attributed to benzene. Lymphocytic leukemia is also subdivided into acute and chronic subtypes. The acute form (ALL), the type commonly seen in children, has only rarely been associated with benzene exposure. Chronic lymphocytic leukemia (CLL), a slowly progressive disease, and often not a cause of death, generally occurs late in life. There have been several reports associating CLL with benzene, most particularly in several reports of French origin. The evidence as to chronic lymphocytic leukemia, which will be discussed in detail later, does not appear to be conclusive.

B. STUDIES—HUMAN

Evidence in the record clearly demonstrates that benzene is a human leukemogen. Aksoy testified that the first case of leukemia due to benzene exposure was that published by Noir and Claude in France in 1897. (Aksoy, Tr 154). In 1939, Mallory, et al. described two cases of leukemia resulting from chronic exposure to benzene which supplemented ten previously reported in 1935 by Penati and Vigliani. (Mallory, Ex. 2-9). Mallory et al. stated:

Certainly no more favorable conditions for the development of neoplasm can be imagined than prolonged and intense stimulation of reproductive activity, and simultaneous arrest of maturation.

The evidence that chronic exposure to benzene produces leukemia in human beings is still incomplete but it is accumulating at a

rate and to a volume which command serious consideration. (Ex. 2-9, p. 365).

In 1965, in a partial review of the literature, Browning tabulated 61 cases of leukemia among individuals having reported prior exposure to benzene (Ex. 2-31). The majority (40) were of the myeloid series—including 12 cases of erythroleukemia, 7 were classified as lymphatic and the remaining 14 grouped under the heading of "aleukemic leukemia" (a type characterized by a decline in white blood cell number).

Vigliani and Salta, in their review of 47 individuals suffering from benzene hemotoxicity between the period of 1942 and 1963, presented clinical and laboratory accounts of six additional cases, all of whom were diagnosed as having haemocytoblastic leukemia (Ex. 2-27). The duration of exposure of these individuals to resins, inks, varnishes, or glues containing varying concentrations of benzene ranged up to 19 years. Data on the concentrations of benzene in the workplace environment were extremely limited or non-existent. Occupational histories and medical status prior to the final diagnoses were not available, but the authors stated that "attribution of the cases (of leukemia cited) to the exposure cannot be doubted." During the years 1962-63, Vigliani and Salta noted a sharp rise in the diagnosis of leukemia among individuals having reported prior exposure to benzene which coincided with an increase in the number of newly diagnosed benzene poisoning cases. The risk of acute leukemia for the workers exposed to benzene in Milan and Pavia was estimated to be about 20 times greater than the risk for the general adult population. (Ex. 2-27). In 1975, Vigliani and Forni observed that in the rotogravure industry no new cases of aplastic anemia nor of leukemia were found among workers exposed solely to toluene after this solvent was substituted for benzene in 1964. Although there have been some reports of hematological disorders associated with toluene exposure (See Girard et al., Ex. 2B-283), the finding of Vigliani is in concert with the conclusion of Brail that, toluene and benzene are "quite different chemical entities from toxicological and pharmacological points of view" and that, "toluene free from benzene can be safely used in industry as a suitable solvent in replacement of benzene." (Ex. 39-5, p. 7). Vigliani and coworkers also observed that workers exposed to toluene did not exhibit chromosomal aberrations, a "finding" observed by these authors in employees who worked with benzene.

In 1972, Aksoy et al. reported the deaths of 4 Turkish shoemakers resulting from their exposure to benzene for periods ranging from 6 to 14 years (Ex. 2-29). At the time of the study, air

concentrations were found to be between 150-210 ppm of benzene. Previous occupational exposure data were not provided. Two of the four patients developed acute leukemia approximately two and three years after the occurrence of aplastic anemia, although the other two did not. These case reports are supplemented by surveys of newly diagnosed cases in a medical referral area. Aksoy summarized and updated his findings at the benzene rulemaking (Ex. 60). He pointed out that from 1967 to 1973, he had observed 26 patients with acute leukemia or preleukemia associated with benzene exposure. Based on a population of 28,500 shoeworkers in the area, Aksoy estimated the incidence of leukemia to be twice the prevailing value of 6/100,000 observed in the general population of Western nations. From September 1973 to 1975, 14 additional cases were admitted to the hematology departments in Istanbul and Cerraphasa Medical Schools making a total of 40 in all. Thirty-four of these patients were among the groups of shoeworkers described previously. Aksoy either examined the cases personally or reviewed the charts.

API has criticized Aksoy's use of the baseline figure of 6/100,000, citing a statement from Clemmenson, that the incidence rate for a standard European population is 8 to 14/100,000 (API Ex. pp. 50-51). However, Aksoy has testified that the two-fold excess estimate among benzene/exposed shoeworkers may be underestimated since the incidence of leukemia among the Turkish population is only 3.0 per 100,000. Moreover, Aksoy stated that "undoubtedly there were other additional patients among shoeworkers who were not included in our study" (Ex. 61, p. 2). Aksoy's findings of a decline in leukemia cases during the past several years after other solvents were substituted for benzene (Aksoy, Ex. 61, 99, pp. 2-3) further provides, in an inverse manner, additional supportive evidence for the causal relationship between benzene and leukemia. This finding reinforces the results of Vigliani discussed above.

In his testimony, Marvin Sakol, an Akron hematologist, described what he considered an epidemic of a rare form of leukemia among workers employed in a small department at a local industry (Ex. 61). Over a nine year period, beginning in 1954, he observed nine cases of acute myeloblastic leukemia, including "at least four and probably all nine" with DiGuglielmo leukemia (erythroleukemia). Due to the

"The criteria used for the diagnosis of preleukemia were similar to those of Wintrobe: 'Preleukemia seems a reasonable term . . . when this diagnosis of AML may be suspected but cannot be made with any confidence.' (Ex. 2-107, p. 1477).

rarity of erythroleukemia Vigliani noted that the 20 or more cases attributable to benzene, reported in the literature seem to be significant (Ex. 2-49). Diagnoses from slides in some of Sakol's cases were confirmed personally by DiGuglielmo. He learned with much difficulty that all of these cases were exposed to benzene while employed in a Pliofilm operation at a plant subsequently studied by Infante et al. Sakol testified that he had knowledge of additional cases of benzene-related leukemia which have not been included in the NIOSH study. These cases may never be recorded officially because the families refused permission to release the names of the decedents for fear of loss of compensation and job. This testimony indicates an underestimation of the leukemic risk among Pliofilm workers.

Based on the hypothesis that the risk of leukemia was higher among workers who were exposed to benzene and medical X-rays, Ishimaru et al. conducted a retrospective epidemiological investigation examining the relationship between occupation and environmental factors, other than A-bomb exposure, and the incidence of leukemia in Nagasaki and Hiroshima between 1945 and 1967 (Ex. 2-33). Fifteen occupations were selected in which there had been exposure to either medical X-rays or solvents, especially benzene and its derivatives. This case-control study compared all cases diagnosed as definite or probable leukemias between 1945 and 1967 and residing at the time of the onset of the disease, in Hiroshima or Nagasaki. Controls were matched for city, sex, date of birth (± 30 months), distance from the atomic bomb explosion, and residence in either city at the onset of disease. Four hundred ninety-two leukemia cases were identified, and matched controls were obtained for 413. Three hundred and three adult cases with the onset of leukemia at age 15 years or over and their controls were compared. The risk of leukemia was found to be significantly higher (about 2.5 times greater) among those with a history of employment in occupations in which various volatile solvents were used as compared to those without. The relative risk was 1.8 times higher for chronic leukemia and 2.9 times higher for acute. Eighteen of the leukemia cases associated with solvents were located in distant and non-exposed radiation areas and were considered too far from the A-bomb explosion for radiation to have enhanced the increased risk. Accepting the source of error inherent in the method which was used to collect the data, the results of this study nonetheless reinforce the observation that an increase in leukemia existed in that portion of the population exposed to radiation and employed in an occupation where solvents especially benzene, were used.

In 1970, Girard et al. published an epidemiological study (Ex. 2B-283) undertaken to determine previous exposure to benzene or toluene in 401 patients suffering from malignant hemopathies. Extensive interviews about their work environment and chemical analyses of solvents were utilized to estimate exposure. Their findings demonstrated that compared to a control group admitted for non-hematological diseases there was a statistically significant greater frequency of past exposures to benzene or toluene among subjects with aplastic anemia, chronic lymphocytic leukemia and acute leukemia.

In April 1977, NIOSH submitted to OSHA a preliminary report by Infante et al. of a study of leukemia among benzene-exposed workers employed in the production of natural rubber cast film (Pliofilm) (Ex. 2-57, Ex. 2A-271).

The study included all white males assigned to the Pliofilm production area who were hourly employees and who at any time between January 1, 1940 and December 31, 1949 had direct exposure to benzene at the Goodyear Akron and St. Mary's plants. Only the men employed in a section having known potential exposure to benzene ("wet side" in industry terminology (Rinsky, Tr. 818-820)) were included in the cohort. Men employed in the Pliofilm operations, but not in production jobs (so called "dry side" workers) were not included in the study. Follow-up of vital status was attempted from termination of employment to June 30, 1975 and was achieved for 75% of the total of 748 benzene-exposed workers. So as not to overestimate the true risk of lymphatic and hematopoietic malignancies associated with benzene exposure, the 25% of the cohort for whom vital status was not determined were assumed to be alive. Little or no quantitative exposure data existed for these plants.

Causes of death were determined from death certificates, and person-years at risk were determined by a modified life-table method. Person-years of observation and causes of death were determined from January 1, 1950 to December 31, 1975. Two control populations were used to generate the numbers of expected deaths in the study. The first comprised the U.S. white male population, while the second was white males employed in an Ohio fibrous glass production facility during the 1940's and who had achieved five years of employment by June 1, 1972.

The most striking finding was the observation of a statistically significant (p less than 0.002) five-fold increased risk of dying of leukemia compared to the U.S. male rates (7 deaths observed vs. 1.38 deaths expected, p less than 0.002), as well as to the fibrous glass workers (7 deaths ob-

served, 1.48 deaths expected, p less than 0.002).

Criticisms of various aspects of this study were raised by participants to the rulemaking. The issue of what level of benzene the workers in the Infante et al. cohort were exposed to was the most discussed area. Participants criticized the information available in the Infante study. The study referred to a November 1946 report of the Industrial Commission of Ohio which indicated that: "Tests were made with benzol detectors and the results indicate that concentrations have been reduced to a safe level, and in most instances range from 0 to 10 or 15 parts per million." Comments at the hearing demonstrated that there were area exposures during this study period exceeding these levels, at times reaching values of hundreds of parts per million. Since no personal monitoring data are available, any conclusion regarding the actual individual time-weighted average exposure is speculative. Because of the lack of definitive exposure data, OSHA cannot derive any conclusions linking the excess leukemia risk observed with any specific exposure level.

The study was also criticized for combining the two separate plants in the same analysis. It was suggested that an independent analysis of the two plants would produce different results, thereby suggesting that factors other than similar exposure to a single agent (benzene) contribute to the excess leukemia. (Lamm, Tr. 2538). OSHA believes that the use of non-age-adjusted leukemia death rates, as utilized in Lamm's analysis, is inappropriate for the assessment of an event associated with age. Therefore, OSHA believes that this criticism is unsupported on this basis. Moreover, the cohorts were combined based on the similarity of the processes in the two plants (Tr. 842). Also, because of the small number of subjects in the study cohort, the authors stated that it would be inappropriate to analyze the data separately for the two plants. (Infante, Tr. 935, 796-97).

A question has been raised by industry participants as to the validity of excluding the "dry side" (Pliofilm finishing) workers from the study cohort (Lamm, Tr. 2638-29; API, PC 33, p. 42-43). As explained by one of the authors, these workers were never intended for inclusion in the cohort following discussion with company personnel indicating there was no benzene exposure on the dry side (Infante, Tr. 929-30). Testimony was also offered that if "dry side" employees had job operations which kept them predominantly on the wet side of the plant, then those employees were included in the cohort (Tr. 931). Limited data subsequently released by the University of North Carolina at the

OSHA hearing indicated that there may have been some benzene exposure (0, 11.8 20 ppm) on the "dry side". However, there were only 3 sample points and no details were given as to sampling locations, duration of sampling, or definition of departments, to permit interpretation of this information (Ex. 187B.6, Table 3, p. 10). Infante testified that a cursory examination of "dry side" workers revealed no leukemias. However, Infante stated, " . . . there really are not enough people who are employed on the dry side who never went into the wet side to make a meaningful conclusion about that leukemia deaths from exposure among workers on the dry side" (Tr. 930). Based upon the above considerations, it appears that the "dry side" workers should not have been included as was the case.

A question was raised as to whether the study demonstrated the true risk of leukemia among workers exposed to benzene (Tr. 311). Sakol referenced two cases of leukemia at the same plant which he personally diagnosed, which were not so certified on death certificates. He cited these cases in support of the substantial underascertainment of leukemia mortality in the study of Infante et al., due to their sole reliance on death certificates.

The use of the Connecticut Tumor Registry data to determine the expected number of type-specific leukemia deaths for the Infante cohort was criticized. Jandl calculates that the tenfold excess risk of myelogenous and monocytic leukemia found by Infante et al. may have been off by at most a factor of two. (ORC/Jandl, PC 34, p. 77). (Also, there is a counterbalancing underestimate of the risk because at the time of the report, only 75 percent followup had been completed and the remaining 20 percent of the study population were all regarded in the statistics as being alive at the end of the study period. Both the strengths and weaknesses of the Infante et al. study have been carefully evaluated by this Agency. OSHA believes this study is one of the more definitive investigations in the benzene literature and provides additional evidence supportive of earlier studies which implicate benzene exposure and the subsequent development of leukemia.

An opposite result was obtained in a Tabershaw-Cooper Associates Inc. mortality study of petroleum refinery workers (Ex. 2-5a). The study population was a sample of workers from the 251 U.S. refineries operating in 1971. The authors attempted to select a sample of 17 U.S. refineries to give a representative distribution with respect to geographic area, ownership, and size. Hourly workers with more than one year of work experience between January 1, 1962, and December

31, 1971, were studied. All workers were classified as to their potential hydrocarbon exposure. The authors reported that better than 94% follow-up was achieved. An excess mortality from lymphoma was observed although it did not achieve statistical significance.

Subsequently, the study was expanded to include 5,145 workers who had been hired on or before 1943 and who were working sometime during January 1, 1962, through December 31, 1971. No excess mortality from leukemia or lymphomas was observed in this subpopulation having 20 or more years since first hydrocarbon exposure. Gaffey, one of the authors of the study, stated that the study had been commissioned not specifically to study the effects of benzene, and in fact he could not delineate what proportion of the study population had ever been exposed to benzene (Tr. 1343-1344). Moreover, as adduced during the hearing, Gaffey acknowledged that there was no industrial hygiene assessment of the work environment (Tr. 1251) to provide the basis for identifying which workers may have been exposed to benzene.

Because this study was designed to assess potential effects of "hydrocarbon" and not benzene exposure and since no group of workers exposed to benzene was clearly identified, this study provides no relevant information as to the leukemogenic risk of exposure to benzene. Therefore, OSHA does not view this study as providing negative proof that benzene does not cause leukemia.

Dow submitted a study which addressed the incidence and mortality of leukemia among benzene-exposed workers (Ex. 154). The mortality experience for all employees occupationally exposed to benzene from 1940 to 1973 was studied. Expected deaths were calculated using age-cause-specific mortality rates for the corresponding U.S. white male population from 1942 to 1972. Each of the 594 workers were classified in approximate benzene exposure categories. A rough cumulative dosage was calculated. When consideration was given to the incidence of myelocytic leukemia, the authors concluded that a statistically significant excess was demonstrated (3 deaths observed vs. 0.8 expected, p less than 0.05) (Ex. 154, p. 12). Mortality data were analyzed by production areas and according to cumulative dosage and length of occupational exposure. Those people in the cohort who had exposures to known carcinogens were excluded from analyses dealing with dose-response in relation to benzene exposure.

An increase in leukemia incidence was observed in the population where 2 deaths were observed vs. 1.0 expected. An additional death resulting from

myelogenous leukemia was identified among the study cohort subsequent to the earlier published report. Based upon their findings the authors stated that:

In these cases, varied work histories, low levels of potential benzene exposure relative to other employees in the cohort, and the lack of information in regard to total medical history made a retrospective assessment of the possible relationship to benzene exposure very judgmental. (Ott, Ex. 154, p. 12.)

However, based upon the recent finding of the third death due to leukemia, Dow lowered its internal ceiling limit from 25 ppm to 10 ppm (Ex. 82).

In addition to the 3 deaths reported due to leukemia, 2 deaths attributable to non-malignant blood disorders were also reported: aplastic anemia and pernicious anemia. (OH, Ex. 156, p. 9.) Deaths attributed to aplastic anemia without examination of bone marrow aspirates, may in actuality, be due to leukemia (Vigliani Ex. 2-15, p. 123), thereby potentially resulting in an underestimation of leukemia risk among the benzene-exposed cohort.

OSHA recognizes that the decedents were for the most part exposed to relatively low concentrations of benzene, and no leukemia deaths occurred in the higher exposure groups. However, because of the small population size as well as the possibility of sensitivity of those individuals developing leukemia, it cannot be concluded that these deaths are not caused by benzene exposure.

OSHA does conclude that the findings of this study are consistent with the findings of many studies that there is an excess leukemia risk among benzene exposed employees.

Allied Chemical Corp. submitted a post-hearing comment containing mortality data for employees with potential benzene exposure (P.C. 22). Death certificates were obtained for all workers dying between 1961 and mid-1977. Rough exposure information was derived by back extrapolation, limited exposure data, and subjective reports of employees regarding signs and symptoms. Based on these estimates of benzene exposure, there was no observed cluster of leukemia in operations having benzene exposure. Because this study was presented to OSHA after the hearing closed, more specific details concerning the estimate of exposure, the method utilized for obtaining estimates of person-years at risk, or how the death certificates were coded were not obtained.

In 1974, Thorpe reported that the incidence of leukemia, among a population of 38,000 workers exposed to low levels of benzene over a ten year period (1962-1972), was not statistically different from that expected on the basis of the general population (Ex. 2-34). However, the study has been criti-

cized for the relaxed casefinding techniques and analytical methods (Brown, Ex. 2A-35). Thorpe himself acknowledged the following serious methodologic deficiencies:

1. Validity of leukemic diagnoses.
2. Quantitative determination of exposure levels.
3. Adequacy of retiree follow-up.
4. Complete occupational histories.

As in the case of the Tabershaw/Cooper study, OSHA cannot separate the benzene-exposed workers from those with little or no exposure. This difficulty, compounded by the 4 deficiencies listed above, also precludes reliance upon the finding of the Thorpe study.

University of Pittsburgh investigators (Lloyd, Redmond, Ex. 113) have published a notable series of epidemiological studies of steelworkers mortality. AISI (P.C. 36, pp. 59-60) cited the above studies as evidence of no leukemia risk among benzene-exposed coke oven workers. Most notably, the industry cited the fact that byproduct plant coke oven workers were not found to have been at excess risk (P.C. 36, p. 60) and recommended that coke ovens be excluded from the benzene standard (P.C. 36, p. 100).

However, as Bickmore stated:

"... In all 35, the expected, the incident (SIC) of mortality and expectation is so low as to preclude any meaningful statistical calculations by the professionals that made the study. (Tr. 3314)

These coke oven worker studies were designed to assess worker risk of exposure to coke oven emissions (Ex. 113 p. 1) (P.C. 27C p. 1, P.C. 27D p. 1). Given the small numbers of observed and expected rates of leukemia, and in the absence of a study designed to assess coke oven worker exposure to benzene, OSHA believes it inappropriate to rely on these studies as evidence that there is not a leukemia risk of exposure to benzene.

During the hearing, Stallones discussed the unpublished study of 3,600 Shell Oil Company workers with "potential" benzene exposure (Ex. 115C.2). Among this population he testified that he observed no excessive leukemia mortality in the three year period ending in 1976. Stallones could not determine how many workers were exposed to benzene. In fact, clerks and officer workers were included in the study group. Again, failure to correctly identify or define a benzene-exposed cohort limits the usefulness of this study.

A series of published and unpublished epidemiologic studies investigating the mortality experience of rubber workers have been entered into the hearing record. (McMichael et al. Ex. 2-36, -37, 2B-295); Monsan and Nakano (Ex. 2-83); Fox et al. (Ex. 2-61); Andjelkovic (Ex. 2-54); Occupa-

tional Health Studies Group, UNC (Ex. 187B). These studies have, in general, shown excess of lymphoma and leukemia among rubber workers. The leukemia was predominantly lymphatic, a cell type not commonly associated with benzene. The proportion of rubber workers actually exposed to benzene in these studies is undetermined. The presence of other chemical exposures raises the question of an alternative causative agent for the excess of lymphatic leukemia and lymphoma observed among rubber workers. In view of these considerations, these studies provide no additional evidence for the leukemogenic potential of benzene.

There has been discussion whether benzene is a *primary carcinogen* (can directly effect a neoplastic alteration without host-mediated activation); a *secondary carcinogen* (chemicals which may increase susceptibility of cells, to a primary carcinogen); a *procarcinogen* (requires biochemical alteration prior to effect); or a *co-carcinogen* (which requires the interaction of another chemical to elicit a neoplastic response). (Olson, Tr. 2892; NRC, Ex. 2-4, p. ii; API/NPRA Brief, P.C. 33, p. 86-87; Aksoy, Tr. 177; Furst, Tr. 1744; Stockinger, P.C. 32-H, 53); Weisburger, P.C. 32-I; Tabershaw Tr. 2549, 2545). The evidence is, at present, insufficient to choose among these alternatives. Namely, what is apparent, however, is the effect of benzene exposure—a significantly increased risk of death from leukemia.

Types of leukemia clearly associated with benzene exposure include acute myelogenous leukemia (AML) and its variants. For example, Aksoy testified that among 40 cases of leukemia among benzene-exposed workers in Turkey, AML and its variants were the most frequently observed form (Ex. 60, p. 7). In the experience of Vigliani and his coworkers, only acute or subacute myelogenous leukemias were observed (Ex. 2-49). The predominant cell type found by Infante (Ex. 2A-271) and others were also myelogenous in character. This well-established association between benzene and AML is in concert with the well-known toxic effects of benzene on bone marrow stem cells (Goldstein, Ex. 43B, p. 162).

In contrast to the definitive relationship between benzene and the induction of AML and its variants, there is considerable scientific debate concerning the association between benzene exposure and the development of chronic forms of leukemia (CLL and ML). Jandl has stated that "... lymphoid leukemia is not a feature of benzene toxicity." (ORC/Jandl, P.C. 34, p. 59), and Lamm ruled out chronic leukemia, not as a "possibility", but as a "probability" (Tr. 2558). Aksoy found no cases of CML among the workers he studied. (Ex. 60, p. 6-F),

and no cases of CLL were seen by the Italian investigators. A different result has been reported by several French studies which have reported a relatively high incidence of CLL. In some instances, there were more cases of CLL than AML. They also report a higher incidence of CML than would be expected based on Aksoy's and Vigliani's findings. Supporting the high incidence of CLL in the French studies is the report by Tarceef which describes 16 cases of leukemia which resulted from long-term exposure to benzene, 3 diagnosed as CLL (Ex. 2-28).

The evidence is inconclusive as to the relationship between benzene exposure and the development of forms of leukemia other than AML and its variants. Vigliani stated (1976) that, although he did not observe chronic leukemias in his series, "there is no *a priori* reason for not accepting them as benzene-induced leukemias ..." (Ex. 2-49, p. 148). OSHA believes at this time that it is prudent to recognize the possibility that benzene exposure may be related to chronic forms of leukemia.

One of the major issues of this rule-making is whether a blood disorder is a necessary precursor for the subsequent development of leukemia. For example, in 1974 NIOSH speculated as follows:

It can be postulated that bone marrow changes and blood dyscrasias would precede leukemia if induced by benzene, so that if these changes were prevented leukemia should not result (Ex. 32B).

Aksoy has testified that benzene leukemias usually develop after a previous pancytopenic period. (Tr. 198) Maugeri, reports that, "the leukemias in our cases were always of the acute, aleukemic slow developing type, and they were always preceded by [an] aplastic condition" (Ex. 39-10, p. 2). Snyder remarked that he was unaware of benzene leukemias without previous demonstration of some kind of bone marrow damage (Tr. 3226) and Goldstein has noted that, "there does not appear to be any proven cases of leukemia in the absence of previous pancytopenia" (Ex. 43B, p. 165). But Goldstein cautions that this interpretation is, "open to speculation, especially in view of the paucity of routine laboratory data preceding the onset of leukemia" (Ex. 43B, p. 165).

As observed by Goldstein, since the mechanism by which benzene induces leukemia has not been elucidated, it is possible that leukemia develops, not in response to the pancytopenic effects of benzene, but rather to the direct carcinogenic effect on the marrow hematopoietic stem cells not necessarily accompanied by any other evidence of marrow effect (Ex. 75, p. 3). In such events, protection against non-neoplastic blood disorders would not rule out subsequent development of leukemia.

Vigliani, in discussing the evidence causally relating leukemia to benzene exposure observed that such leukemia may occur, "... directly or following aplastic changes in the bone marrow ..." (Ex. 2-49, p. 148). In response to a question concerning whether aplastic anemia is a necessary precursor for leukemia, Lamm responded in the negative (Tr. 2562). Also, Browning in 1965 observed that, "benzene leukemia is frequently superimposed upon a condition of aplastic anemia, but it can develop without a preceding peripheral blood picture characteristic of bone marrow aplasia" (emphasis added) (Ex. 2-31).

Finally another industry participant was reluctant to conclude that cytopenias "always" precede leukemia (Tabershaw, Tr. 2546). The evidence is not conclusive. There has been no scientific study of leukemia and preceding pancytopenia resulting from low levels of benzene exposure. The current lack of a reproducible benzene leukemia animal model forecloses the use of experimental evidence. There is no agreement on prospective criteria for benzene-induced blood abnormalities. Therefore, the statement that non-malignant pathological changes always precede leukemia is essentially based on retrospective analysis. The fact that non-malignant blood changes may occur shortly (within a few months) after first exposure to benzene, while leukemia may appear as long as 10 years or more after initial exposure suggests that separate etiologic pathways may be involved.

A corollary issue related to preceding blood disorders is whether recovery from such abnormalities eliminates the risk of leukemia deaths attributable to benzene exposure. Rosen has stated that: "[w]hether reversing the early toxicity can prevent the development of more serious blood dyscrasias in some cases is open to question, but it is a definite possibility" (Ex. P.C. 26A, p. 4).

Jandl has written: "In carefully studying other reports of long latent periods, or of any period between an initial aplasia and a terminal leukemia in which the patient was hematologically normal, I failed to find any well-documented example of complete recovery followed years later (despite abstinence from benzene exposure) by acute myelogenous leukemia" (ORC/Jandl, P.C. 34, p. 24).

Because of the lack of information with a suitably identified cohort followed for a sufficient number of years, it is impossible to make a determination whether or not these "recovered" workers are actually at increased risk of dying of leukemia. This uncertainty has been expressed in the conclusions in the Dow Chemical Company morbidity studies:

The question that remains unanswered, because of the relatively small sample size

of this study, is what is the probability that serious effects of benzene (such as leukemia) will appear years after first exposure and after a period of health surveillance during which no hematological abnormalities are noted (Dow/Fishbeck, Ex. 154, p. 19).

OSHA agrees with the caveat expressed by Dow, and therefore the benzene regulation is not predicated on reversal of blood abnormalities protecting against the development of leukemia.

Benzene-associated leukemia is frequently characterized by a long delay between initial exposure and the onset of disease. Sellyei and Kelemen report a case of subacute granulocytic leukemia in a patient 8½ years after starting to work with benzene (Ex. 2B-258). Hernberg reported a case of a 10-year period between initial exposure and the onset of leukemia in a woman with normal interval blood counts who was exposed to benzene for a total of 6 months (Ex. 217-152). In 1974, a case of acute leukemia was observed in a woman who, following a benzene-induced anemia, was reported to have an exposure-free period of 14 years with almost normal blood counts (Vigliani and Saita, Ex. 2-50, p. 214). Infante et al. report a range of 2-21 years between initial exposure and death; all but one exceeded 10 years (Ex. 2A-272). Goldstein hypothesizes that if benzene-induced hematologic damage is expressed by an . . .

aberration in the bone marrow producing a stem cell that is liable to a further mutagenic event, such an event could conceivably occur many years after the original insult. (Ex. 43B, p. 166).

The delay in the expression of overt disease is a characteristic of many other carcinogenic compounds. With regard to benzene, it has been documented that there is a relatively rapid decline in the incidence of leukemias following cessation of worker exposure to benzene. Aksoy has testified that after the substitution of other solvents for benzene, there has been a decline in the annual number of workers diagnosed with benzene-leukemia (Ex. 60, p. 3). Vigliani and Forni reported that there was a sharp decrease in cases of chronic benzene poisoning after the use of benzene as a solvent was banned (Ex. 2-50, p. 214). These observations appear to be paradoxical in light of the latency periods also reported. However, Forni and Vigliani have noted that, occasional cases of acute leukemia with a long latency period may still be observed (Ex. 2-50, p. 215) and Aksoy, while reporting that no additional cases of leukemia among shoeworkers were diagnosed in 1976, noted that this did not preclude the development of additional cases in the future (Tr. 169).^{*} The question of la-

^{*}A short latency resulting from high exposures is another possible explanation.

tency periods for benzene-induced leukemias has not been resolved and requires further investigation.

Another area of discussion is the question of identifying individuals who may be particularly sensitive to the hematotoxic effects (including the development of leukemia) of benzene. Several witnesses including industry participants generally expressed the view that there probably were differences in sensitivity (Sakol Tr. 228; Shaw Tr. 412; Snyder Ex. 54.2, p. 25; Thorpe, Eckard Tr. 2052; Furst Tr. 1791-42). It appears from the evidence that there are individuals in given populations who may, because of genetic factors and/or concurrent or prior exposure to other environmental agents, be especially sensitive to benzene-induced blood disorders.

Aksoy and his colleagues reported a possible familial link in benzene-induced leukemias in 5 of 40 workers indicating a possible genetic predisposition to benzene's harmful effects (Ex. 60, pp. 8-10). Also, Jandl on the basis of tentative data has attempted to identify a subpopulation with risk factors predisposing to increased sensitivity to benzene (ORC/Jandl, PC 34, pp. 43-44). These include:

a. Those between the ages of 16 and 30;

b. Those with prior exposure to benzene or exposed to radiation in excess of that required for diagnostic purposes, and;

c. Those with evidence of a history of other less severe myeloproliferative disorders such as remitted aplastic anemia, certain abnormal circulating blood cells, or those with persistent abnormalities in one or more blood cell types.

Other predisposing factors may include exposure to drugs or alcohol which may act to modify the metabolism of benzene. These postulated effects are not consistently observed or universally accepted by investigators. In his testimony, Shaw stated that there was no way to determine who is susceptible to benzene and who is not (Tr. 420). And despite "well substantiated information" concerning the increased sensitivity of certain groups to benzene, the International Workshop was unable to develop and provide specific guidelines on this matter (Ex. 17, p. 7). These sensitive individuals, interspersed among the working population, are certainly among those who are at highest risk of material impairment from benzene exposure. The size of this group is unknown. It is the purpose of this regulation (especially the permissible exposure level and detailed medical surveillance protocol) to not only minimize harmful effects of benzene exposure, but also provide early diagnosis and treatment should such effects occur.

c. *Animal studies.* The wide variety of non-malignant hematological disorders observed in humans exposed to benzene which range from simple anemia, and leukopenia to aplastic anemia have been experimentally induced in animals. However, attempts to demonstrate the development of leukemia in animals exposed to benzene has met with less success. Until recently, a study by Lignac in 1932 was the only animal study known to OSHA in which leukemia has been observed in animals exposed to benzene. (Ex. 2-38). Fifty-four mice (28 females; 26 males) were given subcutaneous injections of benzene (0.001 ml in 0.1 ml of olive oil) for 17 to 21 weeks. Nine mice were initially excluded following intercurrent infection and an additional 12 were lost through atrophy of various organs, especially the spleen. Lignac attributed these 12 deaths to the size to the dose of benzene. Eight of the remaining 44 mice developed leukemia or Kündrat's lymphosarcoma and died 4 to 11 months after receiving the first injection. The absence of concurrent controls makes interpretation of the results problematic and uncertain. Failure to identify the mouse strain studied has frustrated efforts to independently confirm the findings.

Other studies have failed to reproduce Lignac's results. Amiel in 1960 utilized four inbred strains of mice and subjected them to the same experimental program outlined in Lignac's study. (Ex. 2-39). No leukemic or aplastic hemopathies were observed. Ward et al. administered benzene subcutaneously to a strain of mice which is known to be responsive to leukemogenic agents. (Ex. 2-40). A slight increase in the percentage of granulocytic leukemias was observed in the benzene-treated mice as compared with the controls; however, the authors viewed the increase as not statistically significant.

In a letter transmitted Aug. 9, 1977 to Eula Bingham, Asst. Secretary of Labor, Nelson described preliminary results of an inhalation experiment using rats and mice (Ex. 178). Animals were exposed to benzene vapors 6 hours per day, 5 days per week for up to 2 years. Two possible leukemias were observed in a group of 40 strain CD mice exposed to 300 ppm. In one animal, elevated WBC counts were observed 193 days after exposure, with death following 3 days later. The autopsy findings were consistent with CML, a disease not known to arise spontaneously in this strain. The second mouse exhibited the presence of abnormal blast forms in the peripheral blood after 211 days of exposure and died 4 days later. Whether this finding indicates AML, a disease previously observed in this strain, or acute lymphoblastic or stem cell leukemia (spontaneous incidence about 4 per-

cent) had not been resolved at the time the report was submitted.

One of the 40 rats exposed to 100 ppm benzene developed an elevated WBC count after 240 days of exposure with the cell counts continuing to increase slowly. Peripheral blood smears showed some immature neutrophils. This finding is compatible with a diagnosis of CML, a disorder which is relatively rare for the rat. However, a non-leukemic leukemoid process could not be excluded.

Nelson characterized the results of the study as:

... slender evidence of the production leukemia. Nevertheless, despite the shakiness, we believe these results to be extremely suggestive and provide an urgent basis for intensive further study (Ex. 178).

D. *Conclusions.* Leukemia is a serious world-wide problem. In this country alone, approximately 20,000 adults die annually from this disease, and about 12,000 individuals develop and die from AML each year (ORC/Jandl, P.C. 34, p. 72). However, based on the published literature the number of AML deaths attributable to benzene exposure is unknown. In this regard, Goldstein states: "The incidence of leukemia appears to be a small fraction of all benzene-induced hematotoxicity." (Ex. 54.B, p. 160). One reasonably complete 9 year follow-up study of 147 workers exposed to benzene, of which 109 displayed some degree of cytopenia, 1 case of leukemia was observed (Hernberg et al., Ex. 2-252). Dr. Jandl observes that, "... few patients with proven cases of acute myelogenous leukemia can be discovered in the American literature in the past 10 years . . .". However, the unusual number of erythroleukemias observed by Sakol at the Akron Pliofilm operation (Sakol, Ex. 61) indicates that there may be a severe underreporting of benzene-induced leukemias. Also, the relationship between initial leukemia and exposure to benzene may be less apparent than the benzene-induced cytopenias due to the substantial delay between exposure and manifestation of symptoms (Goldstein, Ex. 43.B, p. 160). Moreover, in many such instances the victim may be unaware of earlier exposure.

When case reports are derived from patients who are sufficiently sick to seek medical attention, the relative prevalence of leukemia is reported to be much higher. For example, in the 1976 report by Vigliani and Forni in which a total of 83 compensation cases of benzene toxicity were observed, leukemia accounted for 19 (Ex. 2-15). Vigliani has estimated based upon available literature, that the number of cases of leukemia attributed to benzene exposure is "at least 150" (Ex. 2-49, p. 144). The document, "Benzene in the Work Environment", used to establish the German Occupational

Standard, summarized over 250 reported cases of leukemia in individuals who had been chronically exposed to benzene. (Ex. 2-58). Jandl states there have been at least 250 cases of AML in the United States which are believed to be the result of exposure to benzene. (ORC/Jandl, PC 34, p. 103). It is impossible to extrapolate these published findings to either an absolute total or a relative incidence. Beyond the likely underreporting of cases, the incidence of benzene leukemia may be greater than previously recognized since many diagnoses were made without results of marrow aspirates. Thus, peripheral pancytopenia may have been inaccurately labelled aplastic anemia when marrow examination might well have revealed acute myeloblastic leukemia, leukopenic or aleukemic leukemia, a type characterized by a decline in circulating white cells. (Vigliani, Ex. 2-49, pp. 143-4).

The evidence in the record conclusively establishes that benzene is a human carcinogen. The determination of benzene's leukemogenicity is derived from the evaluation of all the evidence in totality and is not based on any one particular study. OSHA recognizes, as indicated above that individual reports vary considerably in quality, and that some investigations have significant methodological deficiencies. While recognizing the strengths and weaknesses in individual studies, OSHA nevertheless concludes that the benzene record as a whole clearly establishes a causal relationship between benzene and leukemia.

The evidence indicating that relationship has been expanding and the international scientific community has increasingly acknowledged that worker exposure to benzene is associated with an increased risk for the induction of leukemia, in fact, today there is little dispute that benzene is a human leukemogen. For example, in 1976 NIOSH stated: NIOSH considers the accumulated evidence from clinical as well as epidemiologic data to be conclusive at this time that benzene is leukemogenic. Because it causes progressive, malignant disease of the blood-forming organs, NIOSH recommends, that for regulatory purposes, benzene be considered carcinogenic in man (Ex. 2-5).

In a paper presented at the International Workshop, Brair wrote that: It is now generally recognized that benzene leukemia is a nosological entity. (Ex. 34-5, p. 4). Vigliani has observed: [F]rom the vast literature accumulating over the last forty years, the conclusion can be drawn that the clinical as well as epidemiological data are indicative of a strong leukemogenic action in man . . . (Ex. 2-49, p. 148).

Aksoy testified that: [T]here is overwhelming scientific evidence that benzene can cause leukemia in man (Tr-144).

Other witnesses and commentators were in basic agreement with this conclusion: (Goldstein, Tr-351, 389; Sakol, Tr-316; Jandl, P. C. 26B. Addendum V, P. V, Taber-shaw Tr 2545).

In 1971, the Senate of the Deutsche Forschungsgemeinschaft for the Examination of Hazardous Industrial Materials indicted benzene as a human carcinogen (See NIOSH Ex. 84A, p. 1). Two years later, Eckardt, then Medical Director of Exxon Corp., stated,

[t]he accumulated evidence in the literature leads to the inevitable [sic] conclusion that benzene is a leukemogenic agent, particularly in cases that have previously displayed a pancytopenia. Although this had long been suspected, the data reported in the literature was not sufficiently convincing to establish the leukemogenic nature of benzene. However, the more recent observations seem to establish the association beyond a doubt (Ex. 84, B.2, p. 7).

Industry participants in the benzene rule-making did not, for the most part, challenge benzene's leukemogenicity. Rather, they argued that there is a threshold level for benzene and that, consequently, benzene is not a leukemogen at low levels. In support of this argument, industry cited several epidemiological studies purporting to demonstrate that an excess risk of leukemia is not seen in workers exposed to benzene at levels lower than 10 ppm. Although the epidemiological method can provide strong evidence of a causal relationship between exposure and disease in the case of positive findings, it is by its very nature relatively crude and an insensitive measure. In the case of negative findings, the results are especially difficult to interpret for several reasons. One methodological artifact commonly observed is the failure to adequately define the composition of the study cohort. The fundamental premise of any epidemiological investigation of the potential relationship of occupational exposure to an agent and observed health effects is, in OSHA's view, a careful definition of an exposed cohort. As was pointed out above, many of the benzene studies cited by industry suffer from this design defect. Other factors, such as incomplete followup of workers who may exit the cohort and uncertainly as to the actual cause of death lead to further dilution of the reported results. The presence of a latency period exacerbates this problem: The long delay between exposure and manifestation of symptoms, compounded by the high mobility of our society make it medically and scientifically extremely difficult to identify workplace carcinogens. An additional difficulty arises from the apparent variability in individual sensitivity. Epidemiological study populations tend to be small and reaction to an etiological agent may not appear in the cohort, due to varying degrees of sensitivity. On the other

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hand, positive retrospective investigations suffer from these artifacts to a much lesser degree. For these reasons, it is OSHA's policy when evaluating negative studies, to hold them to higher standards of methodological accuracy.

As stated above, the positive studies on benzene demonstrate the causal relationship of benzene to the induction of leukemia. Although these studies, for the most part involve high exposure levels, it is OSHA's view that once the carcinogenicity of a substance has been established qualitatively, any exposure must be considered to be attended by risk when considering any given population. OSHA therefore believes that occupational exposure to benzene at low levels poses a carcinogenic risk to workers. The Agency, however, recognizes that not all individuals exposed to benzene will suffer harmful effects. The benzene record establishes that there may be individual effect levels. However, there is no way of ascertaining which workers in any exposed population are susceptible and to what levels.

OSHA further recognizes that determinations of carcinogenicity are normally based on animal studies, and when available, human evidence. OSHA acknowledges that, at the present time, there is no unequivocal animal model demonstrating the induction of leukemia. However, the lack of an animal model does not diminish the conclusive nature of human evidence demonstrating benzene's leukemogenicity.

OSHA acknowledges that there are many unresolved issues concerning the relationship between benzene exposure and leukemia:

Whether benzene is a co-carcinogen, a procarcinogen, etc.

Whether benzene exposure is causally related to induction of forms of leukemia other than AML and its variants.

Whether blood dyscrasias, such as aplastic anemia always precede benzene leukemia.

To what extent are leukemia deaths attributable to occupational exposure to benzene.

What factors identify a sensitive population.

These questions are on the frontier of scientific and medical knowledge and, given the mandate of the Act, OSHA cannot wait for answers while workers are exposed to this life-threatening substance. There is no doubt that benzene is a carcinogen and must, for the protection and safety of workers, be regulated as such. Given the inability to demonstrate a threshold or establish a safe level, it is appropriate that OSHA prescribe that the permissible exposure to benzene be reduced to the lowest level feasible.

4. *Chromosome studies.* OSHA has examined both the original literature of benzene-induced chromosomal

changes and the material contained in recent reviews of the subject (NRC Report, Ex. 2-4, section entitled: Chromosome Effects; Forni, Ex. 156.H and; Wolman, NYU Report Ex. 43.B, Chapter VI). Evidence derived from human studies together with similar results obtained from experimental investigation clearly demonstrates that benzene can induce visible damage to chromosomes in lymphocytes and blood-forming cells. For example, Tyler noted that: "I think there is rather convincing evidence that the chromosomal aberrations are associated with exposure to benzene." (Tyler, Tr. 3100; also see International Workshop, Ex. 17, p. 6). The effects may be manifested as numerical alterations and/or structural rearrangements of the chromosomal material and include additions or deletions of chromosomes, segments of whole chromosomes or chromosome sets, in addition to exchanges which result in morphologically aberrant chromosomes (Wolman, NYU Report, Ex. 43.B, p.—). Forni has observed that the aberrations produced by benzene exposure are non-specific and are similar to those produced by ionizing radiation. (Ex. 156.H). To what extent these events are detrimental to human health is not known.

A. HUMAN STUDIES

There are numerous reports on chromosomal evaluations in worker populations both with and without clinical symptomatology resulting from exposure. In general, these studies reveal that there are statistically significant increases in chromosomal damage in those occupationally exposed to benzene. The chromosome alterations have been classified as either unstable changes (i.e., fragments, dicentric, triscentric and ring chromosomes) and stable changes (i.e. abnormal monocentric chromosomes due to deletions, translocations, inversions and trisomies). Aneuploidy (abnormal chromosome number) and/or polyploidy (a multiple chromosomal set) have also been observed. The early reports focused on the examination of workers exhibiting benzene hemopathy (a disease of the blood). As early as 1964 Pollini and Columbi published such a study. (Ex. 2-17). Examination of cultured bone marrow cells and peripheral lymphocytes showed increased frequencies of aneuploid cells and structural aberrations. A second study by the same group (Ex. 2-4, reference 50) of 4 patients with temporary or progressive blood dyscrasias revealed that the incidence of heteroploid (abnormal number) chromosomal patterns ranged around 70% both in the blood and in the marrow of each subject. The authors were, however, unable to establish a correlation between the duration and degree of exposure and

either the frequency of chromosome aberration or the degree of toxicity. Other cytogenetic studies of subjects with benzene-related hemopathies have yielded similar findings (e.g. Forni and Moreo, Ex. 2-18 and 2-19; Sellyei and Keleman, Ex. 2A-258; Aksoy et al., Ex. 2-57; and Erdogan and Aksoy, Ex. 2A-192). Variables which make these case reports difficult to interpret and compare include: differential diagnoses, the use of lymphocytes artificially stimulated to grow in some cases and bone marrow cells in others; the occasional lack of "normal" baseline chromosomal breakage frequency; and the occurrence in some cases of pre-existing familial chromosomal aberrations (Wolman, Ex. 43-B, p. 129). In spite of the limitations of these reports, Wolman has stated that some trends have been observed—additional chromosomes have been identified in several reports, tetraploidy (4 sets of chromosomes) or polyploidy were seen in some cases and in many instances an increased frequency of chromosome breakage was reported but not well documented. Wolman states that:

the clearest picture of the relationship between benzene exposure and chromosomal changes emerges, not from experimental studies or reports of human disease, but from studies of occupationally exposed workers (Ex. 43.B, p. 130).

The National Research Council (Ex. 2-4) considers the 1969 study by Vigliani and Forni (Ex. 2-20) to be one of the most systematic of this type reported. The results of cytogenetic analysis of 25 subjects who had recovered from benzene hemopathy were compared to the findings of controls matched for sex and age. In most cases, increased ratios of both stable and unstable chromosome aberrations were still present several years after cessation of exposure to benzene and/or recovery from poisoning, whereas the hematological analysis revealed normal blood counts in most cases. Follow-up cytological analyses of these subjects showed an overall decrease in unstable changes, and generally, a persistence or an increase in stable alterations. Other cytogenetic surveys of workers industrially exposed to benzene are: (Forni et al., Ex. 2-20; Girard et al., Ex. 2-40; Hartwich and Schwanitz, Ex. 217-129; and Vigliani and Forni, Ex. 2-14).

OSHA is also aware of several cytogenetic studies of workers chronically exposed to airborne concentrations of benzene probably less than 25 ppm. Several indicate an increase in chromosomal damage (Hartwich and Schwanitz, Ex. 129; Girard et al., Ex. 2-65 or 2-283, and Berlin et al. Ex. 2A-218) while others present negative findings (Forni, Ex. 156.H; Tough et al., Ex. 2-21B, and Burgatti, Ex. 2A-226).

B. EXPERIMENTAL STUDIES

The quantity of data available from experimental studies is less than that reported for exposed workers, but it provides additional corroborative evidence that chromosomal aberrations can be induced by benzene. An *in vitro* study utilizing cultured human lymphocytes, incubated with benzene, revealed that the frequency of chromatid-type aberrations increased with increasing dosages of benzene. It was further observed that the yield of dicentric and ring chromosomes induced by benzene damage was synergistically related to treatment with radiation. A high incidence of chromosomal damage has also been observed in cultured human leukocytes and Hela cells incubated with benzene (Kozumi et al., Ex. 2B-298). In 1970, Philip and Jensen reported that rats acutely intoxicated with subcutaneous injections of benzene displayed increased rates of chromatid breakage in direct bone marrow preparations 12 and 24 hours after injection, followed by a return to normal cytogenetic findings at 36 hours (Ex. 2-23). It has also been reported that rabbits made pancytopenic by chronic exposure to benzene via injection exhibited a high frequency of both chromatid and chromosome aberrations, in uncultured bone marrow cells (Ex. 2-22). After reviewing the animal evidence, OSHA concurs with Wolman's following conclusion:

[T]hat although it appears that exposure times in different species can induce increases in chromosome aberrations, there is no clear evidence for a dose-dependent response to benzene exposure. (Ex. 43B).

C. DISCUSSION

While the record clearly demonstrated that benzene causes chromosomal aberrations, it is equally clear that there is no unanimity of opinion as to what the benzene-induced chromosome aberrations mean in terms of demonstrable health effects, especially the relationship of chromosome damage to the induction of leukemia. For example, the International Workshop concluded: "The implication of the finding of increased chromosome aberrations for the occurrence of benzene leukemia is still not clear." (Ex. 17, p. 6).

Whether these aberrations are, in some instances, (1) causally-related to the development of leukemia, or (2) are secondary to the neoplastic state and therefore are epiphenomena of metabolic alterations resulting from abnormal growth is not known (Sandberg, Ex. 2-102).

There are several theoretical considerations and some evidence supportive of the first alternative: Some investigators view chromosomal damage as a mutational event or an event which increases the probability of a mutation (e.g. Wolman, Ex. 43B, p. 126). As the

induction or the maintenance of a neoplastic (cancerous) transformation results most probably from a somatic mutation, damage to chromosomal material may enhance the opportunity for such a cellular change to occur. Other interrelated hypotheses in support of a causal relationship between chromosomal damage and leukemia are:

(1) That benzene might induce various types of chromosomal aberrations and that leukemia might evolve in those cases where a potential leukemia clone with a selective advantage develops in response to benzene exposure (Vigliani and Forni, Ex. 2-14).

(2) That cells exhibiting chromosomal instability or imbalance may be more susceptible to transformation by a leukemogenic virus (International Workshop, Ex. 17, p. 6) or;

(3) That chromosomal aberrations may lead to decreased immunological surveillance, and that in such instances, leukemia can develop if abnormal cell clones (some of which may be neoplastic) are not eliminated. In this context, Forni and Moreau reported a case of a benzene-induced leukemia in which both bone marrow and peripheral lymphocytes exed 47 chromosomes (1 more than normal) with the same karyotype, suggestive of clone formation. (Ex. 2-18).

There are also several investigators who believe that at this time, there is insufficient evidence to establish a causal link between visible chromosomal damage and leukemia (Ex. 156.2). For example, Snyder has stated that:

while exposure to benzene in sufficient concentration and for extended periods of time has been linked with both chromosomal aberrations and leukemia in humans, benzene-induced chromosome damage has been found in individuals who have not exhibited leukemia . . . (p. 22).

Additional evidence in favor of the non-causal relationship nature between chromosomal damage and leukemia was presented by Jandl. He observes that exposure to several types of agents, not known to possess leukemogenic action, induce chromosomal abnormalities which may persist for months.

Sandberg cautions that no consistent karyotypic pattern has emerged for any type of cancer or leukemia and in about half of all cases of acute leukemia, some cases of chronic myelogenous leukemia and in almost all cases of chronic lymphocytic leukemia, no visible chromosomal alterations occur (Ex. 2-102). And also, Elkins feels that the evidence fails to establish a causal link between chromosome alterations and leukemia (Ex. 156C, p. 22-23).

Whether these gross alterations of chromosomes can be viewed as toxic or mutational events depends on the fate of the affected cell. If the alteration in

the chromosomal material results in an inhibition of further cellular division, then in terms of its reproductive potential, the cell is dead and the damage inflicted may be classified as a toxic event. However, if the damage does not interfere with the reproductive ability of the cell, and the alteration is replicated, this may constitute a persistent gross mutation, " . . . a structural change in the genome which presumably alters cell function". (Wolman, Ex. 43.B, p. 126.) In addition to structural and numerical alterations, benzene has been observed to induce chromosomal breaks:

While breaks may be repaired and are not necessarily mutational events (in the sense of being inherited), each occurrence increases the probability of a structural aberration and, therefore of a mutation (Wolman, Ex. 43.B, chapter VI).

In viewing benzene as an agent potentially capable of interacting with the genetic material, several points should be made:

(1) All of the studies demonstrating benzene's "clastogenic" or chromosomal-damaging effect (Shaw, Ex. 2-94) have apparently reported the effects in somatic cells only. In view of the wide distribution of benzene in the body, it is not unreasonable, however, to assume that given somatic chromosomal damage resulting from benzene exposure, that germinal tissue may also be affected. In her review of clastogenic substances, Shaw has stated:

Because changes in the genes and chromosomes do not usually produce an immediate health hazard, they may go undetected for a lifetime or even for several generations. Yet, the human gene pool can become insiduously polluted. (Ex. 2-94, p. 409).

(2) Despite the considerable evidence demonstrating benzene's ability to inflict visible damage to chromosomes, benzene has not manifested mutagenic activity when tested in various microbial assay systems (Kraybill, Ex. 84. B 19, p. 314).

(3) The finding of gross chromosomal damage in bone marrow cells clearly demonstrates that despite competing detoxification reactions (see: Olson, Ex. 149, p. 12) benzene, or a reactive metabolite, is able to overwhelm protective defense mechanisms and enter the nucleus of hematopoietic cells.

In summary, the evidence clearly demonstrates that benzene is capable of causing significant increases in chromosomal aberrations in somatic blood cells in the absence of clinical and/or hematological symptomatology. It is also clear that for man, no quantitative dose-response relationship has been established for these effects. It is OSHA's interpretation of these findings that chromosomal damage represents an adverse biological event of serious concern which

may pose or reflect a potential health risk and as such, must be considered in the larger purview of adverse health effects associated with benzene.

V. ECONOMIC CONSIDERATIONS

In setting standards for toxic substances, the Secretary is required by section 6(b)(5) of the Act to give due regard to the question of feasibility. Section 6(b)(5) mandates that final standards be set which most adequately assure employee safety and health "to the extent feasible, on the basis of the best available evidence" and further requires that, in the development of occupational safety and health standards, "considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws." While the precise meaning of feasibility is not clear from the Act, it is OSHA's view that the term may include the economic ramifications of requirements imposed by standards. The determination that OSHA has the authority to consider economic feasibility factors in developing standards has been endorsed by the courts. *Industrial Union Dept., AFL-CIO v. Hodgson*, 499 F. 2d 467 (C.A.D.C., 1974); *AFL-CIO v. Brennan*, 530 F. 2d 109 (C.A. 3, 1975). As pointed out by the D.C. Circuit Court of Appeals, Congress did not intend the Secretary to promulgate standards which drive entire industries or large numbers of employers out of business. On the other hand, "standards may be economically feasible even though, from the standpoint of employers, they are financially burdensome and affect profit margins adversely; further, the Court said, the concept of economic feasibility does not 'necessarily guarantee the continued existence of individual employers.'" *Industrial Union Dept., AFL-CIO v. Hodgson*, supra, at page 478.

In accordance with the Secretary's position, it has long been OSHA's practice to analyze the economic feasibility of proposed standards where significant economic impact on employers covered by the proposals seem likely, to make such analysis available to affected parties for comment and subsequent hearing prior to issuance of final rules, and to invite the submission of other information on the economic impact and feasibility of proposed standards. In developing a final standard, therefore, OSHA evaluates the economic feasibility of the final standard on the basis of the information developed by its own studies of the proposal and submissions by the public during rulemaking.

To assess the economic feasibility of the proposed standard for benzene, OSHA undertook an extensive study of the proposal's economic impact on

various affected industries. This study was conducted for OSHA by Arthur D. Little, Inc. (ADL). (Ex. 5A, 5B). The ADL study has provided basic economic data for the evaluation of the economic impact of the permanent benzene standard on the major affected industries. Additional information for this purpose was obtained through OSHA's analysis and consideration of all other economic data, comments, arguments and testimony submitted at the benzene hearing, in pre-hearing comments and in post-hearing comments and briefs. On the basis of the best available evidence, therefore, OSHA has determined, as explained in detail below, that the permanent benzene standard is economically feasible.

COMPLIANCE COSTS

Estimates of total costs of compliance with the permanent benzene standard for the major affected industries studies are as follows: First year operating costs for all industries combined are estimated by OSHA to be approximately in the range of \$187 million to \$205 million recurring annual costs are estimated at approximately \$34 million and investment in engineering controls is expected to be approximately \$266 million. Estimates of these costs for various individual industry sectors are analyzed below. As that analysis reveals, the greatest economic impact of the standard falls on the larger and more stable industries, such as petroleum refining and petrochemical production, which can readily absorb the costs or shift them forward to consumers. No testimony was offered by these industries that the proposed standard for benzene would imperil their existence. Even the higher projection of some costs by the American Petroleum Institute and other participants would not raise any serious question concerning the economic feasibility of the standard or the ability of the regulated industries to bear the additional costs.

The benzene standard, in its final form will require all industries that produce or use benzene, petrochemicals, products and services involving the use of solvents derived from petroleum, as well as production of crude and refined petroleum products, and primary distribution of gasoline, to undertake an initial determination of the extent to which their employees are exposed to benzene. The results of the initial exposure measurements will determine the types of activities each firm will be required to take to comply with the provisions of this standard. Where exposure measurements are below the action level (0.5 ppm), firms will have to provide information and training in the hazards related to benzene to their employees, comply with the labeling requirements, and retain the records of initial measurements.

These compliance activities account for the entire first year operating costs for many of these industries. Firms with exposure levels above the action level will incur additional first year costs for monitoring and medical examination programs. Finally, those firms with exposure levels above the permissible exposure level will have additional first year costs for installation of appropriate engineering and work practice controls, and for respirators. It is assumed that engineering controls are all installed in the first year and reduce exposure levels to below the permissible exposure limit. However, those firms with continuing exposure measurements above the action level will have recurring annual costs for monitoring and medical surveillance. Regardless of the airborne exposure measurements, employees in operations with potential exposure to eye or repeated skin contact will have to be provided with appropriate personal protective equipment. Thus, some firms and industries will have higher and more sustained cost burdens than others.

OSHA's estimates of costs for compliance with the final standard differ from estimates of the proposal's compliance costs in part because the standard in its final form differs from the proposal in areas which significantly impact on the cost of compliance. ADL estimated the proposal's compliance costs for 20 industry sectors engaged in benzene production (petroleum and coke), petroleum refining, chemical processing, benzene transportation, and other industries, such as rubber manufacturing and laboratories (ADL, Vol. 1, Ch 5). ADL provided detailed cost estimates for each industry and for each compliance activity required by the proposal. Total costs for all surveyed industries were estimated by ADL as follows: First year operating costs were approximately \$124 million, recurring annual costs were approximately \$74 million, and costs for implementation of engineering controls were approximately \$267 million. In developing each of these estimates, ADL used the control with the least cost as the basis of their calculations. In other words, where alternative methods of compliance are available to employers in an industry, and indeed may be more attractive to employers, the higher cost method was considered an optional process improvement, and only that portion of its total cost required to produce compliance was allocated to compliance with the proposed regulation (ADL, Vol 1, pp. 5-3). Additionally, ADL assumed compliance with the previous OSHA regulation (29 CFR 1910.1000, Table Z-2) requiring an exposure limit of 10 ppm TWA and a ceiling limit of 25 ppm, thus assessing to the benzene proposal only the incremental cost associated with

moving into compliance with the proposed permissible exposure level from the previous exposure limit.

The ADL costs covered 24,312 facilities and 196,875 estimated exposed employees (ADL, Ex. 5A, Table 5-1, p. 5-2). Costs were estimated for the required compliance activities of monitoring, medical surveillance, respirators, personal protective equipment, training, signs and labels, and record-keeping. Distribution of costs varied from sector to sector depending on such variables as the number of exposed workers who would require monitoring and medical surveillance and the estimated effectiveness of engineering and work practice controls. OSHA has examined the methods used by ADL to determine the costs for each provision of the standard and, in the absence of substantially contradictory testimony and alternative methods from affected industries, the approach of ADL has been largely adopted by OSHA in estimating the costs of compliance.

Based on all the evidence on the record, OSHA has estimated the cost of compliance with the benzene permanent standard for approximately 157,000 facilities and approximately 629,000 exposed employees.

MONITORING

As a basis for OSHA's estimates of compliance costs, OSHA has utilized for many industries ADL's sampling protocol for determining monitoring costs. ADL's protocol was designed to provide an initial exposure profile and characteristic sampling program.

ADL's representative explained that the protocol was intended to be representative, but that it might not fit each plant exactly and costs might be higher if the number of exposed workers in an industry, or those exposed above the permissible limit, were higher. (See Tr. 477-484, 522-526, and 592-595.) The derivation of the sampling base further explained in ADL's post-hearing submission as follows:

The vast majority of facilities which must comply with this regulation are typified by twenty-four hour per day continuous processes representative of petrochemical operations. It was proposed to initially sample 50 percent of all exposed employees. However, the three shift nature of these operations and the commonality between worker exposures by job category between shifts indicated that sampling results from one shift could be properly interpreted as being representative for all shifts. Therefore only 1/3 of the exposed workers should be sampled. Multiplying 1/3 x 1/2 equals 1/6 of the exposed employees who must be monitored. (Post-Hearing 15E)

OSHA recognizes that these assumptions may not portray exactly the monitoring pattern of employers within other industries. It is OSHA's view, however, that the monitoring scheme as described is a reasonable

basis for estimating the cost of compliance with the monitoring requirements of the final standard.

In estimating the percentage of employees within each exposure category—i.e., above the permissible exposure level, between the action level and the permissible exposure limit, and below the action level, OSHA has used varying assumptions based on exposure data, where available. For the major portion of the covered industries, OSHA has accepted ADL's estimate that 20% of the exposed employees are above the permissible exposure limit. While there may be some variations in actual percentages at individual plants, industry witnesses offered no alternative approaches to estimating the number of exposed employees above the permissible exposure limit. Determination of the percentage of employees in each of the two exposure categories below the permissible exposure limit was based to the extent possible on record evidence of exposure. Where such evidence was not available, it was assumed for cost calculation purposes that one-half of the employees were exposed below the action level and one-half were exposed between the action level and the permissible exposure limit. Use of this distribution of exposed workers, however, does not imply that OSHA believes it necessarily represents actual exposure profiles for all industries; it has been used only to provide some basis for estimating approximate compliance costs and assessing the economic impact of the standard on these industries. OSHA has therefore, relied on the best available evidence as to likely exposure patterns in determining that its sampling protocol reflects typical industry conditions, provides a uniform estimation method enabling inter-industry comparisons to be made, and yields reasonable approximations of the cost impact of the monitoring program.

OSHA has utilized the ADL methodology for calculating monitoring costs. There are, however, significant differences in total monitoring costs as a result of changes in the monitoring requirements of the final standard. The elimination of the proposed percentage exemption expands the number of employers covered by the standard and the number of employees affected. Cost estimates for compliance by employers using liquid mixtures containing less than 1% benzene were not given in the ADL study. However, inclusion of an action level in the standard, below which no regular monitoring or medical surveillance is required, should minimize the economic impact of the permanent standard. This is especially true since the proposal would have lowered the percentage exclusion to 0.1% after one year, and would have imposed periodic monitoring and medi-

cal surveillance of employees in these operations with any amount of exposure to benzene. Furthermore, it is anticipated that a significant number of operations utilizing mixtures with less than 1% benzene will be below the action level, in which case only initial monitoring must be conducted.

The introduction of an action level decreases for individual employers the cost of compliance for the monitoring activities. The proposal required quarterly monitoring where exposures were at or below 1 ppm. The final standard requires initial measurement to determine exposures but requires no further monitoring where exposures are below 0.5 ppm (unless a re-determination of exposures is necessitated by specific changes). As a result of this change in the monitoring requirements, some employers, who would have been required to monitor employees quarterly, will now only need to conduct initial measurements. Initial measurements it is estimated will cost approximately \$109 million for all industries combined. However, the actual cost will be substantially below this, inasmuch as the standard allows employers who have conducted initial monitoring, pursuant to the benzene guidelines or the emergency temporary standard, to utilize those measurements in order to initially determine employee exposure; and the benzene record indicates that many employers have conducted these measurements.

MEDICAL SURVEILLANCE

The final standard, unlike the proposal, requires medical surveillance only of those employees whose exposure is at or above the action level. Moreover, the standard provides for twice yearly medical exams rather than quarterly exams. ADL has estimated the annual cost for routine medical surveillance as approximately \$207 per employee annually. (Vol. II, App. C). This figure included employer and employee time, physician charges and laboratory fees. (Vol. II, C-7).

Since routine medical surveillance is required by the permanent standard semi-annually rather than quarterly as contemplated by the proposal, OSHA has adjusted the ADL medical cost per employee to reflect the reduction in the number of periodic exams and to remove from the periodic exams the cost of the reticulocyte count and serum bilirubin, which the permanent standard requires only as part of the initial baseline exam. OSHA has, therefore, estimated the cost of the first year medical surveillance, including the work history, as approximately \$105.00 per employee and the recurring annual cost of medical surveillance is estimated as approximately \$78 per employee.

The final standard provides for medical surveillance in addition to semi-annual routine blood testing. Where routine medical surveillance reveals an abnormal blood picture, the employer is required to refer the employee to a hematologist. Where emergency situations occur, the employer is required to provide a urinary phenol test and, if urinary phenols are elevated, a repeat complete blood count (CBC); if the CBC reveals abnormalities then the employee must be examined by a hematologist. The cost of these non-routine examinations was not estimated by ADL since they would not have been required by the proposal. There is, of course, no certain way of determining the number of employees who will need examination by a hematologist. To calculate these additional costs, therefore, OSHA has assumed that 5% of all employees will have abnormal blood pictures and will be re-referred to a hematologist, and that the added cost will be \$100 per referral.

OTHER COSTS

Total costs for other compliance activities, such as engineering controls, respirators, training, and signs and labels have also been assessed. These costs are based essentially on the cost factors furnished by ADL since the ADL costs were generally accepted by industry participants.

Capital costs for engineering controls have been determined for industries with operations above the permissible exposure limit on the basis of the type of engineering controls available for the individual industry. Many of the industries covered by the benzene standard involve the storage and movement within a closed system of liquids containing benzene in various concentrations. Emissions occur at such points as pumps, pipe line joints, compressors, sampling points, and gauging stations. (Vol. 1, 4-35). Engineering controls for these systems consists of replacing worn pumps and compressors with equipment specifically designed to minimize emissions, replacing gaskets to ensure tight fit of joints, welding joints, and the installation of automotive gauging and closed loop sampling devices. Specific units of these systems have been costed by ADL and aggregate costs shown below are based on an estimated number of these units which are required for a typical plant. To determine respirator costs, OSHA has used ADL's cost per employee for respirators. (Vol. II C-8, 9). For personal protective equipment, which is required by the standard for employees who may be exposed to eye or repeated dermal contact with benzene, the cost of \$13.16 per employee per year has been used. This cost includes the cost of gloves, apron, face-shield, and goggles (Vol. II, C-R).

Training costs, which include costs for preparation, materials, employee's time, and instructor's time, have been estimated at \$110 per facility plus \$14 per employee (Vol. II C-II).

In calculating recordkeeping cost, OSHA has utilized the ADL cost factor (Vol. II C-12) for record maintenance but adjusted this cost to reflect the decrease in the records required by the final standard. In its testimony, AISI expressed the view that recordkeeping would require the addition of one record clerk per facility (Tr. 3165-317 I). However, the final standard significantly reduces the monitoring records and eliminates medical records for employees whose exposure is below the action level. Therefore, application of ADL's cost formula will give a reasonable approximation of the recordkeeping burden.

For most firms, a normal cost for labels has been determined on the basis of ADL's cost of estimate (Vol. II, C-13). No cost has, however, been determined for signs. Detailed data on a plant-by-plant basis were not available to OSHA. Therefore, no costs for this compliance activity are included within the cost estimates shown herein. OSHA recognizes that these costs will occur but is of the opinion that they will be relatively small for all firms covered.

Compliance costs for the following industries have been calculated by OSHA using the compliance factors described above.

PETROLEUM REFINERIES

It is estimated that petroleum refineries will incur greater compliance costs than any other industry sector. This is primarily due to the large number of refinery workers who are exposed to petroleum products, almost all of which contain benzene. There are 48 refineries engaged in the production of benzene and 275 refineries which do not produce benzene but maintain process streams with benzene concentrations.

At the 48 refineries which produce benzene, there are approximately 1,440 exposed workers. On the basis of the exposure data made available by ADL and industry witnesses, it appears that approximately 20% of these employees are exposed above the permissible exposure limit. OSHA has, therefore, applied the ADL sampling protocol and calculated costs on the assumption that initial measurement will show approximately 300 workers exposed above the permissible exposure limit. The remaining exposed workers were divided for cost calculation purposes. Capital investment to reduce exposure levels has been estimated at approximately \$24 million extrapolating from a model plant analysis. This cost would be for replacement of seals and controls of leaks

(ADL, E-1) and similar indicated improved maintenance and repair. No estimate is made for shut down time since it is anticipated that any controls including modifications of pumps and compressors, would be installed during normal down time (Tr. 536). OSHA does not concur in the API view (Scarborough statement p. 36-7) that additional down time is needed since normal maintenance procedures of highly flammable material require purging of lines, and replacement of seals, pumps, etc. First year operating costs for these refineries are estimated at approximately \$600,000.

Cost estimates for the 275 refineries which do not produce benzene were based on API's and ADL's data as to 98,000 exposed employees. (ADL, Vol. I, p. 419; add API reference for that number). ADL relied in part on the results of an API questionnaire which indicates a wide range of exposures from negligible to as high as 25 ppm. (ADL pp. 4-16 to 4-17). API's witness indicated that exposures at refineries were very low with most below the proposed permissible exposure limit and many below the action level (Tr. 1467-1468). Other testimony indicates similar exposure patterns (Grosprion statement, pp. 4-6). The API post hearing submissions suggest that refinery workers move frequently from one post to another so that they are not exposed to hydrocarbon vapors for extended periods of time (API, PH5). Initial monitoring results showing 8 hour TWA measurements of 0.13 ppm and lower were cited by API. (API PH 8-9). In the face of conflicting data of this sort, it was assumed that approximately 5,000 workers initially could be found to be exposed above the permissible exposure limit, that approximately 5,000 would be exposed at levels between the permissible exposure limit and the action level, and that the remaining 88,000 would be below the action level. This distribution indicates somewhat higher exposure levels than API's testimony suggests, but lower levels than the results of the API questionnaire survey might be construed to indicate and is, therefore, intended to be a reasonable estimate. Using this distribution, OSHA estimates first year operating cost for compliance to be approximately \$12.8 million. It may be noted that approximately \$2 million of the indicated first year cost is for exposure measurements. Since many refineries have apparently made such measurements, actual first year compliance costs may be substantially lower than the estimates listed herein.

The cost of capital investment in engineering controls is estimated to be \$110 million, for control of leaks from seals and valves, control of sumps and other disposal areas, and control of other emissions associated with stor-

age, transfer, and gauging activities. If it is assumed that application of engineering controls is highly effective in bringing all worker exposures to levels below the action level, recurring annual costs would decline to approximately \$3.5 million. If, alternatively, it is assumed that as many as 5,000 refinery workers may continue to be exposed at levels between the action level and the permissible exposure limit, recurring annual costs would be approximately \$4.4 million. OSHA believes the latter assumption is indicative of the upper bound of these annual costs.

COKE PLANTS

Compliance costs related to the production of benzene as a byproduct of coking are associated with activities at the coke batteries and at light oil processing facilities.

There are some 65 affected coke producing facilities. ADL had estimated that there were approximately 17,000 employees potentially exposed to benzene at coke oven batteries. The American Iron and Steel Institute (AISI) challenged this number as being an underestimation of exposed employees. The larger figure of 24,000 workers exposed at the coke oven batteries has been used by OSHA as urged by AISI. (TR 4635, 472-4) This was the number estimated to be exposed to coke oven emissions in the Economic Impact Statement for the Coke Oven Emissions Standard. It is probable that this constitutes an overestimate of workers exposed to benzene at the coke oven batteries since benzene emissions are expected to occur only during portions of the production cycle and not at all locations. (ADL, PC, 15f, 15i).

The AISI number is used, however, to avoid all possible underestimation of compliance costs for coke oven batteries and to indicate an upper bound to the probable costs. On the basis of data supplied (Ex. 135, p. 4 and attachment), it is assumed that initial measurement of exposures will show all workers exposed to benzene concentrations below the action level. Even if this were not the case, OSHA believes that engineering controls required under the coke oven emissions standard would provide adequate control of benzene emissions. On this basis, the estimated compliance costs are approximately \$1.2 million for first year operating costs and \$860,000 for recurring annual costs. Since employee exposure does not exceed the permissible exposure limit, no capital cost is indicated for compliance with the benzene standard at coke oven batteries.

There are 65 coke oven light oil facilities associated with the coke oven batteries. ADL estimated that 2,370 employees were potentially exposed at the derivative light oil facilities. AISI

argued that this number should be 4,000 employees. Consistent with the reasoning followed to estimate the number of workers exposed at coke oven batteries, the number of workers exposed in the light oil byproduct areas has been estimated to be 4,000, the number used in the coke oven emissions study. Data provided by ADL and AISI indicate that a substantial percentage of these workers may be exposed to benzene above 1 ppm. AISI specifically argued that at least 50% of by-products workers are exposed above the permissible exposure limit (AISI brief, p. 95). Consequently, to avoid any possible underestimation of compliance costs and indicate the upper bound of such costs, it has been assumed that all exposed workers will be exposed above the PEL at the time of initial measurement. Using these estimates of exposure, estimated compliance costs are \$5.6 million for first year operating costs. OSHA has assumed that, after the installation of engineering controls, all exposures will be between the action level and the permissible exposure level. Since a significant number of light oil plants are old, controls may not result in reduction of exposure to below the action level. AISI expressed the view that engineering controls for older plants might not be feasible (P.I. statement p. 19); however, it appears that this concern was for economic rather than technological reasons. Thus, recurring annual operating costs are estimated at \$887,000 for training, labels and recordkeeping. Capital costs are estimated at \$19 million for investment in engineering controls.

PETROCHEMICAL INDUSTRY

The petrochemical industry includes firms producing a large variety of products from petroleum feedstocks. Six petrochemicals, accounting for about 90% of domestic consumption (ADL, Ex. 5B, B-96) were analyzed separately by ADL (Ex. 5A, 6-18ff) but since the exposure patterns of each are similar and the economic impacts affect many of the same or competing markets, the costs of petrochemicals have been aggregated by OSHA. The industry sectors included are chlorobenzene, cumene/phenol, cyclohexane, dodecylbenzene, ethylbenzene/styrene, maleic anhydride, nitrobenzene. This follows the analysis provided by ADL and the cost estimates shown are based on ADL's data. Industry participants did not challenge these costs.

There are 92 facilities covered by this standard, with 2,760 exposed workers. (ADL, Ex. 5A, p. 4-4) On the basis of the limited data available on exposure levels (Vol. 1, pp. 4-7; Table 4-8, pp. 4-12 ff), it was assumed that 40 percent of the exposed workforce is exposed to benzene levels below the

action level, 40 percent between the action level and the permissible exposure limit, and 20 percent above the permissible exposure limit. On this basis, first year operating costs will be approximately \$1 million. Capital investment for engineering controls will be approximately \$20.9. Recurring costs will be approximately \$118,000. Recurring costs include training, labels, and recordkeeping since it assumed that engineering controls will reduce exposures below the action level.

BULK TERMINALS

Storage and discharge of gasoline, and other petroleum products at bulk terminals is included within the benzene standard.

It is estimated that there are 1,992 terminal facilities with 52,345 exposed workers. Testimony by industry witnesses indicated that by and large, no terminal employees were exposed to benzene levels in excess of 1 ppm (Tr. 1469-70, 1472-73; Ex. 115A, 10, pp. 17-19). Using these indicators of possible exposure distributions, OSHA has estimated compliance costs for terminals on the basis of 5,000 workers exposed to benzene between the action level and the permissible exposure limit, exposure with all other workers below the action level. On this basis, first year operating costs would be approximately \$5 million and recurring annual costs would be approximately \$2 million.

It is estimated that there are 21,106 bulk plants employing 23,471 drivers who are potentially exposed to benzene at terminals (ADL, Ex. 5a). Again using the limited data supplied by API, it was estimated that as many as 2,300 of these workers would be exposed at levels above the action level but below the permissible exposure limit. Conversion to bottom loading on all trucks was projected to reduce all exposures to below the action level. On this basis, first year costs were estimated at approximately \$17.9 million, recurring annual costs at \$3 million, and capital investment at \$51.5 million.

OIL AND GAS PRODUCTION

There are approximately 700,000 oil and gas wells in the U.S. and, since any crude oil or natural gas may be expected to contain benzene, all of these are covered by the standard. API indicated that the number of exposed workers is 74,000 and that exposure levels are below the action level (Ex. 115A, 4, Ex. 116). As noted in the section on technological feasibility, workers are normally exposed only intermittently and occasionally, and emissions are limited to points where leaks or spills occur (Galloway, API, Ex. p. 116, pp. 4-5). Proper work practices and good maintenance can minimize

these exposures. It may reasonably be inferred, therefore, that all workers are exposed to benzene levels below the action level. Compliance costs, estimated on the basis of the reasoning used above, are approximately \$39.6 million for first year operations and \$2.6 million for recurring annual operations.

In determining these compliance costs, OSHA has assumed 10 wells per facility in contrast to API's reference to each well as a separate facility. It is probable that even this computation overestimates first year and recurring annual operating costs, since the costing formula for initial measurements allocates substantial charges on a per facility basis, amounting for example to approximately 90 percent of first year costs. The estimated first year costs would be reduced by the amount appropriate for measurements already performed pursuant to the benzene guidelines or the ETS. Monitoring costs would further be reduced where exposures at one workplace are representative of exposures at another.

TRANSPORTATION

Companies engaged in the transportation of benzene and benzene contaminated products are covered by the benzene standard. OSHA's costs analysis, therefore, covers the transportation by pipeline, marine tanker, barge, tank car and tank truck of benzene and benzene products.

The cost analysis for pipelines is based on approximately 3,000 facilities. This figure was furnished by an API witness (Scarborough) who testified that there were 3,000 pipeline facilities employing 12,000 exposed workers. A witness for Williams Pipe Line Company estimated that there are 17,000 exposed pipeline workers (Bailey). The Williams figures, however, may represent total employment, including administrative and clerical workers. OSHA has utilized the figure of 3,000 facilities in combination with the two estimates of exposed workers to yield a range of estimated compliance costs. On this basis first year operating costs are estimated to be approximately \$2.7 million and recurring annual costs for personal protective equipment, training and recordkeeping approximately \$800,000. Since the standard does not require labelling of pipelines, no labelling cost is included. Neither have engineering controls been assessed since industry measurements indicate that all workers will be below the action levels (Bailey).

The number of affected tank car facilities (loading and unloading) was estimated by ADL to be approximately 100, with an average of one exposed worker per facility. (Table 5-1) The exposures of these workers will be dependent on the quantity of the various benzene-containing products shipped

through the facility, the methods of loading and unloading cars, and the effectiveness of efforts to avoid leaks and spills. Conditions are somewhat similar to other facilities at which benzene and benzene-containing liquids are stored and transferred. Following the sampling protocol used throughout this analysis, costs were assigned on the basis that 20 percent of the exposures are above the permissible exposure limit, 40 percent between the permissible exposure limit and the action level, and 40 percent below the action level. It should be noted that, since it was estimated that only one worker per facility would be exposed, monitoring cost was estimated on the basis of 100 employees monitored. Engineering controls are to be installed at these facilities that will effectively control benzene emissions, bringing the exposure levels of all exposed workers below the action level. On the basis of this reasoning, it was estimated that compliance costs will be approximately \$215,000 for first year operations, \$16,000 for recurring annual costs, and \$200,000 for capital investment.

Analysis of tank truck facilities shows a pattern very similar to that for tank cars. The rationale just described yield the following estimates: 200 affected facilities, 200 exposed workers, first year operating costs approximately \$428,000, recurring annual costs approximately \$37,000 and capital investment \$100,000.

Barges are used for the transportation of benzene from refineries to points of utilization. Barges also transport various refined petroleum products primarily for discharge at bulk terminals. It is estimated that there are 480 employees and 240 barge facilities involved in the transportation of benzene. The record indicates that employee exposure during loading and unloading exceeds the permissible exposure limit (Ex. 5A, 4-24). For cost calculation purposes, OSHA has estimated that 20% of the employees are above the permissible exposure limit, forty percent are between the action level and the permissible exposure limit, and forty percent are below the action level. On this basis first year operating costs are calculated at \$526,000, recurring annual costs are calculated at \$95,000 and capital investment is estimated to be \$420,000.

Barges and marine tankers are also used for the transportation of gasoline. The distribution of these exposures, however, appear to resemble those encountered during gasoline production and distribution. In that case, the average cost of compliance per employee in his transportation, loading and unloading operations would range from \$100 to \$750 per employee.

LABORATORIES

Benzene exposures occur in chemical laboratories where benzene and other petroleum-based solvents are used. Where careful laboratory procedures are followed, such as the use of properly functioning hoods and appropriate work practices, exposures should be very low. In order to estimate the range of possible costs, OSHA calculated the cost on the basis of two scenarios. One scenario assumes that 10 percent of the exposed workers are initially exposed above the action level but below the permissible exposure level. The second scenario assumes 5 percent of the exposed workers are initially exposed above the permissible exposure level, 10 percent are exposed between the action level and the permissible exposure level, and all others are below the action level. On this basis, first year operating costs range from approximately \$4.5 million to \$10.9 million. Recurring annual costs would be approximately \$2.4 million, if all workers exposures drop below the action level after the first year, which is expected as a result of appropriate controls and work practices.

RUBBER PRODUCTS

The ADL study examined the potential for benzene exposure in plants manufacturing rubber tires and other products, such as belts, hoses, fittings, and coated fabrics. ADL identified 206 affected tire producing facilities employing 11,400 exposed workers. The study cited data indicating that exposure levels were generally in the range of 1-3 ppm and may be considerably higher (ADL, Ex. 5A, pp. 14-19; Tr. 4-20). Similar testimony was provided by Drs. Tyroler and Harris of the University of North Carolina based on their studies of benzene exposure in the rubber industry. (Tr. 3083-3095) Both studies indicated that control of exposure could be achieved, reducing exposure levels to below the action level, by substitution of materials and enforcement of appropriate work practices, and that engineering controls would not be required. (Tyroler, Tr. 3086) Compliance costs were estimated, therefore, on the basis of all exposed workers being exposed initially above the permissible exposure limit, and exposures reduced to below the action level after controls have been instituted in tire manufacturing plants.

First year operating costs were estimated to be approximately \$15.8 million and recurring annual costs approximately \$407,000.

The analysis of firms producing other rubber products was based on the same considerations of workers exposed and compliance activities. For these firms first year operating costs were calculated at approximately \$18.1 million, and recurring annual costs at approximately \$484,000 based on 197 facilities with 13,050 exposed workers.

OTHER INDUSTRIES

There are a number of other industries in which benzene exposures will occur due to the use of solvents, containing benzene in the processes or products involved. OSHA has estimated the approximate level of anticipated compliance costs for 16 industries thought to be representative of the range of cost impact involved: Adhesives manufacture and application, paint manufacture and application, paint stripper manufacture and application, printing ink manufacture, and gravure printing, metal can production, manufacture of photographic equipment and supplies, production of motors and generators, commercial printing manufacture of folding paper-board boxes, paper mills, and manufacture of wood household furniture. Firms in these industries are relatively small, use similar materials, will have generally low exposure levels, and can effect control of all worker exposures to below the action level by substitution of materials and enforcement of good work practices. It is OSHA's judgment that most of the employees in these industries are exposed to benzene levels below the action level. However, some data in the record on employee exposures related to the use of these solvents indicate that some workers in particular industries may be exposed at higher levels. OSHA feels that the probable range of costs can be indicated by calculating the costs under two hypothetical exposure patterns: (1) If 10 percent of the exposed workers are exposed above the action level, but below the permissible exposure limit, and all other employees are exposed below the action level; and, (2) if 5 percent of the workers are exposed above the permissible exposure limit, 10 percent between the action level and the permissible exposure limit, and all others below the action level. Costs calculated in this way indicate that, in these industries, the first year operating costs will lie in the range of \$2,000 to \$3,270 per facility, or \$240 to \$390 per exposed worker.

OSHA is aware that there are other industries where employee exposure to benzene may occur. However, although an opportunity to present data and views as to the application of the benzene standard to all industry sectors was afforded, no submissions were made on behalf of these industries. In the absence of exposure and cost data, OSHA has been unable to calculate costs for those industries. In summary, OSHA finds that the economic impact of the final benzene standard will not be such as to threaten the financial welfare of the affected firms or the general economy.

OTHER ECONOMIC IMPACTS

In addition to assessing the compliance cost and economic feasibility of

the proposed standard, OSHA evaluated the economic impact of the proposed standard on affected industries and the general economy utilizing the criteria of Executive Order 11821 (39 FR 41501) as amended by Executive Order 11949 (42 FR 1017), and related implementing instructions particularly Secretary's Order 15-75 (40 FR 54484). The evaluation of such impact was made a part of the economic analysis of ADL. The methods of evaluating these impacts and the conclusions reached were extensively discussed during the benzene hearing.

The portion of the ADL study was designed to show the economic effects of compliance with the proposed final benzene standard upon affected industries. OSHA believes that this analysis, as modified to reflect the changes made in specific provisions in drafting the final standard, adequately defines the economic impact of the final standard.

ADL's analysis was, as discussed further below, challenged by witnesses for AISI and API on the ground that it was not sufficiently rigorous. Neither AISI nor API questioning of the ADL costing methodology indicated serious disagreement with the data used. Nor did these witnesses offer any evidence tending to disapprove the conclusions reached by ADL, or suggest specific analytical procedures which, if followed, would clearly improve the study and increase the accuracy of the findings. After careful consideration of each of the questions raised by these and other witnesses, OSHA has made minor modifications in some elements of the cost analysis, and has concluded that the evidence indicates that the economic impact of the final standard may be more widespread than that shown in the ADL study but less severe for the industries analyzed by ADL.

IMPACT ON ENERGY, CRITICAL MATERIALS, AND OTHER MACROECONOMIC VARIABLES

The ADL analysis indicated that there would be no significant change in either the supply or demand sides of the markets for energy or critical materials.

Two economists testifying for API argued that these were important areas of potential impact improperly ignored by ADL. Scarborough, p. 4-5 and Henderson, p. 6-7. Under questioning at the hearings, however, neither witness offered any data indicating that these effects would be significant or put forth any reasons to suggest that they would be. (Tr. 2225-2226, Scarborough, and Tr. 2212-2214, Henderson.)

IMPACTS ON PRICES

The compliance costs identified in the cost analysis provided the basis for

estimating the impact on prices, output and labor productivity. The indirect costs resulting from increases in the prices of benzene and products made from it were identified and included in the estimation of impacts on producers and consumers. Capital costs were amortized over 7 years at 10 percent to reflect a normal return on investment. ADL assumed that the price would increase in the long run by the amount of any increase in long run average cost, including the normal return to investment. This provides a reasonable approximation of maximum potential price impact, and OSHA considers it to be acceptable where exact costs cannot be known and precise measurement of price changes is not feasible.

IMPACT OF PRICES ON OUTPUT AND MARKET STRUCTURE

Economic impact was judged on the basis of expected overall influence of price increases, product substitution, price elasticity of demand, market growth, volume of imports and exports, market concentration, and compliance cost differentials.

ADL reasoned that buyers of benzene will continue to purchase the same quantities after a small price increase, provided there are no economical substitutes for benzene and provided that they can pass the added cost along in the price of their products. If users of the end products reduce their purchases in response to the cost pass-through, then the industrial purchasers will change the mix of products they manufacture and buy less benzene. The elasticity of consumer demand in turn depends on whether consumers can substitute other goods of the same type for those whose prices increase as a result of the cost pass-through, and whether consumers reallocate their incomes to buy other kinds of goods and services while buying less of the ones whose prices increased.

The magnitude of the expected costs is such that the percentage change in consumer product prices would be very small. No income effect (reallocation of income) of any significance would be expected. Therefore, elasticity would reflect almost entirely the availability of substitutes, as ADL indicated, although this conclusion would be questionable if a large price change was anticipated. ADL's product-by-product discussion of the availability of substitutes for benzene and for the petrochemical products made from benzene showed clearly that in all major product lines substitutes were judged to be technically inferior and more costly, at best, and unavailable with present technology in many instances. (ADL, Ex. 5A, pp. 6-18 to 6-22.) Consumer substitution was also judged to be sharply limited on the

basis of the quality and cost of available substitutes. OSHA believes that the reasoning followed by ADL in this qualitative analysis is reasonable.

Using an estimate of relatively inelastic demand for benzene (elasticity = -0.5) (ADL pp. 6-11) and an estimated price increase of approximately 1 percent, ADL estimated that demand for benzene would fall by approximately 0.2 percent (16 million pounds) in the short run and by approximately 0.5 percent (54 million pounds) in the long run for refineries and steel companies producing benzene. Since the demand for benzene is growing moderately, these decreases would represent a slight decrease in the amount of growth, rather than an absolute decline from current levels of production. Foreign trade accounts for only 5 percent of U.S. supply and is not expected to be a significant factor affecting domestic producers, considering the small projected change in price.

The price of benzene is determined by petroleum refiners, who supply 95 percent of the market. Since coke oven producers will incur higher compliance costs than the benzene producing refineries, they will be able to recover only part of their costs through price increases and will be adversely affected by the standard. It appears probable that some producers of benzene from coking operations will choose to sell their light oil to other firms rather than continuing to produce benzene (AISI). Similarly, some refineries now producing benzene may elect to change their product mix to eliminate benzene production. These decisions will be made by benzene producers on the basis of many factors affecting the profitability of benzene production and not on the basis of the impact of this standard alone.

No data were submitted in the hearings that provided a basis for estimating the number of firms that may eliminate benzene production. It was not contended, however, that any producing firm will be forced to close or be forced into an unprofitable position as a result of the compliance costs associated with this standard.

IMPACT OF PRICE ON EMPLOYMENT AND PRODUCTIVITY

Since ADL projected no absolute decrease in total production of benzene, it did not project employment losses for benzene producers. API witnesses questioned this on the basis of their challenge of the analysis of demand elasticity, price change, and reduction of demand. (Scarborough, pp. 24-25; Henderson) OSHA reasons, however, that if these elements of the analysis are acceptable, the conclusion that production employment will not decline is valid, although some reallocation due to structural changes in the industries may occur.

API also argued that increased labor cost resulting from compliance programs could lead to some substitution of capital for labor. (Henderson, p. 10) In its testimony, ADL pointed out that the productivity of both labor and capital would decline in the same order of magnitude and that this would indicate that substitution would not occur. (TR p. 584) ADL also submitted that the industry sectors in question are quite capital intensive and that for this reason, "it is not anticipated that the proposed regulation would have any observed effect upon the utilization rate for labor in these industries." (ADL post hearing, Ex. 15N)

OSHA recognizes that some decline in overall labor productivity may result from adding compliance personnel such as technicians and hygienists to the work force of benzene producers, although the direct productivity of production workers is not affected. This decline was estimated by ADL to be approximately 1.4 percent for coke producers and 0.6 percent for refineries (ADL, Ex. 5A, Table 6.5, p. 6-16).

BENEFITS

The legislative history and language of the Occupational Safety and Health Act, as distinguished from some other environmental and safety legislation, clearly indicate that Congress has already arrived at a judgment concerning the balancing of cost and benefit, with the result that worker safety and health are to be heavily favored over the economic burdens of compliance. Specifically, Section 6(b)(5) of the Act provides that

the Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws.

Thus, while feasibility is an appropriate consideration, the Secretary is directed to set standards which attain the "highest degree of health and safety protection for the employee"

This does not mean, however, that a systematic evaluation of costs and benefits is not to be encouraged within the limits of the estimation techniques. In considering the issue of feasibility in this rulemaking, as in

others, OSHA has carefully evaluated the cost of compliance which may be incurred by the directly affected employers and their ability to comply. Additionally, OSHA believes that a standard for a substance which has been found to pose a cancer risk to workers, in this case benzene, must assure maximum benefit (i.e., prevention of serious illness or death), constrained only by the limits of feasibility.

There is general agreement that benzene exposure causes leukemia as well as other fatal diseases of the blood-forming organs. In spite of the certainty of this conclusion, there does not exist an adequate scientific basis for establishing the quantitative dose response relationship between exposure to benzene and the induction of leukemia and other blood diseases. The uncertainty in both the actual magnitude of expected deaths and in the theory of extrapolation from existing data to the OSHA exposure levels places the estimation of benefits on "the frontiers of scientific knowledge." While the actual estimation of the number of cancers to be prevented is highly uncertain, the evidence indicates that the number may be appreciable. There is general agreement that even in the absence of the ability to establish a "threshold" or "safe" level for benzene and other carcinogens, a dose response relationship is likely to exist; that is, exposure to higher doses carries with it a higher risk of cancer, and conversely, exposure to lower levels is accompanied by a reduced risk, even though a precise quantitative relationship cannot be established. In light of the uncertainties in this area of scientific knowledge, OSHA believes that it is required by prudence and by the statutory mandate to adopt a highly protective posture in considering the evidence for health benefits.

Various witnesses argue that cost benefit or cost effectiveness should be the primary criterion for regulatory decision. OSHA was criticized by industry participants for failure to consider what benefits would be derived from reducing the current permissible exposure level for benzene (API brief, page 92, 96; AISI brief, page 89, 97). The Council on Wage and Price Stability (CWPS) also suggested that OSHA estimate the incremental reduction in health risks which are associated with the reduction in employee exposure to benzene (Bosworth letter, 9/12/77, to Bingham).

Both CWPS and industry suggested ways in which this could be achieved. CWPS suggested that OSHA apply the expected lifetime incidence rates of leukemia and the increased incidence rates revealed by the scientific studies to the benzene exposed population to derive the number of expected

excess cases attributable to that exposure. An MCA witness, Dr. Wilson, assumed a dose response relationship and calculated that at the current exposure levels only one leukemia and one other cancer would be observed among the benzene exposed workers covered by the proposal every 6 years (Ex. 149-B). This witness further testified that the proposed standard would cost \$300 million for every hypothetical life saved (Tr 2750) and concluded as a result that the risk from benzene related deaths is comparable to many other socially acceptable risks.

An API witness contended that rational allocation of OSHA's resources required policies that utilize cost effectiveness as the primary basis for regulatory decisions. He further argued that OSHA should make an assessment of what risks exist from exposure to benzene at 1-10 ppm., which should then be compared with estimates of risks posed by other health hazards such as from cotton dust (Tr. 2157) as well as with the risk associated with other activities of society which he termed generally acceptable risks in order to determine whether the cost of the benzene standard is warranted.

In the face of the record evidence of numerous actual deaths attributable to benzene-induced leukemia and other fatal blood diseases, OSHA is unwilling to rely on the hypothesis that at most two cancers every six years would be prevented by the proposed standard. By way of example, the Infante study disclosed seven excess leukemia deaths in a population of about 600 people over a 25-year period. While the Infante study involved higher exposures than those currently encountered, the incidence rates found by Infante, together with the numerous other cases reported in the literature of benzene leukemia and other fatal blood diseases, make it difficult for OSHA to rely on the Wilson hypothesis to assure the statutorily mandated protection of employees. In any event, due to the fact that there is no safe level of exposure to benzene and that it is impossible to precisely quantify the anticipated benefits, OSHA must select the level of exposure which is most protective of exposed employees.

We recognize that in view of the latency period usually associated with the induction of cancer, significant reductions in mortality may not be seen for many years. However, unless exposures are reduced now, OSHA believes that the mortality rate will not decline and employees exposed to benzene will continue to suffer excess mortality. Finally, it should be noted that this standard for employee exposure to benzene cannot be simply described as a reduction in permissible exposure from 10 ppm. to 1 ppm. as a daily aver-

age. The previous standard for worker exposure to benzene permitted daily exposures as high as 50 ppm. for a period up to 10 minutes and repeated exposures of 25 ppm., levels which are known to produce serious hazards of blood diseases.

In making judgments about specific hazards, OSHA is given discretion which is essentially legislative in nature. However, in setting an exposure limit for a substance like benzene, OSHA may not substitute cost benefit criteria for the legislatively determined directive of protecting all exposed employees against material impairment of health or bodily function. Where the health effectiveness of the alternative approaches are extremely uncertain and likely to vary from situation to situation, OSHA must adopt the compliance strategy which provides the greatest certainty of worker protection even if that approach carries with it greater economic burdens for the affected employers. In the case of the benzene standard, the evidence in the record indicates that the costs of compliance are not overly burdensome to industry. Having determined that the benefits of the proposed standard are likely to be appreciable, OSHA is not obligated to carry out further exercises toward more precise calculations of benefit which would not significantly clarify the ultimate decision. Previous attempts to quantify benefits as an aid to decision making in setting health standards have not proved fruitful (41 FR 46742).

Based upon the foregoing and the record as a whole, OSHA finds that compliance with the standard (even if the higher cost estimates suggested by some participants are used) is well within the financial capability of the covered industries. Moreover, although the benefits of the standard cannot rationally be quantified in dollars, OSHA has given careful consideration to the question of whether these substantial costs are justified in light of the hazards of exposure to benzene. OSHA concludes that these costs are necessary in order to effectuate the statutory purpose of the Act and to adequately protect employees from the hazards of exposure to benzene.

VI. SUMMARY AND EXPLANATION OF THE STANDARD

The following sections discuss the various issues raised during the benzene rulemaking proceedings, the individual requirements of the permanent benzene standard and the rationale and policy considerations underlying the provisions of the standard. In developing these requirements, OSHA has considered all the evidence in the benzene record. After consideration of all of this evidence, OSHA has revised and clarified, as described in detail

below, certain provisions of its proposed benzene standard.¹

Scope and Application: paragraph (a) This standard applies to occupational exposure to benzene in all workplaces in all industries where benzene is produced, reacted, released, packaged, transported, handled or otherwise occupationally used, except for the agriculture industry. Thus, the standard applies to "general industry" as well as to the construction and maritime industries. By specific exclusion discussed in detail below, the standard does not apply to the sale, discharge, storage, transportation, distribution or use as a fuel of gasoline and other fuels, subsequent to discharge from bulk terminals. The application of the standard is further limited in that not all of the requirements of the standard will apply to every employer regardless of the conditions in his workplace. The permanent standard, unlike the emergency temporary standard and the proposed standard, incorporates an action level so that the specific provisions of the permanent standard that apply to any particular workplace depend upon the extent of employee exposure to benzene. Additionally, only the labeling requirements of paragraph (k) (2), (3), (4), and (5) and the training requirements of paragraph (j) apply to workplaces where the only benzene is contained in sealed intact containers.

The scope of the final standard has been significantly changed from the scope of the proposal and the emergency temporary standard. OSHA was faced with several alternatives in deciding on the extent of coverage of the benzene permanent standard and in achieving its objective of maximizing the protection afforded employees occupationally exposed to benzene while limiting the burden placed on their employers. Benzene, as pointed out earlier, is used in a vast number of operations in quantities varying from trace amounts in solvents to large amounts of pure benzene. Coverage of all workplaces where benzene is present would, of course, extend the protection of the standard to the greatest number of employees. It would mean, however, that workplaces where benzene is present only in trace amounts and potential employee exposure is minimal would be subject to the same exposure monitoring and medical surveillance requirements as workplaces where the potential for high employee exposures exists. While this would satisfy that part of OSHA's objective of maximizing the protection afforded employees, it would fail to reasonably limit the burden placed on employers.

¹For the convenience of the public, OSHA has included, as part of the title of each section of the summary and explanation of the standard, the particular paragraph of the standard to which the discussion refers.

PROPOSED PERCENTAGE EXCLUSION

The proposal and the emergency temporary standard both would have exempted from coverage those operations utilizing liquid mixtures containing 1 percent or less benzene by volume. The proposal would have limited this 1 percent exemption to the first year of the standard after which period only liquids containing 0.1 percent or less benzene by volume would be exempted. The proposed percentage exemption was based on some indication that exposures resulting from the use of mixtures containing less than 1 percent benzene would generally be less than 1 ppm (42 FR 27453-4). It was also anticipated that the percentage exclusion would lead to a reduction of the benzene content in solvents or to substitution of other substances for benzene with the result that employee exposure to benzene would be reduced or eliminated. As a result of evidence developed during the benzene rulemaking, however, OSHA has determined that the percent exclusion cannot be supported on this basis. The benzene record indicates that there is no consistent predictable relationship between the percent of benzene in a liquid mixture and the resultant airborne exposure to benzene (Tr. 3120). Studies conducted by the University of North Carolina demonstrated that exposure levels varied considerably during various work operations utilizing liquid mixtures containing the same percent of benzene (Tr. 3090-3091). Support for the conclusion that a less than one percent benzene solution can result in exposures above 1 ppm is found in testimony suggesting that other factors than the percent of benzene in the liquid may be determinative of exposure levels. Thus, NIOSH testified that employees working with No. 6 fuel which contains only 0.1 percent benzene were exposed to levels as high as 60 ppm under certain conditions of confined space, poor ventilation or elevated temperatures (Tr. 754). The University of North Carolina data also revealed that exposure levels in heavy duty tire spraying utilizing rubber solvents were 1.3 ppm when sprayed by the regular full time operator but reached 5.2 ppm and 7.3 ppm when sprayed by a substitute operator (Tr. 3093). This suggests that work practices are also determinative of exposure levels. To maximize protection of employees, it is necessary to reduce their exposure to benzene, to the lowest feasible limit. Since the percentage of benzene in a liquid is not in itself necessarily controlling of the employee's exposure level, the proposed percentage exemption, would not achieve this objective. Accordingly, the final standard does not contain a percentage exemption and thus applies to all liquid mixtures containing

benzene regardless of the percent of benzene.

It is OSHA's view that the absence of a percentage exemption does not eliminate all incentive to reduce the amount of benzene in liquid mixtures. Where another substance is totally substituted for benzene, this standard will obviously not apply. Additionally, it should be noted that the inclusion of an action level will effectively limit the burden of this standard where employee exposure is found to be low because of its limited presence in a mixture.

BENZENE SUBSTITUTES

In lieu of the percentage exception, OSHA considered the option of exempting from the standard certain benzene substitutes, such as toluene and xylene (although they may contain small amounts of benzene). An exemption of this type would encourage employers to discontinue the use of benzene and utilize a substitute in order to avoid the requirements imposed by the benzene standard. These substances themselves, however, do contain varying amounts of benzene and, as stated above, there is no evidence of a consistent direct predictable correlation between the amount of benzene and exposure levels. Thus, it was concluded that toluene and xylene, to the extent they contain benzene and result in benzene exposure, would be covered by the standard.

ACTION LEVEL

OSHA recognizes that the lack of a percentage exemption substantially expands the coverage of the benzene standard to operations which may otherwise have been exempt. In many of these operations, exposure levels below the permissible exposure limit have already been achieved. To minimize the impact of the standard on those employers who have attained these low exposure levels, the final standard provides for an action level. This action level is a benzene exposure equal to one-half of the permissible exposure limit above which certain precautionary measures, such as periodic monitoring and medical surveillance programs must be conducted and below which only a very limited number of the standard's requirements will apply. Thus employees who have an initial exposure measurement below the 0.5 ppm TWA action level will not have to be monitored periodically. If the initial monitoring exposure measurement is below the action level, no further monitoring is necessary until such time as a redetermination may be required as a result of a process, control or personnel change. Furthermore, medical surveillance of individual employees whose initial exposure measurements are below the

action level would not be required. Nor would regulated areas need to be established or engineering or work practices instituted or respirators provided. All other provisions of the standard, however, would apply and the employer would need to train his employees in the hazards of benzene exposure, to properly label his products and to maintain the record of the initial exposure measurement and, if any, the record of the redetermination measurement.

The adoption of an action level had been recommended by several participants to the rulemaking. NIOSH, recommended that an action level for periodic monitoring and routine periodic medical exams be incorporated for the purpose of assuring that no employee is exposed above the permissible exposure limit (Tr. 749-750). Industry participants advocated a level which would trigger the periodic monitoring of employee exposure (Com. 24; Com. 72; P.C. 36 AISI brief p. 74, FT. no. 168). A need for an action level is also suggested by the record evidence that some minimal exposure to benzene occurs naturally from animal and plant matter (Tr. 749-750; 759-760). Naturally occurring benzene concentrations, it appears, may range from 0.02 to 15 parts per billion (Ex. 117, p. 1). Additionally, it was suggested by certain employers that their operations be exempted from the requirements of the standard because those operations involve only intermittent and low level exposures to benzene. The use of the action level concept should accommodate these concerns in all cases where exposures are indeed extremely low since it substantially reduces the monitoring of employees who are below the action level and removes for these employees the requirement for medical surveillance. At the same time, employees with significant overexposure are afforded the full protection of the standard.

In developing this regulatory approach to occupational exposure from benzene, OSHA considered the request of those participants to the rulemaking who pressed for exemption from the benzene standard of their particular operations.

BULK TERMINALS

The final standards apply to bulk terminal operators but exclude exposure from gasoline, motor fuels and other fuels subsequent to the discharge from the bulk terminal.

During the rulemaking, bulk terminal employers requested that their gasoline operations be exempted from the benzene standard. Bulk terminals are the primary distribution facilities in the gasoline marketing network. A bulk terminal is the first distribution point of gasoline after the gasoline is processed by the refinery. Gasoline

products are transferred from refinery storage to the terminal by pipeline, tanker or barge (Comeaux statement, p. 11; A.D. Little, vol. II, D-35) and placed in larger storage tanks (Tr. 2353) at the terminal. Further distribution from the terminal is most commonly by tank trucks (Comeaux statement p. 11). The gasoline is pumped from the terminal storage tanks into the trucks and distributed directly to consumers, to retail outlets, i.e. retail service stations, or to other secondary distribution points. These secondary distribution points are smaller terminals (Tr. 476) referred to as bulk plants, which also distribute the gasoline by truck to ultimate consumers, such as farmers and small businesses, or to retail outlets. Final distribution of gasoline to retail service stations and to ultimate consumers is, therefore, by truck and either from a bulk terminal or a bulk plant (Comeaux statement, p. 11). Gasoline emissions occur at the storage tanks, at the tank trucks, and from leaks and spills, with the major emissions occurring when tank trucks are being loaded with the gasoline. The majority of terminal storage tanks are equipped with floating roofs which are effective in reducing storage emissions. Some tank trucks have bottom loading which reduces emissions during loading (Tr. 1294).

Participants in the benzene rulemaking argue that the exclusion of gasoline storage and distribution activities subsequent to discharge from the terminals results in an artificial distinction between bulk plants, which are not covered by the standard, and bulk terminals which are covered. (API P.C. 33, pp. 138-140; Comeaux, p. 12 Sexton p. 22). In support of this contention, industry furnished evidence that exposures at bulk plants were similar to exposures at bulk terminals (Ex. 115A-10; Sexton, p. 18; L.C. 4) and that bulk plants handle the same products, utilize similar handling procedures and use basically the same equipment as bulk terminals. From the technological standpoint, it also appears that several of the same types of vapor recovery systems can be utilized by both the bulk plants and the bulk terminals (Tr. 236). The major difference between bulk terminals and bulk plants, it was said, is a difference in the number of gallons of gasoline distributed (Sexton; Durham L.C. 4).

Although this description of bulk terminals and bulk plants suggests that there may exist some basis for treating bulk plants in a like manner to terminals, it does not necessarily follow that bulk terminals should be excluded from the standard. The question of what regulatory action should be taken with regard to bulk plants was, by specific notice issued prior to the benzene hearing (42 FR 32363),

not an issue at the benzene hearing. This exclusion of post terminal gasoline marketing activities from the benzene rulemaking was not based on the absence of any hazard. Rather, as stated in its FEDERAL REGISTER notice, OSHA concluded that regulatory efforts to reduce workers' exposure to benzene released during the transportation, storage, distribution and sale of gasoline subsequent to discharge from bulk terminals should await the conclusion of the deliberations of the inter-agency (OSHA-EPA-NIOSH) task force which was actively considering those activities. (As pointed out in the preamble to the proposed benzene standard (42 FR 27453) certain phases of the downstream gasoline activities which have been exempted from the standard, involve additional hazards which may necessitate different protective requirements and the development of appropriate equipment control devices, and require that these downstream operations be handled in an integrated manner.) In the same notice excluding bulk plants as an issue at the benzene hearing, OSHA solicited data and comments regarding those distribution activities "in order to assist in the subsequent development of a proposal for this industrial segment." Therefore, OSHA has presently under consideration the question of what types of regulatory action to propose for the protection of bulk plant employees exposed to benzene. Pending this regulatory action, bulk plants and other post terminal operations will continue to be subject to the requirements of 29 CFR 1910.1000 and to meet the exposure limits of Table Z-2 of that section.

The exclusion of bulk plants from the notice of the benzene rulemaking precludes regulation of those facilities in this final benzene standard. Exemption of the bulk terminals which were covered by the notice of rulemaking, however, would remove from the protection of this standard those employees who are involved in terminal activities. Data from eleven companies indicate that they operate 892 bulk terminals employing 9,900 employees (Comeaux, p. 12). One company alone estimated that over four thousand of its employees were exposed to benzene in its gasoline marketing operations covered by the standard (Sexton p. 20-1). This same company indicated that most of its 924 commissioned agents and 1,014 jobbers handling its products alone would have employees exposed to benzene emissions during terminal activities. It is OSHA's view that benzene's carcinogenicity requires extending the protection of the standard to the greatest number of employees. Accordingly, OSHA deems it necessary to apply this benzene standard to gasoline storage and distribution operations at bulk terminals.

It is OSHA's view that application of the benzene standard to bulk terminal activities will not impose a great burden on bulk terminal employers. The record evidence indicates that the exposures at storage tanks and loading docks at the terminals, of at least some employers range between 0.2 and .41 ppm on an 8-hour TWA (Sexton Ex. 115-A, 10). These ranges are based on measurements taken during the loading of trucks with and without bottom loading equipment. Where employee exposure to benzene is below the action level, as in the case of the range of measurements cited above, the standard imposes a minimum burden upon the employer.

NON-GASOLINE PETROLEUM PRODUCTS AND ACTIVITIES

Industry participants further argued that exemption of downstream gasoline marketing operations discriminates against the non-gasoline phases of the petroleum industry, such as oil and gas production, pipelines, marine petroleum transportation, refineries and petrochemical facilities, because worker exposures and compliance costs are comparable (API PC 33, pp. 140 ff, Com. 29). Crude oil and natural gas producers further argued for exemption of their facilities because conditions at their facilities—namely, open air workplaces, widely scattered employees, the transient nature of their workforce and essentially no exposure to benzene, made compliance burdensome (Com. 33). As stated above, the need to protect the many workers involved in the non-gasoline activities necessitates the inclusion of these activities in the benzene standard. Furthermore, by virtue of the action level concept, these very factors cited by the oil and gas producers will substantially mitigate the burden of the permanent standard on employers.

Air transport participants using aviation fuels, such as kero jet, argued that non-gasoline aviation fuels be included in the gasoline aviation marketing exemption. OSHA agrees. OSHA recognized, in its preamble to the proposed benzene standard (42 FR 27453), the special need to coordinate the Federal Government's efforts in reducing benzene exposure in certain aspects of the distribution of gasoline and other motor fuels. The joint OSHA-EPA-NIOSH task force, consequently, has under consideration the matter of non-gasoline motor fuels. Besides kero jet, there are other types of motor fuels, such as diesel fuels, which raise the same issues of control as gasoline. There may be other motor fuels containing benzene on which OSHA does not have data. OSHA is conducting its own review of gasoline and has solicited information from the public on gasoline (42 FR 32263). It is, therefore, OSHA's intention to determine the

regulatory action to be taken on non-gasoline motor fuels after review of the data and recommendations of the joint Federal task force and evaluation of the information furnished in response to OSHA's notice on gasoline. For these reasons, OSHA has exempted from the permanent benzene standard the storage, transportation, distribution, dispensing, sale or use as a fuel of all fuels (including gasoline, jet fuel, and diesel fuel) subsequent to their discharge from bulk terminals.

CLOSED SYSTEMS

Some participants requested exemption from the standard for workplaces where benzene is present solely in closed systems. The record evidence, however, indicates that closed systems frequently develop leaks, and that it is the amount of the solvent exposed to air (Tr. 3111-3) which, among other variables, is a major determinant in the degree of exposure. Accordingly, OSHA has retained coverage of closed systems in the final benzene standard. However, in the absence of leaks, exposures from closed systems should be below the action level and the impact of the standard in such operations should be minimal.

LABORATORIES

Still another segment of industry requested an exemption from the benzene standard. Many comments requested that research facilities in both industrial and academic laboratories be exempted from the benzene standard (Com. Nos. 14, 20, 57, 62, L.C. 12, L.C. 13) particularly where the permissible exposure limit is not exceeded (Com. 56, 58). Some comments suggested that separate requirements be developed for laboratory use of benzene (L.C. 12, L.C. 13). These requirements could include mandatory use of hoods (L.C. 9, Com. 21) of a specified velocity (L.C. 8, Com. 18) and periodic medical surveillance (Com. 18, 28, 29, 64, 70); annual inspection in lieu of monitoring (Com. 28); written safety rules (Com. 18) and container labeling (Com. 39) were also suggested. In the alternative, it was suggested, OSHA should promulgate separate regulations for all chemicals used in laboratories (L.C. 12, L.C. 13), since laboratories use a variety of chemicals, and compliance with separate regulations for each chemical, it was argued, would be burdensome (Com. 58).

The requests for exemption from the benzene standard or for special treatment of laboratories were largely based on the view that there exists a lesser, or slight, risk of exposure to benzene for laboratory technicians. In support of this contention, laboratories pointed to the manner in which they use benzene. Laboratories, it was stated, generally use small quantities of benzene at a time (Com. 10, 28, 38).

One laboratory reported that sometimes a sample is dissolved in only one ml of benzene (L.C. 2). That laboratory estimated that an individual laboratory technician, who analyzed 25 samples per day, 7 days a week, would use less than four gallons of benzene a year (L.C. 2). When not in use, benzene is stored in closed containers (L.C. 1).

The argument that laboratory technicians are trained in the hazards of chemicals was also made to support the view of lesser risk. One laboratory reported that it conducted blood tests every four months for twenty years of its technicians, and found no problem (Com. 4). Another reported that in thirty-five years, none of its employees developed leukemia even though exposures in the laboratory were between 1 and 20 ppm (Com. 31).

Another reason advanced for exemption or separate treatment of laboratories was the burden and cost of implementing exposure monitoring, engineering controls and medical surveillance (Com. 4, 5, 10). One industry comment argued that responsible research and quality control laboratories normally provide and encourage annual physical examinations that include the essentials of the proposed medical surveillance program (Com. 38).

OSHA has determined that applying the provisions of this benzene standard to laboratories is consistent with OSHA's responsibility to protect the health and safety of workers. The record indicates that exposure levels in laboratories vary greatly. While monitoring samples of one laboratory indicated levels of only .01 ppm (Com. 28), others indicated levels as high as 20 ppm (Com. 31; Ex. 39-3). Furthermore, it appears that protective measures vary from lab to lab (Tr. 3157). One chemist, who worked frequently and for several hours a day with benzene during his six years in a research lab that he described as "one of the most prestigious research institutions in the country," testified that employee exposures were not measured, hoods were not used, and there was no medical surveillance program (TR 3492-6). Moreover, there does not appear to be any firm basis to believe that training alone in handling of chemicals adequately protects all laboratory employees from the hazards of exposure to benzene.

Based on the above evidence, OSHA believes that laboratory employees are exposed to the leukemogenic hazards of benzene and, therefore, must be covered by this standard. OSHA does not subscribe to the view that laboratories should be exempted from the benzene standard and that protection for employees exposed to benzene should await promulgation of separate regulations for all chemicals used in

laboratories. OSHA is not currently developing a laboratory standard, and the result of exemption of laboratory workers from the benzene standard would, consequently, deprive them of the necessary protection against the hazards of benzene exposure for some time to come. Furthermore, the provisions of the standard relating to methods of compliance are performance oriented and, therefore, will encompass the suggested special requirements for laboratories. For example, the requirement that the employer institute engineering controls and work practices could be met by laboratories in many instances through the use of properly designed hoods. Also, the inclusion of an action level will minimize the monitoring and medical surveillance requirements in laboratories where employee exposure measurements indeed are low.

Although OSHA has not included special provisions just for laboratories, the provisions of the standard accommodate several of the suggestions of the participants, as noted above. Those laboratory operations where benzene exposure levels are at or below the action level will need to be monitored only initially, and medical surveillance of employees engaged in those operations will not be required. When benzene is sealed in containers, the laboratory employer will be required only to train his employees in the hazards of exposure to benzene, and assure that the container is properly labelled, and provide protective clothing where necessary.

COKE OVEN BATTERIES

Steel industry participants requested an exemption from the benzene standard for coke oven workplaces which are covered by the coke oven emissions standard. Although coke oven emissions at coke oven batteries are regulated by § 1910.1029, it is OSHA's view that there is a need to apply to these workplaces the requirements of the benzene standard, as well. The coke oven standard regulates the benzene soluble fraction of total particulate matter present during the carbonization of coal for the production of coke to protect workers from the risk of developing cancer of the lung and urinary tract. The coke oven standard, however, was not designed to protect coke oven employees from the hazards to the hematopoietic system which can result from exposure to benzene. Benzene exposure can occur from leaks in the ovens or in the collection system or from residual vapors left in the ovens when they are opened and the hot coke is pushed out (Little study, B-21). Accordingly, in order to protect workers from the hematopoietic hazards presented by exposure to benzene, OSHA has concluded that inclusion of all coke oven workplaces in the benzene standard is necessary.

The coverage of coke oven workplaces by both the benzene and the coke oven emissions standard does not create a conflict. OSHA believes that the engineering controls required by the coke oven emissions standard will, in all likelihood, reduce exposures to benzene below the action level. In such a case, the benzene standard will impose on coke oven workers only the burden of conducting initial measurement, retaining a record of that measurement, and the training of employees in the hazards of benzene.

SEALED CONTAINERS

The final standard applies only to the labeling requirements and the training requirements to the storage, transportation, distribution and sale of sealed, intact containers. This is a change from the proposed standard, and the emergency temporary standard which would have applied all the requirements of the benzene standard although benzene were "present" solely in sealed containers. The change in the final standard was made in response to comments to the effect that closed containers of benzene pose no threat of exposure to employees (Com. 10). Participants in the rule-making pointed out that coverage of closed containers would result in employers being required to monitor exposure and make medical surveillance available to employees, such as maritime employees occasionally handling small quantities of benzene in break-bulk form (i.e., drums or packages) (Com. 35), employees of receiving docks and warehouses, and employees involved in inter-departmental transfers of the containers (Com. 28). Additionally, such coverage would also apply the requirements of the benzene standard to employees of retail stores that sell products containing benzene.

Most participants requested exemption of closed containers (Com. 10, 28, 35) without distinguishing between closed and sealed containers. A state agency comment, however, suggested that only "sealed" containers be exempted (Com. 67). OSHA concurs in the view that properly closed containers do not present a health hazard to employees which warrants application of the monitoring and medical surveillance requirements. OSHA, however, is concerned that containers may, after being opened, be closed in such a fashion as to expose employees to a hazard. For this reason, OSHA has adopted the suggestion that the exemption apply only to sealed containers, intending by the use of that term to exempt only containers of benzene which are closed in such a manner as to contain the benzene vapors. However, since sealed containers may, during handling, develop leaks (Tr. 3051-2) and thus expose employees to the hazards of benzene, the exemption is fur-

ther limited to intact containers. Therefore, where the breakage of the container occurs, employers will be required to monitor and to comply with any other applicable provisions of the standard. To assure that all employees are aware of the hazardous nature of the contents of the containers they are handling and because at some point in downstream occupational activities the containers will be opened, the standard applies the training and the labeling requirements to sealed containers. Finally, it should be noted that the regulation of sealed containers in this standard is consistent with that in other carcinogen standards; §§ 1910.1003-1910.1016 exempt sealed containers from their requirements, except for labeling and transshipment.

Definitions: paragraph (b). The standard contains some appropriate definitions. The purpose of providing definitions for key terms is to clarify the intent of those terms as used in the substantive provisions of the standard. All of the definitions of the proposal have been retained in the final standard.

A new definition has been added to those contained in the proposed standard. This is the definition of "Action level." Action level is defined as a concentration of benzene of 0.5 ppm over an 8 hour workday. Industry participants recommended that monitoring be conducted only where exposure exceeds the permissible exposure limits (PC 36, AISI brief, p. 74). OSHA does not agree. It is generally acknowledged that worker exposure to airborne emissions can vary from day to day in a random fashion. This variation in levels is unavoidable; it is only minimally connected to the precision and accuracy of the method of measurement and does not include variations due to wind, temperature and other environmental factors.

Therefore, even though individual measurements of exposure levels may fall below the permissible limit, some possibility exists that on unmeasured days the employee's exposure may exceed the permissible limit. Thus, the concept of an action level provides, statistically, a means by which the employer may assure himself that his employees will not be exposed to benzene over the permissible exposure level (PC No. 14g, p. 5). In view of these considerations and in order to provide a greater degree of employee protection, OSHA has incorporated in the permanent benzene standard an action level of 0.5 ppm.

For those employees whose exposure level is determined by initial monitoring to be below 0.5 ppm, the employer need not do any further monitoring unless a redetermination of exposure is necessitated because of a process, control or personnel change. For these employees, moreover, the employer is

not required to provide medical surveillance. The employer, however, must train these employees, label his benzene products, provide protective clothing where necessary, and retain a record of the initial determination and, if any, record of the redetermination measurement.

Employees whose exposure measurements are above 0.5 ppm, but below 1 ppm must be monitored quarterly and provided with medical surveillance. Where exposures are above the action level but below the permissible exposure limit the requirements for regulated areas, methods of compliance and respiratory protection do not apply but the employer must comply with all other requirements of the standard.

Those employees whose measurements are above 1 ppm must be monitored monthly. All the provisions of the standard, moreover, apply where employees are exposed above the permissible exposure limits.

OSHA has, as suggested by some participants (Com. 46), clarified the definition of benzene to include solids which contain benzene. Some comments suggested that benzene be defined as commercial or high grade benzene (Com. 48, 59, 76). OSHA has not adopted this suggestion because of record evidence to the effect that low concentrations of benzene do not necessarily result in low exposures. Other comments suggested that a definition of benzene exposure be included (Com. 36, 57, 59). The thrust of these suggestions was to limit the application of the proposal's monitoring requirements which applied to workplaces "where benzene is present" and the proposal's medical surveillance requirements which applied to "all employees who are or will be exposed to benzene." For the reasons stated below in the appropriate parts of this preamble relating to these requirements, OSHA has not adopted this suggestion.

A new definition of emergencies was added to the standard to clarify the type of situation requiring the use of a respirator. The definition of emergencies also clarifies the situations in which employees shall be provided with a biological screen.

PERMISSIBLE AIRBORNE EXPOSURE LEVEL. PARAGRAPH (c)(1)

Based upon a thorough review and evaluation of evidence in the record, OSHA has, as stated above, concluded that benzene:

- (1) Is a human leukemogen;
- (2) Causes bone marrow depression resulting in alterations in peripheral blood; and
- (3) Causes chromosomal damage in blood cells.

These conclusions are based on studies ranging from single case reports to

retrospective mortality studies and also experimental evidence. These studies represent the best available evidence upon which OSHA must make a decision. This decision is not predicated on any particular study, but is based on an assessment of the entire set of evidence taken as a whole.

OSHA recognizes that only recently has there been a well-designed study which may indicate a leukemogenic response among benzene-exposed animals. (Nelson, Ex. 178) In any event, the best evidence to date is that based on direct human experience. Based upon such evidence, OSHA concludes that benzene is and must be regulated as an occupational carcinogen.

Comment and testimony from industry for the most part, does not dispute the leukemogenic potential of benzene (e.g. Eckhardt, Ex. 115.B. 1, pg. 3; Tabershaw Tr. 2545). However, industry argues that this relationship is valid only at high exposure levels. In support of this view, they cite as evidence that: (a) the documented cases of benzene-induced leukemia were among employees who were, most probably, exposed to high concentrations, and (b) that several studies of undefined numbers of workers who may have been exposed to low levels of benzene did not demonstrate a leukemia excess (The benzene studies are described under Health Effects: Leukemia). Industry also believes that observable blood disorders precede the development of benzene-leukemia and that such hematological abnormalities are reversible (ORC, PC 34, p. 2; Tabershaw Tr. 2543 Jandl, PC 26B, Allied P.C. 22, p. 7). They conclude that the present exposure limits of 10 ppm TWA and 25 ppm ceiling are sufficiently protective to guard against the development of non-malignant blood disorders and, consequently, that limiting exposure to such levels will also protect against leukemia. (ORC, PC 34; Jandl, PC 26B; Tabershaw, Tr. 2546.)

The issue of the levels at which cancer is induced by chemical agents and whether or not there is a "threshold" has been a major issue in every OSHA rulemaking concerning the regulation of occupational carcinogens (See preambles to Carcinogen standard (39 FR 3758); Vinyl Chloride (39 FR 35892); Coke Oven emissions (41 FR 46742). The benzene hearing was no exception. As in the case of arsenic, the lack of an unequivocal animal model (Kraybill, Tr. 758) requires that the Secretary's decision rely primarily on data obtained from human evidence. However, the epidemiologic method is by its very nature, a retrospective view of the evidence, i.e. findings of a recent excess of mortality among workers may relate to initial exposures occurring as much as 20

years or more previously and which most certainly correlate to exposures at higher concentrations than present levels. Because of these variables, it is extremely difficult to derive definite conclusions as to the quantitative health risk to the workers at exposures near 1 ppm. Studies which report negative findings, such as those studies conducted by Stallones, Tabershaw-Cooper and Thorpe suffer from the disadvantage of not being able to clearly define an exposed cohort, i.e. the identification of a group of workers actually exposed to benzene and to what levels they were, in fact, exposed. (Stallones, Ex. 115.C; Tabershaw-Cooper, Ex. 149A; Thorpe, Ex. 2-34). OSHA recognizes that it is extremely difficult to reconstruct and define employee exposures retrospectively. Therefore, given the uncertainty of the definition of exposure and the potential for dilution of mortality excess among those actually exposed to benzene and other methodological deficiencies, OSHA is reluctant to place substantial reliance upon these negative reports. Thus, there is little definitive information available pertaining to the leukemogenic risk of an adequate size cohort of workers exposed to benzene less than 10 ppm and who have been followed for an adequate amount of time. Furthermore, it is OSHA's view following a careful review of the record that, at the present time, it is impossible to derive any conclusions regarding dose-response relationships for benzene (Goldstein, Ex. 75, p. 2 NRC, Ex. 2-4 p. 11) beyond the general observation that higher exposure levels carry a greater risk than do lower exposure levels. What is apparent however, is that a decrease in exposure level and/or duration will result in a decreased risk of leukemia.

OSHA also recognizes that, in some published cases with adequate documentation, leukemia attributable to benzene exposure developed after observable changes in the peripheral blood, i.e., various cytopenias, pancytopenia and/or aplastic anemia. (Goldstein, Ex. 43B, p. 166.) However, many cases of benzene-induced leukemias were recognized as such only after a patient with overt physical symptoms presented himself to a physician. Similarly, Snyder stated that, in the cases of pancytopenia and aplastic anemia, individuals "exposed to benzene usually do not approach their physicians until late stages in the disease." (Ex. 156.2, p. 2.) As a result, the hematological picture before the onset of disease is often not known. Moreover, because of the well-known reserve proliferative capacity of the bone marrow it is possible that marrow damage may occur without being reflected in the peripheral blood. (Goldstein, Ex. 43.B, p. 175; Wintrobe, Ex. 2-107, p. 676.) Olson acknowledged that alterations

in bone marrow activity can occur despite a normal blood count (Tr. 2894). Moreover, Goldstein noted that some individuals may have significantly depressed blood values, and yet remain within normal ranges. For this reason, a pancytopenic response to hematotoxic agents may go unrecognized. Therefore, OSHA believes that the scientific evidence is insufficient for adoption of the hypothesis that a preceding prodromal blood syndrome is a necessary prerequisite for the development of benzene leukemia. In this regard, Goldstein in his testimony cautioned that benzene may act as a direct-initiator of a neoplastic response.

OSHA is also aware that in many instances, non-malignant blood disorders resulting from chronic exposure to benzene may be reversed by removal from benzene exposure. However, the apparent high degree of reversibility, as set forth in Jandl's review, is open to question as pointed out in the Health Effects section.

Furthermore, a most characteristic finding which pervades the published literature, is that physiologic factors which cannot be identified a priori, such as nutritional state, genetic constitution, variations in metabolism of benzene and exposure (both occupational and non-occupational) to other marrow depressants, and the variables of age and sex may act to modify the individual's response. (Browning, Ex. 31, pp. 26 ff; Shaw, Tr. 421; Snyder, Ex. 156, p. 2.) For example, Browning stated, "... [t]here is no doubt that both men and women differ markedly in their response to similar conditions of exposure." (Ex. 31, p. 2.) Therefore, unqualified identification of high-risk subgroups cannot be made at present. Because of these uncertainties, this standard is designed to protect the most sensitive as well as the more resistant members of benzene-exposed worker populations by limiting exposure to the maximum extent feasible.

It is, therefore, clear from an examination of the record that a determination of a precise level of benzene exposure which presents no hazard cannot be made and that the corollary question of whether a "safe" level of exposure to benzene exists cannot be answered. The agency is aware of and has examined scientific opinion and data submitted by industry that thresholds for carcinogens may exist. However, prudent public health policy requires a conservative course of action until such evidence is of a definitive nature.

In its conclusionary document the International Workshop also stated: "[t]he workshop discussed but could not agree on whether there was a concentration below which there would be no leukemogenic effect clearly attributable to benzene" (Ex. 17, p. 7). Kray-

bill testified that because there was not enough data at the lower part of the dose-effect curve, he was unable to estimate a "safe" level. As early as 1939, in presenting data on the effects of chronic benzene exposure including leukemia, Hunter stated: "It is doubtful whether any concentration of benzene greater than zero is safe over a long period of time." (Ex. 2-74, p. 354.) In 1974, the MAK-Werte Working Group stated, "... [O]n the proven carcinogenic (leukaemogenic) effects of benzene and the lack of quantitative measuring data in the low concentration ranges, it is not possible at this time to establish an MAC (maximum allowable concentration) which might be regarded to be without danger." (Ex. 2-58, p. 52.)

Goldwater testified that zero is the level at which there is no risk of getting cancer from benzene (Goldwater Tr. 2500).

Goldstein stated: "As we do not know what the safe level is, the standard would appear to me to be based, must be based on prudent medical approach, which is to keep it at the lowest feasible level" (Tr. 352).

Aksay stated: "(F)or me, the permissible exposure limit for benzene should be zero. Where it is technically impossible to achieve this, the permissible exposure limit should be lowest possible" (Tr. 149). In OSHA's view, the demonstration of cancer induction in humans at a particular level is not in the regulatory context, a prerequisite to a determination that a substance represents a cancer hazard for humans at that level. Relying upon a substantial body of scientific opinion, OSHA has concluded that, when dealing with a carcinogen, no safe level exists for any given population. For example, the National Cancer Institute's Ad Hoc committee on the Evaluation of Low Levels of Environmental Carcinogens (1970) states:

no level exposure to a chemical carcinogen should be considered toxicologically insignificant for man. For carcinogenic agents, a "safe level for man cannot be established by application of our present knowledge." (Ex. 272, p. 1.)

Thus, OSHA takes the position that in promulgating a health standard for a life threatening hazard such as benzene-induced leukemia, the exposure limits be established on a conservative basis so that worker health is properly safeguarded.

From the point of view of choosing a safe level of exposure, therefore, the permissible exposure limit should be set at zero. However, based on the evidence in the record, it is OSHA's judgment that a zero standard for exposure to benzene is not technologically feasible. In fact, it is clear that certain quantities of benzene are present in the ambient environment as a result of natural phenomena and as artifacts

of human activity. While a permissible exposure limit equal to zero plus background would represent the lowest level theoretically possible, OSHA believes that the record shows such an approach is not feasible. Even if such a number could be determined, achieving a standard of zero plus background would require that exposure to benzene be effectively zero so as not to increase employee exposure above background levels. There has been no evidence presented that convinces OSHA that such a complete elimination of benzene in all industries can be achieved by existing or future technology. In determining the appropriate permissible level of employee exposure to benzene, OSHA relies in part on the record of this proceeding and in part on policy considerations which lead the Agency to conclude that, in dealing with a carcinogen or other toxic substance for which no safe level of exposure has been demonstrated, the permissible exposure limit must be set at the lowest level feasible. Such a determination involves a measure of subjective judgment which OSHA believes is justified by the nature of the hazard being dealt with, and the intent of the Act. Section 6(b)5 provides that the standards for toxic substances shall be feasible. That section specifically provides that:

In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws.

OSHA has determined that 1 ppm TWA, 5 ppm ceiling limit for 15 minutes is the level which most adequately assures, to the extent feasible, the protection of workers exposed to benzene. In making this determination, the Agency recognizes that many industries affected by this standard have already achieved this permissible exposure limit, in a good many of their operations. As shown below for worksites currently above these values, currently available engineering controls and/or modifications of work practices can effectively reduce employee exposure to below the 1 ppm TWA, 5 ppm ceiling. This might suggest that the lower permissible exposure limits could be established, if not for all, at least for some of the industries covered by the benzene standard. OSHA has considered the appropriateness of establishing lower permissible limits for those industry sectors which can achieve these lower limits. It is, however, difficult on the basis of the available evidence to make this determination. The benzene standard applies to a multiplicity of industries and exposures occur from such varying sources as leaks in closed systems to batch operations using solvents. Identification

of some operations with lower exposure levels is possible in some industries, but even for these industries exposure information is not available for all operations. Moreover, even where information has been furnished by particular employers as to exposure levels for operations in their plants, it is not possible with any degree of confidence to apply this information to operations of another facility in the same industry. There is a great deal of variability in the configuration of plants, and the physical location of operations within a plant varies from facility to facility. Finally, it is OSHA's view that different levels for different industries would result in serious administrative difficulties. Because of these widespread differences and diversity, OSHA has decided to apply to all affected industries a permissible exposure limit of 1 ppm. Several industrial situations have been examined in making this determination and are discussed below.

Oil and gas production work is conducted in outdoor open air environments with relatively low-benzene content (Tr. 1463) streams maintained in closed systems. (Tr. 1463). Employee exposures in producing operations are intermittent and extremely low (PC 33API Brief p. 141; Ex. 116). Evidence in the record indicates employee exposures ranging between 0 ppm and 2 ppm, with over 80% of the measurements below 0.25 ppm. (Tr. 1467, Ex. 116, Ex. 115.A.4, p. 8). Since the production of crude oil and natural gas occurs in completely enclosed systems, the only employee exposures result from leaking valves (P.C. No. 30) and, as already indicated, these exposures are minimal. Visual inspections can detect these malfunctions and correction can be accomplished largely through replacement of seals. Engineering controls in the form of "double sealed" or "canned" pumps could also be instituted to avoid the leaks.

Pipeline transportation of crude oil and refined products is primarily a closed system operation (Tr. 1460). Potential employee exposure may occur where the products are transferred by truck or rail. (Tr. 1471.) Other operations involving employee exposure are gauging, and sampling operations, all of which are of relatively short duration with minimal employee exposures (Tr. 1472). Measurements taken by industry indicate that most such exposures on an 8 hour TWA basis are below 0.5 ppm. (Ex. 115, A.1.) The only area in which exposures were shown to exceed the permissible exposure limit was in the additive handling operations in which benzene was being utilized as a diluent. Since benzene was not necessary to the process, it was being eliminated from that operation (Tr. 1473).

The unloading and loading of gasoline, crude oil, and other refined products from marine vessels results in limited exposure to shoreside personnel ranging between 0.01 ppm to 0.82 ppm, with an 8 hour TWA of .2 ppm. (Tr. 2271.) The shoreside personnel's potential for exposure occurs during the connecting and disconnecting of the hoses and loading arms, an activity of limited duration. (Fuller Ex. 115, A.3, p. 4.) The unloading and loading of benzene from marine vessels, however, may result in higher employee exposures. The transportation by barge accounts for the majority of the total benzene transported. (A.D. Little, Ex. 5A, 4.24, 4.42.) The connecting and disconnecting, opening and closing of valves and the monitoring of fill levels are the typical operations in which employees will actively be involved. These operations are all of limited duration and, consequently, employees would spend little of their time involved in them. The remainder of the employees' time would be spent elsewhere removed from exposure. Therefore, work practice controls would be extremely effective in reducing employees' exposures to benzene during the unloading and loading of marine vessels. (A.D. Little Vol. 1, May 1977 p. 4.27.)

One methodology discussed to reduce exposure to vapors is a marine vapor recovery system (Fuller, Ex. 115-A.3). However, at the present time, questions concerning fire and explosion risk, and potential structural damage to barges have, not as yet, been adequately resolved.

The exposures measured during the unloading of gasoline at bulk terminals are low. Sexton, an industry spokesman, reported that the highest long-term samples on individual truck operators was 0.41 ppm, with the vast majority being below 0.2 ppm. (Ex. 115-A.10.) These terminals from which the exposure data was obtained represent examples of the various types of truck loading techniques and different physical characteristics of the terminals, such as loading rates, covered versus uncovered loading racks, and floating roof tops.

Data presented by Williams Pipeline also showed exposure levels, for the most part, below 0.5 ppm, on an 8 hr. TWA basis. It, therefore, appears that one or a combination of these available engineering controls will be sufficient to reduce employee exposure below the permissible exposure limit.

Approximately 94% of the benzene produced is derived from petroleum through the process of catalytic reforming, recovery from pyrolysis of gasoline and hydroalkylation of toluene. Many of the processes used to produce benzene involve completely enclosed units such as reactors. However, these processes do contain vents

and other sources of leaks, which can result in significant exposures (A. D. Little, Vol. II-B11).

Control of emissions can be accomplished by such activities as removal and reinstalling equipment such as pumps, compressors, machining of parts, cutting and welding of pipelines, fabrication of equipment, replacement of gaskets. Also, the use of automatic gauging devices, closed loop sampling systems, vapor recovery units, floating roof installations and rupture discs has been suggested (Ex. 5A, 4-53).

The majority of employees exposed at petrochemical plants are already within the permissible exposure limit. (Ex. 111-A, pp. 4-7.) At only four of twelve plants surveyed, exposures were above 1 ppm. (ADL May 1977 p. 10, Table 2), and of those four plants only two were above 5 ppm. The fact that eight of those twelve plants were already within the permissible exposure limit suggests that other plants can be rehabilitated with existing technology to achieve levels within 1 ppm.

The record indicated that exposures to benzene vary between 0.1 ppm and 20 ppm. (Com. 28, 31). The differences in exposure levels appear to be due to the particular protective measures employed in the laboratory. (Tr. 3157, 3492-6). On the basis of this evidence, OSHA has determined that the use of a properly operating laboratory hood is one available engineering control which is currently reducing employee exposures (See ADL 4-41) well below the permissible exposure limit. The type of control selected will be dependent upon the individual laboratory. (ADL May 1977 pp. 4-40 and 4-41.)

The two segments of the steel industry wherein benzene exposure occurs are the coke oven battery and the light oil distillation plants. Exposures at the coke oven batteries range between 0.02 ppm and 0.31 ppm. (Ex. 135 p. 4 and Attachment 2). It is thus apparent that the steel industry's compliance with the Coke Oven Emission Standard will maintain benzene exposures well below the action level.

Within the distillation plants, equipment is used to distill the benzene out of the light oil. It is in this operation that the steel industries claim that in certain situations it will not be feasible to reduce exposures through engineering controls. It appears, however, that those situations are limited to the older "coke driven by-products plants" (between 30, 40, and 50 years old). (PC 36 AISI Brief, p. 87-88) and does not exist for the newer plants which currently have low exposure levels.

As the Courts of Appeals have emphasized, OSHA is not restricted to the status quo. Standards may be set which require improvement in existing technologies or which require the development of new technology and

OSHA is not limited to setting standards based solely on devices currently available, at least where new technology appears on the horizons to limit exposures below the permissible exposure limit. (See e.g. *Society of Plastics Industry v. U.S. Department of Labor*, 509 F. 2d 301 (C.A. 2, 1975) cert. denied.) Certainly here, the evidence indicates that technological controls to reduce exposures, if they are not universally used, do exist (Ex. 5A, 4-37).

Benzene exposure may occur in a variety of industries when solvents containing small quantities of benzene are utilized. Some examples are the rubber industry, the manufacture and use of adhesives, paint manufacturing and application, metal can production and commercial printing. Evidence in the record indicates that, with the exception of paint remover firms for the most part have restricted the use of benzene as a raw materials. It appears, therefore that the percent of benzene coupled with presently available engineering controls, such as local exhaust systems, results in minimal employee exposures. (May 1977 ADL p. 4-27, 4032).

Based on the record of the benzene rulemaking, OSHA has concluded, as indicated above, that the permanent benzene standard is technologically feasible. Furthermore, OSHA has determined that this standard better effectuates the purposes of the act than the national consensus standard for benzene.

Dermal and Eye Exposure Limits: Paragraph (c)(2). The final standard, like the emergency temporary standard and the proposed standard, prohibits all eye contact and skin contact with liquid benzene. This requirement is based on OSHA's policy that, in dealing with a carcinogen, all potential routes of exposure (i.e. inhalation, ingestion, and skin absorption) be limited to the extent feasible.

Although the record evidence does not conclusively establish what the effects of contact with benzene are on the eyes or the skin, participants generally did not oppose a requirement for restricting such contact. Indeed some participants indicated that they already provide protective clothing and equipment to their employees in order to protect them from possible hazards of contact with liquid benzene.

The record evidence on the effect of liquid benzene on the eyes or the skin is extremely limited. No scientific data as to the effects of benzene on the eyes was presented during the rulemaking proceeding. The few studies of skin effects on animals and humans (Ex. 2-46, 2-47, 2-48, TR 2459-90) are not definitive as to the extent of benzene that is absorbed through the intact skin or as to the comparative

rate of absorption through damaged skin (TR. 2469-70). Testimony as to skin absorption of benzene was given by NIOSH and by an industry expert witness. NIOSH's view is that benzene is readily absorbed through the skin although the extent of absorption in any particular exposure is unknown. NIOSH however, believes that in instances of an inflamed skin or when benzene is contained in a mixture a "considerable amount" can be absorbed (TR-860). Industry's witness stated that he had no personal view as to whether benzene is absorbed through the skin (TR. 2469) nor whether the rate of absorption of benzene was or was not increased where the benzene is a component of a solvent (TR. 2471-2). The witness also pointed out that he did not know the effect of multiple applications of benzene on the broken skin (TR 2471). He suggested that additional studies be conducted to resolve these issues. This witness nevertheless testified that liquid benzene can damage the outermost protective layer of the skin (TR 2470) and that, although there is no verifying data, "it is ordinarily assumed that penetration of any molecule will be greater through damaged skin than undamaged skin" (TR 2469).

In order to assure that employees are adequately protected against all benzene hazards, it is OSHA's belief that it is appropriate to provide precautions against eye and dermal contact with benzene. In reaching this conclusion, OSHA has taken note that the threshold limit value for benzene adopted by the ACGIH for 1976, and the intended change of that TLV, bear a "skin" notation which refers "to the potential contribution to the overall exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly by direct contact with the substance. Vehicles can alter skin absorption. This attention-calling designation is intended to suggest appropriate measures for the prevention of cutaneous absorption so that the threshold limit is not invalidated" (TLVs for chemical substance in Workroom Environment with Intended Changes for 1976, p. 5). OSHA further notes that maximum allowable concentrations of benzene in other countries also carry a "skin" notation.

OSHA has reviewed the various suggestions for changes in some of the requirements of the provision on eye and dermal limits. Some participants suggested that the provision apply to "liquid benzene" to make clear that the limitation did not apply to eye and skin exposure to benzene vapors (For example, see Com. 53). OSHA has adopted this suggestion since it was never intended that the provision apply to other than liquid benzene. Some comments suggested that the

limitation apply only to liquid benzene of a commercial grade or higher (Com. 48; Com. 76) so as to exclude solvents with trace amounts of benzene (Com. 59). There is no evidence, however, to suggest that the absorption rate depends on the amount of benzene present in the liquid (TR 2472, 2482).

Regulated Areas: paragraph (d). The final standard contains requirements for regulated areas. The purpose of establishing regulated areas is to limit the exposure at above 1 ppm to as few employees as possible. The burden of the regulated area provision on the employer is expected to be minimal since the provisions require the employer merely to identify and control access to regulated areas and to notify the applicable OSHA area office of their existence and condition.

The standard requires that regulated areas be established where airborne exposures are above the permissible exposure limit and that access thereto be limited to authorized persons. Regulated areas must be established at all worksites where the permissible exposure limit is exceeded. Although transportation was not specifically listed in the proposed regulated area paragraph, the regulated area requirements of the permanent standard apply to the transportation of benzene, as well as to workplaces where benzene is produced, reacted, released, packaged, stored, handled or used. The scope of the regulated area subparagraph is, therefore, identical to the scope of the standard. This identity of scope has the result that, while the loading of gasoline at the bulk terminals may require the designation of a regulated area, the transportation of the gasoline from the terminals does not, in as much as that transportation activity is exempted from the standard.

Some participants misunderstood the regulated area requirement in the proposal and thought that regulated areas must be established even where exposures are below the permissible exposure limits. (Tr. 3136.) The standard, however, requires establishment of regulated areas only where exposures are above 1 ppm as an 8 hour time weighted average or 5 ppm averaged over a 15 minute period.

Some participants recommended that regulated area requirements not apply to laboratories (Ex. 6, No. 37, 70) or to coke oven batteries (Ex. 135; p. 2 PH; 36 AISI brief, p. 17). It is OSHA's view that existence of a hazard, rather than the type of operation, should be the basis for establishment of regulated areas. Therefore, if the exposures in laboratories or coke oven batteries were to exceed the permissible exposure limits, regulated areas would have to be established at those facilities. Moreover, OSHA feels that the burden is minimal compared to the protection afforded employees.

The standard requires that the OSHA area office be notified within 30 days following the establishment of a regulated area. Each employer must notify OSHA of the existence of any regulated areas within his establishment and of the conditions existing within such areas. Since regulated areas are required to be established only where exposures to benzene exceed the permissible exposure level, employers whose operations are all below that level need not file the report. This requirement is designed for compliance purposes. One comment suggested that OSHA should require, as it did in the Emergency Temporary Standard on Benzene, notification of the use of benzene in every workplace where it is present (Com. 62). It is clear from the record evidence that benzene is present in some amount or other in a vast number of workplaces and that, consequently, a notification of use provision would be administratively burdensome to OSHA and employers without necessarily resulting in more effective enforcement of the standard. For this reason, the final standard, as the proposal, requires merely the notification of regulated areas. Other comments suggested that laboratories and other small users of benzene be exempted from this notification provision on the ground that their use of benzene is infrequent (Com. 70) and that the filing of this notice by "big users" would be sufficient to set priorities for facility inspections. OSHA does not agree. The amount of benzene used by research and testing laboratories will vary from time to time depending on the projects being worked on. Finally, the suggestion presupposes that facility inspections would be conducted solely on the basis of the frequency of use of benzene. However, even where the use of benzene is infrequent, impairment of employee health may occur particularly where the exposure is above the permissible exposure limit. Other industry comments requested that employers be relieved of notification of regulated areas where temporary regulatory areas of short duration are established for maintenance work or for special projects or when leaks in closed systems occur (Com. 46, 50). In view of the hazardous nature of benzene exposure, OSHA deems it essential to require notification of regulated areas in all cases where employees are exposed above the permissible exposure limit. Moreover, in a facility where there are frequent leaks, the employer will be alerted by the necessity to report these leaks to the possible need to take additional measures to protect employees against such exposures. If the possibility exists that the permissible exposure limit will be exceeded from time to time, the maintenance of a regulated area at the lo-

cation of the leaks will, of course, minimize exposure and minimize the reporting requirement. Some industry participants recommended that the standard include a method for "deregulating" the regulated areas once exposures fall below the permissible exposure limits. (Com. 45, Com. 53, Com. 57) OSHA does not feel that a formal method for deregulation is necessary. Since the standard does not require maintenance of a regulated area except where exposures are above the permissible exposure limit, the regulated area requirement does not apply where the employer has reduced the exposure levels below the permissible exposure limit. Nor would a deregulation procedure contribute to the protection of employees. Moreover, if formal deregulation were required, it would be necessary for the employer to file an additional notification with the OSHA area office should conditions change thereafter and the exposure again exceed the permissible exposure limits. In view of these considerations, a formal deregulation procedure would appear to be unnecessarily burdensome.

Monitoring: paragraph (e). Significant changes have been made in the monitoring section of the final standard in response to comments by participants. Briefly, the final standard requires all covered employers to make measurements to determine whether any employee may be exposed to airborne concentrations of benzene, and imposes different measuring requirements depending on whether exposure measurements are above or below certain levels.

The monitoring requirements are imposed pursuant to Section 6(b)(7) of the Act (29 U.S.C. § 655) which mandates that any standard promulgated under section 6(b) shall, where appropriate, "provide for monitoring or measuring of employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees." The purposes of monitoring are to determine the extent of exposure, to identify the source of exposure to the hazard and to enable the employer to select proper control methods and evaluate the effectiveness of the selected methods. Thus, monitoring enables employers to meet the legal obligation of the standard to assure that their employees are not exposed to benzene in excess of prescribed levels. Additionally, monitoring enables employers to notify the employees of their exposure level, as required by section 8(c)(3) of the Act, and provides information necessary to the examining physician.

The need to conduct exposure monitoring was generally accepted by participants in the rulemaking process (P.C. 35MCA brief, p. 55-b; P.C. 36;

ORC brief, p. 7). Many comments, however, objected to the proposal's requirement to measure airborne exposures in all workplaces "where benzene is present" (P.C. 33; API brief, p. 127a; P.C. 34; ORC brief, pp. 7-8). Participants argued that the use of the term "present" is so broad as to encompass each and every employee at a facility (Ex. 6, No. 53). It was also argued that benzene is present in the ambient atmosphere (Ex. 6, No. 43; Ex. 84B, 18, Ex. 84A, p. 7) with the result that every work operation in every city would probably have to be monitored (Ex. 6, No. 43, p. 12). OSHA's objective is to minimize all occupational exposures to benzene. The term "presence" was used in the proposal to convey the intent that, whenever the exposure of any employee to benzene concentrations resulted from workplace operations at the place of employment, the employer was required to measure that exposure. OSHA does not intend that employees, who might be exposed solely from other sources, such as ambient levels of benzene, be covered by the monitoring requirements. In view of the confusion as to the meaning of the term "presence," the final standard does not use that term but instead specifies the general classes of occupational activities which can result in employee exposure to benzene, and requires monitoring where any of these activities are conducted.

In conducting the monitoring of exposures, the standard does not require that each individual employee's exposure level be measured. Although individual measurement is the ultimate indicator of employee exposure, OSHA believes that a requirement for individual measurements may be too burdensome. Accordingly, the standard requires that the measurements be made by monitoring which is representative of each employee's exposure to benzene over an eight-hour period without regard to the use of respirators. It should be noted that the requirement for representative monitoring does not preclude an employer from taking individual exposure measurements of each of his employees; individual measurements are certainly considered to be representative; and the representative monitoring requirement is the minimum that the employer must meet.

In establishments having more than one work operation involving the use of benzene, the monitoring to be representative must be performed for each type of employee exposure within each operation. One participant requested that area sampling be permitted in order to lessen the burden and cost of monitoring each employee with a different job function (Ex. 6, No. 49, p. 4). Although the final standard does not specifically require personal sampling, monitoring under

the standard must determine breathing zone exposures. Appendix B, IV, therefore, recommends that air sampling be taken in the employee's breathing zone. Area samples are generally not as direct a measure of employee exposure, and consequently, may not meet the requirement for representative monitoring, although where area sampling can be correlated with breathing zone exposures, area sampling may be used. OSHA, however, notes that while there are techniques to correlate area sampling with breathing zone exposures, these are generally more burdensome than personal sampling and involve much more sophisticated data collection and analysis, including the performance of personal sampling to assure the correlation.

Some participants suggested that employers with several places of employment, in which there are workplaces with identical processes or operations, be permitted to monitor only a representative number of such locations (Ex. 6; Ex. 50, p. 3; Ex. 60, p. 7). The fact that work operations are in different geographical locations would not in itself preclude representative monitoring. However, it is the employer's responsibility to assure that identification of conditions, characteristics, activities, climate, etc. exist so that monitoring at particular sites would actually be representative of employee exposure at other sites.

The employer is also required to use a method of monitoring and measurement with an accuracy (at a confidence level of 95%) of not less than plus or minus 25% for concentrations of benzene of 1 ppm or more. Methods of measurement are presently available to detect benzene to this accuracy level (Tr. 342-3) and one such method is described in Appendix A, II, E. Industry participants expressed concern that consistent compliance with these accuracy requirements will be impossible. (PC 36; AISI brief pp. 106-108.) The record, however, indicates that, even where benzene is present with other organic solvents, the OSHA Analytical Method will still enable employers to measure low levels of benzene well within the accuracy requirement of the standard. (Tr. p. 343.) Indeed, it was suggested at the hearing that there is an alternate method for sampling, passive dosimeters, which may comply with the accuracy requirements contained in the proposal. (Tr. 2381.)

As earlier indicated, the standard requires all covered employers to initially measure the airborne exposure of all of their employees. Some participants objected to this requirement and recommended that initial monitoring be limited to those workplaces where there is a probability of exposure to benzene in excess of the permissible

exposure limit (P.C. 36; AISI brief, pp. 73-74; P.C.34; ORC brief, p. 8) or in excess of 10 ppm (MCA brief, p. 50). It is OSHA's view that a "probability" is too speculative where a carcinogen is involved, and that a more definitive basis is needed for determining employee exposure. It is, therefore, OSHA's decision to require initial monitoring at any level of exposure to a carcinogen. Initial measuring of exposure is necessary for the protection of employees particularly where, as here, the permissible exposure level is not a "safe" or "no effect" level but is predicated upon feasibility. Moreover, initial monitoring does not place an undue burden on the employer since he need not continue the monitoring for those employees whose exposures are below the action level.

The standard requires that the initial monitoring be conducted and the results thereof obtained within 30 days of the effective date of the standard. Several comments requested that a longer period, ranging between two months (Ex. 176) to six months (P.C. 36; AISI brief, p. 75; TR 3137), be allowed for employers to meet this requirement. OSHA has retained the thirty day requirement. Since the final standard has a delayed effective date of thirty days after date of publication in the FEDERAL REGISTER, employers will have sixty days to comply with this requirement. OSHA feels that this period is sufficient to enable employers to secure sampling equipment, take samples, and obtain the results. Moreover, the standard permits employers, who have monitored within the last year, to utilize these measurements for purposes of compliance with the initial monitoring requirements, provided that the sampling and analytical method used meets the accuracy test of this standard and provided that the employer maintains a record of these measurements and notifies employees of their exposure levels. Employers who have already monitored their employees' exposures within this period will, therefore, not have to conduct initial monitoring unless, because of a process, control or personnel change, they are required to redetermine exposures. In addition, to the extent that the initial monitoring requirement cannot be complied with because of the unavailability of professional or technical personnel or of materials or equipment, the temporary variance procedures of the section 6(b)(6)(A) of the Act may be appropriately utilized. As noted, however, it is not expected that this will be generally necessary.

The frequency of monitoring employee exposure has been modified in the final standard. The proposal would have required monthly monitoring where exposures were above the permissible exposure limit and quar-

terly monitoring of those employees whose exposure was below that level. The final standard does not require employers to repeat the monitoring where the initial measurements are below the action level, unless there is some change in operations which might alter the exposures. Where the exposure measurements are above the action level but not in excess of the permissible exposure limit, the employer is required to monitor quarterly. Where initial or subsequent monitoring indicates that exposures are above the permissible exposure limit, the employer must monitor monthly. In developing these requirements, OSHA has given serious consideration to the numerous suggested modifications of the proposal's requirements. These ranged from suggestions to lessen the frequency of repeated monitoring to suggestions that monitoring frequencies should depend on whether the process is stable or highly variable (Ex. 6, No. 40), or should be based on performance variables, such as frequency of use, quantity used (Ex. 6, No. 70) and engineering controls (Ex. 6, No. 12, No. 43), or should be at the discretion of a professional (Ex. 6, No. 43). Some participants objected to periodic monitoring where initial monitoring reveals exposures below the permissible exposure limit (P.C. 36; AISI brief, p. 76; Com. 36, 10, 37). OSHA agrees that periodic monitoring is not necessary where exposures are shown to be below the action level. Accordingly, OSHA has eliminated the repeat monitoring requirement for operations below the action level. Where initial measurements are above the action level but do not exceed the permissible exposure limit, periodic monitoring is necessary to assure that exposures remain within that range and do not rise to above the permissible exposure limit. OSHA believes that quarterly monitoring is sufficient to detect substantial changes in exposures and to assure that employee exposures remain below the permissible exposure limit. Some participants objected to monthly monitoring where initial measurements are above the permissible exposure limits (P.C. 36 AISI brief, p. 76, Ex. 6, No. 50). Their rationale is that repeat monitoring serves no purpose since the hazard has already been identified (Ex. 170). They argued that the requirement to establish regulated areas where exposures are above the permissible exposure limit is a sufficient incentive for employers to remonitor a workplace as soon as they believe that the exposure has been reduced (P.C. 36 AISI brief, p. 76-7). As previously pointed out, monitoring serves other purposes than initial determination of employee exposure. Monitoring is a check on the efficiency of engineering controls: increased levels alert the employer to

the need to check and possibly alter these controls. Increases in benzene levels may also necessitate changes in types of respirators. Exposure measurements remind employees and employers of the continued need to protect against hazards, and are also useful to the examining physician in determining whether the exposed employee is at an increased risk. OSHA, therefore, is of the view that repeated monitoring, where initial measurements are above the permissible exposure limit, is necessary to protect employees. Other participants expressed the view that this monitoring should be less frequent than monthly—that is, should be quarterly (P.C. 31 ORC brief, p. 9; L.C. 3); semi-annually (P.C. 36 AISI brief, p. 78; Ex. 6, No. 57), annually (Ex. 6, No. 59, No. 76), or as frequently as significant changes are believed to have occurred (L.C. 19). In view of the leukemogenic hazard of exposure to benzene, it is OSHA's view that monthly monitoring, where exposures are above the permissible exposure limit, is necessary to protect the health of exposed employees.

The final standard also provides that employers may discontinue monitoring for those employees for whom two consecutive measurements taken seven days apart show exposures to be below the action level. Where employee exposure measurements fall below the permissible exposure limit but are at or above the action level, the employer may alter the monitoring schedule for those employees from monthly to quarterly after two consecutive measurements taken seven days apart indicate the reduction in levels.

The standard further requires that, whenever there has been a production, process, control, or personnel change which may result in new or additional employee exposure, or whenever the employer suspects that a change of employee exposure may occur, the employer must repeat the required monitoring. Redetermination of exposures in such instances is necessary so that the employer may take the necessary action to protect his employees, such as providing appropriate respiratory equipment, or instituting engineering controls. Redetermination is required only where there is a new exposure or an increase in exposure levels is suspected (Ex. 6, No. 76, No. 50). The required redetermination where there is a change of personnel was added to the final standard in view of evidence that exposure levels can change when different employees perform the work (Tr. 3093). This requirement does not mean, however, that the employer must remonitor every time there is a personnel change but he must redetermine exposures when the work practices of the substitute employee are such that an increase in exposure may

result. Redetermination of exposure must also take place after the cleanup of spills and the repair of leaks, ruptures or other breakdowns. One comment suggested that redetermination not be required in these instances (L.C. 19). OSHA has not adopted this suggestion. Spills, leaks, etc., can result in very high exposure levels (Tr. 1299; P.C. 30, p. 48), and the requirement to redetermine exposures after cleanup or repair provides one method of ascertaining that proper corrective methods have been instituted and employee exposures are not significantly altered.

The final standard further requires that employers notify each of their employees of the exposure measurement which represents that employee's exposure. This requirement is discussed in detail under Recordkeeping.

It should also be noted that paragraph (m) of the standard requires the employer to allow employees or their designated representatives an opportunity to observe the monitoring. The specific provisions of paragraph (m) are discussed below.

Methods of compliance: paragraph (f). The final standard, as the proposed standard, requires employers to institute engineering and work practice controls to reduce employee exposure to benzene to or below the permissible exposure limits, except to the extent that such controls are not feasible. This requirement is in accord with OSHA's policy that feasible engineering and work practice controls must be used as the primary methods of reducing employee exposures. This policy is based on the view that the most effective means of controlling employee exposures is to contain concentrations at their source through use of mechanical means combined with work practices rather than reliance on the variability of human behavior so critical to the successful use of respirators. Thus, the standard also provides that, in situations where feasible engineering controls and work practices are insufficient to reduce exposure to the permissible limits, the controls must nonetheless be used to reduce exposures to the lowest achievable level, and then be supplemented by the use of respiratory protection.

In reaching the decision to require engineering and work practice controls as the primary methods of reducing benzene exposures, OSHA has carefully considered the objections of various participants. While recognizing that in many situations engineering and work practice controls are the preferred methods of reducing exposures to or below the permissible levels, several participants recommended that the hierarchy of control measures be eliminated and employers be allowed the freedom of selecting the control measure to be instituted. (Tr. 3140).

These participants particularly objected to the requirement that engineering controls and work practices be used to reduce exposure to the lowest achievable level even if that level is above the permissible exposure limit. Various arguments were made in support of this position. One participant pointed out that, where the controls will not reduce exposures sufficiently, respirators will have to be used anyway. This employer suggested that OSHA mandate the continued search for controls which are sufficient to reduce employee exposure, but allow employers to select any appropriate method of reducing exposures (Com. 43). As was pointed out in the benzene hearing (Ex. 59, p. 12), as well as in other OSHA rulemaking proceedings, respirators are the least satisfactory means of control because of difficulties inherent in their design and use. Respirators are capable of providing good protection only if they are properly selected for the types and concentrations of airborne concentrations present, properly fitted and refitted to the employee, worn by the employee, and replaced when they have ceased to provide protection. While it is theoretically possible for all of these conditions to be met, it is more often the case that they are not. Consequently, the protection of employees by respirators is not always effective and is, therefore, permitted only in certain specified circumstances. For example, proper facial fit, is essential but, due to variations in fit, individual facial dimensions and the limited range of the facepiece configurations, such fit is difficult to achieve. (Tr. 332-335) Often the work involved is strenuous and the increased breathing resistance of the respirator reduces their acceptability to employees. Safety problems presented by respirators must also be considered. Respirators limit vision. Speech is also limited. Voice transmission through a respirator can be difficult, annoying and fatiguing. Movement of the jaw in speaking also causes leakage. Communication may make the difference between a safe efficient operation, on the one hand, and confusion and panic, especially in difficult and dangerous jobs, on the other hand. Moreover, skin irritation can result from wearing a respirator in hot, humid conditions and such irritation can cause considerable distress and disrupt work schedules. It is clear, therefore, that respirators cannot be considered as the primary means of employee health protection. Nevertheless, respirators do provide some protection and OSHA has concluded that under certain limited circumstances, where no alternatives are available, respirators may be used to reduce employee exposures.

Industry participants further argued against a system of priorities because

of alleged unfeasibility of engineering controls. Most of these participants' objections to methods of compliance, however, lie in the area of economic rather than technological feasibility (Com. 49, p. 5; Com. 54, p. 2; Com. 73, p. 3). As discussed below, OSHA has determined that this standard is feasible and that the implementation of engineering and work practice controls is for the most part technologically feasible. However, OSHA realizes that, under some particular circumstances, engineering and work practice controls may not be technologically feasible in a particular work operation. Therefore, the standard explicitly recognizes that an employer may demonstrate the infeasibility of engineering and work practice controls as to one or more operations in a particular process, and in these circumstances use respirators to provide the required protection. The question of whether an employer has met its burden of establishing that engineering and work practice controls are infeasible in a particular work operation involves the consideration of many complex factors and a rational balance process. Factors such as levels of exposure, useful remaining life of the equipment and the effort made by the employer to implement such controls are relevant.

In addition to the obligation to institute engineering and work practice controls, except to the extent that such controls are not feasible, the final standard also requires that each employer establish and implement a plan, including schedules for reducing exposures to within the permissible exposure limit or to the greatest extent feasible, solely by engineering and work practice controls. These written plans must be furnished upon request for examination and copying to representatives of the Assistant Secretary and the Director. These plans must be reviewed and updated periodically to reflect the current status of exposure control. Some participants felt that the requirement for written plans was burdensome and unnecessary (Com. 45, 59). OSHA, however, views the requirement for written plans as an essential part of the compliance program since it will encourage employees to actually achieve the controls and also provide the necessary documentation to OSHA, employers and employees of the compliance methods chosen, the extent to which controls have been instituted and plans to institute further controls to achieve safe and healthful workplaces.

A compliance issue relating to the requirement for engineering controls and work practices in this final benzene standard involves the relationship of that requirement to the covered employers' legal obligation as to engineering controls under the prior

benzene standard (29 CFR 1910.1000, Table Z-2). The new standard, at paragraph (f)(1), requires the implementation of engineering controls and work practices. OSHA views the two standards as a continuum of enforceable obligations which have been crystallized in the standards promulgation. More specifically, in evaluating whether the employer has instituted controls, OSHA compliance personnel would consider not only the employer's performance under the new standard but also his prior obligation under its predecessor.

Respirator protection: paragraph (g). The final standard contains requirements for respiratory protection. The standard requires employers to provide and assure the use of respirators whenever the permissible exposure level is exceeded. Paragraph (g) makes clear, however, that respirators are only to be used when other means of control are not feasible, and that the use of respirators is not a substitute for engineering and work practice controls. The standard allows respirators to be used to achieve compliance with the permissible exposure levels only in certain specific situations. The reason for the limitations is that respirators are, as stated above, the least satisfactory means of exposure control.

The standard contains a respirator selection table to enable the employer to provide the type of respirator which affords the proper degree of protection. While the employer must select the appropriate respirator from the table for each work operation on the basis of the airborne concentrations of benzene, he may always select a respirator providing greater protection—that is, one prescribed for higher concentrations of benzene than present in his workplace. It should also be noted that OSHA does not anticipate, as previously suggested in the proposal, that a conflict between the respirator selection table of the benzene standard and that of the coke oven standard will arise. Industry data (Ex. 136, attach No. 2) indicates that benzene exposures at coke oven batteries are generally below 1 ppm and respiratory protection for benzene exposure will generally not be required.

The standard further requires that the employer select respirators from among those approved by NIOSH under 30 CFR Part 11. Participants pointed out (Com. 41; Tr. 752; Tr. 139) that, although the standard's respiratory selection table permits the use of chemical cartridge respirators for concentrations of 50 ppm or less, NIOSH does not approve chemical cartridge respirators for benzene. OSHA is well aware of the fact that NIOSH does not approve organic vapor cartridge or canister respirators for substances, such as benzene, with poor warning

qualities and that such respirators do not generally have end-of-service life indicators (Tr. 140). The standard's requirement for NIOSH approval, however, is designed to assure that only devices approved and certified by NIOSH for use against organic vapors be used, notwithstanding the fact that such certification carries a stated or implied prohibition against the use of these devices for substances with poor warning properties. The alternative would be to chance employee protection by allowing use of non-approved devices, or to require supplied air respirators or self-contained breathing devices which in many cases would give rise to extreme operational difficulties (Tr. 142). Since organic vapor cartridge and canister respirators currently approved by NIOSH have been shown to be effective in absorbing benzene vapors, neither of these alternatives is necessary.

To compensate for the lack of adequate warning properties of these respirators, the standard requires frequent replacement of the cartridge or canisters (Tr. 140). The standard requires that the cartridges or canisters be changed at the end of their service life or the end of the shift in which they are first used, whichever comes first. Some participants objected to the requirement to replace air purifying canisters and cartridges at the end of the shift. They felt that it would lead to waste (Com. 40), would do little to encourage research and development of an end of service life indicator (Com. 41), and would be too frequent where benzene concentrations are low and cartridge life is long (Com. 65). Recommendations for longer periods varied (Com. 53; L.C. 3; L.C. 19; Com. 60). OSHA has considered these recommendations but has concluded that, in order to assure that employees receive the maximum protection from benzene vapors, cartridges or canisters must be changed at least at the end of each shift. Should NIOSH, at some later date, certify a benzene end of service life indicator, which demonstrates that the canister or cartridge is useful past the end of the shift, OSHA would allow the cartridge or canister to be used for the extended period. Accordingly, the final standard has been changed to make this clear and hence encourage research and development of an end of service life indicator for benzene.

The standard further requires that the employer institute a respiratory protection program in accordance with 29 CFR 1910.134. This section contains basic requirements for proper selection, use, cleaning and maintenance of respirators. The employer is also required to assure that the respirator is properly fitted and to allow employees to wash their faces and respirator face pieces. In addition, paragraph (j)(1) of

the standard requires that employees be properly trained in the use of respirators.

The standard requires that the employer shall provide respirators and other clothing and equipment required for protection from exposure to benzene at no cost to the employee. OSHA has allocated the costs of respirators and clothing and equipment required for protection from benzene exposure to the employer in order to effectuate the purposes of the Act. The employers' costs in providing respirators and protective equipment and clothing were considered in the economic assessment. This language clarifies OSHA's position which has long been implicit in health standard proceedings under section 6(b) of the Act.

Protective Clothing and Equipment: paragraph (h). The final standard retains the requirement that, where the employee is exposed to eye contact or repeated skin contact with benzene, the employer must provide and assure that employees wear the appropriate protective clothing and equipment. This requirement compels employers to furnish, where necessary, such items as goggles, face shields or gloves, or footwear.

The available scientific evidence on the intact and unbroken skin has been discussed above under Dermal and Eye Exposure Limits. Although the evidence on skin absorption of benzene is inconclusive, it is an "undisputed assumption" that the penetration of any benzene molecule will be greater through damaged skin (Tr. 2469-70). The record evidence also indicates that there are situations where employees are immersed or drenched with benzene liquids (Tr. 289, 292, 299). Liquid benzene on the skin may cause erythema and blistering, and dry scaly dermatitis may develop on prolonged or repeated exposure (Ex. 2-3). Burns may occur from benzene spills (Tr. 292). One purpose of the protective clothing and equipment requirement is to protect employees from dermatitis and burns. Additionally, since benzene is a carcinogen and since breaks in skin surfaces commonly occur, OSHA has concluded that it is necessary to require personal protective clothing and equipment although the full effect of liquid benzene on the eye and the skin is as yet unknown. To do otherwise would be to leave employees unprotected and expose them to what might ultimately be shown as a most serious hazard.

Few comments were received on the protective clothing and equipment requirements. Some participants indicated that they already provide such protection to their employees (L.C. 4). One participant suggested that the extent of body exposure, which would trigger the need for the protective clothing, be delineated in the stan-

dard. (Com. 55.) OSHA, however, believes that the likelihood of eye or repeated skin contact and the resultant need for protective clothing must be assessed on the basis of individual workplace operations. One comment objected to the need for protective clothing or equipment where 1 percent or less benzene is present in the liquid benzene. There is, however, nothing to indicate that such percentages would create a sufficiently reduced hazard to warrant total elimination of the requirement.

The final standard requires the use of "impermeable" protective clothing and equipment. This requirement was in the emergency temporary standard. The proposal, however, would have simply required "appropriate protective clothing and equipment." Where eye and skin protection are required, the protective clothing and equipment to be "appropriate" must not allow liquid benzene to reach the eyes or skin. To make this clear, OSHA has adopted the language of the emergency temporary standard. The impermeable clothing must prevent all penetration of benzene. Thus, where impermeable gloves are used, liquid benzene should not seep through the cuff or any other opening in the glove. This could very well increase the hazard to the employee. It appears, on the basis of testimony from the industry expert witness, that, when a chemical substance on the skin is covered with a totally inclusive material, the rate of permeability of the substance through the skin is greatly increased (TR 2464; 2473).

HYGIENE FACILITIES

Although normally required in carcinogen standards (See Coke Oven and Cancer Policy), the final benzene standard does not contain any requirement for hygiene facilities, such as waste disposal, housekeeping, showers, change rooms, or laundering of clothing.

The question of what, if any, hygiene facilities should be included in the final standard was at issue in the benzene rulemaking proceeding. The most common view of participants in that proceeding was that hygiene facilities were not necessary because of the volatility of benzene (L.C. 19). Almost all participants felt that no hazard would be created by the absence of hygiene facilities. One witness, however, testified that, in his opinion, the wife of a benzene exposed employee, who laundered her husband's work clothes daily died from benzene induced leukemia (Tr. 314). Unfortunately, no further information concerning this case was furnished. OSHA, consequently, finds that the record does not establish the need for a requirement for hygiene facilities.

Medical surveillance; paragraph (1). This standard requires that employers

make available a medical surveillance program for those workers who are exposed to benzene at or above the action level of 0.5 ppm TWA. In addition, the regulation contains an emergency provision for the biological monitoring of employees exposed to a massive release of benzene.

Evidence contained in the record clearly indicates that a medical surveillance program is an appropriate measure. Hematologists, company physicians and other participants have recommended the inclusion of a medical surveillance provision in the final standard (Ex. 106; P.C. 30; Ex. 211; Ex. 17, Ex. 179, Bommarito, Tr. 3382). Also, a review of the record discloses that it is a current common practice of many industries to routinely examine their employees for evidence of benzene toxicity. (e.g. Wodka, Tr. 1263; Com. 26; Joyner, Tr. 2286; Dow, Tr. 2967, 3021; Ex. 77H.)

Section 6(b)(7) of the Act requires that employers make available medical examinations to ascertain whether the health of workers is adversely affected by exposure to toxic substances, where appropriate. The requirements contained in this regulation are designed to detect changes in the hematopoietic system resulting from chronic exposures to benzene which may be manifested in a range of blood disorders, including leukemia.

It is widely recognized that the major target organ in chronic benzene toxicity is the hematopoietic system, especially the bone marrow. This system has the attribute that a sample of the peripheral blood offers a unique biological "window" on the functioning and health of this system, providing much direct visual information not readily available for other organs or systems.

It is OSHA's view that a medical surveillance program directed toward the early detection of hematopoietic dysfunction by examination of peripheral blood samples is an appropriate measure. This determination receives support from: (1) Studies showing that early blood dyscrasias have been detected in workforces screened by laboratory tests (and often in workers displaying no obvious physical symptomatology) (Greenburg, Ex. 2-8, p. 419; Savilahti, Ex. 2-95, p. 1; Goldstein, Ex. 43B, p. 138); and (2) that even in cases of acute myelogenous leukemia, a period of remission, unfortunately brief, may be effected in a substantial proportion of those afflicted with this fatal disease by appropriate treatment. (ORC/Jandl, P.C. 34, p. 73-74). OSHA's decision is also supported by evidence that some cases of benzene-induced blood disorders may be reversed upon cessation of exposure and by appropriate treatment. (ORC/Jandl, P.C. 34, p. 39).

The medical surveillance provision of the proposed standard was the

object of much comment and testimony. For example, over 45 separate comments addressed this issue in pre-hearing submissions alone. Additionally, substantial testimony was adduced during the hearing, and additional views were submitted to OSHA in the form of post-hearing comments. These suggestions addressed both the content and frequency of the examinations as well as what information should be elicited from the medical/work history portion.

OSHA, in formulating the provisions of the medical surveillance section, was aware of several problems. While there is no disagreement that the blood tissues are the most important organ relative to chronic benzene toxicity, there are as yet no consistent patterns of abnormalities, especially at low exposure levels, and no specific pathognomonic tests of benzene toxicity (Rosen, PC 23A, p. 2). Compounding this problem is the fact that it is difficult to separate cases of early benzene hematotoxicity from more common minor blood disorders (Goldstein, Tr. 354). Associated with the problems of exam content is one of testing frequency. There are simply no precise estimates of the time course of the various abnormalities to allow determination of optimal testing frequency. Opinions based upon the lifespan of the blood cells are equally inapplicable in determining the frequency of such exams (Battle, P.C. 26C). While realizing that the more frequent the exams, the greater the probability of detecting blood disorders induced by benzene, OSHA is also aware of the practical considerations of a medical surveillance program. Unlike the coke oven standard which applies to a defined number of workers employed in well characterized work sites, benzene is a component (usually as a contaminant) of a wide variety of refined petroleum solvents and, therefore, some benzene exposure occurs in a myriad of work sites and work operations.

OSHA also recognizes that to be effective a medical surveillance program must be acceptable to a majority of workers subjected to the examination, the tests must display a high degree of accuracy and reproducibility, and the program should be able to be performed in a routine manner without unduly taxing medical resources. Given the above facts, the prescribed medical surveillance program is designed to accommodate the purpose of detecting early blood disorders resulting from benzene exposure without being overly burdensome and unduly intrusive.

The medical surveillance program consists of three main elements: (1) An initial and periodic examination for all those employees exposed to airborne benzene concentrations at or above the action level, (2) evaluation of ab-

normal findings by a hematologist and, (3) a biological screen for workers who may have received excessive exposure as a result of an emergency.

Several commentators and hearing participants recommended to OSHA that the medical screening program should be, in some way, related to employee exposure, and several specifically suggested that an action level be utilized as the determining boundary. (Com. 10; Com. 21; Com. 26; Com. 36; Com. 46; Com. 47; Com. 53; Com. 70; Com. 72; Com. 76; L.C. 3; PC 36; AISI brief). Many others felt that routine medical surveillance applied to all workers exposed to benzene without regard to degree of exposure, as was specified in the proposed standard, was an excessive requirement (e.g. Ex. 6-36). OSHA has examined these analyses and, as a result, has significantly altered the content of the surveillance program in the final standard. Furthermore, it is OSHA's view that the requirements of the medical surveillance program cannot be left to discretion of the examining physician because some physicians may not be fully aware of the wide range of effects resulting from benzene exposure.

The final standard requires that employers must make available an initial and periodic examination to any worker exposed at or above the action level. While it is the Agency's position that there is no "safe" level for benzene exposure, OSHA believes that the vast majority of workers exposed below the action level will not manifest blood dyscrasias, while those at or above this value are at greater risk, the precise extent of which is unknown. The inclusion of an action level concept will therefore limit medical surveillance requirements for those employees as to whom the probability of identifying benzene-induced blood disorders is in all likelihood minimal, and will focus such efforts on a population at increased risk.

INITIAL EXAMINATION

The initial examination has two components: a medical/work history and a series of laboratory blood tests. This differs from the proposed standard which drew no distinctions between initial histories and examinations and subsequent ones. The final standard does, however, make such a distinction. The purpose of the history is to alert the physician to problems which may indicate an individual's increased sensitivity to benzene. The permanent standard requires the taking of a history with the data elements specified in the proposal.

Elil Lilly (Com. 28) and Dupont (Com. 46) generally agreed with the proposed history requirements, while Dow Chemical agreed with the intent, i.e., that a complete medical history with an emphasis on blood problems is

an essential part of a benzene medical surveillance program. They felt, however, that the wording should be simplified so that the worker could supply the information him/herself with minimal professional assistance. (Ex. 154.) OSHA, recognizing the merits of this suggestion, has not chosen to mandate the precise wording of the history taken, but only to require that specific areas should be queried. The employer, therefore, has considerable latitude with respect to the actual format. Whether the employee answers the medical history or is questioned by a health professional is also left to the discretion of the employer. The standard does require, however, that all aspects of the medical surveillance program be under the supervision of a licensed physician.

One hematologist objected to the inclusion of questions pertaining to a family history of hemologic neoplasms, noting that there is little evidence associating these disorders with a predisposing increased sensitivity to benzene (ORC/Jandl P.C. 34, Add. 5, p. vii). Another hematologist also criticized this provision on the basis that the information obtained was both unreliable and of unknown relevance to benzene toxicity (P.C. 26C). Jandl also stated that genetically related hemoglobin alterations (hemoglobinopathies) are not highly relevant and are therefore of no predictive value (ORC/Jandl, P.C. 34). OSHA agrees that there is no known or even suspected association of benzene-induced blood dyscrasias with some hemoglobinopathies such as sickle cell anemia. However, Aksoy has reported findings that individuals with thalassemia (another hemoglobin disorder) may be more sensitive to the hematotoxic effects of benzene (Ex. 44). (It is not clear from Aksoy's testimony whether or not thalassemias are at greater risk of developing leukemias resulting from benzene exposure.) Moreover, he also observed a familial link with leukemia resulting from benzene exposure. (Ex. 24). In view of Aksoy's findings, OSHA believes that it is appropriate that the questions in the medical history relating hemoglobinopathies and a family history of malignant blood diseases remain in the standard.

Battle recommended that the health history also include questions concerning possible exposure to marrow toxins, such as the use of insecticides and volatile cleaning agents in the home (P.C. 26C). Since exposure to these types of agents may have significant impact on the blood picture of examined workers, queries regarding exposure to other marrow toxins both in and outside of the work environment have been added to the history requirements.

The initial laboratory examination requires that a series of classical blood

tests and also measurements of serum bilirubin and reticulocyte count be performed. As noted, there is no consistent pattern of blood abnormalities resulting from benzene exposure. Various investigations claim that the earliest sign of benzene hematotoxicity is anemia or leukopenia, or changes in red cell indices. Some believe that red cell enlargement (macrocytosis) (Goldstein, Ex. 75; Goldwater, Ex. 140) or an absolute lymphopenia (Goldstein) may be suggestive of early marrow damage. (Occasional observations of a paradoxical hypercellularity in response to benzene exposure have been reported, e.g., by Aksoy; however, the basic hematological workup should detect this particular response).

An examination of the record demonstrates that there is general agreement that the following laboratory hematological tests should be part of an initial or baseline examination:

- (a) Red Cell count
- (b) White Cell count
- (c) Hematocrit
- (d) Hemoglobin
- (e) MCV—(mean corpuscular volume)
- (f) MCH—(mean corpuscular hemoglobin)
- (g) MCHC—(mean cell hemoglobin concentration)

These tests are routinely performed in most blood examinations; they provide basic information about all three blood cell lines. The normal values are well known, and the tests are usually automated with the attendant benefits of being highly reproducible and accurate.

Differential counts of white blood cells, also required by the standard, are not amenable to automation and are therefore performed manually under microscopic examination by trained technicians. Battle commented that white blood cell counts are no longer performed on a routine basis in his clinic and that such an assay is usually only performed in response to abnormal cell counts (P.C. 26C). However, other commentators have recommended the inclusion of a differential count as part of a basic hematologic examination (both the initial and interval tests) (ORC/Jandl, P.C. 34, pp. 46-51, Goldstein Ex. 75). In addition to providing information on the relative number of various white cell types, the differential count provides an opportunity to observe aberrant cellular morphology and to note any unusual proportions of immature cells. Jandl feels that scanning of the slide by a trained technician for these types of findings is of the utmost importance (ORC/Jandl, P.C. 34, p. 45). For the above reasons, a differential count is a required part of the laboratory examination. In addition to the basic laboratory tests, serum bilirubin and reticulocyte counts must also be done in the initial laboratory exam. These tests may provide information indicative of

hemolytic states and other abnormalities. Because of the non-specificity of these two assays relative to benzene toxicity, the time-consuming nature and instability of the reticulocyte preparations, these particular tests were the object of much comment and criticism. Several commentators stated that although these tests were of little value on a routine basis, they should be made part of a preplacement or baseline exam (Com. 28, 72). Based on a review of this issue, OSHA believes that these two particular blood examinations should be included as a part of the initial laboratory tests only, to provide a more comprehensive picture of a worker's hematological profile, for possible later comparative purposes.

Several hematologists stressed the importance of obtaining pre-exposure data as a baseline against which latter comparisons could be made (ORC/Jandl, P.C. 34, p. 36; Battle, P.C. 26C; Goldstein Ex. 75, p. 5). The initial exam requirement of the standard applies to both employees already exposed to benzene at or above the action level as well as to new or reassigned employees who may be exposed at or above the action level. In the first case, the blood data obtained is not, of course, a true non-exposed baseline, but may be useful at a later date should significant changes in blood values occur. In addition, since the standard requires that an initial laboratory exam be performed for all new or reassigned employees prior to their actual exposure to benzene at or above the action level, pre-exposure baseline data will gradually become increasingly available in the years subsequent to promulgation of this standard.

As an aid to physicians for comparing the results of the most recent blood testing with early data, the recordkeeping paragraph requires that, at the completion of the differential count, the slide of a peripheral blood smear be made permanent and stored for possible future reference. Retention of the slide allows the examining physician to directly compare the most recent findings with earlier ones, especially with respect to possible changes in morphology of the blood cells; counting data alone would not permit this type of comparison.

Doc Chemical suggested that kidney and liver function tests should be performed as a part of the preplacement examination (Tr. 2967). OSHA recognizes that these laboratory examinations may identify conditions indicative of an impaired ability to detoxify benzene. However, given the low permissible exposure limit mandated by this standard, OSHA concluded that requirement of these tests would be excessively burdensome. In this regard, Goldstein testified that he saw no value to incorporate these tests (Tr. 380).

PERIODIC EXAMINATION

The medical surveillance section requires that a brief updated history be taken semiannually at the time of one of the blood examinations. Battle suggested that such a history include queries as to exposure to drugs or chemicals as well as recent illnesses since the last history (P.C. 26C). Because these agents may act to adversely affect the hematopoietic system and may be reflected in the blood picture, OSHA agrees with these particular suggestions and has incorporated all of them into the requirements for the interval history.

The periodic laboratory tests are similar to those specified for the initial exam, except that serum bilirubin and reticulocyte assays are deleted since, as stated above, the two assays are required only in establishing a baseline. Comments received by OSHA concerning the frequency of interval blood examination ranged from quarterly (ORC, P.C. 34, p. 11; Tr. 3382, Tr. 270) to 3 times a year (Com. 28; Tr. 3328; Battle, P.C. 26C), semiannually (Tr. 3138) to those who felt the frequency should in some manner vary according to the exposure level (e.g., Tr. 2965, 6-10, 6-37, 6-47, 6-64, 6-76, 41-3, 41-19). Dow expressed the view that the frequency should be the decision of the responsible physician and related to the medical condition of the employee and the environmental control of the specific work area (Tr. 2965). As detailed previously, there is insufficient information in the record to allow a precise determination of optimum testing frequency. No completely reliable information exists on the number of months which elapse between the first laboratory signs of a blood disorder and the onset of clinical disease or what effect a particular time delay has on therapeutic outcome. There is no reason for casualness about the testing frequency though, since even if a blood change were to progress steadily downhill, early detection and treatment may provide substantial benefit. It is OSHA's judgement, following examination of the various options available, that a six month interval between routine blood examinations is appropriate.

The standard contains a provision, applicable to both the initial, periodic and emergency exams, requiring that employees' abnormal test results must be referred to a hematologist for further evaluation should certain specified warning signs appear. This provision, which was not a part of the proposal, is in response to recommendations that: (1) A hematologist be included in some manner in the medical surveillance program (ORC/Jandl, P.C. 34); (2) specific quantitative guidelines including ranges (Ex. 6-60) be given physicians and; (3) that addi-

tional laboratory tests should be given if an abnormal count becomes manifest or significant changes occur relative to baseline values (NPRA, Tr. 3325-3331; AISI, Tr. 3263-64; ARCO, P.C. 32C). With respect to item (1), an industry participant testified that it was already the practice at his company to refer workers to hematology specialists if blood abnormalities are discovered (Joyner, Tr. 2286-87), and Dow remarked that they discussed abnormal blood findings of workers with the hematologists (Tr. 3021). Also Arco commented that, if abnormal conditions arise among its employees exposed to benzene, follow-up examinations are given and medical treatment performed until blood tests reveal values within the normal range (P.C. 32C). Also, Dow disclosed that, for its employee exposed to benzene, an increased medical surveillance program would result if conditions such as an undiagnosed anemia or leukocytosis were detected (Tr. 2984-85). Sakol has noted that ineffective and inappropriate medical treatment was given to workers apparently suffering hematological disorders from benzene exposure which ultimately evolved into a frank leukemia (Tr. 303). This incident further illustrates the need for a specialist's evaluation, if abnormalities are detected.

Again it should be emphasized that the question of what constitutes the earliest laboratory evidence of chronic benzene toxicity is not known with certainty (ORC/Battle, P.C. 26C, p. 3). It is known that the level of all 3 blood cell lines may be variously affected by exposure. However, examination of the benzene literature reveals that the hematological boundaries of what is considered "normal" have varied. More recent tabulation of normal ranges are those published by NIOSH (Ex. 2-2, p. 135): Wintrobe (Ex. 2-107, p. 1791, 1794, 1795) and those submitted by Jandl (ORC/Jandl, PC 34, p. 29). The normal range of hematological values presented generally agree quite well, especially those given by Jandl and Wintrobe. It is OSHA's conclusion that laboratory findings beyond these ranges must require additional evaluation by a blood specialist. In specifying the values beyond which findings are considered abnormal, OSHA utilized the values in the above citations to yield the widest range (often the range limits do not exactly coincide) in order to minimize the burden on the employer in borderline cases.

However, as illustrated by Goldstein, it may be possible for some individuals to experience a significant hematological response to benzene exposure and yet exhibit blood values within the range normal for the population as a whole (Goldstein, Tr. 356). To identify such workers for referral to a hema-

tologist, the standard also includes as a trigger, an allowable deviation figure for certain indices, relative to an earlier determined value. The advantage of this approach is that the individual acts as his own control. As early as 1926, Greenberg in recommending criteria for exclusion of workers from further benzene exposure, utilized as one of his criteria changes in the blood picture based on results from previous examination of individual employees. He recommended a determined value of a 25% decline in red and white cell levels. The red cell count, hemoglobin and platelet count are generally very stable indices and usually do not vary in individual cases by more than $\pm 10\%$ from baseline values. OSHA believes that a deviation of $\pm 15\%$ or more in these indices compared to the laboratory findings obtained in the most recent test is of sufficient concern to require the attention of a specialist. As white cell counts commonly exhibit greater variation, a percentage deviation trigger would be too restrictive and is therefore not included in the standard. In lieu of a percentage deviation, limits of normal ranges are prescribed.

EMERGENCY SITUATIONS

The emergency medical surveillance provisions reflect OSHA's concern for those employees normally subject to low average exposures but who, because of equipment breakdown or other causes, may be exposed to massive doses of benzene. These workers may be at a relatively high risk for developing adverse hematological effects.

If a worker is exposed to a massive release of benzene, the employer must provide for each individual so exposed a urinary phenol assay at the end of the work shift in which the emergency occurred. If the results of such a test corrected to a specific gravity of 1.024 are less than 75 mg/l, no further testing is required. However, if a urinary phenol result is greater than 75 mg/l, indicating an average exposure above 10 ppm (Watts, Ex. 2-109), then a complete blood count including a differential count must be performed as soon as practicable.

If the red blood cell or platelet count or hemoglobin differ more than $\pm 15\%$ from the most recent prior exam's findings, the worker's test results shall be referred to a hematologist for additional evaluation. Also, if the levels of the three formed elements lie outside of the prescribed ranges further evaluation by a hematologist shall be required.

The use of a urinary phenol assay to determine whether additional tests are indicated for workers exposed to high concentrations of benzene is supported by evidence in the record. The Sun Oil Company reported that special uri-

nary phenol screening tests are prescribed for all persons when 10 ppm exposure levels are suspected (Ex. 77F).

For all types of medical examinations, the employer is required to provide the physician with certain information. This information includes a copy of the regulation, a description of the affected employee's duties as they relate to the employee's exposure, the results of the employee's exposure measurement, if any, or the employee's anticipated or estimated exposure level, a description of any personal protective equipment used or to be used, and information from previous medical examinations of the affected employee to the extent that it is not readily available to the physician. The purpose in making this information available to the physician is to aid in the evaluation of the employee's fitness to work in areas in which the exposure is at or greater than the action level. It should be noted that the standard does not require that a copy of the regulation be given to the physician for each employee. One copy would be sufficient, provided the employer informs the physician which employees are covered by this standard. Information that relates to individual employees or categories of employees (such as the description of job duties) need be transmitted to the physician only once, unless, for example, the duties change. Exposure measurements will be cumulative so that the results of each monitoring since the last examination are to be sent to the physician. However, since sampling may be done on a representative basis, the language of the standard requires the physician to be given either the employee's actual exposure measurements, if available, or the estimated level.

Several criticisms and suggested changes, discussed below, were also received by OSHA in regard to paragraph (i)(6) of the proposed medical surveillance requirements. In the final standard, the employer is required to obtain a written opinion from the examining physician containing: the physician's opinion as to whether the employee has any detected medical conditions which would place the employee at an increased risk of material impairment of health from exposure to benzene, the results of the medical tests performed, and any recommended limitations upon the employee's exposure to benzene and upon the use of protective clothing and equipment such as respirators. This written opinion must not reveal specific findings or diagnoses unrelated to occupational exposure, and a copy of the opinion must be provided to the affected employee.

Dow Chemical expressed the opinion that the notification requirements

were overly burdensome and that the physician should be required to notify the employer and the employee only for the following reasons: Evidence of benzene toxicity, recommended limitations on worker exposure to benzene for any reason, or a health condition that precludes the use of protective clothing and equipment. (Tr. 2966). The Rubber Manufacturer's Association offered the comment that the physician's written opinion should be supplied to the employee only if requested (Ex. 6-59, p. 5). One commentator cautioned that because of malpractice considerations, a physician might be reluctant to sign such an opinion (National Paint and Coatings Association, Inc. (NPCA), Ex. 41-14, p. 15). Also because of malpractice considerations, the American Iron and Steel Institute recommend that this section be deleted (P.C. 36, p. 109). ORC suggested language changes for this physician's opinion requirement (ORC, P.C. 34, p. 11, Ex. 6-76, p. 11). The NPCA also warned that unless the physician's opinion paragraph was altered, denial of clearance for many prospective employees may result (Ex. 41-14, p. 15). There was also comment concerning with whom the doctor's opinion should be shared. ORC felt that any medical findings or diagnoses should be kept strictly confidential between the worker and the examining physician (P.C. 34, p. 11; Com. 76). Finally, a suggestion was received from industry that paragraph (i)(6)(ii) which limits the physician's opinion to specific findings and diagnoses related only to occupational exposure should be deleted on the basis that the employer has a right to know if there are any reasons related to work or not, that might have an adverse effect upon an employee or may possibly jeopardize fellow workers. (American Coke and Coal Chemicals Institute, Ex. 176, p. 9).

The purpose in requiring that specific findings or diagnoses unrelated to occupational exposure not be included in the written opinion is to encourage employees to submit to medical examination by removing the fear that employers may find out information about their physical condition that has no relation to occupational exposures.

The purpose in requiring the examining physician to supply a written opinion containing the above mentioned analyses is to provide the employer with a medical basis to aid in the determination of initial placement and to provide information on a continuing basis concerning whether or not the worker is at increased risk as a result of his/her benzene exposure. Requiring that the opinion be in written form will serve as an objective check that the employers have actually had the benefit of the information

in making these determinations. Likewise, the requirement that the employee be provided with a copy of the physician's written opinion will assure that the employee is informed of the result of the medical exam and may take appropriate action. Comments suggesting that the physician's opinion be communicated only if there are problems or only upon request are not acceptable to OSHA on the basis that the employer has the ultimate responsibility to assure the protection of the worker's health. Where the findings are negative, transmittal of the doctor's opinion also provides necessary information to both parties that the employee's health has not been adversely affected and provides documentary evidence that the prescribed tests were performed and were evaluated.

Other aspects of paragraph (i) of the medical surveillance section are to be discussed under Recordkeeping, paragraph (1).

MANDATORY REMOVAL AND RATE RETENTION

Among the issues in the benzene rulemaking were whether OSHA should include a mandatory removal requirement—that is, a provision prohibiting the exposure of an employee to benzene if the employee would be placed at increased risk of material impairment to health because of such exposure, and whether OSHA should include a rate retention provision—that is, a provision requiring the transfer of such employee to another job or providing that removal for medical reasons should not result in loss of earnings or seniority status to the affected employee. These issues, as OSHA has previously stated (41 FR 46780), are related and must be addressed together. Both employee and industry participants expressed their views as to several aspects of these issues in pre-hearing comments, in testimony during the hearing and in post hearing arguments. Subsequent to the close of the record in this proceeding, however, OSHA conducted an informal public hearing on mandatory removal and rate retention for workers exposed to lead as part of the rulemaking proceeding on lead. Consideration of the critical issue of medical removal protection is being undertaken for several pending standards together. Once this consideration is completed, OSHA will consider the extent to which the conclusions on medical removal protection are appropriate for benzene and will propose the inclusion of those provisions in the benzene standard. The final standard published today, therefore, does not address the issues of mandatory removal and medical removal protection.

Employee Information and Training: Paragraph (j). The standard re-

quires each employer to provide training to each of his employees who is or may be exposed to benzene. The need to train employees was not disputed by participants in the rulemaking proceeding. Some comments, however, suggested limiting the training to certain employees. One industry comment requested that workers in closed system operations be excluded from training (Com. 47). Testimony at the hearing, however, revealed that leakages in closed systems are not unusual occurrences and that employee exposure during leaks can reach high levels. One comment suggested the exclusion of workers in open system operations where the benzene content is 1 percent or less (Com. 47). However, as stated above, it has been established that a consistent predictable relationship between the amount of benzene in a mixture and exposure levels does not exist and this suggestion has, therefore, been rejected. Another comment suggested the exclusion of laboratory personnel from training requirements on the ground that laboratory personnel have a good understanding of the hazardous nature of benzene (Com. 70). A laboratory technician, however, testified that during his six years working with many toxic chemicals, including benzene, he received no training (Tr. 3493) and indeed neither he nor his coworkers were aware of the fact that there was an OSHA standard limiting exposure to benzene (Tr. 3492). Information and training are essential for the protection of an employee. Each employee can do much to protect himself if he is fully informed of the hazards in his workplace and the protective equipment he should use. Furthermore, each employee, who is fully informed of the obligations which the standard imposes upon the employer, can determine if he is working in a safe and healthful environment. For the reasons stated herein, OSHA believes that training must be provided to all employees in workplaces where benzene is present.

A trade association, while not disputing the need for training, suggested that employee training not be included in the benzene standard but await development of a comprehensive employee information and training standard based on the report of the Advisory Committee on Hazardous Materials Labeling and/or NIOSH's criteria document entitled "A Recommended Standard"

An Identification System for Occupationally Hazardous Materials" (L.C. 14). OSHA deems it necessary for the protection of the health of employees to include the training requirements in the benzene standard at this time.

The standard specifies the contents of the training program. The information which must be imparted to the

employee must include the nature of benzene related health problems, the necessity for exposure control, and the purposes of medical surveillance and respiratory protections. No participants objected to any of these items. Two participants suggested that employees should also be trained in "early symptom diagnosis to detect acute leukemia" (Ex. Dow Venable statement, pg. 3; Tr. 3192; Ex. 154; Tr. 2963-3056). These participants, however, testified that the most common manifestations of acute leukemia are fatigue and nosebleeds and that these symptoms are not specific to acute leukemia (Tr. 3193).

The signs and symptoms of benzene-induced diseases are described in considerable detail in Appendix A and Appendix C. Both the proposed standard and the final standard specifically require that the employees be informed, among other things, of the information contained in Appendix A and Appendix C. (In this connection, the employee should be instructed to report promptly the development of any of these symptoms which could be attributed to benzene exposure.) In view of the requirement to include the information contained in the appendices as part of the training program, an additional requirement on early symptom diagnosis would be redundant. Similarly, since Appendix B details the volatility of benzene, OSHA has not adopted NIOSH's suggestion (Baler statement, Ex. 84A p. 11) that the standard further emphasize training on the flammability of benzene.

In addition to informing employees, the standard requires that the employer make available to his employees a copy of the standard and its appendices. This requirement is intended to assure that employees understand their rights and duties under the standard.

A public participant suggested that employers be required to hold classes for the training of each employee. (Ex. 183 p. 5) OSHA has not included any specific requirement to this effect in the final standard, preferring to leave the manner of training up to the individual employers. Some employers will need to train individuals on a one-to-one basis, depending on the number of employees at a particular workplace or involved in particular operations. Employers with a few employees may find it burdensome or disruptive of work schedules to conduct training in class sessions.

The employer is also required to provide, upon request, all materials related to the training program to the Secretary and the Director. This requirement is intended to provide an objective check of compliance with the content requirements of the training program.

The standard requires that training of employees be conducted within

ninety days of the effective date. Newly assigned employees must be trained at the time of initial assignment. The standard further requires that training be repeated annually. These requirements were not explicitly in the proposed standard; however, they are consistent with OSHA's policy on training (see, Coke Ovens Emissions Standard) and have been included in the final standard to assure that employees are trained promptly and receive continuing education essential to the protection of their health.

Signs and Labels: paragraph k. The requirements of the standard regarding the posting of warning signs and affixing caution labels remain primarily the same as those in the proposal with some difference in the legend of these signs and labels. These requirements are consistent with section 6(b)(7) of the Act which prescribes the use of labels or other appropriate forms of warning to apprise employees of the hazards to which they are exposed.

Signs. The standard requires the posting of warning signs in regulated areas. Some industry comments objected to this requirement on the ground that the training requirements of the standard are sufficient for informing employees of the hazards of benzene (Com. 28). In light of the serious nature of the hazard of exposure to benzene, OSHA does not agree. Not every employee will have completed his training before entering an area of operation where the exposure to benzene is over the permissible exposure level. Moreover, even trained employees will need to be reminded of the locations and the dangers of entering these areas. Additionally, other workers, such as employees of independent maintenance contractors who are authorized to enter particular regulated areas, need to be warned of the hazard and reminded to use protective equipment. OSHA, therefore, believes that both signs and training are necessary to adequately apprise employees of the hazards of benzene.

Other comments requested that laboratories be exempted from the sign requirements (Com. 70) on the ground that laboratory personnel are familiar with the hazards (Com. 20) and because there are already too many other hazardous substances in these work places (Com. 28) for which signs are posted (Com. 37). One comment expressed the view that there is no hazard from exposure to benzene in laboratories or other physical areas where the content of benzene in the mixture used is small (Com. 63, 59) or where benzene is used infrequently (Com. 70). As stated above, there is no established consistent predictable relationship between the amount of benzene and the exposure level, nor does

infrequency of use eliminate the hazard. Signs are required by the standard only in regulated areas where, by definition, the exposure is above the permissible exposure limit. Furthermore, as stated above, OSHA believes that training in hazards alone is not sufficient to inform employees of the potential health hazards of entering or working in a regulated area and the need for the use of protective equipment.

Since warning the employees is necessary, the standard explicitly provides that the employer must assure that nothing which detracts from the required information appears near or on the sign. Laboratory and other employers who have other signs posted in the regulated area, therefore, have the responsibility for meeting this requirement.

Another comment pointed out that signs would be required even where benzene was in a closed system regardless of lack of employee exposure (Com. 65). This comment appears to overlook the fact that signs would be required only in those areas where employee exposure is over the permissible exposure limit and that, if there is no benzene exposure from the closed system, no sign is required. This same comment suggested that signs would be required where benzene was in a sealed container. Since there is no exposure to employees when benzene is in sealed containers, the standard exempts sealed intact containers from all requirements but the labelling and training requirements; hence signs would not be required in areas where benzene is present solely in sealed intact containers. Another comment suggested elimination of sign posting requirements for gasoline products (Com. 55). Since benzene is present in gasoline there is, of course, a benzene hazard attendant to exposure to gasoline. However, sampling data indicates that exposure to benzene is usually below 1 ppm., which would, in such cases, obviate the need for signs.

The standard specifies the wording of the signs. The purpose of this provision is to assure that the proper warning is given to employees. Some participants suggested that the word "Cancer" be replaced by "Leukemia Suspect Agent" (AISI, Princ. Wit, Ex. 156, Tab I, p. 34; PC 36; AISI brief, p. 108; PC 35; MCA brief pp. 103-5, Com. 39). In view of the fact that it has been established that benzene actually induces leukemia, OSHA does not agree that "Leukemia Suspect Agent" adequately informs employees of the hazard. For the same reason, OSHA has not adopted the suggestion of another comment that the sign merely warn of the presence of breathing zone vapors which "may" be hazardous, the need to wear respirators and that unauthorized persons should stay

out (Com. 69). One comment pointed out that the sign requirements do not warn of other serious health hazards that may result from exposure to benzene. Addition of the various other health hazards would increase the wording on the sign with the likely result of detracting from the cancer warning. The reference to the most serious hazard is, in OSHA's view, a sufficient alert to employees that entering the regulated area may be hazardous. Some comments objected to the use of the term "Cancer Hazard" (Com. 26) on the ground that it would only serve to unduly alarm employees (Com. 28, 50). One comment suggested "Cancer Suspect Agent" be used to conform with 29 CFR 1910.1017 which regulates occupational exposures to vinyl chloride. Since exposure to benzene creates an increased risk of leukemia, and since leukemia is cancer of the blood, OSHA does not believe that the hazard is overstated by the use of the term "Cancer Hazard." Nor has OSHA adopted the suggestion that the word "Leukemia" replace the word "Cancer" (Com. 76). While the term "Leukemia" is more specific of the nature of the hazard, "Cancer" is the more familiar term and thus more readily alerts the employee.

Another comment (Com. 69) suggested that the word "Caution" be substituted for "Danger" to conform to 29 CFR 1910.145 (c)(1) and (2) which provide that danger signs should be used only where an immediate hazard exists, and caution signs used only to warn against potential hazards or to caution against unsafe practices. The suggestion was based on the view that OSHA failed to show that there exists a cause-effect relationship between employee exposure to benzene concentrations below 10 ppm. In view of the epidemiological evidence of the human carcinogenicity of benzene, OSHA feels that the use of the word "Danger" is appropriate. Furthermore, the word "Danger" is used to attract the attention of workers, to alert workers to the fact that they are in a hazardous area, i.e., an area where the permissible exposure limit is exceeded, and to emphasize the importance of the message to follow. The use of the word danger is consistent with the Coke Ovens Emissions Standard and other recent health standards.

Two comments objected to the legend "Respirator Required" pointing out that respirators are not always required in regulated areas. The reason given was that, although the concentration within a regulated area will be above 1 ppm, the employee would not have to use a respirator if his 8-hour TWA were below 1 ppm and his 15 minute ceiling is below 5 ppm (Com. 46, 59). OSHA recognizes that some employees entering regulated areas may not be exposed above the permis-

sible exposure limit. It is likely, however, that there will be many employees who work in the regulated areas for such periods of time or at such levels of exposure that they would without respirators be exposed to well above the permissible exposure limit. For this latter group, respirators would be required to reduce their exposure levels. To assure that these employees are adequately protected, it is necessary that the sign alert them to the need to wear respirators. Moreover, since even persons who are in a regulated area occasionally and are not exposed over the permissible exposure limits may face an increased risk of leukemia, OSHA does not believe that the respirator warning is such an overstatement as to necessitate elimination of that warning from the sign.

One comment pointed out that the warning sign ignores the flammability of benzene (Com. 50). NIOSH also recommended that the potential danger for fire be displayed on signs with equal prominence with the toxicological hazards. (Tr. 755) OSHA agrees. Benzene, as has been stated, is a highly flammable liquid. Accordingly, in the final standard, OSHA has added a requirement that the signs also contain the legend "Flammable—No Smoking" with equal prominence to the legend "Cancer Hazard."

Labels. The standard requires the use of caution labels on all containers of products containing any amount of benzene. This requirement imposes upon the employer the obligation to assure that all such containers within his workplace are at all times properly labeled. Some industry comments requested that OSHA define "container" (Com. 46, 55, 65) in terms of sizes and types of containers (Com. 53; Com. 72). Participants also appeared to be confused as to whether storage tanks, pipelines, tank cars and tank trucks are such containers as would be required labeling (Com. 60). The purpose of the labeling requirement is to assure that, wherever benzene is present in any quantity, employees are apprised of the hazard. The size or type of the container or its use as a storage vessel is, therefore, not material to this objective. In imposing the labeling requirement, however, OSHA does not intend to include pipelines, or to include trucks or other vessels transporting benzene products in sealed containers. At many points of pipelines, there is no employee exposure nor can the point at which benzene enters a product stream often be determined. Benzene in liquid mixtures, other than in gasoline, is often transported in closed containers, in which case labeling of the container is sufficient without a need for labeling the transport vehicle. Where benzene products not in containers are transported in barges or other tank vessels,

such as tankers and tank trucks, it is, of course, necessary that the vessel be labeled. With regard to gasoline, the standard does not cover activities past the bulk terminal and, therefore, gasoline trucks would not require labeling. In view of the above, the standard specifically excludes from the labeling requirements pipelines and any transport vessels or vehicles where the benzene product is transported in sealed containers.

Some participants suggested that the labeling requirements apply only to containers which have liquids with greater than 1% benzene (Com. 53, 72). It was also suggested that labels be affixed only to containers from which exposure to benzene levels above the permissible exposure limit might be reasonably expected to occur so as to exclude a requirement to label finished products which might contain trace amounts of benzene (Com. 59). Since there is no known safe level of exposure to benzene, OSHA feels that, for employees to be adequately apprised of the hazard, all containers must be labeled in the same manner.

The standard requires that the caution labels remain affixed when benzene products leave the employer's workplace. Some comments questioned OSHA's jurisdiction to impose such a requirement (Com. 50, 55, 59). The purpose of this requirement is to assure that all employees, not only those of a particular employer, are apprised of the hazardous nature of benzene exposure. It is OSHA's view that informing employees of the hazards to which they are exposed is an important element in reducing occupational disease and injury and one of the significant purposes of the Occupational Safety and Health Act. Section 6(b)(7) of the Act, which explicitly provides for regulation requiring the use of labels or other appropriate forms of warning to apprise employees of the hazards to which they are exposed, is broadly drawn. This section does not limit the employer's obligation of informing employees of hazardous conditions to the employer's own employee. When an employer manufactures, formulates or sells a product containing a toxic substance, that employer is exposing not only his own employees but also the employees of other employers involved in handling, transporting, or using the product. The extent of the obligation to inform should be commensurate with the extent of the exposure. This is especially true where the manufacturer, formulator or seller will in many cases be the only employer capable, through his unique knowledge, of providing the information needed for protection of employees. A narrower reading of the statutory authority would defeat the protective purposes of the Act by withholding from employees down the

line who come into any contact with the product, adequate information as to the hazard. Furthermore, the use of the labels will alert other employers, who utilize or handle the product and who would not otherwise know of the presence of benzene in their workplace, of their obligation to comply with the standard. OSHA, therefore, feels that this requirement is necessary and appropriate to effectuate the purposes of the Act.

The standard prescribes the legend that must be included on the label. This is to assure that employees are alerted to the fact that they are handling benzene and to the hazard involved. The record evidence establishes that a variety of code names have been used for benzene (Ex 61, Sakol) and that employers (Tr. 3383; 3516), workers (Tr. 3402) and physicians (Tr. 305-6) often do not know that the product contains benzene. Some participants suggested that labels state the percentage of benzene in the product (Com. 58, 21, 59). In order to keep the label information to a minimum and since there is no consistent predictable relationship between the amount of benzene in the product and the percentage level, the final standard does not require any such statement on the label.

Recordkeeping and reporting. The provisions for recordkeeping, reporting, availability of records and the transfer of records are similar to those in the proposal. Such changes as have been made in the final standard are in response to the request of public participants that OSHA reduce the burden imposed by these types of requirements. These provisions implement the requirements of section 8(c)(1) and (3) of the Act, and are consistent with OSHA's general policy concerning records and reports.

Records: paragraph (1) The standard requires a limited amount of recordkeeping. Employers must maintain exposure measurement records and medical records.

The need for keeping these records was generally accepted by the participants in the benzene rulemaking. The common purposes of these recordkeeping requirements is to assure the employer's compliance with the control measures designed for the protection of his employees, and to collect data vital to epidemiological and diagnostic investigations in order to resolve such questions as dose-response relationships in blood diseases caused by exposure to benzene. Furthermore, these records are useful for the employer by enabling him to identify areas of his operations where there is or may be a problem. Exposure measurement records assist in pinpointing those processes or operations which require additional efforts to reduce exposure to benzene. Medical records provide an

awareness of the incidence of industrial illness in the employer's establishment and assist the employer to focus on any aspect of his operation which may materially impair the health of his employees. The required records are also useful to the employee: Exposure records assure employees that their exposure to benzene is being monitored and also inform them of the hazards to which they are exposed; medical records assist their examining physician to accurately diagnose and treat any health problem and assure proper evaluation of their health.

The standard specifies the information which must be included in the record. The exposure measurement record must include information which accurately reflects the exposure of each individual employee. The medical record must include the work history of each individual employee and information accurately reflecting his health. A few participants disputed the need for the content of some of these records. One comment suggested deletion of the requirement in paragraph (1)(1)(b) to include as part of the exposure record a description of sampling on the ground that it is the same requirement as in paragraph (1)(1)(a) for a description of the sampling procedure used to determine representative employee exposure. (Com. 76) This participant has misunderstood these requirements. The "description of sampling" in subparagraph (b) refers to the type of equipment used for collecting the concentrations of benzene, the rate at which these samples were collected and the minimum period during which the collection took place. The "sampling procedure" referred to in subparagraph (a) refers to the criteria or method used by the employer to determine that the samples he has taken are representative of the particular employee's exposure. Although these paragraphs are directed to different requirements, OSHA has eliminated from subparagraph (a) of this provision the word "sampling" in order to avoid such confusion on the part of other employers.

Another comment expressed the view that requiring employers to include in the record all of the information provided to the examining physician is an undue administrative burden (Com. 59). Where the information is communicated in writing to the doctor who will examine the employee, the employer can meet his requirement by simply retaining in his files a copy of this communication. Where, however, the information is not furnished in writing, it is essential to record it to assure that the examining physician has been advised of all the information needed for evaluation of the employee's health. Moreover, since

this information includes exposure conditions and symptoms, the information is most useful not only to the current examining physician but also to a physician who years later evaluates the health of the employee. OSHA, therefore, has retained in the standard the requirement to record the information provided to the examining physician.

An industry comment pointed out that it is not necessary for the company physicians, who maintain the medical records on behalf of the employer, to retain a copy of the regulation and its appendices as part of the record of each individual employee, but that retention of one master copy in the files would be sufficient if there is a reference to it in each employee's file (Com. 46). OSHA agrees that retention of the regulation and appendices in each employee's file unnecessarily increases the space needed for the records and, accordingly, has given employers the option in the final standard of either including the regulation and appendices in each employee's file or of retaining a master copy of these documents and referencing them in each employee's medical file.

Some industry participants testified that their facilities would need additional record clerks to maintain the information in the required records (TR 3165-3171). In view of the reduction in the final standard of the number of employees for whom exposure and medical monitoring must be conducted and reduction of at the frequency rate suggested by the proposal, the need for additional recordkeeping personnel is significantly reduced. Furthermore, since the standard does not require the use of any particular form for maintaining the prescribed information, employers may incorporate these records into already existing recordkeeping systems, some of which are computerized, and thus further minimize the need for additional personnel.

The standard requires that the exposure measurement records and medical surveillance records be maintained by the employer for at least 40 years or for the duration of employment plus twenty years, whichever is longer. Several participants objected to the length of this retention period. One comment expressed the view that the retention period was unnecessarily burdensome where the only exposure to benzene is from liquid products containing small amounts of benzene (Com. 55). Both because there is no known safe level for exposure to benzene and because there is no direct linear correlation between the percentage of benzene in a liquid mixture and exposure levels, OSHA feels that there is no basis for different retention requirements based on the amount of benzene in liquids. More-

over, in view of the provision for an action level in the final standard, the number of exposure measurements and medical examinations which must be recorded will be greatly minimized where the small amounts of benzene actually do result in exposures below the action level.

Another comment suggested that the retention period for the medical surveillance records is unreasonably long (Com. 59). OSHA is aware of the burden of keeping both the medical and the exposure records for this length of time. However, OSHA feels that it is essential that the records be retained for this period. The record evidence establishes that the latency period for benzene induced leukemia is unknown (Ex. 2B-283, p. 4) and that, as in the case of other chemical carcinogens, the symptoms of carcinogenesis—in this case, benzene induced leukemia—may not appear for many years after the initial exposure (Tr. 385, 391, 410-11, 424). The retention period of forty years has, therefore, been selected to assure that the entire latency period would be covered. Furthermore, as stated in OSHA's standard for Coke Ovens Emissions (41 FR 46782), OSHA believes that it is essential to scientific investigations that exposure and medical records be maintained for the same length of time, and that the retention period for these records be at least forty years.

One comment suggested that independent contractors, who customarily hire employees only for temporary work at a particular facility, be allowed to send the medical records to the Director of NIOSH upon expiration of the employee's employment (Com. 63). As is noted below, it is OSHA's policy for all employers that the records be maintained at the place of employment so long as it is in existence.

The standard does not require that the employer, on any regular basis, send copies of his records to OSHA. The employer is, however, required upon request to make the records available for examination and copying to designated representatives of OSHA and NIOSH. This requirement is necessary both for compliance purposes and for scientific investigations. Records of required exposure monitoring are, in addition, to be made available, for examination and copying, to current employees and their representatives; and exposure monitoring records indicating their own exposure must be made available to former employees or their designated representatives. One participant suggested deletion of the reference to the term "or their designated representative" (Com. 48) thus restricting access to appropriate exposure records only to the current or former employee himself. OSHA is of the view that denying access to the re-

cords of individual exposure by designated representatives could result in a denial of access to the information by the employee where he is incapacitated and unable to inspect the records or simply not able to understand them. This would defeat the purpose of the availability provision which is to assure current employees that their exposure is properly monitored and assure former employees of access to information necessary for the continued protection of their health. Furthermore, the Act recognizes (sections 2(b)(13); 8(c)(3); 8(f)(1)) the legitimate role of employee representatives in occupational safety and health. One industry comment suggested that employee representatives be formally designated in writing and that access to records also be requested in writing (Com. 15). OSHA does not deem it necessary to include such a requirement in the standard, but employers may establish procedures for access to records so long as the procedures do not restrict the employees' and former employees' to access.

The standard also requires that medical records also be made available, upon request, for examination and copying to the designated physicians or representative of both current and former employees. Some comments questioned the fact that the standard enables not only the employer but also the employee and his representative and OSHA and NIOSH to have access to medical records without specifying confidentiality or otherwise limiting circulation of the information (Com. 26, 48). OSHA recognizes that a physician's records may contain a wide range of personal and medical information deemed to be confidential or private. For this reason, the standard limits the contents of the medical record to such information as is related to benzene exposure. Indeed, the standard requires in paragraph (i) (6) (ii) that the employer advise the physician that the physician's opinion, which becomes a part of the medical record, should not reveal findings or diagnoses unrelated to occupational exposure. The need of the employer, the employee and OSHA and NIOSH to have access to this information has already been thoroughly discussed. Disclosure of the information to other persons is, of course, subject to protective requirements of any applicable laws or regulations.

To assure that the records will be preserved for the required retention period of forty years, the standard requires an employer, who ceases to do business, to transfer his records to his successor and, in the event that there is no successor, to transfer the records to the Director of NIOSH. One industry comment suggested that this section be deleted. (Com. 59). Allowing employers to dispose, at will, of the re-

cords of exposure measurements and medical surveillance would result, more often than not, in destruction of these records thus depriving employees of information necessary for evaluation of their health, as well as depriving NIOSH of information valuable to its scientific investigations.

Another participant suggested elimination of the requirement that the records be transferred to NIOSH by registered mail. (Com. 68). OSHA has adopted this suggestion and the permanent standard eliminates the requirement to use registered mail.

Reports. Paragraphs (d)(3), (e)(5), (f)(2), (i)(4)(i). The standard imposes notification requirements upon employers. This requirement is discussed above under *Regulated Areas*.

The standard also obligates the employer to give certain information to employees. The employer must notify each employee of the exposure measurement representative of his exposure. This notification must be made regardless of what the exposure level of the employee is. Two comments suggested that availability of exposure records was sufficient to inform employees of the results of their monitoring (Com. 46 Com. 53). Several comments suggested that the notification be required only where the employees' exposure is above the permissible exposure level (Com. 10, 15, 21, 41, 46, 53, 59) and that exposures below the permissible level be available to the employee upon request (Com. 10). OSHA believes that, consistent with section 8(c)(3) of the Act, every employee has the right to know what his exposure level is and whether it is above or below the permissible exposure level. Moreover, since the permissible exposure level is a feasibility level and not a "safe" level, the employee must know, for proper evaluation of his health by a physician in the present and future, the level of benzene to which he is exposed. Accordingly, the suggestions to modify the employee notification requirements have not been adopted.

The standard further requires that, where the employee's exposure is over the permissible exposure level, the employer must also state in the notification what corrective action the employer is going to take to reduce the exposure level. This is necessary to assure employees that the employer is making every effort to furnish them with a safe and healthful work environment, and implements section 8(c)(3) of the Act.

Notifications to employees of their exposure levels must be made in writing. Several comments objected to this requirement. Some comments suggested that the employer be permitted to notify employees by posting of a notice on the workplace bulletin board (Com. 15, 49, 59), thus relieving the

employer of the burden of notifying each and every employee. It is OSHA's view that direct notification to each employee is necessary in order to assure that the employee, as required by section 8(c)(3) of the Act, is apprised of all hazards to which the employee is exposed.

The standard further requires that the notification be within five working days after receipt of the employer's measurement results. Several industry comments requested a change in the five day requirement so as to allow additional time for employers to comply. (Com. 47, 49, 54, 59). OSHA feels that, under ordinary circumstances, the five day limit fulfills the statutory requirement for promptness (section 8(c)(3)) yet allows employers sufficient time for the written notification.

The standard further obligates the employer to provide the employee with a copy of the examining physician's written opinion. One industry comment pointed out the large volume of letters per year which this notification would entail (Com. 53). However, in view of the necessity for each employee to have an evaluation of his health, OSHA is of the view that furnishing each employee with a copy of the physician's letter is not unreasonably burdensome.

Written compliance programs are also required by the standard. These are discussed above under *Methods of Compliance*. The employer is required to submit his compliance program, on request, to OSHA and NIOSH. Additionally, he must make this program available at the worksite for examination by OSHA and NIOSH and by his employees or their authorized representatives. One participant suggested that employers be required to give to each employee a notice of availability of the compliance program rather than merely making it available to the employee or his representative. OSHA feels that this would place an unnecessary burden upon the employer, and has not incorporated the suggestion.

Observation of monitoring; paragraph (m). The final standard requires that the employer provide affected employees or their designated representatives with an opportunity to observe the measuring of employee exposures. This opportunity is specifically required by section 8(c)(3) of the Act. The standard also sets forth certain procedures which must be complied with in connection with the observation of the monitoring. These procedures are designed to assure that the right to observe is meaningful and that the health and safety of the observer is protected during the observation.

A few industry participants requested that the observation of monitoring provision be deleted from the standard (Com. 65). Union participants objected

to any limitations on this requirement (Grosprion statement, Ex. 11.A, p. 12). The arguments by industry were several: (1) The requirement fails to limit the number of employees who can observe the monitoring; (2) it increases the employer's costs of monitoring; (3) employees lose time from their jobs; (4) it exposes employees to additional hazards; (5) it increases the liability potential for non-employees who are injured while observing; and (6) will result in labor/management confrontations (Com. 65, 70; L.C. 4). In view of the statutory mandate that "regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring," OSHA has not adopted the suggestions to delete this provision.

One comment suggested that a one-time limit on observation of monitoring be established for each employee (Com. 60). OSHA has not adopted this suggestion since the statute does not impose any such limit and it does not appear to be reasonable. For example, a requirement to this effect would prohibit an employee or his representative who has observed the original monitoring to observe the redetermination of exposure which is required by the standard after a process or control change.

EFFECTIVE DATE

In order to assure that affected employers and employees will be informed of the existence of the provisions and terms of this standard, and that employers and employees are given an opportunity to familiarize themselves with any new requirements, the effective date of this standard will be March 13, 1978. Until such date, 29 CFR 1910.1000, Table Z-2 will continue to apply to those operations covered by the new 29 CFR 1910.1028. Subsequent to that date, 29 CFR 1910.1000, Table Z-2 will continue to apply to all operations exempted under the new 29 CFR 1910.1028.

APPENDICES

Three appendices have been included in this permanent standard. These appendices have been included primarily for information purposes. None of the statements contained therein should be construed as establishing a mandatory requirement not otherwise imposed by the standard or as detracting from an obligation which the standard does impose.

The information contained in Appendices A and B is designed to aid the employer in complying with requirements of the standard. The information in Appendix C primarily provides information needed by the physician to evaluate the results of the medical examination. Appendix C also lists other types of examinations, not required by the standard, which may

help the physician in making an accurate assessment as to whether continued exposure to benzene will place the employee at an increased risk. It should be noted that paragraph (j)(1) (i) and (iv) specifically require that the information contained in Appendix A and C be provided to employees as part of their information and training program.

Some suggestions were made by participants regarding the contents of these appendices. One participant suggested that Appendix A, Part III-A include the requirement as to frequency of change of respirator cartridges and canisters (Com. 8). OSHA has not adopted this suggestion since the requirement is clearly set forth in the standard, and the employer is required as part of the training program to give each employee a copy of the standard. Another participant (Com. 59) suggested that Appendix A, I, B2 state that eye contact and repeated skin contact "be avoided" instead of "prohibited." OASH does not agree since the standard prohibits such contact. This same participant suggested that the last sentence of Appendix A, IV, A be changed to indicate that medical assistance should be sought only if irritation of eye or face persists. This limitation has not been added for the reason that OSHA feels that the more conservative advice imparted by the proposed paragraph better alerts the employees to the possible hazards of this type of exposure. The third suggestion of this participant was that Appendix A state that "medical assistance" be sought rather than that "a doctor" be called when large quantities of benzene are breathed. A modification of this suggestion has been adopted and it is now recommended that medical assistance or a doctor be called for as soon as possible.

VII. AUTHORITY

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Accordingly, pursuant to sections 4(b)(2), 6(b), 6(c) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1592, 1593, 1596, 1596, 29 U.S.C. 653, 655, 657), the specific statutes referred to in section 4(b)(2), Secretary of Labor's Order No. 8-76 (41 FR 25059), and 29 CFR Part 1911, Part 1910 of Title 29, Code of Federal Regulations, is hereby amended by deleting the emergency temporary standard for occupational exposure to benzene at § 1910.1028 and adding a new permanent standard for occupational exposure to benzene as § 1910.1028, and by amending Table Z-2 of § 1910.1000. In addition, pursuant to section 4(b)(2) of the Act (84 Stat.

1592; 29 U.S.C. 653), OSHA has determined that this new standard in § 1910.1028 is more effective than the corresponding standards now in Subpart B of Part 1910, and in Parts 1915, 1916, 1917, 1918, and 1926 of Title 29, Code of Federal Regulations. Therefore, these corresponding standards are superseded by this new § 1910.1028. This determination, and the application of the new standard to the maritime and construction industries, are implemented by adding a new paragraph (c) to § 1910.19 and by revoking § 1910.20.

Signed at Washington, D.C., this 31st day of January, 1978. These amendments are effective on March 13, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

Part 1910 of Title 29 of the Code of Federal Regulations is hereby amended as follows:

1. A new paragraph (c) is added to § 1910.19, to read as follows:

§ 1910.19 *Special provisions for air contaminants.*

(c) Section 1910.1028 shall apply to the exposure of every employee to benzene in every employment and place of employment covered by §§ 1910.12, 1910.13, 1910.14, 1910.15, or § 1910.16, in lieu of any different standard on exposure to benzene which would otherwise be applicable by virtue of any of those sections.

§ 1910.20 [Revoked]

2. Section 1910.20 is revoked.

§ 1910.1000 [Amended]

3. Table Z-2 of § 1910.1000 is amended by adding a footnote following the words "Benzene (Z37.40-1969)," and by adding the following below Table Z-2:

4. Section 1910.1028 is revised to read as follows:

§ 1910.1028 Benzene.

(a) *Scope and application.* (1) This section applies to each place of employment where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled, or used.

(2) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use as fuel of gasoline, motor fuels, or other fuels subsequent to discharge from bulk terminals; or

¹Occupational exposures to benzene are subject to the requirements of § 1910.1028 except as specifically exempted by § 1910.1028(a)(2). Exposures exempted by § 1910.1028(a)(2) are covered by this § 1910.1000

(ii) The storage, transportation, distribution or sale of benzene in intact containers sealed in such a manner as to contain benzene vapors or liquid, except for the requirements of paragraph (k) (2), (3), (4), and (5), and paragraph (j) of this section.

(b) *Definitions.* "Action level" means an airborne concentration of benzene of 0.5 ppm, averaged over an 8-hour work day.

"Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, or designee.

"Authorized person" means any person required by his duties to enter a regulated area and authorized to do so by his employer, by this section or by the Occupational Safety and Health Act of 1970. "Authorized person" includes a representative of employees who is designated to observe monitoring and measuring procedures under paragraph (m) of this section.

"Benzene" (C₆H₆) (CAS Registry No. 00071432) means solid, liquefied or gaseous benzene. It includes mixtures of liquids containing benzene and the vapors released by these liquids.

"Bulk terminal" means a facility which is used for the storage and distribution of gasoline, motor fuels or other fuels and which receives its petroleum products by pipeline, barge or marine tanker.

"Director" means the Director of the National Institute for Occupational Safety and Health, U.S. Department of Health, Education, and Welfare, or designee.

"Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may, or does, result in a massive release of benzene.

"OSHA Area Office" means the office of the Occupational Safety and Health Administration having jurisdiction over the geographic area where the affected workplace is located.

(c) *Permissible exposure limits.*—(1) *Inhalation.*—(i) *Time-weighted average limit (TWA).* The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 1 part benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.

(ii) *Ceiling limit.* The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any 15 minute period.

(2) *Dermal and eye exposure limit.* The employer shall assure that no employee is exposed to eye contact with liquid benzene; or to skin contact with liquid benzene, unless the employer can establish that the skin contact is an isolated instance.

(d) *Regulated areas.* (1) the employer shall establish, within each place of

employment, regulated areas where benzene concentrations are in excess of the permissible airborne exposure limit.

(2) The employer shall limit access to regulated areas to authorized persons.

(3) *Notification of regulated areas.* Within 30 days following the establishment of a regulated area, the employer shall report the following information to the OSHA Area Office:

(i) The address of each establishment which has one or more regulated areas;

(ii) The locations, within the establishment, of each regulated area;

(iii) A brief description of each process or operation which results in employee exposure to benzene in regulated areas; and

(iv) The number of employees engaged in each process or operation within each regulated area which results in exposure to benzene, and an estimate of the frequency and degree of exposure within each regulated area.

(e) *Exposure monitoring and measurements.*—(1) *General.* (i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to benzene over an eight (8) hour period.

(ii) For the purposes of this section, employee exposure is that exposure which could occur if the employee were not using a respirator.

(2) *Initial monitoring.* (i) Each employer, who has a place of employment where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used shall monitor each of these workplaces and work operations to accurately determine the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under paragraph (e)(2)(i) of this section shall be conducted and the results obtained within 30 days of the effective date of this section. Where the employer has monitored after January 4, 1977 and the monitoring satisfies the accuracy requirements of paragraph (e)(6) of the section, the employer may rely on such earlier monitoring to satisfy the requirements of paragraph (e)(2)(i) of this section, unless there has been a production, process, personnel or control change which may have resulted in new or additional exposures to benzene or the employer has any other reason to suspect a change which may have resulted in new or additional exposures to benzene; and provided that the employer maintains a record of the monitoring in accordance with paragraph (i)(1) and notifies each employee in accordance with paragraph (e)(5).

(3) *Frequency.*—(i) *Measurements below the action level.* If the measurements conducted under paragraph (e)(2)(i) of this section reveal employee exposure to be below the action level, the measurements need not be repeated, except as otherwise provided in paragraph (e)(4) of this section.

(ii) *Measurements above the action level.* If the measurements reveal employee exposure to be in excess of the action level, but below the permissible exposure limit, the employer shall repeat the monitoring at least quarterly. The employer shall continue these quarterly measurements until at least two consecutive measurements, taken at least seven (7) days apart, are below the action level, and thereafter the employer may discontinue monitoring, except as provided in paragraph (e)(4) of this section.

(iii) *Measurements above the permissible exposure limit.* If the measurements reveal employee exposure to be in excess of the permissible exposure limits, the employer shall repeat the measurements at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven (7) days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(4) *Additional monitoring.* Whenever there has been a production, process, personnel or control change which may result in new or additional exposure to benzene or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to benzene, such as spills, leaks, ruptures, or breakdowns, the employer shall repeat the monitoring which is required by paragraph (e)(2)(i) of this section.

(5) *Employee notification.* (i) Within 5 working days after the receipt of the measurement results, the employer shall notify each employee in writing of the exposure measurements which represent that employee's exposures.

(ii) Where the results indicate that the employee's exposure exceeds the permissible exposure limits, the notification shall also include the corrective action being taken or to be taken by the employer to reduce exposure to or below the permissible exposure limit.

(6) *Accuracy of measurement.* The employer shall use a method of measurement which has an accuracy, to a confidence level of 95 percent, of not less than plus or minus 25 percent for concentrations of benzene greater than or equal to 1 ppm.

(f) *Methods of compliance.*—(1) *Priority of compliance methods.* The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to benzene at or below the permissible exposure limits, except to the extent that the employer establishes that these controls are not feasible. Where feasible engineering and work practice controls are not sufficient to reduce employee exposure to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls, and shall supplement them by the use of respiratory protection.

(2) *Compliance program.* (i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limits solely by means of engineering and work practice controls required by paragraph (f)(1) of this section.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be revised at least every six months to reflect the current status of the program.

(iii) Written plans for these compliance programs shall be submitted, upon request, to the Assistant Secretary and the Director, and shall be available at the worksite for examination and copying by the Assistant Secretary, the Director, and the employees or their authorized representatives.

(iv) The employer shall institute and maintain at least the controls described in his most recent written compliance program.

(g) *Respiratory protection.*—(1) *General.* Where respiratory protection is required under this section, the employer shall select, provide and assure the use of respirators. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering and work practice controls;

(ii) During maintenance and repair activities in which engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limits; or

(iv) In emergencies.

(2) *Respirator selection.* (i) Where respiratory protection is required under this section, the employer shall select and provide, at no cost to the employee, the appropriate respirator from Table 1 below and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those approved by the National Institute for Occupational Safety and Health under the program of 30 CFR Part 11.

(3) *Respirator program.* The employer shall institute a respiratory protection program in accordance with § 1910.134(b), (d), (e) and (f).

(4) *Respirator use.* (i) Where air purifying respirators (cartridge, canister, or gas mask) are used, the employer shall, except as provided in paragraph (g)(4)(ii) of this section, replace the air-purifying canisters or cartridges prior to the expiration of their service life or the end of shift in which they are first used, whichever occurs first.

(ii) Where a cartridge or canister of an air purifying respirator has an end of service life indicator certified by NIOSH for benzene, the employer may permit its use until such time as the indicator shows the end of service life.

(iii) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is properly fitted.

(iv) The employer shall allow each employee who wears a respirator to wash his or her face and respirator facepiece to prevent skin irritation associated with respirator use.

able a medical surveillance program for employees who are or may be exposed to benzene at or above the action level and employees who are subjected to an emergency.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and provided without cost to the employee.

(2) *Initial examinations.* (i) Within thirty days of the effective date of this section, or before the time of initial assignment, the employer shall provide each employee who is or may be exposed to benzene at or above the action level with a medical examination, including at least the following elements:

(a) A history which includes past work exposure to benzene or any other hematologic toxins; a family history of blood dyscrasias including hematological neoplasms; a history of blood dyscrasias including genetically related hemoglobin alterations, bleeding abnormalities, abnormal function of formed blood elements; a history of renal or liver dysfunction; a history of drugs routinely taken, alcoholic intake and systemic infections; a history of exposure to marrow toxins outside of the current work situation, including volatile cleaning agents and insecticides;

(b) Laboratory tests, including a complete blood count with red cell count, white cell count with differential, platelet count, hematocrit, hemoglobin and red cell indices (MCV, MCH, MCHC), serum bilirubin and reticulocyte count; and

(c) Additional tests where, in the opinion of the examining physician, alterations in the components of the blood are related to benzene exposure.

(ii) No medical examination is required to satisfy the requirements of paragraph (i)(2)(i) of this section if adequate records show that the employee has been examined in accordance with the procedures of paragraph (i)(2)(i) of this section within the previous six months.

(3) *Information provided to the physician.* The employer shall provide the following information to the examining physician for each examination under this section:

(i) A copy of this regulation and its appendixes;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(i) *Medical Surveillance.*—(1) *General.* (i) The employer shall make avail-

TABLE 1.—Respiratory protection for benzene

Airborne concentration of benzene or condition of use	Respirator type
(a) Less than or equal to 10 p.p.m.	(1) Any chemical cartridge respirator with organic vapor cartridge; or (2) Any supplied air respirator.
(b) Less than or equal to 50 p.p.m.	(1) Any chemical cartridge respirator with organic vapor cartridge and full facepiece; (2) Any supplied air respirator with full facepiece; (3) Any organic vapor gas mask; or (4) Any self-contained breathing apparatus with full facepiece.
(c) Less than or equal to 1,000 p.p.m.	(1) Supplied air respirator with half mask in positive pressure mode.
(d) Less than or equal to 2,000 p.p.m.	(1) Supplied air respirator with full facepiece, helmet, or hood, in positive pressure mode.
(e) Less than or equal to 10,000 p.p.m.	(1) Self-contained breathing apparatus with full facepiece in positive pressure mode; or (2) Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(f) Escape	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.

(h) *Protective clothing and equipment.* Where eye or dermal exposure may occur, the employer shall provide, at no cost to the employee, and assure that the employee wears impermeable protective clothing and equipment to protect the area of the body which may come in contact with liquid benzene. Eye and face protection shall meet the requirements of § 1910.133 of this Part.

(i) *Medical Surveillance.*—(1) *General.* (i) The employer shall make avail-

(4) *Physician's written opinions.* (i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion containing the following:

(a) The results of the medical examination and tests;

(b) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at increased risk of material impairment from exposure to benzene;

(c) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(ii) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposures.

(5) *Periodic examinations.* (i) The employer shall provide each employee covered under paragraph (i)(1)(i) of this section with a medical examination at least semi-annually following the initial examination. These periodic examinations shall include at least the following elements:

(a) A brief history regarding any new exposure to potential marrow toxins, changes in drug and alcohol intake and the appearance of physical symptoms relating to blood disorders;

(b) A complete blood count with red cell count, white cell count with differential, platelet count, hemoglobin, hematocrit and red cell indices (MCV, MCH, MCHC); and

(c) Additional tests where in the opinion of the examining physician, alterations in the components of the blood are related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with a medical examination which shall include those elements considered appropriate by the examining physician.

(6) *Emergency situations.* If the employee is exposed to benzene in an emergency situation, the employer shall provide the employee with a urinary phenol test at the end of the employee's shift. The urine specific gravity shall be corrected to 1.024. If the result of the urinary phenol test is below 75 mg/ml, no further testing is required. If the result of the urinary phenol test is equal to or greater than 75 mg/ml, the employer shall provide the employee with a complete blood count including a red cell count, white cell count with differential, and platelet count as soon as practicable, and shall provide these same counts one month later.

(7) *Special examinations.* (i) Where the results of any tests required by this section reveal that any of the fol-

lowing conditions exist, the employer shall have the test results of the employee evaluated by a hematologist:

(a) The red cell count, hemoglobin or platelet count varies more than 15 percent above or below the employee's most recent values;

(b) The red cell count is below 4.4 million or above 6.3 million per mm³, (for males), or below 4.2 million or above 5.5 million per mm³ (for females);

(c) The hemoglobin is below 14 grams percent or above 18 grams percent (for males) or below 12 grams percent or above 16 grams percent (for females);

(d) The white cell count is below 4,200 or above 10,000;

(e) The thrombocyte count is below 140×10³ cells per mm³ or above 440×10³ cells per mm³.

(ii) In addition to the information required to be provided to the physician under paragraph (i)(3) of this section, the employer shall provide the hematologist with the medical record required to be maintained by paragraph (i)(2) of this section.

(iii) The hematologist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(j) *Employee information and training.*—(1) *Training program.* (i) The employer shall institute a training program for all employees assigned to workplaces where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used and shall assure that each employee assigned to these workplaces is informed of the following:

(a) The information contained in Appendices A and B of this section;

(b) The quantity, location, manner of use, release, or storage of benzene and the specific nature of operations which could result in exposure above the permissible exposure limits as well as necessary protective steps;

(c) The purpose, proper use, and limitations of personal protective equipment and clothing required by paragraph (h) of this section and of respiratory devices required by paragraph (g) of this section and § 1910.134 (b), (d), (e) and (f);

(d) The purpose and a description of the medical surveillance program required by paragraph (i) of this section and the information contained in Appendix C of this section; and

(e) The contents of this standard.

(ii) The training program required under paragraph (j)(1)(i) of this section shall be provided within 90 days of the effective date of this section or at the time of initial assignment to workplaces where benzene is produced, reacted, released, packaged, repackaged, stored, transported, handled or used, and at least annually thereafter.

(2) *Access to training materials.* (i) The employer shall make a copy of this standard and its Appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the Assistant Secretary and the Director.

(k) *Signs and labels.* (1) The employer shall post signs in regulated areas bearing the following legend:

DANGER
BENZENE
CANCER HAZARD
FLAMMABLE—NO SMOKING
AUTHORIZED PERSONNEL ONLY
RESPIRATOR REQUIRED

(2) The employer shall assure that caution labels are affixed to all containers of benzene and of products containing any amount of benzene, except:

(i) Pipelines, and

(ii) Transport vessels or vehicles carrying benzene or benzene products in sealed intact containers.

(3) The employer shall assure that the caution labels remain affixed when the benzene or products containing benzene are sold, distributed or otherwise leave the employer's workplace.

(4) The caution labels required by paragraph (k)(2) of this section shall be readily visible and legible. The labels shall bear the following legend:

CAUTION
CONTAINS BENZENE
CANCER HAZARD

(5) The employer shall assure that no statement which contradicts or detracts from the information required by paragraphs (k)(1) and (k)(4) of this section appears on or near any required sign or label.

(l) *Recordkeeping.*—(1) *Exposure measurements.* (i) The employer shall establish and maintain an accurate record of all measurements required by paragraph (e) of this section.

(ii) This record shall include:

(a) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(b) A description of the sampling and analytical methods used;

(c) Type of respiratory protective devices worn, if any; and

(d) Name, social security number, and job classification of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the

duration of employment plus 20 years, whichever is longer.

(2) *Medical surveillance.* (i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by paragraph (l) of this section.

(ii) This record shall include:

(a) The name, and social security number of the employee;

(b) A copy of the physician's written opinions, including results of medical examinations and all tests, opinions and recommendations;

(c) The peripheral blood smear slides of the initial test, the most recent test, and any test demonstrating hematological abnormalities related to benzene exposure;

(d) Any employee medical complaints related to exposure to benzene;

(e) A copy of this standard and its appendices, except that the employer may keep one copy of the standard and its appendices for all employees provided that he references the standard and its appendices in the medical surveillance record of each employee;

(f) A copy of the information provided to the physician as required by paragraphs (i)(3)(ii) through (i)(3)(v) of this section; and

(g) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least 40 years or for the duration of employment plus 20 years, whichever is longer.

(3) *Availability.* (i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the Assistant Secretary and the Director for examination and copying.

(ii) The employer shall assure that employee exposure measurement records as required by this section be made available for examination and copying to affected employees or their designated representatives.

(iii) The employer shall assure that former employees and the former employees' designated representatives have access to such records as will indicate the former employee's own exposure to benzene.

(iv) The employer shall assure that employee medical records required to be maintained by this section be made available upon request for examination and copying to a physician or other individual designated by the affected employee or former employee.

(4) *Transfer of records.* (i) When the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by paragraph (l) of this section for the prescribed period.

(ii) When the employer ceases to do business and there is no successor employer to receive and retain the re-

ords for the prescribed period, the employer shall transmit these records by mail to the Director.

(iii) At the expiration of the retention period for the records required to be maintained under paragraph (l) of this section, the employer shall transmit these records by mail to the Director.

(m) *Observation of monitoring.*—(1) *Employee observation.* The employer shall provide affected employees, or their designated representatives, an opportunity to observe any measuring or monitoring of employee exposure to benzene conducted pursuant to paragraph (e) of this section.

(2) *Observation procedures.* (i) When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the measurement, observers shall be entitled to:

(a) Receive an explanation of the measurement procedures;

(b) Observe all steps related to the measurement of airborne concentrations of benzene performed at the place of exposure; and

(c) Record the results obtained.

(n) *Appendices.* The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations.

APPENDIX A—SUBSTANCE SAFETY DATA SHEET, BENZENE

1. SUBSTANCE IDENTIFICATION

A. *Substance.* Benzene.
B. *Permissible Exposure:* Except as to the use as fuels of gasoline, motor fuels and other fuels subsequent to discharge from bulk terminals.

1. *Airborne.* 1 part of benzene vapor per million parts of air (1 ppm); time-weighted average (TWA) for an 8-hour workday for a 40-hour week, with a 15 minute ceiling concentration of 5 ppm.

2. *Dermal.* Eye contact and skin contact with liquid benzene shall be prohibited.

C. *Appearance and odor.* Benzene is a clear, colorless liquid with a pleasant, sweet odor. The odor of benzene does not provide adequate warning of its hazard.

II. HEALTH HAZARD DATA

A. *Ways in which the benzene affects your health.* Benzene can affect your health if you inhale it, or if it comes in contact with your skin or eyes. Benzene is also harmful if you happen to swallow it.

B. *Effects of overexposure.* 1. Short-term (acute) overexposure: If you are overex-

posed to high concentrations of benzene, well above the levels where its odors are first recognizable, you may feel breathless, irritable, euphoric, or giddy; you may experience irritation in eyes, nose, and respiratory tract. You may develop a headache, feel dizzy, nauseous, or experience unsteadiness in walking. Severe exposures may lead to convulsions.

2. *Long-term (chronic) exposure.* Repeated or prolonged exposure to benzene, even at relatively low concentrations, may result in various blood disorders, ranging from anemia to leukemia, an irreversible, fatal disease. Many blood disorders associated with benzene exposure may occur without physical symptoms.

III. PROTECTIVE CLOTHING AND EQUIPMENT

A. *Respirators.* Respirators are required for those operations in which engineering controls or work practice controls are not feasible to reduce exposure to the permissible level. If respirators are worn, they must have a National Institute for Occupational Safety and Health (NIOSH) seal of approval, and cartridges or canisters must be replaced before the end of their service life, or the end of the shift, whichever occurs first. If you experience difficulty breathing while wearing a respirator, tell your employer.

B. *Protective Clothing.* You must wear impervious protective clothing (such as boots, gloves, sleeves, aprons, etc.) over any parts of your body that could be exposed to liquid benzene.

C. *Eye and Face Protection.* You must wear splash proof safety goggles if it is possible that benzene may get into your eyes. In addition, you must wear a face shield if your face could be splashed with benzene liquid.

IV. EMERGENCY AND FIRST AID PROCEDURES

A. *Eye and face exposure.* If benzene is splashed in your eyes, wash it out immediately with large amounts of water. Call a doctor as soon as possible.

B. *Skin exposure.* If benzene is spilled on your clothing or skin, remove the contaminated clothing and wash the exposed skin with large amounts of water and soap immediately. Wash contaminated clothing before you wear it again.

C. *Breathing.* If you or any other person breathes in large amounts of benzene, get the exposed person to fresh air at once. Apply artificial respiration if breathing has stopped. Call for medical assistance or a doctor as soon as possible.

D. *Swallowing.* If benzene has been swallowed and the patient is conscious, do not induce vomiting. Call for medical assistance or a doctor immediately.

V. MEDICAL REQUIREMENTS

If you are exposed to benzene at a concentration at or above 0.5 ppm on an 8-hour time-weighted average, your employer is required to provide a medical history and laboratory tests within 30 days of the effective date of this standard and semiannually thereafter if you are continually exposed at or above 0.5 ppm. These tests shall be provided without cost to you. In addition, if you are accidentally exposed to benzene (either by ingestion, inhalation, or skin/eye contact) under conditions known or suspected to be toxic exposure to benzene, your employer is required to make special tests available to you.

VI. OBSERVATION OF MONITORING

Your employer is required to perform measurements that are representative of your exposure to benzene and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to receive an explanation of the measurement procedure, observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear the protective clothing and equipment.

VII. ACCESS TO RECORDS

You or your representative are entitled to see the records of measurements of your exposure to benzene upon request to your employer. Your medical examination records can be furnished to your physician or designated representative upon request to your employer.

VIII. PRECAUTIONS FOR SAFE USE, HANDLING AND STORAGE

Benzene liquid is highly flammable. It should be stored in tightly closed containers in a cool, well ventilated area. Benzene vapor may form explosive mixtures in air. All sources of ignition must be controlled. Use nonsparking tools when opening or closing benzene containers. Ground or bond metal benzene containers. Fire extinguishers, where provided, must be readily available. Know where they are located and how to operate them. Smoking is prohibited in areas where benzene is used or stored. Ask your supervisor where benzene is used in your work area and for additional plant safety rules.

APPENDIX B—SUBSTANCE TECHNICAL GUIDELINES, BENZENE

I. PHYSICAL AND CHEMICAL DATA

- A. Substance identification.
 1. Synonyms: Benzol, benzole, coal naphtha, cyclohexatriene, phenic, phenyl hydride, pyrobenzol. (Benzine, petroleum benzene, and benzol do not contain benzene.)
 2. Formula: C_6H_6 , (CAS Registry Number: 000071432)
 3. Physical data.
 1. Boiling Point (760 mm Hg): 80.1°C (176°F)
 2. Specific Gravity (water = 1): 0.879
 3. Vapor Density (air = 1): 2.7
 4. Melting Point: 5.5°C (42°F)
 5. Vapor Pressure at 20°C (68°F): 75 mm Hg
 6. Solubility in Water: .06%
 7. Evaporation Rate (ether = 1): 2.8
 8. Appearance and Odor: Clear, colorless liquid with a distinctive sweet odor.

II. FIRE, EXPLOSION, AND REACTIVITY HAZARD DATA

- A. Fire.
 1. Flash Point (closed cup): -11°C (12°F)
 2. Autoignition Temperature: 580°C (1076°F)
 3. Flammable Limits in Air, % by Volume: Lower 1.3%, Upper: 7.5%
 4. Extinguishing Media: Carbon dioxide, dry chemical, or foam.
 5. Special Fire-Fighting Procedures: Do not use solid stream of water, since stream will scatter and spread fire. Water spray can be used to keep fire exposed containers cool.
 6. Unusual fire and explosion hazards: Benzene is a flammable liquid. Its vapors

can form explosive mixtures. All ignition sources must be controlled when benzene is used, handled, or stored. Where liquid or vapor may be released, such areas shall be considered as hazardous locations. Benzene vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which benzene is handled.

7. Benzene is classified as a *1 B flammable liquid* for the purpose of conforming to the requirements of 29 CFR 1910.106. A concentration exceeding 3250 ppm is considered a potential fire explosion hazard. Locations where benzene may be present in quantities sufficient to produce explosive or ignitable mixtures are considered *Class I Group D* for the purposes of conforming to the requirements of 29 CFR 1910.309.

B. Reactivity.

1. Conditions contributing to instability: Heat.
2. Incompatibility: Heat and oxidizing materials.
3. Hazardous decomposition products: Toxic gases and vapors (such as carbon monoxide).

III. SPILL AND LEAK PROCEDURES

A. Steps to be taken if the material is released or spilled. As much benzene as possible should be absorbed with suitable materials, such as dry sand or earth. That remaining must be flushed with large amounts of water. Do not flush benzene into a confined space, such as a sewer, because of explosion danger. Remove all ignition sources. Ventilate enclosed places.

B. Waste disposal method. Disposal methods must conform to other jurisdictional regulations. If allowed, benzene may be disposed of: (a) Absorbing it in dry sand or earth and disposing in a sanitary land fill; (b) If small quantities, by removing it to a safe location from buildings or other combustible sources, pouring it in dry sand or earth and cautiously igniting it; (c) If large quantities, by atomizing it in a suitable combustion chamber.

IV. MONITORING AND MEASUREMENT PROCEDURES

A. Normal monitoring program: Measurements taken from the purpose of determining employee exposure are best taken so that the representative average 8-hour exposure may be determined from a single 8-hour sample or two (2) 4-hour samples. Short-time interval samples (or grab samples) may also be used to determine average exposure level if a minimum of five measurements are taken in a random manner over the 8-hour work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one work shift is an estimate of an employee's average level of exposure for that work shift. Air samples should be taken in the employee's breathing zone (air that would nearly represent that inhaled by the employee). Sampling must be performed by gas adsorption tubes or alternative methods meeting the requirements of the standard with subsequent chemical analysis, by gas chromatography. Methods meeting the prescribed accuracy and precision and requirements are available in the "NIOSH manual of Analytical Methods."

V. MISCELLANEOUS PRECAUTIONS

A. High exposures to benzene can occur when transferring the liquid from one container to another. Such operations should be well ventilated and good work practices must be established to avoid spills.

B. Use non-sparking tools to open benzene containers which are effectively grounded and bonded prior to opening and pouring.

C. Employers must advise employees of all plant areas and operations where exposure to benzene could occur. Common operations in which high exposures to benzene may be encountered are: the primary production and utilization of benzene, and transfer of benzene.

APPENDIX C—MEDICAL SURVEILLANCE GUIDELINES FOR BENZENE

I. ROUTE OF ENTRY

Inhalation; possible skin absorption.

II. TOXICOLOGY

Benzene is primarily an inhalation hazard. Systemic absorption may cause depression of the hematopoietic system and leukemia. Inhalation of high concentrations can affect the central nervous system function. Aspiration of small amounts of liquid benzene immediately causes pulmonary edema and hemorrhage of pulmonary tissue. The extent of absorption through the skin is unknown. However, absorption may be accelerated in the case of injured skin, and benzene may be more readily absorbed if it is present in a mixture or as a contaminant in solvents which are readily absorbed. Defatting action of benzene may produce primary irritation upon repeated or prolonged contact with the skin. High concentrations are irritating to the mucous membranes of the eyes, nose, and respiratory tract.

III. SIGNS AND SYMPTOMS

It is not clear to what extent benzene is absorbed through the skin, however, direct contact may cause erythema or blistering. Repeated or prolonged contact may result in drying, scaling dermatitis, or precipitate development of secondary skin infections. Local effects of benzene vapor or liquid on the eye are slight. Only at very high concentrations is there any smarting sensation in the eye. Inhalation of high concentrations of benzene may have an initial stimulatory effect on the central nervous system characterized by exhilaration, nervous excitation, and/or giddiness, followed by a period of depression, drowsiness, fatigue, or vertigo. There may be sensation of tightness in the chest accompanied by breathlessness and ultimately the victim may lose consciousness. Convulsions and tremors occur frequently, and death may follow from respiratory paralysis or circulatory collapse in a few minutes to several hours following severe exposures.

The insidious effect on the blood-forming system of prolonged exposure to small quantities of benzene vapor is of extreme importance. The hematopoietic system is the chief target for benzene's toxic effects which are manifested by alterations in the levels of formed elements in the peripheral blood. These effects have been noted to occur at concentrations of benzene which may not cause irritation of mucous membranes, or any unpleasant sensory effects. Early signs and symptoms of benzene morbidity are varied and often not overtly apparent and not specific for benzene exposure. Subjective complaints of headache,

dizziness, and loss of appetite may precede or follow clinical symptomatology. Bleeding from the nose, gums, or mucous membranes and the development of purpuric spots may occur as the condition progresses. Rapid pulse and low blood pressure in addition to a physical appearance of anemia may accompany a subjective complaint of shortness of breath. Clinical evidence of leukopenia, anemia, and thrombocytopenia, singly or in combination, have been frequently reported.

Bone marrow may appear normal, aplastic, or hyperplastic and may not in all situations correlate with peripheral blood forming tissues. There are great variations in the susceptibility to benzene morbidity which prohibits the identification of "typical" blood picture. The onset of effects of prolonged benzene exposure may be significantly delayed after the actual exposure has ceased.

IV. TREATMENT OF ACUTE TOXIC EFFECTS

Remove from exposure immediately, give oxygen or artificial resuscitation if indicated. Flush eyes and wash contaminated skin. Symptoms of non-specific nervous disturbances may persist following severe exposures. Recovery from mild exposures is usually rapid and complete.

V. SURVEILLANCE AND PREVENTIVE CONSIDERATIONS

A. GENERAL

The principal effects of benzene exposure forming the basis for this regulation are alterations of the hematopoietic system as reflected by changes in the peripheral blood and leukemia. Consequently, the medical surveillance protocol is designed to observe on a regular basis, blood indices for early signs of these effects.

Tests must be performed frequently enough to discover individuals who may be unusually sensitive and likely to develop marrow abnormalities, to monitor those who experience accidental overexposure and to provide early detection of delayed evidence of toxicity.

All workers who are or will be exposed to 0.5 parts per million (ppm) or greater benzene as an eight-hour time-weighted average are to be given the opportunity for a medical examination. Initial examinations are to be provided within 30 days of the effective date of this standard or at the time of initial assignment and interval examinations semi-annually thereafter. There are special provisions for medical tests in the event of hematologic abnormalities or for emergency situations.

F. HEMATOLOGY GUIDELINES

The following information excerpted from the analysis of Dr. Jandi, Chief of Hematology, Harvard School of Medicine, may be useful to physicians in conducting the medical surveillance program.

"A minimum battery of tests is to be performed by strictly standardized methods in the circumstances described above.

1. Red cell, white cell, and platelet counts must be performed using an automated (Coulter) counter. The normal range for the red cell count is approximately 4.4 to 6.0 million cells/mm³, the values for women being about 0.4 million cells lower than for men. A decline from a normal to a subnormal value, or a rise to a supra-normal value, are indicative of potential toxicity, particularly should there be a decline. The normal

total white blood count is approximately 6,200 plus or minus 2,000/mm³. For cigarette smokers and white count will be higher, the upper range of "normal" being approximately 1,000 cells higher than 8,200. Either a decline from normal to subnormal or a rise from normal to supra-normal, should be regarded as a potential indication of benzene toxicity. The normal platelet count is 250,000 with a range of 140,000 to (at most) 400,000/mm³. A decline to below 140,000 or a rise to above 400,000 should be regarded as possible evidence of benzene toxicity.

The reticulocyte count is performed by technical assistants using a cover-slip smear (see below). In my opinion, the preferred technique for this purpose is the so-called "dry-method" employing brilliant cresyl blue (BCB) for staining the filaments of reticulum within red cell, and counter-staining with Wright's stain. The extreme range of normal for reticulocytes is 0.4 to 1.5 percent of the red cells, the usual range being 0.5 to 1.2 percent of the red cells, but the typical value is in the range of 0.8 to 1.0 percent. There is an advantage of using the BCB reticulocyte staining technique (followed by counter-staining with Wright's stain) in that visible evidence (i.e., the stained, mounted reticulocyte smears) may be stored, and if kept filed in the dark may later be retrieved for reexamination and comparisons. A decline in reticulocytes to levels of less than 0.4 percent is to be regarded as possible evidence (unless another specific cause is found) of benzene toxicity requiring accelerated surveillance. An increase in reticulocyte levels to above 1.5 percent may also be consistent with (but is not as characteristic of) benzene toxicity.

2. The single most important routine surveillance test is an expert technician's careful examination of the peripheral blood smear. As with the reticulocyte count, the smear should be with fresh uncoagulated blood obtained from a needle tip following venipuncture or from a drop of earlobe blood (capillary blood). If necessary, the smear may under certain limited conditions be made from a blood sample anticoagulated with EDTA (but never with oxalate or heparin). When the smear is to be prepared from a specimen of venous blood which has been collected by a commercial Vacutainer[®] type tube containing neutral EDTA, the smear should be made as soon as possible after the venesection. A delay of up to 12 hours is permissible between the drawing of the blood specimen into EDTA and the preparation of the smear if the blood is stored at refrigerator (not freezing) temperature. As with the reticulocyte preparations, the smear should be made on cover slips only. Under no circumstances should peripheral blood (or bone marrow aspirate) intended for examination be smeared on microscope slides, a technique which produces artifacts in blood cells and distorts the white cell differential count by severely maldistributing them. Dry blood smears should be stained with Wright's stain which should be filtered at least weekly to remove precipitated dye (saturated completely by methylene blue-eosin derivatives).

3. The minimum mandatory observations to be made from the smear and a discussion of their significance now follows. The observations are four:

- a. The differential white blood cell count.
- b. Description of abnormalities in the appearance of red cells.
- c. Description of any abnormalities in the platelets.

d. A careful search must be made by the technician throughout the better areas of every blood smear for immature white cells such as band forms (in more than normal proportion), any number of metamyelocytes, myelocytes. Any nucleated or multinucleated red blood cells should be reported. Very large "giant" platelets or fragments of megakaryocytes must be recognized. Should only a single one of these abnormalities be found, it should be reported.

An increase in the proportion of band forms among the neutrophilic granulocytes is an abnormality deserving special mention for it represents a very early change which should be considered as an early warning of benzene toxicity in the absence of other causative factors (most commonly infection). Likewise, the appearance of metamyelocytes in the absence of other probable cause is to be considered a possible indication of benzene-induced injury.

An upward trend in the number of basophils, which normally do not exceed about 2.0 percent of the total white cells, is to be regarded as possible evidence of benzene toxicity. A rise in the eosinophil count is less specific but also may be suspicious of toxicity if it rises above 6.0 percent of the total white count.

The normal range of monocytes is from 2.0 to 8.0 percent of the total white count an average of about 5.0 percent. About 20 percent of individuals reported to have mild but persisting abnormalities caused by exposure to benzene show a persisting monocytosis which is sometimes striking. The findings of a monocyte count which persists at more than 10 to 12 percent of the normal white cell count (when the total count is normal) or persistence of an absolute monocyte count in excess 800/mm³ should be regarded as a possible sign of benzene-induced injury.

A less frequent but more serious indication of benzene-induced injury to the bone marrow is the findings in the peripheral blood of the so-called "pseudo" (or acquired) Pelger-Huet anomaly. In this anomaly many, or sometimes the majority, of the neutrophilic granulocytes possess two round nuclear segments—less often one or three round segments—rather than three normally elongated segments. When this anomaly is not hereditary, it is often but not invariably predictive of subsequent leukemia. However, only about two percent of patients who ultimately develop acute myelogenous leukemia show the acquired Pelger-Huet anomaly.

An uncommon but ominous sign, one which cannot be detected from the smear, but can be suspected easily by a "sucrose water test" or peripheral blood, is transient paroxysmal nocturnal hemoglobinuria (PNH), which may first occur insidiously during a period of established aplastic anemia and maybe followed within one to a few years by the appearance of rapidly fatal acute myelogenous leukemia. Clinical detection of PNH, which occurs in perhaps only one or two percent of those destined to have acute myelogenous leukemia, may be difficult; if the presumptive "sucrose water test" for it is positive, the technician may perform the somewhat more definitive Ham test, also known as the acid-serum hemolysis test.

e. Individuals documented to have developed acute myelogenous leukemia years after initial exposure to benzene, have (see above) progressed through preliminary phases of hematologic abnormality. In

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many instances pancytopenia (i.e., a lowering in the counts of all circulating blood cells of bone marrow origin—but not to the extent implied by the term "aplastic anemia") preceded leukemia for many years. Seldom does relative scarcity of a single type blood cell (or of platelets) represent a harbinger of imminent acute leukemia. However, the finding of two or more cytopenias, or of pancytopenia, must be regarded as highly suspicious of more advance although still reversible, benzene toxicity. When "pancytopenia" develops and becomes associated with the appearance of immature cells (myelocytes, myeloblasts, erythroblasts, etc.), with abnormal cells (pseudo Pelger-Huet anomaly, atypical nuclear heterochromatin, etc.), or with inappropriate elevations of monocytes, basophils, or eosinophils, the findings must be regarded as evidence of benzene overexposure unless proved otherwise. These and other aggregates of alterations are frequently termed "preleukemia," a term whose meaning is good when used retrospectively, but less good when used prospectively where it has only inferential value. Many severely aplastic patients manifested the ominous finding of 5-10 percent myeloblasts in the marrow, occasional myeloblasts and myelocytes in the blood and 20-30% monocytes;

these represented the beginning of recovery rather than the early stage of overt AML. Thus, a considerable proportion of "preleukemias" in benzene poisoning fall to progress to leukemia. Indeed, some have been observed to revert to normal after withdrawal of the afflicted person from toxic exposure. Nonetheless, the chance that "preleukemic" (changes in general) will evolve to leukemia is considerable: at least 20 to 40 percent of persons (only a few of whom were benzene-exposed) with these blood changes develop acute myelogenous leukemia. Certain tests may substantiate the person's prospects for progression or regression. One such test would be an examination of patient's bone marrow. But the decision to perform a bone marrow aspiration or needle biopsy is one that should be made by the hematologist. The findings to be sought there would be: hypoplasia or aplasia; an excess of immature forms; vacuolation in erythroblasts and myelocytes—a phenomenon induced by many toxins apart from benzene, including chloramphenicol and alcohol; and by infections.

The findings of basophilic stippling in circulating red blood cells (usually found in 1 to 5% of red cell during marrow injury), and detection in the bone marrow of what are termed "ringed sideroblasts" must be taken

seriously, as they have been noted in recent years to be frequent premonitory signs of subsequent acute leukemia.

In several recent reports dealing with relatively few patients, peroxidase-staining of circulating or marrow neutrophil granules, employing benzidine dihydrochloride, has revealed as a "preleukemic" finding the disappearance of, or diminution in, peroxidase in a sizable proportion of the granulocytes. Granulocyte granules are normally strongly peroxidase positive. A steady decline in leukocyte alkaline phosphatase is also suggestive of early acute leukemia. Exposure to benzene commonly causes an early rise in serum iron, often but not always associated with a fall in the reticulocyte count. Thus serial measurements of serum iron levels provide a means of determining whether or not there is a trend representing sustained suppress of erythropoiesis.

Measurement of serum iron, determination of peroxidase and of alkaline phosphatase activity in peripheral granulocytes can be performed by technical assistants.

(Secs. 4, 8, 8, 84 Stat. 1593, (29 U.S.C. 653, 655, 657); Secretary of Labor's Order 8-78 (41 FR 25059); 29 CFR part 1911.)

[FR Doc. 78-3417 Filed 2-3-78; 1:12 pm]

FRIDAY, FEBRUARY 10, 1978
PART III



DEPARTMENT OF LABOR

Employment Standards
Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination
Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of

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publication in the FEDERAL REGISTER without limitation as to time, and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama: AL77-1085, July 22, 1977.
Arkansas: AR77-4285, AR77-4286, September 30, 1977.
Georgia: GA77-1103, GA77-1104, GA77-1111, August 26, 1977; GA77-1139, November 11, 1977.
Kentucky: KY77-1134, November 11, 1977.
Maryland: MD77-3000, January 27, 1977.
Mississippi: MS76-1004, January 9, 1976.
Nebraska: NE77-4281, NE77-4282, September 30, 1977.
New Jersey: NJ77-3093, July 8, 1977.
North Dakota: ND77-5099, December 2, 1977.
Oklahoma: OK77-4273, OK77-4274, September 30, 1977.
Virginia: VA77-3082, June 24, 1977; VA77-3088, VA77-3090, July 1, 1977.
Wyoming: WY78-5008, January 27, 1978.

SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Kansas: KS77-4079(KS78-4010), April 8, 1977.
New Mexico: NM77-4039(NM78-4011), February 18, 1977; NM77-4218(NM78-4012), September 9, 1977.
Ohio: OH77-2073(OH78-2003), OH77-2076(OH78-2002), OH77-2080(OH78-2004), May 13, 1977; OH77-2133(OH78-2005), September 2, 1977.

Signed at Washington, D.C. this 3d day of February 1978.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NOTICES

MODIFICATIONS P. 2

MODIFICATIONS P. 1

DECISION #	DATE	STATE	CLASS OF WORK	BASIC HOURLY RATE	FRINGE BENEFITS PAYMENTS			EDUCATION AND/OR APPR. TR.
					H & W	Pensions	Vacation	
DECISION # AL77-1085 - Mod. # 3 (42 FR 37715 - July 22, 1977) Mobile County, Alabama		Alabama	Sheet Metal Workers	10.98	.50	.60	.04	
CHANGE: Line Construction: Linemen Cable splicers Plumbers - Pipefitters: Zone A Zone B Zone C				10.975 11.10 9.70 10.35 10.90	.55 .55 .55	.50 .50 .50	.10 .10 .10	
DECISION NO. AR77-4285 - MOD. #4 (42 FR 52900 - September 30, 1977) Union & Quachita Counties, Arkansas		Arkansas	Plumber & Pipefitters	10.70	.45	.55	.05	
CHANGE: Plumber & Pipefitters								
DECISION # GA77-1103 - Mod. #1 (42 FR 43322 - August 26, 1977) Chatham County, Georgia		Georgia						
CHANGE: DESCRIPTION OF WORK: Highway Construction (does not include bridges over navigable waters; tunnels; rest areas which include building structures; railroad construction; and paving associated with building construction).								
DECISION # GA77-1104 - Mod. #1 (42 FR 43322 - August 26, 1977) Banks, Barrow, Bartow, Calhoun, Chattooga, Cherokee, Cobb, Dade, Dawson, Douglas, Elbert, Flamin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Hart, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Spalding, Wilkes, Wilcox, White, and Whitfield Counties, Georgia		Georgia						
CHANGE: DESCRIPTION OF WORK: Highway Construction (does not include bridges over navigable waters; tunnels; rest areas which include building structures; railroad construction; and paving associated with building construction).								
DECISION # GA77-1111 - Mod. #1 (42 FR 43323 - August 26, 1977) Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Butts, Calhoun, Camden, Candler, Carroll, Charlton, Chatham, Coffee, Colquitt, Conway, Crisp, Decatur, Dodge, Dooley, Echols, Early, Echols, Effingham, Emanuel, Evans, Fayette, Glascock, Glynn, Grady, Greene, Hancock, Harris, Heard, Henry, Houston, Irwin, Jasper, Jeff Davis, Jefferson, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Lee, Liberty, Lincoln, Long, Lowndes, Macon, Marion, McBride, McIntosh, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Muscogee, Newton, Oconee, Oglethorpe, Peach, Pierce, Pike, Randolph, Richmond, Rockdale, Schley, Screven, Seminole, Spalding, Stewart, Sumter, Talbot, Tallapoosa, Thomas, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Troost, Turner, Twiggs, Upson, Walton, Ware, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, Wilkes, Wilkinson, Worth Counties, Georgia		Georgia						
CHANGE: DESCRIPTION OF WORK: Highway Construction (does not include bridges over navigable waters; tunnels; rest areas which include building structures; railroad construction; and paving associated with building construction).								
ADD: Electricians - Clayton County				\$10.15	9%	11%		1/2 of 1%

STATE: Kansas
 DECISION NO. KS78-4010
 SUPERSEDES DECISION
 Supersedes Decision No. KS77-4079, dated April 8, 1977 in 42 FR 1880
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: Shawnee
 DATE: Date of Publication
 in 42 FR 1880

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.77	.60	1.55		.05
ROILERMAKERS	11.00	1.15	1.00		.02
BRICKLAYERS: STONEMASONS	9.89	.40	.25		.05
CARPENTERS:	8.90	.40	.35		.05
Millwrights: Piledrivermen	9.275	.40	.35		.05
CEMENT MASONS:	8.85	.40	.35		.05
Cement masons	8.975	.40	.35		.05
Machine operators	9.05	.40	.35		.05
Composition color or chloride addition	7.60	.45	3%+.20		.05
ELECTRICIANS	9.60	.70	1.00		.10
IRONWORKERS	7.65	.40	.35		.05
LABORERS (Building Construction)					
General laborer	7.85	.40	.35		.05
Power tool operators, compactors					
concrete breakers, chipping					
tools, drilling tools, concrete					
saws, mechanically operated,					
Georgia buggy, plaster tenders					
motor mixers, cement plaster					
all stocking scaffold, clean					
up for masons (building and					
wrecking)					
Sand and concrete gun nozzleman					
and powderman					
LABORERS (Site Preparation and Grading):					
Group 1	6.80	.40	.35		.05
Group 2	6.95	.40	.35		.05
Group 3	7.05	.40	.35		.05
Group 4	7.20	.40	.35		.05
Group 5	7.30	.40	.35		.05

CLASSIFICATION DEFINITIONS

LABORERS (Site Preparation and Grading):
 Group 1 - Board mat weavers and cable tiers; Georgia buggy (manually operated); mixerman - no skip; lift; nailers, salamander tenders; track men; tractor evanper; truck dumper, wire mesh setter, water pump up to 4 inches; and all other general laborer including flagman
 Group 2 - Air tool operators, cement handlers (bulk), chain saw, Georgia buggy (mechanically operated); grade man, hot mastic kettlemen, crusher feeder, joint man, jute man; mason tender; material batch hooper and acie man; mixer man; pier hole man tender; 10 ft. deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane), truck dumper-dry batch; vibrator operator; wagon and churn drill operator
 Group 3 - Asphalt taker, barco tamper; concrete saw; concrete material-handline and asolvin; nozzle burner (cutting torch and burning bar)

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Group 4 - Conduit, pipe; tile and duct line setter; form setter and liner on concrete; paver; powderman; sandblasting and gunite nozzleman; gas distribution lines
 Group 5 - Leadman or pusher

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS:	9.70		.20		.02
PAINTERS:					
Brush, drywall, sanding and	9.90	.45			.02
coating of structures over 50'	10.40	.45	.20		.04
(all types); spray	9.25	.75	.65		
PLASTERERS: Pipefitters	11.43				
POWER EQUIPMENT OPERATORS:					
(Building Construction):					
Group 1	10.10	.50	1.00	.75	.10
Group 2	9.70	.50	1.00	.75	.10
Group 3	8.65	.50	1.00	.75	.10
(a)	8.90	.50	1.00	.75	.10
(b)	8.10	.50	1.00	.75	.10
(a)	8.35	.50	1.00	.75	.10
(b)	10.60	.50	1.00	.75	.10
Group 5	10.35	.50	1.00	.75	.10
Group 6	10.60	.50	1.00	.75	.10
Group 7	11.10	.50	1.00	.75	.10
Group 8	12.10	.50	1.00	.75	.10
Group 9		.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

Group 1 - Boilers (2); boom cat, boring machine, ditching machine, concrete mixer, plant, crane, truck, clamshell, dragline, dozer, scraper, all types; fireman (when operating steam or air valve); gradall, hi-loaders (over 1 yd); hoist; two; locomotive; mechanic or welder; mixer; mobile; paver, or any other machine with power swing; piledriver operator; power shovel; pump, concrete or other material
 Group 2 - A-frame truck; barber greene loader or similar type; bob cat hi-loaders (1 yd. and under); boiler (1); ditching machine-small; elevator operator; fireman; fork lift; greaser, equipment; hoist, one active drum; hydra hammer; jeep ditcher; mixer, other than paver; power broom, pump, 4" or larger, small machine engineer; veiding machine (1)
 Group 3 - (a) Farm tractor (without attachments)
 (b) Farm tractor (with attachments)
 Group 4 - (a) Oiler
 (b) Motor crane oiler
 Group 5 - Tower cranes and derricks; frankl-type piledriving machines; (4) drum hoist
 Group 6 - Crane & shovels 100 ft of boom or over (including jib) or 2 yds capacity or over or .30 tons or over; (3) drum hoist

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Group 7 - Crane & shovels booms 200 ft and over
 Group 8 - Cranes with lifting ring
 Group 9 - Master mechanic
 Hoist each additional drum over two - an additional .25c

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS					
Site Preparation and Grading					
Group 1	8.35	.50	1.00	.75	.10
Group 2	8.10	.50	1.00	.75	.10
Group 3	7.85	.50	1.00	.75	.10
Group 4	7.50	.50	1.00	.75	.10
Group 5	7.60	.50	1.00	.75	.10
Group 6	8.60	.50	1.00	.75	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS (Site Preparation and Grading):
 Group 1 - Asphalt paver and spreader, backhoe; boring machine, blades, all types; clamshell; concrete mixer; concrete central plant operator (automatic); crane, truck, clamshell, dragline, dozer, or any machine with power swing; derrick, derrick, crane, crane, or tractor; dredge operator; dozer; ditching machine; euclid loader; hoist - 2 active drums; loader, all types, mechanic or welder; mixer-mobile; multi-unit scraper; pile driver operator; power shovel operator; quad track; scoop operator, all types; side boom cat-cherry picker; skimmer scoop operator; pushcat operator
 Group 2 - Asphalt plant operator; elevating grader operator
 Group 3 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman; backfiller operator; barber greene loader; boiler - other than asphalt; bull float operator; churn drill operator; compactor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator, distributor operator; finish machine operator - concrete; fireman other than asphalt; flex plane operator, fork lift; form grader operator; grader; hoist 1 drum; Jeep ditching machine; pavement breakers, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two wheel operator, other than dredge; screening and wash plant operator; small backhoe operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphon and legs; single machine operator; tank car heater operator; combination booster and boiler; towboat operators; vibrating machine operator, not hand
 Group 4 - Concrete gun saw, self-propelled (con-cut); conveyor operator; Harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments
 Group 5 - Oiler, motor crane
 Group 6 - Master mechanic

DECISION NO. KS78-4010

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS:					
Roofers flat slate and tile, dampproofers	10.56		.60	a	
Roofers working in pitch, tar or creosote, coal	11.11		.60	a	
FOOTNOTE: A - after 6 months of employment .26c after 5 years .52c					
SHEET METAL WORKERS	10.34	.32+.50	1.29		.04
SOFT FLOOR LAYERS	8.53	.45	.45	10%	.04
SPRINKLER FITTERS	11.48	.65	.95		.08
TILE SETTERS	9.00				
TRUCK DRIVERS (Building Construct-tag)					
Light, pickups, station wagons	7.875	.40	.35		
Medium flat beds and jumps, 5 tons or less; warehousemen and partmen	7.975	.40	.35		
Truck over 5 tone and semi trailers	8.225	.40	.35		
TRUCK DRIVERS (Site-Preparation and Grading)					
Group 1	6.90	.40	.35		.35
Group 2	7.00	.40	.35		.35
Group 3	7.15	.40	.35		.35

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS:
 Group 1 - pickups; panel trucks; station wagons; flat beds; dump and batch trucks (single axle)
 Group 2 - Tandem trucks, warehousemen or partmen; mechanic helpers and servicemen
 Group 3 - Loaders; semi-trailers; all transit mixer trucks (single or tandem Group); A-frame truck trucks when used as such; truck, end and bottom dump, tow trucks, trucks, dumpers and similar off-road equipment and mechanics on such equipment
 WELDERS: Receive rates prescribed for craft performing operation to which welding is incidental.

SUPERSEDES DECISION

STATE: New Mexico
DECISION NO. NM78-4011
DATE: February 19, 1977 in 47 FR 10254
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTY: Dona Ana and Otero
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BRICKLAYERS	\$7.09	.43	.45		.12
CARPENTERS	6.44	.47			1/2
CEMENT MASONS	6.17	.25			
ELECTRICIANS	7.80				
LABORERS	5.83				
PAINTERS, BRUSH	6.50	.63	.25		.16
PLASTERERS	6.50				
ROOFERS	7.23				
STONEWORKERS	7.23				
STONEMASONS	5.00				
SOFT FLOOR LAYERS	5.00				
TILE SETTERS	4.68				
TRUCK DRIVERS					
POWER EQUIPMENT OPERATORS:					
Grader	5.36				
Mechanic	5.65				
Tractor	5.43				
Trenching machine	6.81				

SUPERSEDES DECISION

STATE: New Mexico
DECISION NO. NM78-4012
DATE: September 9, 1977 in 42 FR 45589
DESCRIPTION OF WORK: BUILDING AND HEAVY CONSTRUCTION (also, including RESIDENTIAL CONSTRUCTION in Santa Fe, Bernalillo, Rio Arriba, Taos, Sandoval and Valencia Counties).

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BUILDING & HEAVY CONSTRUCTION (Statewide, except Union, Lea, Bernalillo, Curry, Roosevelt and Quay Counties)	\$11.56	.50	1.27a		.06
CEMENT MASONS	10.00	.65	.55		.07
CEMENT MASONS (Heavy)	9.625	.775	1.00	.50	.02
BRICKLAYERS	10.01	.57	.50		.10
BRICKLAYERS-STONEMASONS:					
Zone I-A	11.11	.57	.50		.10
Zone I-B	11.51	.57	.50		.10
Zone I-C	11.96	.57	.50		.10
Zone II	10.71	.57	.50		.10
Zone III	10.16	.57	.50		.10
Zone IV	10.91	.57	.50		.10
Zone V	10.36	.57	.50		.10
Zone VI	10.16	.57	.50		.10
Zone VII	10.44	.67	.20		.10
Zone VIII	10.44	.67	.20		.10
Zone IX	9.44	.67	.20		.10

BRICKLAYERS' ZONE DEFINITIONS

ZONE I - Union, Harding, Santa Fe, Valencia, Torrence, Taos, Socorro, Mora, McKinley, Colfax, Catron, San Miguel, San Juan, Sandoval, Rio Arriba, Bernalillo and Los Alamos Counties
From basing point of Albuquerque Main Post Office:
Zone I-A - 0 to 25 road miles
Zone I-B - 25 to 50 road miles
Zone I-C - Over 50 road miles
ZONE II - Curry, and Roosevelt Counties
ZONE III - DeBaca, Guadalupe and Quay Counties
ZONE IV - Lincoln County
ZONE V - Santa Fe and Bernalillo Counties
ZONE VI - Santa Fe and Bernalillo Counties
ZONE VII - Luna and Grant Counties, communities of Silver City, Bayard, General, Ruidoso and new town site of Tycroner, Bidaigo and Sierra County
ZONE VIII - Dona Ana County
ZONE IX - Dona Ana County

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BUILDING AND HEAVY CONSTRUCTION					
CARPENTERS:					
Dwelling houses and apartments not to exceed two stories in height:					
Zone I-A	7.50	.95	1.00	.65	.20
Zone I-B	8.75	.95	1.00	.65	.20
Zone I-C	9.50	.95	1.00	.65	.10
General Building, Heavy and Residential Construction (Dwelling houses and apartments over two stories in height):					
Zone I-A	9.50	.95	1.00	.65	.20
Zone I-B	10.75	.95	1.00	.65	.20
Zone I-C	11.50	.95	1.00	.65	.20

CARPENTERS' ZONE DEFINITIONS

CARPENTERS (STATEWIDE) - From nearest basing points of the following cities:
of Taos, Albuquerque, Albuquerque, Bernalillo, Bayard, Belen, Carlsbad, Clovis, Del Rio, Espanola, Grants, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos, and Tucuman.
ZONE I - Dwelling houses and apartments not to exceed two stories in height:
Zone I-A - 0 to 15 road miles from nearest basing point
Zone I-B - 15 to 35 road miles from nearest basing point
Zone I-C - Over 35 road miles from nearest basing point
ZONE II - General Building & Heavy Construction and Residential Construction (Dwelling Houses and Apartments over two stories in height):
Zone 2-A - 0 to 15 road miles from nearest basing point
Zone 2-B - 15 to 35 road miles from nearest basing point
Zone 2-C - Over 35 road miles from nearest basing point

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
MILLWRIGHTS & PIPELAYERMEN:					
Zone 1	10.25	.95	1.00	.65	.20
Zone 2	11.50	.95	1.00	.65	.20
Zone 3	12.25	.95	1.00	.65	.20

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MILLWRIGHTS & PIPELAYERMEN ZONE DEFINITIONS

BASING POINT - FROM ALBUQUERQUE CITY LIMITS:
Zone 1 - 0 to 15 road miles from basing point
Zone 2 - 15 to 35 road miles from basing point
Zone 3 - Over 35 road miles from basing point

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CEMENT MASONS:					
Area I	8.77	.57	.50		
Zone 1	8.77	.57	.50		
Zone 2	8.77	.57	.50		
Zone 3	9.02	.57	.50		
Cement masons (Residential)	5.35	.57	.50		
Cement masons (Heavy)	8.77	.57	.50		
CEMENT MASONS:					
Composition & Machine Operators					
Area I	9.02	.57	.50		
Zone 1	9.02	.57	.50		
Zone 2	8.92	.57	.45		
Zone 3	9.27	.57	.45		

CEMENT MASONS AREA DEFINITIONS

AREA I - Statewide except Farmington, San Juan County
AREA II - Farmington, San Juan County
Zone I - 0 to 15 miles from Farmington City Hall
Zone II - 15 to 35 miles from Farmington City Hall
Zone III - 35 miles and over from Farmington City Hall

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ELECTRICIANS:					
Zone I					
1-A	10.90	.60	34+70		1/2
1-B	11.66	.60	34+70		1/2
1-C	12.32	.60	34+70		1/2
1-D	13.08	.60	34+70		1/2
Zone 2					
2-A	10.90	.60	34+70		1/2
2-B	11.66	.60	34+70		1/2
2-C	12.32	.60	34+70		1/2
2-D	13.08	.60	34+70		1/2
Zone II					
1-A	12.32	.60	34+70		1/2

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ELECTRICIANS-CABLE SPlicERS ZONE DEFINITIONS CONTD:

ZONE I CONTD:

Areas 1-A & 2-A
From nearest basing point cities, towns and mileage from main post office in the following towns:

- Albuquerque - 15 miles from main post office
- Santa Fe - 15 miles from main post office
- Las Vegas - 8 miles from main post office
- Farmington - 8 miles from main post office
- Alamogordo - 6 miles from main post office
- Artesia - 6 miles from main post office
- Las Cruces - 12 miles from main post office
- Portales - 12 miles from main post office
- Cerritoso - 12 miles from main post office
- Clovis - 12 miles from main post office
- Gallop - 10 miles from main post office
- Poljoaque - 2 miles from main post office

*All areas adjacent to Poljoaque that are over two (2) miles distant from the main post office in that town will be zoned out of Santa Fe.

AREAS 1-B & 2-B

Area 1-B and 2-B extending up to 20 miles beyond Area 1-A & 2-A

AREAS 1-C & 2-C

Area 1-C & 2-C extending up to 30 miles from Area 1-A & 2-A

AREAS 1-D & 2-D

Area 1-D & 2-D anything beyond 30 miles from Area 1-A & 2-A

ZONE II - Dona Ana, Otero, Luna, Hidalgo Counties

Zone 1-A - Within 10 miles radius from the post office in Las Cruces and

Zone 3-A - Within 5 mile radius from the post office in Alamogordo.

Zone 3-B - Designated areas, towns, and Hidalgo Counties (except that area

from this main post office of Artesia, Carlsbad, Hobbs and Lovington

Zone 4-A - 0 - 12 miles from main post office

Zone 4-B - 12 - 22 miles from main post office

Zone 4-C - 22 - 40 miles beyond main post office

Zone 4-D - 40 miles and beyond main post office

Zone V - Single or multiple, family dwelling or apartments up to and including,

26 units under one roof not exceeding two stories - Bernalillo,

Santa Fe, Taos, Rio Arriba, Sandoval, Valencia and San Juan Counties,

but not on the Navajo Indian Reservation

NOTICES

ELECTRICIANS CONTD:

ZONE III

3-A

3-B

ZONE IV

4-A

4-B

4-C

4-D

ZONE V

5-A

5-B

CABLE SPlicERS:

Area 1

1-A

1-B

1-C

1-D

Area 2

2-A

2-B

2-C

2-D

ZONE II

2-A

2-B

2-C

2-D

ZONE III

3-A

3-B

3-C

3-D

ZONE IV

4-A

4-B

4-C

4-D

ELECTRICIANS-CABLE SPlicERS ZONE DEFINITIONS

ZONE I

Area 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay,

San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba,

Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra and

all of San Juan County excluding the Navajo Indian Reservation

Area 2 - Chaves, Curry, Lincoln and Roosevelt Counties

	Basic Monthly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
	9-10	.30	38			1/100
	10-55	.30	38			1/100
	10-15	.60	38			.01
	10-50	.60	38			.01
	10-65	.60	38			.01
	10-90	.60	38			.01
	5-60	.30	18			48
	11-99	.60	38** 70			48
	12-75	.60	38** 70			48
	13-42	.60	38** 70			48
	14-17	.60	38** 70			48
	11-99	.60	38** 70			48
	12-75	.60	38** 70			48
	13-41	.60	38** 70			48
	14-17	.60	38** 70			48
	13-41	.60	38** 70			48
	9-35	.30	38			1/100
	10-60	.30	38			1/100
	10-50	.60	38			.01
	10-65	.60	38			.01
	11-20	.60	38			.01
	11-25	.60	38			.01

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	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS RESIDENTIAL CONSTRUCTION					
Group I	5.02	.53	.67		.05
Group II	5.32	.53	.67		.05
Group III	5.42	.53	.67		.05
Group IV	5.62	.53	.67		.05

RESIDENTIAL LABORERS' CLASSIFICATION DEFINITIONS

- GROUP I
Unskilled - Building and common laborers, carpenter tenders, concrete workers, chainmen-stakeholders, concrete buggy operators, hand
- GROUP II
Semi-skilled - air and power tool operator, asphalt rakers, demolition, gunnite rebound men, fog machine operator, power buggy operator, rodmen, sand blasters (pot men), window washers, wagon, core and diamond drillers tender outside
- GROUP III
Wagon core, diamond drillers
- GROUP IV
Burner, cement mason tenders, hod carriers, mortar mixers, plaster tender operators, plaster tenders, gunnite nozzle men, pipelayer, pumpcrete nozzle men
- LATHERS' ZONE DEFINITIONS
- Zone I - Catron, Grant, Bernalillo, Roosevelt, Union, Sandoval, San Juan, Socorro, Torrance and Valencia Counties.
- Zone II - Colfax, Los Alamos, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties.
- Zone III - Dona Ana and Otero Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS:					
Zone I	9.605	.57			.02
Zone II	10.50				.01
Zone III	8.98				.01

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	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION - AREA I					
AREA I-A					
Lineman-Technician	9.00	.60	38+.60		1/2
Cable splicers	9.65	.60	38+.60		1/2
Equipment operator, includes					
helicopter operator	8.58	.60	38+.60		1/2
Equipment mechanic, includes					
helicopter mechanic & powderman	7.88	.60	38+.60		1/2
Groundman & Jackhammer operators					
1st 6 months	4.88	.60	38+.60		1/2
2nd 6 months	5.31	.60	38+.60		1/2
Experienced	6.38	.60	38+.60		1/2
AREA I-B					
Lineman-Technician	9.42	.60	38+.60		1/2
Cable splicers	10.51	.60	38+.60		1/2
Equipment operator, includes					
helicopter operator	9.35	.60	38+.60		1/2
Equipment mechanic, includes					
helicopter mechanic & powderman	8.58	.60	38+.60		1/2
Groundman & Jackhammer operators					
1st 6 months	5.31	.60	38+.60		1/2
2nd 6 months	5.99	.60	38+.60		1/2
Experienced	6.96	.60	38+.60		1/2
LINE CONSTRUCTION - AREA II					
AREA II					
Lineman	10.50	.60	38+.70		1/2
Cable splicers	11.55	.60	38+.70		1/2
Equipment operators (includes					
helicopter operator)	9.98	.60	38+.70		1/2
Equipment mechanic (includes					
helicopter mechanic) &					
powderman	9.14	.60	38+.70		1/2
Groundman & Jackhammer Operator:					
1st 6 months	5.67	.60	38+.70		1/2
2nd 6 months	6.41	.60	38+.70		1/2
Experienced	7.46	.60	38+.70		1/2
AREA II-B					
Lineman	11.24	.60	38+.70		1/2
Cable splicers	12.29	.60	38+.70		1/2
Equipment operators (includes					
helicopter operator)	10.72	.60	38+.70		1/2
Equipment mechanic (includes					
helicopter mechanic) &					
powderman	9.14	.60	38+.70		1/2

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FEDERAL REGISTER, VOL. 43, NO. 29—FRIDAY, FEBRUARY 10, 1978

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	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION AREA II-B CONTD.					
Groundman & Jackhammer Operator					
1st 6 months	6.41	.60	38+.70		1/2
2nd 6 months	7.15	.60	38+.70		1/2
Experienced	8.20	.60	38+.70		1/2
AREA II-C					
Lineman	11.87	.60	38+.70		1/2
Cable splicers	12.92	.60	38+.70		1/2
Equipment operator (includes					
helicopter operator)	11.35	.60	38+.70		1/2
Equipment mechanic (includes					
helicopter operator) &					
powderman	10.51	.60	38+.70		1/2
Groundman & Jackhammer Operator:					
1st 6 months	7.04	.60	38+.70		1/2
2nd 6 months	7.78	.60	38+.70		1/2
Experienced	8.83	.60	38+.70		1/2
AREA II-D					
Lineman	12.60	.60	38+.70		1/2
Cable splicers	13.65	.60	38+.70		1/2
Equipment operator (includes					
helicopter operator)	11.35	.60	38+.70		1/2
Equipment mechanic (includes					
helicopter mechanic) &					
powderman	11.24	.60	38+.70		1/2
Groundman and Jackhammer op. i					
1st 6 months	7.77	.60	38+.70		1/2
2nd 6 months	8.51	.60	38+.70		1/2
Experienced	9.56	.60	38+.70		1/2

LINE CONSTRUCTION AREA DEFINITIONS

- AREA I - Line construction work for electric and telephone utilities, BEA Co-ops, railroads and municipalities
- Area I-A - Bernalillo County
- Area I-B - Statewide, except Bernalillo County

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FEDERAL REGISTER, VOL. 43, NO. 29—FRIDAY, FEBRUARY 10, 1978

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LINE CONSTRUCTION AREA DEFINITIONS CONTD.

- AREA II - Other line construction work including switching stations and sub-stations adjacent to power plants
- Area II-A - From nearest basing point cities, towns and mileage from main post office in the following towns:
- Albuquerque - 15 miles from main post office
- Santa Fe - 15 miles from main post office
- Las Vegas - 8 miles from main post office
- Farlington - 8 miles from main post office
- Raton - 6 miles from main post office
- Tucuman - 6 miles from main post office
- Artec - 6 miles from main post office
- Roswell - 12 miles from main post office
- Ruidoso - 12 miles from main post office
- Corralito - 12 miles from main post office
- Cerrillos - 12 miles from main post office
- Galup - 10 miles from main post office
- Pojoaque - 2 miles from main post office
- *All areas adjacent to Bernalillo that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.
- Area II-B - Extending up to 20 miles beyond area II-A
- Area II-C - Extending up to 30 miles from area II-A
- Area II-D - Anything beyond 30 miles from Area II-A
- All work in Los Alamos County use Area II-C rates.

	Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vacation	
MARBLE, TITEL & TEBARZO WORKERS	8.25	.67			
MARBLE, TITEL & TEBARZO FINISHERS	8.68	.67			
TEBARZO MACHINE OPERATORS	8.93	.67			
PAINTERS: ZONE I					
Zone 1-A	8.52	.35	.20		.05
Zone 1-B	9.02	.35	.20		.05
Zone 1-C	8.77	.35	.20		.05
Zone 1-D	9.10	.35	.20		.05
Zone 1-E	8.85	.35	.20		.05

PAINTERS' CONTD:
PAINTERS (INDUSTRIAL WORK):
Brush, roller, sandblast and

Basic Weekly Rate	H & W	Fringe Benefits Payments			Education and/or Appr. Tr.
		Pensions	Vacation		
9.82	.35	.20		-.05	
10.32	.35	.20		-.05	
10.82	.35	.20		-.05	
8.01	.30			-.02	
8.43	.30			-.02	
8.155	.30			-.02	
8.43	.30			-.02	
8.43	.30			-.02	
8.86	.30			-.02	
Zone 3-F	.30			-.02	
Zone 3-F - 12½¢ above scale	.30			-.02	
Zone 3-G - 25¢ above scale	.30			-.02	
Zone 3-H - 50¢ above scale	.30			-.02	
Zone 3-I - 75¢ above scale	.30			-.02	
Zone 3-J - \$1.00 above scale	.30			-.02	
PAINTERS: ZONE IV					
Zone 4-A	.35	.20		-.05	
Zone 4-B	.35	.20		-.05	
Zone 4-C	.35	.20		-.05	
Zone 4-D	.35	.20		-.05	
Zone 4-E	.35	.20		-.05	
Zone 4-F	.35	.20		-.05	

PAINTERS' ZONE AND CLASSIFICATION DEFINITIONS

PAINTERS:

ZONE I - San Juan, McKinley, Bernalillo, Torrance, Guadalupe, Quay, Catron, Socorro, Lincoln, DeSaca, Roosevelt, Chaves, Valencia, Sierra, Grant, Hidalgo, Curry, Lea and Eddy Counties, New Mexico.

Zone 1-A - Painters, roller and hand textures

Zone 1-B - Painters, spray, sandblasting, painter on steel bridges, tanks towers, pipe and structural

Zone 1-C - Paperhanger

Zone 1-D - Drywall finisher, area tool operator

Zone 1-E - Blend finisher machine texture

ZONE II - Colfax, Hardin, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties

Zone 2-A - Painters and roller

Zone 2-B - Paperhangers

Zone 2-C - Spray, sandblast, steel, special coating applicator

Zone 2-D - Vinyl hangers

Zone 2-E - Drywall finisher tool and machine texture

Zone 2-F - Hand texture

Zone 2-G - Band finisher

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Zone 4-P - Drywall Finishers - Band Finisher	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pension	Vacation	Education and/or Appl. Tr.
<u>PLASTERERS:</u>					
Statewide, except Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	8.00	.48	.30		.01
Otero, Grant, Sierra, Dona Ana, Luna and Hidalgo Counties	8.31	.67			.01
<u>PLUMBERS-PIPEFITTERS:</u>					
Area I	11.20	.63	1.42		.16
Area II	11.70	.63	1.42		.16
Area III	12.95	.63	1.42		.16
Specific Area	11.83	.63	1.42		.16
Residential	6.50	.63	.25		.16

PLUMBERS - PIPEFITTERS' ZONES DEFINITIONS

RASING POINT CITIES OR TOWNS:
Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis,
Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las
Vegas, Lordsburg, Lovington, Portales, Raton, Roswell, Rudolfo, Santa
Fe, Silver City, Santa Rosa, Taos, Tucuman, Truth of Consequence and
Socorro, New Mexico.

Area I - Shall include a distance of seven road miles inclusive beyond
the city or town limits.

Area II - Shall extend a distance of four road miles inclusive beyond the
outer perimeter of Area I.

Area III - Shall apply to all areas not within areas I or 2, or not within
the specific areas.

Specific Area - Los Alamos, White Rock, South Mesa, McGregor Range,
White Sands Missile Range and/or Proving Grounds,
Atlas Missile Complex Sites in Chaves and Lincoln
Counties, and the Oro Grande Range Camp and Dona
Ana and Otero Counties.

POWER EQUIPMENT OPERATORS AREA DEFINITIONS:

AREA I - Farmington, San Juan County
 Zone I - 0 - 15 miles from Farmington City Hall
 Zone II - 15-35 miles from Farmington City Hall
 Zone III - 35-50 miles from Farmington City Hall
 AREA II - Statewide, except San Juan County

HEAVY CONSTRUCTION (POWER EQUIPMENT OPERATORS AREA DEFINITIONS)

ARZA I - Statewide, except San Juan County
 Basing points for zone pay shall be determined from the Center of the following cities - Albuquerque, Carlsbad, Gallup, Raton and Las Cruces.

Basic Hourly Rates	Fringe Benefits Payments	Education Apprs. Tr.		Vacation	Pensions	H & W
BUILDING & HEAVY CONSTRUCTION						
AREA I (RESIDENTIAL & BUILDING						
CONSTRUCTION)						
ZONE I						
Group 1					.60	8.08
Group 2					.60	8.62
Group 3					.60	9.16
Group 4					.60	9.70
Group 5					.60	10.24
Group 6					.60	10.78
Group 7					.60	11.32
Group 8					.60	11.86
Group 9					.60	12.40
ZONE II						
Group 1					.60	9.33
Group 2					.60	9.87
Group 3					.60	10.41
Group 4					.60	10.95
Group 5					.60	11.49
Group 6					.60	12.03
Group 7					.60	12.57
Group 8					.60	13.11
Group 9					.60	13.65
ZONE III						
Group 1					.60	9.58
Group 2					.60	10.12
Group 3					.60	10.66
Group 4					.60	11.20
Group 5					.60	11.74
Group 6					.60	12.28
Group 7					.60	12.82
Group 8					.60	13.36
Group 9					.60	13.90
AREA II (RESIDENTIAL AND GENERAL						
BUILDING CONSTRUCTION)						
Group 1					.60	8.08
Group 2					.60	8.62
Group 3					.60	9.16
Group 4					.60	9.70
Group 5					.60	10.24
Group 6					.60	10.78
Group 7					.60	11.32
Group 8					.60	11.86
Group 9					.60	12.40

NOTICES

		Fringe Benefits Payments				Education and/or Appr. Tr.
		Basic Hourly Rates	H & W	Pensions	Vocatin	
Zone III - Over 35 miles from Farmington City Hall						
HEAVY CONSTRUCTION (AREA I)						
GROUP I	Zone 1	7.93	.60	.60	.11	
	Zone 2	8.93	.60	.60	.11	
GROUP II	Zone 1	8.47	.60	.60	.11	
	Zone 2	9.47	.60	.60	.11	
GROUP III	Zone 1	8.55	.60	.60	.11	
	Zone 2	9.55	.60	.60	.11	
GROUP IV	Zone 1	8.61	.60	.60	.11	
	Zone 2	9.61	.60	.60	.11	
GROUP V	Zone 1	8.67	.60	.60	.11	
	Zone 2	9.67	.60	.60	.11	
GROUP VI	Zone 1	8.77	.60	.60	.11	
	Zone 2	9.77	.60	.60	.11	
GROUP VII	Zone 1	8.87	.60	.60	.11	
	Zone 2	9.87	.60	.60	.11	
GROUP VIII	Zone 1	9.05	.60	.60	.11	
	Zone 2	10.05	.60	.60	.11	
GROUP IX	Zone 1	9.95	.60	.60	.11	
	Zone 2	10.95	.60	.60	.11	

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (BUILDING & RESIDENTIAL)

GROUP I - Fireman, oiler, screedman, scale operator such as (bin-a-batch), rubber tired farm type tractor, tractors under 50 HP w/o attachments, breakman, concrete paving curing machine (bridge-type), helpers, mechanic, welder, grease truck

GROUP II - Roller, sheepfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM and over), pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoists, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 hp w/attachments), motorman and industrial locomotive operator, winch trucks, front end loader (under 2 CY), power plants which generate over 15 KW, welding machines

GROUP III - Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment, motor graders (rough), shaft and tunnel equipment (refrigeration, aluher, jumbo foral), trenching machines (all types), pumpcrete and gunite machines, slipform paver, mechanical bulfloats, concrete slab spreading machine, concrete slab finishing machines, crushing plants.

GROUP IV - Front end loader (2 thru 10 CY), rollers, steel wheeled-all types, bulldozers, scrapers, (motor or towed), elevating graders, concrete batching plants, self propelled rollers equipped with dozer. Twin bowl scrapers and quad 8 or 9 pushers (35¢ over basic rate). Three bowl scrapers (60¢ over basic rate). Tractor (farm type w/hydraulic backhoes).

GROUP V - Hydraulic cranes with less than 50 feet of boom (20 tons and under). Concrete paver double drum. 2 drum hoist, auto fine grader, cat cranes, hysters, side and swingboom cats.

GROUP VI - Mucking machines, all types; motor grader, finisher, mechanic, welder

GROUP VII - Steam engines/loader (front end over 10 CY); concrete pump (snorkel type)

GROUP VIII - All shovel type equipment; cranes, draglines, backhoes, derricks, guy and stiff leg, pipemobile (No. 2 op.), pile driver, hydraulic crane (20 tons and over), mine hoist, belt loader ("C.M.I." type), cranes & draglines, winch booms and jib over 150 feet - 25¢ per hour additions.

GROUP IX - Shovel (wheel type), boring machine (tunnel or shaft mole), pipemobile

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or App. Tr.
GROUP I				
Zone 1	7.93	.60	.60	.11
Zone 2	8.68	.60	.60	.11
Zone 3	8.93	.60	.60	.11
GROUP II				
Zone 1	8.47	.60	.60	.11
Zone 2	9.22	.60	.60	.11
Zone 3	9.47	.60	.60	.11
GROUP III				
Zone 1	8.55	.60	.60	.11
Zone 2	9.30	.60	.60	.11
Zone 3	9.55	.60	.60	.11
GROUP IV				
Zone 1	8.61	.60	.60	.11
Zone 2	9.36	.60	.60	.11
Zone 3	9.61	.60	.60	.11
GROUP V				
Zone 1	8.67	.60	.60	.11
Zone 2	9.42	.60	.60	.11
Zone 3	9.67	.60	.60	.11
GROUP VI				
Zone 1	8.77	.60	.60	.11
Zone 2	9.52	.60	.60	.11
Zone 3	9.77	.60	.60	.11
GROUP VII				
Zone 1	8.87	.60	.60	.11
Zone 2	9.62	.60	.60	.11
Zone 3	9.87	.60	.60	.11
GROUP VIII				
Zone 1	9.05	.60	.60	.11
Zone 2	9.80	.60	.60	.11
Zone 3	10.00	.60	.60	.11
GROUP IX				
Zone 1	9.85	.60	.60	.11
Zone 2	10.60	.60	.60	.11
Zone 3	10.85	.60	.60	.11

NOTICES

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (HEAVY CONSTRUCTION)

GROUP I - Fireman, oiler, screedman, scale operator such as (bin-a-batch), rubber tired farm type tractor, tractors under 50 HP w/o attachments, breakman, concrete paving curing machine (bridge-type), helpers, mechanic, welder, grease truck

GROUP II - Roller, sheepfoot or pneumatic self propelled w/o dozer, concrete conveyor, service truck operator (head oiler), air compressor (300 CFM and over), pumps (6" and over), screening plants, concrete mixers (under 1 CY), concrete saw or grinder-span type, 1 drum hoist, air tugger, elevating belt type loaders, forklift, lumber stacker, tractor-farm type (under 50 HP w/attachment), motorman and industrial locomotive operator, winch truck front end loader (under 2 CY), power plants which generate over 15 KW, welding machines

GROUP III - Bituminous distributors, boilers, retort and hot oil heaters, concrete mixers (1 CY and over), concrete paver-single drum, drilling equipment, motor graders (rough), shaft and tunnel equipment (refrigeration, aluher, jumbo foral), trenching machines (all types), pumpcrete and gunite machines, slipform paver, mechanical bulfloats, concrete slab spreading machine, concrete slab finishing machine, asphalt plants, bituminous finishing machines, crushing plants

GROUP IV - Front end loader (2 thru 7 CY), rollers steel wheeled (all types), bulldozers, scrapers, (motor or towed), elevating graders, concrete batching plants, self-propelled rollers, equipped with dozer, twin-bowl scrapers and quad 8 or 9 pushers (35¢ over basic rate), three bowl scrapers (60¢ over basic rate)

GROUP V - Front end loader (over 7 CY thru 10 CY), hydraulic cranes, with less than 50 feet of boom (20 tons and under), concrete paver, double drum, cat cranes, hysters, side and swingboom cats, 2 drum hoist, auto fine grader

GROUP VI - Mucking machines, all types, motor grader (finish), mechanic, welder

GROUP VII - Steam engines, loader (front end over 10 CY)

GROUP VIII - All shovel type equipment; cranes, draglines, backhoes, derricks, guy and stiff leg, pipemobile (No. 2 operator), pile driver, hydraulic cranes (20 tons and over), mine hoist, belt loader ("C.M.I." Type)

GROUP IX - Shovel (wheel type), boring machine (tunnel or shaft mole), pipemobile

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or App. Tr.
ROOFERS	8.00	.25		
SHEET METAL WORKERS:				
Zone 1	10.87	.53	1.00	.12
Zone 2	9.62	.38+.51	.385	.04
Zone 3	8.35	.20		.05
Zone 4	11.87	.53	1.00	.12

SHEET METAL WORKERS ZONE DEFINITIONS

Zone 1 - Bernalillo, Catron, Chaves, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Mori, Quay, Rio Arriba, Roosevelt, Sandoval, San Miguel, Santa Fe, Socorro, Taos, Torrance, Valencia, San Juan

Zone 2 - Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Sierra and Otero Counties

Zone 3 - Bollenman Air Force Base, White Sands and McGregor Range

Zone 4 - Los Alamos County

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or App. Tr.
SPRINKLER FITTERS	11.26	.65	.95	.08
SOFT FLOOR LAYERS:				
Zone 1	8.28	.30	.10	.02
Zone 2	8.25	.35	.40	.02

SOFT FLOOR LAYERS' ZONE DEFINITIONS

Zone 1 - Dona Ana, Luna and Otero Counties

Zone 2 - Statewide (excluding Dona Ana, Luna and Otero Counties)

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation and/or App. Tr.
SOUND INSTALLERS:				
Zone 1	10.10	.60	.38	.18
Zone 2	11.36	.60	.38	.18
Zone 3	13.89	.60	.38	.18
TECHNICIANS				
Zone 1	8.08	.60	.38	.18
Zone 2	9.34	.60	.38	.18
Zone 3	11.87	.60	.38	.18
SOUND INSTALLERS				
Zone 1	6.57	.60	.38	.18
Zone 2	7.83	.60	.38	.18
Zone 3	10.36	.60	.38	.18

SOUND INSTALLERS' ZONE DEFINITIONS

Zone 1 - Thirty mile radius of main post office of Albuquerque

Zone 2 - Remainder of Valencia, Sandoval, Santa Fe, Torrance, and Socorro Counties, the hourly rates of pay shall be increased to twelve and one-half (12½) percent of Journeyman rate of pay for Zone 1.

Zone 3 - Chaves, Curry, Roosevelt, Lincoln, Guadalupe, DeBaca, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Catron, Sierra, Grant, Los Alamos, McKinley Counties, the hourly rates of pay shall be increased by thirty-seven and one-half (37½) percent of the Journeyman rate of pay for Zone 1.

TRUCK DRIVERS CLASSIFICATIONS CONT'D

GROUP IV - Distributor driver; heavy tire repairman; lumber carrier driver; young buggy or similar equipment; transit mix or agitator 2 or 3 axle bobtail equipment; scissor truck; bulk cement bobtail 2 or 3 axle; semi-trailer driver (flat-bed or van single axle); forklift 5 ton and over MOC; field equipment service

GROUP V - Dumpster and dumporeta driver; water, fuel or oil truck, 3,000 to 6,000 gal; lowboys and light equipment driver; euclid type tank wagon under 6,000 gal.

GROUP VI - Vacuum truck; dump trucks (including all highway and off-highway 16 up to 22 C.Y.M.L.C.

GROUP VII - Transit mix or agitator semi or 4 axle equipment driver; flatbed truck type spreader; boom driver; bucket driver; bulk cement driver; driver of double, triple and quad axle trucks; euclid type tank wagon; truck (including all highway and off-highway) 22 CY up to 35 C.Y.M.L.C.; head field equipment service.

GROUP VIII - Euclid diesel power turntable; terra cotta-DW20-Lafayette Pulls to a teamster-lowboy heavy equipment when used to haul materials and assigned 6,000 gal. and over including tank wagon driver; water, fuel or oil trucks (bed or van tandems); light equipment mechanic; dump trucks (including all highway and off-highway) 35 C.Y.M.L.C. and over; truck and trailer or semi-trailer (flatbed); eject all

GROUP IX - Warehousemen including material checker; cardex man; lowboy (heavy equipment double gooseneck); heavy equipment mechanic; welder (body and fender men)

TEAMSTERS classifications not listed shall be paid a rate comparable to classifications listed.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LEAD BURNERS					
AREA I	11.70	.63	1.42		.16
AREA II	12.20	.63	1.42		.16
AREA III	13.45	.63	1.42		.16
AREA IV	12.33	.63	1.42		.16

LEAD BURNERS BASING POINT & AREA DEFINITIONS

BASING POINT CITIES OR TOWNS:

Albuquerque, Alamogordo, Anthony, Artesia, Belen, Carlsbad, Clovis, Deming, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lovington, Pecos, Raton, Socorro, Roswell, Ruidoso, Santa Fe, Silver City, Santa Rosa, Taos, Tucuman and Truth or Consequence.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GENERAL BUILDING CONSTRUCTION					
TRUCK DRIVERS:					
Group 1	6.91	.57	.50		
Group 2	7.03	.57	.50		
Group 3	7.11	.57	.50		
Group 4	7.28	.57	.50		
Group 5	7.38	.57	.50		
Group 6	7.48	.57	.50		
Group 7	7.62	.57	.50		
Group 8	7.77	.57	.50		
Group 9	7.97	.57	.50		
TRUCK DRIVERS (RESIDENTIAL CONST.)					
Group 1	6.61	.57	.50		
Group 2	6.73	.57	.50		
Group 3	6.81	.57	.50		
Group 4	6.93	.57	.50		
Group 5	6.98	.57	.50		
Group 6	7.08	.57	.50		
Group 7	7.18	.57	.50		
Group 8	7.32	.57	.50		
Group 9	7.47	.57	.50		
TRUCK DRIVERS (HEAVY CONST.)					
Group 1	7.11	.57	.50		
Group 2	7.23	.57	.50		
Group 3	7.31	.57	.50		
Group 4	7.44	.57	.50		
Group 5	7.48	.57	.50		
Group 6	7.58	.57	.50		
Group 7	7.68	.57	.50		
Group 8	7.82	.57	.50		
Group 9	7.97	.57	.50		

TRUCK DRIVERS CLASSIFICATION DEFINITIONS (BUILDING, RESIDENTIAL AND HEAVY CONSTRUCTION)

GROUP I - Pickup 3/4 ton and under, service station, including lubrication, light tire repair and washer, sweeper or riding helper, 2 or up

GROUP II - Bus or taxi driver, dump or batch truck under 8 C.M.L.C.; flat bed (bobtail) 2 ton and under; mechanic and welder helper; fork lift under 5 tons MOC.

GROUP III - Dump trucks (including all highway and off highway) 8 up to 16 C.Y.M.L.C.; water, fuel or oil trucks less than 3,000 gal.; flat bed (bobtail) over 2 tons

SUPERSEDED DECISION

STATE, OHIO
DECISION NO. OH78-1002
SUPERSEDES Decision No. OH77-2076, dated May 13, 1977 in 42 FR 24644.
DESCRIPTION OF WORK: Building and Residential Construction

LEAD BURNERS BASING POINT & AREA DEFINITIONS (CONT'D)

AREA I - Shall include a distance of seven road miles inclusive beyond the city or town limits.
AREA II - Shall extend a distance of 4 road miles inclusive beyond the outer perimeter of area I.
AREA III - Shall apply to all areas not within 1 or 2, or not within the specific areas.
AREA IV (SPECIFIC AREA) - Los Alamos, White Rock, South Mesa, McGregor Range, White Sands Missile Range, and/or Proving grounds.

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a - Includes \$0.07 contribution to the Occupational Health Fund
b - 1st 6 months - none; 6 months to 5 years, 6%; over 5 years, 8%; of basic hourly rate.
c - Paid Holidays; A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.74	.45	.70		.02
BOILERMAKERS	12.23	.60	1.10		.03
BRICKLAYERS:					
Mahoning Co. (Smith Twp.)	10.79	.85	.60		.03
Mahoning Co. (Rem. of Co.)	11.44	.60	.60		.02
Trumbull Co.	11.84	.40	.50		.02
CARPENTERS:					
Commercial Building	10.34	1.07	1.00		.04
Residential	9.31	1.07	1.00		.04
CEMENT MASONS:					
Mahoning & Trumbull (Twp. of Hubbard & Liberty) Cos.	10.57	.50	.50		.05
Trumbull (Rem. of Co.) Co.	11.12	.40			.05
ELECTRICIANS:					
Mahoning (Milton Twp.) & Trumbull (Twp.) Cos.	12.59	.60	.70		.70
Mahoning (Austintown, Beaver, Berlin, Broadman, Canfield, Ellsworth, Coltsville, Coahen, Green, Jackson, Poland, Springfield, & Youngstown twps.) & Trumbull (Hubbard & Liberty twps.) Cos.	12.55	.56	.70		.38
Mahoning (Smith Twp.) Co.:					
Commercial Building	11.90	.40	38+.40		.38
Residential (4 units only)	8.05	.40	38+.20		.38
ELEVATOR CONSTRUCTORS:					
Elevator constructors	11.75	.745	.56	48+8+b	.035
Helpers	704JR	.745	.56	48+8+b	.035
GLAZIERS	504JR	.40	.20		
IRONWORKERS:					
Ornamental; Reinforcing; & Structural	11.76	.40	1.15		.07
Sheeters	12.26	.40	1.15		.07
Bucker-up	11.885	.40	1.15		.07

STATE: Ohio
COUNTIES: Fulton & Lucas
DECISION NO.: OH78-2003
DATE: Date of Publication
Supercedes Decision No. OH77-2073, dated May 13, 1977 in 42 FR 24642.
DESCRIPTION OF WORK: Building and Residential Construction

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$12.43	.50	1.20			.04
BOILERMAKERS	13.10	.70	1.00			.03
BRICKLAYERS; Marble setters; & Stonemasons:						
Fulton (Twp. of Amboy, Swan Creek & Fulton); & Lucas Co. (Remainder of Co.):	12.155	.93	.90			.01
Commercial:	11.72	.93				
Residential:	9.38	.93				
CARPENTERS; Millwrights; & Pile drivers:	12.12	.93	.75			.05
CEMENT MASONS:	13.34	.60				.02
Commercial:	13.00	.65	3 1/2 .55			.11
Residential:	7.15	.65	3 1/2 .55			.11
ELEVATOR CONSTRUCTORS:	12.355	.745	.56	4 1/2 + .5		.035
Helper:	70 1/2 JR	.745	.56	4 1/2 + .5		.035
GLAZIERS	10.525	.50	.85			.01
IRONWORKERS	12.30	.93	1.11			.05
LATHERS	12.38	.93	.10			.01
LINE CONSTRUCTION:						
Linenmen	13.11	.50	3 1/2	C		1 1/2
Cable Splicers	13.36	.50	3 1/2	C		1 1/2
PAINTERS:						
Brush; drywall tapers; Paper-hangers	10.49	.65	.70			
Bridger Railings; Powerhouses; Refinery tanks	11.04	.65	.70			
Sandblasting; spray; Pressure cleaning	11.04	.65	.70			
PLASTERERS	13.00	.60				.01
PLUMBERS; Steamfitters; Pipe-fitters	12.83	.80	.85			.09
ROOFERS	12.11	.93	.85			.02
SHOE METAL WORKERS	12.195	.93	1.15			.045
SOFT FLOOR LAYERS:						
Commercial:	10.90	.93	.50			.04
Residential:	10.30	.93	.50			.04
SPRINKLER FITTERS	12.30	.65	.95			.08
TERRAZZO WORKERS; Tile setters	11.81	.93	.50			
TERRAZZO WORKERS; FINISHERS; & Tile setters; finishers	10.10	.65	.40	.50		

DECISION NO. OH78-2003

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- Seven paid holidays: A through F, & Day after Thanksgiving
- Employer contributes 6% of regular hourly rate to vacation pay credit for employees who have worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employees who have worked in business less than 5 years.
- Ten paid holidays: A through F, Good Friday, Day after Thanksgiving Day, Christmas Eve, & New Year's Eve.

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
LABORERS:						
Fulton County:	8.52	.55	.40			
Unskilled laborers	8.64	.55	.40			
Mason tenders; Gunite pot men						
All power driven tools & buggies; burners; torchmen; plasterers for concrete pump	8.665	.55	.40			
Plasterers for concrete pump	8.695	.55	.40			
Nozzle operators for gunite work	9.17	.55	.40			
Bellevue Bottom men; Brick expeditor	8.755	.55	.40			
Lucas County:						
Unskilled laborers	10.61	.55	.40			.01
Mason Tenders	10.74	.55	.40			.01
Gunite pot men; Mortar mixers	10.81	.55	.40			.01
Concrete pump nozzle men; All power driven tools; Power buggies	10.765	.55	.40			.01
Pipe layers; Bellmen; Bottom men for fire brick work only	10.865	.55	.40			.01
Nozzle operators for gunite work	11.52	.55	.40			.01

DECISION NO. OH78-2003

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP A	12.09	.61	1.00			.11
GROUP B	11.93	.61	1.00			.11
GROUP C	11.77	.61	1.00			.11
GROUP D	10.79	.61	1.00			.11
GROUP E	10.44	.61	1.00			.11
GROUP F	8.73	.61	1.00			.11

GROUP A - A-frames; rotary drills used on caisson work for foundations and sub-structure work; boiler or compressor operator mounted on crane (playback operation); boom truck (all types); cableways; cherry pickers; combination concrete mixer and tower; concrete pumps; cranes (all types); derricks (all types); draglines; dredge (dipper, clam or suction) 3 man crew; elevating grader or euclid loader; floating equipment; gradalls, helicopter operator and helicopter winch operator when hoisting building materials; hoas (all types); hoisting engines (two or more drums); lift slab or panel jack operator; locomotives (all types); maintenance engineer (mechanic or welder); mixers paving (multiple drum); mobile concrete pumps with boom; panelboard (all types on site); pile driver; power shovel; side booms; slip form pavers; straddle carriers (building construction on site); hammerhead tower cranes; trench machines (over 24" wide); tug boat.

GROUP B - Asphalt paver; bulldozer; C.M.I type equipment; endloaders; Kohman type loaders (dirt loading); lead grasseman; mucking machines; power grader; power scoops; power scrapers; push cat.

GROUP C - Air compressor (pressurizing shafts or tunnels); asphalt rollers; fork lifts; hoist (one drum); house elevators; man lift; power boilers (over 15 lbs. pressure); pump operators installing well points or other type of dewatering system; pumps (4" and over discharge); submersible pumps (4" and over discharge); trenchers 24" and under.

GROUP D - Compressors on building construction; conveyors (building material) generators; gunite machines; mixers (capacity more than one bag); mixers (one bag capacity, slide loader); post driver; post hole digger; pavementator. (hydraulic or cable) road widening trencher; roller; installing machines; GROUP E - Hydraulic tampers; Bacon Plant; concrete pump; concrete spreading machine; bullfloat; brick and block layers; concrete spreaders; concrete spreading mach.; crushers; deck hand; drum firmers (asphalt); farm type tractors pulling attachments; finishing machines; form trenchers; high pressure pumps over 4" discharges; hydro needlers; self-propelled power spreader; self-propelled sub-grader; tire repairmen; tractors pulling sheep's foot roller or grader; vibratory compactors (with integral power).

GROUP F - Oiler; helper; signalman; inboard & outboard motor boat launch; light plant operator; power driven heaters (oil fired); power boilers (less than 15 lbs. pressure); pumps under 4" discharge; submersible pumps under 4" discharge.

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS:						
Ashtabula (Cities of Ashtabula & Geneva), Cuyahoga, Lake, & Lorain Cos.	\$13.93	.45	.70			.02
Ashtabula (Rem. of Co.)	10.71	.55	.80			.02
Remaining Cos.	12.15	.60	1.10			.03
BOILERMAKERS						
BRICKLAYERS; Stonemasons:	11.21	.60	.50			.01
Ashtabula Co.	12.05	1.00	1.00			.01
Cuyahoga Co.	12.37	.60	.80			.01
Lake Co.	12.20	.60	.40			.01
Lorain Co.						
Portage & Summit Cos.:						
Commercial Construction	11.61	.73	.55			.02
Residential Construction	9.61	.73	.55			.02
Stark Co.	10.79	.85	.60			.01
CARPENTERS; Millwrights:						
Pile drivers; Soft Floor Layers:						
Ashtabula, Cuyahoga, & Lake Cos.	12.10	.77	1.25			.03
Carpenters; Soft Floor Layers	11.95	.77	1.40			.03
Millwrights	12.10	.77	1.25			.03
Pile drivers						
Portage & Summit Cos.:						
Carpenters	11.55	.50	.70			.03
Millwrights	11.95	.77	1.40			.03
Pile drivers	12.10	.77	1.25			.03
Soft Floor Layers	10.40	.40	.70			.03
Stark Co.:						
Carpenters	10.28	.50	.50			.02
Millwrights; Pile drivers	10.36	.50	.50			.02
Soft Floor Layers	10.11	.50	.50			.02
Lorain Co.:						
Soft Floor Layers	10.66	.70	1.00	a		.04
Millwrights; Pile drivers				a		.04
CEMENT MASONS:						
Ashtabula Co.	11.21	.60	.50			.01
Cuyahoga Co.	13.73	.60	.80			.01
Lake Co.	12.37	.60	.40			.01
Lorain Co.	12.20	.60	.75			.01
Portage, Stark, & Summit Cos.:						
Commercial Construction	10.69	.60	.75			.01
Residential Construction (excluding Stark Co.)	9.72	.60	.75			.01

DECISION NO. OH78-2004

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
PLASTERERS:					
Ashtabula Co.	\$11.21	.60	.50		.01
Cuyahoga Co.	14.03				
Lorain Co.	12.37	.60	.80		
Portage, Stark, & Summit Cos.	12.20	.60	.40		.01
PLUMBERS:	10.56	.60	.75		.01
Ashtabula, Cuyahoga, Lake, & Summit (No. of Rte. #303) Cos.	12.28	.75	1.00		.02
Lorain Co.	12.25	.60	.88		.05
Portage & Summit (So. of Rte. #303) Cos.	11.46	.79	.90		.05
Stark Co.	11.42	.45	.55	e	.05
ROOFERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	13.18	.25	.50		.02
Portage, Stark, & Summit Cos.	11.18	.73	.55		
SHEET METAL WORKERS:					
Ashtabula, Cuyahoga, & Lake Cos.	12.20	.60	1.13		.04
Lorain Co.	12.68	.60	.80		.04
Portage, Stark, & Summit Cos.	10.91	.61	.84		.05
SPRINKLER FITTERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	11.42	1.05	.80		.05
Lake, Portage, Stark, & Summit Cos.	12.30	.65	.95		.08
STEAMFITTERS:					
Lorain Co.	12.25	.60	.88		.05
TERRAZZO WORKERS:					
Ashtabula Co.	11.21	.60	.50		.01
Cuyahoga Co.	12.05	1.00	1.00		
Lake Co.	12.37	.60	.80		.01
Lorain Co.	12.20	.60	.40		
Portage & Summit Cos.	10.55	.68	.50		
Stark Co.					
Terrazzo Workers	9.05	.70	.45		
TERRAZZO GRINDERS:	8.52	.70	.45		
TERRAZZO WORKERS' FINISHERS:	12.12		.85		
Cuyahoga, Lake, & Lorain Cos.	10.05	.68	.25		
Portage & Summit Cos.	8.09	.70	.45		
Stark Co.					

DECISION NO. OH78-2004

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
TILE SETTERS:					
Ashtabula Co.	11.21	.60	.50		
Cuyahoga Co.	13.55		1.36		
Lake Co.	12.37	.60	.80		.01
Lorain Co.	12.20	.60	.40		
Portage, Stark, & Summit Cos.	10.56	.68	.50		.45
Stark Co.	8.34	.70			
TILE SETTERS' FINISHERS:					
Ashtabula, Cuyahoga, Lake, & Lorain Cos.	11.94		1.00		
Portage & Summit Cos.	10.05	.68	.50		
Stark Co.	8.09	.70	.45		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. 2 paid holidays: B & D
b. 7 paid holidays: A through F, 6 Day after Thanksgiving
c. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
e. 1 paid holiday: D providing the employee has worked 5 consecutive days before and after the holiday.

LABORERS (Ashtabula County):
Sheeting & Shoring Men; Asphalt
Rakers & Tampers; Dumpmen
(Batch Truck); Signalmen;
Concrete Workers; Building
Wreckers; Tool Checkers;
Carpenters' Tenders; Con-
struction Laborers; All work
not mentioned in classifica-
tions below to be paid at the
rate of construction laborers

9.95

NOTICES

DECISION NO. OH78-2004

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS (CONT'D):					
Spreaders Box Men (asphalt); Stone Masons' Assistant; Plasterers or Mortar Mixers; Air & Hydraulic Driven Tool op.; Industrial Saver Cleaners; Men Sewer Pipe Layers; Boltmen (6' & over); Power Driven Wheelbarrows & Sweepers; Brick Batter & Droppers; Burning & Cutting Torches; Mud Jacking of floors Stackmen; Swingging Scaffold men Tunnel Laborers Gunite ops. Power Blasters LABORERS (Cuyahoga County): Construction Sewer & Utility; Power Driven Tools & Vibrators Jackhammer; Acetylene Burners; Scaffolding Gunite ops.; Blasters; Shooters; Caissons; Wall Cylinders; Mine Workers w/o air; & Cofferdams Topman on free standing radial stack LABORERS (Lake County): Building & Construction Gunite op.; Blasters & Shooters; Caissons; Wells; Cylinder cof- ferdams; Mine Workers w/o air; Swing Scaffolds; Acetylene Burners; Vibrators; Top man on free standing radial stacks; Slip forms higher than 30'; Fire Brick Tenders	10.10				
	10.15				
	10.25				
	10.35				
	10.45				
	10.50				
	9.97	1.27	1.20		
	10.12	1.27	1.20		
	10.17	1.27	1.20		
	10.22	1.27	1.20		
	10.29	1.27	1.20		
	10.47	1.27	1.20		
	9.80	.55	.40		
	10.05	.55	.40		

DECISION NO. OH78-2004

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LABORERS (Lorain County):					
Building & Construction; Signalmen; Flagmen; Tool Crib; Carpenter Tender; Finisher Tender; Concrete Handler; Guard Rail Erector Bottom Men; Scaffold Builder; Tunnel Laborers; Pipelayers; Air & Power Driven Tools; Burner on demolition work; Swinging Scaffold; Mucker; Caisson Worker; Cofferdam Worker; Powder Men & Dynamite Blasters; Concrete Workers; Mortar Mixers; Form Men; Shotcrete Men; Plasterers; Tenders; Rod Car- rier; Laser Beam set up man Gunite Operator LABORERS (Portage & Summit Cos.): Residential Construction Common Laborers; Welders' Helpers; Carpenters' Tenders; Landscape Laborers; Mason Tender; Concrete Bucket Tender Air Driven Boring Machine; Tampe ops.; Asphalt Raker; Paving Bed Maker; Material Mixer; Wire Mesh Handler; Hook-up man on demolition work; Scaffold Erector; Structural Precast Erector; Tower Tools-Air, Gas, or elec- tric Pipe Layers; Rock Drillers; Muckers-Tunnel; Burners; Form Setters; Power Snags; Jackhammer; Barco Type Tampers; Bottom man; Rod Carrier; Power Huggy or Power Wheelbarrow	9.53	.65	.55		.10
	9.73	.65	.55		.10
	10.13	.65	.55		.10
	8.22	.65	.40		.16
	10.27	.65	.40		.16
	9.97	.65	.40		.16
	9.92	.65	.40		.16

NOTICES

DECISION NO. OH78-2004

	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D)					
Gunite Nozzlemen; Tunnel Miners	9.77	.65	.40		.16
Water Line Caulkers; Dynamite Men; Pump Hose Nozzlemen					
LABORERS (Stark County):					
Building & Construction; Signal Men; Flagmen; Tool Craftsmen; Carpenters; Enders; Trenchers; Concrete Handlers; Utility Construction Laborers; Guard Rail Erector	8.41	.65	.55		.10
Bottom Men; Scaffold Builder; Tunnel Laborers; Pipe Layers; Air & Power Driven Tools; Burner on demolition; Swinging Scaffold; Mucker; Calison Workers; Cofferdam Workers; Powder Workers; Mortar Blaster; Creosote Settlers; Mason Tenders; Plasterers; Tenders; Rod Carrier; Laser Beam Set-up Men					
POWER EQUIPMENT OPERATORS:					
Ashland Co.; Cuyahoga, Lake, & Lorain Cos.:	8.61	.65	.55		.10
GROUP A	12.37	.61	1.00		.11
GROUP B	12.22	.61	1.00		.11
GROUP C	11.87	.61	1.00		.11
GROUP D	11.09	.61	1.00		.11
GROUP E	10.77	.61	1.00		.11
GROUP F	9.09	.61	1.00		.11
Portage, Stark, & Summit Cos.:					
GROUP A	12.09	.61	1.00		.11
GROUP B	11.93	.61	1.00		.11
GROUP C	11.58	.61	1.00		.11
GROUP D	10.77	.61	1.00		.11
GROUP E	10.44	.61	1.00		.11
GROUP F	8.73	.61	1.00		.11

DECISION NO. OH78-2004

GROUP A - A-Frames; All rotary drills used on caisson work for foundations & sub-structure work; Boiler op. or compressor op. when compressor or boiler is mounted on crane (piggyback operation); Boom trucks (all types); Cableways; cherry pickers; Combination concrete mixer & tower; Concrete pumps; Cranes (all types); Derricks (all types); Draglines; Elevating grader or Euclid loader; Floating equipment; Graders; Gravel spreader op. (existing building materials); Helicopters; Hydraulic excavators; Hydraulic lift trucks; Jacking equipment; Locomotives (all types); Maintenance engineer; Mechanical or welder; Mixer paving (multiple drum); Mobile concrete pumps with boom; Panelboard (all types on site); Pile driver; Power shovels; Side booms; Slip form pavers; Stredle carriers (building construction site); Tower derricks; Trench machines (over 24" wide)

GROUP B - Asphalt paver; Bulldozers; CMI type equipment; Endloaders; Kohman type loaders (dirt loading); Hucking machines; Power graders; Power scoops; Power scrapers; Push cats

GROUP C - Air compressor (pressurizing shafts or tunnels); All asphalt rollers; Fork lifts; Hoist (one drum); House elevators; Man lift; Power boiler (over 15 lbs., pressure); Pump op. installing or operating well points or other type of dewatering system; Pumps (4" & over discharge); Submersible pumps (4" & over discharge); Trenchers (24" & under)

GROUP D - Compressors on building construction; Conveyors (building material); Gunite machines; Mixers (concrete); Pipe layers; Rollers (all types); Roller mixers; Road graders; Road rollers; Road rollers; Roller operator

GROUP E - Backfillers and tamper; Batch plant; Bar & joint installing machines; Bull floats; Burlap & curing machines; Claspings; Concrete spreading machines; Crushers; Drum (sieve) asphalt; Farm type tractors (pulling attachments); Finishing machines; Form trenchers; High pressure pumps (over 1/2" discharge); Hydro seeders; Self-propelled power spreader; Self-propelled subgrader; Tractors (pulling sheep foot roller or grader); Tire repairman; Vibratory compactors (with integral power)

GROUP F - Oilier; Helpers; Signalman; Light plant op.; Power driven heaters (oil fired); Power boilers (less than 15 lbs. pressure); Submersible pumps (under 4" discharge); Pumps (under 4" discharge)

STATE: OHIO

DECISION NO.: OH78-2005
 DATE: Date of Publication
 Supersedes Decision No. OH77-2133, dated September 2, 1977 in 42 FR 44477
 DESCRIPTION OF WORK: Building Construction (Does not include single family homes and garden type apartments up to and including 4 stories).

*ASHLAND, CARROLL, COLUMBIANA, COSHOCTON, HOLMES, MEDINA, TUSCARAWAS, & WAYNE

	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Ashland, Coshocton, Holmes, Medina, Tuscarawas & Wayne Cos.	\$12.135	.55	.80		.02
Carpenters; Masons; Stone masons; Columbus Co.:	10.74	.45	.70		.02
BRICKLAYERS:					
Ashland Co.	13.10	.70	1.00		.03
Carroll, Coshocton, Holmes, Medina, Tuscarawas, & Wayne Cos.	12.23	.60	1.10		.03
Columbiana Co.	9.815	.75	.75		.01
BRICKLAYERS; Marble Setters; Stonemasons; Terrazzo Workers; & Tile Setters:					
Ashland, Holmes & Wayne (except Milton & Chippewa Twp.) Cos.	10.63	.60	1.00		.02
Carroll, Columbiana (Twp. of Knox, Butler, West & Hanover), & Tuscarawas Cos.:					
Bricklayers; Stonemasons; Marble Setters; Terrazzo Workers; Tile Setters	10.79	.85	.60		.01
Columbiana Co.	9.05	.70	.45		.01
Columbiana Co.:	8.94	.70	.45		.01
BRICKLAYERS (Twp. of Center, Elk Run, Fairfield, Middletown, New Waterford, Perry, Salem, & Unity) Co.:	11.54	.60	.60		.02
Bricklayers; Stonemasons; Marble Setters; Terrazzo Workers; & Tile Setters	12.305	.60	.50		.02
Columbiana (Rem. of Co.) Co.	10.30	.60	.50		.02
Coshocton Co.	10.33	.60	.50		.02
Medina (Twp. of Hinckley, Grand, Brunswick, Medina, Liverpool, Montville, & York) Co.:					
Bricklayers; Marble Setters; Stonemasons; & Terrazzo Workers; Tile Setters	12.05	1.00	1.00		.01
Tuscarawas Cos.	13.555	1.36	1.36		.01

Page 2

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	Basic Hourly Rate	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Medina (Twp. of Wadsworth, Guilford, Westfield, Lafayette, & Sharon) & Wayne (Chippewa & Milton Twp.) Cos.:	\$11.61	.73	.55		.02
Bricklayers; Stonemasons; Marble Setters; Terrazzo Workers; & Tile Setters	10.55	.68	.50		.03
Medina (Twp. of Litchfield, Chatham, Harrisville, Homer, & Spencer) Co.	12.20		.40		.01
CARPENTERS; Millwrights; Piledrivers; & Soft Floor Layers:					
Ashland Co.:	10.66	.70	1.00		.04
Carpenters; Soft Floor Layers	11.95	.77	1.40		.03
Millwrights	12.10	.77	1.25		.03
Piledrivers					
Carroll, Tuscarawas, & Wayne Cos.:					
Carpenters	10.28	.50	.50		.02
Millwrights	10.76	.50	.50		.02
Soft Floor Layers	10.11	.50	.50		.02
Columbiana Co.:					
Carpenters	10.05	.87	.85		.02
Millwrights	10.93	.55	.62		.02
Piledrivers	11.15	.55	.62		.02
Soft Floor Layers	9.85	.87	.85		.02
Coshocton & Holmes Cos.:					
Carpenters; Soft Floor Layers	10.14	.53	.70		.02
Millwrights	10.79	.53	.70		.02
Piledrivers	10.79	.53	.70		.02
Medina Co.:					
Carpenters	11.55	.50	.70		.03
Millwrights	11.95	.77	1.40		.03
Piledrivers	12.10	.77	1.25		.03
Soft Floor Layers	10.40	.40	.70		.03
CEMENT MASONS; Plasterers:					
Ashland Co.:	10.55				.01
Cement Masons	10.45				.01
Plasterers	10.79	.85	.60		.01
Carroll & Tuscarawas Cos.					

DECISION NO. OH78-2005

POWER EQUIPMENT OPERATORS
Columbiana Co.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS I	\$12.01	.65	.80		.14
CLASS II	11.32	.65	.80		.14
CLASS III	10.66	.65	.80		.14
CLASS IV	10.77	.65	.80		.14
CLASS V	10.17	.65	.80		.14
CLASS VI	12.28	.65	.80		.14

CLASS I - Asphalt plover heater; Austin western & similar type; Backhoe;
Batch plant-central mix; Batch plant-portable concrete; Best-bug;
autotier; Backfiller w/drag attachment; Bost dorrick; Bost-bug;
Bost mach. attached to tractor; Bulclom Bulldozer; C.M.I. road
Builder & similar types; Cable placer & layer; Carrier-straddle; Carryall -
Builder or scoop; Chicago boom; Compactor w/blade attached; Concrete
scraper; finisher; cobble; Crane; Crane-stationary or climbing; Crane-
excavator; overboard; Crane-side boom; Crane truck; Crane-tower;
Electric boom; Derrick-car; Digora-wheel (not trencher or road widener);
Derrick; Drag line; Dresser; drill-kenny or similar type; Electromatic;
Ditch digger; Frankle pilot; Grapple; Grader-power; Gurry; Gurry-self-propelled;
High lift; Hoist-mech.; Hoist-stationary & mobile tractor; Hoist-2 or 3;
Hoist; Jumbo mach.; Kool or Kuhlman land-scaping vehicle; Loader -
excavator; Loader-front end; Locomotive; Mechanic as welder; Retro clip
harvester w/boom; Mucking mach.; Paver-asphalt finishing mach.; Paver-
road concrete; Paver-dip form; Placecrete machine; Regulator-
driven hydraulic pump & jacks; Pumpcrete machine; Regulator-
ballast; Reids-drilling; Shovel; Spkometer; Stonecutter; Tilt puller
& loader; tie tamper; Tractor-double boom; tractor w/attachments; Trucks-
boom; Truck-tire-assigned to job; Trench mach.; Tunnel machine (Mark 21
Jawa or similar); Whilley

CLASS II - Asphalt plant; bending machine; Boring mach.; Chip harvester
w/o boom; cleaning mach.- pipeline type; Coating mach-pipeline type;
Concrete spreader; Elevator; Fork lift-truck; Gravel placer or asphalt;
Grease truck op.; Grout pump; Guniting mach.; Truck bolting mach.;
Hydraulic scaffold; Paving breaker; Pipe dream; Pot filer; Power
broom; Refrigeration plant; Suction derrick; Sodding mach.; Self-
propelled mobile vibrator compactor or roller; Hoist-single drum;
Soil stabilizer (pump type); Spray cure Mach.-Self propelled; Straw
blower mach.; Sub-grader; Tube finisher or broom C.M.I. or similar type;
Tugger hoist

DECISION NO. OH78-2005

CLASS III - Batch plant-job related; Boiler op.; Compressor (125 CFM or over);
Curb builder (self-propelled); Generator-steam; Jack-hydraulic driven;
Mixer-concrete; Mulching Mach.; Pin puller; Pulverizer; Pump; Road
finishing mach. (pully type); roller; Saw-concrete-self propelled;
signal man; spray cure mach.-motor powered; Spreader (side driver
shoulder attachment); Tractor; Trencher-form; Water blaster
CLASS IV - Brake man; Compressor under 125 CFM; Conveyor; 12 feet
or under other than servicing bricklayers; Deck hand; Drill wagon; fireman;
Generator sets; Heaters-portable power (2 to 5); Helper-mechanic; Jacks
Hydraulic (railroad); Ladder; Roller (walk behind 1 ton or over); Steam
Jenny; Syphons; Vibrator-gasoline; Welding machines (2) (fuel burning)

CLASS V - Oiler

CLASS VI - Rigs-pile driving or caisson type

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LINE CONSTRUCTION:					
Ashland Co.:	\$11.50	.45	3% + .50		1/2
Equipment operators: Linemen	7.48	.45	3% + .50		1/2
Lion truck drivers	6.90	.45	3% + .50		1/2
Groundman					
Carroll (S. of Fox, Harrison, Rose, & Washington Tps.) Co.:					
Linemen: Line equipment ops.:					
& truck drivers	12.95	6%	9%	8%	1/2
Groundman	8.42	6%	9%	8%	1/2
Cable applier	13.35	6%	9%	8%	1/2
Carroll (Rem. of Co.), Columbus (Knox Twp.), Holmes, Tuscarawas (N. of Auburn, Clay, Rush, & York Tps.), & Wayne (S. of Baughman, Chester, Green, & Wayne Tps.) Co.:					
Cable splicers: Linemen	11.90	.40	3% + .40		1/2
Line equipment operators	10.60	.40	3% + .40		1/2
Groundmen:					
Under 1 yr's experience	7.05	.40	3% + .40		1/2
Over 1 yr's experience	7.50	.40	3% + .40		1/2
Truck drivers	7.95	.40	3% + .40		1/2

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 29—FRIDAY, FEBRUARY 10, 1978

DECISION NO. OH78-2005

Columbiana Co. (Rem. of Co.):
Linemen: Heavy equipment
Operator
Groundmen: Truck drivers
Cable splicers
Columbiana (Butler, Fairfield,
Perry, Salem, & Unity Tps.)
Co.:

Linemen: Cable splicers;
Operator - pole digging
equipment
Groundman 1st 6 mos.
Groundman 2nd 6 mos.
Groundman 3rd yr.
Groundman over 3 yrs.
Construction & Tuscawawa (Rem. of
Co.) Co.:

Cable splicers: Linemen;
Equipment ops.
Groundmen:
0 - 6 mos.
After 6 mos.
After 12 mos.
After 18 mos.
Medina (Nw part) Co.:

Linemen: Cable splicers;
Equipment ops.
Beginning truck driver ground-
man; Beginning groundman
Advanced truck driver (winch)
groundman; Groundman (over 2
years' experience)
Medina (Rem. of Co.), & Wayne
(N 1/2 of Co.):

Linemen
Cable applier
Truck drivers; Groundmen
Equipment operators

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.03	8%	7%		1/2
9.97	8%	7%		1/2
11.43	8%	7%		1/2
13.23	.45	3%		1/2
6.62	.45	3%		1/2
7.94	.45	3%		1/2
9.46	.45	3%		1/2
9.42	.45	3%		1/2
10.58	.45	3%		1/2
11.43	.35	3%		1/2
5.92	.35	3%		1/2
6.30	.35	3%		1/2
6.72	.35	3%		1/2
7.11	.35	3%		1/2
12.50	.60	3% + .80		1/2
5.96	.60	3% + .80		1/2
7.04	.60	3% + .80		1/2
12.08	.57	3% + .65		1/2
12.88	.57	3% + .65		1/2
6.04	.57	3% + .65		1/2
9.06	.57	3% + .65		1/2

[FR Doc. 78-3457 Filed 2-9-78; 8:45 am]

NOTICES

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FEDERAL REGISTER, VOL. 43, NO. 29—FRIDAY, FEBRUARY 10, 1978

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FRIDAY, FEBRUARY 10, 1978
PART IV



DEPARTMENT OF
STATE

FISHERY
CONSERVATION AND
MANAGEMENT ACT
OF 1976

Applications for Permits To Fish
Off Coasts of U.S.

6008

NOTICES

[4710-01]

DEPARTMENT OF STATE

[Public Notice 592]

FISHERY CONSERVATION AND MANAGEMENT
ACT OF 1976Applications for Permits To Fish Off the Coasts
of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after Febru-

ary 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional applications for fishing during 1978 have been received from the Governments of Korea, Japan and Mexico and are published herewith.

Dated: February 6, 1978.

DONALD J. YELLMAN,
Acting Director,
Office of Fisheries Affairs.

NOTICES

6009

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0025

1. Name of Vessel ESPAÑOL I 2. Vessel Identifier (Call Sign) XCAL
3. Type of Vessel STERN TRAWLER 4. Length 45 mts.
5. Gross Tonnage 489 6. Net Tonnage 220 7. Speed (knots) 13
8. Owner's Name and Address COMPANIA IMPULSORA DEL CALAVAR, S.A.
CALLE 20/25 CIUDAD DEL CARMEN, CAMPECHE, MEXICO
9. Types of Processing Equipment FREELER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Catching	Processing	Other Support
N W A	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
N W A	SHORT-FINNED SQUID	BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. MX-78-0026

1. Name of Vessel FARFALLEIRO 2. Vessel Identifier (Call Sign) XCAZ
3. Type of Vessel STERN TRAWLER 4. Length 79 mts.
5. Gross Tonnage 1,330 6. Net Tonnage 775 7. Speed (knots) 15
8. Owner's Name and Address DESCARDOES DE MEXICO, S.A. DE C.V.
AV. TROTSKY 198, MATATLAN, SINALOA
9. Types of Processing Equipment FLASH FREEZER, HEADER, Eviscerator,
FILLETER, FISH MEAL PLANT, COD LIVER OIL PLANT.

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Catching	Processing	Other Support
N W A	LONG-FINNED SQUID	BOTTOM TRAWL	X	X	
N W A	SHORT-FINNED SQUID	BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. JA-78-0091

1. Name of Vessel EBISU MARU NO.21 2. Vessel Identifier (Call Sign) JROU
3. Type of Vessel DANISH SEINER 4. Length 32 M.
5. Gross Tonnage 124 M.T. 6. Net Tonnage 42 M.T. 7. Speed (knots) 12 KT.
8. Owner's Name and Address KARUHO SUISEN CO., LTD.
3-7-5, SHIKINAI, OTARU-CITY, HOKKAIDO, JAPAN
9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Catching	Processing	Other Support
BSA	POLLOCK	BOTTOM TRAWL	X	X	
	PACIFIC OCEAN PERCH	BOTTOM TRAWL	X	X	
	PACIFIC COD	BOTTOM TRAWL	X	X	
	YELLOWFIN SOLE	BOTTOM TRAWL	X	X	
	OTHER FLOWERS	BOTTOM TRAWL	X	X	
	SABLE FISH	BOTTOM TRAWL	X	X	
	HERRING	BOTTOM TRAWL	X	X	
	SQUID	BOTTOM TRAWL	X	X	
	OTHER SPECIES	BOTTOM TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

NO. JA-78-0200

1. Name of Vessel TEIKU MARU NO.21 2. Vessel Identifier (Call Sign) JDPH
3. Type of Vessel DANISH SEINER 4. Length 30 M.
5. Gross Tonnage 125 M.T. 6. Net Tonnage 44 M.T. 7. Speed (knots) 13
8. Owner's Name and Address ISE GYOGEI CO., LTD.
12-3, NISHIKIJO, OTARU-CITY, HOKKAIDO, JAPAN
9. Types of Processing Equipment -

10. Fisheries for Which Permit is Requested:

Fishery	Target Species	Gear To Be Used	Catching	Processing	Other Support
BSA	POLLOCK	BOTTOM TRAWL	X		
	SABLEFISH	BOTTOM TRAWL	X		
	PACIFIC COD	BOTTOM TRAWL	X		
	YELLOWFIN SOLE	BOTTOM TRAWL	X		
	OTHER FLOWERS	BOTTOM TRAWL	X		
	HERRING	BOTTOM TRAWL	X		
	PACIFIC OCEAN PERCH	BOTTOM TRAWL	X		
	SQUID	BOTTOM TRAWL	X		
	OTHER SPECIES	BOTTOM TRAWL	X		

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-2012

1. Name of Vessel RIKYU MARU NO. 2 2. Visual Identif. J P Z H
3. Type of Vessel CANOE/TINN PONT 4. Length 20 M
5. Gross Tonnage 1044 M.T. 6. Net Tonnage 758 M.T. 7. Speed (knots) 12
8. Owner's Name and Address TSUTSUKI KATUN YOUN KAISHA
9-11, YUJI 4 CHOME, YAMATO, SHIZUOKA-KEN
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
ISA	POLLOCK PACIFIC COD YELLOWFIN SOLE SABLEFISH HERRING OTHER FLOUNDER SQUID OTHER SPECIES PACIFIC OCEAN PERCH				X X X X X X X X X
GOA	POLLOCK PACIFIC COD FLOUNDER PACIFIC OCEAN PERCH OTHER ROCKFISH SQUID ATKA HERRING OTHER SPECIES				X X X X X X X X
SBL	SABLEFISH				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-2013

1. Name of Vessel NISSHO MARU 2. Visual Identif. JMTS
3. Type of Vessel CARGO/TRANSPORT 4. Length 91 M
5. Gross Tonnage 2,350 M.T. 6. Net Tonnage 1,350 M.T. 7. Speed (knots) 13
8. Owner's Name and Address KIYOSUNA KATUN CO., LTD.
1420-1, TSUJII, HOKO-SHI, ENRIE-KEN, 709-24, JAPAN
9. Types of Processing Equipment

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
ISA	POLLOCK PACIFIC OCEAN PERCH SABLEFISH YELLOWFIN SOLE OTHER FLOUNDER PACIFIC COD OTHER SPECIES HERRING SQUID				X X X X X X X X X
GOA	POLLOCK PACIFIC COD FLOUNDER PACIFIC OCEAN PERCH OTHER ROCKFISH OTHER SPECIES SQUID ATKA HERRING				X X X X X X X X
CRB	TANNER CRAB				X
SBL	SABLEFISH				X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-0432

1. Name of Vessel KAIYO MARU NO. 8 2. Visual Identif. J P J X
3. Type of Vessel LONGLINER/POT 4. Length 51.0 M
5. Gross Tonnage 500 M.T. 6. Net Tonnage 253 M.T. 7. Speed (knots) 11.0 KT
8. Owner's Name and Address KAIYO GYOKYO KABUSHIKI KAISHA
1-1 ISHIMIZO MACHI, ISHIMIZO-SHI, NIIGATA-KEN, JAPAN
9. Types of Processing Equipment FLASH FREEZER, SHELL STRIPPER, COOKER,
SNAIL SHELL BREAKER
10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CRB	TANNER CRAB	TRAPS (POTS)	X	X	
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-0810

1. Name of Vessel SUE MARU NO. 11 2. Visual Identif. JOGB
3. Type of Vessel LONGLINER/POT 4. Length 38 M
5. Gross Tonnage 254 M.T. 6. Net Tonnage 133 M.T. 7. Speed (knots) 10
8. Owner's Name and Address OSAKA GYOKYO KABUSHIKI KAISHA
1-31, YAYOI-CHO, NEMURO-CITY, HOKKAIDO, JAPAN
9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER
10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-0812

1. Name of Vessel KOYO MARU NO. 3 2. Visual Identif. B L Y D
3. Type of Vessel LONGLINER / POT 4. Length 43.30 M
5. Gross Tonnage 249 M.T. 6. Net Tonnage 150 M.T. 7. Speed (knots) 11.0 KT
8. Owner's Name and Address HAKODATE KOYO GYOKYO CO., LTD.
13-19, OMACHI, HAKODATE, HOKKAIDO, JAPAN
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CRB	TANNER CRAB	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-0815

1. Name of Vessel KYOHA MARU NO. 7 2. Visual Identif. J L F H
3. Type of Vessel LONGLINER/POT 4. Length 46.05 M
5. Gross Tonnage 300 M.T. 6. Net Tonnage 215 M.T. 7. Speed (knots) 10.0 KT
8. Owner's Name and Address TOYAMA KEN KEISONSHI-SHIMIZU GYOKYO KYODOKUNINAI
2-1, KUROBE-SHI, TOYAMA-KEN, JAPAN
9. Types of Processing Equipment FLASH FREEZER, SHELL STRIPPER, COOKER,
SNAIL SHELL BREAKER, SEPARATOR, WASHER
10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CRB	TANNER CRAB	TRAPS (POTS)	X	X	
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-0817

1. Name of Vessel RIKYU MARU 2. Visual Identif. J P J A
3. Type of Vessel LONGLINER/POT 4. Length 44.50 M
5. Gross Tonnage 319 M.T. 6. Net Tonnage 207 M.T. 7. Speed (knots) 11.0 KT
8. Owner's Name and Address YAMADATA-K. T. DUISAN KOKA CO., LTD.
306-11, AZA-KAMO, GAZA-KAYO, TOMIYAMA-SHI, YAMAGUCHI-KEN, JAPAN
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CRB	TANNER CRAB	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. JA-78-0819

1. Name of Vessel ROKUTO MARU NO. 33 2. Visual Identif. JJP2
3. Type of Vessel LONGLINER/POT 4. Length 47.50 M
5. Gross Tonnage 274 M.T. 6. Net Tonnage 137 M.T. 7. Speed (knots) 13.0 KT
8. Owner's Name and Address ETIPPO GODO KUNITSU KABUSHIKI KAISHA
2-7, YUWAKI-CHO, NEMURO, HOKKAIDO, JAPAN
9. Types of Processing Equipment FLASH FREEZER
10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CRB	TANNER CRAB	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0820

1. Name of Vessel KIWA MARU NO. 28 2. Visual Ident. 7313
3. Type of Vessel LONGLINER/POT 4. Length 48M
5. Gross Tonnage 467M.T. 6. Net Tonnage 253M.T. 7. Speed (knots) 11
8. Owner's Name and Address BISAKU NISHIJIMA
701, ASHIZAKI, YUZEI-CHO, SUITOMI-KA-ME, GUN, TOYAMA-KEN, JAPAN
9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	
CRB	TANNER CRAB	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0821

1. Name of Vessel MATSUEI MARU NO. 12 2. Visual Ident. JOPB
3. Type of Vessel LONGLINER/POT 4. Length 41.00M
5. Gross Tonnage 30.0MT 6. Net Tonnage 15.0MT 7. Speed (knots) 10.5KT
8. Owner's Name and Address MATSUMIZAWA GYOEN CO. LTD
2-2, NARIUMI-CHO, NEMURO, HOKKAIDO, JAPAN
9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CRB	TANNER CRAB	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0822

1. Name of Vessel BIKYU MARU NO. 26 2. Visual Ident. 8 KPW
3. Type of Vessel LONGLINER/POT 4. Length 49.40 M
5. Gross Tonnage 290 MT 6. Net Tonnage 130 MT 7. Speed (knots) 12.7KT
8. Owner's Name and Address BIKYU GYOEN KABUSHIKI KAISHA
92, NICHU-UCHI, NEMURO, HOKKAIDO, JAPAN
9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CRB	TANNER CRAB	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0824

1. Name of Vessel AZUMA MARU NO. 32 2. Visual Ident. J D Z P
3. Type of Vessel LONGLINER/POT 4. Length 43.00 M
5. Gross Tonnage 324 M.T. 6. Net Tonnage 154 M.T. 7. Speed (knots) 12.0 KT
8. Owner's Name and Address TAIYO GYOEN KABUSHIKI KAISHA
1-5-1, M. RUMOUCHI, CHIYODA-KU, TOKYO, JAPAN
9. Types of Processing Equipment FLASH FREEZER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CRB	TANNER CRAB	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0828

1. Name of Vessel TAISAN MARU NO. 1 2. Visual Ident. JAXN
3. Type of Vessel LONGLINER/POT 4. Length 55 M.
5. Gross Tonnage 499 M.T. 6. Net Tonnage 261 M.T. 7. Speed (knots) 11
8. Owner's Name and Address KOKUSAI GYOEN KABUSHIKI KAISHA
2-1-8, TSUBO, CHUO-KU, TOKYO, JAPAN
9. Types of Processing Equipment FLASH FREEZER, SHELL STRIPPER, COOKER
SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CRB	TANNER CRAB	TRAPS (POTS)	X	X	
SNA	SNAILS	TRAPS (POTS)	X	X	
OSA					X
BSA					X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0856

1. Name of Vessel TAKASHIRO MARU NO. 31 2. Visual Ident. JPTL
3. Type of Vessel LONGLINER/POT 4. Length 49 M.
5. Gross Tonnage 471 M.T. 6. Net Tonnage 269 M.T. 7. Speed (knots) 10.8
8. Owner's Name and Address TAKASHIRO MARU KAIUN CO., LTD.
719-5, GOKASHOURA, KANSEI-MACHI, WATARAI-GUN, MIE-KEN, JAPAN
9. Types of Processing Equipment FLASH FREEZER, SHELL STRIPPER, COOKER
SNAIL SHELL BREAKER, SEPARATOR, WASHER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
CRB	TANNER CRAB	TRAPS (POTS)	X	X	
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0859

1. Name of Vessel MEIHO MARU NO. 7 2. Visual Ident. 7100
3. Type of Vessel LONGLINER/POT 4. Length 47 M.
5. Gross Tonnage 350 M.T. 6. Net Tonnage 191 M.T. 7. Speed (knots) 11
8. Owner's Name and Address SHUNICHI ITAKURA
12-13, TOMISAWACHO, YOICHIJO, YOTCHIGUN, HONKAIDO, JAPAN
9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0860

1. Name of Vessel MAHINAKA MARU NO. 68 2. Visual Ident. NDMO
3. Type of Vessel LONGLINER/POT 4. Length 49 M.
5. Gross Tonnage 414 M.T. 6. Net Tonnage 214 M.T. 7. Speed (knots) 11
8. Owner's Name and Address OSAKA GYOEN KABUSHIKI KAISHA
1-31, YAKOI-CHO, NEMURO-CITY, HOKKAIDO, JAPAN
9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0842

1. Name of Vessel HOYO MARU NO.1 2. Visual Identif. HOYO
 3. Type of Vessel LONGLINER/POT 4. Length 49 M.
 5. Gross Tonnage 422 M.T. 6. Net Tonnage 222 M.T. 7. Speed (knots) 14
 8. Owner's Name and Address HOYOSUISAN KABUSHIKI KAISHA
1-2-17 SAKANA MACHI, KRENNHAMA-SHI, MIYAZI KEN, JAPAN
 9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0877

1. Name of Vessel AZUMA MARU NO.11 2. Visual Identif. JPPL
 3. Type of Vessel LONGLINER/POT 4. Length 40 M.
 5. Gross Tonnage 430 M.T. 6. Net Tonnage 229 M.T. 7. Speed (knots) 10
 8. Owner's Name and Address YAMASAN TSUBOSUISAN KABUSHIKI KAISHA
402, UTSUNIA, SHIMANAKI-KEN, SHIMANAKI-KEN, HOKKAIDO, JAPAN
 9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0872

1. Name of Vessel BAKKAI MARU NO.11 2. Visual Identif. JJAB
 3. Type of Vessel LONGLINER/POT 4. Length 41 M.
 5. Gross Tonnage 353M. T. 6. Net Tonnage 124M. T. 7. Speed (knots) 11
 8. Owner's Name and Address KABUREKI KAISHA WIGATAKEI SUISAKKOSHA
1-7, KANAGISHI-KEN, OSHIMA, JAPAN
 9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0875

1. Name of Vessel HIGO MARU 2. Visual Identif. JHPD
 3. Type of Vessel LONGLINER/POT 4. Length 34 M.
 5. Gross Tonnage 115 M.T. 6. Net Tonnage 47 M.T. 7. Speed (knots) 10.0
 8. Owner's Name and Address NIIPPON SUISAN KAISHA, LTD.
6-2 OTEMACHI 2-CHOME, CHITODAKU, TOKYO, JAPAN
 9. Types of Processing Equipment FLASH FREEZER, COOKER, SEPARATOR,
SNAIL SHELL BREAKER, WASHER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0877

1. Name of Vessel KOHOKU MARU NO.7 2. Visual Identif. JTCH
 3. Type of Vessel LONGLINER/POT 4. Length 44 M.
 5. Gross Tonnage 347 M.T. 6. Net Tonnage 152 M.T. 7. Speed (knots) 11
 8. Owner's Name and Address KOHOKU GYOHYO KABUSHIKI KAISHA
8-35, MINAMIMACHO, KUSHIRO, HOKKAIDO, JAPAN
 9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0875

1. Name of Vessel KOTOYOSHI MARU NO.21 2. Visual Identif. 7KJR
 3. Type of Vessel LONGLINER/POT 4. Length 27 M.
 5. Gross Tonnage 90 M.T. 6. Net Tonnage 47 M.T. 7. Speed (knots) 9.0
 8. Owner's Name and Address HOKUYO SUISAN CO., LTD.
7-9-13, TSUKIJI, CHUO-KU, TOKYO, JAPAN
 9. Types of Processing Equipment FLASH FREEZER, COOKER, SEPARATOR,
SNAIL SHELL BREAKER, WASHER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0876

1. Name of Vessel MITO MARU NO.2 2. Visual Identif. JTCH
 3. Type of Vessel LONGLINER/POT 4. Length 43 M.
 5. Gross Tonnage 340 M.T. 6. Net Tonnage 162 M.T. 7. Speed (knots) 11
 8. Owner's Name and Address YUNGO SASAKI
9-4, HANUMA-CHO, KUSHIRO-CITY, HOKKAIDO, JAPAN
 9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN) No. JA-78-0877

1. Name of Vessel RYOON MARU NO.2 2. Visual Identif. TXKE
 3. Type of Vessel LONGLINER/POT 4. Length 40 M.
 5. Gross Tonnage 151 M.T. 6. Net Tonnage 236 M.T. 7. Speed (knots) 11
 8. Owner's Name and Address KATSUSABURO TAKEDAYASHI
7-3, HONRAI-CHO, HAKODATE-CITY, HOKKAIDO, JAPAN
 9. Types of Processing Equipment FLASH FREEZER, SNAIL SHELL BREAKER

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
SNA	SNAILS	TRAPS (POTS)	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:
☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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NOTICES

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE
FISHERY CONSERVATION ZONE OF THE UNITED STATES

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of the Republic of Korea hereby submits this application for permits to fish within the Fishery Conservation Zone of the United States, or beyond that zone for vessels subject to the jurisdiction of the United States, during the year 1978.

Fishing vessel identification forms will be submitted in support of this application. The fishery plans, species, and catch contemplated for vessels of the Korean flag are as follows:

Fishery Plans	Target Species	Area of Operation
GOA	Processing & Transporting	

Submitted January 23 1978
Date

Seon Bae Kim
Fishery Attaché, Embassy of the
Republic of Korea, Washington, D.C.
10119

FISHING VESSEL IDENTIFICATION FORM (Continued) No. KS-78-0079

1. Name of Vessel: Soo Gong No. 51 2. Vessel Identification: 6NEJ
3. Type of Vessel: Stern Trawler (Factory Ship) 4. Length: 101.80 M
5. Gross Tonnage: 5,510.74G/T 6. Net Tonnage: 2,762 N/T 7. Speed (knots): 15.0 KTS
8. Owner's Name and Address: Korea Marine Industry Development Corporation
#55-4, Seodun-Dong, Chung-Ku, Seoul, Korea

9. Types of Processing Equipment: Fish Meal Plant, Minced Meat Plant,
Fish Oil Plant, Filleter, Fish Freezer.

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Date To Be Used	Processing Equipment	Other Species
GOA			X	X (Transport)

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?
☐ No ☒ Yes If yes, attach supplemental sheet showing flag of other vessels, fishery, species, dates, locations and specific activities requested.

(FR Doc. 78-3712 Filed 2-9-78; 8:45 am)

FEDERAL REGISTER, VOL. 43, NO. 29—FRIDAY, FEBRUARY 10, 1978

FISHING VESSEL IDENTIFICATION FORM (Continued) No. KS-78-0079

1. Name of Vessel: Book Neung 2. Vessel Identification: BF 3613
3. Type of Vessel: Factory Ship (Processing) 4. Length: 130.00 M
5. Gross Tonnage: 8,600.81G/T 6. Net Tonnage: 5,983.65N/T 7. Speed (knots): 15.0 KTS
8. Owner's Name and Address: Korea Marine Industry Development Corporation
#55-4, Seodun-Dong, Chung-Ku, Seoul, Korea

9. Types of Processing Equipment: Filletter, Fish Peel Plant

10. Fisheries for which Permit is Requested:

Fishery Plans	Target Species	Date To Be Used	Processing Equipment	Other Species
GOA			X	X (Transport)

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag?
☐ No ☒ Yes If yes, attach supplemental sheet showing flag of other vessels, fishery, species, dates, locations and specific activities requested.

Book Neung and Soo Gong No. 51
(KS-78-0079) (KS-78-0042)

Material for Question No. 11:

Specific Activities requested: Purchase of raw fish from U.S. vessels for processing and shipment to Korea.

Flag of other vessels: U.S.

Fishery: GOA - Bottomfish fishery.

Species: Primary Pollock and incidental species including POP, Pacific cod, flounders, rockfish and other species.

Quantity: Project Target is 130,000 MT. Realizing that TALFF has been distributed there is only approximately 72,800 MT of fish available for U.S. fishermen, 36,400 MT is requested for each vessel.

Locations: Various locations within the U.S. Fishery Conservation Zone in the Gulf of Alaska.

Dates: April 1 - December 31, 1978 which will depend upon culmination of arrangements with U.S. fishermen.

FRIDAY, FEBRUARY 10, 1978
PART V



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

HEALTH MAINTENANCE
ORGANIZATIONS

Interim Regulations

Original
preparation

[4110-84]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER J—HEALTH CARE DELIVERY SYSTEMS

PART 110—HEALTH MAINTENANCE ORGANIZATIONS

Interim Regulations

AGENCY: Public Health Service, HEW.

ACTION: Interim Regulations.

SUMMARY: The program requirements set out in the interim regulations published on June 8, 1977, in the FEDERAL REGISTER (42 FR 29400-29416) have been amended by these regulations. The purpose is to expand and clarify the requirements of the existing regulations with respect to entities requesting Federal financial assistance for feasibility surveys, planning and initial development, and initial operating costs of health maintenance organizations. Federal financial assistance for grant and loan support for the development and initial operating costs of health maintenance organizations is authorized under Title XIII of the Public Health Service Act, "Health Maintenance Organizations" (42 U.S.C. 300e et seq.), as amended by the Health Maintenance Organization Amendments of 1976 (Pub. L. 94-460).

EFFECTIVE DATE: February 10, 1978. Comments are due on or before April 11, 1978.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections to the amended Subpart C—Grants for Feasibility Surveys, Subpart D—Grants and Loan Guarantees for Planning and for Initial Development Costs, and Subpart E—Loans and Loan Guarantees for Initial Operating Costs, to the Director, Division of Health Maintenance Organizations Development, Office of the Assistant Secretary for Health, Room 12-05, 5600 Fishers Lane Rockville, Md. 20857. All comments timely received will be considered and will be available for public inspection at the above address during regular business hours. Following the close of the comment period, these regulations will be revised as warranted by the public comments received.

FOR FURTHER INFORMATION CONTACT:

Frank H. Seubold, Ph. D., Director, Division of Health Maintenance Organizations Development, 5600 Fishers Lane, Parklawn Building, Room 12-05, Rockville, Md. 20857, 301-443-4106.

SUPPLEMENTARY INFORMATION: The Health Maintenance Organization

Act of 1973, Pub. L. 93-222, was approved on December 29, 1973, and amended the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations (HMOs). Final rules with respect to the HMO Act were published in the FEDERAL REGISTER on October 18, 1974. These rules set forth requirements for applicants requesting Federal financial assistance for the development and initial operation of HMOs. The Health Maintenance Organization Amendments of 1976, Pub. L. 94-460, became law on October 8, 1976, and extended the present Federal financial assistance program as follows:

1. Grants for feasibility surveys through September 30, 1978.

2. Grants and loan guarantees for planning projects through September 30, 1978.

3. Grants and loan guarantees for initial development projects through September 30, 1979.

4. Loans and loan guarantees for initial operating costs through September 30, 1980.

After the Health Maintenance Organization Amendments of 1976 became law, there was a need to revise the October 18, 1974, regulations as soon as possible, since the new law moderated certain restrictive provisions of the original Act. Accordingly, interim regulations were published on June 8, 1977. Since there was an urgency to issue these interim regulations, only minimal revisions necessary to eliminate conflicts with the new law were made in order to allow the activities of the health maintenance organization program to be administered under the authority of the 1976 amendments. In the preamble to the June 8 regulations, the Department stated that it intended to issue a notice of proposed rulemaking which would have proposed to revise those regulations and implement all of the provisions of the new law; however, it has been determined upon reconsideration that the Subparts C, D, and E set forth below could be issued without notice of proposed rulemaking since the changes made are largely administrative and technical and not substantive in nature.

Notice of proposed rulemaking has been omitted in the issuance of these regulations as impractical and contrary to the public interest. Subparts C, D, and E of the regulations are needed as soon as possible so applicants can meet statutory deadlines providing that initial development projects can be funded only through fiscal year 1979. If applicants are to meet this schedule, feasibility studies must be completed early in fiscal year 1978 and planning applications must be funded prior to fiscal year 1979. To submit these amendments to public

participation in rulemaking before making them effective would necessarily result in excessive delays in meeting this schedule.

In addition to revisions required by the Health Maintenance Organization Amendments of 1976, revisions have also been made as a result of 3 years of program experience in reviewing and evaluating over 500 applications requesting Federal financial assistance under Title XIII. Administrative and technical changes have been made by refining and clarifying certain tasks required of applicants in conducting feasibility surveys, and in carrying out planning and initial development projects. Appropriate revisions have been made in the respective evaluation and award sections to conform with the changes in the project element sections of the regulations.

Attention is called to the following revisions:

1. Section 110.403(f)(5). The program requirements for developing a sound marketing plan in the planning phase of the project have been defined and clarified. A study conducted by the Division of Health Maintenance Organizations noted marketing deficiencies as the major cause for denial or delay in determination of qualification in over 90 percent of the applications studied.

2. Section 110.407(b) Length and maturity of loans; Section 110.505 Reserve requirement; Section 110.508(b) Length and maturity of loans. The length and maturity of loans and the accumulation period for reserve requirements have been adjusted to conform with the statute, which added two years to the period for which the loan or loan guarantee assistance monies may be used. Accordingly, the allowable loan repayment period and the deadline for accumulating the restricted reserve have also been extended for two years.

3. Sections 110.405 (a)(2), (b)(3) and 110.503(b)(2). In order to be eligible for loan guarantees, private (other than nonprofit private) health maintenance organizations must serve or propose to serve medically underserved areas. To assure that health maintenance organizations receiving loan guarantees provide a significant level of service to such areas, the Department has amended §§ 110.405 (a)(2), (b)(3) and 110.503(b)(2) to set a 10 percent level as the requirement for eligibility for loan guarantees for private (other than nonprofit private) health maintenance organizations.

4. Section 110.507. The provision was added limiting the aggregate amount of principal of loans made or guaranteed under section 1305 of the Act for a health maintenance organization to an amount not to exceed \$2,500,000. This is a statutory requirement and

was inadvertently omitted from the existing interim regulations.

5. Delete former § 110.507(b). Program experience in making over 30 loans since December 1974 has proven the impracticability of the provision which limits loans and loan guarantees to two-thirds of the Secretary's projection of the amount by which operating costs during a period not to exceed the first 60 months of operation exceed revenues for such period. Health maintenance organizations' applications approved for loan or loan guarantee assistance to date, with only one exception, have requested and received a waiver of the two-thirds limitation requirement. These waivers were based on evidence that they could not obtain one-third of the projected loan needs from private sources. Since this provision is not a statutory requirement, it was deleted from the regulations.

6. The last sentence in § 110.407(c), relating to loan guarantees for planning and initial development assistance, had provided that "Principal repayment during the first 36-months of operation may be deferred, with payment of interest only by the applicant during such period." The 36 month deferral period has been deleted to make clear that a deferral of payment for 36 months of operation was not mandatory, inasmuch as this provision allowed for deferral of principal repayments during the first 36 months of operation in addition to the planning and initial development periods. It is felt that the financial interest of the Government would best be served by the Secretary negotiating a deferral period with each applicant.

7. In §§ 110.303(h) and 110.403(b), the requirement that the applicant shall assure cooperation was expanded to include both the appropriate health systems agency and the State health planning and development agency. Pub. L. 93-641, approved on January 4, 1975, amended the Act to make health maintenance organizations subject to State certificate of need programs (administered by State health planning and development agencies) under Section 1523(a)(4)(B) of the Act. Accordingly, applicants for feasibility and planning projects are now required to show evidence of their cooperation with both agencies.

8. The establishment of the individual practice association has been added as § 110.403(f)(12) as an essential planning activity for proposed health maintenance organizations planning to provide services through an individual practice association. Over three years of developmental assistance activity have been demonstrated that the actual establishment of an individual practice association is essential to facilitate transition into operational status.

The following is a status report on other provisions of the health maintenance organizations regulations under Part 110:

Regulations	Status
Subpart A—Requirements for a Health Maintenance Organization.	To be reorganized and new definitions to be added—to be issued as a notice of proposed rulemaking.
Subpart B—Federal Financial Assistance: General.	Health systems agency review criteria to be revised and procedures to be added—to be issued as a notice of proposed rulemaking.
Subpart F—Qualification of Health Maintenance Organizations.	Revisions of § 110.605 are being considered with respect to evaluation and determination of qualification.
Subpart G—Restrictive State Laws and Practices.	No changes under consideration.
Subpart H—Employees' Health Benefits Plans.	To be revised to conform with amended law—to be issued as a notice of proposed rulemaking.
Subpart I—Continued Regulation of Health Maintenance Organizations and Other Entities and.	Published as a notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 40292-40295) on September 17, 1976.
Subpart J—Reconsiderations and Hearings.	To be revised to conform with amended law—to be issued as a notice of proposed rulemaking.

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby amends the following Subparts of 42 CFR Part 110 as follows: Subpart C—Grants for Feasibility Surveys; Subpart D—Grants and Loan Guarantees for Planning and for Initial Development Costs; and Subpart E—Loans and Loan Guarantees for Initial Operating Costs.

NOTE.—The Department of Health, Education, and Welfare, has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: October 4, 1977.

JULIUS B. RICHMOND,
Assistant Secretary for Health.

Approved: February 2, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

Subpart C—Grants for Feasibility Surveys

Sec.	
110.301	Applicability.
110.302	Eligibility.
110.303	Project elements.
110.304	Evaluation and award.
110.305	Funding duration and limitation.

Subpart D—Grants and Loan Guarantees for Planning and for Initial Development Costs

110.401	Applicability.
110.402	Eligibility.
110.403	Project elements for planning.
110.404	Project elements for initial development.
110.405	Funding duration and limitation.
110.406	Evaluation and award.
110.407	Loan provisions.

Subpart E—Loans and Loan Guarantees for Initial Operating Costs

110.501	Applicability.
110.502	Definitions.
110.503	Eligibility.
110.504	Project elements.
110.505	Reserve requirements.
110.506	Evaluation and award.
110.507	Funding duration and limitation.
110.508	Loan provisions.

AUTHORITY: Sec. 215, 58 Stat. 690 (42 U.S.C. 216); secs. 1301-1316, as amended, 90 Stat. 1945-1960 (42 U.S.C. 300e-300e-15).

Subpart C—Grants for Feasibility Surveys

§ 110.301 Applicability.

The regulations of this subpart, in addition to the regulations of Subpart B of this part, are applicable to grants awarded pursuant to section 1303 of the Act for projects to conduct surveys or other activities to determine the feasibility of developing and operating or expanding the operation of health maintenance organizations.

§ 110.302 Eligibility.

(a) *Eligible applicants.* Any public or private nonprofit entity which is or proposes to develop or become a health maintenance organization is eligible to apply for an award under this subpart, except that in the case of applications for support of expansion, only organizations which have been found by the Secretary to be qualified health maintenance organizations are eligible to apply.

(b) *Eligible projects.* Awards may be made pursuant to section 1303 of the Act, the regulations of Subpart B of this part, and this subpart, to eligible applicants to assist in conducting surveys or other activities to determine the feasibility of developing or expanding the operation of organizations which meet or propose to meet the requirements under subpart A of these regulations.

§ 110.303 Project elements.

An approvable application must provide:

(a) Statements which describe concisely:

(1) The goals and objectives of the applicant organization and of the proposed health maintenance organization if the proposed health maintenance organization is different from the applicant organization; if it is different, describe the relationship between the two organizations;

(2) The administrative, managerial, and organizational arrangements;

(3) The resources to be used, including consultants whose tasks must be defined adequately to permit an evaluation of the need for such consultants;

(4) The existing or proposed composition of the Board of Directors of the applicant organization and its duties;

(5) The proposed service area and the surrounding community, the number of employed persons and number of primary care physicians located in the proposed service area; and

(6) Intended financial participation of the applicant, specifying the type of contribution, such as cash or services, loan of full- or part-time staff, equipment, space, materials, or other contributions.

(b) In the case of a proposed staff or medical group health maintenance organization, letters from at least three physicians expressing their interest in the health maintenance organization feasibility study in connection with their eventual participation in the health maintenance organization as providers of basic health services.

(c) In the case of a proposed individual practice association health maintenance organization, letters from the local medical society or societies, or from at least three individual physicians, expressing their interest in the health maintenance organization feasibility study in connection with their eventual participation in the health maintenance organization as providers of basic health services.

(d) Evidence that there is interest in the possible development of a health maintenance organization from one or more employers, or unions, or community leaders in the proposed service area.

(e) Plans for conducting the feasibility study which must include a consolidated time-phased milestone chart indicating proposed funding and manpower to be allocated to each of the six activities below, and a narrative explanation of work plans to accomplish the six activities:

(1) Identification of pertinent State laws, regulations, and practices relating to the intended organizational structure and operation as a health maintenance organization;

(2) Identification of major groups or other potential sources of enrollment to which marketing efforts will be directed, including their existing health plan benefits and payments and the level and scope of major health plan benefits and premiums in the community;

(3) Identification of potential providers and available health manpower necessary to provide basic health services to the number of enrollees projected to be served, and provision of evidence of their willingness to participate in the proposed health maintenance organization;

(4) Development of detailed estimates of expected utilization and the

amount to be charged for basic health services when the proposed health maintenance organization becomes operational;

(5) Development of detailed estimates of the enrollment and funds required to reach the financial break-even point. These estimates must take into account all potential sources of income; and

(6) Development of preliminary estimates of the type and number of facilities, if any, necessary to provide health services when the health maintenance organization becomes operational.

(f) In addition, in the case of an operational prepaid health plan which proposes to become a qualified health maintenance organization, an identification of gaps between its current operation and the requirements of subpart A of this Part.

(g) In addition, in the case of a qualified health maintenance organization requesting assistance for significant expansion:

(1) Data on prepaid membership totals for annual intervals over the past five years, or if the health maintenance organizations has not been operating for five years, such data on a quarterly basis for the time during which it has been in operation;

(2) A description of the current health service delivery facilities, including an estimate of their capacity;

(3) The number and specialties of current health professionals serving its members; and

(4) The plans for the proposed significant expansion which demonstrate that the definition of significant expansion in § 110.202(c) will be met.

(h) An assurance that the applicant will cooperate with the appropriate health systems agency and State health planning and development agency; and

(i) Written evidence of notification to the local medical society or societies of the applicant's intention to apply for assistance.

§ 110.304 Evaluation and award.

(a) Within the limits of funds available for such purpose, the Secretary may make awards to cover up to 90 percent of the cost of projects, or in the case of projects which will draw not less than 30 percent, not more than the appropriate percentage (as determined under § 110.108(c)), of their anticipated enrollment from medically underserved populations, up to 100 percent of the costs, to those applicants whose projects will, in his judgment, best promote the purposes of section 1303 of the Act and the regulations of this subpart, taking into account:

(1) The appropriateness and completeness with which the applicant addresses the project elements set forth above;

(2) The comments of the appropriate health systems agency or State health planning and development agency;

(3) The degree to which the goals and objectives of the proposed project will promote the purposes of the Act and are consistent with the generally recognized capability of effectively organized and managed health maintenance organizations to reduce inappropriate hospital utilization, to contain health care costs, to use effectively medical and other health manpower, to emphasize early detection and treatment of illness, and to contribute to a better distribution and quality of health care;

(4) Satisfactory evidence of understanding and commitment to the development of a qualified health maintenance organization on the part of the sponsors and the board of directors of the proposed project;

(5) The qualifications of the project director or proposed project director or other person responsible for completion of the feasibility study and a position description adequate to assure that a well-qualified person has been or will be selected;

(6) The thoroughness of the milestone chart and narrative plan for conducting the feasibility study by project staff and any proposed consultants;

(7) The indications of interest obtained from physicians with respect to their eventual participation as providers of basic health services;

(8) The probability of financial viability based on potential sources of financial support for development and operations, on potential sources of enrollment, and on the effect of competing health insurance plans;

(9) The inclusion of medically underserved populations in the projected enrollment;

(10) The location and the number of prepaid health plans already providing health services to a defined population in the applicant's proposed service area and to the extent known the number of organizations already studying health maintenance organization development in the proposed service area;

(11) The level of the applicant's intended contribution to the project;

(12) In the case of an existing prepaid health plan, the potential to become a qualified health maintenance organization;

(13) In the case of expansion projects, the potential rate of increase of expansion, or the potential increase in the area to be served by the expanded health maintenance organization.

(b) In considering applications under this subpart, the Secretary will give priority to applications which contain assurances satisfactory to the Secretary that when the organizations

become operational not less than 30 percent of their members will be members of a medically underserved population.

§ 110.305 Funding duration and limitation.

(a) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for project costs: *Provided, however*, That any single grant may not exceed \$75,000.

(b) Feasibility survey applicants may propose that the award period be 12 months or less. Feasibility survey projects shall be completed within the period of the award. The Secretary may make not more than one additional grant for a project for a feasibility survey for which a grant has previously been made, and may permit additional time (up to 12 months) for completion of the project if he determines that the additional grant or additional time, or both, is needed to complete the project adequately.

(c) Funds under grants for feasibility surveys shall be used only for activities set forth in § 110.303(e) and for activities designed to fill the gaps referred to in § 110.303(f).

Subpart D—Grants and Loan Guarantees for Planning and Initial Development Costs

§ 110.401 Applicability.

The regulations of this subpart, in addition to the regulations to Subpart B of this part, are applicable to:

(a) Grants awarded pursuant to section 1304 of the Act for projects for planning, and initial development of health maintenance organizations or for significant expansion, as defined in § 110.202(c), of the membership of, or areas served, by qualified health maintenance organizations, and

(b) Guarantees made to non-Federal lenders of payment of the principal of and the interest on loans made to—

(1) Nonprofit private entities for such projects for the establishment or expansion of health maintenance organizations, or

(2) Private entities (other than nonprofit private entities) for such projects for health maintenance organizations which will serve medically underserved populations.

§ 110.402 Eligibility.

(a) *Eligible applicants.* (1) Any public entity which is or which proposes to become a health maintenance organization is eligible to apply for a grant under this subpart, except that in the case of applications for support of expansion, only organizations which have been found by the Secretary to be qualified health maintenance organizations are eligible to apply.

(2) Any nonprofit private entity which is or which proposes to become

a health maintenance organization is eligible to apply for a grant or a loan guarantee under this subpart, except that in the case of applications for support of expansion, only organizations which have been found by the Secretary to be qualified health maintenance organizations are eligible to apply.

(3) Any private entity (other than a nonprofit private entity) which is or which proposes to become a health maintenance organization and which proposes to serve a medically underserved population is eligible to apply for a loan guarantee under this subpart, except that in the case of applications for support of expansion, only organizations which have been found by the Secretary to be qualified health maintenance organizations are eligible to apply.

(b) *Eligible projects.* (1) *Grants.* Awards of grants may be made pursuant to section 1304 of the Act and the regulations of Subpart B of this part and this subpart to eligible applicants for planning for the establishment of health maintenance organizations, or for the significant expansion of the membership of, or areas served by the health maintenance organizations meeting the requirements of Subpart A of this part, or for the initial development or significant expansion of such organizations;

(2) *Loan guarantees.* (i) In the case of nonprofit private entities, guarantees may be made pursuant to section 1304 of the Act and the regulations of Subpart B of this part and this subpart to eligible applicants for the payment of the principal of and the interest on loans for planning projects for the establishment of health maintenance organizations, or the significant expansion of existing organizations which have been found by the Secretary to meet the applicable requirements of Title XIII of the Act and the applicable regulations of this part, or for the initial development or significant expansion of such health maintenance organizations.

(ii) In the case of private entities (other than nonprofit private entities), guarantees may be made pursuant to section 1304 of the Act and the regulations of Subpart B of this part and this subpart to eligible applicants for the payment of the principal of and the interest on loans for planning projects for the establishment of health maintenance organizations, or the significant expansion of existing organizations which have been found by the Secretary to meet the applicable requirements of Title XIII of the Act and the applicable regulations of this part, or for the initial development or significant expansion of such health maintenance organizations: *Provided*, That at least 30 percent of the projected members of such organizations are

from medically underserved populations.

§ 110.403 Project elements for planning.

An approvable application must provide:

(a) Statements which describe in detail:

(1) The goals and objectives of the proposed health maintenance organization;

(2) The administrative, managerial, and organizational arrangements;

(3) The resources to be used including consultants whose tasks must be defined adequately to permit an evaluation of the need for such consultants;

(4) The existing or proposed composition of the Board of Directors of the applicant organization and its duties;

(5) The proposed service area and the surrounding community, the number of employed persons and number of primary care physicians located in the proposed service area; and

(6) The intended financial participation of the applicant, specifying the type of contribution such as cash or services, loans of full- or part-time staff, equipment, space, materials, facilities, or other contributions.

(b) An assurance that the applicant will cooperate with the appropriate health systems agency and State health planning and development agency.

(c) Written evidence of notification to the local medical society or societies of the applicant's intention to apply for assistance.

(d) Evidence that there is support for the project by organizations, or institutions, or employer groups which may participate in the development of the proposed health maintenance organization.

(e) A detailed report of the results of the activities performed during the feasibility survey or study which established the feasibility of developing the health maintenance organization, as well as of any other activities relating to the development of the health maintenance organization undertaken prior to application for planning assistance. With regard to the report of the feasibility survey, information on the following must be included:

(1) Status of the applicant in terms of pertinent State laws, regulations, and practices relating to operating as a health maintenance organization;

(2) Organizational structure of the proposed health maintenance organization;

(3) The types of population groups which would be sources of prepayment for an operational health maintenance organization and other potential sources of payment for services when operational;

(4) Providers of basic health services who have agreed or might reasonably be expected to agree to provide health benefits;

(5) Sources of payment and operational support including:

(i) Preliminary estimate of the amount to be charged for basic health benefits when the proposed health maintenance organization becomes operational; and

(ii) Estimate of enrollment and income required to reach the financial breakeven point; and

(6) A preliminary estimate of facilities required for operational status.

(f) Concise plans for accomplishing planning stage activities, which must include at a minimum, a description of tasks for each activity listed below, accompanied by a time-phased milestone chart indicating proposed funding and manpower to be allocated to each such activity (where circumstances indicate that it would be appropriate and consistent with the intent of the Act, additional activities may be proposed):

(1) Recruitment of key project staff which shall include the employment of a full-time project director;

(2) Planning for, and when appropriate, initiation of action relating to compliance with all applicable State requirements, including State certificate of need programs, and with section 1513(e) of the Public Health Service Act;

(3) Development of formal organization;

(4) Establishment and documentation of community support;

(5) Development of a marketing plan which must include the following:

(A) Market assessment;

(A) Precise description of the service area;

(B) Information about prospects for enrollment of groups, including analysis of competing health benefits plans;

(C) Evidence of a willingness on the part of key prospects to offer the health maintenance organization when operational;

(D) An estimate of market potential for a five year period, including a five year enrollment projection.

(ii) Marketing strategy:

(A) Select the major prospects for enrollment;

(B) Develop alternatives to meet the enrollment projections;

(C) Estimate the level and type of marketing effort required to meet the enrollment projection;

(D) Develop a marketing effort and a detailed budget including staffing requirements.

(iii) Marketing materials:

(A) Develop detailed description of specifications for marketing and enrollment literature;

(B) Develop prototype membership materials including membership cards, subscriber agreements, handbooks and certificates, health questionnaires, etc.

(6) Definition of the health services and options, if any to be offered;

(7) Identification of providers of basic health services needed to provide

those services to the projected enrollment, and drafting of proposed agreements to negotiate with these providers;

(8) Planning for necessary facilities and equipment and their financing;

(9) Development of premium structure;

(10) Development of budget and financial plan, including alternative plans if enrollment varies significantly from projections;

(11) Obtaining of required health systems agency or agencies and State health planning and development agency determinations; and

(12) Establishment of the individual practice association entity if appropriate to the intended organizational structure when operational as a health maintenance organization.

(g) In addition, in the case of an operational prepaid health plan which proposes to become a qualified health maintenance organization, an identification of gaps between its current operation and the requirements of Subpart A of this part.

(h) In addition, in the case of a qualified health maintenance organization requesting assistance for significant expansion:

(1) Data on prepaid membership totals for annual intervals over the past five years, or if the health maintenance organization has not been operating for five years, such data on a quarterly basis for the time during which it has been in operation;

(2) A description of the current health service delivery facilities, including an estimate of their capacity;

(3) The number and specialties of current health professionals serving its members; and

(4) The plans for the proposed significant expansion which demonstrate that the definition of significant expansion in § 110.202(c) will be met.

§ 110.404 Project elements for initial development.

An approvable application must provide:

(a) Written evidence satisfactory to the Secretary that the feasibility of the establishment and operation or expansion has been established by the applicant and that sufficient planning for the establishment or expansion has been conducted by the applicant. In addition, applicants must provide the information, assurances and evidence required by § 110.403 (a), (b), (c), (d), and (e), and must report all other activities relating to the development of the health maintenance organization undertaken prior to application for initial development assistance.

(b) Detailed plans, which must include, at a minimum, tasks designed to accomplish the activities listed below, accompanied by a time-phased milestone chart indicating proposed fund-

ing and manpower to be allocated to each (where circumstances indicate that it would be appropriate and consistent with the intent of the Act, additional activities may be proposed in the application):

(1) Development of a schedule to meet the requirements of Subpart A of this part;

(2) Completion of activities related to resolution of legal issues;

(3) Recruitment and training of personnel essential for operation as a health maintenance organization;

(4) Development of a comprehensive financial plan;

(5) Organization of physician health services;

(6) Organization of other basic health services;

(7) Development of a schedule to construct, lease, renovate or otherwise obtain health maintenance organization facilities;

(8) Organization of ambulatory care facility;

(9) Implementation of a staffing plan that demonstrates compliance with the appropriate 15 or 30 percent limitation on contracts for basic and supplemental health services (see § 110.104(a)), and formalization of contract arrangements;

(10) Further refinement of the projected market to be served by obtaining specific evidence of employer or union willingness to offer the health maintenance organization option on specific dates;

(11) Initiation of enrollment plan; and

(12) Establishment of any working capital or reserves or both as may be required by State authorities.

(c) Evidence from physicians and from one or more hospitals indicating that they intend to become providers of basic health services for the proposed health maintenance organization:

(1) In the case of an individual practice association-type health maintenance organization, there must be such evidence from a number of physicians adequate to serve the proposed enrollment; and

(2) In the case of a non-individual practice association-type health maintenance organization, there must be such evidence from at least three physicians, indicating that they are willing to be employed by or to contract with the proposed health maintenance organization.

(d) In the case of an applicant which intends to serve Title XIX eligibles or Title XVIII beneficiaries as a part of the planned enrollment, as appropriate:

(1) Evidence that the State Title XIX agency is willing to negotiate a prepaid capitation contract in the form of a letter or other document from the State Title XIX agency; or

(2) Evidence that the applicant is planning to or has entered into a contract under Title XVIII as a health maintenance organization.

(e) In addition, in the case of an operational prepaid health plan which proposes to become a qualified health maintenance organization, an identification of gaps between its current operation and the requirements of Subpart A of this part.

(f) In addition, in the case of qualified health maintenance organizations requesting assistance for significant expansion:

(1) Data on prepaid membership totals for annual intervals over the past five years, or if the health maintenance organization has not been operating for five years, such data on a quarterly basis for the time during which it has been in operation;

(2) A description of the current health service delivery facilities, including an estimate of their capacity;

(3) The number and specialties of current health professionals serving its members; and

(4) The plans for the proposed significant expansion which demonstrate that the definition of significant expansion in § 110.202(c) will be met.

§ 110.405 Funding duration and limitation.

(a) *Planning projects.* (1) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary for project costs: *Provided*, That any single grant and the amount of principal of any single loan guaranteed under section 1304 of the Act may not exceed \$200,000.

(2) In considering applications for grants for planning projects under this subpart, the Secretary will give priority to applications which contain assurances satisfactory to the Secretary that when the organization becomes operational, not less than 30 percent of its members will be members of a medically underserved population. In considering applications for loan guarantees for planning projects under this subpart, the Secretary will give special consideration to applications for projects for health maintenance organizations which will have at least 10 percent of their projected membership from medically underserved populations. Applicants may propose that the award period be for one year or less, as appropriate to the planning activities to be accomplished. Planning projects shall be completed within the period of the award. The Secretary may not make more than one additional grant or loan guarantee for a planning project for which a grant or loan guarantee has previously been made, and may permit additional time (up to 12 months) for completion of the project if he determines that

the additional grant or loan guarantee (as the case may be) or additional time, or both, is needed to complete the project adequately.

(3) Funds under grants and loans guaranteed for planning projects shall be used only for the activities set forth in § 110.403(f) and for activities required to fill the gaps referred to in § 110.403(g).

(b) *Initial development projects.* (1) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sums necessary for project costs: *Provided, however*, That the aggregate amount of loan guarantees and grants for any initial development project may not exceed \$1,000,000 or, in the case of a project for a health maintenance organization which will provide services to an additional service area or which will provide services in two or more areas which are not contiguous \$1,600,000.

(2) Applicants may propose that the award period for initial development activities be one year or less, as appropriate to the initial development activities to be accomplished. Initial development projects shall be completed within the period of the award beginning on the first day of the month in which such award was made, and the number of grants made for any initial development project under section 1304 of the Act may not exceed a total of three. A loan guarantee for an initial development project may only be made for a loan (or loans) for initial development costs incurred in a period not to exceed three years.

(3) In considering applications for grants for initial development projects under this subpart, the Secretary will give priority to applications which contain assurances satisfactory to the Secretary that when the organization becomes operational, not less than 30 percent of its members will be members of a medically underserved population. In considering applications for loan guarantees for initial development projects under this subpart, the Secretary will give special consideration to applications for projects for health maintenance organizations which will have at least 10 percent of their projected membership from medically underserved populations.

(4) Funds under grants and loans guaranteed for projects for initial development shall be used only for activities set forth in § 110.104(b) (except that such funds may not be used for the costs of construction or for recruitment of personnel who will not engage in practice principally for the health maintenance organization) and for activities required to fill gaps referred to in § 110.404(e).

§ 110.406 Evaluation and award.

(a) Within the limits of funds available for such purpose, the Secretary

may make awards to cover up to 90 percent of the cost of projects, or in the case of projects which will draw not less than 30 percent nor more than the appropriate percentage (as determined under § 110.108(c)) of its anticipated enrollment from medically underserved populations, up to 100 percent of the costs, to those applicants whose projects will, in his judgment, best promote the purposes of section 1304 of the Act and the regulations of this subpart, taking into account:

(1) The degree to which the proposed project satisfactorily provides for the elements set forth in § 110.403 or § 110.404.

(2) The comments of the appropriate health systems agency or State health planning and development agency.

(3) Whether the feasibility of the project has been established, and in the case of initial development applications, whether all required planning activities have been accomplished.

(4) The appropriateness of the goals and objectives of the proposed project.

(5) The effectiveness the proposed organization may reasonably be expected to have in reducing inappropriate hospital utilization, containing health care costs, using medical and other health manpower, emphasizing early detection and treatment of illnesses, and achieving a better distribution and quality of care.

(6) The capability of the applicant to organize and manage the project successfully.

(7) Evidence of the applicant's intended contribution to the project.

(8) Evidence by letters or similar statements of intent from providers expressing a willingness to be employed by or contract with the proposed health maintenance organization for the provision of basic health services and evidence that providers as necessary, will contract with the health maintenance organization other than as members of its staff or through medical groups or individual practice associations.

(9) Evidence, in form of letters, from individuals, groups, or organizations indicating that they support the development and operation of the proposed health maintenance organization.

(10) The results of the Secretary's assessment of marketing capability and the prospects for eventual financial viability as an operational health maintenance organization without continued Federal support.

(11) The inclusion of medically underserved populations in groups to be enrolled.

(12) Location relative to the number of organizations providing health services to a defined population on a prepaid capitation basis, which are already operating in the area.

(13) The percentage of anticipated total enrollment to be drawn from nonmetropolitan areas to be served.

(14) In the case of an existing organization operating on a prepaid capitation basis, the applicant's potential for expeditious transition into a qualified health maintenance organization.

(15) In the case of expansion projects, the potential rate of increase of expansion, or the potential increase in the area to be served by the expanded health maintenance organization.

(b) In considering applications under this subpart the Secretary will give priority to applications which contain assurances satisfactory to the Secretary that when the organizations become operational, not less than 30 percent of their members will be members of a medically underserved population.

§ 110.407 Loan guarantee provisions.

(a) *Disbursement of loan proceeds.* The principal amount of any loan guaranteed by the Secretary under this subpart shall be disbursed to the applicant in accordance with an agreement to be entered into between the parties to the loan and approved by the Secretary.

(b) *Length and maturity of loans.* The principal amount of each loan guarantee, together with interest thereon, shall be repayable over a period of 22 years, beginning on the date of endorsement of the loan guarantee by the Secretary. The Secretary may however, approve a shorter repayment period where he determines that a repayment period of less than 22 years is more appropriate to an applicant's total financial plan.

(c) *Repayment.* The principal amount of each loan guarantee, together with interest thereon, shall be repayable in accordance with a repayment schedule which is to be agreed upon by the parties to the loan and approved by the Secretary prior to or at the time of his endorsement of the loan. Unless otherwise specifically authorized by the Secretary, each loan guaranteed by the Secretary shall be repayable in substantially level combined installments of principal and interest, to be paid at intervals not less frequently than annually, sufficient to amortize the loan through the final year of the life of the loan. Principal repayment may be deferred, with payment of interest only by the applicant during a period to be specified in an agreement between the applicant and the Secretary.

Subpart E—Loans and Loan Guarantees for Initial Operating Costs

§ 110.501 Applicability.

The regulations of this subpart, in addition to the regulations of Subpart B, of this part are applicable to loans

and loan guarantees awarded pursuant to section 1305 of the Act.

§ 110.502 Definitions.

(a) "Operating cost" means any cost which under generally accepted accounting principles or under accounting practices prescribed or permitted by State regulatory authority is not a capital cost and which is incurred on or after the first day of the applicable period of operation or expansion as defined in paragraph (b) of this section: *Provided*, That payments made by a health maintenance organization during such applicable period to reduce balance sheet liabilities existing at the beginning of such period are operating costs to the extent that they are expressly approved by the Secretary at the time the loan or loan guarantee is made. In addition, when deposits of funds to restricted reserve accounts are required by State authority, deposits made during such applicable period are operating costs.

(b) "First 60 months of operation or expansion" means the 60-month period beginning on the first day of the month during which the health maintenance organization first provides services to members, or in the case of significant expansion, first provides services in accordance with its expansion plan.

§ 110.503 Eligibility.

(a) *Eligible applicants.* (1) Any public qualified health maintenance organization is eligible to apply for a loan under this subpart.

(2) Any nonprofit private qualified health maintenance organization is eligible to apply for a loan or a loan guarantee under this subpart.

(3) Any private (other than a nonprofit private) qualified health maintenance organization which will serve a medically underserved population is eligible to apply for a loan guarantee under this subpart.

(b) *Eligible projects.*—(1) *Loans.* In the case of public or nonprofit private qualified health maintenance organizations, loans may be made pursuant to section 1305 of the Act and the regulations of Subpart B of this part and this subpart to eligible applicants to assist them in meeting the amount by which their operating costs during a period not to exceed the first 60 months of their operation exceed their revenues in such period, or in meeting the amount by which their operating costs, which the Secretary determines are attributable to significant expansion in their membership or area served, as defined in § 110.202(c), and which are incurred during a period not to exceed the first 60 months of their operation after such expansion, exceed their revenues in that period which the Secretary determines are attributable to such expansion.

(2) *Loan guarantees.* Loan guarantees may be made pursuant to section 1305 of the Act, and the regulations of Subpart B of this part and this subpart to guarantee to non-Federal lenders payment of the principal of and the interest on loans made to any nonprofit private qualified health maintenance organization or any private (other than a nonprofit private) qualified health maintenance organization for the amounts referred to in paragraph (b)(1) of this section: *Provided*, That at least 10 percent of the projected members of any such private (other than nonprofit private) qualified health maintenance organization are from a medically underserved population.

§ 110.504. Project elements.

An approvable application must provide:

(a) Statements which describe in detail:

(1) The applicant's adequate accomplishment of feasibility survey, planning, and development activities; and

(2) The health maintenance organization's management capability.

(b) Detailed information on the health maintenance organization's marketing plan and enrollment forecasts and experience.

(c) A detailed narrative statement describing:

(1) All existing and planned provider arrangements including copies of all executed contracts; and

(2) All facilities to be used in the delivery of health services.

(d) Financial information in such detail as the Secretary may prescribe.

(e) Evidence that any certificate of need required under State law for the operation of the health maintenance organization has been obtained by the applicant.

§ 110.505 Reserve requirement.

The applicant receiving a loan or loan guarantee under section 1305 of the Act shall establish a restricted reserve account beginning at the point when the revenues and operating costs of the health maintenance organization reach the break-even point, or by the end of the 60 month period following the making of the loan or the guarantee under section 1305 of the Act, whichever is sooner, unless a longer period is approved by the Secretary. This reserve shall be so constituted as to accumulate no later than twelve (12) years following the endorsement of the loan or loan guarantee, an aggregate amount equal to one year's principal of and interest on the loan, as determined under the terms of the loan made or guaranteed.

§ 110.506 Evaluation and award.

Within the limits of funds available for such purposes, the Secretary may

award loans or loan guarantees to those applicants whose projects will, in his judgment, best promote the purposes of section 1305 of the Act and the regulations of this part, taking into account:

(a) The ability of the health maintenance organization to achieve financial viability;

(b) The ability of the health maintenance organization to make repayments of the principal and interest when due and to have additional funds to defray the remaining operating deficits;

(c) The comments, if any, of the appropriate health systems agency or State health planning and development agency;

(d) The relative distribution of qualified applicants with respect to the following factors:

(1) The inclusion of medically underserved populations in the groups to be enrolled;

(2) Location relative to the number of organizations providing health services to a defined population on a prepaid capitation basis, which are already operating in the proposed area; and

(3) The percentage of anticipated total enrollment drawn from nonmetropolitan areas served or to be served by the applicant.

§ 110.507 Funding duration and limitation.

(a) The aggregate amount of principal

of loans made or guaranteed, or both, under section 1305 of the Act for a health maintenance organization shall not exceed \$2,500,000. In any fiscal year the amount disbursed to a health maintenance organization under section 1305 of the Act and this subpart (either directly by the Secretary or by an escrow agent under the terms of an escrow agreement or by a lender under a loan guaranteed under section 1305 of the Act and this subpart) may not exceed \$1,000,000.

(b) The approval of any loan or loan guarantee shall not obligate the United States in any way to make any additional loan or loan guarantee with respect to the approved application or portion thereof, except as may be otherwise set forth in the agreement between the United States and the approved applicant.

(c) In considering applications for loan guarantees under section 1305 of the Act and this subpart, the Secretary will give special consideration to applications for health maintenance organizations which will serve medically underserved populations.

§ 110.508 Loan provisions.

(a) *Disbursement of loan proceeds.* The principal amount of any loan made or guaranteed by the Secretary under this subpart shall be disbursed to the applicant in accordance with an

agreement to be entered into between the parties to the loan and approved by the Secretary.

(b) *Length and maturity of loans.* The principal amount of each loan or loan guarantee, together with interest thereon, shall be repayable over a period of 22 years, beginning on the date of endorsement of the loan, or loan guarantee by the Secretary. The Secretary may, however, approve a shorter repayment period where he determines that a repayment period of less than 22 years is more appropriate to an applicant's total financial plan.

(c) *Repayment.* The principal amount of each loan or loan guarantee, together with interest thereon, shall be repayable in accordance with a repayment schedule which is to be agreed upon by the parties to the loan or loan guarantee and approved by the Secretary prior to or at the time of his endorsement of the loan. Unless otherwise specifically authorized by the Secretary, each loan made or guaranteed by the Secretary shall be repayable in substantially level combined installments of principal and interest to be paid at intervals not less frequently than annually, sufficient to amortize the loan through the final year of the life of the loan. Principal repayment during the first 60 months of operation may be deferred, with payment of interest only by the applicant during such period.

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FRIDAY, FEBRUARY 10, 1978
PART VI



WATER RESOURCES
COUNCIL

FLOODPLAIN
MANAGEMENT

Guidelines
for Implementing
Executive Order 11988

[8410-01]

WATER RESOURCES COUNCIL

FLOODPLAIN MANAGEMENT

Guidelines for Implementing Executive Order 11988

AGENCY: Water Resources Council.

ACTION: Notice of Guidelines Adoption.

SUMMARY: This notice incorporates the Guidelines for Implementing Executive Order 11988—Floodplain Management adopted by the Water Resources Council on January 25, 1978 to assist Federal agencies in preparation of their regulations and procedures for implementing the Order.

FOR FURTHER INFORMATION CONTACT:

Frank H. Thomas, Floodplain Management Specialist, Policy Division, U.S. Water Resources Council, 2120 L Street NW., Washington, D.C. 20037, phone 202-254-6352.

SUPPLEMENTARY INFORMATION: These guidelines provide: (1) explanation of key terms and floodplain management concepts; (2) section-by-section analyses of the Order; and (3) procedures in the form of a decision-making process leading from the determination that a proposed action is or is not located in the base floodplain, through the implementation of agency actions.

Dated: February 3, 1978.

LEO M. EISEL,
Director.

PREFACE

These guidelines result from recognition in two Executive Orders that the Nation's floodplains are the scene of: (1) unacceptable and increasing flood losses and (2) degradation of natural and beneficial values. The 1966 Executive Order 11296—*Flood Hazard Evaluation*, represented Presidential recognition that structural flood control measures alone were inadequate to stem rising flood losses. It was followed by establishment of flood insurance, disaster assistance and related Federal programs, and some State and local government floodplain management programs. Yet, a decade later, annual flood losses were estimated to approach \$3 billion and continuing to rise.

In the decade following Executive Order 11296, there developed widespread recognition that the natural and beneficial values of floodplains, wetlands and coastal barrier islands must be restored and preserved. Thus, on May 24, 1977, the President issued a comprehensive environmental message accompanied by Executive Order

11988—*Floodplain Management*, to replace the 1966 Order. The new order is a significant policy initiative tying together the need to protect lives and property with the need to restore and preserve natural and beneficial floodplain values. The *Unified National Program for Floodplain Management* (1976) of the Water Resources Council is cited by the Order to provide direction. Federal agencies are directed to lead the Nation by exemplary demonstration of a comprehensive approach to floodplain management and to prepare procedures for achieving the goals of the Order.

The objective of these guidelines is to provide broad guidance in the interpretation of the Order to assist each agency which will be developing its own individual procedures for compliance with the Order. It is recognized that agency procedures will necessarily vary to meet legislatively prescribed missions as well as the requirements of the Order. This guidance should prove useful to State and local governments and interested members of the public.

The guidelines have been developed over a 12-month period by the efforts of an interagency task force of floodplain specialists. Comments and suggestions for improvement are welcomed.

GUY R. MARTIN,
Alternate to the Chairman.

EXECUTIVE SUMMARY

THE OBJECTIVE OF EXECUTIVE ORDER 11988 IS:

- • • • to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative • • • •

THE ORDER APPLIES TO:

- **ALL AGENCIES** that: (1) acquire, manage, or dispose of Federal lands and facilities; (2) undertake finance, or assist construction and improvements; and (3) conduct activities and programs affecting land use, including planning, regulating, and licensing.
- **ALL FEDERAL ACTIONS:** described in the preceding sentence.
- **ALL FLOODPLAIN LOCATIONS:** whether they are along or near to rivers, streams, oceans, ponds, or related water bodies—as a minimum, areas subject to inundation by a flood with a one percent chance of occurring in any year (i.e., "100-year or base flood").

THE ORDER REQUIRES THAT AGENCIES:

- **AVOID THE BASE FLOODPLAIN:** unless it is the only practicable alternative.
- **ADJUST TO THE BASE FLOODPLAIN:** if the base floodplain cannot be avoided, adjust to it in order to: (1) reduce the hazard and the risk of flood loss; (2) minimize the impact of floods on human safety, health, and welfare; and (3) restore and preserve the natural and beneficial floodplain values. The framework for meeting these requirements is the Water Resources Council's *Unified National Program for Flood Plain Management*.
- **EVALUATE, DESIGN, AND IMPLEMENT ALL AGENCY ACTIONS:** to meet the policies of the Order.
- **NOTIFY THE PUBLIC:** if the head of an agency finds there is no practicable alternative. This will usually occur after there has been early notice to the public on plans and proposals and alternative courses of action.
- **AMEND OR ISSUE REGULATIONS AND PROCEDURES:** (1) to avoid the base floodplain if at all practicable; (2) to provide for actions to **ADJUST TO THE BASE FLOODPLAIN**, if it cannot be avoided; and (3) to keep the public informed of proposed actions in the base floodplain and encourage participation in floodplain decisionmaking. Each agency shall issue or amend existing regulations within one year to comply with this Order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration and the Council on Environmental Quality, and shall update such procedures as necessary.

THESE GUIDELINES ARE INTENDED:

- **TO BE USED BY AGENCIES:** in preparing their procedures in consultation with the WRC, CEQ, and FIA.
- **TO FURNISH:** (1) explanations of key terms and floodplain management concepts; (2) analyses of the Order, section by section, for agency use in developing their regulations and procedures for complying with the intent of each section; and (3) procedures in the form of a decision-making process leading from the determination that a proposed action is or is not located in the base floodplain through the implementation of agency action.
- **TO ASSIST AGENCIES:** by providing broad guidance in the implementation of the Order for use in the preparation of individual agency

procedures. It is recognized that agency procedures will necessarily vary to meet legislatively prescribed missions as well as the requirements of the Order.

ACKNOWLEDGEMENT

Preparation of these Guidelines began in December 1976 by a work group of the Floodplain Management Technical Committee of the Water Resources Council, in anticipation of an Executive Order. In October 1977 when the Water Resources Council's technical committees were abolished as part of a restructuring of the Council, a first draft of the Guidelines had been completed. In November 1977, a 60-day task force of essentially the same membership as the work group was appointed to complete the Guidelines.

The members of these two groups and colleagues who provided specialized assistance are listed below. We are indebted to all of these persons for their professional dedication and especially to the members of the drafting team whose overtime efforts secured completion of the Guidelines.

LEO M. EISEL,
Director.

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*Members of the drafting team.

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Figure 1—Decision-Making Process for Executive Order 11988.

Figure 2—Floodplain Pictorial Glossary.

Figure 3—Flood Insurance Rate Map.

Figure 4—Flood Hazard Boundary Map.

TABLES

Table 1—Sources of Floodplain Information and Technical Assistance Services for Determining Whether a Location is in a Floodplain.

GLOSSARY

Throughout this document, the following basic definitions shall apply:

- **Action**—any Federal activity including: "• • • (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.
- **Agency**—an executive department, a government corporation, or an independent establishment and includes the military departments.
- **Base Flood**—is that flood which has a one percent chance of occurrence in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

- **Base Floodplain**—the 100-year floodplain (one percent chance floodplain). Also see definition of floodplain.
- **Channel**—a natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.
- **Critical Action**—any activity for which even a slight chance of flooding would be too great.
- **Facility**—any man-made or man-placed item other than a structure.
- **Flood or Flooding**—a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.
- **Flood Fringe**—that portion of the floodplain outside of the regulatory floodway (often referred to as "floodway fringe").
- **Floodplain**—the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year. The base floodplain shall be used to designate the 100-year floodplain (one percent chance floodplain). The critical action floodplain is defined as the 500-year floodplain (0.2 percent chance floodplain).
- **Floodproofing**—the modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out or to reduce effects of water entry.
- **Minimize**—to reduce to the smallest possible amount or degree.
- **One Percent Chance Flood**—the flood having one chance in 100 of being exceeded in any one-year period (a large flood). The likelihood of exceeding this magnitude increases in a time period longer than one year. For example, there are two chances in three of a larger flood exceeding the one percent chance flood in a 100-year period.
- **Practicable**—capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost or technology.
- **Preserve**—to prevent modification to the natural floodplain environment or to maintain it as closely as possible to its natural state.
- **Regulatory Floodway**—the area regulated by Federal, State or local requirements; the channel of a river or other watercourse and the adjacent land areas that must be reserved in an open manner, i.e., unconfined or unobstructed either horizontally or vertically, to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the NFIP).
- **Restore**—to re-establish a setting or environment in which the natural functions of the floodplain can again operate.
- **Structures**—walled or roofed buildings, including mobile homes and gas or liquid storage tanks that are primarily above ground (as set by the NFIP).
- **Wetlands**—"those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds" (as defined in Executive Order 11990, *Protection of Wetlands*).

INTRODUCTION

Executive Order 11988—*Floodplain Management*, signed May 24, 1977, revokes and replaces Executive Order 11296, issued August 10, 1966. It establishes a new general policy and cites specific requirements for compliance by Federal executive agencies (hereafter referred to as agencies). Executive Order 11988 (hereafter referred to as the Order) requires agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid the direct or indirect support of floodplain development whenever there is a practicable alternative. The preferred method for satisfying this requirement is to avoid sites on the base floodplain. If an action must be located on the base floodplain, the Order requires that agencies minimize potential harm to people and property and to natural and beneficial floodplain values.

Executive Order 11988 is based in part on the National Environmental Policy Act of 1969, and adds new prominence to the environmental aspects of floodplain management which were not present in the old Executive order. To achieve this, the Order requires that decision-making by Federal agencies clearly recognize that floodplains have unique and significant public values. Consideration must be given, therefore, to natural and beneficial floodplain values and to the public benefit to be derived from their restoration or preservation.

Throughout these guidelines the concept of the floodplain is expressed using varying terminology depending on the context of the discussion. When referring to the floodplain in a descriptive sense, such as in the discussion of natural values (Part II—Step 4.C.), the term floodplain refers to any land area susceptible to being inundated from any source of flooding. When referring to the floodplain from the standpoint of the Order's mandatory provisions, the terms used in these guidelines are "base floodplain," in most cases, and "500-year floodplain" when referring to critical actions (Part II—Step 1.C.). The base floodplain is the area subject to inundation from a flood having a one percent chance of occurring in any given year (100-year flood). The critical action floodplain is the area subject to inundation from a flood having a 0.2 percent chance of occurring in any given year (500-year flood).

Executive Order 11988 directs implementation of the *Unified National Program for Flood Plain Management* (U.S. Water Resources Council, 1976) which sets forth a conceptual framework and recommends Federal and State actions for a continuing unified program for planning and action at all levels of government to reduce the risk of flood losses through floodplain management. The Unified National Program includes a broad Federal effort, both directly and by example, to pursue the wise and nonhazardous use of floodplains including recognition of natural and beneficial floodplain values.

To assure compliance with the Order, provision is made for both public and Federal review of proposed actions. Early public notice, Office of Management and Budget (OMB) Circular A-95 Notice, an environmental impact statement or its equivalent, and notice of findings are specified vehicles for providing information and opportunity for public participation. Budgetary review of compliance with the Order and periodic review of agency procedures by the Water Resources Council provide for further review. In providing opportunity for these reviews, the potential for withholding of budget approval should be minimized.

Agency procedures are required to be prepared in consultation with the Council on Environmental Quality (CEQ), the Water Resources Council (WRC), and the Federal Insurance Administration (FIA). These guidelines provide a basis for this consultation. These guidelines have been prepared to provide broad guidance in the implementation of the Order and to offer a common point of reference for each agency to prepare implementing procedures for compliance with the Order. The interpretations in the guidelines are built upon a strong Executive Order and directed at development of demonstrable Federal leadership in floodplain management in the immediate future. In preparing these guidelines, the Water Resources Council recognized: (1) the impossibility of anticipating the full range of individual program situations affected by the Order, and (2) the responsibility for individual agencies to tailor their procedures to meet both their legislatively prescribed missions and the requirements of the Order.

Because these guidelines are advisory and the agencies will draft their own rules and regulations, there is some concern that reasonable consistency will exist among agencies. Therefore, by October 1, 1978, the WRC will: (1) review the rules and regulations promulgated by the various agencies with respect to consistency with the guidelines and reasonable consistency among agencies, and (2) make recommendations for suggested actions.

These guidelines are presented in two parts. Part I provides a section-by-section interpretation basic on an overall understanding of the Order. Part II discusses the decision-making process required by Section 2 of the Order and is critical to the development of agency procedures. The guidelines do not intend to prohibit floodplain development in all cases, but rather to create a consistent government policy against such development under most circumstances.

Appended to the guidelines are descriptions of agency programs providing floodplain information, related programs and references, and the President's Policy Statement and copies of the complete Executive orders, *Floodplain Management*, *Protection of Wetlands*, and *Protection and Enhancement of Environmental Quality*.

Executive Order 11990—*Protection of Wetlands* has been included because most of the Nation's wetlands are located on floodplains. Also, both the floodplain and wetland orders were issued as part of the President's *Message on the Environment*, May 24, 1977. Thus the guidance provided in this document and the agency procedures for floodplain management will frequently apply to wetlands. Agencies may wish to develop a single set of procedures for these orders.

Executive Order 11514—*Protection and Enhancement of Environmental Quality* has been included to clarify the public notice aspects of the Order.

Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

The basic concepts expressed in Section 1 of the Order are: (1) all agencies are covered; (2) all actions are covered; (3) all agencies are to affirmatively carry out efforts to, and provide a good example of, sound floodplain management practices; and (4) all agencies are required to act, not merely consider, reducing risk, minimizing adverse impacts, and restoring and preserving floodplain values.

The comprehensiveness of the Order recognizes that each agency, in carrying out the various types of actions enumerated in this section, can affect the floodplain through any of its actions. The mandate that the agencies take a leadership role places them in a unique position relative to state, regional and local levels of government in carrying out actions which affect the floodplain. This role requires the agencies to lead other public and private entities in achieving the goals of the Order by setting a good example. (The concepts of reducing risk, minimizing impact, and restoring and preserving floodplain values are discussed in Part II—Step 5.)

PART I—INTERPRETATION OF EXECUTIVE ORDER 11988

This part of the guidelines provides detailed section-by-section discussion of the Order as interpreted by CEQ, WRC, and HUD/FIA. Key concepts are discussed and reference is made to the decision-making process (Part II).

INTRODUCTION

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*), and the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975), in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, it is hereby ordered as follows:

The Introduction establishes the broad scope of the Order derived from NEPA and the flood insurance legislation. (Part II—Step 4, discusses impacts associated with the occupancy and modification of floodplains and support of floodplain development. Part II—Step 3 discusses the practicability of alternatives.)

SECTION 1

Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

The basic concepts expressed in Section 1 of the Order are: (1) all agencies are covered; (2) all actions are covered; (3) all agencies are to affirmatively carry out efforts to, and provide a good example of, sound floodplain management practices; and (4) all agencies are required to act, not merely consider, reducing risk, minimizing adverse impacts, and restoring and preserving floodplain values.

The comprehensiveness of the Order recognizes that each agency, in carrying out the various types of actions enumerated in this section, can affect the floodplain through any of its actions. The mandate that the agencies take a leadership role places them in a unique position relative to state, regional and local levels of government in carrying out actions which affect the floodplain. This role requires the agencies to lead other public and private entities in achieving the goals of the Order by setting a good example. (The concepts of reducing risk, minimizing impact, and restoring and preserving floodplain values are discussed in Part II—Step 5.)

SECTION 2

In carrying out the activities described in Section 1 of this Order, each agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of this Order, as follows:

Three concepts are introduced in this section: evaluation, construction vs. planning programs, and implementation. Evaluation as discussed in these guidelines goes beyond identifying the impacts of a specific proposal and includes an ongoing analysis of the effects of agency policies and programs and the development of new or improved policies and programs to carry out this Order. (The analysis of the full range of their effects is discussed in Part II—Step 4.A.) By including planning programs as a separate item, the Order emphasizes that all actions, even those which do not result in a physical change, must be evaluated for their impacts to or within the floodplain. Implementation means that agencies must adopt and carry out evaluation procedures. The results of this evaluation should be included in any environmental assessment prepared under NEPA. (See Part II—Step 7.)

SECTION 2(a)(1)

Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain—for major Federal actions significantly affecting the quality of the human environment, the evaluation required below will be included in any statement prepared under Section 102(2)(C) of the National Environmental Policy Act. This determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on the best available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977.

The intent of this subsection is that agencies use the best available information in determining whether a proposed action will be located in a floodplain. HUD/FIA floodplain maps are established as the minimum standards for making this determination. Even if no map data exists, the intent is that the agency proposing the action perform or have performed a determination of whether a proposed action is located in a floodplain. Guidance for

this determination was published in the *FEDERAL REGISTER*, (Vol. 42, No. 190, Friday, September 30, 1977) entitled "Guidance for Floodplain Management." (See Part II—Step 1.)

SECTION 2(a)(2)

If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplains. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Order requires siting in a floodplain, the agency shall, prior to taking action, (i) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with Section 2(d) of this Order, and (ii) prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

The major issues here include: (1) consideration of alternatives which will avoid the floodplain, wherever practicable, and alternatives which will avoid adverse effects and incompatible development (development which has adverse effects); (2) minimization of harm to or within the floodplain resulting from proposed actions; and (3) circulation of a notice ("finding")—to the general public and affected agencies that siting in the floodplain is the only practicable alternative. The notice requirement introduced in this subsection is part of a larger concern for public notice and review carrying through to Section 4.

This section does not provide a standard for minimizing harm because of the great variety of actions and environments subject to the requirement. Instead, the Order expressly recognizes that it is more appropriate for agency procedures to spell this out for specific programs and activities.

Two important points should be noted about the standards to be embodied in agency procedures. First, while minimize means reduce to the smallest amount or degree, there is an implicit acceptance of practical limitations. Agencies are required to use all *practicable* means and measures to minimize harm. The Order does not expect agencies to employ unworkable means to meet this goal. Second, agency procedures are intended to be consistent with the standards in the Flood Insurance Program of the Federal Insurance Administration (FIA). For this reason, agencies are required to consult with FIA before issuing their procedures, and agencies with control over Federal property are required to follow the standards in FIA's regulations unless they are demonstrably inappropriate.

Avoidance is discussed in Part II—Steps 3 and 4. Minimization is discussed in Part II—Step 5. Findings and

NOTICES

public notice are discussed in Part II—Steps 2 and 7.)

SECTION 2(a)(3)

For programs subject to the Office of Management and Budget Circular A-95, the agency shall send the notice, not to exceed three pages in length including a location map, to the state and areawide A-95 clearinghouses for the geographic areas affected. The notice shall include: (i) the reasons why the action is proposed to be located in a floodplain; (ii) a statement indicating whether the action conforms to applicable state or local floodplain protection standards and (iii) a list of the alternatives considered. Agencies shall endeavor to allow a brief comment period prior to taking any action.

Items (i), (ii), and (iii) are the minimum to be included in the notice. (The notice requirements set out in this subsection are discussed in Part II—Step 7.)

SECTION 2(a)(4)

Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

This section requires public notice much earlier than the finding requirement, including notice for actions which do not require environmental impact statements. (The notice requirements set out in this subsection are discussed in Part II—Step 2.)

SECTION 2(b)

Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in a floodplain, whether the proposed action is in accord with this Order.

This subsection complements the public review element in the Order (Subsections 2(a) (2), (3), and (4)). It provides for Federal review and raises the possibility that agency funds may be withheld from proposed actions which are not in accord with the intent of the Order. "In accord with" means in compliance with the policy and mandatory provisions (the letter and spirit) of the Order.

SECTION 2(c)

Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the licenses, permits,

loan or grants-in-aid programs that they administer. Agencies shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans or grants.

Each agency shall take floodplain management, as provided for in Section 2(d), into account when: (1) formulating its own water and land use plans, and (2) evaluating the water and land use plans of others.

In the operation of a license, permit, loan, or grant-in-aid program, each agency must make adequate provision for the evaluation and consideration of flood hazards. These provisions shall be included in agency's regulations and procedures. When the action involves more than one Federal agency, the "lead agency" will be responsible and will obtain input from all agencies. In all cases, as a minimum, the "practicability" and "minimization" standards of Section 2(a) of the Order apply. Therefore, as a precondition for an agency's approval of an application for a license, permit, loan, or grant-in-aid, the agency must assure that the requirements of Section 2(a) have been met. To the extent that an agency deems the requirements of Section 2(a) not to constitute adequate provision for evaluation and consideration of the flood hazard, the agency shall impose additional requirements.

The flood hazard aspects and to the degree they are quantifiable, the floodplain value aspects should be expressed in terms of: (1) potential (or residuals) for monetary loss; (2) human safety, health, and welfare; (3) shifting of costs or damage to others; and (4) potential for affecting the natural and beneficial floodplain values.

Agencies shall encourage and provide appropriate guidance to applicants to enable them to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans, or grants. It is important that applicants be made aware early in their planning process of the floodplain management parameters which the agency must consider when reviewing the proposed action. In this way, applicants will not go to the trouble of putting together completed plans and submitting them formally before being made aware of the standards to which the agency is subject in reviewing such plans. Agencies are encouraged to refer applicants to the agencies listed in Part II—Table 1 for guidance on floodplain management matters.

SECTION 2(d)

As allowed by law, each agency shall issue or amend existing regulations and procedures within one year to comply with this Order. These procedures shall incorporate

the Unified National Program for Floodplain Management of the Water Resources Council, and shall explain the means that and the agency will employ to pursue the nonhazardous use of riverine, coastal and other floodplains in connection with the activities under its authority. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality, and shall update such procedures as necessary.

Agency regulations and procedures will systematically address each section of the Order, and their procedures will define the extent to which responsibility for compliance is to be delegated by the agency head.

Each agency is to reflect the conceptual framework of floodplain management as set out in the *Unified National Program for Flood Plain Management* in its regulations and procedures developed in response to provisions of the Order. Floodplain management according to the Unified National Program has as its goals the "wise use, conservation, development, and utilization of interrelated land and water resources to serve objectives of economic efficiency, environmental quality, and social well-being as consonant with responsibilities" This concept requires that the floodplain be viewed as having a role to play in the future of its surroundings. Within it, further adjustments in the way floodplain land is used or in the way floods behave must be made in a manner that is supportive of this future. From the standpoint of this Order, the Federal posture in floodplain management would be one of overcoming the apparent inertia in environmental value recognition when the appropriate floodplain role is being determined, as well as one of avoiding hazardous and uneconomic uses as part of this future role. The term "uneconomic" also includes the concept of costs shifted by floodplain users to others, both directly and indirectly.

In order to comply with the requirement that the means to be employed to pursue nonhazardous use be identified, each agency will be required to assess the degree of hazard associated with its program activities under a possible range of flood conditions. Then the agency must state the specific kinds of actions or adjustments that would be employed to comply with this section.

To the extent possible, agencies will utilize existing processes established under the NEPA directives of CEQ and WRC's Principles and Standards in addition to these guidelines.

Each agency shall consult with WRC, CEQ, and FIA in the preparation of their regulations and proce-

dures in response to the Order. This consultation will, of course, include any issue relevant to compliance with the Order. WRC will be the point of contact, and will arrange for consultation as needed with an interagency panel including members from the three agencies cited. Contact WRC Policy Office, 202-254-6352, for arrangements. Each agency's procedures should identify those actions, if any, which: (1) typically do not create adverse effects or incompatible development, or (2) normally will not require specific agency and public review under the Order.

To ensure that the public will be informed of agency procedures, the proposed agency regulations and procedures should be published in the *FEDERAL REGISTER* within a minimum 30-day review period provided. However, each agency must consult with CEQ, WRC and FIA prior to making procedures available for public review or prior to publishing them in the *FEDERAL REGISTER*.

Agency regulations or procedures should include relevant material in the following areas: (1) *mechanical requirements* that an agency will use to meet the procedural requirements of the Executive Order, such as timing, routing of documents, preparation and circulation of findings and notices, and specific links between the Order and other planning decision-making processes and requirements (e.g., budget process, NEPA, P&S, A-95); (2) *substantive requirements*, such as the standards for determining which alternatives are practicable, and the criteria and methods for minimizing harm (using FIA regulations as a guide wherever applicable); (3) *policy direction*, such as incorporation by reference of the Executive Order, Unified Program, NEPA, and other relevant requirements; general policies on the agency's approach to implementing the Order; program-specific policies; and commitments to research monitoring and evaluation; and (4) *other information*, such as appendices identifying the agency contacts in Washington and in the field who are principally responsible for implementing the Order, cross-references to other relevant agency procedures and manuals, and other material that will assist agencies and the public to understand just what the agency is doing to comply with the Order.

SECTION 3

In addition to the requirements of Section 2, agencies with responsibilities for Federal real property and facilities shall take the following measures:

The requirements of this section of the Order are *supplemental* to those of Sections 1 and 2, and must be met by agencies having responsibilities for

Federal real property, structures and facilities.

SECTION 3(a)

The regulations and procedures established under Section 2(d) of this Order shall, at a minimum, require the construction of Federal structures and facilities to be in accordance with the standards and criteria and to be consistent with the intent of those promulgated under the National Flood Insurance Program. They shall deviate only to the extent that the standards of the Flood Insurance Program are demonstrably inappropriate for a given type of structure or facility.

There are three key concepts expressed in this subsection: (1) the relationship of the NFIP requirements to the Order's minimization requirement; (2) the scope and nature of the NFIP requirements; and (3) situations where the NFIP requirements are not applicable to the agency actions.

The intent of this subsection is twofold; first, to assure that the Federal government will require itself no less than it requires of non-Federal entities for the protection of property from flood hazards, and second, to assure that the NFIP is not undermined by the actions of the Federal agencies. Both the positioning of the reference to the NFIP requirements following the avoidance and minimization responsibilities set out in Section 2, as well as the emphasis on the NFIP as the *minimum*, is most significant in that it recognizes the precedence of the requirements of Section 2 and limited scope of the NFIP requirements. Of the three areas of concern which the Order addresses (minimization of harm to lives, property and floodplain values), the NFIP requirements are primarily directed towards the protection of property. Thus, an agency's application of the NFIP requirements to proposed actions does not comprise full compliance with the minimization responsibilities of the Order.

The standards and criteria of the NFIP are directed towards the protection of structures and facilities from the flood hazard and the protection of existing development from the effects of new development. Under the NFIP, residential structures (including basements) are required to be elevated to or above the base flood level. Nonresidential structures may be elevated as described above, or floodproofed watertight to or above the base flood level. For the protection of existing development, the NFIP standards and criteria rely on a regulatory floodway (see Glossary).

Under the NFIP, actions involving the placement of facilities are subject to the requirements that the cumulative effect of the proposed action, when combined with all existing and anticipated development, will not increase the water surface elevation of

the base flood more than one foot at any point within the community wherein the action is proposed. It should be noted that the NFIP's one foot stage rise standard is a minimum standard, and more restrictive stage rise standards that are in effect in States and local communities take precedence over the NFIP standard as set out in Section 1910.1(d) of the NFIP regulations.

This subsection allows deviation from the NFIP requirements only to the extent that its standards and criteria are "demonstrably inappropriate" for a given type of structure or facility. Where this can be demonstrated, the proposed structure or facility must satisfy the requirements of Section 2, and must not endanger existing development, encourage development which would result in harm to or within the floodplain, or itself be vulnerable to flood damage.

SECTION 3(b)

If, after compliance with the requirements of this Order, new construction of structures or facilities are to be located in a floodplain, accepted floodproofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, agencies shall, wherever practicable, elevate structures above the base flood level rather than filling in land.

The key concepts in this subsection are: (1) requirements for new construction and existing structures; (2) accepted floodproofing measures and other flood protection measures; and (3) the requirement to achieve flood protection for structures, wherever practicable, without the use of fill.

For the purposes of the Order, the term "new construction" includes construction associated with: (1) new structures and facilities; (2) the reconstruction of existing structures and facilities following damage caused by fire, flood or other hazard; and (3) the improvement of existing structures and facilities by rehabilitation, repair, alteration or addition. The application of the Order's requirements to existing structures is emphasized in this section.

Floodplain management approaches have in the past set varying thresholds for what constitutes a major improvement. In most cases a market value threshold has been relied on which varies from 50 percent to 80 percent of the pre-improvement value of the structure or facility (see, for instance, the NFIP definition of substantial improvement (24 CFR 1909.1). In the case of major improvements, agencies are offered an opportunity to compensate for previous siting and design decisions which did not reflect the intent of the Order. In meeting the responsibility to apply the Order's requirement to existing structures, the agen-

cies shall consider whether the proposed action would: (1) result in an increase in the useful life of the structure or facility in question; (2) maintain the investment at risk and the exposure of lives to the flood hazard; or (3) eliminate an opportunity to restore the natural and beneficial floodplain values.

Accepted floodproofing measures for structures are defined under the NFIP regulations and are set out in the discussion under Subsection 3(a), above. The Order further limits what constitutes accepted floodproofing for structures through additional language in this subsection which requires that, wherever practicable, all structures shall be elevated using open works, e.g., columns, walls, piers, etc., rather than fill (see Appendix B). Accepted floodproofing measures for facilities vary considerably, since the scope of the term facility, as defined in the Glossary, is extremely broad. Floodproofing measures for certain types of facilities, e.g., sewer interceptor lines and other types of piping, and bridges and roads have been developed, and are familiar to agencies having responsibilities in those areas. Other flood protection measures including warning and evacuation plans, etc. are discussed in the *Unified National Program for Flood Plain Management*.

SECTION 3(c)

If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible agency shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

The conspicuous delineation of past and probable flood heights is required on property which has been or could be subjected to flooding and is used by the general public. This delineation responsibility applies to all types of property (land, structures and facilities). Agencies must identify in their regulations and procedures the areas where this requirement will be most effective in minimizing the adverse impacts of floods, especially on human safety. The 100-year flood level and the flood of record should be shown where available. The 500-year flood should also be shown where appropriate.

SECTION 3(d)

When property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, the Federal agency shall (1) reference in the conveyance those uses that are restricted under identified Federal, State, or local floodplain regulations; and (2) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law;

or (3) withhold such properties from conveyance.

Three requirements are set out for agencies which dispose of Federal properties (land, structures or facilities) in the base floodplain. Of these three, the agencies must meet both requirements 3(d)(1) and 3(d)(2), or they must meet Section 3(d)(3). That is, if both 3(d)(1) and (2) cannot be satisfied, or if the agency does not choose to implement both, then the property must be withheld from conveyance.

Under Section 3(d)(1), the agencies' regulations or procedures must provide for the identification of those uses that are restricted, and how they are restricted under state and local floodplain regulations. Such restrictions are generally set out in state shoreline or coastal management plans or regulations, local plans and building codes, zoning and subdivision ordinances. If no such restrictions exist, the agency must note this when it implements the finding and public notice procedures (see Part II—Step 7). Then it still must satisfy either 3(d)(2) or 3(d)(3).

Under Section 3(d)(2), the agencies are required to provide appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, which would augment those restrictions referred to in (d)(1), above, or if none, adequately stand on their own. For the purpose of this Order, the term "appropriate" as it refers to restrictions, means restrictions equal in scope and strictness to those of this Order. Since the property in question is located in the floodplain, then the agency must assure through these restrictions that harm to lives and property and to floodplain values is identified, and such harm is minimized and floodplain values are restored and preserved. Section 3(d)(2) recognizes that these additional restrictions need not be applied to the conveyance where prohibited by law.

Section 3(d)(3) requires that where an agency cannot or does not choose to meet the requirements of either 3(d)(1) or (2), or both, it is prohibited from making the conveyance. Even where the option is open to meet 3(d)(1) or (2), withholding the conveyance may be the most appropriate approach to meeting the Order's intent. Where, for instance, the existing use is not compatible with the intent of the Order, or the area in question is not subject to meaningful floodplain management requirements, withholding the land or facility from conveyance may be required.

This section makes it clear that each agency now has a mandate to condition or withhold the conveyance of Federal property, unless a specific law expressly prohibits such activity.

SECTION 4

In addition to any responsibilities under this Order and Sections 202 and 205 of the

Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4106 and 4128), agencies which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in a floodplain shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

This section applies to the Federal Housing Administration, the Veterans Administration, and the six agencies enumerated in the Flood Disaster Protection Act of 1973: the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration (to the extent that an Executive Order may be binding on them). Other agencies that have responsibilities similar to those described in this section are also subject to its requirements. The notice requirements of this section are in addition to the other responsibilities of these agencies under the Order and under Sections 202 and 205 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4106 and 4128).

This section covers any financial transaction guaranteed, approved, regulated or insured by a Federal agency which is and which pertains to an area located in a floodplain. If an agency does not operate on an individual transaction basis with private parties, but rather guarantees, approves, regulates or insures the institutions conducting such transactions, then it is the agency's responsibility to require that the institution provide the requisite notice.

The private parties must be informed of the hazards of locating in the base floodplain. Such notice should be given in a way which: (1) explains the chances of being flooded in language readily understandable to the private party; (2) indicates if the property is in a floodway, or coastal high hazard area; (3) indicates if there is a flood insurance purchase requirement; and (4) indicates if the transaction involves the sale of unimproved real estate, that the property may be subject to floodplain management regulations which dictate the manner, and in some cases the location of new construction.

SECTION 5

The head of each agency shall submit a report to the Council on Environmental Quality and to the Water Resources Council on June 30, 1978, regarding the status of their procedures and the impact of this Order on the agency's operations. Thereafter, the Water Resources Council shall periodically evaluate agency procedures and their effectiveness.

Agencies may be called on to furnish documentation covering revisions or

special applications of procedures in years subsequent to 1978. WRC will involve interested and affected agencies in the review.

SECTION 6

As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting floodplains.

(b) The term "base flood" shall mean that flood which has a one percent or greater chance of occurrence in any given year.

(c) The term "floodplain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

The terms "agency," "base flood," and "floodplain" are defined in the Glossary. The 100-year floodplain is used as the base or minimum floodplain for these guidelines.

SECTION 7

Executive Order No. 11296 of August 10, 1966, is hereby revoked. All actions, procedures, and issuances taken under that Order and still in effect shall remain in effect until modified by appropriate authority under the terms of this Order.

The previous Executive Order 11296 is revoked, but agencies are allowed to operate under existing procedures until they can be revised to reflect this Order. At the latest, this revision must be accomplished by May 24, 1978.

SECTION 8

Nothing in this Order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Although Section 8 exempts flood-related and other emergency activities "essential to save lives and protect property and public health and safety" from the provisions of the Order, (e.g., the requirement to prepare and circulate notice of proposed activity), it doesn't exempt them from the spirit of the Order expressed in Section 1. Activities under portions of legislatively directed emergency programs, (e.g., under P.L. 84-99), covering the same kinds of situations as those sections specifically cited in the Order, are clearly within the meaning and intent of Section 8, and therefore are subject to the same interpretation.

SECTION 9

To the extent the provisions of Section 2(a) of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decision-making, and action pursuant to the National Environmental Policy Act of 1969, as amended.

This section allows units of general purpose, local government which may assume the status of Federal agencies for purposes of NEPA compliance under the HUD Community Development Block Grant (CDBG) Program to assume the responsibility for carrying out the provisions of Section 2(a) of this Order for specific projects under CDBG as part of their overall NEPA responsibilities. Thus, the provisions of Section 2(a) of this Order will be carried out in conjunction with NEPA compliance, and one responsibility may not be assumed without the other also being assumed by a grantee. Compliance with Section 2(a) of the Order will be completed prior to the grantee's certification of compliance with NEPA.

PART II—DECISION-MAKING PROCESS

This part of the guidelines is structured in eight steps to reflect the decision-making process (Figure 1) required in Section 2(a) of the Order. The eight steps are summarized below.

1. The first step of the decision process is to determine if a proposed agency action is located in the base* floodplain. (As reflected in Figure 2, the base* floodplain is the 100-year floodplain. Also, the term 500-year floodplain should be substituted for base* floodplain for critical actions—see Step 1.C.) This discussion identifies various types of floodplains and their boundaries. If the proposed action is not in the base* floodplain, proceed to Step 4.

2. The agency must make public its intent to locate a proposed action in the base* floodplain. This notice must provide a description of the proposed action with ample lead time for meaningful input from the public.

3. If the action is in the base* floodplain, the third step is to identify and value the practicable alternatives to locating in the base* floodplain. This determination requires the agency to consider whether the base* floodplain can be avoided either through alternative siting; through alternate actions which would perform the intended function but would minimize harm to or within the floodplain; or by taking no action.

4. For the proposed alternative, the agency must identify if the action has

impacts in the base* floodplain or directly or indirectly supports floodplain development that has additional impacts. If the proposed action is outside the base* floodplain and has no identifiable impacts or support, the action can be implemented, Step 8.

5. If the proposed action has identifiable impacts or support, these effects must be minimized. Further, natural and beneficial floodplain values must be restored and preserved.

6. The proposed alternative can now be reevaluated taking into account the

identified impacts, the steps necessary to minimize these impacts and opportunities to restore and preserve floodplain values.

In the base floodplain:* If this reevaluation shows that the proposed action is no longer feasible, consider limiting the action to make a non-floodplain site practicable or taking no action.

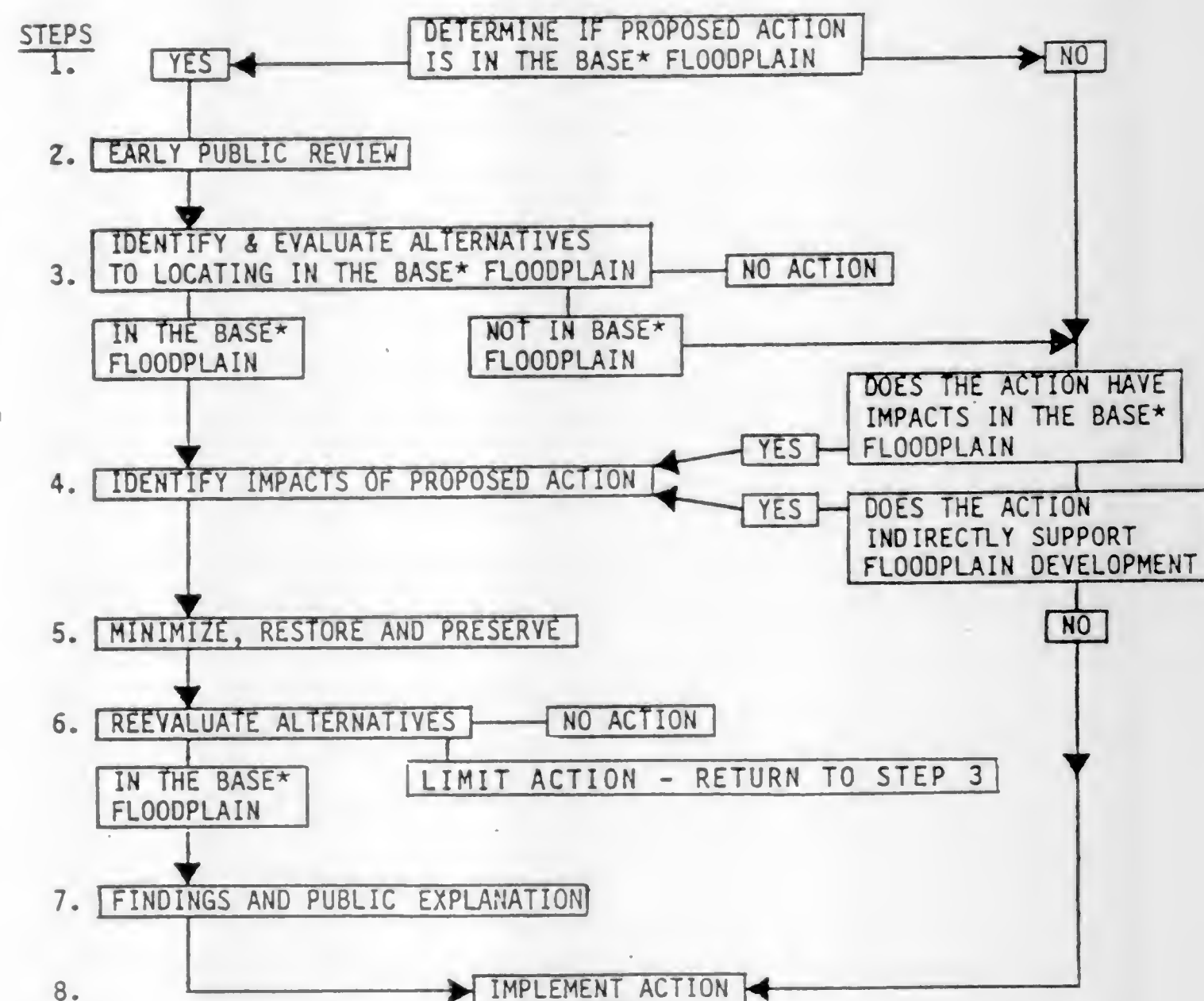
Outside the base floodplain:* If the action has impacts or support, consider modifying or relocating the action to eliminate or reduce these effects or taking no action.

7. If the agency head finds that the only practicable alternative is locating in the base* floodplain, public notice of the reasons must be given for this finding (including the alternatives considered).

8. After a reasonable period to allow for public response, the proposed action can be implemented.

Note that depending on the situation, this process may be carried out with fewer steps if all of the objectives of the decision-making process can be achieved.

DECISION-MAKING PROCESS FOR E.O. 11988
FIGURE 1



* FOR CRITICAL ACTIONS SUBSTITUTE "500 YEAR" FOR "BASE".

STEP 1—DETERMINE IF A PROPOSED ACTION IS IN THE BASE FLOODPLAIN

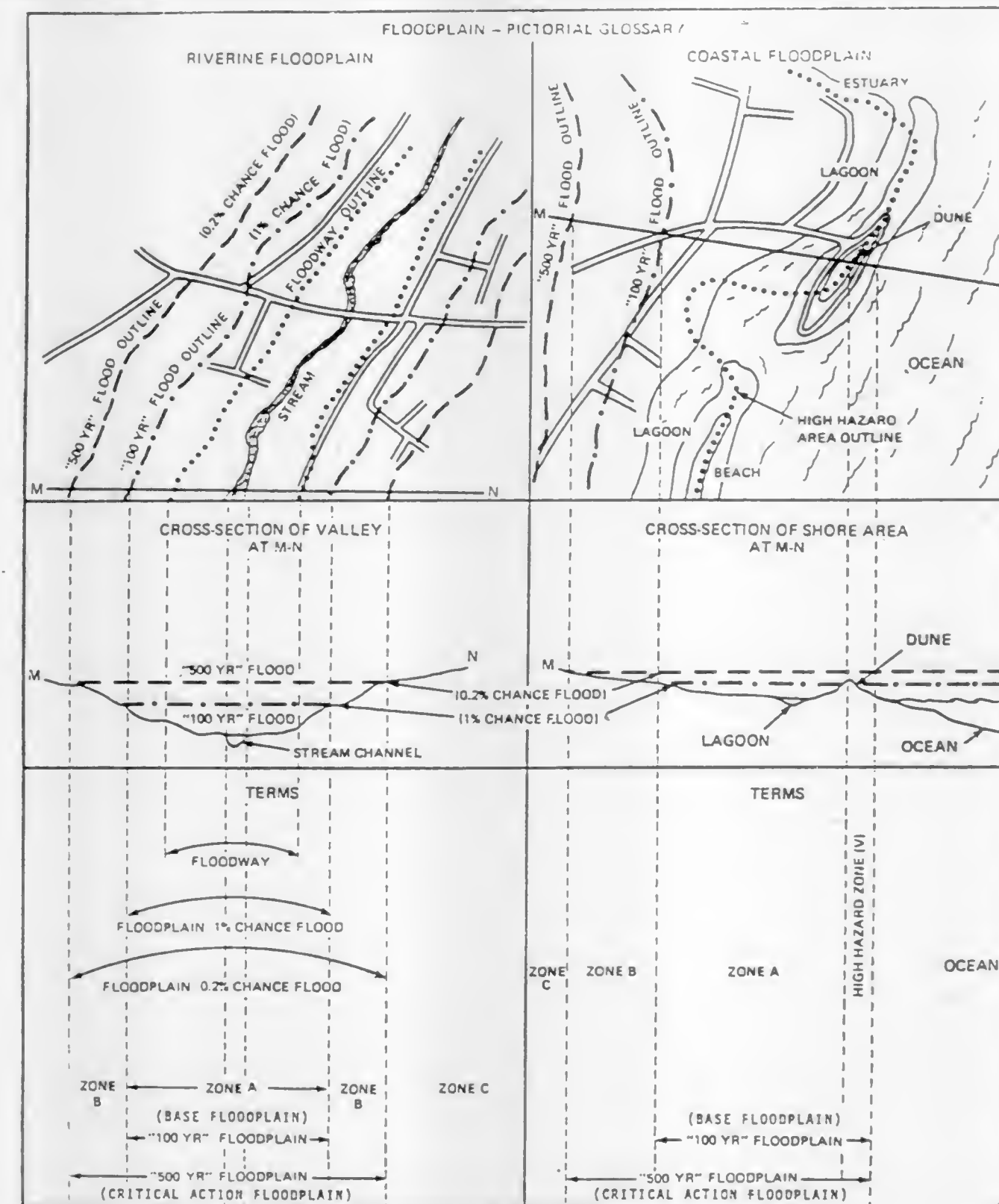
The first step in complying with the Order is to determine whether or not a proposed action is located in the base floodplain. This procedure was published in the *FEDERAL REGISTER* (Vol. 42, No. 190, Friday, September 30, 1977). The following discussion includes types of floodplains (I.A.), limits of flooding (I.B.) and critical action (I.C.).

I.A. Types of Floodplain

The general types of land area where flood hazards are encountered

are riverine floodplains and coastal floodplains. The term floodplain is not limited only to areas surrounding large bodies of water such as coastal areas and the shores of large rivers. In this document, the term floodplain refers to any land area susceptible to being inundated from any source of flooding including those which can be flooded from small and often dry watercourses. Small watercourses can become sources of major flood damage when their watersheds experience rapid runoff from intense rain or melting snow. At some locations the flood hazard results from several sources.

Aggravating factors contribute to the flood hazard in many riverine, coastal, and sheet flow areas. This is particularly true in riverine situations where high velocity flow causes flood-related erosion. In other areas where sheet flow has high velocity, sheet flow erosion may occur. Unusually high waves and tides are the most frequent agents of coastal erosion. Ice also contributes to structural damages. Land subsidence may occur with extensive withdrawals of ground water or other substances producing a relative increase in flood levels.



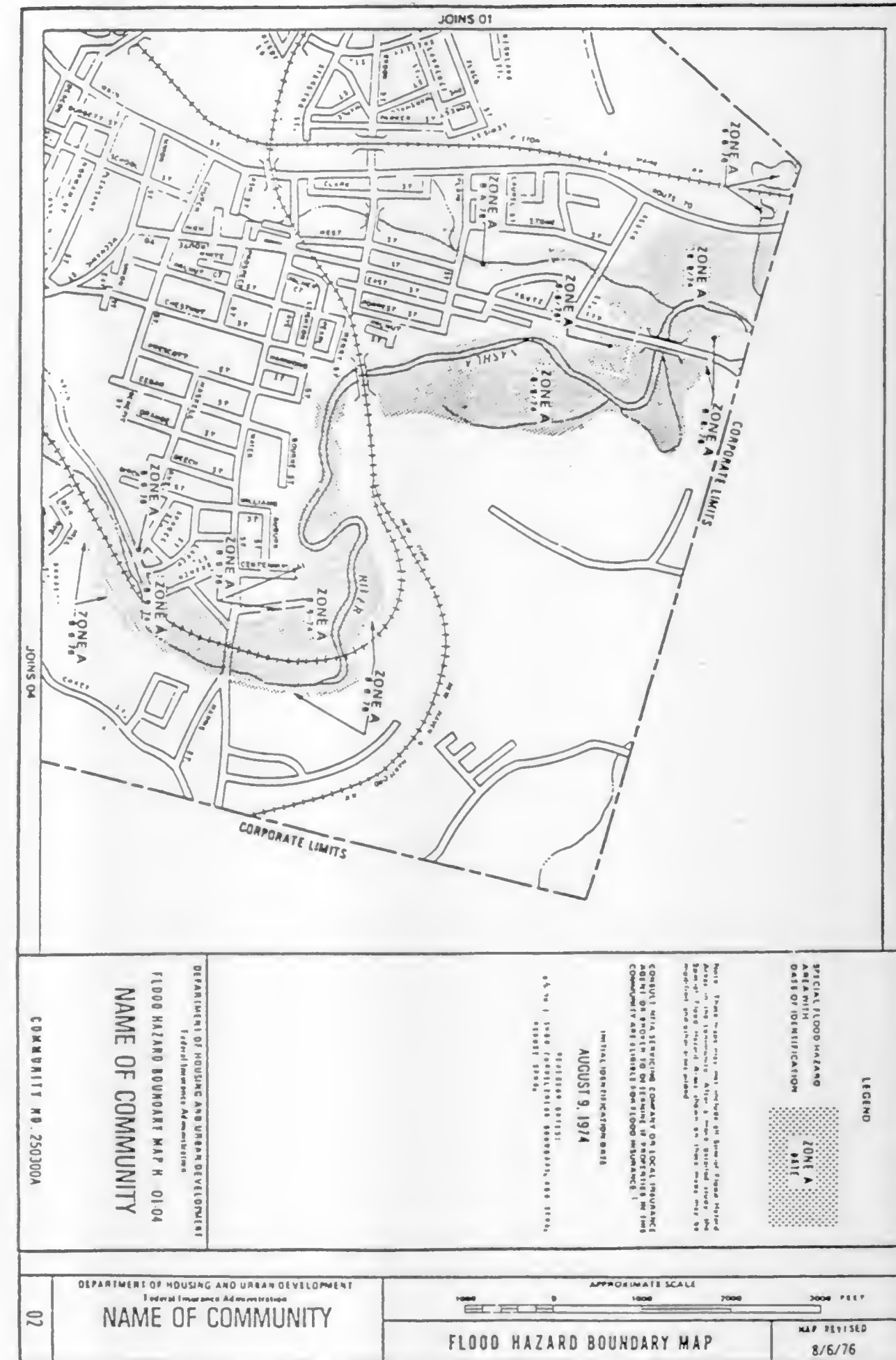
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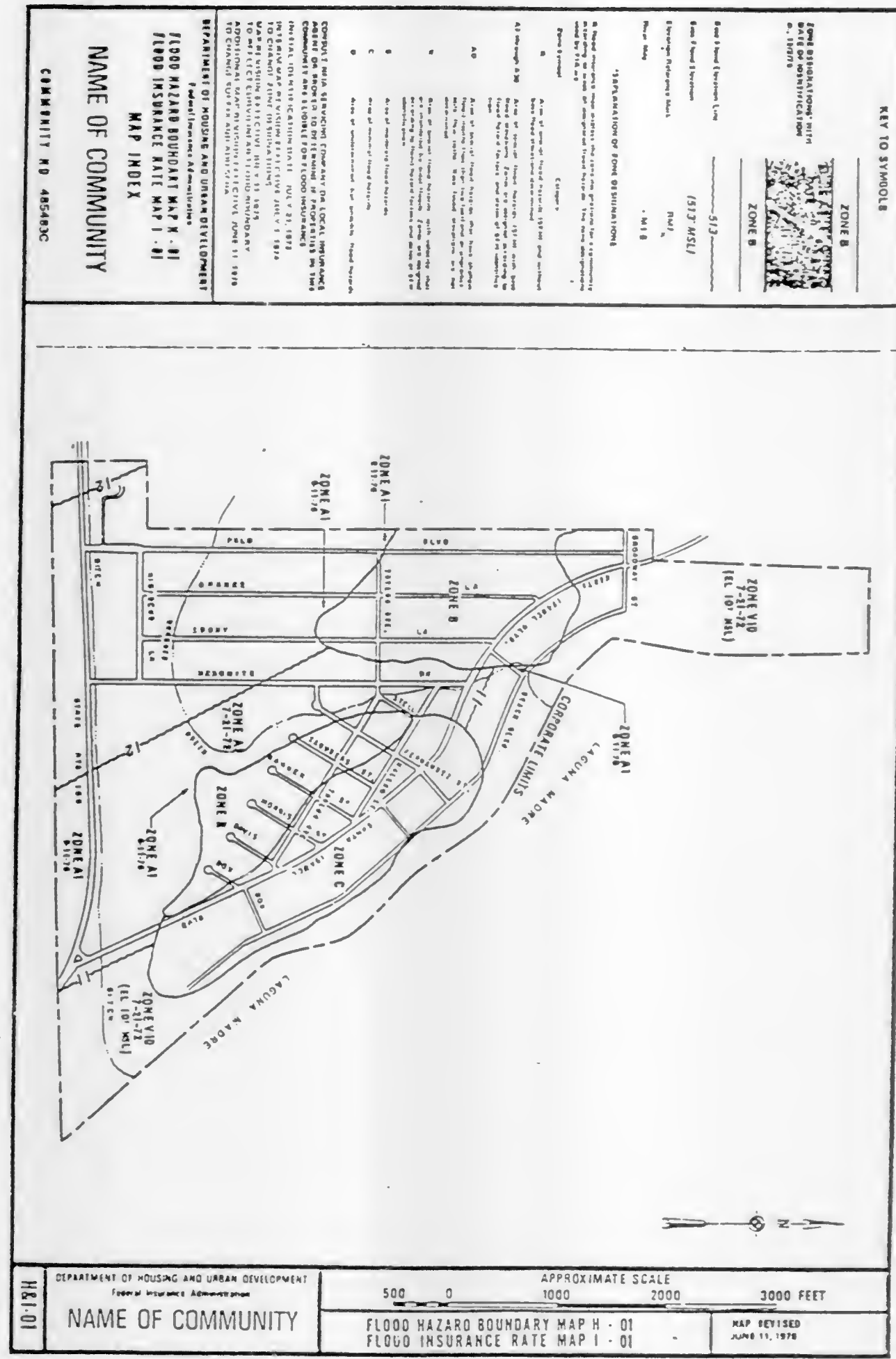
NOTICES



FEDERAL REGISTER, VOL. 43, NO. 29—FRIDAY, FEBRUARY 10, 1978

6041

NOTICES



FEDERAL REGISTER, VOL. 43, NO. 29—FRIDAY, FEBRUARY 10, 1978

1.A.1. RIVERINE FLOODPLAINS

Riverine floodplains are valley areas adjacent to any size stream or river which can be covered by floodwaters (Figure 2). Flooding in these areas results from excessive rainfall, snowmelt, or a combination thereof. If runoff is increased to the point that the carrying capacity of the channel is exceeded, flooding occurs. Flooding also occurs when the capacity of the stream channel is reduced by natural obstructions (ice or debris dams, sediment, and vegetation) and man-placed obstruction (structures and facilities). Some areas flood either from tributary stream overflow, backwater from a major stream, or from both simultaneously.

1.A.2. COASTAL FLOODPLAINS

Coastal floodplains border lakes, estuaries, oceans, or similar bodies of standing water (Figure 2). Flooding in these areas is due to landward flows caused by unusually high tides, waves from high winds, storm surges, tsunamis (large waves in the sea associated with very strong earthquakes or other impulsive disturbances), or by a combination of these causes.

1.A.3. SPECIAL FLOODPLAIN AREAS

Special floodplain areas encompass sheet flow or shallow flooding areas, wetlands, and sinkholes. Sheet flow occurs where a clearly defined channel is absent and where the path of flooding is unpredictable and indeterminate. In some cases, high velocity flow may occur with sheet flow, as it does commonly on debris cone floodplains (alluvial fans). These cones build up from eroded geological debris that is carried by mountain streams and deposited when the stream encounters an abrupt decrease in slope. Other flood problems are caused when development occurs in areas drained by sinkholes which often become plugged.

1.B. Limits of Flooding

For purposes of the Order, all agency heads will be concerned at a minimum with the floodplain area which would be inundated by a flood having a one percent chance of occurring in any year—the so-called "100-year or base flood"—because they must support any decision to conduct, support, or allow an action (i.e., "structure", "facility" or "activity") to be located within this area. The pictorial glossary (Figure 2) depicts and defines the 100-year or base floodplain and other portions of floodplains. The base floodplain is delineated by Zone A on the examples of flood insurance maps shown in Figures 3 and 4.

Within the base floodplain, extreme hazard is associated with those portions of riverine and coastal floodplains nearest to flood sources, where depths and velocities of flood waters are greatest. These areas are usually referred to as a "floodway" and "coastal high hazard area", and with few exceptions, are locations to be avoided. These are the floodplain areas where flooding is not only most frequent and damaging, but where natural and beneficial values of the land and water interface are at their maximum.

In addition, agency heads should consider the implications of the occurrence of a flood larger than the base flood on the economics and safety of a proposed floodplain action. If a proposed action would be especially dangerous when exposed to larger floods, consideration must be given to the larger floodplain area. (See Step 1.C. "Critical Actions".) Herein, such larger floodplains are identified as those of a flood with a 0.2 percent chance of occurring in any year—the so-called "500-year flood"—shown as Zone B on the Flood Insurance Rate Maps issued by the Federal Insurance Administration. Larger floods are also used to delineate floodplains in flood hazard studies by other agencies. (Examples are the Standard Project Flood (SPF) used in the U.S. Army Corps of Engineers' studies, and the Maximum Probable Flood (MPF) used in Tennessee Valley Authority (TVA) studies which are computed from basin runoff potentials rather than through statistical analyses of flow frequencies.) In summary, the key question is: How does the agency decision-maker ascertain if his decision involves a floodplain location, particularly a site within the floodplain of the one percent chance flood?

1.B.1. PROCEDURES FOR DETERMINING A FLOODPLAIN LOCATION

The Order states that "this determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if

available." Two cautions are suggested in using flood insurance maps: (1) they generally do not delineate portions of the floodplain less than 200 feet wide where headwater flooding may be a concern, and (2) possible adverse consequences from future urbanization are difficult to infer from the maps. Thus, technical assistance may be desirable for interpreting flood insurance maps. In addition, decision-makers seeking flood insurance maps may find them unavailable for areas of extensive public land holdings.

The following is a guide for obtaining the floodplain information needed to make a determination.

Areas of Predominantly Private Land Ownership: If a decision involves a publicly or privately owned site within an area of predominantly private ownership, a map showing the flood hazard areas will usually be available from the National Flood Insurance Program administered by the Federal Insurance Administration (FIA), HUD. Detailed maps showing the elevations and boundaries of the "100-year" (Zones A and V) and "500-year" (Zone B) floodplains are known as "Flood Insurance Rate Maps" (FIRM). A sample is shown as Figure 3. Such maps have been published by the FIA for over 1,300 communities and maps for more communities continue to be published for FIA's program to provide maps of all flood prone areas by 1983. Many of the communities which have a FIRM also have a Flood Insurance Study Report (FIS) containing detailed flood information. Some 13,000 less detailed maps showing the approximate areas of the base (Zone A) floodplain are available for most of the remaining communities. These are called "Flood Hazard Boundary Maps" (FHBMs). A sample is shown as Figure 4. Similar information, some very detailed, is also available from the agencies described in Appendix A. The search for flood hazard information should follow the sequence below.

- The detailed map (FIRM) or the Flood Insurance Study (FIS) report should be consulted first. Information on how to request single maps, FIS reports, and how to be placed on the FIA mailing list to receive new or revised FIRM's, FHBMs, and FIS reports is detailed in Appendix A.

- If a detailed map (FIRM) is not available—obtain an approximate boundary map (FHBMs) from the same source as in the preceding step. If the proposed site is at or near the "100-year" boundary, if data on flood elevations are needed, or if the map does not delineate the flood hazard boundaries in the vicinity of the proposed site—seek detailed information and assistance from the agencies listed in Table 1. (There are additional agencies with professional competence not listed in Table 1 which can perform their own floodplain studies when needed.)
- If an approximate boundary map (FHBMs) is not available or if the map does not delineate the flood hazard boundaries in the vicinity of the proposed site—seek detailed information and assistance from the agencies listed in Table 1.
- If the agencies listed do not have or know of detailed information and are unable to assist in determining whether or not the proposed site is in the base floodplain—seek the services of a licensed consulting engineer experienced in this type of work. The quality of information obtained from the consulting engineer

must be comparable to that required of flood insurance study contractors for the FIA. A list of experienced consulting engineers from which a selection can be made may be provided by the agencies in Table 1.

Areas of Predominantly Federal and State Land Holdings: If a decision involves an area or location within extensive Federal or State holdings, it is unlikely that FIS reports and FIRM or FHBMs maps would be available. In this event, information should be sought from the land administering agency before information and/or assistance is sought from the agencies listed in Table 1. If none of these agencies has information or can provide assistance, the services of an experienced consulting engineer should be sought as described above.

Actions located out of the base floodplain as shown on either the FIRM or FHBMs would meet the minimum requirements and no further action is required for compliance with the Order, unless the action impacts the base floodplain (Step 4), indirectly supports floodplain development (Step 4.A.), or is a critical action (Step 3.C.).

TABLE 1.—Sources of floodplain information and technical assistance services for determining whether a location is in a floodplain

Agency*	Floodplain maps and profiles		Technical assistance services
	Riverine	Coastal	
Department of Agriculture: Soil Conservation Service.....	•	•	•
Department of the Army: Corps of Engineers.....	•	•	•
Department of Commerce: National Oceanic and Atmospheric Administration.....		•	•
Department of Housing and Urban Development: Federal Housing Administration.....			•
Federal Insurance Administration.....	•		•
Department of the Interior: Geological Survey.....	•	•	•
Bureau of Land Management.....	•	•	•
Bureau of Reclamation.....	•	•	•
Tennessee Valley Authority.....	•	•	•
Delaware River Basin Commission.....	•	•	•
Susquehanna River Basin Commission.....	•	•	•
States.....	Varies from State to State.		•

*See app. A for detailed description.

1.B.3. PROCEDURES IF SITE IS IN THE BASE FLOODPLAIN

If the location is within Zones A or V as shown on a FIRM, or in Zone A on a FHBMs, as verified by other detailed information, alternative sites outside of these zones and alternative actions are to be identified and evaluated (Step 3.) in an initial attempt to avoid the floodplain.

1.C. Critical Actions

As indicated previously, the mini-

mum floodplain of concern for certain critical actions is the area subject to inundation from a flood having a 0.2 percent chance of occurring in any given year (500-year floodplain). This floodplain includes both Zones A and B as shown on FIRM's. Critical actions are those for which even a slight change of flooding would be too great. Some key questions in this regard are:

- If flooded, would the proposed action create an added dimension to the disaster as could be the case for

liquefied natural gas terminals and facilities producing and storing highly volatile, toxic, or water-reactive materials?

- Given the flood warning lead-time available, would the occupants of buildings such as hospitals, schools, and nursing homes be insufficiently mobile to avoid loss of life and injury?

- Would essential and irreplaceable records, utilities, and/or emergency services be lost or become inoperative if flooded?

If the answer to questions such as these is "yes", an alternative location must be sought completely outside the larger floodplain. Agencies listed in Table 1 may be in a position to provide information and assistance in evaluation of proposed locations for critical actions. If neither the base floodplain nor larger floodplain for certain critical actions can be avoided, the next responsibility (Step 2) is to provide an opportunity for public review and comment on the proposed floodplain location.

STEP 2—EARLY PUBLIC REVIEW

Early public review is one of several requirements of the Order directed at the objective of public involvement. It should be considered in the context of the whole public involvement process.

The objective of public involvement is to provide sufficient information early enough in the process of making decisions affecting floodplains so that the public can have impact on the decision outcome. The order includes requirements that the public be provided adequate information, opportunity for review and comment, and an accounting for the rationale for proposed actions affecting floodplains. These requirements are stated in Section 2 of the order, which:

- requires agencies to provide opportunity for early public review of any plans or proposals for actions in floodplains;
- requires agencies subject to the OMB A-95 Budget Circular to provide notice explaining a proposed action;
- requires preparation and circulation of a notice of findings and explanation prior to taking an action.

An overview of these sections suggests that agency procedures should provide an integrated procedure for involvement of the public in the floodplain management decision-making process. Thus, to insure that adequate information and opportunities are provided for the public to effectively participate in floodplain decisions, and to

meet the requirements of the Order, the following elements should be incorporated in agency public involvement procedures:

- A description of the overall audience, including specific segments to whom public notice information will be targeted (e.g., floodplain residents, elected officials, basin residents, interest groups, other agencies, etc.). The responsibility is to reach as broad an audience as possible.
- A description of the vehicles or public information mechanism which will be utilized to reach the target audience (e.g., public hearings, newsletters, workshops, advisory groups, etc.). The responsibility is to provide continuous interaction and involvement opportunities for the public during the floodplain decision-making process.
- A description of the purpose for which various public notice actions will be undertaken and assurance that public input will be integrated into the decision-making process (e.g., specific efforts to provide one-way information dissemination, two-way public communication or interaction, etc.). The responsibility is to provide information which promotes the fullest understanding of the proposed plan or action.
- A statement explaining the timing of public notice actions to promote public understanding and provide opportunities for the public to affect a proposed action or plan before alternative actions have been precluded.

It is recognized that the public involvement process must be tailored to specific program types (permits, direct and federally assisted projects, etc.) and will vary. Nevertheless, agency procedures must be compatible with Section 2(b) of Executive Order 11514 (Appendix E), and must also apply to actions which do not require preparation of an EIS under Section 102(2)(C) of NEPA.

If there is a reasonable likelihood that a plan or proposed action or its alternatives will impact a floodplain, then it should be announced as early as that is known, and not delayed until much more detailed information is developed.

It is recognized that variations in program types will determine the earliest time in the floodplain decision-making process when the public can be notified. For example, in the case of a private developer applying for a permit to construct a housing complex with floodplain impact, the earliest public notice may not come until a point very late in the decision-making process. At that point, the only options may be no project, or the project

as designed and proposed. In another example, a major facility such as a proposed regional wastewater treatment facility requires considerable expenditure for site evaluation, engineering and design. Public notice must precede major site identification and analysis so the public can have an input early in the decision-making process of preliminary site screening and selection. If not, public choice options may be foreclosed, or decisions will not be based on similarly detailed information bases.

Early public notice is the first in a series of public information and involvement activities. This would logically be followed by continuing public communication at Step 4, in identifying impacts, Step 6, reevaluating alternatives through the environmental review process, and at Step 7, in the issuance of findings and explanation of why the proposed plan or action must impact the floodplain.

STEP 3—IDENTIFY AND EVALUATE PRACTICABLE ALTERNATIVES TO LOCATING IN THE BASE FLOODPLAIN

Having determined that a proposed action is located in the base floodplain, the agency is required by the Order to identify and evaluate practicable alternatives to locating in the base floodplain. Alternatives to be evaluated include: (1) carrying out the proposed action at a location outside the base floodplain (alternative sites); (2) other means which accomplish the same purpose as the proposed action (alternative actions); and (3) no action.

3.A. Alternative Sites

Alternative sites must be identified and the practicability of such sites evaluated. If a practicable site exists outside the base floodplain, the proposed action must not be located in the base floodplain. Whenever a floodplain site is the only practicable alternative, the agency analysis leading to this conclusion should be fully documented. In determining the practicability of a non-floodplain site, the general concepts of site feasibility apply. At a minimum, site practicability shall be addressed in the light of the following:

- natural (topography, habitat, hazards, etc.);
- social (aesthetics, historic and cultural values, land use patterns, etc.);
- economic (cost of space, construction, services, relocation); and
- legal (deeds, leases, etc.).

3.B. Alternative Actions

Alternative actions must be considered before a decision is made to carry out an action in the base floodplain. These are actions which substitute for

the proposed action in that they comprise new solutions or approaches which serve the same function or purpose as that proposed, but which have less potential for harm. For example, where an agency has proposed the construction of a document storage facility within the floodplain to handle expanding record keeping needs, the alternative of microfilming the documents could allay the need for a new structure. Similarly, rather than providing expanded waste treatment capacity for an area by constructing a new or larger facility in the floodplain, the alternative of using surplus capacity in a neighboring locale could serve the need for a new or expanded facility.

3.C. No Action

No action is also an alternative, and assessment of this course is required. The alternative of no action probably can not be fully evaluated until a determination has been made in Step 4 of the harm to or within the floodplain resulting from the proposed action.

STEP 4—IDENTIFY IMPACTS OF THE PROPOSED ACTION

If the agency has determined that the only practicable alternative is located in the base floodplain, the impacts of the proposed action must be identified. Similarly, where actions proposed to be located out of the floodplain will affect the base floodplain, impacts resulting from these actions must be identified. Since the Order is based primarily on NEPA, the agencies can draw upon the impact identification and assessment experience and guidance which they have developed in their implementation of NEPA. The concepts of impact assessment applicable to both NEPA and the Order are identical, with the Order's focus being narrower. The following discussion addresses general concepts of impact identification and assessment (Step 4.A.), and the two areas of concern which are impacted as a result of the occupancy and modification of floodplains: lives and property (Step 4.B.), and floodplain values (Step 4.C.).

4.A. General Concepts

In their regulations and procedures, the agencies must identify the means by which they will address the following impact-related issues:

- All agency actions can have impacts associated with the modification of floodplains. Although the modification of floodplains and ensuing impacts most clearly result from actions located in the floodplain or at its periphery, it can also result from actions out of the floodplain.
- Certain types of agency actions may support subsequent actions which

have additional impacts of their own;

- The Order focuses on the adverse impacts of proposed actions on lives and property, and on natural and beneficial floodplain values.
- The three basic types of impacts are: (a) positive and negative; (b) concentrated and dispersed; and (c) short- and long-term.

4.A.1. DIRECT AND INDIRECT SUPPORT OF FLOODPLAIN DEVELOPMENT

The Order requires the agencies to avoid the direct and indirect support of floodplain development. For the purposes of these guidelines, an action supports floodplain development if it encourages, allows, serves or otherwise facilitates additional floodplain development. The agencies may also reflect in their regulations and procedures, the manner in which agency actions similarly accommodate the maintenance of existing uses in the floodplain. That is, a proposed action can reinforce existing land use patterns which generally have developed without reflecting the concepts of hazard and risk minimization and restoration and preservation of natural floodplain values which form the basis of the Order.

Direct support results from actions located on the floodplain, while indirect support results from those outside the floodplain. For example, the location of a major public service structure or facility (a post office, library or office building), in the floodplain, requires new or additional investment in or construction of support facilities for food service, parking, etc. Further, simply through their location, such actions would foster additional developments in the floodplain. Floodplain development could be indirectly supported by the provision of infrastructure (water and waste water systems, power supplies, highway and secondary road networks, mass transit systems and airports) outside the floodplain.

Clearly, it is the intent of the Order that the impacts of Federal actions and the impacts of actions supported by Federal actions be evaluated. However, the identification and evaluation of these positive and negative changes to the systems of flood losses, threats to life and health, and environmental values are often both difficult and even speculative. Moreover, the process by which an agency tries to describe the actions supported by their actions is both complex and often not well addressed in accepted methodologies, without a clear conceptualization of the supported action, there is little chance that the impacts can be identified. On the other hand, when the supported actions are describable in terms of growth experience in the area or from experience with similar actions elsewhere, the impacts of the

supported actions can be identified as they are for the proposed Federal action.

4.A.2. TYPES OF IMPACTS

The three basic types of impacts which must be addressed are: (a) positive and negative; (b) concentrated and dispersed; and (c) short and long term.

Positive and negative impacts: both must be identified, even though the focus of impact identification and assessment is on negative or adverse impacts. This is necessary in order to identify the full range of impacts against which to weigh the practicability of a proposed action. In addition, it must be recognized that impacts which are beneficial to some, may be harmful to others. For example, draining wetlands establishes an environment which is suitable for certain uses, but at the expense of the beneficial values of the wetland.

Concentrated and dispersed impacts: both may result from any action. The impact is concentrated if it occurs at or near the site of the action and is dispersed if it occurs at a site remote from the action. For example, a concentrated impact of constructing a building on a wooded area is the loss of vegetation at the site. A dispersed impact of the same action could be sedimentation downstream caused by erosion at the site.

Short- and long-term impacts: both must be analyzed in order to evaluate the total impact of an action. Short-term impacts are temporary changes occurring during or immediately following an action and usually persist for a short while. Long-term impacts occur during or after an action and may take the form of delayed changes or changes resulting from the cumulative effects of many individual actions. Long-term impacts may persist for a considerable time and may continue indefinitely. An example of a short-term impact could be sedimentation at or below a construction site. A long-term impact could be the loss of valley floodwater storage resulting from the cumulative effect of floodplain development.

4.A.3. SOURCES OF IMPACTS

Regardless of the source of impacts, the agencies are required to identify the types of impacts discussed above which arise from their actions when these impacts affect the floodplain. Thus, this requirement applies to actions proposed both in and out of the base floodplain (or the 500-year floodplain where a critical action is proposed). The location of the action causing the impact determines which of the requirements of the Order must be met by the agencies. For actions proposed in the base floodplain (or the 500-year floodplain where a critical

action is proposed), all of the requirements of the Order must be met as outlined (Figure 1). For actions proposed out of the base floodplain, however, the Order does not require that the public notice and findings discussed in Steps 2 and 7 be prepared. Similarly, since in these cases the action causing the impacts in the base floodplain is located outside of it, the practicability test (Step 3) is not required. As a minimum, however, the agencies must identify these impacts and minimize ensuing harm to or within the floodplain which would result if the action is taken as proposed. Because there is no requirement for public notice or the practicability test, the minimization responsibility (Step 5) takes on added significance. This should be reflected in agency procedures.

The agencies are strongly encouraged to apply the public notice procedures and alternate site and action evaluations to actions proposed out of the floodplain which will result in impacts to the floodplain. It has been recognized that public input in agency decision-making processes through NEPA has improved the environmental soundness of these decisions. It is even more reasonable to apply the alternate site and action evaluation to actions taking place outside the floodplain. The evaluation of alternatives to the proposed action as discussed in Step 3, provides a better opportunity to explore the range of possibilities for avoiding adverse impacts to or within the floodplain than the more narrowly focused concepts of minimization, restoration and preservation discussed in Step 5. For example, the overall costs involved in locating a highway interchange, sewer interceptor line, airport facility, etc., at a location less directly affecting the floodplain could be less than the costs incurred in attempting to minimize the impacts of the proposed action and to restore and preserve floodplain values.

4.B. Lives and Property

After determining that a proposed action is in the base floodplain, the risk to lives and property involved in using that site must be determined. This requires an understanding of the magnitude and consequences of flooding that can be expected.

4.B.1. NATURE OF HAZARD AND RISK

Two basic types of floods are used in determining flood hazards: observed or historic floods and probability floods.

Historic Floods: Often these can be the basis for deciding whether a proposed site is in a hazardous area. However, the fact that a certain level of flooding has been observed indicates little about how floods are likely to occur in the future. Even where records extend over a long period of time,

the highest observed flood must not be used as the only guide for decision-making. With very few exceptions, flooding at any site can be expected to reach higher levels than those previously recorded because larger storms, urbanization, flood plain encroachment, or other factors affect flooding.

Probability Floods: These are statistically derived floods. The one percent chance (100-year or base) flood is the term which describes the magnitude of flooding used by FIA as the minimum acceptable level to which a community must regulate the floodplain in order to qualify for the National Flood Insurance Program. As stated previously, this magnitude flood has a one percent chance of being exceeded in any one year period. The likelihood of exceeding the one percent chance flood magnitude increases with time periods longer than one year. For example, the probability is about one in four that the one percent chance flood will be exceeded during the life of a 30-year mortgage.

Large floods occur each year in many parts of the United States. No part of the country is immune from large floods. Consequently, it has become standard practice for agencies dealing with flood problems to calculate elevations of a greater flood to indicate the range of flooding which can and will occur.

4.B.2. HIGH HAZARD AREAS

High hazard areas are those portions of riverine and coastal floodplains nearest the source of flooding. These are the frequently flooded areas that become arenas of major flood dynamics during large floods. Here, floodwaters exert their maximum pressures, erosion is greatly accelerated and loss potential is increased. Additionally, these are the areas of coastal and riverine floodplains within which many of the most critical floodplain values are concentrated. In riverine situations, the high hazard area is that portion of the floodplain where impedance to flood flow resulting from man's occupancy can increase flood heights and consequently the area subject to flooding. In coastal floodplains, the high hazard area is usually confined to the beach area in front of high bluffs or the crest of primary or foredunes, where wave impact is the most significant inducing factor. In light of the high loss potential and the likelihood of significant adverse effects to floodplain values associated with the conduct, support or allowance of actions in these portions of the floodplain, the agencies must rigorously apply the Order's charge to avoid these areas.

4.B.3. EVALUATION OF FLOOD HAZARD

Evaluation procedures must be established in writing by all agencies.

This evaluation serves to express clearly the hazard involved and provides the basis for carrying out the succeeding phases of the analysis. Key questions which must be addressed by the agencies in establishing their regulations and procedures for the evaluation of flood hazard include the following:

- Is the proposed action to be located in the floodway portion of the riverine floodplain, or the coastal high hazard area?
- Is the proposed action in a flood-fringe area such as the flood-fringe portion of a riverine floodplain or the backwater areas of a coastal floodplain?
- Is the flood hazard aggravated by the presence of, or potential for, destructive velocity flows, flood-related erosion, subsidence or sinkholes, or other special problems?
- Is there a combination of flood sources present which may flood simultaneously in the area (e.g., river and ocean, or shallow overland runoff and river, etc.)?

4.C. Natural and Beneficial Floodplain Values

Water and the adjacent floodplain exist in nature in a state of dynamic equilibrium. If one part of a coastal or riverine system is disturbed, the entire system usually readjusts toward a new equilibrium. The environmental effects of this readjustment may affect areas far from the original site of the disturbance and can last for decades. Thus, floodplain actions must be viewed with caution and a careful assessment made of their impact on natural and beneficial floodplain values.

Floodplains in their natural or relatively undisturbed state serve water resources values (natural moderation of floods, water quality maintenance, and groundwater recharge), living resource values (fish, wildlife, and plant resources), cultural resource values (open space, natural beauty, scientific study, outdoor education, and recreation), and cultivated resource values (agriculture, aquaculture, and forestry).

4.C.1. WATER RESOURCES

Floodplains provide for the natural storage of surface and ground waters and the natural improvement of water quality.

Natural Moderation of Floods: The characteristics of the floodplain and of flooding are closely interdependent. Floods shape floodplain topography, soils, and ecology. In turn, the physical characteristics of the floodplain shape flood flows. Except for some steep valley and coastal bluff situations, naturally vegetated floodplains can provide a broad area to spread and slow floodwaters, thereby reducing ve-

locities and flood peaks. Stream meander, dune formation in coastal areas and other natural processes which reduce the force of floodwaters are also accommodated in undisturbed floodplains.

Floodplain encroachment modifies these processes. The effects of such modification are complex and not fully understood. Although in some cases encroachments may interact with natural processes to aid in the reduction of flood forces, their predominant effect has been to aggravate the flood hazard.

In coastal floodplains natural barriers exist in the form of sand dunes and certain vegetation, e.g., mangrove stands, which reduce the impact of high tides and storm surges. Alteration or removal of the barriers themselves, or the vegetative and drainage systems which support them, reduces or eliminates their role in the reduction of flood forces. In addition, excessive withdrawal of groundwater may result in land subsidence thereby increasing flood depths and exposing greater areas to flooding.

Water Quality Maintenance: Floodplain vegetation functions in maintaining the physical and chemical integrity of the water that ultimately supports biological communities. Runoff is slowed by vegetation, allowing the water to deposit not only sediments originating on land but also those scoured from the channel bank and bed. Sediment deposition may add rich nutrients to the floodplain soil and keeps sediment-associated pathogens from the water.

However, siltation can destroy biological communities supported on the floodplain because it contributes to eutrophication (nutrient overloading), decreased dissolved oxygen, increased water temperature, and serious impairment of photosynthetic productivity. Vegetation shades stream banks and decreases daily water temperature fluctuations thereby alleviating temperature stress to the biota. Vegetation slows the flow of water and provides slack waters that give the aquatic biota a greater chance to survive flooding. In addition, flood-plain storage and vegetation reduces siltation in downstream reservoirs.

Groundwater Recharge: An additional value of floodplain vegetation's role in slowing runoff is in groundwater recharge. Slowing the floodwater allows it to infiltrate through the generally porous floodplain soil. Base stream-flow and the level of standing water bodies is regulated naturally by groundwater. During periods of excessive precipitation, runoff enters the groundwater system as well as stream channels and standing water bodies, thereby reducing peak flows; during the dry season, water generally flows from the groundwater system into surface waters, augmenting low flows.

4.C.2. LIVING RESOURCES

The Nation's coastal and riverine floodplains support large and diverse populations of flora and fauna which represent valuable, renewable resources of great importance to man.

The floodplain is biologically very productive because it is here that land and water meet and the elements of both terrestrial and aquatic habitats interact. For example, unspoiled tidal marshes rank well above intensively farmed croplands in the magnitude and diversity of biological productivity. Marsh-rimmed estuaries and adjacent floodplains are vital to marine fisheries as breeding, nursery, and feeding grounds. Inland ponds, pot-holes, marshes and other wetland areas may provide highly important habitat for waterfowl and other wildlife.

Fish and wildlife resources are highly susceptible to man-induced disruption of the floodplain because of their high sensitivity to the resulting impacts. For example, drainage of wetlands, channelization of natural water courses, clearing of vegetation, especially bottomland forests, all have short and long term indirect impacts on plant and animal communities. Other changes that limit food, water supplies, or protective cover have similar effects. Modification of the floodplain at one location can affect living resources elsewhere on the floodplain.

4.C.3. CULTURAL RESOURCES

Floodplains contain cultural resources important to the Nation and to individual localities. They provide many cultural values if left in their natural state. Because native American settlements and early cities were located along coasts and rivers for access to water transportation, supply, and power, floodplains include most of the Nation's earliest archeological and historical sites. In addition to cultural richness, floodplains may be valuable sources for scientific research. For example, because they may contain unique habitats, they are ideal areas for ecological study. Floodplains are used for open space and green belt parks in cities to vary the pattern of the urban scene, to absorb noise, to clean air, to lower air temperatures, and to serve as nature centers and outdoor experience labs. Floodplains are often attractive areas, a base for recreation (hiking and camping), and a base for water-oriented sports such as boating and swimming. In addition, floodplain wildlife resources can be managed for recreational hunting and fishing. Where they remain in essentially pristine condition, floodplains can be valued as a part of the "wilderness experience" so important to the American Culture.

4.C.4. AGRICULTURAL, AQUACULTURAL, AND FORESTRY RESOURCES

Floodplains generally provide excellent resources for agricultural, aquacultural and forestry production.

The natural processes of sediment renewal which take place in floodplains replenish soil and their nutrients. Thus with proper management, floodplain soils generally require less artificial fertilization than upland sites. Level or gently rolling floodplain terrain facilitates agricultural operations. Surface and groundwater sources are usually easily accessible. Well-drained, deep soil suitable to most economic crops are often prevalent in the floodplain. Soils well suited to specialty crops are also found on floodplains (e.g., the poorly drained areas of the Sacramento Valley where rice is a major crop).

However, certain agricultural uses and practices in the floodplain may adversely affect natural floodplain values. They may be incompatible with wildlife production; may induce aggravated erosion and sedimentation; or may result in the drainage of inland and tidal wetlands to increase the amount of arable land. Excessive fertilization and poor feedlot practices can result in nutrient pollution in local water bodies. Thus, proper management practices are essential where agriculture is proposed in sensitive floodplain areas.

The use of floodplain areas for aquacultural operations has grown into a viable industry producing a wide variety of aquatic crops. Aquaculture is subject to similar limitations to those noted for agriculture, but if properly managed, it can be compatible with the natural values of floodplains, and may offer opportunities for the restoration of damaged floodplain values.

Many of the Nation's valuable forest resources are found within floodplains. Bottomland hardwoods and other riparian species (those which can only flourish in close proximity to water) are important to the timber industry and the overall economy of the country. Thus, sound management of forest resources in the floodplain is also essential.

STEP 5—MINIMIZE, RESTORE, PRESERVE

The requirements of the Order to minimize, restore, and preserve apply to a proposed action will result in harm to or within the floodplain. The term "harm," as used in the context of the Order, applies to both lives and property (Step 4.B.), and natural and beneficial floodplain values (Step 4.C.). The concept of minimization (Step 5.A.), applies to harm. The concept of restoration and preservation (Step 5.A.) applies only to floodplain values. Step 5.C. discusses some mechanisms

which may be applied to achieve these three requirements.

5.A. Minimize

Minimize is a demanding standard and requires the agency to reduce harm to the smallest possible degree, thus establishing a far more rigorous standard than other terms which often are used in similar contexts, e.g., alleviate (to lessen), mitigate (to moderate the severity of), ameliorate (to improve), etc. From the standpoint of lives and property, potential harm to or within the floodplain must be reduced to the smallest possible amount or degree. The goal is to avoid increasing the flood loss potential associated with the level of the base flood prior to the proposed action. Where a critical action is proposed (see Step 2.C.) the goal is associated with higher levels of flooding. Similarly, from the standpoint of floodplain values, minimization requires that harm to such values be reduced to the smallest possible amount or degree. The Order's requirement to minimize potential harm applies to (1) the investment at risk, or the flood loss potential of the action itself, (2) the impact the action may have on others, and (3) the impact the action may have on floodplain values. The agencies must specify in their regulations and procedures, how actions will be designed and modified to minimize harm to or within the floodplain. (Also see page I-4 on the requirements to minimize harm.)

5.B. Restore and Preserve

In the context of this Order, "restore" focuses upon conditions existing as a result of prior actions, while "preserve" focuses upon the impacts of a proposed action.

Restore means to reestablish a setting or environment in which the natural and beneficial floodplain values can again operate. Where floodplain values have been degraded by past actions, the agency must identify, evaluate, and implement measures to restore the values diminished or lost. The functions of many of the Nation's degraded floodplains can be partially or fully restored through remedial action.

Preserve means to prevent modification to the natural floodplain environment, or to maintain it as closely as possible to its natural state. This term applies foremost to floodplains showing little or no disruption by man. If an action will result in harm to or within the floodplain, the agency must design or modify the action to assure that it will be carried out in a manner which preserves as much of the natural and beneficial floodplain values as is possible.

5.C. Methods to Minimize, Restore and Preserve

A wide range of methods have been developed over time to minimize harm to lives and property from flood hazards. In the recent past, other methods directed toward minimizing harm to natural and beneficial environmental values, including those associated with the floodplain, have also been developed. The technology and methodologies for achieving restoration and preservation are not as well documented nor understood, but currently are receiving increasing attention. The tools and approaches, which are directed toward attaining these three goals of the Order, should be considered and applied at all stages of a proposed action, as appropriate, e.g., during the planning, design, construction, operation and maintenance of a proposed project.

Although the Order emphasizes avoidance of the floodplain as the preferred manner for meeting its intent to avoid harm to or within the floodplain, the following examples are provided as additional guidance. The agencies should not be limited by the scope and level of detail of these examples.

5.C.1. NATURAL MODERATION OF FLOODS

- Minimize floodplain fills and actions that require fills such as construction of dwellings, factories, highways, etc.
- Require that structures and facilities on wetlands provide for adequate flow circulation.
- Use minimum grading requirements and save as much of the site from compaction as possible.
- Relocate nonconforming structures and facilities out of the floodplain.
- Return site to natural contours.
- Preserve free natural drainage when designing and constructing bridges, roads, fills, and large built-up centers.
- Prevent intrusion on and destruction of beach and estuarine ecosystems and restore damaged dunes and vegetation.

5.C.2. WATER QUALITY

- Maintain wetland and floodplain vegetation buffers to reduce sedimentation and delivery of chemical pollutants to the water body.
- Control agricultural activities to minimize nutrient inflow.
- Control urban runoff, other storm water, and point and nonpoint discharges.
- Control methods used for grading, filling, soil removal and replacement, etc., to minimize erosion and sedimentation during construction.

- Prohibit the location of potential pathogenic and toxic sources on the floodplain, such as sanitary land fills and septic tank, etc.

5.C.3. GROUNDWATER RECHARGE

- Require the use of previous surfaces where practicable.
- Design construction projects for runoff detention.
- Dispose of spoils and waste materials so as not to contaminate ground or surface water or change land contours.

5.C.4. LIVING RESOURCES

- Identify and protect wildlife habitat and other vital ecologically sensitive areas from disruption.
- Require topsoil protection programs during construction.
- Control wetland drainage, channelization, and water withdrawal.
- Reestablish damaged floodplain ecosystems.
- Minimize tree cutting and other vegetation removal.
- Design floodgates and seawalls to allow natural tidal activity and estuarine flow.

5.C.5. CULTURAL RESOURCES

- Provide public access to and along the waterfront for recreation, scientific study, educational instruction, etc.
- Locate and preserve from harm historical cultural resources; consult with appropriate governmental agency or private group.

5.C.6. AGRICULTURAL RESOURCES

- Minimize soil erosion on cropped areas within floodplains.
- Control use of pesticides, herbicides, and fertilizer.
- Limit the size of fields, promote fence rows, shelter belts and strip-cropping.
- Strengthen water bank and soil bank type programs to be consistent with alternate demands for the use of agricultural land.
- Minimize irrigation return flows and excessive applications of water.

5.C.7. AQUACULTURAL RESOURCES

- Construct impoundments to minimize any alteration in natural drainage and flood flow. Existing natural impoundments such as oxbow lakes and sloughs could be utilized under proper management.
- Limit the use of exotic species, both plant and animal, to those organisms already common to the area or those known not to compete unfavorably with existing natural populations.

- Discourage mechanized operations. Machinery such as dredges, weeders, and large-scale harvesting equipment may lead to environmental problems such as sediment loading to adjacent watercourses.

5.C.8. FORESTRY RESOURCES

- Control the practice of clear-cutting, depending upon the species harvested, topography, and location.
- Complement state law governing other aspects of harvest operations; proximity to watercourses, limits on roadbuilding, equipment intrusions, etc.
- Include fire management in any overall management plans. Selective fire use may reduce the probability of major destructive fires.

- Require erosion control plans on all timber allotments, roads, and skidways.

Implementing the above mechanism may be achieved through many types of administrative measures, depending in part upon the agency programs and authority.

Some examples are:

- Engineering and realty section standards and procedures.
- Contract, grant, loan, permit, and license stipulations.
- Application of appropriate encumbrances during land conveyance.
- Information transfer and education of employees and public.
- Delegation of responsibility for floodplain activities to a specific office with sufficient authority to play an active leadership role both within and outside of the agency.
- Systematic review of existing agency programs to identify opportunities for floodplain value preservation and restoration.
- Site surveys to identify opportunities for floodplain preservation and restoration; and
- Provision of coordination methods within and outside of agency to enable the implementation of unified floodplain management measures.

STEP 6—REEVALUATE ALTERNATIVES

Having identified the impacts the proposed action would have on the floodplain (Step 4), methods to minimize these impacts, and opportunities to restore and preserve floodplain values (Step 5); the proposed action should not be reevaluated. For proposed actions in the base floodplain, the reevaluation should consider if the action is still feasible at this site. If not, consider limiting the action to

make non-floodplain sites practicable. If neither is acceptable, the alternative is no action. If the proposed action is outside the base floodplain but has impacts which cannot be minimized (Step 5), consider whether the action can be modified or relocated to eliminate or reduce the identified impacts, or if the no action alternative should be chosen.

The reevaluation should also include a provision for comparison of the relative adverse impacts associated with the proposed action located in and out of the floodplain. The comparison should emphasize floodplain values. However, a site out of the floodplain should not be chosen if the overall harm is significantly greater than that associated with the floodplain site.

6.A. Location in the Base Floodplain

In determining whether the proposed action will be located in the base floodplain, the agency must ascertain that the floodplain site is the only practicable alternative. Further, the importance of the location, must clearly outweigh the requirements of the Order to:

- Avoid direct or indirect support of floodplain development wherever there is a practicable alternative;
- Reduce the risk of flood loss;
- Minimize the impact of floods on human safety, health and welfare; and
- Restore and preserve the natural and beneficial floodplain values.

6.B. Limit Action

If an action proposed to be located in the floodplain cannot satisfy the four requirements in Step 6.A., consider reducing the criteria for the proposed action. This would lower the threshold for what constitutes a practicable alternative. New alternative actions and sites could then be identified and previously rejected ones reevaluated for practicability based on scaled-down expectations.

6.C. No Action

If neither of the above courses of action are feasible, the agency should reevaluate the no action alternative.

STEP 7—FINDINGS AND PUBLIC EXPLANATION

If reevaluation results in the determination that there is no practicable alternative to locating in or impacting the floodplain, a statement of findings and public explanation must be provided for the proposed action. Each agency should explain how any tradeoff analysis was conducted by the agency in making its findings. Some existing agency public notice procedures may already satisfy part of the

requirements of the Order (Section 2(a)(2)(ii)) through such mechanisms as OMB A-95 and NEPA procedures, or other public involvement programs. However, agency procedures must incorporate the development and issuance of a written statement of findings and public explanation which includes:

1. A description of why the proposed action must be located in the floodplain;
2. A description of all significant facts considered in making the determination including alternative sites and actions;
3. A statement indicating whether the actions conform to applicable State or local floodplain protection standards;

In addition, and in keeping with the concept of the overall public involvement process discussed in Step 2, the following items should be included in the statement of findings and public explanation:

4. A statement indicating why the NFIP criteria are demonstrably inappropriate for the proposed action;
5. A provision for publication in the FEDERAL REGISTER or other appropriate vehicle;
6. A provision for a brief comment period prior to agency action (15 to 30 days);
7. A description of how the activity will be designed or modified to minimize harm to or within the floodplain;
8. A statement indicating how the action affects natural or beneficial floodplain values;
9. A statement listing other involved agencies and individuals.

7.A. Interagency Notice

Certain public review procedures already exist with which the Order's review requirements are to be integrated.

7.A.1. PROGRAMS SUBJECT TO OMB CIRCULAR A-95

For programs subject to OMB Circular A-95, the agency shall send a notice, not to exceed three pages in length including a location map, to the State and areawide A-95 clearinghouse for the areas affected. The notice shall include (as a minimum) 1, 2, and 3 from above. It would also be helpful to the reviewer, and consistent with the intent of the Order, to include items 4 through 9.

7.A.2. OTHER PROGRAMS

For programs not subject to OMB-95 review procedures, agencies must develop procedures to provide for similar notice and explanation of why a proposed action is to be located in a floodplain. This notice must be circulated among agencies and also made available to the public for review.

7.B. Actions Subject to NEPA

For agency actions subject to NEPA which take place in the base floodplain, the public review requirements discussed above as set out in Section 2(b) of Executive Order 11514, as amended, should include the nine items listed in the introduction to this step. Section 2(a)(4) of the Order requires the same public notice procedures for Federal actions in the floodplain even though impacts are not significant enough to require the preparation of an environmental impact statement (EIS) under Section 102(2)(C) of NEPA (Public Law 91-190).

Under NEPA procedures, a final EIS is circulated for public and interagency review and comment. A minimum of 30 days is required to allow a review and to receive responses from the public and governmental agencies. These comments must then be considered. The findings must be made in conjunction with a final agency decision, and the formal statement of findings required by the Order must be issued prior to initiating the proposed action. A final EIS should explain, if appropriate, why the responsible official has recommended or why the agency might support an action located in a floodplain.

7.C. All Actions Located in the Base Floodplain

A statement of findings (including the explanatory information discussed in 7.A.) must be issued by the agency head in compliance with Section 2(a)(2) of the Order. This applies to all proposed actions located within or impacting the floodplain, including proposed actions whose impacts are not significant enough or are not otherwise required to complete an EIS.

STEP 8—IMPLEMENT ACTION

With the conclusion of the decision-making process described in Steps 1-7, the proposed action can be implemented. However, there is a continuing responsibility for insuring that the action is carried out in compliance with the Order. This is especially important for projects with long-term operation, maintenance and repair programs such as reservoirs or waste treatment facilities.

APPENDIX A—FLOODPLAIN SERVICES AVAILABLE FROM LISTED AGENCIES

DEPARTMENT OF AGRICULTURE Soil Conservation Service (SCS)

As part of the SCS's Floodplain Management Assistance Program each State Conservationist carries out cooperative Flood Hazard Analyses upon request of local governments, in accordance with a Joint Coordination

Agreement with the responsible State agency. SCS flood hazard reports contain floodplain delineations on aerial photomaps, flood profiles, and discharge and floodway data. In addition, SCS provides continuing technical assistance to local governments, after completion of a flood hazard or insurance study, to help them implement their local floodplain management program. Each SCS State Office has additional flood elevation and related floodplain data on file from Watershed Project and Resource and Conservation Development Project investigations, River Basins Surveys, and detailed soil surveys. If the State or field office address is not known contact: Chief, Floodplain Management and Special Projects Branch, River Basins Division, SCS: P.O. Box 2890, Washington, D.C. 20013. Telephone 202-447-7697.

DEPARTMENT OF THE ARMY Corps of Engineers

The Corps' separately funded Flood Plain Management Services Program has units in 47 District and Division offices located throughout the country which provide information and assistance in flood-related matters. They maintain a file of floodplain information, survey, and other reports containing floodplain delineations, flood profiles, and data on flood discharges and hydrographs. Each office provides: (1) Interpretations as to flood depths, velocities and durations from existing data; (2) develops new data through field and hydrologic studies for interpretation; and (3) provides guidance on adjustments to minimize the adverse effects of floods and floodplain development. If the nearest District office address is not known, contact Chief, Flood Plain Management Services (FPMS), U.S. Army Corps of Engineers, HQDA (DAEN-CWP-F), Washington, D.C. 20314, telephone 202/893-1691, or the nearest Division office.

North Atlantic Division, New York, NY, 212-264-7483
South Atlantic Division, Atlantic, GA, 404-221-8702
Southwestern Division, Dallas, TX, 214-787-2310
South Pacific Division, San Francisco, CA, 415-556-5660
Lower Mississippi Valley Division, Vicksburg, MS, 601-636-1311 Ext. 385
Missouri River Division, Omaha, NB, 402-221-7270
North Central Division, Chicago, IL, 312-353-6531
Ohio River Division, Cincinnati, OH, 513-684-3012
North Pacific Division, Portland, OR, 503-221-3823
New England Division, Waltham, MA, 617-894-2400 Ext. 545
Pacific Ocean Division, APO San Francisco, 808-438-2883

DEPARTMENT OF COMMERCE NOAA-National Weather Service

Floodplain information and interpretative assistance for specific points on larger rivers of the United States can be obtained from the National Weather Service. Information available consists of the flood stage for selected communities (the stage above which flood damage occurs), and historical flood information for that location. An annual publication entitled *River Forecasts Provided by the National Weather Service*, lists the points for which data are compiled and includes that flood stage at each point and the current year's maximum stage as well as the maximum state of record. This publication is for sale by the National Climatic Center of NOAA, Asheville, North Carolina 28801. The National Weather Service provides flood forecasts and warnings on larger rivers and provides flash flood warnings on smaller streams. Interested communities are assisted in establishing Flash Flood Warnings Systems.

For information and assistance contact the following National Weather Service Regional Offices:

Eastern Region, Garden City, NY, 212-995-8639
Southern Region, Ft. Worth, TX, 817-334-2874
Central Region, Kansas City, MO, 816-374-3229
Western Region, Salt Lake City, UT, 801-524-5137
Alaskan Region, Anchorage, AK, 907-265-4718
Pacific Region, Honolulu, HA, 808-546-5680

Storm surge frequency information and interpretative assistance are available for the Gulf of Mexico and Atlantic coasts. Studies have been completed for the Gulf of Mexico coast from the Alabama-Florida border to southern Florida; and along the Atlantic coast from southern Florida to Cape Henlopen, the southern boundary of Delaware Bay. The National Weather Service also provides warnings of storm surges associated with tropical and extratropical storms. For storm surge frequency information and interpretative assistance contact: Chief, Water Management Information, NWS Office of Hydrology (W21), 8060-13th Street, Silver Spring, MD 20910. Telephone: 301-427-7543.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration

The civil engineer at the 78 local or regional offices has specific knowledge of flood elevations for many urban locations and can provide knowledge of material available to assist in making a determination of floodplain location. The location of the nearest office may be obtained from one of HUD's 10 re-

gional offices or by contacting: Federal Housing Administration, 451 7th Street SW., Washington, D.C. 20410. Telephone: 202-755-5111.

Federal Insurance Administration

Request for insurance maps or studies should be addressed as follows:

(1) *FIA Mailing List*. Copies of new or revised FHBMs, FIRMs and FIS reports are distributed upon publication to organizations on the FIA mailing list. In requesting to be added to the mailing list, the agency should specify the number and distribution of maps required (for example, two copies of each map for Maine and New Hampshire communities to Boston regional office). Mailing list inquiries should be sent to:

Engineering Division, Federal Insurance Administration, Room 5150, HUD Building, 451 7th Street, SW., Washington, D.C. 20514. Telephone: 202-755-7510.

(2) *Requests for a Single Map*. Request(s) for a previously published FFBM or FIRM may be made by calling FIA's toll free number 800-424-8872 from outside of the Washington, D.C. area, or 755-9096 from within the Washington, D.C. area.

(3) *Flood Insurance Study Reports*. These detailed engineering reports are distributed to those on the mailing list when a FIRM is initially published. However, because there has not been a recurring demand for this information, FIA does not have a system for supplying copies to interested organizations at a later date. Copies are available at: (1) FIA's Engineering Division (address above); (2) FIA Regional Offices (see list below) and (3) Chief Executive Officer of the local community within which the action is proposed to be carried out.

Region I—Boston, 617-223-2616
Region II—New York City, 212-264-4734
Region III—Philadelphia, 215-597-9581
Region IV—Atlanta, 404-257-2391
Region V—Chicago, 312-353-0757
Region VI—Dallas, 214-749-7412
Region VII—Kansas City, 816-374-2181
Region VIII—Denver, 303-837-5041
Region IX—San Francisco, 415-556-3543
Region X—Seattle, 206-442-1028

Requests for floodplain management services, and a list of experienced consulting engineers may be obtained from the Director, Floodplain Management Division, Federal Insurance Administration 451 7th Street, S.W., Washington, D.C. 20410. Telephone 202-426-1891.

DEPARTMENT OF THE INTERIOR

Geological Survey

User Assistance Centers at 48 locations can provide (a) factual information on flood peaks and discharges, flood depths, and velocities, profiles of the water surface during major floods, areas inundated during major floods,

time-of-travel of flood wave, and sediment transport data; (b) interpretive information regarding flood-frequency relations, estimates of 10-, 50-, 100-, and 500 years flood discharges, computed water surface profiles, and flood-prone areas delineated on topographic maps, in most communities in the United States, with known flood problems; and (c) assistance in minimizing flood losses by quickly identifying areas of potential flood hazards. If the User Assistance Center address is not known, contact: Chief, Surface Water Branch, Water Resources Division, U.S. Geological Survey, National Center, Reston, VA. 22092. Telephone: 703-860-6837.

Bureau of Land Management

The Bureau of Land Management (BLM) has District Offices located in the 11 Western States and Alaska involved in land use planning for public lands. Floodplain protection and flood prevention is a significant element in the BLM planning system, and each District Office maintains a file of existing floodplain maps which are available for public inspection. If the location of the District Office is not known, contact: Bureau of Land Management, U.S. Department of the Interior, 18th & C Streets, NW., Washington, D.C. 20240. Telephone: 202-343-5717.

Bureau of Reclamation

The flood hydrologist at the seven regional offices has knowledge of flooding and flood elevation for related locations associated with Bureau projects and can provide interpretive assistance for existing data.

For information contact one of the seven regional or nearby project offices or the Flood Hydrology Section, U.S. Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, Denver, CO. 80225. Telephone: 303-234-2035.

Fish and Wildlife Service

The Fish and Wildlife Service provides expertise on questions relating to fish, wildlife, and habitat resource, preservation, and maintenance. It functions through six regional, area and field offices. For information contact any of these offices, or the Fish and Wildlife Service, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. Telephone: 202-343-5715.

TENNESSEE VALLEY AUTHORITY

Activities in water resources are confined to portions of the seven States in the Tennessee Valley Watershed. Since 1953, TVA has conducted a program of floodplain management assistance to local governments. Reports have been published for more than 130 communities, and have provided

profiles and flood data to at least 70 others. Detailed information in files pertains to large floods which have occurred in the Valley since the 1930's, and in less detail, dating back to the large flood of 1867. TVA's Flood Plain Management Services Staff provides technical assistance to help those who propose developments in floodplains to use the floodplain wisely. Contact: Flood Plain Management Services, 100 Liberty Building, Tennessee Valley Authority, Knoxville, TN. 37902. Telephone: 615-632-4451.

DELAWARE RIVER BASIN COMMISSION

The Commission maintains a file of floodplain information, delineation and flood data studies prepared by the Commission, Federal agencies and others. Where data exist, assistance with interpretation will be provided. Contact: Head, Branch of Operations, Delaware River Basin Commission, P.O. Box 7360, West Trenton, N.J. 08628. Telephone: 609-883-9500.

SUSQUEHANNA RIVER BASIN COMMISSION

The Commission maintains a file of detailed hydrologic and hydraulic information for 245 basin communities studied under the National Flood Insurance Program for HUD. Limited additional hydrological data for other areas also is available. The Commission can provide general information and guidance on floodplain management measures. Contact: Chief, Planning and Operations, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA. 17102. Telephone: 717-238-0425.

STATES

Many (but not all) States have active floodplain management programs. They have on file or access to most floodplain information generated by Federal and State agencies, regional organizations, special districts and private consultants. State agencies are usually staffed and funded to: (1) coordinate floodplain management activities; (2) develop minimum standards for floodplain regulations; (3) assist local units of government (counties, cities, etc.) in developing floodplain management programs; and (4) interpret available floodplain information. For most States, the appropriate contact is the Department of Natural Resources or the Water Resources Division. At the substate level, regional agencies such as conservancy districts and multi-county planning agencies may be a source of floodplain data and interpretation.

APPENDIX B—RELATED PROGRAMS AND REFERENCES Publications

Useful information on many of the subjects discussed in this document is

found in the following publications, which describe programs and studies related to the objectives of Executive Order 11988:

"A Unified National Program for Managing Flood Losses," *House Document 465*, 89th Congress, 2nd Session. A report by the Task Force on Federal Flood Control Policy, August, 1966.

Rules and Regulations of the National Flood Insurance Program. 41-FR 207, Oct. 26, 1976, at CFR 1909, et seq. Copies of the rules and regulations can be obtained from the U.S. Department of Housing and Urban Development, Federal Insurance Administration, Washington, D.C. 20410.

Regulation of Flood Hazard Areas to Reduce Flood Losses. A 2-volume work published by the Water Resources Council in 1971-1972. It contains legal aspects of and draft legislation for riverine and coastal floodplain regulation programs of states and local governments.

Flood proofing Regulations. U.S. Army Corps of Engineers, June, 1972 (EP1165-2-314).

A unified National Program for Flood Plain Management. U.S. Water Resources Council. July, 1976.

A Perspective on Flood Plain Regulations for Flood Plain Management. U.S. Army Corps of Engineers, June, 1976 (EP1165-2-304).

Elevated Residential Structures, HUD, Federal Insurance Administration. September, 1976.

Relevant Legislative Authority and Statement of Congressional Purpose for Minimizing Floodplain Encroachment

There is a large body of Federal legislation relevant to preservation or restoration of floodplains. Some of the major items of legislation are listed below.

Title and Lead Agency

Water Resources Planning Act (42 USC 1962), WRC
Watershed Protection and Flood Prevention Act (16 USC 1001), SCS
River and Harbor Act of 1899 (33 USC 001), COE
Flood Control Act of 1944 (16 USC 460d, et al.), COE
Flood Disaster Protection Act of 1973 (42 USC 4001),
Federal Water Pollution Control Act Amendments of 1972 (33 USC 1251), EPA
Coastal Zone Management Act (16 USC 1451), OCZM
Surface Mining Control and Reclamation Act of 1977, OSM
"1890 Organic Act" of the National Weather Service (15 USC 311) NOAA
National Environmental Policy Act (42 USC 4321), CEQ
Wild and Scenic Rivers Act (16 USC 1271), NPS

National Trail Systems Act (16 USC 1241), NPS
Fish and Wildlife Coordination Act (16 USC 661) Fish and Wildlife Restoration Projects (16 USC 777 and 669), FWS
Endangered Species Act (16 USC 1531), FWS
The Wilderness Act (16 USC 1131), Various Land and Water Conservation Fund Act (16 USC 4601), HCRS
Antiquities Act of 1906 (16 USC 431), HCRS
Archaeological and Historic Preservation Act of 1974 (16 USC 469), HCRS

Agencies should consider reviewing this body of legislation, act by act, in light of the Order to uncover opportunities within their existing programs for protecting the natural and beneficial floodplain values under the powers of these acts as well as to uncover problem areas in meeting mandates (lack of guidance, ceiling, budgets, etc.)

APPENDIX C—E.O. 11988, FLOODPLAIN MANAGEMENT

Statement by the President
Accompanying E.O. 11988, May 24, 1977

The floodplains which adjoin the Nation's inland and coastal waters have long been recognized as having special values to our citizens. They have provided us with wildlife habitat, agricultural and forest products, stable ecosystems, and park and recreation areas. However, unwise use and development of our riverine, coastal, and other floodplains not only destroy many of the special qualities of these areas but pose a severe threat to human life, health, and property.

Since the adoption of a national flood control policy in 1936, the Federal Government has invested about \$10 billion in flood protection works. Despite substantial efforts by the Federal Government to reduce flood hazards and protect floodplains, annual losses from floods and adverse alteration of floodplains continue to increase.

The problem arises mainly from unwise land use practices. The Federal Government can be responsible for or can influence these practices in the construction of projects, in the management of its own properties, in the provision of financial or technical assistance including support of financial institutions, and in the uses for which its agencies issue licenses or permits. In addition to minimizing the danger to human and nonhuman communities living in floodplains, active floodplain management represents sound business practice by reducing the risk of flood damage to properties benefiting from Federal assistance.

Because unwise floodplain development can lead to the loss of human and other natural resources, it is simply a bad Federal investment and should be avoided. In order to avoid to the extent possible the long and short-

term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, I have issued an Executive order on floodplain management.

E.O. 11988—Floodplain Management

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*), and the Flood Disaster Protection Act of 1973 (Public Law 93-234, 87 Stat. 975), in order to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative, it is hereby ordered as follows:

SECTION 1. Each agency shall provide leadership and shall take action to reduce the risk of flood loss to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

Sec. 2. In carrying out the activities described in Section 1 of this Order, each agency has a responsibility to evaluate the potential effects of any actions it may take in a floodplain; to ensure that its planning programs and budget requests reflect consideration of flood hazards and floodplain management; and to prescribe procedures to implement the policies and requirements of this Order, as follows:

(a) (1) Before taking an action, each agency shall determine whether the proposed action will occur in a floodplain—for major Federal actions significantly affecting the quality of the human environment, the evaluation required below will be included in any statement prepared under Section 102(2)(C) of the National Environmental Policy Act. This determination shall be made according to a Department of Housing and Urban Development (HUD) floodplain map or a more detailed map of an area, if available. If such maps are not available, the agency shall make a determination of the location of the floodplain based on

the best available information. The Water Resources Council shall issue guidance on this information not later than October 1, 1977.

(2) If an agency has determined to, or proposes to, conduct, support, or allow an action to be located in a floodplain, the agency shall consider alternatives to avoid adverse effects and incompatible development in the floodplain. If the head of the agency finds that the only practicable alternative consistent with the law and with the policy set forth in this Order requires siting in a floodplain, the agency shall, prior to taking action, (i) design or modify its action in order to minimize potential harm to or within the floodplain, consistent with regulations issued in accord with Section 2(d) of this Order, and (ii) prepare and circulate a notice containing an explanation of why the action is proposed to be located in the floodplain.

(3) For programs subject to the Office of Management and Budget Circular A-95, the agency shall send the notice, not to exceed three pages in length including a location map, to the state and areawide A-95 clearing-houses for the geographic areas affected. The notice shall include: (i) the reasons why the action is proposed to be located in a floodplain; (ii) a statement indicating whether the action conforms to applicable state or local floodplain protection standards and (iii) a list of the alternatives considered. Agencies shall endeavor to allow a brief comment period prior to taking any action.

(4) Each agency shall also provide opportunity for early public review of any plans or proposals for actions in floodplains, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

(b) Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in a floodplain, whether the proposed action is in accord with this Order.

(c) Each agency shall take floodplain management into account when formulating or evaluating any water and land use plans and shall require land and water resources use appropriate to the degree of hazard involved. Agencies shall include adequate provision for the evaluation and consideration of flood hazards in the regulations and operating procedures for the licenses, permits, loans or grants-in-aid programs that they administer. Agencies

shall also encourage and provide appropriate guidance to applicants to evaluate the effects of their proposals in floodplains prior to submitting applications for Federal licenses, permits, loans or grants.

(d) As allowed by law, each agency shall issue or amend existing regulations and procedures within one year to comply with this Order. These procedures shall incorporate the Unified National Program for Floodplain Management of the Water Resources Council, and shall explain the means that the agency will employ to pursue the nonhazardous use of riverine, coastal and other floodplains in connection with the activities under its authority. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order. Agencies shall prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality, and shall update such procedures as necessary.

Sec. 3. In addition to the requirements of Section 2, agencies with responsibilities for Federal real property and facilities shall take the following measures:

(a) The regulations and procedures established under Section 2(d) of this Order shall, at a minimum, require the construction of Federal structures and facilities to be in accordance with the standards and criteria and to be consistent with the intent of those promulgated under the National Flood Insurance Program. They shall deviate only to the extent that the standards of the Flood Insurance Program are demonstrably inappropriate for a given type of structure or facility.

(b) If, after compliance with the requirements of this Order, new construction of structures or facilities are to be located in a floodplain, accepted floodproofing and other flood protection measures shall be applied to new construction or rehabilitation. To achieve flood protection, agencies shall, wherever practicable, elevate structures above the base flood level rather than filling in land.

(c) If property used by the general public has suffered flood damage or is located in an identified flood hazard area, the responsible agency shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of and knowledge about flood hazards.

(d) When property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, the Federal agency shall (1) reference in the conveyance

those uses that are restricted under identified Federal, State, or local floodplain regulations; and (2) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law; or (3) withhold such properties from conveyance.

Sec. 4. In addition to any responsibilities under this Order and Sections 202 and 205 of the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4106 and 4128), agencies which guarantee, approve, regulate, or insure any financial transaction which is related to an area located in a floodplain shall, prior to completing action on such transaction, inform any private parties participating in the transaction of the hazards of locating structures in the floodplain.

Sec. 5. The head of each agency shall submit a report to the Council on Environmental Quality and to the Water Resources Council on June 30, 1978, regarding the status of their procedures and the impact of this Order on the agency's operations. Thereafter, the Water Resources Council shall periodically evaluate agency procedures and their effectiveness.

Sec. 6. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting floodplains.

(b) The term "base flood" shall mean that flood which has a one percent or greater chance of occurrence in any given year.

(c) The term "floodplain" shall mean the lowland and relatively flat areas adjoining inland and coastal waters including floodprone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year.

Sec. 7. Executive Order No. 11296 of August 10, 1966, is hereby revoked. All actions, procedures, and issuances taken under that Order and still in effect shall remain in effect until modified by appropriate authority under the terms of this Order.

Sec. 8. Nothing in this Order shall apply to assistance provided for emergency work essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Sec. 9. To the extent the provisions of Section 2(a) of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended

(88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

JIMMY CARTER.

The White House,
May 24, 1977.

APPENDIX D—E.O. 11990 PROTECTION OF WETLANDS Statement by the President Accompanying E.O. 11990

The Nation's coastal and inland wetlands are vital natural resources of critical importance to the people of this country. Wetlands are areas of great natural productivity, hydrological utility, and environmental diversity, providing natural flood control, improved water quality, recharge of aquifers, flow stabilization of streams and rivers, and habitat for fish and wildlife resources. Wetlands contribute to the production of agricultural products and timber, and provide recreational, scientific, and aesthetic resources of national interest.

The unwise use and development of wetlands will destroy many of their special qualities and important natural functions. Recent estimates indicate that the United States has already lost over 40 percent of our 120 million acres of wetlands inventoried in the 1950's. This piecemeal alteration and destruction of wetlands through draining, dredging, filling, and other means has had an adverse cumulative impact on our natural resources and on the quality of human life.

The problem of loss of wetlands arises mainly from unwise land use practices. The Federal Government can be responsible for or can influence these practices in the construction of projects, in the management of its own properties, and in the provisions of financial or technical assistance.

In order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative, I have issued an Executive order on the protection of wetlands.

Executive Order 11990—Protection of Wetlands

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), in

order to avoid to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative, it is hereby ordered as follows:

SECTION 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

(b) This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property.

Sec. 2. (a) In furtherance of Section 101(b)(3) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331(b)(3)) to improve and coordinate Federal plans, functions, programs and resources to the end that the Nation may attain the widest range of beneficial uses of the environment without degradation and risk to health or safety, each agency, to the extent permitted by law, shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.

(b) Each agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands, in accordance with Section 2(b) of Executive Order No. 11514, as amended, including the development of procedures to accomplish this objective for Federal actions whose impact is not significant enough to require the preparation of an environmental impact statement under Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended.

Sec. 3. Any requests for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, if an action to be proposed will be located in wetlands, whether the proposed action is in accord with this Order.

Sec. 4. When Federally-owned wetlands or portions of wetlands are proposed for lease, easement, right-of-way or disposal to non-Federal public or private parties, the Federal agency shall (a) reference in the conveyance those uses that are restricted under identified Federal, State or local wetlands regulations; and (b) attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successor, except where prohibited by law; or (c) withhold such properties from disposal.

Sec. 5. In carrying out the activities described in Section 1 of this Order, each agency shall consider factors relevant to a proposal's effect on the survival and quality of the wetlands. Among these factors are:

(a) public health, safety, and welfare, including water supply, quality, recharge and discharge; pollution; flood and storm hazards; and sediment and erosion;

(b) maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources; and

(c) other uses of wetlands in the public interest, including recreational, scientific, and cultural uses.

Sec. 6. As allowed by law, agencies shall issue or amend their existing procedures in order to comply with this Order. To the extent possible, existing processes, such as those of the Council on Environmental Quality and the Water Resources Council, shall be utilized to fulfill the requirements of this Order.

Sec. 7. As used in this Order:

(a) The term "agency" shall have the same meaning as the term "Executive agency" in Section 105 of Title 5 of the United States Code and shall include the military departments; the directives contained in this Order, however, are meant to apply only to those agencies which perform the activities described in Section 1 which are located in or affecting wetlands.

(b) The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of this Order.

(c) The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

Sec. 8. This Order does not apply to projects presently under construction, or to projects for which all of the funds have been appropriated through Fiscal Year 1977, or to projects and programs for which a draft or final environmental impact statement will be filed prior to October 1, 1977. The provisions of Section 2 of this Order shall be implemented by each agency not later than October 1, 1977.

Sec. 9. Nothing in this Order shall apply to assistance provided for emergency work, essential to save lives and protect property and public health and safety, performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974 (88 Stat. 148, 42 U.S.C. 5145 and 5146).

Sec. 10. To the extent the provisions of Sections 2 and 5 of this Order are applicable to projects covered by Section 104(h) of the Housing and Community Development Act of 1974, as amended (88 Stat. 640, 42 U.S.C. 5304(h)), the responsibilities under those provisions may be assumed by the appropriate applicant, if the applicant has also assumed, with respect to such projects, all of the responsibilities for environmental review, decisionmaking, and action pursuant to the National Environmental Policy Act of 1969, as amended.

JIMMY CARTER

The White House,
May 24, 1977.

APPENDIX E—E.O. 11514 PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Excerpts From E.O. 11514 (March 5, 1970),
as Amended by E.O. 11991 (May 24,
1977), Secs. 2(g) and 3(h)

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (Public Law No. 91-190, approved January 1, 1970), it is ordered as follows:

Section 1. *Policy.* The Federal Government shall provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies shall initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals. The council on Environmental Quality, through the Chairman, shall advise and assist the President in leading this national effort.

Sec. 2. *Responsibilities of Federal agencies.* Consonant with Title I of the National Environmental Policy Act of 1969, hereafter referred to as the "Act", the heads of Federal agencies shall:

(a) Monitor, evaluate, and control on a continuing basis their agencies' activities so as to protect and enhance the

quality of the environment. Such activities shall include those directed to controlling pollution and enhancing the environment and those designed to accomplish other program objectives which may affect the quality of the environment. Agencies shall develop programs and measures to protect and enhance environmental quality and shall assess progress in meeting the specific objectives of such activities. Heads of agencies shall consult with appropriate Federal, State and local agencies in carrying out their activities as they affect the quality of the environment.

(b) Develop procedures to ensure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. These procedures shall include, whenever appropriate, provision for public hearings, and shall provide the public with relevant information, including information on alternative courses of action. Federal agencies shall also encourage State and local agencies to adopt similar procedures informing the public concerning their activities affecting the quality of the environment.

(c) Insure that information regarding existing or potential environmental problems and control methods developed as part of research, development, demonstration, test, or evaluation activities is made available to Federal agencies, States, counties, municipalities, institutions, and other entities, as appropriate.

(d) Review their agencies' statutory authority, administrative regulations, policies, and procedures, including those relating to loans, grants, contracts, leases, licenses, or permits, in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act. A report on this review and the corrective actions taken or planned, including such measures to be proposed to the President as may be necessary to bring their authority and policies into conformance with the intent, purposes, and procedures of the Act, shall

be provided to the Council on Environmental Quality not later than September 1, 1970.

(e) Engage in exchange of data and research results, and cooperate with agencies of other governments to foster the purpose of the Act.

(f) Proceed, in coordination with other agencies, with actions required by section 102 of the Act.

(g) In carrying out their responsibilities under the Act and this Order, comply with the regulations issued by the Council except where such compliance would be inconsistent with statutory requirements.

Sec. 3. *Responsibilities of Council on Environmental Quality.* The Council on Environmental Quality shall:

(a) Evaluate existing and proposed policies and activities of the Federal Government directed to the control of pollution and the enhancement of the environment and to the accomplishment of other objectives which affect the quality of the environment. This shall include continuing review of procedures employed in the development and enforcement of Federal standards affecting environmental quality. Based upon such evaluations the Council shall, where appropriate, recommend to the President policies and programs to achieve more effective protection and enhancement of environmental quality and shall, where appropriate, seek resolution of significant environmental issues.

(b) Recommend to the President and to the agencies priorities among programs designed for the control of pollution and for enhancement of the environment.

(c) Determine the need for new policies and programs for dealing with environmental problems not being adequately addressed.

(d) Conduct, as it determines to be appropriate, public hearings or conferences on issues of environmental significance.

(e) Promote the development and use of indices and monitoring systems (1) to assess environmental conditions and trends, (2) to predict the environmental impact of proposed public and private actions, and (3) to determine the effectiveness of programs for pro-

tecting and enhancing environmental quality.

(f) Coordinate Federal programs related to environmental quality.

(g) Advise and assist the President and the agencies in achieving international cooperation for dealing with environmental problems, under the foreign policy guidance of the Secretary of State.

(h) Issue regulations to Federal agencies for the implementation of the procedural provisions of the Act (42 U.S.C. 4332(2)). Such regulations shall be developed after consultation with affected agencies and after such public hearings as may be appropriate. They will be designed to make the environmental impact statement process more useful to decisionmakers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives. They will require impact statements to be concise, clear, and to the point, and supported by evidence that agencies have made the necessary environmental analyses. The Council shall include in its regulations procedures (1) for the early preparation of environmental impact statements, and (2) for the referral to the Council of conflicts between agencies concerning the implementation of the National Environmental Policy Act of 1969, as amended, and Section 309 of the Clean Air Act, as amended, for the Council's recommendation as to their prompt resolution.

(i) Issue such other instructions to agencies, and request such reports and other information from them, as may be required to carry out the Council's responsibilities under the Act.

(j) Assist the President in preparing the annual Environmental Quality Report provided for in section 201 of the Act.

(k) Foster investigations, studies, surveys, research, and analyses relating to (i) ecological systems and environmental quality, (ii) the impact of new and changing technologies thereon, and (iii) means of preventing or reducing adverse effects from such technologies.

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MONDAY, FEBRUARY 13, 1978



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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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[3410-01]

Title 7—Agriculture
SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority
AGENCY: Department of Agriculture.
ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary to reflect realignment of certain functions to the Assistant Secretary for Administration. The Department has determined that the functions performed by the Office of Automated Data Systems, the Office of Operations, and the Office of Finance should be combined into a new Office of Operations and Finance. This will bring together related administrative functions and provide the potential for reduced overhead in management.

EFFECTIVE DATE: February 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Preston Davis, Management Division, Office of Budget, Planning and Evaluation, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-5301.

Subpart C—Delegations of Authority to the Deputy Secretary, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.25 is amended by revoking and reserving paragraphs (c) and (f) and by revoking paragraph (b) and substituting the following in lieu thereof:

§ 2.25 Delegations of Authority to the Assistant Secretary for Administration.

(b) *Related to operations and finance.* (1) Promulgate departmental policies, standards, techniques, and procedures, and represent the Department in the following areas:

(i) Contracting for and the procurement of administrative and operating supplies, services, and construction.

- (ii) Socioeconomic programs related to contracting, including Small Business Assistance, Labor Surplus Area Assistance, Disadvantaged Business Assistance, and Labor Standards.
- (iii) Utilization of the resources of State and local governments and of the private sector in domestic program operations.
- (iv) Selection, standardization, and simplification of program delivery processes utilizing grants, contracts, and/or agreements.
- (v) Acquisition, leasing, utilization, value analysis, construction, maintenance, and disposition of real and personal property including control of space assignments and use.
- (vi) Acquisition, storage, distribution, and disposition of forms and supplies.
- (vii) Telecommunications.
- (viii) Mail management.
- (ix) Motor Vehicle Fleet and other vehicular transportation.
- (x) Transportation of things.
- (xi) Prevention, control, and abatement of air and water pollution at Federal facilities (Executive Order 11507).
- (xii) Implementation of the Uniform Relocation Assistance and Real Property Policies Act of 1970 (Pub. L. 91-646).
- (xiii) Develop and implement energy management actions related to the internal operations of the Department. Maintain liaison with other Government agencies in these matters.
- (2) Operate or provide for the operation of centralized departmental services to provide printing, copy reduction, offset composition, supply, telephone, telegraph, mail, automated mailing lists, excess property pool, space allocation, central Secretary's records, departmental administrative regulations and Secretarial issuances, and related management support.
- (3) Exercise following special authorities.
- (i) Designate Department debarring officer to perform the functions of 41 CFR Subpart 1-1.6 and 41 CFR 4-1.601-1(a).
- (ii) Promulgate Department schedule of fees and charges for reproductions, furnishing of copies and making searches for official records pursuant to the Freedom of Information Act, 5 U.S.C. 552.
- (iii) Conduct liaison with the Office of the Federal Register including the

- making of required certification pursuant to 1 CFR Part 4.
- (iv) Maintain custody and permit appropriate use of the official seal of the Department.
- (v) Promulgate policy for use of the official flags of the Secretary and the Department.
- (vi) Coordinate collection of historical materials for Presidential Libraries.
- (vii) Oversee the safeguarding of unclassified materials designated "For Official Use Only."
- (viii) Establish standards for and coordinate the issuance of employee identification credentials within the Department.
- (4) Exercise authority to:
- (i) Make determinations and findings authorizing the use of negotiation in accordance with 41 U.S.C. 252(c) (11), (12), and (13) with respect to purchases and contracts:
- (a) For experimental, developmental, or research work, or for the manufacture, or furnishing of property for experimentation, development, research, or test.
- (b) For property or services when the character, ingredients, or components thereof are such that the contract should not be publicly disclosed.
- (c) For technical equipment when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization of equipment and interchangeability of parts and where such standardization and interchangeability is necessary in the public interest.
- (ii) Make determinations and findings authorizing the omission of the examination of records clause from contracts with foreign contractors and foreign subcontractors under the authority granted in 41 U.S.C. 304(c) (41 CFR 1-3.303; 1-6.1004).
- (5) Exercise general responsibility and authority for all matters related to the administration of the Department's accounting and finance operations including:
- (i) Financial administration, including accounting and related activities.
- (ii) Development, maintenance and operation of Department-wide payroll and personnel statistics, payment, billing and collection, and accounting and related reporting systems.
- (6) Formulate and promulgate departmental financial policies, procedures, and regulations.

(7) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(8) Review financial aspects of agency operations and proposals.

(9) Represent the Department in contacts with the General Accounting Office, the Treasury Department, the Office of Management and Budget, and other organizations or agencies on matters related to assigned responsibilities.

(10) Designate the Department's Director of Finance.

(11) Provide management support services for the National Finance Center and, by agreements with agency heads concerned, provide such services for other USDA tenants housed in the same facility. As used herein, such management support service shall include:

(i) Personnel services, as listed in § 2.25 (e) (10), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(12) Administer the Department's records, forms, reports, and directives management programs.

(13) Manage and operate the total USDA data processing program through all stages of the data processing management cycle: advance planning, feasibility, design, equipment selection and acquisition readiness effort, systems installation, system impact appraisal, time sharing and service center arrangement, systems monitoring, evaluation, and security.

(14) Exercise full Department-wide contracting and procurement authority for automatic data processing and data transmission equipment, software, services maintenance, and related supplies. This authority includes the promulgation of departmental directives regulating the management of contracting and procurement functions related to the above.

(15) Plan, develop, install, and manage departmental data bases and assist in maintenance of such systems to satisfy agency needs.

(16) Develop an integrated computer network for use by Department agencies and offices.

(c) [Revoked and reserved.]

(f) [Revoked and reserved.]

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

2. Section 2.76 and 2.79 are revoked and reserved and § 2.75 is revoked and

the following substituted in lieu thereof:

§ 2.75 Director, Office of Operations and Finance.

(a) *Delegations.* Pursuant to § 2.25 (b) and (d), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Operations and Finance:

(1) Promulgate departmental policies, standards, techniques, and procedures, and represent the Department, in the following:

(i) Contracting for and the procurement of administrative and operating supplies, services, and construction.

(ii) Socioeconomic programs relating to contracting, including Small Business, Labor Surplus Area Assistance, Labor Standards, and Disadvantaged Business Assistance: *Provided*, That with respect to Disadvantaged Business Assistance this delegation is limited to promulgating departmental policies, standards, techniques, and procedures, in consultation with the Director, Office of Equal Opportunity.

(iii) Selection, standardization, and simplification of program delivery processes utilizing grants, contracts, and/or agreements.

(iv) Acquisition, leasing, utilization, value analysis, construction, maintenance, and disposition of real and personal property including control of space assignments and use.

(v) Acquisition, storage, distribution, and disposition of forms and supplies.

(vi) Telecommunications.

(vii) Mail management.

(viii) Motor Vehicle fleet and other vehicular transportation.

(ix) Transportation of things.

(x) Prevention, control, and abatement of air and water pollution at Federal facilities (E.O. 11507).

(xi) Implementation of the Uniform Relocation Assistance and Real Property Policies Act of 1970 (Pub. L. 91-646).

(xii) Develop and implement energy management actions related to the internal operations of the Department. Maintain liaison with other Government agencies in these matters.

(2) Operate, or provide for the operation of, centralized departmental services to provide printing, copy reproduction, offset composition, supply, telephone, telegraph, mail, automated mailing lists, excess property pool, space allocation, central Secretary's records, departmental administrative regulation and secretarial issuances, and related management support.

(3) Exercise the following special authorities:

(i) The Director, Office of Operations and Finance is designated as the Department's debarring officer, and authorized to perform the functions of 41 CFR Subpart 1-1.6 and 41 CFR Subpart 4-1.601-1(a).

(ii) Promulgation of Department schedule of fees and charges for reproductions, furnishing of copies, and making searches for official records pursuant to the Freedom of Information Act, 5 U.S.C. 552.

(iii) Conduct liaison with the Office of the Federal Register including the making of required certifications pursuant to 1 CFR Part 4.

(iv) Maintain custody and permit appropriate use of the official seal of the Department.

(v) Promulgate policy for the use of the official flags of the Secretary and the Department.

(vi) Make determinations and findings authorizing use of negotiation in accordance with 41 U.S.C. 252(c)(11) for purchases and contracts for experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test which will not require the expenditure of more than \$25,000 (41 CFR 1-3.211; 1-3.303).

(vii) Coordinate collection of historical material for Presidential Libraries.

(viii) Oversee the safeguarding of unclassified materials designated "For Official Use Only."

(ix) Establish standards for and coordinate the issuance of employee identification within the Department.

(4) Provide procurement, property management, space management, communications, messenger, paperwork management, and related services (with authority to take actions required by law or regulation to perform such services) for:

(i) The Secretary of Agriculture;

(ii) The general officers of the Department;

(iii) The offices and agencies reporting to the Assistant Secretary for Administration; and

(iv) Provide such of the above services, as may be agreed, for any other officers or agencies of the Department not included in subdivisions (i), (ii), or (iii) of this subparagraph.

(5) Exercise full Department-wide contracting and procurement authority for automatic data processing and data transmission equipment, software, services, maintenance, and related supplies. This authority includes the promulgation of departmental directives regulating the management of contracting and procurement functions related to the above.

(6) Provide support services normally furnished by the Office of Operations and Finance and needed by the Department in carrying out defense responsibilities.

(7) Exercise general responsibility and authority for all matters related to the administration of the Department's accounting and finance operations including:

(i) Financial administration, including accounting and related activities.

(ii) Development, maintenance, and operation of Department-wide payroll and personnel statistics, payment, billing and collection, and accounting and related reporting systems.

(8) Formulate and promulgate departmental financial policies, procedures, and regulations.

(9) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(10) Review financial aspects of agency operations and proposals.

(11) Represent the Department in contacts with the General Accounting Office, the Treasury Department, the Office of Management and Budget, and other organizations or agencies on matters related to assigned responsibilities.

(12) The Director, Office of Operations and Finance is designated as the Department's Director of Finance.

(13) Provide management support services for the National Finance Center, and by agreements with agency heads concerned, provide such services for other USDA tenants housed in the same facility. As used herein, such management support services shall include:

(i) Personnel services, as listed in § 2.25(e)(10), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(14) Administer the Department's records, forms, reports, and directive management programs.

(15) Provide budget, accounting, and related financial management services, with authority to take action required by law or regulation to provide such services for working capital funds and general appropriated and trust funds for

(i) The Secretary of Agriculture

(ii) The general officers of the Department

(iii) The Offices and agencies reporting to the Assistant Secretary for Administration, and

(iv) Provide such of the above services, as may be agreed, for any other officers and agencies of the Department not included in paragraph (a)(15), (i), (ii), or (iii) of this section.

(16) Manage and operate the total USDA data processing program through all stages of the data processing management cycle: Advance planning, feasibility, design, equipment selection and acquisition readiness effort, systems installation, system impact appraisal, time sharing and service center arrangements, systems monitoring, evaluation, and security.

(17) Plan, develop, install, and manage departmental data bases and assist in the maintenance of such systems to satisfy agency needs.

(18) Develop an integrated computer network for use with Department agencies and offices.

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Administration:

(1) Make determinations and findings authorizing the use of negotiation in accordance with 41 U.S.C. 252(c) (11), (12), and (13) with respect to purchase and contracts:

(i) For experimental, developmental, or research work, or for the manufacture or furnishing of property for experimentation, development, research, or test which will require the expenditure of more than \$25,000.

(ii) For property or service when the character, ingredients, or components thereof are such that the contract should not be publicly disclosed.

(iii) For technical equipment when it is determined that the procurement thereof without advertising is necessary in special situations or in particular localities in order to assure standardization of equipment and interchangeability of parts and where such standardization and interchangeability is necessary in the public interest.

(2) Make determinations and findings authorizing the omission of the examination of records clause from contracts with foreign contractors and foreign subcontractors under the authority granted in 41 U.S.C. 304(c) (41 CFR 1-3.303; 1-6.1004).

§ 2.76 [Revoked and reserved.]

§ 2.79 [Revoked and reserved.]
(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

For Subpart C:

Dated: January 31, 1978.

BOB BERGLAND,
Secretary of Agriculture.

For Subpart J:

Dated: December 31, 1977.

JOAN S. WALLACE,
Assistant Secretary
for Administration.

(FR Doc. 78-3955 Filed 2-10-78; 8:45 am)

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-CE-2-AD; Amdt. 39-3139]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 19, 23 and 24 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to certain Beech 19, 23 and 24 series airplanes having manually operated wing flaps. The AD requires installation of a new improved wing flap control weld assembly on affected airplanes. This action will prevent possible unwanted retraction of the wing flaps which could have an adverse effect on aircraft controllability.

DATES: This amendment becomes effective February 20, 1978.

COMPLIANCE SCHEDULE—Required within the next 50 hours time-in-service after the effective date of this AD.

ADDRESSES: Beechcraft Service Instructions No. 0940, applicable to this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corp., Commercial Service Department, 9709 East Central, Wichita, Kans. 67201. A copy of the Service Instructions cited above are contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo., 64106 and at Room 916, 800 Independence Avenue, Southeast, Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

William L. Schroeder, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: There have been eight reports of Beech P/N 169-524024-37 wing flap control weld assemblies failing on Beech 19 and 23 series airplanes. Two of the failures resulted in unwanted in-flight retraction of wing flaps and one failure is suspected as being the cause of an accident. Failure of the wing flap control weld assembly can result in sudden and unexpected retraction of the wing flaps that may have an adverse effect on aircraft controllability. Subsequent to this investigation the manufacturer has determined that some P/N 169-524024-37 and -81 flap control weld assemblies may have welds with insufficient penetration which can cause the assemblies to be under strength. As a result, the manufacturer has issued Beechcraft Service Instructions No. 0940 recommending installation of a new improved P/N 169-524024-85 wing flap control weld assembly on certain Beech 19, 23 and 24 series airplanes having manually operated wing flaps. The FAA has concluded that wing flap control weld assemblies having welds with improper penetration is an unsafe condition that may exist on other airplanes of the same type

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design. Accordingly, an AD is being issued applicable to certain serial numbers of the above-mentioned Beech series airplanes making installation of the new P/N 169-524024-85 wing flap control weld assembly mandatory. This AD was coordinated with the manufacturer prior to issuance. The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal authors of this document are: William L. Schroeder, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

BEECH: Applies to the following models and serial number airplanes, equipped with manually operated wing flaps, certificated in all categories:

Model and serial numbers

23, A23, A23A, B23 and C23—M-1 through M-1979.

A23-19, 19A and B19—MB-1 through MB-866.

A23-24 and A24—MA-1 through MA-368.
A24R, B24R and C24R—MC-2 through MC-536.

COMPLIANCE: Required as indicated unless already accomplished.

To prevent failure of the wing flap control weld assembly and resulting possible unwanted in-flight retraction of the wing flaps, within the next 50 hours time-in-service after the effective date of this AD, accomplish the following in accordance with Beechcraft Service Instructions No. 0940 or later approved revisions:

(A) Remove flap control weld assembly and install Beech P/N 169-524024-85 flap control weld assembly.

(B) Any equivalent means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective on February 20, 1978.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

NOTE:—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring

preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo. on February 2, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-3892 Filed 2-10-78; 8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5904, 34-14445, 35-20404, IC-10112; S7-736]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Disclosure of Management Remuneration

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation and request for comments.

SUMMARY: This release supplements the Commission's interpretive release on disclosure of management remuneration, Securities Act Release No. 5856 (August 18, 1977), 42 FR 43058 (August 26, 1977), in order to provide further guidance to registrants. Some of the more frequently raised questions regarding the status as remuneration of benefits received by officers and directors are set forth together with the interpretive responses of the Commission's Division of Corporation Finance. Comments are requested on both Securities Act Release No. 5856 and the interpretive responses included in this release.

DATE: Comments should be submitted on or before April 15, 1978.

ADDRESS: Comments should refer to File S7-736 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Registrants with specific questions should contact the staff members directly responsible for reviewing the documents they file with the Com-

mission. General questions may be directed to Linda L. Griggs, Division of Corporation Finance, 202-755-1750 or Glen Payne, Division of Investment Management, 202-755-0230, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

The Commission hereby issues Securities Act Release No. (33-5904, 34-14445, 35-20404, IC-10112; S7-736), Parts 231, 241 and 271 of Title 17, Chapter II of the Code of Federal Regulations as given below.

DISCLOSURE OF MANAGEMENT REMUNERATION

On August 18, 1977, the Commission issued a release, Securities Act Release No. 5856 (42 FR 43058), which emphasized its view that the existing disclosure provisions require registrants to include within the aggregate remuneration reported in registration statements, annual reports and proxy and information statements all forms of remuneration received by management from the corporation, including personal benefits sometimes referred to as perquisites. Since the publication of that release, the staff has received many requests for guidance in identifying and valuing some of the personal benefits received by officers and directors and others for whom remuneration information is required.

This release is published to provide current information on the interpretations of the Commission's Division of Corporation Finance (the "Division") of the remuneration reporting requirements in view of the volume of these requests for interpretations of such provisions as they relate to specific fringe benefits. The questions included in the release represent some of those more frequently brought to the attention of the staff by registrants, their counsel, and other interested persons. The Division of Investment Management will follow the Division's interpretations to the extent they relate to disclosure by registered investment companies.

Corporations make a great variety of expenditures which relate to management, many of which result in benefits to executives. Whether these constitute remuneration usually depends upon the facts and circumstances involved in each situation. In general, expenditures which simply assist an executive in doing his job effectively or which reimburse him for expenses incurred in the performance of his functions are not remuneration while expenditures made for his personal benefit or for purposes unrelated to the business of the company would constitute remuneration. In some instances, expenditures may serve both purposes, and if neither is predominant, allocation to the extent reasonably feasible may be called for. In view

of the difficulties in applying these, and other general principles, the Commission believes that this statement of the Division's responses to specific questions should be useful to registrants.

In determining whether the value of specific benefits should be included in aggregate remuneration, registrants should keep in mind that full disclosure of the remuneration received by officers and directors is important to informed voting and investment decisions. In particular, remuneration information is necessary for an informed assessment of management and is significant in maintaining public confidence in the corporate system. Of course, accurate and sufficiently detailed books and records are prerequisites to the appropriate disclosure of remuneration information.¹

Whereas the following questions and interpretive responses relate generally to the presentation of remuneration information pursuant to specific disclosure provisions, the anti-fraud provisions of the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and the Securities Exchange Act of 1934 ("Exchange Act") may require registrants to present additional information about benefits received by officers and directors.² For example, the anti-fraud provisions may require disclosure of any unauthorized receipt of benefits by officers and directors.

The analysis of the benefits received by management requires consideration of the specific reporting requirements, Securities Act Release No. 5856 and the approach illustrated by the questions and responses set forth below. The following topics are addressed by these questions:

I. Remuneration reporting requirements	Questions 1 to 4.
II. General disclosure questions:	
A. Identification.....	5 to 6.
B. Valuation.....	7.
III. Format for disclosure.....	8 to 12.
IV. Types of benefits received by management:	
A. Use of company property.....	13 to 21.
Company cars.....	14 to 16.
Company planes.....	17 to 19.
Other corporate assets.....	20.
Valuation.....	21.
B. Memberships in clubs and professional associations.....	22 to 24.
C. Medical, insurance and other reimbursement plans.....	25 to 29.

¹See the recently enacted amendments to section 13(b) of the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)), title I of Pub. L. No. 95-213 (Dec. 19, 1977) and section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a-30) and Rule 31a-1 thereunder (17 CFR 270.31a-1) which set forth detailed record keeping requirements for registered investment companies.

²See Securities Act §§ 12(2), and 17(a); Exchange Act § 10(b) and Rules 10b-5 and 14a-9.

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	Questions
Medical and insurance practices.....	25 to 27.
Liability insurance and indemnification.....	28 to 29.
D. Payments for living and related expenses.....	30 to 35.
Living expenses.....	30 to 31.
Repairs and improvements to home or property.....	32.
Security devices.....	33.
Low interest or interest free loans.....	34 to 35.
E. Use of the corporate staff.....	36 to 37.
F. Benefits from third parties.....	38 to 42.
Bank loans.....	38 to 39.
Professional and other services.....	40 to 42.
G. Company products.....	43.
H. Business expenses.....	44 to 47.

I. REMUNERATION REPORTING REQUIREMENTS

1. **Question.** For which persons must registrants report remuneration information?

Interpretive Response. The remuneration reporting provisions require registrants to report in various registration statements, annual reports, and proxy and information statements the amount of remuneration paid or to be paid by the registrant and its subsidiaries to the following persons:

(a) Each of the registrant's directors and each of its three highest paid officers (and other persons specified in the investment company reporting provisions) whose aggregate direct remuneration exceeded a certain amount specified in the disclosure form or rule; and

(b) All officers and directors (and certain persons specified in the investment company reporting provisions) as a group.³

2. **Question.** What is the term "remuneration" intended to include?

Interpretive Response. The term "remuneration" is intended to include both cash and non-cash forms of remuneration received by management, including the value of personal benefits.

3. **Question.** How should the remuneration information be presented?

Interpretive Response. Generally, the reporting provisions require separate disclosure of the following types of remuneration received by officers and directors or benefits which result in remuneration to such persons:

(a) Aggregate direct remuneration paid by the registrant and its subsidiaries during the registrant's last fiscal year;

(b) Annuity, pension or retirement benefits proposed to be paid by the registrant or any of its subsidiaries under any existing plan in the event of retirement at normal retirement date;

(c) Other remuneration payments proposed to be made in the future by

³See Securities Act Release No. 5856, footnotes 7-13. Hereinafter the persons as to which remuneration disclosure is required will be referred to as officers, directors, management or executives although remuneration information is required also for certain other persons by the investment company forms.

the registrant or any of its subsidiaries pursuant to any existing plan or arrangement;

(d) Options granted to certain officers and directors; and

(e) Benefits received by certain persons as a result of transactions to which the registrant is a party.⁴

4. **Question.** What forms of remuneration is the term "direct remuneration" intended to encompass?

Interpretive Response. The term "direct remuneration" is intended to include all forms of remuneration, including personal benefits, except annuity, pension or retirement benefits, payments proposed to be made in the future, options and the interest of management in certain corporate transactions because these forms of remuneration are required to be reported under separate disclosure provisions.

II. GENERAL DISCLOSURE QUESTIONS—IDENTIFICATION AND VALUATION

A. IDENTIFICATION

5. **Question.** What indirect benefits received by officers and directors should be considered by registrants in aggregating the forms of remuneration?

Interpretive Response. Registrants should analyze both those benefits conferred directly to officers and directors and those that may benefit such persons indirectly because they are provided to relatives and friends who do not perform services for the corporation or to any other persons upon the request of or on behalf of the officer or director.

6. **Question.** Do all benefits received by executives result in forms of remuneration which should be included in aggregate remuneration?

Interpretive Response. No. The value of those benefits received by management which are directly related to the performance of their job is not required to be included in aggregate remuneration.

B. VALUATION

7. **Question.** Once a registrant identifies a benefit as a form of remuneration, how should it be valued?

Interpretive Response. Registrants should value benefits on the basis of valuation methods which they believe are most reasonable. Alternative valuation methods include the following: (a) Cost to the company unless the cost to the company is disproportionate to the alternative cost of the benefit to the recipient, that is the amount the recipient would have had to pay to obtain the benefit himself; (b) apprais-

⁴The indebtedness to the registrant of officers, directors and certain other persons is required to be disclosed by another reporting provision.

als (for property given to or used by an executive); (c) the alternative cost of the benefit to the recipient, that is the amount the recipient would have had to pay to obtain the benefit himself; (d) the valuation assigned by the registrant or executive for tax purposes; or (e) some other standard for valuing which is reasonable in the opinion of management.

III. FORMAT FOR DISCLOSURE

8. *Question.* Should the personal benefits received by officers and directors be described separately in documents which require disclosure of the remuneration received by management?

Interpretive Response. Personal benefits are not required to be described when their value is included in the aggregate remuneration reported, unless disclosure about the benefit is otherwise required by another reporting provision. For example, if an officer or a director receives an interest free loan from a corporation, the value of the benefit should be included in the reported aggregate remuneration received by the individual and the loan itself should be described pursuant to the provisions of the reporting requirements relating to indebtedness to the company of various persons.¹ The more general anti-fraud provisions, of course, may require additional information to be disclosed about personal benefits received or to be received by management.

9. *Question.* May a registrant describe a benefit in addition to including its value in the aggregate remuneration reported?

Interpretive Response. Yes.
10. *Question.* May a registrant exclude the value of some or all of the benefits from the reported aggregate remuneration and state an approximate or maximum value of such benefits in a footnote to the remuneration table?

Interpretive Response. Yes, provided this disclosure is not misleading.

11. *Question.* May a registrant describe the personal benefits in a footnote to the remuneration table rather than including the values of such benefits in the tabular presentation of reported aggregate remuneration?

Interpretive Response. A registrant may describe a benefit which is a form of remuneration and exclude its value from reported remuneration whenever the dollar value of the benefit is not reasonably ascertainable or when a description of the benefit results in disclosure which is more meaningful to investors than the inclusion of an amount in aggregate remuneration.

¹ Item 7(c), Schedule 14A, 17 CFR 240.14a-101; Item 9(b), Form 10, 17 CFR 249.210; Items 18(b), Form 10-K, 17 CFR 249.310. See also Question 34.

provided it is clear that the value of the benefit has not been included in the aggregate remuneration reported in the table and the disclosure is not misleading.

12. *Question.* What information should be included in a footnote which describe a benefit?

Interpretive Response. The footnote should include a description of the benefit and, to the extent possible, information about its value and the basis for valuation. In addition, the footnote should state any other information as is reasonably necessary to apprise investors fully of what management is receiving.

IV. TYPES OF BENEFITS RECEIVED BY MANAGEMENT

A. USE OF COMPANY PROPERTY

13. *Question.* Is the use by management of company property such as cars, planes, apartments, houses, and other corporate assets a form of remuneration?

Interpretive Response. The use of corporate assets by officers or directors for reasons unrelated to the conduct of company business results in a form of remuneration to the executive. Where the assets are used in connection with job related matters, however, this usage would not result in remuneration to the executive. Where an executive uses an asset for both personal and business purposes, a value should be allocated to the personal use for remuneration reporting purposes.

COMPANY CARS

14. *Question.* Is the use of a company owned car a form of remuneration?

Interpretive Response. The personal use of a company car is a form of remuneration to such executive.

15. *Question.* How should the personal use of a company's automobile be valued?

Interpretive Response. The Division would express no objection if the value of this benefit were a percentage of the cost to the company of leasing or owning the car based upon the amount of time an executive used the car for personal purposes or the number of miles the car was used for personal purposes.

16. *Question.* Is the use by management of a chauffeur-driven limousine a form of remuneration?

Interpretive Response. It depends upon the reason why the limousine is used. The use by an executive of a chauffeur-driven car in connection with job related matters does not result in a form of remuneration to the executive. If the executive uses the chauffeur-driven car time for personal reasons, however, this use of the car is a form of remuneration.

COMPANY PLANE

17. *Question.* Is the use of a company plan for commuting purposes a form of remuneration?

Interpretive Response. Yes.

18. *Question.* If the company plane is flown someplace for a business reason and an executive who does not have company business to transact at such place hitches a ride or tags along on the plane, does the executive receive a form of remuneration?

Interpretive Response. Yes.

19. *Question.* Should this benefit be valued for remuneration reporting purposes?

Interpretive Response. Although the corporation may have incurred little cost as a result of providing air transportation to the extra person(s), the value of this personal benefit should be included in aggregate remuneration or otherwise reported.

OTHER CORPORATE ASSETS

20. *Question.* Would the use of company owned or leased apartments, houses, villas, lodges, etc. result in a form of reportable remuneration to management?

Interpretive Response. Whether or not the use by management of company owned or leased assets such as apartments, houses, villas, lodges, yachts and other facilities results in a form of remuneration to the executive depends upon the nature of the use of the assets. If the executive uses the facilities in connection with entertaining business clients, transacting business or engaging in internal business related activities, he would not be receiving remuneration as a result of such usage. If, however, the facilities are used for recreation or other personal purposes and no business is transacted, the usage by management would result in a form of remuneration to the executive. Where some of the usage is for business and some for personal purposes, only the personal usage would result in a form of remuneration.

VALUATION

21. *Question.* How should the personal use of company assets such as planes, apartments, houses, lodges, etc. be valued for remuneration reporting purposes?

Interpretive Response. The Division would express no objection if the personal use of company assets were valued using one of the following methods:

(a) Determining the recipient's cost if he had obtained the use of equivalent assets independently of the corporation; or

(b) Allocating a portion of the cost to the corporation of owning and maintaining the facility during a particular year on the basis of the time

the asset was used for personal purposes or the mileage of such usage unless this amount is disproportionate to the amount which the recipient would have paid if he had obtained the use of equivalent assets himself.

B. MEMBERSHIPS IN CLUBS AND PROFESSIONAL ASSOCIATIONS

22. *Question.* Is the use of clubs of which the corporation is a member or in which an executive's membership is paid for by the company a form of remuneration?

Interpretive Response. If the clubs are used solely for business related matters, the usage does not result in remuneration to the executive. If, however, the club is used for personal activities, this usage results in a form of remuneration.

23. *Question.* How should this usage be valued?

Interpretive Response. The Division would raise no objection if the value of the personal use of clubs of which the corporation is a member or in which an executive's membership is paid for by the company were the sum of:

(1) A portion of the annual dues allocated on the basis of percentage of personal use;

(2) All personal expenses incurred by the executive but paid for by the company;

(3) A portion of the initiation fee in the year in which paid based upon the amount of personal usage.

24. *Question.* Is the payment of professional organization fees for officers and directors a form of remuneration to them?

Interpretive Response. The payment of fees of professional organizations is not a form of remuneration to the officers or directors if membership in the organization is necessary to such person's performance of his duties for the company.

C. MEDICAL, INSURANCE AND OTHER REIMBURSEMENT PLANS

MEDICAL AND INSURANCE PRACTICES

25. *Question.* Is the payment by a corporation of expenses incurred in connection with physical examinations given executives a form of remuneration to them?

Interpretive Response. Payments for physical examinations for executives generally do not result in a form of remuneration to the executives. If the physical examination is given at a resort, however, and in part results in a paid vacation for the executive and/or his spouse and if the cost of the physical examination vacation is disproportionate to the cost of a physical examination at a clinic in a non-resort area, then a portion of the cost to the company for the physical examination would be a form of remuneration.

26. *Question.* How should the amount of this remuneration be determined?

Interpretive Response. The Division would express no objection if the amount of remuneration were:

(a) That portion of the cost to the company of the physical examination resort stay represented by the non-medical expenses; or

(b) The difference between the cost of a physical examination at a clinic in a non-resort area and the cost of the physical at the resort.

27. *Question.* Are payments made for or benefits to be received by management under life or accident insurance, hospitalization, medical expense reimbursement or other similar plans forms of remuneration?

Interpretive Response. Benefits paid under and payments and premiums made for group life or accident insurance, group hospitalization or similar group payments or benefits need not be included in reported remuneration nor are corporations required to describe such plans or arrangements. These plans or arrangements are considered to be group plans if they provide benefits to all or substantially all of the employees who satisfy certain minimum eligibility criteria or to such employees as qualify under a classification set up by the employer which does not discriminate in favor of employees who are officers, shareholders or highly compensated. For example, if a plan does not cover union members, this fact alone would not be determinative of non-group status of the plan. Premiums and any other amounts paid by a corporation for such plans or arrangements which are not group plans should be included in aggregate remuneration and the plans or arrangements should be described.

LIABILITY INSURANCE AND INDEMNIFICATION

28. *Question.* Are premiums paid by corporations for liability insurance for officers and directors forms of remuneration received by the executives?

Interpretive Response. Premiums paid for liability insurance for officers and directors and benefits paid under such insurance plans are not forms of remuneration to the extent that the insurance plan is intended to relieve officers and directors of liability relating to their job performance.

29. *Question.* Are indemnification payments forms of remuneration?

Interpretive Response. Indemnification payments are not forms of remuneration to the recipient executive if the company treats the payments as ordinary and necessary to the conduct of company business. The anti-fraud provisions, however, may require separate disclosure about indemnification payments, particularly those payments relating to securities violations because the Commission believes that such payments are against public policy.

D. PAYMENTS FOR LIVING AND RELATED EXPENSES

LIVING EXPENSES

30. *Question.* Is the payment by a corporation of housing or other ordinary living expenses at principal, temporary, vacation or other residences owned or used by an officer or director a form of remuneration?

Interpretive Response. Yes, provided the expenses were not incurred by an executive in connection with a business matter nor for the convenience of the corporation.

31. *Question.* Is the occasional use of a company maintained apartment, house or other dwelling a form of remuneration to him?

Interpretive Response. No, provided the dwelling is used by an officer or director for the purpose of facilitating his conduct of company business.

REPAIRS AND IMPROVEMENTS TO HOME OF PROPERTY

32. *Question.* Are payments for maintenance, repairs or improvements to an executive's home forms of remuneration to him?

Interpretive Response. Yes, generally.

SECURITY DEVICES

33. *Question.* Are the installation of security devices in an executive's home and/or car and the providing of bodyguards, chauffeur-driven limousines, and/or any other appropriate security measures forms of remuneration to officers and directors?

Interpretive Response. The taking of various security measures for the protection of executives may not result in any remuneration to such executive if the individual's life has been threatened because of his position in the company or if the company reasonably believes that the individual's safety is in jeopardy. If the security measures are provided solely for the convenience or comfort of the executive, however, they result in remuneration to the recipient.

LOW INTEREST OR INTEREST FREE LOANS

34. *Question.* Is the providing of loans to executives a form of remuneration to them?

Interpretive Response. Officers or directors receive remuneration as a result of their receipt of a loan from the corporation if the terms of the loan, including the security required and the interest rate charged, are not commercially reasonable as compared with the terms of a loan which the executive might have obtained from a lending institution.² In addition, if the

² Disclosure of the indebtedness of officers, directors and certain other persons to a company is required by a separate reporting provision if the individual's aggregate in-

Footnote continued on next page.

loan is commercially reasonable under this analysis but its grant is not a reasonable use of corporate funds because the corporation must pay a higher rate of interest on its own borrowings, the loan would result in remuneration to the officer or director. Low interest or interest free loans provided to executives by their employer result in remuneration to them regardless of whether the loan itself must be reported under the separate reporting provisions relating to the indebtedness of officers and directors to a company.

35. *Question.* How should the value of this remuneration be determined?

Interpretive Response. The Division would express no objection if the value of the remuneration received by an executive as a result of the favorable loan was based upon:

(a) The difference between the amount of interest to be paid and the amount of interest which the executive would have paid if the loan had been granted by an unaffiliated person; or

(b) The difference between the amount of interest the executive will pay and the amount which he would have paid if the interest rate were equivalent to the rate of interest the corporation pays on its borrowings, if the loan is on terms more favorable than the corporation could have obtained.

E. USE OF THE CORPORATE STAFF

36. *Question.* If employees on the corporation's professional staff provide financial, accounting, legal or other professional services to an officer or director, does this result in remuneration to the individual?

Interpretive Response. If the services are rendered with respect to a purely personal matter, such as the preparation of a will or United States tax return, this usage of the corporate staff would result in a form of remuneration to the officer or director. Where the matter relates to company business, the individual's compensation package or the individual's legal responsibilities as a result of his position in the company, the providing of the service may not result in remuneration to the officer or director.

37. *Question.* How should the use of the corporation's staff be valued for remuneration reporting purposes?

Interpretive Response. The Division would express no objection if the use of the corporate staff by an officer or

director for personal business were valued in one of the following ways:

(a) The amount the officer or director would have had to pay if he had hired unrelated persons to do the work for him; or

(b) The full cost to the company of the employees for the period of time they worked for the officer or director.

F. BENEFITS FROM THIRD PARTIES'

BANK LOANS

38. *Question.* Does the receipt by an officer or director of a loan from the corporation's bank result in a form of remuneration to such person?

Interpretive Response. The receipt of a loan from the corporation's bank may result in remuneration to the officer or director depending upon the facts and circumstances. Where the corporation compensates the bank either directly or indirectly for extending the loan to the executive, the officer or director receives remuneration to the extent of the benefit derived from such compensation.

39. *Question.* When does a corporation directly or indirectly compensate a bank for granting a favorable loan to an officer or director?

Interpretive Response. A company may compensate a bank directly or indirectly for granting a favorable loan to an officer or director in various different ways including but not limited to:

(a) Maintaining or increasing accounts or compensating balances at the bank as a result of the loan;

(b) Undertaking in writing or orally to increase its requests for loans from the bank as a result of the loan; and

(c) Paying a higher rate of interest on its loans as a result of the loan of the officer or director.

PROFESSIONAL AND OTHER SERVICES

40. *Question.* If a company's outside auditors, counsel or other professional consultants perform financial, accounting, legal or other professional services for an officer or director which are paid for by the company, does this result in remuneration to the executive from the company?

Interpretive Response. Whether or not the receipt by an officer or director of professional services rendered by a company's outside consultants results in remuneration to the executive depends upon the reason the services are rendered and its cost to the company. If the services are rendered in connection with a matter which is purely personal to the executive, the receipt of the services would result in remuneration to the officer or director

¹Disclosure of benefits received from third parties may be required pursuant to the reporting provision regarding transactions with management. See, e.g., Item 7(f), Schedule 14A, 17 CFR 240.14a-101.

depending upon whether the company compensates the professional directly or indirectly for conferring the service.

41. *Question.* If an officer or director does personal business with a customer or client of the company, does this relationship result in any remuneration to the officer or director from the company?

Interpretive Response. A business relationship between an officer or director and a customer or client of his company does not result in any remuneration from the company to the officer or director unless the company compensates the customer directly or indirectly for performing a service for the executive.

42. *Question.* When does a company compensate a client or an outside professional for providing personal services to an officer or director?

Interpretive Response. A company may compensate its client or an outside professional directly or indirectly for providing its executive with a service in various ways including:

(a) Paying or agreeing to pay a higher than market rate for its purchases or services obtained from the client or professional as a result of the executive's relationship with the client; and

(b) Increasing or undertaking to increase its business dealings with the client as a result of the executive's relationship with the client.

G. COMPANY PRODUCTS

43. *Question.* Should the purchase by an officer or director of the corporation's products at a discount be valued for the purposes of reporting remuneration received by an executive?

Interpretive Response. The purchase by officers or directors of the corporation's products at a discount need not be valued for the purposes of reporting remuneration received by an executive provided:

(a) All or substantially all of the corporation's employees may make purchases at the same discount or at a discount based upon eligibility criteria which precludes individual selection; and

(b) The price of the product as a result of the discount is not less than the cost to the corporation of producing it.

H. BUSINESS EXPENSES

44. *Question.* Do itemized expense accounts result in remuneration to executives?

Interpretive Response. The availability of an itemized expense account to an officer or director generally does not result in a form of remuneration to the executive provided the account is used for business related expenses.

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

(T.D. 78-53)

PART 141—ENTRY OF MERCHANDISE

Documents and Information Required To Be Filed at the Time of Importation of Certain Articles of Steel, Amended

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to require that a special invoice be presented to Customs for each shipment of certain articles of steel having an aggregate purchase price over \$2,500. The additional information provided on the special invoice will be used in the administration and enforcement of the Antidumping Act, 1921, as amended.

EFFECTIVE DATE: February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

With respect to the trigger price mechanism (described under "Supplementary Information," below), Peter D. Ehrenhaft, Deputy Assistant Secretary and Special Counsel (Tariff Affairs), Department of the Treasury, Washington, D.C. 20220, 202-566-2806. With respect to other aspects of the amendments, Ben L. Irvin, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW, Washington, D.C. 20229, 202-566-8121.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 30, 1977, notice was published in the FEDERAL REGISTER (42 FR 65214) of a proposal to amend the Customs Regulations to require that a special invoice be presented to Customs for each shipment of certain articles of steel having an aggregate purchase price over \$2,500. As explained in the supplementary information to that notice, the additional information provided by the special invoice would be used in the administration and enforcement of the Antidumping Act, 1921, as amended.

In addition, the notice announced that the Secretary of the Treasury would implement a "trigger price mechanism" (TPM) as recommended to and approved by the President and that "trigger prices" for certain steel mill products would be established as the basis upon which imports of such products would be monitored for the purpose of determining whether investigations under the Antidumping Act,

1921, as amended, would be appropriate.

Written comments were invited from all interested persons on the proposed amendments to be received on or before January 27, 1978. Many comments were received in response to that notice. As explained below, the comments have resulted in minor changes in the proposed amendments.

With respect to the trigger price mechanism, the Department of the Treasury announced the base prices to be used for certain importations of steel mill products in a notice published in the FEDERAL REGISTER on January 9, 1978 (43 FR 1464).

Subsequently, in a notice published in the FEDERAL REGISTER on February 3, 1978 (43 FR 4703), the Department announced "extras" to be used in the trigger price mechanism for 16 of the 17 steel mill products for which base prices were published in the FEDERAL REGISTER of January 9, 1978.

DISCUSSION OF MAJOR COMMENTS

SOME IMPORTERS WILL BE REQUIRED TO FILE BOTH THE NEW SPECIAL SUMMARY STEEL INVOICE (SSSI) AND THE SPECIAL CUSTOMS INVOICE (CF 5515)

Under amended section 141.83, importers of those steel products specified in section 141.83(b)(2) will be required to file both the SSSI and the Special Customs Invoice (SCI), unless the filing of the SCI is waived by the district director of Customs. Several commenters stated that, when applicable, only the SSSI should be required. One commenter suggested that all the data necessary to the TPM should be included in the SCI without the adoption of a new form.

The reason for retaining the optional requirement of an SCI is that certain information in the SCI is applicable only to a limited number of importations and it is impracticable to incorporate these items into the SSSI because of space limitation on the new form. Therefore, there will be a continuing need for both the SCI and the SSSI in a limited number of cases. District directors will be instructed to require both forms only when necessary. Because of the specialized nature of the information required for purposes of the TPM, the adoption of the new form is essential. Further, importers could not furnish this information readily on the SCI because that form has no space for providing it.

THE IMPORTER WILL BE REQUIRED TO PRESENT THE SSSI AT THE TIME ENTRY IS MADE

Several comments were directed to the requirement that the SSSI must be available in proper form at the time entry is made. It was suggested that this requirement would interfere with the immediate delivery system which

45. *Question.* Does an unitemized expense account result in remuneration to an executive?

Interpretive Response. The total amount of an unitemized expense account would be a form of remuneration to an executive except to the extent specific amounts spent by an executive using such an expense account can be identified as relating to valid business related expenses.

46. *Question.* If an itemized expense account includes a miscellaneous item, would this result in remuneration to an officer or director?

Interpretive Response. If the miscellaneous item is comparable to an unitemized expense account, it should be treated in the same way as an unitemized expense account.

47. *Question.* If officers and directors receive first class travel arrangements which are related to job performance, should this result in a form of remuneration?

Interpretive Response. No.

REQUESTS FOR COMMENTS

Interested persons are invited to comment on both the Commission's interpretation expressed in Securities Act Release No. 5856 and the Interpretive responses of its Division of Corporation Finance included in this release. Comments should make reference to File S7-736. These comments will be considered by the staff both for use in connection with its on-going efforts to review the quality and usefulness of information required to be disclosed in documents filed with the Commission* and in considering possible amendments to the disclosure rules relating to management remuneration.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 6, 1978.

*Comments relating to the disclosure of management remuneration have previously been requested in Securities Act Release No. 5758 (November 2, 1976) (41 FR 49495) and Securities Exchange Act Release Nos. 13482 (April 28, 1977) (42 FR 23901) and 13901 (August 29, 1977) (42 FR 44860). All comments received in connection with these requests are available for public inspection at the Commission's Public Reference Room, 1100 L Street NW, Washington, D.C. 20549. The comments are available for inspection in Files S7-658 and S7-693 respectively.

(FR Doc. 78-3930 Filed 2-10-78; 8:45 am)

RULES AND REGULATIONS

REFERENCE TO ACCOMPANYING DOCUMENTS

permits the release of merchandise to the importer in certain circumstances before the formal entry form is presented (19 CFR Part 142).

Commenters requested that the importer be allowed additional time in which to file the SSSI. In this connection, one commenter suggested that the importer could be required to furnish a bond for subsequent delivery of the SSSI. Another commenter suggested that the importer should be allowed to enter the shipment for warehouse if he could not produce the SSSI at the time of entry.

The effectiveness of the TPM will depend upon the immediate availability of information in the SSSI. Prompt submission of the SSSI is therefore essential to the program. Under the immediate delivery procedure, the importer will have up to 10 working days after the date of release of the shipment to file the SSSI. This delay provides a reasonably sufficient time for compliance with the SSSI requirements. It is highly unlikely that redelivery of the merchandise to Customs custody for failure to supply the SSSI will be required in a significant number of cases. Warehousing of the merchandise upon arrival would be impracticable because of the handling costs involved for steel products. Further, the delay would preclude timely submission of the information for purposes of the TPM.

IMPORTERS WHOSE SHIPMENTS HAVE AN AGGREGATE PURCHASE PRICE OF NOT MORE THAN \$2,500 NEED NOT FILE AN SSSI

Comments were directed to the provisions in section 141.89(b)(1) which will limit the requirement of an SSSI to any shipments (i) containing steel mill products, as defined in section 141.89(b)(2), and (ii) having an aggregate purchase price of over \$2,500. The commenters generally suggested revision of the language describing the limitations. Some commenters would expand the scope of the limitation and some would require a more narrow definition. One comment suggested further clarification of the term "purchase price".

This provision was added to provide an exemption for the small number of shipments of limited value which may contain steel mill products. Such shipments can be regarded as non-commercial quantities, as commercial shipments of these types of products usually are valued over \$2,500. Further, such shipments are not significant for purposes of the TPM. The \$2,500 figure will be based in the purchase price as shown in the invoice filed in connection with entry.

One comment requested that importers be allowed to provide the information called for by the SSSI in summary form and refer to accompanying documents for more detailed information.

The space provided in the SSSI will be sufficient in most cases for the importers to provide the requested information. To expedite examination of the form and compilation of the submitted information for purposes of the TPM, it will be necessary that the use of accompanying documents be minimized.

SHOULD IMPORTERS BE REQUIRED TO SUBMIT SALES CONTRACTS IN CERTAIN CIRCUMSTANCES?

In connection with Item 8 (Date Price Terms Agreed), it was suggested that if the importer claims that the contract was entered into before the effective date of the TPM, he should be required to attach a copy of the pertinent contract to the SSSI. The commenter suggested that an instruction to Item 8 be added for this purpose.

Although confirmation of the contract date stated in the SSSI may be necessary in some cases, this possibility does not appear to justify imposing this added burden upon importers. If an antidumping investigation ensues, the contracts can be examined to confirm this information.

INFORMATION CONCERNING THE DATE OF EXPORTATION WILL NOT BE REQUIRED

Concerning proposed Item 8b (Dated of exportation), several commenters made the point that this information generally will not be known at the time the SSSI is being prepared by the foreign exporter. This information will be set forth in the entry filed in conjunction with the SSSI and accordingly it is deleted from the SSSI.

IMPORTERS WILL BE REQUIRED TO INDICATE THE CURRENCY USED AND EXCHANGE RATE

Several commenters suggested that the currency and the applicable rate of currency exchange used to arrive at the sales price be stated on the SSSI.

This information will be necessary for comparison of sales prices with the published trigger prices and the information accordingly will be requested under Item 8b of the SSSI as finally adopted.

INFORMATION CONCERNING EXTRAS PROVIDED BY THE MANUFACTURER

A significant number of comments were directed to the proposed provisions of Item 17 (Base Price), Item 18 (Extras) and Item 11 (Code for Other

Extras). Generally, the commenters suggested the use of more specific descriptive terms to ensure that all of the usual extras are covered. Clarification of Item 15 (Description of Goods) also was requested so that the descriptive information would identify the extras applicable to each shipment.

Items 11 and 18 have been revised to specify that heat treating, inspection and testing, coating, chemical and other qualities are also extras for purposes of the SSSI. The scope of Item 15 also has been expanded to require that the specifications be included in the description of the goods.

DESCRIPTIONS OF SALES TRANSACTIONS NOT CUSTOMARY IN THE TRADE

One commenter requested that instructions be added to the SSSI to provide for circumstances in which the imported products were sold at a negotiated base price without extras. The same commenter asked that the form be revised to better accommodate f.o.b. transactions.

The SSSI was designed to reflect prevailing trade practices for steel mill products as sold in the U.S. market. It would be impracticable to attempt to accommodate in detail on the form practices in less widely used transactions. However, the form contains ample space for a description of any sales made under other terms.

IMPORTATIONS NOT INVOLVING A SALE

A number of comments were directed at transactions in which the product is imported by a party related to the foreign shipper or is otherwise imported under circumstances in which an arms-length sale price may not exist. It was suggested that in any case in which these circumstances apply, the importer be required to furnish a written undertaking that he would later provide Customs with information as to the first resale price in the United States. It was noted that price information in connection with importations not involving a sale is now required of the importer in Item 27 of the Special Customs Invoice (CF 5515).

Customs believes that imposing the suggested undertaking at the time of entry would be impracticable. If the information is needed for purposes of the TPM, the district director can require the filing of the Special Customs Invoice. Further, under the Antidumping Act, resale information can be requested to determine "exporter's sales price."

OTHER COMMENTS SUGGESTING THAT MORE DETAILED INFORMATION BE REQUIRED

A number of comments recommended revision of the following items of the SSSI to obtain more detailed information:

- Item 7—Origin of Goods.
- Item 12(b)—Declaration of Seller/Shipper (or Agent).
- Item 16—Quantity.
- Item 24—Domestic Freight Charges.
- Item 26—Other Costs.

The provisions of the SSSI were adopted after a thorough study of the needs of the TPM, and it is believed that the information requested by these items of the SSSI will be sufficient for purposes of the TPM. More detailed information can be obtained by direct inquiry in specific cases, if necessary. The limited space available in the form and the marginal benefit of the additional details in most cases also were considered.

RULES AND REGULATIONS

COMMENTS ON THE TRIGGER PRICE MECHANISM

A large number of comments were received concerning the merits of the TPM. The Department of the Treasury will respond to these comments in a series of Questions and Answers to be issued from time to time.

EDITORIAL CHANGES

In Item 9 of the SSSI, the word "payment" is added so that the provisions of the item will conform to the corresponding item in the SCI. The order of Items 23 and 24 on the SSSI have been reversed. Other nonsub-

stantive corrections have been made to the regulations and SSSI.

SPECIAL SUMMARY STEEL INVOICE

Copies of the Special Summary Steel Invoice (SSSI) designated as Customs Form 5520, may be obtained from any district director of Customs, the U.S. Government Printing Office, Washington, D.C. 20402, or through any U.S. Consul or U.S. Embassy. Copies may also be printed privately or by facsimile as long as they are identical in contents and size and not inferior in paper quality to that available from U.S. Government sources. A sample of the Special Summary Steel Invoice (SSSI) CF 5520, as revised, follows:

V 4 3 0 3 1 3 7 8 UMI

DEPARTMENT OF THE TREASURY
UNITED STATES CUSTOMS SERVICE
15 U.S.C. 1401, 1402, 1404
1-51111-1

SPECIAL SUMMARY STEEL INVOICE (Prepare in Duplicate)

1. PARTIAL BILL, ATT. 1, 11

2. ADDITIONAL SPACE FOR EXTRAS SHOWN IN BOX 11

3. CONSIGNEE

4. REFERENCES

5. BUYER (If other than consignee)

6. ORIGIN OF GOODS

7. TERMS OF SALE, PAYMENTS AND DISCOUNTS

8a. Date Price Terms Agreed 8b. Currency Used 8c. Rate (If fixed or spread)

9. DISCOUNTS

10. If the production of these goods involved furnishing goods or services in the seller's (or other) units such as diox, noids, etc., check box (10) and explain below

11. CODE FOR OTHER EXTRAS

12. DECLARATION OF SELLER/SHIPPER (OR AGENT)

13. If any untested materials or rebarments of dumping duties, or other inducements not paid or granted, have been checked box 12 and explained below

14. SIGNATURE OF SELLER/SHIPPER (OR AGENT)

15. MARKS AND NUMBERS ON VESSEL OR OVERPACK

16. QUANTITY

17. BASE PRICE

18. WIDTH

19. LENGTH

20. CODE

21. UNIT PRICE

22. PACKING COSTS

23. PAYABLE

24. PAYABLE

25. PAYABLE

26. PAYABLE

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Customs Form 5520 (2-7-78)

FEDERAL REGISTER, VOL. 43, NO. 30—MONDAY, FEBRUARY 13, 1978

INSTRUCTIONS FOR PREPARATION OF SPECIAL SUMMARY STEEL INVOICE
(Required for all shipments of steel valued over \$2,500)

NOTE.—Where this summary invoice covers several types of merchandise priced in different ways, each should be shown separately. Prepare in duplicate.

Sections 1-7, 8b, 9, 10, 12, 13, 16, and 19-26 may be completed in the same manner as the equivalent sections on Special Customs Invoice, Customs Form 5515.

Section 8A.—Date Price Terms Agreed: Show here the date on which the final sales price for this shipment was agreed.

Section 11.—Codes for Extras: This section refers to the additional price charged for extras (other than width and length which are provided for in 18a and 18b). The code(s) for the extras shown should be reflected in section 18c, and the amount for each extra should be shown in 18d. The extras listed are expressed in terms as now understood in the U.S. market.

Section 12B.—Declaration of Seller/Shipper: Complete and explain if any payment or other thing of value other than shown on this invoice has been or will be made or granted.

Section 14.—AISI Category: This column should be completed with the appropriate category number from the following list.

Section 15.—Description of Goods: In addition to the full description of goods as usually required on the Special Customs Invoice, steel specifications which this merchandise meets must be shown.

Section 17.—Base Price: Show here for each steel category the base price on which the total sales price was based.

Section 18.—Extras: Show here the charge for each category of any extra added to the base price. Use appropriate codes from section 11 where appropriate.

Category Number and Products

- 1—Ingots, blooms, billets, slabs, etc.
- 2—Wire rods.
- 3—Structural shapes—plain 3 inches and over.
- 4—Sheet piling.
- 5—Plates.
- 6—Rail and track accessories.
- 7—Wheels and axles.
- 8—Concrete reinforcing bars.
- 9—Bar shapes under 3 inches.
- 10—Bars—hot rolled—carbon.
- 11—

RULES AND REGULATIONS

§ 141.91 Entry without required invoice.

If a required invoice, other than a special summary invoice, is not available in proper form at the time of entry and a waiver in accordance with § 141.92 is not granted, the entry shall be accepted only under the following conditions: . . .

The introductory clause of § 141.92(a) is amended to read as follows:

§ 141.92 Waiver of invoice requirements.

(a) When waiver may be granted. The district director may waive production of a required invoice, except a special summary invoice required by § 141.83(b), when he is satisfied that either: . . .

(R.S. 251, as amended, sec. 407, 42 Stat. 18; secs. 481, 484, 624, 46 Stat. 719, 722, as amended, 759, 77A Stat. 14, Tariff Schedules of the United States (general headnote 11) (19 U.S. 66, 173, 1202, 1481, 1484, 1624).)

[FR Doc. 78-3890 Filed 2-10-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3875]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

Communities With Detailed Engineering Data (Flood Insurance Rate Maps)

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to provide a list of communities for which the Federal Insurance Administrator has recently issued a new or revised Flood Insurance Rate Map (FIRM), usually providing water surface elevations for Special Flood Hazard Areas. The engineering data on the FIRM is used by local community officials as the basis for flood plain management measures to reduce future flood losses; it is also the basis for actuarial rates for flood insurance.

EFFECTIVE DATE: The effective date of the most recent FIRM revision is listed in the last column.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room, 5270, 451

Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The effective date of the most recent revision of the FIRM for the communities listed will not appear in the Code of Federal Regulations except for the page number of this entry in

the FEDERAL REGISTER. This listing supplements the previous lists under § 1915.4 of Title 24 of the Code of Federal Regulations, published at 42 FR 33203-33237 on June 29, 1977.

The entry reads as follows:

§ 1915.4 List of communities with detailed engineering data (FIRM's).

State	County	Community	Community No.	Effective date
Alabama	Escambia	City of Atmore	010071B	June 24, 1977.
Do	Lauderdale	City of Florence	010140B	May 2, 1977.
Do	Butler	City of Georgiana	010018B	July 15, 1977.
Do	Mobile	Mobile County	015008B	June 3, 1977.
Do	Coffee	Town of New Brockton	010228A	July 22, 1977.
Do	Covington	Town of River Falls	010054B	July 8, 1977.
Arizona	Pinal	City of Casa Grande	040080A	Aug. 1, 1977.
Do	Mohave	City of Kingman	040060B	Aug. 15, 1977.
Do	Yuma	Town of Parker	040100C	July 10, 1977.
Arkansas	Lafayette	City of Bradley	050114B	June 28, 1977.
Do	Saline	City of Bryant	050308A	Do.
Do	Jefferson	City of Redfield	050282A	Aug. 26, 1977.
Do	Bradley	City of Warren	050022B	Aug. 9, 1977.
California	Shasta	City of Anderson	060359B	Sept. 1, 1977.
Do	Marin	City of Belvedere	060129B	May 2, 1977.
Do	San Diego	City of Carlsbad	060285A	June 14, 1977.
Do	do	City of El Cajon	060289B	Sept. 15, 1977.
Do	Contra Costa	City of El Cerrito	0605027B	June 1, 1977.
Do	Orange	City of Fullerton	060219B	July 18, 1977.
Do	Alameda	City of Livermore	060008A	July 5, 1977.
Do	San Mateo	City of San Carlos	060327B	Sept. 1, 1977.
Do	Contra Costa	City of San Pablo	060036B	Aug. 1, 1977.
Do	Marin	City of Tiburon	060430A	May 18, 1977.
Do	San Bernardino	City of Victorville	0605068A	Aug. 5, 1977.
Colorado	Alamosa	City of Alamosa	080010A	Sept. 15, 1977.
Do	Arapahoe	Arapahoe County	080011A	Aug. 15, 1977.
Do	do	City of Englewood	085074C	June 24, 1977.
Do	Jefferson	City of Lakewood	085075A	July 1, 1977.
Do	Las Animas	Las Animas County	080105A	Sept. 1, 1977.
Do	Boulder	City of Longmont	080027A	July 5, 1977.
Do	Jefferson	City of Wheat Ridge	085079A	July 22, 1977.
Connecticut	Hartford	Town of Avon	090021A	May 16, 1977.
Do	New Haven	Town of Bethany	090144A	Aug. 23, 1977.
Do	Hartford	City of Bloomfield	090122A	Aug. 15, 1977.
Do	Fairfield	City of Danbury	090004A	May 2, 1977.
Do	New Haven	City of Derby	090075A	Sept. 15, 1977.
Do	Hartford	Town of Farmington	090029A	Aug. 15, 1977.
Do	Fairfield	Town of Greenwich	090008A	Sept. 30, 1977.
Do	do	Town of Canaan	090010A	May 16, 1977.
Do	New London	City of New London	090100A	May 2, 1977.
Do	Hartford	Town of Simsbury	090035A	May 16, 1977.
Do	do	Town of Wethersfield	090040A	May 2, 1977.
Delaware	Kent	Town of Clayton	100005B	June 1, 1977.
Do	do	City of Harrington	100010B	Do.
Do	Kent and Sussex	City of Milford	100042B	Do.
Do	Kent	Town of Smyrna	100017C	Do.
Do	New Castle	City of Wilmington	100028B	May 2, 1977.
Florida	Pinellas	Town of Belleair Bluffs	125088A	Aug. 13, 1977.
Do	Brevard	City of Cape Canaveral	125094C	May 20, 1977.
Do	Charlotte	Charlotte County	120081B	Aug. 5, 1977.
Do	Brevard	City of Cocoa Beach	125097C	May 20, 1977.
Do	Broward	City of Cooper City	120032A	June 1, 1977.
Do	Volusia	City of Daytona Beach	125099B	May 27, 1977.
Do	do	City of Daytona Beach Shores	125100C	Do.
Do	Escambia	Escambia County	120080A	Sept. 30, 1977.
Do	Palm Beach	Village of Golf	120201B	Aug. 26, 1977.
Do	do	Town of Greenacres	120203B	Do.
Do	Santa Rosa	City of Gulf Breeze	120275H	Sept. 1, 1977.
Do	Palm Beach	Town of Haverhill	120205B	Aug. 28, 1977.
Do	Bay	City of Lynn Haven	120009B	June 1, 1977.
Do	do	Town of Mexico Beach	120010B	July 18, 1977.
Do	Santa Rosa	City of Milton	120276A	June 1, 1977.
Do	Volusia	City of New Smyrna	125132A	May 27, 1977.
Do	Okaloosa	Okaloosa County	120173B	July 1, 1977.
Do	Volusia	City of Ormond Beach	125136B	May 27, 1977.
Do	Bay	City of Panama City	120012B	July 18, 1977.
Do	do	City of Panama City Beach	120013B	June 1, 1977.
Do	Escambia	City of Pensacola	120082B	Sept. 15, 1977.
Do	Pinellas	Pinellas County	125139B	July 8, 1977.
Do	do	City of Pinellas Park	120251B	Aug. 15, 1977.
Do	Broward	City of Plantation	120054B	Sept. 15, 1977.
Do	Volusia	City of Port Orange	120313A	May 16, 1977.
Do	Palm Beach	Village of Royal Palm Beach	120225B	Aug. 26, 1977.
Do	do	City of South Bay	120226B	Do.

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State	County	Community	Community No.	Effective date
Florida	Pinellas	City of St. Petersburg	125148A	June 10, 1977.
Do	Indian River	City of Vero Beach	120124A	Sept. 30, 1977.
Do	Volusia	Volusia County	125155B	July 1, 1977.
Georgia	Cook	City of Adel	130060A	Sept. 1, 1977.
Do	Dougherty	City of Albany	130075B	Aug. 15, 1977.
Do	DeKalb	City of Chamblee	130068B	Sept. 15, 1977.
Do	Muscogee	City of Columbus	135158B	July 1, 1977.
Do	DeKalb	City of Doraville	130069B	Sept. 1, 1977.
Do	Clayton and Fulton	City of Forest Park	130042B	May 16, 1977.
Do	Thomas	City of Thomasville	130170B	Do.
Iowa	Dubuque	City of Epworth	190576A	July 12, 1977.
Do	Buchanan	City of Independence	190031B	May 16, 1977.
Do	Johnson	City of Iowa City	190171A	May 2, 1977.
Do	Cass	City of Lewis	190347B	Aug. 26, 1977.
Do	Harrison	City of Missouri Valley	190147B	Aug. 1, 1977.
Do	Scott	Scott County	190239	June 1, 1977.
Idaho	Bonneville	City of Ucon	160194A	Aug. 26, 1977.
Illinois	Lake and Cook	Village of Deerfield	170361B	Sept. 30, 1977.
Do	Stephenson	City of Freeport	170640A	May 16, 1977.
Do	Henry	City of Geneseo	170284C	Do.
Do	Jersey	City of Grafton	170314B	Sept. 30, 1977.
Do	Cook	Village of Homewood	170109B	Aug. 15, 1977.
Do	DuPage	City of Wood Dale	170224B	Sept. 30, 1977.
Indiana	Jefferson	City of Madison	180107B	Do.
Do	Marshall	City of Plymouth	180164B	Sept. 15, 1977.
Kansas	Wyandotte and Johnson	City of Lake Quivera	200166C	July 26, 1977.
Do	Johnson	City of Leawood	200167B	Sept. 30, 1977.
Do	do	City of Lenexa	200168B	Aug. 1, 1977.
Do	do	City of Overland Park	200174A	Sept. 30, 1977.
Kentucky	Logan	City of Lewisburg	210149B	June 17, 1977.
Louisiana	W. Baton Rouge	Village of Addicks	220240B	Aug. 15, 1977.
Do	Bossier Parish	Town of Benton	220032B	July 26, 1977.
Do	W. Baton Rouge	Town of Brusly	220241B	Aug. 15, 1977.
Do	Parish	Town of Independence	220209B	July 5, 1977.
Do	Parish	Town of Mansura	220255A	June 25, 1977.
Do	Avoyelles Parish	City of Mound	220124A	July 12, 1977.
Do	Madison Parish	City of Plaquemine	220086B	Aug. 26, 1977.
Do	W. Feliciana	Town of St. Francisville	220246B	May 2, 1977.
Do	Parish	Town of St. Joseph	220217B	Aug. 26, 1977.
Do	Tangipahoa	Village of Tickfaw	220214B	June 28, 1977.
Do	Parish	Town of Waterproof	220218B	June 21, 1977.
Maine	Oxford	Town of Mexico	230095A	Aug. 15, 1977.
Maryland	Carroll	Town of Sykesville	240016B	Sept. 30, 1977.
Do	do	Town of Union Bridge	240017B	Aug. 1, 1977.
Do	Washington	Town of Williamsport	240077B	June 10, 1977.
Massachusetts	Plymouth	Town of Abington	250259B	Sept. 30, 1977.
Do	Worcester	Town of Blackstone	250295A	Do.
Do	Norfolk	Town of Brookline	250234A	May 2, 1977.
Do	Bristol	Town of Dartmouth	250081A	Aug. 15, 1977.
Do	Plymouth	City of Duxbury	250263A	May 2, 1977.
Do	Barnstable	City of Falmouth	255211C	Sept. 30, 1977.
Do	Bristol	Town of Rehoboth	250062B	Sept. 1, 1977.
Do	Essex	Town of Salisbury	250103B	June 24, 1977.
Do	Plymouth	Town of Scituate	250282A	Sept. 30, 1977.
Do	Hampden	Town of West Springfield	250155A	Do.
Do	Middlesex	Town of Tewksbury	250218A	July 18, 1977.
Do	Barnstable	Town of Yarmouth	250015A	May 2, 1977.
Michigan	Iosco	City of E. Tawas	260100B	Sept. 30, 1977.
Do	Delta	City of Escanaba	260061B	Sept. 1, 1977.
Do	do	City of Gladstone	260267B	Sept. 15, 1977.
Do	Emmet	City of Harbor Springs	260272B	May 16, 1977.
Do	Monroe	Township of LaSalle	260148B	Aug. 15, 1977.
Do	do	City of Monroe	260153A	June 15, 1977.
Do	Muskegon	City of Muskegon	260161B	June 1, 1977.
Do	do	Township of Muskegon	260163B	Aug. 1, 1977.
Do	do	City of N. Muskegon	260164A	May 16, 1977.
Do	Leelanau	Village of Sutton Bay	260139B	Do.
Do	do	City of Stephenson	260283B	June 1, 1977.
Minnesota	Brown	Brown County	270034	Aug. 15, 1977.
Do	Dakota	City of Burnsville	270102B	Sept. 1, 1977.
Do	Hennepin	City of Champlin	270153A	July 18, 1977.
Do	Stearns	City of Cold Spring	270444B	Aug. 1, 1977.
Do	Polk	City of Crookston	270364C	Sept. 1, 1977.
Do	do	City of E. Grand Fork	275236B	Sept. 15, 1977.
Do	Sherburne	City of Elk River	270436B	May 2, 1977.
Do	Lyon	City of Marshall	270258B	Sept. 30, 1977.
Do	Clay	City of Moorhead	275244B	May 27, 1977.
Do	Kanabec	City of Mora	270216B	Sept. 1, 1977.
Do	Nicollet	City of North Mankato	275245D	June 17, 1977.
Do	Hennepin	City of Robbinsdale	270181B	Aug. 1, 1977.
Do	do	City of St. Louis Park	270184A	June 1, 1977.
Mississippi	Lincoln	City of Brookhaven	280107A	July 18, 1977.
Do	Jones	City of Ellisville	280091B	Sept. 30, 1977.
Do	do	City of Laurel	280092B	Sept. 15, 1977.
Missouri	Clark	City of Alexandria	290080A	May 2, 1977.

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State	County	Community	Community No.	Effective date
Missouri	St. Louis	Village of Bel-Nor	290332A	Aug. 26, 1977.
Do	Pike	City of Bowling Green	290288B	May 2, 1977.
Do	St. Louis	City of Brentwood	290338A	May 16, 1977.
Do	Clay	Village of Claycomo	290089B	Aug. 1, 1977.
Do	St. Louis	City of Clayton	290341E	July 22, 1977.
Do	do	Village of Cool Valley	290342B	May 16, 1977.
Do	do	City of Crestwood	290343A	May 2, 1977.
Do	Jefferson	City of Crystal City	290189B	Sept. 1, 1977.
Do	Lincoln	City of Elsberry	290209B	May 2, 1977.
Do	Shannon	City of Eminence	290418B	July 18, 1977.
Do	St. Louis	City of Eureka	290349B	July 5, 1977.
Do	Clay	Village of Glenaire	290092B	Sept. 15, 1977.
Do	Texas	City of Houston	290440B	July 18, 1977.
Do	Marion	Marion County	290222	May 16, 1977.
Do	Randolph	City of Moberly	290305A	June 1, 1977.
Do	Clay	City of Pleasant Valley	290100A	July 18, 1977.
Do	do	Village of Randolph	290102A	Do.
Do	St. Louis	City of Richmond Heights	290380	May 16, 1977.
Do	Platte	City of Riverside	290296A	Sept. 30, 1977.
Do	St. Louis	City of Rock Hill	290382A	May 16, 1977.
Do	Phelps	City of Rolla	290265B	Sept. 30, 1977.
Do	Buchanan	City of St. Joseph	290043B	Do.
Do	Ste. Genevieve	City of St. Mary's	290326B	Sept. 15, 1977.
Do	do	City of Ste. Genevieve	290325A	Sept. 30, 1977.
Do	St. Louis	City of Sunset Hills	290387A	Sept. 1, 1977.
Do	do	City of Times Beach	290388A	Sept. 15, 1977.
Montana	Cascade	City of Great Falls	300010B	Sept. 30, 1977.
Nebraska	Gage	City of Beatrice	310091A	Do.
Do	do	Village of Cortland	310254A	Aug. 26, 1977.
Do	Merrick	Village of Silver Creek	310150A	Do.
New Jersey	Bergen	Borough of Bergenfield	340020A	June 1, 1977.
Do	Essex	Town of Bloomfield	340178A	Aug. 15, 1977.
Do	Ocean	Township of Brick	345285B	June 10, 1977.
Do	Burlington	City of Burlington	345287B	July 29, 1977.
Do	do	Township of Delran	340094A	May 2, 1977.
Do	Hudson	Borough of E. Newark	340219B	Sept. 30, 1977.
Do	do	Town of Harrison	340221A	Do.
Do	Middlesex	Borough of Highland Park	340263A	June 1, 1977.
Do	Bergen	Borough of Ho Ho Kus	340044A	Do.
Do	Ocean	Township of Lacey	340376A	Sept. 1, 1977.
Do	Monmouth	Township of Mantoloking	340308A	Sept. 15, 1977.
Do	Ocean	Borough of Mantoloking	340383A	Sept. 30, 1977.
Do	Essex	Township of Maplewood	340186A	Aug. 15, 1977.
Do	Bergen	Borough of Maywood	3400050	Do.
Do	Cape May	Township of Middle	340154B	May 16, 1977.
Do	Bergen	Borough of Midland Park	340051A	Sept. 30, 1977.
Do	do	do	do	do
Do	Monmouth	Borough of Monmouth Beach	340315A	May 16, 1977.
Do	Essex	City of Montclair	340188A	Sept. 15, 1977.
Do	Bergen	Borough of Saddle River	340073A	May 15, 1977.
Do	Union	Township of Scotch Plains	340474A	Sept. 30, 1977.
Do	Essex	Village of S. Orange	340194A	July 18, 1977.
Do	Bergen	Borough of Upper Saddle River	340077A	Sept. 15, 1977.
Do	Essex	Town of West Orange	340197A	May 2, 1977.
Do	Bergen	Township of Wyckoff	340684A	Aug. 1, 1977.
New Mexico	Dona Ana	City of Las Cruces	355332B	May 6, 1977.
New York	Suffolk	Village of Amityville	360788A	Sept. 1, 1977.
Do	do	Village of Babylon	369791B	Aug. 1, 1977.
Do	Steuben	Village of Bath	360767C	Aug. 15, 1977.
Do	Broome	City of Binghamton	360038C	June 1, 1977.
Do	Cayuga	Village of Cayuga	360107B	July 5, 1977.
Do	Erie	Town of Cheektowaga	360231B	Do.
Do	do	Town of Collins	360234B	May 16, 1977.
Do	Broome	Town of Conklin	360042B	Do.
Do	Erie	Town of Elma	360239A	June 1, 1977.
Do	do	Town of Evans	360240B	Sept. 30, 1977.
Do	Cattaraugus and Erie	Village of Gowanda	360075A	June 1, 1977.
Do	Monroe	Village of Honeoye Falls	360421B	Sept. 30, 1977.
Do	Broome	Village of Johnson City	360047B	Do.
Do	do	Town of Kirkwood	360048A	June 1, 1977.
Do	Westchester	Village of Larchmont	360915A	Sept. 1, 1977.
Do	Sullivan	Village of Liberty	360924B	Sept. 30, 1977.
Do	Suffolk	Village of Lindenhurst	360798B	Aug. 15, 1977.
Do	Ontario	Village of Naples	360603B	Sept. 30, 1977.
Do	Suffolk	Village of North Haven	360800A	Do.
Do	Oswego	City of Oswego	360656B	May 16, 1977.
Do	Tioga	Town of Owego	360839B	June 15, 1977.
Do	do	Village of Owego	360840A	May 16, 1977.
Do	Steuben	Village of Painted Post	360779C	Sept. 30, 1977.
Do	Wyoming	Village of Perry	361025B	July 15, 1977.
Do	Broome	Village of Port Dickinson	360053C	May 2, 1977.
Do	Steuben	Town of Pulteney	360780B	Sept. 30, 1977.
Do	Suffolk	Village of Quogue	360806B	May 16, 1977.
Do	Lewis	Village of Turin	361355B	July 1, 1977.

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State	County	Community	Community No.	Effective date
New York	Broome	Town of Vestal	360057B	July 5, 1977.
North Carolina	Carteret	Town of Beaufort	375346B	Aug. 12, 1977.
Do	Beaufort	Town of Beaufort	370015A	May 16, 1977.
Do	Chowan	Town of Edenton	370062B	Sept. 15, 1977.
Do	Hallifax	Town of Hobgood	370116B	July 1, 1977.
Do	Rockingham	Town of Mayodan	370208A	July 18, 1977.
Do	Pender	Town of Surf City	370186B	May 2, 1977.
Do	do	Town of Topsail Beach	370187B	Sept. 30, 1977.
Do	Bertie	Town of Windsor	370019B	July 18, 1977.
North Dakota	Grand Forks	City of Grand Forks	385365A	Sept. 30, 1977.
Do	McHenry	City of Velva	380051B	Aug. 15, 1977.
Ohio	Erie	Village of Bay View	390595B	Sept. 15, 1977.
Do	Greene	City of Bellbrook	390194B	June 1, 1977.
Do	Butler	City of Hamilton	390039B	July 15, 1977.
Do	Ottawa	City of Port Clinton	390434B	Sept. 30, 1977.
Do	Ottawa	Village of Put-In-Bay	390600B	Sept. 30, 1977.
Do	Erie	City of Sandusky	390156B	July 5, 1977.
Do	Lucas	City of Sylvania	390364B	Do.
Do	Trumbull	City of Warren	390541A	Aug. 1, 1977.
Do	Mahoning and Trumbull	City of Youngstown	390373B	July 18, 1977.
Oklahoma	Washington	Town of Copan	400361A	July 26, 1977.
Do	Hughes	Town of Dustin	460371A	June 28, 1977.
Oregon	Morrow	City of Irrigon	410177B	Aug. 26, 1977.
Do	Grant	City of John Day	410077B	Sept. 15, 1977.
Do	Douglas	City of Roseburg	410067B	June 1, 1977.
Do	Malheur	City of Vale	410153B	Aug. 26, 1977.
Pennsylvania	Berks	Township of Abington	420695B	Sept. 30, 1977.
Do	Montgomery	Township of Amity	420124A	July 18, 1977.
Do	Perry	Borough of Blain	420747B	June 24, 1977.
Do	Schuylkill	Township of Blythe	420767B	June 15, 1977.
Do	Bucks	Township of Bridgeton	420182B	Sept. 30, 1977.
Do	Delaware	Borough of Clifton Heights	420407A	May 16, 1977.
Do	Indiana	Borough of Clymer	420498B	Sept. 15, 1977.
Do	Delaware	Borough of Colwyn	420409B	May 2, 1977.
Do	Schuylkill	Borough of Cressona	420769B	Aug. 1, 1977.
Do	Montour	Borough of Darville	420714A	May 2, 1977.
Do	Delaware	Borough of Darby	420411B	July 18, 1977.
Do	Dauphin	Township of Derry	420375B	Sept. 30, 1977.
Do	Berks	Township of Douglass	420131B	Aug. 15, 1977.
Do	do	Township of Earl	420132B	July 18, 1977.
Do	Chester	Township of East Goshen	420277B	July 5, 1977.
Do	Montgomery	Township E. Norriton	420950B	Sept. 30, 1977.
Do	Carbon	Township of East Penn	421013A	June 15, 1977.
Do	Bucks	Township of East Rockhill	420187A	Aug. 1, 1977.
Do	Delaware	Township of Edgmont	420414B	Sept. 1, 1977.
Do	Lehigh	Borough of Emmaus	420588A	Do.
Do	Luzerne	Borough of Exeter	420605B	May 16, 1977.
Do	Delaware	Borough of Folcroft	420415	Aug. 1, 1977.
Do	Northampton	Borough of Freemansburg	420721B	Sept. 1, 1977.
Do	Carbon	Township of Franklin	421014B	Aug. 1, 1977.
Do	Cameron	Township of Gibson	421130B	Sept. 1, 1977.
Do	Schuylkill	Borough of Gilberton	421007B	May 2, 1977.
Do	Delaware	Borough of Glenolden	420416	Aug. 26, 1977.
Do	Mercer	Borough of Grove City	420875B	Sept. 30, 1977.
Do	Cameron	Township of Grove	421128B	July 18, 1977.
Do	Northampton	Township of Hanover	420722A	Aug. 1, 1977.
Do	Luzerne	do	do	do
Do	Montgomery	Borough of Hatboro	420697B	June 15, 1977.
Do	Delaware	Township of Haverford	420417A	July 5, 1977.
Do	Indiana	Borough of Homer City	420500C	Sept. 30, 1977.
Do	Bucks	Borough of Hulmeville	420190A	Do.
Do	Luzerne	Township of Jenkins	420611B	May 16, 1977.
Do	Carbon	Borough of Jim Thorpe	420249A	Aug. 15, 1977.
Do	Luzerne	Borough of Kingston	420612A	June 1, 1977.
Do	Mifflin	Borough of Kistler	420686A	Sept. 15, 1977.
Do	Berks	Borough of Kutztown	420136A	May 2, 1977.
Do	Schuylkill	Borough of Landingville	420774B	Aug. 15, 1977.
Do	Berks	Borough of Leesport	420135B	May 16, 1977.
Do	Carbon	Borough of Lehighton	420251B	Sept. 15, 1977.
Do	McKean	Township of Liberty	420666B	Sept. 1, 1977.
Do	Cumberland	Township of Lower Allen	421016B	Sept. 30, 1977.
Do	Berks	Township of Lower Alsace	420140A	July 5, 1977.
Do	Montgomery	Township of Lower Frederick	420952B	Sept. 30, 1977.
Do	Lycoming	Township of Loyalsock	421040B	May 16, 1977.
Do	Westmoreland	Borough of Manor	420886B	Sept. 1, 1977.
Do	Huntingdon	Borough of Mapleton	420487B	July 5, 1977.
Do	Delaware	Township of Maple	420420A	Sept. 1, 1977.
Do	Perry	Borough of Marysville	420751B	May 16, 1977.
Do	Erie	Borough of McKean	422416A	Sept. 30, 1977.
Do	Allegheny	Borough of McKees Rocks	420052B	May 16, 1977.
Do	Crawford	City of Meadville	420351B	June 1, 1977.
Do	Lycoming	Borough of Montoursville	420648A	Aug. 15, 1977.
Do	Bucks	Borough of Morrisville	420194C	Sept. 30, 1977.
Do	Westmoreland	Township of Mount Pleasant	420880B	July 18, 1977.

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State	County	Community	Community No.	Effective date
Pennsylvania	Huntingdon	Borough of Mount Union	420489B	Do.
Do	Berks	Township of Muhlenberg	420144B	Sept. 1, 1977.
Do	Lebanon	Borough of Myerstown	420575A	July 5, 1977.
Do	Bucks	Township of New Britain	420987B	Sept. 30, 1977.
Do	Schuylkill	Borough of New Philadelphia	420779B	Aug. 16, 1977.
Do	Cumberland	Borough of Newbury	422405A	June 24, 1977.
Do	Montgomery	Borough of North Wales	420704	Sept. 30, 1977.
Do	York	Borough of North York	420933B	May 2, 1977.
Do	Delaware	Borough of Norwood	420425	Aug. 26, 1977.
Do	Venango	City of Oil City	420837B	July 5, 1977.
Do	Berks	Township of Ontelaunee	420986C	June 1, 1977.
Do	Delaware	Borough of Parkside	420426B	July 5, 1977.
Do	Luzerne	City of Pittston	420620B	May 2, 1977.
Do	do	Township of Plains	420621B	May 16, 1977.
Do	Northumberland	Township of Point	421026B	May 2, 1977.
Do	Montgomery	Borough of Pottstown	420705B	Sept. 30, 1977.
Do	Schuylkill	City of Pottsville	420785B	July 5, 1977.
Do	Luzerne	Borough of Pringle	420624B	May 2, 1977.
Do	Bucks	Borough of Quakertown	420200A	July 5, 1977.
Do	Delaware	Township of Radnor	420428B	Aug. 1, 1977.
Do	Blair	Borough of Roaring Spring	420163B	Sept. 1, 1977.
Do	Berks	Township of Robeson	420146B	July 18, 1977.
Do	do	Borough of Shillington	420148B	Aug. 1, 1977.
Do	Dauphin	Township of South Hanover	420395A	May 2, 1977.
Do	York	Township of Spring Garden	420937B	June 15, 1977.
Do	Northumberland	City of Sunbury	420743B	July 18, 1977.
Do	Westmoreland	Borough of Sutersville	420902B	Aug. 1, 1977.
Do	Delaware	Borough of Swarthmore	420435A	May 16, 1977.
Do	Luzerne	Borough of Swoyersville	420627	June 15, 1977.
Do	Berks	Borough of Temple	420153A	July 18, 1977.
Do	Delaware	Borough of Trainer	420437A	Sept. 30, 1977.
Do	Okanogan	Town of Twisp	530124B	July 18, 1977.
Do	Northumberland	Township of Upper Augusta	420745B	May 16, 1977.
Do	Delaware	Township of Upper Chichester	420439B	Do.
Do	do	Township of Upper Providence	420441B	June 16, 1977.
Do	Lehigh	Township of Upper Saucon	420594B	July 16, 1977.
Do	Chester	Township of Westtown	420294A	June 1, 1977.
Do	do	Borough of West Chester	420292B	July 5, 1977.
Do	Crawford	Township of West Mead	420356C	June 15, 1977.
Do	Westmoreland	Borough of West Newton	420906B	July 18, 1977.
Do	Montgomery	Township of West Norriton	420711B	Sept. 30, 1977.
Do	Chester	Township of West Whiteland	420295B	May 2, 1977.
Do	Luzerne	Borough of West Wyoming	420629B	July 22, 1977.
Do	do	Borough of White Haven	420630A	Aug. 1, 1977.
Do	do	City of Wilkes-Barre	420631B	Sept. 30, 1977.
Do	Bucks	Borough of Yardley	420210B	Aug. 1, 1977.
Do	York	City of York	420945B	June 15, 1977.
Rhode Island	Newport	Town of Tiverton	440012A	May 2, 1977.
South Carolina	Lexington	Town of Hatesburg	450130B	June 10, 1977.
Do	Beaufort	City of Beaufort	450026B	May 2, 1977.
Do	do	Beaufort County	450025	Sept. 30, 1977.
Do	Colleton	Town of Edisto Beach	455414B	June 17, 1977.
Do	Horry	City of Myrtle Beach	450109A	July 5, 1977.
Do	Lexington	Town of Swansea	450139B	June 10, 1977.
South Dakota	Butte	City of Belle Fourche	460012B	June 1, 1977.
Do	Meade	City of Sturgis	460055C	Do.
Tennessee	Anderson	Town of Clinton	470001B	July 18, 1977.
Do	Maury	City of Columbia	475423B	June 3, 1977.
Do	Carter	City of Elizabethton	475425A	May 20, 1977.
Do	Marion	Town of Jasper	475429B	June 10, 1977.
Do	Cannon	Town of Woodbury	470021B	Sept. 1, 1977.
Texas	Brazoria	City of Angleton	480064B	June 10, 1977.
Do	Tarrant	City of Bedford	480585A	July 18, 1977.
Do	Brazoria	Town of Bonney	481300B	June 10, 1977.
Do	Montague	City of Bowie	480481B	Aug. 2, 1977.
Do	Brazoria	Brazoria County	485458B	June 10, 1977.
Do	Johnson and Tarrant	City of Burleson	485459D	June 24, 1977.
Do	Montgomery	City of Conroe	480484B	May 16, 1977.
Do	Wise	City of Decatur	480678B	Aug. 16, 1977.
Do	Hidalgo	City of Edinburg	480338B	May 2, 1977.
Do	Galveston	Galveston County	485470B	June 24, 1977.
Do	do	Village of Jamaica Beach	481271B	Do.
Do	do	City of League City	485488B	June 17, 1977.
Do	Bexar	City of Leon Valley	480042B	June 1, 1977.
Do	do	City of Live Oak	480043B	May 16, 1977.
Do	Bowie	City of Nash	480058B	June 21, 1977.
Do	Gonzales	City of Nixon	481114A	Aug. 26, 1977.
Do	Brazoria	Village of Quintana	481301B	June 10, 1977.
Do	Aransas	City of Rockport	485504C	Sept. 9, 1977.
Do	Tom Greene	City of San Angelo	480623B	May 16, 1977.
Do	Panola	City of Savoy	480613A	Aug. 26, 1977.

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State	County	Community	Community No.	Effective date
Texas	Bexar, Comal, and Guadalupe	City of Schertz	480269B	Sept. 15, 1977.
Do	Erath	City of Stephenville	480220B	July 5, 1977.
Do	Brazoria	Village of Surfside Beach	481268B	June 10, 1977.
Do	Bexar	City of Universal City	480349B	May 16, 1977.
Do	Harris	City of Webster	485516A	June 10, 1977.
Do	Bexar	City of Windcrest	480689A	Aug. 15, 1977.
Vermont	Washington	Town of Warren	500121B	Sept. 1, 1977.
Virginia	Fairfax	Town of Clifton	510186A	May 2, 1977.
Do	Independent City	City of Emporia	510047A	Sept. 30, 1977.
Do	do	City of Newport News	510103A	May 2, 1977.
Do	do	City of Poquoson	510183B	May 16, 1977.
Washington	Okanogan	Town of Brewster	530275A	Sept. 1, 1977.
Do	do	Town of Condonally	530118A	Sept. 30, 1977.
Do	do	City of Okanogan	530119B	Do.
Do	do	Town of Oroville	530121B	Do.
Do	King	City of Seattle	530089A	July 19, 1977.
Do	Whatcom	Whatcom County	530198	Sept. 30, 1977.
West Virginia	Ohio	Village of Bethlehem	540275	Aug. 26, 1977.
Do	Mingo	Town of Gilbert	540135B	Sept. 2, 1977.
Do	Jackson	City of Ripley	540064B	Sept. 1, 1977.
Wisconsin	Ashland	City of Ashland	550005B	Sept. 30, 1977.
Do	Milwaukee and Ozaukee	Village of Bayside	550270B	June 15, 1977.
Do	Green Lake and Waushara	City of Berlin	550166B	Sept. 30, 1977.
Do	Wood	Village of Biron	555545A	May 27, 1977.
Do	Chippewa	City of Chippewa Falls	550044	Sept. 1, 1977.
Do	Peplin	City of Durand	550320B	June 1, 1977.
Do	Eau Claire and Chippewa	City of Eau Claire	550128A	Do.
Do	Buffalo	City of Fountain	555555B	Aug. 5, 1977.
Do	Milwaukee	Village of Fox Point	550274B	May 16, 1977.
Do	do	City of Franklin	550273A	Sept. 30, 1977.
Do	Waupaca	Village of Fremont	550496B	June 15, 1977.
Do	Brown	City of Green Bay	550022B	Sept. 30, 1977.
Do	Winnebago	City of Oshkosh	550511B	May 16, 1977.
Do	Outagamie	Outagamie County	550302A	Sept. 30, 1977.
Do	Ozaukee	Ozaukee County	550310	May 16, 1977.
Do	Wood	City of Wisconsin Rapids	556587B	July 22, 1977.
Wyoming	Natrona	City of Casper	560037B	Sept. 15, 1977.
Do	Laramie	City of Cheyenne	560030B	Sept. 30, 1977.01

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3665 Filed 2-10-78; 8:45 am)

[4210-01]

[Docket No. FI-2402]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Bethlehem, Lehigh and Northampton Counties, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Bethlehem, Lehigh and Northampton Counties, Pa.

These base (100-year) elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Bethlehem, Lehigh and Northampton Counties, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Bethlehem, Lehigh and Northampton Counties, Pa., are available for review at the City Hall, 10 East Church Street, Bethlehem, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of

Bethlehem, Lehigh and Northampton Counties, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Lehigh River	Freemansburg Rd	224
	Minist Trail	231
	New St	235
	Hill to Hill Bridge	237
	8th Avenue (extended)	239
	Upstream corporate limit	243
Monocacy Creek	Lehigh St	237
	Broad St	238
	Union Blvd	239
	Fairview St (extended)	240
	Eaton Ave	243
	Illicks Mill Rd	257
	L & N.E. RR. Bridge	270
	Bridle Path Rd	281
	Macada Rd	285
	Center St	292
	Road Bridge	302
	Township Line Rd	306
Saucon Creek	ConRail Bridge	226
	Shimmersville Rd	228
	Hellertown Rd	232
	Park Bridge	238
	Dam	242
	Silvex Rd	248
	High St	254
	Friedensville Rd	276

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3530 Filed 2-10-78; 8:45 am)

6076

[4210-01]

[Docket No. FI-2588]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Greenville, Pitt County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Greenville, Pitt County, N.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Greenville, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Greenville, are available for review at City Hall, Greenville, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Greenville, N.C.

The final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

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Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Tar River	Greenville Blvd. NE	21
	North Green St.	23
Green Mill Run	5th St.	21
	Elm St.	29
	14th St.	35
	Evans St.	38
	Memorial Dr.	49
	SR 1135	80
	N. & S. RR	83
North Fork Green Mill Run	SR 1203	66
Fornes Run	14th St.	39
	South Elm St.	53
Parkers Creek and Lateral No. 1	SR 1530	23
Parkers Creek and Lateral No. 2	North Green St.	24
	NC 30	23
Hardeen Creek	North Green St.	24
Bells Branch	N. & S. RR	24
	Oxford Rd.	20
	N. & S. RR	47
	York Rd.	56
Reedy Branch	10th St.	21
	South Wright Rd.	36
	N. & S. RR	63
	N. & S. RR	33
Meeting House Branch	Kling George Rd.	37

¹Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3522 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-2834]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Grand Strand Flood District, Horry County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Grand Strand Flood District, Horry County, S.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for Grand Strand Flood District, Horry County, S.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Grand Strand Flood District, Horry County, S.C., are available for review at the County Courthouse, Conway, S.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Grand Strand Flood District, Horry County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals represented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet above mean sea level
Atlantic Ocean	5th Ave.	13
	Old Conway Highway	13
	Shore Dr.	13
	Kings Rd.	13
	Beach Dr.	13
	Waccamaw Dr.	14
	Ocean Blvd.	14

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3536 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-2915]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Independent City of Bedford, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the independent city of Bedford, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Independent City of Bedford, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the independent city of Bedford, Va., are available for review at the Bedford Municipal Building in the Front Hall, 215 East Main Street, Bedford, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Independent City of Bedford, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet above mean sea level
Johns Creek	Downstream Limits	818
	At 1st tributary	823
	At 2d tributary	845
	At Town Branch	862
	At Va. Route 297	862
	Elks Private Drive	861
Unnamed Tributary to Little Otter River	Downstream of Norfolk & Western Rd.	862
	Macon R.	892
	Va. Route 297	898

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3543 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-2923]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Keating, McKean County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Keating, McKean County, Pa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Keating, McKean County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Keating, McKean County, Pa., are available for review in the meeting room, Keating Township Municipal Building, Route 446, East Smethport, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Keating, McKean County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, above mean sea level
Potato Creek	Intersection of northern corporate limit of Smethport and Potato Creek	1,467
	U.S. Route 6 Bridge	1,469.5
	Intersection of southern corporate limit of Smethport and Potato Creek	1,474.5
Miller Brook	Confluence with Potato Creek	1,471
	Abandoned railroad bridge	1,473
	Upstream of Route 46 Culvert	1,505

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3533 Filed 2-10-78; 8:45 am]

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RULES AND REGULATIONS

[4210-01]

[Docket No. FI-2988]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Derry, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Derry, Westmoreland County, Pa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Derry, Westmoreland County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Derry, Westmoreland County, Pa., are available for review at the Borough Municipal Building, 620 North Chestnut Street, Derry, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Derry, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, above mean sea level
McGee Run.....	Upstream corporate limits.	1,228
	East 3rd Avenue....	1,206
	East 1st Avenue....	1,194
	Canadaway.....	1,157
	4th Street—Route 217.	1,146
Garlane Mills Run	Downstream corporate limits.	1,136
	Upstream corporate limits.	1,297
	West Utopia Street.	1,240
	West 4th Avenue..	1,209
	West Kelly Way....	1,192
	Confluence with McGee Run.	1,155

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3532 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-2999]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Spartanburg, Spartanburg County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Spartanburg, Spartanburg County, S.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Spartanburg, Spartanburg County, S.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Spartanburg, Spartanburg County, S.C., are avail-

able for review at the lobby of the Spartanburg City Hall, 145 West Broad Street, Spartanburg, S.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Spartanburg, Spartanburg County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Little Chinquepin Creek.	S.C. Highway 56...	759
	Centennial St.	752
Tributary C-1	Daniel Morgan Ave..	707
	Pine St.	699
Chinquepin Creek.	Upstream corporate limits.	716
	Isom St.	699
Tributary L-1	Southern Ry.	682
	Earth dam and road.	675
Halfway Branch....	Cart Dr.	669
	Fernwood-Glendale Rd.	656
Lawsons Fork River.	Upstream corporate limits.	680
	U.S. Highway 29....	671
Holston Creek.....	Fernwood Rd.	663
	Halfway Branch....	650
Fieldstone Rd.	S.C. Highway 295.	796
	Fieldstone Rd.	775
Camelot Dr.	Girl Scout Camp Rd..	748
	U.S. Highway 29....	720
Farley Branch	Northern Piedmont Ry..	735
	Wofford St.	705
Greenville Branch	Vanderbilt Rd.	684
	Henry St.	694
Williams Branch...	S. Forest St.	669
	Prince Hall.....	653
	Winton Dr.	754
	Ammons Rd.	720

RULES AND REGULATIONS

[4210-01]

[Docket No. FI-3148]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Jamestown, Chautauqua County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Jamestown, Chautauqua County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Jamestown, Chautauqua County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Jamestown, Chautauqua County, N.Y., are available for review at the City Hall, Jamestown, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Jamestown, Chautauqua County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

Source of flooding	Location	Elevation in feet, above mean sea level
Confluence of Fairforest Creek.	.....	649
	Caulder Ave.	673
Tributary F-2	Bomar St.	644
	Confluence of Fairforest Creek.	619
Fairforest Creek....	Powell Mill Rd.	729
	Main St.	679
Tributary F-1	Reidville Rd.	663
	Oak St.	642
	Tributary F-1	619

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3537 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3112]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Upper Providence, Montgomery County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base flood elevations (100-year) flood are listed below for selected locations in the Township of Upper Providence, Montgomery County, Pa.

These base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: On publication of the Flood Insurance Rate Map for the Township of Upper Providence, Montgomery County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Upper Providence, are available for review at the Township Office, 1301 Black Rock Road, Oaks, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Upper Providence, Montgomery County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final 100-year flood elevations for selected locations are:

Source of Flooding.	Location	Elevation in feet, above mean sea level
Schuylkill River	ConRail railroad bridge.	97.8
	Pennsylvania Route 29.	101.8
	Black Rock Rd.	106.3
	ConRail railroad bridge.	108.7
	Upstream corporate limit.	112.9
Perkiomen Creek ..	ConRail railroad bridge.	97.4
	Egypt Rd.	99.8
	Arcola Rd.	107.4
	Yerkes Rd.	114.6

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: August 26, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3534 Filed 2-10-78; 8:45 am]

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Chadokoin River.	East Corporate Limits.....	1,262
	ConRall Bridge.....	1,267
	Buffalo Street.....	1,277
	Chandler Street.....	1,289
	Windsor Street.....	1,293
	Foot Avenue.....	1,296
	Main Street.....	1,302
	West Sixth Street.....	1,310
	West Corporate Limits.....	1,310

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3520 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3235]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of West Bloomfield, Ontario County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of West Bloomfield, Ontario County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of West Bloomfield, Ontario County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of West Bloomfield, Ontario County, N.Y., are available for review at the Town Hall, West Bloomfield, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, assistant ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of West Bloomfield, Ontario County, NY.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Honeoye Creek.....	North corporate limits.....	670
	Route 85.....	684
	Martin Rd.....	706
	U.S. Highway No. 20.....	742
	Gleason Rd. (extended).....	774
	Gray Rd.....	792
	South corporate limits.....	793

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3521 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3238]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Aberdeen, Brown County, S. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Aberdeen, Brown County, S. Dak.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Aberdeen, Brown County, S. Dak.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Aberdeen, Brown County, S. Dak., are available for review at the Aberdeen Municipal Building, on the first floor, 123 South Lincoln Street, Aberdeen S. Dak.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Aberdeen, Brown County, S. Dak.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Moccasin Creek.....	Confluence with Moccasin Creek Tributary.....	1,297
	3d Ave.....	1,297

ministrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Morristown, Hamblen County, Tenn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet above mean sea level
Turkey Creek.....	Fairview Rd. (downstream side).....	1,126
	Fairview Rd. (upstream side).....	1,130
	South Outer Dr. (downstream side).....	1,182
	South Outer Dr. (upstream side).....	1,186
	Davis Ave. (downstream side).....	1,218
	Davis Ave. (upstream side).....	1,221
	Cherokee Dr. (downstream side).....	1,244
	Cherokee Dr. (upstream side).....	1,244
	West Third North St. (downstream side).....	1,266
	West Third North St. (upstream side).....	1,267
	Sunrise Ave. (downstream side).....	1,303
	Sunrise Ave. (upstream side).....	1,303
	Freshour St.....	1,318
	Corporate Limits.....	1,372
West Fork Turkey Creek.	South Jackson St.....	1,285
	Dice St. (downstream side).....	1,288
	Dice St. (upstream side).....	1,289
	Sulphur Springs Rd. (downstream side).....	1,297
	Sulphur Springs Rd. (upstream side).....	1,300
	Valley St. (downstream side).....	1,307
	Valley St. (upstream side).....	1,309
	Kennedy Circle (downstream side).....	1,332
	Kennedy Circle (upstream side).....	1,339
	Lincoln Ave. (downstream side).....	1,351
	Lincoln Ave. (upstream side).....	1,356
Stubbsfield Creek	Corporate Limits.....	1,358
	Corporate Limits.....	1,212
	North Liberty Rd. (downstream side).....	1,220
	North Liberty Rd. (upstream side).....	1,228
	U.S. Highway 11E Bypass (downstream side).....	1,269
	U.S. Highway 11E Bypass (upstream side).....	1,271
	Trade St. (downstream side).....	1,282
	Trade St. (upstream side).....	1,282
	Merwin St. (downstream side).....	1,285
	Merwin St. (upstream side).....	1,288
	Forney Ave. (downstream side).....	1,311
	Forney Ave. (upstream side).....	1,316
	Algonquin Dr. (downstream side).....	1,328
	Algonquin Dr. (upstream side).....	1,384
	Bacon Lane (downstream side).....	1,345
	Bacon Lane (upstream side).....	1,346
	Hillvale Dr. (downstream side).....	1,373
	Hillvale Dr. (upstream side).....	1,373
	Corporate Limits.....	1,374
	Corporate Limits.....	1,144
Havley Springs Branch.	Turkey Bridge Rd (downstream side).....	1,181
	Crossing of Walters Dr. (downstream side).....	1,230
	Crossing of Walters Dr. (upstream side).....	1,285
	Upstream Crossing of Walters Dr. (upstream side).....	1,250
	Upstream Crossing of Walters Dr. (downstream side).....	1,252
	North Economy Rd. (downstream side).....	1,271

Source of flooding	Location	Elevation in feet above mean sea level
	6th Ave.....	1,296
	8th Ave.....	1,296
	10th Ave.....	1,298
	Melgaard Rd.....	1,295
	Brown County 14.....	1,294
	8th Ave.....	1,299
Moccasin Creek Tributary.	B. N. RR.....	1,298
	C.M. S.P. & F. RR.....	1,298
	Confluence with Moccasin Creek.....	1,297
Foot Creek.....	Melgaard Rd.....	1,302
	Frontage Rd.....	1,302
	U.S. 281.....	1,301
	Brown County 14.....	1,300

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3538 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3241]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Morristown, Hamblen County, Tenn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Morristown, Hamblen County, Tenn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Morristown, Hamblen County, Tenn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Morristown, Hamblen County, Tennessee, are available for review at the Municipal Building, 144 West First North Street, Morristown, Tenn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

RULES AND REGULATIONS

Source of flooding	Location	Elevation, feet above mean sea level
Havley Springs Branch.	North Economy Rd. (upstream side).	1,272
Unnamed Tributary to Turkey Creek.	Confluence with Turkey Creek.	1,307
	Lincoln Ave. (downstream side).	1,334
	Lincoln Ave. (upstream side).	1,335
	Union Ave. (downstream side).	1,344
	Union Ave. (upstream side).	1,345
Unnamed Tributary to Turkey Creek.	Confluence with Turkey Creek.	1,307
	Lincoln Ave. (downstream).	1,334
	Lincoln Ave. (upstream).	1,335
	Union Ave. (downstream).	1,344
	Union Ave. (upstream).	1,345

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3539 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3251]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Cleveland, Manitowoc County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Cleveland, Manitowoc County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Cleveland, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final

elevations for the Village of Cleveland, are available for review at the Veterans of Foreign Wars Building, Park Lane, Cleveland, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Cleveland, Wis.

The final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Centerville Creek Tributary.	Linden St.....	643
	Hickory St.....	635
	Chicago and Northwestern RR.	632
	Washington Ave...	631
	Center St.....	628
Centerville Creek..	Footbridge.....	654
	U.S. Highway 141.	640
	Dam.....	597
	County Trunk Highway LS.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3545 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3261]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Walnutport, Northampton County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Walnutport, Northampton County, Pa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Walnutport, Northampton County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Walnutport, Northampton County, Pa., are available for review at the Walnutport Borough Hall, Lincoln Avenue, Walnutport, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Walnutport, Northampton County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

RULES AND REGULATIONS

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet above mean sea level
Lehigh River.....	Downstream corporate limits.	357
	Foot of Gap St.....	358
	Southend of Lehigh St.	360
	300 feet downstream of Main St.	362
	100 feet upstream of Main St.	363
	At U.S.G.S. gaging station.	365
	At upstream corporate limits.	366

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3535 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3295]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Herkimer, Herkimer County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Herkimer, Herkimer County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Herkimer, Herkimer County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Herkimer,

Herkimer County, N.Y., are available for review at the bulletin board in the Municipal Building, 120 Green Street, Herkimer, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Herkimer, Herkimer County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mohawk River.....	Upstream Corporate Limits.	394
	New York State Thruway Bridge.	391
	Confluence with Hydraulic Canal.	388
	Downstream Corporate Limits.	387
West Canada Creek.	Upstream Corporate Limits.	414
	East Side Street Bridge.	390
	ConRail.....	387
	Confluence with Mohawk River.	384
Beilinger Brook.....	Maple Grove Ave. Bridge.	419
	Church St. Bridge	414
	High School Footbridge.	402
	Downstream Corporate Limits.	395

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33

FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3519 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3309]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Botetourt, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the County of Botetourt, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the County of Botetourt, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of Botetourt, Va., are available for review at the County Courthouse, Fincastle, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the County of Botetourt, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determina-

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tion to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Back Creek.....	Confluence with Ellis Run.	919
	State Route 630 ..	924
	State Route 636 ..	980
	State Route 640 ..	998
Buffalo Creek.....	Norfolk & Western Ry.	1,160
	U.S. Route 81 on ramp.	1,181
	U.S. Route 220.....	1,187
	U.S. Route 81.....	1,193
	State Route 653 ..	1,254
	County limits.....	1,295
Craig Creek.....	Confluence with James River.	941
	State Route 815 ..	941
	State Route 685 ..	943
	Footbridge.....	987
	Roaring Run.....	966
Eagle Rock Creek ..	Confluence with James River.	936
	Chesapeake & Ohio RR.	936
	State Route 686 ..	938
	State Route 43 ..	954
	State Route 742 ..	982
	State Route 745 (downstream).	991
	State Route 745 (upstream).	1,019
Ellis Run.....	Confluence with Back Creek.	919
	State Route 840 ..	928
Glade Creek.....	County limits.....	999
	Norfolk & Western Ry. (downstream).	1,007
	Norfolk & Western Ry. (upstream).	1,013
	State Route 738 ..	1,013
	Confluence with Laymantown Creek.	1,014
Jackson River.....	Confluence with James River.	1,015
	State Route 727 ..	1,019
	County limits.....	1,021
James River.....	State Route 614 ..	798
	Jennings Creek.....	802
	Buchanan corporate limits (downstream).	832
	Buchanan corporate limits (upstream).	834
	Looney Mill Creek.	840
	U.S. Route 81 (east lane).	842
	Milepost 322.....	933
	State Route 220 ..	936
	Confluence with Craig Creek.	941
	Old railroad bridge.	942
	Milepost 328.18....	948
	Mill Creek.....	959
	Sinking Creek.....	957

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3542 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3339]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Butler, Butler County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Butler, Butler County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Butler, Butler County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Butler, Butler County, Pa., are available for review on the Bulletin Board, Municipal Building, Lyndora, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Butler, Butler County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Connoquenessing Creek.	Armco Plant Bridge.	981
	Confluence with Butcher Run.	984
	Old Route 422	1,004
	Route 422	1,011
Butcher Run.....	B & O RR. (just downstream).	984

Source of flooding	Location	Elevation in feet above mean sea level
Butcher Run.....	State Route 8	989
	Limit of detailed study.	1,001
Coal Run.....	Railroad spur.....	1,011
	Confluence with tributary No. 1.	1,017
Shearer Run.....	Shearer Rd.....	1,013
	Limit of detailed study.	1,048

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3531 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3420]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of East Spencer, Rowan County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of East Spencer, Rowan County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of East Spencer, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of East Spencer, are available for review at Town Hall, 110 Henderson Street, East Spencer, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

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gives notice of his final determinations of flood elevations for the Town of East Spencer, N.C.

The final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jackson Branch.....	Shaver St. '.....	899
	do'.....	704
East Spencer High Creek.	Georid St. '.....	687
	do'.....	888
	Grant St. '.....	690
	do'.....	697
Ice Plant Creek	Boundary St. '.....	672
	do'.....	680
	Grant St. '.....	688
	do'.....	690
Railroad Branch ...	Pine Tree Dr'.....	674
	do'.....	678
	Shaver St. '.....	698
	do'.....	704

'Downstream
'Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: JANUARY 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3527 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3421]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Landis, Rowan County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Landis, Rowan County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Landis, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Town of Landis, are available for review at Town Hall, 136 North Central Avenue, Landis, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Landis, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mill Creek	Ryder Ave. '.....	823
	do'.....	823
Beaver Creek	Beaver St. '.....	777
	do'.....	782
	Chapel St. '.....	789
	do'.....	792

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Clatsop County, Oreg.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lewis and Clark River.	Fort Clatsop Rd. Bridge.	12
	Klickitat Creek Bridge.	32
Little Walluski River.	Little Walluski Rd. (Culvert).	7
Big Creek.	Old Highway 30 Bridge.	18
	U.S. Highway 30 Bridge.	32
Little Creek.	Old Highway 30 Bridge.	13
	U.S. Highway 30 Bridge.	34
Bear Creek.	Old U.S. Highway 30 Bridge.	21
Plympton Creek.	Westport Dock Rd. Bridge.	15
	Bridge.	16
	Burlington Northern Bridge.	18
	Columbia River Highway Bridge.	22
Neawanna Creek.	Broadway Street Bridge.	13
	Avenue S Bridge.	13
Necanicum River.	Sunset Highway U.S. 26 Bridge.	150
	Reservoir Rd. Bridge.	164
North Fork Nehalem River at Hamlet.	Private Bridge (Station 99300).	506
	Steel Bridge Hamlet Rd.	514
	Private Bridge (Station 104960).	535
	Log Bridge—Hamlet Rd.	541
Nehalem River.	Nehalem Rd. Bridge.	380
	U.S. Highway 26 Bridge.	412
	Jewell-Elsie Rd. Bridge.	435

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Nehalem River.	Nehalem Highway Bridge (Station 249780).	470
	Nehalem Highway Bridge (Station 283690).	478
	Nehalem Highway Bridge (Station 285200).	490
	Nehalem Highway Bridge (Station 327100).	506
Humbag River.	Private Bridge.	383
	Lower Nehalem Rd. Bridge.	400
Cow Creek.	Fishhawk Falls Highway Bridge.	483
	Private Bridge.	522
Pishhawk Creek at Jewell.	Bridge at Jewell.	469
Northrup Creek.	Nehalem Highway Bridge.	493
Pishhawk Creek at Birkenfeld.	Bridge (Station 3225).	519
	Bridge (Station 7625).	527
	Greasy Spoon Rd. Bridge.	529

¹ Approximate distance in feet above mouth of river.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3529 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3456]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Franklinville, Cattaraugus County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Franklinville, Cattaraugus County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the Na-

tional Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Franklinville, Cattaraugus County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Franklinville, Cattaraugus County, N.Y. are available for review at the Village Clerk's Office, Franklinville, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Franklinville, Cattaraugus County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gates Creek.	Upstream corporate limits.	1,618
	Fourth Ave.	1,586
	Route 18.	1,578
Ischua Creek.	Bakerstand Rd.	1,583
	Downstream corporate limits.	1,581

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3518 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3505]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of New Haven, Mason County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of New Haven, Mason County, W. Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of New Haven, W. Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of New Haven, are available for review at Municipal Building, 301 5th Street, New Haven, W. Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of New Haven, W. Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River.	Upstream corporate limit.	581
	Downstream corporate limit.	580
Broad Run.	U.S. Highway 33...	581
	Baltimore & Ohio RR.	581
	Layne Rd.	581

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3544 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3510]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of St. Albans, Franklin County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of St. Albans, Franklin County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of St. Albans, Franklin County, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of St. Albans are available for review at the City Manager's Office, City Hall, 100 North Main, St. Albans, Vt. 05478.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of St. Albans, Franklin County, Vt.

The final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stevens Brook	40 ft downstream of Barlow St.	481
	40 ft upstream of Barlow St.	489

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3541 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3519]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Faith, Rowan County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Faith, Rowan County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Faith, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Faith, are available for review at the Home of the Town Clerk, c/o Carol Retallick, East Second Street, Faith, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Faith, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cemetery Creek	Church St. ¹	822
	do. ¹	828
	Brown St. ¹	842
	do. ¹	845
	Fisher St. ¹	859

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Park Creek	do. ¹	861
	Faith Rd. ¹	823
	do. ¹	828
	School St. ¹	845
	do. ¹	848
Quarry Creek	Faith Rd. ¹	781
	do. ¹	787

¹ Downstream side.
² Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3526 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3622]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Garner, Wake County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Garner, Wake County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Garner, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Garner, are available for review at Town Hall, 900 7th Avenue, Garner, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Garner, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Reedy Branch	North Carolina State Road 2710.	241
	Edgebrook St.	288
	Park Ave.	294
	Lakeside Dr.	307
	Vandora Ave.	310
	North Carolina State Road 2794.	323
Bogwell Branch	North Carolina 50	293
Reedy Branch	Claymore Dr. ¹	267
Triunty.		
Swift Creek	Old Stage Rd. ¹	246
Adams Branch	North Carolina State Road 2569. ¹	275
	2569. ¹	
Big Branch	North Carolina State Road 2564.	225
Buck Creek	Vandora Springs Rd. ¹	270
Echo Creek	North Carolina State Road 1006.	265
	North Carolina State Road 2720. ¹	281
	Vesta Drive	308
Yates Branch	Garner	247
	Extraterritorial Boundary.	
Mahlers Creek	Garner	248
	Extraterritorial Boundary.	

¹ Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3524 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3623]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Wake Forest, Wake County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Wake Forest, Wake County, N.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Wake Forest, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wake Forest, are available for review at Town Hall, 442 Pine View Avenue, Wake Forest, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Wake Forest, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smith Creek	North Carolina State Road 2053 (upstream).	282
	North Carolina State Road 2053 (downstream).	261
Richland Creek	North Carolina State Road 1930.	266
	North Carolina 98	258
Dunn Creek	North Carolina Route 98.	281
	North Carolina State Road 1942 (upstream).	318
	North Carolina State Road 1942 (downstream).	314
Spring Branch	Corporate Limits (State District 5100).	309
Horse Creek	North Carolina State Road 1926.	322
	North Carolina State Road 1927 (upstream).	300
	North Carolina State Road 1927 (downstream).	299
Unnamed Stream	Extraterritorial limits.	329
3.		
Austin Creek	North Carolina State Route 2053 (upstream).	255
	North Carolina State Route 2053 (downstream).	254

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3523 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3624]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Zebulon, Wake County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Zebulon, Wake County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is re-

quired to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Zebulon, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Zebulon, are available for review at Town Office, 111 East Vance Street, Zebulon, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Zebulon, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Creek.....	U.S. Route 264*.....	272
	do.**.....	265
Gill Creek.....	North Carolina State Rd. 236*.....	263
	do.**.....	261
Wheels Creek.....	U.S. Route 64*.....	234
	do.**.....	233
Little River	North Carolina State Rd. 2368*.....	245
	do.**.....	242
Hominy Branch.....	Zebulon extraterritorial limit*.....	233
Beaverdam Creek..	U.S. Route 84*.....	289
	do.**.....	287

*Upstream.
**Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3528 Filed 2-10-78; 8:45 am]

[4210-01]

[Docket No. FI-3628]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for The Town of Stamford, Bennington County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Stamford, Bennington County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Stamford, Bennington County, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the town of Stamford are available for review at Town Clerk's Office located in the Stamford Elementary School, Main Road, Stamford, Vt.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Creek.....	U.S. Route 264*.....	272
	do.**.....	265
Gill Creek.....	North Carolina State Rd. 236*.....	263
	do.**.....	261
Wheels Creek.....	U.S. Route 64*.....	234
	do.**.....	233
Little River	North Carolina State Rd. 2368*.....	245
	do.**.....	242
Hominy Branch.....	Zebulon extraterritorial limit*.....	233
Beaverdam Creek..	U.S. Route 84*.....	289
	do.**.....	287

*Upstream.
**Downstream.

insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North branch, Hoosic River.	Southern town boundary.	1,074
	250 ft downstream of the Lane Bridge.	1,086
	The Lane Bridge ..	1,094
	Confluence of Roaring Brook.	1,111
	125 ft upstream of confluence of Brown Brook.	1,119
	Confluence of Harris-Goodrich Brook.	1,131
	100 ft downstream of East Street Bridge.	1,146
	East Street Bridge.	1,152
	Confluence of Fuller Brook.	1,174
	Confluence of Sumner Brook.	1,201
	Route 8 Bridge near Sumner Brook.	1,215
	Confluence of Basin Brook.	1,251
	Route 8 above Basin Brook.	1,284
	Old Route 100 Bridge near Basin Brook.	1,285
	425 ft upstream of Old Route 100 Bridge near Basin Brook.	1,297
	Route 8 Bridge 0.6 mi south of Collins Rd.	1,318
	Route 8 Bridge 0.2 mi south of Collins Rd.	1,362
	Confluence with Crazy John Stream.	1,371
	Old Route 100 Bridge near Collins Rd.	1,388
	1,500 ft upstream of Old Route 100 Bridge near Collins Rd.	1,431
	Bridge off Old Route 100 0.3 mi south of Fred Tatro Rd.	1,506
	Private driveway bridge 0.1 mi south of Fred Tatro Rd.	1,518

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North branch, Hoosic River.	Route 8 culvert, 150 ft north of Fred Tatro Rd.	1,537
Roaring Brook.....	Confluence with north branch, Hoosic River.	1,111
	500 ft downstream of Route 8 Bridge.	1,121
	Route 8 Bridge.....	1,136
	600 ft upstream of Route 8 Bridge.	1,145
	1,500 ft upstream of Route 8 Bridge.	1,174
	2,250 ft upstream of Route 8 Bridge.	1,198
	2,800 ft upstream of Route 8 Bridge.	1,216
	3,250 ft upstream of Route 8 Bridge.	1,232

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3540 Filed 2-10-78; 8:45 am]

[8320-01]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

Miscellaneous Changes

AGENCY: Veterans' Administration.

ACTION: Final regulation.

SUMMARY: This part is being revised to make administrative changes, provide guidance in the handling of contract appeals, require prior technical review of specified contracts, change the priority of certain supply sources, and to delete an obsolete reference to a functional element within the Department of Commerce. It is intended that these revisions will add clarity and effectiveness to the VA Procurement Regulations.

EFFECTIVE DATE: February 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Clyde C. Cook, Supply Service, Veterans' Administration, Washington, D.C. 20420, 202-389-3808.

SUPPLEMENTARY INFORMATION: Section 8-1.302-1 is revised to list Fed-

eral Prison Industries (FPI) and blind-made products as higher priority sources than mandatory Federal Supply Schedules (FSS). This change should not have an impact on Veterans' Administration buying activities inasmuch as FPI and blind-made supply items are normally not duplicated in mandatory FSS. Section 8-1.311 is revised to eliminate reference to the Business and Defense Services Administration (BDSA) of the Department of Commerce. BDSA is now an inappropriate reference.

Sections 8-1.318-50 and 8-1.318-51 are added to require the contracting office to forward notices of appeal to the Veterans' Administration Contract Appeals Board, and to prescribe transmittal of documents relating to appeals. Section 8-1.403-60 is added to require technical review by the Director, Supply Service, prior to award of certain contracts.

Since the proposed changes revise internal administrative procedures and make editorial modifications, compliance with the provisions of 38 CFR 1.12 relating to regulatory development is considered unnecessary.

Approved: February 6, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In § 8-1.302-1, paragraph (a) (6) and (7) is revised to read as follows:

§ 8-1.302-1 General.

(a) *General.* Procurement will be effected from the following sources in the descending order of priority indicated:

(6) Federal Prison Industries and blind-made products except as indicated in paragraph (d) of this section.

(7) Mandatory Federal supply schedule contracts.

2. In § 8-1.311, paragraphs (a), (b), and (c) (introductory portion preceding subparagraph (1)), (3) (6) are revised to read as follows:

§ 8-1.311 Priorities, allocations, and allotments.

(a) Priorities, allocations, and allotments of critical materials are controlled by the Department of Commerce. Essentially such priorities, etc., are restricted to projects having a direct connection with supporting current defense needs. The Veterans' Administration does not possess and therefore, is not authorized to assign a priority rating to its purchase orders or contracts involving the acquisition or use of critical materials.

(b) In those instances where it has been technically established that it is

not feasible to use a substitute material, the Department of Commerce has agreed to assist us in obtaining critical materials for maintenance and repair projects. They will also, where possible, render assistance in connection with the purchase of new items, which may be in short supply because of their use in connection with the defense effort.

(c) Contracting officers having problems in acquiring critical materials will ascertain all the facts necessary to enable the Department of Commerce to render assistance to the Veterans' Administration in acquiring, if possible, these materials. The contracting officer will submit a request for assistance containing the following information to the Chief Medical Director (134):

(3) The contractor's source(s) of supply including address(es). If this source is other than the manufacturer or producer list the manufacturer or producer and address.

(6) The additional time the contractor claims will be necessary to effect delivery if unable to get priority assistance.

3. Sections 8-1.318-50 and 8-1.318-51 are added to read as follows:

§ 8-1.318-50 Forwarding of appeals.

When a notice of appeal in any form has been received by the contracting officer, that officer will endorse thereon the date of mailing (or date of receipt, if otherwise conveyed), and within 10 days will forward said original notice of appeal and a copy of the contracting officer's final decision letter to the Veterans' Administration Contract Appeals Board (VACAB). Copies of the notice of appeal and the final decision letter will be transmitted concurrently to the Director, Supply Service (134C), and Assistant General Counsel (025). (In cases of construction contracts administered by the Office of Construction, copies of appeal and final decision letter need not be transmitted to the Director, Supply Service.)

§ 8-1.318-51 Preparation, contents and forwarding of appeal file.

Within 20 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer will assemble and transmit to the VACAB, through the Office of General Counsel (025), an appeal file consisting of all documents pertinent to the appeal, including:

(a) The decision and findings of fact from which the appeal is taken.

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21405; FCC 78-68]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Prohibiting the Transmission of Radio Communications by Ship Stations in the Maritime Services When the Vessels Are on Land

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: The amendment of the Commission's rules will specifically prohibit the transmission of radiocommunications by ship stations in the maritime services when the vessels are on land. An increasing number of inquiries and complaints have been received concerning the operation of ship stations on land. This action is intended to clarify the rules and avoid confusion regarding the utilization of such shipboard stations on land.

EFFECTIVE DATE: March 20, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER—PROCEEDING TERMINATED

Adopted: January 31, 1978.

Released: February 7, 1978.

In the matter of amendment of Part 83 of the rules to specifically prohibit the transmission of radio communications by ship stations in the maritime services when the vessels are on land, Docket No. 21405.

1. A notice of proposed rulemaking in the above-captioned matter was released September 30, 1977, and published in the FEDERAL REGISTER on October 6, 1977 (423 FR 54436). The specified time for filing comments and reply comments has expired.

2. The subject rule amendment was proposed in response to an increasing number of inquiries and complaints concerning the transmission of radio communications by ship stations aboard vessels located on land. Most often transmissions of this nature involve recreational boats parked in driveways, backyards, adjacent to marinas, traveling along roadways, and the like. Part 83 (Stations on Shipboard in the Maritime Services) of the Commission's rules does not provide

for, nor specifically forbid, the operation of ship stations while they are on land. The utilization of scarce maritime frequencies by ship stations under such circumstances is generally not within the intent or scope of service delineated in the rules governing maritime mobile communications. Rather than rely on a case-by-case interpretation, the Commission proposed that specific language in the rules, prohibiting ship stations from transmitting signals while on land, would best resolve any confusion concerning this mode of operation. It was further indicated that vessels aground as a result of a distress situation or in drydock undergoing repairs would not be considered to be on land for the purposes of the proposed rule.

3. No comments were filed in response to the notice of proposed rulemaking in this proceeding. Therefore, for the reasons expressed above, and in the notice of proposed rulemaking, we believe it is in the public interest and convenience to amend the rules as proposed.

4. Accordingly, it is ordered, That, pursuant to the authority contained in section 4(i) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules are amended, as set forth below, effective March 20, 1978.

5. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1086, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 83—Stations on Shipboard in the Maritime Services

Section 83.178(f) is added to read as follows:

§ 83.178 Unauthorized transmissions.

• • • • •

(f) Transmit signals or communications while on board vessels being transported, stored, parked or otherwise located on land. (Vessels which are aground as a result of a distress situation or in drydock undergoing repairs are not considered to be located on land for the purposes of this subparagraph.)

[FR Doc. 78-3900 Filed 2-10-78; 8:45 am]

(b) The contract, including specifications and pertinent amendments, plans and drawings.

(c) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which decision was issued.

(d) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the VACAB.

(e) Any additional information considered pertinent.

4. Sections 8-1.403-60 is added to read as follows:

§ 8-1.403-60 Technical review.

Certain contracts not subject to the legal review requirements of § 8-1.403-51 are subject to a prior technical review for compliance with procurement regulations as provided in this section. Negotiated contracts expected to exceed \$50,000 and formally advertised contracts expected to exceed \$100,000 will be reviewed by the Director, Supply Service, prior to award, except that the requirement for a review is not applicable to contracts related to the Loan Guaranty Program, to construction contracts, or to architect-engineer contracts.

(a) The procedure for obtaining the technical review will be the same as that specified for legal review in § 8-1.403-52 except that where paragraphs (b) and (c) of that section indicate submission of documents to the General Counsel, the documents will be forwarded to the Director, Supply Service.

(b) The documents to be submitted for review are the same as for legal review as specified in § 8-1.403-53.

(c) Upon completion of the technical review, the Director, Supply Service, will advise the appropriate Central Office activity (for field station contracts) or contracting officer (for Central Office contracts) as to approval or as to any changes required to comply with procurement regulations. Where changes are required, immediate action will be taken to amend the solicitation or proposed contract.

(d) The technical review will be completed as expeditiously as possible with due regard to the date by which the contract is needed. Conversely, contemplated effective dates of proposed contracts will take into consideration the need for technical review.

[FR Doc. 78-3862 Filed 2-10-78; 8:45 am]

[1505-01]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-03; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars

Correction

In FR Doc. 78-3115 appearing on page 4859 in the issue of Monday, February 6, 1978, Tables I-GG and I-JJ should read as follows:

TABLE I - GG

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR 'P/80' SERIES ISO TYPE TIRES

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
P165/80R15	380	410	440	465	490	515	540	560	580	4-1/2	797	165

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

TABLE I - JJ

TIRE LOAD RATING, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR 'P/70' SERIES ISO TYPE TIRES

Tire size 1/ designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section 2/ width (mm)
	120	140	160	180	200	220	240	260	280			
P225/70R14	510	550	590	625	660	690	725	755	780	6	879	223
P235/70R14	550	595	635	675	710	745	780	810	840	6-1/2	904	235
P245/70R14	595	640	685	725	765	805	840	875	905	7	930	248
P235/70R15	575	625	665	705	745	780	815	850	880	6-1/2	929	235
P255/70R15	665	715	765	815	860	900	940	980	1015	7	976	255

1/ The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."

2/ Actual section width and overall width shall not exceed the specified width by more than the amount specified in S4.2.2.2.

[3510-22]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 651—ATLANTIC FISHERIES: HADDOCK, COD, YELLOWTAIL FLOUNDER

Emergency Regulations Repromulgated

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency regulations.

SUMMARY: This rule extends the emergency regulation of the Atlantic groundfish fishery for an additional 45-days from February 15, 1978 to March 31, 1978, inclusive. The emergency described in the initial FEDERAL REGISTER publication (42 FR 65186) on December 30, 1977 continues to exist.

RULES AND REGULATIONS

EFFECTIVE DATE: 0001 hours EST, February 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: On December 30, 1977, the Acting Deputy Assistant Administrator for Fisheries published emergency regulations in the FEDERAL REGISTER (42 FR 65186) to implement the fishery management plan concerning Atlantic groundfish. The Secretary has determined that the current regulations should be continued for an additional 45 days as authorized by section 305(e) of the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801 et seq, as amended, because the Secretary recognizes the critical conserva-

tion needs of those fisheries and has determined that the emergency which required the December 30, 1977 promulgation of emergency regulations continues to exist. The Secretary also finds that formal notice of proposed rulemaking is impractical, unnecessary, and contrary to the public interest because of the emergency described above.

Therefore, the emergency regulations adopted on December 30, 1977, are continued in full force and effect for an additional 45 days beginning 0001 hours EST, February 15, 1978, and ending 2400 hours EST, March 31, 1978, unless sooner amended or terminated by appropriate notice.

Signed at Washington, D.C. this day of February, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
(FR Doc. 78-3853 Filed 2-10-78; 8:45 am)

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[1505-01]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 71 and 73]

RADIOACTIVE MATERIAL

Packaging and Transportation by Air,
Environmental Statement

Correction

In FR Doc. 78-2040 appearing on page 3368 in the issue of Wednesday, January 25, 1978, in the paragraph, SUPPLEMENTARY INFORMATION, the 10th line should read, "prepared on the air transportation of radioactive materials, including packaging and related ground transportation.]."

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 77-AEA-94]

STATE COLLEGE, PA.

Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to alter the State College, Pa., Transition Area. These alterations will provide protection to aircraft executing a new instrument approach which has been developed for the University Park Airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before March 23, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Adminis-

tration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone, 212-995-3391. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

COMMENTS INVITED

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before March 23, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area over University Park Airport, State College, Pa. The alteration will add an area of approximately 4½ miles in depth and 7 miles in width northeast of the airport to the transition area.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

§ 71.181 [Amended]

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the State College, Pa., transition area by inserting after the phrase, "extending clockwise from a 280° bearing to a 020° bearing from the airport," the following; "within 3.5 miles each side of the University Park Airport ILS Runway 24 localizer course, extending from the OM to 10.5 miles northeast of the OM;"

Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Jamaica, N.Y., on January 26, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.
(FR Doc. 78-3891 Filed 2-10-78; 8:45 am)

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 275]

(Release No. 1A-615; File No. S7-7351)

INVESTMENT ADVISERS

Requirements Governing Payments of Cash Referral Fees

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The purpose of this document is to solicit public comments on the advisability of issuing a rule under the Investment Advisers Act of 1940 ("Act") which would prohibit cash payments by investment advisers to persons who solicit clients for the adviser. As an alternative to a complete

prohibition on such payments, the Commission is also soliciting public comments on a proposed rule under the Act which would set forth clear guidelines concerning when and under what circumstances an investment adviser can make a cash payment to a person who has solicited clients for the adviser. Because the Commission regularly receives inquiries concerning the applicability of the federal securities laws to the use of cash referral fees as a method of soliciting clients, the Commission believes a rule setting forth the applicability of the Act to such payments is appropriate.

DATE: Comments must be received on or before March 31, 1978.

ADDRESSES: Interested persons should submit their views and comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. 20005, and should refer to File No. S7-735.

FOR FURTHER INFORMATION CONTACT:

Michael Berenson, Esq., Office of the Chief Counsel, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-376-8053.

SUPPLEMENTARY INFORMATION: The Commission regularly receives interpretive requests concerning the applicability of the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) ("Act") to arrangements pursuant to which an investment adviser compensates another person for recommending clients to the investment adviser. In view of the frequency of such requests, the Commission believes that it would be more efficient for both the Commission and the investment advisory industry for the Commission to adopt a rule which specifically addresses the applicability of the Act to the payment of such fees.

Because of the inherent conflicts of interest which can be present in arrangements pursuant to which an individual receives compensation, even on a fully disclosed basis, for referring someone to an investment adviser, one possible resolution of the question would be a rule adopted pursuant to section 206(4) of the Act (15 U.S.C. 80b-6(4)) which contained a prohibition, either complete or subject to specified exceptions, on the payment of referral fees of any kind or in any manner to a solicitor who is not an employee of the investment adviser. Section 206(4) of the Act authorizes the Commission to define, and pre-

scribe means reasonably designed to prevent, such acts, practices, and courses of business as are fraudulent, deceptive, or manipulative. Because referral arrangements are fraught with possible abuses inconsistent with the fiduciary relationships which frequently exist in the investment advisory industry, the Commission believes that such a prohibition may be a means reasonably designed to prevent fraudulent practices. The Commission specifically invites public comments on the advisability of such a rule and comments on what its effects would be on the investment advisory industry as it currently operates.

If, after considering the public comments received in response to this release, the Commission concludes that a complete prohibition on the payment of referral fees is appropriate, it will consider the need to adopt a rule reflecting such decision.

An alternative resolution would be to permit such payments, but only under narrowly circumscribed conditions. Accordingly, the Commission is also soliciting public comments on a proposal to adopt Rule 206-(4)-3 (17 CFR 275.206(4)-3) (the "Rule") and new paragraph (k) of Rule 204-2 (17 CFR 275.204-2(k)) under the Act which would set forth when and in what circumstances an investment adviser can make a cash payment to someone who solicits clients for the investment adviser.

PROVISIONS OF THE PROPOSED RULE

Paragraph (a) of the Rule makes it unlawful for an investment adviser to pay a cash referral fee except in one of three circumstances. The first is a payment to an employee of the investment adviser who either is primarily engaged in performing duties relating to the investment advisory business of the investment adviser or is someone clearly identified as a sales representative for the investment advisory services of the investment adviser. In these circumstances, the prospective client should be aware of the solicitor's natural predilection to recommend his own employer and knowledge of the existence of a compensation arrangement would not, the Commission believes, affect the prospective client's evaluation of the employee's recommendation. However, this exception would not be available to an employee who is not primarily engaged in activities relating to his employer's advisory business or who is not identified as a sales representative, for example, a registered representative who recommends advisory services furnished by the broker-dealer-investment adviser firm with which he is associated. While, of course, a prospective client would expect that a registered representative would have a natural bias toward recommending all of his em-

ployer's services, the prospective client would not necessarily realize that the registered representative was being additionally compensated for his solicitation activities.

The Rule also provides that it is not unlawful for a cash referral fee to be paid in connection with solicitation of clients for an investment adviser who provides:

(a) Written materials or oral statements which are not individually tailored;

(b) Statistical information which does not comment on the investment merits of particular securities; or

(c) A combination of the two foregoing services.

The advisory services which could be offered pursuant to this exception are of an impersonal nature. The Commission believes that sales of such services will frequently be made by individuals who are clearly identifiable as salesmen and that prospective clients would normally be aware that such salesmen are compensated on a commission basis.

Those investment advisers whose referral arrangements do not fall into either of the two categories described above will be required to adhere to a series of conditions. These conditions govern who can receive a referral fee, the timing and nature of the disclosures the solicitor must make to prospective clients, the investment adviser's responsibilities with respect to the solicitor's activities and the investment adviser's continuing responsibilities under the Rule.

Because it would be inappropriate for an investment adviser to be permitted to employ indirectly, as a solicitor, someone whom it might not be able to hire as an employee, the Rule prohibits payment of a referral fee to someone who is the subject of a Commission order barring or suspending the right of such person to be associated with an investment adviser or who has engaged in any of the conduct set forth in Section 203(e) of the Act (15 U.S.C. 80b-3(e)) or been the subject of the type of injunction described in Section 203(e)(3) of the Act and therefore could be the subject of a Commission order barring or suspending the right of such person to be associated with an investment adviser.¹

During the course of the solicitation, the prospective client must receive a written document containing the in-

¹However, since a finding that a person has engaged in the conduct specified in this section only authorizes and does not require the Commission to bar such person from being associated with a registered investment adviser, the Commission would entertain, and be prepared to grant in appropriate circumstances, requests for permission to employ as a solicitor a person who is subject to a statutory bar.

formation set forth in paragraph (b) of the proposed Rule. These disclosures consist, for the most part, of basic information relating to the solicitation, such as the name of the solicitor and the investment adviser on whose behalf he is working, the nature of the relationship between the investment adviser and the solicitor and a description of the compensation to be paid to the solicitor. While these requirements and their rationales should be easily understandable, particular attention should be given to the content of and the intent behind the requirements of paragraph (b)(7).

The Commission believes that a prospective client should know whether he will be compelled to pay a specific charge, similar to a sales load, or a higher advisory fee because a solicitor recommended him to the investment adviser. Accordingly, if the prospective client will be required to pay a specific charge in addition to the advisory fee to compensate the investment adviser for the cost of obtaining his account or will be required to pay a higher advisory fee than other clients with similar sized accounts receiving similar services and such charge or differential is due to the existence of a referral arrangement, paragraph (b)(7) requires that the disclosure statement set forth the amount of the additional charge or advisory fee increment.

One of the major obligations which an investment adviser who uses solicitors will have to bear is a duty to supervise the solicitation activities of these individuals as though they were the investment adviser's own employees. Although an investment adviser may not be able to exercise as much direct control over a solicitor as it could over its own employees, the Commission believes that the contractual relationships between the two parties can be structured so that the investment adviser can effectively supervise the solicitor's solicitation activities. Furthermore, the problems of supervising a solicitor who is operating in an area geographically remote from the investment adviser would not seem to be appreciably greater than those attendant to supervising a branch office's activities. In addition, because payment of referral fees is not an essential feature of operating an advisory service, an investment adviser who does not believe he can adequately supervise the solicitation activities of his solicitors presumably can decide to rely on other methods of obtaining new clients.

Certain staff interpretive positions concerning the applicability of the Act to referral arrangements have stated that a solicitor must either himself be a registered investment adviser or be an associated person of an investment

adviser.² In light of an investment adviser's responsibility to supervise his solicitors, it is the Commission's opinion that a solicitor who engages in solicitation activities in accordance with the provisions of the Rule will be, at least with respect to these activities, an associated person of an investment adviser and therefore would not be required to register under the Act individually solely as a result of these activities.

If an investment advisory relationship which was initiated as the result of a solicitor's activities continues beyond the initial contract period or one year, whichever is less, and additional referral fees are to be paid, the investment adviser must furnish the client a new disclosure statement prior to the commencement of each additional period. In addition to the information contained in the initial disclosure statement, this new statement must describe all compensation the solicitor received during the preceding contract period for his solicitation of the client to whom the disclosure is being made. The Commission believes that having this information available each time the client must decide whether to renew an advisory relationship will enable the client to make this decision fully cognizant of the circumstances which originally brought him to the adviser.

Before entering into an advisory relationship with a client who has been recommended by a solicitor, the investment adviser must have a reasonable basis for believing that the client has been provided the required disclosure statement in a form the prospective client can understand and must receive from the client a written acknowledgment that he has received the disclosure statement. The investment adviser must retain in accordance with the provisions of proposed paragraph (k) of Rule 204-2 a copy of these acknowledgments, a written agreement with each of its solicitors in which the solicitor undertakes to act consistent with the Rule, and all documents and correspondence relating to its solicitation arrangements.

A solicitor who has a pre-existing relationship with the prospective client, e.g., a registered representative of a broker-dealer, may, depending on the nature of his relationship with his client, have fiduciary obligations to such client which require him to make a reasonable attempt to find the investment adviser best suited to the particular client. So that it is clear

²As relevant, sec. 202(a)(17) of the act (15 U.S.C. 80b-2(a)(17)) defines an "associated person" to include "any partner, officer, or director of such investment adviser (or any person performing similar functions), or any person directly or indirectly controlling or controlled by such investment adviser, including any employee"

that this obligation continues to exist even if the solicitor complies with all provisions of the Rule, paragraph (d) of the Rule expressly provides that the standards set forth in the Rule are not intended to relieve any solicitor of any fiduciary or other obligation applicable to such person in connection with the solicitation activities covered by the Rule.

It may be difficult for investment advisers who direct their client's brokerage transactions to particular broker-dealers as compensation for client referrals to disclose to their prospective clients meaningfully and in a manner which can be evaluated the existence of such arrangements. In addition, investment advisers and broker-dealers have statutory and common law obligations to their clients which may preclude their participating in an arrangement which, among other things, might require an investment adviser to direct a client's transactions to a particular broker-dealer, irrespective of the broker-dealer's ability to execute the transaction competently and at an appropriate cost. Therefore, in certain circumstances, it may be a fraudulent course of business, within the meaning of Section 206(2) of the Act (15 U.S.C. 80b-6(2)), for an investment adviser to use client commission dollars for this purpose³ and this rule proposal only addresses the applicability of the Act to those investment advisers who make cash payments to individuals who solicit clients for them. The Commission is in the process of reviewing its position with respect to various uses of client commission dollars which in the past have been common in the securities industry, but are now prohibited. When the review is completed, the Commission will consider whether it is appropriate to amend this rule so that it explicitly addresses the applicability of the Act to investment advisers who use directed brokerage as compensation for client referrals. However, the Commission wishes to emphasize that nothing which is stated in this release or this rule proposal should be taken as an expression of its views on the question of whether directed brokerage can be used in this manner.⁴

AUTHORITY

Rule 206(4)-3 and paragraph (k) of Rule 204-2 would be adopted pursuant

³Cf. In the Matter of Consumer Investor Planning Corp., Securities Exchange Act Release No. 8542 (February 20, 1969).

⁴This release and rule proposal should also not be taken as an expression of the Commission's views on any potentially related questions, such as the use of the assets of a registered investment company to bear expenses associated with the distribution of its shares or the rules the Commission has proposed pursuant to section 11(a) (15 U.S.C. 78k(a)) of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) relating to trading by members of exchanges, brokers, and dealers.

to the authority contained in sections 204, 206(4), and 211(a) of the Act (15 U.S.C. 80b-4, 80b-6(4) and 80b-11(a)).

I. It is proposed to amend Part 275 of Chapter II of Title 17 of the Code of Federal Regulations by adding new § 275.206(4)-3 as follows:

§ 275.206(4)-3 Cash payments for client solicitations.

(a) It shall constitute a fraudulent, deceptive, or manipulative act, practice or course of business within the meaning of section 206(4) of the act for any registered investment adviser to pay a cash fee to a person who solicits or recommends any client for or to the investment adviser unless such payment (1) is made to an employee of the investment adviser who is primarily engaged in performing duties relating to the investment advisory business of the investment adviser or is clearly identified as a sales representative for the investment advisory services of the investment adviser; (2) is made with respect to the solicitation or recommendation of clients for or to an investment adviser who furnishes such clients only (i) written materials or oral statements which do not purport to meet the objectives or needs of the specific clients, or (ii) statistical information containing no expressions of opinions as to the investment merits of particular securities, or (iii) any combination of the foregoing services; or (3) is made pursuant to an arrangement which complies with the following:

(i) The recipient of such fee (a "solicitor") is not a person who is the subject of a Commission order barring or suspending the right of such person to be associated with an investment adviser or a person who has engaged in any of the conduct set forth in section 203(e) of the act or been the subject of the type of injunction set forth in section 203(e)(3) of the act which could allow such person to be the subject of an order issued by the Commission barring or suspending the right of such person to be associated with an investment adviser;

(ii) The investment adviser supervises the solicitation activities of the solicitor as if the solicitor were one of its own employees;

(iii)(A) The investment adviser has a reasonable basis for believing that the client has received from the solicitor during the course of the solicitation or recommendation a written disclosure document containing the information required by paragraph (b) of this section and that the client is capable of evaluating the information set forth in the disclosure document; and (B) the investment adviser receives from the client prior to the inception of the advisory relationship with the investment adviser a written acknowledgment of receipt of the disclosure document;

NOTE.—The investment adviser shall retain a copy of each such acknowledgment, as well as the acknowledgments referred to in paragraph (iv) below, as part of the records required to be kept by Rule 204-2(k) under the act.

(iv) If additional fees are to be paid by the investment adviser to the solicitor with respect to an advisory relationship with a client obtained as a result of a solicitation or recommendation by the solicitor which has continued beyond the period covered in the initial advisory agreement or one year, whichever is less, the investment adviser must furnish the client in writing prior to the commencement of each additional period or year, whichever is less, a new current disclosure document containing the information required by paragraph (b) of this section and the investment adviser shall receive from the client a written acknowledgment of receipt of the disclosure document.

(b) The written disclosure document required by this rule shall contain the following information:

(1) The name of the solicitor.

(2) The name of the investment adviser.

(3) The nature of the relationship between the solicitor and the investment adviser.

(4) A statement that the solicitor has a financial interest in the selection of the investment adviser.

(5) The terms of such financial interest, including a description of the compensation paid or to be paid to the solicitor.

(6) A statement as to whether such compensation is to be paid on a one-time or a continuing basis in respect of such client.

(7) The amount, if any, for the cost of obtaining his account the client will be charged in addition to the advisory fee, and/or the differential, if any, among clients with respect to the amount or level of advisory fees charged by the investment adviser if such differential is attributable to the existence of any arrangement pursuant to which the investment adviser has agreed to compensate the solicitor for soliciting or recommending clients for or to the investment adviser.

(8) If, pursuant to the provisions of paragraph (a)(3)(iv) of this section, such statement is delivered in respect of any additional period of such advisory relationship, a statement describing the nature and amount of all compensation received by the solicitor in the immediately preceding period for his solicitation of such client as a client.

(c) An investment adviser shall enter into, and retain as part of the records required to be kept by Rule 204-2(k) under the Act, a written agreement with each of its solicitors in which the solicitor accepts the investment adviser's supervision with respect to his solicitation activities and undertakes to act consistently with the provisions of this section.

(d) Nothing in this section shall be deemed to relieve any solicitor of any fiduciary or other obligation to which such solicitor is subject under law with respect to recommending an investment adviser best suited to any of his clients.

II. It is proposed to amend Part 275 of Chapter II of Title 17 of the Code of Federal Regulations by adding new paragraph (k) to § 204-2 as follows:

§ 275.204-2 Books and records to be maintained by investment advisers.

(a) Every investment adviser who makes use of the mails or of any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempted from registration pursuant to section 203(b) of the Act) shall make and keep true, accurate and current the following books and records relating to his investment advisory business:

(k) If an investment adviser subject to paragraph (a) of this section utilizes a solicitor pursuant to an arrangement of the type contemplated by paragraph (a)(3) of Rule 206(4)-3 under the Act, the records required to be made and kept under paragraph (a) of this section shall include true, accurate and current copies of all agreements relating to such arrangement, all documents and correspondence delivered by the solicitor in connection with such arrangement, all required acknowledgements, and full and complete records of all transactions effected pursuant thereto.

PUBLIC COMMENT

Persons wishing to make written comments should file three copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549, not later than March 31, 1978. In filing such submissions, commentators should make reference to Commission File No. S7-735. Copies of all submissions will be available for public inspection in the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. 20005.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 2, 1978.

[FR Doc. 78-3929 Filed 2-10-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3876]

THE CITY OF UNION, UNION COUNTY, OREG.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Union, Union County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Union, Oregon. Send comments to: Mr. Floyd Parrott, City Administrator, City of Union, City Hall, Union, Oregon 97883.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Union, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change

any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Little Creek.....	State Highway 203 bridge. ¹	2,774
	1st Street Bridge. ²	2,777
	1st Street Bridge. ¹	2,778
	College Lane Bridge. ¹	2,784
	State Highway 237. ¹	2,798
Catherine Creek....	Bryan Avenue Bridge. ¹	2,798
	Bryan Avenue Bridge. ¹	2,799
	10th Street Bridge. ¹	2,783
	5th Street. ¹	2,773
	Main Street Bridge. ¹	2,788
	Bellwood Avenue Bridge. ¹	2,783

¹ Upstream side.

² Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3547 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3877]

THE TOWNSHIP OF ALLEGHENY,
WESTMORELAND COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Allegheny, Westmoreland County, Pa. These base (100-

year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Kiski Park Plaza, R.D. No. 3, Leechburg, Pa. Send comments to: Mr. Robert A. Fuller, Township Supervisor of Allegheny, R.D. No. 3, Box 475A, Leechburg, Pa. 15656.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Allegheny, Westmoreland County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Allegheny River	State Route 358 Bridge.	769
	ConRail Bridge	771

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PROPOSED RULES

Source of flooding	Location	Elevation in feet above mean sea level
Pine Run	Township Route 550 Bridge, Chamber Road Bridge.	971
Kinkinmetas River Tributary No. 3.	State Route 56 north culvert.	1,018
	State Routes 56 and 356.	1,025

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-3548 Filed 2-10-78; 8:45 am]

[4210-01]
[24 CFR Part 1917]
[Docket No. FI-3878]
Proposed Flood Elevation Determinations
THE TOWNSHIP OF BEAR CREEK, LUZERNE
COUNTY, PA.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or
comments are solicited on the pro-
posed base (100-year) flood elevations
listed below for selected locations in
the Township of Bear Creek, Luzerne
County, Pa.

These base (100-year) flood eleva-
tions are the basis for the flood plain
management measures that the com-
munity is required to either adopt or
show evidence of being already in
effect in order to qualify or remain
qualified for participation in the Na-
tional Flood Insurance Program (NFIP).

DATES: The period for comment will
be ninety (90) days following the
second publication of this proposed
rule in a newspaper of local circulation
in the above-named community.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood-prone areas and the pro-
posed base (100-year) flood elevations
are available for review at the Muni-
cipal Building, R.D. No. 1, Trailwood,
Wilkes-Barre, Pa. 18702.

Send comments to: Mr. Willard
Kresge, Chairman of the Board of Su-
pervisors of Bear Creek, R.D. No. 1,
Box 331, Trailwood, Wilkes-Barre, Pa.
18702.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, Room 5270, 451 Sev-
enth Street SW., Washington, D.C.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of the proposed determi-
nations of base (100-year) flood eleva-
tions for the Township of Bear Creek,
Luzerne county, Pa. in accordance
with section 110 of the Flood Disaster
Protection Act of 1973 (Pub. L. 93-
234), 87 Stat. 980, which added section
1363 to the National Flood Insurance
Act of 1968 (Title XIII of the Housing
and Urban Development Act of 1968
(Pub. L. 90-448)), 42 U.S.C. 4001-4128,
and 24 CFR 1917.4(a).

These elevations, together with the
flood plain management measures re-
quired by Section 1910.3 of the pro-
gram regulations, are the minimum
that are required. They should not be
construed to mean the community
must change any existing ordinances
that are more stringent in their flood
plain management requirements. The
community may at any time enact
stricter requirements on its own, or
pursuant to policies established by
other Federal, State, or regional enti-
ties. These proposed elevations will
also be used to calculate the appropri-
ate flood insurance premium rates for
new buildings and their contents and
for the second layer of insurance on
existing buildings and their contents.

The proposed base (100-year) flood
elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ten Mile Run	Confluence with Bear Creek.	1,530
	0.5 mi from confluence with Bear Creek.	1,563
	0.7 mi from confluence with Bear Creek.	1,602
	0.9 mi from confluence with Bear Creek.	1,634
	Dam No. 1	1,684
	Downstream route 115.	1,727
	Upstream route 115.	1,734
	Confluence with Mud Creek.	1,768
	Confluence with Genecede Creek.	1,778
	0.5 mi upstream confluence with Mud Creek.	1,783
	Downstream Northeast extension Pennsylvania Turnpike.	1,818
	Upstream Northeast extension Pennsylvania Turnpike.	1,820

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ten Mile Run	Downstream Laurel Run Rd. Upstream Laurel Run Rd.	1,832
	0.2 mi upstream Laurel Run Rd.	1,834
	0.2 mi upstream Laurel Run Rd.	1,837
Bear Creek	0.68 mi downstream from dam No. 1.	1,490
	Dam No. 1	1,502
	Bear Creek Lake Dam.	1,524
	Confluence with Ten Mile Run.	1,530
	1.4 mi upstream confluence with Ten Mile Run.	1,552
Pine Creek	Pennsylvania Turnpike.	1,311
	Dam No. 1	1,339
	0.3 mi upstream Dam No. 1.	1,364
Genecede Creek ..	Confluence with Ten Mile Run.	1,778
	Upstream Trailwood Lake Rd.	1,810
	Upstream unnamed Road No. 1.	1,814
	0.4 mi upstream from unnamed road No. 1.	1,824

(National Flood Insurance Act of 1968
(Title XIII of Housing and Urban Develop-
ment Act of 1968), effective January 28,
1969 (33 FR 17804, November 28, 1968), as
amended; 42 U.S.C. 4001-4128; and Sec-
retary's delegation of authority to Federal In-
surance Administrator 34 FR 2680, Febru-
ary 27, 1969, as amended (39 FR 2787, Janu-
ary 24, 1974).)

Issued: December 28, 1977.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-3549 Filed 2-10-78; 8:45 am]

[4210-01]
[24 CFR Part 1917]
[Docket No. FI-3879]
DOYLESTOWN TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA
Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or
comments are solicited on the pro-
posed base (100-year) flood elevations
listed below for selected locations in
Doylestown Township, Bucks County,
Pennsylvania.

These base (100-year) flood eleva-
tions are the basis for the flood plain
management measures that the com-
munity is required to either adopt or
show evidence of being already in
effect in order to qualify or remain
qualified for participation in the Na-
tional Flood Insurance Program (NFIP).

DATES: The period for comment will
be ninety (90) days following the
second publication of this proposed
rule in a newspaper of local circulation
in the above-named community.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood-prone areas and the pro-
posed base (100-year) flood elevations
are available for review at Doylestown
Township Building, 425 Wells Road,
Doylestown, Pa. 18901.

Send comments to: Mrs. Diane M.
Hering, Supervisor of Doylestown
Township, 425 Wells Road, Doyle-
stown, Pa. 18901.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5591 or toll free line
800-424-8872, Room 5270, 451 Sev-
enth Street SW., Washington, D.C.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of the proposed determi-
nations of base (100-year) flood eleva-
tions for Doylestown Township, Bucks
County, Pa. in accordance with section
110 of the Flood Disaster Protection
Act of 1973 (Pub. L. 93-234), 87 Stat.
980, which added section 1363 to the
National Flood Insurance Act of 1968
(Title XIII of the Housing and Urban
Development Act of 1968 (Pub. L. 90-
448)), 42 U.S.C. 4001-4128, and 24 CFR
1917.4(a).

These elevations, together with the
flood plain management measures re-
quired by section 1910.3 of the pro-
gram regulations, are the minimum
that are required. They should not be
construed to mean the community
must change any existing ordinances
that are more stringent in their flood
plain management requirements. The
community may at any time enact
stricter requirements on its own, or
pursuant to policies established by
other Federal, State, or regional enti-
ties. These proposed elevations will
also be used to calculate the appropri-
ate flood insurance premium rates for
new buildings and their contents and
for the second layer of insurance on
existing buildings and their contents.

The proposed base (100-year) flood
elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neshaminy Creek .	Corporate limits...	185
	Easton Rd	199
	Lower State Rd...	217
	Confluence with Mill Creek.	222
Central tributary ..	Edison Rd	201
	Saurman Rd	230

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Central tributary ..	U.S. 202 Bypass (upstream).	258
	East Rd	266
	(upstream).	293
Mill Creek	Corporate limits...	222
	Confluence with Neshaminy Creek.	225
Pine Run	Bristol Rd	257
	Old Iron Hill Rd ..	281
	Pine Run Rd. (upstream).	282
	Rickerts Rd	286
	Chapman Rd	289
	Dublin Pike	292
	Swamp Rd	244
Cooks Run	Tamenend Ave	285
	Iron Hill Rd	297
	Sandy Retreat Rd. (upstream).	302
	Burpee Rd	312
	U.S. 202 bypass (upstream).	318
	Limekill Rd	331
	Corporate limits (upstream).	

(National Flood Insurance Act of 1968 (Title
XIII of Housing and Urban Development
Act of 1968), effective January 28, 1969 (33
FR 17804, November 28, 1968), as amended
842 U.S.C. 4001-4128; and Secretary's dele-
gation of authority to Federal Insurance
Administrator 34 FR 2680, February 27,
1969, as amended (39 FR 2787, January 24,
1974).)

Issued: December 28, 1977.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-3550 Filed 2-10-78; 8:45 am]

[4210-01]
[24 CFR Part 1917]
[Docket No. FI-3880]
THE BOROUGH OF EAST STROUDSBURG,
MONROE COUNTY, PA.
Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or
comments are solicited on the pro-
posed base (100-year) flood elevations
listed below for selected locations in
the Borough of East Stroudsburg,
Monroe County, Pa. These base (100-
year) flood elevations are the basis for
the flood plain management measures
that the community is required to
either adopt or show evidence of being
already in effect in order to qualify or
remain qualified for participation in
the National Flood Insurance Program
(NFIP).

DATES: The period for comment will
be ninety (90) days following the

second publication of this proposed
rule in a newspaper of local circulation
in the above-named community.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood-prone areas and the pro-
posed base (100-year) flood elevations
are available for review at the East
Stroudsburg Borough Office, 24 Ana-
lomink Street, East Stroudsburg, Pa.
Send comments to: Mr. Donald C.
Gage, Borough Manager of East
Stroudsburg, P.O. Box 303, East
Stroudsburg, Pa. 18301.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, Room 5270, 451 Sev-
enth Street SW., Washington, D.C.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of the proposed determi-
nations of base (100-year) flood eleva-
tions for the Borough of East Strouds-
burg, Monroe County, Pa., in accor-
dance with section 110 of the Flood
Disaster Protection Act of 1973 (Pub.
L. 93-234), 87 Stat. 980, which added
section 1363 to the National Flood In-
surance Act of 1968 (Title XIII of the
Housing and Urban Development Act
of 1968 (Pub. L. 90-448)), 42 U.S.C.
4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the
flood plain management measures re-
quired by section 1910.3 of the pro-
gram regulations, are the minimum
that are required. They should not be
construed to mean the community
must change any existing ordinances
that are more stringent in their flood
plain management requirements. The
community may at any time enact
stricter requirements on its own, or
pursuant to policies established by
other Federal, State, or regional enti-
ties. These proposed elevations will
also be used to calculate the appropri-
ate flood insurance premium rates for
new buildings and their contents and
for the second layer of insurance on
existing buildings and their contents.

The proposed base (100-year) flood
elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brodhead Creek	I-80 Bridge'	393
	I-80 Bridge'	395
	Washington St'	395
	Washington St'	395
	Confluence with Sambo Creek.	411
Sambo Creek	Confluence with Brodhead Creek.	411
	Southern Georgellen Ave.	427

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sambo Creek.....	Northern Georgellen Ave.....	439
	King St.....	443
	ConRail.....	444
	Route 447.....	451

¹ Upstream.
² Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3551 Filed 2-10-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-38811]

FAIRVIEW TOWNSHIP, ERIE COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Fairview Township, Erie County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Fairview Township Municipal Building, 7471 McCray Road, Fairview, Pa. Send comments to: Mr. John Klier, Chairman of the Board of Supervisors of Fairview Township, Municipal Building, 7471 McCray Road, Fairview, Pa. 16415.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, As-

PROPOSED RULES

sistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Fairview Township, Erie County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Walnut Creek.....	Confluence with Lake Erie.....	577
	Dutch Rd.....	585
Trout Run.....	Confluence with Lake Erie.....	577
	Private drive 300 ft above mouth.....	584
	Private drive 270 ft below Wilson Dr.....	595
	Wilson Dr.....	598
	Hathaway Dr.....	647
	State Route 5.....	652
	Lohrer Rd.....	655
	Kell Rd.....	811
	Platz Rd.....	819
Bear Run.....	Concrete nursery access bridge.....	819
	Private drive 1,350 ft downstream from Uhlman Rd.....	824
	Uhlman Rd.....	828
Lake Erie.....	Entire reach bordering Fairview.....	577

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delega-

tion of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3552 Filed 2-10-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3882]

THE TOWNSHIP OF HEMPFIELD,
WESTMORELAND COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Hempfield, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Hempfield Township Municipal Building. Send comments to: Mr. Alex Miller, Supervisor of the Township of Hempfield, R.D. No. 6, Box 500, Greensburg, Pa. 15601.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Hempfield, Westmoreland County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jack's Run.....	City of Greensburg Corporate Limits (280 feet Downstream of Conrail).....	1,010
	Borough of South Greensburg Corporate Limits (590 feet Upstream of U.S. 119).....	988
	Borough of South Greensburg Corporate Limits (290 feet Upstream of U.S. 119).....	988
	U.S. Route 119 (310 feet Upstream of L.R. 64111).....	987
	Private Footbridge (300 feet Downstream of L.R. 64111).....	984
	U.S. Route 119 (450 feet Upstream of Confluence w/ Slate Creek).....	982
	Conrail (100 feet Upstream of Confluence w/ Slate Creek).....	980
	Confluence of Slate Creek.....	979
	Conrail 1,100 feet Downstream of Confluence w/ Slate Creek.....	976
	Baker Street.....	974
	Conrail 3,100 feet Upstream of Borough of Youngwood Corporate Limits.....	971
	Upstream Corporate Limit of Borough of Youngwood.....	963
	Corporate Limit of Borough of Youngwood at Township Route 555.....	954
	Confluence w/ Sewickly Creek.....	953
Slate Creek.....	Corporate Limit 1,075 feet Upstream of U.S. Route 30.....	1,136
	U.S. Route 30.....	1,111
	Private Footbridge (50 feet Upstream of Luxor Road).....	1,089
	Luxor Road.....	1,088
	Abandoned Bridge (40 feet Upstream of Township Route 398).....	1,086
	Township Route 398.....	1,085
	Private Drive (1,160 feet Downstream of Township Route 398).....	1,071
	Private Drive (1,650 feet Downstream of Township Route 398).....	1,058

of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sewickly Creek.....	Confluence of Township Line Run.....	970
	State Route 819 ...	969
	Conrail-600 feet Downstream State Route 819.....	967
	Conrail (1,400 feet Downstream State Route 819).....	964
	Trout Town Rd....	956
	Confluence of Jack's Run.....	953
	Corporate Limit at L.R. 64171.....	952
	New Station Corporate Limit 3,500 feet Upstream U.S. Route 119.....	939
	U.S. Route 119.....	937
	L.R. 64164.....	936
Jack's Run.....	Confluence w/ tributary No. 2 South of L.R. 64142.....	1,024
	L.R. 64146.....	1,019
	Private Bridge (1,080 feet Downstream of L.R. 64146).....	1,018
	City of Greensburg Corporate Limits (580 feet Downstream of Private Bridge).....	1,018
	City of Greensburg Corporate Limits (780 feet Upstream of Conrail).....	1,018
	Conrail-780 feet Downstream of the City of Greensburg Corporate Limits.....	1,018

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 3	Abandoned Footbridge 570 feet Upstream of Weber St.	1,078	Zellers Run	City of Greensburg Corporate Limit 1,130 feet Upstream of Stanton St.	1,029
	Weber St	1,069		Borough of Southwest Greensburg Corporate Limits at Stanton St.	1,020
	Private Footbridge 150 feet Downstream of Weber St.	1,068		City of Greensburg Corporate Limit at Pennsylvania Route 819.	1,065
	Pennsylvania Route 130.	1,060		Abandoned Road.	1,030
	Private Drive 220 feet Downstream of Pennsylvania Route 130.	1,057		Forest Hills Dr	1,029
	Piscus La	1,054		Terrace View Dr	1,028
	Private Drive 630 feet Upstream of Confluence w/Brush Creek.	1,042		City of Greensburg Corporate Limits at 100 feet Downstream of Terrace View Dr.	1,027
	Confluence w/Brush Creek.	1,033		Corporate Limit at Union Cemetery Rd.	1,018
Brush Creek	State Route 766	1,100		Corporate Limit at U.S. Highway 119.	1,018
	Private Drive 1,140 feet Downstream of State Route 766.	1,093		Private Drive	1,037
	Private Drive 1,540 feet Upstream of Brown Ave.	1,032	Little Sewickly Creek.	Corporate Limit 390 feet Downstream of Private Drive.	1,036
	Brown Ave	1,018		Corporate Limit 1,200 feet Downstream of Private Drive.	1,034
	Private Road 390 feet Downstream of Brown Ave.	1,013		Corporate Limit 1,840 feet Downstream of Private Drive.	1,034
	Thomas St	1,006			
	Corporate Limits at Conrail.	1,001			
	Conrail, 250 feet Upstream of Penn Manor Rd.	941			
	Penn Manor Rd.	936			
	Corporate Limit at Race St.	935			
Tributary No. 4	Tipple Row Rd	1,078			
	L.R. 64142 350 feet Downstream of Tipple Row Rd.	1,066			
	Private Drive 650 feet Downstream of Tipple Row Rd.	1,067			
	L.R. 64142 250 feet Upstream of Confluence w/Little Crabtree Creek.	1,057			
	Confluence w/Little Crabtree Creek.	1,056			
Little Crabtree Creek.	Private Drive	1,058			
	Township Route 829.	1,046			
	L.R. 64142	1,038			
	U.S. Route 119	1,004			
	Confluence w/Crabtree Creek.	997			
Crabtree Creek	L.R. 64054	1,038			
	Abandoned Private Drive.	1,025			
Zellers Run	City of Greensburg Corporate Limit at Otterman St.	1,068			
	West Pittsburg St.	1,084			
	James St	1,061			
	City of Greensburg Corporate Limit 340 feet Downstream of James St.	1,055			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3553 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3383]

BOROUGH OF JOHNSONBURG, ELK COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the pro-

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 30, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3553 Filed 2-10-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3383]

BOROUGH OF JOHNSONBURG, ELK COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the pro-

posed base (100-year) flood elevations listed below for selected locations in the Borough of Johnsonburg, Elk County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Community Center, 600 Market Street, Johnsonburg, Pa. Send comments to: Mr. Richard Beaver, Manager of the Borough of Johnsonburg, 600 Market Street, Johnsonburg, Pa. 15845.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Johnsonburg, Elk County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clarion River	Confluence of Powers Run.	1,431
	Grant St.	1,434
	Confluence of Johnson Run.	1,436
	ConRail	1,438
	Confluence of east and west branches Clarion River.	1,438
East branch Clarion River.	Dam (Downstream).	1,439
	Route 219	1,440
	Erie Lackawanna RR.	1,441
	Clarion Ave.	1,442
	Corporate limits	1,445
West branch Clarion River.	B. & O. RR.	1,439
	Route 219 (downstream crossing).	1,440
	Route 219 (upstream crossing).	1,443
	Confluence of Silver Creek.	1,445
Silver Creek	Main St.	1,448
	ConRail	1,445
	Center St.	1,445
	Abandoned railroad bridge.	1,448
	Main St.	1,458
Powers Run	ConRail	1,428
	U.S. Route 219	1,436
	Corporate limits	1,488

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3554 Filed 2-10-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3884]

TOWNSHIP OF MAHONING, CARBON COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Mahoning, Carbon County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or

PROPOSED RULES

remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review in the Municipal Building, R.D. No. 1, Lehigh, Pa. Send comments to: Mr. Dean D. W. DeLong, Chairman of the Board of Supervisors of Mahoning, R.D. No. 1, Lehigh, Pa. 18235

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Mahoning, Carbon County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lehigh River	Downstream corporate limits.	437
	ConRail	511
	Upstream corporate limits.	522

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mahoning Creek	Confluence with Lehigh River.	459
	Dam No. 1	464
	Route 443	466
	East Penn St.	469
	9th St.	472
	Bridge St.	481
	Mertztown Rd.	500
Stewart Creek	Footbridge	496
	Route 902 and Mertztown Rd. connection.	505
	Private driveway	547
	Route 902	582

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3555 Filed 2-10-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3885]

TOWNSHIP OF MOORE, NORTHAMPTON COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Moore, Northampton County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Moore Township Municipal Building, R.D. No. 2, Bath, Pa. Send comments to: Mr. Edward Tanczos, Chairman of the Board of Supervisors of Moore, R.D. No. 2, P.O. Box 95, Bath, Pa. 18014.

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FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Moore, Northampton County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hokendavqua Creek.	Downstream corporate limits.	491
	Pheasant Rd.....	496
	Dam No. 1.....	512
	Club Rd.....	515
	Dam No. 2.....	517
	Footbridge.....	552
	W. Walker Rd.....	564

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary

[FR Doc. 78-3556 Filed 2-10-78; 8:45 am]

PROPOSED RULES

[4210-01]

[24 CFR Part 1917]
[Docket No. FI-3886]

CITY OF NEW KENSINGTON, WESTMORELAND COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of New Kensington, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, New Kensington City Hall, 2400 Leechburg Road, New Kensington, Pa. Send comments to: Hon. Verle N. Bevan, Mayor of New Kensington, City Hall, 2400 Leechburg Road, New Kensington, Pa. 15068.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of New Kensington, Westmoreland County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances

that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Allegheny River ...	Confluence with Pucketa Creek.	762
	Pennsylvania Route 56.	753
	Pennsylvania Route 366.	756
Pucketa Creek	Downstream corporate limits.	752
	Upstream corporate limits.	752
Little Pucketa Creek.	2d St.....	752
	Freepoint St.	765
	(upstream side), 4th St. (upstream side).	758
	Stevenson Blvd. (downstream crossing).	762
	7th St. (upstream side).	765
	High School Rd....	767
	Football Field Rd	770
	Stevenson Blvd. (upstream crossing).	780

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3557 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]
[Docket No. FI-3887]

BOROUGH OF PALMERTON, CARBON COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the pro-

posed base (100-year) flood elevations listed below for selected locations in the Borough of Palmerton, Carbon County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough of Palmerton, 443 Delaware Avenue, Palmerton, Pa. Send comments to: Honorable John L. Faust, Mayor of Palmerton, 443 Delaware Avenue, Palmerton, Pa. 18071.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Palmerton, Carbon County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lehigh River.....	Downstream corporate limits.	399
	Dam.....	406
	Upstream corporate limits.	418
Aquashicola Creek	Downstream corporate limits.	393
	ConRail (downstream).	396
	6th St.....	399
	Confluence of Mill Creek.	409
	ConRail (upstream).	417
	Upstream corporate limits.	417
Park Run.....	Downstream corporate limits.	393
	ConRail.....	397
	Lehigh Ave.....	400
	Delaware Ave.....	401
	Lafayette Ave.....	411
Mill Creek	Confluence with Aquashicola Creek.	409
	Delaware Ave.....	410

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3558 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]
[Docket No. FI-3888]

PLUMSTEAD TOWNSHIP, BUCKS COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Plumstead Township, Bucks County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the pro-

posed base (100-year) flood elevations are available for review at the home of the Plumstead Township Secretary, Ferry Road, Fountainville, Pa. Send comments to: Mr. James S. Kiel, Jr., Chairman of the Board of Plumstead Township, P.O. Box 14, Fountainville, Pa. 18923.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Plumstead Township, Bucks County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware River.....	Corporate limits...	97
	Lumberville Dam.	99
	Confluence of Tohickon Creek.	103
Tohickon Creek.....	Confluence with Delaware River.	103
	T-405.....	103
	River Rd.....	103
Geddes Run	Meetinghouse Rd. (upstream side).	424
	Dam No. 1 (upstream side).	429
	Private road (upstream side).	436
	Dam No. 2.....	467
	Wilsmer Rd. (upstream side).	471
	Durham Rd. (Pennsylvania Route 413) (upstream).	499
	Old Durham Rd....	501

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Geddes Run Tributary.	L. R. 09060 (upstream side. Private road (abandoned)).	370 373

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3559 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3889]

THE TOWNSHIP OF RIDGWAY, ELK COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Ridgway, Elk County, Pa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Ridgway Drive, Ridgway, Pa.

Send comments to: Mr. Fred Lenze, Chairman of the Board of Supervisors of Ridgway Township, Municipal Building, Ridgway Drive, Ridgway, Pa. 15853.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Ridgway, Elk County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Clarion River near Borough of Ridgway.	Confluence with Alysworth Run.	1,374
Clarion River near Borough of Johnsonburg.	Downstream corporate limits.	1,431
Elk Creek.....	Confluence with Powers Run.	1,401
Alysworth Run.....	Downstream corporate limits.	1,374
	Confluence with Clarion River.	1,374
	ConRail	1,374
	Laurel Mill Rd.)....	1,374
	Grant Rd. (330 ft upstream of Laurel Mill Rd.).	1,377
	Grant Rd. (2,000 ft upstream of Laurel Mill Rd.).	1,425
West Branch Clarion River.	Downstream corporate limits.	1,445
	Upstream of Main St.	1,448
Powers Run.....	Confluence with Clarion River.	1,431
	ConRail	1,431
	U.S. Route 219.....	1,431
	Johnsonburg: Ridgway corporate limits.	1,446

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as

amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3560 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3890]

BOROUGH OF SHARPSBURG, ALLEGHENY COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Sharpsburg, Allegheny County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Sharpsburg Borough Hall, 1021 North Canal Street, Sharpsburg, Pa. Send comments to: Mr. Joseph A. Lang, Jr., President of the Sharpsburg Borough Council, 1021 North Canal Street, Sharpsburg, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Sharpsburg, Allegheny County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance

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Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Allegheny River	Downstream corporate limits.	736
	13th St. (extended).	737
	Upstream corporate limits.	737

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3561 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3891]

THE TOWNSHIP OF WARRINGTON, BUCKS COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Warrington, Bucks County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being

already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Building, Millcreek and Pickettown, Warrington, Pa. Send comments to: Mr. Joseph J. Bonargo, Township Manager of Warrington, 3400 Pickettown Road, Warrington, Pa. 18976.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Warrington, Bucks County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Neshaminy Creek.	Valley Rd	201
	Confluence Tributary B.	202

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Neshaminy Creek.	Street Rd. (Route 132).	208
	Confluence Tributary C.	211
	Route 611	216
	Confluence Park Creek.	216
	Kansas Rd.	219
	Bradford Rd.	230
	Pa. 611 Dam (upstream elevation).	257
	Confluence Tributary A.	257
	Bradley Rd. (extended).	257
	County Line Rd.	262
Park Creek	Confluence with Little Neshaminy Creek.	218
	Corporate limits ..	225
Tributary A of Little Neshaminy Creek.	Confluence with Little Neshaminy Creek.	257
	Street Rd. (upstream elevation).	290
	Wedge Way (downstream).	302
	Foot Bridge (upstream elevation).	303
	Niblick Pl.	308
	South Greensward Rd.	314
	Wedge Way (upstream).	319
Tributary 1 of Tributary A.	Confluence with Tributary A.	290
	Nancy Ave. (extended).	291
	Rosemont Ave. (extended).	293
	South Greensward St.	297

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3562 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3892]

THE TOWNSHIP OF WARWICK, BUCKS COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations

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listed below for selected locations in the Township of Warwick, Bucks County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Warwick Township Building, 2045 Ginny Lane, Jamison, Pa. Send comments to: Mr. Joseph A. Woll, Chairman of the Board of Supervisors of Warwick, P.O. Box 364, Jamison, Pa. 18929.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Warwick, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (42 U.S.C. 4001-4128)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neshaminy Creek	Downstream corporate limits.	144
	Dark Hollow Rd...	151
	Confluence with Meetinghouse Tributary.	168
	Mill Rd.....	174
	York Rd.....	179
	U.S. Route 263....	179
	Confluence of Tributary D.	184
	Upstream corporate limits.	191
	Downstream corporate limits.	137
	Grenoble Rd.....	153
Little Neshaminy Creek	Upstream of Walton Rd.	158
	Almshouse Rd.....	164
	Confluence of Tributary A.	171
	York Rd.....	188
	Old York Rd.....	189
	Bristol Rd. (corporate limits).	193
	Valley Rd.....	184
	Almshouse Rd.....	273
	Private Driveway.	301
	Confluence with Little Neshaminy Creek.	171
Tributary D to Neshaminy Creek	Creek Rd.....	176
	Driveway No. 1....	183
	Mearns Rd.....	205
	Bristol Rd.....	223

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3563 Filed 2-10-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]
[Docket No. FI-3893]

BOROUGH OF WEST ELIZABETH, ALLEGHENY COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of West Elizabeth, Allegheny County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to

either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at West Elizabeth Borough Building, 815 4th Street, West Elizabeth, Pa. Send comments to: Mr. Charles McDevitt, Borough Secretary of West Elizabeth, 815 4th Street, West Elizabeth, Pa. 15088.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of West Elizabeth, Allegheny County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River.	Upstream corporate limits.	749
	State Route 51	749

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River.	Downstream corporate limits.	749

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3564 Filed 2-10-78; 8:45 am]

[7710-12]

POSTAL SERVICE

[39 CFR Part 111]

POSTAL AND POST CARDS

Clarification of Requirements and Restrictions on the Use of the Postal and Post Cards

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: Present postal regulations on the preparation and use of postal and post cards need clarification. It is the intent of this proposed rule to rewrite these regulations without making any substantive changes, with one exception: the proposed new regulations would specify the exact minimum dimensions of the address portion of a card. Existing regulations on this point simply provide that in certain circumstances the address portion may be smaller than the remainder of the card.

DATE: Comments must be received on or before March 20, 1978.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, D.C. 20260.

Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Office of Mail Classification, Room 1610, 475 L'Enfant Plaza SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT:

Eugene R. McGill, 202-245-4749.

SUPPLEMENTARY INFORMATION: The Postal Service, for the purposes described above, is proposing to rewrite and combine into new section

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131.223 existing sections 131.223 and 131.224 of the Postal Service Manual, chapter I of which has been incorporated by reference in the FEDERAL REGISTER, see 39 CFR 111.1. In addition, it may be noted that the rewrite deletes the material in 131.224e dealing with the thickness of a card, since that subject is covered elsewhere. See 131.222b.

There are also several changes in cross-referencing and redesignating resulting from the rewrite. Thus, existing 131.225 and .226 would be redesignated .224 and .225 respectively. Existing 131.227 would be deleted, since it deals with presorted first-class mail and is covered elsewhere. See 131.217.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revision of the Postal Service Manual:

PART 131—FIRST CLASS

1. In 131.22 of the Postal Service Manual revise .223 and .224 to read as follows:

131.22 Postal and post cards.

.
.223 Restrictions on the use of postal and post cards.

a. The users of postal and post cards must comply with the following rules: (1) Double cards must be folded before mailing. The first half must be detached when the reply half is mailed for return.

(2) The reply portion of a double card must be used for reply purposes only. It must not be used to convey a message to the original addressee of the double card, to cover up the message on the original portion, or to send statements of account.

(3) Double cards must be prepared so that the address on the reply portion is on the inside when the double card is mailed.

(4) Plain stickers or seals or a single wire stitch may be used to fasten the edges, provided they are so fixed that the inner folds of the cards can be readily examined.

(5) Enclosures are prohibited.

(6) The face of the card may be divided by a vertical line, the left half to be used for the message and the right half for the address only. More than one-half of the face may be used for the message, but a space of at least 2½ inches in length, measured from the right edge of the card, must be reserved for the address, postage, and postal endorsement and such cards must be prepared in accordance with 131.223b.

(7) Aside from the address and any postal endorsements, only accounting information may be shown in the ad-

dress side of cards, the information must be shown on a shaded background, and the cards must be prepared in accordance with 131.223b. The area reserved for the address of cards prepared in this manner must be unshaded and at least 2½ inches long and 1 inch high. Permit imprints, meter stamps or postal endorsements must be shown on an unshaded background.

(8) Cards bearing attachments are not mailable at the rates for postal cards or post cards. Labels affixed by adhesive for the purpose of showing the address and the return address are permitted.

(9) Postal cards and post cards which have holes or vertical tearing guides are mailable only if the holes and tearing guides do not result in the elimination of any letters or numbers in the address and the cards are prepared in accordance with 131.223b.

b. Postal cards and post cards, not mailed as presorted first-class mail, which are required by 131.223a (6), (7), or (9) to be prepared under the provisions of this subsection must meet the following conditions:

(1) The mailings must consist of not less than 200 cards which are identical as to size and weight.

(2) The addresses on the cards must include ZIP Code numbers.

(3) Postage must be paid by permit imprints, by meter stamps, or by pre-canceled stamps.

(4) The mailer must separate the cards to the finest extent possible and sack them in the manner prescribed by 134.43.

2. In 131.22 of the Postal Service Manual redesignate .225 and .226 as .224 and .225 respectively, delete .227, and strike out in the second sentence of redesignated .224 the words "and 131.224".

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-3883 Filed 2-10-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-35; RM-2964]

FM BROADCAST STATION IN YUCCA VALLEY, CALIF.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a class A channel to Yucca Valley, Calif., as a first FM assignment. Petitioner, Israel Sinofsky, states that the proposed station could provide a first local aural broadcast service to the community.

DATES: Comments must be filed on or before April 3, 1978, and reply comments on or before April 24, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: January 31, 1978.

Released: February 3, 1978.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Yucca Valley, Calif.), BC Docket No. 78-35, RM-2964.

1. *Petitioner, proposal, and comments.* (a) Petition for rulemaking, filed on August 29, 1977, by Israel Sinofsky (petitioner), proposing the assignment of channel 296A as a first FM assignment to Yucca Valley, Calif.

(b) The channel could be assigned in conformity with the minimum distance separation requirements.¹

(c) Petitioner states that, if the channel is assigned, he will file an application for authority to construct in FM broadcast station.

2. *Community data.*—(a) *Location.* Yucca Valley, an unincorporated community in San Bernardino County, is located approximately 164 kilometers (102 miles) east of Los Angeles and 34 kilometers (21 miles) north of Palm Springs, Calif.

(b) *Population.* Yucca Valley—3,893; San Bernardino County—684,072.²

3. *Local broadcast service.* There is no local broadcast service in Yucca Valley. Petitioner states that it receives service from stations in Twentynine Palms, Palms Springs, Palm Desert, and Cathedral City.

4. *Economic considerations.* Petitioner states that although Yucca Valley is an unincorporated community, it has its own post office, schools, churches, library, and hospital. He notes that there are plans to incorporate Yucca Valley which are before the County Board of Supervisors for public hearing. Petitioner states that Yucca Valley is a year-round retire-

¹Public notice of the petition was given on September 19, 1977 (report No. 1075).

²Mexican concurrence must be obtained before the channel is assigned to Yucca Valley.

³Population figures are taken from the 1970 U.S. Census.

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ment and tourist center whose population has increased from 800 to 3,893 during the period 1960-1970. With this in mind, he asserts that there is a need for more information that the local weekly newspaper can provide which the station can offer through over-the-air reports of local events, referendums, and school information.

5. In light of the above information and the fact that the proposed FM station would provide the community with a first full-time local aural broadcast service, the Commission proposes to amend the FM table of assignments, § 73.202(b) of the rules, with regard to Yucca Valley, Calif., as follows:

City and Channel No.

Yucca Valley, Calif., present: —; proposed: 296A.

6. Authority to institute rulemaking proceedings; showings required; cutoff procedures; and filing requirements are contained in the attached appendix below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the appendix below before a channel will be assigned.

7. Interested parties may file comments on or before April 3, 1978, and reply comments on or before April 24, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

¹Based on petitioner's showing Yucca Valley does appear to be community for purposes of making an assignment.

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-3859 Filed 2-10-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-39; RM-2996]

FM BROADCAST STATION IN HAINES, ALASKA

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a class A FM channel to Haines, Alaska, for non-commercial educational use. Petitioner, Alaska Public Broadcasting Commission, states the proposed assignment would provide Haines with its first noncommercial educational aural broadcast service.

DATES: Comments must be received on or before April 4, 1978, and reply comments must be received on or before April 25, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: February 1, 1978.

Released: February 7, 1978.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Haines, Alaska), BC Docket No. 78-39, RM-2996.

1. The Commission here considers a petition for rulemaking filed on behalf of the Alaska Public Broadcasting Commission ("APBC") which seeks the assignment of FM channel 272A to Haines, Alaska, to be used there on a reserved basis for noncommercial educational purpose.¹

2. APBC avers that, if the channel is assigned, APBC or a nonprofit educational corporation functioning under its aegis will apply for its use. APBC asserts that channel 272A could be assigned to Haines in compliance with the minimum distance separation requirements, and would have little impact on the future assignment of FM channels to other communities in this very sparsely populated area of Alaska.

3. Haines (pop. 463)² is located approximately 121 kilometers (75 miles) north of Juneau, Alaska. APBC claims that neither Haines nor any community between Juneau to the south and Yakutat to the northwest—roughly a distance of 320 kilometers (200 miles)—has an FM assignment of its own.

4. The assignment of channel 272A to Haines would create preclusion on channel 272A and the adjacent channels, however, APBC states that many other FM channels are available for assignment to communities in the precluded areas.

5. Since Haines is located within 402 kilometers (250 miles) of the United States-Canada border, the proposed assignment of channel 272A to Haines requires coordination with the Canadian Government.

6. In view of the fact that the proposed FM station could provide the community with a first noncommercial educational aural broadcast service, the Commission proposes to amend the FM table of assignments, § 73.202(b) of the rules, with regard to Haines, Alaska, as follows:

City and Channel No.

Haines, Alaska, present: —; proposed: *272A.

7. The Commission's authority to institute rule making proceedings; show-

¹Public notice of the petition was given on November 29, 1977 (report No. 1091).

²Due to other demands upon the available radio spectrum in Alaska, only FM channels 261 through 300 are available for assignment. These channels may be assigned for either commercial or noncommercial educational use.

³Population figures are taken from the 1970 U.S. Census.

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ings required; cutoff procedures; and filing requirements are contained in the attached appendix below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the appendix below before a channel will be assigned.

8. Interested parties may file comments on or before April 4, 1978, and reply comments on or before April 25, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in section 4(i), 5(d)(1), 303 (g), and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comment to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's

rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-3860 Filed 2-10-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-32; RM-2970]

TELEVISION BROADCAST STATIONS IN MARION AND URBANA, ILL., AND MADISON, WIS.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rule making and order to show cause.

SUMMARY: Action taken herein proposed the assignment of UHF TV channel 27 to Marion, Ill., as that community's first television assignment. Petitioner, Dennis F. Doelitzsch, states that the proposed channel would provide for a station which could render a first television service to Marion, Ill., and provide a second commercial television station to the southern Illinois area. An order to show cause is directed to the licensee of station WKOW-TV, Madison, Wis., to show why the offset on channel 27, on which it operates, should not be changed from minus to plus.

DATES: Comments must be filed on or before March 29, 1978, and reply comments on or before April 19, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

NOTICE OF PROPOSED RULEMAKING AND ORDER TO SHOW CAUSE

Adopted: January 25, 1978.

Released: February 3, 1978.

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Marion, Ill.), BC Docket No. 78-32, RM-2970.

1. The commission has before it for consideration a petition for rulemaking filed by Dennis F. Doelitzsch (petitioner), seeking the amendment of § 73.606(b) of the Commission's rules. It proposes that television channel 27

¹Public notice of the petition was given on September 30, 1977 (report No. 1080).

be assigned to Marion, Ill., for commercial use as that community's first television assignment. No responses to the proposal were received.

2. Marion (pop. 11,724), in Williamson County (pop. 49,021),^{*} is located in the extreme south central part of Illinois. There are no television channels assigned to Marion. It receives service from WSIL-TV, Harrisburg, Ill., WPSD-TV, Paducah, Ky.; and KFVS-TV, Cape Girardeau, Mo.

3. Petitioner notes that Marion is the largest city in southern Illinois without a television channel. He points out that southern Illinois is not dominated by any one large city, but instead, numerous medium-sized cities are spread throughout the area. He asserts that, if the proposed channel were to be assigned, it would bring a second commercial channel to the southern Illinois area and increase the number of program choices for area residents. Petitioner contends that the area he proposes to serve receives no independent (non-network) television service.

4. Channel 27 may be assigned to Marion, Ill., in compliance with the minimum distance separation requirements and other technical criteria, provided a change in channel offsets are made on unoccupied channel 27 in Urbana, Ill., from zero to minus and on channel 27 (WKOW-TV), Madison, Wis., from minus to plus. Therefore, a show cause order is being issued to the licensee of the affected station.

5. Petitioner, as the owner of the FM station in Marion, would have to demonstrate that his being the licensee of both stations would not create an undue concentration of control under the provisions of § 73.636(a)(1) of the Commission's rules. However, issuance of this notice is not intended to indicate any view on that situation which will have to be examined when an application is filed.

6. In view of the foregoing, and the fact that the proposed assignment would provide Marion with a first television service and southern Illinois with a second commercial television channel, the Commission finds that it would serve the public interest to seek comments in rulemaking.

7. Therefore, notice is hereby given that the Commission proposed to amend the television table of assignments, § 73.606(b), of the Commission's rules, with respect to the communities listed below, as follows:

City and Channel No.
Marion, Ill., present: —; proposed: 27.

^{*}Population figures were taken from the 1970 U.S. Census.

Urbana, Ill., present: *12—, 27; proposed: *12—, 27—.

Madison, Wis., present: 3, 15, *21—, 27—, 47+; proposed: 3, 15, *21—, 27+, 47+.

8. It is ordered, That, pursuant to section 316 of the Communications Act of 1934, as amended:

(a) Horizons Communications Corp. of Wisconsin, licensee of television station WKOW-TV, Madison, Wis., shall show cause why its license should not be modified to specify operation on channel 27+ instead of channel 27—, if the Commission in this proceeding finds it in the public interest to assign channel 27 to Marion, Ill.; this order being made with the understanding that the ultimate licensee at Marion, Ill., will pay reasonable reimbursement of expenses incurred in the change of channel offset of station WKOW-TV at Madison, Wis.

(b) Pursuant to § 1.87 of the Commission's rules, the licensee of station WKOW-TV, Madison, Wis., may, not later than March 29, 1978, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Horizons Communications Corp. of Wisconsin may, not later than March 29, 1978, file a written statement showing with particularity why its license should not be modified as proposed in the order to show cause. In this case, the Commission may call on Horizons Communications Corp. of Wisconsin to furnish additional information, designate the matter for hearing, or issue without further proceedings, an order modifying the license as provided in the order to show cause. If the right to a hearing is waived, and no written statement is filed by the date referred to above, Horizons Communications Corp. of Wisconsin will be deemed to consent to modification as proposed in the order to show cause and a final order will be issued by the Commission, if the channel offset change on channel 27 is found to be in the public interest.

9. It is directed, that the Secretary of the Commission shall send a copy of this notice of proposed rulemaking and order to show cause by certified mail, return receipt requested, to Horizons Communications Corp. of Wisconsin, Box 100, Madison, Wis. 53701, the party to whom the order to show cause is directed.

10. The Commission's authority to institute rulemaking proceedings; showings required; cutoff procedures; and filing requirements are contained in the attached appendix and are incorporated by reference herein.

11. Interested parties may file comments on or before March 29, 1978,

and reply comments on or before April 19, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV table of assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. Showings required. Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. Cutoff procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. Comments and reply comments; service. Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. Number of copies. In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public inspection of filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-3861 Filed 2-10-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6110-01]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:30 a.m., March 10, 1978, in the library of the Administrative Conference, the Gelman Building, 2120 L Street NW., Suite 500, Washington, D.C.

The committee will meet to be briefed on the Conference's ongoing study of the Federal Trade Commission's trade regulation rulemaking procedures and a new study involving a close examination of existing and desirable rulemaking practices governmentwide, with particular reference to the manner in which rulemaking issues are prepared for agency decisions.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Joseph b. Scott, 202-254-7020. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

February 6, 1978.

[FR Doc. 78-3863 Filed 2-10-78; 8:45 am]

[1505-01]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

U.S. GRAIN STANDARDS ACT

Registration and Recordkeeping

Correction

In FR Doc. 78-2881, appearing on page 4446 in the issue of Thursday,

February 2, 1978, the second complete word in the fourth line of the first full paragraph in column three should read, "or".

[3410-07]

Farmers Home Administration

[Notice of Designation No. A5651]

PENNSYLVANIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Tioga County, Pa., as a result of drought May 1 through May 31, 1977, excessive rainfall September 7 through November 30, 1977, and a crippling snow October 16, 1977.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904, subpart C, exhibit D, paragraph V B, including the recommendation of Gov. Milton J. Shapp that such designation be made.

Applications for emergency loans must be received by this Department no later than August 1, 1978, for physical losses and January 31, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 6th day of February, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-3884 Filed 2-10-78; 8:45 am]

[3410-16]

Soil Conservation Service

BRIDGETON CITY PARK PUBLIC WATER-BASED RECREATION RC&D MEASURE, NEW JERSEY

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bridgeton City Park Public Water-Based Recreation RC&D Measure, Cumberland County, N.J.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the installation of water-based recreational facilities and the stabilization of critically eroding area within the Bridgeton City Park in Cumberland County, N.J. The planned works of improvements include installation of picnic shelters, bathhouses, a boat ramp, a fishing pier, hiking trails, parking lots, and associated service facilities.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 1370 Hamilton Street, P.O. Box 219, Somerset, N.J., 08873, 201-246-1205. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 15, 1978.

Dated: February 6, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, g.)

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Conser-
vation Service.

[FR Doc. 78-3902 Filed 2-10-78; 8:45 am]

[3410-16]

CITY OF PETOSKEY WINTER SPORTS PARK CRITICAL AREA TREATMENT RC&D MEASURE, MICHIGAN

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the City of Petoskey Winter Sports Park Critical Area Treatment RC&D Measure, Emmet County, Mich.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include the installation of approximately 800 feet of corrugated metal pipe, riprapping, and seedings to control erosion and sedimentation at the park. The construction costs are approximately \$47,300; \$35,475 RC&D funds and \$11,825 local funds.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Mich. 48823, 517-372-1910. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are avail-

able to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 15, 1978.

Dated: February 6, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Conser-
vation Service.

[FR Doc. 78-3901 Filed 2-10-78; 8:45 am]

[3410-16]

HOMER AIRPORT CRITICAL AREA TREATMENT RC&D MEASURE, LOUISIANA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Homer Airport Critical Area Treatment RC&D measure, Claiborne Parish, La.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned improvement includes establishing vegetation on 23 acres at the Homer Airport site to control erosion.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, P.O. Box 1630, Alexandria, La. 71301, 318-448-3421. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interest-

ed parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until March 15, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: February 6, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Conser-
vation Service.

[FR Doc. 78-3904 Filed 2-9-78; 8:45 am]

[3410-16]

SPRING CREEK WATERSHED PROJECT, DAWSON COUNTY, NEBR.

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (40 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Spring Creek Watershed Project, Dawson County, Nebr.

The environmental assessment of the federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Benny Martin, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention to agricultural lands and the city of Lexington, and a reduction in sheet and rill erosion. The planned works of improvement include a system of six floodwater detention structures, five of which have been built. The remaining structure to be built replaces six floodwater detention structures that were in the original plan. An additional 33.7 miles of channel improvement and 1.77 miles of dike around the city of Lexington are deleted from the plan.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environ-

mental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, Room 343, Federal Building—U.S. Courthouse, Lincoln, Nebr. 68508; CML 402-471-5301. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until March 15, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: February 3, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Conser-
vation Service, U.S. Depart-
ment of Agriculture.

[FR Doc. 78-3903 Filed 2-9-78; 8:45 am]

Agreement CAB	IATA resolution designator No.	Title of IATA resolution affected
26973-R2.....	171/002z, 268/002z, 357/002z.....	Special readoption resolution (amending).
26996-R1.....	181/815a, 277/815a, 368/815a.....	Industry incentive scheme (supplementary provisions) (new).
26996-R7.....	181/815, 277/815, 368/815.....	Industry incentive scheme for approved passenger sales agents (amending).

In Order 75-12-141, December 29, 1975, the Board deferred action on Agreements CAB 25600-R1 through R4. In Order 76-7-56, July 16, 1976, it refused to grant interim approval of the agreements and instituted an investigation into the principal issue raised by the agreements, viz., whether or not the establishment of a uniform commission rate payable to agents for the sale of international air transportation is adverse to the public interest. In Order 77-8-14, August 3, 1977, the Board denied a request by National Airlines, Inc. (National) for interim approval of the agreements, finding that the apparent effects of the current open commission rate situation did not warrant a reversal of its

The agreements at issue are Agreements CAB 25606-R1 through R4, which respectively establish or amend IATA Resolutions 002z, 016d, 815, and 860. Resolution 002z, among other things, amends Resolution 820a to establish a uniform commission rate for the sale of air transportation and reinstates that section of Resolution 810e stating the conditions to be eligible for the sale of inclusive tours. Resolution 815 establishes an industry incentive scheme for approved agents. Resolution 860 establishes commissions on interline sales. Resolution 016d provides for a study of tour and travel organizer operations. The texts of these agreements are reproduced in an appendix to Order 75-12-141. See also, Order 76-3-83, March 12, 1976.

[6320-01]

CIVIL AERONAUTICS BOARD

[Order No. 78-2-24; Docket Nos. 27813; 30777; Agreements CAB 25973-R2; 26996-R1 & R7]

MEMBERS OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Deferring Action

FEBRUARY 2, 1978.

There have been filed, under section 412(a) of the Federal Aviation Act of 1958, as amended (the Act), and Part 261 of the Board's Economic Regulations, certain agreements among the members of the International Air Transport Association (IATA) to establish, amend, or revalidate certain IATA resolutions on agency matters. The resolutions were adopted by the Composite Passenger Traffic Conference held in Hartford in June 1976 and in Cannes in October 1977.

The individual resolutions with their subject matter and area of applicability are listed below:

Agreement CAB	IATA resolution designator No.	Title of IATA resolution affected
26973-R2.....	171/002z, 268/002z, 357/002z.....	Special readoption resolution (amending).
26996-R1.....	181/815a, 277/815a, 368/815a.....	Industry incentive scheme (supplementary provisions) (new).
26996-R7.....	181/815, 277/815, 368/815.....	Industry incentive scheme for approved passenger sales agents (amending).

earlier determination not to grant interim approval. Reaffirming that decision in Order 77-9-127, September 27, 1977, we deferred action on certain other IATA agreements which are related substantively to those under investigation.

Upon review of agreements subsequently filed by IATA for Board approval, it appears that the agreements listed above relate in a substantive manner to issues which ultimately will be determined by the investigation being conducted in Docket 28672. In denying National's motion for interim approval of Agreements 25606-R1 through R4, the Board found that there had been no concrete showing that the public interest had been adversely affected by the open commission rate situation. With respect to the agreements listed above, IATA has presented no new supporting argument which would suggest a decision different from that reached by the Board in Order 74-12-121 and reiterated.

*Agreements CAB 26096, 26157-R1 through R3, 26260-R17, and 26291.

*Agreement CAB 25973-R2 amends Resolution 002z. Agreement CAB 26996-R1 establishes Resolution 815a, which provides procedures for determining whether an approved agent qualifies for incentive commission payments by IATA members under Resolution 815. Agreement CAB 26996-R7 amends Resolution 815.

ed in Orders 76-3-83, 76-7-56, 77-8-14 and 77-9-127.

Therefore, pursuant to authority duly delegated by the Board in the Board's Economic Regulations, 14 CFR 385.3, it has been decided to defer action on these agreements, pending completion of the investigation of the IATA commission rate structure. Upon completion of the investigation, the agreements will be considered on their merits.

Accordingly, *it is ordered*, That: 1. Action on Agreements CAB 25973-R2, 26996-R1 and R7 be deferred; and

2. This order shall be served on IATA and its U.S. member air carriers, the Air Traffic Conference of America and its member air carriers, the American Society of Travel Agents, Inc., the Association of Retail Travel Agents, the American Automobile Association, the Association of Bank Travel Bureaus, the International Air-freight Agents Association, the Travel Agents' Legal Action Committee, Unitours, Inc., and the U.S. Departments of Justice and Transportation.

Persons entitled to petition the Board for review of this order pursuant to the Board's Economic Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3931 Filed 2-10-78; 8:45 am]

[6320-01]

[Order No. 78-2-19; Docket No. 32021]

WESTERN AIR LINES, INC.

Order Dismissing Complaint

On December 30, 1977, Western Air Lines, Inc. (Western) filed tariff revisions proposing new United States-Mexico fares for effect February 17, 1978. Western proposes to increase first-class fares by 5 to 6 percent, retain normal economy fares unchanged, and increase promotional fares by amounts ranging from 6.4 to 11.2 percent. It estimates the increase will average about 5.8 percent. The carrier also proposes to introduce a new advance-purchase excursion (APEX) fare in the Los Angeles-Mexico City, Los Angeles-Acapulco, and San Diego-Mexico City markets at discounts ranging from 32 to 39 percent from the normal economy fare. The rules applicable to the APEX fares would not permit return travel before the first Sunday following the date of departure; have a maximum stay of 30 days; prohibit stopovers; require advance reservations and payment at least 7 days before departure;

and would limit APEX seats on each flight to 33 to 38 percent of the capacity of the particular aircraft type.

Western argues that the proposed increases are justified by eroding profitability attributable to cost increases, particularly in labor and landing fees, and declining traffic; its return on investment (ROI) in United States-Mexico passenger service has steadily declined from 14.3 percent for Calendar year 1976 to -9.8 percent for the year ended September 1977; its costs have risen at least 29 percent per available seat-mile since January 1974, the last time Western was granted a fare increase; its United States-Mexico traffic has fallen due to currency fluctuations affecting northbound travelers; the decrease in tourist traffic and greater competition from Mexican-flag carriers; and it forecasts an ROI of -6.45 percent during the year ending September 1978 at present fares, and 4.89 percent at the proposed fares.

In support of the APEX fares, Western states that they are needed to fill seats that would otherwise go empty, especially northbound, in view of the present traffic stagnation, and to compete with existing lift against specialized services such as Mexicana's night coach; the APEX fare is similar to the domestic "Super-Saver" level and "Freedom Fare" rules and will accomplish its goal as well as smoothing out traffic flow and minimizing self-diversion and inconvenience to normal fare passengers; as a matter of policy it will limit initial availability of the fare to an even smaller amount of capacity than allowed by its tariff; it would not be economic for Western to add a night-coach flight to compete with Mexicana between Los Angeles and Mexico City, since the night-coach fare of \$69 one-way would require a breakeven load factor of over 90 percent; the fares will provide additional competitive opportunities vis-a-vis Aeromexico's Tijuana-Mexico City DC-10 operations; the APEX will not divert normal-fare passengers, who already have access to other promotional fares but have continued to opt for full fares; the APEX will improve Western's operating profit by \$243,000, assuming a 45/55 generation/diversion ratio; and finally, its response to competitive pressure from the Mexican carriers is to introduce, as a competitive pricing effort, a truly generative discount fare which will benefit the consumer, rather than engaging in a capacity or commissions war.¹⁶⁸

A complaint requesting suspension pending investigation of Western's

¹The Los Angeles-Mexico APEX is proposed at \$158 or 5.02 cents per mile; the existing night-coach fare equates to 4.44 cents per mile.

²Western states that Mexican domestic fares are considerably lower than San Diego-Mexico City fares.

tariff has been received from Compania Mexicana de Aviacion, S.A. (Mexicana). Mexicana alleges that the APEX fare will be extremely diversionary and will reduce carrier revenues; the fare is a mere "sweetener." Western has added to its package of "exorbitant" increases in other fares; it is subject to no significant restrictions such as a weekend surcharge or meaningful advance-purchase or minimum-stay requirements; the minimum-stay requirement (Sunday after departure) is so loose as to insure diversion of normal-fare business travelers; the APEX fare would be significantly lower than existing 40-passenger group fares, which have rigid minimum-stay requirements, travel-together rules, and longer advance-payment periods; if Western desires to compete with Mexicana's night-coach service, it should offer a parallel service rather than introducing an uneconomic daytime discount fare, while the APEX fare is allegedly intended to promote northbound traffic, it discriminates against Mexico-originating passengers by prohibiting open-jaw travel; Western's comments about competing with Aeromexico's Tijuana-Mexico City operation do not sufficiently identify the fares in question; and it is impossible to understand how the APEX fares could smooth traffic flows since they have no weekend or peak-period differential levels and, on the contrary, they worsen peaking problems with resulting inconvenience to higher-fare traffic.

The Board has decided to dismiss the complaint.

We have repeatedly stated our position that carriers should be given the widest possible latitude in exercising their commercial judgment to improve their economic position. In its justification in support of its proposed United States-Mexico fares, Western states that it has experienced a substantial decline in traffic in this market since the first quarter of 1977; and in its judgment, traffic will respond to a reduced fare such as the one it proposes. We see no reason to prevent the carrier from experimenting with this solution, and we find no merit in the argument that the proper response to competition from other carriers is to match their service.⁴ Mexicana's night coach might be well-suited for its type of operation but not a suitable approach for Western's attempt to increase traffic while maintaining capacity at its present level. Further, since the west-coast charter

³Mexicana states that, even applying the lowest diversion rate Western estimates for any promotional fare (7.58 percent for off-peak inclusive-tour fares) to normal-fare traffic would result in diversion producing a net loss from the APEX fare of \$124,000.

⁴See Order 77-9-55, September 16, 1977.

market to Mexico is very limited, the fare is not likely to have a significant impact on that segment of the industry.

The thrust of the complaint is that the APEX proposal will result in serious diversion of higher-rated traffic and cause a fall in overall revenues. This is certainly possible, but the efficient test of the idea is in the marketplace. Since the discount offered from the normal economy fare, 32 to 39 percent, is relatively small compared with those offered in other markets, diversion may not be a significant problem.⁵ Further, it is in the carrier's own self-interest not to let this happen. While we might have preferred a price differential for peak travel, its absence does not prevent the carrier from allocating capacity for this fare in such a way as to accomplish the same result and, of course, the carrier has every incentive to do so.⁶

Accordingly, *It is ordered*, That: The complaint of Mexicana in Docket 32021 be dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-3932 Filed 2-10-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

GEORGETOWN UNIVERSITY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of

⁵We give weight to Western's contention that the fare will divert existing promotional-fare traffic rather than normal fare traffic since the latter have had access to similarly discounted fares in the past and have continued to use the higher fare.

⁶As indicated above, Western has demonstrated the revenue need which will flow from the fare increases and that they will not be sufficient to result in excess earnings.

Commerce, Washington, D.C. 20230, on or before March 6, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00091. Applicant: Georgetown University, School of Medicine, Department of Pathology, 3900 Reservoir Road NW., Washington, D.C. 20007. Article: Electron Microscope, Model JEM-100S, Haskris Water Recirculator with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the study of ultrastructure of pathological material (human and animal) during experiments involving characterization of cell surface antigens. The objective pursued in the course of these experiments will be diagnosis of diseases, and obtaining new information relevant to immune functioning of cell types. In addition, the article will be used for graduate instruction in ultrastructural technique. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00092. Applicant: DHEW, PHS, NIH, National Institute of Dental Research, Building 30, Room B-20, 9000 Rockville Pike, Bethesda, Md. 20014. Article: LKB 2128-010/Ultratome IV Ultramicrotome complete with Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for electron microscopical studies of the neurons of trigeminal nucleus caudalis, a region of the brain which receives pain and temperature input from the face and oral cavity. These studies examine the morphology, synaptic connections, development of neurons in trigeminal pain pathways as well as their response to the loss of input from the teeth. The objectives of these studies are to understand basic pain mechanisms and mechanisms of chronic pathological pain states. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00093. Applicant: Colorado State University, Department of Biochemistry, Fort Collins, Colo. 80523. Article: LKB 2127-001 Tachophor complete with Power Supply Unit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of purity of protein in snake venoms and lizard venoms which will contribute to more efficient treatment in envenomation. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00094. Applicant: McGee Eye Institute, 608 Stanton L. Young Dr., Oklahoma City, Okla. 73104. Article: Electron Microscope, Model H-500 with Goniometer. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used to examine eye tissue from both humans and animals. Connective tissue and biochemical, biophysical and pathological properties of the eye will be studied. Investigations will be conducted to: (1) Determine the role proteoglycans play in the normal physiology of vision; (2) Demonstrate any differences that may occur between the proteoglycan content of the normal cornea versus corneas with known pathology; (3) Demonstrate any difference of enzyme levels between normal and diseased corneas, and other eye tissues; (4) Demonstrate the effect lysosomal proteases may have on the melting syndrome; (5) Demonstrate antigen-antibody complexes in autoimmune diseases of the eye; and (6) Develop clinical applications of the electron microscope to pathology. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00095. Applicant: Sandia Laboratories, 1515 Eubank Boulevard SE., P.O. Box 5800, Albuquerque, N. Mex. 87115. Article: Cintheadolite System. Manufacturer: Contraves Ag, Switzerland. Intended use of article: The article is intended to be used for studies of aerodynamic characteristics of Weapon System Flight Vehicles. The phenomena to be investigated will be accelerations, velocities, and space position versus time. Experiments will be conducted to conform characteristics obtained from model studies, to determine the interface characteristics between vehicles and delivery system and to investigate effects of component retrofits on existing systems. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00096. Applicant: North Carolina State University, Department of Botany, 2214 Gardner Hall, Raleigh, N.C. 27607. Article: Combination Scanning Microinterferometer and Scanning Microdensitometer, Model M860010 with camera accessories. Manufacturer: Vickers Instrument Inc., United Kingdom. Intended use of article: The article is intended to be used for the measurement of amounts of biological macromolecules DNA, RNA, proteins, and enzyme substrate precipitates at the cell level in order to procure quantitative data on the behavior of genetic material during growth and differentiation of prokaryotic and ukaryotic organisms. Other phenomena to be studied will include endopolyploidy, polyploidy pattern recognition, intra and interspecific plant and avian DNA

values, sex determination and internal DNA reference standard establishment. In addition, the article will be used to provide basic understanding of quantitative cytochemistry and its application to both basic and applied plant science and biomedical research in the courses: Botany/Zoology 414 Cell Biology, Botany 421-510 Plant Anatomy, Botany 620 Advanced Plant Taxonomy, and Botany 590 Quantitative Microscopy. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00097. Applicant: University of Michigan, Ann Arbor, Mich. 48109. Article: Electron Microscope, Model JEM-100CX with side entry goniometer stage and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research in the fields of biological, physical, mineralogical and engineering sciences: (1) Microstructural Factors Influencing the Strength of the Bonding of Dental Porcelain to Base Metal Alloys. (2) Study of Exsolution Relations in Manganese Pyroxenes. (3) Characterization of the Crystal Chemistry and Structure of Minerals Using the Sten. (4) Character of Twinning in Pyrrhotite Minerals. (5) Study of Crystalline Polymers. (6) Solid State Deformation of Polymers: Extrusion of Polyethylene. (7) Preferred Orientation Textures in Very Thin Films of Drawn and Recrystallized Polyethylene. (8) Cell Interactions in Hereditary Tumors: Cell Surface Structures. (9) Subcellular Localization of Heavy Metals. (10) Lectin Binding on Neoplastic Cells. Application received by Commissioner of Customs: January 19, 1978.

Docket No. 78-00098. Applicant: University of Illinois Urbana—Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Far Infra-red Spectrometer System, Model IR-720M. Manufacturer: Beckman-RIIC Ltd., United Kingdom. Intended use of article: The article is intended to be used for research on various properties of materials which will include: (1) Optical band structure studies. (2) Infrared studies of adsorbed surface species—understanding the detailed mechanisms of both heterogeneously and homogeneously catalyzed reactions. (3) Far infrared optical properties of materials. (4) Far spectroscopy of high-spin Fe²⁺ and Fe³⁺ complexes: fine structure, magnetic moment and exchange interaction. (5) Far infrared quantum electronics—study of quantum electronics techniques in the far infrared (FIR) spectral region. (6) Electron transfer in metalloproteins—understanding of the fundamental nature of electron transfer between transition metal ion sites in metalloproteins. (7) Identification of residual impurities and the

study of impurity interactions in high purity compound semiconductors. (8) Far infrared diagnosis of Tokamak fusion plasmas. (9) Impurity, donor and free carrier states in Si MIS structures. (10) Structure and dynamics of inorganic and related crystals. Application received by Commissioner of Customs: January 19, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import
Programs Staff.

[FR Doc. 78-3867 Filed 2-10-78; 8:45 am]

[3510-25]

JACKSONVILLE CHILDREN'S MUSEUM

Decision on Application for Duty-Free Entry of
Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 75-00392-00-66700. Applicant: Jacksonville Children's Museum, 1025 Gulf Life Drive, Jacksonville, Fla. 32207. Article: Planetarium Projector, MS-10. Manufacturer: Minolta Camera Co. Ltd., Japan. Intended use of article: The article is intended to be used to demonstrate astronomical phenomena and to allow student participation and involvement in the following courses:

Celestial Navigation
Principles of Stellar Photography
General Astronomy
Concepts in Contemporary Astronomy
General and Practical Astronomy
Concepts in Science, Grades 3 through 12
Our Galaxy and the Universe
Astronomy Workshops for Teachers

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 5, 1970).

Reasons: This application is a resubmission of Docket Nos. 71-00025-00-66700, 72-00210-00-66700, and 73-00258-00-66700 which were denied without prejudice to resubmission on

April 9, 1971, July 27, 1972 and October 10, 1974, respectively. Denial without prejudice to resubmission (DWOP) is the procedure whereby the Department of Commerce permits the applicant to correct any deficiencies which prevent or severely restrict consideration of an application on its merits by submitting additional information in a new application limited to the same article and the same intended purposes set forth in the application found deficient. Thus the material considered by the Department in a resubmission is that which falls within the scope and context of the deficiencies specifically stated to the applicant in writing. In the DWOP of the second submission¹ (Docket No. 72-00210-00-66700) the applicant was specifically asked to provide more detailed information in reply to Question 8 which might establish a pertinent feature (within the meaning of §§ 301.2(n) and 301.5) upholding duty-free entry from the list of features claimed to be essential to the applicant's needs. These features as set forth in the applicant's second submission essentially consisted of: 5,000 stars; accuracy of star positions (± 2 minutes of arc); accuracy of star magnitudes (± 0.2 magnitude); projection of star images as well defined circular dots; annual-diurnal-latitude motion coupling, Keplerian planet motions; dual starballs; complete star dimming capability; moon crescent within 2 degrees of sun; dual planet projectors; high efficiency moon and sun projectors; azimuth

¹In the second submission, the applicant included much stereotyped material of questionable relevance. Some of this material referred to projects which individuals not directly connected with the applicant institution "would like to see presented." These projects were proposed over a year after the article was ordered. This delay supports a finding that the institution was not involved in these projects at the time of order. Such projects could, therefore, not be considered by the Department in accordance with § 301.5 of the regulations. Despite these deficiencies (and others such as heavy reliance on cultural as opposed to educational programs), it is clear that the applicant did attempt to respond to the DWOP of the original application. For example, prior to resubmission the applicant called the Department at least twice, received a ninety day extension of the deadline for resubmission and exchanged correspondence with the Department in the attempt to clear up possible misunderstandings and better prepare the application. Then, in the resubmitted application, the applicant identified numerous specific tasks and/or demonstrations that could be performed with the foreign article (although it was not clear that these were to be performed with the article in view of the applicant's reference to tables, planetarium committee reports, etc.) in support of the application. Thus the Department had every reason to believe that the specific purposes and features identified and described in the second submission (although lacking in certain details) defined the limits of the applicant's case.

circle; moveable altitude circle; precession circle; and remote control capability. In the recommendation relating to this second submission, our planetarium consultant advised that the most closely comparable domestic instrument, the Model A-4, manufactured by Spitz Laboratories Inc. (Spitz), matched most of the features claimed by the applicant to be essential and that any unmatched features were not pertinent to the purposes of the applicant as described in the application. Our consultant carefully pointed out the deficiencies found in the large quantity of material submitted by the applicant in the attempt to justify duty-free entry on the basis of these features. In addition, the Department advised in the DWOP, that in its evaluation it could not consider programs which the applicant did not intend to perform when the initial application was submitted or which were conceived by the applicant subsequent to the date the article was ordered. It was also pointed out that these limitations might well have been exceeded in certain programs described in the application (Docket No. 72-00210-00-66700). See, for example, page 3 of our DWOP letter of July 27, 1972.

In the third submission (Docket No. 73-00258-00-66700), the applicant provided no new information relating to the issues raised in the second submission as listed above. Instead the applicant deleted all of the issues listed above and raised four new ones. In the DWOP of the third submission the applicant was asked for evidence that might explain why the four new issues were raised for the first time in the third submission. The applicant did not provide that evidence on resubmission. The substantive portion of the fourth submission (Docket No. 75-00392-00-66700) was essentially a duplication of the third submission. No new material was provided which could counterbalance contradictory material (pointed out to the applicant in the DWOP) contained in prior submissions. In reply to Question 8 of this (the fourth) submission the following features were listed as essential to the applicant's program:

1. Separate Milky Way Projection,
2. Star twinkling,
3. Fully variable star field,
4. Dual planet projectors.

All four of these features relate to purposes which appear for the first time in the third submission and are repeated in this submission. While some of these features may have been listed in the manufacturer's published specifications and discussed in material attached to prior applications, the applicant did not previously list any of them as characteristics essential to the achievement of intended purposes. Further, none of the features cited above (with the possible exception of

star dimming) was clearly an important consideration of the applicant, prior to the purchase of the foreign article, as evidence by the applicant's correspondence with the domestic manufacturer, the summary analysis provided to the planetarium committee, and inquiries on planetarium characteristics which were sent to planetarium directors by the applicant while seeking information helpful in the purchase of a planetarium. In connection with these four features, the following specifically is noted:

1. In two prior submissions (the first and second), separate Milky Way projectors was not listed in the comprehensive tables used by the applicant to compare the features of the foreign article with those of other planetarium projectors including the domestic Spitz A-4. Moreover, there is no evidence that Spitz was asked to provide a separately controlled Milky Way meeting the applicant's needs. However, prior to the date the foreign article was ordered, Spitz's Model Nova planetarium was equipped with a separately controlled Milky Way which could be easily transferred to the Model A-4. And, prior to the date of purchase, Spitz had produced separately controlled aperture as well as lens projectors which could be utilized to display a variety of images including the Milky Way. Thus, there is evidence that Spitz was capable of meeting the applicant's needs at the time of order.

2. Similarly, in the first and the second submission star twinkling was not listed in the comprehensive tables used by the applicant to compare the features of the foreign article with those of other planetariums including the A-4.

There is no evidence that the applicant initially required star twinkling or that Spitz was afforded an opportunity to offer star twinkling. It is within the realm of possibility that Spitz could have provided this feature if the firm had been asked to supply it, for example in a bona fide request for quote.

3. In the initial submission (Docket No. 71-00025-00-66700), the applicant made no claim, in reply to Question 8 (or in any other part of the application), that a fully variable star field was needed for achievement of intended purposes or even facilitated the performance of such purposes.

This omission is significant if we consider the fact that at least nine other characteristics of the article are alleged to be pertinent in reply to Question 8.

In the second submission (a comprehensive attempt to respond to the initial DWOP) the applicant alleged that the accomplishment of teaching purposes was "facilitated" by the capability of dimming the light source to simulate sunrise and sunset. In this con-

nection, we note that the applicant differentiated this feature from a number of other features alleged to be "essential" or "required" for achievement of purposes. It is clear that simulation of sunrise and sunset can be performed on the domestic instrument. In the DWOP of the second submission, the Department indicated that the domestically available planetarium provides an even closer approximation of nature than the foreign article with respect to simulation of sunrise and sunset as well as other features, e.g., circular shapes of stars vs. pinpoints. In the third submission (Docket No. 73-00258-00-66700) and this (the fourth) submission, in reply to Question 8.c.(3), the applicant related the foreign article's capability of full variation of the star field to four specific intended uses. These were described in the following manner:

(a) The Celestial Navigation course treats sextant sightings under a variety of conditions, including conditions of twilight when there is still a visible horizon. The necessity of accurate simulation here is a fully variable star field.

(b) The Principles of Stellar Photography course uses photography sessions under a wide range of sky conditions during dusk and dawn and those conditions during solar and lunar eclipses. A star field projector fully variable in intensity is necessary to accurately provide successful laboratory demonstration.

(c) Demonstrations in the 'General and Practical Astronomy' courses include sunrise and sunset sequences during which the stars need to be made to appear as they do in nature. For the series of events during lunar and solar eclipses, the Xenon arc light source on the domestic instrument is only partially variable in intensity, and hence renders accurate simulations difficult.

(d) The General and Practical Astronomy courses typically demonstrate variable sky conditions including the changing transparency of the earth's atmosphere. With the formation of haze and the coming of clouds there is gradual extinction of the starlight until this extinction becomes complete. This demonstration requires a fully variable star field projector. Use a., the lunar and solar eclipse aspect of b. and c., and use d., appear for the first time in the third submission (73-00258-00-66700); and the demonstration of sunrise and sunset in c. was found to be matched by the Spitz A-4 in our review of the second submission. Performing the lunar and solar eclipse demonstrations is stated by the applicant to be a matter of difficulty. The applicant did not state that the demonstrations could not be done on the domestic instrument. We,

therefore, find the ability to perform such demonstrations to be a matter of convenience (which is not pertinent within the meaning of § 301.2(n) of the regulations).

Further, in its recommendation relating to Docket No. 73-00258-00-66700 (the third submission) the National Air and Space Museum (NASM) advised that b., c., and d. were not pertinent and further described how use b. could be performed on the Spitz A-4. Moreover, all of use a. and b. are intended for programs designed to convey information on certain subjects to the general public. As such these programs are considered to be of cultural rather than formalized educational character. Within the context of the Florence Agreement Legislation (Pub. L. 89-651) and consistent with the Department's administration of this program since 1967, such cultural purposes cannot be used to establish the pertinency of any characteristic of the foreign article and to justify thereby duty-free entry under the law (a policy of which the applicant was advised in the DWOP of the initial submission).

Finally, it is noted that Spitz has had available a compact filamentary light source capable of 100 percent variability in intensity. This incandescent source could be exchanged with an arc source in a very short time by simply unhooking the Xenon source from the yoke and replacing it with the filamentary unit. Other alternatives such as use of a variable density filter over the light source are also possible.

In this connection, it is noted that the report of the equipment subcommittee dated February 5, 1970 includes a comparison of the A-4 with the foreign article showing that "Dawn/Twilight . . . Sunrise/Set" is built in on the article and is optional on the A-4. If "Dawn/Twilight . . . Sunrise/Set" refers to variability of the star field, Spitz is shown to have that feature.

4. In response to Question 8 of the applicant's initial submission the applicant stated that the dual optical projection of the foreign article's planet projectors assures that no occultations will occur as "sometimes" happens with the single planet projection method. No other information on this feature was provided.

In the second submission (Docket No. 72-00210-00-66700), which as already noted was comprehensive and definitive in nature the applicant elaborated on the issue of the dual planet projector. This was described as a feature which a planetarium "should have" for further effectiveness in teaching astronomy. There was no claim that this feature was essential for such purposes. This system was alleged to maintain reliability and prevent obscuration of image by support-

ing struts. Spitz commented on Docket No. 71-00293-00-61800 (an application for duty-free entry of an identical foreign article involving, for all intents and purposes, identical issues) and in connection with the dual projector feature alleged: That the number of projectors used is irrelevant; preservation of a comparable constant set of planet, sun and moon images is the relevant issue; that the Spitz A-4 planetary motion cage is designed without heavy struts, thereby minimizing (and in most cases eliminating) shadows as the result of occultation; and finally that, based on observation of a similar foreign article (wherein it was noted that "at least 3 of the planet images disappeared during annual motion because one of the two bulbs per planetary analog was evidently non-operative causing disappearance and unnatural change in brilliance") neither uniform brilliance nor preservation of planet images is in fact accomplished more dependably than with the A-4. After review of the second submission (Docket No. 72-00210-00-66700) our planetarium consultant advised in a memorandum dated June 8, 1972 that: "The Spitz A-4 is subject to occasional occultation of planets from structural members; however, the planet cage is designed with small members to minimize the occultation. The (article) uses a system of two projectors per planet such that if one is occulted the other usually has a free line of projection. The applicant states that better effectiveness in teaching astronomy is achieved with the dual system, but no indication of how the domestic system hampers the teaching of astronomy is forthcoming." The applicant, as noted above, did not treat this feature as essential to his purposes. Our consultants' advice was forwarded to the applicant as a part of the DWOP of the application.

In the third submission (73-00258-00-66700) and this fourth submission the material provided by the applicant relating to the issue of dual planet projectors is, for all intents and purposes, not significantly different (though a small amount of clarifying detail was provided in the latter submission). None of this material provides a basis for justification of duty-free entry.

First, the applicant alleges that the dual planet projectors of the article prevent the obscuration of planet images by structural members of the instrument and therefore, present to the student a more realistic and accurate demonstration of the planetary motions. In its recommendation relating to the third submission, NASM advised that with respect to obscuration of planetary images, the foreign article (i.e., the MS-10) provides a more realistic presentation of planetary motion than the A-4. However, NASM

emphasized that this finding was in no way intended to imply general superiority with regard to planetary or other simulations of any planetarium over another. NASM continued that in this case the relevant educational objective, "... introduction to the planets associated with the sun, their appearance in the night sky and where to locate them" (similar to the response to Question 7b(2), Grades 3 and 4) can be and has been achieved with the A-4. It is further noted the applicant is willing in certain instances to sacrifice realism (for example, as a trade off: circular dots to represent stars and the use of the relatively inexpensive "but perhaps less satisfactory" incandescent light as opposed to Xenon light; Docket No. 72-00210-00-66700, the second submission, see especially the letter to the Director of the Strasensburgh Planetarium dated December 16, 1969).

Next the applicant alleged that the dual projector was needed in the Principles of Stellar Photography course in which students conduct photographic exercises in which traces and positions of the planets created by the annual motion will be measured with respect to time. This use is part of the description of purposes attributed to the Jacksonville Children's Museum which are considered cultural rather than educational in character and, as such, cannot (as noted above) be used to establish pertinency.

Finally, the applicant alleged that occultation of one or more planets at a time when it is necessary to stop annual motion creates difficulty in their relocation and thereby hampers effective teaching of astronomy. This problem is first described in Docket No. 73-00258-00-66700 and again in this (the fourth) submission. Moreover, obscuration is described as "hampering", not preventing, effective instruction. Thus the dual projector, in this instance, is found to be a convenience which is not pertinent. Further, NASM in its recommendation related to Docket Number 73-00258-00-66700, the third submission, pointed out that the problem can be corrected easily by the operator of the A-4 (with its short, infrequent occulting characteristic) through manipulation of the annual and diurnal motions. NASM further pointed out that avoiding such manipulations with the foreign article, or explaining an occasional occultation, is considered a convenience.

In the initial submission (Docket No. 71-00025-00-66700), in response to Question 9.a. the applicant states, "Spitz Laboratories, Inc. did not have an instrument in the price wanted by Jacksonville Children's Museum, Inc. The Department notes that the technical comparability of the domestic instrument was not in question—the primary force influencing the final deci-

sion was purely cost. In accordance with subsection 301.2(n) of the regulations cost differences between the article and domestic instrument cannot be considered a pertinent specification upon which duty-free can be based.

Evaluation of the various submissions of this application was complicated by the continued introduction of new purposes which, under the Department's regulations, cannot be considered (§§ 301.5 and 301.6(a)(3)). In view of this restriction and the applicant's disregard thereof, the following statement included in reply to Question 7.b(3) in the second submission, 72-00210-00-66700 takes on significance: "A more specific description of potential uses of the instrument are set forth in the attached manual, entitled 'Astronomy Laboratory Manual' and marked 'Appendix II.'"

The four new-developed requirements listed in the third submission and in this submission, when taken together with this statement, do not provide a basis for justification of duty-free entry. Moreover, the National Bureau of Standards advised in its memorandum dated May 16, 1977, that it has taken into consideration the statements of the applicant and the attached documents for factual information therein and considers the applicant's arguments for duty-free entry of the foreign article to be exhausted and insubstantial.

Based on the foregoing consideration, NBS advice etc., our own review of the application as well as other factual information in our possession (specifications, text books, etc.) we find that the Spitz A-4 was of equivalent scientific value to the foreign article for the purposes for which this article is intended to be used at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory
Import Programs Staff.

[FR Doc. 78-3865 Filed 2-10-78; 8:45 am]

[3510-25]

Industry and Trade Administration

SANDIA LABORATORIES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public

review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00295. Applicant: Sandia Laboratories, Kirtland AFB East Albuquerque, N. Mex. 87115. Article: TEA-100 CO₂ Lasers and Accessories. Manufacturer: Lumonics Roch Ltd., Canada. Intended use of article: The article is intended to be used to study chemical processes crucial to the development of an economical atomic iodine laser. The atomic iodine laser utilizes expensive starting chemicals which are destroyed during operation of the laser. Experiments will be conducted which are aimed at finding techniques for regenerating starting chemicals from iodine laser byproducts.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides at least 10 joules per pulse output. The National Bureau of Standards advises in its memorandum dated January 10, 1978, that: (1) The specification of the article described above is pertinent to the applicant's intended purposes, and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import
Programs Staff.

[FR Doc. 78-3894 Filed 2-10-78; 8:45 am]

[3510-25]

ST. JUDE'S CHILDREN'S RESEARCH HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public

review between 8:30 a.m. and 5 p.m. in room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00036. Applicant: St. Jude's Children's Research Hospital, 332 North Lauderdale, Memphis, Tenn. 38101. Article: LKB 8800A Ultratome III Ultramicrotome complete. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials from humans, animals, fungi, bacteria, and viruses by investigators with widely divergent research interest from several different clinical and basic research laboratories in the hospital. Ultrastructural studies will be conducted in a wide variety of areas including:

Pathologic human tissues; normal and pathologic blood cells; normal and pathologic animal tissue; cyto- and histochemical location of enzymes and subcellular organelles localization in cells; subcellular changes in cells induced by changes in their biochemical environment; and membrane interaction with microfilaments, microtubules and virus particles.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a cutting speed range of 0.1 to 50 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by the Department of Health, Education, and Welfare in its memorandum dated January 5, 1978, that (1) cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies and (2) the domestic instrument does not provide the pertinent feature. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory
Import Programs Staff.

[FR Doc. 78-3866 Filed 2-10-78; 8:45 am]

[3510-25]

UNIVERSITY OF CALIFORNIA, LOS ALAMOS
SCIENTIFIC LABORATORY

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 77-00317. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex., 87545. Article: (6) each; Kits, Preamplifier, CO₂ Laser, consisting of Main Discharge Electrodes and Accessories. Manufacturer: Lumonics Research Ltd., Canada. Intended use of article: The article is intended to be used to amplify the short-pulses produced in the oscillator-switch out section to an energy level capable of efficiently extracting the stored energy in the large power amplifier modules of the eight-beam system. This eight-beam system will play an important role in determining the feasibility of producing useful fusion energy from pulsed, high power CO₂ laser systems. Application received by Commissioner of Customs: July 26, 1977. Advice submitted by the National Bureau of Standards on: January 11, 1978.

Docket No. 78-00031. Applicant: Washington University School of Medicine, 660 South Euclid Avenue, St. Louis, Mo. 63110. Article: ultrahigh Resolution Scanning System, ASID-4 with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope that will be used for continuation of investigations of the mechanism of action of insulin in adipocytes from its initial binding to the hormone receptor on the plasma membrane through and including its alteration of lipolysis, protein synthesis, calcium binding and

distribution, plasma membrane ATPase activity and membrane phosphorylation. Application received by Commissioner of Customs: October 28, 1977. Advice submitted by the Department of Health, Education, and Welfare on: January 5, 1978.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the National Bureau of Standards and the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import
Programs Staff.

[FR Doc. 78-3868 Filed 2-10-78; 8:45 am]

[3510-25]

UNIVERSITY OF MINNESOTA, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 6, 1978.

Regulations (16 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00107. Applicant: University of Minnesota, Department of Otolaryngology, 2630 University Avenue SE., Minneapolis, Minn. 55414. Article: Electron Microscope, Model JEM-100S and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the ultrastructural study of the mammalian cochlea. Experiments to be conducted will involve characterization of ultrastructural changes in the cochlea following intense sound and ototoxic drugs. In addition, the article will be used for resident training in ultrastructural technique. Application received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00108. Applicant: LDS Hospital (Intermountain Health Care Inc.), 325 8th Ave., Salt Lake City, Utah 84143. Article: Electron Microscope, Model JEM-100S with sheet film camera and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to examine various types of biological specimens principally, pathological tissues obtained from patients from biopsy or autopsy. Experiments to be conducted will include the following:

(1) Establishment of diagnosis in human diseases where light microscopy is inadequate, such as poorly differentiated tumors and renal diseases.

(2) Focus on the ultrastructural alterations occurring in the lungs of experimental animals and man with acute respiratory distress syndrome.

(3) Studies of the alterations of macrophage cell surface occurring during macrophage activation and participation in tumor killing.

The article may also be used as an educational tool for pathology residents and research fellows. Application received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00111. Applicant: University of California-Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87545. Article: Superconducting magnet, Polarized Target Cryostat and Accessories. Manufacturer: Cen Saclay, France. Intended use of article: The article will be used for a series of important and fundamental scattering experiments at the LAMPF medium-energy accelerator. In one experiment, a longitudinally polarized proton beam will be scattered from the longitudinally polarized protons from the target. In the second experiment, the polarization effect will be determined for the neutron-proton total sections at 25 MeV. Application

received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00115. Applicant: Northeastern Ohio Universities College of Medicine, 4209 State Route 44, Rootstown, Ohio 44272. Article: NMR Spectrometer, Model WP-80 and Accessories. Manufacturer: Bruker, West Germany. Intended use of article: The article is intended to be used for studies of: (a) the molecular interactions between phospholipid bilayer membranes and proteins, (b) the effect of heat on phospholipid bilayer membranes, and (c) the interaction of bile acids, drugs, anesthetics, and carcinogens with phospholipid bilayer membranes. The interactions of model phospholipid membranes with added protein, drug, etc., will be determined by measuring the changes in molecular ordering of the fatty acid chains and the polar head groups, that occurs on incorporation of proteins into, or addition of drug, anesthetic, etc., to the membrane. The extent of molecular ordering of the fatty acid chains of polar head groups in an aqueous multibilayer dispersion of phospholipids is determined by measuring the C-H quadrupole splitting multibilayer dispersions prepared from selectively ²H-labelled phospholipids. The changes in the quadrupole splittings on interactions with proteins, drugs, carcinogens, etc., will be measured for a variety of positions in the phospholipid in order to give a complete description of the order profile for the molecule. Application received by Commissioner of Customs: January 27, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import
Programs Staff.

[FR Doc. 78-3897 Filed 2-10-78; 8:45 am]

[3510-25]

UNIVERSITY OF MICHIGAN ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before March 6, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00100. Applicant: University of Michigan, Room 3014, Administration Building, Ann Arbor, Mich. 48109. Article: Electron Microscope, Model EM-400 HMG and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to study cells for research in modern cell biology, e.g., stages in the development of breast cancer, localization of hormone receptors in cells of the seminiferous tubules in the testis, localization of enzymes by cytochemistry at the electron microscope level in cells of the guinea pig corpus luteum, cytochemical localization of enzymes involved in ion transport in various transport epithelia, and fine structure of epidermal tissue cultures. In addition, the article will be used by graduate students as part of their training to become scientists. Application received by Commissioner of Customs: January 23, 1978.

Docket No. 78-00101. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 North Forbes Boulevard, Suite 100, Tucson, Ariz. 85705. Article: Repair of Klystron, Model VRB2113A30 and SN0139A7. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. Application received by Commissioner of Customs: January 23, 1978.

Docket No. 78-00102. Applicant: University of Illinois at Chicago Circle, P.O. Box 4348, Chicago, Ill. 60607. Article: 80 MHz, Model WP-80 DS Spectrometer. Manufacturer: Bruker Scientific, West Germany. Intended use of article: The article is intended to be used for studies of nuclear magnetic phenomena in gases, liquids, solids, solutions, and biological systems. Variable temperature fourier-transform spectroscopy experiments will be conducted to: (a) probe intra- and intermolecular interactions, (b) determine the solution structure of the active site of an enzyme, (c) study the conformation of enzyme-inhibitor and enzyme-substrate complexes, (d) identify components of photolysis mixtures, and (e) determine the structure of newly synthesized organic compounds. The article will also be used by graduate students working under the direction of faculty using nmr

spectroscopy as a research tool. Application received by Commissioner of Customs: January 23, 1978.

Docket No. 78-00103. Applicant: University of Florida, Department of Chemistry, 109 Leigh Hall, Gainesville, Fla. 32611. Article: JNM/FX-100 High Resolution Fourier Transform Multi-Nuclear Magnetic Resonance System, with accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the following research involving standard photon and carbon spectra for structure determination:

(1) Investigation of whether certain carbonium ions are static bridged species or occur as an equilibrating mixture of two or more forms.

(2) Investigation of the kinetics of the isoidene photoisomerization and thermal reversion.

(3) Relaxation time measurements, particularly $T_{1\rho}$, to distinguish these mechanisms and to measure the mobility of the reporter molecules. $T_1/T_{1\rho}$ studies to investigate molecular motions over a longer time scale than those affecting T_1 . Similarly the binding of anthracycline antitumor drugs to DNA is under investigation; kinetic studies of drug/DNA complexing and dissociation will be facilitated by the auto-stacking capability of the article.

(4) Determination of the stereochemistry of polymer end groups and interconversion rates of carbanion rotamers will be investigated using the auto-stacking and $T_{1\rho}$ features.

(5) $T_{1\rho}$ measurements to determine the locations of the metal atom in the exchanging species and the effects of UV irradiation in situ on various metal complexes will be tested.

(6) The study of osmotic membranes using relaxation time measurements to follow the behavior of water molecules at the membrane.

(7) The study of the kinetics of the sulfite ion cleavage of thiamine in the presence of other nucleophiles using the auto-stacking feature and to search for a sulfite ion adduct by proton and carbon $T_{1\rho}$ measurements at the ring sites.

(8) Synthesis of polymers by use of novel organic reactions, a study of the mechanisms of the polymerization reactions, and determination of the fundamental physical properties of the polymers.

(9) Research devoted to the synthesis and synthetic use of novel heterocyclic systems.

(10) The study of reversible and irreversible rearrangement processes in organometallic π -complexes at low concentrations.

(11) Use of relaxation times of proton and carbon resonance as a probe of the transport of paramagnetic and quadrupolar ions.

(12) Relaxation time measurements on substances related to cell wall materials.

Application received by Commissioner of Customs: January 23, 1978.

Docket No. 78-00104. Applicant: Valley Medical Center of Fresno, 445 South Cedar Avenue, Fresno, Calif. 93702. Article: LKB 2128-010 Ultratome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, primar-

ily human tissues obtained at surgery or by autopsy. The tissues will be embedded in hardened epoxy resins for sections for ultrastructural examination correlated with histochemical and immunologic and regular light microscopic observations. The primary objective of the investigations will be the diagnosis and study of the pathogenesis of various disease processes. In addition, the article will be used in the training of physicians and histotechnologists in use and application of electron microscopy. Application received by Commissioner of Customs: January 23, 1978.

Docket No. 78-00105. Applicant: University of Miami, Rosenstiel School of Marine and Atm Science, 4600 Rickenbacker Cswy, Miami, Fla. 33149. Article: Flow Vibrating Densimeter, Model 01D. Manufacturer: Sodev, Inc., Canada. Intended use of article: The article will be used to measure the density of as little as 2 cm³ of a solution (relative to pure water or standard seawater) to a precision of ± 1 ppm and an accuracy of at least 10 ppm. Also, the article will be used to give densities on natural water that can be used to check the reliability of the equation ± 3 ppm and examine the excess densities in deep ocean water of ~ 20 ppm due to the increase of dissolved nutrients. In addition, the article will be used as a salinometer, which is a device that measures a physical property of seawater (or any electrolyte solution) that is directly related to concentration. Application received by Commissioner of Customs: January 24, 1978.

Docket No. 78-00106. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Md. 21701. Article: LKB 2127-001 Tachophor with power supply, and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of proteins, peptides and their associated precursors, and metabolites. These studies are to include the separation of: Synthetic peptide preparations, plasma proteins, urinary proteins, and products of in vitro synthesis. Application received by Commissioner of Customs: January 25, 1978.

Docket No. 78-00109. Applicant: University of California, 1156 High Street, Santa Cruz, Calif. 95064. Article: JNM/FX-100R Nuclear Magnetic Resonance Spectrometer and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a large variety of research studies of molecular structure, molecular association, and molecular dynamics for biochemical, organic chemical, biological, and marine studies problems. These research applications will consist of the following:

1. The Structure and Dynamics of Lipids in Biological Membranes.

2. NMR Characterization of Enzyme-Substrate Intermediate Trapped at Subzero Temperatures.
3. Mechanisms of RNA Protein Interactions.
4. Natural Products Chemistry of Marine Organisms.
5. New Synthetic Methods and Their Use in Natural Product Total Synthesis.

The article will also be used for educational purposes in the following chemistry courses:

- Chemistry 135. Biophysical Chemistry.
Chemistry 140. Advanced Organic Laboratory.
Chemistry 164. Physical Chemistry Laboratory.
Chemistry 180A-B-C. Senior Research.
Chemistry 199. Tutorial.
Chemistry 243. Physical Properties and Molecular Structure.
Chemistry 299. Thesis research.

Application received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00112. Applicant: U.S. Geological Survey Water Resources Division, National Center, Mail Stop 430, 12201 Sunrise Valley Drive, Reston, Va. 22092. Article: Water Level Gauge, Model 750 and Accessories. Manufacturer: Applied Microsystems, Canada. Intended use of article: The article is intended to be used to measure and record in situ, precisely timed long-term sequences of water-level elevations in the shallow waters of lakes, waterways, estuaries, and coastal embayments. The data are to be used, in connection with other data collected from surface vessels and from the ERTS satellites. These data will provide the input values used to initialize, calibrate, and otherwise verify large-scale, mathematical/numerical computer models. The field data together with the data produced by the computer simulation model are to be used to quantitatively and qualitatively assess the environment impact of existing features, as well as, alternative proposed changes to be introduced into the waterbody under study. Application received by Commissioner of Customs: January 26, 1978.

Docket No. 78-00113. Applicant: U.S. Geological Survey Water Resources Division, National Center, Mail Stop 430, 12201 Sunrise Valley Drive, Reston, Va. 22092. Article: Water Level Gauge, Model 750 and Accessories. Manufacturer: Applied Microsystems, Canada. Intended use of article: The article is intended to be used to measure and record in situ, precisely timed long-term sequences of water-level elevations in the shallow waters of lakes, waterways, estuaries, and coastal embayments. The data are to be used, in connection with other data collected from surface vessels and from the ERTS satellites. These data will provide the input values used to initialize, calibrate, and otherwise verify large-scale, mathematical/numerical computer models. The field

data together with the data produced by the computer simulation model are to be used to quantitatively and qualitatively assess the environment impact of existing features, as well as, alternative proposed changes to be introduced into the waterbody under study. Application received by Commissioner of Customs: January 26, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import
Programs Staff.

[FR Doc. 78-3898 Filed 2-10-78; 8:45 am]

[3510-25]

UNIVERSITY OF SOUTHERN CALIFORNIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:30 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 77-00323. Applicant: University of Southern California, University Park, Los Angeles, Calif. 90007. Article: CO/CO₂ laser, type PL3 and components. Manufacturer: Edinburgh Instruments, United Kingdom. Intended use of article: The article is intended to be used for studies of vibrational circular dichroism in the infrared spectral region of chiral organic molecules with the aim of understanding of molecular structure.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides continuous wave operation in either carbon monoxide or carbon dioxide wave lengths. The National Bureau of Standards (NBS) advises in its memorandum dated January 10, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or appa-

ratus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-3896 Filed 2-10-78; 8:45 am]

[3510-25]

YALE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No.: 77-00195. Applicant: Yale University, Purchasing Dept., 20 Ashmun Street, New Haven, Conn. 06520. Article: Micro bomb combustion calorimeter and accessories. Manufacturer: Swedish Enthalpy, Sweden. Intended use of article: the article is intended to be used for combustion calorimetry studies to determine the thermal energy content.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability of using very small samples (10 milligram (mg)) for high accuracy determinations (standard deviation on five 10 mg benzoic acid samples is less than 0.02 percent). The National Bureau of Standards advises in its memorandum dated January 19, 1978 that (1) the capability of the article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes

as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.
[FR Doc. 78-3895 Filed 2-10-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

PACIFIC FISHERY MANAGEMENT COUNCIL'S GROUNDFISH ADVISORY SUBPANEL

Public Meeting

Notice is hereby given of a meeting of the Pacific Fishery Management Council's Groundfish Advisory Subpanel, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Groundfish Advisory Subpanel meeting will be Thursday and Friday, March 2-3, 1978, at the Oregon Department of Fish and Wildlife Headquarters office located at 6th and Mill Street, Portland, Ore. The meeting will convene at 1 p.m. and adjourn at about 5 p.m. on March 2, and will reconvene at 8 a.m. and adjourn about 5 p.m. on March 3.

Proposed Agenda. Discussion of Groundfish Management Plan.

The Groundfish Advisory Subpanel meeting will be open to the public. For more information contact: Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 Southwest Mill Street, Second Floor, Portland, Ore. 97201, telephone 503-221-6352.

Dated: February 6, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-3846 Filed 2-10-78; 8:45 am]

[3510-12]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificate of Exemption

On December 12, 1977, notice was published in the FEDERAL REGISTER (42 FR 62416) that an application has been filed with the National Marine Fisheries Service by Kjeld N. Jensen of Mattapoisett, Mass., for a Certificate of Exemption to engage in certain commercial activities with respect to his declared inventory of pre-Act endangered species products. Notice is hereby given that on January 23, 1978, as authorized by the provisions of the Endangered Species Act of 1973, as amended (Pub. L. 94-359), and the reg-

ulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued a Certificate of Exemption to Kjeld N. Jensen, 23 Water Street, Mattapoisett, Mass. 02739.

The Certificate of Exemption is available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.

Dated: February 4, 1978.

ROLAND FINCH,
Acting Assistant Director
for Fisheries Management.

[FR Doc. 78-3939 Filed 2-10-78; 8:45 am]

[3510-12]

PRE-ACT ENDANGERED SPECIES PRODUCTS

Issuance of Certificate of Exemption

On December 19, 1977, notice was published in the FEDERAL REGISTER (42 FR 63656) that an application has been filed with the National Marine Fisheries Service by Francis L. Vincent of Westwood, Mass., for a Certificate of Exemption to engage in certain commercial activities with respect to his declared inventory of pre-Act endangered species products. Notice is hereby given that on January 20, 1978, as authorized by the provisions of the Endangered Species Act of 1973, as amended (Pub. L. 94-359), and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued a Certificate of Exemption to Francis L. Vincent d.b.a. Vincent Associates, P.O. Box 294, 727, High Street, Westwood, Mass. 02090.

The Certificate of Exemption is available for review during normal business hours in the office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Dated: February 4, 1978.

ROLAND FINCH,
Acting Assistant Director
for Fisheries Management.

[FR Doc. 78-3940 Filed 2-10-78; 8:45 am]

Office of the Secretary

[Dept. Organization Order 45-1; Amdt. 1]

ECONOMIC DEVELOPMENT ADMINISTRATION

Statement of Functions, Organization and Delegation of Authority

This order effective January 5, 1978 amends the material appearing at 43 FR 3604 of January 26, 1978.

Department Organization Order 45-1, dated October 1, 1977, is hereby amended as shown below. The purpose

of this amendment is to transfer the Executive Secretariat from the Office of Administration and Program Analysis to the Office of the Assistant Secretary for Economic Development (Sections 3. and 6.).

1. In Section 3.—"Office of the Assistant Secretary for Economic Development": a. A new paragraph .03 is added to read as follows:

.03 The Executive Secretariat reports to the Assistant Secretary and shall receive all correspondence addressed to the Office of the Assistant Secretary, and assign it to the appropriate office for action; record controlled and non-controlled correspondence, maintain prompt follow-up of replies to insure that deadlines are met, maintain correspondence and policy files; and provide a selective reference service to files as requested by EDA officials.

b. Renumber paragraphs .03, .04 and .05 as paragraphs .04, .05 and .06, respectively.

2. In Section 6—"Office of Administration and Program Analysis," in pen and ink, delete paragraph .07, "Executive Secretariat" from this section.

3. In pen and ink, delete "Executive Secretariat" from the organization chart (listed under the Office of Administration and Program Analysis).

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 78-3912 Filed 2-10-78; 8:45 am]

[3510-17]

[Dept. Organization Order 25-5A; Amdt. 1]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Statement of Functions, Organization, and Delegation of Authority

This order effective January 1, 1978 amends the material appearing at 42 FR 35672 of July 11, 1977.

Department Organization Order 25-5A, dated June 3, 1977, is hereby amended as shown below. The purpose of this amendment is to bring the delegation of authority under the Fisheries Conservation and Management Act of 1976 into conformance with the new NOAA organization structure.

1. In Section 3—"Delegation of authority," subparagraph .01dd.3. is amended by changing the words "Associate Administrator" to "Assistant Administrator".

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 78-3908 Filed 2-10-78; 8:45 am]

[3510-17]

(Dept. Organization Order 25-5A; Amdt. 2)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**Statement of Functions, Organization and Delegation of Authority**

This order effective January 13, 1978 amends the material appearing at 42 FR 35672 of July 11, 1977.

Department Organization Order 25-5A of June 3, 1977, is hereby further amended as shown below. The purpose of this amendment is to: (1) delete the requirement for the Administrator, NOAA to advise the Secretary before any final action is taken on the issuance of preliminary fishery management plans (subparagraph 3.01dd.2.(f)), and the approval, disapproval, partial disapproval, or issuance of a fishery management plan or amendment thereto (subparagraph 3.01dd.2.(g)), (2) change the legal citation under which weather services are provided (subparagraph 3.01a.), and (3) add two new subparagraphs covering the performance of functions under the Central, Western, and Southern Pacific Development Act (3.01ff.) and the Whale Conservation and Protection Study Act (3.01gg.).

1. In Section 3. "delegation of authority": (a) In pen and ink delete subparagraphs 3.01dd.2.(f) and 3.01dd.2.(g) of this section, (b) subparagraph 3.01a. is revised to read as follows:

"a. The functions in Title 15, Chapter 9, and in Title 49, sections 1351 and 1463, of the U.S. Code, which relate to the provision of weather services."

(c) The following subparagraphs 3.01ff. and 3.01gg. are added to read as follows:

"ff. The functions prescribed by the Central, Western, and Southern Pacific Fisheries Development Act (16 U.S.C. 758e through 758e-5).

"gg. The functions prescribed by the Whale Conservation and Protection Study Act (16 U.S.C. 917 through 917d)."

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

(FR Doc. 78-3909 Filed 2-10-78; 8:45 am)

[3510-17]

(Dept. Organization Order 25-5B)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**Statement of Functions, Organization and Delegation of Authority**

This order effective January 1, 1978, supersedes the material appearing at 41 FR 795 of January 5, 1976, 41 FR 36061 of August 26, 1976, 41 FR 43753 of October 4, 1976, 41 FR 50318 of November 15, 1976, 42 FR 11862 of

March 1, 1977, and 42 FR 40962 of August 12, 1977.

SECTION 1. *Purpose.* .01 This order prescribes the internal organization, management structure, and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA). The scope of authority and functions of NOAA are set forth in Department Organization Order 25-5A.

.02 The purpose of this revision is to restructure the NOAA organization. Major changes include eliminating positions for the Associate Administrators for Marine Resources and for Environmental Monitoring and Prediction; establishing the position of Assistant Administrator for Policy and Planning; establishing the Office of Ocean Management; establishing positions for three new line managers—the Assistant Administrators for Fisheries, for Research and Development, and for Oceanic and Atmospheric Services; placing the programs of the National Marine Fisheries Service under the Assistant Administrator for Fisheries; consolidating the programs of the Environmental Research Laboratories, the Office of Sea Grant and the Office of Ocean Engineering under the Assistant Administrator for Research and Development; and consolidating the programs of the National Weather Service, the National Environmental Satellite Service, the National Ocean Survey and the Environmental Data Service under the Assistant Administrator for Oceanic and Atmospheric Services.

SEC. 2. *Organization structure.* The organization structure of NOAA shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document on file with the Office of the Federal Register.

SEC. 3. *Office of the Administrator.* .01 The Administrator of NOAA formulates policies and programs for achieving the objectives of NOAA and directs the execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating policies and programs and in managing NOAA.

.03 The Associate Administrator assists the Administrator and the Deputy Administrator in formulating policies and programs and in managing NOAA.

SEC. 4. *Special Staff Offices.* .01 The Office of Congressional Liaison shall coordinate contacts with the Congress, except for contacts with the Congressional Appropriations Committees on matters relating to appropriation requests and related budget matters. The activities of this Office shall be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Affairs, and of the NOAA General Counsel with respect to legislation.

.02 The Office of Public Affairs shall recommend objectives and policies relating to public affairs; plan and conduct an information and education program to insure that the public, Congress, user groups, and employees are properly informed on NOAA's activities; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Communication.

.03 The Office of Naval Deputy shall insure coordination and joint planning with the Navy on programs of mutual organizational interest.

.04 The Office of NOAA Corps shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the recruitment, commissioning, training, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

SEC. 5. *Office of General Counsel.* The Office of General Counsel shall provide legal services for all components of NOAA and shall be responsible for the preparation or review of all legislative proposals emanating from any component of NOAA, for the expression of NOAA's views as to the merits of proposed or pending legislation, and for statements concerning pending legislation to be made before committees of Congress. These activities shall be carried out subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6. Legislative activities shall be carried out in cooperation with the NOAA Office of Congressional Liaison.

SEC. 6. *Office of Policy and Planning.* The Office of Policy and Planning, directed by the Assistant Administrator for Policy and Planning, shall provide staff advice on NOAA's objectives on program planning and on the development of policies of NOAA. The Office shall develop and recommend long-range policies and plans, including new program initiatives and modifications of policies and plans; conduct economic studies and operational analysis activities in support of the policy and planning functions; identify and make recommendations concerning major national and international issues and problems affecting NOAA's programs, and conduct or direct and coordinate studies and analyses to provide solutions thereto; and serve as the special problem solving and conceptual office on policy development matters of a direct concern to the Administrator. In addition, the Office shall develop policy and provide management and coordination for NOAA's marine min-

erals programs; and act as NOAA's focal point in developing and coordinating these programs in relation to programs and requirements of other agencies, industry and other elements of the private sector.

SEC. 7. *Office of Ocean Management.* The Office of Ocean Management shall evaluate the impact of alternative uses for intensely used ocean and adjacent areas, and develop and recommend overall proposals that will result in optimum benefit for society. The Office shall direct and coordinate the assessment of the potential impacts of proposed human activities such as deepwater ports, offshore oil and gas development, power generation, ocean dumping, and recreation; administer the marine sanctuaries program; and make use, on a selective basis in coordination with the responsible offices, of other available mechanisms for expressing NOAA's views on proposals for the use of ocean and adjacent areas.

SEC. 8. *Office of Program Evaluation and Budget.* The Office of Program Evaluation and Budget shall provide the Administrator with means of management control over program and budget operations and program evaluations, and shall coordinate Management by Objective activities. This Office shall be the focal point for contacts with the Department and the Office of Management and Budget in these areas. The Office shall specifically be responsible for the planning and management of the annual NOAA program review; the consolidation and integration of program guidance developed by the Office Directors; the coordination and development of issue studies, Zero Based Budget material, and other supporting documentation required in the program-budget cycle; the development of the NOAA budget; the allocation and budgetary control of funds; the review and monitoring of fiscal plan execution; the design and implementation of program impact and efficiency evaluations; and the coordination of Departmental and OMB requirements and reporting activities necessary to the operation of the Office. All contacts with the Congress on matters relating to appropriation requests and related budget matters shall be handled through the Departmental Office of Budget and Program Evaluation.

SEC. 9. *Office of Fisheries.* The Office of Fisheries, directed by the Assistant Administrator for Fisheries who shall serve as the Director of the National Marine Fisheries Service, shall conduct an integrated program of management, research, and services related to the protection and rational use of living marine resources for their aesthetic, economic, and recreational value by the American people. The Office shall administer programs to

determine the consequences of the naturally varying environment and human activities on living marine resources; to provide knowledge and services to foster their efficient and judicious use; and to achieve domestic and international management, use and protection of living marine resources. In the conduct of the above, the Office shall:

Establish national criteria and operational guidelines for fisheries management responsibilities, including those associated with the State-Federal Fisheries Management Program; subject to the limitations in DDO 25-5A, approve and issue fishery management plans and regulations; issue fishing permits to both foreign and domestic applicants; and provide interagency coordination of and manage NOAA's nationwide enforcement activities as related to fisheries regulations.

Administer the Marine Mammal and Endangered Species Programs; provide for the administration of the Pribilof Islands; assist the native inhabitants of those islands; and manage the fur seal herds of the North Pacific Ocean.

Administer programs to assist the fishing industry, improve the quality and safety of fish and seafoods, and enhance the production, marketing, and consumer awareness and acceptability of fishery products. These programs shall include: (1) financial assistance in the form of loans, loan guarantees, loan insurance, and a capital construction fund; (2) research on utilization technology as it affects the harvesting, processing, and marketing of fishery products and their use as human food; (3) consumer education and marketing to facilitate fishery development and stability in the marketing chain; (4) a national market news system and preparation of market research reports; (5) integrated regional fisheries development programs, including aquaculture, designed to increase the market share of domestically produced seafoods; (6) information on foreign trade and other matters which may affect the commercial fishing industry; and (7) a voluntary inspection and grading program for improving quality and safety of seafoods.

Identify the needs for oceanic research or services which should be undertaken by the Offices of Research and Development or Oceanic and Atmospheric Services to meet the special needs of the fisheries industry.

Administer multidisciplinary biological and socio-economic research programs necessary to provide fisheries management information options to the appropriate Regional Fisheries Management Councils, to support national and regional programs of the Fisheries, and to respond to the needs of various user groups.

Develop and implement NOAA policy with respect to international fisheries; acquire data and provide analysis regarding the status and impact of present and projected foreign fishing efforts and foreign industry activities, and government attitudes and policies regarding fishing; participate in negotiations within international forums, commissions, and agreements, as required; manage NOAA's international fisheries training program; and monitor and coordinate activities with regard to the U.S. Fisheries Attache Program.

Provide funding and such other administrative and technical support services as may be required to the Regional Fisheries Management Councils.

SEC. 10. *Office of Coastal Zone Management.* The Office of Coastal Zone Management, directed by the Associate Administrator for Coastal Zone Management, shall administer NOAA's Coastal Zone Management, Coastal Energy Impact, Estuarine Sanctuaries, Shorefront Access, and Coastal Zone Research and Technical Assistance Programs. For this purpose, the Office shall:

Develop policies and guidelines on a continuing basis to assist State and local governments in the effective management and, where possible, restoration and enhancement of the land and water resources of the coastal zone of the Nation.

Develop policies and guidelines on a continuing basis to assist State and local governments in planning for the consequences of and impacts on the Nation's coastal zones due to accelerated energy development activity.

Develop policies and guidelines and administer the Estuarine Sanctuaries and Shorefront Access programs.

Administer and monitor grants to states in support of the development and administration of coastal zone management programs.

Administer and monitor a energy impact financial assistance program consisting of loans, bond guarantees, planning grants, environmental grants and formula grants, each subject to specified conditions, for the purpose of meeting needs of States and local governments resulting from new or expanded energy activity in or affecting the coastal zone.

Develop NOAA policy, promulgate regulations, and implement procedures necessary for Federal review and approval of State coastal zone management programs and the execution of Federal consistency provisions which then come into force.

Serve as focal point for Federal interagency coordination and Federal-State consultation efforts on matters relating to coastal zone management programs under the Coastal Zone Management Act of 1972, as amended.

Serve as the Federal Government focal point regarding the consistency of Federal programs affecting the Nation's coastal zones with the policies contained in the Coastal Zone Management Act of 1972, as amended, and state programs approved thereunder.

SEC. 11. *Office of Administration.* The Office of Administration, directed by the Assistant Administrator for Administration, shall provide administrative management and support services for all components of NOAA except for elements of such services that appropriate components are directed to provide for themselves, exercise functional supervision over such decentralized services, and provide advice and guidance to the Administrator on the utilization of NOAA resources. To carry out these responsibilities, the Office shall:

Administer programs in procurement and grants management; property and supply management; paper work management; records and files management; space and facilities management; travel and traffic management; mail, messenger, and related office

services; graphic services; safety; security; and processing of claims.

Conduct studies and provide analytical assistance to develop or improve the organization and staffing structure and other management systems within NOAA; provide management staff services in the application of advanced management principles and techniques; carry out the NOAA committee, reports, and directives management functions; develop and maintain a central system for collecting, analyzing, presenting, and disseminating information on program status and performance; provide guidance and develop systems for measuring productivity and performance; exercise overall management, planning, and coordination of NOAA's automatic data processing and telecommunications needs and facilities including serving as the focal point within NOAA for intra- and inter-agency matters, and the review and evaluation of proposals for automatic data processing and telecommunications requirements and systems; coordinate the Federal planning program for environmental telecommunications systems; and engage in research into advanced system concepts and apply or provide guidance in the application of these concepts. The Office shall provide systems analysis and programming support to NOAA's executive and administrative management functions and to other NOAA functions as requested, and shall operate and provide automatic data processing facilities and systems and special software support for all NOAA components except where separate facilities are approved.

Administer a program of personnel management services including conducting recruitment, employment, classification and compensation, employee relations and assistance, labor relations, incentive awards, and career development activities for civilian personnel. This shall also include equal employment opportunity programs and affirmative action plans, upward mobility, and special programs for women, minorities, veterans, the handicapped, and cooperative students.

Provide centralized financial accounting and payroll for all components of NOAA, determine needs of managers for accounting data, and maintain a financial reporting system that will facilitate effective management of NOAA's financial resources.

As a Departmentwide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations of the Department of Commerce.

Provide administrative services responsive to the requirements of the National Marine Fisheries Service Northwest, Southwest, and Alaska Regions, the National Marine Fisheries Service Southwest Fisheries Center and Northwest and Alaska Fisheries Center, the National Ocean Survey Pacific Marine Center, and such other NOAA organizational units which can be accommodated. These services shall include personnel administration, finance, procurement and contracting, property management, motor vehicle pool operation, and office services.

Sec. 12. Office of Research and Development. The Office of Research and Development, directed by the Assistant Administrator for Research and Development, shall administer an integrated program of research, technology, and advanced engineering development, and transfer relating to

the oceans, the Great Lakes, the United States' coastal waters, the lower and upper atmosphere and the space environment so as to increase understanding of the environment and human impact thereon, and thus provide the scientific basis for improved services. The Assistant Administrator for Research and Development shall serve as the principal advisor to the Administrator on all research, technology, and engineering matters. To carry out these responsibilities, the Office shall:

Provide advice to the Administrator on NOAA's total research and technology development effort; and advise the Offices of Fisheries, Coastal Zone Management, and Ocean and Atmospheric Services on the research and technology development undertaken within their organizations to meet their special needs.

Serve as NOAA's focal point for coordination with the Office of Science and Technology Policy; the Federal Coordinating Council for Science, Engineering, and Technology; National Science Foundation; National Academy of Sciences; National Academy of Engineering; universities and other interagency groups; and international scientific bodies on matters affecting research and technology programs.

Discharge those coordinating and management functions for research and technology development which are assigned to NOAA for the Global Atmospheric Research program, and others as may be assigned by the Administrator.

Provide focal point for NOAA's research activities in support of international environmental programs such as the United Nations Environment Program (UNEP), United Nations Intergovernmental Oceanographic Commission, bilateral agreements with other nations, and such others as the Administrator may assign.

Serve as the focal point for the development and coordination of a coherent national climate program; manage those special purpose NOAA programs which are specifically designed to meet the needs of the national climate program; coordinate those multi-purpose programs within NOAA and other U.S. organizations which make significant contributions to national climate program goals; and serve as the focal point for U.S. participation in the International World Climate Program.

Conduct research to describe, understand, and improve the prediction of oceanic processes and phenomena, ocean-atmosphere interactions, and the environmental processes of coastal areas.

Conduct research on the physics and chemistry of the atmosphere.

Conduct research on the dynamics and physics of geophysical fluid systems to describe, understand, and improve predictions of the state of atmosphere and oceans, and their processes.

Develop techniques and maintain facilities to support the conduct of research and monitoring activities.

Measure and monitor the atmospheric composition for use in predicting and in validating trends in atmospheric conditions.

Conduct research to describe, understand, and improve prediction of environmental processes in the Great Lakes and their watershed.

Conduct research in the field of solar-terrestrial physics; provide monitoring and

forecasting of the space environment; and improve techniques for forecasting of solar disturbances and their effects on the earth's environment.

Plan, conduct, and coordinate comprehensive programs of basic and applied research directed toward the solution of resource-use problems which involve the functioning, health and restoration of selected near-coastal marine ecosystems; and plan and direct assessments of the primary environmental effects of energy development along broad areas of the Outer Continental Shelf of the United States.

Develop policy and plans for NOAA's ocean engineering and instrumentation program and promote the development of technology to meet future needs of the marine community; conduct an integrated program of research, technology development, and services related to ocean engineering, instrumentation and measurement standards, ocean buoy systems, and undersea operations; manage the NOAA diver program; and serve as a national focal point for transfer of knowledge related to civilian ocean engineering, a catalyst for industrial ocean engineering development, and a mechanism for technology transfer from military and space fields.

Develop policy and plans for NOAA's association with the academic community and administer a program of grants and contracts for research, education, and advisory services aimed at the development, utilization, and management of the seas and the Great Lakes of the United States, including their resources.

Promote the transfer of research information and new technology to other components of NOAA and to other scientific organizations outside of NOAA.

Sec. 13. Office of Oceanic and Atmospheric Services. The Office of Oceanic and Atmospheric Services, directed by the Assistant Administrator for Oceanic and Atmospheric Services, shall administer programs to provide a wide variety of meteorologic, hydrologic, climatologic, map and chart, geodetic, and oceanographic data and services to government, industry, the scientific and engineering communities, and the general public. To carry out these programs, the Office shall:

Observe and report the meteorological, hydrological, and ocean conditions of the United States, its possessions, and adjacent waters; issue forecasts and warnings of weather and climate, flood, and ocean conditions that affect the Nation's safety, welfare, and economy; develop the National Meteorological, Hydrologic and Oceanic Service Systems; promote the development of community preparedness programs; provide forecasts for domestic and international aviation and for shipping on the high seas; and operate the International Tsunami Warning Service.

With appropriate support of other offices, act as the NOAA focal point for participation in international meteorological, hydrologic, oceanic, and climatological activities, including the international exchange of data, service, products, and forecasts, of the World Meteorological Organization, the International Civil Aviation Organization, and other bodies as may be designated by the Administrator.

Operate the National Environmental Satellite System; develop new and improved

satellite techniques; increase the utilization of satellite data in environmental services; and manage and coordinate all operational satellite programs within NOAA and certain research-oriented satellite activities with the National Aeronautics and Space Administration and the Department of Defense.

Provide charts for the safety of marine and air navigation, a basic network of geodetic control, and basic geodetic, gravimetric, bathymetric, hydrographic, circulatory current and tidal data for engineering, scientific, commercial, industrial, and defense needs.

Acquire and disseminate global environmental data (marine, atmospheric, solid earth, and solar-terrestrial) and information tailored to meet the needs of users in commerce, industry, agriculture, the scientific and engineering community, the general public, and Federal, State, and local governments; provide experiment design, data management, and analysis support to national and international environmental programs; assess the impact of environmental fluctuations on food and energy, environmental quality, and telecommunications; manage and/or provide functional guidance for NOAA's scientific and technical publication and library activities; operate a network of specialized service centers, a field liaison service, and a comprehensive data and information referral service; and operate related World Data Center A facilities and participate in other international data and information exchange programs.

Be responsible for and administer programs for NOAA support in time of civil emergencies, the conduct of post-disaster surveys designed to evaluate the effectiveness of NOAA's warning services, and the cooperation between NOAA and the Department of Defense in time of a declared national emergency.

Discharge the Federal Coordinating functions assigned to NOAA for meteorology, marine prediction services, geodetic surveys, operational satellite systems, and others that may be assigned by the Administrator.

In consultation with the Offices of Fisheries, Coastal Zone Management, and Research and Development, design and execute service programs intended to meet the needs of these other elements of NOAA and their constituencies.

In consultation with the Office of Research and Development, design and execute research and technology development programs; conduct systems, equipment, and techniques development programs; and carry out related activities designed to improve the efficiency of service programs and the responsiveness of these programs to user needs.

Determine and validate requirements for oceanic and atmospheric services; evaluate the efficiency and economy with which the Service programs meet these needs; and take such steps as are feasible to improve services to meet new or changing needs.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

[FR Doc. 78-3910 Filed 2-10-78; 8:45 am]

[3510-17]

[Dept. Organization Order 30-7B]

NATIONAL TECHNICAL INFORMATION SERVICES

Statement of Functions, Organization and Delegation of Authority

This order effective January 11, 1978 further amends the material appearing at 42 FR 44831 of September 7, 1977 and 42 FR 60946 of November 30, 1977.

Department Organization Order 30-7B, dated August 1, 1977, is hereby further amended as shown below. This amendment adds units under the Office of the Controller (section 8.).

1. In Section 8. "Office of the Controller," section 8. is revised to read as follows:

"Sec. 8. Office of the Controller. The Office shall be headed by a Controller who shall be responsible for providing technical direction, coordination, evaluation, and execution of financial management policies; performing cost studies as a basis for product pricing; formulating and executing and integrated budget, which includes revenues forecasts, expense and production budgets, cost standards, and programs for capital investment and financing; measuring performance against approved operating plans and standards; planning, developing, and implementing accounting procedures and systems; and measuring and reporting on the validity of the objectives of NTIS and on the effectiveness of its policies, organization structure and procedures in attaining these objectives. The functions of the Office shall be carried out through its principal organizational elements as prescribed below:

".01 The Systems Analysis Staff develops systems and procedures to meet the needs of management as well as requirements for outside reporting; reviews and evaluates the effectiveness of financial and administrative systems and recommends improvements, as deemed necessary; researches, evaluates and makes recommendations for increased effectiveness of NTIS policies, organization structure and internal operating procedures for accomplishing program objectives; and conducts research, analysis and user studies on NTIS product lines.

".02 The Accounting Division ensures appropriate accountability in accordance with the Budget and Accounting Procedures Act of 1950, as amended, which requires, in part, each agency to conform to the principles, standards and related requirements prescribed by the Comptroller General of the United States and the Department of Commerce (see 31 U.S.C. 65 et seq.); provides effective control over and accountability for all funds; property, and other assets for which NTIS

is responsible; provides reliable accounting results to serve as a basis for preparing and supporting budget requests; and assists in the development of financial arrangements for NTIS' numerous interagency agreements.

".03 The Budget Formulation Division develops procedures and schedules for timely preparation and review of all NTIS budgets, which includes revenue forecasts, expense and production budgets, cost standards, and programs for capital investment and financing; provides appropriate assistance to line managers in preparing budget estimates including, where appropriate, cost benefit analyses, trend data, unit cost information, and other analytical tools to promote the development of meaningful budgets; reviews and consolidates budgets, ensuring the availability of funds to cover planned expenditures and preparing presentations for formal approval by the NTIS executive body; documents budget justification for presentation to the Department of Commerce budget staff; develops program presentations to the Office of Management and Budget (OMB) and the Appropriations Subcommittee; assists in the development of financial arrangements for NTIS' numerous interagency agreements; and maintains and monitors NTIS staffing to provide maximum utilization for the authorized personnel ceiling and to ensure the end-of-year ceiling is not exceeded.

".04 The Reporting Control and Analysis Division measures and reports performance against approved operating plans and standards, and reports and interprets the results of operations to all levels of management; performs studies of product costs, analyses of profitability by product line, studies of volume and price changes and the effects of reduction in costs, analyses of profitability by different product managers, objective analyses in support of forecasts to aid in management decision making, and develops alternative pricing mechanisms to aid management in realizing full cost recovery in the sale of products; controls the execution of the budget, and provides financial and quantitative data for internal management and control; and assists in the development of financial arrangements for NTIS' numerous interagency agreements."

2. The organization chart attached to this amendment supersedes the chart dated August 1, 1977. A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary
for Administration.

[FR Doc. 78-3911 Filed 2-10-78; 8:45 am]

[3510-17]

(Dept. Organization Order 20-5)

OFFICE OF THE CONTROLLER

Statement of Functions, and Organization

This order effective December 28, 1977 supersedes the material appearing at 41 FR 36058 of August 26, 1976.

SECTION 1. Purpose. This order establishes, and prescribes the functions and organization of the Office of the Controller in order to provide Departmental leadership and coordination for financial management policy and systems improvement. It also reflects the transfer of the functions previously assigned to the Office of Financial Management Services, the Office of the Secretary Budget Staff, and the Administrative Systems Division of the Office of Organization and Management Systems to the new Office of the Controller.

Sec. 2. Status and line of authority. The Office of the Controller, a Departmental office, shall be headed by a Controller, who shall report and be responsible to the Assistant Secretary for Administration.

Sec. 3. Functions. .01 The Controller shall be the adviser to, and representative of, the Assistant Secretary for Administration for financial management and control matters; shall provide leadership and coordination in setting Departmental financial and grants management policy and in the resolution of financial management issues and problems of a Departmental nature; and shall serve as adviser to other Department officials with respect to these matters.

.02 The Controller shall serve as Chairman of the Financial Operations and Practices Committee and shall serve as adviser to the Assistant Secretary for Administration as member of the Financial Management Committee.

.03 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5, and subject to such policies and directives as the Assistant Secretary may prescribe, the office shall:

a. Perform, on a Departmentwide basis, financial management and financial systems management service functions, as specified in Section 4. of this order; provide accounting and related financial services to the Office of the Secretary, and, as may be designated by the Assistant Secretary for Administration, to particular operating units; and provide budgetary services for the Office of the Secretary and for assigned operating units.

b. Exercise such authorities of the Assistant Secretary for Administration as are implicit in and essential to carry out the functions assigned by this order.

Sec. 4. Organization. Under the direction and supervision of the Controller, the functions of the Office shall be organized and carried out as provided below.

.01 The *Operations Analysis Staff* shall conduct analyses of financial management policies, practices, and information support mechanisms and shall manage task forces and special financial management studies; shall develop processes for utilizing budgetary and accounting output data to increase financial management effectiveness; shall serve as principal liaison with outside organizations on matters pertaining to financial management practices and the Controller's initiatives; and shall coordinate machine systems planning with the Office of ADP Management.

.02 The *Finance Operations Division* shall implement financial and accounting policies designated by the Controller with the advice of the Chief Accountant; provide accounting, payroll, and related services for the Office of the Secretary, Regional Action Planning Commissions, and assigned operating units; be responsible for the consolidated billings of the Department, for preparation of consolidated accounting statements required of the Department, and for the Office's staff responsibility for Departmentwide policies and procedures on official travel; and provide accounting guidance and control for the Working Capital Fund of the Office of the Secretary, which responsibility shall consist of proposing accounting policies on operating the Fund, prescribing rules and procedures on use of the Fund, giving accounting management instructions to heads of Departmental offices responsible for services being financed through the Fund, and taking other actions as may be required to maintain liquidity of the Fund.

.03 The *Accounting Standards Division*, under the Chief Accountant, shall formulate standards applicable to accounting matters, the coordination and integration of all administrative systems of a financial nature, including those operating in an automated environment and the development of unit costs for planning and controlling operations. The Division is also responsible for reviewing accounting systems design and financial systems implementation for approval; assisting in the improvement of accounting systems; coordinating accounting practices; and providing liaison with central agencies on accounting matters and on administrative systems matters. The Division is also responsible for coordination with central agencies on grants management matters and for coordination of the administration of grants.

.04 The *Budget Operations Division* shall be responsible for budget

administration for the Office of the Secretary, including budget formulation and preparation and monitoring of operating budgets; shall administer the Office of the Secretary Working Capital Fund and Office of the Secretary trust funds (consisting of contributions from non-public sources and payments from private sources, and the special foreign currency and U.S. expositions programs); and shall develop, negotiate, and execute reimbursable agreements with the Executive Office of the President, other Departments and agencies, and the Departmental offices and operating units of Commerce with regard to services to be performed by or for the Office of the Secretary. The Division shall also advise the Controller on cash flow matters and conduct cash flow analysis and forecast as requested by the Financial Operations and Practices Committee.

Savings provision. The Assistant Secretary for Administration shall determine the schedule and quantity for the transfer of funds, positions, and employees, as required by this order.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary,
for Administration.

(FR Doc. 78-3906 Filed 2-10-78; 8:45 am)

[3510-17]

(Dept. Organization Order 20-7; Amdt. 2)

OFFICE OF ORGANIZATION AND
MANAGEMENT SERVICES

Statement of Functions and Organization

This order effective January 19, 1978 further amends the material appearing at 41 FR 50321 of November 15, 1976 and 42 FR 11863 of March 1, 1977.

Department Organization Order 20-7, dated November 1, 1976, is hereby further amended as shown below. The purpose of this amendment is to reflect the transfer of the functions and organization of the Administrative Systems Division to the newly established Office of the Controller.

1. In section 3—"Functions," in pen and ink, delete the words "financial systems management" from subparagraph .01a.

2. In section 4—"Organization," in pen and ink, delete paragraph .02 and renumber paragraph .03 as .02.

GUY W. CHAMBERLIN,
Acting Assistant Secretary
for Administration.

(FR Doc. 78-3907 Filed 2-10-78; 8:45 am)

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

CASES FILED WITH THE OFFICE OF
ADMINISTRATIVE REVIEW

Week of January 20 through January 27, 1978

Notice is hereby given that during the week of January 20 through January 27, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice

were filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR. Part 205 any person who will be aggrieved by the DOE action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the

date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Administrative Review, Economic Regulatory Administration, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director, Office of
Administrative Review.

FEBRUARY 7, 1978.

APPENDIX List of cases received by the Office of Administrative Review, Week of Jan. 20, 1978 through Jan. 27, 1978

Date	Name and location of applicant	Case No.	Type of submission
Jan. 20, 1978	Commonwealth Oil Refining Co., Washington, D.C. If granted Commonwealth Oil Refining Co. Inc. would be permitted to import crude oil and resins into Puerto Rico as refinery and petrochemical feedstock on a license fee exempt basis.	DRX-0004	Exception from base fee requirements (sec. 213.35).
Jan. 23, 1978	Public Service Company of New Hampshire, Concord, N.H. If granted: The DOE's Jan. 9, 1978 information request denial would be rescinded and Public Service Co. of New Hampshire would receive access to additional DOE data deleted from the remedial order issued to C. H. Sprague & Son.	DFA-0120	Appeal of DOE's information request denial dated Jan. 9, 1978.
Do	TOSCO Corp., Washington, D.C. If granted TOSCO Corp. would receive an extension of the relief granted in the FEA's Apr. 28, 1977 decision and proposed to be extended in the DOE's Dec. 20, 1977 proposed decision and order which would relieve the firm of a portion of its entitlement purchase obligations.	DXE-0494	Extension of the relief granted in TOSCO Corp., 5 FEA par. 83,146 (Apr. 28, 1977).
Do	United Petroleum, Inc., Tampa, Fla. If granted: The Jan. 10, 1978 remedial order issued by DOE Region IV would be rescinded and United Petroleum, Inc. would not be required to refund overcharges made on its sales of motor gasoline and diesel fuel.	DRA-0116	Appeal of the Jan. 10, 1978 remedial order issued by DOE Region IV. Stay request.
Jan. 24, 1978	Staro Bottled Gas Co., Tampa, Fla. If granted: The Jan. 10, 1978 remedial order issued by DOE Region IV would be rescinded and Hillsboro Bottled Gas Co. would not be required to refund overcharges made on its sales of propane.	DRA-0119	Appeal of the Jan. 10, 1978 remedial order issued by DOE Region IV.
Do	Mobile, Ala. If granted: The Dec. 2, 1977 remedial order issued by DOE Region IV would be rescinded and Jedco, Inc. would not be required to refund overcharges made on its sales of motor gasoline from 34 retail outlets.	DRA-0117	Appeal of the Dec. 2, 1977 remedial order issued by DOE Region IV. Stay request.
Do	West Virginia Gas, Pittsburgh, Pa. If granted: The FEA's Oct. 7, 1975 decision and order would be rescinded and Kentucky West Virginia Gas would be permitted to establish its selling prices for the crude oil which it produces from nine leases located in Letcher, Perry, and Pike Counties, Ky. without regard to the current cumulative deficiency which has accrued at these properties during work stoppages.	DMR-0014	Modification/Rescission of Kentucky-West Virginia Gas, 2 FEA par. 80,698 (Oct. 7, 1975).
Do	Martin Oil Co., Wichita, Kans. If granted: The January 5, 1978 Remedial Order issued by DOE Region V would be rescinded and Martin Oil Co. would not be required to refund overcharges made on its sales of crude oil produced from the Speier and Montford leases.	DRA-118	Appeal of the Jan. 5, 1978 remedial Order issued by DOE Region V.
Do	Young Refining Corp., Douglasville, Ga. If granted: Young Refining Corp. would receive an extension of the stay granted in DOE's Jan. 13, 1978 decision and order pending a final determination on the firm's statement of objections to the proposed decision issued to the firm on Dec. 20, 1977.	DEX-0029	Supplemental Order in Young Refining Corp., 1 DOE — (Jan. 13, 1978).
Jan. 25, 1978	Maguire Oil Co., Dallas, Tex. If granted: The stay of the refund provisions of a June 30, 1977 remedial order granted in the FEA's July 18, 1977 decision and order would be rescinded.	DRX-0030	Supplemental order in Maguire Oil Co., 6 FEA par. 85,013 (July 18, 1977).
Do	Heinhard Distributing Co., Inc., Kent, Wash. If granted: Heinhard Distributing Co., Inc. would receive an exception from 10 CFR 212.93 which would permit the firm to calculate its weighted average inventory cost of motor gasoline on May 15, 1973 on the basis of the price set forth in its contract with Atlantic Refining Co.	DEE-0493	Price exception (sec. 212.93).

APPENDIX.—List of cases received by the Office of Administrative Review, Week of Jan. 20, 1978 through Jan. 27, 1978—Continued

Date	Name and location of applicant	Case No.	Type of submission
Jan. 25, 1978	Sabre Refining, Inc. Bakersfield, Calif. If granted: Sabre Refining, Inc. would receive a stay of the provisions of 10 CFR 211.87 with respect to its entitlement purchase obligations pending a final determination on its application for exception.	DES-0034	Stay of the entitlements program (sec. 211.87).
Do	Southwestern Refining Co., Inc., Washington, D.C. If granted: Southwestern Oil Co. would receive an exception from the entitlements program (10 CFR 211.67) which would relieve the firm of its entitlement purchase obligations.	DEE-0483	Exception from the entitlements program (sec. 211.67).
Jan. 26, 1978	Cleary, Gottlieb, Steen & Hamilton, Washington, D.C. If granted: The DOE's Dec. 7, 1977 information request denial would be rescinded and Cleary, Gottlieb, Steen & Hamilton would receive access to additional DOE data relating to correspondence by John M. Coffey.	DFA-0121	Appeal of the DOE's Dec. 7, 1977 information request denial.

NOTICES OF OBJECTION RECEIVED.—Week of Jan. 20, 1978 through Jan. 27, 1978

Date	Name and location of applicant	Case No.
Jan. 23, 1978	Arizona Fuels Corp., Salt Lake City, Utah	DXE-0224
Jan. 24, 1978	Coastal States Gas Corp., Houston, Tex.	DXE-0244
Jan. 25, 1978	Sabre Refining, Inc., Bakersfield, Calif.	DEE-0346
Jan. 26, 1978	Atlantic Richfield Co., Dallas, Tex.	FEE-4104
Jan. 28, 1978	International Retail Corp., Aberdeen, Md.	FEE-4838

[FR Doc. 78-3937 Filed 2-10-78; 8:45 am]

[3128-01]

VOLUNTARY AGREEMENT AND PLAN OF ACTION TO IMPLEMENT THE INTERNATIONAL ENERGY PROGRAM

Availability of Documents and Request for Comment on Proposed Approvals by the Secretary of Energy

AGENCY: Department of Energy.

ACTION: Notice of Availability of Documents and Request for Comment.

SUMMARY: A draft of a proposed clearance letter and recordkeeping guidelines with respect to U.S. oil company participation in the upcoming test of the International Energy Agency's international oil allocation system is being transmitted to the relevant government agencies for comment and is also being made available for public comment.

DATE: Written comments to be submitted by February 21, 1978.

ADDRESS: Comments should be submitted to Box RT, Room 2214, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE, Freedom of Information, Reading Room), Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9161. Robert C. Goodwin, Jr., Office of General Counsel, Room 5116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

SUPPLEMENTAL INFORMATION: Under section 252 of the Energy Policy and Conservation Act, the Administrator of the Federal Energy Administration (whose functions have now been transferred to the Secretary of Energy pursuant to the Department Energy Organization Act) monitors the carrying out of Voluntary Agreements by U.S. companies and issues certain approvals with respect thereto. In this connection, U.S. companies who are members of the Voluntary Agreement will be requested to assist the International Energy Agency in conducting a test of the emergency allocation system beginning March 30, 1978. The Department of Energy staff, in cooperation with the staffs of the Department of State, the Department of Justice, and the Federal Trade

Commission, has developed the various clearance documents which are being made available today.

The first document is a draft letter of approval for U.S. companies participating in the test. The second document is the Guidelines for Recordkeeping which will be required. These Guidelines will apply existing DOE regulations contained in Title 10, CFR, Part 209, to the test. Amendments to the part 209 regulations are also being proposed in a separate filing. The proposed clearance letter is substantially similar to the clearance letter which was provided for the 1976 systems test. See 41 FR 41459 (September 22, 1976). However, the categories of data which may be exchanged have been more precisely drawn. The recordkeeping guidelines are also similar in substance to those issued in 1976. They have been totally revised in terms of format. In addition, several changes have been made based on experience of the U.S. Government in monitoring the last test.

DOE has determined that it would be useful in this test to evaluate utilization of a verbatim transcript for portions of the test. Accordingly, it is contemplated that a transcript will be taken of many of the group sessions

during the second three-week cycle of the test. The record developed in this fashion will then be compared with the record developed through written notes and minutes maintained during the first cycle of the test in order to determine whether a transcript provides any additional helpful information for monitoring purposes.

DOE also considered instituting a system of recordkeeping for telephone calls which are made by U.S. ISAG members in connection with the test. This system would involve utilizing tape recordings of such phone conversations. However, because of the brief amount of time remaining between now and the beginning of the test, and because of the number of unresolved questions relating to the legal and other issues, it was decided not to institute such a system for this test. However, DOE is particularly interested in obtaining comments on such an approach for possibly utilization in future tests or in case of a real emergency.

COMMENT PROCEDURE: A file containing data on proposed clearance letter and recordkeeping guidelines is available for public inspection and copying at the DOE Freedom of Information Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Written comments regarding the proposed clearance letter and recordkeeping guidelines will be accepted and considered if filed by 4:30 p.m., February 20, 1978. Any person submitting written comments with respect to the letter and guidelines should submit ten (10) copies to the Office of General Counsel, DOE, Room 5116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, attention: Mr. Robert C. Goodwin, Jr. Comments should be identified on the outside of the envelope and on documents submitted with the designation "Proposed Clearance Letter and Recordkeeping Guidelines With Respect to AST-2."

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, in one copy only, in accordance with procedures set forth in 10 CFR 205.9(f). Any material not accompanied by a statement of confidentiality will be considered to be non-confidential. The Department of Energy reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., February 7, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-3858 Filed 2-10-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of December 5 through December 9, 1977

Notice is hereby given that during the week of December 5 through December 9, 1977, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Atlantic Richfield Co., Los Angeles, Calif., DFA-0030, Freedom of Information

The Atlantic Richfield Company (Arco) appealed from a partial denial by the FEA Information Access Officer of a Request for Information which the firm had submitted under the Freedom of Information Act (the Act). In its request, Arco sought the disclosure of documents relating to the FEA Transfer Pricing Program (10 CFR 212.84). In a partial response to the Arco request, the Information Access Officer released portions of a computer printout listing summaries of the price and volume of transactions in various crude oils which had been reported to the FEA. However, he deleted from this material the aggregate quantities and average prices for crude oils in months when three firms or less participated in transactions. The deletions were made on the grounds that the release of these figures would disclose confidential commercial information which was exempt from mandatory disclosure under Section 552(b)(4) of the Act. In considering Arco's Appeal, the DOE determined that the information withheld from Arco which is traceable to individual firms was properly found to be exempt from disclosure since that information is confidential commercial and financial information which, if released to the public, would cause substantial harm to the competitive positions of the firms which had submitted that data to the FEA. However, the DOE held that the Information Access Officer erred in deleting aggregate quantities and average prices for those months in which three firms had reported transactions involving a particular type of crude oil. The DOE determined that the Information Access Officer must provide Arco the aggregate volume and average price information when three firms had transactions in a particular month unless (i) one of the three firms is a governmental entity or utility; or (ii) fewer than three firms actually lifted that particular type of crude oil in that particular month. The Arco Appeal was therefore denied in part and granted in part.

Champlin Petroleum Co., Fort Worth Tex., FXA-1313, Crude Oil

Champlin Petroleum Company appealed from a Decision and Order denying the firm's request for exception relief from the provisions of 10 CFR, Part 212, Subpart D.

Champlin Petroleum Company, 5 FEA Par. 83,113 (March 31, 1977). Champlin had requested that it be permitted to sell at upper tier ceiling prices a portion of the crude oil produced and sold for the benefit of the working interest owners of Fault Block Units II, III and IV, located on the Wilmington Field, Long Beach, California. The relief was requested in order to permit the recoupment of the projected cost of an investment for a water pollution control facility which the firm must construct in order to comply with an Order issued by the California Regional Water Quality Control Board. In the March 31 Decision, the FEA found that Champlin had ample economic incentive to make the required investment in the absence of exception relief. In its Appeal, Champlin asserted that the FEA had failed to apply the methodology employed in previous cases in its analysis of the firm's future financial position. In considering the Appeal, the DOE determined that Champlin's contention was correct since the FEA, in projecting the revenues which the working interest owners will receive from the sale of crude oil in future years, had utilized ceiling prices which were substantially in excess of the current ceiling prices applicable to the sale of crude oil produced from Fault Block Units II, III and IV. The DOE found that in previous cases of a similar nature the FEA, in analyzing a firm's future financial position, had instead utilized the current applicable selling prices or the most recently published ceiling price which would be available to the producer. Accordingly, the DOE determined that a new analysis should be conducted of Champlin's request for exception.

On the basis of that new analysis, the DOE determined that under the current crude oil pricing regulations there is little economic incentive for Champlin to make the investment in the water treatment facility and it is likely that Champlin will abandon its operations at Fault Block Units II, III and IV in the absence of exception relief. The DOE also determined that the reservoirs underlying each Fault Block Unit contain substantial quantities of crude oil which would not be recovered if the firm's operations were abandoned. On the basis of the precedent established in *Standard Oil Company of California*, 4 FEA Par. 83,184 (November 5, 1976), and in view of the fact that the investment would further important national policy objectives, including the attainment of statutory water quality standards and the encouragement of domestic crude oil production, the DOE concluded that the application of the ceiling price rules to Champlin's operations resulted in a gross inequity which warranted exception relief. Accordingly, Champlin was permitted to sell at upper tier ceiling prices a sufficient quantity of crude oil produced for the benefit of the working interest owners to enable it to undertake the pollution control project while at the same time avoiding the possibility that windfall profits would be obtained.

Dasher-Harris Gas Co., Valdosta, Ga., FXA-1202, Propane

The Dasher-Harris Gas Company appealed from a Decision and Order which the FEA issued to it on January 3, 1977, denying a request for an extension of the exception relief which had been granted to the firm on June 29, 1976. *Dasher-Harris Gas Co.*, 5 FEA Par. 83,034 (January 3, 1977), 3 FEA Par. 83,253 (June 29, 1976). The June 29 De-

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cision granted Dasher-Harris an exception from the provisions of 10 CFR 211.9 and directed that the firm be assigned a lower-priced supplier of propane to replace its base period supplier, Wanda Petroleum Company. The present Appeal, if granted, would have resulted in the reversal of the January 3 determination and the issuance of a further order assigning Dasher-Harris a lower-priced supplier of propane in place of its base period supplier.

In considering the Appeal, the DOE found that the FEA had performed an erroneous comparison of suppliers' prices in the marketing area in which Dasher-Harris operates and that if a proper comparison had been made, the FEA would have found that the price charged Dasher-Harris by Wanda was significantly higher than the average of the prices paid by Dasher-Harris' competitors. In addition, the DOE noted that Dasher-Harris had submitted new data which indicated that since the issuance of the January 3 Decision, Wanda had increased its prices for propane and that as a result, Dasher-Harris was incurring substantially higher costs for propane than its competitors. However, the DOE further noted that, in accordance with the principles established in several prior Decisions, Dasher-Harris would not be entitled to exception relief solely on the ground that a significant price disparity exists, but that the firm must also show that it is experiencing serious financial and operating difficulties which are attributable to this price disparity. The DOE determined that the manner in which the FEA conducted its analysis of the firm's financial data in the prior proceeding was erroneous to the extent that it excluded an allowance for depreciation which the firm had included in its financial statements. Accordingly, a new analysis was made of the financial data which Dasher-Harris submitted. Based on that analysis, the DOE concluded that Dasher-Harris had failed to substantiate its contention that its financial difficulties were attributable to the application of the propane allocation regulations to its activities. The DOE therefore determined that the Dasher-Harris Appeal should be denied.

Kingery Drilling Co., Inc., Ardmore, Okla., FRA-1392, Crude Oil

Kingery Drilling Company, Inc. filed an Appeal from a Remedial Order which was issued to the firm on June 27, 1977, by the Deputy Regional Administrator of FEA Region VI. The Remedial Order found that Kingery had sold crude oil at prices which were in excess of the ceiling prices specified in 6 CFR 150.353 and 10 CFR 212.73 and directed the firm to refund the amount of the overcharges, plus interest to the purchaser of the crude oil. In its Appeal, Kingery argued that the ceiling price for crude oil which it produced included a bonus of \$0.15 per barrel which the firm received under a contract with its purchaser on May 15, 1973. In considering the Appeal, the FEA found that Kingery had failed to provide evidence which demonstrated that the bonus which it received for crude oil from its purchaser on May 15, 1973, constituted a part of the "posted price" as that term is defined and interpreted in FEA Ruling 1977-1 (Federal Energy Guidelines (CCH) Par. 16.165). The firm's Appeal was therefore denied.

Maralo, Inc., Round Mountain, Tex., FXA-1353, Crude Oil

Maralo, Inc. filed an Appeal from a Decision and Order which was issued to the firm

on May 16, 1977. *Maralo, Inc.*, 5 FEA Par. 83.159 (May 16, 1977). In the May 16 Order, the FEA denied the firm's Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The Appeal, if granted, would permit the firm to treat crude oil reservoirs underlying two leases in Chambers County and Gaines County, Texas as separate properties on a retroactive and prospective basis. In considering the firm's Appeal, the DOE determined that Maralo had not demonstrated that prior to the issuance of Ruling 1975-15 the regulations were so vague as to allow the firm to treat reservoirs as separate properties. Furthermore, the DOE held that the FEA correctly determined that Maralo had failed to demonstrate that the reservoirs retroactively qualified as separate properties under the criteria established in Ruling 1977-1. The DOE also affirmed the FEA's finding that Maralo was not justified in relying on oral advice which it allegedly received from FEA officials. Finally, the DOE determined that the issue of whether Maralo could treat the reservoirs as separate properties on a prospective basis under Ruling 1977-2 was a determination properly left to the DOE Regional Office. Based on these considerations, the DOE determined that Maralo had not demonstrated that the May 16, 1977 Order was erroneous in fact or law, or arbitrary or capricious and the Maralo Appeal was accordingly denied.

Natrogas, Inc., Minneapolis, Minn., FXA-1259, Propane

Natrogas, Inc. appealed from a Decision and Order denying a request for exception which it had filed from the provisions of 10 CFR 211.9 *Natrogas, Inc.*, 5 FEA Par. 83.095 (March 8, 1977). In its exception request, Natrogas sought to be assigned a new, lower-priced supplier to replace its four base period suppliers of propane. The firm contended that there was a significant disparity between its cost of propane and the comparable costs of its competitors, and that as a result it was experiencing a serious financial hardship. In rejecting these claims, the FEA found that the firm has been purchasing substantial quantities of propane on the surplus market, and that consequently its cost of propane was only 1.55 cents higher than the average cost of its competitors. The FEA also found that the evidence in the record did not support Natrogas' contention that it was experiencing a financial hardship as a result of FEA regulatory requirements. Natrogas contended on appeal that the FEA erred in calculating the difference between its cost of propane and the cost to its competitors by including prices offered by suppliers which do not supply its competitors. The DOE found that these prices were properly included in the comparison since those suppliers did in fact sell propane to competitors of Natrogas. Nevertheless, it also found that in determining the average cost of propane to Natrogas' competitors, the FEA improperly excluded the prices charged by several other suppliers. Accordingly, the DOE conducted a new survey of suppliers in Natrogas' market area, which indicated that the cost disadvantage currently being experienced by Natrogas was only 1.48 cents. Since this disparity was not substantial and, in any event, was less than that found to exist in the March 8 Decision and Order, Natrogas' Appeal was denied. However, it was also determined that new financial data submitted by Natrogas in connection with its present

submission warranted a reconsideration of the findings made in the March 8 Decision. That data indicated that Natrogas' markup had declined substantially in recent years, was insufficient to meet the firm's necessary operating costs, and that consequently the firm was currently operating at a loss. The DOE determined that the cost disadvantage which Natrogas was experiencing with respect to its purchases of propane was a primary cause of these financial difficulties, and therefore granted the firm exception relief, directing that it be assigned a lower-priced supplier of propane to replace three of its four base period suppliers.

Burl C. Smith, Portage, Ohio, FRA-1348, Refined Petroleum Products

Burl C. Smith (Smith) filed an Appeal from a Remedial Order which had been issued to him by the Regional Administrator of FEA Region V on February 25, 1977. In the Remedial Order, FEA Region V found that, during the period November 1, 1973 through June 30, 1975, Smith sold certain volumes of motor gasoline and middle distillates at prices which exceeded the maximum permissible price levels computed pursuant to 6 CFR 150.359 and 10 CFR 212.93. Since Smith had failed to maintain adequate records of his business transactions, the FEA could not make, on the basis of those records, a precise determination as to Smith's compliance with the applicable regulations and was accordingly compelled to calculate his selling prices and product costs on the basis of the available records and invoices. In considering the Appeal, the DOE determined that Smith did not present any material whatsoever which supported his broad allegation that certain calculations made by the FEA were incorrect. In addition, the DOE noted that although Smith had been given an opportunity during the appeal proceeding to show that he would experience a serious financial hardship as a result of the Remedial Order, he had failed to submit any financial material in support of this claim. The Smith Appeal was accordingly denied.

Texaco, Inc., White Plains, N.Y., DEA-0002, DEA-0003, DEA-0004, Aviation Jet Fuel

Texaco, Inc. filed Appeals from Assignment Orders which were issued to the firm on September 26, 1977 directing it to supply aviation jet fuel to Braniff Airways, Inc., Continental Airlines, Inc. and Southwest Airlines, Inc. In considering Texaco's Appeal, the DOE determined that the September 26 Orders were inconsistent with the standards and principles for adjusting an airline's base period volume of aviation jet fuel which the FEA had established in an earlier Decision and Order. See *Texaco, Inc.*, 6 FEA Par. 80.548 (September 9, 1977). Specifically, the Assignment Orders contained an erroneous finding that the approval of operating rights by the Civil Aeronautics Board or other appropriate authority is itself a "compelling situation" which justifies an adjustment under 10 CFR 211.145(b)(1). Furthermore, none of the Orders reflected any consideration of the airlines' attempts to reduce daily flights on routes with light passenger demand or to curtail service on routes which are duplicated by other airlines. Finally, the DOE held that consideration should also be given to the airlines' efforts to utilize alternative sources of fuel including imported aviation fuel. On the basis of these considerations, the September 26 Assignment Orders were

remanded for further findings of fact and law.

REQUESTS FOR EXCEPTION

Bailer & Deshaw, Kawakawin, Mich., FEE-4130, Crude Oil

Bailer & Deshaw (Bailer) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell at market prices the crude oil which it anticipates it will produce from two wells to be drilled on the Arbela Field located in Tuscola County, Michigan. In considering the Bailer application, the DOE found that a substantial investment is necessary to drill the two wells and purchase the equipment which is necessary to commence operations at the leases. The DOE further determined that the crude oil production estimates provided by the firm indicate that the investment would be uneconomic if the crude oil which will be produced from the wells prior to their qualification for stripper well status were to be sold at upper tier ceiling prices. Moreover, the DOE determined that over 30,000 barrels of crude oil could be recovered to meet the nation's energy requirements if the two wells are drilled. On the basis of these findings which are similar to those presented in a previous case, the DOE determined that exception relief should be granted to Bailer which would provide it with a sufficient economic return to undertake the capital investment project required to develop the two leases. See *Minard Run Oil Co.*, 5 FEA Par. 83.119 (March 31, 1977). Based on the financial and operating data that the firm submitted, the DOE determined that if Bailer were permitted to sell all the crude oil produced from the two wells for the benefit of the working interest owners during the first year of production at exempt price levels, it should have the necessary economic incentive to undertake the drilling project.

Texas Pacific Oil Co., Inc., Dallas, Tex., FEE-4405, Crude Oil

Texas Pacific Oil Co., Inc. filed an Application for Exception in which the firm requested that it be permitted to sell the crude oil produced from the Ackers-State (Caddo) Unit, located in Stephens County, Texas, at stripper well prices. In its Application, Texas Pacific stated that it unitized the 327.8 acres of the W.H. Ackers Lease and the 10.5 acres of the State of Texas

Lease into a single property on July 1, 1977. The firm also stated that the Ackers Lease property qualified as a stripper well property on the basis of 1975 production and that there had been no production of crude oil from the State Lease property since 1972. In considering the Texas Pacific exception request, the DOE noted that the State Lease property constituted only a very minor percentage of the entire unitized property and that Texas Pacific did not intend to drill any wells on the land previously included in the State Lease. The DOE therefore found that the only apparent effect of the unitization was to eliminate the incentive for current investment by precluding the property from qualifying as a stripper well property until at least July 1, 1978. In view of these factors, the DOE concluded that the application to the firm of the provisions of the DOE regulations concerning unitized properties resulted in a gross inequity which warranted exception relief. The firm was therefore permitted to sell the crude oil produced from the Unit without regard to those provisions of the regulations which relate to unitized properties.

REQUESTS FOR STAY

Mid-Michigan Truck Service, Inc., Kalamazoo, Mich., DES-0155, Motor Gasoline

Mid-Michigan Truck Service, Inc. filed an Application for Stay of the provisions of 10 CFR 211.25 (the supplier substitution rule). If the request were approved the Gulf Oil Corporation would be required to continue furnishing Mid-Michigan with its base period use of motor gasoline directly, rather than through the Bestrom Oil Company, Gulf's designated substitute supplier. In considering Mid-Michigan's request for stay, the DOE concluded that in view of the prior exception relief granted to Mid-Michigan, it is likely that the firm will prevail on the permits of its pending Application for Exception from Section 211.25. In addition, the DOE concluded that the financial burden to Mid-Michigan of returning to the situation which existed prior to the approval of the previous exception relief would be greater than any burden which Gulf would incur if the stay were granted in order to maintain the *status quo ante*. Accordingly, Mid-Michigan's request for stay was granted.

Union Oil Co. of California, Los Angeles, Calif., DES-0120, Motor Gasoline

The Union Oil Company of California

filed an Application for Stay of the provisions of 10 CFR 212.83 pending a determination on the merits of an Application for Exception which it had filed. If its request were approved, Union would be permitted to increase its maximum allowable selling price for motor gasoline in the County of Hawaii, State of Hawaii by two cents per gallon in order to reflect an increase in a County license tax on that product. Under the provisions of 10 CFR 212.83(c)(2)(iii)(E)(VII), Union is required to treat the County license tax increase as an increased nonproduct cost which it may recover only by applying that cost equally among all of its classes of customer throughout the United States on a firm-wide basis. In considering the Union Application, the DOE determined that Union had not yet clearly established the existence of a gross inequity by demonstrating that the effect of the regulation in question upon its customers differed in nature or degree from its effect on the customers of other refiners with respect to the County license tax increase or with respect to any other such local tax measure. Nor had Union demonstrated that the regulation interfered with the sovereign taxing authority of the State of Hawaii. The DOE therefore held that Union had failed to establish the existence of a substantial likelihood of success on the merits of its exception request. The DOE further held that Union's claim of irreparable injury, based on its present inability to recover some of its increased nonproduct costs due to market conditions, was speculative. The DOE also observed that if Union's request for a stay were granted and its exception request were denied, its customers in the County might be irreparably injured. The Union Application for Stay was therefore denied.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases:

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Atlantic Richfield Co.	FEE-4701	Camargo	Dewey County, Okla.	\$0.0060
	FEE-4702	Crittendon	Winkler County, Tex.	.0062
	FEE-4703	Grand Chenier	Cameron Parish, La.	.0066
	FEE-4704	Indian Basin	Eddy County, N. Mex.	.0091
	FEE-4705	Refugio	Refugio County, Tex.	.0297
Cities Service Co.	FEE-4754	Ambrose	Kay County, Okla.	.0160
	FEE-4755	Camrick	Beaver County, Okla.	.0094
	FEE-4756	Corpus Bay	San Patricio County, Tex.	(¹)
	FEE-4757	Diamond "M"	Scurry County, Tex.	(¹)
	FEE-4758	Elmwood	Beaver County, Okla.	.0168
	FEE-4759	Fairway	Henderson County, Tex.	(¹)
	FEE-4760	Indian Basin	Eddy County, N. Mex.	.0059
	FEE-4761	Murdock	Texas County, Okla.	.0063
	FEE-4762	Roberts Ranch	Midland County, Tex.	.0051
	FEE-4763	West Seminole	Gaines County, Tex.	.0174
	FEE-4764	Wilburton	Morton County, Okla.	(¹)
Doric Petroleum, Inc.	DXE-0047	Hennessey	Kingfisher County, Okla.	.0232
	DXE-0048	Newcastle	Grady County, Okla.	.0228
Gas Engine & Compressor Service, Inc.	DEE-0087	Freestone	Freestone County, Tex.	.11485

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
Gulf Oil Corp.	FEE-4612	Delhi	Richland Parish, La.	.0109
	FEE-4613	Elmwood	Beaver County, Okla.	.0008
	FEE-4614	Enville	Love County, Okla.	.0062
	FEE-4615	Fashion	Atascosa County, Tex.	.0203
	FEE-4616	Johnsons Bayou	Cameron Parish, La.	.0024
	FEE-4617	Sea Robin	Vermilion Parish, La.	.0096
	FEE-4618	Venice	Plaquemines Parish, La.	.0012
	FEE-4619	Worsham	Ward County, Tex.	.0077
	FEE-4639	North Port Neches	Orange County, Tex.	.0258
	FEE-4646	Waddell	Crane County, Tex.	.0100
H. W. Bass & Sons, Inc.	FKE-4807	Walnut Bend	Grayson County, Tex.	.0328
	FEE-4682	Enville	Love County, Okla.	.0120
	FEE-4683	Fashion	Atascosa County, Tex.	.0324
	FEE-4684	Iowa Jet	Calcasieu Parish, La.	.0200
Standard Oil Co. (Indiana)	FEE-4685	Laverne	Harper County, Okla.	.0184
	FKE-4814	Monahans	Winkler County, Tex.	.0171
	FEE-4827	Como	Hopkins County, Tex.	.0121
	FEE-4828	Enville	Love County, Okla.	.0154
	FEE-4829	Indian Basin	Eddy County, N. Mex.	.0227
	FEE-4630	South Lake Arthur	Jefferson Davis Parish, La.	.0167
	FEE-4831	TXL	Ector County, Tex.	.0123
	FKE-4808	Adena	Morgan County, Colo.	.0779
	FKE-4809	Enville	Love County, Okla.	(¹)
	FKE-4810	Hamlin	Fisher County, Tex.	.0370
Texas Pacific Oil Co., Inc.	FKE-4811	South Fullerton	Andrews County, Tex.	.0230
	FEE-4481	Coalanga	Fresno County, Calif.	.0065
	FEE-4482	Timbaler Bay	Terrebonne, La.	.0077
	FKE-4483	Bakke	Andrews County, Tex.	.0060
Union Oil Co. of California	FKE-4484	Bell	Los Angeles County, Tex.	.0497
	FKE-4485	Bryans Mill	Cass County, Tex.	.0481
	FKE-4486	Caddo	Carter County, Okla.	.0113
	FKE-4487	Camrick	Beaver County, Okla.	.0051
	FKE-4488	Como	Hopkins County, Tex.	.1098
	FKE-4489	Cotton Valley	Webster County, La.	.0364
	FKE-4490	Cow Island	Vermilion County, La.	.0087
	FKE-4491	Dollarhide	Andrews County, Tex.	.0160
	FKE-4492	Gillette	Campbell County, Wyo.	.0296
	FKE-4493	Houma	Terrebonne County, La.	.0148
	FKE-4494	Kettleman Hills	Kings County, Calif.	.0269
	FKE-4495	Lisbon	San Juan County, Utah	.0110
	FKE-4496	Mermentau	Acadia County, La.	.0415
	FKE-4497	North Okarche	Kingfisher County, Okla.	.0367
	FKE-4498	Putnam Oswego	Dewey County, Okla.	.0063
	FKE-4499	Santa Maria Valley	Santa Barbara County, Calif.	.0308
	FKE-4500	Stearns	Orange County, Calif.	.0314
	FKE-4501	Van	Van Zandt County, Tex.	.0158
	FKE-4502	Worland	Washokle County, Wyo.	.0321

¹ Denied.

SUMMARY DECISIONS

The following firms filed Applications for Stay of Remedial Orders which has been issued to them by the DOE. In considering the stay requests, the DOE referred to a recent Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that the public interest required immediate compliance with the Remedial Order. Since the record in these cases did not indicate that the public interest required immediate compliance with the Remedial Orders, the DOE granted the requests for stay pending consideration of the Appeals.

Charles W. Austin, Denver, Colo., DRS-0062
Eastern Oil Co., Tampa, Fla., DRS-0063
Franconia Propane Gas Co., Inc., Harleysville, Pa., DRS-0066
Pioneer Operations Co., Inc., Seminole, Okla., DRS-0039

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Lincoln Rock Corp., Ardmore, Okla., DEE-0234
Suburban Propane, Morristown, N.J., DEE-0236

The following submission was dismissed on the grounds that the request is now moot:

Petrochemical Energy Group, Washington, D.C., FMR-0102

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Administrative Review, Room B-120, 2000 M Street NW, Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They

are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

Dated: February 2, 1978.

MELVIN GOLDSTEIN,
Director, Office of
Administrative Review.
(FR Doc. 78-3798 Filed 2-10-78; 8:45 am)

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

January 23 Through January 27, 1978

Notice is hereby given that during the period January 23 through January 27, 1978, the Proposed Decisions

and Orders which are summarized below were issued by the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of a Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice of issuance of a Proposed Decision and Order shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the

Office of Administrative Review, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m. e.s.t., except federal holidays.

Dated February 3, 1978.

MELVIN GOLDSTEIN,
Director, Office of
Administrative Review.

PROPOSED DECISIONS AND ORDERS

Gas Engine & Compressor Service, Inc., Longview, Tex., FEE-4046, natural gas liquids

Gas Engine & Compressor Service, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart K. The exception request, if granted, would permit the firm, during the period September 1973 to the present, to charge prices for the natural gas liquids produced at its Freestone plant in excess of the levels permitted under Subpart K. On January 27, 1978, the DOE issued a Proposed Decision and Order that determined that Gas Engine's request for retroactive exception relief be denied.

Gulf Oil Corp., Tulsa, Okla., DXE-0251, crude oil

Gulf Oil Corp. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of the exception relief which the FEA granted to Gulf in a previous Decision and would permit Gulf to sell a portion of the crude oil which it produces from the Northwest Graylin "D" Sand Unit at upper tier ceiling prices. On January 23, 1978, the DOE issued a Proposed Decision and Order granting Gulf exception relief which would permit the firm to sell at upper tier ceiling prices 67.66 percent of the crude oil which it produces from the Graylin Unit for the benefit of the working interest.

O'Meara Bros., Lake Charles and New Orleans, La., FEE-4732, FEE-4750, crude oil

O'Meara Bros. filed two Applications for Exception from the provisions of 10 CFR,

Part 212, Subpart D. The exception requests, if granted, would permit O'Meara to sell at upper tier ceiling price levels a portion of the crude oil which it produced from the Vinton Lease and Louisiana State Lease 2192 T 165, R 17E. On January 24, 1978, the DOE issued a Proposed Decision and Order which determined that the exception requests be granted.

Phillips Petroleum Co., Bartlesville, Okla., DEE-0386, crude oil

Phillips Petroleum Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit Phillips to sell at upper tier ceiling prices the crude oil which it produces from the Bridger Lake Unit located in Summit County, Utah. On January 27, 1978, the DOE issued a Proposed Decision and Order which permits the firm to sell at upper tier ceiling prices 6.85 percent of the crude oil produced from the Unit for the benefit of the working interest.

Texas Pacific Oil Co., Inc., Dallas, Tex., DXE-0235, crude oil

Texas Pacific Oil Co., Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would increase the amount of exception relief granted to Texas Pacific on April 29, 1977 by permitting the firm to sell at upper tier ceiling prices additional quantities of the crude oil produced from the Lagrange 4300' reservoir of the O. L. Wilson Lease, located in Adams County, Miss. On January 25, 1978, the DOE issued a Proposed Decision and Order which determined that the Texas Pacific exception request be granted.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Administrative Review of the Department of Energy has issued Decisions and Orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases:

Company	Case No.	Plant	Location	Amount of price increase (per gallon)
General Crude	FEE-0050	Dayton	Liberty County, Tex.	\$0.0139
	DEE-0051	Grand Chenier	Cameron Parish, La.	.0307
	DEE-0052	Hamlin	Fisher County, Tex.	.0119
	DEE-0053	Salt Creek	Kent County, Tex.	.0778
	DEE-0387	Silsbee	Hardin County, Tex.	.1346
Ginther Gas Processing	FEE-4371	Springer	Campbell County, Wyo.	.02156
Matrix Land	DEE-0034	Piceance Creek	Rio Blanco County, Colo.	(¹)
	DEE-0035	Mobeetle	Wheeler County, Tex.	.0415
	DEE-0036	Box-Elmdale/Tuscola	Taylor and Callahan Counties, Tex.	.1755

¹ Denied.

(FR Doc. 78-3799 Filed 2-10-78; 8:45 am)

[3128-01]

Economic Regulatory Administration
**EMERGENCY ELECTRIC ENERGY AND FUEL
 ALLOCATION AUTHORITIES**
 Notice of Delegation

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Announcement of Delegations of Authority.

SUMMARY: The Administrator of the Economic Regulatory Administration (ERA) hereby gives notice of delegations of authority in regard to his emergency authorities under § 202(c) of the Federal Power Act (16 U.S.C. § 824a(c)) to order the "temporary connection of facilities and transfer of electricity," and under § 2(d) of the Energy Supply and Environmental Coordination Act of 1974 (ESECA) (15 U.S.C. § 792 et seq.), by rule or by order to "allocate coal to any person to the extent necessary to carry out the purposes of this Act."

This notice advises the public that these delegations have been made, describes the pertinent scope of authorities associated with each of these delegations and identifies relevant offices in the ERA for submission of filings.

SUPPLEMENTARY INFORMATION:
 I. Background.
 II. Electrical Interconnections.
 III. Coal Allocation.

I. BACKGROUND

The authorities contained in § 202(c) of the Federal Power Act and in § 2(d) of ESECA were delegated by the Secretary of Energy to the Administrator of the Economic Regulatory Administration. This delegation of authorities was previously published in the FEDERAL REGISTER on November 29, 1977 (42 FR 60725-27). The Administrator of the Economic Regulatory Administration has further delegated his authorities under section 202(c) of the Federal Power Act to the Assistant Administrator for Utility Systems and under Section 2 of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319), as amended, to the Assistant Administrator for Fuels Regulation.

II. ELECTRICAL INTERCONNECTIONS

As a result of the above referenced delegation, the Assistant Administrator for Utility Systems, ERA, administers the following pertinent statutory authorities among others in regard to emergency electrical interconnections under the Federal Power Act:

**TEMPORARY CONNECTION AND EXCHANGE
 OF FACILITIES DURING EMERGENCY**

... whenever [DOE] determines that an emergency exists by reason of ... a short-

age of electric energy or of facilities for the generation or transmission of electric energy, or of fuel or water for generating facilities, or other causes, [DOE] shall have authority either upon its own motion or upon complaint, with or without notice, hearing, or report, to require by order such temporary connections of facilities and such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest. Section 202(c) Federal Power Act, (16 U.S.C. § 824(c)).

The authorities contained in § 202(c) of the Federal Power Act are implemented under the provisions of regulations previously promulgated by the Federal Power Commission and which currently remain in effect pursuant to the transfer provisions of § 705 of the Department of Energy Organization Act (Pub. L. 95-91). These regulatory provisions are contained in 18 CFR §§ 32.60-32.62.

Application for a temporary connection order or an order for generation, delivery, interchange, or transmission of electric energy pursuant to Section 202(c) of the Federal Power Act should be filed attention:

Dr. Douglas C. Bauer, Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 6011, Washington, D.C. 20461.

between the hours of 8 a.m. and 4:30 p.m. e.s.t. Telephone inquiries shall be directed to:

Mr. Jerry Pfeffer, Deputy Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy, 202-254-9655.

III. COAL ALLOCATION

As a result of the above referenced delegation, the Assistant Administrator for Fuels Regulation, ERA, administers the following pertinent statutory authorities in regard to the emergency allocation of coal under the ESECA statute:

(1) "The [DOE] may, by ... order, allocate coal ... to any ... person to the extent necessary to carry out the purposes of this act." (15 U.S.C. 792(d));

(2) "The purposes of this Act are (1) to provide for a means to assist in meeting the essential needs of the United States for fuels, ... " (15 U.S.C. 791)

The pertinent coal allocation regulations for the implementation of these authorities are contained in 10 CFR §§ 309.1-309.5 and 10 CFR §§ 303.50-303.61.

Application for an order to allocate coal pursuant to Section 2(d) of the Energy Supply and Environmental Coordination Act of 1974 should be filed attention:

Mr. Barton R. House, Assistant Administrator for Fuels Regulation, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 6128L, Washington, D.C. 20461.

between the hours of 8 a.m. and 4:30 p.m. e.s.t. Telephone inquiries should be directed to:

Barton House, Assistant Administrator for Fuels Regulations, Economic Regulatory Administration, Department of Energy 202-254-3905.

Issued in Washington, D.C. February 10, 1978.

DAVID J. BARDIN,
 Administrator, Economic Regulatory Administration, Department of Energy.

[FR Doc. 78-4095 Filed 2-10-78; 8:45 am]

[6560-01]

**ENVIRONMENTAL PROTECTION
 AGENCY**

[FRL 854.2]

**ENVIRONMENTAL IMPACT STATEMENTS AND
 OTHER ACTIONS IMPACTING THE ENVIRONMENT**

Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of October 1, 1977 and October 31, 1977.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the

number and title of the statement, and the source of the EPA review as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix VI.

Appendix VI contains a listing of names and addresses of the sources of

EPA reviews and comments listed in Appendices I, III, IV, and V.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202-755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: 30, January 1978.

PETER L. COOK,
 Acting Director,
 Federal Activities.

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NOTICES

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH
COMMENTS WERE ISSUED BETWEEN

OCTOBER 1, 1977 AND OCTOBER 31, 1977

IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
CORPS OF ENGINEERS			
DA-COE-A36408-1A:	FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES TIEBAS BASIN, RED RIVER WACATAW AREA, BUSHLEY BAYOU, LOUISIANA	102	G
D-COE-C06008-NY:	DELAINE POINT GENERATING STATION, HAVERTHILL, N.Y.	ER-1	C
D-COE-D32008-VA:	JARVIS CREEK NAVIGATION PROJECT, NORTHAMPTON COUNTY, VIRGINIA	ER-2	D
IC-COE-D39002-00:	ATLANTIC INTRACOASTAL WATERWAY BRIDGES, VIRGINIA AND NORTH CAROLINA	TR-2	D
D-COE-L34008-SC:	BROADWAY LAKE, ANDERSON COUNTY, SOUTH CAROLINA	102	L
D-COE-F35018-IN:	OPERATION AND MAINTENANCE, MICHIGAN CITY HARBOR, FORKED AND LAPOPEL COUNTIES, INDIANA	102	F
DS-COE-G32008-TX:	GULF INTRACOASTAL WATERWAY, TEXAS SECTION, MAIN CHANNEL AND TRIBUTARIES, TEXAS	101	G
D-COE-G39004-00:	ARKANSAS AND RED RIVER BASIN CHLORIDE PROGRAM, TEXAS, OKLAHOMA, AND KANSAS	102	G
DS-COE-H36027-KS:	HAILEY LOCAL FLOOD PROTECTION PROJECT, HARVEY COUNTY, KANSAS	102	H
D-COE-K32013-GU:	HARBORS AND RIVERS, APRIL HARBOR, GUAM, TRUST TERRITORY	102	J
D-COE-K85011-CA:	DELTA COVES PROPOSED SUBDIVISION, MOUNT, CONTRA COSTA COUNTY, CALIFORNIA	102	J
DEPARTMENT OF AGRICULTURE			
D-AFS-G65025-AR:	MAUMELLE-SALINE UNIT PLAN, QUACHITA NATIONAL FOREST, HOT SPRINGS, ARKANSAS	101	G
D-AFS-G65027-NM:	GILA NATIONAL FOREST, ALBUQUERQUE, NEW MEXICO	102	G
D-AFS-L61094-OR:	SILVIES AND MAJOUR PLANNING UNIT, LAND MANAGEMENT PLAN, OCHOCO AND MAJOUR NATIONAL FORESTS, OREGON (USDA-FS-R6-DES(ADM)77-6)	102	K
D-AFS-L65033-OR:	KLAMATH BASIN WORKING CIRCLE, TIMBER RESOURCE PLAN, FRIMONT AND WINEMA NATIONAL FORESTS, LAKE AND KIAMATH COUNTIES, OREGON (USDA-FS-R6-DES(ADM)77-13)	102	K
D-SCS-E36046-AL:	SOUTHEAST CHOCTAWHATCHIE RIVER, WATERSHED AND RECREATION PLAN, ALABAMA	ER2	E
D-SCS-G36057-LA:	LAKE VERRET WATERSHED, ASCENSION, ASSUMPTION, AND IBERVILLE PARISHES, LOUISIANA	101	G
DS-SCS-G36056-OK:	ROBINSON CREEK WATERSHED PROJECT, LINCOLN COUNTY, OKLAHOMA	102	G
D-SCS-K36023-AZ:	ROOSEVELT WATER CONSERVATION DISTRICT, FLOODWAY, PINAL AND MARICOPA COUNTIES, ARIZONA	102	J
DEPARTMENT OF DEFENSE			
D-UAF-K10002-AZ:	BURIED TRENCH CONSTRUCTION AND TEST PROJECT, YUMA COUNTY, ARIZONA	101	J
DEPARTMENT OF INTERIOR			
D-BLM-A02113-AK:	WESTERN GULF, KODIAK, OIL AND GAS LEASE SALE NO. 48, OUTER CONTINENTAL SHELF (OCS), ALASKA	2 ^{1/2}	A
D-NPS-E61021-GA:	CUMBERLAND ISLAND NATIONAL SEASHORE, GEORGIA	101	E
D-NPS-K61017-CA:	GENERAL MANAGEMENT PLAN, JASSEN VOLCANIC NATIONAL PARK, CALIFORNIA	3	J
D-BOR-D99000-PA:	PINE CREEK STATE AND NATIONAL SCINIC RIVER, LYCOMING COUNTY, PENNSYLVANIA	102	D
DEPARTMENT OF TRANSPORTATION			
D-CVD-D50002-00:	CALHOUN STREET BRIDGE ACROSS THE DELAWARE RIVER, TRENTON, NEW JERSEY TO MORGISVILLE, PENNSYLVANIA	ER2	D

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IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
D-FAA-K51011-TT:	YAP DISTRICT AIRPORT, TRUST TERRITORY	102	J
DS-FHW-A40433-FL:	I-275, FORMALLY I-75, ST. PETERSBURG, PINELLAS COUNTY, FLORIDA (FHW-FL-EIS-71-05-DS)	ER2	E
DS-FHW-B40026-RI:	WONSOCKET INDUSTRIAL HIGHWAY, RHODE ISLAND	102	B
D-FHW-E40120-FL:	I-275, SKYWAY, MANATEE, HILLSBOROUGH AND PINELLAS COUNTIES, FLORIDA (FHW-FL-EIS-77-02-D)	ER2	E
D-FHW-E40122-TN:	TN-15, PUTASKI TO TAPLEY CEMETERY, GILES COUNTY, TENNESSEE (FHW-TN-EIS-77-04-D)	102	E
D-FHW-E40123-TN:	TN-51, US 45, MISSISSIPPI STATE LINE TO HENDERSON, MCNAIRY AND CHESTER COUNTIES, TENNESSEE (FHW-TN-EIS-77-03-D)	102	E
D-FHW-E40124-SC:	US 176, SPARTANBURG AND UNION COUNTIES, SOUTH CAROLINA, (FHW-SC-EIS-77-01-D)	102	E
D-FHW-G40061-TX:	FM 1604 AND I-10, BEXAR COUNTY, TEXAS	ER2	G
D-FHW-G40064-LA:	LA-255, EAST BATON ROUGE PARISH, LOUISIANA	101	G
DS-FHW-H40016-IA:	I-380, BLACK HAWK, LINN, BENTON, AND BUCHANAN COUNTIES, IOWA (FHW-IA-EIS-71-03-DS)	ER2	H
D-FHW-H40074-NB:	CORRIDORS C AND D, RAIL RELOCATION AND CONSOLIDATION, LINCOLN, LANCASTER COUNTY, NEBRASKA (FHW-NB-EIS-77-04-D)	ER2	H
D-FHW-H40075-KS:	KS-12, JOHNSON COUNTY, KANSAS (FHW-KS-EIS-77-01-D)	101	H
D-FHW-J40032-WY:	EVANSTON STREETS, EVANSTON, UNITA COUNTY, WYOMING	102	I
D-FHW-L40055-WA:	FOREST HIGHWAY 32, WA-32, NORTH CASCADES HIGHWAY BACON CREEK TO GOODELL CREEK, SKAGIT AND WHATCOM COUNTIES, WASHINGTON (FHW-WA-EIS-77-01-D)	101	K
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
D-HUD-D85014-MD:	PINEY RIDGE VILLAGE, CARROLL COUNTY, MARYLAND	102	D
D-HUD-D89019-PA:	GOLF RANCH LEASE PURCHASE AND CENTENNIAL INDUSTRIAL PARK PROJECT, BUCKS COUNTY, PENNSYLVANIA	102	D
D-HUD-E28023-TN:	WATERLINE ON PRIVATE EASEMENTS, GOODE HORN ROAD, LAFAYETTE, MACON COUNTY, TENNESSEE	101	E
D-HUD-E28024-AL:	ALABAMA RURAL WATER SYSTEM IMPROVEMENTS, LOUNDES COUNTY, ALABAMA	101	E
D-HUD-E40121-SC:	JOHNSTON STREET EXTENSION PROJECT, ROCK HILL, SOUTH CAROLINA	102	E
D-HUD-F38002-IL:	DRAINWAYS GREENWAYS DEMONSTRATION PROJECT CARBONDALE, JACKSON COUNTY, ILLINOIS	101	F
D-HUD-F85023-OH:	RIVERSIDE GREEN AND RIVERSIDE HILLS, SUBDIVISION COLUMBUS, FRANKLIN COUNTY, OHIO	102	F
D-HUD-F85024-IL:	FOX TRAILS DEVELOPMENT, MCHEERY COUNTY, ILLINOIS	102	F
D-HUD-G85062-LA:	BELLE TERRE DEVELOPMENT, LEPLAGE, ST. JOHN THE BAPTIST PARISH, LOUISIANA	ER2	G
D-HUD-G85064-TX:	FAIRVIEW PARK SUBDIVISION, HARRIS COUNTY, TEXAS	101	G
D-HUD-G85065-TX:	NORTH FOREST SUBDIVISION, MONTGOMERY COUNTY, TEXAS	101	G
D-HUD-G85066-TX:	CHARTERWOOD SUBDIVISION, HARRIS COUNTY, TEXAS	101	G
D-HUD-G85067-TX:	BEAR CREEK VILLAGE SUBDIVISION, HARRIS COUNTY, TEXAS	101	G
D-HUD-G85068-TX:	WOODLAND OAKS SUBDIVISION, HARRIS COUNTY, TEXAS	101	G
D-HUD-H60001-NB:	DISPOSITION OF LONERGAN LAKE, CIVAS, DOUGLAS COUNTY, NEBRASKA	101	H
D-HUD-J24003-UT:	TOOELE CITY, WEST SEWER TRUNK LINE, TOOELE, UTAH	102	I

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IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
D-HUD-K85008-CA:	SUNSHINATER, AVACADO AND COTTERWOOD VILLAGES, RESIDENTIAL DEVELOPMENT OF PARCHI, SAN DIEGO AREA, CALIFORNIA	101	J
D-HUD-K85012-CA:	OAK PARK DEVELOPMENT, VENTURA COUNTY, CALIFORNIA	3	J
D-HUD-L85003-1A:	PROPOSED PLAT OF MEGAN HEIGHTS, KITSAP COUNTY, WASHINGTON	112	K
<u>INTERSTATE COMMERCE COMMISSION</u>			
D-ICC-E53003-1S:	THE SOUTHERN MISSISSIPPI TRANSPORTATION COMPANY, APPLICATION TO CONSTRUCT AND OPERATE, HARRISON COUNTY, MISSISSIPPI	112	L
D-ICC-I53005-00:	LOUISVILLE AND NASHVILLE RAILROAD, GRAND TRUNK WESTERN RAILROAD, COOK COUNTY, ILLINOIS AND LAKE COUNTY, INDIANA, FINANCE DOCKET NO. 27972	112	P
<u>NATIONAL AERONAUTICS AND SPACE ADMINISTRATION</u>			
D-NAS-A12034-00:	SPACE SHUTTLE PROGRAM	101	A
<u>PANAMA CANAL COMPANY</u>			
D-ICC-A99140-00:	INTRODUCTION OF WHITE AMUR INTO CANAL ZONE WATERS TO CONTROL AQUATIC WEEDS	112	A
<u>VETERANS ADMINISTRATION</u>			
D-VAD-K69004-CA:	VETERANS ADMINISTRATION NATIONAL CEMETERY, RIVERSIDE, CALIFORNIA	101	J
<u>NUCLEAR REGULATORY COMMISSION</u>			
D-NRC-C06009-NY:	SELECTION OF PREFERRED CLOSED-CYCLE COOLING SYSTEM, INDIAN POINT NO. 3, NEW YORK	102	C
<u>DELAWARE RIVER BASIN COMMISSION</u>			
D-DRB-C99005-11:	PROPOSED BULK CHEMICAL STORAGE AND DISTRIBUTION FACILITY, BORDERTOWN TOWNSHIP, BURLINGTON COUNTY, NEW JERSEY	112	C

1/ EPA'S REVIEW OF THE DEIS ADDRESSED ITSELF SOLELY TO THE QUALITY OF INFORMATION IN THE STATEMENT AND NOT THE ENVIRONMENTAL SUITABILITY OF THE PROPOSAL SINCE THIS SALE HAS BEEN POSTPONED AND A NEW EIS WILL BE FORTHCOMING.

APPENDIX II

DEFINITIONS OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

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APPENDIX III
FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH
COMMENTS WERE ISSUED BETWEEN
OCTOBER 1, 1977 AND OCTOBER 31, 1977

IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
<u>CORPS OF ENGINEERS</u>			
F-COE-E36005-00:	WEST POINT LAKE, CHATTAHOOCHEE RIVER, ALABAMA AND GEORGIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA RECOMMENDED A COMPREHENSIVE PROGRAM OF OXYGEN DATA COLLECTION BE IMPLEMENTED.	E
F-COE-K36013-CA:	WALNUT CREEK PROJECT, CONTRA COSTA COUNTY, CALIFORNIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	J
<u>DEPARTMENT OF AGRICULTURE</u>			
F-AFS-J65059-WY:	HUSTON PARK LAND MANAGEMENT PLAN, MEDICINE BOW NATIONAL FOREST, CARBON COUNTY, WYOMING	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA RECOMMENDED ADEQUATE CONSIDERATION BE GIVEN TO WILDERNESS VALUE AND THE ANALYSIS OF THE PROPOSED CHEYENNE WATER DIVISION PROJECT.	I
F-AFS-J65064-MT:	PINKHAM-FORTUNE-ALKALI PLANNING UNIT, LAND MANAGEMENT PLAN, KOOTENAI NATIONAL FOREST, MONTANA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	I
F-AFS-K65018-CA:	MOHAWK LAND MANAGEMENT PLAN, TAIAC AND PIEDRAS NATIONAL FORESTS, SHERBA COUNTY, CALIFORNIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	J
<u>DEPARTMENT OF DEFENSE</u>			
F-USA-J39006-CO:	PART 1, PILOT CONTAINMENT OPERATIONS, ROCKY MOUNTAIN ARSENAL, ADAMS COUNTY, COLORADO	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. THE PROJECT IS ONE OF THE INITIAL STEPS IN THE EVENTUAL CONTROL OF A SERIOUS WATER POLLUTION PROBLEM STEMMING FROM ROCKY MOUNTAIN ARSENAL. EPA REQUESTED THE INTERIM FINDINGS AND REPORTS BE MADE AVAILABLE TO THE STATE ADVISORY TASK FORCE FOR ANALYSIS.	I
<u>DEPARTMENT OF INTERIOR</u>			
F-BIM-A02106-00:	1977 OUTER CONTINENTAL SHELF (OCS), OIL AND GAS LEASE SALE NO. 42, OFFSHORE NORTH ATLANTIC STATES	EPA CONTINUES TO HAVE ENVIRONMENTAL RESERVATIONS ON THE PROPOSED PROJECT AND IS CONCERNED REGARDING THE LACK OF DATA INTEGRATION OR SUBSTANTIATED IMPACT PROJECTION. EPA BELIEVES THAT A PROPERLY FORMULATED RISK ANALYSIS MODEL IS ESSENTIAL TO AN EFFECTIVE EVALUATION OF IMPACT OF OIL AND GAS DEVELOPMENT ON GEORGES BANK RENEWABLE RESOURCES.	A
F-BIM-J67000-UT:	ALLIANCE PROJECT, BEAVER COUNTY, UTAH	GENERALLY, EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, RECENT CHANGES TO THE CLEAN AIR ACT AMENDMENTS REDUCE ALLOWABLE INCREMENTS FOR CLASS III, WHICH WILL MAKE IT IMPOSSIBLE FOR THIS FACILITY AS PLANNED TO MEET PSD REGULATIONS. EPA EXPECTS THE COMPANY TO REVISE OPERATION TO MEET THESE NEW STANDARDS.	I
<u>DEPARTMENT OF TRANSPORTATION</u>			
F-FAA-A51861-PA:	RUNWAY 28 EXTENSION, JIMMY STEWART AIRPORT, INDIANA COUNTY, PENNSYLVANIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	D

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IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
F-FAA-F51006-MI:	HILLSDALE MUNICIPAL AIRPORT, RUNWAY, HILLSDALE COUNTY, MICHIGAN	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	F
F-FAA-K51001-CA:	WHITEMAN AIRPORT, LOS ANGELES COUNTY, CALIFORNIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	J
F-FHW-C40027-00:	SOUTHERN TIER EXPRESSWAY, HINSDALE, NEW YORK TO ERIE, PENNSYLVANIA, CATARAUGUS AND CHAUTAUQUA COUNTIES, NEW YORK	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA REQUESTED THE FHWA INCORPORATE CERTAIN CONDITIONS INTO THE NECESSARY CORPS PERMIT.	C
F-FHW-F40081-IN:	WEST STREET, I-65 TO I-70, INDIANAPOLIS, MARION COUNTY, INDIANA (FHW-EIS-76-07-F)	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	F
F-FHW-H40044-KS:	WIDENING KS-70 KANSAS CITY, WYANDOTTE COUNTY, KANSAS	EPA'S COMMENTS ON THE FINAL STATEMENT CONTINUE TO EXPRESS ENVIRONMENTAL RESERVATIONS WITH THE EXPECTED ADVERSE NOISE LEVELS ASSOCIATED WITH THE WIDENING OF INTERSTATE 70 IN KANSAS CITY, KANSAS. NOISE LEVELS GREATER THAN L ₁₀ 70 DBA WOULD IMPACT APPROXIMATELY 103 HOMES, TWO MOTELS, ONE CHURCH AND ONE FUNERAL HOME.	H
<u>ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION</u>			
F-ERD-A00123-WA:	HIGH PERFORMANCE FUEL LABORATORY HANFORD RESERVATION, RICHLAND, BENTON COUNTY, WASHINGTON	EPA WAS PARTICULARLY PLEASED WITH THE COMPLETE AND THOROUGH FASHION IN WHICH ERDA RESPONDED TO THE COMMENTS AND SUGGESTIONS MADE IN EPA'S COMMENT LETTER ON THE DRAFT ENVIRONMENTAL STATEMENT. EPA REQUESTED THAT ERDA PROVIDE IT WITH ITS THOUGHTS ON THE IMPLICATIONS OF THE PRESIDENT'S DECISION TO INDEFINITELY DEFER CONSTRUCTION OF THE CLINCH RIVER IMFR AND TO PURSUE NON-PLUTONIUM BASED FBR FUEL CYCLES FOR THE OBJECTIVES, DESIGN AND OPERATION OF THE HFEL AND OTHER FBR RESEARCH FACILITIES SUCH AS THE PROPOSED SAFETY RESEARCH FACILITIES AT THE IDAHO NATIONAL ENGINEERING LABORATORY.	A
<u>FEDERAL ENERGY ADMINISTRATION</u>			
F-FEA-E03002-KY:	CENTRAL ROCK MINE, STRATEGIC PETROLEUM RESERVE, FAYETTE COUNTY, KENTUCKY, (FES 76/77-9)	GENERALLY, EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. EPA MADE SEVERAL ADDITIONAL COMMENTS IN ORDER TO STRENGTHEN THE ENVIRONMENTAL SAFEGUARDS.	E
FS-FEA-G03005-LA:	STRATEGIC PETROLEUM RESERVE, WEEKS ISLAND MINE, IBERIA COUNTY, LOUISIANA	GENERALLY, EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA DETERMINED THAT FURTHER EVALUATION AND CONSIDERATION WILL BE GIVEN TO THE PROJECT DURING THE REVIEW OF THE NECESSARY PERMIT APPLICATIONS.	G
<u>FEDERAL POWER COMMISSION</u>			
F-FPC-B03002-00:	TENNECO ATLANTIC PIPELINE COMPANY PROJECT (TAPCO), CANADA AND MAINE	EPA'S REVIEW OF THE FINAL EIS INDICATES THE FPC WAS UNRESPONSIVE TO COMMENTS MADE BY EPA ON THE DRAFT EIS. FURTHERMORE, EPA IS CONCERNED REGARDING THE ABSENCE OF SUBSTANTIVE INFORMATION CONCERNING THE SITING OF THE LAG TERMINAL.	B
<u>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</u>			
F-HUD-C85010-PR:	PUNIO ORO II DEVELOPMENT, PONCE, PUEERTO RICO	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	C
F-HUD-D85012-PA:	INDUSTRIAL PARK URBAN RENEWAL PROJECT, WILKES BARRE, PENNSYLVANIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	D
F-HUD-D85013-VA:	NEWINGTON FOREST DEVELOPMENT, FAIRFAX COUNTY, VIRGINIA	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS. HOWEVER, EPA MADE FURTHER COMMENTS CONCERNING THE PROPOSED DETENTION FACILITY AND THE CROSSINGS OF SOUTH RUN BY THE TRUNK SEWER LINE.	D
F-HUD-J85012-CO:	BELLEHAVEN AND VISTA GRANDE TERRACE CLEAR VIEW ESTATES PLANNED DEVELOPMENTS, COLORADO	EPA'S CONCERNS WERE ADEQUATELY ADDRESSED IN THE FINAL EIS.	I

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NOTICES

IDENTIFYING NUMBER	TITLE	DATE OF REVIEW	SOURCE OF REVIEW
INTERSTATE COMMERCE COMMISSION			
F-ICC-A53041-00:	TRANSPORTATION OF RADIOACTIVE MATERIALS BY RAIL	WHILE THIS DOCUMENT WAS A SIGNIFICANT IMPROVEMENT OVER THE DRAFT STATEMENT, EPA EXPRESSED ITS CONCERN WITH THE COMPREHENSIVENESS OF THE DATA UPON WHICH A PORTION OF THE ACCIDENT MODEL WAS BASED, THE RELATIVELY HIGH ANNUAL INDIVIDUAL DOSE OF CERTAIN RAILROAD EMPLOYEES, AND THE USE OF A HEALTH EFFECTS MODEL NOT IN ACCORDANCE WITH THE EPA HEALTH EFFECTS MODEL.	A
APPENDIX IV			
FINAL ENVIRONMENTAL IMPACT STATEMENTS WHICH WERE REVIEWED AND NOT UPHELD ON BETWEEN OCTOBER 1, 1977 AND OCTOBER 31, 1977			
DEPARTMENT OF AGRICULTURE			
F-AFS-L65017-SC:	FRANCIS MARION NATIONAL FOREST, BERLIN AND CHARLESTON COUNTIES, SOUTH CAROLINA		E
F-AFS-G65018-LA:	MANAGEMENT OF VERNON UNIT, KISATCHIE NATIONAL FOREST, LOUISIANA		G
F-AFS-G65020-AR:	TIAM UNIT, QUACHITA NATIONAL FOREST, MCCURTAIN COUNTY, ARKANSAS		G
F-AFS-J65066-MT:	FOREST PLANNING UNIT, KOOTENAI NATIONAL FOREST, LINCOLN COUNTY, MONTANA		I
F-AFS-L61072-ID:	TRAPPER AND SIOUXON PLANNING UNIT, LAND MANAGEMENT PLAN, GIFFORD PINCHOT NATIONAL FOREST, SKAMANIA COUNTY, WASHINGTON (USDA-FS-R6-PLS)		K
FS-REA-J08003-WY:	115KV TRANSMISSION LINE, TETON TO JACKSON, TETON COUNTY, WYOMING		I
DEPARTMENT OF COMMERCE			
FS-NQA-B91001-00:	PRELIMINARY MANAGEMENT PLAN FOR ATLANTIC HERRING, NORTHWESTERN ATLANTIC		B
FS-NQA-B91002-00:	PRELIMINARY MANAGEMENT PLAN FOR OTHER FINFISH, NORTHWESTERN ATLANTIC		B
FS-NQA-B91003-00:	PRELIMINARY MANAGEMENT PLAN FOR SQUID, NORTHWESTERN ATLANTIC		B
FS-NQA-D91004-00:	PRELIMINARY MANAGEMENT PLAN FOR HICKLEL, NORTHWESTERN ATLANTIC		B
FS-NQA-B91005-00:	PRELIMINARY MANAGEMENT PLAN FOR HAKE, NORTHWESTERN ATLANTIC		B

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IDENTIFYING NUMBER	TITLE	DATE OF REVIEW	SOURCE OF REVIEW
DEPARTMENT OF DEFENSE			
F-USA-J20007-CO:	DISPOSAL OF CHEMICAL AGENT IDENTIFICATION SETS, ROCKY MOUNTAIN ARSENAL, COLORADO		I
DEPARTMENT OF INTERIOR			
F-DOR-H61000-00:	PROPOSED OREGON NATIONAL HISTORIC TRAIL		H
F-NFS-J61016-UT:	CLDAR BREAKS PROPOSED WILDERNESS CLASSIFICATION, GARFIELD COUNTY, UTAH		I
DEPARTMENT OF TRANSPORTATION			
F-FHA-E40037-NC:	NC-127, HICKORY, CATAWBA COUNTY, NORTH CAROLINA (FHA-NC-EIS-76-08-F)		E
F-FHA-I40088-NC:	US 25, HENDERSONVILLE ROAD, I-40 TO BLUE RIDGE PARKWAY, BUNCOMBE COUNTY, NORTH CAROLINA (FHA-NC-EIS-76-09-F)		E
F-FHA-G40056-TX:	TX-40, US 83 TO ALAN ROAD, GRAY AND WHEELER COUNTIES, TEXAS		G
F-FHA-H40032-NB:	NB-133, 90TH STREET, GAYLA, DOUGLAS COUNTY, NEBRASKA		H
F-FHA-L40037-OR:	SOUTH UNIT, ASTORIA AND CAMP RILEY SECTION, OREGON COAST HIGHWAY, US 101, CLATSOP COUNTY, (FHA-OR-EIS-76-01-DF)		K
F-FHA-L40040-ID:	GOULD STREET CONNECTION, POCATILLO, BANNOCK COUNTY, IDAHO (FHA-IDA-EIS-76-04-F)		K
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION			
F-ERD-A00126-SC:	WASTE MANAGEMENT OPERATIONS AT THE SAVANNAH RIVER PLANT, Aiken County, SOUTH CAROLINA (ERDA-1537)		A
F-ERD-A00129-NV:	NEVADA TEST SITE, TESTING ACTIVITIES, NYE COUNTY, NEVADA		J
FEDERAL INDIAN ADMINISTRATION			
F-FIA-G03008-TX:	STRATEGIC PETROLEUM RESERVE, KILLER HINE, VAN ZANDT COUNTY, TEXAS		G
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
F-HUD-G85026-TX:	WOODLAND TRAILS SUBDIVISION, HARRIS COUNTY, TEXAS		G
F-HUD-G85028-TX:	HUNTERS GLEN SUBDIVISION, FORT BEND COUNTY, TEXAS		G
F-HUD-G85035-TX:	SOMMERALL SUBDIVISION, HARRIS COUNTY, TEXAS		G
F-HUD-G85037-TX:	MISSION BEND SECTIONS 5, 6 AND 8 SUBDIVISION, HARRIS AND FORT BEND COUNTIES, TEXAS		G
F-HUD-G85040-TX:	SHERWOOD TRAILS SUBDIVISION, HARRIS COUNTY, TEXAS		G
F-HUD-G85044-TX:	INWOOD NORTH SUBDIVISION, HARRIS COUNTY, TEXAS		G
F-HUD-G85048-AR:	WEST SIDE SEVER, PINE BLUFF, JEFFERSON COUNTY, ARKANSAS		G
F-HUD-G85049-TX:	ATASCOCITA SUBDIVISION, HARRIS COUNTY, TEXAS		G
F-HUD-G85052-TX:	KENSICK SUBDIVISION, HARRIS COUNTY, TEXAS		G
F-HUD-J24001-CO:	SLOAN LAKE SANITARY SEWER IMPROVEMENT PROJECT, DENVER, COLORADO		I
F-HUD-L85002-WA:	SHILOH HILLS SPOKANE, WASHINGTON (HUD-R10-EIS-77-11)		K

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APPENDIX V

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY
ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN
OCTOBER 1, 1977 AND OCTOBER 31, 1977

IDENTIFYING NUMBER	TITLE	GENERAL NATURE OF COMMENTS	SOURCE FOR COPIES OF COMMENTS
DEPARTMENT OF COMMERCE			
R-NWA-90031-00:	16 CFR PART 930, FEDERAL CONSISTENCY WITH APPROVED COASTAL MANAGEMENT PROGRAMS, PROPOSED POLICIES AND PROCEDURES AND PROVISIONS (42 FR 43586)	EPA'S CONCERNS RAISED DURING PREVIOUS REVIEWS OF THE PROPOSED RULEMAKING HAVE BEEN ADEQUATELY ADDRESSED. HOWEVER, EPA MADE SEVERAL COMMENTS WHICH WOULD STRENGTHEN THE ENVIRONMENTAL ASPECTS OF THE PROPOSED RULEMAKING.	A
DEPARTMENT OF INTERIOR			
A-IGS-A02118-00:	PROPOSED NATIONAL ORDERS FOR THE OUTER CONTINENTAL SHELF (OCS) GOVERNING OIL AND GAS LEASE OPERATIONS (42 FR 42912)	EPA MADE SEVERAL COMMENTS ON THE PROPOSED ORDERS TO INCLUDE EXISTING ENVIRONMENTAL LEGISLATION AND STATUTES.	A
R-IGS-A02119-00:	PROPOSED REVISION OF OIL AND GAS OPERATION REGULATIONS GOVERNING EXPLORATION, DEVELOPMENT AND PRODUCTION OPERATIONS IN THE OUTER CONTINENTAL SHELF (42 FR 49478)	EPA MADE SEVERAL COMMENTS ON THE PROPOSED ORDER TO STRENGTHEN THE ENVIRONMENTAL ASPECTS OF THE PROPOSAL.	A

APPENDIX VI

SOURCE FOR COPIES OF EPA COMMENTS

- A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 922, Waterside Mall SW., Washington, D.C. 20460.
- B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.
- C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.
- D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.
- E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Ga. 30308.
- F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.
- G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Tex. 75270.
- H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.
- I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo. 80203.
- J. Director of Public Affairs, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94108.
- K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc. 78-3841 Filed 2-10-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS
COMMISSION

[CC Docket No. 78-36; FCC 78-67]

IMPLICATIONS OF THE TELEPHONE
INDUSTRY'S PRIMARY INSTRUMENT CONCEPT

Inquiry

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The Commission is exploring the telephone industry's primary instrument proposal that all subscribers to single line telephone service be required to obtain one telephone set from the serving company. Comments are requested on a large number of legal, procedural, economic, technical, and other issues specified by the agency.

DATES: Comments must be received on or before March 28, 1978, and Reply Comments must be received on or before May 9, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Ruth Reel, Policy and Rules Division, Common Carrier Bureau, Fed-

eral Communications Commission, Washington, D.C. 20554, 202-632-6363.

ADOPTED: February 1, 1978.

RELEASED: February 6, 1978.

In the matter of implications of the Telephone Industry's Primary Instrument Concept, CC Docket No. 78-36.

1. On October 3, 1977, Congressman Lionel Van Deerlin and Louis Frey, respectively the Chairman and ranking minority member of the House Subcommittee on Communications, forwarded for our attention the "Primary Instrument Concept" recently advanced by the telephone industry as a proposed modification of our terminal equipment registration program, and requested that we give this proposal "expeditious consideration." On October 13, 1977, we responded affirmatively to this request. The proposal of the telephone industry is appended hereto (Appendix A). There is also attached (Appendix B) a copy of the industry's response, dated October 31, 1977, to questions of the Subcommittee staff pertaining to the primary instrument concept. We identify below the various legal, procedural, policy, economic, technical, and other issues which we believe to be germane to this proceeding, and solicit comments on these as well as any other issues the parties may wish to address.

2. We have already received some correspondence on this matter, primarily seeking further clarification of the proposal or challenging its validity. All such correspondence will be incorporated in the public file, and will be considered at the appropriate stage of the proceeding. We will treat herein two pleadings which request immediate relief. One is the October 28, 1977, "Comments of the Computer and Business Equipment Manufacturers Association (CBEMA)," requesting that we either dismiss the primary instrument proposal as an unjustified departure from the "Carterfone" and equipment registration policies,¹ or require the telephone industry to submit a more precise and documented statement of their proposal prior to comments. The other is a joint letter (November 1, 1977) from the major telephone companies and associations, enclosing a proposed amendment to Part 68 of the Commission's Rules to effect the primary instrument concept. The letter also urged that we stay, on our own motion, those provisions of the registration program that "permit" the connection of customer-provided main station telephones to single-line telephone services pending prompt action on the proposed Rule amendments. We acted upon the request for stay relief on November 22, 1977, and will treat herein the industry request for rulemaking.

¹ *Carterfone*, 13FCC 2d 420, on reconsideration 14 FCC 2d 571 (1968); *Hush-a-Phone v. United States*, 238 F. 2d 266 (D.C. Cir. 1956).

3. At this time, and in view of the various correspondence received, we believe it may be useful for all concerned parties to set forth more fully the background of this proceeding, some of the legal and procedural issues it raises, and the procedures we intend to follow in seeking a rapid resolution of these issues.

I. BACKGROUND

4. On June 27, 1968, the Commission issued its *Carterfone* decision holding that, consistent with the earlier *Hush-a-Phone* decision² of the U.S. Court of Appeals for the District of Columbia Circuit, subscribers to telephone services have a right to use that service in any manner privately beneficial if not publicly detrimental, and that telephone companies subject to our jurisdiction must allow subscribers to connect privately owned equipment to the telephone network unless it were demonstrated that such connection would be publicly detrimental. As we further explained in *Mebane*, this broad principle applies to customer terminal equipment used as a replacement for telephone system equipment.³ Pursuant to the *Carterfone* decision and telephone industry tariffs and practices adopted in implementing that decision, telephone service subscribers have indeed enjoyed the right of providing their own terminal equipment, including main station telephones, since January 1, 1969. However, connection of such equipment to the network was initially permitted only through telephone company-provided "connecting arrangements", allegedly required to protect the network from technical harm.⁴

5. On November 5, 1975, following lengthy rulemaking proceedings conducted with the assistance of a Federal-State Joint Board, the Commission concluded that adequate network protection could be provided by means other than the required use of carrier-provided connecting arrangements, and adopted rules establishing standards for protective circuitry for all terminal equipment and an FCC registration program to ensure compliance with such standards.⁵ Initially, this program was limited to data and ancillary devices, thus continuing the requirement that customer-provided main station telephones, PBXs, and

² *Hush-a-Phone Corp. v. U.S.*, 238 F. 2d 266 (D.C. Cir. 1956).

³ *Mebane Home Telephone Co.*, 53 FCC 2d 473 (1975) aff'd *Mebane Home Telephone Co. v. FCC*, 535 F. 2d 1324 (D.C. Cir. 1976).

⁴ See, *AT&T Foreign Attachment Tariff Revisions*, 15 FCC 2d 605 (1968), on reconsideration, 18 FCC 2d 871 (1969).

⁵ First Report and Order in Docket No. 19528, 56 FCC 2d 593 (1975), on reconsideration 57 FCC 2d 1216 (1976), 58 FCC 2d 716 (1976) and 59 FCC 2d 83 (1976).

key telephone systems could only be connected to the network via company-provided connection arrangements. On March 18, 1976, after further proceedings, the Commission expanded the scope of its registration program to include these equipment items as well, thus eliminating entirely the telephone company-imposed requirement that customer-provided equipment could only be connected via company-provided connecting arrangements.² Neither of these latter decisions, of course, dealt with the inherent right of the subscriber to provide and connect his own terminal equipment, including main station telephones, since that issue was decided affirmatively in the *Carterfone* line of cases consistent with the court's ruling in *Hush-a-Phone*.

6. The Commission's decisions allowing alternatives to the requirement for carrier-provided connecting arrangements and establishing the FCC registration program as a substitute therefor were appealed to the U.S. Court of Appeals for the Fourth Circuit. Appellants included the North Carolina Utilities Commission, AT&T, U.S. Independent Telephone Association, United Telephone System & Continental Telephone Corp. Pending action on this appeal, the Court stayed the program except for customer-provided data and ancillary devices. On March 22, 1977, the Court of Appeals affirmed the Commission's actions in all respects. However, pending petitions for certiorari the Court continued its stay order. On October 3, 1977, the Supreme Court denied certiorari, thereby terminating the stay order. On October 17, 1977, upon issuance of the Court's formal mandate, the FCC registration program became effective by operation of law. Accordingly, telephone subscribers who have the right under *Carterfone* to provide and interconnect their own terminal equipment may now do so without the necessity of using carrier-supplied connecting arrangements, provided such equipment is registered pursuant to, or "grandfathered" by, the Commission's rules and the telephone company has been properly notified.

7. Viewed against this background, the "Primary Instrument Concept" appears to raise a variety of legal, procedural, and substantive issues. The November 1, 1977, letter from the telephone industry and its associations styles the concept as a proposed amendment to the Commission's rules, specifically Part 68, to modify the FCC Registration Program. However,

²Second Report and Order in Docket No. 19528, 58 FCC 2d 736 (1976), on reconsideration 61 FCC 2d 396 (1976) and 64 FCC 2d 1058 (1977), *aff'd sub nom North Carolina Utilities Commission v. FCC*, 552 F. 2d 1036 (C.A. 4, 1977), cert. den. — U.S. — (October 3, 1977), 46 U.S.L.W. 3190.

since it is apparently proposed not merely to return to the situation in which customer-provided main stations may be connected only through carrier-supplied connecting arrangements, but rather to a situation in which single-line customers may not provide their own primary instrument, under any circumstances, the primary instrument proposal appears to contemplate a fundamental modification of the basic principles enunciated in *Hush-a-Phone* and *Carterfone*. Such prior decisions of the Commission and the courts are not, of course, immune to subsequent modification. However, the proponents of change clearly bear the burden of justifying such change, and the appropriate process through which such proposed modifications may properly be considered, as well as the substantive issues which must be addressed therein, require careful examination.

II. INDUSTRY PROPOSAL

8. It is our tentative understanding, based on appendices A and B and subject to the questions indicated below, that the telephone industry is proposing that subscribers to "single-line" telephone services—but not including "multi-line" and "data services" subscribers—would be required to lease, as part of basic telephone service, one piece of consumer-premises equipment from the serving telephone company.³ This requirement would not apply to single-line data services provided via standard data jacks or to multi-line service, but would apply to data services provided via standard voice jacks to single line voice-grade service (Appendix B). The charges for a standard telephone (500 type set) and its maintenance would be included in the rate for basic telephone service. For an additional charge the telephone company would substitute an optional instrument with equivalent minimum capabilities, but the subscriber would still have to pay for the standard telephone portion. Optional instruments provided by the telephone company may provide additional service features so long as capabilities equivalent to the basic set are present. The customer may disconnect the carrier instrument and substitute his own equipment; however, the carrier instrument must be connected during telephone company testing (Appendix B). All other consumer-premises equipment used as an adjunct to basic telephone service may be obtained from any source, provided that the equipment complies with the Commission's

³The industry states that the primary instrument concept would apply only to the public switched telephone network (local exchange and intercity); it would not apply to private line services (Appendix B).

registration program and the subscriber pays the carrier a monthly charge to cover the costs of inside wiring and "other requirements." The primary instrument concept is characterized as being "transitional", in the sense that it would be subject to review by the FCC or the Congress in 7-10 years.

9. The objectives of the telephone industry in proposing the primary instrument concept are stated to be:

(a) To make one serving entity responsible and accountable for providing complete basic telephone service for single line voice subscribers;

(b) To assure continuity of such telephone service;

(c) To facilitate testing, both static and functional;

(d) To serve as a reference set to allow the customer to independently diagnose trouble responsibility;

(e) To permit and encourage customers to effect prompt repair of malfunctioning equipment without interruption of basic telephone service; and

(f) To permit orderly introduction of technological innovations in the network.

III. ISSUES CONCERNING PRIMARY INSTRUMENT CONCEPT

10. In order to determine whether or not the public interest would be served by implementation of the primary instrument concept as a matter of Federal policy, it is of course necessary first to determine whether the public interest requires that the stated objectives be achieved, and if so whether the primary instrument concept is both a necessary and sufficient means of achieving those objectives as compared with alternative means. Moreover, it must be determined whether there are other public interest objectives that would be adversely affected by implementation of this concept, and if so whether there are alternative concepts or means which would better satisfy the overall public interest. Finally, it is necessary to determine whether the primary instrument concept is consistent with established legal principles, statutes, and judicial rulings. In the following sections we have identified a number of specific issues raised by this proposal upon which the views of interested parties are solicited. While we find it necessary to ask these questions in order to evaluate the primary instrument proposal, we stress that we have not prejudged any of the issues set forth below.

A. SOCIAL AND CONSUMER RIGHTS QUESTIONS

A1. *Carterfone*. The Primary Instrument Concept has been presented as a proposed modification of the Commission's registration program embodied in Part 68 of the Rules. However, as

noted, the apparent effect of this proposal, if adopted, would be to prohibit subscribers to single-line telephone service from providing their own primary instruments⁴ under any circumstances and regardless of the absence of harm to the telephone network. Therefore, it appears to constitute a modification of the underlying principle in the *Carterfone* line of cases,⁵ which establishes the consumer's basic right to connect any and all types of terminal equipment, including primary instruments, to the telephone network unless there is a sufficient showing of public detriment. This gives rise to several legal and procedural issues:

A1.1 Would the Commission have legal authority to modify the *Carterfone* principle in view of our holdings that the subscriber has a statutory right under the Communications Act not to be subjected to tariff or other restrictions which indiscriminately bar connection of customer-provided equipment without regard to harm?

A1.2 If so, what type of showing of new or changed facts or circumstances is required to effect such a change in view of our holdings that the subscriber has a statutory right under Section 201(b) of the Communications Act not to be subjected to restrictions which indiscriminately bar interconnection of customer-provided equipment without regard to harm, and that blanket tariff restrictions of this nature are unlawful under Sections 201(b) and 202(a) of the Act?

A1.3 Assuming that such action would not exceed the Commission's authority, what type of procedures should the Commission adopt if modification of *Carterfone* is in fact required?

A1.4 To what extent, if any, can the record developed in Docket No. 19528 be used as a basis for such a proceeding, considering that Docket No. 19528 was conducted on the basis that customers' rights established in *Carterfone* were not under review therein?

A2. *Anti-trust*. The primary instrument concept appears to give rise to questions of consistency with the policies underlying the anti-trust laws:

A2.1 Is the primary instrument proposal consistent with the anti-trust policy against unreasonable tie-ins insofar as it would require:

(a) A single-line subscriber, as a condition of obtaining telephone service from the carrier, to pay also for a carrier-owned terminal device?

⁴We use the term "primary instrument" as defined in the industry proposal.

⁵*Hush-a-Phone*, *Carterfone*, *Mebane*, *supra*. AT&T Foreign Attachment Tariff Revisions, *supra*. We note that the suggested rule changes of the telephone industry provide that customer-owned equipment may not be used as the primary instrument. Compare the industry response to the Subcommittee staff questions.

(b) A subscriber who elects to take an optional instrument from the carrier to pay also for a standard instrument that the subscriber may not receive, as a condition to obtaining the carrier's telephone service?

(c) A subscriber who chooses to use only customer-provided terminal equipment at all times except during telephone company testing, to obtain and pay for a carrier's primary instrument as a condition to receiving the carrier's telephone service?

A2.2 Would adoption of a primary instrument requirement by the Commission immunize the telephone companies from anti-trust suits involving tie-in questions?

A2.3 Would the lack of a credit allowance for nonprovision of the standard instrument encourage subscribers selecting optional equipment to take the standard instrument as well, and thereby have an anti-competitive effect on the independent suppliers of extension sets?

A2.4 Would the primary instrument proposal have the effect of allowing the telephone companies to retain or enhance a market share in the provision of main station telephone sets or to dominate the market for all telephone sets?

A2.5 What evidence is there that the telephone set market has the economic characteristics of a natural monopoly?

(a) What evidence is there to indicate that the main station market has the economic characteristics of a natural monopoly?

(b) Is there any technical or economic basis for distinguishing between main stations and extension sets?

A2.6 What percentage of the total telephone set market does the main station market now constitute?

A2.7 What percentage of main station sets is currently provided by the telephone carriers?

A2.8 In the absence of the primary instrument concept, what is the forecast for the total main station market for each of the next seven years, and what would be the independent supplier share of that market in terms of numbers of telephone sets? (*Please set forth the forecasting method, including assumptions and calculations).

A2.9 In the absence of the primary instrument concept, what is the forecast for the total extension market for each of the next seven years, and what would be the independent supplier share of that market in terms of numbers of telephone sets? (*See above).

A2.10 Assuming adoption of the primary instrument concept, what would be the market forecasts for main stations and extensions, delineated as in A2.8 and A2.9 above?

A2.11 Would the primary instrument concept have the effect of allocating the terminal equipment market so

that telephone companies would become monopoly suppliers of primary instruments to single-line subscribers, and independent suppliers and telephone carriers would compete in the provision of any additional terminal equipment to single-line subscribers as well as in the provision of all terminal equipment to multi-line, data and private line subscribers?

(a) If so, would such a market allocation be in the public interest?

A2.12 Would adoption of a primary instrument requirement by the Commission affect any pending anti-trust suits against the telephone companies? If so please list.

A3. *Effect on state actions*. It is our understanding that the New York Public Service Commission has recently decided that customer ownership of main stations is feasible and proper (see Appendix C hereto), and presently has pending a proceeding on customer-provision of inside wiring.

A3.1 In light of the *Telent Leasing* and *Comtronics* cases,⁶ what effect would the primary instrument concept, if adopted by the Commission, have on state actions or proceedings in the area of main stations and/or inside wiring?

B. CONSUMER RIGHTS

As noted, under present regulatory policies and industry practices, all telephone service subscribers have the option of obtaining end-to-end service, including the provision and maintenance of consumer-premises equipment, from the serving telephone company; or of seeking alternative sources of supply and maintenance for their own consumer-premises equipment. The primary instrument concept would delete the latter option for residential and business subscribers to single-line telephone services, and mandate instead that all such subscribers must take, as part of the basic service offering, a carrier-provided and maintained "primary" instrument. This change in policy appears to be predicated, at least in part, on the view that such subscribers are less sophisticated than the typical multi-line service subscriber, and less likely to assure that their equipment is in proper working order. To determine the validity of these claims, the following information is requested:

⁶The consumer's right, under the Communications Act and the Commission's implementing policies, to connect his own equipment to the telephone network in the absence of public detriment, cannot be abridged through inconsistent actions by state regulatory agencies or legislatures. *Telent Leasing Corp.*, 45 FCC 2d 204 (1974), *aff'd sub nom North Carolina Utilities Commission v. FCC*, 537 F. 2d 787 (4th Cir., 1976), cert. den. 429 U.S. 1027 (1976); *Comtronics, Inc.*, 57 FCC 2d 1202 (1976), *aff'd sub nom Puerto Rico Telephone Company v. FCC*, 553 F. 2d 694 (1st Cir., 1977).

B1. What demographic or other evidence would support the proposition that residential and business subscribers to single-line telephone services are either typically or in selected cases (a) less sophisticated than multi-line subscribers and (b) less likely to ensure that their equipment is in proper working order?

B2. What is a reasonable estimate of the number and class of subscribers who are believed to be either unwilling or unable to assure that their equipment is and remains in proper working order and how is that estimate derived?

B3. What is the number of such subscribers who would not be expected to elect to take end-to-end service and maintenance from the serving telephone company, absent any mandatory requirement of such action?

B4. What is the public interest justification for the primary instrument proposal?

B5. Would the proposed requirement that single-line residential and business subscribers obtain the primary instrument from the carrier, while multi-line and data subscribers need not, constitute an unjust or unreasonable discrimination in violation of Section 202(a) of the Act?

B6. Would it be unjust or unreasonable to require a single-line subscriber, who elects to take an optional instrument from the carrier in lieu of a standard instrument, to pay also for a standard instrument that he does not receive or require?

What is the current practice under applicable tariffs with respect to credit allowances where a single-line subscriber provides:

- (a) His own main station?
- (b) His own extension station?

B7. Would it be unjust or unreasonable to require a single-line subscriber, who chooses to use all customer-provided terminal equipment, to pay the full charge for a carrier-supplied primary instrument that he is required to use only during telephone company testing?

B7.1 How often does telephone company testing occur for the average single-line?

B7.2 Could such telephone company testing be accomplished by means less costly to the single-line subscriber than the full charge for a carrier-supplied primary instrument? (See also Question D2 below.)

B8. Would it be unjust or unreasonable under the primary instrument concept to combine the charges for service, a standard instrument, and maintenance in the basic service rate?

B8.1 Would unbundling of the charges for service, standard instruments and maintenance be necessary or appropriate to ensure that subscribers are not required to pay for terminal equipment or maintenance which they do not receive?

B8.2 Would unbundling be necessary or appropriate to permit the proper ascertainment of costs in determining the justness and reasonableness of rates?

B8.3 Should single-line subscribers have the option of purchasing primary instruments from the carrier, and paying for carrier maintenance if desired?

B9. The illustrative tariff in the primary instrument proposal would require all inside wiring to be done by the carrier. However, the proposal contemplates that in the event of customer wiring the carrier could "provide inside wiring to a designated, primary jack into which the customer could plug any one of the telephones on his premises."

B9.1 Would it be unjust or unreasonable to require carrier inside wiring for customer-provided extensions, and the payment of a monthly charge therefor, if the customer desires only a primary jack?

C. ECONOMIC

Proponents of the primary instrument concept claim that it will produce a number of economic benefits for both consumers and the telephone industry. Special emphasis has been placed on the potential role of this concept as a "transitional" arrangement which would permit telephone companies to adjust their inventories, accounting systems, pricing practices, etc. so as to minimize adverse economic consequences which allegedly will result if consumers substitute their own primary station equipment for that presently supplied by the serving telephone company. Preliminary comments seem to indicate that other parties may disagree with this assessment. We shall expect parties responding to this inquiry to demonstrate with much greater specificity and documentation their views regarding both the benefits and costs of this concept for consumers, telephone companies, and independent equipment suppliers. Moreover, we note that under current accounting rules and practices, telephone instruments removed from service may be retained in the Station Apparatus Account (Account 231), until such time as the equipment is fully depreciated. That portion of Account 231 attributable to interstate services through current separations procedures is allowed in the carrier's rate base for the purposes of interstate rate-making and division of revenues. Given these circumstances, please respond to the following:

C1. What are the projected economic effects upon the telephone company¹⁰ for the calendar year 1978 under the following scenarios for the substitution of customer-owned instruments for carrier-supplied main stations by single-line residential subscribers (assume entire loss incurred at the beginning of 1978):

- C1.1 5-10% of the carrier-owned stations.
- C1.2 25% of the carrier-owned stations.
- C1.3 50% of carrier-owned stations.
- C1.4 100% of carrier-owned stations.
- C1.5 The most likely loss anticipated by the company on the basis of market studies.

The economic effects to be calculated must include at least the following:

- (a) Change in local and toll service revenues and revenue requirements.
- (b) Change in rate of return on combined operations (state and interstate).
- (c) Monthly upward rate pressure per subscriber (magnitude and percentage).

Document the methodology of all computations as well as the specific nature of any underlying assumptions. In particular the following should be thoroughly documented:

- (a) The accounting treatment of the replaced instrument—whether it will be retired or remain in Account 231.
- (b) The imputed un-bundled revenue requirement of the replaced instrument.
- (c) The computation of any toll service revenue changes and (for those companies which settle upon the basis of cost separations studies) the changes in the state and interstate amounts of affected plant and expense accounts.
- (d) For instruments not retired: The length of time they will be allowed to remain in rate base Account 100.1.

The treatment of depreciation maintenance, and tax expense, and the subsequent impact upon total expenses.

The impact upon common expenses.

(e) For instruments which are retired: The specific retirement policy including salvage.

The impact upon depreciation, maintenance, and tax expenses.

The impact upon common expenses.

C2. What are the projected economic effects upon the telephone company where the equipment substitution is by single-line business subscribers under the scenarios set forth in Question C1 above?

C3. What accounting procedures or other safeguards would be necessary to ensure that all proper costs of optional carrier-supplied equipment are fully reflected in the rate charged?

C4. Should standard instruments, which are paid for but not received by subscribers choosing optional carrier equipment, be treated as property in use or not in use for accounting purposes?

¹⁰Holding companies should calculate these effects on an individual company and total corporate basis.

the following scenarios for the substitution of customer-owned instruments for carrier-supplied main stations by single-line residential subscribers (assume entire loss incurred at the beginning of 1978):

C1.1 5-10% of the carrier-owned stations.

C1.2 25% of the carrier-owned stations.

C1.3 50% of carrier-owned stations.

C1.4 100% of carrier-owned stations.

C1.5 The most likely loss anticipated by the company on the basis of market studies.

The economic effects to be calculated must include at least the following:

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The treatment of depreciation maintenance, and tax expense, and the subsequent impact upon total expenses.

The impact upon common expenses.

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C4. Should standard instruments, which are paid for but not received by subscribers choosing optional carrier equipment, be treated as property in use or not in use for accounting purposes?

D. TECHNICAL/OPERATIONAL ISSUES

D1. *End-to-End Service.* It has been suggested that one basis for adopting the Primary Instrument Concept is that this would permit the serving telephone companies to have end-to-end responsibility for continuity of basic telephone service for single-line voice subscribers, presumably for both calling and called parties. In order to evaluate this claim, it is first necessary to determine the extent to which such end-to-end service continuity is presently assured, and the manner and extent to which this would be modified under the Primary Instrument Concept.

D1.1 It is our understanding that substantial numbers of single-line telephone subscribers are presently served by all plug-and-jack installations which permit the subscriber to disconnect all items of terminal equipment, including main or primary stations, when he does not desire to place or receive calls.

(a) How many single-line subscribers presently have plug and jack installations?

(b) What is a reasonable estimate as to how many single-line subscribers would have plug and jack installations within the next seven years?

(c) To what extent is end-to-end responsibility for continuity of service presently assured under this practice?

(d) Would the subscriber's right of disconnection be continued under the primary instrument concept?

(e) How would the primary instrument concept modify the extent to which end-to-end responsibility for continuity of service is presently assured under plug-and-jack installations?

D1.2 Customer-provided terminal equipment, including main stations, has been permitted since the post-Carterfone tariffs filed in 1969, and the connecting arrangement required during most of this period were designed only to protect the telephone network from technical harm and not to assure the functioning of the terminal device.

(a) To what extent was end-to-end responsibility for service continuity assured in the case of customer-provided main stations, calling and/or called, connected via connecting arrangements?

(b) What problems arose during this period regarding end-to-end responsibility for continuity of service where customer-provided instruments were involved?

(c) How would the primary instrument concept modify the extent to which end-to-end responsibility for continuity of service was assured under the connecting arrangements requirement?

(d) Would single-line subscribers, calling and/or called, be permitted to

use their own registered terminal equipment in lieu of carrier supplied primary instruments at all times except during telephone company testing?

(e) Could single-line subscribers make or receive calls involving terminal equipment at the other end which is exempt from the carrier-supplied requirement, such as extension telephones and multi-line equipment?

(f) Would a malfunctioning extension telephone interfere with end-to-end continuity of service in any failure modes and, if so, which ones?

D1.3 It is our understanding that a percentage of the calls originating or terminating on the facilities of private or specialized carrier systems or on the private line facilities of telephone carriers go "off-network" via the switched public telephone network. The primary instrument proposal does not purport to apply to private line services of the telephone carriers and would, of course, be inapplicable to terminal equipment used with private or specialized carrier systems.

(a) To what extent is end-to-end responsibility for continuity of service presently assured where the single-line subscriber makes/receives a call and the other party is using independently supplied terminal equipment in conjunction with private line facilities?

(b) How would the primary instrument concept modify the extent to which end-to-end responsibility for continuity of service is presently assured in the above instances?

D2. *Testing.* It has been suggested that another basis for adopting the Primary Instrument Concept would be to facilitate telephone company testing, both static and functional, of subscriber loop service. In order to determine whether a carrier-supplied terminal device is both a necessary and sufficient means for testing the continuity of subscriber loop service, we must first ascertain how telephone company testing is now performed and what alternative devices and/or test procedures are available.

D2.1 What are each of the specific static and dynamic tests that are now performed when a customer reports malfunctioning telephone service to the carrier? For each such test, please indicate the following:

(a) What action is performed by the carrier and what action is performed by the customer?

(b) What parameters or functions are evaluated quantitatively and what parameters or functions are evaluated qualitatively or in terms of perceived functions (e.g., customer lifts handset and does not receive dial tone, a qualitative test of off-hook impedance/resistance)?

(c) What parameters or functions are evaluated using central office testing equipment and what parameters or

functions are evaluated in conjunction with the terminal equipment at the customer's premises?

(d) Which of these parameters or functions could not be evaluated if the customer were instructed to unplug all terminal equipment at the premises?

(e) Which of these parameters or functions could not be evaluated if the customer were instructed to unplug all terminal equipment at the premises, and then plug in a known termination impedance or resistance (e.g., a 400 ohm resistor)?

(f) Would the answers to the above questions be any different if the customer currently has a carrier-supplied voice "connecting arrangement" and no other carrier-supplied equipment connected to the line or loop on which trouble is reported?

D2.2 What "testing device" does the primary instrument proposal contemplate in giving examples of tests which could not be performed by a testing device in lieu of a primary instrument?

D2.3 Could noise on the line, cross talk and transmission quality be measured or evaluated at the central office regardless of the supplier of the main stations?

D2.4 To what extent could the subscriber perform the same testing functions with a customer-provided instrument in conjunction with central office testing that could be performed with a carrier supplied instrument?

(a) Is there any technical distinction between a main station and an extension telephone?

(b) To what extent would primary and extension instruments be identical regardless of the supplier?

D2.5 If the primary instrument requirement is construed to apply to multiple single lines entering a single premise, would one carrier-supplied terminal device be sufficient for testing purposes?

D2.6 To what extent would the following alternatives to a carrier-supplied primary instrument satisfy one or more concerns expressed in the testing rationale for the primary instrument?

(a) An electrical network permanently connected in parallel with each telephone line to provide a known termination impedance when all equipment is unplugged (e.g., a simple resistor, a resistor in series with a capacitor).

(b) A test network connected in parallel with each telephone line during testing to provide a known termination impedance. (This network could be implemented on a testing plug which the customer can be instructed to plug in during testing, or could be automatically connected through a central-office originated test signal.)

(c) A carrier-provided ringer or bell required to be permanently connected to each telephone line, both to provide

a known termination impedance and to provide a known annunciator indication of an incoming call. (Please explain why this approach has been abandoned in the past.)

(d) Automatic testing apparatus at the central office which routinely, or at customer request, verifies proper electrical conditions on the telephone line. (Examples of such equipment which presently are in use include equipment which detects unauthorized equipment, and signal power monitoring equipment associated with central offices and with multiplex systems.)

(e) Fault isolation equipment built into the central office or accessible at a dialable telephone number to alleviate testing problems. (Such equipment is currently used by telephone company personnel to evaluate dial and ringer functions of carrier-provided instruments; presumably this could be made available to customers, on a compensatory basis, to allow for functional testing by the customer.)

D3. *Customer Diagnosis of Trouble.* A related basis for the proposed primary instrument requirement is that it would serve as a reference set to allow the customer to independently diagnose trouble responsibility.

D3.1 Does this rationale have any applicability to single-line subscriber with only one telephone set?

D3.2 To what extent would the single-line subscriber who owned more than one telephone set have a similar reference set capability?

D3.3 One of the reasons given in the industry proposal for not applying the primary instrument concept to multi-line subscriber is "because he can interchange terminal equipment between telephone lines and isolate problems to the line or the equipment." Could a single-line subscriber who owns more than one telephone set ascertain, either by himself or in conjunction with central office testing, whether one of his sets or the line was malfunctioning?

D3.4 What is the likelihood that a single-line subscriber with more than one customer-provided telephone set would experience malfunctioning in all his telephone sets at the same time?

D3.5 Is there any basis, technical or from experience, for assuming that a carrier-supplied telephone set would malfunction less often than a set obtained by the customer from an independent equipment supplier?

D3.6 The industry proposal suggests that it is not necessary to apply the primary instrument requirement to data service users because customer-provided data systems are equipped with "elaborate diagnostic capabilities."

(a) Would all terminal devices capable of use with a data jack have such capabilities (for example, terminal devices used for low speed data)?

(b) Would all terminal devices capable of use with a data jack have both the static and dynamic functional test capabilities of a primary instrument?

D4. *Repair of Malfunctioning Equipment.* The industry proposal further indicates that one of the purposes of the proposed primary instrument requirement is to permit and encourage customers to effect prompt repair of malfunctioning equipment without interruption of basic telephone service.

D4.1 What is the average interval between repair calls for carrier-supplied main stations and extension sets?

(a) for business subscribers?

(b) for residential subscribers?

D4.2 How could an interruption of basic telephone service be avoided where a single-line subscriber has only one telephone set, carrier supplied, and that set malfunctions?

D4.3 Could a single-line subscriber who owns multiple telephone sets repair one malfunctioning set without interruption of his basic telephone service?

D4.4 What additional incentives, beyond what is presently the case, would the primary instrument provide to encourage customers to have malfunctioning equipment repaired?

D4.5 The Commission recognized in Docket No. 19528 that business subscribers have a strong incentive to avoid interruption in telephone service. What is the basis for the assumption in the industry proposal that multi-line and data service subscribers are more likely than single-line business subscribers to promptly repair malfunctioning terminal equipment?

D5. *Technological Innovation.* One of the stated bases for the primary instrument proposal is to permit the orderly introduction of technological innovations in the network.

D5.1 To what extent do the carriers presently control technological innovation in terminal devices?

D5.2 Under the primary instrument concept to what extent would the carriers control technological innovation in terminal devices?

D5.3 To what extent must technological innovation in the network be compatible with the continued use of existing terminal equipment?

D5.4 Is it reasonable to anticipate that there is likely to be any substantial technological innovation in the network which would be compatible with the continued use of existing carrier-supplied terminal devices but not with the continued use of existing independently supplied terminal devices?

D5.5 Could the orderly introduction of technological innovations in the

"Second Report and Order in Docket No. 19528, 58 FCC 2d 736, at 743 (1976).

network be achieved by putting independent terminal suppliers on early notice of pending innovations, such as at the same time that suppliers to the carriers are notified of planned innovations in the network? Would the notice requirements of § 68.106 of the rules be sufficient for this purpose?

D6. *Restoration of Service in Emergencies.* The industry proposal indicates that the primary instrument concept would assure prompt restoration of basic service in emergency situations.

D6.1 How would the primary instrument proposal afford any greater assurance of basic service in emergency situations than is presently the case?

D7. *Operational.* D7.1 In the industry response to the Subcommittee staff questions it is stated that optional instruments may provide service features in addition to the equivalent minimum capabilities of standard instruments.

(a) What are the current minimum capabilities of a standard instrument?

(b) Are the present capabilities of a standard instrument subject to change or augmentation by additional service features?

(c) If so, what changes in the capabilities of standard instruments or additional service features are anticipated within the near future?

(d) What additional service features are presently available in optional instruments?

(e) What new service features are anticipated for optional instruments in the near future?

(f) Whether or not the primary instrument concept is adopted, carrier-supplied primary instruments would be subject to the outcome of Docket No. 20828 (the "Computer Inquiry"). If the primary instrument concept were adopted, should the capabilities of carrier-supplied primary instruments be further regulated by the Commission?

(g) If so, what should be the nature of such regulation?

(h) Should the Commission prescribe standards for carrier-supplied primary instruments? For example, it is our understanding that not all main stations supplied by telephone carriers are compatible with equipment used by a substantial number of those subscribers who have impaired hearing. If the primary instrument concept were to be approved, should the Commission prescribe uniform standards in this area?

D7.2 In the industry response to the Subcommittee staff questions it is stated that the distinction between basic telephone service and data ser-

"Notice of Inquiry and Proposed Rule-making in the "Computer" Inquiry, Docket No. 20828, 61 FCC 2d 103 (1976), Supplemental Notice, 64 FCC 2d 771 (1977).

vice depends on the kind of jack used. Thus, data equipment connected via standard data jacks would not be included in the primary instrument concept, whereas data equipment connected via standard voice jacks would be included.

(a) Should any distinction between basic telephone service and terminal devices, on the one hand, and data services and terminal devices, on the other, depend upon and be consistent with the outcome of the proceedings in Docket No. 20828 (the "Computer Inquiry")?

(b) Would the primary instrument concept prejudice the Commission's consideration in Docket No. 20828 of issues and proposals by parties relating to carrier-supplied terminal equipment?

E. DURATION OF THE PROPOSED REQUIREMENT

The primary instrument proposal is advanced as a transitional measure, to be re-evaluated in 7-10 years.

E1. It has been suggested that the primary instrument concept would afford an economic transition in light of the registration program. In light of the answers to questions C1 and C2 above, what would be the economic difference to the telephone companies between no primary instrument requirement and a primary instrument requirement of seven years duration?

E2. It has been further suggested that the primary instrument concept would permit the telephone companies to adjust their operation to minimize the operational impact on subscribers.

E2.1 Have there been any complaints on customer provided main stations in the last seven years?

E2.2 If so, how many and of what nature?

E3. It has been suggested that the primary instrument concept would permit the telephone companies to evaluate new technology in the provision of basic telephone service. What new technology within the next 7-10 years is anticipated that might affect the primary instrument concept?

E4. How would the concerns underlying the primary instrument proposal be met at the end of any transition period?

E5. If the primary instrument concept were adopted, should there be a "sunset" provision that the requirement would automatically expire after a certain time period?

E6. How would the primary instrument concept affect single-line subscribers who have purchased telephone sets from telephone companies?

E7. Should there be a "grandfather" provision for such telephone sets?

F. CLARIFICATION

Some aspects of the primary instrument proposal need clarification to

enable responsive public comment and full consideration of the proposal. While the telephone industry response to the Subcommittee staff questions has been helpful in clarifying some areas, several ambiguities remain.

F1.1 How should the term "multi-line service" be defined? Is the primary instrument proposal intended to apply to multiple single lines entering a single premise, not terminated in a key telephone or PBX system? For example:

(a) Would the proposal include multiple line terminated on multiple single line telephone?

(b) Would two lines terminated on a single telephone with a turn button (e.g., a 510 set) be included in the proposed requirement?

(c) Would the proposed requirement apply to multiple lines terminated on a so-called "convenience key telephone" with no common equipment?

(d) How would the proposal treat a subscriber who has another line to a secretarial service on the premises?

(e) Would the proposed requirement apply to multiple lines entering a single premise, some terminated on a key or PBX system and some terminated otherwise (e.g., on single line instruments or instruments used solely for data or for voice and data)?

(f) Would the proposed requirement apply to specialized network services which do not offer both origination or reception of telephone calls, for example:

WATS services?
One-way trunks and loops?
Extended area outgoing-only lines?
FX and one-way CCSA services?

F1.2 How should the term "data service" be defined?

The industry response to the Subcommittee staff questions indicates that the distinction between basic telephone service included in the proposed requirement and excluded data service turns on whether data equipment is connected via a standard voice jack or a standard data jack.

(a) Can a standard telephone set be connected via a standard data jack?

(b) Can a carrier optional instrument with minimum capabilities equivalent to a standard instrument be connected via a standard data jack?

(c) Would a single-line subscriber to basic telephone service be excluded from the proposed primary instrument requirement if he plugged his telephone instrument into a standard data jack?

F2. The industry proposal states that the primary instrument concept would require "the telephone company to provide, as part of single line basic telephone service, one telephone company owned and maintained instrument associated with the central office and loop plant serving the subscriber."

F2.1 What is meant by an instrument "associated with the central office and loop plant?"

F3. The illustrative tariff states (Attachment C, p. 1 of 2) that: "Extension telephones, whether provided by the telephone or the customer, may be subject to an extension service charge to cover the costs of inside wiring and other requirements in addition to the monthly telephone instrument rate."

F3.1 What "other requirements" would be covered by this charge?

IV. PLEADINGS

11. Turning now to the relief requested by CBEMA, we decline to adopt the suggestion that the primary instrument proposal be summarily rejected. Our action of November 22, 1977, declining to stay the inclusion of main stations in the registration program, will preserve to the public the benefits of the registration program while this inquiry is proceeding. In the circumstances, we believe it appropriate to follow procedures which will afford all interested persons an opportunity to express their views on the primary instrument proposal.

12. CBEMA further asserts that the proponents of the primary instrument concept should be required to clarify and document their proposal prior to any proceeding in order to permit meaningful comments by interested persons. While the questions set forth above are to some extent indicative of ambiguities in the telephone industry's proposal, we believe that the comment and reply procedures specified in paragraph 16 below will afford an adequate and orderly means of achieving clarification and informed public participation. The telephone industry is in a position to address these questions in their comments, and other interested persons will have an opportunity to raise any additional questions. The industry responses and additional questions contained in the comments can be fully treated in reply comments. In the event of important new matter in the reply comments, we can order another round of comments either at the request of any party or on our own motion. We see no substantial prejudice to interested persons in this procedure, and will accordingly deny CBEMA's request.

13. With respect to the request by the telephone industry that we proceed immediately with proposed rule making looking toward adoption of the suggested rule amendments attached to its letter of November 1, 1977, we believe that such action would be premature. The precise nature and full implications of the primary instrument concept are presently unknown and require clarification before we would be in a position to make any preliminary determination as to whether the industry proposal,

or some variation thereof, offers sufficient promise of public benefit to warrant proposed rule making. The primary instrument proposal potentially would have widespread and important ramifications for the public, and these may vary according to the exact nature of the proposal and the manner in which it might be implemented. Moreover, some aspects of the industry proposal appear to raise questions of lawfulness which should be examined before any policy determination, even of a preliminary nature, could appropriately be made. We will pursue this matter expeditiously to the extent consonant with the thorough exploration that is essential to a sound public interest decision. If rule making is found warranted at the conclusion of this inquiry, the groundwork laid in this proceeding should serve to shorten the rule making procedure.

14. Finally, we note that the primary instrument concept has been recently addressed by the New York Public Service Commission (NYPSC) in its Opinion No. 77-17 issued on October 25, 1977. The portion of the NYPSC Opinion dealing with the primary instrument concept is appended hereto (Appendix C¹³) for the convenience of those commenting.

V. INQUIRY PROCEDURES

15. This inquiry is instituted pursuant to the authority contained in sections 2(a), 3 (a) and (b), 4 (i) and (j), 201(b), 202(a), 218, 219(a), 403, 409(e), 412, and 602 of the Communications Act.

16. Interested persons may file comments on or before March 28, 1978 and reply comments on or before May 9, 1978. Interested persons who feel unable to make meaningful comments pending further clarification by the telephone industry may defer their participation until the reply comment stage. Upon consideration of the reply comments the Commission may, by further order, provide an opportunity for additional comments if we conclude that further procedures are necessary to or would assist our determinations.

17. Pursuant to the applicable procedures set forth in Section 1.51 of the Commission's rules, an original and 9 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C. In reaching its determinations in this proceeding, the Commission may also take into account other relevant material

¹³ Appendix C filed as a part of the original document.

before it, in addition to the specific comments invited by this Notice.

FEDERAL COMMUNICATIONS
COMMISSION,¹³
WILLIAM J. TRICARICO,
Secretary.

APPENDIX A
HOUSE OF REPRESENTATIVES, SUBCOM-
MITTEE ON COMMUNICATIONS OF THE
COMMITTEE ON INTERSTATE AND FOR-
EIGN COMMERCE,
Washington, D.C., October 3, 1977.

Hon. RICHARD E. WILEY,
Chairman,
Federal Communications Commission,
Washington, D.C.

DEAR CHAIRMAN WILEY: As you know, the Subcommittee on Communications is now completing hearings on national telecommunications policy. We are taking this opportunity to comment on one subject that was discussed at the recent hearings on domestic common carrier policy.

We are aware of the major opportunities for innovation which the Commission's terminal equipment policies have brought about. We believe that many parties now recognize the desirability of a competitive terminal equipment marketplace. We believe the advantages to the consumers of this nation are extensive.

As is the case with any policy change of this magnitude, however, the transition will inevitably involve difficult situations for some telephone companies and subscribers. It is a recognition of this aspect of the transition that leads us to ask that the Commission give expeditious consideration to a proposal advanced by the telephone industry known as the "Primary Instrument Concept." A copy of the proposal is attached for your consideration.

We have not reviewed every detail of the industry's proposal. However, it would appear to have a number of transitional advantages. Primarily, these involve allowing time for companion regulatory adjustments to be made before the Commission's policy in Docket 19528 goes fully into effect.

We are aware of the decision by the Supreme Court which allows for full implementation of the decision in Docket 19528 at an early date. Therefore, we believe it is appropriate to ask that you begin expeditious consideration of this proposal.

Thank you for your cooperation.

Sincerely,

LOUIS FREY, Jr.,
Ranking Minority Member.
LIONEL VAN DEERLIN,
Chairman.

PRIMARY INSTRUMENT CONCEPT

1.0 The Primary Instrument Concept requires the telephone company to provide, as a part of single line basic telephone service, one telephone company owned and maintained instrument associated with the central office and loop plant serving the subscriber. This concept is predicated on the belief that it is in the public interest for one serving entity to be responsible and accountable for complete basic telephone service in those situations where consumers enjoy only single line communications service.

1.1 The Primary Instrument Concept is premised on the fact that telephone service is a service which allows the user to communicate with any other user. Telephone service is not any one device or item of equip-

¹³ Commissioner Lee absent.

ment or even an integration of different facilities, but a complete operating telecommunications system. Without maintaining this relationship of all the piece parts, the traditional concept of end to end service ceases to exist. Furthermore, without providing basic telephone service, the telephone companies can no longer provide a complete quality service. Service standards which heretofore have been used by consumers to measure the quality of telephone service will be meaningless since accountability is fragmented.

1.2 The Primary Instrument Concept eliminates some of the fundamental problems inherent in the FCC Registration Program by requiring that a telephone company primary instrument be included with basic telephone service (see definition Paragraph 3.0). All other terminal equipment used as an adjunct to basic telephone service can be obtained from any source at the discretion of the customer so long as such equipment complies with applicable FCC Rules and Regulations covering terminal equipment. Thereby, customer choice can be promoted in the single line market without releasing the telephone companies from the responsibilities and accountability for basic telephone service.

1.3 The objectives of the Primary Instrument Concept are:

To make one serving entity responsible and accountable for providing complete basic telephone service for single line voice subscribers.

To assure continuity of such telephone service.

To facilitate testing, both static and functional.

To serve as a reference set to allow the customer to independently diagnose trouble responsibility.

To permit and encourage customers to effect prompt repair of malfunctioning equipment without interruption of basic telephone service.

To permit orderly introduction of technological innovations in the network.

1.4 Review of the Primary Instrument Concept.

Based on today's technology, the Primary Instrument Concept is the only viable approach to achieve the objectives and benefits discussed herein. However, future technological developments may produce other alternatives that should be carefully weighed against these objectives.

Therefore, in seven to ten years, it may be appropriate for Congress to direct a review of the objectives identified in Paragraph 1.3, and whether the Primary Instrument Concept is still the best method for achieving the public interest objectives.

2.0 Primary Instrument Concept Defined.

The Primary Instrument Concept as stated in Paragraph 1.0 requires the telephone company to provide, as a part of a single line basic telephone service, one telephone company owned and maintained instrument associated with the central office and loop plant serving the subscriber. The telephone company will make available to the customer a standard or other instrument in connection with basic telephone service. (See Attachment A for discussion of why the Primary Instrument Concept does not apply to multi-line and data service.)

3.0 Basic Telephone Service Defined.

Basic telephone service is telephone service for single line business and residence customers which provides the capability for

originating calls to a defined local calling area, for receiving incoming calls, and for access to and from the toll network. Such service includes central office switching and the access line from the telephone company central office up to and including the primary instrument on the customer's premises.

4.0 Rate and Tariff Considerations.

4.1 Basic Telephone Service.

Under the Primary Instrument Concept the basic service rate includes a standard instrument.

4.2 Optional Instruments.

The customer has the option of substituting for the standard instrument another item of telephone company provided terminal equipment, provided said substitute has, at a minimum, capabilities equivalent to the primary instrument. All optional instruments, i.e., other than the standard instrument, will be provided at rates recognizing their relevant costs.

4.3 In situations where the customer elects to use an optional instrument as the primary instrument:

4.3.1 The rate for basic telephone service will continue to apply. In addition to the rate for basic service, the customer will pay the same rate for the optional instrument used as the primary instrument as he would pay if the optional instrument were used as an extension or discretionary instrument.

4.3.2 Where a customer chooses the optional instrument, no credit allowance will apply for the non-provision of the standard instrument.

4.3.3 Customers utilizing an optional instrument as a primary instrument may elect to have the telephone company provide them the standard instrument.

These pricing concepts are illustrated further in a hypothetical tariff, Attachment B, and through illustrative examples of tariff applications, Attachment C.

5.0 The FCC Registration Program Divides Service Responsibility.

The FCC Registration Program fragments the responsibility for basic telephone service. Under Part 68 of the Rules, basic telephone service consists of two parts: (1) The network, which is made up of switching and transmission facilities and an access line from these facilities to the telephone or other terminal equipment on the customer's premises, and (2) the terminal equipment or the telephone itself. If any of these parts malfunction, service to one or more subscribers may be affected and therefore must be corrected by the responsible party.

6.0 Operational Benefits of the Primary Instrument Concept to the User.

Significant benefits of the Primary Instrument Concept to the user include:

1. The maintaining of complete basic telephone service.

2. Provision of a means for the customer to diagnose certain kinds of trouble without requiring telephone company or other outside testing assistance. It affords the customer the opportunity to test his own instruments by unplugging and interchanging them with the telephone company primary instrument. By having the primary instrument as a "reference set," the customer can often determine the origin of certain kinds of trouble and identify repair responsibility, thereby avoiding a charge for an unnecessary service visit.

3. Encouraging customers providing their own instruments to disconnect malfunctioning sets and have them repaired, since the customer can depend on having a continuing basic service provided by the telephone company. By having the basic telephone service, there is an incentive to the customer to report trouble with his basic service promptly.

4. Assurance of a basic service compatible with network facilities even during periods of changes or innovations in the operating environment. Customers will be able to obtain the benefits of innovations in network services without undue delay since a telephone company primary instrument compatible with the network would always be provided.

5. Assurance that at least one ringer on the customer's premises is identified with the type and frequency of the ringing signal generated by the local telephone company's central office equipment. Part 68 of the rules does not provide adequate assurances. For example, in one independent company alone, there are four basic types of ringing technology used. Each type may be manufactured tuned to any one of a number of frequencies (similar to a CB radio with a single channel), but once tuned it will respond only to the appropriate signal. Table 1 of §68.312(b) of the Registration Rules lists a total of 13 different types of ringers, not all of which may ring in all telephone company areas. Thus, the customer has no assurance that his telephone set will be compatible (i.e., will ring) when he moves from one exchange to another.

6. Assurance of prompt restoration of basic service in emergency situations, such as floods or other natural disasters, since the telephone company would have responsibility for restoration of all the components of basic service.

7.0 Primary Instrument Facilitates Testing.

The Primary Instrument makes it possible to perform tests that facilitate timely repair service at the lowest cost. The testing of telephone service today is a two-step process:

(1) Static electrical tests of the pair of wires (access line) to the subscriber's premises, and (2) dynamic functional tests of the operation of the telephone and its interaction with the network (e.g., dialing, ringing, voice transmission). Both static and dynamic tests incorporate the use of a telephone instrument.

7.1 Static electrical tests are done remotely by the telephone company for the purpose of testing electrical integrity of the pair of wires from the central office to the ringer in the telephone. Static tests are not tests of the actual ability of the telephone to interact with the telephone network. Only dynamic tests, which require the presence of a reference set, can determine if the total service is functioning properly. Attachment D contains additional details on typical telephone service repair and testing procedures.

7.2 The primary telephone instrument not only provides for recognizable terminations but also for functional tests, the result of which eliminates the potential for countless unnecessary repair visits annually. For example, an unrecognizable termination in connection with a trouble report test on a good access line would appear from the test results as "open line" rather than "Test OK," and an unnecessary dispatch would be

made. Each year approximately 15 to 20 percent of over 60 million Customer Trouble Reports are closed out as Test OK.

7.3 There have been several proposals that a test device would eliminate this need for a primary instrument. Tests that are performed using a testing device are static tests and can only identify electrical faults on a pair of wires (grounds, open lines, moisture problems, etc.). A test device does not allow for functional type tests for noise on the line, cross talk, proper signaling, transmission quality, etc., which are necessary to determine if a customer has working telephone service.

7.4 Thus, a Telephone Company provided primary instrument at the customer's premises not only minimizes ambiguities in the results of remote static tests of the access line, it also (a) allows remote functional tests of signaling, transmission, etc., (b) avoids false dispatches, (c) provides a means for customers to diagnose certain kinds of repair responsibility without outside assistance, and (d) maintains the Telephone Company accountability for basic telephone service, not just the access line.

8.0 Inside Wire Under the Primary Instrument Concept.

The Telephone Industry is of the view that the telephone companies should provide all inside wiring.

8.1 The basic reason for the Industry's position on this issue can perhaps best be expressed by a direct quote from the FCC's Second Report and Order released March 18, 1976, in Docket 19528, which states:

"Wiring is passive. It cannot, of itself, generate any signals. It can, however, become connected with earth ground or power lines through inadequate insulation, or marginally adequate insulation and improper installation. . . . Even if we were to make the leakage current requirements applicable to intra-system wiring (which would assure adequate insulation), there still would be no assurance of adequate separation from power lines at the time of installation of such adequately-insulated wiring. Thus, we are faced with a quandary: the common equipment may be perfectly acceptable without protective circuitry, and yet leave the telephone network vulnerable to the vagaries of installation of wiring. . . ." (Emphasis added.) 58 FCC 2d 736 at 745 (1976).

8.2 Even though it is not recommended by the telephone industry or allowed under the FCC Registration Program, if customers were eventually allowed to provide their own inside wire beyond the primary instrument outlet, the Primary Instrument Concept would continue to be a viable concept. In such cases the telephone company would provide the inside wiring to a designated, primary jack into which the customer could plug any one of the telephones on his premises. If a trouble was experienced with the service, the customer could diagnose the problem by disconnecting all his own equipment and connecting the telephone company primary instrument to the primary jack. If the telephone company instrument works, the trouble would be in the customer provided equipment.

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NOTICES

ATTACHMENT A

THE PRIMARY INSTRUMENT CONCEPT WILL NOT APPLY TO MULTI-LINE VOICE AND DATA SERVICE

The assurance of a viable end-to-end service with the ability to transmit and receive information, rather than limiting such assurance solely to the integrity of the line facility, is as important to the multi-line customer as it is to the single-line customer. But, by the very nature of the business environment and the fact that the customer has multiple lines, the customer inherently has the capability to use another line if one line should fail. Also, the business communications environment has historically recognized the need for back-up in case of total system failures. Currently, PBXs are equipped to provide, at the customer's option, a transfer arrangement, on which one or more of the telephones can be connected to a separate line. This allows the making or receiving of telephone calls to the independent of the function of the PBX in case of PBX failure.

Although the Primary Instrument Concept is beneficial for isolating troubles for single-line service, it is not necessary for multi-line service. The multi-line customer or his repair agent inherently has this diagnostic ability without the need for a telephone company primary instrument because he can interchange terminal equipment between telephone lines and isolate problems to the line or the equipment. In addition, business customers with multi-line service rely heavily on their telephones for business purposes, are more sophisticated, and generally assure that their equipment is in proper working order. Because of this, there is less necessity to stimulate the business customer to properly maintain or repair malfunctioning telephones. Also, business equipment vendors have an incentive to assure basic compatibility with the telephone company facilities, proper installation of complex communication equipment, and provide standard terminations recognizable to the telephone company because they generally are responsible for the maintenance of the equipment they install.

The Primary Instrument Concept does not apply to data services for many of the same reasons indicated above for multi-line service. In addition, many customer-provided data systems are equipped with elaborate diagnostic capabilities.

Rate group	Main stations plus PBX trunks	Monthly rates*					
		Residence			Business		
		1-PTY.	2-PTY.	4-PTY.	1-PTY.	2-PTY.	4-PTY.
1.....	0 to 1,000	4.90	4.30	3.90	12.15	10.55	9.60
2.....	1,000 to 1,400	5.15	4.50	4.10	12.90	11.10	10.70
3.....	1,401 to 2,000	5.40	4.70	4.30	13.50	11.65	10.60
4.....	2,001 to 2,800	5.65	4.90	4.50	14.15	12.20	11.10
5.....	2,801 to 4,000	5.90	5.15	4.70	14.75	12.75	11.60
6.....	4,001 to 5,600	6.20	5.40	4.95	15.50	13.35	12.20
7.....	5,601 to 6,000	6.45	5.65	5.15	16.15	13.95	12.70
8.....	6,001 to 11,200	6.75	5.90	5.35	16.90	14.60	13.30
9.....	11,201 to 16,000	7.05	6.10	5.60	17.60	15.20	13.90
10.....	16,001 and so on	7.40	6.45	5.90	18.50	16.00	14.60

*For tone signaling service an additional line charge applies: Residence \$1; business \$1.50.

ATTACHMENT B
THE TELEPHONE CO."ILLUSTRATIVE" GENERAL EXCHANGE TARIFF
SECTION —

3. BASIC TELEPHONE SERVICE

3.1 General.

(1) Basic telephone service is telephone service for single line business and residence customers which provides its users with the capability for originating calls to a defined local calling area, for receiving incoming calls, for access to and from the toll network and includes appropriate maintenance.

(2) Basic telephone service includes central office switching and access line facilities from the telephone company central office up to and including the primary instrument (currently a 500 Type instrument) on the customer's premises.

(3) Customers may elect to substitute an optional instrument for the standard instrument with basic service as long as the substitute has, at the minimum, capabilities equivalent to the primary instrument. Charges as they appear in Section 3.4 of this Tariff will apply for these optional instruments. There will be no credit allowance for non-provision of the standard instrument.

(4) Where the customer elects to have the telephone company provide an instrument other than the standard instrument as the primary instrument, the customer can elect to take the standard instrument subject to applicable service connection charges.

(5) There is no monthly charge for the standard instrument as it is included in the rate for basic telephone service.

3.2 Wiring and jacks.

The telephone company shall provide the necessary wiring and jack outlets on the customer's premises for connection of the telephone instrument to be used with Basic Exchange Telephone Service. The telephone company shall also provide additional wiring and jack outlets ordered by the subscriber for use in connecting additional telephone company provided terminal equipment or subscriber provided terminal equipment that may be connected under Part 68 of the FCC Rules and Regulations. Charges for wiring and jack outlets are set forth in Section — of the tariff.

3.3 Statewide rate schedules.

The following statewide schedule of rates is applicable to Basic Telephone Service:

3.4.2 OTHER TELEPHONE INSTRUMENTS (NO NONRECURRING CHARGES)

Dial pulse signaling	
Standard set.....	\$.70
Trimline.....	1.85
Princess.....	1.70
Outdoor set.....	3.50
Candlestick.....	2.50
Chestphone.....	2.85
Cradlephone.....	2.50
Compact.....	1.15
Dial-in handset without light.....	1.90
Dial-in handset with light.....	2.10
etc.....	etc.

Touchtone signaling	
Standard set.....	\$.80
Trimline.....	2.00
Princess.....	1.90
Outdoor set.....	3.75
Candlestick.....	2.75
Chestphone.....	3.00
Cradlephone.....	2.75
Compact.....	1.35
etc.....	etc.

Subscriber in Rate Group 5 has:
• Residence 1 Party Service without the standard instrument
• A Princess

\$5.50
1.70
\$7.60
= \$7.60

ATTACHMENT C

ILLUSTRATIVE APPLICATIONS OF TARIFF
TO DETERMINE MONTHLY RECURRING CHARGES

Basic Exchange Rates from Section — Paragraph 3.3

Station Instrument Rates from Section — Paragraph 3.4

MONTHLY CHARGES

SITUATIONS
Subscriber in Rate Group 1 wants:
• Residential 1 Party Service with the standard instrument

Subscriber in Rate Group 1 wants:
• Residential 1 Party Service with the standard instrument
• An additional 500-Type Telephone
• A Chestphone

Subscriber in Rate Group 1 wants:
• Residential 1 Party Service with the standard instrument
• An additional 500-Type set
• A Trimline

Subscriber in Rate Group 10 wants:
• Residential 2 Party Service with the standard instrument
• An additional 500-Type set
• A Candlestick Telephone

Subscriber in Rate Group 10 wants:
• Business 1 Party Service with the standard instrument
• Two Dial-in Handset Instruments w/o lights

\$4.90
\$4.90
\$.70 + \$.50*
2.85 + \$.50*
\$8.45 + \$1.00 = \$9.45
\$4.90
\$.70 + \$.50*
1.85 + \$.50*
\$7.45 + \$1.00 = \$8.45
\$6.45
\$.70 + \$.50*
2.50 + \$.50*
\$9.65 + \$1.00 = \$10.65
\$18.50
\$1.90ea. = 3.80 + 1.50*
\$22.30 + \$1.50 = \$23.80

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ATTACHMENT D

EXAMPLES OF THE PROCESS OF DIAGNOSING
TROUBLE RESPONSIBILITIES

Customer testing

Telephone company provides all wiring

If a customer has both telephone company and customer-owned instruments and experiences difficulty receiving dial tone when he lifts the telephone handset of the customer-owned equipment, the problem could be caused by either a malfunction in his owned equipment or the telephone company facilities. Each owned set is connected to the primary jack until it is verified whether or not the owned sets are functioning properly. With the primary instrument the customer can identify whose equipment is at fault. The step-by-step process would proceed as follows:

Leaving the primary instrument connected, he would disconnect the instruments he owns and attempt to make a call with the primary instrument. If he can successfully complete the call, he can assume that the basic service is properly functioning and that the trouble is in his equipment. If he cannot make a successful call with the primary instrument, he would report the problem to the telephone company for repair.

Wiring provided by telephone company and customer

If the customer is allowed to provide his own inside wiring, the Primary Instrument Concept is still necessary for trouble diagnosis. This is illustrated in the following hypothetical example:

Trouble on a service with customer provided inside wiring could be caused by the telephones, a fault in the inside wire, or the telephone network. To determine if it is the telephone company's responsibility, the customer would disconnect all of his owned telephones and inside wire, leaving the primary instrument connected to the primary jack. If the primary instrument worked without any of the customer provided equipment connected, the problem is somewhere in the customer's equipment. To determine where, the customer could follow this step-by-step approach:

First, disconnect the primary instrument and, one at a time, connect each of his telephones into the primary jack and make a functional test. By reconnecting, in turn, each customer-provided inside wire and associated jack and making a functional test with the primary instrument, the particular portion of the inside wire with the trouble condition could be determined. If any one of them does not work with the primary jack, then it can be assumed to be defective and should be repaired. If all of the telephones worked, the problem is someplace in the customer-provided inside wiring and not in the telephones. An appropriate repairperson could then be summoned. While the defective wire was being repaired, service would continue through the primary jack and telephone company wiring.

Telephone company testing

In today's repair service bureau operation, after the customer contacts a service attendant and reports the type of trouble being experienced (e.g., can't call out, my bell doesn't ring, the phone is dead, etc.), initially static tests are made on the access line to the customer's premises, and on a portion of the central office equipment associated with

NOTICES

the customer's line. In order to perform static tests, the access line must have a termination that is electrically recognizable at the test center, i.e., will cause a meter to react in a prescribed manner. This reaction on the test meter enables the testperson to determine if both wires are continuous up to the customer's telephone instrument. This is possible because the test meter readings from measurements of an access line with an instrument connected to it are different from measurements on an unterminated line. Telephone company supplied instruments all have a termination with characteristics which permit this difference to be easily identified by the tester. Therefore, the presence of the primary instrument provides the proper recognizable termination to enable static tests of the access line. Results of the access line test allow the telephone company to determine if there is electrical continuity to the customer's premises. If the access line test indication shows a fault and the customer has some of his own equipment in service, the customer would be contacted and requested to disconnect his equipment from the line. (The customer normally leaves a contact number if he reports the trouble from a location other than his home.) Then a second test of the line is made with the customer's equipment disconnected. A comparison of these static tests with and without the customer's equipment connected to the line will determine if the fault is in the portion of the service supplied by the telephone company or the customer.

If there is continuity to the customer's premises, the tester will call the customer and interactively perform further diagnosis involving functional tests using the telephone instrument. Comparison of the functional tests results with only the customer's telephone connected and with only the primary instrument connected will determine which equipment is in trouble. If the trouble is in the telephone company equipment, the case is not closed until the customer is called back to confirm that the service is now functioning properly (e.g., the phone rings properly, hearing and transmission are satisfactory and that the line (service) is free of any noise).

To determine causes of troubles that are identified as being somewhere between the customer's premises and the central office, just as a telephone instrument is necessary to make a functional test from the customer's premises, the repairman uses a portable telephone instrument to make functional tests at various points, e.g., at the point where the customer's line connects to the pole, at various locations on the outside plant cable, etc. When the trouble reappeared, he would then know the trouble existed in the portion of the service between the previous test point and the current test point, and he would proceed to fix the problem now that it was isolated.

APPENDIX B

UNITED TELECOMMUNICATIONS, INC.,
Washington, D.C. October 31, 1977.

HON. LIONEL VAN DEERLIN,
Chairman,
Subcommittee on Communications,
Washington, D.C.

DEAR CHAIRMAN VAN DEERLIN: Following the House Subcommittee's hearings on Domestic Common Carrier Policies on September 28, D. Wayne Peterson, an industry spokesman on the terminal equipment panel, was requested by the Subcommittee

staff to answer twenty-one questions pertaining to the primary instrument concept. Accordingly, I am enclosing the telephone industry's answers to those questions.

The telephone industry will be happy to provide you with any additional information or clarification.

Sincerely,

JOHN M. LOTHSCHEUTZ.

INDUSTRY RESPONSE TO SUBCOMMITTEE
QUESTIONS ON THE PIC

1. We understand that the PIC is a transitional and temporary approach to the regulation of the interconnection of customer-provided equipment to the facilities of telephone common carriers. Is that correct?

The Primary Instrument Concept (PIC) is transitional. It is transitional in the sense that it may be appropriate for Congress or the FCC to review the concept in 7-10 years to determine whether the Primary Instrument Concept is still the best method for achieving the public interest objectives listed in par. 1.3., page 2 of the industry paper statement.

1. (ii) Why was this period chosen?

The 7-10 year period was selected as a reasonable period of time to evaluate the concept, to permit a review of the role of telephone common carriers in the provision of basic telephone service, to permit telephone companies to adjust their operations in such a manner so as to minimize the operational and economical impact upon subscribers, and to permit the evaluation of new technology and the relationship of that technology in the provision of basic telephone service.

2. Is it correct that the PIC:

(a) Applies only to connections to the public switched telephone network (DDD). Yes, including the local exchange network as well as the intercity DDD network.

(b) Does not apply to private line services. It does not apply to private line services.

(c) Does not apply to switched data services, e.g., Switched Dataphone Digital Service, Transaction Network Service, Bell Data Network?

See answer to question 9. (b).

3. Is it correct that the P.I. is always a telephone (voice) instrument?

The Primary Instrument Concept entitles a subscriber to one basic voice grade telephone instrument as part of basic telephone service. Anything other than a basic 500 type rotary dial or touchtone instrument used by a subscriber as a primary instrument would be charged for as any other optional terminal device.

If technical developments require a change at a further date, the telephone industry will notify the FCC of its intent to change the basic set.

4. (a) Will the P.I. be required to be actually connected (plugged-in) all the time?

The primary instrument will be required to be connected during periods of testing conducted by the telephone company. At other times the primary instrument may be connected or disconnected at the customer's discretion. Subscribers will be encouraged to leave the instrument connected.

(b) Some of the time?

See answer to question 4. (a).

(c) None of the time?

See answer to question 4. (a).

5. Can the subscriber disconnect the P.I. and use his own instrument or equipment instead of the P.I.?

Yes, if the customer desires to do so. However, the primary instrument must be connected during telephone company testing.

6. Will the P.I. always be plug equipped/jack connected per Part 68 of the FCC Rules?

Yes, except for those covered under the grandfather provision of Part 68 of the FCC's Rules.

7. If the telephone company customer premises equipment becomes subject to Part 68 of the FCC Rules:

(a) Will the P.I. be registered?

Yes, except those covered under the grandfather provision of Part 68 of the FCC's Rules.

(b) Will the "optional" instruments be registered?

See answer to question 7. (a).

(c) Will other terminal equipment be registered?

All equipment will be registered per Part 68 of the FCC's rules.

8. The reference in Paragraph 2 to a "Standard" instrument is understood to mean a P.I. which per the illustrative tariff is a 500 type telephone instrument. Is this correct?

Yes, the basic set offered by the telephone company tariff is the 500 type set (rotary or touchtone dial). See also, answer to question 3.

9. (a) Is it correct that "optional instruments" which can be substituted for the P.I. are only telephone (voice) instruments, as called out in Paragraph 3.4.2 of the Illustrative Tariff?

No. Optional instruments may provide service features in addition to those provided by a P.I. See also, answer to question 4. (a).

(b) For instance, a data device, even if it has capabilities equivalent to a P.I. could not be substituted for a P.I.?

Data equipment connected via the standard data jacks specified in Part 68 of the FCC's Rules or connected to multi-line service, is not included in PIC.

However, data equipment connected via the standard voice jacks specified in Part 68 of the FCC's Rules and connected to single line service, is included in PIC. Such equipment could qualify as an optional instrument under PIC if it provides capabilities equivalent to the basic set. See also, answer to question 4. (a).

10. Would not, or could not, the same operational benefits and testing capabilities of Paragraph 6.0 and 7.0 be realizable if the P.I. was at the customers option, either telephone company provided as described or a customer provided instrument meeting the registration requirements of Part 68 and containing the minimum capabilities as specified by the telephone company for a P.I.?

No, Part 68 does not require telephone instruments to operate functionally in the manner necessary to meet quality service standards on an ongoing basis. As to testing, a static test could be performed if Part 68 required that an identifiable termination be made part of the telephone instrument. However, this would not permit the functional tests that are necessary to assure working telephone service.

11. Paragraph 4.2 states optional instruments (telephones) other than the standard P.I. will be provided at rates recognizing their relevant costs:

(a) Define relevant costs.

The relevant costs are the full direct costs plus a contribution.

(b) Is this full cost recovery?

Yes, for the optional instrument.

(c) Will any reduction in cost occur by virtue of a "credit" for the cost of the P.I. not provided?

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We do not plan to give a credit for a basic set not provided. To do so would raise the question of competitive advantage in pricing optional instruments.

12. The FCC Rules at Section 68.106, Notification to Telephone Company, require that the customer give prior notice to the telephone company of the FCC Registration and Ringer Equivalence. If the subscriber provided the PI, which was registered, in conformance with the notification requirements of the FCC's Part 68 Rules, would not this provide a "recognizable termination?"

See answer to question 10.

13. What is the definition of "single-line" service; and what are examples?

The term "single line" as used in the PIC paper is defined as that class of exchange service offered to residence and business customers in which one central office voice-grade access line and at least one non-key telephone instrument is provided by the telephone company at the customer's premises.

Examples. Basic telephone service to residences (non-party line). Basic telephone service to business premises (non-party line), such as bakeries, barber shops, etc., where one access line and at least one telephone set is provided.

14. What is the definition of "multi-line" service; and what are examples?

The term "multi-line" as used in the PIC paper is defined as that class of exchange service offered to residence and business customers in which central office access lines are provided to the customer's premises to connect PBX systems, key systems, ACD systems, etc.

Examples. C.O. lines terminating in key systems, PBX trunks.

15. For the purposes of the PIC, what is the classification of:

(a) Two telephone lines on the same premises, but not connected for access by a single instrument?

Two single line services requiring two primary instruments.

(b) A single telephone line that has only equipment used for data transmission?

See answer to question 9. (b).

(c) A single telephone line that with a terminal or terminals usable for data transmission and voice transmission but it is clear that the data use predominates, for example, where the handset is integrated into, a W.E. model 103 dataset?

See answer to question 9. (b).

(d) A single telephone line that has terminal equipment usable for data or voice transmission, but it is not clear that the data use predominates?

See answer to question 9. (b).

(e) A single telephone line that has terminal equipment usable for data or voice transmission, but it is clear that that data use is only occasional?

See answer to question 9. (b).

16. If such alternate data-voice applications or occasional use data applications would come under the PIC:

(a) What provision would be made to provide an FCC standard data interface (transparent) for connection of either customer or carrier provided data equipment behind the P.I.?

See answer to question 9. (b).

(b) What provisions would be made for coordinated control e.g., exclusion key) between the primary instrument and the data equipment?

All the wiring configurations specified in the FCC's Rules Part 68, Subpart F will be provided.

(c) Would additional charges (such as an optional instrument without credit for the standard instrument) be required to obtain this control feature discussed in subparagraph (b)?

The tariff rate, according to local tariff, will apply for additional features, e.g., an exclusion key between the primary instrument and the data equipment.

17. In many data applications a data auxiliary set is used in conjunction with the data set (modem) to provide voice coordination, testing, etc., features. Is it correct to assume that the DAS instrument when provided as part of a data application is likewise exempted from the PIC?

It is difficult to answer this question precisely because of the several possible wiring configurations of combinations of data modems and auxiliary sets, etc. The connection is exempt from PIC if connected through data jacks specified in Part 68 of the FCC's Rules or if a multi-line service. See also answer to question 9. (b).

18. A voice capability and a data capability are sometimes combined into a single terminal instrument:

(a) Is this permissible under the PIC?

See answer to question 9. (b).

(b) If it is possible:

(i) How does such an instrument connect to the transmission services?

See answer to question 9. (b).

(ii) Can the customer provide such an instrument?

See answer to question 9. (b).

(iii) Would the customer-provided and carrier-provided instrument connect to the transmission service in the same manner?

See answer to question 9. (b).

(iv) Would the rate for the carrier device be based on all costs, without a credit for the cost of the PI not provided?

Yes, if the primary instrument applies. See also answer to question 11. (c).

19. How would charges be based (computed) for services which are excluded from the PIC concept (i.e., multi-line voice and single and multi-line data)? Provide sample tariff for such services.

This question is not relevant to the PIC and therefore is not applicable.

20. Would standard data jacks, as specified under Subpart F or Part 68 of the FCC Rules governing the Equipment Registration Program, be provided for single and multi-line services for connection of data equipment provided by customer or carriers?

Yes, to the extent provided in the Rules. 21. It is generally recognized that the telephone industry introduces changes in the network on a carefully planned basis. Consideration is given the interworkings of the independent telephone companies and avoiding premature obsolescence of existing plant investment. Provisions are made to permit old and new technologies to co-exist for protracted periods. In the last sentence of Paragraph 1.3 and Section 6.0, Paragraph 4 addresses the introduction of new technology in the network being facilitated by a telephone company provided instrument:

(a) Does this reflect any changes in philosophy regarding the introduction of new technology as it might affect basic telephone service?

The introduction of the PIC does not reflect any changes in the philosophy of introducing new technology.

(b) Are there any changes presently under consideration which would affect the basic telephone instrument?

We are not aware of any changes presently being considered that would affect the basic telephone instrument's ability to be used as a primary instrument. This does not mean, however, that technology will not result in a redesign or modification of the basic instrument.

(c) Assuming a change was planned which would require changes or modification to the primary instrument or customer-provided equipment, what steps would be taken to insure timely dissemination of information to basic telephone service subscribers and manufacturers of customer-provided equipment?

If technology should require modification to the primary instrument or to customer-provided equipment, notification to customers would be made as required in Part 68, Subpart B, § 68.110 of the FCC's Rules and manufacturers and the FCC will be provided similar information.

[FR Doc. 78-3698 Filed 2-10-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BANCORP CORP.

Proposed Acquisition of Franklinton Assurance Co.

Bancor Corp., Columbus, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Franklinton Assurance Co., Phoenix, Ariz. Notice of the application was published on November 18, 1977, in the Columbus Dispatch, a newspaper circulated in Columbus, Ohio, and on November 29, 1977, in the Record Reporter, a newspaper circulated in Phoenix, Ariz.

Applicant states that the proposed subsidiary would engage in the activity of acting as underwriter of credit life and credit accident and health insurance directly related to extensions of credit by Bancor Corp. and its subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a

statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 21, 1978.

Board of Governors of the Federal Reserve System, February 6, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-3952 Filed 2-10-78; 8:45 am]

[6210-01]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to First State Bank & Trust Co. of Houston, Houston, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 5, 1978.

Board of Governors of the Federal Reserve System, February 6, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-3953 Filed 2-10-78; 8:45 am]

[6210-01]

NATIONAL BANCSHARES CORP. OF TEXAS

Acquisition of Bank

National Bancshares Corp. of Texas, San Antonio, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Northwest Bank of Commerce National Association, San Antonio, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 5, 1978.

Board of Governors of the Federal Reserve System, February 6, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-3954 Filed 2-10-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on February 7, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before March 3, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, U.S. General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

INTERSTATE COMMERCE COMMISSION

The Interstate Commerce Commission (ICC) requests clearance of revisions to Form OP-OR-9, Application for Motor Carrier Certificate or Permit; Form OP-OR-11, Application for Brokerage License; Form OP-FF-10, Application for Freight Forwarder Permit; and Form OP-WC-20, Application for Water Carrier Certificate or Permit. Changes to the application forms are made necessary by recent procedural revisions adopted formally by the Commission.

In Ex Parte No. 55 (Sub. No. 25), decided December 1, 1977, the ICC

adopted final rules which require each applicant to submit, in addition to that information previously called for, (1) a current balance sheet and income statement, (2) a list delineating equipment and pertinent terminal locations, (3) a brief statement concerning the feasibility of the proposed operation, and (4) a certification of familiarity with applicable safety regulations. Additionally, each applicant for motor contract carrier authority (Form OP-OR-9) must describe how its proposed service qualifies as contract carriage under section 203(a)(15) of the Interstate Commerce Act. Each supporting witness must include in its certification of support (1) a brief description of the transportation services currently employed and (2) the extent to which the proposed service, if authorized, would be used. These rules are intended to eliminate, in unopposed proceedings, the necessity for further evidentiary submissions and to expedite issuance of operating authorities.

In Ex Parte No. MC-100 (Sub. No. 2), decided January 9, 1978, the Commission adopted final rules eliminating the requirement that each applicant (for Motor Carrier Certificate or Permit, Form OP-OR-9) serve upon the designated official of a State in or through which a proposed operation is to be performed, a copy of its application form. Applicant will be required to serve upon the designated official of its domicile State a copy of the caption form which it currently is required to prepare. The purpose of this rule is to save applicants the time and expense associated with copying and mailing little used information.

In an order entitled "Notice Regarding Style Changes for Caption Summaries Prepared by Parties for Publication in the FEDERAL REGISTER," decided January 9, 1978, the Commission adopted mandatory style changes. The principal change effected by this order is the use of two-letter State abbreviations similar to those currently employed by the Postal Service. The purpose of this change and other major changes (abbreviations) required by the order was to economize on the length of caption summaries thereby saving applicants additional time and expense.

The ICC estimates that Form OP-OR-9 will be filed by approximately 16,000-18,000 applicants annually and preparation time for the form will average 10 hours; Form OP-OR-11 will be filed by approximately 750-1,500 applicants annually and preparation time will average 10 hours; Form OP-FF-10 will be filed by approximately 750-1,500 applicants annually and preparation time will average 10 hours; and Form OP-WC-20 will be filed by approximately 750-1,500 applicants and preparation time will average 10 hours. The Commission states

that each application may lead to a formal proceeding before the Commission.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc. 78-3951 Filed 2-10-78; 8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

MEDICAL ASSISTANCE PROGRAMS

Revocation of Supplement D of Handbook of Public Assistance Administration

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final notice.

SUMMARY: This final notice revokes Handbook of Public Assistance Administration Supplement D, applicable to the medical assistance program under Title XIX of the Social Security Act. Material in Supplement D has been superseded or has become outdated; consequently, it no longer represents official HEW policy.

EFFECTIVE DATE: February 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Margaret O. Schnoor, 202-245-1960.

SUPPLEMENTARY INFORMATION: Notice of proposed revocation of Handbook of Public Assistance Administration Supplement D, was published on July 25, 1977, in the FEDERAL REGISTER (42 FR 37849). Supplement D contains certain requirements, interpretations, informational materials, and instructions for the administration of the medical assistance program under Title XIX of the Social Security Act (Medicaid).

On August 11, 1975 (40 FR 33697), Parts I, II, and III, and Supplements A, B, and C of the Handbook were revoked. All material in those parts and supplements had been either superseded by regulations published in 45 CFR Chapter II, reissued as instructions or interpretations, or outdated by statutory revisions.

Supplement D was not revoked at that time because of one provision which was still in effect and had not been superseded or reissued. Section D-5840, Pooled Funds, of Part D-5800, Federal Financial Participation in Medical Assistance Programs, allowed a public assistance agency to establish, maintain, and operate a pooled fund for medical care. The States that used a pooled fund have since closed them; the last as of September 30, 1976.

DISCUSSION OF COMMENTS

Comments on the notice were received from one legal services corpora-

tion which opposed the revocation, and one State agency which supported it.

The legal services office pointed out that there may be provisions in Supplement D that have not been fully superseded or reissued in regulations or instructions and that are still relied on to protect the interests of recipients. For example, Supplement D required the State to insure that all recipients in a locality had access to services generally available in the geographic area; one measure of availability was that participation of each provider group in the Medicaid program should be about two-thirds of the total number in that profession in the State. The commenter believes that the regulation on this subject (42 CFR 450.30(a)(7), previously 45 CFR 250.30(a)(7)) is too vague to be useful and must be supported by issuance of numerical or percentage requirements.

Supplement D did contain, in addition to basic requirements, explanations of the intent of the requirements and suggested methods for carrying them out. In considering material for transfer to regulations, the Department recognized that much of the Supplement was interpretative and guideline in nature. Consequently the general rule followed was that only the requirements themselves were to be reissued as regulations; the remaining material was to serve as explanatory, guide and historical information.

Therefore, in order to clarify this situation, the Department believes it necessary to and hereby does revoke Supplement D, Handbook of Public Assistance Administration.

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302).)
(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

NOTE.—The Health Care Financing Administration has determined that this document does not require preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: November 22, 1977.

WILLIAM D. FULLERTON,
Acting Administrator, Health
Care Financing Administration.

Approved: February 7, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc. 78-3956 Filed 2-10-78; 8:45 am]

[4110-02]

Office of Education

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Adviso-

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SEATTLE, WASH.

ry Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Developing Institutions will be held March 10, 1978, from 9 a.m. to 4 p.m. in Room 3000, Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of The General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public.

The Proposed agenda includes:

- (1) The final preparation of the Annual Report for 1978.
- (2) Other administrative matters and related business.

Records shall be kept in the form of the Council's Annual Report. Copies of the Annual Report will be available at a later date to the public at the office of the Director of the College and University Unit, BHCE, located in Room 3036, ROB-3, 7th and D Streets SW.

Signed at Washington, D.C., on February 8, 1978.

PRESTON VALIEN,
Office of Education
Delegate to the Council

[FR Doc. 78-3942 Filed 2-10-78; 8:45 am]

[4110-12]

Office of the Secretary

Evaluation of the Appropriateness of the Federal Interagency Day Care Requirements (FIDCR)

Public Meetings

FEBRUARY 7, 1978.

The Department of Health, Education, and Welfare will hold three public meetings to ensure broad participation in the discussion of issues to be contained in the FIDCR Appropriateness Report which is required to be sent to Congress on April 1.

Three full day meetings are scheduled for:

WASHINGTON, D.C.

Monday, February 27, 9:30 a.m. to 5:30 p.m., Room 425-A, Hubert H. Humphrey Building, 200 Independence Avenue S.W.

DALLAS, TEX.

Wednesday, March 8, 9:30 a.m. to 5:30 p.m., 1100 Commerce Street, Room 7823.

Tuesday, March 14, 9:30 a.m. to 5:30 p.m., Room 380, Federal Building, 915 Second Avenue.

The format for each of the three meetings will be the same: HEW will present the key issues covered in the draft of the Report, e.g., the characteristics of the day care market; the characteristics of existing Federal, State, and local regulations of the day care market; the effects of the FIDCR on cost, the child, and the family; and the alternative Federal roles in the regulation of day care which may be deemed appropriate. The presentation will be followed by a discussion by the panelists representing persons and organizations interested in day care. Time will be allowed in the afternoon session for questions and comments from the general public.

THE APPROPRIATENESS REPORT

Section 2002(a)(9) of Title XX of the Social Security Act directed the Secretary of Health, Education, and Welfare to submit to Congress "an evaluation of the appropriateness of the requirements imposed by (FIDCR), together with any recommendations he may have for modification of these requirements." Submission of this report must precede any new modification of the FIDCR by HEW.

Following its submission to Congress, copies of the Report will be available on request from the Office of Planning and Evaluation, Room 416-E, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

For further information on the meetings contact Mr. William Prosser, Room 416-E, or Dorothy Sortor Stimpson, Room 415-F, Office of Planning and Evaluation, Hubert Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Dated: February 7, 1978.

HENRY AARON,
Assistant Secretary for Planning
and Evaluation, Department
of Health, Education, and Welfare.

[FR Doc. 78-3941 Filed 2-10-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-78-498]

ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT ASSISTANT SECRETARY FOR HOUSING

Delegation of Authority

AGENCY: Department of Housing and Urban Development.

ACTION: Delegation of authority.

SUMMARY: The Secretary is delegating to the appropriate Assistant Secretaries of the Department of Housing and Urban Development the responsibility and authority with respect to the urban homesteading program pursuant to provisions of the Housing and Community Development Act of 1974.

EFFECTIVE DATE: September 15, 1977.

FOR FURTHER INFORMATION CONTACT:

Betsy B. Tibbs or William Tatum, Deputy Director, Administrative Support Division, U.S. Department of Housing and Urban Development, Room 7238, Washington, D.C. 20410, area code 202-755-6186.

SUPPLEMENTARY INFORMATION: Pursuant to Title VIII, section 810 of the Housing and Community Development Act of 1974, the Department of Housing and Urban Development has administered an "Urban Homesteading Demonstration Program" on a demonstration basis. The experience and accomplishments attained by the Department in the demonstration program have led the Secretary to change urban homesteading activities from a demonstration to a nationwide, operating program to be made available to all qualifying localities.

To effect this change, this delegation of authority confers upon the appropriate Assistant Secretaries of the Department of Housing and Urban Development the power and authority of the Secretary with respect to the urban homesteading program, pursuant to Title VIII, section 810 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301). Accordingly, the Secretary delegates authority as follows:

SECTION A. *Authority delegated.* The Assistant Secretary for Community Planning and Development shall exercise the power and authority of the Secretary with respect to the urban homesteading program, pursuant to section 810 (b), (c), (d), and (e) of the Housing and Community Development Act of 1974. The Assistant Secretary for Housing shall exercise the power and authority of the Secretary with respect to the urban homesteading program pursuant to section 810 (a), (f), and (g) of the Housing and Community Development Act of 1974.

SEC. B. *Authority excepted.* There is excepted from the authority delegated under section A the power to sue and be sued.

SEC. C. *Authority to redelegate.* The Assistant Secretary for Community Planning and Development is authorized to redelegate to employees of the Department any of the authority delegated to him under section A, except rules and regulations and not excepted under section B. The Assistant Secretary for Housing is authorized to rede-

legate to employees of the Department any of the authority delegated to him under section A and not excepted under section B of this delegation.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., February 3, 1978.

PATRICIA ROBERTS HARRIS,
Secretary, Department of
Housing and Urban Development.
[FR Doc. 78-3887 Filed 2-10-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CONFEDERATED TRIBES OF THE SILETZ RESERVATION

Election of Interim Council

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

Pursuant to Pub. L. 95-195, notice is hereby given that on Saturday, February 18, 1978, qualified Siletz tribal voters will elect a nine-member Siletz Interim Council.

Voting will take place between the hours of 10 a.m. and 7 p.m. The polling place will be located at the Siletz Grange Hall, Siletz, Ore.

Qualified voters unable to vote in person may vote by absentee ballot. Written requests for absentee ballots must be received no later than 4:30 p.m., February 8, 1978, by the Area Director, Vincent Little, Portland Area Office, Bureau of Indian Affairs, P.O. Box 3785, 1425, Northeast Irving, Portland, Ore. 97208, Attention: Tribal Operations. Qualified voters may also obtain absentee ballots by presenting themselves in the Office of the Area Director no later than 4:30 p.m., February 8, 1978.

In order to be counted, all absentee ballots must be received in the Office of the Area Director, Portland Area Office, no later than 4:30 p.m. on February 17, 1978.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-4021 Filed 2-10-78; 8:45 am]

[4310-84]

Bureau of Land Management

ALASKA

Filings of Regional Selections Pursuant to Section 14(h)(1) Alaska Native Claims Settlement Act

On June 29, 1976, Doyon, Ltd. filed applications, as amended, under the

NOTICES

provisions of section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 43 U.S.C. 1601), for certain lands in interior Alaska. The lands described below are, as of the date of filing and subject to valid existing rights, segregated from all forms of appropriation under the public land laws:

UMIAT MERIDIAN (PROTRACTED)

Serial No.	Description	Approximate acreage
F-22592	T. 15 S., R. 30 E., sec. 3, W¼.	320
F-22593	T. 15 S., R. 30 E., sec. 10, W¼.	320
F-22595	T. 15 S., R. 29 E., sec. 1 and 12.	1,280
F-22596	T. 15 S., R. 28 E., sec. 28, W¼; sec. 29.	960
F-22597	T. 15 S., R. 27 E., sec. 32, W¼.	320
F-22600	T. 14 S., R. 29 E., sec. 34, E¼; sec. 35, W¼.	640
F-22601	T. 14 S., R. 29 E., sec. 27, SE¼NW¼.	40
F-22602	T. 14 S., R. 29 E., sec. 25, SE¼SE¼.	40
F-22603	T. 14 S., R. 28 E., sec. 26, NW¼NW¼.	40
F-22604	T. 14 S., R. 27 E., sec. 25, W¼.	320
F-22605	T. 13 S., R. 35 E., sec. 28, NE¼NE¼.	40
F-22635	T. 13 S., R. 37 E., sec. 24, E¼; and T. 13 S., R. 38 E., sec. 27, SE¼; sec. 30, NW¼; sec. 34, E¼; and T. 14 S., R. 39 E., sec. 7, S¼; sec. 18, N¼.	1,552
F-22636	T. 12 S., R. 35 E., sec. 32, NE¼.	160
F-22637	T. 12 S., R. 43 E., all.	22,996
F-22641	T. 9 S., R. 36 E., sec. 34, SW¼.	160
F-22642	T. 10 S., R. 47 E., sec. 33, SE¼.	160

In accordance with Departmental regulation 43 CFR 2653.5(h), notice of these selections is being published once in the FEDERAL REGISTER and once a week, for three (3) consecutive weeks, in the Fairbanks Daily News-Miner. Any party claiming a property interest in lands selected may file their protest with the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501. All protests must be filed on or before March 15, 1978.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-3856 Filed 2-9-78; 8:45 am]

[4310-84]

NEW ORLEANS: OUTER CONTINENTAL SHELF OFFICE

Availability of Outer Continental Shelf Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS official protraction diagrams, last approved or revised on the dates

indicated, are on file and available, for information only, in the New Orleans Outer Continental Shelf Office, Bureau of Land Management, New Orleans, La. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic areas they represent.

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS

Description	Latest approval or revision date ¹
Tex. Map No. 8	
La. Map No. 12 (composite)—Sabine Pass area	Mar. 7, 1977.
NH 18-4—Mobile	Dec. 21, 1977.
NI 18-10	July 5, 1977.
NJ 18-11—Virginia Beach	June 22, 1977.

¹Changes in CFR notations are not considered as revisions.

2. Copies of these protraction diagrams may be purchased for \$2 each from the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Suite 841, Hale Boggs Federal Building, 500 Camp Street, New Orleans, La. 70130. Checks or money orders should be made payable to the Bureau of Land Management.

3. In 42 FR 4906, dated January 26, 1977, as corrected in 42 FR 6646, dated February 3, 1977, there was published a composite list of all official protraction diagrams then covering the Gulf of Mexico OCS. In 42 FR 14184, dated March 15, 1977, there was published a composite list of all official protraction diagrams then covering the Atlantic OCS off the coasts of North Carolina, South Carolina, Georgia, and Florida. These two lists, when taken in connection with the list set out above, constitute a complete list of all official protraction diagrams now covering said areas.

JOHN L. RANKIN,
Manager, New Orleans Outer
Continental Shelf Office.

[FR Doc. 78-3905 Filed 2-9-78; 8:45 am]

[4310-84]

[Wyoming 62565]

WYOMING

Order Providing for Opening of Public Lands

FEBRUARY 2, 1978.

1. In exchanges of lands made under the provisions of section 8 of the Act of June 28, 1934, as amended; 43 U.S.C. 315g (1970), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 24 N., R. 78 W.,

Sec. 8, all;
T. 21 N., R. 91 W.,
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
Sec. 7, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$;
Sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ and
S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, all;
Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$;
Sec. 21, W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 29, all;
Sec. 31, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$;
Sec. 33, all;
T. 21 N., R. 92 W.,
Sec. 5, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
Sec. 7, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$;
Sec. 9, all;
Sec. 17, all;
Sec. 19, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$;
Sec. 21, all;
Sec. 29, all;
Sec. 31, lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ and E $\frac{1}{2}$;
Sec. 33, all;
T. 21 N., R. 93 W.,
Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ and S $\frac{1}{2}$;
Sec. 13, all;
Sec. 25, all;
T. 42 N., R. 107 W.,
Sec. 13, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The areas described aggregate 13,520.85 acres.

2. The lands are located in Carbon, Sweetwater, and Fremont Counties. They have values for watershed, grazing, wildlife, and recreation.

3. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the above described lands will at 10 a.m. on March 10, 1978, be open to application, petition, and selection under the public land laws. All valid applications received at or prior to 10 a.m. on March 10, 1978 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyo. 82001.

DANIEL P. BAKER,
State Director.

[FR Doc. 78-3864 Filed 2-10-78; 8:45 am]

[4310-70]

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA
ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of Golden Gate National Recreation Area Advisory Commission will be held at 9:30 a.m. (PDT) on Saturday, March 4, 1978, at Tamalpais High School Student Center, Mill Valley, Calif.

The Advisory Commission was established by Pub. L. 92-589 to provide for

the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Secretary
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. Jack Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

The major agenda item will be a National Park Service planning staff presentation of proposed recommendations for Marin County portions of Golden Gate National Recreation Area, Point Reyes National Seashore, and Transportation within 100,000 acres of National Park Service land.

This meeting is open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact Jerry L. Schober, Acting General Manager, Bay Area National Parks, Fort Mason, San Francisco, Calif. 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by April 5, 1978, in the Office of the General Manager, Bay Area National Parks, Fort Mason, San Francisco, Calif.

Dated: February 1, 1978.

JOHN H. DAVIS,
Acting Regional Director,
Western Region.

[FR Doc. 78-3870 Filed 2-10-78; 8:45 am]

[4310-70]

HISTORY AREAS COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the History Areas Committee of the National Park System Advisory Board will be held on Friday, March 10, 1978, commencing at 9 a.m. in Room 8068, at the Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National

Park System and the administration of the Historic Sites Act of 1935. The History Areas Committee considers, and advises on, matters relating to the eligibility of sites being proposed for designation as national historic landmarks, and on proposals for the establishment of historic units of the National Park System.

The purpose of this meeting is to consider potential national historic landmarks studied under the National Survey of Historic Sites and Buildings as follows:

1. A partial revision of two subthemes on Alaska, "Alaska Aboriginal Culture," and "Alaska History."
2. A segment of the subtheme "Architecture."
3. Special studies of the following properties:

- (a) Kent State, May 4, 1970, site, Kent, Ohio.
- (b) Central of Georgia Railroad Shops, Savannah, Ga.
- (c) Falls of the Chattahoochee Hydroelectric Development, Columbus, Ga.
- (d) Jackson Ward Historic District, Richmond, Va.
- (e) Toltec Mounds Site, vicinity of Scott, Ark.
- (f) Soapstone Ridge, vicinity of Atlanta, Ga.
- (g) Indian Knoll, vicinity of Paradise, Ky.

The formal recommendations of the Committee will be made to the National Park System Advisory Board at its meeting on April 17-19 in Washington, D.C. No formal action of the Secretary of the Interior will be sought until after the Advisory Board has considered the recommendations of its History Areas Committee and acted thereon.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Robert M. Landau, Assistant for Advisory Boards and Commissions, National Park Service, Washington, D.C. at 202-343-8953.

Minutes of the meeting will be available for public inspection 8 to 10 weeks after the meeting in Room 3013, Interior Building, Washington, D.C.

Dated: February 7, 1978.

ROBERT M. LANDAU,
Assistant for Advisory Boards
and Commissions, National
Park Service.

FEBRUARY 7, 1978.

[FR Doc. 78-3872 Filed 2-10-78; 8:45 am]

[4310-70]

OVERSIGHT COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Oversight Committee of the National Park System Advisory Board will be held on Thursday, March 9, 1978, commencing at 10:30 a.m. in Room 3119 at the Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935.

The purpose of the meeting of the Oversight Committee is to consider items to be recommended to the Director of the National Park Service for inclusion on the agenda of the regular business meeting of the Advisory Board to be held on April 17-19 in Washington, D.C.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting may contact Robert M. Landau, Assistant for Advisory Boards and Commissions, National Park Service, Washington, D.C., at 202-343-8953.

Minutes of the meeting will be available for public inspection 8 to 10 weeks after the meeting in Room 3013, Interior Building, Washington, D.C.

Dated: February 7, 1978.

ROBERT M. LANDAU,
Assistant for Advisory Boards
and Commissions, National
Park Service.

FEBRUARY 7, 1978.

[FR Doc. 78-3871 Filed 2-10-78; 8:45 am]

[7020-20]

INTERNATIONAL TRADE
COMMISSION

CERTAIN SOFT-SIDED LUGGAGE

Order Deferring Consideration of Complaint

A complaint was filed with the U.S. International Trade Commission on December 27, 1977, and amendments were filed on January 13, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of American Luggage Works, Inc., 91 Main Street, Warren, R.I. 02885. The complaint, as amended, alleges that unfair methods of competition and unfair acts exist in the importation of

certain soft-sided luggage into the United States or in their sale by reason of the alleged coverage of such articles by U.S. Trademark Reg. No. 1,039,677 and the passing off of such luggage as luggage of American Luggage Works, Inc. The complaint, as amended, alleges that such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Complainant filed a petition on December 12, 1977, with the Commissioner of Customs under section 526 of the Tariff Act of 1930 (19 U.S.C. 1526) based upon its U.S. Trademark Reg. No. 1,039,677, which is also the subject of the complaint filed with the Commission. Section 526 makes it unlawful to import into the United States merchandise of foreign manufacture if it bears a trademark owned by a U.S. citizen or corporation without written consent of the owner of the trademark.

Having considered the complaint, as amended, the U.S. International Trade Commission on February 7, 1978, ordered,

That the parallel proceedings pending before the Commissioner of Customs constitute exceptional circumstances within the meaning of section 210.12 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, April 27, 1976), warranting deferral of consideration of whether to institute an investigation pursuant to section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). Consideration therefore is deferred for two months from the date of this order.

By order of the Commission.

Issued: February 8, 1978.

KENNETH MASON,
Secretary.

[FR Doc. 78-3943 Filed 2-10-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-32]

FREDERICK M. BLANTON, M.D., FORT
LAUDERDALE, FLA.

Hearing

Notice is hereby given that on September 29, 1977, the Drug Enforcement Administration, Department of Justice, issued to Frederick Marsh Blanton, M.D., Fort Lauderdale, Fla., an Order to Show Cause as to why the Drug Enforcement Administration should not deny his application dated April 6, 1977, for registration as a Researcher in Schedule I, drug code 7370.

Notice is also hereby given that on September 29, 1977, the Drug Enforcement Administration, Department of Justice, issued to Frederick Marsh Blanton, M.D., Fort Lauderdale, Fla., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke his Certificate of Registration, DEA Number AB 4875881.

Thirty days having elapsed since the said Orders to Show Cause were received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Friday, February 17, 1978, in the Hearing Room 1210, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. At the close of that day's session, the hearing will be recessed until Wednesday, February 22, 1978, and will re-convene on that day at 10 a.m. in the U.S. Tax Court Courtroom, Room 1524, Federal Building, 51 Southwest First Avenue, Miami, Fla.

Dated: February 6, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc. 78-3960 Filed 2-10-78; 8:45 am]

[4410-01]

[Docket No. 77-19]

PHENMETRAZINE QUOTAS—1977

Western Fher Laboratories, a division of Fher Corp., Ltd. ("Western Fher") has been the only holder of an individual manufacturing quota for phenmetrazine and its salts since phenmetrazine was placed on Schedule II under the controlled Substances Act, 21 U.S.C. 801, et seq. (the "Act"), in October 1971, and was the sole applicant for a 1977 manufacturing quota.

Ciba-Geigy Corp. ("Ciba-Geigy") is the exclusive manufacturer of bulk phenmetrazine hydrochloride into finished dosage form. Ciba-Geigy has been the only holder of a procurement quota for phenmetrazine since the drug was placed on Schedule II under the Act and was the sole applicant for a 1977 phenmetrazine procurement quota.

Boehringer Ingelheim, Ltd. ("Boehringer"), either directly or through its agent, Obergfel Brothers, Vernon, Calif., is the sole primary distributor of phenmetrazine hydrochloride in finished dosage form, which dosage forms are sold under the trade name "Preludin."

Western Fher distributes phenmetrazine only to Ciba-Geigy, which

holds an effective certificate of registration issued by the Drug Enforcement Administration ("DEA"), authorizing the company to handle Schedule II controlled substances. Western Fher makes no sales of phenmetrazine to retail pharmacies or similar retail outlets.

Ciba-Geigy distributes phenmetrazine only to Boehringer and makes no sales of phenmetrazine to retail pharmacies or similar retail outlets.

Boehringer distributes phenmetrazine to retail pharmacies only through wholesale drug outlets. Some direct sales are made by Boehringer to private and nonprofit hospitals and clinics; city, county, and state hospitals and clinics; and federal government facilities. Some phenmetrazine is also distributed as samples to requesting physicians.

On September 23, 1976, the Administrator of DEA proposed an initial 1977 aggregate production quota for the basic class phenmetrazine in the amount of 2,126,000 g. (2,126 kg.) expressed in terms of anhydrous base.¹ This proposal was published in the FEDERAL REGISTER in accordance with the applicable regulations (41 FR 42965 (September 29, 1976)).

On October 29, 1976, pursuant to the applicable provisions of the Act and its implementing administrative regulations, as well as in accordance with the Administrative Procedure Act, Western Fher and Boehringer, jointly and through their counsel, Arnold & Porter, submitted objections, a request for an explanation and a request for hearing in response to the initial proposed 1977 aggregate production quota for the basic class phenmetrazine.

On November 4, 1976, the then Acting Administrator of DEA established an interim 1977 aggregate production quota for phenmetrazine in the amount of 2,126,000 g. (2,126 kg.). This proposal was published in the FEDERAL REGISTER (41 FR 49873 (November 11, 1976)).

On November 5, 1976, DEA informed Western Fher of its 1977 interim manufacturing quota for phenmetrazine, 2,126 kg., and informed Ciba-Geigy of its 1977 procurement quota for phenmetrazine, 2,952 kg. Both companies were advised that these quotas were subject to adjustment.

Between November 11, 1976, and April 25, 1977, a number of meetings and discussions took place during which representatives of DEA and counsel from Arnold & Porter, by then also representing Ciba-Geigy, exchanged views and information con-

cerning the interim 1977 quotas for phenmetrazine. During this process, Arnold & Porter (respondents' counsel) submitted additional written comments and documentary materials in support of the arguments of Western Fher, Boehringer and Ciba-Geigy (respondents).

On April 25, 1977, the Administrator of DEA proposed that the 1977 aggregate production quota for phenmetrazine be established at 2,900,000 g. (2,900 kg.). This proposal was published in the FEDERAL REGISTER (42 FR 21860 (April 29, 1977)).

On May 31, 1977, respondents, through their counsel, submitted objections and a request for hearing with respect to: "the proposed final 1977 aggregate phenmetrazine production quota"; "the proposed final 1977 individual phenmetrazine manufacturing quota for Western Fher"; and "the proposed final 1977 phenmetrazine procurement quota for Ciba-Geigy."

On June 15, 1977, the Administrative Law Judge issued an order for prehearing statements, established the caption of this proceeding, and assigned to it Docket No. 77-19.

On July 11, 1977, the Administrator of DEA established the final 1977 aggregate production quota for phenmetrazine in the amount of 2,900,000 g. (2,900 kg.). That final order was published in the FEDERAL REGISTER (42 FR 36570 (July 15, 1977)).

On September 23, 1977, the Administrator of DEA published in the FEDERAL REGISTER a notice that the hearing in this matter would be held at 9:30 a.m. on October 3, 1977, in the hearing Room, Room No. 1210, Drug Enforcement Administration, 1405 I Street NW., Washington, D.C. The Administrative Law Judge heard testimony and received documentary evidence in this matter on October 3, 4, 5, 6, 7, 25, 26, and 27, 1977.

On September 20, 1977, the Administrative Law Judge issued a prehearing ruling in this matter, pursuant to 21 CFR 1316.55, in which he set forth the issues as follows:

A. Whether the 1977 aggregate production quota for the basic class phenmetrazine, presently established at 2,900,000 grams, in terms of anhydrous base (42 FR 36570 (July 15, 1977); 42 FR 21860 (April 29, 1977)), reasonably satisfies the requirements of 21 U.S.C. 826: in light of an alleged situation of continued, chronic and widespread diversion of this substance into illicit channels; in view of the legislative history of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.); and upon consideration of the Congressional findings and declarations made therein (21 U.S.C. 801);

B. Whether the 1977 individual manufacturing quota issued to Western Fher Laboratories, a division of Fher Corporation, Ltd., for the basic class phenmetrazine, presently established at 2,900,000 grams, in terms of anhydrous base, reasonably satisfies the requirements of 21 U.S.C. 826: in

light of an alleged situation of continued, chronic and widespread diversion of this substance into illicit channels; in view of the legislative history of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.); and upon consideration of the Congressional findings and declarations made therein (21 U.S.C. 801);

C. Whether the 1977 procurement quota issued to Ciba-Geigy Corp. for the basic class phenmetrazine, presently established at 2,952,000 grams, in terms of anhydrous base, reasonably satisfies the requirements of 21 U.S.C. 826: in light of an alleged situation of continued, chronic and widespread diversion of this substance into illicit channels; in view of the legislative history of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801 et seq.); and upon consideration of the Congressional findings and declarations made therein (21 U.S.C. 801);

D. Can the DEA demonstrate that the proposed 1977 quotas for phenmetrazine provide for 'the estimated medical . . . needs of the United States and for the establishment and maintenance of reserve stocks' as required by law?

1. Will the total amount of phenmetrazine available for sale by Boehringer be sufficient to meet legitimate demand for the product?

2. Does the estimate of demand provided by the national Prescription Audit ('NPA') accurately reflect all legitimate usage of phenmetrazine?

3. Will the proposed quotas provide for adequate reserve stocks as required by law?

4. Will the proposed quotas provide for 'an adequate and uninterrupted supply' of phenmetrazine to meet legitimate demand, as required by DEA regulations?

E. Are reduced 1977 quotas warranted to prevent diversion of phenmetrazine from legitimate channels?

1. Has DEA accurately represented the degree of alleged phenmetrazine abuse and diversion?

2. Can the alleged abuse and diversion of phenmetrazine be appreciably reduced by drastic supply reduction?

3. Is supply reduction more effective in combating abuse and diversion than alternative methods of control?

F. By what method did DEA compute its proposed 1977 quotas for phenmetrazine and does this method rationally fulfill the statutory requirements? (ALJ-8, pp. 1-3.)²

DEA and the Respondents, through agreement of counsel, submitted to the Administrative Law Judge prior to the hearing a document entitled Joint Stipulations of Fact consisting of fifty-eight numbered paragraphs which address subject matter relevant to this record. The Administrative Law Judge designated this document as ALJ-10.

Proposed Findings of Fact and Conclusions of Law were filed with the Administrative Law Judge by the parties

²For the purpose of designating specific references to the record, the following abbreviations are employed: "ALJ-1" identifies documents incorporated into the record by the Administrative Law Judge; "G-1" identifies exhibits admitted at the request of the Government; and "R-1" identifies exhibits admitted at the request of the Respondents.

on November 18, 1977. The Administrative Law Judge submitted his Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision to the Administrator on December 9, 1977.

The Administrator adopts the Administrative Law Judge's Findings of Fact, with editorial modifications, as set forth hereafter.

FINDINGS OF FACT

PHENMETRAZINE HYDROCHLORIDE

1. Phenmetrazine is classified by the DEA as a Schedule II controlled substance.

2. Phenmetrazine was originally classified under the Act as a Schedule III controlled substance.

3. On April 20, 1971, the Bureau of Narcotics and Dangerous Drugs recommended that phenmetrazine be moved from Schedule III to Schedule II and that change was accomplished by FEDERAL REGISTER notice dated October 18, 1971, and published on October 28, 1971.

4. Under the applicable statutory provisions, a Schedule II controlled substance is one which has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions but has a high potential for abuse which could lead to severe psychological or physical dependence.

5. Phenmetrazine, as Preludin, is approved by the Food and Drug Administration (FDA) for use in treatment of simple exogenous obesity in conjunction with dietary management.

6. Preludin is not indicated for use in treatment for any other condition.

7. Exogenous obesity in a given individual is the result of excessive caloric intake by that individual. It is not the result of conditions such as hormonal disorders.

8. Preludin produces a tolerance in individuals to whom it is administered. If tolerance occurs, administration of Preludin should be discontinued.

9. It is generally accepted that Preludin is useful only as a short-term adjunct to a regimen of diet control. By "short term" is usually meant a period of about eight to twelve weeks. This period should be used to inculcate principles of good dietary control. At the end of this period, the physician should generally discontinue the Preludin.

QUOTAS

10. Pursuant to the Act and authority delegated by the Attorney General of the United States, DEA establishes individual procurement, individual manufacturing, and aggregate production quotas for Schedule I and Schedule II controlled substances.

11. The aggregate production quota establishes the maximum net amount

of the basic generic class of a controlled substance which legally may be manufactured by all bulk manufacturers of the drug in the United States.

12. An individual manufacturing quota establishes the maximum amount of the basic generic class which may be produced by each firm that synthesizes or manufactures bulk quantities of the basic substance from raw material.

13. A procurement quota establishes the maximum amount of the basic generic class which may be procured by each finished dosage form manufacturer from bulk manufacturers or through lawful importation.

14. Since Western Fher is the sole manufacturer of phenmetrazine in bulk form, the aggregate production quota for this drug has been equal to the individual production quota assigned to Western Fher in 1975, 1976, and 1977.

15. It is the general policy of DEA to set initial manufacturing and procurement quotas during the year prior to the year for which the quotas are set, and then to adjust these quotas during the quota year on the bases of (1) medical and scientific needs for the year in question, as estimated by FDA, (2) the final sales of the distributor for the year prior to the quota year, and (3) the inventory of the quota applicant at the beginning of the quota year, including the inventory of a primary distributor if one exists.

16. The purpose of quotas under the Act is to limit the production and distribution of those controlled substances with the highest degree of abuse potential, those in Schedules I and II, to that quantity of each of such substances which is needed for legitimate medical and scientific purposes.

17. DEA considers the quota setting mechanism to be an integral part of its closed distribution system.

18. The actual calculations which form the basis of all quotas established by DEA are made by members of the staff of DEA's Office of Compliance and Regulatory Affairs.

DEA'S REGULATORY SYSTEM

19. The Office of Compliance and Regulatory Affairs performs a variety of functions under the Act's regulatory provisions: (a) The setting of quotas; (b) the coordination of administrative activities relative to the scheduling of substances; (c) the maintenance of DEA's system of annual registration of all manufacturers, distributors, and dispensers of controlled substances; (d) the coordination of DEA's system of field investigations, conducted on a cyclical basis at the manufacturer-distributor level, and on a complaint basis at the retail level, of legitimate handlers of controlled substances; and (e) the monitoring, by

computer, of the production and distribution of Schedule I and II controlled substances and Schedule III narcotics from their manufacture to their distribution to the retail level.

20. The mission of the Office of Compliance and Regulatory Affairs is to maintain a closed distribution system to prevent the diversion of lawfully manufactured or imported controlled substances from legitimate commerce into illicit channels.

21. DEA's Office of Enforcement cooperates with the Office of Compliance and Regulatory Affairs in criminal investigations of DEA registrants, but this activity is limited because DEA devotes only about two percent of its agent work force of 2,000 agents, plus an additional thirteen agents assigned to diversion investigative units in twelve states, to so-called "criminal compliance" cases.

22. DEA applies this relatively small amount of its resources to criminal compliance activities because, among other things, the locus of most of the diversion of controlled substances from licit to illicit channels is at the retail level (pharmacies, physicians, etc.) of the distribution system.

23. State and local law enforcement agencies are better suited to conduct criminal investigations into instances of diversion (through forged prescriptions and/or prescriptions issued promiscuously or for a nonmedical purpose) of controlled substances at the retail level than is DEA, due in part to the fact that there are over 500,000 DEA registrants at the retail level.

24. DEA has executed memoranda of understanding with forty-five states and the District of Columbia in which DEA has agreed to assume primary responsibility for policing manufacturers and distributors and the individual state agencies have agreed to assume primary responsibility for policing the retail level.

DIVERSION AND ABUSE OF PHENMETRAZINE

25. In November 1976, Senator Gaylord Nelson of Wisconsin, Chairman of the Subcommittee on Monopoly of the Select Committee on Small Business, United States Senate, presided over five days of hearings on the safety and efficacy of anti-obesity drugs such as phenmetrazine.

26. During the five days of hearings before Senator Nelson's subcommittee, recognized authorities in the fields of drug abuse research and drug law enforcement gave testimony concerning the serious nature and the wide extent of abuse and diversion of antiobesity drugs, such as phenmetrazine, within the United States. Witnesses noted a limited usefulness of these drugs in treatment (indicated for short-term use in the treatment of obesity, in conjunction with dietary restrictions of caloric intake) in comparison with the

¹Figures relating to specific amounts of phenmetrazine, as used throughout the text of this Final Order, are expressed in terms of grams or kilograms of anhydrous base (unless expressly indicated otherwise) rather than in terms of quantities of the salt.

demonstrated abuse associated with them.

27. In October, 1976, Mr. Kenneth A. Durrin, Acting Director of DEA's Office of Compliance and Regulatory Affairs, directed DEA field offices to conduct a survey with reference to the nature and extent of abuse and diversion in the United States associated with phenmetrazine.

28. The primary purpose of the DEA field survey relative to the subject of phenmetrazine abuse and diversion was to develop up-to-date data for the hearings before Senator Nelson's subcommittee.

29. On October 29, 1976, Mr. Durrin transmitted a memorandum to the Administrator of DEA, entitled "Limited Preludin Survey," which indicated that Preludin was a popular "street drug" in five of DEA's twelve domestic regions.

30. In January 1977, Mr. Durrin requested that DEA field units provide to the Office of Compliance and Regulatory Affairs additional information with reference to the abuse and diversion of phenmetrazine.

31. As of late April 1977, Mr. Durrin had received virtually all of the data requested from DEA's field offices with reference to the abuse and diversion of phenmetrazine; this data was later collated by DEA headquarters' personnel and put into a volume entitled "National Phenmetrazine Survey."

32. Based upon the limited survey on phenmetrazine abuse and diversion which had been performed in the autumn of 1976, as well as upon the field reports with reference to this subject which were later collated into the document entitled "National Phenmetrazine Survey," Mr. Durrin concluded in late April, 1977 that there was "widespread abuse and diversion of phenmetrazine in several parts of the United States."

33. The "National Phenmetrazine Survey" contains information indicating that the diversion of phenmetrazine from the legitimate distribution system into illicit channels has become a significant problem in the following DEA domestic regions: III, IV, VI, VII, VIII, X, and XI.

34. Mr. Durrin testified that, in assessing the abuse of phenmetrazine in connection with establishing the phenmetrazine quotas for 1977, members of his staff took into consideration information on phenmetrazine which was contained in the volume entitled "Pilot Test of an Epidemiological Technique for Detecting Abused Substances in Drug Using Populations: Final Report."

35. Dr. Carl Chambers, co-author of the volume entitled "Pilot Test of an Epidemiological Technique for Detecting Abused Substances in Drug Using Populations: Final Report," testified

that approximately fifteen percent of the drug abusers interviewed during the research underlying his study of drug abuse epidemiology had engaged in the non-medical use of phenmetrazine.

36. This study indicated that the manner in which these drug abusers had first come into contact with phenmetrazine varied: peers providing it to them; pharmacists providing it to them via prescription; members of their family providing it to them; or street drug dealers providing it to them.

37. The results of this study indicated that phenmetrazine abuse had the characteristics of an epidemic ("contagious transmission" of the nonmedical use of the drug from one abuser to another) in three of the nine cities studied: Des Moines, Iowa; Kansas City, Kans.; and Washington, D.C.

38. This study also indicated that phenmetrazine abuse had become endemic, i.e., stable, in its characteristics in four of the cities studied: Atlantic City, N.J.; Greensboro, N.C.; Phoenix, Ariz.; and San Francisco, Calif.

39. Dr. Chambers had encountered individuals using Preludin in combination with, or concurrently with, heroin in Des Moines, Iowa, Kansas City, Kans. and Miami, Fla.

40. Mr. Durrin testified that, in assessing the degree of diversion of phenmetrazine in connection with establishing the phenmetrazine quotas for 1977, members of his staff took into consideration information which indicated that wide-ranging, sophisticated criminal enterprises were involved in the diversion of phenmetrazine.

41. Det. William E. Larman, Narcotics Branch, Morals Division of the District of Columbia Metropolitan Police Department described the characteristics of several elaborate criminal enterprises, engaged in by violators based in the District of Columbia, which were designed to divert large quantities of phenmetrazine, as Preludin, from the licit distribution system into the illicit traffic in the District of Columbia.

42. Groups of individuals will travel from Washington, D.C. to another metropolitan area to obtain Preludin; these groups, each financed by a single organizer and usually including in their number at least six overweight females, have ranged from New York, New York to Miami, Florida, and as far west as Alabama.

43. These groups of overweight females systematically seek out corruptible physicians who will provide them at one time with a large number of prescriptions, all undated, for Preludin.

44. These individuals then attempt to locate pharmacies which will fill more than one Preludin prescription

at a time for a given individual, and when successful, they use these pharmacies as sources to obtain the Preludin for transport back to the District of Columbia.

45. The average duration of this kind of criminal expedition to any one metropolitan area is three or four days.

46. The profits flowing to the organizer from this criminal enterprise have been very handsome.

47. There are at least five major violators located in Washington, D.C., who are managing criminal enterprises such as the one described in the foregoing paragraphs.

48. The "street price" for one Preludin 75 mg. Enduret in Washington, D.C., fluctuates between \$8 and \$12, if one were to buy it from a pusher.

49. The price paid by pushers to their sources for bulk quantities of Preludin 75 mg. Endurets is \$5 per dosage unit.

50. Preludin is second only to heroin as a drug of abuse in the District of Columbia.

51. The most popular manner in which drug abusers in Washington, D.C., use Preludin is to crush the dosage form, mix it in water along with a quantity of heroin, and then to inject the liquid intravenously through a syringe.

52. Over the last three years, the trend of phenmetrazine abuse among arrestees at the Washington, D.C., Superior Court Lock-Up has been similar to the trend of heroin abuse within that same population.

53. Data from the results of the urinalysis of individuals admitted to the Washington, D.C., Superior Court Lock-Up from 1972 through June 1977 indicate that the abuse of phenmetrazine, as measured by positive urinalysis, increased sharply in 1973, declined slightly thereafter, then leveled off to a rate of between six to nine percent positive urinalysis.

54. Phenmetrazine diversion and abuse is not a localized phenomenon.

55. An admitted abuser and illegal distributor of phenmetrazine, Witness Number Ten, appeared anonymously and testified that phenmetrazine, as Preludin, is widely available in his home city of Houston, Texas.

56. Witness Number Ten indicated that the "street price" for one Preludin 75 mg. Enduret in Houston, Texas ranges anywhere from \$5 to \$10, if one were to buy it from a pusher.

57. Witness Number Ten, during the height of his abuse of Preludin, administered Preludin to himself intravenously, at the rate of ten 75 mg. Endurets on each occasion, eight to twelve occasions a day.

58. Witness Number Ten indicated that he currently obtains Preludin either from a pharmacist pursuant to a prescription or from a "street" source.

59. The price Witness Number Ten pays to a physician in exchange for an illicit prescription for one hundred 75 mg. Preludin Endurets has ranged from \$50 to \$100.

60. Witness Number Ten pays \$75 to his supplying pharmacist in exchange for one hundred 75 mg. Preludin Endurets.

61. During the period that Witness Number Ten was using approximately one hundred 75 mg. Preludin Endurets a day for his own use, he supported the cost of his abuse by selling large quantities of Preludin to others.

62. Witness Number Ten, over the last four or five years, has obtained prescriptions for Preludin for non-medical purposes from between fifty and sixty physicians.

63. Witness Number Ten has obtained Preludin in Austin, Dallas, Houston, and San Antonio, Texas; Las Vegas, Nevada; Homer and New Orleans, Louisiana; New York, New York; Los Angeles, California and from Mexico.

64. Witness Number Ten is acquainted with at least one hundred other individuals who abuse Preludin, usually by administering it intravenously.

PHENMETRAZINE INVENTORIES AT THE WHOLESALE-RETAIL LEVEL

65. In connection with the establishment of the 1977 quotas for phenmetrazine, the Office of Compliance and Regulatory Affairs sought to obtain, and did receive, current information with reference to the distribution and dispensing of phenmetrazine.

66. This Office concluded that inventories at the wholesaler-retailer level of the distribution system in 1976 were not excessive.

67. While wholesalers experienced intermittent periods of unavailability of Preludin from Boehringer in 1976, ninety-six percent of those drug stores normally stocking Preludin had current inventories of the product when queried in a survey performed in the last ten days of November, 1976.

68. There have been occasions in the recent past, when, for one reason or another, a number of Schedule II substances have become unavailable at the retail level, resulting in situations wherein a patient has been unable to obtain such Schedule II substance pursuant to a valid prescription or a physician has been unable to dispense that substance to his patients in the course of bona fide medical practice.

69. DEA has not received a single complaint from a physician or a patient with reference to any instance of unavailability of Preludin at the retail level. Boehringer has received one such complaint, from a patient.

70. DEA has received one complaint from a pharmacist indicating his inability to fill prescriptions for Preludin due to unavailability of the product.

71. In connection with the process of determining the 1977 quotas for phenmetrazine DEA compared Boehringer's reported sales of phenmetrazine in 1976 and IMS-America's National Prescription Audit ("NPA") statistical estimate of the quantity of phenmetrazine dispensed in 1976 pursuant to supposedly valid prescriptions at retail pharmacies in the United States.

72. The NPA is an audit designed to measure the volume in activity found in retail pharmacies in the United States. A panel of 800 pharmacies is sampled out of the total universe of between 49,000 and 50,000 pharmacies, and data regarding prescriptions is collected from the panel and analyzed by IMS-America. The results of that analysis are included in reports describing size, trends and volume within a given market.

73. The NPA does not include the following in its data base: pharmacies located in Alaska, Hawaii or Puerto Rico; hospital pharmacies; discount houses with pharmacies; food store pharmacies; health maintenance organization pharmacies; clinic pharmacies; mail order pharmacies; nursing home pharmacies; and pharmacies located in Federal or state government installations.

74. For 1976, the statistical reliability factor at the ninety-five percent confidence level applicable to the NPA's total kilogram estimate for all dosage units of phenmetrazine dispensed at the retail pharmacy level is ± 7.6 percent.

75. In determining Ciba-Geigy's phenmetrazine procurement quota for 1975 and 1976, DEA had also compared Boehringer's reported sales of phenmetrazine during each of the preceding years (1974 and 1975) and the NPA estimates of the quantity of phenmetrazine dispensed in each of those years by prescription at retail pharmacies in the United States.

76. Because of the nature of the diversion of Preludin, largely through forged prescriptions or prescriptions promiscuously issued by doctors, NPA estimates of actual dispensing by prescription at retail pharmacies in the United States undoubtedly include large quantities of Preludin which are being diverted. That is to say, all of the Preludin being dispensed by retail pharmacies according to NPA estimates is not being dispensed lawfully, i.e., for bona fide medical purposes.

77. The following chart shows the comparison between Boehringer's sales of phenmetrazine and the original NPA estimates of phenmetrazine dispensed at retail pharmacies for the years indicated, with all figures expressed in kilograms of anhydrous base:

*The numbers in the column labeled "NPA" for the years 1974, 1975, and 1976, as

78. Upon making this comparison of Boehringer's sales and NPA estimates, Mr. Durrin concluded that the difference (representing the amount by which Boehringer's sales were in excess of NPA estimates) could only have gone into an inordinate inventory build-up within the wholesaler-retailer portion of the distribution system or into the illicit market for phenmetrazine.

79. Given the information contained in R-21, R-23 and R-24, indicating periodic shortages at the distributor level, it seems unlikely that there has been inordinate inventory build-up.

80. There is very little legitimate distribution or dispensing of Preludin at the retail or consumer level other than through retail pharmacies of the type included in the NPA estimates.

DETERMINATION OF THE 1977 PHENMETRAZINE QUOTAS

81. For the quota years 1975, 1976, and 1977, DEA used a standard formula, without variations or adjustments, for determining most Schedule II procurement quotas.

82. The first step in the standard procurement quota formula is to estimate the quota applicant's sales for the quota year on the basis of the

supplied to DEA from IMS-America on February 7, 1977 (G-18), were assumed to be correct when Mr. Durrin and his staff made the comparison between Boehringer's sales and NPA data for those years.

At the hearing of this matter, it became apparent through the testimony of two witnesses that IMS-America had not supplied to DEA the correct numbers for those years. Mr. Chappell of IMS-America testified that, through a clerical error, an incorrect statistical multiplier had been used to project totals from the raw data for those years. Mr. Chappell provided the corrected totals for those years to DEA by letter dated October 20, 1977, and this information was entered into the record. (G-38)

Using the data contained in G-38, the following chart (G-39) shows the comparison between Boehringer's sales of phenmetrazine and the correct NPA estimates of phenmetrazine dispensed at retail pharmacies for the years indicated:

	Boehringer sales	NPA	Difference	NPA as percent of Boehringer's sales
1973	2,840	2,466	374	86.8
1974	3,316	2,473.8	842	74.6
1975	3,157	2,499.6	657	79.1
1976	3,453	2,438.3	1,015	70.8

	Boehringer sales	NPA	Difference	NPA as percent of Boehringer's sales
1973	2,840	2,466	374	86.8
1974	3,316	2,701	615	81.5
1975	3,157	2,807	350	88.9
1976	3,453	2,697	756	83.9

company's sales for the preceding year and the FDA estimate of percentage change in legitimate utilization for the quota year.

83. The second step in the standard procurement quota formula is to multiply the estimated quota year sales figure by 1.5 to allow for a fifty percent inventory reserve.

84. The final step in the standard procurement quota formula is to subtract the amount of the controlled substance inventory held by the applicant at the beginning of the quota year, including the inventory of a primary distributor if one exists.

85. For the quota years 1975, 1976, and 1977, DEA has used a standard formula for determining most Schedule II individual manufacturing quotas.

86. The first step in the standard manufacturing quota formula is to ascertain the projected procurement quotas to be fulfilled by the manufacturer, which constitute the manufacturer's estimated domestic sales for the quota year.

87. The second step in the standard manufacturing quota formula is to multiply the manufacturer's estimated sale by 1.5 to allow for a fifty percent inventory reserve, and then to add an amount equal to projected exports for the quota year.

88. The third step in the standard manufacturing quota formula is to subtract the amount of controlled substance inventory which the manufacturer has on hand at the beginning of the quota year. The resulting figure represents the individual manufacturing quota for that quota year.

89. The DEA standard formulae for computing procurement quotas and individual manufacturing quotas were not used in calculating the 1977 quotas for phenmetrazine.

90. The standard DEA procurement quota formula also was not utilized by DEA in determining Ciba-Geigy's phenmetrazine procurement quota in 1975 and 1976. The standard formula was modified in those years by subtracting from the figure arrived at through that formula, a figure representing the difference between Boehringer's reported sales during the preceding year and the NPA statistical estimate of the quantity of phenmetrazine dispensed by prescription at retail pharmacies in the United States.

91. However, the standard DEA manufacturing quota formula, without variation or adjustment, was initially applied to Western Fher with respect to its phenmetrazine manufacturing quotas for 1975 and 1976.

92. An *ad hoc* formula was used in calculating Ciba-Geigy's initial 1977 procurement quota for phenmetrazine to put the brakes on what DEA has concluded to be a spiraling production and distribution of Preludin in order

to meet an artificial demand for the product, i.e., an illicit demand.

93. The process of determining the 1977 quotas applicable to the basic class phenmetrazine began with DEA's receipt in March and April, 1976 of the applications filed by Western Fher and Ciba-Geigy.

94. By letter dated March 31, 1976, FDA advised DEA that legitimate utilization of phenmetrazine in 1977 could be expected to be one percent higher than in 1976.

95. In making its determinations with reference to the scientific and medical needs in the United States for controlled substances such as phenmetrazine in any given year, FDA does not take into account in any way the amount of such substances which has been or may be diverted from licit to illicit channels.

96. By letter dated March 31, 1975, FDA had advised DEA that legitimate utilization of phenmetrazine in 1976 could be expected to be the same as that for 1975.

97. Boehringer's sales of phenmetrazine in 1976 were 3,453 kg., as compared to its 1975 sales of phenmetrazine of 3,157 kg.

98. In performing the calculation of Ciba-Geigy's initial 1977 procurement quota for phenmetrazine, DEA first calculated the amount of phenmetrazine that Boehringer should have sold in 1976; this was based upon the premise that, of the total amount of phenmetrazine available to Ciba-Geigy and Boehringer in any year, one-third is intended as an inventory reserve while the remaining two-thirds are intended to be available for sale to their customers.

99. The total availability of phenmetrazine to Ciba-Geigy and Boehringer, 4,384 kg. in 1976, represents the sum of Ciba-Geigy's 1976 procurement quota for phenmetrazine (the maximum amount of phenmetrazine which could be procured by Ciba-Geigy in 1976) and the combined December 31, 1975, inventories of phenmetrazine at Ciba-Geigy and Boehringer, as illustrated by the following calculation:

3,476 kg. (Ciba-Geigy's 1976 procurement quota) + 908 kg. (combined inventories of Ciba-Geigy and Boehringer as of December 31, 1975) = 4,384 kg. (total availability of phenmetrazine to Ciba-Geigy and Boehringer in 1976).

100. Two-thirds of that total availability for 1976 is the amount which Boehringer should have sold in 1976, 2,923 kg.:

4,384 kg. $\times \frac{2}{3}$ = 2,923 kg. (total availability of phenmetrazine to Ciba-Geigy and Boehringer in 1976).

101. To determine the estimated legitimate medical and scientific needs of the United States for phenmetrazine in 1977, DEA added one percent (in accordance with FDA's estimate of

legitimate utilization of phenmetrazine in 1977) to the amount which Boehringer should have sold in 1976:

2,923 kg. + 29 kg. = 2,952 kg. (DEA's estimate of legitimate medical and scientific needs of the United States for phenmetrazine in 1977).

102. By letter dated November 5, 1976, Ciba-Geigy was informed by DEA that its initial phenmetrazine procurement quota for 1977 would be 2,952 kg.

103. The first step in the development of Western Fher's 1977 initial manufacturing quota was the ascertainment of Ciba-Geigy's 1977 procurement quota of 2,952 kg.

104. After addition of the fifty percent inventory allowance, the theoretical total availability figure for Western Fher was 4,428 kg.

105. The third step in the development of Western Fher's 1977 initial manufacturing quota was to subtract from the total availability figure (4,428 kg.) DEA's estimate of Western Fher's December 31, 1976, closing inventory.

106. In carrying out the third step in the formula, DEA made an error in the amount of 526 kg. Because Western Fher's estimated year-end inventory was erroneously calculated as 2,302 kg. rather than 1,776 kg., the initial phenmetrazine manufacturing quota was set at 2,126 kg. rather than the correct figure of 2,652 kg.

107. By FEDERAL REGISTER notice dated September 29, 1976, DEA proposed an initial aggregate phenmetrazine production quota (i.e., Western Fher's individual manufacturing quota) of 2,126 kg.

108. The previously described, unsatisfactorily high level of abuse and diversion of phenmetrazine in the United States was a factor within the process of determining the proposed final 1977 quotas applicable to phenmetrazine at the procurement and bulk manufacturing levels.

109. Confronted by this unacceptable level of abuse and diversion of phenmetrazine, DEA decided that it would not authorize any increased bulk production of phenmetrazine which would provide for any additional amount of phenmetrazine to be used for the purpose of manufacturing additional dosage forms of phenmetrazine during 1977 beyond the 2,952 kg. procurement quota already authorized to Ciba-Geigy.

110. Under the proposed final 1977 phenmetrazine procurement quota, the maximum amount of phenmetrazine theoretically available to Boehringer and Ciba-Geigy in 1977 would be the total of Ciba-Geigy's procurement quota (2,952 kg.) and the combined 1976 year-end inventories of Boehringer and Ciba-Geigy (576 kg.), or 3,528 kg.

111. The first step in the calculation of Western Fher's final 1977 manufac-

turing quota were identical to those stated in findings 103 and 104, as illustrated by the following:

2,952 kg. (Ciba-Geigy's 1977 procurement quota) $\times 1.5$ = 4,428 kg. (theoretical total 1977 availability for Western Fher).

112. From the total availability figure, DEA subtracted Western Fher's actual reported December 31, 1976, inventory, as illustrated by the following:

4,428 kg. (theoretical total 1977 availability for Western Fher) - 1,421.6 kg. = 3,006.4 kg. (Western Fher's inventory as of December 31, 1976).

113. The Administrator of DEA, mindful of the data concerning the large amount of abuse and diversion associated with phenmetrazine in the United States, thereafter adjusted Western Fher's 1977 individual manufacturing quota downward from 3,006.4 kg. to 2,900 kg.

114. By FEDERAL REGISTER notice dated April 29, 1977, DEA proposed a revised aggregate phenmetrazine production quota of 2,900 kg. (i.e., Western Fher's revised 1977 manufacturing quota).

115. This quota was made final by FEDERAL REGISTER notice dated July 15, 1977.

116. The foregoing methods of determining procurement, individual manufacturing and aggregate production quotas for 1977 were not unique to phenmetrazine. Another Schedule II substance, amphetamine, has been presenting DEA with similar diversion and abuse problems. DEA employed similar methods to arrive at the quotas for amphetamine for 1977 as it did for phenmetrazine.

Within his detailed discussion of this matter, the Administrative Law Judge made certain conclusions of law, which the Administrator hereby adopts with editorial modifications and incorporates into this final order in pertinent part as set forth hereafter.

CONCLUSIONS OF LAW AND DISCUSSION

This case is concerned with three quotas affecting the production of phenmetrazine in 1977—the procurement quota for Ciba-Geigy, the sole registered dosage form manufacturer in the U.S.; the individual manufacturing quota for Western Fher, the sole registered basic class manufacturer in the U.S.; and the total or aggregate production quota for the country as a whole. Since there is presently but one registered basic class manufacturer, Western Fher, the total or aggregate production quota for the country and the, individual manufacturing quota for Western Fher will be identical.

The Act provides (21 U.S.C. 826(a)) that the total or aggregate production

quota be set in an amount sufficient "to provide for the estimated medical, scientific, research, and industrial needs of the United States, for lawful export requirements, and for the establishment and maintenance of reserve stocks."

The Act also provides (21 U.S.C. 826(c)) that, in fixing individual manufacturing quotas, "the manufacturer's estimated disposal, inventory, and other requirements for the calendar year" are to be determined. It also provides that in making those determinations, "the manufacturer's current rate of disposal, the trend of the national disposal rate during the preceding calendar year, the manufacturer's production cycle and inventory position, the economic availability of raw materials, yield and stability problems, emergencies such as strikes and fires, and other factors" are to be considered.

The evidence in this record makes it abundantly clear that DEA has carefully considered all of the factors specified in the Act. The evidence in this record makes it abundantly clear that DEA has made the required determinations and has set the subject quotas after due and careful consideration and in the exercise of sound discretion, in all respects but one.

DEA's own regulations in pertinent part provide, at 21 CFR 1303.24(a):

"For the purpose of determining individual manufacturing quotas . . . each registered manufacturer shall be allowed as part of such quota an amount sufficient to maintain an inventory equal to.

(1) For current manufacturers, 50 percent of his average estimated net disposal for the current calendar year and the last preceding calendar year, . . ."

It is apparent from testimony that such an inventory allowance was not provided for Western Fher by the individual manufacturing or production quota set for it for 1977.

Regulations promulgated by a Government agency, not contrary to any statute, have the force and effect of law and are binding on everyone, including the agency itself and its personnel. In the instant case, Western Fher must be permitted the full amount of the inventory allowance provided for by DEA's own regulations.

In all other respects however, the three quotas were arrived at in a lawful manner and need not be changed.

Respondents quarrel with the reliability of some of the data pertaining to the extent of phenmetrazine abuse and diversion which DEA considered in setting the quotas. But the law does not require absolute certainty before a regulatory agency can act. All that is required is a reasonable effort to ascertain the relevant facts and an intelligent exercise of a sound discretion in applying them, avoiding arbitrariness and capriciousness. DEA has acted in this manner, except for the inventory allowance discussed above.

Throughout Respondents' brief the concepts of market demand for their product, and legitimate medical need for the product, are confused. Market demand and medical need are not necessarily identical, and the preponderance of the evidence in this record establishes that they are not identical with respect to phenmetrazine. There is far more market demand than there is legitimate medical need.

DEA is required by the Act to permit manufacture of sufficient quantities of phenmetrazine to meet the legitimate medical needs. The preponderance of the evidence establishes that DEA has taken reasonable steps to do so. There is no evidence in this record establishing that the quotas set by DEA have been so low that the legitimate medical need could not be met.

DEA is not required to permit all market demand to be satisfied. In fact, the agency is required to take steps to prevent the illegitimate portion of that demand from being met. To the extent that such steps may have affected these quotas, the preponderance of the evidence shows that they are reasonable and not arbitrary or capricious, with the one exception noted above.

It cannot be said that DEA has acted arbitrarily in treating phenmetrazine in a manner different from the way in which other substances were treated. The preponderance of the evidence is to the effect that one other Schedule II substance, amphetamine, presents problems similar to the Schedule II substance phenmetrazine. The evidence shows that the 1977 quotas for both these substances have been determined by following similar formulae.

In the instant case DEA has, indeed, departed from prior standards and formulae with respect to phenmetrazine. But it is clearly doing so pursuant to a reasoned analysis based on carefully weighed facts. There are no internal inconsistencies, and there has been no failure clearly to articulate the new standard and formulae being applied. The testimony of both Mr. Durrin and Mr. Fisher amply demonstrates that DEA took "a hard look at the problem areas" and has "set forth with clarity grounds of reasoned decision." See *Greater Boston Television Corp. v. F.C.C.*, 444 F.2d 841, 852-53 (D.C. Cir. 1970). Nothing more appears to be required.

The issues, as set forth by the Administrative Law Judge, should therefore be answered as follows:

A. Yes, with the one modification indicated above.

B. Yes, with the one modification indicated above.

C. Yes.

D. Yes, to the extent required.

1. Yes.

2. Yes, to the extent required.

3. No.

4. Yes, to the extent required.

E. Yes.

1. Yes, to a reasonable extent.

2. Yes, to a significant extent.

3. It need only be effective, it need not be more effective.

F. Yes. See Findings 89-116, above.

DECISION

Under the authority vested in the Attorney General under 21 U.S.C. § 826 and delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, the Administrator hereby orders that such adjustments be made during calendar year 1978 as necessary to ensure that Western Fher receives within its quota such amount as may be necessary to include provision for the inventory allowance required by 21 CFR 1303.24(a). This has already been accomplished within the calculation of the 1978 interim aggregate production quota for phenmetrazine (42 FR 61900 (December 7, 1977)), wherein any deficiencies in inventory at Western Fher as projected for December 31, 1977, and caused by the lack of a full inventory allowance within the 1977 quota, have been corrected in accordance with the procedures set forth in 21 CFR 1303.23(a) and 1303.24(a).

In all other respects, it is hereby ordered that the three subject quotas remain unchanged.

Dated: February 8, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc. 78-3959 Filed 2-10-78; 8:45 am]

[6820-35]

LEGAL SERVICES CORPORATION

GRANTS AND CONTRACTS

Applications

FEBRUARY 7, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. DNA Peoples Legal Services in Window Rock, Ariz. to serve the Indian population on or near the Hope Reservation in Arizona.

2. Colorado Rural Legal Services in Denver, Colo. to serve the Indian population on or near the Mountain Ute and Southern Ute Reservations in Colorado.

3. Zuni Legal Services in Zuni, N. Mex. to serve the Indian population in

the Pueblos of Nambe, Picuris, Pojoaque, San Ildefonso, San Juan, Santa Clara, Taos, Tesuque, Cochiti, Isleta, Jemez, Sandia, San Felipe, Santa Ana, Santo Domingo, and Zia in New Mexico.

4. Nevada Indian Legal Services in Stewart, Nev. (through California Indian Legal Services) to serve the Indian population on the Carson Colony, Dresslerville, Fallon, Fort McDermitt, Las Vegas, Lovelock, Moapa, Pyramid Lake, Reno-Sparks, Walker River, Winnemucca, Woodfords, Yerington, and Yomba Reservations in Nevada.

5. Upper Peninsula Legal Services in Sault Ste Marie, Mich. to serve the Indian population in Michigan.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colo. 80202.

THOMAS EHRLICH,
President.

[FR Doc. 78-3933 Filed 2-10-78; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

Applications

FEBRUARY 7, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Maricopa County Legal Aid Society in Phoenix, Ariz. to serve Yavapai and Mojave Counties.

2. Southern New Mexico Legal Services in Tucson, Ariz. to serve Santa Cruz and Cochise Counties.

3. Legal Aid Society of Metropolitan Denver in Denver, Colo. to serve Jefferson and Gilpin Counties.

4. Colorado Rural Legal Services in Denver, Colo. to serve Larimer, Archuleta, Delores, Hinsdale, LaPlata, Mineral, Montezuma, and San Juan Counties.

5. Pikes Peak Legal Services in Colorado Springs, Colo. to serve Chaffee, Custer, Fremont, and Park Counties.

6. Southern New Mexico Legal Services in Las Cruces, N. Mex. to serve Chaves and Eddy Counties.

7. Northern New Mexico Legal Services in Taos, N. Mex. to serve Colfax and Guadalupe Counties.

8. Legal Aid and Defender Society of Travis County in Austin, Tex. to serve Llano, Lee, Bell, Blanco, Burnet, Caldwell, Bastrop, Hays, Williamson, and Fayette Counties.

9. Tarrant County Legal Aid Foundation in Fort Worth, Tex. to serve Deaf, Smith, Jones, and Nolan Counties.

10. East Texas Legal Services in Nacodoches, Tex. to serve Jefferson and Nacodoches Counties.

11. Utah Legal Services in Salt Lake City, Utah to serve Utah, Box Elder, and Davis Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Denver Regional Office, 1726 Champa Street, Suite 500, Denver, Colo. 80202.

THOMAS EHRLICH,
President.

[FR Doc. 78-3934 Filed 2-10-78; 8:45 am]

[6820]

GRANTS AND CONTRACTS

Applications

FEBRUARY 7, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Smyth Bland Legal Aid Society in Marion, Va. to serve Wythe County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Northern Virginia Regional Office, 1730 North Lynn Street, Suite 600, Arlington, Va. 22209.

THOMAS EHRLICH,
President.

[FR Doc. 78-3935 Filed 2-10-78; 8:45 am]

[6820-35]

GRANTS AND CONTRACTS

Applications

FEBRUARY 7, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

Mid-Missouri Legal Services Corporation in Columbia, Mo., to serve Audrain, Boone, Callaway, Cooper, and Howard Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Ill.

THOMAS EHRLICH,
President.

[FR Doc. 78-3936 Filed 2-10-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 78-5]

FINAL ENVIRONMENTAL IMPACT STATEMENT

Public Notice Regarding Availability

Notice is hereby given of the public availability of the final Environmental Impact Statement for the National Aeronautics and Space Administration (NASA) Michoud Assembly Facility, New Orleans, La.

Comments on the draft Environmental Impact Statement were previously solicited from state and local agencies and members of the public through a notice in the FEDERAL REGISTER of April 22, 1977.

Copies of the draft and final statement have been furnished to the Environmental Protection Agency, the Departments of Agriculture, Commerce, Defense, Health, Education, and Welfare, Housing and Urban Development, Interior, Labor, Navy, and Transportation, the Advisory Council on Historic Preservation, and to appropriate state and local agencies.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, Calif. 94035.

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, Calif. 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, Md. 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, Tex. 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, Fla. 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, Va. 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, Ohio 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, Ala. 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, Miss. 39520.

(k) Jet Propulsion Laboratory (Building 180, Room 600) 4800 Oak Grove Drive, Pasadena, Calif. 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, Va. 23337.

(m) Governor's Council on Environmental Quality (Room 11, Natural Resources Building, North and 4th Streets), Baton Rouge, La. 70804. (Recommended public access at site of Michoud Assembly Facility.)

Done at Washington, D.C., this 3rd day of February 1978.

By the direction of the Administrator.

KENNETH R. CHAPMAN,
Associate Administrator for External Relations, National Aeronautics and Space Administration.

FEBRUARY 3, 1978.

[FR Doc. 78-3889 Filed 2-10-78; 8:45 am]

[7536-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE EDUCATION PROGRAMS PANEL

Meeting

FEBRUARY 6, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub.

L. 92-463, as amended,) notice is hereby given that a meeting of the Education Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 1130, from 9 a.m. to 5:30 p.m. on March 7-8, 1978.

The purpose of the meeting is to review applications for institutional curriculum development submitted to the National Endowment for the Humanities for projects beginning after June 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee,
Management Officer.

[FR Doc. 78-3848 Filed 2-10-78; 8:45 am]

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

FEBRUARY 3, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Public Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 314, from 9 a.m. to 5:30 p.m. on March 2, 1978.

The purpose of the meeting is to review Public Programs applications for Challenge Grants in support of educational broadcasting organizations which were submitted to the National Endowment for the Humanities and which will begin after June 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions

(4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee,
Management Officer.

[FR Doc. 78-3849 Filed 2-10-78; 8:45 am]

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

FEBRUARY 3, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended,) notice is hereby given that a meeting of the Public Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in room 807, from 9 a.m. to 5:30 p.m. on March 2, 1978.

The purpose of the meeting is to review applications for the development of humanities Public Program formats submitted to the National Endowment for the Humanities for projects beginning after June 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee,
Management Officer.

[FR Doc. 78-3850 Filed 2-10-78; 8:45 am]

[7536-01]

PUBLIC PROGRAMS PANEL ADVISORY COMMITTEE

Meeting

FEBRUARY 3, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub.

L. 92-463, as amended,) notice is hereby given that a meeting of the Public Programs Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in the first floor conference room, from 9 a.m. to 5:30 p.m. on March 3, 1978.

The purpose of the meeting is to review Public Programs applications for museums and historical organizations projects submitted to the National Endowment for the Humanities for projects beginning after June 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee,
Management Officer.

[FR Doc. 78-3851 Filed 2-9-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Request

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on December 27, 1977 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from

the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

U.S. INTERNATIONAL TRADE COMMISSION

Questionnaire for producers of Cotton Gloves, single time, 60 producers of cotton gloves, C. Louis Kincannon, 395-3211.
Producers Questionnaire (unallayed, unwrought zinc), single time, 20 producers, C. Louis Kincannon, 395-3211.
Importers Questionnaire (unallayed, unwrought zinc), single time, 85 importers, C. Louis Kincannon, 395-3211.
Consumer's Questionnaire (unallayed, unwrought zinc), single time, 40 consumers, C. Louis Kincannon, 395-3211.

SMALL BUSINESS ADMINISTRATION

Data Form Procurement Automated Source System (PASS), SBA-1167, single time, 5,000 small firms interested in getting Government contracts, Lowry, R. L., 395-3772.

ENVIRONMENTAL PROTECTION AGENCY

Application for approval of PCB Disposal Site and Record of PCB Storage and Disposal, single time, 2,000 PCB Storage and Disposal, single time, Ellett, C. A., 395-6132.

OFFICE OF MANAGEMENT AND BUDGET

Future Telecommunications Environment Questionnaire, single time, 14 telecommunications experts in industry, Lowry, R. L., 395-3772.

DEPARTMENT OF COMMERCE

Departmental and Other Employment Inquiry, on occasion, 5,000 former employers and acquaintances, C. Louis Kincannon, 395-3211.

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency, Public Attitude Toward Civil Preparedness Survey, single time, 1,500 households in 48 States, National Security Division, Office of Federal Statistical Policy and Standards, 395-4734.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Application for Law School Clinical Experience Program, OE-595, single time, law schools, Laverne V. Collins, 395-3214.

Public Health Service, Survey of community Health Nursing, single time, 11,000 agencies providing community health nursing, Richard Eisinger, Office of Federal Statistical Policy and Standards, 395-3214.

DEPARTMENT OF THE TREASURY

Departmental and Other, Daily Survey of Interest Rates, other (see SF 83), 3,750 banks and nonbank primary dealers in Government securities, C. Louis Kincannon, 395-3211.

REVISIONS

SMALL BUSINESS ADMINISTRATION

Technology Assistance Evaluation Program, SBA-941, annually, small businesses, 2,500 responses, 625 hours, Lowry, R. L. 395-3772.

U.S. CIVIL SERVICE COMMISSION

Personal Qualification Statement, SF 171, on occasion, applicants for Federal positions, 1,000,000 responses, 1,000,000 hours, Marsha Traynham, 395-3773.

Amendment to Personal Qualifications Statement, SF 172, on occasion, applicants for Federal positions, 200,000 responses, 100,000 hours, Marsha Traynham, 395-3773.

Job Qualification Statement, SF 173, on occasion, Federal job applicants, 500,000 responses, 250,000 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Statistics Attitude Study of Farmers and Ranchers Concerning Agricultural Surveys and Statistics, single time, Dakota farmers, 2,440 responses, 1,230 hours, Ellett, C. A., Office of Federal Statistical Policy and Standards 395-6132.

FOREST SERVICE

Pilot Qualification and Approval Record, Aircraft Data and Approval Record, 5700-20 and 21, annually, contractors and their employees, 1,200 responses, 240 hours, Ellett, Charles A., Strasser, Arnold, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration Child Support Enforcement Activities and Staff Under Title IV-D of the Social Security Act, SSA-3769, quarterly, 54 jurisdictions, 218 responses, 864 hours, Lowry, R. L., 395-3772.

EXTENSIONS

ACTION

Sponsor/Grantee Quarterly Program Report, A-568, quarterly, sponsors of action domestic programs, 10,000 responses, 10,000 hours, Budget Review Division, 395-4775.

Action Program Narrative, A-566, on occasion, potential sponsors of action domestic programs, 5,000 responses, 600,000 hours, Budget Review Division, 395-4775.

Action Preliminary Inquiry (preapplication project narrative), A-563, on occasion, potential sponsors of domestic programs, 8,000 responses, 4,000 hours, Budget Review Division, 395-4775.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Statistics:

Turkey Breeder Hen Inquiry, other (see SF-83), 1,550 turkey growers, 832 responses, 166 hours, Ellett, C. A., 395-6132.

Vegetable Seed Stocks, CE-10-51, annually, vegetable seed companies, 170 responses, 510 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Dental Caries Prevention Programs in U.S. Communities, other (see SF-83), dental directors of States and territories, 53 responses, 477 hours, Richard Eisinger, 395-3214.

Health Care Financing Administration (medicare), Outpatient Admission and Billing, SSA-1483, on occasion, hospitals, skilled nursing facilities, 3,000,000 re-

sponses, 500,000 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Equal Opportunity, Housing Discrimination Complaint, HUD 903, on occasion, minority group members, 3,000 responses, 600 hours, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Employment and Training Administration, Senior Community Service Employment Program, quarterly progress report, ETA 5-140, quarterly, project grantees, 800 responses, 1,600 hours, Budget Review Division, 395-4775.

DEPARTMENT OF THE INTERIOR

National Park Service, Park Visitation Survey, NPS10-157A, on occasion, park visitors, 17,000 responses, 500 hours, Ellett, C. A., Office of Federal Statistical Policy and Standards, 395-6132.

DAVID R. LEUTHOLD,
Budget and Management
Officer.

[FR Doc. 78-4050 Filed 2-8-78; 8:45 am]

[3110-01]

CLEARANCE OF REPORTS

List of Requests

The following as a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 7, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NATIONAL SCIENCE FOUNDATION

Small Business Development Center Evaluation, single time, 500 clients, Lowry, R. L., 395-3772.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, General Aviation Pilot and Aircraft Activity Survey, FAA 1800-56, single time, 10,000 aircraft pilots, Strasser, A., 395-6132.

U.S. INTERNATIONAL TRADE COMMISSION

Importer's Questionnaire for Invoice No. AA1921-178, single time, 52 importers, C. Louis Kincannon, 395-3211.

U.S. INTERNATIONAL TRADE COMMISSION

Purchaser's Questionnaire for Invoice No. AA1921-178, single time, 40 purchasers, C. Louis Kincannon, 395-3211.

NEW FORMS

Producer's Questionnaire for Invoice No. AA1921-178, single time, 45 producers, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service-Cooperatives Industrial Development Bond Financing Used by Farmer Cooperatives, single time, 5,125 farmer cooperatives, Ellett, C. A., 395-6132.

DEPARTMENT OF COMMERCE

Bureau of Census, Agriculture Questionnaire, List Sheet, 78-A1(G), 78-A2(G), single time, 18,000—Government of Guam, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Guidelines for Applications for Health Systems Agency, designation and grant and related report forms, annually, 205 applicants for HSA designation, Budget Review Division, 395-4775.

Hill-Burton Assurance Reporting Form, annually, 1,675 FED.—Aided health care facilities, Laverne V. Collins, Richard Eisinger, 395-3214.

DEPARTMENT OF INTERIOR

Geological Survey, Device Failure Report, on occasion, offshore oil and gas operations, Ellett, C. A., 395-6132.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Minority Employment in the Criminal Justice System: Survey of Agencies and Minority Executives, 2,000 Series NBA/CJ-1, NBA/CJ-2, single time, 100 individuals, 200 Government agencies, Laverne V. Collins, Strasser, A., 395-3214.

DEPARTMENT OF LABOR

Occupational safety and Health Administration, Cost Questionnaire for Industrial Accidents/Illnesses, OSHA-136, single time, 100 Fam. accident/illness victims, Strasser, A., 395-6132.

Employment and Training Administration, Youth Employment and Training, 10 Percent Test ENT Test Program End-of-the-Year Report, ETA-12, single time, 45 CETA prime sponsors, Budget Review Division, 395-4775.

DEPARTMENT OF THE INTERIOR

Geological Survey, Device Inventory Report, on occasion, 105 offshore oil and gas operations, Ellett, C. A., 395-6132.

National Park Service, A Study of Backcountry Users in McKinley and Glacier Bay, single time, 5,000 hikers in Alaska, Ellett, C. A., Office of Federal Statistical Policy and Standards, 395-6132.

Bureau of Outdoor Recreation, State Program Reporting Form—Young Adult Corps Work Accomplishment, quarterly, 1,852 projects managers, Ellett, C. A., 395-6132.

DEPARTMENT OF THE TREASURY

Departmental and Other Survey of Federal General Revenue Sharing and Antirecession Fiscal Assistance Expenditures (State Governments), RSS-902, annually, 50 State government officials, Ellett, C. A., Office of Federal Statistical Policy and Standard, 395-6132.

REVISIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

1973 Summer Seminar Report, annually, 1,200 individuals, 240 responses, 240 hours, Lowry, R. L., 395-3772.

VETERANS ADMINISTRATION

Application for Education Loan, 22-8725, on occasion, veteran, 150,000 responses, 150,000 hours, Marsha Traynham, 395-3773.

U.S. CIVIL SERVICE COMMISSION

Visual Arts—Graphic Designer, Illustrator, Photographer, EWA-462, on occasion, applicants for Federal employment, 50,000 responses, 50,000 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Annual Report of Food Service in Schools, FNS-47, annually, State educational agencies, 56 responses, 840 hours, Human Resources division, Budget Review Division, 395-3532.

Agricultural Marketing Service, Grain Market News Reports, LPGA-177, LPGA-383, LPGA-388, monthly, producers, processors and dealers of grain and grain products, 768 responses, 190 hours, Ellett, C. A., 395-6132.

Food Safety and Quality Service, Application for Federal Meat, Poultry, or Import Inspection, MP-401, on occasion, meat and poultry establishments, 1,400 responses, 1,400 hours, Ellett, C. A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Certification by School Official, SSA-1372A, on occasion, schools off. with access to students records, 415,000 responses, 69,666 hours, Marsha Traynham, 395-3773.

Health Services Administration, Data Required by PHS from 1977 National Public Health Program Reporting System, annually, 56 State agencies, 56 responses, 640 hours, Richard Eisinger, 395-3214.

EXTENSIONS

COMMUNITY SERVICES ADMINISTRATION

Budget Summary, OEO-325, on occasion, Budget, 2,000 responses, 1,000 hours, Lowry, R. L., 395-3772.

Certificate of Applicant's Attorney, OEO-393, annually, Certificate of Applicant's Attorney, 2,000 responses, 165 hours, Lowry, R. L., 395-3772.

NATIONAL MEDIATION BOARD

Application for Investigation of Representation Dispute, NMB-3, on occasion, 180 airline and railroad management and unions, 180 responses, 180 hours, Strasser, A., 395-6132.

COMMUNITY SERVICES ADMINISTRATION

Application for Recognition of a Community Action Agency—Local Civil Service Cer-

tification, CAP Form 373, on occasion, Community Action Agency, 25 responses, 6 hours, Lowry, R. L., 395-3772.

Application for Recognition of a Community Action Agency, OEO 370, annually, Community Action Agency, 1,300 responses, 1,300 hours, Lowry, R. L., 395-3772.

U.S. CIVIL SERVICE COMMISSION

Child's Eligibility to Receive Benefits, BRI 49-224, on occasion, School Officials for Sch. Officials Student Surv. Ann't., 25,000 responses, 8,333 hours, Marsha Traynham, 395-3773.

COMMUNITY SERVICES ADMINISTRATION

Application for Recognition of a CAA Certification, (attorney) OEO 372, annually, CAA attorney's certification, 1,300 responses, 1,300 hours, Lowry, R. L., 395-3772.

DEPARTMENT OF LABOR

Employment Standards Administration, Compensation Payment Stopped or Suspended, LS-208, on occasion, insurance carriers and self-insured employers, 20,500 responses, 6,833 hours, Strasser, A., 395-6132.

DAVID R. LEUTHOLD,
Budget and Management
Officer.

[FR Doc. 78-4051 Filed 2-8-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 20405; 70-6112]

ALABAMA POWER CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

FEBRUARY 6, 1978.

Notice is hereby given that Alabama Power Co. ("Alabama"), 600 North 18th Street, Birmingham, Ala. 35291, a public-utility subsidiary company of the Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, \$100,000,000 principal amount of its first mortgage bonds of a new series having a term of not less than 5 nor more than 30 years. Alabama will determine and give notice to prospective bidders of the term of the new bonds not less than 72 hours prior to the time of bidding. The interest rate of the bonds and the price, exclusive of

accrued interest, to be paid to Alabama, which will be not less than 98 percent nor more than 101% percent of the principal amount thereof, will be determined by competitive bidding. It is stated that Alabama may request by amendment that such proposed sale be excepted from the competitive bidding requirements of Rule 50 should circumstances develop which, in the opinion of Alabama's management, make such exception in the best interest of Alabama and its investors and consumers.

The new bonds will be issued under the indenture dated as of January 1, 1942, between Alabama and Chemical Bank, as trustee, as heretofore supplemented by various indentures supplemental thereto and as to be further supplemented by a supplemental indenture to be dated as of March 1, 1978. The bonds will be redeemable, at the option of Alabama, in whole or in part at any time prior to maturity. The supplemental indenture will include a prohibition, for a period of not more than 5 years, against refunding the bonds, directly or indirectly, with funds borrowed at a lower effective interest cost.

Alabama intends to use the proceeds from the sale of the new bonds, along with other funds, in financing its 1978 construction costs, estimated at November 18, 1977, to be \$494,390,000, in paying a portion of notes payable incurred for such purpose, and in retiring \$10,345,000 principal amount of first mortgage bonds.

The fees and expenses to be incurred in connection with the proposed transaction are to be filed by amendment. It is stated that the issuance and sale of the new bonds have been expressly authorized by the Alabama Public Service Commission and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 3, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the

Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3913 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 34-14435; File No. SR-Amex-78-3]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 19, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to amend Exchange Rules 927 and 928. The texts of the proposed amendments are set forth below (brackets indicate deletions).

Transactions With Issuers

Rule 927. No member or member organization shall accept an order for the account of any corporation which is the issuer of an underlying stock [or for the account of any affiliate of such corporation] for the sale (writing) of a call option contract with respect to that underlying stock.

[Commentary]

[01 For the purposes of this Rule, the term "affiliate" shall have the meaning specified in SEC Rule 405 under the Securities Act of 1933. Before accepting any order for the sale (writing) of a call option contract from any person who is an officer, director or substantial shareholder of a corporation which is the issuer of the underlying stock covered by such option contract, or from any person who directly, or indirectly through one or more intermediaries may control, be controlled by or be under common control with such corporation, the member or member organization should take steps to determine

whether such person would be deemed an "affiliate" of such corporation pursuant to the provisions of the Securities Act of 1933 and the rules of the SEC promulgated thereunder.]

[Restricted Stock]

[Rule 928. Shares of an underlying stock which may not be sold by the holder thereof except upon registration thereof pursuant to the provisions of the Securities Act of 1933 or pursuant to SEC rules promulgated under the Securities Act of 1933, may not be accepted by a member or member organization for the purpose of covering a short position in call option contracts or satisfying the margin requirements in respect thereto, and may not be delivered pursuant to the exercise of a put option contract or for the purpose of satisfying an exercise notice assigned in respect of a call option contract.]

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed changes is to amend the rules of the Amex to reflect recent SEC action concerning transactions in exchange-traded options by affiliates of issuers and holders of restricted securities. (See SEC Release No. 33-5890, December 20, 1977).

Rule 927, adopted at the outset of the Amex's options program, prohibits the acceptance by any Exchange member of an order for the sale (writing) of a call option contract relating to underlying stock if the order is for the account of the issuer of such stock or an affiliate of the issuer.

The rule recognizes that the sale of a call option may involve a solicitation of an order to buy the underlying securities and that, in the absence of an effective registration statement and prospectus, a member firm could violate Federal securities laws if it accepts orders from an issuer for the sale of call options relating to its securities. Since the Amex was aware that the SEC staff held the view that a solicitation was also involved if an affiliate sought to sell a call option relating to his corporation's shares, Rule 927 was made applicable to orders of affiliates as well as issuers.

In its recent release, the SEC announced that it had conducted a review of the procedures involved in trading listed options (and the exercise procedures in connection with such trading) and considered matters relating to the writing of exchange-traded call options on securities subject to the resale provisions of SEC Rules 144 and 145. In part, the Release noted that because the mechanics of selling call options upon national exchanges are similar to those involved in the sale on an exchange of other exchange-traded call options

should not be deemed under Rule 144(f) as a solicitation for the purchase of the underlying securities.

In light of the SEC's current position, the Amex proposes to amend Rule 927 to limit the scope of the rule to orders for the sale of call options entered by or for the account of the issuer of the underlying securities only.

Exchange Rule 928 currently prohibits Amex members from accepting stock which can only be sold either upon registration or pursuant to SEC rules (restricted stock) to: (i) Cover a short call position, (ii) satisfy margin requirements in connection with such position, or (iii) deliver or receive pursuant to the exercise of a put or call option. In consideration of the recent SEC release discussed above, the Amex proposes to delete Rule 928 in order to facilitate the acceptance of permissible options orders by member firms and, where appropriate, to permit margining of such options on a covered basis with "restricted stock."

The basis for the proposed rule change is found in section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act") as amended, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

No comments were received from members, participants or others in connection with these proposed rule changes.

The proposed rule changes will not impose any burden on competition; rather, it will eliminate a potential competitive disadvantage between the Amex and any other options exchange which never adopted rules similar to present Amex Rules 927 and 928.

On or before March 20, 1978, or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549.

Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street NW., Wash-

ington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 6, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 2, 1978.

[FR Doc. 78-3922 Filed 2-10-78; 8:45 am]

[8010-01]

[Rel. No. 20406; 70-6113]

CENTRAL & SOUTH WEST CORP., ET AL.

Proposed Issuance and Sale of Holding Company Common Stock and of Proposed Capital Contributions to Two Subsidiary Operating Companies

FEBRUARY 6, 1978.

In the matter of Central & South West Corp., P.O. Box 1631, Wilmington, Del. 19899; Central Power & Light Co., P.O. Box 2121, Corpus Christi, Tex. 78403; Southwestern Electric Power Co., P.O. Box 21106, Shreveport, La. 71156.

Notice is hereby given that Central & South West Corp. ("CSW"), a registered holding company and two of its subsidiary operating companies, Central Power & Light Co. ("CP&L") and Southwestern Electric Power Co. ("SWEPCO"), have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a), 7, 9, 10, and 12(f) of the Act and Rules 43, 45, and 50, promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

CSW proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, 7,000,000 shares of its authorized and unissued common stock, par value \$3.50 per share (the "additional shares"). CSW further proposes to make capital contributions to two of its electric utility subsidiaries, CP&L and SWEPCO, in the amounts of \$30,000,000 and \$15,000,000, respectively.

CSW states that of the net proceeds to be derived by it from the sale of the additional shares, estimated at approximately \$105,000,000, \$90,000,000 will be used to make the capital contributions to CP&L and SWEPCO and a contribution of \$45,000,000 to a third

CSW subsidiary, Public Service Co. of Oklahoma, such contribution being previously authorized by Commission order on January 10, 1978 (HCAR No. 20380), and the remainder, together with funds received from such subsidiaries in payment of their borrowings from CSW, to pay approximately \$60,000,000 of an estimated \$110,000,000 of borrowings by CSW expected to be outstanding at the time of sale.

CSW states that it has outstanding short-term borrowings of \$83,325,000 at December 31, 1977. CSW anticipates that the additional shares would be issued and sold on or about March 7, 1978, and that the capital contributions would also be made in March 1978.

CSW states that the proceeds of the foregoing short-term borrowings and capital contributions have been or will be used towards the payment of capital expenditures. Such expenditures are estimated as follows:

CSW CONSOLIDATED		
	1977	1978
Generation.....	\$315,951,000	\$458,948,000
Transmission.....	37,454,000	54,986,000
Distribution.....	58,283,000	66,267,000
Fuel exploration and development.....	30,572,000	47,572,000
Other.....	13,194,000	7,028,000
Total.....	455,454,000	634,801,000

CSW states that of the total \$1,090,255,000 CSW consolidated estimated capital expenditures for the 2 years, 1977 and 1978, CP&L accounts for \$437,288,000, PSO (consolidated) for \$382,985,000, SWEPCO for \$233,096,000, and West Texas Utilities Company for \$36,886,000.

CSW states that the estimated 1978 capital expenditures for CP&L and SWEPCO are as follows:

	CP&L	SWEPCO
Generation.....	\$214,321,000	\$68,336,000
Transmission.....	44,536,000	11,529,900
Distribution and other plant.....	22,882,000	22,170,000
Fuel exploration and development.....	8,192,000	11,260,000
Total.....	289,931,000	113,296,900

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction. It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at \$200,000, including \$38,500 in legal fees, \$20,500 in accountants fees and \$85,000 in printing costs. It is further stated that the fees and expenses to be incurred by the successful bidders for the additional shares are estimated at \$25,500, including \$23,000 in legal counsel fees.

Notice is further given that any interested person may, not later than February 28, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3914 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 10108; 811-366]

CHRISTIANA SECURITIES CO.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

JANUARY 30, 1978.

Notice is hereby given that Christiana Securities Co. ("Christiana"), Du Pont Building, Wilmington, Del. 19898, a Delaware corporation registered as a closed-end, nondiversified, management investment company under the Investment Company Act of 1940 ("Act"), has filed an application on August 8, 1977, and an amendment thereto on November 1, 1977, pursuant to section 8(f) of the Act for an order of the Commission declaring that Christiana has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

In July 1972, Christiana and E.I. du Pont de Nemours & Co. ("Du Pont") filed a joint application, pursuant to sections 17(b), 17(d), and 6(c) of the Act, and Rule 17d-1 thereunder, for an order of the Commission permitting a proposed merger of Christiana and Du Pont. On December 13, 1974, the Commission issued an order granting that application (Investment Company Act Release No. 8016), and such Commission order was affirmed by the Supreme Court of the United States on June 17, 1977.

Christiana states that on October 17, 1977, the stockholders of Christiana and Du Pont each met and voted on the proposed merger. According to the application, the holders of Christiana common stock approved the proposed merger by a vote of 11,160,285 shares in favor, with 3,164 shares opposed, and the holders of Du Pont common stock approved the proposed merger by a vote of 37,816,355 shares in favor, with 247,912 shares opposed. Christiana asserts that in addition to its common stock, it had outstanding, as of June 30, 1977, 106,500 shares of 7 percent cumulative preferred stock having a liquidation value of \$100 per share, plus accumulated dividends, and subject to redemption at \$120 per share on any dividend payment date. Holders of Christiana preferred stock have no voting rights except as expressly provided by law. Christiana states that on June 30, 1977, the aggregate net asset value of its common stock, of which there were on that date 11,710,103 shares outstanding, on the basis of preferred stock having a redemption value of \$120 a share, was \$1,586,468,160, and that the net asset value per share of its common stock was \$135.48.

Christiana states that on October 17, 1977, Christiana and Du Pont filed a properly executed and acknowledged agreement of merger ("agreement"), in accordance with the provisions of the general corporation law of Delaware, and that the merger became effective and Christiana's corporate existence ceased at the close of business on that day.

The agreement provided for the acquisition by Du Pont of all of the assets of Christiana (consisting principally of Du Pont common stock), and for the conversion of Christiana capital stock into Du Pont common stock. According to the application, on October 17, 1977, shares of Christiana capital stock became shares of Du Pont common stock in an amount determined by applying conversion formulas specified in the agreement, which are summarized as follows: (1) Each share of Christiana common stock to become 1.123 shares of Du Pont common stock, plus rights to additional Du Pont common stock, if any, to be issued in connection with an unliqui-

dated tax refund claim of Christiana, and (2) the holders of Christiana preferred stock to receive \$120 per share, the redemption price of their stock, payable in Du Pont common stock at the average of the latter's closing prices on the New York Stock Exchange during the 10 trading days preceding the effective date of the merger, and, in addition, an amount in cash equal to dividends accrued and unpaid on their preferred stock up to and including the effective date of the merger.

According to the application, on October 17, 1977, Du Pont issued to the Wilmington Trust Co. ("Trust Company"), Wilmington, Del., a certificate representing all shares of Du Pont common stock to be issued in the merger (excluding shares applicable to shares of Christiana preferred stock for which demands for appraisal have been made). Applicant states that former shareholders of Christiana may obtain a certificate or certificates representing shares of Du Pont common stock to which such shareholders are entitled under the merger, together with the proceeds of any fractional shares sold and, in the case of Christiana preferred stock, the cash payment for accrued dividends, by surrendering to the Trust Company their certificate or certificates representing capital stock of Christiana. Applicant asserts that until so surrendered, certificates for shares of Christiana capital stock shall be deemed for all purposes to represent the ownership of the number of shares of Du Pont common stock into which such shares of Christiana capital stock are converted by reason of the merger.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than February 24, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3926 Filed 2-10-78; 8:45 am]

[8010-01]

[Rel. No. 20401; 70-6107]

COLUMBIA GAS SYSTEM, INC., ET AL.

Proposed Allocation of Consolidated Tax Liabilities

FEBRUARY 3, 1978.

In the matter of the Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Del. 19807; Columbia Gas Transmission Corp.; Columbia Gas of Ohio, Inc.; Columbia Gas of West Virginia, Inc.; Columbia Gas of Kentucky, Inc.; Columbia Gas of Virginia, Inc.; Columbia Gas of Pennsylvania, Inc.; Columbia Gas of New York, Inc.; Columbia Gas of Maryland, Inc.; Columbia Hydrocarbon Corp.; The Inland Gas Co., Inc.; Columbia LNG Corp.; Columbia Gas Development of Canada, Ltd.; Columbia Coal Gasification Corp.; Columbia Gas Development Corp.; Columbia Gas System Service Corp.; Columbia Gulf Transmission Co.; Columbia Alaskan Gas Transmission Corp.

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary companies named above have filed a joint declaration, and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 12(b) and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the joint declaration, which is summarized below, for a complete statement of the proposed transaction.

By order dated February 18, 1976 (HCAR No. 19393), the Commission authorized Columbia to allocate the system's consolidated Federal income tax liability for the years 1975 and 1976 by a method other than prescribed by Rule 45(b)(6).

Columbia and its subsidiaries now seek the Commission's authorization

under Rule 45(a) for the taxable years 1977 and 1978.

The major part of the exploration and development activities within the Columbia system are centered in Columbia's nonutility subsidiaries, Columbia Gas Development Corp. ("Development U.S.") and Columbia Gas Development of Canada, Ltd. ("Development Canada"). Due to the expanded exploration and development program made necessary by the growing system demand for natural gas, these companies have required substantial contributions of capital from Columbia. In connection with their activities, these companies have incurred tax losses.

The combined expenditures by Development U.S. and Development Canada for exploration and development during 1977 and 1978 are currently estimated to be \$89,700,000 and \$86,500,000, respectively. It is also estimated that these companies will have tax losses of \$59,589,000 and \$48,194,000 for the years 1977 and 1978, respectively.

When the losses of Development U.S. and Development Canada are included in the consolidated tax return for the Columbia system, the consolidated tax liability is reduced. Under Rule 45(b)(6), the benefit of this tax reduction is allocated to companies in the consolidated group other than those whose tax losses gave rise to the tax savings, thus depriving the latter of the tax savings which might otherwise be applied in furtherance of their continuing exploration and development activities. In general, the declaration seeks authorization to allocate consolidated taxes in a manner which would initially remit the consolidated tax savings arising from their tax losses to the exploration subsidiaries in aid of their development programs.

To overcome the claimed inequities resulting from a strict adherence to the tax allocation provisions of Rule 45(b)(6), certain deviations therefrom are proposed as follows:

1. For the years 1977 and 1978, Columbia, while computing the system's consolidated tax liabilities in the usual manner, will for purposes of assessing liability among the individual companies of the system add back the reduction in such tax liabilities generated from any tax losses of Development U.S. and Development Canada resulting from their exploration and development activities.

2. The consolidated taxes as so adjusted will then be apportioned among the system companies other than Development U.S. and Development Canada in accordance with the procedure of Rule 45(b)(6). The cash difference between the adjusted consolidated tax liability and the actual consolidated tax liability will be remitted by Columbia to Development U.S. and

Development Canada in proportion to their respective tax losses, if any, incurred in 1977 and 1978 for use in further exploration and development work.

3. In future years, when Development U.S. or Development Canada have net taxable income they, or either of them, may be entitled to tax credits as a result of the loss carry-back or carry-over provisions of section 172(b) of the Internal Revenue Code of 1954 in order to comply with the separate return limitations required by Rule (b)(6). To the extent that these companies receive tax benefits pursuant to paragraphs 1 or 2 above, such benefits would be applied to reduce any tax credits in future years to which either of these companies might otherwise be entitled under the separate return limitations of Rule 45(b)(6).

4. Subject to paragraph 3, in no event will the tax allocated to any subsidiary company of Columbia exceed the amount of tax of such company based upon a separate return computed as if such company has always filed its tax return on a separate return basis.

Under the proposals set forth above, the actual consolidated tax liabilities of the Columbia system will not change. What will change is the allocation of that tax among the members of the group so that any tax credits remitted to the exploration companies would be matched by an equal aggregate increase in the tax allocation to other members of the group having taxable income. Nevertheless, under the proposed method of allocation, the resulting tax allocation to each of the Columbia subsidiaries having taxable income, although larger than would be the case under strict adherence to Rule 45(b)(6), is still smaller than the tax liability of each such company on a separate return basis. Declarants state that the proposed tax allocation has no effect on the cost of service treatment given to Columbia's distribution companies by regulatory commissions having jurisdiction over rates.

It is stated that the proven developed reserves as of October 1, 1977, for Development U.S. were 322,556 MMcf at an approximate composite cost of \$1 per Mcf. Development Canada had proven and probable reserves of 57,922 MMcf at 26 cents per Mcf for the same period.

Declarants request permission to file on an annual basis the certificates of notification required by Rule 24 under the Act. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated to be approximately \$8,300, including

charges for services by Columbia Gas System Service Corp. estimated at \$5,300.

Notice is further given that any interested person may, not later than March 1, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3915 Filed 2-10-78; 8:45 am]

[8010-01]

[File No. 81-309]

CURTIS NOLL CORP.

Application and Opportunity for Hearing

FEBRUARY 1, 1978.

Notice is hereby given that Curtis Noll Corp. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an exemption from the provisions of section 15(d) of the 1934 Act.

Section 15(d) provides that each issuer which has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be re-

quired pursuant to section 13 of the 1934 Act with respect to a security registered pursuant to section 12 of the 1934 Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from section 15(d) if the Commission finds, by reason of the number of public investors, the amount of trading interest, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1. Applicant, an Ohio corporation, on October 11, 1977, as a result of a tender offer, became 99 percent owned by CN Corp., a wholly owned subsidiary of Congoleum Corp. On December 31, 1977, Congoleum Corp. of Delaware, a wholly owned subsidiary of CN Corp., was merged into the Applicant. As a result of the merger, CN Corp. became the sole owner of the common shares of the Applicant. The public common shareholders received cash for their shares in the merger. Holders of the Applicant's outstanding 5 percent Convertible Subordinated Debentures due July 1, 1987 (the "Debentures") were given notice of and the opportunity to submit their Debentures for conversion, and to tender the common shares received upon conversion. Following the tender offer, the remaining principal amount of Debentures were called for redemption. As of January 6, 1978, \$23,000 principal amount of Debentures, held by three holders, had not been surrendered to the Trustee for payment. The redemption price, including accrued interest, has been deposited with the Trustee for all Debentures outstanding on January 6, 1978.

2. On November 29, 1977, the Applicant's common stock was stricken from listing and registration on the New York Stock Exchange pursuant to section 12(d) of the 1934 Act and the Applicant, having fewer than 300 record holders of its common stock, was relieved from further compliance with the provisions of section 12 of the 1934 Act.

3. Congoleum Corp., whose common stock is listed on the NYSE and is registered with the Commission owns 100 percent of the common stock of CN Corp., which in turn is the sole owner of the Applicant's common stock. Congoleum Corp. will continue its periodic reporting under section 12 of the 1934 Act and the Applicant's results will be incorporated in such reports on a consolidated basis.

4. Pursuant to section 15(d) of the 1934 Act, Applicant is obligated to file all periodic reports with the Commission which may be applicable to its current fiscal year ending December 31, 1977.

5. The Applicant has no public shareholders.

6. The Applicant's securities are not publicly traded.

In the absence of an exemption, Applicant would be required to file a report on Form 10-K for the fiscal year ended December 31, 1977, as required by the provisions of section 15(d). Applicant believes that the granting of the exemption would not be inconsistent with any public interest or the protection of any investors.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the Offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than February 27, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request and the issues of fact and law raised by the application which he desires to controvert.

At any time after that date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3927 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 34-14440; File No. SR-DTC-78-1]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given that on January 11, 1978, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change involves enhancements to the Institutional Delivery (ID) System which would provide institutions with an additional

day to acknowledge ID System transactions and broker-dealers with an additional day to submit trade data for processing by the ID System.

The proposed rule change is attached as Exhibit 2 to DTC's filing on Form 19b-4A, File No. SR-DTC-78-1.

STATEMENT OF BASIS AND PURPOSES

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to increase the number of transactions acknowledged in DTC's Institutional Delivery (ID) System by extending the time for an institution to affirm an ID confirmation. The proposed rule change would provide institutions with an additional day to acknowledge ID transactions and broker-dealers with an additional day to submit trade data for processing by the ID System.

The proposed rule change would carry out the purposes of section 17A of the Securities Exchange Act of 1934 by increasing the number of transactions acknowledged in the ID System between broker-dealers and their institutional customers and thereby facilitating the prompt and accurate clearance and settlement of securities transactions.

In discussions with Participants utilizing the ID System, Participants request that DTC extend the time for an institution to affirm an ID confirmation so that the number of transactions acknowledged could be increased. All Participants have been notified of the proposed rule change by the DTC Important Notice attached as Exhibit 2 to DTC's filing on Form 19b-4A, File No. SR-DTC-78-1.

DTC perceives no burden on competition by reason of the proposed rule change.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies

of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 6, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 3, 1978.

[FR Doc. 78-3925 Filed 2-10-78; 8:45 am]

[8010-01]

[Release 34-14438; File No. SR-NASD-77-21]

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC..

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975) notice is hereby given that on December 2, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change. The proposed rule change, as amended on December 28, 1977, is as follows:

NASD'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The following is the full text of the proposed amendments to Sections 6 and 19 of the Code of Procedure for Handling Trade Practice Complaints of the National Association of Securities Dealers, Inc. ("Association"). New language is italicized and deleted language is bracketed:

Complaint Filed in District Entitled to Conduct Hearing

Sec. 6. If the complaint is filed with the District Business Conduct Committee entitled to hear such complaint, as provided in Section 3, or if a complaint is forwarded to such Committee by another District Business Conduct Committee, as provided in Section 5, such Committee shall, on the form to be supplied by the Board of Governors, forthwith send notice in writing of the receipt of such complaint, together with a copy of such complaint, to the Respondent, and shall require the Respondent to answer thereto. *A copy of said complaint shall also be sent to the member of the Association with whom the Respondent is an associated person as defined in Article I, Section 3(f) of the By-Laws of the Corporation.*

Notification of [Decision] Final Disposition of Complaint

Sec. 19 [Both t] The Complainant, [and] the Respondent, *and the member of the Association with whom the Respondent is presently an associated person (as defined in Article I, Section 3(f) of the By-Laws of the Corporation)* shall be promptly notified of, and be sent a copy of, any written decision rendered by the Board of Governors under Sections 16, 17 or 18 hereof, *or by a District Business Conduct Committee under Sections 11, 12 or 13 hereof if said decision is the final disposition by the Association of the complaint against Respondent. The member of the Association with whom the Respondent is presently an associated person shall be promptly notified of any application for review to the Securities and Exchange Commission made by the Respondent pursuant to Section 20 hereof and Section 19(d) of the Securities Exchange Act of 1934.*

NASD'S STATEMENT OF PURPOSE OF PROPOSED RULE CHANGE

The proposed amendments to Sections 6 and 19 of the Association's Code of Procedure for Handling Trade Practice Complaints results from the belief of the Association's Board of Governors that under current procedures an employer-member is not put on sufficient notice to be able to fully carry out its duty to adequately supervise its associated persons, thereby unnecessarily exposing public customers to potential harm and employer-members to the charge of inadequate supervision. Under current procedures, an employer-member is not formally advised of a complaint filed against an associated person by one of the Association's District Business Conduct Committees. In particular, this has been a problem where the associated person has changed employers after the alleged transgression but before a formal complaint has been filed since there would then be no practical way in which the new employer would have actual or constructive knowledge of the pending action. Neither the associated person's Form U-4 (Uniform Agent Application Form) nor activities of the Association's examining staff would signal any potential problems at that point in time. The Board of Governors feels that an employer-member has the duty to adequately supervise its associated persons and, therefore, should be advised of pending actions so that it might adjust its supervision accordingly.

¹There is a continuing obligation for an associated person to update the Form U-4 in regard to related questions therein. However, non-compliance with that requirement is frequent and enforcement of it would be difficult to administer. See also note 2 infra.

Also, the Board is concerned that its procedures faithfully comply with the statutory mandate to be fair to those accused of violating the Association's rules. While the Board recognizes the decision to terminate an employment relationship is normally between the employer and the associated person, it believes that until a matter has been properly adjudicated and becomes final, allegations in a complaint should not in any way affect the continuation of the employment relationship. Rather, depending on the nature and seriousness of the charge, the employer should increase his supervision of that particular associated person on an appropriate manner. The Board also believes it is not fair to the associated person nor his employer to advise an employer of a complaint without advising him of its final disposition.

The proposed amendments will specifically accomplish the following:

Section 6

This proposed amendment will require a District Business Conduct Committee issuing a disciplinary complaint to provide a copy of that complaint to the member of the Association with whom the respondent presently is an associated person. The purpose of the proposed amendment is to provide members with notice of pending actions against associated persons so that they might properly adjust their supervision where appropriate.

Section 19

This proposed amendment will add language which will advise a member of the final disposition of a complaint brought against an associated person. The purpose of this amendment is to protect the rights of the associated person by allowing the member to have knowledge of charges which are dismissed or reduced and to further assist the member in his ability to adjust his supervision according to the nature and seriousness of the findings.

NASD'S STATEMENT OF BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

Section 15A(b)(6) provides that the rules of a registered securities association be "designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade . . . and, in general, to protect investors and the public interest . . ." Section 15A(b)(8) provides that the rules of a registered securities association "provide a fair procedure for the disciplining of . . . persons associated with members . . ." Pursuant to these statutory directives, the Association has adopted Section 27 of its Rules of Fair Practice which imposes upon members extensive responsibilities in the area of supervision of associated persons and a Code of Procedure for Handling Trade Practice

Complaints which provides a comprehensive and fair procedure for the disciplining of members and persons associated with members.

NASD'S STATEMENT AS TO COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON THE PROPOSED RULE CHANGE

Considering the complexity of the issues and serious nature of the personal and public policy factors involved, the Board determined to transmit a Notice to Members requesting comments from members and associated persons on a proposed amendment to Section 6 of the Association's Code of Procedure for Handling Trade Practice Complaints.

Nineteen comment letters were received of which eleven supported the proposal in its entirety, three supported the proposal but would also provide for even more extensive notification of employers, one supported the proposal if privacy rights were protected, two supported the objective of the proposal but proposed a different method of attaining the objective; one posed certain problems regarding NYSE Rule 351 and questioned whether the responsibility of an employer to supervise more closely should be increased, and one was totally opposed to the proposal as violating due process and proper judicial type procedures.

Based on the comments received, the proposed amendment to Section 6 was modified by making it clear that all associated persons would fall within its scope and new amendments to Section 19 were proposed which would provide members with information about the final disposition of complaints involving associated persons.²

²In respect to the suggestion that the same objective be attained by utilizing the Form U-4 and a series of letters advising the associated person of his responsibility to update that from in regard to related questions therein, this alternative was rejected by the Board because non-compliance with updating the Form U-4 is one of the reasons the amended rule was proposed and the suggested procedure would be difficult to administer. Also, it would place the Association in the somewhat ridiculous posture of advising an associated person to inform the Association of a complaint brought and, therefore, already known by the Association.

Regarding a comment that the confidentiality of the proceeding regarding a member would be jeopardized where an associated person works for two members, the name of the employer-member who is also a respondent will be deleted administratively when providing the employer-member with a copy of this complaint.

In respect to the comments on the effect of the proposed rule change on NYSE Rule 351 (which requires NYSE members to inform the NYSE of self-regulatory proceedings against its employee), this is properly a matter to be determined by the NYSE. In regard to the comment that the

NASD'S STATEMENT AS TO BURDEN ON COMPETITION

The proposed rule changes impose no burdens on competition not necessary in the furtherance of the purposes of the Act.

Within 35 days of the date of publication of this notice in the FEDERAL REGISTER, or within such longer period (i) as the Commission may designate up to ninety (90) days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Association consents, the Commission will:

(a) By order approve such proposed rule change, or (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing, including Notice to Members 77-33, copies of all comment letters received in response thereto and a summary chart thereof, and of all other written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the Association at 1735 K Street NW., Washington, D.C. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 15, 1978.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 3, 1978.

[FR Doc. 78-3923 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 34-14436; File No. SR-NYSE-77-24]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15

proposed rule would not impose any duty of increased supervision, the need to increase supervision where appropriate is the basis for the proposed rule change. There was also a suggestion that the complaint be directed to the appropriate compliance officer of the member firm. The complaint would be directed to the Executive Representative or the Financial Principal but the Association does not maintain a mailing list for compliance officers.

U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29 (June 4, 1975), notice is hereby given that on January 30, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission an amendment of a proposed rule change, designated as Amendment No. 1 to File No. SR-NYSE-77-24, as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF AN AMENDMENT TO PROPOSED RULE CHANGE

The instant amendment supplements a proposed rule change (File No. SR-NYSE-77-24) which the New York Stock Exchange, Inc. ("NYSE") filed with the Commission on August 26, 1977. Notice of the original proposal, including a statement of terms of substance, was published for public comment on September 9, 1977 (42 FR 45401) (Release No. 34-13915 (September 1, 1977)).

The August 26, 1977, submission proposed new Rule 103A to provide a non-disciplinary mechanism whereby the NYSE's Market Performance Committee ("MPC") could cancel a member's registration to act as specialist in one or more issues and commence a proceeding to reallocate any such issue, after provision of notice and opportunity for a hearing to the affected member. Paragraph .10 of proposed Rule 103A stipulates minimum standards of acceptable specialist performance which are defined by reference to scores achieved on the NYSE's quarterly evaluation of specialists by means of its Specialist Performance Evaluation Questionnaire ("SPEQ"). Failure to meet any of these minimum performance criteria could trigger action by the MPC under proposed NYSE Rule 103A.

Amendment No. 1 to File No. SR-NYSE-77-24 does not contain any modification of the text of proposed NYSE Rule 103A. Rather, the Exchange has supplemented its earlier responses in Form 19b-4A to the following areas respecting its proposed rule: purpose, statutory basis, comments received, and burden on competition.

SUMMARY OF THE NYSE'S AMENDED STATEMENT OF PURPOSE OF THE PROPOSED RULE CHANGE

The NYSE clarifies how the contemplated procedure under Rule 103A would operate as a non-disciplinary mechanism to effect the eventual reallocation of specialty stocks grounded upon a finding of substandard specialist performance. To accomplish this, NYSE details the following: (1) The content of and computation of performance ratings from the SPEQ; (2) selection of participants for the quarterly surveys; (3) staff procedures for reviewing completed SPEQ's, communicating SPEQ scores to specialists and

meeting with specialists whose performance is deemed to require improvement by virtue of substandard scores; and (4) the process for selecting individual securities as to which a proceeding under proposed Rule 103A might be initiated. In addition, the NYSE reiterates that a specialist whose stock may be put up for reallocation subsequent to a proceeding under the proposed rule would not be prohibited from reapplying for assignment of such an issue through the NYSE's stock allocation procedure or from registering to act as a competing specialist in the issue.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

NYSE'S AMENDED RESPONSE

Proposed new Rules 103A and 103A.10 will provide a method for the Exchange to renew the competition for registration in a stock through reallocation procedures and provide a means for the Exchange to improve the quality of its marketplace and, thus, to remain competitive with other market centers. The rules represent the culmination of years of effort, study and experience in developing a fair and acceptable method of upgrading market quality through performance evaluation and reallocation. The proposed new Rules are consistent with section 6(b)(5) of the Securities Exchange Act of 1934 which, in part, provides for Exchange rules concerned with the administration of the Exchange, and section 11A(a)(1)(C)(ii) which states that the Congress finds that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

NYSE'S AMENDED RESPONSE

The NYSE has not solicited comments on the proposed rule change nor have any written comments been received. The Exchange notes, however, that an Exchange member firm has submitted a written comment to the Securities and Exchange Commission dated September 30, 1977.

That member firm objected [on the grounds] that the SPEQ is subjective, "no more than a popularity poll", and does not provide objective measures of performance. They [the member firm] also noted that the members who evaluate a specialist may also be competitors of the specialist in other areas such as public retail brokerage business, and that the proposed rule

change may actually be anti-competitive in operation.

With regard to the complaint that the SPEQ is subjective, it is helpful to clarify exactly what the SPEQ is. It provides for the numeric evaluation of a specialist organization every quarter over eight precisely defined areas of specialist responsibility by approximately 25 professionals who must deal with that specialist organization on a day-to-day basis while representing the interests of the public investor and who must depend upon that specialist in order to adequately fulfill their responsibility to the public investor. The procedures proposed by Rules 103A and 103A.10 provide further protection for the incumbent specialist by requiring that action to reallocate stocks may be taken only if the consensus of 50 such professionals on two quarterly SPEQ's is that performance is unacceptable, only after repeated counseling/improvement efforts, and only then upon the majority vote of the 23-member MPC which is subject to oversight by the Board-level Quality of Markets Committee and which consists of three members of the Board of Directors, seven specialist members, seven nonspecialist members, three allied members and three representatives of institutional investors.

The NYSE has utilized statistical measures of market characterization for many years as an aid in monitoring market activity. However, no purely statistically generated number can accurately measure specialist performance due in part to the constantly changing character of the market in a stock. Experience has shown that the best measure of specialist performance is the evaluation by their "customers".

Moreover, the SPEQ is far from being a "popularity poll" as the experience of the NYSE demonstrates. This is supported by the fact that SPEQ results for specialist organizations have proven to be very consistent from quarter to quarter; when a specialist organization changes its floor location so that an entirely new mix of floor brokers complete the SPEQ; and when special questionnaires are conducted of a particular specialist organization by the 40 or 50 largest commission firms on the NYSE. In the latter regard, the grades a specialist organization achieves when a special questionnaire of the 40 or 50 largest firms is conducted are very consistent with the SPEQ grades the organization achieved on a regular, quarterly questionnaire.

With regard to the concern expressed that specialists might be evaluated by their competitors, experience with the SPEQ has not shown that this issue is a problem. Had this competitive aspect been a problem, the SPEQ grades of specialist organizations offering larger commission dis-

counts, either floor brokerage or retail, should have been impacted. This, however, is statistically without basis.

BURDEN ON COMPETITION

NYSE'S AMENDED RESPONSE

The proposed rule change does not impose any burden on competition. On the contrary, it provides a procedure to renew the competition for a stock through reallocation, and it provides a procedure whereby the Exchange may maintain and improve the quality of its marketplace and thus remain competitive with other market centers.

On or before March 20, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve the amended proposed rule change, or

(B) Institute proceedings to determine whether the amended proposal should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 6, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 2, 1978.

(FR Doc. 78-3919 Filed 2-10-78; 8:45 am)

[8010-01]

[Release No. 34-14437; File No. SR-NYSE-78-21]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 31,

1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

NEW YORK STOCK EXCHANGE'S ("NYSE") STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The rule provides for a transfer and leasing fee of \$1,000 or five percent of the purchase price or the price of the most recent contracted membership sale (as applicable), whichever is greater, up to a maximum amount of \$5,000. The text of the rule is attached as Exhibit I-A.

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the rule change is to reduce the current transfer fee charged new members who acquire an equity membership through purchase or transfer of a membership in view of the current market price of such membership; adopt a fee for a new member who leases a membership; and provide for a uniform fee for all purchases, transfers, or leases so that any disparity in fees would not serve as an inducement for acquiring any one particular means of membership. The proposed fee is \$1,000 or five percent of the purchase price or the price of the most recent contracted membership sale (as applicable), whichever is greater, up to a maximum amount of \$5,000.

BASIS UNDER THE ACT

The basis under the Act for the proposed rule change is section 6(b)(2) and section 6(b)(4).

(i) Is inapplicable.

(ii) The reduction of transfer fees will enhance the ability of any registered broker or dealer or natural person associated therewith to become a member.

(iii) Is inapplicable.

(iv) The fee will apply equally to all members having an equity interest in the Exchange and lessees of such equity members.

(v) Is inapplicable.

(vi) Is inapplicable.

(vii) Is inapplicable.

(viii) Is inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS, OR OTHERS

No comments were solicited or received with respect to the subject rule change.

BURDEN ON COMPETITION

None. The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may

summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before March 6, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 2, 1978.

Exhibit I-A

1. Text of Proposed Rule Change: New language italicized, Deleted language in [brackets].

Rule 301.27 as amended

Proposed Transfer or Lease of Membership

• • • • •

27 Payments to be made on day of approval of transfer [and] or lease and payments to be made prior to admission to membership.—On the day on which the application for a membership described in Section 1(a) of Article IX of the Constitution is scheduled to be considered, the proposed member (hereinafter referred to as a "new member") must deposit with the Exchange the balance of the purchase price of his membership, [an initiation fee of \$7,500 to the Exchange (Art. IX, Sec. 4 ¶ 1404)] and pay to the Exchange an initial contribution to the Gratuity Fund of \$15 (Art. XVI, Sec. 1 ¶ 1751), [and] the unexpired portion of the transferor's dues for the current quarter (Art. X, Sec. 4 ¶ 1454) [and], and an initiation fee for the transfer of such membership which shall be determined as follows, notwithstanding the provisions of Section 6 of Article IX:

(1) in the event that the new member shall have purchased such membership through a membership auction facility furnished by the Exchange the initi-

ation fee for the transfer of the membership shall be the greater of \$1,000 or five percent of the purchase price paid for the membership, up to a maximum amount of \$5,000;

(2) in the event that:

(i) a member (hereinafter referred to as "outgoing member") whose membership shall be transferred to a new member shall have had a contractual obligation to transfer the membership to such person as may be designated by a member organization of which the outgoing member then shall be either a partner or an officer therein, and

(ii) said contractual obligation shall have been entered into at the same time as the outgoing members shall have acquired said membership, and

(iii) the Exchange at the time said contractual obligation shall have been entered into shall have in writing approved or consented to the entering into of said obligation, and

(iv) the membership of the outgoing member shall in satisfaction of such obligation be transferred to the new member pursuant to such a designation, and the new members shall have substantial the same relationship to and financial interest in the member organization as the outgoing member had, and

(v) the new member shall have a contractual obligation to the same member organization to transfer the membership of the new member to such person as may be designated by the member organization, which obligation shall be upon substantially the same terms and conditions of said contractual obligation of the outgoing member to the member organization.

then the initiation fee for the transfer of the membership shall be the greater of \$1,000 or five percent of the purchase price at which the most recent contracted sale of a membership occurred through the auction facility prior to the date on which notice of the new member is posted, up to a maximum amount of \$5,000;

(3) in the event that the membership of a new member shall have been acquired in a manner other than as contemplated in either clause (1) or clause (2) of this paragraph the initiation fee for the transfer of the membership shall be the greater of \$1,000 or five percent of the purchase price at which the most recent contracted sale of a membership occurred through the auction facility prior to the date on which notice of the new member is posted.

On the day on which an application for a membership described in Section 2 of Article IX of the Constitution is scheduled to be considered, the proposed member shall pay to the Exchange an initiation fee for the leasing of a membership described in Section 1(a) of Article IX which shall be the

greater of \$1,000 or five percent of the purchase price at which the most recent contracted sale of a membership occurred through the auction facility prior to the date on which notice of such new member is posted, up to a maximum amount of \$5,000, and the unexpired portion of the lessor's dues for the then current quarter, provided, however, that no initiation fee shall be required upon the renewal of a lease agreement between the lessor and the lessee. Upon the termination of the lease agreement, the lessor shall pay the lessee the unexpired portion of the dues for the then current quarter.

[FR Doc. 78-3924 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 14428; File No. SR-PSD-77-3]

PACIFIC SECURITIES DEPOSITORY TRUST CO.

Order Approving Rule Change Relating to Designation of the Location of Its Annual Meeting

FEBRUARY 1, 1978.

On December 7, 1977, Pacific Securities Depository Trust Company ("PSDTC"), 301 Pine Street, San Francisco, Calif. 94104, submitted, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), a proposed rule change authorizing its Board of Directors or stockholders to designate the location of PSDTC's annual meeting.

In accordance with section 19(b) of the act and rule 19b-4 thereunder, notice of the proposed rule change was published in the FEDERAL REGISTER (42 FR 65341, December 30, 1977) and the public was invited to comment thereon. Notice of the filing and an invitation for comments also appeared in Securities Release No. 34-14302, December 21, 1977. No letters of comment were received.

The Commission has reviewed the proposed rule change and finds that it is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, Pursuant to section 19(b)(2) of the act, that the proposed rule change contained in File No. SR-PSD-77-3 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3920 Filed 2-10-78; 8:45 am]

[8010-01]

[Release No. 10110; 812-4207]

SHEARSON APPRECIATION FUND, INC. AND THE SHEARSON CAPITAL FUND, INC.

Filing of Application To Exempt a Proposed Merger

FEBRUARY 1, 1978.

Notice is hereby given that The Shearson Appreciation Fund, Inc. ("Appreciation"), and The Shearson Capital Fund, Inc. ("Capital") (collectively, "Applicants"), 505 Park Avenue, New York, N.Y. 10022, both open-end, diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), filed an application on October 17, 1977, and amendments thereto on December 19, 1977, and on January 23, 1978, for an order, pursuant to section 17(b) of the act, exempting from the provisions of section 17(a) of the act a proposed merger of Capital into Appreciation, and pursuant to section 17(d) of the act and Rule 17d-1 thereunder, permitting Shearson Management Inc., ("Management"), to pay certain expenses incurred by Applicants in the proposed merger. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that, on September 30, 1977, the total net assets of Appreciation were \$8,437,927, and those of Capital were \$1,485,593. They state that the Applicants both have long-term capital appreciation as their investment objective, and that they generally invest in similar types of securities.

Applicants state that they have the same investment adviser, Management, which is wholly-owned by Shearson Hayden Stone, Inc., which may be used by Applicants as a broker. Applicants further state that they have the same directors and officers, and that three of those officers are officers or directors of Management and two of Applicants' officers are also officers of Shearson Hayden Stone, Inc.

Capital proposes to merge into Appreciation, with Appreciation to be the surviving fund. On the effective date of such merger, the outstanding shares of Capital's outstanding common stock will be converted into Appreciation's common stock having the same aggregate book net asset value as the shares being converted, as computed on the close of business on the day next preceding the effective date of the merger. Applicants do not anticipate that any of Capital's stock will be sold immediately after the merger. Applicants state that, although shares of Capital presently may be purchased without a sales charge, a sales charge of 8.5 percent is

applicable to single purchases of less than 10,000 Appreciation shares, and that such 8.5 percent sales charge would apply for all single purchases of less than 10,000 shares of the surviving fund. No adjustments to the net asset value of either Applicants' shares will be made to compensate for any potential Federal income tax impact on the stockholders of Capital or Appreciation which might result from differences in each Applicants' present capital loss carryovers because, Applicants assert, utilization of such carryovers is contingent on the future uncertainty of capital gains. Shearson and Capital have tax loss carry forwards of approximately \$8,230,000 and \$1,720,000 respectively, and during their last fiscal year realized additional losses of \$450,000 and \$140,000, respectively. Shearson has net unrealized appreciation of \$762,000 and Capital has net unrealized appreciation of \$126,000.

Applicants represent that the merger is subject to several contingencies, including approval by the shareholders of both Applicants, the grant of all necessary orders and approvals under the Act and under the securities laws generally, and the receipt of opinion of counsel that the transaction will constitute a tax-free reorganization. Dissenting shareholders of the Applicants will have no appraisal rights in connection with the merger but they will have the right to have their shares redeemed at current net asset value in accordance with the act.

Applicants state that Management receives fees for its services from the Applicants at an annual rate of 1/4 of 1 percent of the first \$200 million of each Applicant's average daily net assets, except that (1) if the management fee and all other expenses (exclusive of brokerage commissions, interest and taxes) exceed 1.5 percent of the first \$30 million of each Applicant's average daily net assets (or 1% of such assets in excess of \$30 million) the management fee shall be reduced by such excess, and (2) if all such other expenses (exclusive of brokerage commissions, interest, taxes and extraordinary expenses) exceed 2 percent of each Applicant's average daily net assets, such excess expenses shall be borne absolutely by Management, even if such expenses exceed Management's fee during any given fiscal year.

The application states that for its fiscal year ended March 31, 1977, the ratio of Capital's expenses to net assets would have been 2.2 percent; but that, since by contract the management fee must be reduced by the amount by which it brings the expense ratio over 1.5 percent, Management returned its total fee of \$9,473 which resulted in an actual expense ratio of 1.7 percent after reimbursement. Appli-

cants estimate that, in the event that Applicants merge, the expense ratio (excluding non-recurring merger costs) for the surviving fund would decrease to 1.3 percent, which was the level experienced by Appreciation during 1976. Applicants observe that Management's income may be increased as a result of the merger because the surviving fund's expense ratio is not expected to exceed 1.5 percent, and that, although Management received no fee from Capital during the fiscal year ending March 31, 1977, it would have received additional fees of \$9,473 if the merger had been effective during that year.

Applicants represent that they have agreed with Management that the \$40,000 estimated total expense of the merger will be borne as follows: Appreciation will pay the estimated costs of its annual meeting had the merger not been considered, and directors fees for meetings dealing with the merger (approximately \$5,300); Capital will pay an amount computed on the same basis (approximately \$1,700); and Management will pay the remaining costs up to a maximum of \$20,000. They state that the estimated \$13,000 of costs in excess of that total will be borne by Capital because, they assert, Capital derives the most benefit as between the two funds.

Section 17(a) of the Act provides, in part, that it is unlawful for an affiliated person of a registered investment company, or any affiliated person of such a person, knowingly to sell to such registered investment company any security or other property. Section 2(a)(3) of the Act provides, in part, that an affiliated person of another person means any person directly or indirectly controlling, controlled by, or under common control with, such other person. Applicants state, without conceding, that the Applicants may be deemed to be affiliated persons of one another because each has investment advisory agreements with Management and because the Applicants have certain officers and directors in common with one another and with Management. Section 17(b) of the act provides, in part, that the Commission shall exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Applicants have requested an order pursuant to section 17(b) of the act exempting the proposed merger from provisions of section 17(a) of the act.

Applicants submit that the terms of the proposed merger are reasonable

and fair and do not involve overreaching on the part of any person concerned since Appreciation will be issuing shares to Capital at an exchange ratio based on their relative net asset values and without the payment of any commission. Applicants further submit that approximately \$20,000 of expenses in connection with the merger will be paid by Management. The application states that Appreciation has experienced over the past several years a decline in outstanding shares as well as net assets, that the directors believe this trend may continue, and that the additional assets of Capital will keep Appreciation's expense ratio from rising as fast as it otherwise might. Applicants submit that, if approved by the shareholders of each Applicant, the proposed merger will be consistent with the policies of the Applicants and the general purposes of the act.

Section 17(d) of the act and rule 17d-1 thereunder prohibit, in part, any affiliated person of a registered investment company, acting as principal, from affecting any transaction in which such investment company is a joint participant, unless an application has been filed with the Commission and has been granted by order. In passing upon such applications, the Commission will consider whether the participation of such registered company in such arrangement, on the basis proposed, is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Applicants have requested an order pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder to permit Management to pay certain of the expenses incurred by Applicants in the proposed merger. Applicants and Management submit that the cost-sharing arrangements, summarized above, are reasonable and fair to the parties and are the result of negotiations between the non-interested directors of each Applicant and Management, after taking into account the relative benefits to each party.

Notice is further given that any interested person may, not later than February 24, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address

stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3921 Filed 2-10-78; 8:45 am]

[8010-01]

[Rel. No. 20403; 70-6029]

SOUTHWESTERN ELECTRIC POWER CO.
Proposed Modification of Existing Credit Agreement Between Bank and Utility Company

FEBRUARY 6, 1978.

Notice is hereby given that Southwestern Electric Power Co. ("SWEPCO"), P.O. Box 21106, Shreveport, Louisiana 71156, and electric utility subsidiary of Central and South West Corp. ("CSW"), a registered holding company, has filed a post-effective amendment to its declaration as amended, previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6 and 7 of the act as applicable to the proposed transaction. All interested persons are referred to the declaration, as further amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By Commission order dated August 9, 1977 (HCAR No. 20135), SWEPCO was authorized to enter into a Credit Agreement (the "Agreement") with Bank of America National Trust & Savings Association (the "Bank") in essence establishing an acceptance line of credit ("acceptance credit") for SWEPCO with the Bank to provide a source for financing SWEPCO's periodic acquisition of coal for its Welsh Power Plant pending the collection of revenues from customers reimbursing SWEPCO for the cost of the coal and certain transportation charges. The acceptance credit was made available in a maximum amount of \$5,000,000 and the Agreement also extended to SWEPCO an "advance credit" in a maximum amount of \$500,000 to permit it to borrow the amount of the

Bank's discount and commission. In any event, the maximum aggregate principal amount outstanding of the two credits was not to exceed \$5,000,000.

SWEPCO has now filed a post-effective amendment in this proceeding seeking authorization to effect certain changes in the Agreement. SWEPCO proposes to: (a) increase the amount of loans permitted to be outstanding to \$15,000,000; (b) increase the "advance credit" to \$1,500,000; (c) make the lines of credit available to finance coal and transportation and storage costs for its Flint Creek Power Plant as well as for its Welsh Power Plant; and (d) to change the date to which drafts will be accepted by the Bank from June 1, 1978, to December 31, 1978. SWEPCO further proposes to amend the Agreement to permit it to finance the cost of coal inventory initially purchased by it for cash without utilizing the line of credit under the Agreement, provided that the total borrowings under the amended Agreement do not exceed \$15,000,000 and to enable it to, in effect, extend the due date of any loan under the Agreement so long as the total loan obligation for any single coal purchase invoice is not outstanding for longer than 270 days. SWEPCO states that, other than as set out above, no substantive change will be made in the terms of the Agreement.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at \$5,500. It is stated that the Arkansas Public Service Commission has jurisdiction with respect to the creation of a security interest in coal at the Flint Creek Power Plant. It is further stated that no other state commission and no federal commission, other than this Commission, has jurisdiction with respect to the proposed transaction.

Notice is further given that any interested person may, not later than March 3, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment, or as it may be further amend-

ed, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3916 Filed 2-10-78; 8:45 am]

[8010-01]

[File No. 500-1]

TIGER OIL INTERNATIONAL, INC.**Suspension of Trading**

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Tiger Oil International, Inc., being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 11:15 a.m. (EST) on February 3, 1978, through February 12, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-3917 Filed 2-10-78; 8:45 am]

[4910-59]**DEPARTMENT OF TRANSPORTATION****National Highway Traffic Safety Administration**

[Docket No. EX76-1; Notice 3]

JET INDUSTRIES, INC.**Petition for Temporary Exemption From Motor Vehicle Safety Standards**

Jet Industries, Inc., of Austin, Tex., has applied for a 2-year extension of NHTSA Exemption No. 76-1, from compliance with certain safety standards on the basis that exemption would facilitate the development and field evaluation of a low-emission motor vehicle. The previous exemption (41 FR 7545) expired on January 1, 1978.

Since 1975 Jet has imported the Subaru 360 van, manufactured by Fuji

Heavy Industries of Japan. The vehicle is not marketed in the United States and therefore is not certified as conforming to the Federal motor vehicle safety standards. Upon arrival in the United States these vehicles have had their gasoline-powered engines removed and electric motors substituted. They have been marketed as a truck under the name "Electra Van." Jet has asked for a 2-year exemption and will not import more than 2,500 vehicles during any 12-month period that the exemption is in effect. Thus far 56 vehicles have been sold under the existing exemption. The following is a list of Federal standards or portions thereof for which continued exemption is requested:

No. 101 Control Location, Identification, and Illumination. Section 4.3—Control identification for headlamps, hazard warning, and windshield wiper switches will not be directly illuminated. Ambient light is provided by light from adjoining gauges.

No. 103 Windshield Defrosting and Defogging Systems. Vehicle is furnished with systems but petitioner is unsure if performance requirements are met. Field experience in British Columbia and Connecticut indicates that "the system provides ice and fog free windshields within the limits of the existing standards".

No. 104 Windshield Wiping and Washing Systems. Wiping system has one speed only, with a frequency of 50 cycles per minute.

No. 108 Lamps, Reflective Devices, and Associated Equipment. Petitioner believes that stop, tail, turn signal, and side marker lamps are not of a size required by the standard.

No. 206 Door Locks and Door Retention Components. "Only limited tests as prescribed have been made at this time."

The company seeks no extension of its exemption from Standard Nos. 119 and 207 as compliance has been achieved.

Jet has been selected by the former Energy Research and Development Administration to participate in the Department of Energy's electric and hybrid vehicle development program and will incorporate the knowledge gained from its recent research and experience in developing and supplying the vehicles under this grant.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition for exemption of Jet Industries. Comments should refer to the docket number and be submitted to: Docket

Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent practicable. Notice of final action on the petition will be published in the FEDERAL REGISTER.

Comment date: March 10, 1978.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51, 49 CFR 501.8.)

Issued on February 2, 1978.

ELWOOD T. DRIVER,
Acting Associate Administrator
for Rulemaking.

[FR Doc. 78-3950 Filed 2-10-78; 8:45 am]

[7035-01]**INTERSTATE COMMERCE COMMISSION****Office of Hearings**

[Notice No. 587]

ASSIGNMENT OF HEARINGS

FEBRUARY 8, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 106674 (Sub-No. 226). Schilli Motor Lines, Inc., is assigned for continued hearing on March 20, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 116077 (Sub-No. 382). Robertson Tank Lines, Inc., is assigned for continued hearing on April 11, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 121496 (Sub-No. 3). Cango Corp., is now assigned for continued hearing on April 11, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 102567 (Sub-No. 194). McNair Transport, Inc., is now assigned for continued hearing on April 11, 1978, at the offices of the Interstate Commerce Commission in Washington, D.C.

MC 128270 (Sub-No. 27). Rediehs Interstate, Inc., now assigned February 15, 1978, at Dallas, Tex., is canceled and application dismissed.

MC 113855 (Sub-No. 376). International Transport Inc., now assigned February 22, 1978, at Omaha, Nebr., is canceled and application dismissed.

MC 142766 (Sub-No. 7). White Tiger Transportation, Inc., now assigned February 7, 1978, is canceled and transferred to modified hearings.

MC 87909 (Sub-No. 27). Arrow Motor Freight Lines, Inc., now assigned March 9, 1978, at Chicago, Ill., is canceled and application dismissed.

MC 67121 (Sub-No. 7). Harp Transportation Line, now assigned February 22, 1978, at Denver, Colo., is postponed indefinitely.

AB 57 (Sub-No. 10). Soo Line Railroad Co. Abandonment In Baraga And Houghton Counties, Mich., now assigned March 13, 1978, at Houghton, Mich., is postponed to March 20, 1978, at Houghton, Mich., in a hearing room to be later designated (1 week).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3948 Filed 2-10-78; 8:45 am]

[7035-01]**FOURTH SECTION APPLICATIONS FOR RELIEF**

FEBRUARY 8, 1978.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43501, Erie Western Railway Co. No. 2, rates on grain, from stations on its line in Indiana, and Chicago, Ill., to Chicago, Ill., and Decatur, Ind., in its tariff 6, ICC 6, to become effective March 7, 1978. Grounds for relief—carrier competition.

FSA No. 43502, Southwestern Freight Bureau, Agent's No. B-728, rates on carbolic acid (phenol), from Allemania, La., and points in Texas, to Marietta, Ohio, in sups. 406 and 322 to its tariffs 38-D and 355-C, ICC 5044 and 5062, respectively, to become effective March 8, 1978. Grounds for relief—market competition.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3947 Filed 2-10-78; 8:45am]

[7035-01]

[Notice No. 292]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a

statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77320, filed September 26, 1977. Transferee: GIBNEY DISTRIBUTORS, INC., 300 Old Indian Head Road, Kings Park, N.Y. 11754. Transferor: Muhlenhaupt Movers, Inc., P.O. Box 238, Northport, N.Y. 11768. Applicant's representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, N.Y. 11743. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC 110071 (Sub-No. 1), issued May 4, 1961, as follows: Household goods between points in Suffolk County, N.Y., on the one hand, and, on the other, points in New York, Connecticut, Maine, New Jersey, Pennsylvania, Maryland, Delaware, Rhode Island, Vermont, New Hampshire and District of Columbia. Transferee presently operates as a carrier under Certificate No. MC 124904 (Sub-Nos. 1, 2, & 5). Transferee does not seek section 210a(b) temporary authority.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3944 Filed 2-10-78; 8:45 am]

[7035-01]

[Investigation and Suspension Docket No. M-29665]

PASSENGER FARES—ROCKLAND COACHES, INC.

[Investigation Docket No. 36754]

PASSENGER FARES—MANHATTAN TRANSIT CO.

[Investigation Docket No. 36775]

PASSENGER FARES—HUDSON TRANSIT LINES

JANUARY 27, 1978.

The Interstate Commerce Commission hereby gives notice that its section of Energy and Environment has concluded that the proposed intercity commuter bus passenger fare increases averaging between 6 and 25 percent between New York, N.Y., and adjacent counties in northern New Jersey and New York, if approved by the Commission, do not constitute major Federal actions significantly affecting the quality of the human environment and that preparation of a detailed environmental impact statement will not be required.

It was concluded, among other things, that passenger diversion to other modes as a result of the proposed actions, both individually and cumulatively, would be minimal and, based on past experience, only temporary in duration. If diversion occurs, the environment will be negligibly impacted. The actions, however, are contrary to the policies and plans of state and local officials which call for the expanded use of bus transportation to New York City.

This conclusion is contained in a staff-prepared environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7011.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 28, 1978.

It should be emphasized that the environmental threshold assessment survey represents an evaluation of the environmental issues in the proceedings and does not purport to resolve the issue of whether the involved fare increases are just and reasonable. Consequently, comments on the environmental study should be limited to discussion of the presence or absence of

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environmental impacts and reasonable alternatives.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3946 Filed 2-10-78; 8:45 am]

[1505-01]

[Volume No. 48]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 77-36371 appearing on page 64188 in the issue of Thursday, December 22, 1977 on page 64208 in the middle column, the 1st paragraph beginning, "No. MC 143946 (Sub-No. 1) . . .", the 7th line should read, [Authority is sought to operate as a common carrier, by motor vehicle, over [ir-]regular . . .".

[1505-01]

[Volume No. 39]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 77-30537 appearing on page 55963 in the issue of Thursday, October 20, 1977, on page 55972, in the middle column, the last full paragraph, beginning "No. MC 133841 (Sub-No. 4) . . .", the 8th line should read, ". . . regular routes, transporting: (1) filter-[ing]".

[7035-01]

Office of Proceedings

[Notice No. 8]

SPECIAL PROPERTY BROKERS

FEBRUARY 8, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including Alaska and Hawaii. Any interested person shall file an

original and (1) copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to:

Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, D.C. 20423.

Opposing parties shall serve (1) copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-77-1, filed: November 2, 1977. Applicant: HELEN MAY POLK, d.b.a. POLK'S CONSIGNMENT PARCEL SERVICE, 24 South Main, Willits, Calif. 95490.

B-77-7, filed: November 1, 1977. Applicant: BEKINS MOVING & STORAGE CO., a California corporation, 777 Flower Street, Glendale, Calif. 91201. Applicant representative: Norman S. Marshall, 1335 South Figueroa Street, Los Angeles, Calif. 90015. "Restriction: Initiation of operations subject to applicant's requesting cancellation of all property operations in excess of household goods outstanding in licenses MC 12081 and Sub No. 4."

B-78-1, filed: January 3, 1978. Applicant: NATIONAL CARRIER SERVICE, INC., 8696 South Atlantic Boulevard, Suite 9, South Gate, Calif. 90280. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010.

B-78-6, filed: January 23, 1978. Applicant: MAINE TRUCKER'S EXCHANGE, INC., P.O. Box 791, Presque Isle, Maine 04769. Applicant's representative: Leander Tuttle (same address as applicant).

B-78-7, filed: January 23, 1978. Applicant: ROBCO TRANSPORTATION, INC., d.b.a. REGULATED TRANSPORTATION BROKERS, 4333 Park Avenue, Des Moines, Iowa 50265. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, Minn. 55344.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-3945 Filed 2-10-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: February 16, 1978, 10 a.m.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the Public.

Carcinogenic Hazard Program: The special task force on CPSC's carcinogenic hazard program will brief the Commission.

FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th Street NW., Washington, D.C. 20207, Suite 300, Telephone 202-634-7700.

[S-333-78 Filed 2-9-78; 2:22 pm]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:30 a.m. February 14, 1978.

PLACE: 2033 K Street NW., Washington, D.C. 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement matter regarding non-competitive trading.

Enforcement matter regarding delivery positions.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-322-78 Filed 2-9-78; 9:35 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m. February 14, 1978.

PLACE: 2033 K Street, Washington, D.C. 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

25% Liquidation Rule.
Petition of Abdallah W. Tamari.
Review of March Commission Calendar.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey 254-6314.

[S-323-78 Filed 2-9-78; 9:35 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4649, February 3, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 8, 1978, 10 a.m., continued February 9, 1978, 10 a.m.

CHANGE IN MEETING: "Pending Civil Litigation" has been added. This portion of the meeting will be closed.

KENNETH F. PLUMB,
Secretary.

[S-331-78 Filed 2-9-78; 2:22 pm]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 9:30 a.m., February 15, 1978.

PLACE: 1700 G Street, NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Robert Marshall 202-377-6679.

MATTERS TO BE CONSIDERED:

Association Request for Extension of Time—Perpetual Federal Savings & Loan Association, Washington, D.C.

Agency Office Application—Security First Federal Savings & Loan Association, Daytona Beach, Fla.

Application to Increase Accounts of an Insurable Type through Acquisition by Merger of Mertztown Savings & Loan Association, Mertztown, Pa., into Red Hill Savings and Loan Association, Red Hill, Pa.

Branch Office Application—Standard Federal Savings & Loan Association, Troy, Mich.

Consideration of Withdrawal of Agenda Item P-379—"Rural Branching" Amendment.

Application of Marvin Lang for Approval to Make an Offer to Acquire 8 percent of the Outstanding Shares of Standard Federal Savings & Loan Association Pursuant to §563b.9 of the Rules and Regulations for Insurance of Accounts.

Branch Office Application—Naples Federal Savings & Loan Association, Naples, Fla.

Proposed Permanent RSU Regulation (Proposed amendment to sec. 545.4-2).

No. 134, February 8, 1978.

[S-324-78 Filed 2-9-78; 9:35 am]

[6210-01]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Citation for February 13, 1978 meeting—43 FR 5131, February 7, 1978. Notice for February 15, 1978—sent to Federal Register on February 7, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Monday, February 13, 1978 and 10 a.m., Wednesday, February 15, 1978.

CHANGES IN THE MEETING:

The open meeting on Monday, February 13, 1978 has been cancelled.

The open items have been rescheduled for 10 a.m., Wednesday, February 15, 1978. The closed items, previously announced for Wednesday, will be considered at the conclusion of the open discussion.

In addition to the open items previously announced, the Board will also consider: Proposed guide to conduct for directors of Federal Reserve Banks and regulation to be issued, pursuant to 18

U.S.C. 208, regarding specific actions by such directors. This matter was originally announced for a meeting on February 6, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board: 202-452-3204.

THEODORE ALLISON,
Secretary of the Board.

FEBRUARY 9, 1978.

[S-332-78 Filed 2-9-78; 2:22 pm]

[7025-01]

7

INTER-AMERICAN FOUNDATION.

TIME AND DATE: 6:30 p.m.-10 p.m. February 28, 1978.

PLACE: Board Room, Inter-American Foundation, 1515 Wilson Boulevard, Rosslyn, Va. 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED: (1) 1978 Learning Process; (2) Appropriations Committee submission; (3) Orientation of New Board Members.

CONTACT PERSON FOR MORE INFORMATION:

Helen S. May, 841-3810.

[S-326-78 Filed 2-9-78; 9:35 am]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Cancellations.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Thursday, February 2: 11:15 a.m. briefing by CIA Representatives—relative to safeguards (closed-exemption 1)—(meeting was cancelled).

Thursday, February 9: 2 p.m. affirmation of order for disposition of petitions re Bailly (public meeting)—(meeting is cancelled).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee 202-534-1410.

WALTER MAGEE,
Office of the Secretary.

FEBRUARY 8, 1978.

[S-327-78 Filed 2-9-78; 11:36 am]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 6, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Wednesday, February 8: 2:30 p.m. Discussion of FOIA appeals for EICSB (McTiernan). Report and certain OGC documents.

By unanimous vote on February 8, 1978 the Commission determined pursuant to 5 U.S.C. 552(e)(1) and §9.197(a) of the Commission's Rules that this agenda item be held in open session on less than one week's notice to the public. The item had been announced as a closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated at Washington, D.C. this 8th Day of February, 1978.

WALTER MAGEE,
Office of the Secretary.
[S-328-78 Filed 2-9-78; 11:36 am]

[7600-01]

10

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., February 17, 1978.

PLACE: Room 1101, 1825 K Street, N.W., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson 202-634-7970.

Dated: February 8, 1978.

[S-325-78 Filed 2-9-78; 9:35 am]

[8010-01]

11

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 4539, February 2, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE: Wednesday, February 8, 1977, 10 a.m.

STATUS: Open meeting.

PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING: The following item will not be considered by the Commission at the open meeting on February 8, 1977, at 10 a.m.: Consideration of the issuance of a release which announces the withdrawal on a prospective basis of a prior interpretation concerning the term "single employer" used in section 3(a)(2) of the Securities Act of 1933, with respect to purposes of exemption from registration for interests in certain employee benefits plans.

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

Dated: February 8, 1978.

[S-329-78 Filed 2-9-78; 2:22 pm]

[8010-01]

12

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be printed.

PREVIOUSLY ANNOUNCED TIME AND DATE: Wednesday, February 8, 1977, 10 a.m.

STATUS: Closed Meeting.

PLACE: 500 North Capitol Street, Washington, D.C., Room 825.

CHANGES IN THE MEETING: The following item will not be considered by the Commission at the closed meeting on February 8, 1977, at 10 a.m.: Regulatory matters arising from or bearing enforcement implications.

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

Dated: February 8, 1978.

[S-330-78 Filed 2-9-78; 2:22 pm]

[6714-01]

13

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 2:30 p.m., February 16, 1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open

MATTERS TO BE CONSIDERED:

DISPOSITION OF MINUTES OF PREVIOUS MEETINGS

APPLICATIONS FOR FEDERAL DEPOSIT INSURANCE

Community Bank of Marshall, a proposed new bank to be located at the northwest corner of West College and Miami Streets, Marshall Mo., for Federal deposit insurance.

Town and Country Bank, a proposed new bank to be located at 150 Harbin Drive, Stephenville, Tex., for Federal deposit insurance.

APPLICATIONS FOR CONSENT TO ESTABLISH BRANCHES

Mechanics and Farmers Savings Bank of Bridgeport, Bridgeport, Conn., for consent to establish a branch on the corner of Valley Drive and West Putnam Avenue, Greenwich, Conn.

Orange Savings Bank, Livingston, N.J., for consent to establish a branch at Route 57 and Allan Road (Mansfield Plaza Shopping Center), Mansfield Township, N.J.

Provident Savings Bank, Jersey City, N.J., for consent to establish a branch at Route 130 and Dutch Neck Road, East Windsor Township, N.J.

Request for an extension of time in which to establish a branch

The Arizona Bank, Phoenix, Ariz., for an extension of time to August 1, 1978 in which to establish a branch at Southern Avenue and Longmore Drive, Mesa, Ariz.

Recommendation regarding liquidation of assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets

Case No. 43,384-L—Birmingham Bloomfield Bank, Birmingham, Mich.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receiver-ship and liquidation activities

Schall, Boudreau & Gore, San Francisco, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the liquidation of First State Bank of Northern California, San Leandro, Calif.

Potter, Anderson & Corroon, Wilmington, Del., in connection with the liquidation of assets acquired from Farmers Bank of the State of Delaware, Dover, Del.

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, N.Y.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

Taback & Hyams, Jericho, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

Squire, Sanders & Dempsey, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.

J. Randolph Pelzer, North Charleston, S.C., in connection with the liquidation of American Bank & Trust, Orangeburg, S.C.

Recommendations with respect to the amendment of corporation rules and regulations

Memorandum and resolution recommending the publication for comment of proposed amendments to Part 329 of the Corporation's rules and regulations, entitled

"Interest on Deposits," to allow prearranged automatic transfers from savings accounts to checking accounts.

Memorandum and resolution recommending the publication for comment of a proposed new Part 344 of the Corporation's rules and regulations, to be entitled "Recordkeeping and Confirmation Requirements for Securities Transactions."

Resolution creating a new standing committee of the Corporation, to be entitled the "Budget and Management Committee"

Resolutions delegating authority with respect to the Corporation's Manning Table and its Budget of Administrative Expenses

Reports of committees and officers

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding his transmittal of "no significant effect" competitive factor reports.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-337-78 Filed 2-9-78; 4:08 pm]

[6714-01]

14

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m., February 16, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

APPLICATIONS FOR CONSENT TO ESTABLISH BRANCHES

McMillan & Co., Banker, Livingston, Ala., for consent to establish a branch at 582 Fourth Avenue, York, Ala.

Commercial Bank & Trust Co., Griffin, Ga., for consent to establish a branch at 1448 Highway 16 West, Griffin, Ga.

The Medina County Bank, Medina, Ohio, for consent to establish a branch at 920 North Court Street, Medina, Ohio.

APPLICATION FOR CONSENT TO EXERCISE LIMITED TRUST POWERS

Pennyrille Citizens Bank, Hopkinsville, Ky., for consent to exercise limited trust powers, namely, to exercise the powers of executor and administrator, trustee, guardian, committee, agent, custodian, corporate trustee, corporate agent, and other fiduciary capacity (unspecified).

APPLICATION FOR CONSENT TO MERGE

The Park Avenue Bank, Valdosta, Ga., an insured State nonmember bank, for consent

to merge under its charter and title with Investors of Georgia, Inc., Valdosta, Ga., a noninsured financial company.

APPLICATION FOR CONSENT TO MERGE AND ESTABLISH A BRANCH

Bank of Versailles, Versailles, Ind., an insured State nonmember bank, for consent to merge under its charter and title with the Cross Plains State Bank, Cross Plains, Ind., also an insured State nonmember bank, and for consent to establish the sole office of the Cross Plains State Bank as a branch of the resultant bank.

Requests pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of persons convicted of offenses involving dishonesty or a breach of trust as directors, officers, or employees of insured banks

Names of persons and of banks authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets

Case No. 43,338-L (amended)—International City Bank and Trust Co., New Orleans, La.

Case No. 43,360-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,365-L—The Bank of Bloomfield, Bloomfield, N.J.

Case No. 43,368-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,374-L—Franklin National Bank, New York, N.Y.

Case No. 43,375-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,378-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,379-SR—Sharpstown State Bank, Houston, Tex.

Case No. 43,381-NR—San Francisco National Bank, San Francisco, Calif.

Case No. 43,382-L—Franklin National Bank, New York, N.Y.

Case No. 43,385-L—Birmingham Bloomfield Bank, Birmingham, Mich.

Case No. 43,386-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,387-L—Northeast Bank of Houston, Houston, Tex.

Case No. 43,389-L—The Hamilton Bank and Trust Co., Atlanta, Ga.

Case No. 43,390-L—International City Bank and Trust Co., New Orleans, La.

Case No. 43,392-L—American Bank & Trust, Orangeburg, S.C.

Case No. 43,393-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,394-NR—United States National Bank, San Diego, Calif.

Case No. 43,395-L—Farmers Bank of the State of Delaware, Dover, Del.

Case No. 43,398-L—First State Bank of Hudson County, Jersey City, N.J.

Case No. 43,399-L—State Bank of Clearing, Chicago, Ill.

Memorandum re: United States National Bank, in Receivership, San Diego, Calif.

Memorandum re: American City Bank & Trust Co., National Association, in Liquidation, Milwaukee, Wis.

Memorandum and resolution proposing the approval of an "Insider Disclosure Agreement" in connection with the Cor-

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SUNSHINE ACT MEETINGS

poration's assistance to Bank of the Commonwealth, Detroit, Mich.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings or termination-of-insurance proceedings against certain insured banks

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Request for an extension of time in which to file exceptions to the recommended decision of an administrative law judge in connection with cease-and-desist proceedings, pursuant to section 8(b) of the Federal Deposit Insurance Act, against an insured State nonmember bank

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, et cetera

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6)).

Grievance officer's findings and recommendations in connection with the formal grievance of a corporation employee

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary,
202-389-4446.

[S-338-78 Filed 2-9-78; 4:08 pm]

[6320-01]

15

NOTICE OF DELETION AND ADDITION OF ITEMS OF THE FEBRUARY 9, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10a.m.—February 9, 1978

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (Addition) 28. Docket 32042, "New Low" fares proposed by TWA (BFR). (Deletion) 26. Docket 31993, Rules governing the acceptance and carriage of handicapped persons proposed by various carriers (BFR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

SUPPLEMENTARY INFORMATION: Delta's complaint was received after the Board's staff had submitted their list of items for the February 9, calendar. TWA's answer was received on

February 6. The Board must act by February 14. Therefore, unless the Board wishes to consider the proposal on relatively short notice on February 9 either a special meeting will have to be scheduled or the matter will have to be handled by notation. Accordingly, the following Members have voted that agency business requires the addition of this item to the agenda of February 9, 1978 and that no earlier announcement of this addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Mella
Member, Elizabeth E. Bailey

It now appears that staff coordination of the recommendation on this item cannot be completed in time for submission of recommendation to the Board in time for the scheduled meeting. If the Board is to suspend the proposed rules, such action must be taken no later than February 14. Therefore, a special meeting may be required on this item. Accordingly, the following Members have voted that agency business requires the deletion of this time to the agenda of February 9, 1978 and that no earlier announcement of this deletion was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Mella
Member, Elizabeth E. Bailey

[S-334-78 Filed 2-3-78; 3:51 pm]

[6320-01]

16

[M-99 Amdt. 2, Feb. 8, 1978]

NOTICE OF ADDITION OF ITEM TO THE FEBRUARY 9, 1978 MEETING AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 9, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 8a. Motion by Nationwide Leisure Corp. to withhold information from public disclosure and petition by Nationwide Leisure Corp. for review of staff action rejecting recent Nationwide charter filings (OGC, BOR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

SUPPLEMENTARY INFORMATION: On January 27, 1978, the Bureau of Operating Rights by letter rejected charter filings made by Nationwide. On January 30, 1978, counsel for Nationwide filed a motion to withhold from public disclosure pursuant to

Rule 39 of the Board's Rules of Practice certain information contained in that letter and to withhold its motion. On February 2, 1978, counsel for Nationwide provided each Member of the Board with documents which requested Board review of staff action in a closed session on an expedited basis. On February 6, 1978, counsel for Nationwide provided each Member with a "Supplement" to Nationwide's February 2, 1978 documents.

Since ordinarily the Board's staff responses to charter filings are made publicly available as a matter of course, and so that Nationwide and the public can have the benefit of prompt Board determination of Nationwide's requests, the following Members have voted that agency business requires the addition of this item to the Board's open meeting agenda on February 9, 1978 and that no earlier announcement of the addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Richard J. O'Mella
Member, Elizabeth E. Bailey

[S-335-78 Filed 2-9-78; 3:15 pm]

[6320-01]

17

[M-99, Amdt. 3, Feb. 8, 1978]

NOTICE OF DELETION OF ITEM FROM THE FEBRUARY 9, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., February 9, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 10. Docket 29445, Las Vegas-Dallas/Fort Worth Nonstop Service Investigation (recommendation on petition for review) (OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

SUPPLEMENTARY INFORMATION: The staff's recommendation on item 10 is still in preparation and the public target date for Board action has been moved from February 10 to March 6. Accordingly, the following Members have voted that agency business requires the deletion of item 10 from the February 9, 1978 agenda and that no earlier announcement of this deletion was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Mella
Member, Elizabeth E. Bailey

[S-336-78 Filed 2-9-78; 3:51 pm]

MONDAY, FEBRUARY 13, 1978
PART II



DEPARTMENT OF TRANSPORTATION

Coast Guard

LIGHTS TO BE
DISPLAYED
ON PIPELINES

Proposed Requirement

Proposed Requirement

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 80, 90, and 95]

[CGD 73-216]

LIGHTS TO BE DISPLAYED ON PIPELINES

Proposed Requirements

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to require that pipelines, whether attached to dredges or disengaged from dredges, display at night a row of flashing yellow lights not more than 12 feet nor less than four feet above the water. The regulations currently require pipelines attached to dredges to display a row of amber lights not more than 12 feet nor less than eight feet above the water. These changes are being proposed because of the limited effectiveness of the existing lights and because pipelines disengaged from dredges are not under the existing requirements. Changing the characteristic of the yellow lights from fixed to flashing is intended to make it easier for the lights to be distinguished against most backgrounds. Reducing the lower height limit is intended to give the dredge operators more flexibility in placing the row of lights so that in areas of heavy recreational boating traffic the lights can be placed at a height closer to the level of the line of vision of the person operating the boat. The change in terminology from amber to yellow is consistent with the International Regulations for Preventing Collisions at Sea, 1972.

DATE: Comments must be received on or before March 30, 1978.

ADDRESS: Comments should be submitted to Commandant (G-CMC/81), (CGD 73-216), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a

PROPOSED RULES

comment should include his name and address, identify this notice (CGD 73-216) and the specific section of the proposal to which his comment applies, and give the reasons for his comment. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the *FEDERAL REGISTER* if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: CDR David L. Parr, Project Manager, Office of Marine Environment and Systems, and Mr. Stephen D. Jackson, Project Attorney, Office of Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

Because of the background lighting in many dredge operating areas, it is often difficult to visually distinguish the row of fixed amber lights on the pipelines. Requiring that these lights be flashing should make it easier for the mariner to see them. Terminology has been changed from amber to yellow to be consistent with the International Regulations for Preventing Collisions at Sea, 1972.

Recreational boaters have had problems in the past identifying the lights as lights on a pipeline since the lights can be much higher than the boats. This proposal does not require that the lights be lowered to four feet above the water but it allows the dredge operator to lower them. This could be effective when the pipeline is in an area of heavy recreational boating traffic.

The existing regulations for pipelines apply only to pipelines attached to dredges. The proposed amendments would add new sections to apply to pipelines when they are disengaged from dredges at night. There have been incidents where a dredge has left the pipeline floating or supported on trestles at night with no lights. A few vessels have run into these unlighted pipelines resulting in injury to the passengers and damage to the vessels. The adoption of this proposal is expected to improve the ability of mariners operating at night to detect and properly identify floating dredge pipelines, thereby, contributing to an increase in navigation safety on U.S. inland waters.

The original notice of proposed rulemaking appeared in the September 19, 1974, issue of the *FEDERAL REGISTER* (39 FR 33709). That document proposed flashing lights and a lower height above water for the lights.

Comments received supported the proposal but requested that pipelines disengaged from dredges also be included in the requirements. These requests have merit but to incorporate pipelines disengaged from dredges in the final rule exceeded the scope of the notice; therefore, this second notice is being published.

In consideration of the foregoing it is proposed to amend Subchapters D, E, and F of Chapter I of Title 33 CFR as follows:

PART 80—PILOT RULES FOR INLAND WATERS

1. By revising § 80.23 to read as follows:

§ 80.23 Lights to be displayed on pipelines attached to dredges.

(a) Dredges must display on pipelines attached to them, when the pipelines are floating or supported on trestles, the following lights at night:

(1) One row of flashing yellow lights. The lights must be—(i) Flashing from 50 to 70 times per minute; (ii) visible all around the horizon; (iii) not less than four and not more than 12 feet above the water; (iv) approximately equally spaced; and (v) not more than 30 feet apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's location and direction.

(2) Two red lights on the shore or discharge end of the pipeline. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline attached to the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(Sec. 2, 30 Stat. 102 as amended (33 U.S.C. 157); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

2. By adding a new § 80.23a as follows:

§ 80.23a Lights to be displayed on pipelines that are disengaged from dredges.

(a) If dredges disengage from pipelines and the pipelines remain either floating or supported on trestles, the dredges must—

(1) Display the lights on the pipeline as required in § 80.23 (a)(1) and (a)(2); and

(2) Display two red lights on the end that has been disengaged from the dredge. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline disengaged from the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(14 U.S.C. 85, as amended); 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

PART 90—PILOT RULES FOR THE GREAT LAKES

3. By revising § 90.27 to read as follows:

§ 90.27 Lights to be displayed on pipelines attached to dredges.

(a) Dredges must display on pipelines attached to them, when the pipelines are floating or supported on trestles, the following lights at night:

(1) One row of flashing yellow lights. The lights must be—(i) Flashing from 50 to 70 times per minute; (ii) visible all around the horizon; (iii) not less than four and not more than 12 feet above the water; (iv) approximately equally spaced; and (v) not more than 30 feet apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's location and direction.

(2) Two red lights on the shore or discharge end of the pipeline. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline attached to the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(Sec. 3, 28 Stat. 649, as amended (33 U.S.C. 243); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

4. By adding a new § 90.27a as follows:

§ 90.27a Lights to be displayed on pipelines that are disengaged from dredges.

(a) If dredges disengage from pipelines and the pipelines remain either floating or supported on trestles, the dredge must—

(1) Display the lights on the pipelines as required in § 90.27 (a)(1) and (a)(2); and

(2) Display two red lights on the end that has been disengaged from the dredge. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline disengaged from the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(14 U.S.C. 85, as amended); 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

PART 95—PILOT RULES FOR WESTERN RIVERS

5. By revising § 95.57 to read as follows:

§ 95.57 Lights to be displayed on pipelines attached to dredges.

(a) Dredges must display on pipelines attached to them, when the pipelines are floating or supported on trestles, the following lights at night:

(1) One row of flashing yellow lights. The lights must be—(i) Flashing from 50 to 70 times per minute; (ii) visible all around the horizon; (iii) not less than four and not more than 12 feet above the water; (iv) approximately equally spaced; and (v) not more than 30 feet apart where the pipeline crosses a navigable channel. Where the pipeline does not cross a navigable channel the lights must be sufficient in number to clearly show the pipeline's location and direction.

(2) Two red lights on the shore or discharge end of the pipeline. The

lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline attached to the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(Sec. 4, 62 Stat. 250, as amended (33 U.S.C. 353); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

6. By adding a new § 95.57a as follows:

§ 95.57a Lights to be displayed on pipelines that are disengaged from dredges.

(a) If dredges disengage from pipelines and the pipelines remain either floating or supported on trestles, the dredges must—

(1) Display the lights on the pipeline as required in § 95.57 (a)(1) and (a)(2); and

(2) Display two red lights on the end that has been disengaged from the dredge. The lights must be—(i) Visible all around the horizon; and (ii) three feet apart in a vertical line with the lower light the same height above the water as the nearest flashing yellow light.

(b) If a section of the pipeline disengaged from the dredge is opened at night for the passage of vessels, the dredge must display, at each end of the opening, the lights required in paragraph (a)(2) of this section.

(14 U.S.C. 85, as amended); 80 Stat. 937, as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 3, 1978.

O.W. SILVER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-3958 Filed 2-10-78; 8:45 am]

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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a continuing numerical listing of public bills which have become law, the text of which is not published in the FEDERAL

REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

H.R. 5054..... Pub. L. 95-228
To repeal section 3306 of title 5, United States Code, to eliminate the requirement of apportionment of appointments in the departmental service in the District of Columbia. (Feb. 10, 1978; 92 Stat. 25) Price \$50.

H.R. 5322..... Pub. L. 95-227
"Black Lung Benefits Revenue Act of 1977". (Feb. 10, 1978; 92 Stat. 11) Price \$80.

6203

presidential documents

[3195-01]

Title 3—The President

Memorandum of January 18, 1978

Waiver of the Limitation on the Aggregate of Military Assistance Granted Under the Foreign Assistance Act of 1961, and of Credits Extended and Loans Guaranteed Under the Arms Export Control Act for African Countries in Fiscal Year 1978

[Presidential Determination No. 78-2]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, January 18, 1978.

Pursuant to the authority vested in me by Section 33(b) of the Arms Export Control Act, as amended, I hereby determine that the waiver of the limitations of Section 33(a) of the Arms Export Control Act, as amended, for fiscal year 1978 is important to the security of the United States.

You are requested, on my behalf, to report this determination promptly to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, as required by law.

This determination shall be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc. 78-4168 Filed 2-10-78; 4:13 pm]

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FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

UMI

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[1505-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 330—RECRUITMENT, SELECTION AND PLACEMENT (GENERAL)

Employment in the Excepted Service; Recruitment, Selection, and Placement; Restoration to Duty; Appeals to the Commission

Correction

In FR Doc. 78-1308, appearing at page 2378 in the issue of Tuesday, January 17, 1978, the last section heading in column three should read, "§ 330.201 Priority in filling vacancies."

[3410-01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

Service of Process

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document designates the General Counsel as the official to accept legal process in actions brought to enforce a Department of Agriculture employee's obligation to provide child support or make alimony payments. The rule is necessary to implement recent legislation.

FOR FURTHER INFORMATION CONTACT:

Robert L. Siegler, Deputy Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6035.

SUPPLEMENTARY INFORMATION: Section 459 of the Social Security Act, 42 U.S.C. 659, provides that the United States shall be subject to legal process brought for the enforcement of legal obligations of employees to provide child support or make alimony payments. Section 501 of Pub. L. 95-30 amended section 459 of the Social Security Act to provide that service of legal process shall be accomplished by certified or registered mail, or by personal service upon the appropriate agent designated for receipt of such service, or if no agent has been design-

nated, then upon the head of the governmental entity. The purpose of this document is to designate the General Counsel as the agent of the Secretary upon whom legal process for the enforcement of child support or alimony payments owed by employees of the Department of Agriculture shall be made.

Accordingly, § 1.41 of Title 7, Code of Federal Regulations is amended as follows:

Subpart C—Judicial Proceedings

Section 1.41 is amended by adding at the end thereof a new sentence to read as follows:

§ 1.41 Service of process.

• • • Service of process shall be made upon the General Counsel to enforce child support or alimony payments owned by employees of the Department either personally or by certified or registered mail, return receipt requested.

Done this 8th day of February, 1978.

BOB BERGLAND,
Secretary of Agriculture.

[FR Doc. 78-4069 Filed 2-13-78; 8:45 am]

[3410-05]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

PART 724—FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) TOBACCO

Notice of Referendums

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Referendums.

SUMMARY: This notice announces that two separate referendums will be conducted by mail during the period February 21-24, 1978 for producers of cigar-binder (types 51 and 52) and cigar-filler and binder (types 42-44 and 53-55) tobaccos. The law requires that these referendums be held before March 2, 1978. This notice is intended to inform producers of the time and method of referendums.

DATES: Referendums will be held February 21-24, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Tarczy, 202-447-7601.

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

SUPPLEMENTARY INFORMATION: Notice was given (42 FR 65202) that consideration would be given to data, views, and recommendations on establishing the date or period for holding the referendums for cigar-binder (types 51 and 52) and cigar-filler and binder (types 42-44 and 53-55) tobaccos and whether the referendums should be conducted at polling places rather than by mail ballot. No comments were received from outside the agency concerning these items.

NOTICE OF REFERENDUMS

Referendums will be held by mail ballot during the period February 21-24, 1978, inclusive, to determine whether cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42-44 and 53-55) tobacco farmers are in favor of or opposed to national marketing quotas for the 1978-79, 1979-80, and 1980-81 marketing years. The referendums will be conducted in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1312(c)) and the regulations contained in 7 CFR Part 717.

The Agricultural Stabilization and Conservation Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C. on: February 9, 1978.

RAY FITZGERALD,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 78-4152; Filed 2-13-78; 8:45am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION¹

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 214—MANDATORY CANADIAN CRUDE OIL ALLOCATION REGULATIONS

Amendments to Canadian Allocation Program and Crude Oil Buy/Sell Program

AGENCY: Economic Regulatory Administration, Department of Energy.

¹Editorial Note: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") is adopting amendments to its Mandatory Canadian Crude Oil Allocation Regulations ("Canadian Allocation Program") and its Mandatory Crude Oil Allocation Program ("Buy/Sell Program") to assist refineries serving the Northern Tier in obtaining additional supplies of crude oil to offset reductions in Canadian exports. The amendments to the Canadian Allocation Program will permit first priority refineries dependent upon the diminishing supply of Canadian light crude oil to develop alternate supply sources for non-Canadian light crude oil through exchanges of Canadian heavy crude oil. To mitigate the potentially adverse impact of this amendment on priority refineries that historically processed Canadian heavy crude oil, such refineries will be accorded a preference with respect to the allocation of such crude oil. The amendments to the Buy/Sell Program eliminate the base period ceiling on purchases with respect to any first priority refinery owned by a refiner-buyer, so that purchases may be made on the same basis as for other refineries. Refiner-sellers will be required to deliver the additional volume of crude oil to such refiner-buyer's refinery or, if that is not practical, to a point in the United States acceptable to both the refiner-seller and refiner-buyer for exchange by the refiner-buyer for Canadian crude oil.

DATES: Effective April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Deanna Williams (DOE Reading Room), Department of Energy, 12th and Pennsylvania Avenue NW., Room 2107, Washington, D.C. 20461, 202-566-9161.

Ed Vilade (Media Relations), Department of Energy, 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Robert G. Bidwell, Jr. (Canadian Allocation Program and Buy/Sell Program), Economic Regulatory Administration, 2000 M Street NW., Room 6128-P, Washington, D.C. 20461, 202-254-9707.

Robert J. Kane (Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-254-7477.

Samuel M. Bradley or Jack Kendall (Office of General Counsel), Depart-

ment of Energy, 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION:

I. Background.

II. Discussion of Comments. A. Canadian Allocation Program. B. Buy/Sell Program.

III. Amendments Adopted. A. Canadian Allocation Program. B. Buy/Sell Program.

I. BACKGROUND

On December 8, 1977, the ERA issued a notice of proposed rulemaking and public hearing (42 FR 62493, December 13, 1977) to revise the Canadian Allocation Program (10 CFR Part 214) and the crude oil Buy/Sell Program (10 CFR 211.65). The proposed amendments to the Canadian Allocation Program regulations would have modified § 214.31(g)(1) to permit barrel-for-barrel exchanges (and matching purchase and sale transactions which have the same effect as an exchange) of Canadian heavy crude oil for non-Canadian source crude oil by first priority refineries, provided the crude oil received by the first priority refinery making such an exchange was processed in that refinery. As is the case under the current regulations, the proposed amendment would have permitted only quality and location differentials to be given effect in the calculation of the exchange ratio. The rationale for modifying the exchange provision in this regard was that some first priority refineries would be able to obtain additional supplies of crude oil through exchanges of Canadian heavy crude oil for domestic crude oil, which otherwise would be unavailable due to the supplier/purchaser rule set forth in § 211.63.

The ERA recognized the possibility that under the proposed amendment some first priority refineries that did not use or used only a small volume of Canadian heavy crude oil in the base period might nominate for a substantial volume of Canadian heavy crude oil solely for the purposes of exchanges, thereby resulting in a reduced allocation for heavy crude oil for first priority refineries that are dependent thereupon. To ensure that first priority refineries that processed Canadian heavy crude oil in the base period would continue to receive an equitable share of allocable Canadian heavy crude oil, the ERA also proposed to amend the allocation method for Canadian heavy crude oil set forth in § 214.31(a)(3) to accord such refineries a preference with respect to the al-

location of this crude oil. Under the proposed amendment, the base period volume entitlement for Canadian heavy crude oil of such first priority refineries would have been satisfied before any rights for Canadian heavy crude oil were issued to first priority refineries that did not process Canadian heavy crude oil in the base period. As is the case under the current regulations, all first priority refineries, irrespective whether they processed Canadian heavy crude oil in the base period, would have been permitted to fill out their total base period volume of Canadian crude oil with Canadian heavy crude oil before any rights for Canadian heavy crude oil would be issued for any second priority refinery.

The proposed amendments to the Buy/Sell Program would have eliminated the base period—"ceiling" in § 211.65(b)(4) which limits purchases of domestic crude oil by a refiner-buyer for processing in any first priority refinery owned by the refiner-buyer to the average volumes thereof purchased by that refiner-buyer for that refinery in the period September 1, 1976 through August 31, 1977. The proposal to eliminate the ceiling was predicated on the ERA's determination that refiners affected by the ceiling may not have the ability to offset the substantial reductions in exports of Canadian crude oil and that for such refiners the Buy/Sell Program may be the only viable supply source. Since most refiner-sellers might have difficulty delivering additional domestic crude oil into the Northern Tier, the proposed amendment provided that if the additional volume of crude oil was not practical for delivery to a refiner-buyer's refinery, a refiner-seller could deliver the additional crude oil to a location in the United States at which it would be practical for the refiner-buyer to exchange the crude oil for Canadian crude oil.

II. DISCUSSION OF COMMENTS

Written comments were invited on the proposed amendments to the Buy/Sell and Canadian Allocation Programs through January 13, 1978. Two hundred and fifty-eight written comments were received, including two hundred and twenty written comments on behalf of Murphy Oil Corporation. The comments submitted on Murphy's behalf uniformly urged regulatory action favorable to Murphy's refinery at Superior, Wisconsin, but generally did not offer substantive comments on the proposed amendments. In addition, thirteen persons testified at the public hearing held in Washington, D.C. on January 10, 1978. The commenters included trade associ-

ations, a labor union, State and local governments, members of Congress, and major, large independent, and small refiners.

A. CANADIAN ALLOCATION PROGRAM

The comments were divided with respect to the proposed amendment to the Canadian Allocation Program to provide first priority refineries greater flexibility in exchanging Canadian crude oil. Refiners which did not process or processed only small volumes of Canadian heavy crude oil in the base period generally contended that the proposal would permit first priority refineries that are largely dependent upon the diminishing supply of Canadian light crude oil to develop alternate supply sources for non-Canadian light crude oil through exchanges. These commenters also expressed agreement with the ERA's determination that the current allocation method for Canadian heavy crude oil should be modified to ensure that refineries that processed Canadian heavy crude oil in the base period continue to receive an equitable share of the available Canadian heavy crude oil.

Firms owning first priority refineries that processed Canadian heavy crude oil in the base period were generally critical of the proposed amendments to the Canadian Allocation Program. These firms argued that it is inconsistent with the program's underlying rationale of allocating "wet barrels"—crude oil which can be processed in the recipient refinery—to permit first priority refineries which do not have the capability to process or receive Canadian heavy crude oil to exchange such crude oil for non-Canadian crude oil. It was contended that permitting such first priority refineries to nominate for Canadian heavy crude oil solely for the purposes of exchanges would result in reduced allocations for heavy crude oil for both first and second priority refineries that are dependent thereupon. In this connection, several first priority refineries contended that the proposed modification of the allocation method for Canadian heavy crude oil would not ensure allocations of Canadian heavy crude oil sufficient to meet their current operating requirements for such crude oil. These commenters recommended that if the amendment to provide greater exchange flexibility for first priority refineries is adopted as proposed, the allocation method be modified to ensure that the nominations for Canadian heavy crude oil of first priority refineries that have the capability to receive and process such crude oil are satisfied before any heavy crude oil is allocated to other first priority refineries.

A number of the commenters contended that permitting first priority

refineries to exchange Canadian heavy crude oil for non-Canadian crude oil might further burden the mid-continent pipeline system, which is currently operating at near capacity, thereby depriving refineries outside the Northern Tier, particularly second priority refineries, of pipeline space upon which they are dependent for their crude oil supplies. Some of the comments which addressed the proposed amendment to the Buy/Sell Program expressed similar concerns. The ERA is not persuaded by the evidence presented in this proceeding that the amendments will in fact result in an increase in demand for shipments through the mid-continent pipeline system. However, even if this does occur, the ERA believes the amendments are nevertheless justified to facilitate the distribution into the Northern Tier of additional crude oil.

It is the ERA's conclusion from the record in this proceeding that the amendments to the Canadian Allocation Program should be adopted substantially as proposed. Permitting first priority refineries to exchange Canadian heavy crude oil for non-Canadian crude oil should assist such refineries dependent upon the declining exports of Canadian light feedstocks in obtaining additional supplies of light crude oil. To the extent this occurs, the amendment will further the purpose of the Canadian Allocation Program, stated in 10 CFR 214.1, which is "... to mitigate the adverse effects on dependent firms of the scheduled reductions in export levels of Canadian crude oil". Although the amendment may result in reduced allocations for Canadian heavy crude oil for refineries which have historically processed such crude oil, this potential hardship clearly is outweighed by the benefits which may accrue to first priority refineries dependent upon Canadian light crude oil. However, on the basis of the comments, the ERA is modifying the proposed method for allocating Canadian heavy crude oil in two respects. First, the amendments adopted will accord first priority refineries a greater preference by satisfying the requirements for heavy crude oil of such refineries before any second priority refinery is allocated heavy crude oil in excess of its base period use thereof. Second, the allocation method will accord second priority refineries that historically processed Canadian heavy crude oil a preference over other second priority refineries. The ERA believes that these modifications will ensure that all first and second priority refineries that processed Canadian heavy crude oil in the base period will receive an equitable share of the available supply of such crude oil.

B. BUY/SELL PROGRAM

The majority of the commenters supported the ERA's proposal to elimi-

nate the base period ceiling on purchases with respect to any first priority refinery owned by a refiner-buyer, so that purchases could be made on the same basis as for other refineries. These commenters generally contended that the ceiling on purchase opportunities of such refiner-buyers is no longer justified in light of the substantial reduction in exports of Canadian crude oil. Only three of the refiner-sellers commenting opposed the proposed amendment, principally on the ground that it would reduce the incentives of such refiner-buyers to secure alternate crude oil supplies. It was also contended that few, if any, refiner-sellers have access to supplies of domestic crude oil in the Northern Tier area for sale under the Buy/Sell Program or the capability to deliver additional domestic crude oil into the Northern Tier. On the other hand, several refiner-sellers expressed the view that the proposed flexibility for delivering additional allocated crude oil to the refiner-buyers affected by the elimination of the ceiling should provide sufficient protection to most refiner-sellers. However, inasmuch as the mid-continent pipeline system is currently operating at near capacity, the ERA has determined to modify the proposed delivery provision to emphasize the refiner-buyers' responsibility in actively assisting the refiner-sellers in arranging the delivery to a mutually acceptable location in the United States for exchange for Canadian crude oil.

A number of the commenters in this proceeding urged the ERA to amend the current "re-entry" provision in § 211.65(a)(5) of the Buy/Sell Program regulations to permit small refiners that currently are ineligible for an allocation to re-enter the Buy/Sell Program in the event they incur a twenty-five percent reduction in their total supply of domestic and Canadian crude oil. The provision presently permits re-entry only if a refiner can demonstrate a twenty-five percent reduction in its supply of domestic crude oil. While the ERA appreciates the rationale of this regulatory amendment and believes it would assist a number of small refiners in obtaining non-Canadian crude oil to offset the reductions in Canadian exports, the amendment is beyond the scope of the notice of proposed rulemaking upon which this final rule is predicated. However, the ERA intends to propose the amendment in the near future.

III. AMENDMENTS ADOPTED

Based on its analysis of the material submitted in the public hearing and in the written comments, and upon all other information available to it, the ERA has determined to adopt the amendments to the Buy/Sell Program and the Canadian Allocation Program

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essentially as proposed, with the modifications discussed above.

A. CANADIAN ALLOCATION PROGRAM

Under the amendments adopted today, first priority refineries will be permitted to make barrel-for-barrel exchanges (and matching purchase and sale transactions which have the same effect as an exchange) of Canadian heavy crude oil for non-Canadian source crude oil, provided the crude oil received by the first priority refinery making such an exchange is processed in that refinery. As is the case under the current regulations, only quality and location differentials are to be given effect in the calculation of the exchange ratio.

The ERA is adopting the allocation method for Canadian heavy crude oil as proposed with the modifications explained above. The amendments adopted today establish a six-step procedure for the allocation of Canadian heavy crude oil. First, as proposed, the ERA will issue a number of rights for heavy crude oil to first priority refineries that processed Canadian heavy crude oil in the base period equal to their respective base period volumes of such crude oil. Second, ERA will issue a number of rights for heavy crude oil to all first priority refineries equal to their respective total base period volumes of Canadian light and heavy crude oil, less any rights previously issued for Canadian light and heavy crude oil for that allocation period. The third through the sixth steps reflect modifications to the proposal. Thus, in the third step, rights for heavy crude oil will be issued to second priority refineries that processed Canadian heavy crude oil in the base period with reference to their respective base period volumes of such crude oil. In the fourth step, additional rights for heavy crude oil will be issued to all first priority refineries with reference to their respective nominations or their refining capabilities, whichever is less. Fifth, rights for heavy crude oil will be issued to all second priority refineries with reference to their respective total base period volumes of Canadian light and heavy crude oil, less any rights issued for Canadian light and heavy crude oil for that allocation period. Sixth, rights for heavy crude oil will be issued to all second priority refineries with reference to their respective nominations or their refining capabilities, whichever is less.

B. BUY/SELL PROGRAM

The amendments adopted today will eliminate the ceiling set forth in §211.65(b)(4) on purchase opportunities of refiner-buyers that own first priority refineries, thereby permitting such refiner-buyers to purchase their full allocation for such refineries

under the Buy/Sell Program. The ERA also is adopting essentially as proposed the amendment governing delivery by refiner-sellers of volumes of crude oil required to be sold as a result of elimination of the ceiling. Under this amendment, if the additional volume of crude oil is not practical for delivery to a refiner-buyer's refinery, a refiner-seller will be required to deliver such additional volume of crude oil to a location in the United States which is practical for the refiner-buyer to exchange the crude oil for Canadian crude oil. As discussed above, the exchange point must be acceptable to both the refiner-buyer and refiner-seller. Further, as a precondition to such a sale, the refiner-buyer concerned will be required to obtain approval of the exchange of the allocated crude oil for Canadian crude oil from the Director, Oil Imports, pursuant to §213.28(b)(1) of the Oil Import Regulations and an export license from the Department of Commerce.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70 and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and Pub. L. 95-70; Department of Energy Organization Act, Pub. L. 95-91; EO 11790, 39 FR 23185; EO 12009, 42 FR 46287.)

In consideration of the foregoing, Parts 211 and 214 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective April 1, 1978.

Issued in Washington, D.C., February 8, 1978.

HAZEL R. ROLLINS,
Deputy Administrator, Economic
Regulatory Administration.

1. Section 211.65 is amended by revising subparagraph (4) of paragraph (b) and subparagraph (3) of paragraph (i) to read as follows:

§ 211.65 Method of Allocation.

(b) Purchase opportunities of refiner-buyers.

(4) No refiner-buyer shall purchase under this section crude oil imported from Canada for processing in any first priority refinery (as defined in Part 214 of this chapter) owned by that refiner-buyer.

(i) Conditions of sale.

(3) The crude oil offered for sale by a refiner-seller must be practical for

delivery to and physically capable of being delivered to the refiner-buyer's refinery. The refiner-seller is responsible for arranging delivery of allocated crude oil to the refiner-buyer's refinery; *Provided*, That in the event that a refiner-seller offers for sale or is directed to sell pursuant to paragraph (j) of this section crude oil to a refiner-buyer for processing in any first priority refinery (as defined in Part 214 of this chapter) owned by that refiner-buyer in excess of the average volume of domestic crude oil purchased by that refiner-buyer for that refinery in the period September 1, 1976 through August 31, 1977, and if such excess volume of crude oil is not practical for delivery to such refiner-buyer's refinery, such refiner-seller shall deliver such excess volume of crude oil to a location within the United States to which the refiner-seller can arrange delivery and at which the refiner-buyer can arrange for the exchange of the crude oil for Canadian crude oil; and *Further provided*, That in the event of an exchange the refiner-seller may require the refiner-buyer to demonstrate that it has obtained approval of the exchange from the Director, Oil Imports, pursuant to Part 213 of this chapter and has been issued an export license by the Department of Commerce for the volume of crude oil involved.

2. Section 214.31 is amended by revising subparagraph (3) of paragraph (a) and by revising subparagraph (i) of paragraph (g) to read as follows:

§ 214.31 Allocation of Canadian light and heavy crude oil.

(a) Basis for issuance of Canadian crude oil rights.

(3) Canadian crude oil rights for heavy crude oil.

(i) FEA shall first issue a number of rights for Canadian heavy crude oil for first priority refineries on a pro-rata basis with reference to (but not to exceed) one-fourth of their respective base period volumes of Canadian heavy crude oil (as adjusted under the provisions of paragraphs (c) and (d) of this section).

(ii) In the event that the allocable supply of Canadian heavy crude oil for a particular allocation period is greater than the total number of rights calculated under subparagraph (3)(i) above, FEA shall issue a number of rights for Canadian heavy crude oil for first priority refineries on a pro-rata basis with reference to (but not to exceed) one-fourth of their respective base period volumes of Canadian light and heavy crude oil (as adjusted under the provisions of paragraphs (c) and

(d) of this section), less the number of rights for Canadian light and/or heavy crude oil issued under subparagraphs (2) and (3)(i) of this paragraph.

(iii) In the event that the allocable supply of Canadian heavy crude oil for a particular allocation period is greater than the total number of rights calculated under subparagraphs (3) (i) and (ii) above, FEA shall issue a number of rights for Canadian heavy crude oil for second priority refineries on a pro-rata basis with reference to (but not to exceed) one-fourth of their respective base period volumes of Canadian heavy crude oil (as adjusted under the provisions of paragraphs (c) and (d) of this section).

(iv) In the event that the allocable supply of Canadian heavy crude oil for a particular allocation period is greater than the total number of rights calculated under subparagraphs (3) (i) through (iii) above, FEA shall issue a number of additional rights for Canadian heavy crude oil for first priority refineries on a pro-rata basis with reference to (but not to exceed) the lesser of their respective nominations for Canadian heavy crude oil to FEA for that allocation period pursuant to paragraph (h) of this section or their respective refining capacities as certified by FEA multiplied by the number of days in the allocation period (as reduced by the volume of non-Canadian crude oil processed in the preceding allocation period), less the number of rights for Canadian light and heavy crude oil issued under subparagraphs (2), (3)(i) and (3)(ii) of this paragraph.

(v) In the event that the allocable supply of Canadian heavy crude oil for a particular allocation period of greater than the total number of rights calculated under subparagraphs (3)(i) through (iv) above, FEA shall issue a number of rights for Canadian heavy crude oil for second priority refineries on a pro-rata basis with reference to (but not to exceed) one-fourth of their respective base period volumes of Canadian light and heavy crude oil (as adjusted under the provisions of paragraphs (c) and (d) of this section), less the number of rights for Canadian light and/or heavy crude oil issued under subparagraphs (2) and (3)(iii) of this paragraph.

(vi) In the event that the allocable supply of Canadian heavy crude oil for a particular allocation period is greater than the total number of rights calculated under subparagraphs (3) (i) through (v) above, FEA shall issue a number of additional rights for Canadian heavy crude oil for second priority refineries on a pro-rata basis with reference to (but not to exceed) the lesser of their respective nominations for Canadian heavy crude oil to FEA for that allocation period pursuant to paragraph (h) of this section or their respective refining capacities as certified by FEA multiplied by the number of days in the allocation period (as reduced by the volume of non-Canadian crude oil processed in the preceding allocation period), less the number of rights for Canadian light and heavy crude oil issued under subparagraphs (2), (3)(iii) and (3)(v) of this paragraph.

(g) *Permitted exchanges and sales of Canadian crude oil.* (1) No volumes of Canadian crude oil subject to this part shall be sold or otherwise disposed of by refiners or other firms with respect to first priority refineries that they own or control except pursuant to (i) crude oil exchanges which involve only (directly or indirectly) Canadian crude oil and in which only quality and location differentials are given effect in the calculation of the exchange ratio, or (ii) matching purchase and sale transactions which involve only (directly or indirectly) Canadian crude oil and which have the same effect as an exchange described in clause (i) of this subparagraph (1); or (iii) exchanges of Canadian heavy crude oil for non-Canadian crude oil in which only quality and location differentials are given effect in the calculation of the exchange ratio and matching purchase and sale transactions having the same effect as such exchanges. *Provided*, That the volume of non-Canadian crude oil received by a first priority refinery pursuant to such a transaction is processed by that refinery.

(FR Doc. 78-3963 Filed 2-9-78; 10:13 am)

[3128-01]

PART 216—MATERIALS ALLOCATION AND PRIORITY PERFORMANCE UNDER CONTRACTS OR ORDERS TO MAXIMIZE DOMESTIC ENERGY SUPPLIES¹

AGENCY: Department of Energy.

ACTION: Final Rule.

SUMMARY: This Final Rule provides a procedure for implementing Department of Energy (DOE) functions with regard to the allocation of, or the priority performance under contracts or orders relating to, supplies of materials and equipment in order to maximize domestic energy supplies.

Several changes have been made in the proposed regulations. First, a provision has been added to the effect that if DOE determines at any time that previously made findings are no

¹Editorial Note: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Department of Energy.

longer valid, it will provide affected applicant(s) an opportunity to show cause why such findings should not be withdrawn (Part 216.5(a)). Second, a provision has been added to allow the affected applicant(s) to petition for reconsideration of DOE's withdrawal of previously made findings (Part 216.6). Third, an amendment has been adopted to make clear that denial of a petition for reconsideration is final agency action (Part 216.6). Finally, changes have been made regarding violations of the regulations (Part 216.9).

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

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James G. Beste, Office of the General Counsel, Department of Energy, Room 6144, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-9296.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

On July 13, 1977, the Federal Energy Administration (FEA) issued a notice of proposed rulemaking and public hearing (42 FR 35979) in which FEA proposed regulations providing a procedure for implementing FEA functions with regard to the allocation of, or the priority performance under contracts or orders relating to, supplies of materials and equipment in order to maximize domestic energy supplies. Seven written comments were received in response to the notice of proposed rulemaking, and oral presentations were made by two persons at the public hearing held on August 26, 1977. On October 1, 1977, pursuant to section 301(a) of the Department of Energy Organization Act (Pub. L. 95-91), all of the functions of FEA and all of the functions of the FEA Administrator were transferred to the Secretary of Energy. Consideration has been given to the views of industry representatives in that all of the comments and presentations were considered by DOE, as well as other information available to DOE, in arriving at the Final Rule adopted today.

The regulations are the result of section 104 of the Energy Policy and Conservation Act (EPCA). This section added a new subsection (c) to section 101 of the Defense Production Act of 1950, as amended (DPA), 50 U.S.C. App. 2071(c). DPA section 101(c)(1) authorizes the President to require the allocation of, or the priority performance under contracts or orders relat-

ing to, supplies of materials and equipment in order to maximize domestic energy supplies. It should be emphasized that DPA section 101(c)(1) concerns the authorization of allocations and priorities with regard to materials and equipment, not energy sources. It should be further emphasized that Congress wished to avoid liberal use of the allocation and priorities system and, for that reason, required findings prior to use of the authority.

The ideal time for promulgating these regulations is in a noncrisis atmosphere. Promulgation at this time will provide all potentially affected parties ample time to become familiar with the program before a crisis situation exists.

This authority may be used only if the President finds, as stated in DPA section 101(c)(3), that:

(A) Such supplies are scarce, critical, and essential to maintain or further (i) exploration, production, refining, transportation, or (ii) the conservation of energy supplies, or (iii) for the construction and maintenance of energy facilities; and

(B) Maintenance or furtherance of exploration, production, refining, transportation or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection.

Section 7 of Executive Order 11912 of April 13, 1976, designates and empowers the Administrator of General Services to perform the functions vested in the President by DPA section 101(c) with a requirement for a redelegation of such functions by the Administrator of General Services to the Secretary of Commerce. The Secretary of Commerce, as required by the Executive Order, redelegated to the Administrator of the FEA the function of finding that specific supplies of materials and equipment are critical and essential to maintain or further exploration, production, refining, transportation or conservation of energy supplies or for the construction and maintenance of energy facilities. Defense Mobilization Order 13 assigns to the FEA the authority to determine whether a program or project maximizes domestic energy supplies. As stated earlier, all of the functions of FEA and the Administrator of the FEA have been transferred to the Secretary of Energy pursuant to the Department of Energy Organization Act. The Secretary of Commerce retains the function of finding whether the supplies of materials and equipment are scarce and whether the purposes specified in DPA section 101(c)(3) cannot reasonably be accomplished without exercising the authority contained in DPA section 101(c)(1). The Administrator of General Services provides for the overall coordination and direction of DPA section 101(c) functions.

It should be emphasized that these regulations implementing DPA section 101(c) do not create a priority and allocation system for energy programs and projects separate from the systems designed to promote the national defense created under DPA section 101(a). The intention is to avoid duplication of existing procedures implementing DPA section 101(a) authority. These regulations prescribe procedures antecedent to use of the Defense Materials System (DMS) Regulation 1 and the Defense Priorities System (DPS) Regulation 1, described in Volume 32A of the Code of Federal Regulations. The authority to use the DMS and DPS can be granted only after the required determination is made by DOE and the required findings are made by both DOE and the Department of Commerce.

II. PURPOSE AND DESCRIPTION OF THE REGULATIONS

The purpose of the regulations is to describe how DOE will discharge the DPA section 101(c) functions delegated to it. Where findings are made, with respect to eligible energy programs or projects, DOE will report them to the Department of Commerce for further action. Where findings are not made, DOE will notify the applicant with suitable explanation. If the Department of Commerce, following receipt of the DOE determination and findings, finds that the described supplies of materials and equipment are scarce and that the purposes described in DPA section 101(c)(3) cannot reasonably be accomplished without exercising the authority contained in DPA section 101(c)(1), the Department of Commerce will so notify DOE. DOE will authorize the applicant to place "rated orders" and/or "authorized controlled material orders" as defined in and pursuant to the provisions of DMS Regulation 1 and DPS Regulation 1, as promulgated by the Department of Commerce. DOE will perform such duties related to its role as a "claimant agency" as the Department of Commerce shall direct in consultation with DOE.

III. PROCESSING AN APPLICATION FOR USE OF DPA SECTION 101(c) AUTHORITY

Persons who consider work they are performing appropriate for use of the authority contained in DPA section 101(c) may submit an application to DOE. Part 216.3(a) describes the minimum contents of such an application.

Upon receipt of a completed application, DOE will determine whether or not the program or project in connection with which the request for assistance is submitted maximizes domestic energy supplies and is therefore an appropriate program or project for considering the use of DPA section 101(c)

authority. If a determination is made, the program or project will be designated an "eligible energy program or project." In making this determination DOE will consider the impact of such program or project on the national energy situation. Consideration will also be given to the quantity of energy involved, the benefits of timely completion of the program or project, the socioeconomic impact of the program or project, the need for the end product for which the materials and equipment are allegedly required, established national energy policies and such other factors as DOE deems appropriate. Once DOE has determined that a particular program or project is an "eligible energy program or project," this determination will be deemed made with regard to subsequent applications involving the same program or project unless and until DOE announces otherwise.

Second, DOE will find whether or not the supplies of materials and equipment for which assistance is requested are critical and essential to the "eligible energy program or project." In making this finding, DOE will consider the availability and utility of substitute materials or equipment, the impact of the nonavailability of the specified materials or equipment on the timely fulfillment or completion of the program or project and such other factors as DOE deems appropriate.

It was suggested during the public hearings on the proposed regulations that a maximization determination be made on various types of energy programs and projects prior to the receipt of specific applications and that a list of "eligible" projects be published. This suggestion has been rejected because of the difficulties inherent in making such a maximization determination. Such a determination of eligible projects made without regard to specific applications would run the clear risk of being either too broad, and therefore subject to future downward revision, or too restrictive, thereby unfairly excluding certain projects. For these reasons the determination as to whether a program or project maximizes domestic energy supplies will be made only after receipt of an application, and each application will be evaluated individually in accordance with the stated criteria. However, under § 216.4(e), once a program or project is determined to maximize domestic energy supplies and is therefore "eligible" within the context of these regulations, subsequent applications relating to the same program or project will be subject only to the critical and essential findings procedure.

It was suggested that § 216.4(e) be amended to provide for affected parties to participate in DOE's review of a

program or project prior to withdrawal of its designation as an eligible energy program or project. It was also suggested that affected parties should be allowed to appeal a withdrawal determination. It was further suggested that withdrawal of an "eligible" designation not become effective until 90 days after a final ruling. DOE has determined that withdrawal of the "eligible" designation should not be subject to appeal because such withdrawal does not affect existing authorizations to applicants to obtain materials and equipment; withdrawal of an "eligible" designation would only affect future applications for use of section 101(c) authority. The "eligible" designation would remain in effect with regard to priorities and allocations previously authorized for the program or project in question. In cases where the "eligible" status of a program or project has been withdrawn, another application for allocation or priority authority can be made at which time the project's "eligibility" status will be reexamined. If such application is denied, the applicant can then petition for reconsideration. There is no need, therefore, to amend the proposed regulations to provide for a 90 day delay of the effective date of DOE's decision to withdraw a project's "eligible" status simply because a project loses nothing as a result of such a withdrawal.

One of the comments received suggested that the criteria established as the basis of the DOE's maximization determination be weighted according to their relative importance and that the "need for the end product" should be the most heavily weighted criterion. DOE has determined that the "need for the end product" should not be given greater weight than the other enumerated criteria. It is our intention to accord equal weight to all of the enumerated criteria.

In cases where DOE finds that the supplies of materials or equipment are critical and essential for the furtherance or timely completion of an eligible energy program or project, DOE will so indicate and transmit the application to the Department of Commerce for further action. If the Department of Commerce then finds (1) that the specific supplies of materials or equipment for which priorities/allocation authority has been requested are scarce and (2) that the eligible energy program or project cannot reasonably be accomplished without exercising the authority specified in DPA section 101(c)(1), the Department of Commerce will notify DOE. DOE will authorize the applicant to place "rated orders" and/or "authorized controlled material orders" as defined in and pursuant to the provisions of DMS Regulation 1 and DPS Regulation 1, as promulgated by the Department of Commerce.

If DOE does not determine that the energy program or project maximizes domestic energy supplies, the applicant will be so informed and may petition for reconsideration. In addition, if DOE does not find that the materials and equipment described in the application are critical and essential to an eligible energy program or project, the applicant will be so informed and may petition for reconsideration.

DOE has concluded that if it should determine at any time that findings previously made are no longer valid, the affected applicant(s) should be afforded the opportunity to show cause why such findings should not be withdrawn. Section 216.5(a) of the proposed regulations has been amended to provide the affected applicant(s) such an opportunity. In addition, DOE has concluded that the affected applicant(s) should be allowed to petition for reconsideration of DOE's determination that findings be withdrawn. Accordingly, § 216.6 has been amended to provide the affected applicant(s) with the opportunity to file such a petition for reconsideration.

It was suggested that the findings procedure be reversed, that the Department of Commerce make its findings prior to those of DOE. This proposed change in the regulations has been rejected because the threshold determination, whether the program or project in question maximizes domestic energy supplies, is to be made by DOE. That determination goes to the very essence of DPA section 101(c) because the purpose of the allocation and priority process described in that section is to maximize domestic energy supplies. In cases where DOE does not determine that a particular program or project maximizes domestic energy supplies, the findings delegated to the Department of Commerce are not relevant and need not be made. Thus, only in cases where DOE makes the required determination and findings is there a need for action by the Department of Commerce.

Recognizing the importance of timely responses, DOE will expeditiously process applications and petitions for reconsideration. However, because of the complexity of the determination and findings to be made, DOE cannot always respond within a specified time period. DOE has determined, therefore, that the proposed regulations should not be amended to provide that DOE act on applications and petitions for reconsideration within a specified time period. In addition, the suggestion that the proposed regulations be amended to require the applicant to provide information within a specified period of time is not meritorious. There is sufficient incentive for the applicant to act expeditiously without such a requirement.

The proposal was made that criteria be established to govern DOE action on petitions for reconsideration. This proposal ignores the purpose of such petitions. The basic purpose of a petition for reconsideration is to allow the petitioner to present material new facts or circumstances affecting the application or to point out material errors in DOE's denial of the application. In either event DOE would evaluate the petition according to the same criteria established for DOE consideration of the original application.

It was further suggested that the last sentence of § 216.6 seems to imply that there may be administrative review available in addition to the process provided by Part 216. In order to make clear that denial of relief requested in a petition for reconsideration is final agency action and not subject to further administrative review, the final regulations amend the proposed regulations by eliminating the last sentence of § 216.6.

Comments were received expressing the view that the proposed regulations would have various deleterious effects, such as allowing an applicant to regain time lost through deficient planning and management, allowing disreputable operators to benefit at the expense of established businesses and permitting a successful applicant to resell equipment or materials obtained through the program. It is not the intent of the regulations to allow an applicant that practices faulty management and planning to compensate for these deficiencies by obtaining equipment or materials under this program. The regulations are not designed to favor established businesses over newer businesses. The criteria established by the regulations are unrelated to the length of time that a business has been in operation. A successful applicant will not be able to obtain equipment or materials through the program in excess of the specific needs of such applicant. Information required by § 216.3(a)(8) to be included in an application and the criteria established by § 216.4(c) are designed to determine the applicant's specific need for the requested supplies of equipment or materials, and any approval for use of section 101(c) authorities will be limited to the specific demonstrated needs.

The further suggestion was made that the proposed regulations be amended to require anyone seeking materials or equipment through the program to notify all parties affected by the application and to require DOE to hear all affected parties and take into account their interests before taking action on an application. Such an amendment is unnecessary because the essence of this proposal is accomplished by section 3(a)(2) of Defense Mobilization Order No. 13 which de-

scribes the function of the Department of Commerce under DPA section 101(c). This section provides:

The Secretary of Commerce shall retain the functions of finding that supplies of materials and equipment are scarce, and that the purposes described in subsection 101(c)(3)(B) of the Act cannot reasonably be accomplished without exercising the authority specified in subsection 101(c)(1). This finding will include, to the extent practicable, an assessment of the effects of using the authority for the project in question on other significantly impacted projects.

A late filed comment suggested that anyone receiving a priority rating should be required to enter into a contract with the Government that would (1) make Federal procurement regulations applicable as to definitions and general rules of business conduct, and (2) make a Government contract appeal body the final arbiter in disputes. We have not included such a provision in the regulations. If a Government agency is a party to a contract which is authorized to use section 101(c) authorities, Federal procurement regulations would be applicable and appropriate appeals procedures would be available. However, if nongovernmental persons are parties to a contract subject to 101(c) authorities, we believe that DOE has no authority under the DPA to require that such parties be subject to Federal procurement regulations and appeals procedures. Moreover, we believe that such a requirement would be an unwarranted governmental intrusion into private business arrangements. Of course, private parties are free to bind themselves by contract to specified rules of business conduct and arbitration procedures.

DOE has determined that the violations section, § 216.9, should be amended in recognition of the fact that this is a procedural regulation and that it can be violated only by willfully furnishing false information in the course of the application process or in a petition for reconsideration. Willfully furnishing false information to the Federal Government or concealing a material fact is a crime under the Federal criminal code punishable by fine or imprisonment or both. Paragraph (b) has, therefore, been eliminated in its entirety.

IV. MISCELLANEOUS

The regulations have been reviewed in accordance with Executive Order 11821, issued November 24, 1974, and have been determined not to be of a nature that requires an evaluation of their inflationary impact pursuant to Executive Order 11821. The regulations have also been reviewed in accordance with 10 CFR Part 208 and the National Environmental Policy Act of 1969 and have been determined not to be of a nature that requires the pre-

paration of an environmental impact statement pursuant to the requirements of the National Environmental Policy Act of 1969. Also, as required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of these regulations has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of these regulations on the quality of the environment. The Administrator had no comments.

In consideration of the foregoing, Part 216, Chapter II of Title 10, Code of Federal Regulations, is hereby established, as set forth below, effective immediately.

Issued at Washington, D.C., February 6, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

- Sec.
216.1 Introduction.
216.2 Definitions.
216.3 Requests for assistance.
216.4 Evaluation by DOE of applications.
216.5 Notification of findings.
216.6 Petition for reconsideration.
216.7 Conflict in priority orders.
216.8 Communications.
216.9 Violations.

AUTHORITY: Sec. 104, Energy Policy and Conservation Act (EPCA); sec. 101(c), Defense Production Act of 1950, as amended (DPA) (50 U.S.C. App. 2071(c)); sec. 7, E.O. 11912, April 13, 1976; Defense Mobilization Order No. 13, September 22, 1976, 41 FR 43720; Department of Commerce, Bureau of Domestic Commerce, Delegation No. 4, 41 FR 52331.

§ 216.1 Introduction.

(a) This part describes and establishes the procedures to be used by the Department of Energy ("DOE") in considering and making certain findings required by section 101(c)(3) of the Defense Production Act of 1950, as amended, 50 U.S.C. App. 2071(c)(3) ("DPA"). Section 101(c) authorizes the allocation of, or priority performance under contracts or orders (other than contracts of employment) relating to, supplies of materials and equipment in order to maximize domestic energy supplies if the findings described in section 101(c)(3) are made. Among these findings are that such supplies of materials and equipment are critical and essential to maintain or further exploration, production, refining, transportation or the conservation of energy supplies or for the construction and maintenance of energy facilities. The function of finding if such supplies are critical and essential was delegated to the Administrator of the Federal Energy Administration ("FEA") pursuant to Executive Order 11912 of April 13, 1976, Defense Mobilization Order ("DMO") No. 13 dated September 22, 1976, 41 FR 43720, and Department of Commerce, Bureau of

Domestic Commerce, Delegation No. 4, effective date December 1, 1976, 41 FR 52331. On October 1, 1977, pursuant to section 301(a) of the Department of Energy Organization Act (Pub. L. 95-91), all of the functions of FEA and all of the functions of the FEA Administrator were transferred to the Secretary of Energy.

(b) The purpose of these regulations is to establish the procedures and the criteria to be used by DOE in determining whether programs or projects maximize domestic energy supplies and finding whether or not supplies of material and equipment are critical and essential, as required by DPA section 101(c)(3). The critical and essential finding will be made only for supplies of materials and equipment related to those programs or projects determined by DOE to maximize domestic energy supplies. These regulations do not require or imply that the findings, on which the exercise of such authority is conditioned, will be made in any particular case.

(c) If DOE determines that a program or project maximizes domestic energy supplies and finds that supplies of materials and equipment are critical and essential to maintain or further the exploration, production, refining, transportation or conservation of energy supplies or for the construction and maintenance of energy facilities, such determination and finding will be communicated to the Department of Commerce. If not, the applicant will be so informed. If the determination and finding described above are made, the Department of Commerce, pursuant to DPA section 101(c), Executive Order 11912 and DMO No. 13, will find whether or not (1) the supplies of materials and equipment in question are scarce and (2) maintenance or furtherance of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot be reasonably accomplished without exercising the authority specified in section 101(c). If these additional two findings are made, the Department of Commerce will notify DOE, and DOE will inform the applicant that it has been granted the right to use priority ratings under the Defense Materials System ("DMS") and the Defense Priorities System ("DPS") established by the Department of Commerce.

§ 216.2 Definitions.

As used in these regulations:
(a) "Secretary" means the Secretary of the Department of Energy.
(b) "Applicant" means a person requesting priorities or allocation assistance in connection with an energy program or project.
(c) "Application" means the written request of an applicant for assistance.

(d) "Assistance" means use of the authority vested in the President by DPA section 101(c) to implement priorities and allocation support.

(e) "BDC" means the Bureau of Domestic Commerce within the Domestic and International Business Administration of the United States Department of Commerce.

(f) "DOE" means the Department of Energy, acting through the Secretary or the delegate of the Secretary.

(g) "Eligible energy program or project" means a designated activity which maximizes domestic energy supplies by furthering the domestic exploration, production, refining, transportation or conservation of energy supplies or construction and maintenance of energy facilities within the meaning of DPA section 101(c), as determined by DOE.

(h) "FPA" means the Federal Preparedness Agency of the General Services Administration.

(i) "Materials and equipment" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly or product of any kind.

(j) "Person" means an individual, corporation, partnership, association, or any other organized group of persons (or legal successor or representative thereof), and includes the United States or any other government and any political subdivisions (or any agency) thereof.

§ 216.3 Requests for assistance.

(a) Persons who believe that they perform work associated with a program or project which may qualify as an eligible energy program or project and wishing to receive assistance as authorized by DPA section 101(c)(1) may submit an application to DOE requesting DOE to determine whether a program or project maximizes domestic energy supplies and to find whether or not specific supplies of materials or equipment identified in the application are critical and essential for a purpose identified in section 101(c). The application should be sent to: Department of Energy, Office of Financial Planning and Materials Allocation, Office of Resource Applications, Room 3516, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461. The application shall contain the following information:

(1) The name and address of the applicant and of its duly authorized representative.

(2) A description of the energy program or project for which assistance is requested and an assessment of its impact on the maximization of domestic energy supplies.

(3) The amount of energy to be produced by the program or project which is directly affected by the sup-

plies of the materials or equipment in question.

(4) A statement explaining why the materials or equipment for which assistance is requested are critical and essential to the construction or operation of the energy project or program.

(5) A detailed description of the specific supplies of materials and equipment in connection with which assistance is requested, including: Components, performance data (capacity, life duration, etc.), standards, acceptable tolerances in dimensions and specifications, current inventory, present and expected rates of use, anticipated deliveries and substitution possibilities (feasibility of using other materials or equipment).

(6) A detailed description of the sources of supply, including: Name of the regular supplying company or companies, other companies capable of supplying the materials and equipment, location of supplying plants or plants capable of supplying the needed materials and equipment, possible suppliers for identical or substitutable materials and equipment and possible foreign sources of supply.

(7) A detailed description of the delivery situation, including: Normal delivery times, promised delivery time without priorities assistance, and delivery time required for expeditious fulfillment or completion of the program or project.

(8) Evidence of the applicant's unsuccessful efforts to obtain on a timely basis the materials and equipment in question through normal business channels from current or other known suppliers.

(9) A detailed estimate of the delay in fulfilling or completing the energy program or project which will be caused by inability to obtain the specified materials and equipment in the usual course of business.

(10) Any known conflicts with rated or authorized controlled material orders already issued pursuant to the DPA for supplies of the described materials and equipment.

(11) Quarterly estimates of requirements for controlled materials, if applicable, by shapes and forms as prescribed by DMS Regulation 1.

(b) DOE, in consultation with the BDC, may prescribe standard forms of application or letters of instruction for use by all persons seeking assistance.

(c) In addition to the information described above, DOE may from time to time request whatever additional information it reasonably believes is relevant to the discharge of its functions pursuant to DPA section 101(c).

§ 216.4 Evaluation by DOE of applications.

(a) Based on the information provided by the applicant and other avail-

able information, DOE will assess the application and (1) determine whether or not the energy program or project in connection with which the application is made maximizes domestic energy supplies and should be designated an eligible energy program or project and (2) find whether the described supplies of materials and equipment are critical and essential to the eligible energy program or project.

(b) In determining whether the program or project referred to in the application should be designated an eligible energy program or project, DOE will consider all factors which it considers relevant including, but not limited to, the following:

- (1) Quantity of energy involved;
- (2) Benefits of timely energy program furtherance or project completion;
- (3) Socioeconomic impact;
- (4) The need for the end product for which the materials and equipment are allegedly required; and
- (5) Established national energy policies.

(c) In findings whether the supplies of materials or equipment described in the application are critical and essential to an eligible energy program or project, DOE will consider all factors which it considers relevant including, but not limited to, the following:

- (1) Availability and utility of substitute materials or equipment; and
- (2) Impact of the nonavailability of the specific supplies of materials and equipment on the furtherance or timely completion of the approved energy program or project.

(d) Increased costs which may be associated with obtaining materials or equipment without assistance shall not be considered a valid reason for finding the materials and equipment to be critical and essential.

(e) After DOE has determined a program or project to be an eligible energy program or project, this determination shall be deemed made with regard to subsequent applications involving the same program or project unless and until DOE announces otherwise.

§ 216.5 Notification of findings.

(a) DOE will notify the BDC if it finds that supplies of materials and equipment, for which an applicant requested assistance, are critical and essential to an eligible energy program or project, and in such cases will forward to the BDC the application and whatever information or comments DOE believes appropriate. If DOE believes at any time that findings previously made may no longer be valid, it will immediately notify the BDC and the affected applicant(s) and afford such applicant(s) an opportunity to show cause why such findings should not be withdrawn.

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(b) If BDC notifies DOE that BDC has found that supplies of materials and equipment, for which the applicant requested assistance, are scarce and that the related eligible energy program or project cannot reasonably be accomplished without exercising the authority specified in DPA section 101(c)(1), DOE will notify the applicant that the applicant is authorized to place rated orders and/or authorized controlled material orders for specific supplies of materials and equipment pursuant to the provisions of DMS Regulation 1 and DPS Regulation 1, as promulgated by the Department of Commerce.

§ 216.6 Petition for reconsideration.

If DOE, after evaluating an application in accordance with § 216.4, does not determine that the energy program or project maximizes domestic energy supplies or does not find that the supplies of materials and equipment described in the application are critical and essential to an eligible energy program or project, it will so notify the applicant and the applicant may petition DOE for reconsideration. If DOE concludes at any time that findings previously made are no longer valid and should be withdrawn, DOE will so notify the affected applicant(s), and such applicant(s) may petition DOE for reconsideration of the withdrawal decision. Such a petition is deemed accepted when received by DOE at the address stated in § 216.9. DOE will consider the petition for reconsideration and either grant or deny the relief requested. Written notice of the decision and of the reasons for the decision will be provided to the applicant. There has not been an exhaustion of administrative remedies until a petition for reconsideration has been submitted and the review procedure completed by grant or denial of the relief requested. The denial of relief requested in a petition for reconsideration is a final administrative decision.

§ 216.7 Conflict in priority orders.

If it appears that the use of assistance pursuant to DPA section 101(c) creates or threatens to create a conflict with priorities and allocation support provided in connection with the national defense pursuant to DPA section 101(a), DOE will work with the BDC and other claimant agencies affected by such conflict in an attempt to reschedule deliveries or otherwise accommodate such competing demands. If acceptable solutions cannot be agreed upon by the claimant agencies the FPA will resolve such conflicts.

§ 216.8 Communications.

All written communications concerning these regulations shall be addressed to:

Department of Energy, Financial Planning and Materials Allocation, Office of Resource Applications, Room 3516, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

§ 216.9 Violations.

Any person who willfully furnishes false information or conceals any material fact in the course of the application process or in a petition for reconsideration is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both.

[FR Doc. 78-3776 Filed 2-7-78; 12:32 pm]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y; Docket No. R-0083]

PART 225—BANK HOLDING COMPANIES

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interpretation and withdrawal of proposed rulemaking.

SUMMARY: In order to more effectively administer section 2(g)(3) of the Bank Holding Company Act, the Board of Governors has issued an interpretation of its Regulation Y. The interpretation codifies certain previous rulings of the Board on the scope of section 2(g)(3). This interpretation is issued in lieu of an amendment to Regulation Y proposed in February 1977 (42 FR 9679), and that proposal is withdrawn.

EFFECTIVE DATE: January 25, 1978.
FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Associate General Counsel, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3274.

SUPPLEMENTARY INFORMATION: The Bank Holding Company Act provides that if a bank holding company transfers shares that it owns to a company or other transferee that is (a) indebted to the bank holding company, or (b) has an officer or director interlock with the bank holding company, control of the shares is presumed not to have changed unless the Board determines otherwise.

The Board has in effect interpreted this section of the Act—2(g)(3)—in previous decisions on specific cases. This interpretation:

1. Codifies these past rulings by the Board to the effect that (a) the presumption of continued control arises where the shares or other assets are transferred to a person who is an officer or director of the company making

the transfer and (b) the terms "transferor" and "transferee" include parent or subsidiary companies of each (including a transferred company itself).

2. Interprets section 2(g)(3) as being applicable where (a) all or substantially all of the assets of a company or subsidiary are being transferred, or (b) the asset being transferred is of such significant size or value as to constitute the transfer of an "activity" of a bank holding company; also, that transfers of partnership interests are covered.

3. Interprets the terms "officer" and "director" as including not only persons with such titles but also those with comparable functions, and those holding such offices in honorary or advisory capacities.

4. Provides that in the interests of expediting proceedings under this provision of the Bank Holding Company Act no future FEDERAL REGISTER notice will be published upon receipt of an application under this section, but that no application under section 2(g)(3) will be denied by the Board without affording the applicant company an opportunity for a hearing. The Board will continue to publish final decisions under this section in the FEDERAL REGISTER.

Pursuant to its authority under sections 2(g)(3) and 5(b) of the Bank Holding Company Act, the Board has issued the following interpretation of section 2(g)(3) of the Act:

§ 225.139 Presumption of continued control under section 2(g)(3) of the Bank Holding Company Act.

(a) Section 2(g)(3) of the Bank Holding Company Act (the "Act") establishes a statutory presumption that where certain specified relationships exist between a transferor and transferee of shares, the transferor (if it is a bank holding company, or a company that would be such but for the transfer) continues to own or control indirectly the transferred shares.¹ This presumption arises by operation of law, as of the date of the transfer, without the need for any order or determination by the Board. Operation of the presumption may be terminated only by the issuance of a Board determination, after opportunity for hearing, "that the transferor is not in fact capable of controlling the transferee."²

(b) The purpose of section 2(g)(3) is to provide the Board an opportunity to assess the effectiveness of divesti-

¹The presumption arises where the transferee "is indebted to the transferor, or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor."

²The Board has delegated to its General Counsel the authority to issue such determinations, 12 CFR 265.2(b)(1).

tures in certain situations in which there may be a risk that the divestiture will not result in the complete termination of a control relationship. By presuming control to continue as a matter of law, section 2(g)(3) operates to allow the effectiveness of the divestiture to be assessed before the divesting company is permitted to act on the assumption that the divestiture is complete. Thus, for example, if a holding company divests its banking interest under circumstances where the presumption of continued control arises, the divesting company must continue to consider itself bound by the Act until an appropriate order is entered by the Board dispelling the presumption. Section 2(g)(3) does not establish a substantive rule that invalidates transfers to which it applies, and in a great many cases the Board has acted favorably on applications to have the presumption dispelled. It merely provides a procedural opportunity for Board consideration of the effect of such transfers in advance of their being deemed effective. Whether or not the statutory presumption arises, the substantive test for assessing the effectiveness of a divestiture is the same—that is, the Board must be assured that all control relationships between the transferor and the transferred property have been terminated and will not be reestablished.³

(c) In the course of administering section 2(g)(3) the Board has had several occasions to consider the scope of that section. In addition, questions have been raised by and with the Board's staff as to coverage of the section. Accordingly, the Board believes it would be useful to set forth the following interpretations of section 2(g)(3):

(1) The terms "transferor" and "transferee," as used in section 2(g)(3), include parents and subsidiaries of each. Thus, for example, where a transferee is indebted to a subsidiary of the transferor,⁴ or where a specified interlocking relationship exists between the transferor or transferee and

³It should be noted, however, that the Board will require termination of any interlocking management relationships between the divesting company and the transferee or the divested company as a precondition of finding that a divestiture is complete. Similarly, the retention of an economic interest in the divested company that would create an incentive for the divesting company to attempt to influence the management of the divested company will preclude a finding that the divestiture is complete. (See the Board's Order in the matter of "International Bank", 1977 Federal Reserve Bulletin 1106, 1113).

⁴The indebtedness giving rise to the presumption is not limited to debt incurred in connection with the transfer; it includes any debt running to the transferor or its subsidiaries.

a subsidiary of the other (or between subsidiaries of each), the presumption arises. Similarly, if a parent of the transferee is indebted to a parent of the transferor, the presumption arises. The presumption of continued control also arises where an interlock or debt relationship is retained between the divesting company and the company being divested, since the divested company will be or may be viewed as a "subsidiary" of the transferee of group of transferees.

(2) The terms "officers," "directors," and "trustees," as used in section 2(g)(3), include persons performing functions normally associated with such positions (including general partners in a partnership and limited partners having a right to participate in the management of the affairs of the partnership) as well as persons holding such positions in an advisory or honorary capacity. The presumption arises not only where the transferee or transferred company has an officer, director or trustee "in common with" the transferor, but where the transferee himself holds such a position with the transferor.⁵ It should be noted that where a transfer takes the form of a pro-rata distribution, or "spin-off," of shares to a company's shareholders, officers and directors of the transferor company are likely to receive a portion of such shares. The presumption of continued control would, of course, attach to any shares transferred to officers and directors of the divesting company, whether by "spinoff" or outright sale. However, the presumption will be of legal significance—and will thus require an application under section 2(g)(3)—only where the total number of shares subject to the presumption exceeds one of the applicable thresholds in the Act. For example, where officers and directors of a one-bank holding company receive in the aggregate 25 percent or more of the stock of a bank subsidiary being divested by the holding company, the holding company would be presumed to continue to control the "divested" bank. In such a case it would be necessary for the divesting company to demonstrate that it no longer controls either the divested bank or the officer/director transferees. However, if officers and directors were to receive in the aggregate less than 25 percent of the bank's stock (and no other shares were subject to the pre-

⁵It has been suggested that the words "in common with" in section 2(g)(3) evidence an intent to make the presumption applicable only where the transferee is a company having an interlock with the transferor. Such an interpretation would, in the Board's view, create an unwarranted gap in the coverage of section 2(g)(3). Furthermore, because the presumption clearly arises where the transferee is an individual who is indebted to the transferor such an interpretation would result in an illogical inconsistency in the statute.

sumption), section 2(g)(3) would not have the legal effect of presuming continued control of the bank.⁶ In the case of a divestiture of nonbank shares, an application under section 2(g)(3) would be required whenever officers and directors of the divesting company received in the aggregate more than 5 percent of the shares of the company being divested.

(3) Although section 2(g)(3) refers to transfers of "shares" it is not, in the Board's view, limited to disposition of corporate stock. General or limited partnership interests, for example, are included within the term "shares." Furthermore, the transfer of all or substantially all of the assets of a company, or the transfer of such a significant volume of assets that the transfer may in effect constitute the disposition of a separate activity of the company, is deemed by the Board to involve a transfer of "shares" of that company.

(d) Section 2(g)(3) provides that a Board determination that a transferor is not in fact capable of controlling a transferee shall be made after opportunity for hearing. It has been the Board's routine practice since 1966 to publish notice in the FEDERAL REGISTER of applications filed under section 2(g)(3) and to offer interested parties an opportunity for a hearing. Virtually without exception no comments have been submitted on such applications by parties other than the applicant and, with the exception of one case in which the request was later withdrawn, no hearings have been requested in such cases. Because the Board believes that the hearing provision in section 2(g)(3) was intended as a protection for applicants who are seeking to have the presumption overcome by a Board order, a hearing would not be of use where an application is to be granted. In light of the experience indicating that the publication of FEDERAL REGISTER notice of such applications has not served a useful purpose, the Board has decided to alter its procedures in such cases. In the future, FEDERAL REGISTER notice of section 2(g)(3) applications will be published only in cases in which the Board's General Counsel, acting under delegated authority, has determined not to grant such an application and has referred the matter to the Board for decision.⁷

⁶Of course, the fact that section 2(g)(3) would not operate to presume continued control would not necessarily mean that control had in fact been terminated if control could be exercised through other means.

⁷It should be noted that in the event a third party should take exception to a board order under section 2(g)(3) finding that control has been terminated, any rights such party might have would not be prejudiced.

(Continued)

By order of the Board of Governors,
effective January 25, 1978.

THEODORE E. ALLISON,
Secretary of the Board.
[FR Doc. 78-4053 Filed 2-13-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION,
DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE

SUBCHAPTER A—GENERAL

SUBCHAPTER H—MEDICAL DEVICES

[Docket No. 76N-0324]

INTRAOcular LENSES

Investigational Device Exemption
Requirements; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: In FR Doc. 77-32258, appearing at page 58874 in the FEDERAL REGISTER of Friday, November 11, 1977, the following changes are made: In the preamble, in the second column of p. 58888, in the 17th line and in the 24th line, change "5 percent" to "0.5 percent."

FOR FURTHER INFORMATION CONTACT:

John Richards, Federal Register Writer (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2994.

Dated: February 7, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-4004 Filed 2-13-78; 8:45 am]

[4110-03]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION
[Docket No. 75F-0119]

PART 175—INDIRECT FOOD ADDITIVES:
ADHESIVE COATINGS AND COMPONENTS

Resinous and Polymeric Coatings

AGENCY: Food and Drug Administration.

ACTION: Final rule.

(Continued)

by the order. If such party brought facts to the Board's attention indicating that control had not been terminated the Board would have ample authority to revoke its order and take necessary remedial action.

Orders issued under section 2(g)(3) are published in the FEDERAL REGISTER and in the Federal Reserve "Bulletin."

SUMMARY: This document amends the food additive regulations to provide for the safe use of *n*-butyl acrylate-styrene-methacrylic acid-hydroxyethyl methacrylate copolymers in coatings intended for contact with dry foods. Rohm & Haas Co. filed a petition for such use.

DATES: Effective February 14, 1978; objections by March 16, 1978.

ADDRESS: Written objections to this regulation may be filed with the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFC-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204. 202-472-5690.

SUPPLEMENTARY INFORMATION: A notice published in the FEDERAL REGISTER of July 14, 1975 (40 FR 29560) announced that a food additive petition (FAP 5B3087) had been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, proposing that 21 CFR 121.2514 (now 21 CFR 175.300 pursuant to recodification) be amended to provide for the use of *n*-butyl acrylate-styrene-methacrylic acid-hydroxyethyl methacrylate copolymers in coatings in contact with dry food or aqueous food containing no more than 8 percent alcohol. The petitioner subsequently amended the petition to limit use of the subject copolymers in coatings in contact with dry food only.

One minor optional adjuvant, 2-(dimethylamino) ethanol, is also being specified in the regulation because unlike the others in the petition it is not now covered by applicable regulation.

Having evaluated data in the petition and other relevant material, the Commissioner of Food and Drugs and concludes that § 175.300 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 175 is amended in § 175.300 in paragraph (b)(3)(xx) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 175.300 Resinous and polymeric coatings.

(b) * * *
(3) * * *
(xx) * * *

n-butyl acrylate-styrene-methacrylic acid-hydroxyethyl methacrylate copolymers con-

taining no more than 2 weight percent of total polymer units derived from methacrylic acid and containing no more than 9.5 weight percent of total polymer units derived from hydroxyethyl methacrylate; for use only in coatings in contact with dry food (food type VIII in table 1 of paragraph (d) of this section). 2-(Dimethylamino) ethanol (C.A.S. Registry No. 108-01-0) may be employed as an optional adjuvant substance limited to no more than 2 weight percent based on polymer solids in the coating emulsion.

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 16, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective February 14, 1978.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).

Dated: February 7, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc. 78-4003 Filed 2-13-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-503]

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE ELIGIBILITY OF MORTGAGES ON EXISTING PROJECTS

Subpart A—Eligibility Requirements

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This rule extends the date on which projects financed with State or local assistance, started prior to December 31, 1975, must be completed, and also the date for the submission of applications for insurance of mortgages on such projects is extended from January 1, 1978 to July 1, 1978. It makes explicit that multifamily projects covered by a Housing Assistance Payment contract under section 8 shall not be eligible for mortgage insurance under this subsection. This prohibition shall not apply to multifamily projects with individual tenants receiving assistance under the section 8 Existing Housing Program. These deadlines pose a serious problem for 16 State projects and 53 city projects involved in the request for the date extension. These projects would be determined ineligible for mortgage insurance unless an extension of 6 months is effected.

DATES: This amendment is effective as of February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Sidney B. Severe, Multifamily Insurance Division, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-9280.

SUPPLEMENTARY INFORMATION: Section 207.32a(k)(1) presently requires that a project be fully completed prior to January 1, 1978, and that an application for mortgage insurance also be filed prior to that date. We are informed that these deadlines pose a serious problem for some projects that would be determined ineligible unless an extension of 6 months is effected. In order to facilitate the success of this refinancing program and accommodate these projects, we are amending this regulation by extending the date for project completion and the filing of an application.

Presently, the regulations are silent with respect to the eligibility of section 8 assisted projects under this program. Section 207.32a(k)(2) is amended by adding language which precludes multifamily projects covered by

a Housing Assistance Payment contract under section 8 from being eligible. Also, a new § 207.32a(k)(7) is added to establish one and one-half billion dollars as the maximum amount of insurance to be provided for under this program.

Since the amendments to Part 207 are technical in nature and because of the expiration of the eligibility date, the Secretary has determined that advance publication, notice and public procedure are impracticable and unnecessary and good cause exists for making these amendments effective upon publication. In addition, the Department will undertake review of this program, at which time these amendments will be evaluated within the scope of § 207.32a.

The Department has determined that an Environmental Impact Statement is not required with respect to these amendments. The Finding of Inapplicability in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1) is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, 24 CFR Part 207, Subpart A, § 207.32a is amended by revising paragraphs (k)(1) and (k)(2) and adding (k)(7) to read as follows:

§ 207.32a [Amended.]

Paragraph (k)(1) is amended by deleting "January 1, 1978," wherever it appears, and inserting in lieu thereof "July 1, 1978."

Paragraph (k)(2) is amended by including two additional sentences which read as follows: "Multifamily projects covered by a Housing Assistance Payment contract under Section 8 shall not be eligible for mortgage insurance under this subsection. This prohibition shall not apply to multifamily projects with individual tenants receiving assistance under the section 8 Existing Housing Program."

Paragraph (k)(7) The total amount of loans insured pursuant to this section shall not exceed one and one-half billion dollars.

It is hereby certified that the economic and inflationary impacts of this final rule have been carefully evaluated in accordance with Executive Order No. 11821. (Section 7(d), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).

Issued in Washington, D.C. on February 7, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commission-

er.
[FR Doc. 78-4033 Filed 2-13-78; 8:45 am]

[4210-01]

CHAPTER X—FEDERAL INSURANCE
ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE
PROGRAM

[Docket No. FI-3478]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Seal Beach, Orange County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Seal Beach, Orange County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Seal Beach, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Seal Beach, are available for review at City Hall, 211 8th Street, Seal Beach, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Seal Beach, California.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Local runoff from Golf Course Retarding Basin.	North and West of Lampson Ave.	14

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3587 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-2711]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Sherwood, Pulaski County, Ark.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of final rule.

SUMMARY: The Federal Insurance Administration has erroneously published at 42 FR 48996 on September 26, 1977, the final flood elevation determination for the City of Sherwood, Pulaski County, Ark. This notice will serve as a cancellation of that publication. A new notice of final flood elevation determination will be published in the near future.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line (800) 424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

RULES AND REGULATIONS

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3586 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3375]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of South Lake Tahoe, El Dorado County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of South Lake Tahoe, El Dorado County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of South Lake Tahoe, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of South Lake Tahoe, are available for review at City Hall, South Lake Tahoe, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of South Lake Tahoe, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bijou Creek	Ralph Dr	6,306
	Pioneer Tr	6,295
	Palmer Ave	6,233
	U.S. Route 50	6,232
Heavenly Valley Creek	Pioneer Tr	6,295
	Johnson Rd	6,255
Trout Creek	U.S. Route 50	6,243
Upper Truckee River	U.S. Route 50	6,241

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 13, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3588 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3396]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Mesa County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Mesa County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Mesa County, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Mesa County, are available for review at Mesa County Courthouse, Third and Rood Avenue, Grand Junction, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Mesa County, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Horizon Drive Channel	G Rd	4,703
	Horizon Dr	4,661
	7th St (26% Rd)	4,635
	do	4,621
	25 Rd	4,663
Leach Creek	Interstate Highway 70	4,659
	do	4,642
	G and 24 1/2 Rd	4,574
	U.S. Highway 6 and 50	4,544
Colorado River	32 Rd	4,627
	State Highway 340	4,555
	Appleton Drain	4,524

* Upstream.
** Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 16, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3689 Filed 2-13-78; 8:45 am]

RULES AND REGULATIONS

[4210-01]

[Docket No. FI-3480]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Palmer Lake, El Paso County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Palmer Lake, El Paso County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Palmer Lake, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Palmer Lake, are available for review at Town Hall, Lower Glenway and Crescent, Palmer Lake, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Palmer Lake, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monument Creek	Virginia Ave	7,276
	Lovers Lane	7,110
	Private driveway, (1,190 ft upstream of Red Rock Ranch Rd.)	7,016
	Private driveway (256 ft downstream of the confluence of Monument Creek bypass)	6,957
Monument Creek tributary	Westward Lane	7,002
	Colorado Highway 105	6,977
	County road	6,947
North Monument Creek	Walnut Ave	7,196
	Private driveway	7,156
	Spring St	7,118
Carpenter Creek	County Line Rd	7,220

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3590 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3377]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Trinidad, Las Animas County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Trinidad, Las Animas County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Trinidad, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Trinidad, are available for review at City Hall, 135 North Animas, Trinidad, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Trinidad, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Purgatoire River ...	1-25.....	6.002
	Commercial St.....	5.986
	Linden Ave.....	5.972
Prospect Canyon.....	Atchison Ave.....	6.087
	Robinson Ave.....	6.064
	Nickerson Ave.....	6.040
Pinon Cayon.....	Nevada Ave.....	6.027
	Arizona Ave.....	6.020
Portland Avenue Canyon.....	East Main St.....	5.986
	Colorado & Southern RR.....	5.978
Fishers Peak Arroyo.....	2d St.....	6.034

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3591 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3044]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of North Branford, New Haven County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of North Branford, New Haven County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of North Branford, Conn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of North Branford, are available for review at Administration Building, Route 80, North Branford, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of North Branford, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Farm River.....	New Haven Water Co. bridge.....	209
	Horse-Ranch bridge.....	187
	Covered bridge.....	174
	Private bridge.....	140
	Route 22 bridge.....	134
	Driveway bridge.....	128
	Auger Rd. bridge.....	108
	Auger Farm bridge.....	89
	Mill Rd. bridge.....	68
	Totoket Rd. bridge.....	59
	Route 80 Bridge.....	55
	Telephone easement bridge.....	47
Burr Brook.....	Route 80 culvert.....	87
	Access Rd. bridge.....	75
	Arthur St. culvert.....	68
	Access Rd. culvert.....	54
	Totoket Rd. culvert.....	47
	Access Rd. culvert.....	46
Gulf Brook.....	Tommy's Patb culvert.....	174
Branford River.....	Private bridge.....	188
	North St. culvert.....	115
	Church St. culvert.....	98
	Route 80 bridge.....	90
	Route 22 bridge.....	84
	Harrison Rd. bridge.....	78
	Channel-Section bridge.....	75
Eligh Mile Brook..	Route 17 culvert.....	84
	Culvert.....	82
	Access road culvert.....	76
Munger Brook.....	Farm Rd. Bridge.....	126
	Private bridge.....	126
	do.....	125
	Beech St. culvert.....	106
	Route 80 bridge.....	94
	Farm Rd. bridge.....	89
	Route 22 bridge.....	83
	Circle Dr. bridge.....	77
	Harrison Rd. bridge.....	77
Tributary C.....	Birchwood Rd. culvert.....	150
	Woodvale Drive culvert.....	135
	Footbridge at dam.....	119
	Village St. culvert.....	112
	Route 22 culvert.....	90
	Private driveway.....	86
	Route 22 culvert.....	86

*Upstream.
*Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: October 31, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3592 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3536]

PART 1917—APPEALS FROM BLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Old Saybrook, Middlesex County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Old Saybrook, Middlesex County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Old Saybrook, Conn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Old Saybrook, are available for review at Town Hall, 302 Main Street, Old Saybrook, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Old Saybrook, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fishing Brook.....	Upstream private drive off Schoolhouse Rd.....	18
	Downstream private drive off Schoolhouse Rd.....	17
	Old Back Rd.....	16
	I-95-Connecticut Turnpike.....	16
Long Island Sound	I-95-Connecticut Turnpike.....	11
	Oyster River estuary.....	11
	Waterfront from Lynde Point to Chapman Point.....	11

*Upstream side.
*Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 16, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3593 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3583]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Seymour, New Haven County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Seymour, New Haven County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Seymour, New Haven County, Conn.

ADDRESS: Maps and other information showing the detailed outlines of

the flood prone areas and the final elevations for the town of Seymour are available for review at Engineer's Office, Town Hall, One First Street, Seymour, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Seymour, New Haven County, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Naugatuck River...	Confluence of Fountain Lake Brook.....	45
	At Kinneytown Dam.....	63
	1,850 ft downstream of Tingle Mills Dam.....	70
	At Tingle Mills Dam.....	82
	100 ft downstream of Bank St.....	87
	2,675 ft upstream of ConRail RR bridge.....	92
	5,575 ft upstream of ConRail RR bridge.....	99
Housatonic River..	9,700 ft downstream of confluence of Four-mile Brook.....	40
	1,300 ft upstream of Four-mile Brook confluence.....	48
Little River.....	At confluence with Naugatuck River.....	86

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	At Stone Weir, 355 ft upstream of River St.	95
	At dam 480 ft upstream of River St.	103
	At dam 730 ft upstream of River St.	136
	3,000 ft upstream of River St.	148
	At dam 3,430 ft upstream of River St.	165
	4,600 ft upstream of River St.	165
Bladens River	At confluence with Naugatuck River.	89
	40 ft downstream of Kerite Dam.	106
	At Kerite Dam	127
	At Kerite Dr.	128
	At Beach St.	149
	At dam 700 ft upstream of Beach St.	172
	1,590 ft downstream of Chatfield Rd.	174
	At Chatfield Rd.	202
Bladens River tributary.	At confluence with Bladens River.	203
	At Park Crossing, 130 ft downstream of Bunting Rd.	228
	Bunting Rd.	245
	430 ft upstream of Bunting Rd.	258
		261

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3594 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-2941]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Cedartown, Polk County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Cedartown, Polk County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evi-

dence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Cedartown, Ga.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Cedartown, are available for review at City Hall, Cedartown, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Cedartown, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Cedar River	West Ave	774
	Canal St	777
Tanyard Branch	Canal St	777
	South Main St	777
	Rock St	781
Skeeter Creek	North Cave Spring St	771
	North Main St	779
	Central of Georgia RR	787
South Fork Skeeter Creek	Collard Valley Rd	791

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33

FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3595 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3498]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Bloomington, Monroe County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Bloomington, Monroe County, Ind. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Bloomington, Monroe County, Ind.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Bloomington, Monroe County, Ind., are available for review at the Bulletin Board, Municipal Building, 22 East 3d Street, Bloomington, Ind.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Bloomington, Monroe County, Ind.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C.

4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from the individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clear Creek	Corporate limits ¹ , Louisville & Nashville RR, spur.	848
	Rodgers St.	664
	Gordon Rd.	672
	Winslow Rd.	695
	Access road	717
	Hillside Dr.	719
	Grimes St.	723
	Footbridge	726
	Dodds St.	730
	First St.	731
West Fork Clear Creek.	Victor Pike	660
	That Rd.	667
	Gordon Rd.	680
	Rockport Rd.	692
	Quarry RR, spur.	704
	Tapp Rd.	713
	Private road	728
West Branch Clear Creek.	Rodgers St.	722
	Fairview St.	737
	Allen St.	741
	Second St.	768
	Third St.	778
Jackson Creek	Corporate limits ¹ , Rhorer Rd.	653
	Elliston Dr.	681
	Clairmont Pl.	691
	East Rodgers St.	696
	Spicewood Ct (extended).	710
	Sare Rd.	723
	Moore's Pike	737
	College Mall Rd.	747
	Bulck-Cadillac Blvd.	764
		772
East Fork Jackson Creek.	Rhorer Rd.	687
	East Rodgers Rd.	752
	Smith Rd.	766
	Moore's Pike	822
East Branch Jackson Creek.	Confluence of Jackson Creek.	738
	Private road	767
	Moore's Pike	775
West Branch Jackson Creek.	Sare Rd.	739
	Private drive	768
	Hillside Dr.	775
	Brooks Lane	785
	Corentar St.	796
Bean Blossom Creek.	Corporate limits ¹ , State Route 37	589
	Route 37 Bypass	587
	Corporate limits ¹ .	588
		584
Griffy Creek	Route 37 Bypass	586
	Bayle Rd.	588
	State Route 37	595
	U.S. Route 37	598
	Dam	602

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cascade Creek	Confluence with Griffy Creek.	593
	Private drive (1.42 mi above mouth).	670
	Private drive (1.52 mi above mouth).	687
	45 and 64 Bypass.	687
Stout Creek	Corporate limits ¹ , Acuff Rd.	582
		648

¹ Downstream.
² Upstream.
(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 10, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3596 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3539]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Atchison, Atchison County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in City of Atchison County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for City of Atchison, Atchison County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for City of Atchison, are available for review at City Clerk's Office, City Hall, 515 Kansas Avenue, Atchison, Kans. 66002.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line

800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for City of Atchison, Atchison County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	U.S. Highway 59...	792
	Rock Island Railroad.	793
White Clay Creek	Tenth St	814
	Fourteenth St	818
Brewery Creek	Utah Blvd	817
	Patriot St	818

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: November 29, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3597 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3401]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Beattyville, Lee County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

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lected locations in the City of Beattyville, Lee County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Beattyville, Lee County, Ky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Beattyville, Lee County, Kentucky, are available for review at the County Judge's Office in the basement of the County Jail, Main Street, Beattyville, Ky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Beattyville, Lee County, Ky.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kentucky River.....	Confluence of Mirey Creek.	668
	Confluence of Silver Creek.	669
North Fork.....	State Route 11	670
Ketucky River.....	Upstream Corporate Limits (extended).	672

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mirey Creek.....	Confluence with Kentucky River.	668
	0.33 Mile above mouth.	675
	0.4 Mile above mouth.	683
	Upstream of State Route 52.	696
Crystal Creek.....	Mirey Creek Rd.	669
	Main St.	669
	Locust St.	671
	1.14 Miles above mouth.	669
Silver Creek.....	Main St.	669
	Silver Creek Rd.	669
	at 0.56 Mile above mouth.	680
	Silver Creek Rd.	680
	0.72 Mile above mouth.	696
	0.95 Mile above mouth.	696

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 17, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3598 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3502]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Unincorporated Areas of Iberia Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Iberia Parish, La. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Iberia Parish, La.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Iberia Parish, La., are avail-

able for review at Police Jury Office of Iberia Parish, New Iberia, La.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the unincorporated areas of Iberia Parish, La.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rodere Canal.....	Downstream of Curtis La.	10
Peebles Coulee	Approximately 0.47 mi upstream from U.S. Highway 90.	11
	Approximately 400 ft downstream from the southern New Iberia corporate limits.	13
Vermilion Bay	Delcambre Canal, downstream of the town of Delcambre.	9
	Wilkins Canal of the confluence of Little Valley Bayou.	10
	Petite Anse Canal at the Avery Island oil field.	10
	Weeks Bayou at the northern Week Island oil and gas field.	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended;

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42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3599 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3405]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Melville, St. Landry Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Melville, St. Landry Parish, La. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Melville, St. Landry Parish, La.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Melville, St. Landry Parish, La., are available for review at Town Hall, Melville, La.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Melville, St. Landry Parish, La.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atchafalaya River	Fourth St. (extended to corporate limits).	46
	Intersection of the Texas and Pacific RR with the eastern corporate limits.	46
Ponding	Melville Ring Levee sump area.	26

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3600 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3503]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Patterson, St. Mary Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Patterson, St. Mary Parish, La. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Patterson, St. Mary Parish, La.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Patterson, St. Mary Parish, La., are available for review at City Hall, Patterson, La.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Patterson, St. Mary Parish, La.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lower Atchafalaya River.	Bridge Rd. (extended).	5
Ponding	Intersection of Louisiana St. and Red Cypress Rd.	3
	Intersection of Catherine and Lee Sts.	5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3601 Filed 2-13-78; 8:45 am]

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[4210-01]

[Docket No. FI-3441]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Orono, Penobscot County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Orono, Penobscot County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Orono, Penobscot County, Maine.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Orono, Penobscot County, Maine, are available for review on the Bulletin Board at the Town Hall, Orono, Maine.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Orono, Penobscot County, Maine.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed stream...	Downstream corporate limits.	115
	Forest Ave.....	120
	Essex St.....	121
	Downstream corporate limits.	46
	Route 178 (extended).	49
Penobscot River....	Downstream	51
	Ayers Island.	53
	Upstream Ayers Island.	57
	Confluence of Stillwater River.	60
	Penobscot St. (extended).	87
	Maine Central RR.	73
	Upstream corporate limits.	57
	Confluence with Penobscot River.	63
	Maine Central RR.	67
	Orono Dam.....	61
Stillwater River.....	U.S. Route 2.....	82
	Riverdale Rd. (extended).	84
	Kell St. (extended).	85
	Upstream corporate limits.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 10, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3602 Filed 2-13-78; 8:45 am]

[4210-01]

[Docket No. FI-3442]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Eddington, Penobscot County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Eddington, Penobscot County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the town of Eddington, Penobscot County, Maine.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Eddington, Penobscot County, Maine, are available for review at the bulletin board in the Town Office, Route 9, Eddington, Maine.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Eddington, Penobscot County, Maine.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Penobscot River....	Corporate limits (downstream).	32
	Veazie Dam.....	34
	Downstream.....	44
	Upstream.....	48
	Veazie-Orono town line.	50
	Confluence with Meadow Brook.	50
Chemo Pond.....	Corporate limits (upstream).	129
	(*)	199
Davis Pond.....	(*)	
	(*)	

* It should be noted that the flood zones along Chemo Pond and Davis Pond are limited to a narrow band extending upward from the lake shore to elevations 128.8 and 198.6, respectively.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39

FR 17804, November 28, 1968, as amended; 42 U.S.C. 4001-4128, and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: January 16, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3603 Filed 2-13-78; 8:45 am]

[4310-03]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 231—COLORADO RIVER IRRIGATION PROJECT, ARIZONA

Revision of Regulations and Rates

FEBRUARY 7, 1978.

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Final revision of regulations and rates.

SUMMARY: The purpose of the final revision is to increase the four power rate schedules and to change the wording of §§ 231.5, 231.16, 231.22 and 231.23 to conform to the actual cost of services provided.

Present revenues are inadequate to meet expenses. As of July 31, 1977, the project has a credit cash balance of \$534,191.23 and this credit balance will continue to increase at a rate of \$30,000 to \$40,000 per month until the final rates are in effect. This problem has been caused by the continuing inflation of labor and material and the withdrawal of Colorado River Storage Project power and energy by the Bureau of Reclamation. The need to replace this power and energy from another more expensive source, Arizona Public Service Co., has caused the Colorado River Irrigation Project Power expenses to increase 196 percent.

DATES: These revised rates shall become effective on February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles P. Corke, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245, telephone 202-343-2287.

SUPPLEMENTARY INFORMATION: Beginning on page 62394 of the December 12, 1977 FEDERAL REGISTER (42 FR 62394), there was published a Notice of proposed revision of rates. All interested persons were given until December 27, 1977 to submit comments regarding the proposed revision of rates. No comments were received.

The principal author of this document is Charles P. Corke, Bureau of

Indian Affairs, Department of the Interior, Washington, D.C. 20245, telephone 202-343-2287.

The Assistant Secretary—Indian Affairs has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular No. A-107.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 2.

1. Section 231.5 is revised to read as follows:

§ 231.5 Cash deposits.

A Cash Deposit or other form of guarantee in advance, in an amount of twice the estimated monthly bill, but not less than \$50, will be required from all consumers except tribal, city, county, State, or Federal agencies. Where service to a consumer requires the construction of extensions beyond existing service lines, the consumer may be required by the Officer-in-Charge to deposit in advance an amount equal to one year's estimated billing.

2. Section 231.16 is amended by adding paragraphs (i), (j), (k), (l), (m), (n), and (o) as follows:

§ 231.16 Location and Installation of Meters and Metering.

(i) Customer's responsibility: The customer shall exercise reasonable care in protecting the Project's meter and other Project-owned equipment located on his premises. Only Project employees or agencies, or persons authorized by law, are permitted to inspect or handle same.

(j) Regularly scheduled meter tests shall be in accordance with the American National Standards Institute (ANSI) Code for Electric Metering.

(k) Special meter tests: On request of a customer, the Project should within 10 days after receipt of such request, make special meter tests. The customer shall bear the cost of such tests, including meter removal and replacement when the meter is found to be within the limits of acceptable accuracy as defined in paragraphs (k) and (l) of this section. Such cost shall be a charge of \$30. In all other cases, the Project will bear the cost of the test.

(l) Replacement of meter: Whenever a customer requests the replacement of the service meter because of accuracy, such request shall be treated as a request for a test of such meter and, as such, shall fall under the provision of special meter tests.

(m) Standard of meter accuracy: The Project shall not place in service,

or knowingly allow to remain in service without adjustment, any meter that has known error in registration of more than plus or minus two percent at light or at full load and unity power factor, or more than plus or minus three percent at full load and fifty percent power factor.

(n) Adjustment for inaccurate meter registration: Whenever a tested meter in service is found to be fast or slow beyond the limit of accepted accuracy as defined, the Project shall make an adjustment, based on the corrected registration for the period in which the meter was registering incorrectly, if such period is known and if not known for a period of not exceeding six months, but in no event for a period longer than the present customer's occupancy. Whenever any bill or bills have been adjusted or corrected as provided above and whenever such adjustment amounts to \$1 or more, the Project shall credit to the customer any amount found to have been collected in excess of the proper amount, or the Project may require the customer to pay any additional amount due, as the case may be.

(o) Incorrect meter installation: whenever any customer shall have been over-charged or under-charged as a result of incorrect installation of a meter or the use of an incorrect meter multiplier in billing the account, the amount of the over-charge shall be adjusted and credited to the customer, if in excess of \$1 or amount of the under-charge may be adjusted and billed to the customer if in excess of \$5, provided that in no event shall such period of adjustment exceed the length of time the service has been supplied to the customer through the incorrect metering installation at the present location.

3. Section 231.22 is amended by revising paragraph (c) to read as follows:

§ 231.22 Bills.

(c) Bills for a connection or reconnection service, the payments for deposits shall be paid before service is connected or reconnected. Reconnection service will be performed on advance payment of \$15, during normal working hours, or \$15 plus overtime expenses during non-working hours.

4. Section 231.23 is amended by revising paragraph (a) as follows:

§ 231.23 Discontinuance of service on failure to pay bills.

(a) Bills are due and payable upon receipt. On failure of the consumer to pay his bill for electric service within 15 days after billing date, the Officer-in-Charge shall discontinue the supply

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of energy, and service to the same customer will not be resumed at the same or at any other location until the consumer has paid all bills then due, plus a reconnection charge of \$15 during normal work hours, or \$15 plus overtime expenses during non-work hours.

5. Sections 231.51, 231.52, 231.53, and 231.54 are revised as follows:

§ 231.51 Rate Schedule No. 1—residential rate.

(a) *Application.* This schedule applies to electrical service required for residential purposes in individual private dwellings and in individually metered apartments delivered through one meter to a customer at one premise either urban or rural, for domestic use only. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Type of service.* Single phase, 50 cycle, 120/240 volts.

(c) *Monthly rate.* (1) \$6 for the first 100 kilowatt-hours or less.

(2) 4.6 cents per kilowatt-hour for the next 300 kilowatt-hours.

(d) *Fuel costs adjustment.* An adjustment shall be added to each kilowatt-hour used equal to the estimated average purchase power adjustment paid by the project to the Project's power supplier.

§ 231.52 Rate Schedule No. 2—commercial rate.

(a) *Application.* This schedule applies to service required by commercial and industrial customers for all uses when such service is supplied at one point of delivery and measured through one meter. The electric service is to be used only on the consumer's own premises and must not be resold.

(b) *Type of service.* Single or three phase, 60 cycle, at one standard voltage (120/240, 120/208, 277/480, or 480 volts).

(c) *Monthly rate.* (1) \$6 for the first 100 kilowatt-hours or less.

(2) 4.6 cents per kilowatt-hour for the next 900 kilowatt-hours.

(3) 3.7 cents per kilowatt-hour for the next 4,000 kilowatt-hours.

(4) 2.8 cents per kilowatt-hour for all additional kilowatt-hours.

(d) *Demand charge.* (1) None for the first 5 kilowatts of billing demand.

(2) \$2.50 per kilowatt for all billing demand over 5 kilowatts.

(e) *Minimum charge.* (1) \$8 or \$2 per kilowatt of billing demand for billing demands over 5 kilowatts, or the amount specified in the contract whichever is greater, except where the Officer-in-Charge determines that the customer's requirements are of a distinctly recurring seasonal nature. Then the minimum monthly bill shall

not be more than an amount sufficient to make the total charges for the twelve (12) months ending with the current month, equal to twelve times the highest monthly minimum computed for the same twelve month period.

(f) *Billing demand.* The highest 15 minute integrated demand in kilowatts occurring during the month or the demand specified in a contract whichever is greater.

(g) *Fuel cost adjustment.* An adjustment shall be added to each kilowatt-hour used equal to the estimated average purchased power adjustment paid by the project to the Project's power suppliers.

§ 231.53 Rate Schedule No. 3—irrigation pumping rate

(a) *Application.* This schedule shall apply to power used for pumping of irrigation water for irrigation systems when such service is supplied at one point of delivery and measured through one meter and is approved by the Officer-in-Charge. Use must be limited to the consumer's premises and must not be resold.

(b) *Type of service.* Three phase, 60 cycle at one standard voltage (208, 240, or 480 volts).

(c) *Monthly rate.* (1) Energy Charge 1.7 cents per kilowatt-hour.

(2) Demand Charge \$1.50 per kilowatt of billing demand.

(3) Minimum Charge \$1.50 per kilowatt of billing demand.

§ 231.54 Rate Schedule No. 4—street and area lighting.

(a) *Application.* This rate schedule applies to service for lighting public streets, alleys, thoroughfares, public parks, school yards, industrial areas, parking lots, and similar areas where dusk-to-dawn service is desired. The Project will own, operate, and maintain the lighting system, including normal lamp and globe replacement.

(b) *Monthly rate.*

Lamps	Per lamp	
	Metered	Unmetered
(1) 175 watts, mercury vapor (approximately 6,500 lumens)	\$5.00	\$6.00
(2) 250 watts, mercury vapor (approximately 10,000 lumens)	6.30	7.70
(3) 400 watts, mercury vapor (approximately 18,000 lumens)	8.50	10.90

(c) *Minimum term of service.* The minimum term of service will be twelve months, payable in advance. This advance payment may be waived by the Officer-in-Charge.

(d) *Installation charges.* The customer will be required to pay the total installation costs including labor and material as determined by the Officer-

in-Charge. This will be a non-refundable charge. Ownership of all facilities will remain with the Project, including lamp and globe replacement.

FORREST J. GERARD
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-4026 Filed 2-13-78; 8:45 am]

[4410-01]

Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 766-78]

PART O—ORGANIZATION OF THE
DEPARTMENT OF JUSTICE

Seizure and Forfeiture of Materials Under
Copyrights Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The revision of the copyright law, Title 17, United States Code, which became effective January 1, 1978, provides for the first time for seizure and forfeiture to the United States of materials used or intended for use in violation of the criminal provisions of the copyright law. Existing Department regulations assign to the Criminal Division the function of bringing civil penalty actions under specified Federal statutes. This order adds the Copyrights Act to the list of Federal statutes specified.

EFFECTIVE DATE: February 7, 1978.

FOR FURTHER INFORMATION CONTACT:

John M. Harmon, Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, Washington, D.C. 20530, 202-739-2041.

§ 0.55 [Amended]

By virtue of the authority vested in me by 17 U.S.C. 509, 28 U.S.C. 509, 510, and 5 U.S.C. 301, § 0.55(d) of Subpart K of Part O of Chapter I of Title 28, Code of Federal Regulations, is amended by adding "Copyrights Act," immediately after "Contraband Transportation Act."

Dated: February 7, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-4049 Filed 2-13-78; 8:45 am]

[3810-01]

Title 32—National Defense
CHAPTER XVIII—DEFENSE CIVIL
PREPAREDNESS AGENCY

PART 1802—DONATION OF FEDERAL SURPLUS
PERSONAL PROPERTY FOR CIVIL DEFENSE
PURPOSES

Deletion of Regulation

AGENCY: Defense Civil Preparedness Agency.

ACTION: Deletion of regulation.

SUMMARY: This action deletes 32 CFR, Part 1802, "Donation of Federal Surplus Personal Property for Civil Defense Purposes." The statutory authority to donate surplus personal property for this specific purpose terminated on October 17, 1977 pursuant to Pub. L. 94-519. Hence, there is no further need for these regulations.

EFFECTIVE DATE: February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Walter Girstantas, Assistant Director, Administrative Services, Defense Civil Preparedness Agency, Room 1D487, Pentagon, Washington, D.C. 20301, 202-695-3402.

SUPPLEMENTARY INFORMATION: 32 CFR, Part 1802 prescribed, pursuant to sec. 203 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), basic procedures for the donation of Federal surplus personal property for civil defense purposes. The regulation also established terms and conditions under which these donations were made, and indicated the manner in which the program was conducted. Section 203 also authorized donation of such property for health and education purposes. Public Law 94-519 amended the Federal Property and Administrative Services Act to provide for donation of such property to any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes such as conservation, economic development, education, parks and recreation, and public safety. Under the revised Act, the Director, DCPA, no longer participates in the donation process. Regulations concerning new donation procedures are issued by the Administrator of General Services and may be found at 41 CFR 101-44.

There is no longer any authority for DCPA to regulate this donation program, and hence, 32 CFR, Part 1802 should be deleted from the Code of Federal Regulations.

Public Law 94-519 provides that any term, condition, reservation, or restriction imposed on the use of any item of property (including any imposed by

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DCPA or its predecessors) prior to the effective date of the Act was terminated 30 days after that effective date, which was October 17, 1977. This provision of law does not terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction which occurred prior to October 17, 1977 if there was a judicial proceeding to enforce that liability pending on October 17, 1977, or one is commenced by October 17, 1978.

Notice and Public Procedure on this deletion of a regulation is unnecessary as the action is in response to termination of the authority to carry out activities pursuant to the regulation. For this reason also, the deletion is effective immediately.

Part 1802 [Removed]

In view of the foregoing, 32 CFR, Part 1802, is hereby deleted.

BARDYL R. TIRANA,
Director.

[FR Doc. 78-4029 Filed 2-13-78; 8:45 am]

[4310-70]

Title 36—Parks, Forests and Public Property
CHAPTER I—NATIONAL PARK SERVICE,
DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF
THE NATIONAL PARK SYSTEM

Relaxation of Off-Road Motorcycle Operation
Regulations, Padre Island National Seashore,
Tex.

AGENCY: National Park Service, Department of the Interior.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to relax the present requirement that all operators and passengers on motorcycles using designated off-road routes wear approved safety helmets. The amended regulation will conform with a new Texas law effective September 1, 1977, which reduces state helmet requirements to cover only operators and passengers under 18 years of age.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this regulation relieves a restriction, it is determined that the rulemaking procedure is unnecessary and not in the public interest.

EFFECTIVE DATE: February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

John F. Turney, Superintendent, Padre Island National Seashore, 9405 South Padre Island Drive, Corpus Christi, Tex. 78418, 512-937-

2621.

Section 7.75 is amended by revising paragraph (a)(1)(iii) as follows:

§ 7.75 Padre Island National Seashore.

(a) *Off-road motor vehicle and motorcycle operation.* (1) The following regulations pertain to the operation of motor vehicles and motorcycles off established roads and parking areas. The operation of such vehicles and motorcycles is subject also to the applicable provisions of Part 4 of this chapter and paragraphs (e) and (g) of this section.

(iii) No person under 18 years of age may operate or ride as a passenger on a motorcycle without wearing approved protective headgear (a helmet constructed to meet the requirements of Department of Transportation Standard Numbered Z90.1).

JOHN F. TURNEY,
Superintendent,
Padre Island National Seashore.

JANUARY 30, 1978.

[FR Doc. 78-4024 Filed 2-13-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL PROTECTION
AGENCY

[FRL 854-31]

PART 428—RUBBER MANUFACTURING POINT
SOURCE CATEGORY

Revocation of Pretreatment Standards for New
Sources; Tire and Synthetic Segment

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule revokes the pretreatment standards for new sources within the emulsion crumb rubber subcategory (Subpart B) and the solution crumb rubber subcategory (Subpart C) of the Rubber Manufacturing Point Source Category, 40 CFR Part 428. This action is in response to requests made by the Firestone Tire & Rubber Co. and the Goodyear Tire & Rubber Co. and will resolve issues raised in litigation instituted by those companies.

EFFECTIVE DATE: March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Juanita Hillman, Organic Chemicals Branch, Effluent Guidelines Division (WH-552), Environmental Protection Agency, Washington, D.C., 202-426-2497.

SUPPLEMENTARY INFORMATION: On September 23, 1977, the Environmental Protection Agency published a proposed rule revoking pretreatment standards for new sources in the emulsion crumb rubber and solution crumb rubber subcategories of the Rubber Manufacturing Point Source Category. The Agency pointed out that the data base for the standards is inadequate to support them at this time and that the standards are being revised under the consent agreement in *Natural Resources Defense Council v. Train*, 8 E.R.C. 2120 (D.D.C. 1976).

No unfavorable comments have been received, and the proposed rule is hereby adopted without change and is set forth below.

Part 428 is amended as follows:

Subpart B—Emulsion Crumb Rubber Subcategory

§ 428.26 [Revoked]

1. Subpart B is amended by revoking § 428.26.

Subpart C—Solution Crumb Rubber Subcategory

§ 428.36 [Revoked]

2. Subpart C is amended by revoking § 428.36.

Dated: February 7, 1978.

BARBARA BLUM,
Acting Administrator.

(FR Doc. 78 3981 Filed 2-13-78; 8:45 am)

[4110-02]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 168—GENERAL PROVISIONS RELATING TO STUDENT ASSISTANCE PROGRAMS: PROCEDURES FOR THE LIMITATION, SUSPENSION, OR TERMINATION OF INSTITUTIONAL ELIGIBILITY FOR PROGRAMS UNDER TITLE IV OF THE HIGHER EDUCATION ACT OF 1965

Correction

AGENCY: Office of Education, HEW.
ACTION: Correction, Final Regulations.

SUMMARY: In the regulations published in the FEDERAL REGISTER on December 23, 1977, pages 64569-64570, certain technical corrections need to be made. The document is corrected as follows:

(1) On page 64569, first column, § 168.75(b)(7), line 3, the second word, "and," should be deleted.

(2) On page 64569, second column, § 168.76(b)(1)(iii), line 7, the word, "or," should be inserted between the words, "limitation," and "termination."

(3) On page 64569, second column, § 168.76(b)(2), line 5, the semicolon should be deleted and a colon inserted in its place.

(4) On page 64569, second column, § 168.76(b)(6), line 1, a comma should be inserted after the word, "evidence."

(5) On page 64569, second column, § 168.76(b)(6), line 3, a comma should be inserted after the word, "warranted."

(6) On page 64569, second column, § 168.76(b)(6), line 7, the word, "action," should be inserted between the words, "termination," and "is."

(7) On page 64570, first column, § 168.80(b), line 1 the paragraph letter, "(b)," should be inserted before the heading, "Payment period."

(8) On page 64570, first column, § 168.80(b), line 8, the entire line, "(b)(2) For the purposes of this section," should be deleted.

(9) On page 64570, first column, § 168.80(b)(2), line 5, the words, "the period from the beginning to the midpoint of," should be inserted between the words, "is," and "the."

(10) On page 64570, second column, § 168.80(c)(1), line 6, a comma should be inserted between the words, "institution," and "or."

(11) On page 64570, second column, § 168.80(c)(2), line 3, a comma should be inserted between the words, "Grant," and "College."

(12) On page 64570, second column, § 168.81(b)(2)(ii), line 1, the letter "a," in the word, "any," should be capitalized.

FOR FURTHER INFORMATION CONTACT:

Mr. John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Bureau of Higher and Continuing Education, Office of Education, HEW, Washington, D.C. 20202, telephone 202-245-9873.

Dated: February 3, 1978.

L. DAVID TAYLOR,
Deputy Assistant Secretary for
Management Analysis and Systems.

(FR Doc. 78-4035 Filed 2-13-78; 8:45 am)

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Determination of Certain Bald Eagle Populations as Endangered or Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rulemaking.

SUMMARY: The Service issues a rulemaking which deletes the subspecific name *Haliaeetus leucoccephalus leucocephalus* (southern bald eagle) from the List of Endangered and Threatened Wildlife and Plants. Instead, the entire species *Haliaeetus leucocephalus* (bald eagle) will be listed as Endan-

gered throughout the 48 conterminous States of the United States, except in Washington, Oregon, Minnesota, Wisconsin, and Michigan, where it will be listed as Threatened. Until now, the Endangered Species Act of 1973 has applied only to the subspecies *Haliaeetus leucocephalus leucocephalus*. This rulemaking will extend the protective provisions of the Endangered Species Act of 1973 to all bald eagles in the 48 conterminous States, and clarify the listed status of this species.

EFFECTIVE DATE: The amendments will become effective on March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director-Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The bald eagle (*Haliaeetus leucocephalus*) has an overall range encompassing Canada, Alaska, and the 48 conterminous States of the United States. Two subspecies have been named: *H. l. alascanus*, the northern bald eagle, and *H. l. leucocephalus*, the southern bald eagle. The latter was listed as Endangered in the FEDERAL REGISTER of March 11, 1967. In the List of Endangered and Threatened Wildlife published in the FEDERAL REGISTER of July 14, 1977, the known distribution of the southern bald eagle is given as the United States south of 40° North Latitude. This line was arbitrarily selected for purposes of convenience to separate the two subspecies of bald eagles. When the southern bald eagle was listed as Endangered in 1967, the northern subspecies was not listed, primarily because the Alaskan population of that subspecies was not considered Endangered. At that time, it was not legally possible to list only a portion of a subspecies. Additionally, at that time there was no Threatened category.

In the FEDERAL REGISTER of July 12, 1976 (41 FR 28525-28527) the Service proposed to delete the name *Haliaeetus leucocephalus leucocephalus* from the List of Endangered and Threatened Wildlife. Instead, it was proposed to list the entire species *Haliaeetus leucocephalus* as Endangered throughout the conterminous 48 States of the United States, except in Washington, Oregon, Minnesota, Wisconsin, and Michigan, where the species would be listed as Threatened.

A number of problems had resulted from listing only the southern bald eagle. In the first place, there is no morphological or geographical basis for distinguishing the two named sub-

species. Although Alaska eagles average larger than Florida eagles, there is a gradual cline between the two extremes all across North America, with no clear breaking point. Moreover, there is considerable movement of eagles of both subspecies into each other's breeding range during nonbreeding periods. Southern bald eagles may wander northward as far as Canada during the late summer. Northern bald eagles migrate southward in large numbers for the winter. With respect to the species as a whole, the bald eagle probably has a larger regularly inhabited range than any other species now listed or being considered for listing. Over this vast range, status varies widely, with populations reportedly abundant in some areas and nearly extirpated in others. In certain parts of the northern half of the 48 conterminous States, bald eagle populations are in worse condition than within certain areas south of 40°N. In the upper Great Lakes region, and in the northwest, breeding populations seem to be doing relatively well, but these populations are small in absolute numbers. Large aggregations of bald eagles cross the Canadian border to spend the winter in the 48 conterminous States, especially the upper Mississippi and Missouri Valleys. These eagles are indistinguishable from those in populations that nest in the lower 48 States.

Considering the fact that the southern bald eagle already has been listed as Endangered, it would seem reasonable to extend Endangered status to populations in the northern part of the 48 conterminous States that are in comparable or worse condition. A Service survey in 1974 located 150 active bald eagle nests in Florida, 56 in the Chesapeake Bay region, and 26 in all other parts of the country south of 40°N. The survey also showed the presence of 33 active nests in Maine, but this population had the lowest successful reproduction ratio in the nation. In California, which on January 13, 1976, requested Endangered status for all of its bald eagles, there were 16 active nests north of 40°N. In 1974. In all other northern States, where the Endangered classification will apply, a total of 26 active nests was located in 1974.

The situation in the Northwest and upper Great Lakes region contrasts sharply with that in the remainder of the northern States. In 1974, Oregon had 63 active nests, and a 1975 survey indicated a total of 103 active nests in Washington. This population has a good ratio of successful reproduction, and, unlike that of Florida, is not isolated and actually is continuous with much larger populations extending through Canada to Alaska. The States of Minnesota, Wisconsin, and Michigan had a total of 318 active nests in

1974. Again, reproduction is good, and the population is continuous with others in Canada.

Considering the above, it has been decided to extend Endangered status to the bald eagle throughout the 48 conterminous States, except in Washington, Oregon, Minnesota, Wisconsin, and Michigan, where the species will be listed as Threatened. It is recognized that the populations in these five States do not meet the criteria for Endangered, as defined in Section 3(4) of the Act, and thus warrant less restrictive regulations than the other eagle populations in the 48 conterminous States.

SUMMARY OF CONTENTS

In response to the proposed rulemaking of July 12, 1976, letters of support were received from United States Senators Mike Gravel of Alaska, Floyd K. Haskell of Colorado, Gary Hart of Colorado, and Strom Thurmond of South Carolina; and from Representatives William M. Brodhead of Michigan, James P. Johnson of Colorado, and Patricia Schroeder of Colorado. Approximately 70 private citizens also wrote to express general approval of the proposal. Two other persons stated specifically that they would prefer to see the Endangered classification apply throughout the 48 conterminous States.

The United States Forest Service concurred with the proposal and supplied substantial data on bald eagles in National Forests. Of particular relevance is the following comment: "With respect to populations on the National Forests of Oregon, Washington, Minnesota, Wisconsin, Michigan, Montana, and Idaho, breeding success appears to be stable with only minor year-to-year fluctuations. However, our data reveals no cause for optimism, the nesting success rate is marginal and not improving, there are substantial threats to the habitat and poaching continues. There is little basis to refute classification as threatened."

The Governments of the following States sent written statements of concurrence with the proposal of July 12, 1976: Alabama, Arizona, Arkansas, California, Connecticut, Delaware, Florida, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Nevada, New Hampshire, New York, North Carolina, Ohio, Oklahoma, South Carolina, Virginia, Washington, West Virginia, and Wisconsin. Several of those States supplied data relative to their eagle populations. The Wyoming Department of Agriculture suggested that disease might be a factor threatening the eagle, but provided no further details. The California Bald Eagle Working Team, a group composed of State, Federal, and private representatives, supported the propos-

al and provided considerable data. The Oconto County Soil and Water Conservation District supporting listing of the eagle as Threatened in Wisconsin.

The Governments of the States of Colorado, Nebraska, and New Mexico expressed concern that by the new listing arrangement eagles might come under different, possibly improper, classifications as they moved from one State or country to another, especially with regard to wintering populations. The Service has considered this matter, but thinks that few practical difficulties are involved, and that the present rulemaking offers the simplest alternative in dealing with listing measures for the bald eagle.

The Idaho Department of Fish and Game objected to the proposal, suggesting that the Service wished to extent the listed status of the bald eagle only for administrative purposes, and not because the species actually was Endangered or Threatened. It is true that the proposal was made to eliminate administrative difficulties, but these difficulties came about because the biological status of the eagle was not properly covered by the original 1967 listing. The Service considers that all populations to be listed by the present rulemaking fully warrant classification because of biological factors.

The Governor of Minnesota opposed the classification of the bald eagle as Threatened in the State, stating that the species would not become Endangered within the foreseeable future. The Service agrees that the eagle population of Minnesota is doing well relative to most in the country, but considers that the absolute number of eagles in the State is small and cannot in itself assure the future of the species.

The Montana Department of Fish and Game opposed listing of the bald eagle, noting that its down or so nests were doing very well, and that large group of eagles entered the State during the winter. Montana also suggested that the Service wished to list northern eagles simply for administrative expediency, and not because the eagles actually are Endangered. Such is not the case; the rulemaking will facilitate administration because it will more accurately reflect the biological situation.

The Oregon Department of Fish and Wildlife objected to the proposal and stated that the Oregon bald eagle was not Threatened. Although the species is doing better in Oregon than in most States, it does not appear to be so abundant that it can be excluded from this classification.

The Governor of Utah expressed concern that the proposed measures might interfere with conservation programs dealing with wintering eagles. In fact, however, permits for scientific purposes or for the enhancement of

propagation or survival will be available in accordance with 50 CFR 17.22.

A number of parties involved in the lumber industry provided comments. The Clark Fork Logging Co. of Montana suggested that the bald eagle was not Endangered in its area, and called for an Environmental Impact Statement on the proposal. This question has been considered and dealt with by the environmental assessment prepared in conjunction with the rulemaking. The Edward Hines Lumber Co. and the Kallispel Pole & Timber Co. said that logging should not be listed as a factor threatening the bald eagle. The Service has information showing that in some cases logging has been harmful to eagles, but the proposal did not mean to imply that all logging is detrimental. The Federal Timber Purchasers Association questioned the need for a rulemaking, and also provided comments on the matter of Critical Habitat for the species, but Critical Habitat is not being considered at this time. The Simpson Lumber Co. indicated that the eagle was not Threatened in Washington. The Timber and Wood Products Group of Boise Cascade commented on financial implications of the proposal.

The Environmental Defense Fund opposed the proposal, stating that the bald eagle should be listed as Endangered throughout its entire range. The Act was interpreted to mean that if a portion of a subspecies (in this case *H. l. alascanus*) is designated as Endangered, the entire subspecies must be designated Endangered. The Service does not consider this interpretation to be valid.

The National Audubon Society, the American Ornithologists' Union, and the Smithsonian Institution expressed general approval of the proposal, but stated that it would be more appropriate to extend Endangered status to bald eagles in Oregon, and the southern parts of Minnesota, Wisconsin, and Michigan. The Service appreciates this suggestion, but maintains that in this case the designated State boundaries seemed most appropriate.

The National Wildlife Federation expressed the same concerns as the Audubon Society, and requested assurance that bald eagles designated as Threatened would receive essentially similar protection as those designated Endangered. The Service can give this assurance (see "Effect of the Rulemaking" below). The Wilderness Society also requested that stringent regulations apply to Threatened bald eagles.

LISTING CRITERIA

Section 4(a) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)) states that the Secretary of the Interior or the Secretary of Commerce may

determine a species to be Endangered or Threatened because of any of five factors. These factors, and their application to bald eagles in the 48 conterminous States of the United States, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The breeding range of the bald eagle has been considerably reduced in recent years, partly through widespread loss of suitable habitat. Human activities, such as logging, housing developments, and recreation have directly destroyed many nesting sites and have made others unattractive to the birds. In the northern part of the 48 conterminous States there were three major regions for bald eagle nesting: (1) New England and eastern New York; (2) the Great Lakes region from western New York to Minnesota; and (3) the Pacific Northwest from San Francisco Bay to Puget Sound. Some nesting also was found in the Plains and Mountain States. In recent years losses in habitat and range have been especially severe in the Northeast. Substantial nesting groups have been practically eliminated on Long Island, in the Adirondacks, and in most of New England, with a relatively small number of pairs holding out in Maine. In much of the Great Lakes region there also have been considerable declines. The formerly large population in Ohio, Indiana, the Lower Peninsula of Michigan, northern Illinois, and southern Wisconsin, has been greatly reduced. Substantial numbers now survive only in the northern parts of Minnesota, Wisconsin, and Michigan. In the Northwest there also appears to have been a decline in the population. The bald eagle once was a common breeder in the vicinities of San Francisco and Portland, but disappeared from these areas long ago. In other northern States the breeding range also has declined, with the population having been eliminated in Iowa and Nebraska and reduced elsewhere.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Shooting continues to be the leading cause of direct mortality in adult and immature bald eagles, accounting for about 40 to 50 percent of birds picked up by field personnel.

3. *Disease or predation.* Not applicable.

4. *The inadequacy of existing regulatory mechanisms.* The bald eagle already is protected throughout the United States by the Bald and Golden Eagles Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-711), and regulations issued thereunder. The protective provisions of section 7 of the Endangered Species Act of 1973, however, have not previously applied to populations of bald eagles that are found in the

northern part of the 48 conterminous States.

5. *Other natural or manmade factors affecting its continued existence.* Organochlorine pollutants are still contributing to reproductive failure in some nesting areas, especially in the Northeast. Only a single nesting pair of eagles remains in New York, where once the species was common, and this pair failed to produce offspring in 1974. The 33 pairs in Maine produced 14 young in 1974 for a success ratio of only 0.38 young per active territory. This was the lowest of any of the major populations in the country. The number of eagles nesting near the shore of Lake Superior also has been reduced because of this factor.

EFFECTS OF THE RULEMAKING

Bald eagles are already protected by the Bald and Golden Eagles Protection Act, the Migratory Bird Treaty Act, and certain regulations issued thereunder (16 U.S.C. 668-668d, 703-711; 50 CFR 10.13, 21.2, 21.22, Part 22). These provisions basically prohibit the taking, possession, sale, purchase, barter, transportation, exportation, and importation of bald eagles (16 U.S.C. 668, 703). Limited exceptions are available for taking, possession, or transportation under scientific, exhibition, or Indian religious use permits and for taking under depredation control and banding or marking permits (16 U.S.C. 668a; 50 CFR 21.22, 22.21-22.23).

The prohibitions and exceptions made applicable to endangered bald eagles by this listing, principally 16 U.S.C. 1538-1539 and 50 CFR 17.21-17.22, must be read together with the prohibitions and exceptions established by the Eagle and Migratory Bird Treaty Acts. As provided in a special rule, 50 CFR 17.41(a), the same is also true for the prohibitions and exceptions established herein for the threatened bald eagles. Such provisions are set forth principally in 50 CFR 17.31-17.32 which apply to threatened species most of the restrictions and exemptions applicable to endangered species.

INTERAGENCY COOPERATION

Section 7 of the Act states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of

habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

Although no Critical Habitat now is being determined for the bald eagle, the other provisions of section 7 will apply to the populations covered by this rulemaking. The Service does intend to designate Critical Habitat for the bald eagle as soon as substantial data have been compiled. In this regard, persons with pertinent information are invited to send the same to the Director.

NATIONAL ENVIRONMENTAL POLICY ACT

An environmental assessment has been prepared and is on file in the Service's Office of Endangered Species in Washington, D.C. The assessment is the basis for a decision that the determinations of this rulemaking are not major Federal actions which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rulemaking is Ronald M. Nowak, Office of Endangered Species (202-343-7814).

REGULATIONS PROMULGATION

Accordingly, Part 17 of Chapter I of Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. By deleting the southern bald eagle (*Haliaeetus leucocephalus*) from the List of Endangered and Threatened Wildlife in § 17.11.

2. By adding alphabetically the following populations of the bald eagle to the list in § 17.11 under "Birds," as indicated below:

§ 17.11 Endangered and threatened wildlife.

Species		Range					
Common name	Scientific name	Population	Known distribution	Portion endangered	Status	When listed	Special rules
Eagle, bald.....	<i>Haliaeetus leucocephalus</i> .	U.S.A. (48 conterminous States other than Washington, Oregon, Minnesota, Wisconsin, and Michigan).	U.S.A. (48 conterminous States other than Washington, Oregon, Minnesota, Wisconsin, and Michigan).	Entire.....	E.....	1, 34	NA.
Do.....	<i>Haliaeetus leucocephalus</i> .	U.S.A. (Washington, Oregon, Minnesota, Wisconsin, and Michigan).	U.S.A. (Washington, Oregon, Minnesota, Wisconsin, and Michigan).	do.....	T.....	1, 34	17.41(a).

3. By deleting the notation "Reserved" from § 17.41 and inserting the following:

§ 17.41 Special rules—birds.

(a) Bald eagles (*Haliaeetus leucocephalus*) found in Washington, Oregon, Minnesota, Wisconsin, and Michigan.

(1) *Applicable provisions.* The provi-

sions of §§ 17.31 and 17.32 shall apply to bald eagles specified in paragraph (a) of this section to the extent such provisions are consistent with the Bald and Golden Eagles Protection Act (16 U.S.C. 668-668d), the Migratory Bird Treaty Act (16 U.S.C. 703-711), and the regulations issued thereunder.

NOTE.—The Service has determined that

this document does not contain a major action requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: December 14, 1977.

LYNN A. GREENWALT,
Director, Fish and
Wildlife Service.

[FR Doc. 78-3899 Filed 2-13-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 94]

MILK AND MILK PRODUCTS

Importation

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Withdrawal of proposal.

SUMMARY: This notice withdraws a proposal to provide for the importation of certain milk and milk products from countries infected with rinderpest or foot-and-mouth disease. This action results from the fact that certain information provided in the proposal was inaccurate and further study of the matter is required.

EFFECTIVE DATE: February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Blakey Deal, USDA, APHIS, VS, Federal Building, Room 824, Hyattsville, Md. 20782, 301-436-8379.

SUPPLEMENTARY INFORMATION: The proposed rulemaking published in the FEDERAL REGISTER, January 13, 1978 (43 FR 1962-1963), stated that certain experimental studies conducted at the Plum Island Animal Disease Center which provided a basis for the proposal included both rinderpest and foot-and-mouth disease viruses. However, it has since been determined by the Department that the research referred to was confined to the virus of foot-and-mouth disease only. Therefore, the proposal is withdrawn.

Done at Washington, D.C., this 10th day of February 1978.

J. K. ATWELL,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-4197 Filed 2-13-78; 8:53 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 430]

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Proposed Rulemaking Regarding Test Procedures for Conventional Ranges, Conventional Cooking Tops, Conventional Ovens, Microwave Ovens, and Microwave/Conventional Ranges; Corrections

AGENCY: Department of Energy.

ACTION: Proposed rule; corrections.

SUMMARY: This document corrects errors made in the proposed rulemaking regarding test procedures for conventional ranges, conventional cooking tops, conventional ovens, microwave ovens, and microwave/conventional ranges in FR Doc. 77-36942 appearing at pages 65576 and following of the December 30, 1977 FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Department of Energy (Office of Conservation and Solar Applications), Old Post Office Building, Room 307, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461; 202-566-4635.

Jim Merna, Department of Energy (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461 202-566-9833.

Michael T. Skinner, Department of Energy (Office of the General Counsel), 12th and Pennsylvania Avenue NW., Room 7148, Washington, D.C. 20461, 202-566-9750.

SUPPLEMENTARY INFORMATION: The references to the American National Standards Institute (ANSI) standard "ANS-Z21.1b-1976" in the first and second columns of page 65577 and the third column of page 65581 of the December 30, 1977 FEDERAL REGISTER were incorrect. In each case the ANSI standard should have been cited as "ANS-Z21.1-1974 (as amended by ANS-Z21.1a-1974 and ANS-Z21.1b-1976)."

A number of provisions of Appendix I contained in the proposed regulation, pages 65583 and following, were incorrectly stated and are corrected below. In all other respects the proposed rulemaking remains as published on December 30, 1977.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 FR 23185.)

In consideration of the foregoing, the proposed regulation regarding test procedures for conventional ranges, conventional cooking tops, conventional ovens, microwave ovens, and microwave/conventional ranges published in 42 FR 65576 et seq. (December 30, 1977) is corrected as set forth below.

Issued in Washington, D.C., February 8, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

Sections 2.7.3, 3.3.4, 3.3.9, 4.1.1.2, 4.1.2.1.2, and 4.1.2.6 are corrected to read as follows:

APPENDIX I—UNIFORM TEST METHOD FOR MEASURING THE ENERGY CONSUMPTION OF CONVENTIONAL RANGES, CONVENTIONAL COOKING TOPS, CONVENTIONAL OVENS, MICROWAVE OVENS, AND MICROWAVE/CONVENTIONAL RANGES

2.7.3 Test block temperature. Maintain the initial temperature of the test blocks, T_b , within $\pm 4^\circ$ F of the ambient room air temperature as specified in 2.5.

3.3.4 Record the conventional oven test measurements T_a , E_a , T_b , E_b , T_c , E_c , T_d , E_d , and E_{10} .

3.3.9 Record the gas consumption, P_c , and the elapsed time, L_c , that any continuously burning pilot lights of a conventional cooking top are under test.

4.1.1.2 Conventional gas oven test energy consumption. For a conventional gas oven, calculate the gas test energy consumption, E_{10} , with the aid of the figure in 5 of this Appendix, expressed in Btu's and corresponding to T_b and defined as:

$$E_{10} = (F_{AB} \times H) \times \left[\left(\frac{T_{10} - T_{AB}}{T_{10} - T_{AB}} \right) \times (E_{CD} - F_{AB}) \times H \right]$$

where

H = either H_a or H_b , the heating value of the gas used in the test as specified in 2.2.2.2

and 2.2.2.3, expressed in Btu's per standard cubic foot.

$$T_{AB} = \frac{T_A + T_B}{2}$$

$$T_{CD} = \frac{T_C + T_D}{2}$$

$$F_{AB} = \frac{F_A + F_B}{2}$$

$$E_{CD} = \frac{E_C + E_D}{2}, \text{ where}$$

T_0 = 234 F above the initial block temperature.

T_a = block temperature at the end of the last "ON" period of the conventional oven before the test block reaches T_b .

E_a = volume of gas consumed in standard cubic feet at the end of the last "ON" period before the test block reaches T_b .

T_b = block temperature at the beginning of the "ON" period following the measurement of T_a .

E_b = volume of gas consumed in standard cubic feet of gas at the beginning of the "ON" period following the measurement of T_a .

T_c = block temperature at the end of the "ON" period which starts with T_b .

E_c = volume of gas consumed in standard cubic feet of gas at the end of the "ON" period which starts with T_b .

T_d = block temperature at the beginning of the "ON" period which follows the measurement of T_c .

E_d = volume of gas consumed in standard cubic feet of gas at the beginning of the "ON" period which follows the measurement of T_c .

4.1.2.1.2 Annual secondary cooking energy for gas ovens. Calculate the annual secondary energy consumption for cooking, E_{10} , expressed in kilowatt-hours and defined as:

$$E_{10} = \frac{E_{10}}{W_1 \times C_p \times T} \times \frac{O_0}{C_p \times T}, \text{ where}$$

E_{10} = electrical test energy consumption according to 3.2.1 or as calculated in 4.1.1.3.

O_0 = 47.09 kWh's, annual useful cooking energy output.

W_1 , C_p , and T are as defined in 4.1.2.1.1.

4.1.2.6 Total annual energy consumption of multiple conventional ovens. If the basic model of the conventional range, microwave/conventional range, or conventional oven includes more than one conventional oven, calculate the total annual energy consumption for all of the conventional ovens in the basic model, E_{10} , expressed in kilowatt-hours per year for electrical energy and in Btu's per year for gas energy, with the following equation:

PROPOSED RULES

$E_{10} = E_{ACO} + E_{ASO} + E_{TPO} + E_{SC} + E_{SS} + E_{CL}$, where gas and electrical energy are summed separately and where,

$$E_{ACO} = \frac{1}{n} \sum_{i=1}^n (E_{CO})_i$$

average annual primary energy consumption for cooking, where

n = number of conventional ovens in the basic model.

E_{CO} = annual primary energy consumption for cooking as determined in 4.1.2.1.1.

$$E_{ASO} = \frac{1}{n} \sum_{i=1}^n (E_{SO})_i$$

average annual secondary energy consumption for cooking, where

n = number of conventional ovens in the basic model.

E_{SO} = annual secondary energy consumption for cooking as determined in 4.1.2.1.2.

$$E_{TPO} = \sum_{i=1}^n (E_{FO})_i$$

total annual energy consumption, of any pilot lights, where

E_{FO} = annual energy consumption of any continuously burning pilot lights determined according to 4.1.2.2.

E_{SC} , E_{SS} , and E_{CL} are defined in 4.1.2.3.1, 4.1.2.3.2, and 4.1.2.4 respectively.

[FR Doc. 78-3965 Filed 2-13-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1306]

UNVENTED GAS-FIRED SPACE HEATERS

Proposal To Ban

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to ban unvented gas-fired space heaters because such heaters permit combustion products, including carbon monoxide, to be discharged into the living space, and may result in possible carbon monoxide poisoning and/or asphyxiation.

DATES: (1) Written comments on the proposal must be received by the Commission by March 31, 1978.

(2) There will be an opportunity for interested persons to orally present data, views or arguments on March 6, 1978 at 10 a.m., in the Commission

hearing room. Those wishing to make oral presentations should notify the Office of the Secretary, 202-634-7700, by February 27, 1978. A summary or copy of testimony is to be submitted to the Office of the Secretary by March 1, 1978.

(3) The proposed regulation would become effective as to unvented gas-fired space heaters initially introduced into commerce 30 days after publication of any final banning rule.

(4) The time during which the Commission must either publish a final rule or withdraw this proposal is extended to July 17, 1978.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All material which the Commission has that is relevant to this proceeding, including any comments that may be received regarding this proposal, may be seen in, and copies obtained from, the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street NW., Washington, D.C. Oral presentations will be conducted in the Commission's 3rd floor hearing room.

FOR FURTHER INFORMATION CONTACT:

George Anikis, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6453.

Persons wishing to make oral presentations should contact: Richard Danca, Office of the Secretary, 202-634-7700.

BACKGROUND

For several years, the Commission has been examining and evaluating hazards associated with vented and unvented gas-fired heaters. By letter filed January 15, 1974, the Missouri Public Interest Research Group petitioned the Commission (CP 74-10) to initiate proceedings under the Consumer Product Safety Act (CPSA) to develop mandatory safety standards and labeling requirements for space heaters. The Commission examined the possible hazards associated with several different kinds of space heaters, including space heaters fueled by wood, kerosene, and gas, and those powered by electricity. After reviewing information then available to it, the Commission preliminarily concluded that only gas-fired space heaters presented unreasonable risks of injury to the public from such hazards as carbon monoxide poisoning and/or asphyxiation, contact burns, and fabric ignition. Therefore, on September 5, 1975 (40 FR 41172), the Commission issued a partial denial of petition CP 74-10 as to space heaters fueled by energy sources other than gas.

PROPOSED RULES

At that time, the Commission directed the staff to develop technical information on gas-fired space heaters for possible development of a proposed mandatory safety standard for these products. Concurrently, the Commission staff monitored the development of voluntary standards for vented gas-fired space heaters and wall furnaces by the American National Standards Institute (ANSI Z21.11.2, A21.44, and Z21.49). At a public briefing of the Commission on May 19, 1977, the staff advised the Commission that during this period, the voluntary standards for vented gas-fired heaters had been significantly improved; provisions for the safe ignition of vented heaters, reduction of surface temperatures, prevention of fabric ignition, and minimization of asphyxiation hazards, have been and are continuing to be substantially upgraded. Additionally, the Commission noted that conformance by manufacturers to the industry's voluntary standards and certification programs for vented gas-fired space heaters is high because industry certification of gas appliances to be installed in residences is widely prescribed by various state and local building codes and safety regulations. The Commission subsequently concluded that a mandatory regulation did not appear to be necessary to address any risks of injury that might be associated with vented gas-fired space heaters. A Notice of Decision to this effect was published September 14, 1977 (42 FR 46072). The Commission staff continues to monitor these voluntary efforts in order to advise the Commission on further safety developments in these voluntary standards.

The differentiating safety factor between vented and unvented gas-fired space heaters is that vented heaters provide a specific means for the removal of combustion products from the living space, whereas unvented gas-fired space heaters must depend upon the ventilation supplied to that space. Although unvented gas-fired space heaters should be operated in a space where there is sufficient ventilation, the generation of excessive levels of carbon monoxide by unvented gas-fired space heaters may occur from incomplete combustion resulting from insufficient air supply, faulty or poorly adjusted burner equipment, or other combinations of conditions.

Carbon monoxide produced by a vented gas heater will ordinarily pose a minimal threat of carbon monoxide poisoning because the combustion gases will be drafted from the living space through the flue opening. However, unvented gas-fired space heaters discharge the carbon monoxide and other combustion products directly into the atmosphere of the surrounding or adjacent living space. Carbon monoxide introduced into such a living

space by an unvented gas heater can accumulate to a hazardous concentration because the heater design inherently does not provide for venting of the combustion products to the building exterior.

The commission has previously examined the hazard of carbon monoxide poisoning from products not necessarily designed to discharge combustion products directly into the living space. On January 26, 1977 (42 FR 4882), the Commission denied petition CP 76-14 which requested the development of a safety standard to include, among other requirements, a device to shut off gas furnaces that may release CO because of malfunction. The Commission stated that "while the consequences of exposure to high levels of CO from gas furnaces are severe and occur with a frequency that is not negligible, the principal causes of dangerously high concentrations of CO from furnaces do not appear to be correctable through the issuance of a mandatory safety standard."

As stated in the Notice of Decision of September 14, 1977 (42 FR 46072), on gas-fired space heaters, the Commission publishes this proposal to ban unvented gas-fired space heaters under section 8 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2057), because the Commission believes that the public can be protected from the hazards of carbon monoxide poisoning and/or asphyxiation associated with unvented gas-fired space heaters only by removing these products from the marketplace.

MEDICAL CONSEQUENCES OF CARBON MONOXIDE POISONING

Carbon monoxide (CO) entering the human respiratory system combines reversibly with blood hemoglobin (Hb) to form carboxyhemoglobin (COHb). This reaction displaces oxygen in the blood and may lead to anoxia (reduction of oxygen in body tissues below physiologic levels) and death if the reaction is not reversed. Asphyxia brought about by CO is caused by the affinity of hemoglobin for this gas, which is 200 times as great as its affinity for oxygen; therefore, low levels of CO in the atmosphere may still result in high levels of carboxyhemoglobin in the blood. The general physiological effects of increasing atmospheric concentrations of carbon monoxide are presented in the following table:

Percent CO in atmosphere	Parts per million	Response
0.005	50	Threshold limit value, no apparent toxic symptoms.
0.01	100	No poisoning symptoms for long periods of time. Allowable for several hours.

Percent CO in atmosphere	Parts per million	Response
0.02	200	Possible headache, mild frontal in 2-3 hr.
0.04	400	Frontal headache and nausea after 1-2 hr.
0.08	800	Headache, dizziness and nausea in 45 min; collapse and possible unconsciousness in 2 hr.
0.16	1,600	Headache, dizziness, nausea in 20 min; collapse, unconsciousness, possible death in 2 hr.
0.32	3,200	Headache and dizziness in 5-10 min; unconsciousness and possible death in 10-15 min.
0.64	6,400	Headache and dizziness in 1-2 min; unconsciousness and possible death in 10-15 min.
1.28	12,800	Immediate effect, unconsciousness and danger of death in 1-3 min.

SOURCE: Industrial Toxicology, 3rd ed. Alice Hamilton, M.D. and Harriet L. Hardy, M.D. Publishing Sciences Group, 1974.

A CO concentration as little as 1/100 of the normal (21 percent) oxygen content of air may be fatal within an hour. This concentration of 0.21 percent (2,100 ppm) CO lies between the values of 0.16 percent and 0.32 percent CO reflected in the table above. Chronic CO poisoning is essentially a series of mild acute exposures and may pose a threat to the central nervous system and myocardium, the muscular substance of the heart. These tissues are very sensitive to oxygen deprivation and can show symptoms of hypoxia (deficiency in amount of oxygen reaching body tissues) either promptly after acute intoxication, or progressively after multiple exposures to carbon monoxide.

NATURE OF THE RISK OF INJURY

In assessing the nature and degree of the risk of injury associated with unvented gas-fired space heaters, the Commission was assisted by the studies referenced in the bibliography below. This literature is available for review at the Office of the Secretary. The risks of injury associated with unvented gas-fired space heaters are threefold:

- (1) Poisoning caused by increased levels of carbon monoxide in the living space;
- (2) Asphyxiation resulting from anoxia effected by fuel combustion which reduces the oxygen level in the surrounding living space;
- (3) The combination of (1) and (2) above.

Unvented gas-fired space heaters derive their combustion air from the

space being heated and discharge the products of this combustion directly into this same space. The principle effluent products of combustion for any hydrocarbon fuel, whether solid, liquid, or gas, are carbon dioxide (CO₂), water vapor (H₂O), and a small concentration of carbon monoxide (CO). None of these products pose a threat at the concentrations given off under normal operating conditions. However, maladjustment of the burner, such as can occur by the linting of burner primary air passages, will result in the introduction of higher concentrations of CO into the living space. Additionally, the depletion of room oxygen resulting from combustion may effect a dangerous increase in CO evolution from a well adjusted burner, though the reduced oxygen level within the room may pose no threat in itself. The standard composition of air at sea level consists of 21 percent by volume oxygen (O₂). Carbon monoxide evolution in an oxygen deficient atmosphere of 19 percent O₂ can amount to 10 to 20 times the concentration produced in a normal atmosphere (21 percent O₂) with a well adjusted burner.

This latter phenomenon is of particular concern because the ventilation pattern in a room can change with the simple closing of a door, or a change in the outside wind pattern or speed. The human senses may not detect such a subtle change which can produce a dangerous reduction in the room air exchange rate.

DEGREE OF RISK OF INJURY

Data on unvented gas-fired space heater-related injuries and deaths occurring in the United States have been compiled using the best data bases currently available. The hazard patterns associated with unvented gas-fired space heaters have been identified as burns resulting from contact with heater exteriors and clothing ignition, and carbon monoxide poisoning and/or asphyxiation. This proposed ban addresses only the risk of injury associated with CO poisoning and/or asphyxiation.

The Commission's data sources for product-related injuries stem from the National Electronic Injury Surveillance System (NEISS) of 119 hospital emergency rooms and the coding scheme developed for NEISS. NEISS does not have a product code for unvented gas-fired space heaters specifically; therefore, the Commission staff tabulated data from the following four codes that could include unvented gas-fired space heaters:

- 0325 Heating Stoves, Space Heaters, Gas, LP.
- 0350 Heaters, Room, Gas, Floor type.
- 0352 Heaters, Wall, Gas.
- 0353 Space Heaters, Gas not otherwise specified.

Using these product codes, it is not possible to determine the proportion of the NEISS estimated injuries associated only with unvented gas-fired space heaters. Ninety-four percent of all gas-fired space heater-related injuries contained in NEISS are recorded as burns or other epidermal injuries. Fatalities associated with unvented gas-fired space heaters which may have resulted from CO poisoning and/or asphyxiation may not be taken to an emergency room and, therefore, would not be represented in NEISS.

In a review of the in-depth investigations and death certificates, all NEISS product codes which conceivably could contain any cases concerning the unvented gas-fired appliances defined in the proposed ban were reviewed.

Of 111 unvented gas-fired space heater investigations received between April 1968 and December 1977, six cases involving carbon monoxide poisoning were identified; 3 such cases resulted in asphyxiation and death.

The Commission's computerized Death Certificate file reflects 504 deaths during the period from January 1973 through January 1978 in which it could be ascertained that a gas-fired space heater was involved; 256 of these deaths resulted from carbon monoxide poisoning and/or asphyxiation. In 65 of these deaths the gas-fired space heater was identified as unvented. A percentage of the remaining deaths also resulted from unvented gas-fired space heaters; however, because of the limited information provided by these death certificates, the exact number of deaths resulting from unvented gas-fired space heaters cannot be determined. Therefore, the 65 carbon monoxide poisoning/asphyxiation deaths positively linked to unvented gas-fired space heaters must be considered as a minimum value.

The Death Certificate Project is designed to include death certificates from 54 health jurisdictions which include the 50 states, as well as New York City, the District of Columbia, Puerto Rico, and the Virgin Islands.

Data collected through the Commission's computerized Death Certificate project are a minimum and are not indicative of the true total of product-related deaths for the following reasons:

- (1) Not all Death Certificates identify the products and, therefore, are not included in the true count.
- (2) There are gaps in the data base in prior years for certain health jurisdictions due to non-participation.
- (3) There are also those health jurisdictions which delay submitting reports which often reduces the true number of Death Certificates obtained for any recent time period.

The Commission reviewed data on gas-fired space heaters from the National Fire Prevention and Control Administration. No data relevant to injuries/deaths from carbon monoxide

poisonings and/or asphyxiation related to gas space heaters were found.

Although the magnitude of the injury and death problem associated with unvented gas-fired space heaters cannot be precisely determined from the available data, the potential for such injuries or deaths, particularly those arising from carbon monoxide poisoning and/or asphyxiation, is substantial because such heaters discharge their combustion products directly into the living space.

DESCRIPTION OF THE PROPOSED BAN

Proposed Part 1306 declares that unvented gas-fired space heaters, as defined in §1306.3, are banned hazardous products under section 8 of the CPSA. The proposed ban applies to products that are customarily produced or distributed for sale to or for the personal use, consumption or enjoyment of consumers in or around a household or residence, a school, in recreation or otherwise and that are initially introduced into commerce 30 days after the effective date of the ban. For purposes of this Part 1306, "initially introduced into commerce" means physically shipped from the domestic manufacturer's facilities to a distributor, retailer, or consumer. A product manufactured outside the United States is initially introduced into commerce when it is first brought within a U.S. port of entry.

For the purposes of this proposal, an unvented gas-fired space heater in an unvented, self-contained, free-standing or recessed, gas-burning appliance which furnishes warm air to the surrounding living space by gravity convection, fan circulation or radiation directly from the heater and without duct connections. The heater discharges carbon dioxide and water vapor, and any carbon monoxide in the combustion products directly into the heated space. Although kitchen ranges and ovens may fit this product description, they are not included within this definition because their function is not to provide room heat, but to serve as a source of localized heat for food preparation.

Within the scope of this definition, unvented gas-fired space heaters include unvented circulators; radiant heaters; and wall heaters, unvented closed front; as defined in the following paragraphs:

(1) "Unvented Circulator." A room heater designed to convert the energy in the fuel to convected and radiant heat by direct mixing of air to be heated with the combustion products and excess air inside the jacket. Unvented circulators have an external jacket surrounding the burner and may be equipped with radiants with the jacket open in front of the radiants.

(2) "Radiant Heaters." An open-front unvented room heater designed

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primarily to convert the energy in the fuel to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has no external jacket.

(3) "Wall Heater, Unvented Closed Front." An unvented circulator having a closed front for insertion in or attachment to a wall or partition.

The following unvented heaters are exempt from the proposed ban for the reasons set forth below: Gas logs, coal baskets, fireplace inserts, (categorized as decorative gas appliances for purposes of this rule); portable catalytic camp heaters; portable camp heaters other than catalytic; and infrared heaters.

(1) "Decorative gas appliances" are exempt. These are gas logs, coal baskets, and fireplace inserts. Although such items could possibly serve as substitutes for the banned hazardous products, they are exempt from the ban for the following reasons:

(a) An investigation of available data bases for product-related injuries/deaths revealed no data specific to these products. Although the magnitude of the injury/death problem associated with these decorative gas appliances cannot be accurately determined, it appears to the Commission that consumer use of these appliances is primarily limited to decorative use in vented fireplaces where the risk of CO poisoning and/or asphyxiation is minimal.

(b) The American National Standards Institute (ANSI), a voluntary standards organization, has published a certification standard and labeling requirement for decorative gas appliances for installation in vented fireplaces (ANSI-Z21.60). The large majority of such decorative gas appliances are labeled for use in a vented fireplace.

(c) The likelihood of substantial substitution from unvented gas-fired space heaters to decorative gas-fired appliances, the most predominant of which are gas logs, appears small. This judgment is based upon the steadily declining market for these products over the past several years—approximately 20,000 units were produced in 1976 compared to approximately 42,000 units in 1974, and the familiarity of potential users with vented gas-fired space heaters as a likely substitute for the banned product.

(2) Catalytic camp heaters and non-catalytic camp heaters are exempt.

(a) Catalytic camp heaters are open faced, unvented heating appliances which utilize a catalyst in the combustion process. The Commission has recently denied a petition, (CP 75-16, 42 FR 32565, June 27, 1977), to develop a safety standard addressing the hazards of CO poisoning, anoxia and hot surfaces associated with catalytic heaters because, among other consid-

erations, the voluntary standard developed by the ANSI Z21.62 Subcommittee, and recently adopted by ANSI, appears to reasonably address the possible hazards which may be associated with catalytic heaters. Therefore, the Commission sees no need to include these in the proposed ban.

(b) Non-catalytic camp heaters are unvented portable heating devices of other than the catalytic type for use with liquefied petroleum gases. Because the safety problems inherent to these heaters are essentially the same as the safety problems encountered with catalytic heaters, the ANSI Z21.63 Subcommittee has developed and presented to ANSI for adoption a proposed voluntary standard for non-catalytic camp heaters which closely parallels the catalytic heater standard. Therefore, the Commission proposes to exclude non-catalytic camp heaters from this ban.

(3) Infrared heaters are exempt because they are generally used for heating outdoor spaces or non-residential, non-recreational indoor spaces; such applications do not relate to situations involving the CO poisoning and/or asphyxiation hazard of unvented gas-fired space heaters normally encountered in consumer environments.

The Commission welcomes public comment on the inclusions and exemptions defined within the scope of the proposed ban.

ECONOMIC CONSIDERATIONS

Shipments of unvented gas-fired space heaters have declined dramatically during the past decade—to a level of 180,000 units in 1976—a 70 percent decline since 1967. The number of manufacturers has similarly decreased through this same decade and currently numbers three. Sales of unvented gas-fired space heaters accounted for less than one third of the total sales volume for all three manufacturers. These three firms produce a variety of gas-fired equipment, including vented heaters which are expected to be the major substitute product for unvented gas-fired space heaters. Therefore, a ban on unvented gas-fired space heaters would not cause serious adverse financial impact on the three manufacturers. Assuming these manufacturers are producing vented gas heaters at less than full capacity, substitution to these vented products would entail little or no additional cost to the manufacturers. Conversion to other products could, however, be time consuming and costly to the industry. Approximately \$1.5 million in machinery and tooling for unvented heaters could be lost.

A ban on unvented gas-fired space heaters would affect distributors only if additional product lines could not be substituted. This is not expected; for the large majority of retailers who

carry unvented gas-fired space heaters, these heaters are not a significant share of their business.

Primary users of unvented gas-fired space heaters tend to be elderly and low-income persons in southern areas of the United States where climatic conditions make central heating systems uneconomical for many households. Unvented gas-fired space heaters are selected primarily because of their low initial purchase price.

Historically, unvented gas space heaters have been one of the most inexpensive non-central heating appliances on the market. However, recent voluntary industry safety standards (Z21.11.2) have increased the price of unvented models as to minimize the competitive advantage they have over vented heaters in terms of purchase price. Current gas space heater retail prices for both vented and unvented models are approximately \$140 for medium-sized, 25,000 BTU heaters. Unvented gas-fired space heaters have a thermal efficiency approaching 100 percent since none of the heat energy generated is exhausted through a flue opening. Conversely, vented gas-fired space heaters have standard efficiency ratings of 65-70 percent and are, therefore, more expensive to operate. A switch from a 25,000 BTU unvented heater to an equivalent vented heater could have a projected increased operating cost of \$25-36 annually, at current fuel prices. Therefore, the adverse impacts to the consumer resulting from a ban on unvented gas-fired space heaters include modest increases in price of initial purchase, increases in cost of operation, or decreases in residential heating capabilities in cases in which substitution or replacement of heating equipment is unaffordable.

It is estimated that the most likely substitutes for unvented gas-fired space heaters are:

- (1) Vented gas-fired space heaters—45 percent of a substitute market
- (2) Electric portable heaters—25 percent of a substitute market
- (3) Other vented non-central heaters—20 percent of a substitute market
- (4) Other heater systems—10 percent of a substitute market

The cost of residential non-central space heating has been rising rapidly over the past few years. Factors in this increase in cost include rising fuel costs and stricter industry safety standards on new equipment. A ban on unvented gas-fired space heaters would contribute to the rising costs of non-central space heat by forcing consumers to switch to heaters which have higher life-cycle heating costs. The accumulated impacts of rising heating costs and a ban on unvented gas-fired space heaters are expected to place the life-cycle costs of non-central space heat beyond the expectation and perhaps ability to pay for some consumers.

The Gas Appliance Manufacturers Association (GAMA), through a survey of affiliated firms, has estimated that approximately 90 production workers could suffer unemployment because of a ban on unvented gas-fired space heaters. However, the three manufacturing firms are located in urban areas where long-term unemployment resulting from a ban would not be expected to be significant.

A ban on unvented gas-fired space heaters is expected to reduce the risks of carbon monoxide poisoning and/or asphyxiation since most substitute products appear to offer significantly reduced risks of CO poisoning and/or asphyxiation.

The Commission staff economic analysis and all supporting materials are available from the Office of the Secretary.

ENVIRONMENTAL CONSIDERATIONS

An environmental assessment of the alternatives associated with a possible ban on unvented gas-fired space heaters addressing the potential effects of actions on consumer safety, energy use, technological innovation, and the physical environment, has been conducted. The assessment concludes that a ban on unvented gas-fired space heaters would not have a significant adverse effect on the quality of the human environment and that an Environmental Impact Statement is not required.

It is estimated that the annual increase in energy consumption brought about by substitution to less efficient forms of space heat than unvented gas-fired heaters would be approximately 5.4 trillion British Thermal Units (BTU). The cumulative increase in energy usage projected by a ban on unvented gas-fired space heaters would reach a maximum value of approximately 0.1085 quads, or 1.085 x 10¹⁴ BTU, of energy by 1997. This figure may be compared to a Federal Energy Administration (FEA) projected total energy consumption of 98.9 quads for the United States in 1985. The maximum cumulative increase in energy consumption projected by a ban on unvented gas-fired space heaters is not large and may not occur with changes in demand for this product or changes in technology.

EFFECTIVE DATE

The proposed effective date of the ban is 30 days after publication of a final rule.

The Commission proposes that this rule will apply to the defined products initially introduced into commerce on or after the effective date of the ban. For purposes of this Part 1306, the term "initially introduced into commerce" means when the product is physically shipped or delivered from the domestic manufacturer's facilities

to a wholesaler, distributor, retailer or consumer. A product manufactured outside the United States is initially introduced into commerce when it is first brought within a U.S. port of entry. The sale of products that had been shipped or delivered to a wholesaler, distributor, retailer or consumer prior to the effective date of the ban would not be prohibited.

The prevailing practice of the gas-fired space heater industry is that manufacturers obtain order commitments from distributors during the first calendar quarter, and manufacture and deliver during the second and third calendar quarters. A proposed ban on the initial introduction into commerce, published near the end of the first calendar quarter, may discourage the acceptance of 1978 orders, as well as the future manufacture of unvented gas-fired heaters, and may serve to mitigate possible disruption of the industry. A ban that applies to initial introduction into commerce would permit depletion of existing inventories at the wholesale and retail levels; however, due to the seasonal nature of the demand for these products, it is anticipated that inventory levels would be low at the end of the first calendar quarter.

By the next consumer buying season in the fall of 1978, it is expected that the product proposed to be banned would be prohibited from initial introduction into commerce. A ban sufficiently in advance of the fall buying season will permit consumers time to consider the relative merits of various substitute heating products.

SECTION 8 FINDINGS

Section 8 of the CPSA requires that, in order to propose a ban, the Commission must find that a consumer product is being or will be distributed in commerce, that it presents an unreasonable risk of injury and that no feasible consumer product safety standard under the CPSA would adequately protect the public from that unreasonable risk.

A. *Unreasonable risk of injury.* The term "unreasonable risk of injury" is not defined in the CPSA; however, the term "risk of injury" is defined at section 3(a)(3) to mean a risk of death, personal injury, or serious or frequent illness. The legislative history of the CPSA (H.R. Rep. No. 92-1153, 92d Cong., 2d Sess., 1972 p. 33) states that determination of unreasonable hazard (risks) involves balancing the probability that risk will result in harm and the gravity of such harm against the effect of regulation on the product's utility, cost, and availability to the consumer.

The matter of distribution in commerce of unvented gas-fired space heaters is discussed under economic considerations. Although shipments of

this product decline 70 percent in the decade since 1967, it is noted that 180,000 units were shipped in 1976. Further, although it is expected that this decline would continue, it is anticipated that the manufacture and distribution of these products would also continue without Commission action to ban.

The hazard of CO is illustrated in the chart included in the discussion of medical consequences of carbon monoxide poisoning and indicates that a CO concentration of as little as 1/100 of the normal (21 percent) oxygen content, may be fatal within an hour. The discussion under nature of the risk of injury and degree of the risk of injury show that maladjustment of the burners of unvented heaters or shifts in room ventilation patterns may act to introduce high concentrations of CO into the living space. Further, a review of death certificates shows that 65 deaths were positively associated with unvented gas-fired space heaters, and were attributed to CO poisoning and/or asphyxiation.

The Commission considered the effect on the cost, utility, and availability of unvented, gas-fired space heaters, and except for the exemptions noted in section 1306.4 of the rule, it is noted that this rule would eliminate the product from the market. However, the Commission also noted, as is discussed under Economic Considerations, that there are substitute heating appliances available to the public.

After considering the nature and degree of this hazard, of which people are generally unaware, and the ready availability of substitutes, the Commission concludes that the risk of injury clearly outweighs the effect of the proposed rule on the cost, utility, and availability of the product, and finds that unvented gas-fired space heaters present an unreasonable risk of injury to the public.

B. *Feasibility of a standard.* The Commission has considered all the information currently available to it concerning the risk of injury associated with unvented gas-fired space heaters because of CO poisoning and/or asphyxiation. It appears to the Commission that this hazard is inherent in the product, because unvented heaters are designed to discharge all combustion products, including carbon monoxide directly into the living space and because carbon monoxide may be emitted whether or not the heater is functioning properly. Additionally, because CO is a colorless, odorless gas, people are generally unaware of CO emissions, particularly if it is emitted during sleeping hours. Therefore, the Commission concludes that unvented gas-fired space heaters present an unreasonable risk of injury.

In seeking to reduce or eliminate this unreasonable risk, the Commis-

sion reviewed the provisions of existing voluntary standards. Additionally, the Commission considered the technical and economic practicability of a mandatory safety standard to reduce or eliminate the unreasonable risk.

Voluntary standards. Two American National Standards Institute (ANSI) voluntary standards were reviewed and evaluated:

- (1) ANSI Z21.60 Decorative Gas Appliances for Installation in Vented Fireplaces.
- (2) ANSI Z21.11.2 Gas-Fired Room Heaters, Vol. II, Unvented Room Heaters.

Both the ANSI Z21.60 and ANSI Z21.11.2 standard contain provisions for:

- (a) Combustion tests and specific limits on production of CO under normal oxygen supply conditions and conditions of reduced oxygen supply.
- (b) Labels warning of ventilation requirements.
- (c) Printed instructions regarding combustion and ventilation requirements to be included with the sale of the individual appliance.

The ANSI Z21.11.2 standard also addresses optional oxygen depletion systems (ODS). If heaters covered by this standard have ODS, they are required to shut off the heater at oxygen levels of not less than 18%.

Additionally, a proposed revision of the ANSI Z21.11.2 standard pending ANSI approval, contains provisions for a temperature limiting device which will function to shut down the heater if the room temperature exceeds 100° F. This is intended to minimize further the potential build up of carbon monoxide in the room due to reduced availability of combustion air. It is predicated upon the premise that, as

combustion air availability decreases due to inadequate air infiltration into the room in which the heater is operating, room temperature will increase.

No provisions within either of these standards directly address the hazard of carbon monoxide in the living space. Consequently, it does not appear to the Commission that any voluntary standard exists which could address the hazard of CO poisoning associated with unvented gas-fired space heaters.

Engineering feasibility of a mandatory standard. The possibility of requiring CO detection and gas cut-off devices in a standard has been considered. The Commission has no knowledge of any unvented gas-fired space heaters with carbon monoxide detection and gas-ignition cut-off devices currently being manufactured. Two National Bureau of Standards (NBS) reports, prepared for the Commission, reviewed and evaluated six possible types of sensors.

Additionally, a review of the technology of such devices was performed (Economic Impact of Ban on Unvented Gas-Fired Space Heaters—Preliminary Report, A. T. Kearney, Inc., September 1977). These reports and associated materials are available at the Office of the Secretary. The reports conclude that the majority of the current technologies available are technically impractical for application to unvented gas-fired space heaters due to short useful life, unacceptable levels of CO detection, unreliable performance, or excessive cost. Table 1 of the Kearney report, summarizes the various findings.

TECHNOLOGIES APPLICABLE TO A PRODUCT SAFETY STANDARD FOR UNVENTED GAS-FIRED SPACE HEATERS

Device	Cost per unit	Technology	Remarks
Oxygen Depletion Sensor (ODS).	NA	Automatic shutoff at given level of O ₂ depletion.	Not readily available in U.S. Not reliable for natural gas.
Electro-chemical CO detector	\$900	CO detection by electrochemical oxidation.	Performs well. CO from 9-60 p/m can be detected with a CO sensitivity of 1 p/m or better.
Solid-state catalytic detector	NA	Utilizes modern circuit and semiconductor technology.	3 to 5 year service life. CO detection at 150 p/m.
Semiconductor absorption-type detector	\$43-\$100	do	Unstable and unreliable in range below 100 p/m CO. Requires electricity. Further developmental study and evaluation necessary.
Solid state electrolytic cell gas sensor.	\$1,000	do	Accurate, long lasting.
Nondiffuse infrared gas analyzer (NDIR).	\$3,000	Utilizes infrared radiation produced from heater elements.	Accurate, reliable.

Sources: National Bureau of Standards, "Evaluation of Protective Device on Catalytic Heaters" (March 17, 1977). National Bureau of Standards, "Detection Devices for Combustion Products Applicable to Unvented Space Heaters" (July, 1977). Interviews with Kang B. Lee, National Bureau of Standards.

Economic feasibility of a standard. The maximum feasible price increase for unvented gas-fired space heaters that would be economically practicable was estimated by calculating the price consumers might be willing to spend initially to obtain the high efficiency of an unvented gas-fired space heater rather than turning to substitute products. The maximum economically feasible increase is approximately \$110 a unit. This figure reflects, among other things, such factors as the product's purchase price, installation cost, thermal efficiency, and annual fuel costs.

A reliable carbon monoxide control device currently costs a minimum of \$900. The semi-conductor absorption type detector at its present state of development is less expensive, \$43-100, but subject to substantial error and is unreliable at CO concentrations below 100 ppm. It appears to the Commission, therefore, that current technology for adequately addressing the CO poisoning and/or asphyxiation hazard is economically unfeasible.

Lack of feasibility of a standard. The Commission concludes, based upon the information discussed in the foregoing sections under Feasibility of a Standard, that, at the present time, no feasible consumer product safety standard can make unvented gas-fired space heaters nonhazardous. Furthermore, given the current state of technology of CO detection and cut-off devices, it does not appear that a standard is economically practicable. Therefore, the Commission believes that no feasible consumer product safety standard under the CPSA can adequately protect the public from the hazard of CO poisoning and/or asphyxiation associated with this product.

EXTENSION OF TIME TO PUBLISH FINAL RULE

Section 9(a)(2) of the CPSA (15 U.S.C. 2058(a)(2)) requires the Commission to publish a notice of proposed rulemaking in the FEDERAL REGISTER and to provide interested persons with an opportunity to participate in the rulemaking through submission of written data, views, or arguments. In addition to these written comments, interested persons must also be given an opportunity for the oral presentation of data, views, or arguments.

Section 9(a)(1) of the CPSA provides that within 60 days after publication of a proposed rule, the Commission shall promulgate a final rule or withdraw the proposal. The Commission may extend the 60-day period for good cause and must publish its reasons for extension in the FEDERAL REGISTER.

In the case of invented gas-fired space heaters, the Commission is particularly interested in obtaining views on the possible effects of the ban from persons who use these products or are familiar with their use. To afford an ample opportunity for obtaining such views, the Commission has decided that, in addition to holding a public meeting in Washington, D.C., on March 6, 1978, the comment period in which the public is invited to submit written comments on the proposed ban, is to be longer than the 30-day period usually provided. Written comments may be submitted for 45 days until March 31, 1978. In addition, the Commission has directed its staff to determine whether a public meeting, with an opportunity for oral presentations, in the south or southwest United States, where use of the product is most prevalent, would encourage participation of persons who use unvented gas-fired space heaters. Announcement of such a public meeting if it is held, will be published in the FEDERAL REGISTER.

It is anticipated that these additional steps to obtain greater public participation in these rulemaking proceedings, and the need for analysis and evaluation of the public's oral and written views, would require more than the 60-day period provided in section 9(a) of the CPSA between publication of a proposal and publication of any final rule. Therefore the Commission has decided that this 60-day time period should be extended. In order to conserve the resources that would be needed to issue such an extension of time during the comment and evaluation period, the Commission announces in this proposal that good cause is found to extend for 90 days, until July 17, 1978, the time in which the Commission must either issue a final rule concerning unvented gas-fired space heaters or withdraw the proposal to ban. This period may be further extended for good cause and announced in the FEDERAL REGISTER.

CONCLUSION AND PROPOSAL

Based on the foregoing information, the Commission finds that unvented gas-fired space heaters are being and will be distributed in commerce, that they present an unreasonable risk of injury to the public, and that no feasible consumer product safety standard under the CPSA can adequately protect the public from that risk of injury. Therefore, the Commission proposes to declare that these products are banned hazardous products.

Accordingly, pursuant to provisions of the CPSA (section 8, 9, 86 Stat. 1215-17, 15 U.S.C. 2057, 2058) the Commission proposes that Title 16, Chapter II, be amended by adding to Subchapter B, the following new Part 1306.

PART 1306—BAN OF UNVENTED GAS-FIRED SPACE HEATERS

- Sec.
- 1306.1 Scope and application.
- 1306.2 Purpose.
- 1306.3 Definitions.
- 1306.4 Exemptions.
- 1306.5 Banned hazardous products.

AUTHORITY: Sections 8, 9; 96 Stat. 1215-1217, as amended, 90 Stat. 508; 15 U.S.C. 2057, 2058.

§ 1306.1 Scope and application.

(a) The Consumer Product Safety Commission declares that unvented gas-fired space heaters are banned hazardous products. This ban applies to the products listed in § 1306.3(c) (1) through (3), which are customarily produced or distributed for sale to or for the use, consumption, or enjoyment of consumers in or around a household, a school, in recreation or otherwise.

(b) The Commission has found that: (1) the unvented gas-fired space heaters described herein are being or will be distributed in commerce; (2) they present an unreasonable risk of injury because they are designed to discharge the combustion products, including carbon monoxide (CO) directly into the living space and people are generally unaware of the danger; and (3) no feasible consumer product safety standard under the CPSA can adequately protect the public from the hazard of CO poisoning. The proposed ban applies to all unvented heaters described in this Part which are initially introduced into commerce on or after the effective date of the ban.

§ 1306.2 Purpose.

This rule declares that unvented gas-fired space heaters are banned hazardous products because they present an unreasonable risk of injury due to: (a) carbon monoxide poisoning, (b) asphyxiation resulting from anoxia (reduction of oxygen in body tissues below physiologic levels) caused by fuel combustion that reduces existing oxygen levels in the living space, and (c) the combination of (a) and (b).

§ 1306.3 Definitions.

(a) The definitions in section 3 of the Consumer Product Safety Act (15 U.S.C. 2052) apply to this Part 1306.

(b) "Initially introduced into commerce" means that the product is physically shipped or delivered from the domestic manufacturer's facilities to a distributor, retailer or consumer. A product manufactured outside the United States is initially introduced into commerce when it is first brought within a U.S. port of entry.

(c) "Unvented Gas-Fired Space Heaters" are unvented, self-contained, free-standing or recessed, gas-burning

appliances, such as those described in this subsection, which furnish warm air to the surrounding or adjacent living space by gravity convection, fan circulation or radiation directly from the heater and without duct connections, and which discharge combustion products such as carbon monoxide, carbon dioxide, and water vapor directly into the heated space. Not included in this definition are kitchen ranges and ovens since the function of such products is not to provide a source of room heat, but rather to provide a source of localized heat for food preparation. The term "unvented gas-fired space heater" includes but is not limited to:

(1) "Unvented Circulator." This product is a room heater designed to convert the energy in the fuel to convected and radiant heat by direct mixing of air to be heated with the combustion products and excess air inside the jacket. Unvented circulators have an external jacket surrounding the burner and may be equipped with radiants with the jacket open in front of the radiants.

(2) "Wall Heater, Unvented Closed Front." This product is an unvented circulator having a closed front for insertion in or attachment to a wall or partition.

(3) "Radiant Heater." This product is an open-front unvented room heater designed primarily to convert the energy in the fuel to radiant heat by means of refractory radiants or similar radiating materials. A radiant heater has no external jacket.

§ 1306.4 Exemptions.

The following categories of products are exempt from the ban:

(a) *Decorative gas appliances.* Such appliances, generally used for decorative purposes in vented fireplaces to simulate natural materials such as wood and coal, are "gas logs," "coal baskets," and "fireplace inserts."

(b) *Catalytic camp heaters.* An existing voluntary standard is expected to adequately address whatever risks may be present during use of this product.

(c) *Non-catalytic camp heaters.* A voluntary standard is expected to adequately address whatever hazards may be present when using the product.

(d) *Infrared heaters.* Such heaters are generally used for heating outdoor spaces or for indoor, non-consumer environments.

§ 1306.5 Banned hazardous products.

Any unvented gas-fired space heater, not specifically exempted in § 1306.4, that is produced or distributed for sale to or for the personal use, consumption, or enjoyment of consumers, in or

around a permanent or temporary household or residence, a school, in recreation, or otherwise, which is initially introduced into commerce 30 days after publication of any final banning rule, is a banned hazardous product. Section 9(c) of the CPSA (15 U.S.C. 2058(c)) requires the Commission, prior to issuing a consumer product safety rule to consider and make certain findings for inclusion in the rule. As discussed in the preamble to this proposed rule, information set forth in the Bibliography, which is available in the Office of the Secretary, has enabled the Commission to draw preliminary conclusions relative to these findings. To further help the Commission in this effort, the Commission is particularly interested in obtaining, either by written comment or by oral presentations, additional data, views, and arguments on the following matters:

- The degree and nature of the risk of injury the rule is designed to eliminate or reduce;
- The approximate number of consumer products, or types or classes thereof, subject to the rule;
- The need of the public for consumer products subject to such rule, and the probable effect of such a rule upon the utility, cost, or availability of such products to meet that need;
- Any means of achieving the objective of the rule while minimizing adverse effects on competition or disruption or dislocation of manufacturing and other commercial practices consistent with the public health and safety;
- The necessity of the rule to eliminate or reduce the unreasonable risk of injury associated with the consumer products subject to the rule;
- Whether the rule is in the public interest;
- The feasibility of a consumer product safety standard under the CPSA to protect the public adequately from the unreasonable risk of injury associated with the products which are the subject of this proposed ban;
- The potential environmental effects of the rule;
- Any adverse effects that this proposed ban will have on elderly and handicapped persons.

There will be an opportunity for interested persons to orally present data, views, or arguments on this proposed rule on March 6, 1978, at 10 a.m., in the Commission hearing room, 3rd floor, 1111 18th Street, NW., Washington, D.C. Those wishing to make oral presentations should notify the Office of the Secretary, 202-634-7700 by February 27, 1978. In addition, a summary or copy of the testimony, preferably in 5 copies, is to be submitted to the Office of the Secretary by March 1, 1978.

Interested persons are invited to submit written data, views, or arguments on any aspect of the proposed rule by March 31, 1978, preferably in 5 copies, addressed to the Secretary,

Consumer Product Safety Commission, Washington, D.C. 20207.

The official transcript of the public meeting to hear oral presentations of data, views, or arguments, any written comments that are received, and all other material which the Commission has that is relevant to this proceeding may be seen in, or copies obtained from the Office of the Secretary, 3d floor, 1111 18th Street NW., Washington, D.C. 20207.

Dated: February 8, 1978.

SHELDON D. BUTTS,
Assistant Secretary, Consumer
Product Safety Commission.

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- [FR Doc. 78-3949 Filed 2-13-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182, 184]

[Docket No. 77N-0041]

STANNOUS CHLORIDE

Proposed Affirmation of GRAS Status as Direct Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of stannous chloride as a direct human food ingredient. The safety of this ingredient has been evaluated pursuant to the comprehensive safety review being conducted by the agency. This proposal would list the ingredient as a direct food substance affirmed as GRAS.

DATES: Written comments by April 17, 1978.

ADDRESSES: Written comments to Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner has issued several notices and proposed regulations, published in the *FEDERAL REGISTER* of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of stannous chloride has been evaluated. In accordance with the provisions of § 170.35 (formerly § 121.40, prior to recodification published in the *FEDERAL REGISTER* of March 15, 1977 (42 FR 14302)), the Commissioner proposes to affirm the GRAS status of this ingredient.

Stannous chloride is the chloride salt of tin metal, SnCl_2 . It is listed in § 182.3845 (formerly § 121.101(d)(2)), prior to recodification published in the *FEDERAL REGISTER* of March 15, 1977 (42 FR 14302)), as GRAS for use as a chemical preservative in foods at a level not to exceed 0.0015 percent calculated as tin, published in the *FEDERAL REGISTER* of November 20, 1959 (24 FR 9369), and subsequently recodified.

According to § 172.180 (formerly § 121.1213, prior to recodification published in the *FEDERAL REGISTER* of March 15, 1977 (42 FR 14302)), stannous chloride may be used for color retention in asparagus packed in glass, with lids lined with inert material, in an amount not to exceed 20 parts per million (ppm) calculated as tin, published in the *FEDERAL REGISTER* of January 4, 1968 (33 FR 73) and subsequently recodified. Also, stannous and stannic salts are regulated for use as components in the manufacture of food packaging materials consisting of glass, rubber, paper and paperboard. The amount of tin migrating to food from these regulated indirect uses is thought to be negligible.

Tin is widely distributed in the environment. It occurs in plants grown in areas known to have a high content of tin in the soil; however, fresh vegetables in the United States usually contain less than 1 ppm tin. In canned goods it was reported to range from 2.8 to 11.8 ppm. In fish for market, tin was reported to range from 0.1 ppm for flounder to 0.63 ppm for halibut. Nonetheless, analyses conducted in 1963 of a typical institutional diet for one person per day contained 3.8 mg of tin.

In sea water, tin was found at a level of approximately 3 ppb, but it was not found in the fresh water tested. Municipal waters were reported to contain tin in amounts ranging from 0.8 to 20 ppb. In air, levels of 0.003 to 0.3 microgram per cubic meter were found in 60 percent of the samples from 22 cities.

It has been claimed that most infants in the United States, and some adults in nonindustrialized countries, do not have in their tissues readily detectable levels of tin. However, the element is deposited rapidly in persons who reside in industrialized countries during the first decade of their lives, without apparent further accumulation. Moreover, in mammals, tin is accumulated selectively by many different tissues. In beef, the concentration in the mucous membrane of the tongue may reach as high as 18.65 mg per kg of fresh tissue. Typical concentrations of tin in normal human tissues in mg per kg of wet tissue are long bone, 0.80; liver, 0.60; rib bone and stomach, 0.50; heart, 0.22; and muscle, 0.11. The mean concentration in urine has been reported to be 0.011 mg per kg and in blood, 0.12 mg per kg. Tin has been reported to be nutritionally essential for the growth of rats; however, there is no direct evidence to support its nutritional essentiality for man.

A representative cross section of food manufacturers was surveyed to determine the specific foods in which stannous chloride was used and at what levels. Information from surveys

of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to stannous chloride. The total amount of stannous chloride used in food in 1970 was reported to be about 68,000 pounds, or about seven times the quantity used in 1960.

Stannous chloride has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered: (1) Chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, 6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 155 abstracts on stannous chloride was reviewed and 58 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

The oral LD_{50} of stannous chloride for mice has been reported as 215 mg per kg, and 250 mg per kg. After oral intubation of 1,000 mg per kg, practically all animals exhibited preterminal signs within hours and were killed to prevent any postmortem influence on the pathological and histological findings. Autopsy revealed necrosis of the liver and spleen and thrombi in the hepatic portal veins.

The lethal dose of stannous chloride administered intramuscularly for 6 days was reported to be 40 to 60 mg per kg per day, or a total of 240 to 360 mg per kg, in the mouse, guinea pig, and rabbit. Death was accompanied by convulsions, dyspnea, and paralysis. Oral administration of about 200 mg per kg caused severe and occasionally fatal intestinal disorders in dogs.

In one long-term study involving 108 mice receiving 5 ppm in the drinking water from weaning to natural death, tin accumulated in the spleen, but no toxic effects were observed and the median life span was not affected.

In rats, 5 ppm of tin as stannous chloride in the drinking water over the lifespan of the animals did not affect the growth rates significantly or the serum cholesterol levels. The longevity of the females appeared to be reduced, but because of the experimental difficulties in studying longevity, this effect was not attributed to the small amount of stannous chloride ingested.

A series of experiments on mice showed no differences in weight gain in animals fed 1000 or 5000 ppm of tin as sodium chlorostannate in the drinking water or 5000 ppm of tin as stannous oleate in the diet over a period of a year.

DeGroot et al. have reported that anemia in rats resulting from feeding of tin salts

and a low dietary level of iron, may be due to inhibition of hematopoiesis, possibly by impairing intestinal absorption of iron. The no-effect level of tin salts in diets containing liberal amounts of iron was found to be 0.1 percent, equivalent to about 22 mg of tin per kg per day.

Daily intravenous injection of 28 mg of tin as "Stanoxy" for a week into each of two men in a metabolic study led to no unusual physiological effects. From 52 to 75 percent of the dose of tin was excreted in the urine.

A case was reported in 1963 of an infant with a complete agenesis of the right hand, born of a mother who had taken 3 taenifuge pills a day for 5 days during her early pregnancy. Each pill contained 60 mg of metallic tin and 60 mg of tin oxide. Also, a dose of 250 mg of pyridoxine was taken each day for 3 days during the same period. The authors speculated whether the pyridoxine might have complexed with the tin to form a teratogenic substance. No confirming report has been found.

Gastrointestinal disorders among 38 women were ascribed by public health officials to a fruit punch that contained 2,000 ppm of tin. The high tin content presumably resulted from improper storage in a 5-gallon milk can. The onset of illness was abrupt, beginning with a bloated feeling, followed by overwhelming nausea, stomach cramps, vomiting, and diarrhea. No fatalities occurred.

The few reported observations concerning the possible carcinogenicity of stannous chloride and elemental tin have been negative. Mice fed a diet containing 0.28 μg tin per g of food in the form of stannous chloride stabilized with ascorbic acid, showed no significant differences in the incidence of tumors as compared with the controls. Rats given 5 ppm tin as stannous chloride in their drinking water over their lifespan showed no carcinogenic signs. A lower incidence of malignant lymphoma, hepatoma, and pulmonary adenoma was noted in mice receiving 1,000 or 5,000 ppm tin as sodium chlorostannate in the drinking water or 5,000 ppm tin as stannous oleate in the diet for a year as compared with control mice. The subcutaneous implantation of tin foil failed to induce tumors in rats, in contrast to sarcomata produced by some other metals.

However, one experiment suggests caution; three malignant tumors were observed in 30 rats which were fed a diet containing 2 percent sodium chlorostannate and survived for a year or more. No neoplasms were observed in 27 rats which survived a year on the diet containing initially 1 percent, then 0.5 percent stannous 2-ethylhexoate. The authors regarded the three tumors as probably without significance in the light of the small number of animals involved and the complexity of studying the possible carcinogenic effect of ingested substances.

When injected into the yolk sacs of 4- and 8-day-old chick embryos, stannous chloride showed no teratogenic effect. This was in contrast to the injurious effects caused by salts of nine other elements included in this comprehensive study of 53 elements. Oral intubation of up to 50 mg of stannous chloride

"Stanoxy" or "Stannoxy" appears to be a generic term for various tin preparations which were used in medicine 40 to 50 years ago. A glycerin solution of stannous chloride known as "Stanoxy" was also used in cosmetics. The latter is probably the one used in this experiment.

ride per kg of body weight for 10 consecutive days (day 6 through day 15 of gestation) in pregnant mice and rats and for 5 consecutive days (day 6 through day 10 of gestation) in pregnant hamsters, showed no observable effect on nidation, maternal survival, fetal survival, and tissue abnormalities of the fetus.

Stannous fluoride is used widely in preventive dentistry to control dental caries. There are no reports of toxic effects after this local application.

All of the available safety information on stannous chloride has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

Feeding tests of stannous chloride on several species of animals, including observations on carcinogenicity and teratogenicity, at dosage levels significantly above those present in the daily diet, did not reveal evidence that this compound is harmful. Human experience gained after the accidental ingestion of large amounts of tin containing materials or experimental intravenous injection of such materials reinforces this conclusion.

It is the conclusion of the Select Committee that there is no evidence in the available information on stannous chloride that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future. Based upon his own evaluation of all available information on stannous chloride (including a report on mutagenic tests which was not available when the Select Committee formed its conclusion), the Commissioner concurs with this conclusion. The Commissioner has considered the study referred to by the Select Committee in which three malignant tumors were observed in 30 rats that were administered a diet containing 2 percent sodium chlorostannate. In this regard, the importance of selecting the appropriate chemical compound for testing should be noted and emphasized. For example, the chlorostannates (SnCl_4), in which tin has a valence of plus four) should be chemically different from the stannous compounds (SnCl_2 , in which tin has a valence of plus two). Consequently, the effects produced by sodium chlorostannate administration cannot properly be extrapolated to stannous chloride. This conclusion is supported by studies involving the use of stannous chloride which failed to produce any carcinogenic response in test animals. Therefore, The Commissioner concludes that no change in the current GRAS status of stannous chloride is justified.

The use of up to 20 ppm stannous chloride for color retention in asparagus packed in glass, with lids lined with an inert material, is not affected by this proposal and will continue to be regulated by 21 CFR 172.180 (for-

merly § 121.1213, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)).

Copies of the scientific literature review on stannous chloride, reports of teratogenic and mutagenic screening tests and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161, as follows:

Title	Order No.	Price code	Price *
Stannous chloride (scientific literature review).	PB-221-232	A04	\$5.25
Stannous chloride (teratology tests).	PB-221-780	A03	4.50
Stannous chloride (mutagenic tests).	PB-245-461/AS	A06	6.50
Stannous chloride (select committee report).	PB-254-531/AS	A02	4.00

* Price subject to change.

This proposed action does not affect the present use of stannous chloride for pet or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.3845 [Deleted]

1. By deleting § 182.3845 *Stannous chloride*.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. By adding a new § 184.1845 to read as follows:

§ 184.1845 Stannous chloride.

(a) Stannous chloride (SnCl_2 , CAS Reg. No. 7772-99-8) is the chloride salt of metallic tin. It is prepared by the direct action of chlorine on molten tin.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).¹

(c) The ingredient is used as an antioxidant as defined in § 170.3(o)(3) of this chapter.

¹ Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20037.

(d) The ingredient is used in foods in accordance with § 184.1(b)(1) of this chapter, at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level, as served, of 0.0015 percent or less, calculated as tin, for all food categories.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before April 17, 1978, file with the Hearing Clerk, Food and Drug Administration, Room 4065, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably in quadruplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: February 6, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

(FR Doc. 78-4005 Filed 2-13-78; 8:45 am)

[4110-03]

[21CFR Part 1000]

[Docket No. 77N-0422]

IONIZING RADIATION THERAPY FOR BENIGN DISEASES

Notice of Intent to Develop Recommendations

AGENCY: Food and Drug Administration.

ACTION: Notice of Intent.

SUMMARY: The Commissioner of Food and Drugs is considering devel-

oping recommendations on the use of radiation for the treatment of benign diseases. The agency asks for further information before beginning such a program. Announcement is also made of completion and availability of a contract study on the subject.

DATE: Comments and data by June 14, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Melvyn R. Altman, Bureau of Radiological Health (HFX-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration (FDA) may develop recommendations concerning the use of ionizing radiation therapy for benign diseases. The Food and Drug Administration, through the Bureau of Radiological Health and under the authority of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263a et seq.), conducts and supports research, training, and operational activities to minimize unnecessary exposure of the public to electronic product radiation. This authority provides for development of recommendations concerning the use of radiation emitting devices, including those used in medical radiation therapy.

Although in many instances alternative therapy exists, ionizing radiation continues to be used by dermatologists as well as radiologists for the treatment of benign diseases such as acne, bursitis, and psoriasis. There is currently only incomplete knowledge on the extent to which ionizing radiation is used to treat benign conditions. The agency seeks further information on the extent of use, and the effectiveness, of radiation therapy in the treatment of benign diseases. In addition, the agency is interested in whether certain radiation therapy uses in benign conditions might be contraindicated in view of the availability of other equally effective, safer methods that would avoid unnecessary radiation exposure.

A study on the current use of ionizing radiation in treating benign diseases was recently conducted for FDA by a committee of the National Academy of Sciences. The committee, in its report to the Academy, concluded and recommended:

(a) Radiation therapy may be acceptable if other methods have not been effective and the consequences of a failure to further treat the condition are unacceptable.

(b) Children should be treated only in very exceptional cases.

(c) Irradiation of particularly radiosensitive organs should be avoided.

(d) Therapists should be adequately trained in radiation protection as well as radiation therapy.

(e) Meticulous radiation protection techniques should always be used.

(f) The least penetrating radiation possible should be used.

(g) Further studies are needed on dose determination and to followup previously exposed persons.

A copy of the full report "A Review of the Use of Ionizing Radiation for the Treatment of Benign Diseases" is available for public examination in the office of the Hearing Clerk, Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between 9 a.m. and 4 p.m., Monday through Friday. The full report, including appendices, can be purchased from the National Technical Information Service, Springfield, Va. 22161—Paper Copy Price Code No. A04 (\$5.25), Microfiche Price Code No. A01 (\$3.00), Document Purchase Code No. PB274 032/AS. Copies of the report without appendices, are available from the Bureau of Radiological Health (HFX-28), 5600 Fishers Lane, Rockville, Md. 20857.

The Commissioner of Food and Drugs will consult with the Medical Radiation Advisory Committee concerning any proposed future action and the comments received in response to this notice of intent. The Medical Radiation Advisory Committee advises and consults with the Bureau of Radiological Health in formulating policy and developing a coordinated program related to use of ionizing radiation in the healing arts.

Interested persons are invited to participate in the development of recommendations on the use of ionizing radiation for benign diseases by submitting written comments, views, and data on the subject. Communications should reference the docket number appearing in the heading of this document and should be sent to the Hearing Clerk at the above address before June 14, 1978. Comments received after this date may be considered, depending on the stage of development of any recommendations.

To assist the Commissioner in developing useful recommendations, the agency specifically invites the submission of scientific and technical data, as well as comments or suggestions supported by detailed rationale and justification, on the following questions:

1. What information exists on the effectiveness of radiation therapy in the treatment of specific benign conditions compared to alternative therapeutic modalities? To what extent does contemporary practice reflect this knowledge, i.e., is radiation therapy being used when nonradiation

treatment can accomplish the same results?

2. With regard to question 1, can the effectiveness of ionizing radiation treatment be balanced against the potential hazards so as to permit reasonable selection among various therapeutic modalities, medical as well as radiotherapeutic?

3. What are the risks associated with the application of ionizing radiation for treating benign diseases? To what extent can these risks be quantified and what are these risk values with respect to specific critical organs, such as the thyroid gland, bone marrow, skin, breast, etc.? Is age sensitivity a critical consideration?

4. Are there specific benign diseases, or clinical circumstances involving a benign disease, in which radiation therapy is the preferred or only reasonable choice of therapy? Are there circumstances in which it is clearly contraindicated?

5. What recommendations, if any, are needed concerning current practice in the use of radiation therapy in treating benign diseases?

6. What recommendations, if any, should be made concerning the training of individuals using radiation for the treatment of benign diseases?

Persons or organizations wishing further information made public on the development of any recommendations may write to the Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Dated: February 6, 1978.

SHERWIN GARDNER,
Acting Commissioner of
Food and Drugs.

(FR Doc. 78-3857 Filed 2-13-78; 8:45 am)

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

(Docket No. FI-3894)

CITY OF MAULDIN, GREENVILLE COUNTY, S.C.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Mauldin, Greenville County, S.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or

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show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, City of Mauldin, S.C.

Send comments to: Ms. Virginia Forrester, Acting City Administrator or Mr. Frank Mitchell, P.O. Box 675, Mauldin, S.C. 29662.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Mauldin, Greenville County, S.C., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gilder Creek	Just upstream Butler Rd.	821
	Just upstream Barrett St.	845

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Approximately 100 ft upstream of Cox St. (Miller Rd.).	873
Gilder Creek tributary No. 1.	Just upstream Bethel Rd.	852
Gilder Creek tributary No. 2.	Approximately 400 ft upstream of Bethel Rd.	838
Gilder Creek tributary No. 3.	Capewood Court (extended).	825
Gilder Creek tributary No. 3A.	Just upstream Corn St.	834

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78 3566 Filed 2-13-78, 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3895]

CITY OF MANCHESTER, COFFEE COUNTY, TENN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Manchester, Coffee County, Tenn.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Manchester City Hall, 200 West Fort Street, Manchester, Tenn.

Send comments to: Hon. Clyde V. Myers, Mayor of Manchester, Manchester City Hall, 200 West Fort Street, Manchester, Tenn. 37355.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Manchester, Coffee County, Tenn. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Duck River	Downstream corporate limits.	999
	U.S. Highway 41	1,000
	Morton Dam	1,002
	(downstream).	
	Morton Dam (upstream)	1,010
	Upstream corporate limits.	1,013
Little Duck River	Downstream corporate limits.	975
	U.S. Highway 41	994
	State Route 53	995
	(Downstream).	
	State Route 53	998
	(upstream).	
	L and N RR.	1,001
	(downstream).	
	L and N RR. (upstream)	1,002
	Madison St.	1,006
	(downstream).	
	Madison St. (upstream).	1,007
	State Route 55	1,011
	(downstream).	
	State Route 55	1,012
	(upstream).	
	Confluence with Wolf Creek.	1,012
	McKeller Dr.	1,023
	(downstream).	
	McKeller Dr.	1,025
	(upstream).	

PROPOSED RULES

the City of Denton, Denton County, Tex.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, 215 East McKinney Street, Denton, Tex.

Send comments to: Hon. Eleinor Hughes, Mayor of Denton, 215 East McKinney Street, Denton, Tex. 76201.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Denton, Tex., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cooper Creek	Downstream corporate limits (Mayhill Rd.)	572
	U.S. Highway 380	583
	Fishtrap Rd.	588
	Confluence of tributary "A" to Cooper Creek.	601
	Old Lee St.	604
	Nottingham Rd.	613
	Devonshire Rd.	618
	(downstream bridge).	
	Devonshire Rd.	620
	(upstream, bridge).	
	Windsor Rd.	623
	Sherman Dr.	633
	Stuart Rd.	641
	Confluence of tributary B to Cooper Creek.	649
	North Locust St.	660
Tributary "A" to Cooper Creek.	Confluence with Cooper Creek.	601
	Broken Arrow Rd.	607
	Corporate limits (Silver Dome Rd.)	619
Tributary "B" to Cooper Creek.	Confluence with Cooper Creek.	649
	Yucca St.	655
	Hercules Lane	661
	Confluence of unnamed tributary.	664
Pecan St.	North Locust St.	667
	Corporate limits (Mayhill Rd.)	571
	Loop 288	578
	Confluence of tributary A.	582
	Confluence of tributary B.	592
	Woodrow Lane	599
	Wood St.	603
	Confluence of tributary C.	604
	Sycamore St.	607
	Hickory St.	609
	McKinney St.	612
	Frame St.	615
	M.K. & T. RR. (Mingo Rd.)	621
	Blount St.	621
	Confluence of North Pecan Creek.	622
	Austin St.	623
	North Locust St.	624
	North Elm St.	625
	Bolivar St.	627
	Parkway St.	628
	North Carroll Blvd.	631
	Congress St.	632
	Egan St.	633
	Intersection of Denton and Panhandle Sts.	634
	Alice St.	638
	Linden St.	637
	Crescent St.	644
	Cordell St.	645
	Malone St.	650
	Georgetown St.	653
	Upstream of Dam	680
	Intersection of Bonnie Brae St. and Payne Dr.	680
	Westgate St.	695
Tributary "A" to Pecan Creek.	Confluence with Pecan Creek.	582
	Earthfill Dam.	593
	Downstream of Spencer Rd.	602
Tributary "B" to Pecan Creek.	Confluence with Pecan Creek.	592
	Shady Oak Dr.	608
	Spencer Rd.	613
Tributary "C" to Pecan Creek.	Confluence with Pecan Creek.	604
	Prairie St.	604
	Bradshaw St.	606
	Lakey St.	612
	Maddox St.	620
	Skinner St.	621
	Industrial St.	624
	Wainwright St.	627

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Pecan Creek	South Locust St.....	629
	South Elm St.....	632
	East Prairie St.....	633
	Stroud St.....	635
	Confluence with Pecan Creek.....	622
	Oakland St.....	623
	Austin St.....	624
	North Locust St.....	626
	North Elm St.....	629
	Bolivar St.....	631
Dry Fork Hickory Creek	Anna St.....	635
	Crescent St.....	637
	Intersection of Westway St. and North Carroll Blvd.....	642
	Allice St.....	646
	Sunset St.....	649
	University Drive West.....	649
	Hinkle Dr.....	657
	Dam.....	668
	Downstream corporate limits.....	682
	Interstate Highway 35.....	587
Tributary "A" to Dry Fork Hickory Creek	Downstream Airport Rd.....	610
	Upstream Airport Rd.....	614
	Confluence of unnamed tributary.....	622
	Unnamed gravel road.....	624
	Upstream corporate limits.....	635
	Downstream corporate limits.....	607
	Airport Rd.....	630
	Channel Dam.....	646
	Upstream Santa Fe RR.....	584
	M.K. & T.P. RR.....	584
Tributary to Hickory Creek	Railroad spur.....	588
	Roselawn St.....	619
	Confluence of unnamed tributary.....	628

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3568 Filed 2-13-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3897]

HARDIN COUNTY, TEX.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Hardin County, Tex.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Hardin County Courthouse, at the intersection of Highway 326 and 69, Kountze, Tex.

Send comments to: Honorable Clyde E. Smith, Jr., District Judge of Hardin County, Hardin County Courthouse, Kountze, Tex. 77625.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Hardin County, Tex., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Mill Creek.....	State Highway 105.....	38
	Dirt road.....	46
	Farm to market route 418.....	50

Source of flooding	Location	Elevation in feet, above mean sea level
Mill Creek tributary.....	Dirt road crossing G.C. & S.F. RR.....	45
Little Pine Island Bayou.....	Dirt road crossing Woodlake Dr. extended.....	47
	Woodlake Dr. extended.....	28
Coon Marsh gully.....	Dirt path crossing Pinewood Boulevard.....	29
	Pinewood Boulevard.....	28
	Pinewood Boulevard.....	31
Goleman gully.....	Pinewood Dr. extended.....	32
	Pinewood Dr. extended.....	29

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3569 Filed 2-13-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3898]

CITY OF WICHITA FALLS, WICHITA COUNTY, TEX.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Wichita Falls, Wichita County, Tex.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Planning Department, Wichita Falls, Tex.

Send comments to: Major J. C. Boyd, Jr., P.O. Box 1431, Wichita Falls, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 to toll free line

800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Wichita Falls, Wichita County, Tex., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wichita River.....	Just downstream of Loop 11.....	950
	Approximately 1,000 feet upstream of Central Freeway.....	946
	Just downstream of Eastside Dr.....	946
Holiday Creek.....	Just upstream of downstream bridge.....	967
	Just upstream of Southwest Parkway.....	958
	Just upstream of Holiday Rd.....	950
Holiday Creek tributary A.....	Just upstream of South Access Rd. to Central Freeway.....	984
	Just upstream of Lucas Ave.....	959
	Just upstream of Perigo St.....	946
Holiday Creek tributary B.....	Just downstream of Harrison Rd.....	961
	Just upstream of East Access Rd. to South Freeway.....	955
	Just upstream of California St.....	947
Brenda Hursh Channel.....	Approximately 100 feet upstream of Norman St.....	966
	Approximately 100 feet downstream of Weeks St.....	955
McGrath Creek.....	Just upstream of McNeil Ave.....	970
	Just upstream of Kemp Blvd. (northbound).....	970

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
McGrath Creek.....	Just upstream of Weeks Park Lane.....	951
McGrath Creek tributary.....	Just upstream of Kell Blvd.....	996
	Just downstream of Maplewood Ave.....	972
Holiday Creek Old Channel.....	Approximately 200 feet upstream of Old Lake Rd.....	963
Lake Wichita tributary.....	Just upstream of Trinidad Dr.....	999
East Plum Creek.....	Approximately 200 feet downstream of Fisher St.....	947
Plum Creek.....	Just downstream of Nunn St.....	955
	Just upstream of Wrangler Dr.....	975

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3570 Filed 2-13-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3899]

BEDFORD COUNTY, VA

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for locations in Bedford County, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Bedford County Courthouse, Main Street, Bedford, Va.

Send comments to: Mr. Cecil C. Knowles, County Administrator of

Bedford County, P.O. Box 234, Bedford, Va. 24523.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Bedford County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 92-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River.....	Lynchburg corporate limits.....	568
	Holcomb Rock Dam (downstream).....	588
	Holcomb Rock Dam (upstream).....	593
	Coleman Falls Dam (downstream).....	599
	Coleman Falls Dam (upstream).....	612
	Virginia Route 647.....	623
	Blue Ridge Parkway.....	630
	U.S. 507.....	652
	Cashaw Dam (upstream).....	670
	Chessie System (upstream).....	673
	Upstream county boundary.....	708
Ivy Creek.....	Lynchburg corporate limits.....	676
	Virginia Route 660.....	679
	Virginia Route 621 (downstream).....	691
	Virginia Route 621 (upstream).....	696
	Virginia Route 622.....	712

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ivy Creek	Virginia Route 644	837	Bore Auger Creek	Virginia Route 616 (downstream)	902
	Virginia Route 621 (downstream)	875		Virginia Route 616 (upstream)	907
	Virginia Route 621 (upstream)	877		Virginia Route 619 (downstream)	932
Judith Creek	Chessie System	568		Virginia Route 619 (upstream)	936
	Trents Ferry Rd.	638		Virginia Route 699, (32,800 ft above mouth)	960
	Virginia Route 674	764		Virginia Route 699, (36,000 ft above mouth downstream)	995
	U.S. 501	770		Virginia Route 699, (36,000 ft above mouth upstream)	999
Hunting Creek	Virginia Route 604	628		Virginia Route 699, (36,700 ft above mouth downstream)	1,004
	U.S. 501 (downstream)	637		Virginia Route 699, (36,700 ft above mouth upstream)	1,005
	U.S. 501 (upstream)	648		Virginia Route 691 (downstream)	928
	Virginia Route 600	801		Virginia Route 691 (upstream)	933
	Virginia Route 601	850		Virginia Route 607 (downstream)	946
	Virginia Route 602, (20,500 ft above mouth downstream)	1,037		Virginia Route 607 (upstream)	950
	Virginia Route 602, (20,500 ft above mouth upstream)	1,043		Terminal Avenue (downstream)	962
	Virginia Route 602, (23,600 ft above mouth)	1,111		Terminal Avenue (upstream)	971
	Virginia Route 602, (24,850 ft above mouth downstream)	1,105		Virginia Route 698	987
	Virginia Route 602, (24,850 ft above mouth upstream)	1,171		Norfolk & Western Ry	1,218
Battery Creek	Chessie System	630		Norfolk & Western Ry	1,224
Roanoke River	County Boundary	618		U.S. 460	909
	Virginia Route 608	618		Norfolk & Western Ry	913
	Virginia Route 908	620		Virginia Route 757 (downstream)	823
	Smith Mountain Lake	803		Virginia Route 757 (upstream)	827
	Virginia Route 634	803		Norfolk & Western Ry	837
	County Boundary	822		Norfolk & Western Ry	839
Big Otter River	Virginia Route 24 (downstream)	587		Virginia Route 24 (downstream)	874
	Virginia Route 24 (upstream)	589		Virginia Route 24 (upstream)	878
North Otter Creek	Virginia Route 644	709		Virginia Route 619	968
	Virginia Route 643	774		Virginia Route 619 (upstream)	973
	Virginia Route 639	896		Virginia Route 24	879
	Virginia Route 132	931		Virginia Route 755	907
Little Otter River	Virginia Route 715	639		Virginia Route 755 (downstream)	916
	Virginia Route 784	676		Virginia Route 635 (upstream)	845
	U.S. 460 (downstream)	699		Virginia Route 635 (downstream)	848
	U.S. 460 (upstream)	703		Virginia Route 24	921
	Virginia Route 718	734		Virginia Route 619	954
	Norfolk & Western Ry (downstream)	746		Virginia Route 619 (upstream)	967
	U.S. 221 (downstream)	769		Power transmission line	1,076
	U.S. 221 (upstream)	762		Virginia Route 619	864
	Virginia Route 122	794		Virginia Route 619	868
	Virginia Route 43 (downstream)	837		Virginia Route 634 (downstream)	925
	Virginia Route 43 (upstream)	841		Virginia Route 634 (upstream)	928
Machine Creek	Virginia Route 714 (downstream)	651		Virginia Route 635	954
	Virginia Route 714 (upstream)	653		Virginia Route 635 (upstream)	956
	Virginia Route 804	679			
	Virginia Route 43 (downstream)	700			
	Virginia Route 43 (upstream)	704			
Wells Creek	Virginia Route 747 (downstream)	751			
	Virginia Route 747 (upstream)	753			
Little Otter River tributary	Lake Drive (downstream)	848			
	Lake Drive (upstream)	851			
	Bedford City corporate limit (downstream)	858			
	Bedford City corporate limit (upstream)	912			
Goose Creek	Private drive, 0.24 miles below confluence of South Fork Goose Creek (downstream)	902			
	Private drive, 0.24 miles below confluence of South Fork Goose Creek (upstream)	907			
Mill Creek	Virginia Route 122	846			
Bore Auger Creek	Virginia Route 755	865			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3571 Filed 2-13-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3900]

COUNTY OF CAMPBELL, UNINCORPORATED AREAS, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Campbell County, Unincorporated Areas, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the County Administrator, Walter J. Haberer Building, Courthouse Square, Rustburg, Va.

Send comments to: Mr. Donald Johnson, Campbell County Administrator, P.O. Box 100, Rustburg, Va. 24588.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Campbell County, Unincor-

porated Areas, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Downstream county boundary	481
	Chessie System (upstream face)	492
	Norfolk & Western RR..	500
	Confluence with Opossum Creek.	505
	Upstream county boundary.	508
Archer Creek	Confluence with James River.	500
	State Route 726 (upstream face)	502
	Norfolk & Western RR. (1st crossing)	510
	downstream face.	526
	Norfolk & Western RR. (1st crossing)	526
	upstream face.	550
	State Route 609	578
	Private Dr. 2,700 feet upstream of State Route 609.	649
	Norfolk & Western RR. (2d crossing)	679
	downstream face.	756
	Abandoned railroad, downstream face.	784
	Abandoned railroad, upstream face.	784
	Abandoned highway	784
Beaver Creek	Confluence with James River.	501
	State Route 460, upstream face.	506
	Apelone crossing	549
	Norfolk & Western RR. (1st crossing)	570
	State Route 660, upstream face.	576
	Confluence with Carters Creek.	615
	State Route 501, downstream face.	636
	State Route 501, upstream face.	647

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Creek	Confluence with Tussocky Creek.	648	Big Otter River	State Route 712	528
	Norfolk & Western RR. (2d crossing), downstream face.	649		U.S. Route 29, northbound.	536
	Norfolk & Western RR. (2d crossing), upstream face.	660		Confluence with Troublesome Creek.	554
	State Route 669	723		Confluence with Flat Creek.	563
Tussocky Creek	Confluence with Beaver Creek.	648		Southern Ry.	568
	State Route 680, upstream face.	675		State Route 582	571
	Norfolk & Western RR..	681		Confluence with Buffalo Creek.	582
Unnamed tributary to Tussocky Creek.	Confluence with Tussocky Creek.	675		County boundary	582
	Norfolk & Western RR..	681		Confluence with Bag Otter River.	554
Opossum Creek	Confluence with James River.	505		State Route 696	606
	Chessie System, downstream face.	505		State Route 692, downstream face.	657
	Chessie System, upstream face.	512		State Route 692, upstream face.	666
	State Route 580	512		Confluence with Big Otter River.	563
	State Route 605	592		State Route 696, upstream face.	568
	Norfolk & Western RR. (1st crossing), upstream face.	598		State Route 24, upstream face.	595
	State Route 601	638		Private Road,	874
	Norfolk & Western RR. (2d crossing)	647		downstream of confluence with Yellow Branch.	
	State Route 669, upstream face.	661		Confluence with Smith Branch.	687
	State Route 667	759		State Route 622, upstream face.	729
Tomahawk Creek	County (Lynchburg City limits).	763		U.S. Route 29, upstream face.	789
	State Route 1557, upstream face.	787		State Route 738	811
	Jefferson Rd., downstream face.	816		Confluence with Big Otter River.	582
	Jefferson Rd., upstream face.	831		State Route 811	612
Dreaming Creek	County boundary (Lynchburg City limits).	832		State Route 854	639
	State Route 1544	849		State Route 623, downstream face.	694
Roanoke River	Downstream county boundary.	384		State Route 623, upstream face.	698
	Norfolk & Western RR..	385		State Route 623 (2d crossing).	714
	Confluence with	403		State Route 858, downstream face.	773
	Whipping Creek.	452		State Route 858, upstream face.	778
	Confluence with Hill Creek.	463		U.S. Route 460	778
	State Route 761	474		State Route 623 (3d crossing), downstream face.	784
	Confluence with Seneca Creek.	509		State Route 623 (2d crossing), upstream face.	788
	Confluence with Hollow Branch.	520		Confluence with Roanoke River.	532
	Confluence with Cheese Creek.	526		Norfolk & Western RR.	532
	State Route 640	528		downstream face.	537
	Confluence with Big Otter River.	532		Norfolk & Western RR.	537
	Confluence with Halls Branch.	540		U.S. Route 29, downstream face.	544
	U.S. Route 29 (southbound).	543		U.S. Route 29, upstream face.	544
	Confluence with Bishop Creek.	552		State Route 711	544
	Confluence with Goose Creek.	560		County Boundary (Altavista town limits).	607
	Leesville Dam, downstream side.	615		State Route 774, upstream face.	624
	Leesville Dam, upstream side.	615		U.S. Route 29, downstream face.	641
	Upstream county boundary.	616		U.S. Route 29, upstream face.	653
	Downstream county boundary.	384		Confluence with Roanoke River.	552
	State Route 40	393		State Route 630	552
	Confluence with south fork Falling River.	457		County boundary	559
	State Route 604	494			
	Upstream county boundary.	514			
Big Otter River	Confluence with Roanoke River.	523			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Ad-

ministrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).
Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.
(FR Doc. 78-3572 Filed 2-13-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]
(Docket No. FI-3901)

THE TOWN OF CLINCHPORT, SCOTT COUNTY, VA.

Proposed Flood Elevation Determinations
AGENCY: Federal Insurance Administration, HUD.
ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Clinchport, Scott County, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Clinchport Post Office, Clinchport, Va.

Send comments to: Hon. W. Ray Russel, Mayor of Clinchport, P.O. Box 44, Clinchport, Va. 24227.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Clinchport, Scott County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

PROPOSED RULES

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clinch River.....	Downstream corporate limits.....	1,237
	Railroad bridge.....	1,238
	Confluence of Stock Creek.....	1,239
	Upstream corporate limits.....	1,240
Stock Creek.....	Confluence with Clinch River.....	1,239
	State Route 65.....	1,239
	Southern RR.....	1,239
	Upstream corporate limits.....	1,239

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3573 Filed 2-13-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]
(Docket No. FI-3902)

THE TOWN OF COLUMBIA, FLUVANNA COUNTY, VA.

Proposed Flood Elevation Determinations
AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Columbia, Fluvanna County, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Columbia Town Hall, Washington Street, Columbia, Va.

Send comments to: Hon. Greg Raetz, mayor of Columbia, P.O. Box 788, Columbia, Va. 23038.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Columbia, Fluvanna County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED RULES

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

[4210-01]

[24 CFR Part 1917]
(Docket No. FI-3904)

CITY OF GALAX, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Galax, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Galax City Municipal Building, 123 North Main Street, Galax, Va.

Send comments to: Mr. W. Harold Snead, City Manager of Galax, 123 North Main Street, Galax, Va. 24333.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Galax, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James and Rivanna River.	Downstream corporate limits.....	213
	Route 690.....	215
	Upstream corporate limits.....	216
Cumberland Creek	Chesapeake & Ohio RR.....	215
	St. James St.....	215
	Fayette St.....	215
	Upstream corporate limits.....	215

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3574 Filed 2-13-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]
(Docket No. FI-3903)

THE CITY OF FREDERICKSBURG, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Fredericksburg, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Planner's Office, Fredericksburg City Hall, Fredericksburg, Va.

Send comments to: Mr. Arthur H. Haake, City Planner of Fredericksburg, P.O. Box 239, Fredericksburg, Va. 22401.

FOR FURTHER INFORMATION CONTACT:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rappahannock River.	Confluence with Hazel Run.....	38
	Kings Highway.....	40
	U.S. Route 1.....	41
	Upstream corporate limits.....	45

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3575 Filed 2-13-78; 8:45 am)

PROPOSED RULES

stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chestnut Creek	Downstream corporate limits.	2,299
	At U.S. 58-221 bridge.	2,340
	At East Old Town Road Bridge.	2,345
	At State Route 89	2,359
	Upstream corporate limits.	2,365

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3576 Filed 2-13-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3905]

TOWN OF GLEN LYN, GILES COUNTY, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Glen Lyn, Giles County, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines

of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Mayor's Office, Glen Lyn, Va.

Send comments to: Hon. Hazel Pollard, mayor of Glen Lyn, Office of the Mayor, Glen Lyn, Va. 24093.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Glen Lyn, Giles County, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
New River	Confluence with East River.	1,525
	U.S. Highway 460	1,526
	Confluence of unnamed tributary.	1,527
East River	Glen Lyn town limits.	1,527
	Confluence with New River.	1,525
	U.S. Highway 460	1,525
Unnamed tributary of New River.	Private bridge.	1,525
	Abandoned RR. fill.	1,586
	Glen Lyn town limits.	1,614

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation

of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3577 Filed 2-13-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3906]

GREENSVILLE COUNTY, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Greenville County, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Administrator's Office, 301 South Main, Emporia, Va.

Send comments to: Mr. John J. Jackson, County Administrator of Greenville County, P.O. Box 109, Emporia, Va. 23847.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Greenville County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)),

42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Meherrin River	City of Emporia—Corporate limits.	97
	Approximately 4,000 ft downstream from the city of Emporia corporate limits.	94
Falling Run	Route 730	95
	Downstream from Seaboard Coast Line RR bridge.	100
	Old Halifax Road	114
	Route 301	114
	Interstate 95	114

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3578 Filed 2-13-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3907]

ROANOKE COUNTY, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Roanoke County, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the com-

munity is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Courthouse, 305 East Main Street, Salem, Va.

Send comments to: Mr. William F. Clark, Roanoke County Executive, P.O. Box 1079, Salem, Va. 24153.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Roanoke County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Roanoke River	Confluence with Back Creek.	809
	Bedford County line	822
	Blue Ridge Parkway	842
Carvin Creek	Confluence with Tinker Creek.	983
	Hershberger Rd	986
	Ardmore Dr. (downstream).	1,069
	Ardmore Dr. (upstream)	1,096
	Virginia Route 648 (downstream).	1,099

PROPOSED RULES

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Niagara Dam (downstream).	Niagara Dam (upstream).	895
	Roanoke City corporate limits.	904
	Salem City corporate limits.	1,038
	Diagnosis Lane	1,050
	Norfolk & Western RR. (downstream).	1,073
	Norfolk & Western RR. (upstream).	1,075
	Virginia route 646	1,085
	Virginia Route 612 (upstream).	1,098
	Norfolk & Western RR..	1,100
	Virginia Route 734	1,106
Back Creek	Virginia Route 639	1,110
	Norfolk & Western RR. (upstream).	1,113
	Virginia Route 639	1,123
	Norfolk & Western RR..	1,145
	Virginia Route 689	1,164
	Norfolk & Western RR..	1,167
	Virginia Route 821	1,178
	Montgomery County line.	1,178
	Virginia Route 615	1,078
	Virginia Route 613	1,119
Glade Creek	Dam	1,135
	Virginia Route 735	1,181
	Virginia Route 688	1,228
	Virginia Route 690	1,255
	Virginia Route 692	1,278
	Private Road (1,900 ft upstream of Route 692).	1,307
	Roanoke City corporate limits.	940
	Norfolk & Western RR. (downstream).	962
	Norfolk & Western RR. (upstream).	965
	Virginia Route 606	980
Glade Creek Tributary.	Virginia Route 638	993
	Botetourt County line	996
	Confluence with Glade Creek.	960
	Virginia Route 758 (upstream).	964
	U.S. Highway 460 (downstream).	1,000
	U.S. Highway 460 (upstream).	1,006
	Confluence with Glade Creek.	984
	Virginia Route 603 (upstream).	987
	U.S. Highway 460 (downstream).	991
	U.S. Highway 460 (upstream).	1,003
Cook Creek	Virginia Route 781	1,019
	Botetourt County line	1,024
	Confluence with Carvin Creek.	983
	Virginia Route 115	988
	Dam (downstream)	992
	Dam (upstream)	1,002
	Clearwater Ave. (downstream).	1,044
	Clearwater Ave. (upstream).	1,052
	Ardmore Dr. (downstream).	1,060
	Ardmore Dr. (upstream)	1,069
Tinker Creek	Virginia Route 648 (downstream).	1,096
	U.S. Highway 11 and 220 (downstream).	1,099
	U.S. Highway 11 and 220 (upstream).	1,101
	Confluence with Tinker Creek.	983
	Hershberger Rd	986

PROPOSED RULES

Source of flooding	Location	Elevation in feet, National Geodetic vertical datum	Source of flooding	Location	Elevation in feet, National Geodetic vertical datum
Virginia Route 623	988	Barnhardt Creek...	City of Roanoke corporate limits.	1,045
Orlando Ave. (downstream).		1,000	Virginia Route 419 (upstream).		1,052
Confluence of West Fork Carvin Creek.		1,002	Keagy Rd. (downstream).		1,084
Virginia Route 601 (downstream).		1,024	Keagy Rd. (upstream).....		1,086
Virginia Route 601 (upstream).		1,029	Interstate 81.....		1,091
Hugh Ave. (upstream) ...		1,035	Virginia Route 116.....		1,120
U.S. Highway 11 and 220 (upstream).		1,040	Old Virginia Route 311.....		1,141
Footbridge to Hollins College (upstream).		1,044	Virginia Route 785 (downstream).		1,161
Service road (downstream).		1,054	Virginia Route 785 (upstream).		1,164
Interstate 81.....		1,056	Virginia Route 740 (downstream).		1,185
Confluence with Carvin Creek.		1,002	Virginia Route 740 (upstream).		1,186
U.S. Highway 11 and 220 (downstream).		1,006	Virginia Route 311 (upstream).		1,195
Virginia Route 633.....		1,010	Low Water Bridge.....		1,213
Roanoke City corporate limits.		1,032	Virginia Route 864 (downstream).		1,242
Virginia Route 118 (downstream).		1,042	Virginia Route 864 (upstream).		1,244
Virginia Route 118 (upstream).		1,047	Virginia Route 699.....		1,275
Virginia Route 117 (upstream).		1,060	Confluence with Mason Creek.		1,192
Virginia Route 1832 (downstream).		1,079	Virginia Route 640 (downstream).		1,229
Virginia Route 1832 (upstream).		1,084	Virginia Route 640 (upstream).		1,232
Private Road (3,300 ft upstream of Virginia Route 1832).		1,118	3,200 ft upstream of Virginia Route 640.		1,265
Private Road (5,100 ft upstream of Virginia route 1832).		1,147	City of Salem corporate limits.		1,141
Private Road (5,950 ft upstream of Virginia Route 1832).		1,161	Interstate 81 (downstream).		1,145
Interstate 81 (upstream).		1,168	Interstate 81 (upstream).		1,150
Roanoke City corporate limits.		1,058	Virginia Route 835.....		1,176
Virginia Route 119.....		1,093	1,150 ft upstream of Virginia Route 635.		1,200
Roanoke City corporate limits.		1,104	1,750 ft downstream of Virginia Route 619.		1,230
Murray Run.....		1,086	Virginia Route 619 (downstream).		1,282
5,000 ft upstream of Ogden Rd.		1,088	Virginia Route 619 (upstream).		1,265
9,000 ft upstream of Ogden Rd.		1,118	1,100 ft upstream of Virginia Route 619.		1,278
Mudlick Creek.....		1,002	Confluence with Roanoke River.		1,081
Roanoke City corporate limits.		1,003	U.S. Highway 460 (upstream).		1,088
Grandin Rd.		1,011	Interstate 81 (downstream).		1,107
Garst Mill Rd.		1,022	Interstate 81 (upstream).		1,115
City of Roanoke corporate limits.		1,033	Virginia Route 777 (first crossing).		1,115
Halevan Rd. (upstream).		1,049	Private Drive (1,675 ft upstream of Virginia Route 777, first crossing).		1,167
Crest Hill Dr. (upstream).		1,066	Virginia Route 777 (second crossing).		1,216
Virginia Route 419 (upstream).		1,084	Private Drive (1,150 ft upstream of Virginia Route 777, second crossing).		1,260
Cave Spring Lane (downstream).		1,087	2,650 ft upstream of private drive.		1,300
Cave Spring Lane (upstream).		1,049	3,500 ft upstream of private drive.		1,340
Confluence with Mudlick Creek.		1,050	4,350 ft upstream of private drive.		1,384
Kirkwood Dr.		1,094			
McVitty Rd.		1,098			
Confluence with Mudlick Creek.		1,066			
Cave Springs Lane (downstream).		1,073			
Cave Springs Lane (upstream).		1,075			
Peters Creek.....		1,061			
City of Roanoke corporate limits.		1,104			
Virginia Route 629 (downstream).					

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3579 Filed 2-13-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3908]

CITY OF WINCHESTER, VA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Winchester, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Rouss City Hall, Winchester, Va.

Send comments to: Mr. Wendell L. Sheldon, city manager of Winchester, Rouss City Hall, Winchester, Va. 22601.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Winchester, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the pro-

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gram regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Abrams Creek.....	I-81 (N.B.L.).....	648
	Confluence with Town Run.	653
	Entrance to Shenandoah College.	654
	Road to College Dr.....	657
	Routes 50 and 522.....	664
	Featherbed Lane.....	682
	Baltimore & Ohio RR.....	700
	South Loudoun St.....	708
	O'Sullivan Corp. private road.	715
	Valley Avenue.....	724
	Winchester & Western RR.	745
	.....do.....	774
	Upstream corporate limits.	779
	Merrimans Lane.....	780
Buffalo Lick Run...	1,250 feet downstream I-81.	698
	I-81.....	704
	Downstream corporate limits.	711
	Paper Mill Rd.....	726
	Baltimore & Ohio RR.....	732
	Park entrance.....	653
	Pleasant Valley Rd.....	662
	Church parking lot.....	670
	Springcrest St.....	671
	Baltimore & Ohio RR.....	683
	Private road.....	686
	Pall Mall St.....	688
	Cork St. (upstream).....	707
	Kent St.....	707
	Stewart St.....	723
	Culvert.....	732
	Shopping center culvert.	734
	Private road.....	739
	Flood control basin outlet culvert.	760
	Wood Ave.....	765
	Myrtle Ave.....	774
	Fox Dr.....	780
	Linden Dr.....	791
	Upstream corporate limits.	819
Redbud Run tributary.	Pennsylvania Ave.....	726
	ConRail.....	732
	ConRail (100 ft upstream).	741
	ConRail (700 ft upstream).	741

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Adminis-

trator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3580 Filed 2-13-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3909]

THE CITY OF BELLEVUE, KING COUNTY, WASH.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Bellevue, King County, Wash.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Bellevue City Hall, 111 116th Street SE., Bellevue, Wash.

Send comments to: Hon. Milford F. Vanik, Mayor of Bellevue, P.O. Box 1768, Bellevue, Wash. 98009.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Bellevue, King County, Wash., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected location are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mercer Creek.....	Interstate 405.....	19
Meydenbauer Creek.	101st Ave. SE.....	17
North Fork Meydenbauer.	102d Ave. SE.....	29
Coal Creek.....	Confluence with Meydenbauer Creek.	22
	Glacier Key.....	23
	Burlington Northern RR.	42
	Interstate 405.....	49
Coal Creek tributary.	Coal Creek Parkway.....	166
Vasa Creek.....	Confluence with Coal Creek.	53
	W. Lake Sammamish Parkway.	46
Richards Creek.....	163d Ave. SE.....	131
	Richards Rd.....	26
	26th St. SE.....	52
	Interstate 90.....	115
	Allen St.....	311
	28th St. SE.....	50
Richards Creek east tributary.		
Richards Creek west tributary.	30th St. SE.....	61
Kelsey Creek.....	81st St. NE.....	114
	140th St. NE.....	179
	148th St. NE.....	242
West tributary Kelsey Creek.	1st St. NE.....	52
	3d St. NE.....	79
	Redmond Bellevue Rd.....	114
	132d Ave. NE.....	52
East branch of west tributary Kelsey Creek.		
North branch Mercer Creek.	20th St. NE.....	190
	40th St. NE.....	289
Yarrow Creek.....	34th St. NE.....	255
Sammamish Lake.	176th Ave. SE (extended).	34
	35th St. SE (extended) ..	34
	26th St. SE (extended) ..	34
	2d St. NE (extended) ..	34
	36th St. NE (extended) ..	34
Sturtevant Lake....	(Flood Zones along Sturtevant Lake are limited due to a very narrow bank extending upward from lake shore to elevation of 138 ft).	138

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Ad-

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ministrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3581 Filed 2-13-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3910]

TOWN OF OAKSDALE, WHITMAN COUNTY, WASH.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Oakdale, Whitman County, Wash.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Oakdale Police Department, Oakdale, Wash. 99152.

Sent comments to: Hon. Marshall Miller, mayor of Oakdale, Oakdale Grain Growers, Oakdale, Wash. 99158.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Oakdale, Whitman County, Wash., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing

and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
McCoy Creek	Corporate limits	2,448
	Confluence of unnamed stream	2,450
	Washington St.	2,452
	Bartlett St.	2,454
	Jackson St.	2,455
	First St.	2,457
	William St.	2,458
	Corporate limits	2,467
Spring Creek	Confluence with McCoy Creek	2,457
	Burlington Northern RR.	2,457
	Third St.	2,459
	Fourth St.	2,460
	Bartlett St.	2,462
	Stephens St.	2,464
	Union Pacific RR.	2,465
	Confluence of unnamed stream	2,469
	Corporate limits	2,475

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3582 Filed 2-13-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3911]

OKANOGAN COUNTY, WASH.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Okanogan County, Wash.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Okanogan County Courthouse, Okanogan, Wash.

Sent comments to: Mr. Russell Will, County Commissioner of Okanogan County, Okanogan County Courthouse, Okanogan, Wash. 98840.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Okanogan County, Wash., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Okanogan River	Bando Rd.	808
	Tuck Valley Rd (at river mile 25.0)	821
	Oak Street (upstream)	830
	Central Ave.	840
	U.S. Route 97	842
	Tuck Valley Rd. (at river mile 40.8)	859
	Fourth St. (upstream)	899
	Confluence of Siwash Creek	903
	Burlington Northern RR.	918
	Oroville-Toroda Creek Rd.	918
Similkameen River	12th Ave.	925
	Nighthawk Bridge	1,159
Bonaparte Creek	Railroad St. (upstream)	904
	3rd St. (upstream)	946
Methow River	Carlton Bridge	1,396
	Confluence of Chewack River	1,746
	Confluence of Wolf Creek	1,802
	Weeman Bridge	1,954
	Mazama Rd.	2,103
Twisp River	River mile 1	1,624
	Twisp River Rd.	1,656
	River mile 2	1,668
Chewack River	Bridge St. (upstream)	1,752
	Diversion Dam (near river mile 1)	1,777
	Chewack River Bridge	1,990
	Diversion Dam (near river mile 8.4)	2,000

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3583 Filed 2-13-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3007]

MANITOWOC COUNTY, WIS.

Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Manitowoc County, Wis.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 42 FR 34620 on July 6, 1977, and in The Manitowoc Herald Times published on June 29, 1977, and June 30, 1977, and

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hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Manitowoc County Courthouse, 110 South Eighth, Manitowoc, Wis.

Sent comments to: Mr. Dale J. Bolle, County Board Chairman, Manitowoc County, County Courthouse, 110 South Eighth, Manitowoc, Wis. 54220. Attention: Mr. Gerry Kirchner, Director, Park and Planning Commission.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Manitowoc County, Wis., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Molash Creek	State Trunk Highway 177	589
East Twin River	County Trunk Highway BB	639
	County Trunk Highway B, upstream of Zander Road	638
	Zander Rd.	634
	State Highway 163	632

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Holmes Rd.	627
	Tapawingo Rd.	622
	Hillview Rd.	619
	Rockledge Rd.	614
	State Trunk Highway 147	608
	County Trunk Highway B at Mishicot	604
	Stelmers Rd.	598
	Sturm Rd.	595
	East Hillcrest Rd.	593
	Maplewood Rd.	590
	County Trunk Highway VV	585
Neshota River	County Trunk Highway BB	688
Devils River	County Trunk Highway TT	784
	Chicago and Northwestern Railway	772
	Maribel Rd.	745
	Pleasant Rd.	727
	Interstate 43	714
	U.S. Highway 141	672
Little Manitowoc River	Farm Rd.	647
	Goodwin Rd.	643
	Old County Highway Q	621
	County Highway Q	612
	County Trunk Highway Q, upstream crossing	607
	County Trunk Highway Q, downstream crossing	600
	County Trunk Highway B	594
Tributary to Branch River at Rieffs Mills	Rieffs Mills Rd.	754
Branch River	Town Rd at Rieffs Mill	751
	County Highway H	740
	Town Rd at Rieffs Mill	739
	Danmar Rd.	726
	Game Farm Rd.	707
	County Highway D	704
	U.S. Highway 10	702
	Branch River Rd.	700
	North Union Rd.	689
Manitowoc River	County Trunk Highway JJ	810
	Liest Rd.	804
	State Trunk Highway 148	793
	County Highway S	752
	County Trunk Highway H	734
	Union Rd.	705
	Interstate 43	651
	County Trunk Highway JJ	608
	State Trunk Highway 119	590
	U.S. Highway 141	590
Silver Creek	U.S. Highway 151	737
	Soo Line Railroad, upstream crossing	735
	Soo Line Railroad, downstream crossing	733
	West Caster St.	731
	West Caster St (Old)	730
	Alverno Rd.	728
	U.S. Highway 151	722
	Victoria Lane	718
	State Highway 42	708
	Hecker Rd.	686
	Interstate 43	672
	U.S. Highway 141	658
	Chicago and Northwestern Railway	641
	26th St.	640
	19th St.	635
	Silver Creek Rd.	630
	Silver Creek Rd.	623
Calvin Creek	U.S. Highway 141	656
	Chicago and Northwestern Railway	655
	Northelm Rd.	652
	St. Peters Rd.	641
	St. Peters Rd.	636
	County Trunk Highway LS	600

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	County Trunk Highway LS ¹	593
Pine Creek.....	Gass Lake Rd.....	637
	County Trunk Highway U.....	598
	County Trunk Highway LS.....	594
Point Creek.....	U.S. Highway 141.....	640
	Chicago and Northwestern Railway, Centerville Rd.....	833
	Ueker Point Creek Rd.....	831
	County Trunk Highway LS.....	617
Fischer Creek.....	U.S. Highway 141.....	612
	Chicago and Northwestern Railway, Centerville Rd.....	610
	County Trunk Highway LS.....	585
Centerville Creek..	South Cleveland Rd.....	707
	Interstate 43.....	693
	West Washington Rd.....	691
	State Trunk Highway 149.....	680
	County Trunk Highway XX.....	665
	Chicago and Northwestern Railway, Center Rd.....	635
	North Ave.....	623
Meeme River.....	County Trunk Highway X ¹	608
	County Trunk Highway X ¹	804
	County Trunk Highway X ¹	802
	Wilmas Rd.....	784
	Farm Bridge.....	775
	County Trunk Highway MM ²	757
	County Trunk Highway MM ²	755
	East Spring Valley Rd.....	751
	State Trunk Highway 42.....	751
	State Trunk Highway 149.....	735
	West Washington Rd ¹	730
	West Washington Rd ¹	728
	South Cleveland Rd.....	726
Sheboygan River...	State Highways 67 and 32.....	889
	County Trunk Highway AA, downstream of State Highways 67 and 32.....	887
	Mud Lake Rd.....	886
	County Trunk Highway AA, downstream of Mud Lake Rd ¹	863
	County Trunk Highway AA, downstream of Mud Lake Rd ¹	861
	State Trunk Highway 32 and 57 ¹	859
	State Trunk Highway 32 and 57 ¹	857
West Twin River...	Zonder Rd.....	685
	Natchway Rd.....	681
	State Trunk Highway 147.....	630
	Melnik Rd.....	628
	County Trunk Highway Y.....	624
	Fisherville Rd.....	620
	County Trunk Highway Q.....	611
	County Trunk Highway VV.....	604
	County Trunk Highway B.....	591

¹ Downstream side.
² Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended;

42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3584 Filed 2-13-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3912]

TOWN OF DOUGLAS, CONVERSE COUNTY, WYO.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Douglas, Converse County, Wyo.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Douglas, Wyo.

Send comments to: Mr. William Galletly, Town Manager, town of Douglas, Town Hall, 130 South Third Street, Douglas, Wyo. 82633.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Douglas, Wyoming, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban

Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Miller Draw.....	Burlington Northern RR.	4,817
	County road (near Burlington Northern RR.)	4,817
North Platte River.	State Highways 20 and 87.	4,790
Antelope Creek	Chicago North Western RR.	4,794
	Burlington Northern RR.	4,796
	Second St.....	4,799
East Antelope Creek.	State Highway 59.....	4,805
	Fifth St.....	4,807
Unnamed Drainage.	Burlington Northern RR.	4,812

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3585 Filed 2-13-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-70-77]

INCOME TAX

Refundings of Industrial Development Bonds;
 Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to refundings of industrial development bonds.

DATES: The public hearing will be held on March 15, 1978, beginning at 10 a.m. Outlines of oral comments must be delivered or mailed by March 9, 1978.

ADDRESSES: The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn.: CC:LR:T (LR-70-77), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 103 of the Internal Revenue Code of 1954. The proposed regulations appeared in the FEDERAL REGISTER for Tuesday, December 6, 1977 (42 FR 61613).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by March 9, 1978. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

ROBERT A. BLEY,
Director, Legislation and Regulations Division.

[FR Doc. 78-4066 Filed 2-13-78; 8:45 am]

PROPOSED RULES

[4310-70]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

BIG THICKET NATIONAL PRESERVE, TEX.

Management and Use Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed Rule.

SUMMARY: The intended effect of this action is to supplement general National Park Service regulations in order to conform with the special requirements set by Congress in the enabling legislation for Big Thicket National Preserve and to provide for the protection of its natural resources and visitors. Without such regulations it would not be possible to protect the natural resources of the area and the public visiting the area, or to provide effective administration of the Preserve.

DATES: Comments on the regulations, including suggestions for revisions, will be accepted until March 16, 1978.

ADDRESS: Comments should be directed to: Superintendent, Big Thicket National Preserve, P.O. Box 7408, Beaumont, Tex. 77706.

FOR FURTHER INFORMATION CONTACT:

Thomas Lubbert, Superintendent, Big Thicket National Preserve; telephone 713-838-0271, extension 373.

SUPPLEMENTARY INFORMATION: On October 11, 1974, an Act passed by the Congress of the United States became law (Pub. L. 93-439) and the Big Thicket National Preserve (hereinafter referred to as the Preserve) was established. The Preserve is located in the eastern part of the State of Texas, approximately 90 miles northeast of Houston, with parts of the Preserve bordering the City of Beaumont. The Preserve consists of twelve units located in the counties of Tyler, Hardin, Jasper, Polk, Liberty, Jefferson, and Orange in the State of Texas. Within the law establishing the Preserve, Congress stated that the Preserve was established in order to assure the preservation, conservation and protection of the natural, scenic, and recreational values of the Big Thicket area and to provide for the enhancement and public enjoyment of the Preserve. The law also provides that the Secretary of the Interior shall administer the Preserve as a unit of the National Park System in a manner which will assure its natural and ecological integrity in perpetuity. The Preserve is made up of disjunct representative units and river corridors of the Big Thicket country of East Texas and is the first (along

with Big Cypress National Preserve, Florida) of the almost 300 units administered by the National Park Service to be designated as a "National Preserve." This new concept affords a multiplicity of uses while retaining many of the traditional concepts of National Park Service administration.

With regard to regulations, the primary impact of the national preserve concept is that certain consumptive resource uses, including hunting and trapping, are permitted in preserves. Such uses are normally not permitted in other park areas managed principally to preserve their natural values and general park regulations in 36 CFR Part 2 reflect this policy. For Big Thicket, therefore, it is necessary that special regulations provide certain exceptions to the general regulations, in order to comply with the legislation which established the Preserve.

The impacts of these regulations on hunting, fishing, trapping, off-road vehicle use, etc., were discussed and put forth for public comment during a series of public workshops (held in April 1976) in conjunction with the Preserve's Development/Visitor Use Plan. Public responses from these meetings, directives from Pub. L. 93-439, and planning by the Preserve staff resulted in a draft proposal of regulations for the Preserve.

In drawing up these regulations, environmental and socioeconomic impacts described in the Final Environmental Impact Statement were also taken into account. The only adverse socioeconomic impacts that could be foreseen from these regulations would be the elimination of grazing from the Preserve, through application of 36 CFR 5.16, and the closure of some of the smaller Preserve units to commercial trapping and/or hunting, pursuant to 36 CFR 2.32(b)(1). However, the positive impact on the environment would be of much greater beneficial value than the negative socioeconomic impact of eliminating grazing in the Preserve. The intent of Congress, in establishing the Preserve, was quite specific in that the natural, scenic, and recreational values of the Preserve be preserved, conserved, and protected in order to provide for the enhancement and public enjoyment of the Preserve. The continuation of grazing in the Preserve, whether by cattle, sheep, or hogs would not be in keeping with these directives. Such grazing can and has led to soil compaction, resulting in drainage interference and compacted trails; to selective taking of one type of vegetation over another, resulting in unnatural influence on the habitat; to outright destruction of vegetation and soil, such as "rooting" by hogs; and to an unnatural population of insect pests. Also, such animals are considered as exotic, or unnatural, species in a natural area.

On January 18, 1977, a meeting was held with the Texas Parks and Wildlife Department, in Austin, Tex., in order to discuss with the State of Texas the proposed hunting, trapping, and fishing regulations for the Preserve. Agreement was reached with the State on what type hunting would take place in the Preserve and on seasons for hunting, trapping, and fishing. The reasons for closing some of the smaller Preserve units and the river and bayou corridors are mainly that they are not large enough to support hunting activities. For visitor safety, as well, especially along the river corridor units, certain units are being closed to trapping and hunting. The only other closures to hunting will be if threatened or endangered species are found inhabiting a Preserve unit that is open to hunting. The areas that will be open to hunting and trapping comprise approximately 70% of the Preserve's total area (84,500± acres). Hunting will be for game animals, during prescribed State hunting seasons. During these seasons, rabbits and wild hogs may be hunted as well.

A prohibition on the possession of firearms at night has been included in these regulations in order to make it less likely that illegal hunting will take place. Since there are no developed campgrounds or other overnight facilities within the Preserve, overnight use will consist solely of backcountry camping in widely separated locations. If these campers, whose activities the National Park Service cannot readily monitor, were permitted to possess firearms in their camps, it would be a simple matter for them to engage in illegal nighttime hunting. Since the Preserve units are not large and hunting activities can readily be based outside them, this restriction on firearm possession should not interfere to a significant degree with the conduct of authorized hunting in the Preserve.

DRAFTING INFORMATION

The following persons participated in the writing of these regulations: Jack Bixby, Carl Fleming, Carl Christensen.

IMPACT ANALYSIS

The special regulations proposed for the Big Thicket National Preserve have been covered, in substance, in the Final Environmental Impact Statement on establishment of the Preserve and in a series of public meetings (held during April of 1976) on the development of, and a visitor use plan for, the Big Thicket National Preserve. The latter plan listed types of activities, such as hunting and trapping, their impact on the environment, and alternative uses. The special regulations proposed have taken into account substantive public comments

from these meetings, the directives set forth by Congress, and the Management policies of the National Park Service. The preparation of another Environmental Impact Statement for the rules and regulations of the Big Thicket National Preserve is not necessary and would be redundant.

Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3); the Act of October 11, 1974 (88 Stat. 1254); 245 DM-1 (42 FR 12931); National Park Service Order No. 77 (38 FR 7478); and Regional Director, Southwest Region, Order No. 5 (37 FR 7722).

NOTE.—The National Park Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: January 30, 1978.

DANIEL J. TOBIN, JR.,
Associate Director,
National Park Service.

In consideration of the foregoing, it is proposed to amend Part 7 of Title 36, Code of Federal Regulations, by the addition of a new § 7.85, as follows:

§ 7.85 Big Thicket National Preserve.

(a) *Hunting.* Except as otherwise provided in this section, hunting is permitted in accordance with § 2.32(b) of this chapter.

(1) Hunting is permitted only during open seasons, as defined for game animals or birds by the State of Texas. During other periods of the year, no hunting is permitted.

(2) During applicable open seasons, only the following may be hunted:

(i) Game animals, rabbits, and feral or wild hogs.

(ii) Game birds and migratory game birds.

(3) No dogs or calling devices shall be used for hunting game animals or fur-bearing animals.

(4) No deer stands or other structures for use in hunting or for other purposes shall be built.

(b) *Trapping.* Trapping, for fur-bearing animals only, is permitted in accordance with § 2.32(b) of this chapter.

(c) *Hunting and trapping permits.* In addition to applicable State Licenses or permits, a permit from the Superintendent is required for hunting or trapping on Preserve lands. Permits will be available, free of charge, at Preserve headquarters and can be obtained in person or by mail.

(d) *Firearms, traps, and other weapons.* Except as otherwise provided in this paragraph, § 2.11(a) of this chapter shall be applicable to Preserve lands.

(1) During open hunting or trapping seasons, the possession and use of firearms or other devices capable of destroying animal life is permitted in accordance with § 2.11(b) of this chapter.

(2) The possession of firearms or other weapons is prohibited at night, from one hour after sunset to one hour before sunrise.

(3) Any non-hunting discharge of a firearm is prohibited.

(e) *Camping.* Camping in, or other overnight occupancy of, trailers, motor homes, pickup campers, or other wheeled vehicles is prohibited.

(f) *Backcountry sanitation.* The following restrictions shall apply to all persons in backcountry areas, which are defined as all areas of the Preserve which are more than 500 yards from any unit boundary or road and more than one-half (½) mile from any developed Preserve facility, other than trail, and those areas of the Preserve which are within 25 feet of the banks of the Neches River.

(1) The possession of food or beverages in glass containers is prohibited.

(2) Except in facilities provided therefore, no person shall urinate or defecate within 25 feet of any stream bank or trail. Fecal material must be placed in a hole and covered with no less than four (4) inches of soil.

[FR Doc. 78-4034 Filed 2-13-78; 8:45 am]

[1410-01]

COPYRIGHT ROYALTY TRIBUNAL

[37 CFR Ch. III]

FILING OF CLAIMS TO PHONORECORD PLAYER (JUKEBOX) ROYALTY FEES

Advance Notice of Proposed Rulemaking

AGENCY: Copyright Royalty Tribunal.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice of rulemaking is issued to inform the public that the Copyright Royalty Tribunal (CRT) is considering adoption of regulations to implement section 116(c)(2) of the Act for General Revision of the Copyright Law. This subsection directs the CRT to promulgate regulations concerning the filing of claims with the CRT by persons claiming to be entitled to compulsory license fees under section 116 of the Act. This notice invites participation of the public in providing comment, views, and information to assist the CRT in adopting appropriate regulations.

DATES: Initial comments concerning the content of the proposed regulations should be received on or before April 17th. Reply comments on or before May 15th.

ADDRESS: Interested persons should submit 15 copies of their comments to Chairman, Copyright Royalty Tribunal, 4th Floor, 1111 20th Street NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Brennan, Chairman,
Copyright Royalty Tribunal, telephone 202-653-5175.

SUPPLEMENTARY INFORMATION: The attention of interested persons is directed to the FEDERAL REGISTER, Vol. 42, No. 236, p. 62019, December 8, 1977, at which the CRT gave advance notice of proposed rulemaking designed to implement section 116(c)(5) of the Act for General Revision of the Copyright Law. That section concerns access to phonorecord players for the purpose of determining the proportion of contribution of musical works of various persons to the earnings of the phonorecord players for which fees shall have been deposited.

The CRT in this proceeding wishes to receive comments concerning the types of information that should be required of claimants. The CRT also wishes to receive comments concerning the desirability of requiring that all claims be filed by means of standard forms prescribed by the CRT.

COPYRIGHT ROYALTY
TRIBUNAL,
THOMAS C. BRENNAN,
Chairman.

[FR Doc. 78-3961 Filed 2-13-78; 8:45 am]

[1410-01]

[37 CFR Ch. III]

FILING OF CLAIMS TO CABLE ROYALTY FEES

Advance Notice of Proposed Rulemaking

AGENCY: Copyright Royalty Tribunal.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice of rulemaking is issued to inform the public that the Copyright Royalty Tribunal (CRT) is considering adoption of regulations to implement section 111(d)(5)(A) of the Act for General Revision of the Copyright Law. This section directs the CRT to promulgate regulations concerning the filing of claims with the CRT by the copyright owners of works which were the subject of secondary transmissions by cable systems, and who are entitled to share in the distribution of royalty fees deposited by cable systems. This notice invites participation of the public in providing comment, views and information to assist the CRT in adopting appropriate regulations.

DATES: Initial comments concerning the content of the proposed regulations should be received on or before March 15, 1978. Reply comments on or before April 3, 1978.

ADDRESS: Interested persons should submit 15 copies of their comments to Chairman, Copyright Royalty Tribunal, 4th Floor, 1111 20th Street NW., Washington, D.C. 20036.

nal, 4th Floor, 1111 20th Street NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Brennan, Chairman,
Copyright Royalty Tribunal, telephone 202-653-5175.

SUPPLEMENTARY INFORMATION: The CRT wishes to receive comments concerning the types of information that should be required of copyright owner claimants. The CRT also wishes to receive comments concerning the desirability of requiring that all claims be filed by means of standard forms prescribed by the CRT.

Part 201.17(c)(1) of 37 CFR Chapter II (Copyright Office regulations, Compulsory License for Cable Systems) provides that "Statements of account shall cover semiannual accounting periods of: (i) January 1 through June 30, and (ii) July 1 through December 31, and shall be deposited in the Copyright Office, together with the total royalty fee for such accounting periods as prescribed by section 111(d)(2)(B), (c), or (d) of title 17, within sixty calendar days from the expiration of each such accounting period."

Section 111 (d)(5)(A) of the Copyright Act provides that in July of each year every person entitled to compulsory license fees for secondary transmissions shall file a claim with the CRT. During the rulemaking proceedings in the Copyright Office on the regulations concerning the compulsory license for cable systems, the CRT advised the Copyright Office that the accounting periods, now prescribed in the regulations of the Office, would not interfere with the CRT's performance of its statutory duties. It will be necessary, however, for the CRT to adopt regulations whereby copyright owners may make an initial filing of a claim during the month of July, and subsequently make a supplementary filing after consideration of the information contained in the statement of account covering the period January 1 through June 30. Comments should discuss the procedures by which this two-step filing procedure may be implemented.

The CRT has received an inquiry concerning whether a copyright owner must satisfy the deposit requirements and secure registration of the copyright claim as a condition of participation in the royalty distribution. The CRT has also received an inquiry as to whether the CRT would require the preservation and submission of copies of simultaneous fixations of live transmissions as a requirement of participation in the royalty distribution. In an advisory letter of January 1, 1978, the CRT has stated that participation in the royalty distribution proceedings does not require satisfying the deposit

requirements, securing registration, or preserving and submitting simultaneous fixations of live transmissions.

COPYRIGHT ROYALTY
TRIBUNAL,
THOMAS C. BRENNAN,
Chairman.

[FR Doc. 78-3962 Filed 2-13-78; 8:45 am]

[7710-12]

POSTAL SERVICE

[39 CFR Part 111]

UNDELIVERABLE MAIL

Disposition of Books and Sound Recordings
Found Loose in the Mail

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The proposed rule would amend postal regulations to permit the release, after a 30 day retention period, of undeliverable books and sound recordings bearing a particular trade name, company name, or other organizational identification, to an organization or individual who certifies that he has a legal right to such books or sound recordings and formally requests such release. Books and sound recordings found loose in the mail which cannot be traced to a particular firm or mailing under current regulations are sold at public auction. The Postal Service proposes this change in the regulation because statistically reliable evidence shows that more than 90 percent of all books and sound recordings in the mailstream are mailed by commercial mailers, and therefore it is a reasonable assumption that more than 90 percent of all books and sound recordings found loose in the mail were also mailed by commercial mailers. In the opinion of the Postal Service this proposed change in the regulation would have the expected effects of returning books and sound recordings to their rightful owners and avoiding the present expense to the Postal Service of processing and selling this material. The rights of individual mailers to recover lost books or sound recordings would continue to be protected by the 30-day retention period, during which time the Postal Service can respond to inquiries on lost items. It should be noted that the proposed rule would not apply to articles loose in the mail other than books and sound recordings, because there is an insufficient statistical basis for making it applicable.

DATE: Comments must be received on or before March 16, 1978.

ADDRESS: Written comments should be directed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

PROPOSED RULES

Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8300.

FOR FURTHER INFORMATION CONTACT:

Ed McClure, 202-245-4530.

SUPPLEMENTARY INFORMATION: The Postal Service proposes to carry out the purposes described above by amending §§ 159.721g and 159.813b and by adding new § 159.814 to the Postal Service Manual, Chapter 1 of which has been incorporated by reference in the FEDERAL REGISTER, see 39 CFR 111.1.

Among other things, the proposed rule would also provide that books and sound recordings would not be eligible for release if they did not appear to be new, or if they were involved in the settlement of a postal indemnity claim, or if it were known that the requester was neither the mailer nor the addressee. The rule also provides procedures for handling requests for the same mail matter from two parties, permits requesters to pick up material at the dead parcel branch or have it delivered to them at another location, and provides for cancellation of requests under certain circumstances.

Although exempt from the requirements of the Administrative Procedure Act, 5 U.S.C. 553 (b), (c), regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Postal Service Manual:

PART 159—UNDELIVERABLE MAIL

1. In 159.7 revise .721g to read as follows:

159.7 Dead Mail.

• • • • •
.721 Disposition.
• • • • •

g. *Articles Found Loose in the Mail.* Articles found loose in the mail, which cannot be delivered or returned after the initial handling prescribed in 159.444 and 159.445, are treated as dead mail and handled as follows:

(1) *Books and Sound Recordings.* Books and sound recordings found in bulk mail centers are sent to the dead parcel branch post office designated in 159.724 as they accumulate, and should be shipped at least weekly as volume warrants. However, books and sound recordings found in post offices are held for a minimum of 30 days at the post office where found and then sent to the designated dead parcel branch weekly.

(2) *Other Loose Matter.* All remaining loose matter is held for a minimum of 30 days at the bulk mail center or post office where found and then sent to the designated dead parcel branch weekly.

(3) *Sorting.* If the volume at any location during the 30-day retention period requires

a plan of sorting to facilitate search and disposal on schedule, proceed as follows:

(a) Separate the articles into general groups, such as books, clothing, hardware, etc. Store by weeks to facilitate location and disposal.

(b) Only if the volume makes it necessary, assign a serial number to each category referred to in (a); assign a serial number to each parcel within each category; make a card or book list of the parcels, by category and parcel numbers, with a brief description of the articles.

(4) *Wrapping.* Do not wrap or box loose articles during the retention period except when necessary to keep together several articles known to be from the same parcel.

2. In 159.8 revise .813b and add new .814 reading as follows:

159.8 Treatment in Dead Parcel Post Branches

• • • • •
.813 Other Parcels.
• • • • •

b. Except for books and sound recordings (See 159.814), prepare other parcels, including ordinary, insured, and COD, for disposal as soon as received if sender or addressee cannot be identified. Do not list contents.

• • • • •

.814 *Books and Sound Recordings.* Books and sound recordings from any mail facility except bulk mail centers may be prepared for disposal immediately since they have already been held for 30 days under 159.721g(1). Since books and sound recordings received from bulk mail centers have not yet had a retention period (see 159.721g(1)), they must be held for 30 days at the dead parcel branch post office as loose mail in accordance with 159.724c(3) before disposal. After this 30-day retention period, books and sound recordings in dead parcel branches will be prepared for disposal in accordance with 159.85, except for those that may be withheld from sale for release to the mailer under the following conditions:

a. An organization or individual may request, in the manner set forth below, that books and sound recordings bearing the requester's trade name, company name, or other organizational identification, be released to the requester, or to the requester's authorized representative.

(1) The requester must apply in writing to the postmaster at each dead parcel branch where release of material is desired.

(2) The request must be in quadruplicate.

(3) Requesters must certify that they have a legal right to books or sound recordings bearing a particular trade name, company name, or other organizational identification. The Postal Service may request additional information if the certification is deemed inadequate.

(4) More than one trade name, company name, or other organizational identification may be listed in the same request.

(5) The request must specify whether the books and sound recordings are to be picked up at the dead parcel branch or whether delivery to another location is desired. If delivery to another location is desired, the address must be specified and must be one used by the requester as a return address. A requester may select only one such address

for each dead parcel branch. The specified address may be changed at any time by submitting a written request to the postmaster at the dead parcel branch office.

(6) After approval, the postmaster will retain the original request and send one copy each to the requester, the Inspector in charge of the Division in which the installation is located, and the General Manager, Special Services Division, Office of Mail Classification, U.S. Postal Service, Washington, D.C. 20260.

(7) An approved request will remain in effect until cancelled in writing by either the requester or the Postal Service (see 159.814j).

b. A book or sound recording will be sold at auction and will not be released to the requester if, although it bears an applicable trade name, company name, or other organizational identification, it does not appear to be new, or was involved in the settlement of a postal indemnity claim, or if it is known that the requester was not the mailer or addressee.

c. A request for release of books or sound recordings will be granted except where a written protest, or a conflicting request from another party, is presented to the postmaster at the dead parcel branch post office. Merchandise involved in such a dispute will be sold at auction in the normal course of business, unless written notice from both parties advising of settlement of the dispute is received prior to the prescribed sale deadline (see 159.814g). The postmaster at the dead parcel branch post office will notify both parties in writing when such disputes arise or are settled and of the consequences to the merchandise in such disputes.

d. Upon approval of a request under 159.814a, dead parcel branches will establish special separations or bins, for segregation of books and sound recordings which bear the specified trade name, company name, or other organizational identification. Such identification must consist of a readily identifiable name and be easily read. Dead parcel branches will attempt to adhere to these special separation requests to the maximum extent practicable.

e. Except where delivery to another location is desired (see 159.814a(5) and .814h), dead parcel branches will release books and sound recordings to requesters or their authorized representatives at the dead parcel branch at a time and in a manner mutually agreeable between the requester and the postmaster, consistent with the instructions in this section (159.814). Such merchandise must be picked up at least once before each auction, but may be picked up more often by mutual agreement between the postmaster and the requester.

f. When books and sound recordings are to be released at the dead parcel branch, the following procedures apply:

(1) Ten days before each dead parcel auction, or more often, if warranted by volume, the dead parcel branch will send a written notice to each requester who has specified release of such merchandise at the dead parcel branch, advising of the quantity of books and sound recordings on hand. Merchandise which is to be released at the dead parcel branch will not be listed in the sale catalog.

(2) Requesters or their representatives may pick up books and sound recordings at the dead parcel branch upon presentation of a letter from the requester authorizing the Postal Service to release such merchandise

to the bearer. This letter of authorization must be executed in triplicate. Upon release of the merchandise, all copies of the letter of authorization will be retained in bulk by the person accepting delivery. One copy will be given out with the merchandise, one copy will be mailed directly to the requester, and the original will be retained by the dead parcel branch.

g. Books and sound recordings must be picked up at the dead parcel branch before the close of the business day immediately preceding the public display of auction sale merchandise. Failure to do so will result in cancellation of a request (see 159.814j).

h. As to books and sound recordings, which are to be released at another location under 159.814a(5), dead parcel branches will make up individual packages for shipment to the other location desired by the requester, unless hampers or other types of containers would be more advantageous.

(1) *Individual Packages.* Individual packages will be as large as possible subject to the weight and size limitations for fourth-class mail in 135.3. Each package will be prepared to comply with the requirements of 135.24, sent under a penalty label, and delivered at the destination as ordinary mail.

(2) *Containers.* Books and sound recordings from dead mail branches may be delivered in hampers, or other containers, where this means is more advantageous than making up individual packages, and adequate security against pilferage can be maintained. Postmasters at dead parcel branches and postmasters at delivery offices may coordinate suitable arrangements for containment, labeling, movement, and security of such merchandise through their respective transportation management offices.

i. Failure to accept delivery of any shipment under 159.814h will result in cancellation of a request (see 159.814j).

j. When a request is cancelled (see 159.814a(7), .814g, and .814i), the requester must be notified by the postmaster in writing. A cancelled request may not be renewed for six months after the date of cancellation. At that time, an application must be re-submitted in writing, as if it were a new request. Copies of any cancellation notice must be sent to the General Manager, Special Services Division, Office of Mail Classification, U.S. Postal Service, Washington, D.C. 20260. Merchandise on hand at the time of a cancellation will be included in the next auction.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-4032 Filed 2-13-78; 8:45 am]

PROPOSED RULES

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 855-4]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Rules and Regulations of the San Luis Obispo County Air Pollution Control District in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking.

SUMMARY: Revisions to the San Luis Obispo County Air Pollution Control District (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). The intended effect of the revisions is to update the rules and regulations, and to correct certain deficiencies in the SIP. The EPA invites public comments on these proposed rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to March 16, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations: San Luis Obispo County Air Pollution Control District, County Airport, Edna Road, San Luis Obispo, Calif. 93401; California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814; Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: The following rules were submitted by the California Air Resources Board on the indicated dates:

OCTOBER 13, 1977

Rule 113 San Luis Obispo County Air Pollution Control District Continuous Emissions Monitoring.

NOVEMBER 4, 1977

Rule 104 Action in Areas of High Concentrations.
Rule 105 Definitions.

Rule 407 Organic Material Emission Standards, Limitations and Prohibitions.
Rule 501(A)(7) Open Burning.
Rule 502(A)(3) Agricultural Burning.

A revision to Rule 213(N), Storage and Transfer Equipment, concerning new source review was also submitted. However, it is not being considered in this notice and will be acted upon in a separate FEDERAL REGISTER notice.

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the proposed regulations as SIP revisions. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested parties may participate by submitting written comments to the EPA Region IX Office. Comments received on or before March 16, 1978 will be considered, and made available for public inspection at the EPA Regional Office and the EPA Public Information Reference Unit.

Authority: Sections 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410 and 7601(a)).

Dated: January 19, 1978.

PAUL DE FALCO, Jr.,
Regional Administrator.

[FR Doc. 78-3966 Filed 2-13-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 855-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Kings County Air Pollution Control District's Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Revisions to the Kings County Air Pollution Control District's (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to March 16, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division,

Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations: Kings County Air Pollution Control District, 1197 Berry Lane, Hanford, Calif. 93230; California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814; Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rules and regulations on October 13, 1977:

REGULATION IV—PROHIBITIONS

- Rule
412 Gasoline Loading into Tanks.
412.1 Transfer of Gasoline into Stationary Storage Containers.
412.2 Transfer of Gasoline into Vehicle Fuel Tanks.

The California Air Resources Board submitted the following rules and regulations on November 4, 1977:

REGULATION I—GENERAL PROVISIONS

- 102 Definitions.
103 Confidential Information.
103.1 Inspection of Public Records.
104 Enforcement.
105 Order of Abatement.
108 Source Monitoring.
108.1 Stack Monitoring.
110 Arrests and Notices to Appear.
111 Shutdown, Startup and Breakdown.
112 Circumvention.
113 Applicability of Emission Limits.

REGULATION IV—PROHIBITIONS

- 401 Visible Emissions.
402 Exceptions.
404 Particulate Matter.
404.1 Disposal and Evaporation of Solvents.
405 Particulate Matter Emission Rate.
405.1 1955-1962 Model Year Vehicles (Deterioration).
405.1 Separation of Emissions.
405.2 Combination of Emissions.
405.3 Architectural Coatings.
406 Process Weight Table.
407.1 Disposal of Solid and Liquid Wastes.
409 Fuel Burning Equipment-Oxides of Nitrogen.
410 Organic Solvents.
412 Gasoline Loading into Tanks.
412.1 Transfer of Gasoline into Stationary Storage Containers.
412.2 Transfer of Gasoline into Vehicle Fuel Tanks.
416.1 Cotton Gin Waste Burning.
417 Exceptions.
417.1 Agricultural Burning.
418 Incinerator Burning.
421 Orchard Heater.

- 422 New Source Performance Standards.
423 Emission Standard For Hazardous Air Pollutants.

REGULATION V—PROCEDURE BEFORE THE HEARING BOARD

- 501 Applicable Articles of the Health and Safety Code.
503 Filing Petitions.
504 Contents of Petitions.
511 Notice of Hearing.

In addition, regulations were submitted concerning new source review and emergency episodes. These regulations will be considered in separate FEDERAL REGISTER actions.

The state also submitted regulations concerning New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) on November 4, 1977. These NSPS and NESHAPS regulations implement Sections 111 and 112 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under Section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed in determining whether to delegate authority to implement and enforce the NSPS and NESHAPS regulations in the APCD under the appropriate provisions of Sections 111 and 112. Announcement of such delegation would appear in a separate FEDERAL REGISTER notice.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office. Comments received on or before March 16, 1978, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

AUTHORITY: Sections 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410 and 7601(a)).

Dated: January 19, 1978.

PAUL DE FALCO, Jr.,
Regional Administrator.

(FR Doc. 78-3967 Filed 2-13-78; 8:45 am)

[6560-01]

[40 CFR Part 52]

[FRL 855-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Rules and Regulations of the Great Basin Unified Air Pollution Control District in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: The Great Basin Unified Air Pollution Control District (APCD) has adopted changes to its rules and regulations. The revisions have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board (ARB) as revisions to the California State Implementation Plan (SIP). The intended effect of the revisions is to update the rules and regulations, and to correct certain deficiencies in the SIP. The EPA invites public comments on these proposed rules, especially as to their consistency with the Clean Air Act.

DATES: Comments may be submitted up to March 16, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations: Great Basin Unified Air Pollution Control District, 873 North Main Street, Bishop, Calif. 93514; California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814; Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted on November 4, 1977, proposed revisions to the following rules:

- Rule 300 Permit Fees.
Rule 423 Research Operations.
Rule 617 Emergency Variance.
Rule 418 Storage of Petroleum Products.
Rule 208 Instack Monitoring Specific Sources.
Rule 411 Hazardous Materials.

The State has also submitted regulations concerning New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air

Pollutants (NESHAPS). These regulations implement sections 111 and 112 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed in determining whether to delegate authority to implement and enforce the NSPS and NESHAPS in the APCD under the appropriate provisions of section 111 and 112. Announcement of such delegation would appear in a separate FEDERAL REGISTER notice.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the proposed regulations as SIP revisions. The Regional Administrator hereby issues this notice setting forth these revisions, including rule deletions caused thereby, as proposed rulemaking and advises the public that interested parties may participate by submitting written comments to the EPA Region IX Office. Comments received on or before March 16, 1978 will be considered, and made available for public inspection at the EPA Regional Office and the EPA Public Information Reference Unit.

AUTHORITY: Sections 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410 and 7601(a)).

Dated: January 13, 1978.

FRANK M. COVINGTON,
Acting Regional Administrator.
(FR Doc. 78-3968 Filed 2-13-78; 8:45 am)

[6560-01]

[40 CFR Part 52]

[FRL 855-7]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Sacramento County Air Pollution Control District's Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Revisions to the Sacramento County Air Pollution Control District's (APCD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted up to March 16, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX Office at the above address and at the following locations: Sacramento County Air Pollution Control District, 3701 Branch Center Road, Sacramento, Calif. 95827; California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814; Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

David R. Souten, Chief, California SIP Section, EPA, Region IX, 415-556-7288.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following rules and regulations on November 4, 1977:

REGULATION I.—GENERAL PROVISIONS

- 3 Standard Conditions.

REGULATION II.—PROHIBITIONS

- 7 Ringelmann Chart.
8 Nuisance.
9 Fugitive Dust.
11 Storage of Petroleum Products.
12 Organic Liquid Loading.
13 Gasoline Transfer into Stationary Storage Containers.
14 Transfer of Gasoline into Vehicle Fuel Tanks.
15 Sulfur Content of Fuels.
21 Dust and Condensed Fumes.
22a Open Fires.
23 Particulate Matter.
24 Specific Contaminants.
25 Organic Solvents.
26 Reduction of Animal Matter.

REGULATION VI.—FEES

- 70 Permit Fees.

REGULATION VII.—AGRICULTURAL BURNING

- 94 Limitation on Daily Burning Rate.
95 Other Burning Limitations.
96 Emergency Permits.
97 Agricultural Waterway Delivery and Drainage Systems.
98 Issuance of Agricultural Burning Permits.

In addition, regulations were submitted concerning new source review and emergency episodes. These regulations will be considered in separate FEDERAL REGISTER actions. Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice

setting forth these revisions, including deletions caused thereby, as proposed rulemaking and advises the public that interested persons may participate by submitting written comments to the Region IX Office.

Comments received on or before March 16, 1978, will be considered. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

AUTHORITY: Sections 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. §§ 7410 and 7601(a)).

Dated: January 19, 1978.

PAUL DE FALCO, Jr.,
Regional Administrator.
(FR Doc. 78-3969 Filed 2-13-78; 8:45 am)

[6560-01]

[40 CFR Part 600]

[FRL 843-2]

FUEL ECONOMY OF MOTOR VEHICLES

Fuel Economy and Emissions Testing and Other Procedures For 1979 and Later Model Year Automobiles

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes several changes to the fuel economy labeling regulations for the 1979 and later model years: changes in the procedure for calculation of cargo volume for stations wagons and hatchbacks to determine comparable classes for fuel economy labeling, and a change in the measurement procedure for front seat leg room. Also included is a request for comments regarding earlier completion of testing so that the EPA—Department of Energy, Gas Mileage Guides could be distributed at an earlier date.

DATES: Comments must be received on or before April 17, 1978.

ADDRESS: Deputy Assistant Administrator for Mobile Source Air Pollution Control (AW-455), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Gary E. Timm, Regulatory Management Staff, Office of Mobile Source Air Pollution Control, U.S. Environmental Protection Agency, Washington, D.C. 20460, 202-755-0596.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency (EPA) is required by section 506 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006) to publish rules for fuel economy labeling and

the determination of comparable vehicles for the purpose of fuel economy comparison. The first rules issued pursuant to this requirement were published on November 10, 1976 (41 FR 49752). EPA proposed several changes to the fuel economy labeling regulations on June 6, 1977 for 1978 and later model years (42 FR 28970). After receipt of comments from manufacturers, the general public and consumer groups, EPA determined that final action could be taken on most of the proposals and these provisions were published as a final rule on September 12, 1977 (42 FR 45668). However, EPA was not at that time prepared to decide certain issues on the basis of comments and other information received. Thus, resolution of certain outstanding issues was deferred for further consideration. These were: change in the procedure for calculation of cargo volume of station wagons, change in the procedure for calculation of cargo volume of hatchbacks, consideration of passenger leg room in determining the interior volume index, engine code redefinition in relationship to air conditioning usage and changes in the fuel economy estimates. The above deferred issues with the exception of possible changes in the fuel economy estimates and engine code redefinition in relationship to air conditioning usage are the subject of this notice of proposed rulemaking (NPRM). Alternatives for interpreting and communicating the fuel economy estimates to the public will be proposed in a separate rulemaking. Engine code redefinition to distinguish between vehicles which are and are not equipped with air conditioning will not be reconsidered by the Agency until a better means of simulating air conditioning is found.

DISCUSSION OF PROPOSALS

1. *Change in the procedure for calculation of cargo volume of station wagons.* The present procedure for characterizing the cargo volume of station wagons is deficient in two respects: It does not include the hidden volume which may be used for storage of small parcels and it tends to overestimate the volume of those wagons which have intrusions into the cargo carrying space such as wheel wells, spare tires, fuel tank, etc. The June 6 NPRM proposed two alternative methods for making the volume estimation: use of boxes or a cargo set similar to the procedure used for sedan trunk volume estimates, or the use of the rectangular volume but with a modified width which is the average of the shoulder width [Society of Automotive Engineers (SAE) procedure HSJ-1100a dimension (W4)] and the width between wells (W210).

Comments on these proposals did not provide a basis for concluding that

either proposal was an improvement to the existing procedure. The first alternative, use of a cargo set, received the support of only one manufacturer. The second proposal appeared to be technically deficient in that it did not recognize the large differences in the placement, number and relative sizes of the intrusions into the cargo space on different makes and models of station wagons, and thus did no better job of characterizing the useful cargo space than the present procedure.

In preparation for the rulemaking which is the subject of this notice, EPA informally asked several automakers to suggest definitions for procedures that will accomplish the objective of better characterization of this volume. This proposal is based on the results of that effort.

EPA proposes to use 1 cubic foot blocks, and 0.2 cubic foot rectangular blocks measuring 6x4.5x12.8 inches which are known as H-boxes [defined in Society of Automotive Engineers (SAE) procedure HSJ-1100a]. These cubes and rectangles would be used in combination as measuring tools to estimate the volume defined by the area behind the second seat, the cargo floor, side walls, roof and cargo hatch with the restriction that the volume of the H-boxes shall not exceed 20% of the total estimated cargo volume. The estimated volume would be the sum of the volumes of each of the blocks that could be accommodated in the cargo space behind the second seat. This measurement method will provide a more representative estimate of the truly usable volume than the current procedure, which uses the product of the SAE dimensions for shoulder width, cargo length, and cargo height. This procedure can be carried out by a physical stacking process or by means of a computer simulation of the measurement process. It provides a consistent estimate of usable space by a procedure that can be understood by the consumer.

As proposed on June 6, EPA would add the hidden cargo volume under the cargo floor or in side panels to the cargo volume of the open area to determine the cargo volume index. Hidden cargo volume is also proposed to be determined by the use of H-boxes.

2. *Change in the procedure for calculation of cargo volume of hatchbacks.* Currently, the cargo volume of hatchbacks is determined by calculating a rectangular volume roughly bound by the back of the second seat, the side walls, the cargo floor, the rear door and a horizontal plane at the height of the rear seat. This is not an adequate measure of volume. In some cases it is larger than the usable space whereas in others it may be smaller. EPA believes that changes need to be made to the hatchback cargo volume calculation

procedure so that the index better represents the total usable space.

In the June 6 NPRM EPA suggested that a hatchback is more like a sedan in terms of its cargo carrying capacity than a station wagon; and that therefore the same procedure should be used to characterize the cargo space of hatchbacks as is used for the trunk volume of sedans. This premise rested on the following argument: (1) a hatchback is more suitable for carrying small parcels or luggage than large boxes, etc. and (2) certain hatchbacks are available with cargo area covers at the height of the back seat which makes the cargo area like the trunk of a sedan. Comments to the June 6 NPRM were few and equally divided for and against the proposal. No alternative was suggested. Therefore, EPA is repropounding that the cargo volume of hatchbacks be determined in accordance with the SAE procedure established for the determination of the cargo volume of sedans, i.e., the use of a standard luggage set as defined by the SAE.

The SAE procedure that is defined for sedans needs to be modified for use in determining the cargo volume of hatchbacks since the cargo space of hatchbacks is not fully enclosed. EPA proposes that for hatchbacks without a cargo area cover, luggage pieces that are placed directly on the cargo floor may extend above the back of the rear seat if placed so that any dimension of the luggage, except the longest, is the vertical dimension. Luggage pieces that are placed on other pieces must not extend more than 2 inches above the height of the rear seat. This ensures that small parcels simulated in this determination by H-boxes, which are the most likely items to be stacked on smaller pieces of luggage, will be contained by the rear seat so that they will not slide or tumble forward when a vehicle brakes to a sudden stop.

For hatchbacks with a cargo cover, the main cargo area should be loaded like that of a sedan. If the center section of the cargo cover is removable or storable, the cargo area may be packed as if it were an open cargo area, that is, with small luggage protruding up to 2 inches above the height of the rear seat and large luggage extending upward without limit so long as the large pieces are placed on the cargo floor with their longest dimension in a horizontal plane.

EPA seeks comment on the overall applicability of the use of the SAE luggage set to the cargo volume determination of hatchbacks and specifically on the stacking height and treatment of hatchbacks with cargo covers.

3. *Consideration of front passenger leg room in determining the interior volume index.* In the June 6 NPRM, EPA proposed that the front passen-

ger's right leg room be measured in an analogous fashion to the driver's right leg room and the average of the two be used in determining the front seat component of the interior volume index instead of the current procedure which uses the driver's leg room only. Comments were evenly divided for and against the proposal, with most of the negative comments expressing concern that no standard procedure for the measurement exists. Due to the lack of a standard procedure EPA did not adopt this proposal for the 1978 year in the September 12, 1977 final rulemaking. A procedure for measurement of front passenger leg room analogous to the SAE procedure for measuring the driver's leg room is hereby being proposed for use beginning with the 1979 model year. The procedure is fully described in the proposed Appendix to the regulations.

4. *Earlier publication of the gas mileage guide.* Although not a matter subject to rulemaking, EPA is requesting comment in this notice on the feasibility of advancing the date of preparation of the Gas Mileage Guide for 1979 and subsequent model years. The feasibility of earlier publication of the Gas Mileage Guide was a central issue in a report to the Congress published by the General Accounting Office (Convincing the Public to Buy the More Fuel-Efficient Cars: An Urgent National Need) in August 1977. The report recommended that EPA prepare the Guide data in mid-August

rather than in mid-September as has been done in past years.

While agreeing with the GOA in principle that acceleration of the Guide publication and distribution would be desirable, the EPA believes that there are potential risks associated with the usability and credibility of the Guide if the data were less complete as a result of earlier preparation. It would be feasible to advance the date for the preparation of the Guide if manufacturers could (and would) advance their testing schedules accordingly. If manufacturers did not advance their testing schedules, EPA would be faced with the choice of including in the Guide model type fuel economy values that were calculated from an inadequate and thus potentially unrepresentative data base, or limiting the first edition of the Guide to those model types for which complete data has been submitted. (In many cases, several cars must be tested for each model type in order to account for different weights and options.) It was estimated on the basis of comments from manufacturers that inclusion of all model types for which some data existed as of July 31 without an acceleration in testing would result in a Guide containing 10 percent fewer model types than the 1978 Guide with errors of up to 3 mpg. Conversely, an early Guide that included only complete model type fuel economy would contain 33 percent fewer model types than the current first edi-

tion of the Guide, which covers approximately 75 percent of the year's model types, and about 90 percent of vehicles sold. Thus, EPA would choose the latter, a smaller, less complete and therefore less comprehensive Guide (but one which does not include data that were known to be unrepresentative). It must be borne in mind that this would mean that this less complete first edition would be the only one available in the showrooms until the complete second edition was published in February. Naturally, EPA could just retain the present system, but this means that no Guides would be available early in the model year. Thus, the choice may be between providing no Guides early in the model year; or providing less complete data for half of the model year.

The timetable for the preparation of the first edition of the 1979 Guide would have to be advanced at least 3 weeks if the GAO goal is to be met. A suggested schedule for early release of the 1979 Guide is given below. EPA seeks manufacturers' comments on the feasibility of adopting this schedule for the 1979 model year. If insufficient lead time exists to implement such a schedule for 1979, manufacturers should specify the model year for which they believe adoption of such a schedule would be feasible and the impact of its implementation. EPA also seeks public comment on the trade-off between earlier publication and fuller coverage, which are likely to be and remain somewhat conflicting goals.

Schedule for release of fuel economy ranges and guide

Task	Target date ¹	Responsibility
(a) Submit fuel economy data vehicle packages intended to be included in the calculation of model type (i.e., general label) fuel economy values for the first edition of the Guide.	July 10 (Aug. 1).....	Manufacturer.
(b) Submit requests for calculation of model type fuel economy values (per 40 CFR 600.313-78(c)(1)(ii)) to be included in first edition of the Guide.	July 24 (Aug. 15).....	Do.
(c) All EPA fuel economy testing (including emission-data vehicles) pertaining to model type values to be included in first edition of the Guide must be completed.	July 31 (Aug. 22).....	Do.
(d) Complete emission certification requirements (per 40 CFR 86.078-23) for all model types to be listed in the first edition of the Guide.	Aug. 11 (Sept. 2).....	Do.
(e) Complete approval of all model type fuel economy values to be included in the first edition of the Guide.	do.....	EPA.
(f) Compile a list (for each manufacturer) of the manufacturer's vehicle descriptions, fuel economy values, etc., of all model types to be included in the first edition of the Guide, and transmit to manufacturers, for their review.	do.....	EPA.
(g) Complete review of all information provided in (f), above, and notify EPA of necessary corrections or concurrence.	Aug. 21 (Sept. 12).....	Manufacturer.
(h) Release to manufacturers ranges of fuel economy values of comparable vehicles to be used on fuel economy labels, and to DOE the data for inclusion in the first edition of the Guide.	Aug. 23 (Sept. 14).....	EPA.
(i) Include on labels of vehicles produced (or imported) as of this date the range of fuel economy of comparable vehicles as required by 40 CFR 600.311-77(b).	Sept. 8.....	Manufacturer.

¹1978 schedule as set forth in OMSAPC Advisory Circular 67 is shown in parentheses. The 1979 suggested schedule is accelerated approximately 3 weeks.

SUBMISSION AND REVIEW OF COMMENTS

The Agency requests comments on the proposals contained in this NPRM. Manufacturers and other interested parties may participate in this rule-making by submitting comments (in quadruplicate if possible) to the EPA at the address given above.

It is EPA's intention to assure all interested parties an opportunity to study all information which may become the basis of EPA's final action in this proceeding. Accordingly, the Agency will not consider in this rule-making any material which cannot be made available to the public. Parties who wish to submit information in response to this Notice of Proposed Rulemaking are cautioned that EPA will not consider and will return any comments which are claimed, in whole, or in part to be confidential.

A copy of all public comments will be available for inspection and copying at the U.S. Environmental Protection Agency, Public Reference Unit, Room 2922 (EPA Library) 401 M Street SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major action requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: February 6, 1978.

BARBARA BLUM,
Acting Administrator.

It is proposed to amend Part 600 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

§ 600.315-79 [Added]

1. By adding a new § 600.315-79 identical to § 600.315-78 except for paragraphs (d)(3) and (g) which read as follows:

- (d)
(3) The average of L34 (Maximum effective leg room—accelerator) and

Maximum effective legroom—front passenger (in inches). L34 is obtained according to paragraph (c) of this section. Maximum effective legroom—front passenger is calculated in accordance with Appendix VI to this Part.

(g) Cargo volume index:

(1) For station wagons, the cargo volume index V2 is the total of the volume of the one foot cubes (boxes or blocks measuring 12 by 12 by 12 inches) and H-boxes (as defined in SAE procedure HSJ-1100a) that can be placed in the cargo area in accordance with section 8.2 of HSJ-1100a substituting the cubes for the standard luggage set plus the hidden cargo volume determined in accordance with subparagraph (3).

(i) The second seat back shall be in the upright position and the standard equipped spare tire, tools, or other vehicle parts normally stored in the cargo area shall be in their normal stored positions during the determination. The cargo area access door must close and lock freely without forcing or excessive slamming when all of the cubes and boxes used in the volume determination are in place.

(ii) The cubes and boxes shall be stacked from the rear of the second seat to the rear access door and from the cargo floor to the ceiling with soft point measurements (except for the cargo floor) used. No cube or box shall protrude into the passenger compartment, that is, above the second seat and forward of the vertical plane that is tangent to the back of the second seat.

(iii) The maximum number of the H-boxes used in the estimation of station wagon cargo volume shall be the number whose volume equals 20 percent of the total cargo volume of the vehicle.

(iv) Computer simulation of the estimate technique described in this subparagraph may be substituted for actual physical measurement.

(2) For hatchbacks, the luggage capacity procedure defined by the SAE for sedans will be used (SAE HSJ-1100a(8)) except that the following additional conditions shall apply: (i) Luggage pieces may protrude above the height of the back of the rear seat provided that the luggage is placed on the cargo floor with the longest dimension in a horizontal plane. The height of all other luggage area shall not exceed the height of the horizontal plane lying 2 inches above the top of the second seat back.

(ii) Hidden cargo volume determined in accordance with subparagraph (3) may be included in the total cargo volume determination.

(iii) For hatchbacks with cargo covers: (A) If the cargo cover is not removable or capable of storage, the cover is to be treated as part of the cargo compartment lid or access door and must close freely without forcing or excessive slamming with all of the luggage in place in the compartment.

(B) If the cover is removable or capable of storage, then cargo measurements may be made as in subparagraph (i) with the cover removed and placed within the cargo area or stored within the cargo area as designed by the manufacturer.

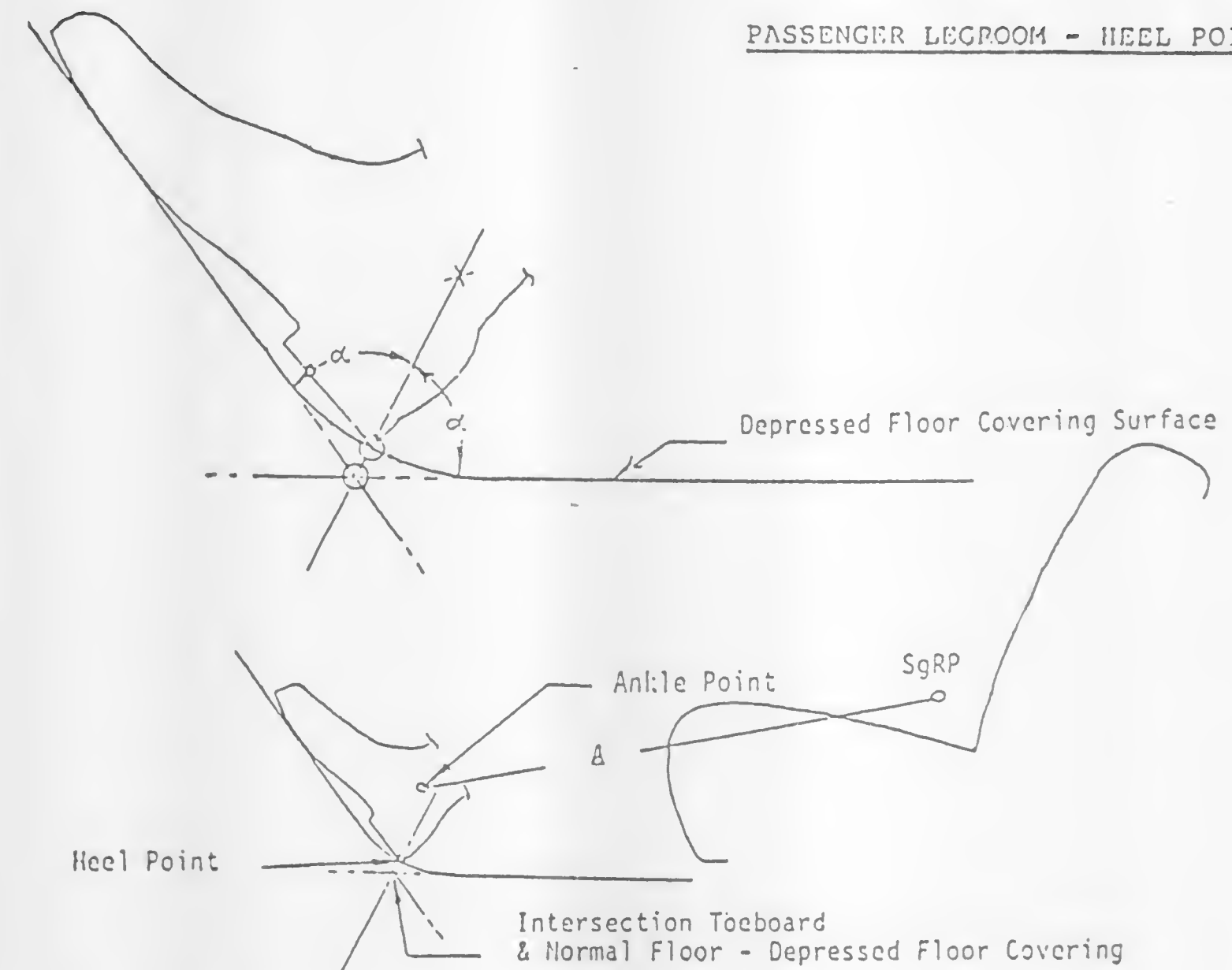
(3) Hidden cargo volume shall be determined by placing one or more H-boxes into each hidden cargo area. A hidden cargo area is any space to the rear of the second seat that is distinct from the main open cargo area which is designed by the manufacturer to accommodate small parcels and which may have a door to separate it from the open cargo area. If a hidden cargo area is completely enclosed, the door must be capable of being closed and latched without forcing when all the H-boxes used in the volume determination are in place.

2. By adding Appendix VI which reads as follows:

APPENDIX VI

FRONT PASSENGER LEGROOM DIMENSION TO BE USED
IN DETERMINING VEHICLE INTERIOR VOLUME INDEX

PASSENGER LEGROOM - HEEL POINT



I.33 - Maximum effective legroom — passenger front.

The dimension measured along a line from the ankle pivot center to the seating reference point (SgRP) -- front (dimension "A" in above sketch) plus 10.0 in. (254 mm), with the front passenger's right foot placed on the depressed floor covering on the toeboard with the back of heel positioned at a line that bisects the angle formed by the extension of the normal toeboard and floor covering surfaces. Standard floor covering is to be used.

PROCEDURE FOR MEASURING FRONT SEAT
PASSENGER LEGROOM

NOTE.—The terms contained herein (with the exception of L33) are contained in the Society of Automotive Engineers procedure HJS-1100a.

The maximum effective legroom—passenger front, L33 is measured with the aid of the standard SAE two-dimensional drafting template or three-dimensional H-point machine in a manner similar to the way L34 (maximum effective legroom—accelerator) and L51 (minimum effective legroom—second) are measured.

The two-dimensional template or three-dimensional H-point machine will be positioned as follows: 1. Adjust the leg segments to the 95th percentile lengths.

2. Place the H-point (pivot center of the torso and thigh) at the seating reference point, SgRP.¹

3. Slide the (right) lower leg and foot forward until the foot reaches the position defined in the illustration.

4. If the foot will not reach the prescribed position with all joints intact, disconnect the foot at the ankle or knee before positioning the foot.

(Section 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2003).)

[FR Doc. 78-3964 Filed 2-13-78; 8:45 am]

[4110-83]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Health Resources Administration

[42 CFR Part 121]

NATIONAL GUIDELINES FOR HEALTH
PLANNING

Proposed Rulemaking; Correction

AGENCY: Public Health Service, HEW.

ACTION: Correction, Notice of Proposed Rulemaking.

SUMMARY: In the Notice of Proposed Rulemaking published in the FEDERAL REGISTER on January 20, 1978, pages 3056-3069, a technical correction needs to be made on page 3065, third column, § 121.203(a)(3), Obstetrical Services, so that the occupancy rate of at least 75 percent applies to units with 1,500, rather than 1,000, births

¹If a two dimensional template is being used it must be used in such a way that it gives the same results as would an H-point machine.

²For vehicles with a bench seat, the SgRP for the right side passenger shall have the same X and Z coordinates as the driver's SgRP. The Y coordinate shall be located symmetrically with the driver's SgRP (about the centerline of the vehicle) or at the centerline of occupant (C/LO) as specified by the manufacturer. For front seats other than bench seats, the SgRP will be established by the manufacturer and will simulate the position of the pivot center of the torso and thigh of an occupant seated on the right hand side of the front seat.

PROPOSED RULES

annually. The document is corrected as follows:

§ 121.203 Obstetrical Services.

(a) *Standard.* (1) Obstetrical services should be planned on a regional basis with continuing linkages among all obstetrical services and with neonatal services.

(2) Hospitals providing care for complicated obstetrical problems (Levels II and III) should have at least 1,500 births annually.

(3) There should be an average annual occupancy rate of at least 75 percent in each obstetrical unit with more than 1,500 births per year.

FOR FURTHER INFORMATION
CONTACT:

Daniel I. Zwick, Associate Administrator for Planning, Evaluation and Legislation, Health Resources Administration, Center Building, Room 10-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7270.

Dated: February 7, 1978.

L. DAVID TAYLOR,
Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 78-3957 Filed 2-13-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 91]

[SS Docket No. 78-27; RM-2957; RM-2698; FCC 78-54]

NON-CENTRAL STATION COMMERCIAL
PROTECTION ENTITIES

Prohibiting the Operation of Base or Control Stations on the Frequencies 460.900/465.900, 460.925/465.925, and 460.950/465.950 MHz

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The Central Station Electrical Protection Association petitioned the Commission in Rule Making 2957 to prohibit radio operations by non-central station electrical protection entities on certain business radio service frequencies within 75 miles from the city centers of urbanized areas of 200,000 or more population (1960 U.S. Census). The intended effect is to avoid conflicts and interference problems. In another matter relating to these same frequencies and other frequencies assigned for this industry's use, the Central Station Electrical Protection Association petitioned the Commission (RM-2698) to

permit alarm signalling and other fixed point-to-point operations on a secondary basis by this industry. The intended effect is to accommodate expanding industry requirements. After considering these petitions, the Commission proposes granting these aspects of these petitions.

DATES: Comments must be received on or before April 20, 1978 and reply comments must be received on or before May 22, 1978.

ADDRESSES: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION
CONTACT:

E. C. Bowler, Safety and Special Radio Services Bureau, 632-6497.

Adopted: January 25, 1978.

Released: February 7, 1978.

In the matter of Amendment of section 91.554 of the Commission's Rules to prohibit the operation of base or control stations on the frequencies 460.900/465.900, 460.925/465.925, and 460.950/465.950 MHz by non-central station commercial protection entities within 75 miles from the city centers of urbanized areas of 200,000 or more population (1960 U.S. Census); and to permit alarm signalling and other fixed point-to-point operations on a secondary basis for central station electrical protection entities on the frequencies 460.900/465.900, 460.925/465.925, 460.950/465.950, 460.975/465.975, and 461.000/466.000 MHz.

1. Notice of proposed rule making is hereby given in the above-entitled matters.

2. Section 91.554(b)(32) of the Commission's Rules presently provides that within the boundaries of urbanized areas of 200,000 or more population, as defined by the 1960 U.S. Census of Population, the frequency pairs 460.900/465.900 MHz, 460.925/465.925 MHz, and 460.950/465.950 MHz may be assigned only to persons rendering a commercial central station electrical protection service. The Central Station Electrical Protection Association (CSEPA) has requested, through a rule making petition, that language be added to the rule which would require all non-central station electrical protection radio operations to be located at least 75 miles or more from the center of these urbanized areas. The purpose of this proposal is to avoid conflicts and interference problems. We think that the proposal has merit, and we propose to adopt the rule CSEPA has requested.

3. In a separate matter, but one also involving the use of the three frequency pairs mentioned above plus two additional frequency pairs available exclusively to the central station electrical protection industry nationwide

(460.975 MHz and 461.000 MHz), CSEPA has asked, among other things, that the Commission's Rules be amended to allow central station electrical protection companies to conduct alarm signalling and other fixed point-to-point operations on these frequencies on a secondary basis to their land mobile operations.

4. We considered the latter matter in our Memorandum Opinion and Order, adopted January 25, 1978, in which we granted in part and we denied in part CSEPA's petition for reconsideration of our decision on CSEPA's petition for rule making, RM-2698. We concluded there that there is merit to this aspect of its petition and, therefore, we hereby propose to adopt a rule which would allow central station electrical protection licensees to use their radio facilities authorized on the frequencies 460.900/465.900, 460.925/465.925, 460.950/465.950, 460.975/465.975 or 461.000/466.000 MHz for alarm signalling and for other point-to-point purposes, on a secondary, non-interference basis. Because they are related, the two Petitions, RM-2698 and 2957, have been consolidated.

5. Accordingly, notice is hereby given of proposed rule making on the specific proposed rule changes set out in the attached Appendix. To minimize the effects on existing licensees that will be affected by the 75-mile limitation (Proposed changes to § 91.554(b)(32)), we propose to allow them to continue their operations until March 31, 1983. This should provide adequate time for these licensees

Frequency or band	Class of Stations	General reference	Limitations
460.875.....	Base and mobile.....	Permanent use.....	16.35,36,37,38,40
460.900.....	do.....	do.....	10.32,34,35,51,52
460.925.....	do.....	do.....	10.32,34,35,51,52
460.950.....	do.....	do.....	10.32,34,35,51,52
460.975.....	do.....	do.....	10.34,35,41,51,52
461.000.....	do.....	do.....	10.34,35,41,51,52
461.025.....	do.....	do.....	10.34,35,38
465.875.....	Mobile.....	Permanent use.....	7.9,13,34,35,36,37,38,40,43
465.900.....	do.....	do.....	7.9,10,32,34,35,51,52
465.925.....	do.....	do.....	7.9,10,32,34,35,51,52
465.950.....	do.....	do.....	7.9,10,32,34,35,51,52
465.975.....	do.....	do.....	7.9,10,34,35,41,51,52
466.000.....	do.....	do.....	7.9,10,34,35,41,51,52
466.025.....	do.....	do.....	7.9,10,34,35,38

(b) * * *

(32) Within the boundaries of urbanized areas of 200,000 or more population defined in U.S. Census of Population, 1960, Vol. 1, Table 23, page 1-50,

to amortize costs of existing equipment and plan for alternate means for meeting their communications requirements. Authority for the proposed amendments are contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before April 20, 1978, and reply comments on or before May 22, 1978.

6. In accordance with the provisions of Section 1.419(b) of the Commission's Rules, an original and 5 copies of all statements, briefs, and comments filed shall be furnished to the Commission. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken. The Commission may also take into account other relevant information before it, in addition to the specific comments invited by the Notice.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 91 of the Commission's Rules is amended as follows:

1. In Section 91.554, the table and paragraphs (b)(32), (b)(51) and (b)(52) are amended to read as follows:

§ 91.554 Frequencies available.

(a) * * *

Frequency or band	Class of Stations	General reference	Limitations
460.875.....	Base and mobile.....	Permanent use.....	16.35,36,37,38,40
460.900.....	do.....	do.....	10.32,34,35,51,52
460.925.....	do.....	do.....	10.32,34,35,51,52
460.950.....	do.....	do.....	10.32,34,35,51,52
460.975.....	do.....	do.....	10.34,35,41,51,52
461.000.....	do.....	do.....	10.34,35,41,51,52
461.025.....	do.....	do.....	10.34,35,38
465.875.....	Mobile.....	Permanent use.....	7.9,13,34,35,36,37,38,40,43
465.900.....	do.....	do.....	7.9,10,32,34,35,51,52
465.925.....	do.....	do.....	7.9,10,32,34,35,51,52
465.950.....	do.....	do.....	7.9,10,32,34,35,51,52
465.975.....	do.....	do.....	7.9,10,34,35,41,51,52
466.000.....	do.....	do.....	7.9,10,34,35,41,51,52
466.025.....	do.....	do.....	7.9,10,34,35,38

this frequency may be used only by persons rendering a central station commercial protection service. Central station commercial protection service is defined as electrical protection and supervisory services rendered from and by a central station approved by

one or more of the recognized rating agencies and/or the Underwriters' Laboratories, Inc. (UL). Other stations in the Business Radio Service may be licensed on this frequency only when all base, mobile relay and control stations are located at least 75 miles from the city center or centers of the urbanized areas of 200,000 or more population. With respect to combination urbanized areas containing more than one city, 75 mile separation shall be maintained from each city center which is included in the urbanized area. The locations of centers of cities are determined from Appendix, page 226, of the U.S. Commerce publications "Air Line Distance Between Cities in the United States."

(51) Fixed operations are authorized for tone or impulse signalling by persons rendering a central station electrical protection service, provided harmful interference is not caused to the primary mobile service operations of any other licensee.

(a) Secondary fixed operations may be used only for the following purposes:

(1) Indication of equipment malfunction.

(2) Actuation of a device to indicate the presence of an intruder, fire, or other hazardous condition on the property under the protection of the licensee.

(3) Indication of an abnormal condition in facilities under the protection of the licensee that if not promptly reported would result in danger to human life.

(4) Transmission, as may be necessary, to (i) verify status of equipment; (ii) adjust operating conditions, (iii) correct any abnormal condition, or (iv) to activate devices that alert the public to a condition affecting the safety of life or property.

(5) Confirmation of status, or that an operation or correction has been accomplished or that the alerting device has been activated.

The maximum duration of any one non-voice signal may not exceed 2 seconds and shall not be transmitted more than 3 times.

(b) Systems employing automatic interrogation shall be limited to non-voice techniques and shall not be activated for this purpose more than ten seconds out of any 60 second period. This 10 second frame includes both transmit and response times.

(c) The bandwidth shall not exceed that authorized to the licensee for the primary operation on the frequency concerned.

PROPOSED RULES

(d) Frequency loading resulting from the use of secondary signalling will not be considered in whole or in part as a justification for authorizing additional frequencies in the licensee's mobile system.

(e) A mobile service frequency may not be used exclusively for secondary signalling.

(f) The output power shall not exceed 30 watts (at the remote site).

(g) All A2, A9, F1, or F9 emission, may be authorized.

(h) The transmitter shall be designed to deactivate automatically after 3 minutes of continuous carrier radiation.

(i) Operational fixed stations authorized under this paragraph are exempt from the requirements of §§ 91.54(e)(2), 91.107(e), 91.152, 91.154.

(j) On frequencies above 25 MHz, base, mobile relay or mobile stations may transmit secondary tone or impulse signals to receivers, as provided in this section.

(52) Persons providing a central station commercial protection service may use the frequency, on a secondary basis, to transmit information about alarms received by the central station to police or to fire stations or vehicles, if the frequency is also authorized to the licensee and it is used in a base and mobile system offered by that licensee.

[FR Doc. 78-3938 Filed 2-13-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 393]

[BMCS Docket No. MC-79; Notice No. 77-10]

MINIMUM CAB SPACE DIMENSIONS

Advance Notice of Proposed Rulemaking

AGENCY: Federal Highway Administration, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice is being issued to solicit comments on proposed additions to the Federal Motor Carrier Safety Regulations. Consideration is being given to adopting a safety regulation which would specify minimum size for the cab portion of the regulated commercial vehicles manufactured after a certain date and operated in interstate or foreign commerce. There is a need to reassess the safety impact of present restrictions imposed by certain States on overall commercial vehicle length as they influence the driver's operating environment.

DATES: Comments must be received on or before July 14, 1978.

ADDRESSES: BMCS Docket No. MC 79, Bureau of Motor Carrier Safety, Federal Highway Administration, Room 3402, 400 Seventh Street SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. e.s.t., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Mr. D.W. Morrison, Chief, Vehicle Requirements Branch, Bureau of Motor Carrier Safety, 202-426-1700; or Mrs. K. S. Markman, Attorney, Office of the Chief Counsel, 202-426-0786, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.s.t., Monday-Friday.

SUPPLEMENTAL INFORMATION: The Bureau of Motor Carrier Safety (BMCS), an element of the Federal Highway Administration (FHWA), is considering the problems associated with and which would give rise to the necessity for the specification of a minimum size for the cab portion of regulated commercial vehicles. Such specifications would consider the means of achieving safety-related objectives through the regulation of truck and tractor cab size of commercial motor vehicles manufactured after a certain date and operated in interstate foreign commerce.

There are several reasons for initiating proposed rulemaking at this time. First, the need to reassess the safety impact of present restrictions imposed by certain States on overall commercial vehicle length as they influence the driver's operating environment. Second, the National Highway Safety Advisory Committee's report, Vehicle Length Restrictions, March 1977, noted safety benefits in revised vehicle length restrictions to allow more cab operating space. Third, the issue of truck lengths has become a matter of increasing concern to labor interest groups as it impacts upon working conditions of the drivers. Fourth, the Department of Transportation's Steering Axle Study, July 5, 1977, prepared in accordance with section 210 of the Federal-Aid Highway Act of 1976, discussed the effort required to steer a commercial motor vehicle in relation to steering axle weights, placement of the fifth wheel, and the length of the cargo carrying body.

The Bureau is considering minimum cab size requirements which may have a direct effect on cargo carrying capacity or commercial vehicle lengths within the framework of an overall length limitation imposed by States. At present, the maximum length specified by any State for a tractor-se-

mitrailer combination is 75 feet, and most of the States have limits ranging from 55 to 65 feet.

The International Brotherhood of Teamsters (IBT) and the Professional Drivers Council (PROD) have stated that equipment manufacturers, in response to customer requests, have shortened the wheel base and cab dimensions of power units in order to increase, as much as possible, the cargo carrying portion of the vehicle. The following problems have been cited:

Excessive weight on the steering axle.

Improper fifth wheel placement
Deterioration of driver comfort and safety.

Reduced accessibility to the engine for inspection and maintenance.

Increased difficulty in entering and exiting the cab, thereby increasing the likelihood of slips and falls.

Unavailable space to alter the shape of the cab for purposes of reducing wind resistance and improving fuel economy.

Unsafe and uncomfortable sleeping accommodations for driver relay teams.

Short wheel bases and high fifth wheel offsets that adversely affect operating safety.

Overloading of front tires.

The Bureau believes that a severely degraded ride may have an indirect impact on safety by increasing driver fatigue level or reducing the driver's concentration. Currently, the effect of ride quality is one phase of a study being conducted for the Department of Transportation. Results of this contract and others will be considered in the formulation of any regulations affecting vehicle or vehicle component lengths.

In order to obtain data, information and views to assist the Bureau for assessing the need for regulations in this area, we are requesting comments on these minimum cab size parameters:

1. Whether any type or weight class of vehicle be exempted and why.

2. Experience with shortened cab and its effect on driver performance.

3. Experience with shortened cab and vehicle controllability and maneuverability.

4. Cab over engines (COE) and their effect on steering axle weights.

5. Fifth wheel placement resulting from COE configurations and its effect on vehicle controllability.

6. Effect of COE placement on accessibility of engine for purposes of inspection and maintenance.

7. Compatibility of differing sizes of tractor and trailer and the possible effect on safety.

8. In addition, comments are specifically requested on the feasibility of proposing model advisory standards in lieu of regulations with respect to minimum cab space dimensions, as rec-

ommended by the National Highway Safety Advisory Committee Report of March 1977.

Those desiring to comment on this advance notice of proposed rulemaking are asked to submit in writing 3 copies of their views, data, and arguments. All communications received will be considered before any proposals for rulemaking actions are undertaken.

All comments submitted will be available both before and after the closing date for examination by interested persons in the docket room of the Bureau of Motor Carrier Safety, room 3402, 400 Seventh Street SW., Washington, D.C. 20590. If it is determined to be in the public interest to proceed further after summarizing the comments and considering the available data and comments received in response to this advance notice, a notice of proposed rulemaking will be issued.

(49 U.S.C. 304, 49 U.S.C. 1655, 49 CFR 1.48 and 49 CFR 301.60.)

Issued on February 3, 1978.

ROBERT A. KAYE,

Director,

Bureau of Motor Carrier Safety.

[FR Doc. 78-4054 Filed 2-13-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Proposed 1978-79 Migratory Game Bird Hunting Regulations (preliminary)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Service proposed to establish open hunting seasons, daily bag and possession limits, and shooting hours for all designated groups or species of migratory game birds for which hunting seasons are being considered for 1978-79 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands. The Service annually prescribes migratory bird hunting regulations. The effect of these hunting regulations is to provide hunting opportunity, a form of outdoor recreation, to the public and to aid Federal and State governments in the management of migratory game birds.

DATE: Comments must be received on or before May 16, 1978.

ADDRESS: Send comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

PROPOSED RULES

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-343-8827.

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service proposes to establish hunting seasons, bag and possession limits, and shooting hours for migratory game birds under sections 20.101 through 20.107 of subpart K of 50 CFR 20.

"Migratory game birds" are those migratory birds so designated by conventions between the United States and several foreign nations for the protection of these birds. During the 1978-79 hunting season, regulations are proposed for certain designated members of the avian families Anatidae (wild ducks, geese, brant, and swans); Columbidae (wild doves and pigeons); Gruidae (cranes); Rallidae (rails, coots, and gallinules); and Scolopacidae (woodcock and snipe).

NOTICE OF INTENTION TO ESTABLISH OPEN SEASONS

This notice announces the intention of the Director, U.S. Fish and Wildlife Service, to establish open hunting seasons, daily bag and possession limits, and shooting hours for all designated groups or species of migratory game birds for which hunting seasons are being considered for 1978-79 in the contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

FACTORS AFFECTING REGULATIONS PROCESS

This is the first notice in a series of proposed and final rulemaking documents for migratory bird hunting regulations, and sets forth proposed season frameworks and shooting hours for the various groups of migratory game birds, as well as proposed daily bag and possession limits for certain groups or species for which these regulations ordinarily do not vary significantly from year to year. The proposals set forth here for certain species, as well as the schedule by which more detailed proposals for these and other species will be developed, are dependent upon a number of factors. Among these are various annual population and habitat surveys, the times when these surveys are conducted and results are available for analysis, times of migration and other biological considerations, and times during which hunting may be allowed. The regulatory process for migratory game birds is strongly influenced by the times when the best and latest information is available for the development of regulations. For these reasons, the overall regulations process for hunting seasons and bag limits is divided into the following segments: (1) regulations

for migratory game birds in the United States, Puerto Rico, and the Virgin Islands for which seasons prior to September 30 are proposed (early seasons); and (2) regulations for migratory game birds in the United States for which seasons opening on September 30 or later are proposed (late seasons). Regulations development for each of the two categories will follow similar but independent lines. Proposals relating to the harvest of migratory game birds that may be initiated after publication of this proposed rulemaking will be made available for public review in a supplemental proposed rulemaking to be published in the FEDERAL REGISTER. Also, additional supplemental proposals will be published for public comment in the FEDERAL REGISTER as population, habitat, and harvest information becomes available.

Because of the late dates when certain of these data become available, it is anticipated that comment periods on proposals dealing with specific hunting seasons, limits and certain other regulations pertaining to migratory shore and upland game birds and waterfowl will necessarily be abbreviated. Special circumstances which limit the amount of time which the Service can allow for public comment are involved in the establishment of these regulations. Specifically, two considerations compress the time in which the rulemaking process must operate: the need, on the one hand, to establish final rules at a time early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms, and, on the other hand, the lack before late July of specific, reliable data on this year's status of most waterfowl.

PUBLICATION OF REGULATORY DOCUMENTS

The process relating to the establishment of migratory bird hunting regulations in the United States involves a series of regulatory announcements published in the FEDERAL REGISTER in accordance with the Administrative Procedure Act. The publication of these documents is divided into three phases, as follows:

1. Proposed rulemakings—proposals to amend subpart K (and, when necessary, other subparts) of 50 CFR Part 20, including supplementary proposed migratory game bird hunting regulations, and/or regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates within which States may make season selections.

2. Final rulemakings—frameworks. Final migratory game bird regulations frameworks which prescribe season lengths, bag and possession limits, shooting hours, and outside dates

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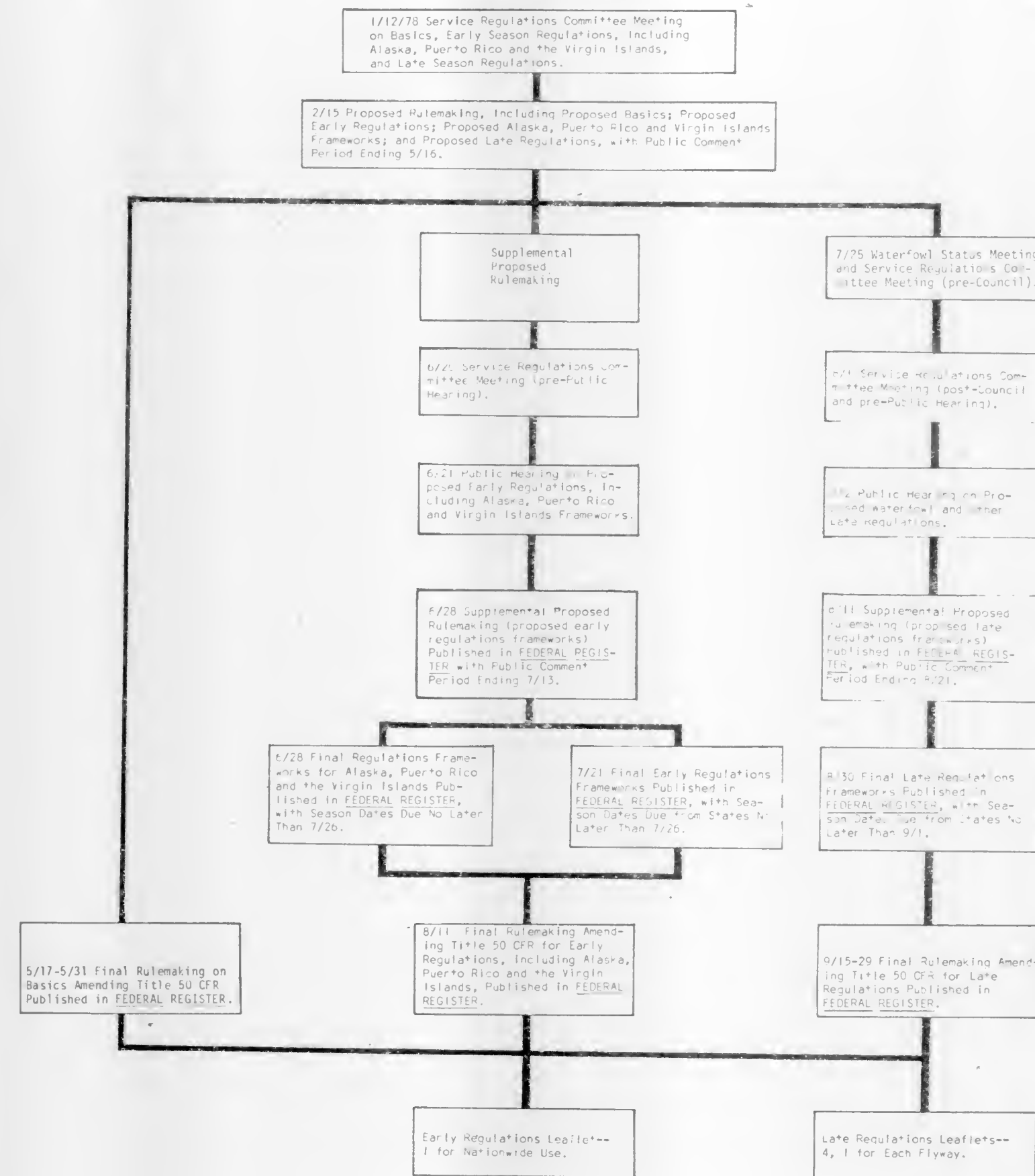
PROPOSED RULES

within which States may make season selections.

3. Final rulemakings—season selections. Amendments to the various specific sections of subpart K (and, when necessary, other subparts) of 50 CFR Part 20 based on the final migratory game bird hunting regulations and the final regulations frameworks and on season selections made and communicated by the States to the Service.

Major steps in the 1978-79 regulatory cycle relating to public hearings and FEDERAL REGISTER notifications are illustrated in the accompanying diagram.

PROPOSED RULES



1978 SCHEDULE OF REGULATIONS MEETINGS
AND
PUBLICATIONS IN THE FEDERAL REGISTER

All dates shown for frameworks and seasons in this and all following documents are inclusive.

Non-toxic shot proposals and regulations are published separately under § 20.21 of subpart C and § 20.108 of subpart K.

OBJECTIVES OF THE MIGRATORY BIRD HUNTING REGULATIONS

The objectives of these annual regulations are as follows:

(1) To provide an opportunity to harvest a portion of certain migratory game bird populations by establishing legal hunting seasons.

(2) To limit harvest of migratory game birds to levels compatible with their ability to maintain their populations.

(3) To avoid the taking of endangered or threatened species so that their continued existence is not jeopardized, and their conservation is enhanced.

(4) To limit taking of other protected species where there is a reasonable possibility that hunting is likely to adversely affect their populations.

(5) To provide equitable hunting opportunity in various parts of the country within limits imposed by abundance, migration, and distribution patterns of migratory game birds.

(6) To assist, at times and in specific locations, in preventing depredations on agricultural crops by migratory game birds.

The management of migratory birds in North America is international in scope, and involves other nations, notably Canada and Mexico. Within the United States, other Federal agencies, State conservation agencies, national and regional conservation groups, and the public provide much support to the achievement of these objectives.

DATA USED IN REGULATORY DECISIONS

The establishment of hunting regulations for migratory game birds in the United States during the 1978-79 season will take into consideration available population information, data from harvest surveys, and information on habitat conditions. Consideration will be given to accumulated data and trends. The main sources of data result from operational surveys conducted by the U.S. Fish and Wildlife Service and the Canadian Wildlife Service, with substantial cooperation of State and Provincial wildlife agencies, and others. The information from these sources will be analyzed by the U.S. Fish and Wildlife Service in cooperation with State wildlife agencies with an opportunity for the public to participate and provide comments on management rationales and proposed regulations, either in public hearings, by correspondence, or other communications. Comments from the public will be solicited.

Various surveys are used to ascertain the status, condition, and trends of migratory game bird populations. These include annual surveys of major wintering habitats in the United States and in portions of Mexico each January; aerial surveys of major waterfowl production areas in the contiguous United States, Alaska, and Canada in May and early June for breeding population data, and again in July for production information; nationwide surveys in the United States and Canada of waterfowl hunters and the waterfowl harvest, including its geographical and temporal distribution, its species, age, and sex composition; and band recovery information. Aerial breeding pair and production surveys also provide information on the abundance, persistence, and quality of water and other habitat conditions in major production areas. Information on waterfowl populations and habitat conditions outside the aerial survey area is furnished by cooperating State, Provincial, and private agencies. Banding information provides insight into shooting pressures sustained by migratory game bird populations under different population levels and types of regulations. When viewed over many years, harvests and regulations can be useful for predicting approximate harvest levels which may be achieved with various regulation changes.

Many of the surveys conducted primarily for ducks also provide information on geese. In addition, satellite imagery is used to monitor the rate at which snow and ice disappear from subarctic and arctic breeding grounds traditionally used by most species, and the greatest numbers of North American geese. Field observations in the fall and winter of resting or feeding geese also provide information on the production success of the past breeding season. Special surveys are undertaken for many identifiable populations of geese during the summer, fall, winter or spring.

The annual call-count survey conducted nationwide in the United States in late May and early June provides information on the breeding population index of mourning doves. Information from past years and the current year is used to establish population trends. The woodcock singing-ground survey is conducted throughout the breeding range of the species in the eastern United States and Canada. Insight into production success the past year is provided by wing-collection surveys of woodcock hunters in the United States and Canada; data from these surveys indicate the age and sex composition of the harvest and its geographical and temporal distribution. Accumulated and current data are examined for possible long-term trends in population size and productivity. Information on white-

winged dove populations in Texas and the Southwest is provided by cooperating State agencies. Winter and spring surveys of sandhill cranes are conducted annually on major wintering areas and at the key staging area of the species along the Platte River in central Nebraska.

DEFINITIONS OF FLYWAYS

Flyways are biological-ecological units frequently used for reference in setting hunting regulations on many migratory game birds. These are defined as follows:

Atlantic Flyway: Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

Mississippi Flyway: Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

Central Flyway: Kansas, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas; Colorado and Wyoming east of the Continental Divide; Montana east of Hill, Chouteau, Cascade, Meagher and Park Counties; and New Mexico east of the Continental Divide but outside the Jicarilla Apache Indian Reservation.

Pacific Flyway: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington; those portions of Colorado and Wyoming lying west of the Continental Divide; New Mexico west of the Continental Divide plus the Jicarilla Apache Indian Reservation; and in Montana, the counties of Hill, Chouteau, Cascade, Meagher, and Park, and all counties west thereof.

HEARINGS

Two public hearings pertaining to migratory bird hunting regulations being considered for the 1978-79 hunting seasons are scheduled. Both meetings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 21 a public hearing for reviewing proposed hunting regulations for species for which early (opening prior to September 30) seasons are set will be held at 9 o'clock in the Auditorium of the General Service Administration Building, F Street, between 18th and 19th Streets NW., Washington, D.C. This hearing is scheduled primarily for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discussing proposed hunting regulations for these species plus regulations for sandhill (little brown) cranes in some States, migratory game birds in Alaska, Puerto Rico, and the Virgin Islands, mourning doves in Hawaii, September

teal seasons, and special sea duck seasons in the Atlantic Flyway. On August 2 a public hearing for reviewing the status of other waterfowl and consideration of proposed regulations for those waterfowl and other migratory game birds for which regulations were not previously formulated will be held at 9 o'clock in the Auditorium of the General Services Administration Building, F Street, between 18th and 19th Streets NW., Washington, D.C. These deliberations will pertain to seasons commencing September 30 or later. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should write the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, or telephone 202-343-8827. Those wishing to have statements included in the record should file them in writing with the Director before or immediately after each hearing.

PUBLIC COMMENTS SOLICITED

Based on the results of migratory game bird studies now in progress and having due consideration for any data or views submitted by interested parties, the amendments resulting from these proposals will specify open seasons, shooting hours, and bag and possession limits for doves, pigeons, rails, gallinules, woodcock, common (Wilson's) snipe, coots, cranes, swans and other waterfowl; coots, cranes, common (Wilson's) snipe and waterfowl in Alaska; sea ducks in coastal waters of certain eastern States; migratory game birds in Puerto Rico and the Virgin Islands; and mourning doves in Hawaii.

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals.

Final promulgation of migratory bird hunting regulations for the continental United States, Puerto Rico, the Virgin Islands, and Hawaii for the 1978-79 season will take into consideration all comments received by the Director. Such comments, and any additional information received, may lead the Director to adopt final regulations differing from these proposals. Interested persons may participate in this rulemaking by submitting written comments on "Proposed 1978-79 Migratory Game Bird Hunting Regulations (preliminary)" to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 2243,

Department of the Interior, C Street between 18th and 19th Streets NW., Washington, D.C.

All relevant comments received no later than May 16, 1978, will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA CONSIDERATION

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the FEDERAL REGISTER on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement.

ENDANGERED SPECIES ACT CONSIDERATION

Prior to finalization of the 1978-79 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; hereinafter the act) to insure that hunting does not jeopardize the continued existing of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with the conservation programs for those species. Consultation under section 7 of this act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

This proposed rulemaking was authored by Henry M. Reeves, Office of Migratory Bird Management, under the direction of John P. Rogers, Chief. It is therefore proposed to amend 50 CFR Part 20 as follows.

PROPOSED 1978-79 MIGRATORY GAME BIRD HUNTING REGULATIONS (PRELIMINARY)

The following general frameworks and guidelines for hunting certain waterfowl, swans, cranes, mourning doves, white-winged doves, Zenaida doves, scaly-naped pigeons, band-tailed pigeons, gallinules, rails, coots, common (Wilson's) snipe and woodcock are proposed during the 1978-79 season. Changes or possible changes, when noted, are in comparison to 1977-78 final frameworks or regulations. In this respect, date changes of one or two days, because of the 1978-79 calendars causing dates to fall on different days of the week, are regarded as "no change."

1. **Shooting hours.** (No change.) Basic shooting hours beginning one-half hour before sunrise and ending at sunset are proposed with the option

that more restrictive shooting hours within this framework may be selected by the States or may be established for special seasons.

Shooting hours was the subject of extensive review and discussion during the regulatory process for the 1977-78 hunting seasons. The Service undertook an exhaustive study of information and data in its files and prepared an environmental assessment on shooting hours which was made available to the public in August 1977. The Director concluded, after study of this assessment, that the proposed shooting hours did not constitute a major impact upon the environment, and signed a negative declaration to that effect. Copies of the assessment are still available and can be supplied upon request to the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

The Service adopts and incorporates by reference for purposes of this rulemaking the rationale for the proposed shooting hours set forth in last year's proposed and final regulations for migratory bird hunting. However, because of the interest in the shooting hours issues, the Service plans to continue gathering and analyzing additional data.

2. **Framework dates for ducks and geese in the continental United States.** (No change.) To be generally the same as during the 1977-78 season. From October 1, 1978, to January 20, 1979, for the Atlantic and Mississippi Flyways, and from September 30, 1978, through January 21, 1979, for the Central and Pacific Flyways, with the following exceptions:

(a) Sea ducks: in designated sea duck hunting areas in the Atlantic Flyway—September 17, 1978, through January 20, 1979.

(b) September teal season framework: September 1 through September 30, 1978, in specified areas to be identified in consultation with the States.

(c) Special scaup season framework: October 1, 1978, through January 31, 1979, in specified areas to be identified in consultation with the States.

(d) Pacific Flyway brant season framework: October 22, 1978, through February 22, 1979.

(e) Alaska waterfowl: September 1, 1978, through January 26, 1979.

3. **Black ducks.** (No change.) An environmental assessment on proposed hunting regulations on black ducks was issued by the Service in August 1976. Subsequently, a three-year cooperative research and management program was developed between the Service and States of the Atlantic and Mississippi Flyways. This was reported in the FEDERAL REGISTER dated March 10, 1977; 42 FR 13315, and for informational purposes is repeated as follows:

A research and management program for this species is presently being developed by

the Service in cooperation with States in the Atlantic and Mississippi Flyways. The first phase of this program calls for a three-year intensified winter banding program in these Flyways. The winter banding program is under way now. During this period, restrictive black duck bag limits similar to those in effect in 1976 are to be retained. The winter banding program will be supplemented by pre-season banding of black ducks. In line with this effort, the Atlantic Flyway Council's Eastern Canada Cooperative Banding Program was renewed in 1976 for a 5-year period. Information from these banding programs, and from other sources, will be used to establish values for certain black duck population parameters. Future management programs will be evaluated by measuring the effect of such programs on black duck population parameters developed from the 1977-79 banding programs.

This winter marks the second of a three-year banding program. The Service proposes no changes in black duck hunting regulations in 1978-79 so that a reliable baseline of information can be established by which to measure the effects of regulatory change which may be made in the future.

4. *Wood ducks.* (No change.) Last year's regulations for this species were changed to permit southeastern States the option of an early October hunting season during which no special bag and possession limits applied under conventional regulations; under point system regulations, the species was placed in the mid-point category. The criteria for such seasons were described in the FEDERAL REGISTER dated May 25, 1977 (42 FR 26669), and are repeated for informational purposes:

The FEDERAL REGISTER dated March 10, 1977, noted that the increased population of this species and an analysis of population and banding data suggests that the wood duck population in the southeastern United States could sustain additional harvests, provided that such liberalizations did not increase the harvest of wood ducks from breeding populations in the north. For purposes of this discussion the southeastern United States is defined as Virginia, Kentucky, Tennessee, Arkansas, and Louisiana and all States east thereof in the Atlantic and Mississippi Flyways. Various means of providing for additional harvest opportunities on southeastern wood ducks on a trial basis and evaluating its effects were considered and discussed this spring. Accordingly, the Service proposes to consider regulations aimed at additional wood duck harvest in the southeastern States only within the following guidelines:

(a) In 1977 States in the southeastern United States may split their regular duck hunting season in such a way that a hunting season not to exceed 9 consecutive days occurs between October 1 and October 15.

(b) During this period under conventional regulations, no special restrictions within the regular daily bag and possession limits established for the Flyway in 1977 shall apply to wood ducks, and under the point system, the point value for wood ducks, shall be reduced from the high to the mid-point category. For other species of ducks daily bag and possession limits shall be the same as established for the Flyway under conventional or point system regulations.

(c) In addition, the extra blue-winged teal option available to States in the Atlantic and Mississippi Flyways that select conventional regulations and do not have a September teal season may be applied during the period.

(d) This exception to the daily bag and possession limits for wood ducks shall not apply to that portion of the duck hunting season that occurs after October 15.

(e) This special provision for wood ducks shall be regarded as experimental, and subject to annual and final evaluations by participating States of population, harvest, banding, and other available information.

(f) The experiment shall be conducted for a specified time period to be agreed upon between the Service and participating States.

The Service proposes to retain this option for the 1978 season.

5. *Sea ducks.* (No change.) A maximum open season of 107 days for taking scoter, eider, and oldsquaw ducks is prescribed during the period between September 17, 1978, and January 20, 1979, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the town of Riverhead to Red Cedar Point in the town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 1 mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and in any tidal waters of any bay which are separated by at least 800 yards of open waters from any shore, island, and emergent vegetation in the States of Delaware, Maryland, North Carolina, and Virginia: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set, in addition to the regular limits, a daily bag limit of 7 and a possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

Shooting hours are ½ hour before sunrise until sunset daily.

Any State desiring its sea duck season to open in September must

make its selection no later than July 26, 1978. Those States desiring their sea duck season to open after September may make their selection at the time they select their waterfowl seasons.

6. *September teal season.* (No change.) An open season on all species of teal may be selected by the States of Alabama, Arkansas, Colorado (Central Flyway portion), Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico (Central Flyway portion), Ohio, Oklahoma, Tennessee, and Texas in areas delineated by State regulations.

Shooting hours are from sunrise to sunset daily. The season may not exceed 9 consecutive days with a bag limit of 4 teal daily and 8 in possession. States must advise the Service of season dates and special provisions to protect non-target species by July 26, 1978.

The Service has received a request from the Iowa Conservation Commission to consider various alternatives which would permit the taking of teal and, in some cases, other species in that State in September. The proposal is still under review and no final action has yet been taken.

7. *Extra blue-winged teal option.* (No change.) States in the Atlantic, Mississippi, and Central Flyways selecting neither a September teal season nor the point system may select an extra daily bag of 2 and possession limit of 4 blue-winged teal for 9 consecutive days designated during the regular duck season. These extra limits are in addition to the regular duck bag and possession limits.

8. *Special scaup season.* (No change.) States in the Atlantic, Mississippi and Central Flyways may select a special scaup-only hunting season not to exceed 16 consecutive days, with a daily bag limit of 5 and possession limit of 10 scaup subject to the following conditions:

1. The season must fall between October 1, 1978, and January 31, 1979.

2. The season must fall outside the open season for any other ducks except sea ducks.

3. The season must be limited to areas mutually agreed upon between the State and the Service prior to September 1, 1978, and

4. These areas must be described and delineated in State hunting regulations.

5. In lieu of a special scaup only season, Vermont may, for the Lake Champlain Area, select a special scaup and goldeneye season not to exceed 16 consecutive days, with a daily bag limit of 3 scaup or 3 goldeneyes or 3 in the aggregate, and a possession limit of 6 scaup or 6 goldeneyes or 6 in the aggregate, subject to the same provisions that apply to special scaup seasons elsewhere.

9. *Extra scaup option.* (No change.) As an alternative to a special scaup season, States in the Atlantic, Mississippi, and Central Flyways, except those selecting the point system, may select an extra daily bag of 2 and possession limit of 4 scaup during the regular duck hunting season, subject to conditions 3 and 4 listed for special scaup seasons. These extra limits are in addition to the regular duck limits and apply during the entire regular duck season.

10. *Mergansers.* (No change.) States in the Atlantic, Mississippi, and Pacific Flyways may select separate bag limits for mergansers in addition to the regular duck bag limits during the regular duck season. The bag limit is 5 daily and 10 in possession. Elsewhere, mergansers are included within the regular daily bag and possession limits for ducks. The nationwide restriction on hooded mergansers of 1 daily and 2 in possession is continued.

11. *Canvasback and redhead ducks.* (No change.) No changes in hunting regulations for these two species are proposed at this time. The management rationales for canvasbacks and redheads were described in an environmental assessment issued in August 1976. Possible changes in hunting regulations are contingent upon results of the current year's waterfowl surveys.

12. *Zoning.* (No change.) Last year, five States in the Mississippi Flyway and one State in the Atlantic Flyway were permitted to establish two zones each where differential hunting seasons having fully allotted hunting days would apply. The criteria for zoning were described in the FEDERAL REGISTER dated May 25, 1977; 42 FR 26671, and for informational purposes are repeated as follows:

The Service will consider the establishment of the proposed zones based on an evaluation of each of the State proposals according to the following criteria:

1. The establishment of any of these zones shall be considered experimental until the effects of the zoning are more clearly defined and understood.

2. The primary purpose of the zoning shall be to provide more equitable distribution of harvest opportunity for hunters throughout a State.

3. Proposed zones and season dates shall not substantially change the pattern of harvest distribution among the States within a flyway.

4. Zoning shall not detrimentally change the harvest distribution pattern among species or populations at either the State or flyway level.

5. Each zoning proposal shall include a detailed evaluation plan describing how changes in harvest will be measured, and what steps will be taken to compensate for any significant changes that might occur.

6. Each zoning proposal shall include an evaluation of anticipated changes due to zoning. If on the basis of this evaluation the Service and the State agree that no significant increase in harvest is likely, the zoning experiment may be conducted without a re-

duction in season length for each zone, pending further evaluation. If the evaluation indicates that a significant increase in harvest is likely, an appropriate reduction in season length compared to what would be permitted without zoning shall be made for each zone.

7. Where two or more adjoining States in a flyway may be involved simultaneously in zoning experiments, consideration shall be given to the possibility of consolidating zones.

Memoranda of Agreement were signed between the Service and each State participating in zoning on an experimental basis. The Service will consider zoning proposals by other States in the Mississippi and Atlantic Flyways on the same basis as last year.

13. *Goose and brant seasons.* (Possible changes.) The Canadian Wildlife Service, State conservation agencies, and the four waterfowl flyway councils traditionally provide population and harvest information useful in setting annual regulations for geese and brant. The midwinter survey, the past season's waterfowl harvest surveys, and satellite imagery for May and June of 1978 will provide additional information later. Consequently, the following proposed general regulations are subject to revision as additional information becomes available.

Atlantic Flyway. Seasons and bag limits are to be generally the same as last year pending receipt of additional information and recommendations from the Flyway Council. The following regulations are proposed:

Between October 1, 1978, and January 20, 1979, Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, West Virginia, New Jersey, Maryland, and Virginia (excluding those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17) may select 70-day seasons on Canada geese; the daily bag and possession limits will be 3 and 6 geese, respectively. However, in the area comprised of Delaware, the Delmarva Peninsula portions of Maryland and Virginia, and that portion of Pennsylvania lying east and south of a boundary beginning at Interstate Highway 83 at the Maryland border and extending north to Harrisburg, then east on U.S. Highway 22 to the New Jersey border, the Canada goose season length will be 90 days with the closing framework date extended to January 31, 1979. The daily bag limit within this area will be 4 birds with a possession limit of 8 birds. North Carolina, South Carolina, and those portions of the cities of Virginia Beach and Chesapeake lying east of Interstate 64 and U.S. Highway 17 in Virginia may select 50-day seasons on Canada geese within the October 1, 1978, to January 20, 1979, framework; the daily bag and possession limits are 1 and 2 Canada geese, respectively.

The season will be closed on Canada geese in Florida and Georgia.

Between October 1, 1978, and January 20, 1979, concurrent with either the regular waterfowl season or the Canada goose season, States in the Atlantic Flyway may select 60-day seasons on snow geese (including blue geese); the daily bag and possession limits will be 2 and 4 geese, respectively. For snow geese (including blue geese) the Director, U.S. Fish and Wildlife Service, shall close the season within 48 hours should such closure be necessary to avoid excessive harvest.

Because of a reduced population no open season on Atlantic brant is proposed. A closed season will continue until the population has recovered from losses sustained during the winter of 1976-77 to starvation and freezing. Reopening the Atlantic brant hunting season in the future will be determined based on three data sources: (1) Population inventories in February or March after ice disappearance along the Atlantic coast, and in the fall on migration and wintering areas; (2) an evaluation of conditions on the breeding grounds as determined by satellite imagery; (3) an evaluation of breeding ground production.

Environmental assessments made available to the public in 1975 articulate the management rationale being followed for Atlantic brant and greater snow geese.

Mississippi Flyway. Seasons and bag limits to be generally the same as last year for Canada geese. That is, not to exceed 70 days and bag limits not to exceed 2 daily and 4 in possession pending additional information and Flyway Council recommendations. Seasons and bag limits for specific populations of Canada geese and for snow geese (including blue geese) and white-fronted geese are to be determined later when more information is available.

Harvests of the Eastern Prairie and Mississippi Valley Canada goose populations in this flyway are controlled by quota allocations. The size of both populations is well above stated objectives. Specific quotas will be established after population management objectives, recent population information, probable production, and expected fall flights have been taken into consideration. It is intended that the entire quota can be safely taken without detriment to the population and that such harvests are justifiable under the appropriate population objectives. States sometimes select season lengths in quota zones somewhat shorter than those allowed elsewhere in the same State or elsewhere in the flyway. This occasionally results in the season terminating before the allowed quota has been achieved. In 1977, the low harvest rate prompted the Service to extend the season in the

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Swan Lake Quota Zone of Missouri to the full length permitted elsewhere in the flyway. The Service emphasizes that it is desirable that quotas be harvested and that such season extensions, up to the season length allowed in the flyway frameworks, are in line with goose management objectives. Goose seasons in quota areas end when the quota has been achieved and the season terminated by emergency order under provision of section 20.26 of this Title 50 or when the permissible number of hunting days has expired.

Central Flyway. Seasons and bag limits on Canada and white-fronted geese to be generally the same as last year. That is, not to exceed 72 days with a daily bag and possession limit of 2 Canada and white-fronted geese singly or in the aggregate in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas east of U.S. Highway 81, and not to exceed 93 days with bag limits of 2 daily and 4 in possession for Canada and white-fronted geese singly or in the aggregate in the remainder of the Flyway. In all States in the Flyway, the bag and possession limits may not include more than 1 Ross' goose. Seasons and bag limits for specific populations of Canada geese, and for snow geese (including blue geese) are deferred pending additional information and Flyway Council recommendations.

Pacific Flyway. (Possible change.) Seasons and bag limits to be generally the same as last year. That is, not to exceed 93 days with bag limits not to exceed 6 daily and in possession, including no more than 3 dark geese daily nor more than 3 white geese daily, including not more than 1 Ross' goose daily and in possession. Seasons and bag limits for most specific populations of geese are deferred pending additional information and Flyway Council recommendations.

Possible regulatory changes in the Pacific Flyway include modifications of areas and times of hunting of Canada geese in order to provide necessary protection to the endangered Aleutian Canada goose. No action will be taken pending assembly and study of population and other data, and completion of consultations under section 7 of the Endangered Species Act. Concern has been expressed about the status of white-fronted geese in the Sacramento Valley of California, and this situation will be studied in more detail before any regulatory changes are proposed. No changes are contemplated in black brant hunting regulations pending completion of the management plan for the species, and receipt of recommendations from the Pacific Flyway Council. U.S.S.R. wildlife officials have expressed continuing concern about the status of lesser snow geese which breed on Wrangel

Island, U.S.S.R., and which winter in the Skagit River Delta of Washington and the Central Valley of California. The United States has been requested to assist in a program to increase the population. The Service will review this matter, in consultation with the States, in the course of developing specific regulatory proposals for 1978.

14. *Whistling swans.* (No change.) In Utah, Nevada, and Montana, an open season for taking a limited number of whistling swans may be selected subject to the following conditions: (a) The season must run concurrently with the duck season; (b) in Utah, no more than 2,500 permits may be issued, authorizing each permittee to take 1 whistling swan; (c) in Nevada, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Churchill County; (d) in Montana, no more than 500 permits may be issued, authorizing each permittee to take 1 whistling swan in Teton County; (e) permit forms, and correspondingly numbered metal locking seals furnished by the Service, must be issued by the appropriate State conservation agency on an equitable basis without charge.

15. *Migratory game bird seasons in Alaska.* (No change.) In 1977, by mutual agreement, the Service and the Alaska Department of Fish and Game, initiated a study of stabilized hunting regulations for the 5-year period, 1977 through 1981. Background information on this experiment was given in the FEDERAL REGISTER dated March 10, 1977; 42 FR 13317. Regulations proposed to be in effect during the 1978-79 season are as follows:

Between September 1, 1978, and January 26, 1979, Alaska may select seasons on waterfowl, coots, snipe, and cranes, subject to the following limitations:

1. *Shooting hours:* One-half hour before sunrise to sunset daily.

2. *Season lengths:* A. In the Pribilof and Aleutian Islands, except Unimak Island, an open season of 107 consecutive days for ducks, geese, brant, and coots. In the Kodiak (State game management unit 8) area, an open season of 107 days for ducks, geese, brant, and coots and the season may be split without penalty.

B. Exception: the season is closed on Canada geese from Unimak Pass westward in the Aleutian Island chain.

C. In the remainder of Alaska, including Unimak Island, an open season of 107 consecutive days for ducks, geese, brant, and coots.

D. An open season for snipe concurrent with the duck season.

E. An open season for lesser sandhill (little brown) cranes concurrent with the duck season.

3. *Bag and possession limits:* A. Ducks—Except as noted, a basic daily

bag limit of 7 and a possession limit of 21 ducks. Daily bag and possession limits in the North Zone are 10 and 30, and in the Gulf Coast Zone they are 8 and 24, respectively. In addition to the basic limit, there is a daily bag limit of 15 and a possession limit of 30 scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers, singly or in the aggregate of these species.

B. *Geese*—A basic daily bag limit of 6 and a possession limit of 12, of which not more than 4 daily and 8 in possession may be white-fronted or Canada geese, singly or in the aggregate of these species. In addition to the basic limit, there is a daily bag limit of 6 and a possession limit of 12 Emperor geese.

C. *Brant*—A daily bag limit of 4 and a possession limit of 8.

D. *Coots*—A daily bag and possession limit of 15.

E. *Snipe*—A daily bag limit of 8 and a possession limit of 16.

F. *Lesser sandhill (little brown) cranes*—A daily bag limit of 2 and a possession limit of 4.

16. *Migratory game bird seasons for falcons.* (Possible change.) Last year, for the first time, the Service permitted States to select extended falconry seasons outside the dates of regular hunting seasons. Eight States selected extended seasons. In other States allowing hunting with raptors, falconry could be practiced during the regular hunting season as it is a permissible means for taking migratory game birds.

Considerable confusion arose from last year's extended seasons, especially regarding the daily bag and possession limits which varied depending upon whether the regular hunting season was open or closed.

The Service does not propose specific falconry hunting regulations at this time but intends to do so in a supplemental proposed rulemaking. This delay is prompted by need to receive and review information arising from last year's extended falconry regulations, and the desire to develop simplified regulations relating to extended falconry seasons.

17. *Lesser sandhill (little brown) cranes.* (No change.) Pending evaluation of harvest data from the 1977 season, to be available later, seasons for hunting lesser sandhill cranes may be selected within specified areas in Colorado, New Mexico/Texas, Texas/Oklahoma, North Dakota, South Dakota, Montana, and Wyoming with no substantial change in dates from the 1977-78 seasons and with a daily bag limit of 3 and a possession limit of 6 lesser sandhill cranes. The provisions for the Federal lesser sandhill crane hunting permit is continued.

18. *Coot bag limit.* (No change.) Within the regular duck season, States

in the Atlantic, Mississippi and Central Flyways may permit a daily bag limit of 15 and a possession limit of 30 coots, and States in the Pacific Flyway may permit 25 coots daily and in possession, singly or in the aggregate with gallinules.

19. *Gallinules.* (No change.) States in the Atlantic, Mississippi and Central Flyways may select hunting seasons between September 1, 1978, and January 20, 1979, of not more than 70 days. States in the Pacific Flyway must select their hunting seasons within the waterfowl seasons. States may split their seasons without penalty. Shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 15 and 30, respectively, except in the Pacific Flyway where the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

States may select their gallinule seasons at the time they select their waterfowl seasons. If their selection is deferred, daily bag and possession limits will remain the same, but shooting hours may not exceed those for waterfowl, and the season length may not exceed that for waterfowl, or 70 days, whichever is the shorter period. Exception: A gallinule season selected by any State in the Pacific Flyway may not exceed its waterfowl season, and the daily bag and possession limits may not exceed 25 coots and gallinules, singly or in the aggregate of the two species.

20. *Rails.* (No change.) The States included herein may select seasons between September 1, 1978, and January 20, 1979, on clapper, king, sora, and Virginia rails as follows:

The season lengths for all species of rails may not exceed 70 days.

Shooting hours in all States for all species may be selected between ½ hour before sunrise and sunset.

CLAPPER AND KING RAILS

1. In Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, the daily bag and possession limits may not exceed 10 and 20 clapper and king rails, respectively, singly or in the aggregate of these two species.

2. In Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia, the daily bag and possession limits may not exceed 15 and 30 clapper and king rails, respectively, singly or in the aggregate of the two species.

3. The season will remain closed on clapper and king rails in all other States.

SORA AND VIRGINIA RAILS

In addition to the prescribed limits for king and clapper rails, daily bag and possession limits not exceeding 25,

PROPOSED RULES

singly or in the aggregate of sora and Virginia rails, may be selected in States in the Atlantic, Mississippi, and Central Flyways.

21. *Common (Wilson's) snipe.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1978, and February 28, 1979, not to exceed 107 days, except that in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end no later than January 31. Seasons not to exceed 93 days may be selected in the Pacific Flyway portions of Montana, Wyoming, Colorado and New Mexico between September 1, 1978, and February 28, 1979.

All States in the Pacific Flyway, except those portions of Colorado, Montana, New Mexico, and Wyoming in the Pacific Flyway, must select their snipe seasons to run concurrently with their regular duck seasons. In these Pacific Flyways States, except portions of the four States noted previously, it will be unlawful to take snipe when it is unlawful to take ducks.

Shooting hours may be selected between ½ hour before sunrise and sunset. Daily bag and possession limits may not exceed 8 and 16, respectively. Any State may split its snipe season without penalty.

States or portions thereof in the three easterly Flyways may defer selection of their snipe season until the time they choose their waterfowl seasons in August. In that event, the daily bag and possession limits will remain the same but shooting hours must conform with those for waterfowl.

22. *Woodcock.* (No change.) States in the Atlantic, Mississippi, and Central Flyways may select hunting seasons between September 1, 1978, and February 28, 1979, of not more than 65 days, with daily bag and possession limits of 5 and 10, respectively. *Provided*, That in the States of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia the season must end by January 31. Shooting hours may be selected between ½ hour before sunrise and sunset. Any State may split its woodcock season without penalty, and New Jersey may establish hunting seasons by two zones, as agreed upon in the experiment initiated last year.

23. *Band-tailed pigeons.* (No change.)

West Coast States: California, Oregon, and Washington.

These States may select hunting seasons not to exceed 30 consecutive days between September 1, 1978, and January 15, 1979. The shooting hours may be selected between ½ hour before sun-

rise and sunset. The daily bag and possession limits may not exceed 8 band-tailed pigeons.

California may select hunting seasons of 30 consecutive days for each of the following two zones:

1. In the counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity; and

2. The remainder of the State.

Four-Corners States: Arizona, Colorado, New Mexico, and Utah.

These States may select hunting seasons not to exceed 30 consecutive days between September 1 and November 30, 1978. The shooting hours may be selected between ½ hour before sunrise and sunset. The daily bag and possession limits may not exceed 5 and 10, respectively. These seasons shall be open only in the areas delineated by the respective States in their hunting regulations. *Provided*, That each hunter must have been issued and carry on his person while hunting band-tailed pigeons a valid band-tailed pigeon hunting permit issued by the respective State wildlife agency, and such permit will be valid in that State only.

New Mexico may divide its State into two zones, along a line following U.S. Highway 60 from the Arizona State line east to Interstate Highway 25 at Socorro and along Interstate Highway 25 from Socorro to the Texas State line. Between September 1, 1978, and November 30, 1978, in the North Zone, and October 1, 1978, and November 30, 1978, in the South Zone, New Mexico may select hunting seasons not to exceed 20 consecutive days in each zone.

24. *Mourning doves.* (No change.) Concern was expressed last year by some organizations and individuals about the hunting of mourning doves in September. Accordingly, the Service reviewed and analyzed available information and data on the subject and issued an environmental assessment in July 1977. It was concluded that hunting in September was not detrimental to overall mourning dove populations and that by not permitting September hunting, the opportunities for dove hunting would be curtailed in many areas. A cooperative Federal-State research program to obtain further information on this matter is presently under development for implementation this summer. The results of this investigation will be used in future evaluations of September hunting of mourning doves.

The Service proposes the following regulations for this year.

Between September 1, 1978, and January 15, 1979, except as noted, States may select hunting seasons and bag limits as follows:

Eastern Management Unit: All States east of the Mississippi River, and Louisiana.

PROPOSED RULES

1. Shooting hours between 12 o'clock noon and sunset daily;

2. Daily bag and possession limits not to exceed 12 and 24, respectively, in all States;

3. Hunting seasons of not more than 70 half-days which may run consecutively or be split into not more than three periods.

4. As an option to the above, Alabama, Georgia, Louisiana, and Mississippi may elect to zone their States as follows:

A. Two zones per State having the following descriptions or division lines:

Alabama.—the South Zone consists of the area south of U.S. Highway 84 running east to the Covington County line, and including Coffee, Covington, Dale, Geneva, Henry, and Houston Counties. The North Zone consists of the remainder of Alabama.

Georgia.—U.S. Highway 280 east to Abbeville, thence along Ocmulgee and Altamaha Rivers to the Atlantic Ocean.

Louisiana.—Interstate Highway 10 from the Texas State line to Baton Rouge, Interstate Highway 12 from Baton Rouge to Slidell, and Interstate Highway 10 from Slidell to the Mississippi State Line.

Mississippi.—State Highway 12 from the Arkansas State line to Kosciusko, and State Highway 14 from Kosciusko to the Alabama State line.

B. Within each zone, these States may select a hunting season of not more than 70 half-days which may run consecutively or be split into not more than three periods.

C. The hunting seasons in the southern zones of these States may commence no earlier than September 20, 1978.

Central Management Unit: Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

1. Shooting hours between ½ hour before sunrise and sunset daily in all States.

2. Daily bag and possession limits not to exceed 10 and 20, respectively, in all States;

3. Hunting seasons in all States of not more than 60 full days which may run consecutively or be split into not more than three periods.

4. Texas may select hunting seasons for each of two previously established zones subject to the following conditions:

A. The hunting season may be split into not more than two periods.

B. The North Zone may have a season of not more than 60 days between September 1, 1978, and January 22, 1979.

C. The South Zone may have a season of not more than 60 days between September 20, 1978, and January 22, 1979. In that portion of Texas

where white-winged dove hunting is allowed, the mourning dove season may be held concurrently with the white-winged dove season and with shooting hours coinciding with those for white-winged doves. However, the remainder of the season (60 days less the number of days of the white-winged dove season) must be within the September 20, 1978-January 22, 1979, period.

5. In New Mexico, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, singly or in the aggregate of the two species.

Western Management Unit: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

1. Shooting hours between ½ hour before sunrise and sunset daily;

2. Daily bag and possession limits not to exceed 10 and 20 respectively;

3. Hunting seasons of not more than 50 full days which may run consecutively or be split into not more than three periods.

In the Nevada counties of Clark and Nye, and in the California counties of Imperial, Riverside, and San Bernardino, daily bag and possession limits of mourning and white-winged doves may not exceed 10 and 20, respectively, singly or in the aggregate of the two species.

25. White-winged doves. (No change.) Arizona, California, Nevada, New Mexico, and Texas may select hunting seasons between September 1, 1978, and December 31, 1978, and daily bag limits as stipulated below. Shooting hours between ½ hour before sunrise and sunset may be selected.

Arizona may select a hunting season for the entire State of not more than 25 consecutive days, to run concurrently with the first period of the split mourning dove season. The daily bag and possession limits may not exceed 10 white-winged doves.

California may select a hunting season for the counties of Imperial, Riverside, and San Bernardino only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits, and hours are to conform with those for mourning doves.

Nevada may select a hunting season for the counties of Clark, and Nye only. The daily bag and possession limits may not exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the two species. Dates, limits and hours are to conform with those for mourning doves.

New Mexico may select a hunting season with daily bag and possession limits not to exceed 10 and 20 white-winged and mourning doves, respectively, singly or in the aggregate of the

two species. Dates, limits, and hours are to conform with those for mourning doves.

Texas may select a hunting season, the length of which will be determined when information from State surveys is available, for that portion of the State where the species occurs. The daily bag and possession limits may not exceed 10 and 20 white-winged doves, respectively. The season may be split within the overall time frame.

26. Hawaii mourning doves. (No change.) The mourning dove is the only migratory game bird occurring in Hawaii in numbers to permit hunting. Mourning doves may be taken in Hawaii in accordance with regulations set by the State of Hawaii as has been done in the past and subject to the applicable provisions of part 20 or Title 50 Code of Federal Regulations. Such a season must be within the constraints of applicable migratory bird treaties and annual regulatory frameworks. These constraints provide that the season must be within the period of September 1, 1978, and January 15, 1979, the length may not exceed 60 full days; the daily bag and possession limits may not exceed 10 and 20 doves, respectively. Shooting hours between ½ hour before sunrise and sunset may be selected. Other applicable federal regulations relating to migratory game birds shall also apply.

27. Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands. (No change.)

PROPOSED FRAMEWORKS FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN PUERTO RICO, 1978-79.

Doves and pigeons. A season of 60 days between September 1, 1978, and January 15, 1979, may be selected for hunting. Zenaida, mourning and white-winged doves, and scaly-naped pigeons in Puerto Rico.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limit for doves of the species named herein is 10 singly or in the aggregate.

The daily bag and possession limit for scaly-naped pigeons is 5.

No open season is prescribed for pigeons on Puerto Rico and Mona Islands in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*) a chance to recover.

No open season is prescribed for doves and pigeons on Culebra Island.

SPECIAL CLOSURE FOR PROTECTION OF THE PUERTO RICAN PARROT

No season is prescribed for doves and pigeons in those areas of the municipalities of Rio Grande and Loiza delineated as follows: (1) All lands lying east of Route 186 (from the town of El

PROPOSED RULES

Verde in the north to the southernmost extent of Route 186) to the boundary of the Luquillo Experimental Forest; (2) all lands between Route 186 and Route 956 extending from an east-west line through the town of El Verde, south; (3) all lands lying west of Route 186 for one kilometer from the juncture of Routes 186 and 956 south to the southernmost point on Route 186; and (4) all lands within the Caribbean National Forest boundary, whether private or public lands. The purpose of these closures is to afford protection to the Puerto Rican parrot (*Amazona vittata*), presently listed as an endangered species under the Endangered Species Act of 1973.

SPECIAL CLOSURE FOR PROTECTION OF THE PLAIN PIGEON

The hunting of doves and pigeons of any species is prohibited in the Municipality of Cidra, Puerto Rico, said Municipality being composed of the following Wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanal, and Salto. The purpose of this closure is to protect the Puerto Rican plain pigeon (*Columba inornata*), locally known as Paloma Sabanero, which is known to be present in the Cidra area in small numbers and which is listed presently as an endangered species under the Endangered Species Act of 1973.

Ducks, Coots, Gallinules, and Snipe. A season of 55 consecutive days between December 1, 1978, and January 31, 1979, may be selected for hunting ducks, coots, common gallinules and common (Wilson's) snipe.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The limits for ducks are 4 daily and 8 in possession except that the season is closed on ruddy ducks (*Oxyura jamaicensis*) and the Bahama pintail (*Anas bahamensis*), which are protected by the Commonwealth of Puerto Rico.

The limits for coots are 6 daily and 12 in possession.

The limits for common gallinules are 6 daily and 12 in possession. The season is closed on purple gallinules (*Porphyrio martinica*).

The limits for common (Wilson's) snipe are 6 daily and 12 in possession.

No open season for ducks, coots, gallinules, and snipe is prescribed on Culebra Island.

PROPOSED FRAMEWORK FOR SELECTING OPEN SEASON DATES FOR HUNTING MIGRATORY BIRDS IN THE VIRGIN ISLANDS, 1978-79.

Doves and pigeons. A season of 60 days between September 1, 1978, and January 15, 1979, may be selected for hunting Zenaida doves throughout the

Virgin Islands and scaly-naped pigeons on the Island of St. Thomas only.

Shooting hours may extend from one-half hour before sunrise until sunset daily.

The daily bag and possession limits are 10 Zenaida doves and 5 scaly-naped pigeons.

No open season is prescribed for waterfowl, ground or quail doves, or other pigeons in the Virgin Islands.

LOCAL NAMES FOR CERTAIN BIRDS

Zenaida dove (*Zenaida aurita*)—mountain dove.

Bridled quail dove (*Geotrygon mystacea*)—Barbary dove, partridge (protected).

Ground dove (*Columbina passerina*)—stone dove, tobacco dove, rola, tortolita (protected).

Scaly-naped pigeon (*Columba squamosa*)—red-necked pigeon, scaly pigeon.

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: February 7, 1978.

HARVEY K. NELSON,
Acting Director,
U.S. Fish and Wildlife Service.
(FR Doc. 78-3893 Filed 2-13-78; 8:45 am)

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-30]

Food and Nutrition Service AIKEN v. USDA COURT ORDER Retroactive Relief

In compliance with a recent court order issued in *Aiken v. USDA*, a telegram was sent to all State agencies prescribing the procedures for granting retroactive relief. The telegram directs State agencies to provide retroactive benefits to those households whose applications were denied, delayed, or never made after August 5, 1974 because a collateral contact for

certifications pending verification was required or because the household exhausted the number of times it could be certified in a six-month period using the certification pending verification procedure. The court order requires that USDA publish the text of the telegram in the FEDERAL REGISTER. In compliance with this order, and to assure that this information is available to all participating households and other affected persons, the text of the telegram sent to all State agencies is printed below.

Dated: February 9, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

TELEGRAPHIC MESSAGE

NAME OF AGENCY Food and Nutrition Service	PRIORITY ACTION INFO	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION FNS-805-14	DATE PREPARED 1/17/78	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE ADDRESS
FOR INFORMATION CALL NAME Dobbie Gilbert	PHONE NUMBER 447-8156	
THIS SPACE FOR USE OF COMMUNICATION UNIT		
MESSAGE TO BE TRANSMITTED (in plain language and all capital letters)		
TO: PBS ALL FNS ADMINISTRATORS ALL STATE WELFARE COMMISSIONERS RE: AIKEN V. USDA COURT ORDER PURSUANT TO THE COURT ORDER ISSUED DECEMBER 27, 1977 IN AIKEN V. USDA, STATE AGENCIES SHALL PROVIDE RETROACTIVE BENEFITS TO ANY HOUSEHOLD WHOSE APPLICATION WAS DENIED, DELAYED, OR NEVER MADE AFTER AUGUST 5, 1974 BECAUSE A COLLATERAL CONTACT WAS REQUIRED IN ORDER FOR THE HOUSEHOLD TO BE CERTIFIED PENDING VERIFICATION, OR BECAUSE THE HOUSEHOLD HAD EXHAUSTED THE NUMBER OF TIMES IT COULD BE CERTIFIED IN A SIX-MONTH PERIOD USING THE CERTIFICATION PENDING VERIFICATION PROCEDURE. A. PROCEDURES FOR NOTIFYING HOUSEHOLDS OF THEIR POSSIBLE ENTITLEMENT TO RETROACTIVE BENEFITS. EACH STATE AGENCY SHALL BE RESPONSIBLE FOR PRINTING POSTERS AND MAILING STUFFERS. THE LANGUAGE OF THE NOTICE WILL BE SENT UNDER SEPARATE COVER. IF MORE THAN 5 PERCENT OF A PROJECT AREA'S FOOD STAMP CASELOAD HAS A PRIMARY LANGUAGE OTHER THAN ENGLISH, THE NOTICE SHALL ALSO BE PRINTED IN THAT LANGUAGE. WITHIN 60 DAYS FROM THE DATE		
PAGE NO 1	NO. OF PGS 9	SECURITY CLASSIFICATION

TELEGRAPHIC MESSAGE

NAME OF AGENCY	PRIORITY ACTION INFO	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE ADDRESS
FOR INFORMATION CALL NAME	PHONE NUMBER	
THIS SPACE FOR USE OF COMMUNICATION UNIT		
MESSAGE TO BE TRANSMITTED (in plain language and all capital letters)		
TO: IN THOSE AREAS WHERE IT IS POSSIBLE AND PRACTICAL TO CONDUCT A CASEFILE REVIEW, THE STATE AGENCY SHALL SEND AN INDIVIDUAL NOTICE TO THOSE HOUSEHOLDS WHICH WERE CERTIFIED AT THE ZERO PURCHASE LEVEL BUT DID NOT RECEIVE STAMPS UNTIL THE MONTH FOLLOWING THE MONTH OF APPLICATION OR, IF THE DATE OF INITIAL CONTACT IS KNOWN, THE MONTH FOLLOWING THE MONTH OF INITIAL CONTACT. EXAMPLES OF STATES WHERE IT MAY BE POSSIBLE AND PRACTICAL TO CONDUCT A CASEFILE REVIEW COULD INCLUDE THOSE STATES WITH A SMALL FOOD STAMP POPULATION OR THOSE STATES WITH COMPUTER RETRIEVAL SYSTEMS THAT CAN READILY IDENTIFY SUCH HOUSEHOLDS. STATES THAT DO CONDUCT A CASEFILE REVIEW WOULD BE EXEMPT FROM THE REQUIREMENT OF (2) ABOVE WHICH SPECIFIES THAT THE NOTICE MUST EITHER BE MAILED WITH THE ATP CARDS OR HANDED TO HOUSEHOLDS WHEN THEY PURCHASE THEIR FOOD STAMP ALLOTMENT. EACH STATE AGENCY SHALL PREPARE A PRESS RELEASE WHICH SHALL INCLUDE, AS A MINIMUM, THE VERBATIM LANGUAGE OF THE ABOVE DESCRIBED NOTICE WHICH SHALL BE DISTRIBUTED TO STATE AND LOCAL ENGLISH AND NON-ENGLISH PRINT MEDIA, WHERE FOREIGN LANGUAGE NOTICES ARE BEING PRINTED, PURSUANT TO SECTION A, PRESS RELEASES IN THOSE LANGUAGES SHALL BE DISTRIBUTED TO THE FOREIGN LANGUAGE PRINT MEDIA. IF THE STATE'S PRESS RELEASES ARE NOT		
PAGE NO 3	NO. OF PGS 9	SECURITY CLASSIFICATION

TELEGRAPHIC MESSAGE

NAME OF AGENCY	PRIORITY ACTION INFO	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED	TYPE OF MESSAGE <input type="checkbox"/> SINGLE <input type="checkbox"/> BOOK <input type="checkbox"/> MULTIPLE ADDRESS
FOR INFORMATION CALL NAME	PHONE NUMBER	
THIS SPACE FOR USE OF COMMUNICATION UNIT		
MESSAGE TO BE TRANSMITTED (in plain language and all capital letters)		
TO: THIS TELEGRAM IS TRANSMITTED, EACH STATE AGENCY WILL, AT A MINIMUM, BE REQUIRED TO DISTRIBUTE THE NOTICE AS FOLLOWS: (1) DISPLAY A POSTER CONTAINING THE CONTENTS OF THE NOTICE IN THE RECEPTION AREA OF EACH WELFARE AND FOOD STAMP OFFICE AND IN EACH ISSUANCE OFFICE; (2) EITHER MAIL THE NOTICE TO CURRENTLY PARTICIPATING FOOD STAMP HOUSEHOLDS CONCURRENTLY WITH THEIR ATP CARDS IN AREAS WHERE ATP CARDS ARE MAILED OR HAND THE NOTICE TO CURRENTLY PARTICIPATING HOUSEHOLDS FOR THREE CONSECUTIVE MONTHS WHEN THEY PURCHASE THEIR FOOD STAMP ALLOTMENT; AND (3) PROVIDE NOTICE TO LOCAL COMMUNITY ACTION PROGRAMS, GENERAL ASSISTANCE AGENCIES, LEGAL SERVICES PROGRAMS FUNDED BY THE LEGAL SERVICES CORPORATION, STATE EMPLOYMENT SERVICE AND UNEMPLOYMENT COMPENSATION OFFICES, AND ALL OTHER GROUPS LISTED IN THE STATE'S OUTREACH PLAN FOR THEIR USE IN DISTRIBUTING TO HOUSEHOLDS POTENTIALLY ELIGIBLE FOR RESTORATION OF LOST BENEFITS UNDER THE COURT ORDER AND FOR POSTING IN SUCH OFFICES.		
PAGE NO 2	NO. OF PGS 9	SECURITY CLASSIFICATION

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NOTICES

TELEGRAPHIC MESSAGE	
NAME OF AGENT	PRECEDENCE
ACCOUNTING CLASSIFICATION	ACTION INFO
NAME	DATE PREPARED
FOR INFORMATION CALL	PHONE NUMBER
THIS SPACE FOR USE OF COMMUNICATION UNIT	
MESSAGE TO BE TRANSMITTED (For date, time, and all other data)	
TO: WOULD NOT HAVE BEEN ASSIGNED A PURCHASE REQUIREMENT, THE HOUSEHOLD WILL BE RESPONSIBLE FOR PROVIDING VERIFICATION OF ITS INCOME WITH THE ASSISTANCE OF THE STATE AGENCY. IF THE HOUSEHOLD CANNOT PROVIDE THE VERIFICATION OR THE STATE AGENCY DETERMINES THAT THE VERIFICATION IS INADEQUATE, THE HOUSEHOLD SHALL BE OFFERED AN OPPORTUNITY TO FILE A STATEMENT UNDER PENALTY OF PERJURY OR FALSE SWEARING AS TO THOSE FACTS WHICH ARE NECESSARY TO DETERMINE WHETHER IT IS A MEMBER OF THE CLASS AND WHILE REVIEW INSUFFICIENTLY VERIFIED. RETROACTIVE BENEFITS SHALL BE AWARDED TO SUCH HOUSEHOLDS UNLESS THE STATE AGENCY DETERMINES THAT THE INFORMATION ON THE APPLICATION AND/OR SIGNED STATEMENT IS UNCLEAR, INCOMPLETE, INCONSISTENT OR OTHERWISE RAISES DOUBT. IF THE STATE AGENCY DENIES RETROACTIVE BENEFITS, THE HOUSEHOLD WILL BE PROVIDED A NOTICE STATING THE REASON FOR THE DENIAL AND ADVISING THE HOUSEHOLD OF THE RIGHT TO A FAIR HEARING ON THE DETERMINATION. IF A FAIR HEARING IS REQUESTED, THE HEARING AUTHORITY MUST CONSIDER THE ADEQUACY OF THE APPLICANT'S SIGNED STATEMENT AND OTHER PERTINENT EVIDENCE AND MAY NOT DENY RETROACTIVE BENEFITS SOLELY ON THE BASIS OF LACK OF VERIFICATION. ANY OTHER HOUSEHOLD DENIED RETROACTIVE BENEFITS UNDER THE COURT ORDER SHALL ALSO RECEIVE A NOTICE OF THE DECISION AND SHALL BE NOTIFIED OF ITS RIGHT TO REQUEST A FAIR HEARING.	
5	9

TELEGRAPHIC MESSAGE	
NAME OF AGENT	PRECEDENCE
ACCOUNTING CLASSIFICATION	ACTION INFO
NAME	DATE PREPARED
FOR INFORMATION CALL	PHONE NUMBER
THIS SPACE FOR USE OF COMMUNICATION UNIT	
MESSAGE TO BE TRANSMITTED (For date, time, and all other data)	
TO: NORMALLY DISTRIBUTED TO LOCAL PRINT MEDIA THROUGHOUT THE STATE, THE LOCAL WELFARE DEPARTMENTS SHALL BE RESPONSIBLE FOR DISTRIBUTING THE PRESS RELEASE TO THE LOCAL PRINT MEDIA. B. PROCEDURES FOR REQUESTING RETROACTIVE BENEFITS STATE AGENCIES SHALL DETERMINE IF A HOUSEHOLD'S BENEFIT WAS DENIED OR DELAYED ONLY IF THE HOUSEHOLD REQUESTS (1) THAT IT BE PLACED IN A STATUS THAT THE STATE DO SO AND ONLY IF THE HOUSEHOLD HAS COMPLETED AND SIGNED AN APPLICATION FOR RETROACTIVE BENEFITS WHICH IS PROVIDED BY THE STATE AGENCY. A SUGGESTED APPLICATION FORM IS BEING SENT UNDER SEPARATE COVER. ANY APPLICATION FORM USED BY THE STATE AGENCY MUST INCLUDE THE INFORMATION OF THE SUGGESTED APPLICATION FORM. ADDITIONAL QUESTIONS OR OTHER CHANGES IN THAT FORM MAY BE MADE ONLY IF NECESSARY TO DETERMINE MEMBERSHIP IN THE CLASS OR THE AMOUNT OF BENEFITS OWING. ONCE THE REQUEST IS MADE AND THE APPLICATION IS RECEIVED, THE STATE AGENCY SHALL VERIFY THAT THE HOUSEHOLD'S INCOME WOULD HAVE QUALIFIED IT TO BE CERTIFIED USING THE CERTIFICATION PENDING VERIFICATION PROVISIONS OF 7 CFR 271.41(a)(2)(1)(11). IN CASES WHERE AN APPLICATION WAS NEVER FILED OR WHERE THERE IS NO INFORMATION IN THE CASE FILE TO VERIFY THAT THE HOUSEHOLD'S INCOME WAS SO LOW THAT IT	
6	9

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

TELEGRAPHIC MESSAGE

TELEGRAPHIC MESSAGE	
NAME OF AGENT	PRECEDENCE
ACCOUNTING CLASSIFICATION	ACTION INFO
NAME	DATE PREPARED
FOR INFORMATION CALL	PHONE NUMBER
THIS SPACE FOR USE OF COMMUNICATION UNIT	
MESSAGE TO BE TRANSMITTED (For date, time, and all other data)	
TO: STATE AGENCIES SHALL DETERMINE WHETHER OR NOT A HOUSEHOLD IS ENTITLED TO RETROACTIVE BENEFITS WITHIN 30 DAYS FROM THE DATE VERIFICATION OF THE HOUSEHOLD'S INCOME IS OBTAINED OR THE DATE THE HOUSEHOLD SUBMITS A SIGNED STATEMENT UNDER PENALTY OF PERJURY OR FALSE SWEARING. NOTHING CONTAINED IN THIS TELEGRAM, HOWEVER, SHALL IN ANY WAY REDUCE THE 60 DAY TIME LIMIT ALLOTTED FOR ACCOMPLISHING FINAL ADMINISTRATIVE ACTION ON A REQUEST FOR A FAIR HEARING AS PROVIDED IN 7 CFR 271.11(o). IF THE HOUSEHOLD NO LONGER RESIDES IN THE PROJECT AREA WHERE THE DENIAL OR DELAY OCCURRED AND REQUESTS RETROACTIVE BENEFITS UNDER THE COURT ORDER THE PROJECT AREA WHERE THE HOUSEHOLD IS CURRENTLY RESIDING SHALL CONTACT THE HOUSEHOLD'S FORMER PROJECT AREA, AND, IF THE HOUSEHOLD IS ENTITLED TO RETROACTIVE BENEFITS, REQUEST THAT THE FORMER PROJECT AREA SUBMIT A COMPLETED FORM FNS-286 WHICH CONTAINS INFORMATION ON THE AMOUNT OF LOST BENEFITS THE HOUSEHOLD IS ENTITLED TO RECEIVE. IN THE EVENT RETROACTIVE BENEFITS ARE DENIED IN THE HOUSEHOLD'S FORMER PROJECT AREA, THE HOUSEHOLD MAY REQUEST A FAIR HEARING IN THE HOUSEHOLD'S CURRENT PROJECT AREA.	
6	9

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

NOTICES

6289

TELEGRAPHIC MESSAGE	
NAME OF AGENT	PRECEDENCE
ACCOUNTING CLASSIFICATION	ACTION INFO
NAME	DATE PREPARED
FOR INFORMATION CALL	PHONE NUMBER
THIS SPACE FOR USE OF COMMUNICATION UNIT	
MESSAGE TO BE TRANSMITTED (For date, time, and all other data)	
TO: IF THE HOUSEHOLD WAS OR WOULD HAVE BEEN ELIGIBLE AT THE ZERO PURCHASE LEVEL, THE STATE AGENCY WILL RESTORE ANY BENEFITS THE HOUSEHOLD WOULD HAVE RECEIVED IN THE MONTH THE APPLICATION WAS FILED, OR IF THE INITIAL CONTACT IS KNOWN, IN THE MONTH AN INITIAL CONTACT WAS MADE. HOUSEHOLDS WHICH RECEIVED A FULL MONTHLY ALLOTMENT IN THE MONTH THE APPLICATION WAS FILED, OR IF APPLICABLE, IN THE MONTH THE INITIAL CONTACT WAS MADE, SHALL NOT BE ENTITLED TO RETROACTIVE BENEFITS UNDER THIS PLAN. LOST BENEFITS SHALL BE RESTORED TO THOSE HOUSEHOLDS WHICH ARE ENTITLED TO RETROACTIVE BENEFITS IN ACCORDANCE WITH THE FOLLOWING PROCEDURES: (1) ANY HOUSEHOLD WHICH IS CURRENTLY PARTICIPATING IN THE PROGRAM WILL RECEIVE 100 PERCENT OF THE COUPON ALLOTMENT TO WHICH IT IS ENTITLED AT A ZERO PURCHASE REQUIREMENT UNTIL THE RETROACTIVE BENEFITS ARE EXHAUSTED. THE BENEFITS MADE AVAILABLE TO THE HOUSEHOLD WILL THEN REVERT TO THE COUPON ALLOTMENT AND PURCHASE REQUIREMENTS PRESCRIBED BY THE CERTIFICATION. (2) THE AFFECTED HOUSEHOLD WHICH IS CURRENTLY ELIGIBLE FOR PARTICIPATION WITH A ZERO PURCHASE REQUIREMENT WILL RECEIVE 150 PERCENT OF THE COUPON ALLOTMENT TO WHICH IT IS ENTITLED UNTIL ITS RETROACTIVE	
7	9

6290

NOTICES

TELEGRAPHIC MESSAGE		SECURITY CLASSIFICATION	
NAME OF AGENCY	RECEIVED ACTION INFO	RECEIVED ACTION INFO	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED	DATE PREPARED	TYPE OF MESSAGE <input type="checkbox"/> SHORT <input type="checkbox"/> BOOK <input type="checkbox"/> MESSAGE ADDRESS
NAME	FOR INFORMATION ON CALL	PHONE NUMBER	
THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (If double spacing and all capital letters)			
TO:			
CONTAINING THE FOLLOWING INFORMATION AS OF SEPTEMBER 30, 1978:			
(1) THE NUMBER OF PERSONS THAT CONTACTED THE LOCAL FOOD STAMP OFFICES IN RESPONSE TO THE NOTICES;			
(2) THE NUMBER OF HOUSEHOLDS WHO SIGNED APPLICATIONS			
(3) THE NUMBER OF HOUSEHOLDS WHO SIGNED STATEMENTS UNDER PENALTY OF LAW;			
(4) THE NUMBER OF HOUSEHOLDS THAT WERE ENTITLED TO RESTORATION OF LOST BENEFITS UNDER THE COURT ORDER;			
(5) NUMBER OF FAIR HEARINGS CONDUCTED;			
(6) NUMBER OF FAIR HEARINGS IN WHICH THE CLAIMANT'S APPEAL WAS SUSTAINED; AND			
(7) THE AMOUNT OF RETROACTIVE BENEFITS HOUSEHOLDS WERE AUTHORIZED TO RECEIVE DUE TO THE COURT ORDER.			
THE FNS REGIONAL OFFICE SHALL SEND THE ORIGINAL AND ONE COPY OF EACH STATE'S REPORT TO THE FOOD STAMP DIVISION IN WASHINGTON, D.C. IMMEDIATELY UPON RECEIPT. FORMS FOR REPORTING THE INFORMATION DUE ON NOVEMBER 1, 1978 ARE BEING SENT UNDER SEPARATE COVER.			
ADMINISTRATOR		SECURITY CLASSIFICATION	
PAGE NO.		NO. OF PGS.	
8		9	

(FR Doc. 78-4068 Filed 2-13-78; 8:45 am)

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

TELEGRAPHIC MESSAGE		SECURITY CLASSIFICATION	
NAME OF AGENCY	RECEIVED ACTION INFO	RECEIVED ACTION INFO	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED	DATE PREPARED	TYPE OF MESSAGE <input type="checkbox"/> SHORT <input type="checkbox"/> BOOK <input type="checkbox"/> MESSAGE ADDRESS
NAME	FOR INFORMATION ON CALL	PHONE NUMBER	
THIS SPACE FOR USE OF COMMUNICATION UNIT			
MESSAGE TO BE TRANSMITTED (If double spacing and all capital letters)			
TO:			
BENEFITS MADE AVAILABLE TO THE HOUSEHOLD WILL THEN REVERT TO THE COUPON ALLOTMENT PRESCRIBED BY THE CERTIFICATION.			
(3) HOUSEHOLDS WHICH ARE ELIGIBLE FOR RETROACTIVE BENEFITS UNDER THIS PLAN BUT WHICH ARE CURRENTLY INELIGIBLE FOR PARTICIPATION IN THE PROGRAM WILL RECEIVE 100 PERCENT OF THE COUPON ALLOTMENT TO WHICH THEY WOULD BE ENTITLED IF THEY WERE CURRENTLY ELIGIBLE AT A ZERO PURCHASE REQUIREMENT UNTIL THEIR RETROACTIVE BENEFITS ARE EXHAUSTED. THE HOUSEHOLD WILL THEN BE DROPPED FROM THE PROGRAM IF IT IS STILL INELIGIBLE.			
C. REPORTING REQUIREMENTS.			
WITHIN 60 DAYS FROM THE DATE THIS TELEGRAM IS TRANSMITTED, EACH STATE AGENCY IS REQUIRED TO REPORT TO THE APPROPRIATE FNS REGIONAL OFFICE WHAT ACTION HAS BEEN TAKEN TO NOTIFY HOUSEHOLDS OF THEIR POSSIBLE ENTITLEMENT TO RESTORATION OF LOST BENEFITS UNDER THE COURT ORDER AND TO CONCURRENTLY PROVIDE A COPY OF THAT REPORT TO THE FOOD STAMP DIVISION IN WASHINGTON, D.C. BY NOVEMBER 1, 1978, EACH STATE AGENCY SHALL ALSO SUBMIT TO THE APPROPRIATE FNS REGIONAL OFFICE AN ORIGINAL AND 2 COPIES OF A REPORT			
ADMINISTRATOR		SECURITY CLASSIFICATION	
PAGE NO.		NO. OF PGS.	
8		9	

[3410-11]

Forest Service

ROADLESS AREA REVIEW AND EVALUATION
(RARE II)

Amendment to Inventory List

Notice is hereby given of amendment to the inventory of roadless and undeveloped areas within the National Forests and Grasslands, as published in the FEDERAL REGISTER, Friday, November 18, 1977, pages 59690-59715.

The inventory is subject to adjustments from time to time as corrected data becomes available, as areas are modified or areas are added or deleted from the list. The amendments are listed by State and National Forest in the same order as the original list.

ALABAMA

National Forest in Alabama, 8,210. Brushy Fork—change gross acres to 4,055 (delete an area which was under contract for timber harvest).

CALIFORNIA

Cleveland National Forest, and 5,017. Caliente—5,900 gross acres (corrects inadvertent omission).

COLORADO

Grand Mesa Uncompahgre Gunnison, add 2,211. Monchego—3,520 gross acres (added to inventory).

Rio Grande, delete 2,210. Cochetopa Dome—4,730 gross acres, add 2,211. Monchego—4,730 gross acres (renamed as part of area also on Grand Mesa Uncompahgre Gunnison National Forest).

Roosevelt-Arapaho, delete 2,097. Sugarloaf DE—36,230 gross acres, delete 2,098. Nipple Creek DD—48,900 gross acres, delete 2,099. Elkhorn Mountain DC—13,440 gross acres (these areas are allocated to nonwilderness uses by the Bears Ears Land Management Plan for which the final environmental statement was filed on November 1, 1977).

White River National Forest, add 2,162. Skinny Fish—1,510 gross acres (area meets inventory criteria, but inadvertently left off published list).

FLORIDA

National Forest in Florida, 8,307. Baptist Lake—change gross acres to 7,565 (corrects miscalculation of acreage).

GEORGIA

Chattahoochee National Forest, add 8,025. South Nantahalas—20,500 gross acres (portion of area previously in supplemental list on page 59,716).

IDAHO

Idaho Panhandle National Forest, 1,125. Selkirks—change gross acres to 110,630 (corrects calculation error).

Nezperce National Forest, 1,857. Kelly Mountain—change gross acres to 800 (corrects calculation error).

1,921. Gospel Hump—change gross acres to 134,330 (reflects that 201,070 acres previously inventoried are now endorsed as wilderness in H.R. 3454).

NOTICES

ILLINOIS

Shawnee National Forest, add 9,104. Clearsprings—4,500 gross acres, add 9,105. Bald Knob—5,630 gross acres (these areas were part of a larger area, Hutchins Creek, which contained developments which had disqualified it as a unit).

MONTANA

Beaverhead National Forest, 1,549. Madison—change gross acres to 152,840 (corrects calculation error).

Custer National Forest, 1,362. Lost Water Canyon—change gross acres to 9,800 (to exclude a road inadvertently included in initial inventory). 1,363—Red Lodge Creek, Hellroaring—change gross acres to 31,458 (to exclude a road inadvertently included in initial inventory). 1,366—Fishtail, Saddleback Mountain—change gross acres to 25,240 (adjusted to reflect relationship to endorsed Beartooth Wilderness boundary and to exclude a road). 1,371, North Absaroka—change gross acres to 22,920 (adjusted to reflect relationships to endorsed Beartooth Wilderness boundary and to exclude a road). 1,912, Beartooth—change gross acres to 2,600 (adjusted to reflect relationship to endorsed Beartooth Wilderness boundary).

Flathead National Forest, add 1,510. Griffin—5,420 gross acres; add 1,511. Tally—6,700 gross acres; add 1,509. Grubb—7,500 gross acres (these areas were overlooked in initial inventory).

Gallatin National Forest, 1,550. Dry Canyon—change gross acres to 3,080 (corrects computational error).

Kootenai National Forest, add 1,509. Grubb—3,600 (area was overlooked in initial inventory).

Lewis and Clark National Forest, 1,726. Tenderfoot, Deep Creek—change gross acres to 104,700. 1,745, Calf Creek—change gross acres to 12,500 (excludes experimental forest lands from both areas).

NORTH CAROLINA

National Forests in North Carolina: 8,025. South Nantahala—14,480 gross acres. 8,058. Linville Gorge Extension—3,503 gross acres (portions of area previously in supplemental list on page 59,716).

NEW HAMPSHIRE

White Mountain National Forest, 9,062. Carr Mountain—change gross acres to 16,400; delete 9,065, Elbow Pond (the two areas were combined and acreage recalculated).

OREGON

Deschutes National Forest, 6,196. North Paulina—change gross acres to 22,200. 6,197. South Paulina—change gross acres to 10,200 (corrects computational errors).

Fremont National Forest, 6,226. Coleman Rim—change gross acres to 10,800 (corrects computational error); Delete 6,228 Buck Creek—10,100 gross acres (erroneously listed—final land management plan allocates to nonwilderness uses).

Malheur National Forest, 6,238. Strawberry Mountain—change gross acres to 44,820. 6,239. Glacier Mountain—change gross acres to 22,823. 6,241, North Fork Malheur River—change gross acres to 15,125 (corrects computational errors).

Siskiyou National Forest, 6,176. North Kalmiopsis—change gross acres to 16,793. 6,181, Fall Creek—change gross acres to 1,703. 6,182, South Kalmiopsis—change gross acres to 29,756 (reflects relationships

to endorsed Kalmiopsis wilderness proposal in H.R. 3454).

SOUTH CAROLINA

Francis Marion Sumpter, delete 8,012. Wambaw Swamp—5,112 gross acres; delete 8,013, Little Wambaw Swamp—2,491 gross acres (these areas are added to the supplemental listing of areas on which land management plans were completed but are having their wilderness potentials reevaluated); delete 8,111, Beachtree—gross acres 720 (experimental forest lands which were not to be inventoried).

TENNESSEE

Cherokee National Forest, 8,151. Citigo Creek WSA—change gross acres to 16,576. 8,277, Little Frog Mountain—change gross acres to 4,800 (corrects computational errors).

VIRGINIA

George Washington National Forest, 8,172. Elliott Knob—change gross acres to 12,075 (corrects computational error). Jefferson National Forest, 8,183. Barbours Creek—change gross acres to 12,912 (corrects computational error).

WASHINGTON

Gifford Pinchot National Forest, 6,068. Amoeba—change gross acres to 73,500; delete 6,501, Amoeba—gross acres 560; delete 6,502, Amoeba—gross acres 12,480 (consolidates three contiguous areas and eliminates 6,580 gross acres erroneously included—clearcuts, narrow tentacles, etc.).

WYOMING

Shoshone National Forest, delete 2,062. NE. Popo Agie—gross acres 5,420; delete 2,063, SE. Popo Agie—gross acres 5,080 (areas already endorsed as wilderness in Popo Agie report sent to Congress in 1974).

The supplemental list on page 59716 of the November 18, 1977, FEDERAL REGISTER Notice is amended as follows:

Arkansas—change area number to 8090 for Bushheap area.

Colorado—Delete area XXX, Cook Creek, as this area is already included in inventory as area 2112 with 7,270 gross acres.

Florida—Change area number to 8309 and change gross acres to 9,650 to exclude land already under contract for timber harvest.

Montana—Change gross acres of area YAG, Allan Mountain to 111,300 to correct computational error. Add areas LAQ, McGregor—Thompson, Kootenai National Forest, 10,600 gross acres and LAQ, McGregor—Thompson, Lolo National Forest, 6,000 gross acres, per congressional committee report on H.R. 3454.

North Carolina—Change area LAM to area 8313, change area LAN to 8314, change LAO to 8315 and area LAU to 8198. Change area 025 to read 8025-So. Nantahala—8,566 gross acres. (This 8,566 acres has been through land management planning and the remaining acreage is now listed in the inventory list, accounting for the full 43,546 acres.) Change area 058 to read 8058—Linville Gorge Ext. 2,925 gross acres. (This acreage has been through land management planning and the remaining 3,503 acres are now in the inventory list.)

North Dakota—change area DBD-Magpie to area DBB-Magpie with gross acreage of 37,240 to correct computational error.

6291

South Carolina—change area MAG to area 8116. Add area 8110—Hell Hole Bay with gross acreage of 6,826. Add area 8012—Wambaw Swamp with gross acreage of 5,112 and area 8013 Little Wambaw Swamps with gross acreage of 2,491; both areas transferred from the inventory list to this supplemental list.

Tennessee—insert number 8033 for Beaverdam area. Change total acreage of supplemental areas to 733,615.

JOHN R. MCGUIRE,
Chief.

[FR Doc. 78-4028 Filed 2-13-78; 8:45 am]

[3410-11]

FREMONT NATIONAL FOREST, 10-YEAR TIMBER RESOURCE MANAGEMENT PLAN FOR THE LAKEVIEW FEDERAL SUSTAINED- YIELD UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the 10-year timber resource management plan on the Lakeview Federal sustained-yield unit of the Fremont National Forest, USDA-FS-R6-DES(Adm)-78-4.

The environmental statement concerns a proposed revision of the 10-year timber resource management plan. This plan would bring the timber resource management plan up-to-date reflecting management changes and to comply with the National Forest Management Act of 1976. Constraints on timber production necessary to assure a proper balance of other resource values and uses, and to protect the long-term productivity of the forest as a whole were considered.

The draft environmental statement was transmitted to the EPA on February 6, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Ore. 97204.

USDA, Forest Service, Fremont National Forest, 34 D Street North, Lakeview, Ore. 97630.

A limited number of single copies are available upon request to Forest Supervisor John Chambers, P.O. Box 551, Lakeview, Ore. 97630.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards,

and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor John W. Chambers, P.O. Box 551, Lakeview, Ore. 97630. Comments must be received by April 7, 1978, in order to be considered in the preparation of the final environmental statement.

H. W. PARKER,
Budget Officer.

FEBRUARY 6, 1978.

[FR Doc. 78-4044 Filed 2-13-78; 8:45 am]

[3410-11]

RESOURCE MANAGEMENT PLAN, TIMBER MANAGEMENT PLAN—MENDOCINO NA- TIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the proposed revision of the timber management plan, Mendocino National Forest, Calif., USDA-FS-R5-DES(Adm)-78-4.

The environmental statement covers the effects on the environment from carrying out the direction in the proposed new timber management plan for the 10-year period following its approval. Also, a range of feasible alternatives is discussed and a favored alternative indicated. A programmed harvest within this feasible range could vary from 880 million board feet to 998.7 million board feet per decade. Timber would be harvested from Colusa, Glenn, Lake, Mendocino, Tehama, and Trinity Counties, all within California.

This draft environmental statement was transmitted to the Environmental Protection Agency (EPA) on February 7, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, 630 Sansome Street, Room 529, San Francisco, Calif. 94111.

Mendocino National Forest, 420 East Laurel Street, Willows, Calif. 95988.

A limited number of single copies are available, upon request, from Regional Forester Douglas R. Leisz, California Region, Forest Service, 630 Sansome Street, San Francisco, Calif. 94111.

Copies of the environmental statement have been sent to various Feder-

al, State, and local agencies as outlined in the Council on Environmental Quality guidelines.

Comments are invited from the public, from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effects for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor, Mendocino National Forest, 420 E. Laurel St., Willows, Calif. 95988.

Comments must be received within 60 days after transmittal to EPA in order to be considered in the preparation of the final environmental statement.

ROBERT W. CERMAK,
Deputy Regional Forester.

FEBRUARY 7, 1978.

[FR Doc. 78-4045 Filed 2-13-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 31808]

CHICAGO-ALBANY/SYRACUSE-BOSTON COMPETITIVE SERVICE INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding will be held on March 7, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before February 20, 1978, and the other parties on or before March 2, 1978. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 8, 1978.

GREER M. MURPHY,
Administrative Law Judge.

[FR Doc. 78-4058 Filed 2-13-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

ENVIRONMENTAL PROTECTION AGENCY AND DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency and the Department of the Interior to fill by noncareer executive assignment in the excepted service the following positions:

Environmental Protection Agency—the position of Special Assistant to the Deputy Administrator, Office of the Deputy Administrator, Office of the Administrator.

Department of the Interior—the position of Deputy Commissioner of Reclamation, Office of the Commissioner, Bureau of Reclamation.

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-4067 Filed 2-13-78; 8:45 am]

[6325-01]

ANNUAL COMPREHENSIVE REVIEW OF ADVISORY COMMITTEES

ACTION: Annual comprehensive review of (1) the Committee on Private Voluntary Agency Eligibility, (2) the Federal Prevailing Rate Advisory Committee, and (3) the President's Commission on White House Fellowships.

SUMMARY: Pursuant to the provisions of section 7(b) of the Federal Advisory Committee Act (Pub. L. 92-463), the Civil Service Commission is conducting a comprehensive review of advisory committees.

The review will determine for each committee whether:

1. The committee is carrying out its purpose;
2. Consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;
3. It should be merged with other advisory committees; or
4. It should be abolished.

Interested persons are invited to submit comments by March 15, 1978 on the items covered in the comprehensive review as outlined above.

ADDRESS: Comments should be addressed to Donald J. Biglin, Advisory Committee Management Officer, U.S. Civil Service Commission, Room 5554, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION
CONTACT:

William C. Duffy 202-632-4597.

SUPPLEMENTARY INFORMATION: Following is a brief description of the purpose and operations of each advisory committee.

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

This committee reviews applications and supplementary financial and accounting data from national voluntary agencies and makes recommendations to the Chairman, Civil Service Commission on which agencies should be authorized to solicit on the job in Federal installations. It also makes recommendations regarding certain other matters relating to fund raising appeals when requested.

During 1977, the committee held one meeting which was open to the public. It is composed of representatives from three Federal employee unions and the management of two Federal agencies.

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

This committee was established by Public Law 92-392. It studies the prevailing rate wage system in the Federal government and advises the Civil Service Commission on such matters as policy for determining pay rates, including the planning of surveys and the gathering and analysis of data. Committee membership is provided for by law and includes management members from Federal departments and agencies and representatives of employee organizations.

Prior to 1978, most meetings of this committee were closed to the public because the committee is exclusively engaged in what is essentially collective bargaining on questions concerning the Federal Wage System. While meetings of this committee may properly be closed under the provisions of the Federal Advisory Committee Act, the committee is currently conducting an experiment during which meetings of the full committee are generally open to the public. At the conclusion of the experiment, there will be a review of the impact of openness upon the ability of the committee to effect meaningful give and take and to reach consensus where possible on its recommendations on Federal Wage System policy.

The committee submitted three reports during 1977 as follows: (1) Establishment of New Environmental Differential for Electrical High Voltage Work; (2) Discontinuance of Special Wage Rates for Patternmakers in the San Francisco, Calif., Wage Area; and (3) Establishment of a New Environmental Differential for Welding, Cutting, or Burning in Confined Spaces.

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS

This committee provides gifted and highly motivated Americans early in their chosen careers with firsthand experience in the process of governing the nation and a sense of personal involvement in the leadership of the society.

During 1977 the Commission held twelve closed meetings and one partially closed meeting. Those portions of Commission meetings which determine policy are open to the public; those dealing with confidential character references are closed.

The Commission received and processed applications from 1334 persons applying for the 1977-78 program. It recommended to the President fourteen men and women for selection as White House Fellows, and the President accepted the Commission's recommendations and appointed them on May 22, 1977. As part of its mandate, the Commission set policies for the educational program of the Fellows including meetings with over 300 leaders in government, education, and industry. There is no set number of members on the Commission. It includes men and women from government, industry, various professions, and academic endeavors.

DONALD J. BIGLIN,
Advisory Committee
Management Officer.

[FR Doc. 4102 Filed 2-13-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

MIAMI FOOTWEAR CORP. AND MARMAN SPORTSWEAR, INC.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from two firms: (1) Miami Footwear Corp., 3455 N.W. 30th Avenue, P.O. Box 420829, Miami, Fla. 33142, a producer of footwear for women, accepted on January 31, 1978; and (2) Marman Sportswear, Inc., 562 Mission Street, San Francisco, Calif. 94105, a producer of men's suits, sportcoats and slacks, accepted on February 2, 1978. The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.232 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to

total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of the petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification
Division, Office of Planning
and Program Support.

(FR Doc. 78-4019 Filed 2-13-78; 8:45 am)

[3510-13]

National Bureau of Standards
(FIPS PUB 21-1)

FEDERAL STANDARD COBOL
Proposed Interpretations

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. Three (3) additional interpretations to Federal Standard COBOL (FIPS PUB 21-1) are being recommended for Federal use. Interpretation 2 pertains to the UNSTRING statement, interpretation 3 pertains to the COPY statement and interpretation 4 pertains to the alpha-beta-name clause.

These proposed interpretations are in accordance with the Interpretation Procedures for Federal Standard COBOL as contained in Federal Information Processing Standards Publication (FIPS PUB) 29, dated June 30, 1974. These proposed interpretations, if adopted, will serve as additional specifications to Federal Standard COBOL, which is an adoption of the voluntary industry standard that has been developed by the American National Standards Institute.

Each of the proposed interpretations contains a definition of the problem, discussion of the issues, recommended interpretation, supporting justification for the proposed interpretation, necessary clarifications to Federal Standard COBOL to effect the resolution, and the effective date of the interpretation.

Prior to the approval of the proposals by the National Bureau of Standards, it is essential to assure that proper consideration is given to the needs and views of manufacturers, the public and State and Local governments. The purpose of this notice is to solicit such views.

Interested parties may submit comments to the Associate Director for

ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, on or before May 15, 1978.

Dated: February 8, 1978.

ERNEST AMBLER,
Director.

FEDERAL STANDARD COBOL
INTERPRETATION No. 2

THE UNSTRING STATEMENT

Definition of the Problem. When the UNSTRING statement with the ALL phrase is specified and the data being acted upon by the UNSTRING statement contains two or more contiguous occurrences of the delimiter specified in the DELIMITED BY phrase, how many occurrences of the delimiter are moved to the area referenced by identifier-5?

Issues. Given the following UNSTRING statement:

UNSTRING ID-1 DELIMITED BY
ALL "AB"
INTO ID-4 DELIMITER IN ID-5
COUNT IN ID-6
ID-7 COUNT IN ID-9
POINTER ID-10
TALLYING IN ID-11.

and the following description of the data:

01 ID-1 PICTURE IS X(10)-
VALUE "12ABABABCD".
01 ID-4 PICTURE IS X(8)-VALUE
SPACE.
01 ID-5 PICTURE IS X(8)-VALUE
SPACE.
01 ID-6 PICTURE IS 99-VALUE
ZERO.
01 ID-7 PICTURE IS X(8)-VALUE
SPACE.
01 ID-9 PICTURE IS 99-VALUE
ZERO.
01 ID-10 PICTURE IS 99-VALUE
1.
01 ID-11 PICTURE IS 99-VALUE
ZERO.

What is the content of these data items after execution of the UNSTRING statement, especially as it concerns ID-5?

Recommended Interpretation. This interpretation applies to American National Standard COBOL, X3.23-1974, as it has been adopted as Federal Standard COBOL, FIPS PUB 21-1. The interpretation is that only one occurrence of the delimiter in the data item referenced by identifier-1 is moved to the data item referenced by identifier-5 when the ALL phrase is specified, whether or not the delimiter is contiguous to one or more additional occurrences of itself.

Supporting Justification. References: The following references to American National Standard COBOL, X3.23-1974, pertain to the issues involved in this interpretation:

(a) Page II-92, General Rule 5.21.4(8)—"When the ALL phrase is

specified, one occurrence or two or more contiguous occurrences of literal-1 (figurative constant or not) or the contents of the data item referenced by identifier-2 are treated as if it were only one occurrence, and this occurrence is moved to the receiving data item according to the rules in General Rule (13)d."

(b) Page II-92, General Rule 5.21.4(11)—"Each literal-1 or the data item referenced by identifier-2 represents one delimiter. When a delimiter contains two or more characters, all of the characters must be present in contiguous positions of the sending item, and in the order given to be recognized as a delimiter."

(c) Page II-93, General Rule 5.21.4(13)d—"If the DELIMITER IN phrase is specified, the delimiting character(s) are treated as an elementary alphanumeric data item and are moved into the data item referenced by identifier-5 according to the rules for the MOVE statement."

Discussion: Reference a specifies that, once a delimiter is encountered, that occurrence is moved to the receiving data item for the delimiter. Reference a also specifies that the existence of more than one contiguous occurrence of the delimiter (as in the case "12ABABABCD") is considered as one occurrence and this occurrence is moved. It can be argued that "this" occurrence means all of the contiguous occurrences of the delimiter, however, a careful reading of reference a reveals that the antecedent of "this" is "one occurrence" and therefore only "one occurrence" is moved.

Reference b defines how one delimiter of two or more characters is detected. Given the example above, in the case of a sending data item containing the value "12ABABABCD" with a delimiter specified of ALL "AB", the conditions are correct for encountering the delimiter specified.

Reference c discusses how the movement of the delimiter into the data item referenced by identifier-5 is accomplished.

Therefore, upon execution of the UNSTRING statement specified in the above example, the following will result:

ID-4 = 12bbbbbb
ID-5 = ABbbbbbb
ID-6 = 02
ID-7 = CDbbbbbb
ID-9 = 02
ID-10 = 11
ID-11 = 02

Clarification to Federal Standard COBOL. None.

Effective Date of Interpretation. The effective date of this interpretation shall be 180 days after the date the approved interpretation is published in the FEDERAL REGISTER.

FEDERAL STANDARD COBOL
INTERPRETATION No. 3

THE COPY STATEMENT

Definition of the Problem. In order to determine whether or not the characters "COPY" when specified in a paragraph within the Identification Division cause text to be copied from a COBOL library, it is necessary to determine which characters in a COBOL source program constitute a comment-entry. If implementations of COBOL compilers differ with respect to whether a given instance of "COPY" causes text to be copied, portability of COBOL programs will be adversely impacted.

Issues. A COPY statement may be specified in a COBOL source program where a character-string may be specified; and a comment-entry is a character-string, but one for which the normal delimitation by separators does not apply in the same way as for other types of character-strings. At issue are the following two questions:

(a) What sequence of characters in a COBOL source program constitutes a single comment-entry?

(b) If a sequence of characters beginning with the characters "COPY" appears where a comment-entry may be specified but that sequence of characters is not a valid COPY statement, does an error exist in the program or are the characters considered to be part of a comment-entry?

Recommended Interpretation. This interpretation applies to American National Standard COBOL, X3.23-1974, as it has been adopted as Federal Standard COBOL, FIPS PUB 21-1. The interpretation is in two parts. Each part addresses one of the issues related above.

(a) Any character other than a space character which immediately follows a period separator at a point in a COBOL source program where a comment-entry may be specified is either the first character of the specification of a COPY statement or else the first character of a comment-entry. Once the first character of a comment-entry has been encountered, that character and any succeeding characters up to, but not including, the period separator which immediately precedes the next header in the source program are all part of a single character-string, regardless of the appearance within this comment-entry character-string of any space or period characters. Consequently, in the AUTHOR, INSTALLATION, DATE-WRITTEN, DATE-COMPILED, and SECURITY paragraphs of the Identification Division, a COPY statement may be specified only immediately following the paragraph header or immediately following another COPY statement.

(b) If a sequence of characters beginning with the characters "COPY" appears following a period separator at a point where a comment-entry may be specified, and if that sequence of characters up to the next period character which is followed by a space character is not the specification of a valid COPY statement according to the General Format and Syntax Rules for that statement, the program is syntactically correct with respect to this specification of characters; and the characters in question are within a comment-entry character-string.

Supporting Justification. References: The following references to American National Standard COBOL, X3.23-1974, pertain to the issues involved in this interpretation:

(a) Page I-58, Paragraph 4.2, states the definition of an entry as: "Any descriptive set of consecutive clauses terminated by a period and written in the Identification Division, Environment Division, or Data Division of a COBOL source program."

(b) Page I-74, Paragraph 5.2.1.8, states in part: "Paragraphs within the Identification and Procedure Divisions, and the entries within the Environment and Data Divisions must be terminated by the separator period."

(c) Page I-76, Paragraph 5.3.2.1, states in part: "The rules established for the formation of separators do not apply to the characters which comprise the contents of nonnumeric literals, comment-entries, or comment lines."

(d) Page I-76, Paragraph 5.3.2.2, states: "A character-string is a character or a sequence of contiguous characters which forms a COBOL word, a literal, a PICTURE character-string, or a comment-entry. A character-string is delimited by separators."

(e) Page I-82, Paragraph 5.3.2.2.4, states: "A comment-entry is an entry in the Identification Division that may be any combination of characters from the computer's character set."

f. Page I-94, Paragraph 5.4.3.1, specifies that, where a comment-entry appears, it may optionally be repeated.

g. Page X-2, Paragraph 2.2, specifies the General Format of the COPY statement.

h. Page X-2, Paragraph 2.3, specifies Syntax Rules for the COPY statement. In particular, Syntax Rule (2) states: "The COPY statement must be preceded by a space and terminated by the separator period." Syntax Rule (7) states: "A COPY statement may occur in the source program anywhere a character-string or a separator may occur except that a COPY statement must not occur within a COPY statement."

DISCUSSION

(a) A comment-entry is a character-string according to reference d, but a comment-entry is also an entry according to reference e. In order to be consistent with one another, these referenced language specifications require that, in the case of a comment-entry, the entry in question must consist of a single clause which must, in turn, consist of a single character-string.

(b) A character-string must be delimited by separators according to reference d, and an entry is terminated by a period according to reference a. Because the entry and the character-string consist of identical characters in the case of a comment-entry, the character-string must be terminated with a separator period.

(c) According to reference c, the rules for the formation of separators are not applicable to the contents of a comment-entry which may consist of any characters including space and period characters in any combination. Therefore, the period separator which delimits the comment-entry can only be that period separator which terminates the paragraph according to reference b. Only that particular period separator, because of its preceding a header, can be distinguished from those characters, constituting the comment-entry.

(d) When a COPY statement is specified in place of a comment-entry character-string according to reference h, characters specified following that COPY statement may be a comment-entry because of the repetition allowed by reference f. In fact, this is the only circumstance under which a comment-entry is repeated. If a comment-entry begins immediately after a paragraph header, there can only be a single comment-entry in the paragraph since the rules for the formation of separators do not apply.

Discussion of Examples: In the following examples, assume that ABC, FILE HISTORY, and HIGH-SEC are text-games contained in a COBOL library but that LOW-SEC is not a text-game contained in such a library.

(a) SECURITY. HOW DO WE COPY ABC. ENVIRONMENT DIVISION.

Because of reference c, the space preceding "COPY" is not a separator; consequently, no COPY statement is specified. A single comment-entry has been specified consisting of the characters "HOW DO WE COPY ABC".

(b) DATE-WRITTEN. ORIGINAL PROGRAM WRITTEN JAN. 9, 1975. FILE DESCRIPTIONS. MAINTAINED ON-LIBRARY. COPY FILE-HISTORY. DATE-COMPILED.

Because of reference c, the period and space preceding "COPY" do not constitute a period separator; consequently, no COPY statement is specified. A single comment-entry has been specified.

(c) SECURITY. COPY HIGH-SEC. ENVIRONMENT DIVISION.

A valid COPY statement has been specified according to references g and

V
4
3
3
1

F
E
E
1
4

7
8
UMI

h in a position where a character-string, namely a comment-entry, can be specified. Therefore, the library text with text-name HIGH-SEC is copied into the program.

(d) SECURITY. COPY ABC GERZUN NOT IN LIBRARY. ENVIRONMENT DIVISION.

A syntactically valid COPY statement has not been specified according to references g and h, i.e., a period separator does not immediately follow "ABC". The sequence of characters "COPY ABC GERZUN NOT IN LIBRARY" is a comment-entry according to reference e.

(e) SECURITY. COPY LOW-SEC. ENVIRONMENT DIVISION.

Since there is no library text named LOW-SEC, the characters "LOW-SEC" are not a text-name; a syntactically valid COPY statement has not been specified according to reference g; and the sequence of characters "COPY LOW-SEC" is a comment-entry according to reference e.

(f) SECURITY. COPY ABC. COMMENT SOME MORE. ENVIRONMENT DIVISION.

A valid COPY statement has been specified. Library text with the text-name ABC is copied into the program. The library text logically replaces only "COPY ABC". The source program text following the COPY statement is a valid comment-entry permitted by reference f.

Clarification to Federal Standard COBOL. None.

Effective Date of Interpretation. The effective date of this interpretation shall be 180 days after the date the approved interpretation is published in the FEDERAL REGISTER.

FEDERAL STANDARD COBOL
INTERPRETATION No. 4

THE ALPHABET-NAME CLAUSE

Definition of the Problem. In order to determine what collating sequence has been specified in an alphabet-name clause, and whether that specification is correct, it is necessary to know to which characters the figurative constants HIGH-VALUE and LOW-VALUE refer if they are specified in the clause.

Issues. A figurative constant may be specified in a COBOL source program where a literal may be specified. The alphabet-name clause in the SPECIAL-NAMES paragraph permits the specification of a character in the native character set of the computer by means of a nonnumeric literal. There is no specific restriction upon using a figurative constant of HIGH-VALUE or LOW-VALUE as a specification of a nonnumeric literal in the alphabet-name clause. However, the character in the native character set referred to by one of these figurative constants HIGH-VALUE and LOW-

VALUE is normally defined in terms of the program collating sequence; but the program collating sequence may be established by the definition in an alphabet-name clause. At issue are the following questions:

(a) If specified in the alphabet-name clause for an alphabet-name which is referenced in the PROGRAM COLLATING SEQUENCE clause of the OBJECT-COMPUTER paragraph, do the figurative constants HIGH-VALUE and LOW-VALUE result in unambiguous identification of the collating sequence for that alphabet-name?

(b) What is the collating sequence which is used to determine the actual characters referenced by HIGH-VALUE and LOW-VALUE when these figurative constants are specified in the alphabet-name clause?

Recommended Interpretation. This interpretation applies to American National Standard COBOL, X3.23-1974, as it has been adopted as Federal Standard COBOL, FIPS PUB 21-1. The figurative constants LOW-VALUE and HIGH-VALUE and their equivalent forms LOW-VALUES and HIGH-VALUES, respectively, may be specified in an alphabet-name clause in the SPECIAL-NAMES paragraph of a COBOL source program, whether or not the alphabet-name which is the subject of the clause is referenced in the PROGRAM COLLATING SEQUENCE clause of the OBJECT-COMPUTER paragraph for that program. In all cases where such a specification of LOW-VALUE is made, the character referenced by the figurative constant LOW-VALUE is that character which has the lowest original position in the native collating sequence for the native character set implemented on the computer specified in the OBJECT-COMPUTER paragraph. In all cases where such a specification of HIGH-VALUE is made, the character referenced by the figurative constant HIGH-VALUE is that character which has the highest ordinal position in the native collating sequence for the native character set implemented on the computer specified in the OBJECT-COMPUTER paragraph.

Supporting Justification. References: The following references to American National Standard COBOL, X3.23-1974, pertain to the issues involved in this interpretation:

(a) Page I-81, Paragraph 5.3.2.2.2.3, states in part: "A figurative constant may be used wherever a literal appears in a format, except that whenever the literal is restricted to having only numeric characters in it, the only figurative constant permitted is ZERO (ZEROS, ZEROES)." It further states: "When the figurative constants HIGH-VALUE(S) or LOW-VALUE(S) are used in the source program, the actual character associated with each

figurative constant depends upon the program collating sequence specified."

(b) Page II-6, Paragraph 3.1.2.4, specifies rules for the OBJECT-COMPUTER paragraph. In particular, General Rule (3) states: "If the PROGRAM COLLATING SEQUENCE clause is not specified, the native collating sequence is used." General Rule (4) states: "If the PROGRAM COLLATING SEQUENCE clause is specified, the program collating sequence is the collating sequence associated with the alphabet-name specified in that clause."

(c) Page II-8, Paragraph 3.1.3.3, specifies Syntax Rules for the SPECIAL-NAMES paragraph. In particular, Syntax Rule (2) states: "If the literal phrase of the alphabet-name clause is specified a given character must not be specified more than once in an alphabet-name clause."

(d) Pages II-9 and II-10, Paragraph 3.1.3.4, specifies General Rules for the SPECIAL-NAMES paragraph. In particular, the following General Rules are of interest:

(1) General Rule (3)d, Rule 1 states: "The value of each literal specifies:

"1. The ordinal number of a character within the native character set, if the literal is numeric

"2. The actual character within the native character set, if the literal is nonnumeric"

(2) General Rule (3)d, Rule 3 states: "Any characters within the native collating sequence, which are not explicitly specified in the literal phrase, assume a position, in the collating sequence being specified, greater than any of the explicitly specified characters. The relative order within the set of these unspecified characters is unchanged from the native collating sequence."

(3) General Rule (3)d, Rule 5 states: "If the ALSO phrase is specified, the characters of the native character set specified by the value of literal-1, literal-3, literal-4, . . . are assigned to the same position in the collating sequence being specified."

(4) General Rule (4) states: "The character that has the highest ordinal position in the program collating sequence specified is associated with the figurative constant HIGH-VALUE. If more than one character has the highest position in the program collating sequence, the last character specified is associated with the figurative constant HIGH-VALUE."

(5) General Rule (5) states: "The character that has the lowest ordinal position in the program collating sequence specified is associated with the figurative constant LOW-VALUE. If more than one character has the lowest position in the program collating sequence, the first character specified is associated with the figurative constant LOW-VALUE."

Discussion: An alphabet-name which is defined by an alphabet-name clause in which literals appear may be referenced in the PROGRAM COLLATING SEQUENCE clause of the OBJECT-COMPUTER paragraph and in the COLLATING SEQUENCE phrase of the SORT and MERGE statements. Consider the case where the alphabet-name defined in an alphabet-name clause containing literals is referenced in the PROGRAM COLLATING SEQUENCE clause. It cannot be supposed that the figurative constants LOW-VALUE and HIGH-VALUE specify characters from the native computer code set in terms of the program collating sequence being defined in the alphabet-name clause. Such a supposition would lead to inconsistencies. For example, LOW-VALUE if specified as the first literal in an alphabet-name clause would not uniquely identify any character; and LOW-VALUE specified other than as the first literal in an alphabet-name clause would be prohibited by reference c. For HIGH-VALUE, the inconsistency would be that any unspecified character assumed to be highest in the program collating sequence, if specified by means of HIGH-VALUE in the alphabet-name clause, would then be explicitly specified and could not be the character referred to by HIGH-VALUE, according to references d(2) and d(4). These inconsistencies can only be avoided if either HIGH-VALUE and LOW-VALUE are syntactically incorrect specifications for literals in the alphabet-name clause or else HIGH-VALUE and LOW-VALUE specify characters in terms of some other program collating sequence than that which is being defined. Because reference a allows a figurative constant to be used "wherever a literal appears in a format," and since there is no specific prohibition of any figurative constant being used in the alphabet-name clause, the interpretation is given that, while processing the alphabet-name clause and before the program collating sequence is established, the native collating sequence is the program collating sequence for purposes of determining the characters referred to by HIGH-VALUE and LOW-VALUE. The term "native character set" used in reference d(1) obviously embraces both the concepts of a native character code set and of a native collating sequence. The native character set must be ordered if meaning is to be given to the rule applying to numeric literals specified in an alphabet-name clause. This same ordering applies to the "actual character within the native character set, if the literal is nonnumeric." The use of the term "native character set" in reference d(1) is interpreted to mean that the native collating sequence is to be the program collating sequence used

to determine the characters referred to by HIGH-VALUE and LOW-VALUE in the alphabet-name clause, even if the alphabet-name being defined is not specified in the PROGRAM COLLATING SEQUENCE clause.

Discussion of Examples: The following example is provided to illustrate the interpretation. Assume that a computer has a character set consisting of eight characters ordered, from low to high, in the native collating sequence A, B, C, D, E, F, G, H. The following alphabet-name clause is used to define a restructured collating sequence:

SPECIAL-NAMES.
RESTRUCTURED-ALPHABET IS
"C"
"D" ALSO HIGH-VALUE ALSO
LOW-VALUE
"B".

Because of reference a, HIGH-VALUE and LOW-VALUE are permitted in the clause because the General Format of the SPECIAL-NAMES paragraph permits literals where these figurative constants are used. Because of reference d(1), the native collating sequence is used as the program collating sequence for purposes of defining RESTRUCTURED-ALPHABET, regardless of what the program collating sequence is for the remainder of the COBOL source program. Therefore, the collating sequence established for RESTRUCTURED-ALPHABET at execution time is:

C (lowest ordinal position)
D and H and A (second ordinal position)
B (third ordinal position)
E
F
G (highest ordinal position)

If the OBJECT-COMPUTER paragraph specifies the clause "PROGRAM COLLATING SEQUENCE IS RESTRUCTURED-ALPHABET", the character referred to by LOW-VALUE, except in an alphabet-name clause, is the character "C"; and the character referred to by HIGH-VALUE, except in an alphabet-name clause, is the character "G".

Clarification to Federal Standard COBOL. None.

Effective Date of Interpretation. The effective date of this interpretation shall be 180 days after the date the approved interpretation is published in the FEDERAL REGISTER.

[FR Doc. 78-4037 Filed 2-13-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric
Administration

MARINE FISHERIES ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of a subcommittee meeting of the Marine Fisheries Advisory Committee (MAFAC). The purpose of this subcommittee is to discuss potential amendments to the Fishery Conservation and Management Act of 1976 being developed by the National Marine Fisheries Service (NMFS) and provide recommendations to NMFS. The subcommittee meeting will be held on March 2, 1978, at 3 p.m. with a dinner break followed by an evening session. The meeting will continue on March 3, 1978, from 8:30 a.m. until noon. All sessions will be held in the Penthouse, Page Building 1, 2001 Wisconsin Avenue NW., Washington, D.C. The subcommittee meeting is open to the public and there will be seating for approximately 25 public members available on a first come, first served basis. For further information, members of the public should contact:

Ms. Phyllis Bentz, Marine Fisheries Advisory Committee, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: Area Code 202-634-7355.

At the discretion of the chairman, interested members of the public may be permitted to speak at times which allow an orderly conduct of subcommittee business, and a reasonable time relationship between the subcommittee's discussion of a given subject, and comments to that same subject by a member of the public.

Dated: February 9, 1978.

JACK W. GEHRINGER,
Deputy Director,
National Marine Fisheries Service.
[FR Doc. 78-4076 Filed 2-13-78; 8:45 am]

[3510-22]

PACIFIC FISHERY MANAGEMENT COUNCIL
AND SCIENTIFIC AND STATISTICAL COMMITTEE,
AND SALMON ADVISORY SUBPANEL

Meeting Time Change and Meeting
Cancellation

Notice is hereby given of a change in the meeting time as published in the FEDERAL REGISTER, February 1, 1978 (43 FR 4273), for the Pacific Fishery Management Council.

The meeting is now scheduled for Thursday and Friday, February 16-17, 1978, at the Cosmopolitan Motor Hotel located at 1030 N.E. Union, Portland, Oreg., convening at 1 p.m.,

and adjourning at about 5 p.m. to reconvene for closed session at 7 p.m. and adjourn about 9 p.m. On Friday, February 17, 1978, the Council will convene at 8 a.m. and adjourn about 12 a.m. The date, location and agenda will remain unchanged.

Notice is also hereby given that the meeting of the Scientific and Statistical Committee, scheduled for Wednesday and Thursday, February 15-16, 1978, and the meeting of the Salmon Advisory Subpanel, scheduled for Wednesday, February 15, 1978, both at the Cosmopolitan Motor Hotel, Portland, Ore., have been cancelled.

Dated: February 6, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

(FR Doc. 78-4078 Filed 2-13-78; 8:45 am)

[3510-13]

Office of the Secretary

REQUEST FOR COMMENTS BY THE NATIONAL
STANDARDS POLICY ADVISORY COMMITTEE
ON A DOCUMENT ENTITLED "A RECOMMENDED
NATIONAL STANDARDS POLICY
FOR THE UNITED STATES"

Notice Inviting Comments

The Department of Commerce functions as the Federal Government focal point in the development, coordination, and strengthening of U.S. national and international standards policy in the public interest.

The National Standards Policy Advisory Committee (NSPAC), which was established under the auspices of the American National Standards Institute (ANSI) early in 1977, has prepared a document entitled "A Recommended National Standards Policy for the United States." In its own words, NSPAC's objective in preparing that document "was to prepare a recommended U.S. National Standards Policy that would, if implemented, go a long way towards creating a working environment within which the Nation's standards capability—both public and private—could be effectively, economically, and equitably used in behalf of the national interest." Before finalizing this document the NSPAC is anxious to obtain and consider the comments of all interested persons.

In the exercise of its role in U.S. standards policy, the Department believes that the public interest will be served by publishing the NSPAC document in the FEDERAL REGISTER so that all interested persons will have the opportunity to comment. Its publication by the Department of Commerce in no way constitutes approval or disapproval of that document by the Department or any of its employees.

Interested persons wishing to comment on the NSPAC document, which

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is reproduced in its entirety below, should submit such comments by June 1, 1978 directly to: NSPAC Program Administrator, c/o Richard O. Simpson Associates, Inc., Suite 935, Washington Building, 1435 G Street NW., Washington, D.C. 20005. No comments should be sent to the Department of Commerce.

Dated: February 8, 1978.

JORDAN J. BARUCH,
Assistant Secretary for
Science and Technology.

The full text, including all appendices, of NSPAC's "A Recommended National Standards Policy for the United States" is as follows:

A RECOMMENDED NATIONAL STANDARDS
POLICY FOR THE UNITED STATES

(Prepared By: National Standards
Policy Advisory Committee)

TO THE READER:

This document represents the combined efforts of a group designated as the National Standards Policy Advisory Committee (NSPAC). This independent work efforts was initiated under the auspices of, but free from any policy guidance by, the American National Standards Institute (ANSI) during early 1977.

There are some obvious questions that may be raised in relation to this activity, e.g., Why did ANSI, a private organization, initiate an effort to write a NATIONAL policy? Shouldn't that more properly be a role of the Federal Government? Doesn't ANSI's involvement turn this into an obvious self-serving effort?

Our society is composed of many "stakeholders" or "interested parties" who should be interested in, and will be affected by, a National Standards Policy. Among these stakeholders are federal, state, and local government, organized labor, public interest groups, trade associations, industry, professional societies, standards writing bodies, testing labs, consumers, etc.

Any one of the stakeholders could have provided the initiative to start the policy development process. ANSI, as the coordinator of the U.S. voluntary standards system, is a logical stakeholder to have taken such an initiative with the caveat that all of the interested parties should be assured of the opportunity to participate in the process. The stakeholder representatives, which make up the membership of the NSPAC, are listed in Appendix No. 2 of this document.

In addition, extraordinary steps have been taken to ensure the independence, objectivity, and credibility of this effort. For example, no representative of ANSI serves on the NSPAC; funding for the effort was raised in small amounts from over fifty organizations and is retained in a

special account for this purpose only; expenditures from this account are controlled by the Committee.

The charge given to the NSPAC was to prepare a recommended U.S. National Standards Policy that would, if implemented, go a long way towards creating a working environment within which the Nation's standards capability—both public and private—could be effectively, economically, and equitably used in behalf of the national interest.

The NSPAC recognizes that attainment of a unanimously agreed-upon policy statement cannot be achieved quickly—if ever. The enclosed statement, we believe, represents a reasonable starting point. Indeed, this recommended National Standards Policy should be considered not only as a starting point but, perhaps, more properly, as a milestone in filling a long-recognized major national need. As such a milestone, we want to make sure that it benefits from the inputs of all in this country who have an interest and a stake in this Nation's standards writing activities.

The enclosed document, and each part thereof, represents and initial consensus view of the NSPAC membership. Where individual members of the NSPAC hold strong views which differ from the consensus as reflected in the document, their unedited opinions are contained in Appendix No. 1. We urge the reader to review this appendix along with the complete document before formulating comments.

For us to complete preparation of a document intended to truly represent a broad national consensus, we urgently need your individual and organizational comments on this recommended National Standards Policy.

To be considered, please send your comments by June 1, 1978, to:

NSPAC Program Administrator, c/o Richard O. Simpson Associates, Inc., Suite 935, Washington Building, 1435 G Street NW., Washington, D.C. 20005.

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I. INTRODUCTION

Standards are instruments by which buyers and sellers define mutual needs and/or obligations. They may also be base-line instruments by which government may assert its regulatory authority on behalf of its citizens to enhance their personal health and safety or economic wellbeing.

II. OBJECTIVE(S)

1. To propose policies with respect to both the public and private initiation, development, use, and maintenance of national standards for products, systems and services.
2. To provide a framework for the efficient organization and management of both public and private resources to ensure that the United States' national standards needs are competently and economically met, on a timely basis, under generally recognized principles of due process.

III. SCOPE

1. *Products, Systems and Services.* Unless otherwise excluded, this policy is applicable to all national standards for products, systems, and services found in commerce, including those acquired, fabricated, or regulated by agencies of federal, state, or local governments. This policy does not cover the process of certification.

2. *Organizations and Agencies.* This policy is directed towards all organizations and agencies, public or private, that initiate, develop, or approve national standards, as well as, to all public agencies that use national standards.

*Nothing in this policy is intended to prohibit or prevent the introduction of new or innovative products because of the lack of a national standard nor preclude the right of a certifying organization to utilize standards

3. *International Standards.* Where relevant, this policy is directed toward standards participation on behalf of the United States in international, as well as, national standards activities.

IV. POLICY—PART 1—GENERAL PRINCIPLES

1. *Cooperation, An Essential Element.* The national interest is best served when both the public and private sectors, and/or components of both sectors, initiate, develop, and participate in programs which stimulate and encourage cooperation of both sectors in national standards activities.

2. *National Standards Writing Activities*—a. *Openness.* Participation in national standards writing activities should be open to all interested persons. There should be no undue financial barriers to participation. Participation should not be conditioned upon membership in any organization including the group of organization sponsoring the activity. Interested persons should receive adequate notice of standards development activities and actions.

b. *National Standards Decisions.* Decisions in national standards writing activities should reflect a substantial agreement by all of the parties at interest, or their representatives, who are directly and materially affected by the standard. A substantial agreement means more than a simple majority but not necessarily unanimity. It also includes the requirement to consider and attempt to resolve all substantive-negative comments.

c. *Balance—Rules and Procedures.* The rules and procedures to be followed in national standards writing activities should be such that all societal interests (e.g., government, consumer, labor, producers, users, general interests, etc.) that might be directly and materially affected by the standard in question have the opportunity for fair and equitable participation. There should be no opportunity for domination by any single interest.

d. *Balance—Consumer/User Participation.* Special attention should be given to ensuring that both "consumer" and "user" participants are included when consideration is given to the makeup of national standards committees. For purposes of this policy, the following is applicable:

i. *Consumer (User-Individual).* Where the national standards activity in question deals with a consumer product, e.g., lawn mowers, aerosol sprays, etc., the appropriate consumer participant's view is synonymous with the individual's view. In other words, consumer means an individual user—a person who uses goods and services rather than produces or sells them.

ii. *User—Industrial.* Where the national standards activity in question does not deal with a consumer product, but rather deals with an industrial product, e.g., hardness of steel, insulation used in transformers, etc., the appropriate user participant is the industrial user of the product in question.

iii. *User—Government.* Where the national standards activity in question is likely to

that reflect a higher level of safety than can be achieved by a standard covered by and developed in accordance with this policy.

*The most commonly used method for standards development in achieving this objective is use of a national standards committee, but other methods which achieve a substantial degree of acceptance of the standards should also be recognized.

result in a standard that may become the basis for a government regulation or procurement action, the relevant government agency representative may become one of the user participants.

e. *Consumer Participation.* Representative consumer views should be actively sought and fully considered in national standards activities. Wherever possible, consumer participants with the requisite technical knowledge should be included as active, but not necessarily the sole, consumer participants. Consumer participation may come from either individuals or representatives of organized citizen groups, or both.

f. *Records.* Records of national standards development activities should be prepared, maintained and be accessible to interested parties. Such records should include, but not necessarily be limited to, the status and history of the project, reports of meetings, including discussion, disposition of dissenting views, rationale for key variables and wordings, etc.

3. *Private Sector Commitment.* The private sector should take all necessary and reasonable steps to ensure that, to the maximum extent possible, the Nation's standards needs are identified and met through the voluntary standards system.

4. *Government Encouragement.* It is appropriate and essential that governments take all necessary and reasonable steps to encourage responsible private sector activities to meet national standards needs.

5. *Government Participation.* Government(s) should actively participate in private sector national standards activities that are consistent with this policy to make their needs known and to help ensure that, where necessary, the standards developed will be in a form suitable for government use.

6. *Consumer/Small Business Funding.* It is in the best interests of both the public and the private sectors to ensure that a reasonable source of funds is available to consumers and small businesses to encourage their participation in national standards activities that are consistent with this policy and to offset their costs where necessary. Governments should be the primary, but not the exclusive, source of such funds.

7. *Minimizing Duplication.* In the interest of efficiency and cost-effectiveness, governments should not undertake development of new standards where suitable national standards already exist or are nearing completion unless an evaluation by government indicates that the existing standard is inadequate. Where such an evaluation indicates that changes in either the format or substance would make an existing national standard suitable for government use, the government should cooperate with the original sponsor of the standard to bring about the desired changes.

8. *Performance Standards Preference.* Because of concerns about the effects of standards on innovation and competition, preference should be given to the development and use of national standards which tend towards specifying performance rather than detailed design requirements. Design standards should be limited to those circumstances where the needs of interchangeability, the clarity of objective, and the nature of the attributes requiring measurement cannot be expressed in terms of performance without extensive delays for technological development or at obvious increased costs.

9. *Standards and Technological Innovation.* Any organization or agency, public or

private, that initiates, develops, adopts, or uses national standards should take all necessary steps to ensure that: (1) such standards reflect, if not encourage, the application of the most advanced feasible technology, and (2) they are kept current and adequately upgraded to encourage technological innovation.

10. *Standards Maintenance.* Any organization or agency, public or private, that initiates, develops, adopts, or uses national standards should incorporate appropriate procedures to ensure that each such standard is reviewed at periodic intervals no longer than five years and is either reaffirmed, amended, or revoked as a result of such review. Having once published a standard, organizations or agencies should adopt procedures such that the relevant board, committee, or council considers proposals to amend procedures or standards at the next regularly scheduled meeting of the relevant body.

11. *Forecasting and Measurement.* The public sector should assume the primary, but not the exclusive, responsibility to encourage and support cooperative research in standards theory and methodology, especially that pertaining to forecasting and measuring various effects of standards (e.g., economic impact on commerce and consumers; quantitative changes in health, safety, and environmental factors; risk-benefit evaluation techniques; methods of ensuring equity in committee composition, etc.).

12. *Federal/State/Local Government Cooperation.* Governments, in their standards activities, should establish cooperative mechanisms to ensure that the public health, safety, and general welfare are adequately protected while at the same time minimizing undue burdens on interstate commerce. To this end, governments should take all necessary and reasonable steps to promote as much uniformity as practical in the establishment of mandatory requirements.

V. POLICY—PART 2—HEALTH, SAFETY, AND ENVIRONMENT

Recognizing that the public and private sectors each has an important contribution to make, it is in the national interest to have a constructive cooperative relationship between them in the areas of health, safety, and environment.

1. *Public Sector Role.* Government departments and agencies should take all necessary and reasonable steps to:

- Identify and publish their priority standards needs.
- Encourage, cooperate with, and actively participate in relevant national standards activities that are consistent with this policy.
- List all relevant national standards that have been prepared in accordance with this policy.
- Ensure that the following steps will be taken prior to, and as a prerequisite of, any determination that a mandatory standard may be required.
- Technically evaluate all relevant listed standards.
- Assess the marketplace for voluntary conformity with such standards.
- Evaluate the suitability of such standards for use as the basis for a mandatory standard (where necessary, encourage the originating standards-writing organization to revise the standard, with government cooperation, to suitable form).
- Specifically consider, and make formal findings with respect to the technical, mar-

ketplace and suitability reviews before deciding whether a mandatory standard will be required.

2. *Private Sector Role.* The private sector should take all necessary and reasonable steps to:

- Identify and use all available data in determining its view of priority standards needs, as well as cooperate with governments to aid government in setting priority standards needs.
- Initiate and actively pursue national standards activities in a manner consistent with this policy in areas of its high priority.
- Cooperate with and support national standards activities that are consistent with this policy and that are designed to meet government-identified priority standards needs.

VI. POLICY—PART 3—GOVERNMENT PROCUREMENT

1. *Avoid Duplication.* National standards to meet government procurement needs should be developed by governments only in those instances where private sector standards development efforts are not responsive in a reasonable, efficient, and timely manner to the demonstrated government needs.

2. *Standards Preference.* National standards which are prepared in accordance with this policy should be given preference over other standards for use by government(s) to meet their procurement needs.

VII. POLICY—PART 4—ORGANIZATION/ APPEALS

1. *Centralized Public Sector Focus.* There should be established, or identified, within the Executive Branch of the Federal Government, an entity to serve as the government standards coordinating center. It should have the principal responsibility for the coordination of Government activities covered by this policy. Such a center should have primary responsibility to:

- Establish criteria to determine eligibility of private sector standards activities for Government support.
- Assist, upon request, the regulatory agencies in their evaluations of national standards to determine their suitability for use by the Government.
- Provide the leadership to establish criteria and information by which individuals with the greatest governmental expertise can be readily identified so as to encourage their voluntary participation in the appropriate private sector standards writing groups.
- Serve as a catalyst to stimulate and aid Federal agencies in identifying and publicizing standards priority needs.
- Provide the primary Government stimulus to encourage and support cooperative research in standards theory and methodology, especially that pertaining to forecasting and measuring various effects of standards.
- Provide the guidelines for the disbursement of Government funds available for financial aid to private sector standards activities to offset consumer and small business participation costs when and as required.
- Work closely and cooperatively with the private sector standards coordinating center to ensure that all of the nation's standards needs are clearly identified and met in a timely fashion.
- Establish and operate a suitable appeals mechanism as called for in VII(3) of this policy.

2. *Centralized Private Sector Focus.* There should be established, or identified, a private sector organization to serve as the private sector standards coordinating center. This organization should have the primary responsibility for the coordination of private sector activities covered by this policy. In carrying out these responsibilities, it should:

- Coordinate private sector standards preparation and approval procedures and encourage conformity with this policy by private sector standards organizations writing standards for products, systems and services identified as being national (or international) in scope.
- Provide for meaningful participation in all of its major boards and councils, by the major affected interests, including government and consumers.
- Provide a mechanism, or mechanisms, for confirming whether or not a national standard has been prepared in accordance with this policy.
- Not compete with standards writing organizations. Rather, it should, having identified the need for a particular standards project, encourage qualified organizations to accept the project and move toward development of a national standard in a manner consistent with this policy as expeditiously and as effectively as possible.
- Develop a broad and adequate financial base that is of such a nature that the center is reasonably independent of financial pressures of any single societal group of interest.

f. Work closely and cooperatively with the Government standards coordinating center to ensure that the Nation's standards need are clearly identified and met in a timely fashion.

g. Serve as the recognized and designated representative of the United States in international, nontreaty, standards-setting bodies.

3. *Appeals Mechanisms—*a. *Initial Appeals.* Both the public and the private sector standards writing activities should include realistic and identifiable appeals procedures for those interests or individuals who believe they have been, or will be, disadvantaged by the standard in question, or who question the adherence to established procedures, or disagree with the technical content of the standard.

b. *Final Appeals.* The Government standards coordinating center established by VII (1) of this policy, should establish and operate an appeals mechanism where interested parties can pursue procedural, as well as substantive, complaints arising from private sector standards activities. As a prerequisite to entering the Federal appeals process, the complaining party should first exhaust his initial appeal rights within the private or public sector, providing such appeals processes exist and they meet generally recognized criteria of fairness and due process. If the Federal process finds that the complaint has merit, the complaint along with a complete record of the Federal appeal shall be returned to the relevant standards writing organization for a timely resolution.

VIII. DEFINITIONS

1. *Standard.* A prescribed set of rules, conditions, or requirements established by standards setting bodies, concerning definitions of terms; classification of components; specification of materials, performance, or operations; delineation of procedures; or measurement of quantity and quality in describing

ing materials, products, systems, services, or practices. (For convenience in the text of this policy, we refer to standards for "products, systems and services" as being inclusive of the above.) The word "standard" does not include federal, state or local laws or regulations enacted to adopt or reference a standard.

2. *National.* The word "national" is used in this draft in a broad sense that is inclusive of both the private and public sectors. Further, the word "national" is used to indicate that the total standards preparation resources of the U.S. constitute a national capability, a capability that is not exclusively public or private.

3. *National Standard.* A standard which has, or could reasonably be expected to have, a significant effect upon a substantial number of U.S. citizens. This term does not include what are commonly termed "company" standards, nor does it include those industry standards which have little or no significance outside of that industry. It includes standards whose acceptance is recognized on a national basis.

4. *Performance Standard.* Describes what a product does or what one may do with a product. The word performance may or may not mean "levels of performance."

5. *National Standards Capability.* The total of all resources of both government and private standards writing and development groups and related organizations and agencies.

6. *Determination of Governmental Interest.* A standard is considered to be of governmental interest when it serves to support or implement programs established by law or regulation and/or supports or is necessary for continuing government functions (e.g., programs established for protection of the public against product or environmental hazards, for consumer protection, or for governmental procurement programs).

APPENDIX NO. 1

NSPAC MEMBERS' INDIVIDUAL DISSENTING VIEWS

Dissenting Views of David A. Swankin, Swankin & Turner

I believe that the draft "Recommended National Standards Policy for the United States" contains many basic principles that I endorse, and that I believe most consumer advocates would endorse. Particularly am I in support of the principles of openness, consumer participation, committee balance, and independent appeals. Incorporation of these concepts are vital if there is to be widespread acceptance of this policy statement.

There are, however, a number of sections that must be changed before I could lend my support to the document. They are as follows:

(1) *Section IV.2e (Page 4), "Consumer Participation."* This section, as written, is inadequate. It is not enough to "actively seek" consumer views. Consumer input is an essential ingredient, and therefore the section should place an affirmative obligation on standards-writing bodies to include consumer representation. This is now done by law under the Consumer Product Safety Act for standards produced for promulgation by that agency. It should be in the policy. Without such an affirmative duty, then lip service will continue to be paid to genuine consumer input. "We opened the doors to the consumers, but we can't help it if nobody chose to participate" is the familiar

excuse. As was the case with assuring minority rights in employment, very little took place until the concept of affirmative action was imposed. While today some standards writing bodies are much more committed to consumer participation than are others, a policy statement must not allow the lowest common denominator to prevail.

Furthermore, the section as written is deficient because it allows standards writing bodies the option of seeking consumer representation from either organized consumer groups or individual citizens. Both must be included. To ignore the representatives of organized consumer groups, or to make their participation optional, is the same as making labor union representation optional on the grounds that individual workers are included. In this society, organizations carry more weight in most institutional settings, and standards development is no exception.

I cannot support the document without both of the above changes.

(2) *Section IV.6 (Page 5), "Consumer/Small Business Funding."* The draft is correct in calling for funding, but is deficient in two respects. First of all, there is nothing that indicates that the funding must be (a) at adequate levels, and (b) must be free of all strings (other than financial accountability). Second, the draft places the primary responsibility on government as the source of funds for consumer participation. This is, in my opinion, incorrect. Both government and the standards writing community should have equal, primary responsibility. The concept of joint responsibility is not a new one. Without incorporating it here, then once again some standards writing bodies could claim that they would welcome consumer participation, so long as the government paid for it. The government should be responsible for financial assistance, but the private standards groups need to have an equal responsibility. Then and only then will what is otherwise a fatal loophole be closed.

I cannot support the document without this change.

(3) *Section V.1. (Page 7), "Public Sector Role."* This section speaks of government agencies "listing" all relevant national standards that have been prepared in accordance with this policy (subsection C.), and also places the duty on government agencies to evaluate all relevant listed standards for technical adequacy in the event the government agency is preparing to promulgate a mandatory standard.

I believe this section is acceptable only if the word "listing" is understood to contain no indication of adequacy. During the development of this policy statement, some wanted to require the government to treat voluntary consensus standards as "guidelines" for mandatory standards. This would have been totally unacceptable. When government agencies promulgate safety and health standards, they do so under mandate from Congress. Each enabling act is somewhat different, but all set by law the criteria that must underpin the standards they promulgate.

To the extent that it is efficient, time-saving, and just good sense for government regulatory agencies to take into account existing voluntary standards, the concept of "listing" (and thereafter evaluating "listed" standards) is a viable one. However, it must be clearly understood by all that the concept of "listing" can imply nothing at all concerning substantive adequacy for governmental purposes. Any effort to give listed

standards a priority must be rejected. Each must stand on its own substantive merits, on a case-by-case basis.

Thus, while I do not dissent from the words "list" and "listing" being incorporated, it is only with the understanding of the limitations on what the words do and do not mean.

(4) *Section VII.2 (Page 9), "Centralized Private Sector Focus."* The draft policy statement, in Section VII.1 (page 8), calls for a centralized, coordinating public sector focus, without naming the agency that should play such a role. The concept makes sense, and I endorse it. For example, should the Consumer Protection Agency be enacted, it would be the ideal agency to set criteria for funding consumer representation. The National Bureau of Standards might well be the best agency to coordinate cooperative research.

However, I find no good reason that the policy should declare that the private sector be centrally organized under an organization like the American National Standards Institute. If the private sector chooses to create an ANSI, that is well and good. But that is a far different thing than declaring as a matter of public policy that the private sector be centrally coordinated. Quite to the contrary, one might argue that as a matter of public policy the private sector should not be centrally coordinated, since that is a time proven way to concentrate excessive power in a single organization's hands.

The policy declares principles that are intended to apply to individual standards setting groups. It should stop there. The policy should not deal with the organization of the private sector at all.

I cannot support the document with section VII-2 contained in it.

(5) *Section VII-3 (Pages 10-11), "Appeals Mechanisms."* First, the idea of independent appeals mechanisms is to be heartily endorsed. One of the great deficiencies in the voluntary standards system to date has been their absence.

The section, as written, needs a few changes in order to be acceptable.

First, section (a), "Initial Appeals," now applies to both the public and private sectors. It should be limited to the private sector only, since public standard-setting is done under the enabling clauses of legislation which must control.

Second, section (b) places the final appeal in "the Government Standards Coordinating Center." As I stated above, the coordination of the public standards activities is a good idea, but it does not necessarily mean that all coordination will be in a single organization. The Consumer Protection Agency might coordinate consumer input, the National Bureau of Standards might coordinate research, and perhaps the Federal Trade Commission or the Justice Department might best establish or coordinate independent appeals mechanisms.

Thus, the section should not specify who is to operate the appeals mechanism, but only embody the principle.

Dissenting Views of Ruth B. Jones, Consumer

IV(2) footnote 1. "Safety" is only one of the standards about which a certifying organization may be concerned, therefore the phrase "performance (safety, quality, etc.)" instead of the word "safety" alone would include all concerns.

IV(2)e. Consumer participation, to be unbiased, must be free of allegiance, pressure,

or domination from any groups or individuals. Therefore it seems to me that individual consumers who are not members of consumer groups, per se, are needed in standards writing organizations. On the other hand, those who are members of consumers group may present needed collective opinions. Representatives of both types of consumers should be sought on those standards writing committees which are directly related to consumer concerns and/or products.

Dissenting Views of Monte Florman and George Papritz, Consumers Union

The draft of "A Recommended National Standards Policy for the United States" received on January 12, 1978 contains some areas of omission or inadequate treatment, some areas that we think are not suitably in the consumer interest, and at least one area that appears to represent a step backward in the movement to insure uniform development and effective coordination of national standards.

The first section of this commentary will concern itself with these areas. The second section presents our comments on specific parts of the January draft that we think should be modified and usually includes suggested rewording.

Section 1. The January draft of the National Standards Policy is quite incomplete, as there is nothing about testing and certification except the statement that it warranted separate treatment from standardization, even though there is a close relationship between the two. We suggest that if it remains NSPAC's intention to write a policy for testing and certification, this be made known with some indication as to when this will be done or, if such a policy will not be written, provide a statement such as in the first draft of the National Standards Policy (NSP) to the effect that testing and certification should be performed by an appropriate organization independent of those immediately affected by such a program.

The NSP is essentially mute on participation in the development of international standards. Proposed policy in this regard should be expanded.

Guidelines to the content of standards are almost totally missing, e.g., if a standard establishes some minimum level of performance, should that level be attained by most, but not necessarily all, models of the device affected by the standard, currently on the market—or should it be the very minimum consumers appear to have accepted without complaint?

Implementation is an extremely important part of a policy. It has only been touched on very lightly in Appendix No. 3. Without effective implementation the NSP, as indicated in Appendix No. 4, may become "mere platitudes, wishful thinking or contrived window dressing"—(e.g., to counteract Senate Bill S825). We believe the NSP should include for comment, at the least, an organization chart that would lay out a proposed structure. The structure should contain provision for boards or councils that will establish procedures for the management and coordination of national standards programs, criteria for the development, approval and withdrawal of national standards, e.g., similar to ANSI's Board of Standards Review, the Executive Standards Council and the Consumer Council's Standards Screening and Review Committee.

Paragraph 1(d) of the section on Health, Safety and Environment attempts to discourage government from setting manda-

tory standards with which most manufacturers comply. We do not agree with this proposed policy. Such a course is not fair to consumers, some of whom may purchase hazardous products which do not comply with the adequate voluntary standards, only to be injured by them. If a product exhibits a serious potential hazard, or if it has exhibited a record of serious injuries, it should be regulated by a mandatory standard if such regulation will reduce or eliminate the hazard. The government may also wish, and rightly so, to establish mandatory standards on energy usage and other areas. It would be appropriate for the NSP to include a policy statement regarding the conditions under which standards should be mandatory.

Another area which may work to the disadvantage of consumers is the matter of how committee decisions are arrived at. Paragraph IV2(b) "Committee Decisions"—states that decisions "should reflect a substantial agreement by all parties at interest." It then continues to state that "a substantial agreement means more than a simple majority but not necessarily unanimity." This would appear to be a lesser degree of agreement than was contemplated by the La Que report of 1965 (Report of the Panel on Engineering and Commodity Standards of the Commerce Technical Advisory Board) which defined consensus as much more than a simple majority. At the very least this paragraph should be changed to reflect this thinking. Consumer representatives have frequently found that they were the only voices opposing business and allied interests, only to lose out in committee decisions. It is very important that balance of interests be carefully considered and provided within a committee so that the consumer or some other interest will not be in an unfair position. The NSP lists an example of societal interests in Paragraph IV2(c). It should also list what might be considered a proper balance between those interests.

In section VII2(d) it is stated that the standards coordinating center should "not compete with standards-writing organizations." This could be interpreted as an attempt by standards-making bodies to weaken the role of the private sector coordinating center, so that, in effect, they would have the final word on the standards they write—this would appear to be a step backward to what things were like before ANSI was brought into being to replace its predecessor. In CU's judgment the coordinating center should be made stronger rather than weaker. If standards are to be considered truly national the coordinating center should be fully responsible for their final form, and should have full authority to change their provisions in any way necessary to insure that they do, in fact, reflect substantial agreement, without having to wait for the body that originated the standard to do so. The center should also have the authority to convene special standards-writing committees when there are no groups available that it considers competent to write certain standards. This was another recommendation of the La Que report of 1965. With strong authority, the private sector coordinating center can move to achieve the goals of the national standards policy in an effective, efficient and timely manner.

Section 2. Detailed Comments.—1. *Re I Introduction.* Standards are not instruments by which buyers and sellers define mutual needs and/or obligations. A standard cannot

be said to define a seller's "needs" or a buyer's "obligations." The first sentence of the introduction is really a description of a sales contract. Adhering to a dictionary definition, a standard is "Something established by authority, custom, or general consent as a model or example." We suggest the Introduction be revised as follows:

"Standards are instruments (documents or objects) which define the characteristics with which a product or service must comply. These characteristics may include dimensions, materials, relationships, nomenclature and areas of performance, safety, environmental aspects and test methods by which compliance or non-compliance may be determined. Standards for products may also include requirements for user instructions and safety precautions. Standards may also be instruments by which government may assert its regulatory authority on behalf of consumers to enhance their personal health, safety, general well being and to help establish an orderly marketplace." A standard should be developed by a properly constituted group having the necessary qualifications.

2. *Re III Scope, I.* The last sentence states "This policy does not cover the process of certification." If it remains the intent of the Committee to draft a policy document in the near future, reference should be made in this paragraph to that intent. If the Committee will not draft a certification policy document soon, or not at all, then the NSP should include statements similar to those contained in the first draft of the NSP, i.e., "Membership in groups or organizations sponsoring, promulgating, or administering national certification programs should be open to all interested parties. There should be no undue financial barriers to participation," and, "Certification Independence—the function and responsibility of determining whether any product is to be certified under any program involving national standards should be performed by an appropriate organization independent of those immediately affected by such program."

3. *Re IV Part 12(a) Openness.* This paragraph needs more amplification in regard to getting timely notice of impending standards-writing activity to consumers—direct action should be taken such as placing notices in media to which consumers are likely to be exposed, making direct communication with individual consumers and leaders of consumer groups, etc.

4. *Re IV Part 12(b) Committee Decisions.* In the 5th line, "means more" should be changed to "means much more" since a substantial agreement does entail much more than a simple majority. Greater emphasis should be placed on the need to resolve substantive negatives, e.g., revise the last sentence to: "It also includes the requirement to consider and resolve, if at all possible, all substantive negative comments." The paragraph should also be modified to make it clear that committee decisions shall include the responses (obtained by mail) of members who may not have been in attendance at a particular meeting of the committee.

5. *Re IV Part 12(c) Balance-Rules and Procedures.* The first sentence should be extended by adding "right from the beginning." It is generally much easier to have one's views reflected in a proceeding if one participates from the beginning. The second sentence should be amplified to include "small groups of interests" in addition to "any single interest."

6. *Re IV Part 12(d)(ii) User-Industrial.* Standards for industrial products can deter-

mine what is readily available to manufacturers and, therefore, can affect the design of end products and the consumer's interest. Consumer participation should be insured for an industrial product (e.g., insulation, steel, controls) that may end up either as a component or as a material of which a consumer product is made.

7. *Re IV Part 12(a)(iii) User-Government.* The desire for government participation in standards-development work, where the standard may become the basis for government regulation or procurement action, should be made more positive, e.g., by changing "may" in the 5th line to "shall be invited to." In the event the standard is likely to become the basis for a government regulation, the government representative should not be considered a consumer or user when determining if proper balance between the various interests has been achieved in the make-up of the standards committee.

8. *Re IV Part 12(e) Consumer Participation.* This paragraph should be amplified to make it known that consumer participation is sought for the full duration of the activity and that, when it isn't possible to find consumers with suitable technical knowledge, other technical persons without bias toward the industry or business that is the subject of the standardization activity shall be selected by consumers for consultative use by the non-technical consumers. Revisions are suggested as follows:

(a) Add to the end of the second sentence (6th line of paragraph) "—throughout the standard development activity."

(b) Add to paragraph: "If consumers with suitable technical knowledge are unavailable, technical assistance that is not biased toward the industry or business that is the subject of the standardization activity shall be selected by the non-technical consumers for consultation."

9. *Re IV Part 12(f) Records.* It should be specified that copies of the records shall be made available for a nominal fee. It should not be necessary for interested parties to travel long distances to consult the records at the offices of the standards-making organization.

10. *Re IV Part 1 (3) Private Sector Commitment.* Government should bear final responsibility for the protection of all citizens in certain areas, including health, safety, and the environment. The paragraph should be expanded by adding:

"However, when government is undertaking or sponsoring the development of a mandatory standard, the private sector should participate to the fullest extent in the government's activity and be careful not to conduct a parallel activity."

11. *Re IV Part 1 (5) Government Participation.* Government participation shouldn't be desired only in regard to government procurement. It is suggested that the following be added: "Government participation should also be invited where by wealth and quality of information, technical resources or other advantages, government's participation may be able to enhance the quality of a standard."

12. *Re IV Part 1 (10) Standards Maintenance.* It is important that it should be possible to revise standards on a timely basis whenever the need is indicated, e.g., as the state of the art changes—(rapidly for some standards). Therefore, to avoid undue delay of potentially worthwhile revisions of a standard, in the event a committee's regular

meetings are held on an infrequent basis, this paragraph should be extended as follows: "If the committee holds infrequent regular meetings its procedures should include a mechanism by which a special meeting may be convened on relatively short notice."

13. *Re V Part 2 (1) (d) Public Sector Role in Health, Safety and Environment.* This section lists the steps that government should take before determining that a mandatory standard may be required. These steps contain the underlying view expressed by some manufacturers and standards-making bodies that there is no need for mandatory standards where adequate voluntary standards are available, especially if these voluntary standards are adhered to by a substantial segment of industry. It must be noted that manufacturers need not comply with a voluntary standard and those who do comply need not comply 100% of the time. It is conceivable, too, that a new manufacturer or importer may enter a product area with large scale production of a dangerous item. The steps listed have no real bearing on the question of the need for a mandatory standard. Such a need is (unfortunately) usually determined by injury statistics or the potential of the product for creating serious injury (in the near future, environmental aspects, including conservation of energy and other natural resources, should be areas for mandatory standards). The steps listed in this section have a bearing on determining whether a private sector (voluntary) standard, modified if possible, would be suitable as a base for a mandatory standard. Therefore "d" should be changed to the following:

"In the event that a mandatory standard is required, insure that the following steps will be taken prior to, and as a prerequisite of, any determination that a voluntary standard may be suitable as a base for a mandatory standard."

"(d) (ii)" "Assess the marketplace for voluntary conformity with such standards" should be deleted as it has no bearing on whether or not the content of a voluntary standard is suitable as the base for a mandatory standard.

"(d) (iv)" should be modified by deleting "marketplace" and changing the last line to "voluntary standard will serve as a base for a mandatory standard."

14. *Re V Part 2 (2) (b) Private Sector Role.* This subparagraph specifies that the private sector should initiate and pursue standards activities in areas of their high priority. To the extent that it is possible to do, the private sector should also pursue and initiate standards-development activities in areas of lower priorities.

15. *Re VII Part 4 (1) (b) Centralized Public Sector Focus.* The government standards coordinating center, in addition to assisting regulatory agencies, should also assist procurement agencies to determine the suitability of private sector standards for use by the government. As necessary, this center should assist both agencies in modifying existing standards or developing new ones to meet their needs.

16. *Re VII Part 4 (1) (c).* This section should be expanded to give the government standards coordinating center the responsibility for insuring that a specific government agency or agencies (as necessary) is/are represented in appropriate private sector standards-writing groups.

17. *Re VII Part 4 (1) (d).* This section should be expanded to give the government

center the responsibility, when standard developing activity is decided upon for coordinating the efforts of the various government agencies should more than one be involved.

18. *Re VII Part 4 (1).* Experience may show that the duties listed for the government standards coordinating center are incomplete. Therefore we suggest an additional subparagraph as follows:

"i." "Establish any other procedural criteria that may be deemed necessary as experience with policy is gained."

19. *Re VII Part 4 (2) (d).* This paragraph states that the private sector standards coordinating center should not compete with standards-writing organizations. It should be deleted. The coordinating center should be responsible for insuring that all national standards needs are properly met on a timely basis and therefore it should assume the task of developing and revising standards whenever it appears that this will not get done as expeditiously and as effectively as would be desirable.

20. *Re VII Part 4 (2) (g).* This section should be expanded to give more details/guidelines as to how the private sector coordinating center will function relative to the development of international standards.

21. *Re VII Part 4 (3) (a) Appeals Mechanisms.* This paragraph should be expanded so that the appeals procedure includes the hearing of complaints from interests or individuals who believe they have been or will be disadvantaged because of the non-existence of a standard for a product.

It is recommended that this paragraph include details as to what would constitute an acceptable appeals mechanism, e.g., the "Draft ANSI Requirements for Establishment of American National Standards."

APPENDIX No. 2

NSPAC MEMBERSHIP

Dr. Ernest Ambler, Director, National Bureau of Standards.
Mr. William T. Cavanaugh, Managing Director, American Society for Testing and Materials.
Mr. Angelo Cefalo, Assistant to the President, International Association of Machinists.
Mr. Dennis Cherot, Director, Office of Consumer Action for Newark, N.J.
Mr. Kern E. Church, Deputy Commissioner and Chief of Engineering, Department of Insurance, North Carolina.
Dr. Howard I. Forman, Deputy Assistant Secretary of Commerce for Product Standards, U.S. Department of Commerce.
Dr. Aaron Gellman, President, Gellman Research Associates.
Mr. Joseph Gilbert, General Manager, Society of Automotive Engineers, (Mr. Roy Stoner—alternate).
Mr. Richard Goodemote, National Manager for Merchandising Development and Testing Labs, Sears Roebuck & Co. (Mr. Norman Pugh—alternate).
Dr. Robert Harris, Environmental Defense Fund.
Mr. S. F. Harrison, Executive Director, The National Board of Boiler and Pressure Vessel Inspectors.
Ruth Botz Jones (Mrs. Rudard A.), Urbana, Ill., Consumer.
Ms. Rhoda H. Karparkin, Executive Director, Consumers Union (Mr. George Papritz—alternate).

¹Non-voting member.

Mr. Byron Lee, Jr., Vice President, Commonwealth Edison.
 Mr. Herbert Liebenson, Staff Vice President—Government Affairs, National Small Business Association.
 Professor Kenneth L. McFate, Department of Agricultural Engineering, University of Missouri.
 Mr. W. Robert Moore, Senior Vice President, Chemical Bank of New York (Mr. Jim Booth—alternate).
 Mr. Joseph T. Morris, Executive Vice President, National Association of Photographic Manufacturers.
 Mr. Michael J. O'Conner, Senior Consultant, The Washington Management Group.
 Ms. Alfreda J. Riley, Greater Opportunities Industrial Center, Consumer Education Office.
 Mr. Frank H. Roby, President, Sola Basic Industries (Mr. William Irrgang—alternate).
 Mr. Fred Shippee, Director of Technical Services, American Apparel Manufacturers Association.
 Mr. Erle I. Shobert, II, Vice President—Technology, Stackpole Carbon Co.
 Mr. Arthur Spiegelman, Vice President Engineering, American Insurance Association.
 Mr. Richard Stevens, Assistant Vice President, National Fire Protection Association.
 Mr. David A. Swankin, Swankin & Turner.
 Mr. Baron Whitaker, President, Underwriters Laboratories, Inc.
 Mr. H. P. Weinberg, Senior Vice President, Laboratory Director, Value Engineering Laboratory.
 Mr. Philip Smith—Designated Liaison, Office of Science and Technology Policy, White House.
 Richard O. Simpson, NSPAC Program Administrator.

APPENDIX No. 3

STEPS REQUIRED TO IMPLEMENT THIS NATIONAL STANDARDS POLICY

This is included to call to the attention of the reader that the NSPAC will, as a part of the final document, include a plan for implementation. Although the details of such a plan must necessarily await the completion of the National Standards Policy itself, we invite your comments and suggestions as to steps for us to consider.

APPENDIX No. 4

BACKGROUND—WHY A NATIONAL STANDARDS POLICY IS NEEDED

Standards are instruments by which buyers and sellers define their mutual obligations. They also are instruments by which government asserts its regulatory authority on behalf of the health and safety of citizens. As such, standards are essential for the orderly and efficient conduct of domestic and international commerce and for the protection of the economic and social interests of sellers, buyers, and consumers—both individual and industrial.

Standards can favorably or unfavorably affect consumer costs, domestic and international trade, and the use of scarce materials. They are significant media for technology transfer among relevant groups, both within the U.S., and between the U.S. and other countries. They also serve to introduce technology into the social value system of the society.

While the United States has a sizeable capability—public and private—for developing standards, it lacks a national policy by which these resources can be most effectively, economically, and equitably employed in the national interest.

Everyday experience suggests that "policy" is often mere platitude, wishful thinking, or contrived window dressing. At the same time, it is necessary to start with some basic premise, fundamental concept, or commitment in principle. In the absence of a national policy, involved and interested organizations, government representatives, and others are at a loss to know exactly what the outlook, vis a vis standards, of a nation is. The strife, confusion, and confrontation surrounding standards matters in the last few years of U.S. history may well reflect this lack of an agreed-upon national standards policy.

A nation's "thinking" translated into words is "policy", and policy implies commitment.

A policy statement is an expression of the nation's point of view and degree of commitment.

A national standards policy also implies a definite course or method of action to be pursued.

A national standards policy should generate, foster, and maintain a basis or series of guidelines under which various organizations and people which make up the nation's standards capability could develop consistent policies and procedures. Formulation of policy is an occasion for national self-analysis—it should be repeated periodically.

This document is intended to provide a vehicle for bringing the strengths of the public and private sectors to bear cooperatively upon our Nation's standards needs.

APPENDIX No. 5

EXPLANATORY REMARKS

We have included in this appendix explanatory remarks that we hope will aid the reader in understanding what is intended by the statements in the text. For convenience, the remarks below are indexed using the same numbering system in the recommended National Standards Policy text.

Also, the NSPAC recognized the importance of the testing and certification process to the U.S. economy, but consciously decided to exclude these subjects from this policy. Although the close relationship between standardization and certification was recognized, it was felt both were important enough to warrant separate treatment.

III. Scope

1. *Products, etc.* This policy relates to products, systems, and services as distinct from physical phenomena such as temperature or pressure. It covers items acquired or fabricated by the government except government-unique items such as military or space hardware.

2. *Organizations and Agencies.* Our intention was to include in the scope all national standards activities and all organizations to the extent that they are engaged in writing national standards. Please note the definitions in section VIII of National Standards. We did not intend to include within the scope of this document standards activities with limited or localized impact, nor, as previously explained, those concerned with physical phenomena which are normally within the province of the National Bureau of Standards.

IV. (2)(a-f) Openness, Balance, Consumers, Etc.

These six paragraphs, collectively, state that all who are interested in participating in national standards writing efforts should have a reasonable opportunity to do so. The NSPAC recognizes that the issue of how to "best" identify, and bring into the standards process, the consumer/citizen views is still open to experimentation and discussion. It is our intent not to rigidly structure the NSP in this respect but to encourage and ensure meaningful citizen input where required in such a form and manner as to enhance, not hinder, the development of needed national standards. The reader's comments are particularly solicited on this subject.

IV. (2)(f) Records

Most, but not all, standards organizations follow this paragraph with varying degrees of completeness. What is being suggested is a kind of standards legislative history. Such information will be essential to the orderly handling of appeals and its existence may well serve to minimize the number of appeals. This is not likely to add additional unnecessary paperwork in the view of the NSPAC.

IV. (5) Government Participation

This statement is based on the premise that objects cannot be bought, manufactured, or used without a common baseline of at least form, fit, and function. Since the Government is the largest procurer of goods and services, it has a vital interest in standards. This interest is further increased by its regulatory responsibilities.

IV. (6) Consumer/Small Business Funding

This paragraph recognizes the fact that to obtain the input of these interests, it may well be necessary to provide special funding considerations. It also recognizes that society, through government, should be the primary source of funds.

IV. (8) Performance Standards Preference

We believe this paragraph states a generally accepted view and only note that it is much easier to talk about performance standards than it is to write them. If this statement sounds as if it is hedged, that is true; because, we think we should avoid any statement that indicates that "pure" performance standards are practical. But standards can be written to emphasize performance and function rather than design details and composition. What we have in mind is a statement to the effect that standards should not be so prepared that they can constitute a tool that can be used to discriminate adversely against materials, products, systems, and services that are equally satisfactory and among which the user should be able to freely choose in order to obtain satisfactory results. And standards should not be so constructed as to serve as a barrier to the introduction of solutions of novel design or composition that will perform equally as well as those of the sorts of compositions and designs that were known to exist at the time the standard was adopted.

IV. (9) Standards and Technological Innovation

Although the statement may seem self-evident, it is fact that many people believe a major problem in the U.S. is that all such bodies are not following these concepts—

particularly where the standards in question are Government-mandated standards. To guard against this problem, the FDA requires that medical devices be manufactured and tested in accordance with practices abreast of current technology.

IV. (10) Standards Maintenance

This paragraph is intended to be a standards "sunset" clause.

IV. (11) Forecast and Measure

We will probably not develop the needed methodologies without a government push. Also, the benefits of this research would be of broad societal benefit, domestically and internationally.

V. POLICY—PART 2—HEALTH, SAFETY, AND ENVIRONMENT

1. *Public Sector Role.* Many people have observed that when the government assumes legislative authority in a particular field, private initiative tends to dry up. This section, if followed by regulators, should go a long way towards stimulating responsible private efforts. Please also note that this article applies to local governments as well as the Federal Government.

VII. POLICY—PART 4—ORGANIZATIONS/APPEALS

1. *Centralized Public Sector Focus.* A major complaint over the past few years has been the lack of a central focal point in the Federal Government for standards matters. Hence, the above. You, the reader, should consider whether we should recommend where this focal point should be located. A prime consideration should be to establish not only a central, but a stable and continuing, standards coordination capability.

2. *Centralized Private Sector Focus.* Under paragraph VII (1) of this policy, we call for a government standards coordinating center because it was needed and did not exist. This paragraph calls for a counterpart organization in the private sector. The NSPAC is well aware that the American National Standards Institute (ANSI) exists and is today performing most, if not all, of the responsibilities identified on this part of the policy. The NSPAC consciously decided not to identify ANSI as the needed private-sector standards coordinating center. However, this fact should not convey to the reader any value judgment with respect to ANSI. Rather, we solicit your views and recommendations.

VII. (2)(c)

There are three ways to verify "national consensus" presently recognized by ANSI. The reader might keep in mind whether you believe this policy should somehow distinguish between the three methods.

VII. (2)(d)

This paragraph suggests that the coordinator should not compete with those being coordinated. You should decide for yourself whether the present American National Standards committees constitute a writing of standards by ANSI—if you wish to recommend ANSI as the private sector standards coordinating organization. The NSPAC would appreciate your thoughts and suggestions.

VII. (2)(e)

It probably goes without saying that the private-sector national coordinator should be financially independent to allow for independent decisions. It also goes without

saying that it is easier to suggest the above than it is to make it a reality. The NSPAC solicits your views as to how to accomplish this.

VII. (3) Appeals

The word "identifiable" is a key word in this paragraph. Past history indicates that much of the confusion and confrontation may exist not because appeals procedures are not available, but rather, because very few are aware that they exist. Some believe that for appeals procedures to be "realistic", they should provide for an impartial body of competent individuals not employed by the standards writing organization.

[FR Doc. 78-4020 Filed 2-13-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY SCIENCE BOARD

Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

NAME OF COMMITTEE: Army Science Board.

DATE OF MEETING: 2-3 March 1978.

PLACE: Room 2E715A, The Pentagon, Washington, D.C.

TIME: Thursday, 2 March 1978, 1000-1600 hours, Friday, 3 March 1978, 0930-1330 hours.

AGENDA:

2 March (Thursday)

1000-1030 Welcome
 1030-110 Keynote address
 1100-1130 Army Goals
 1130-1220 Luncheon
 1330-1400 Free time
 1400-1430 Personnel situation in the Army
 1430-1515 Army operations center
 1515-1600 Mission and Capabilities of Concepts Analysis Agency

3 March (Friday)

0930-1000 Operational requirements
 1000-1030 Army research and development mission
 1030-1100 Major research thrusts
 1100-1130 Mission and Capabilities of Operational Test and Evaluation Agency
 1130-1330 Luncheon

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Any additional information concerning the meeting may be obtained from Dr. Joseph H. Yang, Executive Direc-

tor, Army Science, OASA(RDA), Room 3E390, The Pentagon, Washington, D.C. 20310.

JOSEPH H. YANG,
Executive Director.

[FR Doc. 78-4135 Filed 2-13-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee will be held as follows:

Monday and Tuesday, March 13-14, 1978.
 Los Alamos Scientific Labs, Los Alamos, N. Mex.

The entire meeting, commencing at 0900 hours each day, is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public. Subject matter will be used in a study on nuclear weapon technology.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

FEBRUARY 6, 1978.

[FR Doc. 78-3977 Filed 2-13-78; 8:45 am]

[3810-70]

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a panel of the DIA Scientific Advisory Committee will be held as follows:

Wednesday, March 22, 1978, Pomponio Plaza, Rosslyn, Va.

The entire meeting, commencing at 0900 hours, is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code, and therefore will be closed to the public. Subject matter

will be used in a study on the functional use of phased array radars.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Headquarters Services, Department
of Defense.

FEBRUARY 6, 1978.

[FR Doc. 78-3978 Filed 2-13-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

GEOPRESSURED GEOTHERMAL INDUSTRIAL WORKSHOP

Public Meeting

The U.S. Department of Energy through a contract with CK GeoEnergy Corp. of Las Vegas, Nev. will conduct workshops to present its overall plan for geopressured geothermal resource development, to describe its drilling, completion and testing plans for geopressured wells in the Gulf Coast and to discuss environmental, legal and institutional problems associated with the resource development. Time is allotted for questions following the presentations to allow discussions among participants including members of the Department of Energy, their contractors, oil and gas industry personnel, utility representatives and other interested participants regarding geopressured geothermal resource development. The third workshop meeting of the Environmental Working Group and the Legal and Institutional Working Group will be held February 22 and 23 at the Executive Red Carpet Motor Hotel, 4020 Southeast Freeway at Wesleyan Street, Houston, Tex. Reservations can be made by calling 713-623-4720. The working subgroup meetings described below are open on a space available basis. The February workshop will be organized into two groups which will meet at the following dates with the agenda as follows:

ENVIRONMENTAL/LABORATORY RESEARCH WORKING SUBGROUP

FEBRUARY 22

- 9 a.m.—Introduction and Status of Previous Meeting Action Items.
- 9:15—Brazoria Wellsite Environmental Data.
- 10—Louisiana Environmental Analysis Update.
- 10:45—Hydrothermal Environmental Data Base Applicable to Geopressured Resource.
- 11:15—Discussion of Methods of Acquiring Critical Environmental Data.
- 1:30 p.m.—Travel to Brazoria Wellsite.
- 2:20—Site Tour and Discussion.
- 3:30—Return to Houston Airport.

LEGAL/INSTITUTIONAL WORKING SUBGROUP

FEBRUARY 22

- 10 a.m.—Introduction and Status of Action Items.

- 10:30—Status of General Crude Brazoria Well.
- 11—Wells of Opportunity Permit Problems.
- 1:30 p.m.—Geopressured Resource Leasing Perspective—Delcambre Well.
- 2—Leasing and Royalty Problems.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on agenda items may do so by mailing 12 copies thereof, postmarked no later than February 17, 1978, to the Director, Division of Geothermal Energy, U.S. Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20545. Comments shall be directly relevant to the above agenda items.

(b) Information as to whether the meeting has been rescheduled or relocated can be obtained by a prepaid telephone call on February 17, 1978 to Dr. Henry F. Coffey, CK GeoEnergy on 702-739-9630 between 8:30 and 5 p.m. (PDT).

(c) Questions at the working subgroup meeting may be raised by the public only when recognized to do so by the chairman of those meetings.

(d) Seating will be made available on a first-come, first-served basis.

(e) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the workshop, will be permitted before and after each day's activities and during any recess. The use of such equipment will not, however, be allowed during the general sessions or panel meetings.

(f) Copies of the final report prepared by CK GeoEnergy will be available at the Department of Energy Public Document Room, 20 Massachusetts Avenue NW., Washington, D.C. 20545, upon payment of all charges required by law.

Dated at Washington, D.C., this 9th day of February 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

[FR Doc. 78-4056 Filed 2-13-78; 8:45 am]

[3128-01]

PRIVACY ACT OF 1974

Systems of Records; Proposed Additional Routine Uses for System ERDA 30

AGENCY: Department of Energy.

ACTION: Notice of proposal to amend an existing System of Records.

SUMMARY: Pursuant to section (3)(e)(11) of the Privacy Act of 1974, 5 U.S.C. 552a(e)(11); the Office of Management and Budget (OMB) Guidelines issued thereunder; and OMB Circular No. A-108, September 30, 1975, the Department of Energy (DOE) hereby publishes a notice of proposed addition of routine uses to an existing

System of Records. Notice is hereby given of the proposal by the Department of Energy to amend the routine uses of existing System of Records identified as ERDA 30—Personnel Radiation Exposure Information. A Report on New Systems is not being submitted under 5 U.S.C. 552a(o) with respect to this proposed amendment since it does not alter the purpose for which the System is maintained.

Written comments will be received with respect to this proposal; however, it is the intent of the Department of Energy to operate the System as amended at the expiration of the advance notice period if no comments to the contrary are received.

DATE: Comments by March 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Nancy L. Speck, Office of the General Counsel, 20 Massachusetts Avenue NW., Washington, D.C. 20545, 301-353-4463.

Dr. W. W. Burr, Jr., Deputy Director, Division of Biomedical and Environmental Research, 20 Massachusetts Avenue NW., Washington, D.C. 20545, 301-353-3153.

SUPPLEMENTARY INFORMATION:

Background. The System to be revised was established by the former Energy Research and Development Administration as ERDA 30. Public notice of the existence and character of the System was last previously published on September 30, 1977 (42 FR 53466-68). The authority to maintain ERDA 30 was transferred to the Department of Energy, effective October 1, 1977, by notice published in the FEDERAL REGISTER on October 11, 1977 (42 FR 54856). The System will continue to be known as ERDA 30 until a consolidated DOE Systems Notice is developed and notice of any consequent changes is published.

Discussion. The Department of Energy proposes to amend ERDA System 30 to add routine uses that would allow the release of information contained in the System to the Department of Defense, the Center for Disease Control (HEW) and the National Academy of Sciences, for the purpose of conducting epidemiological studies and other follow-up activities relating to the health effects of radiation on individuals exposed to ionizing radiation.

The Department believes that the proposed uses are consistent with the purposes for which the information is collected and maintained. The Department, and its predecessor agencies, have, since the inception of the atomic energy program, collected radiation exposure information for monitoring purposes, and, in connection with the monitoring, have conducted analytical programs designed to assess radiation

impact on human health and to determine maximum safe levels of exposure. The basic purpose of the program has always been the protection of the health and safety of the individuals involved.

The proposed disclosures to the additional organizations is consistent with this purpose. The need for additional disclosures has arisen recently as a result of growing interest in the effects of radiation exposure on personnel involved in nuclear test detonations. The disclosure to the Department of Defense would allow the Department to identify participating military and military contractor personnel and their respective exposure levels, and to use the information for follow-up purposes (including litigation). Disclosure to the Center for Disease Control and the National Academy of Sciences would allow those organizations to conduct follow-up studies on identified military and military contractor personnel as well as other individuals exposed to radiation in connection with nuclear test detonations.

Comments. As provided in section 3(e)(11) of the Privacy Act of 1974 (5 U.S.C. 552a(e)(11)), interested persons are invited to submit written data, views or arguments related to this proposal to Dr. W. W. Burr, Jr., Deputy Director, Division of Biomedical and Environmental Research, 20 Massachusetts Avenue NW., Washington, D.C. 20545.

Comments should be identified on the outside of the envelope and on the documents submitted with the designation "System 30 Amendment." Ten copies should be submitted. Comments should be provided by March 16, 1978. Comments received will be available for public inspection in the DOE Public Document Room at 20 Massachusetts Avenue NW., Washington, D.C. during regular business hours. It is the intent of the Department of Energy to operate this System as proposed to be amended at the expiration of the advance notice period if no comments to the contrary are received.

NOTE.—The Department of Energy has determined that this document does not contain a major proposal requiring preparation of an inflationary impact statement under Executive Order 11821, as amended, and OMB Circular A-107.

(Privacy Act of 1974, Pub. L. 93-579; Department of Energy Organization Act, Pub. L. 95-91; Executive Order 12009, 42 FR 46267.)

In consideration of the foregoing the Department of Energy proposes to amend that portion of the System Notice for ERDA 30 (published at 42 FR 53466-68) pertaining to routine uses, to add the following routine uses:

System name:

Personnel Radiation Exposure Information

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Department of Defense—For the limited purpose of identifying DOD and DOD-Contractor Personnel exposed to ionizing radiation during nuclear testing; and for conducting epidemiological studies of radiation effects on individuals so identified; and for use in litigation between the DOD and any of the individuals so identified.

National Academy of Sciences and the Center for Disease Control (and appropriate HEW management personnel)—For use in conducting epidemiological studies of the effects of radiation on individuals exposed to ionizing radiation.

Issued in Washington, D.C., on February 9, 1978.

WILLIAM S. HEFFELFINGER,
Director, Office of
Administration.

[FR Doc. 78-4059 Filed 2-13-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. ER78-194]

CLEVELAND ELECTRIC ILLUMINATING CO.

Notice of Filing

FEBRUARY 6, 1978.

Take notice that on January 27, 1978, The Cleveland Electric Illuminating Co. (CEI) tendered for filing a Transmission Service Tariff with a proposed effective date of February 27, 1978. CEI states that the proposed transmission service tariff is being filed pursuant to certain conditions included in licenses and permits issued by the Nuclear Regulatory Commission for the Davis-Besse and Perry nuclear power plants.

CEI further states that when the tariff is made effective, CEI will transmit electric power from a supplying utility with which it is interconnected to or for the account of any rural electric cooperative or municipality located within the Combined CAPCO (Central Area Power Coordination Group) Company Territories.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.,

Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3984 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-173]

COLORADO INTERSTATE GAS CO.

Application

FEBRUARY 6, 1978.

Take notice that on January 24, 1978, Colorado Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP78-173 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing additional sales of natural gas to certain of its jurisdictional customers for resale, revision in maximum daily volume obligation to five of its full requirement customers by delivery point as contained in certain service agreements, and for permission and approval to abandon in part its deliveries of natural gas for direct sale to Great Western Sugar Company, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to revise its firm peak day and annual volume commitments for fiscal year 1979 and to make other revisions to the service agreement with certain of its jurisdictional customers as follows:

- (1) An increase in transmission system jurisdictional maximum daily contract demand (peak day gas entitlements) totaling 25,000 Mcf per day,
- (2) An increase in transmission system jurisdictional annual contract quantity (annual entitlements) of 4,772,000 Mcf, and
- (3) Revisions to the maximum daily volume obligations by delivery point as contained in the service agreements with the Town of Keyes, Okla., Northern Natural Gas Co. (Peoples Natural Gas Division), Raton Natural Gas Co., the City of Trinidad, and the City of Walsenburg, both in Colorado.

It is stated that pursuant to Applicant's gas tariff, the proposed 25,000 Mcf peak day entitlement increase would be allocated on a pro rata basis to Applicant's full requirement transmission system customers, and that ninety percent of the increase in peak day gas would be used to serve the re-

quirements of residential and small commercial customers in FERC Priority 1. Almost all of the remaining volume would be allocated to FERC Priority 2 with only 154 Mcf being used for FERC Priority 5. It is said.

Applicant proposes to revise its total annual entitlements to jurisdictional transmission system customers from the current level of 358,414,500 Mcf, as authorized in Docket No. CP77-404, to 363,186,500 Mcf, an increase of 4,772,000 Mcf. It is said. Applicant states that the proposed revisions in annual volumes, to be effective in Fiscal Year 1979, are the result of increased nomination requests from Applicant's jurisdictional customers.

Applicant indicates that five of its full requirement customers, the Town of Keyes, Northern Natural Gas Co. (Peoples Natural Gas Division), Raton Natural Gas Co., the City of Trinidad, and the City of Walsenburg, have requested relatively small increases in the maximum daily volume obligations for certain delivery points into their respective systems. It is stated that the Town of Keyes requires an increase of 8 Mcf to accommodate the peak day entitlement increase proposed herein, and that Raton Natural Gas Co., the City of Trinidad, and the City of Walsenburg must increase their maximum daily volume obligation by 207 Mcf, 158 Mcf, and 40 Mcf, respectively, for the same reason. These are all single delivery point customers, it is said. Applicant states that Northern Natural Gas Co. (Peoples Natural Gas Division), requires revisions, both upward and downward, to the maximum daily volume obligation for five of its eighteen existing delivery points from Applicant's transmission system. It is stated that this is necessary because of a gradual shift in load concentration on Peoples' system caused primarily by growth in residential and small commercial building.

Petitioner indicates that in order to serve its existing requirements in Fiscal Year 1979 and thereafter, as well as those proposed herein, it would be necessary to obtain additional gas deliveries to the Denver area from the Wyoming main line through the facilities proposed in Docket No. CP77-655, and that it would also be necessary to increase air injection at Watkins Junction for thermal control of this gas as proposed in Docket No. CP78-133. The application states that Applicant and Great Western executed an amendment to the direct sales agreement between the parties on July 5, 1974. The application further states that the proposed abandonment of 11,000 Mcf of firm peak day natural gas service, which was effective pursuant to the contract on October 1, 1976, is in part a result of Applicant's meeting with Great Western during the early 1970's when it was notified that low-priority natural gas users would have to

modify their facilities to utilize other forms of energy. It is indicated that Great Western is currently able to burn coal for its boiler fuel needs, and therefore, a firm natural gas entitlement of 12,000 Mcf per day is no longer required and should be reduced to 1,000 Mcf per day, the amount of gas needed to fuel Great Western's lime kiln.

Applicant asserts that the 25,000 Mcf peak day entitlement increase proposed herein results in a net increase of only 14,000 Mcf per day over the currently authorized peak day entitlements, since the proposed increases are partially offset by the 11,000 Mcf of entitlement volume to be abandoned from Great Western, as proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, fur-

ther notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3985 Filed 2-13-78; 8:45 am]

[6740-02]

[Project No. 163]

COLORADO

Order Vacating Land Withdrawal Under
Section 24 of the Federal Power Act

FEBRUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

The Forest Service, U.S. Department of Agriculture, has requested that the land withdrawal for Project No. 163 be vacated insofar as it pertains to lands described in the attached Land List, thereby requiring Commission consideration under Section 24 of the Federal Power Act.

The lands lie along or near the Fryngpan River, a tributary of the Roaring Fork River which is tributary to the Colorado River, and are withdrawn pursuant to the filing on April 8, 1921, of an application for preliminary permit for Project No. 163. Notice of the withdrawal was given to the General Land Office (now Bureau of Land Management) by letter dated April 30, 1921.

The applicant for Project No. 163 contemplated construction of an extensive diversion-conduit system with several powerhouses; however, the preliminary permit for the project was revoked on November 20, 1922. The development proposed in Project No. 163 is no longer feasible because features of the Bureau of Reclamation's Fryngpan-Arkansas Project have been constructed in this reach of the Fryngpan River. The Fryngpan-Arkansas Project is adequately protected by a reclamation withdrawal, and the

withdrawal for Project No. 163 no longer serves a useful purpose.

The U.S. Geological Survey has recommended that the withdrawal for Project No. 163 be vacated.

The Commission orders: That the withdrawal for Project No. 163 is hereby vacated insofar as it pertains to the subject lands.

By the Commission.

KENNETH F. PLUMB,
Secretary.

SIXTH PRINCIPAL MERIDIAN, COLORADO

WHITE RIVER NATIONAL FOREST

T. 9 S., R. 82 W.,
Sec. 6, S½NE¼, N½SE¼;
Sec. 8, S½SW¼;
Sec. 17, N½NW¼;
T. 8 S., R. 83 W.,
Sec. 7, S½SW¼;
Sec. 9, NW¼NW¼;
Sec. 21, SW¼NE¼, S½NW¼, NE¼SW¼,
NW¼SE¼;
Sec. 22, SW¼NW¼;
T. 9 S., R. 83 W.,
Sec. 1, lot 4;
Sec. 2, lot 1;
Sec. 11, E½SE¼;
T. 8 S., R. 84 W.,
Sec. 7, S½SW¼;
Sec. 16, N½NE¼NE¼, N½NE¼NW¼NE¼,
NW¼NW¼NE¼;
Sec. 18, N½NW¼;
T. 8 S., R. 85 W.,
Sec. 12, S½SE¼;
Sec. 13, N½NE¼.
(approximately 1,196 acres)

[FR Doc. 78-3988 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. ER76-587]

GEORGIA POWER CO.

Order Conditionally Accepting Settlement
Agreement

FEBRUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The func-

tions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On August 17, 1977, Georgia Power Co. (GPC) submitted a proposed Settlement Agreement with its customers Oglethorpe Electric Membership Corp. (Oglethorpe), the Municipal Electric Authority of Georgia (MEAG), and the Board of Water, Light and Sinking Fund Commissioners of the City of Dalton, Georgia (Dalton) which purports to settle all contested issues in the proceeding in this docket.

GPC tendered for filing on March 31, 1976, proposed changes in its requirements rate schedule (PR-2) which would yield additional revenues of \$14,215,000 for the year ended December 31, 1976. On April 30, 1976, the Commission issued an order in this docket which accepted GPC proposed rates for filing, suspended the rate schedule for three months and permitted it to become effective August 1, 1976, subject to refund. Oglethorpe, MEAG and Dalton began taking service under the PR-2 rate subject to refund on August 1, 1976, January 27, 1977, and June 1, 1977, respectively. Top sheets were filed by Commission Staff on November 1, 1976. On April 12, 1977, a tentative settlement was reached. On August 17, 1977, GPC submitted the instant agreement which was executed by GPC, Oglethorpe and MEAG. Counsel for GPC represented that Dalton concurred in the proposed settlement.

The proposed settlement provides that GPC will file a revised schedule of monthly charges for capacity in four categories: base capacity, intermediate capacity, peaking capacity, and capacity for reserve service. The settlement revenues will reduce the originally proposed increase from \$14,213,000 to \$7,900,000. The proposed agreement provides that GPC will refund to Oglethorpe the requisite portion of the rate collected under the PR-2 rate schedule with simple interest at 7.773 percent per annum for the period August 1, 1976, through May 31, 1977, and 9 percent per annum thereafter. The agreement states that GPC will refund to MEAG and Dalton the requisite portion of the revenues collected under the partial require-

¹ All references to the Commission prior to October 1, 1977, are to the Federal Power Commission; thereafter they are to the Federal Energy Regulatory Commission.

ment rate schedule with simple interest at 9 percent per annum for the period during which each customer took service under the PR-2 rates. The agreement further provides that GPC will not file a further increase in partial requirements rates to be effective prior to March 1, 1978. The settlement rates reflect a rate of return of 9.64 percent with a 13.25 percent return on common equity.

The proposed Settlement Agreement was certified to the Commission on August 18, 1977, and notice of the agreement was issued on August 30, 1977.

On October 28, 1977, Commission Staff filed comments concurring in the settlement with the stipulation that interest on all refunds in this proceeding be computed at a simple interest rate of 9% per annum.

On November 7, 1977, GPC and Oglethorpe filed a joint response to Staff's comments. They stated that the 7.773 percent simple interest rate applies to a "billing procedure" change which would only apply to Oglethorpe. They maintain that the parties intentionally provided for a 7.773 percent interest rate to apply to a portion of the refund not related to the rate level reduction and assumed that this intentional deviation from the standard interest level would be recognized and approved by the Commission.

Section 3.1 of the agreement reflects certain refunds to be made to Oglethorpe. It provides:

3.1 GPC shall refund to OEMC (Oglethorpe) a portion of the revenues collected under PR-2 for the period August 1, 1976 through May 31, 1977 as follows:

Month:	Refund
August 1976.....	\$265,710
September 1976.....	318,851
October 1976.....	318,851
November 1976.....	318,851
December 1976.....	318,851
January 1977.....	329,557
February 1977.....	329,892
March 1977.....	329,892
April 1977.....	329,892
May 1977.....	329,892

Simple interest at 7.773% per annum shall be paid in respect of the refund described in this Section 3.1 from the date of receipt of each payment from OEMC under PR-2 to the date of refund. Payment of the principal amounts and interest set forth in this Section 3.1 shall constitute full satisfaction of the Company's refund obligation arising from the interpretation described in Section 2.2 of this Agreement.

The PR-2 rate as originally filed states that the monthly capacity charge will be based on the customers' estimated peak coincident demand or the actual one hour coincident peak load, whichever is higher during the months of June, July, August and September. The proposed settlement provides for a retroactive monthly adjustment of the estimated capacity charge

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based on the customers' actual maximum one hour integrated coincident peak load during the months of June, July, August and September. The amounts listed in Section 3.1 of the agreement for the period August 1, 1976 through May 31, 1977, reflect refunds to Oglethorpe for the difference between the originally filed capacity payments and the revised capacity payments.

GPC and Oglethorpe argue that the 7.773% refund is only applicable to a billing procedure revision and not the rates and that the "Commission's expressed policy of encouraging settlements would be thwarted if negotiated, 'dollars-and-cents' settlements of billing disputes are summarily disapproved." They state that Section 35.19a of the Commission's Regulations contemplates interest on refunds at levels other than 9% in certain instances, and that they have shown this to be such an instance.

Historically, in cases where there was some indication of actual bargaining for a particular refund interest rate during the course of settlement negotiations, the Federal Power Commission applied the settlement interest rate if it was found to be reasonable. However, on December 6, 1976, in Docket No. RM74-18, the Commission issued its Order Denying Rehearing And Further Clarifying Order No. 513-A which stated from that date forward, in applying the interest rate on refunds, it would not distinguish between contested proceedings and settled proceedings. For all settlements filed with the Commission on or after December 6, 1976, the Commission would apply the interest rates set forth in the Commission's Regulations. Section 35.19a of the Regulations provides that after October 10, 1974, interest on excessive rates shall be computed at 9% per annum. In announcing its policy with respect to interest on refunds, the Commission stated:

... [I]t is desirable to limit as much as possible the issues to be negotiated in a settlement situation. The existing Regulations provide the basis for certainty with respect to interest rates. No advantage is seen in providing litigants yet another issue for dispute.

We find that GPC's and Oglethorpe's arguments do not warrant changing this policy with respect to interest rates on refunds. Their argument that Section 3.1 of the agreement merely reflects a billing procedure revision is of no moment. The "billing procedure" change is a rate change which will be incorporated in the tariff sheets and will be applicable to the determination of the capacity charges for Oglethorpe, MEAG and Dalton.

Other than the 7.773 percent rate of interest on refunds presently contemplated by Section 3.1 of the agree-

ment, the Commission finds that the proposed settlement represents a reasonable resolution of all issues in this docket. However, Section 4.4 of the agreement provides in part:

This Agreement is executed on the same explicit understanding and on the further condition that in the event the FPC does not by order accept this Agreement in its entirety, any party having a direct interest in such failure of approval may, at its option, cancel the Agreement in its entirety and withdraw or cause to be withdrawn all pleadings and other filings made with the FPC in connection therewith.

Accordingly, the Commission will condition its approval of the Settlement Agreement herein on the parties' acceptance of an interest rate of 9 percent per annum on all refunds, including those contemplated by Section 3.1 of the Agreement.

The Commission finds: (1) The Settlement Agreement submitted by Georgia Power Co. on August 17, 1977, should be conditionally approved.

(2) The interest rate on all refunds provided for by the Settlement Agreement should be computed at 9 percent per annum.

The Commission orders: (A) The Settlement Agreement submitted by Georgia Power Company on August 17, 1977 is hereby incorporated herein, modified to require interest at 9 percent per annum for all refunds made thereunder, and, as modified, is hereby approved.

(B) In the event that the parties hereto reject the modification of the Settlement Agreement as set forth above, those parties are hereby directed to notify the Commission of such rejection within fifteen (15) days from the date of issuance of this order and, upon such notification, a prehearing conference shall be convened by the Presiding Administrative Law Judge during the week of February 13, 1978 to establish procedures for the hearing of the issues involved herein.

(C) In the event that all parties accept the Settlement Agreement as herein modified, then, within forty-five (45) days of issuance of this order, Georgia Power Co., shall file rate schedules in compliance with the Settlement Agreement.

(D) Within thirty (30) days after compliance submittals are accepted for filing, Georgia Power Co., shall refund amounts collected in excess of the settlement rates with interest computed at 9 percent per annum.

(E) Within thirty (30) days after refunds have been made, Georgia Power Co., shall file with the Commission a compliance report showing monthly billing determinants and revenues under prior, present and settlement rates; the monthly revenue refund; and the monthly interest computation together with a summary of such information for the total refund period.

A copy of such report shall also be furnished to each wholesale customer and to each State Commission within whose jurisdiction the wholesale customers distribute and sell electric energy at retail.

(F) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Georgia Power Co., or any other person or party.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH P. PLUMB,
Secretary.

[FR Doc. 78-3986 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. CP77-545]

NORTHERN NATURAL GAS CO.

Petition To Amend

FEBRUARY 6, 1978.

Take notice that on January 30, 1978, Northern Natural Gas Co. (petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP77-545 a petition to amend the Commission's order of November 29, 1977 (57 FPC —) issued pursuant to section 7(c) of the Natural Gas Act so as to provide for the construction and operation of a 1,250 horsepower compressor unit in lieu of the 1,000 horsepower compressor unit presently authorized for construction and operation near Egan, La., all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of November 29, 1977, petitioner was authorized to construct and operate the Egan gas interconnect and compressor station between transmission facilities of Columbia Gulf Transmission Co. and Trunkline Gas Co. to be located in Acadia Parish, La. Petitioner states that the authorized facilities consist of approximately 2,800 feet of 16-inch pipeline, a measuring station, and a 1,000 horsepower electric motor driven compressor and appurtenances. Petitioner further states that due to the significant role which Egan compressor station would have in the transportation and delivery of its offshore Gulf of Mexico gas to its market, the integrity of this compressor station is most essential.

The petition states that a comparison of the 1,000 horsepower unit with the 1,250 horsepower unit reveals that the 1,250 horsepower electric drive has certain inherent characteristics (addi-

tional insulation and copper) which would result in added reliability of unattended operations at the Egan compressor station, and that heat generated by the compressor and equipment plus high ambient temperatures at the site creates conditions which would increase the degradation of the motor insulation. The insulation and copper in the larger motor would provide added protection against overheating of the motor and the problems associated therewith, and this added protection increases the life expectancy of the driver and reduces the chance of motor winding insulation failure, it is said. It is stated that, depending on the extent of such a failure, service could be interrupted for 1 to 4 months, and that petitioner, therefore, submits that the installation and operation of the 1,250 horsepower motor at Egan compressor station would provide the measure of unattended operating reliability essential for compressor station integrity.

Petitioner states that it has now placed a firm order for the 1,250 horsepower motor and was able to purchase such unit within the estimated cost detailed in the original application; therefore, the estimated cost of the interconnecting facilities would not change as a result of increase in horsepower as proposed herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3989 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. ES78-19]

NORTHWESTERN PUBLIC SERVICE CO.

Application

FEBRUARY 6, 1978.

Take notice that on January 30, 1978, the Northwestern Public Service Co. filed an application with the Commission pursuant to section 204 of the Act and Part 34 of the regulations, for

authorization to engage in negotiations for the sale of up to \$12 million first mortgage bonds and up to 400,000 shares of common stock, par value \$7 per share, pursuant to section 34.1a(a)(4) and 34.2(f)(2) of the regulations under the Act.

Applicant is incorporated under the laws of the State of Delaware, with its principal business offices at Huron, S. Dak., and is authorized to do business in the States of Iowa, North Dakota, South Dakota, and Nebraska.

Applicant indicates that a portion of the proceeds from the proposed first mortgage bond financing will be used to refund \$3,000,000 of the Company's presently outstanding first mortgage bonds which mature in 1978. The remainder of such proceeds, together with the proceeds from the proposed common stock financing, will be used to repay outstanding short-term bank loans, which as of this date total \$14,000,000, with the balance to become treasury funds to be used for the Company's 1978 construction program.

Applicant believes that a negotiated public sale would be advantageous because of the relatively small amounts of first mortgage bonds and common stock involved because of the successful prior negotiated offerings of bonds and of common stock, and because the underwriter will be required to presell the issue to ensure a satisfactory market.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests shall be filed on or before February 15, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

FR Doc. 78-3990 Filed 2-13-78; 8:45 am]

[6740-02]

(Project Nos. 1021, 1226, 1606, and 1772)

WYOMING

Order Vacating Land Withdrawals Under
Section 24 of the Federal Power Act

FEBRUARY 6, 1978

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act),

Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

The Forest Service, U.S. Department of Agriculture, has requested that the land withdrawals for Project Nos. 1021, 1226, 1606, and 1772 be vacated in their entirety, thereby requiring Commission consideration under section 24 of the Federal Power Act. The lands affected by the withdrawals lie within the drainage area of the Bighorn River, in the Bighorn and Shoshone National Forests, Wyo., and are described in the attachment hereto.

Project No. 1021 was a 7 horsepower diversion-conduit development on Middle Creek, a tributary of the North Fork Shoshone River, near the east entrance to Yellowstone National Park, in Park County, Wyo. The Federal Power Commission accepted the surrender of the license for Project No. 1021 by order dated May 13, 1947, after the project was dismantled.

The applicant for Project No. 1226 contemplated construction of a 1,400 horsepower diversion-conduit development on Shell Creek, about 10 miles upstream from the town of Shell, in Big Horn County, Wyo. The application for Project No. 1226 was denied on July 29, 1935. Several diversion-conduit schemes have been proposed in the subject reach of Shell Creek; however, the potential diversion dam and conduit locations are indefinite and flexible.

The applicant for Project No. 1606 contemplated construction of a small hydroelectric project, on a small tributary of the Shoshone River, to light a cabin and surrounding buildings. The application for Project No. 1606 was dismissed by order dated November 5, 1940, because the applicant failed to complete the application.

Project No. 1772 was a 5 horsepower diversion-conduit development on Leigh Creek, a tributary of Tensleep Creek, in Washakie County, Wyo. The Commission accepted the surrender of the license for Project No. 1772 by order issued November 10, 1950, after the project was dismantled.

Under the circumstances, the land withdrawals for Project Nos. 1021, 1226, 1606, and 1772 no longer serve a useful purpose.

The Geological Survey has recommended that the land withdrawals for

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Project Nos. 1021, 1226, 1606, and 1772 be vacated in their entirety.

The Commission orders: That the land withdrawals for Project Nos. 1021, 1226, 1606, and 1772 are hereby vacated in their entirety.

By the Commission.

KENNETH F. PLUMB,
Secretary.

SIXTH PRINCIPAL MERIDIAN, WYOMING

1. Project No. 1021 (Shoshone National Forest)—Portions, totaling about 3 acres, of the following described subdivisions were variously withdrawn pursuant to the filings on September 25, 1929, and August 19, 1939, of applications for license for Project No. 1021 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letters dated October 5, 1929 (2), and July 12, 1940:

T. 52 N., R. 109 W.,
Sec. 2, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$.

2. Project No. 1226 (Bighorn National Forest)—The following described lands, totaling about 200 acres, were withdrawn pursuant to the filing on October 13, 1932, of an application for preliminary permit for Project No. 1226 for which the Commission gave notice of land withdrawal to the General Land Office by letter dated November 22, 1932:

T. 53 N., R. 89 W.,
Sec. 7, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
T. 53 N., R. 90 W.,
Sec. 12, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

3. Project No. 1606 (Shoshone National Forest)—The application for Project No. 1606 was incomplete. The only land description given was that the project was to be located on Spring Creek, a small tributary of the Shoshone River, 47 miles west of Cody, in Park County, Wyo.

4. Project No. 1772 (Bighorn National Forest)—Portions, totaling about 1 acre, of the following described subdivision were withdrawn pursuant to the filing on October 3, 1940, of an application for license for Project No. 1772 for which the Commission gave notice of land withdrawal to the General Land Office by letter dated December 9, 1940:

T. 48 N., R. 87 W.,
Sec. 34, NW $\frac{1}{4}$ SW $\frac{1}{4}$.
[FR Doc. 78-3987 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-171]

SAN DIEGO GAS & ELECTRIC CO.

Extension of Time

FEBRUARY 8, 1978.

On January 30, 1978, the State of California Department of Water Resources (DWR) filed a motion to extend the time for filing petitions to intervene or protests to the proposed tariff change tendered for filing by San Diego Gas & Electric Co. (SDG&E) on January 3, 1978, and no-

ticed January 11, 1978, in the referenced docket. The motion states that SDG&E concurs in the request for an extension of time.

The January 30, 1978, motion filed by DWR requests that any extension of time granted apply also to responses to the motion to defer action filed in this docket by SDG&E on January 18, 1978.

Upon consideration, notice is hereby given that an extension of time is granted to and including April 3, 1978, for filing protests or petitions to intervene pursuant to the notice of proposed tariff change and for filing responses to the SDG&E motion filed on January 18, 1978.

KENNETH F. PLUMB,
Secretary.
[FR Doc. 78-3992 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-195]

OKLAHOMA GAS & ELECTRIC CO.
Filing of Wholesale Electric Service
Agreements

FEBRUARY 6, 1978.

Take notice that Oklahoma Gas & Electric Co., (OG&E) on January 27, 1978, tendered for filing an electric service agreement for wholesale service for the city of Ponca City, Okla. OG&E states that the proposed electric service agreement cancels and supersedes the existing contract presently on file with the Commission. OG&E proposes an effective date of March 1, 1978.

OG&E further states that the proposed rate is identical to those filed by OG&E on December 27, 1976, in Docket No. ER77-127 and designated as Federal Power Commission Tariff, Original Volume No. 1—Municipalities.

OG&E indicates that a copy of the proposed electric service agreement has been mailed to Ponca City, the Corporation Commission of the State of Oklahoma, and the Arkansas Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 13, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene. Copies of this application

are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3991 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. ID-1822]

FRANK E. COYNE

Filing

FEBRUARY 6, 1978.

Take notice that on January 19, 1978, Frank E. Coyne filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Assistant Controller, the Cincinnati Gas & Electric Co., public utility.
Assistant Controller, the Union Light, Heat & Power Co., public utility.
Assistant Controller, Miami Power Corp., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before February 24, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3995 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. RI77-124]

MAURICE L. BROWN CO.

Amended Petition for Special Relief

FEBRUARY 7, 1978.

Take notice that on January 31, 1978, the Maurice L. Brown Co. (petitioner), P.O. Box 11320, Kansas City, Mo. 64112, filed in Docket No. RI77-124 an amended petition for special relief. On September 1, 1977, petitioner filed a petition for special relief in this docket pursuant to section 2.76 of the Commission's general policy and interpretations (18 CFR § 2.76) seeking authorization to collect a rate of 184.69 cents per Mcf for the sale of natural gas to United Gas Pipe Line Co. from the Sneed gas unit No. 1 and Sneed gas unit No. 2 wells located in

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the Bethany field, Harrison County, Tex. By its amended petition petitioner now requests authorization to collect a rate of 120.74 cents per Mcf for the sale.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3996 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. RI77-125]

MAURICE L. BROWN CO.

Amended Petition for Special Relief

FEBRUARY 7, 1978.

Take notice that on January 31, 1978, the Maurice L. Brown Co. (petitioner), P.O. Box 11320, Kansas City, Mo. 64112, filed in Docket No. RI77-125 an amended petition for special relief. On September 1, 1977, petitioner filed a petition for special relief in this docket pursuant to section 2.76 of the Commission's general policy and interpretations (18 CFR § 2.76) seeking authorization for the working interest owner to collect a rate of \$1.5879 per Mcf for the sale of natural gas to Northern Natural Gas Co. from the Strackeljohn gas unit No. 1 well located in Finney County, Kansas. By its amended petition petitioner now requests authorization to collect a rate of 97.45 cents per Mcf for the sale.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hear-

ing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3997 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. RI77-56]

OIL & GAS FUTURES, INC., OF TEXAS, ET AL.

Amended Application for Special Relief

FEBRUARY 7, 1978.

Take notice that on January 31, 1978, Oil & Gas Futures, Inc., of Texas, et al. (applicant), c/o Patrick J. Keeley, Fulbright & Jaworski, 1150 Connecticut Avenue NW., Washington, D.C. 20036, filed in Docket No. RI77-56 an amended application for special relief under section 2.76 of the Commission's general policy and interpretations (18 CFR § 2.76). On April 8, 1977, applicant filed an application for special relief in this docket pursuant to section 2.76 seeking authorization to collect a rate of \$2.25 per Mcf for sales of natural gas to Trunkline Gas Co. from the Grand Isle block 82 field, offshore Louisiana, in the Federal domain. By its amended application applicant now requests authorization to collect a rate of \$1.8851 per Mcf for the sales.

Any person desiring to be heard or to make any protest with reference to said petition should on or before March 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3998 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-198]

PUBLIC SERVICE CO. OF OKLAHOMA

Filing

FEBRUARY 7, 1978.

Take notice that the Public Service Co. of Oklahoma (PSO) on January 30, 1978, tendered for filing its request for a change in the rates of the Markham Ferry coordinating agreement

identified as rate schedule FPC No. 162, for calendar year 1978. PSO states that the agreement coordinates the operations through the interchange and sale of electric power and energy between Public Service and the Grand River Dam Authority of Oklahoma (Authority).

PSO further states that the agreement provides for annual review of the energy rates charged by the parties to reflect changes in production costs. PSO indicates that the filing revises the energy charge rates to reflect those costs as of December 31, 1977.

PSO requests that the Commission waive its notice requirements in order that the proposed rate schedule can become effective on January 1, 1978.

According to PSO, the Oklahoma Corporation Commission and the Authority have been served a copy of this filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3999 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. RP78-36]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

FEBRUARY 3, 1978.

Take notice that Southern Natural Gas Co. (Southern) on January 30, 1978, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes are based on the 12-month period ending October 31, 1977, and, as adjusted, would increase jurisdictional revenues by \$117,695,037.

Southern states that the principal reasons for the proposed rate increase are to reflect: (1) The cost of vaporized liquefied natural gas (LNG) service which was approved by the Federal Power Commission in Docket No. CP71-264, et al.; (2) increased costs of acquiring new gas supplies; (3) increases in operation, maintenance, and

other expenses; (4) decline in volumes available for sale; and (5) an increase in the overall rate of return to 11.39 percent.

Copies of the filing have been served upon Southern's jurisdictional customers and interested state public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 15, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3993 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. CP77-240]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition To Amend

FEBRUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the

FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR—, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

Take notice that on January 24, 1978, Transcontinental Gas Pipe Line Corp. (petitioner), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP77-240 a petition to amend the Commission's order of October 26, 1977, issued in the instant docket pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) so as to provide for the transportation of up to 284 Mcf of natural gas per day for an additional end-use consumer of Long Island Lighting Co. (Lilco) a petitioner resale customer served under rate schedule CD-3, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Pursuant to the Commission's order of October 26, 1977, applicant was granted authorization in the instant docket to transport natural gas for Cerro Wire & Cable Co., Division of Cerro-Marmon Corp.; Entenmann's Inc.; Fabric Leather Corp., a wholly owned subsidiary of Borden, Inc.; Kaiser Aluminum & Chemical Corp.; Knickerbocker Partition Corp.; Global Steel Production Corp.; and Lawrence Aviation Industries, Inc. (buyers), all of which are existing consumers of Lilco.

Petitioner states that it is presently transporting for buyers, up to 2,461 Mcf of natural gas per day purchased by buyers from George C. Ayers, et al., in the Tigre Lagoon field area, Vermilion Parish, La., and R. L. Burns Corp. (Burns) in the S. W. Lake Boeuf field, Lafourche Parish, La. Petitioner further states that such transportation takes place pursuant to an agreement dated February 7, 1977, as amended, among petitioner, buyers, acting severally and not jointly by and through the Stone Energy Corp. (Stone) as duly authorized agent; and Lilco, and pursuant to permanent authorization granted herein on October 26, and temporary authorization granted herein December 8, 1977.

The petition states that petitioner, Lilco, and Stone, as agent for buyers, have entered into an agreement dated November 23, 1977, which amends the

The instant application was filed as an amendment to an application filed herein on February 17, 1977, as amended June 14, 1977, and October 19, 1977; however, pursuant to the Commission's order of October 26, 1977, applicant was granted permanent certificate authorization for its filing of February 17, 1977, as amended June 14, 1977. Consequently, the instant application is being noticed as a petition to amend.

February 7, 1977, agreement as previously amended so as to provide for the transportation of natural gas for an additional end-use consumer of Lilco, Gim Metal Products Division of Lighton Corp. (GIM).

It is indicated that Gim has contracted to purchase 284 Mcf of natural gas per day from Burns from properties in the Southwest Lake Boeuf field, Lafourche Parish, La., at an initial price of \$1.75 per million Btu's. It is stated that Gim would use the transported gas solely for high priority uses for which no alternate fuel capability is technologically feasible.

Petitioner states that the maximum daily volume of 284 Mcf of natural gas which it proposes to transport for Gim must be added to the maximum daily volume of 2,461 Mcf which it is presently authorized to transport herein. Petitioner indicates that the present transportation rate for all volumes is 31.5 cents per dekatherm.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-3994 Filed 2-13-78; 8:45 am]

[6740-02]

[Docket No. ER77-614]

UNION ELECTRIC CO.

Order Granting Late Intervention

FEBRUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On September 26, 1977, Union Electric Co. tendered for filing proposed increases in rates for service to 15 wholesale customers under its new W-3 electric tariff, and to Missouri Power & Light Co. and to Missouri Utilities Co. Public notice of the filing was issued on September 28, 1977, with comments, protests or petitions to intervene due on or before October 12, 1977.

On January 9, 1978, the Secretary of the Army (Army) filed a late petition for leave to intervene in these proceedings. In support of the petition Army states that the Department of the Army operates, within the area served by the Union Electric Co., the Iowa Army Ammunition Plant, Burlington, Iowa, which purchases electric power under tariff W-2 (which will be superseded by W-3). The Secretary further states that the Department of the Army timely received notice of the filing but that it believed that its interests were sufficiently similar to those of other W-2 customers so that no separate intervention was warranted. However, according to pleadings recently filed with the Commission, the position taken by the W-2 defense group may not necessarily be in accord with the Army's position. Accordingly, the Department of the Army asserts that the issues in this proceeding will directly and substantially affect its interests which cannot be protected adequately by any other party, and that intervention by the Department of the Army would not broaden the issues, delay the proceedings, or prejudice the rights of any parties.

The Commission finds: Intervention in these proceedings by the Secretary of the Army may be in the public interest.

The Commission orders: (A) The Secretary of the Army is hereby per-

mitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, That participation by the Army shall be limited to matters affecting asserted interests as specifically set forth in the petition to intervene; and *Provided, further*, That the admission of the Army as intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-4000 Filed 2-13-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Receipt

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from January 30, 1978, through February 3, 1978. The date of receipt for each statement is noted in the statement summary. Under the guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (March 27, 1978). The thirty (30) day period for each final statement begins on the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: February 7, 1978.

JOSEPH M. McCABE,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

CONTACT: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 307A, Washington, D.C. 20250, 202-447-6827.

SOIL CONSERVATION SERVICE

Final

Deposit Watershed, New York, Broome, Chenango, and Delaware Counties, N.Y., February 3: Proposed is a project for watershed protection and flood prevention in Broome, Chenango, and Delaware Counties, N.Y. The planned works of improvement include conservation land treatment, supplemented by two floodwater retarding structures, channel work, and dikes in residential and agricultural areas. Installation of structures will result in the commitment of 4 acres of pasture, 18 acres of open land formerly cropped, 3 acres of forest land, 2 acres of urban land, and 900 feet of intermittent stream. Short-term increases in sediment and turbidity will also result. Comments made by: DOD, HEW, DOI, USDA, EPA, State and local agencies, groups and individuals. (ELR Order No. 80105.)

Tehuacana Creek Watershed, McLennan, Hill, and Limestone Counties, Tex., January 31: Proposed is a completion of a watershed project in McLennan, Hill, and Limestone Counties, Tex. The project contains provisions for needed land treatment measures on the watershed and the installation of 27 floodwater retarding structures, and channel work. Remaining land treatment measures are to be applied on about 11,000 acres of agricultural land and the remaining 23 grade stabilization structures, 3 floodwater retarding structures and 10.1 miles of channel work are to be installed for completion of the project. Destruction of wildlife habitat will occur on the 72 acres used for installation of dams and emergency spillways of structures. Comments made by: USA, DOI, HEW, DOT, EPA, USDA, State and local agencies. (ELR Order No. 80095.)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Beach Erosion Control Study, Key Biscayne, Key Biscayne County, Fla., January 31: This action involves the hydraulic excavation and placement of 371,000 cubic yards of sand on 2.4 miles of the southerly ocean shore of Key Biscayne to provide a 25-foot level berm at elevation 7 feet mean low water with gentle seaward slopes. Periodic nourishment to compensate for erosion losses would be provided as required. Material for partial beach restoration will be obtained from two areas located offshore beyond the grass beds in areas of shifting sand bottom. The benefit-cost ratio is 7.3 to 1. (ELR Order No. 8009.)

U.S. 321 Highway, Watauga County, N.C., February 3: Proposed is the improvement of the existing two lane U.S. 321 Highway by widening to a basic four-lane highway. The

NOTICES

ENVIRONMENTAL PROTECTION AGENCY

Improvement is 5.3 miles in length between Boone and Blowing Rock in Watauga County, N.C. Widening of the highway will require channel changes of Middle Fork Creek, a tributary of the south fork of the New River. The channel involves 3,550 feet of the stream. Widening of U.S. 321 will require reconstruction of 500 feet of the Blue Ridge Parkway and a new bridge 200 feet in length which carries parkway traffic over U.S.321. (ELR Order No. 80107.)

Draft
Flood Protection Project, Great Falls County, Mont., February 3: This draft supplement No. 4 presents the reevaluation of the project economics for the flood protection project on the Sun River at Great Falls, Mont., originally presented in section X of design memorandum No. MGS-1, July 1966, revised October 1966. Since the area is in a stable economic setting, relative to potential future changes in flood potential, and is economically feasible based on damage reduction to existing development alone, benefits are based on a 100-year project life discounted at 6.625 percent. Land use and damage data collected after the flood in 1975 were used in this analysis. (ELR Order No. 80106.)

Final

Kanopolis Lake, Kans., O&M, Ellsworth, McPherson, and Saline Counties, Kans., January 30: Proposed is the continued operation and maintenance of Kanopolis Lake, located in Ellsworth, McPherson, and Saline Counties, Kans. The plan includes water control operations, and operation and maintenance of project land and water resources. A major adverse effect is related to flood control operations. Shoreline erosion, disruption of recreation use and damage to project roads and recreation areas result from these fluctuations. (Kansas City District.) Comments made by: DOT, HEW, EPA, HUD, DOI, USDA, AHP, State agencies. (ELR Order No. 71536.)

Fire Island-Montauk Point Beach Erosion Project, Nassau and Suffolk Counties, N.Y., January 30: This EIS addresses all work, past and future, in conjunction with Fire Island Inlet to Montauk Point project authorized by the River and Harbor Act of 1960. The project provides for widening of beaches, raising dune elevations, installing sand fencing and planting grass on the dunes, and constructing interior drainage structures at Mecox Bay, Sagaponack Lake, and Georgia Pond. Temporary adverse impacts associated with construction will result and will last from 3 to 12 months at any specific site. (New York District.) Comments made by: EPA, GSA, USDA, DOC, HUD, DOI, HEW, DOD, State and local agencies, groups and individuals. (ELR Order No. 80085.)

Aquatic Plant Control, Florida, January 31: This statement supplements a final EIS filed with CEQ in September 1973 relating to the aquatic plant control program in Florida. It concerns the inclusion of hydrilla and water lettuce in the Corps' ongoing aquatic plant control program as authorized by section 302 of Pub. L. 89-298. The proposed control program calls for the herbicidal maintenance of fishing trails and open water areas in water bodies seriously infested with hydrilla, and localized treatments of water lettuce only when it poses a serious threat to water resource activities. (Jacksonville District.) Comments made by: GSA, DOI, DOC, EPA, State and local agencies. (ELR Order No. 80096.)

Contact: Mr. Joseph M. McCabe, Acting Director, Office of Federal Activities, Room WSMW 537, 401 M Street SW., Washington, D.C. 20460, 202-755-0780.

Draft

Wastewater Treatment Plan, Los Angeles, Los Angeles County, Calif., January 30: The city of Los Angeles is in the process of completing a plan to meet city sewage treatment needs for the next 25 years. This plan is part of the city's continued long-range planning effort designed to improve the quality of city environment. A range of alternative technical processes, treatment plant locations, and facilities modifications and additions are identified and evaluated. The city has also developed a number of facilities modifications or additions designed to satisfy flow and treatment capacity requirements over the next 25-year planning period. (ELR Order No. 80086.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director, Environmental Affairs Division, General Services Administration, 18th and F Streets NW., Washington D.C. 20405, 202-566-0405.

Draft

Southeast Federal Center, February 3: Proposed is the development of the 60.5 acre southeast Federal Center site (Navy Yard Annex) as a 15,000 employee administrative office complex. This site is located in the southeast area of Washington, D.C., and is bounded by the east, the Anacostia River to the south, First Street to the west and M Street to the north. Implementation of the proposed action is expected to take 20 years, beginning in 1980 and extending through the year 2000. (EDC 78001.) (ELR Order No. 80100.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Tallow Wood Subdivision, Harris County, Tex., February 3: The proposed action is for the Department of Housing and Urban Development to accept for HUD-FHA Home Mortgage Insurance purposes under section 203(B) of title II of the National Housing Act of 1943, some 224 acres of land located in the northwestern portion of Harris County, Tex. It is proposed that this tract of land be developed into a subdivision composed primarily of single family dwellings (approximately 1,000 units). (ELR Order No. 80102.)

Highland Creek Village Subdivision, Harris County, Tex., February 3: The proposed action is for the Department of Housing and Urban Development to accept HUD-FHA Mortgage Insurance purposes, authorized under section 203(B) of title II of the National Housing Act of 1934, the 541 acre Highland Creek Village Subdivision is located in Harris County, Tex. When completed in approximately 9 years, the subdivision will contain approximately 2,400 single family homes. If accepted by HUD a beneficial impact would be the provisions of needed housing within the growing community of Metro Housing. Also it will be influenced by NEPA requirements and HUD

minimum property standards (HUD-R08EIS-78-9D). (ELR Order No. 80103.)

Final

Stonefield Subdivision, Charleston County, S.C., January 30: Proposed is the approval of HUD-FHA Mortgage Insurance for the Stonefield Subdivision in the Charleston area, South Carolina. The development will consist of 1,079 dwelling units on a 330-acre tract of land. Development plans include a golf course with club facilities, tennis courts, swimming pools, and a boat basin/marina. Adverse effects will be conversion of open and wooded land to urban use, and some increase in storm water runoff into Clark Sound and Seaside Creek. Comments made by: EPA, COE, DOD, FPC, GSA, HEW, ERDA, DOT, SCS, DOC, State and local agencies, and concerned groups and individuals. (ELR Order No. 80090.)

Westpoint Development, Tarrant County, Tex., February 3: Proposed is the acceptance of the 1,311-acre Westpoint Development for mortgage insurance purposes. The Development, located on Interstate 20 and West Loop 820 approximately 9 miles west of the Fort Worth central business district, is designed to accommodate a 1985 population of 13,300 persons with a housing supply of 4,600 units. Of these housing units, 3,650 are single-family homes and 950 units are apartments, cluster, condominiums, townhomes duplexes, and other multifamily units. The proposed development also provides for schools, parks, commercial and shopping centers, and other community facilities. Comments made by: EPA, DOT, USDA, DOI, DOD, VA, State and local agencies. (ELR Order No. 80101.)

SECTION 104 (H)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(h) of The 1974 Housing and Community Development Act. Copies may be obtained from the Office of the Appropriate Local Chief Executive. Copies are not available from HUD.

Final

Vallejo, Calif.—Vallejo River Park, Soland County, Calif., January 30: Proposed is the development of a neighborhood-community park located in northwest Vallejo, adjacent to Mare Island Strait in Soland County, Calif. The site is 3,800 feet in length and about 630 feet in average width, with approximately one-half mile of water frontage. The park will total approximately 75 acres and will be known as River Park. Phase 1 will include tennis courts, soft-ball complex, and overlook picnic area. Phase 2 will include the east picnic area, children's playground, and miscellaneous facilities. Comments made by: DOI, COE, State and local agencies, groups and individuals. (ELR Order No. 80091.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Proposed 1978 OCS Oil and Gas Lease, OCS No. 65, several counties in Florida, Ala-

bama, and Mississippi, January 31: proposed is the OCS sale No. 65 which involves the offering of 116 tracts for leasing for the extraction of oil and gas. The tracts are located on the Outer Continental Shelf in areas located west, south, and east of that portion of the States of Florida, Alabama, Mississippi, and Louisiana that border on the Gulf of Mexico. The largest portion is located off the coast of Florida, with the exception of two tracts, each tract contains 5,760 acres. The total area offered in all tracts amounts to 667,229.28 acres. (ELR Order No. 80094.)

BUREAU OF RECLAMATION

Supplement

Garrison Diversion Plan, several counties in North Dakota, February 2: proposed is the Garrison Diversion Unit, of the Pick-Sloan Missouri Basin in North Dakota. The Department of the Interior has prepared this draft supplemental environmental impact statement which presents six alternative plans ranging from foregoing additional construction to development of the unit as authorized by Congress in 1965 (DES 78-2). (ELR Order No. 80098.)

STATE DEPARTMENT

Contact: Mr. Cameron Sanders, Office of Environmental Affairs, Department of State, Washington, D.C. 20520, 202-632-9169.

Draft

Antarctic Living Marine Resources, February 1: The United States will participate in the negotiation of a regime to conserve Antarctic marine living resources. All living resources in waters south of the Antarctic convergence, except whales and except seals south of 60° south latitude, are affected. The purpose of the regime would be to ensure that any harvesting of Antarctic marine living resources take place in accordance with sound conservation principles. There are no present or proposed commercial fishing operations by the United States in Antarctic waters. (ELR Order No. 80097.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Greenbrier Valley Airport, Greenbrier County, W. Va., January 30: Proposed is the improvement of the Greenbrier Valley Airport in Lewisburg, W. Va. The project includes construction of a runway and parallel taxiway extension, acquisition of 80 acres for a navigation easement for clear zone purposes, and relocation of the existing approach lighting system. Plans also call for the construction of additional aircraft parking apron, automobile parking facilities, and pavements to "T" hangars and general aviation parking. The runway extension will allow a heavier operating payload for the B-737 aircraft, resulting in increased noise levels. Comments made by: FAA, CEQ, EPA, USDA, HUD, DOI, State and local agencies, and groups and individuals. (ELR Order No. 80089.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Improvement Act of 1978, January 30: Proposed is the Highway and Public Trans-

portation Improvement Act of 1978, to provide for the continuation of Federal transportation assistance programs at significant levels, and the allocation of government transportation expenditures. The legislation would give the States and localities which carry out these programs a new ability to program their activities in a balanced and effective way. Consideration of energy conservation air quality, environmental quality, effects on minorities, housing, land use, and future development. (ELR Order No. 80088.)

Final

I-93, Littleton, N.H.—Waterford, Vt., January 30: This statement is a supplement to a final EIS approved by the Department of Transportation, July 8, 1974. The proposed action is the construction of a 4-lane, 6.5 mile section of Interstate 93 between New Hampshire Route 18 at Littleton, N.H., and the Vermont bank of the Connecticut River in the town of Waterford, Vt. Adverse effects include the acquisition of 380 acres of land and the displacement of 2 families (Region 1, 175 pages). Comments made by: DOT, DOI, EPA, USDA, HEW, HUD, DOC, COE, FEA, State, regional, and local agencies, and groups and individuals. (ELR Order 880087.)

Supplement

SR 5, South 272d Street, King County, Wash., February 3: The proposed project is a diamond interchange, park and ridge lot, and flyer stop which is to be constructed on Interstate 5 ST, South 272d Street approximately 10 miles south of the Seattle corporate limits in King County, Wash. This environmental impact statement for alternative design of the interchange was approved in 1973. The park and ridge lot, designated as site A contains approximately 500 stalls and a ramp level flyer stop. This report has been prepared to outline the impacts associated with the interchange and the inclusion of the park and ridge lot and flyer stop. (ELR Order No. 80104.)

U.S. COAST GUARD

Draft

Tanker Safety and Pollution Prevention, February 3: This impact statement covers U.S. participation in the International Conference on Tanker Safety and Pollution Prevention, February 1978, in London, England, and possible U.S. implementation of the standards adopted by this conference. The objective is to obtain international action to improve tanker safety and pollution prevention standards. The changes are being sought to reduce oil pollution from tanker accidents and routine operational discharges, and to reduce the risk of tanker accidents and resulting loss of life and property damage. (ELR Order No. 80099.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Peter Krenkel, Director of Environmental Planning, Tennessee Valley Authority, 720 Edney Building, Chattanooga, Tenn. 37401, 615-755-3161, PTC 854-3161.

Final

Yellow Creek Nuclear Plant, Tishomingo County, Miss., January 31: The proposed action is the construction and operation of a 2-unit nuclear plant in Tishomingo County, Miss. Baseloaded coal-fired and nuclear-fueled units would help meet the 1985-1986 peak load. There would be a slight increase

in temperature of water returned to Pickwick Lake. Fish larvae drawn into the closed cooling system could result in reductions of some adult and juvenile fish stocks in Yellow Creek embankment. Comments made by: ERDA, CEQ, EPA, FPC, USDA, FEA, DOC, DOD, HEW, HUD, and DOI. (ELR Order No. 80092.)

[FR Doc. 78-3970 Filed 2-13-78; 8:45 am]

[6560-01]

[FRL 854-5]

NPDES PERMIT PROGRAM

Open Meeting

Notice is hereby given that an informal discussion session has been scheduled for 9:30 a.m., March 6, 1978, at Waterside Mall, Room 3906, 401 M Street SW., Washington, D.C.

The purpose of the meeting is to receive comments from the public concerning provisions of the Clean Water Act of 1977 relating to the NPDES permit program.

Because of the size of the room, attendance must be held to the first 100 that request reservations. If needed, other meetings will be scheduled at a later date.

Those wishing to attend the meeting should contact Mr. Edward A. Kramer, Permits Division (EN-336), 401 M Street SW., Washington, D.C. 20460. The telephone number is area code 202-755-0750.

MARVIN B. DURNING,
Assistant Administrator
for Enforcement.

FEBRUARY 8, 1978.

[FR Doc. 78-3971 Filed 2-13-78; 8:45 am]

[6560-01]

[FRL 855-1; OPP-180173]

FLORIDA DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Heptachlor To Control West Indian Sugarcane Rootstalk Borer Weevil on Ornamental Plants and Nonbearing Citrus

The Environmental Protection Agency (EPA) has granted a specific exemption to the Florida Department of Agriculture (hereafter referred to as the "Applicant") to use a five (5) percent granular heptachlor formulation as a soil treatment to control the West Indian Sugarcane Rootstalk Borer Weevil on ornamental plants and nonbearing citrus nursery stock in 13 counties in Florida. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For

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more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the West Indian Sugarcane Rootstalk Borer Weevil (*Diaprepes abbreviatus*) poses a serious threat to the citrus, ornamental and sugarcane industries in the State of Florida. The first serious infestation of this pest occurred in 1968 on about 2,500 acres in Orange County. At present, it is estimated by the Applicant that about 4,726 acres of citrus are affected. A quarantine has been enacted by the State of Florida under which about 38,314 acres are regulated. This acreage surrounds the largest foliage nursery industry in the United States; income from the containerized ornamental industry in this area is about \$156 million, according to the Applicant. Although the heavily concentrated growing areas of foliage and containerized ornamentals are not presently infested, the weevil infestations in citrus are in dangerous proximity. It is felt that the weevil will infest the foliage growing area soon, because the adult can easily fly the distance involved. This pest, however, can also be spread in potting soil and on foliage through intrastate and interstate commerce. The State of California has enacted a quarantine prohibiting the shipment of nursery stock to California from Puerto Rico and the weevil-infested areas in Florida unless they are certified as uninfested. According to the Applicant, if a soil treatment is not used for potting medium, Hawaii, Louisiana, Texas, and other important market areas for nursery products may also enact quarantines. Loss of this market would be economically detrimental.

This pest is known to be very damaging to citrus and a number of other host plants. The adults feed and lay their eggs upon the foliage of the host plant. About seven days after the eggs hatch, the larvae drop from the leaves and burrow into the soil; they remain in this stage for 24-30 months during which they feed on both the stem and root system causing loss of fruit production and tree mortality. The weevil is considered a threat to the entire \$500 million citrus industry; it is also considered to be a threat to the important sugarcane industry in Florida, valued at \$334 million, the Applicant stated. This pest is known to feed on 40 native plant species in Florida and is a threat to fragile ecosystems such as the Florida Everglades.

Accordinging to the United States Department of Agriculture, research programs on biological and chemical control of this pest are in progress. Field tests have shown that spray oil can control weevil eggs; orthane can

control adult weevils; Mocap liquid, CGA 12223, and Furadan show control of newly-hatched larvae. Dimilin, an insect growth regulator, has also shown promise under grove conditions. However, none of these compounds are registered for use against the weevil. The larval stage is the most destructive period of this pest's life cycle, and it is in this form that it is transported in potted plants. Consequently, in foliage nurseries, an insecticide in the potting soil mix is the preferred method of controlling newly-hatched larvae entering the soil. One hundred percent control of these larvae must be achieved. According to the Applicant, heptachlor is the only material that has achieved this degree of control, even though it is unregistered for this use.

On December 24, 1975, the Administrator, EPA, issued a Decision and Order suspending the registration of heptachlor and chlordane for some but not all uses; on January 19, 1976, a clarification of the suspension order was issued. The use of heptachlor and chlordane on Florida citrus crops to control root weevils was exempted from the suspension order. Subsequently, a specific exemption was granted to the Applicant in 1976 for the use of 40,000 pounds of a five percent granular heptachlor formulation as a soil (growing medium) amendment at a rate of 0.2 ounce active ingredient per cubic yard for the control of this weevil in ornamental plants and nonbearing citrus in Seminole, Orange, and Broward counties.

Infestations of this pest have been confirmed in Florida. The Applicant stated that the pest is under control at present in the area regulated under the quarantine, and in which the heptachlor use was authorized in last year's specific exemption; however, infestations have developed in nurseries located outside of the regulated area, especially in Broward County.

This request for a specific exemption is similar to the 1976 submission, except that this one asked not only that the use of heptachlor be allowed to control the pest in the regulated (quarantined) areas, but also that the use should be extended to control the pest in unregulated areas where infestations may occur. The Applicant requested that heptachlor be used in potting soil as an amendment in all nurseries in regulated or unregulated areas which receive shipments from Puerto Rico; moreover, this treatment would be required once infestations have been confirmed.

After reviewing the application and other available information, EPA has determined that: (a) An outbreak of the West Indian sugarcane rootstalk borer weevil has occurred; (b) there is no pesticide presently registered and available for use to control this pest in

Florida; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the pest is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 1, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Treatment shall be limited to nurseries located in the regulated area in Orange and Seminole Counties, and to nurseries located in the unregulated areas in Broward, Orange, Seminole, Dade, Palm Beach, Manatee, Sarasota, Valusia, Lake, Polk, Brevard, Charlotte, and Collier counties, once infestations of the pest have been confirmed;

2. Heptachlor shall be used at a rate of 0.2 ounces active ingredient per cubic yard;

3. The maximum quantity of heptachlor authorized to be used is limited to 2,000 pounds active ingredient (40,000 pounds of a five percent granular heptachlor formulation);

4. The use of heptachlor shall be restricted to use as a soil treatment for bedded, nonbearing citrus nursery stock which is at least two years from commercial fruit production and as an amendment to planting medium for potted ornamentals;

5. Application of heptachlor shall be restricted to bedded nursery stocks and shall not be applied to fieldgrown nursery stock;

6. Applicators shall wear protective clothing and use proper equipment to minimize their exposure to heptachlor; these shall consist of a respirator, goggles, helmet, face protector, gloves, and waterproof boots;

7. The Florida Division of Plant Industries and the U.S. Department of Agriculture will supervise the application of heptachlor;

8. The Applicant shall continue to vigorously pursue research to develop alternative products to control this pest;

9. A final report shall be submitted to EPA by October 31, 1978, summarizing the results of this program;

10. The EPA shall be informed immediately of any adverse effects to man or the environment resulting from this program; and

11. The Applicant shall be responsible for insuring that all the provisions of this specific exemption are observed.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136 et seq.))

Dated: February 3, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.
(FR Doc. 78-3974 Filed 2-13-78; 8:45 am)

[6560-01]

[FRL 855-2; OPP-180174]

OREGON DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Use Paraquat To Control Certain Weeds in Peppermint Fields

The Environmental Protection Agency (EPA) has granted a specific exemption to the Oregon Department of Agriculture (hereafter referred to as the "Applicant") to use a paraquat formulation to control certain annual, biennial, and perennial weeds in peppermint fields. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the peppermint is western Oregon and in various other parts of the State is now grown under a non-tillage system as a cultural method to prevent the spread of *Verticillium* wilt. This has caused an extreme pressure from various kinds of weeds. The major weeds occurring during the dormant season of the peppermint are Italian ryegrass (*Lolium multiflorum*), common groundsel (*Senecio vulgaris*), and several other annual, biennial and perennial weed species. These weeds, the Applicant stated, germinate in the fall, grow vigorously during the winter season, and literally overwhelm the emerging peppermint in the spring. Treatment to combat these weeds should be made while the peppermint is dormant.

Only three herbicides are presently registered for use on peppermint: Terbacil, Trifluralin, and Diuron. According to the Applicant, none of these are adequate to control the pest weeds. Data submitted by the Applicant indicated that paraquat (1,1-Dimethyl-4,4'-bipyridinium ion) seems to be the only effective herbicide which can be used in a pest management system which relies exclusively on cultural methods for mint disease control.

The Applicant proposed to use a paraquat formulation on a maximum of

15,000 acres located mainly in the Willamette Valley of western Oregon; some of this acreage is also located in southern, central, and eastern Oregon. A total of 11,250 pounds of the active ingredient will be required. Applications will be made by ground equipment using 20 to 50 gallons of water. Either State-licensed commercial applicators or growers who have qualified as private applicators will make such treatments.

The Applicant estimated that growers with weed-infested fields will lose an average of at least 15 pounds of mint oil per acre. Maximal losses of 45 pounds per acre have also occurred. The current price of mint can range from over \$200-\$600 per acre. Hand labor can be used for the removal of certain perennial and biennial weeds when in sparse stands, but the ryegrass and groundsel cannot be economically removed by hand. This labor cost could also reach several hundred dollars per acre. In addition to the short-term economic impact of these weeds, another concern is the accumulation of millions of weed seeds in the soil to cause future problems.

There does not appear to be any potential irreversible hazard to the environment as a result of this short-term use of paraquat. The use of paraquat on peppermint, a minor crop, will not significantly increase the amount of residues in the total diet of man or domestic animals.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of various weeds in peppermint fields has or is about to occur; (b) there is no pesticide presently registered and available for use to control these weeds in Oregon; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the weeds are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until March 31, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Paraquat formulations containing 2 pounds active ingredient/gallon may be used at a dosage rate of from 1 to 3 pints product (0.37-0.75 pounds A.I.) per 20 to 50 gallons of water/acre. If the high dosage rate is used, only a single application may be made. Two applications may be made at the low (0.37 lb./acre) dosage rate;

2. Applications may be made by either State-licensed commercial applicators or growers who have qualified as private applicators. Applications

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must be restricted to ground equipment only;

3. Applications rates and procedures for specific farms will be recommended by qualified Oregon State University Extension agents;

4. A residue level of paraquat not exceeding 0.05 ppm in mint oil has been deemed adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

5. The fresh peppermint forage must be used only for the distillation of mint oil. The spent hay must not be fed to livestock;

6. All label precautions and restrictions must be adhered to;

7. The EPA shall be immediately informed of any adverse effects resulting from the use of paraquat in connection with this exemption; and

8. A full report summarizing the results of this program must be submitted to the EPA by the end of March 1979.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751, (U.S.C. 136 et seq.))

Dated: February 3, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.
(FR Doc. 78-3975 Filed 2-13-78; 8:45 am)

[6560-01]

[FRL 854-2]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE

Open Meeting

As required by Pub. L. 92-463, notice is hereby given that a meeting of the Executive Committee of the Science Advisory Board will be held beginning at 9 a.m., March 2 and 3, 1978, in Room 1101 West Tower, U.S. Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C.

This meeting is a regularly scheduled meeting of the Committee. The Committee will be discussing the anticipatory research plan, the five year plan and review of regulations, the report to Congress on long range research, and will be briefed on selected Agency issues and activities.

The meeting is open to the public, any member of the public wishing to attend or obtain additional information should contact Dr. Richard M. Dowd, Executive Secretary, Executive Committee, Science Advisory Board,

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202-755-0263 by close of Business February 28, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

FEBRUARY 8, 1978.

[FR Doc. 78-3972 Filed 2-13-78; 8:45 am]

[6560-01]

[FRL 854-4; OPP-42028C]

STATE OF DELAWARE

State Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides; Approval Status

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA).

On November 9, 1976, the Delaware State Plan was approved contingent upon promulgation of necessary regulations implementing the legislation. Notice of contingent approval was published in the FEDERAL REGISTER on November 30, 1976 (41 FR 52512). On October 21, 1977, the Regional Administrator, EPA, Region III extended contingent approval of the Delaware State Plan until December 31, 1977 to allow for promulgation of necessary regulations. Notice of extension of contingent approval was published in the FEDERAL REGISTER on November 11, 1977 (42 FR 58780).

On January 1, 1978, regulations necessary to implement the Delaware legislation were promulgated. Having reviewed these regulations and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA, Region III, hereby gives notice that the Delaware State Plan is fully approved.

Dated: January 31, 1978.

JACK J. SCHRAMM,
Regional Administrator,
Region III.

[FR Doc. 78-3973 Filed 2-13-78; 8:45 am]

[6560-01]

[FRL 855-3; OPP-180175]

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Benomyl To Control Fungus on Cabbage, Cauliflower, Broccoli, and Brussels Sprout Seeds

The Environmental Protection Agency (EPA) has granted a specific exemption to the Washington State

Department of Agriculture (hereafter referred to as the "Applicant") to use benomyl on commercial cabbage, cauliflower, broccoli, and brussels sprout seeds in western Washington to control infestations of the fungus *Phoma lingam*, which causes the plant disease called "blackleg". This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20480.

According to the Applicant, *Phoma lingam*, the causal agent of blackleg disease in these crucifers (plants of the family *Cruciferae*), is frequently present on seed, but epidemic outbreaks depend on the weather conditions in seed growing, transplant and food production areas. The organism, which may remain viable on plant debris for up to four (4) years, can be introduced into new fields by seed transmission. The Applicant stated that a disastrous outbreak of cabbage blackleg occurred in the eastern cabbage growing States in 1973 as a result of seed transmission of *Phoma lingam*. In that year, cabbage growers suffered a ten (10) percent loss of the nation's cabbage crop to blackleg and blackrot; the cabbage seed growing industry of Washington State was threatened by lawsuits and the potential loss of insurance coverage.

About 1,000 acres of cabbage are grown for seed in the Skagit Valley region in western Washington. The Applicant estimated that 80 percent of the nation's and 30 percent of the world's cabbage seed supply is produced in this area. Moreover, about 100 acres of cauliflower, broccoli, and brussels sprouts are grown for seed in the area. This specific exemption requested treatment of up to 1,000,000 pounds of seed; treatment will be dependent on confirming the presence of the organism. Disease control requires both the treatment of seed used for seed production and of commercial seed lots. Benomyl (Benlate 50% Wettable Powder; EPA Reg. No. 352-354) will be applied at the rate of eight ounces Benlate formulation in sufficient water for seed coverage per hundred pounds of seed. The Applicant stated that other pesticides and cultural practices have been unsuccessful in controlling the disease. A single benlate application will be made on seed produced in 1977 for the 1978 commercial acreage; personnel of seed

companies or seed contractors will make the applications.

It should be noted that a rebuttable presumption against registration of pesticide products containing benomyl was published on December 6, 1977 (42 FR 61788); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of the fungus *Phoma lingam* has occurred; (b) there is no pesticide presently registered and available for use to control the fungus in Washington State; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the fungus is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until April 30, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. A benomyl product, Benlate 50% Wettable Powder (EPA Reg. 352-354), will be used;

2. Benomyl will be applied at a maximum rate of eight (8) ounces of the product (four (4) ounces active ingredient) in sufficient water to treat one hundred (100) pounds of seeds;

3. Each seed lot may receive no more than a single application of benomyl;

4. Application of benomyl will be restricted to seeds which are determined to be infected or to seeds from areas where *Phoma lingam* is known to be present;

5. A maximum of one million pounds of seeds may be treated;

6. Treated seeds will not be used for food, feed, or any other use except planting, and all shipments of seed must be so labeled;

7. EPA has determined that residues of benomyl resulting from this use are not likely to exceed 0.20 ppm in cabbage and cauliflower and 0.40 ppm in broccoli and brussels sprouts; cabbage, cauliflower, broccoli, and brussels sprouts with residues not exceeding these levels may be shipped in interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. Only seeds intended for commercial planting may be treated with benomyl. Benomyl-treated seed will be clearly labeled as such;

9. The Applicant is responsible for insuring that the restrictions of this specific exemption are met, and must submit a report summarizing the results of this program by August 30, 1978;

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10. The Applicant will insure that residue data will be obtained to support tolerances for residues of benomyl in or on broccoli and brussels sprouts;

11. All applicable directions, restrictions, and precautions on the EPA-registered label must be followed;

12. The EPA shall be immediately informed of any adverse effects resulting from use of benomyl in connection with this exemption; and

13. All applications will be made by seed treating personnel of the seed companies or seed contractors. Personnel of these companies must be certified and must wear dust masks when treating crucifer seeds with benomyl. (Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136 et seq.))

Dated: February 3, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 78-3976 Filed 2-13-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

LATIN AMERICA/PACIFIC STEAMSHIP CONFERENCE ET AL.

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the field offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 6, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 8660-8.

Filing party: F. Conger Fawcett, Esq., Graham & James, One Maritime Plaza, San Francisco, Calif. 94111.

Summary: Agreement No. 8660-8, among the member lines of the Latin America/Pacific Coast Steamship Conference, amends the basic conference agreement by extending the scope thereof to include movements by intermodal, overland routes connecting with all-water movements from or to United States Atlantic and Gulf ports. The amendment also defines what is to be considered as maintaining a regular service, and how the failure to maintain such service will affect the voting rights of the member lines.

Agreement No. 10203-2.

Filing party: R. A. Velez, Secretary, Japanese-American Discussion Agreement, 417 Montgomery Street, San Francisco, Calif. 94104.

Summary: Agreement No. 10203-2 is an application filed on behalf of American Export Lines, Inc., American President Lines, Ltd., Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Lykes Bros. Steamship Co., Inc., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Pacific Far East Lines, Inc., Sea-Land Service, Inc., Showa Line, Ltd., States Steamship Co., United States Lines, Inc., Yamashita-Shinnihon Steamship Co., Ltd., and Waterman Steamship Corp. to extend the duration of the Japanese-American Discussion Agreement for a period of 6 months beyond the present expiration date of March 30, 1978.

Agreement No. 10321.

Filing parties: Seymour H. Kligler, Esq., Brauner, Baron, Rosenzweig, Kligler & Sparber, 120 Broadway, New York, N.Y. 10005; and Thomas K. Roche, Esq., 21 West Main Street, Oyster Bay, N.Y. 11771.

Summary: Agreement No. 10321, by and among Empresa Lineas Maritimas Argentinas S.A., Montemar S.A. Comercial y Maritimas and Olvind Lorentzen, Ltd. (Nopal Atlantic Lines), is a quota division agreement whereby the parties have established individual shares for themselves of the 20 percent quota made available to non-national flag lines pursuant to the terms of Agreement No. 10320, a pooling agreement among the national flag lines in the northbound trade from ports of Brazil within the Rio Grande/Vitoria range, both inclusive, to ports of the United States on the Gulf of Mexico.

Agreement No. 10323.

Filing party: William Levenstein, Esq., Dross, Katz, Levenstein & Karpel, Langley Professional Building, Suite 404, 7676 New Hampshire Avenue, Langley Park, Md. 20783.

Summary: Agreement 10323 is a space charter agreement between the Korea Shipping Corp. and the Dalichi Chuo Kisen Kaisha whereby each has agreed to charter space aboard vessels owned or operated by the other as circumstances require in order to accommodate certain cargoes to be transported from Korea and/or Japan to ports of the United States except those of the St. Lawrence River and Great Lakes.

Agreement No. T-3047-1.

Filing party: Leslie E. Still, Jr., Deputy, Offices of the City Attorney of Long Beach, City Hall, 333 West Ocean Boulevard, Long Beach, Calif. 90802.

Summary: Agreement No. T-3047-1, between City of Long Beach (City) and Forest Terminals Corp. (Forest), amends the parties' basic agreement which provides for the nonexclusive preferential assignment to Forest (formerly Building Materials Terminal, Inc.) of certain berthing facilities and the exclusive assignment to Forest of particular land areas including improvements thereon and transit shed offices. The sole purpose of this amendment is to adjust the compensation year, which presently commences on the first day of April of each year, to make it correspond to Forest's fiscal year, which is on a calendar year basis.

Agreement No. T-3575.

Filing party: H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Summary: Agreement No. T-3575, between the Port of Seattle (Port) and Simmons Tug & Barge (Simmons), provides for the Port's 1-year renewable lease to Simmons of certain premises at the Port of Seattle, Wash., to be used for the purpose of mooring, repair, and maintenance of Simmons' tugs and barges, and other activities incidental thereto. As compensation, Simmons shall pay the Port \$1,300.00 per month.

Agreement No. T-3576.

Filing party: Joe H. Hamner, Jr., Esq., Board of Commissioners of the Port of New Orleans, P.O. Box 60046, New Orleans, La. 70160.

Summary: Agreement No. T-3576, between the Board of Commissioners of the Port of New Orleans (Port) and Puerto Rico Maritime Shipping Authority (PRMSA), provides for the Port's 25-year renewable term lease to PRMSA of France Road Berth No. 4, Container Wharf and Terminal at the Port of New Orleans, La. The Port agrees to construct terminal facilities at these premises, the cost of which shall not exceed \$5,500,000. PRMSA shall use the premises for the operation of a container terminal for berthing and handling of vessels owned, chartered, or operated by

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

Dated: February 3, 1978.

SUZANNE L. FREMEAUX,
Committee Management
Officer,
National Institutes of Health.
[FR Doc. 78-3881 Filed 2-13-78; 8:45 am]

[4110-08]

BOARD OF SCIENTIFIC COUNSELORS DIVISION
OF CANCER TREATMENT

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, DCT, National Cancer Institute, March 13-14, 1978, at the Baltimore Cancer Research Center, Baltimore, Md. This meeting will be open to the public on March 13, 1978, from 8:30 a.m. to 9:30 a.m. at which time there will be a tour of the facilities. The meeting will again be open to the public at 1:30 p.m. til 5 p.m. on March 13, 1978, and on March 14, 1978 from 8:30 a.m. til 5 p.m. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 13, 1978, from 10 a.m. to 12 noon, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Vincent T. DeVita, Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A-52, National Institutes of Health, Bethesda, Md. 20014, 301-496-4291 will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: February 3, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-3877 Filed 2-13-78; 8:45 am]

[4110-08]

GENERAL MEDICINE A STUDY SECTION

Meeting

Notice is hereby given of a change in the meeting date of the General Medicine A Study Section, Division of Research Grants, which was published in the FEDERAL REGISTER on January 13, 1978 (43 FR 2004).

The General Medicine A Study Section will meet as scheduled March 6-8, 1978, in Conference Room 10, Building

31, National Institutes of Health, Bethesda, Md. However, they will hold an additional session on March 5, 1978, at 6 p.m. until recess, also in Conference Room 10, Building 31. This session will be closed to the public under sections 552b(c)(4) and 552b(c)(6) of Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463, for the review of individual research grant applications.

The open portion of this meeting will be held on March 6, 1978, at 8:30 a.m. for approximately one hour.

Dated: February 3, 1978.

SUZANNE L. FREMEAUX,
Committee Management
Officer,
National Institutes of Health.
[FR Doc. 78-3876 Filed 2-13-78; 8:45 am]

[4110-08]

GENERAL RESEARCH SUPPORT PROGRAM
ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a special meeting of the General Research Support Program Advisory Committee (GRSPAC), Division of Research Resources, March 30, 1978, from 9 a.m. to 5 p.m. at the Marriott Hotel, Atlanta, Ga. 30303. The entire meeting will be open to the public.

Junior colleges were authorized for participation in the MBS program on June 30, 1975. Proposed guidelines for the review of minority biomedical support applications from junior colleges will be developed by the GRSPAC and reviewed at the May 25-26, 1978, meeting of the National Advisory Research Resources Council. These guidelines will be used to review junior college applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Md. 20014, telephone area code 301-496-5545, will provide summaries of meetings and rosters of committee members. Dr. Sidney A. McNairy, Jr., Executive Secretary, General Research Support Program Advisory Committee, Building 31, Room 5B33, Bethesda, Md. 20014, telephone area code 301-496-6743, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375 National Institutes of Health.)

Dated: February 3, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-3879 Filed 2-13-78; 8:45 am]

[4110-08]

GENERAL RESEARCH SUPPORT PROGRAM
ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Research Support Program Advisory Committee, Division of Research Resources, March 2 and 3, 1978, from 9 a.m. to 5 p.m. at the Holiday Inn, Bethesda, Md.

The meeting will be open to the public from 9 a.m. to 1:30 p.m. on March 2, 1978, to discuss administrative matters relating to the minority biomedical support program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 2, 1978, from 1:30 p.m. to 5 p.m. and on March 3, 1978, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications submitted to the minority biomedical support program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Md. 20014, telephone area code 301-496-5545, will provide summaries of meetings and rosters of committee members. Dr. Sidney A. McNairy, Jr., Executive Secretary of the General Research Support Program Advisory Committee, Building 31, Room 5B33, Bethesda, Md. 20014, telephone area code 301-496-6743, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, National Institutes of Health.)

Dated: February 3, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-3875 Filed 2-13-78; 8:45 am]

[4110-08]

HEART, LUNG, AND BLOOD RESEARCH
REVIEW COMMITTEE B

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, March 31 and April 1, 1978, Conference Room 7, Building 31, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on March 31, 1978 from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, United States Code, and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on March 31, 1978, from 9:30 a.m. until adjournment on April 1, 1978, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Henry G. Roscoe, Executive Secretary, NHLBI, NIH, Room 554, Westwood Building, Bethesda, Md. 20014, phone 301-496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, 13.838, 13.839, National Institutes of Health.)

Dated: February 3, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-3880 Filed 2-13-78; 8:45 am]

[4110-08]

NIH PUBLIC ADVISORY COMMITTEES

Committee Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

Advisory Committee to the Director, National Institutes of Health
Allergy and Immunology Study Section
Applied Physiology and Orthopedics Study Section
Artificial Kidney-Chronic Uremia Advisory Committee
Bacteriology and Mycology Study Section
Biochemistry Study Section
Biomedical Library Review Committee
Biophysics and Biophysical Chemistry A Study Section
Biophysics and Biophysical Chemistry B Study Section
Board of Scientific Counselors, National Institute on Aging
Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases

Board of Scientific Counselors, National Institute of Child Health and Human Development
Board of Scientific Counselors, National Institute of Environmental Health Sciences
Cell Biology Study Section
Developmental Behavioral Sciences Study Section
Endocrinology Study Section
General Medicine A Study Section
Maternal and Child Health Research Committee
Mental Retardation Research Committee
National Advisory Child Health and Human Development Council
National Advisory Environmental Health Sciences Council
National Arthritis, Metabolism, and Digestive Diseases Advisory Council
Oral Biology and Medicine Study Section
Population Research Committee

Authority for the above committees will expire on May 31, 1979, unless the Secretary formally determines that continuance is in the public interest.

Allergy and Clinical Immunology Research Committee
Arteriosclerosis and Hypertension Advisory Committee
Blood Diseases and Resources Advisory Committee
Board of Scientific Counselors, National Eye Institute
Board of Scientific Counselors, National Heart, Lung, and Blood Institute
Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases
Cardiology Advisory Committee
Cardiovascular and Pulmonary Study Section
Clinical Applications and Prevention Advisory Committee
Clinical Trials Review Committee
Communicative Sciences Study Section
Experimental Psychology Study Section
Heart, Lung, and Blood Research Review Committee A
Heart, Lung, and Blood Research Review Committee B
Immunobiology Study Section
Lipid Metabolism Advisory Committee
Microbiology and Infectious Diseases Advisory Committee
National Advisory Allergy and Infectious Diseases Council
National Advisory Eye Council
National Heart, Lung, and Blood Advisory Council
Neurology A Study Section
Physiological Chemistry Study Section
Pulmonary Diseases Advisory Committee
Radiation Study Section
Research Manpower Review Committee
Sickle Cell Disease Advisory Committee
Surgery, Anesthesiology and Trauma Study Section
Toxicology Study Section
Transplantation Biology and Immunology Committee
Vision Research Program Committee

Authority for the above committees will expire on June 30, 1979, unless the Secretary formally determines that continuance is in the public interest.

Dated: February 2, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.

[FR Doc. 78-3882 Filed 2-13-78; 8:45 am]

[4110-08]

PHARMACOLOGY-TOXICOLOGY RESEARCH
PROGRAM COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pharmacology-Toxicology Research Program Committee, National Institute of General Medical Sciences, March 16-18, 1978, National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Md.

This meeting will be open to the public on March 16 from 9 a.m. to 10 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on March 16 from 10 a.m. to 5 p.m. and on March 17 and 18 from 9 a.m. to 5 p.m. or adjournment for the review, discussion, and evaluation of individual grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 9A05, Bethesda, Md. 20014, telephone 301-496-7301, will provide a summary of the meeting and a roster of committee members. Substantive program information may be obtained from Dr. Raymond E. Babor, Executive Secretary, Westwood Building, Room 919, Bethesda, Md., telephone 301-496-7707.

(Catalog of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health.)

Dated: February 3, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-3878 Filed 2-13-78; 8:45 am]

[4110-08]

NATIONAL DIABETES ADVISORY BOARD

Amended Notice of Meeting

Notice is hereby given of a change in the meetings of the Ad Hoc Insulin Study Committee, National Diabetes Advisory Board on February 7 and 23, 1978, which were published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3768.)

The meeting on February 7, 1978 was postponed, due to snow conditions which disrupted travel in the area. This circumstance necessitated a change of the meeting scheduled for

February 23, 1978. These two meetings have been re-scheduled for February 15 and March 2, 1978.

The meeting on February 15, 1978 will be held at the Crystal City Marriott, 1999 Jefferson Davis Highway, Arlington, Va., from 9 a.m. to 5 p.m. The time and meeting location of the March 2, 1978 meeting can be obtained by contacting Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Md. 20014, 301-496-6045.

Mr. Raymond M. Kuehne (address above) will provide summaries of the meeting and a roster of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.847, National Institutes of Health.)

Dated: February 9, 1978.

SUZANNE L. FREMEAU,
Committee Management
Officer, NIH.

[FR Doc. 78-4093 Filed 2-13-78; 8:45 am]

[4110-08]

CANCER CONTROL PREVENTION, DETECTION, DIAGNOSIS, AND PRETREATMENT EVALUATION REVIEW COMMITTEE

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control Prevention, Detection, Diagnosis, and Pretreatment Evaluation Review Committee, National Cancer Institute, March 2-3, 1978, Blair Building, Conference Room 10, 8300 Colesville Road, Silver Spring, Md. 20910. Except as noted below, this meeting will be open to the public on March 2, 1978, from 8:30 a.m. to adjournment, to review breast cancer detection projects from the University City Science Center, Philadelphia, Pa.; Vanderbilt University Medical Center, Nashville, Tenn.; Medical College of Wisconsin, Milwaukee; and Emory University, Atlanta, Ga. Except as noted below, the meeting will also be open on March 3, 1978, from 8:30 a.m. to 12 noon, to review breast cancer demonstration projects from Georgia Baptist Hospital, Atlanta, Ga.; Guttman Breast Diagnostic Institute, New York City; University of Louisville, Louisville, Ky; University of Oklahoma, Norman, Oklahoma; Virginia Mason Research Center, Seattle, Wash.; and a cervical cancer screening program, Maryland Department of Health, Baltimore, Md. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public approximately ten times during the two days for approximately fifteen minutes each time to discuss

personal information concerning individuals associated with each contract. In addition, and in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public on March 3, from 12 noon to 1 p.m. for the review, discussion, and evaluation of an individual contract proposal. This proposal and the discussions of the proposal could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposal.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will provide a summary of the meeting and a roster of committee members, upon request.

Dr. Veronica L. Conley, Executive Secretary, National Cancer Institute, Blair Building, Room 7A07, National Institutes of Health, Bethesda, Md. 20014, 301-427-7941, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Number 13.399, National Institutes of Health.)

Dated: February 9, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-4094 Filed 2-13-78; 8:45 am]

[4110-89]

Office of Education

EDUCATION COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Pursuant to Section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The Institute of Museum Services, the National Center for Education Statistics, and the U.S. Office of Education have proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statis-

tics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before March 16, 1978, and should be addressed to Administrator, National Center for Education Statistics, attention: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: February 8, 1978.

MARIE D. ELDRIDGE,
Administrator, National
Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of proposed activity.*—Application for Museum Services Grant.

2. *Agency/Bureau/Office.*—Institute of Museum Services, Assistant Secretary for Education.

3. *Agency form number.*—IMS-100.

4. *Legislative authority for this activity.*—"Sec. 206. (a) The Director . . . is authorized to make grants to museums to increase and improve museum services . . ." Pub. L. 94-462 (20 U.S.C. 965).

5. *Voluntary/obligatory nature of response.*—Voluntary.

6. *How information collected will be used.*—The information collected will be used to make awards to eligible applicants.

7. *Data acquisition plan.*—(a) Method of collection—Mail; (b) Time of collection—Spring; and (c) Frequency—Annually.

8. *Respondents.*—(a) Type—Museums (public and private non-profit); (b) Number—750; and (c) Estimated average man-hours per respondent—25.

9. *Information to be collected.*—The standard nonconstruction application promulgated by OMB Circular No. A-102 will be used. The Program Narrative will highlight the material required to cover the specific services for which grants may be made.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of proposed activity.*—Survey of nonpublic elementary and secondary day schools.

2. *Agency/Bureau/Office.*—National Center for Education Statistics.

3. *Agency form number.*—NCES Form 2325.

4. *Legislative authority for this activity.*—"The Center shall—(1) collect, collate, and, from time to time, report full and complete statistics on the conditions of education in the United States; . . ." Sec. 406(b), General Education Provisions Act, Pub. L. 90-247 as amended by Pub. L. 93-380, (20 U.S.C. 1221-1).

5. *Voluntary/obligatory nature of response.*—Voluntary.

6. *How information collected will be used.*—The National Center for Education Statistics plans to publish a series of topical reports which describe the characteristics of nonpublic schools. It also plans to compile the data into a data tape which will be made available to interested users at cost. Both the topical reports and the data tapes are expected to be widely disseminated to individuals and organizations interested in non-public education in the United States.

7. *Data acquisition plan.*—(a) Method of collection—Mail; (b) Time of collection—October-November, 1978; and (c) Frequency—Annually.

8. *Respondents.*—(a) Type—Nonpublic elementary and secondary school officials; (b) Number—Approximately 18,000; and (c) Estimated man-hours per respondents—0.5.

9. *Information to be collected.*—Name and location of each school; type of school; special program offerings; Federal program participation; enrollment by grade; full-time equivalent number of employees by assignment category; religious affiliation of the school, if any; and number of high school graduates, if a secondary school.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of proposed activity.*—An evaluation of the right to read special emphasis projects.

2. *Agency/Bureau/Office.*—U.S. Office of Education, Office of Planning, Budgeting, and Evaluation.

3. *Agency form number.*—OE 520.

4. *Legislative authority for this activity.*—Planning and evaluation activities are authorized under the General Education Provisions Act which States in part: ". . . the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs . . . such report shall . . . contain information on progress being made . . . describe the cost and benefits of the applicable program . . . identify which sectors of the public receive the benefits of such program . . ." (20 U.S.C. 1226C). Pub. L. 93-380. Also, Part D of Pub. L. 93-380 as amended by Pub. L. 94-194 provides a one percent administrative set-aside for evaluation purposes as part of the National Reading Improvement Program funding. (20 U.S.C. 1126).

5. *Voluntary/obligatory nature of response.*—Voluntary.

6. *How information to be collected will be used.*—This study is an assessment of program effectiveness. The data will be used by the Office of Planning, Budgeting and Evaluation to provide Congress and other decisionmakers with an evaluation of the effectiveness of reading specialists and reading teachers in providing intensive reading instruction to elementary school children, and an evaluation of the effectiveness of intensive summer reading programs in elementary schools.

7. *Data acquisition plan.*—(a) *Method of collection.*—All questionnaires will be administered in face-to-face interviews, except for the parent instrument. This questionnaire will be sent home and collected by classroom teachers who will return them to the contractor.

(b) *Time of collection.*—Questionnaires will be administered in Spring and Fall of 1978 (and Spring and Fall of 1979 should an additional year of assessment be required).

(c) *Frequency.*—Semi-annually.

8. *Respondents.*—(a) Type—Reading specialists/teachers—elementary; (b) Number—28; and (c) Estimated average person-hours per respondent—5.

(a) Type—Classroom teachers—elementary (experimental and control school); (b) Number—190; and (c) Estimated average person-hours per respondent—5.1.

(a) Type—Librarians; (b) Number—14; and (c) Estimated average person-hours per respondent—25.

(a) Type—Students in public elementary schools; (b) Number—3,500; and (c) Estimated average person-hours per respondent—2.

(a) Type—Parents of students in public elementary schools; (b) Number—5,300; and (c) Estimated average person-hours per respondent—2.

9. *Information to be collected.*—Reading specialist—Qualifications; uses of test and assessment information; coordination activities among special emphasis staff and regular classroom teaching staff; role of reading specialist; instructional groupings, strategies and materials; provision of support services to the reading project; use of aides; in-service training; coordination of summer reading program with regular school reading program; project goals and objectives; role of project director; and effects of the special emphasis project.

Classroom teachers (experimental and control)—Grade levels and content areas; instructional groupings, strategies and materials; use of aides or parent volunteers; qualifications; uses of test and assessment information; project goals and objectives; coordination activities among special emphasis staff and regular classroom teaching staff; role of the reading specialist; in-service training; effects of the reading program; student demographic characteristics; and reading treatment received (by students).

Librarians—Qualifications; coordination of library with total school reading program; role of librarians; and effects of the special emphasis project.

Students—Attitudes toward reading and reading instruction; reading habits; and attitudes toward summer school program.

Parents—Child's attitude toward reading; information related to the reading program provided by the school; increase in parent volunteer activity in child's school; and attitudes toward summer school program.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. *Title of proposed activity.*—Pretest and plan for the assessment of ESAA supported intergroup relations activities.

2. *Agency/Bureau/Office.*—U.S. Office of Education, Office of Planning, Budgeting and Evaluation.

3. *Agency form number.*—OE 561-1, -3, -4, -6a, -6b.

4. *Legislative authority for this activity.*—Section 417(a)(1) of Pub. L. 93-380 requires that ". . . the Secretary shall transmit to the . . . (Congress) . . . an annual evaluation report which evaluates the effectiveness of applicable programs in achieving their legislated purposes together with recommendations relating to such programs for the improvement of such programs which will result in greater effectiveness in achieving such purposes." (20 U.S.C. 1226c)

5. *Voluntary/obligatory nature of response.*—Voluntary.

6. *How information to be collected will be used.*—The information collected in the

study will be used to provide program managers and Congress with information about the effectiveness of different types of intergroup relations activities supported by the ESAA program. The results of the pretest will be used to revise and improve the instruments to be used in the study.

7. *Data acquisition plan.*—(a) Method of collection—Mail; (b) Time of collection—Spring 1978; and (c) Frequency—Single time.

8. *Respondents.*—(a) Type—ESAA school coordinator; (b) Number—20; and (c) Estimated average man-hours per respondent—1 hour.

(a) Type—Teachers, elementary/secondary; (b) number—40; and (c) Estimated man-hours per respondent—5 hour.

(a) Type—Principals; (b) Number—20; and (c) Estimated average man-hours per respondent—17 hour.

(a) Type—5th grade students receiving ESAA services; (b) Number—500; and (c) Estimated average man-hours per respondent—1 hour.

(a) Type—10th grade students receiving ESAA services; (b) Number—500; (c) Estimated average man-hours per respondent—1 hour.

9. *Information to be collected.*—Respondent type—ESAA School coordinators; recipients of intergroup relations services; objectives and types of human relations activities supported by ESAA program; method and context of service delivery; intensity of services received; stability of program; coordination of services within district; perceived achievement of program goals; and type and amount of resources of human relations program.

Respondent type—Teachers, elementary/secondary; type of human relations services provided in the classroom; types of resources available for human relations program; method and context of service delivery; coordination of human relations program; and perception of intergroup relations in the school.

Respondent type—Principals; and perception of intergroup relations in the school.

Respondent type—Students; perception of intergroup relations in the school; exposure to intergroup relations services; and knowledge of minority group contributions.

[FR Doc. 78-4022 Filed 2-13-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA; CHIEF, BRANCH OF RECORDS AND DATA MANAGEMENT

Redelegation of Authority by State Director

Pursuant to the authority contained in section 1.1 of BLM Order No. 701 dated July 23, 1964, as amended, authority is hereby redelegated to the Chief, Branch of Records and Data Management to take action under section 2.6(k) as to mining claim instruments filed for record with BLM under 43 CFR Part 3833, as follows:

- (1) Accept and record instruments meeting recording requirements;
- (2) Notify owners to take curative actions to complete defective filings;

(3) Reject instruments and void claims not filed within the prescribed time periods; and

(4) Reject fillings and void claims located on lands not available for mineral location on dates of location.

This delegation is effective on January 30, 1978. The redelegation published December 30, 1977, FR document 77-37181 is revoked.

Approved: February 3, 1978.

ROBERT O. BUFFINGTON,
State Director.

ARNOLD E. PETTY,
Acting Associate Director.

(FR. Doc. 78-3979 Filed 2-13-78; 8:45 am)

[4310-84]

(NM 32664 and 32691)

NEW MEXICO

Applications

FEBRUARY 3, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for two 4-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 11 W.,
Sec. 10, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 29 N., R. 11 W.,
Sec. 6, S $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 7, E $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.

These pipelines will convey natural gas across 1.28 miles of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

(FR Doc. 78-4047 Filed 2-13-78; 8:45 am)

[4310-84]

(NM 32646)

NEW MEXICO

Application

FEBRUARY 3, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leas-

ing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for a right-of-way for four 4 $\frac{1}{2}$ -inch pipelines across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 14S., R. 28 E.,
Sec. 8, S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 10, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 15, N $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and
NE $\frac{1}{4}$ SW $\frac{1}{4}$.

These pipelines will convey natural gas across 1.993 miles of public land in Chaves County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

(FR Doc. 78-4048 Filed 2-13-78; 8:45 am)

[4310-84]

NEVADA

Filing of Plats of Survey and Order Providing for Opening of Lands

1. The Plat of Survey of Lands described below will be officially filed at the Nevada State Office, Reno, Nevada, effective 10:00 a.m. on March 17, 1978:

MOUNT DIABLO MERIDIAN, NEVADA
T. 10 N., R. 44 E.

A dependent resurvey of a portion of the west boundary and subdivisional lines and survey completing Sections 19 and 20. Retracement and remonumentation of certain corners of Mineral Surveys 2823, 2929, 3134, 3248, 3463, 3618, 4368, and 4429.

2. The land within the above area varies from gently rolling in the north portion to mountainous in the south portion. Elevation ranges from 5,900 to 6,900 feet above sea level. Soil varies from sandy gravel in lower elevations to shale rock in the mountains and vegetation consists of shadscale and sagebrush. The town of Round Mountain, Nevada is located in Section 20. Access is provided by Nevada State Highway No. 92.

3. Subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law, the lands are hereby opened to such applications

and petitions as may be permitted. All such valid applications received at or prior at 10 a.m., March 17, 1978, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands shall be addressed to the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, Nev. 89509.

Date signed: February 6, 1978.

LOYD C. MILLER,
Chief, Branch of Records and
Data Management.

(FR Doc. 78-4046 Filed 2-13-78; 8:45 am)

[4310-31]

Geological Survey

OUTER CONTINENTAL SHELF

North Atlantic Order No. 2

In the FEDERAL REGISTER issue of January 13, 1978, Vol. 43, No. 12, pages 2702-2711, notice was given of the finalized North Atlantic Area Order Nos. 2, 5, 7, and 12. These orders were effective on January 1, 1978.

Subparagraph 6.3, "Training," of Order No. 2, referenced the First Edition, December 1977, of the U.S. Geological Survey Outer Continental Shelf Standard No. T1 (GSS-OCS-T1) entitled "Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations." Since compliance with the referenced standard will not be required until specific training programs have been approved by the Chief, Conservation Division, the reference to the standard should have included a date for compliance. Therefore, subparagraph 6.3 is hereby modified as set forth below. At the present time, the U.S. Geological Survey is in the process of evaluating specific training programs. Those will be identified in future notices to lessees and operators.

The date for compliance with this standard is consistent with the notice for the standard which appeared in the FEDERAL REGISTER on Friday, December 30, 1977, Vol. 42, No. 251.

W. A. RADLINSKI,
Acting Director.

MODIFICATION OF SUBPARAGRAPH 6.3, "TRAINING," OF NORTH ATLANTIC OCS ORDER NO. 2, EFFECTIVE JANUARY 1, 1978

6.3 *Training.* Company and drilling contractor supervisory personnel including drillers shall be trained in and qualified for present-day well control. Records of such training and qualification shall be maintained at the drill site. Training shall include but is not limited to:

(a) Abnormal pressure detection methods.

(b) Well-control methods and procedures.

Such training shall be given in addition to the required weekly blowout-prevention drills. Written verification of compliance with these provisions shall be filed with the Supervisor.

After December 1, 1979, personnel employed in the drilling personnel classifications of rotary helper, derrickman, driller, tool pusher, and operator's representative must be qualified in accordance with the U.S. Geological Survey Outer Continental Shelf Standard No. T1 (GSS-OCS-T1). First Edition, December 1977, entitled "Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," and subsequent revisions thereto. Compliance with this standard shall be considered a prerequisite to approval of any drilling operation.

(FR Doc. 78-4030 Filed 2-13-78; 8:45 am)

[4310-31]

OUTER CONTINENTAL SHELF

Finalized South Atlantic Order Nos. 1, 2, 3, 4, 5, 7, and 12

Notice is hereby given that pursuant to Title 30 CFR Part 250.11, the Acting Chief, Conservation Division, U.S. Geological Survey (USGS) has approved the issuance of the finalized South Atlantic Outer Continental Shelf (OCS) Order Nos. 1, 2, 3, 4, 5, 7, and 12 as set forth below. These orders will be effective on February 1, 1978. For the purpose of these orders, the South Atlantic area shall include those lands subject to Federal oil and gas leasing on the OCS between 37° N. latitude and Key West.

These South Atlantic OCS orders incorporate appropriate comments and suggestions which were received in response to the FEDERAL REGISTER publications of July 22, 1976, Vol. 41, No. 142, and December 23, 1976, Vol. 41, No. 248, soliciting comments on the existing Mid-Atlantic OCS orders as draft orders for the North and South Atlantic areas respectively. These orders also incorporate the comments received in response to the FEDERAL REGISTER publication of June 29, 1977, Vol. 42, No. 125, soliciting comments on the proposed National OCS Order Nos. 1, 3, and 4.

Comments were received from the following organizations:

Chevron Oil Co.
Exxon Company, U.S.A.
Gulf Energy & Minerals Co.—U.S.
Marathon Oil Co.
Mobil Oil Corp.
Offshore Operators Committee
Phillips Petroleum Co.
Paul Purser, Professional Engineer
Sante Fe Drilling Co.

Shell Oil Co.
State of Florida
State of Georgia
State of South Carolina
Texaco, Inc.
The Offshore Co.
U.S. Coast Guard
U.S. Department of Commerce

We have published below a summary of the comments received, our rationale for accepting or rejecting the suggestions of the commenters, and the final version of the orders.

For further information, contact Mr. George Brown, Eastern Region Conservation Manager, Conservation Division, U.S. Geological Survey, 1725 K Street NW., Suite No. 204, Washington, D.C. 20006, 202-254-7870. The primary authors of this document are Mr. Dwayne E. Hull and Mr. Larry Ake of the Atlantic Area Office.

Copies of the finalized South Atlantic OCS orders are available from:

Conservation Manager, Eastern Region,
U.S. Geological Survey, 1725 K Street
NW., Suite No. 204, Washington, D.C.
20006.

NOTE.—1. It has been determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

2. It has also been determined that issuance of these South Atlantic orders is not a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969, 42 U.S.C. sec. 4321 et seq. One of the primary functions of the orders is the mitigation of potential environmental impacts. The manner in which this is accomplished is discussed in the final environmental impact statement for OCS Lease Sale No. 43, South Atlantic area. The South Atlantic orders are based on similar orders for other OCS areas. All modifications are designed to incorporate technological advances and improvements, incorporate regulatory changes, or account for geological differences. No revisions have been made which would lessen the orders' mitigatory impact.

W. A. RADLINSKI,
Acting Director.

SUMMARY OF COMMENTS

U.S. GEOLOGICAL SURVEY RATIONALES—SOUTH ATLANTIC ORDER NOS. 1, 2, 3, 4, 5, 6, 7, AND 12

South Atlantic OCS Order No. 1

Paragraphs 1 and 2. Identification of Platforms and Structures (Fixed and Nonfixed). Several commenters expressed concern that paragraph Nos. 1 and 2 did not require navigational lights and sounding devices for fixed structures and mobile drilling units.

The Order does not address navigational devices on fixed structures and mobile drilling units since these requirements are prescribed by regulations of the U.S. Coast Guard.

Paragraph 4. Identification of Subsea Objects.

A commenter suggested that markers for subsea objects include "all weather" aids to navigation. Another commenter suggested

that marker buoys would not remain in place; therefore, the Order should require the owner to notify the U.S. Coast Guard and the fishing and shrimp associations of the location of the object. Yet another commenter objected to the fact that the design of navigational markings for subsea hazards must meet the standards of both the USGS and the U.S. Coast Guard.

The U.S. Coast Guard suggested that the Order should state that the requirements for the marking of submerged objects should be determined by the Coast Guard District Commander.

Since the determination of hazards to navigation or to commercial fishing operations is a function of the Coast Guard District Commander, we have adopted the suggestion of the Coast Guard and have revised paragraph 4 as follows:

"4. *Identification of Subsea Objects.* All subsea objects resulting from lease operations, which are determined by the Coast Guard District Commander to be hazards to navigation or to the deployment of commercial fishing devices, shall be identified by suitable aid to navigation devices if the District Commander so directs. Prior to the establishment of a subsea object, or in the event of the accidental submergence of an object, the owner shall inform the District Commander of the object's description, location, and unobstructed depth of water above the object's highest point. Based on this information, the District Commander will determine what marking and permits, if any, will be required (14 U.S.C. 83, 85; 43 U.S.C. 1333; 33 CFR 67). The owner shall maintain these navigational markings on-site and properly functioning at all times while the obstruction remains."

U.S. DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY—CONSERVATION DIVISION

EASTERN REGION, ATLANTIC AREA, SOUTH ATLANTIC

OCS Order No. 1, Effective Feb. 1, 1978

Identification of wells, platforms, structures, and subsea objects

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.37. All departures from the requirements specified in this Order must be approved pursuant to 30 CFR 250.12(b).

1. *Identification of fixed platforms or structures.*—Platforms and structures shall be identified at two diagonal corners by a sign with letters and figures not less than 30 centimeters (12 inches) in height with the following information:

- The name of the lease operator.
- The area name shown on OCS Official Protraction Diagrams or, where no name has been assigned, the Protraction Diagram number.
- The block number in which the platform or structure is located.
- The platform or structure designation.

The information shall be abbreviated as in the following example:
The Blank Oil Co. operates "C" platform on Block 999 of the Salisbury Area. The identifying sign on the platform would indicate: BOC-SAL-999-C.

2. *Identification of nonfixed platforms or structures.*—Floating semi-submersible platforms, bottom-setting mobile rigs, and drilling ships shall be identified by one sign with letters and figures not less than 30 centimeters (12 inches) in height affixed to the

derrick so as to be visible to approaching traffic and containing the following information:

- The name of the lease operator.
- The area designation based on OCS Official Leasing Maps.
- The block number.
- The OCS lease number.
- The well number.

3. *Identification of wells.*—The OCS lease and well number shall be painted on, or a sign affixed to, each singly completed well. In multiple completed wells, each completion shall be individually identified at the wellhead. All identifying signs shall be maintained in a legible condition.

4. *Identification of subsea objects.*—All subsea objects resulting from lease operations, which are determined by the Coast Guard District Commander to be hazards to navigation or to the deployment of commercial fishing devices, shall be identified by suitable aid to navigation devices if the District Commander so directs. Prior to the establishment of a subsea object, or in the event of the accidental submergence of an object, the owner shall inform the District Commander of the object's description, location, and unobstructed depth of water above the object's highest point. Based on this information, the District Commander will determine what marking and permits, if any, will be required (14 U.S.C. 83, 85; 43 U.S.C. 1333; 33 CFR 87). The owner shall maintain these navigational markings onsite and properly functioning at all times while the obstruction remains.

DWAYNE E. HULL,
Area Oil and Gas Supervisor.

Approved:

Acting Chief, Conservation Division.

SOUTH ATLANTIC OCS ORDER NO. 2

Paragraph 1. Drilling platforms and mobile drilling units.

It was suggested that, for clarity, the term "mobile drilling units" shall be used rather than "vessels." This was done since the term is more descriptive and also conforms to the wording used in a Memorandum of Understanding between the Department of the Interior and the Department of Transportation.

A suggestion was made that the USGS delete the requirement for submission of operational criteria and the critical operations and curtailment plan. This was rejected since operational criteria are essential for determining the capability of the unit to operate at the proposed location. The critical operations and curtailment plan is necessary to ensure proper operator planning for safe operations and protection of the environment.

Several commenters suggested that the USGS require an American Bureau of Shipping Classification or U.S. Coast Guard Certificate of Inspection for mobile drilling units. This comment was adopted as both of these items are based on similar criteria of design and construction.

One commenter suggested deleting the requirement to submit the expected environmental conditions. This requirement was rephrased to require only the anticipated maximum wave height, wind, and water current values expected to be encountered.

One commenter requested that the oceanographic and meteorological information

collected under this paragraph be made available to the public. South Atlantic OCS Order No. 12 now states that this information will be available for public inspection.

Several commenters suggested that once a mobile drilling unit had been approved for use in an area, it need not be reapproved for subsequent work in the same area. A sentence was added to subparagraph 1.2 which will normally prevent the operator from having to resubmit rig drawings, specifications, and performance data.

Paragraph 2. Well casing and cementing. A suggestion was made that the sentence requiring casing to conform to the specification contained in API Spec. 5A be altered since Spec. 5A lists only four API grades of casing. The Order was revised to conform to the suggestion. Casing must still meet API quality standards.

Several comments were received from concerned South Atlantic coastal States which indicated concern for the offshore freshwater aquifers which might be encountered during drilling in the South Atlantic. Title 30, Code of Federal Regulations, Part 250.41(a)(1), currently requires that all wells must be cemented and cased in a manner that will prevent the contamination of freshwater strata. Furthermore, the OCS Orders have sufficient flexibility for the USGS District Supervisor to direct actions that will protect any aquifer during drilling and upon abandonment. Additionally, a new sentence has been added to Order No. 2, paragraph 2, that will emphasize the importance of protecting the freshwater aquifers.

One commenter complained that allowing cement around the structural casing to be washed out to a depth of 12 meters could be harmful to shallow aquifers. The Order has been revised to require the Supervisor's approval of this practice.

A commenter suggested that the references to "freshwater sands" in this paragraph be changed to "freshwater zones." This change was made because of the abundance of limestone aquifers in the South Atlantic.

Paragraph 3. Directional surveys.

A commenter suggested that an average of 3 degrees be the limiting deviation for a vertical well and that directional surveys be taken every 1000' rather than 500'. The Order was not revised. These two requirements provide a closer control on the location of the bottom of the well. We believe that in a frontier drilling area this closer control is justified.

Paragraph 4. Blowout-preventer (BOP) equipment requirements.

A variety of commenters disagreed with the USGS requirements for the types and placement of chokes in a choke manifold. The Order was revised to refer to the API Recommended Practice #53 on choke manifold equipment.

Several commenters pointed out that the Order required all seismic data gathered to be made available to the Supervisor along with the Application for Permit to Drill. This was changed to say that only seismic data relating to shallow hazards need be submitted.

One commenter suggested that the requirement that annular preventers be equipped with an alternate control be deleted. Although the wording in the Order has been changed, all blowout preventers are required to have a remote-control station as well as a primary hydraulic-actuation system with an accumulator backup capable of closing all blowout preventers.

All subsea blowout-preventer stacks are required to have dual pod control systems and provisions for BOP closure in the event of loss of connection to the surface. It is felt that a fully redundant system is necessary to provide maximum well-control safety.

One commenter requested that the requirement for weekly pressure testing of blind/shear rams be deleted. The rationale given was that this test poses a potential threat to the unprotected formation if the test plug should leak.

The requirement for weekly testing of the blind/shear rams on subsea BOP stacks was removed. The blind/shear rams must still be pressure tested: (1) on installation, (2) before drilling out of each casing string, and (3) after repairing a pressure seal.

Paragraph 5. Mud Program. Many comments were received which pointed out that the mud-storage requirements in the proposed Order were excessive. The Order was revised to make mud storage and inventory requirements more realistic and flexible while still maintaining adequate safety.

Paragraph 6. Supervision, Surveillance, and Training.

One commenter stated that a reference to future training standards for all members of the drilling crew should be placed in a separate subparagraph rather than in subparagraph C(2). "Well-control methods and procedures." This sentence was deleted during the reorganization of this paragraph, and a reference was made to the U.S. Geological Survey Outer Continental Shelf Standard No. T1 entitled, "Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations." First Edition, December 1977. Subparagraph 6.3, "Training," requires certain drilling personnel to be qualified in accordance with the Standard by December 1, 1979. At the present time, the U.S. Geological Survey is in the process of evaluating applications for approval of specific training programs. Those programs which have been approved will be identified in future Notices to Lessees and Operators.

Paragraph 8. Critical Operations and Curtailment Plans.

Several commenters expressed the opinion that this paragraph should not be included in the final Order. They stated the such plans would be voluminous and would restrict the flexibility of onsite personnel.

The Order was not changed. The requirements for submission of critical operations and curtailment plans were made a part of the Orders to ensure adequate planning on the operator's part and to provide the Supervisor with the necessary information to assist and coordinate emergency actions.

U.S. DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY—CONSERVATION DIVISION

EASTERN REGION, ATLANTIC AREA, SOUTH ATLANTIC

OCS Order No. 2, Effective Jan. 1, 1978

Drilling procedures

This Order is established pursuant to the authority prescribed in 30 CFR 250.11. All exploratory and development wells drilled for oil and gas shall be drilled in accordance with 30 CFR 250.34, 250.41, 250.91, and the provisions of this Order which shall continue in effect until field drilling rules are issued. When sufficient geologic and engineering information is obtained through exploratory drilling, operators may make ap-

plication or the Supervisor may require an application for the establishment of field drilling rules. After field drilling rules have been established by the Supervisor, development wells shall be drilled in accordance with such rules.

All wells drilled under the provisions of this Order shall have been included in an exploratory or development plan for the lease as required under 30 CFR 250.34. All applications for approval under the provisions of this Order shall be submitted to the appropriate District Supervisor. Each Application for Permit to Drill (Form 9-331 C) shall include all information required under 30 CFR 250.91 and shall include a notation of any proposed departures from the requirements of this Order. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. Drilling platforms and mobile drilling units.

1.1 *General requirements for fixed and mobile drilling units.* The requirements applicable to fixed and mobile drilling units are contained in subparagraphs 1.1.1 through 1.1.6.

1.1.1 *Fitness of drilling unit.* All drilling platforms and mobile drilling units shall be capable of withstanding the oceanographic and meteorological conditions for the proposed area of operations. The operator shall furnish evidence of the fitness of the drilling platform or mobile drilling unit to perform the planned drilling operation.

1.1.2 *Pre-drilling inspection.* Prior to commencing operations in an OCS area, all drilling platforms and mobile drilling units shall be given a complete inspection by the Area Supervisor to insure compliance with OCS Orders and Regulations.

1.1.3 *Well-site surveys.* Operators or lessees shall conduct a shallow geological hazards survey, and other surveys as required by the Supervisor, and furnish the District Supervisor with the results of the survey(s) of the proposed well site, prior to the approval of drilling operations.

1.1.4 *Drawings, specifications, performance data.* Drawings, specifications, and performance data of all drilling equipment, drilling safety systems, and pollution-prevention equipment associated with the drilling operation, and a schematic of the mobile drilling unit, shall be submitted to the District Supervisor.

1.1.5 *Oceanographic, meteorological, performance data.* Operators shall collect and report oceanographic, meteorological, and performance data during the period of operations as required by the Supervisor.

1.2 *Mobile drilling units.* Applications for drilling from mobile drilling units shall include the following:

a. Maximum environmental design criteria, operational criteria, and a critical operations plan as described in paragraph 8 of this Order.

b. Anticipated maximum wave height, wind, and current values expected to be encountered based on an average recurrence interval of 100 years.

c. Current American Bureau of Shipping Classification or U.S. Coast Guard Certification of Inspection with operational limitations.

Unless required by the Supervisor, after a mobile drilling unit has been approved for use in an area, the information detailed in 1.1.4 above need not be resubmitted unless there are changes in equipment or performance data.

1.3 *Fixed drilling platforms.* Applications for placement of fixed drilling platforms or structures shall be submitted in accordance with OSC Order No. 8.

2. *Well casing and cementing.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 250.41(a)(1). The Application for Permit to Drill shall include the casing design safety factors for collapse, tension, and burst. Wells drilled in areas which are underlain by freshwater aquifers shall have casing programs which are designed and conducted to protect the freshwater zones. In cases where cement has filled the annular space back to the ocean floor, upon approval by the District Supervisor, the cement may be washed out or displaced to a depth not exceeding 12 meters (39 feet) below the ocean floor to facilitate casing removal upon well abandonment. For the purpose of this Order, the several casing strings in order of normal installation are drive or structural, conductor, surface, intermediate, and production casing.

For the surface, intermediate, and production casing strings, if there are indications of improper cementing such as lost returns, cement channeling, or mechanical failure of equipment, the operator shall recement or make the necessary repairs and run a temperature or cement bond log to verify that the casing has been adequately cemented.

The design criteria for all wells shall consider all pertinent factors for well control, including formation fracture gradients and pressures and casing setting depths. The Operator shall utilize appropriate drilling technology and state-of-the-art methods, such as drilling-rate evaluation, shale density analysis, or other appropriate methods in order to enhance the evaluation of conditions of abnormal pressure, and to minimize the potential for the well to develop a flow or kick.

All casing, except drive pipe or structural casing, shall be new pipe which meets American Petroleum Institute (API) quality standards or reconditioned used pipe that has been tested to insure that it will meet API quality standards for new pipe.

2.1 *Drive or structural casing.* This casing shall be set by drilling, driving, or jetting to a minimum depth of 30 meters (98 feet) below the ocean floor or to such greater depth, approved by the District Supervisor, required to support unconsolidated deposits and to provide hole stability for initial drilling operations. If this portion of the hole is drilled, the drilling fluid shall be of a type that is in compliance with the liquid disposal requirements of OCS Order No. 7, and a quantity of cement sufficient to fill the annular space back to the ocean floor shall be used.

2.2 *Conductor and surface casing cementing requirements.* These casing strings shall be cemented as follows:

2.2.1 *Conductor casing.* This casing shall be cemented with a quantity of cement sufficient to fill the calculated space back to the ocean floor. Cement fill to the ocean floor shall be verified by the observation of cement returns. In the event that observations of cement returns is not feasible or possible, an excess volume of cement shall be used to assure fill to the ocean floor. The excess volume shall be approved by the District Supervisor.

2.2.2 *Surface casing.* This casing shall be cemented with a quantity of cement sufficient to protect all freshwater zones and provide well control until the next string of

casing is set and sufficient to fill the calculated annular space to at least 60 meters (197 feet) inside the conductor casing or as approved by the District Supervisor. After drilling a maximum of 30 meters (98 feet) below the surface casing shoe, a pressure test shall be obtained to aid in determining a formation fracture gradient either by testing to formation leak-off or by testing to a predetermined equivalent mud weight. The results of this test and any subsequent tests of the formation shall be recorded on the driller's log and used to determine the depth and maximum mud weight of the intermediate hole.

2.2.3 *Conductor and surface casing setting depths.* Casing design and setting depths shall be based upon all engineering and geologic factors including the presence or absence of hydrocarbons or other potential hazards and water depths. These strings of casing shall be set at the depth specified below subject to approved variation to permit the casing to be set in a competent bed or through formations determined desirable to be isolated from the well by pipe for safer drilling operations; provided, however, that the conductor casing shall be set immediately prior to drilling into formations known to contain oil or gas, or, if unknown, upon encountering such formations.

These casing strings shall be run and cemented prior to drilling below the specified setting depths. For those wells which may encounter abnormal pressure or conditions and for the initial wells in an area, the District Supervisor may prescribe the exact setting depths. Conductor casing setting depths shall be between 91 meters (298 feet) and 305 meters (1,000 feet) TVD below ocean floor, and surface casing setting depths shall be between 305 meters (1,000 feet) and 1,400 meters (4,592 feet) TVD below ocean floor.

Engineering, geophysical, and geologic data used to substantiate the proposed setting depths of the conductor and surface casings (such as estimated fracture gradients, pore pressures, shallow hazards, etc.) shall be furnished with the Application for Permit to Drill.

2.3 *Intermediate casing.* One or more strings of intermediate casing shall be set when required by anticipated abnormal pressure, mud weight, sediment, and other well conditions. The proposed setting depth for intermediate casing shall be based on the pressure tests of the exposed formation below the surface casing shoe or on subsequent pressure tests. After drilling a maximum of 30 meters (98 feet) below the intermediate casing shoe, a pressure test shall be obtained to aid in determining a formation fracture gradient either by testing to formation leak-off or by testing a predetermined equivalent mud weight.

A quantity of cement sufficient to cover and isolate all hydrocarbon zones and to isolate abnormal pressure intervals from normal pressure intervals shall be used. Sufficient cement shall be used to provide annular fill-up to a minimum of 150 meters (492 feet) above the zones to be isolated or 150 meters (492 feet) above the casing shoe in cases where zonal coverage is not required. If a liner is used as an intermediate string, it shall be lapped a minimum of 30 meters (98 feet) into the previous casing string, and the cement shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and the next larger string has been achieved. The test shall be recorded on the driller's

log. When such liner is used as production casing, it shall be extended to the surface and cemented to avoid surface casing being used as production casing.

2.4 *Production casing.* This string of casing shall be set before completing the well for production. It shall be cemented in a manner necessary to cover or isolate all zones which contain hydrocarbons. But in any case, a calculated volume sufficient to fill the annular space at least 150 meters (492 feet) above the uppermost producible hydrocarbon zone must be used. When a liner is used as production casing, it shall be lapped a minimum of 30 meters (98 feet) into the previous casing string, and the testing of the seal between the liner top and the next larger string shall be conducted as in the case of intermediate liners. The test shall be recorded on the driller's log.

2.5 *Pressure-testing of casing.* Prior to drilling the plug after cementing, all casing strings, except the drive or structural casing, shall be pressure-tested as shown in the table below. The test pressure shall not exceed the internal yield pressure of the casing. The surface casing shall be tested with water in the top 30 meters (98 feet) of the casing. If the pressure declines more than 10 percent in 30 minutes, or if there is another indication of a leak, the casing shall be recemented, repaired, or an additional casing string run, and the casing tested again. The above procedures shall be repeated until a satisfactory test is obtained.

Casing	Minimum surface pressure
Conductor surface..	1,400 kilopascals (kPa) (203 psi) 6,900 kPa (1000 psi).
Intermediate, liner, and production.	10,400 kPa (1508 psi) or 5 kPa/m (0.32 psi/ft.), whichever is greater.

After cementing any of the above strings, drilling shall not be commenced until a time lapse of 8 hours under pressure for the conductor casing string or 12 hours under pressure for all other strings. Cement is considered under pressure if one or more float valves are employed and are shown to be holding the cement in place or when other means of holding pressure is used. All casing pressure tests shall be recorded on the driller's log.

In all cases, sufficient time must elapse to allow the bottom 153 meters (500 feet) of annular cement fill, or total length of annular cement fill, if less, to attain a compressive strength of at least 3,448 kPa (500 psi) before drilling commences. The typical performance data for the particular cement mix used in the well shall be used to determine the time lapse required.

3. *Directional surveys.* Wells are considered vertical if inclination does not exceed three degrees from the vertical. Inclination surveys shall be obtained on all vertical wells at intervals not exceeding 150 meters (492 feet) during the normal course of drilling.

Wells are considered directional if inclination exceeds three degrees from the vertical. Directional surveys giving both inclination and azimuth shall be obtained on all directional wells at intervals not exceeding 150 meters (492 feet) during the normal course of drilling and at intervals not exceeding 30 meters (98 feet) in all angle change portions of the hole. On both vertical and directional wells, directional surveys giving both inclination and azimuth shall be obtained at intervals not exceeding 150 meters (492 feet) prior to, or upon, setting surface or intermediate casing, liners, and at total depth.

Composite directional surveys shall be filed with the District Supervisor. The interval shown will be from the bottom of conductor casing, or, in the absence of conductor casing, from the bottom of drive or structural casing to total depth. In calculating all surveys a correction from true north to Universal Transverse Mercator Grid north or Lambert Grid north shall be made after making the magnetic to true north correction.

4. Blowout-preventer (BOP) equipment requirements.

4.1 *General requirements.* Blowout preventers and related well-control equipment shall be installed, used, and tested in a manner necessary to insure well control.

4.1.1 *BOP equipment.* Blowout-preventer equipment shall consist of an annular and the specified number of ram-type preventers. The pipe rams shall be of proper size to fit the drill pipe in use. The working pressure of any blowout preventer shall exceed the maximum anticipated surface pressure to which it may be subjected. Information submitted with the Application for Permit to Drill shall include the maximum anticipated surface pressure and the criteria used to determine this pressure. All blowout-preventer systems shall be equipped with:

a. A hydraulic-actuating system that provides sufficient accumulator capacity to close all BOP equipment units with a 50 percent operating fluid reserve at 8,300 kPa (1,204 psi). An accumulator backup system, driven by a source of power independent from the primary system, shall be provided with sufficient capacity to close all blowout preventers and hold them closed. Locking devices shall be provided on the ram-type preventers. The method of BOP actuation, such as hydraulic, acoustic or other methods, shall be described and included in the Application for Permit to Drill.

b. At least one operable remote blowout-preventer-control station in addition to the one on the drilling floor.

c. A drilling spool with side outlets, if side outlets are not provided in the BOP body, to provide for a kill line and choke line.

d. A kill line with a master valve located adjacent to the BOP. This valve shall not be used for normal opening or closing on flowing fluids. The kill line shall have at least one control valve in addition to the master valve.

e. A choke manifold equipped in accordance with American Petroleum Institute Recommended Practice entitled "Blowout-Prevention Equipment Systems," API RP 53, First Edition, February 1976, Sections 3A and 3B, or subsequent revisions thereto approved by the Supervisor.

f. A fill-up line.

g. Valves, pipes, and fittings upstream of and including the choke manifold that can be exposed to pressure from the wellbore, with a pressure rating at least equal to that of the blowout-preventer equipment.

4.1.2 *Auxiliary equipment.* The following auxiliary equipment shall also be provided:

a. A top kelly cock shall be installed below the swivel, and an essentially full-opening kelly cock of such design that it can be run through blowout preventers shall be installed at the bottom of the kelly.

b. An inside blowout preventer and an essentially full-opening drill string safety valve in the open position shall be maintained on the rig floor at all times while drilling operations are being conducted. Such valves shall be maintained on the rig floor to fit all connections that are in the drill string.

c. A safety valve shall be available on the rig floor assembled with the proper connection to fit the casing string that is being run in the hole at the time.

4.1.3 *Subfreezing operations.* The blowout preventers and related control equipment must be equipped and conditioned to assure proper operation under subfreezing conditions when operations will be conducted over winter months in areas likely to experience these conditions.

4.2 *Subsea BOP requirements.* The minimum requirements for drilling below the casing strings for subsea blowout-preventer stacks are tabulated below:

SUBSEA BOP STACKS

Drive Pipe: 1—Annular or Pressure Rotating Pack-off Head.

Conductor: 1—Annular and 2—Diverter. Surface: 1—Annular; 2—Pipe Rams; and 1—Blind Shear Ram.

Intermediate: 1—Annular; 2—Pipe Rams; and 1—Blind Shear Ram.

NOTE.—The working pressure of all blowout preventers shall exceed the maximum anticipated surface pressure to which they may be subjected.

Subsea blowout-preventer stacks shall be equipped with blind-shear rams. A subsea accumulator system is required to provide fast closure of the preventers and for cycling all critical functions in case of loss of connection to the surface. A fail-safe design shall be incorporated into the blowout-preventer system and shall include dual pod control systems and fail-safe valving on critical lines and outlets. Prior to the removal of the marine riser for installing casing, the riser shall be displaced with sea water. The operator shall insure that sufficient hydrostatic head exists within the well bore to compensate for the reduction in head and maintain a safe well condition. If repair or replacement of the blowout-preventer stack is necessary after installation, this work will be accomplished after casing has been cemented prior to drilling out the shoe or by setting a cement or bridge plug to insure safe well conditions.

4.3 *Surface BOP requirements.* The minimum requirements for drilling below the casing strings for conventional surface blowout-preventer stacks are tabulated below:

MINIMUM BOP REQUIREMENTS

SURFACE BOP STACKS

Drive Pipe: 1—Annular or Pressure Rotating Pack-off Head; Diverter.

Conductor Casing: 1—Annular and Diverter.

Surface Casing: 1—Annular; 2—Pipe Rams; 1—Blind Ram.

1. To be installed on top of the marine riser.

2. The diverter system shall provide as a minimum two 15-centimeter (6-inch) internal diameter lines and full-opening valves.

3. When a tapered drill string is in use, the BOP stack shall be additionally equipped with a minimum of one set of pipe rams to fit the smaller size(s) drill pipe.

4. The diverter system shall provide, as a minimum, two 15-centimeter (6-inch) internal diameter lines and full-opening valves.

Intermediate Casing: 1—Annular; 2—Pipe Rams; 1—Blind Ram.

NOTE.—The working pressure of all blowout preventers shall exceed the maximum anticipated surface pressure to which they may be subjected.

4.4 *Drive pipe or structural casing BOP requirements.*

4.4.1 *Surface BOP.* Before drilling below this string, at least one remotely-controlled, annular-type blowout preventer or pressure-rotating, packoff-type head and related equipment shall be installed for circulating the drilling fluid to the drilling structure or vessel.

4.4.2 *Subsea BOP.* When the blowout-preventer system is on the ocean floor, the choke and kill lines or equivalent vent lines, equipped with necessary connections and fittings, can be used for diversion, if approved by the Supervisor, or an annular preventer or pressure-rotating, packoff-type head, equipped with suitable diversion lines, shall be installed on top of the marine riser. The diverter system shall be equipped with automatic, remotely-controlled valves which open prior to shutting in the well. Lines venting in different directions to permit downwind diversion shall be provided. A schematic diagram and operational procedure for the diverter system shall be submitted with the Application for Permit to Drill (Form 9-331 C) to the District Supervisor for approval.

4.4.3 *Floating drilling operations.* In drilling operations where a floating or semi-submersible type of drilling vessel is used and formation competency at the structural casing setting depth is not adequate to permit circulation of drilling fluids to the vessel while drilling conductor hole, a program which provides for safety in these operations shall be described and submitted to the District Supervisor for approval. This program shall include all known pertinent and relevant information, including seismic and geologic data, water depth, drilling-fluid hydrostatic pressure, schematic diagram from rotary table to proposed conductor-casing seat, and contingency plan for moving off location. In all areas where shallow hazards or hydrocarbons are unknown, seismic data shall be obtained, and a small-diameter initial pilot hole from the bottom of drive or structural casing to proposed conductor-casing seat shall be drilled to aid in determining the presence or absence of these hazards. All seismic data relating to shallow hazards shall be made available to the Supervisor, and an analysis of the geologic hazards shall be furnished with the Application for Permit to Drill.

4.5 *Conductor casing.* Before drilling below this string, at least one remotely-controlled, annular-type blowout preventer, a diverter system as described in subparagraph 4.4 above, and equipment for circulating the drilling fluid to the drilling structure or vessel shall be installed.

4.6 *Surface and/or intermediate casing.* Before drilling below this string, the blowout-preventer equipment shall include a minimum of:

a. Four remotely-controlled, hydraulically-operated blowout preventers with a working pressure which exceeds the maximum anticipated surface pressure, including at least at least two equipped with pipe rams, one with blind rams, and one annular type.

b. When a tapered drill string is in use, the BOP stack shall be additionally equipped with a minimum of one set of pipe rams to fit the smaller size(s) drill pipe.

c. A drilling spool with side outlets, if side outlets are not provided in the blowout-preventer body.

d. A choke line and manifold.

e. A kill line separate from the choke line.

f. A fill-up line.

4.7 *Testing.*

4.7.1 *BOP controls.* A minimum of one operable remote blowout-preventer control station shall be provided, in addition to the primary blowout-preventer control station on the drilling floor. Accumulators or accumulators and pumps shall maintain a pressure capacity reserve at all times to provide for repeated operation of hydraulic blowout preventers.

4.7.2 *Pressure tests.* Pipe ram-type blowout preventers and related control equipment shall be tested at the rated working pressure of the BOP stack assembly, or at 70 percent of the minimum internal yield pressure of the casing, whichever is the lesser. Annular-type preventers shall be tested at 70 percent of the applicable above pressure test requirements. All preventers shall first be tested at low pressures of 1,400 to 2,000 kPa (203 to 290 psi).

All preventers shall be tested:

a. When installed.

b. Before drilling out after each string of casing has been set.

c. Not less than once each week alternating between control stations.

d. Following repairs that require disconnecting a pressure seal in the assembly.

The blind/shear rams of subsea BOP stacks shall be tested exactly as the pipe ram-type blowout preventers with the exception of not requiring the weekly pressure test in c. above. The blind rams of surface BOP stacks shall be tested in accordance with the requirements for pipe ram-type preventers.

4.7.3 *Actuation.* While drill pipe is in use, the following actuation procedures shall be performed, as a minimum, to determine the proper functioning of the blowout preventers and control stations:

a. Pipe Rams—Actuated daily.

b. Blind/Shear Rams—Actuated while drill pipe is out of the hole, once each trip, but not more than once each day.

c. Tapered Drill String Pipe Rams—The smaller size pipe rams shall be actuated on the appropriate drill pipe size once each trip.

d. Annular-Type Preventer—Actuated on the drill pipe, in conjunction with the pressure test, once each week.

e. Control Stations—Actuated while drill pipe is out of the hole, once each trip, but not more than once each day.

4.8 *Inspection and maintenance.* All blowout-preventer systems and marine risers and associated equipment shall be inspected and maintained in accordance with the manufacturer's recommended procedures. The blowout preventers and marine risers shall be visually inspected during each trip and in no event less than once each day. Inspection of subsea installations may be accomplished by the use of television equipment.

4.9 *Drills.* All drilling personnel shall be indoctrinated in blowout-preventer procedures and be familiar with the blowout-preventer equipment before starting work on the well. A blowout-preventer drill shall be conducted at least weekly for each drilling crew to insure that all equipment is operational and that crews are trained properly to carry out emergency duties. These drills shall be performed during various drilling operations such as drilling, running and pulling the drill string, and when out of the hole. All blowout-preventer tests and crew drills shall be recorded on the driller's log. The operator shall furnish current schedules of drills to the District Supervisor so that a U.S. Geological Survey representative may witness any drill. Such a drill may be required by a U.S. Geological Survey representative at any time during the drilling operation. The drill shall include as a minimum:

a. Sounding of a warning signal sometimes actuated by pit-level indicator or other automatic device.

b. Withdrawing the kelly.

c. Stopping the pump.

d. Observing flow of mud from the well.

e. Actuation of the blowout preventers.

(In order to prevent damage to the rams complete closure of the rams on drill pipe is not required on floating drilling vessels.)

5. *Mud program.* The characteristics, use, and testing of drilling mud and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Quantities of mud materials sufficient to insure well control shall be maintained readily accessible for use at all times.

5.1 *Mud control.* Before starting out of the hold with drill pipe, the mud shall be properly conditioned. Proper conditioning requires either circulation with the drill pipe just off bottom to the extent that the annular volume is displaced or proper documentation in the driller's log prior to pulling the drill pipe that:

a. There was no indication of influx of formation fluids prior to starting to pull the drill pipe from the hole.

b. The weight of the returning mud is not less than the weight of the mud entering the hole.

c. Other mud properties recorded on the daily drilling log are within the specified ranges at the stage of drilling the hole to perform their required functions.

In those cases when the hole is circulated, the driller's log shall be so noted.

When coming out of the hole with the drill pipe, the annulus shall be filled with mud before the mud level drops 30 meters (98 feet). A mechanical device for measuring the amount of mud required to fill the hole shall be utilized, and any time there is an indication of swabbing or influx of formation fluids the necessary safety devices and action shall be employed to control the well. The mud shall not be circulated and conditioned, except on or near bottom, unless well conditions prevent running the drill pipe back to the bottom. The mud in the hole shall be circulated or reverse-circulated prior to pulling drill-stem test tools from the hole.

The hole shall be filled by accurately measured volumes of mud. The number of stands of drill pipe and drill collars that may be pulled between the times of filling the hole shall be calculated and posted. The number of barrels and pump strokes required to fill the hole for this designated number of stands of drill pipe and drill collars shall be posted. For each casing string, the maximum pressure which may be ap-

(Subsea blowout-preventer stacks used with floating drilling vessels shall be equipped with one set of blind-shear rams.)

b. In addition to the above, when a tapered string is used for drilling intermediate casing hole, the BOP stack shall be additionally equipped with a minimum of one set of pipe rams to fit the smaller size(s) drill pipe.

c. A drilling spool with side outlets, if side outlets are not provided in the blowout-preventer body.

d. A choke line and manifold.

e. A kill line separate from the choke line.

f. A fill-up line.

4.7 *Testing.*

4.7.1 *BOP controls.* A minimum of one operable remote blowout-preventer control station shall be provided, in addition to the primary blowout-preventer control station on the drilling floor. Accumulators or accumulators and pumps shall maintain a pressure capacity reserve at all times to provide for repeated operation of hydraulic blowout preventers.

4.7.2 *Pressure tests.* Pipe ram-type blowout preventers and related control equipment shall be tested at the rated working pressure of the BOP stack assembly, or at 70 percent of the minimum internal yield pressure of the casing, whichever is the lesser. Annular-type preventers shall be tested at 70 percent of the applicable above pressure test requirements. All preventers shall first be tested at low pressures of 1,400 to 2,000 kPa (203 to 290 psi).

All preventers shall be tested:

a. When installed.

b. Before drilling out after each string of casing has been set.

c. Not less than once each week alternating between control stations.

d. Following repairs that require disconnecting a pressure seal in the assembly.

The blind/shear rams of subsea BOP stacks shall be tested exactly as the pipe ram-type blowout preventers with the exception of not requiring the weekly pressure test in c. above. The blind rams of surface BOP stacks shall be tested in accordance with the requirements for pipe ram-type preventers.

4.7.3 *Actuation.* While drill pipe is in use, the following actuation procedures shall be performed, as a minimum, to determine the proper functioning of the blowout preventers and control stations:

a. Pipe Rams—Actuated daily.

b. Blind/Shear Rams—Actuated while drill pipe is out of the hole, once each trip, but not more than once each day.

c. Tapered Drill String Pipe Rams—The smaller size pipe rams shall be actuated on the appropriate drill pipe size once each trip.

d. Annular-Type Preventer—Actuated on the drill pipe, in conjunction with the pressure test, once each week.

e. Control Stations—Actuated while drill pipe is out of the hole, once each trip, but not more than once each day.

4.8 *Inspection and maintenance.* All blowout-preventer systems and marine risers and associated equipment shall be inspected and maintained in accordance with the manufacturer's recommended procedures. The blowout preventers and marine risers shall be visually inspected during each trip and in no event less than once each day. Inspection of subsea installations may be accomplished by the use of television equipment.

4.9 *Drills.* All drilling personnel shall be indoctrinated in blowout-preventer procedures and be familiar with the blowout-preventer equipment before starting work on the well. A blowout-preventer drill shall be conducted at least weekly for each drilling crew to insure that all equipment is operational and that crews are trained properly to carry out emergency duties. These drills shall be performed during various drilling operations such as drilling, running and pulling the drill string, and when out of the hole. All blowout-preventer tests and crew drills shall be recorded on the driller's log. The operator shall furnish current schedules of drills to the District Supervisor so that a U.S. Geological Survey representative may witness any drill. Such a drill may be required by a U.S. Geological Survey representative at any time during the drilling operation. The drill shall include as a minimum:

a. Sounding of a warning signal sometimes actuated by pit-level indicator or other automatic device.

b. Withdrawing the kelly.

c. Stopping the pump.

d. Observing flow of mud from the well.

e. Actuation of the blowout preventers.

(In order to prevent damage to the rams complete closure of the rams on drill pipe is not required on floating drilling vessels.)

5. *Mud program.* The characteristics, use, and testing of drilling mud and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Quantities of mud materials sufficient to insure well control shall be maintained readily accessible for use at all times.

5.1 *Mud control.* Before starting out of the hold with drill pipe, the mud shall be properly conditioned. Proper conditioning requires either circulation with the drill pipe just off bottom to the extent that the annular volume is displaced or proper documentation in the driller's log prior to pulling the drill pipe that:

a. There was no indication of influx of formation fluids prior to starting to pull the drill pipe from the hole.

b. The weight of the returning mud is not less than the weight of the mud entering the hole.

c. Other mud properties recorded on the daily drilling log are within the specified ranges at the stage of drilling the hole to perform their required functions.

In those cases when the hole is circulated, the driller's log shall be so noted.

When coming out of the hole with the drill pipe, the annulus shall be filled with mud before the mud level drops 30 meters (98 feet). A mechanical device for measuring the amount of mud required to fill the hole shall be utilized, and any time there is an indication of swabbing or influx of formation fluids the necessary safety devices and action shall be employed to control the well. The mud shall not be circulated and conditioned, except on or near bottom, unless well conditions prevent running the drill pipe back to the bottom. The mud in the hole shall be circulated or reverse-circulated prior to pulling drill-stem test tools from the hole.

The hole shall be filled by accurately measured volumes of mud. The number of stands of drill pipe and drill collars that may be pulled between the times of filling the hole shall be calculated and posted. The number of barrels and pump strokes required to fill the hole for this designated number of stands of drill pipe and drill collars shall be posted. For each casing string, the maximum pressure which may be ap-

plied to the blowout preventer before controlling excess pressure by bleeding through the choke shall be posted near the driller. Drill pipe pressure shall be monitored during the bleeding procedure for well control.

A mud gas separator and degasser shall be installed in the mud system prior to the commencement of drilling operations and shall be maintained for use throughout the drilling and completion of the well.

5.2 *Mud test equipment.* Mud test equipment shall be maintained on the drilling rig at all times, and mud tests shall be performed once each tour or more frequently as conditions warrant. Such tests shall be conducted in accordance with procedures outlined in API RP 13B, "Recommended Practice for Standard Procedure for Testing Drilling Fluids," Sixth Edition, April 1976, or subsequent revisions as approved by the Supervisor, and the results recorded and maintained at the drill site. The following mud-system monitoring equipment shall be installed (with derrick floor indicators) and used at the point in the drilling operation when mud returns are established and throughout subsequent drilling operations:

a. Recording mud pit level indicator to determine mud pit volume gains and losses. This indicator shall include a visual and audio warning device.

b. Mud volume measuring device for accurately determining mud volumes required to fill the hole on trips.

c. Mud return indicator to determine that returns essentially equal to the pump discharge rate.

d. Gas-detecting equipment to monitor the drilling mud returns.

5.3 *Mud quantities.* The operator shall include, with his Application for Permit to Drill, a tabulation of well depth versus minimum quantities of mud material including weighting material to be maintained at the drill site for emergency use. The minimum quantities of mud material required shall be based on the criteria listed in a and b below taking into account the mud storage capacity of the drilling vessel. When the mud quantity required exceeds the storage capacity of the vessel, the operator must demonstrate that the mud inventories on hand are sufficient to maintain well control until additional quantities can be delivered to the well site.

a. The quantity of the mud materials shall be based on twice the volume of the calculated capacity of the active downhole and surface mud system.

b. The quantity of the weighting material shall be based on the amount required to overcome the highest anticipated formation pressure.

Daily inventories of mud materials, including barite, shall be recorded to provide a basis for comparison with the tabulation of well depth versus minimum quantities of mud material. Drilling operations shall be suspended in the absence of mud material specified in the table.

6. *Supervision, surveillance, and training.*
6.1 *Supervision.* A representative of the operator shall provide onsite supervision of drilling operations on a 24-hour basis.

6.2 *Surveillance.* From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling crew or the toolpusher shall maintain rig floor surveillance continuously unless the well is secured with blowout preventors or cement plugs.

6.3 *Training.* Company and drilling contractor supervisory personnel including

drillers shall be trained in and qualified for present-day well control. Records of such training and qualification shall be maintained at the drill site. Training shall include but is not limited to:

a. Abnormal pressure detection methods.

b. Well-control methods and procedures. Such training shall be given in addition to the required weekly blowout-prevention drills. Written verification of compliance with these provisions shall be filed with the Supervisor.

After December 1, 1979, personnel employed in the drilling personnel classifications of rotary helper, derrickman, driller, tool pusher, and operator's representative must be qualified in accordance with the U.S. Geological Survey Outer Continental Shelf Standard No. T 1 (GSS-OCS-T 1), First Edition, December 1977, entitled "Training and Qualifications of Personnel in Well-Control Equipment and Techniques for Drilling on Offshore Locations," and subsequent revisions thereto. Compliance with this Standard shall be considered a prerequisite to approval of any drilling operation.

7. *Hydrogen sulfide.* When drilling operations are undertaken to penetrate reservoirs known or expected to contain hydrogen sulfide (H₂S), or, if unknown, upon encountering H₂S, the preventive measures and operating practices set forth in the U.S. Geological Survey Outer Continental Shelf Standard No. 1, "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment (GSS-OCS-1)," February 1976, or subsequent revisions thereto, shall be followed.

8. *Critical operations and curtailment plans.* Certain operations performed in drilling are more critical than others with respect to well control, fire, explosion, oil spills, and other discharges or emissions. These operations may occur during drilling, running casing, logging, drill-stem testing, well completion, or wireline operations.

Each operator shall file with the Supervisor, for approval, a Critical Operations and Curtailment Plan for the lease which shall contain:

a. A list or description of the critical drilling operations that are likely to be conducted on the lease. Such list or description shall specify the operations to be ceased, limited, or not to be commenced under given circumstances or conditions. The list shall include operations such as:

(1) Drilling in close proximity to another producing well.

(2) Drill-stem testing.

(3) Running and cementing casing.

(4) Cutting and recovering casing.

(5) Logging or wireline operations.

(6) Well-completion operations.

(7) Moving the drilling vessel off location in an emergency, repositioning the vessel on location, and reestablishing entry into the well.

b. A list or description of circumstances or conditions under which such critical operations shall be curtailed. This list or description shall be developed from all the factors and conditions relating to the conduct of operations on the lease and shall consider, but not necessarily be limited to, the following:

(1) Whether the drilling operations are to be conducted from mobile drilling units or fixed platforms.

(2) The availability and capability of containment and cleanup equipment.

(3) Abnormal or unusual characteristics expected to be encountered during drilling operations.

(4) Spill-control system response time.

(5) Known or anticipated meteorological or oceanographical conditions.

(6) Availability of personnel and equipment for the particular operation to be conducted.

(7) Other factors peculiar to the particular lease under consideration.

c. When any such circumstance or condition listed or described in the plan occurs or other operational limits are encountered, the operator shall notify the Supervisor and shall curtail the critical operations as set forth under 8a above.

d. Any deviations in the plan shall require prior approval by the Supervisor except in case of an emergency in which event the Supervisor shall be notified as soon as possible.

e. The operator shall review the plan at least annually. Notification of the review and any amendments or modifications to the plan shall be filed with the Supervisor.

DWAYNE E. HULL,
Area Oil and Gas Supervisor.

Approved:

Acting Chief, Conservation Division.

SOUTH ATLANTIC OCS ORDER NO. 3

Subparagraph 1.1. Isolation of zones in open hole.

It was suggested that the phrase "or to prevent migration of fluids in the well bore" is redundant. The intent of the Order, however, is to prevent the undesirable migration of well fluids. The subparagraph was revised by changing the title to "Isolation of Zones in Open Hole" by adding the word "saltwater" to the first sentence between "gas" and "freshwater" and by revising the second sentence to read:

"Additional cement plugs to prevent the migration of fluids in the well bore may be required by the District Supervisor."

This revision clarifies the intent and grants the District Supervisor the flexibility to require additional plugs.

A commenter suggested that the requirement for a cement plug to be placed for every 750 meters of uncased hole is unnecessary. The Order was revised. Subparagraph 1.1 now requires plugs to isolate zones containing oil, gas, saltwater, freshwater, and such additional plugs as prescribed by the Supervisor. The Supervisor's review of applications to plug and abandon will ensure that wells are properly plugged.

Subparagraph 1.4. Plugging of casing stubs.

It was suggested that the phrase "cannot be used" is ambiguous and that the phrase should read "if the foregoing preferred methods are not used." The subparagraph was revised to eliminate the phrase "if the foregoing methods cannot be used." A new lead-in sentence was then added as follows:

"If casing is cut and recovered leaving a stub, one of the following methods shall be used to plug the stub."

It was suggested that any material used in a hole, such as casing, be made of corrosion-resistant material in order to protect freshwater zones. Although this comment would have been more properly directed at Order No. 2, the Orders have not been changed. Adherence to proper casing-cementing procedures as well as the abandonment requirements of the Orders will help ensure that unwanted migration of fluids will not occur.

Two new subparagraphs were added, 1.4.1 and 1.4.2, to differentiate between the requirements of stubs terminating inside

casing and stubs terminating below the casing strings.

Subparagraph 1.7. Testing of plugs.

It was suggested that all plugs should be verified in the same manner as the first plug below the top plug. The Order presently requires the testing of the first plug below the surface plug. Past well history has not indicated a need to test the other plugs below the surface plug. The subparagraph was reorganized by adding a new lead-in sentence stating that the plug shall be verified by one of the following methods: a or b. The revised language also made it clear that, if cement were placed above a bridge plug or a retainer, the cement need not be tested.

Subparagraph 1.9. Clearance of location.

There was a divergence of opinion on the wording which provides flexibility for the District Supervisor to approve the severance of casing at depths less than 5 meters (16 feet) below the ocean floor. The Order states that the approval of the Supervisor is required to sever casing at depths less than 5 meters (16 feet) "after a review of data on the ocean bottom conditions." There have been instances where it was impossible to remove casing which had been severed at 16 feet. In the Alaska Area, a casing was severed at 16 feet and could not be pulled with a force of 400,000 pounds. The pipe was then cut at 6 feet below the ocean floor and was pulled with a force of 300,000 pounds. The problem is prevalent where hard bottoms exist. In a hard bottom where erosion of the ocean floor is unlikely, the depth of the severance is not critical. In a soft bottom which is subject to erosion or sand waves, review of bottom conditions by the Supervisor will ensure that the casing is severed at an adequate depth. Supervisory review will also take into account that protection of freshwater aquifers during abandonment.

Paragraph 2. Temporary abandonment.

A comment was made that the Order should clarify the difference between temporary and permanent abandonment. No time conditions will be set, but temporarily abandoned wells will be seafloor obstructions which must be marked. Determination as to the type of abandonment will be handled on a case-by-case basis by the Supervisor.

The paragraph was revised in response to comments received by Task Force members in the field. One operator commented that the requirement for setting a cement plug in the open hole of a temporarily abandoned drilling well has caused an unintentional side track while trying to drill out of the 100-foot cement plug below the casing. This can easily occur when the formation is softer than the cement plug. Such side tracking and the resultant dog leg is highly undesirable. The following two sentences were added to the paragraph:

"When a drilling well is temporarily abandoned, a bridge plug or a cement plug shall be set at the base of the deepest string. If a cement plug is set, it shall not be necessary for the cement plug to overlap into the open hole."

It was suggested by USGS personnel that this paragraph should address the requirements for the marking of casing stubs which extend above the ocean floor. The last sentence of the paragraph was revised as follows:

"When casing extends above the ocean floor, the operator shall comply with the following requirements:

a. A mechanical retrievable or permanent bridge plug, or a cement plug 30 meters (98 feet) in length, shall be set in the casing between 5 and 60 meters (16 and 197 feet) below the ocean floor.

b. The requirements of Order No. 1, paragraph 4, "Identification of Subsea Objects."

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY, CONSERVATION DIVISION

EASTERN REGION, ATLANTIC AREA—SOUTH
ATLANTIC OCS ORDER NO. 3

Effective February 1, 1978

Plugging and abandonment of wells

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.15. The operator shall comply with the following minimum plugging and abandonment procedures which have general application to all wells drilled for oil and gas. Plugging and abandonment operations shall not be commenced prior to obtaining approval from the appropriate District Supervisor. Oral or telegraphic approvals shall be in accordance with 30 CFR 250.13. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Permanent abandonment.*

1.1 *Isolation of zones in open hole.* In uncased portions of wells, cement plugs shall be spaced to extend 30 meters (98 feet) below the bottom to 30 meters (98 feet) above the top of any oil, gas, saltwater, and freshwater zones so as to isolate them in the strata in which they are found and to prevent them from escaping into other strata. Additional cement plugs to prevent the migration of fluids in the well bore may be required by the District Supervisor.

1.2 *Isolation of open hole.* Where there is open hole below the casing, a cement plug shall be placed in the deepest casing string by a or b below. In the event lost circulation conditions exist or are anticipated, the plug may be placed in accordance with c below:

a. A cement plug placed by displacement method so as to extend a minimum of 30 meters (98 feet) above and 30 meters (98 feet) below the casing shoe.

b. A cement retainer with effective back pressure control set not less than 15 meters (49 feet) nor more than 30 meters (98 feet) above the casing shoe, with a cement plug calculated to extend at least 30 meters (98 feet) below the casing shoe and 15 meters (49 feet) above the retainer.

c. A permanent type bridge plug set within 45 meters (148 feet) above the casing shoe with 15 meters (49 feet) of cement on top of the bridge plug. This bridge plug shall be tested in accordance with 1.7 prior to placing subsequent plugs.

1.3 *Plugging or isolating perforated intervals.* A cement plug shall be placed opposite all open perforations (perforations not squeezed with cement) extending a minimum of 30 meters (98 feet) above and 30 meters (98 feet) below the perforated interval or down to a casing plug, whichever is less. In lieu of the cement plug, the following two methods are acceptable, provided the perforations are isolated from the hole below:

a. A cement retainer with effective back pressure control set not less than 15 meters (49 feet) nor more than 30 meters (98 feet) above the top of the perforated interval with a cement plug calculated to extend at

least 30 meters (98 feet) below the bottom of the perforated interval and 15 meters (49 feet) above the retainer.

b. A permanent type bridge plug set within 45 meters (148 feet) above the top of the perforated interval with 15 meters (49 feet) of cement on top of the bridge plug.

1.4 *Plugging of casing stubs.* If casing is cut and recovered leaving a stub, one of the following methods shall be used to plug the casing stub.

1.4.1 *Stub termination inside casing string.* A stub terminating inside a casing string shall be plugged by methods a, b, or c as follows:

a. A cement plug will be set so as to extend 30 meters (98 feet) above and 30 meters (98 feet) below the stub.

b. A retainer set 15 meters (49 feet) above the stub with 45 meters (148 feet) of cement set below and 15 meters (49 feet) above.

c. A permanent bridge plug set 15 meters (49 feet) above the stub and capped with 15 meters (49 feet) of cement.

1.4.2 *Stub termination below casing string.* If the stub is below the next larger string, plugging shall be accomplished in accordance with either 1.1 or 1.2.

1.5 *Plugging of annular space.* Any annular space communicating with any open hole and extending to the ocean floor shall be plugged with cement.

1.6 *Surface plug requirement.* A cement plug of at least 45 meters (148 feet), with the top of the plug 45 meters (148 feet) or less below the ocean floor, shall be placed in the smallest string of casing which extends to the surface.

1.7 *Testing of plugs.* The setting and location of the first plug below the surface plug shall be verified by one of the following methods:

a. Placing a minimum pipe weight of 6,800 kilograms (15,000 pounds) on the cement plug, cement retainer, or bridge plug. The cement placed above the bridge plug or retainer need not be tested.

b. Testing with a minimum pump pressure of 6,900 kPa (1,000 psi) with no more than a 10-percent pressure drop during a 15-minute period.

1.8 *Mud.* Each of the respective intervals of the hole between the various plugs shall be filled with mud fluid of sufficient density to exert hydrostatic pressure exceeding the greatest formation pressure encountered while drilling such an interval.

1.9 *Clearance of location.* All casing and piling shall be severed and removed to a depth of at least 5 meters (16 feet) below the ocean floor, or at a depth as approved by the District Supervisor after a review of data on the ocean bottom conditions. The operator shall verify that the location has been cleared of all obstructions.

2. *Temporary abandonment.* Any drilling well which is to be temporarily abandoned shall be mudded and cemented as required for permanent abandonment except for the requirements 1.6 and 1.9. When a drilling well is temporarily abandoned, a bridge plug or a cement plug shall be set at the base of the deepest casing string. If a cement plug is set, it shall not be necessary for the cement plug to overlap into the open hole. When casing extends above the ocean floor, the operator shall comply with the following requirements:

a. A mechanical, retrievable or permanent bridge plug, or a cement plug 30 meters (98 feet) in length, shall be set in the casing between 5 and 60 meters (16 and 197 feet) below the ocean floor.

b. The requirements of South Atlantic OCS Order No. 1, paragraph 4, "Identification of Subsea Objects."

WAYNE E. HULL,
Area Oil and Gas Supervisor.

Approved:

Acting Chief, Conservation Division.

SOUTH ATLANTIC OCS ORDER NO. 4

PREAMBLE

It was suggested that the fourth sentence of the preamble should be revised by changing the word "may" to "shall" and by adding the phrase "and reasonable and prudent efforts are being made to comply with the requirements." The Order was not revised since the intent of the preamble was not to make it mandatory that the Supervisor grant a suspension of production. The Supervisor has specific guidelines to be used in his determination of the approval or the denial of a suspension of production. The Supervisor has the option of approving or disapproving suspensions of production based on these guidelines.

A commenter suggested that a suspension of production be granted only if all the requirements set forth in OCS Order No. 14 have been met. The preamble of the Order was changed to reflect the fact that the conditions of South Atlantic OCS Order No. 14 must be met before a suspension of production is granted. South Atlantic OCS Order No. 14 will be published before South Atlantic OCS exploration progresses significantly.

ORDER

Several commenters indicated that the intent of the Order was not clear. A lack of clarity was cited in the paragraphs which allow the demonstration of production capability through production tests, logs, or other proven formation-evaluation techniques. We agree with these comments and have revised the Order by adding two new sentences to the preamble as follows:

"All pertinent engineering, geologic, and economic data shall be submitted to the District Supervisor for his consideration in determining whether a well is capable of being produced in paying quantities. The District Supervisor shall prescribe which of the following shall be used to determine the capability of a well to produce in paying quantities."

The content of draft paragraph 4, "Witnessing and Results," was incorporated into the lead-in sentence of paragraph 1, "Production Tests." The production tests for oil wells and gas wells were listed in subparagraphs a and b of paragraph 1. Paragraph 3 was refiled as a new paragraph 2, "Production Capability Determination," and was rewritten as follows:

"When the District Supervisor determines that the opening hole evaluation data, such as wireline-formation tests, drill-stem tests, core data, and logs, have been demonstrated as reliable in a geological area, such data may be considered as acceptable evidence that a well is capable of producing in paying quantities."

It was suggested that the Order require oil produced during a production test to be disposed of by incineration. The Order was not revised. Requiring the incineration of the test oil might lead to the waste of significant quantities of valuable mineral resources.

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UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY, CONSERVATION DIVISION

EASTERN REGION, ATLANTIC AREA—SOUTH
ATLANTIC OCS ORDER NO. 4

Effective February 1, 1978

Suspensions and determination of well producibility

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.12(d)(1). An OCS lease provides for extension beyond its primary term for as long as oil or gas may be produced from the lease in paying quantities. The term "paying quantities" as used herein means production in quantities sufficient to yield a return in excess of operating costs. An OCS lease may be maintained beyond the primary term, in the absence of actual production, when a suspension of production has been approved in accordance with South Atlantic OCS Order No. 14. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

All pertinent engineering, geologic, and economic data shall be submitted to the District Supervisor for his consideration in determining whether a well is capable of being produced in paying quantities.

The District Supervisor shall prescribe which of the following shall be used to determine the capability of a well to produce in paying quantities.

1. *Production tests.* All tests must be witnessed by an authorized representative of the Geological Survey. Test data accompanied by operator's affidavit, or third-party test data, may be accepted in lieu of a witnesses test, provided prior approval is obtained from the District Supervisor. The following are minimum requirements for test data:

a. A production test for oil wells of at least 2-hour duration following the stabilization of flow.

b. A deliverability test for gas wells of at least 2-hour duration following the stabilization of flow, or a four-point back-pressure test.

2. *Production capability determination.* When the District Supervisor determines that open-hole evaluation data, such as wireline formation tests, drill stem tests, core data, and logs, have been demonstrated as reliable in a geologic area, such data may be considered as acceptable evidence that a well is capable of producing in paying quantities.

WAYNE E. HULL,
Area Oil and Gas Supervisor.

Approved:

Acting Chief, Conservation Division.

SOUTH ATLANTIC OCS ORDER NO. 5

Subparagraph 2.1 Installation.

Several commenters suggested that surface-controlled subsurface-safety devices be required only on wells with shut-in tubing pressures of less than 4,000 psig. Their rationale was based, in part, on the limited availability of high pressure surface-controlled subsurface valves or by equipment limitations. It is believed that the added safety factor of surface-controlled subsurface-safety devices warrants the requirement for their use. The comments pertain-

ing to pressure criteria and the limited availability of surface-controlled subsurface-safety devices do not justify the use of subsurface-controlled valves. The reliability and ease of maintenance of surface-controlled subsurface-safety devices are the overriding considerations.

A commenter suggested that downhole-check valves be allowed in injection wells and that water injection wells be controlled by surface-safety devices. It is felt that anti-pollution and safety requirements would not be honored if surface-controlled subsurface-safety valves were not installed in injection wells. Injection wells, regardless of their history of activity, often contain residual volumes of oil and/or entrained gas. These residual volumes collect in the well bore when injection is terminated, and the injection well is then capable of flowing oil or gas. High-salinity water is also a pollutant.

Subparagraph 2.8 Additional protective equipment.

Several commenters pointed out that this subparagraph used the terms "measured top of cement" although there had been no requirement to make such a measurement. The word "calculated" was substituted in the Order.

U.S. DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY—CONSERVATION DIVISION

EASTERN REGION, ATLANTIC AREA, SOUTH
ATLANTIC

OCS Order No. 5, Effective Feb. 1, 1978

Subsurface-safety devices

This Order is established pursuant to the authority prescribed in 30 CFR 250.11, 30 CFR 250.12(a), 30 CFR 250.45, 30 CFR 250.46, and in accordance with 30 CFR 250.41(b). The operator shall be responsible for compliance with the requirements of this Order in the installation and operation of all platforms and structures and all facilities installed thereon including those facilities not operated or owned by the operator. All applications for approval under the provisions of this Order shall be submitted to the appropriate District Supervisor. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. *Technological improvement.*—As technological research, progress, and product improvement result in increased effectiveness of existing safety devices or the development of new devices or systems, such devices or systems may be required or used upon application, justification, and approval. Applications for routine use shall include evidence that the device or system has been field-tested at least once each month, for a minimum of 6 consecutive months, and that each test indicated proper operation.

2. *Subsurface-safety devices.*

2.1 *Installation.* All tubing installations open to and capable of producing from hydrocarbon-bearing zones shall be equipped with a subsurface-safety device unless, after application and justification, the well is determined to be incapable of flowing. The device is to be installed at a depth of 30 meters (98 feet) or more below the ocean floor. These installations shall be made within 2 days after stabilized production is established. The well shall not be left unattended while open to production until a subsurface-safety device is installed.

2.2 *Design, testing, and inspection.* Subsurface-safety devices shall be designed, ad-

justed, installed, and maintained to insure reliable operation. During testing and inspection procedures, the well shall not be left unattended while open to production unless a properly operating subsurface-safety device has been installed in the well.

2.3 *Surface-controlled subsurface-safety devices.* All tubing installations open to and capable of producing from hydrocarbon-bearing zones shall be equipped with a surface-controlled subsurface-safety device, except as specified in subparagraph 2.4 below. The surface controls may be located onsite or remotely.

2.3.1 *Quality assurance and performance.* Subsurface-safety devices installed after July 1, 1979, shall conform to the following Standards, or subsequent revisions thereto, as approved by the Supervisor:

a. American Petroleum Institute, "Specification for Subsurface Safety Valves," API Spec 14A, Second Edition, November 1977, as amended by Supplement 1, January 1978.

b. American National Standards Institute/American Society of Mechanical Engineers Standard, "Quality Assurance and Certification of Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations," ANSI/ASME OCS-1-1977.

c. American National Standards Institute/American Society of Mechanical Engineers Standard, "Accreditation of Testing Laboratories for Safety and Pollution Prevention Equipment Used in Offshore Oil and Gas Operations," ANSI/ASME OCS-2-1977.

2.3.2 *Installation and testing.* The operator shall comply with the minimum recommended practices set forth in API Recommended Practice, RP 14 B, First Edition, October 1973, "Design, Installation, and Operation of Subsurface-Safety Valve Systems," or revisions thereto as approved by the Supervisor which contain procedures for design calculations, safe installation, and operating and testing. Each surface-controlled or other remotely-controlled subsurface-safety device installed in a well shall be tested in place for proper operation when installed, or reinstalled, at least monthly for the next 6 months and quarterly thereafter. If the device does not operate properly, it shall be promptly removed, repaired, and reinstalled or replaced and tested to insure proper operation.

2.4 *Shut-in wells.* A tubing plug shall be installed in lieu of, or in addition to, other subsurface-safety devices if a well has been shut in for a period of 6 months. Such plugs shall be set at a depth of 30 meters (98 feet) or more below the ocean floor. All retrievable plugs installed after the date of this Order shall be of the pump-through type. All wells perforated and completed, but not placed on production, shall be equipped with a subsurface-safety device or tubing plug within 2 days after completion. A surface-controlled subsurface-safety device of the pump-through type may be used as a pump-through tubing plug for the purpose of this subparagraph, provided the surface control has been rendered inoperative.

2.5 *Injection Wells.* Surface-controlled subsurface-safety devices shall be installed in all injection wells unless, after application and justification, it is determined that the well is incapable of flowing.

2.6 *Tubing plugs.* A shut-in well equipped with a tubing plug shall be inspected for leakage by opening the well to possible flow at intervals not exceeding 6 months. No sustained liquid flow or gas leakage is allowed. In the event leakage is detected, the plug shall be removed, repaired, and reinstalled,

or an additional tubing plug may be installed in lieu of removal and repair.

2.7 *Temporary removal for routine operations.* Each wireline- or pumpdown-retrievable subsurface-safety device may be removed, without further authorization or notice, for a routine operation which does not require the approval of a Sundry Notice and Report on Wells (Form 9-331) for a period not to exceed 15 days. The well shall be clearly identified as being without a subsurface-safety device and shall not be left unattended while open to production unless approved by the District Supervisor. The provisions of this subparagraph are not applicable to the testing and inspection procedures specified in subparagraph 2.2 above.

2.8 *Additional protective equipment.* All tubing installations in which a wireline- or pumpdown-retrievable subsurface-safety device is to be installed shall be equipped with a landing nipple, flow couplings, or other protective equipment, above and below, to provide for setting of the subsurface-safety device. All wells in which a subsurface-safety device or tubing plug is installed shall have the tubing-casing annulus packed off above the uppermost open casing perforations and at least 30 meters (98 feet) below the measured or calculated top of cement on the production string or the intermediate string. The control system for all surface-controlled subsurface-safety devices shall be an integral part of the platform shut-in system.

2.9 *Departures.* All applications for departures shall include a detailed statement of the well conditions, efforts made to overcome any difficulties, and proposed alternate safety measures.

2.10 *Emergency action.* All tubing installations open to and capable of producing from hydrocarbon-bearing zones and not equipped with a subsurface-safety device as permitted by subparagraph 2.7 of this Order shall be clearly identified as not being so equipped, and a subsurface-safety device or tubing plug shall be available at the field location. In the event of an emergency, such as an impending storm, such device or plug shall be promptly installed with due consideration being given to personnel safety.

2.11 *Records.* The operator shall maintain the following records for a minimum period of 1 year for each subsurface-safety device and tubing plug installed, and these records shall be available to any authorized representative of the Geological Survey.

2.11.1 *Field Records.* Individual well records shall be maintained at or near the field and shall include, as a minimum, the following information:

a. A record which will give design and other information; i.e., make, model, type, spacers, bean and spring size, pressure, etc.

b. Verification of assembly by a qualified person in charge of installing the device, and the installation date.

c. Verification of setting depth and all operational tests as required in this Order.

d. Removal date, reason for removal, and reinstallation date.

e. A record of all modifications of design in the field.

f. All mechanical failures or malfunctions, including sand cutting of such devices, with notation as to cause or probable cause.

g. Verification that failure report was submitted.

2.11.2 *Other records.* The following records, as a minimum, shall be maintained at the operator's office:

a. Verified design information of subsurface-safety devices for the individual well.

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b. Verification of assembly and installation according to design information.

c. All failure reports.

d. All laboratory analysis reports of failed or damaged parts.

e. Quarterly failure-analysis report.

2.12 *Reports.* Well-completion reports (Form 9-330) and any subsequent reports of workover (Form 9-331) shall include the type and the depth of the subsurface-safety devices and tubing plugs installed.

To establish a failure-reporting and corrective-action program as a basis for reliability and quality control, each operator shall submit a quarterly failure-analysis report to the Supervisor identifying mechanical failures by lease and well, make and model, cause or probable cause of failure, and action taken to correct the failure. The report shall be submitted within 30 days following the periods ending December 31, March 31, June 30, and September 30 of each year.

WAYNE E. HULL,
Area Oil and Gas Supervisor.

Approved:

Acting Chief, Conservation Division.

SOUTH ATLANTIC OCS ORDER NO. 7

Paragraph 2. Personnel, inspections, and reports.

Many commenters were concerned over the timing and size of oil spills that were to be reported. The Order was revised to reflect the concern expressed by commenters about prompt and detailed notification of spills. Spills must be reported, both orally and in writing, and the reports will be available for public inspection. State agencies can arrange with the District Supervisor for prompt notification of oil spills.

One commenter suggested that the Supervisor prescribe that a minimum number of inspections be made of unattended facilities and that the number of such facilities be held to a minimum. A subparagraph was included in the Order which states that unattended facilities shall be inspected daily or at intervals prescribed by the District Supervisor. The Area Supervisor must approve all structures before they are set in place, but economics, alone, will keep this number to a minimum.

A commenter expressed a desire to review Oil Spill Contingency Plans as they are submitted for the South Atlantic. Revised South Atlantic OCS Order No. 12 makes it clear that these plans are nonproprietary and are available for public inspection.

One commenter was concerned that onshore storage of spill-containment equipment would not provide adequate protection from spills and blowouts. The revised Order states that pollution-control equipment will be maintained at an offshore location or at a site required by the Supervisor. This will give the Supervisor the flexibility needed to ensure timely response to oil spills.

Paragraph 4. Drills and training.

A commenter suggested that pollution-control drills be scheduled by the Supervisor and held at least semiannually. The Order, as currently written, requires that the drill schedules be acceptable to the Supervisor and that the frequency of drills be increased if the Supervisor judges performance to be inadequate. In its present form, the Order provides the Supervisor with appropriate authority and flexibility, and it was not revised.

U.S. DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY—CONSERVATION DIVISION
EASTERN REGION, ATLANTIC AREA, SOUTH ATLANTIC

OCS Order No. 7, Effective February 1, 1978
Pollution Control and Waste Disposal

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.43. The operator shall comply with the following requirements. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. **Pollution prevention.** In the conduct of all oil and gas operations, the operator shall prevent pollution of the ocean. Furthermore, the disposal of waste materials into the ocean shall not create conditions which will adversely affect the public health, life or property, aquatic life or wildlife, recreation, navigation, commercial fishing or other uses of the ocean.

1.1 **Liquid disposal.**

1.1.1. **Oil-cut drilling mud.** Drilling mud containing free oil shall not be disposed of into the ocean.

1.1.2. **Drilling-mud components.** The operator shall submit as a part of the Application for Permit to Drill (Form 9-331 C) a detailed list of drilling-mud components including the common chemical or chemical trade name of each component, a list of the drilling mud additives anticipated for use in meeting special drilling requirements, and the proposed method of drilling-mud disposal. Disposal of drilling mud shall be by methods which will minimize the adverse effects to marine life. Approval of drilling-mud disposal into the ocean must be obtained from the District Supervisor; each request will be site specific and decided on a case-by-case basis.

1.1.3. **Hydrocarbon-handling equipment.** All production facilities such as separators, tanks, treaters, and other hydrocarbon-handling equipment shall be designed and operated in a manner necessary to prevent pollution. Maintenance or repairs are necessary to prevent pollution of the ocean shall be undertaken immediately.

1.1.4. **Curbs, gutters, and drains.** Curbs, gutters, and drains shall be installed in all deck areas in a manner necessary to collect all contaminants in a closed sump or in a sump pile, unless drip pans or equivalent are placed under equipment and piped to a closed sump or sump pile which will automatically maintain the oil at a level sufficient to prevent discharge into the ocean. All walking and working surfaces shall be kept free of all liquid accumulations. Sump piles shall not be used as a processing device to treat or skim liquids but shall be used to collect treated produced water, treated sand, liquids from drip pans and deck drains, and as a final trap for hydrocarbon liquids in the event of equipment upsets.

1.1.5. **Fixed-structure discharges.** Discharges from fixed structures including sanitary waste, produced water, and deck drainage are subject to the Environmental Protection Agency's permitting procedures pursuant to the Federal Water Pollution Control Act as amended.

1.1.6. **Mobile drilling-unit discharges.** Discharges from mobile drilling units including produced water and deck drainage shall contain no free oil and shall not cause a sheen to form on the surface of the ocean. Marine sanitation devices for mobile drilling units shall meet Coast Guard Type I specifications.

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1.2 Solid material disposal.

1.2.1. **Well solids.** Drill cuttings, sand, and other well solids containing oil shall not be disposed of into the ocean unless all of the free oil has been removed.

1.2.2. **Containers.** Containers and other similar solid-waste materials shall not be disposed of into the ocean.

1.2.3. **Equipment.** Disposal of equipment into the ocean is prohibited except under emergency conditions. The location and description of any equipment so discharged shall be reported to the District Supervisor.

2. Personnel, inspections, and reports.

2.1. **Personnel.** The operator's personnel shall be thoroughly instructed in the techniques of equipment maintenance and operation for the prevention of pollution. Non-operator personnel providing services offshore shall be informed in writing, prior to executing contracts, of the operator's obligations to prevent pollution and of the provisions of this Order.

2.2 Pollution inspections.

2.2.1. **Manned facilities.** Manned drilling and production facilities shall be inspected daily to determine if pollution is occurring. Such maintenance or repairs as are necessary to prevent pollution of ocean waters shall be immediately undertaken and performed.

2.2.2. **Unattended facilities.** Unattended facilities, including those equipped with remote control and monitoring systems, shall be inspected daily or at intervals prescribed by the District Supervisor and necessary maintenance or repairs immediately made thereto.

2.3. **Pollution reports.** All spills of oil and liquid pollutants shall be reported orally to the District Supervisor and confirmed in writing. The reports shall include the cause, location, ocean state, meteorological conditions, size and appearance of slick, volume of spill, and action taken.

2.3.1. **Spills.** Spills shall be reported orally as follows:

- Less than 1.0 cubic meters (6.3 barrels) within 12 hours.
- 1.0 to 5.0 cubic meters (6.3 to 31.5 barrels) within 4 hours.
- More than 5.0 cubic meters (31.5 barrels) without delay.

2.3.2. **Observed malfunctions.** Operators shall notify each other upon observation of equipment malfunction or pollution resulting from another's operation.

3. Pollution-control equipment and oil spill contingency plan.

3.1. **Equipment.** Standby pollution-control equipment and materials shall be maintained by, or shall be available to, each operator at an offshore location or at such location as required by the Supervisor. This shall include containment booms, skimming apparatus, cleanup materials, and chemical agents which shall be available prior to the commencement of operations. The use of chemicals shall be permitted only after approval by the Supervisor in accordance with Annex X, National Oil and Hazardous Substances Pollution Contingency Plan. The equipment and materials shall be inspected monthly and maintained in good condition for use. The results of the inspections shall be recorded and maintained at the site.

3.2. **Oil spill contingency plan.** The operator shall submit an oil spill contingency plan for approval by the Supervisor prior to approval of an application for a permit to conduct operations. This plan shall contain the following:

- Provisions to assure that full resource capability is known and can be committed

during an oil-discharge situation including the identification and inventory of applicable equipment, materials, and supplies which are available locally and regionally, both committed and uncommitted, and the time required for deployment.

b. Provisions for varying degrees of response effort depending on the severity of the oil discharge.

c. Provisions for protecting areas of special biological sensitivity.

d. Establishment of procedures for the purpose of early detection and timely notification of an oil discharge including a current list of names, telephone numbers, and addresses of the responsible persons and alternates on call to receive notification of an oil discharge, as well as the names, telephone numbers, and addresses of regulatory organizations and agencies to be notified when an oil discharge is discovered.

e. Provisions for well-defined and specific actions to be taken after discovery and notification of an oil discharge including:

(1) Specification of an oil-discharge response operating team consisting of trained, prepared, and available operating personnel.

(2) Predesignation of an oil discharge response coordinator who is charged with the responsibility and delegated commensurate authority for directing and coordinating response operations.

(3) A preplanned location for an oil discharge response operations center and a reliable communications system for directing the coordinated overall response operations.

(4) Provisions for disposal of recovered spill material.

4. **Drills and training.** Drills and training classes for familiarization with pollution-control equipment and operational procedures shall be held by the operator at locations approved by the Supervisor. The drills shall be realistic and shall include deployment of the equipment. A drill schedule acceptable to the Supervisor shall be set by the operator and a copy shall be sent to the District Supervisor in sufficient time for U.S. Geological Survey personnel to witness any of the drills or training classes. All equipment need not be deployed at each drill. Records of the drills shall be kept and made available to U.S. Geological Survey personnel. Where drill performance and results are deemed inadequate by the District Supervisor, the operator shall increase the frequency of the drills until satisfactory results are achieved.

5. **Spill control and removal.** Immediate corrective action shall be taken in all cases where pollution has occurred. Corrective action taken under the operator's Oil Spill Contingency Plan shall be subject to modification when directed by the Area Supervisor. The primary jurisdiction to require corrective action to abate the source of pollution and to enforce the subsequent cleanup by the lessee or operator shall remain with the Supervisor pursuant to the provisions of this Order and the Memorandum of Understanding between the Department of Transportation (U.S. Coast Guard) and the Department of the Interior (U.S. Geological Survey) dated August 18, 1971.

6. **Contingency plan review.** Contingency plans shall be reviewed annually. All modifications and the results of the review shall be submitted to the Supervisor for approval.

DWAYNE E. HULL,
Area Oil and Gas Supervisor.

Approved:
Acting Chief, Conservation Division.

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SOUTH ATLANTIC OCS ORDER NO. 12

Paragraph 2. Availability of records.

Several commenters requested that the 5-year time period for keeping proprietary items of information on Form 9-330, Well Completion or Recompletion Report and Log, be suspended during periods when the courts or the Secretary suspends operations. This suggestion was adopted since recent events have shown a need for this provision on the Atlantic OCS.

A commenter suggested that all information on OCS operations which could not provide a "competitive advantage" be released to the public. The Order has been revised and now contains a noncomprehensive list of items which are available to the public for inspection. The Order will not attempt to list every item that is available. However, the Department of the Interior will make records available to the public, to the greatest extent possible, in keeping with the spirit of the Freedom of Information Act.

A suggestion was made that Governors' designees be permitted to view proprietary data on a protected, confidential, basis and that language to this effect be put in the Order. This change will not be made to the Order. A modification such as this would require changes in OCS regulations and in the statutory requirements of the Freedom of Information Act.

U.S. DEPARTMENT OF THE INTERIOR, GEOLOGICAL SURVEY—CONSERVATION DIVISION

EASTERN REGION, ATLANTIC AREA, SOUTH ATLANTIC

OCS Order No. 12, Effective Feb. 1, 1978 Public Inspection of Records

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.97 and 43 CFR Part 2. Requests for information made under the Freedom of Information Act, 5 U.S.C. § 552, will be governed by the provisions of 43 CFR Part 2 (40 FR 7304, February 19, 1975). All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b).

1. **Filing of reports.** All reports on Forms 9-152, 9-330, 9-331, 9-331 C, 9-1869, 9-1870, and the forms used to report the results of multi-point back-pressure tests shall be filed by the Operator in accordance with the following:

a. All reports submitted on these forms shall include a copy with the words "Public Information" shown on the lower right-hand corner. This copy of the form shall be made available for public inspection.

b. All items on the form not marked "Public Information" shall be completed in full, and such forms and all attachments thereto shall not be available for public inspection.

c. The copy marked "Public Information" shall be completed in full except that the items described in subparagraphs 2.1 through 2.4 below and the attachments relating to such items may be excluded.

2. **Availability of records.** It has been determined that certain records pertaining to

leases and wells in the Outer Continental Shelf and submitted under 30 CFR 250 shall be made available for public inspection, as specified below, in the Area office. Certain other portions of these records have been determined to be exempt from disclosure. The reason for these exemptions is discussed in paragraph 3 of this Order.

2.1 **Form 9-152—Monthly report of operations.** All information contained on this form shall be available except the information required in the Remarks column.

2.2 **Form 9-330—Well-completion or re-completion report and log.**

2.2.1 **Prior to commencement.** Prior to commencement of production, all information contained on this form shall be available except:

- Item 1a, Type of Well.
- Item 4, Location of Well, at top production interval and at total depth.
- Item 22, if Multiple Completion, How many?
- Item 24, Producing Interval.
- Item 26, Type Electric and Other Logs Run

- Item 28, Casing Record.
- Item 29, Liner Record.
- Item 30, Tubing Record.
- Item 31, Perforation Record.
- Item 32, Acid, Shot, Fracture, Cement Squeeze, etc.
- Item 33, Production.
- Item 37, Summary of Porous Zones.
- Item 38, Geologic Markers.

2.2.2 **After commencement of production.** After commencement of production, all information shall be available except Item 37, Summary of Porous Zones, and Item 38, Geologic Markers.

2.2.3 **Five years elapsed time.** If production has not commenced after an elapsed time of 5 years from the date of filing Form 9-330 as required in 30 CFR 250.38(b), excluding the total of such time that operations and production are suspended by direction of the Secretary of the Interior or his duly authorized representative, and further excluding the total of such time that operations and production are stopped or prohibited by Court order, all information contained on this form shall be available except Item 37, Summary of Porous Zones, and Item 38, Geologic Markers. Within 90 days prior to the end of the 5-year period, exclusive of exceptions noted above, the lessee or operator shall file a Form 9-330 containing all information requested on the form, except Item 37, Summary of Porous Zones, and Item 38, Geologic Markers, to be made available for public inspection. Objections to the release of such information may be submitted with the completed Form 9-330.

2.3 **Form 9-331—sundry notices and report on wells.**

2.3.1 **"Request for Approval to."** When used as a "Request for Approval to:" conduct operations, all information contained on this form shall be available except Item 4, Location of Well, at top production interval and at total depth, and Item 17, Describe Proposed or Completed Operations.

2.3.2 **"Subsequent Report of."** When used as a "Subsequent Report of:" operations, and after commencement of production, all information contained on this form shall be available, except information under Item 17 as to subsurface locations and measured and true vertical depths for all markers and zones not placed on production.

2.4 **Form 9-331 C—application for permit to drill, deepen, or plug back.** All information contained on this form and the attached location plat shall be available except Item 4, Location of Well at Proposed Production Zone, and Item 23, Proposed Casing and Cementing Program.

2.5 **Form 9-1869—quarterly oil-well-test report.** All information contained on this form shall be available.

2.6 **Form 9-1870—semi-annual gas-well-test report.** All information contained on this form shall be available.

2.7 **Multi-point back-pressure-test report.** All information contained on this form used to report the results of required multi-point back-pressure-test of gas wells shall be available.

2.8 **Sales of lease production.** Information contained on monthly U.S. Geological Survey computer printout showing sales volumes, value, and royalty of production of oil, condensate, gas and liquid products by lease shall be made available.

2.9 **Availability of inspection records.** All accident-investigation reports, pollution-incident reports, facilities-inspection data, and records of enforcement actions are also available for public inspection.

2.10 **Availability of data and information submitted by lessees as a requirement of OCS orders and notices.** It has been determined that much information submitted by lessees as a result of OCS Orders and OCS Notices to Lessees and Operators is non-proprietary in nature and will be made available for public inspection.

This will include:

a. Notices of support activity.

b. Oceanographic, meteorological, and performance data collected from drilling units and production facilities during the period of operations.

c. Results of site surveys required prior to drilling or placement of structures except for those portions which the lessee shall designate, with the Supervisor's approval, as trade secrets and commercial or financial information which are privileged or confidential.

d. Drawings, maximum environmental-design criteria, and performance data of mobile-drilling units and structures.

e. Oil spill contingency plans.

f. Critical operations and curtailment plans.

3. **Information exempt from public inspection.** The requirements of this paragraph are applicable to leases issued after June 11, 1976. It has been determined that certain information as discussed in paragraph 1 and subparagraphs 2.1 through 2.4 of this Order is exempt from disclosure under exemption No. 9 of the Freedom of Information Act (5 U.S.C. § 552 (b)(9) and 43 CFR 2.13 subparagraph (c) "Statutory Exemptions" (9)). This information has been determined to qualify as "Geological and geophysical information and data including maps concerning wells." In accordance with 30 CFR 250.97, "Public Inspection of Records," subparagraph (a), geophysical data shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect or for a period of 10 years after the date of submission, whichever is less, unless the Supervisor, with the approval of the Director, determines that earlier release of such information is necessary for the proper development of the field or area. Subparagraph (b) requires that geological data shall not be made available for public inspection without the consent of the lessee as long as the lease

remains in effect or for a period of 2 years after the date of submission, whichever is less, unless the Supervisor, with the approval of the Director, determines that earlier release of such information is necessary for the proper development of the field or area.

DWAYNE E. HULL,
Area Oil and Gas Supervisor.

Approved:

Acting Chief, Conservation Division.

[FR Doc. 78-4031 Filed 2-13-78; 8:45 am]

[4310-70]

Heritage Conservation and Recreation Services

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by February 24, 1978.

WILLIAM J. MURTAGH,
Keeper of the
National Register.

ALABAMA

Jackson County

Stevenson, Rosecrans, Gen. William, Headquarters Ruins, Myrtle Pl.

Madison County

Huntsville, Old Town Historic District, roughly bounded by Dement, Randolph, Lincoln, and Walker.

ARIZONA

Gila County

Globe, Old Dominion Library, Murphy St.

Mohave County

Kingman, Hubbs House, 4th and Golconda Sts.

Navajo County

Holbrook, Navajo County Courthouse, Courthouse Square.

Pinal County

Casa Grande, Casa Grande Stone Church, Florence Blvd. and N. Park Ave.

ARKANSAS

Jefferson County

Pine Bluff, Merchants and Planters Bank Building, 100 Main St.

NOTICES

CALIFORNIA

Butte County

Twentieth Century Folk Art Environments in California (also in Imperial, Los Angeles, Napa, San Bernardino, San Luis Obispo, San Mateo, Santa Barbara, and Ventura Counties).

Los Angeles County

La Mirada, McNally's Windermere Ranch Headquarters, San Esteban and San Cristobal Dr.

COLORADO

Boulder County

Boulder, Squires-Tourtellot House, 1019 Spruce St.

Denver County

Denver, All Saints Episcopal Church, 2222 W. 32nd Ave.

Denver, Curry-Chucovich House, 1439 Court Pl.

Denver, Moore, Dora, Elementary School, E. 9th Ave. and Corona St.

Denver, Treat Hall, E. 18th Ave. and Pontiac St.

Larimer County

Fort Collins, Ammons Hall, Colorado State University campus.

Loveland vicinity, Chasteen's Grove, W of Loveland off U.S. 34.

Otero County

La Junta, Lincoln School, 300 W. 3rd St.

Sedgwick County

Julesburg vicinity, Gibello's Caves (Italian Caves), S of Julesburg off I-80.

HAWAII

Hawaii County

Honokaa, Chee Ying Society, HI 24.
Kealahou, Greenwell Store, HI 11.
Keauhou, Kamchameha III Birthplace, off Alii Dr.

MASSACHUSETTS

Bristol County

Swansea vicinity, Luther Store, W of Swansea at 160 Old Warren Rd.

Middlesex County

Cambridge, Carpenter Center for the Visual Arts, 19 Prescott St.

Plymouth County

Brockton, Dean, Dr. Edgar Everett, House, 81 Green St.

MISSISSIPPI

Amite County

Centerville vicinity, Bethany Institute, E of Centerville on MS 48.

Coahoma County

Clarksdale vicinity, Carson Mounds, N of Clarksdale.

NEBRASKA

Douglas County

Omaha, U.S.S. Hazard and U.S.S. Marlin, 2500 N. 24th St.

NEW JERSEY

Monmouth County

Shrewsbury, Shrewsbury Historic District, Broad and Sycamore Sts.

NEW YORK

Madison County

Morrisville, Old Madison County Courthouse, E. Main St.

NORTH CAROLINA

Camden County

South Mills vicinity, Abbott, William Riley, House, SE of South Mills on SR 1223

Guilford County

Gibsonville vicinity, Low House, S of Gibsonville
High Point, William Penn High School, Washington Dr.

Hyde County

Lake Landing vicinity, Inkwell (Octagon House), E of Lake Landing on U.S. 264.

Wake County

Raleigh, St. Mary's College, Hillsborough and St. Mary's Sts.
Raleigh, Sir Walter Raleigh Hotel, 400-412 Fayetteville St.

Warren County

Norlina vicinity, Hawkins, William J., House, W of Norlina on SR 1103.

Wayne County

Goldsboro, Oddfellows Lodge, 111-115 N. John St.

Wilson County

Wilson, Branch Banking and Trust Company Building, 124 W. Nash St.

OHIO

Athens County

East Millfield vicinity, Sunday Creek Coal Company Mine No. 6, E of East Millfield.

Fairfield County

Baltimore vicinity, Miller Farm, S of Baltimore on Pleasantville Rd.

Hamilton County

Cincinnati vicinity, United Brethren in Christ, S of Cincinnati off I-275.

Highland County

Greenfield, Smith, Samuel, House and Tannery, 103 Jefferson St.

Lorain County

Sheffield, Garfield, Halsey, House, 4789 Detroit Rd.
Sheffield Lake, 103rd Ohio Volunteer Infantry Association Barracks, 5501 E. Lake Rd.

Marion County

Caledonia vicinity, Caledonia Bowstring Bridge, N of Caledonia, Spans Olentangy River.

Miami County

Troy vicinity, Twin Arch Stone Culinary, N of Troy at SR 25A.

NOTICES

Muskingum County

Zanesville, Christman, Nicholas, House, 532 Wayne Ave.

Portage County

Kent, Kent Jail, 124 W. Day St.

Trumbull County

Warren, McLain-Gillmer House, 720 Mahoning Ave., NW.

Warren County

Harveysburg vicinity, Halton Farm, E of Harveysburg on OH 73.

Washington County

Marletta vicinity, Barker, Col. Joseph, House, N of Marletta on Masonic Park Rd.

OREGON

Jackson County

Ashland vicinity, Dunn, Patrick, Ranch, SE of Ashland on OR 66.
Medford, Liberty Building, 201 W. Main St.

Marion County

Salem, Reed Opera House and McCormack Block Addition, 189 and 177 Liberty St., NE.

Multnomah County

Portland, Bowles, Joseph R., House, 1934 SW Vista Ave.
Portland, Stratton-Cornelius House, 2182 SW Yamhill St.

PENNSYLVANIA

Adams County

McSherrystown vicinity, Conewago Mass House, N or McSherrystown on SR 476

Berks County

St. Lawrence, LeVan Farm, PA 562

Blair County

Hollidaysburg, Highland Hall, 517 Walnut St.

Bucks County

Ottsville, Red Hill Church and School, Durham Rd.

Centre County

Bellefonte, South Ward School, Bishop St.

Chester County

Phoenixville vicinity, Prizer's Mill Complex, W of Phoenixville on Seven Stars Rd.

Columbia County

Catawissa, Catawissa Friends Meetinghouse, South St.

Dauphin County

Harrisburg, Telegraph building, 214-216 Locust St.

Delaware County

Chester, Old Main and Chemistry Building, 14th St. between Melrose Ave. and Walnut St.
Cheyney, Cheyney, John, Log Tenant House and Farm, Station Rd.
Wayne, Saturday Club, 117 W. Wayne Ave.

Fayette County

Brownsville, Dunlap Creek Bridge, spans Dunlap Creek

Franklin County

Mercersburg vicinity, Hays Bridge Historic District, E of Mercersburg at SRs 331 and 328

Greene County

Waynesburg, Miller Hall, 51 W. College St.

Indiana County

Indiana, Clark, Silas M., House, 6th St. and Wayne Ave.

Lackawanna County

Dalton, Dalton House, E. Main St.
Scranton, Albright Memorial Building, N. Washington Ave. and Vine St.

Lancaster County

Nottingham vicinity, Kirks Mills Historic District, W of Nottingham off PA 272

Monroe County

Shawnee-on-the-Delaware, Worthington Hall, Worthington Ave.

Montgomery County

Bryn Athyn, Glencairn, 1001 Papermill Rd. King of Prussia, Poplar Lane, 1000 Boxwood Court

Northampton County

Easton and vicinity, Lehigh Canal (Easton Section), Glendon and Abbott Street Industrial Sites, along Lehigh River from Hopeville to confluence with Delaware River
Walnutport and vicinity, Lehigh Canal, Lehigh Gap-Walnutport Section, from Lehigh Gap S to Lock No. 25

Northumberland County

Milton, Pennsylvania Canal and Limestone Run Aqueduct, West Branch Division, bounded by Broadway, Bound Ave., Filbert St., and Limestone Run

Philadelphia County

Philadelphia, U.S.S. Becuna, Penn's Landing, Delaware Ave. and Spruce St.

Susquehanna County

Montrose, Mulford, Sylvanus, House, 65 Church St.

Wayne County

White Mills, Dorfing, Eugene, Estate, U.S. 6 and Charles St.

York County

York, York Central Market, Beaver and Philadelphia Sts.

TEXAS

Crockett County

Iraan vicinity, Camp Melvin, NW of Iraan off TX 349

Dallas County

Lancaster, Randlett House, 401 S. Centre St.

Fayette County

Round Top, Bethlehem Lutheran Church, White St.

Victoria County

Victoria vicinity, Willeke Site, W of Victoria off SR 237

UTAH

Carbon County

Price, Price Tavern (Braflet Block), E. 100 South and Carbon Ave.

Salt Lake County

Salt Lake City, Utah Savings and Trust Company Building, 235 S. Main

WASHINGTON

Skagit County

Anacortes vicinity, Burrows Island Light Station, W of Anacortes on Burrows Island

WISCONSIN

Brown County

Green Bay, Fisk, Joel S., House, 123 N. Oakland Ave.

Rock County

Evansville, Evansville Historic District, roughly bounded by Allens Creek, Liberty, 4th, and Garfield Sts.
Janesville, (The) Armory, 10 S. High St.
Janesville, Richardson, Hamilton, House, 429 Prospect Ave.

Vilas County

Lac du Flambeau vicinity, Strawberry Island Site, W of Lac du Flambeau

[FR Doc. 78-3847 Filed 2-13-78; 8:45 am]

[4310-70]

National Park Service

HEADQUARTERS AREA, CANYON DE CHELLY NATIONAL MONUMENT, ARIZONA

Proposed Development Concept Plan; Availability of Review of Alternatives/Negative Declaration

An assessment of alternatives which examined options and impacts thereof associated with either limiting, improving or expanding facilities at the Monument headquarters area near Chinle, Apache county, Ariz., was distributed August 10, 1977, and was made available by publication in the FEDERAL REGISTER of August 29, 1977.

A review of the alternatives has now been prepared, based on input received and upon management judgments and is available at the following locations: Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, P.O. Box 728, Santa Fe, N. Mex. 87501; Navajo Lands Group Office, 111 North Behrend Avenue, P.O. Box 539, Farmington, N. Mex. 87401; and from the Superintendent, Canyon de Chelly National Monument, P.O. Box 588, Chinle, Ariz. 86503.

The review selects alternative C as described in the assessment. Facilities will be improved and expanded, including a limited increase in lodging and food service accommodations.

It is the conclusion of the National Park Service that the plan outlined is not a major Federal action that will

significantly affect the human environment. More detailed plans and specifications will be prepared and the plan implemented as funds become available. No environmental statement will be prepared.

Dated: January 19, 1978.

DOUGLAS G. WARNOCK,
Acting Regional Director, Southwest Region, National Park Service.

[FR Doc. 78-4023 Filed 2-13-78; 8:45 am]

[4310-70]

SALINAS NATIONAL MONUMENT, NEW MEXICO

Availability of a Proposal/Assessment

A public workshop will be held beginning at 1 p.m. on Wednesday, March 22, at the Forest Ranger Station, Mountainair, N. Mex., to discuss a proposal and alternatives thereto for a Salinas National Monument in Torrance and Socorro Counties, N. Mex. National Park Service personnel will be present an hour prior to the beginning of the meeting to answer questions or explain details of the proposal.

The National Park Service has prepared a proposal/assessment which will be available at the workshop and may also be obtained at the following locations: Southwest Regional Office, National Park Service, 1100 Old Santa Fe Trail, P.O. Box 728, Santa Fe, N. Mex. 87501; Gran Quivira National Monument, Route 1, Mountainair, N. Mex. 87036; and the Chaco Center, Anthropology Building, Room 240, University of New Mexico, P.O. Box 26176, Albuquerque, N. Mex. 87125.

The proposal or preferred alternative suggests legislation be sought to establish a Salinas National Monument consisting of the existing Gran Quivira National Monument and two State monuments, Abo and Quarai, as enlarged by acquisition. The proposed three-unit monument would be administered and managed from a centralized facility in or near the town of Mountainair.

Comments on the proposal/assessment may either be submitted at the workshop or within 30 days thereafter to the Superintendent of Gran Quivira National Monument at the address given above.

At the conclusion of the review period, the National Park Service will evaluate comments and suggestions received and will decide on a future course of action for the proposal.

Dated: January 19, 1978.

DOUGLAS G. WARNOCK,
Acting Regional Director, Southwest Region, National Park Service.

[FR Doc. 78-4025 Filed 2-13-78; 8:45 am]

NOTICES

[7020-02]

INTERNATIONAL TRADE COMMISSION

[AA1921-179]

CARBON STEEL PLATE FROM JAPAN

Time and Place of Hearings

Notice is hereby given that the United States International Trade Commission has scheduled two public hearings in this investigation. The first hearing will be held on March 7, 1978, at Seattle Center, 305 Harrison Street, Seattle, Wash., Conference Room A, beginning at 9:30 a.m., p.s.t. The second hearing will be held on March 16, 1978, in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 9:30 a.m., e.s.t.

Requests to appear at the hearings should be filed, in writing, with the Secretary of the Commission at his office in Washington, D.C. not later than noon, Thursday, March 2, 1978.

Notice of the investigation was published in the FEDERAL REGISTER of January 26, 1978 (43 FR 3632).

By order of the Commission.

KENNETH R. MASON,
Secretary.

FEBRUARY 9, 1978.

[FR Doc. 78-4073 Filed 2-13-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-43]

CERTAIN CENTRIFUGAL TRASH PUMPS

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on January 9, 1977, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Hale Fire Pump Co., 708 Springmill Avenue, Conshohocken, Pa. 19428. The complaint alleges that unfair methods of competition and unfair acts exist in the importation of certain centrifugal trash pumps into the United States or in their sale by reason of the alleged coverage of such articles by U.S. Letters Patent No. 3,499,388. The complaint alleges that such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The complainant requests that such infringing pumps be permanently excluded from entry into the United States and that a temporary exclusion order issued to exclude the imported articles during the period of the investigation.

Having considered the complaint, the United States International Trade

Commission, on February 9, 1978, Ordered—

(1) That, pursuant to subsection (b) of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is, or is reason to believe there is, a violation of subsection (a) of this section in the unauthorized importation of certain centrifugal trash pumps into the United States, or in the sale thereof, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The alleged violations of subsection (a) of this section consists of allegations that the imported pumps infringe U.S. Letters Patent No. 3,499,388;

(2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthorized importation of such article into the United States or in their sale, are hereby named as respondents upon which the complaint and this notice are to be served:

C. Itoh America, Inc., 270 Park Avenue, New York, N.Y. 10017.

Ataka America, Inc., 633 Third Avenue, New York, N.Y. 10017.

Tokai Manufacturing Co., Matsusaka City, Mie Prefecture, Japan.

C. Itoh & Co., Inc., 4 Nihonbashi-Honcho, 2-Chrome, Chuo-Ku, C.P.O. Box 136, Tokyo, Japan.

(3) That, for the purpose of the investigation so instituted, Judge Myron R. Renick, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer; and

(4) That, for the purpose of the investigation so instituted, Louis S. Mastriani, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed Commission investigative attorney.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (41 FR 17710, April 27, 1976). Pursuant to sections 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, and of this notice, and will authorize the presiding officer and the Commission, with-

out further notice to the respondent to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the New York City Office of the Commission, 6 World Trade Center.

By Order of the Commission.

KENNETH R. MASON,
Secretary.

FEBRUARY 9, 1978.

[FR Doc. 78-4075 Filed 2-13-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-44]

CERTAIN ROLLER UNITS

Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on January 12, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Presto Lock Co., Division of Walter Kidde & Co., Inc., 35 Market Street, Elmwood Park, N.J. 07407. The complaint alleges that unfair methods of competition and unfair acts exist in the importation into the United States of certain roller units and luggage bearing such roller units, or in their sale, by reason of the alleged coverage of such articles by claims 1 through 9 of U.S. Patent No. 4,024,600, which patent is owned by Presto Lock Co. The complaint alleges that such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant has requested that the imports in question be temporarily and permanently excluded from entry into the United States.

Having considered the complaint, the United States International Trade Commission, on February 9, 1978, ordered—

(1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c), whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is, or is reason to believe that there is, a violation of subsection (a) of this section in the unauthorized importation of certain roller units and luggage bearing such roller units into the United States, or in the sale thereof, the effect or ten-

NOTICES

and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.

By order of the Commission.

KENNETH R. MASON,
Secretary.

FEBRUARY 9, 1978.

[FR Doc. 78-4074 Filed 2-13-78; 8:45 am]

IMPORTERS AND/OR SELLERS

1. Stradellina USA, Inc., 45 W. 34th Street, New York, N.Y. 10001.
2. United States Luggage Corp., 951 Broadway, Fall River, Mass. 02724.
3. M&M Luggage Company, Inc., 205 10th Street, Jersey City, N.J. 07302.
4. James Betesh Import Co., 1214 Broadway, New York, N.Y. 10001.
5. Tobytex, Inc., 6 West 14th Street, New York, N.Y. 10011.
6. Kaufman Brothers Metal Products, Inc., Division of Universal Merchandise Corp., 321 West 13th Street, New York, N.Y. 10014.
7. Peter's Bag Corp., 831 Eagle Avenue, Bronx, N.Y. 10456.

(3) That, for the purpose of the investigation so instituted, Chief Administrative Law Judge Myron R. Renick, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed presiding officer, and

(4) That, for the purpose of the purpose of the investigation so instituted, Jo Ann Miles, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (19 CFR § 210, as amended). Pursuant to sections 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination

[6820-35]

LEGAL SERVICES CORPORATION

ONONDAGA NEIGHBORHOOD LEGAL SERVICES IN SYRACUSE, ET AL

Grants and Contracts

FEBRUARY 8, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996i, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Onondaga Neighborhood Legal Services in Syracuse, N.Y., to serve Cayuga and Cortland Counties.
2. Legal Aid Society of Oneida County in Utica, N.Y., to serve Herkimer, Madison, and Lewis Counties.
3. Broome Legal Assistance Corp. in Binghamton, N.Y., to serve Chenango County.
4. Chemung County Neighborhood Legal Services in Elmira, N.Y., to serve Schuyler County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, New York Regional Office, 10 East 30th Street, New York, N.Y. 10016.

THOMAS EHRLICH,
President.

[FR Doc. 78-4038 Filed 2-13-78; 8:45 am]

[6820-35]

WESTERN KENTUCKY LEGAL SERVICES IN
MADISONVILLE

Grants and Contracts

FEBRUARY 8, 1978.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Western Kentucky Legal Services in Madisonville, Ky., to serve Christian, Davies, Graves, Henderson, Hopkins, McCracken, and Mecklenburg Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Atlanta Regional Office, 615 Peachtree Street NE., 9th Floor, Atlanta, Ga. 30308.

THOMAS EHRLICH,
President.

[FR Doc. 78-4039 Filed 2-13-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE
ARTS AND THE HUMANITIESARCHITECTURE AND ENVIRONMENTAL ARTS
ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Architecture and Environmental Arts Advisory Panel (Challenge) to the National Council on the Arts will take place March 2, 1978, from 9:30 a.m. to 5 p.m., and March 3, 1978, from 9:30 a.m. to 5 p.m., in Columbia Plaza, Room 1130, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be

NOTICES

closed to the public pursuant to subsection (c) (4), (6), and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

FEBRUARY 8, 1978.

[FR Doc. 78-4001 Filed 2-13-78; 8:45 am]

[7537-01]

MUSIC ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composer-Librettist Section) to the National Council on the Arts will take place March 2, 1978, from 9 a.m. to 5:30 p.m.; March 3, 1978, from 9 a.m. to 5:30 p.m.; March 4, 1978, from 9 a.m. to 5:30 p.m., and March 5, 1978, from 9 a.m. to 5:30 p.m. in Columbia Plaza, Room 1422, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 2, 1978, from 1 p.m. to 5:30 p.m. The topic for discussion will be guidelines.

The remaining sessions of this meeting on March 2, 1978, from 9 a.m.-5:30 p.m.; March 2, 1978, from 9 a.m.-1 p.m.; on March 4, 1978, from 9 a.m.-5:30 p.m.; and March 5, 1978, from 9 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6), and 9(B) of section 552(b) of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. Robert M. Sims, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6378.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

FEBRUARY 8, 1978.

[FR Doc. 78-4002 Filed 2-13-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR SOCIAL SCIENCES,
SUBCOMMITTEE ON GEOGRAPHY
AND REGIONAL SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Geography and Regional Sciences of the Advisory Committee for Social Sciences.

Date and time: March 3, 1978, 8:30 a.m. to 5 p.m.

Place: Room 321, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Ms. Patricia McWethy, Associate Program Director, Geography and Regional Sciences Program, Room 312, National Science Foundation, Washington, D.C. 20550, telephone 202-634-6683.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Geography and Regional Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

FEBRUARY 9, 1978.

[FR Doc. 78-4071 Filed 2-13-78; 8:45 am]

[7555-01]

ADVISORY COMMITTEE ON SCIENCE AND SOCIETY,
SUBCOMMITTEE ON PUBLIC UNDERSTANDING OF SCIENCE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Public Understanding of Science of the Advisory Committee on Science and Society.

Date and Time: March 2 and 3, 1978, 9 a.m. to 5 p.m. each day.

Type of meeting: Closed.

Place: Room 651, National Science Foundation, 5225 Wisconsin Avenue NW., Washington, D.C.

Type of meeting: Part open—March 2, 1978—open (9 a.m. to 12 noon); closed (1 p.m. to 5 p.m.); March 3, 1978—closed.

Contact person: Mr. George W. Tressel, Program Director, Public Understanding of Science, Office of Science and Society, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7770.

Purpose of subcommittee: To provide advice and recommendations concerning direction and priorities for Public Understanding of Science Program. To provide advice and recommendations concerning support for project in Public Understanding of Science.

Agenda: March 2, 1978—open session (9 a.m. to 12 noon). Open Discussion. Representatives of the Department of Interior will review public understanding problems related to water resources, and the associated technical and policy alternatives. They will also review their information transfer network and some interesting efforts to work with the KPBS "Synthesis" program (a PUOS project). March 2, 1978—closed session (1 p.m. to 5 p.m.)—Proposal Review; March 3, 1978—closed session—Proposal Review.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

FEBRUARY 9, 1978.

[FR Doc. 78-4070 Filed 2-13-78; 8:45 am]

[7555-01]

ADVISORY COMMITTEE FOR BEHAVIORAL
AND NEURAL SCIENCES, SUBCOMMITTEE ON
MEMORY AND COGNITIVE PROCESSES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Memory and Cognitive Processes of the Advisory Committee for Behavioral and Neural Sciences.

Date and time: March 2 and 3, 1978; 9 a.m. to 5 p.m. each day.

Place: Center for Advanced Study in the Behavioral Sciences, 202 Junipero Serra Boulevard, Stanford, Calif. 94305.

Type of meeting: Closed.

Contact person: Dr. Joseph L. Young, Program Director, Memory and Cognitive Processes Program, Room 320, National

NOTICES

Science Foundation, Washington, D.C. 20550, telephone 202-634-1583.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Memory and Cognitive Processes.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Acting Committee
Management Officer.

FEBRUARY 9, 1978.

[FR Doc. 78-4072 Filed 2-13-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY
COMMISSION

[Docket No. 50-155]

CONSUMERS POWER CO., BIG ROCK POINT
NUCLEAR POWER STATION

Reconstitution of Board

John M. Frysiak, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Because he is transferring to another government agency, Mr. Frysiak is unable to continue his service on this Board.

Accordingly, Sheldon J. Wolfe, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 6th day of February 1978.

JAMES R. YORE,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc. 78-4006 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket No. 50-302]

FLORIDA POWER CORP. ET AL

Issuance of Amendment to Facility Operating
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued

Amendment No. 13 to Facility Operating License No. DPR-72, issued to the Florida Power Corp., City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised Technical Specifications for operation of the Crystal River Unit No. 3 Nuclear Generating Plant located in Citrus County, Fla. The amendment becomes effective 30 days after its date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 11, 1977, and Florida Power & Light Co's letter dated December 19, 1977, (2) the Commission's letter to the licensee dated November 29, 1977, (3) Amendment No. 13 to License No. DPR-72, and (4) the Commission's related Safety Evaluation issued November 29, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Crystal River Public Library, Crystal River, Fla. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3d day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-4007 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket No. 50-389-A]

FLORIDA POWER & LIGHT CO., ST. LUCIE
PLANT, UNIT NO. 2

Reconstitution of Board

John M. Frysiak, Esq., was a Member of the Atomic Safety and Licensing Board for the above proceeding. Because he is transferring to another government agency, Mr. Frysiak is unable to continue his service on this Board.

Accordingly, Valentine B. Deale, Esq., whose address is 1001 Connecticut Avenue NW., Washington, D.C. 20036, is appointed a Member of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 6th day of February 1978.

JAMES R. YORE,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc. 78-4008 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket No. P-636-A]

FLORIDA POWER & LIGHT CO., SOUTH DADE
PLANT

Reconstitution of Board

John M. Frysiak, Esq., was a Member of the Atomic Safety and Licensing Board for the above proceeding. Because he is transferring to another government agency, Mr. Frysiak is unable to continue his service on this Board.

Accordingly, Valentine B. Deale, Esq., whose address is 1001 Connecticut Avenue NW., Washington, D.C. 20036, is appointed a Member of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 6th day of February 1978.

JAMES R. YORE,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc. 78-4009 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket Nos. 50-70 and 70-754; Operating License No. TR-1; Special Nuclear Material License No. SNM-960]

GENERAL ELECTRIC CO., GENERAL ELECTRIC
TEST REACTOR, VALLECITOS NUCLEAR
CENTER

Reconstitution of Board

Frederic J. Coufal, Esq., was Chairman of the Atomic Safety and Licensing Board established to rule on petitions in the above matter. Because of a schedule conflict, Mr. Coufal is unable to continue his service on this Board.

Accordingly, Edward Luton, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 6th day of February 1978.

JAMES R. YORE,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc. 78-4010 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket No. 50-320]

JERSEY CENTRAL POWER & LIGHT CO., ET AL.

Issuance of Amendment to Provisional
Construction Permit No. CPPR-66

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), has issued Amendment No. 1 to Provisional Construction Permit No. CPPR-66 issued to Jersey Central Power & Light Co. and Metropolitan Edison Co. for the construction of the Three Mile Island Nuclear Station, Unit 2. This unit is as pressurized water reactor and is located in Dauphin County, Pa. The amendment is effective as of the date of issuance.

The amendment reflects a change in ownership of the Three Mile Island Nuclear Station, Unit 2. As a result of the change Pennsylvania Electric Co. will acquire an interest in the ownership of the facility. The amendment reflects the proposed changes in ownership interests for the three participating companies (Jersey Central Power & Light Co., Metropolitan Edison Co., and Pennsylvania Electric Co.). Metropolitan Edison Co. will retain sole responsibility for overall planning, design, construction, operation, maintenance and disposal of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permit amendment.

Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared.

For further details with respect to his action, see (1) the application for amendment dated April 1, 1977, and amendment thereto dated August 23, 1977; and (2) Amendment No. 1 to Provisional Construction Permit No. CPPR-66. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the State Library of Pennsylvania, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126.

A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 3d day of February 1978.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors
Branch 4, Division of Project
Management.

[FR Doc. 78-4011 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket No. 50-322-OL]

LONG ISLAND LIGHTING CO., SHOREHAM
NUCLEAR POWER STATION, UNIT 1

Reconstitution of Board

John M. Frysiak, Esq., was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Because he is transferring to another government agency, Mr. Frysiak is unable to continue his service on this Board.

Accordingly, Elizabeth S. Bowers, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 6th day of February 1978.

JAMES R. YORE,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc. 78-4012 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Co. (the licensee), which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment becomes effective 30 days after its date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 14, 1977, as supplemented December 14, 1977, (2) the Commission's letter to the licensee dated November 25, 1977, (3) Amendment No. 35 to License No. DPR-36, and (4) the Commission's related Safety Evaluation issued November 25, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at

the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2d day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-4013 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket No. 50-133]

PACIFIC GAS AND ELECTRIC CO., HUMBOLDT
BAY POWER PLANT, UNIT NO. 3

Reconstitution of Board; Facility Operating
License No. DPR-7

Frederic J. Coufal, Esq., was Chairman of the Atomic Safety and Licensing Board established to rule on petitions in the above matter. Because of a schedule conflict, Mr. Coufal is unable to continue his service on this Board.

Accordingly, Edward Luton, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with Section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 6th day of February 1978.

JAMES R. YORE,
Chairman, Atomic Safety
and Licensing Board Panel.

[FR Doc. 78-4014 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket Nos. 50-361-OL and 50-362-OL]

SOUTHERN CALIFORNIA EDISON CO. AND
SAN DIEGO GAS AND ELECTRIC CO. SAN
ONOFRE NUCLEAR GENERATING STATION,
UNITS 2 AND 3

Reconstitution of Board

John M. Frysiak, Esq. was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Because he is transferring to another government agency, Mr. Frysiak is unable to continue his service on this Board.

Accordingly, Frederic J. Coufal, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of

this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 6th day of February 1978.

JAMES R. YORE,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc. 78-4015 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC AND GAS CO., ET
AL VIRGIL C. SUMMER NUCLEAR STATION,
UNIT 1

Hearing on Issuance of Facility Operating
License

On April 18, 1977 the staff of the Nuclear Regulatory Commission published in the FEDERAL REGISTER a notice that the Commission had received an application for facility operating license from South Carolina Electric and Gas Co. (applicant) for itself and as agent for the South Carolina Public Service Authority to possess, use and operate the Virgil C. Summer Nuclear Station, a pressurized water nuclear reactor located on the applicant's site in Fairfield County, S.C., at a steady-state power level of 2785 megawatts thermal. (42 FR 20203)

The notice stated the Commission will consider the issuance of a facility operating license which would authorize the applicant to possess, use and operate the Summer Nuclear Station in accordance with the provisions of the license and the technical specifications appended thereto. The notice provided that on or before May 18, 1977 any person whose interest may be affected by the proceeding could file a request for a hearing and a petition for leave to intervene in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. An Atomic Safety and Licensing Board was designated to rule on any such request for hearing and/or petition for leave to intervene.

Mr. Brett Allen Bursey of Little Mountain, S.C., filed a request for a hearing and petition for leave to intervene in the proceeding. On February 3, 1978, the Atomic Safety and Licensing Board designated to rule upon hearing requests and petitions issued a Memorandum and Order granting Mr. Bursey's request for hearing and admitting him as a party intervenor to the proceeding. As a result a hearing to consider the issuance of the operating license for the facility will be held in Columbia, S.C., at a time and a place to be established.

The Chairman of the Atomic Safety and Licensing Board Panel designated

an Atomic Safety and Licensing Board (Board) to preside over the hearing. The Board will consist of Mr. Gustave A. Linenberger, Dr. Frank F. Hooper, and Ivan W. Smith who will serve as Chairman of the Board.

Pursuant to 10 CFR § 2.751(a) the Board will conduct a special prehearing conference on March 30, 1978 in Columbia, S.C. at a time and place to be specified in a later notice. The parties to this proceeding, including the intervenor, or their respective counsel are directed to appear. At the prehearing conference the Board will consider identifying the specific issues to be considered at the evidentiary hearing and establish a schedule for further actions in the proceeding.

The public is invited to attend the prehearing conference but members of the public may not participate in this conference. An opportunity for any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene will be provided. Any person may request permission to make a limited appearance pursuant to provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing and will be subject to the conditions set forth in a subsequent Notice of Hearing. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further details see the application for the facility operating license dated February 25, 1977, the Applicant's environmental report dated February 25, 1977, and papers filed concerning the request for hearing and petition for leave to intervene including the Memorandum and Order dated February 3, 1978, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Richland County Public Library, 1400 Sumter Street, Columbia, S.C. 29201.

Issued at Bethesda, Md., this 8th day of February, 1978.

It Is So Ordered.

For the Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

IVAN W. SMITH,
Chairman.

[FR Doc. 78-4016 Filed 2-13-78; 8:45 am]

NOTICES

[7590-01]

[Docket Nos. STN 50-566 and STN 50-567]

TENNESSEE VALLEY AUTHORITY YELLOW
CREEK, UNITS 1 AND 2
Reconstitution of Board

John M. Frysiak, Esq. was Chairman of the Atomic Safety and Licensing Board for the above proceeding. Mr. Frysiak is transferring to another government agency and therefore is unable to continue his service on this Board.

Accordingly, Ivan W. Smith, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with section 2.721 of the Commission's Rules of Practice, as amended.

Dated at Bethesda, Md., this 6th day of February 1978.

JAMES R. YORE,
Chairman, Atomic Safety and
Licensing, Board Panel.

[FR Doc. 78-4017 Filed 2-13-78; 8:45 am]

[7590-01]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.
Issuance of Amendment to Facility Operating
License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corp. (the licensee) which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station (the facility), located near Vernon, Vermont. The amendment is effective as of the date of issuance.

The amendment provides for an increase in the High Drywell Pressure setpoint.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact ap-

praisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application dated August 5, 1977, (2) Amendment No. 44 to License No. DPR-28, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vt. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 7th day of February 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-4018 Filed 2-13-78; 8:45 am]

[6820-27]

OFFICE OF THE FEDERAL REGISTER

CERTIFIED INTERPRETER FOR THE DEAF PROVIDED AT APRIL REGULATIONS DRAFTING WORKSHOP

The Office of the Federal Register will hold a basic Regulations Drafting Workshop on April 17, 18, 19, and 20, 1978. We have changed the name from Legal Drafting Workshop to Regulations Drafting Workshop to reflect the focus of the course. The goal of the Workshop is to improve the clarity of regulations and preambles that are published in the FEDERAL REGISTER.

The Regulations Drafting Workshop covers the following material:

1. Drafting conventions, preferred usage, the rule of consistency.
 2. Drafting proposed rules, final rules, and preambles.
 3. Review techniques that improve your work.
 4. What you can do to make regulations easier to read and easier to use.
- WHO: Any Federal employee who drafts documents or who reviews documents for substance that are published in the FEDERAL REGISTER. In addition, the April Workshop will provide a certified interpreter for deaf Federal employees working with regulations.

WHERE: Office of the Federal Register, Washington, D.C.

COST: \$150 for each person. Send a form 170 or the training authorization used by your office to: Special Projects Unit, Office of the Federal Register, NARS, Washington, D.C. 20408.

HOW: Each participant must call the Office of the Federal Register, 202-523-4534 to make a reservation in addition to completing the training form.

FOR MORE INFORMATION: Write: Special Projects Unit, Office of the Federal Register, NARS, Washington, D.C. 20408 or phone: Special Projects Unit at 202-523-4534.

Dated: February 10, 1978.

FRED J. EMERY,
Director of the
Federal Register.

[FR Doc. 78-4138 Filed 2-13-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE
COMMISSION

Release No. 34-14441; File Nos. SR-MCC-78-1 and SR-MSTC-78-11

MIDWEST CLEARING CORP., AND MIDWEST
SECURITIES TRUST CO.

Self-Regulatory Organizations; Proposed Rule
Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on January 18, 1978, the above mentioned self-regulatory organizations filed with the Securities and Exchange Commission proposed rule changes as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF
THE PROPOSED RULE CHANGES
PROPOSED MST SYSTEM PRICING

	Current charges	Proposed charges	Change
Keypunch	0	\$0.10	+0.10
Non-Specialist R/L			
Pre-compare			
Other	\$0.35	0.40	+0.05
.....	0.50	0.55	+0.05
Specialist Trades			
1-1000 items	0.83	0.93	+0.10
1001-2000 items	0.74	0.84	+0.10
2001-4000 items	0.65	0.75	+0.10
4001-8000 items	0.56	0.66	+0.10
8001-over items	0.47	0.57	+0.10
Transfers	0.95	1.10	+0.15
DDIs	0.70	0.77	+0.07
Third party DDIs	0.70	0.77	+0.07
Safekeeping	0.015	0.02	+0.005
Automatic			
segregation	*25.00	*30.00	+5.00
OTC deliveries	1.00	2.00	+1.00
OTC receipts	0.50	1.00	+0.50
SSM deliveries	**1.00	**2.00	+1.00
SSM receipts	1.00	1.50	+0.50
Trade for trade			
deliveries	1.00	2.00	+1.00
Trade for trade			
receipts	0.50	1.50	+1.00
Member to Member			
Stock:			
Stock Loan			
Deliveries	1.00	2.00	+1.00
Stock Loan			
Receipts	0.50	1.50	+1.00
CRPS	5.00	7.00	+2.00
CRPS	5.00	7.00	+2.00
DDI Options	*25.00	*30.00	+5.00
ExcNS Voluntary ..	5.00	7.00	+2.00

NOTICES

STATEMENT OF THE TERMS OF SUBSTANCE OF
THE PROPOSED RULE CHANGES—Continued

	Current charges	Proposed charges	Change
Standing Instructions DDI ..	*200.00	*300.00	+100.00
*Per month.			
**Plus value fee.			

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

The purpose of the proposed rule changes is to increase the costs of the above enumerated services in order to meet the rising costs to provide them.

The proposed rule changes assure the prompt and accurate clearance and settlement of security transactions and foster cooperation and coordination among persons engaged in the clearance and settlement of security transactions, and remove impediments to the perfection of a national system for clearance and settlement of security transactions by making the Midwest Clearing Corp. and the Midwest Securities Trust Co. more competitive.

The Midwest Clearing Corp. and the Midwest Securities Trust Co. believe that the proposed rule changes will not impose any burdens on competition.

The foregoing rule changes have become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filings with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organizations. All submissions should refer to the file numbers referenced in the caption above and should be submitted on or before March 7, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 3, 1978.

[FR Doc. 78-3918 Filed 2-13-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY
FOREIGN AID

Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on March 2, 1978, from 9:30 a.m. to 5 p.m., in Room 1107, New State Building, 21st and Virginia Avenue NW., Washington, D.C.

The purpose of the meeting is to address the future role of the Committee and for the Advisory Committee to formulate recommendations to the Administrator regarding ethical standards applicable to registered PVOs, the procedures and conditions related to the registration of indigenous PVOs and to consider such other matters related to the foreign assistance advisory concerns of the Committee as may be appropriate.

The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee and to the extent time available for the meeting permits. Written statements may be filed before or after the meeting.

Mr. Allan Furman will be the AID representative at the meeting. Information concerning the meeting may be obtained from Mr. Robert S. McClusky, telephone area code 202-632-8634. Persons desiring to attend the meeting should enter the New State Building through the diplomatic entrance, 22nd and C Streets.

Dated: February 8, 1978.

ALLAN R. FURMAN,
Acting Assistant Administrator
for Private and Development
Cooperation.

[FR Doc. 78-4036 Filed 2-13-78; 8:45 am]

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[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

CERTIFICATION OF SIZES AND WEIGHTS

Determination of Nonconformity

Based upon an analysis of available factors, the certifications of vehicle size and weight enforcement submitted by the States listed hereunder for the period October 1, 1976, to September 30, 1977, appear to indicate that these States are not in compliance with the requirement of 23 U.S.C. 141 that the States enforce their size and weight laws on the Federal-aid systems.

Effective January 4, 1975, the Congress, by section 107 of the Federal-Aid Highway Amendments of 1974, Pub. L. 93-643, amended Chapter 1 of Title 23 of the United States Code by inserting section 141, which provides that "Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary, the Federal-aid urban system and the Federal-aid secondary system, including the Interstate System" in accordance with section 127 of Title 23, U.S.C. The regulations issued under authority of section 141 are found in Title 23, Code of Federal Regulations, Part 658. Section 658.9 provides that in order to obtain approval of Federal-aid projects under 23 U.S.C. 106, each State certification should contain certain information which would indicate the effectiveness of enforcement efforts.

Pursuant to the provisions of section 141, I am considering withholding approval of further highway projects under 23 U.S.C. 106 for these States. In accordance with the applicable regulation, 23 CFR 658.17, a final determination as to the withholding of project approval will be made not sooner than March 31, 1978, unless the States request an opportunity to show cause why the determination should not be made effective. The States may do so by requesting an informal hearing within that period of time. They may direct such a request to me.

Rhode Island, Pennsylvania, Hawaii, South Dakota, Delaware, Nevada, Oklahoma, Alabama, Massachusetts, Arizona, Maine, Connecticut, New Jersey, and New York.

BROCK ADAMS,
Secretary of Transportation.

HON. GEORGE C. WALLACE,
Governor of Alabama,
Montgomery, Ala. 36104

FEBRUARY 3, 1978.

DEAR GEORGE: Based upon the analysis of available factors, the certification of vehicle size and weight enforcement submitted by Alabama for the

period October 1, 1976, to September 30, 1977, appears to indicate that Alabama is not in compliance with the requirement of 23 U.S.C. 141 that the State enforce its laws on the Federal-aid systems.

Effective January 4, 1975, the Congress, by section 107 of the Federal-Aid Highway Amendments of 1974, P.L. 93-643, amended Chapter 1 of title 23 of the United States Code by inserting section 141, which provides that "Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Federal-aid primary, the Federal-aid urban system and the Federal-aid secondary system, including the Interstate System" in accordance with section 127 of title 23 U.S.C. The regulations issued under authority of section 141 are found in title 23, Code of Federal Regulations, part 658. Part 658.9 provides that in order to obtain approval of Federal-aid projects under 23 U.S.C. 106, each State certification should contain certain information which would indicate the effectiveness of enforcement efforts.

Pursuant to the provisions of section 141, I am considering withholding approval of further highway projects under 23 U.S.C. 106 in your State. In accordance with the applicable regulation, 23 CFR 658.17, a final determination as to the withholding of project approval will be made not less than 45 days from receipt of this letter unless the State requests an opportunity to show cause why the determination should not be made effective. The State may do so by requesting an informal hearing within that period of time. You may direct your request for a hearing to me, and I assure you that it will be given prompt attention.

Sincerely,

BROCK ADAMS.

(FR Doc. 78-4156 Filed 2-13-78; 8:45 am)

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 78-54]

REIMBURSABLE SERVICES

Excess Cost of Preclearance Operations

FEBRUARY 8, 1978.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for the new preclearance installation is estimated to be as set forth below and will be effective on March 15, 1978.

NOTICES

Installation	excess cost
Calgary, Canada	\$7,712

NANCY C. GARRETT,
Acting Assistant Commissioner
(Administration).

[FR Doc. 78-4057 Filed 2-13-78; 8:45 am]

[4810-22]

SILICON METAL FROM CANADA

Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of silicon metal from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally means that the prices of the merchandise sold for exportation to the United States are less than the prices of such or similar merchandise sold in the home market.

EFFECTIVE DATE: February 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Operations Officer,
U.S. Customs Service, Office of Operations, Duty Assessment Division,
Technical Branch, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone: 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 4, 1978, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of the Ohio Ferro-Alloys Corp., Union Carbide Corp., Interlake, Inc., and Kaweck-Berylo Industries, Inc., indicating a possibility that silicon metal from Canada is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The subject merchandise is silicon metal, unwrought, containing by weight not over 99.7 percent pure silicon; and alloys of silicon metal, unwrought, containing by weight 96 percent or more but less than 99.0 percent silicon.

The information received tends to indicate that the prices of the merchandise sold for home consumption and to third countries are at prices which represent less than the cost of its production. Therefore, these prices have been disregarded and fair value

NOTICES

6351

[7035-01]

[Rule 19, Ex Parte No. 241, 15th Rev. Exemption No. 129]

BESSEMER AND LAKE ERIE RAILROAD CO. ET AL.

Exemption Under Provision of Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 405 issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Bessemer and Lake Erie Railroad Co.; Reporting Marks: BLE.
Chicago, West Pullman & Southern Railroad Co.; Reporting Marks: CWP.
Detroit and Mackinac Railway Co.; Reporting Marks: D&M-DM.
Illinois Terminal Railroad Co.; Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Co.; Reporting Marks: LNAC.
Missouri-Kansas-Texas Railroad Co.; Reporting Marks: MKT.

New Hope and Ivyland Railroad Co.; Reporting Marks: NHIR.
Richmond, Fredericksburg and Potomac Railroad Co.; Reporting Marks: REP.

Effective 12:01 a.m., February 1, 1978, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., January 30, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,

Agent.

(FR Doc. 78-4063 Filed 2-13-78; 8:45 am)

* Missouri Pacific Railroad Co.; eliminated.

has been determined, for the purposes of initiating this proceeding, from the constructed value of the merchandise. The prices of the merchandise sold for exportation to the United States are below that constructed value by substantial margins.

There is evidence on record concerning injury to, or the likelihood of injury to, an industry in the United States as a result of the sales at less than fair value. This evidence indicates that imports of the subject merchandise from Canada have increased dramatically during the first three quarters of 1977, from roughly 1 percent to 10 percent of United States consumption. Prices of the imported merchandise from Canada are significantly lower than those of the domestic industry and appear to account for about 40 percent of aggregate imports during the last year, making Canadian merchandise the largest single foreign supplier and the closest in geographic proximity to the United States. There is also a perceived reliability of supply from Canadian sources that may have contributed to the market penetration of the merchandise from Canada. Prices of imports from Canada appear to be either comparable to, or possibly lower than, prices of imports from other sources. Elimination of the alleged margins of sales at less than fair value of the Canadian imports would apparently eliminate the margin of underselling of the domestic industry. In the light of these factors, it has been determined that there is no substantial doubt that the sales of the merchandise cause or threaten to cause injury to the domestic industry.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel of the
Treasury.

FEBRUARY 8, 1978.

(FR Doc. 78-4052 Filed 2-13-78; 8:45 am)

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[Notice No. 588]

ASSIGNMENT OF HEARINGS

FEBRUARY 9, 1978.

Cases assigned for hearing, postponement, cancellation or oral argu-

ment appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 113784 (Sub-No. 55), Laidlaw Transport Limited, now assigned March 6, 1978 at Buffalo, N.Y., will be held in Room 914, Federal Building, 111 West Huron Street.

MC 143522, Consolidated Carriers, Inc., now assigned March 1, 1978 at Buffalo, N.Y., will be held in Room 914, Federal Building, 111 West Huron Street.

MC 117883 (Sub-No. 219), Subler Transfer, Inc., now being assigned April 3, 1978 (2 weeks) at Chicago, Ill., in a hearing room to be later designated.

MC 19311 (Sub-No. 34), Central Transport, Inc., now being assigned April 3, 1978 (2 weeks) at Chicago, Ill., in a hearing room to be later designated.

MC 138562 (Sub-No. 1), Cates Trucking, Inc., is now assigned for hearing March 9, 1978 (2 days) at Chicago, Ill., at a hearing room to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-4060 Filed 2-13-78; 8:45 am)

[7035-01]

[Rule 19, Ex Parte No. 241, Exemption No. 142, Amdt. 1]

BALTIMORE AND OHIO RAILROAD CO. AND
CONSOLIDATED RAIL CORP.

Exemption Under Provision of Mandatory Car Service Rules

Upon further consideration of Exemption No. 142 issued January 18, 1978.

It is ordered, That under authority vested in me by Car Service Rule 19, Exemption No. 142 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is amended to expire February 10, 1978.

This amendment shall become effective January 30, 1978.

Issued at Washington, D.C., January 30, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,

Agent.

(FR Doc. 78-4061 Filed 2-13-78; 8:45 am)

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[7035-01]

(Docket No. AB-7 (Sub-No. 34))

CHICAGO, MILWAUKEE, ST. PAUL AND
PACIFIC RAILROAD CO.

Abandonment Near Park Junction and
National in Pierce County, Wash., Findings

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated January 26, 1978, a finding, which is administratively final, was made by the Commission. Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co., Abandonment, Goshen*, 354 ICC 76 (1977), and subject to the further condition that Milwaukee submit an order from the United States District Court for the Northern District of Illinois, Eastern Division, authorizing Milwaukee to file and prosecute the instant application, or, if a trustee has been appointed by the court, joinder of that trustee in the application, the present and future public convenience and necessity permit the abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Co., of that portion of its line of railway known as the Park Junction to National Branch, extending from railroad milepost 0.0 near Park Junction in an easterly direction to railroad milepost 3.8 near National, a distance of 3.8 miles in Pierce County, Wash. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 31, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-4065 Filed 2-13-78; 8:45 am)

NOTICES

[7035-01]

(Docket No. AB-102 (Sub-No. 7))

MISSOURI-KANSAS-TEXAS RAILROAD CO.

Abandonment at Fayette and Franklin, in
Howard County, Mo.; Findings

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Order dated January 30, 1978, a finding, which is administratively final, was made by the Commission. Review Board Number 5, stating that, subject to the conditions (1) for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co., Abandonment, Goshen*, 354 ICC 76 (1977), (2) applicant shall not sell, lease, exchange or otherwise dispose of the Fayette depot for a period of 180 days following issuance of the certificate served February 6, 1978, unless said property has first been offered, upon reasonable terms, to public authorities or other persons interested in preserving the building for public use, and (3) the Commission retain jurisdiction over the depot during the conditional period and that the condition be subject to modification after consultation with the Department of the Interior and the Advisory Council on Historic Preservation, present and future public convenience and necessity permit the abandonment by the Missouri-Kansas-Texas Railroad Co., of its line of railroad and operations thereover extending southwardly from milepost 0-94.63 at Fayette, Mo., to milepost 0-105.1 at Franklin, Mo., said line being situated in the County of Howard. A certificate of public convenience and necessity permitting abandonment was issued to the Missouri-Kansas-Texas Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective March 31, 1978.

ment shall become effective March 31, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-4064 Filed 2-13-78; 8:45 am)

[7035-01]

(Rule 19, Ex Parte No. 241, Exemption No. 144)

RAILROADS IN THE NORTH CENTRAL PORTION
OF THE UNITED STATES

Exemption Under Provision of Mandatory Car
Service Rules

Because of severe winter storms resulting in massive snow drifts blocking main tracks and yards, railroads in the North Central portion of the United States are unable to relocate empty cars to other stations for loading or to return them promptly to car owners in accordance with Car Service Rules 1 and 2. Consequently, these carriers are unable to furnish cars of suitable ownership to shippers while at the same time similar cars of other ownerships stand idle because of the inability of the railroads to return them to owners.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19:

(a) Railroads operating in the states named in paragraph (b) are authorized to accept from shippers general service freight cars described in paragraph (c) owned by other railroads regardless of the provisions of Car Service Rules 1 and 2.

(b) North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Indiana, Kentucky, Ohio, New York, and Pennsylvania.

(c) This exemption is applicable to general service freight cars bearing reporting marks assigned to railroads listed in the official Railway Equipment Register, ICC-RER No. 405 issued by W. J. Trezise, or successive issues thereof as having the following mechanical designations:

Plain boxcars: "XM", "XMI",
Gondola cars: "GA", "GB", "GD", "GH",
"GS", "GT",
Hopper cars: "HFA", "HK", "HM", "HMA",
"HT", "HTA",
Flat cars: "FM", less than 200,000 lb. capacity.

It is further ordered, That: (d) This exemption shall not apply to cars of Mexican or Canadian ownership or to cars subject to Interstate Commerce Commission or Association of American Railroads' Orders requiring return of cars to owners.

Effective: January 31, 1978.

Expires: February 10, 1978.

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

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Civil Service Commission.....	8
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Federal Energy Regulatory Commission.....	6
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[6320-01]

1

(M-100, Amdt. 1, Feb. 9, 1978)

NOTICE OF DELETION FROM THE FEBRUARY 9, 1978 AGENDA AND ADDITION TO THE FEBRUARY 15, 1978, AGENDA AND ADDITION TO THE FEBRUARY 15, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m. to February 15, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 2a. Docket 28655, Seattle/Portland-Japan Service Investigation, (request for instructions) (Memo No. 7758, 7758-A, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

SUPPLEMENTARY INFORMATION:

At the February 9, 1978, meeting the Board decided to defer discussion on the above item on that agenda to the February 15 agenda so that the Members would have more time in which to consider this item and also so that Member West could be briefed on the item and his views obtained. Accordingly the following Members have voted that agency business requires that the board delete this item from the February 9, 1978, agenda and add to the February 15, 1978 agenda and that no earlier announcement of this change was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Richard J. O'Mella
Member, Elizabeth E. Bailey

(S-345-78 Filed 2-10-78; 3:40 pm)

[6320-01]

2

(M-100, Feb. 8, 1978)

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m. to February 15, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Docket 21448, Spokane-Montana Points Service Investigation, Order on Discretionary Review (OGC).

3. Dockets 25546 and 28266, Mackey Certification Proceeding Motions for leave to file unauthorized documents (memo No. 7752, OGC, BIA).

4. Docket 19923, Request for comments on disposition of Liability and Claims Rules and Practices Investigation (memo No. 7755, OGC).

5. Docket 26354, North Central Certificate Application (Duluth/Superior/Milwaukee-Winnipeg) Order on Discretionary Review (memo No. 4718-H, OGC, OEA, BIA).

6. Part 302—Change to the Board's Rules of Practice to allow petitions for reconsideration of instituting orders to be filed by any interested person (memo No. 7754, OGC, BOR).

7. Docket 31479, Amendment of Part 263 of the Board's Economic Regulations (OGC, BPDA, BAS).

8. Docket 31633, Allegheny's application for exemption authority to provide nonstop Cleveland-Rochester service (memo No. 7759, BOR).

9. Docket 31821, Delta's Subpart N application for nonstop Hartford/Springfield-Atlanta authority (memo No. 7749, BOR).

10. Dockets 31049 and 31101, Applications of Piedmont Aviation requesting that its two-stop restrictions in the Raleigh/Durham-New York/Newark and Charlotte-Washington, D.C. markets be changed to one-stop restrictions (memo No. 7555-A, BOR).

11. Dockets 30090, 30124, 30191, and 30213, Petitions of Pan American, TWA, and Seaboard for Reconsideration of Order 77-6-138 granting TIA, AIA, and World blanket exemptions to perform outsized cargo charter flights between U.S. and the Middle East and Africa; Docket 31112, Application of ONA for an exemption to perform outsized cargo charter flights between the U.S. and the Middle East and Africa (memo No. 6999-B, BOR, BFR, OGC).

12. Docket 29387, Draft final rule amending Part 288 of the Economic Regulations (memo No. 4658-L, BFR).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary
202-673-5068.

(S-344-78 Filed 2-10-78; 3:40 pm)

[6712-01]

3

FEDERAL COMMUNICATIONS
COMMISSION.

TIME AND DATE: 9:30 a.m. Tuesday, February 14, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., Subject

Cable Television—1—Notice of Proposed Rule Making on Cable Television Syndicated Program Exclusivity Rules.

Cable Television—2—Amendment of section 76.256D (1)-(3) of the Commission's Rules regarding cable access obscenity.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 7, 1978.

(S-340-78 Filed 2-10-78; 11:25 am)

[6712-01]

4

FEDERAL COMMUNICATIONS
COMMISSION.

TIME AND DATE: 2 p.m., Tuesday, February 14, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting.

MATTER TO BE CONSIDERED:
Status Report on the Commission's preparatory work for the 1979 World Administrative Radio Conference (WARC) Docket No. 20271.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 9, 1978.

(S-341-78 Filed 2-10-78; 11:25 am)

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6354-6400

Issued at Washington, D.C., January 31, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-4062 Filed 2-13-78; 8:45 am]

[6712-01]

5

FEDERAL COMMUNICATIONS
COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, February 8, 1978 (open), followed by the closed meeting.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open and closed Commission meetings.

CHANGES IN THE MEETINGS: A change has been made to the order the Commission will consider the agenda.

(1) Closed hearing item 2 (Overmyer transfer of control, Docket No. 18950) will be considered at 9:30 a.m.

(2) The regular open meeting will commence at the conclusion of the closed item. The following items have been deleted from the open agenda:

Agenda, Item No., and Subject

General-1-Amendment of Parts 2, 13, 81, and 83 of the Commission's rules relating to the use of radiotelegraphy in the maritime services (Docket No. 20813).

General-2-1978 Aeronautical World Administrative Radio Conference preparation (Docket No. 20290).

Common Carrier-6-Modification of procedures in Docket No. 20814, investigation into A.T. & T.'s Multi-Schedule Private Line (MPL) tariff.

(3) The regular closed meeting, excluding hearing item 2, will begin at the conclusion of the regular open meeting.

The prompt and orderly conduct of Commission business requires these

SUNSHINE ACT MEETINGS

changes and no earlier announcement of the changes was possible.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 6, 1978; February 7, 1978; February 8, 1978.

[S-342-78 Filed 2-10-78; 11:25 am]

[6740-02]

6

FEDERAL ENERGY REGULATORY
COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published February 10, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 15, 1978, 10 a.m.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

RP-4-RP72-149 (PGA77-10), Mississippi River Transmission Corp.

CP-5-CP77-473, Northern Natural Gas Co.; CP77-479, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co., CP77-532, Columbia Gas Transmission Corp.; CP77-543, Transcontinental Gas Pipe Line Corp.

ER-2-ER78-78 and ER78-79, New England Power Co.

ER-3-ER78-678, Maine Electric Power Co.

ER-4-EL78-6, Illinois Power Co.

ER-5-ES78-8, El Paso Electric Co.

KENNETH F. PLUMB,
Secretary.

[S-339-78 Filed 2-10-78; 11:25 am]

[7020-02]

7

[USITC SE-78-61]

INTERNATIONAL TRADE COM-
MISSION.

TIME AND DATE: 9:30 a.m., Friday, February 24, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-343-78 Filed 2-10-78; 2:47 pm]

[6325-01]

8

CIVIL SERVICE COMMISSION.

TIME AND DATE OF MEETING: 2 to 5 p.m., Tuesday, February 21, 1978.

PLACE: Commissioners' Meeting Room, Room 5H09 (fifth floor), 1900 E Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Proposed revisions in Merit System Standards for Grant-in-Aid Programs (45 CFR 70).

CONTACT PERSON FOR MORE INFORMATION:

Lawrence D. Greene, Bureau of Intergovernmental Personnel Programs, Civil Service Commission, 202-632-6044.

UNITED STATES CIVIL SERVICE
COMMISSION,
JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[S-350-78 Filed 2-13-78; 10:11 am]

TUESDAY, FEBRUARY 14, 1978
PART II



DEPARTMENT OF
HOUSING
AND URBAN
DEVELOPMENT

HOUSING ASSISTANCE
PAYMENTS PROGRAMS
FOR EXISTING HOUSING

Amendment of Schedule B—
Section 8 Existing Housing and
Section 23 Existing Housing

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENTOffice of Assistant Secretary for Housing—
Federal Housing Commissioner

[24 CFR Parts 803 and 888]

(Docket No. R-78-502)

SECTION 23 AND SECTION 8 HOUSING ASSIS-
TANCE PAYMENTS PROGRAM—FAIR
MARKET RENTS AND CONTRACT RENT
AUTOMATIC ANNUAL ADJUSTMENT FAC-
TORSAmendment of Schedule B—Section 8 Existing
Housing and Section 23 Existing HousingAGENCY: Department of Housing
and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: The Department is pro-
posing to amend the schedules that set
forth Fair Market Rents under the
"Section 23" and "Section 8" Housing
Assistance Payments Programs for Ex-
isting Housing.

COMMENTS DUE: March 1, 1978.

ADDRESSES: All materials which
persons wish to submit should be sent
to the Rules Docket Clerk, Office of
the General Counsel, Room 5218, De-
partment of Housing and Urban De-
velopment, 451 7th Street SW., Wash-
ington, D.C. 20410. Copies of com-
ments by PHAs should be concurrent-
ly submitted to the appropriate HUD
field office. A copy of each comment
will be available for public inspection
at this address during regular business
hours.

PROPOSED RULES

FOR FURTHER INFORMATION
CONTACT:Bernard Horn, Acting Director,
Office of Economic and Market
Analysis, PD&R, HUD, Washington,
D.C. 20410, 202-755-5870. This is not
a toll free number.

SUPPLEMENTARY INFORMATION:

The last nationwide revision of Fair
Market Rents, required on an annual
basis by law, was published in the Fed-
eral Register on July 1, 1977 and
made retroactive to March 29, 1977 (42
FR 33921). On the basis of current
data submitted by the public and by
HUD field offices, revised rents are
now being proposed to reflect changes
in local housing market or submarket
conditions. The intent of these
changes is to provide current rents for
each of the classes of housing de-
scribed in the schedules.By nature, Fair Market Rent sched-
ules are subject to periodic revisions
where data and information indicate
change is needed. Accordingly, Sched-
ule B Fair Market Rents will continue
to be amended in the future during
the year for those local housing
market or submarket areas where
changes are deemed appropriate on
the basis of available data and infor-
mation.Because it is necessary to the op-
eration of the Section 8 and Section 23
programs that Fair Market Rents
remain as current as possible, and be-
cause interested parties are encour-
aged at all times to submit infor-
mation and data on those rents which
will be considered in initiating revi-
sions as needed, it has been deter-
mined that it is impracticable and un-necessary to provide a 30-day period
for comments on these proposed rev-
isions and that a 15-day period is rea-
sonable and in the public interest.Interested persons are invited to par-
ticipate by submitting comments or
suggestions on the proposed rents to
the address set forth above and direct-
ly to the appropriate HUD field of-
fices. Communications should identify
the subject matter by the above title,
docket number, and date of publica-
tion. All relevant material received on
or before the date specified above will
be considered by HUD before adoption
of revised Fair Market Rents.The Department has determined
that these regulations do not consti-
tute a major Federal action signifi-
cantly affecting the quality of human
environment. Accordingly, a finding
of inapplicability of environment
impact has been prepared and is avail-
able for public inspection during regu-
lar business hours at the office of the
Rules Docket Clerk, at the address
specified above. It is hereby certified
that the economic and inflationary im-
pacts of this regulation have been
carefully evaluated in accordance with
Executive Order No. 11821.It is therefore proposed that Title
24, Part 888, Schedule B and Part 803,
Schedule B be revised as set forth
below.This notice of proposed rulemaking
is issued under the authority of sec.
7(d), Department of HUD Act (42
U.S.C. 3535(d)).Issued in Washington, D.C., on Janu-
ary 31, 1978.LAWRENCE B. SIMONS,
Assistant Secretary for Housing—
Federal Housing Commissioner.

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BANGOR, MAINE INSURING OFFICE						
SMSA: LEWISTON-AUBURN, ME	NON-ELEVATOR:	151	171	203	234	255
SMSA PART: ANDROSCOGGIN	ELEVATOR:	166	189	224	257	280
STATE ME						
SMSA: PORTLAND, ME	NON-ELEVATOR:	163	191	223	263	303
SMSA PART: CUMBERLAND	ELEVATOR:	179	211	246	290	333
STATE ME						
SMSA PART: YORK	NON-ELEVATOR:	163	191	223	263	303
STATE ME	ELEVATOR:	179	211	246	290	333
NON SMSA						
NON SMSA PART: ANDROSCOGGIN	NON-ELEVATOR:	151	171	203	234	255
STATE ME	ELEVATOR:	166	189	224	257	280
COUNTY: AROOSTOOK	NON-ELEVATOR:	141	162	191	211	231
STATE ME	ELEVATOR:	155	178	211	231	254
NON SMSA PART: CUMBERLAND	NON-ELEVATOR:	151	171	203	234	255
STATE ME	ELEVATOR:	166	189	224	257	280
COUNTY: FRANKLIN	NON-ELEVATOR:	141	162	191	211	231
STATE ME	ELEVATOR:	155	178	211	231	254
COUNTY: HANCOCK	NON-ELEVATOR:	141	162	191	211	231
STATE ME	ELEVATOR:	155	178	211	231	254
COUNTY: KENNEBEC	NON-ELEVATOR:	151	171	203	224	245
STATE ME	ELEVATOR:	166	189	224	245	270
COUNTY: KNOX	NON-ELEVATOR:	141	162	191	211	231
STATE ME	ELEVATOR:	155	178	211	231	254
COUNTY: LINCOLN	NON-ELEVATOR:	141	162	191	211	231
STATE ME	ELEVATOR:	155	178	211	231	254
COUNTY: OXFORD	NON-ELEVATOR:	141	162	191	211	231
STATE ME	ELEVATOR:	155	178	211	231	254
COUNTY: PENOBSCOT	NON-ELEVATOR:	151	171	203	224	245
STATE ME	ELEVATOR:	166	189	224	245	270
COUNTY: PISCATAQUIS	NON-ELEVATOR:	141	162	191	211	231
STATE ME	ELEVATOR:	155	178	211	231	254
COUNTY: SAGadahoc	NON-ELEVATOR:	151	171	203	224	245
STATE ME	ELEVATOR:	166	189	224	245	270
COUNTY: SOMERSET	NON-ELEVATOR:	141	162	191	211	231
STATE ME	ELEVATOR:	155	178	211	231	254
COUNTY: WALDO	NON-ELEVATOR:	141	162	191	211	231
STATE ME	ELEVATOR:	155	178	211	231	254
COUNTY: WASHINGTON	NON-ELEVATOR:	141	162	191	211	231
STATE ME	ELEVATOR:	155	178	211	231	254
NON SMSA PART: YORK	NON-ELEVATOR:	151	171	203	234	255
STATE ME	ELEVATOR:	166	189	224	257	280

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE						
SMSA: BOSTON, MA	NON-ELEVATOR:	235	266	316	364	411
SMSA PART ESSEX STATE MA	ELEVATOR:	259	293	347	401	453
SMSA PART MIDDLESEX STATE MA	NON-ELEVATOR:	235	266	316	364	411
	ELEVATOR:	259	293	347	401	453
SMSA PART NORFOLK STATE MA	NON-ELEVATOR:	235	266	316	364	411
	ELEVATOR:	259	293	347	401	453
SMSA PART PLYMOUTH STATE MA	NON-ELEVATOR:	235	266	316	364	411
	ELEVATOR:	259	293	347	401	453
COUNTY SUFFOLK STATE MA	NON-ELEVATOR:	235	266	316	364	411
	ELEVATOR:	259	293	347	401	453
SMSA: BROCKTON, MA	NON-ELEVATOR:	182	210	250	292	332
SMSA PART BRISTOL STATE MA	ELEVATOR:	200	231	277	319	366
SMSA PART NORFOLK STATE MA	NON-ELEVATOR:	182	210	250	292	332
	ELEVATOR:	200	231	277	319	366
SMSA PART PLYMOUTH STATE MA	NON-ELEVATOR:	182	210	250	292	332
	ELEVATOR:	200	231	277	319	366
SMSA FALL RIVER, MA-RI	NON-ELEVATOR:	164	188	221	255	278
SMSA PART BRISTOL STATE MA	ELEVATOR:	180	206	243	280	307
SMSA: FITCHBURG-LEOMINSTER, MA	NON-ELEVATOR:	164	188	221	255	278
SMSA PART MIDDLESEX STATE MA	ELEVATOR:	180	206	243	280	307
SMSA PART WORCESTER STATE MA	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
SMSA: LAWRENCE-HAVERHILL, MA-NH	NON-ELEVATOR:	190	218	260	316	359
SMSA PART ESSEX STATE MA	ELEVATOR:	209	240	286	348	395
SMSA: LOWELL, MA NH	NON-ELEVATOR:	216	246	289	334	365
SMSA PART MIDDLESEX STATE MA	ELEVATOR:	237	270	319	368	400
SMSA: NEW BEDFORD, MA	NON-ELEVATOR:	164	188	221	255	278
SMSA PART BRISTOL STATE MA	ELEVATOR:	181	206	243	280	307
SMSA PART PLYMOUTH STATE MA	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	181	206	243	280	307
SMSA: PITTSFIELD, MA	NON-ELEVATOR:	164	188	221	255	278
SMSA PART BERKSHIRE STATE MA	ELEVATOR:	181	206	243	280	307
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA	NON-ELEVATOR:	164	188	221	255	278
SMSA PART BRISTOL STATE MA	ELEVATOR:	180	206	243	280	307
SMSA PART NORFOLK STATE MA	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
SMSA PART WORCESTER STATE MA	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	NON-ELEVATOR:	164	188	221	255	278
SMSA PART HAMPDEN STATE MA	ELEVATOR:	181	206	243	280	307
SMSA PART HAMPSHIRE STATE MA	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	181	206	243	280	307

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

6405

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BOSTON, MASSACHUSETTS AREA OFFICE						
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT	NON-ELEVATOR:	164	188	221	255	278
SMSA PART WORCESTER STATE MA	ELEVATOR:	181	206	243	280	307
SMSA: WORCESTER, MA	NON-ELEVATOR:	198	226	264	304	333
SMSA PART WORCESTER STATE MA	ELEVATOR:	218	248	290	335	367
NON SMSA						
COUNTY BARNSTABLE STATE MA	NON-ELEVATOR:	219	245	295	332	369
	ELEVATOR:	240	268	323	363	405
NON SMSA PART BERKSHIRE STATE MA	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
NON SMSA PART BRISTOL STATE MA	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
COUNTY DUKES STATE MA	NON-ELEVATOR:	219	245	295	332	369
	ELEVATOR:	240	268	323	363	405
NON SMSA PART ESSEX STATE MA	NON-ELEVATOR:	182	210	250	292	332
	ELEVATOR:	200	231	277	319	366
COUNTY FRANKLIN STATE MA	NON-ELEVATOR:	172	197	233	257	282
	ELEVATOR:	190	217	257	282	311
NON SMSA PART HAMPDEN STATE MA	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
NON SMSA PART HAMPSHIRE STATE MA	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
NON SMSA PART MIDDLESEX STATE MA	NON-ELEVATOR:	180	205	242	278	304
	ELEVATOR:	198	225	265	304	334
COUNTY NANTUCKET STATE MA	NON-ELEVATOR:	160	184	219	242	268
	ELEVATOR:	177	203	240	267	293
NON SMSA PART NORFOLK STATE MA	NON-ELEVATOR:	180	205	242	278	304
	ELEVATOR:	198	225	265	304	334
NON SMSA PART PLYMOUTH STATE MA	NON-ELEVATOR:	167	192	228	265	303
	ELEVATOR:	183	211	252	292	333
NON SMSA PART WORCESTER STATE MA	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

6406

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BURLINGTON, VERMONT INSURING OFFICE						
NON SMSA						
COUNTY ADDISON	NON-ELEVATOR:	167	191	227	275	297
STATE: VT	ELEVATOR:	183	210	250	296	318
COUNTY BENNINGTON	NON-ELEVATOR:	167	191	227	275	297
STATE: VT	ELEVATOR:	183	210	250	296	318
COUNTY CALEDONIA	NON-ELEVATOR:	153	182	215	259	284
STATE: VT	ELEVATOR:	174	199	236	280	303
COUNTY CHITTENDEN	NON-ELEVATOR:	167	191	233	291	313
STATE: VT	ELEVATOR:	183	210	256	312	334
COUNTY ESSEX	NON-ELEVATOR:	146	167	196	217	238
STATE: VT	ELEVATOR:	160	182	216	239	262
COUNTY FRANKLIN	NON-ELEVATOR:	153	182	215	259	284
STATE: VT	ELEVATOR:	174	199	236	280	303
COUNTY GRAND ISLE	NON-ELEVATOR:	153	182	215	259	284
STATE: VT	ELEVATOR:	174	199	236	280	303
COUNTY LAMOILLE	NON-ELEVATOR:	146	167	196	217	238
STATE: VT	ELEVATOR:	160	182	216	239	262
COUNTY ORANGE	NON-ELEVATOR:	153	182	215	259	284
STATE: VT	ELEVATOR:	174	199	236	280	303
COUNTY ORLEANS	NON-ELEVATOR:	153	182	215	259	284
STATE: VT	ELEVATOR:	174	199	236	280	303
COUNTY RUTLAND	NON-ELEVATOR:	167	191	227	275	297
STATE: VT	ELEVATOR:	183	210	250	296	318
COUNTY WASHINGTON	NON-ELEVATOR:	153	182	215	259	284
STATE: VT	ELEVATOR:	174	199	236	280	303
COUNTY WINDHAM	NON-ELEVATOR:	167	191	227	275	297
STATE: VT	ELEVATOR:	183	210	250	296	318
COUNTY WINDSOR	NON-ELEVATOR:	167	191	227	275	297
STATE: VT	ELEVATOR:	183	210	250	296	318

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

6407

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HARTFORD, CONNECTICUT AREA OFFICE						
SMSA: BRIDGEPORT, CT						
SMSA PART FAIRFIELD	NON-ELEVATOR:	184	212	252	292	318
STATE: CT	ELEVATOR:	203	233	278	321	351
SMSA PART NEW HAVEN	NON-ELEVATOR:	184	212	252	292	318
STATE: CT	ELEVATOR:	203	233	278	321	351
SMSA: BRISTOL, CT						
SMSA PART HARTFORD	NON-ELEVATOR:	177	203	240	277	304
STATE: CT	ELEVATOR:	194	222	264	304	335
SMSA PART LITCHFIELD	NON-ELEVATOR:	177	203	240	277	304
STATE: CT	ELEVATOR:	194	222	264	304	335
SMSA: DANBURY, CT						
SMSA PART FAIRFIELD	NON-ELEVATOR:	169	193	229	265	291
STATE: CT	ELEVATOR:	186	213	253	293	319
SMSA PART LITCHFIELD	NON-ELEVATOR:	169	193	229	265	291
STATE: CT	ELEVATOR:	186	213	253	293	319
SMSA: HARTFORD, CT						
SMSA PART HARTFORD	NON-ELEVATOR:	186	212	252	291	319
STATE: CT	ELEVATOR:	204	233	278	319	351
SMSA PART LITCHFIELD	NON-ELEVATOR:	186	212	252	291	319
STATE: CT	ELEVATOR:	204	233	278	319	351
SMSA PART MIDDLESEX	NON-ELEVATOR:	186	212	252	291	319
STATE: CT	ELEVATOR:	204	233	278	319	351
SMSA PART NEW LONDON	NON-ELEVATOR:	186	212	252	291	319
STATE: CT	ELEVATOR:	204	233	278	319	351
SMSA PART TOLLAND	NON-ELEVATOR:	186	212	252	291	319
STATE: CT	ELEVATOR:	204	233	278	319	351
SMSA: MERIDEN, CT						
SMSA PART NEW HAVEN	NON-ELEVATOR:	167	191	227	263	290
STATE: CT	ELEVATOR:	183	210	250	289	306
SMSA: NEW BRITAIN, CT						
SMSA PART HARTFORD	NON-ELEVATOR:	177	203	240	277	304
STATE: CT	ELEVATOR:	194	222	264	304	335
SMSA: NEW HAVEN-WEST HAVEN, CT						
SMSA PART MIDDLESEX	NON-ELEVATOR:	183	210	239	277	318
STATE: CT	ELEVATOR:	202	231	262	304	350
SMSA PART NEW HAVEN	NON-ELEVATOR:	183	210	239	277	318
STATE: CT	ELEVATOR:	202	231	262	304	350
SMSA: NEW LONDON-NORWICH, CT-RI						
SMSA PART MIDDLESEX	NON-ELEVATOR:	160	184	219	253	277
STATE: CT	ELEVATOR:	177	203	240	278	306
SMSA PART NEW LONDON	NON-ELEVATOR:	160	184	219	253	277
STATE: CT	ELEVATOR:	177	203	240	278	306
SMSA: NORWALK, CT						
SMSA PART FAIRFIELD	NON-ELEVATOR:	184	212	252	292	318
STATE: CT	ELEVATOR:	203	233	278	321	351
SMSA: SPRINGFIELD-CHICOPEE-HOLYOKE, MA-CT						
SMSA PART TOLLAND	NON-ELEVATOR:	164	188	221	255	278
STATE: CT	ELEVATOR:	181	206	243	280	307
SMSA: STAMFORD, CT						
SMSA PART FAIRFIELD	NON-ELEVATOR:	221	264	328	389	418
STATE: CT	ELEVATOR:	238	290	343	389	418
SMSA: WATERBURY, CT						
SMSA PART LITCHFIELD	NON-ELEVATOR:	167	191	227	263	290
STATE: CT	ELEVATOR:	183	210	250	289	317

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HARTFORD, CONNECTICUT AREA OFFICE						
SMSA: WATERBURY, CT	NON-ELEVATOR:	167	191	227	263	290
SMSA PART NEW HAVEN STATE CT	ELEVATOR:	183	210	250	289	317
NON SMSA						
NONSMSA PART FAIRFIELD STATE CT	NON-ELEVATOR:	169	193	229	265	282
	ELEVATOR:	186	213	253	293	319
NONSMSA PART HARTFORD STATE CT	NON-ELEVATOR:	177	203	240	277	304
	ELEVATOR:	194	222	264	304	335
NONSMSA PART LITCHFIELD STATE CT	NON-ELEVATOR:	156	179	213	236	259
	ELEVATOR:	171	196	233	260	287
NONSMSA PART MIDDLESEX STATE CT	NON-ELEVATOR:	156	179	213	236	259
	ELEVATOR:	171	196	233	260	287
NONSMSA PART NEW HAVEN STATE CT	NON-ELEVATOR:	167	191	227	263	290
	ELEVATOR:	183	210	250	289	317
NONSMSA PART NEW LONDON STATE CT	NON-ELEVATOR:	160	184	219	253	277
	ELEVATOR:	177	203	240	278	306
NONSMSA PART TOLLAND STATE CT	NON-ELEVATOR:	160	184	219	253	277
	ELEVATOR:	177	203	240	278	306
COUNTY: WINDHAM STATE CT	NON-ELEVATOR:	160	184	219	253	277
	ELEVATOR:	177	203	240	278	306
MANCHESTER, NEW HAMPSHIRE AREA OFFICE						
SMSA: LAWRENCE-HAVERHILL, MA-NH	NON-ELEVATOR:	190	218	260	316	359
SMSA PART ROCKINGHAM STATE NH	ELEVATOR:	209	240	286	348	395
SMSA: LOWELL, MA NH						
SMSA PART HILLSBOROUGH STATE NH	NON-ELEVATOR:	216	246	289	334	365
	ELEVATOR:	237	270	319	368	400
SMSA: MANCHESTER, NH						
SMSA PART HILLSBOROUGH STATE NH	NON-ELEVATOR:	175	218	260	316	359
	ELEVATOR:	193	240	286	348	395
SMSA PART MERRIMACK STATE NH	NON-ELEVATOR:	175	218	260	316	359
	ELEVATOR:	193	240	286	348	395
SMSA PART ROCKINGHAM STATE NH	NON-ELEVATOR:	175	218	260	316	359
	ELEVATOR:	193	240	286	348	395
SMSA: NASHUA, NH						
SMSA PART HILLSBOROUGH STATE NH	NON-ELEVATOR:	175	218	260	316	359
	ELEVATOR:	193	240	286	348	395
NON SMSA						
COUNTY: BELKNAP STATE NH	NON-ELEVATOR:	159	181	215	248	271
	ELEVATOR:	175	200	238	273	298
COUNTY: CARROLL STATE NH	NON-ELEVATOR:	144	166	196	228	252
	ELEVATOR:	158	182	215	251	276
COUNTY: CHESHIRE STATE NH	NON-ELEVATOR:	167	191	227	253	278
	ELEVATOR:	183	210	250	278	306
COUNTY: COOS STATE NH	NON-ELEVATOR:	146	167	196	217	238
	ELEVATOR:	160	184	216	239	262

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 1		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MANCHESTER, NEW HAMPSHIRE AREA OFFICE						
NON SMSA						
COUNTY: GRAFTON STATE NH	NON-ELEVATOR:	146	167	196	217	238
	ELEVATOR:	160	184	216	239	262
NONSMSA PART HILLSBOROUGH STATE NH	NON-ELEVATOR:	159	181	215	248	271
	ELEVATOR:	175	200	238	273	298
NONSMSA PART MERRIMACK STATE NH	NON-ELEVATOR:	159	181	215	248	271
	ELEVATOR:	175	200	238	273	298
NONSMSA PART ROCKINGHAM STATE NH	NON-ELEVATOR:	159	181	215	248	271
	ELEVATOR:	175	200	238	273	298
COUNTY: STRAFFORD STATE NH	NON-ELEVATOR:	159	181	215	238	259
	ELEVATOR:	175	200	238	261	287
COUNTY: SULLIVAN STATE NH	NON-ELEVATOR:	159	181	215	238	259
	ELEVATOR:	175	200	238	261	287
PROVIDENCE, RHODE ISLAND INSURING OFFICE						
SMSA: FALL RIVER, MA-RI						
SMSA PART NEWPORT STATE RI	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
SMSA: NEW LONDON-NORWICH, CT-RI						
SMSA PART WASHINGTON STATE RI	NON-ELEVATOR:	160	184	219	253	277
	ELEVATOR:	177	203	240	278	306
SMSA: PROVIDENCE-WARWICK-PAWTUCKET, RI-MA						
SMSA PART BRISTOL STATE RI	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
SMSA PART KENT STATE RI	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
SMSA PART NEWPORT STATE RI	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
SMSA PART PROVIDENCE STATE RI	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
SMSA PART WASHINGTON STATE RI	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
NON SMSA						
NONSMSA PART KENT STATE RI	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
NONSMSA PART NEWPORT STATE RI	NON-ELEVATOR:	160	184	219	242	268
	ELEVATOR:	177	203	240	267	293
NONSMSA PART PROVIDENCE STATE RI	NON-ELEVATOR:	164	188	221	255	278
	ELEVATOR:	180	206	243	280	307
NONSMSA PART WASHINGTON STATE RI	NON-ELEVATOR:	160	184	219	242	268
	ELEVATOR:	177	203	240	267	293

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

ALBANY, NEW YORK INSURING OFFICE

SMSA: ALBANY-SCHENECTADY-TROY, NY
COUNTY: ALBANY
STATE: NYNON-ELEVATOR: 168 193 228 275 317
ELEVATOR: 184 212 250 314 350COUNTY: MONTGOMERY
STATE: NYNON-ELEVATOR: 168 193 228 275 317
ELEVATOR: 184 212 250 314 350COUNTY: RENSSELAER
STATE: NYNON-ELEVATOR: 168 193 228 275 317
ELEVATOR: 184 212 250 314 350COUNTY: SARATOGA
STATE: NYNON-ELEVATOR: 168 193 228 275 317
ELEVATOR: 184 212 250 314 350COUNTY: SCHENECTADY
STATE: NYNON-ELEVATOR: 168 193 228 275 317
ELEVATOR: 184 212 250 314 350SMSA: BINGHAMTON, NY-PA
COUNTY: BROOME
STATE: NYNON-ELEVATOR: 150 173 205 247 285
ELEVATOR: 164 190 225 272 328COUNTY: TIOGA
STATE: NYNON-ELEVATOR: 150 173 205 247 285
ELEVATOR: 164 190 225 272 328SMSA: Poughkeepsie, NY
COUNTY: DUTCHESS
STATE: NYNON-ELEVATOR: 174 200 238 262 290
ELEVATOR: 191 219 261 289 317SMSA: SYRACUSE, NY
COUNTY: MADISON
STATE: NYNON-ELEVATOR: 158 181 215 250 274
ELEVATOR: 174 200 238 275 300COUNTY: ONONDAGA
STATE: NYNON-ELEVATOR: 158 181 215 250 274
ELEVATOR: 174 200 238 275 300COUNTY: OSWEGO
STATE: NYNON-ELEVATOR: 158 181 215 250 274
ELEVATOR: 174 200 238 275 300SMSA: UTICA-ROME, NY
COUNTY: HERKIMER
STATE: NYNON-ELEVATOR: 151 172 204 243 280
ELEVATOR: 167 189 224 268 309COUNTY: ONEIDA
STATE: NYNON-ELEVATOR: 151 172 204 243 280
ELEVATOR: 167 189 224 268 309NON SMSA
COUNTY: CAYUGA
STATE: NYNON-ELEVATOR: 152 176 207 230 254
ELEVATOR: 168 192 228 254 279COUNTY: CHENANGO
STATE: NYNON-ELEVATOR: 129 147 176 196 216
ELEVATOR: 141 162 193 215 237COUNTY: CLINTON
STATE: NYNON-ELEVATOR: 121 140 166 184 205
ELEVATOR: 133 153 183 203 226COUNTY: COLUMBIA
STATE: NYNON-ELEVATOR: 123 142 169 189 208
ELEVATOR: 136 157 187 207 230COUNTY: CORTLAND
STATE: NYNON-ELEVATOR: 152 176 207 230 254
ELEVATOR: 168 192 228 254 279COUNTY: DELAWARE
STATE: NYNON-ELEVATOR: 129 147 176 196 216
ELEVATOR: 141 162 193 215 237COUNTY: ESSEX
STATE: NYNON-ELEVATOR: 132 152 180 200 222
ELEVATOR: 146 167 198 220 244COUNTY: FRANKLIN
STATE: NYNON-ELEVATOR: 112 130 155 171 190
ELEVATOR: 123 142 169 189 208COUNTY: FULTON
STATE: NYNON-ELEVATOR: 121 140 166 184 205
ELEVATOR: 133 153 183 203 226NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

ALBANY, NEW YORK INSURING OFFICE

NON SMSA

COUNTY: GREENE
STATE: NYNON-ELEVATOR: 147 168 200 222 245
ELEVATOR: 161 185 220 244 269COUNTY: HAMILTON
STATE: NYNON-ELEVATOR: 121 140 166 184 205
ELEVATOR: 133 153 183 203 226COUNTY: JEFFERSON
STATE: NYNON-ELEVATOR: 112 130 155 171 190
ELEVATOR: 123 142 169 189 208COUNTY: LEWIS
STATE: NYNON-ELEVATOR: 112 130 155 171 190
ELEVATOR: 123 142 169 189 208COUNTY: OTSEGO
STATE: NYNON-ELEVATOR: 129 147 176 196 216
ELEVATOR: 141 162 193 215 237COUNTY: ST. LAWRENCE
STATE: NYNON-ELEVATOR: 112 130 155 171 190
ELEVATOR: 123 142 169 189 208COUNTY: SCHOHARIE
STATE: NYNON-ELEVATOR: 121 140 166 184 205
ELEVATOR: 133 153 183 203 226COUNTY: SULLIVAN
STATE: NYNON-ELEVATOR: 166 190 226 251 276
ELEVATOR: 182 209 248 276 303COUNTY: TOMPKINS
STATE: NYNON-ELEVATOR: 152 176 207 230 254
ELEVATOR: 168 192 228 254 279COUNTY: ULSTER
STATE: NYNON-ELEVATOR: 166 190 226 251 276
ELEVATOR: 182 209 248 276 303COUNTY: WARREN
STATE: NYNON-ELEVATOR: 128 162 189 209 228
ELEVATOR: 141 178 207 230 251COUNTY: WASHINGTON
STATE: NYNON-ELEVATOR: 132 152 180 200 222
ELEVATOR: 146 167 198 220 245

BUFFALO, NEW YORK AREA OFFICE

SMSA: BUFFALO, NY

COUNTY: ERIE
STATE: NYNON-ELEVATOR: 158 182 217 253 276
ELEVATOR: 175 201 239 277 303COUNTY: NIAGARA
STATE: NYNON-ELEVATOR: 158 182 217 253 276
ELEVATOR: 175 201 239 277 303

SMSA: ELMIRA, NY

COUNTY: CHEMUNG
STATE: NYNON-ELEVATOR: 129 147 176 196 216
ELEVATOR: 141 162 193 215 237

SMSA: ROCHESTER, NY

COUNTY: LIVINGSTON
STATE: NYNON-ELEVATOR: 172 199 235 284 326
ELEVATOR: 190 218 260 323 356COUNTY: MONROE
STATE: NYNON-ELEVATOR: 172 199 235 284 326
ELEVATOR: 190 218 260 323 356COUNTY: ONTARIO
STATE: NYNON-ELEVATOR: 172 199 235 284 326
ELEVATOR: 190 218 260 323 356COUNTY: ORLEANS
STATE: NYNON-ELEVATOR: 172 199 235 284 326
ELEVATOR: 190 218 260 323 356COUNTY: WAYNE
STATE: NYNON-ELEVATOR: 172 199 235 284 326
ELEVATOR: 190 218 260 323 356

NON SMSA

COUNTY: ALLEGANY
STATE: NYNON-ELEVATOR: 112 130 155 171 190
ELEVATOR: 123 142 169 189 208COUNTY: CATTARAUGUS
STATE: NYNON-ELEVATOR: 112 140 168 186 204
ELEVATOR: 123 154 185 204 224COUNTY: CHAUTAUQUA
STATE: NYNON-ELEVATOR: 139 174 206 233 258
ELEVATOR: 153 192 227 256 284NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BUFFALO, NEW YORK AREA OFFICE						
NON SMSA						
COUNTY: GENESEE	NON-ELEVATOR:	149	171	204	226	250
STATE: NY	ELEVATOR:	163	188	223	249	274
COUNTY: SCHUYLER	NON-ELEVATOR:	140	160	192	212	234
STATE: NY	ELEVATOR:	154	176	209	233	257
COUNTY: SENECA	NON-ELEVATOR:	152	176	207	230	254
STATE: NY	ELEVATOR:	168	192	228	254	279
COUNTY: STEUBEN	NON-ELEVATOR:	140	160	192	212	234
STATE: NY	ELEVATOR:	154	176	209	233	257
COUNTY: WYOMING	NON-ELEVATOR:	112	130	155	171	190
STATE: NY	ELEVATOR:	123	142	169	189	208
COUNTY: YATES	NON-ELEVATOR:	152	176	207	230	254
STATE: NY	ELEVATOR:	168	192	228	254	279
CAMDEN, NEW JERSEY AREA OFFICE						
SMSA: ATLANTIC CITY, NJ						
COUNTY: ATLANTIC	NON-ELEVATOR:	134	156	184	215	235
STATE: NJ	ELEVATOR:	148	170	203	236	258
SMSA: PHILADELPHIA, PA-NJ						
COUNTY: BURLINGTON	NON-ELEVATOR:	196	222	265	309	350
STATE: NJ	ELEVATOR:	216	245	292	340	385
COUNTY: CAMDEN	NON-ELEVATOR:	196	222	265	309	350
STATE: NJ	ELEVATOR:	216	245	292	340	385
COUNTY: GLOUCESTER	NON-ELEVATOR:	196	222	265	309	350
STATE: NJ	ELEVATOR:	216	245	292	340	385
SMSA: TRENTON, NJ						
COUNTY: MERCER	NON-ELEVATOR:	153	177	208	242	266
STATE: NJ	ELEVATOR:	169	193	229	267	292
SMSA: VINELAND-MILLVILLE-BRIDGETON, NJ						
COUNTY: CUMBERLAND	NON-ELEVATOR:	159	180	213	247	270
STATE: NJ	ELEVATOR:	174	198	234	272	296
SMSA: WILMINGTON, DE-NJ-MD						
COUNTY: SALEM	NON-ELEVATOR:	172	196	232	267	303
STATE: NJ	ELEVATOR:	190	215	254	294	332
NON SMSA						
COUNTY: CAPE MAY	NON-ELEVATOR:	161	185	220	243	269
STATE: NJ	ELEVATOR:	178	204	242	268	295
COUNTY: OCEAN	NON-ELEVATOR:	186	212	252	280	309
STATE: NJ	ELEVATOR:	204	233	278	308	338

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW YORK, NEW YORK AREA OFFICE						
SMSA: NASSAU-SUFFOLK, NY						
COUNTY: NASSAU	NON-ELEVATOR:	239	302	353	414	477
STATE: NY	ELEVATOR:	262	331	386	455	523
COUNTY: SUFFOLK	NON-ELEVATOR:	239	302	353	414	477
STATE: NY	ELEVATOR:	262	331	386	455	523
SMSA: NEW YORK CITY, NY-NJ						
COUNTY: BRONX	NON-ELEVATOR:	202	230	270	313	354
STATE: NY	ELEVATOR:	223	253	298	344	390
COUNTY: KINGS	NON-ELEVATOR:	202	230	270	313	354
STATE: NY	ELEVATOR:	223	253	298	344	390
COUNTY: NEW YORK	NON-ELEVATOR:	202	230	270	313	354
STATE: NY	ELEVATOR:	223	253	298	344	390
COUNTY: PUTNAM	NON-ELEVATOR:	202	230	270	313	354
STATE: NY	ELEVATOR:	223	253	298	344	390
COUNTY: QUEENS	NON-ELEVATOR:	202	230	270	313	354
STATE: NY	ELEVATOR:	223	253	298	344	390
COUNTY: RICHMOND	NON-ELEVATOR:	202	230	270	313	354
STATE: NY	ELEVATOR:	223	253	298	344	390
COUNTY: ROCKLAND	NON-ELEVATOR:	221	251	296	342	387
STATE: NY	ELEVATOR:	243	276	325	375	426
COUNTY: WESTCHESTER	NON-ELEVATOR:	202	230	270	313	354
STATE: NY	ELEVATOR:	223	253	298	344	390
NON SMSA						
COUNTY: ORANGE	NON-ELEVATOR:	166	190	226	251	276
STATE: NY	ELEVATOR:	182	209	248	276	303
NEWARK, NEW JERSEY AREA OFFICE						
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ						
COUNTY: WARREN	NON-ELEVATOR:	179	207	244	272	298
STATE: NJ	ELEVATOR:	197	228	268	298	329
SMSA: JERSEY CITY, NJ						
COUNTY: HUDSON	NON-ELEVATOR:	159	181	201	232	255
STATE: NJ	ELEVATOR:	175	199	221	258	284
SMSA: LONG BRANCH-ASBURY PARK, NJ						
COUNTY: MONMOUTH	NON-ELEVATOR:	178	204	241	267	294
STATE: NJ	ELEVATOR:	195	223	265	294	325
SMSA: NEW BRUNSWICK-PERTH AMBOY-SAYREVILLE, NJ						
COUNTY: MIDDLESEX	NON-ELEVATOR:	189	215	257	284	313
STATE: NJ	ELEVATOR:	207	238	282	313	344
SMSA: NEW YORK CITY, NY-NJ						
COUNTY: BERGEN	NON-ELEVATOR:	202	230	270	313	354
STATE: NJ	ELEVATOR:	223	253	298	344	390
SMSA: NEWARK, NJ						
COUNTY: ESSEX	NON-ELEVATOR:	190	218	260	287	315
STATE: NJ	ELEVATOR:	209	241	285	316	347
COUNTY: MORRIS	NON-ELEVATOR:	190	218	260	287	315
STATE: NJ	ELEVATOR:	209	241	285	316	347
COUNTY: SOMERSET	NON-ELEVATOR:	190	218	260	287	315
STATE: NJ	ELEVATOR:	209	241	285	316	347
COUNTY: UNION	NON-ELEVATOR:	190	218	260	287	315
STATE: NJ	ELEVATOR:	209	241	285	316	347
SMSA: PATERSON-CLIFTON-PASSAIC, NJ						
COUNTY: PASSAIC	NON-ELEVATOR:	186	213	253	293	333
STATE: NJ	ELEVATOR:	204	234	279	322	367

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 2		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEWARK, NEW JERSEY AREA OFFICE						
NON SMSA						
COUNTY: HUNTERDON	NON-ELEVATOR:	198	229	269	300	330
STATE: NJ	ELEVATOR:	218	250	297	331	363
COUNTY: SUSSEX	NON-ELEVATOR:	180	207	245	273	300
STATE: NJ	ELEVATOR:	198	228	269	300	330
SAN JUAN, P. R. AREA OFFICE						
SMSA: CAGUAS						
MUNICIPIO: ALL	NON-ELEVATOR:	144	166	195	216	237
STATE: PR	ELEVATOR:	159	182	215	238	259
SMSA: MAYAGUEZ						
MUNICIPIO: ALL	NON-ELEVATOR:	181	206	243	269	293
STATE: PR	ELEVATOR:	199	226	267	296	322
SMSA: PONCE						
MUNICIPIO: ALL	NON-ELEVATOR:	222	254	301	331	363
STATE: PR	ELEVATOR:	244	281	330	363	397
SMSA: SAN JUAN						
MUNICIPIO: ALL	NON-ELEVATOR:	221	252	298	342	375
STATE: PR	ELEVATOR:	243	279	327	377	412
NON SMSA						
MUNICIPIO: ALL OTHER	NON-ELEVATOR:	137	156	185	204	225
STATE: PR	ELEVATOR:	149	171	203	226	246
CHAR AMALIE						
STATE: VI	NON-ELEVATOR:	191	258	334	366	384
	ELEVATOR:	0	0	0	0	0
ST. CROIX						
STATE: VI	NON-ELEVATOR:	164	209	270	297	312
	ELEVATOR:	0	0	0	0	0
ST. THOMAS						
STATE: VI	NON-ELEVATOR:	178	241	309	340	356
	ELEVATOR:	0	0	0	0	0

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BALTIMORE, MARYLAND AREA OFFICE						
SMSA: BALTIMORE, MD						
COUNTY: ANNE ARUNDEL	NON-ELEVATOR:	191	223	262	311	360
STATE: MD	ELEVATOR:	210	246	288	341	395
COUNTY: BALTIMORE	NON-ELEVATOR:	191	223	262	311	360
STATE: MD	ELEVATOR:	210	246	288	341	395
COUNTY: CARROLL	NON-ELEVATOR:	191	223	262	311	360
STATE: MD	ELEVATOR:	210	246	288	341	395
COUNTY: HARTFORD	NON-ELEVATOR:	191	223	262	311	360
STATE: MD	ELEVATOR:	210	246	288	341	395
COUNTY: HOWARD	NON-ELEVATOR:	191	223	262	311	360
STATE: MD	ELEVATOR:	210	246	288	341	395
COLUMBIA (U)						
STATE: MD	NON-ELEVATOR:	197	248	305	350	395
	ELEVATOR:	217	272	335	385	433
INDEP. CITY: BALTIMORE						
STATE: MD	NON-ELEVATOR:	191	223	262	311	360
	ELEVATOR:	210	246	288	341	395
SMSA: WASHINGTON, DC-MD-VA						
COUNTY: CHARLES	NON-ELEVATOR:	202	242	286	328	371
STATE: MD	ELEVATOR:	221	267	314	360	406
SMSA: WILMINGTON, DE-NJ-MD						
COUNTY: CECIL	NON-ELEVATOR:	172	198	232	267	303
STATE: MD	ELEVATOR:	190	215	254	294	332
NON SMSA						
COUNTY: ALLEGANY	NON-ELEVATOR:	90	115	139	171	188
STATE: MD	ELEVATOR:	101	126	153	188	206
COUNTY: CALVERT	NON-ELEVATOR:	137	158	190	212	234
STATE: MD	ELEVATOR:	151	173	209	232	258
NON SMSA						
COUNTY: CAROLINE	NON-ELEVATOR:	148	170	204	229	253
STATE: MD	ELEVATOR:	162	187	224	251	277
COUNTY: DORCHESTER	NON-ELEVATOR:	148	170	204	229	253
STATE: MD	ELEVATOR:	162	187	224	251	277
COUNTY: FREDERICK	NON-ELEVATOR:	173	199	232	300	333
STATE: MD	ELEVATOR:	190	219	256	330	366
COUNTY: GARRETT	NON-ELEVATOR:	90	115	139	171	188
STATE: MD	ELEVATOR:	101	126	153	188	206
COUNTY: KENT	NON-ELEVATOR:	148	170	204	229	253
STATE: MD	ELEVATOR:	162	187	224	251	277
COUNTY: QUEEN ANNES	NON-ELEVATOR:	148	170	204	229	253
STATE: MD	ELEVATOR:	162	187	224	251	277
COUNTY: ST. MARYS	NON-ELEVATOR:	137	158	190	212	234
STATE: MD	ELEVATOR:	151	173	209	232	258
COUNTY: SOMERSET	NON-ELEVATOR:	148	170	204	229	253
STATE: MD	ELEVATOR:	162	187	224	251	277
COUNTY: TALBOT	NON-ELEVATOR:	148	170	204	229	253
STATE: MD	ELEVATOR:	162	187	224	251	277
COUNTY: WASHINGTON	NON-ELEVATOR:	145	165	198	257	285
STATE: MD	ELEVATOR:	160	182	218	282	314
COUNTY: WICOMICO	NON-ELEVATOR:	148	170	204	229	253
STATE: MD	ELEVATOR:	162	187	224	251	277
COUNTY: WORCESTER	NON-ELEVATOR:	148	170	204	229	253
STATE: MD	ELEVATOR:	162	187	224	251	277

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLESTON, WEST VIRGINIA INSURING OFFICE						
SMSA: CHARLESTON, WV	NON-ELEVATOR:	130	159	199	242	278
	ELEVATOR:	152	191	226	264	311
COUNTY: PUTNAM STATE: WV	NON-ELEVATOR:	130	159	199	242	278
	ELEVATOR:	152	191	226	264	311
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	NON-ELEVATOR:	140	161	190	226	251
	ELEVATOR:	155	177	209	248	276
COUNTY: WAYNE STATE: WV	NON-ELEVATOR:	140	161	190	226	251
	ELEVATOR:	155	177	209	248	276
SMSA: PARKERSBURG-MARIETTA, WV-OH	NON-ELEVATOR:	114	132	159	179	197
	ELEVATOR:	126	144	175	196	216
COUNTY: WOOD STATE: WV	NON-ELEVATOR:	114	132	159	179	197
	ELEVATOR:	126	144	175	196	216
SMSA: STEUBENVILLE-WEIRTON, OH-WV	NON-ELEVATOR:	101	116	140	165	181
	ELEVATOR:	111	127	154	180	198
COUNTY: HANCOCK STATE: WV	NON-ELEVATOR:	101	116	140	165	181
	ELEVATOR:	111	127	154	180	198
SMSA: WHEELING, WV-OH	NON-ELEVATOR:	101	116	140	165	181
	ELEVATOR:	111	127	154	180	198
COUNTY: MARSHALL STATE: WV	NON-ELEVATOR:	101	116	140	165	181
	ELEVATOR:	111	127	154	180	198
COUNTY: OHIO STATE: WV	NON-ELEVATOR:	101	116	140	165	181
	ELEVATOR:	111	127	154	180	198
NON SMSA	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: BARBOUR STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: BERKELEY STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: BOONE STATE: WV	NON-ELEVATOR:	113	127	153	172	187
	ELEVATOR:	123	142	170	188	206
COUNTY: BRAXTON STATE: WV	NON-ELEVATOR:	82	95	115	130	144
	ELEVATOR:	90	106	127	143	159
COUNTY: CALHOUN STATE: WV	NON-ELEVATOR:	82	95	115	130	144
	ELEVATOR:	90	106	127	143	159
COUNTY: CLAY STATE: WV	NON-ELEVATOR:	82	95	115	130	144
	ELEVATOR:	90	106	127	143	159
COUNTY: DODDRIDGE STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: FAYETTE STATE: WV	NON-ELEVATOR:	113	127	153	172	187
	ELEVATOR:	123	142	170	188	206
COUNTY: GILMER STATE: WV	NON-ELEVATOR:	82	95	115	130	144
	ELEVATOR:	90	106	127	143	159
COUNTY: GRANT STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: GREENBRIER STATE: WV	NON-ELEVATOR:	82	95	115	130	144
	ELEVATOR:	90	106	127	143	159
COUNTY: HAMPSHIRE STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLESTON, WEST VIRGINIA INSURING OFFICE						
NON SMSA	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: HARDY STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: JACKSON STATE: WV	NON-ELEVATOR:	82	95	115	130	144
	ELEVATOR:	90	106	127	143	159
COUNTY: JEFFERSON STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: LEWIS STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: LINCOLN STATE: WV	NON-ELEVATOR:	82	95	115	130	144
	ELEVATOR:	90	106	127	143	159
COUNTY: LOGAN STATE: WV	NON-ELEVATOR:	113	127	153	172	187
	ELEVATOR:	123	142	170	188	206
COUNTY: MCDOWELL STATE: WV	NON-ELEVATOR:	106	133	161	189	216
	ELEVATOR:	117	147	177	208	238
COUNTY: MARION STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: MASON STATE: WV	NON-ELEVATOR:	82	95	115	130	144
	ELEVATOR:	90	106	127	143	159
COUNTY: MERCER STATE: WV	NON-ELEVATOR:	106	133	161	189	216
	ELEVATOR:	117	147	177	208	238
COUNTY: MINERAL STATE: WV	NON-ELEVATOR:	90	106	127	143	159
	ELEVATOR:	101	116	139	157	173
COUNTY: MINGO STATE: WV	NON-ELEVATOR:	113	127	153	172	187
	ELEVATOR:	123	142	170	188	206
COUNTY: MONONGALIA STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: MONROE STATE: WV	NON-ELEVATOR:	106	133	161	189	216
	ELEVATOR:	117	147	177	208	238
COUNTY: MORGAN STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: NICHOLAS STATE: WV	NON-ELEVATOR:	82	95	115	130	144
	ELEVATOR:	90	106	127	143	159
COUNTY: PENDLETON STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: PLEASANTS STATE: WV	NON-ELEVATOR:	112	130	155	174	193
	ELEVATOR:	123	141	171	192	211
COUNTY: POCAHONTAS STATE: WV	NON-ELEVATOR:	82	95	115	130	144
	ELEVATOR:	90	106	127	143	159
COUNTY: PRESTON STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: RALEIGH STATE: WV	NON-ELEVATOR:	106	133	161	189	216
	ELEVATOR:	117	147	177	208	238
COUNTY: RANDOLPH STATE: WV	NON-ELEVATOR:	105	121	145	163	181
	ELEVATOR:	114	133	159	179	197
COUNTY: RITCHIE STATE: WV	NON-ELEVATOR:	112	130	155	174	193
	ELEVATOR:	123	141	171	192	211

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHARLESTON, WEST VIRGINIA INSURING OFFICE						
NON SMSA						
COUNTY ROANE	NON-ELEVATOR:	82	95	115	130	144
STATE WV	ELEVATOR:	90	106	127	143	159
COUNTY SUMMERS	NON-ELEVATOR:	106	133	161	189	216
STATE WV	ELEVATOR:	117	147	177	208	238
COUNTY TAYLOR	NON-ELEVATOR:	105	121	145	163	181
STATE WV	ELEVATOR:	114	133	159	179	197
COUNTY TUCKER	NON-ELEVATOR:	105	121	145	163	181
STATE WV	ELEVATOR:	114	133	159	179	197
COUNTY TYLER	NON-ELEVATOR:	90	106	127	143	158
STATE WV	ELEVATOR:	101	116	139	157	173
COUNTY UPSHUR	NON-ELEVATOR:	105	121	145	163	181
STATE WV	ELEVATOR:	114	133	159	179	197
COUNTY WEBSTER	NON-ELEVATOR:	82	95	115	130	144
STATE WV	ELEVATOR:	90	106	127	143	159
COUNTY WETZEL	NON-ELEVATOR:	90	106	127	143	158
STATE WV	ELEVATOR:	101	116	139	157	173
COUNTY WYOMING	NON-ELEVATOR:	106	133	161	189	216
STATE WV	ELEVATOR:	117	147	177	208	238
PHILADELPHIA, PENNSYLVANIA AREA OFFICE						
SMSA: ALLENTOWN-BETHLEHEM-EASTON, PA-NJ						
COUNTY CARBON	NON-ELEVATOR:	179	207	244	272	298
STATE PA	ELEVATOR:	197	228	268	298	329
COUNTY LEHIGH	NON-ELEVATOR:	179	207	244	272	298
STATE PA	ELEVATOR:	197	228	268	298	329
COUNTY NORTHAMPTON	NON-ELEVATOR:	179	207	244	272	298
STATE PA	ELEVATOR:	197	228	268	298	329
SMSA: BINGHAMTON, NY-PA						
COUNTY SUSQUEHANNA	NON-ELEVATOR:	150	173	205	247	285
STATE PA	ELEVATOR:	164	190	225	272	328
SMSA: HARRISBURG, PA						
COUNTY CUMBERLAND	NON-ELEVATOR:	162	186	222	257	282
STATE PA	ELEVATOR:	179	205	244	282	310
COUNTY DAUPHIN	NON-ELEVATOR:	162	186	222	257	282
STATE PA	ELEVATOR:	179	205	244	282	310
COUNTY PERRY	NON-ELEVATOR:	162	186	222	257	282
STATE PA	ELEVATOR:	179	205	244	282	310
SMSA: LANCASTER, PA						
COUNTY LANCASTER	NON-ELEVATOR:	122	141	168	194	215
STATE PA	ELEVATOR:	134	156	184	215	235
SMSA: NORTHEAST, PA						
COUNTY LACKAWANNA	NON-ELEVATOR:	139	161	192	214	234
STATE PA	ELEVATOR:	154	177	209	234	256
COUNTY LUZERNE	NON-ELEVATOR:	139	161	192	214	234
STATE PA	ELEVATOR:	154	177	209	234	256

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHILADELPHIA, PENNSYLVANIA AREA OFFICE						
SMSA: NORTHEAST, PA						
COUNTY MONROE	NON-ELEVATOR:	139	161	192	214	234
STATE PA	ELEVATOR:	154	177	209	234	256
SMSA: PHILADELPHIA, PA-NJ						
COUNTY BUCKS	NON-ELEVATOR:	196	222	265	309	350
STATE PA	ELEVATOR:	216	245	292	340	385
COUNTY CHESTER	NON-ELEVATOR:	196	222	265	309	350
STATE PA	ELEVATOR:	216	245	292	340	385
COUNTY DELAWARE	NON-ELEVATOR:	196	222	265	309	350
STATE PA	ELEVATOR:	216	245	292	340	385
COUNTY MONTGOMERY	NON-ELEVATOR:	196	222	265	309	350
STATE PA	ELEVATOR:	216	245	292	340	385
COUNTY PHILADELPHIA	NON-ELEVATOR:	196	222	265	309	350
STATE PA	ELEVATOR:	216	245	292	340	385
SMSA: READING, PA						
COUNTY BERKS	NON-ELEVATOR:	151	173	205	239	262
STATE PA	ELEVATOR:	166	190	225	263	288
SMSA: WILLIAMSPORT, PA						
COUNTY LYCOMING	NON-ELEVATOR:	120	139	165	183	204
STATE PA	ELEVATOR:	132	152	182	202	223
SMSA: YORK, PA						
COUNTY ADAMS	NON-ELEVATOR:	138	158	188	218	239
STATE PA	ELEVATOR:	151	174	206	240	264
COUNTY YORK	NON-ELEVATOR:	138	158	188	218	239
STATE PA	ELEVATOR:	151	174	206	240	264
NON SMSA						
COUNTY BRADFORD	NON-ELEVATOR:	129	147	176	196	216
STATE PA	ELEVATOR:	141	162	183	215	237
COUNTY CENTRE	NON-ELEVATOR:	120	139	165	183	204
STATE PA	ELEVATOR:	132	152	182	202	223
COUNTY CLINTON	NON-ELEVATOR:	120	139	165	183	204
STATE PA	ELEVATOR:	132	152	182	202	223
COUNTY COLUMBIA	NON-ELEVATOR:	112	130	155	171	190
STATE PA	ELEVATOR:	123	142	169	189	208
COUNTY FRANKLIN	NON-ELEVATOR:	107	122	146	170	188
STATE PA	ELEVATOR:	118	134	162	188	206
COUNTY JUNIATA	NON-ELEVATOR:	95	112	133	148	165
STATE PA	ELEVATOR:	106	122	146	163	181
COUNTY LEBANON	NON-ELEVATOR:	123	142	169	197	217
STATE PA	ELEVATOR:	136	157	187	217	238
COUNTY MIFFLIN	NON-ELEVATOR:	95	112	133	148	165
STATE PA	ELEVATOR:	106	122	146	163	181
COUNTY MONTGOMERY	NON-ELEVATOR:	95	112	133	148	165
STATE PA	ELEVATOR:	106	122	146	163	181
COUNTY NORTHUMBRLND	NON-ELEVATOR:	120	140	166	184	205
STATE PA	ELEVATOR:	132	152	182	203	225
COUNTY PIKE	NON-ELEVATOR:	112	130	155	171	190
STATE PA	ELEVATOR:	123	142	169	189	208
COUNTY SCHUYLKILL	NON-ELEVATOR:	126	144	174	193	214
STATE PA	ELEVATOR:	137	160	182	212	236

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

PHILADELPHIA, PENNSYLVANIA AREA OFFICE

NON SMSA

COUNTY: SNYDER NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: SULLIVAN NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: TIOGA NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: UNION NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: WAYNE NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: WYOMING NON-ELEVATOR:
STATE: PA ELEVATOR:

95 112 133 148 165
106 122 146 163 181
120 139 165 183 204
132 152 182 202 223
129 147 176 196 216
141 162 193 215 237
95 112 133 148 165
106 122 146 163 181
168 194 232 255 284
184 213 255 280 312
134 156 186 239 265
148 170 203 263 291

PITTSBURGH, PENNSYLVANIA AREA OFFICE

SMSA: ALTOONA, PA
COUNTY: BLAIR
STATE: PA

NON-ELEVATOR:
ELEVATOR:

134 151 193 221 245
146 163 209 238 262

SMSA: ERIE, PA
COUNTY: ERIE
STATE: PA

NON-ELEVATOR:
ELEVATOR:

130 150 178 207 227
142 165 195 227 250

SMSA: JOHNSTOWN, PA
COUNTY: CAMBRIA
STATE: PA

NON-ELEVATOR:
ELEVATOR:

95 112 133 154 170
106 122 146 170 188

COUNTY: SOMERSET
STATE: PA

NON-ELEVATOR:
ELEVATOR:

95 112 133 154 170
106 122 146 170 188

SMSA: PITTSBURGH, PA
COUNTY: ALLEGHANY
STATE: PA

NON-ELEVATOR:
ELEVATOR:

151 174 206 240 273
166 192 225 263 299

COUNTY: BEAVER
STATE: PA

NON-ELEVATOR:
ELEVATOR:

151 174 206 240 273
166 192 225 263 299

COUNTY: WASHINGTON
STATE: PA

NON-ELEVATOR:
ELEVATOR:

151 174 206 240 273
166 192 225 263 299

COUNTY: WESTMORELAND
STATE: PA

NON-ELEVATOR:
ELEVATOR:

151 174 206 240 273
166 192 225 263 299

NON SMSA

COUNTY: ARMSTRONG
STATE: PA

NON-ELEVATOR:
ELEVATOR:

110 128 152 169 186
121 140 166 184 205

COUNTY: BEDFORD
STATE: PA

NON-ELEVATOR:
ELEVATOR:

107 122 146 170 188
118 134 162 188 206

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

PITTSBURGH, PENNSYLVANIA AREA OFFICE

NON SMSA

COUNTY: BUTLER NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: CAMERON NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: CLARION NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: CLEARFIELD NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: CRAWFORD NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: ELK NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: FAYETTE NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: FOREST NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: FULTON NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: GREENE NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: HUNTINGDON NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: INDIANA NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: JEFFERSON NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: LAWRENCE NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: MCKEAN NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: MERCER NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: POTTER NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: VENANGO NON-ELEVATOR:
STATE: PA ELEVATOR:
COUNTY: WARREN NON-ELEVATOR:
STATE: PA ELEVATOR:

110 128 152 169 186
121 140 166 184 205
120 139 165 183 204
132 152 182 202 223
110 128 152 169 186
121 140 166 184 205
120 139 165 183 204
132 152 182 202 223
114 132 157 175 194
127 146 174 192 214
120 139 165 183 204
132 152 182 202 223
96 113 134 151 167
107 124 147 166 183
114 132 157 175 194
127 146 174 192 214
107 122 146 170 188
118 134 162 188 206
96 113 134 151 167
107 124 147 166 183
107 122 146 170 188
118 134 162 188 206
110 128 152 169 186
121 140 166 184 205
120 139 165 183 204
132 152 182 202 223
114 132 157 175 194
127 146 174 192 214
112 130 155 171 190
123 142 169 189 208
114 132 157 175 194
127 146 174 192 214
112 130 155 171 190
123 142 168 189 208
114 132 157 175 194
127 146 174 192 214
114 132 157 175 194
127 146 174 192 214

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE						
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA	NON-ELEVATOR:	120	140	168	187	207
	ELEVATOR:	133	153	184	206	227
COUNTY: SCOTT STATE: VA	NON-ELEVATOR:	120	140	168	187	207
	ELEVATOR:	133	153	184	206	227
COUNTY: WASHINGTON STATE: VA	NON-ELEVATOR:	120	140	168	187	207
	ELEVATOR:	133	153	184	206	227
INDEP. CITY: BRISTOL STATE: VA	NON-ELEVATOR:	120	140	168	187	207
	ELEVATOR:	133	153	184	206	227
SMSA: LYNCHBURG, VA	NON-ELEVATOR:	135	156	187	207	228
	ELEVATOR:	148	170	204	228	251
COUNTY: AMHERST STATE: VA	NON-ELEVATOR:	135	156	187	207	228
	ELEVATOR:	148	170	204	228	251
COUNTY: APPOMATTOX STATE: VA	NON-ELEVATOR:	135	156	187	207	228
	ELEVATOR:	148	170	204	228	251
COUNTY: CAMPBELL STATE: VA	NON-ELEVATOR:	135	156	187	207	228
	ELEVATOR:	148	170	204	228	251
INDEP. CITY: LYNCHBURG STATE: VA	NON-ELEVATOR:	135	156	187	207	228
	ELEVATOR:	148	170	204	228	251
SMSA: NEWPORT NEWS-HAMPTON, VA	NON-ELEVATOR:	160	183	211	258	323
	ELEVATOR:	175	192	232	283	355
COUNTY: GLOUCESTER STATE: VA	NON-ELEVATOR:	160	183	211	258	323
	ELEVATOR:	175	192	232	283	355
COUNTY: JAMES CITY STATE: VA	NON-ELEVATOR:	160	183	211	258	323
	ELEVATOR:	175	192	232	283	355
COUNTY: YORK STATE: VA	NON-ELEVATOR:	160	183	211	258	323
	ELEVATOR:	175	192	232	283	355
INDEP. CITY: HAMPTON STATE: VA	NON-ELEVATOR:	160	183	211	258	323
	ELEVATOR:	175	192	232	283	355
INDEP. CITY: NEWPORT NEWS STATE: VA	NON-ELEVATOR:	160	183	211	258	323
	ELEVATOR:	175	192	232	283	355
INDEP. CITY: POQUOSON STATE: VA	NON-ELEVATOR:	160	183	211	258	323
	ELEVATOR:	175	192	232	283	355
INDEP. CITY: WILLIAMSBURG STATE: VA	NON-ELEVATOR:	160	183	211	258	323
	ELEVATOR:	175	192	232	283	355
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC	NON-ELEVATOR:	152	174	206	230	254
	ELEVATOR:	167	190	227	252	277
INDEP. CITY: CHESAPEAKE STATE: VA	NON-ELEVATOR:	152	174	206	230	254
	ELEVATOR:	167	190	227	252	277
INDEP. CITY: NORFOLK STATE: VA	NON-ELEVATOR:	152	174	206	230	254
	ELEVATOR:	167	190	227	252	277
INDEP. CITY: PORTSMOUTH STATE: VA	NON-ELEVATOR:	152	174	206	230	254
	ELEVATOR:	167	190	227	252	277
INDEP. CITY: SUFFOLK STATE: VA	NON-ELEVATOR:	152	174	206	230	254
	ELEVATOR:	167	190	227	252	277
INDEP. CITY: VIRGINIA BEA STATE: VA	NON-ELEVATOR:	152	174	206	230	254
	ELEVATOR:	167	190	227	252	277
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA	NON-ELEVATOR:	145	166	199	231	254
	ELEVATOR:	158	182	218	255	279
COUNTY: DINWIDDIE STATE: VA	NON-ELEVATOR:	145	166	199	231	254
	ELEVATOR:	158	182	218	255	279
COUNTY: PRINCEGEORGE STATE: VA	NON-ELEVATOR:	145	166	199	231	254
	ELEVATOR:	158	182	218	255	279
INDEP. CITY: COLONIAL HEI STATE: VA	NON-ELEVATOR:	145	166	199	231	254
	ELEVATOR:	158	182	218	255	279

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE						
SMSA: PETERSBURG-COLONIAL HEIGHTS-HOPEWELL, VA	NON-ELEVATOR:	145	166	199	231	254
	ELEVATOR:	158	182	218	255	279
INDEP. CITY: HOPEWELL STATE: VA	NON-ELEVATOR:	145	166	199	231	254
	ELEVATOR:	158	182	218	255	279
INDEP. CITY: PETERSBURG STATE: VA	NON-ELEVATOR:	145	166	199	231	254
	ELEVATOR:	158	182	218	255	279
SMSA: RICHMOND, VA	NON-ELEVATOR:	168	196	244	282	310
	ELEVATOR:	174	215	268	309	341
COUNTY: CHARLES CITY STATE: VA	NON-ELEVATOR:	168	196	244	282	310
	ELEVATOR:	174	215	268	309	341
COUNTY: CHESTERFIELD STATE: VA	NON-ELEVATOR:	168	196	244	282	310
	ELEVATOR:	174	215	268	309	341
COUNTY: GOOCHLAND STATE: VA	NON-ELEVATOR:	168	196	244	282	310
	ELEVATOR:	174	215	268	309	341
COUNTY: HANOVER STATE: VA	NON-ELEVATOR:	168	196	244	282	310
	ELEVATOR:	174	215	268	309	341
COUNTY: HENRICO STATE: VA	NON-ELEVATOR:	168	196	244	282	310
	ELEVATOR:	174	215	268	309	341
COUNTY: POWHATAN STATE: VA	NON-ELEVATOR:	168	196	244	282	310
	ELEVATOR:	174	215	268	309	341
INDEP. CITY: RICHMOND STATE: VA	NON-ELEVATOR:	168	196	244	282	310
	ELEVATOR:	174	215	268	309	341
SMSA: ROANOKE, VA	NON-ELEVATOR:	124	142	171	198	216
	ELEVATOR:	135	156	187	216	239
COUNTY: BOTETOURT STATE: VA	NON-ELEVATOR:	124	142	171	198	216
	ELEVATOR:	135	156	187	216	239
COUNTY: CRAIG STATE: VA	NON-ELEVATOR:	124	142	171	198	216
	ELEVATOR:	135	156	187	216	239
COUNTY: ROANOKE STATE: VA	NON-ELEVATOR:	124	142	171	198	216
	ELEVATOR:	135	156	187	216	239
INDEP. CITY: ROANOKE STATE: VA	NON-ELEVATOR:	124	142	171	198	216
	ELEVATOR:	135	156	187	216	239
INDEP. CITY: SALEM STATE: VA	NON-ELEVATOR:	124	142	171	198	216
	ELEVATOR:	135	156	187	216	239
NON SMSA	NON-ELEVATOR:	128	146	175	196	215
	ELEVATOR:	140	160	194	215	238
COUNTY: ACCOMACK STATE: VA	NON-ELEVATOR:	160	181	214	247	280
	ELEVATOR:	175	199	235	272	308
COUNTY: ALBEMARLE STATE: VA	NON-ELEVATOR:	124	142	171	198	216
	ELEVATOR:	135	156	187	216	239
COUNTY: ALLEGHANY STATE: VA	NON-ELEVATOR:	145	166	199	231	254
	ELEVATOR:	158	182	218	255	279
COUNTY: AMELIA STATE: VA	NON-ELEVATOR:	109	125	148	165	185
	ELEVATOR:	118	137	163	183	202
COUNTY: AUGUSTA STATE: VA	NON-ELEVATOR:	109	125	148	165	185
	ELEVATOR:	118	137	163	183	202
COUNTY: BATH STATE: VA	NON-ELEVATOR:	109	125	148	165	185
	ELEVATOR:	118	137	163	183	202
COUNTY: BEDFORD STATE: VA	NON-ELEVATOR:	135	156	187	207	228
	ELEVATOR:	148	170	204	228	251
COUNTY: BLAND STATE: VA	NON-ELEVATOR:	90	104	123	138	153
	ELEVATOR:	99	113	136	151	170

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE							
NON SMSA							
COUNTY BRUNSWICK	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY BUCHANAN	STATE VA	NON-ELEVATOR:	90	104	123	138	153
		ELEVATOR:	99	113	136	151	170
COUNTY BUCKINGHAM	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY CAROLINE	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY CARROLL	STATE VA	NON-ELEVATOR:	138	156	183	213	270
		ELEVATOR:	152	172	201	234	296
COUNTY CHARLOTTE	STATE VA	NON-ELEVATOR:	135	156	187	207	228
		ELEVATOR:	148	170	204	228	251
COUNTY CLARKE	STATE VA	NON-ELEVATOR:	109	125	148	165	185
		ELEVATOR:	118	137	163	183	202
COUNTY CULPEPER	STATE VA	NON-ELEVATOR:	124	142	171	189	208
		ELEVATOR:	135	156	187	209	229
COUNTY CUMBERLAND	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY DICKENSON	STATE VA	NON-ELEVATOR:	138	150	179	198	250
		ELEVATOR:	152	165	196	217	275
COUNTY ESSEX	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY FAUQUIER	STATE VA	NON-ELEVATOR:	124	142	171	189	208
		ELEVATOR:	135	156	187	209	229
COUNTY FLOYD	STATE VA	NON-ELEVATOR:	124	142	171	198	216
		ELEVATOR:	135	156	187	216	239
COUNTY FLUVANNA	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY FRANKLIN	STATE VA	NON-ELEVATOR:	98	112	134	149	165
		ELEVATOR:	107	123	147	164	183
COUNTY FREDERICK	STATE VA	NON-ELEVATOR:	109	125	148	165	185
		ELEVATOR:	118	137	163	183	202
COUNTY GILES	STATE VA	NON-ELEVATOR:	124	142	171	198	216
		ELEVATOR:	135	156	187	216	239
COUNTY GRAYSON	STATE VA	NON-ELEVATOR:	138	156	183	213	270
		ELEVATOR:	152	172	201	234	296
COUNTY GREENE	STATE VA	NON-ELEVATOR:	160	181	214	247	280
		ELEVATOR:	175	199	235	272	308
COUNTY GREENSVILLE	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY HALIFAX	STATE VA	NON-ELEVATOR:	135	156	187	207	228
		ELEVATOR:	148	170	204	228	251
COUNTY HENRY	STATE VA	NON-ELEVATOR:	121	142	171	198	216
		ELEVATOR:	135	156	187	216	239
COUNTY HIGHLAND	STATE VA	NON-ELEVATOR:	109	125	148	165	185
		ELEVATOR:	118	137	163	183	202
COUNTY ISLE OFWIGHT	STATE VA	NON-ELEVATOR:	98	112	134	149	165
		ELEVATOR:	107	123	147	164	183

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND,VIRGINIA AREA OFFICE							
NON SMSA							
COUNTY KING + QUEEN	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY KING GEORGE	STATE VA	NON-ELEVATOR:	124	142	171	189	208
		ELEVATOR:	135	156	187	209	229
COUNTY KING WILLIAM	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY LANCASTER	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY LEE	STATE VA	NON-ELEVATOR:	149	166	210	228	271
		ELEVATOR:	164	183	231	250	297
COUNTY LOUISA	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY LUNENBURG	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY MADISON	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY MATHEWS	STATE VA	NON-ELEVATOR:	98	112	134	149	165
		ELEVATOR:	107	123	147	164	183
COUNTY MECKLENBURG	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY MIDDLESEX	STATE VA	NON-ELEVATOR:	98	112	134	149	165
		ELEVATOR:	107	123	147	164	183
COUNTY MONTGOMERY	STATE VA	NON-ELEVATOR:	124	142	171	198	216
		ELEVATOR:	135	156	187	216	239
COUNTY NELSON	STATE VA	NON-ELEVATOR:	135	156	187	207	228
		ELEVATOR:	148	170	204	228	251
COUNTY NEW KENT	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY NORTHAMPTON	STATE VA	NON-ELEVATOR:	128	146	175	196	215
		ELEVATOR:	140	160	194	215	238
COUNTY NORTHUMBERLD	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY NOTTOWAY	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY ORANGE	STATE VA	NON-ELEVATOR:	160	181	214	247	280
		ELEVATOR:	175	199	235	272	308
COUNTY PAGE	STATE VA	NON-ELEVATOR:	109	125	148	165	185
		ELEVATOR:	118	137	163	183	202
COUNTY PATRICK	STATE VA	NON-ELEVATOR:	124	142	171	198	216
		ELEVATOR:	135	156	187	216	239
COUNTY PITTSYLVANIA	STATE VA	NON-ELEVATOR:	135	156	187	207	228
		ELEVATOR:	148	170	204	228	251
COUNTY PRINCEEDWARD	STATE VA	NON-ELEVATOR:	145	166	199	231	254
		ELEVATOR:	158	182	218	255	279
COUNTY PULASKI	STATE VA	NON-ELEVATOR:	124	142	171	198	216
		ELEVATOR:	135	156	187	216	239
COUNTY RAPPAHANNOCK	STATE VA	NON-ELEVATOR:	124	142	171	189	208
		ELEVATOR:	135	156	187	209	229

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE						
NON SMSA						
	COUNTY RICHMOND STATE VA	NON-ELEVATOR: ELEVATOR:	143 157	181 199	215 236	248 273
COUNTY ROCKBRIDGE STATE VA		NON-ELEVATOR: ELEVATOR:	109 118	125 137	148 163	165 183
COUNTY ROCKINGHAM STATE VA		NON-ELEVATOR: ELEVATOR:	109 118	125 137	148 163	165 183
COUNTY RUSSELL STATE VA		NON-ELEVATOR: ELEVATOR:	149 164	166 183	210 231	228 250
COUNTY SHENANDOAH STATE VA		NON-ELEVATOR: ELEVATOR:	109 118	125 137	148 163	165 183
COUNTY SMYTH STATE VA		NON-ELEVATOR: ELEVATOR:	149 164	166 183	210 231	228 250
COUNTY SOUTHAMPTON STATE VA		NON-ELEVATOR: ELEVATOR:	138 152	150 165	167 184	196 215
COUNTY SPOTSYLVANIA STATE VA		NON-ELEVATOR: ELEVATOR:	124 135	142 156	171 187	189 209
COUNTY STAFFORD STATE VA		NON-ELEVATOR: ELEVATOR:	124 135	142 156	171 187	189 209
COUNTY SURRY STATE VA		NON-ELEVATOR: ELEVATOR:	98 107	112 123	134 147	149 164
COUNTY SUSSEX STATE VA		NON-ELEVATOR: ELEVATOR:	145 158	166 182	199 218	231 255
COUNTY TAZEWELL STATE VA		NON-ELEVATOR: ELEVATOR:	149 164	166 183	210 231	228 250
COUNTY WARREN STATE VA		NON-ELEVATOR: ELEVATOR:	109 118	125 137	148 163	165 183
COUNTY WESTMORELAND STATE VA		NON-ELEVATOR: ELEVATOR:	145 158	166 182	199 218	231 255
COUNTY WISE STATE VA		NON-ELEVATOR: ELEVATOR:	149 164	166 183	210 231	228 250
COUNTY WYTHE STATE VA		NON-ELEVATOR: ELEVATOR:	124 135	142 156	171 187	189 209
INDEP. CITY BEDFORD STATE VA		NON-ELEVATOR: ELEVATOR:	135 148	156 170	187 204	207 228
INDEP. CITY BUENA VISTA STATE VA		NON-ELEVATOR: ELEVATOR:	109 118	125 137	148 163	165 183
INDEP. CITY CHARLOTTESVI STATE VA		NON-ELEVATOR: ELEVATOR:	160 175	181 199	214 235	247 272
INDEP. CITY CLIFTON FORG STATE VA		NON-ELEVATOR: ELEVATOR:	124 135	142 156	171 187	189 209
INDEP. CITY COVINGTON STATE VA		NON-ELEVATOR: ELEVATOR:	124 135	142 156	171 187	189 209
INDEP. CITY DANVILLE STATE VA		NON-ELEVATOR: ELEVATOR:	135 148	156 170	187 204	207 228
INDEP. CITY EMPORIA STATE VA		NON-ELEVATOR: ELEVATOR:	145 158	166 182	199 218	231 255
INDEP. CITY FRANKLIN STATE VA		NON-ELEVATOR: ELEVATOR:	165 182	182 200	210 231	228 250

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 3		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RICHMOND, VIRGINIA AREA OFFICE						
NON SMSA						
	INDEP. CITY FREDERICKSBUR STATE VA	NON-ELEVATOR: ELEVATOR:	124 135	142 156	171 187	189 209
INDEP. CITY GALAX STATE VA		NON-ELEVATOR: ELEVATOR:	138 152	156 172	183 201	213 234
INDEP. CITY HARRISONBURG STATE VA		NON-ELEVATOR: ELEVATOR:	109 118	125 137	148 163	165 183
INDEP. CITY LEXINGTON STATE VA		NON-ELEVATOR: ELEVATOR:	109 118	125 137	148 163	165 183
INDEP. CITY MARTINSVILLE STATE VA		NON-ELEVATOR: ELEVATOR:	124 135	142 156	171 187	189 209
INDEP. CITY NORTON STATE VA		NON-ELEVATOR: ELEVATOR:	149 164	166 183	210 231	228 250
INDEP. CITY RADFORD STATE VA		NON-ELEVATOR: ELEVATOR:	124 135	142 156	171 187	189 209
INDEP. CITY SOUTH BOSTON STATE VA		NON-ELEVATOR: ELEVATOR:	135 148	156 170	187 204	207 228
INDEP. CITY STAUNTON STATE VA		NON-ELEVATOR: ELEVATOR:	109 118	125 137	148 163	165 183
INDEP. CITY WAYNESBORO STATE VA		NON-ELEVATOR: ELEVATOR:	109 118	125 137	148 163	165 183
INDEP. CITY WINCHESTER STATE VA		NON-ELEVATOR: ELEVATOR:	109 118	125 137	148 163	165 183
WASHINGTON, D.C. AREA OFFICE						
SMSA: WASHINGTON, DC-MD-VA						
	COUNTY MONTGOMERY STATE MD	NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
COUNTY PRINCE GEORG STATE MD		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
COUNTY WASHINGTON STATE DC		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
COUNTY ARLINGTON STATE VA		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
COUNTY FAIRFAX STATE VA		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
COUNTY LOUDOUN STATE VA		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
COUNTY PRINCEWILLIA STATE VA		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
INDEP. CITY ALEXANDRIA STATE VA		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
INDEP. CITY FAIRFAX STATE VA		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
INDEP. CITY FALLS CHURCH STATE VA		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
INDEP. CITY MANASSAS STATE VA		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360
INDEP. CITY MANASSAS PRK STATE VA		NON-ELEVATOR: ELEVATOR:	202 221	242 267	286 314	328 360

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION B & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	3	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
WILMINGTON, DELAWARE INSURING OFFICE						
SMSA: WILMINGTON, DE-NJ-MD						
COUNTY: NEW CASTLE	NON-ELEVATOR:	172	196	232	267	303
STATE: DE	ELEVATOR:	190	215	254	294	332
NON SMSA						
COUNTY: KENT	NON-ELEVATOR:	123	142	171	192	211
STATE: DE	ELEVATOR:	135	156	188	211	232
COUNTY: SUSSEX	NON-ELEVATOR:	123	142	171	192	211
STATE: DE	ELEVATOR:	135	156	188	211	232
REGION	4					
ATLANTA, GEORGIA AREA OFFICE						
SMSA: ALBANY, GA						
COUNTY: DOUGHERTY	NON-ELEVATOR:	135	156	187	208	232
STATE: GA	ELEVATOR:	149	171	205	230	254
COUNTY: LEE	NON-ELEVATOR:	135	156	187	208	232
STATE: GA	ELEVATOR:	149	171	205	230	254
SMSA: ATLANTA, GA						
COUNTY: BUTTS	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: CHEROKEE	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: CLAYTON	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: COBB	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: DE KALB	NON-ELEVATOR:	169	194	231	270	306
STATE: GA	ELEVATOR:	186	212	255	295	335
COUNTY: DOUGLAS	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: FAYETTE	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: FORSYTH	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: FULTON	NON-ELEVATOR:	169	194	231	270	306
STATE: GA	ELEVATOR:	186	212	255	295	335

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION B & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE						
SMSA: ATLANTA, GA						
COUNTY: GWINNETT	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: HENRY	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: NEWTON	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: PAULDING	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: ROCKDALE	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
COUNTY: WALTON	NON-ELEVATOR:	147	171	206	239	273
STATE: GA	ELEVATOR:	163	187	225	262	299
SMSA: AUGUSTA, GA-SC						
COUNTY: COLUMBIA	NON-ELEVATOR:	174	204	245	284	313
STATE: GA	ELEVATOR:	194	221	266	312	341
COUNTY: RICHMOND	NON-ELEVATOR:	174	204	245	284	313
STATE: GA	ELEVATOR:	194	221	266	312	341
SMSA: CHATTANOOGA, TN-GA						
COUNTY: CATOOSA	NON-ELEVATOR:	120	138	165	194	212
STATE: GA	ELEVATOR:	131	150	181	214	233
COUNTY: DADE	NON-ELEVATOR:	120	138	165	194	212
STATE: GA	ELEVATOR:	131	150	181	214	233
COUNTY: WALKER	NON-ELEVATOR:	120	138	165	184	212
STATE: GA	ELEVATOR:	131	150	181	214	233
SMSA: COLUMBUS, GA-AL						
COUNTY: CHATTAHOOCHEE	NON-ELEVATOR:	129	147	176	196	216
STATE: GA	ELEVATOR:	140	162	193	215	237
COUNTY: COLUMBUS	NON-ELEVATOR:	129	147	176	196	216
STATE: GA	ELEVATOR:	140	162	193	215	237
SMSA: MACON, GA						
COUNTY: BIBB	NON-ELEVATOR:	131	149	180	207	228
STATE: GA	ELEVATOR:	144	163	197	227	249
COUNTY: HOUSTON	NON-ELEVATOR:	131	149	180	207	228
STATE: GA	ELEVATOR:	144	163	197	227	249
COUNTY: JONES	NON-ELEVATOR:	131	149	180	207	228
STATE: GA	ELEVATOR:	144	163	197	227	249
COUNTY: TWIGGS	NON-ELEVATOR:	131	149	180	207	228
STATE: GA	ELEVATOR:	144	163	197	227	249
SMSA: SAVANNAH, GA						
COUNTY: BRYAN	NON-ELEVATOR:	163	174	182	199	206
STATE: GA	ELEVATOR:	179	191	200	219	226
COUNTY: CHATHAM	NON-ELEVATOR:	163	174	182	199	206
STATE: GA	ELEVATOR:	179	191	200	219	226
COUNTY: EFFINGHAM	NON-ELEVATOR:	163	174	182	199	206
STATE: GA	ELEVATOR:	179	191	200	219	226
NON SMSA						
COUNTY: APPLING	NON-ELEVATOR:	97	115	139	158	188
STATE: GA	ELEVATOR:	0	0	0	0	0
COUNTY: ATKINSON	NON-ELEVATOR:	97	119	145	168	203
STATE: GA	ELEVATOR:	0	0	0	0	0

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE						
NON SMSA						
COUNTY BACON STATE: GA	NON-ELEVATOR: ELEVATOR:	97 0	112 0	136 0	158 0	192 0
COUNTY BAKER STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	112 0	137 0	153 0	182 0
COUNTY BALDWIN STATE: GA	NON-ELEVATOR: ELEVATOR:	100 0	121 0	149 0	172 0	209 0
COUNTY BANKS STATE: GA	NON-ELEVATOR: ELEVATOR:	107 0	124 0	150 0	168 0	202 0
COUNTY BARROW STATE: GA	NON-ELEVATOR: ELEVATOR:	107 0	124 0	150 0	168 0	197 0
COUNTY BARTON STATE: GA	NON-ELEVATOR: ELEVATOR:	99 0	123 0	147 0	166 0	198 0
COUNTY BEN HILL STATE: GA	NON-ELEVATOR: ELEVATOR:	96 0	116 0	145 0	162 0	199 0
COUNTY BERRIEN STATE: GA	NON-ELEVATOR: ELEVATOR:	97 0	117 0	145 0	162 0	198 0
COUNTY BLECKLEY STATE: GA	NON-ELEVATOR: ELEVATOR:	104 0	126 0	155 0	176 0	212 0
COUNTY BRANTLEY STATE: GA	NON-ELEVATOR: ELEVATOR:	104 0	120 0	143 0	161 0	194 0
COUNTY BROOKS STATE: GA	NON-ELEVATOR: ELEVATOR:	103 0	125 0	153 0	170 0	208 0
COUNTY BULLOCH STATE: GA	NON-ELEVATOR: ELEVATOR:	131 0	158 0	191 0	219 0	260 0
COUNTY BURKE STATE: GA	NON-ELEVATOR: ELEVATOR:	109 0	125 0	151 0	170 0	204 0
COUNTY CALHOUN STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	115 0	143 0	160 0	198 0
COUNTY CAMDEN STATE: GA	NON-ELEVATOR: ELEVATOR:	104 0	120 0	143 0	161 0	195 0
COUNTY CANDLER STATE: GA	NON-ELEVATOR: ELEVATOR:	101 0	123 0	146 0	167 0	199 0
COUNTY CARROLL STATE: GA	NON-ELEVATOR: ELEVATOR:	119 0	146 0	184 0	221 0	259 0
COUNTY CHARLTON STATE: GA	NON-ELEVATOR: ELEVATOR:	104 0	121 0	149 0	167 0	203 0
COUNTY CHATTOOGA STATE: GA	NON-ELEVATOR: ELEVATOR:	106 0	132 0	161 0	179 0	219 0
COUNTY CLARKE STATE: GA	NON-ELEVATOR: ELEVATOR:	144 0	171 0	207 0	229 0	270 0
COUNTY CLAY STATE: GA	NON-ELEVATOR: ELEVATOR:	103 0	130 0	161 0	181 0	226 0
COUNTY CLINCH STATE: GA	NON-ELEVATOR: ELEVATOR:	99 0	120 0	145 0	162 0	195 0
COUNTY COFFEE STATE: GA	NON-ELEVATOR: ELEVATOR:	124 0	149 0	178 0	205 0	241 0
COUNTY COLQUITT STATE: GA	NON-ELEVATOR: ELEVATOR:	100 0	126 0	153 0	172 0	205 0

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE						
NON SMSA						
COUNTY COOK STATE: GA	NON-ELEVATOR: ELEVATOR:	114 0	134 0	161 0	179 0	210 0
COUNTY COWETA STATE: GA	NON-ELEVATOR: ELEVATOR:	121 0	148 0	183 0	213 0	246 0
COUNTY CRAWFORD STATE: GA	NON-ELEVATOR: ELEVATOR:	135 0	163 0	200 0	229 0	276 0
COUNTY CRISP STATE: GA	NON-ELEVATOR: ELEVATOR:	127 0	150 0	187 0	216 0	245 0
COUNTY DAWSON STATE: GA	NON-ELEVATOR: ELEVATOR:	131 0	156 0	191 0	213 0	254 0
COUNTY DECATUR STATE: GA	NON-ELEVATOR: ELEVATOR:	116 0	141 0	174 0	194 0	238 0
COUNTY DODGE STATE: GA	NON-ELEVATOR: ELEVATOR:	105 0	126 0	153 0	173 0	205 0
COUNTY DOOLY STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	110 0	131 0	155 0	185 0
COUNTY EARLY STATE: GA	NON-ELEVATOR: ELEVATOR:	109 0	133 0	161 0	180 0	215 0
COUNTY ECHOLS STATE: GA	NON-ELEVATOR: ELEVATOR:	99 0	120 0	145 0	162 0	193 0
COUNTY ELBERT STATE: GA	NON-ELEVATOR: ELEVATOR:	115 0	136 0	166 0	184 0	217 0
COUNTY EMANUEL STATE: GA	NON-ELEVATOR: ELEVATOR:	109 0	128 0	159 0	177 0	210 0
COUNTY EVANS STATE: GA	NON-ELEVATOR: ELEVATOR:	120 0	143 0	172 0	197 0	231 0
COUNTY FANNIN STATE: GA	NON-ELEVATOR: ELEVATOR:	121 0	143 0	175 0	195 0	227 0
COUNTY FLOYD STATE: GA	NON-ELEVATOR: ELEVATOR:	113 0	139 0	170 0	189 0	230 0
COUNTY FRANKLIN STATE: GA	NON-ELEVATOR: ELEVATOR:	107 0	124 0	150 0	168 0	198 0
COUNTY GILMER STATE: GA	NON-ELEVATOR: ELEVATOR:	96 0	113 0	139 0	155 0	185 0
COUNTY GLASCOCK STATE: GA	NON-ELEVATOR: ELEVATOR:	119 0	143 0	176 0	195 0	231 0
COUNTY GLYNN STATE: GA	NON-ELEVATOR: ELEVATOR:	137 149	157 172	188 207	210 230	229 254
COUNTY GORDON STATE: GA	NON-ELEVATOR: ELEVATOR:	117 0	145 0	176 0	196 0	237 0
COUNTY GRADY STATE: GA	NON-ELEVATOR: ELEVATOR:	94 0	115 0	143 0	160 0	199 0
COUNTY GREENE STATE: GA	NON-ELEVATOR: ELEVATOR:	107 0	124 0	150 0	168 0	197 0
COUNTY HABERSHAM STATE: GA	NON-ELEVATOR: ELEVATOR:	88 0	103 0	128 0	144 0	174 0
COUNTY HALL STATE: GA	NON-ELEVATOR: ELEVATOR:	116 0	140 0	171 0	189 0	226 0

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: HANCOCK STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	109 0	131 0	154 0	179 0
COUNTY: HARALSON STATE: GA	NON-ELEVATOR: ELEVATOR:	100 0	122 0	158 0	191 0	226 0
COUNTY: HARRIS STATE: GA	NON-ELEVATOR: ELEVATOR:	106 0	123 0	146 0	171 0	209 0
COUNTY: HART STATE: GA	NON-ELEVATOR: ELEVATOR:	107 0	124 0	150 0	168 0	198 0
COUNTY: HEARD STATE: GA	NON-ELEVATOR: ELEVATOR:	106 0	122 0	146 0	172 0	199 0
COUNTY: IRWIN STATE: GA	NON-ELEVATOR: ELEVATOR:	99 0	119 0	144 0	160 0	192 0
COUNTY: JACKSON STATE: GA	NON-ELEVATOR: ELEVATOR:	107 0	124 0	150 0	168 0	200 0
COUNTY: JASPER STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	109 0	131 0	155 0	182 0
COUNTY: JEFF DAVIS STATE: GA	NON-ELEVATOR: ELEVATOR:	97 0	112 0	133 0	157 0	185 0
COUNTY: JEFFERSON STATE: GA	NON-ELEVATOR: ELEVATOR:	109 0	125 0	151 0	170 0	203 0
COUNTY: JENKINS STATE: GA	NON-ELEVATOR: ELEVATOR:	109 0	125 0	151 0	170 0	204 0
COUNTY: JOHNSON STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	111 0	139 0	157 0	182 0
COUNTY: LAMAR STATE: GA	NON-ELEVATOR: ELEVATOR:	103 0	127 0	157 0	175 0	216 0
COUNTY: LANIER STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	109 0	131 0	147 0	175 0
COUNTY: LAURENS STATE: GA	NON-ELEVATOR: ELEVATOR:	96 0	116 0	143 0	162 0	197 0
COUNTY: LIBERTY STATE: GA	NON-ELEVATOR: ELEVATOR:	160 0	189 0	225 0	259 0	298 0
COUNTY: LINCOLN STATE: GA	NON-ELEVATOR: ELEVATOR:	109 0	127 0	156 0	172 0	205 0
COUNTY: LONG STATE: GA	NON-ELEVATOR: ELEVATOR:	97 0	112 0	133 0	157 0	185 0
COUNTY: LOWNDES STATE: GA	NON-ELEVATOR: ELEVATOR:	121 0	142 0	174 0	191 0	227 0
COUNTY: LUMPKIN STATE: GA	NON-ELEVATOR: ELEVATOR:	88 0	149 0	182 0	204 0	243 0
COUNTY: MCDUFFIE STATE: GA	NON-ELEVATOR: ELEVATOR:	109 0	125 0	151 0	170 0	198 0
COUNTY: MCINTOSH STATE: GA	NON-ELEVATOR: ELEVATOR:	104 0	120 0	143 0	161 0	193 0
COUNTY: MACON STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	114 0	142 0	160 0	196 0
COUNTY: MADISON STATE: GA	NON-ELEVATOR: ELEVATOR:	116 0	137 0	167 0	185 0	219 0

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAO (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE						
NON SMSA						
COUNTY: MARION STATE: GA	NON-ELEVATOR: ELEVATOR:	106 0	122 0	146 0	165 0	193 0
COUNTY: MERIWETHER STATE: GA	NON-ELEVATOR: ELEVATOR:	106 0	122 0	146 0	172 0	197 0
COUNTY: MILLER STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	115 0	143 0	159 0	199 0
COUNTY: MITCHELL STATE: GA	NON-ELEVATOR: ELEVATOR:	110 0	139 0	172 0	192 0	241 0
COUNTY: MONROE STATE: GA	NON-ELEVATOR: ELEVATOR:	110 0	136 0	166 0	189 0	232 0
COUNTY: MONTGOMERY STATE: GA	NON-ELEVATOR: ELEVATOR:	97 0	116 0	143 0	164 0	200 0
COUNTY: MORGAN STATE: GA	NON-ELEVATOR: ELEVATOR:	107 0	124 0	150 0	168 0	205 0
COUNTY: MURRAY STATE: GA	NON-ELEVATOR: ELEVATOR:	106 0	127 0	154 0	172 0	202 0
COUNTY: OCONEE STATE: GA	NON-ELEVATOR: ELEVATOR:	139 0	166 0	204 0	226 0	264 0
COUNTY: OGLETHORPE STATE: GA	NON-ELEVATOR: ELEVATOR:	107 0	124 0	150 0	168 0	199 0
COUNTY: PEACH STATE: GA	NON-ELEVATOR: ELEVATOR:	103 0	124 0	151 0	172 0	207 0
COUNTY: PICKENS STATE: GA	NON-ELEVATOR: ELEVATOR:	111 0	137 0	167 0	187 0	227 0
COUNTY: PIERCE STATE: GA	NON-ELEVATOR: ELEVATOR:	104 0	124 0	143 0	161 0	190 0
COUNTY: PIKE STATE: GA	NON-ELEVATOR: ELEVATOR:	102 0	117 0	141 0	164 0	191 0
COUNTY: POLK STATE: GA	NON-ELEVATOR: ELEVATOR:	100 0	122 0	149 0	167 0	206 0
COUNTY: PULASKI STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	111 0	136 0	154 0	185 0
COUNTY: PUTNAM STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	109 0	131 0	154 0	181 0
COUNTY: QUITMAN STATE: GA	NON-ELEVATOR: ELEVATOR:	111 0	147 0	180 0	202 0	255 0
COUNTY: RABUN STATE: GA	NON-ELEVATOR: ELEVATOR:	88 0	103 0	127 0	143 0	173 0
COUNTY: RANDOLPH STATE: GA	NON-ELEVATOR: ELEVATOR:	111 0	129 0	160 0	179 0	224 0
COUNTY: SCHLEY STATE: GA	NON-ELEVATOR: ELEVATOR:	135 0	159 0	193 0	217 0	257 0
COUNTY: SCREVEN STATE: GA	NON-ELEVATOR: ELEVATOR:	97 0	112 0	134 0	157 0	188 0
COUNTY: SEMINOLE STATE: GA	NON-ELEVATOR: ELEVATOR:	95 0	109 0	132 0	147 0	180 0
COUNTY: SPALDING STATE: GA	NON-ELEVATOR: ELEVATOR:	111 0	130 0	155 0	180 0	209 0

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAO (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE							
NON SMSA							
COUNTY: STEPHENS	STATE: GA	NON-ELEVATOR:	107	124	150	168	199
		ELEVATOR:	0	0	0	0	0
COUNTY: STEWART	STATE: GA	NON-ELEVATOR:	106	125	146	166	196
		ELEVATOR:	0	0	0	0	0
COUNTY: SUMTER	STATE: GA	NON-ELEVATOR:	139	161	193	216	238
		ELEVATOR:	153	175	211	239	262
COUNTY: TALBOT	STATE: GA	NON-ELEVATOR:	106	122	148	165	194
		ELEVATOR:	0	0	0	0	0
COUNTY: TALIAFERRO	STATE: GA	NON-ELEVATOR:	109	125	151	170	199
		ELEVATOR:	0	0	0	0	0
COUNTY: TATNALL	STATE: GA	NON-ELEVATOR:	97	112	136	157	185
		ELEVATOR:	0	0	0	0	0
COUNTY: TAYLOR	STATE: GA	NON-ELEVATOR:	110	125	149	170	204
		ELEVATOR:	0	0	0	0	0
COUNTY: TELFAIR	STATE: GA	NON-ELEVATOR:	101	123	150	172	208
		ELEVATOR:	0	0	0	0	0
COUNTY: TERRELL	STATE: GA	NON-ELEVATOR:	97	115	142	157	192
		ELEVATOR:	0	0	0	0	0
COUNTY: THOMAS	STATE: GA	NON-ELEVATOR:	104	120	145	161	190
		ELEVATOR:	0	0	0	0	0
COUNTY: TIFT	STATE: GA	NON-ELEVATOR:	106	138	170	190	237
		ELEVATOR:	0	0	0	0	0
COUNTY: TOOMBS	STATE: GA	NON-ELEVATOR:	102	126	155	176	215
		ELEVATOR:	0	0	0	0	0
COUNTY: TOWNS	STATE: GA	NON-ELEVATOR:	90	109	136	153	183
		ELEVATOR:	0	0	0	0	0
COUNTY: TREUTLEN	STATE: GA	NON-ELEVATOR:	95	111	137	155	188
		ELEVATOR:	0	0	0	0	0
COUNTY: TROUP	STATE: GA	NON-ELEVATOR:	110	136	170	213	243
		ELEVATOR:	0	0	0	0	0
COUNTY: TURNER	STATE: GA	NON-ELEVATOR:	95	112	138	153	187
		ELEVATOR:	0	0	0	0	0
COUNTY: UNION	STATE: GA	NON-ELEVATOR:	88	103	127	143	173
		ELEVATOR:	0	0	0	0	0
COUNTY: UPSON	STATE: GA	NON-ELEVATOR:	102	120	158	173	189
		ELEVATOR:	0	0	0	0	0
COUNTY: WARE	STATE: GA	NON-ELEVATOR:	104	120	143	161	191
		ELEVATOR:	0	0	0	0	0
COUNTY: WARREN	STATE: GA	NON-ELEVATOR:	109	125	151	170	199
		ELEVATOR:	0	0	0	0	0
COUNTY: WASHINGTON	STATE: GA	NON-ELEVATOR:	95	109	132	154	185
		ELEVATOR:	0	0	0	0	0
COUNTY: WAYNE	STATE: GA	NON-ELEVATOR:	97	117	139	157	187
		ELEVATOR:	0	0	0	0	0
COUNTY: WEBSTER	STATE: GA	NON-ELEVATOR:	106	125	146	166	196
		ELEVATOR:	0	0	0	0	0
COUNTY: WHEELER	STATE: GA	NON-ELEVATOR:	95	115	143	163	200
		ELEVATOR:	0	0	0	0	0

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ATLANTA, GEORGIA AREA OFFICE							
NON SMSA							
COUNTY: WHITE	STATE: GA	NON-ELEVATOR:	84	102	127	143	173
		ELEVATOR:	0	0	0	0	0
COUNTY: WHITFIELD	STATE: GA	NON-ELEVATOR:	122	151	183	204	246
		ELEVATOR:	0	0	0	0	0
COUNTY: WILCOX	STATE: GA	NON-ELEVATOR:	96	116	145	165	204
		ELEVATOR:	0	0	0	0	0
COUNTY: WILKES	STATE: GA	NON-ELEVATOR:	109	125	151	170	200
		ELEVATOR:	0	0	0	0	0
COUNTY: WILKINSON	STATE: GA	NON-ELEVATOR:	95	113	141	161	195
		ELEVATOR:	0	0	0	0	0
COUNTY: WORTH	STATE: GA	NON-ELEVATOR:	95	109	132	147	178
		ELEVATOR:	0	0	0	0	0
BIRMINGHAM, ALABAMA AREA OFFICE							
SMSA: ANNISTON, AL							
COUNTY: CALHOUN	STATE: AL	NON-ELEVATOR:	82	95	115	130	144
		ELEVATOR:	90	106	127	143	159
SMSA: BIRMINGHAM, AL							
COUNTY: JEFFERSON	STATE: AL	NON-ELEVATOR:	148	167	198	229	260
		ELEVATOR:	163	184	218	251	285
COUNTY: ST CLAIR	STATE: AL	NON-ELEVATOR:	148	167	198	229	260
		ELEVATOR:	163	184	218	251	285
COUNTY: SHELBY	STATE: AL	NON-ELEVATOR:	148	167	198	229	260
		ELEVATOR:	163	184	218	251	285
COUNTY: WALKER	STATE: AL	NON-ELEVATOR:	148	167	198	229	260
		ELEVATOR:	163	184	218	251	285
SMSA: COLUMBUS, GA-AL							
COUNTY: RUSSELL	STATE: AL	NON-ELEVATOR:	129	147	176	196	216
		ELEVATOR:	140	162	193	215	237
SMSA: FLORENCE, AL							
COUNTY: COLBERT	STATE: AL	NON-ELEVATOR:	114	132	158	184	205
		ELEVATOR:	126	145	174	202	224
COUNTY: LAUDERDALE	STATE: AL	NON-ELEVATOR:	114	132	158	184	205
		ELEVATOR:	126	145	174	202	224
SMSA: GADSDEN, AL							
COUNTY: ETOWAH	STATE: AL	NON-ELEVATOR:	82	95	115	130	144
		ELEVATOR:	90	106	127	143	159
SMSA: HUNTSVILLE, AL							
COUNTY: LIMESTONE	STATE: AL	NON-ELEVATOR:	114	145	166	181	208
		ELEVATOR:	127	160	183	199	229

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

BIRMINGHAM, ALABAMA AREA OFFICE

SMSA: HUNTSVILLE, AL	NON-ELEVATOR:	114	145	166	181	208
COUNTY: MADISON	ELEVATOR:	127	160	183	199	229
STATE: AL						
COUNTY: MARSHALL	NON-ELEVATOR:	114	145	166	181	208
STATE: AL	ELEVATOR:	127	160	183	199	229
SMSA: MOBILE, AL						
COUNTY: BALDWIN	NON-ELEVATOR:	139	167	189	206	230
STATE: AL	ELEVATOR:	154	184	207	226	254
COUNTY: MOBILE	NON-ELEVATOR:	139	167	189	206	230
STATE: AL	ELEVATOR:	154	164	207	226	254
SMSA: MONTGOMERY, AL						
COUNTY: AUTAUGA	NON-ELEVATOR:	114	134	155	177	200
STATE: AL	ELEVATOR:	127	146	171	194	221
COUNTY: ELMORE	NON-ELEVATOR:	114	134	155	177	200
STATE: AL	ELEVATOR:	127	146	171	194	221
COUNTY: MONTGOMERY	NON-ELEVATOR:	114	134	155	177	200
STATE: AL	ELEVATOR:	127	146	171	194	221
SMSA: TUSCALOOSA, AL						
COUNTY: TUSCALOOSA	NON-ELEVATOR:	107	124	150	168	186
STATE: AL	ELEVATOR:	118	137	164	183	205
NON SMSA						
COUNTY: BARBOUR	NON-ELEVATOR:	114	131	157	176	194
STATE: AL	ELEVATOR:	124	144	173	194	213
COUNTY: BIBB	NON-ELEVATOR:	107	124	150	168	186
STATE: AL	ELEVATOR:	118	137	164	183	205
COUNTY: BLOUNT	NON-ELEVATOR:	82	95	115	130	144
STATE: AL	ELEVATOR:	90	106	127	143	159
COUNTY: BULLOCK	NON-ELEVATOR:	90	106	127	148	163
STATE: AL	ELEVATOR:	101	116	139	163	180
COUNTY: BUTLER	NON-ELEVATOR:	104	120	143	161	179
STATE: AL	ELEVATOR:	113	132	158	178	195
COUNTY: CHAMBERS	NON-ELEVATOR:	106	122	146	165	182
STATE: AL	ELEVATOR:	115	134	160	181	199
COUNTY: CHEROKEE	NON-ELEVATOR:	82	95	115	130	144
STATE: AL	ELEVATOR:	90	106	127	143	159
COUNTY: CHILTON	NON-ELEVATOR:	107	124	150	168	186
STATE: AL	ELEVATOR:	118	137	164	183	205
COUNTY: CHOCTAW	NON-ELEVATOR:	106	122	146	165	182
STATE: AL	ELEVATOR:	115	134	160	181	199
COUNTY: CLARKE	NON-ELEVATOR:	99	115	138	161	179
STATE: AL	ELEVATOR:	109	125	153	178	195
COUNTY: CLAY	NON-ELEVATOR:	82	95	115	130	144
STATE: AL	ELEVATOR:	90	106	127	143	159
COUNTY: CLEBURNE	NON-ELEVATOR:	88	103	124	141	156
STATE: AL	ELEVATOR:	98	113	136	154	170
COUNTY: COFFEE	NON-ELEVATOR:	104	120	143	161	179
STATE: AL	ELEVATOR:	113	132	158	178	195
COUNTY: CONEJAH	NON-ELEVATOR:	99	115	138	161	179
STATE: AL	ELEVATOR:	109	125	153	178	195

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

BIRMINGHAM, ALABAMA AREA OFFICE

NON SMSA						
COUNTY: COOSA	NON-ELEVATOR:	90	106	127	148	163
STATE: AL	ELEVATOR:	101	116	139	163	180
COUNTY: COVINGTON	NON-ELEVATOR:	104	120	143	161	179
STATE: AL	ELEVATOR:	113	132	158	178	195
COUNTY: CRENSHAW	NON-ELEVATOR:	104	120	143	161	179
STATE: AL	ELEVATOR:	113	132	158	178	195
COUNTY: CULLMAN	NON-ELEVATOR:	82	95	115	130	144
STATE: AL	ELEVATOR:	90	106	127	143	159
COUNTY: DALE	NON-ELEVATOR:	120	137	161	187	211
STATE: AL	ELEVATOR:	132	150	177	205	232
COUNTY: DALLAS	NON-ELEVATOR:	90	106	127	148	163
STATE: AL	ELEVATOR:	101	116	139	163	180
COUNTY: DE KALB	NON-ELEVATOR:	93	108	129	146	161
STATE: AL	ELEVATOR:	103	119	142	160	176
COUNTY: ESCAMBIA	NON-ELEVATOR:	121	139	166	195	213
STATE: AL	ELEVATOR:	132	151	182	215	234
COUNTY: FAYETTE	NON-ELEVATOR:	107	124	150	168	186
STATE: AL	ELEVATOR:	118	137	164	183	205
COUNTY: FRANKLIN	NON-ELEVATOR:	89	104	126	142	157
STATE: AL	ELEVATOR:	99	114	138	155	171
COUNTY: GENEVA	NON-ELEVATOR:	104	120	143	161	179
STATE: AL	ELEVATOR:	113	132	158	178	195
COUNTY: GREENE	NON-ELEVATOR:	107	124	150	168	186
STATE: AL	ELEVATOR:	118	137	164	183	205
COUNTY: HALE	NON-ELEVATOR:	107	124	150	168	186
STATE: AL	ELEVATOR:	118	137	164	183	205
COUNTY: HENRY	NON-ELEVATOR:	104	120	143	161	179
STATE: AL	ELEVATOR:	113	132	158	178	195
COUNTY: HOUSTON	NON-ELEVATOR:	104	120	143	161	179
STATE: AL	ELEVATOR:	113	132	158	178	195
COUNTY: JACKSON	NON-ELEVATOR:	93	108	129	146	161
STATE: AL	ELEVATOR:	103	119	142	160	176
COUNTY: LAMAR	NON-ELEVATOR:	107	124	150	168	186
STATE: AL	ELEVATOR:	118	137	164	183	205
COUNTY: LAWRENCE	NON-ELEVATOR:	89	104	126	142	157
STATE: AL	ELEVATOR:	99	114	138	155	171
COUNTY: LEE	NON-ELEVATOR:	106	122	146	165	182
STATE: AL	ELEVATOR:	115	134	160	181	199
COUNTY: LOWNDES	NON-ELEVATOR:	90	106	127	148	163
STATE: AL	ELEVATOR:	101	116	139	163	180
COUNTY: MACON	NON-ELEVATOR:	90	106	127	148	163
STATE: AL	ELEVATOR:	101	116	139	163	180
COUNTY: MARENGO	NON-ELEVATOR:	106	122	146	165	182
STATE: AL	ELEVATOR:	115	134	160	181	199
COUNTY: MARION	NON-ELEVATOR:	107	124	150	168	186
STATE: AL	ELEVATOR:	118	137	164	183	205
COUNTY: MONROE	NON-ELEVATOR:	99	115	138	161	179
STATE: AL	ELEVATOR:	109	125	153	178	195

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
BIRMINGHAM, ALABAMA AREA OFFICE						
NON SMSA						
	COUNTY: MORGAN STATE: AL	NON-ELEVATOR: ELEVATOR:	128 140	145 160	172 189	198 217
COUNTY: PERRY STATE: AL		NON-ELEVATOR: ELEVATOR:	90 101	106 116	127 139	148 163
COUNTY: PICKENS STATE: AL		NON-ELEVATOR: ELEVATOR:	107 118	124 137	150 164	168 183
COUNTY: PIKE STATE: AL		NON-ELEVATOR: ELEVATOR:	104 113	120 132	143 158	161 178
COUNTY: RANDOLPH STATE: AL		NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181
COUNTY: SUMTER STATE: AL		NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181
COUNTY: TALLADEGA STATE: AL		NON-ELEVATOR: ELEVATOR:	90 0	107 0	134 0	162 0
COUNTY: TALLAPOOSA STATE: AL		NON-ELEVATOR: ELEVATOR:	90 101	106 116	127 139	148 163
COUNTY: WASHINGTON STATE: AL		NON-ELEVATOR: ELEVATOR:	99 109	115 125	138 153	161 178
COUNTY: WILCOX STATE: AL		NON-ELEVATOR: ELEVATOR:	99 109	115 125	138 153	161 178
COUNTY: WINSTON STATE: AL		NON-ELEVATOR: ELEVATOR:	107 118	124 137	150 164	168 183
CORAL GABLES, FLORIDA INSURING OFFICE						
SMSA: FORT LAUDERDALE-HOLLYWOOD, COUNTY: BROWARD STATE: FL		NON-ELEVATOR: ELEVATOR:	212 233	242 266	292 320	338 372
SMSA: FORT MYERS, FL COUNTY: LEE STATE: FL		NON-ELEVATOR: ELEVATOR:	161 177	184 202	219 241	245 268
SMSA: MIAMI, FL COUNTY: DADE STATE: FL		NON-ELEVATOR: ELEVATOR:	191 209	218 241	263 289	307 335
SMSA: WEST PALM BEACH-BOCA RATON, FL COUNTY: PALM BEACH STATE: FL		NON-ELEVATOR: ELEVATOR:	178 195	190 208	243 267	285 314
NON SMSA						
	COUNTY: CHARLOTTE STATE: FL	NON-ELEVATOR: ELEVATOR:	146 160	166 182	200 219	224 246
COUNTY: COLLIER STATE: FL		NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196
COUNTY: GLADES STATE: FL		NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196
COUNTY: HENDRY STATE: FL		NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196
COUNTY: MARTIN STATE: FL		NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196
COUNTY: MONROE STATE: FL		NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE						
SMSA: AUGUSTA, GA-SC COUNTY: AIKEN STATE: SC		NON-ELEVATOR: ELEVATOR:	174 194	204 221	245 266	284 312
SMSA: CHARLESTON, SC COUNTY: BERKELEY STATE: SC		NON-ELEVATOR: ELEVATOR:	135 144	175 163	200 195	235 227
COUNTY: CHARLESTON STATE: SC		NON-ELEVATOR: ELEVATOR:	135 144	175 163	200 195	235 227
COUNTY: DORCHESTER STATE: SC		NON-ELEVATOR: ELEVATOR:	135 144	175 163	200 195	235 227
SMSA: COLUMBIA, SC COUNTY: LEXINGTON STATE: SC		NON-ELEVATOR: ELEVATOR:	155 136	190 223	213 275	249 294
COUNTY: RICHLAND STATE: SC		NON-ELEVATOR: ELEVATOR:	155 136	190 223	213 275	249 294
SMSA: GREENVILLE-SPARTANBURG, SC COUNTY: GREENVILLE STATE: SC		NON-ELEVATOR: ELEVATOR:	128 116	145 134	170 160	227 188
COUNTY: PICKENS STATE: SC		NON-ELEVATOR: ELEVATOR:	128 116	145 134	170 160	227 188
COUNTY: SPARTANBURG STATE: SC		NON-ELEVATOR: ELEVATOR:	128 116	145 134	170 160	227 188
NON SMSA						
	COUNTY: ABBEVILLE STATE: SC	NON-ELEVATOR: ELEVATOR:	90 101	106 116	127 139	143 157
COUNTY: ALLENDALE STATE: SC		NON-ELEVATOR: ELEVATOR:	109 120	125 138	151 165	170 185
COUNTY: ANDERSON STATE: SC		NON-ELEVATOR: ELEVATOR:	90 101	106 116	127 139	143 157
COUNTY: BAMBERG STATE: SC		NON-ELEVATOR: ELEVATOR:	109 120	125 138	151 165	170 185
COUNTY: BARNWELL STATE: SC		NON-ELEVATOR: ELEVATOR:	109 120	125 138	151 165	170 185
COUNTY: BEAUFORT STATE: SC		NON-ELEVATOR: ELEVATOR:	109 120	125 138	151 165	170 185
COUNTY: CALHOUN STATE: SC		NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170
COUNTY: CHEROKEE STATE: SC		NON-ELEVATOR: ELEVATOR:	90 101	106 116	127 139	143 157
COUNTY: CHESTER STATE: SC		NON-ELEVATOR: ELEVATOR:	99 109	115 125	138 153	161 178
COUNTY: CHESTERFIELD STATE: SC		NON-ELEVATOR: ELEVATOR:	97 107	113 123	134 148	153 167
COUNTY: CLARENDON STATE: SC		NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170
COUNTY: COLLETON STATE: SC		NON-ELEVATOR: ELEVATOR:	109 120	125 138	151 165	170 185
COUNTY: DARLINGTON STATE: SC		NON-ELEVATOR: ELEVATOR:	97 107	113 123	134 148	153 167

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBIA, SOUTH CAROLINA AREA OFFICE							
NON SMSA							
COUNTY: DILLON	NON-ELEVATOR:		97	113	134	153	169
STATE: SC	ELEVATOR:		107	123	148	167	185
COUNTY: EDGEFIELD	NON-ELEVATOR:		109	125	151	170	187
STATE: SC	ELEVATOR:		120	138	165	185	206
COUNTY: FAIRFIELD	NON-ELEVATOR:		98	114	136	154	170
STATE: SC	ELEVATOR:		107	124	150	170	187
COUNTY: FLORENCE	NON-ELEVATOR:		111	140	163	224	290
STATE: SC	ELEVATOR:		150	207	292	0	0
COUNTY: GEORGETOWN	NON-ELEVATOR:		97	113	134	153	169
STATE: SC	ELEVATOR:		107	123	148	167	185
COUNTY: GREENWOOD	NON-ELEVATOR:		90	106	127	143	158
STATE: SC	ELEVATOR:		101	116	139	157	173
COUNTY: HAMPTON	NON-ELEVATOR:		109	125	151	170	187
STATE: SC	ELEVATOR:		120	138	165	185	206
COUNTY: HORRY	NON-ELEVATOR:		97	113	134	153	169
STATE: SC	ELEVATOR:		107	123	148	167	185
COUNTY: JASPER	NON-ELEVATOR:		97	112	133	157	173
STATE: SC	ELEVATOR:		106	122	147	172	189
COUNTY: KERSHAW	NON-ELEVATOR:		98	114	136	154	170
STATE: SC	ELEVATOR:		107	124	150	170	187
COUNTY: LANCASTER	NON-ELEVATOR:		99	115	138	161	179
STATE: SC	ELEVATOR:		109	125	153	178	195
COUNTY: LAURENS	NON-ELEVATOR:		90	106	127	143	158
STATE: SC	ELEVATOR:		101	116	139	157	173
COUNTY: LEE	NON-ELEVATOR:		98	114	138	154	170
STATE: SC	ELEVATOR:		107	124	150	170	187
COUNTY: MCCORMICK	NON-ELEVATOR:		109	125	151	170	187
STATE: SC	ELEVATOR:		120	138	165	185	206
COUNTY: MARION	NON-ELEVATOR:		97	113	134	153	169
STATE: SC	ELEVATOR:		107	123	148	167	185
COUNTY: MARLBORO	NON-ELEVATOR:		97	113	134	153	169
STATE: SC	ELEVATOR:		107	123	148	167	185
COUNTY: NEWBERRY	NON-ELEVATOR:		98	114	136	154	170
STATE: SC	ELEVATOR:		107	124	150	170	187
COUNTY: OCONEE	NON-ELEVATOR:		90	106	127	143	158
STATE: SC	ELEVATOR:		101	116	139	157	173
COUNTY: ORANGEBURG	NON-ELEVATOR:		98	114	136	154	170
STATE: SC	ELEVATOR:		107	124	150	170	187
COUNTY: SALUDA	NON-ELEVATOR:		109	125	151	170	187
STATE: SC	ELEVATOR:		120	138	165	185	206
COUNTY: SUMTER	NON-ELEVATOR:		113	136	149	182	203
STATE: SC	ELEVATOR:		133	160	177	0	0
COUNTY: UNION	NON-ELEVATOR:		90	106	127	143	158
STATE: SC	ELEVATOR:		101	116	139	157	173
COUNTY: WILLIAMSBURG	NON-ELEVATOR:		97	113	134	153	169
STATE: SC	ELEVATOR:		107	123	148	167	185
COUNTY: YORK	NON-ELEVATOR:		119	141	166	232	260
STATE: SC	ELEVATOR:		113	130	166	0	0

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4			0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE							
SMSA: ASHEVILLE, NC							
COUNTY: BUNCOMBE	NON-ELEVATOR:		117	137	162	183	203
STATE: NC	ELEVATOR:		129	148	180	202	223
COUNTY: MADISON	NON-ELEVATOR:		117	137	162	183	203
STATE: NC	ELEVATOR:		129	148	180	202	223
SMSA: BURLINGTON, NC							
COUNTY: ALAMANCE	NON-ELEVATOR:		134	155	184	208	228
STATE: NC	ELEVATOR:		147	168	202	227	251
SMSA: CHARLOTTE-GASTONIA, NC							
COUNTY: GASTON	NON-ELEVATOR:		150	173	209	242	266
STATE: NC	ELEVATOR:		166	191	229	266	292
COUNTY: MECKLENBURG	NON-ELEVATOR:		150	173	209	242	266
STATE: NC	ELEVATOR:		166	191	229	266	292
COUNTY: UNION	NON-ELEVATOR:		150	173	209	242	266
STATE: NC	ELEVATOR:		166	191	229	266	292
SMSA: FAYETTEVILLE, NC							
COUNTY: CUMBERLAND	NON-ELEVATOR:		126	144	175	204	223
STATE: NC	ELEVATOR:		137	159	191	223	244
SMSA: GREENSBORO-WINSTON-SALEM-HIGH POINT, NC							
COUNTY: DAVIDSON	NON-ELEVATOR:		134	155	184	208	228
STATE: NC	ELEVATOR:		147	168	202	227	251
COUNTY: FORSYTH	NON-ELEVATOR:		134	155	184	208	228
STATE: NC	ELEVATOR:		147	168	202	227	251
COUNTY: GUILFORD	NON-ELEVATOR:		134	155	184	208	228
STATE: NC	ELEVATOR:		147	168	202	227	251
COUNTY: RANDOLPH	NON-ELEVATOR:		134	155	184	208	228
STATE: NC	ELEVATOR:		147	168	202	227	251
COUNTY: STOKES	NON-ELEVATOR:		134	155	184	208	228
STATE: NC	ELEVATOR:		147	168	202	227	251
COUNTY: YADKIN	NON-ELEVATOR:		134	155	184	208	228
STATE: NC	ELEVATOR:		147	168	202	227	251
SMSA: NORFOLK-VIRGINIA BEACH-PORTSMOUTH, VA-NC							
COUNTY: CURRITUCK	NON-ELEVATOR:		152	174	206	230	254
STATE: NC	ELEVATOR:		167	190	227	252	277
SMSA: RALEIGH-DURHAM, NC							
COUNTY: DURHAM	NON-ELEVATOR:		150	173	208	268	307
STATE: NC	ELEVATOR:		166	190	228	295	338
COUNTY: ORANGE	NON-ELEVATOR:		150	173	208	268	307
STATE: NC	ELEVATOR:		166	190	228	295	338
COUNTY: WAKE	NON-ELEVATOR:		150	173	208	268	307
STATE: NC	ELEVATOR:		166	190	228	295	338
SMSA: WILMINGTON, NC							
COUNTY: BRUNSWICK	NON-ELEVATOR:		122	140	167	190	209
STATE: NC	ELEVATOR:		132	155	183	208	229
COUNTY: NEW HANOVER	NON-ELEVATOR:		122	140	167	190	209
STATE: NC	ELEVATOR:		132	155	183	208	229
NON SMSA							
COUNTY: ALEXANDER	NON-ELEVATOR:		103	119	142	160	176
STATE: NC	ELEVATOR:		112	131	156	175	194

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY ALLEGHANY STATE NC	NON-ELEVATOR: ELEVATOR:	113 123	131 144	157 172	176 192	193 213
COUNTY ANSON STATE NC	NON-ELEVATOR: ELEVATOR:	113 124	131 142	157 172	175 193	194 212
COUNTY ASHE STATE NC	NON-ELEVATOR: ELEVATOR:	113 123	131 144	157 172	176 192	193 213
COUNTY AVERY STATE NC	NON-ELEVATOR: ELEVATOR:	113 123	131 144	157 172	176 192	193 213
COUNTY BEAUFORT STATE NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY BERTIE STATE NC	NON-ELEVATOR: ELEVATOR:	95 104	109 120	131 143	147 161	163 180
COUNTY BLADEN STATE NC	NON-ELEVATOR: ELEVATOR:	126 137	144 159	175 191	204 223	244 244
COUNTY BURKE STATE NC	NON-ELEVATOR: ELEVATOR:	103 112	119 131	142 156	160 175	176 194
COUNTY CABARRUS STATE NC	NON-ELEVATOR: ELEVATOR:	92 102	107 117	128 141	145 158	160 174
COUNTY CALDWELL STATE NC	NON-ELEVATOR: ELEVATOR:	103 112	119 131	142 156	160 175	176 194
COUNTY CAMDEN STATE NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY CARTERET STATE NC	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199
COUNTY CASWELL STATE NC	NON-ELEVATOR: ELEVATOR:	131 144	150 164	181 198	202 223	223 245
COUNTY CATAWBA STATE NC	NON-ELEVATOR: ELEVATOR:	103 112	119 131	142 156	160 175	176 194
COUNTY CHATHAM STATE NC	NON-ELEVATOR: ELEVATOR:	126 137	144 159	175 191	204 223	223 244
COUNTY CHEROKEE STATE NC	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY CHOWAN STATE NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY CLAY STATE NC	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY CLEVELAND STATE NC	NON-ELEVATOR: ELEVATOR:	103 112	119 131	142 156	160 175	176 194
COUNTY COLUMBUS STATE NC	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199
COUNTY CRAVEN STATE NC	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199
COUNTY DARE STATE NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY DAVIE STATE NC	NON-ELEVATOR: ELEVATOR:	134 147	155 168	184 202	208 227	228 251
COUNTY DUPLIN STATE NC	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	4	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY EDGEcombe STATE NC	NON-ELEVATOR: ELEVATOR:	114 126	130 143	157 172	176 193	195 215
COUNTY FRANKLIN STATE NC	NON-ELEVATOR: ELEVATOR:	95 104	109 120	131 143	147 161	163 180
COUNTY GATES STATE NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY GRAHAM STATE NC	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY GRANVILLE STATE NC	NON-ELEVATOR: ELEVATOR:	95 104	109 120	131 143	147 161	163 180
COUNTY GREENE STATE NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY HALIFAX STATE NC	NON-ELEVATOR: ELEVATOR:	95 104	109 120	131 143	147 161	163 180
COUNTY HARNETT STATE NC	NON-ELEVATOR: ELEVATOR:	126 137	144 159	175 191	204 223	223 244
COUNTY HAYWOOD STATE NC	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY HENDERSON STATE NC	NON-ELEVATOR: ELEVATOR:	103 112	119 131	142 156	160 175	176 194
COUNTY HERTFORD STATE NC	NON-ELEVATOR: ELEVATOR:	95 104	109 120	131 143	147 161	163 180
COUNTY HOKE STATE NC	NON-ELEVATOR: ELEVATOR:	126 137	144 159	175 191	204 223	223 244
COUNTY HYDE STATE NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY IREDELL STATE NC	NON-ELEVATOR: ELEVATOR:	92 102	107 117	128 141	145 158	160 174
COUNTY JACKSON STATE NC	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY JOHNSTON STATE NC	NON-ELEVATOR: ELEVATOR:	126 137	144 159	175 191	204 223	223 244
COUNTY JONES STATE NC	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199
COUNTY LEE STATE NC	NON-ELEVATOR: ELEVATOR:	126 137	144 159	175 191	204 223	223 244
COUNTY LENOIR STATE NC	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199
COUNTY LINCOLN STATE NC	NON-ELEVATOR: ELEVATOR:	99 109	115 125	138 153	161 178	179 195
COUNTY MCDOWELL STATE NC	NON-ELEVATOR: ELEVATOR:	103 112	119 131	142 156	160 175	176 194
COUNTY MACON STATE NC	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY MARTIN STATE NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY MITCHELL STATE NC	NON-ELEVATOR: ELEVATOR:	113 123	131 144	157 172	176 192	193 213

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY: MONTGOMERY STATE: NC	NON-ELEVATOR: ELEVATOR:	113 124	131 142	157 172	175 193	194 212
COUNTY: MOORE STATE: NC	NON-ELEVATOR: ELEVATOR:	113 124	131 142	157 172	175 193	194 212
COUNTY: NASH STATE: NC	NON-ELEVATOR: ELEVATOR:	114 126	130 143	157 172	176 193	195 215
COUNTY: NORTHAMPTON STATE: NC	NON-ELEVATOR: ELEVATOR:	95 104	109 120	131 143	147 161	163 180
COUNTY: ONSLOW STATE: NC	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199
COUNTY: PAMLICO STATE: NC	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199
COUNTY: PASQUOTANK STATE: NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY: PENDER STATE: NC	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199
COUNTY: PERQUIMANS STATE: NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY: PERSON STATE: NC	NON-ELEVATOR: ELEVATOR:	95 104	109 120	131 143	147 161	163 180
COUNTY: PITT STATE: NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY: POLK STATE: NC	NON-ELEVATOR: ELEVATOR:	103 112	119 131	142 156	160 175	176 194
COUNTY: RICHMOND STATE: NC	NON-ELEVATOR: ELEVATOR:	113 124	131 142	157 172	175 193	194 212
COUNTY: ROBESON STATE: NC	NON-ELEVATOR: ELEVATOR:	126 137	144 159	175 191	204 223	223 244
COUNTY: ROCKINGHAM STATE: NC	NON-ELEVATOR: ELEVATOR:	106 116	122 133	146 159	165 180	182 198
COUNTY: ROWAN STATE: NC	NON-ELEVATOR: ELEVATOR:	92 102	107 117	128 141	145 158	160 174
COUNTY: RUTHERFORD STATE: NC	NON-ELEVATOR: ELEVATOR:	103 112	119 131	142 156	160 175	176 194
COUNTY: SAMPSON STATE: NC	NON-ELEVATOR: ELEVATOR:	126 137	144 159	175 191	204 223	223 244
COUNTY: SCOTLAND STATE: NC	NON-ELEVATOR: ELEVATOR:	92 102	107 117	128 141	145 158	160 174
COUNTY: STANLY STATE: NC	NON-ELEVATOR: ELEVATOR:	92 102	107 117	128 141	145 158	160 174
COUNTY: SURRY STATE: NC	NON-ELEVATOR: ELEVATOR:	134 147	155 168	184 202	208 227	228 251
COUNTY: SWAIN STATE: NC	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY: TRANSYLVANIA STATE: NC	NON-ELEVATOR: ELEVATOR:	103 112	119 131	142 156	160 175	176 194
COUNTY: TYRRELL STATE: NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GREENSBORO, NORTH CAROLINA AREA OFFICE						
NON SMSA						
COUNTY: VANCE STATE: NC	NON-ELEVATOR: ELEVATOR:	95 104	109 120	131 143	147 161	163 180
COUNTY: WARREN STATE: NC	NON-ELEVATOR: ELEVATOR:	126 137	144 159	175 191	204 223	223 244
COUNTY: WASHINGTON STATE: NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY: WATAUGA STATE: NC	NON-ELEVATOR: ELEVATOR:	113 123	131 144	157 172	178 192	193 213
COUNTY: WAYNE STATE: NC	NON-ELEVATOR: ELEVATOR:	122 133	140 154	167 184	190 207	208 229
COUNTY: WILKES STATE: NC	NON-ELEVATOR: ELEVATOR:	113 123	131 144	157 172	176 192	193 213
COUNTY: WILSON STATE: NC	NON-ELEVATOR: ELEVATOR:	95 104	109 120	131 143	147 161	163 180
COUNTY: YANCEY STATE: NC	NON-ELEVATOR: ELEVATOR:	113 123	131 144	157 172	176 192	193 213
JACKSON, MISSISSIPPI AREA OFFICE						
SMSA: BILOXI-GULFPORT, MS						
COUNTY: HANCOCK STATE: MS	NON-ELEVATOR: ELEVATOR:	133 147	160 176	193 212	247 272	291 319
COUNTY: HARRISON STATE: MS	NON-ELEVATOR: ELEVATOR:	133 147	160 176	193 212	247 272	291 319
COUNTY: STONE STATE: MS	NON-ELEVATOR: ELEVATOR:	133 147	160 176	193 212	247 272	291 319
SMSA: JACKSON, MS						
COUNTY: HINDS STATE: MS	NON-ELEVATOR: ELEVATOR:	140 155	163 180	194 212	226 248	248 274
COUNTY: RANKIN STATE: MS	NON-ELEVATOR: ELEVATOR:	140 155	163 180	194 212	226 248	248 274
SMSA: MEMPHIS, TN-AR-MS						
COUNTY: DE SOTO STATE: MS	NON-ELEVATOR: ELEVATOR:	145 156	164 181	199 217	231 253	256 279
SMSA: PASCAGOULA-MOSS POINT, MS						
COUNTY: JACKSON STATE: MS	NON-ELEVATOR: ELEVATOR:	133 147	160 176	193 212	247 272	291 319
NON SMSA						
COUNTY: ADAMS STATE: MS	NON-ELEVATOR: ELEVATOR:	127 140	142 156	172 189	216 238	238 262
COUNTY: ALCORN STATE: MS	NON-ELEVATOR: ELEVATOR:	128 140	160 176	182 200	215 236	259 284
COUNTY: AMITE STATE: MS	NON-ELEVATOR: ELEVATOR:	127 140	142 156	172 189	216 238	238 262

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE							
NON SMSA							
COUNTY: ATTALA	STATE: MS	NON-ELEVATOR:	83	96	116	131	146
		ELEVATOR:	92	107	128	145	160
COUNTY: BENTON	STATE: MS	NON-ELEVATOR:	98	114	136	154	170
		ELEVATOR:	107	124	150	170	187
COUNTY: BOLIVAR	STATE: MS	NON-ELEVATOR:	138	149	182	215	238
		ELEVATOR:	152	164	200	236	261
COUNTY: CALHOUN	STATE: MS	NON-ELEVATOR:	90	106	127	143	158
		ELEVATOR:	101	116	139	157	173
COUNTY: CARROLL	STATE: MS	NON-ELEVATOR:	83	96	116	131	146
		ELEVATOR:	92	107	128	145	160
COUNTY: CHICKASAW	STATE: MS	NON-ELEVATOR:	90	106	127	143	158
		ELEVATOR:	101	116	139	157	173
COUNTY: CHOCTAW	STATE: MS	NON-ELEVATOR:	90	106	127	143	158
		ELEVATOR:	101	116	139	157	173
COUNTY: CLAIBORNE	STATE: MS	NON-ELEVATOR:	83	96	116	131	146
		ELEVATOR:	92	107	128	145	160
COUNTY: CLARKE	STATE: MS	NON-ELEVATOR:	106	122	146	165	182
		ELEVATOR:	115	134	160	181	199
COUNTY: CLAY	STATE: MS	NON-ELEVATOR:	90	106	127	143	158
		ELEVATOR:	101	116	139	157	173
COUNTY: COAHOMA	STATE: MS	NON-ELEVATOR:	98	114	136	154	170
		ELEVATOR:	107	124	150	170	187
COUNTY: COPIAH	STATE: MS	NON-ELEVATOR:	83	96	116	131	146
		ELEVATOR:	92	107	128	145	160
COUNTY: COVINGTON	STATE: MS	NON-ELEVATOR:	106	122	146	165	182
		ELEVATOR:	115	134	160	181	199
COUNTY: FORREST	STATE: MS	NON-ELEVATOR:	116	134	160	180	198
		ELEVATOR:	129	146	177	197	219
COUNTY: FRANKLIN	STATE: MS	NON-ELEVATOR:	127	142	172	216	238
		ELEVATOR:	140	156	189	238	262
COUNTY: GEORGE	STATE: MS	NON-ELEVATOR:	99	115	138	161	179
		ELEVATOR:	109	125	153	178	195
COUNTY: GREENE	STATE: MS	NON-ELEVATOR:	99	115	138	161	179
		ELEVATOR:	109	125	153	178	195
COUNTY: GRENADA	STATE: MS	NON-ELEVATOR:	83	96	116	131	146
		ELEVATOR:	92	107	128	145	160
COUNTY: HOLMES	STATE: MS	NON-ELEVATOR:	83	96	116	131	146
		ELEVATOR:	92	107	128	145	160
COUNTY: HUMPHREYS	STATE: MS	NON-ELEVATOR:	138	149	182	215	238
		ELEVATOR:	152	164	200	236	261
COUNTY: ISSAQUEMA	STATE: MS	NON-ELEVATOR:	138	149	182	215	238
		ELEVATOR:	152	164	200	236	261
COUNTY: ITAWAMBA	STATE: MS	NON-ELEVATOR:	90	106	127	143	158
		ELEVATOR:	101	116	139	157	173
COUNTY: JASPER	STATE: MS	NON-ELEVATOR:	106	122	146	165	182
		ELEVATOR:	115	134	160	181	199
COUNTY: JEFFERSON	STATE: MS	NON-ELEVATOR:	84	97	117	133	147
		ELEVATOR:	93	108	130	146	162

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSON, MISSISSIPPI AREA OFFICE							
NON SMSA							
COUNTY: JEFFERSON DA	STATE: MS	NON-ELEVATOR:	127	142	172	216	238
		ELEVATOR:	140	156	189	238	262
COUNTY: JONES	STATE: MS	NON-ELEVATOR:	106	122	146	165	182
		ELEVATOR:	115	134	160	181	199
COUNTY: KEMPER	STATE: MS	NON-ELEVATOR:	106	122	146	165	182
		ELEVATOR:	115	134	160	181	199
COUNTY: LAFAYETTE	STATE: MS	NON-ELEVATOR:	98	114	136	154	170
		ELEVATOR:	107	124	150	170	187
COUNTY: LAMAR	STATE: MS	NON-ELEVATOR:	106	122	146	165	182
		ELEVATOR:	115	134	160	181	199
COUNTY: LAUDERDALE	STATE: MS	NON-ELEVATOR:	106	122	146	165	182
		ELEVATOR:	115	134	160	181	199
COUNTY: LAWRENCE	STATE: MS	NON-ELEVATOR:	127	142	172	216	238
		ELEVATOR:	140	156	189	238	262
COUNTY: LEAKE	STATE: MS	NON-ELEVATOR:	83	96	116	131	146
		ELEVATOR:	92	107	128	145	160
COUNTY: LEE	STATE: MS	NON-ELEVATOR:	128	160	182	215	259
		ELEVATOR:	140	176	200	236	284
COUNTY: LEFLORE	STATE: MS	NON-ELEVATOR:	111	130	155	174	193
		ELEVATOR:	122	142	171	192	211
COUNTY: LINCOLN	STATE: MS	NON-ELEVATOR:	127	142	172	216	238
		ELEVATOR:	140	156	189	238	262
COUNTY: LOWNDES	STATE: MS	NON-ELEVATOR:	90	106	127	143	158
		ELEVATOR:	101	116	139	157	173
COUNTY: MADISON	STATE: MS	NON-ELEVATOR:	83	96	116	131	146
		ELEVATOR:	92	107	128	145	160
COUNTY: MARION	STATE: MS	NON-ELEVATOR:	79	91	109	124	138
		ELEVATOR:	86	99	120	136	149
COUNTY: MARSHALL	STATE: MS	NON-ELEVATOR:	98	114	136	154	170
		ELEVATOR:	107	124	150	170	187
COUNTY: MONROE	STATE: MS	NON-ELEVATOR:	128	160	182	215	259
		ELEVATOR:	140	176	200	236	284
COUNTY: MONTGOMERY	STATE: MS	NON-ELEVATOR:	83	96	116	131	146
		ELEVATOR:	92	107	128	145	160
COUNTY: NESHOB	STATE: MS	NON-ELEVATOR:	106	122	146	165	182
		ELEVATOR:	115	134	160	181	199
COUNTY: NEWTON	STATE: MS	NON-ELEVATOR:	106	122	146	165	182
		ELEVATOR:	115	134	160	181	199
COUNTY: NOXUBEE	STATE: MS	NON-ELEVATOR:	90	106	127	143	158
		ELEVATOR:	101	116	139	157	173
COUNTY: OKTIBBEHA	STATE: MS	NON-ELEVATOR:	90	106	127	143	158
		ELEVATOR:	101	116	139	157	173
COUNTY: PANOLA	STATE: MS	NON-ELEVATOR:	98	114	136	154	170
		ELEVATOR:	107	124	150	170	187
COUNTY: PEARL RIVER	STATE: MS	NON-ELEVATOR:	133	160	193	247	291
		ELEVATOR:	147	176	212	272	319
COUNTY: PERRY	STATE: MS	NON-ELEVATOR:	106	122	146	165	182
		ELEVATOR:	115	134	160	181	199

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

JACKSON, MISSISSIPPI AREA OFFICE

NON SMSA

COUNTY PIKE STATE MS	NON-ELEVATOR: ELEVATOR:	127 140	142 156	172 189	216 238	238 262
COUNTY PONTOTOC STATE MS	NON-ELEVATOR: ELEVATOR:	90 101	106 116	127 139	143 157	158 173
COUNTY PRENTISS STATE MS	NON-ELEVATOR: ELEVATOR:	90 101	106 116	127 139	143 157	158 173
COUNTY QUITMAN STATE MS	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY SCOTT STATE MS	NON-ELEVATOR: ELEVATOR:	83 92	96 107	116 128	131 145	146 160
COUNTY SHARKEY STATE MS	NON-ELEVATOR: ELEVATOR:	138 152	149 164	182 200	215 236	238 261
COUNTY SIMPSON STATE MS	NON-ELEVATOR: ELEVATOR:	83 92	96 107	116 128	131 145	146 160
COUNTY SMITH STATE MS	NON-ELEVATOR: ELEVATOR:	83 92	96 107	116 128	131 145	146 160
COUNTY SUNFLOWER STATE MS	NON-ELEVATOR: ELEVATOR:	138 152	149 164	182 200	215 236	238 261
COUNTY TALLAHATCHIE STATE MS	NON-ELEVATOR: ELEVATOR:	83 92	96 107	116 128	131 145	146 160
COUNTY TATE STATE MS	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY TIPPAN STATE MS	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY TISHOMIGO STATE MS	NON-ELEVATOR: ELEVATOR:	99 99	104 114	126 138	142 155	157 171
COUNTY TUNICA STATE MS	NON-ELEVATOR: ELEVATOR:	98 107	114 124	136 150	154 170	170 187
COUNTY UNION STATE MS	NON-ELEVATOR: ELEVATOR:	128 140	160 176	182 200	215 236	259 284
COUNTY WALTHALL STATE MS	NON-ELEVATOR: ELEVATOR:	127 140	142 156	172 189	216 238	238 262
COUNTY WARREN STATE MS	NON-ELEVATOR: ELEVATOR:	83 92	96 107	116 128	131 145	146 160
COUNTY WASHINGTON STATE MS	NON-ELEVATOR: ELEVATOR:	138 152	149 164	182 200	215 236	238 261
COUNTY WAYNE STATE MS	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199
COUNTY WEBSTER STATE MS	NON-ELEVATOR: ELEVATOR:	90 101	106 116	127 139	143 157	158 173
COUNTY WILKINSON STATE MS	NON-ELEVATOR: ELEVATOR:	84 93	97 108	117 130	133 146	147 162
COUNTY WINSTON STATE MS	NON-ELEVATOR: ELEVATOR:	106 115	122 134	146 160	165 181	182 199
COUNTY YALOBUSHA STATE MS	NON-ELEVATOR: ELEVATOR:	83 92	96 107	116 128	131 145	146 160
COUNTY YAZOO STATE MS	NON-ELEVATOR: ELEVATOR:	83 92	96 107	116 128	131 145	146 160

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

JACKSONVILLE, FLORIDA AREA OFFICE

SMSA: GAINESVILLE, FL

COUNTY ALACHUA STATE FL	NON-ELEVATOR: ELEVATOR:	151 168	174 192	207 229	232 255	257 281
SMSA: JACKSONVILLE, FL						
COUNTY BAKER STATE FL	NON-ELEVATOR: ELEVATOR:	160 175	182 201	215 236	250 274	274 300
COUNTY CLAY STATE FL	NON-ELEVATOR: ELEVATOR:	160 175	182 201	215 236	250 274	274 300
COUNTY DUVAL STATE FL	NON-ELEVATOR: ELEVATOR:	160 175	182 201	215 236	250 274	274 300
COUNTY NASSAU STATE FL	NON-ELEVATOR: ELEVATOR:	160 175	182 201	215 236	250 274	274 300
COUNTY ST. JOHNS STATE FL	NON-ELEVATOR: ELEVATOR:	160 175	182 201	215 236	250 274	274 300
SMSA: PANAMA CITY, FL						
COUNTY BAY STATE FL	NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196	197 216
SMSA: PENSACOLA, FL						
COUNTY ESCAMBIA STATE FL	NON-ELEVATOR: ELEVATOR:	132 146	151 166	183 201	215 235	234 258
COUNTY SANTA ROSA STATE FL	NON-ELEVATOR: ELEVATOR:	132 146	151 166	183 201	215 235	234 258
SMSA: TALLAHASSEE, FL						
COUNTY LEON STATE FL	NON-ELEVATOR: ELEVATOR:	127 139	145 160	176 193	196 216	217 238
COUNTY WAKULLA STATE FL	NON-ELEVATOR: ELEVATOR:	127 139	145 160	176 193	196 216	217 238
NON SMSA						
COUNTY BRAZIL STATE FL	NON-ELEVATOR: ELEVATOR:	104 113	120 132	143 158	161 178	179 195
COUNTY CALHOUN STATE FL	NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196	197 216
COUNTY COLUMBIA STATE FL	NON-ELEVATOR: ELEVATOR:	104 113	120 132	143 158	161 178	179 195
COUNTY DIXIE STATE FL	NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196	197 216
COUNTY FLAGLER STATE FL	NON-ELEVATOR: ELEVATOR:	110 121	126 139	153 166	172 188	189 208
COUNTY FRANKLIN STATE FL	NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196	197 216
COUNTY GADSDEN STATE FL	NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196	197 216
COUNTY GILCHRIST STATE FL	NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196	197 216
COUNTY GULF STATE FL	NON-ELEVATOR: ELEVATOR:	114 127	133 145	159 176	179 196	197 216
COUNTY HAMILTON STATE FL	NON-ELEVATOR: ELEVATOR:	104 113	120 132	143 158	161 178	179 195

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

6450

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
JACKSONVILLE, FLORIDA AREA OFFICE						
NON SMSA						
COUNTY HOLMES	NON-ELEVATOR:	114	133	159	179	197
STATE FL	ELEVATOR:	127	145	176	196	216
COUNTY JACKSON	NON-ELEVATOR:	114	133	159	179	197
STATE FL	ELEVATOR:	127	145	176	196	216
COUNTY JEFFERSON	NON-ELEVATOR:	114	133	159	179	197
STATE FL	ELEVATOR:	127	145	176	196	216
COUNTY LAFAYETTE	NON-ELEVATOR:	104	120	143	161	179
STATE FL	ELEVATOR:	113	132	158	178	195
COUNTY LEVY	NON-ELEVATOR:	114	133	159	179	197
STATE FL	ELEVATOR:	127	145	176	196	216
COUNTY LIBERTY	NON-ELEVATOR:	114	133	159	179	197
STATE FL	ELEVATOR:	127	145	176	196	216
COUNTY MADISON	NON-ELEVATOR:	114	133	159	179	197
STATE FL	ELEVATOR:	127	145	176	196	216
COUNTY MARION	NON-ELEVATOR:	114	133	159	179	197
STATE FL	ELEVATOR:	127	145	176	196	216
COUNTY OKALOOSA	NON-ELEVATOR:	133	151	182	213	233
STATE FL	ELEVATOR:	147	166	200	232	256
COUNTY PUTNAM	NON-ELEVATOR:	114	133	159	179	197
STATE FL	ELEVATOR:	127	145	176	196	216
COUNTY SUWANNEE	NON-ELEVATOR:	104	120	143	161	179
STATE FL	ELEVATOR:	113	132	158	178	195
COUNTY TAYLOR	NON-ELEVATOR:	114	133	159	179	197
STATE FL	ELEVATOR:	127	145	176	196	216
COUNTY UNION	NON-ELEVATOR:	104	120	143	161	179
STATE FL	ELEVATOR:	113	132	158	178	195
COUNTY WALTON	NON-ELEVATOR:	121	139	166	195	213
STATE FL	ELEVATOR:	132	151	182	215	234
COUNTY WASHINGTON	NON-ELEVATOR:	114	133	159	179	197
STATE FL	ELEVATOR:	127	145	176	196	216

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE						
SMSA: CINCINNATI, OH-KY-IN						
COUNTY BOONE	NON-ELEVATOR:	159	183	219	255	292
STATE KY	ELEVATOR:	190	218	261	304	348
COUNTY CAMPBELL	NON-ELEVATOR:	159	183	219	255	292
STATE KY	ELEVATOR:	190	218	261	304	348
COUNTY KENTON	NON-ELEVATOR:	159	183	219	255	292
STATE KY	ELEVATOR:	190	218	261	304	348
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY						
COUNTY CHRISTIAN	NON-ELEVATOR:	155	179	213	249	284
STATE KY	ELEVATOR:	171	196	234	274	312
SMSA: EVANSVILLE, IN-KY						
COUNTY HENDERSON	NON-ELEVATOR:	138	170	201	218	238
STATE KY	ELEVATOR:	153	187	222	240	261
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH						
COUNTY BOYD	NON-ELEVATOR:	140	161	190	226	251
STATE KY	ELEVATOR:	155	177	209	248	276
COUNTY GREENUP	NON-ELEVATOR:	140	161	190	226	251
STATE KY	ELEVATOR:	155	177	209	248	276
SMSA: LEXINGTON-FAYETTE, KY						
COUNTY BOURBON	NON-ELEVATOR:	166	182	215	261	287
STATE KY	ELEVATOR:	174	199	236	286	314
COUNTY CLARK	NON-ELEVATOR:	166	182	215	261	287
STATE KY	ELEVATOR:	174	199	236	286	314
COUNTY FAYETTE	NON-ELEVATOR:	166	182	215	261	287
STATE KY	ELEVATOR:	174	199	236	286	314
COUNTY JESSAMINE	NON-ELEVATOR:	166	182	215	261	287
STATE KY	ELEVATOR:	174	199	236	286	314
COUNTY SCOTT	NON-ELEVATOR:	166	182	215	261	287
STATE KY	ELEVATOR:	174	199	236	286	314
COUNTY WOODFORD	NON-ELEVATOR:	166	182	215	261	287
STATE KY	ELEVATOR:	174	199	236	286	314
SMSA: LOUISVILLE, KY-IN						
COUNTY BULLITT	NON-ELEVATOR:	166	182	215	261	287
STATE KY	ELEVATOR:	174	199	247	286	314
COUNTY JEFFERSON	NON-ELEVATOR:	166	182	215	261	287
STATE KY	ELEVATOR:	174	199	247	286	314
COUNTY OLDHAM	NON-ELEVATOR:	166	182	215	261	287
STATE KY	ELEVATOR:	174	199	247	286	314
SMSA: OWENSBORO, KY						
COUNTY DAVIESS	NON-ELEVATOR:	138	170	201	218	238
STATE KY	ELEVATOR:	153	187	222	240	261
NON SMSA						
COUNTY ADAIR	NON-ELEVATOR:	133	160	187	217	238
STATE KY	ELEVATOR:	133	160	187	217	238
COUNTY ALLEN	NON-ELEVATOR:	133	160	187	217	238
STATE KY	ELEVATOR:	133	160	187	217	238
COUNTY ANDERSON	NON-ELEVATOR:	133	160	187	217	238
STATE KY	ELEVATOR:	147	176	205	239	261
COUNTY BALLARD	NON-ELEVATOR:	133	160	187	217	238
STATE KY	ELEVATOR:	133	160	187	217	238

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY: BARREN STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: BATH STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: BELL STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: BOYLE STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: BRACKEN STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: BREATHITT STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: BRECKINRIDGE STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: BUTLER STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: CALDWELL STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: CALLOWAY STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: CARLISLE STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: CARROLL STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: CARTER STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: CASEY STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: CLAY STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: CLINTON STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: CRITTENDON STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: CUMBERLAND STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: EDMONSON STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: ELLIOTT STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: ESTILL STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: FLEMING STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: FLOYD STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: FRANKLIN STATE: KY	NON-ELEVATOR: ELEVATOR:	139 153	162 179	194 211	226 247	246 271

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY: FULTON STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: GALLATIN STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: GARRARD STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: GRANT STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: GRAVES STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: GRAYSON STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: GREEN STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: HANCOCK STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: HARDIN STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: HARLAN STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: HARRISON STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: HART STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: HENRY STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: HICKMAN STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: HOPKINS STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: JACKSON STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: JOHNSON STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: KNOTT STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: KNOX STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: LARUE STATE: KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY: LAUREL STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: LAWRENCE STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: LEE STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY: LESLIE STATE: KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY LETCHER STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY LEWIS STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY LINCOLN STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY LIVINGSTON STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY LOGAN STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY LYON STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MCCracken STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MCCREARY STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MCLEAN STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MADISON STATE KY	NON-ELEVATOR: ELEVATOR:	153 168	177 194	210 230	246 270	267 293
COUNTY MAGOFFIN STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MARION STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY MARSHALL STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MARTIN STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MASON STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY MEADE STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY MENIFEE STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MERCER STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY METCALFE STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MONROE STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MONTGOMERY STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY MORGAN STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY MUHLBERG STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY NELSON STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY NICHOLAS STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY OHIO STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY OWEN STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY OWSLEY STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY PENDELTON STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY PERRY STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY PIKE STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY POWELL STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY PULASKI STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY ROBERTSON STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY ROCKCASTLE STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY ROWAN STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY RUSSELL STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY SHELBY STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY SIMPSON STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY SPENCER STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY TAYLOR STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY TODD STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY TRIGG STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY TRIMBLE STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY UNION STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY WARREN STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238
COUNTY WASHINGTON STATE KY	NON-ELEVATOR: ELEVATOR:	133 147	160 176	187 205	217 239	238 261
COUNTY WAYNE STATE KY	NON-ELEVATOR: ELEVATOR:	133 133	160 160	187 187	217 217	238 238

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION B & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LOUISVILLE, KENTUCKY AREA OFFICE						
NON SMSA						
COUNTY WEBSTER	NON-ELEVATOR:	133	160	187	217	238
STATE KY	ELEVATOR:	133	160	187	217	238
COUNTY WHITLEY	NON-ELEVATOR:	133	160	187	217	238
STATE KY	ELEVATOR:	133	160	187	217	238
COUNTY WOLFE	NON-ELEVATOR:	133	160	187	217	238
STATE KY	ELEVATOR:	133	160	187	217	238
KNOXVILLE, TENNESSEE AREA OFFICE						
SMSA: CHATTANOOGA, TN-GA						
COUNTY HAMILTON	NON-ELEVATOR:	120	138	165	194	212
STATE TN	ELEVATOR:	131	150	181	214	233
COUNTY MARION	NON-ELEVATOR:	120	138	165	194	212
STATE TN	ELEVATOR:	131	150	181	214	233
COUNTY SEQUATCHIE	NON-ELEVATOR:	120	138	165	194	212
STATE TN	ELEVATOR:	131	150	181	214	233
SMSA: JOHNSON CITY-KINGSPORT-BRISTOL, TN-VA						
COUNTY CARTER	NON-ELEVATOR:	120	140	168	187	207
STATE TN	ELEVATOR:	133	153	184	206	227
COUNTY HAWKINS	NON-ELEVATOR:	120	140	168	187	207
STATE TN	ELEVATOR:	133	153	184	206	227
COUNTY SULLIVAN	NON-ELEVATOR:	120	140	168	187	207
STATE TN	ELEVATOR:	133	153	184	206	227
COUNTY UNICOI	NON-ELEVATOR:	120	140	168	187	207
STATE TN	ELEVATOR:	133	153	184	206	227
COUNTY WASHINGTON	NON-ELEVATOR:	120	140	168	187	207
STATE TN	ELEVATOR:	133	153	184	206	227
SMSA: KNOXVILLE, TN						
COUNTY ANDERSON	NON-ELEVATOR:	138	164	201	266	285
STATE TN	ELEVATOR:	152	180	222	293	314
COUNTY BLOUNT	NON-ELEVATOR:	138	164	201	266	285
STATE TN	ELEVATOR:	152	180	222	293	314
COUNTY KNOX	NON-ELEVATOR:	138	164	201	266	285
STATE TN	ELEVATOR:	152	180	222	293	314

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION B & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KNOXVILLE, TENNESSEE AREA OFFICE						
SMSA: KNOXVILLE, TN						
COUNTY UNION	NON-ELEVATOR:	138	164	201	266	285
STATE TN	ELEVATOR:	152	180	222	293	314
NON SMSA						
COUNTY BLEDSOE	NON-ELEVATOR:	93	108	129	146	161
STATE TN	ELEVATOR:	103	119	142	160	176
COUNTY BRADLEY	NON-ELEVATOR:	103	119	141	160	176
STATE TN	ELEVATOR:	113	131	155	177	194
COUNTY CAMPBELL	NON-ELEVATOR:	87	100	120	136	151
STATE TN	ELEVATOR:	96	110	132	149	166
COUNTY CLAIBORNE	NON-ELEVATOR:	87	100	120	136	151
STATE TN	ELEVATOR:	96	110	132	149	166
COUNTY COCKE	NON-ELEVATOR:	87	100	120	136	151
STATE TN	ELEVATOR:	96	110	132	149	166
COUNTY CUMBERLAND	NON-ELEVATOR:	87	100	120	136	151
STATE TN	ELEVATOR:	96	110	132	149	166
COUNTY FENTRESS	NON-ELEVATOR:	87	100	120	136	151
STATE TN	ELEVATOR:	96	110	132	149	166
COUNTY GRAINGER	NON-ELEVATOR:	87	100	120	136	151
STATE TN	ELEVATOR:	96	110	132	149	166
COUNTY GREENE	NON-ELEVATOR:	106	123	148	167	185
STATE TN	ELEVATOR:	116	136	163	182	200
COUNTY GRUNDY	NON-ELEVATOR:	93	108	129	146	161
STATE TN	ELEVATOR:	103	119	142	160	176
COUNTY HAMBLEN	NON-ELEVATOR:	96	110	132	149	166
STATE TN	ELEVATOR:	105	121	146	165	182
COUNTY HANCOCK	NON-ELEVATOR:	106	123	148	167	185
STATE TN	ELEVATOR:	116	136	163	182	200
COUNTY JEFFERSON	NON-ELEVATOR:	87	100	120	136	151
STATE TN	ELEVATOR:	96	110	132	149	166
COUNTY JOHNSON	NON-ELEVATOR:	106	123	148	167	185
STATE TN	ELEVATOR:	116	136	163	182	200
COUNTY LOUDON	NON-ELEVATOR:	87	100	120	136	151
STATE TN	ELEVATOR:	96	110	132	149	166
COUNTY MCMINN	NON-ELEVATOR:	103	119	141	160	176
STATE TN	ELEVATOR:	113	131	155	177	194
COUNTY MEIGS	NON-ELEVATOR:	93	108	129	146	161
STATE TN	ELEVATOR:	103	119	142	160	176
COUNTY MONROE	NON-ELEVATOR:	87	100	120	136	151
STATE TN	ELEVATOR:	96	110	132	149	166
COUNTY MORGAN	NON-ELEVATOR:	87	100	120	136	151
STATE TN	ELEVATOR:	96	110	132	149	166
COUNTY PERRY	NON-ELEVATOR:	81	94	114	129	143
STATE TN	ELEVATOR:	89	104	126	142	157
COUNTY PICKETT	NON-ELEVATOR:	81	94	114	129	143
STATE TN	ELEVATOR:	89	104	126	142	157
COUNTY POLK	NON-ELEVATOR:	93	108	129	146	161
STATE TN	ELEVATOR:	103	119	142	160	176

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)
REGION 4 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

KNOXVILLE, TENNESSEE AREA OFFICE						
NON SMSA						
COUNTY RHEA	NON-ELEVATOR	93	108	129	146	161
STATE TN	ELEVATOR	103	119	142	160	176
COUNTY ROANE	NON-ELEVATOR	87	100	120	136	151
STATE TN	ELEVATOR	96	110	132	149	166
COUNTY SCOTT	NON-ELEVATOR	87	100	120	136	151
STATE TN	ELEVATOR	96	110	132	149	166
COUNTY SEVIER	NON-ELEVATOR	87	100	120	136	151
STATE TN	ELEVATOR	96	110	132	149	166
MEMPHIS, TENNESSEE INSURING OFFICE						
SMSA: MEMPHIS, TN-AR-MS						
COUNTY SHELBY	NON-ELEVATOR	145	164	199	231	256
STATE TN	ELEVATOR	156	181	217	253	279
COUNTY TIPTON	NON-ELEVATOR	145	164	199	231	256
STATE TN	ELEVATOR	156	181	217	253	279
NON SMSA						
COUNTY BENTON	NON-ELEVATOR	109	125	151	170	187
STATE TN	ELEVATOR	120	138	165	185	206
COUNTY CARROLL	NON-ELEVATOR	88	103	124	141	156
STATE TN	ELEVATOR	98	113	136	154	170
COUNTY CHESTER	NON-ELEVATOR	88	103	124	141	156
STATE TN	ELEVATOR	98	113	136	154	170
COUNTY CROCKETT	NON-ELEVATOR	88	103	124	141	156
STATE TN	ELEVATOR	98	113	136	154	170
COUNTY DECATUR	NON-ELEVATOR	88	103	124	141	156
STATE TN	ELEVATOR	98	113	136	154	170
COUNTY DYER	NON-ELEVATOR	88	103	124	141	156
STATE TN	ELEVATOR	98	113	136	154	170
COUNTY FAYETTE	NON-ELEVATOR	98	114	136	154	170
STATE TN	ELEVATOR	107	124	150	170	187
COUNTY GIBSON	NON-ELEVATOR	88	103	124	141	156
STATE TN	ELEVATOR	98	113	136	154	170
COUNTY HARDEMAN	NON-ELEVATOR	98	114	136	154	170
STATE TN	ELEVATOR	107	124	150	170	187

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD EMAD (CO) NOVEMBER 11 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)
REGION 4 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

MEMPHIS, TENNESSEE INSURING OFFICE						
NON SMSA						
COUNTY HARDIN	NON-ELEVATOR:	89	104	126	142	157
STATE TN	ELEVATOR:	99	114	138	155	171
COUNTY HAYWOOD	NON-ELEVATOR:	88	103	124	141	156
STATE TN	ELEVATOR:	98	113	136	154	170
COUNTY HENDERSON	NON-ELEVATOR:	88	103	124	141	156
STATE TN	ELEVATOR:	98	113	136	154	170
COUNTY HENRY	NON-ELEVATOR:	88	103	124	141	156
STATE TN	ELEVATOR:	98	113	136	154	170
COUNTY LAKE	NON-ELEVATOR:	92	107	128	145	160
STATE TN	ELEVATOR:	102	117	141	158	174
COUNTY LAUDERDALE	NON-ELEVATOR:	88	103	124	141	156
STATE TN	ELEVATOR:	98	113	136	154	170
COUNTY MCNAIR	NON-ELEVATOR:	138	147	164	227	236
STATE TN	ELEVATOR:	152	162	180	249	259
COUNTY MADISON	NON-ELEVATOR:	97	113	136	154	170
STATE TN	ELEVATOR:	107	123	151	168	186
COUNTY OBION	NON-ELEVATOR:	92	107	128	145	160
STATE TN	ELEVATOR:	102	117	141	158	174
COUNTY WEAKLEY	NON-ELEVATOR:	88	103	124	141	156
STATE TN	ELEVATOR:	98	113	136	154	170
NASHVILLE, TENNESSEE INSURING OFFICE						
SMSA: CLARKSVILLE-HOPKINSVILLE, TN-KY						
COUNTY MONTGOMERY	NON-ELEVATOR:	155	179	213	249	284
STATE TN	ELEVATOR:	171	196	234	274	312
SMSA: NASHVILLE-DAVIDSON, TN						
COUNTY CHEATHAM	NON-ELEVATOR:	160	180	218	252	278
STATE TN	ELEVATOR:	172	198	238	277	304
COUNTY DAVIDSON	NON-ELEVATOR:	160	180	218	252	278
STATE TN	ELEVATOR:	172	198	238	277	304
COUNTY DICKSON	NON-ELEVATOR:	160	180	218	252	278
STATE TN	ELEVATOR:	172	198	238	277	304
COUNTY ROBERTSON	NON-ELEVATOR:	160	180	218	252	278
STATE TN	ELEVATOR:	172	198	238	277	304
COUNTY RUTHERFORD	NON-ELEVATOR:	160	180	218	252	278
STATE TN	ELEVATOR:	172	198	238	277	304
COUNTY SUMNER	NON-ELEVATOR:	160	180	218	252	278
STATE TN	ELEVATOR:	172	198	238	277	304
COUNTY WILLIAMSON	NON-ELEVATOR:	160	180	218	252	278
STATE TN	ELEVATOR:	172	198	238	277	304
COUNTY WILSON	NON-ELEVATOR:	160	180	218	252	278
STATE TN	ELEVATOR:	172	198	238	277	304
NON SMSA						
COUNTY BEDFORD	NON-ELEVATOR:	93	108	129	146	161
STATE TN	ELEVATOR:	103	119	142	160	176
COUNTY CANNON	NON-ELEVATOR:	81	94	114	129	143
STATE TN	ELEVATOR:	89	104	126	142	157

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE						
NON SMSA						
COUNTY: CLAY	NON-ELEVATOR:	81	94	114	129	143
STATE: TN	ELEVATOR:	89	104	126	142	157
COUNTY: COFFEE	NON-ELEVATOR:	102	119	141	159	175
STATE: TN	ELEVATOR:	113	130	156	176	193
COUNTY: DE KALB	NON-ELEVATOR:	81	94	114	129	143
STATE: TN	ELEVATOR:	89	104	126	142	157
COUNTY: FRANKLIN	NON-ELEVATOR:	114	132	158	184	205
STATE: TN	ELEVATOR:	126	144	175	204	223
COUNTY: GILES	NON-ELEVATOR:	93	108	129	146	161
STATE: TN	ELEVATOR:	103	119	142	160	176
COUNTY: HICKMAN	NON-ELEVATOR:	93	108	129	146	161
STATE: TN	ELEVATOR:	103	119	142	160	176
COUNTY: HOUSTON	NON-ELEVATOR:	109	125	151	170	187
STATE: TN	ELEVATOR:	120	138	165	185	206
COUNTY: HUMPHREYS	NON-ELEVATOR:	109	125	151	170	187
STATE: TN	ELEVATOR:	120	138	165	185	206
COUNTY: JACKSON	NON-ELEVATOR:	81	94	114	129	143
STATE: TN	ELEVATOR:	89	104	126	142	157
COUNTY: LAWRENCE	NON-ELEVATOR:	93	108	129	146	161
STATE: TN	ELEVATOR:	103	119	142	160	176
COUNTY: LEWIS	NON-ELEVATOR:	93	108	129	146	161
STATE: TN	ELEVATOR:	103	119	142	160	176
COUNTY: LINCOLN	NON-ELEVATOR:	114	132	158	184	205
STATE: TN	ELEVATOR:	126	144	175	204	223
COUNTY: MACON	NON-ELEVATOR:	81	94	114	129	143
STATE: TN	ELEVATOR:	89	104	126	142	157
COUNTY: MARSHALL	NON-ELEVATOR:	102	119	141	159	175
STATE: TN	ELEVATOR:	113	130	156	176	193
COUNTY: MAURY	NON-ELEVATOR:	93	108	129	146	161
STATE: TN	ELEVATOR:	103	119	142	160	176
COUNTY: MOORE	NON-ELEVATOR:	93	108	129	146	161
STATE: TN	ELEVATOR:	103	119	142	160	176
COUNTY: OVERTON	NON-ELEVATOR:	81	94	114	129	143
STATE: TN	ELEVATOR:	89	104	126	142	157
COUNTY: PUTNAM	NON-ELEVATOR:	89	104	126	142	157
STATE: TN	ELEVATOR:	98	115	138	155	171
COUNTY: SMITH	NON-ELEVATOR:	81	94	114	129	143
STATE: TN	ELEVATOR:	89	104	126	142	157
COUNTY: STEWART	NON-ELEVATOR:	109	125	151	170	187
STATE: TN	ELEVATOR:	120	138	165	185	206
COUNTY: TROUSDALE	NON-ELEVATOR:	81	94	114	129	143
STATE: TN	ELEVATOR:	89	104	126	142	157
COUNTY: VAN BUREN	NON-ELEVATOR:	81	94	114	129	143
STATE: TN	ELEVATOR:	89	104	126	142	157
COUNTY: WARREN	NON-ELEVATOR:	89	104	126	142	157
STATE: TN	ELEVATOR:	98	115	138	155	171
COUNTY: WAYNE	NON-ELEVATOR:	89	104	126	142	157
STATE: TN	ELEVATOR:	99	114	138	155	171

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NASHVILLE, TENNESSEE INSURING OFFICE						
NON SMSA						
COUNTY: WHITE	NON-ELEVATOR:	81	94	114	129	143
STATE: TN	ELEVATOR:	89	104	126	142	157
TAMPA, FLORIDA INSURING OFFICE						
SMSA: BRADENTON, FL						
COUNTY: MANATEE	NON-ELEVATOR:	146	166	200	224	246
STATE: FL	ELEVATOR:	160	182	219	246	271
SMSA: DAYTONA BEACH, FL						
COUNTY: VOLUSIA	NON-ELEVATOR:	147	160	192	227	250
STATE: FL	ELEVATOR:	161	176	209	249	274
SMSA: LAKELAND-WINTER HAVEN, FL						
COUNTY: POLK	NON-ELEVATOR:	120	138	165	184	205
STATE: FL	ELEVATOR:	131	150	181	204	224
SMSA: MELBOURN-TITUSVILLE-COCOA, FL						
COUNTY: BREVARD	NON-ELEVATOR:	144	164	198	222	244
STATE: FL	ELEVATOR:	156	180	217	244	267
SMSA: ORLANDO, FL						
COUNTY: ORANGE	NON-ELEVATOR:	163	189	227	263	290
STATE: FL	ELEVATOR:	180	208	249	290	317
COUNTY: OSCEOLA						
STATE: FL	NON-ELEVATOR:	163	189	227	263	290
	ELEVATOR:	180	208	249	290	317
COUNTY: SEMINOLE						
STATE: FL	NON-ELEVATOR:	163	189	227	263	290
	ELEVATOR:	180	208	249	290	317
SMSA: SARASOTA, FL						
COUNTY: SARASOTA	NON-ELEVATOR:	146	166	200	224	246
STATE: FL	ELEVATOR:	160	182	219	246	271
SMSA: TAMPA-ST PETERSBURG, FL						
COUNTY: HILLSBOROUGH	NON-ELEVATOR:	155	176	214	263	288
STATE: FL	ELEVATOR:	171	194	235	286	315
COUNTY: PASCO						
STATE: FL	NON-ELEVATOR:	155	176	214	263	288
	ELEVATOR:	171	194	235	286	315

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 4		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TAMPA FLORIDA INSURING OFFICE						
SMSA TAMPA ST PETERSBURG, FL						
COUNTY PINELLAS	NON ELEVATOR	155	176	214	263	288
STATE FL	ELEVATOR	171	194	235	286	315
NON SMSA						
COUNTY CITRUS	NON ELEVATOR	120	138	165	184	205
STATE FL	ELEVATOR	131	150	181	204	224
COUNTY DE SOTO	NON ELEVATOR	146	166	200	224	246
STATE FL	ELEVATOR	160	182	219	246	271
COUNTY HARDEE	NON ELEVATOR	146	166	200	224	246
STATE FL	ELEVATOR	160	182	219	246	271
COUNTY HERNANDO	NON ELEVATOR	120	138	165	184	205
STATE FL	ELEVATOR	131	150	181	204	224
COUNTY HIGHLANDS	NON ELEVATOR	114	133	159	179	197
STATE FL	ELEVATOR	127	145	176	196	216
COUNTY INDIAN RIVER	NON ELEVATOR	114	133	159	179	197
STATE FL	ELEVATOR	127	145	176	196	216
COUNTY LAKE	NON ELEVATOR	148	170	206	231	254
STATE FL	ELEVATOR	164	188	224	252	279
COUNTY OKEECHOBEE	NON ELEVATOR	114	133	159	179	197
STATE FL	ELEVATOR	127	145	176	196	216
COUNTY ST LUCIE	NON ELEVATOR	157	181	215	241	265
STATE FL	ELEVATOR	173	198	236	264	291
COUNTY SUMTER	NON ELEVATOR	110	126	153	172	189
STATE FL	ELEVATOR	121	139	166	188	208
REGION 5						
CHICAGO ILLINOIS AREA OFFICE						
SMSA CHICAGO IL						
COUNTY COOK	NON ELEVATOR	219	248	293	339	383
STATE IL	ELEVATOR	241	273	323	371	422
COUNTY DU PAGE	NON ELEVATOR	219	248	293	339	383
STATE IL	ELEVATOR	241	273	323	371	422
COUNTY KANE	NON ELEVATOR	219	248	293	339	383
STATE IL	ELEVATOR	241	273	323	371	422
COUNTY LAKE	NON ELEVATOR	219	248	293	339	383
STATE IL	ELEVATOR	241	273	323	371	422
COUNTY MCHEMRY	NON ELEVATOR	219	248	293	339	383
STATE IL	ELEVATOR	241	273	323	371	422
COUNTY WILL	NON ELEVATOR	219	248	293	339	383
STATE IL	ELEVATOR	241	273	323	371	422
SMSA DAYTONPORT ROCK ISLAND-MOLINE IA IL						
COUNTY ROCK ISLAND	NON ELEVATOR	163	186	245	291	317
STATE IL	ELEVATOR	179	204	270	321	347
SMSA KANKAKEE ILLINOIS						
COUNTY KANKAKEE	NON ELEVATOR	167	192	228	254	281
STATE IL	ELEVATOR	182	208	250	279	309
SMSA ROCKFORD IL						
COUNTY BOONE	NON ELEVATOR	169	196	233	272	298
STATE IL	ELEVATOR	186	215	255	299	326
COUNTY WINNEBAGO	NON ELEVATOR	169	196	233	272	298
STATE IL	ELEVATOR	186	215	255	299	326
NON SMSA						
COUNTY CARROLL	NON ELEVATOR	127	148	177	196	218
STATE IL	ELEVATOR	140	161	194	216	238

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CHICAGO ILLINOIS AREA OFFICE						
NON SMSA						
COUNTY DE KALB	NON-ELEVATOR	144	166	200	221	246
STATE IL	ELEVATOR	159	183	219	243	269
COUNTY GRUNDY	NON-ELEVATOR	144	166	200	221	246
STATE IL	ELEVATOR	159	183	219	243	269
COUNTY JO DAVIESS	NON-ELEVATOR	115	132	160	178	197
STATE IL	ELEVATOR	125	144	174	195	215
COUNTY KENDALL	NON-ELEVATOR	144	166	200	221	246
STATE IL	ELEVATOR	159	183	219	243	269
COUNTY LEE	NON-ELEVATOR	131	152	183	204	224
STATE IL	ELEVATOR	144	166	201	222	246
COUNTY OGLE	NON-ELEVATOR	131	152	183	204	224
STATE IL	ELEVATOR	144	166	201	222	246
COUNTY STEPHENSON	NON-ELEVATOR	131	152	183	204	224
STATE IL	ELEVATOR	144	166	201	222	246
COUNTY WHITESIDE	NON-ELEVATOR	127	148	177	196	218
STATE IL	ELEVATOR	140	161	194	216	238
CINCINNATI OHIO INSURING OFFICE						
SMSA CINCINNATI, OH-KY-IN						
COUNTY CLERMONT	NON-ELEVATOR	159	183	219	255	292
STATE OH	ELEVATOR	190	218	261	304	348
COUNTY HAMILTON	NON-ELEVATOR	159	183	219	255	292
STATE OH	ELEVATOR	190	218	261	304	348
COUNTY WARREN	NON-ELEVATOR	159	183	219	255	292
STATE OH	ELEVATOR	190	218	261	304	348
SMSA DAYTON, OH						
COUNTY GREENE	NON-ELEVATOR	159	183	219	255	280
STATE OH	ELEVATOR	174	201	240	281	306
COUNTY MONTGOMERY	NON-ELEVATOR	159	183	219	255	280
STATE OH	ELEVATOR	174	201	240	281	306
COUNTY PREBLE	NON-ELEVATOR	159	183	219	255	280
STATE OH	ELEVATOR	174	201	240	281	306
SMSA HAMILTON-MIDDLETOWN, OH						
COUNTY BUTLER	NON-ELEVATOR	125	144	174	203	222
STATE OH	ELEVATOR	138	157	191	221	244
NON SMSA						
COUNTY ADAMS	NON-ELEVATOR	125	144	174	203	222
STATE OH	ELEVATOR	138	157	191	221	244
COUNTY BROWN	NON-ELEVATOR	125	144	174	203	222
STATE OH	ELEVATOR	138	157	191	221	244
COUNTY CLINTON	NON-ELEVATOR	125	144	174	203	222
STATE OH	ELEVATOR	138	157	191	221	244
COUNTY HIGHLAND	NON-ELEVATOR	125	144	174	203	222
STATE OH	ELEVATOR	138	157	191	221	244

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CLEVELAND, OHIO INSURING OFFICE						
SMSA: AKRON, OH	NON-ELEVATOR:	164	188	226	264	290
	ELEVATOR:	179	206	249	290	317
COUNTY: PORTAGE STATE OH	NON-ELEVATOR:	164	188	226	264	290
	ELEVATOR:	179	206	249	290	317
COUNTY: SUMMIT STATE OH	NON-ELEVATOR:	154	178	213	248	271
	ELEVATOR:	168	193	233	271	297
COUNTY: CANTON, OH	NON-ELEVATOR:	154	178	213	248	271
	ELEVATOR:	168	193	233	271	297
COUNTY: CARROLL STATE OH	NON-ELEVATOR:	174	203	242	284	323
	ELEVATOR:	193	223	266	311	353
COUNTY: CUYAHOGA STATE OH	NON-ELEVATOR:	174	203	242	284	323
	ELEVATOR:	193	223	266	311	353
COUNTY: GEauga STATE OH	NON-ELEVATOR:	174	203	242	284	323
	ELEVATOR:	193	223	266	311	353
COUNTY: LAKE STATE OH	NON-ELEVATOR:	174	203	242	284	323
	ELEVATOR:	193	223	266	311	353
COUNTY: MEDINA STATE OH	NON-ELEVATOR:	127	146	176	203	224
	ELEVATOR:	139	159	191	224	245
COUNTY: PUTNAM STATE OH	NON-ELEVATOR:	160	184	220	256	281
	ELEVATOR:	175	202	242	282	309
COUNTY: LORAIN STATE OH	NON-ELEVATOR:	147	167	203	234	257
	ELEVATOR:	161	185	224	257	283
COUNTY: RICHLAND STATE OH	NON-ELEVATOR:	101	116	140	165	181
	ELEVATOR:	111	127	154	180	198
COUNTY: STEUBENVILLE-WEIRTON, OH-WV	NON-ELEVATOR:	160	185	220	255	280
	ELEVATOR:	177	203	241	279	307
COUNTY: JEFFERSON STATE OH	NON-ELEVATOR:	160	185	220	255	280
	ELEVATOR:	177	203	241	279	307
COUNTY: TOLEDO, OH-MI	NON-ELEVATOR:	160	185	220	255	280
	ELEVATOR:	177	203	241	279	307
COUNTY: FULTON STATE OH	NON-ELEVATOR:	160	185	220	255	280
	ELEVATOR:	177	203	241	279	307
COUNTY: LUCAS STATE OH	NON-ELEVATOR:	160	185	220	255	280
	ELEVATOR:	177	203	241	279	307
COUNTY: OTTAWA STATE OH	NON-ELEVATOR:	160	185	220	255	280
	ELEVATOR:	177	203	241	279	307
COUNTY: WOOD STATE OH	NON-ELEVATOR:	140	162	194	223	247
	ELEVATOR:	153	177	213	246	270
COUNTY: YOUNGSTOWN-WARREN, OH	NON-ELEVATOR:	140	162	194	223	247
	ELEVATOR:	153	177	213	246	270
COUNTY: MAHONING STATE OH	NON-ELEVATOR:	119	137	168	185	206
	ELEVATOR:	131	152	183	204	225
COUNTY: TRUMBULL STATE OH	NON-ELEVATOR:	119	137	168	185	206
	ELEVATOR:	131	152	183	204	225
COUNTY: ASHTABULA STATE OH	NON-ELEVATOR:	119	137	168	185	206
	ELEVATOR:	131	152	183	204	225

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CLEVELAND, OHIO INSURING OFFICE						
NON SMSA	NON-ELEVATOR:	106	121	148	165	182
	ELEVATOR:	117	134	163	181	200
COUNTY: COLUMBIANA STATE OH	NON-ELEVATOR:	122	139	170	196	217
	ELEVATOR:	133	154	187	216	236
COUNTY: CRAWFORD STATE OH	NON-ELEVATOR:	115	132	160	178	197
	ELEVATOR:	125	144	174	195	215
COUNTY: DEFIANCE STATE OH	NON-ELEVATOR:	131	151	183	202	224
	ELEVATOR:	144	167	200	221	246
COUNTY: ERIE STATE OH	NON-ELEVATOR:	119	137	168	185	206
	ELEVATOR:	131	152	183	204	225
COUNTY: HANCOCK STATE OH	NON-ELEVATOR:	93	108	131	145	161
	ELEVATOR:	102	118	144	160	178
COUNTY: HARRISON STATE OH	NON-ELEVATOR:	119	137	168	185	206
	ELEVATOR:	131	152	183	204	225
COUNTY: HENRY STATE OH	NON-ELEVATOR:	106	121	148	165	182
	ELEVATOR:	117	134	163	181	200
COUNTY: HOLMES STATE OH	NON-ELEVATOR:	129	151	183	203	226
	ELEVATOR:	143	166	201	223	246
COUNTY: HURON STATE OH	NON-ELEVATOR:	115	132	160	178	197
	ELEVATOR:	125	144	174	195	215
COUNTY: PAULDING STATE OH	NON-ELEVATOR:	119	137	168	185	206
	ELEVATOR:	131	152	183	204	225
COUNTY: SANDUSKY STATE OH	NON-ELEVATOR:	119	137	168	185	206
	ELEVATOR:	131	152	183	204	225
COUNTY: SENECA STATE OH	NON-ELEVATOR:	106	121	148	165	182
	ELEVATOR:	117	134	163	181	200
COUNTY: TUSCARAWAS STATE OH	NON-ELEVATOR:	129	151	183	203	226
	ELEVATOR:	143	166	201	223	246
COUNTY: WAYNE STATE OH	NON-ELEVATOR:	115	132	160	178	197
	ELEVATOR:	125	144	174	195	215
COUNTY: WILLIAMS STATE OH	NON-ELEVATOR:	122	139	170	196	217
	ELEVATOR:	133	154	187	216	236
COUNTY: WYANDOT STATE OH	NON-ELEVATOR:	122	139	170	196	217
	ELEVATOR:	133	154	187	216	236

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE							
SMSA: COLUMBUS, OH	NON-ELEVATOR:		150	171	205	239	263
	ELEVATOR:		164	188	225	263	287
COUNTY: DELAWARE STATE: OH	NON-ELEVATOR:		150	171	205	239	263
	ELEVATOR:		164	188	225	263	287
COUNTY: FAIRFIELD STATE: OH	NON-ELEVATOR:		150	171	205	239	263
	ELEVATOR:		164	188	225	263	287
COUNTY: FRANKLIN STATE: OH	NON-ELEVATOR:		150	171	205	239	263
	ELEVATOR:		164	188	225	263	287
COUNTY: MADISON STATE: OH	NON-ELEVATOR:		150	171	205	239	263
	ELEVATOR:		164	188	225	263	287
COUNTY: PICKAWAY STATE: OH	NON-ELEVATOR:		150	171	205	239	263
	ELEVATOR:		164	188	225	263	287
SMSA: DAYTON, OH	NON-ELEVATOR:		159	183	219	255	280
	ELEVATOR:		174	201	240	281	306
COUNTY: MARIAM STATE: OH	NON-ELEVATOR:		159	183	219	255	280
	ELEVATOR:		174	201	240	281	306
SMSA: HUNTINGTON-ASHLAND, WV-KY-OH	NON-ELEVATOR:		140	161	190	226	251
	ELEVATOR:		155	177	209	248	276
COUNTY: LAWRENCE STATE: OH	NON-ELEVATOR:		140	161	190	226	251
	ELEVATOR:		155	177	209	248	276
SMSA: LIMA, OH	NON-ELEVATOR:		127	146	176	203	224
	ELEVATOR:		139	159	191	224	245
COUNTY: ALLEN STATE: OH	NON-ELEVATOR:		127	146	176	203	224
	ELEVATOR:		139	159	191	224	245
COUNTY: AUGLAIZE STATE: OH	NON-ELEVATOR:		127	146	176	203	224
	ELEVATOR:		139	159	191	224	245
COUNTY: VAN WERT STATE: OH	NON-ELEVATOR:		127	146	176	203	224
	ELEVATOR:		139	159	191	224	245
SMSA: PARKERSBURG-MARIETTA, WV-OH	NON-ELEVATOR:		114	132	159	179	197
	ELEVATOR:		126	144	175	196	216
COUNTY: WASHINGTON STATE: OH	NON-ELEVATOR:		114	132	159	179	197
	ELEVATOR:		126	144	175	196	216
SMSA: SPRINGFIELD, OH	NON-ELEVATOR:		136	155	187	218	239
	ELEVATOR:		150	171	206	240	263
COUNTY: CHAMPAIGN STATE: OH	NON-ELEVATOR:		136	155	187	218	239
	ELEVATOR:		150	171	206	240	263
COUNTY: CLARK STATE: OH	NON-ELEVATOR:		136	155	187	218	239
	ELEVATOR:		150	171	206	240	263
SMSA: WHEELING, WV-OH	NON-ELEVATOR:		101	116	140	165	181
	ELEVATOR:		111	127	154	180	198
COUNTY: BELMONT STATE: OH	NON-ELEVATOR:		101	116	140	165	181
	ELEVATOR:		111	127	154	180	198
NON SMSA	NON-ELEVATOR:		138	159	191	213	234
	ELEVATOR:		152	173	208	233	257
COUNTY: ATHENS STATE: OH	NON-ELEVATOR:		138	159	191	213	234
	ELEVATOR:		152	173	208	233	257
COUNTY: COSHOCTON STATE: OH	NON-ELEVATOR:		134	151	183	203	224
	ELEVATOR:		146	168	202	222	247
COUNTY: DARKE STATE: OH	NON-ELEVATOR:		111	129	156	182	200
	ELEVATOR:		123	142	172	200	220
COUNTY: FAYETTE STATE: OH	NON-ELEVATOR:		101	117	143	159	175
	ELEVATOR:		111	129	156	174	192
COUNTY: GALLIA STATE: OH	NON-ELEVATOR:		117	135	166	184	203
	ELEVATOR:		131	150	182	202	224
COUNTY: GUENSEY STATE: OH	NON-ELEVATOR:		121	141	170	189	209
	ELEVATOR:		135	154	188	208	229
COUNTY: HARDIN STATE: OH	NON-ELEVATOR:		115	132	160	185	204
	ELEVATOR:		125	144	174	204	224
COUNTY: HOCKING STATE: OH	NON-ELEVATOR:		125	145	174	195	216
	ELEVATOR:		137	157	191	214	236

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
COLUMBUS, OHIO AREA OFFICE							
NON SMSA	NON-ELEVATOR:		101	117	143	159	175
	ELEVATOR:		111	129	156	174	192
COUNTY: JACKSON STATE: OH	NON-ELEVATOR:		101	117	143	159	175
	ELEVATOR:		111	129	156	174	192
COUNTY: KNOX STATE: OH	NON-ELEVATOR:		136	154	187	215	238
	ELEVATOR:		149	170	205	238	260
COUNTY: LICKING STATE: OH	NON-ELEVATOR:		124	142	170	189	209
	ELEVATOR:		137	155	188	208	229
COUNTY: LOGAN STATE: OH	NON-ELEVATOR:		111	129	156	182	200
	ELEVATOR:		123	142	172	200	220
COUNTY: MARION STATE: OH	NON-ELEVATOR:		101	117	143	159	175
	ELEVATOR:		111	129	156	174	192
COUNTY: MEIGS STATE: OH	NON-ELEVATOR:		84	97	119	132	146
	ELEVATOR:		93	108	131	145	161
COUNTY: MERCER STATE: OH	NON-ELEVATOR:		115	132	160	185	204
	ELEVATOR:		125	144	174	204	224
COUNTY: MONROE STATE: OH	NON-ELEVATOR:		93	108	131	145	161
	ELEVATOR:		102	118	144	160	178
COUNTY: MORGAN STATE: OH	NON-ELEVATOR:		115	132	160	185	204
	ELEVATOR:		125	144	174	204	224
COUNTY: MORRISON STATE: OH	NON-ELEVATOR:		122	139	170	196	217
	ELEVATOR:		133	154	187	216	236
COUNTY: MUSKINGUM STATE: OH	NON-ELEVATOR:		110	128	155	172	191
	ELEVATOR:		123	141	171	190	209
COUNTY: NOBLE STATE: OH	NON-ELEVATOR:		115	132	160	185	204
	ELEVATOR:		125	144	174	204	224
COUNTY: PERRY STATE: OH	NON-ELEVATOR:		110	128	155	172	191
	ELEVATOR:		123	141	171	190	209
COUNTY: PIKE STATE: OH	NON-ELEVATOR:		121	141	170	189	209
	ELEVATOR:		134	154	187	207	229
COUNTY: ROSS STATE: OH	NON-ELEVATOR:		101	117	143	159	175
	ELEVATOR:		111	129	156	174	192
COUNTY: SCIOTO STATE: OH	NON-ELEVATOR:		119	136	165	184	202
	ELEVATOR:		132	151	183	201	224
COUNTY: SHELBY STATE: OH	NON-ELEVATOR:		122	142	171	200	219
	ELEVATOR:		135	155	189	219	242
COUNTY: UNION STATE: OH	NON-ELEVATOR:		101	117	143	159	175
	ELEVATOR:		111	129	156	174	192
COUNTY: VINTON STATE: OH	NON-ELEVATOR:		101	117	143	159	175
	ELEVATOR:		111	129	156	174	192

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE						
SMSA: ANN ARBOR, MI	NON-ELEVATOR:	187	213	256	297	325
COUNTY WASHTENAW STATE MI	ELEVATOR:	206	234	281	325	356
SMSA: BAY CITY, MI	NON-ELEVATOR:	146	169	202	235	258
COUNTY BAY STATE MI	ELEVATOR:	161	185	222	258	283
SMSA: DETROIT, MI	NON-ELEVATOR:	186	212	251	292	330
COUNTY LAPEER STATE MI	ELEVATOR:	206	234	276	321	363
COUNTY LIVINGSTON STATE MI	NON-ELEVATOR:	186	212	251	292	330
	ELEVATOR:	206	234	276	321	363
COUNTY MACOMB STATE MI	NON-ELEVATOR:	186	212	251	292	330
	ELEVATOR:	206	234	276	321	363
COUNTY OAKLAND STATE MI	NON-ELEVATOR:	186	212	251	292	330
	ELEVATOR:	206	234	276	321	363
COUNTY ST CLAIR STATE MI	NON-ELEVATOR:	186	212	251	292	330
	ELEVATOR:	206	234	276	321	363
COUNTY WAYNE STATE MI	NON-ELEVATOR:	186	212	251	292	330
	ELEVATOR:	206	234	276	321	363
SMSA: FLINT, MI	NON-ELEVATOR:	168	193	234	269	296
COUNTY GENESEE STATE MI	ELEVATOR:	185	213	257	295	325
COUNTY SHIAWASSEE STATE MI	NON-ELEVATOR:	168	193	234	269	296
	ELEVATOR:	185	213	257	295	325
SMSA: SAGINAW, MI	NON-ELEVATOR:	146	169	202	235	258
COUNTY SAGINAW STATE MI	ELEVATOR:	161	185	222	258	283
SMSA: TOLEDO, OH-MI	NON-ELEVATOR:	160	185	220	255	280
COUNTY MONROE STATE MI	ELEVATOR:	177	203	241	279	307
NON SMSA						
COUNTY ALCONA STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246
COUNTY ALPENA STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246
COUNTY ARENAC STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246
COUNTY GLADWIN STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246
COUNTY HURON STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246
COUNTY IOSCO STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246
COUNTY LENAWEE STATE MI	NON-ELEVATOR:	136	157	190	210	232
	ELEVATOR:	150	173	209	231	255
COUNTY MIDLAND STATE MI	NON-ELEVATOR:	151	173	207	231	252
	ELEVATOR:	165	190	227	254	278
COUNTY MONTMORENCY STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246
COUNTY OGEAW STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DETROIT, MICHIGAN AREA OFFICE						
NON SMSA						
COUNTY OSCODA STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246
COUNTY PRESQUE ISLE STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246
COUNTY SANILAC STATE MI	NON-ELEVATOR:	187	213	256	297	325
	ELEVATOR:	206	234	281	325	356
COUNTY TUSCOLA STATE MI	NON-ELEVATOR:	131	152	183	204	224
	ELEVATOR:	144	166	201	222	246
GRAND RAPIDS, MICHIGAN INSURING OFFICE						
SMSA: BATTLE CREEK, MI	NON-ELEVATOR:	150	175	203	230	255
COUNTY BARRY STATE MI	ELEVATOR:	165	192	223	253	281
COUNTY CALHOUN STATE MI	NON-ELEVATOR:	150	175	203	230	255
	ELEVATOR:	165	192	223	253	281
SMSA: GRAND RAPIDS, MI	NON-ELEVATOR:	150	175	203	230	261
COUNTY KENT STATE MI	ELEVATOR:	165	196	223	253	287
COUNTY OTTAWA STATE MI	NON-ELEVATOR:	150	175	203	230	261
	ELEVATOR:	165	196	223	253	287
SMSA: JACKSON, MI	NON-ELEVATOR:	143	170	200	222	255
COUNTY JACKSON STATE MI	ELEVATOR:	157	186	219	244	281
SMSA: KALAMAZOO-PORTAGE, MI	NON-ELEVATOR:	157	181	217	253	277
COUNTY KALAMAZOO STATE MI	ELEVATOR:	173	199	238	276	303
COUNTY VAN BUREN STATE MI	NON-ELEVATOR:	157	181	217	253	277
	ELEVATOR:	173	199	238	276	303
SMSA: LANSING-EAST LANSING, MI	NON-ELEVATOR:	167	190	230	268	322
COUNTY CLINTON STATE MI	ELEVATOR:	183	209	252	299	332
COUNTY EATON STATE MI	NON-ELEVATOR:	167	190	230	268	322
	ELEVATOR:	183	209	252	299	332
COUNTY INGHAM STATE MI	NON-ELEVATOR:	167	190	230	268	322
	ELEVATOR:	183	209	252	299	332

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GRAND RAPIDS, MICHIGAN INSURING OFFICE						
SMSA: LANSING-EAST LANSING, MI						
COUNTY IONIA	NON-ELEVATOR:	167	190	230	268	322
STATE MI	ELEVATOR:	183	209	252	299	332
SMSA: MUSKEGON-NORTON SHORES-MUSKEGON HEIGHTS, MI						
COUNTY MUSKEGON	NON-ELEVATOR:	133	154	187	217	237
STATE MI	ELEVATOR:	146	170	205	238	261
COUNTY OCEANA	NON-ELEVATOR:	133	154	187	217	237
STATE MI	ELEVATOR:	146	170	205	238	261
NON SMSA						
COUNTY ALGER	NON-ELEVATOR:	117	144	174	181	199
STATE MI	ELEVATOR:	127	148	178	198	219
COUNTY ALLEGAN	NON-ELEVATOR:	117	168	186	192	208
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY ANTRIM	NON-ELEVATOR:	117	159	173	200	208
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY BARAGA	NON-ELEVATOR:	117	134	163	181	199
STATE MI	ELEVATOR:	127	148	178	198	219
COUNTY BENZIE	NON-ELEVATOR:	117	134	176	189	208
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY BERRIEN	NON-ELEVATOR:	133	180	202	206	228
STATE MI	ELEVATOR:	146	169	203	228	251
COUNTY BRANCH	NON-ELEVATOR:	129	151	187	208	222
STATE MI	ELEVATOR:	143	165	199	221	245
COUNTY CASS	NON-ELEVATOR:	133	168	197	214	228
STATE MI	ELEVATOR:	146	169	203	228	251
COUNTY CHARLEVOIX	NON-ELEVATOR:	117	163	166	192	224
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY CHEBOYGAN	NON-ELEVATOR:	131	152	183	204	224
STATE MI	ELEVATOR:	144	166	201	222	246
COUNTY CHIPPEWA	NON-ELEVATOR:	131	152	183	204	224
STATE MI	ELEVATOR:	144	166	201	222	246
COUNTY CLARE	NON-ELEVATOR:	131	159	183	204	224
STATE MI	ELEVATOR:	144	166	201	222	246
COUNTY CRAWFORD	NON-ELEVATOR:	131	152	183	204	224
STATE MI	ELEVATOR:	144	166	201	222	246
COUNTY DELTA	NON-ELEVATOR:	117	162	179	193	199
STATE MI	ELEVATOR:	127	148	178	198	219
COUNTY DICKINSON	NON-ELEVATOR:	117	162	179	193	199
STATE MI	ELEVATOR:	127	148	178	198	219
COUNTY ENMET	NON-ELEVATOR:	117	164	173	198	217
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY GOGEBIC	NON-ELEVATOR:	106	144	148	166	182
STATE MI	ELEVATOR:	117	134	163	181	200
COUNTY GRO TRAVERSE	NON-ELEVATOR:	147	169	191	221	273
STATE MI	ELEVATOR:	142	161	195	218	242
COUNTY GRATIOT	NON-ELEVATOR:	117	147	176	187	191
STATE MI	ELEVATOR:	115	131	158	175	195
COUNTY HILLSDALE	NON-ELEVATOR:	129	159	182	202	222
STATE MI	ELEVATOR:	143	165	199	221	245

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
GRAND RAPIDS, MICHIGAN INSURING OFFICE						
NON SMSA						
COUNTY HOUGHTON	NON-ELEVATOR:	117	142	163	183	201
STATE MI	ELEVATOR:	127	148	178	198	219
COUNTY IRON	NON-ELEVATOR:	117	134	163	181	199
STATE MI	ELEVATOR:	127	148	178	198	219
COUNTY ISABELLA	NON-ELEVATOR:	131	161	189	217	224
STATE MI	ELEVATOR:	144	177	201	222	246
COUNTY KALKASKA	NON-ELEVATOR:	117	160	186	206	224
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY KEWEENAW	NON-ELEVATOR:	117	134	163	181	199
STATE MI	ELEVATOR:	127	148	178	198	219
COUNTY LAKE	NON-ELEVATOR:	117	134	163	189	208
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY LEELANAU	NON-ELEVATOR:	117	168	188	214	226
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY LUCE	NON-ELEVATOR:	131	152	183	204	224
STATE MI	ELEVATOR:	144	166	201	222	246
COUNTY MACKINAC	NON-ELEVATOR:	131	152	183	204	224
STATE MI	ELEVATOR:	144	166	201	222	246
COUNTY MANISTEE	NON-ELEVATOR:	117	134	163	189	208
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY MARQUETTE	NON-ELEVATOR:	128	178	188	198	219
STATE MI	ELEVATOR:	142	161	195	218	242
COUNTY MASON	NON-ELEVATOR:	117	152	163	189	210
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY MECOSTA	NON-ELEVATOR:	117	163	176	201	208
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY MENOMINEE	NON-ELEVATOR:	117	153	163	181	199
STATE MI	ELEVATOR:	127	148	178	198	219
COUNTY MISSAUKEE	NON-ELEVATOR:	117	147	167	189	215
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY MONTCALM	NON-ELEVATOR:	117	157	174	190	208
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY NEWAYGO	NON-ELEVATOR:	117	134	163	189	208
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY ONTONAGON	NON-ELEVATOR:	106	135	161	169	182
STATE MI	ELEVATOR:	117	134	163	181	200
COUNTY OSCEOLA	NON-ELEVATOR:	117	134	163	189	208
STATE MI	ELEVATOR:	127	148	178	207	228
COUNTY OTSEWO	NON-ELEVATOR:	131	180	195	204	224
STATE MI	ELEVATOR:	144	166	201	222	246
COUNTY ROSCOMMON	NON-ELEVATOR:	131	152	183	204	224
STATE MI	ELEVATOR:	144	166	201	222	246
COUNTY ST JOSEPH	NON-ELEVATOR:	133	182	194	217	228
STATE MI	ELEVATOR:	146	169	203	228	251
COUNTY SCHOOLCRAFT	NON-ELEVATOR:	117	134	163	181	199
STATE MI	ELEVATOR:	127	148	178	198	219
COUNTY WEXFORD	NON-ELEVATOR:	117	168	174	203	208
STATE MI	ELEVATOR:	127	148	178	207	228

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
SMSA: ANDERSON, IN COUNTY MADISON STATE IN	NON-ELEVATOR:	126	147	176	204	224
	ELEVATOR:	139	160	192	222	246
SMSA: BLOOMINGTON, IN COUNTY MONROE STATE IN	NON-ELEVATOR:	143	179	214	246	263
	ELEVATOR:	158	197	235	270	289
SMSA: CINCINNATI, OH-KY-IN COUNTY DEARBORN STATE IN	NON-ELEVATOR:	159	183	219	255	292
	ELEVATOR:	190	218	261	304	348
SMSA: EVANSVILLE, IN-KY COUNTY GIBSON STATE IN	NON-ELEVATOR:	138	170	201	218	238
	ELEVATOR:	153	187	222	240	261
COUNTY POSEY STATE IN	NON-ELEVATOR:	138	170	201	218	238
	ELEVATOR:	153	187	222	240	261
COUNTY VANDERBURGH STATE IN	NON-ELEVATOR:	138	170	201	218	238
	ELEVATOR:	153	187	222	240	261
COUNTY WARRICK STATE IN	NON-ELEVATOR:	138	170	201	218	238
	ELEVATOR:	153	187	222	240	261
SMSA: FORT WAYNE, IN COUNTY ADAMS STATE IN	NON-ELEVATOR:	164	186	208	246	268
	ELEVATOR:	186	205	230	270	295
COUNTY ALLEN STATE IN	NON-ELEVATOR:	164	186	208	246	268
	ELEVATOR:	186	205	230	270	295
COUNTY DE KALB STATE IN	NON-ELEVATOR:	164	186	208	246	268
	ELEVATOR:	186	205	230	270	295
COUNTY WELLS STATE IN	NON-ELEVATOR:	164	186	208	246	268
	ELEVATOR:	186	205	230	270	295
SMSA: GARY-HAMMOND-EAST CHICAGO, IN COUNTY LAKE STATE IN	NON-ELEVATOR:	145	165	191	250	273
	ELEVATOR:	157	182	208	275	300
COUNTY PORTER STATE IN	NON-ELEVATOR:	145	165	191	250	273
	ELEVATOR:	157	182	208	275	300
SMSA: INDIANAPOLIS, IN COUNTY BOONE STATE IN	NON-ELEVATOR:	146	169	202	235	268
	ELEVATOR:	161	185	222	258	295
COUNTY HAMILTON STATE IN	NON-ELEVATOR:	146	169	202	235	268
	ELEVATOR:	161	185	222	258	295
COUNTY HANCOCK STATE IN	NON-ELEVATOR:	146	169	202	235	268
	ELEVATOR:	161	185	222	258	295
COUNTY HENDRICKS STATE IN	NON-ELEVATOR:	146	169	202	235	268
	ELEVATOR:	161	185	222	258	295
COUNTY JOHNSON STATE IN	NON-ELEVATOR:	146	169	202	235	268
	ELEVATOR:	161	185	222	258	295
COUNTY MARION STATE IN	NON-ELEVATOR:	146	169	202	235	268
	ELEVATOR:	161	185	222	258	295
COUNTY MORGAN STATE IN	NON-ELEVATOR:	146	169	202	235	268
	ELEVATOR:	161	185	222	258	295
COUNTY SHELBY STATE IN	NON-ELEVATOR:	146	169	202	235	268
	ELEVATOR:	161	185	222	258	295

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
SMSA: KOKOMO, IN COUNTY HOWARD STATE IN	NON-ELEVATOR:	138	157	190	211	233
	ELEVATOR:	150	173	207	232	255
COUNTY TIPTON STATE IN	NON-ELEVATOR:	138	157	190	211	233
	ELEVATOR:	150	173	207	232	255
SMSA: LAFAYETTE-WEST LAFAYETTE, IN COUNTY TIPPECANOE STATE IN	NON-ELEVATOR:	144	179	214	246	263
	ELEVATOR:	159	197	235	270	289
SMSA: LOUISVILLE, KY-IN COUNTY CLARK STATE IN	NON-ELEVATOR:	166	182	215	261	287
	ELEVATOR:	174	199	247	286	314
COUNTY FLOYD STATE IN	NON-ELEVATOR:	166	182	215	261	287
	ELEVATOR:	174	199	247	286	314
SMSA: MUNCIE, IN COUNTY DELAWARE STATE IN	NON-ELEVATOR:	126	147	176	204	224
	ELEVATOR:	139	160	192	222	246
SMSA: SOUTH BEND, IN COUNTY MARSHALL STATE IN	NON-ELEVATOR:	144	166	200	232	255
	ELEVATOR:	159	183	219	255	280
COUNTY ST JOSEPH STATE IN	NON-ELEVATOR:	144	166	200	232	255
	ELEVATOR:	159	183	219	255	280
SMSA: TERRE HAUTE, IN COUNTY CLAY STATE IN	NON-ELEVATOR:	131	152	183	213	233
	ELEVATOR:	144	166	201	233	255
COUNTY SULLIVAN STATE IN	NON-ELEVATOR:	131	152	183	213	233
	ELEVATOR:	144	166	201	233	255
COUNTY VERMILLION STATE IN	NON-ELEVATOR:	131	152	183	213	233
	ELEVATOR:	144	166	201	233	255
COUNTY VIGO STATE IN	NON-ELEVATOR:	131	152	183	213	233
	ELEVATOR:	144	166	201	233	255
NON SMSA						
COUNTY BARTHOLOMEW STATE IN	NON-ELEVATOR:	138	157	190	211	233
	ELEVATOR:	150	173	207	232	255
COUNTY BENTON STATE IN	NON-ELEVATOR:	144	166	200	221	246
	ELEVATOR:	159	183	219	243	269
COUNTY BLACKFORD STATE IN	NON-ELEVATOR:	126	147	176	204	224
	ELEVATOR:	139	160	192	222	246
COUNTY BROWN STATE IN	NON-ELEVATOR:	138	157	190	211	233
	ELEVATOR:	150	173	207	232	255
COUNTY CARROLL STATE IN	NON-ELEVATOR:	144	166	200	221	246
	ELEVATOR:	159	183	219	243	269
COUNTY CASS STATE IN	NON-ELEVATOR:	138	157	190	211	233
	ELEVATOR:	150	173	207	232	255
COUNTY CLINTON STATE IN	NON-ELEVATOR:	144	166	200	221	246
	ELEVATOR:	159	183	219	243	269
COUNTY CRAWFORD STATE IN	NON-ELEVATOR:	121	138	169	188	207
	ELEVATOR:	132	153	184	206	228
COUNTY DAVIESS STATE IN	NON-ELEVATOR:	98	112	135	152	168
	ELEVATOR:	107	124	149	167	184

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA						
COUNTY DECATUR	STATE: IN	NON-ELEVATOR: 138 ELEVATOR: 150	157 173	190 207	211 232	233 255
COUNTY DUBOIS	STATE: IN	NON-ELEVATOR: 98 ELEVATOR: 107	112 124	135 149	152 167	168 184
COUNTY ELKHART	STATE: IN	NON-ELEVATOR: 133 ELEVATOR: 146	154 169	185 203	206 228	228 251
COUNTY FAYETTE	STATE: IN	NON-ELEVATOR: 125 ELEVATOR: 138	144 157	174 191	203 221	222 244
COUNTY FOUNTAIN	STATE: IN	NON-ELEVATOR: 144 ELEVATOR: 159	166 183	200 219	221 243	246 269
COUNTY FRANKLIN	STATE: IN	NON-ELEVATOR: 125 ELEVATOR: 138	144 157	174 191	203 221	222 244
COUNTY FULTON	STATE: IN	NON-ELEVATOR: 133 ELEVATOR: 146	154 169	185 203	206 228	228 251
COUNTY GRANT	STATE: IN	NON-ELEVATOR: 126 ELEVATOR: 139	147 160	176 192	204 222	224 246
COUNTY GREENE	STATE: IN	NON-ELEVATOR: 131 ELEVATOR: 144	152 166	183 201	213 233	233 255
COUNTY HARRISON	STATE: IN	NON-ELEVATOR: 121 ELEVATOR: 132	138 153	189 184	188 206	207 228
COUNTY HENRY	STATE: IN	NON-ELEVATOR: 126 ELEVATOR: 139	147 160	176 192	204 222	224 246
COUNTY HUNTINGTON	STATE: IN	NON-ELEVATOR: 115 ELEVATOR: 125	132 144	160 174	178 195	197 215
COUNTY JACKSON	STATE: IN	NON-ELEVATOR: 138 ELEVATOR: 150	157 173	190 207	211 232	233 255
COUNTY JASPER	STATE: IN	NON-ELEVATOR: 127 ELEVATOR: 140	148 161	177 194	196 216	218 238
COUNTY JAY	STATE: IN	NON-ELEVATOR: 126 ELEVATOR: 139	147 160	176 192	204 222	224 246
COUNTY JEFFERSON	STATE: IN	NON-ELEVATOR: 121 ELEVATOR: 132	138 153	169 184	188 206	207 228
COUNTY JENNINGS	STATE: IN	NON-ELEVATOR: 138 ELEVATOR: 150	157 173	190 207	211 232	233 255
COUNTY KNOX	STATE: IN	NON-ELEVATOR: 143 ELEVATOR: 158	160 175	192 212	203 223	236 260
COUNTY KOSCIUSKO	STATE: IN	NON-ELEVATOR: 133 ELEVATOR: 146	154 169	185 203	206 228	228 251
COUNTY LAGRANGE	STATE: IN	NON-ELEVATOR: 133 ELEVATOR: 146	154 169	185 203	206 228	228 251
COUNTY LA PORTE	STATE: IN	NON-ELEVATOR: 127 ELEVATOR: 140	148 161	177 194	196 216	218 238
COUNTY LAWRENCE	STATE: IN	NON-ELEVATOR: 138 ELEVATOR: 150	157 173	190 207	211 232	233 255
COUNTY MARTIN	STATE: IN	NON-ELEVATOR: 98 ELEVATOR: 107	112 124	135 149	152 167	168 184
COUNTY MIAMI	STATE: IN	NON-ELEVATOR: 138 ELEVATOR: 150	157 173	190 207	211 232	233 255

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA						
COUNTY MONTGOMERY	STATE: IN	NON-ELEVATOR: 144 ELEVATOR: 159	166 183	200 219	221 243	246 269
COUNTY NEWTON	STATE: IN	NON-ELEVATOR: 127 ELEVATOR: 140	148 161	177 194	196 216	218 238
COUNTY NOBLE	STATE: IN	NON-ELEVATOR: 115 ELEVATOR: 125	132 144	160 174	178 195	197 215
COUNTY OHIO	STATE: IN	NON-ELEVATOR: 125 ELEVATOR: 138	144 157	174 191	203 221	222 244
COUNTY ORANGE	STATE: IN	NON-ELEVATOR: 121 ELEVATOR: 132	138 153	169 184	188 206	207 228
COUNTY OWEN	STATE: IN	NON-ELEVATOR: 138 ELEVATOR: 150	157 173	190 207	211 232	233 255
COUNTY PARKE	STATE: IN	NON-ELEVATOR: 131 ELEVATOR: 144	152 166	183 201	213 233	233 255
COUNTY PERRY	STATE: IN	NON-ELEVATOR: 98 ELEVATOR: 107	112 124	135 149	152 167	168 184
COUNTY PIKE	STATE: IN	NON-ELEVATOR: 98 ELEVATOR: 107	112 124	135 149	152 167	168 184
COUNTY PULASKI	STATE: IN	NON-ELEVATOR: 127 ELEVATOR: 140	148 161	177 194	196 216	218 238
COUNTY PUTNAM	STATE: IN	NON-ELEVATOR: 138 ELEVATOR: 150	157 173	190 207	211 232	233 255
COUNTY RANDOLPH	STATE: IN	NON-ELEVATOR: 126 ELEVATOR: 139	147 160	176 192	204 222	224 246
COUNTY RIPLEY	STATE: IN	NON-ELEVATOR: 125 ELEVATOR: 138	144 157	174 191	203 221	222 244
COUNTY RUSH	STATE: IN	NON-ELEVATOR: 138 ELEVATOR: 150	157 173	190 207	211 232	233 255
COUNTY SCOTT	STATE: IN	NON-ELEVATOR: 121 ELEVATOR: 132	138 153	169 184	188 206	207 228
COUNTY SPENCER	STATE: IN	NON-ELEVATOR: 98 ELEVATOR: 107	112 124	135 149	152 167	168 184
COUNTY STARKE	STATE: IN	NON-ELEVATOR: 127 ELEVATOR: 140	148 161	177 194	196 216	218 238
COUNTY STEUBEN	STATE: IN	NON-ELEVATOR: 115 ELEVATOR: 125	132 144	160 174	178 195	197 215
COUNTY SWITZERLAND	STATE: IN	NON-ELEVATOR: 125 ELEVATOR: 138	144 157	174 191	203 221	222 244
COUNTY UNION	STATE: IN	NON-ELEVATOR: 125 ELEVATOR: 138	144 157	174 191	203 221	222 244
COUNTY WABASH	STATE: IN	NON-ELEVATOR: 115 ELEVATOR: 125	132 144	160 174	178 195	197 215
COUNTY WARREN	STATE: IN	NON-ELEVATOR: 144 ELEVATOR: 159	166 183	200 219	221 243	246 269
COUNTY WASHINGTON	STATE: IN	NON-ELEVATOR: 121 ELEVATOR: 132	138 153	169 184	188 206	207 228
COUNTY WAYNE	STATE: IN	NON-ELEVATOR: 126 ELEVATOR: 139	147 160	176 192	204 222	224 246

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
INDIANAPOLIS, INDIANA AREA OFFICE						
NON SMSA	COUNTY WHITE STATE: IN	NON-ELEVATOR:	144	166	200	221
		ELEVATOR:	159	183	219	243
	COUNTY WHITLEY STATE: IN	NON-ELEVATOR:	115	132	160	178
		ELEVATOR:	125	144	174	195
MILWAUKEE, WISCONSIN AREA OFFICE						
SMSA: APPLETON-OSHKOSH, WI	COUNTY CALUMET STATE WI	NON-ELEVATOR:	140	160	192	222
		ELEVATOR:	153	175	213	244
	COUNTY OUTAGAMIE STATE WI	NON-ELEVATOR:	140	160	192	222
		ELEVATOR:	153	175	213	244
	COUNTY WINNEBAGO STATE WI	NON-ELEVATOR:	140	160	192	222
		ELEVATOR:	153	175	213	244
SMSA: DULUTH-SUPERIOR, MN-WI	COUNTY DOUGLAS STATE WI	NON-ELEVATOR:	154	177	214	237
		ELEVATOR:	170	196	234	259
SMSA: EAU CLAIRE, WI	COUNTY CHIPPEWA STATE WI	NON-ELEVATOR:	129	150	180	200
		ELEVATOR:	142	164	198	219
	COUNTY EAU CLAIRE STATE WI	NON-ELEVATOR:	129	150	180	200
		ELEVATOR:	142	164	198	219
SMSA: GREEN BAY, WI	COUNTY BROWN STATE WI	NON-ELEVATOR:	126	147	176	204
		ELEVATOR:	139	160	192	222
SMSA: KENOSHA, WI	COUNTY KENOSHA STATE WI	NON-ELEVATOR:	160	182	217	238
		ELEVATOR:	175	200	238	261
SMSA: LA CROSSE, WI	COUNTY LA CROSSE STATE WI	NON-ELEVATOR:	116	133	161	180
		ELEVATOR:	126	147	177	196
SMSA: MADISON, WI	COUNTY DANE STATE WI	NON-ELEVATOR:	175	201	239	275
		ELEVATOR:	193	221	263	302

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE						
SMSA: MILWAUKEE, WI	COUNTY MILWAUKEE STATE: WI	NON-ELEVATOR:	177	203	240	278
		ELEVATOR:	195	223	264	306
	COUNTY OZAUKEE STATE: WI	NON-ELEVATOR:	177	203	240	278
		ELEVATOR:	195	223	264	306
	COUNTY WASHINGTON STATE: WI	NON-ELEVATOR:	177	203	240	278
		ELEVATOR:	195	223	264	306
	COUNTY WAUKESHA STATE: WI	NON-ELEVATOR:	177	203	240	278
		ELEVATOR:	195	223	264	306
SMSA: MINNEAPOLIS-ST. PAUL, MN-WI	COUNTY ST. CROIX STATE: WI	NON-ELEVATOR:	182	218	264	308
		ELEVATOR:	202	242	291	338
SMSA: RACINE, WI	COUNTY RACINE STATE: WI	NON-ELEVATOR:	160	182	217	240
		ELEVATOR:	175	200	238	264
NON SMSA	COUNTY ADAMS STATE: WI	NON-ELEVATOR:	122	139	170	189
		ELEVATOR:	133	154	187	207
	COUNTY ASHLAND STATE: WI	NON-ELEVATOR:	106	121	148	165
		ELEVATOR:	117	134	163	181
	COUNTY BARRON STATE: WI	NON-ELEVATOR:	106	121	148	165
		ELEVATOR:	117	134	163	181
	COUNTY BAYFIELD STATE: WI	NON-ELEVATOR:	106	121	148	165
		ELEVATOR:	117	134	163	181
	COUNTY BUFFALO STATE: WI	NON-ELEVATOR:	116	133	161	180
		ELEVATOR:	126	147	177	196
	COUNTY BURNETT STATE: WI	NON-ELEVATOR:	123	142	171	190
		ELEVATOR:	134	155	188	210
	COUNTY CLARK STATE: WI	NON-ELEVATOR:	129	150	180	200
		ELEVATOR:	142	164	198	219
	COUNTY COLUMBIA STATE: WI	NON-ELEVATOR:	122	139	170	189
		ELEVATOR:	133	154	187	207
	COUNTY CRAWFORD STATE: WI	NON-ELEVATOR:	115	132	160	178
		ELEVATOR:	125	144	174	195
	COUNTY DODGE STATE: WI	NON-ELEVATOR:	122	139	170	189
		ELEVATOR:	133	154	187	207
	COUNTY DOOR STATE: WI	NON-ELEVATOR:	140	161	192	221
		ELEVATOR:	153	177	212	243
	COUNTY DUNN STATE: WI	NON-ELEVATOR:	106	121	148	165
		ELEVATOR:	117	134	163	181
	COUNTY FLORENCE STATE: WI	NON-ELEVATOR:	117	134	163	181
		ELEVATOR:	127	148	178	198
	COUNTY FOND DU LAC STATE: WI	NON-ELEVATOR:	122	139	170	189
		ELEVATOR:	133	154	187	207
	COUNTY FOREST STATE: WI	NON-ELEVATOR:	117	134	163	181
		ELEVATOR:	127	148	178	198
	COUNTY GRANT STATE: WI	NON-ELEVATOR:	115	132	160	178
		ELEVATOR:	125	144	174	195
	COUNTY GREEN STATE: WI	NON-ELEVATOR:	131	152	183	204
		ELEVATOR:	144	166	201	222

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE						
NON SMSA						
COUNTY GREEN LAKE	NON-ELEVATOR:	122	133	170	189	209
STATE WI	ELEVATOR:	133	154	187	207	229
COUNTY IOWA	NON-ELEVATOR:	122	139	170	189	209
STATE WI	ELEVATOR:	133	154	187	207	229
COUNTY IRON	NON-ELEVATOR:	106	121	148	165	182
STATE WI	ELEVATOR:	117	134	163	181	200
COUNTY JACKSON	NON-ELEVATOR:	116	133	161	180	198
STATE WI	ELEVATOR:	126	147	177	196	218
COUNTY JEFFERSON	NON-ELEVATOR:	122	139	170	189	209
STATE WI	ELEVATOR:	133	154	187	207	229
COUNTY JUNEAU	NON-ELEVATOR:	116	133	161	180	198
STATE WI	ELEVATOR:	126	147	177	196	218
COUNTY KEWAUNEE	NON-ELEVATOR:	126	147	176	204	224
STATE WI	ELEVATOR:	139	160	192	222	246
COUNTY LAFAYETTE	NON-ELEVATOR:	115	132	160	178	197
STATE WI	ELEVATOR:	125	144	174	195	215
COUNTY LANGLADE	NON-ELEVATOR:	129	150	180	200	221
STATE WI	ELEVATOR:	142	164	198	219	243
COUNTY LINCOLN	NON-ELEVATOR:	129	150	180	200	221
STATE WI	ELEVATOR:	142	164	198	219	243
COUNTY MANITOWOC	NON-ELEVATOR:	126	147	176	204	224
STATE WI	ELEVATOR:	139	160	192	222	246
COUNTY MARATHON	NON-ELEVATOR:	142	164	197	219	243
STATE WI	ELEVATOR:	156	181	216	240	266
COUNTY MARINETTE	NON-ELEVATOR:	117	134	163	181	199
STATE WI	ELEVATOR:	127	148	178	198	219
COUNTY MARQUETTE	NON-ELEVATOR:	122	139	170	189	209
STATE WI	ELEVATOR:	133	154	187	207	229
COUNTY MENOMINEE	NON-ELEVATOR:	117	134	163	181	199
STATE WI	ELEVATOR:	127	148	178	198	219
COUNTY MONROE	NON-ELEVATOR:	116	133	161	180	198
STATE WI	ELEVATOR:	126	147	177	196	218
COUNTY OCONTO	NON-ELEVATOR:	117	134	163	181	199
STATE WI	ELEVATOR:	127	148	178	198	219
COUNTY ONEIDA	NON-ELEVATOR:	129	150	180	200	221
STATE WI	ELEVATOR:	142	164	198	219	243
COUNTY PEPIN	NON-ELEVATOR:	106	121	148	165	182
STATE WI	ELEVATOR:	117	134	163	181	200
COUNTY PIERCE	NON-ELEVATOR:	123	142	171	190	210
STATE WI	ELEVATOR:	134	155	188	210	231
COUNTY POLK	NON-ELEVATOR:	123	142	171	190	210
STATE WI	ELEVATOR:	134	155	188	210	231
COUNTY PORTAGE	NON-ELEVATOR:	131	151	180	200	221
STATE WI	ELEVATOR:	143	165	197	219	243
COUNTY PRICE	NON-ELEVATOR:	129	150	180	200	221
STATE WI	ELEVATOR:	142	164	198	219	243
COUNTY RICHLAND	NON-ELEVATOR:	122	139	170	189	209
STATE WI	ELEVATOR:	133	154	187	207	229

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	5	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MILWAUKEE, WISCONSIN AREA OFFICE						
NON SMSA						
COUNTY ROCK	NON-ELEVATOR:	133	154	184	204	225
STATE WI	ELEVATOR:	146	170	202	223	247
COUNTY RUSK	NON-ELEVATOR:	106	121	148	165	182
STATE WI	ELEVATOR:	117	134	163	181	200
COUNTY SAUK	NON-ELEVATOR:	134	154	187	208	229
STATE WI	ELEVATOR:	147	170	205	229	251
COUNTY SAWYER	NON-ELEVATOR:	106	121	148	165	182
STATE WI	ELEVATOR:	117	134	163	181	200
COUNTY SHAWANO	NON-ELEVATOR:	117	134	163	181	199
STATE WI	ELEVATOR:	127	148	178	198	219
COUNTY SHEBOYGAN	NON-ELEVATOR:	122	139	170	189	209
STATE WI	ELEVATOR:	133	154	187	207	229
COUNTY TAYLOR	NON-ELEVATOR:	129	150	180	200	221
STATE WI	ELEVATOR:	142	164	198	219	243
COUNTY TREMPERLEAU	NON-ELEVATOR:	124	141	169	186	206
STATE WI	ELEVATOR:	137	155	185	205	225
COUNTY VERNON	NON-ELEVATOR:	116	133	161	180	198
STATE WI	ELEVATOR:	126	147	177	196	218
COUNTY VILAS	NON-ELEVATOR:	129	150	180	200	221
STATE WI	ELEVATOR:	142	164	198	219	243
COUNTY WALWORTH	NON-ELEVATOR:	122	139	170	189	209
STATE WI	ELEVATOR:	133	154	187	207	229
COUNTY WASHBURN	NON-ELEVATOR:	106	121	148	165	182
STATE WI	ELEVATOR:	117	134	163	181	200
COUNTY WAUPACA	NON-ELEVATOR:	117	134	163	181	199
STATE WI	ELEVATOR:	127	148	178	198	219
COUNTY WAUSHARA	NON-ELEVATOR:	122	139	170	189	209
STATE WI	ELEVATOR:	133	154	187	207	229
COUNTY WOOD	NON-ELEVATOR:	129	150	180	200	221
STATE WI	ELEVATOR:	142	164	198	219	243

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE						
SMSA: DULUTH-SUPERIOR, MN-WI	NON-ELEVATOR:	154	177	214	237	261
	ELEVATOR:	170	196	234	259	287
SMSA: FARGO-MOORHEAD, ND-MN	NON-ELEVATOR:	146	169	203	237	262
	ELEVATOR:	161	185	223	259	288
SMSA: GRAND FORKS, N.D.-MN	NON-ELEVATOR:	146	169	203	237	262
	ELEVATOR:	161	185	223	259	288
SMSA: MINNEAPOLIS-ST. PAUL, MN-WI	NON-ELEVATOR:	182	218	264	308	350
	ELEVATOR:	202	242	291	338	384
COUNTY CARVER	NON-ELEVATOR:	182	218	264	308	350
	ELEVATOR:	202	242	291	338	384
COUNTY CHISAGO	NON-ELEVATOR:	182	218	264	308	350
	ELEVATOR:	202	242	291	338	384
COUNTY DAKOTA	NON-ELEVATOR:	182	218	264	308	350
	ELEVATOR:	202	242	291	338	384
COUNTY HENNEPIN	NON-ELEVATOR:	182	218	264	308	350
	ELEVATOR:	202	242	291	338	384
COUNTY RAMSEY	NON-ELEVATOR:	182	218	264	308	350
	ELEVATOR:	202	242	291	338	384
COUNTY SCOTT	NON-ELEVATOR:	182	218	264	308	350
	ELEVATOR:	202	242	291	338	384
COUNTY WASHINGTON	NON-ELEVATOR:	182	218	264	308	350
	ELEVATOR:	202	242	291	338	384
COUNTY WRIGHT	NON-ELEVATOR:	182	218	264	308	350
	ELEVATOR:	202	242	291	338	384
SMSA: ROCHESTER, MN	NON-ELEVATOR:	160	185	221	249	273
	ELEVATOR:	176	202	242	271	300
SMSA: ST. CLOUD, MN	NON-ELEVATOR:	164	189	230	260	286
	ELEVATOR:	181	209	251	285	315
COUNTY SHERBURNE	NON-ELEVATOR:	164	189	230	260	286
	ELEVATOR:	181	209	251	285	315
COUNTY STEARNS	NON-ELEVATOR:	164	189	230	260	286
	ELEVATOR:	181	209	251	285	315
NON SMSA	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222
COUNTY BECKER	NON-ELEVATOR:	138	157	189	208	230
	ELEVATOR:	152	173	207	229	252
COUNTY BELTRAMI	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222
COUNTY BIG STONE	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222
COUNTY BLUE EARTH	NON-ELEVATOR:	164	189	230	260	286
	ELEVATOR:	181	209	251	285	315
COUNTY BROWN	NON-ELEVATOR:	154	177	214	237	261
	ELEVATOR:	170	196	234	259	287

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE						
NON SMSA	NON-ELEVATOR:	123	142	171	190	210
	ELEVATOR:	135	156	188	210	230
COUNTY CARLTON	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222
COUNTY CASS	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222
COUNTY CHIPPEWA	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222
COUNTY CLEARWATER	NON-ELEVATOR:	138	157	189	208	230
	ELEVATOR:	152	173	207	229	252
COUNTY COOK	NON-ELEVATOR:	123	142	171	190	210
	ELEVATOR:	135	156	188	210	230
COUNTY COTTONWOOD	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222
COUNTY CROW WING	NON-ELEVATOR:	154	177	214	237	261
	ELEVATOR:	170	196	234	259	287
COUNTY DODGE	NON-ELEVATOR:	146	169	202	226	249
	ELEVATOR:	161	185	222	248	273
COUNTY DOUGLAS	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222
COUNTY FARIBAULT	NON-ELEVATOR:	154	177	214	237	261
	ELEVATOR:	170	196	234	259	287
COUNTY FILLMORE	NON-ELEVATOR:	146	169	202	226	249
	ELEVATOR:	161	185	222	248	273
COUNTY FREEBORN	NON-ELEVATOR:	146	169	202	226	249
	ELEVATOR:	161	185	222	248	273
COUNTY GOODHUE	NON-ELEVATOR:	136	156	188	208	230
	ELEVATOR:	150	172	206	229	251
COUNTY GRANT	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222
COUNTY HOUSTON	NON-ELEVATOR:	128	146	178	197	217
	ELEVATOR:	141	161	195	215	237
COUNTY HUBBARD	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222
COUNTY ISANTI	NON-ELEVATOR:	136	156	188	208	230
	ELEVATOR:	150	172	206	229	251
COUNTY ITASCA	NON-ELEVATOR:	123	142	171	190	210
	ELEVATOR:	135	156	188	210	230
COUNTY JACKSON	NON-ELEVATOR:	125	144	174	194	214
	ELEVATOR:	138	157	191	213	234
COUNTY KANABEC	NON-ELEVATOR:	136	156	188	208	230
	ELEVATOR:	150	172	206	229	251
COUNTY KANDIYOH	NON-ELEVATOR:	154	177	214	237	261
	ELEVATOR:	170	196	234	259	287
COUNTY KITTSON	NON-ELEVATOR:	138	157	189	208	230
	ELEVATOR:	152	173	207	229	252
COUNTY KOOCHECHING	NON-ELEVATOR:	123	142	171	190	210
	ELEVATOR:	135	156	188	210	230
COUNTY LAC QUI PARL	NON-ELEVATOR:	118	137	167	184	203
	ELEVATOR:	131	150	183	202	222

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE						
NON SMSA						
COUNTY: LAKE	NON-ELEVATOR:	123	142	171	190	210
STATE: MN	ELEVATOR:	135	156	188	210	230
COUNTY: LAKE OF WOOD	NON-ELEVATOR:	118	137	167	184	203
STATE: MN	ELEVATOR:	131	150	183	202	222
COUNTY: LE SUEUR	NON-ELEVATOR:	154	177	214	237	261
STATE: MN	ELEVATOR:	170	196	234	259	287
COUNTY: LINCOLN	NON-ELEVATOR:	125	144	174	194	214
STATE: MN	ELEVATOR:	138	157	191	213	234
COUNTY: LYON	NON-ELEVATOR:	125	144	174	194	214
STATE: MN	ELEVATOR:	138	157	191	213	234
COUNTY: MCLEOD	NON-ELEVATOR:	154	177	214	237	261
STATE: MN	ELEVATOR:	170	196	234	259	287
COUNTY: MAHNOHEN	NON-ELEVATOR:	138	157	189	208	230
STATE: MN	ELEVATOR:	152	173	207	229	252
COUNTY: MARSHALL	NON-ELEVATOR:	138	157	189	208	230
STATE: MN	ELEVATOR:	152	173	207	229	252
COUNTY: MARTIN	NON-ELEVATOR:	154	177	214	237	261
STATE: MN	ELEVATOR:	170	196	234	259	287
COUNTY: MEEKER	NON-ELEVATOR:	154	177	214	237	261
STATE: MN	ELEVATOR:	170	196	234	259	287
COUNTY: MILLE LACS	NON-ELEVATOR:	136	156	188	208	230
STATE: MN	ELEVATOR:	150	172	206	229	251
COUNTY: MORRISON	NON-ELEVATOR:	154	177	214	237	261
STATE: MN	ELEVATOR:	170	196	234	259	287
COUNTY: MOWER	NON-ELEVATOR:	146	169	202	226	249
STATE: MN	ELEVATOR:	161	185	222	248	273
COUNTY: MURRAY	NON-ELEVATOR:	125	144	174	194	214
STATE: MN	ELEVATOR:	138	157	191	213	234
COUNTY: NICOLLET	NON-ELEVATOR:	154	177	214	237	261
STATE: MN	ELEVATOR:	170	196	234	259	287
COUNTY: NOBLES	NON-ELEVATOR:	125	144	174	194	214
STATE: MN	ELEVATOR:	138	157	191	213	234
COUNTY: NORMAN	NON-ELEVATOR:	138	157	189	208	230
STATE: MN	ELEVATOR:	152	173	207	229	252
COUNTY: OTTER TAIL	NON-ELEVATOR:	138	157	189	208	230
STATE: MN	ELEVATOR:	152	173	207	229	252
COUNTY: PENNINGTON	NON-ELEVATOR:	138	157	189	208	230
STATE: MN	ELEVATOR:	152	173	207	229	252
COUNTY: PINE	NON-ELEVATOR:	136	156	188	208	230
STATE: MN	ELEVATOR:	150	172	206	229	251
COUNTY: PIPESTONE	NON-ELEVATOR:	125	144	174	194	214
STATE: MN	ELEVATOR:	138	157	191	213	234
COUNTY: POPE	NON-ELEVATOR:	118	137	167	184	203
STATE: MN	ELEVATOR:	131	150	183	202	222
COUNTY: RED LAKE	NON-ELEVATOR:	138	157	189	208	230
STATE: MN	ELEVATOR:	152	173	207	229	252
COUNTY: REDWOOD	NON-ELEVATOR:	118	137	167	184	203
STATE: MN	ELEVATOR:	131	150	183	202	222

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE						
NON SMSA						
COUNTY: RENVILLE	NON-ELEVATOR:	118	137	167	184	203
STATE: MN	ELEVATOR:	131	150	183	202	222
COUNTY: RICE	NON-ELEVATOR:	136	156	188	208	230
STATE: MN	ELEVATOR:	150	172	206	229	251
COUNTY: ROCK	NON-ELEVATOR:	125	144	174	194	214
STATE: MN	ELEVATOR:	138	157	191	213	234
COUNTY: ROSEAU	NON-ELEVATOR:	138	157	189	208	230
STATE: MN	ELEVATOR:	152	173	207	229	252
COUNTY: SIBLEY	NON-ELEVATOR:	154	177	214	237	261
STATE: MN	ELEVATOR:	170	196	234	259	287
COUNTY: STEELE	NON-ELEVATOR:	146	169	202	226	249
STATE: MN	ELEVATOR:	161	185	222	248	273
COUNTY: STEVENS	NON-ELEVATOR:	118	137	167	184	203
STATE: MN	ELEVATOR:	131	150	183	202	222
COUNTY: SWIFT	NON-ELEVATOR:	118	137	167	184	203
STATE: MN	ELEVATOR:	131	150	183	202	222
COUNTY: TODD	NON-ELEVATOR:	118	137	167	184	203
STATE: MN	ELEVATOR:	131	150	183	202	222
COUNTY: TRAVERSE	NON-ELEVATOR:	118	137	167	184	203
STATE: MN	ELEVATOR:	131	150	183	202	222
COUNTY: WABASHA	NON-ELEVATOR:	146	169	202	226	249
STATE: MN	ELEVATOR:	161	185	222	248	273
COUNTY: WADENA	NON-ELEVATOR:	118	137	167	184	203
STATE: MN	ELEVATOR:	131	150	183	202	222
COUNTY: WASECA	NON-ELEVATOR:	146	169	202	226	249
STATE: MN	ELEVATOR:	161	185	222	248	273
COUNTY: WATONWAN	NON-ELEVATOR:	154	177	214	237	261
STATE: MN	ELEVATOR:	170	196	234	259	287
COUNTY: WILKIN	NON-ELEVATOR:	138	157	189	208	230
STATE: MN	ELEVATOR:	152	173	207	229	252
COUNTY: WINONA	NON-ELEVATOR:	128	146	178	197	217
STATE: MN	ELEVATOR:	141	161	195	215	237
COUNTY: YELLOW MEDIC	NON-ELEVATOR:	118	137	167	184	203
STATE: MN	ELEVATOR:	131	150	183	202	222

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SPRINGFIELD, ILLINOIS INSURING OFFICE						
SMSA: BLOOMINGTON-NORMAL, IL	NON-ELEVATOR:	155	179	225	249	272
	ELEVATOR:	171	197	248	273	299
SMSA: CHAMPAIGN-URBANA-RANTOUL, IL	NON-ELEVATOR:	183	211	248	293	339
	ELEVATOR:	200	232	270	321	372
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL	NON-ELEVATOR:	163	186	245	291	317
	ELEVATOR:	179	204	270	321	347
SMSA: DECATUR, IL	NON-ELEVATOR:	152	174	208	242	268
	ELEVATOR:	165	190	228	267	293
SMSA: PEORIA, IL	NON-ELEVATOR:	168	192	230	265	292
	ELEVATOR:	185	210	252	293	320
COUNTY TAZEWELL, IL	NON-ELEVATOR:	168	192	230	265	292
	ELEVATOR:	185	210	252	293	320
COUNTY WOODFORD, IL	NON-ELEVATOR:	168	192	230	265	292
	ELEVATOR:	185	210	252	293	320
SMSA: ST LOUIS, MO-IL	NON-ELEVATOR:	155	181	216	250	285
	ELEVATOR:	171	197	235	274	312
COUNTY MADISON, IL	NON-ELEVATOR:	155	181	216	250	285
	ELEVATOR:	171	197	235	274	312
COUNTY MONROE, IL	NON-ELEVATOR:	155	181	216	250	285
	ELEVATOR:	171	197	235	274	312
COUNTY ST CLAIR, IL	NON-ELEVATOR:	155	181	216	250	285
	ELEVATOR:	171	197	235	274	312
SMSA: SPRINGFIELD, IL	NON-ELEVATOR:	139	159	191	221	245
	ELEVATOR:	151	174	208	243	268
COUNTY MENARD, IL	NON-ELEVATOR:	139	159	191	221	245
	ELEVATOR:	151	174	208	243	268
COUNTY SANGAMON, IL	NON-ELEVATOR:	139	159	191	221	245
	ELEVATOR:	151	174	208	243	268
NON SMSA	NON-ELEVATOR:	116	133	161	180	198
	ELEVATOR:	126	147	177	196	218
COUNTY ADAMS, IL	NON-ELEVATOR:	94	109	132	147	162
	ELEVATOR:	104	119	145	161	179
COUNTY ALEXANDER, IL	NON-ELEVATOR:	105	120	147	164	181
	ELEVATOR:	116	133	161	180	198
COUNTY BOND, IL	NON-ELEVATOR:	116	133	161	180	198
	ELEVATOR:	126	147	177	196	218
COUNTY BROWN, IL	NON-ELEVATOR:	127	148	177	196	218
	ELEVATOR:	140	161	194	216	238
COUNTY BUREAU, IL	NON-ELEVATOR:	105	120	147	164	181
	ELEVATOR:	116	133	161	180	198
COUNTY CALHOUN, IL	NON-ELEVATOR:	139	159	191	221	245
	ELEVATOR:	151	174	208	243	268
COUNTY CASS, IL	NON-ELEVATOR:	139	159	191	221	245
	ELEVATOR:	151	174	208	243	268
COUNTY CHRISTIAN, IL	NON-ELEVATOR:	139	159	191	221	245
	ELEVATOR:	151	174	208	243	268

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SPRINGFIELD, ILLINOIS INSURING OFFICE						
NON SMSA	NON-ELEVATOR:	131	152	183	213	233
	ELEVATOR:	144	166	201	233	255
COUNTY CLARK, IL	NON-ELEVATOR:	105	120	147	164	181
	ELEVATOR:	116	133	161	180	198
COUNTY CLAY, IL	NON-ELEVATOR:	146	169	202	235	258
	ELEVATOR:	161	185	222	258	283
COUNTY COLES, IL	NON-ELEVATOR:	131	152	183	213	233
	ELEVATOR:	144	166	201	233	255
COUNTY CRANFORD, IL	NON-ELEVATOR:	146	169	202	235	258
	ELEVATOR:	161	185	222	258	283
COUNTY CUMBERLAND, IL	NON-ELEVATOR:	139	159	191	221	245
	ELEVATOR:	151	174	208	243	268
COUNTY DE WITT, IL	NON-ELEVATOR:	146	169	202	235	258
	ELEVATOR:	161	185	222	258	283
COUNTY DOUGLAS, IL	NON-ELEVATOR:	146	169	202	235	258
	ELEVATOR:	161	185	222	258	283
COUNTY EOGAR, IL	NON-ELEVATOR:	146	169	202	235	258
	ELEVATOR:	161	185	222	258	283
COUNTY EDWARDS, IL	NON-ELEVATOR:	98	112	135	152	168
	ELEVATOR:	107	124	149	167	184
COUNTY EFFINGHAM, IL	NON-ELEVATOR:	105	120	147	164	181
	ELEVATOR:	116	133	161	180	198
COUNTY FAYETTE, IL	NON-ELEVATOR:	105	120	147	164	181
	ELEVATOR:	116	133	161	180	198
COUNTY FORD, IL	NON-ELEVATOR:	146	169	202	235	258
	ELEVATOR:	161	185	222	258	283
COUNTY FRANKLIN, IL	NON-ELEVATOR:	108	126	153	169	186
	ELEVATOR:	121	138	168	186	206
COUNTY FULTON, IL	NON-ELEVATOR:	133	153	183	211	231
	ELEVATOR:	146	169	201	232	254
COUNTY GALLATIN, IL	NON-ELEVATOR:	98	112	135	152	168
	ELEVATOR:	107	124	149	167	184
COUNTY GREENE, IL	NON-ELEVATOR:	105	120	147	164	181
	ELEVATOR:	116	133	161	180	198
COUNTY HAMILTON, IL	NON-ELEVATOR:	98	112	135	152	168
	ELEVATOR:	107	124	149	167	184
COUNTY HANCOCK, IL	NON-ELEVATOR:	116	133	161	180	198
	ELEVATOR:	126	147	177	196	218
COUNTY HARDIN, IL	NON-ELEVATOR:	94	109	132	147	162
	ELEVATOR:	104	119	145	161	179
COUNTY HENDERSON, IL	NON-ELEVATOR:	116	133	161	180	198
	ELEVATOR:	126	147	177	196	218
COUNTY IROQUOIS, IL	NON-ELEVATOR:	127	148	177	196	218
	ELEVATOR:	140	161	194	216	238
COUNTY JACKSON, IL	NON-ELEVATOR:	108	126	153	169	186
	ELEVATOR:	121	138	168	186	206
COUNTY JASPER, IL	NON-ELEVATOR:	105	120	147	164	181
	ELEVATOR:	116	133	161	180	198
COUNTY JEFFERSON, IL	NON-ELEVATOR:	108	126	153	169	186
	ELEVATOR:	121	138	168	186	206

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SPRINGFIELD, ILLINOIS INSURING OFFICE						
NON SMSA						
COUNTY JERSEY	NON-ELEVATOR:	105	120	147	164	181
STATE IL	ELEVATOR:	116	133	161	180	198
COUNTY JOHNSON	NON-ELEVATOR:	94	109	132	147	162
STATE IL	ELEVATOR:	104	119	145	161	179
COUNTY KNOX	NON-ELEVATOR:	131	152	183	204	224
STATE IL	ELEVATOR:	144	166	201	222	246
COUNTY LA SALLE	NON-ELEVATOR:	144	166	200	221	246
STATE IL	ELEVATOR:	159	183	219	243	269
COUNTY LAWRENCE	NON-ELEVATOR:	98	112	135	152	168
STATE IL	ELEVATOR:	107	124	149	167	184
COUNTY LIVINGSTON	NON-ELEVATOR:	144	166	200	221	246
STATE IL	ELEVATOR:	159	183	219	243	269
COUNTY LOGAN	NON-ELEVATOR:	139	159	191	221	245
STATE IL	ELEVATOR:	151	174	208	243	268
COUNTY MCDONOUGH	NON-ELEVATOR:	131	152	183	204	224
STATE IL	ELEVATOR:	144	166	201	222	246
COUNTY MACOUPIN	NON-ELEVATOR:	105	120	147	164	181
STATE IL	ELEVATOR:	116	133	161	180	198
COUNTY MARION	NON-ELEVATOR:	105	120	147	164	181
STATE IL	ELEVATOR:	116	133	161	180	198
COUNTY MARSHALL	NON-ELEVATOR:	131	152	183	204	224
STATE IL	ELEVATOR:	144	166	201	222	246
COUNTY MASON	NON-ELEVATOR:	139	159	191	221	245
STATE IL	ELEVATOR:	151	174	208	243	268
COUNTY MASSAC	NON-ELEVATOR:	94	109	132	147	162
STATE IL	ELEVATOR:	104	119	145	161	179
COUNTY MERCER	NON-ELEVATOR:	127	148	177	196	218
STATE IL	ELEVATOR:	140	161	194	216	238
COUNTY MONTGOMERY	NON-ELEVATOR:	105	120	147	164	181
STATE IL	ELEVATOR:	116	133	161	180	198
COUNTY MORGAN	NON-ELEVATOR:	139	159	191	221	245
STATE IL	ELEVATOR:	151	174	208	243	268
COUNTY MOULTRIE	NON-ELEVATOR:	139	159	191	221	245
STATE IL	ELEVATOR:	151	174	208	243	268
COUNTY PERRY	NON-ELEVATOR:	108	126	153	169	186
STATE IL	ELEVATOR:	121	138	168	186	206
COUNTY PIATT	NON-ELEVATOR:	146	169	202	235	258
STATE IL	ELEVATOR:	161	185	222	258	283
COUNTY PIKE	NON-ELEVATOR:	116	133	161	180	198
STATE IL	ELEVATOR:	126	147	177	196	218
COUNTY POPE	NON-ELEVATOR:	94	109	132	147	162
STATE IL	ELEVATOR:	104	119	145	161	179
COUNTY PULASKI	NON-ELEVATOR:	94	109	132	147	162
STATE IL	ELEVATOR:	104	119	145	161	179
COUNTY PUTNAM	NON-ELEVATOR:	144	166	200	221	246
STATE IL	ELEVATOR:	159	183	219	243	269
COUNTY RANDOLPH	NON-ELEVATOR:	108	126	153	169	186
STATE IL	ELEVATOR:	121	138	168	186	206

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 5		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SPRINGFIELD, ILLINOIS INSURING OFFICE						
NON SMSA						
COUNTY RICHLAND	NON-ELEVATOR:	105	120	147	164	181
STATE IL	ELEVATOR:	116	133	161	180	198
COUNTY SALINE	NON-ELEVATOR:	98	112	135	152	168
STATE IL	ELEVATOR:	107	124	149	167	184
COUNTY SCHUYLER	NON-ELEVATOR:	116	133	161	180	198
STATE IL	ELEVATOR:	126	147	177	196	218
COUNTY SCOTT	NON-ELEVATOR:	139	159	191	221	245
STATE IL	ELEVATOR:	151	174	208	243	268
COUNTY SHELBY	NON-ELEVATOR:	139	159	191	221	245
STATE IL	ELEVATOR:	151	174	208	243	268
COUNTY STARK	NON-ELEVATOR:	131	152	183	204	224
STATE IL	ELEVATOR:	144	166	201	222	246
COUNTY UNION	NON-ELEVATOR:	94	109	132	147	162
STATE IL	ELEVATOR:	104	119	145	161	179
COUNTY VERMILION	NON-ELEVATOR:	146	169	202	235	258
STATE IL	ELEVATOR:	161	185	222	258	283
COUNTY WABASH	NON-ELEVATOR:	98	112	135	152	168
STATE IL	ELEVATOR:	107	124	149	167	184
COUNTY WARREN	NON-ELEVATOR:	131	152	183	204	224
STATE IL	ELEVATOR:	144	166	201	222	246
COUNTY WASHINGTON	NON-ELEVATOR:	108	126	153	169	186
STATE IL	ELEVATOR:	121	138	168	186	206
COUNTY WAYNE	NON-ELEVATOR:	105	120	147	164	181
STATE IL	ELEVATOR:	116	133	161	180	198
COUNTY WHITE	NON-ELEVATOR:	98	112	135	152	168
STATE IL	ELEVATOR:	107	124	149	167	184
COUNTY WILLIAMSON	NON-ELEVATOR:	108	126	153	169	186
STATE IL	ELEVATOR:	121	138	168	186	206

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBUQUERQUE, NEW MEXICO INSURING OFFICE						
SMSA: ALBUQUERQUE, NM	NON-ELEVATOR:	140	159	191	220	240
	ELEVATOR:	154	176	210	240	264
COUNTY: BERNALILLO STATE: NM	NON-ELEVATOR:	140	159	191	220	240
	ELEVATOR:	154	176	210	240	264
COUNTY: SANDOVAL STATE: NM	NON-ELEVATOR:	140	159	191	220	240
	ELEVATOR:	154	176	210	240	264
NON SMSA	NON-ELEVATOR:	110	123	149	165	180
	ELEVATOR:	119	136	163	180	198
COUNTY: CATRON STATE: NM	NON-ELEVATOR:	130	149	178	195	214
	ELEVATOR:	144	165	195	215	236
COUNTY: CHAVES STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: COLFAX STATE: NM	NON-ELEVATOR:	123	137	165	181	198
	ELEVATOR:	134	151	181	200	217
COUNTY: CURRY STATE: NM	NON-ELEVATOR:	104	117	141	165	179
	ELEVATOR:	114	129	156	180	198
COUNTY: DE BACA STATE: NM	NON-ELEVATOR:	130	149	178	195	214
	ELEVATOR:	144	165	195	215	236
COUNTY: DONA ANA STATE: NM	NON-ELEVATOR:	130	149	178	195	214
	ELEVATOR:	144	165	195	215	236
COUNTY: EDDY STATE: NM	NON-ELEVATOR:	130	149	178	195	214
	ELEVATOR:	144	165	195	215	236
COUNTY: GRANT STATE: NM	NON-ELEVATOR:	118	133	161	178	194
	ELEVATOR:	130	148	178	195	214
COUNTY: GUADALUPE STATE: NM	NON-ELEVATOR:	104	117	141	165	179
	ELEVATOR:	114	129	156	180	198
COUNTY: HARDING STATE: NM	NON-ELEVATOR:	104	117	141	165	179
	ELEVATOR:	114	129	156	180	198
COUNTY: HIDALGO STATE: NM	NON-ELEVATOR:	110	123	149	165	180
	ELEVATOR:	119	136	163	180	198
COUNTY: LEA STATE: NM	NON-ELEVATOR:	130	149	178	195	214
	ELEVATOR:	144	165	195	215	236
COUNTY: LINCOLN STATE: NM	NON-ELEVATOR:	110	123	149	165	180
	ELEVATOR:	119	136	163	180	198
COUNTY: LOS ALAMOS STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: LUNA STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: MCKINLEY STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: MORA STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: OTERO STATE: NM	NON-ELEVATOR:	130	149	178	195	214
	ELEVATOR:	144	165	195	215	236
COUNTY: QUAY STATE: NM	NON-ELEVATOR:	104	117	141	165	179
	ELEVATOR:	114	129	156	180	198
COUNTY: RIO ARRIBA STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: ROOSEVELT STATE: NM	NON-ELEVATOR:	104	117	141	165	179
	ELEVATOR:	114	129	156	180	198

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ALBUQUERQUE, NEW MEXICO INSURING OFFICE						
NON SMSA	NON-ELEVATOR:	130	149	178	195	214
	ELEVATOR:	144	165	195	215	236
COUNTY: SAN JUAN STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: SAN MIGUEL STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: SANTE FE STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: SIERRA STATE: NM	NON-ELEVATOR:	110	123	149	165	180
	ELEVATOR:	119	136	163	180	198
COUNTY: SOCORRO STATE: NM	NON-ELEVATOR:	110	123	149	165	180
	ELEVATOR:	119	136	163	180	198
COUNTY: TAOS STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: TORRANCE STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
COUNTY: UNION STATE: NM	NON-ELEVATOR:	104	117	141	165	179
	ELEVATOR:	114	129	156	180	198
COUNTY: VALENCIA STATE: NM	NON-ELEVATOR:	129	148	178	195	215
	ELEVATOR:	143	164	194	215	236
DALLAS, TEXAS AREA OFFICE						
SMSA: DALLAS-FORT WORTH, TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
COUNTY: COLLIN STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
COUNTY: DALLAS STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
COUNTY: DENTON STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
COUNTY: ELLIS STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
COUNTY: KAUFMAN STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
COUNTY: ROCKWALL STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
SMSA: KILLEEN-TEMPLE, TX	NON-ELEVATOR:	117	134	161	180	199
	ELEVATOR:	130	147	178	199	219
COUNTY: BELL STATE: TX	NON-ELEVATOR:	117	134	161	180	199
	ELEVATOR:	130	147	178	199	219
COUNTY: CORYELL STATE: TX	NON-ELEVATOR:	117	134	161	180	199
	ELEVATOR:	130	147	178	199	219
SMSA: LONGVIEW, TX	NON-ELEVATOR:	122	140	170	197	217
	ELEVATOR:	134	154	185	216	239
COUNTY: GREGG STATE: TX	NON-ELEVATOR:	122	140	170	197	217
	ELEVATOR:	134	154	185	216	239
SMSA: SHERMAN-DENISON, TX	NON-ELEVATOR:	124	142	168	188	205
	ELEVATOR:	137	155	187	205	226
COUNTY: GRAYSON STATE: TX	NON-ELEVATOR:	124	142	168	188	205
	ELEVATOR:	137	155	187	205	226
SMSA: TYLER, TX	NON-ELEVATOR:	115	131	156	173	190
	ELEVATOR:	127	144	172	190	208
COUNTY: SMITH STATE: TX	NON-ELEVATOR:	115	131	156	173	190
	ELEVATOR:	127	144	172	190	208

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE						
NON SMSA						
SMSA: WACO, TX	NON-ELEVATOR:	117	134	161	180	199
COUNTY MCLENNAN	ELEVATOR:	130	147	178	199	219
COUNTY: ANDERSON						
STATE: TX	NON-ELEVATOR:	107	122	145	160	176
	ELEVATOR:	116	132	159	176	192
COUNTY: CAMP						
STATE: TX	NON-ELEVATOR:	83	95	114	128	142
	ELEVATOR:	92	105	126	141	156
COUNTY: CHEROKEE						
STATE: TX	NON-ELEVATOR:	95	110	132	147	162
	ELEVATOR:	104	121	145	161	178
COUNTY: COOKE						
STATE: TX	NON-ELEVATOR:	114	128	154	170	188
	ELEVATOR:	124	142	168	188	205
COUNTY: DELTA						
STATE: TX	NON-ELEVATOR:	102	117	139	155	169
	ELEVATOR:	113	128	154	170	187
COUNTY: FALLS						
STATE: TX	NON-ELEVATOR:	117	134	161	180	199
	ELEVATOR:	130	147	178	199	219
COUNTY: FANNIN						
STATE: TX	NON-ELEVATOR:	101	115	139	156	171
	ELEVATOR:	112	127	153	170	189
COUNTY: FRANKLIN						
STATE: TX	NON-ELEVATOR:	95	110	132	147	162
	ELEVATOR:	104	121	145	161	178
COUNTY: FREESTONE						
STATE: TX	NON-ELEVATOR:	117	134	161	180	199
	ELEVATOR:	130	147	178	199	219
COUNTY: HENDERSON						
STATE: TX	NON-ELEVATOR:	95	110	132	147	162
	ELEVATOR:	104	121	145	161	178
COUNTY: HILL						
STATE: TX	NON-ELEVATOR:	117	134	161	180	199
	ELEVATOR:	130	147	178	199	219
COUNTY: HOPKINS						
STATE: TX	NON-ELEVATOR:	114	128	154	170	188
	ELEVATOR:	124	142	168	188	205
COUNTY: HUNT						
STATE: TX	NON-ELEVATOR:	114	128	154	170	188
	ELEVATOR:	124	142	168	188	205
COUNTY: LAMAR						
STATE: TX	NON-ELEVATOR:	102	117	139	155	169
	ELEVATOR:	113	128	154	170	187
COUNTY: LIMESTONE						
STATE: TX	NON-ELEVATOR:	117	134	161	180	199
	ELEVATOR:	130	147	178	199	219
COUNTY: MILAM						
STATE: TX	NON-ELEVATOR:	110	125	149	167	183
	ELEVATOR:	119	138	164	182	203
COUNTY: NAVARRO						
STATE: TX	NON-ELEVATOR:	101	115	139	156	171
	ELEVATOR:	112	127	153	170	189
COUNTY: RAINS						
STATE: TX	NON-ELEVATOR:	101	115	139	156	171
	ELEVATOR:	112	127	153	170	189
COUNTY: RED RIVER						
STATE: TX	NON-ELEVATOR:	83	95	114	128	142
	ELEVATOR:	92	105	126	141	156
COUNTY: RUSK						
STATE: TX	NON-ELEVATOR:	107	122	145	160	176
	ELEVATOR:	116	132	159	176	192
COUNTY: TITUS						
STATE: TX	NON-ELEVATOR:	83	95	114	128	142
	ELEVATOR:	92	105	126	141	156
COUNTY: UPSHUR						
STATE: TX	NON-ELEVATOR:	95	110	132	147	162
	ELEVATOR:	104	121	145	161	178

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DALLAS, TEXAS AREA OFFICE						
NON SMSA						
COUNTY: VAN ZANDT	NON-ELEVATOR:	101	115	139	156	171
STATE: TX	ELEVATOR:	112	127	153	170	189
COUNTY: WOOD						
STATE: TX	NON-ELEVATOR:	95	110	132	147	162
	ELEVATOR:	104	121	145	161	178
FORT WORTH, TEXAS INSURING OFFICE						
SMSA: ABILENE, TX						
COUNTY: CALLAHAN	NON-ELEVATOR:	117	133	159	176	192
STATE: TX	ELEVATOR:	130	146	175	192	212
COUNTY: JONES						
STATE: TX	NON-ELEVATOR:	117	133	159	176	192
	ELEVATOR:	130	146	175	192	212
COUNTY: TAYLOR						
STATE: TX	NON-ELEVATOR:	117	133	159	176	192
	ELEVATOR:	130	146	175	192	212
SMSA: DALLAS-FORT WORTH, TX						
COUNTY: HOOD						
STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
COUNTY: JOHNSON						
STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
COUNTY: PARKER						
STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
COUNTY: TARRANT						
STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
COUNTY: WISE						
STATE: TX	NON-ELEVATOR:	161	185	220	258	291
	ELEVATOR:	177	204	242	282	320
SMSA: SAN ANGELO, TX						
COUNTY: TOM GREEN						
STATE: TX	NON-ELEVATOR:	122	141	166	185	203
	ELEVATOR:	135	154	184	201	222
SMSA: WICHITA FALLS, TX						
COUNTY: CLAY						
STATE: TX	NON-ELEVATOR:	115	132	159	185	203
	ELEVATOR:	127	145	175	202	223
COUNTY: WICHITA						
STATE: TX	NON-ELEVATOR:	115	132	159	185	203
	ELEVATOR:	127	145	175	202	223

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FORT WORTH, TEXAS INSURING OFFICE						
NON SMSA						
COUNTY: ARCHER	NON-ELEVATOR:	115	132	159	185	203
STATE: TX	ELEVATOR:	127	145	175	202	223
COUNTY: BAYLOR	NON-ELEVATOR:	115	132	159	185	203
STATE: TX	ELEVATOR:	127	145	175	202	223
COUNTY: BOSQUE	NON-ELEVATOR:	117	134	161	180	199
STATE: TX	ELEVATOR:	130	147	178	199	219
COUNTY: BROWN	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: COKE	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: COLEMAN	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: COMANCHE	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: CONCHO	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: CROCKETT	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: EASTLAND	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: ERATH	NON-ELEVATOR:	114	128	154	170	188
STATE: TX	ELEVATOR:	124	142	168	188	205
COUNTY: FOARD	NON-ELEVATOR:	115	132	159	185	203
STATE: TX	ELEVATOR:	127	145	175	202	223
COUNTY: HAMILTON	NON-ELEVATOR:	117	134	161	180	199
STATE: TX	ELEVATOR:	130	147	178	199	219
COUNTY: HARDEMAN	NON-ELEVATOR:	115	132	159	185	203
STATE: TX	ELEVATOR:	127	145	175	202	223
COUNTY: HASKELL	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: IRION	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: JACK	NON-ELEVATOR:	115	132	159	185	203
STATE: TX	ELEVATOR:	127	145	175	202	223
COUNTY: KIMBLE	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: KNOX	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: LAMPASAS	NON-ELEVATOR:	117	134	161	180	199
STATE: TX	ELEVATOR:	130	147	178	199	219
COUNTY: MCCULLOCH	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: MASON	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: MENARD	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: MILLS	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FORT WORTH, TEXAS INSURING OFFICE						
NON SMSA						
COUNTY: MONTAGUE	NON-ELEVATOR:	114	128	154	170	188
STATE: TX	ELEVATOR:	124	142	168	188	205
COUNTY: PALO PINTO	NON-ELEVATOR:	124	142	168	188	205
STATE: TX	ELEVATOR:	137	155	187	205	226
COUNTY: REAGAN	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: RUNNELS	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: SAN SABA	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: SCHLEICHER	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: SHACKLEFORD	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: SOMERVELL	NON-ELEVATOR:	101	115	139	156	171
STATE: TX	ELEVATOR:	112	127	153	170	189
COUNTY: STEPHENS	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: STERLING	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: SUTTON	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: THROCKMORTON	NON-ELEVATOR:	115	132	159	185	203
STATE: TX	ELEVATOR:	127	145	175	202	223
COUNTY: WILBARGER	NON-ELEVATOR:	115	132	159	185	203
STATE: TX	ELEVATOR:	127	145	175	202	223
COUNTY: YOUNG	NON-ELEVATOR:	115	132	159	185	203
STATE: TX	ELEVATOR:	127	145	175	202	223

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

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SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HOUSTON, TEXAS INSURING OFFICE						
NON SMSA						
SMSA: BEAUMONT-PORT ARTHUR-ORANGE, TX	NON-ELEVATOR:	154	163	177	206	232
COUNTY: HARLIN	ELEVATOR:	170	179	195	226	256
COUNTY: JEFFERSON	NON-ELEVATOR:	154	163	177	206	232
STATE: TX	ELEVATOR:	170	179	195	226	256
COUNTY: ORANGE	NON-ELEVATOR:	154	163	177	206	232
STATE: TX	ELEVATOR:	170	179	195	226	256
SMSA: BRYAN-COLLEGE STATION, TX	NON-ELEVATOR:	154	163	177	206	232
COUNTY: BRAZOS	ELEVATOR:	170	179	195	226	256
SMSA: GALVESTON-TEXAS CITY, TX	NON-ELEVATOR:	154	163	193	226	259
COUNTY: GALVESTON	ELEVATOR:	170	179	212	248	284
SMSA: HOUSTON, TX	NON-ELEVATOR:	172	192	223	255	300
COUNTY: BRAZORIA	ELEVATOR:	189	211	245	283	329
COUNTY: FORT BEND	NON-ELEVATOR:	172	192	223	255	300
STATE: TX	ELEVATOR:	189	211	245	283	329
COUNTY: HARRIS	NON-ELEVATOR:	172	192	223	255	300
STATE: TX	ELEVATOR:	189	211	245	283	329
COUNTY: LIBERTY	NON-ELEVATOR:	172	192	223	255	300
STATE: TX	ELEVATOR:	189	211	245	283	329
COUNTY: MONTGOMERY	NON-ELEVATOR:	172	192	223	255	300
STATE: TX	ELEVATOR:	189	211	245	283	329
COUNTY: WALLER	NON-ELEVATOR:	172	192	223	255	300
STATE: TX	ELEVATOR:	189	211	245	283	329
NON SMSA						
COUNTY: ANGELINA	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: AUSTIN	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: BURLESON	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: CHAMBERS	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: COLORADO	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: GRIMES	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: HOUSTON	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: JASPER	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: LEON	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: MADISON	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: MATAGORDA	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: NACOGDOCHES	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HOUSTON, TEXAS INSURING OFFICE						
NON SMSA						
COUNTY: NEWTON	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: POLK	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: ROBERTSON	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: SABINE	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: SAN AUGUSTIN	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: SAN JACINTO	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: SHELBY	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: TRINITY	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: TYLER	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: WALKER	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: WASHINGTON	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
COUNTY: WHARTON	NON-ELEVATOR:	144	149	172	199	232
STATE: TX	ELEVATOR:	158	164	189	219	256
LITTLE ROCK, ARKANSAS AREA OFFICE						
SMSA: FAYETTEVILLE-SPRINGDALE, AR						
COUNTY: BENTON	NON-ELEVATOR:	122	139	165	183	204
STATE: AR	ELEVATOR:	134	151	180	202	223
COUNTY: WASHINGTON	NON-ELEVATOR:	122	139	165	183	204
STATE: AR	ELEVATOR:	134	151	180	202	223
SMSA: FORT SMITH, AR-OK	NON-ELEVATOR:	107	121	143	167	183
COUNTY: CRAWFORD	ELEVATOR:	116	131	158	182	203
COUNTY: SEBASTIAN	NON-ELEVATOR:	107	121	143	167	183
STATE: AR	ELEVATOR:	116	131	158	182	203
SMSA: LITTLE ROCK-NORTH LITTLE ROCK, AR	NON-ELEVATOR:	121	139	166	193	213
COUNTY: PULASKI	ELEVATOR:	133	153	184	213	233
COUNTY: SALINE	NON-ELEVATOR:	121	139	166	193	213
STATE: AR	ELEVATOR:	133	153	184	213	233
SMSA: MEMPHIS, TN-AR-MS	NON-ELEVATOR:	145	164	199	231	256
COUNTY: CRITTENDEN	ELEVATOR:	156	181	217	253	279
SMSA: PINE BLUFF, AR	NON-ELEVATOR:	111	124	148	166	182
COUNTY: JEFFERSON	ELEVATOR:	121	137	163	182	203
SMSA: TEXARKANA, TX-AR	NON-ELEVATOR:	115	130	155	181	198
COUNTY: LITTLE RIVER	ELEVATOR:	127	143	170	199	217
COUNTY: MILLER	NON-ELEVATOR:	115	130	155	181	198
STATE: AR	ELEVATOR:	127	143	170	199	217

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
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SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE						
SMSA: TEXARKANA, TX-AR						
COUNTY: BOWIE	NON-ELEVATOR:	115	130	155	181	198
STATE: TX	ELEVATOR:	127	143	170	199	217
NON SMSA						
COUNTY: ARKANSAS	NON-ELEVATOR:	99	113	136	151	168
STATE: AR	ELEVATOR:	110	125	149	167	183
COUNTY: ASHLEY	NON-ELEVATOR:	89	103	123	137	153
STATE: AR	ELEVATOR:	99	113	134	151	168
COUNTY: BAXTER	NON-ELEVATOR:	115	130	155	181	198
STATE: AR	ELEVATOR:	127	143	170	199	217
COUNTY: BOONE	NON-ELEVATOR:	117	137	161	190	209
STATE: AR	ELEVATOR:	130	148	179	208	230
COUNTY: BRADLEY	NON-ELEVATOR:	89	103	123	137	153
STATE: AR	ELEVATOR:	99	113	134	151	168
COUNTY: CALHOUN	NON-ELEVATOR:	88	102	123	137	152
STATE: AR	ELEVATOR:	98	112	134	150	166
COUNTY: CARROLL	NON-ELEVATOR:	103	121	143	167	183
STATE: AR	ELEVATOR:	114	131	158	182	203
COUNTY: CHICOT	NON-ELEVATOR:	99	113	134	151	168
STATE: AR	ELEVATOR:	109	125	147	167	183
COUNTY: CLARK	NON-ELEVATOR:	86	99	121	134	148
STATE: AR	ELEVATOR:	95	110	132	147	162
COUNTY: CLAY	NON-ELEVATOR:	98	112	134	150	166
STATE: AR	ELEVATOR:	109	124	148	165	181
COUNTY: CLEBURNE	NON-ELEVATOR:	94	108	130	145	161
STATE: AR	ELEVATOR:	103	120	143	160	176
COUNTY: CLEVELAND	NON-ELEVATOR:	99	113	136	151	168
STATE: AR	ELEVATOR:	110	125	149	167	183
COUNTY: COLUMBIA	NON-ELEVATOR:	88	102	123	137	152
STATE: AR	ELEVATOR:	98	112	134	150	166
COUNTY: CONWAY	NON-ELEVATOR:	86	99	121	134	148
STATE: AR	ELEVATOR:	95	110	132	147	162
COUNTY: CRAIGHEAD	NON-ELEVATOR:	110	124	147	166	182
STATE: AR	ELEVATOR:	120	137	161	182	202
COUNTY: CROSS	NON-ELEVATOR:	98	112	134	150	166
STATE: AR	ELEVATOR:	109	124	148	165	181
COUNTY: DALLAS	NON-ELEVATOR:	88	102	123	137	152
STATE: AR	ELEVATOR:	98	112	134	150	166
COUNTY: DESHA	NON-ELEVATOR:	88	102	122	138	155
STATE: AR	ELEVATOR:	97	113	134	154	169
COUNTY: DREW	NON-ELEVATOR:	99	113	134	149	169
STATE: AR	ELEVATOR:	109	125	147	167	183
COUNTY: FAULKNER	NON-ELEVATOR:	103	121	143	167	183
STATE: AR	ELEVATOR:	114	131	158	182	203
COUNTY: FRANKLIN	NON-ELEVATOR:	87	100	122	140	156
STATE: AR	ELEVATOR:	97	111	133	155	170
COUNTY: FULTON	NON-ELEVATOR:	94	108	130	145	161
STATE: AR	ELEVATOR:	103	120	143	160	176

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE						
NON SMSA						
COUNTY: GARLAND	NON-ELEVATOR:	111	125	148	167	183
STATE: AR	ELEVATOR:	121	138	165	183	202
COUNTY: GRANT	NON-ELEVATOR:	99	113	136	151	168
STATE: AR	ELEVATOR:	110	125	149	167	183
COUNTY: GREENE	NON-ELEVATOR:	99	113	134	151	168
STATE: AR	ELEVATOR:	109	125	148	166	182
COUNTY: HEMPSTEAD	NON-ELEVATOR:	90	104	124	139	154
STATE: AR	ELEVATOR:	100	114	137	154	169
COUNTY: HOTSPRING	NON-ELEVATOR:	96	109	129	140	154
STATE: AR	ELEVATOR:	105	120	142	154	169
COUNTY: HOWARD	NON-ELEVATOR:	83	95	114	128	142
STATE: AR	ELEVATOR:	92	105	126	141	156
COUNTY: INDEPENDENCE	NON-ELEVATOR:	94	108	130	145	161
STATE: AR	ELEVATOR:	103	120	143	160	176
COUNTY: IZARD	NON-ELEVATOR:	94	108	130	145	161
STATE: AR	ELEVATOR:	103	120	143	160	176
COUNTY: JACKSON	NON-ELEVATOR:	107	123	147	164	181
STATE: AR	ELEVATOR:	119	136	162	181	199
COUNTY: JOHNSON	NON-ELEVATOR:	86	99	121	134	148
STATE: AR	ELEVATOR:	95	110	132	147	162
COUNTY: LAFAYETTE	NON-ELEVATOR:	83	95	114	128	142
STATE: AR	ELEVATOR:	92	105	126	141	156
COUNTY: LAWRENCE	NON-ELEVATOR:	98	112	134	150	166
STATE: AR	ELEVATOR:	109	124	148	165	181
COUNTY: LEE	NON-ELEVATOR:	98	112	134	150	166
STATE: AR	ELEVATOR:	109	124	148	165	181
COUNTY: LINCOLN	NON-ELEVATOR:	99	113	136	151	168
STATE: AR	ELEVATOR:	110	125	149	167	183
COUNTY: LOGAN	NON-ELEVATOR:	87	100	122	140	156
STATE: AR	ELEVATOR:	97	111	133	155	170
COUNTY: LONOKE	NON-ELEVATOR:	99	113	136	151	168
STATE: AR	ELEVATOR:	110	125	149	167	183
COUNTY: MADISON	NON-ELEVATOR:	101	115	139	156	171
STATE: AR	ELEVATOR:	112	127	153	170	189
COUNTY: MARION	NON-ELEVATOR:	103	121	143	167	183
STATE: AR	ELEVATOR:	114	131	158	182	203
COUNTY: MISSISSIPPI	NON-ELEVATOR:	110	124	147	166	182
STATE: AR	ELEVATOR:	120	137	161	182	202
COUNTY: MONROE	NON-ELEVATOR:	99	113	136	151	168
STATE: AR	ELEVATOR:	110	125	149	167	183
COUNTY: MONTGOMERY	NON-ELEVATOR:	86	99	121	134	148
STATE: AR	ELEVATOR:	95	110	132	147	162
COUNTY: NEVADA	NON-ELEVATOR:	83	95	114	128	142
STATE: AR	ELEVATOR:	92	105	126	141	156
COUNTY: NEWTON	NON-ELEVATOR:	103	121	143	167	183
STATE: AR	ELEVATOR:	114	131	158	182	203
COUNTY: OUACHITA	NON-ELEVATOR:	88	102	123	137	152
STATE: AR	ELEVATOR:	98	112	134	150	166

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LITTLE ROCK, ARKANSAS AREA OFFICE						
NON SMSA	NON-ELEVATOR:	86	99	121	134	148
	ELEVATOR:	95	110	132	147	162
COUNTY PERRY STATE: AR	NON-ELEVATOR:	98	112	134	150	166
	ELEVATOR:	109	124	148	165	181
COUNTY PHILLIPS STATE: AR	NON-ELEVATOR:	86	99	121	134	148
	ELEVATOR:	95	110	132	147	162
COUNTY PIKE STATE: AR	NON-ELEVATOR:	110	124	147	166	182
	ELEVATOR:	120	137	161	182	202
COUNTY POINSETT STATE: AR	NON-ELEVATOR:	95	109	131	151	169
	ELEVATOR:	104	120	144	167	183
COUNTY POLK STATE: AR	NON-ELEVATOR:	103	121	143	167	183
	ELEVATOR:	114	131	158	182	203
COUNTY POPE STATE: AR	NON-ELEVATOR:	99	113	136	151	168
	ELEVATOR:	110	125	149	167	183
COUNTY PRAIRIE STATE: AR	NON-ELEVATOR:	98	112	134	150	166
	ELEVATOR:	109	124	148	165	181
COUNTY RANDOLPH STATE: AR	NON-ELEVATOR:	110	124	147	166	182
	ELEVATOR:	120	137	161	182	202
COUNTY ST FRANCIS STATE: AR	NON-ELEVATOR:	87	100	122	140	156
	ELEVATOR:	97	111	133	155	170
COUNTY SCOTT STATE: AR	NON-ELEVATOR:	103	121	143	167	183
	ELEVATOR:	114	131	158	182	203
COUNTY SEARCY STATE: AR	NON-ELEVATOR:	83	95	114	128	142
	ELEVATOR:	92	105	126	141	156
COUNTY SEVIER STATE: AR	NON-ELEVATOR:	94	108	130	145	161
	ELEVATOR:	103	120	143	160	176
COUNTY SHARP STATE: AR	NON-ELEVATOR:	94	108	130	145	161
	ELEVATOR:	103	120	143	160	176
COUNTY STONE STATE: AR	NON-ELEVATOR:	88	102	123	137	152
	ELEVATOR:	98	112	134	150	166
COUNTY UNION STATE: AR	NON-ELEVATOR:	94	108	130	145	161
	ELEVATOR:	103	120	143	160	176
COUNTY VAN BUREN STATE: AR	NON-ELEVATOR:	107	123	147	164	181
	ELEVATOR:	119	136	162	181	199
COUNTY WHITE STATE: AR	NON-ELEVATOR:	107	123	147	164	181
	ELEVATOR:	119	136	162	181	199
COUNTY WOODRUFF STATE: AR	NON-ELEVATOR:	87	100	122	140	156
	ELEVATOR:	97	111	133	155	170
COUNTY YELL STATE: AR	NON-ELEVATOR:					
	ELEVATOR:					

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LUBBOCK, TEXAS INSURING OFFICE						
SMSA: AMARILLO, TX	NON-ELEVATOR:	117	133	159	176	192
	ELEVATOR:	130	146	175	192	212
COUNTY POTTER STATE: TX	NON-ELEVATOR:	117	133	159	176	192
	ELEVATOR:	130	146	175	192	212
COUNTY RANDALL STATE: TX	NON-ELEVATOR:	117	133	159	176	192
	ELEVATOR:	130	146	175	192	212
SMSA: EL PASO, TX	NON-ELEVATOR:	135	155	187	215	238
	ELEVATOR:	149	170	204	238	260
COUNTY EL PASO STATE: TX	NON-ELEVATOR:	135	155	187	215	238
	ELEVATOR:	149	170	204	238	260
SMSA: LUBBOCK, TX	NON-ELEVATOR:	130	147	176	194	210
	ELEVATOR:	141	163	193	214	234
COUNTY LUBBOCK STATE: TX	NON-ELEVATOR:	130	147	176	194	210
	ELEVATOR:	141	163	193	214	234
SMSA: MIDLAND, TX	NON-ELEVATOR:	124	142	168	188	205
	ELEVATOR:	137	155	187	205	226
COUNTY MIDLAND STATE: TX	NON-ELEVATOR:	124	142	168	188	205
	ELEVATOR:	137	155	187	205	226
SMSA: ODessa, TX	NON-ELEVATOR:	124	142	168	188	205
	ELEVATOR:	137	155	187	205	226
COUNTY ECTOR STATE: TX	NON-ELEVATOR:	124	142	168	188	205
	ELEVATOR:	137	155	187	205	226
NON SMSA	NON-ELEVATOR:					
	ELEVATOR:					
COUNTY ANDREWS STATE: TX	NON-ELEVATOR:	112	127	153	178	194
	ELEVATOR:	121	141	167	194	214
COUNTY ARMSTRONG STATE: TX	NON-ELEVATOR:	100	114	138	160	177
	ELEVATOR:	111	126	150	177	193
COUNTY BAILEY STATE: TX	NON-ELEVATOR:	104	122	145	168	187
	ELEVATOR:	115	132	160	187	204
COUNTY BORDEN STATE: TX	NON-ELEVATOR:	112	127	153	178	194
	ELEVATOR:	121	141	167	194	214
COUNTY BREWSTER STATE: TX	NON-ELEVATOR:	112	127	153	178	194
	ELEVATOR:	121	141	167	194	214
COUNTY BRISCOE STATE: TX	NON-ELEVATOR:	100	114	138	160	177
	ELEVATOR:	111	126	150	177	193
COUNTY CARSON STATE: TX	NON-ELEVATOR:	100	114	138	160	177
	ELEVATOR:	111	126	150	177	193
COUNTY CASTRO STATE: TX	NON-ELEVATOR:	100	114	138	160	177
	ELEVATOR:	111	126	150	177	193
COUNTY CHILDRESS STATE: TX	NON-ELEVATOR:	115	132	159	185	203
	ELEVATOR:	127	145	175	202	223
COUNTY COCHRAN STATE: TX	NON-ELEVATOR:	104	122	145	168	187
	ELEVATOR:	115	132	160	187	204
COUNTY COLLINGSWORTH STATE: TX	NON-ELEVATOR:	100	114	138	160	177
	ELEVATOR:	111	126	150	177	193
COUNTY COTTLE STATE: TX	NON-ELEVATOR:	115	132	159	185	203
	ELEVATOR:	127	145	175	202	223
COUNTY CRANE STATE: TX	NON-ELEVATOR:	112	127	153	178	194
	ELEVATOR:	121	141	167	194	214
COUNTY CROSBY STATE: TX	NON-ELEVATOR:	104	122	145	168	187
	ELEVATOR:	115	132	160	187	204
COUNTY CULBERSON STATE: TX	NON-ELEVATOR:	103	121	143	160	177
	ELEVATOR:	114	131	158	177	194
COUNTY DALLAM STATE: TX	NON-ELEVATOR:	100	114	138	160	177
	ELEVATOR:	111	126	150	177	193

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LUBBOCK, TEXAS INSURING OFFICE						
NON SMSA						
COUNTY: DAWSON	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: DEAF SMITH	NON-ELEVATOR:	117	133	159	176	192
STATE: TX	ELEVATOR:	130	146	175	192	212
COUNTY: DICKENS	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: DONLEY	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: FISHER	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: FLOYD	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: GAINES	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: GARZA	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: GLASSCOCK	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: GRAY	NON-ELEVATOR:	114	128	154	170	188
STATE: TX	ELEVATOR:	124	142	168	188	205
COUNTY: HALE	NON-ELEVATOR:	114	128	154	170	188
STATE: TX	ELEVATOR:	124	142	168	188	205
COUNTY: HALL	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: HANSFORD	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: HARTLEY	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: HEMPHILL	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: HOCKLEY	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: HOWARD	NON-ELEVATOR:	124	142	168	188	205
STATE: TX	ELEVATOR:	137	155	187	205	226
COUNTY: HUDSPETH	NON-ELEVATOR:	103	121	143	160	177
STATE: TX	ELEVATOR:	114	131	158	177	194
COUNTY: HUTCHINSON	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: JEFF DAVIS	NON-ELEVATOR:	103	121	143	160	177
STATE: TX	ELEVATOR:	114	131	158	177	194
COUNTY: KENT	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: KING	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: LAMB	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: LIPSCOMB	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LUBBOCK, TEXAS INSURING OFFICE						
NON SMSA						
COUNTY: LOVING	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: LYNN	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: MARTIN	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: MITCHELL	NON-ELEVATOR:	98	112	134	157	173
STATE: TX	ELEVATOR:	109	124	148	173	190
COUNTY: MOORE	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: MOTLEY	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: NOLAN	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: OCHILTREE	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: OLDHAM	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: PARKER	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: PECOS	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: PRESIDIO	NON-ELEVATOR:	103	121	143	160	177
STATE: TX	ELEVATOR:	114	131	158	177	194
COUNTY: REEVES	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: ROBERTS	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: SCURRY	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: SHERMAN	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: STONEWALL	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: SWISHER	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: TERRELL	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: TERRY	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
COUNTY: UPTON	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: WARD	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214
COUNTY: WHEELER	NON-ELEVATOR:	100	114	138	160	177
STATE: TX	ELEVATOR:	111	126	150	177	193
COUNTY: WINKLER	NON-ELEVATOR:	112	127	153	178	194
STATE: TX	ELEVATOR:	121	141	167	194	214

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
LUBBOCK, TEXAS INSURING OFFICE						
NON SMSA						
COUNTY, YOAKUM	NON-ELEVATOR:	104	122	145	168	187
STATE: TX	ELEVATOR:	115	132	160	187	204
NEW ORLEANS, LOUISIANA AREA OFFICE						
SMSA: BATON ROUGE, LA						
PARISH, ASCENSION	NON-ELEVATOR:	149	171	206	240	262
STATE: LA	ELEVATOR:	164	188	225	262	288
PARISH E BATON ROUG	NON-ELEVATOR:	149	171	206	240	262
STATE: LA	ELEVATOR:	164	188	225	262	288
PARISH LIVINGSTON	NON-ELEVATOR:	149	171	206	240	262
STATE: LA	ELEVATOR:	164	188	225	262	288
PARISH W BATON ROUG	NON-ELEVATOR:	149	171	206	240	262
STATE: LA	ELEVATOR:	164	188	225	262	288
SMSA: LAFAYETTE, LA						
PARISH LAFAYETTE	NON-ELEVATOR:	132	151	181	211	241
STATE: LA	ELEVATOR:	145	166	199	232	264
SMSA: LAKE CHARLES, LA						
PARISH CALCASIEU	NON-ELEVATOR:	132	151	181	211	241
STATE: LA	ELEVATOR:	145	166	199	232	264
SMSA: NEW ORLEANS, LA						
PARISH JEFFERSON	NON-ELEVATOR:	132	151	181	211	241
STATE: LA	ELEVATOR:	145	166	199	231	264
PARISH ORLEANS	NON-ELEVATOR:	132	151	181	211	241
STATE: LA	ELEVATOR:	145	166	199	231	264
PARISH ST BERNARD	NON-ELEVATOR:	132	151	181	211	241
STATE: LA	ELEVATOR:	145	166	199	231	264
PARISH ST TAMMANY	NON-ELEVATOR:	132	151	181	211	241
STATE: LA	ELEVATOR:	145	166	199	231	264
NON SMSA						
PARISH ACADIA	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
NEW ORLEANS, LOUISIANA AREA OFFICE						
NON SMSA						
PARISH ALLEN	NON-ELEVATOR:	114	132	158	177	197
STATE: LA	ELEVATOR:	123	144	172	192	214
PARISH ASSUMPTION	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197
PARISH BEAUREGARD	NON-ELEVATOR:	114	132	158	177	197
STATE: LA	ELEVATOR:	123	144	172	192	214
PARISH CAMERON	NON-ELEVATOR:	114	132	158	177	197
STATE: LA	ELEVATOR:	123	144	172	192	214
PARISH E FELICIANA	NON-ELEVATOR:	95	109	131	147	163
STATE: LA	ELEVATOR:	104	120	143	161	180
PARISH EVANGELINE	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197
PARISH IBERIA	NON-ELEVATOR:	114	132	158	177	197
STATE: LA	ELEVATOR:	123	144	172	192	214
PARISH IBERVILLE	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197
PARISH JEFFERSON DA	NON-ELEVATOR:	114	132	158	177	197
STATE: LA	ELEVATOR:	123	144	172	192	214
PARISH LAFOURCHE	NON-ELEVATOR:	114	132	158	177	197
STATE: LA	ELEVATOR:	123	144	172	192	214
PARISH PLAQUEMINES	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197
PARISH POINTE COUPE	NON-ELEVATOR:	95	109	131	147	163
STATE: LA	ELEVATOR:	104	120	143	161	180
PARISH ST CHARLES	NON-ELEVATOR:	114	132	158	177	197
STATE: LA	ELEVATOR:	123	144	172	192	214
PARISH ST HELENA	NON-ELEVATOR:	95	109	131	147	163
STATE: LA	ELEVATOR:	104	120	143	161	180
PARISH ST JAMES	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197
PARISH ST JOHN THE	NON-ELEVATOR:	114	132	158	177	197
STATE: LA	ELEVATOR:	123	144	172	192	214
PARISH ST LANDRY	NON-ELEVATOR:	114	132	158	177	197
STATE: LA	ELEVATOR:	123	144	172	192	214
PARISH ST MARTIN	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197
PARISH ST MARY	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197
PARISH TANGIPAHOA	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197
PARISH TERREBONNE	NON-ELEVATOR:	114	132	158	177	197
STATE: LA	ELEVATOR:	123	144	172	192	214
PARISH VERMILION	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197
PARISH WASHINGTON	NON-ELEVATOR:	104	120	143	161	180
STATE: LA	ELEVATOR:	114	132	158	177	197
PARISH W FELICIANA	NON-ELEVATOR:	95	109	131	147	163
STATE: LA	ELEVATOR:	104	120	143	161	180

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE						
SMSA: LAWTON, OK COUNTY: COMANCHE STATE: OK	NON-ELEVATOR:	138	156	189	218	239
	ELEVATOR:	153	173	207	240	262
SMSA: OKLAHOMA CITY, OK COUNTY: CANADIAN STATE: OK	NON-ELEVATOR:	132	151	181	211	231
	ELEVATOR:	145	166	199	231	255
COUNTY: CLEVELAND STATE: OK	NON-ELEVATOR:	132	151	181	211	231
	ELEVATOR:	145	166	199	231	255
COUNTY: MCCLAIN STATE: OK	NON-ELEVATOR:	132	151	181	211	231
	ELEVATOR:	145	166	199	231	255
COUNTY: OKLAHOMA STATE: OK	NON-ELEVATOR:	132	151	181	211	231
	ELEVATOR:	145	166	199	231	255
COUNTY: POTTAWATOMIE STATE: OK	NON-ELEVATOR:	132	151	181	211	231
	ELEVATOR:	145	166	199	231	255
NON SMSA						
COUNTY: ALFALFA STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: BEAVER STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: BECKHAM STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: BLAINE STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: CADDO STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: CARTER STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: CIMARRON STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: COTTON STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: CUSTER STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: DEWEY STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: ELLIS STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: GARFIELD STATE: OK	NON-ELEVATOR:	112	137	162	191	208
	ELEVATOR:	123	149	178	209	228
COUNTY: GARVIN STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: GRADY STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: GRANT STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: GREER STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: HARMON STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OKLAHOMA CITY, OKLAHOMA AREA OFFICE						
NON SMSA COUNTY: HARPER STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: JACKSON STATE: OK	NON-ELEVATOR:	112	137	162	191	208
	ELEVATOR:	123	149	178	209	228
COUNTY: JEFFERSON STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: JOHNSTON STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: KAY STATE: OK	NON-ELEVATOR:	112	137	162	191	208
	ELEVATOR:	123	149	178	209	228
COUNTY: KINGFISHER STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: KIOWA STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: LINCOLN STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: LOGAN STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: LOVE STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: MAJOR STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: MARSHALL STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: MURRAY STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: NOBLE STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: PAYNE STATE: OK	NON-ELEVATOR:	129	146	178	208	229
	ELEVATOR:	143	161	196	228	251
COUNTY: PONTOTOC STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: ROGER MILLS STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: SEMINOLE STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: STEPHENS STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: TEXAS STATE: OK	NON-ELEVATOR:	112	137	162	191	208
	ELEVATOR:	123	149	178	209	228
COUNTY: TILLMAN STATE: OK	NON-ELEVATOR:	109	125	151	177	194
	ELEVATOR:	120	138	165	194	213
COUNTY: WASHITA STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: WOODS STATE: OK	NON-ELEVATOR:	96	114	136	160	174
	ELEVATOR:	105	125	149	176	191
COUNTY: WOODWARD STATE: OK	NON-ELEVATOR:	112	137	162	191	208
	ELEVATOR:	123	149	178	209	228

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE						
SMSA: AUSTIN, TX	NON-ELEVATOR:	165	189	227	263	288
COUNTY HAYS	ELEVATOR:	181	207	247	287	317
COUNTY TRAVIS	NON-ELEVATOR:	165	189	227	263	288
STATE TX	ELEVATOR:	181	207	247	287	317
SMSA: BROWNSVILLE-HARLINGEN-SAN BENITO, TX	NON-ELEVATOR:	137	159	189	221	244
COUNTY CAMERON	ELEVATOR:	150	173	210	243	267
STATE TX	NON-ELEVATOR:	146	167	201	232	258
SMSA: CORPUS CHRISTI, TX	ELEVATOR:	162	184	222	258	284
COUNTY NUECES	NON-ELEVATOR:	146	167	201	232	258
STATE TX	ELEVATOR:	162	184	222	258	284
COUNTY SAN PATRICIO	NON-ELEVATOR:	146	167	201	232	258
STATE TX	ELEVATOR:	162	184	222	258	284
SMSA: LAREDO, TX	NON-ELEVATOR:	146	167	199	231	256
COUNTY WEBB	ELEVATOR:	158	183	219	255	280
STATE TX	NON-ELEVATOR:	137	159	189	221	244
SMSA: MC ALLEN-PHARR-EDINBURG, TX	ELEVATOR:	150	173	210	243	267
COUNTY HIDALGO	NON-ELEVATOR:	146	167	201	232	258
STATE TX	ELEVATOR:	162	184	222	258	284
SMSA: SAN ANTONIO, TX	NON-ELEVATOR:	146	167	201	232	258
COUNTY BEXAR	ELEVATOR:	162	184	222	258	284
STATE TX	NON-ELEVATOR:	146	167	201	232	258
COUNTY COMAL	ELEVATOR:	162	184	222	258	284
STATE TX	NON-ELEVATOR:	146	167	201	232	258
COUNTY GUADALUPE	ELEVATOR:	162	184	222	258	284
STATE TX	NON-ELEVATOR:	128	146	176	194	215
COUNTY ARANSAS	ELEVATOR:	140	160	192	214	236
STATE TX	NON-ELEVATOR:	102	117	140	157	174
COUNTY ATASCOSA	ELEVATOR:	113	128	155	173	191
STATE TX	NON-ELEVATOR:	116	133	160	187	205
COUNTY BANDERA	ELEVATOR:	128	146	176	205	225
STATE TX	NON-ELEVATOR:	111	126	150	168	185
COUNTY BASTROP	ELEVATOR:	120	139	165	183	203
STATE TX	NON-ELEVATOR:	128	146	176	194	215
COUNTY BEE	ELEVATOR:	140	160	192	214	236
STATE TX	NON-ELEVATOR:	110	125	149	167	183
COUNTY BLANCO	ELEVATOR:	119	138	164	182	203
STATE TX	NON-ELEVATOR:	128	146	176	194	215
COUNTY BROOKS	ELEVATOR:	140	160	192	214	236
STATE TX	NON-ELEVATOR:	110	125	149	167	183
COUNTY BURNET	ELEVATOR:	119	138	164	182	203
STATE TX	NON-ELEVATOR:	144	159	190	221	242
COUNTY CALDWELL	ELEVATOR:	155	176	208	241	266
STATE TX	NON-ELEVATOR:	102	117	140	157	174
COUNTY CALHOUN	ELEVATOR:	113	128	155	173	191
STATE TX	NON-ELEVATOR:	102	117	140	157	174
COUNTY DE WITT	ELEVATOR:	113	128	155	173	191
STATE TX	NON-ELEVATOR:	128	146	176	194	215
COUNTY DIMMIT	ELEVATOR:	140	160	192	214	236
STATE TX						

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA OFFICE						
NON SMSA						
COUNTY: DUVAL	NON-ELEVATOR:	128	146	176	194	215
STATE: TX	ELEVATOR:	140	160	192	214	236
COUNTY: EDWARDS	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: FAYETTE	NON-ELEVATOR:	109	124	148	173	190
STATE: TX	ELEVATOR:	117	134	163	190	208
COUNTY: FRIO	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: GILLESPIE	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: GOLIAD	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: GONZALES	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: JACKSON	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: JIM HOGG	NON-ELEVATOR:	128	146	176	194	215
STATE: TX	ELEVATOR:	140	160	192	214	236
COUNTY: JIM WELLS	NON-ELEVATOR:	128	146	176	194	215
STATE: TX	ELEVATOR:	140	160	192	214	236
COUNTY: KARNES	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: KENDALL	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: KENEDY	NON-ELEVATOR:	128	146	176	194	215
STATE: TX	ELEVATOR:	140	160	192	214	236
COUNTY: KERR	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: KINNEY	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: KLEBERG	NON-ELEVATOR:	128	146	176	194	215
STATE: TX	ELEVATOR:	140	160	192	214	236
COUNTY: LA SALLE	NON-ELEVATOR:	128	146	176	194	215
STATE: TX	ELEVATOR:	140	160	192	214	236
COUNTY: LAUACA	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191
COUNTY: LEE	NON-ELEVATOR:	110	125	149	167	183
STATE: TX	ELEVATOR:	119	138	164	182	203
COUNTY: LIVE OAK	NON-ELEVATOR:	128	146	176	194	215
STATE: TX	ELEVATOR:	140	160	192	214	236
COUNTY: LLANO	NON-ELEVATOR:	110	125	149	167	183
STATE: TX	ELEVATOR:	119	138	164	182	203
COUNTY: MCMULLEN	NON-ELEVATOR:	128	146	176	194	215
STATE: TX	ELEVATOR:	140	160	192	214	236
COUNTY: MAVERICK	NON-ELEVATOR:	124	142	170	189	209
STATE: TX	ELEVATOR:	137	155	187	209	229
COUNTY: MEDINA	NON-ELEVATOR:	102	117	140	157	174
STATE: TX	ELEVATOR:	113	128	155	173	191

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN ANTONIO, TEXAS AREA-OFFICE						
NON SMSA						
COUNTY REAL STATE:TX	NON-ELEVATOR:	102	117	140	157	174
	ELEVATOR:	113	128	155	173	191
COUNTY REFUGIO STATE:TX	NON-ELEVATOR:	128	146	176	194	215
	ELEVATOR:	140	160	192	214	236
COUNTY STARR STATE:TX	NON-ELEVATOR:	128	146	176	194	215
	ELEVATOR:	140	160	192	214	236
COUNTY UVALDE STATE:TX	NON-ELEVATOR:	102	117	140	157	174
	ELEVATOR:	113	128	155	173	191
COUNTY VAL VERDE STATE:TX	NON-ELEVATOR:	124	142	170	189	209
	ELEVATOR:	137	155	187	209	229
COUNTY VICTORIA STATE:TX	NON-ELEVATOR:	128	146	176	194	215
	ELEVATOR:	140	160	192	214	236
COUNTY WILLACY STATE:TX	NON-ELEVATOR:	128	146	176	194	215
	ELEVATOR:	140	160	192	214	236
COUNTY WILLIAMSON STATE:TX	NON-ELEVATOR:	110	125	149	167	185
	ELEVATOR:	120	137	164	183	203
COUNTY WILSON STATE:TX	NON-ELEVATOR:	102	117	140	157	174
	ELEVATOR:	113	128	155	173	191
COUNTY ZAPATA STATE:TX	NON-ELEVATOR:	128	146	176	194	215
	ELEVATOR:	140	160	192	214	236
COUNTY ZAVALA STATE:TX	NON-ELEVATOR:	102	116	140	157	174
	ELEVATOR:	112	128	155	173	191
SHREVEPORT, LOUISIANA INSURING OFFICE						
SMSA: ALEXANDRIA, LA						
PARISH: GRANT STATE:LA	NON-ELEVATOR:	122	140	170	197	217
	ELEVATOR:	134	154	185	216	239
PARISH: RAPIDES STATE:LA	NON-ELEVATOR:	122	140	170	197	217
	ELEVATOR:	134	154	185	216	239
SMSA: LONGVIEW, TX						
COUNTY: HARRISON STATE:TX	NON-ELEVATOR:	122	140	170	197	217
	ELEVATOR:	134	154	185	216	239
SMSA: MONROE, LA						
PARISH: OUACHITA STATE:LA	NON-ELEVATOR:	122	140	170	197	217
	ELEVATOR:	134	154	185	216	239
SMSA: SHREVEPORT, LA						
PARISH: BOSSIER STATE:LA	NON-ELEVATOR:	122	140	170	197	217
	ELEVATOR:	134	154	185	216	239
PARISH: CADDO STATE:LA	NON-ELEVATOR:	122	140	170	197	217
	ELEVATOR:	134	154	185	216	239
PARISH: WEBSTER STATE:LA	NON-ELEVATOR:	122	140	170	197	217
	ELEVATOR:	134	154	185	216	239
NON SMSA						
PARISH: AVOYELLES STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: BIENVILLE STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: CALDWELL STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SHREVEPORT, LOUISIANA INSURING OFFICE						
NON SMSA						
PARISH: CATAHOULA STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: CLAIBORNE STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: CONCORDIA STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: DE SOTO STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: EAST CARROLL STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: FRANKLIN STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: JACKSON STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: LA SALLE STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: LINCOLN STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: MADISON STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: MOREHOUSE STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: NATCHITOCHES STATE:LA	NON-ELEVATOR:	113	130	156	180	199
	ELEVATOR:	124	143	171	198	220
PARISH: RED RIVER STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: RICHLAND STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: SABINE STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: TENSAS STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: UNION STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: VERNON STATE:LA	NON-ELEVATOR:	113	130	156	180	199
	ELEVATOR:	123	143	172	199	219
PARISH: WEST CARROLL STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
PARISH: WINN STATE:LA	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
COUNTY: CASS STATE:TX	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
COUNTY: MARION STATE:TX	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
COUNTY: MORRIS STATE:TX	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197
COUNTY: PANOLA STATE:TX	NON-ELEVATOR:	99	114	138	161	179
	ELEVATOR:	109	134	150	176	197

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TULSA, OKLAHOMA INSURING OFFICE						
NON SMSA						
SMSA: FORT SMITH, AR-OK	NON-ELEVATOR:	107	121	143	167	183
COUNTY LE FLORE	ELEVATOR:	116	131	158	182	203
STATE OK						
COUNTY SEQUOYAH	NON-ELEVATOR:	107	121	143	167	183
STATE OK	ELEVATOR:	116	131	158	182	203
SMSA: TULSA, OK						
COUNTY CREEK	NON-ELEVATOR:	138	156	189	218	239
STATE OK	ELEVATOR:	153	173	207	240	262
COUNTY MAYES	NON-ELEVATOR:	138	156	189	218	239
STATE OK	ELEVATOR:	153	173	207	240	262
COUNTY OSAGE	NON-ELEVATOR:	138	156	189	218	239
STATE OK	ELEVATOR:	153	173	207	240	262
COUNTY ROGERS	NON-ELEVATOR:	138	156	189	218	239
STATE OK	ELEVATOR:	153	173	207	240	262
COUNTY TULSA	NON-ELEVATOR:	138	156	189	218	239
STATE OK	ELEVATOR:	153	173	207	240	262
COUNTY WAGONER	NON-ELEVATOR:	138	156	189	218	239
STATE OK	ELEVATOR:	153	173	207	240	262
NON SMSA						
COUNTY ADAIR	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY ATOKA	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY BRYAN	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY CHEROKEE	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY CHOCTAW	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY COAL	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY CRAIG	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY DELAWARE	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY HASKELL	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY HUGHES	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY LATIMER	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY MCCURTAIN	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY MCINTOSH	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY MUSKOGEE	NON-ELEVATOR:	109	125	151	177	194
STATE OK	ELEVATOR:	120	138	165	194	213
COUNTY NOWATA	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 6		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TULSA, OKLAHOMA INSURING OFFICE						
NON SMSA						
COUNTY OKFUSKEE	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY OKMULGEE	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY OTTAWA	NON-ELEVATOR:	109	125	151	177	194
STATE OK	ELEVATOR:	120	138	165	194	213
COUNTY PAWNEE	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY PITTSBURG	NON-ELEVATOR:	109	125	151	177	194
STATE OK	ELEVATOR:	120	138	165	194	213
COUNTY PUSHMATAHA	NON-ELEVATOR:	96	114	136	160	174
STATE OK	ELEVATOR:	105	125	149	176	191
COUNTY WASHINGTON	NON-ELEVATOR:	112	137	162	191	208
STATE OK	ELEVATOR:	123	149	178	209	228
REGION 7						
DES MOINES, IOWA INSURING OFFICE						
SMSA: CEDAR RAPIDS, IA						
COUNTY LINN	NON-ELEVATOR:	152	185	247	290	338
STATE IA	ELEVATOR:	168	203	261	319	372
SMSA: DAVENPORT-ROCK ISLAND-MOLINE, IA-IL						
COUNTY SCOTT	NON-ELEVATOR:	163	186	245	291	317
STATE IA	ELEVATOR:	179	204	270	321	347
SMSA: DES MOINES, IA						
COUNTY POLK	NON-ELEVATOR:	160	183	220	256	280
STATE IA	ELEVATOR:	175	201	241	281	306
COUNTY WARREN	NON-ELEVATOR:	160	183	220	256	280
STATE IA	ELEVATOR:	175	201	241	281	306
SMSA: DUBUQUE, IA						
COUNTY DUBUQUE	NON-ELEVATOR:	128	166	212	240	274
STATE IA	ELEVATOR:	141	183	233	265	302
SMSA: OMAHA, NE-IA						
COUNTY POTTAWATTAMI	NON-ELEVATOR:	156	180	216	252	274
STATE IA	ELEVATOR:	172	198	237	275	301
SMSA: SIOUX CITY, IA-NE						
COUNTY WOODBURY	NON-ELEVATOR:	137	170	203	246	279
STATE IA	ELEVATOR:	151	187	223	270	306
SMSA: WATERLOO-CEDAR FALLS, IA						
COUNTY BLACK HAWK	NON-ELEVATOR:	138	162	231	272	328
STATE IA	ELEVATOR:	150	178	252	300	361
NON SMSA						
COUNTY ADAIR	NON-ELEVATOR:	118	135	165	183	202
STATE IA	ELEVATOR:	128	150	180	200	221

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DES MOINES, IOWA INSURING OFFICE						
NON SMSA						
COUNTY: ADAMS STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: ALLAMAKEE STATE: IA	NON-ELEVATOR: ELEVATOR:	115 125	132 144	160 174	178 195	197 215
COUNTY: APPANOOSE STATE: IA	NON-ELEVATOR: ELEVATOR:	118 128	135 150	165 180	183 200	202 221
COUNTY: AUDUBON STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: BENTON STATE: IA	NON-ELEVATOR: ELEVATOR:	150 165	173 189	207 228	242 266	266 291
COUNTY: BOONE STATE: IA	NON-ELEVATOR: ELEVATOR:	118 128	135 150	165 180	183 200	202 221
COUNTY: BREMER STATE: IA	NON-ELEVATOR: ELEVATOR:	125 138	144 157	174 191	203 221	222 244
COUNTY: BUCHANAN STATE: IA	NON-ELEVATOR: ELEVATOR:	125 138	144 157	174 191	203 221	222 244
COUNTY: BUENA VISTA STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: BUTLER STATE: IA	NON-ELEVATOR: ELEVATOR:	125 138	144 157	174 191	203 221	222 244
COUNTY: CALHOUN STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: CARROLL STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: CASS STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: CEDAR STATE: IA	NON-ELEVATOR: ELEVATOR:	150 165	173 189	207 228	242 266	266 291
COUNTY: CERRO GORDO STATE: IA	NON-ELEVATOR: ELEVATOR:	127 140	154 170	192 212	226 249	250 274
COUNTY: CHEROKEE STATE: IA	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194	195 214
COUNTY: CHICKASAW STATE: IA	NON-ELEVATOR: ELEVATOR:	125 138	144 157	174 191	203 221	222 244
COUNTY: CLARKE STATE: IA	NON-ELEVATOR: ELEVATOR:	118 128	135 150	165 180	183 200	202 221
COUNTY: CLAY STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: CLAYTON STATE: IA	NON-ELEVATOR: ELEVATOR:	115 125	132 144	160 174	178 195	197 215
COUNTY: CLINTON STATE: IA	NON-ELEVATOR: ELEVATOR:	153 169	169 185	208 230	232 255	263 288
COUNTY: CRAWFORD STATE: IA	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194	195 214
COUNTY: DALLAS STATE: IA	NON-ELEVATOR: ELEVATOR:	118 128	135 150	165 180	183 200	202 221
COUNTY: DAVIS STATE: IA	NON-ELEVATOR: ELEVATOR:	118 128	135 150	165 180	183 200	202 221

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DES MOINES, IOWA INSURING OFFICE						
NON SMSA						
COUNTY: DECATUR STATE: IA	NON-ELEVATOR: ELEVATOR:	118 128	135 150	165 180	183 200	202 221
COUNTY: DELAWARE STATE: IA	NON-ELEVATOR: ELEVATOR:	115 125	132 144	160 174	178 195	197 215
COUNTY: DES MOINES STATE: IA	NON-ELEVATOR: ELEVATOR:	127 140	160 175	203 223	224 247	242 266
COUNTY: DICKINSON STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: EMMET STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: FAYETTE STATE: IA	NON-ELEVATOR: ELEVATOR:	125 138	144 157	174 191	203 221	222 244
COUNTY: FLOYD STATE: IA	NON-ELEVATOR: ELEVATOR:	125 138	144 157	174 191	203 221	222 244
COUNTY: FRANKLIN STATE: IA	NON-ELEVATOR: ELEVATOR:	125 138	144 157	174 191	203 221	222 244
COUNTY: FREMONT STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: GREENE STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: GRUNDY STATE: IA	NON-ELEVATOR: ELEVATOR:	125 138	144 157	174 191	203 221	222 244
COUNTY: GUTHRIE STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: HAMILTON STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: HANCOCK STATE: IA	NON-ELEVATOR: ELEVATOR:	125 138	144 157	174 191	203 221	222 244
COUNTY: HARDIN STATE: IA	NON-ELEVATOR: ELEVATOR:	125 138	144 157	174 191	203 221	222 244
COUNTY: HARRISON STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: HENRY STATE: IA	NON-ELEVATOR: ELEVATOR:	116 126	133 147	161 177	180 196	198 218
COUNTY: HOWARD STATE: IA	NON-ELEVATOR: ELEVATOR:	115 125	132 144	160 174	178 195	197 215
COUNTY: HUMBOLDT STATE: IA	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: IDA STATE: IA	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194	195 214
COUNTY: IOWA STATE: IA	NON-ELEVATOR: ELEVATOR:	150 165	173 189	207 228	242 266	266 291
COUNTY: JACKSON STATE: IA	NON-ELEVATOR: ELEVATOR:	115 125	132 144	160 174	178 195	197 215
COUNTY: JASPER STATE: IA	NON-ELEVATOR: ELEVATOR:	118 128	135 150	165 180	183 200	202 221
COUNTY: JEFFERSON STATE: IA	NON-ELEVATOR: ELEVATOR:	118 128	135 150	165 180	183 200	202 221

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DES MOINES, IOWA INSURING OFFICE						
NON SMSA						
COUNTY: JOHNSON	NON-ELEVATOR:	161	189	224	259	282
STATE: IA	ELEVATOR:	176	208	245	285	309
COUNTY: JONES	NON-ELEVATOR:	150	173	207	242	266
STATE: IA	ELEVATOR:	165	189	228	266	291
COUNTY: KEOKUK	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: KOSSUTH	NON-ELEVATOR:	125	144	174	203	222
STATE: IA	ELEVATOR:	138	157	191	221	244
COUNTY: LEE	NON-ELEVATOR:	124	162	195	223	247
STATE: IA	ELEVATOR:	137	178	214	246	271
COUNTY: LOUISA	NON-ELEVATOR:	127	148	177	196	218
STATE: IA	ELEVATOR:	140	161	194	216	238
COUNTY: LUCAS	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: LYON	NON-ELEVATOR:	125	144	174	194	214
STATE: IA	ELEVATOR:	138	157	191	213	234
COUNTY: MADISON	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: MAHASKA	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: MARION	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: MARSHALL	NON-ELEVATOR:	126	144	176	196	217
STATE: IA	ELEVATOR:	140	159	192	216	236
COUNTY: MILLS	NON-ELEVATOR:	111	129	156	174	193
STATE: IA	ELEVATOR:	123	142	172	192	211
COUNTY: MITCHELL	NON-ELEVATOR:	125	144	174	203	222
STATE: IA	ELEVATOR:	138	157	191	221	244
COUNTY: MONONA	NON-ELEVATOR:	114	131	158	176	195
STATE: IA	ELEVATOR:	124	143	173	194	214
COUNTY: MONROE	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: MONTGOMERY	NON-ELEVATOR:	111	129	156	174	193
STATE: IA	ELEVATOR:	123	142	172	192	211
COUNTY: MUSCATINE	NON-ELEVATOR:	150	173	212	244	266
STATE: IA	ELEVATOR:	165	190	233	270	291
COUNTY: O BRIEN	NON-ELEVATOR:	114	131	158	176	195
STATE: IA	ELEVATOR:	124	143	173	194	214
COUNTY: OSCEOLA	NON-ELEVATOR:	125	144	174	194	214
STATE: IA	ELEVATOR:	138	157	191	213	234
COUNTY: PAGE	NON-ELEVATOR:	111	129	156	174	193
STATE: IA	ELEVATOR:	123	142	172	192	211
COUNTY: PALO ALTO	NON-ELEVATOR:	111	160	199	229	252
STATE: IA	ELEVATOR:	123	175	219	251	278
COUNTY: PLYMOUTH	NON-ELEVATOR:	114	131	158	176	195
STATE: IA	ELEVATOR:	124	143	173	194	214
COUNTY: POCAHONTAS	NON-ELEVATOR:	111	129	156	174	193
STATE: IA	ELEVATOR:	123	142	172	192	211

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DES MOINES, IOWA INSURING OFFICE						
NON SMSA						
COUNTY: POWESHIEK	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: RINGGOLD	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: SAC	NON-ELEVATOR:	111	129	156	174	193
STATE: IA	ELEVATOR:	123	142	172	192	211
COUNTY: SHELBY	NON-ELEVATOR:	111	129	156	174	193
STATE: IA	ELEVATOR:	123	142	172	192	211
COUNTY: SIOUX	NON-ELEVATOR:	114	131	158	176	195
STATE: IA	ELEVATOR:	124	143	173	194	214
COUNTY: STORY	NON-ELEVATOR:	129	149	180	202	221
STATE: IA	ELEVATOR:	143	163	198	220	244
COUNTY: TAMA	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: TAYLOR	NON-ELEVATOR:	111	129	156	174	193
STATE: IA	ELEVATOR:	123	142	172	192	211
COUNTY: UNION	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: VAN BUREN	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: WAPELLO	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: WASHINGTON	NON-ELEVATOR:	127	148	177	196	218
STATE: IA	ELEVATOR:	140	161	194	216	238
COUNTY: WAYNE	NON-ELEVATOR:	118	135	165	183	202
STATE: IA	ELEVATOR:	128	150	180	200	221
COUNTY: WEBSTER	NON-ELEVATOR:	150	173	223	236	260
STATE: IA	ELEVATOR:	165	190	245	259	286
COUNTY: WINNEBAGO	NON-ELEVATOR:	125	144	174	203	222
STATE: IA	ELEVATOR:	138	157	191	221	244
COUNTY: WINNEBIEK	NON-ELEVATOR:	115	132	160	178	197
STATE: IA	ELEVATOR:	125	144	174	195	215
COUNTY: WORTH	NON-ELEVATOR:	125	144	174	203	222
STATE: IA	ELEVATOR:	138	157	191	221	244
COUNTY: WRIGHT	NON-ELEVATOR:	111	129	156	174	193
STATE: IA	ELEVATOR:	123	142	172	192	211

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, KANSAS AREA OFFICE						
SMSA: KANSAS CITY, MO-KS	NON-ELEVATOR:	145	167	201	232	265
	ELEVATOR:	160	184	219	255	291
COUNTY: CLAY STATE: MO	NON-ELEVATOR:	145	167	201	232	265
	ELEVATOR:	160	184	219	255	291
COUNTY: JACKSON STATE: MO	NON-ELEVATOR:	145	167	201	232	265
	ELEVATOR:	160	184	219	255	291
COUNTY: PLATTE STATE: MO	NON-ELEVATOR:	145	167	201	232	265
	ELEVATOR:	160	184	219	255	291
COUNTY: RAY STATE: MO	NON-ELEVATOR:	145	167	201	232	265
	ELEVATOR:	160	184	219	255	291
COUNTY: JOHNSON STATE: KS	NON-ELEVATOR:	145	167	201	232	265
	ELEVATOR:	160	184	219	255	291
COUNTY: WYANDOTTE STATE: KS	NON-ELEVATOR:	145	167	201	232	265
	ELEVATOR:	160	184	219	255	291
SMSA: ST JOSEPH, MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: ANDREW STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: BUCHANAN STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
SMSA: SPRINGFIELD, MO	NON-ELEVATOR:	116	134	163	189	208
	ELEVATOR:	128	149	178	207	229
COUNTY: CHRISTIAN STATE: MO	NON-ELEVATOR:	116	134	163	189	208
	ELEVATOR:	128	149	178	207	229
COUNTY: GREENE STATE: MO	NON-ELEVATOR:	116	134	163	189	208
	ELEVATOR:	128	149	178	207	229
NON SMSA: ATCHISON STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: BARRY STATE: MO	NON-ELEVATOR:	100	116	142	164	180
	ELEVATOR:	110	128	154	180	198
COUNTY: BARTON STATE: MO	NON-ELEVATOR:	88	102	124	137	154
	ELEVATOR:	97	111	135	151	167
COUNTY: BATES STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: BENTON STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: CALDWELL STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: CAMDEN STATE: MO	NON-ELEVATOR:	124	143	172	193	211
	ELEVATOR:	137	156	189	211	232
COUNTY: CARROLL STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: CEDAR STATE: MO	NON-ELEVATOR:	88	102	124	137	154
	ELEVATOR:	97	111	135	151	167
COUNTY: CHARITON STATE: MO	NON-ELEVATOR:	124	143	172	193	211
	ELEVATOR:	137	156	189	211	232
COUNTY: CLINTON STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: DADE STATE: MO	NON-ELEVATOR:	100	116	142	164	180
	ELEVATOR:	110	128	154	180	198

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, KANSAS AREA OFFICE						
NON SMSA: COUNTY: DALLAS STATE: MO	NON-ELEVATOR:	100	116	142	164	180
	ELEVATOR:	110	128	154	180	198
COUNTY: DAVIESS STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: DE KALB STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: GENTRY STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: GRUNDY STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: HARRISON STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: HENRY STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: HICKORY STATE: MO	NON-ELEVATOR:	100	116	142	164	180
	ELEVATOR:	110	128	154	180	198
COUNTY: HOLT STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: JASPER STATE: MO	NON-ELEVATOR:	97	111	134	150	166
	ELEVATOR:	105	120	148	165	182
COUNTY: JOHNSON STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: LACLEDE STATE: MO	NON-ELEVATOR:	108	126	153	169	186
	ELEVATOR:	121	138	168	186	206
COUNTY: LAFAYETTE STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: LAWRENCE STATE: MO	NON-ELEVATOR:	100	116	142	164	180
	ELEVATOR:	110	128	154	180	198
COUNTY: LINN STATE: MO	NON-ELEVATOR:	124	143	172	193	211
	ELEVATOR:	137	156	189	211	232
COUNTY: LIVINGSTON STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: McDONALD STATE: MO	NON-ELEVATOR:	88	102	124	137	154
	ELEVATOR:	97	111	135	151	167
COUNTY: MERCER STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: MILLER STATE: MO	NON-ELEVATOR:	124	143	172	193	211
	ELEVATOR:	137	156	189	211	232
COUNTY: MORGAN STATE: MO	NON-ELEVATOR:	124	143	172	193	211
	ELEVATOR:	137	156	189	211	232
COUNTY: NEWTON STATE: MO	NON-ELEVATOR:	97	111	134	150	166
	ELEVATOR:	105	120	148	165	182
COUNTY: NODAWAY STATE: MO	NON-ELEVATOR:	111	130	156	174	193
	ELEVATOR:	124	143	172	192	212
COUNTY: PETTIS STATE: MO	NON-ELEVATOR:	102	118	144	160	178
	ELEVATOR:	114	131	158	176	195
COUNTY: POLK STATE: MO	NON-ELEVATOR:	100	116	142	164	180
	ELEVATOR:	110	128	154	180	198

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)
REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
KANSAS CITY, KANSAS AREA OFFICE						
NON SMSA						
COUNTY: PULASKI	NON-ELEVATOR:	108	126	153	169	186
STATE MO	ELEVATOR:	121	138	168	186	206
COUNTY: PUTNAM	NON-ELEVATOR:	124	143	172	193	211
STATE MO	ELEVATOR:	137	156	189	211	232
COUNTY: ST. CLAIR	NON-ELEVATOR:	88	102	124	137	154
STATE MO	ELEVATOR:	97	111	135	151	167
COUNTY: SALINE	NON-ELEVATOR:	102	118	144	160	178
STATE MO	ELEVATOR:	114	131	158	176	195
COUNTY: STONE	NON-ELEVATOR:	100	116	142	164	180
STATE MO	ELEVATOR:	110	128	154	180	198
COUNTY: SULLIVAN	NON-ELEVATOR:	124	143	172	193	211
STATE MO	ELEVATOR:	137	156	189	211	232
COUNTY: TANEY	NON-ELEVATOR:	100	116	142	164	180
STATE MO	ELEVATOR:	110	128	154	180	198
COUNTY: VERNON	NON-ELEVATOR:	88	102	124	137	154
STATE MO	ELEVATOR:	97	111	135	151	167
COUNTY: WEBSTER	NON-ELEVATOR:	100	116	142	164	180
STATE MO	ELEVATOR:	110	128	154	180	198
COUNTY: WORTH	NON-ELEVATOR:	102	118	144	160	178
STATE MO	ELEVATOR:	114	131	158	176	195
OMAHA, NEBRASKA AREA OFFICE						
SMSA: LINCOLN, NE						
COUNTY: LANCASTER	NON-ELEVATOR:	142	164	198	230	253
STATE NE	ELEVATOR:	156	181	217	253	278
SMSA: OMAHA, NE-IA						
COUNTY: POTTAWATTAMI	NON-ELEVATOR:	156	180	216	252	274
STATE IA	ELEVATOR:	172	198	237	275	301
COUNTY: DOUGLAS	NON-ELEVATOR:	156	180	216	252	274
STATE NE	ELEVATOR:	172	198	237	275	301
COUNTY: SARPY	NON-ELEVATOR:	156	180	216	252	274
STATE NE	ELEVATOR:	172	198	237	275	301
SMSA: SIOUX CITY, IA-NE						
COUNTY: DAKOTA	NON-ELEVATOR:	137	170	203	246	279
STATE NE	ELEVATOR:	151	187	223	270	306
NON SMSA						
COUNTY: ADAMS	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: ANTELOPE	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: ARTHUR	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: BANNER	NON-ELEVATOR:	106	121	148	165	182
STATE NE	ELEVATOR:	117	134	163	181	200
COUNTY: BLAINE	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: BOONE	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUO - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)
REGION 7

		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY: BOX BUTTE	NON-ELEVATOR:	106	121	148	165	182
STATE NE	ELEVATOR:	117	134	163	181	200
COUNTY: BOYD	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: BROWN	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: BUFFALO	NON-ELEVATOR:	119	136	166	185	204
STATE NE	ELEVATOR:	131	150	181	204	224
COUNTY: BURT	NON-ELEVATOR:	111	129	156	174	193
STATE NE	ELEVATOR:	123	142	172	192	211
COUNTY: BUTLER	NON-ELEVATOR:	111	129	156	182	200
STATE NE	ELEVATOR:	123	142	172	200	220
COUNTY: CASS	NON-ELEVATOR:	111	129	156	174	193
STATE NE	ELEVATOR:	123	142	172	192	211
COUNTY: CEDAR	NON-ELEVATOR:	114	131	158	176	195
STATE NE	ELEVATOR:	124	143	173	194	214
COUNTY: CHASE	NON-ELEVATOR:	123	142	171	190	210
STATE NE	ELEVATOR:	134	155	188	210	231
COUNTY: CHERRY	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: CHEYENNE	NON-ELEVATOR:	106	121	148	165	182
STATE NE	ELEVATOR:	117	134	163	181	200
COUNTY: CLAY	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: COLFAX	NON-ELEVATOR:	111	129	156	174	193
STATE NE	ELEVATOR:	123	142	172	192	211
COUNTY: CUMING	NON-ELEVATOR:	114	131	158	176	195
STATE NE	ELEVATOR:	124	143	173	194	214
COUNTY: CUSTER	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: DAWES	NON-ELEVATOR:	106	121	148	165	182
STATE NE	ELEVATOR:	117	134	163	181	200
COUNTY: DAWSON	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: DEUEL	NON-ELEVATOR:	106	121	148	165	182
STATE NE	ELEVATOR:	117	134	163	181	200
COUNTY: DIXON	NON-ELEVATOR:	114	131	158	176	195
STATE NE	ELEVATOR:	124	143	173	194	214
COUNTY: DODGE	NON-ELEVATOR:	111	129	156	174	193
STATE NE	ELEVATOR:	123	142	172	192	211
COUNTY: DUNDY	NON-ELEVATOR:	123	142	171	190	210
STATE NE	ELEVATOR:	134	155	188	210	231
COUNTY: FILLMORE	NON-ELEVATOR:	111	129	156	182	200
STATE NE	ELEVATOR:	123	142	172	200	220
COUNTY: FRANKLIN	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204
COUNTY: FRONTIER	NON-ELEVATOR:	108	125	151	168	185
STATE NE	ELEVATOR:	119	137	167	184	204

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUO - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY. FURNAS	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. GAGE	STATE NE	NON-ELEVATOR: ELEVATOR:	134 147	160 175	200 220	223 246
COUNTY. GARDEN	STATE NE	NON-ELEVATOR: ELEVATOR:	106 117	121 134	148 163	165 181
COUNTY. GARFIELD	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. GOSPER	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. GRANT	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. GREELEY	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. HALL	STATE NE	NON-ELEVATOR: ELEVATOR:	119 131	159 174	191 210	269 295
COUNTY. HAMILTON	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. HARLAN	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. HAYES	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. HITCHCOCK	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. HOLT	STATE NE	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194
COUNTY. HOOKER	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. HOWARD	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. JEFFERSON	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200
COUNTY. JOHNSON	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200
COUNTY. KEARNEY	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. KEITH	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. KEYA PAHA	STATE NE	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194
COUNTY. KIMBALL	STATE NE	NON-ELEVATOR: ELEVATOR:	106 117	121 134	148 163	165 181
COUNTY. KNOX	STATE NE	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194
COUNTY. LINCOLN	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. LOGAN	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	7	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY. LOUP	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. MCPHERSON	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. MADISON	STATE NE	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194
COUNTY. MERRICK	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. MORRILL	STATE NE	NON-ELEVATOR: ELEVATOR:	106 117	121 134	148 163	165 181
COUNTY. NANCE	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. NEMAH	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200
COUNTY. NUCKOLLS	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. OTOE	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200
COUNTY. PAWNEE	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200
COUNTY. PERKINS	STATE NE	NON-ELEVATOR: ELEVATOR:	123 134	142 155	171 188	190 210
COUNTY. PHELPS	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184
COUNTY. PIERCE	STATE NE	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194
COUNTY. PLATTE	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192
COUNTY. POLK	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200
COUNTY. RED WILLOW	STATE NE	NON-ELEVATOR: ELEVATOR:	118 129	131 144	171 188	214 235
COUNTY. RICHARDSON	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200
COUNTY. ROCK	STATE NE	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194
COUNTY. SALINE	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200
COUNTY. SAUNDERS	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192
COUNTY. SCOTTS BLUFF	STATE NE	NON-ELEVATOR: ELEVATOR:	123 136	141 154	178 196	198 218
COUNTY. SEWARD	STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200
COUNTY. SHERIDAN	STATE NE	NON-ELEVATOR: ELEVATOR:	106 117	121 134	148 163	165 181
COUNTY. SHERMAN	STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
OMAHA, NEBRASKA AREA OFFICE						
NON SMSA						
COUNTY: SIOUX STATE NE	NON-ELEVATOR: ELEVATOR:	106 117	121 134	148 163	165 181	182 200
COUNTY: STANTON STATE NE	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194	195 214
COUNTY: THAYER STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200	200 220
COUNTY: THOMAS STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184	185 204
COUNTY: THURSTON STATE NE	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194	195 214
COUNTY: VALLEY STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184	185 204
COUNTY: WASHINGTON STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	174 192	193 211
COUNTY: WAYNE STATE NE	NON-ELEVATOR: ELEVATOR:	114 124	131 143	158 173	176 194	195 214
COUNTY: WEBSTER STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184	185 204
COUNTY: WHEELER STATE NE	NON-ELEVATOR: ELEVATOR:	108 119	125 137	151 167	168 184	185 204
COUNTY: YORK STATE NE	NON-ELEVATOR: ELEVATOR:	111 123	129 142	156 172	182 200	200 220
ST. LOUIS, MISSOURI AREA OFFICE						
SMSA: COLUMBIA, MO						
COUNTY: BOONE STATE MO	NON-ELEVATOR: ELEVATOR:	145 160	167 184	201 220	226 248	247 271
SMSA: ST. LOUIS, MO-IL						
COUNTY: FRANKLIN STATE MO	NON-ELEVATOR: ELEVATOR:	155 171	181 197	216 235	250 274	285 312
COUNTY: JEFFERSON STATE MO	NON-ELEVATOR: ELEVATOR:	155 171	181 197	216 235	250 274	285 312
COUNTY: ST. CHARLES STATE MO	NON-ELEVATOR: ELEVATOR:	155 171	181 197	216 235	250 274	285 312
COUNTY: ST. LOUIS STATE MO	NON-ELEVATOR: ELEVATOR:	155 171	181 197	216 235	250 274	285 312
INDEP. CITY ST. LOUIS STATE MO	NON-ELEVATOR: ELEVATOR:	155 171	181 197	216 235	250 274	285 312
NON SMSA						
COUNTY: ADAIR STATE MO	NON-ELEVATOR: ELEVATOR:	140 154	160 175	191 210	213 233	232 255
COUNTY: AUDRAIN STATE MO	NON-ELEVATOR: ELEVATOR:	124 137	143 156	172 189	193 211	211 232
COUNTY: BOLLINGER STATE MO	NON-ELEVATOR: ELEVATOR:	98 107	112 124	135 149	152 167	168 184
COUNTY: BUTLER STATE MO	NON-ELEVATOR: ELEVATOR:	98 107	112 124	135 149	152 167	168 184
COUNTY: CALLAWAY STATE MO	NON-ELEVATOR: ELEVATOR:	140 154	160 175	191 210	213 233	232 255

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

6523

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE						
NON SMSA						
COUNTY: CAPE GIRARDE STATE MO	NON-ELEVATOR: ELEVATOR:	118 129	135 149	161 177	178 195	196 215
COUNTY: CARTER STATE MO	NON-ELEVATOR: ELEVATOR:	98 107	112 124	135 149	152 167	168 184
COUNTY: CLARK STATE MO	NON-ELEVATOR: ELEVATOR:	116 126	133 147	161 177	180 196	198 218
COUNTY: COLE STATE MO	NON-ELEVATOR: ELEVATOR:	137 150	157 173	188 205	211 231	230 252
COUNTY: COOPER STATE MO	NON-ELEVATOR: ELEVATOR:	124 137	143 156	172 189	193 211	211 232
COUNTY: CRAWFORD STATE MO	NON-ELEVATOR: ELEVATOR:	108 121	126 138	153 168	169 186	186 206
COUNTY: DENT STATE MO	NON-ELEVATOR: ELEVATOR:	108 121	126 138	153 168	169 186	186 206
COUNTY: DOUGLAS STATE MO	NON-ELEVATOR: ELEVATOR:	100 110	116 128	142 154	164 180	180 198
COUNTY: DUNKLIN STATE MO	NON-ELEVATOR: ELEVATOR:	98 107	112 124	135 149	152 167	168 184
COUNTY: GASCONADE STATE MO	NON-ELEVATOR: ELEVATOR:	108 121	126 138	153 168	169 186	186 206
COUNTY: HOWARD STATE MO	NON-ELEVATOR: ELEVATOR:	124 137	143 156	172 189	193 211	211 232
COUNTY: HOWELL STATE MO	NON-ELEVATOR: ELEVATOR:	100 110	116 128	142 154	164 180	180 198
COUNTY: IRON STATE MO	NON-ELEVATOR: ELEVATOR:	108 121	126 138	153 168	169 186	186 206
COUNTY: KNOX STATE MO	NON-ELEVATOR: ELEVATOR:	124 137	143 156	172 189	193 211	211 232
COUNTY: LEWIS STATE MO	NON-ELEVATOR: ELEVATOR:	116 126	133 147	161 177	180 196	198 218
COUNTY: LINCOLN STATE MO	NON-ELEVATOR: ELEVATOR:	108 121	126 138	153 168	169 186	186 206
COUNTY: MACON STATE MO	NON-ELEVATOR: ELEVATOR:	124 137	143 156	172 189	193 211	211 232
COUNTY: MADISON STATE MO	NON-ELEVATOR: ELEVATOR:	108 121	126 138	153 168	169 186	186 206
COUNTY: MARIES STATE MO	NON-ELEVATOR: ELEVATOR:	108 121	126 138	153 168	169 186	186 206
COUNTY: MARION STATE MO	NON-ELEVATOR: ELEVATOR:	116 126	133 147	161 177	180 196	198 218
COUNTY: MISSISSIPPI STATE MO	NON-ELEVATOR: ELEVATOR:	98 107	112 124	135 149	152 167	168 184
COUNTY: MONITEAU STATE MO	NON-ELEVATOR: ELEVATOR:	124 137	143 156	172 189	193 211	211 232
COUNTY: MONROE STATE MO	NON-ELEVATOR: ELEVATOR:	124 137	143 156	172 189	193 211	211 232
COUNTY: MONTGOMERY STATE MO	NON-ELEVATOR: ELEVATOR:	108 121	126 138	153 168	169 186	186 206

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION B & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE						
NON SMSA						
COUNTY NEW MADRID STATE MO	NON-ELEVATOR: 98 ELEVATOR: 107	112 124	135 149	152 167	168 184	
COUNTY OREGON STATE MO	NON-ELEVATOR: 100 ELEVATOR: 110	116 128	142 154	164 180	180 198	
COUNTY OSAGE STATE MO	NON-ELEVATOR: 124 ELEVATOR: 137	143 156	172 189	193 211	211 232	
COUNTY OZARK STATE MO	NON-ELEVATOR: 100 ELEVATOR: 110	116 128	142 154	164 180	180 198	
COUNTY PEMISCOT STATE MO	NON-ELEVATOR: 98 ELEVATOR: 107	112 124	135 149	152 167	168 184	
COUNTY PERRY STATE MO	NON-ELEVATOR: 108 ELEVATOR: 121	126 138	153 168	169 186	186 206	
COUNTY PHELPS STATE MO	NON-ELEVATOR: 108 ELEVATOR: 121	126 138	153 168	169 186	186 206	
COUNTY PIKE STATE MO	NON-ELEVATOR: 108 ELEVATOR: 121	126 138	153 168	169 186	186 206	
COUNTY RALLS STATE MO	NON-ELEVATOR: 116 ELEVATOR: 126	133 147	161 177	180 196	198 218	
COUNTY RANDOLPH STATE MO	NON-ELEVATOR: 124 ELEVATOR: 137	143 156	172 189	193 211	211 232	
COUNTY REYNOLDS STATE MO	NON-ELEVATOR: 108 ELEVATOR: 121	126 138	153 168	169 186	186 206	
COUNTY RIPLEY STATE MO	NON-ELEVATOR: 98 ELEVATOR: 107	112 124	135 149	152 167	168 184	
COUNTY ST FRANCOIS STATE MO	NON-ELEVATOR: 108 ELEVATOR: 121	126 138	153 168	169 186	186 206	
COUNTY STE GENEVIEVE STATE MO	NON-ELEVATOR: 108 ELEVATOR: 121	126 138	153 168	169 186	186 206	
COUNTY SCHUYLER STATE MO	NON-ELEVATOR: 124 ELEVATOR: 137	143 156	172 189	193 211	211 232	
COUNTY SCOTLAND STATE MO	NON-ELEVATOR: 124 ELEVATOR: 137	143 156	172 189	193 211	211 232	
COUNTY SCOTT STATE MO	NON-ELEVATOR: 118 ELEVATOR: 129	135 149	161 177	178 195	196 215	
COUNTY SHANNON STATE MO	NON-ELEVATOR: 100 ELEVATOR: 110	116 128	142 154	164 180	180 198	
COUNTY SHELBY STATE MO	NON-ELEVATOR: 124 ELEVATOR: 137	143 156	172 189	193 211	211 232	
COUNTY STODDARD STATE MO	NON-ELEVATOR: 98 ELEVATOR: 107	112 124	135 149	152 167	168 184	
COUNTY TEXAS STATE MO	NON-ELEVATOR: 108 ELEVATOR: 121	126 138	153 168	169 186	186 206	
COUNTY WARREN STATE MO	NON-ELEVATOR: 108 ELEVATOR: 121	126 138	153 168	169 186	186 206	
COUNTY WASHINGTON STATE MO	NON-ELEVATOR: 108 ELEVATOR: 121	126 138	153 168	169 186	186 206	
COUNTY WAYNE STATE MO	NON-ELEVATOR: 98 ELEVATOR: 107	112 124	135 149	152 167	168 184	

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION B & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
ST. LOUIS, MISSOURI AREA OFFICE						
NON SMSA						
COUNTY WRIGHT STATE MO	NON-ELEVATOR: 100 ELEVATOR: 110	116 128	142 154	164 180	180 198	
TOPEKA, KANSAS INSURING OFFICE						
SMSA: LAWRENCE, KS						
COUNTY DOUGLAS STATE KS	NON-ELEVATOR: 132 ELEVATOR: 145	153 167	184 202	214 234	234 257	
SMSA: TOPEKA, KS						
COUNTY JEFFERSON STATE KS	NON-ELEVATOR: 132 ELEVATOR: 145	153 167	184 202	214 234	234 257	
COUNTY OSAGE STATE KS	NON-ELEVATOR: 132 ELEVATOR: 145	153 167	184 202	214 234	234 257	
COUNTY SHAWNEE STATE KS	NON-ELEVATOR: 132 ELEVATOR: 145	153 167	184 202	214 234	234 257	
SMSA: WICHITA, KS						
COUNTY BUTLER STATE KS	NON-ELEVATOR: 123 ELEVATOR: 134	142 155	171 188	198 218	219 240	
COUNTY SEDGWICK STATE KS	NON-ELEVATOR: 123 ELEVATOR: 134	142 155	171 188	198 218	219 240	
NON SMSA						
COUNTY ALLEN STATE KS	NON-ELEVATOR: 88 ELEVATOR: 97	102 111	124 135	137 151	154 167	
COUNTY ANDERSON STATE KS	NON-ELEVATOR: 107 ELEVATOR: 118	124 135	149 165	166 183	184 202	
COUNTY ATCHISON STATE KS	NON-ELEVATOR: 107 ELEVATOR: 118	124 135	149 165	166 183	184 202	
COUNTY BARBER STATE KS	NON-ELEVATOR: 94 ELEVATOR: 104	109 119	132 145	147 161	162 179	
COUNTY BARTON STATE KS	NON-ELEVATOR: 101 ELEVATOR: 111	117 129	143 156	159 174	175 192	

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TOPEKA, KANSAS INSURING OFFICE						
NON SMSA						
COUNTY BOURBON	NON-ELEVATOR:	88	102	124	137	154
STATE KS	ELEVATOR:	97	111	135	151	167
COUNTY BROWN	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY CHASE	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY CHAUTAUQUA	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY CHEROKEE	NON-ELEVATOR:	88	102	124	137	154
STATE KS	ELEVATOR:	97	111	135	151	167
COUNTY CHEYENNE	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY CLARK	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY CLAY	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY CLOUD	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY COFFEY	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY COMANCHE	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY COWLEY	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY CRAWFORD	NON-ELEVATOR:	88	102	124	137	154
STATE KS	ELEVATOR:	97	111	135	151	167
COUNTY DECATUR	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY DICKINSON	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY DONIPHAN	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY EDWARDS	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY ELK	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY ELLIS	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY ELLSWORTH	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY FINNEY	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY FORD	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY FRANKLIN	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY GEARY	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TOPEKA, KANSAS INSURING OFFICE						
NON SMSA						
COUNTY GOVE	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY GRAHAM	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY GRANT	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY GRAY	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY GREELEY	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY GREENWOOD	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY HAMILTON	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY HARPER	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY HARVEY	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY HASKELL	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY HODGEMAN	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY JACKSON	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY JEWELL	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY KEARNEY	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY KINGMAN	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY KIOWA	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY LABETTE	NON-ELEVATOR:	88	102	124	137	154
STATE KS	ELEVATOR:	97	111	135	151	167
COUNTY LANE	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY LEAVENWORTH	NON-ELEVATOR:	132	153	184	214	234
STATE KS	ELEVATOR:	145	167	202	234	257
COUNTY LINCOLN	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY LINN	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY LOGAN	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY LYON	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY MCPHERSON	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TOPEKA, KANSAS INSURING OFFICE						
NON SMSA						
COUNTY MARION	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY MARSHALL	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY MEADE	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY MIAMI	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY MITCHELL	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY MONTGOMERY	NON-ELEVATOR:	88	102	124	137	154
STATE KS	ELEVATOR:	97	111	135	151	167
COUNTY MORRIS	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY MORTON	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY NEMAH	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY NEOSHO	NON-ELEVATOR:	88	102	124	137	154
STATE KS	ELEVATOR:	97	111	135	151	167
COUNTY NESS	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY NORTON	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY OSBORNE	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY OTTAWA	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY PAWNEE	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY PHILLIPS	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY POTTAWATOMIE	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY PRATT	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY RAWLINS	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY RENO	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY REPUBLIC	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY RICE	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY RILEY	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY ROOKS	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 7		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
TOPEKA, KANSAS INSURING OFFICE						
NON SMSA						
COUNTY RUSH	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY RUSSELL	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY SALINE	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY SCOTT	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY SEWARD	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY SHERIDAN	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY SHERMAN	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY SMITH	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY STAFFORD	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY STANTON	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY STEVENS	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY SUMNER	NON-ELEVATOR:	94	109	132	147	162
STATE KS	ELEVATOR:	104	119	145	161	179
COUNTY THOMAS	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY TREGO	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY WABAUNSEE	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY WALLACE	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY WASHINGTON	NON-ELEVATOR:	107	124	149	166	184
STATE KS	ELEVATOR:	118	135	165	183	202
COUNTY WICHITA	NON-ELEVATOR:	101	117	143	159	175
STATE KS	ELEVATOR:	111	129	156	174	192
COUNTY WILSON	NON-ELEVATOR:	88	102	124	137	154
STATE KS	ELEVATOR:	97	111	135	151	167
COUNTY WOODSON	NON-ELEVATOR:	88	102	124	137	154
STATE KS	ELEVATOR:	97	111	135	151	167

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

FEDERAL REGISTER, VOL. 43, NO. 31—TUESDAY, FEBRUARY 14, 1978

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
CASPER, WYOMING INSURING OFFICE						
NON SMSA						
COUNTY ALBANY	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY BIG HORN	NON-ELEVATOR:	115	130	156	180	196
STATE WY	ELEVATOR:	126	143	172	198	216
COUNTY CAMPBELL	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY CARBON	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY CONVERSE	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY CROOK	NON-ELEVATOR:	115	130	156	173	189
STATE WY	ELEVATOR:	126	143	172	190	208
COUNTY FREMONT	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY GOSHEN	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY HOT SPRINGS	NON-ELEVATOR:	115	130	156	180	196
STATE WY	ELEVATOR:	126	143	172	198	216
COUNTY JOHNSON	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY LARAMIE	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY LINCOLN	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY NATRONA	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY NIOBRARA	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY PARK	NON-ELEVATOR:	115	130	156	180	196
STATE WY	ELEVATOR:	126	143	172	198	216
COUNTY PLATTE	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY SHERIDAN	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY SUBLETTE	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY SWEETWATER	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY TETON	NON-ELEVATOR:	152	171	204	226	246
STATE WY	ELEVATOR:	166	188	225	246	272
COUNTY UINTA	NON-ELEVATOR:	110	125	150	165	181
STATE WY	ELEVATOR:	121	138	166	182	199
COUNTY WASHAKIE	NON-ELEVATOR:	115	130	156	180	196
STATE WY	ELEVATOR:	126	143	172	198	216
COUNTY WESTON	NON-ELEVATOR:	115	130	156	173	189
STATE WY	ELEVATOR:	126	143	172	190	208

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO INSURING OFFICE						
SMSA: COLORADO SPRINGS, CO						
COUNTY EL PASO	NON-ELEVATOR:	126	140	185	212	231
STATE CO	ELEVATOR:	138	155	203	232	255
COUNTY TELLER	NON-ELEVATOR:	126	140	185	212	231
STATE CO	ELEVATOR:	138	155	203	232	255
SMSA: DENVER-BOULDER, CO						
COUNTY ADAMS	NON-ELEVATOR:	164	185	219	242	264
STATE CO	ELEVATOR:	180	203	242	266	291
COUNTY ARAPAHOE	NON-ELEVATOR:	164	185	219	242	264
STATE CO	ELEVATOR:	180	203	242	266	291
COUNTY BOULDER	NON-ELEVATOR:	164	185	219	242	264
STATE CO	ELEVATOR:	180	203	242	266	291
COUNTY DENVER	NON-ELEVATOR:	164	185	219	242	264
STATE CO	ELEVATOR:	180	203	242	266	291
COUNTY DOUGLAS	NON-ELEVATOR:	164	185	219	242	264
STATE CO	ELEVATOR:	180	203	242	266	291
COUNTY GILPIN	NON-ELEVATOR:	164	185	219	242	264
STATE CO	ELEVATOR:	180	203	242	266	291
COUNTY JEFFERSON	NON-ELEVATOR:	164	185	219	242	264
STATE CO	ELEVATOR:	180	203	242	266	291
SMSA: FORT COLLINS, CO						
COUNTY LARIMER	NON-ELEVATOR:	129	178	212	269	312
STATE CO	ELEVATOR:	141	197	232	296	342
SMSA: GREELEY, CO						
COUNTY WELD	NON-ELEVATOR:	153	173	195	244	268
STATE CO	ELEVATOR:	166	190	213	268	295
SMSA: PUEBLO, CO						
COUNTY PUEBLO	NON-ELEVATOR:	149	168	203	232	255
STATE CO	ELEVATOR:	164	186	223	256	280
NON SMSA						
COUNTY ALAMOSA	NON-ELEVATOR:	137	153	185	212	231
STATE CO	ELEVATOR:	149	170	202	232	256
COUNTY ARCHULETA	NON-ELEVATOR:	110	125	150	165	181
STATE CO	ELEVATOR:	121	138	166	182	199
COUNTY BACA	NON-ELEVATOR:	137	153	185	212	231
STATE CO	ELEVATOR:	149	170	202	232	256
COUNTY BENT	NON-ELEVATOR:	137	153	185	212	231
STATE CO	ELEVATOR:	149	170	202	232	256
COUNTY CHAFFEE	NON-ELEVATOR:	137	153	185	212	231
STATE CO	ELEVATOR:	149	170	202	232	256
COUNTY CHEYENNE	NON-ELEVATOR:	129	146	176	192	211
STATE CO	ELEVATOR:	141	161	192	212	232
COUNTY CLEAR CREEK	NON-ELEVATOR:	129	146	176	192	211
STATE CO	ELEVATOR:	141	161	192	212	232
COUNTY CONEJOS	NON-ELEVATOR:	137	153	185	212	231
STATE CO	ELEVATOR:	149	170	202	232	256
COUNTY COSTILLA	NON-ELEVATOR:	137	153	185	212	231
STATE CO	ELEVATOR:	149	170	202	232	256
COUNTY CROWLEY	NON-ELEVATOR:	137	153	185	212	231
STATE CO	ELEVATOR:	149	170	202	232	256

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	B		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO INSURING OFFICE							
NON SMSA							
COUNTY: CUSTER	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: DELTA	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: DELORES	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: EAGLE	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: ELBERT	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: FREMONT	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: GARFIELD	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: GRAND	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: GUNNISON	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: HINSDALE	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: HUERFANO	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: JACKSON	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: KIOWA	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: KIT CARSON	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: LAKE	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: LA PLATA	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: LAS ANIMAS	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: LINCOLN	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: LOGAN	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: MESA	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: MINERAL	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: MOFFAT	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: MONTEZUMA	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: MONTROSE	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	B		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
DENVER, COLORADO INSURING OFFICE							
NON SMSA							
COUNTY: MORGAN	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: OTERO	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: OURAY	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: PARK	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: PHILLIPS	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: PITKIN	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: PROWERS	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: RIO BLANCO	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: RIO GRANDE	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: ROUTT	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: SAGUACHE	STATE: CO	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	212 232	231 256
COUNTY: SAN JUAN	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: SAN MIGUEL	STATE: CO	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: SEDGWICK	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: SUMMIT	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: WASHINGTON	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232
COUNTY: YUMA	STATE: CO	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	192 212	211 232

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FARGO, NORTH DAKOTA INSURING OFFICE						
SMSA: FARGO-MOORHEAD, ND-MN	NON-ELEVATOR:	146	169	203	237	262
	ELEVATOR:	161	185	223	259	288
COUNTY: CASS STATE: ND						
SMSA: GRAND FORKS, N.D.-MN	NON-ELEVATOR:	146	169	203	237	262
	ELEVATOR:	161	185	223	259	288
COUNTY: GRAND FORKS STATE: ND						
NON SMSA	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: ADAMS STATE: ND						
COUNTY: BARNES STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: BENSON STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: BILLINGS STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: BOTTINEAU STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: BOWMAN STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: BURKE STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: BURLEIGH STATE: ND	NON-ELEVATOR:	146	169	203	237	262
	ELEVATOR:	161	185	223	259	288
COUNTY: CAVALIER STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: DICKEY STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: DIVIDE STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: DUNN STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: EDDY STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: EMMONS STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: FOSTER STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: GOLDEN VALLEY STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: GRANT STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: GRIGGS STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: HETTINGER STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: KIDDER STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: LA MOORE STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FARGO, NORTH DAKOTA INSURING OFFICE						
NON SMSA	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: LOGAN STATE: ND						
COUNTY: MCHENRY STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: MCINTOSH STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: MCKENZIE STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: MCLEAN STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: MERCER STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: MORTON STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: MOUNTRAIL STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: NELSON STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: OLIVER STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: PEMBINA STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: PIERCE STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: RAMSEY STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: RANSOM STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: RENVILLE STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: RICHLAND STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: ROLETTE STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: SARGENT STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: SHERIDAN STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: SIOUX STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: SLOPE STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: STARK STATE: ND	NON-ELEVATOR:	118	135	181	200	222
	ELEVATOR:	128	150	198	220	243
COUNTY: STEELE STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253
COUNTY: STUTSMAN STATE: ND	NON-ELEVATOR:	123	142	188	210	230
	ELEVATOR:	134	155	206	231	253

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
FARGO, NORTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY: TOWNER	NON-ELEVATOR:	123	142	188	210	230
STATE ND	ELEVATOR:	134	155	206	231	253
COUNTY: TRAILL	NON-ELEVATOR:	123	142	188	210	230
STATE ND	ELEVATOR:	134	155	206	231	253
COUNTY: WALSH	NON-ELEVATOR:	123	142	187	207	229
STATE ND	ELEVATOR:	134	155	205	229	252
COUNTY: WARD	NON-ELEVATOR:	146	169	203	237	262
STATE ND	ELEVATOR:	161	185	223	259	288
COUNTY: WELLS	NON-ELEVATOR:	118	135	181	200	222
STATE ND	ELEVATOR:	128	150	198	220	243
COUNTY: WILLIAMS	NON-ELEVATOR:	118	135	179	199	220
STATE ND	ELEVATOR:	128	150	197	218	242
HELENA, MONTANA INSURING OFFICE						
SMSA: BILLINGS, MT						
COUNTY: YELLOWSTONE	NON-ELEVATOR:	161	183	219	252	275
STATE MT	ELEVATOR:	177	201	241	277	302
SMSA: GREAT FALLS, MT						
COUNTY: CASCADE	NON-ELEVATOR:	115	165	242	314	341
STATE MT	ELEVATOR:	126	181	266	345	374
NON SMSA						
COUNTY: BEAVERHEAD	NON-ELEVATOR:	123	138	166	182	201
STATE MT	ELEVATOR:	133	152	182	200	220
COUNTY: BIG HORN	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: BLAINE	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: BROADWATER	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: CARBON	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: CARTER	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: CHOUTEAU	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: CUSTER	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: DANIELS	NON-ELEVATOR:	124	139	167	183	202
STATE MT	ELEVATOR:	136	153	185	202	222

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE 8- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HELENA, MONTANA INSURING OFFICE						
NON SMSA						
COUNTY: DAWSON	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: DEER LODGE	NON-ELEVATOR:	123	138	166	182	201
STATE MT	ELEVATOR:	133	152	182	200	220
COUNTY: FALLON	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: FERGUS	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: FLATHEAD	NON-ELEVATOR:	123	138	166	182	201
STATE MT	ELEVATOR:	133	152	182	200	220
COUNTY: GALLATIN	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: GARFIELD	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: GLACIER	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: GOLDEN VALLE	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: GRANITE	NON-ELEVATOR:	123	138	166	182	201
STATE MT	ELEVATOR:	133	152	182	200	220
COUNTY: HILL	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: JEFFERSON	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: JUDITH BASIN	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: LAKE	NON-ELEVATOR:	123	138	166	182	201
STATE MT	ELEVATOR:	133	152	182	200	220
COUNTY: LEWIS+ CLARK	NON-ELEVATOR:	115	179	253	297	327
STATE MT	ELEVATOR:	127	198	278	327	359
COUNTY: LIBERTY	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: LINCOLN	NON-ELEVATOR:	123	138	166	182	201
STATE MT	ELEVATOR:	133	152	182	200	220
COUNTY: MCCONE	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: MADISON	NON-ELEVATOR:	123	138	166	182	201
STATE MT	ELEVATOR:	133	152	182	200	220
COUNTY: MEAGHER	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: MINERAL	NON-ELEVATOR:	123	138	166	182	201
STATE MT	ELEVATOR:	133	152	182	200	220
COUNTY: MISSOULA	NON-ELEVATOR:	123	138	166	182	201
STATE MT	ELEVATOR:	133	152	182	200	220
COUNTY: MUSSELSHELL	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216
COUNTY: PARK	NON-ELEVATOR:	115	130	156	180	196
STATE MT	ELEVATOR:	126	143	172	198	216

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HELENA, MONTANA INSURING OFFICE						
NON SMSA						
COUNTY: PETROLEUM	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: PHILLIPS	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: PONDERA	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: POWDER RIVER	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: POWELL	STATE: MT	NON-ELEVATOR:	123	138	166	182
		ELEVATOR:	133	152	182	200
COUNTY: PRAIRIE	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: RAVALLI	STATE: MT	NON-ELEVATOR:	123	138	166	182
		ELEVATOR:	133	152	182	200
COUNTY: RICHLAND	STATE: MT	NON-ELEVATOR:	124	139	167	183
		ELEVATOR:	136	153	185	202
COUNTY: ROOSEVELT	STATE: MT	NON-ELEVATOR:	124	139	167	183
		ELEVATOR:	136	153	185	202
COUNTY: ROSEBUD	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: SANDERS	STATE: MT	NON-ELEVATOR:	123	138	166	182
		ELEVATOR:	133	152	182	200
COUNTY: SHERIDAN	STATE: MT	NON-ELEVATOR:	124	139	167	183
		ELEVATOR:	136	153	185	202
COUNTY: SILVER BOW	STATE: MT	NON-ELEVATOR:	123	138	166	182
		ELEVATOR:	133	152	182	200
COUNTY: STILLWATER	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: SWEET GRASS	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: TETON	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: TOOLE	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: TREASURE	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: VALLEY	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: WHEATLAND	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198
COUNTY: WIBAUX	STATE: MT	NON-ELEVATOR:	124	139	167	183
		ELEVATOR:	136	153	185	202
COUNTY: YL-ST-NY-PK	STATE: MT	NON-ELEVATOR:	115	130	156	180
		ELEVATOR:	126	143	172	198

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	8	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SALT LAKE CITY, UTAH INSURING OFFICE						
SMSA: PROVO-OREM, UT						
COUNTY: UTAH	STATE: UT	NON-ELEVATOR:	155	174	209	228
		ELEVATOR:	170	191	229	251
SMSA: SALT LAKE CITY-OGDEN, UT						
COUNTY: DAVIS	STATE: UT	NON-ELEVATOR:	171	191	232	266
		ELEVATOR:	189	212	255	293
COUNTY: SALT LAKE	STATE: UT	NON-ELEVATOR:	171	191	232	266
		ELEVATOR:	189	212	255	293
COUNTY: TOOELE	STATE: UT	NON-ELEVATOR:	171	191	232	266
		ELEVATOR:	189	212	255	293
COUNTY: WEBER	STATE: UT	NON-ELEVATOR:	171	191	232	266
		ELEVATOR:	189	212	255	293
NON SMSA						
COUNTY: BEAVER	STATE: UT	NON-ELEVATOR:	175	198	235	258
		ELEVATOR:	192	217	260	283
COUNTY: BOX ELDER	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: CACHE	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: CARBON	STATE: UT	NON-ELEVATOR:	110	133	213	249
		ELEVATOR:	121	146	233	274
COUNTY: DAGGETT	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: DUCHESNE	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: EMERY	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: GARFIELD	STATE: UT	NON-ELEVATOR:	175	198	235	258
		ELEVATOR:	192	217	260	283
COUNTY: GRAND	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: IRON	STATE: UT	NON-ELEVATOR:	175	198	235	258
		ELEVATOR:	192	217	260	283
COUNTY: JUAB	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: KANE	STATE: UT	NON-ELEVATOR:	175	198	235	258
		ELEVATOR:	192	217	260	283
COUNTY: MILLARD	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: MORGAN	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: PIUTE	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: RICH	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: SAN JUAN	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182
COUNTY: SANPETE	STATE: UT	NON-ELEVATOR:	110	125	150	165
		ELEVATOR:	121	138	166	182

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SALT LAKE CITY, UTAH INSURING OFFICE						
NON SMSA						
COUNTY SEVIER	NON-ELEVATOR:	110	125	150	165	181
STATE UT	ELEVATOR:	121	138	166	182	199
COUNTY SUMMIT	NON-ELEVATOR:	110	125	150	165	181
STATE UT	ELEVATOR:	121	138	166	182	199
COUNTY UTAH	NON-ELEVATOR:	121	138	166	181	199
STATE UT	ELEVATOR:	133	152	182	201	220
COUNTY WASATCH	NON-ELEVATOR:	110	125	150	165	181
STATE UT	ELEVATOR:	121	138	166	182	199
COUNTY WASHINGTON	NON-ELEVATOR:	175	198	235	258	285
STATE UT	ELEVATOR:	192	217	260	283	312
COUNTY WAYNE	NON-ELEVATOR:	110	125	150	165	181
STATE UT	ELEVATOR:	121	138	166	182	199
SIOUX FALLS, SOUTH DAKOTA INSURING OFFICE						
SMSA: SIOUX FALLS, SD						
COUNTY MINNEHAHA	NON-ELEVATOR:	157	181	216	238	261
STATE SD	ELEVATOR:	173	199	237	260	287
NON SMSA						
COUNTY AURORA	NON-ELEVATOR:	125	144	174	194	214
STATE SD	ELEVATOR:	138	157	191	213	234
COUNTY BEADLE	NON-ELEVATOR:	125	144	174	194	214
STATE SD	ELEVATOR:	138	157	191	213	234
COUNTY BENNETT	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY BON HOMME	NON-ELEVATOR:	114	131	158	176	195
STATE SD	ELEVATOR:	124	143	173	194	214
COUNTY BROOKINGS	NON-ELEVATOR:	125	144	174	194	214
STATE SD	ELEVATOR:	138	157	191	213	234
COUNTY BROWN	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY BRULE	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY BUFFALO	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY BUTTE	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY CAMPBELL	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SIOUX FALLS, SOUTH DAKOTA INSURING OFFICE						
NON SMSA						
COUNTY CHARLES MIX	NON-ELEVATOR:	114	131	158	176	195
STATE SD	ELEVATOR:	124	143	173	194	214
COUNTY CLARK	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY CLAY	NON-ELEVATOR:	114	131	158	176	195
STATE SD	ELEVATOR:	124	143	173	194	214
COUNTY CODINGTON	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY CORSON	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY CUSTER	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY DAVISON	NON-ELEVATOR:	125	144	174	194	214
STATE SD	ELEVATOR:	138	157	191	213	234
COUNTY DAY	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY DEUEL	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY DEWEY	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY DOUGLAS	NON-ELEVATOR:	114	131	158	176	195
STATE SD	ELEVATOR:	124	143	173	194	214
COUNTY EDMUNDS	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY FALL RIVER	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY FAULK	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY GRANT	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY GREGORY	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY HAAKON	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY HAMLIN	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY HAND	NON-ELEVATOR:	125	144	174	194	214
STATE SD	ELEVATOR:	138	157	191	213	234
COUNTY HANSON	NON-ELEVATOR:	125	144	174	194	214
STATE SD	ELEVATOR:	138	157	191	213	234
COUNTY HARDING	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY HUGHES	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208
COUNTY HUTCHINSON	NON-ELEVATOR:	114	131	158	176	195
STATE SD	ELEVATOR:	124	143	173	194	214
COUNTY HYDE	NON-ELEVATOR:	109	127	154	170	190
STATE SD	ELEVATOR:	122	139	169	188	208

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SIOUX FALLS, SOUTH DAKOTA INSURING OFFICE							
NON SMSA							
COUNTY: JACKSON	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: JERARD	STATE: SD	NON-ELEVATOR:	125	144	174	194	214
		ELEVATOR:	138	157	191	213	234
COUNTY: JONES	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: KINGSBURY	STATE: SD	NON-ELEVATOR:	125	144	174	194	214
		ELEVATOR:	138	157	191	213	234
COUNTY: LAKE	STATE: SD	NON-ELEVATOR:	125	144	174	194	214
		ELEVATOR:	138	157	191	213	234
COUNTY: LAWRENCE	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: LINCOLN	STATE: SD	NON-ELEVATOR:	125	144	174	194	214
		ELEVATOR:	138	157	191	213	234
COUNTY: LYMAN	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: MCCOOK	STATE: SD	NON-ELEVATOR:	125	144	174	194	214
		ELEVATOR:	138	157	191	213	234
COUNTY: MCPHERSON	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: MARSHALL	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: MEADE	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: MELLETT	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: MINER	STATE: SD	NON-ELEVATOR:	125	144	174	194	214
		ELEVATOR:	138	157	191	213	234
COUNTY: MOODY	STATE: SD	NON-ELEVATOR:	125	144	174	194	214
		ELEVATOR:	138	157	191	213	234
COUNTY: PENNINGTON	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: PERKINS	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: POTTER	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: ROBERTS	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: SANBORN	STATE: SD	NON-ELEVATOR:	125	144	174	194	214
		ELEVATOR:	138	157	191	213	234
COUNTY: SHANNON	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: SPINK	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: STANLEY	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: SULLY	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	8		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SIOUX FALLS, SOUTH DAKOTA INSURING OFFICE							
NON SMSA							
COUNTY: TODD	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: TRIPP	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: TURNER	STATE: SD	NON-ELEVATOR:	125	144	174	194	214
		ELEVATOR:	138	157	191	213	234
COUNTY: UNION	STATE: SD	NON-ELEVATOR:	114	131	158	176	195
		ELEVATOR:	124	143	173	194	214
COUNTY: WALKWORTH	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: WASHAUG	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
COUNTY: YANKTON	STATE: SD	NON-ELEVATOR:	114	131	158	176	195
		ELEVATOR:	124	143	173	194	214
COUNTY: ZIEBACH	STATE: SD	NON-ELEVATOR:	109	127	154	170	190
		ELEVATOR:	122	139	169	188	208
REGION 9							
FRESNO, CALIFORNIA INSURING OFFICE							
SMSA: FRESNO, CA							
COUNTY: FRESNO	STATE: CA	NON-ELEVATOR:	164	185	217	285	316
		ELEVATOR:	180	203	239	314	347
SMSA: MODESTO, CA							
COUNTY: STANISLAUS	STATE: CA	NON-ELEVATOR:	168	180	217	285	316
		ELEVATOR:	186	199	239	314	347
NON SMSA							
COUNTY: KINGS	STATE: CA	NON-ELEVATOR:	131	150	217	271	316
		ELEVATOR:	144	165	239	299	347
COUNTY: MADERA	STATE: CA	NON-ELEVATOR:	133	151	217	271	316
		ELEVATOR:	146	166	239	299	347
COUNTY: MARIPOSA	STATE: CA	NON-ELEVATOR:	140	158	217	271	316
		ELEVATOR:	154	174	239	299	347
COUNTY: MERCED	STATE: CA	NON-ELEVATOR:	162	181	217	271	316
		ELEVATOR:	178	199	239	299	347
COUNTY: TULARE	STATE: CA	NON-ELEVATOR:	145	164	217	285	316
		ELEVATOR:	159	180	239	314	347

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
HONOLULU, HAWAII AREA OFFICE						
SMSA: HONOLULU, HI		239	277	346	464	502
COUNTY: HONOLULU	NON-ELEVATOR:				0	0
STATE: HI	ELEVATOR:	252	301	345		
NON SMSA						
COUNTY: HAWAII	NON-ELEVATOR:	219	250	296	386	421
STATE: HI	ELEVATOR:	242	276	327	0	0
COUNTY: KAUAI	NON-ELEVATOR:	219	250	291	327	354
STATE: HI	ELEVATOR:	0	0	0	0	0
COUNTY: MAUI	NON-ELEVATOR:	252	284	337	393	427
STATE: HI	ELEVATOR:	0	0	0	0	0
COUNTY: GUAM	NON-ELEVATOR:	258	291	346	415	469
STATE:	ELEVATOR:	0	0	0	0	0
LOS ANGELES, CALIFORNIA AREA OFFICE						
SMSA: BAKERSFIELD, CA		142	180	210	241	262
COUNTY: KERN	NON-ELEVATOR:				266	288
STATE: CA	ELEVATOR:	156	199	229		
SMSA: LOS ANGELES-LONG BEACH, CA		180	204	241	278	316
COUNTY: LOS ANGELES	NON-ELEVATOR:				307	348
STATE: CA	ELEVATOR:	198	225	266		
SMSA: OXNARD-SIMI VALLEY-VENTURA, CA		200	226	266	306	345
COUNTY: VENTURA	NON-ELEVATOR:				338	380
STATE: CA	ELEVATOR:	220	249	293		
SMSA: SANTA BARBARA-SANTA MARIA-LOMPOC, CA		197	217	279	340	372
COUNTY: SANTA BARBARA	NON-ELEVATOR:				373	409
STATE: CA	ELEVATOR:	217	239	307		
NON SMSA						
COUNTY: SAN LUIS OBISPO	NON-ELEVATOR:	180	217	274	313	354
STATE: CA	ELEVATOR:	199	239	301	344	390

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO). NOVEMBER 11, 1977

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION	9	0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PHOENIX, ARIZONA INSURING OFFICE						
SMSA: PHOENIX, AZ						
COUNTY: MARICOPA	NON-ELEVATOR:	181	206	247	293	319
STATE: AZ	ELEVATOR:	200	227	269	322	351
SMSA: TUCSON, AZ						
COUNTY: PIMA	NON-ELEVATOR:	163	187	228	261	295
STATE: AZ	ELEVATOR:	179	205	250	287	325
NON SMSA						
COUNTY: APACHE	NON-ELEVATOR:	121	137	164	181	198
STATE: AZ	ELEVATOR:	132	151	180	199	219
COUNTY: COCHISE	NON-ELEVATOR:	121	137	164	181	198
STATE: AZ	ELEVATOR:	132	151	180	199	219
COUNTY: COCONINO	NON-ELEVATOR:	121	137	164	181	198
STATE: AZ	ELEVATOR:	132	151	180	199	219
COUNTY: GILA	NON-ELEVATOR:	121	137	164	181	198
STATE: AZ	ELEVATOR:	132	151	180	199	219
COUNTY: GRAHAM	NON-ELEVATOR:	121	137	164	181	198
STATE: AZ	ELEVATOR:	132	151	180	199	219
COUNTY: GREENLEE	NON-ELEVATOR:	121	137	164	181	198
STATE: AZ	ELEVATOR:	132	151	180	199	219
COUNTY: MOHAVE	NON-ELEVATOR:	121	137	164	181	198
STATE: AZ	ELEVATOR:	132	151	180	199	219
COUNTY: NAUUAJO	NON-ELEVATOR:	121	137	164	181	198
STATE: AZ	ELEVATOR:	132	151	180	199	219
COUNTY: PINAL	NON-ELEVATOR:	133	151	180	198	216
STATE: AZ	ELEVATOR:	146	166	198	217	238
COUNTY: SANTA CRUZ	NON-ELEVATOR:	121	137	164	181	198
STATE: AZ	ELEVATOR:	132	151	180	199	219
COUNTY: YAVAPAI	NON-ELEVATOR:	121	137	164	181	198
STATE: AZ	ELEVATOR:	132	151	180	199	219
COUNTY: YUMA	NON-ELEVATOR:	133	151	180	198	216
STATE: AZ	ELEVATOR:	146	166	198	217	238

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
RENO, NEVADA INSURING OFFICE						
SMSA: LAS VEGAS, NV						
COUNTY CLARK	NON-ELEVATOR:	195	221	264	304	333
STATE NV	ELEVATOR:	215	244	291	333	366
SMSA: RENO, NV						
COUNTY WASHOE	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
NON SMSA						
COUNTY CHURCHILL	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY DOUGLAS	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY ELKO	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY ESMEALDA	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY EUREKA	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY HUMBOLDT	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY LANDER	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY LINCOLN	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY LYON	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY MINERAL	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY NYE	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY ORMSLEY	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY PERSHING	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY STOREY	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
COUNTY WHITE PINE	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377
INDEP. CITY: CARSON CITY	NON-ELEVATOR:	175	206	260	309	342
STATE NV	ELEVATOR:	192	227	286	341	377

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SACRAMENTO, CALIFORNIA INSURING OFFICE						
SMSA: SACRAMENTO, CA						
COUNTY: PLACER	NON-ELEVATOR:	168	190	229	299	326
STATE: CA	ELEVATOR:	186	211	251	329	358
COUNTY: SACRAMENTO	NON-ELEVATOR:	168	190	229	299	326
STATE: CA	ELEVATOR:	186	211	251	329	358
COUNTY: YOLO	NON-ELEVATOR:	168	190	229	299	326
STATE: CA	ELEVATOR:	186	211	251	329	358
SMSA: STOCKTON, CA						
COUNTY: SAN JOAQUIN	NON-ELEVATOR:	157	173	212	288	315
STATE: CA	ELEVATOR:	174	190	233	317	346
NON SMSA						
COUNTY: ALPINE	NON-ELEVATOR:	157	173	212	288	315
STATE: CA	ELEVATOR:	174	190	233	317	346
COUNTY: AMADOR	NON-ELEVATOR:	157	173	212	288	315
STATE: CA	ELEVATOR:	174	190	233	317	346
COUNTY: BUTTE	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: CALAVERAS	NON-ELEVATOR:	157	173	212	288	315
STATE: CA	ELEVATOR:	174	190	233	317	346
COUNTY: COLUSA	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: EL DORADO	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: GLENN	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: LASSEN	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: MODOC	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: NEVADA	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: PLUMAS	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: SHASTA	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: SIERRA	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: SISKIYOU	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: SUTTER	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: TEHAMA	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: TRINITY	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329
COUNTY: TUOLUMNE	NON-ELEVATOR:	157	173	212	288	315
STATE: CA	ELEVATOR:	174	190	233	317	346
COUNTY: YUBA	NON-ELEVATOR:	164	185	228	271	298
STATE: CA	ELEVATOR:	180	203	251	299	329

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN DIEGO, CALIFORNIA INSURING OFFICE						
SMSA: SAN DIEGO, CA						
COUNTY: SAN DIEGO						
STATE: CA						
NON-ELEVATOR:		177	201	238	274	310
ELEVATOR:		195	222	261	302	341
NON SMSA						
COUNTY: IMPERIAL						
STATE: CA						
NON-ELEVATOR:		129	147	177	194	214
ELEVATOR:		142	163	193	214	234
SAN FRANCISCO, CALIFORNIA AREA OFFICE						
SMSA: SALINAS-SEASIDE-MONTEREY, CA						
COUNTY: MONTEREY						
STATE: CA						
NON-ELEVATOR:		199	223	271	376	405
ELEVATOR:		218	246	299	410	440
SMSA: SAN FRANCISCO-OAKLAND, CA						
COUNTY: ALAMEDA						
STATE: CA						
NON-ELEVATOR:		207	237	288	360	433
ELEVATOR:		227	261	316	396	475
COUNTY: CONTRA COSTA						
STATE: CA						
NON-ELEVATOR:		207	237	288	360	433
ELEVATOR:		227	261	316	396	475
COUNTY: MARIN						
STATE: CA						
NON-ELEVATOR:		207	237	288	360	433
ELEVATOR:		227	261	316	396	475
COUNTY: SAN FRANCISCO						
STATE: CA						
NON-ELEVATOR:		207	237	288	360	433
ELEVATOR:		227	261	316	396	475
COUNTY: SAN MATEO						
STATE: CA						
NON-ELEVATOR:		207	237	288	360	433
ELEVATOR:		227	261	316	396	475
SMSA: SAN JOSE, CA						
COUNTY: SANTA CLARA						
STATE: CA						
NON-ELEVATOR:		207	236	282	353	423
ELEVATOR:		228	260	311	389	466
SMSA: SANTA CRUZ, CA						
COUNTY: SANTA CRUZ						
STATE: CA						
NON-ELEVATOR:		183	205	271	326	391
ELEVATOR:		202	226	299	358	430
SMSA: SANTA ROSA, CA						
COUNTY: SONOMA						
STATE: CA						
NON-ELEVATOR:		190	214	271	326	391
ELEVATOR:		209	236	299	358	430
SMSA: VALLEJO-FAIRFIELD-NAPA, CA						
COUNTY: NAPA						
STATE: CA						
NON-ELEVATOR:		164	186	217	285	316
ELEVATOR:		180	204	239	314	347

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 9		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SAN FRANCISCO, CALIFORNIA AREA OFFICE						
SMSA: VALLEJO-FAIRFIELD-NAPA, CA						
COUNTY: SOLANO						
STATE: CA						
NON-ELEVATOR:		164	186	217	285	316
ELEVATOR:		180	204	239	314	347
NON SMSA						
COUNTY: DEL NORTE						
STATE: CA						
NON-ELEVATOR:		130	148	223	271	298
ELEVATOR:		143	163	245	299	329
COUNTY: HUMBOLDT						
STATE: CA						
NON-ELEVATOR:		164	185	223	271	298
ELEVATOR:		180	203	245	299	329
COUNTY: LAKE						
STATE: CA						
NON-ELEVATOR:		164	186	223	271	298
ELEVATOR:		180	204	245	299	329
COUNTY: MENDOCINO						
STATE: CA						
NON-ELEVATOR:		152	172	223	271	298
ELEVATOR:		167	189	245	299	329
COUNTY: SAN BENITO						
STATE: CA						
NON-ELEVATOR:		152	172	217	285	316
ELEVATOR:		167	189	239	314	347
SANTA ANA, CALIFORNIA INSURING OFFICE						
SMSA: ANAHEIM-SANTA ANA-GARDEN GROVE, CA						
COUNTY: ORANGE						
STATE: CA						
NON-ELEVATOR:		209	236	280	333	378
ELEVATOR:		230	260	308	366	415
SMSA: RIVERSIDE-SAN BERNARDINO-ONTARIO, CA						
COUNTY: RIVERSIDE						
STATE: CA						
NON-ELEVATOR:		161	180	217	249	272
ELEVATOR:		177	199	239	275	301
COUNTY: SAN BERNADIN						
STATE: CA						
NON-ELEVATOR:		161	180	217	249	272
ELEVATOR:		177	199	239	275	301
NON SMSA						
COUNTY: INYO						
STATE: CA						
NON-ELEVATOR:		129	147	177	194	214
ELEVATOR:		142	163	193	214	234
COUNTY: MONO						
STATE: CA						
NON-ELEVATOR:		129	147	177	194	214
ELEVATOR:		142	163	193	214	234

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

ANCHORAGE, ALASKA INSURING OFFICE						
NON SMSA						
DISTRICT: ALEUTIAN I.						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	305	362	447	500	546
	ELEVATOR:	335	398	493	550	600
DISTRICT: ANGOON						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: BARROW						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	557	614	696	776	847
	ELEVATOR:	0	0	0	0	0
DISTRICT: BETHEL						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: BRISTOL B.B.						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: BRISTOL BAY						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: CORDOVA-MCCA						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	281	318	377	414	454
	ELEVATOR:	309	350	415	456	499
DISTRICT: FAIRBANKS						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: HAINES						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: JUNEAU						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	339	382	452	497	544
	ELEVATOR:	371	420	498	547	599
DISTRICT: KENAI-COOK						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: KETCHIKAN						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	281	318	377	414	454
	ELEVATOR:	309	350	415	456	499
DISTRICT: KOBUK						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: KODIAK						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	281	318	377	414	454
	ELEVATOR:	309	350	415	456	499
DISTRICT: KUSKOKWIM						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: MATANUSKA-SU						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: NOME						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: OUTER KETCHIK						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: PR. OF WALES						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: SEWARD						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: SITKA						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	281	318	377	414	454
	ELEVATOR:	309	350	415	456	499
DISTRICT: SKGWI-YKTT						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

ANCHORAGE, ALASKA INSURING OFFICE						
NON SMSA						
DISTRICT: SE FAIRBANKS						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: UPPER YUKON						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: VLDZ-CHTN-WH						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	281	318	377	414	454
	ELEVATOR:	309	350	415	456	499
DISTRICT: WADE HAMPTON						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
DISTRICT: WRNGLL-PTBRR						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	281	318	377	414	454
	ELEVATOR:	309	350	415	456	499
DISTRICT: YKN-KOYKK						
STATE: AK						
NON-ELEVATOR:	NON-ELEVATOR:	277	314	374	410	450
	ELEVATOR:	305	345	410	452	494
BOISE, IDAHO INSURING OFFICE						
NON SMSA						
COUNTY: BOISE CITY, ID						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	166	188	236	259	284
	ELEVATOR:	182	206	258	283	313
COUNTY: ADAMS						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	137	153	185	202	222
	ELEVATOR:	149	170	202	223	245
COUNTY: BANNOCK						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	166	188	225	247	271
	ELEVATOR:	182	206	247	271	300
COUNTY: BEAR LAKE						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	110	125	150	165	181
	ELEVATOR:	121	138	166	182	199
COUNTY: BINGHAM						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	166	187	235	259	284
	ELEVATOR:	182	206	258	287	313
COUNTY: BLAINE						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	152	171	204	226	246
	ELEVATOR:	166	188	225	246	272
COUNTY: BOISE						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	137	153	185	202	222
	ELEVATOR:	149	170	202	223	245
COUNTY: BONNEVILLE						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	166	187	231	259	284
	ELEVATOR:	182	206	258	287	313
COUNTY: BUTTE						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	152	171	204	226	246
	ELEVATOR:	166	188	225	246	272
COUNTY: CAMAS						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	152	171	204	226	246
	ELEVATOR:	166	188	225	246	272
COUNTY: CANYON						
STATE: ID						
NON-ELEVATOR:	NON-ELEVATOR:	152	171	204	226	246
	ELEVATOR:	166	188	225	246	272

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

BOISE, IDAHO INSURING OFFICE
NON SMSA

COUNTY: CARIBOU STATE: ID	NON-ELEVATOR: ELEVATOR:	152 186	171 188	204 225	226 246	246 272
COUNTY: CASSIA STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: CLARK STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: CUSTER STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: ELMORE STATE: ID	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	202 223	222 245
COUNTY: FRANKLIN STATE: ID	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: FREMONT STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: GEM STATE: ID	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	202 223	222 245
COUNTY: GOODING STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: JEFFERSON STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: JEROME STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: LEMHI STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: LINCOLN STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: MADISON STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: MINIDOKA STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: ONEIDA STATE: ID	NON-ELEVATOR: ELEVATOR:	110 121	125 138	150 166	165 182	181 199
COUNTY: OWYHEE STATE: ID	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	202 223	222 245
COUNTY: PAYETTE STATE: ID	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	202 223	222 245
COUNTY: POWER STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: TETON STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: TWIN FALLS STATE: ID	NON-ELEVATOR: ELEVATOR:	152 166	171 188	204 225	226 246	246 272
COUNTY: VALLEY STATE: ID	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	202 223	222 245
COUNTY: WASHINGTON STATE: ID	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	202 223	222 245

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10 0 BEDROOMS 1 BEDROOM 2 BEDROOMS 3 BEDROOMS 4 BEDROOMS

PORTLAND, OREGON AREA OFFICE
SMSA: EUGENE-SPRINGFIELD, OR

COUNTY: LANE STATE: OR	NON-ELEVATOR: ELEVATOR:	174 191	197 216	236 260	296 327	322 355
SMSA: PORTLAND, OR-WA COUNTY: CLATSOP STATE: WA	NON-ELEVATOR: ELEVATOR:	174 191	197 216	236 260	296 327	322 355
COUNTY: CLACKAMAS STATE: OR	NON-ELEVATOR: ELEVATOR:	174 191	197 216	236 260	296 327	322 355
COUNTY: MULTNOMAH STATE: OR	NON-ELEVATOR: ELEVATOR:	174 191	197 216	236 260	296 327	322 355
COUNTY: WASHINGTON STATE: OR	NON-ELEVATOR: ELEVATOR:	174 191	197 216	236 260	296 327	322 355
SMSA: SALEM, OR COUNTY: MARION STATE: OR	NON-ELEVATOR: ELEVATOR:	174 191	197 216	236 260	296 327	322 355
COUNTY: POLK STATE: OR	NON-ELEVATOR: ELEVATOR:	174 191	197 216	236 260	296 327	322 355
NON SMSA COUNTY: KLIKITAT STATE: WA	NON-ELEVATOR: ELEVATOR:	150 165	166 184	185 203	221 247	247 274
COUNTY: SKAMANIA STATE: WA	NON-ELEVATOR: ELEVATOR:	150 165	166 184	185 203	221 247	247 274
COUNTY: BAKER STATE: OR	NON-ELEVATOR: ELEVATOR:	114 125	129 141	155 171	171 188	187 206
COUNTY: BENTON STATE: OR	NON-ELEVATOR: ELEVATOR:	174 191	197 216	236 260	296 327	322 355
COUNTY: CLATSOP STATE: OR	NON-ELEVATOR: ELEVATOR:	124 136	139 153	167 185	183 202	202 222
COUNTY: COLUMBIA STATE: OR	NON-ELEVATOR: ELEVATOR:	156 171	177 195	211 231	243 267	264 291
COUNTY: COOS STATE: OR	NON-ELEVATOR: ELEVATOR:	159 175	180 198	217 239	247 272	271 298
COUNTY: CROOK STATE: OR	NON-ELEVATOR: ELEVATOR:	124 136	139 153	167 185	183 202	202 222
COUNTY: CURRY STATE: OR	NON-ELEVATOR: ELEVATOR:	159 175	180 198	217 239	247 272	271 298
COUNTY: DESCHUTES STATE: OR	NON-ELEVATOR: ELEVATOR:	124 136	139 153	167 185	183 202	202 222
COUNTY: DOUGLAS STATE: OR	NON-ELEVATOR: ELEVATOR:	129 141	146 161	176 192	201 221	220 243
COUNTY: GILLIAM STATE: OR	NON-ELEVATOR: ELEVATOR:	114 125	129 141	155 171	171 188	187 206
COUNTY: GRANT STATE: OR	NON-ELEVATOR: ELEVATOR:	114 125	129 141	155 171	171 188	187 206
COUNTY: HARNEY STATE: OR	NON-ELEVATOR: ELEVATOR:	137 149	153 170	185 202	202 223	222 245
COUNTY: HOOD RIVER STATE: OR	NON-ELEVATOR: ELEVATOR:	150 165	166 184	185 203	221 247	247 274
COUNTY: JACKSON STATE: OR	NON-ELEVATOR: ELEVATOR:	156 171	177 195	211 231	243 267	264 291

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
PORTLAND, OREGON AREA OFFICE						
NON SMSA						
COUNTY: JEFFERSON	NON-ELEVATOR:	124	139	167	183	202
STATE: OR	ELEVATOR:	136	153	185	202	222
COUNTY: JOSEPHINE	NON-ELEVATOR:	156	177	211	243	264
STATE: OR	ELEVATOR:	171	195	231	267	291
COUNTY: KLAMATH	NON-ELEVATOR:	156	177	211	243	264
STATE: OR	ELEVATOR:	171	195	231	267	291
COUNTY: LAKE	NON-ELEVATOR:	129	146	176	201	220
STATE: OR	ELEVATOR:	141	161	192	221	243
COUNTY: LINCOLN	NON-ELEVATOR:	157	178	214	245	268
STATE: OR	ELEVATOR:	175	198	235	268	295
COUNTY: LINN	NON-ELEVATOR:	157	178	214	245	268
STATE: OR	ELEVATOR:	175	198	235	268	295
COUNTY: MALHEUR	NON-ELEVATOR:	137	153	185	202	222
STATE: OR	ELEVATOR:	149	170	202	223	245
COUNTY: MORROW	NON-ELEVATOR:	114	129	155	171	187
STATE: OR	ELEVATOR:	125	141	171	188	206
COUNTY: SHERMAN	NON-ELEVATOR:	150	166	185	221	247
STATE: OR	ELEVATOR:	165	184	203	247	274
COUNTY: TILLAMOOK	NON-ELEVATOR:	124	139	167	183	202
STATE: OR	ELEVATOR:	136	153	185	202	222
COUNTY: UMATILLA	NON-ELEVATOR:	114	129	155	171	187
STATE: OR	ELEVATOR:	125	141	171	188	206
COUNTY: UNION	NON-ELEVATOR:	114	129	155	171	187
STATE: OR	ELEVATOR:	125	141	171	188	206
COUNTY: WALLOWA	NON-ELEVATOR:	114	129	155	171	187
STATE: OR	ELEVATOR:	125	141	171	188	206
COUNTY: WASCO	NON-ELEVATOR:	150	166	185	221	247
STATE: OR	ELEVATOR:	165	184	203	247	274
COUNTY: WHEELER	NON-ELEVATOR:	114	129	155	171	187
STATE: OR	ELEVATOR:	125	141	171	188	206
COUNTY: YAMHILL	NON-ELEVATOR:	148	174	201	229	253
STATE: OR	ELEVATOR:	163	191	222	253	277

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SEATTLE, WASHINGTON AREA OFFICE						
SMSA: SEATTLE-EVERETT, WA						
COUNTY: KING	NON-ELEVATOR:	177	202	238	303	331
STATE: WA	ELEVATOR:	194	223	262	333	363
COUNTY: SNOHOMISH	NON-ELEVATOR:	177	202	238	303	331
STATE: WA	ELEVATOR:	194	223	262	333	363
SMSA: TACOMA, WA						
COUNTY: PIERCE	NON-ELEVATOR:	162	189	233	302	330
STATE: WA	ELEVATOR:	178	209	257	332	363
SMSA: YAKIMA, WA						
COUNTY: YAKIMA	NON-ELEVATOR:	114	129	155	171	187
STATE: WA	ELEVATOR:	125	141	171	188	206
NON SMSA						
COUNTY: CHELAN	NON-ELEVATOR:	123	138	166	182	201
STATE: WA	ELEVATOR:	133	152	182	200	220
COUNTY: CLALLAM	NON-ELEVATOR:	139	158	189	207	229
STATE: WA	ELEVATOR:	153	173	206	229	252
COUNTY: COWLITZ	NON-ELEVATOR:	154	201	226	313	338
STATE: WA	ELEVATOR:	169	222	249	344	371
COUNTY: DOUGLAS	NON-ELEVATOR:	123	138	166	182	201
STATE: WA	ELEVATOR:	133	152	182	200	220
COUNTY: GRAYS HARBOR	NON-ELEVATOR:	139	158	189	207	229
STATE: WA	ELEVATOR:	153	173	206	229	252
COUNTY: ISLAND	NON-ELEVATOR:	139	158	189	207	229
STATE: WA	ELEVATOR:	153	173	206	229	252
COUNTY: JEFFERSON	NON-ELEVATOR:	139	158	189	207	229
STATE: WA	ELEVATOR:	153	173	206	229	252
COUNTY: KITSAP	NON-ELEVATOR:	162	190	232	302	330
STATE: WA	ELEVATOR:	178	210	255	332	363
COUNTY: KITTITAS	NON-ELEVATOR:	114	129	155	171	187
STATE: WA	ELEVATOR:	125	141	171	188	206
COUNTY: LEWIS	NON-ELEVATOR:	139	158	189	207	229
STATE: WA	ELEVATOR:	153	173	206	229	252
COUNTY: MASON	NON-ELEVATOR:	139	158	189	207	229
STATE: WA	ELEVATOR:	153	173	206	229	252
COUNTY: OKANOGAN	NON-ELEVATOR:	123	138	166	182	201
STATE: WA	ELEVATOR:	133	152	182	200	220
COUNTY: PACIFIC	NON-ELEVATOR:	139	158	189	207	229
STATE: WA	ELEVATOR:	153	173	206	229	252
COUNTY: SAN JUAN	NON-ELEVATOR:	139	158	189	207	229
STATE: WA	ELEVATOR:	153	173	206	229	252
COUNTY: SKAGIT	NON-ELEVATOR:	139	158	189	207	229
STATE: WA	ELEVATOR:	153	173	206	229	252
COUNTY: THURSTON	NON-ELEVATOR:	150	168	202	219	240
STATE: WA	ELEVATOR:	165	186	222	243	264
COUNTY: WAHKIAKUM	NON-ELEVATOR:	124	139	167	183	202
STATE: WA	ELEVATOR:	136	153	185	202	222
COUNTY: WHATCOM	NON-ELEVATOR:	159	181	217	239	263
STATE: WA	ELEVATOR:	175	199	238	262	289

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO), NOVEMBER 11, 1977

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PROPOSED RULES

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SPOKANE, WASHINGTON INSURING OFFICE						
SMSA: RICHLAND-KENNEWICK, WA						
COUNTY: BENTON	NON-ELEVATOR:	164	193	236	313	352
STATE: WA	ELEVATOR:	180	213	260	344	386
COUNTY: FRANKLIN						
STATE: WA	NON-ELEVATOR:	164	193	236	313	352
	ELEVATOR:	180	213	260	344	386
SMSA: SPOKANE, WA						
COUNTY: SPOKANE	NON-ELEVATOR:	165	187	241	293	339
STATE: WA	ELEVATOR:	181	205	265	322	360
NON SMSA						
COUNTY: BENEWAH						
STATE: ID	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: BONNER						
STATE: ID	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: BOUNDARY						
STATE: ID	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: CLEARWATER						
STATE: ID	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: IDAHO						
STATE: ID	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: KOOTENAI						
STATE: ID	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: LATAH						
STATE: ID	NON-ELEVATOR:	133	152	190	209	230
	ELEVATOR:	146	167	210	230	253
COUNTY: LEWIS						
STATE: ID	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: NEZ PERCE						
STATE: ID	NON-ELEVATOR:	133	152	190	209	230
	ELEVATOR:	146	167	210	230	253
COUNTY: SHOSHONE						
STATE: ID	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: ADAMS						
STATE: WA	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: ASOTIN						
STATE: WA	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: COLUMBIA						
STATE: WA	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: FERRY						
STATE: WA	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: GARFIELD						
STATE: WA	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: GRANT						
STATE: WA	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: LINCOLN						
STATE: WA	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: PEND OREILLE						
STATE: WA	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: STEVENS						
STATE: WA	NON-ELEVATOR:	123	138	166	182	201
	ELEVATOR:	133	152	182	200	220
COUNTY: WALLA WALLA						
STATE: WA	NON-ELEVATOR:	114	129	155	171	187
	ELEVATOR:	125	141	171	188	206

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO). NOVEMBER 11, 1977

PROPOSED RULES

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 & 23 HOUSING ASSISTANCE PAYMENTS PROGRAMS

SCHEDULE B- FAIR MARKET RENTS FOR EXISTING HOUSING (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

REGION 10		0 BEDROOMS	1 BEDROOM	2 BEDROOMS	3 BEDROOMS	4 BEDROOMS
SPOKANE, WASHINGTON INSURING OFFICE						
NON SMSA						
COUNTY: WHITMAN	NON-ELEVATOR:	123	138	166	182	201
STATE: WA	ELEVATOR:	133	152	182	200	220

NOTE: FAIR MARKET RENTS (FMR) MAY BE CALCULATED FOR FIVE AND SIX BEDROOM UNITS AS FOLLOWS:
5-BR = 150 PERCENT OF 2-BR FMR; 6-BR = 175 PERCENT OF 2-BR FMR

PREPARED BY HUD - EMAD (CO). NOVEMBER 11, 1977

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Registered
Federal Paper

TUESDAY, FEBRUARY 14, 1978
PART III



ENVIRONMENTAL
PROTECTION
AGENCY

ELECTROPLATING POINT
SOURCE CATEGORY

Proposed Pretreatment Standards
for Existing Sources

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 413]

[FRL 853-51]

ELECTROPLATING POINT SOURCE CATEGORY

Pretreatment Standards for Existing Sources

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This regulation limits the concentrations of certain pollutants which may be introduced into publicly owned treatment works by operations in the Electroplating Point Source Category. The purpose is to limit those pollutants which interfere with, pass through, or are otherwise incompatible with the operation of such treatment works. The Federal Water Pollution Control Act requires these standards to be issued. The effect will be to require pretreatment of process waste water by operations in the Electroplating Point Source Category which introduce waste water into publicly owned treatment works.

DATE: Comments due by April 17, 1978.

ADDRESS: Send comments to: Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Attention: Distribution Officer, WH-552.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division, (WH-552) Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-426-2560.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 28, 1974, EPA promulgated a regulation adding Part 413 to Chapter 40 of the Code of Federal Regulations (39 FR 11510). That regulation (the "Phase I regulation") with subsequent amendments (the "Phase II regulation") (40 FR 18130, April 24, 1975) established effluent limitations guidelines for existing sources in five subcategories and standards of performance and pretreatment standards for new sources in one subcategory. Proposed revisions and additions setting forth effluent limitations guidelines based on "best available technology economically achievable" (BAT), pretreatment standards for new and existing sources, and standards of performance for new sources were also published for five subcategories (30 FR

11515, March 28, 1974, and 40 FR 18140, April 24, 1975). The history of rulemaking for the category by the Agency prior to December 1976 is described in greater detail in 41 FR 53018 (December 3, 1976).

On December 3, 1976, the Agency suspended the promulgated effluent limitations guidelines based on "best practicable control technology currently available" (BPT). The effluent limitations guidelines based on "best available technology economically achievable" (BAT), new source performance standards, and pretreatment standards for Subpart A of the Electroplating Point Source Category (41 FR 53081) were revoked. The Agency also withdrew its notices of proposed rulemaking for the category (41 FR 53070). The Agency took this action for the purpose of reevaluating the appropriateness of the limitations and standards earlier established in light of new data and further analysis.

On July 12, 1977, the Agency issued interim final pretreatment standards which incorporated additional study and analysis (42 FR 35834 (July 12, 1977)). However, these standards applied to only cyanide, hexavalent chromium and pH and required plants discharging less than 152,000 liters (40,000 gallons) per day to comply only with amenable cyanide standards, and represented only a first step toward adequate control of wastes from this category. The proposed standards set forth below would change the July 12, 1977 standards by requiring all plants to limit hexavalent chromium, lead, cyanide, and cadmium. In addition, plants discharging more than 38,000 liters (10,000 gallons) per day would be required to limit discharges of additional metals. These standards also take into account the additional study and analysis which has been conducted over the past several months.

Pretreatment standards are proposed for pollutants discharged into publicly owned treatment works (POTW) from existing sources which fall within the following subcategories of the Electroplating Point Source Category: Electroplating of Common Metals Subcategory (Subpart A); Electroplating of Precious Metals Subcategory (Subpart B); Anodizing Subcategory (Subpart D); Coatings Subcategory (Subpart E); Chemical Etching and Milling Subcategory (Subpart F); Electroless Plating (Subpart G) and Printed Circuit Boards (Subpart H). The content of the standards is discussed in detail below under Summary of Standards.

LEGAL AUTHORITY

These regulations are proposed for promulgation pursuant to section 307(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C.

1251, 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act), which requires the establishment of pretreatment standards for pollutants introduced into publicly owned treatment works.

SUMMARY OF STANDARDS

These regulations establish "categorical" pretreatment standards, containing specific numerical limitations based on an evaluation of available technologies in a particular industrial subcategory. The specific numerical limitations are arrived at separately for each subcategory, and are imposed on pollutants which may interfere with, pass through, or otherwise be incompatible with publicly owned treatment works. For plants with a daily flow of 38,000 l (10,000 gal) or more, the proposed standards specifically limit concentrations of all or some of the following metals: lead, cadmium, copper, nickel, total and hexavalent chromium, zinc, and silver. Additionally, these regulations also limit the sum of the individual concentrations of copper, nickel, chrome and zinc (total metals). For plants with a daily process waste water flow of less than 10,000 gallons, limitations on only amenable cyanide, hexavalent chromium, lead and cadmium are proposed in order to limit the closure rate in the industry with minimal environmental consequences.

For the purpose of clarity, the subcategories affected by the present regulations are exempted from 40 CFR Part 128. The provisions of the present regulation overlap considerably with the language of 40 CFR Part 128. 40 CFR Part 128 was proposed on July 19, 1973, (38 FR 19236) and published in final form in November 1973, (38 FR 30982). It limits the discharge of pollutants which pass through or interfere with the operation of publicly owned treatment works, but it does not set numerical limitations or explicitly list particular pollutants to be regulated. The provisions of 40 CFR Part 128 have sometimes been a source of confusion in the past. New general pretreatment regulations have been proposed (42 FR 6476, February 2, 1977) which will revoke and replace 40 CFR Part 128 upon promulgation. Therefore, the general pretreatment requirements set forth in 40 CFR Part 128 are superseded with respect to the subcategories regulated by this regulation. All pretreatment requirements currently applicable to the subcategories listed are included in the regulations set forth below. When the new general pretreatment regulations are promulgated, the standards set forth below will be reviewed for consistency with the new general policies.

OVERVIEW

These proposed pretreatment standards cover all firms performing operations in the Electroplating Point

Source Category that discharge effluent to publicly owned treatment works. These operations include electroplating, anodizing, chromating, phosphating, electroless plating, chemical etching and milling and the manufacture of printed circuit boards. The proposed standards cover both firms performing these processes as their primary line of business and so-called captive operations that perform these processes as part of the manufacture of another product. The plants covered by these regulations are found throughout the United States but are concentrated in heavily industrialized areas.

The standards require limitations on the discharge of pollutants that are toxic to human beings as well as to aquatic organisms. There pollutants include cadmium, lead, chromium, copper, nickel, zinc, silver and cyanide. The Agency has put a high priority on the elimination of these pollutants from the Nation's waters, primarily because of their toxic nature.

These proposed standards cover a large number of point source discharges that account for a significant amount of toxic substances entering the environment. Rough estimates by the Agency indicate that enforcement of these standards could prevent approximately 40 million pounds per year of toxic pollutants from entering the ambient waters or concentrating in the sludge from municipal treatment systems.

However, this environmental improvement is not attained without a significant economic impact. Economic analyses by the Agency indicate that many firms whose primary business is metal finishing or printed board manufacturing are vulnerable to adverse economic impact.

The Agency has considered methods of reducing the projected economic impact of these proposed pretreatment standards without compromising the environmental improvement that these regulations would accomplish. For example, plants whose metal finishing process flow is less than 10,000 gallons per day (who tend to be more economically vulnerable) must meet a less stringent level of control than do plants with greater flows. However, cadmium and lead, because of their high toxicity, are controlled for all flows. Reducing the requirements on these smaller flows greatly reduces the projected economic impact of the standards while relaxing controls on less than one percent of the flow to publicly owned treatment works.

Nonetheless, the projected economic impacts of these standards are a matter of major concern to the Agency. It is hoped that the adverse effects of this regulation can be reduced by one-half through the use of

Small Business Administration economic injury loans.

The Agency has been working with the Small Business Administration to develop ways to insure that their loan and other financial assistance programs will be available to eligible firms affected by these standards.

The effort to reduce projected impacts on independent metal finishers and printed circuit board makers will continue between proposal and promulgation of these standards. Comments on how this might be accomplished are solicited from the public.

On December 27, 1977, the President signed the Clean Water Act of 1977 (Pub. L. 95-217) which makes significant changes in the Federal water pollution control laws. Included in the amendments are provisions relating to pretreatment (section 54) and these provisions should be examined by persons subject to electroplating or other pretreatment regulations. Some relief from these or other pretreatment regulations may be provided by section 54(a) of the Clean Water Act, amending section 307(b) of the Federal Water Pollution Control Act:

If, in the case of any toxic pollutant under subsection (a) of this section introduced by a source into a publicly owned treatment works, the treatment by such works removes all or any part of such toxic pollutant and the discharge from such works does not violate that effluent limitation or standard which would be applicable to such toxic pollutant if it were discharged by such source other than through a publicly owned treatment works, and does not prevent sludge use or disposal by such works in accordance with section 405 of this Act, then the pretreatment requirements for the sources actually discharging such toxic pollutant into such publicly owned treatment works may be revised by the owner or operator of such works to reflect the removal of such toxic pollutant by such works.

The list of toxic pollutants specified under subsection (a) section 307 is a list of pollutants reprinted in the House of Representatives Committee Print No. 95-30, which includes virtually all the pollutants controlled by today's proposed pretreatment regulations. Named on that list are cadmium, chromium, lead, cyanide, nickel, copper and silver, as examples. In the brief time since the passage of the Clean Water Act of 1977 EPA has not had an opportunity to establish policies or procedures for implementing section 54(a) of the amendments; the Agency plans to publish such information as soon as possible, and probably as part of the final general pretreatment regulations, which were proposed on February 2, 1977 (42 FR 6474, proposing to establish 40 CFR Part 403). However, commenters are encouraged to address the Clean Water Act amendments and the desired means of implementing those changes in the context of these elec-

troplating regulations, in the comments on these proposed standards.

TECHNICAL BASIS FOR STANDARDS

The technical analysis upon which these regulations are based included an identification of the principal waste water pollutants generated by this category, a consideration of the extent to which these pollutants interfere with or pass through POTW, and a study of the various pretreatment technologies which are available for controlling the discharge of such pollutants. Information gathered in a technical study of direct and indirect discharges for this category was used as the primary basis for assessing available pretreatment technologies. Additionally, data gathered earlier in support of the direct discharge limitations under sections 301 and 304 as well as data submitted by industry were used. Appendix A summarizes these data and the analysis used in developing these limitations. The details of these studies are set forth in the "Proposed Development Document for the electroplating Point Source Category." The Agency also relied upon a report entitled "A Survey of Three Exemplary Electroplating Waste Treatment Systems."

ECONOMIC IMPACT ANALYSIS

In establishing the present regulations, the Agency has studied and taken into account the potential economic impact on industry of implementing the standards. The analyses which have been undertaken are described in Appendix A. The details of the economic studies are set forth in a report entitled "Economic Analysis of Proposed Pretreatment Standards for Existing Sources of the Electroplating Point Source Category," December, 1977.

These proposed pretreatment standards for plants discharging to publicly owned treatment works apply to: (1) Independent job shops performing the metal finishing processes covered by these standards as their primary line of business; (2) independent manufacturers of printed circuit boards; and (3) captive establishments performing the processes regulated but as part of the manufacture of some other product.

The total investment required to bring the three sectors of the industry into compliance is estimated to be 460.7 million dollars (134.3 million dollars for the job shops, 20.8 million dollars for the printed circuit board makers and 305.6 million dollars for the captive operations). The total annualized compliance cost for the three sectors is estimated to be 128.9 million dollars (37.7 million dollars for the job shops, 5.7 million dollars for the printed circuit board makers and 85.5 million dollars for the captive operations). The above costs, which make

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allowance for treatment in place, are the increment between the existing level of compliance in the industry and that required by these pretreatment standards. Thus, these costs include the cost to comply with the July 12, 1977, Interim Final Pretreatment Standards for the Electroplating Point Source Category plus any additional costs necessary to comply with these proposed regulations.

Independent metal-finishing job shops and printed circuit board makers may suffer significant adverse economic impact as a result of these standards. It is estimated that as many as 584 metal-finishing job shops representing 12,500 jobs may close as a result of these proposed standards. This represents 19 percent of the firms and jobs in this sector of the industry. It is estimated that as many as 55 printed circuit board makers representing 3135 jobs may close as a result of these standards. This represents 14 percent of the firms and 13 percent of the jobs in this sector of the industry.

Thus, a total of approximately 639 independent firms representing approximately 15,636 jobs may close as a result of these standards. This represents 19 percent of the independent firms and approximately 18 percent of the jobs. These estimated impacts are drastically reduced when the effect of federal financial assistance programs to small business is considered. For example, analyses performed for the Environmental Protection Agency show that existing Small Business Administration (SBA) loan programs could reduce impacts on the job shops to 8 percent of the firms and jobs. Thus, SBA loan programs could possibly reduce estimated closures by 370 and estimated job losses by 8000. The Environmental Protection Agency is working closely with the Small Business Administration to insure that these loans and other federal financial assistance are made available to eligible firms.

Captive establishments are anticipated to have much lower adverse economic impacts than is the case for the independent establishments. No plants are expected to close as a result of the standards but it is estimated that 67 establishments may close down their metal-finishing operations and purchase metal-finishing services from job shops. This represents 322 metal finishing jobs among the 2.3 million jobs in establishments on municipal waste treatment systems with captive metal-finishing operations.

ENVIRONMENTAL CONSIDERATIONS

The Electroplating Point Source Category consists of an estimated 9,400 firms discharging effluent from metal finishing processes either directly to the Nation's waters or indirectly through publicly owned treatment

works (FOTW). Of these, an estimated 6,600 discharge approximately one billion gallons a day of metal finishing process water to publicly owned treatment works and are covered by these proposed pretreatment standards.

The pollutants discharged by these plants include the following substances that are toxic to human beings and aquatic organisms: Cadmium, lead, chromium (both hexavalent and trivalent), copper, nickel, zinc, silver, and cyanide. These pollutants are only partially treated by municipal treatment systems and pass through to the Nation's waters to varying degrees. The fraction of these pollutants that does not pass through the municipal system will concentrate in the municipal sludge where it may hamper the use of the sludge as fertilizer and soil conditioner. These pollutants can also interfere with the efficient operation of the publicly owned treatment works.

Rough calculations by the Agency indicate that the metal finishing operations covered by these standards are responsible for approximately 40 million pounds of these pollutants entering the environment each year. These standards will prevent essentially all of these pollutants from entering the environment.

The Nation's water quality will be improved by these standards. Cities that have promulgated and enforced similar regulations on metal finishers in the past report substantial reductions in toxic pollutants.

Environmental considerations are discussed in more detail in Appendix A, Technical Summary and Basis for Regulations under section (2)(ii), "Origins and Characteristics of Wastewater Pollutants."

AVAILABILITY OF DOCUMENTS

The EPA technical and economic reports mentioned above are available for inspection at the EPA Public Information Reference Unit, Room 2922 (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. 20460, at all EPA Regional Offices and at State Water Pollution Control Offices.

Copies of the supplemental EPA reports described are being sent to persons or institutions affected by the regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). A limited number of additional copies are available. Persons wishing to obtain a copy may write the Environmental Protection Agency, Effluent Guidelines Division, Washington, D.C. 20460, Attention: Distribution Officer, WH-552.

When this regulation is promulgated in final rather than proposed form, revised copies of the technical documentation will be available from the Su-

perintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis document will be available through the National Technical Information Service, Springfield, Va. 22151.

PUBLIC PARTICIPATION

Numerous agencies and groups have participated at various stages in the development of pretreatment regulations for existing sources in this industry. Comments were solicited when proposed pretreatment standards were issued on March 28, 1974 (Phase I) and on April 24, 1975 (Phase II). Many agencies and groups were also consulted in the course of developing the proposed regulations. Similar opportunities for public participation were also provided in the related development of Phase I and Phase II regulations based upon best practicable control technology currently available. Furthermore, a public hearing on pretreatment standards for the electroplating industry was held on June 10, 1974. On December 3, 1976, the Agency announced that the regulations which had been previously proposed or promulgated would be reevaluated. Since that time the Agency has reconsidered the formulation of pretreatment standards and other regulations in light of all comments which have been received. The Agency has also continued to consult with, and receive comments from, interested agencies and groups. Furthermore, at the request of the National Association of Metal Finishers, the Agency has released split samples for duplicate analysis as well as additional data on the electroplating plants that were selected for sampling and study as a basis for reevaluating the regulations. A summary of public participation in this rulemaking, public comments, and the Agency's response to major issues which have been raised is contained in Appendix B of this preamble.

COMPLIANCE SCHEDULE

Section 301 of the Act anticipates that pretreatment standards for existing sources would be established and compliance would be required before July 1, 1977, while section 307(b) specifies "a time for compliance not to exceed three years from the date of promulgation" of the standard. Because the pretreatment standards are only now being promulgated, the Agency believes that the compliance deadline as set forth in section 307(b) should apply. The time for compliance with these categorical pretreatment standards will thus be three years from the date of promulgation. States or local governments may wish to adopt now or after promulgation the substantive pretreatment standards proposed today and make these standards part of the state laws or local ordinances.

PROPOSED RULES

The job shop sector of the Electroplating Point Source Category is quite vulnerable to adverse economic impact from these proposed pretreatment standards. The Agency is seeking ways to mitigate the economic consequences of this regulation without compromising environmental and public health considerations. For example, the Agency is working with the Small Business Administration in an attempt to mitigate these projected economic impacts. The Agency has also proposed in this regulation that compliance be achieved in most cases within three years after promulgation, even though the economic impact analysis is based on compliance within one year. Preliminary analyses indicate that this might reduce the projected economic impact by spreading the cost burden over three years. This will allow more time for raising or accumulating capital through cash flow or retained earnings.

OPPORTUNITY FOR PUBLIC COMMENT

Interested persons are encouraged to submit written comments. Comments should be submitted in triplicate to the Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, Attention: Distribution Officer, WH-552. Comments on all aspects of the regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, comments should identify and if possible, provide any additional data which may be available and should indicate why such data suggest amendment or modification of the regulation. In the event comments address the approach taken by the Agency in establishing pretreatment standards, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(b) of the Act. The Agency particularly solicits comments on other technologies for treating metal finishing effluents. All comments received on or before April 17, 1978, will be considered.

The Agency particularly solicits comments on the following specific issues:

(1) The proposed pretreatment standards place limitations on the allowable concentrations of individual metals. In addition, the proposed pretreatment standards include limitations on "total metals" which is defined to be the sum of the concentrations of copper, nickel, chromium and zinc. This differs from earlier standards which limited only individual metals concentrations. Commenters are urged to comment on the use of combined specific metal and total metal limitations as a pretreatment standard. In addition, EPA data indi-

cate that limitations on total suspended solids and pH can be an adequate surrogate for specific and total metals concentrations in some instances. Comments on the use of Total Suspended Solids and pH as a surrogate for the metals are solicited along with any data relating them to each other.

(2) The economic impact of these proposed pretreatment standards can be greatly reduced if financial assistance through the Small Business Administration is available to those potential closures that meet SBA loan criteria. Because of the potential importance of SBA programs to compliance by the industry, EPA has been working closely with SBA to improve the effectiveness of federal financial assistance programs, especially with regard to the Electroplating Point Source Category. As part of this effort, EPA is soliciting comments on the effectiveness of these financial assistance programs. More specifically, EPA would like comments on the following:

1. How can EPA and SBA better coordinate their programs?

2. What problems have been encountered by firms attempting to finance pollution control equipment through SBA?

3. Do firms generally know about Small Business Administration financial assistance programs?

4. Does the paperwork associated with SBA pollution abatement loans significantly deter eligible firms from applying?

5. Does the time to process a loan application significantly deter firms from doing so?

(3) These proposed pretreatment standards differ depending on whether a plant discharges more than 10,000 gallons per day of electroplating process waste water. Plants with flows of less than 10,000 gallons per day must meet limitations on amenable cyanide, hexavalent chromium, lead and cadmium. Plants with flows of greater than 10,000 gallons per day must meet these limitations plus additional limits on total cyanide, pH and other metals. The Agency is concerned that plants with flows of greater than 10,000 gallons per day will attempt to avoid the more stringent standard applicable to them by reducing their water flow to below 10,000 gallons per day. This would bypass the intent of the standard. Therefore, the Environmental Protection Agency solicits comments on the ability of electroplating facilities to reduce their process waste water use. Any comments should include data, if possible.

(4) These proposed pretreatment standards are concentration standards except for pH. The proposed regulations prohibit dilution as a means of complying with these regulations. The Agency solicits comments on the prac-

ticality of enforcing this prohibition, particularly in the context of local pretreatment enforcement programs. In addition there is a danger that concentration-based standards will penalize those firms that conserve water. A water conserving firm while discharging lower absolute amounts of a given pollutant could violate concentration-based limitations that are achieved by a similar firm that uses more water. Therefore, the Environmental Protection Agency solicits comments in the extent to which these concentration-based standards penalize firms who have better than average water usage.

(5) Do the data and analyses used by EPA support the Agency's preliminary conclusions with respect to the potentially adverse economic consequences foreseen and the availability of existing pollution control technology to meet the limitations proposed? Comments are also solicited on the extent to which the regulated pollutants pass through, interfere with, or are otherwise incompatible with the operation of publicly owned treatment works.

(6) These standards will often be met using technologies that create a sludge which must be disposed of in an environmentally sound manner. The Agency solicits comments on the proper disposal of this sludge. The Agency also solicits additional data on the costs of sludge disposal and invites comment on the 12 cent gallon cost which was used as an average cost for this regulation.

A copy of all public comments will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2922, (EPA Library), Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A copy of the technical studies and economic studies referred to above, and certain supplementary materials will be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

An opportunity for public hearing will be provided shortly after the close of the comment period. The place and time will be announced in a later notice.

SMALL BUSINESS ADMINISTRATION
FINANCIAL ASSISTANCE

The analysis of the economic impact of these proposed pretreatment standards indicated that Small Business Administration financial assistance could significantly reduce the adverse impact of these standards. EPA estimates that the projected firm closure rates for metal finishing job shops of 19 percent could possibly be reduced to 8 percent by the use of available SBA loan programs by firms that meet applicable criteria. This would prevent the closing of 370 firms and loss of

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eight thousand jobs. The Agency has been working with the Small Business Administration to insure that these benefits of fewer firm closures will be realized. The intent of this work has been to make sure that all firms that must comply with these pretreatment standards and are eligible for SBAA assistance are able to do so without undue delay.

There are two SBA programs that may be important sources of funding for the Electroplating Point Source Category. They are the Small Business Administration's Economic Injury Loan Program and SBA guaranteed Pollution Control Revenue Bonds.

Section 8 of the FWPCA authorizes the Small Business Administration through its economic disaster loan program, to make loans to assist any small business concern in effecting additions to or alterations in equipment, facilities, or methods of operation so as to meet water pollution control requirements under the Federal Water Pollution Control Act, if the concern is likely to suffer a substantial economic injury without such assistance. This program is open to all firms of 250 or fewer employees and for larger firms in some categories. Thus, this program is open to essentially all independent job shops in the Electroplating Point Source Category. Loans can be made either directly by SBA or through a bank using an SBA guarantee of up to ninety percent of the loans. The interest on direct loans depends on the cost of money to the federal government and is currently set at 6% percent. Borrowers can have up to thirty years to pay. SBA loans made through banks are at somewhat higher interest rates and are currently at 9% percent with up to 30 years to pay.

Analyses by the Environmental Protection Agency indicate that many firms in the Electroplating Point Source Category would be eligible for direct and indirect SBA loans. For further details on this Federal loan program write or telephone any of the following individuals at EPA Headquarters and in the ten EPA Regional offices:

- Coordinator—Sheldon Sacks, Environmental Protection Agency, Financial Assistance Coordinator, Office of Analysis and Evaluation (WH-588), 401 M Street SW., Washington, D.C. 20460, telephone 202-426-2504.
- Region I—Ted Landry, Environmental Protection Agency, J. F. Kennedy Federal Office Building, Room 2203, Boston, Mass. 02203, telephone 617-223-5061.
- Region II—Stuart Roth, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007, telephone 212-264-4726.
- Region III—Matthew Miller, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, telephone 215-597-9814.
- Region IV—John Hurlbaeus, Environmental Protection Agency, 345 Courtland Street,

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NE., Atlanta, Ga. 30308, telephone 404-881-4793.

Region V—Gene Pinkstaff and Merle Telleson, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill., 60604, telephone 312-353-2311.

Region VI—Richard Duty and Tom Rike, Environmental Protection Agency, 1st International Building, 1201 Elm Street, Dallas, Tex. 75270, telephone 214-749-1287 or 749-2658.

Region VII—Al Callier, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo., 64108, telephone 816-758-2725.

Region VIII—William H. Hornberg, Environmental Protection Agency, 1880 Lincoln Street, Denver, Colo. 80203, telephone 303-327-4579.

Region IX—Stan Lebowitz and Ray Seid, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, telephone 415-556-3450.

Region X—Dan Bodien, Environmental Protection Agency, 1200 6th Avenue, Seattle, Wash. 98101, telephone 206-442-1270.

Headquarters—Mr. Don Nantkes, Legal Counsel, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone 202-755-0775.

Interested persons may also contact the Assistant Regional Directors for Finance and Investment in the Small Business Administration regional offices for more details on federal loan assistance programs. For further information, write or telephone any of the following individuals:

Region I—Leonard E. Chadwick, Assistant Regional Director for Finance and Investment, Small Business Administration, 150 Causeway Street, Boston, Mass. 02203, telephone 617-223-3891.

Region II—John Axiotakis, Assistant Regional Director for Finance and Investment, Small Business Administration, 26 Federal Plaza, New York, N.Y. 10007, telephone 212-264-1482.

Region III—Dave Malone, Assistant Regional Director for Finance and Investment, Small Business Administration, 1 Bala Cynwyd Plaza, Bala Cynwyd, Pa. 19004, telephone 215-596-5962.

Region IV—Merritt Scoggins, Assistant Regional Director for Finance and Investment, Small Business Administration, 1401 Peachtree Street NE., Atlanta, Ga. 30309, telephone 404-257-4940.

Region V—Larry Cherry, Assistant Regional Director for Finance and Investment, Small Business Administration, 219 South Dearborn Street, Chicago, Ill. 60604, telephone 312-353-4533.

Region VI—Don Beaver, Assistant Regional Director for Finance and Investment, Small Business Administration, 1720 Regal Row, Dallas, Tex. 75202, telephone 214-749-1285.

Region VII—Dick Whitley, Assistant Regional Director for Finance and Investment, Small Business Administration, 911 Walnut Street, Kansas City, Mo. 64106, telephone 816-758-3927.

Region VIII—James Chuculate, Assistant Regional Director for Finance and Investment, Small Business Administration, 1405 Curtis Street, Denver, Colo. 80202, telephone 303-327-3988.

Region IX—Charles Hertzberg, Assistant Regional Director for Finance and Investment, Small Business Administration, 450 Golden Gate Avenue, San Francisco, Calif. 94102, telephone 415-556-7782.

Region X—Rodney Gauche, Regional Director for Finance and Investment, Small Business Administration, 710 2d Avenue, Seattle, Wash. 98104, telephone 206-399-5679.

In addition, the Small Business Investment Act, as amended by Pub. L. 94-305, authorizes SBA to guarantee the payments on qualified contracts entered into by eligible small businesses to acquire needed pollution facilities when the financing is provided through taxable and tax-exempt revenue or pollution bonds. This program is open to all eligible small businesses including some electroplating and metal finishing firms. Bond financing with SBA's guarantee of the payments makes available long term (20-25 years), low interest (usually 5% to 7%) financing to small businesses on the same basis which is available to larger national or international companies. For further details on this program write to SBA, Pollution Control Financing Division, Office of Community Development, 1441 L Street NW., Washington, D.C. 20416.

CERTIFICATION OF INFLATION IMPACT ANALYSIS

Executive Orders 11821 and 11949, and OMB Circular A-107 require that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated. It is hereby certified that the inflationary impact of these standards has been evaluated in the economic impact analysis.

Dated January 24, 1978.

DOUGLAS M. COSTLE,
Administrator.

APPENDIX A—TECHNICAL SUMMARY AND BASIS FOR REGULATIONS

This Appendix summarizes the basis for proposed pretreatment standards for existing sources in the electroplating point source category.

(1) *General methodology.* The pretreatment standards set forth herein were developed in the following manner: The point source category was first studied for the purpose of determining whether separate standards were appropriate for different segments within the category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water.

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The compatibility of each raw waste characteristic with municipal treatment works was then considered. Waste water constituents posing pass-through or interference problems for POTW were identified.

The control and treatment technologies existing within each segment were identified. This included identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which exist or are capable of being designed for each segment. It also included identification of the effluent level resulting from the application of each of the technologies in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants. The problems, limitations, and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise, and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology reflected the application of appropriate pretreatment technologies. In identifying such technologies, various factors were considered. These included the total cost of application of technology, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

(2) *Summary of technical analyses.* (i) *Categorization.* Previous regulations for the electroplating point source category were subcategorized on the basis of process considerations. Electroplating was separated from electroplating-related metal finishing processes because electroplating always requires the action of an electrical current to deposit a metallic coating on the basis material. Electroplating-related metal finishing processes may not require a current and may or may not deposit a metallic coat on the basis material. The processes of anodizing, coating, chemical etching and milling are sufficiently different so as to warrant separate subcategories. Anodizing, usually performed on

aluminum, converts the surface of the object to the metal oxide. Coatings refer principally to the conversion coatings of chromating and phosphating. Each of these processes chemically forms a thin protective coat on the treated object. An electrical current may or may not be applied. Chemical etching and milling involve the dissolution of the basis material.

In restudying the industry for the purpose of establishing pretreatment regulations, it was decided that printed circuit board manufacturing and electroless plating also warrant separate subcategorization because of the unique mixture of electrolytic and electroless plating operations found in these processes. Additionally, these processes produce pollutants which may render normal waste treatment techniques ineffective if proper safeguards are ignored. Finally, the foregoing subcategorization is consistent with the existing structure of the industry, each subcategory tending to be oriented toward individual processes or identifiable markets which do not overlap significantly.

(ii) *Origins and Characteristics of Waste Water Pollutants.* Waste water from this industry comes from pretreatment and post treatment operations as well as the actual metal finishing and electroplating steps. The known significant pollutants and pollutant properties from these operations include pH, total suspended solids, cyanide, chromium, copper, nickel, zinc, cadmium, lead, aluminum, and various precious metals and organic compounds. The present study indicates that many of these pollutants may occur together and that their individual concentrations may exceed 100 mg/l.

Waste water results from the following operations in this industry: (1) Rinsing to remove films of processing solution from the surface of work pieces at the site of each operation, (2) rinsing away spills, (3) washing the air that passes through ventilation ducts so as to remove spray from the air before it is exhausted, (4) dumping of spent solutions, (5) washing of equipment, and (6) discharging cooling water used in heat exchangers to cool solutions in metal finishing processes. Approximately 90 percent of the water consumed is in rinsing. That used as cooling water is usually recycled for rinsing. Plating solutions that are dumped may be slowly trickled into the rinse waters prior to treatment.

Many or the pollutants which are generated pose significant interference or pass through problems at POTW. The problems are as follows:

CADMIUM

Cadmium is not destroyed when intro-

duced into a POTW, and will either pass through to the POTW effluent or be incorporated into the POTW sludge. It can interfere with the POTW treatment process and can also limit the usefulness of municipal sludge. It causes toxic effects in a wide variety of organisms, including aquatic species and humans.

Threshold concentrations for inhibition by cadmium in a POTW are 10-100 mg/l for activated sludge processes and 0.02 mg/l for anaerobic digestion processes. Other metals, including zinc and magnesium, are synergistic for cadmium inhibition.

In a recent study of 189 POTW's, 75 percent of the primary plants, 57 percent of the trickling filter plants, 66 percent of the activated sludge plants and 62 percent of the biological plants allowed over 90 percent of the influent cadmium to pass through to the POTW effluent. Only 2 of the 189 POTW's allowed less than 20 percent pass through, and none less than 10 percent pass through. POTW effluent concentrations ranged from 0.001 to 1.97 mg/l (mean 0.028 mg/l, standard deviation .167 mg/l).

The cadmium which passes through the POTW to the effluent will usually be discharged to ambient surface water. Cadmium is toxic to aquatic organisms at levels typically observed in POTW effluents; for example:

- 96 hr LC-50 for chinook salmon is reported as 0.002 mg/l.
- 96 hr LC-50 for steelhead trout is reported as 0.0009 mg/l.
- Reproductive decrease in flagfish and brook trout at 0.0081 and 0.0034 mg/l, respectively.

Besides providing an environment for aquatic organisms, surface water is often used as a source of drinking water or irrigation water. For states with drinking water or irrigation water standards, the most common cadmium standard is 0.01 mg/l. Chronic ingestion of cadmium via drinking water and from use of contaminated irrigation water has been documented as the cause of Itai-itai disease in humans.

Cadmium not passed through the POTW will be retained in the sludge, where it is likely to build up in concentration. Sewage sludge is recognized as being a valuable resource for soil conditioning, with about 25 percent being applied to land (20 percent to cropland, 5 percent to golf courses, etc.). Cadmium contamination of sewage sludge limits its use on land since it increases the level of cadmium in the soil. Moreover, plant uptake results in contaminated crops. Sewage sludge contains 3 to 3000 mg/kg (dry basis) of cadmium (mean=106 mg/kg; median=16 mg/kg). These concentrations, for the most part, are significantly greater than those normally found in soil (0.017-7 mg/kg, with 0.06 mg/kg being a common level). Data show that cadmium can be incorporated into crops, including vegetables and grains, from contaminated soils. Since the crops themselves show no adverse effects from soils with levels up to 100 mg/kg cadmium, these contaminated crops could have a significant impact on human health.

Cadmium may be a factor in the development of such human pathological conditions as kidney disease, testicular tumors, hypertension, arteriosclerosis, growth inhibition, chronic disease of old age, and cancer. Cadmium which enters a POTW will

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either be discharged to ambient water, where it becomes a possible drinking water contaminant, or be incorporated into sewage sludge, where it becomes a possible human food contaminant via crop uptake.

Two federal agencies have already recognized the potential adverse human health effects posed by the use of sludge on cropland. The FDA recommends that sludges containing over 20 mg/kg should not be used on agricultural land. The USDA also recommends placing limits on the total cadmium from sludge that may be applied to land.

Pretreatment of electroplating discharges substantially reduces the concentration of cadmium in sludge. In Buffalo, N.Y., for example, pretreatment of electroplating waste resulted in a decrease of cadmium concentrations in the sludge from 100 to 50 mg/kg.

The Agency estimates that if the proposed regulation is promulgated approximately 200,000 pounds per year of cadmium will be removed from effluent entering POTW.

CHROMIUM

Chromium exists in the environment primarily in two oxidation states, hexavalent chromium and trivalent chromium. Chromium is not destroyed when treated by a POTW (although the oxidation state may change), and will either pass through to the POTW effluent or be incorporated into the POTW sludge. Both oxidation states can cause POTW treatment inhibition and can also limit the usefulness of municipal sludge. Hexavalent and trivalent chromium both cause toxic effects in a wide variety of organisms including aquatic species and humans. Chromium which passes through a POTW becomes a potential drinking and bathing water contaminant. Hexavalent chromium is a known human carcinogen, and is generally the more toxic of the two oxidation states.

Hexavalent chromium threshold concentrations for POTW treatment process inhibition are 1-10 mg/l for activated sludge, 5-50 mg/l for anaerobic digestion, and 0.25 mg/l for nitrification processes. Trivalent chromium threshold concentrations are 50 mg/l for activated sludge and 50-500 mg/l for anaerobic digestion processes. Chromium can also interfere with sludge settling in concentrations as low as 7 mg/l.

The amount of chromium which passes through to the POTW effluent depends on the type of treatment processes used by the POTW. In a recent study of 240 POTW's 56 percent of the primary plants allowed more than 80 percent pass-through to POTW effluent. More advanced treatment results in less pass-through, with median values for trickling filter, activated sludge, and biological treatments all being near about 60 percent pass-through. POTW effluent concentrations ranged from 0.003 to 3.2 mg/l total chromium (mean=0.197, standard deviation=0.48), and from 0.002 to 0.1 mg/l hexavalent chromium (mean=0.017, standard deviation=0.020).

The chromium which passes through the POTW will usually be discharged to ambient surface water. Chromium is toxic to aquatic organisms at levels observed in POTW effluents, for example:

Trivalent chromium showed a significant impairment in reproduction of *Daphnia magna* at levels of 0.3 to 0.5 mg/l. Hexavalent chromium retards growth of chinook salmon at 0.0002 mg/l. Hexavalent chromium is chronically toxic at levels as low as 0.010 mg/l, affecting

the ability of several aquatic species to grow or reproduce.

Hexavalent chromium is also corrosive, and a potent human skin sensitizer.

Besides providing an environment for aquatic organisms, surface water is often used as a source of drinking water. Because hexavalent chromium can be reduced to trivalent chromium in the environment, and trivalent chromium can possibly be oxidized to hexavalent chromium by chlorine or other agents, the National Interim Primary Drinking Water Standards are based on total chromium, the limit being 0.05 mg/l.

Chromium not passed through the POTW will be retained in the sludge, where it is likely to build up in concentration. Sludge concentrations of total chromium of over 20,000 mg/kg (dry basis) have been observed.

Sewage sludge is recognized as being a valuable resource for soil conditioning, with about 25 percent currently being applied to land (20 percent to cropland, 5 percent to golf courses, etc.). Most crops absorb relatively little chromium, even when it is present in high levels in soils, but hexavalent chromium has been shown to reduce some crop yields in concentrations as low as 200 mg/kg.

Pretreatment of electroplating discharges substantially reduces the concentration of chromium in sludge. In Buffalo, New York, for example, pretreatment of electroplating waste resulted in a decrease in chromium concentrations in sludge from 2,510 to 1,040 mg/kg. A similar reduction occurred in Grand Rapids, Michigan where the chromium concentration in the sludge decreased from 11,000 to 2,700 mg/kg.

The Agency estimates that if the proposed regulation is promulgated approximately 10,000,000 pounds per year of chromium will be removed from effluent entering POTW.

COPPER

Copper is not destroyed when treated by a POTW, and will either pass through to the POTW effluent or be retained in the POTW sludge. It can interfere with the POTW treatment processes and can limit the usefulness of municipal sludge. It causes toxic effects in a wide variety of organisms, including aquatic species.

Threshold concentrations for inhibition by copper in a POTW are 1.0 mg/l in activated sludge and anaerobic digestion processes, and 0.005 to 0.5 mg/l for nitrification processes, depending on POTW conditions. In a recent study of 268 POTW's, the median pass through was over 80 percent for primary plants and 40-50 percent for trickling filter, activated sludge and biological treatment plants. POTW effluent concentrations of copper ranged from 0.003 to 1.8 mg/l (mean 0.126, standard deviation 0.242).

The copper which passes through the POTW to the effluent will be discharged to ambient surface water. Copper is toxic to aquatic organisms at levels typically observed in POTW effluents, for example:

96-hour TL-50 for the rainbow trout is 0.02 mg/l.
96-hour LC-50 for the chinook salmon is 0.031 mg/l.
96-hour LC-50 for the fathead minnow is 0.023 mg/l.

Copper which does not pass through the POTW will be retained in the sludge, where it is likely to build up in concentration. The presence of excessive levels of copper in

sludge may limit its use on cropland. Sewage sludge contains up to 16,000 mg/kg of copper, with 730 mg/kg as the mean value. These concentrations are significantly greater than those normally found in soil, which usually range from 18 to 80 mg/kg. Copper toxicity may develop in plants from application of sewage sludge contaminated with copper. Yield reductions have been reported as low as 100 mg/kg with legumes being more sensitive than cereals. In one study, copper decreased beet yields by 74 percent at 80 mg/kg and 90 percent at 160 mg/kg.

Pretreatment of electroplating wastes in Buffalo, N.Y., resulted in a decrease in copper concentration in sludge from 1,570 to 330 mg/kg. In Grand Rapids, Mich., the sludge copper concentration decreased from 3,000 to 2,500 mg/kg.

The Agency estimates that if the proposed regulation is promulgated approximately 6,000,000 pounds per year of copper will be removed from effluent entering POTW.

LEAD

Lead is not destroyed when treated in a POTW, but will either pass through to the POTW effluent or be retained in the POTW sludge. It can interfere with the POTW treatment process and can also limit the usefulness of municipal sludge. It causes toxic effects in a wide variety of organisms, including aquatic species and humans, particularly children.

Threshold concentrations for lead inhibition of POTW treatment processes are 0.1 mg/l for activated sludge processes and 0.5 mg/l for nitrification processes.

In a recent study of 214 POTW's, median pass through values were over 80 percent for primary plants and over 60 percent for trickling filter, activated sludge, and biological process plants. Lead concentrations in POTW effluents ranged from 0.003 to 1.8 mg/l (mean=0.106, standard deviation=0.222).

The lead which passes through the POTW to the effluent will be discharged to ambient surface water. Lead is toxic to aquatic organisms at levels typically observed in POTW effluents, for example:

96-hour LC-50 for the coho salmon is 0.52 mg/l.
50 percent reproductive decrease in *Daphnia magna* at 0.1 mg/l.
Chronic detrimental effects on rainbow trout, brook trout, and sticklebacks at concentrations of 0.1 mg/l.

Besides providing an environment for aquatic organisms, surface water is often used as a source of drinking water. The National Interim Primary Drinking Water Regulations limit lead in drinking water to 0.05 mg/l. The major risk of lead in drinking water is to small children, where the water is one of several sources which result in a well documented, serious problem of excess lead levels in the body. According to the above regulations, as a result of the narrow range between the lead exposure of the average American in everyday life and exposure which is considered excessive, (especially in children) it is imperative that lead in water be maintained within strict limits. The estimated maximum safe level of lead intake is 600 µg/day. Potential sources of exposure are diet, water, dust, air, etc. Levels of lead in many urban children indicate overexposure (chronic brain or kidney damage, or acute brain damage), the levels of lead in water should be limited to as low as is practicable.

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Lead which does not pass through the POTW will be retained in the sludge, where it is likely to build up in concentration. Municipal sludge is recognized as a valuable resource, with about 25 percent currently being applied to land (20 percent to cropland, 5 percent to golf courses, etc.). In a recent two year study of eight cities, the median lead content ranged from 546 mg/kg to 8,466 mg/kg, with a maximum observed content of 11,897 mg/kg. Since the normal range of lead content in soil is from 3 to 70 mg/kg, application of contaminated sewage sludge to the soil will generally increase the soil's lead content.

Data indicate that the application of sludge containing excessive levels of lead to cropland may increase the lead concentration in crops if grown on acid soils. Generally, roots accumulate more lead than do plant tops. For above ground crops, significant impacts on lead concentration can occur when sludge is applied as a surface dressing while crops are growing. In light of the potential human health effects, the FDA has recommended that sludge containing more than 1,000 mg/kg of lead should not be used on agricultural land for crops used directly in the food chain.

Pretreatment of electroplating wastes in Buffalo, N.Y., resulted in a decrease in lead concentrations in sludge from 1,800 to 605 mg/kg.

The Agency estimates that if the proposed regulation is promulgated approximately 200,000 pounds per year of lead will be removed from effluent entering POTW.

NICKEL

Nickel is not destroyed when treated in a POTW, but will either pass through to the POTW effluent or be retained in the POTW sludge. It can interfere with POTW treatment processes and can also limit the usefulness of municipal sludge. Nickel causes toxic effects in a wide variety of organisms, including aquatic species and humans. It is a human carcinogen.

Threshold concentrations for POTW treatment process inhibition are 1 to 2.5 mg/l for activated sludge, 2 mg/l for anaerobic digestion, and 0.53 mg/l for nitrification processes.

In a recent study of 190 POTW's, nickel pass through was greater than 90 percent for 82 percent of the primary plants. Median pass through for trickling filter, activated sludge, and biological process plants was greater than 80 percent. POTW effluent concentrations ranged from 0.002 to 40 mg/l (mean=0.410, standard deviation=3.279).

The nickel which passes through the POTW is usually discharged to ambient surface water. Nickel is toxic to aquatic organisms at levels typically observed in POTW effluents, for example:

50 percent reproductive impairment of *Daphnia magna* at 0.095 mg/l.
3 week LC-50 of 0.130 mg/l for *Daphnia magna*.
Morphological abnormalities in developing eggs of *Limnaea palustris* at 0.230 mg/l.
50 percent growth inhibition of aquatic bacteria at 0.020 mg/l 0.020 mg/l.

Since surface water is often used as a drinking water source, nickel passed through a POTW becomes a possible drinking water contaminant.

Nickel not passed through the POTW will be incorporated into the sludge. Sewage

sludge is recognized as being a valuable resource, with 25 percent currently being applied to land (20 percent to cropland, with 5 percent to golf courses, etc.). In a recent two year study of eight cities, four of the cities had median nickel concentrations of over 350 mg/kg, and two were over 1,000 mg/kg. The maximum nickel concentration observed was 4,016 mg/kg.

Nickel toxicity may develop in plants from application of sewage sludge on acid soils. Nickel has caused reduction of yields for a variety of crops including oats, mustard, turnips, and cabbage.

Beets are the most sensitive to nickel toxicity. In one study, nickel decreased the yields of oats by 16 percent at 50 mg/kg, and 70 percent at 100 mg/kg.

Pretreatment of electroplating wastes in Buffalo resulted in a decrease in nickel concentration in sludge from 315 to 115 mg/kg. A similar decrease occurred in Grand Rapids, Mich., where the sludge nickel concentrations went from 3,000 to 1,700 mg/kg.

The Agency estimates that if the proposed regulation is promulgated approximately 12,000,000 pounds per year of nickel will be removed from effluent entering POTW.

ZINC

Zinc is not destroyed when treated by a POTW, but will either pass through to the POTW effluent or be retained in the POTW sludge. It can interfere with treatment processes in the POTW and can also limit the use of municipal sludge. It causes toxic effects in a wide variety of organisms, including aquatic species.

Threshold concentrations for POTW treatment process inhibition are 0.3 mg/l for activated sludge, 5 mg/l for anaerobic digestion, and 0.08 to 0.5 mg/l for nitrification processes. Other metals can cause synergistic effects.

In a recent study of 258 POTW's, the median pass through values were 70-80 percent for primary plants, 50-60 percent for trickling filter and biological process plants, and 30-40 percent for activated sludge process plants. POTW effluent concentrations of zinc ranged from 0.003 to 3.6 mg/l (mean=0.330, standard deviation=0.464).

The zinc which passes through the POTW to the effluent will be discharged to ambient surface water. Zinc is toxic to aquatic organisms in concentrations typically observed in POTW effluents, for example:

96-hour LC-50 for the cutthroat trout is 0.090 mg/l.
96-hour LC-50 for the chinook salmon is 0.103 mg/l.
Growth retardation in the minnow at 0.13 mg/l and abnormal swimming behavior at 0.04 mg/l.

The zinc which does not pass through the POTW will be retained in the sludge. Municipal sludge is recognized as a valuable resource, with 20 percent currently being applied to cropland as a soil conditioner. The presence of zinc in sludge may limit its use on cropland. Sewage sludge contains 72 to over 30,000 mg/kg of zinc, with 3,366 mg/kg as the mean value. These concentrations are significantly greater than those normally found in soil, which range from 0 to 195 mg/kg, with 94 mg/kg being a common level.

Therefore, application of sewage sludge to soil will generally increase the concentration of zinc in the soil. Zinc can be toxic to plants, depending upon soil pH. Lettuce, tomatoes, turnips, mustard, kale, and beets are especially sensitive to zinc contamination.

Pretreatment of electroplating waste in Buffalo, N.Y., resulted in a decrease in zinc concentrations in sludge from 2,275 to 364 mg/kg. The zinc content in the sludge of Grand Rapids, Mich., also decreased from 7,000 to 5,700 mg/kg as a result of pretreatment.

CYANIDE

Cyanides are widely used in the electroplating industry and are among the most toxic of pollutants commonly observed in industrial waste waters. Cyanides can interfere with the treatment processes in a POTW, or pass through to ambient waters. Cyanide also enhances the toxicity of metals commonly found in POTW effluents.

Threshold cyanide concentrations for POTW treatment process inhibition are 0.1-5 mg/l for activated sludge, 4 mg/l for anaerobic digestion, and 0.34 mg/l for nitrification processes.

Cyanide may be destroyed in a POTW, but data indicate that much of it passes through to the POTW effluent. One primary plant showed 100 percent cyanide pass through, and the mean pass through for 14 biological plants was 71 percent. In a recent study of 41 POTW's the effluent concentrations ranged from 0.002 to 100 mg/l (mean=2.518, standard deviation=15.6).

The cyanide which passes through to the POTW effluent will usually be discharged into ambient surface water. There is a considerable amount of data documenting cyanide toxicity to aquatic organisms at levels at or below those typically observed in POTW effluents.

Cyanides are more toxic to fish than to lower aquatic organisms such as midge larvae, crustaceans, and mussels. Toxicity to fish is a function of chemical form and concentration, and is influenced by the rate of metabolism (temperature), the level of dissolved oxygen, and pH. In laboratory studies free cyanide concentrations ranging from 0.05 to 0.15 mg/l have been proven to be fatal to sensitive fish species including trout, bluegills, and fathead minnows. Levels above 0.2 mg/l are rapidly fatal for many species. Long term sublethal concentrations of cyanide as low as 0.01 mg/l have been shown to affect the ability of fish to function normally, e.g., reproduce, grow, and move freely.

Cyanide may exist as free cyanide (CN anion), hydrogen cyanide (HCN), or as a complex with metals. In the absence of metals, free cyanide and hydrogen cyanide are in an equilibrium which is highly dependent upon pH. At pH values below 7.0 over 99 percent of the cyanide is present as HCN. At pH values of 8.0, 9.0, and 10.0 the HCN percentage decreases to 93.3 percent, 58 percent and 13 percent, respectively. Since HCN is the most toxic form of cyanide, it is clear that decreasing pH (increasing acidity) results in greater toxicity. Temperature increase also results in increased toxicity (2-3 fold over 10°C), as does reduction in dissolved oxygen content.

Cyanide forms complexes with metal ions present in waste water. All these complexes exist in equilibrium with HCN. Therefore, the concentration of free cyanide present is dependent on the pH of the water and the relative strength of the metal-cyanide complex. The cyanide complexes of zinc, cadmium and copper may dissociate to release free cyanide. Also, where these complexes occur together, synergistic effects have been demonstrated. Zinc, copper, and cadmium cyanide are more toxic than an equal concentration of sodium cyanide.

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Another problem associated with cyanide pass through is possible chlorination of cyanide to highly toxic cyanogen chloride, which is subsequently released to the environment. This chlorination reaction may occur as part of the POTW treatment, or subsequently as part of the disinfection treatment for surface drinking water preparation.

Data for Grand Rapids, Mich., show a significant decline in cyanide concentrations downstream from the POTW after pretreatment regulations were enacted. Concentrations fell from 0.06 mg/l before to 0.01 mg/l after pretreatment was required.

SILVER

There is no available literature on the incidental removal of silver by POTW. An incidental removal of about 50 percent is assumed as being representative as this is the highest average incidental removal of any metal for which data are available. (Copper has been indicated to have a median incidental removal rate of 49 percent.)

The toxicity of silver to aquatic organisms has long been recognized. Dosages of 0.000001 to 0.5 mg/l of silver have been reported as sufficient to sterilize water. The threshold toxicity level to other lower aquatic organisms has been reported at 30 to 50 ug/l. The toxic threshold of silver nitrate for sticklebacks is reported as 4.8 ug/l as silver.

Bioaccumulation and concentration of silver from sewage sludge has not been studied to any great degree. There is some indication that silver could be bioaccumulated in mushrooms to the extent that there could be an adverse physiological effect on humans if they consumed large quantities of mushrooms grown in silver enriched soil. The effect, however, would tend to be unpleasant rather than fatal. No data has been accumulated on the remainder of the metals.

There is little summary data available on the quantity of silver discharged to POTW. Presumably because of its high intrinsic value there would be a tendency to limit its discharge from a manufacturing facility. Pretreatment requirements will limit the discharge of silver from those establishments that allow or may allow them to discharge freely.

pH

Extremes of pH or rapid pH changes can exert stress conditions or kill biological life outright. At a pH greater than 10, disruption of a biological treatment system is likely. At a low pH, corrosion of sewer pipes may be caused. Furthermore, at a pH below 7.5, only small amounts of metals are converted to hydroxide form. Since soluble metals tend to pass through POTW untreated, whereas metal hydroxides will tend to be removed in primary clarifiers, pH levels have an important indirect effect on the significance of metal pass-through problems.

(iv) Treatment and control technology. Waste water treatment and control technologies have been studied for this industry to determine the best practicable pretreatment technologies. This study showed that although there are differences between subcategories in the types and quantities of wastes generated, the same general treatment technologies are available to this entire industrial segment.

Electroplating wastes are typically treated by a number of sequential control techniques. General practice includes segrega-

tion and individual treatment of the wastes containing cyanide and chrome followed by the removal of metals by pH adjustment and clarification or filtration in a common treatment system. Therefore, the present pretreatment limitations for this category are based on the following control techniques: cyanide oxidation, chrome reduction, metal precipitation using pH adjustment and solids removal. The use of these technologies formed the basis of the pretreatment standards which are being established. However, this does not preclude the use of other waste water treatment techniques which provide equivalent or better levels of treatment. These treatment technologies are discussed in detail in the development document.

CHROME REDUCTION

Reduction of hexavalent chrome to trivalent chrome is widely practiced and is typically done using sulfur dioxide at a pH of approximately two.

Seventh-three plants sampled by the Agency had operating chrome reduction facilities. The number of data points from each plant varied from one to 133. The data from each plant were averaged into a single number so that all plants were considered equally. Approximately 80 percent of these plants already meet the limitations specified by the regulation.

CYANIDE DESTRUCTION

Cyanide must be treated before treatment for metals removal may take place. If this is not done soluble metal cyanide complexes rather than insoluble metal hydroxides will be formed.

Cyanide destruction is generally done in a two-stage oxidation treatment system using chlorine or hypochlorite. The first stage of the reaction oxidizes cyanide to cyanate, and the second, cyanate to nitrogen and carbon dioxide.

The cyanide limitation set by this regulation is based on two stage treatment and careful separation of iron, nickel, and certain other metal bearing wastes from cyanide waste treatment technologies. This latter segregation practice is standard good housekeeping procedure and is well established within the industry.

Eighty-five plants sampled during this study had cyanide oxidation facilities. The data from each plant were treated in the same manner as the data on chrome reduction. The limitations set by this regulation based on cyanide oxidation are currently achieved by approximately 80 percent of the data base.

pH ADJUSTMENT

Control of pH was practiced by all of the plants sampled in this study. Typically, the pH is adjusted by adding an acid, such as hydrochloric or sulfuric, or base (lime or caustic) to the waste stream in an agitated tank; pH control is achieved by mixing sufficient amounts of acid or base to the waste to maintain the pH in the desired range.

METALS REMOVAL

The pH adjustment of electroplating wastes to 8.0 or above causes the dissolved metals to form insoluble metal hydroxides. These compounds can be removed from the waste water by solids separation techniques such as gravitational settling or filtration. Both methods are in general use within the industry and were used by plants sampled by the Agency. A detailed analysis of the

performance of these techniques is given in the development document.

The limitations proposed by this regulation are based on the Agency's assessment of the performance of the preceding technologies. In making this assessment, the Agency was careful to exclude data or plants which were diluting untreated or inadequately treated process waste water with nonprocess or sanitary waste. Dilution of this sort is counter to the intent of this regulation and must not be used as an aid in achieving these limitations.

(iv) Cost estimates for control of waste water pollutants. Cost information was obtained from industry, engineering firms, equipment suppliers, government sources, and available literature. Whenever possible the Agency used costs based on actual industrial installations or engineering estimates for projected facilities as supplied by contributing companies.

The foregoing cost information was used to estimate the cost of treatment plants for electroplating establishments of various sizes and compositions. Eighty-one model plants were used to characterize the treatment costs associated with this category. These models and a summary of the costing methodology are available for public inspection at the EPA Public Information Reference Unit, Room 2922, (EPA Library), Waterside Mall, 401 M Street SW., Washington, D.C. 20480.

(v) Energy requirements and nonwater quality environment impacts. The energy costs related to the implementation of these regulations are generally limited to electricity required for liquid transfer pumps and agitator motors.

The major nonwater quality consideration which may be associated with these pretreatment standards is the generation of metal-bearing solid wastes which must be disposed of by the industrial user. The estimated cost for disposing of these wastes in an environmentally safe manner has been estimated by the Agency to be 12 cents per gallon. This cost has been included in the cost analysis for this regulation. A discussion of the data gathered by the Agency regarding these costs is contained in the development document.

No significant increase in noise, radiation, air pollution or thermal pollution will result from the implementation of these pretreatment standards.

(3) Economic Summary. This section summarizes the economic and inflationary impacts of the pretreatment standards for the electroplating point source category. Executive Orders 11821 and 11949, and OMB Circular A-107 require that major proposals for legislation and promulgation of regulations and rules by agencies of the executive branch be accompanied by a statement certifying that the inflationary impact of the proposal has been evaluated. The inflationary impact of these standards has been evaluated in an economic impact analysis, the results of which are summarized below. The details of the economic studies are set forth in a report entitled Economic Analysis of Proposed Pretreatment Standards for Existing Sources of the Electroplating Point Source Category, December 1977.

These proposed pretreatment standards for plants discharging to publicly owned treatment works apply to: (1) independent job shops performing the metal-finishing processes covered by these standards as their primary line of business, (2) independent manufacturers of printed circuit

boards; and (3) captive establishments performing the processes regulated but as part of the manufacture of some other product.

Total investment costs for the metal-finishing job shops to comply with these standards are estimated to be 134.3 million dollars. Annualized compliance costs for this sector are estimated to be 37.7 million dollars per year. Investment costs for the printed circuit board makers are estimated to be 20.8 million dollars. Annualized compliance costs for this sector are estimated to be 5.7 million dollars. Thus, independent firms would have to make investments totaling 155.1 million dollars to comply with these standards. Annualized costs of compliance for independent firms are estimated to be 43.4 million dollars per year.

Total investment costs for captive operations are estimated to be 305.6 million dollars. Annualized compliance costs for this sector are estimated to be 85.5 million dollars per year. Thus, the total investment required to comply with these standards is estimated to be 460.7 million dollars. Total annualized compliance costs are estimated to be 128.9 million dollars per year. The above costs make allowance for treatment in place and are the increment between the existing level of compliance in the industry and that required by these proposed pretreatment standards. Thus, these costs include the cost to comply with the July 12, 1977 Interim Final Pretreatment Standards for the Electroplating Point Source Category as well as the increment over these needed to comply with the proposed standards.

Independent metal finishing job shops and printed circuit board makers may suffer significant adverse economic impact as a result of these standards. It is estimated that 584 metal finishing job shops representing 12,500 jobs may close as a result of these standards. This represents 21 percent of the firms and jobs in this sector of the industry. It is estimated 55 printed circuit board makers representing 3,135 jobs may close as a result of these standards. This represents 14 percent of the firms and 13 percent of the jobs in this sector of the industry.

Thus, a total of approximately 639 independent firms representing approximately 15,636 jobs may close as a result of these standards. This represents 19 percent of the independent firms and 18 percent of the jobs.

These estimated impacts are drastically reduced by Federal financial assistance programs to small business. Analyses performed for the Environmental Protection Agency show that existing Small Business Administration loan programs could reduce the projected impacts on the job shops to eight percent of the firms and jobs. Thus, SBA loan programs could possibly reduce the number of firm closures by 370 and the number of job losses by 8,000. The Environmental Protection Agency is working closely with the Small Business Administration to insure that these loans are made available to eligible firms.

Captive establishments are anticipated to have much lower adverse economic impacts than is the case for the independent establishments. No plants are expected to close as a result of the standards but it is estimated that 67 plants may close down their metal finishing operations and purchase metal finishing services from job shops. This represents less than a thousand metal finishing jobs among the 2.3 million jobs in establishments with captive metal finishing

operations that discharge to municipal systems. These possible captive closures represent one percent of the firms having captive metal finishing operations.

Prices are expected to rise to account for increased compliance costs. The price of the regulated metal finishing services from independent job shops is expected to rise by an average of five percent. The price of printed circuit boards is expected to rise by about four percent. The price of those products produced by firms with captive operations is expected to rise by one percent or less.

Profitability and owners' compensation are expected to drop slightly in the short run but are expected to return to their original levels within a few years of compliance as the industry adjusts to the new abatement requirements.

SUMMARY OF PUBLIC PARTICIPATION

The following are the principal agencies and groups consulted in the development of regulations: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Department of Interior; (4) Department of Commerce; (5) Department of Defense; (6) Department of the Treasury; (7) Water Resources Council; (8) Atomic Energy Commission; (9) Office of Management and Budget; (10) National Association of Metal Finishers; (11) Metal Finishers Suppliers Association; (12) American Electroplating Society; (13) Institute of Printed Circuits; (14) Alberts Plating Works, Inc.; (15) American Hot Dip Galvanizers; (16) American Society of Mechanical Engineers; (17) Hudson River Sloop Restoration, Inc.; (18) The Conservation Foundation; (19) Environmental Defense Fund, Inc.; (20) Natural Resources Defense Council; (21) The American Society of Civil Engineers; (22) Water Pollution Control Federation; (23) National Wildlife Federation; (24) American Institute of Chemical Engineers; (25) New England Interstate Water Pollution Control Commission.

A list of those who commented following publication of the Phase I and Phase II regulations was published in the July 12, 1977 interim final pretreatment regulation (FR35834). Those comments were considered by the Agency in proposing the present regulation. Additionally, the following responded with comments following publication of the interim final regulation: U.S. Department of Interior; County Sanitation Districts of Los Angeles County; The Metropolitan Sanitary District of Greater Chicago; East Bay Municipal Utility District; city of Houston, Tex., Office of the Mayor; Slack Associates, Inc.; Roper Eastern; E. I. DuPont de Nemours Inc., Dicson Electronics Inc.; Andco Environmental Process, Inc., Varland Metal Services, Inc.; Allen K. Fischkorn, Jr.; The National Association of Metal Finishers.

The major issues raised by commenters following the publication of the interim final regulations are as follows:

(1) One commenter stated that the interim final cyanide limitations are not reflective of alkaline chlorination alone but rather alkaline chlorination plus an alleged cyanide reduction due to metals removal.

The Agency's analysis of cyanide oxidation systems included only plants which also had metals removal technology. On the basis of a preliminary analysis, a significant cyanide reduction does appear to occur as a result of metals removal. The Agency, in studying this effect proposes today to amend the regulation by increasing the amenable cyanide limitation for plants discharging less than 38,000 l (10,000 gal) per day. The Agency solicits comments on the appropriateness of these limitations and the mechanism by which this removal occurs. However, for those firms discharging more than 38,000 l (10,000 gal) per day, the Agency believes that the cyanide analysis reflects the levels of control which can be attained by use of the model waste treatment control technologies.

(2) Several commenters stated that while control of cyanide and chromium is a necessary first step in the control of toxic wastes from this industry, these and other limitations should only be as severe as necessary to meet the water quality standards required for receiving waters.

The basic scheme of the Federal Water Pollution Control Act is to require all discharges to meet uniform technology-based pretreatment standards as a minimum. Water quality standards are primarily relevant to determine whether further reductions in discharges should be imposed to meet the water quality standards of individual bodies of water. The Agency has followed a practice of utilizing technology based limitations in other pretreatment regulations. The Agency invites comments on whether recent amendments to the Federal Water Pollution Control Act should affect that policy.

(3) One commenter stated that some processes, particularly within the coatings subcategory, utilize process chemicals which inevitably generate low but significant concentrations of cyanide complexes which are poorly treated by alkaline chlorination.

To the extent that such processes exist and were not studied by the Agency and that the formation of these complexes is not the result of failure to segregate cyanide-bearing wastes or other poor housekeeping procedures, these processes may be eligible for variances from these limitations because they are fundamentally different from those processes studied

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Subpart A—Electroplating of Common Metals Subcategory

Subpart A, § 413.10 is proposed to be amended by adding a second paragraph as follows:

§ 413.10 Applicability; description of the electroplating of common metals subcategory.

• • • No discharger into a POTW shall augment his use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with this standard.

Subpart A, § 413.11 is proposed to be amended by adding paragraphs (h) and (i) as follows:

§ 413.11 Specialized definitions.

(h) The term "total metal" is defined as the sum of the concentration of Copper (Cu), Nickel (Ni), Total Chromium (Cr) and Zinc (Zn).

(i) The term "strong chelating agents" is defined as all compounds which be virtue of their chemical structure and amount present form soluble metal complexes which are not removed by subsequent metals control techniques such as clarification or filtration.

Subpart A, § 413.14 paragraph (b) is revised to read as follows:

§ 413.14 Pretreatment standards for existing sources.

• • • • •

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the concentration or pH of pollutants which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 38,000 l (10,000 gal) per day of electroplating process waste water the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
CN.A.....	2	0.8
Cr.VI.....	.25	.09
Pb.....	.8	.4
Cd.....	1. 145.5	

(2) For plants discharging 38,000 l (10,000 gal) per day or more of electroplating process waste water the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
CN.A.....	0.20	0.08
CN.T.....	.64	.24
Cr.VI.....	.25	.09
Cu.....	4.6	2.0
Ni.....	3.6	1.8
Cr.Total.....	4.2	1.6
Zn.....	3.4	1.5
Pb.....	.8	.4
Cd.....	1.0	.5
Total metals.....	7.5	3.9

For plants regulated under paragraph (b)(2) of this section, the following optional alternate limitation may be elected by the plant introducing treated process waste water into a POTW. In the absence of strong chelating agents and after neutralization using calcium oxide (or hydroxide) the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
CN.A.....	0.20	0.08
CN.T.....	.64	.24
Cr.VI.....	.25	.09
Pb.....	.8	.4
Cd.....	1.	.5
TSS.....	15.	10.
pH.....	Within the range 7.5 to 10.	

Subpart B—Electroplating of Precious Metals Subcategory

Subpart B, § 413.20 is proposed to be amended by adding a second paragraph to read as follows:

§ 413.20 Applicability; description of the electroplating of precious metals on ferrous and non-ferrous materials category.

• • • No discharger into a POTW shall augment his use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with this standard.

Subpart B, § 413.21 is proposed to be amended by adding paragraphs (h) and (i) as follows:

§ 413.21 Specialized definitions.

• • • • •

(h) The term "total metal" is defined as the sum of the concentration of Copper (Cu), Nickel (Ni), Total Chromium (Cr) and Zinc (Zn).

(i) The term "strong chelating agents" is defined as all compounds

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which by virtue of their chemical structure and amount present form soluble metal complexes which are not removed by conventional metals control techniques such as clarification or filtration.

Subpart B, § 413.24 paragraph (b) is revised to read as follows:

§ 413.24 Pretreatment standards for existing sources.

• • • • •

(b) In addition to the general prohibition set forth in paragraph (a) of this section, the following pretreatment standards establish the concentration or pH of pollutants which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 38,000 liters (10,000 gal) per day of electroplating process waste water the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
CN.A.....	2.0	0.8
Cr.VI.....	0.25	0.09
Pb.....	.8	0.4
Cd.....	1.0	0.5

(2) For plants discharging 38,000 liters (10,000 gal) per day or more of electroplating process waste water the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
CN.A.....	0.20	0.08
CN.T.....	.64	.24
Cr.VI.....	.25	.09
Cu.....	4.6	2.0
Ni.....	3.6	1.8
Cr.Total.....	4.2	1.6
Zn.....	3.4	1.5
Pb.....	.8	.4
Cd.....	1.0	.5
Total metals.....	7.5	3.9
Silver.....	1.0	.34

(3) For plants regulated under paragraph (b)(2) of this section, the following optional alternate limitation may be elected by the plant introducing treated process waste water into a POTW. In the absence of strong chelating agents and after neutralization using calcium oxide (or hydroxide) the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
CN.A.....	0.20	0.08
CN.T.....	.64	.24
Cr.VI.....	.25	.09
Pb.....	.8	.4
Cd.....	1.0	.5
TSS.....	15	10.
pH.....	Within the range 7.5 to 10	

Support D—Anodizing Subcategory

Subpart D, § 413.40 is proposed to be amended by adding a second paragraph to be read as follows:

§ 413.40 Applicability; description of the anodizing subcategory.

• • • No discharger into a POTW shall augment his use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with this standard.

Subpart D, § 413.41 is proposed to be amended by adding paragraphs (h) and (i) as follows:

§ 413.41 Specialized definitions.

• • • • •

(h) The term "total metal" is defined as the sum of the concentration of Copper (Cu), Nickel (Ni), Total Chromium (Cr) and Zinc (Zn).

(i) The term "strong chelating agents" is defined as all compounds which by virtue of their chemical structure and amount present form soluble metal complexes which are not removed by conventional metals control techniques such as clarification or filtration.

Subpart D, § 413.44 paragraph (b) is revised to read as follows:

§ 413.44 Pretreatment standards for existing sources.

• • • • •

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the concentration or pH of pollutants which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 38,000 liters (10,000 gal.) per day of electroplating process waste water the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
CN.A.....	2.0	0.8
Cr.VI.....	.25	.09
Pb.....	.8	.4
Cd.....	1.0	.5

(2) For plants discharging 38,000 liters (10,000 gal.) per day or more of electroplating process waste water the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
CN.A.....	0.20	0.08
CN.T.....	.64	.24
Cr.VI.....	.25	.09
Cu.....	4.6	2.0
Ni.....	3.6	1.8
Cr.Total.....	4.2	1.6
Zn.....	3.4	1.5
Pb.....	.8	.4
Cd.....	1.0	.5
Total metals.....	7.5	3.9

(3) For plants regulated under paragraph (b)(2) of this section, the following optional alternate limitation may be elected by the plant introducing treated process waste water into a POTW. In the absence of strong chelating agents and after neutralization using calcium oxide (or hydroxide) the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
CN.A.....	0.20	0.08
CN.T.....	.64	.24
Cr.VI.....	.25	.09
Pb.....	.8	.4
Cd.....	1.0	.5
TSS.....	15.	10.
pH.....	Within the range 7.5 to 10.0	

Support E—Coatings Subcategory

Subpart E, § 413.50 is proposed to be amended by adding a second paragraph to read as follows:

§ 413.50 Applicability; description of the coatings subcategory.

• • • No discharger into a POTW shall augment his use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with this standard.

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Subpart E, § 413.51 is proposed to be as amended by adding paragraphs (h) and (i) as follows:

§ 413.51 Specialized definitions.

(h) The term "total metal" is defined as the sum of the concentration of Copper (Cu), Nickel (Ni), Total Chromium (Cr) and Zinc (Zn).

(i) The term "strong chelating agents" is defined as all compounds which by virtue of their chemical structure and amount present form soluble metal complexes which are not removed by conventional metals control techniques such as clarification or filtration.

Subpart E, § 413.54 paragraph (b) is revised to read as follows:

§ 413.54 Pretreatment standards for existing sources.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the concentration or pH of pollutants which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 38,000 liters (10,000 gal.) per day of electroplating process waste water the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
CN, A.....	2.0	0.8
Cr, VI.....	.25	.09
Pb.....	.8	.4
Cd.....	1.0	.5

(2) For plants discharging 38,000 liters (10,000 gal.) per day or more of electroplating process waste water the following limitations shall apply:

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
Cu, A.....	0.20	0.08
CN, T.....	.64	.24
Cr, VI.....	.25	.09
Cu.....	4.6	2.0
Ni.....	3.6	1.8
Cr, Total.....	4.2	1.8
Zn.....	3.4	1.5
Pb.....	.8	.4
Cd.....	1.0	.5

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
mg/l		
Total metals.....	7.5	3.9

(3) For plants regulated under paragraph (b)(2) of this section, the following optional alternate limitation may be elected by the plant introducing treated process waste water into a POTW. In the absence of strong chelating agents and after neutralization using calcium oxide (or hydroxide) the following limitations shall apply:

Pretreatment, standard (mg/l)		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days, shall not exceed—
CN, A.....	0.20	0.08
CN, T.....	.64	.24
Cr, VI.....	.25	.09
Pb.....	.80	.40
Cd.....	1.00	.50
TSS.....	15.00	10.00
pH.....	Within the range 7.5 to 10.0	

Subpart F—Chemical Etching and Milling Subcategory

Subpart F, § 413.60 is proposed to be amended by adding a second paragraph to read as follows:

§ 413.60 Applicability; description of the chemical etching and milling subcategory.

... No discharger into a POTW shall augment his use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with this standard.

Subpart F, § 413.61 is proposed to be amended by adding paragraphs (h) and (i) as follows:

§ 413.61 Specialized definitions.

(h) The term "total metal" is defined as the sum of the concentration of Copper (Cu), Nickel (Ni), Total Chromium (Cr) and Zinc (Zn).

(i) The term "strong chelating agents" is defined as all compounds which by virtue of their chemical structure and amount present form soluble metal complexes which are not removed by conventional metals control techniques such as clarification or filtration.

Subpart F, § 413.64 paragraph (b) is revised to read as follows:

§ 413.64 Pretreatment standards for existing sources.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the concentration or pH of pollutants which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 38,000 liters (10,000 gal.) per day of electroplating process waste water the following limitations shall apply:

Pretreatment standard (mg/l)		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
CN, A.....	2.00	0.80
Cr, VI.....	.25	.09
Pb.....	.80	.40
Cd.....	1.00	.50

(2) For plants discharging less than 38,000 liters (10,000 gal.) per day of electroplating process waste water the following limitations shall apply:

Pretreatment standard (mg/l)		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
CN, A.....	0.20	0.08
CN, T.....	.64	.24
Cr, VI.....	.25	.09
Cu.....	4.60	2.00
Ni.....	3.60	1.80
Cr, total.....	4.20	1.80
Zn.....	3.40	1.50
Pb.....	.8	.40
Cd.....	1.0	.50
Total metals.....	7.5	3.90

(3) For plants regulated under paragraph (b)(2) of this section, the following optional alternate limitation may be elected by the plant introducing treated process waste water into a POTW. In the absence of strong chelating agents and after neutralization using calcium oxide (or hydroxide) the following limitations shall apply:

Pretreatment standard (mg/l)		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
CN, A.....	0.20	0.08
CN, T.....	.64	.24
Cr, VI.....	.25	.09
Cu.....	4.60	2.00
Ni.....	3.60	1.80
Cr, total.....	4.20	1.80
Zn.....	3.40	1.50
Pb.....	.80	.40
Cd.....	1.00	.50
TSS.....	15.00	10.00

Pretreatment standard		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
pH.....	Within the range 7.5 to 10.0	

Subpart G—Electroless Plating

Subpart G, § 413.70 is proposed to be amended by adding a second paragraph to read as follows:

§ 413.70 Applicability; description of the electroless plating subcategory.

... No discharger into a POTW shall augment his use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with this standard.

Subpart G, § 413.71 is proposed to be amended by adding paragraphs (i) and (j) to read as follows:

§ 413.71 Specialized definitions.

(i) The term "total metal" is defined as the sum of the concentration of Copper (Cu), Nickel (Ni), Total Chromium (Cr) and Zinc (Zn).

(j) The term "strong chelating agents" is defined as all compounds which by virtue of their chemical structure and amount present form soluble metal complexes which are not removed by conventional metals control techniques such as clarification or filtration.

Subpart G, § 413.74 paragraph (b) is revised to read as follows:

§ 413.74 Pretreatment standards for existing sources.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the concentration or pH of pollutants which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 38,000 l (10,000 gal) per day of electroplating process waste water the following limitations shall apply:

Pretreatment standard (mg/l)		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
CN, A.....	2.00	0.80
Cr, VI.....	.25	.09
Pb.....	.80	.40
Cd.....	1.00	.50

(2) For plants discharging 10,000 gallons per day or more of electroplating

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process waste water the following limitations shall apply:

Pretreatment standard (mg/l)		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
CN, A.....	0.20	0.08
CN, T.....	.64	.24
Cr, VI.....	.25	.09
Cu.....	4.60	2.00
Ni.....	3.60	1.80
Cr, total.....	4.20	1.80
Zn.....	3.40	1.50
Pb.....	.80	.40
Cd.....	1.00	.50
Total metals.....	7.50	3.90

(3) For plants regulated under paragraph (b)(2) of this section, the following optional alternate limitation may be elected by the plant introducing treated process waste water into a POTW. In the absence of strong chelating agents and after neutralization using calcium oxide (or hydroxide) the following limitations shall apply:

Pretreatment standard (mg/l)		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
CN, A.....	0.20	0.08
CN, T.....	.64	.24
Cr, VI.....	.25	.09
Pb.....	.80	.40
Cd.....	1.00	.50
TSS.....	15.00	10.00
pH.....	Within the range 7.5 to 10.0	

Subpart H—Printed Circuit Board

Subpart H, § 413.80 is proposed to be amended by adding a second paragraph to read as follows:

§ 413.80 Applicability; description of the printed circuit board subcategory.

... No discharger into a POTW shall augment his use of process water or otherwise dilute his discharge as a partial or complete substitute for adequate treatment to achieve compliance with this standard.

Subpart H, § 413.81 is proposed to be amended by adding paragraphs (i) and (j) as follows:

§ 413.81 Specialized definitions.

(i) The term "total metal" is defined as the sum of the concentration of Copper (Cu), Nickel (Ni), Total Chromium (Cr) and Zinc (Zn).

(j) The term "strong chelating agents" is defined as all compounds which by virtue of their chemical structure and amount present form soluble metal complexes which are not removed by conventional metals control techniques such as clarification or filtration.

Subpart H, § 413.84 paragraph (b) is revised to read as follows:

§ 413.84 Pretreatment standards for existing sources.

(b) In addition to the general prohibitions set forth in paragraph (a) of this section, the following pretreatment standards establish the concentration or pH of pollutants which may be introduced into a publicly owned treatment works by a source subject to the provisions of this subpart.

(1) For plants discharging less than 38,000 l (10,000 gal) per day of electroplating process waste water the following limitations shall apply:

Pretreatment standard (mg/l)		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
CN, A.....	2.00	0.80
Cr, VI.....	.25	.09
Pb.....	.80	.40
Cd.....	1.00	.50

(2) For plants discharging 38,000 l (10,000 gal) per day or more of electroplating process waste water the following limitations shall apply:

Pretreatment standard (mg/l)		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
CN, A.....	0.20	0.08
CN, T.....	.64	.24
Cr, VI.....	.25	.09
Cu.....	4.60	2.00
Ni.....	3.60	1.80
Cr, total.....	4.20	1.80
Zn.....	3.40	1.50
Pb.....	.80	.40
Cd.....	1.00	.50
Total metals.....	7.50	3.90

(3) For plants regulated under paragraph (b)(2) of this section, the following optional alternate limitation may be elected by the plant introducing treated process waste water into a POTW. In the absence of strong chelating agents and after neutralization using calcium oxide (or hydroxide) the following limitations shall apply:

Pretreatment standard (mg/l)		
Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
CN, A.....	0.20	0.08
CN, T.....	.64	.24
Cr, VI.....	.25	.09
Pb.....	.80	.40
Cd.....	1.00	.50
TSS.....	15.00	10.00
pH.....	Within the range 7.5 to 10.0	

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WEDNESDAY, FEBRUARY 15, 1978



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for March are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

SUNSHINE ACT MEETINGS 6715

BOLTS, NUTS AND LARGE SCREWS IMPORTS

Presidential memorandum 6575

CIVIL RIGHTS

HEW publishes revised criteria for acceptable plans to desegregate State systems of public higher education 6658

VETERANS EDUCATION

VA proposes increases in monthly rates and other significant changes in the educational assistance and vocational rehabilitation programs; comments by 3-11-78 (Part II of this issue) . 6722

DISASTER LOAN POLICY

SBA proposes regulations implementing economic dislocation and injury loans policy; comments by 3-17-78 6619

CASH EQUIVALENT OF IN-KIND INCOME

HEW announces availability of study results 6657

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

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federal register

Area Code 202 Phone 523-5240



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended, 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Cancer Special Program Advisory Committee, Bethesda, Md., (Partially opened), 2-23 and 2-24-78 2008; 1-13-78

Cardiovascular and Renal Study Section, Bethesda, Md., (open) 2-22 through 2-25-78 2005; 1-13-78

Clinical Cancer Education Committee, Bethesda, Md. (partially open), 2-22 and 2-23-78 2004; 1-13-78

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[First published at 43 FR 2004, Jan. 13, 1978]

Combined Modality Committee, Bethesda, Md. (partially open), 2-21-78 2008; 1-13-78

Epidemiology and Disease Control Study Section, Bethesda, Md. (open), 2-22 through 2-24-78 2005; 1-13-78

Hematology Study Section, Chevy Chase, Md. (open), 2-22 through 2-25-78 2005; 1-13-78

Medicinal Chemistry A Study Section, Bethesda, Md. (open), 2-23 through 2-26-78 2005; 1-13-78

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Nutrition Study Section, Bethesda, Md. (open), 2-22 through 2-24-78 2006; 1-13-78

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	4153; 1-31-78
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	3327; 1-24-78
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Station Committee on Educational Allowances, Nashville, Tenn. (open) (2 documents), 2-23 and 2-24-78.....	
	4478-4479; 2-2-78

Next Week's Public Hearings

NOTE: There were no items eligible for inclusion in the list of next week's public hearings.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

presidential documents

[3195-01]

Title 3—The President

Memorandum of February 10, 1978

Determination Under Section 202(a) of the Trade Act; Bolts, Nuts and Large Screws of Iron or Steel

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, February 10, 1978.

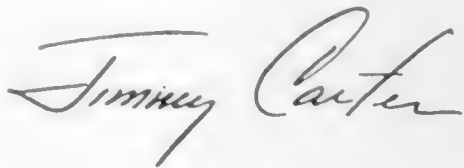
Pursuant to section 202(b)(1) of the Trade Act of 1974 (P. L. 93-618, 88 Stat. 1978), I have determined the action I will take with respect to the report of the United States International Trade Commission (USITC), transmitted to me on December 12, 1977, concerning the results of its investigation of a petition for import relief filed by the United States Fastener Manufacturing Group, the United Steel Workers of America, and the International Association of Machinists and Aerospace Workers on behalf of the domestic industry producing iron or steel lag screws or bolts, bolts (except mine-roof bolts) and bolts and their nuts imported in the same shipment, nuts, and screws having shanks or threads over 0.24 inch in diameter, provided for in items 646.49, 646.54, 646.56, and 646.63 of the Tariff Schedules of the United States.

After considering all relevant aspects of the case, including those set forth in section 202(c) of the Trade Act of 1974, I have determined that provision of import relief is not in the national economic interest for the following reasons:

1. The USITC reported that domestic producers' shipments and exports had increased in 1976 and the first half of 1977. It also indicated that domestic producers' rates of return on sales were above the corresponding ratios for producers of all fabricated metal products and for all manufacturing corporations. Furthermore, domestic producers or their wholly owned subsidiaries imported or purchased 20-25 percent of total 1976 shipments of imported fasteners in the United States. The domestic industry, particularly firms specializing in the production of automotive fasteners, has and should continue to benefit from increased U.S. consumption of fasteners.
2. Provision of import relief would have significantly increased costs of fasteners for U.S. manufacturers who use fasteners to produce cars, machinery, equipment, and construction items. The inflationary impact of providing relief could cause unemployment in other U.S. industries, offsetting gains in fastener employment if import relief had been imposed.
3. The Department of Labor has stated that reemployment prospects for unemployed fastener workers are fair since many of these workers are located in areas with unemployment rates below the national average.
4. Provision of import relief would subject U.S. jobs in other industries to possible foreign retaliation against U.S. exports or compensation by the United States by lessening U.S. import restrictions on other products.
5. Import relief would adversely affect U.S. international economic interests, particularly in light of U.S. efforts to reduce trade barriers in the multilateral trade negotiations.

6. The appreciation of the yen during 1977 will alleviate competitive pressures from Japanese fastener exports to the United States. Imports from Japan have comprised about three-fourths of total U.S. fastener imports in recent years.

In conjunction with my decision not to provide import relief on fasteners, I have directed the Secretary of the Treasury to initiate an expedited national security investigation under Section 232 of the Trade Expansion Act of 1962, of U.S. imports of bolts, nuts, and large screws. I am taking this action in light of a staff study by the Federal Preparedness Agency which indicated that domestic fastener production capability was inadequate to satisfy U.S. requirements in a national emergency. This investigation will permit assessment of U.S. national security interests as they relate specifically to bolts, nuts, and large screws; I will consider whether to take action relating to imports of these products following completion of the national security investigation.



[FR Doc. 78-4314 Filed 2-13-78; 3:41 pm]

EDITORIAL NOTE: The President's letters to the Speaker of the House and the President of the Senate and to the Secretary of the Treasury, dated February 10, 1978, on the American bolt, nut, and large screw industry, are printed in the Weekly Compilation of Presidential Documents (vol. 14, no. 6).

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[7535-01]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Surety Bond Coverage

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations with respect to surety bond coverage for Federal Credit Unions. This amendment removes "securities," "promissory notes," and "mortgages" from coverage under these regulations. Because of information received subsequent to a November 4, 1977, amendment, which incorporated these terms in the regulations in § 701.20(e)(1) (i) and (ii), the NCUA has determined that the inclusion of these terms in the regulations is unnecessarily burdensome and outweighs any corresponding diminution in risk of loss of Federal credit unions with such security coverage.

EFFECTIVE DATE: Effective February 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Steven R. Bisker, Office of General Counsel, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456, telephone 202-632-4870.

SUPPLEMENTARY INFORMATION: These amendments are being issued without public participation under the authority of 5 U.S.C. 553(b)(3)(B) and without a delayed effective date under the authority of 5 U.S.C. 553(d) since they merely remove a requirement without appreciably increasing the risk to credit unions of a loss of property. Further, inasmuch as the amendment noted in 42 FR 57625 become effective on December 5, 1977, it is necessary to have these amendments become effective immediately in order to nullify its effect.

Paragraph (e)(1)(i) is amended, by deleting the word "securities." Paragraph (e)(1)(ii) is amended by deleting the words "promissory notes, mort-

gages, securities." Paragraph (e)(3) is amended by deleting the last sentence defining the word "securities."

Accordingly, the Administrator hereby amends paragraphs (e)(1)(i), (e)(1)(ii), and (e)(3) of § 701.20 of the National Credit Union Administration Rules and Regulations to read as set out below.

LAWRENCE CONNELL,
Administrator.

FEBRUARY 8, 1978.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766); sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).)

Section 701.20(e) of the regulations involving surety bond coverage is amended to read:

§ 701.20 Surety bond coverage for Federal credit unions.

• • • • •

(e)(1) Where any of the following amounts exceed a Federal credit union's minimum limits as specified in paragraph (f) of this section, the minimum limits of that Federal credit union shall be increased to be equal to the greater of the following amounts:

(i) The aggregate amount of the daily cash fund (change fund plus maximum anticipated daily receipts) and food stamps (if any), on the Federal credit union's premises, or

(ii) The aggregate amount of the Federal credit union's money and food stamps (if any), placed in transit in any one individual shipment.

(2) Such increased limits must be obtained no more than 30 days after the discovery of the need for such increase.

(3) For the purposes of this section, the term "money" shall include currency, coin, banknotes, Federal Reserve notes, revenue stamps, and postage stamps.

(4) Subsection (1) notwithstanding, no increase in coverage shall be required where a Federal credit union temporarily increases its cash fund because of an extraordinary event which cannot reasonably be expected to recur. The Administrator shall determine whether this subsection applies to a given situation. A Federal credit union that wants to rely on this subsection must petition the Administrator, within 30 days of the discovery of facts that would otherwise require an increase in coverage, for a determina-

tion as to whether this subsection is applicable.

• • • • •
[FR Doc. 78-4090 Filed 2-14-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

(Rev. 9, Amdt. 12)

PART 123—DISASTER LOANS

Clarification of Eligibility for Economic Injury and Regulatory Compliance Loans, Changes in Interest Rates, and Additional Loans for Insulation Costs

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This amendment clarifies what types of small business concerns are eligible to apply for substantial economic injury disaster loans; expands eligibility for displaced business economic injury loans to small concerns in areas affected by certain State or local government projects; authorizes economic injury disaster loans in disaster areas pursuant to the certification by a State Governor; conforms eligibility for regulatory loans to the provisions of Pub. L. 95-89, 91 Stat. 553, et. seq. approved August 4, 1977; incorporates the interest and repayment provisions for physical and related economic injury loans established by Pub. L. 95-89, and allows an increase in certain physical disaster loans to cover insulation costs. It also eliminates the requirement that a certification of use of proceeds be filed, and substitutes a requirement that evidence of use of proceeds be retained for three years.

EFFECTIVE DATE: February 15, 1978.

ADDRESS: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202-653-6470.

SUPPLEMENTARY INFORMATION: Pub. L. 95-89, 91 Stat. 553, was approved on August 4, 1977. It makes a number of changes in the disaster program. These six amendments reflect the impact of the new law on the program.

Another provision, adding a new subsection 7(b)(9) for economic dislocation assistance, will be the subject of a future announcement of proposed rulemaking.

Previously, small businesses were eligible to apply for economic injury disaster loans, section 7(b)(2), only if the area was covered by a disaster declaration by the President, Administrator of SBA, or Secretary of Agriculture. Section 403 of the law adds a certification by the governor of a state as a basis for eligibility. Minimum criteria for such certification are set forth.

Section 302 of the law amends section 7(b)(5) of the Small Business Act, which contains the regulatory economic injury loan program. Under this program SBA provides assistance to a small business which is required to make structural or operational changes to comply with a Federal law or applicable regulations. Previously it was unclear whether SBA's authority extended to compliance with Federal laws enacted prior to January 2, 1974, the effective date of section 7(b)(5). The amendment clarifies SBA's authority by providing that assistance may be granted regardless of when such law was passed.

Section 402 of the new law extends assistance to small concerns displaced or affected by projects constructed, in whole or in part, by Federal funds to small concerns displaced or affected by the project of a State or local authority with power to invoke the right of eminent domain regarding such project.

Section 405 of the new law establishes a new interest rate schedule for physical disaster loans for disasters occurring after June 30, 1976, and before October 1, 1978. Also, for disasters occurring after March 31, 1977, and before January 1, 1978, the principal amount of a physical disaster loan may be increased by a maximum of \$2,000 for insulation, if the uninsured damage is at least 10 percent of the property's fair market value.

These amendments contain also two clarifications of SBA policy. Presently media enterprises are specifically eligible for physical disaster and regulatory loans and were not expressly made ineligible for economic injury loans. This amendment clarifies the eligibility of small media enterprises to apply for economic injury loans.

Finally, recipients of disaster loans were until now required to file a certification of the use of loan proceeds with supporting evidence. Under the

amendment, such recipients will be required to retain, for SBA inspection, evidence supporting the use of loan proceeds for 3 years, but no longer will have to file a certification.

Since these amendments are either required by statute, or else clarify eligibility, or lessen compliance requirements, they are made immediately effective. Written comments may, however, be submitted to the Associate Administrator for Finance and Investment at the address listed above.

Accordingly, Part 123 of Chapter I, Title 13 of the Code of Federal Regulations is amended as follows:

1. Section 123.1 (General) is amended by adding at the end of paragraph (a) a new subparagraph (3) to read as follows:

§ 123.11 General.

(a) ***

(3) Where no disaster declaration has been issued, the Governor of a State may certify to SBA that, as a result of a disaster as described in paragraph (1) of this subparagraph, at least five small concerns located in that State have suffered economic injury as a direct result of such disaster, are in need of financial assistance, and that such assistance is not otherwise available to them on reasonable terms. Upon acceptance of such certification by SBA, economic injury disaster loans will be available in the same manner as if a physical disaster declaration had been made.

(Sec. 403, Pub. L. 95-89, Stat. 560, (15 U.S.C. 636).)

2. Section 123.2 (a)(4), (b)(1)(iii), (b)(3)(iv) are revised to read as follows:

§ 123.2 Eligibility.

(a) ***

(4) *Substantial economic injury assistance.*—(i) *Disaster area declaration or certification.* An area must be declared to be (A) a major disaster area by the President, (B) a disaster area by the Administrator of SBA, (C) a natural disaster area by the Secretary of Agriculture or his designee, or (D) an area included in a notice of loan eligibility based on a certification by the Governor of a State if such certification has been adopted by SBA. Such notice will be given by local (as distinguished from national) publicity.

(ii) *Location.* An otherwise eligible small business concern must be located in the disaster area as defined by the disaster declaration or certification made pursuant to the preceding paragraph.

(iii) *Types of small business concerns.* Economic injury loans are limited to businesses which qualify as small under the size standards established in Part 121 of this chapter. Business ac-

tivities are eligible or not, as stated in paragraph (b)(1)(iii) of this section.

(b) Displaced business, regulatory, strategic arms, base closing, emergency energy shortage, water pollution control, air pollution control and other economic injury loans.

(1) *General scope of assistance.*—(i) *Limitations on assistance.* ***

(ii) [Reserved]

(iii) *Types of small business concerns.* Religious, eleemosynary, cooperative and nonprofit organizations are not eligible for economic injury assistance, except that a cooperative, including a farm cooperative meeting the requirements of § 122.9 of this chapter is eligible. A consumer or marketing cooperative is not eligible for economic injury assistance. Gambling activities, financing and speculative activities are not eligible for economic injury assistance. The foregoing are eligible only for physical-loss disaster assistance. Small newspapers, radio and TV stations, and similar enterprises engaged in the creation or dissemination of ideas are eligible to apply for economic injury assistance. Pawn shops are eligible to apply if more than 50 percent of income for the previous year resulted from the sale of used merchandise rather than interest on loans. Persons or firms holding realty for lease or rent for the production of income, and all real estate developers, are not small business concerns for purposes of economic injury assistance except that such persons or firms are eligible to apply for assistance under the Strategic Arms or Base Closing Economic Injury Assistance Programs. Multilevel sales distribution plans of the "pyramid" type are not eligible for economic injury assistance.

(iv) ***

(2) ***

(3) *Special Considerations—Regulatory Economic Injury Assistance.* To qualify for a regulatory economic assistance loan, an applicant must be a small concern seeking to comply with standards imposed by Federal law or regulation, or State or local requirements imposed in conformity with Federal law or regulation. The date of enactment of the law under which such regulations or requirements are imposed does not determine the eligibility for assistance under this paragraph. Applicants for such loans must furnish evidence of the requirements of the law or regulation with which they seek to comply and such other documentation as SBA may require. The following special considerations apply to various types of regulatory economic assistance loans.

(i) ***

(ii) ***

(iii) ***

(iv) *Air pollution loans.* Compliance with regulations issued pursuant to the Clean Air Act of 1970 creates eligibility to apply for this type of economic injury loan.

(Sec. 302, Pub. L. 95-89, 91 Stat. 558, (15 U.S.C. 636).)

3. Section 123.3(c)(1) is amended to read as follows:

§ 123.3 Purposes of loans.

(c) *Displaced business assistance.* (1) The purpose of these loans is to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing a business or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, or location in, adjacent to, or near, a program or project constructed by or with funds provided in whole or in part by the Federal Government. Such assistance may also be granted if such injury is caused by a program or project undertaken by a State or local government or public service entity which has the authority to exercise the right of eminent domain on such program or project.

(Sec. 402, Pub. L. 95-89, 91 Stat. 559, (15 U.S.C. 636).)

4. Section 123.5 is amended as follows:

Paragraph (a) is amended by adding to the end of the lead-in paragraph; and paragraph (c) is amended by adding a new subparagraph (2) to read as follows:

§ 123.5 Amount of loan and interest rates.

(a) The amount of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3(a) (2) and (3), (c) through (i). In loans made to repair or replace physical loss due to a disaster which occurred on or after April 1, 1977, but prior to January 1, 1978, the amount of the loan may be increased by a maximum of \$2,000 to finance the installation of insulation devices. Such increase is allowed only if the uninsured damaged portion of the property is 10 percent or more of the market value of the property at the time of the disaster. This increase for insulation is in addition to the administrative limit on loans set forth in paragraphs (a) (1) and (2) of this section.

(1)(i) ***

(c) Interest rates on disaster loans are as follows:

(1) ***

(2) On loans made as a result of a physical disaster occurring on or after

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURES AND RULES OF PRACTICE

PART 0—ORGANIZATION

Washington, D.C., Regional Office

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: This rule change eliminates the Washington, D.C., Regional Office. By this action, the Commission hopes to heighten the sensitivity of its headquarters staff to the range of local problems and thereby provide more focused assistance to the people of the metropolitan Washington area.

EFFECTIVE DATE: March 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Isaiah T. Creswell, Director of Federal/State and Consumer Relations, Federal Trade Commission, Washington, D.C. 20580, 202-523-3747.

SUPPLEMENTARY INFORMATION: By press release issued November 30, 1977, the Commission announced that it was absorbing its Washington, D.C., Regional Office into its headquarters and other organizational units. The FTC currently has 11 such offices around the country.

By this action, the Commission hopes to heighten the sensitivity of its headquarters staff to the range of local problems and thereby provide more focused assistance to the people of the metropolitan Washington area. A special headquarters unit is being established for this purpose. It will be directed by Isaiah T. Creswell, FTC's Coordinator of Federal/State and Consumer Relations. Mr. Creswell's staff will channel metropolitan Washington consumer and anticompetition complaints to the appropriate headquarters attorneys.

This action also brings the FTC into closer cost-effective alignment with other Federal agencies, most of which serve the Nation with 10 regional offices.

The other areas currently served by the Washington, D.C., office are distributed in the following way:

Responsibility for Virginia is assumed by the Atlanta Regional Office; The Chicago Regional Office absorbs Kentucky from the Atlanta region; and The Cleveland Regional Office assumes responsibility for the remaining Washington, D.C., territory: West Virginia, Delaware, Maryland (except for the D.C. metropolitan area), and all of Pennsylvania.

Accordingly, paragraph (11) of § 0.18(b) of 16 CFR is deleted.

(15 U.S.C. 46(g) and 5 U.S.C. 552.)

July 1, 1976, and prior to October 1, 1978, the interest rate is:

(i) One percent on the first \$10,000 of a loan to repair or replace a primary residence or personal property; 3 percent on such loan over \$10,000 but not exceeding \$40,000, and at the statutory formula rate on any amount exceeding the repair and replacement costs or \$40,000, whichever is less.

(ii) All loans other than those described in the preceding subdivision (i) of this subparagraph shall bear interest at the rate of 3 percent on the first \$250,000 of such loan and the statutory formula interest rate on amounts in excess of that figure.

(iii) Economic injury loans resulting from a physical disaster bear interest at the rate of 3 percent on the first \$25,000 of such loan and the statutory formula interest rate on amounts in excess of that figure. All other economic injury loans bear interest only at the statutory formula interest rate.

(iv) All repayments of principal on the administration's share of any loan made under the above provisions shall first be applied to reduce the principal of such loan which bears interest at the lowest rate.

(Secs. 403 and 405, Pub. L. 95-89, 91 Stat. 560-61, (15 U.S.C. 636).)

6. Section 123.17 is revised by changing the caption and dividing it into paragraphs (a) and (b), to read as follows:

§ 123.17 Evidence of use of proceeds and penalty for misuse.

(a) Recipients of SBA disaster loans resulting from a physical disaster, economic injury, or product disaster as described in §§ 123.1(a), (b) (1) and (3) are required to retain evidence that the loan proceeds were used for the purposes authorized, for a period of three (3) years after final disbursement of the loan. Such evidence shall be made available to SBA personnel or other authorized government personnel upon demand.

(b) Any disaster loan recipient who wrongfully misapplies such loan proceeds shall be civilly liable to the SBA Administrator in an amount equal to one and one-half times the original principal amount of the loan.

(Catalog of Federal Domestic Assistance Program Nos. 59.002, 59.008, 59.010, 59.014, 59.017, 59.018, 59.020, 59.022-25.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

(FR Doc. 78-4146 Filed 2-14-78; 8:45 am)

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community of from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle River Canal (C-13)	Florida Turnpike	8
Plantation Canal (C-12)	Inverrary Dr.	8
Middle River Canal tributary	U.S. Highway 441	7
	Florida Turnpike	7
	Northwest 31st St	8
	U.S. Highway 441	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3609 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3538]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Clayton County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Clayton County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Clayton County, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Clayton County, are available for review at Clayton County

Courthouse, McDonough Street, Jonesboro, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Clayton County, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hurricane Creek	Turner Rd.	782
	New Hope Rd.	800
	McDonough Rd.	812
	Cardinal Rd.	850
	Flicker Rd.	879
Wallis Creek	Pittsford Rd.	794
	La Belle St.	862
Flint River	McDonough Rd.	783
	Plint River Rd.	805
	Georgia Highway 138	812
	Valley Hill Rd.	818
	Upper Riverdale Rd.	829
	West Lee's Mill Rd.	870
Camp Creek	Helmer Rd.	816
	Fairburn Rd.-Highway 138	831
	Bethsaida Rd.	848
	Walker Rd.	858
	King Rd.	865
Sullivan Creek	West Lee's Mill Rd.	864
	Riverdale Rd.	913
Mud Creek	Lee's Mill Rd.	844
	Georgia Highway 331- Forest Parkway	873
Jesters Creek	Georgia Highway 3	816
	Battle Creek Rd.	825
	Morrow Industrial Blvd.	848
	Holiday Blvd.	855
	Morrow Rd.	867
Panther Creek	Pleider Rd.	776
	Mount Zion Blvd.	793
	Lake Harbin Rd.	817
Reeves Creek	Georgia Highway 138	763
	Pleider Rd.	801
	Conkle Rd.	825
	Mount Zion Blvd.	865

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tar Creek	Katherine Rd.	779
	Evans Dr.	792
Upton Creek	Double Bridge Rd.	802
	U.S. Highway 23	818
Little Cotton Creek	Homestead Rd.	749
	Rex Road	769
	Double Bridge Rd.	798
	Ellen Wood Rd.	811
Conley Creek	East Conley Rd.	805
	Conley Dr.	837
Beaver Dam Creek	Flint River Rd.	823
Swamp Creek	Mundy's Mill Rd.	793
	Brown Rd.	822
Pates Creek	Freeman Rd.	785
	Freeman Rd. (above lake)	864
Roberts Rd. tributary	Roberts Rd.	804

* Elevation taken from downstream side.
* Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3610 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3493]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Ringgold, Catoosa County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Ringgold, Catoosa County, Ga.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Ringgold, Ga.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Ringgold, are

available for review at City Hall, 301 Mountain Street, Ringgold, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Ringgold, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Chickamauga Creek	Georgia Highway 2	761
	Georgia Highway 151	760
	U.S. Highways 41 and 76	756

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3611 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3492]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Carol Stream, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Carol Stream, DuPage County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the village of Carol Stream, DuPage County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Carol Stream, DuPage County, Ill., are available for review at the lobby of Village Hall, 415 North Gary Avenue, Carol Stream, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Carol Stream, DuPage County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Klein Creek	Kunn Rd.	746
	Downstream corporate limits	746
	Treatment plant road	746
	Thunderbird Trail	747
	Illini Dr.	749
	Low flow dam	749
	Lies Rd.	754
Thunderbird Trail Creek	Seminole Lane	747
	Thunderbird Trail	748
	Blackhawk Dr.	752
Winfield Creek	Geneva Rd.	747
	Upstream corporate limits	747

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3612 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3053]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Granite City, Madison County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Granite City, Madison County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Granite City, Madison County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Granite City, Madison County, Ill., are available for review at the City Clerk's Office, City Hall, 2000 Edison Avenue, Granite City, Ill.

Source of flooding	Location	Elevation in feet above mean sea level
	Confluence with Cumberland River.	1,021

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3616 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3540]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Woodford County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Woodford County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Woodford County, Ky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Woodford County, are available for review at the Woodford County Courthouse, Versailles, Ky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Woodford County, Ky.

This final rule is issued in accordance with section 110 of the Flood

Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lee Branch	U.S. Highway 421	778
	1-64	779
	Parrish Hall	785
	U.S. Highway 62	787
	Dudley St.	792
	Louisville & Nashville RR	796
	Walkway	799
	East Stephens St.	799
	Private Road, upstream of East Stephens St.	799
	Private road, northeast of Nugent Crossroads.	812
	Road east of Nugent Crossroads.	821
	Road east of Nugent Crossroads.	821
Glenn Creek	Louisville & Nashville RR	510
	State road 1659, upstream of Millville	601
	State road 1659, downstream of dead end road	666
	Dead end road	677
South Elkhorn Creek.	State road 1659, upstream of dead end road.	720
	State road 1659, downstream of Steele Rd.	736
	Paynes Depot Rd	814
	Brown's Mill Rd.	816
	Old Frankfort Rd	817
	Old Frankfort Rd	819

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3617 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3541]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Vidalia, Concordia Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Vidalia, Concordia Parish, La. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Vidalia, Concordia Parish, La.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Vidalia, Concordia Parish, Louisiana, are available for review at the Town Hall, Vidalia, La.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Vidalia, Concordia Parish, La.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Vidalia Canal	Downstream of U.S. Highways 65 and 84.	57
	Downstream of Laurel St.	63
Mississippi River...	Downstream of northeast corporate limits.	77
	Downstream of Natchez-Vidalia Bridge.	77
	Upstream of southwest corporate limits.	77

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3618 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3546]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Chikaming, Berrien County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Chikaming, Berrien County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Chikaming, Michigan.

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3619 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3545]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Sims, Arenac County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Sims, Arenac County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Sims, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Sims, are available for review at Sims Township Hall, Au Gres, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Sims, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary "A"	Lake Shore Dr.....	594
	Ravenswood Ave..	608
	Evergreen Rd.....	607
	Terry Lane	610
	Tower Hill Rd.....	614
Tributary "B"	Red Arrow Highway.	617
	Prairie Rd	594
	Forest Avenue (extension).	598
Tributary "C"	Just downstream of Red Arrow Highway.	612
	Ravina Rd	592
	Birchwood Dr	600
	Just upstream of Prairie Rd.	616
Lake Michigan.....	Forest Ave.....	616
	Along shoreline....	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw Bay	14th St. and Crescent Dr. Michigan Ave. and Tonkey Rd.	584 584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3620; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3548]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Spring Lake Village, Ottawa County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Spring Lake Village, Ottawa County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100 year) flood elevations, for Spring Lake Village, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Spring Lake Village, are available for review at Village Hall, 213 East Savidge Street, Spring Lake, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Spring Lake Village, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grand River	Michigan Highway 104	584
Spring Lake	Grand Trunk Western RR.	584
Lloyds Bayou	Leonard St.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3621; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI 3444]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of St. Clair, St. Clair County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of St. Clair, St. Clair County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of St. Clair, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of St. Clair, are available for review at City Hall, 411 Trumbull Street, St. Clair, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of St. Clair, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Clair River	Brown St.	581
Pine River	Port Huron-Detroit RR.	588
	New Fred W. Moore Highway.	595
Jordan Creek	Railroad spur	591
	Standard Oil private Drive.	595

gives notice of his final determinations of flood elevations for the Township of Whitney, Michigan.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw Bay	Along the shoreline.	584

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34, FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3624 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-2751]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Crystal, Hennepin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Crystal, Hennepin County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Crystal, Minn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Crystal are available for review at City Hall, 4141 Douglas Drive, Crystal, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Crystal, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Branch Bassett Creek.	Winnetka Ave.....	887
	Service Rd.....	887
	Minneapolis-Northfield & Southern RR.	886
	Louisiana Ave. North.	884
	Hampshire Ave. North.	882
	Florida Ave. North.	874
	Douglas Dr.....	870
	34th Ave. North ..	867
	Brunswick Ave. North.	856
	32d Ave. North	848
	29th Ave. North ..	847
Bassett Creek	South corporate limit.	848
	East corporate limit.	847

RULES AND REGULATIONS

[4210-01]

[Docket No. FI-3422]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Nash County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Nash County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Nash County, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Nash County, are available for review at Nash County Courthouse, Main Street, Nashville, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Nash County, North Carolina.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swift Creek	Seaboard Coast Line RR.	93
	U.S. Route 301	96
	N.C. Route 48	116
	Interstate 95	117
	N.C. Route 1003	131
Compass Creek	N.C. Route 1524	135
	do.	138
	N.C. Route 1609	123
Pig Basket Creek	N.C. Route 1003	128
	do.	129
Stoney Creek	N.C. Route 1544	117
	do.	118
	N.C. Route 1603	123
	N.C. Route 1600	132
	N.C. Route 1003	137
	N.C. Route 1435	141
	do.	142
	N.C. Route 64 by-pass	143
	do.	144
	N.C. Route 58	146
	do.	147
	U.S. Route 64 by-pass	150
Maple Creek	N.C. Route 1544	116
	do.	119
	N.C. Route 1603	165
Sapony Creek	N.C. Route 1603	132
	N.C. Route 1717	132
	do.	133
	N.C. Route 1704	139
	U.S. Route 58	141
Tar River	N.C. Route 1544	112
	do.	113
	N.C. Route 1745	133
	N.C. Route 1603	133
	N.C. Route 58	135
	N.C. Route 1933	137
	N.C. Route 1001	145
	do.	146
	N.C. Route 581	155
	N.C. Route 1145	157
	U.S. Route 64	164
	N.C. Route 1331	165
	do.	166
Turkey Creek	N.C. Route 1101	160
	do.	161
	N.C. Route 1105	165
	Southern Ry.	165
	do.	166
	U.S. Route 264	167
	do.	168

*Downstream side.
**Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3630 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3152]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of New Bern, Craven County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of New Bern, Craven County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of New Bern, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of New Bern, are available for review at City Hall, New Bern, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of New Bern, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neuse River	Atlantic and East Carolina RR, east of South Glenburnie Rd. Broad St., east of U.S. 70-U.S. 17 Junction.	12
	Pembroke Rd., northeast of extraterritorial limits.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3631 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3271]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Wendell, Wake County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Wendell, Wake County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Wendell, N.C.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wendell, are available for review at Town Hall, Corner 4th and Pine Street, Wendell, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

[4210-01]

[Docket No. FI-3517]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Dickinson, Stark County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Dickinson, Stark County, N. Dak. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Dickinson, N. Dak.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Dickinson, are available for review at City Hall, 122 Second Avenue West, Dickinson, N. Dak.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Dickinson, N. Dak.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hominy Branch	North Carolina State Road 2329.	273
Little River	Southern Ry.	226
	U.S. 64	227
Lizard Lick Creek	U.S. 64	231
	North Carolina State Road 2353.	257
Buffalo Branch	North Carolina State Road 2353.	273
Buffalo Creek	North Carolina State Road 2358.	262
	North Carolina State Road 1007.	267
	Southern Ry.	270

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3632; Filed 2-14-78; 8:45 am]

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Heart River below Dickinson Dam	East Broadway St South Main St.....	2,385 2,386

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3633, Filed 2 14 78; 8:45 am)

[4210-01]

(Docket No. FI-3515)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Umatilla County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Umatilla County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Umatilla County, Ore.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Umatilla County are available for review at Umatilla County Courthouse, 216 Southeast 4th Street, Pendleton, Ore.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations

of flood elevations for Umatilla County, Ore.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Umatilla River	Highway 20 Bridge	549
	Stanfield Bridge	589
	U.S. 80 bridge	603
	Echo Bridge	630
	Nolin RR. bridge	733
	State Highway 11 bridge	1,103
	Mission Bridge	1,209
	Union Pacific RR bridge	1,400
	Road bridge (Cayuse)	1,416
	Union Pacific RR bridge	1,512
	Thorn Hollow Rd. bridge	1,579
Wildhorse Creek	Union Pacific RR bridge (50 ft upstream of mouth)	1,095
	Private bridge	1,104
	Union Pacific RR bridge (185 ft upstream of private bridge)	1,107
	Union Pacific RR bridge (3,980 ft upstream of private bridge)	1,132
	County bridge (Saxe Station)	1,161
	Union Pacific RR bridge (300 ft upstream of county bridge—Saxe Station)	1,163
Tutuilla Creek	County bridge	1,202
	Highway 395 culvert	1,047
	Southwest Hailey Avenue bridge	1,053
	Private bridge (50 ft upstream of Pendleton corporate limits)	1,109
	Tutuilla Creek Road Bridge	1,070
	Private bridge (250 ft upstream of Pendleton corporate limits)	1,111

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Private bridge (450 ft upstream of Pendleton corporate limits)	1,112
McKay Creek	Private bridge (1,950 ft upstream of mouth)	1,005
	Southwest Kirk Ave.	1,044
	Concrete Footbridge	1,059
	Southwest Quinney Ave.	1,064
	Private bridge (4,600 ft upstream of Southwest Quinney Ave.)	1,090
	Private bridge (6,940 ft upstream of Southwest Quinney Ave.)	1,107
	Private bridge (3,750 ft downstream of Birch Dr.)	1,126
	Farm bridge	1,131
	Birch Dr.	1,141
	Highway 395	1,160
Mill Creek	Reynolds Canyon bridge	2,079
	Henry Canyon bridge	2,207

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3634 Filed 2-14-78; 8:45 am)

[4210-01]

(Docket No. FI-2996)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Derry, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Derry, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Derry, Westmoreland County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Derry, Westmoreland County, Pennsylvania, are available for review in the lobby, Derry Township Municipal Building, 650 Derry Road, Derry, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Derry, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Loyalhanna Creek	Confluence with Miller Run	1,029
	State Route 217	1,029
	U.S. Route 30	1,016
	State Route 982	1,007
Saxman Run	Private drive	1,053
	Township Route 638	1,046
	LR 64236	1,033
	Township Route 638	1,029
	Center St.	1,019
	Private drive	1,007
	Confluence with unnamed tributary	1,003
	LR 64236	994
	Private drive	990
	State Route 981	982
	ConRail	980
	Township Route 831	979

Source of flooding	Location	Elevation in feet above mean sea level
	Confluence with Loyalhanna Creek	970
Miller Run	Township Route 931	1,200
	Pennsylvania Route 217	1,187
	Township Route 930	1,124
	Pennsylvania Route 217	1,085
	Township Route 715	1,082
	Private road	1,026
	U.S. Highway 30 West and ConRail	1,026
McGee Run	Corporate limits... Abandoned concrete bridge	1,134 1,120

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3635 Filed 2-14-78; 8:45 am)

[4210-01]

(Docket No. FI-3240)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Athens, McMinn County, Tenn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Athens, McMinn County, Tenn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Athens, McMinn County, Tenn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Athens, McMinn County, Tenn., are available for review on the Bulletin Board, 815 North Jackson Street, Athens, Tenn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Athens, McMinn County, Tenn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Oostanaula Creek	State Highway 30, Madison Ave.	856 876
	Upstream Corporate Limits	885
Walker Branch	Downstream Side of Old Etowah Rd.	863
	Upstream Side of Old Englewood Rd.	879
Black Branch	Upstream Corporate Limits	845
	Downstream Corporate Limits	844
Forest Branch	Downstream Side of U.S. Highway 11	882
	Downstream Side of Louisville and Nashville Railroad	891
	Kent St.	936
North Mouse Creek	Downstream Side of State Highway 30	802
	Upstream Corporate Limits	806
Blue Springs Branch	Upstream Side of Old Decatur Road	801
	Upstream Corporate Limits	811

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary No. 1 to North Mouse Creek	Downstream Side of Private Drive at Stream Mile 0.30.	808
	Upstream Side of Private Drive at Stream Mile 0.60.	834
	Downstream Side of Layman Rd.	879

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3636; Filed 2-14-78; 8:45 am)

[4210-01]

(Docket No. FI-3244)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of La Villa, Hidalgo County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of La Villa, Hidalgo County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of La Villa, Hidalgo County, Tex.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of La Villa, Hidalgo County, Tex., are available for review at City Hall, La Villa, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of La Villa, Hidalgo County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shallow flooding...	Intersection of Parker and George Sts.	57
	Intersection of Lackland and Lull Sts.	57
	Intersection of East Ave. and Parker St.	58
	Center St. (between Branch St. and Yarbrough Ave.).	58

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3637 Filed 2-14-78; 8:45 am)

[4210-01]

(Docket No. FI-3310)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Chilhowie, Smyth County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Chilhowie, Smyth County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Chilhowie, Smyth County, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Chilhowie, Smyth County, Va., are available for review at the Chilhowie Town Hall, Highway 11, Chilhowie, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Chilhowie, Smyth County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet above mean sea level
Middle Fork Holston River.	Downstream Corporate Limits.	1,945
	Va. Highway 751..	1,946
	Walton Ave., Extended.	1,947

Source of flooding	Location	Elevation, feet above mean sea level
	Church Ave., Extended.	1,948
	Chestnut Ave., Extended.	1,949
	Bonham Ave., Extended.	1,950
	Norfolk and Western Railroad.	1,951
Carlock Creek.....	U.S. Highway 11..	1,952
	Upstream Corporate Limits.	1,952
Sulphur Spring Creek.	Norfolk and Western Railroad.	1,945
	Pendleton, Ave., Extended.	1,947
	Upstream Corporate Limits.	1,947
	Upstream Corporate Limits.	1,947

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3638; Filed 2-14-78; 8:45 am)

[4210-01]

(Docket No. FI-3004)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Elkton, Rockingham County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Elkton, Rockingham County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Elkton, Rockingham County, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Elkton, Rockingham County, Virginia, are

available for review at the Elkton Municipal Building, 173 West Spotswood Avenue, Elkton, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Elkton, Rockingham County, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation feet above mean sea level
South Fork of Shenandoah River.	Downstream Town Limits.	950
	Spotswood Avenue.	951
Elk Run	Confluence with Elk Run.	952
	Downstream Town Limits.	952
	Norfolk & Western Railroad.	963
	U.S. Route 33.....	975
	U.S. Route 340.....	979
	Upstream Town Limits.	1,002

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3639; Filed 2-14-78; 8:45 am)

[4210-01]

(Docket No. FI-2517)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Wenatchee, Chelan County, Wash.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of final rule.

SUMMARY: The Federal Insurance Administration has erroneously published at 42 FR 31268 on June 20, 1977, the final flood elevation determination for the City of Wenatchee, Chelan County, Washington. This notice will serve as a cancellation of that publication. A new notice of final flood elevation determination will be published in the near future.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-775-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-3640 Filed 2-14-78; 8:45 am)

[4210-01]

(Docket No. FI-3249)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of Gays Mills, Crawford County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Gays Mills, Crawford County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the Village of Gays Mills, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Gays Mills, are available for review at Village of Gays Mills, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Gays Mills, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 191.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kickapoo River	Dam	703
	Main St.	702

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-3641; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI 3250]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Glendale, Milwaukee County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Glendale, Milwaukee County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Glendale, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Glendale, are available for review at City Hall, 5909 North Milwaukee River Parkway, Glendale, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Glendale, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 191.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Milwaukee River	Port Washington Rd	620
	U.S. 141	620
	Hampton Ave.	622
	Chicago & Northwestern RR	622
	Silver Spring Dr.	625
	Bender Rd.	631
	Chicago & Northwestern RR	632
	Green Tree Rd.	636
	Good Hope Rd.	638

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-3642; Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3433]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Village of McFarland, Dane County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of McFarland, Dane County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of McFarland, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of McFarland, are available for review at Village Hall, 5915 Milwaukee Street, McFarland, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of McFarland, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 191.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mud Lake, Yahara River, Lake Waubesa.	U.S. Highway 51, Bridge.	847
	Exchange St. Bridge.	847
	Inlet of Mud Lake	846
	Outlet of Mud Lake.	846

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-3643 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3434]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Monona, Dane County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Monona, Dane County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Monona, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Monona are available for review at City Hall, 5211 Schluter Road, Monona, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Monona, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 191.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Monona-Yahara River.	Bridge Rd.	848
	U.S. Highway 12 and 18.	848

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-3644 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3254]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Stoughton, Dane County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Stoughton, Dane County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Stoughton, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Stoughton, are available for review at City Hall, 381 East Main Street, Stoughton, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Stoughton, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 191.4(a)). An opportunity for the community or

individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yahara River	4th St. culvert	835
	Stoughton Dam	842
	Porton Street Bridge	842
	Main Street Bridge	842
	Chicago, Milwaukee, St. Paul & Pacific RR Bridge	843

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3645 Filed 2-14-78; 8:45 am]

[4210-01]

[Docket No. FI-3496]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Glenwood, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Glenwood, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Glenwood, Cook County, Ill.

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ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Glenwood, Cook County, Ill., are available for review at the lobby of the Village Hall, 13 South Rebecca Street, Glenwood, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Glenwood, Cook County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Thorn Creek	Chessie System RR Bridge	614
	Chicago Heights-Glenwood Rd	615
	Chessie System Corporate limits (upstream)	615
	Chessie System Corporate limits (downstream)	616
Butterfield Creek	Chicago Heights-Glenwood Rd	615
	Confluence of Gay Stream	616
	Halsted St	618
Deer Creek	C&E L&N RR Bridge downstream	618
	C&E L&N RR Bridge upstream	620
	Young St.	620

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance

Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-3646; Filed 2-14-78; 8:45 am]

[4830-01]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7533]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

DISC Rules on Procedure and Administration; Rules on Export Trade Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to domestic international sales corporation (DISC) rules on procedure and administration and rules relating to export trade corporations. Changes to the applicable tax law were made by the Revenue Act of 1971. These regulations provide necessary guidance to DISC and export trade corporations for compliance with the law.

EFFECTIVE DATE: In general, the regulations are effective for taxable years ending after December 31, 1971.

FOR FURTHER INFORMATION CONTACT:

David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention CC:LR:T) (202-566-3926).

SUPPLEMENTARY INFORMATION:

BACKGROUND

On Thursday, September 16, 1976, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 971, 6011, 6071, 6072, and 6081 of the Internal Revenue Code of 1954 and to the regulations on Procedure and Administration (26 CFR Part 301) under sections 6011, 6072, 6501, and 6686 of the Internal Revenue Code of 1954, 41 FR 39762. The amendments were proposed to conform the regulations to sections 504 and 505(c) of the Revenue Act of 1971 (85 Stat. 550). No public comments were received regard-

ing the proposed amendments. Those amendments are adopted by this Treasury decision except that this Treasury decision: (1) deletes from the proposed amendments the statutory provisions whose corresponding Code sections were amended (e.g. Code section 971(a) was amended, § 1.971 was deleted); (2) revises references to Code section 6011(c)(2) in the proposed amendments in three places to read as 6011(c)(2) (these changes are made to conform to amendments made to the Internal Revenue Code of 1954 by 1904(b)(10)(A)(ii) of the Tax Reform Act of 1976 (90 Stat. 1817)); and (3) corrects a cross reference.

QUALIFYING AS AN EXPORT TRADE CORPORATION

Section 505(c) of the Revenue Act of 1971 amends section 971(a) to provide that a controlled foreign corporation may not qualify as an export trade corporation for a taxable year beginning after October 31, 1971, unless it so qualified for a taxable year beginning before such date and the corporation continues to qualify. Section 1.971-1(a)(1) is amended to reflect this rule.

FILING REQUIREMENTS FOR DISC'S

Section 504 of the Revenue Act of 1971 amends sections 6011, 6072, and 6501, and adds a new section 6686. Section 6011 is amended to require a DISC or former DISC to furnish such information to its shareholders and to the Secretary or his delegate and to keep such records as may be required by regulations. Also, a DISC is required to file such return for its taxable year as may be required by forms or regulations. A new § 1.6011-2 is added to provide that a DISC must maintain the records prescribed pursuant to section 6001 and must furnish to each of its shareholders a copy of Schedule K (Form 1120-DISC) disclosing the amount of distributions to such shareholder for the taxable year. Section 1.6011-2 also requires that a DISC or former DISC file a return on Form 1120-DISC, which return is an income tax return.

Section 6072 is amended to require that a return of a DISC be filed on or before the 15th day of the 9th month following the close of its taxable year. Section 1.6072-2 is amended to reflect this rule. In addition, §§ 1.6071-1, 1.6081-1, and 1.6081-3 are amended to provide that a DISC shall not be allowed an extension of time for filing of its return.

Section 6501 is amended to provide that a corporation which determines in good faith that it is a DISC and files a return as such will have such return deemed to be the return of a corporation which is not a DISC if such corporation is later held not to be a DISC during the taxable year for

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such year. Section 301.65-1(g)-1 is amended to reflect this rule.

New section 6686 sets forth penalties for failure to file a DISC return or to supply information not excused by reasonable cause. Section 301.6686-1 elaborates upon these penalties.

DRAFTING INFORMATION

The principal author of this regulation was Marcus B. Blumkin of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, the proposed amendments are adopted with changes as set forth below:

Paragraph 1. Paragraph 1 of the proposed amendments is revised to read as follows: "Section 1.971 is deleted."

Par. 2. Paragraph 3 of the proposed amendments is revised to read as follows: "Section 1.6011 is deleted."

Par. 3. Paragraph 6 of the proposed amendments is revised to read as follows: "Section 1.6072 is deleted."

Par. 4. Paragraph 7 of the proposed amendments is revised by changing "6011(e)(2)" to "6011(c)(2)" and by changing "\$1.6081-3(a)" to "\$1.6081-3(e)" in paragraph (e) of § 1.6072-2.

Par. 5. Paragraph 9 of the proposed amendments is revised by changing "6011(e)(2)" in paragraph (e) of § 1.6081-3 to "6011(c)(2)".

Par. 6. Paragraph 10 of the proposed amendments is revised to read as follows: "Section 301.6011 is deleted."

Par. 7. Paragraph 11 of the proposed amendments is revised to read as follows: "Section 301.6072 is deleted."

Par. 8. Paragraph 12 of the proposed amendments is revised to read as follows: "Section 301.6501(g) is deleted."

Par. 9. Paragraph 13 of the proposed amendments is revised by changing "6011(e)(2)" in paragraph (c) of § 301.6501(g)-1 to "6011(c)(2)".

Par. 10. Paragraph 14 of the proposed amendments is revised by—

(a) Revising the instructional paragraph to read as follows: "Par. 14. New § 301.6686-1 is added immediately after 301.6685-1. This added provision reads as follows:";

(b) Deleting § 301.6686; and by

(c) Changing "6011 (e)" in paragraphs (a) and (b) of § 301.6686-1 to "6011(c)."

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue

Code of 1954 (68A Stat. 917, 26 U.S.C. 7805).

WILLIAM E. WILLIAMS,
Acting Commissioner of
Internal Revenue.

Approved: January 27, 1978.

DONALD C. LUBICK,
Acting Assistant Secretary
of the Treasury.

Paragraph 1. Section 1.971 is deleted.

§ 1.971 [Deleted]

Par. 2. Section 1.971-1(a)(1) is revised by adding the following material to the end thereof:

§ 1.971-1 Definitions with respect to export trade corporations.

(a) *Export trade corporations*—(1) In general. * * * However, no controlled foreign corporation may qualify as an export trade corporation for any taxable year beginning after October 31, 1971, unless it qualified as an export trade corporation for any taxable year beginning before such date. In addition, if a corporation fails to qualify as an export trade corporation for a period of any 3 consecutive taxable years beginning after October 31, 1971, then for any taxable year beginning after such 3 year period, such corporation shall not be included within the term "export trade corporation".

PAR. 3. Section 1.6011 is deleted.

§ 1.6011 [Deleted]

PAR. 4. A new § 1.6011-2 is added immediately after § 1.6011-1. This added provision reads as follows:

§ 1.6011-2 Returns, etc., of DISC's and former DISC's.

(a) *Records and information*. Every DISC and former DISC (as defined in section 992 (a)) must comply with section 6001 and the regulations thereunder, relating to required records, statements, and special returns. Thus, for example, a DISC is required to maintain the books of account or records described in § 1.6001-1(a). In addition, every DISC must furnish to each of its shareholders on or before the last day of the second month following the close of the taxable year of the DISC a copy of Schedule K (Form 1120-DISC) disclosing the amounts of actual distributions and deemed distributions from the DISC to such shareholder for the taxable year of the DISC. In the case of a deficiency distribution to meet qualification requirements, see § 1.992-3(a)(4) for requirements that distribution be designated in the form of a communication sent to a shareholder and service center at the time of distribution.

(b) *Returns*—(1) *Requirement of return*. Every DISC (as defined in sec-

tion 992 (a) (1)) shall make a return of income. A former DISC (as defined in section 992 (a) (3)) shall also make a return of income in addition to any other return required. The return required of a DISC or former DISC under this section shall be made on Form 1120-DISC. The provisions of § 1.6011-1 shall apply with respect to a DISC and former DISC. A former DISC should indicate clearly on Form 1120-DISC that it is making a return of income as a former DISC (for example, by labeling at the top of the Form 1120-DISC "Former DISC"). In the case of a former DISC, those items on the form which pertain to the computation of taxable income shall not be completed, but Schedules J, K, L, and M must be completed. Except as otherwise specifically provided in the Code or regulations, the return of a DISC or former DISC is considered to be an income tax return.

(2) *Existence of DISC.* A corporation which is a DISC and which is in existence during any portion of a taxable year is required to make a return for that fractional part of its taxable year during which it was in existence.

PAR. 5. Section 1.6071-1(b) is revised to read as follows:

§ 1.6071-1 Time for filing returns and other documents.

(b) *Return for a short period.* In the case of a return with respect to tax under subtitle A of the Code for a short period (as defined in section 443), the district director or director of the Internal Revenue Service Center may, upon a showing by the taxpayer of unusual circumstances, prescribe a time for filing the return for such period later than the time when such return would otherwise be due. However, the district director or director of the Internal Revenue Service Center may not extend the time when the return for a DISC (as defined in section 992(a)(1)) must be filed, as specified in section 6072(b).

PAR. 6. Section 1.6072 is deleted.

§ 1.6072 [Deleted]

PAR. 7. Section 1.6072-2 is revised by redesignating paragraph (e) as paragraph (f) and by adding a new paragraph (e). This added provision reads as follows:

§ 1.6072-2 Time for filing returns of corporations.

(e) *DISC's and former DISC's.* The return required under section 6011(c)(2) of a corporation which is a DISC (as defined in section 992(a)

shall be filed on or before the 15th day of the 9th month following the close of the taxable year. For the rule that a DISC may not have an extension of time in which to file such return, see §§ 1.6071-1(b), 1.6081-1(a), and 1.6081-3(e). The return required under § 1.6011-2(b)(1) by a former DISC shall be filed at the time it is required to file its income tax return.

PAR. 8. Section 1.6081-1(a) is amended by revising the second sentence thereof to read as follows:

§ 1.6081-1 Extension of time for filing returns.

(a) *In general.* . . . However, other than in the case of taxpayers who are abroad, such extensions of time shall not be granted for more than 6 months, and an extension of time for the filing of a return of a DISC (as defined in section 992(a)), as specified in section 6072(b), shall not be granted.

PAR. 9. Section 1.6081-3 is amended by adding a new paragraph (e) immediately after paragraph (d) to read as follows:

§ 1.6081-3 Automatic extension of time for filing corporation income tax returns.

(e) Paragraphs (a) through (d) of this section shall not apply to returns filed by a DISC pursuant to section 6011(c)(2).

PROCEDURE AND ADMINISTRATION REGULATIONS

PAR. 10. Section 301.6011 is deleted.

§ 301.6011 [Deleted]

PAR. 11. Section 301.6072 is deleted.

§ 301.6072 [Deleted]

PAR. 12. Section 301.6501(g) is deleted.

§ 301.6501 [Deleted]

PAR. 13. Section 301.6501(g)-1 is revised by adding a new paragraph (c). This added provision reads as follows:

§ 301.6501(g)-1 Certain income tax returns of corporations.

(c) *DISC.* If a corporation determines in good faith that it is a DISC (as defined in section 992(a)(1)) for a taxable year and files a return as such pursuant to section 6011(c)(2), and if the corporation is thereafter held to be a corporation which is not a DISC for the taxable year for which the return was filed, then—

(1) Such return shall be deemed to be the return of the corporation for the purpose of section 6501.

(2) Such return if filed within the time required by section 6072(b) for filing a DISC return shall be deemed to be filed within the time required by section 6072(b) for filing of a return by a corporation which is not a DISC, and

(3) Interest on underpayment and overpayments allowed by chapter 67 of the Code and additions to the tax, additional amounts and assessable penalties allowed by Chapter 68 of the Code, when determined by reference to the time for filing of a return, shall be determined by reference to the time required by section 6072(b) for filing of a return by a DISC.

PAR. 14. New section § 301.6686-1 is added immediately after § 301.6685-1. This added provision reads as follows:

§ 301.6686-1 Failure of DISC to file returns.

(a) *In general.* In addition to the penalty imposed by section 7203 (relating to willful failure to file a return, supply information, or pay tax) any person who is required to supply information or to file a return under section 6011(c) (relating to records and returns of DISC's) and who fails to supply such information or file such return at the time prescribed in sections 6072(b) and 1.6072-2(c) shall pay a penalty of \$100 for each failure to supply information (provided that the total amount imposed on the delinquent person for all such failures during a calendar year shall not exceed \$25,000) and a penalty of \$1,000 with respect to each failure to file a return, unless it is shown that such failure is due to a reasonable cause.

(b) *Showing of reasonable cause.* The penalty imposed by section 6686 shall not apply to any person with respect to a failure to supply information, or to file a return, under section 6011(c) if it is established to the satisfaction of the district director or director of the Internal Revenue Service Center that such failure was due to reasonable cause. An affirmative showing of reasonable cause must be made in the form of a written statement, which contains a declaration by such person that the statement is made under the penalties of perjury, and sets forth all the facts alleged as reasonable cause.

[FR Doc. 78-4198 Filed 2-14-78; 8:45 am]

[4110-35]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

MEDICARE PROGRAM; MEDICAL ASSISTANCE PROGRAM

Designation of Section Numbers; Correction of Agency Title and Cross References

AGENCY: Health Care Financing Administration, HEW.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule regarding amendments that were made to the regulations governing the medicare program (Title XVIII, Social Security Act) and the medical assistance program (Title XIX, Social Security Act). These amendments were published at 42 FR 65112 on December 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Margaret O. Schnoor, 202-245-1960.

In FR Doc. 77-36997 appearing at pages 65113-65122 in the FEDERAL REGISTER of Thursday, December 29, 1977 (Part V of that issue), the following corrections are made.

1. On page 65113, the amendatory language "42 CFR Chapter IV, Parts 405, 445, 452, and 460 through 480 are revised as follows:" should read "42 CFR Chapter IV, Parts 405, 445 through 452 and 460 through 480 are revised as follows:".

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

2. On page 65114, under item i, "\$ 405.903(c)" should read "\$ 405.904(c)".

3. On page 65114, item 5 which reads "In the following 'Bureau of Health Insurance' is change to 'Medicaid Bureau:'" should read "In the following 'Bureau of Health Insurance' is changed to 'Medicare Bureau:'".

4. On page 65114, under item 8, "Actuary" should read "Actuarial".

PART 448—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

5. On page 65116, under item 12 (first column, second entry), "\$ 448.1(a)(1)(ii); (b)(2) (ii) and (iii); and (c) (i) and (ii)" should read "\$ 448.1(a)(1)(ii); (b)(2) (ii) and (iii); and (c) (1) and (2)".

PART 449—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

6. On page 65117, under item 13 (10th item under fourth column) "\$ 449.33 (a)(8)(i) and (l) (A) and (B);

and" is deleted. The regulation section cited has been revoked.

PART 450—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

7. On page 65120, item 33 is deleted. Section 450.25 has already been amended to reflect the abolishment of the Social and Rehabilitation Service.

8. On page 65120, under item 26, "\$ 450.90(a)(1)(ii)(B)" should read "\$ 450.90(b)(1)(ii)(B)".

Dated: February 3, 1978.

L. DAVID TAYLOR,
Acting Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 78-4082 Filed 2-14-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21208; RM-2766]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations in Bloomington, Highland, and Kieler, Wis.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns UHF-TV channels to three communities in southwest Wisconsin for high power noncommercial educational translator use to carry programming of the Wisconsin educational television network.

EFFECTIVE DATE: March 23, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of § 73.606(b), Table of assignments, television broadcast stations, (Bloomington, Highland, and Kieler, Wis.), Docket No. 21208; RM-2766. *Report and order.*

Adopted: February 7, 1978.

Released: February 9, 1978.

By the Chief, Broadcast Bureau:

1. The Commission has under consideration the Notice of Proposed Rule Making, adopted April 15, 1977, 42 FR 21631, proposing the assignments of Television Channels "49" to Bloomington, Wis., "51 to Highland, Wis., and "46 to Kieler, Wis., each to be reserved for noncommercial educational use.

Petitioner originally requested Channel "38 for assignment to Bloomington. However, that is no longer possible since the chan-

nel was assigned to Fort Madison, Iowa, Docket No. 20878, adopted September 6, 1977. However, petitioner has stated it has no objection to the assignment of Channel "49 to Bloomington instead.

Petitioner operates Station WPNE (Channel "38) Green Bay; Station WHWC-TV (Channel "28), Menomonie; Station WHLA-TV (Channel "31), La Crosse; Station WHRM-TV (Channel "20), Wausau; and is permittee of Station WLEP-TV (Channel "36), Park Falls; with network affiliates WHA-TV (Channel "21) in Madison, and WMVS (Channel "10) in Milwaukee.

High powered UHF translator stations may operate only on assigned channels. See Sections 74.702(g) and 74.735(e) of the Commission's Rules.

2. The Notice indicated that the proposal was designed to extend petitioner's statewide service by utilizing high-powered translators on the requested channels to bring Wisconsin ETV network service to an area now lacking it. Petitioner states in its comments that it will apply for the proposed channels if assigned and construct promptly if authorized to do so.

3. Pertinent data regarding the three communities were adequately set forth in the Notice and will not be repeated here.

4. The Commission finds that the public interest would be served by adoption of the proposal. The use of the three channels in the southwest portion of the state will extend the statewide educational network service which now serves over 97 percent of the State's population (including service to be provided from the proposed Park Falls station) to an additional 25,000 persons. All applicable mileage separation requirements can be met.

5. Accordingly, it is ordered, That the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended to read as follows for the communities listed below effective March 23, 1978.

City and channel No.

Bloomington, Wis., "49.
Highland, Wis., "51.
Kieler, Wis., "46+.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

nel was assigned to Fort Madison, Iowa, Docket No. 20878, adopted September 6, 1977. However, petitioner has stated it has no objection to the assignment of Channel "49 to Bloomington instead.

Petitioner operates Station WPNE (Channel "38) Green Bay; Station WHWC-TV (Channel "28), Menomonie; Station WHLA-TV (Channel "31), La Crosse; Station WHRM-TV (Channel "20), Wausau; and is permittee of Station WLEP-TV (Channel "36), Park Falls; with network affiliates WHA-TV (Channel "21) in Madison, and WMVS (Channel "10) in Milwaukee.

High powered UHF translator stations may operate only on assigned channels. See Sections 74.702(g) and 74.735(e) of the Commission's Rules.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-4140 Filed 2-14-78; 8:45 am]

[6712-01]

[Docket No. 21355; RM-2834]

PART 73—RADIO BROADCAST SERVICES

**FM Broadcast Station in Cape Charles, Va.;
Changes Made in Table of Assignments**

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns Channel 241 to Cape Charles, Virginia, (pop. 1,689), as its first FM channel assignment. Although Class B channels are normally assigned only to larger communities, the Commission has found it beneficial to provide such wide-area coverage service to this area of Virginia, since there are few population centers to which Class A channels could be assigned.

EFFECTIVE DATE: March 22, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau,
202-632-7792.

SUPPLEMENTARY INFORMATION: In the matter of amendment of §73.202(b), Table of Assignments, FM Broadcast Stations, (Cape Charles, Va.) Docket No. 21355 RM-2834.

Report and order (Proceeding Terminated).

Adopted: February 3, 1978.

Released: February 9, 1978.

By the Chief, Broadcast Bureau:

1. The Commission has before it the Notice of Proposed Rule Making, 42 FR 41304, released August 10, 1977, proposing to assign Channel 241 to Cape Charles, Va., as its first FM channel assignment. Petitioner, J. Grayson Duer, has filed comments and reply comments. Opposing comments were submitted by Parker-Rew Enterprises ("Parker-Rew"), licensee of AM Station WEXM, Jamesville, Va., and FM Station WEXM-FM, Exmore, Virginia. A letter in opposition was sent by Edward A. Parry, a local merchant.

2. The Notice proposed to assign Channel 241 to Cape Charles (pop. 1,689) as its first FM assignment. The

¹All population data are taken from the 1970 U.S. Census, unless otherwise indicated.

Notice indicated that the proposal would conform to all mileage separation requirements and that the only community without local service precluded by the proposed assignment would have another FM channel available for assignment. It was noted by petitioner that a Class B station could provide a second aural service to an area of 62 square kilometers (24 square miles) with 1,374 persons if the station operated with facilities of 30 kW at 91 meters (300 feet) HAAT.

3. Parker-Rew argues against an exception to the Commission's policy of assigning Class B or Class C channels only to larger communities. This, it says, is warranted only where a substantial first and second FM service would be provided. In this case it insists that the proposed amount of such service, if correct, is insubstantial and that the area in question appears to be uninhabitable. This area is described by Parker-Rew's engineering statement as consisting of tidal mudflats and low marshy islands. Thus, it claims that the method used to derive a population figure for this area is invalid. Parker-Rew also argues that the Class B proposal should be denied because Cape Charles already receives six FM services chiefly from stations in the Norfolk-Portsmouth and Newport News-Hampton urbanized areas. Finally, it contends that since Cape Charles is located near these urbanized areas and the proposed station would place a 1 mV/m signal over the area, it is unrealistic to believe that the proposal is designed to provide service to Cape Charles.

4. In reply, petitioner points out that Parker-Rew is licensed to serve Exmore (pop. 1,421) and asserts that its only interest is to prevent competition.² In response to the contention that Cape Charles is too small to warrant a Class B station, petitioner responds that Exmore (with a Class B station) is smaller than Cape Charles, and there is no larger community in the area without local service to which the channel could be assigned. As to its showing that a second aural service would be provided, it notes that its method of estimating population is the one specified by the Commission and indicates that there is no basis for concluding that the area in question is uninhabitable.

5. Finally, petitioner argues that the allegation that its proposal is designed to serve the Norfolk and Newport News urbanized areas, is irrelevant to

²In a letter, Edward A. Parry expresses concern about the economic impact of an additional radio station in this area. However, as we have consistently held, the resolution of any such issues involving competitive impact are best left to the application stage. Melbourne and Satellite Beach, Fla., 47 F.C.C. 2d 717 (1974); Ogallala, Nebr., 41 FR 23955, Docket 20070.

the rule making proceeding and, in any event, that its proposed station's 3.16 mV/m contour will not reach the Norfolk or Newport News areas.

6. Before dealing with the Commission's policy with respect to assigning Class B stations to small communities, a few preliminary matters should be addressed. First petitioner's method of calculating population totals by assuming equal distribution over an area is an acceptable procedure. If Parker-Rew had a better estimate then it should have made that information known. Secondly, petitioner is correct that the 70 dBu (3.16 mV/m) contour of a maximum Class B Cape Charles facility would not reach Norfolk, Virginia Beach, or Newport News, and would cover only an insignificant portion of Hampton. Thus, there is no basis at this point for believing that the station is realistically designed to serve a community other than Cape Charles.

7. On the matter of the class of channel, Parker-Rew is correct that we have a general policy which seeks to assign Class B/C channels only to larger communities. However, on previous occasions, when taking a closer look at the southern portion of the Delmarva peninsula, we found that the area has few population centers and that to insure effective service, it usually would be necessary to utilize Class B channels. See Tasley, Va., 5 R.R. 2d 1754, 1761 (1965), and Exmore, Va., 18 R.R. 2d 1605, 1608 (1970), where the need for wide-area coverage stations was stressed in assigning Class B channels to these communities of 762³ and 1,421 persons, respectively. Likewise, support is found in Princess Anne and Pocomoke City, Md., 42 F.C.C. 2d 338 (1973), and Ocean City, Md., 35 F.C.C. 2d 473, 24 R.R. 2d 1903, 1905 (1972). Following this approach, we find the same considerations justifying a Class B assignment to Cape Charles. The surrounding area, especially to the north and east, has few services and the proposal could provide some second aural service. We therefore feel that assignment of Channel 241 to Cape Charles would represent effective utilization of the channel.

8. Accordingly, it is ordered, That the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the following community; Effective: March 22, 1978.

City and Channel No.

Cape Charles, Va., 241.

9. The Commission's authority for the above action is contained in sec-

³This population estimate was taken from information provided in the pleadings in that case. There is no Census figure for Tasley.

tions 4(i), 5(d)(1), 303(g) and (r) of the Communications Act of 1934, as amended, and §0.281 of the Commission's Rules.

It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-4141 Filed 2-14-78; 8:45 am]

[6712-01]

[Docket No. 21205; RM-2781]

PART 73—RADIO BROADCAST SERVICES

**Television Broadcast Station in Lihue (Kauai)
Hawaii; Changes Made in Table of Assignments**

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: This action assigns Channel *67 to Lihue, Hawaii, for high-power noncommercial educational translator use. The proponent, Hawaii Public Broadcasting Authority, which already operates noncommercial educational stations in Honolulu and Wailuku, seeks to rebroadcast its programming throughout the State with the use of translator stations.

EFFECTIVE DATE: March 23, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau,
202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of §73.606(b), table of assignments, television broadcast stations (Lihue [Kauai], Hawaii), Docket No. 21205 RM-2781.

Report and order (proceeding terminated).

Adopted: February 7, 1978.

Released: February 9, 1978.

By the Chief, Broadcast Bureau:

1. The Commission has before it the Notice of Proposed Rule Making, adopted April 15, 1977, 42 FR 22183, proposing the assignment of UHF TV Channel *67 to Lihue, Hawaii, and reserving it for noncommercial educational use. Petitioner, the Hawaii Public Broadcasting Authority, licensee of Station KHET (Channel 11), Honolulu, Hawaii, and Station KMEB-TV (Channel 10), Wailuku, Hawaii (satellite of Station KHET), submitted comments¹ reaffirming its intent to apply for the channel if assigned and to construct a station promptly if issued a permit.

2. Lihue (pop. 3,124),² the seat of Kauai Island (pop. 27,761), is located approximately 160 kilometers (100 miles) northwest of Honolulu. Lihue has no local TV service but receives the programming of many stations via locally operated translators.

3. The Notice indicated that petitioner sought the assignment of Channel *67³ to Lihue so that it may oper-

¹Petitioner submitted its comments after the announced cut-off date. However, we believe it appropriate to accept them so as to avoid the delay involved if we required petitioner to refile its proposal.

²All population data are taken from the 1970 U.S. Census.

³The Notice also stated that although Channels *21 and *27 were assigned to Lihue and available for noncommercial edu-

ate a high-powered (one kilowatt) translator station.⁴ Petitioner states that it intends, through the use of translators, to implement a statewide plan which would provide noncommercial educational programming throughout the Hawaiian Islands.

4. The Commission believes the public interest would be served by adoption of the proposal. This assignment will provide noncommercial educational programming for Lihue and Kauai Island and represents an efficient utilization of available frequencies. All mileage separation requirements have been met.

5. Accordingly, it is ordered, That effective March 23, 1978, the Television Table of Assignments, Section 73.606(b) of the Commission's Rules, is amended to read as follows for the community listed:

City and channel No.

Lihue, Hawaii, 3+, *8-, 10+, 12-, 15-, *21-, *27-, *67

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-4142 Filed 2-14-78; 8:45 am]

cational translator use, Channel 67 was chosen so that it could make use of receiving antennas on the island, all of which are designed to receive Channels 55 and above.

⁴High powered UHF translators may be operated only on assigned channels. See Sections 74.702(g) and 74.735(e) of the Commission's Rules.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3128-01]

DEPARTMENT OF ENERGY

[10 CFR Part 209]

INTERNATIONAL VOLUNTARY AGREEMENTS

Recordkeeping Requirements

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and request for public comments.

SUMMARY: These proposed amendments to the rules relating to recordkeeping in connection with communications between or among participants in the Voluntary Agreement and Plan of Action to Implement the International Energy Program are intended to simplify, reduce the volume of, and augment the information contained in, records maintained by participants in the Voluntary Agreement. These recordkeeping requirements would be amplified as necessary during actual allocation of oil under Chapter III and IV of the Agreement on an International Energy Program or during an allocation systems test conducted in conjunction with the International Energy Agency (IEA).

EFFECTIVE DATE: Date of Issuance.

DATES: Comments must be received by March 13, 1978, 4:30 p.m., e.s.t.

REQUEST TO SPEAK

By February 28, 1978, 4:30 p.m., e.s.t.

HEARING STATEMENTS

By March 8, 1978, 4:30 p.m., e.s.t.

HEARING DATE

March 10, 1978, 9:30 a.m., e.s.t.

ADDRESSES: All comments to:

Office of Regulations Management,
Box RS, Department of Energy,
Room 2214, 2000 M Street NW.,
Washington, D.C. 20461.

REQUESTS TO SPEAK

Attention: Office of Regulations
Management, Box RS, Department
of Energy, Room 2214, 2000 M
Street N.W., Washington, D.C.
20461.

HEARING LOCATION

Room 2105, 2000 M Street N.W.,
Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Martin S. Kaufman or Robert C. Goodwin, Jr., Office of General Counsel, Department of Energy, Room 5116, The Federal Building, 1200 Pennsylvania Avenue N.W., Washington, D.C. 20461, telephone, 202-566-9380.

SUPPLEMENTARY INFORMATION:

- I. Background
- II. Purpose of Proposed Amendments
- III. Comments Previously Received
- IV. Comments and Hearings
- V. Proposed Amendments

I. BACKGROUND

On August 26, 1976, the Federal Energy Administration (FEA) issued proposed amendments to Part 209 of Chapter II, Title 10, Code of Federal Regulations, in order to clarify, simplify and make consistent the recordkeeping requirements applicable to international voluntary agreements (41 F.R. 37128, et seq., September 2, 1976). By notice published on September 22, 1976 (41 FR 41432), the period for comments was extended through November 1, 1976. Three comments were received with regard to the proposed amendments, but no hearing was held because of lack of sufficient interest. The proposed amendments were not embodied in a final rule.

Because of the time which has elapsed since the first issuance of the proposed amendments and because the establishment of the Department of Energy (DOE) has resulted in new administrative procedures, DOE deems it advisable to reissue the proposed amendments, revised to take into account certain of the comments previously received. Further comments are invited.

II. PURPOSE OF THE PROPOSED AMENDMENTS

Since their publication in February 1976, FEA and DOE have monitored the effectiveness of the recordkeeping requirements applicable to participants in the Voluntary Agreement under Part 209 of its regulations. FEA and DOE have observed that a large number of duplicative records dealing with routine matters have been submitted. In addition, there is a need for some clarification with respect to the information needed for antitrust monitoring required under the Energy Policy and Conservation Act ("EPCA") (Pub. L. 94-163, 42 U.S.C. § 6272). In order to rectify this situation, and to alleviate the burdens on both the gov-

ernment and participants in the Voluntary Agreement, DOE hereby proposes to amend Part 209 of Chapter II, Title 10, Code of Federal Regulations, to minimize recording of non-substantive matters while at the same time providing further guidance with respect to those matters which should be recorded in detail.

Where any communication is written and demonstrates on its face that it was already furnished to the appropriate official of DOE, the amended regulation would exempt a participant from making a record thereof and from sending an additional copy to DOE. The description of "written communication" has been clarified as including several forms of electronically or photoelectrically transmitted or recorded data commonly used.

Where the communication is procedural, administrative or ministerial (for example, if it involves the location of a record, the place of a meeting, establishment or adjustment of a meeting agenda, travel arrangements or similar matters), it would not need to be recorded in detail. Such communications which occurred during an actual emergency or an allocation systems test at IEA headquarters would not have to be recorded at all since U.S. Government monitors would be present at IEA headquarters.

To the extent that any communication involves matters which recapitulate material already contained in a full and complete record, the regulation would be amended to provide that the substance of such matters need not be recorded in detail, so long as reference is made to the record and the portion thereof where the material is fully set out.

The requirement that records be deposited "promptly" would be amended to permit their deposit within fifteen days after the end of the month in which they were prepared so as to enable participants to aggregate records and deposit them on a monthly basis during non-emergencies. However, it is anticipated that written records which are provided by one participant to other participants would be provided contemporaneously to DOE.

Under the proposal, § 209.34, providing for maintenance of records during the carrying out of voluntary agreements, would be amended in a similar fashion. In addition to the amendments discussed above, this section would also be amended to provide that where there are several communica-

tions within the same day involving the same participants, a cumulative record for the day may be kept. The requirement providing for "prompt" deposit of records would, as in the case of § 209.24, be amended to permit deposit within fifteen days after the end of the month in which they were prepared.

In view of the fact that DOE (and previously FEA) has received several records of communications between participants and U.S. Government personnel, it should be noted that such communications are exempt from recordation, since both §§ 209.24 and 209.34 do not apply to communications with governmental or international organizations. Sections 209.24 and 209.34 would also be amended to provide for keeping of records of communications between a participant and any other member of a petroleum industry group or subgroup created by the IEA. This change is consistent with the most recent amendment to Section 5(b) of the Voluntary Agreement.

Section 209.34 would further be amended by the addition of a new subsection (e), which provides that for international oil allocation pursuant to Chapters III and IV of the Agreement on an International Energy Program, or for an IEA allocation systems test, the recordkeeping requirements stated in § 209.34 may be further amplified through the issuance of such guidelines as DOE determines to be necessary and appropriate.

DOE believes these amendments to §§ 209.24 and 209.34 would simplify and reduce recording of material which is not essential to antitrust monitoring.

III. COMMENTS PREVIOUSLY RECEIVED

Certain persons submitting comments suggested that the language in § 209.24(b)(3), dealing with administrative communications, be made consistent with that used in the corresponding § 209.34(b)(3). DOE agrees with this suggestion, and accordingly has revised § 209.34(b)(3) to parallel § 209.24(b)(3).

Some comments also questioned the proposed amendment of § 209.34(b)(2) which added a definition of "substance" to the requirement that the record of a communication between participants include "a description of the communication in sufficient detail to convey adequately its substance." Such comments objected that this was contrary to Congressional intent that communications during emergencies be prepared on a simplified basis, and to FEA's acknowledgment in the preamble to Part 209 that the language of § 209.34 was "sufficiently flexible so as to permit a lesser amount of detail during emergencies" (41 FR 6754). The regulation proposed herein does not attempt to define "substance," but

retains the requirement that records of communications be kept in sufficient detail to convey the substance thereof.

Certain comments suggested that in connection with proposed § 209.24(b)(2) and § 209.34(b)(2), the regulation should be amended to provide that where a communication indicates on its face that a copy has been sent to any official of DOE, or to DOE itself, this will satisfy the requirement of §§ 209.24(c) and 209.34(c) that a copy be deposited with the Secretary. DOE agrees with this suggestion in principle, but believes that permitting omission of filing when a copy of a communication has been sent to "any" DOE official gives rise to a possibility of communications being inadvertently sent to a DOE official not concerned with the matter. Therefore, § 209.24(b) and 209.34(b) have been revised to permit omission of filing when a copy of a communication shows it has been sent to the proper DOE official.

Finally, some persons objected to the proposed revision to the requirements of § 209.24(c) and 209.34(c), that records be deposited "promptly." As originally proposed, those sections required that records be deposited within seven days of their preparation during an emergency, and within thirty days of their preparation during nonemergencies. It was suggested that these requirements would be burdensome, because records prepared daily would necessarily have to be deposited on a daily basis, and since participants would no longer have the convenience of aggregating records on the basis of a representative period. In order to reduce the burden imposed by these requirements, §§ 209.24(c) and 209.34(c) have been revised to provide that records may, except during IEA emergency allocation or allocation systems tests, be deposited within fifteen days after the month of their preparation, and during actual oil allocation or tests of the allocation system, within seven days after the week (ending Saturday) of their preparation. Thus, during normal periods, participants will be able to deposit their records on a monthly basis, and will have two weeks after the close of the month to assemble them; during actual oil allocation or tests of the allocation system, records shall be deposited on a weekly basis, with a week after the close of the week in question available for aggregation. As with other recordkeeping requirements, the rules with respect to deposit of records may be modified during an actual international oil allocation or during a test of the allocation system. DOE believes that this will improve the efficiency of the present requirements.

IV. COMMENTS AND HEARINGS

A. WRITTEN COMMENTS

Interested persons are invited to submit written data, comments or arguments with respect to these proposed amendments. Comments should be identified on the outside of the envelope and on the documents submitted with the designation "Recordkeeping Relating to International Voluntary Agreements." Fifteen (15) copies should be submitted. All comments received by 4:30 p.m., March 16, 1978, will be considered by the DOE in evaluating the proposed amendments.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. PUBLIC HEARINGS

The times and places for the hearings and date and location for requesting to speak at the hearings are indicated at the beginning of this notice. If necessary to hear all testimony, the hearing will be continued at 9:30 a.m. of the next business day following the first day of the hearings. Any person who has an interest in these recommendations or who is representative of a group or class of persons which has such an interest, may make a written request for an opportunity to make oral presentation. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through March 9, 1978. Each person selected to be heard will be so notified by the DOE before 4:30 p.m., e.s.t., March 2, 1978, and must submit 100 copies of his statements to Office of Regulations Management, DOE, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., March 8, 1978.

The DOE reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. The hearings will not be judicial or evidentiary in nature. Questions may be asked only by those conducting the hearings. There will be no cross-examination of persons presenting statements. Any decision made by the DOE with re-

spect to the subject matters of the hearings will be based on all information available to the DOE. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested persons may submit questions to be asked of any person making a statement at the hearings to Office of Regulations Management, Room 2214, 2000 M Street NW., Washington, D.C. 20461, before 4:30 p.m., e.s.t., February 28, 1978. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer at the time of the hearing. The DOE, or the presiding officer if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the DOE and made available for inspection in the DOE Freedom of Information Office, Room 2107, Federal Building, 1200 Pennsylvania Avenue NW., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

This proposal is procedural only, and the requirement in Section 7(c)(1) of the Federal Energy Administration Act, that proposals "affecting the quality of the environment" be reviewed by the Environmental Protection Agency prior to issuance, is hereby deemed not to apply.

NOTE.—The proposed rule has been reviewed in accordance with Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 and has been determined not to be a major proposal requiring evaluation of its economic impact as provided for therein.

(Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended; E.O. 11790, 39 FR 23185; E.O. 11930, 41 FR 32399; Energy Policy and Conservation Act, Pub. L. 94-163; E.O. 11912, 41 FR 15825; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, it is proposed to amend Part 209 of Chapter II, Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., February 10, 1978.

WILLIAM S. HEFFELFINGER,
Director of Administration.

V. PROPOSED AMENDMENTS

1. Section 209.24 is amended in paragraphs (b) and (c) to read as follows:

§ 209.24 Maintenance of records.

(b)(1) Except as provided in subparagraphs (2) through (4) of this paragraph, participants shall keep a full and complete record of any communications (other than in a meeting held pursuant to this subpart) between or among themselves for the purpose of developing a voluntary agreement under this part. When two or more participants are involved in such a communication, they may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the organizations, if any, which they represent; the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance.

(2) Where any communication is written (including, but not limited to, telex, telegraphic, telecopied, microfilm, and computer printout material), and where such communication demonstrates on its face that the originator or some other source furnished a copy of the communication to the proper official of DOE, no participant need record such a communication or send a further copy to the Department of Energy. Where such communication demonstrates that it was sent to the proper official of the Department of Energy, it shall satisfy paragraph (c) of this section for the purpose of deposit with the Department of Energy.

(3) To the extent that any communication is procedural, administrative or ministerial (for example, if it involves the location of a record, the place or time of a meeting, establishment or adjustment of a meeting agenda, travel arrangements, or similar matters), only a brief notation of the date, time, persons involved and description of the communication need be recorded.

(4) To the extent that any communication involves matters which recapitulate matters already contained in a full and complete record, the substance of such matters shall be identified, but need not be recorded in detail, provided that reference is made to the record and the portion thereof in which the substance is fully set out.

(c) Except where the Department of Energy otherwise provides, all records and transcripts prepared pursuant to

paragraphs (a) and (b) of this section shall be deposited within fifteen (15) days after the close of the month of their preparation together with any agreement resulting therefrom, with the Department of Energy, and shall be available to the Attorney General, the Federal Trade Commission, and the Department of State. Such records and transcripts shall be available for public inspection and copying to the extent set forth in Subpart D. Any person depositing material pursuant to this section shall indicate with particularity what portions, if any, the person believes are not subject to the disclosure to the public pursuant to Subpart D and the reasons for such belief.

2. Section 209.34 is amended in paragraphs (b) and (c) and by adding a new paragraph (e) to read as follows:

§ 209.34 Maintenance of records.

(b)(1) Except as provided in subparagraph (2) through (4) of this paragraph, participants shall keep a full and complete record of any communication (other than in a meeting held pursuant to this subpart) between or among themselves or with any other member of a petroleum industry group created by the International Energy Agency, or subgroup thereof, for the purpose of carrying out a voluntary agreement or developing or carrying out a plan of action under this subpart, except that where there are several communications within the same day involving the same participants, they may keep a cumulative record for the day. The parties to a communication may agree among themselves who shall keep such record. Such record shall include the names of the parties to the communication and the organizations, if any, which they represent; the date of the communication; the means of communication; and a description of the communication in sufficient detail to convey adequately its substance.

(2) Where any communication is written (including, but not limited to, telex, telegraphic, telecopied, microfilm, and computer printout material), and where such communication demonstrates on its face that the originator or some other source furnished a copy of the communication to the proper official of DOE, no participant need record such a communication or send a further copy to the Department of Energy. Where such communication demonstrates that it was sent to the proper official of the Department of Energy, it shall satisfy paragraph (c) of this section for the purpose of deposit with the Department of Energy.

(3) To the extent that any communication is procedural, administrative or ministerial (for example, if it involves the location of a record, the place or time of a meeting, establishment or adjustment of a meeting agenda, travel arrangements, or similar matters) only a brief notation of the date, time, persons involved and description of the communication need be recorded; except that during an IEA emergency allocation exercise or an allocation systems test such a non-substantive communication between members of the Industry Supply Advisory Group (ISAG) which occur within IEA headquarters need not be recorded at all.

(4) To the extent that any communication involves matters which recapitulate matters already contained in a full and complete record, the substance of such matters shall be identified, but need not be recorded in detail, provided that reference is made to the record and the portion thereof in which the substance is fully set out.

(c) Except where the Department of Energy otherwise provides, all records and transcripts prepared pursuant to paragraphs (a) and (b) of this section shall be deposited within seven (7) days after the close of the week (ending Saturday) of their preparation during an international energy supply emergency or a test of the IEA emergency allocation system, and within fifteen (15) days after the close of the month of their preparation during periods of non-emergency, together with any agreement resulting therefrom, with the Department of Energy and shall be available to the Attorney General, the Federal Trade Commission, and the Department of State. Such records and transcripts shall be available for public inspection and copying to the extent set forth in Subpart D. Any person depositing materials pursuant to this section shall indicate with particularity what portions, if any, the person believes are not subject to disclosure to the public pursuant to Subpart D and the reasons for such belief.

(e) During international oil allocation under Chapters III and IV of the IEP or during an IEA allocation systems test, the Department of Energy may issue such additional guidelines amplifying the requirements of these regulations as DOE determines to be necessary and appropriate.

[FR Doc. 78-4172 Filed 2-14-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

[10 CFR Parts 211 and 212]

EMERGENCY STANDBY MANDATORY CRUDE OIL AND REFINERY YIELD CONTROL PROGRAMS

Proposed Rulemaking; Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: In order to meet U.S. international energy program commitments and provide for the distribution of strategic petroleum reserve (SPR) crude oil, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is proposing two special rules: (1) An emergency standby crude oil allocation program; and (2) special pricing provisions governing mandatory sales. The ERA proposed to distribute available crude oil supplies equitably to refiners during a supply interruption by means of a buy/sell list calculated so that each refiner operates at the same monthly rate relative to a recent 12-month base period. The U.S. Government will be a seller of crude oil under the program when and if SPR crude oil is made available for distribution. The price for all buy/sell transactions except those involving SPR crude oil will be set by ERA monthly with differentials for quality. These proposed regulations would supersede certain existing regulations when activated.

DATES: Comments by March 21, 1978, 4:30 p.m.; requests to speak by March 6, 1978, 9:30 a.m.

HEARING DATES

Washington hearing: March 28 and 29, 1978, 9:30 a.m.; Dallas hearing: March 21, 1978, 9:30 a.m.; San Francisco hearing: March 23, 1978, 9:30 a.m.; Chicago hearing: March 20, 1978, 9:30 a.m.

ADDRESSES: All comments to: Public Hearing Management, Room 2313, Department of Energy, Box RU, 2000 M St. NW., Washington, D.C. 20461.

REQUESTS TO SPEAK

Washington hearing: Attn.: Public Hearing Management, Room 2313, Department of Energy, Box RU, 2000 M St. NW., Washington, D.C. 20461; Dallas hearing: Department of Energy, Attn.: Arlene Millard, 2626 West Mockingbird Lane, Dallas, Tex. 75235; San Francisco hearing: Department of Energy, Attn.: R. Laffel, 111 Pine Street, San Francisco, Calif. 94111; Chicago hearing: Department of Energy, Attn.: Charles Swank, 175 West Jackson Boulevard, Chicago, Ill. 60604.

HEARING LOCATIONS

Washington hearing: Room 2105, 2000 M St. NW., Washington, D.C. 20461; Dallas hearing: Department of Energy, Training Room 250, 2626 West Mockingbird Lane, Dallas, Tex. 75235; San Francisco hearing: U.S. Post Office and Courthouse, Courtroom 14, 7th and Mission Street, San Francisco, Calif. Chicago hearing: Everett McKinley Dirksen Building, Room 204A, 219 South Dearborn Street, Chicago, Ill. 60604.

FOR FURTHER INFORMATION:

Robert C. Gillette (Hearing Procedures), 2000 M Street NW., Room 2222A, Washington, D.C. 20461, 202-254-5201.

Ed Vilade (Media Relations), 12th and Pennsylvania Avenue NW., Room 3104, Washington, D.C. 20461, 202-566-9833.

Robert G. Bidwell, Jr. (Office of Fuels Regulations), 2000 M Street NW., Room 6128, Washington, D.C. 20461, 202-254-9707.

Gerald Emmer (Office of Regulations & Emergency Planning), 2000 M Street NW., Room 2304, Washington, D.C. 20461, 202-254-7200.

Sabina Cooper or William Mayo Lee (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202-566-2454 (Cooper), 202-566-9567 (Lee).

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Proposed programs.
 - A. Emergency mandatory crude oil allocation program.
 - B. Refinery yield control program.
 - C. Supplier/purchaser rule and entitlements program.
 - D. Emergency mandatory allocated crude oil pricing program.
- III. Comment procedures.
 - A. Written comments.
 - B. Public hearings.

I. BACKGROUND

The first crude oil allocation program was promulgated in January 1974 in order to alleviate supply shortages of crude oil, residual fuel oil and refined petroleum products. The Federal Energy Office (FEO) undertook to carry out the express mandate of Congress in section 4(a) of the Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159 (EPAA), that the President impose temporary mandatory allocations of available supplies of crude oil, residual fuel oil, and refined petroleum products in amounts and at prices to be specified by regulations. The goal of the allocation program was to provide for overall equitable distribution of available crude oil and refined product supplies in order to mitigate the adverse economic consequences of the shortages.

There were two major elements to FEO's original crude oil allocation pro-

gram. The first was the so-called supplier/purchaser rule which froze in place all supplier/purchaser relationships for domestic crude oil that existed on December 1, 1973. The second element of the program, which is more relevant for present purposes, was the crude oil buy/sell program. The initial crude oil buy/sell program mandated certain sales of crude oil from one refiner to another in order that each refiner would have access to available supplies of crude oil at the national average supply-to-capacity ratio for all refiners. The national average supply-to-capacity ratio was calculated by the FEO based on refinery capacity and estimated crude oil supplies. Crude oil supplies were estimated based on the refiner's current stocks and expected deliveries of crude oil over a 3-month allocation period. Refiners with a supply-to-capacity ratio greater than the national average were required to sell their crude oil supplies that were in excess of the national average supply-to-capacity ratio. Refiners with less than the national average supply-to-capacity ratio were entitled to purchase sufficient crude oil from those refiners with such excess supplies so as to increase their supply levels to the national average supply-to-capacity ratio.

The maximum price of crude oil sold pursuant to these rules was calculated by taking the weighted average price of all crude oil delivered to a seller in either Petroleum Administration for Defense (PAD) Districts I-IV or in PAD District V, depending on where the sale was made, and adding to that amount a 6-percent handling fee plus certain adjustments for transportation costs and gravity differentials. In addition, refiner-sellers were permitted an 84-cent-per-barrel passthrough (for each barrel of crude oil sold pursuant to the program) on products refined by the refiner-seller to allow the refiner-seller to recoup an approximation of the profit that would have been made by refining each barrel of crude oil required to be sold under the allocation program.

The regulations provided for publication by the FEO of a "buy-sell list" showing required sales volumes and purchase opportunities for each refiner. This buy-sell list was the basis for allocation sales for the first quarter. At the beginning of each subsequent quarter, the FEO was required to publish a new buy-sell list that incorporated new projections made for refinery capacity and supply availability in that quarter. In addition, any differences between the estimated available supply of crude oil for a refiner in the first quarter and that refiner's actual deliveries of crude oil (as shown in monthly and quarterly reports to the FEO) would result in an adjustment to the refiner's allocation or sales obligation.

tion in a succeeding quarter. The first crude oil allocation program was therefore self-correcting for unexpected shortfalls or excess supplies of crude oil realized in a particular quarter and also for any calculation errors in the information used to compute the buy-sell list for an allocation quarter.

In May 1974, after the embargo was lifted, the FEO substantially revised the mandatory crude oil allocation program. In the changed supply situation, the revision was designed to remove the disincentives for increased production and importation of crude oil which existed under the original program, as well as to eliminate specific features of the original program involving allocations between major oil companies and certain product dislocations.

The revised program eliminated allocations to major oil companies by limiting the receipt of allocated oil to small and independent refiners. Each small and independent refiner was designated a refiner-buyer and was eligible to purchase during each allocation quarter a fixed amount of crude oil equal to one quarter of its crude oil runs to stills in the year 1972 less the volume of crude oil runs to stills for the period February through April 1974, with certain adjustments. Provision was also made for allocation of crude oil with respect to new or expanded refinery capacity. The 15 major refiners were designated as the only refiner-sellers and were required to offer crude oil for sale to refiner-buyers. Sales obligations were distributed proportionally according to each refiner-seller's percentage share of the total refining capacity of all refiner-sellers as of January 1, 1973. Refiner-sellers could replace any crude oil which was sold under the program without having such replacement crude oil subject to allocation. The pricing provisions were not changed significantly, although the six-percent handling fee was changed to a 30-cent per barrel fee.

As more normal supply conditions returned to the petroleum industry, the mandatory crude oil allocation program was reevaluated and further modified. The Federal Energy Administration (FEA) amended the crude oil buy/sell program in August 1975 to ensure that sellers would be treated equally when use of the program either declined in periods of adequate supply or increased during a future supply shortage. These amendments were also intended to accommodate the reduced use of the program that followed upon the provision of crude oil cost equalization benefits under the entitlements program (§ 211.67), which was implemented in November 1974. However, the buy/sell program did continue to serve a significant, al-

though reduced, supply function for small and independent refiners.

In April 1976, FEA amended the pricing of buy/sell program sales in an attempt to eliminate price advantages to purchasing under the program. Since refiner-sellers were previously required to charge a price based upon the weighted average cost of crude oil inventory of that refiner, purchases under the program were often cheaper to purchasers than purchases of the alternate imported crude oils. Sales prices were determined by calculating the refiner-seller's weighted average cost of its crude oil deliveries of imported crude oil (other than from Canada), with no pricing distinctions based on PAD Districts and with a uniform gravity adjustment. A five-cent per barrel handling fee was substituted for the thirty-cent per barrel handling fee.

Effective October 1, 1977, FEA revised the buy/sell program significantly to limit purchases under the program to those refiner-buyers which had a demonstrated need for allocations of crude oil based on lack of access to adequate supplies of domestic and foreign crude oil. Small refiners that were initially determined to have access to sufficient supplies of crude oil, and that were therefore ineligible to participate in the program, were permitted to reenter the program in the event that they experienced a significant reduction in domestic crude oil supplies. The pricing provisions for sales of allocated crude oil also were modified to take into account crude oil quality differentials and thus reflect more accurately the actual market value of crude oil sold under the program. These modifications permit refiner-sellers to determine their costs for imported high sulfur and low sulfur crude oil separately, thus ensuring that imported sweet and sour crude oil is sold under the program at prices approximating the fair market values for such crude oils. The pricing provision pertaining to transportation expenses recoverable by refiner-sellers was modified to assure that only actual transportation costs will be charged or incurred in transactions involving allocated crude oil.

The FEA believed that the administrative complexities of the program were unduly burdensome on participants, particularly refiner-sellers, in relationship to the limited usefulness of the program in a period of plentiful crude oil supplies. By late 1975, refiner-buyers were exercising only approximately 30 percent of their purchase opportunities under the program and, in many cases, appeared to be purchasing under the program only to obtain a price advantage.

II. PROPOSED PROGRAMS

The present crude oil buy/sell program simply addresses certain small

refiners' current needs for additional crude oil supply in the context of world-wide plentiful supply. The current program presumes that supplies generally are adequate. For this reason, it is necessary to have a revised program available on a standby basis in the event of another major supply interruption. We are proposing this emergency standby program in two separate special rules: The first (Special Rule No. 10 for Subpart C of Part 211) provides for the changes to the buy/sell program itself; and, the second (Special Rule No. 2 for Subpart F of Part 212) provides for the pricing of allocated crude oil, other than Strategic Petroleum Reserve crude oil. We are also issuing, contemporaneously with this Notice, a Notice of Proposed Rulemaking to implement Section 251 of the Energy Policy and Conservation Act of 1975 (EPCA) (Pub. L. 94-163). That Section provides authority to establish a regulatory program whereby the United States can carry out its supply obligations or purchase rights under the mandatory phase of the Agreement on an International Energy Program (IEP) (TIAS 8278), to which the United States is a party.

We intend to propose in the near future emergency standby product allocation regulations that would become effective in the event of a major crude oil supply interruption.

A. EMERGENCY MANDATORY CRUDE OIL ALLOCATION PROGRAM

The mandatory crude oil allocation regulations and the related pricing provisions proposed today would become effective only in the event of a significant crude oil supply interruption, i.e., when the emergency allocation provisions of the Agreement on an International Energy Program are activated (unless the Secretary of Energy undertakes action to nullify the automatic trigger), or when otherwise ordered by the Administrator of the ERA. They provide for the mandatory allocation of crude oil produced in or imported into the fifty states, the Virgin Islands, Guam, the Hawaiian Free Trade Zone, and Puerto Rico under the authority of the Emergency Petroleum Allocation Act of 1973, as amended. To implement the policy decisions of the U.S. Government as to the sale price and drawdown rate of Strategic Petroleum Reserve crude oil, these proposed regulations also provide for the distribution of the quantity, if any, of Strategic Petroleum Reserve crude oil made available. To the extent provision is made for distribution of Strategic Petroleum Reserve crude oil, this proposal is issued pursuant to the authority contained in Section 161(e) of the Energy Policy and Conservation Act.

The emergency mandatory allocation of crude oil under this proposal

is similar but not identical to that adopted by the FEO for the 1973-1974 oil embargo, and is based on the calculation of a national utilization rate for refiners on a monthly basis. This rate would be obtained by dividing the national estimated available crude oil supply by the base period average monthly crude oil runs to stills of all U.S. refiners (rather than by their capacity, as under the original program). Refiners' crude oil runs to stills would be calculated with reference to a base period (the twelve consecutive calendar month period ending with the second month immediately preceding the month in which these special rules become operative unless otherwise determined by the Administrator). The allocation period would be a calendar month.

Under this proposal, there would be no differing treatment or classification for small, independent, or major integrated refiners. The rationale for this particular aspect of the proposal is that in a supply shortage the way to allocate crude oil insofar as refiners and their marketing areas and customers are concerned could well be to permit all refiners to purchase or require them to sell on the same basis. Our initial conclusion in this regard is that this proposed method of allocation will also minimize market distortions in a shortage. We invite comments on the appropriateness of this feature of the proposal, and solicit specific suggestions on whether and in what manner various types of refiners (i.e., major integrated, independent, or small) should receive differing treatment in their allocations under the program.

In each allocation period, refiner-buyers would be entitled to purchase sufficient crude oil to permit operation of their refineries at the national utilization rate, and refiner-sellers would be required to sell any crude oil supplies that would permit refiner operation in excess of the national utilization rate.

The national estimated available supply of crude oil would be calculated by the ERA by taking the total estimated available supply of crude oil (including any Strategic Petroleum Reserve crude oil made available) for all domestic refiners and subtracting the quantity of crude oil that: (1) is subject to directed sales pursuant to § 211.71, or (2) the ERA plans to direct to product importers, if any, in the manner explained below. The estimated available supply of crude oil for a particular refiner would include that quantity of crude oil to which a refiner had access and intended to run during the allocation period.

We request that comments specifically address whether the quantity of crude oil a refiner intended to retain in inventory during the allocation

period should be included in the refiner's estimated available supply: *Provided*, That in its normal business operations the refiner would not have refined that crude oil in the allocation period. Comments are invited as to whether specific pre-supply interruption inventory levels (that are in excess of normal working inventory levels) should be "grandfathered," i.e., rendered exempt from the operation of the allocation program, to provide incentives for increased storage by refiners to be available in the event of a supply interruption and, if so, how such inventory could be identified and exempted. Additionally, the DOE is interested in any proposal directed toward providing incentives to increase storage levels of crude oil in anticipation of an interruption.

The national average monthly crude oil runs to stills for any allocation period would be the total of all crude oil runs to stills by all U.S. refiners in the base period divided by the number of days in the year (365 or 366) and multiplied by the number of days in the allocation period. In other words, the average daily crude runs to stills for all U.S. refiners during the base period would be multiplied by the number of days in the month to determine base period average monthly crude oil runs to stills.

The maximum quantity of crude oil the ERA would permit a refiner to purchase or require a refiner to sell during the allocation period would be determined by multiplying the refiner's average base period monthly crude oil runs to stills by the national utilization rate (national estimated available supply divided by national base period average monthly crude oil runs to stills). By subtracting the refiner's estimated available supply from the refiner's allowed crude oil runs to stills, the ERA would determine the refiner's buy/sell obligation.

If a refiner had a greater estimated available supply than the above calculation permitted the refiner to refine, the refiner would be required to offer such excess supply for sale. Conversely, if the refiner's estimated available supply was less than the refiner was permitted to refine under the above calculations, the refiner would be eligible to buy such amount of crude oil.

The following examples illustrate the use of the proposed allocation formula. The terms of the formula are defined as follows:

X=quantity of crude oil a refiner-buyer is entitled to purchase (if x is a positive number) or required to sell (if x is a negative number) during the allocation period

A=refiner's estimated available crude oil supply during the allocation period

B=refiner's average base period monthly crude oil runs to stills

C=national estimated available crude oil supply for all U.S. refiners for the allocation period

D national average base period monthly crude oil runs to stills by all U.S. refiners.

A mathematical expression of the formula is:

$$\left(\frac{C \cdot B}{D}\right) A = X$$

If a refiner's total estimated available crude oil supply for the allocation period (e.g., A = 200 barrels) as compared to its average base period monthly runs to stills (e.g., B = 800 barrels) multiplied by the national utilization ratio (e.g., C/D = $\frac{1}{2}$ as calculated by dividing the national estimated available crude oil supply, e.g., C = 6,000 barrels, by the national base period average monthly crude oil runs to stills, e.g., D = 12,000 barrels), results in a positive number, then that refiner would be entitled to purchase crude oil from another refiner with a supply in excess of its permitted runs to stills. $((\frac{1}{2})(800)) - (200) = +200$. If a refiner's total for an allocation period (e.g., A = 600 barrels) as compared to its average based period monthly crude oil runs to stills (e.g., B = 800 barrels) multiplied by the national utilization ratio of $\frac{1}{2}$, results in a negative number, then that refiner would be required to offer for sale that part of its supply that was in excess of its permitted runs to stills: $((\frac{1}{2})(800)) - (600) = -200$. A refiner-buyer would be permitted to process crude oil purchased pursuant to this special rule at any of its refineries regardless of the historical crude oil runs to stills of the refiner's particular refinery. A refiner-buyer would be required to process the crude oil, have the crude oil processed, or exchange the crude oil and have it processed within 45 days from the date of execution of the purchase/sale agreement.

The first allocation period would commence 15 days subsequent to the day this special rule becomes effective. It will be composed of the number of days remaining in the month when the allocation period begins plus the following calendar month.

Adjustments to a refiner's base period crude oil runs to stills could be made for non-recurring or unusual operating reasons or to reflect refining capacity in operation for less than the base period time period. However, any adjustment to the base period crude oil runs to stills for purposes of the program would have to be approved by the ERA. As to refineries in operation for less than one full calendar month on the date this special rule comes into force or that commenced operations after such date, application for an exception pursuant to 10 CFR Part 205 would be required to establish base period crude oil runs to stills.

This proposal as currently written makes no provision for including in the calculation of a refiner's runs to stills the amount of crude oil pro-

cessed in the refinery of another firm pursuant to a processing or exchange agreement. It does, however, include all crude oil runs to stills of refineries owned, operated, or controlled by the refiner that were in operation at least one full calendar month prior to the activation of this proposed special rule, including the month prior to the month in which the rule becomes effective. We specifically invite comments on how leased refining capacity and exchange or processing agreements should be treated with respect to the calculations of crude oil runs to stills and estimates of available supply.

To integrate the emergency standby crude oil allocation program with the operation of the IEP, the Administrator would adjust a refiner's purchase opportunity or sale obligation under the program to reflect purchases or sales made by the refiner pursuant to the IEP in previous allocation periods. In the event of a significant IEP sale for the refiner concerned, the Administrator could issue a supplemental notice for the current allocation period to ensure that the refiner's operations would not be severely impacted by reason of the sale. These adjustment provisions would operate only where the refiner had not already adjusted its estimated available crude oil supply for the allocation period to reflect IEP voluntary sales to be made in that allocation period. The effect of these adjustments would be to compensate refiners for IEP sales by either increasing their purchase opportunity or decreasing their sale obligation by the volumes of crude oil sold under the IEP, and to reflect IEP purchases in an appropriate manner.

The proposed rule also provides authority for the Administrator of ERA to allocate crude oil to a firm that is not a U.S. refiner but has historically been engaged in the business of importing a petroleum product, provided that a critical shortage of such petroleum product was determined to exist and that the shortage would be alleviated by such action. As proposed, the rule would require the importer to have the crude oil refined in a U.S. refinery, except that, if unsuccessful in negotiating a processing agreement with a U.S. refiner, the importer could have the oil processed in a non-U.S. refinery, as long as the product that is refined from the crude oil is imported into the area of critical shortage on a barrel-for-barrel basis. We expressly invite comments as to whether crude oil should be allocated to a product importer for processing by that importer to help alleviate a critical product shortage in the region served by that importer, the conditions under which such allocation should occur, the amount of crude oil required to produce a given volume of product, a

formula for determining the quantity of crude oil which should be allocated to product importers, and as to appropriate rules to govern the processing of this crude oil, with specific reference to the time frame for the processing and as to the location (whether non-U.S. or U.S.) of the refineries that are to process the crude oil.

The Administrator would also have the authority (1) to order a refiner to sell crude oil out of its inventory to another refiner, and (2) to include the quantity, if any, of crude oil made available from the Strategic Petroleum Reserve in the national estimated supply of crude oil.

Although no such provision is contained in the proposed regulation, we also invite comments as to the desirability of providing an incentive to encourage refiner-sellers to continue to import crude oil since the proposed program is structured so that imports in excess of estimated available supplies could be required to be offered for sale to refiner-buyers. If such an incentive is thought to be desirable, commentators should provide suggestions as to the form such an incentive might take.

In addition, we invite comments as to whether the definition of "crude oil" set forth in §211.51 is appropriate for purposes of calculating base period crude oil runs to stills and estimated available supply in the emergency allocation program. Current regulations include Canadian plant condensate as part of crude oil runs to stills for the purpose of the entitlements program (10 CFR 211.67(d)(3)) but exclude it for the purpose of the buy/sell program. We specifically invite comments as to whether Canadian plant condensate should be incorporated into the definition of crude oil for the purpose of these emergency regulations.

The buy/sell notice for the emergency allocation program would be published at least 10 days prior to the beginning of the allocation period. Refiner-buyers and refiner-sellers would have 10 days from that publication date in which to negotiate purchases and sales, and all crude oil subject to a contract negotiated pursuant to the special rule would be required to be refined within 45 days after execution of the contract.

The conditions of sale for other than crude oil from the Strategic Petroleum Reserve, and the procedures to be invoked in the event of a failure to negotiate a transaction, would remain substantially similar to those specified in 10 CFR 211.65 for the allocation program currently in effect. However, under the special rule: (1) Refiner-sellers would be required to deliver crude oil to any refinery specified by a buyer. *Provided*, That the buyer retains title to the products refined from the purchased crude oil; (2) refiner-

buyers that are unable to consummate transactions would have to request ERA assignment of a refiner-seller within ten days of publication of the buy/sell notice; and (3) in order for a product importer to process allocated crude oil at a foreign refinery, it would be required to submit an application to that effect within 10 days of publication of the buy/sell notice. Contracting procedures for, and terms and conditions of the sale of, crude oil from the Strategic Petroleum Reserve are not covered by the proposed regulations except to the extent specifically indicated, and will require separate treatment to be announced by DOE at a later time.

Monthly reports of estimated supply for the next allocation period and actual data for the preceding allocation period would be filed by all refiners with the ERA no later than the tenth day of the current allocation month. Transactions under the program would be required to be reported by telephone within 24 hours of the completion of the arrangements for the sale and then confirmed in writing.

B. REFINERY YIELD CONTROL PROGRAM

The refinery yield control program would remain substantially as currently in effect, the ERA having the authority to adjust the percentage yield of a particular product or residual fuel oil that is in short supply. Orders under the refinery yield program would be keyed to a particular refined product or products for a specific refinery, or could be on a regional or national basis. We request comments on whether the refinery yield program should be further amended for purposes of the emergency standby crude oil allocation program.

C. SUPPLIER/PURCHASER RULE AND ENTITLEMENTS PROGRAM

No change has been proposed for either the crude oil supplier/purchaser rule (10 CFR 211.63) or the entitlements program (10 CFR 211.67). However, we request comments on whether these programs should be changed in any respects, to permit a proper interface with the proposed emergency mandatory buy/sell program.

EMERGENCY STANDBY MANDATORY ALLOCATED CRUDE OIL PRICING PROGRAM

The pricing provisions proposed in Special Rule No. 2, Subpart F, Part 212, permit the Administrator to establish on a monthly basis the prices, along with appropriate gravity and sulfur differentials, for high and low sulfur crude oil sold under the emergency standby mandatory crude oil allocation program. The Administrator would consider the weighted average per barrel landed costs of high and low

sulfure crude oil in the preceding month, prices between affiliated entities, and other relevant data. As in the current rule, adjustments would be made to reflect transportation costs, which would be paid by the refiner-buyer. Additionally, the ERA specifically requests comments on the appropriate amount for a handling fee for refiner-sellers.

III. COMMENT PROCEDURES

A. WRITTEN COMMENTS

You are invited to participate in this notice of proposed rulemaking by submitting data, views or arguments with respect to the issues set forth in this notice. Comments should be identified on the outside envelope and on documents submitted with the designation "Crude Oil Allocation-Standby Regulations", Box RU. Fifteen copies should be submitted. All comments received by the ERA will be available for public inspection in the DOE Reading Room, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

You should identify any information or data considered by you to be confidential and submit it in writing, one copy only. We reserve the right to determine the confidential status of the information or data and to treat it according to our determination.

B. PUBLIC HEARINGS

1. *Request Procedure.* The times and places for the hearings are indicated in the "DATES" section of this notice. If necessary to present all testimony, the hearing will be continued to 9:30 a.m. of the next business day following the first day of the hearing.

You may make a written request for an opportunity to make an oral presentation. If so, you should be prepared to describe the interest concerned, if appropriate, to state why you are a proper representative of a group or class of persons that has such an interest, and to give a concise summary of the proposed oral presentation and a phone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified by the ERA before 4:30 p.m., one week prior to the hearing, and you must bring 100 copies of your statement to the location of the hearing on the day testimony is presented.

2. *Conduct of the Hearings.* We reserve the right to select the persons to be heard at these hearings (in the event there are more requests to be heard than time allows), to schedule their respective presentations, and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited,

based upon the number of persons requesting to be heard.

An ERA official will be designated to preside at each of the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

You may also submit questions to be asked of any person making a statement at the hearings. Such questions must be submitted to the same address indicated above for requests to speak, three days prior to the hearing at the location concerned. Any person who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire record of the hearings, including the transcripts, will be retained by the ERA and made available for inspection at the Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. You may purchase a copy of the transcript of a particular hearing from the reporter.

In the event that it becomes necessary to cancel a hearing, we will make every effort to publish advance notice in the FEDERAL REGISTER of such cancellation. Moreover, we will notify all persons scheduled to testify at the hearings. However, it is generally not possible for us to give actual notice of cancellations or changes to persons not identified to us as participants. Accordingly, persons desiring to attend a hearing are advised to contact ERA on the last working day preceding the date of the hearing to confirm that it will be held as scheduled.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments on this proposal.

NOTE.—The ERA has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (Pub. L. 95-91), this proposed rule has been referred, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination whether the proposed rule would significantly affect any matter within the Commission's jurisdiction.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., on February 10, 1978.

DAVID J. BARDIN,
Administrator, Economic
Regulatory Administration.

APPENDIX

TITLE 10, CHAPTER II, PART 211, SUBPART C SPECIAL RULE NO. 10

EMERGENCY STANDBY MANDATORY CRUDE OIL AND REFINERY YIELD CONTROL PROGRAMS

1. *Scope.* This Special Rule No. 10, to Subpart C, Part 211, sets forth the DOE Emergency Standby Mandatory Crude Oil Buy/Sell and Refinery Yield Control Programs. This special rule provides for the allocation of such Strategic Petroleum Reserve crude oil as will be made available to this program to be sold by the United States Government, but does not provide for determination of the amounts of such oil to be sold and, except as expressly indicated, does not govern the contracting procedures, terms or conditions for the sale of such crude oil.

2. *Applicability.* (a) This special rule is effective beginning on the day:

(i) When the emergency allocation provisions of the Agreement on an International Energy Program (IEP) take effect, unless the Secretary of Energy determines that such automatic triggering of this rule shall not occur; or

(ii) When ordered by the Administrator.

(b) During the time period this special rule is in effect, the definitions of crude oil runs to stills, refiner, refiner-buyer, refiner-seller, and refining capacity in § 211.62, all of § 211.65, and all of § 211.71, Title 10, Chapter II, Part 211, Subpart C (Crude Oil and Refinery Yield Control) are superseded.

(c) This special rule expires when ordered by the Administrator. Upon expiration of this special rule, §§ 211.62, 211.65, 211.66, and 211.71, as set forth in Title 10, Chapter II, Part 211, Subpart C (Crude Oil and Refinery Yield Control) are in effect.

3. For purposes of this special rule, certain definitions are amended and several new definitions are added to § 211.62 as follows:

"Additional crude oil supply" means the total quantity of crude oil to which a refiner has access during an allocation period, in-

cluding but not limited to crude oil in associated storage, nonassociated storage, and in transit, less the refiner's estimated available crude oil supply for the allocation period.

"Administrator" means the Administrator of the Economic Regulatory Administration, Department of Energy.

"Allocation period" means a calendar month, except as otherwise specified in this rule.

"Base period" means the twelve (12) consecutive calendar months ending with the second month prior to the month in which this special rule becomes effective unless otherwise specified by the Administrator.

"Base period average monthly crude oil runs to stills" means a refiner's total crude oil runs to stills of all its refineries during the base period as reported on the Bureau of Mines Form P-320, divided by the number of days in the base period and multiplied by the number of days in the allocation period.

"Buyer" means any firm which is eligible to purchase crude oil pursuant to the provisions of this special rule.

"Crude oil runs to stills" means, in the case of a refiner other than a petrochemical producer, the total number of barrels of crude oil input to distillation units processed by a refiner and measured in accordance with Bureau of Mines Form P-320 and, in the case of a petrochemical producer, the total number of barrels of crude oil input to processing units for conversion into petrochemicals.

"DOE" means the Department of Energy, established by Public Law 95-91 (August 14, 1977).

"ERA" means the Economic Regulatory Administration, Department of Energy.

"Estimated available crude oil supply" means the quantity of crude oil a refiner has available and intends to run to stills for all of its refineries in the normal course of business during the allocation period.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The ERA may, in regulations and forms issued in this part, treat as a firm: (1) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (2) a parent and its consolidated entities, (3) an unconsolidated entity, or (4) any part of a firm.

"IEA" means the International Energy Agency established to implement the IEP.

"IEP" means the International Energy Program established pursuant to the Agreement on an International Energy Program signed at Paris on November 18, 1974, including (a) the Annex entitled "Emergency Reserves", (b) any amendment to such Agreement that includes another nation as a Party to such Agreement, and (c) any technical or clerical amendment to such Agreement.

"National base period average monthly crude oil runs to stills" means the total base period average monthly crude oil runs to stills of all U.S. refiners.

"National estimated available crude oil supply" means, for any allocation period, the total quantity of estimated crude oil supply for all U.S. refiners plus the quantity, if any, of Strategic Petroleum Reserve

crude oil made available minus the quantity of crude oil the Administrator intends to direct to product importers pursuant to this special rule, and minus the quantity of crude oil directed to all refiners pursuant to § 211.71 of this special rule.

"National utilization rate" means national estimated available crude oil supply for any allocation period divided by national base period average monthly crude oil runs to stills.

"New refining capacity" means, for each refiner, the capacity of its refineries operated continuously in the normal course of such refiner's business for at least one full calendar month, which must include the month preceding the month of the effective date of this special rule, but for less than 12 months of the base period as certified by the DOE.

"Petrochemical plants" means those industrial plants, regardless of capacity, that process petrochemical feedstocks and obtain at least thirty (30) percent conversion, by weight, to petrochemicals or other products that are converted to petrochemicals, as long as the weight of hydrocarbon contained in the final petrochemical is equal to at least thirty (30) percent of the initial petrochemical feedstock fed to the plant under consideration.

"Product importer" means any importer of record which imported a refined petroleum product or residual fuel oil during the base period, but shall not include a refiner.

"Refiner" means a firm which owns, operates or controls the operations of one or more refineries within the United States.

"Refiner-buyer" means any refiner whose estimated available crude oil supply during the allocation period is less than the national utilization rate multiplied by that refiner's base period average monthly crude oil runs to stills.

"Refiner-seller" means (1) any refiner whose estimated available crude oil supply during the allocation period is greater than the national utilization rate multiplied by that refiner's base period average monthly crude oil runs to stills, or (2) the United States Government when selling SPR crude oil.

"Refinery" means an industrial plant, regardless of capacity, processing crude oil feedstock and manufacturing refined petroleum products, residual fuel oil or petrochemicals, and shall include a petrochemical plant operated continuously in the normal course of business during the base period.

"Seller" means any firm which is required to offer crude oil for sale pursuant to the provisions of this special rule.

"SPR crude oil" means crude oil that is made available from the Strategic Petroleum Reserve pursuant to Section 161 of the EPCA, and which is included in the calculations of the buy-sell list.

"United States" means the several states, the District of Columbia, Puerto Rico, and the territories and possessions of the United States other than the Panama Canal Zone.

4. *Method of Allocation.* For purposes of this special rule, § 211.65 shall read as follows:

§ 211.65 *Emergency mandatory crude oil allocation program.*

(a) *General rule.* (1) In each allocation period a refiner-buyer shall be entitled to purchase and a refiner-seller shall be required to offer for sale an amount of crude oil equal to the difference between:

(i) The national utilization rate multiplied by the refiner's base period average monthly crude oil runs to stills and

(ii) The refiner's estimated available crude oil supply during the allocation period.

(2) *Definitions.*

X = quantity of crude oil a refiner-buyer is entitled to purchase (if X is a positive number) or required to offer for sale (if X is a negative number) during the allocation period

A = refiner's estimated available crude oil supply during the allocation period

B = refiner's base period average monthly crude oil runs to stills

C = national estimated available crude oil supply for all U.S. refiners for the allocation period

D = national base period average monthly crude oil runs to stills by all U.S. refiners

(3) *Formula.*

$$(C/D \times B) - A = X$$

(4) *Calculation procedure.* For each allocation period, the amount of crude oil a refiner is eligible to buy or required to offer for sale shall be calculated as follows:

(i) Each U.S. refiner shall submit its estimate of available crude oil supply to the ERA for the allocation period.

(ii) For each allocation period, the ERA shall compute the national estimated available crude oil supply based on the total estimated crude oil supply for all U.S. refiners for that allocation period. This estimate shall include any quantity of SPR crude oil made available and shall not include any quantity of crude oil the Administrator intends to direct to product importers pursuant to this special rule or to direct to refiners pursuant to § 211.71 of this special rule.

(iii) The ERA shall, on a one-time basis, compute the average daily crude oil runs to stills during the base period for each domestic refiner by dividing the total volume of that refiner's crude oil runs to stills in the base period by the number of days in the base period (365 or 366).

(iv) The ERA shall multiply this daily average volume of crude oil runs to stills for each refiner by the number of days in the allocation period, to determine the refiner's base period average monthly crude oil runs to stills for the allocation period.

(v) The ERA shall compute a national base period average monthly crude oil runs to stills by aggregating the base period average monthly crude oil runs to stills of all U.S. refiners for the allocation period.

(vi) The ERA shall divide the national estimated available supply of crude oil (clause (ii)) for the allocation period by the national base period average monthly crude oil runs to stills (clause (v)) to determine the national utilization rate for the allocation period.

(vii) The ERA shall multiply the national utilization rate by the refiner's base period average monthly crude oil runs to stills for the allocation period (clause (iv)) to determine the refiner's allowable crude oil runs to stills during the allocation period.

(viii) The ERA shall subtract the refiner's estimated available crude oil supply (clause (i)) from the refiner's allowable crude oil runs to stills during the allocation period (clause (vii)) to determine the refiner's purchase or sale obligation.

(ix) If the result of the calculation in clause (viii) is positive, the refiner is entitled to purchase that quantity of crude oil.

(x) If the result of the calculation in clause (viii) is negative, the refiner is required to offer that quantity of crude oil for sale.

(5) *First allocation period.* The first allocation period shall commence on the 15th day following the day when this special rule becomes effective and shall be composed of the remaining days in the month the allocation period commences plus the following calendar month.

(b) *Refiner-buyers.* Each refiner-buyer shall:

(1) Be entitled to purchase, either directly or through exchange, from a refiner-seller, a quantity of crude oil equal to the amount computed pursuant to paragraph (a) of this section, and

(2) Be required to refine or have processed any crude oil purchased or exchanged for crude oil purchased pursuant to this special rule within 45 days following the date of execution of the sale/purchase agreement.

(c) *Refiner-sellers.* Each refiner-seller shall be required to offer for sale, directly or through exchange, to refiner-buyers a quantity of crude oil equal to the amount computed pursuant to paragraph (a) of this section.

(d) *Adjustments to purchase and sale amounts.* The ERA shall recalculate the buy/sell list for each allocation period based on actual crude oil runs to stills and then make adjustments in a subsequent allocation period, except that positive adjustments to a refiner-buyer's allocations or negative adjustments to refiner-seller's sales obligations in subsequent allocation periods will not be made if that refiner-buyer failed to purchase its total allocations during the allocation period in which the sales were made. Such recalculation shall be for the purpose of correcting errors in estimates, and to

(1) Increase a refiner-seller's sales obligation in any allocation period to reflect crude oil offered for sale by that refiner-seller but not purchased by a refiner-buyer in a prior allocation period;

(2) Decrease a refiner-seller's sales obligation in any allocation period to deduct crude oil sales in excess of the amount required to be offered for sale in a prior allocation period pursuant to paragraphs (f) and (i)(3) of this section; or

(3) Either decrease a refiner's sales obligation or increase its purchase opportunities in any allocation period as the case may be, to account for sales made by that refiner under the IEP in the current or one or more previous allocation periods, where the IEP sales were not shown as an adjustment to that refiner's estimated available crude oil supply for the allocation period in question and shall also make appropriate adjustments to reflect any purchases under the IEP by a refiner.

(e) *New refining capacity.* The ERA may adjust a refiner's base period average monthly crude oil runs to stills to reflect new refining capacity.

(f) *Adjustments to base-period crude oil runs to stills and Administrator's authority to direct certain transactions.* (1) Prior to the first day of the second allocation period, a refiner may request the Administrator to adjust its base period crude oil runs to stills for unusual and non-recurring operating conditions during the base period at one or more of its refineries. If the Administrator does not approve, in whole or in part, or disapprove the request within fifteen (15) business days of receipt of the request, it shall be deemed denied.

(2) Notwithstanding the provisions of this special rule, the Administrator may:

(i) Order a refiner to offer to sell crude oil to a product importer, provided the Administrator determines that a critical shortage of a refined petroleum product or residual fuel oil exists or may exist in the immediate future in a specific geographic area; and

provided further, That the product importer arranges (A) to have the crude oil refined into an equivalent volume of such refined petroleum product or residual fuel oil and sell such product or residual fuel oil in the geographic area of critical shortage, or (B) to exchange the crude oil therefor;

(ii) Order a refiner to offer to sell crude oil to reduce its inventory thereof; and

(iii) Order a refiner purchasing crude oil under this special rule to place that crude oil in its inventory.

(g) *Buy/sell notice and negotiation of transactions.* (1) A buy/sell notice shall be published at least 10 days prior to the beginning of the allocation period except for the first allocation period. Each buy/sell notice shall list the quantity of crude oil each refiner-buyer is eligible to purchase and the quantity of crude oil that each refiner-seller will be obligated to offer for sale to refiner-buyers. Upon publication of the notice, refiner-buyers and refiner-sellers shall negotiate purchases and sales of crude oil allocated pursuant to the notice. All sales, except directed sales pursuant to paragraph (i) of this section, must be contracted for within ten (10) days after the publication of the buy/sell notice, and all deliveries must be completed within thirty (30) days following the date of execution of the sale/purchase agreement.

(2) The ERA may issue a supplemental notice for an allocation period to reflect adjustments under paragraph (d)(3) of this section for voluntary or mandatory sales under the IEP for that allocation period, where the operations of the refiner making the sale could be adversely affected by reason of the sale.

(h) *Terms and conditions of sales.* (1) The terms and conditions of each sale, processing agreement, or exchange of crude oil, other than sales prices, shall be consistent with normal business practices.

(2) Sellers shall deliver crude oil purchased pursuant to this special rule to any refinery designated by the buyer, whether or not it is operated by the buyer. *Provided,* The buyer (i) has title to the product or products refined from the purchased crude oil when the refining process is completed, or (ii) exchanges such product in accordance with normal business practices.

(3) Crude oil offered for sale must be suitable for processing in the refiner-buyer's refinery or the refinery designated by the refiner-buyer. Crude oil is deemed to be suitable for processing in a refinery if it has historically been processed in the refinery or if it has the same or similar characteristics as crude oil that has historically been processed in the refinery.

A refiner-seller may not be required to supply a specific type of crude oil to refiner-buyer's refinery if the volume of the crude oil that would account for a greater percentage of the refinery's total crude oil runs to stills in the allocation period concerned than was the case during the previous twenty-four month period.

(4) Crude oil offered to a refiner-buyer must be practical for delivery to and physically capable of being delivered to the refiner-buyer's refinery or a refinery designated by the refiner-buyer.

an economic dislocation which justifies the designation of a region or business sector as eligible for the economic injury loans authorized by section 404 of Pub. L. 95-89. The proposed rule defines an economic dislocation as an extraordinary and severe event which has a temporary adverse financial impact on a small business firm and which is (1) independent from any decision or situation created by the firm, and (2) not reasonably foreseeable by the firm's ownership or management. This definition, based on specific requirements in the legislation, makes clear that the loan authority is not the equivalent of business continuation insurance. The definition also precludes a designation as a result of depressed or other general market conditions such as inflation, recession, or the generally recognized risks of doing business in a free enterprise system such as strikes, or a shortage of material and supplies.

Four examples of the type of economic dislocation contemplated were cited by the Conference Committee. These were: lack of snow in ski areas, the Mexican peso devaluation, Indian tribal claims to land in Mashpee, Mass., and the extreme cold weather of the winter of 1967-77. The proposed regulation requires that any economic dislocation should fit the general pattern identified by these four situations. Situations on which comments are requested include (by way of example and not of limitation): Disruption of services of utility or telephone companies; abandonment of railroad lines requiring establishment of alternate supply routes; closing of a major customer of numerous small concerns; events in foreign countries (boycotts, natural disasters, strikes) which affect U.S. manufacturers and suppliers.

The Administration also recognizes its general responsibility to exercise its authority in a manner which is consistent with and in furtherance of national policy and in coordination with the activities and policies of other government agencies.

The proposed rules set forth the procedures by which the Governor of a State may request the designation of a region or business sector as being subject to temporary economic dislocation. The law requires that a substantial number of small businesses be adversely affected and SBA has determined that a minimum of five businesses is necessary in a sparsely populated area, but that a larger number may be required in a densely populated area. The Governor must identify the event which has caused an economic dislocation, the number of small businesses affected, the area affected, the expected duration of the economic dislocation and certify that financial assistance is not available on reasonable terms.

The proposed rules also define the purpose for which loans may be used. Loans are limited to working capital, and to the refinancing of debt to commercial lenders if this can be accomplished without a reduction of the commercial lenders' exposure. Loans are limited by law to \$100,000 but will be based on the amount of economic injury suffered by the small business. In common with other economic injury loans, the maximum term is 30 years but the term will be determined by the need of the small business. Payment of principal and interest will be deferred for one year at the request of the borrower. The interest rate is at a statutory formula based on cost of money to the government.

Pursuant to the authority of Section 5(b)(6) of the Small Business Act (15 U.S.C. 634), Part 123, Chapter I, Title 13 of the Code of Federal Regulations is amended as follows:

1. Section 123.1(b) is amended by adding a new subparagraph (9) as follows:

§ 123.1 General

(9) Which is located in a region or is part of a business sector designated pursuant to § 123.2(b)(8) as suffering from economic dislocation if SBA determines such loan is necessary to enable an otherwise financially sound concern to remain in business or to return quickly to its former level of operation (Economic Dislocation Assistance).

2. Section 123.2(a) is amended by adding a new subparagraph (6), by including economic dislocation in paragraph (b) and adding a new subparagraph (8) under paragraph (b) as follows:

§ 123.2 Eligibility.

(a)
(1)

ECONOMIC DISLOCATION

(6)(i) The Administrator of SBA makes designations that small business concerns in certain regions or business sectors are suffering from an economic dislocation due to an extraordinary, severe, or temporary natural or other temporary specific condition which is not due to any decision, or risk assumed by the small business concerns affected and which was not reasonably foreseeable by the concerns' ownership or management. To be considered temporary, an economic dislocation should be expected to end within 12 months of the date of designation by SBA.

(ii) The designation of an area of economic dislocation may be made based on the Administrator's knowl-

edge of conditions affecting small businesses or as a result of a certification from the Governor of a State which identifies the cause of the economic dislocation, the region or business sector affected, its anticipated duration, the number of small concerns affected (which must be at least five and more if the region or business sector includes numerous businesses), that SBA assistance is necessary to enable otherwise financially sound concerns to remain in business or return quickly to their former levels of operation and that financial assistance is not otherwise available on reasonable terms. Such certifications are sent to the Regional Directors in whose jurisdiction the area of economic dislocation is. The Regional Director forwards it with his recommendation to the Associate Administrator for Operations for submission to the Administrator.

(iii) No designation will be made if the assistance would:

(A) Conflict with national policy (for example, no designation will be made because of a lock-out or a strike, since both are recognized economic tools in labor relations); (B) be granted because of depressed market conditions, inflation, recession, effects of competition (foreign or domestic), or other generally accepted risks of doing business in a free enterprise system; (C) make duplicate assistance available if a natural disaster declaration covering the area was issued or if natural disaster assistance has been made available pursuant to § 123.2(a)(4)(i) D; or (D) be granted for other causes not considered within SBA's legislative authority.

(iv) Designations will not be published in the FEDERAL REGISTER, but will be publicized in the affected region.

(b) *Displaced business, regulatory, strategic arms, base closing, emergency energy shortage, water pollution control, air pollution control and economic dislocation loans.* (1)

(8) *Special consideration—economic dislocation loans.* To qualify for an economic dislocation loan, an applicant must be in a region or business sector which has been designated by SBA as affected by an economic dislocation. It must be financially sound, but for the effects of the economic dislocation.

3. Section 123.3 is amended by adding at the end thereof a new paragraph (m) to read as follows:

§ 123.3 Purposes of loans.

(m) *Economic dislocation loan assistance.* (1) The purpose is to provide working capital to small concerns which have suffered substantial economic injury to enable them to remain in operation, or return to their former

level of operation, when the effects of the economic dislocation have ceased, or adjustments in operations have been made to compensate for the economic dislocation. Funds may be used to carry accounts receivable, pay accounts payable, bring current long term debt and for general operating expense.

(2) Refinancing of existing debt is permissible if such refinancing does not reduce the exposure of any other lender. Thus, refinancing is limited to debts owed to commercial lenders as defined in § 123.1(c)(2) who will participate with SBA in a guaranteed or immediate participation loan at least to the extent of the debt being refinanced, but in no event less than 10%.

4. Section 123.5 is amended by rewording paragraph (a) to read as follows:

§ 123.5 Amount of loan and interest rates.

(a) The amount of any disaster loan shall not exceed the actual physical loss or economic injury suffered as a result of a disaster except as may be permitted under § 123.3(a)(2) and (3)(c) through (1). Economic dislocation loans as described in 123.3(m) are limited by law to a maximum of \$100,000 and a maximum term of thirty years.

5. Section 123.8 (c) is amended to read as follows:

§ 123.8 Repayment

(c) Except as described in paragraphs (a) and (b) of this section, and in the case of borrowers whose income is received on an annual or seasonal basis, all loans shall be repaid in equal monthly installments which will include principal and interest. In economic dislocation loans made pursuant to § 123.2(b)(8) the borrower, upon his request, shall be permitted to defer payments of principal and interest for one year from the date of the note.

(Sec. 404, Pub. L. 95-89, 91 Stat. 560 (15 U.S.C. 636).)

(Catalog of Federal Domestic Assistance Programs Nos. 59.028.)

Dated: February 9, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4157 Filed 2-14-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 207]

[EDR-342A; Docket No. 31861; Dated: February 10, 1978]

CHARTER TRIPS AND SPECIAL SERVICES

Off-Route Charter Limitations; Extension of Time for Comments

AGENCY: Civil Aeronautics Board.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: This notice extends for 30 days the time for filing comments in EDR-342, a proposal to alter the rules concerning off-route charters. The extension was requested by attorneys for the National Air Carrier Association (NACA).

DATES: Comments by March 29, 1978. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 31861, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Dyson, Office of General Counsel, Rules Division, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5444.

SUPPLEMENTARY INFORMATION: In its notice EDR-342, 42 FR 64704, December 28, 1977, the Board proposed to eliminate all restrictions on off-route cargo charters by all-cargo carriers, to modify the frequency restrictions for foreign off-route charters, to raise the volume restrictions, and to allow optionally the use of available seat miles as the basis for volume limits. Comments were due February 27, 1978.

By letter of February 7, 1978, attorneys for NACA have requested that the time for submitting comments on EDR-342 be extended 30 days. They noted that some scheduled carriers had not yet submitted certain required reports that included information on their charter operations, which NACA believed was needed in order to make a meaningful statistical presentation in its comments on the proposal.

The undersigned finds good cause to grant this request for an extension of time for the preparation of views on the proposed rule.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations (14 CFR 385.20(d)), the time for filing comments in EDR-342 is extended to March 29, 1978.

(Sec. 204, Federal Aviation Act of 1958, 72 Stat. 743, (49 U.S.C. 1324).)

SIMON J. EILENBERG,
Associate General Counsel,
Rules Division.

[FR Doc. 78-4154 Filed 2-14-78; 8:45 am]

[6320-01]

[14 CFR Part 223]

[EDR-344; Docket No. 31728; Dated: February 9, 1978]

FREE AND REDUCED RATE TRANSPORTATION

Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend the Board's regulations to allow air carriers to make student fares available to natives of Guam, American Samoa and the Trust Territory of the Pacific Islands between the student's home and his school or vocational training program in Alaska, Hawaii or the mainland United States.

DATES: Comments by March 16, 1978.

ADDRESSES: Comments should be sent to Docket 31728, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Docket comments may be examined in Room 711 at the address above as they are received.

FOR FURTHER INFORMATION CONTACT:

Richard Juhnke, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5436.

SUPPLEMENTARY INFORMATION: In the "Pacific Overseas Fares Investigation," Order 77-10-134, the Board found that various fares conditioned on the status of the passenger, including youth and student fares, were unjustly discriminatory within the meaning of section 404(b) of the Federal Aviation Act of 1958. While we ordered those fares canceled, we noted that section 403(b) of the Act authorizes the Board to specify by rulemaking categories of persons eligible for free and reduced-rate overseas air transportation, and we invited the carriers to petition the Board for authority to offer student fares in various Pacific overseas markets.

Pan American World Airways has petitioned the Board to authorize stu-

dent fares between the United States and Guam and the United States and American Samoa. Continental Air Lines and Air Micronesia have jointly petitioned the Board in Docket 31742 to allow student fares in those markets and between the United States and the Trust Territory of the Pacific Islands.¹ These carriers ask that the fares be limited to native students traveling to and from their school or vocational training program. The legislature of American Samoa has answered those petitions and generally favors student fares so long as rate-making adjustments are applied to assure that normal fare U.S.-Pago Pago passengers will not bear the burden of any consequent revenue dilution.²

The record in the "Pacific Overseas Fares Investigation" portrays an unusual combination of financial need, geographic isolation, and U.S. obligation to the inhabitants of the islands which persuade us to propose authorizing reduced student fares on those markets on a limited basis. It shows that the one university in Guam is insufficient to satisfy the educational needs of the entire area and that a large number of students leave the islands each year to attend school in the United States. It also shows that the full round-trip air fare from Saipan to Los Angeles, the closest destination in the continental United States, is more than 15 percent greater than the median annual income of a Trust Territory family. Because of the natives' low incomes and the extreme isolation of islands, it is obvious that the absence of reduced-rate transportation could effectively deny students the opportunity of higher education.

We believe it may be desirable for the Board to help resolve this problem because the United States' obligation to the natives of Guam, who are U.S. citizens, the natives of American Samoa, who are U.S. nationals, and the natives of the Trust Territory, whose education we have pledged to promote, might otherwise go unfulfilled. The Board is given the power to prescribe regulations allowing reduced fares such as those we now propose by section 403(b) of the Act. In keeping with the above-outlined factual predicate for student fares, the proposed amendment would limit their availability to native students traveling between their home in the islands and their school or vocational training program.

¹The Board has decided to consolidate the Continental/Air Micronesia petition into Docket 31728.

²Pan American has filed a motion for leave to file an unauthorized document which argues that no adjustment should be made. We have considered that document in drafting this proposed rule and grant leave for Pan Am to file the document.

We tentatively agree with the legislature of American Samoa that the U.S.-Pago Pago student discount should be treated as an ordinary discount for purposes of fixing normal fares in that market. That is, student traffic should not increase the level of normal fares.³ It is true that our exercise of discretion to permit student fares under section 403(b) is premised on various considerations, not all of which are strictly related to the cost of carrying such traffic. It is not our intention to require the carriers to offer these fares, however, and we would permit them to limit their availability in any way they see fit—e.g., by standby restrictions and black-out periods. Thus the carriers will have the capability of assuring that the marginal costs of carrying the students are very low. Accordingly, there is no reason to believe that the revenues from these fares will not cover the costs of this service, and we see no reason to build a dilution factor into normal fares to compensate for student traffic.

PROPOSED RULE

The Board proposes to amend Part 223 of its Economic Regulations (14 CFR Part 223) as follows:

Amend § 223.2 by adding a new paragraph (g) as follows:

223.2 Persons to whom free and reduced-rate transportation may be furnished.

In addition to the persons specified in Subparts B and C of this part:

(g) Any air carrier may, to the extent authorized in its certificate or elsewhere, provide reduced-rate overseas air transportation to students who are native to Guam, American Samoa, or the Trust Territory of the Pacific Islands: *Provided, however*, That the student must be enrolled in, or enroute to or from enrolling in, a college, university, trade school or similar bona fide educational or vocational program at the time of travel; the student fares may be made available only to students traveling between their homes in Guam, American Samoa and the Trust Territory and their schools and vocational training programs in Alaska, Hawaii and the mainland United States; and the carrier shall file with the Board tariffs showing all fares, rates, charges and applicable rules for air transportation provided under this subsection.

³In markets other than U.S.-Pago Pago, we have not yet determined to set rates on the basis of normal-fare standard load factors; in those markets, student discounts will therefore be treated like all other discounts in determining costs and revenue needs.

REQUEST FOR COMMENTS

Interested persons may take part in the rulemaking by submitting 20 copies of written data, views, or arguments on the subjects discussed. The Board will consider all relevant material received by the date shown at the beginning of this notice before taking final action on the proposed rules.

Individual members of the general public who wish to express their interest as consumers by informally taking part in this proceeding may do so by submitting comments in letter form to the Docket Section without having to file additional copies.

(Secs. 102, 204, 403, Federal Aviation Act of 1958, as amended, 72 Stat. 740, 743, 758; (49 U.S.C. 1302, 1324, 1373).)

By the Civil Aeronautics Board.
PHYLLIS T. KAYLOR,
Secretary.
(IFR Doc 78-4171 Filed 2-14-78; 8:45 am)

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 772 3017]

ALDENS, INC.

Consent Agreement with Analysis to Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Chicago, Ill. mail order house to cease discriminating against credit applicants on basis of sex or marital status, and to cease failing to timely provide rejected applicants with the reasons for such adverse action. Further, when denial of credit is based on consumer credit reports, the firm is required to furnish affected parties with the names and addresses of reporting companies.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580.

DATE: Comments must be received on or before April 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Lewis H. Goldfarb, Asst. Director for Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, 6th and Pennsylvania Ave. NW., Washington, D.C. 20580, 202-724-1139.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the F.T.C. Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

UNITED STATES OF AMERICA BEFORE FEDERAL TRADE COMMISSION

In the Matter of ALDENS, INC., a corporation.

File No. 772 3017, Agreement Containing Consent Order To Cease and Desist.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Aldens, Inc., a corporation, and it now appearing that Aldens, Inc., a corporation, hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between Aldens, Inc., by its duly authorized officer and its attorneys, and counsel for the Federal Trade Commission that:

1. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the facts as alleged in the draft complaint here attached are true or that any law has been violated.

2. Proposed respondent Aldens, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Illinois, with its office and principal place of business located at 5000 West Roosevelt Road, Chicago, Ill. 60607.

3. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

4. Proposed respondent waives: (a) Any further procedural steps; (b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and (c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Com-

mission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper or inadequate.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34(b) of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service on respondent. Mailing of the complaint and decision containing the agree to order to the undersigned officer at proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

8. It is agreed that the relief for consumers set forth in the order contained herein fully satisfies any claim for consumer redress which the Commission has under sections 5(b) and 19 of the Federal Trade Commission Act, as amended, arising out of the acts and practices alleged in the draft of complaint, prior to the effective date of this order. By its final acceptance of this agreement, with such modifications, if any, which the parties may make prior to said final acceptance, the Commission waives its right to commence a civil action under section 19 of the Federal Trade Commission Act, as amended, with respect to the acts and practices alleged in the Commission's draft of complaint, prior to the effective date of this order.

9. It is further agreed that to the extent the provisions of Subparagraphs 7(c) and 7(d) of Order 1 of the agreed to order differ from the provisions of any final order issued by the Commission against Montgomery Ward and Company, Incorporated which deals with the determination and disclosure of reasons for denial, respondent, upon petition to the Commission, shall be entitled to modification of Subparagraphs 7(c) and 7(d) of Order 1 to conform to the terms of such final order.

ORDER

Definitions: For the purposes of this Order the following definitions are applicable:

(a) "Regulation B" shall refer to that version of Regulation B (12 C.F.R. § 202) of the Equal Credit Opportunity Act, 15 U.S.C. §§ 1691-1691e, as amended by Pub. L. No. 94-239, in effect on and after March 23, 1977.

(b) The terms "account," "applicant," "application," "contractually liable," "consumer credit," "creditor," "credit transaction," "discriminate against an applicant," "inadvertent error," "marital status" and "open end credit" shall be defined as provided by section 202.2 of Regulation B.

(c) The terms "consumer report" and "consumer reporting agency" shall be defined as provided in section 603(d) and 603(f), respectively, of the Fair Credit Reporting Act (15 U.S.C. § 1681a (d) and (f) (1970)).

ORDER I

It is ordered that respondent Aldens, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with every application for consumer credit do forthwith cease and desist from:

1. Discriminating, against applicants for credit on the basis of sex or marital status with respect to any aspect of a credit transaction in violation of section 202.4 of Regulation B.

2. Taking sex or marital status into account in a credit scoring system or other method of evaluating applications in violation of section 202.6(b)(1) of Regulation B.

3. Failing to consider child support payments, where disclosed by the applicant as income in evaluating applications, to the extent that such payments are likely to be consistently made, as required by section 202.6(b)(5) of Regulation B.

4. Requesting, where the applicant applies for an unsecured separate account in a State other than a community property State, the name of the applicant's spouse in violation of section 202.5(d)(1) of Regulation B.

5. Requesting or considering information concerning an applicant's spouse (or former spouse under (e) below) unless:

(a) the spouse will be permitted to use the account; or

(b) the spouse will be contractually liable upon the account; or

(c) the applicant is relying on the spouse's income as a basis for repayment of the credit requested; or

(d) the applicant resides in a community property State or property upon which an applicant is relying as a basis for repayment of the credit requested is located in such a State; or

(e) the applicant is relying on alimony, child support or separate maintenance payments from a spouse or former spouse as a basis or repayment of the credit requested, in violation of section 202.5(c) of Regulation B.

6. Failing to preserve records including (1) written consumer reports received from consumer reporting agencies, (2) worksheets on which information given orally by a consumer reporting agency concerning the applicant's credit history was recorded by respondent's employees, (3) worksheets on which information concerning the applicant derived from telephone calls to various natural persons, corporations and partnerships was recorded by respondent's employees and (4) written documents on which the points

assigned by respondent's point scoring system to applicant's answers to various items on the Aldens charge application were recorded by respondent's employees, as required by section 202.12 of Regulation B.

7. Failing to provide applicants against whom adverse action is taken with a statement of specific reasons for the action taken, either at the time of notifying the applicant of such action or within 30 days of receiving an oral or written request for the reasons from the applicant within 60 days of notification of adverse action, as required by section 202.9 of Regulation B.

(a) Provided that if respondent cannot locate the applicant's file after good faith efforts because the applicant did not supply the file number assigned to that application, the respondent shall be deemed to be in compliance with the provisions of this paragraph only if it had clearly and conspicuously advised the applicant in the notification of adverse action of the file number and that the respondent will be unable to furnish the reason(s) for denial unless the applicant furnishes the file number with the request for reasons. Where respondent is unable to locate the applicant's file as a result of the applicant's failure to supply the file number with the request for reasons, the respondent shall so notify the applicant of that fact.

(b) Respondent shall not be deemed to have violated the requirements of this paragraph if it cannot locate the applicant's file after good faith efforts because of an inadvertent error; provided that, (1) the respondent so notifies the applicant, and (2) upon discovering the error the respondent corrects it as soon as possible and commences compliance with this paragraph.

(c) Provided further that where an application for credit is denied by respondent based on the failure of the applicant to obtain a sufficient number of points under a point scoring system, a statement of the specific reasons for the action taken complies with this paragraph only if it includes:

(i) A brief explanation of respondent's point scoring system which informs the applicant that: (1) the system assigns a value to a number of different creditworthiness criteria taken from the face of the application or other sources, (2) the applicant's total score on all criteria determines whether respondent will grant or deny credit, and (3) the factor(s) disclosed are those which most significantly affected the respondent's decision (an example of an explanation that complies with this subparagraph is set forth in Appendix A; an explanation which is substantially similar to Appendix A will be considered to be in compliance with the provisions of this subparagraph to the extent to which it accurately describes respondent's scoring system); and

(ii) the criteria, not fewer than four (4), in respondent's point scoring system which most significantly affected respondent's adverse decision, except that (1) disclosure of a single criterion complies with this paragraph if that criterion would cause an adverse decision were the applicant to achieve a maximum rating on the other criteria used in evaluating applicants, and (2) respondent shall not disclose a criterion on which the applicant scored the maximum number of points even if this results in the disclosure of fewer than four criteria. For the purpose of this paragraph (7) the term "criterion" means any item of information to which the respondent assigns points, for example, "length of employment" and "no

telephone at residence." The most significant criteria are to be determined by selecting the criteria which produced the greatest differential between the applicant's score and the maximum number of points obtainable for each criterion. Respondent shall not be deemed to have violated the requirements of this paragraph if it does not list the criteria which most significantly affected respondent's adverse decision because of an inadvertent error.

(d) Respondent shall notify the Commission if within ten (10) years from the effective date of this order it changes the credit scoring system in use at the time of execution of this order in a manner which would materially affect the accuracy of the reasons provided under subparagraph 7(c)(ii); provided that any changes in respondent's credit scoring system (e.g., addition or deletion of specific criteria, increase or reduction of the points assigned to specific criteria) which are made in good faith to adjust respondent's bad debt losses, to reduce respondent's operating expenses, or to increase the availability of credit shall be presumed not to materially affect the accuracy of reasons given under subparagraph 7(c)(ii).

(e) Provided further, that subsequent approval of an application which respondent initially denied shall not relieve respondent of its obligation to provide the statement of specific reasons for the initial denial as required by section 202.9 of Regulation B and this paragraph.

8. Failing to provide a statement of the reasons(s) for denial as set forth in paragraph 7, above, to all applicants who were denied credit and requested the reason(s) for denial during the period January 31, 1976 through March 22, 1977.

(a) Provided that if respondent subsequently opened an account for any applicant who was denied credit and requested the reason(s) for denial during the period from January 31, 1976, through March 22, 1977, respondent shall not be required to furnish such applicants the reason(s) for denial provided for in this paragraph if the applicant expressly accepted the account through acceptance of merchandise ordered on the account or submission of subsequent orders for merchandise.

9. Failing to review the applications of all persons employed as waitresses who were denied credit during the period October 28, 1975, through March 22, 1977, and send such applicants by first-class mail a notice in the language and form shown in Appendix B, which shall contain as an enclosure a current Aldens Charge Application. Respondent shall review the charge applications which are mailed to the Company in response to the notice letter (Appendix B) according to the credit granting standards in effect at the time that the charge application is received and in effect on August 1, 1976, except that no less than two (2) points shall be awarded for occupation. Respondent shall open accounts for those applicants who qualify under either set of credit granting standards. If the applicant qualifies under both standards, the applicant shall be granted the higher of the two credit limits. Respondent shall send each such applicant a notification of action taken as required by section 202.9 of Regulation B and a notification of the amount of the credit limit, if any, established on the account.

ORDER II

It is further ordered that respondent, Aldens, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any application for credit that is primarily for personal, family or household purposes, and in connection with either the receipt or consideration of any consumer report, do forthwith cease and desist from:

1. Failing whenever credit for personal, family or household purposes involving the consumer is denied either wholly or partly because of information contained in a consumer report from a consumer reporting agency, to so advise the consumer against whom such adverse action has been taken and to supply the name and address of the consumer reporting agency making the report as required by section 615(a) of the Fair Credit Reporting Act.

(a) Provided that respondent shall not be liable for a civil penalty for any violation of this Paragraph if: (i) respondent shows by a preponderance of the evidence that the violation was caused by inadvertent error; and (ii) upon discovery of the violation the respondent corrects it as soon as possible by sending the notice required by this section to the consumer.

2. Failing to advise each applicant who was denied credit for personal, family or household purposes involving the consumer based in whole or in part on information contained in a consumer report from a consumer reporting agency, for a period of three (3) years prior to the date of execution of this order, of such action and to supply the name and address of the consumer reporting agency making the report as required by section 615(a) of the Fair Credit Reporting Act.

(a) Provided that to the extent that respondent's records reflect that the notice required by section 615(a) of the Fair Credit Reporting Act was previously given to the applicant respondent shall be deemed in compliance with the provision as to such applicants.

(b) Provided further that where the applicant was denied credit on the basis of a "credit index" report, respondent shall also advise the applicant that the information used may have concerned items of adverse information relating not to the applicant but to individuals residing at the applicant's address.

It is further ordered that respondent shall preserve evidence of compliance with the requirements imposed under this order for a period of not less than 25 months after respondent notifies each applicant of the reasons for denial pursuant to paragraph 8 of order I, above, the action taken on applications for new accounts pursuant to paragraph 9 of order I, above, and the name and address of any consumer reporting agency pursuant to paragraph 2 of order II, above. Respondent shall upon request permit the Commission through its duly authorized representatives to inspect such records.

It is further ordered that respondent shall deliver a copy of this order to cease and desist to all present and future supervisory employees engaged in reviewing, evaluating or otherwise processing applications for credit.

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution,

arrangement or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered that respondent shall within sixty (60) days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form in which it has complied with this order. Respondent shall also within one hundred twenty (120) days after service upon it of this order file with the Commission a supplemental written report setting forth in detail the manner and form in which it has complied with paragraph 9 of order I of this order.

APPENDIX A

In reviewing your application, Aldens used a credit scoring system that is based on our experience with other applicants. This system assigns points to various items of information on your application (and, as applicable, other sources of the information scored, such as credit reports). We scored the information which you supplied in your application (or, as applicable, other sources), totaled the points and found that you did not achieve the minimum score required for purchases in the amount requested by your order.

We have listed below the four factors which most significantly affected our decision to deny your application for credit.

APPENDIX B

ALDENS, 5000 WEST ROOSEVELT ROAD,
CHICAGO, ILL.

Ms. _____
(Street Address)
(City, State)

DEAR MS. _____: We regret that due to an oversight in our initial evaluation of your recent application for credit, we were unable to open an account for you. Aldens has now modified its credit granting standards and would appreciate the opportunity to review your application for credit again.

Should you desire to open an Aldens Credit Account, please complete and send us the enclosed charge application. We'll evaluate your application and notify you of our decision as soon as possible.

Thank you for considering Aldens.

ALDENS, INC.,
CHARLES ARTHUR,
New Account Manager.

ALDENS, INC.

ANALYSIS OF PROPOSED CONSENT ORDER
TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an Agreement Containing a Consent Order to Cease and Desist from Aldens, Inc., 5000 West Roosevelt Road, Chicago, Ill. 60607.

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission

will review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order. The agreement states that it is for settlement purposes only and does not constitute an admission by the proposed respondent that the law has been violated as alleged in the complaint.

The complaint that led to the proposed order to cease and desist alleges violations of two separate Acts: The Equal Credit Opportunity Act ("ECOA") and the Fair Credit Reporting Act ("FCRA"). The alleged violations and corresponding order provisions of each of these Acts will be discussed separately below.

1. *Equal Credit Opportunity Act allegations and order provisions*

The complaint contains allegations of nine separate violations of the ECOA and Regulation B as in effect between October 28, 1975 and March 23, 1977. The proposed order provisions are designed to provide prospective relief as well as retroactive relief in some instances.

(1) *Denial of credit to waitresses.* The complaint alleges that Aldens discriminated on the basis of sex because it denied credit to all female applicants who were "waitresses" but gave a positive value in its credit scoring system to the occupation of "waiter". The proposed order would require Aldens to cease discriminating on the basis of sex and also require Aldens to send a letter inviting all waitresses who were denied credit during the period October 28, 1975 to March 22, 1977 to reapply for credit in light of changes to Aldens' credit scoring standards. Aldens would be required to evaluate these resolicited applications without regard to the applicant's sex.

(2) *Failure to consider child support payments.* The complaint alleges that Aldens failed to consider child support payments as income. The proposed order would require Aldens to consider child support payments to the extent they are likely to be consistently made.

(3) *Requesting the name of an applicant's spouse.* The complaint alleges that Aldens wrongfully asked applicants for unsecured separate accounts in states other than community property states to disclose the name of their spouse. The proposed order would require Aldens to cease and desist from asking an applicant who has applied for a separate, unsecured account in a state other than a community property state for the name of his or her spouse.

(4) *Requesting the marital status of the applicant.* The complaint alleges that Aldens' practice of requesting the nonapplicant spouse's name in the circumstances described above amounts

to a request for the marital status of the applicant. This alleged violation would be remedied by the provision prohibiting Aldens from obtaining the name of the spouse in impermissible circumstances, as described above.

(5) *Ordering credit bureau reports on a nonapplicant spouse.* The complaint alleges that Aldens used the name of the spouse to order credit bureau reports on nonapplicant spouses in situations not permitted by Regulation B. The complaint also alleges that Aldens ordered and used credit bureau reports in a discriminatory manner by ordering credit bureau reports on the husbands of female applicants for separate credit but not ordering credit bureau reports on the wives of male applicants for separate credit. The proposed order would require Aldens to cease and desist from ordering credit bureau reports on nonapplicant spouses, except where specifically permitted by Regulation B, and to cease discriminating on the basis of sex and marital status in the evaluation of creditworthiness.

(6) *Use of credit reports from Hooper-Holmes Credit Index.* The complaint alleges that Aldens used credit reports from Credit Index (a consumer reporting agency subsidiary of Hooper-Holmes Bureau, Inc.) in a manner which had the effect of discriminating against married applicants. These reports consist of lists of adverse information concerning persons who live at the applicant's address who have the same last name as the applicant. Because Aldens denied applications if any person at the applicant's address with the same last name had a bad credit history, the complaint alleges that Aldens' policy has the effect of discriminating against married persons. The proposed order would prohibit Aldens from discriminating on the basis of marital status in any aspect of a credit transaction.

(7) *Refusal to issue joint accounts where the wife uses her maiden name.* The complaint alleges that Aldens has refused to issue joint accounts to married couples where the wife uses her maiden name or her first name and a combined surname. The order would remedy this alleged violation by prohibiting Aldens from discriminating on the basis of sex or marital status.

(8) *Failure to preserve records.* The complaint alleges that Aldens failed to retain for 15 months certain written records as required by the original Regulation B, including point scoring sheets, credit bureau reports and credit evaluation worksheets. The order would require Aldens to prospectively preserve all documents as required by amended Regulation B.

(9) *Failure to provide reasons for denial.* The complaint alleges that Aldens failed to comply with the original Regulation B requirement that

Aldens provide all rejected applicants with the reasons for denial, upon request. Aldens advised some applicants that their application could not be located and therefore Aldens could not tell them why it was denied. Other applicants were advised that the denial was due to information from a credit bureau report which was obtained after the request for reasons had been received. The complaint further alleges that Aldens also failed to answer oral requests for reasons. The proposed order would require Aldens to retroactively provide all applicants who had made requests for reasons for denial during the period of January 31, 1976 through March 22, 1977 with the specific reasons for denial. The proposed order would also require Aldens to prospectively provide specific reasons for denial in accordance with the requirements of amended Regulation B. When a denial is due to a low score in Alden's credit scoring system, the proposed order would require Aldens to briefly explain its credit scoring system and disclose the four criteria in its system which most significantly affected Alden's decision to deny the application. Aldens would not be permitted to group several criteria together under one generic heading but would have to disclose the actual criteria used. Aldens would also have to provide reasons for the initial denial even if it later reevaluates the account and decides to approve it.

II. Fair Credit Reporting Act allegations and order provisions.

The complaint alleges that Aldens violated Section 615(a) of the Fair Credit Reporting Act. Section 615(a) provides, in pertinent part, that whenever consumer credit is denied either wholly or partly because of information contained in a consumer report ("credit report"), from a consumer reporting agency ("credit bureau"), the creditor must so advise the consumer and supply the name and address of the consumer reporting agency making the report. The complaint alleges that subsequent to April 25, 1971 Aldens violated Section 615(a) in three ways. First, it alleges that Aldens rejected applications for credit in whole or in part because of adverse information obtained from Credit Index concerning persons who resided at the applicant's addresses with the same or similar last name without providing the FCRA notice. Second, it alleges that Aldens rejected applications for credit in whole or in part because of information from consumer reporting agencies which contradicted or failed to confirm information on the application without providing the FCRA notice. Third, it alleges that Aldens rejected applications for credit in whole or in part because reports from consumer reporting agencies failed to pro-

vide sufficient information regarding the applicant's creditworthiness. The proposed order would require Aldens to retroactively provide all applicants who were denied in whole or in part because of information in a consumer report during the three year period prior to the effective date of this order with the notification of that fact and the name and address of the consumer reporting agency that provided the report. The proposed order would also prospectively require Aldens to comply with Section 615(a) and would require Aldens to notify consumers who are denied credit because of information contained in a Credit Index Consumer report that the information used may also have concerned adverse information relating to persons other than the applicant who reside at the applicant's address.

The proposed consent order would require Aldens to file compliance reports and to deliver a copy of the order to all present and future supervisory employees engaged in reviewing, evaluating or otherwise processing applications for credit.

The purpose of this analysis is to facilitate public comment on the proposed order and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-4114 Filed 2-14-78; 8:45 am]

[4810-25]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

[20 CFR Part 901]

SUSPENSION AND TERMINATION OF ENROLLMENT OF ACTUARIES

Proposed Adoption of Provisions Governing Grounds and Procedures for Suspension or Termination of Enrolled Actuaries

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Proposed rule.

SUMMARY: The proposed rule amends the regulations governing the performance of actuarial services with respect to plans to which the Employee Retirement Income Security Act of 1974 (ERISA) applies. The amendments specify grounds for the suspension or termination of enrollment to perform such services. Such grounds include specified acts of disreputable conduct, failure to discharge duties imposed by ERISA, and failure to satisfy the requirements for enrollment in effect at the time an enrollee applied for enrollment. The amendments also provide procedures to be followed in initiating and conducting proceed-

ings for suspension or termination of an individual's enrollment. In addition, a standard of performance required of enrolled actuaries, reflecting the intent of Congress, has been added to those already delineated in the regulations.

The proposed rule is intended to provide standards for the exercise of the authority conferred upon the Joint Board by Section 3042(b) of ERISA, Title 29 U.S. Code, Section 1242(b).

DATES: Comments must be in writing (preferably seven copies) and must be received on or before April 17, 1978. No hearing is contemplated but one may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally and raising a genuine issue. The effective date will be 30 days after publication of the anticipated final rule in the FEDERAL REGISTER.

ADDRESS: Comments should be addressed to the Office of the Executive Director, Joint Board for the Enrollment of Actuaries, U.S. Department of the Treasury, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT:

Mr. Leslie S. Shapiro, Executive Director, 202-634-5071.

SUPPLEMENTARY INFORMATION: These proposed regulations are to be issued under the authority contained in Section 3042, Subtitle C of Title 3 of the Employee Retirement Income Security Act of 1974 (88 Stat. 1002, 29 U.S.C. 1242).

GROUND FOR DISCIPLINARY ACTION

Section 901.31(a) of the proposed regulations permits suspension or termination of an actuary's enrollment if it is found that he/she did not satisfy the eligibility requirements in effect at the time of application. Individuals who applied before January 1, 1976 must have satisfied the requirements contained in 20 CFR 901.12. Those requirements include experience and successful completion of protored societal examinations, a Joint Board examination, or qualifying formal education. An additional requirement for enrollment is that an applicant not have engaged in certain categories of disreputable conduct. Such disreputable conduct includes conduct evidencing fraud, dishonesty or breach of trust; conviction of an offense referred to in Section 411 of ERISA; and the knowing submission of false or misleading information on an application for enrollment or a report presenting actuarial information. Individuals who apply for enrollment on or after January 1, 1976 must satisfy the requirements for enrollment contained in 20 CFR 901.13. Those requirements in-

clude experience, and demonstration of knowledge of basic actuarial mathematics and pension actuarial matters. The disreputable conduct for which an individual who applies on or after January 1, 1976 can be denied enrollment is specified by 20 CFR 901.13(c).

Section 901.31(b) provides that an enrolled actuary's failure to discharge his/her duties under ERISA, which include those enumerated in 20 CFR 901.20 (42 FR 39204), may also constitute grounds for suspension or termination of enrollment. Some of the duties in 20 CFR 901.20 are derived from Sections 102(a)(4), 103(d) and 1033(a) of ERISA, which specify duties of enrolled actuaries.

Finally, Section 901.31(c) permits suspension or termination of enrollment if, after applying for enrollment, an individual has engaged in conduct specified in Section 901.13(e)(1), or other conduct evidencing fraud, dishonesty or breach of trust. The conduct specified in Section 901.13(e)(1) includes certain adjudications or determinations that the actuary has engaged in conduct evidencing fraud, dishonesty or breach of trust; participation in any way in knowingly giving false or misleading information to Treasury, Labor, or the Pension Benefit Guaranty Corporation; commission of specified tax offenses; attempting, offering or agreeing to attempt to exert improper influence on the official action of a Treasury, Labor, or Pension Benefit Guaranty Corporation employee; disbarment or suspension from the practice of certain professions; and contemptuous conduct in connection with a matter before Treasury, Labor, or the Pension Benefit Guaranty Corporation. The other conduct for which enrollment may be suspended or terminated is specified in proposed Section 901.31(c)(1)-(5). Although section 3042(b) of ERISA is not clear as to the precise scope of the conduct for which enrollment may be suspended or terminated, the Joint Board believes that the proposed rule reflects Congressional intent as shown by the legislative history of ERISA, i.e., that actuaries' duties were to be similar to those required for attorneys, certified public accountants and enrolled agents who practice before the Internal Revenue Service. S. Rep. No. 383, 93d Cong., 68 (1973); H. Rep. No. 807, 93d Cong., 93 (1974). (The duties imposed on those who practice before the Internal Revenue Service appear in 31 CFR Part 10.)

DISCIPLINARY PROCEDURES

Other than the requirement in Section 3042(b) for notice and an opportunity for a hearing, ERISA itself does not mandate pursuit of any particular procedures in suspending or terminating an actuary's enrollment. However, the legislative history is again instruc-

tive. The Report of the Ways and Means Committee of the House on H.R. 12855, H. Rep. 807 93d Cong., 94 (1974) states:

Your committee intends that proceedings brought against enrolled actuaries will be instituted in the same general manner as proceedings against others practicing before the Service and will follow the same general procedure as other disciplinary proceedings. Generally disciplinary proceedings would involve a complaint served on the actuary, an opportunity to answer, and an evidentiary hearing before a hearing examiner who would render a decision. . . .

Each of the procedural elements referred to in H. Rep. No. 83-807 has been incorporated in these proposed regulations (except for appeal to the Secretary of the Treasury which would have been inappropriate under ERISA as enacted). The procedures proposed are modeled after those in 31 CFR Part 10. Under Section 901.33, the Executive Director initiates a proceeding for the suspension or termination of an actuary's enrollment when there is reason to believe that such actuary has violated any provision of the laws or regulations governing enrollment. It is intended that a disciplinary action will not be instituted capriciously. Sections 901.50 and 901.51 provide that either the Executive Director or the respondent may appeal an administrative law judge's decision to the joint board. These procedures parallel those employed in cases of attorneys, certified public accountants and enrolled agents whose eligibility to practice before the Internal Revenue Service is called into question because of alleged disreputable conduct. See 31 CFR 10.54, 10.71 and 10.72.

STANDARDS OF CONDUCT

In order to carry out the Congressional intent (See S. Rep. No. 93-383, 93d Cong., 68 (1973)), a standard of performance of actuarial service has been proposed requiring an enrolled actuary to notify the appropriate office when he/she discovers that a required statement signed by the enrolled actuary has not been filed.

In consideration of the foregoing, it is proposed to amend 20 CFR Part 901 as set forth below.

Dated: February 9, 1978.

ROWLAND E. CROSS,
Chairman, Joint Board
for the Enrollment of Actuaries.

Approved:
RAY MARSHALL,
Secretary of Labor.
WM. BLUMENTHAL,
Secretary of Treasury.

§ 901.13 [Amended]

1. By amending § 901.13(e)(ii), (iv), and (vi) by adding, "or the Pension Benefit Guaranty Corporation" following the words "the Department of Labor," in each of those provisions.

2. By amending § 901.20 by adding the following paragraph:

§ 901.20 Standards for performance of actuarial services.

(h) *Notification.* An enrolled actuary shall provide written notification of the non-filing of any actuarial document he/she has signed upon discovery of the non-filing. Such notification shall be made to the office of the Internal Revenue Service, the Department of Labor, or the Pension Benefit Guaranty Corporation where such document should have been filed.

3. By adding new Subparts D and E as follows:

Amend the table of contents to read as follows:

Subpart D—Suspension or Termination of Enrollment	
Sec.	
901.30	Authority to suspend or terminate enrollment.
901.31	Grounds for suspension or termination of enrollment.
901.32	Receipt of information concerning enrolled actuaries.
901.33	Initiation of proceeding.
901.34	Conferences.
901.35	Contents of complaint.
901.36	Service of complaint and other papers.
901.37	Answer.
901.38	Supplemental charges.
901.39	Reply to answer.
901.40	Proof; variance; amendment of pleadings.
901.41	Motions and requests.
901.42	Representation.
901.43	Administrative Law Judge.
901.44	Hearings.
901.45	Evidence.
901.46	Depositions.
901.47	Transcript.
901.48	Proposed findings and conclusions.
901.49	Decision of the Administrative Law Judge.
901.50	Appeal to the Joint Board.
901.51	Decision of the Joint Board.
901.52	Effect of suspension or termination of enrollment, surrender of enrollment certificate.
901.53	Notice of suspension or termination of enrollment.
901.54	Petition for Reinstatement.
Subpart E—General Provisions	
901.70	Records.
901.71	Special orders.
AUTHORITY:	Sec. 3042(b), ERISA, Title 29 U.S. Code, Sec. 1242(b).

Subpart D—Suspension or Termination of Enrollment

§ 901.30 Authority to suspend or terminate enrollment.

Under Section 3042(b) of ERISA the Joint Board may, after notice and op-

portunity for a hearing, suspend or terminate the enrollment of an enrolled actuary if the Joint Board finds that such enrolled actuary

(a) has failed to discharge his/her duties under ERISA, or

(b) does not satisfy the requirements for enrollment in effect at the time of his/her enrollment.

§ 901.31 Grounds for suspension or termination of enrollment.

(a) *Failure to satisfy requirements for enrollment.* The enrollment of an actuary may be terminated if it is found that the actuary did not satisfy the eligibility requirements set forth in §§ 901.12 or 901.13, whichever is applicable.

(b) *Failure to discharge duties.* The enrollment of an actuary may be suspended or terminated if it is found that the actuary, following enrollment, failed to discharge his/her duties under ERISA. Such duties include those set forth in § 901.20.

(c) *Disreputable conduct.* The enrollment of an actuary may be suspended or terminated if it is found that the actuary has, at any time after he/she applied for enrollment, engaged in any conduct set forth in § 901.13(c)(1) or other conduct evidencing fraud, dishonesty, or breach of trust. Such other conduct includes, but is not limited to, the following:

(1) Conviction of any criminal offense under the laws of the United States, (including Section 411 of ERISA, 29 U.S.C. 1111), any State thereof, the District of Columbia, or any territory or possession of the United States, which evidences fraud, dishonesty, or breach of trust.

(2) Filing false or altered documents, affidavits, financial statements or other papers on matters relating to employee benefit plans or actuarial services.

(3) Knowingly making false or misleading representations, either orally or in writing, on matters relating to employee benefit plans or actuarial services, or failure to disclose information relative thereto.

(4) The use of false or misleading representations with intent to deceive a client or prospective client, or of intimations that the actuary is able to obtain special consideration or action from an officer or employee of any agency or court authorized to determine the validity of pension plans under ERISA.

(5) Willful violation of any of the regulations contained in this part.

§ 901.32 Receipt of information concerning enrolled actuaries.

If an officer or employee of the Department of the Treasury, the Depart-

ment of Labor, the Pension Benefit Guaranty Corporation, or a member of the Joint Board has reason to believe that an enrolled actuary has violated any provision of this part, or if any such officer, employee or member receives information to that effect, he/she may make a written report thereof, which report or a copy thereof shall be forwarded to the Executive Director. If any other person has information of any such violation, he/she may make a report thereof to the Executive Director or to any officer or employee of the Department of the Treasury, the Department of Labor, or to the Pension Benefit Guaranty Corporation.

§ 901.33 Initiation of proceeding.

Whenever the Executive Director has reason to believe that an enrolled actuary has violated any provision of the laws or regulations governing enrollment, such individual may be reprimanded or a proceeding may be initiated for the suspension or termination of such individual's enrollment. A reprimand as used in this paragraph is a statement informing the enrolled actuary that, in the opinion of the Executive Director, his/her conduct is in violation of the regulations and admonishing the enrolled actuary that repetition of the conduct occasioning the reprimand may result in the institution of a proceeding for the suspension or termination of the actuary's enrollment. A proceeding for suspension or termination of enrollment shall be initiated by a complaint naming the respondent actuary, signed by the Executive Director and filed in the Executive Director's office. Except in cases where the nature of the proceeding or the public interest does not permit, a proceeding will not be initiated under this section until the facts which may warrant such a proceeding have been called to the attention of the actuary in writing and he/she has been given an opportunity to respond to the allegations of misconduct.

§ 901.34 Conferences.

(a) *In general.* The Executive Director may confer with an enrolled actuary concerning allegations of his/her misconduct whether or not a proceeding for suspension or termination has been initiated against him/her. If the conference results in agreement as to certain facts or other matters in connection with such a proceeding, such agreement may be entered in the record at the request of the actuary or the Executive Director.

(b) *Voluntary suspension or termination of enrollment.* An enrolled actuary, in order to avoid the initiation or conclusion of a suspension or termi-

nation proceeding, may offer his/her consent to suspension or termination of enrollment or may offer his/her resignation. The Executive Director may accept the offered resignation or may suspend or terminate enrollment in accordance with the consent offered.

§ 901.35 Contents of complaint.

(a) *Charges.* A complaint initiating a suspension or termination proceeding shall describe the allegations which are the basis for the proceeding, and fairly inform the respondent of the charges against him/her.

(b) *Answer.* In the complaint, or in a separate paper attached to the complaint, notice shall be given of the place at, and time within which the respondent shall file an answer, which time shall not be less than 15 days from the date of service of the complaint. Notice shall be given that a decision by default may be rendered against the respondent if an answer is not filed as required.

§ 901.36 Service of complaint and other papers.

(a) *Complaint.* The complaint or a copy thereof may be served upon the respondent by certified mail, or first-class mail as hereinafter provided, by delivering it to the respondent, or the respondent's attorney or agent of record either in person or by leaving it at the office or place of business of the respondent, the attorney or agent, or in any other manner which may have been agreed to in writing by the respondent. Where the service is by certified mail, the return post office receipt signed by or on behalf of the respondent shall be proof of service. If the certified matter is not claimed or accepted by the respondent and is returned undelivered, complete service may be made upon the respondent by mailing the complaint to him/her by first-class mail, addressed to the respondent at the last address known to the Executive Director. If service is made upon the respondent or his/her attorney or agent in person or by leaving the complaint at the office or place of business of the respondent, attorney or agent, the verified return by the person making service, setting forth the manner of service, shall be proof of such service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon the respondent as provided in paragraph (a) of this section or by mailing the paper by first-class mail to the respondent at the last address known to the Executive Director or by mailing the paper by first-class mail to the respondent's attorney or agent. Such mailing shall constitute complete service. Notices

may also be served upon the respondent or his/her attorney or agent by telegraph.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a suspension or termination proceeding, and the place of filing is not specified by this subpart or by rule or order of the Administrative Law Judge, the paper shall be filed with the Executive Director of the Joint Board for the Enrollment of Actuaries, Treasury Department, Washington, D.C. 20220. All papers shall be filed in duplicate.

§ 901.37 Answer.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint or notice of initiation of the proceeding, unless, on application, the time is extended by the Executive Director or the Administrative Law Judge. The answer shall be filed in duplicate with the Executive Director.

(b) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which he/she knows to be true, or state that he/she is without sufficient information to form a belief when in fact the respondent possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegations in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proven, and no further evidence in respect of such allegation need be adduced at a hearing. Failure to file an answer within the time prescribed in the notice to the respondent, except as the time for answer is extended by the Executive Director or the Administrative Law Judge, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the Administrative Law Judge may make a decision by default, without a hearing or further procedure.

§ 901.38 Supplemental charges.

If it appears to the Executive Director that the respondent in his/her answer falsely and in bad faith denies a material allegation of fact in the complaint or states that the respondent has no knowledge sufficient to form a belief when he/she in fact possesses such knowledge, or if it appears that the respondent has knowingly introduced false testimony during proceedings for suspension or termination of his/her enrollment, the Executive Director may file supplemental charges against the respondent. Such

supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare a defense thereto.

§ 901.39 Reply to answer.

No reply to the respondent's answer shall be required, but the Executive Director may file a reply at his/her discretion or at the request of the Administrative Law Judge.

§ 901.40 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the Administrative Law Judge may order or authorize amendment of the pleading to conform to the evidence, provided that the party who would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegations of the pleading as amended. The Administrative Law Judge shall make findings on any issue presented by the pleadings as so amended.

§ 901.41 Motions and requests.

Motions and requests may be filed with the Executive Director or with the Administrative Law Judge.

§ 901.42 Representation.

A respondent or proposed respondent may appear at conference or hearing in person or may be represented by counsel or other representative. The Executive Director may be represented by an attorney or other employee of the Treasury Department.

§ 901.43 Administrative Law Judge.

(a) *Appointment.* An Administrative Law Judge, appointed as provided by section 11 of the Administrative Procedure Act, 60 Stat. 244 (5 U.S.C. 3105), shall conduct proceedings upon complaints for the suspension or termination of enrolled actuaries.

(b) *Powers of Administrative Law Judge.* Among other powers, the Administrative Law Judge shall have authority, in connection with any suspension or termination proceeding of an enrolled actuary, to do the following:

(1) Administer oaths and affirmations;

(2) Make rulings upon motions and requests, which may not be appealed before the close of a hearing except at the discretion of the Administrative Law Judge;

(3) Determine the time and place of hearing and regulate its course of conduct;

(4) Adopt rules of procedure and modify the same as required for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written argument on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(10) Make initial decisions.

§ 901.44 Hearings.

(a) *In general.* The Administrative Law Judge shall preside at the hearing on a complaint for the suspension or termination of an enrolled actuary. Hearings shall be stenographically recorded and transcribed and the testimony of witnesses shall be taken under oath or affirmation. Hearings will be conducted pursuant to Section 7 of the Administrative Procedure Act, 60 Stat. 241 (5 U.S.C. 556).

(b) *Failure to appear.* If either party to the proceeding fails to appear at the hearing, after due notice thereof has been sent to the parties, the Administrative Law Judge may make a decision against the absent party by default.

§ 901.45 Evidence.

(a) *In general.* The rules of evidence prevailing in courts of law and equity are not controlling in hearings on complaints for the suspension or the termination of the enrollment of enrolled actuaries. However, the Administrative Law Judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(b) *Depositions.* The deposition of any witness taken pursuant to § 901.46 may be admitted.

(c) *Proof of documents.* Official documents, records, and papers of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, the Joint Board for the Enrollment of Actuaries or the Office of the Executive Director of the Joint Board for the Enrollment of Actuaries shall be admissible into evidence without the production of an officer or employee to authenticate them. Any such documents, records, and papers may be evidenced by a copy attested to or identified by an officer or employee of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, the Joint Board for the Enrollment of Actuaries, or the Office of the Executive Director of the Joint Board for the Enrollment of Actuaries, as the case may be.

(d) *Exhibits.* If any document, record, or other paper is introduced into evidence as an exhibit, the Administrative Law Judge may authorize the withdrawal of the exhibit subject

to any conditions which he/she deems proper.

(e) *Objections.* Objections to evidence shall state the grounds relied upon, and the record shall not include argument thereon, except as ordered by the Administrative Law Judge. Rulings on such objections shall be part of the record. No exception to the ruling is necessary to preserve the rights of the parties.

§ 901.46 *Depositions.*

Depositions for use at a hearing may, with the written approval of the Administrative Law Judge, be taken by either the Executive Director or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 10 days written notice to the other party, before any officer duly authorized to administer an oath for general purposes or before an officer or employee of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or the Joint Board who is authorized to administer an oath. Such notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 10 days notice may be waived by the parties in writing, and depositions may then be taken from the persons and at the times and places mutually agreed upon by the parties. When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and the copies of any written cross-interrogatories shall be mailed or delivered to the opposing party at least five days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the Administrative Law Judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 901.47 *Transcript.*

In cases where the hearing is stenographically reported by a Government contract reporter, copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. Where the hearing is stenographically reported by a regular employee of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, or the Joint Board, a copy thereof will be supplied to the respondent either without charge or upon the payment of a reasonable fee. Copies of exhibits intro-

duced at the hearing or at the taking of depositions will be supplied to parties upon the payment of a reasonable fee (31 U.S.C. 483a).

§ 901.48 *Proposed findings and conclusions.*

Except in cases where the respondent has failed to answer the complaint or where a party has failed to appear at the hearing, the Administrative Law Judge, before making his/her decision, shall give the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 901.49 *Decision of the Administrative Law Judge.*

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, the Administrative Law Judge shall make the initial decision in the case. The decision should be based solely upon the pleading, the testimony and exhibits received in evidence at the hearing or specifically authorized to be subsequently submitted under the applicable laws and regulations. The decision shall include (a) a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact or law presented on the record, and (b) an order of suspension, termination or reprimand or an order of dismissal of the complaint. The Administrative Law Judge shall file the decision with the Executive Director and shall transmit a copy thereof to the respondent or his/her attorney or agent of record. In the absence of an appeal to the Joint Board or review of the decision upon motion of the Joint Board, the decision of the Administrative Law Judge shall without further proceedings become the decision of the Joint Board 30 days from the date of the Administrative Law Judge's decision.

§ 901.50 *Appeal to the Joint Board.*

Within 30 days from the date of the Administrative Law Judge's decision, either party may appeal to the Joint Board for the Enrollment of Actuaries. The appeal shall be filed with the Executive Director in duplicate and shall include exceptions to the decision of the Administrative Law Judge and supporting reasons for such exceptions. If an appeal is filed by the Executive Director, a copy thereof shall be transmitted to the respondent. Within 30 days after receipt of an appeal or copy thereof, the other party may file a reply brief in duplicate with the Executive Director. If the reply brief is filed by the Executive Director, a copy of it shall be transmitted to the respondent. Upon the filing of an appeal and a reply brief, if any, the Executive Director

shall transmit the entire record to the joint board.

§ 901.51 *Decision of the Joint Board.*

On appeal from or review of the initial decision of the Administrative Law Judge, the Joint Board for the Enrollment of Actuaries will make the final decision. In making its decision the Joint Board will review the record of such portions thereof as may be cited by the parties to permit limiting of the issues. A copy of the Joint Board's decision shall be transmitted to the respondent by the Executive Director.

§ 901.52 *Effect of suspension, termination or resignation of enrollment; surrender of enrollment certificate.*

If the respondent's enrollment is suspended, the respondent shall not thereafter be permitted to perform actuarial services under ERISA during the period of suspension. If the respondent's enrollment is terminated, the respondent shall not thereafter be permitted to perform actuarial services under ERISA unless and until authorized to do so by the Executive Director pursuant to § 901.54. The respondent shall surrender his/her enrollment certificate to the Executive Director for cancellation in the case of a termination or resignation of enrollment or for retention during a period of suspension.

§ 901.53 *Notice of suspension, termination or resignation of enrollment.*

Upon the resignation or the issuance of a final order suspending or terminating the enrollment of an actuary, the Executive Director shall give notice thereof to appropriate officers and employees of the Department of the Treasury, the Department of Labor, the Pension Benefit Guaranty Corporation, and to other interested departments and agencies of the Federal Government.

§ 901.54 *Petition for reinstatement.*

Any individual whose enrollment has been terminated may petition the Executive Director for reinstatement after the expiration of five years following such termination. Reinstatement may not be granted unless the Executive Director, with the approval of the Joint Board, is satisfied that the petitioner is not likely to conduct himself/herself thereafter contrary to the regulations in this part, and that granting such reinstatement would not be contrary to the public interest.

Subpart E—General Provisions

§ 901.70 *Records*

(a) *Availability.* There are made available for public inspection at the Office of the Executive Director of the Joint Board for the Enrollment of Actuaries a roster of all persons enrolled

to perform actuarial services under ERISA and a roster of all persons whose enrollments to perform such services have been suspended or terminated. Other records may be disclosed upon specific request, in accordance with the applicable disclosure and privacy statutes.

(b) *Disciplinary procedures.* A request by an enrolled actuary that a hearing in a disciplinary proceeding concerning him/her be public, and that the record thereof be made available for inspection by interested persons may be granted if written agreement is reached in advance to protect from disclosure tax information which is confidential, in accordance with applicable statutes and regulations.

§ 901.71 *Special orders.*

The Joint Board reserves the power to issue such special orders as it may deem proper in any case within the purview of this part.

4. By deleting § 901.40 as follows:

§ 901.40 (Deleted)
[FR Doc. 78-4112 Filed 2-14-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner
[24 CFR Part 888]

[Docket No. R-78-505]

FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION

Guam Market Area

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would add Fair Market Rents for semi-detached/row dwelling units to the schedule of Fair Market Rents for the Guam market area. The U.S. Housing Act of 1937 requires that Fair Market Rents be published in the FEDERAL REGISTER for public comment before they can become effective.

DATE: Interested parties are invited to submit written comments, data suggestions, or objections by March 2, 1978.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, 202-755-6703.

FOR FURTHER INFORMATION CONTACT:

Henry F. P. Cassagne, Chief Ap-

praiser, Office of Technical Support, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, 202-472-4810.

SUPPLEMENTARY INFORMATION: Recent data and comments have been received from the Honolulu Area Office indicating an immediate need to publish Fair Market Rents for semi-detached/row dwelling units for the Guam market area. It has been determined that it is impracticable and unnecessary to provide a 30-day period for comments on these proposed revisions and that a 15-day period is reasonable and in the public interest.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GUAM	DETACHED	---	---	444	515	556
	SEMI-DETACHED/ROW	---	364	403	474	515
	WALKUP	234	293	381	446	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					

Accordingly, the Secretary proposes to incorporate in Part 888, Subpart A, a revised Schedule A for the Guam market area as set forth below.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d).)

Issued at Washington, D.C. on January 30, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

PROPOSED RULES

AREA OFFICE HONOLULU, HAWAII REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS					
		0	1	2	3	4 or more	
	DETACHED						
	SEMI-DETACHED/ROW						
	WALKUP						
	ELEVATOR-2-4 Sty 5 + Sty						
	DETACHED						
	SEMI-DETACHED/ROW						
	WALKUP						
	ELEVATOR-2-4 Sty 5 + Sty						

[FR Doc. 78-4150 Filed 2-14-78; 8:45 am]

[4210-01]

[24 CFR Part 888]

[Docket No. R-78-5041]

FAIR MARKET RENTS FOR NEW
CONSTRUCTION AND SUBSTANTIAL
REHABILITATIONNewark, Asbury Park, North Bergen, and
Freehold, N.J., Market AreasAGENCY: Office of Assistant Secretary for Housing—Federal Housing
Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would
amend the schedules of fair market
rents for Newark, Asbury Park, North
Bergen, and Freehold, N.J. market
areas. The U.S. Housing Act of 1937
requires that Fair Market Rents be
published in the Federal Register for
public comment before they can
become effective.DATE: Interested parties are invited
to submit written comments, data sug-
gestions, or objections by March 2,
1978.ADDRESS: Rules Docket Clerk,
Office of General Counsel, Room 5218,
Department of Housing and Urban
Development, 451 7th Street SW.,
Washington, D.C. 20410, 202-755-
7603.FOR FURTHER INFORMATION
CONTACT:Henry F. P. Cassagne, Chief Ap-
praiser, Office of Technical Support,
Department of Housing and Urban
Development, 451 7th Street SW.,
Washington, D.C. 20410, 202-472-
4810.SUPPLEMENTARY INFORMATION:
Recent data and comments have been
received from the Newark Area Office
indicating an immediate need to
amend the fair market rents for the
Newark, Asbury Park, North Bergen,
and Freehold, N.J., market areas. It
has been determined that it is imprac-
ticable and unnecessary to provide a
30-day period for comments on these
proposed revisions and that a 15-day
period is reasonable and in the public
interest.A Finding of Inapplicability respect-
ing the National Environmental Policy
Act of 1969 has been made in accor-

AREA OFFICE NEWARK, N.J. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS						
		0	1	2	3	4	5	6
NEWARK	DETACHED	---	---	595	694	732	781	832
	SEMI-DETACHED/ROW	---	402	491	580	632	678	726
	WALKUP	348	378	464	550	598	657	718
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	---	---
ASBURY PARK	DETACHED	---	427	516	647	660	709	760
	SEMI-DETACHED/ROW	346	385	465	552	611	657	705
	WALKUP	119	159	437	522	579	638	699
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	---	---
NORTH BERGEN	DETACHED	---	---	600	705	738	787	838
	SEMI-DETACHED/ROW	---	424	465	622	676	722	770
	WALKUP	152	395	409	595	616	695	756
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	---	---

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dance with HUD procedures. A copy of
this finding of Inapplicability will be
available for public inspection during
regular business hours at the Office of
the Rules Docket Clerk, Room 5218,
Department of Housing and Urban
Development, 451 7th Street SW.,
Washington, D.C. 20410.NOTE.—It is hereby certified that the eco-
nomic and inflationary impacts of this regu-
lation have been carefully evaluated in ac-
cordance with Executive Order 11821.Accordingly, the Secretary proposes to
incorporate in Part 888, Subpart A,
revised Schedules A for the Newark,
Asbury Park, North Bergen, and Free-
hold, N.J., market areas as set forth
below.(Sec. 7(d) Department of HUD Act (42
U.S.C. 3535(d)).Issued at Washington, D.C. on Feb-
ruary 2, 1978.LAWRENCE B. SIMONS,
Assistant Secretary for Hous-
ing—Federal Housing Commis-
sioner.SCHEDULE A—FAIR MARKET RENTS FOR NEW
CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND
DEVELOPMENT AGENCIES PROGRAM)These Fair Market Rents have been trend-
ed ahead two years to allow time for pro-
cessing and construction of proposed new
construction and substantial rehabilitation
rental projects.NOTE.—The Fair Market Rents for (1)
dwelling units designed for the elderly or
handicapped are those for the appropriate
size units, not to exceed 2-bedroom, mul-
tiplied by 1.05 rounded to the next higher
whole dollar, (2) congregate housing dwell-
ing units are the same as for non-congregate
units and (3) single room occupancy dwell-
ing units are those for 0-bedroom units of
the same type.

PROPOSED RULES

AREA OFFICE NEWARK, N.J. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS						
		0	1	2	3	4	5	6
FREEHOLD	DETACHED	---	427	564	675	688	737	788
	SEMI-DETACHED/ROW	346	385	493	580	639	685	733
	WALKUP	319	359	465	550	607	666	727
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	---	---

[FR Doc. 78-4149 Filed 2-14-78; 8:45 am]

[3710-92]

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 209]

ADMINISTRATIVE PROCEDURES

Guidance on Permitting Artificial Fishing Reefs

AGENCY: U.S. Army Corps of Engi-
neers, DOD.ACTION: Notice of proposed rulemak-
ing.SUMMARY: The Corps of Engineers
proposes to establish guidelines to be
used by district engineers in connec-
tion with the review of permit appli-
cations for artificial fishing reefs. The
proposed guidance places particular
emphasis on the safety of navigation
to assure the continued effectiveness
of the program.DATE: Written comments must be re-
ceived on or before 15 March 1978.ADDRESS: Please send comments to:
Office of the Chief of Engineers,
DAEN-CWO-N, Washington, D.C.
20314.FOR FURTHER INFORMATION
CONTACT:

Mr. Ralph T. Eppard, 202-693-5070.

SUPPLEMENTARY INFORMATION:
In very general terms, artificial fishing
reefs are clusters of manmade or natu-
ral materials intentionally placed in
selected areas of U.S. coastal waters,
rivers and lakes to duplicate natural
reefs and to produce increases in both
numbers and availability of finfish
and shellfish.Pursuant to section 10 of the River
and Harbor Act of 1899, Department
of the Army permits are required for
structures or work in or over the navi-
gable waters of the United States and
territorial seas. On 19 July 1977, the
Secretary of the Army (acting through
the Chief of Engineers) promulgated
regulations in 33 CFR Parts 320
through 329 governing the regulatory
program of the Corps of Engineers.The proposed guidelines are intend-
ed for use by the district engineers in
evaluating applications for permits for
artificial fishing reefs as a means to
insure uniformity nationwide. The
guidelines are in addition to the re-
quirements of 33 CFR 320-329 and will
in no way contravene the require-ments of those regulations. We are
considering the following guidelines
for artificial reef permit applications
in the Administrative Procedures sec-
tion of 33 CFR:§ 209.210 Guidelines for evaluating arti-
ficial fishing reef permit applications.(a) In addition to the requirements
of 33 CFR Parts 320-329 which estab-
lishes the regulatory program of the
Corps of Engineers, the following
guidelines shall be followed by the dis-
trict engineers when evaluating appli-
cations for artificial fishing reefs.(1) No artificial reefs will be autho-
rized within the limits of the following
areas: (i) Natural or improved chan-
nels in general use by navigation.(ii) Safety fairways/traffic separa-
tion schemes.

(iii) Anchorages or pilot stations.

(iv) Adjacent to or in close proximity
to the above areas if the district engi-
neer determines the proposed reef to
be a hazard to navigation.(2) The depth of water over an arti-
ficial reef shall not be less than 50 feet
below mean low water where depths in
the area generally exceed this depth.
The district engineer may extend this
requirement to include provisions for
increasing the clearance over reefs au-
thorized in natural depths exceeding
100 feet below MLW.(3) No artificial reefs will be autho-
rized by the Corps if their establish-
ment would be inimical to the national
interest and the welfare of the general
public as determined after consulta-
tion with the U.S. Navy, the U.S.
Coast Guard and approval by the En-
vironmental Protection Agency.(4) Permits for the construction of
artificial reefs shall include the condi-
tion that the reef shall be marked as
required by the U.S. Coast Guard with
costs of installation and maintenance
to be borne by the permittee.(5) Permits for the construction of
reefs shall include conditions to assure
that reefs are placed within permitted
coordinates and sufficient notice in ad-
vance of construction to allow Feder-
al/State monitoring and inspection.NOTE.—The Corps of Engineers has deter-
mined that this document does not containa major proposal requiring preparation of
an Inflation Impact Statement under Ex-
ecutive Order 11821 and OMB Circular A-
107.

(33 U.S.C. 403)

Dated: February 1, 1978.

C. A. SELLECK, JR.
Colonel, Corps of Engineers, Ex-
ecutive Director of Civil
Works.

[FR Doc. 78-4139 Filed 2-14-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-49; RM-2921]

FM BROADCAST STATION BOCA CHICA KEY,
FLA.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications
Commission.ACTION: Notice of proposed rulemak-
ing.SUMMARY: This action proposes the
assignment of Channel 228A to Boca
Chica Key, Fla., as its first FM chan-
nel assignment. Comments are re-
quested on the extent of business and
civic activity there to determine
whether it can be recognized as a com-
munity. Also the issue of whether the
proposal is designed to serve nearby
Key West, Florida, is to be discussed
in comments.DATES: Comments must be filed on
or before April 7, 1978, and reply com-
ments on or before April 27, 1978.ADDRESS: Federal Communications
Commission, Washington, D.C. 20554.FOR FURTHER INFORMATION
CONTACT:Mark N. Lipp, Broadcast Bureau,
202-632-7792.SUPPLEMENTARY INFORMATION:
In the matter of amendment of
§ 73.202(b), table of assignments, FM
Broadcast Stations, (Boca Chica Key,
Fla.), BC Docket No. 78-49 RM-2921.

Adopted: February 6, 1978.

Released: February 9, 1978.

By the Chief, Broadcast Bureau:
1. *Petitioner and Proposal.* (a) Peti-
tion for rulemaking, submitted by
John T. Galanes and Wayne R. Sie-
fert, requesting the assignment of
Channel 228A to Boca Chica Key, Fla.,
as its first FM channel. The channel
could be assigned in full compliance
with the minimum distance separation
requirements.Public Notice of the filing of the petition
was given July 18, 1977 (Report No. 1064).
Galanes is identified as the Vice Presi-
dent and General Manager of Station
WGFT(AM), Youngstown, Ohio. Siefert is
listed in *Broadcasting Yearbook* as Program
Director of that station and is also Adminis-
trative Assistant to Galanes.

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(b) An opposition was filed by Florida Keys Broadcasting Corporation, licensee of Stations WKIZ(AM) and WFYN-FM, Key West, Florida.

(c) Petitioners filed a reply and an addendum.

2. *Community Data.* (a) *Location:* Boca Chica Key is one of the islands in the Lower Keys Division of Monroe County, located in the southernmost portion of Florida, approximately 8 kilometers (5 miles) northeast of Key West.

(b) *Population:* Boca Chica Key (pop. 2,817).² Lower Keys Division (pop. 10,352), Monroe County (pop. 52,586).

(c) *Local Broadcast Services:* Boca Chica Key has no local aural service. It receives service from Key West Stations WKIZ(AM), WKWF(AM) and WFYN-FM (Channel 223). Stations authorized on two other FM channels assigned to Key West are not yet in operation—Station WVKF (Channel 238) and Station WIIS (Channel 296A).

3. *Preclusive Impact:* Preclusion would occur on the co-channel affecting only two communities with populations over 1,000, Key West (pop. 29,312) and Marathon (pop. 4,397). Key West, as noted above, has three FM assignments while Marathon has one FM station.

4. *Additional Considerations:* Florida Keys raises two issues in its opposition which we believe requires some discussion. First it argues that there is insufficient business activity and local support for an FM assignment at Boca Chica Key, and therefore, by necessity, such a station will primarily serve the larger community of Key West. As such, it urges the proposal be denied since Key West already has three FM channel assignments, a number already in excess of the Commission's population guidelines which set a limit of 1 to 2 FM channels for communities with less than 50,000 population. Secondly, it is alleged by Florida Keys that Boca Chica Key lacks the characteristics of a community which would qualify it for an FM channel assignment. In this regard it notes that the Key West Naval Air Station occupies most of Boca Chica Key and that electrical service is provided to only 195 residences and 5 business customers besides the air station. It asserts that most of the military personnel stationed there reside at Key West reducing the population of Boca Chica Key to less than 1,000 persons. Finally it states that the prospect of future growth is unlikely due to the naval air station occupancy and to unspecified environmental and ecological considerations. Florida Keys asserts that these latter concerns have prompted the

state to prohibit further development in low areas throughout the Keys.⁴

5. Petitioners respond that Florida Keys' argument that Boca Chica Key lacks community status is erroneous since the U.S. Census figures take into account military personnel actually residing at Boca Chica Key and that the number of electrical connections referred to does not give a true picture of the extent of such service. Moreover, petitioners note that the Commission has recognized that military installations have needs which warrant broadcasting service.⁵ Petitioners also disagree that future development is restricted, contending that there are many undeveloped areas in the Lower Keys Division near Boca Chica Key which are unaffected by environmental restrictions. Regarding community status, petitioners assert that incorporation is not necessary and that provision of certain basic services by the county is irrelevant. Regarding the contention that the assignment could become a Key West Station, petitioners point out that § 73.203 of the Commission's Rules would prohibit such licensing and the Commission would require that the station serve Boca Chica Key.

6. *Community Status:* The evidence submitted so far is sketchy and inconclusive on the issue of community status. Interested parties should be advised that data on this matter should be submitted and include information concerning community or civic organizations such as the Chamber of Commerce, businesses, local newspapers, shopping centers, post offices, utility services, schools, and views of residents and prominent citizens as to Boca Chica Key's status. In short, the data should show that the residents have common interests which are manifested by local concerns or organizations. See North Naples and Immokalee, Fla., 42 FR 63887, released December 21, 1977. We do recognize that the U.S. Census lists Boca Chica Key as a distinct entity but this factor is of limited value for our purposes. Although petitioner is correct in noting that the Commission has previously held that military installations can be treated as a community for the purposes of station licensing, it has not explained how this has any clear relevance here, since its proposal is not one of the military reservation itself.

7. *Service to Boca Chica Key:* We, of course, would expect a station authorized to Boca Chica Key to actually

²Florida Keys also argues that the proposal would have an economic impact that would impair the overall service now rendered to the public by other stations in the area. However, this so-called Carroll issue is not appropriate for discussion at the rule-making stage.

³Citing cases involving Fort Campbell, Ky., and Ft. Leonard Wood, Mo.

serve that community, if this proposal were adopted. Regarding this matter, we would not assign a channel to Boca Chica Key if we did not first satisfy ourselves that it has needs to be served which differ from those of the larger city of Key West. Thus, interested parties should show the nature of those needs and the extent to which they are separate and distinct from those of Key West. To help clarify this point, petitioners (or any other proponent) should indicate their proposed transmitter location and the area this station would serve.

8. Accordingly, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, with regard to the city below as follows:

City and channel No.

Boca Chica Key, Fla., present —, proposed, 228A.

8. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the material set forth below and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before April 7, 1978, and reply comments on or before April 27, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be consid-

ered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-4143 Filed 2-14-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-47; RM-2995]

FM BROADCAST STATION IN LEROY, ILL.

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a Class A FM channel to LeRoy, Ill., as that community's first FM assignment. Petitioner,

Sono Mag Corp., states the proposed channel could provide a first local aural broadcast service to LeRoy.

DATES: Comments must be received on or before March 31, 1978, and reply comments on or before April 20, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (LeRoy, Ill., BC Docket No. 78-47 RM-2995.

Adopted: February 3, 1978.

Released: February 10, 1978.

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal, Comments:* (a) Petition for rulemaking, filed November 3, 1977, by Sono Mag Corp. ("petitioner"), proposing the assignment of Channel 224A to LeRoy, Ill., as a first FM assignment to that community. No responses were made to the proposal.

(b) The channel can be assigned in conformity with the minimum distance separation requirements if the transmitter site is located 4.8 kilometers (3 miles) north northeast of the community.

(c) Petitioner states it will promptly apply for a construction permit to utilize the channel, if assigned.

2. *Community Data:* (a) *Location:* LeRoy, in McLean County, is located approximately 217 kilometers (135 miles) south of Chicago, and 24 kilometers (15 miles) southeast of Bloomington, Ill.

(b) *Population:* LeRoy—2,435; McLean County—104,389.²

(c) *Local Broadcast Service:* There is no local aural broadcast service in LeRoy, but LeRoy is served by a weekly newspaper.

3. *Economic Data:* Petitioner states that LeRoy is governed by a mayor-council form of government. We are told that the surrounding rural area is agricultural with the farming industry contributing heavily to the overall income of McLean County. It adds that the community relies on some manufacturing as well as retail trade and services, the largest manufacturer being Permabilt of Illinois which manufactures custom built homes. In support of its petition, petitioner has submitted information with respect to education, transportation, churches, medical and recreational facilities, and civic organizations.

¹Public Notice of the petition was given on November 29, 1977 (Report No. 1091).

²Population figures are taken from the 1970 U.S. Census.

4. In view of the apparent need for a first local aural broadcast service in LeRoy, Illinois, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City and channel No.

LeRoy, Ill.; Present: —; Proposed: 224A.

5. Authority to institute rulemaking proceedings, showings required; cut-off procedures; and filing requirements are contained below and are incorporated herein. Note: A showing of continuing interest is required by paragraph 2 below before a channel will be assigned.

6. Interested parties may file comments on or before March 31, 1978, and reply comments on or before April 20, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended and section 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-4144 Filed 2-14-78; 8:45 am]

[47 CFR Part 73]

[BC Docket No. 78-46; RM-2904]

TELEVISION BROADCAST STATIONS IN HATCH AND SILVER CITY, NEW MEXICO

Proposed changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to reassign educational TV Channel *12 from Hatch, New Mexico, to Silver City, New Mexico. In addition, the current reservation for noncommercial educational use of Channel *10 at Silver City, would be deleted to reflect its present use as a commercial television translator station.

DATES: Comments must be filed on or before March 31, 1978, and reply comments on or before April 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of assignments, television broadcast stations. (Hatch and Silver City, N. Mex.), BC Docket No. 78-46 RM-2904.

Adopted: February 3, 1978.

Released: February 9, 1978.

By the Chief, Broadcast Bureau:

1. The Commission has under consideration a petition from Hubbard Broadcasting, Inc., to remove the non-commercial educational TV reservation from Channel *10 on which it operates TV translator Station K10KF (Channel *10), Silver City, N. Mex. The petition also requests the reassignment of TV Channel *12 from Hatch, N. Mex. to Silver City, to make a channel available for a noncommercial educational translator station. Also, in this connection, we received a copy of a letter from the Governor's Commission on Public Broadcasting for the State of New Mexico. No other comments have been submitted.

2. Silver City (pop. 8,557)*, the seat of Grant County (pop. 22,030), is located in southwest New Mexico approximately 70 kilometers (44 miles) east of the Arizona border. There are two VHF TV channels assigned to Silver City—Channel 6 and Channel *10, both of which are used for 100 watt commercial translator stations. Hatch, N. Mex. (pop. 867), is located in Dona Ana County (pop. 69,773) approximately 105 kilometers (65 miles) east of Silver City. Hatch has no local TV service. Virtually all of Dona Ana County, including Hatch, receives non-commercial educational service from Station KRWG-TV, Channel *22, Las Cruces, N. Mex., licensed to New Mexico State University.

3. Petitioner states that its translator station is permitted to operate on Channel *10 only as long as no other TV service (commercial or noncommercial educational) is proposed for the channel. Since a state agency is attempting to establish a noncommercial station in Silver City, petitioner requests that Channel *12 be reassigned there and made available for that purpose. Petitioner believes that by reassigning Channel *12 to Silver City, the Commission will make possible the use of an assignment which would otherwise lie fallow. In addition, by deleting the reservation on Channel *10, the present translator use can remain intact at least for the present. In a letter to the Commission, the Governor's

*Station K10KF retransmits the programming of its own TV Station KOB-TV, Channel 14, Albuquerque, N. Mex.

*All population data are taken from the 1970 U.S. Census.

*Petitioner notes that Channel 12 was originally assigned to Silver City but in 1962, in response to a request by the State Board of Education, the channel was reserved and reassigned to Hatch. However, that assignment was never activated at Hatch. Instead, the State's plans were revised and the Las Cruces station was utilized, starting in 1973, for noncommercial educational programming for this area of southwestern New Mexico.

nor's Commission on Public Broadcasting states that it supports the petition and intends to, according to its revised plans, activate a noncommercial educational translator station on Channel *12 if reassigned to Silver City.

4. With the above facts in mind, we believe that the reassignment of Channel *12 should be pursued in a rulemaking proceeding. The Governor's Commission has stated that it has no plans for a station at Hatch, which we note is already provided non-commercial educational service by the Las Cruces station. The proposed educational translator usage at Silver City would extend this service in the southwestern portion of the state. As for the deletion of the reservation for Channel *10 at Silver City, we find that it would be appropriate to explore this proposal to reflect the channel's present commercial usage.

5. The proposal meets all minimum spacing requirements and no site restrictions would have to be placed. Mexican concurrence of the proposal will have to be obtained since the communities are located within 320 kilometers (199 miles) of the Mexican border.

6. Accordingly, it is proposed, That the Television Table of Assignments, Section 73.606(b) of the Commission's Rules, be amended for the cities listed below:

City and Channel No.

Hatch, N. Mex.: Present: *12; Proposed:—. Silver City, N. Mex.: Present: 6, *10+; Proposed: 6, 10+, *12.

7. The Commission's authority to institute rulemaking proceedings, showings required, cut-off procedures and filing requirements are contained below and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before March 31, 1978, and reply comments on or before April 20, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this Appendix is attached.

Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial to the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 78-4145 Filed 2-14-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 393]

[BMCS Docket No. MC-58-1; Notice 78-3]

PARTS AND ACCESSORIES NECESSARY FOR SAFETY OPERATION

Step, Handhold, and Deck Requirements on Commercial Motor Vehicles

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Public comments are sought on a proposal to amend the Federal Motor Carrier Safety Regulations applicable to motor vehicles manufactured after January 1, 1981, to require (1) step, deck, and handhold requirements on high profile cab-over-engine (COE) type tractors; (2) step, handhold, and deck requirements on the rear of all other truck tractors; and (3) step, and handhold requirements on the front of trucks as well as all truck tractors. Slips and falls are a substantial problem in the motor carrier industry. The proposal to afford the driver and other personnel with three points of contact on high profile COE truck tractors will serve to provide increased stability and safety. The requirements regarding front and rear access will also provide safe working surfaces in other critical areas.

DATE: Comments must be received on or before May 16, 1978.

ADDRESS: Submit comments (original and 2 copies) to: BMCS Docket No. MC-58-1; Notice No. 78-3, Room 3402, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Gerald J. Davis, Chief, Driver Requirements Branch, Bureau of Motor Carrier Safety, 202-426-9767; Principal Lawyer, Attorney, Gerald M. Tierney, Motor Carrier and Highway Safety Law Division, Office of Chief Counsel, 202-426-0834; Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.s.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: This Notice of Proposed Rulemaking proposes to issue specific requirements for steps, handholds, and deck plating to afford individuals increased stability and safety while entering and exiting the cab and while performing work-related duties on other areas of the vehicle. The requirements for the

high profile COE truck tractors basically set forth details as to the number, location, size and type of steps and handholds to allow a person to have three limbs on the system at all times, including transition between intermediate positions.

The criteria for this proposal is based on the "Recommended Practice 404" developed by the Cab and Driver Study Group of the ATA Regular Common Carrier Conference Maintenance Committee, as well as other prior recommended designs.

NEED FOR IMPROVEMENT

As far back as 1966 and 1967 the high percentage of workmen's compensation cases, attributed to getting in and out of the cab, attracted attention. A study issued in 1967 by Liberty Mutual Insurance Company of Boston, Massachusetts, indicated that falls from tractors amounted to 25.3 percent, 22.2 percent and 16.0 percent of total human on-job injuries for three large motor carriers. Although driver trainers were spending a considerable amount of time training new drivers on proper mounting and dismounting techniques, efforts were not entirely successful because of the poor design of most step and grab-handles, especially on COE models. Information supplied to the Department of Transportation by several motor carriers showed that, slips and falls accounted for 20 percent of all injuries sustained by drivers. In a separate study done by the Transportation Safety Association of Ontario, Canada, it was reported that slips and falls in and around motor vehicles accounted for 40 percent of the total of all types of slip and fall accidents in their association. It was also reported that there was evidence that particular troublesome problems occurred, and were most severe, in the case of trailers and semi-trailers used to haul automobiles and in tank vehicles.

ADVANCE NOTICE OF PROPOSED RULEMAKING

As a result of evidence reported, an Advance Notice of Proposed Rulemaking was issued on May 21, 1974, with the purpose of soliciting comments on whether nonslip surfaces and handholds should be made mandatory on equipment operated in interstate or foreign commerce.

The majority of comments indicated that further proof was needed that slips and falls were occurring frequently enough to warrant a regulation. In an effort to be responsive to these comments, further accident information was sought before developing a mandatory regulation. Several sources were investigated, including State organizations, transportation insurance groups, labor statistics offices and other safety organizations. However,

the information obtained was not detailed. It was concluded, as a result of unsuccessful attempts to obtain precise, specific data, that an actual slip and fall survey and analysis should be conducted.

SLIPS AND FALLS SURVEY

The Bureau of Motor Carrier Safety conducted a "Slips and Falls" survey and analysis during the period of December 1975 to August 1976. A total of 46 carriers were surveyed, centering on four types of vehicles (cargo tanks, car carriers, vans, and flat bed or heavy hauling equipment). The statistics and information were collected for the year 1974. Approximately 22,000 employees' records were reviewed. Detailed information was collected on each slip and fall, including, medical costs, workmen's compensation costs, part of the body injured, person's age, environment, part of the vehicle where injury occurred and type of equipment used. Other areas of concern were also discussed with carrier representatives, namely, various types of non-slip surfaces being used, training and retraining of drivers regarding proper entry/egress, incentive awards for safety practices, workmen's compensation costs for different States, and improvements made as a result of some costly slips and falls. Pictures were also taken of equipment being used.

The results of the survey indicated:

1. Slips and Falls accounted for 14 percent of all driver personal injury accidents and 9 percent of all carriers' personal injury accidents.
2. Slip and Fall medical costs accounted for 11 percent of carriers' total medical costs.
3. Slip and Fall workmen's compensation costs accounted for 10 percent of carriers' total workmen's compensation costs.
4. Approximately 54 percent of the slip and fall incidents happened on the tractor or driver area and 46 percent happened on the trailer or cargo area.
5. Tank carriers had the highest percentage of driver slips and falls (23 percent); followed by auto transporters (14 percent); van-type (11 percent); and flat bed (9 percent).

COSTS ASSOCIATED WITH PERSONAL INJURY ACCIDENTS

According to information published by the American Trucking Associations, Inc., employee injuries are up 50 percent from 1968 to 1974; average injury costs have quadrupled since 1970; and the 1973 compensation costs are up 75 percent compared to 1968. Their estimate of an average injury was \$1,409.27 for 1975, and that the most frequent cause of injury was falling. The average maximum compensation benefit, nationwide, is now \$136.95 per week, compared to \$78.82 in 1970—and it is considerably higher in some States. Even heavier compensation expenses are forecasted.

Like the tip of an iceberg, the insured costs of accidents are only a small part of the total costs. Accidents directly affect profit and loss, and may even involve the company's ability to stay in business. Along with the cost of workmen's compensation, there is the loss of employee's services, knowledge and experience and the resulting loss in productivity, as well as the cost of hiring and training replacement labor. An accident also may lower employee morale, which could affect efficiency.

The recent survey indicated the following cost data:

1. Medical costs ranged from 0 to \$6,039.15 per individual slip and fall case.
2. Compensation costs ranged from 0 to \$8,834 per individual slip and fall case.
3. The combined medical/compensation costs ranged from 0 to \$14,873.15 per individual slip and fall case.
4. The average combined medical cost/compensation cost of slip and fall incidents was \$290.92.

These costs take into account only the medical and compensation figures paid out. It is reasonable to assume that the actual costs of each slip and fall are considerably more when the other costs mentioned are considered.

DISCUSSION OF PROPOSED RULE

In the preparation of the proposed sections regarding cab entry/exit, rear of cab access and front of cab access, appropriate literature from several sources has been consulted. The references include, (1) Liberty Mutual Study, Driver Falls While Mounting or Dismounting Cab Over Engine Tractor Trailer Cabs, Charles H. Irvine, March 10, 1967; (2) Recommended Practice No. 404, ATA, Regular Common Carrier Conference, Cab and Driver Study Group, January 1976; (3) SAE J185, Access Systems for Construction and Industrial Equipment, Part II SAE Handbook 1977; (4) SAE J833a, U.S.A. Male and Female Physical Dimensions for Construction and Industrial Equipment Design, Part II, SAE Handbook 1977; (5) U.S. Army Specification, Body Van, Vehicle-Mounted, General Specifications For, MIL-B-13207D (ME) CX1966, 12 August 1976; and (6) Human Factors Engineering Guide to Equipment Design, Joint Army-Navy-Air Force Steering Committee, 1972. While the proposed rule does not directly reflect any one of these references exactly, it does represent the most appropriate aspects of all of them. What results is an already proven set of requirements that represents the best design practices the industry can expect.

The requirements are in no way intended to be design restrictive but rather are intended to encourage manufacturers to include in their designs, accommodations for drivers while on the vehicle.

The proposed regulations are, like all the Federal Motor Carrier Safety Regulations, minimum requirements. It is hoped that where more stringent requirements are recommended improvements will be made. The development of RP 404 indicates that need for a better step/handhold system.

The requirements of RP 404 with regard to cab entry/exit have been similarly adopted in our proposed amendment. Our first attempt in the cab entry/exit area is directed at high profile COE truck tractors, as preliminary indications revealed this type vehicle is more prone to driver slips and falls. It is believed that the system proposed, i.e., to have 3 limbs in contact with the truck tractor at any time, including transition between intermediate positions, will insure a safe, stable means for the driver to climb into or descend from the cab of the high profile COE.

Although the vertical height from ground level has been minimally proposed at 610 millimeters (24.0 inches) the 5th percentile group may not comfortably reach this step. However, as mentioned earlier the proposed regulation is minimum.

Access to the rear of the vehicle and the front of the vehicle has not been limited to high profile COE's. There must be a safe access to the front area of all truck tractors and trucks in order to perform such duties as window washing, checking water and oil levels, and to raise the hood on conventional type vehicles.

If electrical and air connections can be reached from the ground level, thereby eliminating the need to climb upon the rear section, the step, handhold and deck plating requirements will be nil.

With regard to construction material, it is believed that self-cleaning material is necessary to prevent element build-up. The material should have no sharp edges, and openings must be such to prevent finger entrapment. Since door sills are used as steps it is being proposed that slip retardant material, commonly used on sill steps, will be acceptable. Although step construction is important, step spacing, depth, and clearance requirements are also necessary.

The proposed handhold requirements are also needed. A person should be able to reach the handhold before ascending. The proposed spacing requirements should provide a balanced comfortable system for any driver.

The proposed strength requirements are needed to ensure that all handholds, steps, and plates will support not only the weight of the individual, but meet certain rigidity requirements for purposes of stability. Without the deflection requirements, the handholds, steps, or plates could flex or

give, thereby jeopardizing the stability of the individual. It should also be noted that the strength requirements have been given in terms of "weight" rather than "mass" that produces a load or force, so as to provide a better understanding to the average individual.

In consideration of the foregoing, it is proposed to amend Chapter III of Subtitle B in Title 49, Code of Federal Regulations by adding a new Subpart J to Part 393 to read as follows:

Subpart J—Step, Handhold and Deck Requirements on Commercial Motor Vehicles

- Sec.
393.200 Purpose and scope.
393.201 Cab entry and exit.
393.202 Rear of cab access.
393.204 Front of cab access.

AUTHORITY: Sec. 204, 49 Stat. 546 as amended (49 U.S.C. 304); sec. 6, Pub. L. 89-670; 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48 and 49 CFR 301.60.

Subpart J—Step, Handhold and Deck Requirements on Commercial Motor Vehicles

§ 393.200 Purpose and scope.

This subpart prescribes step, handhold and deck requirements on commercial motor vehicles. These requirements are intended to enhance the safety of motor carrier employees.

§ 393.201 Cab entry and exit.

(a) *Application of the rule in this section.* The section applies to all high profile COE truck tractors (floor height from ground greater than 1.016 millimeters (40.0 inches) manufactured on and after January 1, 1981).

(b) *General rule.* Any person entering or exiting the cab of a high profile COE truck tractor shall be afforded sufficient steps and handholds to allow the user to have at least 3 limbs in contact with the tank tractor at any time. This rule applies to intermediate positions as well as transition between intermediate positions during cab entry and exit.

(c) *Specifications.* All high profile COE truck tractors with seats on both sides of the vehicle shall be equipped on both sides of vehicle with—

(1) Steps of a sufficient number to afford safe and easy access and meet the following minimum requirements:

(i) *Vertical height from ground level.* The first step shall be no more than 609 mm (24.0 in) from ground level.

(ii) *Vertical height between steps.* The vertical height between steps up to and including the sill step shall comply with "Step Spacing Chart" shown below:

STEP SPACING CHART

If horizontal step offset * is—	The vertical spacing between steps must be no more than—
At least 508 mm (20.0 in) but less than 610 mm (24.0 in).	102 mm (4.0 in).
At least 610 mm (24.0 in) or greater.	0 mm (0 in).

*Horizontal step offset equal the horizontal distance between step midplanes.

(iii) *Construction material.* Each step shall be constructed of or covered with a self-cleaning safety material. Openings in the safety material shall be of a size that will prevent finger entrapment and be free of sharp edges. *Exception.* The sill step must be covered with a slip retardant material, but it does not have to be self-cleaning.

(iv) *Step tread depth.* Each step shall have a tread depth of at least 102 mm (4.0 in).

(v) *Step clearance.* There must be at least 51 mm (2.0 in) clearance between the back edge of the step and any part of the truck tractor to allow the user to step on the ball of his or her foot.

(A) *Exception.* Any step with a tread depth of at least 153 mm (6.0 in) or more is not required to have step clearance.

(B) *Exception.* A sill step with a tread depth of 102 mm (4.0 in) or more is not required to have step clearance.

(vi) *Step width.* The first step shall have a tread width of at least 153 mm (6.0 in). The width of succeeding steps shall increase and be located closer to the door sill as you ascend. If the sill step is not at least 407 mm (16.0 in) wide with a tread depth of at least 153 mm (6.0 in) a step immediately below the sill step is required. This step shall be at least 305 mm (12.0 in) wide, with the rear of the step (with respect to the front of the truck tractor) no farther forward than a line drawn vertically from the forward edge of the driver's seat in its rearward most position. This step shall also meet the requirements in subparagraphs (1)(iii), (1)(iv), (1)(v) and (2)(vii) of this section.

(vii) *Step strength.* Each step must withstand the vertical static load, produced by the weight of a person of at least 204.1 kilograms (450 pounds), at any point on the tread with a vertical deflection of no more than 5mm (0.2 in) at any point on the tread and be affixed in such a manner that there will be no horizontal movement of the step or tread.

(2) Handholds of a sufficient number and design to afford safe and easy access and meet the following minimum requirements:

(i) *Location.* Dual handholds must be located directly above the first step to enable a person to reach the handhold before he begin his ascent. Additionally, a handhold must be located at or immediately above the top of the door envelope and extend from the

rear of the door envelope forward, at least two-thirds of the door envelope's width.

(ii) *Height from ground level.* The dual handholds shall start no more than 1,524 mm (60.0 in.) from the ground level. One of the dual handholds nearest to the swinging edge of the cab door shall extend at least 1,219 mm (48.8 in) vertically from the door sill;

(iii) *Exterior mounting specifications.* Each handhold, affixed exterior of the vehicle, shall have at least 51mm (2.0 in) clearance between the surface on which it is mounted and the handhold.

(iv) *Unobstructed length.* Each handhold shall be mounted without obstructions or mid-brackets to allow continuous movement to the hand over the entire length;

(v) *Size and shape.* Each handhold shall be free of sharp edges and have a circumference no greater than 119.6 mm (4.71 in) nor less than 59.8 mm (2.36 in). *Exception.* Recessed handholds, pre-formed into the inside of the cab body may be used only if they are designed in a manner that will afford safe and easy use and meet the requirements set forth in subparagraphs (2)(i), (2)(iii), and (2)(v) of this section.

(vi) *Handhold strength.* Each handhold shall be solidly affixed to withstand the static load, produced by the weight of a person of at least 113.4 kg (250 lbs), in any direction with a deflection of no more than 5 mm (0.2 in) in any direction.

§ 393.202 Rear of cab access.

(a) *Application of the rule in this section.* This section applies to all truck tractors manufactured on and after January 1, 1981.

(b) *General rule.* When a person is required to climb upon the rear portion of a truck tractor to couple or uncouple air and electrical connections, the truck tractor shall be equipped with—

(1) Steps of a sufficient number to afford safe and easy access and meet the following minimum requirements.

(i) *Vertical height from ground level.* The first step shall be no more than 609 mm (24.0 in) from ground level;

(ii) *Vertical height between steps.* Vertical distances between steps shall comply with the "Step Spacing Chart" shown in § 393.201 of this chapter;

(iii) *Construction material.* Each step shall be constructed of or covered with a self-cleaning safety material. Openings in the safety material shall be of a size that will prevent finger entrapment and be free of sharp edges;

(iv) *Step tread depth.* Each step shall have a tread depth of at least 102 mm (4.0 in);

(v) *Step clearance.* There must be at least 51 mm (2.0 in) clearance between

the back edge of the step and the vehicle to allow the user to step on the ball of his or her foot. *Exception.* Any step with a tread depth of at least 153 mm (6.0 in) or more is not required to have step clearance;

(vi) *Step width.* Each step shall have a tread width of at least 204 mm (8.0 in); and

(vii) *Step strength.* Each step must withstand the vertical static load, produced by the weight of a person of at least 204.1 kg (450 lbs), at any point on the tread with a vertical deflection of no more than 5 mm (0.2 in) at any point on the tread and be affixed in such a manner that there will be no horizontal movement of the step or tread.

(2) Handholds of a sufficient number number and design to afford safe and easy access and meet the following minimum requirements:

(i) *Height from ground level.* The lowest part of any handhold shall be no more than 1,524 mm (60.0 in) from ground level;

(ii) *Exterior mounting specifications.* Each handhold, affixed exterior of the vehicle, shall have at least 51 mm (2.0 in) clearance between the surface on which it is mounted and the handhold;

(iii) *Unobstructed length.* Each handhold shall be mounted without obstructions of mid-brackets to allow continuous movement of the hand over the entire length;

(iv) *Size and shape.* Each handhold shall be free of sharp edges and have a circumference no greater than 119 mm (4.7 in) nor less than 61 mm (2.4 in). *Exception.* Recessed handholds preformed into the tractor body may be used only if they are designed in a manner that will afford safe and easy use and meet the requirements set forth in subparagraphs (2)(i), (2)(iii), and (2)(v) of this section.

(v) *Handhold strength.* Each handhold shall be solidly affixed to withstand the static load, produced by the weight of a person of at least 113.4 kg (250 lbs), at any point in any direction with a deflection of no more than 5 mm (.2 in) at any point in any direction.

(3) deck plates, mounted on the rear of the truck tractor in all areas where the driver must step or stand in order to provide safe footing and meet the following minimum requirements:

(i) *Construction material.* Each deck plate shall be constructed of, or covered with a self-cleaning safety material. Openings in the safety material shall be of a size that will prevent finger entrapment and be free of sharp edges;

(ii) *Mounting.* Each deck plate shall span the distance between the frame or frame extension brackets in such a manner that it can be held in place with a type of hold down device(s)

that will allow ready removal for vehicle service; and

(iii) *Deck plate strength.* Each deck plate must be capable of withstanding the vertical static load, produced by the weight of a person of at least 204.1 kg (450 lbs), at any point with a vertical deflection at any point of no more than 5 mm (.2 in).

§ 393.203 Front of cab access.

(a) *Application of the rule in this section.* This section applies to all trucks and truck tractors manufactured on and after January 1, 1981.

(b) *General rule.* When a person is required to climb upon the front of a truck or truck tractor, the vehicle shall be equipped with—

(1) steps of a sufficient number to afford safe and easy access and meet the following minimum requirements:

(i) *Vertical height from ground level.* The first step shall be no more than 609 mm (24.0 in) from ground level, any succeeding steps shall comply with the "Step Spacing Chart" shown in § 393.201;

(ii) *Construction material.* Each step shall be constructed of or covered with an anti-slip material. Any openings in the tread surface shall be of size that will prevent finger entrapment and be free of sharp edges;

(iii) *Steps preformed within bumper—(A) Tread width.* Each step shall have a tread width of at least 153 mm (6.0 in);

(B) *Step tread area.* Each step must have a bearing surface tread area of at least 7,742 mm² (12.0 in²);

(C) *Prevention of liquid build-up.* The step tread area must be perforated or sloped downwardly with respect to the horizontal plane no less than .0873 rad (5°) nor more than .1745 rad (10°);

(D) *Step clearance.* There shall be sufficient clearance between the back edge of each step and any other surface to allow any person to place the ball of his or her foot on the step tread area; and

(E) *Step strength.* Each step must withstand the vertical static load, produced by the weight of a person of at least 204.1 kg (450 lbs), at any point with a vertical deflection of no more than 5 mm (.1 in) at any point on the tread and be affixed in such a manner that there will be no horizontal movement of the step or tread;

(iv) *Step preformed or attached to exterior of bumper—(A) Tread width.* Each step shall have a tread width of at least 153 mm (6.0 in).

(B) *Step tread area.* Each step must have a bearing surface area of at least 11,613 mm² (18.0 in²);

(C) *Step clearance.* There shall be sufficient clearance between the back edge of the step and any other surface

to allow any person to place the ball of his or her foot on the step tread area:

Exception. Any step with a tread depth of at least 153 mm (6.0 in) or more is not required to have step clearances.

(D) *Step strength.* Each step must withstand the vertical static load, produced by the weight of a person of at least 204.1 kg (450 lbs), at any point on the tread and be affixed in such a manner that there will be no horizontal movement of the step or tread; and

(v) *Bumper.* The top of any bumper that is used as a stepping or standing surface must be covered with an anti-slip material.

(2) handholds of a sufficient number and design to afford safe and easy access and meet the following minimum requirements:

(i) *Height from ground level.* The lowest part of any handhold shall be no more than 1828 mm (72 in) from ground level.

(ii) *Clearance.* Each handhold shall have at least 51 mm (2 in) clearance between the surface on which it is mounted and the handhold;

(iii) *Size and shape.* Each handhold shall be free of sharp edges and have circumference no greater than 119.6 mm (4.71 in) nor less than 59.8 mm (2.36 in).

(iv) *Handhold strength.* Each handhold shall be solidly affixed to withstand the static load, produced by the weight of a person of at least 113.4 kg (250 lbs), in any direction with a deflection of no more than 5 mm (.1 in) in any direction.

Interested persons are invited to submit their views on these proposals. Communications should identify the docket number and the notice number which appear at the beginning of this notice.

All comments received will be available for examination by interested persons at the Bureau of Motor Carrier Safety, Room 3402, Department of Transportation, 400 7th Street SW., Washington, D.C., 20590.

(Sec. 204, 49 Stat. 546 as amended (49 U.S.C. 304); sec. 6, Pub. L. 89-670; 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48 and 49 CFR 301.60.)

NOTE.—It has been determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and 11949 and OMB Circular A-107.

Issued on February 8, 1978.

ROBERT A. KAYE,

Director,

Bureau of Motor Carrier Safety.

[FR Doc. 78-4158 Filed 2-14-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02]

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

GRAIN STANDARDS

Kansas Grain Inspection Point

Statement of considerations. The Kansas State Department of Agriculture, Topeka, Kans., is designated to operate as an official agency in accordance with the provisions of section 7 (f) of the United States Grain Standards Act (7 U.S.C. 79(f)). The Kansas State Department of Agriculture has been providing official inspection service for approximately 23 years at Newton, Kans., as a designated inspection point. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official agency for the conduct of official inspections, and within which the official inspection agency, or one or more of its licensed inspectors, is located (7 CFR 26.1(b)(13)).

The Kansas State Department of Agriculture has requested that its designation be amended to revoke Newton, Kans., as a designated inspection point in accordance with section 26.99(b) of the regulations (7 CFR 26.99(b)). Notwithstanding the revocation of Newton, Kans., as a designated inspection point, the Kansas State Department of Agriculture proposes to continue to provide official services there upon request.

The Kansas State Department of Agriculture has requested this amendment of assignment because of its determination that the demand for inspection services at Newton, Kans., does not warrant the full-time employment of an Inspector at that location.

As a point of clarification, it should be noted that the United States Grain Standards Act (7 U.S.C. 71 et seq.), hereinafter referred to as the "Act," has been amended by Pub. L. 94-582, effective November 20, 1976, and by Pub. L. 95-113, effective October 1, 1977, to extensively modify the official inspection system.

Under the amended Act, the Administrator of the Federal Grain Inspection Service (FGIS), upon application by any State or local governmental agency, or person, and after conducting investigations and other studies,

shall designate official agencies or persons to provide official inspection services at interior points. The amended Act further provides that existing agencies may continue to operate without a designation under the new law until the Administrator either grants or denies such designation to them or sets a period of time for its termination, not to exceed 2 years from November 20, 1976.

Accordingly, the present amendment of assignment (voluntary revocation of an assigned inspection point) would, if approved by FGIS, not alter the existing designation of the applicant as an official inspection agency which continues until the Administrator of FGIS either grants or denies an official designation under the amended Act or sets a period of time for its termination.

Interested persons are hereby given opportunity to submit written views or comments with respect to this matter

NOTE.—Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one official agency shall be operative at one time for any geographic area as determined by the Administrator.

All views or comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials should be in duplicate and mailed to the Hearing Clerk not later than

All materials submitted pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views or comments to be filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

(Sec. 7, Pub. L. 94-582, 90 Stat. 2872 (7 U.S.C. 79(g)(2)); 7 CFR 26.99(b); 7 CFR 26.101.)

Done in Washington, D.C., on February 7, 1978.

D. R. GALLIART,
Acting Administrator.

[FR Doc. 78-4092 Filed 2-14-78; 8:45 am]

[3410-11]

Forest Service

COOPERATIVE WESTERN SPRUCE BUDWORM, DRAFT ENVIRONMENTAL STATEMENT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft Environmental Statement for control of the western spruce budworm in Washington, USDA-FS-R6-DES(Adm)-78-6.

The Environmental Statement sets forth several management alternatives for managing western spruce budworm populations in 1978. Eight alternatives are presented, ranging from no treatment to intensive chemical control on Federal, State, and private lands in Whatcom, Kittitas, Chelan, and Okanogan Counties in Wash. during the spring and summer of 1978 with carbaryl.

This Draft Environmental Statement was transmitted to EPA on February 6, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3210, 12th St. and Independence Ave. SW., Washington, D.C. 20013.
USDA, Forest Service, Pacific Northwest Region, 319 SW. Pine Street, Portland, Ore. 97204
Okanogan National Forest, 219 Second Avenue South, Okanogan, Wash. 98840.
Wenatchee National Forest, 301 Yakima Street, Wenatchee, Wash. 98801
National Park Service, Pacific Northwest Region, 4th and Pike, Seattle, Wash. 98101.
Washington State Department of Natural Resources, Public Lands Building, Room 201, Olympia, Wash. 98504.

A limited number of single copies are available upon request to Regional Forester R. E. Worthington, Pacific Northwest Region, P.O. Box 3623, Portland, Ore. 97208.

Copies of the Draft Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from the State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environ-

mental impact involved for which comments have not been requested specifically.

Comments concerning the action alternatives and requests for additional information should be addressed to Regional Forester R. E. Worthington, Pacific Northwest Region, P.O. Box 3623, Portland, Oreg. 97208. Comments must be received by April 7, 1978, in order to be considered in the preparation of the final Environmental Statement.

Dated: February 6, 1978.

H. W. PARKER,
Budget Officer.

[FR Doc 78-4081 Filed 2-14-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 31960; Order 78-2-43]

FRONTIER AIRLINES, INC.

Order Granting Exemption

Issued under delegated authority, February 9, 1978.

By application filed January 6, 1978, Frontier Airlines, Inc. (Frontier), requests an emergency exemption from Order 74-12-109¹ to the extent necessary to permit it to establish a fare between Lawton and Tulsa, Okla., which will match the fare charged by Metroflight, Inc. (Metro), a commuter air carrier operating in this market pursuant to a replacement agreement with Continental Air Lines, Inc. (Continental).²

In support of its application, Frontier states it is the only certificated air carrier providing service between Lawton and Tulsa; on December 1, 1977, Metro inaugurated service in this market at a fare level of \$32.41; and it desires to match Metro's fare in this market, but is precluded from doing so by the coach fare formula or Phase 9 of the Domestic Passenger-Fare Investigation (DPFI) which sets the lowest fare at \$33.33. Frontier's current charge in the market. Frontier contends this fare level puts it at a competitive disadvantage; and the Board has in the past granted Frontier an exemption in similar situations;³ the Board has explicitly recognized that certificated carriers should be allowed to establish fares below those prescribed by Phase 9, to meet competition from non-certificated carriers; and the Board has similarly held, in

¹The Board's Opinion and Order on Reconsideration in Phase 9 of the Domestic Passenger-Fare Investigation (DPFI), December 27, 1974.

²Order 77-10-92, October 20, 1977.

³Orders 77-1-164, January 31, 1977; 77-1-92, January 14, 1977; and 76-2-98, February 25, 1976.

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Investigation of Interstate and Intrastate Fares in California and Texas Markets,⁴ that fares of certificated carriers may be lowered below Phase 9 minima to the extent necessary to meet competition from intrastate carriers. Finally, the carrier argues that the policy established by the Board with respect to matching fares of intrastate carriers is equally applicable to the situation with which Frontier is now confronted.

No answers have been filed in opposition to Frontier's application.

Upon review of the statements contained in the application and all other relevant matters we find that enforcement of the requirements of Phase 9 of the DPFI, insofar as they would prevent Frontier from matching coach fares offered by Metro between Lawton and Tulsa would be an undue burden on the carrier by reason of the limited extent of and unusual circumstances affecting its operations and would not be in the public interest.

We believe that granting the requested exemption authority comports with our long-standing policies according the maximum possible pricing flexibility to local service carriers and permitting certificated carriers, generally, to match genuinely competitive fares.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 203(a), 403, 404, and 1002, and the authority duly delegated to the Board's Regulations, 14 CFR 385.14(b),

It is ordered, That: 1. Frontier Airlines, Inc., is exempted from the requirements of Order 74-12-109 to the extent necessary to permit it to file tariffs containing fares between Lawton and Tulsa, Okla., matching the published fare of Metroflight, Inc., in this market;

2. To the extent not granted herein, the application Docket 31960 is denied; and

3. A copy of this order be served upon all U.S. certificated air carrier parties in Phase 9 of the Domestic Passenger-Fare Investigation⁵ and Metroflight, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petition within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

⁴Order 76-7-23.

⁵Order 74-12-100, December 27, 1974.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Pricing and Domestic Aviation.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc 78-4153 Filed 2-14-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

UNIVERSITY OF PENNSYLVANIA/CVP DIVISION, ET AL.

Application for Duty-Free Entry of Scientific Articles; Correction

In the Notice of Application for Duty-Free Entry of Scientific Articles appearing at page 58968 in the FEDERAL REGISTER of Monday, November 14, 1977, the following correction should be made:

Under Docket No. 78-00012, Manufacturer: should be corrected to read: Sitek Lab, AB, Sweden.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Statutory Import Programs Staff.

[FR Doc. 78-4133 Filed 2-14-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND ITS SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Public Meeting With Partially Closed Session

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, as amended, notice is hereby given (1) of a joint meeting of the North Pacific Fishery Management Council established by Section 302(a) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and its Scientific and Statistical Committee (SSC), and Advisory Panel (AP), both established under Section 302(g), of the Act, (2) separate meetings of the SSC and AP.

The SSC and AP will meet separately on March 21-22, 1978, in the Council offices, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska, beginning at 9 a.m.

The Council and its SSC and AP will meet jointly on Thursday and Friday, March 23-24, 1978, in the Anchorage Westward Hilton, 3rd and E Streets, Anchorage, Alaska. The meeting will convene at 8:30 a.m., and adjourn at approximately 4:30 p.m. The meetings may be extended or shortened depending upon progress on the agenda.

MARCH 23

Proposed Agenda: (1) Executive Director's Report and other Council administrative business; (2) Reports from Scientific and Statistical Committee and Advisory Panel; (3) Progress report and update from Council's Drafting Management Planning Teams; (4) Closed Session to discuss classified material on preparations for and actual negotiations in connection with the International North Pacific Fisheries Commission (INPFC), and the International Pacific Halibut Commission (IPHC) and continuing negotiations with the Canadians; (5) Period for public comment; (6) Review of foreign fishing activities.

MARCH 24

(1) Discussions of management plans: Tanner Crab off Alaska; Gulf of Alaska Groundfish Fishery during 1978; Commercial Troll Fisheries off the Coast of Alaska; Bering Sea Clam Fishery; King Crab, and Bering Sea Groundfish Fishery; (2) Other Council business.

The SSC and AP meetings will be open to the public, as will all but the early afternoon of the first day of the Council meeting. For information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510; Telephone 907-274-4563.

A closed session of the Council is planned for the early afternoon of the first day, March 23, 1978, from 1:30 p.m. to 3:30 p.m. to hear and discuss Department of State security classified reports concerning preparations and actual negotiations in connection with the International North Pacific Fisheries Commission, the International Pacific Halibut Commission, and continuing negotiations with the Canadians.

Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined on January 5, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

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Dated: February 3, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-4077 Filed 2-14-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

REQUESTS FOR INTERPRETATION FILED WITH THE OFFICE OF GENERAL COUNSEL

Month of January 1978

Notice is hereby given that during the month of January 1978, the Requests for Interpretation listed in the Appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F with the Office of General Counsel, Department of Energy (DOE). Notice of subsequently received requests will be published at the end of each calendar month. Copies of the Requests for Interpretation listed herein are on file in DOE's Public Reading Room, Information Access Office, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested parties may submit written comments on the listed interpretation requests within 30 days of the publication of this notice. Comments should be identified on the outside envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Office of General Counsel, Department of Energy, Room 5134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, Attention: Diane Stubbs. Aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information, contact Diane Stubbs, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202-566-9070.

WILLIAM S. HEFFELFINGER,
Director of Administration,
Department of Energy.

FEBRUARY 9, 1978.

APPENDIX—LIST OF REQUESTS FOR INTERPRETATION RECEIVED BY THE OFFICE OF GENERAL COUNSEL

MONTH OF JANUARY 1978

Date Received, Name, Location of requestor,
and File No.

January 3, 1978, Ethyl Corp., Arnold H. Quint, Hunton & Williams, 1730 Pennsylvania Avenue NW., P.O. Box 19230, Washington, D.C. 20036, A-266.

Issue: Must a firm be involved in the "trade or business" of selling a covered product in order to qualify as a "reseller" as defined in 10 CFR 212.31.

January 4, 1978, Shell Oil Co., Michael R. Grover, Esq., Shell Oil Co., One Shell

Plaza, P.O. Box 2463, Houston, Tex. 77001, A-267.

Issue: The manner in which increased excise taxes for motor gasoline should be treated and whether such increased taxes can be automatically added to the sales price of covered products calculated in accordance with 10 CFR 212.83.

January 4, 1978, Special Jet Services, Inc., Charles B. Watkins, McClure & Watkins, P.C., 1410 Grant Building, Pittsburgh, Pa. 15219, A-268.

Issue: Whether a fee (in the nature of a tax) imposed by a governmental authority upon fixed base operators who resell aviation fuel would be an element of the maximum allowable price computation set forth in 10 CFR 212.93.

January 6, 1978, Viersen & Cochran, Bland Williamson, Pray, Scott, Williamson & Marlar, Fourth National Bank Building, Tulsa, Okla. 74119, A-269.

Issue: Is the stripper well property exemption set forth in 10 CFR 212.54 applicable to a well producing liquid hydrocarbons which existed in the reservoir in a liquid phase at the time of the well's original completion, regardless of whether or not the well produces from more than one zone or reservoir.

January 9, 1978, General American Oil Co. of Texas, Charles E. Brown, General American, Meadows Building, Dallas, Tex. 75206, A-270.

Issue: May the firm recertify certain volumes of domestic crude oil notwithstanding the provisions of 10 CFR 212.131.

January 20, 1978, Independent Oil Compounds Association, William W. Scott, Collier, Shannon, Rill, Edwards & Scott, 1055 Thomas Jefferson Street, Washington, D.C. 20007, A-272.

Issue: Is the refiner price rule set forth at 10 CFR Part 212, Subpart E applicable to the sales of finished lubricants by members of the Independent Oil Compounds Association.

January 23, 1978, Elm City Filling Stations, C. David Goldman, Esq., Brenner, Saltzman & Wallman, 271 Whitney Avenue, New Haven, Conn. 06511, A-273.

Issue: May sales to three of the firm's purchasers be classified as sales to a new market as set forth in 10 CFR 212.111(a)(2).

January 18, 1978, Air Conditioning and Refrigeration Institute, Frederick A. Ballard, Esq., Ballard, Beasley & Nelson, 505 Commerce Building, 1700 K Street NW., Washington, D.C. 20006, A-274.

Issue: Are packaged terminal air conditioners a consumer product under 10 CFR Part 430, which prescribes test procedures for air conditioners.

January 25, 1978, Sun Gas Co., Frank B. Sweeney, Esq., Sun Gas Co., Two Northpark East, P.O. Box 20, Dallas, Tex. 75221, A-275.

Issue: Does Sun's processing of another company's natural gas, the BTU content of which is returned to pre-processing levels afterwards by Sun, constitute natural gas shrinkage measurable by the price of Sun's residual gas. 10 CFR 212.162, 212.166(b)(3).

January 25, 1978, Tesoro Petroleum Corp., Michael L. McReynolds, Esq., Tesoro Pe-

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troleum Corp., 8700 Tesoro Drive, San Antonio, Tex. 78286, A-276.

Issue: Is a proposed foreign exchange of residual fuel oil by Tesoro with a foreign customer an export sale under the DOE entitlement program as set forth in 10 CFR 211.67(d)(2).

[FR Doc. 78-4055 Filed 2-14-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. G-3894, et al.]

APPLICATIONS FOR CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES¹

FEBRUARY 6, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as de-

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

scribed herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 13, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-3894 (C) Feb. 1, 1978	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., New Mexico Federal Unit, Lea County, N. Mex.	(*)	14.65
CI63-1427 (D) Jan. 30, 1978	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., certain acreage in the N. Cooper Field, Blaine County, Okla.	Nonproductive, plugged and abandoned.	
CI87-152 (D) Jan. 30, 1978	Sun Oil Co.	Panhandle Eastern Pipe Line Co., certain acreage in the S. Peek field, Ellis County, Okla.	No gas wells completions and lease expired.	
CI74-81 (C) Nov. 8, 1976	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, Block 288 field, East Cameron area, offshore, Louisiana. The 6900 B Gas Sand horizon added herewith.	(*)	15.025
CI75-137 (D) Jan. 26, 1978	Beleo Petroleum Corp., as agent for Beleo 1973 Oil and Gas Fund Ltd., One Dag Hammarskjöld Plaza New York, N.Y. 10017.	Texas Eastern Transmission Corp., certain acreage in the Tatton Ranch Area, Refugio County, Tex.	Deletion due to reassignment of certain nonproductive acreage.	
CI77-344 (C) Jan. 31, 1978	Southland Royalty Co., 1600 First National Bldg., Fort Worth, Tex. 76102.	Panhandle Eastern Pipe Line Co. Shannon sandstone formation from the Federal "AS" No. 1 well located in the NW¼ of sec. 34, T45N, R75W, Campbell County, Wyo.	(*)	15.025
CI77-415 (C) Jan. 26, 1978	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., certain acreage in the Bayou Postillion field, Iberia Parish, La.	(*)	15.025
CI77-810 (D) Jan. 27, 1978	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79189.	American Louisiana Pipe Line Co. Delcambre No. 1 well located in section 27, T12S, R8E, Iberia Parish, La.	Depleted and uneconomical.	
CI78-364 (B) Jan. 27, 1978	National Exploration Co., 5373 West Alabama, Houston, Tex. 77056.	Elizabethtown Gas Co. Boggy Creek Field, Anderson County, Tex.	Depleted.	
CI78-365 (CI64-1012) (B) Jan. 24, 1978	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	South Texas Natural Gas Gathering Co. North Monte Christo Field, Hidalgo County, Tex.	Depleted, plugged and abandoned.	
CI78-366 (A) Jan. 24, 1978	CIG Exploration, Inc. (Partial Succ. in Interest to Gas Producing Enterprises, Inc.) 5 Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co. Tate No. 4 well, Panoma field, Kearny County, Kans.	(*)	14.65
CI78-367 (B) Jan. 25, 1978	E. C. Johnston Co., P.O. Box 1112, Longview, Tex. 75601.	United Gas Pipe Line Co., Waskom (Travis Peak) Field, Harrison County, Tex.	Depleted, lease expired, plugged and abandoned.	

NOTICES

6645

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI78-368 (A) Jan. 26, 1978	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Southern Natural Gas Co., certain acreage in the Bayou Postillion Field, Iberia Parish, La.	(*)	15.025
CI78-369 (A) Jan. 26, 1978	Kewanee Oil Co. (Succ. in Interest to Dow Chemical Co.) P.O. Box 2239, Tulsa, Okla. 74101.	Southern Natural Gas Co., certain acreage in the Dalcour Field, Plaquemines Parish, La.	(*)	15.025
CI78-370 (A) Jan. 27, 1978	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	El Paso Natural Gas Co., Amacker Field, Upton County, Tex.	(*)	14.65
CI78-371 (A) Jan. 27, 1978	Appalachian Exploration & Development, Inc., P.O. Box 1473, Charleston, W. Va. 25325.	Cabot Corp., all wells, depths and acreage situated in Walker District, Wood County, W. Va.	(*)	14.65

¹Applicant is filing under Casinghead Gas Contract dated Mar. 26, 1951, amended by Supplemental Agreement dated Jan. 9, 1978.

²Applicant submits that the rates, terms and conditions of Opinion 770, as clarified by Order of Oct. 21, 1976, are applicable to its filing. Applicant is also filing under Gas Purchase Contract dated July 2, 1973, amended by amendment dated Sept. 15, 1976.

³Applicant is filing under Gas Purchase and Sales Agreement dated Sept. 24, 1976 and Addendum to Gas Purchase and Sales Agreement dated Dec. 27, 1977.

⁴Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.

⁵Applicant is filing under Gas Purchase Contract dated Nov. 26, 1952, amended by amendments dated Dec. 31, 1973 and Jan. 5, 1978.

⁶Applicant is willing to accept an initial rate pursuant to Opinion No. 699H and is filing under Gas Purchase Contract dated Nov. 1, 1977.

Filing code:

- A—Initial service.
- B—Abandonment.
- C—Amendment to add acreage.
- D—Amendment to delete acreage.
- E—Succession.
- F—Partial succession.

[FR Doc. 78-3983 Filed 2-14-78; 8:45 am]

[6740-02]

[Docket No. RI76-147]

MARSHALL EXPLORATION, INC.

Order Granting Special Relief

FEBRUARY 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 Fed. Reg. 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "saving provisions" on section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR—, provided that

this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

On August 26, 1976, Marshall Exploration, Inc. (Marshall) filed a petition for special relief in Docket No. RI76-147 pursuant to section 2.56b(h) of the Commission's regulations. Marshall requests a total rate of 50 cents per Mcf for sales of 100% of the gas produced from the Huhn No. 1 and the Young No. 7-1 wells in the Grand Cane Field, Desoto Parish, La., and from the Adams Estate No. 1, Averett No. 2, and Levi Burkett No. 1 wells in the Logansport Field, Desoto Parish, La. The gas from the Grand Cane Field is being sold to Texas Eastern Transmission Corp. (Texas Eastern) while the gas from the Logansport Field is being sold to Southern Natural Gas Co. (Southern).

Notice of the petition was published in the FEDERAL REGISTER. No interventions have been filed.

The subject sales are being made pursuant to a small producer certificate issued to Marshall in Docket No. CS71-853 on January 25, 1972. Marshall is currently receiving a base rate of 35.7 cents per Mcf for these sales under contracts dated April 9, 1970, and February 2, 1966, with Texas Eastern and Southern, respectively. Texas Eastern and Southern have agreed to pay any rate authorized by the Commission in this docket by their letters of September 23, 1977, and October 6, 1977, respectively, to Marshall.

Marshall states that it is not economically feasible to continue gas sales from the subject wells at the current base rate of 35.7 cents per Mcf. Although no additional investment is proposed, Marshall contends that spe-

cial relief is necessary in order to cover the cost of additional dehydration and compression and to avoid the premature abandonment of the estimated 212,658 Mcf of remaining recoverable reserves.

In a petition where no additional work has been proposed, it has been the Commission's policy to deny a return of or on book investment. Accordingly, the cost study conducted by Staff utilizes out-of-pocket costs and is based on data submitted by Marshall in its petition and in responses to Staff's requests for additional information. These estimated costs, which include dehydration and compression charges of 22 cents per Mcf for the Grand Cane Field wells and 25 cents per Mcf for the Logansport Field wells, were escalated at an annual rate of 5% for inflation for the first five years. In this manner operating costs for Huhn No. 1 and Young No. 7-1 wells combined were estimated to be \$6,685 over a 0.75 year remaining life; for the Averett No. 2 well, \$17,867 over a two-year remaining life; and for the Levi Burkett No. 1 Well, \$63,229 over a 5.5-year remaining life.

Marshall did not request an allowance for any increase in federal income tax resulting from the Tax Reform Act of 1975, and Staff did not include such an allowance in its calculations. It is the Staff's opinion that the volumes entailed herein will not prejudice Marshall's ability to continue the use of statutory depletion.

Staff's cost study follows traditional methodology and indicates that the requested rate is cost justified. Upon consideration of the data submitted by

¹See Appendix A, attached hereto.

Marshall and Staff's analysis thereof, we conclude that the petition should be granted.

The Commission orders:

(A) The petition for special relief filed by Marshall in docket No. RI76-147 is hereby granted.

(B) Marshall is hereby authorized to collect a total rate of 50 cents per Mcf at 15.025 p.s.i.a. for the subject sales of gas to Texas Eastern and Southern effective as of the date of issuance of this order.

(C) Marshall shall file within 30 days hereof executed contract amendments signed by Texas Eastern and Southern providing for payment of the rate approved herein.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

MARSHALL EXPLORATION, INC., DOCKET NO. RI76-147, HUHN NO. 1 AND YOUNG NO. 7-1 WELLS—GRAND CANE FIELD, DE SOTO PARISH, LA.

Unit cost of gas (out-of-pocket costs)

Line No.	Item (a)	Amount (b)
1.	Net working interest volumes:	
2.	Gas—Mcf at 15.025 p.s.i.a. ¹	13,374
3.	Liquids (barrels)	0
4.	Cost of production:	
5.	Production expense ²	\$6,685
6.	Regulatory expense ³	13
7.	Total cost of production	6,698
8.	Unit cost of gas (cents/Mcf):	
9.	Cost of production ⁴	50.08
10.	Production tax ⁵	1.30
11.	Gathering allowance ⁶	1.02
12.	Total unit cost	52.40

¹15,667 Mcf (staff estimate) x 0.8024318 N.W.I.
²Based on estimated monthly operating costs of \$300 per month plus 22 cents per Mcf dehydration and compression expenses and escalated at an annual rate of 5 pct for inflation for the 0.75 year remaining life.
³Line 2 x 0.1 cent per Mcf as per Opinion No. 749.
⁴Line 7 + line 2.
⁵Production tax for low pressure gas in Louisiana.
⁶Per opinion No. 749.

MARSHALL EXPLORATION, INC., DOCKET NO. RI76-147, AVERETT NO. 2 WELL—LOGANSFORD FIELD, DE SOTO PARISH, LA.

Unit cost of gas (out-of-pocket costs)

Line No.	Item (a)	Amount (b)
1.	Net working interest volumes:	
2.	Gas—Mcf at 15.025 p.s.i.a. ¹	36,188
3.	Liquids (barrels)	0
4.	Cost of production:	
5.	Production expense ²	\$17,867

¹15,667 Mcf (staff estimate) x 0.8024318 N.W.I.
²Based on estimated monthly operating costs of \$300 per month plus 22 cents per Mcf dehydration and compression expenses and escalated at an annual rate of 5 pct for inflation for the 0.75 year remaining life.
³Line 2 x 0.1 cent per Mcf as per Opinion No. 749.
⁴Line 7 + line 2.
⁵Production tax for low pressure gas in Louisiana.
⁶Per opinion No. 749.

Line No.	Item (a)	Amount (b)
6.	Regulatory expense ¹	36
7.	Total cost of production	17,903
8.	Unit cost of gas (cents/Mcf):	
9.	Cost of production ²	49.47
10.	Production tax ³	1.30
11.	Total unit cost of gas	50.77

¹41,676 Mcf (staff estimate) x 0.8683269 N.W.I.
²Based on estimated average monthly operating costs of \$245 per month plus 25 cents/Mcf dehydration and compression expenses and escalated at an annual rate of 5 pct per year for the two year remaining life.
³Line 2 x 0.1 cent/Mcf as per Opinion No. 749.
⁴Line 7 + line 2.
⁵Production tax for low pressure gas in Louisiana.

MARSHALL EXPLORATION, INC., DOCKET NO. RI76-147, LEVI BURKETT NO. 1 WELL—LOGANSFORD FIELD, DE SOTO PARISH, LA.

Unit cost of gas (out-of-pocket costs)

Line No.	Item (a)	Amount (b)
1.	Net working interest volumes:	
2.	Gas—Mcf at 15.025 p.s.i.a. ¹	121,339
3.	Liquids (barrels)	0
4.	Cost of production:	
5.	Production expense ²	\$63,229
6.	Regulatory expense ³	121
7.	Total cost of production	63,350
8.	Unit cost of gas (cents/Mcf):	
9.	Cost of production ⁴	52.21
10.	Production tax ⁵	1.30
11.	Total unit cost of gas	53.51

¹154,315 Mcf (staff estimate) x 0.7863065 N.W.I.
²Based on estimated monthly operating costs of \$245 per month plus 25 cents/Mcf dehydration and compression expenses and escalated at an annual rate of 5 pct for inflation for the first five years.
³Line 2 x 0.1 cents/Mcf as per Opinion No. 749.
⁴Line 7 + line 2.
⁵Production tax for low pressure gas in Louisiana.
[FR Doc. 78-3982 Filed 2-14-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

(FRL 856-4)

ACCEPTABLE FUEL SAMPLING ANALYSIS METHODS FOR DEMONSTRATING COMPLIANCE BY SULFUR DIOXIDE SOURCES IN OHIO

United States Environmental Protection Agency (U.S. EPA) is publishing the following policy statement on an acceptable alternate method of demonstrating compliance with the federally promulgated Ohio Sulfur Dioxide regulation in response to requests from several sources in Ohio for clarification of what alternate methods would be acceptable. See 40 CFR § 52.1882 (a)(5) and (b)(5).

The Ohio implementation plan regulation for the control of sulfur dioxide

(SO₂) emissions (40 CFR 52.1881, 41 FR 36324 as amended by 41 FR 52455 and 41 FR 27588) requires that sources emitting 100 tons or greater of SO₂ per year which are in compliance with the regulation's emission limitation must certify that fact of compliance to the Administrator. 40 CFR 52.1882 (a)(5) and (b)(5). Compliance is required to be demonstrated through stack emission tests performed pursuant to the procedures specified in 40 CFR 60.46. While the regulation does not provide for demonstrating compliance by methods other than those specified in 40 CFR 60.46, the Agency has determined that for fossil fuel-fired steam generators certain fuel sampling analysis methods provide an acceptable alternative method and therefore may be submitted by Ohio SO₂ sources to U.S. EPA to demonstrate compliance.

Specifically, coal analysis conducted in accordance with ASTM method D3176 based on a twenty-four (24) hour period of fuel average or other equivalent methods approved by U.S. EPA in writing may be submitted by such Ohio sources to U.S. EPA to demonstrate compliance. Thus an owner or operator of a fossil fuel-fired steam generator may certify compliance by demonstrating through fuel analysis results based upon twenty-four (24) hour fuel averaging that the SO₂ emissions from the source will not exceed the applicable emission limitations 40 CFR 52.1881(b).

The use of fuel sampling analysis methods to demonstrate compliance is intended to eliminate the necessity of conducting a stack test on every emitting source in Ohio. However, acceptance by U.S. EPA of compliance certifications based on fuel analysis does not preclude the Administrator from requiring stack tests at a later time pursuant to Section 114 of the Clean Air Act or initiating enforcement actions based upon the results of subsequent stack tests.

Dated: February 9, 1978.

GEORGE R. ALEXANDER, Jr.,
Regional Administrator.

(FR Doc. 78-4176 Filed 2-14-78; 8:45 am)

[6560-01]

ENVIRONMENT AND CONSERVATION IN NONNUCLEAR ENERGY RESEARCH AND DEVELOPMENT

(FRL 856-6)

Public Hearing

The Environmental Protection Agency (EPA) announces a Public Hearing on Environment and Conservation in Nonnuclear Energy Research and Development to be held at the General Services Administration Auditorium, 7th and D Streets, SW., Washington, D.C. from 9 a.m. to 4:30

p.m., March 29-31, 1978. The public is invited to attend.

Section 11 of the Nonnuclear Energy Research and Development Act of 1974 (Pub. L. 93-577) directs the responsible agency (formerly the Council on Environmental Quality, currently EPA) to carry out a continuing analysis of the Federal nonnuclear energy research and development program to evaluate the adequacy of attention to: (1) Energy conservation methods; and (2) Environmental protection from, and environmental consequences of the application of nonnuclear energy technologies.

Public views are an important component of this continuing analysis. Under direction of the Act, annual public hearings are held to provide the opportunity for interested individuals or groups to testify on environmental and conservation aspects of the research and development program. In particular, the 1978 hearing will focus on the Department of Energy's research programs directed at the following subjects:

- (a) Future energy patterns and coal use (March 29).
- (b) Energy conservation and solar energy development (March 30).
- (c) Oil shale and synthetic fuels from coal (March 31).

Transcripts of the hearings will be available to the public and will be transmitted to the President, the Congress, and the Secretary of the Department of Energy.

Additional information about this hearing may be obtained by phoning David Graham (202-755-0205) or Steven Plotkin (202-755-0645). Individuals or organizations wishing to testify should submit, on or before March 1, 1978, a brief summary of their intended testimony to:

Steven R. Rezek, Acting Deputy Assistant Administrator for Energy, Minerals, and Industry (Attention: Section 11 Hearing), RD-681, U.S. Environmental Protection Agency, Washington, D.C. 20460.

Witnesses may submit written testimony and/or deliver an oral statement of up to ten minutes in length. Additional time will be reserved for questions and comments from a panel of experts and written questions from the audience.

Dated: January 30, 1978.

STEPHEN J. GAGE,
Acting Assistant Administrator,
for Research and Development.

(FR Doc. 78-4177 Filed 2-14-78; 8:45 am)

[6560-01]

(FRL 856-3)

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Delegation of Authority to State of Delaware

On December 23, 1971 (36 FR 24876) and on March 8, 1974 (39 FR 9308), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for certain categories of new stationary sources (NSPS). On April 6, 1973 (38 FR 8820), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator promulgated national emission standards for certain hazardous air pollutants (NESHAPS). Sections 113(c) and 112(d) direct the Administrator to delegate his authority to implement and enforce NSPS and NESHAPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

On September 7, 1977, the Honorable Pierre S. DuPont IV, Governor, State of Delaware, submitted to the EPA Regional Office a request for delegation of authority. Included in the request were copies of and references to pertinent Delaware statutes and regulations governing the control of air pollution, which provide the State with the requisite authority to enforce certain NSPS and NESHAPS. After a thorough review of that request, the Regional Administrator has determined that for the source categories set forth in paragraphs A and B of the following official letter the Honorable Pierre S. DuPont IV, Governor of the State of Delaware, delegation is appropriate subject to the conditions set forth in paragraph 1 through 9 of that letter:

SEPTEMBER 30, 1977.

Certified Mail Return Receipt Requested

Re Delegation of authority of new source performance standards and national emissions standards for hazardous air pollutants pursuant to sections 111(c) and 112(d), Clean Air Act, as amended.

Hon. PIERRE S. DUPONT IV,
Governor, State of Delaware,
Dover, Del. 19901

DEAR GOVERNOR DUPONT: This is in response to your letter of September 7, 1977, requesting delegation of authority for implementation and enforcement of certain Standards of Performance for New Stationary Sources (NSPS) and certain National Emissions Standards for Hazardous Air Pollutants (NESHAPS) to the State of Delaware's Department of Natural Resources and Environmental Control (the Department).

We have reviewed the pertinent laws of the State of Delaware and its Regulations governing the control of air pollution, and have determined that they provide an adequate and effective procedure for implementation and enforcement of the NSPS and NESHAPS regulations by the Department. Therefore, we hereby delegate authority to the Department, as follows:

A. The Department is delegated and shall have authority for all sources located in the State of Delaware subject to the following Standards for Performance for New Stationary Sources promulgated in 40 CFR Part 60: Fossil fuel-fired steam generators; incinerators; nitric acid plants; asphalt concrete plants; storage vessels for petroleum liquids; and sewage treatment plants.

B. The Department is delegated and shall have authority for all sources located in the State of Delaware subject to the following National Emissions Standards for Hazardous Air Pollutants promulgated in 40 CFR Part 61: Asbestos; beryllium; and mercury.

This delegation is based upon the following conditions:

1. Quarterly reports will be submitted to EPA by the Department, including:

(A) For New Source Performance Standards:

(1) Sources determined to be applicable during that quarter;

(2) Applicable sources which started operation during that quarter or which started operation prior to that quarter which have not been previously reported;

(3) The compliance status of the above, including the summary sheet from the compliance test(s); and

(4) Any legal actions which pertain to NSPS sources.

(B) For National Emission Standards for Hazardous Air Pollutants:

(1) NESHAPS sources granted a permit to construct;

(2) NESHAPS sources inspected during that quarter and their compliance status (except under § 61.22(d) and (e));

(3) The number of inspections under § 61.22(d) and (e); and

(4) The requirements of (A) above.

2. Enforcement of the NSPS and NESHAPS regulations in the State of Delaware will be the primary responsibility of the Department.

Where the Department determines that such enforcement is not feasible and so notified EPA, or where the Department acts in a manner inconsistent with the terms of this delegation, EPA will exercise its concurrent enforcement authority pursuant to section 113 of the Clean Air Act, as amended, with respect to sources within the State of Delaware subject to NSPS and NESHAPS regulations.

3. Acceptance of this delegation of certain promulgated NSPS and NESHAPS does not commit the State of Delaware to request or accept delegation of other present or future standards and requirements. A new request for delegation will be required for any standards not included in the State's request of September 7, 1977.

4. The Department will at no time grant a waiver of compliance under the NESHAPS regulations.

5. The Department will not grant a variance from compliance with the applicable NSPS or NESHAPS regulations if such variance delays compliance with the Federal

Standards (Parts 60 and 61). Should the Department grant such a variance, EPA will consider the source receiving the variance to be in violation of the applicable Federal regulations and may initiate enforcement action against the source pursuant to Section 113 of the Clean Air Act. The granting of such variances by the Department shall also constitute grounds for revocation of delegation by EPA.

6. The Department and EPA will develop a system of communication sufficient to guarantee that each office is always fully informed regarding the interpretation of applicable regulations. In instances where there is a conflict between a Department interpretation and a Federal interpretation of applicable regulations, the Federal interpretation must be applied if it is more stringent than that of the Department.

7. If at any time there is a conflict between a department regulation and a Federal regulation (40 CFR Parts 60 and 61), the Federal regulation must be applied if it is more stringent than that of the Department. If the Department does not have the authority to enforce the more stringent Federal regulation, this portion of the delegation may be revoked.

8. The Department will utilize the methods specified in 40 CFR Parts 60 and 61, in performing source tests pursuant to the regulations.

9. If the Regional Administrator determines that a Department program for enforcing or implementing a NSPS or NESHAPS regulation is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Department.

A Notice announcing this delegation will be published in the *FEDERAL REGISTER* in the near future. The Notice will state, among other things, that effective immediately, all reports required pursuant to the above-mentioned Federal NSPS and NESHAPS regulations by sources located in the State of Delaware should be submitted to the State of Delaware, Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Del. 19901, in addition to EPA, Region III. Any such reports which have been or may be received by EPA, Region III, will be promptly transmitted to the Department.

Since this delegation is effective immediately, there is no requirements (sic) that the Department notify EPA of its acceptance. Unless EPA receives from the Department written notice of objections within ten (10) days of receipt of this letter, the State of Delaware's Department of Natural Resources and Environmental Control will be deemed to have accepted all of the terms of the delegation.

Sincerely,

JACK J. SCHRAMM,
Regional Administrator.

Therefore, pursuant to the authority delegated to him by the Administrator, the Regional Administrator notified the Honorable Pierre S. DuPont IV, Governor, State of Delaware, on September 30, 1977, that authority to implement and enforce certain standards of performance for new stationary sources and national emission standards for hazardous air pollutants was delegated to the State of Delaware.

Copies of that request for delegation of authority are available for public inspection at the Environmental Protection Agency, Region III Office, 6th and Walnut Streets, Philadelphia, Pa. 19106.

Effective immediately, all reports required pursuant to the standards of performance for new stationary sources and the national emission standards for hazardous air pollutants listed in the above letter should be submitted to the Delaware Department of Natural Resources and Environmental Control, Edward Tatnall Building, Dover, Del. 19901, with copies to EPA, Region III. However, reports required pursuant to 40 CFR 60.7(c) (excess emissions and malfunctions) should be sent to the Delaware Department of Natural Resources and Environmental Control, only.

This Notice is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended, 42 U.S.C. 1857c-6 and 7.

Dated: January 31, 1978.

JACK J. SCHRAMM,
Regional Administrator.
[FR Doc. 78-4079 Filed 2-14-78; 8:45 am]

[6560-01]

[FRL 855-8; OPP-42037C]

STATE OF COLORADO

Intent To Implement a Federal Plan for Certification of Pesticide Applicators

INTRODUCTION

Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, 7 U.S.C. 136 et seq., the Administrator of the U.S. Environmental Protection Agency (EPA) has the authority to classify all registered pesticide uses as either "restricted use" or "general use". Use of a restricted use pesticide by, or retail sale of a restricted use pesticide to, an individual who is not certified or acting under the direct supervision of a certified applicator, is a violation of the amended FIFRA.

It was the intent of Congress that persons desiring to use restricted use pesticides should be able to obtain certification under state programs approved by EPA. The criteria for such approval are published at 40 CFR Part 171. Each state, however, must accept or decline to accept responsibility for developing and administering an approvable state program. While it is EPA's position that state programs are best suited to the needs of the state and its citizens, EPA has no authority to require states to develop their own programs.

Between April and November 1976, the Colorado Department of Agriculture, in coordination with the EPA, Region VIII, Pesticides Branch and

Regional Counsel, developed an applicator certification plan and drafted proposed pesticide legislation necessary to provide legal authority for the administration of a state plan. On November 17, 1976, Colorado Governor Richard Lamm submitted the State's Plan for the Certification of Pesticide Applicators to EPA. Approval was requested contingent on passage of the proposed pesticide legislation and promulgation of implementing regulations.

On January 4, 1977, EPA, Region VIII, Denver, Colorado, published a notice in the *FEDERAL REGISTER* (42 FR 839) announcing the Agency's intent to approve on a contingency basis Colorado's State Plan. Following a 30-day comment period, during which no comments were received, a notice was published in the *FEDERAL REGISTER* on March 14, 1977 (42 FR 13861) announcing the Agency's contingent approval of the Colorado State Plan. Contingent approval for the Colorado State Plan was granted until May 1, 1977.

On April 28, 1977, the Regional Administrator, EPA, Region VIII, signed a *FEDERAL REGISTER* notice announcing an extension of the contingent approval for Colorado's State Plan until June 18, 1977. This extension was granted to allow additional time for the Colorado State Legislature to consider the pending pesticide applicator certification legislation. This notice was published in the *FEDERAL REGISTER* on May 20, 1977 (42 FR 25912). On June 22, 1977, the Colorado State Legislature officially adjourned without formal consideration of the proposed legislation.

Any state agency desiring to certify pesticide applicators under the amended FIFRA must have the required legal authority to develop and administer the program, as required by section 4 of the amended FIFRA and 40 CFR Part 171. The failure of the Colorado State Legislature to enact pesticide applicator certification legislation denied the State's Department of Agriculture the legal authority to administer an approvable pesticide applicator certification program. Consequently, the terms of EPA's contingent approval of Colorado's Plan have not been met and EPA must assume responsibility to provide a certification program for the citizens of the State of Colorado.

In accordance with the provisions of Section 4(a)(1) of the FIFRA, as amended, the 40 CFR Part 171, notice is hereby given that the EPA, Region VIII, will conduct a program within the State of Colorado to certify applicators of restricted use pesticides.

The entire EPA Plan, together with all attached appendices, may be examined during normal business hours at the following locations:

(1) Room 227, 1860 Lincoln Street, Denver, Colo. 80295, Pesticides Branch, Air and Hazardous Materials Division, EPA, Region VIII, telephone 303-837-3926.

(2) Room M2709, Waterside Mall, 401 M Street SW., Washington, D.C. 20460, Operations Division, WH-570, Office of Pesticide Programs, EPA, telephone 202-755-0356.

A summary of the EPA certification program for the State of Colorado follows.

SUMMARY OF CERTIFICATION PLAN

The EPA, Region VIII, Denver, Colo. (hereafter called "Region VIII") will be the lead agency for the administration of the pesticide applicator certification program in the State of Colorado, with the Air and Hazardous Materials Division, Pesticides Branch, responsible for the program's implementation and coordination. The Colorado State University (CSU) Cooperative Extension Service has the responsibility for administering statewide the EPA approved pesticide applicator training program. This includes preparing and conducting training courses for applicators as well as preparing and distributing training materials. The Pesticides Branch will review all training materials and courses to ensure that they meet the requirements of the amended FIFRA and its regulations.

Legal authority for EPA to conduct the applicator certification program is found primarily in section 4 of the amended FIFRA, regulations at 40 CFR 171.1 through 171.10, and proposed regulations at 40 CFR 171.11. Additional enforcement authorities are found in sections 8, 9, and 12 of the amended FIFRA and at U.S. Code, Title 18, section 1001.

Region VIII has adequate resources to conduct a certification program in Colorado which meets the requirements of the amended FIFRA and regulations at 40 CFR Part 171. These resources include funding which was originally budgeted for grant assistance to the Colorado Department of Agriculture for program development, implementation and administration. EPA also has funding available for applicator training by the CSU Cooperative Extension Service.

Region VIII personnel will be responsible for the maintenance of the Colorado certification program. Additional personnel may be assigned to Region VIII, as needed. In addition, EPA anticipates contracting with commercial firms to lessen the need to hire additional permanent personnel.

Region VIII will prepare an annual report on or before March 31 of each year. Copies of this report will be made available to the Governor of Colorado, Commissioner of the Colorado Department of Agriculture, and Director of the CSU Cooperative Extension Service. Copies of this report will

be available for public inspection at the EPA, Region VIII, Pesticides Branch Office at 1860 Lincoln Street, Denver, Colo., between 9 a.m. and 3:30 p.m., Monday through Friday.

Region VIII estimates that approximately 3,000 commercial applicators and 20,000 private applicators will need to be certified in Colorado. Qualified commercial and private applicators will be issued certification credentials.

Region VIII will use the same commercial applicator categories as outlined at 40 CFR 171.3(b). No additional major categories or subcategories will be used in the Colorado program at this time. The standards of Competency for commercial applicators will be those outlined at 40 CFR 171.4 (b) and (c) and 171.6.

All individuals seeking certification as commercial applicators will be required to take and successfully pass written examinations prior to being certified. These examinations will cover the general standards at 40 CFR 171.4(b) and 171.6 and the standards for each category in which the applicator wishes to be certified, at 40 CFR 171.4(c)(1) through 171.4(c)(10). A score of 70 percent or better is required for passage of each examination. All commercial applicators will be required to be recertified by written examination every two years.

If adequate resources are available, written examinations for commercial applicators will be administered by Region VIII at various locations in Colorado. Information concerning times, dates and locations of examination sessions will be prepared and published. Examinations may also be taken by appointment at the Pesticides Branch office, 1860 Lincoln Street, Denver, Colo.

Region VIII will make provision to issue commercial certification credentials in the appropriate category(ies) valid in the State of Colorado to commercial applicators who hold a certificate valid in other States or Indian Reservations with EPA approved plans. Applicators will be required to present written documentation of certification to the Pesticides Branch office prior to being issued an EPA certification credential for Colorado. All commercial applicators seeking certification through this means must have met the same requirements as commercial applicators who have obtained initial certification from this Agency in accordance with the preceding two paragraphs. Certification issued in this manner will be valid for two years from the date of issuance of the credential or upon termination of the original certification, whichever occurs first.

The standards of competency for private applicators will be those at 40 CFR 171.5 and 171.6. Individuals may

be certified as private applicators in Colorado by completing one of the following options:

1. *Successful completion of an approved training course.* Approved training courses may include but are not limited to courses sponsored by EPA, the CSU Cooperative Extension Service, the Colorado Division of Occupational Education (Vo-Ag), or private educational institutes. Each training session for certification must be approved by Region VIII and include at a minimum: (a) Coverage of private applicator standards which are listed at 40 CFR 171.5 and 171.6 and, (b) completion of the required no pass/no fail written questionnaire or receipt of a passing grade for a course offered by a recognized educational institution.

The CSU Cooperative Extension Service, in cooperation with Region VIII, will conduct training sessions for private applicators at various locations in Colorado. Information concerning times, dates and locations of these training courses will be made available through the local county extension agents.

2. *Successful completion of a written examination.* To pass the written exam, a score of 70 percent or better will be required. This exam will cover the standards listed at 40 CFR 171.5 and 171.6.

If adequate resources are available, written examinations for private applicators will be administered by representatives of the EPA at various locations in Colorado. Information concerning times, dates and locations of examinations will be prepared and published. Examinations may also be taken by appointment at the Region VIII office.

(Although Section 4 of the amended FIFRA prohibits EPA from requiring individuals to be certified as private applicators only by written examination, it is the Agency's view that applicators should be given this option. In many cases individuals seeking certification as private applicators may not have the time or desire to be certified by completion of training. In these cases an applicator may have the opportunity to be certified, on a voluntary basis, by written examination.)

3. *Successful completion of a self-study program.* An individual seeking certification as a private applicator may choose the optional requirement of completing the EPA programmed instruction learning course "Apply Pesticides Correctly" in the presence of an official of the Region VIII office or an EPA designated official. This official will verify that the applicator has completed the program and is qualified for certification. If adequate resources are available, the EPA will conduct sessions in various locations throughout Colorado where applica-

tors can complete the program under Agency guidance. Information concerning times, dates and locations will be developed and made public.

4. *Submitting evidence of certification as a private applicator in any other State having an EPA approved applicator certification program.* A private applicator will be required under this option to submit written evidence (copy of certification credential, license, etc.) of certification to Region VIII before receiving private applicator certification in Colorado. Applicants seeking certification under this mechanism must have met requirements equal to those established above. Certification issued in this manner will be valid for three years from date of issuance or the expiration date of the certificate upon which EPA certification was based, whichever occurs first.

5. *Non-Readers.* Region VIII will certify non-readers for the use of a single product for specific use(s), if the individual seeking certification successfully completes an approved training course or passes an oral examination approved by Region VIII. Such training or testing shall incorporate a specific procedure relating to label comprehension, as described at 40 CFR 171.5(b)(1).

All private applicators will be required to be recertified every three years. Private applicators may be recertified by successful completion of one of the options available for original certification.

To ensure that certified applicators comply with standards for the use of restricted use pesticides and to provide adequate supervision of noncertified applicators, EPA inspectors will investigate incidents, accidents and complaints related to pesticide use. EPA inspectors will also make routine inspections of pesticide manufacturers, distributors, dealers and users.

In cases where misuse occurs, EPA may, if appropriate, modify, suspend or revoke a certificate or take action under section 14 of the amended FIFRA. Under section 14, EPA has the authority to assess both civil and criminal penalties. Commercial applicators, wholesalers, dealers, retailers or other distributors can be assessed up to a \$5,000 fine for each offense as civil penalties and up to a \$25,000 fine or imprisonment, for not more than one year, or both, for each offense as criminal penalties. Private applicators, subsequent to receiving a written warning, can be assessed a civil penalty up to \$1,000, or a criminal penalty of not more than a \$1,000 fine and/or imprisonment for not more than 30 days, for each offense.

PUBLIC COMMENTS

Interested persons are invited to submit written comments on the pro-

posed Federal certification program for the State of Colorado to the Chief, Pesticides Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Suite 103, Denver, Colo. 80295. Comments must be received on or before March 17, 1978, and should bear the identifying notation (OPP-42037C). All written comments filed pursuant to this notice will be available for public inspection at the above mentioned location from 8:30 a.m. to 3:30 p.m., Monday through Friday.

Dated: February 3, 1978.

JERRY W. RAISCH,
Acting Regional Administrator,
Region VIII.
(FR Doc. 78-4080 Filed 2-14-78, 8:45 am)

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

(Report No. I-431)

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing.

JANUARY 30, 1978.

The Applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1).

For the Federal Communications Commission.

WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

Texas, 219-DSE-P/L-78 Community Telecommunications, Inc., Huntsville Texas., for authority to construct, own and operate a domestic communications receive-only Earth station at this location. Lat. 30°41'56" N. Long. 95°33'39" W. Rec. freq: 3500-4200 MHz. Emission 36000F9. With a 5 meter antenna.

Oklahoma, 255-DSE-AL-78 Kansas State Network, Inc., Chickasha, Oklahoma (KE89), assignment of license to Kansas State Network, Inc. From: Cablevision of Chickasha Co.

South Dakota, 248-DSE-P/L-78 Central Plains Cable TV, Inc., Mitchell, South Dakota, authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 43°42'02" N. Long. 98°00'39" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

Florida, 249-DSE-P/L-78 Teleprompter Corp., New Fort Richey, Fla., authority to construct, own and operate a domestic communications satellite receive-only

Earth station at this location. Lat. 28°14'40" N. Long. 82°42'05" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

New Mexico, 250-DSE-P/L-78 Teleprompter Corp., Lovington, New Mex., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°57'32" N. Long. 103°21'15" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

Tennessee, 251-DSE-P/L-78 FNI Communications Co., Cookeville, Tennessee, authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 36°09'44" N. Long. 85°29'49" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.3 meter antenna.

New Mexico, 252-DSE-P/L-78 Teleprompter Corp., Portales, New Mex., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 34°09'48" N. Long. 103°20'20" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

Mississippi, 253-DSE-P/L-78 Vicksburg Video, Inc., Vicksburg, Miss., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°21'21" N. Long. 90°48'50" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 4.5 meter antenna.

Wisconsin, 254-DSE-P/L-78 American Television & Communications Corp., Eau Claire, Wis., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 44°48'34" N. Long. 91°34'06" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

New Mexico, 256-DSE-P/L-78 Sun Cable TV, Inc., Deming, N. Mex., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°18'24" N. Long. 107°45'10" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

Louisiana, 257-DSE-P/L-78 Telecable, Inc., Jonesboro, La., authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°15'11" N. Long. 92°42'46" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

Alaska, 258-DSE-P-78 University of Alaska, Fairbanks, Alaska, authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 64°55'30" N. Long. 147°59'38" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 10 meter antenna.

SATELLITE COMMUNICATIONS SERVICES

New Mexico, 262-DSE-P/L-78 Hurley Cable TV, Inc. (near) Hurley, N. Mex. Authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 32°42'44" N. Long. 108°07'54" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 6 meter antenna.

Washington, 261-DSE-P/L-78 American Satellite Corp., Kent, Wash. Authority to construct, and operate a transmit/receive

Earth station at this location. Lat. 47°25'06" N. Long. 122°15'31" W. Transmit freq: 5925-6425 MHz. and Rec. freq: 3700-4200 MHz. Emission 90P9Y. With a 5 meter antenna.

North Carolina, 264-DSE-P/L-78 Southern Communications Corp., Roanoke Rapids, N.C. Authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 36°25'16" N. Long. 77°38'25" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

West Virginia, 265-DSE-P/L-78 Video Cable Co., Inc., Princeton, W. Va. Authority to construct, own and operate a domestic communications satellite receive-only Earth station at this location. Lat. 37°24'03" N. Long. 81°05'19" W. Rec. freq: 3700-4200 MHz. Emission 36000F9. With a 5 meter antenna.

4-DSS-P-78, 5-DSS-P-78, 6-DSS-P-78, 7-DSS-P-78, 8-DSS-P-78, 9-DSS-P-78, 10-DSS-P-78 Western Union Space Communications, Inc. Applications for authority to construct commercial systems of 7 space stations for Advanced WESTAR domestic satellite communications in the 4/6/12/14 GHz bands.

The proposed construction program consists of 5 complete satellites and components for sixth and seventh satellites. Commercial domestic satellite services would be provided by means of the following facilities to be incorporated into each satellite:

(a) 12 transponders transmitting in the 3700-4200 MHz band and receiving in the 5925-6425 MHz band, nominal 36000F9 emission, with a nominal EIRP of 33 dBW and a nominal G/T of -7.4 dB/K over the continental United States, and transponder transmit center frequencies of 3720, 3760, 3800, 3840, 3880, 3920, 3960, 4000, 4040, 4080, 4120 and 4160 MHz (horizontal polarization);

(b) 4 transponders transmitting in the 11.7-12.2 GHz band and receiving in the 14.0-14.5 GHz band, nominal 225000F9 emission (supporting 250 Mbps QPSK), obtained through the use of multiple antenna beams, cross-polarization and satellite switched TDMA, transponder transmit center frequencies are at 11.8126 and 12.0875 GHz with horizontal, vertical and circular polarizations, with nominal EIRP's between 42.0 and 50.3 dBW and nominal G/T's between -5.0 and 4.4 dB/K.

Normal commercial T.T. & C. operations are to be conducted at 11.939 GHz (telemetry), 14.236 GHz (Command) and 14.250 GHz (pilot).

New Mexico, 263-DSE-P-78 Western Union Space Communications, Inc., White Sands, N. Mex. Application for authority to construct a T.T. & C. Earth station for operations with Advanced WESTAR satellites. Lat. 32°30'03" N. Long. 106°36'31" W. Trans. freq: 14.2359625 GHz, 14.250 GHz, 3000F9, 64 dBW EIRP. Rec. freq: 11.939 GHz, 10000F9 with a 4.5 meter antenna.

Informative.—Each of these spacecraft will be capable of operating as government radio stations in the 2.0-2.3, 13.4-14.05 and 14.6-15.23 GHz bands in the Tracking and Data Relay Satellite System of NASA or as commercial domestic satellite facilities in

the bands specified above. The planned in-orbit configuration consists of two satellites dedicated to TDRSS, one dedicated for advanced WESTAR at 103° West Longitude, and an in-orbit spare for all 3 at 99° West Longitude, with the fifth complete satellite an on-the-ground spare. Alternative orbital locations for the dedicated Advanced WESTAR and in-orbit spare satellites are discussed in the applications, and orbital locations will be assigned by the Commission taking all factors into account, including international frequency coordination.

(FR Doc. 78-4089 Filed 2-14-78; 8:45 am)

[6712-01]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: February 7, 1978.

Released: February 13, 1978.

Notice is hereby given, pursuant to §1.572(c) and 1.573(d) of the Commission's rules, that on April 16, 1978, the TV and FM translator applications listed in the attached appendix will be considered as ready and available for processing. Pursuant to §1.227(b)(1) and §1.519(b) of the Commission's rules, and application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 15, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on April 15, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to §1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to §1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,

Secretary.

FM TRANSLATOR APPLICATIONS

BMPFT-57 (K296BB), Rifle and Anvil Points, Colo., Mesa Broadcasting Co. Req: Change output frequency to Channel 261, 100.1 MHz, change principal community to Rifle, Colo.

BMPFT-59 (K252AB), Livingston, Mont., Christian Enterprises, Inc. Req: Change output frequency to Channel 257, 99.3 MHz.

BPFT-488 (new), East Salt Creek and West Douglas Creek rural area, Colorado, Mesa Broadcasting Co. Req: Channel 261, 100.1 MHz, 10 watts. Primary: KQIX-FM, Grand Junction, Colo.

BPFT-489 (new), Weaverville, Douglas City Junction, Calif., Weaverville Translator Co., Inc. Req: Channel 288, 105.5 MHz, 10 watts. Primary: KPAY-FM, Chico, Calif.

BPFT-490 (new), Weaverville, Douglas City Junction, Calif., Weaverville Translator Co., Inc. Req: Channel 292, 106.3 MHz, 10 watts. Primary: KFMP-FM, Chico, Calif.

BPFT-492 (new), Roanoke, Sugar Loaf area, Va., Commonwealth of Virginia, State Board for Community Colleges, Virginia Western Community College. Req: Channel 211, 90.1 MHz, 1 watt. Primary: WVWR-FM, Roanoke, Va.

BPFT-493 (new), Monticello-Blanding and Canyonlands National Park, Utah, Radio San Juan, Inc. Req: Channel 285, 104.9 MHz, 10 watts. Primary: KRSJ-FM, Durango, Colo.

BPFT-496 (new), "up country", Maui, Hawaii, Maui Broadcasting Corp. Req: Channel 244, 96.7 MHz, 10 watts. Primary: KAOI-FM, Wailuku, Hawaii.

BPFT-497 (new), Homer, Alaska, KSRM, Inc. Req: Channel 265, 100.9 MHz, 10 watts. Primary: KOOK-FM, Kenai, Alaska.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3490 (K66AD), Redwood Falls, Minn., Redwood TV Improvement Corp. Req: Change frequency to Channel 58, 734-740 MHz.

BPTT-3491 (K80AL), Redwood Falls, Minn., Redwood TV Improvement Corp. Req: Change frequency to Channel 66, 782-788 MHz.

BPTT-3492 (K82BN), Redwood Falls, Minn., Redwood TV Improvement Corp. Req: Change frequency to Channel 68, 794-800 MHz.

BPTT-3493 (new), Wolf Point, Mont., Poplar TV District. Req: Channel 55, 716-722 MHz, 100 watts. Primary: KFBB-TV, Great Falls, Mont.

BPTT-3494 (new), Goodlett, Acme, Quanah, and Chillicothe, Tex., Copper Breaks TV Translator System. Req: Channel 63, 764-770 MHz, 20 watts. Primary: KAMR-TV, Amarillo, Tex.

BPTT-3495 (new), Goodlett, Acme, Quanah, and Chillicothe, Tex., Copper Breaks TV Translator System. Req: Channel 65, 776-782 MHz, 20 watts. Primary: KAUZ-TV, Wichita Falls, Tex.

BPTT-3496 (new), Goodlett, Acme, Quanah, and Chillicothe, Tex., Copper Breaks TV Translator System. Req: Channel 67, 788-794 MHz, 100 watts. Primary: KVIL-TV, Amarillo, Tex.

BPTT-3497 (new), Hollis, Gould, Duke, Vinson, and Reed, Okla., Southwest TV Translator System. Req: Channel 55, 716-722 MHz, 100 watts. Primary: KAMR-TV, Amarillo, Tex.

BPTT-3498 (new), Hollis, Gould, Duke, Vinson, and Reed, Okla., Southwest TV Translator System. Req: Channel 57, 728-734 MHz, 100 watts. Primary: KAUZ-TV, Wichita Falls, Tex.

BPTT-3499 (new), Hollis, Gould, and Duke, Okla., Southwest TV Translator System. Req: Channel 59, 740-746 MHz, 100 watts. Primary: KVIL-TV, Amarillo, Tex.

BMPTT-969 (K78CG), Salmon, Idaho, Lemhi Television Corp. Req: Change frequency to Channel 65, 776-782 MHz.

BPTT-3500 (new), Stroudsburg, Pa., NEP Communications, Inc. Req: Channel 66, 782-788 MHz, 100 watts. Primary: WNEP-TV, Scranton-Wilkes Barre, Pa.

BPTT-3501 (new), Rock Rapids and surrounding area, Iowa, State Educational Radio and Television. Req: Channel 25, 536-542 MHz, 1 watt. Primary: KSIN-TV, Sioux City, Iowa.

BPTT-3502 (new), Sibley and surrounding area, Iowa, State Educational Radio and Television Facility Board. Req: Channel 33, 584-590 MHz, 1 watt. Primary: KSIN-TV, Sioux City, Iowa.

BPTT-3503 (new), Fort Madison and surrounding area, Iowa, State Educational Radio and Television Facility Board. Req: Channel 38, 614-620 MHz, 1 watt. Primary: KIIN-TV, Iowa City, Iowa.

BPTT-3504 (new), Keosauqua and surrounding area, Iowa, State Educational Radio and Television Facility Board. Req: Channel 54, 710-716 MHz, 100 watts. Primary: KIIN-TV, Iowa City, Iowa.

BPTT-3509 (new), Alexandria and Douglas County, Minn., Central Minnesota Television Co. Req: Channel 60, 746-752 MHz, 100 watts. Primary: KDAL-TV, Duluth, Minn.

BPTT-3510 (new), Alexandria and Douglas County, Minn., Central Minnesota Television Co. Req: Channel 58, 734-740 MHz, 100 watts. Primary: WIRT-TV, Hibbing, Minn.

BPTT-3511 (K57AL), Indian Village and Fort Wingate, N. Mex., The Navajo Tribe. Req: Change principal community to Thoreau, N. Mex.

BPTT-3512 (K72CN), Indian Village and Fort Wingate, N. Mex., The Navajo Tribe. Req: Change frequency to Channel 55, 718-722 MHz, change principal community to Thoreau, N. Mex., increase output power to 100 watts.

BPTT-3513 (K80CA), Indian Village and Fort Wingate, N. Mex., The Navajo Tribe. Req: Change frequency to Channel 59, 740-746 MHz, change principal community to Thoreau, N. Mex., increase output power to 100 watts.

BPTT-3514 (K55AY), Window Rock and Fort Defiance, Ariz., The Navajo Tribe. Req: Change frequency to Channel 67, 788-794 MHz, add St. Michaels, Ariz., to present principal community.

BPTT-3515 (K72AP), Window Rock, Fort Defiance, and St. Michaels, Ariz., The Navajo Tribe. Req: Change frequency to Channel 85, 776-782 MHz, increase output power to 100 watts.

BPTT-3516 (K80AM), Window Rock, Fort Defiance, and St. Michaels, Ariz., The Navajo Tribe. Req: Change frequency to Channel 89, 800-806 MHz, increase output power to 100 watts.

BPTT-3505 (new), Alexandria, Minn., Selective TV, Inc. Req: Channel 62, 758-764 MHz, 100 watts. Primary: KTCA-TV, St. Paul, Minn.

BPTT-3524 (new), Alexandria, Minn., Selective TV, Inc. Req: Channel 58, 722-728 MHz, 100 watts. Primary: WCCO-TV, Minneapolis, Minn.

BPTT-3525 (new), Alexandria, Minn., Selective TV, Inc. Req: Channel 40, 828-832 MHz, 100 watts. Primary: KMSP-TV, Minneapolis, Minn.

BPTT-3528 (new), Alexandria, Minn., Selective TV, Inc. Req: Channel 38, 614-620 MHz, 100 watts. Primary: WTCN-TV, Minneapolis, Minn.

VHF TV TRANSLATOR APPLICATIONS

BPTTV-6003 (new), West Glacier, Martin City, Coram, and Hungry Horse, Mont., Desert Mountain TV Association. Req: Channel 10, 192-198 MHz, 5 watts. Primary: KHQ-TV, Spokane, Wash.

BPTTV-6004 (K07IT), West Glacier, Mont., Desert Mt. TV Association. Req: Add Coram, Martin City, and Hungry Horse, Mont., to present principal community increase output power to 5 watts.

BPTTV-6005 (K11KH), West Glacier Area, Mont., Desert Mt. TV Association. Req: Change frequency to Channel 12, 204-210 MHz, add Coram, Martin City, and Hungry Horse, Mont., to present principal community, increase output power to 5 watts.

BPTTV-6006 (new), Soda Springs, Grace, and Bancroft, Idaho, Caribou County TV Association. Req: Channel 12, 204-210 MHz, 10 watts. Primary: KBGL-TV, Pocatello, Idaho.

BPTTV-6007 (K130K), Silver Springs, Nev., American Legion Post No. 13. Req: Change frequency to Channel 12, 204-210 MHz.

BPTTV-6008 (new), Poplar, Mont., Poplar TV District. Req: Channel 13, 210-216 MHz, 10 watts. Primary: KFBB-TV, Great Falls, Mont.

BPTTV-6009 (new), Dayton, Nev., Senior Citizens of Dayton, Nevada, Inc. Req: Channel 6, 82-88 MHz, 10 watts. Primary: KOLO-TV, Reno, Nev.

BPTTV-6010 (new), Dayton, Nev., Senior Citizens of Dayton, Nevada, Inc. Req: Channel 11, 198-204 MHz, 10 watts. Primary: KCRL-TV, Reno, Nev.

BPTTV-6011 (new), Dayton, Nev., Senior Citizens of Dayton, Nevada, Inc. Req: Channel 13, 210-216 MHz, 10 watts. Primary: KTVN-TV, Reno, Nev.

BPTTV-6012 (K13JK), Newcastle, Wyo., Newcastle TV Association, Inc. Req: Add Lak Draw, Skull Creek, and Mondell, Wyo., to present principal community, increase output power to 10 watts and change primary TV station to KIVV, channel 5, Lead, S. Dak.

BPTTV-6013 (K04GW), Spearfish, S. Dak., State Board of Directors for Educational Television. Req: Change primary station to KPSD-TV, Channel 13, Eagle Butte, S. Dak.

[FR Doc. 78-4128 Filed 2-14-78; 8:45 am]

[6712-01]

[BC Docket No. 78-48; File No. BRED-54; FCC 78-73]

RESEARCH EDUCATIONAL FOUNDATION, INC.; STATION KVTT(FM)

Renewal of License; Order and Notice of Apparent Liability

Adopted: February 6, 1978.

Released: February 8, 1978.

By the Commission: Commissioner White concurring and issuing a statement in which Commissioners Washburn and Brown join.

1. The Commission has before it for consideration the captioned application and its inquiries into the operation by Research Educational Foundation, Inc., of Station KVTT(FM), Dallas, Tex.

2. Information before the Commission raises serious questions as to whether the captioned applicant possesses the qualifications to be or to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore designate the application for hearing.

3. Accordingly, *It is ordered*, That the captioned application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether the current officers and directors of the licensee corporation assumed control of Station KVTT(FM) without the required Commission authorization, in violation of Section 310(d) of the Communications Act.

(b) To determine whether, and if so, the extent to which, officers and directors of the licensee corporation made misrepresentations to the Commission or were lacking in candor.

(c) To determine whether the station has broadcast programs containing announcements promoting the sales of products or services in violation of § 73.503(d) of the Commission's Rules.

(d) To determine whether the station has charged program suppliers for broadcast time in violation of § 73.503(c) of the Commission's Rules.

(e) To determine, in light of the evidence adduced under the preceding issues, whether the applicant possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is further ordered*, That the Chief, Broadcast Bureau, is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to Issues (a), (b), (c), and (d).

5. *It is further ordered*, That, if it is determined that the hearing record does not warrant an Order denying the captioned application for renewal of license for Station KVTT(FM), it shall also be determined whether the applicant has willfully or repeatedly violated §§ 73.503(c) and 73.503(d) of the Commission's Rules, and Section 310(d) of the Communications Act. If so, it shall also be determined whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of \$10,000 or some lesser

See Bill of Particulars for specific dates and details of each alleged violation.

amount, should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

6. *It is further ordered*, That this document constitutes a Notice of Apparent Liability for forfeiture for violation of §§ 73.503(c) and 73.503(d) of the Commission's Rules. The Commission has determined that, in every case designed for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that the inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgement is, of course, to be made on the facts of each case.

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a), (b), (c), and (d) and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest convenience and necessity.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant herein, pursuant to section 1.221 of the Commission's Rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by section 1.594(g) of the Rules.

10. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail, Return Receipt Requested to Research Educational Foundation, Inc., licensee KVTT-FM, Dallas, Tex.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

STATEMENT OF COMMISSIONER MARGITA E. WHITE, JOINED BY COMMISSIONERS TYRONE BROWN AND ABBOTT M. WASHBURN

I concur with the decision of the Commission to designate this application for hearing. I do not agree, however, that Issue (C), concerning Rule 73.503(d), should have been included.

APPENDIX

The sole basis for this issue arises apparently from one "commercial" which was taped by a rival broadcaster and sent to the Commission, the suspicions of the Commission staff, and a statement of KVTT officials that there may have been "a few (3 or 4) programs with commercial content which slipped by." On the other hand, KVTT officials also stated that the policy is to delete all commercial content; none of KVTT's program suppliers contacted by the Commission staff gave any evidence of commercial broadcasts; and tapes of FCC monitoring during the investigation of the station, over 3 days, do not contain any commercials.

I believe the Commission should designate issues for hearing and issue notices of apparent liability only where the evidence on hand, if true, would reasonably support a forfeiture or other penalty. In my judgment the evidence in this case is insufficient to support a forfeiture for either "willful or repeated" violation of the rule, and I therefore would not include the issue in the designation order.

[FR Doc. 78-4130 Filed 2-14-78; 8:45 am]

[6712-01]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: February 7, 1978.

Released: February 13, 1978.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's Rules, that on April 6, 1978, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 5, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on April 5, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

BP-20,153 KDWN, Las Vegas, Nev., Radio Nevada Corp. Has: 720 kHz, 10 kW, 50 kW-LS, DA-N, U. Req: 720 kHz, 50 kW, DA-N, U.

BP-20,287 WJSO, Jonesboro, Tenn., Mountain View Broadcasting Co. Has: 1590 kHz, 5 kW, Day. Req: 1590 kHz, 5 kW, DA-N, U.

BP-20,320 WLOD, Pompano Beach, Fla., Sunrise Broadcasting Corp. Has: 980 kHz, 1 kW, DA-Day. Req: 980 kHz, 500W, 2.5 kW-LS, DA-2, U.

BP-20,383 WCHB, Inkster, Mich., Bell Broadcasting Co. Has: 1440 kHz, 500W, 1 kW-LS, DA-2, U. Req: 1440 kHz, 1 kW, DA-2, U.

BP-20,384 KUXL, Golden Valley, Minn., Universal Broadcasting Co. of Minneapolis-St. Paul, Inc. Has: 1570 kHz, 1 kW, Day. Req: 1570 kHz, 2.5 kW, Day.

BP-20,385 WJBQ, Westbrook, Maine, Chandler Broadcasting, Inc. Has: 1440 kHz, 5 kW, Day. Req: 1440 kHz, 5 kW, DA-N, U.

BP-20,391 WACK, Newark, N.Y., Pembroke Pines, Inc. Has: 1420 kHz, 500 W, Day. Req: 1420 kHz, 500 W, DA-N, U.

BP-20,393 New, Conroe, Tex., Montgomery Metro, Inc. Req: 1140 kHz, 250 W, Day.

BP-20,397 WAEN, Honesdale, Pa., WHPA Broadcasting Corp. Has: 1590 kHz, 500 W, Day. Req: 1590 kHz, 2.5 kW, Day.

BP-20,400 KERR, Polson, Mont., KBMR Radio, Inc. Has: 1070 kHz, 1 kW, 25 kW-LS, DA-N, U. Req: 1070 kHz, 1 kW, 50 kW-LS (25 kW-CH), DA-N, U.

BP-20,401 KHAC, Window Rock, Ariz., The Navajo Bible School and Mission. Has: 1300 kHz, 1 kW, Day. Req: 1110 kHz, 10 kW (2.5 kW-CH), Day.

BP-20,406 KSTV, Stephenville, Tex., Dixie Broadcasters, Has: 1510 kHz, 250 W, Day. Req: 1510 kHz, 500 W, Day.

BP-20,407 New, Batesville, Ark., Maggie, Inc. Req: 1130 kHz, 250 W, DA-Day.

BP-20,409 New, Lewisburg, Tenn., Lewisburg Radio Co. Req: 1220 kHz, 250 W, DA-Day.

BP-20,410 New, Dansville, N.Y., Dansville Broadcasting Co. Inc. Req: 1600 kHz, 500 W, Day.

BP-20,411 WJES, Johnston, S.C., Edgefield-Saluda Radio Co., Inc. Has: 1570 kHz, 250 W, Day. Req: 1190 kHz, 1 kW, Day.

BP-20,414 WVAL, Sauk Rapids, Minn., Tri-County Broadcasting Co. Has: 800 kHz, 250 W, D. Req: 800 kHz, 2.5 kW, DA-Day.

BP-20,416 WKSP, Kingstree, S.C., Williamsburg County Broadcasting Corp. Has: 1090 kHz, 500 W, Day. Req: 1090 kHz, 1 kW, Day.

BP-20,417 KMAS, Shelton, Wash., ABT, Inc. Has: 1280 kHz, 1 kW, Day. Req: 1280 kHz, 2.5 kW, DA-Day.

BP-20,418 New, La Follette, Tenn., La Follette Broadcasters, Inc. Req: 960 kHz, 1 kW, DA-Day.

BP-20,420 WISS, Berlin, Wis., Kingsley H. Murphy, Jr. Has: 1090 kHz, 250 W, Day. Req: 1090 kHz, 500 W, DA-Day.

BP-20,422 KGHS, International Falls, Minn., KGHS, Inc. Has: 1230 kHz, 250 W, U. Req: 1230 kHz, 250 W, 500 W-LS, U.

BP-20,424 WTKY, Tompkinsville, Ky., J. K. Whitmore, Has: 1370 kHz, 1 kW, Day. Req: 1370 kHz, 2.5 kW, Day.

BP-20,425 WYXI, Athens, Tenn., 3 J's Broadcasting Co. Has: 1390 kHz, 500 W, Day. Req: 1390 kHz, 2.5 kW, Day.

BP-20,427 New, Ashland City, Tenn., Lester Vihon. Req: 1540 kHz, 250 W, DA-Day.
BP-20,431 WESA, Charleroi, Pa., Laubach Radio Properties, Inc. Has: 940 kHz, 250 W, Day. Req: 940 kHz, 1 kW, DA-Day.
BP-20,432 KRDS, Tolleson, Ariz., Southwestern Broadcasters, Inc. Has: 1190 kHz, 250 W, DA-1, U. Req: 1190 kHz, 250 W, 5 kW-LS, DA-2, U.
BP-20,438 WQBK, Blacksburg, Va., Radio Montgomery, Inc. Has: 710 kHz, 5 kW, DA-Day. Req: 710 kHz, 10 kW, DA-Day.
BP-20,440 New, LaFayette, Ala., East Alabama Broadcasting Co. Req: 910 kHz, 1 kW, Day.
BP-20,443 New, Harrison, Ark., Harrison Radio Station, Inc. Req: 1530 kHz, 500 W, Day.
BP-20,444 New, Vienna, Ga., Dooly County Broadcasting Corp. Req: 1550 kHz, 1 kW, Day.
BP-20,445 New, Horseshoe Bend, Ark., H&W Broadcasting Co. Req: 1000 kHz, 250 W, Day.
BP-20,447 WIHL, Pine Castle-Sky Lake, Fla., Borgen & Murphy. Has: 1190 kHz, 250 W, Day. Req: 1190 kHz, 1 kW, Day.
BP-20,448 KZIA, Albuquerque, N. Mex., ZIA Telecommunications, Inc. Has: 1580 kHz, 1 kW, Day. Req: 1580 kHz, 10 kW, Day.
BP-20,453 KKA, Aberdeen, S. Dak., Dakota-North Plains Corp. Has: 1560 kHz, 5 kW, DA-2, U. Req: 1560 kHz, 5 kW, 10 kW-LS, DA-2, U.
BP-20,454 New, St. Paul, Va., Yearly Broadcasting, Inc. Req: 1140 kHz, 1 kW, Day.
BP-20,459 New, England, Ark., Loneke Broadcasting Co. Req: 1530 kHz, 250 W, Day.
BP-20,461 New, Albia, Iowa, Albia Broadcasting Co., Inc. Req: 1370 kHz, 500 W, DA-Day.
BP-20,463 WGGO, Salamanca, N.Y., Altair Communications, Inc. Has: 1590 kHz, 1 kW, Day. Req: 1590 kHz, 5 kW, Day.
BP-20,481 WWBK, Brockport, N.Y., Canal Communications, Inc. Has: 1560 kHz, 1 kW, DA-Day. Req: 1590 kHz, 1 kW, DA-2, U.
BP-20,748 WJRO, Glen Burnie, Md., WISZ, Inc. Has: 1590 kHz, 500 W, DA-2, U. Req: 1590 kHz, 1 kW, DA-2, U.
BP-20,877 WLTD, Evanston, Ill., Kovas Communications, Inc. Has: 1590 kHz, 1 kW, Day. Req: 1590 kHz, 2.5 kW, 1 kW-LS, DA-N, U.
BP-21,010 New, South Boston, Va., WODY, Inc. Req: 1560 kHz, 2.5 kW, (250 W-CH), Day.
BP-21,021 KTYM, Inglewood, Calif., Trans-America Broadcasting Corp. Has: 1460 kHz, 5 kW, DA-Day. Req: 1460 kHz, 500 W, 5 kW-LS, DA-2, U.
BP-21,033 WSRC, Durham, N.C., Carolina Radio of Durham, Inc. Has: 1410 kHz, 1 kW, Day. Req: 1410 kHz, 5 kW, DA-Day.
BP-21,037 New, Bluefield, Va., Bluefield Broadcasting Co., Inc. Req: 1190 kHz, 10 kW, DA-Day.
BP-21,049 New, Huntingdon, Pa., Raystown Radio, Inc. Req: 1080 kHz, 1 kW, DA-Day.
BP-21,111 New, Harrison, Ark., Bowman & Loveland Broadcasting Co., Inc. Req: 1530 kHz, 500 W, Day.
[FR Doc. 78-4129 Filed 2-14-78; 8:45 am]

NOTICES

[6730-01]

FEDERAL MARITIME COMMISSION

(Docket No. 77-35)

PUBLICATION OF INACTIVE TARIFFS BY CARRIERS IN FOREIGN COMMERCE

Persons not actively carrying cargo (or clearly committed to commence carrying cargo) between ports named in a published tariff at the rates stated therein are not common carriers by water within the meaning of Shipping Act section 18(b) and Part 536 of the Commission's rules, and their tariffs in such unserved trades are subject to cancellation.

Stanley O. Sher, John R. Attanasio, for Concordia Line, Edward Aptaker, for Farrell Lines, Inc. John Robert Ewers, Paul J. Kaller, Bert I. Weinstein, Hearing Counsel.

REPORT AND ORDER

By the Commission: (Richard J. Daschbach, Chairman; Thomas F. Moakley, Vice Chairman; Karl E. Bakke, James V. Day, and Clarence Morse, Commissioners).

This proceeding was commenced by an Order directing some 338 common carriers by water in the foreign commerce of the United States (Respondents) to show cause why 752 specified tariffs published by them and maintained on file with the Commission should not be cancelled on the grounds that said tariffs do not reflect an active, bona fide offering of common carrier service.

Fifty-nine Respondents filed amendments expressly cancelling 170 of the subject tariffs, thereby mooted any need to inquire further into their status.¹ Another group of 246 Respondents either did not reply to the Show Cause Order and its invitation to submit supporting affidavits of fact and memoranda of law, or consented to cancellation insofar as another 484 tariffs were concerned.² In light of these Respondents' failure to contest cancellation and failure to amend the subject tariffs for at least 18 months, it is concluded that the tariffs in question do not describe an active common carrier service and should be cancelled as contrary to section 18(b) of the Shipping Act, 1916, and the Commission's tariff filing regulations (46 CFR Part 536). Publication of Inactive Tariffs, 17 SRR 471, 472 (1977); Sugar From Virgin Islands to United States, 1 U.S.M.C. 695, 699-700 (1938); Intercoastal Schedules of Hammond Shipping Co., Ltd., 1 U.S.S.B. 606, 607 (1936); Intercoastal Investigation, 1935, 1 U.S.S.B. 400, 449 (1935).

¹This group of tariffs and their cancellation dates are listed in Appendix "A" hereto.

²Some carriers in this group did raise objections concerning other of their tariffs, however.

A total of 40 Respondents opposed the cancellation of 68 different tariffs, some by filing a timely affidavit as required by the Commission's Show Cause Order, but most by submitting unsworn written communications or tariff amendments.³ A Reply Memorandum was filed by the Commission's Bureau of Hearing Counsel, and seven carriers responded to that Memorandum.⁴ These submissions contain sufficient evidence of common carrier activity or of oversights in the Show Cause Order to warrant the continued publication of 29 of the subject tariffs by their respective carriers.⁵ We turn now to those relatively few tariffs whose status remains a matter of controversy.

Twelve Respondents filed brief, unsworn statements asserting that certain tariffs were indeed active.⁶ Their letters do not even suggest that actual

³Alcoa Steamship Co.; Baltic Shipping Co.; Blue Star Line, Ltd.; British M/V "Dram Buoy"; British M/V "Fendo"; British M/V "Mary Ann Kate"; British M/V "Primavera"; Central Gulf Contramar Line; Central Gulf Lines, Inc.; Campagne Generale Maritime; Compania Maritima Del Nervion, S.A.; Concordia Line; Constellation Line; Dart Container Line, Inc.; Deppe Line; The East Asiatic Co., Ltd.; Farrell Lines, Inc.; Hapag-Lloyd, A.O.; Thos. & Jas. Harrison, Ltd.; Hellenic Lines, Ltd.; Japan Line, Ltd.; Koninklijke Nedlloyd; Koninklijke Nedlloyd (Nedlloyd, Inc.); Koninklijke Nedlloyd, B.V.; Kirkpride Shipping Co., Ltd.; Leonard Cephas; Bernard W. Roberts; Jugoslavinska Oceanska Plovidba; A. P. Moller-Maersk Line; Maritime Co. of the Philippines; Marcella Shipping Co., Ltd.; Navimex, S.A.; Orient Overseas Lines; Regent Line; Spanish North American Line; Torm Lines; Valocean Line; Victoria Line; Sands Construction & Shipping Co., Inc.

⁴Dart Containerline, Inc.; Hellenic Lines, Ltd.; Farrell Lines, Inc.; A. P. Moller-Maersk Line; Concordia Line; and Torm Lines. The filing of answers was permitted by Order of the Commission served October 21, 1977.

⁵The tariffs of the following 22 carriers shall not be cancelled.

Central Gulf Contramar Line (FMC-25); Central Gulf Lines (FMC-12 and FMC-14); Compania Sud American De Vapores, S.A. (FMC-6); Concordia Line (FMC-20); Constellation Line (FMC-22); Dart Containerline, Inc. (FMC-11); Deppe Line (FMC-32 and FMC-33); The East Asiatic Co., Ltd. (FMC-7); Blue Star Line, Ltd. (FMC-5); Hapag-Lloyd, A.G. (FMC-43); Thos. & Jas. Harrison, Ltd. (FMC-2, FMC-3 and FMC-6); Japan Line, Ltd. (FMC-9); Jugoslavinska Oceanska Plovidba (FMC-10); Marcella Shipping Co., Ltd. (FMC-1); Maritime Co. of the Philippines (FMC-14); Navimex, S.A. (FMC-1, FMC-3, FMC-4); Orient Overseas Line (FMC-30); Spanish North American Line (FMC-1); Torm Lines (FMC-23 and FMC-26); Valocean Line (FMC-2); and Victoria Line (FMC-1).

⁶Hellenic Lines, Ltd. (FMC-3, FMC-8, FMC-9, FMC-11, FMC-12 and FMC 23); Leonard Cephas (FMC-1); Bernard W. Roberts (FMC-1); Koninklijke Nedlloyd (FMC-1).

(Continued)

cargo carrying, regularly scheduled voyages, or ongoing cargo solicitation were being provided. No recent bills of lading, sailing schedules, agency contracts, trade advertisements or other evidence of serious and continuing commercial activity were furnished. Such a meager response is insufficient to overcome the presumption that active common carrier service has ceased which is created by Respondents' failure to amend the subject tariffs for the last two to eight years. Accordingly, the tariffs of these twelve carriers will be cancelled.

A. P. Moller-Maersk Line (Maersk) asserts that trade to the Red Sea/Gulf of Aden, and to India, Pakistan and Ceylon is heavily one-sided inbound from the United States. Such a situation might sufficiently explain some 18 months of tariff inactivity by Maersk if Maersk had actually been serving the inbound trades during the same period (thereby providing regular outbound cargo capacity). Maersk admits, however, that its vessels only "pass through the Red Sea," and come within "geographical proximity of India, Pakistan, and Ceylon." This standing-in-the-wings arrangement cannot be considered a bona fide common carrier service to the Near East ports listed in the subject tariffs. Accordingly, Maersk's Tariff Nos. FMC-67, FMC-68 and FMC-69 will be cancelled.

Alcoa Steamship Co., Inc (Alcoa), also admits that it does not serve Haiti or the Netherlands Antilles, but, unlike Maersk, it further claims to be actively soliciting Haitian business through a "long-standing relationship" with a shipping agency in Port-au-Prince, while maintaining regular voyages to nearby Caribbean islands. Alcoa did not present evidence of recent cargo carryings or other factors which would demonstrate that the subject tariff represents a commercially realistic offer of transportation service. A tariff maintained solely for the purpose of obtaining a competitive edge over carriers who have not filed tariffs in a given trade—by avoiding the 30 days' notice or FMC Special Permission requirements of Shipping Act section 18(b) prior to entering a trade—is a "paper tariff." Paper tariffs do not contain rates which are commercially attractive to ordinary shippers, but do allow the carrier to quickly reduce rates whenever a large enough shipment is tendered to make

(Continued)

1); Koninklijke Nedlloyd (Nedlloyd, Inc.—FMC-11); Koninklijke Nedlloyd, B.V. (FMC-19 and FMC-53); Kirkpride Shipping Co., Ltd. (FMC-1); British M/V "Dram Buoy" (FMC-1); British M/V "Fendo" (FMC-3); British M/V "Mary Ann Kate" (FMC-12); British M/V "Primavera" (FMC-1); and Sands Construction & Shipping Co., Inc. (FMC-1).

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a vessel call profitable. The Commission does not permit the filing of such tariffs because they are essentially misleading to the shipping public, potentially unfair to smaller shippers and carriers attempting to maintain regular schedules in the trade, encourage misunderstandings and sharp practices (if not actual malpractices), and impose an unnecessary administrative burden upon the Commission's staff. Accordingly, Alcoa's Tariff No. FMC-15 will be cancelled.

Baltic Shipping Co. (Baltic); Torm Lines; Farrell Lines, Inc.; Concordia Line; Hapag-Lloyd, A.G. (Hapag); Compagnie Generale Maritime (French Line); and Compania Maritima Dei Nervion, S.A. (Nervion Line), present essentially the same arguments as Maersk and Alcoa. They wish to retain tariffs to areas not now receiving vessel service in order to facilitate prompt entry into trades geographically related to those in which they do offer regular voyages. In each instance, actual common carrier service is in fact conditioned upon the appearance of sufficient quantities of cargo to make a special vessel call worthwhile. The Commission will therefore cancel Baltic's Tariff No. FMC-3; Farrell Line's Tariff Nos. FMC-27, FMC-31 and FMC-32; Torm Lines' Tariff Nos. FMC-27, FMC-34 and FMC-35; Concordia Lines' Tariff Nos. FMC-1, FMC-12 and FMC-14; Hapag's Tariff No. FMC-102; French Line's Tariff No. FMC-16 and Nervion Line's Tariff Nos. FMC-6, FMC-7 and FMC-8.

Maritime Co. of the Philippines (MCP) opposed the cancellation of its tariffs from Hawaii and Puerto Rico to the Far East because "pending sugar mill movements" make them "potentially active," despite the absence of vessel calls at Hawaii and Puerto Rico in recent years. Without further information establishing that the "pending sugar movements" are reasonably imminent and likely to result in actual vessel calls at the rates stated in MCP's tariffs, MCP Tariff Nos. FMC-6 and FMC-10 must also be deemed "paper tariffs," subject to cancellation for not reflecting a bona fide common carrier service.

Farrell and Concordia further argue that because the Shipping Act, 1916, does not require a carrier to maintain service with a "prescribed regularity" the Commission may not prohibit carriers from publishing tariffs which provide for vessel calls on a "by inducement" basis. This proposition is untenable. Shipping Act section 18(b) applies only to common carriers by water and the Commission has held that carriers who serve a trade "by inducement only" are not common carriers by water for the purpose of pub-

lishing a tariff covering that trade.⁷ It has, in effect, defined common carriage for tariff filing purposes as commercial activity which demonstrates a clear intention to move cargo under the proffered tariff within a commercially reasonable period of time subsequent to filing. It is unnecessary to find that Respondents have actually refused cargoes tendered for carriage at their published tariff rates as occurred in *Ghezzi Trucking, Inc.*, 13 F.M.C. 253 (1970) and *Intercoastal Charters*, 2 U.S.M.C. 154 (1939).⁸ It is enough that there has been an extended period within which no common carrier service has been provided to the subject trades.

Concordia also claims that the instant proceeding is unfair because it challenges the legitimacy of only those tariffs which have not recently been amended and does not include (1) tariffs which have been so amended, but are nonetheless inactive, or (2) tariffs which list "ranges" of ports served, without noting that the publishing carrier customarily withholds vessel calls from one or more ports within the specified range.

The Commission is not favoring form (mere tariff amendment) over substance (carrier inactivity). Suffice it to say, the present method of proceeding was chosen for the sake of administrative convenience as a rational first step dictated by the difficulty of gathering current and detailed operating data on the almost 1,000 different common carriers by water operating under FMC tariffs. When carrier inactivity is in fact established, appropriate action will be taken without regard to the length of time which has elapsed between tariff amendments. See discussion of Trans-Globe Shipping in Publication of Inactive Tariffs, supra, at 472. Moreover, the Commission's revisions to its foreign commerce tariff filing regulations (General Order 13, 42 FR 59265) which take effect January 1, 1978 will curb the practice of calling at individual ports within a stated range of ports on a "by inducement only" basis.⁹ 42 FR 59269;

⁷Cases cited above. Respondents attempt to distinguish three of these decisions on the grounds that they dealt with domestic offshore rather than foreign commerce, but this distinction is without present significance. The fact that 30 days' notice must be given before section 2 tariffs may be canceled is not relied upon therein, and there is no substantive difference between the requirements of Intercoastal Shipping Act section 2 and Shipping Act section 18(b) concerning common carrier status.

⁸Both *Ghezzi* and *Intercoastal Charters* do, however, reflect the governing principle that tariffs may not hold out services which are not routinely performed by the carrier.

⁹These regulations were first adopted in October 1975 (40 FR 47770), but were stayed pending disposition of reconsideration petitions. Newly effective section 536.5(a)(4) does not, however, preclude a carrier from

(Continued)

46 CFR 536.5(a)(4)(i). This practice has never been permitted in domestic offshore commerce under 46 CFR 531.5(a)(c).

Therefore, it is ordered, That the designated tariffs of the Respondent carriers listed in Appendix "B" hereto are canceled effective immediately; Provided, however, that this cancellation is without prejudice to said carriers filing new tariffs covering the subject trades at such time as they actually commence common carrier service in these trades.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

(Docket No. 77-35)

APPENDIX A

TARIFFS VOLUNTARILY CANCELLED PRIOR TO ISSUANCE OF COMMISSION'S ORDER

1. American Export Lines, Inc., FMC-112; cancelled, 10/1/77
 2. American Export Lines, Inc., FMC-120; cancelled, 9/11/77
 3. American Export Lines, Inc., FMC-142; cancelled, 10/1/77
 4. Atlantic Lines & Navigation, Inc., FMC-1; cancelled, 7/22/77
 5. Atlantic Lines & Navigation, Inc., FMC-2; cancelled, 7/22/77
 6. Atlantic Lines & Navigation, Inc., FMC-3; cancelled, 7/22/77
 7. Atlantic Lines & Navigation, Inc., FMC-4; cancelled, 7/22/77
 8. Barber Blue Sea Line, FMC-7; cancelled, 8/8/77
 9. Barber Blue Sea Line, FMC-23; cancelled, 8/8/77
 10. Barber Blue Sea Line, FMC-24; cancelled, 8/8/77
 11. Barberlines, FMC-28; cancelled, 8/8/77
 12. Barberlines, FMC-35; cancelled, 8/8/77
 13. Barberlines, FMC-38; cancelled, 8/8/77
 14. Belfranline Ltd., FMC-7; cancelled, 8/3/77
 15. Belgo-American Steamship Co., S.A., FMC-7; cancelled, 8/30/77
 16. Bermuda Express Service, FMC-8; cancelled, 8/12/77
 17. Black Sea Canada Lines, FMC-1; cancelled, 7/21/77
 18. Bristol City Line Ltd., FMC-1; cancelled, 8/8/77
 19. Chicago Container Service, Inc., NVOCC FMC-3; cancelled, 8/30/77
 20. Clipper Express Company, NVOCC FMC-1; cancelled, 9/10/77
 21. Cobelfret Lines SPRL, FMC-5; cancelled, 8/30/77
 22. Cobelfret Lines SPRL, FMC-7; cancelled, 8/30/77
 23. Columbus Line, FMC-15; cancelled, 8/15/77
 24. Companhia de Navegacao Loide Brasileiro, FMC-3; cancelled, 8/4/77
 25. Companhia de Navegacao Loide Brasileiro, FMC-9; cancelled, 8/4/77
 26. Companhia de Navegacao Loide Brasileiro, FMC-12; cancelled, 8/4/77
 27. Companhia Peruana de Vapores, FMC-11; cancelled, 8/5/77
- (Continued)
- placing commercially reasonable restrictions upon its service to a port within a given range, provided that the restriction is specifically stated in its tariff. See subsection (4)(ii) thereof.

28. Deep Sea Mediterranean Line, FMC-1; cancelled, 7/15/77
29. Deppe Line, FMC-6; cancelled, 8/1/77
30. Fort Nassau, Inc., FMC-2; cancelled, 8/1/77
31. Gulf Navigation Corporation, FMC-1; cancelled, 8/30/77
32. Habrew Maritime International, Inc., FMC-1; cancelled, 8/31/77
33. Hanseatic-Vaasa Line, FMC-1; cancelled, 8/8/77
34. Hapag-Lloyd AG, FMC-101; cancelled, 8/18/77
35. Hapag-Lloyd AG, FMC-102; cancelled, 8/18/77
36. Harrison Line, FMC-4; cancelled, 8/1/77
37. Hellenic Lines Limited, FMC-10; cancelled, 8/1/77
38. Hellenic Lines Limited, FMC-13; cancelled, 8/1/77
39. Hellenic Lines Limited, FMC-18; cancelled, 8/1/77
40. Horn Line, FMC-4; cancelled, 8/12/77
41. Hycar Lines, S.A., FMC-18; cancelled, 7/22/77
42. Hycar Lines, S.A., FMC-24; cancelled, 7/22/77
43. Hycar Lines, S.A., FMC-25; cancelled, 7/22/77
44. Hycar Lines, S.A., FMC-26; cancelled, 7/22/77
45. Intercontinental Transport (ICT) B.V., FMC-6; cancelled, 7/22/77
46. Intercontinental Transport (ICT) B.V., FMC-19; cancelled, 7/22/77
47. Intercontinental Transport (ICT) B.V., FMC-20; cancelled, 7/22/77
48. Ivaran Lines, FMC-4; cancelled, 8/1/77
49. Ivaran Lines, FMC-5; cancelled, 8/1/77
50. Ivaran Lines, FMC-6; cancelled, 8/1/77
51. Jugooceanija Line, FMC-5; cancelled, 8/5/77
52. Jugooceanija Line, FMC-6; cancelled, 8/10/77
53. "K" Line, FMC-20; cancelled, 9/12/77
54. "K" Line, FMC-27; cancelled, 9/12/77
55. Kimberly Navigation Co., Ltd., FMC-1; cancelled, 7/22/77
56. Kimberly Navigation Co., Ltd., FMC-2; cancelled, 7/22/77
57. Kimberly Navigation Co., Ltd., FMC-3; cancelled, 7/22/77
58. Kimberly Navigation Co., Ltd., FMC-4; cancelled, 7/22/77
59. Klosters Rederi A/S, FMC-8; cancelled, 8/26/77
60. Kyosel Kisen Kabushiki Kaisha, FMC-1; cancelled, 8/16/77
61. Kyosel Kisen Kabushiki Kaisha, FMC-2; cancelled, 8/16/77
62. Kyosel Kisen Kabushiki Kaisha, FMC-3; cancelled, 8/16/77
63. Lykes Bros. Steamship Co., Inc., FMC-27; cancelled, 8/4/77
64. Lykes Bros. Steamship Co., Inc., FMC-84; cancelled, 8/4/77
65. Mamenic Line, FMC-11; cancelled, 9/24/77
66. Maritime Company of the Philippines, FMC-4; cancelled, 8/4/77
67. Maritime Company of the Philippines, FMC-5; cancelled, 8/4/77
68. Maritime Company of the Philippines, FMC-7; cancelled, 8/4/77
69. Maritime Company of the Philippines, FMC-11; cancelled, 8/4/77
70. Maritime Company of the Philippines, FMC-12; cancelled, 8/4/77
71. Maritime Company of the Philippines, FMC-16; cancelled, 8/4/77
72. Missouri Pacific Intermodal Transport, Inc., NVOCC FMC-1; cancelled, 8/17/77
73. Mitsui O.S.K. Lines, Ltd., FMC-2; cancelled, 8/15/77

74. Mitsui O.S.K. Lines, Ltd., FMC-5; cancelled, 8/15/77
75. Mitsui O.S.K. Lines, Ltd., FMC-12; cancelled, 8/15/77
76. Mitsui O.S.K. Lines, Ltd., FMC-13; cancelled, 8/15/77
77. Mitsui O.S.K. Lines, Ltd., FMC-17; cancelled, 8/15/77
78. Mitsui O.S.K. Lines, Ltd., FMC-23; cancelled, 8/15/77
79. Mitsui O.S.K. Lines, Ltd., FMC-27; cancelled, 8/15/77
80. Mitsui O.S.K. Lines, Ltd., FMC-29; cancelled, 8/15/77
81. Mitsui O.S.K. Lines, Ltd., FMC-31; cancelled, 8/15/77
82. Mitsui O.S.K. Lines, Ltd., FMC-33; cancelled, 8/15/77
83. Mitsui O.S.K. Lines, Ltd., FMC-34; cancelled, 8/15/77
84. Mitsui O.S.K. Lines, Ltd., FMC-35; cancelled, 8/15/77
85. Mitsui O.S.K. Lines, Ltd., FMC-36; cancelled, 8/15/77
86. Mitsui O.S.K. Lines, Ltd., FMC-37; cancelled, 8/15/77
87. Mitsui O.S.K. Lines, Ltd., FMC-41; cancelled, 8/15/77
88. Mitsui O.S.K. Lines, Ltd., FMC-44; cancelled, 8/15/77
89. Mitsui O.S.K. Lines, Ltd., FMC-45; cancelled, 8/15/77
90. Mitsui O.S.K. Lines, Ltd., FMC-48; cancelled, 8/15/77
91. Mitsui O.S.K. Lines, Ltd., FMC-51; cancelled, 8/15/77
92. Mitsui O.S.K. Lines, Ltd., FMC-55; cancelled, 8/15/77
93. Mitsui O.S.K. Lines, Ltd., FMC-59; cancelled, 8/15/77
94. Mitsui O.S.K. Lines, Ltd., FMC-62; cancelled, 8/15/77
95. Mitsui O.S.K. Lines, Ltd., FMC-67; cancelled, 8/15/77
96. Mitsui O.S.K. Lines, Ltd., FMC-68; cancelled, 8/15/77
97. Mitsui O.S.K. Lines, Ltd., FMC-70; cancelled, 8/15/77
98. Mitsui O.S.K. Lines, Ltd., FMC-73; cancelled, 8/15/77
99. A. P. Moller-Maersk Line, FMC-20; cancelled, 11/6/77
100. A. P. Moller-Maersk Line, FMC-23; cancelled, 11/6/77
101. A. P. Moller-Maersk Line, FMC-25; cancelled, 9/2/77
102. A. P. Moller-Maersk Line, FMC-26; cancelled, 11/6/77
103. A. P. Moller-Maersk Line, FMC-27; cancelled, 11/6/77
104. A. P. Moller-Maersk Line, FMC-30; cancelled, 9/2/77
105. A. P. Moller-Maersk Line, FMC-34; cancelled, 11/6/77
106. A. P. Moller-Maersk Line, FMC-49; cancelled, 11/6/77
107. A. P. Moller-Maersk Line, FMC-59; cancelled, 9/2/77
108. Nordship Reefer Express Line, FMC-1; cancelled, 7/21/77
109. N.Y.K. Line, FMC-9; cancelled, 8/1/77
110. N.Y.K. Line, FMC-10; cancelled, 8/1/77
111. N.Y.K. Line, FMC-12; cancelled, 8/1/77
112. N.Y.K. Line, FMC-13; cancelled, 8/1/77
113. N.Y.K. Line, FMC-14; cancelled, 8/1/77
114. N.Y.K. Line, FMC-39; cancelled, 8/1/77
115. N.Y.K. Line, FMC-47; cancelled, 8/1/77
116. N.Y.K. Line, FMC-48; cancelled, 8/1/77
117. N.Y.K. Line, FMC-49; cancelled, 8/1/77
118. N.Y.K. Line, FMC-61; cancelled, 8/1/77
119. Orient Overseas Line, FMC-17; cancelled, 9/7/77
120. Orient Overseas Line, FMC-21; cancelled, 9/7/77

121. Ozean/Stinnes Lines, FMC-22; cancelled, 8/12/77
122. Ozean/Stinnes Lines, FMC-23; cancelled, 8/12/77
123. Ozean/Stinnes Lines, FMC-24; cancelled, 8/12/77
124. Pan American Mail Line, FMC-5; cancelled, 8/1/77
125. Pan American Mail Line, FMC-6; cancelled, 8/1/77
126. Prudential Lines, FMC-6; cancelled, 7/28/77
127. Prudential Grace Lines, FMC-10; cancelled, 7/28/77
128. Prudential Grace Lines, FMC-11; cancelled, 7/28/77
129. Prudential Grace Lines, FMC-13; cancelled, 7/28/77
130. Prudential Grace Lines, FMC-15; cancelled, 7/28/77
131. Prudential Grace Lines, FMC-16; cancelled, 7/28/77
132. Prudential Lines, FMC-18; cancelled, 7/28/77
133. Prudential Grace Lines, FMC-21; cancelled, 7/28/77
134. Prudential Grace Lines, FMC-22; cancelled, 7/28/77
135. Prudential Lines, FMC-19; cancelled, 7/28/77
136. Prudential Lines, FMC-24; cancelled, 7/28/77
137. Prudential Grace Lines, FMC-25; cancelled, 7/28/77
138. Prudential Grace Lines, FMC-26; cancelled, 7/28/77
139. Prudential Lines, FMC-27; cancelled, 7/28/77
140. Prudential Grace Lines, FMC-33; cancelled, 7/28/77
141. Prudential Lines, FMC-35; cancelled, 7/28/77
142. Ruys Transport Group Inc., FMC-1; cancelled, 12/3/76
143. Scandinavian American Line, FMC-6; cancelled, 8/1/77
144. Scandinavian American Line, FMC-7; cancelled, 8/1/77
145. Scandinavian American Line, FMC-11; cancelled, 8/1/77
146. Scandinavian American Line, FMC-19; cancelled, 8/1/77
147. Scandinavian American Line, FMC-21; cancelled, 8/1/77
148. S.C.I. Line, FMC-28; cancelled, 8/3/77
149. Scindia Steam Navigation, FMC-15; cancelled, 9/14/77
150. Scindia Steam Navigation Co., Ltd., FMC-38; cancelled, 9/14/77
151. Scindia Steam Navigation, FMC-42; cancelled, 9/14/77
152. Star Shipping A/S, FMC-6; cancelled, 8/4/77
153. Trans-World Shipping Service, Inc., NVOCC FMC-1; cancelled, 7/20/77
154. United States Line, FMC-45; cancelled, 8/25/77
155. United States Line, FMC-67; cancelled, 8/25/77
156. Wallenius Line, FMC-1; cancelled, 8/30/77
157. Wallenius Line, FMC-5; cancelled, 8/30/77
158. West India Industries, Inc., FMC-2; cancelled, 9/20/77
159. West India Industries, Inc., FMC-3; cancelled, 9/20/77
160. Westfal-Larsen & Co. A/S, FMC-3; cancelled, 8/5/77
161. Zim Israel Navigation Co., Ltd., FMC-4; cancelled, 10/15/77
162. Zim Israel Navigation Co., Ltd., FMC-6; cancelled, 10/15/77

163. Zim Israel Navigation Co., Ltd., FMC-15; cancelled, 10/15/77
164. Zim Israel Navigation Co., Ltd., FMC-17; cancelled, 10/15/77
165. Zim Israel Navigation Co., Ltd., FMC-22; cancelled, 10/15/77
166. C&P Line, FMC-1; cancelled, 7/13/77
167. Hapag-Lloyd AG, FMC-104; cancelled, 8/18/77
168. Karlander Kangaroo Line, FMC-4; cancelled, 7/22/77
169. Karlander Kangaroo Line, FMC-5; cancelled, 7/22/77
170. Karlander Kangaroo Line, FMC-7; cancelled, 7/22/77

(Docket No. 77-35)

APPENDIX B

TARIFFS CANCELLED EFFECTIVE ON THE SERVICE DATE OF THE COMMISSION'S ORDER

The tariffs which are ordered cancelled by this order are those listed in Appendix A of the Commission's Order to Show Cause in this proceeding (42 FR 36875; July 17, 1977), with the deletion of those tariffs listed in footnote 5 of this order (not cancelled) and those listed in Appendix A of this order (cancelled voluntarily).

[6325-01]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

OPEN COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, March 2, 1978
Thursday, March 16, 1978
Thursday, March 23, 1978
Thursday, March 30, 1978

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Civil Service Commission thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy

and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Chairman of the Civil Service Commission under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street NW., Washington, D.C. 20415, 202-632-9710.

JEROME H. ROSS,
Chairman, Federal Prevailing
Rate Advisory Committee.

FEBRUARY 9, 1978.

[FR Doc. 78-4086 Filed 2-14-78; 8:45 am]

[4110-12]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

CASH EQUIVALENT OF IN-KIND INCOME

Program Results

Pursuant to Section 606 of the Community Services Act of 1974, (Pub. L. 93-644) 42 U.S.C. 2946, this agency announces the results, findings, data, and recommendations reported as a result of activities associated with HEW project entitled, "The Cash Equivalent of In-Kind Income."

Currently available data on the distribution of income and poverty status of families are seriously lacking in consideration of in-kind income. In-kind income from the government (food stamps, Medicare, Medicaid, housing assistance) and from private employers (fringe benefits such as health insurance) are ignored in the evaluation of total income. This study addresses the fundamental analytic issues sur-

rounding the valuation and inclusion of in-kind income on income and poverty statistics.

The study first reviewed definitions of income that have been used in the economic literature and found that most include many types of in-kind income, private as well as governmental. The next objective was valuing the income to the recipient. When income is received in money, recipient families are free to purchase goods they desire at market prices. However, when income is received in-kind, particularly when price subsidies or constraints on amounts are involved, there is no market to which one can turn for a value. The study thus evaluated several valuation possibilities, primarily valuation at government or employer cost and cash equivalent or utility terms (defined as the money that would leave a recipient as well-off as the in-kind income). The study found that no valuation alternative is fully consistent with money income, further results show that government or employer cost may bear little relationship to recipient values.

Precise mathematical formulas were derived for cash equivalent values and approximations to cash equivalent values were developed. Finally, using recently available data from the 1972-73 Consumer Expenditure Survey, values were estimated for food stamps, low-rent public housing, Medicaid and employer-provided health insurance using various valuation alternatives. While these estimates are extremely crude, they do show that in-kind income can, in some cases, provide sizeable additions to money income but also that values to the recipient can be far below government and employer costs.

A copy of this report will be filed and available as soon as possible, from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151

Dated: February 10, 1978.

HENRY AARON,
Assistant Secretary for
Planning and Evaluation.

[FR Doc. 78-4147 Filed 2-14-78; 8:45 am]

[4110-12]

REVISED CRITERIA SPECIFYING THE INGREDIENTS OF ACCEPTABLE PLANS TO DESEGREGATE STATE SYSTEMS OF PUBLIC HIGHER EDUCATION

In late 1969 and early 1970, the Department of Health, Education, and Welfare (HEW) notified ten states that they had not dismantled their statewide dual systems of public higher education. The letters sent by HEW at that time advised each state

of its failure to adopt measures necessary to overcome the effects of past segregation and notified the states of their obligation to file a statewide plan for the desegregation of their public systems of higher education.

For the past seven years the Court reviewed HEW's efforts to desegregate these systems of higher education. In 1977, this Court found that the Department's effort had not been adequate and ordered the Department to require six of the original ten states to submit new desegregation plans and to set specific standards for those plans.

The Court found that "specific commitments (were) necessary for a workable higher education desegregation plan . . . concerning admission, recruitment and retention of students, concerning the placement and duplication of program offerings among institutions, the role and the enhancement of black institutions, and concerning changes in the racial composition of the faculties involved."

Specifically, this Court entered a Second Supplemental Order on April 1, 1977 directing the Department to transmit to the six states of Arkansas, Florida, Georgia, North Carolina, Oklahoma, and Virginia as well as the Court and the plaintiffs criteria specifying the ingredients of acceptable desegregation plans for their institutions of public higher education. Accordingly, on July 5, 1977, the Department published criteria which were amended one month later to take into account suggestions offered by some of the states.

The Court further directed that HEW require each state to submit, within 60 days of receipt of the criteria, a revised desegregation plan and to accept or reject such plans within 120 days thereafter. In September 1977, in response to HEW's request, the six states submitted desegregation plans. After months of intensive negotiations, the Department announced on February 2, 1978, that it was accepting the plans of Arkansas, Florida, and Oklahoma and not accepting plans submitted by Georgia, North Carolina, and Virginia. On the same date, the Department announced that it would publish in the FEDERAL REGISTER, revised criteria which are substantially similar to the criteria published in July.

Where HEW has found that a state has not eliminated the remaining vestiges of segregation in its formerly dual system of public higher education, and is, therefore, in violation of Title VI of the Civil Rights Act of 1964, it is required first to attempt to secure compliance by voluntary means. When those efforts fail, HEW is required to seek enforcement either administratively or through the courts. 42 U.S.C. 200-1; 45 CFR 2000d-

1, 45 CFR 80.7(d)(1), 80.8. These revised criteria are issued to assist such states in the preparation of desegregation plans as part of the process of securing voluntary compliance.

HEW originally developed the criteria mindful of the instructions of the Court that they comply with constitutional standards and Title VI, conform with sound educational practices, and take into account the unique importance of black colleges. Based on its experience in applying the criteria to six state systems of higher education over the past months, HEW has determined that the criteria provide specific and effective guidance to the states and at the same time, are sufficiently flexible to provide for circumstances which may vary from state to state.

PREAMBLE

I. HISTORY OF LEGAL PROCEEDINGS

The criteria set forth below initially were developed by the Department of Health, Education, and Welfare (HEW) pursuant to the specific direction of the United States District Court for the District of Columbia in *Adams v. Califano*, Civil Action No. 3095-70, Second Supplemental Order (D.D.C. April 1, 1977). The Court's Order arose from a lawsuit initiated in 1970 to require HEW to take action to enforce the provisions of Title VI of the Civil Rights Act of 1964.¹

In 1969, the Office for Civil Rights (OCR) determined that ten States² were continuing to operate segregated higher education systems in violation of Title VI of the 1964 Civil Rights Act. Although the States were notified of this finding and were requested to submit corrective plans, no administrative enforcement actions were taken when the States failed to submit plans or submitted plans unacceptable to HEW. In February 1973, the *Adams* litigation resulted in a ruling requiring that HEW take appropriate enforcement action. *Adams v. Richardson*, 356 F. Supp. 92 (D.D.C. 1973). That ruling was unanimously affirmed by the full United States Court of Appeals for the District of Columbia Circuit, although the Court of Appeals modified the District Court's order and directed HEW to attempt to secure acceptable desegregation plans from the ten States before commencing enforcement proceedings. *Adams v. Richardson*, 480 F. 2d 1159 (D.C. Cir. 1973).

¹Title VI of the Civil Rights Act of 1964 provides: "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. 42 U.S.C. 2000d.

²Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, Pennsylvania, and Virginia.

In 1974, HEW accepted desegregation plans from eight of the ten States.³ Reports covering the first year of implementation were submitted to HEW in 1975. Subsequently, the plaintiffs in the *Adams* case sought further relief and on April 1, 1977, the Court ruled that the 1974 plans did not comply with the criteria previously announced by HEW and that as implemented the plans had failed to achieve significant progress toward higher education desegregation. Based on these findings, the Court ordered HEW to develop and issue within 90 days specific criteria to guide the six States⁴ in the preparation of revised desegregation plans.

II. LEGAL AND EDUCATIONAL PRINCIPLES

A. De jure segregation

These criteria will be applied to a state which formerly operated a dual system of public higher education under state law, if the Office for Civil Rights determines after investigation that the state has failed to remove the vestiges of racial segregation in its system in violation of Title VI.

B. Affirmative duty to take effective steps to eliminate de jure segregation

Where there has been past de jure segregation, states are required to take affirmative remedial steps and to achieve results in overcoming the effects of prior discrimination. HEW's regulation implementing Title VI provides that

In administering a program regarding which the recipient has previously discriminated against persons on the ground of race . . . the recipient must take affirmative action to overcome the effects of prior discrimination. 45 CFR 80.3(b)(6)(i).

The 14th Amendment also calls for more than mere abandonment of discrimination through the state's adoption of passive or neutral policies. The United States Supreme Court has held that public school officials have "the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which discrimina-

³Louisiana refused to submit a plan and was referred to the Department of Justice, which filed a lawsuit. (*United States v. Louisiana*), Civil Action No. 74-68 (M.D. La.) in January 1974. The plan submitted by Mississippi was deemed unacceptable by HEW and the matter was referred to the Department of Justice, which filed a lawsuit. *Ayers and United States v. Finch*, Civil Action No. D.C. 75-9-K (N.D. Miss.), in March 1975.

⁴The April 1, 1977, Order excludes Pennsylvania (by agreement of the parties to the *Adams* lawsuit) and Maryland, which commenced a separate injunctive suit against HEW's enforcement proceedings now pending in the United States Court of Appeals for the Fourth Circuit (*Mandel v. HEW*, No. 76-1494), as well as Louisiana and Mississippi.

tion would be eliminated root and branch." *Green v. County School Board of New Kent County*, 391 U.S. 430, 437-38 (1968).

The affirmative duty to desegregate applies with equal force to higher education. *Norris v. State Council of Higher Education*, 327 F. Supp. 1368 (E.D. Va. 1971), *aff'd per curiam*, 404 U.S. 907 (1971); *Lee v. Macon County Board of Education*, 267 F. Supp. 458 (M.D. Ala. 1967), *aff'd* 369 U.S. 215 (1967); *Geier v. Dunn*, 337 F. Supp. 573 (M.D. Tenn. 1972). Additionally, the Supreme Court has made it clear that desegregation plans are not adequate unless they are effective. See *Green v. County School Board of New Kent County*, *supra*; *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971).

Consistent with the requirements of Title VI these criteria set forth the elements of a desegregation plan which would eliminate the effects of past discrimination.

C. Statewide approach

The Court of Appeals in its en banc opinion in *Adams* directed HEW to undertake a statewide approach and noted the serious problem created by the lack of viable statewide coordinated planning in higher education:

The problem of integrating higher education must be dealt with on a statewide rather than a school-by-school basis.⁵

"It is important to note that we are not here discussing discriminatory admission policies of individual institutions. To the extent that such practices are discovered, immediate corrective action is required, but we do not understand HEW to dispute that point. This controversy concerns the more complex problem of systemwide racial imbalance. *Adams v. Richardson*, *supra*, 480 F. 2d at 1164-1165 (footnote in original).

The Department has followed this approach since 1969 because we believe statewide planning is consistent with sound educational policy. Thus, these criteria require not only that each institution pursue nondiscriminatory student admission and faculty and staff employment practices, but also that the state system as a whole develop a comprehensive and coordinated statewide desegregation plan embodying those specific affirmative, remedial steps which will prove effective in achieving significant progress toward the disestablishment of the structure of the dual system and which address the problem of "systemwide racial imbalance."

D. Specificity—goals and timetables

The District Court in *Adams* concluded that the plans previously adopted by the states had failed to achieve adequate desegregation progress and lacked specific commitments for change as concerns the desegregation of student bodies and faculties,

enhancement of traditionally black institutions, and desegregation of the governing boards in higher education systems.

The District Court directed HEW to prepare criteria which would identify for the states the specific elements to be included in their revised desegregation plans. As the District Court stated in response to plaintiffs' oral argument on January 17, 1977:

What I do want them to do though is be under the compulsion of a court order to submit to the states certain specific requirements which the states must respond to and they should be given a timetable for communicating with the states, and the states should be given some kind of timetable within which to make response. (Transcript, January 17th ruling; emphasis supplied.)

In *Geier v. Blanton*, 427 F. Supp. 644 (M.D. Tenn. 1977), the Court quoted its Order of December 23, 1969, expressing its dissatisfaction with a state submitted desegregation plan in that the plan as submitted "lacks specificity, in that there is no showing of funds to be expended, no statement of the number of students to be involved, and most importantly, no time schedules for either the implementation of the projects or the achievement of any goals." 427 F. Supp. at 646.

The Supreme Court has maintained that in a system with a history of segregation there is a need for remedial criteria of sufficient specificity to assure compliance with the law. See *Swann*, *supra* at 25-26.

In keeping with the Court's view that the Department should submit specific requirements to the states, numerical goals and timetables are set forth in the criteria. The goals are established as indices by which to measure progress toward the objective of eliminating the effects of unconstitutional de jure racial segregation and of providing equal educational opportunity for all citizens of these states. They are benchmarks and provide the states the clear and specific guidance called for by the Court.

These goals are not quotas. The Department is opposed to arbitrary quotas. Failure to achieve a goal is not sufficient evidence, standing alone, to establish a violation of Title VI. In addition, the Office for Civil Rights upon a showing of exceptional hardship or special circumstances by a state, may modify the goals and timetables. Nevertheless, the states are under a statutory obligation to devise and implement plans that are effective in achieving the desegregation of the system.

Most importantly, under these criteria and the goals they set, all applicants must be able to compete successfully. States' efforts under these criteria need not and should not lead to lowering academic standards. States may need to innovate in seeking out

talented students who will profit from higher education. They may need to broaden definitions of potential; to discount the effects of early disadvantage on the development of academic competence; and to broaden the talents measured in admissions tests. But new and different yardsticks for measuring potential are not lower standards. They can be more valid measures of true potential and talent. Taken as a whole, these criteria seek to preserve and protect academic standards of excellence.

E. Special considerations in developing criteria for desegregation in higher education

A state system of higher education, as with an elementary and secondary school district, is held to an affirmative duty to take remedial action to correct past practices of segregation and discrimination. However, the nature of the remedial action required of a higher education system will differ from that required of a local education district. The court of Appeals in *Adams* noted:

However, we are also mindful that desegregation problems in colleges and universities differ widely from those in elementary and secondary schools, and that HEW admittedly lacks experience in dealing with them. * * * As regrettable as these revelations are, the stark truth is that HEW must carefully assess the significance of a variety of new factors as it moves into an unaccustomed area. 480 F. 2d at 1164.

In *Norris v. State Council of Higher Education*, 327 F. Supp. 1368, 1373 (E.D. Va. 1971), aff'd per curiam, 404 U.S. 907 (1971), the court held:

The means of eliminating discrimination in public schools necessarily differ from its elimination in colleges, but the state's duty is as exacting.

And in *Sanders v. Ellington*, 288 F. Supp. 937, 943 (M.D. Tenn. 1968), the court stated:

Now in considering the time element for presentation of a plan, I have thought of the complexities of the problem. I recognize that the simple remedies which might be available to a county school board where there is involved a compulsory system of education, a free system of education, and assignment of students, are not available here. Colleges are not compulsory and everyone can testify that they're not free.

Higher education differs from elementary and secondary education in many other ways. Besides being voluntary rather than compulsory, higher education operates on a statewide or regional basis, not local; there are no "attendance zones" in higher education; higher education programs vary from institution to institution and are not uniform; students are free to leave the state or to attend private colleges in pursuit of a higher education.

Furthermore, from state to state significant differences are to be found

and must be taken into consideration. In some states strong centralized "system" exists including four year and two year institutions; in others, the four year and two year institutions report to separate boards; in yet others, each institution operates under its own independent board. While none of these differences relieves a state of its obligations under Title VI or its constitutional duties, they must be taken into account in fashioning an appropriate set of criteria to be applicable to six states.

Accordingly, while desegregation cases involving individual elementary and secondary school districts are a guide to a state's duty to take corrective action, they are not dispositive of the particular methods to be designed for the dismantling of a dual system of higher education, for the desegregation of a statewide system, for the removal of the vestiges of racial segregation, and for the correction of "systemwide racial imbalance." As the courts in *Adams* have noted, these are indeed "complex" issues. These criteria are designed specifically for the higher education systems of these six states based on a careful consideration of relevant statutes and court opinions and with due consideration to the unique characteristics of higher education.¹

F. The unique role of the traditionally black colleges

In keeping with the instructions of the Court, the criteria recognize the unique importance of traditionally black colleges in meeting the educational needs of black students. More than 80 percent of all black college graduates have been trained at black colleges. In the mid-seventies, black colleges continue to graduate almost forty percent of all blacks who receive college degrees.

Thus it is with good reason that the Court of Appeals in *Adams* recognized the need to take into account "the special problems of black colleges."

Perhaps the most serious problem in this area is the lack of state-wide planning to provide more and better trained minority group doctors, lawyers, engineers and other professionals. A predicate for minority access to quality post-graduate programs is viable, co-ordinated state-wide higher education policy that takes into account the special problems of minority students and of Black colleges. * * * (T)hese Black institu-

¹ For a useful discussion of these issues see Note, "The Affirmative Duty To Integrate Higher Education," 70 *Yale Law Journal* 666 (1970).

² See Elias Blake, Public Policy and the Higher Education of Black Americans, Staff Report, Subcommittee on Constitutional Rights of the Committee on the Judiciary, 94th Cong. 2d Sess. 1976.

³ National Center for Education Statistics, Earned Degrees Survey, 1975-76.

tions currently fulfill a crucial need and will continue to play an important role in Black higher education. 480 F. 2d at 1164-1165.

Again in 1977, the District Court in its Second Supplemental Order, p. 4, quoted the above language of the Court of Appeals and went on to state:

The process of desegregation must not place a greater burden on Black institutions or Black students' opportunity to receive a quality public higher education. The desegregation process should take into account the unequal status of the Black colleges and the real danger that desegregation will diminish higher education opportunities for Blacks. Without suggesting the answer to this complex problem, it is the responsibility of HEW to devise criteria for higher education desegregation plans which will take into account the unique importance of Black colleges and at the same time comply with the Congressional mandate.

The Department does not take this language to mean that the traditionally black institutions are exempt from the Constitution or the requirements of Title VI. To the contrary, traditionally black and traditionally white institutions are subject to the same constitutional and congressional mandate to provide an education to all citizens without discrimination or segregation. White and black institutions are to function as part of a unitary system free of the vestiges of state imposed racial segregation. However, as the Court has instructed, the transition to a unitary system must not be accomplished by placing a disproportionate burden upon black students, faculty, or institutions or by reducing the educational opportunities currently available to blacks.

To achieve the objectives of Title VI, precise methods will need to be fashioned for institutions within a state, each appropriate to the task of overcoming the effects of prior discrimination in the particular instance. Each method will be enforced with equal force and determination. Each method is designed to achieve the same constitutional standard.

III. CONSULTATION PROCESS

In the preparation of the criteria originally promulgated pursuant to court instruction, the Department undertook an extensive consultation process within the Department and with interested outside parties. In an effort to assure that these criteria were both legally and educationally sound, a departmental task force was established to guide their development. The task force combined the multiple disciplines and varied expertise needed to resolve the complex issues and educational policies involved in this desegregation process. Serving on the task force were the General Counsel, the Director of the Office for Civil Rights, the Assistant Secretary for Education, the Commissioner of Education, and

the Assistant Secretary for Planning and Evaluation.

The Department also embarked on a program of open dialogue and consultation with parties of interest. The task force members conferred with representatives of the six states collectively and individually. The representatives included college presidents, education officials, and aides to Governors. A special meeting was held with students who attend the public colleges in the six states and representatives of several national student organizations. Four meetings were held with officials of the amicus curiae, National Association for Equal Opportunity in Higher Education, an association of the presidents of 110 predominantly black colleges and universities, both state supported and private. Two panels of nationally recognized educators met for half day sessions to advise the Department.

Finally, plaintiffs' representatives devoted many hours to reviewing and commenting on drafts of the criteria. They also convened a meeting for the Department with 28 citizens from these six states who are most familiar with the higher education desegregation efforts in their respective states.

The Department assumes full and sole responsibility for the content of these criteria. The consultations enumerated above were exceedingly helpful to the Department in the preparation of these criteria, but these discussions do not imply concurrence in the criteria in whole or in part by other parties.

Higher educational systems in these and other states are undergoing difficult adjustments caused by fiscal and demographic trends beyond the control of individual states. Accordingly, the criteria developed for the six states under the *Adams* Order, focused on desegregation efforts to be undertaken within the next five years. Similarly, OCR will seek plans that contain five-year goals from other states which are found to have a duty to eliminate the vestiges of duality in their systems of higher education.

As each state attains the goals set forth in its plan, OCR will assess, in cooperation with that state, the progress thereby made in order to determine what additional steps, if any, are necessary to complete the desegregation process. Furthermore, OCR will periodically review these criteria to assure their adequacy in meeting constitutional requirements, their consistency with rulings of the courts in higher education desegregation, and the mandate of Title VI.

ELEMENTS OF A PLAN

I. DISESTABLISHMENT OF THE STRUCTURE OF THE DUAL SYSTEM

An acceptable plan shall commit the state to the goal of organizing and op-

erating the system and institutions of higher education in a manner that promises realistically to overcome the effects of past discrimination and to disestablish the dual system, and which assures that students will be attracted to each institution on the basis of educational programs and opportunities uninhibited by past practices of segregation.

To achieve the disestablishment of the structure of the dual system, each plan shall:

A. Define the mission of each institution within the state system on a basis other than race.

Each mission statement shall include at a minimum:

1. The level, range and scope of programs and degrees offered;

2. Geographic area served by the institution; and

3. The projected size of the student body and staff, for each year of the life of the plan.

B. Specify steps to be taken to strengthen the role of traditionally black institutions in the state system.

In support of the specific steps required by I.B., the plan shall include:

1. Commitments that necessary improvements will be made to permit the traditionally black institutions to fulfill their defined mission. These improvements will extend to physical plant and equipment; quality and range of program offerings; number and quality of faculty; student, faculty and professional staff services; student financial assistance, and other financial support;

2. Commitments that traditionally black institutions will have the resources (including those enumerated in item 1 above), which are at least comparable to those at traditionally white institutions having similar missions.

3. An assessment of the physical plant at traditionally black institutions; and

4. A detailed description of the resources, expressed in dollars and in numbers of personnel to be assigned, which the state system will provide (and the source for such funds) in order to implement the steps specified in I.B. reported by year for the life of the step or activity.

C. Commit the state to take specific steps to eliminate educationally unnecessary program duplication among traditionally black and traditionally white institutions in the same service area.

To this end, the plan shall identify existing degree programs (other than core curricula) among institutions having identical or overlapping service areas and indicate specifically with respect to each area what steps the state will take to eliminate such duplication. The elimination of such program duplication shall be carried out consis-

tent with the objective of strengthening the traditionally black colleges.

D. Commit the state to give priority consideration to placing any new undergraduate, graduate, or professional degree programs, courses of study etc., which may be proposed, at traditionally black institutions, consistent with their missions.

E. Commit the state to withhold approval of any changes in the operation of the state system or of any institutions that may have the effect of thwarting the achievement of its desegregation goals.

F. Commit the State to advise OCR of proposed major changes in the mission or the character of any institution within the state system which may directly or indirectly affect the achievement of its desegregation goals prior to their formal adoption.

Such proposed changes include but are not limited to: the establishment or major expansion of programs of study, of departments, or institutions; the alteration of two year to four year institutions; the conversion of a private to a public institution; or the closing or merger of institutions or campuses.

G. Specify timetables for sequential implementation of the actions necessary to achieve these goals as soon as possible but no later than within five years (by the close of the fifth full academic year after the plan is accepted) unless compelling justification for a longer period for compliance is provided to and accepted by the Department.

The plan shall include interim benchmarks and goals from which progress toward these objectives may be measured. These timetables and benchmarks shall be appropriate to the nature of the action to be taken. For example, studies of physical plant and resources comparability should be completed promptly; corrective actions (including capital construction) will require longer time periods.

H. Commit the state and all its involved agencies and subdivisions to specific measures for achievement of the above objectives.

Such measures may include but are not limited to establishing cooperative programs consistent with institutional missions; reassigning specified programs, course offerings, resources and/or services among institutions; realigning the land grant academic programs so that research, experiment and other educational services are redistributed on a nonracial basis; and merging institutions or branches thereof, particularly where institutions or campuses have the same or overlapping services areas. The measures taken pursuant to this section should be consistent with the objective of strengthening the traditionally black colleges. A detailed description

of these measures need not be submitted at the time the plan is filed, but should be filed as a supplementary statement within 30 days thereafter for review and comment by OCR. Measures that offer no reasonable possibility of achieving the goals listed above will be rejected by OCR. Revised measures will be required before the plan can be accepted.

II. DESEGREGATION OF STUDENT ENROLLMENT

An acceptable plan shall commit the state to the goal of assuring that the system as a whole and each institution within the system provide an equal educational opportunity, are open and accessible to all students, and operate without regard to race and on a desegregated basis.

To achieve the desegregation of student enrollment, each plan shall:

A. *Adopt the goal that for two year and four year undergraduate public higher education institutions in the state system, taken as a whole, the proportion of black high school graduates throughout the state who enter such institutions shall be at least equal to the proportion of white high school graduates throughout the state who enter such institutions.*

B. (1) *Adopt the goal that there shall be an annual increase, to be specified by each state system, in the proportion of black students in the traditionally white four year undergraduate public higher education institutions in the state system taken as a whole and in each such institution; and*

(2) *Adopt the objective of reducing the disparity between the proportion of black high school graduates and the proportion of white high school graduates entering* traditionally white four year and upper division undergraduate public higher education institutions in the state system; and adopt the goal of reducing the disparity by at least fifty per cent by the final academic year of the plan. However, this shall not require any state to increase by that date black student admissions by more than 150% above the admissions for the academic year preceding the year in which the plan is requested by HEW.**

*For the purposes of this subsection, the term entering includes first-time transfers from two year and other institutions.

*Thus, where the present entry by black students in four year traditionally white institutions is at a rate of 1,000 students per year and a fully proportional rate would be 3,000 students per year, the state's goal would be an entry rate of 2,000 students per year five years thereafter. A state where the present entry is at a rate of only 500 students per year and full proportionality would be 3,000 students per year would not by that date have to close half the gap (by a rate of 1,750 per year) but only achieve an entry rate of 1,250 students, which is 150% over its present rate of 500.

C. *Adopt the goal that the proportion of black state residents who graduate from undergraduate institutions in the state system and enter graduate study or professional schools in the state system shall be at least equal to the proportion of white state residents who graduate from undergraduate institutions in the state system and enter such schools.*

This goal (and interim benchmarks or goals) shall be separately stated for each major field of graduate and professional study. To assure that this goal can be met in the immediate future special recruitment efforts should be considered at traditionally black institutions. Particular attention should be given to increasing black student enrollment and graduation from those traditionally white four year undergraduate institutions which serve as the feeder institutions for the graduate and professional schools. Achievement of this goal is of particular importance in light of the specific concern expressed by the Court of Appeals in Adams. In assessing progress toward this goal, OCR will give consideration to the number of blacks from each state who enroll in graduate and professional schools outside the state system.

D. *Adopt the goal of increasing the total proportion of white students attending traditionally black institutions.*

Increased participation by white students at traditionally black institutions must be a part of the process of desegregation of the statewide system of higher education. However, pursuant to the admonition of the courts in Adams, "The desegregation process should take into account the unequal status of the Black colleges and the real danger that desegregation will diminish higher education opportunities for Blacks." Civil Action No. 3095-70, Second Supplemental Order at p. 4. The following steps are designed to guard against the diminution of higher educational opportunities for black students, to take into account the unique importance of traditionally black colleges and to comply with the mandate of Title VI. Establishment of numerical goals for the enrollment of white students at traditionally black institutions must be preceded by an increasing enrollment of black students in the higher education system and at the traditionally white institutions, as is required by Section II of these criteria. It must also be preceded by the accomplishment of specific steps to strengthen the role of traditionally black institutions, eliminate program duplication, locate new programs at black institutions, and by such other measures as are set forth in Section I.

OCR shall annually review the progress made by each state in increasing participation by black students in

higher education and in the disestablishment of the dual school system. Two years after the commencement of the plan, and consistent with such progress, each state system shall specify annual numerical goals for increasing the participation of white students attending the traditionally black institutions.

E. *Commit the state to take all reasonable steps to reduce any disparity between the proportion of black and white students completing and graduating from the two year, four year and graduate public institutions of higher education, and establish interim goals, to be specified by the state system for achieving annual progress.*

F. *Commit the state to expand mobility between two year and four year institutions as a means of meeting the goals set forth in these criteria.*

G. *Specify numeric goals for II. A, B, and C, and timetables for sequential implementation of actions necessary to achieve these goals as soon as possible but not later than within five years unless another date is specified in this section.*

H. *Commit the state and all its involved agencies and subdivisions to specific measures to achieve these goals.*

Such measures may include, but are not limited to reviewing, monitoring, and revising, as necessary, procedures for student recruitment, admissions, compensatory instruction, counseling, financial aid, and staff and faculty development programs. The detailed description of these measures need not be submitted at the time the plan is filed, but should be filed as a supplementary statement within 30 days thereafter for review and comment by OCR. Measures that offer no reasonable possibility of achieving the numerical goals will be rejected by OCR. Revised measures will be required before the plan can be accepted.

III. DESEGREGATION OF FACULTY, ADMINISTRATIVE STAFFS, NONACADEMIC PERSONNEL, AND GOVERNING BOARDS

An acceptable plan shall commit the state system to the goal of increasing the number and proportion of black employees, academic and non-academic, throughout the system and of increasing representation of black citizens among appointive positions on the governing boards of the state system and of individual institutions.

To achieve the desegregation of faculty, administrators, other personnel, and governing boards, each plan shall:

A. *Adopt the goal that the proportion of black faculty and of administrators at each institution and on the staffs of each governing board, or any other state higher education entity, in positions not requiring the doctoral degree, shall at least equal the proportion of black students graduating with mas-*

ters degrees in the appropriate discipline from institutions within the state system, or the proportion of black individuals with the required credentials for such positions in the relevant labor market area, whichever is greater.

B. *Adopt the goal that the proportion of black faculty and of administrators at each institution and on the staffs of each governing board or any other state higher education entity, in positions requiring the doctoral degree, shall at least equal the proportion of black individuals with the credentials required for such positions in the relevant labor market area.*

C. *Adopt the goal that the proportion of black non-academic personnel (by job category) at each institution and on the staffs of each governing board or any other state higher education entity, shall at least equal the proportion of black persons in the relevant labor market area.*

D. *Assure hereafter and until the foregoing goals are met that for the traditionally white institutions as a whole, the proportion of blacks hired to fill faculty and administrative vacancies shall not be less than the proportion of black individuals with the credentials required for such positions in the relevant labor market area.*

E. *Specify numeric goals and timetables for sequential implementation of the actions necessary to achieve these objectives including interim benchmarks from which progress toward the objectives may be measured.*

These goals, timetables, and benchmarks shall be established in light of, and shall specify, the current and projected rates of vacancies in the various job categories, present and projected labor market availability, and other relevant factors.

F. *Commit the state system to take specific measures to achieve these objectives.*

Such measures may include, but are not limited to employment programs providing centralized recruitment, vacancy and applicant listings; transfer options; faculty development programs permitting release time for black faculty to attain the terminal degree; and the interchange of faculty on a temporary or permanent basis among traditionally white and traditionally black institutions within the state system. The detailed description of these measures need not be submitted at the time the plan is filed, but should be filed as a supplementary statement within 30 days thereafter for review and comment by OCR. Measures that offer no reasonable possibility of achieving the goals listed above will be rejected by OCR. Revised measures will be required before the plan can be accepted.

G. *Adopt the goal of increasing the numbers of black persons appointed to*

systemwide and institutional governing boards and agencies so that these boards may be more representative of the racial population of the state or of the area served.

IV. SUBMISSION OF PLANS AND MONITORING

A. After HEW has determined that a state has not eliminated the vestiges of desegregation in its former dual system of public higher education, the state shall submit to OCR a desegregation plan for its system of public higher education to implement the foregoing criteria.

1. The plan shall commit the state to substantial progress toward each of the goals in the first two years of the plan.

2. The plan shall be signed by the governor and by each official or designated person representing the agencies, associations, commissions, offices, and/or institutions responsible for adopting the systemwide and institutional goals described therein. Such persons or entities must be authorized under state law to perform all actions necessary to achieve these goals.

3. The plan shall certify that achievement of the goals and interim benchmarks specified therein has been adopted as official policy of each official or agency.

B. It is recommended that each state establish a biracial citizens advisory/monitoring committee to assist the state in monitoring the implementation of the plan.

C. Each state shall submit to OCR by August 15 of each year after a plan's acceptance, a comprehensive narrative assessment of its desegregation efforts in the most recent academic year. This narrative assessment shall include:

1. A description of the specific measures which have been taken to achieve the objectives enumerated in the plan and in the criteria;

2. A description of the results achieved, including quantitative indices where appropriate or required;

3. An analysis of the reasons why any steps taken proved inadequate or insufficient; and

4. A description of the steps the state will take to achieve progress and to maintain the timetables set forth in the plan.

D. OCR shall review such narrative reports. If good cause for the failure to meet interim goals is not demonstrated, OCR may impose more stringent requirements, including advance approval by OCR of desegregation methods, in order to assure achievement of the goals of the plan. In the alternative, the Department may initiate enforcement proceedings under Title VI of the Civil Rights Act of 1964, if compliance with Title VI cannot be achieved by voluntary means.

E. Each plan shall provide that the state will furnish to OCR statistical reports, assessments, and such other information as OCR may deem necessary from time to time in order to determine the effectiveness of the state's efforts to achieve the goals described in these criteria. Such information shall include annual statistical reports in substantially the same format used previously by the affected states pursuant to earlier desegregation plans. Specific dates for the submission of the reports will be established by OCR. In the event that subsequent developments call for the submission of additional data, such requirements will be announced after consultation with the states, and the states and institutions shall have sufficient time to develop the system needed for the gathering of additional data.

V. DEFINITIONS

As used in these criteria:

A. "Department" refers to the U.S. Department of Health, Education, and Welfare. In instances where the "Department" is to take certain actions, they may be performed by the Office for Civil Rights or the Director, Office for Civil Rights, on behalf of the Department.

B. "Institution" means any school, college, junior or community college, university, professional or graduate school, administered by or as an agency of the state government. Four year institution means any school, college, or university that offers a baccalaureate or graduate degree. For the purpose of these criteria, "institution" does not refer to private schools or colleges.

C. "State system" means the aggregate of all state public institutions of higher education within the state, whether or not under the governance of the same state agency or board.

D. "Student" means any person enrolled in an instructional program, whether full-time or part-time, subject to exceptions to be specified by the Office For Civil Rights.

E. "Faculty" means all persons employed by an institution as full-time instructional personnel.

F. "Labor market area" means the geographical area in which an institution or campus traditionally recruits or draws applicants possessing the requisite credentials for vacancies in faculty, administrative, or non-academic personnel positions.

G. "Governing board" means that appointed or elected body, whether or not responsible to the governor of a state or to the state legislature, which is charged under state law with the ultimate responsibility for the administration and operation of institutions within the state system of public higher education. A "governing board" may be responsible for the entire

system, for a single campus or institution thereof, or for a specified group of campuses or institutions.

Dated: February 2, 1978.

DAVID S. TATEL,
Director, Office for Civil Rights.
[FR Doc. 78-4091 Filed 2-14-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-841]

FEDERAL EQUAL HOUSING OPPORTUNITY
COUNCIL

Establishment and Functioning

AGENCY: Department of Housing and Urban Development.

ACTION: Notice.

SUMMARY: The purpose of this notice is to place in the public record information regarding the establishment and functioning of the Federal Equal Housing Opportunity Council.

FOR FURTHER INFORMATION CONTACT:

Lloyd Davis, Director, Office of Voluntary Compliance, 451, 7th Street SW., Room 5228, Washington, D.C. 20410, Phone, 202-755-5904.

Section 1—Establishment of the Council

The provisions of Executive Order 11063 (27 FR 11527, effective November 20, 1962, and section 808 of Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. § 3608) set forth requirements that Federal agencies function in a manner that deters housing discrimination and affirmatively promotes fair housing and equal opportunity. Further, under Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d) each agency is responsible for assuring nondiscrimination in programs involving Federal financial assistance. In accordance with these authorities, and in an effort to assist Federal agencies in fulfilling their fair housing and equal opportunity responsibilities, the Department of Housing and Urban Development (hereafter HUD), established the Federal Equal Housing Opportunity Council ("Council").

Section 2—Functions

The Council is chaired by the HUD Assistant Secretary for Fair Housing and Equal Opportunity, and is open to all Federal agencies and departments. The Council has developed three primary goals to be achieved by each member agency:

A. Planning federal facilities in locations where there is shown to exist, on

a nondiscriminatory basis, an adequate supply of low and moderate income housing with adequate access by public transportation from other areas of the urban center and adequate parking facilities.

B. Establishing and maintaining an Equal Housing Locator Service, either separately or in cooperation with agencies in close proximity, available to all agency employees, in headquarters and field offices.

C. Making affirmative use of agency funding authority with respect to government sponsored projects to further the purposes of Title VIII of the Civil Rights Act of 1968 (as amended).

To institutionalize the process of agency pursuit of Council goals, HUD negotiates and executes Interagency Fair Housing Agreements with member agencies. In view of HUD's leadership role under Title VIII, primary staff responsibility for the Council rests with the HUD Assistant Secretary for Fair Housing and Equal Opportunity and the Office of Voluntary Compliance.

Section 3—Meetings, Procedures and Reports

The Council meets quarterly during the fiscal year. The time and place of each meeting and the matters to be considered will be published in advance of the meeting. HUD requests biannual progress reports on agency activities to achieve Council goals, with updates as required. HUD issues an annual report on the accomplishments of the Council, titled The Federal Agencies and Fair Housing. HUD also submits reports to OMB relative to estimated cost incurred for the Council to function. Interagency Fair Housing Agreements signed with HUD will be published in the FEDERAL REGISTER and made available through the mail to interested public and private organizations.

Section 4—Council Members

HUD has requested that the head of an agency or department commencing its participation on the Council appoint a representative and an alternate to attend Council meetings and work with HUD in pursuit of the Council goals. As an appointee for the agency or department head, each representative has decisionmaking authority with respect to matters under consideration. The level of appointment allows for timely implementation of Council efforts.

Section 5—Travel Expenses, Administrative Support, Financing

Financial and administrative support for the Council is provided by the Department of HUD, Office of Fair Housing and Equal Opportunity. Travel expenses incurred by representatives in attending quarterly meetings is borne by the individual agencies.

AUTHORITY: (Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

Issued at Washington, D.C., January 31, 1978.

CHIESTER C. MCGUIRE,
Assistant Secretary for Fair
Housing and Equal Opportunity.
[FR Doc. 78-4087 Filed 2-14-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

STATE DIRECTOR, CALIFORNIA

Redelegation of Authority

Under the authority of Secretarial Order No. 3003, dated April 26, 1977, subject to limitations of section 4(b) of that order, the State Director, California, is authorized to issue all initial grants, permits, and amendments thereto, across public and other appropriate Federal lands for the SOHIO pipeline and associated ancillary facilities in the States of Arizona, California, New Mexico, and Texas. This authorization is pursuant to section 28 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 185.

The California State Director shall not redelegate this authority.

GEORGE L. TURCOTT,
Acting Director.

FEBRUARY 3, 1978.

[FR Doc. 78-4134 Filed 2-14-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 77-34]

ROOSEVELT P. JACKSON

Hearing

Notice is hereby given that on November 9, 1977, the Drug Enforcement Administration, Department of Justice, issued to Roosevelt P. Jackson, M.D., Atlanta, Ga., an Order to Show Cause as to why his DEA Certificate of Registration, AJ1172472, should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on Wednesday, March 1, 1978, in Courtroom No. 205, State Court of Fulton County Courthouse, 160 Pryor Street SW., Atlanta, Ga.

Dated: February 9, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc. 78-4131 Filed 2-14-78; 8:45 am]

[4410-01]

[Docket No. 77-39]

HERMAN WINFIELD WHITE

Hearing

Notice is hereby given that on December 2, 1977, the Drug Enforcement Administration, Department of Justice, issued to Herman Winfield White, D.O., Douglasville, Ga., an Order to Show Cause as to why the Drug Enforcement Administration registration AW1155882 issued to him pursuant to 21 U.S.C. 823 should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on Tuesday, February 28, 1978, in Courtroom No. 205, State Court of Fulton County Courthouse, 160 Pryor Street SW., Atlanta, Ga.

Dated: February 9, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc. 78-4132 Filed 2-14-78; 8:45 am]

[6820-41]

NATIONAL ADVISORY COUNCIL ON
ECONOMIC OPPORTUNITY

MEETING

Pursuant to section 10 of the Federal Advisory Committee Act of 1972 notice is hereby given that the National Advisory Council on Economic Opportunity will hold a two-day meeting on March 13 and 14, 1978 at the Council's office at 1725 K Street NW., (Room 405), Washington, D.C.

The purpose of the two-day meeting is to review and discuss the reports of the committees charged with the study and recommendations regarding (1) coordination and (2) Community Development Corporations.

The March 13 meeting will open at 1:30 p.m. The March 14 meeting will begin at 9:30 a.m. and continue until the Council's business is concluded. Both meetings are open to the public.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

Records shall be kept of all proceed-

ings and shall be available for public inspection at the office of the National Advisory Council on Economic Opportunity.

WALTER B. QUETSCH,
Executive Director.

[FR Doc. 78-4195 Filed 2-14-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY
COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, WORKING GROUP ON ANTICIPATED TRANSIENTS WITHOUT SCRAM

Meeting

The February 17, 1978, meeting of the ACRS Working Group on Anticipated Transients Without SCRAM has been rescheduled to be held on March 31, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555, starting at 8:30 a.m. All items pertaining to the meeting remain the same as announced in the FEDERAL REGISTER on December 2 and December 19, 1977.

Dated: February 13, 1978.

JOHN C. HOYLE,
Advisory Committee,
Management Officer.
[FR Doc. 78-4346 Filed 2-14-78; 9:56 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0195]

CAPITAL FOR TERREBONNE, INC.

Issuance of License To Operate as a Small Business Investment Company

On December 20, 1977, a notice was published in the FEDERAL REGISTER (42 FR 63841) stating that Capital for Terrebonne, Inc., 1613 Barrow Street, P.O. Box 1868, Houma, La. 70360, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the rules and regulations governing small business investment companies (13 CFR 107.102 (1977)) for a license to operate as a small business investment company (SBIC).

The public was given to the close of business January 4, 1978, to submit written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other information, SBA has issued License No. 06/06-0195 to Capital for Terrebonne, Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: February 8, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-4155 Filed 2-14-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1426]

CALIFORNIA

Declaration of Disaster Loan Area

Marin County and adjacent counties within the State of California constitute a disaster area as a result of damage caused by heavy rain, wind storms, flooding and compounded by extremely high tides and strong wave action in coastal area which occurred on January 4-9, 1978.

Eligible persons, firm and organizations may file applications for loans for physical damage until the close of business on April 7, 1978, and for economic injury until the close of business on November 6, 1978, at:

Small business Administration, District Office, 211 Main Street, San Francisco, Calif. 94105

or other locally announced locations.
(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-4117 Filed 2-14-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1430]

CONNECTICUT

Declaration of Disaster Loan Area

New Haven and New London Counties and adjacent counties within the State of Connecticut constitute a disaster area as a result of damage caused by excess snow and ice accumulation followed by heavy rainfall and flooding which occurred on January 17-27, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 10, 1978, and for economic injury until the close of business on November 7, 1978, at:

Small Business Administration, District Office, One Financial Plaza, Hartford, Conn. 06103

or other locally announced locations.
(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 7, 1978.

A. VERNON WEAVER,
Administrator.
[FR Doc. 78-4118 Filed 2-14-78; 8:45 am]

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NOTICES

[8025-01]

(Declaration of Disaster Loan Area No. 1427)

MASSACHUSETTS

Declaration of Disaster Loan Area

The 600 Block of Lawrence Street in Wamesit Power Mill area of the City of Lowell, Middlesex County, Mass., constitutes a disaster area because of damage resulting from a fire which occurred on December 24, 1977. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 7, 1978, and for economic injury until the close of business on November 6, 1978 at:

Small business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Mass. 02114

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

(FR Doc. 78-4119 Filed 2-14-78; 8:45 am)

[8025-01]

(Declaration of Disaster Loan Area No. 1428)

MASSACHUSETTS

Declaration of Disaster Loan Area

Barnstable County and adjacent county within the State of Massachusetts constitute a disaster area as a result of damage caused by severe winter storm, high tides, gale force winds, heavy freezing rainfall, ice and flooding which occurred on January 9, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 7, 1978, and for economic injury until the close of business on November 6, 1978, at:

Small Business Administration, District Office, 150 Causeway Street, 10th Floor, Boston, Mass. 02114

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

(FR Doc. 78-4120 Filed 2-14-78; 8:45 am)

[8025-01]

(Declaration of Disaster Loan Area No. 1408, Add No. 2)

NEBRASKA

Declaration of Disaster Loan Area

The above numbered Declaration (See 42 FR 63984 and 43 FR 4892), are amended by extending the filing date for physical drought (crop) damage until the close of business on June 20, 1978 and for economic injury until the close of business on September 20, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

(FR Doc. 78-4121 Filed 2-14-78; 8:45 am)

[8025-01]

(Declaration of Disaster Loan Area No. 1424)

RHODE ISLAND

Declaration of Disaster Loan Area

The State of Rhode Island constitutes a disaster area as a result of damage caused by snow, freezing rain and severe ice storms which occurred on January 13-15, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 7, 1978, and for economic injury until the close of business on November 6, 1978, at:

Small Business Administration, District Office, 57 Eddy Street, Providence, R.I. 02903

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: February 6, 1978.

A. VERNON WEAVER,
Administrator.

(FR Doc. 78-4122 Filed 2-14-78; 8:45 am)

[8025-01]

CROP DAMAGE

Physical Disaster Declaration Extensions

Notice is hereby given to extend the termination dates on the following thirteen (13) physical disaster declarations on crop damage:

(1) Declaration of Disaster Loan Area No. 1350.

GEORGIA—AMENDMENT No. 2

The above numbered Declaration (see 42 FR 39285), and Amendment No. 1 (see 42 FR 48424) are amended by extending the filing date for accepting applications for physical

damage until the close of business on January 31, 1978, and for economic injury until the close of business on August 31, 1978.

(2) Declaration of Disaster Loan Area No. 1355.

NORTH CAROLINA—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 41687), and amendments thereto (see 42 FR 44863 and 42 FR 52590), are amended by extending the filing date for accepting applications for physical damage until the close of business on February 9, 1978, and for economic injury until the close of business on September 11, 1978.

(3) Declaration of Disaster Loan Area No. 1353.

FLORIDA—AMENDMENT No. 2

The above numbered Declaration (see 42 FR 40802), and Amendment No. 1 (see 42 FR 54896), are amended by extending the filing date for accepting applications for physical damage until the close of business on February 4, 1978, and for economic injury until the close of business on September 4, 1978.

(4) Declaration of Disaster Loan Area No. 1357.

SOUTH CAROLINA—AMENDMENT No. 1

The above numbered Declaration (see 42 FR 41687) is amended by extending the termination date for accepting applications for filing for physical damage until the close of business on February 10, 1978, and for economic injury until the close of business on September 11, 1978, and by adding Dillon, Horry, Marion, and Williamsburg Counties and adjacent counties within the State of South Carolina.

(5) Declaration Disaster Loan Area No. 1358.

OREGON—AMENDMENT No. 2

The above numbered Declaration (see 42 FR 44323), and Amendment No. 1 (see 42 FR 56990), are amended by extending the filing date for accepting applications for physical damage until the close of business on February 13, 1978, and for economic injury until the close of business on September 12, 1978.

(6) Declaration of Disaster Loan Area No. 1360.

ALABAMA—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 42421), and amendments thereto (see 42 FR 52588 and 42 FR 60618), are amended by extending the filing date for accepting applications for physical damage until the close of business on February 28, 1978, and for economic injury until the close of business on September 28, 1978.

(7) Declaration of Disaster Loan Area No. 1361.

IDAHO—AMENDMENT No. 2

The above numbered Declaration (see 42 FR 44862 and 43 FR 2682), are amended by extending the filing date for accepting applications for physical damage until the close of business on February 24, 1978, and for economic injury until the close of business on September 24, 1978.

(8) Declaration of Disaster Loan Area No. 1364.

VIRGINIA—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 44863), and amendments thereto (see 42 FR 52590 and 42 FR 58992), are amended by extending the termination date for accepting applications for filing for physical damage until the close of business on February 28, 1978, and for economic injury until the close of business on September 28, 1978.

(9) Declaration of Disaster Loan Area No. 1365.

IOWA—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 44862), and amendments thereto (see 42 FR 52589 and 42 FR 59341), are amended by extending the termination date for filing applications for physical damage until the close of business on February 23, 1978, and for economic injury until the close of business on September 25, 1978.

(10) Declaration of Disaster Loan Area No. 1367.

MISSISSIPPI—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 45977), Amendments No. 1 (see 42 FR 58472), and Amendment 2 (43 FR 2967) are amended by extending the filing date for accepting applications for physical damage until the close of business on February 28, 1978, and for economic injury until the close of business on September 28, 1978.

(11) Declaration of Disaster Loan Area No. 1370.

IDAHO—AMENDMENT No. 2

The above numbered Declaration (see 42 FR 56657), and amendment thereto (see 42 FR 58472), are amended by extending the filing date for accepting applications for physical damage until the close of business on March 13, 1978, and for economic injury until the close of business on October 12, 1978.

(12) Declaration of Disaster Loan Area No. 1384.

WASHINGTON—AMENDMENT No. 3

The above numbered Declaration (see 42 FR 56991), and amendments thereto (see 42 FR 59153 and 42 FR 62055), are amended by extending the filing date for accepting applications for physical damage until the close of business on April 19, 1978, and for economic

injury until the close of business on November 20, 1978.

(13) Declaration of Disaster Loan Area No. 1403.

MISSOURI—AMENDMENT No. 1

The above numbered Declaration (see 42 FR 60240) is amended by extending the filing date for accepting applications for physical damage until the close of business on May 17, 1978, and for economic injury until the close of business on December 18, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: December 23, 1977.

A. VERNON WEAVER,
Administrator.

(FR Doc. 78-4123 Filed 2-14-78; 8:45 am)

[8025-01]

(Delegation of Authority No. 30, Revision 15; Amdt. 18)

SUPERVISORY LOAN SPECIALISTS IN DISASTER OFFICES

Delegation To Conduct Program Activities in Field Offices

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER on February 25, 1976 (41 FR 8240), as amended (41 FR 16234, 17829, 28049, 36702, 47610, 50883, 42 FR 56990, 59153, 61347, 43 FR 55, and 1577) is hereby further amended to delegate authority to Supervisory Loan Specialist in Disaster Offices to cancel, reinstate, modify, and amend loan authorizations.

Accordingly, Delegation of Authority No. 30, Revision 15, Part II, Section A, is amended as set forth below:

• • • • •

PART II—DISASTER PROGRAM

SECTION A—DISASTER LOAN AUTHORITY

• • • • •

7. Disaster loan authorizations

• • • • •

b. To cancel, reinstate, modify, and amend authorizations:

• • • • •

(10) Supervisory Loan Specialist, Disaster office

• • • • •

Effective Date: February 15, 1978.

Dated: February 9, 1978.

RICHARD HERNANDEZ,
Associate Administrator
for Operations.

(FR Doc. 78-4124 Filed 2-14-78; 8:45 am)

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NOTICES

[4810-40]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Cir. Public Debt Series—No. 5-78]

UNITED STATES OF AMERICA TREASURY
NOTES OF FEBRUARY 29, 1980

Series L-1980

FEBRUARY 10, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$3,250,000,000 of United States securities, designated Treasury Notes of February 29, 1980, Series L-1980 (CUSIP No. 912827 HM 7). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated February 28, 1978, and will bear interest from that date, payable on a semiannual basis on August 31, 1978; February 28 and August 31, 1979; and February 29, 1980. They will mature February 29, 1980, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry se-

curities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, February 16, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, February 15, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.118. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United

States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a 1/4 of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers

it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Tuesday, February 28, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

- (a) Friday, February 24, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or
- (b) Thursday, February 23, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer iden-

tifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
*Acting Fiscal
Assistant Secretary.*

[FR Doc. 78-4354 Filed 2-14-78; 10:57 am]

[8320-01]

VETERANS ADMINISTRATION

COOPERATIVE STUDIES EVALUATION COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held at the

Holiday Inn (Civic Center), 1170 NW 11th Street, Miami, Fla., on March 13, and 14, 1978. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., March 13, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, D.C., 202-389-3702, prior to February 23.

The meeting will be closed from 8:30 a.m. to 4:30 p.m., March 13, and all day on March 14 for consideration of specific proposals in accordance with provisions set forth in Subsection 10(d) of Public Law 92-463, as amended by Public Law 94-409, and Subsection 552b(c)(6) of Title 5, United States Code. During this portion of the meeting, discussion and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: February 8, 1978.

MAX CLELAND,
Administrator.

[FR Doc. 78-4125 Filed 2-14-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 589]

ASSIGNMENT OF HEARINGS

FEBRUARY 10, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135082 (Sub-No. 45), Bursch Trucking, Inc., d.b.a., Roadrunner Trucking, Inc., now assigned February 28, 1978, at Phoenix, Ariz., will be held in the Tax Court Room No. 235, 3d Floor, Federal Building and Post Office, 522 North Central Avenue, instead of Tax Court Room No. 235, Federal Building and Post Office, 1000 Liberty Avenue.

MC 133655 (Sub-No. 99), Trans-National Truck, Inc., now assigned March 14, 1978, at Chicago, Ill., is postponed indefinitely.

MC 118130 (Sub-No. 77), South Eastern Express, Inc., now assigned February 22, 1978, at Dallas, Tex., is canceled and application dismissed.

MCC 9934, *Universal Prototype, Inc. v. Roadway Trucking Co., et al.*, is now assigned for hearing March 14, 1978 (1 day), at Chicago, Ill., at a hearing room to be later designated.

AB 43 (Sub-No. 41), Illinois Central Gulf Railroad Co. Abandonment near Bemis, Tenn., and Holly Springs, Miss., in Madison, Hardeman, and Fayette Counties, Tenn., and Benton and Marshall Counties, Miss., now assigned March 1, 1978, at Bolivar, Tenn., will be held in the Utility Building, Tennessee State Highway 18 South.

MC 143621, Tennessee Steel Haulers, Inc., now assigned March 6, 1978, at Nashville, Tenn., will be held in Room A-440, Federal Building, U.S. Courthouse, 801 Broadway.

MC 108676 (Sub-No. 110), A. J. Metler Hauling & Rigging, Inc., now assigned March 8, 1978, at Nashville, Tenn., will be held in Room A-440, Federal Building, U.S. Courthouse, 801 Broadway.

MC 124306 (Sub-No. 29), Kenan Transport Co., Inc., now assigned March 6, 1978, at Raleigh, N.C., will be held in Room 209, Federal Building, 310 New Bern Avenue.

MCC 9761, *Carolina Coach Co., et al. v. Mandrell Motor Coach, Inc.*, now assigned February 22, 1978, at Dover, Del., is postponed indefinitely.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4190 Filed 2-14-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

FEBRUARY 10, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission February 27, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not oper-

ate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a common carrier, by motor vehicles, over irregular routes.

No. MC 60014 (Sub-No. E146) (Clarification), filed June 4, 1974, published in the FEDERAL REGISTER issue of July 23, 1975, republished October 28, 1975, and republished, as clarified, this issue. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: Charles A. Tell, 100 East Broad Street, Columbus, Ohio 45215. *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, between those points in Indiana on and south of a line beginning at Lake Michigan and extending along Indiana Highway 39 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 24/30, thence along U.S. Highway 24/30 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 33, thence along Ohio Highway 33 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateways of points in Ohio on and east and south of a line beginning at the Ohio-West Virginia State line, and extending along U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30 and Ohio Highway 13 at Mansfield, Ohio, thence south along Ohio Highway 13 to junction U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, Ohio at the Ohio-West Virginia State line. The purpose of this republication is to clarify the gateway elimination.

No. MC 60014 (Sub-No. E242), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, floor-*

ing, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils, from points in Rhode Island, to points in Kentucky on and west of a line beginning at the West Virginia-Kentucky State line, and extending along U.S. Highway 119 to the junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of: (1) Between points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.); (2) points in Massachusetts on and east of U.S. Highway 5; (3) Greenwich, Conn.; (4) points in New York; (5) Wheeling, W. Va.

No. MC 60014 (Sub-No. E300), filed August 28, 1978. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (Same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils, except commodities in bulk, from points in Maine, Connecticut, and New Hampshire, to points in Alabama, Kentucky, Mississippi and Tennessee. The purpose of this filing is to eliminate the gateways of:* (1) Between points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.); (2) points within 10 miles of Greenwich, Conn.; (3) New York, Pennsylvania, and West Virginia; (4) Wheeling, W. Va.

No. MC 60014 (Sub-No. E301), filed August 28, 1976. Applicant: AERO

TRUCKING INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils, between points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending southwardly along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.), on the one hand, and, on the other, points in Delaware, New Jersey, Pennsylvania, and Virginia. The purpose of this filing is to eliminate the gateway of points in New York.*

No. MC 60014 (Sub-No. E302), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison, (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire in coils, between points in Ohio on and west of a line beginning at Lake Erie and extending along Ohio Highway 91 to junction of U.S. Highway 422, thence along U.S. Highway 422 to junction Ohio Highway 88, thence along Ohio Highway 88 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Rhode Island, those points in Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line; those points in Connecticut on and east of a line beginning at the Massachusetts-Connecticut State line, and extending along U.S. Highway 5 to the junction Interstate Highway 91, thence along Interstate Highway 91 to the junction of Connecticut Highway 2, thence along Connecticut Highway 2 to the junction to the junction of Connecticut*

Highway 85, thence along Connecticut Highway 85 to the Block Island Sound; those points in New Hampshire on and east of a line beginning at the Vermont-New Hampshire State line, and extending along U.S. Highway 302 to junction New Hampshire Highway 112, thence along New Hampshire Highway 112 to junction New Hampshire Highway 118, thence along New Hampshire Highway 118 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction New Hampshire Highway 3A/25, thence along New Hampshire Highway 3A/25 to junction New Hampshire Highway 3A, thence along New Hampshire Highway 3A to junction New Hampshire Highway 104, thence along New Hampshire Highway 104 to junction U.S. Highway 4, thence along U.S. Highway 4 to junction New Hampshire Highway 11, thence along New Hampshire Highway 11 to junction New Hampshire Highway 10, thence along New Hampshire Highway 10 to junction New Hampshire Highway 123A, thence along New Hampshire Highway 123A to junction New Hampshire Highway 123, thence along New Hampshire Highway 123 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateways of: (1) Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, Ohio; (2) points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line; (3) New York; (4) between points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 68 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.)

No. MC 60014 (Sub-No. E307), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils, from those points in Ohio on and east of a line be-*

ginning at Lake Erie and extending along U.S. Highway 42 to junction Ohio Highway 176, thence along Ohio Highway 176 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 21, thence along Ohio Highway 21 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 78, thence along Ohio Highway 78 to the Ohio-West Virginia State line, to those points in Kentucky on and south of a line beginning at the West Virginia-Kentucky State line, and extending along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 638, thence along Kentucky Highway 638 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 178, thence along Kentucky Highway 178 to junction Kentucky Highway 800, thence along Kentucky Highway 800 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to the Kentucky-Illinois State line. The purpose of this filing is to eliminate the gateway of between points in that part of Ohio on and south of U.S. Highway 30 on and east of a line beginning at junction U.S. Highway 30 and Ohio Highway 13 (near Mansfield, Ohio), and extending in a southward direction along Ohio Highway 13 to junction U.S. Highway 33 (near Athens, Ohio), thence southwardly along U.S. Highway 33 to junction Ohio Highway 33 to junction Ohio Highway 7 (near the Ohio River), thence westerly along Ohio Highway 7 and U.S. Highway 33 to Pomeroy, Ohio (except points in Licking County, Ohio).

No. MC 60014 (Sub-No. E308), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils, between points in Ohio, on the one hand, and, on the other, those points in West Virginia on and east of a line beginning at the Ohio-West Virginia State line and extending along West Virginia Highway 2, thence along West Virginia Highway 2 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction Interstate Highway 79, thence along Interstate Highway*

79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 20, thence along West Virginia Highway 20 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of between points in that part of Ohio on and east of a line extending from Mansfield to Pomeroy, Ohio, along Ohio Highway 13 to junction thereof with U.S. Highway 33, thence along U.S. Highway 33 to Pomeroy, and on and south of U.S. Highway 30 extending from Mansfield to the Ohio-West Virginia State line (except points in Licking County, Ohio).

No. MC 60014 (Sub-No. E309), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils, between those points in Indiana on and south of a line beginning at Lake Michigan, and extending along Indiana Highway 39 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway 24/30, thence along U.S. Highway 24/30 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on the other, those points in Ohio on and east of a line beginning at Lake Erie and extending along Ohio Highway 13, thence along Ohio Highway 13 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 61, thence along Ohio Highway 61 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 13, thence along Ohio Highway 13 to junction Ohio Highway 33, thence along Ohio Highway 33 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateways between points in that part of Ohio on and south of U.S. Highway 30 on and east of a line beginning at junction U.S. Highway 30 and Ohio Highway 13 (near Mansfield, Ohio), and extending along in a southward direction along Ohio Highway 13 to junction U.S. Highway 33 (near Athens, Ohio), thence southwardly along U.S. Highway 33 to junction Ohio Highway 33 to junction Ohio Highway 7 (near the Ohio River), thence westerly along Ohio Highway 7*

and U.S. Highway 33 to Pomeroy, Ohio (except points in Licking County, Ohio).

No. MC 60014 (Sub-No. E 310), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire* in coils, from points in Rhode Island, to points in Mississippi. The purpose of this filing is to eliminate the gateways (1) between points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line and extending along southwarily U.S. Highway 202 to junction Massachusetts Highway 68 (at or near Baldwinville, Mass.), thence along Massachusetts Highway 668 to junction Massachusetts Highway 56 (at or near Hubbardston, Mass.), thence over Massachusetts Highway 56 to junction Massachusetts Highway 12 (near Rochdale, Mass.), thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line, (except points in Barnstable, Dukes, and Nantucket Counties, Mass.) (2) points in Massachusetts on and east of U.S. Highway 5. (3) Greenwich, Conn. (4) points in New York. (5) Wheeling, W. Va.

No. MC 83539 (Sub-No. E345), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, between points in the State of Alabama, in and east of Madison, Morgan, Cullman, Blount, Jefferson, Tuscaloosa, Green, Sumter and in and west of Randolph, Tallapoosa, Macon, Bullock, Pike, Crenshaw, and Covington Counties on the one hand, and, on the other, points in the State of Connecticut. The purpose of this filing is to eliminate the gateways of points within a 50-mile radius of Philadelphia, Pa., Nashville, Tenn., and points in Kentucky.

No. MC 83539 (Sub-No. E357), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, between points in the State of Arkansas, on the one hand, and, on the other, points in the State of Ohio, restricted against service in the stringing or picking up of any of the above commodities in con-

nection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of points in Kentucky.

No. MC 83539 (Sub-No. E358), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, between points in the State of Colorado, on the one hand, and, on the other, points in the State of Delaware, restricted against service in the stringing or picking up of any of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Wichita, Kans., Philadelphia, Pa., and points in Illinois, Indiana, and Missouri.

No. MC 83539 (Sub-Nos. E409, E410, E411, E412, and E418) (correction), filed May 31, 1977, published in the FEDERAL REGISTER issued of January 20, 1978, and, republished, as corrected, this issue. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above).

NOTICE.—The following E letter-notices were given the wrong filing date of May 31, 1974 and should read May 31, 1977 on page 3001 of January 20, 1978 FEDERAL REGISTER. The E's are E409, E410, E411, and E412. On page 3002 in the middle column—third paragraph: the filing date of May 31, 1977 and the number No. MC 83539 (Sub-No. E418) were omitted. The letter-notices should read the same as published in the previous FEDERAL REGISTER.

No. MC 83539 (Sub-No. E429), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment and *related machinery parts* when moving in connection with such commodities; between points in Maryland on the one hand and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateways of points in Kentucky and Pennsylvania.

No. MC 83539 (Sub-No. E430), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment and (2) *related machinery parts, and related contractors' materials and supplies* when moving in connection with the commodities in (1) above, between points in Maryland

on the one hand and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of points in Pennsylvania.

No. MC 83539 (Sub-No. E431), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment and *parts* thereof when moving in connection with such commodities between (a) points in Maryland, on the one hand and, on the other, those points in Tennessee in and west of Macon, Smith, Wilson, Rutherford, Coffee, Moore, and Lincoln Counties, and those points in Maryland in and west of Allegany County on the one hand and, on the other, those points in Tennessee in and west of Pickett, Fentress, Cumberland, Bledsoe, Sequatchie and Marion Counties. The purpose of this filing is to eliminate the gateways of points in Pennsylvania and Kentucky, and those points within a 50-mile radius of Nashville, Tenn.

No. MC 83539 (Sub-No. E439), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham III (same as above). (1) *Self-propelled articles*, (except in driveway service), each weighing 15,000 pounds or more and (2) *related machinery, parts, and supplies* moving in connection with self-propelled articles, between (a) points in Missouri in and west of Clark, Lewis, Marion, Ralls, Pike, Audrain, Callaway, Cole, Moniteau, Morgan, Benton, Hickory, Polk, Greene, Christian, Douglas, Howell, Oregon, Ripley, Butler, Stoddard, Scott, Mississippi, New Madrid, Pemiscot, and Dunklin Counties on the one hand and, on the other, points in West Virginia in and east of McDowell, Wyoming, Boone, Kanawha, Jackson, Wood, Pleasants, Tyler, and Wetzel Counties, (b) points in Missouri on the one hand and, on the other, points in West Virginia in and east of Preston, Tucker, Randolph, and Pocahontas Counties, restricted to commodities which are transported on trailers, and restricted against the transportation of any shipment which (1) originates at St. Louis or Kansas City, Mo., and which is destined to any point in Missouri, or (2) originates at any point in Missouri and which is destined to St. Louis or Kansas City, Mo. The purpose of this filing is to eliminate the gateways of points in Iowa, Illinois, and Indiana, or points in Arkansas and Kentucky.

No. MC 83539 (Sub-No. E440), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's repre-

sentative: H. N. Cunningham, III (same as above). *Heavy machinery*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Michigan on the one hand and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa. and Worcester.

No. MC 83539 (Sub-No. E441), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Self-propelled articles* (except in driveway service), each weighing 15,000 pounds or more and *related machinery, parts, and supplies* moving in connection therewith; between points in Ohio on the one hand and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of points in Indiana or Kentucky.

No. MC 83539 (Sub-No. E442), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* (except in driveway service), each weighing 15,000 pounds or more and (2) *related machinery, parts, and supplies* moving in connection with self-propelled articles, between: (a) points in Missouri in and west of Schuyler, Adair, Macon, Randolph, Boone, Cole, Miller, Maries, Phelps, Dent, Reynolds, Carter, Butler, Stoddard, and Scott Counties on the one hand and, on the other, points in Virginia, and (b) points in Missouri in, west, north, and south of Lincoln, Warren, Franklin, Washington, St. Francis and Ste. Genevieve Counties on the one hand and, on the other, points in Virginia in and east of Augusta, Rockbridge, Bedford, and Pittsylvania Counties, restricted against the transportation of any shipment which (1) originates at St. Louis or Kansas City, Mo., and which is destined to any point in Iowa, Kansas, or Missouri, or (2) originates at any point in Iowa, Kansas, or Missouri and which is destined to St. Louis or Kansas City, Mo. and further restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Iowa, Illinois, and Indiana or points in Arkansas and Kentucky.

No. MC 83539 (Sub-No. E443), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* (except in driveway service), each weighing 15,000 pounds or more and the transportation of which because of their size or weight require the use of

special equipment, and (2) *parts* moving in connection with the commodities in (1) above, between points in Florida on the one hand and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of Nashville, Tenn. and points in Kentucky.

No. MC 83539 (Sub-No. E444), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Commodities*, the transportation of which, because of their size or weight, require the use of special equipment, and (2) *related machinery, parts, and related contractors' materials and supplies* when moving in connection with the commodities in (1) above, between (a) points in Minnesota, in St. Louis, Lake, and Cook Counties, on the one hand, and, on the other, points in Missouri in, east, and south of Howell, Shannon, Reynolds, Iron, Madison, and Perry Counties; (b) points in Minnesota on the one hand, and, on the other, points in Missouri in, east, and south of Ripley, Carter, Wayne, Bollinger, and Cape Girardeau Counties, restricted against the stringing or picking up of pipe in connection with oil or gas pipelines. The purpose of this filing is to eliminate the gateways of points in Illinois.

No. MC 83539 (Sub-No. E445), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Machinery*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Vermont in and east of Orleans, Lamoille, Washington, and Caledonia Counties, on the one hand, and, on the other, points in New Jersey in and south of Camden and Atlantic Counties. The purpose of this filing is to eliminate the gateways of points in Pennsylvania, Philadelphia, Pa., and Worcester, Mass.

No. MC 83539 (Sub-No. E569), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* (except in drive-away service), each weighing 15,000 pounds or more and (2) *related machinery, parts, and supplies* moving in connection with the commodities in (1) above, between points in Virginia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Indiana, Illinois, Iowa, and South Dakota.

No. MC 83539 (Sub-No. E570), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976,

Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* each weighing 15,000 pounds or more (except in drive-away service), and (2) *related machinery, parts, and supplies* moving in connection with the commodities in (1) above, between points in Illinois, on the one hand, and, on the other, points in Washington, restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Nebraska and those points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.

No. MC 83539 (Sub-No. E571), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). (1) *Self-propelled articles* (except in drive-away service), each weighing 15,000 pounds or more and (2) *related machinery, parts, and supplies* moving in connection with the commodities in (1) above, between points in West Virginia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Indiana, Illinois, Iowa, and South Dakota.

No. MC 83539 (Sub-No. E573), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Machinery*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Colorado, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateways of points in South Dakota, Iowa, Illinois, Indiana, Philadelphia, and Worcester, Mass.

No. MC 83539 (Sub-No. E575), filed May 31, 1977. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: H. N. Cunningham, III (same as above). *Heavy machinery*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Connecticut, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of points in Virginia and Philadelphia, Pa.

No. MC 106603 (Sub-No. E119), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. *Such building materials* (except commodities in bulk) and *gypsum products* which are used in the manu-

facture, installation, or application of roofing and building materials, from points in Pennsylvania on and south of a line commencing at the Pennsylvania-Ohio State line and extending east on Interstate Highway 80 to junction U.S. Highway 15, thence south on U.S. Highway 15 to junction Pennsylvania Highway 61, thence southeasterly on Pennsylvania Highway 61 to junction Interstate Highway 78, thence easterly on Interstate Highway 78 to the Pennsylvania-New Jersey State line; and points in Pennsylvania on, north and east of a line commencing at the Pennsylvania-West Virginia State line and extending southeasterly on Pennsylvania Highway 844 to junction U.S. Highway 19 at or near Washington, thence southeasterly on U.S. Highway 19 to the Pennsylvania-West Virginia State line; Maryland on and north of a line commencing at the Maryland-Pennsylvania State line and extending east on U.S. Highway 40 to junction Maryland Highway 2 at or near Baltimore, thence southeasterly on Maryland Highway 2 to junction U.S. Highway 301, thence easterly on U.S. Highway 301 to the Annapolis Queenstown Bridge and including points east of Chesapeake Bay; Delaware; New Jersey on and south of a line commencing at the New Jersey-Pennsylvania State line and extending east on U.S. Highway 22 to junction Interstate Highway 287, thence easterly on Interstate Highway 287 to the Atlantic Ocean at or near Perth Amboy; and West Virginia on and north of a line commencing at the West Virginia-Ohio State line and extending east on West Virginia Highway 27 to the West Virginia-Pennsylvania State line, to points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line and extending southerly along U.S. Highway 431 at Owensboro to junction U.S. Highway 62, thence southwesterly on U.S. Highway 62 to junction U.S. Highway Alternate 41, thence south on U.S. Highway Alternate 41 to the Kentucky-Tennessee State line and points in Tennessee on and west of a line commencing at the Tennessee-Kentucky State line and extending southerly on U.S. Highway Alternate 41 to Tennessee Highway 13, thence south on Tennessee Highway 13 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateways of the plantsite of Certain-teed Products Corp. at Avery, Ohio, and the plantsite of the National Gypsum Co., near Shoals (Martin County), Ind.

No. MC 106603 (Sub-No. E120), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Such building materials (except

commodities in bulk) and gypsum products which are used in the manufacture, installation, or application of roofing and building materials, from points in Maryland on and south of a line commencing at the Maryland-Pennsylvania State line and extending east along U.S. Highway 40 to Maryland Highway 2 at or near Baltimore, thence southeasterly on Maryland Highway 2 to junction U.S. Highway 301, thence east on U.S. Highway 301 to the Annapolis Queenstown Bridge, excluding points east of Chesapeake Bay; and points in Maryland on and north of a line and west of Chesapeake Bay commencing at the Annapolis Queenstown Bridge and extending west on U.S. Highway 50 to the Maryland-Virginia State line; Virginia on and north of a line commencing at the Virginia-Maryland State line and extending west on U.S. Highway 50 to the Virginia-West Virginia State line; West Virginia on and south of a line commencing at the West Virginia-Ohio State line and extending east on U.S. Highway 250 to West Virginia Highway 7, thence easterly on West Virginia Highway 7 to the West Virginia-Virginia State line; thence along commencing at the West Virginia-Maryland State line and extending east on U.S. Highway 50 to the West Virginia-Virginia State line; and Pennsylvania on, south and west of a line commencing at the Pennsylvania-West Virginia State line and extending southeasterly on Pennsylvania Highway 844 to junction U.S. Highway 19 at or near Washington, thence southeasterly to the Pennsylvania-West Virginia State line, to points in Kentucky on and west of a line commencing at the Kentucky-Indiana State line and extending southerly on U.S. Highway Alternate 41 to junction Kentucky Highway 293, thence southerly on Kentucky Highway 293 to junction Kentucky Highway 139, thence southerly on Kentucky Highway 139 to junction Kentucky Highway 80, thence southwesterly on Kentucky Highway 80 to junction Kentucky Highway 94, thence southwesterly on Kentucky Highway 94 to junction U.S. Highway 641, thence southerly on U.S. Highway 641 to the Kentucky-Tennessee State line; and Tennessee on and west of a line commencing at the Tennessee-Kentucky State line and extending southerly on U.S. Highway 641 to junction Tennessee Highway 77, thence southerly on Tennessee Highway 77 to junction U.S. Highway 70, thence southwesterly on U.S. Highway 70 to the Tennessee-Arkansas State line. The purpose of this filing is to eliminate the gateways of the plant-

site of Certain-teed Products Corp. at Avery, Ohio, and the plantsite of the National Gypsum Co., near Shoals (Martin County), Ind.

No. MC 106603 (Sub-No. E121), filed May 10, 1974. Applicant: DIRECT TRANSIT LINES, INC., P.O. Box 8099, P.O. Box 8099, Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, P.O. Box 400, Northville, Mich. 48167. Materials, equipment, and supplies used in the installation and application of roofing and building materials (except iron and steel, portland cement, and commodities in bulk), from points in New York; Pennsylvania on and north of a line commencing at the Pennsylvania-Ohio State line and extending east on Interstate Highway 80 to junction U.S. Highway 15, thence south on U.S. Highway 15 to junction Pennsylvania Highway 61, thence southeasterly on Pennsylvania Highway 61 to junction Interstate Highway 78, thence easterly on Interstate Highway 78 to the Pennsylvania-New Jersey State line; New Jersey on and north of a line commencing at the New Jersey-Pennsylvania State line and extending east along U.S. Highway 22 to junction Interstate Highway 287, thence easterly on Interstate Highway 287 to the Atlantic Ocean at or near Perth Amboy, to points in Kentucky on and east of a line commencing at the Kentucky-Indiana State line and extending southerly on Interstate Highway 65 to junction Kentucky Highway 61, thence southeasterly on Kentucky Highway 61 to junction U.S. Highway 31E, thence southerly on U.S. Highway 31E to the Kentucky-Tennessee State line; and on and west of a line commencing at the Kentucky-West Virginia State line at or near Ashland and extending southwesterly on U.S. Highway 23 to junction Kentucky Highway 80, thence southwesterly on Kentucky Highway 80 to junction U.S. Highway 421, thence southerly on U.S. Highway 421 to the Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-teed Products Corp. at Avery, Ohio.

No. MC 107012 (Sub-No. E297), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). New commercial and institutional fixtures, uncrated. (1) From points in New Mexico to points in Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia, (2) from points in Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, and Valencia Counties, N. Mex., to points in Alabama, Florida; Bolivar, Carroll, Coahoma, Grenada, Holmes, Hum-

phreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss., (3) from points in McKinley, Rio Arriba, and San Juan Counties, N. Mex., to points in Alabama; Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Praire, Pulaski, Saline, and White Counties, Ark., points in Florida, Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss., (4) from points in Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Quay, and Roosevelt Counties, N. Mex., to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, St. Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winton, De Kalb, Jackson, Limestone, Madison, Marshall, Monroe, Oktibbeha, Panola, Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss., (5) from Catron, Dona Ana, Grant, Hidalgo, Luna,

Otero, Sierra, and Socorro Counties, N. Mex.; to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, Ala.; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss., (6) from points in Colfax, Harding, Mora, Taos, and Union Counties, N. Mex., to points in Alabama, Florida; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E298), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). New commercial and institutional fixtures, uncrated. (1) from points in Oklahoma to points in Georgia, Kentucky, North Carolina, South Carolina, and Virginia, (2) from points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey,

Ellis, Greer, Harmon, Harper, Jackson, Kigwa, Major, Roger Mills, Tillman, Washita, Woods, and Woodward Counties, Okla., to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan Counties, Ala.; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsen, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, Miss.; and points in Tennessee, (3) from points in Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, and Washington Counties, Okla., to points in Alabama, Florida; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, Fla., points in Mississippi, and Tennessee, (4) from points in Veaver, Cimarron, and Texas Counties, Okla., to points in Alabama, Florida; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee,

Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunilla, Union, Webster, and Yalobusha Counties, Miss., and points in Tennessee, (5) from points in Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, Le Flore, McCurtain, Pittsburg, and Pushmataha Counties, Okla., to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, Ala.; Charlott, De Soto, Glades, Hardee, Henry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, Fla.; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunilla, Union, Webster, and Yalobusha Counties, Miss.; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, Mc Minn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, Tenn., (6) from points in Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, Mc Clain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, and Stephens Counties, Okla., to points in Al-

abama, Florida; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunilla, Union, Webster, and Yalobusha Counties, Miss.; and points in Tennessee. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E299), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated*, (1) from points in Oregon to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, (2) from points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk Tillamook, Washington, Yamhill, Coos, Curry, Douglas, Jackson, and Josephine Counties, Oreg., to points in Arkansas; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex., (3) from points in Crook, De Schutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Wheeler, Harney, Klamath, Lake, Malheur, Baker, Grant, Morrow, Umatilla, Union, and Wallowa Counties, Oreg., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E300), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as

above). *New commercial and institutional fixtures, uncrated*, (1) from points in Utah to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, (2) from points in Beaver, Iron, and Washington Counties, Utah, to points in Arkansas, Cleburne, Conway, Fulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, White Counties, Ark.; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La., (3) from points in Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, and Weber Counties, Utah, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, West Feliciana, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster, Parishes, La., (4) from points in Carbon, Daggett, Duchesme, Emery, Grand, San Juan, and Uintah Counties, Utah, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary,

Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La., (5) from points in Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier, and Wayne Counties, Utah, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, La. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E301), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated*, (1) from points in Washington to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, (2) from points in Clark, Cowlitz, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum, Yakima, Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish, and Whatcom Counties, Wash., to points in Arkansas; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, Tex., (3) from points in Ferry, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens Counties, Wash., to points in Arkansas; Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery,

Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Callas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red Rivers, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex., (4) from points in Adams, Asotin, Benton, Columbia, Franklin, Garfield, Walla Walla, and Whitman Counties, Wash., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E302), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated*, (1) from points in Montana, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, (2) from points in Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson, Madison, Park, Ravalli, Silver Bow, Stillwater, and Sweet Grass, Counties, Mont. to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark. Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River,

Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood, Counties, Tex. Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greensville, Isle Of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King And Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, and Prince Georges Counties, Va., and the independent cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Va. (3) From points in Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, and Valley counties, Mont. to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Quachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark. Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola,

Rains, Red River, Rockwall, Rusk, Samine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va. and the independent cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Va. (5) From points in Blaine, Cascade, Chouteau, Fergus, Golden Valley Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Big Horn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux, and Yellowstone Counties, Mont. to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex.; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greenville, Isle Of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King And Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward, and Prince George Counties, Va. and the independent cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg,

Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Va. (5) From points in Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, and Sanders Counties, Mont., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex.; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greenville, Isle Of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King And Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward, and Prince George Counties, Va. and the independent cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg,

Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Va. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E303), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated*, (1) from points in Minnesota, to points in Alabama, Florida, Georgia, Louisiana, and Mississippi. (2) From points in Aitkin, Carlton, Cook, Lake, Saint Louis, and Tazewell Counties, Minn. to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn. Arkansas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmitt, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (5) From points in Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, Minn. to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Collecton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, S.C.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn.; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmitt, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (6) From points in Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn. to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, and Wayne Counties, N.C.; points in South Carolina, Tennessee; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches,

fayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark. Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Collecton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, S.C.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn.; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmitt, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (5) From points in Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, Minn. to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Collecton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, S.C.; Bedford, Bledsoe, Bradley, Doffie, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion,

Collecton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, S.C.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn.; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmitt, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (5) From points in Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, Minn. to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Collecton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, S.C.; Bedford, Bledsoe, Bradley, Doffie, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion,

Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, Tenn.; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmitt, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (6) From points in Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn. to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, and Wayne Counties, N.C.; points in South Carolina, Tennessee; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches,

Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E304), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, Inc., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated.* (1) From points in North Carolina, to points in Arizona, Arkansas, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming. (2) From points in Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, S.C., to points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie, and Williams Counties, N. Dak.; and points in South Dakota. (3) From points in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, and Wilson Counties, N.C., to points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunds, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton Counties, S. Dak. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

Moody, Sanborn, Turner, Union, and Yankton Counties, S.C.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn. (4) From points in Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, and Yadkin Counties, N.C., to points in Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie, and Williams Counties, N. Dak.; and points in South Dakota. (5) From points in Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, and Wayne Counties, N.C., to points in Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmett, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Benson, Cavalier, Pembina, Pierce, Ramsey, Rolette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie, and Williams Counties, N. Dak.; and points in South Dakota. (6) From points in Allamance, Anson, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Franklin, Granville, Guilford, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Stanly, Stokes, Union, Vance, Wake, and Warren

Counties, N.C., to points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope, Stark, Divide, McKenzie, and Williams Counties, N. Dak.; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunds, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton Counties, S. Dak. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E305), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated.* (1) From points in Virginia, to points in Arizona, Arkansas, California, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah and Washington. (2) From points in Arlington, Carroll, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Stafford, Westmoreland, and Independent cities of Alexandria, Fairfax, Falls Church, and Fredericksburg, Va., to points in Colorado, Idaho, Kansas; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermillion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, LeFlore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, Miss.; Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Big Horn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux, and Yel-

Stillwater, Sweet Grass, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, and Sanders Counties, Mont.; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, Tenn.; and points in Wyoming. (3) From points in Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va., and independent cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, and Staunton, Va., to points in Colorado, Idaho; Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; points in Kansas; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermillion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; points in Montana; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh, Ziebach, Campbell, Corson, Dewey, Edmunds, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Minner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton Counties, S. Dak.; and points in Wyoming. (4) From points in Accomack, Gloucester, Greenville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, and York Counties, Va., and independent cities of Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, and Williamsburg, Va.; to points in Colorado, Idaho, Kansas, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette,

Vermillion, Calwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Beaverhead, Broadwater, Deerlodge, Gallatin, Granite, Jefferson Madison, Park, Ravalli, Silver Bow, Stillwater, Sweet Grass, Blaine, Cascade, Chouteau, Fergus, Golden Valley, Hill, Judith Basin, Lewis and Clark, Liberty, Meagher, Petroleum, Pondera, Teton, Toole, Wheatland, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, Sanders, Big Horn, Carbon, Carter, Custer, Fallon, Musselshell, Powder River, Prairie, Rosebud, Treasure, Wibaux, and Yel-

lowstone Counties, Mont.; Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washabaugh and Ziebach Counties, S. Dak.; and points in Wyoming. (6) From points in Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, and Warren Counties, Va., and independent cities of Harrisonburg, and Winchester, Va., to points in Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Alamosa, Archuleta, Conejos, Delta, Dolores, Gunnison, Hinsdale, La Plata, Mineral, Montezuma, Montrose, Ouray, Rio Grande, Saguache, San Juan, San Miguel, Baca, Bent, Cheyenne, Costilla, Crowley, Custer, Huerfano, Kowa, Las Animas, Lincoln, Otero, Prowers, and Pueblo Counties, Colo.; Ada, Adams, Boise, Camas Canyon, Custer, Elmore, Gem, Gooding, Lemhi, Owyhee, Payette, Twin Falls, Valley, Washington, Bannock, Bear Lake, Bingham, Glaine, Bonneville, Butte, Caribou, Cassia, Clark, Franklin, Fremont, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, and Power Counties, Idaho; Clark, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton, Stevens, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourgon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Lafette, Linn, Lyon, Montgomery, Neosho, Wilson, and Woodson Counties, Kans.; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, Saint Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermillion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, La.; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, LeFlore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, Miss.; Lincoln, Sublette, Sweetwater, and Uinta Counties, Wyo. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107012 (Sub-No. E306), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Ap-

applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, uncrated.* (1) From points in South Carolina, to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. (2) From points in Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, and Orangeburg Counties, S.C., to points in Arkansas, Iowa; Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, Le Sueur, McLeod, Mille, Lacs, Mower, Nichollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, Yellow Medicine, Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn.; points in North Dakota; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb,

Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Free-stone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (3) From points in Aiken, Calhoun, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, S.C., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, Le Sueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, Yellow Medicine, Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn.; points in North Dakota; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie,

son, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, Yellow Medicine, Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn.; points in North Dakota, and Texas. (5) From points in Abbeville, Anderson, Greenville, Oconee, and Pickens Counties, S.C., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn.; points in North Dakota; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim

Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Free-stone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. (6) From points in Cherokee, Chester, Edgefield, Greenwood, Lamens, McCormick, Newberry, Saluda, Spartanburg, Union, and York Counties, S.C., to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, Ark.; Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, Iowa; Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, Minn.; points in North Dakota; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim

Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Free-stone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 107064 (Sub-No. E530), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in North Carolina to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E531), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Maine to points in New Mexico. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E532), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in New Hampshire to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E533), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Georgia to points in Utah. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E534), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Maine to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E535), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Utah. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E536), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients*

from points in North Carolina to points in Utah. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E537), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Massachusetts to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E538), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in North Carolina to points in Arizona. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E539), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Montana. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E540), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Wyoming. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83,

and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E541), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Georgia to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E542), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in California. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E543), filed January 19, 1976. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Florida to points in Colorado. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex., and points in that part of Texas on and west of U.S. Highway 83, and the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E544), filed December 20, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, Kent, Gaines, Dawson, Borden, Seurry, Andrews, Martin, Howard, Mitchell, and Nolan Counties, Tex., and those points on and west of U.S. Highway 83 in King, Stonewall, Fisher, Jones, and Taylor Counties, Tex., to points in Nevada. The purpose of this filing is to eliminate the gateway of the facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex.

No. MC 107064 (Sub-No. E545), filed December 20, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Oregon to points in Parmer, Castro, Swisher, Briscoe, Hall, Barley, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and those points on and west of U.S. Highway 83 in Childress, Cattle, King, and Stonewall Counties, Tex. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex.

No. MC 107064 (Sub-No. 546), filed December 20, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and points on and west of U.S. Highway 83 in Childress, Cattle, King, and Stonewall Counties, Tex., to points in Oregon. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex.

No. MC 107064 (Sub-No. 547), filed December 20, 1975. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). *Fertilizer and fertilizer ingredients* (except petroleum products and potash), from points in Parmer, Castro, Swisher, Briscoe, Hall, Bailey, Lamb, Hale, Floyd, Motley, Cochran, Hockley, Lubbock, Crosby, Dickens, Yoakum, Terry, Lynn, Garza, and Kent Counties, Tex., and those points on and west of U.S. Highway 83 in Childress, Cattle, King, and Stonewall Counties, Tex., to points in Oregon. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Occidental Chemical Co. in Hale County, Tex.

No. MC 107515 (Sub-No. E552), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: R. M. Tettebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. (1) *Frozen foods* from the plantsite of (a) Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky., to Nevada, Oregon, Utah, Idaho, Wyoming, Montana, and Wash-

ington, (b) from Louisville, Ky. to Nevada, Oregon, Utah, Idaho, Wyoming, Montana, and Washington, restricted to traffic originating at the plantsite of Standard Foods, Inc., and (2) *frozen meats, meat products, meat by-products, dairy products and articles* distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from Louisville, Ky. to Nevada, Oregon, Utah, Idaho, Wyoming, Montana, and Washington, restricted (a) to the transportation of shipments originating at the facilities of Armour & Co., at Louisville, Ky., at the facilities of Wilson Certified Foods, Inc., at Louisville, Ky. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 107515 (Sub-No. E560), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: R. M. Tettebaum, Suite 375, 3379 Peachtree Road, NE., Atlanta, Ga. 30326. (1) *Frozen agricultural commodities, frozen packinghouse products, and frozen groceries and canned goods* in vehicles equipped with mechanical refrigeration (a) from Philadelphia, York, and Scranton, Pa., Baltimore, Md., and New York, N.Y., to points in New Mexico, Arizona, California, Nevada, Utah, Colorado, Washington, Oregon, Wyoming, Montana, and Idaho, (b) from Harrisburg, Pa. to points in New Mexico, Arizona, California, Nevada, Oregon, Washington, Idaho; points in Colorado on or west of a line beginning at the Kansas-Colorado state line and extending along U.S. 50 to junction Colo. 71; thence along Colo. 71 to the Colorado-Nebraska State line; points in Wyoming on or west of a line beginning at the Wyoming-Colorado State line and extending along U.S. 287 to junction U.S. 20, thence along U.S. 20 to junction U.S. 310, thence along U.S. 310 to the Wyoming-Montana State line; and to points in that part of Montana on or west of a line beginning at the Wyoming-Montana State line and extending along U.S. 310 to junction U.S. 87, thence over U.S. 87 to junction Montana 19, thence over Montana 19 to junction U.S. 191, thence over U.S. 191 to junction Montana 242, thence over Montana 242 to the U.S.-Canadian Boundary Line near Morgan, Mont., and (2) *meats, meat products, meat by-products and articles* (except in bulk) distributed by meat packinghouses, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 20, and 766, fresh and frozen, in vehicles equipped with mechanical refrigeration, from Baltimore, Md., New York,

N.Y., Harrisburg, York, Scranton, and Philadelphia, Pa.; to points in Oregon, Washington, and California. The purpose of this filing is to eliminate the gateways of Richmond, Va. and the State of Tennessee.

No. MC 108676 (Sub-No. E18) (Part II Sec. K., (Correction)), filed June 4, 1974, published in the FEDERAL REGISTER, issue of December 8, 1977, and partially republished, as corrected, this issue. Applicant: A. J. METLER HAULING & RIGGING, 117 Chlcamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: A. J. Metler (same as above). *Coal and coke mining machinery, equipment, and vehicles and mine cars consisting of maintenance machinery and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), *iron or steel conveying, dredging, dumping, or hoisting buckets, dippers, or skips, consisting of construction machinery, tools, and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), *maintenance machinery, tools, and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), *power distribution machinery, tools, and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), and *plant machinery, tools, and equipment, and parts, accessories, and attachments* therefor (not including contractors' machinery and equipment), (K)(1) between points in Tennessee in or north of Weakley, Henry, Benton, Humphreys, Dickson, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, and Meigs Counties, and from the Meigs-Bradley County line to the Tennessee-North Carolina State line, points in Tennessee located north or northeast of a line beginning at the Tennessee-North Carolina State line extending along Tennessee Highway 60 and U.S. Highway 64, on the one hand, and, on the other, points in Georgia (2) between points in Tennessee in or north of Dyer, Gibson, Carroll, Benton, Humphreys, Dickson, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, and Meigs Counties, and from the Meigs-Bradley County line to the Tennessee-North Carolina State line, all points in Tennessee north or northeast of a line extending along Tennessee Highway 60 and U.S. Highway 64, on the one hand, and, on the other, points in Georgia, except those in or west of Polk, Paulding, Douglas, Coweta, Merriwether, Talbott, Marion, Webster, Randolph, Calhoun, Early, Miller, and Seminole Counties; (3) between points in Tennessee in or north of Dyer, Crockett, Madison, Henderson, Decatur, Hum-

phreys, Dickson, Williamson, Rutherford, Cannon, Warren, Van Buren, Bledsoe, Rhea, and Meigs-Bradley County line to the Tennessee-North Carolina State line, points in Tennessee north or northeast of a line extending along Tennessee Highway 60 and U.S. Highway 64, on the one hand, and, on the other, points in Georgia except those in or west of Polk, Paulding, Douglas, Coweta, Merriwether, Talbott, Marion, Webster, Randolph, Calhoun, Baker, and Decatur Counties. The purpose of this partial republication is to correct the territorial description. The remainder of this letter-notice remains as previously published.

No. MC 114019 (Sub-No. E465), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). (1) *Meats, meat products and meat by-products*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from points in Wisconsin and Iowa to points in New York, Massachusetts, Connecticut, Rhode Island, New Jersey, and points in that part of Pennsylvania on and south of U.S. Highway 22 from the Ohio-Pennsylvania State Line to Nanty-Glo and on and west of U.S. Highway 219 from Nanty-Glo to the Pennsylvania-Maryland State Line. (2) *Meats, meat products and meat by-products*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, except hides and commodities in bulk, (a) from points in Wisconsin and those points in that part of Iowa on, north and west of a line beginning at the Illinois-Iowa State Line and its junction with U.S. Highway 61, thence south along U.S. Highway 61 to its junction with Iowa Highway 78, thence west along Iowa Highway 78 to its junction with Iowa Highway 1, thence south along Iowa Highway 1 to its junction with U.S. Highway 34, thence west along U.S. Highway 34 to its junction with U.S. Highway 63, thence south along U.S. Highway 63 to its junction with Iowa Highway 2, thence west along Iowa Highway 2 to its junction with Iowa Highway 5, thence south along Iowa Highway 5 to the Iowa-Missouri State Line to points in Maine, Vermont, New Hampshire, Delaware and points in that part of Pennsylvania on and north of U.S. Highway 22 from the Ohio-Pennsylvania State Line to Nanty-Glo and on and west of U.S. Highway 219 from Nanty-Glo to the Pennsylvania-Maryland State Line, points in that part of Maryland on and

east of U.S. Highway 15, points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State Line and junction West Virginia Highway 18, thence south along West Virginia Highway 18 to its junction with U.S. Highway 33, thence west along U.S. Highway 33 to its junction with West Virginia Highway 5, thence south along West Virginia Highway 5 to its junction with U.S. Highway 19, thence south along U.S. Highway 19 to its junction with U.S. Highway 60, thence south along U.S. Highway 60 to its junction at the West Virginia-Virginia State Line and its junction with U.S. Highway 60 and Virginia Highway 311, thence south along Virginia Highway 311 to its junction with U.S. Highway 220, thence south along U.S. Highway 220 to its junction at the Virginia-North Carolina State Line and the District of Columbia; and (b) from points in Iowa on, south and east of a line beginning at the Illinois-Iowa State Line and its junction with U.S. Highway 61, thence south along U.S. Highway 61 to its junction with Iowa Highway 78, thence west along Iowa Highway 78 to its junction with Iowa Highway 1, thence south along Iowa Highway 1 to its junction with U.S. Highway 34, thence west along U.S. Highway 34 to its junction with U.S. Highway 63, thence south along U.S. Highway 63 to its junction with Iowa Highway 2, thence west along Iowa Highway 2 to its junction with Iowa Highway 5, thence south along Iowa Highway 5 to its junction at the Iowa-Missouri State Line to points in Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland (except those on and west of U.S. Highway 15), points in West Virginia on and east of a line beginning at the Ohio-West Virginia State Line at its junction with West Virginia Highway 18, thence south along West Virginia Highway 18 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with U.S. Highway 19, thence south along U.S. Highway 19 to its junction with U.S. Highway 33, thence east along U.S. Highway 33 to its junction with U.S. Highway 219, thence south along U.S. Highway 219 to its junction with West Virginia Highway 39, thence east along West Virginia Highway 39 to its junction at the West Virginia-Virginia State Line and points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State Line and its junction with Virginia Highway 39, thence east along Virginia Highway 39 to its junction with U.S. Highway 60, thence east along U.S. Highway 60 to its junction with U.S. Highway 501, thence south along U.S. Highway 501 to its junction with U.S. Highway 29, thence south along U.S. Highway 29 to its junction at the Virginia-North Carolina State

Line and the District of Columbia. Restricted to the transportation of the commodities described above when moving from, to, or between warehouses and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, warehouses or other facilities of such plants. The purpose of this application is to eliminate the Chicago, Ill., and Union City, Ohio, gateways.

No. MC 114019 (Sub-No. E466), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). *Such foodstuffs* as is dealt in by wholesale food business houses, (A) Between points in Kenosha, Racine and Milwaukee Counties, Wis., on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 30, thence west along U.S. Highway 30 to its junction with U.S. Highway 51, thence south along U.S. Highway 51 to its junction with Illinois Highway 92, thence west along Illinois Highway 92 to the Mississippi River. (B) Between points in Walworth County, Wis., on the one hand, and, on the other, points in that part of Illinois, on and south of a line beginning at Lake Michigan, and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 6, thence west along U.S. Highway 6 to its junction with U.S. Highway 34, thence west along U.S. Highway 34 to the Mississippi River. (C) Between points in Waukesha County, Wis., on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 24, thence west along U.S. Highway 24 to the Mississippi River. (F) Between points in Dane, Columbia, Dodge, Fond du Lac, Marquette and Green Lake, Wis., and points in that part of Wisconsin on and west of U.S. Highway 45 beginning at Fond du Lac and extending to the Wisconsin-Michigan State line and on and east of Wisconsin Highway 13 beginning at the Wisconsin Dells and extending to the Wisconsin-Minnesota State Line, and points in and north of Columbia, and Dodge Counties, Wis., on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to its junction with U.S. Highway 136, thence west along U.S. Highway 136 to its junction with U.S. Highway 24, thence west along U.S. Highway 24 to the Mississippi River. (G) Between points in Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to its junction with U.S. Highway 36, thence west along U.S. Highway 36 to the Mississippi River. (H) Between points in that part of Wisconsin on and west of Wisconsin Highway 13 be-

ginning at Wisconsin Dells and extending to the Wisconsin-Michigan State line and on and north of U.S. Highway 16 beginning at Wisconsin Dells and extending to the Mississippi River on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to its junction with Illinois Highway 48, thence south along Illinois Highway 48 to its junction with U.S. Highway 36, thence west along U.S. Highway 36 to the Mississippi River. (E) Between points in Jefferson County, Wis., and points in that part of Wisconsin on, north and east of a line beginning at Lake Michigan, and extending west along Wisconsin Highway 190 to its junction with U.S. Highway 16, thence west along U.S. Highway 16 to its junction with Wisconsin Highway 19, thence west along Wisconsin Highway 19 to its junction with Wisconsin Highway 73, thence north along Wisconsin Highway 73 to its junction with Wisconsin Highway 49, thence north along Wisconsin Highway 49 to junction Wisconsin Highway 29, thence west along Wisconsin Highway 29 to junction U.S. Highway 51, thence north along U.S. Highway 51 to the Michigan-Wisconsin State line on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to its junction with U.S. Highway 136, thence west along U.S. Highway 136 to its junction with U.S. Highway 24, thence west along U.S. Highway 24 to the Mississippi River. (F) Between points in Dane, Columbia, Dodge, Fond du Lac, Marquette and Green Lake, Wis., and points in that part of Wisconsin on and west of U.S. Highway 45 beginning at Fond du Lac and extending to the Wisconsin-Michigan State line and on and east of Wisconsin Highway 13 beginning at the Wisconsin Dells and extending to the Wisconsin-Minnesota State Line, and points in and north of Columbia, and Dodge Counties, Wis., on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to its junction with U.S. Highway 136, thence west along U.S. Highway 136 to its junction with U.S. Highway 24, thence west along U.S. Highway 24 to the Mississippi River. (G) Between points in Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to its junction with U.S. Highway 36, thence west along U.S. Highway 36 to the Mississippi River. (H) Between points in that part of Wisconsin on and west of Wisconsin Highway 13 be-

ginning at Wisconsin Dells and extending to the Wisconsin-Michigan State line and on and north of U.S. Highway 16 beginning at Wisconsin Dells and extending to the Mississippi River on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to its junction with U.S. Highway 36, thence west along U.S. Highway 36 to the Mississippi River. (H) Between points in that part of Wisconsin on and north and east of a line beginning at Lake Michigan and extending west along Wisconsin Highway 33 to its junction with Wisconsin Highway 26, thence north along Wisconsin Highway 26 to its junction with U.S. Highway 45, thence north along U.S. Highway 45 to the Wisconsin-Michigan State line on the one hand, and, on the other, points in that part of Illinois on, and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 6, thence west along U.S. Highway 6 to its junction with U.S. Highway 34, thence west along U.S. Highway 34 to the Mississippi River. (I) Between points in that part of Wisconsin beginning at the Illinois-Wisconsin State Line and extending north along Wisconsin Highway 69 to its junction with U.S. Highway 12, thence north along U.S. Highway 12 to its junction with U.S. Highway 16, thence west along U.S. Highway 16 to the Mississippi River, thence south along the Mississippi River to the Illinois-Wisconsin State Line, thence east along the Illinois-Wisconsin State line to point of beginning on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Lake Michigan and extending west along Illinois Highway 68 to its junction with Illinois Highway 53, thence south along Illinois Highway 53 to its junction with U.S. Highway 66, thence south along U.S. Highway 66 to the Mississippi River. The purpose of this application is to eliminate the Chicago and Lansing, Ill., gateways.

No. MC 114019 (Sub-No. E467), filed December 20, 1976. Applicant: MID-WEST EMERY FREIGHT SYSTEM, INC., 7000 South Palaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (Same as above). *Metal pans, tee bars, and accessories, insulating materials, board (building, fibre, straw, pulp, and mineral, straight or combined), perlite products and diatomaceous earth and asbestos combined*, from Chicago, Ill., to points

in Nebraska and Wisconsin (except Milwaukee, Racine, and Kenosha), points in the upper peninsula of Michigan, points in Indiana on and south of U.S. Highway 40, points in that part of Ohio on, east and south of a line beginning at the Michigan-Ohio State line and extending south along U.S. Highway 23 to junction U.S. Highway 475, thence south along U.S. Highway 475 to junction U.S. Highway 25, thence south along U.S. Highway 25 to junction U.S. Highway 75, thence south along U.S. Highway 75 to junction U.S. Highway 36, thence west along U.S. Highway 36 to the Indiana-Ohio State line; points in that part of Michigan, on, north and east of a line beginning at the Ohio-Michigan State line and extending north along U.S. Highway 23 to junction U.S. Highway 75, thence north along U.S. Highway 75 to junction U.S. Highway 10, thence west along U.S. Highway 10 to Lake Michigan, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., points in that part of New Jersey, Delaware, and Maryland, which are located within 30 miles of Philadelphia, Pa., points in that part of New York on and west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line and points in West Virginia, Pennsylvania, and Covington and Louisville, Kentucky. Aluminum siding and parts, accessories, and materials used in the installation of aluminum siding, in mixed shipments with other building, roofing and insulating materials, from Chicago, Ill., to points in Kentucky. The purpose of the application is to eliminate the Joliet and Waukegan, Ill., gateways.

By the Commission.
H. G. HOMME, Jr.,
Acting Secretary.
[FR Doc. 78-4191 Filed 2-14-78; 8:45 am]

[7035-01]
[Notice No. 13TA]
MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS
FEBRUARY 2, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an ap-

plication may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 720 (Sub-No. 44TA), filed January 26, 1978. Applicant: BIRD TRUCKING CO., INC., P.O. Box 227, Waupun, Wis. 53968. Applicant's representative: Anthony C. Vance, 1300 Old Chain Bridge Road, McLean, Va. 22101. Authority sought to transport, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, such commodities as are dealt in by wholesale, retail, chain grocery, food business houses, and drug stores (except commodities in bulk) between Bedford Park, Ill., on the one hand, and, on the other, points in Brown, Calumet, Columbia, Dane, Dodge, Door, Fond du Lac, Green, Green Lake, Jefferson, Kewaunee, Manitowoc, Marquette, Outagamie, Ozaukee, Rock, Sauk, Sheboygan, Walworth, Washington, Waushara, Waupaca, Waushara, and Winnebago Counties, Wis., points in Kenosha County, Wis., on and west of U.S. Highway 45, and points in Racine County, Wis., on and west of U.S. Highway 45 (except Milwaukee, Wis., and points within its commercial zone), restricted to the transportation of shipments originating at or destined to the facilities of Bristol-Myers Co. at Bedford Park, Ill., for 180 days. Supporting shipper: Bristol-Myers Co., 345 Park Avenue, New York, N.Y. 10022 (Blaine Ross). Send protests to: Mrs.

Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 2368 (Sub-No. 74TA), filed January 27, 1978. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Richmond, Va. 23204. Applicant's representative: William T. Marshburn, P.O. Box 495, Richmond, Va. 23204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fertilizer in bulk, in dump vehicles, from Richmond, Va., and its commercial zone to points in North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: J. Calvin Halley, Corporate Secretary, Richmond Guano Co., P.O. Box 544, Richmond, Va. 23204. Send protests to: District Supervisor, Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, room 10-502 Federal Building, 400 North 8th Street, Richmond, Va. 23240.

No. MC 26396 (Sub-No. 166TA), filed January 26, 1978. Applicant: POPPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 99, Livingston, Mont. 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber and wood products, from the International Boundary Line, between the United States and Canada located in Minnesota and North Dakota, to points in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Kansas, Illinois, Indiana, Ohio, Missouri, Kentucky, and Tennessee, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jim Pico, Operation Manager, Northwood Building Materials, 1460 Clarence, Winnipeg, Manitoba, Canada. Send protests to: District Supervisor, Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 51146 (Sub-No. 566TA), filed January 16, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except in bulk, in tank vehicles) and articles manufactured for pets, from the plantsites of Sanna Division, Beatrice Foods Co., located at or Meno-

monie, Vesper, and Cameron, Wis., and the storage facilities of Sanna Division, Beatrice Foods Co., located at or near Eau Claire and Wisconsin Rapids, Wis., to points in New York, Pennsylvania, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, Maine, Virginia, West Virginia, Ohio, Indiana, Illinois (except points in the Chicago Commercial Zone), Michigan, Kentucky, Mississippi, Alabama, Georgia, Tennessee, North Carolina, South Carolina, Florida, and the District of Columbia. Restricted to the traffic of Sanna Division, Beatrice Foods Co., originating at the above origins and destined to the named destinations, for 180 days. Supporting shipper: Sanna Division, Beatrice Foods Co., P.O. Box 8046, Madison, Wis. 53708 (James P. Zenzinger). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 51146 (Sub-No. 570TA), filed January 25, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Metal cans, from Fairport, N.Y., to Memphis, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53212 (Joseph R. Erwin). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 55146 (Sub-No. 565TA), filed January 16, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Soap, cleaning compounds, and toilet preparations, from Kansas City, Kans., to Sioux Falls, S. Dak., and St. Paul, Minn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Colgate-Palmolive Co., 1806 Kansas Avenue, Kansas City, Kans. 66105, (Ralph Stingo). Send protests to: Gail Daugherty, Transportation

Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 100666 (Sub-No. 379TA), filed January 23, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmer Drive, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, from Keokuk, Iowa, to Austin, Dallas, and El Paso, Tex., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hibdon Wholesale Hardwood, P.O. Box 15609, St. Louis, Mo. 63163. Send protests to: Ray C. Armstrong, Jr., District Supervisor, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 110988 (Sub-No. 358TA), filed January 25, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Gitedge Building, Appleton, Wis. 54911. Applicant's representative: Paul Schneider (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Caustic and trisodium phosphate solution, from Presque Isle Station, Marquette, Mich., to Calmet City, Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bechtel Power Corp., Agent for Upper Peninsula Generating Co., 15740 Shady Grove Road, Gaithersburg, Md. 20760 (D. J. DiTommaso). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, room 619, Milwaukee, Wis. 53202.

No. MC 113651 (Sub-No. 251TA), filed December 27, 1977. Applicant: INDIANA REFRIGERATOR LINES, INC., P.O. Box 552, Riggins Road, Muncie, Ind. 47305. Applicant's representative: Paul R. Bergant, Esq., Singer & Sullivan, P.C., 10 South LaSalle Street, Suite 1600, Chicago, Ill. 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat by products, dairy products and articles distributed by meat packinghouse, as described in Section A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from: (1)

The plantsite and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak., (2) the plantsite and storage facilities of John Morrell & Co. at Esterline, Iowa, to: (1) points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and (2) points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Ft. Wayne, Ind. 46802.

No. MC 124078 (Sub-No. 779TA), filed January 26, 1978. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Pevette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Vegetable oil, in bulk, in tank vehicles, from the plantsite of Cargill, Inc., at or near Gainesville, Ga., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Cargill, Inc., P.O. Box 1298, Gainesville, Ga. 30501 (Ms. Ellen Jacobs). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 127303 (Sub-No. 31TA), filed January 25, 1978. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, Ill. 61326. Applicant's representative: Dwight L. Koerber, Jr., 666 11th Street NW, No. 805, Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Malt beverages, from Minneapolis/St. Paul, Minn., to Kansas City, Kans., empty containers, on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Schatz Distributing Co., Thomas G. White, Jr., sales manager, 750 Cheyenne, Kansas City, Kans. 66105. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 124813 (Sub-No. 180TA), filed January 26, 1978. Applicant:

UMTHUN TRUCKING CO., 910 South Jackson Street, P.O. Box 166, Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from Kansas City, Mo., Minneapolis, Minn., and E. Chicago, Ill.; to L. C. Spencer Steel at or near Clarion, Iowa, restricted to traffic originating at the named origins and destined to the named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: L. C. Spencer Steel, R.R. No. 2, Clarion, Iowa 50525. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

No. MC 127752 (Sub-No. 5TA), filed December 27, 1977. Applicant: WILLIAM P. RALSTON, Box 54, Bern, Kans. 66408. Applicant's representative: Clyde N. Christey, 514 Capitol Federal Bldg., Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Pet food, animal treats and specially extruded items for pets from the plantsite and/or storage facilities of Bern Extrusion, Inc. at or near Bern, Kans., to points in Alabama, Arizona, California, Idaho, Louisiana, Minnesota, Mississippi, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wisconsin. (2) Pet food and animal treats, from the plantsite and/or storage facilities of O. A. Copper Co., at or near Abilene, Kans., to points in Alabama, Arizona, California, Colorado, Idaho, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. (3) Pet Food ingredients, from Humboldt, Nebr., to Bern, Kans. Extruded pet food, from Fall City, Nebr., to Bern, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bern Extrusion, Inc., P.O. Box 143, Bern, Kans. 66408. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Bldg. & U.S. Courthouse, 444 S.E. Quincy, Topeka, Kans. 66683.

No. MC 128273 (Sub-No. 283TA), filed January 25, 1978. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Elden Corban, P.O. Box 189, Fort Scott, Kans. 66701. Authority sought to operate as a common carrier by

motor vehicle, over irregular routes, transporting: *Paper and paper products* from the facilities of Champion International Corp., at or near Cincinnati, Ohio, to points in the states of California, Colorado, and Texas. Restrictions: Restricted against the transportation of commodities in bulk and restricted to traffic originating at the facilities of Champion International Corp. for 180 days. Supporting shipper: Champion International Corp., Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 129624 (Sub-No. 13TA), filed January 26, 1978. Applicant: ROUTE MESSENGERS OF PENNSYLVANIA, INC., 2425 Bainbridge Street, Philadelphia, Pa. 19146. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household and industrial cleaning products, toilet preparations, insect control products, air fresheners, brooms, brushes, mops and advertising material related to the foregoing*, from Philadelphia, Pa., to points in Adams, Cumberland, Dauphin, Franklin, Lebanon, Lycoming, Lancaster, Northumberland, Columbia, Carbon, Luzerne, Montour, Monroe, Schuylkill and York Counties, Pa. Restricted to traffic having a prior movement by motor carrier, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Fuller Brush Co., 1000 Skokie Blvd., Willmette, Ill. 60091. Send protests to: T. M. Espo, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 133703 (Sub-No. 9TA), filed January 27, 1978. Applicant: WISCONSIN CHEESE SERVICE, INC., 770 North Springdale Road, P.O. Box 337, Waukesha, Wis. 53186. Applicant's representative: David V. Purcell, 111 E. Wisconsin Avenue, Milwaukee, Wis. 53202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables*, from Coleman, Eden, Gillett, New Richmond, and Oakfield, Wis., to points in Alabama, Connecticut, Florida, Georgia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Tennessee, under a continuing contract or contracts with Friday Canning Corp., located at New Richmond, Wis., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Friday Canning Corp., 660 North Second Street, New Richmond, Wis.

54017 (Harlan Yager). Send protests to: Mrs. Gall Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 138157 (Sub-No. 55TA), filed January 27, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, P.O. Box 9596, Chattanooga, Tenn. 37412. Applicant's representative: Patrick E. Quinn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting* from the plantsite of E.T.C. Carpet Mills Ltd., at or near Santa Ana, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Restriction: Restricted to traffic originating at the facilities of E.T.C. Carpet Mills Ltd., or 90 days. Supporting shipper: E.T.C. Carpet Mills, Ltd., 3201 South Susan Street, Santa Ana, Calif. 92704. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 138512 (Sub-No. 29TA), filed January 28, 1978. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., P.O. Box 477, Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, inedible meat and meat by-products* (except commodities in bulk), used in the manufacture of animal feed, between points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, and Wisconsin, under a contract with Landers and Sowers, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Landers & Sowers, Inc., P.O. Box 21134, North Pecos Br., Denver, Colo. 80221, (Kenneth C. Landers). Send protests to: Gall Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 141641 (Sub-No. 8TA), filed January 27, 1978. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 280, Marshall, Mo. 65340. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, explosives, household goods as

defined by the Commission, foodstuffs, commodities in bulk, and those requiring special equipment). From Akron, Cincinnati, and Cleveland, Ohio; Baltimore, Md.; Cranston, R.I.; Milford, Conn.; North Bergen and Secaucus, N.J.; Philadelphia, Pa.; and Syracuse, N.Y., to Dallas, Fort Worth, Amarillo, Irving, El Paso, Houston, Laredo, Lubbock, and San Antonio, Tex.; (restricted to traffic moving on bills of lading of freight forwarders), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Florida-Texas Freight, Inc., 11405 N.W. 36 Avenue, Miami, Fla. 33167. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 142600 (Sub-No. 6TA), filed January 26, 1978. Applicant: DIXIE-WEST EXPRESS, INC., P.O. Drawer L, Petal, Miss. 39465. Applicant's representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Resins, and compounds and products thereof, and such other commodities as are manufactured and distributed by chemical manufacturers* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Hercules Inc., at or near Brunswick and Savannah, Ga., to Hattiesburg, Miss., Baton Rouge, La., and points in Arizona, California, Colorado, Oregon, and Washington. Restriction: Restricted to shipments moving under a continuing contract or contracts with Hercules Inc. Supporting shipper: Hercules Inc., 1 Maritime Plaza, San Francisco, Calif. 94111. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 143215 (Sub-No. 3TA), filed January 26, 1978. Applicant: CYCLES Ltd., P.O. Box 5715, Jackson, Miss. 39208. Applicant's representative: Morton E. Klei, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and floor tile and materials, supplies and equipment* used in the installation and maintenance of floor covering and floor tile, from Rabun Gap, Dalton, and Chatsworth, Ga.; McGehee, Ark.; Chattanooga, Tenn.; Glasgow, Va.; Willow Grove and Fogelsville, Pa.; and Elk Grove Village, Ill., to points in California, Nevada, Oregon, and Arizona, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of

operating authority. Supporting shipper: B. R. Funsten & Co., 598 7th Street, San Francisco, Calif. 94103. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 144123TA, filed December 27, 1977. Applicant: MARCANN CARRIERS, INC., 6 Wynchview Drive, Westfield, N.J. 07090. Applicant's representative: Robert J. Gallagher, Esq., 55 Madison Avenue, Morristown, N.J. 07960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabric and yarn*, from Rocky Mount, Fayetteville, Kisston, Lumbertob, and Goldsboro, N.C., to points in the states of California, New Jersey, New York, and Pennsylvania for 180 days. Restriction: Restricted to transportation services to be performed under a continuing contract or contracts with Texfi Industries, Inc. of Greensboro, N.C. Supporting shipper: Texfi Industries, Inc., P.O. Box 20348, 1400 Battleground Ave., Greensboro, N.C. 27420. Send protests to: Robert E. Johnston, District Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144192 (Sub-No. 1TA), filed January 27, 1978. Applicant: GEORGE SIMON, d.b.a. Simon Feed Store, 206 1st Street N.W., Farley, Iowa 52046. Applicant's representative: Gary Ankeny, 104 1st Street N.W., Farley Iowa 52046. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Twenty eight percent and thirty two percent urea ammonium nitrate solution* from the plantsite and storage facilities of Map-Ren, located at or near East Dubuque, Ill., to points in Iowa, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Mapco Inc., Indian Point Div., Box 43, R.R. 2, Athens, Ill. 62613. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa 50309.

By the Commission.
H. G. HOMME, Jr.,
Acting Secretary.
(FR Doc. 78-4194 Filed 2-14-78; 8:45 am)

[7035-01]

[Notice No. 14TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 3, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the

provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information. Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined of the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2850 (Sub-No. 165TA), filed January 3, 1978. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Albert Bowman, 71 West Park Avenue, Vineland, N.J. 08360. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Bettendorf, Iowa, to points in the States of Illinois, Indiana, Kentucky, Michigan, Ohio, and points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line (near Hancock, Md.), thence along U.S. Highway 522 to junction U.S. Highway 322 (near Lewistown, Pa.), thence along U.S. Highway 322 to junction Pennsylvania Highway 144 (at Potters Mills), thence along Pennsylvania Highway 144 to U.S. Highway 6, thence along U.S. Highway 6 to Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the Pennsylvania-New York State line (near Genesee, Pa.), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: General Foods Corp., 250 North Street, White Plains, N.Y. 10624. Send protests to: District Supervisor, Inter-

state Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608

No. MC 51146 (Sub-No. 568TA), filed January 18, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Wayne Downing (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container ends, and materials and supplies* used in the manufacture and distribution of containers and container ends (except commodities in bulk), between the warehouses and the facilities of or utilized by Jos. Schlitz Brewing Co. located at or near Milwaukee and Oak Creek, Wis.; Memphis, Tenn.; Longview, Tex.; Tampa, Fla.; Syracuse, N.Y.; Winston-Salem, N.C.; Chatsworth and Van Nuys, Calif.; and Fairport, N.Y., for 180 days. Supporting shipper(s): Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53212 (Joseph R. Erwin). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 55896 (Sub-No. 61TA), filed January 5, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mufflers, brackets and parts therefor*, from the facilities of International Stamping Co. in Hartford, Wis., to Toledo and Perrysburg, Ohio, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: International Stamping Co., a division of Midas International Corp., 339 Grant Street, Hartford, Wis. 53027. Gilbert Green, Traffic Manager. Send protests to: Erma W. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building, and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 88203 (Sub-No. 9TA), filed January 6, 1978. Applicant: OTIS WRIGHT & SONS, INC., 1127 East Albert, Box 277, Lima, Ohio 45802. Applicant's representative: Earl N. Merwin, 86 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soaps, textile softeners, and cleaning, scouring and washing compounds*, between points in Allen

County, Ohio, on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, under a continuing contract, or contracts, with the Procter & Gamble Distributing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Procter & Gamble Distributing Co., P.O. Box 599, Cincinnati, Ohio 45201. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 107403 (Sub-No. 1056TA), filed January 3, 1978. Applicant: MATELACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19056. Applicant's representative: Martin C. Hynes, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agric Chemical Co., at Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia, restricted to the transportation of traffic originating at the above-mentioned plantsite, for 180 days. Supporting shipper(s): Agric Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: T. M. Esposito, Transportation Specialist, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 109692 (Sub-No. 53TA), filed January 20, 1978. Applicant: GRAIN BELT TRANSPORTATION CO., 340 North James Street, Kansas City, Mo. 66118. Applicant's representative: Warren H. Sapp, 4420 Madison, Suite 230, Kansas City, Mo. 64111. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal feeds and feed ingredients* (except in bulk), from the plantsite and storage facilities of Harvest Brands, a Division of Harvest Industries, Inc., located at or near Pittsburg, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and that part of Tennessee located on and west of U.S. Highway 231, for 180 days. Supporting shipper(s): Harvest Brands, a Division of Harvest Industries, Inc., P.O. Box 46, Pittsburg, Kans. 66762. Send protests to: Vernon V. Coble District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113666 (Sub-No. 121TA), filed January 6, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229.

Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry between the United States and Canada located in Buffalo and Niagara Falls, N.Y., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the plantsite or storage facilities of Snavely Forest Products, Inc., located in Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Snavely Forest Products, Inc., P.O. Box 9808, Pittsburgh, Pa. 15227. Send protests to: John J. England District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 114211 (Sub-No. 338TA), filed January 10, 1978. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, 324 Manhard Street, Waterloo, Iowa. 50704. Applicant's representative: Daniel Sullivan, Suite 1600, 10 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, forest and wood products*, from the International boundary line between the United States and Canada, located at Noyes, Minn., to points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan and Ohio, restricted to movements, from the facilities utilized by Manitoba Forestry Resources, Ltd., located in the provinces of Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Manitoba Forestry Resources, Ltd., 902, 213 Notre Dame Street, Winnipeg, Manitoba, Canada. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, Iowa. 50309.

No. MC 114569 (Sub-No. 205TA), filed January 3, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: N. L. Cummins, P.O. Box 418, New Kingstown, Pa. 17072. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and skins

and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and District of Columbia, and (2) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at Estherville, Iowa, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, 228 Walnut Street, Harrisburg, Pa. 17108.

No. MC 114632 (Sub-No. 136TA), filed January 20, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, 212 SW. Second Street, Madison, S. Dak. 57024. Applicant's representative: Michael L. Carter, 212 SW. Second Street, Madison, S. Dak. 57024. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from Denver, Colo., to Landover, Md., Boston and Marlboro, Mass.; New York and Rochester, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Morgan Colorado Beef, Box 487, Fort Morgan, Colo. 80701. (Tim Hopkins Traffic Manager). Send protests to: J. L. Hammond District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Bldg., Pierre, S. Dak. 57501.

No. MC 117786 (Sub-No. 8TA), filed January 18, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, Ariz. 85009. Applicant's representative: Thomas F. Kilroy, 6901 Old Keene Mill Road, Suite 406, Executive Bldg., Springfield, Va. 22150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Carpets, carpeting, mats, matting or*

rugs, carpet or rug cushions, cushioning, lining, pads or padding, yarn or yarns, from Talladega, Ala., and Pryor, Okla., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, between Talladega, Ala., and Pryor, Okla.; and (2) *fibre, chemicals, cones, dyes, dye-stuffs, machine and machinery parts, cores, complete machines*, from points in Alabama, Georgia, North Carolina, South Carolina and Tenn., to Talladega, Ala., and Pryor, Okla., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-America Yarn Mills, Inc., P.O. Box 102, Pryor, Okla. 74361. Send protests to: Andrew V. Baylor District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 118535 (Sub-No. 112TA), filed January 13, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, Mo. 64730. Applicant's representative: Tom Ventura, 111 South Prospect, Butler, Mo. 64730. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Pet food, animal and poultry feed, animal and poultry feed ingredients*, and (2) *Animal and poultry feed and animal and poultry feed ingredients*, (a) from Webb City, Mo., to all points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nebraska, Oklahoma, Tennessee, Texas and Wisconsin, and (b) from Girard, Kans., to all points in Arkansas, Iowa, Missouri, Nebraska, Oklahoma and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): International Multifoods Corp., 1200 Multifoods Building, Minneapolis, Minn. 55402. Send protests to: John V. Barry District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119315 (Sub-No. 23TA), filed January 5, 1978. Applicant: FREIGHTWAY CORP., 131 Matzinger Road, Toledo, Ohio 43612. Applicant's representative: Paul F. Beery, Paul F. Beery Co., 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pentaerythritol and sodium formate* (except commodities in bulk), from the plantsite of Perstorp, Inc., at Toledo, Ohio, to points in Georgia, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Wisconsin, New Jersey, (except points in Sussex, Cape May, Cumberland, Salem, Atlantic and Gloucester Coun-

ties), Buffalo, Rochester, Syracuse, and New York City, N.Y., and their commercial zones, and points in Allegheny and Westmoreland Counties, Pa., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Perstorp, Inc., 600 Matzinger Road, Toledo, Ohio 43612. Send protests to: Keith D. Warner District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 133318 (Sub-No. 9TA), filed January 19, 1978. Applicant: VAN DE HOGEN CARTAGE LTD., 2590 Dougall Avenue, Windsor, Ontario, Canada. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, N.Y. 14202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber and waferboard*, for the account of McParland Lumber Ltd., from ports of entry on the International Boundary line between the United States and Canada in New York and at Detroit and Port Huron, Mich., to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Ohio, Virginia, and West Virginia, and returned shipments in the reverse direction, restricted to the transportation of shipments originating at points in Canada, under a continuing contract, or contracts, with McParland Lumber Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): McParland Lumber Ltd., 701 Evans Avenue, Suite 807, Etobicoke, Ontario, Canada. (John Almand Traffic Manager). Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, Mich. 48226.

No. MC 134402 (Sub-No. 3TA), filed January 3, 1978. Applicant: WILLIAMS TRUCK LINES, INC., P.O. Box 143, N. Market Street, Audubon, Iowa 50025. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (A) *Meat, meat products and meat byproducts* (except hides and commodities in bulk), (1) from the facilities utilized by Weinstein International Corp. and Iowa Pork Industries, Inc., in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota, to Charleston, S.C.; Jacksonville, Fla.; Gulfport, Miss.; New Orleans, La.; and Houston, Tex.; (2) from the facilities utilized by Weinstein International Corp. and Iowa Pork Industries, Inc.,

in Illinois, Iowa (except Sioux City), Kans., Minnesota (except Worthington), Mo., and Nebraska (except Omaha) and South Dakota to Miami, Riviera Beach and Tampa, Fla., and (B) *meat, meat products and meat byproducts* (except frozen pork, hides and commodities in bulk), from the facilities utilized by Weinstein International Corp. and Iowa Pork Industries, Inc., Sioux City, Iowa, Worthington, Minn., and Omaha, Nebr., to Miami, Riviera Beach and Tampa, Fla., under a continuing contract or contracts with Weinstein International Corp., and its subsidiary Iowa Pork Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brad McAllister, Director of Transportation, Weinstein International Corp., 5738 Olson Highway, Minneapolis, Minn. 55422. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr.

No. MC 134477 (Sub-No. 209TA), filed January 6, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Huron, S. Dak. to Los Angeles, Calif., restricted to the traffic originating at the facilities of Huron Dressed Beef, Inc., at or near Huron, S. Dak., and destined to the above named destinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Huron Dressed Beef, Inc., P.O. Box 924, Huron, S. Dak. 57350. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134477 (Sub-No. 212TA), filed January 5, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and byproducts, and articles distributed by meat packing houses*, as described in sections A and C of Ap-

NOTICES

pendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, and frozen prepared foods (except hides and commodities in bulk), from Eau Claire, Wis. to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of traffic originating at the facilities of Armour Food Co. at or near Eau Claire, Wis., and destined to the above named destination, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armour Food Co., Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134484 (Sub-No. 16TA), filed January 17, 1978. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, Idaho 83401. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite of Country Meats, at or near Blackfoot, Idaho, to points in Arizona, California, Montana, Nevada, Oregon, Utah, and Wash., for 180 days. Applicant does not intend to tack or interline authority. Supporting shipper(s): County Meats, P.O. Box 948, Blackfoot, Idaho 83221. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho 83706.

No. MC 134701 (Sub-No. 3TA), filed January 19, 1978. Applicant: J-V, INC., 9832 Tonya Drive, Sandy, Utah 84070. Applicant's representative: BOYD M. FULLMER of FULLMER & HARDING, 530 East Fifth South, Suite 203, Salt Lake City, Utah 84102. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer* dry in bags, from the Canadian port of entry near Sweetgrass, Mont., to Maricopa, Pima, and Yuma Counties, Ariz.; and Los Angeles, San Francisco, Fresno, Placer, Sacramento, Nevada, Kings, Tulare, Kern, Ventura, Riverside, Orange, San Bernardino and Imperial Counties, Calif., under a continuing contract or contracts with Sherritt Gordon Mines Ltd., and Pa-

cific Coast Resources Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Sherritt Gordon Mines Ltd., Fort Saskatchewan, Alberta, Canada. (Fred Kozak, Assistant Manager, Transportation.) (2) Pacific Coast Resources Corp., 6055 E. Washington Boulevard, Los Angeles, Calif. 90040. (John E. Campbell, Vice President.) Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah. 84138.

No. MC 135797 (Sub-No. 94TA), filed January 4, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, Ark. 72745. Applicant's representative: Paul A. Maestri, P.O. Box 200, Lowell, Ark. 72745. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry pet food*, in containers, from the plantsite of Far Mar Co., (Subsidiary of Farmland Industries), custom packers for Kal Kan Foods, Inc., Hutchinson, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kal Kan Foods, Inc., 3388 East 44th Street, Vernon, Calif. 90058. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 138713 (Sub-No. 2TA), filed January 6, 1978. Applicant: R&G TRANSIT CORP., P.O. Box 248, R.R. No. 2, Staunton, Ill. 62088. Applicant's representative: Ricky J. Odorizzi (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Staunton, Ill., and the Commercial Zone of St. Louis, Mo., serving the intermediate Illinois points of Livingston, Worden, Hamel, Edwardsville, and Maryville in Daily (5) days per week service with incidental charter operations, between the above points and Greenville, Ill., on the one hand, and, all points in the contiguous 48 States on the other, for 180 days. Supporting shipper: There are several statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Charles D.

Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 139360 (Sub-No. 9TA), filed January 13, 1978. Applicant: RAE-MARC, INC., 1903 Chicory Road, P.O. Box 1203, Racine, Wis. 53403. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or distributed by manufacturers and distributors of liquid soap, toilet preparations, chemicals, and household products*, from the facilities of S. C. Johnson & Son, Inc., at or near Waxdale, Wis., to points in the lower peninsula of Michigan, Illinois, Indiana, Iowa, Missouri, and Ohio, restricted to traffic carried, under a continuing contract, or contracts, with S. C. Johnson & Son, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: S. C. Johnson & Son, Inc., Racine, Wis. 53403 (Gilbert H. Anderson). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 143405 (Sub-No. 1TA), filed January 16, 1978. Applicant: LOGANSPORT AGRI-TRANSPORT, INC., Rural Route 2, Davis Junction, Ill. 61020. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Feed, feed ingredients, related animal health care items, and sales promotion items*, (except lards, fats, tallows, oils, and greases, in bulk, in tank vehicles), between the plantsite of Kent Feeds, Inc., located at Logansport, Ind., on the one hand, and, on the other, points in Illinois, Michigan, Ohio, Kentucky, Tennessee, West Virginia, Pennsylvania, Wisconsin, Iowa, Missouri, Nebraska, and Minnesota, under a continuing contract, or contracts, with Kent Feeds, Inc., for 180 days. Restrictions: (1) Restricted against the transportation of chemicals, in bulk, in tank vehicles, from Memphis, Tenn., to Logansport, Ind., and (2) restricted against the transportation of commodities, in bulk, in tank vehicles, which originate from Chattanooga, Tenn., Alexandria, Ohio, and Springfield and Verona, Mo., and (3) restricted to transportation services performed pursuant to contracts or a continuing contract, with Kent Feeds, Inc. Applicant has also filed an underlying ETA seeking up to 90 days of op-

erating authority. Supporting shipper: Kent Feeds, Inc., Thomas D. Donis, Traffic Manager, 1600 Oregon Street, Muscatine, Iowa. 52761. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1386, Chicago, Ill. 60604.

No. MC 144101 (Sub-No. 1TA), filed January 6, 1978. Applicant: R. R. STANLEY, Box 95, Mesquite, Tex. 75149. Applicant's representative: Richard T. Churchill, 3000 Sandage Street, Fort Worth, Tex. 76107. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Bakery goods, NOI, prepared dough, not frozen, cakes, cookies, rolls, frozen, icing paste*, shipments limited to palletized loads, temperature controlled, and 41,000 pound aluminum weight subject to contract between shipper and applicant, between plantsite of The Pillsbury Co., 3400 Texoma Drive, Denison, Tex., to plantsite of The Pillsbury Co., 1436 Goodrich Boulevard, Los Angeles, Calif., and return, under a continuing contract, or contracts, with The Pillsbury Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, room 13c12, Dallas, Tex. 75242.

No. MC 144160TA, filed January 5, 1978. Applicant: DONALD A. HALVORSEN, 19000 Southwest Wright Court, Aloha, Ore. 97005. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, Ore. 97030. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Greases, motor and lubricating oils, tires, batteries, and empty returned drums* (except commodities in bulk, in tank vehicles), between Portland, Ore., on the one hand, and, on the other, Spokane, Toppenish, Shelton, Hoquiam, CleElum, and Colville, Wash., and Sand Point, Coeur D'Alene, Kellogg, and St. Marie's, Idaho, under a continuing contract, or contracts, with Gott Oil Co., Inc., Budget Oil Co., Pettit Oil Co., and R. H. Bowles Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Gott Oil Co., Inc., P.O. Box 247, Shelton, Wash. 98585, (2) Budget Oil Co., North 111 Greene Street, Spokane, Wash. 99202, (3) Pettit Oil Co., 820 Myrtle Street, Hoquiam, Wash. 98550, (4) R. H. Bowles Co., Inc., P.O. Box 431, Toppenish, Wash. 98948. Send protests to: A. E. Odams, District Supervisor,

Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, Ore. 97204.

No. MC 144162TA, filed January 6, 1978. Applicant: TIME CONTRACT CARRIERS, INC., 27301 Camp Plenty Road, Canyon Country, Calif. 91351. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, No. 300, Los Angeles, Calif. 90010. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Safes, vaults, and insulated files*, and (2) *parts, accessories, and components* of commodities described in Paragraph (1), from Canelton and Lafayette, Ind., to points in California, Nevada, and Arizona; and restriction: Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with Ed Pauly & Associates, Inc., for 180 days. Supporting shipper: Ed Pauly & Associates, Inc., 2936 East 46th Street, Vernon, Calif. 90058. Send protests to: Edward P. Henry, District Supervisor, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 144163TA, filed January 5, 1978. Applicant: CRAVEN, INC., d.b.a. ROCHE MOVING & STORAGE, INC., 505 South 1st Avenue, Pocatello, Idaho 83201. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho 83701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods* restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and de-containerization of such shipments, between Pocatello and Idaho Falls, Idaho, on the one hand, and, on the other, points in Bonneville, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bannock, Bear Lake, Caribou, Franklin, Oneida, Power, and Bingham Counties, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Naval Administrative Unit, 551 Second Street, Idaho Falls, Idaho. 83401. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, Idaho. 83706.

No. MC 144203TA, filed January 18, 1978. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority

sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Flour and middlings*, from Martins Creek, Red Lion, Treichlers, and York, Pa., to points in Delaware, the District of Columbia, Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island; and (2) *flour enrichment*, from Totowa, N.J., and Woodside and Brooklyn, N.Y., to Martins Creek, Treichlers, Red Lion, and York, Pa., restricted to transportation performed, under a continuing contract, or contracts, with ConAgra, Inc., of Omaha, Nebr., for 180 days. Supporting shipper: Edward S. Duncza, Supervisor of Fleet Operation, ConAgra, Inc., 200 Kiewit Plaza, Omaha, Nebr. 68131. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-4193 Filed 2-14-78; 8:45 am)

[7035-01]

[Notice No. 16TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 7, 1978.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information. Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment re-

sulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Filed Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 52917 (Sub-No. 65TA) (correction), filed December 8, 1977, published in the FEDERAL REGISTER issue of January 20, 1978, and republished as corrected this issue. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Baltimore, Md. 21740. Applicant's representative: Charles E. Creager, Esq., 1329 Pennsylvania, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* (except bananas), in vehicles equipped with temperature control, between points in Frederick, Anne Arundel, Howard, Prince Georges, Washington, and Baltimore Counties, Md.; Delaware; New Jersey; Baltimore, Md.; Washington, D.C.; New York, N.Y.; Nassau, Suffolk, and Westchester Counties, N.Y.; points in Virginia or and east of Interstate Highway 95; and points in Stafford, Prince William, and Fairfax Counties, Va. west of Interstate Highway 95; and points in Pennsylvania east of the Susquehanna River, restricted against the transportation of canned goods from Cheriton and Hopeton, Va. to points in New York, New Jersey, and Pennsylvania, and further restricted against the transportation of frozen foods from points in New Jersey and Pennsylvania (except Philadelphia) to points in New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately (16) statements of support attached to this application which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201. The purpose of this republication is to add a State that was inadvertently omitted.

No. MC 106674 (Sub-No. 279TA), filed January 18, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundy, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and materials, equipment and supplies* used in the manufacture and installation of building materials (except commodities in bulk), from Franklin,

Ohio (Warren County), to Rock Hill, Mo. (St. Louis County), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Bird & Son, Inc., Washington Street, East Walpole, Mass. 02032. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 111302 (Sub-No. 115TA), filed January 18, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470-1500 Amherst Road, Knoxville, Tenn. 37921. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from the plant-site of Cargill, Inc., in Gainesville, Ga., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Cargill, Inc., P.O. Box 1298, Gainesville, Ga. 30501. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, Tenn. 37203.

No. MC 111401 (Sub-No. 510TA), filed January 20, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from St. Louis, Mo., to Arkansas, Colorado, Iowa, Kansas, Louisiana, Nebraska, Minnesota, Mississippi, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shipper: Ashland Petroleum Co., division of Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, Okla. 73102.

No. MC 113828 (Sub-No. 250TA), filed January 16, 1978. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk and package calcium aluminate cement*, from Norfolk, Va., to Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan,

Illinois, Mississippi, Vermont, Maine, New Hampshire, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lone Star LaFarge, Inc., 18 Koger Executive Center, Suite 18 Norfolk, Va. 23502. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, District Supervisor, W. C. Hersman, Washington, D.C. 20423.

No. MC 115654 (Sub-No. 73TA), filed January 11, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, Tenn. 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from the facilities of Baird-Ward Printing Co. at Nashville, Tenn., to Effingham, Mattoon, Chicago, and Forest Park, Ill.; Indianapolis, Ind.; Cincinnati, Columbus, Cleveland, and Lima, Ohio; and Detroit, Mich., and their respective commercial zones, for 180 days. Supporting shipper: Baird-Ward Printing Co., P.O. Box 539, Nashville, Tenn. 37202. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 119903 (Sub-No. 12TA), filed January 18, 1978. Applicant: D. J. WALRAVEN, P.O. Box 1045, 501 S. Broad Street, Rome, Ga. 30161. Applicant's representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, Ga. 30345. Authority sought to operate as a *tract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum extrusions, aluminum doors, and aluminum windows*, (2) *scrap aluminum* and (3) *paint and chemicals* used in the manufacture of the commodities in (1) above (except in bulk), on shipper owned trailers, between the plantsite of V. E. Anderson Mfg. Co., at Rome, Ga. on the one hand and, on the other, points in Indiana; and between the plantsite of V. E. Anderson Mfg. Co., at Warsaw, Ind. on the one hand and, on the other, points in Alabama, Florida, Georgia, Kentucky, Louisiana, Minnesota, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: V. E. Anderson Mfg. Co., P.O. Box 121, Rome, Ga. 30161. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St., NW., rm. 300, Atlanta, Ga. 30309.

No. MC 124078 (Sub-No. 777TA), filed January 18, 1978. Applicant: SCHWERMANN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite*, in bulk, in tank vehicles, from Bristol, Tenn. and the facilities of Reiss Viking Corp. at or near Monongah, W. Va., to points in Ill., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Reiss Viking Corp., P.O. Box 688, Sheboygan, Wis. 53081. (Peter A. DeWitt.) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Bldg. and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124554 (Sub-No. 18TA), filed January 17, 1978. Applicant: LANG CARTAGE CORP., 338 South 17th Street, P.O. Box 2055, Milwaukee, Wis. 53201. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by a retail mail-order house* (except furniture), from LaCrosse and Milwaukee, Wis. to points in Wisconsin, the Upper Peninsula of Michigan, and in Dakota, Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmstead, Steele, Wabasha, Waseca, and Winona Counties, Minn., under a continuing contract or contracts with Alden's, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alden, Inc., 5000 W. Roosevelt Road, Chicago, Ill. 60607. (Thomas A. Slover.) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 125023 (Sub-No. 51TA) filed January 16, 1978. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Richard G. McCurdy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Cleveland, Ohio and Philadelphia, Pa., to Short Gap, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ridgeley Distributors, Inc., P.O. Box

622, Ridgeley, W. Va. 26753. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 127539 (Sub-No. 64TA), filed January 11, 1978. Applicant: PARKER REFRIGERATED SERVICE, INC., 1108 54th Avenue East, Tacoma, Wash. 98421. Applicant's representative: Michael D. Duppenhaler, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Yakima and Benton counties, Wash. to points in Arizona, California, Nevada, and Oregon, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Welch Foods, Inc., 2-4 South Portage, Westfield, N.Y. 14787 and (2) Seneca Foods Corp., Lee Road, Prosser, Wash. 99350. Send protests to: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 858 Federal Building, Seattle, Wash. 98174.

No. MC 127598 (Sub-No. 4TA), filed January 17, 1978. Applicant: HARRY M. MOWREY, 5865 Pleasant Hill Road, Milford, Ohio 45150. Applicant's representative: John F. Fulcher, 219 Chincoppe Avenue, Hopatcong, N.J. 07843. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except frozen poultry and poultry products), *dairy plant equipment* (except articles because of size, shape, or weight require the use of special equipment), *materials and supplies*, between Louisville, Ky. on the one hand and, on the other, points in Illinois on or south of Interstate Highway 74, and points in Missouri on and north of U.S. Highway 60 and points on and east of U.S. Highway 67, including St. Louis, Mo., under a continuing contract or contracts with Beatrice Foods, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beatrice Foods, Marvin Powers, Sales Manager, 2815 Magazine Street, Louisville, Ky. 40211. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio. 45202.

No. MC 128343 (Sub-No. 36TA), filed January 17, 1978. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, R.I. 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street, NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transport-

ing: *Plastic pots, crushed pine cones, ground shale, clay pebbles, and nutrients and other plant foods*, (1) from Birmingham, Ala. to Halls, Tenn., Hemingway, S.C., Jerome, Idaho, North Smithfield, R.I., and ports of entry on the United States-Canada boundary line in Michigan, New York, and Vermont, (2) from North Smithfield, R.I., to Memphis, Tenn., and points in Kentucky and Missouri, (3) from Halls, Tenn. to Memphis, Tenn., and (4) from North Smithfield, R.I. to points in Michigan, and; (5) from North Smithfield, R.I. and Jerome, Idaho, to points in Minnesota and Wisconsin, under a continuing contract or contracts with the Tupperware, Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Tupperware Co., North Smithfield, R.I. 02895. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, R.I. 02903.

No. MC 129387 (Sub-No. 48TA), filed January 16, 1978. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, S. Dak. 57350. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in section A of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M. C. C. 209 and 766, (except hides and commodities in bulk), from Huron, S. Dak.; Omaha, Nebr.; and Worthington, Minn., to Florida and Georgia, restricted to traffic originating at the facilities of Armour Food Co. at the named origins and destined to the named destination States, for 180 days. Supporting shipper(s): Armour Food Co., 111 W. Clarendon, Greyhound Tower, Phoenix, Ariz. 85077. D. A. Chute, Manager, Transportation and Distribution. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 134300 (Sub-No. 16TA), filed January 9, 1978. Applicant: TRIPLE R EXPRESS, INC., P.O. Box 12866, 498 First Street N.W., New Brighton, Minn. 55112. Applicant's representative: James T. Flescher, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from the plantsite or warehouse facilities of Jenos, Inc., at Duluth, Minn., and Superior, Wis., to points in Alabama, Georgia, Kentucky, Mississippi and

Tennessee, for 180 days. Supporting shipper(s): Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55801. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134300 (Sub-No. 17TA), filed January 11, 1978. Applicant: TRIPLE R EXPRESS, INC., P.O. Box 12866, 498 First Street, NW., New Brighton, Minn. 55112. Applicant's representative: James T. Flescher, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from plantsite or warehouse facilities of Jeno's, Inc., at Duluth, Minn., and Superior, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, for 180 days. Supporting shipper(s): Jeno's, Inc., 525 Lake Avenue South, Duluth, Minn. 55801. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134402 (Sub-No. 4TA), filed January 17, 1978. Applicant: WILLIAMS TRUCK LINES, INC., P.O. Box 143, North Market Street, Audubon, Iowa 50025. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, (except commodities in bulk, and hides), from the facilities utilized by Weinstein International Corp., and Iowa Pork Industries, Inc., in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, Ohio, South Dakota and Wisconsin, to points in Connecticut, Maine, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, under a continuing contract, or contracts, with Weinstein International Corp., and its subsidiary Iowa Pork Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brad McAllister, Director of Transportation, Weinstein International Corp., and Iowa Pork Industries, 5738 Olson Highway, Minneapolis, Minn. 55422. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134477 (Sub-No. 215TA), filed January 18, 1978. Applicant:

SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packing-houses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Iowa Beef Processors, Inc., at or near Luverne, Minn., to points in the States of North Carolina and South Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134531 (Sub-No. 10TA), filed January 18, 1978. Applicant: AGGREGATE HAULERS, INC., Route 2, Box 559-A, West Columbia, S.C. 29169. Applicant's representative: Burton W. Lanier, Route 2, Box 559-A, West Columbia, S.C. 29169. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glazed structural masonry products*, from Mt. Holly, S.C., to points in Georgia, Alabama, Mississippi, Florida, North Carolina, Tennessee, and Kentucky, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): United Glazed Products, Box 56, Highway 52, Mt. Holly, S.C. 29463. Send protests to: E. E. Strotheld, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 134755 (Sub-No. 126TA), filed January 16, 1978. Applicant: CHARTER EXPRESS, INC., 1959 East Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pet foods*, (except in bulk), (1) from Berlin, Md., to points in Arizona, Arkansas, California, Iowa, Kansas, Missouri, Nebraska, Ohio, Oklahoma, Oregon, Texas, Washington, and New Mexico; and (2) from Dayton and Lewisburg, Ohio, to points in Arizona, Arkansas, California, Colorado, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Oregon, Texas, Washington, and

New Mexico, for 180 days. Supporting shipper(s): Iams Food Co., 3622 Delphos Avenue, Dayton, Ohio 45417. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 135861 (Sub-No. 26TA), filed January 17, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, 2715 Ellis Avenue, Fort Worth, Tex. 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, Tex. 76107. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Suppositories, medicines, and drugs*, in temperature controlled equipment, from Los Angeles, Calif., to be the facilities of E. R. Squibb & Sons, Inc., at Mission, Kans.; Rolling Meadows, Ill.; Michigan City, Ind.; Sharonville, Ohio; Burlington, Mass.; and Somerset and New Brunswick, N.J., under a continuing contract, or contracts, with E. R. Squibb & Sons, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): E. R. Squibb & Sons, Inc., P.O. Box 191, New Brunswick, N.J. 08903. Send protests to: Robert J. Kirspe, District Supervisor, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 136166 (Sub-No. 30TA), filed January 18, 1978. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Ore. 97208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Quicklime*, in bulk, in tank or hopper-type vehicles, between ports of entry located on the United States-Canadian boundary line at or near Oroville and Laurier, Wash., on the one hand, and, on the other the Western nuclear plant at or near Wellpoint, Wash., for 180 days. Supporting shipper: Steel Brothers Canada, Ltd., 4836 6th Street NE., Calgary, Alberta, Canada T2E 3Z9. Send protests to: District Supervisor Michael M. Butler, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 138328 (Sub-No. 54TA), filed January 16, 1978. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, P.O. Box 37308, Omaha, Nebr. 68137. Applicant's representative: Donna Ehrlich (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper and steel hardware*, from the plantsite of the Ceco Corp., located at or near Milan, Tenn.,

to points in Missouri, for 180 days. Supporting shipper(s): Donald R. D'Argento, Traffic Manager, the Ceco Corp., 5601 West 26th Street, Chicago, Ill. 60650. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138512 (Sub-No. 28TA), filed January 17, 1978. Applicant: ROLAND'S TRANSPORTATION SERVICES, INC., d.b.a. WISCONSIN PROVISIONS EXPRESS, P.O. Box 477, Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products* (except commodities in bulk), from Plymouth, Wis., to Memphis and Nashville, Tenn.; Atlanta, Ga.; and to points in Louisiana and Texas, and from Hartington, Nebr.; Luana, St. Olaf, and Hopkinton, Iowa, to Plymouth and Elkhart Lake, Wis., under a continuing contract, or contracts, with Sargento Cheese Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sargento Cheese Co., Inc., P.O. Box 360, Plymouth, Wis. 53073 (Daniel E. Buss). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 139495 (Sub-No. 307TA), filed January 19, 1978. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, 1501 East 8th Street, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, Sullivan, Dubin & Kingsley, 1320 Fenwick Lane, Silver Spring, Md. 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Doors and door hardware, accessories, and parts*, from the facilities of Jim Walter Doors, a Division of Celotex Corp., at or near Williamsport, Pa., to points in California, Colorado, Idaho, Kansas, Nebraska, Nevada, Oklahoma, Oregon, Utah, Washington, and Wyoming, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jim Walter Doors, a Division of Celotex Corp., 1500 North Dale Mabry Highway, Tampa, Fla. 33622. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 143775 (Sub-No. 1TA), filed January 10, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, Ariz. 85301. Applicant's rep-

resentative: Edward N. Button, P.O. Box 1417, 1329 Pennsylvania, Hagerstown, Md. 21740. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in section A and C of appendix I to the report in description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Sioux City, Iowa, and Madison, Nebr., to Baltimore, Md.; Philadelphia, Pa.; and Smithville, Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Armour Food Co., Greyhound Tower, Phoenix, Ariz. 85077. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 143910 (Sub-No. 1TA), filed January 16, 1978. Applicant: NEW HAMPSHIRE CONTINENTAL EXPRESS, INC., P.O. Box 4956, Manchester, N.H. 03108. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Foods, foodstuffs, food-treating compounds, chemicals, and additives* (except in bulk), and *advertising paraphernalia, and materials, equipment, and supplies* used in the manufacture, preparation, sale, and distribution of spices, extracts, convenience foods, products, salad dressing, and foodstuffs (except in bulk), and (2) *commodities*, the transportation of which is exempt from regulation under the provisions of section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities described in (1) above, for the account of McCormick & Co., Inc., between Hunt Valley and Cockeysville, Md., and their respective commercial zones, on the one hand, and, on the other, points in Virginia, New Jersey, Delaware, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Hampshire, Vermont, and the District of Columbia, under a continuing contract, or contracts, with McCormick & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): McCormick & Co., Inc., 11350 McCormick Road, Hunt Valley, Md. 21031. (Attn.: John W. Highfield, Manager—Distribution). Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6 Loudon Road, Room 3, Concord, N.H. 03301.

No. MC 144113 (Sub-No. 1TA), filed January 4, 1978. Applicant: PRESS-

COTT TRUCKING CORP., 218 Oak Street, Elizabeth, N.J. 07207. Applicant's representative: Morton E. Kiel, 5 World Trade Center, New York, N.Y. 10048. To operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *textiles and Textile Picture Kits*, from Lynchburg, Va., Madison Heights, Va., Pawtucket, R.I., Taylorsville, Statesville, Greenville, Aberdeen and Williamston, N.C., Greenville, Lugoff, Simpsonville, Wateree, Kingstree and Williamston, S.C., to points in New Jersey, Connecticut, Massachusetts, and Rhode Island under a continuing contract or contracts with N. Erlanger, Blumgart & Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: N. Erlanger, Blumgart & Co., Inc., 1450 Broadway, New York, N.Y. 10018. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144171 (Sub-No. 1TA), filed January 20, 1978. Applicant: HUBERT BYNUM, d.b.a. BYNUM TRUCKING, P.O. Box 465, South Fulton, Tenn. 42041. Applicant's representative: James N. clay, III, 2700 Sterick Building, Memphis Tenn. 38103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Pig iron and sand*, in bulk, in dump trailers, from Birmingham, Ala., to South Fulton, Tenn., and (2) *coke*, in bulk, in dump trailers, from St. Louis, Mo., to South Fulton, Tenn., under a continuing contract or contracts with Automated Castings, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Automated Castings, Inc., 135 Forestdale Avenue, South Fulton, Tenn. 42041. Send protests to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, Tenn. 38103.

No. MC 144207TA, filed January 20, 1978. Applicant: SOUTHWEST TRANSPORT, INC., Highway 8 East, P.O. Box 806, Mena, Ark. 71953. Applicant's representative: Tfoy R. Douglas, 15 Court Street, Fort Smith, Ark. 72901. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, supplies, and building materials*, except commodities in bulk, from the facilities of Arkansas Log Homes, Inc., at or near Mena, Ark., to points in Texas, Oklahoma, and Missouri, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Arkansas Log House, Inc.,

P.O. Box 959, Mena, Ark. 71953. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4192 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 294]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 15, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77534. By application filed February 3, 1978, PRAY FOR TRANSPORTATION, INC., Ellsworth Street, Dows, Iowa 50071, seeks temporary authority to transfer the operating rights of P. J. Quigley, an individual d.b.a. Quigley Trucking, Rural Route No. 2, Belmond, Iowa 50421, under section 210a(b). The transfer to Pray for Transportation, Inc., of the operating rights of P. J. Quigley, an individual, d.b.a. Quigley Trucking, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4183 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 293]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 15, 1978.

Applicant filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC FC 77533. By application filed February 8, 1978, 1819 Olympic Street East, P.O. Box 1651, Tacoma, Wash. 98402, seeks temporary authority to transfer the operating rights of DUDLEY BOAT & TRAILER TRANSPORTATION, INC., 13315 8th Street East, Sumner, Wash. 98390, under section 210a(b). The transfer to Dudley Trucking, Inc., of the operating rights of Dudley Boat & Trailer Transportation, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4184 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 11TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 1, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount the type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 80TA), filed January 3, 1978. Applicant: PRESTON TRUCKING CO., INC., 151 Easton Boulevard, Preston, Md., 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat products, and meat by-products, dairy products, and commodities or articles distributed by meat packinghouses*, (except hides and commodities in bulk, in tank vehicles), as described in Sections A, B, and C of Appendix to the report in Descriptions in Motor Carrier Certificates, 81 M.C.C. 209 and 766, from Smithfield, Va., to points in the States of Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Pennsylvania, and District of Columbia, for 180 days. Supporting

shipper(s): Trevor H. Tucker, director of distribution, Swift Processed Meats Co., A division of Swift & Co., 115 W. Jackson Boulevard, Chicago, Ill. 60604 and William H. Dodson, Jr., manager of distribution, ITT Gwaltney, Inc., P.O. Box 489, Smithfield, Va. 23430. Send Protests to: William H. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 2900 (Sub-No. 321TA), filed January 3, 1978. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408R, Jacksonville, Fla. 32209. Applicant's representative: John Carter, 2050 Kings Road, P.O. Box 2408R, Jacksonville, Fla. 32203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, particleboard, wooden fencing, and wood products*, from Post Falls, Coeur d'Alene, St. Maries, Santa, Potlatch, Lewiston, Spalding, Kamlah, and Jaype, Ind. to Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, restricted to the transportation of shipments originating at Potlatch Corp. millsites at the named origins and destined to points in the named destination states, for 180 days. Supporting shipper(s): Potlatch Corp., Box 1016, Lewiston, Ind. 83501. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 30618 (Sub-No. 11TA), filed January 3, 1978. Applicant: HENRY V. RABOUIN, P.O. Box 204, Old Richmond Road, Pittsfield, Mass. 01201. Applicant's representative: Harris N. Aaronson, 57 Wendell Avenue, Pittsfield, Mass. 01201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Talc tailings*, in bulk, from each of the following points: West Windsor, Ludlow and Gassetts, all in Vermont, to any and all points within the following described areas: the entire state of New Jersey; S. E. Pennsylvania in the area south of Interstate Route 76 and East of Route 15; southern New York south of Interstate Route 84; and in Western Connecticut west of Interstate Route 91, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Windsor Minerals, Inc., P.O. Box 680, Windsor, Vt. 05089. Send protests to: J. D. Perry, Jr., Acting District Supervisor, Interstate Commerce Commission, 436 Dwight Street, Room 338, Springfield, Mass. 01103.

No. MC 52729 (Sub-No. 25TA), filed January 6, 1978. Applicant: FIOROT

TRUCKING, INC., West Main Street, P.O. Box 43, Pen Argyl, Pa. 18072. Applicant's representative: Dominic J. Ferraro, 124 S. Main Street, Nazareth, Pa. 18064. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural fertilizers*, for Lebanon Chemical Corp., from Baltimore, Md., and Wilmington, Del., to points in the States of Pennsylvania, New Jersey, and New York, for Lebanon Chemical Corp., from Allentown, Pa., to points in the States of Maryland, New Jersey, and New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lebanon Chemical Corp., 19th & Lawrence Streets, P.O. Box 1378, Allentown, Pa. 18105. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 52917 (Sub-No. 65TA), (Correction), filed December 8, 1977, published in the FEDERAL REGISTER issue of January 20, 1978, and republished as corrected this issue. Applicant: CHESAPEAKE MOTOR LINES, INC., 6748 Dorsey Road, Baltimore, Md. 21227. Applicant's representative: Charles E. Creager, 1329 Pennsylvania, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs* (except bananas), in vehicles equipped with temperature control, between points in Frederick, Anne Arundel, Howard, Prince George's, Washington, and Baltimore Counties, Md.; Delaware; New Jersey; Baltimore, Md.; Washington, D.C.; New York, N.Y.; Nassau, Suffolk, and Westchester Counties, N.Y.; points in Virginia on and east of U.S. Interstate Route 95; points in Stafford, Prince William and Fairfax Counties, Va. west of U.S. Interstate Route 95; and points in Pennsylvania east of the Susquehanna River, restricted against the transportation of canned goods, from Cheriton and Hopeton, Va., to points in New York, New Jersey, and Pennsylvania, and further restricted against the transportation of frozen foods, from points in New Jersey and Pennsylvania (except Philadelphia), to points in New York, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (16) statements of support attached to this application which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201. The purpose of this republication is to complete the territorial description in this proceeding.

No. MC 99388 (Sub-No. 12TA), filed December 30, 1977. Applicant: ALL-TRANS EXPRESS U.S.A., INC., 925 Westchester Avenue, Suite 105, White Plains, N.Y. 10604. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, frozen foods, and commodities in bulk), which are at the time moving on bills of lading of Freight Forwarders operating pursuant to Part IV of the Interstate Commerce Act, (A) between Baltimore, Md.; Boston, Mass.; New Haven, Conn.; New York, N.Y.; and (B) between Baltimore, Md.; Boston, Mass.; Chicago, Ill.; Milwaukee, Wis.; New Haven, Conn.; New York, N.Y.; Philadelphia, Pa.; St. Louis, Mo., and Chicago, Ill.; Milwaukee, Wis.; St. Louis, Mo.; and Los Angeles, Calif.; Oakland, Calif.; Phoenix, Ariz.; Portland, Oreg.; Salt Lake City, Utah; San Francisco, Calif.; and Seattle, Wash.; for 180 days. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Maria B. Kejss Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

NOTE.—Application also includes authority to serve all points in terminal areas of points shown in A and B.

No. MC 102560 (Sub-No. 13TA), filed December 29, 1977. Applicant: FREILER TRUCK LINES, INC., P.O. Box 636, Amite, La. 70422. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Lumber, particleboard and wood paneling*, from plantsites or facilities of Georgia Pacific Corp. located in Arkansas and Louisiana, to points in Arkansas, Louisiana, Texas, Oklahoma, Kansas, New Mexico, Colorado, and those points in Missouri located on and south of Interstate 70, and (2) *Materials, equipment, and supplies* used in the manufacture of the commodities in No. 1, from points in the destination states in No. 1 to the plantsites or facilities of Georgia Pacific Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Georgia Pacific Corp., P.O. Box 520, Crossett, Ark. 71635. Send protests to: Ray C. Armstrong, Jr., District Super-

visor, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, New Orleans, La. 70113.

No. MC 103993 (Sub-No. 919TA), filed January 3, 1978. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, Ind. 46515. Applicant's representative: James B. Buda, 28651 U.S. 20 West, Elkhart, Ind. 46514. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and building, in sections, mounted on wheeled undercarriages, from the plantsite of Nobility Homes, Inc., at Reidsville, N.C., to points in Kentucky, Tennessee, West Virginia, Virginia, South Carolina and Maryland, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nobility Homes, Inc., P.O. Box 878, Reidsville, N.C. 27320. Send protests to: J. H. Gray District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 104589 (Sub-No. 36TA), filed January 9, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, Fla. 32726. Applicant's representative: Richard S. Baugh (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Carpet or rug cushions, cushioning or lining, sponge rubber or plastics* (Urethane-Polyurethane). From Columbus, Miss., to points in Delaware, Illinois, Indiana, Kentucky, Maryland, Ohio, New York, Pennsylvania, District of Columbia, and Virginia, under a continuing contract or contracts with General Felt Industries, Inc., for 180 days. Supporting shipper: General Felt Industries, Inc., Park 80 Plaza West—One Saddle Brook, N.J. 07662. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 106956 (Sub-No. 6TA), filed January 6, 1978. Applicant: SYLVESTER TRUCKING CO., 2930 Gradwohl Road, Toledo, Ohio 43617. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump vehicles, from the facilities of Kripke-Tushman Industries, Inc., in Toledo, Ohio, to Flat Rock and Pontiac, Mich., for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Great Lakes Carbon Corp.,

299 Park Avenue, New York, N.Y. 10017. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio. 43604.

No. MC 112963 (Sub-No. 72TA), filed December 29, 1977. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Maine 01866. Applicant's representative: Leonard E. Murphy, 764 Pinehurst Road, Pinehurst, Maine 01866. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, in specially designed dump vehicles, (1) from New York City and Yonkers, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island and New Jersey, and (2) from Philadelphia, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York and New Jersey, for 180 days. Supporting shipper(s): Northeastern Brokerage, Inc., 308 Boylston Street, Boston, Mass. 02116. Send protests to: Paul A. Roberts, District Supervisor, 150 Causeway Street, room 501, Boston, Mass. 02114.

No. MC 115162 (Sub-No. 403TA), filed January 7, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate, P.O. Drawer 500, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials and accessories therewith*, from Stephens and Camden, Ark., to Texas, Louisiana, Mississippi, Oklahoma, Missouri, Tennessee, Kentucky, Illinois and Indiana, for 180 days. Supporting shipper(s): Elk Corp., Stephens, Ark. 71764. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 116254 (Sub-No. 195TA), filed January 7, 1978. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, Ala. 35630. Applicant's representative: Randy C. Luffman, P.O. Box 339, Florence, Ala. 35630. Authority sought to operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied Petroleum Gas, (Flammable Gas)*, in bulk, in tank vehicles, from Hattiesburg, Miss., to Monsanto Co. plants and storage facilities located at/near Decatur, Sand Mountain and Anniston, Ala.; Ligonier, Ind.; Greenwood, S.C.; Columbia, Tenn.; and Nitro, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Monsanto Co., 800 North Lindbergh Blvd., St.

Louis, Mo. 63166. Send protests to: Mabel E. Holston Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 117613 (Sub-No. 24TA), filed January 24, 1978. Applicant: D. M. BOWMAN, INC., 15 East Oak Ridge Dr., Route 9, Box 26, Hagerstown, Md. 21740. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste oils*, from points in the state of Maryland, to Clayton, N.J., and its commercial zone, under a continuing contract or contracts with Wisconsin Oil Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wisconsin Oil Co., Inc., 524 Penn Avenue, Pittsburgh, Pa. 15222. Send protests to: Interstate Commerce Commission, 12th and Constitution Avenue NW, Room 1413, District Supervisor W.C. Hersman, Washington, D.C. 20423.

No. MC 117686 (Sub-No. 201TA), filed January 5, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: Robert A. Wichser (same address as applicant). Authority sought to operate as a *Common Carrier*, by motor vehicle, over irregular routes, transporting: *Cloth and materials and supplies* used in the manufacture, sale and distribution of goods produced from cloth, in mixed loads with cloth, from Osceola, Ark.; Eufaula, Ala.; Augusta, Lindale, and Trion, Ga.; Lawrenceburg, Ky.; Erwin, Greensboro, Haw River, Mount Holly, Salisbury, and Yadkin, N.C.; Graniteville, Tenn.; and Brenham and New Braunfels, Tex.; to LeMars, Sheldon, Sioux City, Spencer and Storm Lake, Iowa, for 180 days. Supporting shipper(s): Aalfs Manufacturing Co., John W. Aalfs President, 1005 East 4th Street, Box 3038, Sioux City, Iowa. 51102. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 119493 (Sub-No. 178TA), filed January 11, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal food*, from Greenville, Miss., to Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and

Texas, and from Kansas City, Kans., to points in Georgia, for 180 days. Applicant has filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Strongheart Products, Inc., 300 South 55th Street, Kansas City, Kans. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOP, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119493 (Sub-No. 179TA), filed January 11, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and processed grain products* (except in bulk), from Hutchinson, Kans., to points in Arkansas, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Texas, Virginia, and Wisconsin, for 180 days. Supporting shipper: Far-Mar-Co., Inc., 960 North Halstead, Hutchinson, Kans. 67501. Send protest to: John V. Barry, District Supervisor, Interstate Commerce Commission—BOP, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 133133 (Sub-No. 18TA), filed January 6, 1978. Applicant: FULLER MOTOR DELIVERY CO., 802 Plum Street, Cincinnati, Ohio 45202. Applicant's representative: Norbert B. Flick, 715 Executive Building, Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, in bulk, from the plantsite of Agrico Chemical Co. at or near Melbourne, Ky., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, Virginia, and West Virginia, for 180 days. Supporting shipper: Agrico Chemical Co., J. J. Stefanec, Director, Transportation Legislation and Research, P.O. Box 3166, Tulsa, Okla. 74101. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 138882 (Sub-No. 34TA), filed January 7, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 621, Henderson Road, Troy, Ala. 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuff not frozen in containers*, from the facilities of Dosssee Foods, Inc., located at or near Brundidge, Ala., to points in Louisiana, Arkansas, Texas, Mississippi, and Memphis,

Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dosssee Foods, Inc., Banks Highway, Brundidge, Ala. 36010. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 142680 (Sub-No. 3TA), filed January 7, 1978. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, Ala. 36907. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Cogle Sawmill (owned by American Can Co.), located at or near Thomasville, Ala., to points in Georgia, Kentucky, Louisiana, Florida, South Carolina, North Carolina, Mississippi, Tennessee, and Mobile and Baldwin Counties, Ala., for 180 days. Supporting shipper: Cogle Sawmill, Thomasville, Ala. 36784. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 142680 (Sub-No. 4TA), filed January 7, 1978. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, Ala. 36907. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Sanders Lumber Products Co., at or near Meridian, Miss., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, and Tennessee, for 180 days. Supporting shipper: Sanders Lumber Products Co., Meridian, Miss. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 142680 (Sub-No. 5TA), filed January 7, 1978. Applicant: SUMTER TIMBER CO., INC., P.O. Box 104, Cuba, Ala. 36907. Applicant's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Pickens and Sumter Counties, Ala., to points in Kentucky, North Carolina, South Carolina, Illinois, and points in Louisiana (except St. Tammany, Tangipahoa, Livingston, Assumption, Ascension, St. John The Baptist, St. James, Terrebonne, Lafourche, St. Charles, Jefferson, Plaquemines, and St. Bernard Parishes), for 180 days. Support-

ing shipper(s): A. T. N. Lumber Service, P.O. Box 536, York, Ala. 36925, American Can Co., Bellamy, Ala. 36901, Reform Lumber Processors, Inc., P.O. Box 428, Reform, Ala. 35481. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 142715 (Sub-No. 9TA), filed January 11, 1978. Applicant: LENTERZ, INC., 411 Northwestern National Bank Building, South St. Paul, Minn. 55101. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, articles distributed by meat packing plants and foodstuffs* (except hides and commodities in bulk), from the plantsites of George A. Hormel & Co. at Austin, Minn., Fort Dodge, Iowa, Fremont and Scottsbluff, Nebr., to points in New York, New Jersey, Pennsylvania, Massachusetts, New Hampshire, and Connecticut, restricted to product originating at the named origins and destined to the named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 142766 (Sub-No. 8TA), filed January 12, 1978. Applicant: WHITE TIGER TRANSPORTATION, INC., 115 Jacobus Avenue, Kearny, N.J. 07302. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions between points in New Jersey, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: There are approximately (13) statements of support attached to the application which may be examined at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, room 618, Newark, N.J. 07102.

No. MC 142897 (Sub-No. 4TA), filed January 9, 1978. Applicant: KENNEDY FREIGHT LINES, INC., P.O. Box 332, Lapel, Ind. 46051. Applicant's representative: Paul F. Beery Co. L.P.A., 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as

a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Auto parts*, from the plantsite of Questor Corp. at Pinola, Ind., Toledo, Ohio, and Grand Haven, Mich., to points in that part of the United States in and west of Arkansas, Iowa, Louisiana, Missouri, and Minnesota (except Alaska and Hawaii), under a continuing contract or contracts with Questor Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio 43691. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 142941 (Sub-No. 12TA), filed January 10, 1978. Applicant: SCARBOROUGH TRUCK LINES, 1313 North 25th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Phil B. Hammond/Lewis P. Ames, 10th Floor, 111 West Monroe, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, except in bulk, from the warehouse and distribution facilities of National Distillers Products Co., a Division of National Distillers and Chemical Corp., located at Cincinnati, Ohio, and Frankfort and Louisville, Ky., to Flagstaff, Phoenix, Tucson, and Yuma, Ariz., for 180 days. Supporting shipper: Fred Nacker Wholesale Liquor Co., 13 East Cottage, Flagstaff, Ariz. 86002, National Distillers Products Co., 11750 Chesterdale Road, Cincinnati, Ohio 45246. Send protests to: Andres V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 144088 (Sub-No. 1TA), filed January 3, 1978. Applicant: RANDAL LAWSON, d.b.a. RANDY'S ENTERPRISES, Route 4, Barboursville, Ky. 40906. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from mines and facilities of Champion International Corp. and its subsidiaries located in Harlan, Bell, Whitley, and Knox Counties, Ky., and Claiborne, Campbell, and Scott Counties, Tenn., to points in Haywood and Cleveland Counties, N.C., restricted to the transportation of shipments, under a continuing contract, or contracts, with Champion International Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Klaus Permer Traffic Manager—Pricing, Champion Interna-

tional Corp.; Knightsbridge Drive, Hamilton, Ohio 45020. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 P.O. Building, Louisville, Ky. 40202.

No. MC 144135TA, filed December 30, 1977. Applicant: L & V TRUCKING, INC., 32650 Almaden Boulevard, Union City, Calif. 94587. Applicant's representative: Michael C. Leiden, P.O. Box 8594, Emeryville, Calif. 94662. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite, crude, gypsum wall plaster*, from Newark, Calif., to Reno, Sparks, Carson City, South Lake Tahoe, North Lake Tahoe and Las Vegas, Nev., and from Las Vegas, Nev., to Newark, Calif., under a continuing contract, or contracts, with Quad C Corp., Zonolite Construction, Anning-Johnson Co., for 180 days. Supporting shipper(s): (1) Quad C Corp., 868 Folsom Street, San Francisco, Calif. 94107. (2) Zonolite Construction, Products Division, W. R. Grace & Co., 6851 Smith Avenue, Newark, Calif. 94560 and (3) Anning-Johnson Co., 1728 Gilreth Road, Burlingame, Calif. 94010. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main Street, Suite 500, San Francisco, Calif. 94105.

No. MC 144161TA, filed January 6, 1978. Applicant: ROBERT STEEN, d.b.a. STEEN'S FEEDS, East Elkhorn, Belle Fourche, S. Dak. 57717. Applicant's representative: Mark Menard, 5301 North Cliff, P.O. Box 480, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from the plant sites of Homestake Forest Products Co., Spearfish, S. Dak., to Colorado, Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Wisconsin, and Wyoming, under a continuing contract, or contracts, with Homestake Forest Products Co., for 180 days. Supporting shipper(s): Homestake Forest Products Co., P.O. Box 472, Spearfish, S. Dak. 57783. Steward Reed, Sales Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, S. Dak. 57501.

No. MC 144178TA, filed January 10, 1978. Applicant: CIRCLE CARTAGE CORP., 70 Sherman Avenue, Jersey City, N.J. 07307. Applicant's representative: George Olsen, P.O. Box 357, Gladstone, N.J. 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cellular or expanded plastic sheet*, from Piscataway, N.J., to points in Ohio, Illinois, Indi-

ana, Minnesota, Wisconsin, Pennsylvania, Michigan, Kentucky, New York, Maryland, Delaware, and Washington, D.C., restricted to shipments under continuing contract or contracts with Paramount Industries, Inc., Piscataway, N.J., for 180 days. Applicant has also filed an undelaying ETA seeking up to 90 days of operating authority. Supporting shipper: Paramount Industries, Inc., 1711 South Second Street, Piscataway, N.J. 08854. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4186 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 12TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 2, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19778 (Sub-No. 101TA), filed December 28, 1977. Applicant: MILWAUKEE MOTOR TRANSPORTATION CO., 516 W. Jackson Blvd., Suite 508, Chicago, Ill. 60606. Applicant's representative: W. E. Gallagher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copying machines and parts*, from Louisville, Ky. to Cynthiana, Ky., restricted to transportation of shipments having a prior movement by rail. Applicant has also filed an underlying ETA seeking up to 180 days of operating authority. Supporting shipper: Minnesota Mining and Manufacturing Co., Frank M. Wilcox, Transportation Logistics and Regulations Manager, 3 M Center, St. Paul, Minn. 55101. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, Ill. 60604.

No. MC 52460 (Sub-No. 202TA), filed January 12, 1978. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th Street, Tulsa, Okla. 74107. Applicant's representative: Wilburn Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk), from the facilities of International Paper Co., Inc., at or near Pine Bluff, Ark., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: International Paper Co., P.O. Box 16807, Mobile, Ala. 36616. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 52574 (Sub-No. 54TA), filed January 12, 1978. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, N.J. 07111. Applicant's representative: Edward F. Boews, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery products*, (a) from Frederick, Md., to points in Erie and Monroe Counties, N.Y.; Burlington and Atlantic Counties, N.J.; Allegheny, Bedford, Blair, Lawrence, Mifflin, Somerset and Westmoreland Counties, Pa., and points on and east of U.S. Highway 15 in Pennsylvania; Kent County, Del.,

Franklin, Mahoning, and Start Counties, Ohio, and points on, west and north of U.S. Highway 62 in Ohio, Fairfax, Henrico and Princess Anne Counties, Va., and the District of Columbia. (b) *Between Frederick, Md., and Totowa, N.J.*; (2) *pan grease*, from Carmelge, Pa., to Frederick, Md. Restriction: Service restricted to transportation under contract with S. B. Thomas, Inc., for 180 days. Supporting shipper: S. B. Thomas, Inc., 930 North Riverview Drive, Totowa, N.J. 07512. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 106674 (Sub-No. 277TA), filed January 11, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Linda J. Sundry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic resins and plastic sheets* (except in bulk), from Evansville, Ind., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) *materials, equipment and supplies* (except in bulk), used in the manufacture, distribution and sale of plastic resins and plastic sheets, from points in the above-named destination states to Evansville, Ind. Restricted to the transportation of traffic originating at or destined to Evansville, Ind., for 180 days. Supporting shipper: General Electric, Lexan Lane, Mount Vernon, Ind. 47620. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 110988 (Sub-No. 357TA), filed December 19, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Appleton, Wis. 54911. Applicant's representative: Paul Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, dry, in bulk, in tank vehicles, from Illiopolis, Ill., to points in Iowa, Missouri, Minnesota, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Georgia, Massachusetts, and Virginia, for 180 days. Supporting shipper(s): Borden Chemical, Division Borden, Inc., 180 East Broad Street, Columbus, Ohio (Richard L. Roundhouse). Send protests to: Gail Daugherty, Transporta-

tion Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 111625 (Sub-No. 26TA), filed January 10, 1978. Applicant: BERMAN'S MOTOR EXPRESS, INC., P.O. Box 1566, Old Mill Road, Binghamton, N.Y. 13902. Applicant's representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fireplace screens and accessories, plastic sheets, rolls and bags, metal valves, pipe fittings, indicator posts, hydrants, catalogues, hardware, wire shelving, wire baskets, books, pulpboard, wood pulp products, steel rods and coils, textile webbing and netting, and materials, supplies and equipment* used in the manufacture thereof, and (B) *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (1) *Between Elmira, N.Y., and Pittsburgh, Pa.*, serving all intermediate points and all off-route points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Northumberland, Somerset, Washington and Westmoreland Counties, Pa.; (a) *From Elmira over New York Highway 17 to junction U.S. Highway 15, thence over U.S. Highway 15 to Williamsport, Pa.; thence over U.S. Highway 220 to Hollidaysburg, Pa., thence over U.S. Highway 22 to Pittsburgh, and return over the same route.* (b) *From Elmira over N.Y. Highway 14 to junction N.Y. Highway 17, thence over N.Y. Highway 17 to junction U.S. Highway 15, and thence over the same routes specified in (a) above to Pittsburgh, and return over the same route.* (c) *From Elmira over N.Y. Highway 17E or N.Y. Highway 352 to junction N.Y. Highway 17, thence over N.Y. Highway 17 to junction U.S. Highway 15, and thence over the same routes specified in (a) above to Pittsburgh, and return over the same route.* (2) *Between junction U.S. Highway 22 and 219 and the junction of Pennsylvania Highway 56 and junction U.S. Highway 22, serving all intermediate points and all off-route points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa.; From junction U.S. Highway 22 and 219 over U.S. Highway 219 to junction Pennsylvania Highway 56 near Johnstown, Pa., thence over Pennsylvania Highway 56 to junction U.S. Highway 22 at or near Armagh, Pa., and return over the same route.* (3) *Between Binghamton, N.Y.*

and Pittsburgh, Pa., serving all intermediate points and all off-route points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Somerset, Washington, and Westmoreland Counties, Pa.; From Binghamton, N.Y. over N.Y. Highway 17 to junction U.S. Highway 220, thence over U.S. Highway 220 to junction Pennsylvania Highway 414, thence over Pennsylvania Highway 414 to junction Pennsylvania Highway 14, thence over Pennsylvania Highway 14 to junction U.S. Highway 15, thence over the same routes specified in (a) above to Pittsburgh, and return over the same route. Restriction: The operations sought in A and B above are to be restricted against the transportation of interline traffic which has both its interchange point and its origin or destination point within Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Lawrence, Lycoming, Northumberland, Somerset, Washington and Westmoreland Counties, Pa. with the further restriction that the operations sought in B above are to be for interline service only, for 180 days. Supporting shippers: There are approximately (10) statements of support attached to the application which may be examined at the field office named below. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259, Syracuse, N.Y. 13260.

No. MC 111729 (Sub-No. 725TA), filed January 11, 1978. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds.* (2) *Office supplies*, between Houston, Tex., on the one hand and, on the other, Brandon, Brookhaven, Columbia, Crystal Springs, Forest, Hazlehurst, Jackson, Laurel, Lumberton, Marks, McComb, Newton, Oxford, Petal, Philadelphia, Ruleville, and Sardis, Miss., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Entex, P.O. Box 2628, Houston, Tex. 77001. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117940 (Sub-No. 254TA), filed January 12, 1978. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, Minn. 55359. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts* (except hides and commodities in bulk tank vehicles) as described in appendix 1, Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the plantsite and storage facilities of Royal Packing Co. at or near National Stockyards, Ill., and St. Louis, Mo., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia. Restricted to traffic originating at named facilities and destined to named destinations, for 180 days. Supporting shipper: Royal Packing Co., St. Clair Avenue and Ice Plant Road, National Stockyards, Ill. 62071. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 118159 (Sub-No. 241TA), filed January 9, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Warren Taylor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Suspended carcass beef* from National City Stockyards at East St. Louis, Ill., to points in Connecticut, Maryland, Massachusetts, Pennsylvania, New Jersey, New York, Washington, D.C., New Hampshire, Rhode Island, Maine, and Vermont. Applicant has also filed an underlying ETA seeking up to 180 days of operating authority. Supporting shipper: Royal Packing Co., St. Clair Avenue and Ice Plant Road, National Stockyards, Ill. 62071. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, Okla. 73102.

No. MC 119226 (Sub-No. 101TA), filed December 27, 1978. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in hopper vehicles, from Indianapolis, Ind., to points in Illinois, Iowa, Missouri, Michigan, New Jersey, Minnesota, Wisconsin, Indiana, Ohio, Kentucky, Pennsylvania, West Virginia, and North Carolina, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Industrial Chemicals Co., 99 Park Avenue, New York, N.Y.

10016. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, Ind. 46204.

No. MC 119493 (Sub-No. 180TA), filed January 11, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin Mo. 64801. Applicant's representative: Lawrence F. Kloeppe1 (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet food, animal and poultry feed and ingredients*, from Springfield, Tenn., to Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Michigan, North Carolina, North Dakota, Ohio, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and (2) *ingredients*, from destination States named to Springfield, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wells Division/National Pet Food Corp., 617 South D Street, Monmouth, Ill. 61462. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 123255 (Sub-No. 130TA), filed January 12, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, and container ends, and materials, and supplies* used in the manufacture and distribution of containers and container ends, between the facilities of Jos. Schlitz Brewing Co. located at or near Milwaukee and Oak Creek, Wis.; Memphis, Tenn.; Longview, Tex.; Tampa, Fla.; Syracuse, Raddison, and Fairport, N.Y.; Winston Salem, N.C.; and Chatsworth and Van Nuys, Calif. Restricted to shipments originating at or destined to the facilities of the Jos. Schlitz Brewing Co., for 180 days. Supporting shipper: Jos. Schlitz Brewing Co., 235 West Galena Street, Milwaukee, Wis. 53212. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 124896 (Sub-No. 44TA), filed January 13, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., Thorne and Ralston Streets, P.O. Box 3485, Wilson, N.C. 27893. Applicant's representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park

Ridge, Ill. 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meals, meal products, meal byproducts, dairy products, and articles distributed by meat packinghouses* as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the plant-site and storage facilities utilized by John Morrell & Co., at or near Estherville, Iowa, and Sioux Falls, S. Dak., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to traffic originating at the named origins and destined to the named destination States, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 124939 (Sub-No. 16TA), filed December 27, 1977. Applicant: FOOD HAUL, INC., 1215 West Mound Street, rear, P.O. Box 23394, Columbus, Ohio 43224. Applicant's representative: Michael Spurlock, Esq., Paul E. Beery Co., L.P.A., 275 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over Irregular routes, transporting: *Carbonated beverages*, in packages, from the facilities of Cardinal Beverage Co. at or near Elizabethtown, Ky., and from the facilities of Interstate Canning Co. at or near Louisville, Ky., to the facilities of the Kroger Co., located at or near Cincinnati, Ohio, under a continuing contract, or contracts, with the Kroger Co. for 180 days. Supporting shipper: The Kroger Co., 1014 Vine Street, Cincinnati 45202. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 124947 (Sub-No. 93TA), filed January 11, 1978. Applicant: MACHINERY TRANSPORTS, INC., 1945 South Redwood Road, Salt Lake City, Utah 84104. Applicant's representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, Utah 84104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight re-

quire special equipment, except agricultural machinery and implements, agricultural tractors, and commodities in bulk, between South Beloit, Marion, East Peoria, Atkinson, Quincy, Moline, Silvis, Troy, and Zion, Ill., and Kansas City, Kans., on the one hand, and, on the other, points in Iowa and that part of Nebraska on and east of U.S. Highway 81. Applicant seeks to join any authority granted as a result of this application with its presently held authority so as to provide a through service. There are approximately six shipper statements attached to the application. Send protests to Mr. William J. Green, District Supervisor, Interstate Commerce Commission, 240 Old Courthouse, 215 Northwest 3rd Street, Oklahoma City, Okla. 73102.

No. MC 133566 (Sub-No. 100TA), filed January 13, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: Charles W. Beinhauer, One World Trade Center, Suite 1573, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plant site and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and 2. *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plant site and storage facilities of John Morrell & Co. at Estherville, Iowa, to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, Ind. 46802.

No. MC 133870 (Sub-No. 4TA), filed December 28, 1977. Applicant: JOHN P. WEYER, INC., Route 1, Box 86B, Brownsville, Wis. 53006. Applicant's representative: Richard C. Alexander.

710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bagged cellulose insulation and equipment used in the installation of insulation*, from Lomira and Spencer, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and points in Jefferson, St. Charles, and St. Louis Counties, Mo.; and (2) *equipment, materials, and supplies* used in the manufacture, distribution, and installation of insulation, from points in Illinois, Indiana, Iowa, Michigan, Minnesota, and points in Jefferson, St. Charles, and St. Louis Counties, Mo., to Lomira and Spencer, Wis.; and (3) *chemicals*, in bags, from the ports of New York, N.Y.; Newark, N.J.; Boston, Mass.; and Sault Ste. Marie, Mich., to Lomira and Spencer, Wis., under continuing contract with Champion Insulation, Inc., and Modern Insulation, Inc. Applicant has also filed an underlying ETA seeking up to 180 days of operating authority. Supporting shipper: Champion Insulation, Inc., 301 Pleasant Hill Avenue, Lomira, Wis., 53048 (Gerald W. Bauer); Modern Insulation, Inc., P.O. Box 157, Spencer, Wis. 54479 (Gerald W. Bauer). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 134286 (Sub-No. 40TA), filed December 28, 1977. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, Iowa 51102. Applicant's representative: Charles J. Kimball, Suite 350, Capitol Life Center, 1600 Sherman Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in section A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia, and the District of Columbia, and (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Estherville, Iowa, to points in Con-

necticut, Maine, Maryland, Massachusetts, new Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island. Applicant has also filed an underlying ETA seeking up to 180 days operating authority. Supporting shipper: Curt Y. Hopkins, Transportation Manager, John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134970 (Sub-No. 17TA), filed December 28, 1977. Applicant: UN-ZICKER TRUCKING, INC., P. O. Box 35, Route 24 East, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Merchandise as is dealt in by wholesale grocery and food business houses and in conjunction therewith equipment, materials and supplies used in the conduct of such business* (except commodities in bulk and food-stuffs), from the facilities of Consolidated Sales Corp., at or near Indianapolis, Ind., to the facilities of Jewel Food Stores, Division of Jewel Companies, Inc. at or near Franklin Park, Ill. Restriction: Restricted to traffic originating at the named origin and destined to the named destination. Supporting shipper: Jewell Food Stores, Kenneth C. Dunbar, manager-traffic operations, 1955 West North Avenue, Melrose Park, Ill. 60160. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, room 1386, Chicago, Ill. 60604.

No. MC 135284 (Sub-No. 7TA), filed January 12, 1978. Applicant: FLEETWOOD TRANSPORTATION CORP., 1031 Reeves Street, P.O. Box 155, Dunmore, Pa. 18512. Applicant's representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, N.J. 07006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except commodities in bulk, in vehicles equipped with temperature-control devices, between the facilities of The Nestle's Company, Inc., located in Franklin County, Ohio, on the one hand, and, on the other, those points in Pennsylvania on and west of a line beginning at the New York-Pennsylvania state boundary line, thence over U.S. Highway 15 to junction U.S. Highway 522, thence over U.S. Highway 522 to the Pennsylvania-Maryland state boundary line, under a continuing contract or contracts with The Nestle's Company, Inc., for 180 days. Supporting shipper: The Nestle's Company.

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Inc., 100 Bloomingdale Road, White Plains, N.Y. 10605. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 138469 (Sub-No. 51TA), filed December 8, 1977. Applicant: DONCO CARRIERS, INC., 641 North Meridian, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: Daniel O. Hands, Suite 200, 205 West Tihy Avenue, Park Ridge, Ill. 60068. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics and pharmaceuticals, nutritional, veterinary and industrial products in soft elastic gelatin capsules, in vehicles equipped with mechanical refrigeration*, from the facilities of Hanceville, Ala.; Phoenix and Scottsdale, Ariz.; Broomfield, Denver, and Englewood, Colo.; Atlanta, Austell, and Cumming, Ga.; Elwood, Great Bend, and Shawnee Mission, Kans.; Baton Rouge, and New Orleans, La.; Picayune, Miss.; Hazelwood, Kansas City, St. Joseph, St. Louis, and Springfield, Mo.; Shawnee, Tecumseh, and Tulsa, Okla.; Kingsport, and Memphis, Tenn.; Greenville, and Taylors, S.C.; Salt Lake City, Utah; points in the commercial zones of the above named cities and points in the States of California, Florida, and Texas and (2) *materials used in the manufacture of (1) above, in mechanically refrigerated vehicles*, from Gibson City, Ill.; Woburn, Mass.; Detroit, Mich.; St. Louis, Mo.; Clifton, and Nutley, N.J.; New York City and Rochester, N.Y.; and Oak Creek, Wis., and points in the commercial zones of the names origins to Monroe, N.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: R. P. Scherer Corp., 4425 Grinnell Ave., Detroit, Mich. 48213. Send protests to: Joe Green, District, Room 240, Old Post Office & Court House, 215 Northwest 3rd, Oklahoma, Okla. 73102.

No. MC 138635 (Sub-No. 44TA), filed December 5, 1977. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, N.C. 28052. Applicant's representative: Eric Meirhoefer, Suite 712, 1411 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) which are at the time moving on bills of lading of Shipper Associations, from points in California to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Kentucky, Mississippi, North Carolina, South

Carolina, Virginia, and Tennessee. Applicant has also filed an underlying ETA seeking up to 180 days of operating authority. Supporting shippers: Manufacturers Shipping Association, Inc., 4430 East Shelia Street, Los Angeles, Calif. 90023. Piggyback Shipping, Inc., 825 Colorado Blvd., Los Angeles, Calif. 90041. Send protests to: District Supervisor, Terrell Price, 800 Briar Creek Rd., Room CC516, Mart Office Building, Charlotte, N.C. 28205

No. MC 140078 (Sub-No. 2TA), filed December 8, 1977. Applicant: JAMES F. STRASSER, HOWARD B. CONKLEY, ALLEN L. MOORE AND MARK Q. MOORE, d.b.a. Travelers Limousine Service, 2222 Iowa Street, Lawrence, Kansas. 66044. Applicant's representative: D. S. Hults, P.O. Box 225, Lawrence, Kansas. 66044. Authority sought to operate as a common carrier, by motor vehicle over regular routes, transporting: *Packages, weighing 100 pounds or less, having a prior or subsequent movement by air*, between Lawrence, Kans., and a ten (10) mile radius thereof, and the Kansas City International Airport, Kansas City, Mo., serving the intermediate point of Kansas City Municipal Airport, Kansas City, Mo.; from Lawrence over U.S. Highways 24-40 to junction Kansas Highway 32, thence over Kansas Highway 32 to Turnpike extension, thence over Interstate Highway 70 to Kansas City, Mo., thence over Broadway Street in Kansas City, Mo., to junction Interstate Highway 29, and thence over Interstate Highway 29 to Kansas City International Airport, and return over the same route. Between Lawrence, Kan., and a ten (10) mile radius thereof, and Kansas City International Airport, Kansas City, Mo., serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations: From Lawrence over Kansas Turnpike to Kansas City Mo., thence over Broadway Street in Kansas City, Mo., to junction Interstate Highway 29, thence over Interstate Highway 29 to Kansas City International Airport, and return over the same route for 180 days. Applicant has also filed an underlying ETRA seeking up to 90 days of operating authority. Supporting shippers: McCollum Lab-University of Kans., 21st & Iowa, Lawrence, Kans. 66044, Cutler Repaving, Inc., 2721 Haskell, Lawrence Kans. 66044, Aeroquip Corp., Gustin Bacon Div., 2901 Lakeview Rd., Lawrence, Kans. 66044, Kansas Color Press, Inc., 2201 Haskell, Lawrence, Kans. 66044, Packer Plastics, 2330 Packer Rd., Lawrence, Kans. 66044, TRW Crescent, Route 1, Lawrence, Kans. 66044. Send protest to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Bldg. & U.S.

Courthouse, 444 S.E. Quiney, Topeka, Kans. 66683.

No. MC 141804 (Sub-No. 94TA), filed January 10, 1978. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 422, Goodlettsville, Tenn. 37072. Applicant's representative: Frederick J. Coffman, (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except meats, meat products, and meat by-products; fresh, frozen or preserved dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C, of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766; fresh or frozen foodstuffs; commodities in bulk; those requiring specialized equipment for their loading, unloading, or transportation and except explosives), restricted to those commodities which are at the time moving under the provisions of bills of lading of Westransco Freight Co., a freight forwarder under Part IV of the Interstate Commerce Act. From: Edison, N.J.; to Phoenix, Ariz., and their commercial zones, for 180 days. Supporting shipper: Westransco Freight Co., Los Angeles, Calif. 90054. Send protests to: District Supervisor, Joe J. Tate, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, 801 Broadway, Nashville, Tenn. 37203.

No. MC 142189 (Sub-No. 25TA), filed January 13, 1978. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, 521 Lincoln Avenue, Baker, Mont. 59313. Applicant's representative: Michael R. Griffith, P.O. Box 980, Baker, Mont. 59313. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Agricultural equipment, materials and supplies and sanitation equipment, materials and supplies*, between Jefferson, Iowa, and Silver Lake, Ind., on the one hand, and, on the other, points in the United States in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas (except Alaska and Hawaii), and ports of entry on the International Boundary line between the United States and Canada in the states of North Dakota, Montana, Idaho, and Washington on traffic moving in foreign commerce, for 180 days. Supporting shippers: Jack L. Petersen, materials managers, Ideal Livestock Equipment, Box 458, Jefferson, Iowa 50129. James M. Grace, plant manager, Parker Industries, Inc., State Rd. No. 30, Jefferson, Iowa 50129. Robert C. Mong, president, Parker Industries, Inc., State Road 15 North, Silver Lake, Ind. 46932. Send protests to: District Supervisor, Paul J. Labane,

Interstate Commerce Commission, 2602 First Avenue North, Billings, Mont. 59101.

No. MC 143357 (Sub-No. 3TA), filed November 25, 1977. Applicant: STANLEY W. BYBEE, d.b.a. WESTERN APPLICATORS, P.O. Box 2361, Nyssa, Oreg. 97913. Applicant's representative: Steven James Pierce, 14 South Second Street, Nyssa, Oreg. 97913. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, supplements and additives*, (2) *Salt in block, bag, or bulk, feed supplements and additives*, and (3) *cotton seed meal*. From Pocatello, Idaho to points in Oregon; and (2) from points in Utah to points in Oregon, Idaho, Wyoming, and Montana, and (3) from points in California to Nyssa, Oreg., and its commercial zone for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Farmers Feed and Seed Co., 117 Good Ave., Nyssa, Oreg. 97913 and Southwest Hide Co., Box 7496, Boise, Idaho 83707. Send protests to: Interstate Commerce Commission, Barney L. Hardin, District Supervisor, Suite 110, 1461 Shoreline Dr., Boise, Idaho 83706.

No. MC 144061TA, filed December 1, 1977. Applicant: SICOMAC CARRIERS, INC., 347 Sicomac Avenue, Wyckoff, N.J. 07481. Applicant's representative: Piken & Piken, Esquires, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Powdered pollution control and stack emission additives; liquid pollution control and stack neutralizing additives; liquid pollution control combustion catalyst additives; and pollution control feeding equipment*. (1) Between the facilities of Apollo Chemical Corp. located at or near Whippany, N.J. on the one hand, and on the other, points in the United States except Alaska and Hawaii. (2) Between the facilities of Apollo Chemical Corp., located at or near Marshall, Tex., on the one hand, and on the other, points in the States of Arizona, California, Oregon, Washington, Nevada, Idaho, New Mexico, Montana, Oklahoma, Utah, Missouri, Illinois, Nebraska, Louisiana, and Florida. Raw materials used in the manufacture of powdered pollution control and stack emission additives; liquid pollution control and stack neutralizing additives; and liquid pollution control combustion catalyst additives. From points in the United States except Alaska and Hawaii, to the facilities of Apollo Chemical Corp., located at or near Whippany, N.J. and Marshall, Tex. for 180 days. Restriction: The above restricted to service under contract or continuing contracts

with Apollo Chemical Corp. of Whippany, N.J. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Apollo Chemical Corp., 35 South Jefferson Rd., Whippany, N.J. 07981. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 144079TA, filed December 6, 1977. Applicant: LAS VEGAS TOWING CORP., 209 Upland Blvd., Las Vegas, Nev. 89107. Applicant's representative: Dick Currier, 209 Upland Blvd., Las Vegas, Nev. 89107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, recovered, or impounded automobiles and lightweight trucks and mobile homes, not exceeding two axles, and T Trailers designed to be towed by automobiles or light trucks; By Wrecker Equipment Only*. From (1) points in Inyo County, Calif., South and East of Death Valley, including Death Valley. (2) points in San Bernardino County, Calif., on and East of U.S. Highway 395. (3) Points in Riverside County, Calif., on and North of Interstate Hwy I-10. (4) From points in Mojave County, Ariz. (5) from points in Beaver, Iron, and Washington Counties, Utah. To: Las Vegas, Nev.; also replacement vehicles from Las Vegas, Nev., to all above listed points of origin for 180 days. Supporting shipper: (1) Insured Towing, kk36 W. Bonanza, Las Vegas, Nev. 89106 (2) Las Vegas Dodge, 3470 Boulder Hwy., Las Vegas, Nev. 89121 (3) Toyota West, 2025 S. Decatur, Las Vegas, Nev. 89102 (4) Avis Rent-A-Car, McCarren Airport, Las Vegas, Nev. 89111 (5) Flecher Jones Chevrolet, 44 S. Decatur, Las Vegas, Nev. 89107 (6) Desert Chrysler Plymouth, 3115 E. Fremont, Las Vegas, Nev. 89105 (7) Gaudin Ford Co., 1120 Las Vegas Blvd., S. Las Vegas, Nev. 89104 (8) National Car Rental, McCarren Airport, Las Vegas, Nev. 89111 (9) Hertz Corp., McCarren Airport, Las Vegas, Nev. 89111. Send protests to: District Supervisor, Interstate Commerce Commission, 203 Federal Bldg., 705 N. Plaza Street, Carson City, Nev. 89701.

No. MC 144174TA, filed January 10, 1978. Applicant: K T LINES, INC., 125 South Main, Buhler, Kans. 67522. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: (1)(a) *Flour baking mix, corn meal and wheat milling byproducts* (except in bulk), from the facilities of Buhler Mills, Inc., at Buhler and Inman, Kans.; and Memphis and Nashville, Tenn., to points in Alabama, Arkansas,

Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, North Carolina, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia and West Virginia under a continuing contract or contracts with Buhler Mills, Inc.; (b) *materials and supplies used in the production of (1)(a) above* (except in bulk), from points in Alabama, Arkansas, Georgia, Illinois, Iowa, Kansas, Kentucky, Mississippi, Missouri, Michigan, Nebraska, Ohio and Tennessee to the facilities of Buhler Mills, Inc., at Buhler and Inman, Kans., and Memphis and Nashville, Tenn., under a continuing contract or contracts with Buhler Mills, Inc.

NOTE.—The purpose of this portion of the application is to allow K T Lines, Inc., the wholly-owned subsidiary of Buhler Mills, Inc., to replace the present private carriage operated by Buhler Mills, Inc.

(2) *Materials and supplies used in the manufacture of textile bags* (except in bulk), from points in South Carolina, Georgia, Alabama, Tennessee, Louisiana and Texas, to the facilities of Hutchinson Bag Corp. at Hutchinson, Kans., under a continuing contract or contracts with Hutchinson Bag Corp. (3) *Calcium carbonate* (except in bulk), from Sylacauga, Ala., to points in Iowa, Illinois, Kansas, Missouri, Nebraska, Oklahoma and points in Texas on and north of Interstate Highway 10 and on and east of U.S. Highway 81, under a continuing contract or contracts with J. P. Bailey, Inc., of Whitewater, Kans. (4) *Crushed decorative stone* (except in bulk), from Sylacauga, Ala.; and Tate, White Stone and Rockmart, Ga., to points in Arkansas, Iowa, Kansas, Missouri, Nebraska and Oklahoma under a continuing contract or contracts with Crown Stone Co. of Kansas City, Mo. (5)(a) *Empty cans and canning materials and supplies*, from Elwood, Ind.; Cincinnati, Ohio; and Atlanta, Ga., to the facilities of Southern Style Foods, Inc., at Nashville, Tenn., under a continuing contract or contracts with Southern Style Foods, Inc., of Nashville, Tenn.; (b) *canned foodstuffs*, from the facilities of Southern Style Foods, Inc., at Nashville, Tenn., to Washington, D.C.; Clarksburg, Va.; Lexington and Louisville, Ky.; and Sikeston, Mo., under a continuing contract or contracts with Southern Style Foods, Inc., of Nashville, Tenn., for 180 days. Supporting shippers: Hutchinson Bag Corp., 215 South Poplar, Hutchinson, Kans. 67501. Buhler Mills, Inc., 1835 Union, Memphis, Tenn. 38104. Crown Stone Co., 817 Santa Fe, Kansas City, Mo. 64101. J. P. Bailey, Inc., P.O. Box 180, Whitewater, Kans. 67154. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, Kans. 67202.

No. MC 144175TA, filed January 10, 1978. Applicant: BEAUVAIS LTEE, 27 St. Louis Street, Lemoyne City, Chambly County, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. Jacques St. West, 9th Floor, Montreal, Quebec, Canada, H2Y 1M1. Temporary authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *pork rinds* in refrigerated units, excluding transportation in bulk or in tank units from the ports of entry on the United States-Canada boundary line located at or near Trout River and Champlain, N.Y. and Highgate Spring and Derbyline, Vt. to Boston, Mass., Easton, Pa.; and Lima, Ohio. Restricted to traffic originating at Metro Montreal and St. George de Beauce for the account of Dean Watson, d.b.a. Double G. Co., for 180 days. Supporting shipper: Double G. Co., 5555 St. Patrick Street, Montreal, Quebec, Canada (Dean Watson-owner). Send protests to: District Supervisor, David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, Vt. 05602.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4185 Filed 2-14-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 49 under revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: In the opinion of Joel E. Burns, Agent, the Chicago and North Western Transportation Co. is unable to transport traffic currently over its line between Trimont, Minn., and Estherville, Iowa, because of heavy snow.

It is ordered, That: (a) *Rerouting traffic*. The Chicago and North Western Transportation Co. being unable to transport traffic currently over its line between Trimont, Minn., and Estherville, Iowa, because of heavy snow, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained*. The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers*. Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rer-

outed or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 10:30 a.m., January 31, 1978.

(g) Expiration date: This order shall expire at 11:59 p.m., February 10, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., January 31, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,

Agent.

[FR Doc. 78-4178 Filed 2-14-78; 8:45 am]

[7035-01]

[Amendment No. 1 to I.C.C. Order No. 47 under revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 47 (Chicago, Milwaukee, St. Paul and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 47 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 10, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at

11:59 p.m., February 3, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 3, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,

Agent.

[FR Doc. 78-4179 Filed 2-14-78; 8:45 am]

[7035-01]

[Amendment No. 1 to I.C.C. Order No. 43 under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 43 (Chicago, Milwaukee, St. Paul and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 43 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 10, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 3, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 3, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,

Agent.

[FR Doc. 78-4180 Filed 2-14-78; 8:45 am]

[7035-01]

[Amendment No. 1 to I.C.C. Order No. 46 under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 46 (Grand Trunk Western Railroad Co.) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 46 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 10, 1978,

unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 3, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 3, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,

Agent.

[FR Doc. 78-4181 Filed 2-14-78; 8:45 am]

[7035-01]

[Amendment No. 1 to I.C.C. Order No. 48 under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: Upon further consideration of I.C.C. Order No. 48 (The Chesapeake and Ohio Railway Co. and The Baltimore and Ohio Railway Co., comprising the Chessie System) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 48 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p.m., February 10, 1978, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., February 3, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., February 3, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,

Agent.

[FR Doc. 78-4182 Filed 2-14-78; 8:45 am]

[7035-01]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity

for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC 85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission by February 27, 1978. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-30-77 (Special certificate—waste products), filed November 18, 1977. Applicant: ST. LAWRENCE FREIGHTWAYS, INC., 650 Cooper Street, Watertown, N.Y. 13601. Applicant's representative: Roy D. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce as a common carrier, over irregular routes, transporting: *Waste products*, including waste paper, newspapers and magazines, used cartons, pressed box waste, shredded waste, scrap containers, used aluminum cans, discarded aluminum utensils for reuse or recycling, between points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, in furtherance of a recognized pollution control program sponsored by Empire Recycling Corp. of Utica, N.Y., for the purpose of transporting waste paper and nonferrous metals, and used aluminum containers and utensils.

P-31-77 (Special certificate—waste products), filed November 22, 1977. Applicant: PALMER MOTOR EXPRESS, INC., P.O. Box 130, Old Dean Forest Road, Savannah, Ga. 31402. Applicant's representative: W. W. Palmer, Jr. (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: *Waste products*, for recycling or reuse, between points in the United States including Alaska and Hawaii, in furtherance of a recognized pollution control program sponsored by Union Camp Corp. of Savannah, Ga., for the purpose of recycling waste paper.

P-32-77 (Special certificate—waste products), filed December 19, 1977. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango Street SW., Tacoma, Wash. 98499. Applicant's representative: George R. LaBissoniere, 1100 Norton Building, Seattle, Wash. 98104. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: *Waste paper and recyclable paper*, for recycling or reuse, from points in Idaho and Washington, to the plantsite facilities of Western Kraft Corp. at Albany, Oreg., in furtherance of a recognized pollution control program of western Kraft Corp. of Albany, Oreg., for the purpose of transporting material for reuse or recycling.

P-33-77 (Special certificate—waste products), filed December 27, 1977. Applicant: TRANS-TECH, INC., 516 Cerre, St. Louis, Mo. 63102. Applicant's representative: Robert Nieheiser (same address as applicant). Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce as a common carrier, by motor vehicle, over irregular routes, transporting: *Waste paper and cardboard for recycling and reuse*, between points in Illinois, Indiana, Iowa, Ohio, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Nebraska, Missouri, Wisconsin, and Michigan, in furtherance of a recognized pollution control program sponsored by: (1) Alton Box Board Co. of Alton, Ill., for the purpose of transporting are recycling waste paper and cardboard; and (2) Fibron Corp., St. Louis Division, of St. Louis, Mo., for the purpose of transporting are recycling waste paper.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-4189 Filed 2-14-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-2 (Sub-No. 16)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment Between McKinnon and Big Sandy, Houston and Benton Counties, Tenn.; Correction

FEBRUARY 10, 1978.

In the above captioned proceeding published at 43 FR 2971 on January 20, 1978, should be disregarded. This document was prematurely published, as an Appeal to Division 3's certificate

and order served January 13, 1978, was timely filed.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78 4188 Filed 2-14-78; 8:45 am]

[7035-01]

[Notice No. 10TA]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 3, 1978.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provided that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 41849 (Sub-No. 39TA), filed January 23, 1978. Applicant: KEIGHTLEY BROS., INC., 1601 South 39th Street, St. Louis, Mo. 63110. Applicant's representative: Patrick M. Browne (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sea coal, from St. Louis, Mo., to Camden, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): M. A.

Bell Co., 217 Lombard, St. Louis, Mo. 63102. Send protests to: Peter E. Binder, Acting District Supervisor, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 48958 (Sub-No. 147TA) (correction), filed November 14, 1977, published in the FEDERAL REGISTER issue of December 20, 1977, and republished as corrected this issue. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, P.O. Box 16404, Denver, Colo. 80216. Applicant's representative: Lee E. Lucero (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Denver, Colo., and Cheyenne, Wyo., serving the intermediate point of Fort Collins, Colo. (and its commercial zone) only; From Denver, Colo., over U.S. Highway 287 to Fort Collins, Colo., thence over Colorado State Highway 14 to junction Interstate Highway 25, thence over Interstate Highway 25 to Cheyenne, Wyo., and return over the same route. (2) Between Greeley, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Greeley, Colo., over U.S. Highway 34 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Colorado State Highway 68, thence over Colorado State Highway 68 to junction U.S. Highway 287, thence over U.S. Highway 287 to Fort Collins, and return over the same route. (3) Between Greeley, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Greeley, Colo., over U.S. Highway 34 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Prospect Street (or over Interstate Highway 25 to junction Colorado State Highway 14), thence over Prospect Street or Colorado State Highway 14 to Fort Collins, and return over the same route. (4) Between Eaton, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Eaton, Colo., over Weld County Road 74 and Colorado State Highway 68 to junction U.S. Highway 287, thence over U.S. Highway 287 to Fort Collins, and return over the same route. (5) Between Eaton, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Eaton, Colo., over Weld County Road 75 to junction Interstate Highway 25, thence over Interstate Highway 25 to junction Prospect Street (or over Interstate Highway 25 to junction Colo-

rado State Highway 14), thence over Prospect Street or Colorado State Highway 14 to Fort Collins, and return over the same route. (6) Between Ault, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Ault, Colo., over Colorado State Highway 14 to Fort Collins, Colo., and return over the same route. (7) Between Denver, Colo., and Fort Collins, Colo. (and its commercial zone), serving no intermediate points: From Denver, Colo., over U.S. Highway 87 (Interstate Highway 25) to junction Colorado State Highway 68, Prospect Road or Colorado State Highway 14, thence over Colorado State Highway 14 to Fort Collins, and return over the same route for 180 days. Applicant also requests authority to tack. Supporting shippers: There are approximately (56) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 492 U.S. Customs House, Denver, Colo. 80202. The purpose of this republication is to (1) to indicate regular routes, in lieu of irregular routes, which was published in error before; and (2) to show that applicant requests tacking.

No. MC 61396 (Sub-No. 342TA), filed January 23, 1978. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 129, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid fertilizer, in bulk, in tank vehicles, from Optic, Nebr., to points in Kansas and Colorado, for 180 days. Supporting shipper(s): Rodney W. Johnson, Traffic Manager, Nutra-Flo Chemical Co., 1919 Grand Avenue, Sioux City, Iowa 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 107295 (Sub-No. 72TA), filed January 11, 1978. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Duane Zehr (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Composition board, from Burns Harbor, Ind., to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, and Wisconsin.

for 180 days. Supporting shipper(s): J. A. Cairns, Vice President, Allied International, Inc., P.O. Box 56, Charlestown, Mass. 02129. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 114725 (Sub-No. 81TA), filed January 19, 1978. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Donald F. Swerczek (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid fertilizer, in bulk, in tank vehicles, from Optic, Nebr., to Kansas and Colorado, for 180 days. Supporting shipper: Rodney W. Johnson, Traffic Manager, Nutra-Flo Chemical Co., 1919 Grand Avenue, Sioux City, Iowa 51107. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 123048 (Sub-No. 385TA), filed January 20, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber and forest products, from Fargo, N. Dak., to Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin. Restricted to shipments having a prior movement by rail or truck, from Manitoba Forestry Resources, Ltd., located in Manitoba, Canada, for 180 days. Supporting shipper(s): Manitoba Forestry Resources, Ltd., 902-213 Notre Dame Avenue, Winnipeg, Manitoba, Canada R3B 1N3 (Herbert A. Schon). Send protests to: Mrs. Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 124078 (Sub-No. 773TA), filed January 11, 1978. Applicant: SCHWERMANN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dry fertilizer and dry fertilizer materials, in bulk, from Cairo, Ohio to points in Michigan and Indiana, for 180 days. Supporting shipper(s): Agricor Chemical Co., P.O. Box 3166, Tulsa, Okla. 74101. (J. J. Stefanec, Director, Transportation Legislation and

Research.) Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wis. 53202.

No. MC 138991 (Sub-No. 23TA), filed January 24, 1978. Applicant: K. J. TRANSPORTATION, INC., 100 Jefferson Road, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards/Raymond A. Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Dry beverage preparations, from Northfield, Ill., to Geneva, Ohio and Hightstown, N.J., under a continuing contract or contracts with Coca-Cola Foods Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Coca-Cola Foods Division, 480 Mercer Street, Hightstown, N.J. 08520. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Bldg., 100 South Clinton St., Room 1259, Syracuse, N.Y. 13260.

No. MC 140010 (Sub-No. 12TA) (partial correction), filed November 23, 1977, published in the FEDERAL REGISTER issue of January 20, 1978, and republished as corrected this issue. Applicant: JOSEPH MOVING & STORAGE CO., INC., doing business as ST. JOSEPH MOTOR LINES, 573 Dutch Valley Road NE., Atlanta, Ga. 30309. Applicant's representative: Richard M. Tittlebaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326.

NOTE.—The purpose of this partial correction is to indicate applicant's correct assigned MC Number. No. MC 140010 (Sub-No. 12TA), in lieu of No. MC 140040 (Sub-No. 12TA), which was previously published in error, the rest of the publication remains the same.

No. MC 140768 (Sub-No. 14TA), filed January 11, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, N.J. 08833. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Heating equipment, stoves, fireplaces, furnaces and incinerators, from Athens and Huntsville, Ala., to Fort Smith and Little Rock, Ark., Jacksonville and Orlando, Fla., Atlanta, Ga., Carbondale and Chicago, Ill., Baton Rouge, La., Jackson, Miss., Albany, N.Y., Portland, Oreg., Scranton, Pa., Nashville, Tenn., Beaumont, Carrollton, Corpus Christi, Fort Worth, and Houston, Tex., Alexandria and Vienna, Va., Seattle and Spokane, Wash., for 180 days. Applicant has also filed an underlying ETA

seeking up to 90 days of operating authority. Supporting shipper: Martin Industries, P.O. Box 128, Florence, Ala. 35630. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, N.J. 07102.

No. MC 141197 (Sub-No. 20TA), filed January 24, 1978. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, Mo. 64150. Applicant's representative: Tom B. Kretzinger, 910 Brookfield Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Coal, from Bourbon, Crawford, and Cherokee Counties, Kans., to Kansas City, Mo., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fuel Dynamics, P.O. Box 308, Oswego, Kans. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 141532 (Sub-No. 17TA), filed December 1, 1977. Applicant: PACIFIC STATES TRANSPORT, INC., 35433, 16th Avenue South, Federal Way, Wash. 98003. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, Wash. 98055. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pipe and pipe fittings, couplings, connections and accessories (except iron or steel and commodities which because of size and weight require the use of special equipment), from the plant or warehouse facilities of Armco Steel Corp. in Madera County, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, restricted to traffic originating at the above plants or warehouse sites and destined to points indicated above, and further restricted against the transportation of oilfield commodities as defined in Mercer-Extension-Oilfield Commodities, 74 MCC 459, for 180 days. Supporting shipper: Armco Steel Corp., C. W. Hall, Director of Transportation, 24 North Main Street, Middletown, Ohio 45043. Send protests to: District Supervisor Hugh H. Chaffee, Interstate Commerce Commission, Bureau of Operations, 858 Federal Building, Seattle, Wash. 98174.

No. MC 141853 (Sub-No. 2TA) (correction), filed December 15, 1977, published in the FEDERAL REGISTER issue of January 20, 1978, and republished as corrected this issue. Applicant: C-B-C TRANSPORTS, INC., 845 Percy Street, P.O. Box 1143, Greenville,

Miss. 38701. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except cement in containers, commodities in bulk, household goods as defined by the Commission, and commodities which, because of size, weight, or value, require the use of special equipment), (1) between points in Washington and Bolivar Counties, Miss., on the one hand, and, on the other, points in Mississippi on the west of U.S. Highways 51 and 1-55 and on and north of U.S. Highways 80 and I-20; (3) between Belzoni, Rolling Fork, and Yazoo City, Miss., on the one hand, and, on the other, Jackson and Vicksburg, Miss.; serving all Mississippi points in the Commercial zones of all points in the above territories described above, including Belzoni, Rolling Fork, Yazoo City, Jackson, and Vicksburg, Miss. Restricted to the transportation of traffic having a prior or subsequent movement by rail, water or motor vehicle, for 180 days. Supporting shippers: There are (51) statements of support attached to this application which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201. The purpose of this republication is (1) to show applicant's correct name C-B-C Transport, Inc., in lieu of M.A. Creekmore and Jasper V. Bennett, C-B-C Transport, Co.; and (2) to complete the territorial description.

No. MC 142891 (Sub-No. 1TA) (correction) filed December 15, 1977, published in the FEDERAL REGISTER issue of January 18, 1978, and republished as corrected this issue. Applicant: A AND H, INC., Box 346, Footville, Wis. 53537. Applicant's representative: Charles W. Beinhauer, Suite 4959, Trade World Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, from the facilities of George A. Hormel and Co., at or near Beloit, Wis., to points in Ohio, New York, Pennsylvania, New Jersey, Delaware, Virginia, Kentucky, Michigan, Maine, Indiana, Maryland, and Massachu-

setts. Restricted to product originating at the named origin and destined to the named points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): George A. Hormel and Co., P.O. Box 800, Austin, Minn. 55912. Send protests to: Ronald A. Morken, District Supervisor, 139 West Wilson Street, Room 202, Madison, Wis. 52703. The purpose of this republication is to include the State of Maryland, which was previously omitted in error.

No. MC 143822TA, filed October 3, 1977 (Republication). Applicant: Y's TRUCKING CO., INC., 2378 Caladium Drive, N.E., Atlanta, Ga. 30345. Applicant's Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite of Rehrg Pacific Co. at or near Doraville (Gwinnett County), Ga., to points in Alabama, North Carolina, South Carolina, Florida, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Tennessee, Kentucky, Illinois, Indiana, Ohio, and St. Louis, Mo., under a continuing contract, or contracts, with Rehrg Pacific Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rehrg Pacific Co., 100 Piedmont County, Atlanta, Ga. 30340. The above-described request for authority was published in the FEDERAL REGISTER November 25, 1977, but the destination State of Missouri was shown in lieu of Mississippi, and the destination State of Kentucky was not included. The entire authority, as corrected, was granted by the Commission, Motor Carrier Board, by order entered December 30, 1977. Insofar as the authority to serve points in Mississippi and Kentucky is concerned, any interested party may file a petition for reconsideration 15 calendar days from the date this notice is published. Send petitions for reconsideration to: The Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 144090TA, filed December 8, 1977. Applicant: RED LETTER TRUCKING CO., 250 Mount Lebanon Boulevard, Pittsburgh, Pa. 15234. Applicant's representative: Stanley E.

Levine, Esq., Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and feed ingredients*, from Frankfort, Indianapolis, Logansport, and Decatur, Ind.; Danville, Ill.; Bellevue, Delphos, Fostoria, Marion, and Perrysburg, Ohio; Blissfield and Hillsdale, Mich.; and Ports of Entry on the International Boundary Line between Canada and the United States on the Detroit River, restricted to international traffic, to points in Pennsylvania, points in Chataqua, Cattaraugus, and Erie Counties, N.Y., and points in Washington and Frederick Counties, Md. (2) *Fertilizer* from Maumee and Washington Court House, Ohio to the destination area described in (1) above, for 180 days. Supporting shipper(s): Jesse C. Stewart Co., 250 Mount Lebanon Boulevard, Pittsburgh, Pa. 15234. Send protests to: John J. England, Transportation Specialist, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 144220TA, filed January 23, 1978. Applicant: STEVE RUNYON, doing business as RUNYON TRUCKING, Route 1, Box 10, Bidwell, Ohio 45614. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from mine sites in Athens, Hocking Perry, and Vinton Counties, Ohio to West Columbia, W. Va., having subsequent movement by barge, under a continuing contract or contracts with Raven Hocking Coal Corp., for 180 days. Supporting shipper(s): Francis A. Zuspan, Vice President, Raven Hocking Coal Corp., Box 108, Mason, W. Va. 25260. Send protests to: Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-4187 Filed 2-14-78; 8:45 am)

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10:00 am. February 13, 1978.

PLACE: 2033 K Street, NW., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Continuation of Reauthorization meeting.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

(S-346-78 Filed 2-13-78; 8:59 am)

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m. February 17, 1978.

PLACE: 2033 K Street NW., Washington, D.C. 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Options Policy Resolution.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

(S-347-78 Filed 2-13-78; 8:59 am)

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, February 16, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Amendments of Parts 2 and 97 of the Commission's Rules to (a) prohibit marketing of amplifiers capable of operating in the 24 to 35 MHz range and (b) require type acceptance of Amateur Radio equipment (Docket Nos. 21116 and 21117).

Complaints and Compliance—1—Proposals for achieving licensee compliance with the fairness doctrine.

Complaints and Compliance—2—Review of the Broadcast Bureau ruling (December 21, 1977) concerning a complaint against TV Stations WBBM, WMAQ and WLS, all of Chicago, Ill., alleging violation of section 312(a)(7) of the Communications Act filed by Anthony R. Martin-Trigona.

Complaints and Compliance—3—Petition for Reconsideration of the Commission's December 8, 1977 Order, and a complaint against radio station WGN, Chicago, Illinois, both filed by Anthony R. Martin-Trigona.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: February 9, 1978.

(S-355-78 Filed 2-13-78; 2:01 pm)

[6712-01]

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, February 14, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special Open Commission Meeting.

CHANGES IN THE MEETING: The following agenda item should be deleted:

Agenda, Item No., and Subject

Cable Television—2—Amendment of § 76.256D (1)-(3) of the Commission's Rules regarding cable access obscenity.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone

number 202-632-7260.

Issued: February 10, 1978.

(S-356-77 Filed 2-13-78; 2:01 pm)

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

FEBRUARY 10, 1978.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

TIME AND DATE: 3:20 p.m. February 10, 1978.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pending Civil Litigation.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

The following members of the Commission have voted that agency business requires the holding of a closed meeting on less than the one week's notice required by the Government in the Sunshine Act:

Chairman Curtis.
Commissioner Smith.
Commissioner Sheldon.
Commissioner Holden.
Commissioner Hall.

KENNETH F. PLUMB,
Secretary.

(S-349-78 Filed 2-13-78; 9:33 am)

[6750-01]

6

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 43, February 3, 1978, Page No. 4750.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, February 7, 1978.

CHANGES IN THE AGENDA: In MATTERS TO BE CONSIDERED the date has been change from February 3, to Tuesday, February 7, 1978.

(S-352-78 Filed 2-13-78; 10:19 am)

6716

[6750-01]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 14, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of Proposed Final Rules Implementing Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information; 202-523-3830; Recorded Message: 202-523-3806.

[S-353-78 Filed 2-13-78; 10:19 am]

[6750-01]

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, February 14, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue N.W., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Tuesday, February 14, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission Building.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information; 202-523-3830; recorded message: 202-523-3806.

[S-354-78 Filed 2-13-78; 10:19 am]

[7030-01]

9

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10.15 a.m., February 23, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the Public:

Docket 134, S'K'allam.

SUNSHINE ACT MEETINGS

Docket 229, Navaio.
Docket 300-A, Stockbridge Munsee Community.
Docket 301 (Claims 3 through 7), Onelda Nation.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone: 202-653-6174.

[S-351-78 Filed 2-13-78; 10:19 am]

[4410-01]

10

PAROLE COMMISSION.

TIME AND DATE: Friday, February 24, 1978, at 9 a.m.

PLACE: Room 500, 320 First Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 10 cases decided by National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, National Appeals Board Analyst, 202-724-3094.

[S-35-7-78 Filed 2-13-78; 3:16 am]

[4410-01]

11

PAROLE COMMISSION.

TIMES AND DATES: Friday, February 24, 1978 starting at 11:30 a.m., continued on Saturday, February 25, 1978 10 a.m. to 4 p.m.

PLACES: February 24, 1978, Room 500, 320 First Street NW., Washington, D.C.; February 25, 1978, the Executive Room, Quality Inn, 415 New Jersey Avenue NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Pending legislation—Formulation of the Commission's approach to S. 1437 from the standpoint of overview, criminology, and effect on the Commission's authority, structure, and responsibilities.

CONTACT PERSONS FOR MORE INFORMATION:

M. E. Malin Foehrkolb, 202-724-3117, Washington, D.C.

[S-359-78 Filed 2-13-78; 3:16 pm]

[8010-01]

12

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43FR 4539, February 2, 1978.

CHANGES IN THE MEETING SCHEDULE: Additional items considered.

The following items were considered by the Commission at an open meeting on Thursday, February 9, 1978, at 2:30 p.m.:

1. Consideration of the issuance of an order of a public hearing and a release describing the procedures of the hearing on outstanding proposed rules relating to accounting practices of oil and gas producers.
2. Consideration of the issuance of an order extending for 60 days the period for conclusion of disapproval proceedings in respect of a rule proposal by the American Stock Exchange ("AMEX") regarding alternate criteria for listing foreign issues and a rehearing on the Commission's earlier decision to disapprove the AMEX proposal regarding alternate criteria for listing stock of issuers which cannot meet the AMEX's current earning requirements.

The following items were considered by the Commission at the closed meeting on Thursday, February 9, 1978, at 4:20 p.m.:

- Settlement of administrative proceedings.
- Freedom of Information Act Request.
- Other litigation matter.
- Referral of investigative files to Federal, state or self-regulatory authorities.

The General Counsel of the Commission, or his designee, certified that, in his opinion, the items considered at the closed meeting were so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4) (8) (9)(A), and (10) and 17 CFR 200.402(a) (8), (9), (9), and (10).

Chairman Williams and Commissioners Loomis and Pollack determined that Commission business required that the additional matters be considered and that no earlier notice thereof was possible.

FEBRUARY 10, 1978.

[S-348-78 Filed 2-13-78; 8:59 am]

[8010-01]

13

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 5646, February 9, 1978.

CHANGES IN THE MEETING SCHEDULE: Additional items for consideration.

The following additional items will be considered by the Commission at an open meeting on Tuesday, February 14, 1978, at 10 a.m.:

1. Consideration of legislative proposals relating to transactions by members of national securities exchanges under Section 11(a) of the Securities Exchange Act of 1934.
2. Consideration of proposed legislation with respect to the Commission's budget authorization for fiscal years 1979-1981.

The following items will not be considered by the Commission at the closed meeting on February 14, 1978, at 10 a.m.:

Regulatory matters arising from or bearing enforcement implications.

The following items will not be considered by the Commission at the closed meeting on February 15, 1978, at 2:30 p.m.:

Regulatory matter arising from or bearing enforcement implications.

Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business requires that the additional matters be considered and

that certain items be deleted and that no earlier notice thereof was possible.

FEBRUARY 13, 1978.

[S-359-78 Filed 2-13-78; 3:16 pm]

[7590-01]

14

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of February 13, 1978.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

TUESDAY, FEBRUARY 14

9:30 a.m. 1. Briefing by State Department representatives on export matters. (Approx

1 hr.) (Closed-Exemption 1.) (Postponed from 1/24/78.)

2. Discussion of personnel matter. (Approx 1 1/2 hrs.) (Postponed from 1/24/78.) (Closed-Exemption 6.)

THURSDAY, FEBRUARY 16

9:30 a.m. 1. Discussion of recommendations on course of action for establishing nuclear facility decommissioning requirements. (Approx 1/2 hr.) (Public meeting.)

2. Discussion of dollar per man-Rem rule-making. (Approx 1 hr.) (Public meeting.)

3. Discussion of Commission review of Midland. (ALAB-452.) (Approx 15 min.) (Public meeting.)

1:00 p.m. 1. Discussion of OIA report on Apollo testimony. (Approx 1 hr.) (Closed-Exemptions 1, 6, 9.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: February 9, 1978.

WALTER MAGEE,
Office of the Secretary.

[S-360-78 Filed 2-14-78; 9:57 am]

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SUNSHINE ACT MEETINGS

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WEDNESDAY, FEBRUARY 15, 1978
PART II



VETERANS
ADMINISTRATION

VETERANS EDUCATION
Educational Assistance Benefits

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[8320-01]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS EDUCATION

Educational Assistance Benefits

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The following regulatory provisions, implementing the Veterans' Education and Employment Assistance Act of 1976, provide for increases in monthly rates and other significant changes in the educational assistance and vocational rehabilitation programs. Some of the changes are liberalizing and some are restrictive, while others codify policies and practices already in use. Additional changes are of a minor or technical nature. The effect of this change is to implement this law.

DATES: Comments must be received on or before March 16, 1978. It is proposed to make these provisions effective the dates shown below in accordance with Pub. L. 94-502 which amends chapters 31, 34, 35, and 36, title 38, United States Code:

October 1, 1976: Rate increases, increased basic entitlement, various provisions affecting the determination and extension of delimiting periods under chapter 35, reimbursement to State approving agencies for work that is subcontracted out, and increase in the reporting fees.

October 15, 1976: Provisions for payment of benefits for certain break periods, completion of work-study contracts when the student ceases to be a full-time student, elimination of the termination dates for chapter 31 training for the blinded and seriously disabled service-connected veterans, definitions of "institution of higher learning" and "standard college degree," redesignation of the title of the chapter 35 program and the redesignation of the titles to be used for the beneficiaries, permitting inspection of records of all students by authorized Government representatives to administer title 38 education programs, repeal of the requirements as to the Attorney General's list, establishing standards of compliance survey activities by the Veterans Administration, and other minor gender and technical changes not otherwise mentioned in this paragraph.

November 1, 1976: Termination of enrollment and reenrollments in the Predischarge Education Program for chapter 34.

December 1, 1976: Prohibition of payment of benefits for audited courses, no payment of benefits for courses the grades for which do not count toward graduation nor for

PROPOSED RULES

courses from which withdrawn without mitigating circumstances, correspondence courses or parts of courses by correspondence that are less than 6 months in length barred, new provisions as to barring attorneys-in-fact as addressees for delivery of benefits checks, changes in the 85-15 percent provisions, new provisions for measurement of training in accredited non-college degree courses, new approval criteria, amendment of the 2 years of operation rule, required retention of advertising, sales and enrollment materials, amended statutory provisions as to standards of progress and conduct, and training of chapter 31 trainees in Federal agencies without pay.

January 1, 1977: Termination of chapter 34 eligibility for those entering on active duty on or after that date (with limited exception for persons in programs such as Delayed Enlistment Program (DEP) and Reserve Officers' Training Corps (ROTC)), provisions of a final cutoff date for chapter 34 of December 31, 1989.

June 1, 1977: Bars to the prepayment of educational benefits, requirement that the student specifically request an advance payment (no need requirement), requirement that the school certify it agrees to, and can comply with, the requirements of the advance payment law.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until March 27, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Affairs, Veterans Administration, Washington, D.C. 20420, 202-389-2092.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding these documents to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until March 27, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Service Unit in room 132. Such visitors to any

VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: February 6, 1978.

By direction of the Administrator.

RUFUS H. WILSON
Deputy Administrator.

1. Sections 21.41 and 21.42 are revised to read as follows:

§ 21.41 Extension of training.

(a) *General.* A veteran may be provided training beyond his or her basic termination date in accordance with dates set forth in § 21.42 when he or she was prevented from timely entering, or having entered, from completing vocational rehabilitation for one of the following reasons:

(1) *Physical or mental condition prevented timely entrance.* His or her physical or mental condition was such as to make training medically infeasible during all or any part of the critical period, as set forth in § 21.42, for qualifying to enter training in order to permit pursuit of a program during the 4-year period immediately preceding his or her basic termination date.

(2) *Physical or mental condition prevented completion.* He or she timely entered training but was prevented from completing his or her planned course because of physical or mental condition and through no fault of his or her own.

(3) *Discharge.* Discharge from service was such as to meet the eligibility requirements for vocational rehabilitation for the first time on or subsequent to the beginning date of the applicable critical period as set forth in § 21.42.

(4) *Service-connected disability.* He or she first established the existence of a service-connected compensable disability on or subsequent to the beginning date of the applicable critical period as set forth in § 21.42.

(5) *Increase in degree of disablement.* Subsequent to the beginning day of his or her critical period he or she has established the existence of an increase in the degree of disabling effect of service-connected disability which warrants a current finding that need for vocational rehabilitation exists and is attributable to the change.

(b) *Seriously disabled (including blinded) veterans.* A veteran who is blinded or otherwise seriously disabled as a result of service-connected disability may be provided training beyond the termination date otherwise applicable if:

(1) He or she has not previously been rehabilitated, or

(2) His or her disability has worsened, or he or she has developed a secondary service-connected condition resulting from service-connected disability

PROPOSED RULES

ity after he or she was declared rehabilitated, to the extent that he or she is now precluded from performing the duties of the occupation for which previously trained.

(3) However, a counseling psychologist within the Veterans Services Division must determine that training is necessary based upon the veteran's disability and need for vocational rehabilitation.

(c) *Determination of serious disability.* For purposes of paragraph (b) of this section, serious disability includes:

(1) Service-connected blindness defined as visual acuity no better than 20/200 in the better eye after correction, or a field of vision restricted to an angle of 15 degrees or less.

(2) Service-connected disability evaluated singly or in combination at 50 percent or more, except convalescent

ratings, prestabilization ratings, and ratings based on hospitalization.

(3) Service-connected disability evaluated singly or in combination at 30 percent or 40 percent if, because of such disability, the veteran is unable to get and/or hold competitive employment. Service-connected disabilities evaluated singly or in combination at less than 30 percent do not constitute serious disability.

§ 21.42 Dates of eligibility.

Basic dates			Extension under § 21.41(a) (1) through (5)		Training under § 21.41(b)
(1) Date disability incurred.	(2) Date of discharge. ¹	(3) Basic termination date (Last pay date).	(4) If the basic termination date is less than 4 years away or has already passed, consideration should first be given for the 4-year extension and § 21.41(a) (1) through (5). See columns (4) and (5).	(5) Beginning and ending date of critical period § 21.41(a) (1) through (5).	(6) Extended termination date under § 21.41(a) (1) through (5). (Last pay date).
(a) 9-16-40 to 7-25-47.	After 9-15-40.	9 years after discharge date.	4 years and 9 months to 5 years after discharge date.	13 years after discharge date.	If veteran does not have sufficient training time for completion of rehabilitation by his or her basic termination date or by any applicable extension under § 21.41(a) (1) through (5) and is seriously disabled or blinded as provided in § 21.41(b) and (c), training after the otherwise applicable termination date shall be provided, or such periods as determined necessary based upon the disability and need for training.
(b) 7-26-47 to 6-26-50.	Before 10-15-62 After 10-14-62.	10-14-71 9 years after discharge date.	7-14-67 to 10-14-67. 4 years and 9 months to 5 years after discharge date.	10-14-75 13 years after discharge date.	
(c) 6-27-50 to 1-31-55.	After 6-26-50.	9 years after discharge date.	4 years and 9 months to 5 years after discharge date.	13 years after discharge date.	
(d) After 1-31-55.	Before 10-15-62. After 10-14-62.	10-14-71 9 years after discharge date.	7-14-67 to 10-14-67. 4 years and 9 months to 5 years after discharge date.	10-14-75 13 years after discharge date.	

¹ Date of discharge refers to the first unconditional discharge or release following the period of service in which the disability occurred.

² Critical period is the 90-day period immediately preceding the date falling exactly 4 years prior to the veteran's basic termination date. It is a 90-day period which permits the veteran time to complete counseling and select an objective which can be reached within the 4-year period immediately following.

³ When extended termination date under § 21.41(a) (1) through (5) for these service dates has expired, further extension may only be granted if the veteran qualifies under § 21.41(b) and (c).

⁴ In no case was basic termination date (last pay date) earlier than 8-19-63 or extended termination date earlier than 8-19-67.

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2. Section 21.130 is revised to read as follows:

§ 21.130 Subsistence allowance.

(a) *Payments.* Each veteran under chapter 31 will be paid a subsistence allowance at the rates specified in § 21.133. Final payment may be withheld until proof of continued enrollment is received and the account adjusted. Allowance will be paid while the veteran is in training status, including any period during which he or she is on authorized leave.

(1) A veteran is in training status during:

(i) Periods when he or she is in attendance; this includes weekends and legal holidays (or customary vacation periods connected therewith) and, as determined by the Administrator, periods when the schools are temporarily closed under an established policy based upon an Executive order of the President or due to an emergency situation.

(ii) Periods between consecutive terms within an enrollment period that do not exceed 1 full calendar month.

(iii) Periods between consecutive school terms when the veteran, as part of his or her approved program of vocational rehabilitation, transfers from one educational institution to another for the purpose of enrolling in and pursuing a similar course at the second institution, provided the period does not exceed 30 days.

(iv) Periods between a semester, term or quarter where the educational institution certifies the enrollment of the veteran on an individual semester, term or quarter basis, if the interval between such periods does not exceed 1 full calendar month.

(2) A veteran who is on approved leave will continue to be paid subsistence allowance even though he or she is hospitalized; receiving drill pay, flight pay or commuted rations as a member of a Reserve force; or while not on active duty, is receiving service department retirement or retiree pay. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

(b) *Restrictions.* A person in training under chapter 31 will not be paid subsistence allowance when:

(1) He or she is hospitalized pending final discharge from active service.

(2) He or she is receiving Veterans Administration hospital or domiciliary care following discharge from service, except as provided in paragraph (a)(2) of this section. (The veteran is not precluded from receiving subsistence allowance if as a part of his or her training he or she is receiving certain assistance in the day clinic of the hospital but is providing his or her own room and board, either at home or otherwise.)

3. In § 21.131, paragraph (b)(1)(i) is revised to read as follows:

§ 21.131 Commencing dates.

The commencing date of an award or increased award of subsistence allowance will be determined under this section, but will not be authorized for any period prior to the earliest date for which disability compensation is payable, or would be payable except for the receipt of retirement pay.

(b) *Increase for dependent.* Latest of the following dates:

(1) Date of claim: This term means the following, listed in their order of applicability:

(i) Date of veteran's marriage, or birth of his or her child, or his or her adoption of a child, if the evidence of the event is received within 1 year of the event.

4. In § 21.132, paragraphs (e) and (g) are revised to read as follows:

§ 21.132 Reduction or discontinuance.

The effective date of reduction or discontinuance of subsistence allowance will be the earliest of the dates specified in these paragraphs. Where an award is reduced, the reduced rate will be effective the day following the date of discontinuance of the greater benefit.

(e) *"Interrupted", "discontinued", or "rehabilitated".*

(1) *Interrupted and rehabilitated.* Last day of attendance or last day of approved leave status, whichever is applicable.

(2) *Discontinued.* Last date of attendance or leave status whichever is applicable, except as follows:

(i) If the veteran is placed in discontinued status following withdrawal from all courses with nonpunitive grades or following completion of all courses with nonpunitive grades, and mitigating circumstances are not found by the Vocational Rehabilitation Specialist, benefits will be terminated effective the first date of the term or December 1, 1976, whichever is later.

(ii) If the veteran is placed in discontinued status following a term in which grades received include both those which count in grade point average and nonpunitive grades, and mitigating circumstances are not found: Subsistence allowance for courses in which nonpunitive grades were received will be terminated effective the first date of the term or December 1, 1976, whichever is later. Subsistence allowance for courses in which grades which count in grade point average were received will be terminated last date of attendance or leave status, whichever is applicable. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

(g) *Reduction in rate of pursuit of course.* End of month in which reduction occurs, except that if the rate of pursuit is reduced as a result of the veteran's withdrawal from a course or courses with nonpunitive grade(s) or as a result of the completion of a course or courses with nonpunitive grade(s) (§ 21.4200(j)), benefits will be reduced as follows:

(1) If the Vocational Rehabilitation Specialist determines that there are mitigating circumstances:

(i) *Withdrawal with nonpunitive grades:* The end of the month of the end of the term in which withdrawal occurs, whichever is the earlier, unless the reduction occurs at the beginning of the term, in which case benefits will be reduced the first date of the term in which the withdrawal occurs or December 1, 1976, whichever is the later.

(ii) *Completion with nonpunitive grades:* No reduction required.

(2) If the Vocational Rehabilitation Specialist determines there are no mitigating circumstances reduction of benefits is effective the first date of the term in which the withdrawal or completion with nonpunitive grades occurs or December 1, 1976, whichever is the later. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

5. Section 21.133 is revised to read as follows:

§ 21.133 Rates.

Subsistence allowance is payable at the following monthly rates effective October 1, 1976.

Type of training	Monthly rate of subsistence allowance			
	No dependents	1 dependent	2 dependents	Each additional dependent
Institutional				
Full time	\$226	\$280	\$329	\$24
1/2 time	170	210	247	18
1/4 time	113	140	16	12
Sheltered workshop, training in the home, independent instructor (full time only)	226	280	329	24
Farm cooperative apprentice or other on job (OJT) (full time only)	197	238	275	18

PROPOSED RULES

Type of training	Monthly rate of subsistence allowance			
	No dependents	1 dependent	2 dependents	Each additional dependent
Combination (institutional and OJT) (full time only):				
Institutional 1/2 time or more	226	280	329	24
Institutional less than 1/2 time	197	238	275	18
Cooperative (full time only):				
Institutional full time	226	280	329	24
Business/industry full time	197	238	275	18

*For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, exclusive of overtime, and the entrance journeyman wage for the veteran's objective.

(38 U.S.C. 1504(b); Pub. L. 94-502, 90 Stat. 2383.)

6. In § 21.134, paragraph (c) is revised to read as follows:

§ 21.134 Postrehabilitation pay.

(c) *Farm cooperative, apprentice or other on-job.* The lump-sum payment will be twice the full-time monthly rate authorized for this kind of training including any additional amounts for dependents. The full-time rate will be the basis for payment without regard to the fact that the veteran may have been authorized less than the maximum subsistence allowance payable because of wages earned while pursuing on-the-job training.

7. In § 21.138, paragraphs (d) and (e) are added to read as follows:

§ 21.138 Advance payment.

(d) *Exception.* Notwithstanding any provision of this section or any other section of Title 38, Code of Federal Regulations, on and after June 1, 1977, no advance payment of benefits shall be made, unless the individual shall first specifically request such a payment and the educational institution at which the veteran is accepted or enrolled has agreed to, and can satisfactorily, carry out the provisions of 38 U.S.C. 1780(d)(5)(B) and (C) and (6) pertaining to receipt, delivery or return of advance checks and certifications of delivery and enrollment.

(e) *Time of payment.* Advance payment will only be authorized, at the beginning of an ordinary school year or at the beginning of any other enrollment period which begins after a break in enrollment of 1 full calendar month or longer. Furthermore, on and after June 1, 1977, all other payments shall be made at the end of the month in which the training for which payment is made shall have occurred. These exceptions are required by the provisions of Pub. L. 94-502, 90 Stat. 2383. See § 21.130.

8. In § 21.145, paragraph (a) is revised to read as follows:

§ 21.145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under chapter 31 are eligible to receive a work-study allowance. In return for the veteran-student's agreement to perform services for the Veterans Administration totaling 250 hours during an enrollment period an allowance in the amount of \$625 will be paid. An advance payment of \$250 will be made for the first 100 hours agreed to be worked. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than 100 hours. In the event the veteran ceases to be a full-time student before completing such an agreement, the veteran may, with the approval of the Director of the field station, or his or her designee, be permitted to complete that portion of an agreement that remains. If the veteran terminates all training he or she will be permitted to complete that portion of an agreement represented by the sum of money already advanced to the veteran for which no services have been performed. Portions of an agreement for which no advance has been made may not be authorized to be completed by those who have terminated all training. Students must complete portions of an agreement within the same or immediately following term, quarter or semester in which the student ceases to be a full-time student, but in no event later than 60 days after the date the student ceases to be a full-time student. (38 U.S.C. 1685; Pub. L. 94-502, 90 Stat. 2383.)

9. In § 21.201, paragraphs (e), (f)(1), (g)(1) and (5), and (b)(1) and (3) and the following portions of paragraph (i): Introductory portion preceding subparagraph (1); in subparagraph (2), the introductory portion preceding subdivision (i) and (2)(ii); in subparagraph (3), the introductory portion preceding subdivision (i), and subdivisions (iv), (v), (vi) and (vii), are revised to read as follows:

§ 21.201 Types of courses.

In prescribing the course for a particular veteran, that type or combination

of types will be selected which will make the veteran most satisfactorily employable in his or her selected occupation. The types of courses of vocational rehabilitation are:

(e) *Sheltered workshop course.* A full-time course of training on the job or combination of training on the job and supplemental related instruction. The disabled veteran is provided vocational training in a specific employment objective in a place where he or she is relatively sheltered from competition with the able bodied. He or she is not required to meet production standards which in ordinary on-the-job training situations would interfere with the restoration of employability. The course is provided through a charitable, religious, educational, governmental, or philanthropic organization which is not operated for profit but primarily to provide vocational training, rehabilitation, and employment to the physically and mentally handicapped. A sheltered workshop course is a vocational course of training. It will be strictly differentiated from a course of specialized restorative training offered in a workshop for the purpose of work adjustment or personal adjustment. A sheltered workshop course will be prescribed only in those cases in which the veteran's employability cannot be restored through pursuit of the usual course of vocational training in a school or in a training on-the-job establishment. Training under sheltered workshop conditions should give good promise of needed results not otherwise obtainable in the particular case.

(f) *Correspondence course.*

(1) A correspondence course may be prescribed as part of the course of vocational rehabilitation when it supplements the major part of the course to provide the veteran with theory or technical information directly related to and functional in the practice of the occupation for which he or she is being trained.

(g) *Training in the home.* A full-time course which a veteran pursues in his or her home with an individual instructor or instructors when:

(1) The limitations imposed by his or her disability prevent regular travel to and from a suitable training facility;

(5) There is evidence that upon completion of the training program the veteran will be suitably employable in his or her home or other place with reasonable assurance of continuing employment.

(h) *Independent instructor course.*

(1) An independent instructor course will be prescribed only when the course of vocational rehabilitation is not available through an established school, training on-the-job establishment, or sheltered workshop within a reasonable commuting distance from the veteran's home, and the handicap caused by the veteran's disability precludes requiring his or her going elsewhere for training.

(3) Since the customary channels opening into employment may not be readily available to a veteran pursuing an independent instructor course, arrangements for satisfactory employment upon completion of the training shall be thoroughly considered and found favorable before the veteran is approved for such training. The veteran will be encouraged to develop gradually a market for his or her products and services and to supply that market so that by the completion of the training program he or she will have been trained into employment.

(i) *Farm cooperative course.* A full-time course designed to restore employability by training a veteran to operate a farm over which he or she has control or to manage a farm as the employee of another. Such course shall be carefully planned and developed by the Veterans Administration in collaboration with the instructor to suit the needs of the individual veteran. Full consideration should be given to the size and character of the farm on which the veteran is to receive the farm part of his or her course. The veteran must become proficient in the type of farming for which he or she is training—in planning, producing, marketing, farm mechanics, conservation of farm resources, conservation of food, farm financing, farm management, and the keeping of farm and home accounts. Instruction will satisfy the requirements of paragraph (i)(1) or (2) of this section.

(2) Farm instruction of at least 200 hours per year (not less than 10 hours in any one month and sufficiently more in other months to aggregate the required 200 hours per year) given by a fully qualified individual instructor by contract either with an educational agency or directly with the individual instructor, when:

(ii) Such instruction is limited to situations where the veteran is being trained to operate a farm over which he or she has control.

(3) Where the course is designed to train a veteran to operate a farm under his or her own control the plan

for training developed by the Veterans Administration in collaboration with the instructor will satisfy the following requirements:

(iv) A detailed individual training program showing the kind and amount of instruction—classroom and individual, or farm group and individual, or individual.

(v) The operation of the farm shall be under the control of the veteran by ownership, lease, or other written tenure arrangement. Where the tenure arrangement is other than by ownership, the lease or other written agreement shall afford the veteran control of the farm at least until the completion of his or her course. The veteran's control must be such that he or she will be free to carry out the teachings of the training program and to operate a farm according to a farm and home plan developed by the Veterans Administration in collaboration with the instructor, the veteran, and, when appropriate, the landlord. Also, the lease or agreement must provide for capital improvements to be made which are necessary for carrying out the farm and home plan, with the veteran furnishing no greater portion of the costs thereof than the benefits accruing warrant. Furthermore, it must provide for the landlord to share the costs of improved practices put into effect in proportion to the returns he or she will receive from such practices. Ordinarily training will be approved for only one veteran on a single farm. However, where conditions of a particular farm are so highly favorable as to size, character, productivity, and equipment to assure the successful rehabilitation of a veteran in partnership with another person, such veteran may be placed in training with one, but not more than one, other veteran on a single farm, when the other veteran is, or immediately will be, in farm cooperative training or has satisfactorily pursued institutional farm training under laws administered by the Veterans Administration. There must be documentary evidence that the two principals have entered into a bona fide partnership agreement which provides for equal authority between the partners in the management and operation of the farm.

(vi) The farm at the time of induction of the veteran into training and throughout the period of training shall be of such size and character that, together with the instruction part of the course, it will occupy the full time of the veteran, will permit instruction in planning, management, and operation of most of the major farming enterprises in the veteran's farm and home plan and, at least by the end of the necessary minimum period of training, will assure him or

her a reasonably satisfactory living under normal economic conditions.

(vii) The farm must have the necessary buildings and equipment to enable the veteran satisfactorily to commence pursuit of the course of farm cooperative training, and there must be present conditions which give reasonable promise that any additional items required for pursuit of the course, including livestock, will be available as they become necessary.

10. In § 21.202, paragraph (a)(3) is revised to read as follows:

§ 21.202 Full-time vocational rehabilitation training.

(a) Full-time vocational rehabilitation training for disabled veterans having normal work tolerance will be:

(3) Farm cooperative training assessed in accordance with § 21.201(i).

11. In § 21.204, paragraph (b)(1), (2) and (3) is revised to read as follows:

§ 21.204 Duration of the course.

(b) *Providing vocational rehabilitation training when the program cannot be completed by the Veterans Administration.*

(1) There is a written agreement among the veteran, the Veterans Administration, and some other responsible agency or individual that, upon expiration of the veteran's entitlement under chapter 31, the responsible agency or person will provide the remaining amount of training necessary to restore the veteran to employability so long as his or her conduct and progress remain satisfactory. Such responsible agency or person may be the State rehabilitation agency or it may be the responsible official of a grant-in-aid fund which provides an amount that gives support to living expenses and for school training, tuition costs if any. The essential requirement is that support of a veteran's program will be reasonably assured and he or she agrees that it is sufficient to enable him or her to remain in the course to its completion. A veteran may enter training or reenter for a new objective only if there remains at least 3 months between the date of entrance or reentrance and the veteran's termination date.

(2) It is determined that the veteran who has entered into training properly planned for completion by his or her termination date will not reach employability by that date for reasons beyond his or her control and it is not

possible to arrange for completion of training by some other agency or individual. In such case the veteran will be allowed to continue the course for his or her selected objective to his or her termination date, at which time all obligation of the Veterans Administration will cease.

(3) The prescribed course of vocational rehabilitation leads to an objective the practice of which requires passing of an examination for license and the veteran is able to complete all of the course by his or her termination date but is unable to take the licensing examination by that date. The veteran will be notified that obtaining a license will not be the responsibility of the Veterans Administration.

12. Section 21.205 is revised to read as follows:

§ 21.205 Adjusting the duration of the course.

A course of training will be prescribed and arranged for which is necessary to restore employability in the occupation which has been selected. Although certificate B gives an estimated length of the course, the duration will be that period of training which is necessary to qualify for employment taking into account any applicable previous training or experience in the individual veteran's case. As the veteran proceeds with the course there will be a continuing appraisal of his or her progress toward satisfactory completion of training. Based on this appraisal, any necessary adjustments to lengthen or shorten the previously planned period of training will be made to assure that:

(a) The veteran upon completion of such training will be employable as a trained worker in the selected occupation; and

(b) The duration of the veteran's course will not exceed the period necessary to make him or her employable in his or her objective.

13. In § 21.206, the introductory portion of paragraph (a) preceding subparagraph (1) and paragraph (a)(3) are revised to read as follows:

§ 21.206 Approval of training in excess of 4 years.

(a) The veteran cannot be trained to employability in an occupation consistent with the vocational handicap resulting from his or her disability and suitable in terms of his or her aptitudes, abilities, and interests, without exceeding 4 years of training time, subject to the following:

(3) Where the veteran's selected objective is reasonable in terms of his or her educational background and dem-

onstrated abilities and he or she lacks the general education necessary for entrance into or satisfactory pursuit of his or her vocational course, general education on the elementary or secondary level may be provided if the general educational level to be attained can be reached in not to exceed 2 full school years—approximately 18 months—and the vocational course can be completed in not to exceed an additional 48 months.

14. Section 21.207 is revised to read as follows:

§ 21.207 Repetition of a course.

(a) A veteran having completed a course under chapter 31 according to the standards and practices of the institution ordinarily will not be authorized to pursue it again at the expense of the Government. However, repetition of the course or a particular part or parts of it may be approved when it is determined to be necessary to accomplish the veteran's vocational rehabilitation. A veteran repeating a course under chapter 31 is subject to the same requirements for satisfactory pursuit and completion of the course as are other students taking the course. (38 U.S.C. 1780(a) Pub. L. 94-502, 90 Stat. 2383)

(b) An eligible veteran who has completed a course of training under chapter 31 may pursue a review course if it is specifically organized and conducted as a review course. The number of repetitions of a review course which may be approved for a particular veteran will be determined on the basis of his or her need and a reasonable assurance that further repetition will restore employability.

(c) Audited courses, as defined in § 21.4200(i), may not be authorized as a part of a program of training under chapter 31. If an individual repeats a course, pursuant to paragraph (a) of this section, however, payment of benefits may be made, since the course is being pursued in the same manner as a credit course, whether or not credit is given, i. e., the individual is not merely a listener and must meet the same requirements as other students. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383)

15. Section 21.209 is revised to read as follows:

§ 21.209 Status "training declined."

(a) A veteran in status "induction pending" who has never been in vocational rehabilitation training will be changed to "training declined" when, after being properly notified that suitable training is available for him or her and instructed as to the next step he or she should take:

(1) Fails to respond; or

(2) Declines or refuses induction; or

(3) Defers induction for a period exceeding 30 days beyond the scheduled date of induction, except where such deferment is due to illness or other sufficient reason; or

(4) Has been given notice to report at a designated place and time to commence training, and he or she fails to report and fails to furnish satisfactory reasons for not reporting; or

(5) Commences or continues to pursue education or training under chapter 34 or 35.

(b) A veteran who is changed from status "induction pending" to status "training declined" will be informed that if his or her disability rating is reduced to less than compensable degree he or she will lose entitlement for vocational rehabilitation. The veteran will also be informed that if he or she requests training after 60 days from the time he or she is placed in "training declined" status the entire question of need for vocational rehabilitation will have to be reconsidered.

(c) Where the veteran requests induction into training within 60 days of the date he or she is placed in "training declined" status he or she may be entered into training without further counseling when:

(1) His or her disability has not been reduced to less than compensable degree, and

(2) There is no known reason why further counseling is needed.

16. In § 21.222, paragraph (f) is added to read as follows:

§ 21.222 Additional conditions for induction into training on the job.

(f) Training in an agency of the Federal Government, as permitted by § 21.223(c), will be in accord with the conditions and requirements of training on-the-job except that, when it is determined to be necessary to accomplish vocational rehabilitation, a veteran may be entered into training without compensation by the training establishment. The conditions applicable to such unpaid training are as follows:

(1) The determination as to the need for such training, as all or part of a veteran's program of vocational rehabilitation, will be made collaboratively by the Counseling Psychologist and Vocational Rehabilitation Specialist, based on an analysis of the veteran's needs, as indicated by his or her disability, education and work experience, employment goal, and other pertinent factors, in relation to available training resources and the requirements for restoration of employability.

(2) Unpaid training in a Federal agency may be used to prepare the veteran for employment in that agency, or, as appropriate, may be used as preparation for other public

employment or employment in the private sector.

(3) Unpaid training may be used to provide training in the areas of knowledge and the skills and competencies required for a specific occupation and/or to provide work experience when such work experience is needed for the purposes of adjustment or transition to render the veteran employable. (38 U.S.C. 1511; Pub. L. 94-502, 90 Stat. 2383)

17. In § 21.223, the headnote is changed, paragraph (a) is revised and paragraph (c) is added so that the revised and added material reads as follows:

§ 21.223 Induction into training on the job at subminimum wage rates or training at Federal facilities without pay.

(a) The Fair Labor Standards Act of 1938, as amended, requires a minimum wage with provision for an overtime rate, for most persons who are engaged in interstate commerce or in the production of goods for interstate commerce. The Administrator of the Wage and Hour Division, United States Department of Labor, may approve a subminimum hourly wage rate for handicapped workers where necessary in order to prevent curtailment of opportunities for employment. Similarly, the Walsh-Healey Public Contracts Act (Pub. L. 846, 74th Cong.) requires that all persons employed by a contractor on work subject thereto be paid not less than the applicable minimum wages as determined by the Secretary of Labor. When the hours of employment training exceed 40 in any one work week or 8 in any one day, employees not exempt must be paid not less than time and one-half. Questions of coverage in all doubtful cases will be cleared with the Wage and Hour Division's Regional Director before induction into training.

(c) Notwithstanding any other provision of law, the facilities of any agency of the United States may be used to provide unpaid training or work experience as part or all of a veteran's program of vocational rehabilitation when the Counseling Psychologist and Vocational Rehabilitation Specialist determine such training or work experience to be necessary to accomplish vocational rehabilitation in accordance with § 21.222(f)(1). While pursuing such training or work experience, an uncompensated veteran shall be deemed to be an employee of the United States for the purposes of benefits under chapter 81, title 5, United States Code, but not for the purposes of laws administered by the Civil Service Commission. (38 U.S.C. 1511; Pub. L. 94-502, 90 Stat. 2383)

18. Sections 21.260 and 21.261 are revised to read as follows:

§ 21.260 Introduction.

A veteran in a course of vocational rehabilitation may be granted leave of absence where such leave will not materially interfere with the pursuit of his or her course.

§ 21.261 Ordinary leave.

Ordinary leave will accrue at the rate of 2½ days per month during the entire time the veteran is in training status, including that time during which he or she is on approved leave of absence. Leave will not be accumulated to an amount in excess of 30 days. Accumulated leave will not be forfeited through interruption of training and may be carried over from one period of training to another and from one 12 successive months period of training to another. Similarly, where reentrance into training after rehabilitation or discontinuance is authorized, unused accumulated ordinary leave may be recredited to the veteran's account upon reentrance into training.

(a) *Granting of ordinary leave.* Ordinary leave of absence may be approved, as needed, in excess of amount of leave accrued to the credit of the veteran, but in no case may ordinary leave in excess of an aggregate of 30 days be authorized in any 12 months of training, beginning with the date of the veteran's entrance into training.

(1) The granting of such leave will not materially interfere with the pursuit of the prescribed course; and

(2) Except where the training establishment is not operating full time no ordinary leave will be granted which will require extending the veteran's training beyond 48 months, or further extending the training where in excess of 48 months already has been authorized.

(b) *Charging of ordinary leave.* Approved absences covering a period less than the standard school or work week of the training institution or establishment will be charged at the rate of 1 day for each school or working day of absence from the institution. Approved absences covering a period of 1 calendar week or more will be charged at the rate of 5 days for each 7 consecutive days of absence.

(1) For veterans enrolled in educational institutions, leave may not be authorized nor subsistence allowance paid for any period of more than 1 full calendar month between terms or other periods of instruction within a period of enrollment. When such interim period is 1 full calendar month or less subsistence allowance may be paid and leave will be charged for veterans enrolled in courses not leading to a standard college degree; there will be no charge against leave for veterans enrolled in courses leading to a standard college degree.

(2) If the veteran transfers, with vocational rehabilitation specialist approval, from one approved educational institution to another for the purpose of enrolling in and pursuing a similar course at the second institution during the next consecutive term, and the period between such consecutive terms does not exceed 30 days, such period will not be charged against leave for veterans pursuing a standard college degree program but will be charged against leave for veterans in courses not leading to a standard college degree. Leave may not be authorized, nor subsistence allowance paid, if the interval exceeds 30 days.

(3) If the educational institution certifies the enrollment of the veteran on an individual semester, term or quarter basis and the interval between such periods does not exceed 1 full calendar month, such period will not be charged against leave for veterans pursuing a standard college degree, but will be charged against leave for veterans in courses which do not lead to a standard college degree. Leave may not be authorized, nor subsistence allowance paid, if the interval exceeds 1 full calendar month.

(4) Leave will not be charged for periods where the school is temporarily closed under an established policy based upon an Executive order of the President or due to an emergency situation. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383)

(5) For veterans pursuing on-the-job training, no charge will be made for holidays established by Federal or State law but a charge will be made for periods during which vacations are granted to all employees at the same time; or periods during which the plant is shut down to undergo repairs or because of such things as fuel shortages, strikes, inclement weather, etc.

(6) For veterans pursuing institutional-on-farm training, leave will not be charged for routine absences from the farm required in the ordinary day-to-day conduct of the farm business or for absences from that part of an institutional on-farm course which is given at the educational institution. However, absences which materially interfere with the pursuit of the course or prevent the veteran from receiving the required amount of instruction will be cause for interruption or discontinuance of training.

(7) For veterans in programs of independent study which are not on a semester or quarter basis, leave between designated periods of study may be authorized and will be charged on same basis as leave between terms.

19. In § 21.262, the introductory portion preceding paragraph (a) and paragraph (b)(1) are revised to read as follows:

§ 21.262 Additional leave under exceptional circumstances.

Leave of absence in addition to ordinary leave may be approved under the

following conditions, provided it is reasonably certain that the veteran will return to the pursuit of his or her course not later than the close of the period for which leave is approvable.

(b) *Personal hardship.* (1) After all accrued ordinary leave has been exhausted, additional leave, not to exceed 30 days in each 12 months of training status beginning with the date of the veteran's entrance into training, may be granted for reasons other than personal illness, when failure to do so would cause personal hardship to the veteran. Satisfactory reasons under this category might include illness or death in the veteran's immediate family or other compelling conditions beyond the veteran's control which, in the opinion of the Veterans Administration, make it necessary that the veteran be permitted to absent himself or herself from training. Personal hardship leave will not be granted to cover periods between ordinary school years.

20. Section 21.701 is revised to read as follows:

§ 21.701 Need for vocational rehabilitation.

(a) A veteran having basic eligibility for whom training to employability is found medically and otherwise feasible may be afforded training if he or she is found in need of vocational rehabilitation because of the handicap of his or her service-connected disability.

(b) A veteran who has a service-connected disability of compensable degree which resulted from service in the Armed Forces on or after September 16, 1940, will be presumed to be in need of vocational rehabilitation. However, a veteran will be held not in need of training, if it is determined through counseling that the veteran's service-connected disability causes no limitations on potential employability or, if such limitations exist that he or she is employed or fully qualified for employment in a suitable occupation. An occupation in which a disabled veteran is employed or in which he or she could obtain and hold employment will be considered suitable when the following criteria are met:

(1) The occupation is one which is pursued by workers in the locality where the veteran resides; and

(2) The veteran can meet the requirements of the occupation with no great likelihood of aggravating the disability; and

(3) The occupation is one in which a trained worker normally pursues employment and earns a livelihood; and

(4) Job requirements are such that a period of training (over and beyond

vestibule training) is required to secure and hold employment in it; and

(5) The occupation is consistent with the veteran's aptitudes, abilities, interests, and capacities.

(c) The determination as to whether a disabled veteran is in need of vocational rehabilitation will be made by counseling psychologists in Veterans Services Divisions in field stations.

21. In § 21.1020, paragraph (b) is revised to read as follows:

§ 21.1020 Educational assistance.

(b) *45 Months limitation.* Educational assistance may not exceed a period of 45 months, or the equivalent in part-time training, except as specified in § 21.1041.

§ 21.1021 [Amended]

22. Immediately following § 21.1021, the cross reference is changed to read "Measurement of courses. See § 21.4270(c)".

23. In § 21.1040, the introductory portion preceding paragraph (a) and paragraph (a) are revised to read as follows:

§ 21.1040 Basic eligibility.

Basic eligibility for educational assistance for persons training under chapter 34, title 38, United States Code, including chapter 36 to the extent applicable, is subject to the following requirements:

(a) *Service.* An eligible veteran is a person with active duty service, including travel time which meets the requirements of § 3.6(b)(6) of this chapter, who has either:

(1) Served on active duty for a continuous period of 181 days or more, any part of which occurred on or after February 1, 1955, and before January 1, 1977,

(2) Served on active duty for a continuous period of 181 days or more, as a result of a contract with the Armed Forces in a program such as the DEP (Delayed Enlistment Program), or an ROTC (Reserve Officer's Training Corps) program for which a person enlisted in, or was assigned to, a reserve component prior to January 1, 1977, any part of which period of active duty commenced within 12 months after January 1, 1977, or

(3) Served on active duty for a period of less than 181 days any part of which period was performed, either after January 31, 1955 and before January 1, 1977 or if pursuant to a contract as provided in paragraph (a)(2) of this section, after January 1, 1977 and was discharged or released because of a service-connected disability.

(38 U.S.C. 1652; Pub. L. 94-502, 90 Stat. 2383.)

24. In § 21.1041, paragraphs (a) and (d) are revised to read as follows:

§ 21.1041 Periods of entitlement.

(a) *General.* (1) A veteran with less than 18 months active duty service or a person on active duty who meets the requirements of § 21.1040 will be entitled to full-time educational assistance for a period not in excess of 45 months computed on the basis of 1½ months (or the equivalent in part-time educational assistance) for each month or fraction of a month of service on active duty on or after February 1, 1955 up to and including the date of the veteran's first discharge or release after December 31, 1976, if he or she was in the active military service on December 31, 1976, or has eligibility as provided in § 21.1040(a)(2). First discharge or release means the first such discharge or release wherein the person is eligible for complete separation from active duty. There will be excluded from the period of entitlement the periods specified in § 21.1040 (b) and (c).

(2) A veteran who has served a continuous period of not less than 18 months of active duty on or after February 1, 1955, and who has been released from such service under conditions that satisfied his or her active duty obligation, will be entitled to full-time educational assistance for a period of 45 months (or the equivalent in part-time educational assistance). Service on or after January 1, 1977 may be included up to and including the date of the veteran's first discharge or release after December 31, 1976 if he or she was in the active military service on December 31, 1976 or has eligibility based upon section 1652(a)(1)(B), title 38, United States Code. (§ 21.1040(a)(2)). The periods specified in § 21.1040(b) will be excluded in computing the 18 months period.

(3) The veteran may use his or her entitlement at any time during the 10-year period determined under § 21.1042, but in no event shall education or training be afforded a veteran under chapter 34 or 36 after December 31, 1989. It is not required that the entitlement time be used in consecutive months.

(4) The 45 months limitation may be exceeded where an extension is authorized under paragraph (d) of this section, or where no charge against entitlement is made based on a course or courses pursued at a secondary school level, as provided in § 21.1045(a), pursued by a veteran under the Program of Special Assistance for the Educationally Disadvantaged or by a service-

(3) Child is enrolled and eligibility ceases because veteran is no longer rated permanently and totally disabled; extended to date specified in paragraph (e)(2) of this section without regard to whether the midpoint of the quarter, semester or term has been reached. See § 21.4135(o).

(4) Child is enrolled and eligibility ceases because the member of the Armed Forces upon whose service eligibility is based is no longer listed by the Secretary concerned in any of the categories specified in § 21.3021(a)(1)(iv); extended to date specified in paragraph (e)(2) of this section without regard to whether the midpoint of the quarter, semester or term has been reached. See § 21.4135(o).

34. Section 21.3044 is revised to read as follows:

§ 21.3044 Entitlement.

(a) Each eligible person is entitled to educational assistance for a period not in excess of 45 months, or the equivalent thereof in part-time training. No extension of entitlement will be authorized except as provided in paragraph (c) of this section. The period of entitlement when added to education or training received under any or all of the laws cited in § 21.4020 will not exceed 48 months of full-time educational assistance. The period of entitlement will not be reduced by any period during which subsistence allowance was paid after determination of employability following vocational rehabilitation. Where the period of entitlement is subject to reduction by reason of prior training the period of prior training will be converted to months and quarter fractions of a month before subtracting this period from the period of entitlement. In the conversion process a period of prior training less than a full month will be converted by using the table in § 21.1041(c).

(b) The 45-month period of entitlement is any 45 months within the period of eligibility. The eligible person is not required to pursue his or her program in the period of 45 consecutive months.

(c) The 45 months limitation may be exceeded only in the following cases:

(1) Where no charge against entitlement is made based on a course or courses pursued by a spouse or surviving spouse under the Special Assistance for the Educationally Disadvantaged program. (See § 21.4237); or

(2) Where special restorative training authorized under § 21.3300 exceeds 45 months.

35. Section 21.3046 is revised to read as follows:

§ 21.3046 Periods of eligibility: spouses and surviving spouses.

The period of eligibility cannot exceed 10 years and can be extended

only as provided in paragraph (c) of this section. If eligibility arises before October 24, 1972, educational assistance based on a course of apprentice or other on-the-job training, or correspondence approved under the provisions of §§ 21.4256, 21.4261 and 21.4262 will not be afforded later than October 23, 1982. The period of eligibility of a spouse computed under the provisions of paragraph (a) of this section, however, will be recomputed under the provisions of paragraph (b) of this section if her or his status changes to that of surviving spouse.

(a) *Spouses.* (1) If the permanent total rating is effective before December 1, 1968, the beginning date of the 10-year period of eligibility is December 1, 1968.

(2) If the permanent total rating is effective on or after December 1, 1968, or the notification to the veteran of such rating was on or after that date, the beginning date of the 10-year period of eligibility is the effective date of the rating or the date of notification, whichever is more advantageous to the spouse.

(3) If eligibility arises under § 21.3021(a)(3)(ii) the beginning date of the 10-year period is December 24, 1970, or the date the member of the Armed Forces on whose service eligibility is based was so listed by the Secretary concerned, whichever last occurs.

(b) *Surviving spouses.* (1) If the veteran's death occurred before December 1, 1968, the beginning date of the 10-year period is December 1, 1968.

(2) If the veteran's death occurred on or after December 1, 1968, the beginning date of the 10-year period is the date of death.

(c) *Extension to ending date.* Spouse is enrolled and eligibility ceases for a reason specified in paragraph (c)(1), (2) or (3) of this section; extended to end of quarter or semester for schools operating on quarter or semester system, or for schools not operating on quarter or semester system, to end of course or for 12 weeks, whichever is earlier. In a course pursued exclusively by correspondence, the period of eligibility will be extended to the end of the course or for the total additional amount of instruction that \$817 will provide, whichever is less. No extension may exceed maximum entitlement or extend beyond the 10-year delimiting date specified in paragraph (a) of this section. Extension is authorized without regard to whether the midpoint of the quarter, semester or term has been reached. No extension of the period of eligibility will be made where training is pursued in a training establishment as defined in § 21.4200(c).

(1) Veteran is no longer rated permanently and totally disabled.

(2) Spouse is divorced from veteran without fault on her or his part.

(3) Spouse no longer is listed in any of the categories of § 21.3021(a)(3)(ii). (38 U.S.C. 1711(b), 1712(b), 1732, 1786; Pub. L. 94-502, 90 Stat. 2383)

36. In § 21.3300, paragraph (c) is revised to read as follows:

§ 21.3300 Special restorative training.

(c) Special restorative training may be provided in excess of 45 months where an additional period of time is needed to complete such training. Entitlement, including any authorized in excess of 45 months, may be expended through an accelerated program requiring a rate of payment in excess of \$92 per calendar month. See §§ 21.3303 and 21.3333(b). (38 U.S.C. 1741(b), 1742; Pub. L. 94-502, 90 Stat. 2383)

37. In § 21.3303, the introductory portion preceding paragraph (a) and paragraphs (a) and (b) are revised to read as follows:

§ 21.3303 Extent of training.

Ordinarily special restorative training may not exceed 9 months. However, where it is determined that more than 9 months is necessary the program will be referred to Central Office for prior approval. Where the plan for a program of special restorative training of itself (not in combination with the program of education) will require more than 45 months (or its equivalent in accelerated payments) the plan will be included in the recommendation to Central Office for approval. The limitation at age 31 may not be exceeded. A course of special restorative training will be prescribed on a full-time basis as determined in each individual case in accordance with one of the following requirements:

(a) The course will require devotion of that amount of time per week which is commonly devoted to a full-time course at an educational institution in each case where, based on medical findings, it is determined that the physical or mental condition of the eligible person will permit the devotion of that amount of time to his or her training.

(b) The course will require devotion of the maximum amount of time per week which is determined by medical findings to be commensurate with the limitations imposed by the eligible person's disability in each case where medical authority determined that, due to such limitations, the time he or she should devote to his or her course is less than the amount of time indicated in paragraph (a) of this section.

38. In § 21.3304, paragraphs (b)(2), (c)(1) and (3) and (d) are revised to read as follows:

§ 21.3304 Assistance during training.

(b) Supervision will as a minimum consist of the following:

(2) The assisting of the eligible person and his or her instructor in all matters affecting training.

(c) When in the process of supervision it is determined that adjustments are needed in the course or in the training situation immediate action will be taken to bring about such adjustments in accordance with the following:

(1) When the eligible person or his or her instructor indicates dissatisfaction with elements of the program through personal discussion with the eligible person and/or his or her instructor, there will be effected if possible a correction of the difficulty through such means as making minor adjustments in the course or by persuading the eligible person to give more attention to performance.

(3) When in process of supervision it is determined that the eligible person is making progress much faster than was anticipated and it is clear that his or her course may be terminated with satisfactory results short of the time originally planned, action will be taken to terminate the course at the proper time so that the eligible person's entitlement to an educational program may be conserved.

(d) As long as the eligible person is making satisfactory progress toward the established objective of overcoming the effect of his or her handicap, the eligible person will be continued in his or her course of training without accounting for days of nonattendance within his or her authorized enrollment. However, in any instance where the eligible person's progress toward his or her objective is unsatisfactory or because of his or her negligence, lack of application or misconduct, his or her progress is being materially retarded his or her course of instruction will be interrupted.

39. In § 21.3305, paragraph (a) is revised to read as follows:

§ 21.3305 Status "interrupted."

(a) An eligible person once entered into special restorative training should pursue his or her course to completion without interruption. Wherever possible, continuous training shall be provided for each such eligible person, including training during the summer, except where, because of his or her physical condition or other good

reason, it would not be to his or her best interest to pursue training during the summer.

40. In § 21.3333, paragraphs (a) and (b) are revised to read as follows:

§ 21.3333 Rates.

(a) *Rates.* Special training allowance is payable at the following monthly rate except as provided in paragraph (c) of this section.

Course	Monthly rate	Accelerated charges
Special restorative training.	\$292	If costs for tuition and fees average in excess of \$92 per month, rate may be increased by such amount in excess of \$92.

(b) *Accelerated charges.* The additional monthly rate may be paid if the parent of guardian concurs in having the eligible person's period of entitlement reduced by 1 day for each \$9.76 that the special training allowance exceeds the basic monthly rate of \$292. Fractions of more than one-half day will be charged as 1 day; fractions of one-half or less will be disregarded. Charges will be recorded when the eligible person is entered into training. (38 U.S.C. 1742; Pub. L. 94-502, 90 Stat. 2383.)

41. In § 21.4130, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 21.4139 Educational assistance allowance.

Educational assistance allowance will be paid at the rate specified in § 21.4136 or 21.4137 while the veteran or eligible person is pursuing a course of education. Except for apprenticeship and on-the-job training programs, no payment will be made based on a course not leading to a standard college degree for excessive absences as determined under § 21.4205(b). (See §§ 21.4136(i) and 21.4137(f) for proportionate reduction where less than 120 hours are completed during month in apprenticeship and on-job training programs.) Final payment may be withheld until proof of continued enrollment is received and the account adjusted.

42. In § 21.4135, paragraphs (e), (g), (s), and (v) are revised, paragraph (m) is revoked and paragraph (w) is added so that the revised and added material reads as follows:

§ 21.4135 Discontinuance dates.

The effective date of reduction or discontinuance of educational assistance allowance will be specified in this section. If more than one type of reduction or discontinuance is involved, the earliest date will control.

(e) *Course discontinued; course interrupted; course terminated; course not satisfactorily completed or withdrawn from* (§§ 21.4136 and 21.4137).

(1) If the individual withdraws from all courses or receives all nonpunitive grades and in either case there are no mitigating circumstances as provided in § 21.3136(k) or 21.4137(h), benefits will be terminated or reduced effective first date of the term in which the withdrawal occurs or the term for which the grades are assigned or December 1, 1976, whichever is the later.

(2) If the individual withdraws from all other courses other than courses in paragraph (e)(3) of this section and with mitigating circumstances, as provided in § 21.4136(k) or 21.4137(h), or withdraws from all courses such that a punitive grade is or will be assigned for those courses:

(i) Residence training: Last date of attendance.

(ii) Independent study: Official date of change in status under the practices of the institution.

(3) If the individual withdraws from correspondence, flight, farm cooperative, cooperative or job training, benefits will be terminated effective:

(i) Correspondence training: Date last lesson is serviced.

(ii) Flight training: Date of last instruction.

(iii) Job training: Date of last training.

(iv) Farm cooperative training: Date of last class attendance.

(v) Cooperative training: Date of last training. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

(g) *Unsatisfactory progress* (§ 21.4277). The date the veteran's or eligible person's enrollment is discontinued by the school or the date determined under § 21.4277, whichever is earlier.

(n) [Revoked.]

(s) *Reduction in rate of pursuit of course* (§ 21.4270). (1) If the individual reduces training by withdrawing from part of a course because of mitigating circumstances, but continues training in part of the course, benefits will be reduced effective at the end of the month or the end of the term in which

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withdrawal occurs, whichever is earlier, except first date of the term in which reduction occurs, if the reduction occurs at the beginning of the term.

(2) If the individual reduces training by withdrawing from a part of a course, without mitigating circumstances, the reduction is effective first date of enrollment of the term in which the reduction occurs or December 1, 1976, whichever is the later. See paragraphs (e) and (w) of this section also.

(v) *Remarriage of spouse or surviving spouse.* (1) Remarriage: Last date of attendance before remarriage.

(2) Conduct of spouse or surviving spouse: Last day of month before inception of relationship.

(w) *Nonpunitive grade.* (1) If the individual receives a nonpunitive grade

in a particular course, reduction will be effective last date of attendance, when mitigating circumstances are found.

(2) If the individual receives a nonpunitive grade in a particular course, reduction will be effective the first date enrollment for the term in which the grade applies, or December 1, 1976, whichever is later, when no mitigating circumstances are found. See paragraphs (e) and (s) of this section.

43. In § 21.4136, paragraphs (a), (c), (d), (f), (h), and (j)(2) are revised and paragraph (k) is added so that the revised and added material reads as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

(a) *Rates.* Educational assistance allowance is payable at the following monthly rates effective October 1, 1976:

Type of courses	Monthly rate			
	No dependent	1 dependent	2 dependents	Additional for each additional dependent
Institutional				
Full time	\$292	\$347	\$396	\$24
¾ time	219	260	297	18
½ time	146	174	198	12
Less than ½ but more than ¼ time	146			
¼ time or less	73			
Cooperative, other than farm cooperative (full time only)	235	276	313	18
Apprentice or on job (full time only but see footnote 1 below)				
Payment designated training assistance allowance				
1st 6 mo	212	238	260	11
2d 6 mo	159	185	207	11
3d 6 mo	106	132	154	11
4th 6 mo and succeeding periods	53	79	101	11
Correspondence	90 per centum of the established charge for number of lessons completed by veteran and served by school minus allowance paid quarterly.			
Flight training	90 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay minus allowance paid monthly based on actual flight training received. See § 21.1045(a)(2).			
Farm cooperative				
Full time	\$235	\$276	\$313	\$18
¾ time	176	207	235	14
½ time	116	138	157	9

1. If a veteran under chapter 34 or an eligible person under chapter 35 receiving benefits under § 21.4280(b)(2) completes his or her program before the designated completion time, his or her award will be recomputed to permit payment of tuition and fees not to exceed \$146 or \$73 as appropriate per month if the maximum allowance was not initially authorized.

2. See paragraph (b) of this section.

3. See footnote 3 of § 21.4270(d) for measurement of full time and paragraph (i) of this section for proportionate reduction in award for completion of less than 120 hr per month.

4. Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost for the eligible veteran whichever is the lesser. Enrollments before Jan. 1, 1973, will receive 100 pct of the established charges.

(38 U.S.C. 1677, 1682, 1786, 1787; Pub. L. 94-502, 90 Stat. 2383.)

(c) *Active duty.* The monthly rate for an individual who is pursuing a program of education while on active duty may not exceed the monthly rate of the cost of the course as specified in paragraph (b) of this section. For the

purpose of a course pursued under the provisions of § 21.4235(a)(1) "cost of the course" shall include the cost of books and supplies peculiar to the course which the institution requires similarly circumstanced nonveterans

enrolled in the same or a similar course to have. Where there is no same program, the cost of the course will be established by the Veterans Administration based on a report from the State approving agency showing the estimated cost for operation of the program and the anticipated enrollment. Subject to these limitations, the rate will be:

Measurement	Rates
Full time	\$292
¾ time	219
½ time	146
Less than ½ but more than ¼ time	146
¼ time or less	73

(38 U.S.C. 1682; Pub. L. 94-502, 90 Stat. 2383.)

(d) *June 1966.* A veteran who commenced a course prior to June 1, 1966, will not be paid for any part of the month of June 1966, unless his or her course continues through June 30, 1966. (Sec. 12(a), Pub. L. 89-358, 80 Stat. 28.)

(f) *Dependents.* The term "dependent" means a spouse, child or dependent parent who meets the definitions of relationship specified in §§ 3.50, 3.51, 3.57 and 3.59 of this chapter. A child adopted outside the veteran's family is included only if the veteran is contributing to the child's support.

(h) *Payment.* Educational assistance allowance at the rates specified in paragraphs (b) and (c) of this section for servicemen or servicewomen on active duty, other than those training under the Predischarge Education Program who qualify for an advance payment under paragraph (j) of this section and who are training on a less than half-time basis, will be paid to or on behalf of the trainee enrolled in an institution operating on a term, quarter or semester basis in a lump sum for the entire quarter, semester or term. These payments will be made during the month immediately following the month in which certification is received from the educational institution that the veteran has enrolled in and is pursuing a program at the institution.

(j) *Advance payment.* . . .

(2) *Payment.* Upon receipt of an application and if there is no evidence in

the veteran's, serviceman's, or servicewoman's file showing that he or she is not eligible for such an advance the check for the allowance, made payable to the veteran, serviceman or servicewoman shall be mailed to the institution for delivery to the veteran, serviceman or servicewoman upon registration. No delivery by the institution shall be made more than 30 days in advance of commencement of his or her program. If delivery is not made within 30 days after commencement of the program, the institution shall return the check to the Veterans Administration. The Director of the regional office or Veterans Administration center of jurisdiction may direct that advance payments shall not be made to veterans and other eligible persons if the institution demonstrates an inability to comply with these requirements, if the institution fails to adequately provide for the safekeeping of the checks prior to delivery to the student or return to the Veterans Administration, or if he or she determines, based upon compelling evidence, that the institution demonstrates its inability to discharge its responsibilities under the advanced payment program.

(i) *Veterans.* The amount of the payment is not to exceed the allowance for the month or fraction thereof in which the course will commence plus the allowance for the following month. Subsequent payments shall be made each month in accordance with provisions set out in § 21.4138, 21.4203, 21.4204, and 21.4205. Final payment may be withheld until certification is received that the veteran pursued his or her course and any necessary adjustments made.

(ii) *Servicemen and servicewomen on active duty.* The payment will be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. The application must be endorsed by the school to verify information needed to determine the lump-sum payment.

(iii) *Exception.* Notwithstanding any provision of this section or any other section of Title 38, Code of Regulations, on and after June 1, 1977, no advance payment of benefits shall be made, unless the individual shall first specifically request such a payment and the educational institution at which the veteran or eligible person is accepted or enrolled has agreed to, and can satisfactorily, carry out the provisions of 38 U.S.C. 1780(d) (5) (B) and (C) and (6) pertaining to receipt, delivery or return of advance checks and certifications of delivery and enrollment. Furthermore, all other payments made on or after that date shall be made only at the end of the month in which the training for which payment is made shall have occurred.

(iv) *Time of payment.* Advance payment will only be authorized at the be-

ginning of an ordinary school year or at the beginning of any other enrollment period which begins after a break in enrollment of 1 full calendar month or longer. Furthermore, on and after June 1, 1977, all other payments shall be made only at the end of the month in which the training for which payment is made shall have occurred. These exceptions are required by the provisions of Pub. L. 94-502, 90 Stat. 2383. (See §§ 21.4137 and 21.4138.)

(k) *Mitigating circumstances.* Unless there are mitigating circumstances, benefits will not be paid to any veteran for a course from which the student withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation. Mitigating circumstances shall include but not be limited to:

(1) Continuous pursuit of the program of training is precluded because of illness of the veteran or other eligible person or because of illness or death in his or her immediate family.

(2) Unavoidable conditions arise in connection with the veteran's or eligible person's employment which preclude continuous pursuit of the program. Such conditions are a geographical transfer or a change in the hours or conditions of employment.

(3) Immediate family or financial obligations beyond the control of the veteran or other eligible person require him or her to suspend pursuit of the program of training to obtain employment which precludes the continuous pursuit of the training.

(4) The course is being pursued by a student under subchapter V, ch. 34, title 38, United States Code, who fails to satisfactorily complete a course without fault.

(5) Discontinuance of a course by a school.

(6) Unanticipated active duty military service, including active duty for training. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

44. In § 21.4137, paragraph (a) is revised and paragraphs (g)(4) and (5) and (h) are added so that the revised and added material reads as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. ch. 35

(a) *Rates.* Educational assistance allowance is payable at the following monthly rates:

Type of courses	Monthly rate—effective Oct. 1, 1976
Institutional:	
Full time	\$292
¾ time	219
½ time	146
Less than ½ but more than ¼ time	146
¼ time or less	73
Cooperative, other than farm cooperative (full time only)	235

Type of courses Monthly rate—effective Oct. 1, 1976

Apprentice or on-job (full time only but see footnote 1 below)	
Payment designated training assistance allowance:	
1st 6 mo	212
2d 6 mo	159
3d 6 mo	106
4th 6 mo and succeeding periods	53
Farm cooperative:	
Full time	35
¾ time	176
½ time	118
Correspondence:	
90 per centum of the established charge for number of lessons completed by eligible spouse or surviving spouse and serviced by the school minus allowance paid quarterly.	

1. See footnote 5 of § 21.4270(h) for measurement of full time and paragraph (f) of this section for proportionate reduction in award for completion of less than 120 hours per month.

2. Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost for the eligible spouse or surviving spouse whichever is the lesser.

(38 U.S.C. 1682, 1732, 1786, 1787; Pub. L. 94-502, 90 Stat. 2383.)

(g) *Advance payment.* . . .

(4) *Exception.* Notwithstanding any provision of this section or any other section of Title 38, Code of Federal Regulations, on and after June 1, 1977, no advance payment of benefits shall be made, unless the individual shall first specifically request such a payment and the educational institution at which the veteran or eligible person is accepted or enrolled has agreed to, and can satisfactorily carry out the provisions of 38 U.S.C. 1780(d) (5) (B) and (C) and (6), pertaining to receipt, delivery or return of checks and certifications of delivery and enrollment. Furthermore, all other payments made on or after that date shall be made only at the end of the month in which the training for which payment is made shall have occurred.

(5) *Time of payment.* Advance payment will only be authorized at the beginning of an ordinary school year or at the beginning of any other enrollment period which begins after a break in enrollment of 1 full calendar month or longer. Furthermore, on and after June 1, 1977, all other payments shall be made only at the end of the month in which the training for which payment is made shall have occurred. These exceptions are required by the provisions of Pub. L. 94-502, 90 Stat. 2383. See §§ 21.4136 and 21.4138.

(h) *Mitigating circumstances.* Unless there are mitigating circumstances, benefits will not be paid to any eligible person for a course from which the student withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation. Mitigating circumstances shall include but not be limited to:

(1) Continuous pursuit of the program of training is precluded because

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of illness of the eligible person or because of illness or death in his or her immediate family.

(2) Unavoidable conditions arise in connection with the eligible person's employment which preclude continuous pursuit of the program. Such conditions are a geographical transfer or a change in the hours or conditions of employment.

(3) Immediate family or financial obligations beyond the control of the eligible person require him or her to suspend pursuit of the program of training to obtain employment which precludes the continuous pursuit of the training.

(4) The course is being pursued by a student under subchapter V, chapter 35, or under section 1733, Title 38, United States Code, who fails to satisfactorily complete a course without fault.

(5) Discontinuance of a course by a school.

(6) Unanticipated active duty military service, including active duty for training. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

45. Section 21.4138 is revised to read as follows:

§ 21.4138 Certifications and release of payments.

Educational assistance allowance will be paid to or on behalf of a veteran or eligible person under chapter 34 or 35 on the basis of the appropriate certification required in §§ 21.4136, 21.4137, 21.4203, 21.4204, and 21.4205 concerning enrollment in or the pursuit of a course during the reporting period.

(a) *Lump sum—in advance.* A certification by an institution that the eligible individual has enrolled will be sufficient to release a lump-sum payment to or on behalf of the individual for the entire quarter, semester or term no earlier than 30 days prior to the date the program of training is to begin, provided that the payment is made before June 1, 1977, and provided the individual is:

(1) A serviceman or servicewoman on active duty training on a half-time or greater basis, or

(2) A serviceman or servicewoman on active duty training in a Predischarge Education Program course, regardless of the training time.

(b) *Lump sum—in month following.* Such a certification by an institution will be sufficient to release the payment of a lump sum to or on behalf of the individual for the entire quarter, semester or term in the month following the receipt of the certification by the Veterans Administration, provided the individual is:

(1) A serviceman or servicewoman who is on active duty and who is training in a non-Predischarge Education Program course on a less than half-time basis,

(2) A veteran or other eligible person who is not on active duty and who is training on a less than half-time basis.

(3) An individual referred to in paragraph (a) of this section who is receiving payment after June 1, 1977, and who has not specifically requested an advance payment as provided in paragraph (d) of this section.

(c) *Payment released prior to June 1, 1977.* Such a certification by an institution will be sufficient to release the payment of educational assistance allowance for the month or fraction thereof in which the course will commence plus the allowance for the following month, to a veteran or other eligible person who is not on active duty and who is training at a half-time or greater rate, provided the payment is made prior to June 1, 1977. Payment for months subsequent to those represented by the advance payment shall be made each month in advance of that month's training subject to submission of reports required from the school and student by §§ 21.4203, 21.4204, and 21.4205, but if the month for which such payment is made is subsequent to May 1977, the payment shall be made in the month immediately following the month in which the training occurs and is certified to the Veterans Administration.

(d) *Payment released subsequent to June 1, 1977.* On and after June 1, 1977, no advance payment will be made to any person who otherwise qualifies for one under either paragraph (a) or (c) of this section, unless the individual specifically requests an advance payment. On and after that date no individual shall be entitled to receive prepayment of benefits for training which occurs in months for which no advance payment is payable and no request for such a payment will be honored.

(e) *Payment for last month of training.* Payment for the last month of the enrollment period will not be released to an individual pursuing an institutional course not leading to a standard college degree until the Veterans Administration has received final certification as required by §§ 21.4203 and 21.4205.

(f) *Payment for intervals between terms.* A certification such as described by this section will result in payment for intervals between individual terms, quarters or semesters in accordance with the following rules:

(1) Payments will be made for such intervals during periods when the schools are temporarily closed under an established policy based upon an Executive order of the President or due to an emergency situation, and such periods shall not be counted as absences for the purposes of § 21.4205.

(2) Payments will be made for intervals between consecutive school terms, quarters or semesters where the veter-

an or other eligible person transfers from one approved educational institution for the purpose of enrolling in and pursuing a similar course at the second institution, provided that the interval does not exceed 30 days. The days for which such a payment is made will count as absences for the purposes of § 21.4205. If the transfer is made to another school and the program in which the student will be enrolled at the second institution is different from that he or she was pursuing at the first school, no payment may be made for the interval.

(3) Payments will be made for periods between a semester, term, or quarter where the educational institution certifies the enrollment of the veteran or eligible person on an individual term, quarter or semester basis, if the interval does not exceed 1 full calendar month, except as provided in paragraph (f)(3) (i) through (iii) of this section. The days for which payment is made will count as absences for the purposes of § 21.4205.

(i) No payment will be made for an interval between terms, quarters or semesters, if the student is training at less than a half-time rate, or is on active duty, even if the interval does not exceed 1 full calendar month.

(ii) No payment will be made for an interval between terms, quarters or semesters, if the student requests, prior to authorization of an award or prior to negotiating the check, that no benefits be paid for the interval period.

(iii) No payment will be made for an interval between terms, semesters, or quarters, if the veteran or eligible person will exhaust his or her entitlement by receipt of such a payment and it is to the advantage of the individual not to receive payment. (38 U.S.C. 1780; Pub. L. 94-502, 90 Stat. 2383.)

CROSS REFERENCE.—Lump-sum payments. See §§ 21.4136(h) and 21.4137(e) Advance payments and prepayments. See §§ 21.4136(j) and 21.4137(g).

46. In § 21.4145, paragraph (a) is revised to read as follows:

§ 21.4145 Veteran-student services.

(a) *Eligibility.* Veteran-students who are pursuing full-time programs of education or training under chapter 34 are eligible to receive a work-study allowance. In return for the veteran-student's agreement to perform services for the Veterans Administration totaling 250 hours during an enrollment period an allowance in the amount of \$625 will be paid. An advance payment of \$250 will be made for the first 100 hours agreed to be worked. Advances of lesser amounts may be made in return for agreements to perform services for periods of less than 100 hours. In the event the veteran ceases to be a full-time student

before completing such an agreement, the veteran may, with the approval of the Director of the field station, or his or her designee, be permitted to complete that portion of an agreement that remains. Students must complete portions of an agreement within the same or immediately following term, quarter or semester in which the student ceases to be a full-time student. If the veteran terminates all training he or she will be permitted to complete that portion of an agreement represented by the sum of money already advanced to the veteran for which no services have been performed. Portions of an agreement for which no advance has been made may not be authorized to be completed by those who have terminated all training. (38 U.S.C. 1685; Pub. L. 94-502, 90 Stat. 2383)

47. Section 21.4146 is added to read as follows:

§ 21.4146 Assignments of benefits prohibited.

(a) *General.* Section 3101(a), title 38, United States Code, provides that payments of benefits due or to become due under the laws administered by the Veterans Administration shall not be assigned, except to the extent specifically authorized by law. No law specifically authorizes assignments of educational assistance allowances payable under chapters 34, 35 and 36, title 38, United States Code, and therefore none shall be made.

(b) *Designating an attorney-in-fact.* In any case where a payee of an educational assistance allowance has designated the address of an attorney-in-fact as the payee's address for the purpose of receiving his or her benefit check and has executed a power of attorney giving the attorney-in-fact authority to negotiate such benefit check, such action shall be deemed to be an assignment and is prohibited.

(c) *Arrangements amounting to an assignment.* Payments may be made to a post office box address or a bank address only if the educational institution attests that it has not entered into an assignment agreement with the student, and is not the attorney-in-fact of the student with power to negotiate an educational assistance check on behalf of the student and is not otherwise able to control the proceeds of the benefits check. Such statements shall be subject to review and when determined to be false, may be cause for creation of an overpayment to the account of the veteran or other eligible person, for which the educational institution may be liable under the provisions of § 21.4009.

(d) *Correspondence school addresses.* A request by a veteran or other eligi-

ble person to send the benefit check payable to him or her at an address which is an educational institution primarily engaged in correspondence course instruction will be presumed not to be the actual address of the veteran or other eligible person and will not be honored. Benefits checks will not be sent to the veteran or other eligible person in that event until a new address is provided designating the individual's mailing address.

(e) *Referral to Committee on Educational Allowances.* When the evidence of record indicates that an educational institution has violated the terms of this section, the matter will be referred to the field station Committee on Educational Allowances as provided in §§ 21.4207 and 21.4202(b)(4). (38 U.S.C. 3101(a); Pub. L. 94-502, 90 Stat. 2383)

48. In § 21.4153, paragraph (c)(3) is revised and (c)(4) is added so that the revised and added material reads as follows:

§ 21.4153 Reimbursement of expenses.

(c) *Reimbursable expenses.* * * *

(3) *Administrative expenses.* An allowance for administrative expenses for which payment may be authorized will be determined in accordance with the formula contained in this subparagraph. Salary cost includes basic salary plus fringe benefits such as Social Security retirement, and health, accident or life insurance which is provided all similarly circumstanced State employees.

Total salary cost reimbursable	Allowable for administrative expense
\$5,000 or less.....	\$600.
Over \$5,000 but not exceeding \$10,000.....	\$1,080.
Over \$10,000 but not exceeding \$35,000.....	\$1,080 for the first \$10,000 plus \$1,000 for each additional \$5,000 or fraction thereof.
Over \$35,000 but not exceeding \$40,000.....	\$6,535.
Over \$40,000 but not exceeding \$75,000.....	\$6,535 for the first \$40,000 plus \$855 for each additional \$5,000 or fraction thereof.
Over \$75,000 but not exceeding \$80,000.....	\$12,960.
Over \$80,000.....	\$12,960 for the first \$80,000 plus \$755 for each additional \$5,000 or fraction thereof.

(4) *Subcontracts.* The State approving agency may also be reimbursed for work performed by a subcontractor provided:

(i) The work has a direct relationship to the requirements of chapters

32, 34, 35, or 36 of title 38, United States Code, and

(ii) The Director, Education and Rehabilitation Service has approved the subcontract in advance. (38 U.S.C. 1774; Pub. L. 94-502, 90 Stat. 2383.)

49. In § 21.4200, paragraph (e) is revised and paragraphs (h), (i), (j), (k) and (l) are added so that the added and revised material reads as follows:

§ 21.4200 Definitions.

(e) *Standard college degree.* The term means an associate or higher degree awarded by:

(1) An institution of higher learning that is accredited as a collegiate institution by a recognized regional or national accrediting agency; or

(2) An institution of higher learning that is a "candidate" for accreditation, as that term is used by the regional or the national accrediting agencies; or

(3) An institution of higher learning upon completion of a course which is accredited by an agency recognized to accredit specialized degree-level programs. (38 U.S.C. 1652; Pub. L. 94-502, 90 Stat. 2383.)

(h) *Institution of higher learning.* The term means a college, university, or similar institution, including a technical or business school, offering post-secondary level academic instruction that leads to an associate or higher degree if the school is empowered by the appropriate State education authority under State law to grant an associate or higher degree. When there is no State law to authorize the granting of a degree, the school may be recognized as an institution of higher learning if it is accredited for degree programs by a recognized accrediting agency, or, it is a recognized candidate for accreditation as a degree-granting school by one of the national or regional accrediting associations and has been licensed or chartered by the appropriate State authority as a degree-granting institution. Such term shall include a hospital offering medical-dental internships or residencies approved in accordance with § 21.4265(a) without regard to whether the hospital grants a postsecondary degree. (38 U.S.C. 1652; Pub. L. 94-502, 90 Stat. 2383.)

(i) *Audited course.* The term means any credit course which a student attends as a listener only with a prior understanding between school officials and the student that such attendance will not result in credit being granted toward graduation. See § 21.4252(i). (38 U.S.C. 1780(a)(3); Pub. L. 94-502, 90 Stat. 2383.)

(j) *Nonpunitive grade.* The term means any grade assigned for pursuit of a course, whether upon completion of the course or at the time of withdrawal from the course, which has the effect of excluding the course from any consideration in determining progress toward fulfillment of requirements for graduation. No credit toward the school's requirements for graduation is granted for such a grade, nor does the grade affect any other criteria for graduation by the policies of the school, such as a grade point average. Therefore, it has the same effect as an audited course. See § 21.4135(e). (38 U.S.C. 1780(a)(4); Pub. L. 94-502, 90 Stat. 2383.)

(k) *Punitive grade.* The term means a grade assigned for pursuit of a course which is used in determining the student's overall progress toward completion of the school's requirements for graduation. Unlike the nonpunitive grade, the punitive grade does affect the criteria to be met by the student for graduation, i.e., it is a factor in computing the student's grade average or grade point average, for example. For this reason it is not the same as an audited course, since it does have an effect upon the student's ability to meet the school's criteria for graduation. See § 21.4135(e). (38 U.S.C. 1780(a)(4); Pub. L. 94-502, 90 Stat. 2383.)

(l) *Drop-add period.* The term means a reasonably brief period at the beginning of a term, not to exceed 30 days, officially designated by a school for unrestricted enrollment changes by students. (38 U.S.C. 1780(a)(4); Pub. L. 94-502, 90 Stat. 2383.)

50. Section 21.4201 is revised to read as follows:

§ 21.4201 Restrictions on enrollment; percentage of students receiving financial support.

(a) *General.* No enrollment in any course may be approved for an eligible veteran, not already enrolled, for any period during which more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution, the Veterans Administration pursuant to title 38, United States Code, and/or the grants of any other Federal agency, except:

(1) This restriction shall not apply to any farm cooperative course, any course of Special Assistance for the Educationally Disadvantaged, offered pursuant to subchapter V, chapter 34, title 38, United States Code, or any approved course offered under contract with the Department of Defense which is on or immediately adjacent to a military base and which is available only to active-duty military personnel and their dependents and has been approved by the State approving agency

of the State where the base is located or the State of the parent school if the course is offered overseas.

(2) The restriction may be waived in whole or part.

(b) *Status of school.* The requirements of this section apply to courses offered by all educational institutions except those set out in paragraph (a)(1) of this section, regardless of whether the institution is degree-granting, proprietary profit, proprietary nonprofit, public and/or tax-supported.

(c) *Identification of affected courses.* An 85-15 percent ratio must be computed for each course of study or curriculum leading to a separate approved educational or vocational objective. Computations will not be made for unit subjects, unless only one unit subject is approved by the State approving agency to be offered at a separate branch or extension of a school. Courses or curricula which are offered at separately approved branches or extensions must have an 85-15 percent ratio computed separately from the same course offered at the parent institution. The count of students attending the branch may not be added to those attending the parent institution even for the same courses or curricula. However, the count of those attending courses or curricula offered at an additional facility, as opposed to a branch or extension, must be added to those attending the same course at the parent institution. Pursuit of a course or curriculum that varies in any way from a similar course, although it may have the same designation as the other similar course or curriculum, will require a separate 85-15 percent computation. A course or curriculum will be considered to vary from another if there are different attendance requirements, required unit subjects are different, required completion length is different, etc.

(1) Separate courses for computation purposes in institutions of higher learning will be determined by general curriculum only until the point at which it is reasonable to assume a major field would be declared and after that point by specific curriculum.

(i) In 2-year institutions of higher learning, general curricula such as AA (Associate of Arts) or AS (Associate of Science) degrees with no major specified, will require separate computations for each curriculum. Terminal 2-year courses (i.e., AAS (Associate of Applied Science), dental technology or auto mechanics certificate) and other associate degree courses where a field is specified must be computed separately for each objective.

(ii) Students attending 4-year institutions of higher learning and graduate schools may be counted in general curricula such as BA (Bachelor of Art)

and BS (Bachelor of Science) only until the normal point at which the school requires the student to declare a major subject. Then the 85-15 percent computation must be made for each specific curriculum, i.e., BS (Bachelor of Science) in electrical engineering, MA (Master of Arts) in English, etc.

(2) NCD (Noncollege degree) courses must be computed separately by approved vocational objective. If several curricula lead to the same coded vocational objective, each must meet the 85-15 percent requirement separately, unless it can be shown that two or more courses are identical in all respects (scheduling, hours devoted to each unit subject etc.). Branch or extension courses will be computed separately from courses at the main campus. Courses offered on a full- and part-time basis which are identical in length and content will be combined for computing the ratio.

(d) *Waivers by the Administrator.* The following waivers have been granted by the Administrator:

(1) Waive counting all graduate students in receipt of any Federal assistance (other than veterans Administration benefits) and any support from the institution. No specific application for this waiver is required from the school.

(2) Waive counting all undergraduate and noncollege degree students, receiving any assistance provided by an institution, if the institutional policy for determining the recipients of such aid is equal with respect to veterans and nonveterans alike. An application will not be required for this type of waiver.

(3) Waive counting students in receipt of all types of Federal assistance other than Basic Educational Opportunity Grants and Supplementary Educational Opportunity Grants. Specific examples of this type of waiver are benefits administered by the Social Security Administration, Federal grants supporting specific programs such as law enforcement (LEEP, Safe Cities Act grants), nursing, Government Employees' Training Act support and tuition aid paid by an armed service to active duty personnel. No specific application is required for this waiver.

(4) Waive counting students enrolled in all courses of flying clubs established, organized, and operated pursuant to regulations of a military department of the Armed Forces as "nonappropriated sundry fund activities" which are governmental instrumentalities.

(5) Waive application of the formula to courses open only to military personnel, their dependents, and civilian employees of a military installation, when the course is offered on or adjacent to the base, under contract with

the Department of Defense, and the branch or extension is approved by the State approving agency in the State where the military installation is located. In the case of foreign military installations, approval will be by the State approving agency in the State where the parent school is located. If the course is offered to other students, the 85-15 percent requirement must be met. A specific application will not be required for this waiver.

(e) *Waivers by field station Directors.* Field station Directors are delegated authority to grant waivers under the following conditions:

(1) Notwithstanding any type of waiver provided for in paragraphs (d) and (e) of this section, station Directors are authorized to waive 85-15 percent computations for institutions which certify that 35 percent or less of their enrollment receives Veterans Administration educational assistance (compute main campuses and branches separately). Such certifications must be provided to the Veterans Administration on a continuing basis in accordance with the time limits shown in paragraph (e)(2)(iii) of this section. Such waiver will not be granted for any course in which percentage of Veterans Administration-supported veterans enrolled exceeds 85 percent. Station Directors are responsible for taking forceful action to identify specific courses of study which may exceed 85 percent Veterans Administration-supported enrollment even if such courses are offered by schools having 35 percent or fewer veterans in the total school population. All station Directors will require full 85-15 percent ratio computations for courses with extraordinarily disproportionate Veterans Administration-supported enrollments, to show compliance with the law.

(2) Waive computation of the 85-15 percent ratio, as to undergraduate or noncollege students, in any course offered by an institution of highest learning or noncollege degree school if 35 percent or fewer of the students in the course receive Veterans Administration education benefits, and the percentage of Veterans Administration-supported students in the course plus the percentage of the school's total enrollment in all courses at all locations receiving Basic Educational Opportunity Grants or Supplementary Educational Opportunity Grants totals 85 percent or less. For example, if a school finds that 29 percent of the enrollees in an AA (Associate of Arts) in business degree curriculum receive Veterans Administration payments and 52 percent of the school's total enrollment receives Basic Educational Opportunity Grants and Supplementary Educational Opportunity Grants support, the total of the percentages (81 percent) qualifies that AA (Asso-

ciate of Arts) in business degree for a waiver of any further 85-15 percent ratio computation.

(i) Satisfactory compliance with the 85-15 percent requirements is assumed when the preceding conditions of paragraph (e)(2) of this section are fulfilled. If the total of the two percentages exceeds 85 percent, the ratio must be computed for that course with Basic Educational Opportunity Grants and Supplementary Educational Opportunity Grants recipients included in the 85 percent portion of the ratio.

(ii) When more than 35 percent of the students enrolled in a course receive Veterans Administration assistance, the ratio must be computed for that course with Basic Educational Opportunity Grants and Supplementary Educational Opportunity Grants recipients included in the 85 percent portion of the ratio unless waiver has been granted under paragraph (e)(1) of this section.

(iii) This count of Veterans Administration-supported students, school-supported students, and Basic Educational Opportunity Grants or Supplementary Educational Opportunity Grants recipients must be computed within 30 days of the beginning of each regular academic term (summer sessions excluded) for application to the next term for the purpose of waiving the computation of an 85-15 percent ratio for each affected course. For schools not operating on a term basis, counts as of the last day of the quarter must be completed within 30 days of the end of each calendar quarter (March, June, September, December). If this count is not submitted to the field station Director for a course which previously had its ratio computation waived, under paragraph (e)(1) or (2) of this section, a complete computation will be required before any new enrollment of eligible veterans may be processed for that course.

(3) Schools which offer courses not meeting the 85-15 percent requirement for any reason may apply to the appropriate station Director for a total waiver of the requirements except for Veterans Administration benefits. The school must state the specific basis of the total waiver request, show the computation of the ratio for the affected course, and submit sufficient information to allow the field station Director to judge the merits of the request against the criteria shown in paragraph (e)(3)(i) through (v) of this section. The Director should use all Veterans Administration sources as well as data and statements submitted by the school when considering a total waiver request in relation to these criteria:

(i) Availability of comparable alternative educational facilities effectively open to veterans in the vicinity of the school requesting a waiver.

(ii) Status of the school requesting a waiver as a developing institution primarily serving a disadvantaged population. The school should enclose a copy of the notification of developing status from the Office of Education, if applicable. Otherwise, the school should submit data sufficient to allow the field station Director to judge whether the school is similar to officially classified developing institutions according to the criteria and data categories published in Part 169, Subpart B, Title 45, Code of Federal Regulations. The requirements of those criteria that a school be a "public or nonprofit" institution need not be met.

(iii) Previous compliance history of the school, including such factors as false or deceptive advertising complaints, enrollment certification timeliness and accuracy, and amount of school liability indebtedness to the Veterans Administration.

(iv) General effectiveness of the school's program in providing educational and employment opportunities to the particular veteran population it serves. Factors to be considered should include the percentage of veteran students completing the first year of the course of study and completing the entire course, results of the 50 percent employment survey for vocational objective courses, ratio of educational and general expenditures to full-time equivalency enrollment, etc.

(v) Waivers will not be granted by the field station Director for courses in which the percentage of veterans enrolled exceeds 85 percent, except in courses offered by military aero clubs or in courses exempted by law in paragraph (a)(1) of this section. If more than 85 percent of the students in any other course are receiving benefits from the Veterans Administration and the school applied for a waiver, the field station Director will submit the matter with his or her recommendation to the Director, Education and Rehabilitation Service for a determination.

(4) All submissions required for limited waiver of 85-15 percent requirements under the criteria in paragraph (e)(3)(i) through (v) or otherwise under paragraph (e) of this section will be made by schools to Directors of the respective field stations of jurisdiction. If a school disagrees with a Director's determination concerning waiver, it may request that the application along with the Director's recommendation be forwarded to Central Office for administrative review.

(f) *Records of waivers.* All waivers of 85-15 percent requirements, whether limited or total and whether granted by a field station Director under the authority delegated to him or her by the Administrator or by a Central Office decision upon administrative review, will be made part of the school

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folder and will be subject to annual review for continuation.

(g) *Countable assistance for 85-15 percent computations.* In conjunction with the waivers provided for in paragraphs (d) and (e) of this section, the following forms of assistance must be counted for determining compliance with 85-15 percent requirements unless computation is waived under paragraph (e)(1) of this section:

(1) Accredited graduate and advanced professional courses: Count only Veterans Administration assistance provided under chapters 31, 32, 34, and 35, except for courses offered on or adjacent to a military installation as explained in paragraphs (a)(1) of this section.

(2) All other courses:

(i) Count Veterans Administration assistance provided under chapters 31, 32, 34, and 35, except farm cooperative, assistance under subchapter V of chapter 34, and courses offered on or adjacent to a military base open to only active duty personnel and their dependents (and civilian employees of the base, if waived by the field station Director or Central Office upon administrative review).

(ii) Count Basic Educational Opportunity Grants and Supplementary Educational Opportunity Grants as Federal assistance, unless computation for a course is waived by the field station Director (see paragraph (e)(2) of this section) under authority delegated by Central Office.

(iii) Count all support offered by the institution, unless covered by Administrator's waiver under paragraph (d)(2) of this section or waived by the field station Director or Central Office.

(h) *Computation of 85-15 percent ratio.* To determine if the requirement has been met (except as provided in paragraph (e)(2) of this section) the number of students in a course who are not veterans, are not receiving a form of Federal or institutional aid (exclusive of waivers and statutory exemptions), or are receiving a form of aid but have been waived as provided in paragraph (d) or (e) of this section, will be compared to the total number of students enrolled in the course. If the non-Veterans Administration, non-supported students, and supported but waived students do not comprise at least 15 percent of the total enrollment, the 85-15 percent requirement has not been met for that course.

(1) If all students in a course are full-time trainees, the ratio is computed simply by dividing the sum of all non-Veterans Administration, non-supported and supported but waived students by the total number of students: e.g. 20 non-Veterans Administration, non-supported and waived students divided by 100 total students equals .20; the 15 percent requirement would be met in this case.

(2) Ratios which include less than full-time students may be computed by comparing full-time equivalent non-Veterans Administration, non-supported and waived students to the total number of full-time equivalent students. For example, assume that there are 100 students enrolled in a particular course of study; 75 are full-time students and 25 are half-time. The total full-time equivalency enrollment would be 75 plus 12.5 or 87.5. Similarly, if 20 non-Veterans Administration, non-supported or waived students are full-time trainees and five are half-time students, the non-Veterans Administration, non-supported or waived full-time equivalency would be 20 plus 2.5 or 22.5. The ratio is computed by dividing non-Veterans Administration, non-supported and waived equivalencies by total full-time equivalencies: 22.5 divided by 87.5 equals .26. In this example the 15 percent non-Veterans Administration requirement would be fulfilled.

(3) The 85-15 percent ratio for flight courses shall be computed by comparing the number of hours of training received by countable students in the preceding 30 days to the total number of hours of training received by all students in the same period. Hours of training:

(i) In the private pilot's course shall be excluded;

(ii) Considered for students enrolled in courses approved under Part 141, Title 14, Code of Federal Regulations (the Federal Aviation Administration Regulations) shall be actual hours of logged instructional flight time or charges; and

(iii) Considered for students enrolled in courses not approved under Part 141, Title 14, Code of Federal Regulations, such as in courses for navigator or flight engineer, shall include ground training time in addition to actual logged instructional flight time or charges.

(i) *Certifications of 85-15 percent compliance.* Results of the ratio computation for each affected course must be submitted to the appropriate field station no later than 30 days after the beginning of each regular school term (excluding summer sessions) or before the beginning date of the next term, whichever occurs first. Certification for courses not offered on a term basis must be received by the Veterans Administration no later than 30 days after the end of each calendar quarter.

(1) New enrollments of eligible veterans in a course will be processed by the Veterans Administration based on submission of the most recent available computation and satisfactory 85-15 percent ratio. However, no benefit will be paid for the term when the most recent computation establishes that the school does not have a satisfactory 85-15 percent ratio, except for

those enrollments which have a beginning date prior to or the same as the date the school completed this computation. If a school fails to submit a timely computation, no benefits will be paid for any enrollment with a beginning date subsequent to the end of the last period for which a satisfactory computation was in force until a satisfactory computation has been certified by the school. Further enrollments for the current or future terms may be processed once again only after the school submits a certification showing that the proper ratio has been reestablished. When a school shows a reestablished 85-15 percent ratio, each new veteran enrollment submitted after reestablishment must be individually computed into the ratio to ensure that the 85 percent limitation is not again immediately exceeded. Individual computations will be required until the end of the term for which the ratio was reestablished.

(2) No student will be counted more than one time in any computation of an 85-15 percent ratio. If a student receives both Veterans Administration or other countable benefits and a non-countable or waived type of benefit, that student must be included in the countable (85 percent) portion of the ratio.

(3) Once a student is properly enrolled in a course, either before December 1, 1976, or after November 30, 1976, in a course which meets the 85-15 percent requirement, such a student may not have benefits for that course terminated because the 85-15 percent requirement is subsequently not met, as long as the student's enrollment remains continuous. A student enrolled in an institution organized on a term basis need not attend summer sessions in order to maintain continuous enrollment. An enrollment may also be considered continuous if a "break" in enrollment is wholly due to circumstances beyond the student's control such as serious illness. (38 U.S.C. 1673(d); Pub. L. 94-502, 90 Stat. 2383)

51. In § 21.4202, paragraph (c) is revised to read as follows:

§ 21.4202 Overcharges; restrictions on enrollments.

• • • • •

(c) *Restrictions; proprietary schools.* Enrollment will not be approved for any veteran or eligible person under the provisions of chapter 34 or 35 respectively, in any proprietary school of which the veteran or eligible person is an official authorized to sign certificates of enrollment or monthly certificates of attendance, an owner or an officer.

52. In § 21.4203, paragraphs (b)(1) and (c) are revised and paragraph (d) (3) is added so that the added and revised material reads as follows:

§ 21.4203 Reports by schools; requirements.

• • • • •

(b) *Entrance or reentrance.* • • •

(1) Schools organized on a term, quarter or semester basis shall generally report enrollment for the term, quarter, semester, ordinary school year or ordinary school year plus summer term. If a certification covers two or more terms, the school will report the dates for the break between terms if a term ends and the following term does not begin in the same or the next calendar month. No allowances are payable for these intervals. The school will report the period between each term, quarter or semester, if the eligible veteran or student elects not to be paid for the intervals between terms. Where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman or servicewoman, a separate enrollment certification will be required for each term, quarter, or semester.

(i) At the discretion of the Administrator, payment may be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is closed under an established policy based upon an order of the President or due to an emergency situation.

(ii) Where a veteran or an eligible person, who is pursuing a course leading to a standard college degree, transfers between consecutive school terms from one approved institution to another approved institution, for the purpose of enrolling in, and pursuing, a similar course at the second institution, the veteran or eligible person shall, for the purpose of entitlement to the payment of educational assistance allowance, be considered to be enrolled at the first institution during the interval, if the interval does not exceed 30 calendar days, following the termination date of the school term of the first institution. (38 U.S.C. 1780; Pub. L. 94-502, 90 Stat. 2383)

• • • • •

(c) *Course changes.* Any changes in the number of credit hours or the clock hours of attendance or instruction or any other modification in the course as certified at enrollment, including nonpunitive grades, must be reported promptly to the Veterans Administration. In institutions this reporting requirement will be satisfied if the official date of the change of status is reported in accordance with § 21.4253(d) or 21.4254(c)(7).

(d) *Interruptions and terminations.* When a veteran or eligible person interrupts or terminates his or her training for whatever reason, including unsatisfactory conduct or progress, this

fact must be reported promptly to the Veterans Administration.

• • • • •

(3) If the educational institution is making a report pursuant to this paragraph or paragraph (c) of this section, a statement of mitigating circumstances known to the educational institution, where appropriate, shall be included. Mitigating circumstances are relevant to changes in status which are withdrawals. They are also relevant to changes in status resulting from nonpunitive grades.

53. In § 21.4205, paragraph (c)(5) is added to read as follows:

§ 21.4205 Absences.

• • • • •

(c) *Reporting.* • • •

(5) Where a veteran or eligible person, who is pursuing a course not leading to a standard college degree, transfers between consecutive school terms within a school year from one approved institution to another institution, for the purpose of enrolling in, and pursuing, a similar course at the second institution, the veteran or eligible person shall, for the purpose of entitlement to the payment of the educational assistance allowance, be considered to be enrolled at the first institution during the interval if the interval does not exceed 30 calendar days following the termination date of the school term of the first institution, but such periods shall be counted as absences for the purposes of this section. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

54. In § 21.4206, paragraph (a) is revised to read as follows:

§ 21.4206 Reporting fee.

• • • • •

(a) Except as provided in paragraph (b) of this section, the reporting fee will be computed for each calendar year by multiplying \$5 by the number of eligible veterans and eligible persons enrolled under chapter 34, chapter 35, or chapter 36 on October 31 of that year.

• • • • •

55. In § 21.4208, paragraph (a) is revised to read as follows:

§ 21.4208 Central Office Education and Training Review Panel.

(a) *Purpose.* The panel will receive evidence and hear the testimony of witnesses and the arguments of interested parties regarding matters considered by the field station Committee on Educational Allowances and make rec-

ommendations to the Director, Education and Rehabilitation Service, in connection with such matters which are before him or her for final administrative determination under § 21.4201, 21.4202, or 21.4207.

• • • • •

56. In § 21.4209, paragraphs (a), (b)(2), and (f) are revised and paragraph (b)(4), (5), (6), and (7) is added so that the added and revised material reads as follows:

§ 21.4209 Examination of records.

(a) *Availability.* Notwithstanding any other provision of law, the records and accounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under chapters 31, 32, 34, 35, or 36, title 38, United States Code, as well as the records of other students which are necessary to enable the Veterans Administration to ascertain institutional compliance with the requirements of these chapters, shall be available for examination by duly authorized representatives of the Government. (38 U.S.C. 1790; Pub. L. 94-502, 90 Stat. 2383.)

(b) *Type of records.* Each school will upon request of duly authorized representatives of the Government make available for examination all appropriate records and accounts, including but not limited to:

• • • • •

(2) Records of previous education or training of veterans and eligible persons at the time of admission as students and records of advance credit, if any, granted by the school at the time of admission.

• • • • •

(4) Records of all advertising, sales or enrollment materials as required by § 21.4252(h) and section 1796(b), title 38, United States Code.

(5) Records and computations showing compliance with the requirements of § 21.4201 regarding the 85-15 percent ratio of students for each course.

(6) Records necessary to demonstrate compliance with the requirements of § 21.4252(e) pertaining to the time necessary to complete a correspondence course.

(7) Records necessary to demonstrate compliance with the requirements of § 21.4252(g) pertaining to employment of graduates of the course.

• • • • •

(f) *Retention of records.* The records and accounts, including those pertaining to students not receiving benefits from the Veterans Administration, as described in this section, pertaining to each period of enrollment of a veteran

or eligible person, will be kept intact and in good condition at the school for at least 3 years following the termination of such enrollment period. Longer retention will not be required unless a written request is received from the General Accounting Office or the Veterans Administration not later than 30 days prior to the end of the 3-year period.

57. In § 21.4235, paragraph (a)(1) is revised and paragraph (j) is added so that the revised and added material reads as follows:

§ 21.4235 Predischage Education program (PREP) and Special Assistance for Educationally Disadvantaged Veterans; Chapter 34.

9(a) *Enrollment.* Enrollment of a veteran may be approved in any elementary, secondary, preparatory, refresher, remedial, deficiency, or special educational assistance course not otherwise prohibited, regardless of his or her previous educational experience;

(1) While he or she is on active duty and meets the eligibility requirements of § 21.1040(e)(3) and chapter 32, title 38, United States Code, if such course or courses (but not including correspondence courses) are required to receive a secondary school diploma, or if such course or courses (including individual unit subjects within a General Education Development (G.E.D.) examination program) are required for or preparatory to the pursuit of an appropriate course or training program in an approved educational institution or training establishment; or

(j) *Enrollment restrictions.* After October 31, 1976, no person other than a member of the Armed Forces described in section 1631(b), title 38, United States Code, shall be permitted to enroll or reenroll in any course provided under the authority of subchapter VI, chapter 34, title 38, United States Code. See § 21.5040. (38 U.S.C. 1696(d); Pub. L. 94-502, 90 Stat. 2383.)

58. In § 21.4236, paragraphs (c) and (d) are revised to read as follows:

§ 21.4236 Special supplemental assistance (tutorial).

(c) *Educational assistance allowance.* In addition to payment of educational assistance allowance at the monthly rates specified in § 21.4136 or § 21.4137 the cost of such tutorial assistance in an amount not to exceed \$65 per month will be authorized.

(d) *Entitlement charge.* No charge will be made against the period of the veteran's entitlement as computed under § 21.1041 or the eligible person's

entitlement as computed under § 21.3044. Special supplemental assistance provided under this section will not exceed a maximum of \$780. (38 U.S.C. 1690, 1692, 1693; Pub. L. 94-502, 90 Stat. 2383.)

59. In § 21.4251, paragraphs (a) and (f) are revised to read as follows:

§ 21.4251 Period of operation of course.

(a) *General.* A course offered by a school other than a job training establishment will be appropriate for the enrollment of a veteran or eligible person only if it has been in operation for 2 years or more immediately prior to the date of enrollment of such person, except that this provision does not apply to:

(1) Any course to be pursued in a public or other tax-supported educational institution including the flying clubs which are the subject of § 21.4201(d)(4);

(2) Any course which is similar in character to instruction previously offered by the school for more than 2 years;

(3) Any course which has been offered by a school for a period of more than 2 years, notwithstanding that the school has moved to another location within the same general locality, or where the school has made a complete move with substantially the same faculty, curricula, and students, without a change in ownership;

(4) Any course which is offered by a nonprofit school of college level and which is recognized for credit toward a standard college degree;

(5) Any course for the educationally disadvantaged or Predischage Education Program offered by a proprietary nonprofit educational institution, at the principal or branch location, when the institution offering the course has been in operation for more than 2 years; or

(6) Any course offered by an educational institution under a contract with the Department of Defense that (i) is given on, or immediately adjacent to, a military base, (ii) is available only to active duty military personnel and/or their dependents and (iii) has been approved by the State approving agency of the State in which the base is located or by the State approving agency in the State having jurisdiction over the educational institution offering the course when the course is a degree course being taught outside the United State. See paragraph (f) of this section for specific additional requirements as to branch location schools. A course is being given at a location immediately adjacent to a military base if the facilities are clearly neighboring to the base or are in close proximity to it and must be easily accessible to active duty personnel. The location must be under effective supervision of the base military authorities. (38

U.S.C. 1789(b); Pub. L. 94-502, 90 Stat. 2383.)

(f) *Subsidiary branch or extension.* Notwithstanding the provisions of paragraph (a)(1), (2), (3), or (4) of this section the 2-year period of operation requirement will apply to courses at subsidiary branches or extensions as provided in the following subparagraphs:

(1) This requirement will apply to any course offered by a branch or extension of a public or other tax-supported institution where the branch or extension is located outside of the area of the taxing jurisdiction providing support to such institution;

(2) This requirement will apply to any course offered by a branch or extension of a proprietary profit or proprietary nonprofit educational institution where the branch or extension is located beyond the normal commuting distance of such institution and to a proprietary profit educational institution, even if the branch or extension is located within commuting distance;

(3) Additional facilities acquired by a school in the same general locality because of space limitations will not be considered to be a subsidiary branch or extension and will not be subject to the 2-year limitation if all of the following conditions are met:

(i) The school has been in operation for a period of 2 years or more;

(ii) The school has reached the limit of its enrollment capacity in its present facilities;

(iii) The courses to be offered at the additional facilities are the same as those given in the present facilities; and

(iv) The additional facilities are within normal commuting distance of the present facilities.

(4) The State approving agency shall not approve a course offered at a branch or extension, whether the course is or is not subject to the 2-year period of operation requirement, unless the school:

(i) Designates a named certifying official for each branch or extension,

(ii) Provides the branch or extension with administrative capability to furnish all reports and certifications to the Veterans Administration without the necessity of referring to the parent school's facilities,

(iii) Maintains at the branch or extension location records and files required for all Veterans Administration purposes for each student enrolled in the course, and

(iv) Has a local mailing address for each branch or extension location.

(5) A branch or extension, and additional facilities referred to in paragraph (f)(3) of this section are required to be within the same general locality from which the students of

the parent school are drawn. This distance may vary according to the unique geography of the area in which the parent school is located and the proximity and availability of other institutions offering similar courses. Ordinarily a location more than 55 miles (88.5 kilometers) from the parent school's campus will be considered to be beyond normal commuting distance. (38 U.S.C. 1789; Pub. L. 94-502, 90 Stat. 2383.)

60. In § 21.4252, paragraph (e), (f)(1), and (h) are revised and paragraphs (i) and (j) are added so that the added and revised material reads as follows:

§ 21.4252 Courses precluded.

(e) *Correspondence courses.* Enrollment in such courses will not be approved for eligible children under chapter 35. Nor shall any veteran or eligible spouse or surviving spouse be enrolled in a program of education exclusively by correspondence as authorized under section 1786, title 38, United States Code, and § 21.4256 or for the pursuit of a correspondence portion of a combination correspondence-residence course leading to a vocational objective as authorized under § 21.4279 if the normal period of time required to complete the correspondence course or portion of the course is less than 6 months in duration. The normal completion time will be considered to be 6 months or more if 80 percent or more of those completing the correspondence course over the past 2 years have required 6 months or more to complete all lessons. See §§ 21.4256 and 21.4279. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

(f) *Courses on secondary level; chapter 35.* (1) A curriculum offered by a public or private school at the secondary school level leading to the completion of the eligible child's regular secondary school education, that is, leading to a high school diploma or its equivalent, may not be pursued as a program of education or as part of a course of education of an eligible child under chapter 35. An eligible spouse or surviving spouse may pursue secondary school courses only under the Special Assistance for the Educationally Disadvantaged program. See § 21.4237.

(g) *Erroneous, deceptive, misleading practices.* Enrollment will not be approved in any course offered by an institution which utilizes advertising, sales, or enrollment practices of any type which are erroneous, deceptive, or misleading either by actual statement, omission, or intimidation. The services and facilities of the Federal

Trade Commission shall be utilized by the Veterans Administration, where appropriate, pursuant to an agreement to carry out investigations and to make determinations under this paragraph as provided by section 1796, title 38, United States Code. To ensure compliance with this section, any institution offering courses approved for the enrollment of veterans or eligible persons shall maintain a complete record of all advertising, sales, or enrollment materials (and copies of each) utilized by or on behalf of the institution during the preceding 12-month period. Such record shall be available for inspection by the State approving agency or the Veterans Administration. Such materials shall include but are not limited to any direct mail pieces, brochures, printed literature used by sales persons, films, video tapes, and audio tapes disseminated through broadcast media, material disseminated through print media, tear sheets, leaflets, handbills, fliers, and any sales or recruitment manuals used to instruct sales personnel, agents or representatives of the educational institution. (38 U.S.C. 1796; Pub. L. 94-502, 90 Stat. 2383.)

(i) *Audited courses.* The school's certifications shall exclude courses which are being audited by the veteran or eligible person, since no educational assistance allowances shall be paid for such courses. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

(j) *Nonpunitive graded courses.* The school shall report any course for which a nonpunitive grade is assigned and no payment shall be authorized for such a course. If payment has already been made, in whole or in part, by the Veterans Administration at the time the grade is assigned, an overpayment shall be created against the account of the student for such a course, unless the Veterans Administration determines there are mitigating circumstances. (38 U.S.C. 1780(a); Pub. L. 94-502, 90 Stat. 2383.)

61. In § 21.4253, paragraph (d) is revised to read as follows:

§ 21.4253 Accredited courses.

(d) *School qualification.* A school desiring to enroll veterans or eligible persons in accredited courses will make application for approval of such courses to the State approving agency. The State approving agency may approve the application of the school when the school and its accredited courses are found to have met the following criteria and additional reasonable criteria established by the State approving agency:

(1) The institution has submitted to the State approving agency copies of its catalog or bulletin which is certified as true and correct in content and

policy by an authorized representative and the publication contains:

(i) Institution policy and regulations relative to standards of progress required of the student by the institution (this policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student), and

(ii) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct.

(2) Adequate records are kept by the school to show the progress of each veteran or eligible person. The records must be sufficient to show continued pursuit at the rate for which enrolled and the progress being made. They must include final grade in each subject for each term, quarter, or semester; record of withdrawal from any subject to include the last date of attendance for a resident course; and record of reenrollment in subjects from which there was a withdrawal; and may include such records as attendance for resident courses, periodic grades and examination results.

(3) The school maintains a written record of previous education and training of the veteran or eligible person which clearly indicates that appropriate credit has been given by the school for previous education and training, with the training period shortened proportionately, and the person and the Veterans Administration so notified. The record must be cumulative in that the results of each enrollment period (term, quarter or semester) must be included so that it shows each subject undertaken and the final result, i.e., passed, failed, incomplete or withdrawn. (38 U.S.C. 1775(b).)

(4) The school enforces a policy relative to standards of conduct and progress required of the student. The school policy relative to standards of progress must be specific enough to determine the point in time when educational benefits should be discontinued, pursuant to 38 U.S.C. 1674 when the veteran or eligible person ceases to make satisfactory progress. The policy must include the grade or grade point average that will be maintained if the student is to graduate. For example, a 4-year college may require a 1.5 grade point average the first year, a 1.75 average at mid-year the second year, and a cumulative average of 2.0 thereafter on the basis of 4.0 for an A.

(5) The school maintains adequate attendance records for veterans and

§ 21.4253 Accredited courses.

(d) *School qualification.* A school desiring to enroll veterans or eligible persons in accredited courses will make application for approval of such courses to the State approving agency. The State approving agency may approve the application of the school when the school and its accredited courses are found to have met the following criteria and additional reasonable criteria established by the State approving agency:

(1) The institution has submitted to the State approving agency copies of its catalog or bulletin which is certified as true and correct in content and

PROPOSED RULES

eligible persons enrolled in resident courses not leading to a standard college degree.

62. Section 21.4256 is revised to read as follows:

§ 21.4256 Correspondence courses.

(a) A school desiring to enroll veterans under chapter 34 and spouses or surviving spouses under chapter 35 for correspondence courses or courses of combined correspondence-residence may have such courses approved when the courses and the school meet the requirements of §§ 21.4252, 21.4253, or 21.4254, and 21.4279 as applicable, and when its application demonstrates that the course is satisfactory in all elements, including a certification as to the normal period of time required to complete the course and proof that the certification has been submitted to the Veterans Administration. Such a course must require not less than 6 hours of preparation per week over any 26-week period and must require 6 or more months to complete. No more than 20 percent of the students pursuing such a course should be able to complete the course in less than 6 months for the normal length to be certified as 6 months or more. The determination of this factor shall be based upon the records of the school for the two immediately preceding years. (38 U.S.C. 1780(a)(5); Pub. L. 94-502, 90 Stat. 2383.)

(1) The enrollment agreement shall disclose fully the obligations of the in-

stitution and the veteran, spouse or surviving spouse and shall display in a prominent place on the agreement the conditions for affirmance, termination, refund, and payment of the educational allowance by the Veterans Administration.

(2) A copy of the agreement shall be given to the veteran, spouse or surviving spouse when it is signed.

(3) The agreement shall not be effective unless the veteran, spouse or surviving spouse after the expiration of 10 days after the agreement is signed, shall have signed and submitted to the Veterans Administration a written statement, with a signed copy to the institution, specifically affirming the agreement.

(4) Upon notification of the institution by the veteran, spouse or surviving spouse of an intention not to affirm the agreement, any fees paid by the individual shall be returned promptly in full to him or her.

(5) Upon termination of the affirmed agreement for training in an accredited course by the veteran, spouse or surviving spouse, without having completed any lessons, a registration fee not in excess of 10 percent of the tuition for the course or \$50, whichever is lesser, may be charged him or her. When the agreement is terminated after completion of less than 25 percent of the lessons of the course, the institution may retain the registration fee plus 25 percent of the tuition for the course. When the agreement is terminated after 25 percent but less than 50 percent of the

lessons are completed, the institution may retain the registration fee plus 50 percent of the tuition for the course. If 50 percent or more of the lessons are completed, no refund of tuition is required.

(6) Where the school either has or adopts an established policy for the refund of the unused portion of tuition, fees, and other charges subject to proration, which is more favorable to the veteran, spouse or surviving spouse than the pro rata basis as provided in paragraph (a)(5) of this section, such established policy will be applicable.

(7) Any institution which fails to forward any refund due to the veteran, spouse or surviving spouse within 40 days after receipt of a notice of termination or disaffirmance, shall be deemed, prima facie, to have failed to make a prompt refund, as required by this section.

(b) Whenever the State approving agency approves a correspondence course for training of veterans under chapter 34 and eligible spouses and surviving spouses under chapter 35, it shall immediately notify the Veterans Administration, identifying the school, the course or courses approved, and the educational or vocational objective of each approved course.

63. Section 21.4270 is revised to read as follows:

§ 21.4270 Measurement of courses.

Clock hours and class sessions mentioned in this table mean clock hours and class sessions per week.

PROPOSED RULES

COURSES		Full time	3/4 time	1/2 time	Less than 1/2 more than 1/4 time	1/4 time or less
Kind of school	Kind of course					
(a) Trade or technical - non-accredited (includes college courses not leading to a standard degree)	Shop practice an integral part of course	30 clock hours attendance with not more than 2 1/2 hours rest period allowance	22 through 29 clock hours attendance with not more than 1 1/4 hours rest period allowance	15 through 21 clock hours attendance with not more than 1 1/4 hours rest period allowance	8 through 14 clock hours attendance with not more than 3/4 hours rest period allowance	1 through 7 clock hours attendance
	Theory and class instruction predominates	25 clock hours net instruction	18 through 24 clock hours net instruction	12 through 17 clock hours net instruction	7 through 11 clock hours net instruction	1 through 6 clock hours net instruction
(b) Trade or technical - accredited (includes college courses not leading to a standard degree)	Shop practice an integral part of course	27 clock hours attendance with not more than 2 1/2 hours rest period allowance	20 through 26 clock hours attendance with not more than 1 1/4 hours rest period allowance	13 through 19 clock hours attendance with not more than 1 1/4 hours rest period allowance	7 through 12 clock hours attendance with not more than 3/4 hours rest period allowance	1 through 6 clock hours attendance
	Theory and class instruction predominates	22 clock hours net instruction	16 through 21 clock hours net instruction	11 through 15 clock hours net instruction	6 through 10 clock hours net instruction	1 through 6 clock hours net instruction
(c) High school	High school diploma or equivalent	25 clock hours net of instruction or 4 units per year or equivalent	18 through 24 clock hours net of instruction or 3 units per year or equivalent	12 through 17 clock hours net of instruction or 2 units per year or equivalent	7 through 11 clock hours net of instruction or 1 unit per year or equivalent	1 through 6 clock hours net of instruction
(d) Collegiate undergraduate	Standard collegiate courses including cooperative and external degree programs	14 semester hours or equivalent	10 through 13 semester hours or equivalent	7 through 9 semester hours or equivalent	4 through 6 semester hours or equivalent	1 through 3 semester hours or equivalent
(e) Collegiate graduate	Standard collegiate graduate courses including law and external degree programs	As in paragraph (d) of this section or certified by responsible official of school	As in paragraph (d) of this section or certified by responsible official of school	As in paragraph (d) of this section or certified by responsible official of school	As in paragraph (d) of this section or certified by responsible official of school	As in paragraph (d) of this section or certified by responsible official of school
(f) Professional (nonaccredited)	Law only	12 class sessions per week	9 through 11 class sessions per week	6 through 8 class sessions per week	4 through 5 class sessions per week	1 through 3 class sessions per week
(g) Professional (accredited and equivalent)	Internships and residencies: Medical, dental, osteopathic, nursing, X-ray, medical technology, medical record librarian, physical therapy	As established by accrediting association	Full time only			
(h) Training establishment	Apprentice or other on-the-job	Standard workweek	Full time only			
(i) Agricultural	Farm cooperative	10 clock hours net instruction	7 clock hours net instruction	5 clock hours net instruction	No provision	
(j) Elementary school	High school preparatory	25 clock hours net instruction	18 through 24 clock hours net instruction	12 through 17 clock hours net instruction	7 through 11 clock hours net instruction	1 through 6 clock hours net instruction

1. In measuring net instruction there will be included customary intervals not to exceed 10 minutes between classes. Shop or kitchen and rest periods are excluded. Supervised instruction periods in school's shops, in farm cooperative programs and the time involved in field trips and individual and group instruction may be included in computing the clock hour requirements.

2. Diploma course or equivalent based on completion of 16 instruction units. If student is pursuing course at rate which will result in an accredited high school diploma at end of 4 ordinary school years, he or she is considered in full-time training. High school diploma courses or equivalent available only for chapter 34 and eligible spouses and surviving spouses under chapter 35.

3. Cooperative courses may be pursued on full-time basis only.

Where the institution certifies that all undergraduate students enrolled for a minimum of 12 or 13 semester hours or the equivalent are (1) charged full-time tuition, or (2) considered full time for other administrative purposes, such minimum hours will establish the criteria for full-time measurement. The minimum for full time in either instance is 12 such hours. When 12 hours is properly certified as full time, 9 through 11 hours will be measured as 3/4 time, 6 through 8 hours will be measured as 1/2 time, 4 through 5 hours will be measured as less than 1/2 time and more than 1/4 time, and 1 through 3 hours will be measured as 1/4 time or less. All other undergraduate courses of less than full time will continue to be measured under paragraph (d) or (g) of this section as appropriate, but where 13 credit hours or the equivalent is certified as full time, 3/4 time will be 10 through 12 hours.

Upon request of a beneficiary, an increase in rates warranted under this criteria may be authorized to him or her effective March 26, 1970, if he or she was enrolled prior to that date and effective the date of enrollment if he or she was enrolled on or after March 26, 1970. The request of the beneficiary will not be required for other payments under this criteria.

To meet criteria for full-time measurement under 38 U.S.C. chapters 34 and 35 in standard collegiate courses which include required non-credit deficiency courses, in the absence of a certification under § 21.4272(f) the noncredit deficiency courses will be converted or the basis of the applicable measurement criteria, that is, 25 or 30 clock hours, 4 "Carnegie units", or 12, 13 or 14 (as appropriate) semester hours equal full time. The credit-hour equivalent of such noncredit courses may constitute any portion of the required hours for full-time measurement.

4. Class sessions measured on basis of not less than 50 minutes of classroom instruction. Supervised study periods, class breaks and rest periods are excluded.

5. Full-time training will consist of the number of hours which constitute the standard workweek of the training establishment, but not less than 30 hours unless a lesser number of hours is established as the standard workweek for the particular establishment through bona fide collective bargaining between employers and employees.

6. For full-time training the 440 clock hours a year may be prescheduled to provide not less than 80 clock hours in any 3-month period.

7. Independent study programs will be measured as less than 1/2 time unless a major portion of the credit hours are by classroom laboratory attendance. (§21.4280)

8. An educational institution offering courses not leading to a standard college degree may measure such courses on a quarter or semester-hour basis with full time measured on the same basis as provided by paragraph (d) of this section provided: (1) the academic portions of such courses must require outside preparation and be measured on a minimum of 50 minutes net of instruction per week for each quarter or semester hour of credit, (2) the laboratory portions of such courses must be measured on a minimum of 2 hours of attendance per week for each quarter or semester hour of credit, (3) the shop portions of such courses must be measured on a minimum of 3 hours of attendance per week for each quarter or semester hour of credit. In no event shall such courses be considered a full-time course when less than 22 hours per week of attendance is required. Not more than 2 hours rest period shall be allowed per week for courses in which shop practice is an integral part of full-time courses: 1-1/2 hours for 3/4 time courses of 16-21 clock hours; 1 hour for 1/2 time courses of 11-15 clock hours; or 1 1/2 hour for less than 1/2 time courses of 6-10 clock hours; no rest period shall be allowed for courses of less than 6 clock hours of attendance.

9. Supervised study must be excluded.

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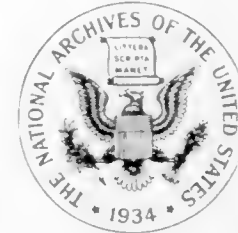
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rescissions and deferrals

WEDNESDAY, FEBRUARY 15, 1978
PART III



OFFICE OF
MANAGEMENT
AND BUDGET

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RESCISSIONS AND
DEFERRALS

Cumulative Report for
February 1978

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OFFICE OF MANAGEMENT AND
BUDGET

RESCISSIONS AND DEFERRALS

Cumulative Report for February 1978

This report is submitted in fulfillment of the requirements of section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of February 1, 1978, of four rescissions contained in the fourteenth, fifteenth, and seventeenth special messages of fiscal year 1977 and four rescissions and 56 deferrals contained in the first five special messages for fiscal year 1978. These messages were transmitted to the Congress on July 19 (both the fourteenth and fifteenth messages), July 26, September 23, Oc-

NOTICES

tober 3, November 10, December 15, 1977, and January 27, 1978.

RESCISSIONS (TABLE A AND ATTACHMENT A)

Three rescissions totalling \$55.3 million in 1978 budget authority are presently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of February 1, 1978, while attachment A shows the history and status of each rescission proposed for fiscal year 1978. Also included are four rescission proposals totalling \$643.4 million made in fiscal year 1977 but carried into fiscal year 1978 and a single fiscal year 1978 rescission for \$2.7 million which has been reclassified as a deferral.

DEFERRALS (TABLE B AND ATTACHMENT B)

As of February 1, 1978, \$4,574.8 million in 1978 budget authority was being deferred from obligation and another \$1.7 million in 1978 obligations was being deferred from expenditure. Table B summarizes the status of de-

ferals reported by the President, and attachment B shows the history and status of each deferral reported during fiscal year 1978.

INFORMATION FROM SPECIAL MESSAGES

The special messages containing information on each of the rescissions and deferrals covered by the cumulative report are contained in the FEDERAL REGISTERS of:

Friday, July 22, 1977 (Vol. 42, No. 141, Part V) (both the fourteenth and fifteenth 1977 special messages)
Friday, July 29, 1977 (Vol. 42, No. 146, Part VIII) (seventeenth 1977 special message)
Thursday, September 29, 1977 (Vol. 42, No. 189, Part IX)
Friday, October 7, 1977 (Vol. 42, No. 195, Part IV)
Thursday, November 15, 1977 (Vol. 42, No. 220, Part IV)
Wednesday, December 21, 1977 (Vol. 42, No. 245, Part IV)
Wednesday, February 1, 1978 (Vol. 43, No. 22, Part VII)

JAMES T. MCINTYRE, Jr.,
Acting Director.

CUMULATIVE REPORT ON
RESCISSIONS AND DEFERRALS
February 1978

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

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Three rescissions totalling \$55.3 million in 1978 budget authority are presently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of February 1, 1978, while Attachment A shows the history and status of each rescission proposed for FY 1978. Also included are four rescission proposals totalling \$643.4 million made in FY 1977 but carried into FY 1978 and a single FY 1978 rescission for \$2.7 million which has been reclassified as a deferral.

Deferrals (Table B and Attachment B)

As of February 1, 1978, \$4,574.8 million in 1978 budget authority was being deferred from obligation and another \$1.7 million in 1978 obligations was being deferred from expenditure. Table B summarizes the status of deferrals reported by the President, and Attachment B shows the history and status of each deferral reported during FY 1978.

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(both the fourteenth and fifteenth 1977 special messages)
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Thursday, November 15, 1977 (Vol. 42, No. 220, Part IV)
Wednesday, December 21, 1977 (Vol. 42, No. 245, Part IV)
Wednesday, February 1, 1978 (Vol. 43, No. 22, Part VII)

Attachments

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TABLE A
STATUS OF 1978 RESCISSION PROPOSALS

	Amount (in millions of dollars)
Rescissions proposed by the President.....	\$501.3 1/
Reclassified (from R78-1 to D78-54) 2/.....	-2.7
Accepted by the Congress (GSA's repair and alteration program).....	-75.0
Rejected by the Congress (Military procurement).....	-568.4 3/
Pending before the Congress:	
(Special Message No. 5, transmitted on January 27, 1978).....	55.3

1/ This amount includes \$643.4 million in rescission proposals for FY 1977 which were still pending in FY 1978.

2/ This rescission proposal was transmitted in conjunction with a request for transfer (contained in H.R. 9375, the Supplemental Appropriations Act, 1978) of the same funds within the Department of Justice. This rescission proposal was superseded by a deferral (D78-54) submitted to report the extension of this withholding pending final Congressional action on the transfer request.

3/ As of February 1, 1978, proposals to rescind \$463.4 million of this amount were included in the Senate passed version of H.R. 9375, the Supplemental Appropriations Act, 1978.

* Detail does not add due to rounding.

TABLE B
STATUS OF 1978 DEFERRALS

	Amount (in millions of dollars)
Deferrals proposed by the President.....	\$4,764.8
Routine Executive releases.....	-149.5
Overtaken by the Congress.....	-38.8
Currently before the Congress.....	4,576.5 1/
1/ Includes \$1.7 million in outlays in a Treasury deferral, D78-28A.	

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NOTICES

ATTACHMENT A

STATUS OF RESCISSIONS
FISCAL YEAR 1978
(Amounts in thousands of dollars)
As of February 1, 1978

Agency/Bureau/Account	Rescission Number	Amount Previously Considered by the Congress	Amount Currently Before the Congress	Date Special Message Transmitted to Congress	Amount Rescinded	Amount Made Available	Date Made Available
<u>Funds Appropriated to the President</u>							
International Security Assistance: Military assistance.	R78-2		40,200	01-27-78			
<u>Department of Defense - Military</u>							
Aircraft procurement.							
Air Force.....	R77-18	462,000	1/	07-10-77	1/	462,000	10-05-77
Missile procurement.							
Air Force.....	R77-19	1,400	1/	07-19-77	1/	1,400	10-05-77
Missile procurement.							
Air Force.....	R77-20	105,000		07-26-77		105,000	10-14-77
<u>Department of Justice</u>							
Law Enforcement Assistance Administration: Salaries and expenses.....	R78-1 2/1/	2,668	2/	09-21-77	2/		2/
<u>Department of State</u>							
Contributions for international peacekeeping activities.....	R78-3		5,000	01-27-78			
<u>General Services Administration</u>							
Federal Buildings Fund.....	R77-17	75,000		07-19-77	75,000 4/		
<u>Federal Home Loan Bank Board</u>							
Federal Home Loan Bank Board Revolving fund.....	R78-4		10,055	01-27-78			
TOTAL:		646,068 5/	55,255		75,000	568,400	

- 1/ On January 1, 1978, proposals to rescind these funds were included in the Senate-passed version of H.R. 9375, the Supplemental Appropriations Act, 1978.
- 2/ This rescission proposal was transmitted in conjunction with a request for transfer (contained in H.R. 9375, the Supplemental Appropriations Act, 1978) of the same funds within the Department of Justice. This rescission proposal was superseded by a deferral (D78-54) submitted to report the extension of this withholding pending final Congressional action on the transfer request.
- 3/ An opinion issued by the Comptroller General on October 28, 1977, holds that this proposal should have been classified as a deferral.
- 4/ Public Law 95-146.
- 5/ Of this amount \$41,400,000 was proposed for rescission in FY 1977.

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ATTACHMENT C

STATUS OF DEFERRALS
FISCAL YEAR 1978

(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Original Request	Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 02-01-78
<u>AGENCY: FUNDS APPROPRIATED TO THE PRESIDENT</u>								
<u>International Security Assistance</u>								
Military assistance....	D78-47	131,200		12-15-77				131,200
<u>International military education and training.....</u>								
	D78-48	2,000		12-15-77				2,000
Foreign military credit sales.....	D78-49	673,250		12-15-77	-10,870			662,380
<u>Emergency refugee and migration assistance fund.....</u>								
	D78-43	2,000		11-10-77				7,800
	D78-43A		5,800	12-15-77				
TOTAL:		808,450	5,800		-10,870			803,380
<u>AGENCY: DEPARTMENT OF AGRICULTURE</u>								
<u>Foreign Agricultural Service</u>								
Salaries and expenses (special foreign currency program)....	D78-1	988		10-03-77				
	D78-1A		52	01-27-78				1,040
<u>Agricultural Stabilization and Conservation Service</u>								
Commodity credit corporation.....	D78-2	2,871		10-03-77	-2,871			0
<u>Forest Service</u>								
Permanent appropriations, Expenses, brush disposal.....	D78-3	31,312		10-03-77				31,312
Permanent appropriations, License programs.....	D78-4	141		10-03-77				141
TOTAL:		35,312	52		-2,871			32,493
<u>AGENCY: DEPARTMENT OF COMMERCE</u>								
<u>Economic Development Administration</u>								
Local public works program.....	D78-5	4,000		10-03-77				4,000
Financial and technical assistance.....	D78-6	3,900		10-03-77				3,900
Economic development revolving fund.....	D78-51	123,647		01-27-78				123,647
<u>National Oceanic and Atmospheric Administration</u>								
Operations, research, and facilities.....	D78-7	3,750		10-03-77	-3,750			0
Promote and develop fishery products and research pertaining to American fisheries...	D78-8	5,429		10-03-77				
	D78-8A		639	01-27-78				6,068
Fisheries loan fund...	D78-9	6,177		10-03-77	-723			5,454
Fishermen's guaranty fund.....	D78-10	716		10-03-77	-38			678
TOTAL:		147,619	639		-4,511			143,747

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

<u>Agency/Bureau/Account</u>	<u>Deferral Number</u>	<u>Amount Transmitted in Special Message</u>		<u>Date Special Message Transmitted</u>	<u>Cumulative OMB/Agency Releases</u>	<u>Congress- ionally Required Releases</u>	<u>Cumulative Adjustments</u>	<u>Amount Deferred as of 02-01-78</u>
		<u>Original Request</u>	<u>Subsequent Change</u>					
AGENCY: DEPARTMENT OF DEFENSE-MILITARY								
Shipbuilding and conversion, Navy,....	D78-44	871,125		11-10-77				871,125
Military construction, all services,.....	D78-11	438,439		10-03-77	-37,147			401,292
TOTAL:		1,309,564			-37,147			1,272,417

AGENCY: DEPARTMENT OF DEFENSE-CIVIL

The Panama Canal Canal Zone Government: Capital outlay,.....	D78-52	309		01-27-78				309
Miscellaneous accounts: Wildlife conservation, etc., military reservations,.....	D78-12	458		10-03-77	-12			446
TOTAL:		767			-12			755

AGENCY: DEPARTMENT OF ENERGY 1/

Energy (Plenum Pill experiment),.....	D78-31 D78-31A	1,500	800 2/	10-03-77 11-10-77				2,300
Energy (Clean boiler fuel from coal project),.....	D78-32 D78-32A	46,660	2/	10-03-77 11-10-77				46,660
Energy (Molten salt breeder reactor project),.....	D78-36 D78-36A	1,500	2/	10-03-77 11-10-77				1,500
Energy (10 MW Central receiver solar thermal power plant),...	D78-45	31,000		11-10-77				31,000
TOTAL:		80,660	800					81,460

1/ See also Energy Research and Development Administration.
2/ The supplementary report changed the deferral from the Energy Research and Development Administration to the Department of Energy.

AGENCY: DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health Scientific activities overseas (special foreign currency program),.....	D78-53	3,497		01-27-78				3,497
Office of Education Higher education,.....	D78-13	3,740		10-03-77				3,740
Social Security Administration Limitation on salaries and expenses,.....	D78-14 D78-14A	13,865	1/	10-03-77 01-27-78				13,865
TOTAL:		21,102						21,102

1/ The supplementary report changed the budget account title under which this deferral had been previously reported from the Limitation on construction to the Limitation on salaries and expenses account.

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STATUS OF DEFERRALS
FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message		Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congres- sionally Required Releases	Cumulative Adjustments	Amount Deferred as of 02-01-78
		Original Request	Subsequent Change					

AGENCY: DEPARTMENT OF THE INTERIOR

Bureau of Land Management Oregon and California grant lands, D78-15	31,200			10-03-77				31,200
Bureau of Outdoor Recreation Land and water conservation fund,.....	D78-16	30,000		10-03-77				30,000
Geological Survey Pavement from proceeds, sale of water,.....	D78-17	34		10-03-77				34
Bureau of Mines Miscellaneous appropriations Drainage of anthracite mines,.....	D78-18	3,500		10-03-77				3,500
Office of Territorial Affairs Trust territory of the Pacific Islands,.....	D78-19	12,000		10-03-77				12,000
TOTAL:		76,734						76,734

AGENCY: DEPARTMENT OF JUSTICE

Federal Prison System Buildings and facilities,.....	D78-20	42,245		10-03-77				42,245
Law Enforcement Assistance Administration Salaries and expenses,.....	D78-54	2,668		01-27-78				2,668
TOTAL:		44,913						44,913

AGENCY: DEPARTMENT OF LABOR

Employment and Training Administration Advances to the unemployment trust fund and other funds,.....	D78-55	1,380,114		01-27-78				1,380,114
TOTAL:		1,380,114						1,380,114

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STATUS OF DEFERRALS FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Request	Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 02-01-78
AGENCY: DEPARTMENT OF TRANSPORTATION								
Coast Guard Acquisition, construction, and improvements.....	D78-21	13,031		10-03-77	-13,031	1/		0
Federal Aviation Administration Construction, Metropolitan Washington Airports..	D78-22	1,010		10-03-77				1,010
Civil Supersonic aircraft development termination.....	D78-23 D78-23A	134	14	10-03-77 01-27-78				148
Facilities and equipment (Airport and airway trust fund)	D78-24	320,650		10-03-77	-68,487			252,163
Federal Highway Administration Trust fund share of other highway programs.....	D78-25	74,880		10-03-77				74,880
TOTAL:		409,705	14		-81,518			328,201

1/ Impoundment resolution, S. Res. 282, passed the Senate on November 1, 1977, rejecting this deferral. The funds, however, were made available for obligation on October 11, 1977.

AGENCY: DEPARTMENT OF THE TREASURY

Office of the Secretary Antirecession financial assistance fund.....	D78-26 D78-26A D78-26B D78-26C	8,184	2,425 100 419	10-03-77 11-10-77 12-15-77 01-27-78			-8,885	2,263
Antirecession financial assistance fund.....	D78-50	3,406	1/	12-15-77	-3,406	1/		0
State and local government fiscal assistance fund.....	D78-27 D78-27A D78-27B D78-27C	45,996	23,905 11,811 729	10-03-77 11-10-77 12-15-77 01-27-78			-300	82,161
State and local government fiscal assistance fund.....	D78-28 D78-28A	391	1/	10-03-77 12-15-77				1,711 1/
Bureau of the Mint Construction of mint facilities.....	D78-29	5,730		10-03-77				5,730
TOTAL: BA		59,910	39,429		-9,185			90,154
O		3,797	1,320		-3,406			1,711

1/ Outlays only.
2/ This amount is net of a release of \$40,000 that was made prior to the transmittal of the supplementary report.

NOTICES

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STATUS OF DEFERRALS FISCAL YEAR 1978

(amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amount Transmitted in Special Message Request	Subsequent Change	Date Special Message Transmitted	Cumulative OMB/Agency Releases	Congressionally Required Releases	Cumulative Adjustments	Amount Deferred as of 02-01-78
AGENCY: ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION 1/								
Operating expenses (Gas cooled reactors)...	D78-30	15,000		10-03-77	-15,000	2/		0
Plant and capital equipment (Fuelon material test facility).....	D78-33	7,500		10-03-77	-7,500	3/		0
Plant and capital equipment (Intense neutron source facility).....	D78-34	11,300		10-03-77	-11,300	4/		0
Plant and capital equipment (Intersecting storage ring accelerator).....	D78-35	5,000		10-03-77	-5,000	5/		0
TOTAL:		38,800			-38,800			0

1/ See also Department of Energy.
2/ Impoundment resolution H. Res. 851 passed the House on November 2, 1977, rejecting this deferral.
3/ Impoundment resolution H. Res. 852 passed the House on November 2, 1977, rejecting this deferral.
4/ Impoundment resolution H. Res. 853 passed the House on November 2, 1977, rejecting this deferral.
5/ Impoundment resolution H. Res. 854 passed the House on November 2, 1977, rejecting this deferral.

AGENCY: GENERAL SERVICES ADMINISTRATION

Rare silver dollar program.....	D78-37	1,710		10-03-77				1,710
Federal Preparedness Agency State and local preparedness.....	D78-38	80		10-03-77				80
TOTAL:		1,790						1,790

AGENCY: OTHER INDEPENDENT AGENCIES

Foreign Claims Settlement Commission Payment of Vietnam prisoner of war claims.....	D78-39	10,738		10-03-77				10,738
Interstate Commerce Commission Payment of directed rail service.....	D78-40	13,700		10-03-77				13,700
National Science Foundation Research, and related activities..	D78-46	4,500		11-10-77				4,500
	D78-56	6,900		01-27-78				6,900
United States Information Agency Salaries and expenses (special foreign currency program)...	D78-41 D78-41A	1,153	500	10-03-77 01-27-78				1,653
United States Railway Association Payment for purchase of Conrail securities..	D78-42	260,000		10-03-77				260,000
TOTAL:		296,991	500					297,491

TOTAL: ALL DEFERRALS BA 4,712,431 47,234 -146,114 -38,800 4,574,751
O 3,797 1,320 -3,406 1,711

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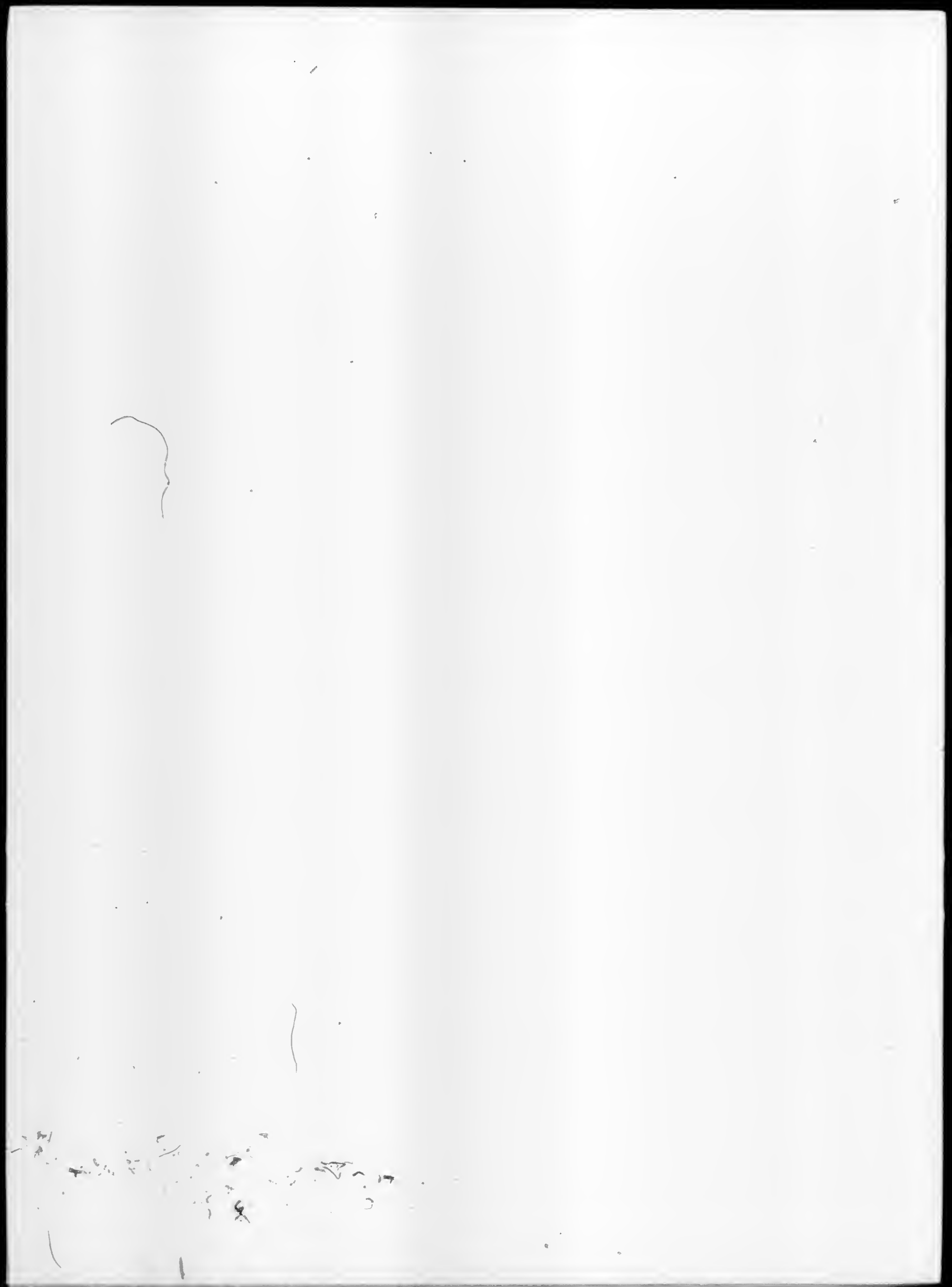
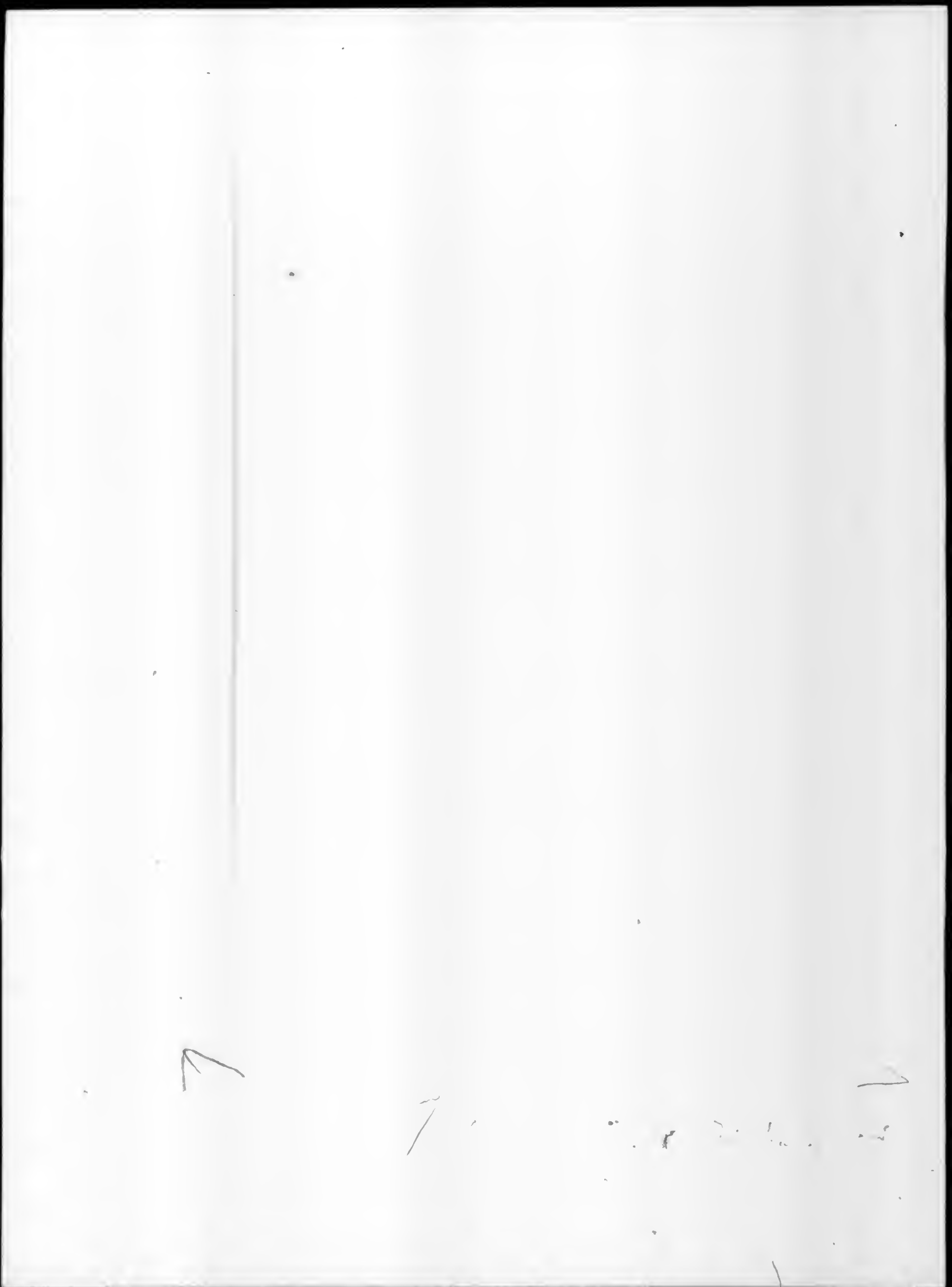
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